CURRENT PERIODICAL SERIES

PUBLICATION NO: 2569

TITLE: CONGRESSIONAL RECORD.
92nd CONGRESS. 2nd SESSION

VOLUME: 118

ISSUES: Parts 16-17
pages 19899-
22506

DATE: JUNE 7-26,1972
REEL 558

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Xerox University Microfilms, Ann Arbor, Michigan

MICROFILMED – 1974

VOL 118

MICROFILMED—1974

PART 16

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
SECOND SESSION

VOLUME 118—PART 16

JUNE 7, 1972 TO JUNE 15, 1972

(PAGES 19899 TO 21230)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1972

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 1972*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, pastor, St. James Baptist Church, Washington, D.C., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51: 10.

Almighty and Everlasting God, who dost govern all things in heaven and earth, mercifully hear our prayers, and grant unto us all things that are needful.

We thank Thee, Almighty God, for the rich heritage of this great land.

Help us to seek unity and harmony among men. Deliver us from the power of evil. Visit us now, we pray Thee, in the darkness of these times, and let Thy truth and righteousness shine forth among us.

Grant wisdom to our statesmen and integrity to all in authority.

Take from this world fears which oppress mankind, and the wrongs which torment and blind us; help us to live within the power of justice and the freedom of Thy truth and light—through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 17, 1972:

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government.

On May 18, 1972:

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes; and

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

On May 19, 1972:

H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes;

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institution of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes; and

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On May 27, 1972:

H.R. 14582. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

On June 2, 1972:

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 181 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River compact; and

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The message also announced that Mr. BAYH be appointed as a conferee on the bill (S. 2770) entitled "An act to amend the Federal Water Pollution Control Act" in lieu of Mr. TUNNEY, excused.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEATH OF MRS. JAMES BARRY LOSS TO CREDIT UNION MOVEMENT

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, on May 5 following a long illness Mrs. James Barry, wife of the managing director of the Texas Credit Union League, died in Dallas. Marge Barry was indeed an extraordinary woman. Not only was she active as a credit union supporter, but she devoted much of her life to helping others. She was the past president of the Dallas Deanery Council of Catholic Women, a past president of Christ the King Mothers Club, and a member of the Dallas Diocesan Board of the National Council of Catholic Women. As a member of NCCW, she had been extensively engaged in interdenominational activity through a group of women known as Church Women United and had been active with the National Conference of Christians and Jews. She had written book reviews for America magazine, a publication of the Jesuit Order.

She was a member of the Women of Rotary, organized the Dallas chapter of Kappa Gamma Pi Honor Society, and had served as chairman of the Camp Committee for the Dallas Area of the Girl Scouts of America. For many years she was active with the Committee for Foreign Visitors to Dallas.

Mrs. Barry was also an inspiration in his credit union work to her husband who developed the Texas Credit Union League into one of the finest in the Na-

tion. In fact, when Mr. Barry was drafted into the Army in 1944, soon after becoming managing director of the Texas Credit Union League, Mrs. Barry took over as office secretary and was the only employee of the league while her husband was in the service. Thus, during the war years, Mrs. Barry was the Texas Credit Union League.

As I said earlier, Marge Barry devoted much of her life to helping others. And the work that she has done will never go unnoticed by those who were fortunate enough to have come in contact with her.

PROPOSED APPROPRIATIONS BILL FROM WAYS AND MEANS COMMITTEE

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, this morning the House Committee on Appropriations approved a $28 billion appropriation bill for Labor, and Health, Education, and Welfare, which is scheduled to be before the House next week.

Next week there is also scheduled to be before the House a $30 billion appropriation bill out of the Ways and Means Committee.

Mr. Speaker, this Ways and Means Committee bill does not raise one penny of revenue. It is an authorization bill and it is an appropriation bill for 5 years. It bypasses the established authorization process involving a number of major legislative committees, and it bypasses the established appropriations process which we have known for the last 52 years.

Not in the history of Congress that I can find has an appropriation bill come to the floor under a closed rule, which is now proposed for this Ways and Means Committee bill.

I say it is indefensible that the appropriation bill of $30 billion should come before the House next week under a closed rule. Members should have the right to make points of order and offer amendments. I propose to do what I can to open up the rule so the House can work its will on that appropriation bill, just as it does on other appropriation bills.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15259, with Mr. MCFALL, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday, the Clerk had read through line 8 on page 2 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk proceeded to read the bill.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

Abernethy	Ford, William D.	Passman
Abourezk	Fraser	Pelly
Alexander	Frelinghuysen	Pepper
Anderson, Tenn.	Gallagher	Peyser
Aspin	Gibbons	Price, Tex.
Badillo	Gray	Pryor, Ark.
Baring	Griffin	Rangel
Bell	Griffiths	Reid
Blaggi	Gude	Riegle
Blatnik	Halpern	Robinson, Va.
Burton	Hébert	Rodino
Carney	Holifield	Rooney, N.Y.
Celler	Horton	Rosenthal
Chappell	Koch	Roybal
Clark	Kyros	Runnels
Clawson, Del	Long, La.	Scheuer
Clay	Lujan	Schmitz
Conyers	McClory	Schneebeli
Daniels, N.J.	McCloskey	Springer
Danielson	McEwen	Steed
Dellums	McKinney	Stratton
Denholm	McMillan	Stubblefield
Dennis	Macdonald, Mass.	Stuckey
Diggs	Metcalfe	Teague, Calif.
Dowdy	Miller, Calif.	Teague, Tex.
Dwyer	Minshall	Van Deerlin
Eilberg	Mitchell	Waldie
Esch	Moss	Whitten
Eshleman	O'Konski	Wilson, Bob
Fish		Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15259, and finding itself without a quorum, he had directed the roll to be called, when 343 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $181,700,000, of which $7,854,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Missouri will state the point of order.

Mr. HALL. Mr. Chairman, I make a point of order against the language on page 4, line 11, after the semicolon, the phrase: "cash gratuities of not to exceed $75 to each released prisoner;".

I believe this is not authorized by law, and I make that point of order against this phrase.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri is correct; and we concede the point of order.

The CHAIRMAN. The Chair would like to ascertain exactly the language to which the point of order was directed.

Mr. HALL. Mr. Chairman, the point of order is raised to the language on page 4, line 11, following the word "Commissioner", and semicolon, the phrase "cash gratuities of not to exceed $75 to each released prisoner" and the semicolon.

The CHAIRMAN. (Mr. FASCELL). The Chair will state that the point of order has been conceded, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

GENERAL OPERATING EXPENSES

General operating expenses, $65,029,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account); $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,500,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, open to amendment at any point, and subject to any points of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Missouri will state his point of order.

Mr. HALL. Mr. Chairman, my point of order should lie on page 3, line 8, following the colon, against the phrase:

Provided, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

In other words, Mr. Chairman, I am raising a point of order against all after the colon on line 8, through the colon on line 13.

This was not authorized, and it is an appropriation bill without authorization.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that that part of the bill to which the gentleman has raised his point of order was previously read prior to the unanimous-consent request.

Mr. HALL. But, Mr. Chairman, I submit that the unanimous-consent request was granted to the entire bill, that it be open to amendment and open for points of order at any point. This request was granted and therefore I have gone back to this point of order.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Missouri?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri (Mr. HALL) is correct, and we concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is conceded, and the point of order is sustained.

Are there any further points of order?

Are there any amendments to be proposed?

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended, and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $131,394,000, of which $12,227,700 shall be payable from the highway fund, $2,420,000 from the water fund, and $1,760,000 from the sanitary sewage works fund: *Provided*, That $4,332,000 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction Services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1974, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Page 9, strike out lines 10 through 13, and insert in lieu thereof the following: "available until expended, $131,429,000, of which $2,420,000 shall be payable from the water fund, $1,760,000 from the sanitary sewage works fund, and $12,262,700 from the highway fund: *Provided*, That of the funds payable from the highway fund $35,000 shall be available for the construction of a bicycle route network in the District of Columbia: *Provided further*, $4,323,000 shall be".

Mr. REUSS. Mr. Chairman, this amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which does not appear in the bill before us. That $35,000 was requested by the District government to build bicycle routes from various areas in the city downtown.

For $35,000, plus help from the highway fund, the District would be able to build ramps from the curbs, so that your bicycle does not jolt, and would be able to put striped painted bicycle lanes down, and would be able to put up signs telling motorists and truck drivers that this is a route on which bicyclists will also travel. There will be a whole series of accesses to downtown—from the Georgetown area downtown, Connecticut Avenue area downtown, the Capitol Hill area downtown, and from the Southwest Redevelopment Area downtown.

Already some 6,000 of us do commute on bicycles. It is a safe and healthy and efficient use of space. The bicycle, unlike the automobile, does not present an air pollution hazard.

Bicycle sales are up in Washington. More people want to use them. But in order to prevent danger to bicyclists, there ought to be this kind of a simple setting aside of parts of paths and highways which should be available for the use of bicycles.

A pollution test recently conducted shows that the monoxide pollution level in this city is bad, and is getting worse. If we are going to come to grips with it at all, we should encourage bicycle riders.

I understand that a not very notable case was made for this in the subcommittee hearings. I cannot find anything in the hearings about it. I have talked to the distinguished chairman of the subcommittee, and I would hope there would be no objection to this item, which, though small in amount, only $35,000, can do an awful lot of good for traffic to encourage a healthful form of locomotion, and relieve congestion.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I will be glad to yield to the gentleman.

Mr. GROSS. This sounds to me as though it is not the first cost but the upkeep that we should look at. To my way of thinking, it sounds like a foot in the door to a much greater expenditure. Is that not true?

Mr. REUSS. I honestly do not think so, Mr. GROSS. This money in this amendment would be used for just three purposes: getting rid of the 6-inch decline when the curb hits the street and putting a little ramp in so that you can drive the bicycles on them; painting the lanes; and putting up signs saying "Motorists watch out; there are bicyclists here." The upkeep cost would be very small. This is listed as a capital cost, and I think properly so. Therefore I do not believe it is the camel's nose under the tent, for which the gentleman from Iowa is a great watcher-outer.

Mr. GROSS. It seems to me when Congress is appropriating $185 million of Federal funds for the District of Columbia that money ought to be spent for purposes more essential than this at least until the District of Columbia shows a disposition to run the municipal government on an economical and sound basis.

Mr. REUSS. The subcommittee has made some very well-deserved criticisms of management in the District of Columbia, with which I concur. However, I would not think it relevant to apply those strictures to a proposition to make $35,000 available to put into effect a clean and nonpolluting form of locomotion like bicycles.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said yesterday, Commissioner Walter Washington presented to the committee and we in turn are presenting to the House a good budget for the District of Columbia.

As I said yesterday Mr. Chairman, I think Walter Washington is trying to do a good job and he is making a good Commissioner. When he prepared his budget and submitted the budget to the City Council there was no provision in the budget for $35,000 for the use that the gentleman now incorporates in his amendment.

When the budget was presented to the city council the council decided that $35,000 should be added for a bicycle route network.

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Now, when they brought the budget before the committee as the members of the subcommittee will remember we had no strong advocate speaking for this particular project. The Commissioner did not want it. He did not add it in the budget. And this is a facility and a project that is not necessary at the present time.

Mr. Chairman, you will recall several months ago in Rock Creek Park and in certain other sections of the city, the Department of the Interior decided to have an experimental bicycle lane. They set this lane up and it was in operation from September 13, 1971, until September 20, 1971.

During this time they made a careful survey to determine as to whether or not these lanes were used and by actual count they ascertained that on the inbound traffic they had 85 bicycles using the lanes and 80 bicycles using the lanes on outbound traffic. In the morning and during the rush hours 85 bicycles coming in and in the afternoon on the outbound traffic 80 bicycles going out.

Here in our Nation's Capital we have 640,000 automobiles that come into this city every morning bringing people to work. And when you say $35,000 to set up bicycle lanes you are talking about confusion. I say to you that Walter Washington is correct. This is a matter that should have considerable study before it is adopted by the Commissioner or the City Council or the House of Representatives.

With all due respect to my friend from Wisconsin (Mr. REUSS), Mr. Chairman, I ask that this amendment be defeated.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I take this time to inquire of my colleague, the gentleman from Wisconsin, as to the explanation of the $9,000 reduction in construction services by the Director of the Department of General Services that is provided for in the last line of his amendment.

Mr. REUSS. I am somewhat baffled by the gentleman's question.

Mr. DAVIS of Wisconsin. The bill as written provides for $4,332,000 to be available for construction services by the Director of the Department of General Services.

The gentleman's amendment changes that to $4,323,000.

Is that simply a transposition of figures or is there an intention to reduce the funds available for that purpose?

Mr. REUSS. I am wondering if the gentleman is reading from my amendment. My amendment is on page 9. It would merely add $35,000 to the capital outlay funds. There is no language in there——

Mr. DAVIS of Wisconsin. Oh, yes, there is language. That is why I am asking the question.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. I yield to my friend from Wisconsin.

Mr. DAVIS of Wisconsin. The gentleman, on line 13, has changed the figure "$4,332,000" to "$4,323,000." I am inquiring whether that is merely a typing mistake or whether the gentleman intends to reduce the figure in the bill.

Mr. REUSS. The gentleman makes a good point.

Mr. Chairman, I ask unanimous consent that the figure in my amendment "$4,323,000" be changed to "$4,332,000." I thank the gentleman. I had not seen that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DAVIS of Wisconsin. Mr. Chairman, if my chairman will yield further——

Mr. NATCHER. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think it should be pointed out that this amount, which is small, is not the whole story. It represents the seed money for additional funds that would come either from the Federal Government or in later appropriations for the District of Columbia. I must join my chairman in opposition to the amendment.

Mr. NATCHER. Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and on a division (demanded by Mr. REUSS) there were—ayes 6, noes 27.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, further, or accommodate the promotion or influencing of legislation or other governmental actions of the United States Government or the District of Columbia, or for partisan political activities, but this shall not prevent officers or employees of the United States or its departments or agencies from communicating to Members of Congress on the request of any Member of the Congress. Nothing is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. MYERS. Mr. Chairman, back in March the District of Columbia schools, with the help of the administration of the schools and the school board, encouraged students and faculty members to engage in a demonstration within the District of Columbia. They used school facilities to send out materials encouraging the young people, the students themselves, to be used as pawns for a political motive here in the District. They used all the communicative routes of the District of Columbia school system to send out this material to the homes of the children.

They further stated that the students, the young people who would attend this demonstration around the Capitol here, and the White House, would have protection from the school system, that school buses would be used. They generally gave all types of help. There was implied protection by school officials for the young people.

Then later on, about 3 weeks ago, a member of the school board encouraged and led a group of high school students from Eastern High School, over the objection of the principal of that high school, who said that the students in Eastern High School needed to work on their curriculum much more than they needed to demonstrate here in the Capitol. Over the objection of the principal of that high school to having the students used for that purpose, a member of the school board led those students to demonstrate in the Capitol.

The purpose of this amendment is to help the school system and the young people, the schoolchildren of the District of Columbia, to prevent them from being used in the future as a pawn or as a tool to encourage action for or against any particular legislation or to be used in a demonstration.

As has been said before in debate here, our school systems are in difficult problems enough in the District of Columbia, and they certainly do not need to be engaged in any further activities such as this that will be a means of diminishing or taking away support from the local schools.

The National Achievement Tests that have been given have shown a large number of students failed, so the students themselves cannot afford to be taken out of their school at this time.

We have some built-in protection here that does not prevent the students or teachers or administrators from individually coming up and testifying before a committee or taking part in some kind of legitimate activity within the schools. This is protected in the amendment.

Also we have a provision that the schools themselves, the buildings and facilities can be used for political meetings, for legitimate political meetings or other community activities. It is not the intent of this amendment in any way to deny use of public buildings for other public services, but I personally feel that this amendment is needed to protect the students and the school systems.

There is not a member of the subcommittee who will not agree that our schools in the District of Columbia need to be improved. They need all the help they can get.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, for purposes of clarification, the gentleman's language refers to "officers or employees of the United States or its Departments or Agencies."

I am wondering if the gentleman is certain that the employees or officers of the District of Columbia would be included in that language, and whether the District of Columbia is a department or an agency of the Federal Government. I think that is, perhaps, somewhat questionable. I would wonder what the gentleman's true intent is with respect to that language.

Mr. MYERS. I am happy to respond to the gentleman.

I think the gentleman shares with me the concern that we do not want to prevent any legitimate complaint to the Congress, or the opportunity to be able to testify before one of the committees or to come to a Congressman by any member of the District of Columbia, including the school system.

This language, verbatim, is taken from the District of Columbia Code. It is already existing law, this particular section we are speaking about and which the gentleman is questioning. It is taken from the District of Columbia Code, and it can be found in the District of Columbia Code 47, section 145.

Mr. DAVIS of Wisconsin. My question is, then, in that code and in other related legislation, is the District of Columbia referred to as a department or agency of the United States?

Mr. MYERS. I think it certainly is, because this is not the United States Code I have taken this from. It is taken from the District of Columbia Code. I am sure it directs itself, and it is my intention here, that it refers to all departments or agencies of the District of Columbia government as well as the Federal Government.

Mr. DAVIS of Wisconsin. That is not what the gentleman's amendment says. The gentleman's amendment says "officers or employees of the United States or its departments or agencies." At least, that is the way my copy reads.

Mr. MYERS. This is what it says, and this is what the District of Columbia Code says, and it is already enacted into the District of Columbia Code. I have taken the language which has already been accepted in the District of Columbia Code.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(On request of Mr. GIAIMO, and by unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to my friend, the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I appreciate what the gentleman is trying to accomplish with his amendment, and that is to eliminate the political controversy type activities which have taken place in the school programs of the District of Columbia.

For example, there was a recent march on the White House to demonstrate against the President's welfare program, and a peace march which took place with the coming of schoolchildren to the Capitol Building. I assume these are the types of activities which the gentleman feels should not be a proper part of the school curriculum.

The thing which bothers me, however, is that in trying to legislate against activities of this type we might get ourselves into a real legislative bind. It is very difficult to write language which will accomplish the job we are trying to do, and in fact we may find ourselves prohibiting the use of school buildings for quite proper activities. Or, on the other hand, we may find, for example, if we say that the school system shall not encourage, participate in or finance any type of controversial political activity, that immediately we get into a legal question as to what is controversial or what is not.

Is a United Nations day celebration controversial? They will tell you, as in fact the superintendent and the chairman of the Board of Education told us, it is.

I wonder if the gentleman would be satisfied if we suggested some changes. We can try to accomplish this by unanimous consent.

I believe we are all trying to arrive at the same purpose, which is to eliminate the inciting and stimulating of schoolchildren to take part in things which quite frankly they really know nothing about.

I wonder if language of this type would be satisfactory to the author of the amendment:

No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate or further partisan political activities.

We could leave out, then, the "accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government or the government of the District of Columbia."

In effect, what we would be prohibiting would be the use of these funds to encourage, facilitate, or further partisan political activities.

This might not go the whole way the gentleman intends to go, but I believe it would be a start. It would be the beginning. Certainly it would serve notice on the Board of Education and the superintendent of schools that the Congress is dead serious about this situation and does not want to see a repetition of it.

If they continue to ignore Congress, then we could take additional steps in the future.

If the gentleman would be agreeable to that type of language, we could ask unanimous consent to change the amendment. I believe we could gain additional support for it here in the Chamber in that way.

Mr. MYERS. The "influencing of legislation or other governmental action" also was taken from the existing law.

I can fully appreciate what the gentleman is trying to accomplish here. I certainly agree with him.

However, what is "partisan political activities"? How would one define that?

For instance, what about the so-called march down here for welfare rights? That was not partisan, at least so the witnesses said. Dr. Scott and the chairman of the school board, Mr. Barry, said all of this was not partisan political activity at all.

How do we really stop this action of using young people, the youth, for that type of activity, if they maintain it is not political activity?

Mr. GIAIMO. Certainly the march on the White House was partisan politics.

Mr. MYERS. Not in the minds of the school officials was it considered political.

Mr. GIAIMO. What we are trying to do here is to narrow rather than to broaden the purpose of the definition, which is going to create a very real problem in respect to whatever kind of language we write here.

All I suggest is, let us try to simplify it, which will in effect eliminate some of the pitfalls and problems, and still serve notice on them downtown that they have to cut this out.

We do have additional weapons. The fact is that we are appropriating money. Ultimately, if they do not listen, we will have to hurt them where it hurts, in the pocketbook, and then they will begin to listen.

(By unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

Mr. MYERS. Along the line the gentleman spoke of, regarding the use of school buildings and facilities, he and I discussed it and we accepted that language in the last paragraph to make sure that school buildings will not be denied for legitimate purposes, and I agree with that. However, I cannot completely agree with the gentleman's line of reasoning here that we are denying individual rights of students to participate on their free time here or the rights of faculty members or administrators to participate on their own time. We are merely talking about the use of school facilities during school time and using schoolchildren during school periods or for organizing a march or activity during school hours. I think you need that language in order to do that.

Mr. OBEY. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. You talk about students. Well, I am not a lawyer, and I kid my lawyer friends by saying that every time someone assumes I am one I stand up and defend my character, but I read this language to mean no member of the school board or officer of the schools could come up here and testify on their budget under your language. I do not think that any teacher, regardless of what you might think of a pay raise, could come up here and support a bill that contained a pay raise for teachers.

Mr. MYERS. If the gentleman will allow me, it says this shall not prevent employees or officers of the U.S. departments or agencies from communicating with the Congress.

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Mr. OBEY. I do not have that language on this side.

Mr. MYERS. We changed that. It comes out of the District of Columbia Code. It gives the people the opportunity legitimately to come to testify before a committee or a Member of Congress.

Mr. OBEY. I will grant you that. I hope if a teacher wants to come up and lobby for a bill that contains funds that provide for increased salaries for him, he could come up under this. They are not officers of the school system.

Mr. MYERS. I do not think they can lobby during school hours, but after school hours or in the evening, if an individual wants to come in and talk about something, I do not think that we could deny him that right. As individuals I do not think we could. I certainly would not want to. But I do not think we are doing that here.

Mr. OBEY. I have one other question. If you have difficulty in defining "partisan political activity," then what does the langauge mean when it says, "influence legislation or other Government action of the U.S. Government"? If you cannot define partisan political activity, then how do you define that?

Mr. MYERS. I think to influence legislation as an example was used before our committee for about two sessions when Dr. Scott and Mr. Barry came and testified that it was legitimate for them to engage in actions like this, in this activity, in school. They said it was not a partisan political activity. Time and time again they said they did not consider it as political, but merely were objecting to the use of welfare funds and inadequate welfare funds.

Mr. OBEY. I ask you how do you define it. That is the question. I can accept the language as suggested by the gentleman from Iowa or Connecticut, but I cannot buy this.

Mr. GIAIMO. Will the gentleman yield?

Mr. MYERS. I am glad to yield to the gentleman.

Mr. GIAIMO. I do not want to argue the merits of the gentleman's original amendment or the language I am suggesting as opposed to it, but in the interests of succeeding in this area, if you would ask unanimous consent to modify it, I believe you will gain greater strength for the passage of the amendment.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. MYERS. I yield to the distinguished minority leader of the subcommittee, the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I rise again to inquire of the gentleman, for apparently the gist of my previous question did not reach the point that I am concerned about. Where the gentleman's amendment reads "officers or employees of the United States," I am sure the gentleman means to say "officers or employees of the District of Columbia." Is that not correct?

Mr. MYERS. That is correct. I ask unanimous consent at this point, then, that a comma be inserted after "the United States," and add the words "the District of Columbia."

Mr. DAVIS of Wisconsin. I want to be sure that has relevance with respect to officers and employees of the District of Columbia, and if the gentleman can secure unanimous consent for this I think it would accomplish that purpose.

The CHAIRMAN. Will the gentleman from Indiana restate his unanimous-consent request, please?

Mr. MYERS. Mr. Chairman, I ask unanimous consent that the amendment be further amended that after "employees of the United States," add these words:

the District of Columbia, or its departments or agencies from communicating to Members of Congress.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Indiana?

There was no objection.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Do I understand that your wording would prevent a student from testifying at a hearing before the Committee on Appropriations?

Mr. MYERS. Not at all. That is not what we are speaking about—that as individuals they have every right, but to be organized at their schools, and then to be used as fronts or tools, this would be prohibited. As to their individual rights it would not be at any time or any place prohibited.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct a question or two to my distinguished friend, the gentleman from Indiana (Mr. MYERS), a member of the subcommittee. And, Mr. Chairman, I do so not in opposition to the amendment nor as to the problem that the distinguished gentleman from Indiana has in mind. The gentleman from Indiana is an able member of this subcommittee, and during the hearings when this matter was brought to our attention he, along with other members of the subcommittee, spent considerable time trying to develop why this took place in the District of Columbia.

I would like to ascertain from the distinguished gentleman from Indiana if he would be willing to strike from his amendment the words that I will omit, with the amendment then reading as follows:

No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate—

And I would add the words, after "facilitate":

or further partisan political activities.

Thereby striking out the words "or accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government, or the Government of the District of Columbia." Then the balance of the amendment, I would say to my friend, the gentleman from Indiana (Mr. MYERS) would read:

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Now, Mr. Chairman, I call this to his attention because I have been a member of this subcommittee for a number of years and on a number of occasions school teachers, presidents of colleges, and other officials in the District of Columbia, have appeared before our committee on numerous occasions, and they have brought students with them. Now, I say to the gentleman that they may have come here in a bus, and if they did I think it is all right. I think they ought to have the right to come up to appear before a hearing of our committee with teachers, and with the principal, and if they come in school property, I think it is all right.

Mr. Chairman, I believe if the distinguished gentleman from Indiana would agree to the elimination of the words that I think any court of the District of Columbia would declare to be unconstitutional and strike them, I believe that the gentleman from Indiana will have a sound amendment, and would accomplish the purpose that he has in mind.

Mr. MYERS. Mr. Chairman, would the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask unanimous consent that my amendment be further amended to strike the words that the gentleman from Kentucky (Mr. NATCHER) has just indicated.

The CHAIRMAN. The Chair would ask the gentleman from Indiana if he would enlighten the Chair as to just exactly the words to be stricken.

Mr. MYERS. Certainly.

Mr. NATCHER. Mr. Chairman, if the gentleman from Indiana will permit me to interrupt, may I say that the amendment would read as follows:

No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate, or further partisan political activities.

And then it would continue:

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Is that correct?

Mr. MYERS. That is correct, and, Mr. Chairman, I hope that the unanimous-consent request will be agreed to.

The CHAIRMAN. The Chair would inquire of the gentleman from Indiana whether the gentleman from Indiana intends to delete the language that was previously modified under the earlier unanimous-consent request?

Mr. MYERS. Yes, Mr. Chairman, if the gentleman from Kentucky would yield to me to permit me to say so, that is what I believe the gentleman from Kentucky asked me to do, that that language would be deleted.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana for the reading of the amendment as just read by the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities.

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. FAUNTROY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I simply want to ask a question of the gentleman from Indiana (Mr. MYERS).

Would the amendment as now offered prevent a party from securing school premises for a forum, during the course of a party primary?

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. Certainly I yield to the gentleman.

Mr. MYERS. I think the language clearly defines it and gives every opportunity for the services of facilities and buildings and so forth.

The last paragraph reads, and I will read it again—

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours.

Mr. FAUNTROY. So that you would allow that?

Mr. MYERS. That is right. It is the intention of this amendment to permit that kind of use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the distinguished chairman of the subcommittee, Mr. NATCHER, a question or two concerning the bill.

Is there any language in this bill that is designed in any way to provide for a Federal contribution to be used for the guaranteeing of District of Columbia bonds of any description?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman.

Mr. NATCHER. The answer to the gentleman's question is "No."

Mr. Chairman, I want to say to the gentleman that I certainly agree with him and this is a very important question.

As far as the guarantee of bonds is concerned there is no provision in this bill along that line. I think that before any consideration is given to such a proposal there should be considerably more study given to any such idea.

As I said, the answer is "No."

Mr. GROSS. Mr. Chairman, I thank the gentleman.

I asked that question in view of the fact that only a short time ago it was reported that the per capita income of District of Columbia residents jumped 11.1 percent in 1971 over 1970, almost twice the national increase according to the Department of Commerce figures. At that rate of income increase, so far as I am concerned, the District of Columbia is pilfering the pockets of the taxpayers of the country, including Kentucky and Iowa, beyond all reason when it gets a handout in this bill of $185 million.

May I ask the gentleman another question. How much of a contribution do the taxpayers of the entire country, through the process of contributions to the District of Columbia, make to the payment of interest on the bonds for that white elephant stadium in the eastern part of the city?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman.

Mr. NATCHER. As the gentleman well knows, at the time the stadium was constructed, I was a Member of the House and on the floor when the distinguished gentleman now standing across the aisle from Iowa asked the question as to how much the stadium would cost. The answer to the gentleman was between $5 and $6 million. As the gentleman well knows, it cost a little over $20 million. It requires $831,000 a year to pay the interest on the bonds. We have to borrow that money out of the Treasury of the United States. Not one single bond has been retired, and the money that is borrowed, of course, must later on be paid. This, then, of course, is a part of the Federal payment.

So, therefore, in the end a part comes out of Federal money, because the $831,000 in interest must be paid each year.

Mr. GROSS. So we continue to pay interest on those bonds, not a dollar of which has been retired since the stadium was built. We pay in the percentage of the Federal contribution to the District of Columbia. Is that the situation?

Mr. NATCHER. The gentleman is correct.

Mr. GROSS. And yet our former colleague from Arkansas, Mr. Harris, one of the advocates of the stadium, told us on the floor of the House, and repeatedly, that the stadium would never cost the taxpayers of the country one single dime.

Mr. NATCHER. The gentleman is correct.

Mr. Chairman, as you know, the original legislation provides that in the year 2001 the stadium would then be turned over to the Department of the Interior. We tried on a number of occasions, I will say to my friend from Iowa, to get the Department to take it over, and the gentleman knows the answer to that move.

Mr. GROSS. And I have no doubt that by the year 2001 that edifice down in Foggy Bottom, known as the Cultural Center, will also become the property of the Department of the Interior.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. DAVIS of Wisconsin. I take this time only for purposes of clarification and to suggest to the gentleman from Iowa that while there is legislation pending, at least requested, which would permit the District of Columbia to issue bonds for the purposes stated, there is no existing legislation of that kind.

There is also legislation that has been requested to provide for the guarantee of $1.2 billion in bonds for purposes of financing continuance of the subway construction. That, too, has not yet been written into law. But under existing law, in lieu of the bonds, the borrowing of the District of Columbia is done directly from the Treasury of the United States, and they pay the going rate for Treasury borrowing at that particular time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the committee, although I am opposed to this bill, for not having inserted any language in this bill which will eventually trap all the taxpayers of the country into either of those proposals with a request that will probably come upon the Congress sooner or later for the taxpayers of all the country to guarantee $1.2 billion of bonds for subway construction or to guarantee the payment of the bonds pertaining to the stadium.

Mr. DAVIS of Wisconsin. Even if we were so inclined, if we had attempted to insert any such language, it would have been subject to a point of order, and I am sure the diligent gentleman from Iowa would have seen that that language was deleted.

Mr. GROSS. I will say, if the gentleman will yield further, there are several other legislative provisions in this bill that were not challenged here today, and I think for sufficient reason. I do not make points of order against all provisions in all bills, because some of them are meritorious, and in that case I do not make points of order.

I thank the gentleman for yielding.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply to advise the House at this time that, as a member of the Appropriations Subcommittee, I will not vote for this bill. However, it is not because the committee has not done a good job—it has—my vote is in protest of the present sloppy District administration.

There may be some who do not understand the depth of my criticism of the District of Columbia government. I wish those colleagues of mine who maintain that one or another District of Columbia official is not implicated in this wholesale mismanagement would tell me who they think is responsible. Former President Harry Truman had a sign on his desk which read: "The buck stops here." It is apparent that almost no one in the District of Columbia government is willing to be a buckstopper. They are all champion buckpassers. Most assuredly the distinguished chairman and ranking

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minority member of this committee would not consider Commissioner Washington's latest outburst to be proper. No one in this House can substantiate the Commissioner's remark that, if he replied to criticism, the committee would "cut another million dollars off our budget." Such a remark is the height of irresponsibility and everyone knows it. If what I have said in my supplemental views in the subcommittee report and on the House floor in the last couple of days applies to anyone, let him take it to heart.

The committee has worked diligently to cut out the waste and extravagance that permeates the government of our Nation's Capital. Our esteemed chairman, the gentleman from Kentucky (Mr. NATCHER) with years of experience at his command, has provided a good bill considering the obligations that we have and the roadblocks set up by District officials that we confronted.

My vote is primarily a protest against the mismanagement, hypocrisy, and total arrogance of the District of Columbia officials. Never in my life have I found so many people who would testify before this committee using falsehoods and half-truths. They have tried to sweep under the rug as much as possible. They operate as if under "home rule" with all the independence of total local revenue.

Once again, this is no reflection on the committee, but reflects the experience I have had.

As one member of the committee, I can promise this. If I serve on this committee next year, or if a supplemental bill is requested later this year from our committee, unless the attitude of the District officials changes radically, they might just as well save their time and their breath, because I will not support additional budgetary requests.

We all think a great deal of the District. It is our Nation's Capital. It belongs to each and every one of us. We have not been chintzy with the District of Columbia. They have been given all the money they could use wisely, but results prove they prefer "not" to use it wisely. We are not a committee of condemnation. Too many people have appeared before us and provided us with only half the picture, yet they try to put the blame on this committee for lack of support. There is absolutely no truth to that. Consistently generous appropriations have proved the opposite.

I personally ask that the Members of the House take time to read the hearings, or at least the supplemental committee report. You will find much to agree with. Decide for yourself whether or not we have a major problem here that could be corrected if we had some candid cooperation and support from downtown.

A case in point I would like to mention briefly today was included in the District of Columbia budget request. It would have provided a tenfold increase for free uniforms for District of Columbia highway department employees. Last fiscal year, the District of Columbia government spent $949 for free uniforms for these employees. This year they plan to spend $10,000. The officials, under questioning, admitted they did not know of any other State highway department which provided free uniforms.

They also requested $50,400 to provide free laundry service for the free uniforms.

As I said before, we do not mind assisting the District of Columbia. However, some of these proposals are just a bit ridiculous. You will be pleased to know that the subcommittee refused to take the taxpayers to the cleaners for this boondoggle. But do you think the District of Columbia hierarchy will learn anything from this? Do not bet on it. Considering their perpetual "gimme" attitude, next year they will probably request tuxedos for the 481 employees receiving over $25,000 a year, plus patent leather shoes and free 75-cent cigars.

The people downtown should reevaluate their attitude in testifying before the committee. Hopefully they will correct some of the situations cited. Otherwise they will suffer serious consequences.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, there is another matter which has not been mentioned and which I hope the Appropriations Committee will look into. A short time ago, according to District of Columbia rule, one school could not spend more than 5 percent more than other schools, and so on, and the method that was used to try to equalize the situation, as I understand it, was this.

The teachers and the salaries were put on a computer. If one school were a little high in the expenditures per pupil, the highest paid teacher in the school, usually the person with the greatest tenure, was simply transferred to another school where they were below the average. This resulted, as I understand it, in one case, for instance, where a little school in the District wound up one Monday morning with three music teachers when they needed one.

As I understand it, in the computation of the amount spent per pupil only the District tax funds were taken into consideration. The Federal funds under title I were not. So actually they had been adding money to schools which were spending more per pupil, but not more per pupil under District of Columbia taxes.

Mr. SCHERLE. We are aware of this and many other fiscal shenanigans by the elected school board.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman who has just spoken, from the State of Iowa, and a member of our subcommittee, is one of the able Members of the House. He is one of the most conscientious Members to serve on either side of the aisle.

During the hearings on the District of Columbia budget for the fiscal year 1973 the distinguished gentleman from Iowa attended every day. He was there when every witness, according to my knowledge, appeared.

I know that during the hearings this year a number of matters were brought to the attention of the committee which certainly were right frustrating and confusing to the committee.

I have served, Mr. Chairman, for a period of 17 years on the District of Columbia Budget Subcommittee. I have had the honor of serving as chairman of this subcommittee since January of 1962. I serve on three subcommittees. I was No. 2 on each of my subcommittees.

As you will recall, Mr. Chairman, the distinguished gentleman from Michigan, Louis Rabaut, who was one of the greatest Members who ever served in this Congress, was the chairman of this subcommittee, and he died. At the time Mr. Rabaut died I was named to be chairman of the subcommittee.

Since I have been the chairman of this subcommittee, Mr. Chairman, I have had the honor and privilege of serving with some outstanding people in the District of Columbia. I believe some of the most dedicated people I have met since I have been a Member of Congress have been and are associated with the District of Columbia government.

I know that at the present time we have problems in education. We have problems with crime. We have problems concerning welfare.

I say to you quite frankly that when this budget was presented to our subcommittee some of the witnesses who appeared were right unusual, to say the least, insofar as the information we were trying to secure is concerned.

I know the gentleman is right frustrated as a member of this subcommittee. This is his second year on this subcommittee.

But, Mr. Chairman, in all fairness to the District of Columbia, I believe I would be remiss as chairman and remiss in my duties as chairman of this subcommittee if I failed to state to the Members of this House that I believe Walter Washington is doing a good job. Mr. Chairman, I believe he is trying. He has problems every day, and they are serious. He is making a good Commissioner.

I know that on the City Council from time to time we have had one or two members who have been in direct conflict with the Commissioner. That has not been to the best interests of our Capital City.

But I want you to know, Mr. Chairman, as one member of this subcommittee I believe we have a number of outstanding people serving in our District government, and I say to you frankly that they are trying to do a good job.

This is a difficult subcommittee to serve on, Mr. Chairman. We have in all, I believe, 21 standing committees of this House, including the District of Columbia Committee. On that committee serve men like my friend EARLE CABELL, who is sitting here on the floor; JOHN MCMILLAN; MR. FAUNTROY, the nonvoting delegate, who is on the floor; my friend ANCHER NELSEN, who sits on that side. These men, Mr. Chairman, are trying to do a good job. They serve on a right difficult committee.

But in going back to the major premise I wanted to bring to the attention of this committee, and the major point, Mr. Chairman, I believe the Commissioner is doing a good job.

He is trying and we have a number of serious problems here. I, for one, Mr. Chairman, believe with a little help we are going to solve all of these problems.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. NATCHER. I will be delighted to yield.

Mr. DAVIS of Wisconsin. The gentleman from Kentucky preceded me in what I wanted to say. I do not believe a blanket indictment of those who appeared before our subcommittee or of officials in the District government can be justified. I think it would do harm if the record were not made clear and if we kept our silence, that we might infer that this is the case. My experience with the men who headed the testimony before our subcommittee—and that, of course, refers to Mayor Washington and to Comer Coppie, the budget officer of the District—is one of candor both on the record and off the record and one of helpfulness in our attempting to get the information that we were entitled to have from some of the reluctant people who did not display that candor in responding to some of the questions that were legitimately raised.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I yield to my distinguished friend.

Mr. DAVIS of Wisconsin. So, while I can agree that we did have some instances where we were frustrated and we did have some witnesses who we felt were there to conceal rather than to inform, that that did not apply to the major responsible witnesses we had before us.

I am glad that the chairman preceded me in stating what I felt was necessary to say in the interests of fairness for my colleagues in the House.

Mr. NATCHER. I yield to my distinguished friend from Minnesota, the ranking minority member on the Committee on the District of Columbia and a man who has done a good job in serving on this committee all through the years.

Mr. NELSEN. I thank the gentleman for yielding. I want to thank him also for his reference to Walter Washington.

In the work we have been trying to do to bring about a better design in city government our efforts have been closely coordinated with Walter Washington in every respect as he cooperated with us. I think when our report is finally filed and made available you will find that he will be given the tools whereby he can do a better job for the people of this area and for the people of the United States.

I want to make it very clear he has cooperated entirely with us, and I think he has done a remarkably good job under the circumstances under which he had to work.

I thank the gentleman for yielding.

Mr. HALL. Will the gentleman yield to me?

Mr. NATCHER. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman from Kentucky, the chairman of the subcommittee, who is handling this very difficult chore and task yielding to me, but I am a little bit disturbed about some of the allegations and counterallegations; and as just one elected Member from an equal number of taxpayers across the length and breadth of the country who is proud of our Capital City, believes in the principle of a Federal City, and who has pride therein, I am concerned about whether we are not, as a reaction to a blanket implication defying the law of responsibility where accountability lies. Command and high office has its responsibility and function, as well as its privilege.

Certainly, Mr. Chairman, the appointed members or the elected members of any government, be it municipal, State, quasi-State, Federal, or otherwise must be responsible. There must be some time and some place where for example, a great loss of school funds has to be accounted for and where those responsible for either the election or the appointment of comptrollers, overseers, budget officers, or commissioners or even mayors; must take this problem by the nape of the neck if over $185 million of Federal taxpayers contribution is involved—including some of the interest payments alone that the gentleman referred to in his colloquy—and solve the mystery or replace heads.

I think it is proper that we consider this matter on the floor of the Congress because the taxpayers have a right to know, and I for one say this: that I shall vote against such largesse on the part of the taxpayers as contained in this bill, whether in the blessed name of welfare, charity, human rights, or anything else, so long as these things are swept under the rug and the accountable officer is not held responsible.

Mr. NATCHER. Mr. Chairman, in answer to the distinguished gentleman from Missouri (Mr. HALL), I think that the last statement applies to every Member of the Congress of the United States. I think every Member of this House and every Member of the other body would feel the same way as far as sweeping anything under the rug is concerned. Anyone guilty of malfeasance or nonfeasance should march up on the line like they do everywhere else, and be held accountable. I think every member of this committee feels the same way. But, Mr. Chairman, when you come into this committee and make one sweeping statement and allegation applying it to every member of the District of Columbia government, this to me, Mr. Chairman, with all due respect to my friend, is a mistake.

Mr. BROYHILL of Virginia. Mr. Chairman, I want to commend the gentleman from Indiana (Mr. MYERS) for the amendment he offered previously and which has been adopted.

We witnessed one example of the pied pipers of radical education abusing District schoolchildren by forcing them to march on our public streets. We witnessed another just last week when they marched them from their classrooms to the Capitol steps to demand that we legislate to their liking.

One example should be enough to convince Congress, as I am sure it has our taxpayers, that quality education in the District of Columbia is impossible under the present free-wheeling radicalism of some of our so-called educators unless Congress provides some plain and objective restraints.

An educated child of any race, color, or creed is a national asset, Mr. Chairman, nowhere in the world is intense educational training more vital than in the city of Washington, D.C.

Congress and the American taxpayers have been generous in providing funds to secure quality education for our young, if it is spent for the purpose for which it is appropriated. The time has come to see that it is.

All this amendment asks on behalf of parents in the District and taxpayers throughout the Nation is to affirm that the basic function of education is to teach our children in the classrooms and not on the streets of the Nation's Capital.

These so-called educators who use toddlers for political propaganda are not straining the quality of education, they are obliterating it. We cannot allow this to happen.

Overseeing the educational standards of the Nation has become a covenant of the Congress of the United States. To maintain it is a matter of public faith. We have reaffirmed that faith today by approving the gentleman's amendment and stopping this nonsense in the public schools of the District of Columbia in its tracks.

Mr. LONG of Maryland. Mr. Chairman, I oppose the appropriation of $33.5 million for District of Columbia subway construction, which is contained in the fiscal 1973 District of Columbia appropriations bill.

I oppose the building of the District of Columbia subway for five broad reasons.

First, I oppose the subway for financial reasons. Now the subway's sponsors admit that it will cost $3 billion. The chairman estimates that it may cost as much as $5 billion, and I respect his judgment on this estimate.

If we take the $3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional district. If each of the 13 metropolitan areas of the United States now planning subways builds one, the costs are going to run between $50 and $75 billion.

My second reason for opposing the subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of subway crime. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate per capita than they do in New York City. The real reason people are loathe to take subways is that they just do not find it convenient to use mass transportation.

In 1955 Marquette University surveyed 1,000 households, 56 percent of the re-

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spondents said they would use their automobiles to go to work, no matter what was done to improve transportation.

In his authoritative book, "Metropolitan Transportation Problem," Wilfred Owen wrote:

> Where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities—like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use the subway? In order to get the people to use it, you would have to close the city to auto traffic. If you do this, express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility so that subways would not be necessary.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in the Washington area. The beneficiaries will be mostly Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home. Can we justify asking your people and mine to pay more taxes and to get along with pollution and inferior schools so that high paid Federal workers can get to work a little quicker at the taxpayer's expense? Most of the really high paid workers will not use it. What they have in mind, I think, is to let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally unnecessary to plunge into a $3 to $5 billion program for building new rapid rail facilities in Washington when these already exist.

A 1968 Senate study of the metropolitan area transportation situation pointed out that—

> Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative . . . which could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption to existing land use, and could be operational within a year's time.

Why does the District of Columbia not undertake this quick, cheap, minimally disruptive program? Probably because it does not cost enough, there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers.

My final objection is that mass transit is not the answer to the congestion of our large cities, especially here in Washington.

The answer is to stop locating so many Government agencies in Washington and to decentralize our Government back home—in your district and mine.

In closing I want to quote Lewis Mumford's "Culture of Cities":

> While congestion originally provided the excuse for the subway, the subway has not become the further excuse for congestion.

I continue to oppose the construction of the District of Columbia subway.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 67, not voting 63, as follows:

[Roll No. 192]

YEAS—302

Abourezk	Badillo	Brooks
Abzug	Barrett	Broomfield
Adams	Begich	Brotzman
Addabbo	Bennett	Brown, Mich.
Alexander	Bergland	Brown, Ohio
Anderson, Calif.	Betts	Broyhill, N.C.
	Biaggi	Broyhill, Va.
Anderson, Ill.	Biester	Buchanan
Anderson, Tenn.	Bingham	Burke, Mass.
	Blanton	Burleson, Tex.
Andrews, Ala.	Blatnik	Burlison, Mo.
Andrews, N. Dak.	Boggs	Byrne, Pa.
	Boland	Byrnes, Wis.
Annunzio	Bolling	Cabell
Arends	Bow	Caffery
Ashley	Brademas	Carey, N.Y.
Aspin	Brasco	Carlson
Aspinall	Brinkley	Carter
Casey, Tex.	Hicks, Wash.	Price, Ill.
Cederberg	Hogan	Pucinski
Chamberlain	Horton	Purcell
Chisholm	Hosmer	Quie
Clausen, Don H.	Howard	Railsback
	Hull	Rees
Cleveland	Hungate	Reid
Collier	Hunt	Reuss
Collins, Ill.	Ichord	Rhodes
Conable	Jacobs	Riegle
Conte	Jarman	Roberts
Corman	Johnson, Calif.	Robison, N.Y.
Cotter	Johnson, Pa.	Roe
Coughlin	Jones, Ala.	Rogers
Culver	Jones, N.C.	Roncalio
Curlin	Karth	Rooney, Pa.
Daniel, Va.	Kastenmeier	Rosenthal
Davis, Ga.	Kazen	Rostenkowski
Davis, S.C.	Keating	Roush
Davis, Wis.	Kee	Roy
de la Garza	Keith	Ruppe
Delaney	Kemp	Ryan
Dellenback	Kluczynski	St Germain
Dent	Koch	Sandman
Derwinski	Landrum	Sarbanes
Dingell	Latta	Saylor
Donohue	Leggett	Schwengel
Dorn	Lent	Scott
Dow	Link	Seiberling
Downing	Lloyd	Shipley
Drinan	Long, Md.	Shriver
Dulski	McClure	Sikes
du Pont	McCormack	Sisk
Dwyer	McCulloch	Slack
Eckhardt	McDade	Smith, Calif.
Edmondson	McDonald, Mich.	Smith, Iowa
Edwards, Ala.		Smith, N.Y.
Edwards, Calif.	McFall	Snyder
Eilberg	McKay	Staggers
Erlenborn	Macdonald, Mass.	Stanton, J. William
Evans, Colo.		
Evins, Tenn.	Madden	Stanton, James V.
Fascell	Mahon	
Fish	Mailliard	Steed
Flood	Mallary	Steele
Flynt	Martin	Steiger, Wis.
Foley	Mathias, Calif.	Stephens
Ford, Gerald R.	Matsunaga	Stratton
Forsythe	Mazzoli	Sullivan
Fountain	Meeds	Symington
Fraser	Melcher	Talcott
Frenzel	Michel	Taylor
Fulton	Mikva	Teague, Calif.
Fuqua	Mills, Ark.	Teague, Tex.
Gallifianakis	Minish	Thompson, N.J.
Garmatz	Mink	Thomson, Wis.
Gaydos	Minshall	Thone
Gettys	Mitchell	Tiernan
Giaimo	Mollohan	Udall
Gonzalez	Monagan	Ullman
Goodling	Moorhead	Vander Jagt
Grasso	Morgan	Vanik
Gray	Mosher	Veysey
Green, Oreg.	Murphy, Ill.	Vigorito
Green, Pa.	Myers	Wampler
Hagan	Natcher	Ware
Hamilton	Nedzi	Whalen
Hammer-schmidt	Nelsen	Whalley
	Nichols	White
Hanley	Nix	Whitehurst
Hanna	Obey	Whitten
Hansen, Idaho	O'Hara	Widnall
Hansen, Wash.	O'Neill	Williams
Harrington	Patman	Wilson
Harvey	Patten	Wolff
Hastings	Pelly	Wright
Hathaway	Pepper	Wyatt
Hawkins	Perkins	Wydler
Hays	Pettis	Wylie
Hébert	Pickle	Yates
Hechler, W. Va.	Pike	Yatron
Heckler, Mass.	Pirnie	Young, Tex.
Heinz	Poage	Zablocki
Helstoski	Podell	Zion
Henderson	Poff	Zwach
Hicks, Mass.	Preyer, N.C.	

NAYS—67

Abbitt	Dennis	King
Archer	Devine	Kuykendall
Ashbrook	Dickinson	Kyl
Baker	Duncan	Landgrebe
Baring	Findley	Lennon
Belcher	Flowers	McCollister
Bevill	Frey	McKevitt
Blackburn	Griffin	Mann
Bray	Gross	Mathis, Ga.
Burke, Fla.	Grover	Mayne
Byron	Haley	Miller, Ohio
Camp	Hall	Mills, Md.
Clancy	Harsha	Mizell
Collins, Tex.	Hillis	Montgomery
Colmer	Hutchinson	Powell
Conover	Jonas	Quillen
Crane	Jones, Tenn.	Randall
Barick	Shoup	Waggonner
Roussalot	Skubitz	Wiggins
Ruth	Spence	Wyman
Satterfield	Steiger, Ariz.	Young, Fla.
Scherle	Terry	
Sebelius	Thompson, Ga.	

NOT VOTING—63

Abernethy	Gallagher	Peyser
Bell	Gibbons	Price, Tex.
Burton	Goldwater	Pryor, Ark.
Carney	Griffiths	Rangel
Celler	Gubser	Robinson, Va.
Chappell	Gude	Rodino
Clark	Halpern	Rooney, N.Y.
Clawson, Del	Holifield	Roybal
Clay	Kyros	Runnels
Conyers	Long, La.	Scheuer
Daniels, N.J.	Lujan	Schmitz
Danielson	McClory	Schneebeli
Dellums	McCloskey	Springer
Denholm	McEwen	Stokes
Diggs	McKinney	Stubblefield
Dowdy	McMillan	Stuckey
Esch	Metcalfe	Van Deerlin
Eshleman	Miller, Calif.	Waldie
Fisher	Moss	Wilson, Bob
Ford, William D.	Murphy, N.Y.	Wilson, Charles H.
Frelinghuysen	O'Konski	
	Passman	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gude for, with Mr. Price of Texas against.

Mr. McEwen for, with Mr. Schmitz against.

Mr. Metcalfe for, with Mr. Chappell against.

Mr. McMillan for, with Mr. Long of Louisiana against.

Until further notice:

Mrs. Griffiths with Mr. Esch.

Mr. Stubblefield with Mr. Robinson of Virginia.

Mr. Rooney of New York with Mr. Halpern.

Mr. Murphy of New York with Mr. Peyser.

Mr. Burton with Mr. Conyers.

Mr. Scheuer with Mr. Dellums.

Mr. Passman with Mr. O'Konski.

Mr. Stuckey with Mr. McClory.

Mr. Diggs with Mr. Roybal.

Mr. Moss with Mr. Del Clawson.

Mr. Waldie with Mr. Stokes.

Mr. Celler with Mr. Bell.

Mr. Clay with Mr. Gallagher.

Mr. Rodino with Mr. Rangel.

Mr. Carney with Mr. Springer.

Mr. Clark with Mr. Eshleman.

Mr. Charles H. Wilson with Mr. Gubser.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. Fisher with Mr. Lujan.

Mr. Gibbons with Mr. Schneebeli.

Mr. Kyros with Mr. McKinney.

Mr. Miller of California with Mr. McCloskey.

Mr. Danielson with Mr. Bob Wilson.

Mr. Van Deerlin with Mr. Goldwater.

Mr. Runnels with Mr. William D. Ford.

Mr. Holifield with Mr. Pryor of Arkansas.

Mr. Denholm with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-227)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 9580, AGREEMENT CONCERNING FEES FOR OPERATION OF MOTOR VEHICLES

Mr. CABELL. Mr. Speaker, at the request of the gentleman from South Carolina (Mr. MCMILLAN), the chairman of the Committee on the District of Columbia, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the disagreeing votes of the two Houses on the bill H.R. 9580, to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none; and appoints the following additional conferee: Mr. CABELL, of Texas.

The Clerk will notify the Senate.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF THE INVESTIGATIONS AND STUDY AUTHORIZED BY HOUSE RESOLUTION 21

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92-1116) on the resolution (H. Res. 839) to provide further funds for the expenses of the investigations and study authorized by House Resolution 21, which was referred to the House calendar and ordered to be printed.

PERMISSION TO CALL UP HOUSE RESOLUTION 839 TOMORROW

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that I may bring up the resolution (H. Res. 839) tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have some explanation before this unanimous-consent request is granted, as to what the resolution contains and what the urgent purpose is warranting a violation of the House's reorganization rules?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. THOMPSON of New Jersey. This is a funding resolution for the Committee on Merchant Marine and Fisheries which was referred to the Committee on House Administration and to the Subcommittee on Accounts last February. It has been held up. The committee is without funds to meet its payroll. It is the routine funding resolution. I am simply asking unanimous consent that I may bring it up tomorrow because I have three other privileged resolutions which have been printed in the RECORD heretofore.

Mr. HALL. I understand Mr. Speaker, that it is privileged but I also deduce it is not a great emergency if your subcommittee has had it since February—wherein lies the exigency or reason for a violation of the rule of having a printed bill in the hands of Members 3 days before it is considered?

Is there some extra emergency about it that we do not understand, in view of the gentleman's statement?

Mr. THOMPSON of New Jersey. No, I may say to my friend, the gentleman from Missouri, obviously I am trying to violate the rule since I am asking unanimous consent to bring it up.

The chairman of the committee, the gentleman from Maryland, informs me that the committee is without funds because of delays, with which to meet his payroll.

Mr. HALL. Mr. Speaker, that is well and good, and I am sympathetic with the gentleman and his payroll situation. But I still fail to understand why, if this committee that does such a beautiful job of dissecting, paring, and amputating, and reducing the drain on the taxpayers' money regularly, and has had it in surgery since February—that it now becomes an emergency requiring a waiver of the rule.

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri this was done out of consideration for members of the Committee on House Administration, who asked that the matter be delayed at this point.

Mr. HALL. Mr. Speaker, in order to expedite the matter—I do not mean to

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prolong the agony in any manner or means—has there been a reduction in the original asking in keeping with the practice of the Committee on House Administration and the Subcommittee on Budget?

Mr. THOMPSON of New Jersey. Yes, there is a committee amendment, I might say to the gentleman, and if I do get consent, I will be delighted tomorrow to yield to answer questions about it, reducing the amount by $50,000.

Mr. HALL. I say to the gentleman that after a Member gives unanimous consent, there is very little point in yielding then. The whole purpose in withholding consent is to see the privileged resolution.

Mr. Speaker, I do not want to prolong this and my friend has given me at least indirect assurance, so I will withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 192 I was unavoidably detained. If I had been present, I would have voted "yea." I ask that the RECORD so indicate.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1007 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1007

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 14990, it shall be in order to take from the Speaker's table the bill S. 3607 and to consider the said Senate bill in the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1007 provides an open rule with 1 hour of general debate for consideration of H.R. 14990, the fiscal year 1973 authorization for the Atomic Energy Commission. The bill shall be read for amendment by titles instead of by sections and, after passage of H.R. 14990, it shall be in order to take from the Speaker's table S. 3607 and consider the same in the House.

The purpose of H.R. 14990 is to authorize appropriations for the Atomic Energy Commission for fiscal year 1973 in the amount of $2,602,975,000—$2,109,980,000 for operating expenses and $492,995,000 for plant and capital equipment.

Approximately 51 percent of the estimated program costs—$1,410,338,000—is attributable to the military applications, which include primarily the nuclear weapons and naval propulsion reactors programs. Of this amount, $1,238,581,000 are for operating costs and $171,757,000 are for plant and capital equipment.

The estimated costs for civilian applications of atomic energy are about 49 percent—$1,358,962,000. Of this amount, $1,137,519,000 are for operating costs and $221,443,000 are for plant and capital equipment.

Most of the funds authorized to continue the programs presently in existence. There are some new construction projects for which $222,025,000 are recommended, which amount is $77,725,000 less than the AEC's request.

Title II of the bill is a new program to provide for a Federal-State effort for a program of remedial action to limit radiation exposure resulting from the use of uranium tailings in construction material. Tailings are the residue or clinkers remaining after smelting metal or burning fuel. The tailings at issue resulted from production of uranium concentrate by private producers under contract with the Government to provide materials deemed essential to our security and defense.

Generally there is very little danger of radiation exposure from the tailing. However, in the area of Grand Junction, Colo., the tailings were used in conjunction with other materials for foundations of homes in one or more housing developments. There was excessive radiation in some instances and families had to be removed until the situation is remedied by removal of tailings, application of sealants, or addition of external or internal ventilation facilities, or by some other means.

The AEC is authorized to enter into an arrangement with the State of Colorado to provide not more than 75 percent of the costs of a program of remedial action to correct the problem. There would be no liability on the part of the Federal Government; $5 million is authorized for implementation of title II.

Title III of the bill authorizes the Commission to charge Federal agencies fees for the licensing nuclear power reactors. Anticipated revenues from the issuance of construction permits and operating licenses are $900,000 in fiscal year 1973 and $1.14 million in fiscal 1974.

Mr. Speaker, I urge the adoption of H.R. 1007 in order that H.R. 14990 may be considered.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule making in order H.R. 14990 which authorizes $2.6 billion for the Atomic Energy Commission in fiscal year 1973. Of this amount, $2.1 billion is for operating expenses, and $493 million is for plant and capital equipment. The overall figure our committee is requesting is approximately 4.5 percent less than the administration's request.

Approximately 51 percent of this authorization or $1.4 billion is for military applications, that is, nuclear weapons and naval propulsion programs and nuclear materials; and the remaining 49 percent or $1.3 billion is for civilian applications of atomic energy.

The major items by cost authorized in this bill include $447 million for the nuclear materials program; $877.7 million for the weapons program; $481 million for reactor development; $281.8 million for the physical research program; $93.8 million for the biology and medicine program; and $120.1 million for program direction and administration.

Mr. Speaker, after 10 days of public hearings and 3 days of executive hearings, our committee reported out a clean bill by a unanimous vote of those present. The initial request received our most careful scrutiny and we cut where we felt necessary and added where we felt it important. I think this is a good bill and a sound bill and I urge my colleagues to join me in voting for it without amendment.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14990, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois, (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may consume.

This fiscal year 1973 authorization bill is the result of a searching examination of the AEC's budget request by the committee through 10 public hearing sessions and three executive hearing sessions. The bill was reported without dissent by the joint committee to both Houses and last Thursday, May 25, the Senate passed the companion bill S. 3607 by a vote of 71 to 0.

This bill would authorize appropriations to the AEC for fiscal year 1973 totaling $2,602,975,000 for both "operating expenses" and "plant and capital equipment." This is approximately 4.5 percent less than the amount requested by the AEC. The authorization is about equally divided between civilian and military programs. The committee has been advised by the AEC and the Department of Defense that the recently proposed SALT agreements relative to nuclear weapons will have no impact on the funding level required for fiscal year 1973. I shall provide a copy of the AEC and the Department of Defense letters for the RECORD at the appropriate time. Included within the total budget is $126,400,000 for the Nation's high-energy physics program. The AEC is the principal funding agent for this activity for this program alone represents almost 5 percent of the recommended AEC budget.

Turning to the provisions of the bill itself, section 101(a) would authorize $2,109,980,000 for operating expenses. Sections 101(b) and 105 would provide a total of $492,995,000 for plant and capital equipment including new construction projects, additions to previously authorized projects, and plant and capital equipment not related to construction. Tables indicating the various programs and the construction projects are set forth at pages 3 and 35 of the committee report accompanying the bill. These tables reflect the recommendations of the joint committee in relation to the amounts requested and the changes recommended by the committee reflect its judgment concerning the funding necessary to achieve the Commission's high priority goals.

Let me turn now to some of the more significant items in the bill.

URANIUM ENRICHMENT

The largest single addition recommended by the committee relates to the operation of the three gaseous diffusion plants owned and operated by the AEC. These plants represent the sole source of enriched uranium necessary to manufacture fuel for nuclear reactors as well as to supply the materials required for our nuclear weapons program. The committee has recommended the addition of $15.5 million to be applied to the operation of these facilities. Of that amount, $15 million will be for the acquisition of electric power as part of the program to restore these facilities to their full rated capacity. The AEC, in its budget request, proposed to not exercise all of its contract rights to acquire electric power for these plants. Included in the budget request was $11.2 million which must be paid by way of penalties for not acquiring some 523 megawatts of power. For that money, the Commission would receive absolutely nothing. With the addition of the recommended $15 million, together with the amount which would have to be paid as penalties, this 523 megawatts can be acquired and will provide additional separative work capacity at an incremental cost of $8 per unit. This separative work has a market value of $32 per unit, so the economic validity of the committee's recommended addition should be abundantly clear.

The other one-half million dollars which the committee recommends be added will be employed to assure the proper maintenance of these facilities—maintenance which the AEC proposes to defer. When we are considering one-of-a-kind facilities which are our sole source of supply, the committee considers the deferral of maintenance activity, particularly at such a slight saving, to represent the assumption of an unwarranted risk. These plants cost the taxpayers $2.3 billion. Their on-line value in relation to the national defense and the nuclear power industry is incalculable. I believe the validity of this recommendation also is self-evident.

REACTOR DEVELOPMENT

The committee has recommended the addition of $6.5 million to the budget for civilian power related reactor programs. Of this amount, $3.5 million is for increased research in the area of nuclear reactor safety. The committee also has recommended the addition of $1 million to permit increased effort relative to the gas cooled fast breeder reactor—GCFR—and the addition of $2 million for the thorium utilization program which is deemed necessary to develop the technology to permit recycling of high-temperature gas-cooled reactor fuel. In the last 9 months, six of these reactors have been ordered by utility companies and it is apparent that this class of reactor is now a viable alternative to light water reactors. Development of the necessary fuel technology will help assure realization of the full potential of that class of reactors.

The committee has also recommended the addition of $7 million for the space nuclear propulsion program. As my colleagues know, the administration has terminated the NERVA program to develop a flight rated nuclear powered rocket engine. The additional money recommended by the committee would permit a maximum utilization in the new program for longer range space nuclear propulsion applications of the technology and data developed during the NERVA program. It would seem to be a wise investment to insure against the loss of that valuable information.

PLOWSHARE

The other major addition to operating funds recommended by the committee is $3.7 million for the civilian applications of nuclear explosives program—Plowshare. These funds would permit a second test of a hardened, low-radioactive nuclear engineering explosive designed to permit sequential firing of these devices. It is the committee's view that the second test is necessary in the coming year to maintain the proposed schedule for the first experiment employing that technology—Wagon Wheel—which is currently scheduled for fiscal year 1974. Sequential detonation will permit the fracturing of considerably larger depths of natural gas-bearing rock with a substantially reduced seismic effect. The experiments in releasing otherwise unavailable natural gas by employing nuclear explosives have demonstrated this technology to be effective. Currently it is estimated that the amount of natural gas recoverable in this manner could more than double this country's supply and I need not belabor the current situation of high demand and low availability of this cleanest of all fossile fuels.

CONTROLLED THERMONUCLEAR FUSION

Although the committee has recommended no change in the AEC request for funding of the controlled thermonuclear fusion program, I should like to point out to my colleagues the level of effort to be employed in this field during fiscal year 1973. The AEC has requested and the committee has recommended the authorization of $38 million in operating funds for this program. This compares to the $31 million authorized last year. Moreover, there are two construction projects recommended which would establish new laser fusion laboratories at Los Alamos, N. Mex., and Livermore, Calif., at a total of $12 million. When you add in the equipment and general plant projects, the fiscal year 1973 budget approaches $80 million for fusion research and there is a considerable private investment in this research as well. I believe this adequately reflects the great promise of this technology as does the fact the AEC has established a new division solely for fusion research.

I must caution, however, that the application of this technology is not just around the corner. Hopefully, we shall see the accomplishment of proving its technical feasibility within this decade, but all of the information presented to the committee during the comprehensive hearings last November indicates that we are not likely, even at best, to see commercial application of fusion technology to generate electric power before the turn of the century.

CAPITAL EQUIPMENT AND CONSTRUCTION

The committee made its major reductions in the AEC request in the area of construction projects and capital equipment not related to construction. Here the committee has recommended a total of $163,425,000 less than the amount requested by the AEC. The major reductions were $69 million from the prototype nuclear propulsion plant for the new Trident—ULMS—submarine; $5.8 mil-

lion from a proposed addition to the AEC headquarters building in Germantown, Md., limiting that project to A. & E. only; $12 million from the bedrock waste storage project in South Carolina requiring the development of further data; and $70 million from two projects which comprise the cascade improvement program for the gaseous diffusion plants. The last does not imply in any way a lessening of the committee's sense of urgency to proceed with the cascade improvement program but rather limits the authorization to the amount of appropriations which can be effectively employed during fiscal year 1973.

TITLE II

Title II of the bill authorizes the AEC to enter into a cooperative arrangement with the State of Colorado to provide up to $5 million in financial assistance to the State of Colorado for its program to limit radiation exposure resulting from the use of uranium mill tailings as construction material in the area of Grand Junction, Colo. My distinguished colleague from Colorado (Mr. ASPINALL) will have more to say on this topic.

TITLE III

Title III of the bill would permit the AEC to charge licensing fees to other Federal agencies which obtain licenses for nuclear power reactors. At the present time, this relates only to the Tennessee Valley Authority, but that agency is embarked on a rather extensive nuclear power program. Since the general concept of Federal licensing activity is governed by the philosophy of full recovery by the licensing agency of the costs associated with issuing such licenses, it is considered appropriate that the AEC be reimbursed by the TVA for the costs associated with issuing licenses for TVA nuclear powerplants.

Mr. Chairman, this is a sound, carefully considered bill which provides for an important program. The bill has the unanimous support of the committee and I urge its favorable consideration by my colleagues.

Mr. Chairman, at this point I include the letters which I previously referred to:

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. PRICE: This is in response to the Committee's May 30 inquiry regarding the impact of the proposed SALT agreement on the AEC budget.

The proposed SALT agreement in no way affects U.S. plans for the strategic offensive forces. Therefore, it would have no impact on the planned production rate for strategic offensive weapons. Similarly, the agreement does not deal with general purpose forces and would thus not affect programs for production of tactical nuclear weapons.

The SALT agreement was achieved as a result of the strong military posture of the U.S. It will remain viable only through continued strength. In this regard the Administration has indicated the importance of vigorously pursuing the Trident program, the reactor component of which is contained in the AEC budget request. More generally, the SALT agreement in no way affects research and development save for certain categories of strategic defensive weapons. Consequently, the agreement should have no effect on our research and development activities.

To summarize, the agreement would not require any changes in the FY 1973 budget now before the Congress. The complete impact of the proposed SALT agreement on the FY 1974 and beyond cannot now be ascertained without considerable further analysis.

Sincerely,

JAMES R. SCHLESINGER.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR MR. PRICE: In response to your letter of May 30 to Mr. Laird, my staff has already contacted Dr. Schlesinger's people concerning Defense support in responding to Mr. Bauser's query concerning the effects on AEC weapons-related programs caused by the recent strategic arms limitation agreements.

You also asked about the effects of the SALT agreements on the Trident Program. I am enclosing a copy of Secretary Laird's remarks at Andrews Air Force Base on May 26, 1972, which speak for themselves regarding the Trident Program for FY 1973. Secretary Laird will be testifying further before the Congress on June 6 on our strategic programs as related to the SALT agreements.

Sincerely,

CARL WALSKE,
Assistant to the Secretary of Defense (Atomic Energy).

Enclosure.

SECRETARY OF DEFENSE MELVIN R. LAIRD INTERVIEWED BY NEWSMEN ON ARRIVAL FROM NATO MEETINGS, ANDREWS AFB, MAY 26, 1972

Secretary LAIRD. Ladies and gentlemen, this has been a week in which President Nixon's strategy for peace has achieved momentous advantages in various parts of the world. The key elements of the strategy—strength, partnership, and a willingness to negotiate—indeed have global applications. If we have the determination to stick with these principles, which have proved successful, there is in my view a good chance of achieving and maintaining peace, and this of course is the objective of the Nixon Doctrine.

The agreement on the Strategic Arms limitation announced earlier today by the White House will enhance the national security of the United States. All Americans can be proud of President Nixon's major achievements as a world leader for peace in moving steadily from confrontation and towards more meaningful negotiations and success in these negotiations.

The ABM treaty and the interim agreement on strategic offensive forces represent major first steps in limiting strategic arms competition between the Soviet Union and the United States. These first steps were made possible only by the United States' determination to negotiate from a position of strength. The SALT agreements are clearly a capstone of President Nixon's journey for peace to Moscow. The agreement places the United States in a strong strategic position; they enhance our security by putting the brakes on the momentum of the Soviet strategic development, a momentum which I talked about as a Member of Congress, and which I have continually stressed in my Defense Reports as Secretary of Defense to the Congress these past 3½ years.

Indeed, they were only possible because of U.S. strength. The agreements provide a basis for continuing negotiations and both sides are pledged to do this. However, ladies and gentlemen, we still need to keep up our guard and there should be no mistake, we shall do so.

The agreements which have been announced in the Soviet Union and the finalization of that announcement will be made, in addition to the announcement which was made at the White House, in a few hours in the Soviet Union.

I am confident that the Congress will give the President its full support and in so doing will assure that adequate funds are provided for the modernization and improvement of our strategic forces here in the United States. This will require an acceleration of the Trident, formerly called the ULMS, submarine program. As you know, this program, the first of these submarines would not become available under the present program we have before the Congress until the latter part of 1978.

Today, I returned from very important meetings that had far reaching effect as far as the security of Western Europe is concerned. These meetings took place in Denmark, Copenhagen, and in Belgium at Brussels. I had a series of unofficial meetings with the Defense Ministers, including a very rewarding conversation yesterday with Minister deKoster in the Netherlands. I have found increased understanding and support for the President's strategy of realistic deterrence and the total force concept.

The communique of the NATO Defense Ministers reflects the endorsement of these strategic concepts, not only the strategic concept as far as our security planning and realistic deterrence, but also the application of total force planning to the allies of the NATO nations and this is reflected very dramatically in the communique which was issued at the close of the Defense Planning Committee.

I was pleased that additional interest has been given to the European Defense Improvement Program, which as you know is funded completely by the European allies. I believe that our Congress will be impressed with the tangible evidence of improved burden-sharing, and the application of the total force concept in the security planning councils of NATO. The decision of the Defense Planning Committee to give the "green light" to Operation Strong Express is a dramatic application of the total force approach in this large military operation in which some 60,000 military personnel of 11 NATO nations are scheduled to participate. It will be an amphibious operation, as well as a sea operation. The operation will start this September.

I am hopeful that as far as the United States participation in this the largest of the NATO exercises ever conducted, that we will be using Reserve and Guard elements in line with the policy that we have adopted here in the United States of giving increased responsibilities to these forces as we apply the total force concept wthin the military forces here in the United States. The total force planning requires that we and our allies abandon the parochial views of the past and that we make certain that we use the available resources which we have for national security to the maximum effectiveness possible, and that's what these meetings were all about.

We just can't afford to keep doing our defense business in the old and narrower viewed ways of the past. What we set out to do at the start of the Nixon Administration, we are doing, and this will continue in the President's second term in office, and that is, and I repeat, to carry out the national security program in which military strength and partnership makes possible successful negotiations.

During my NATO meetings I also had the opportunity to brief my fellow Defense Ministers on an official and on a private basis on the situation and the latest developments in Southeast Asia. These Defense Ministers of the other NATO nations listened intently as I stressed the fact that the American people would never abandon an ally confronted with aggression anywhere in the world. In these discussions on Southeast Asia I emphasized that the ultimate decision in Vietnam, with 11 U.S. ground combat divisions returned

home under our Vietnamization program, would depend on the will and the desire and the fighting spirit of the forces of the South Vietnamese. We will support them with air and naval assets, but when all is said and done, with the departure of these 11 divisions that had the ground combat responsibility in Southeast Asia during these past two years, when all is said and done, the outcome will depend upon the continuing resistance which is presently being carried out very effectively and adequately by the South Vietnamese, fighting on the ground. That was precisely what the Vietnamization program was all about.

So let me say in summary that the President's strategy for peace is working. In Moscow, negotiations of unprecedented significance have taken place to limit strategic arms, on Incidents in the Sea, on space, trade and in other areas. In NATO there is a new commitment to the principles of realistic deterrence and total force planning, a commitment that has been backed by deeds of the NATO allies. In Southeast Asia, the planned spectaculars which I talked about shortly after my trip to Southeast Asia, the latter part of last year, these planned spectaculars by the enemy and the massive invasion in MR I across the DMZ in violation of the '54 Accords and '68 Understanding, these spectaculars in MRs I, II and III have been blunted. The spectacular was a success in the early stages in capturing one provincial capital of the 44 provincial capitals in South Vietnam. The enemy is paying a tremendous price for these spectaculars. They're paying a tremendous price for the stubborn refusal of the North Vietnamese to begin meaningful negotiations on President Nixon's proposal to an internationally-supervised ceasefire, for release of our prisoners of war and the accounting for those that have been missing in action. The North Vietnamese continue to disregard this the most important and far reaching peace proposal ever made by any nation in the world.

Ladies and gentlemen, let us all hope that this week of May of 1972 will mark the beginning of a stepped up pace for the attainment of world peace. I'll be glad to respond to any questions that you may have.

Q. Mr. Laird, since the SALT agreement apparently freezes the current military balance of the two super powers, doesn't this freeze the Soviet superiority in strategic offensive weapons and also in the ballistic missile defenses?

A. I am not going to get into the specifics of the agreement. They will be announced in Moscow in about three hours. I can only say that the momentum, which I have discussed at some length in appearances before the Congress as Secretary of Defense and as a Member of the Defense Appropriations Committee beginning in 1965, will be slowed by the agreement which will be announced in detail in about three hours in Moscow.

Q. Mr. Secretary, what did you mean when you said that we would have to accelerate some of our programs? Especially, what did you have in mind in regard to ULMS?

A. I am concerned about the actions that have taken place as far as the Congress is concerned, not only in the reductions in military assistance announced in the last 10 days, but the reports of further actions in the reduction of the Defense budget which are being reviewed by the various Committees of the Congress. These bills have not been reported to the floor as yet, but on the basis of information supplied to me when I was in Europe there have been reported some tentative cuts made in various program levels. I would warn against such actions on the part of the Congress at this time. I notified the Congress over five weeks ago that we were using emergency legislation to incur deficits as we build up our insurance reserve in Southeast Asia. We are on several accounts incurring deficits and operating on a deficiency basis because of the insurance reserve and the augmentations that have gone forward, particularly in the area of sea and air power and also in the replacement of certain items of equipment which have been lost during the combat activities in South Vietnam.

As far as the strategic budget is concerned, the actions which we will be outlining to the Congress and which I will be presenting to the Congress will make even more important the work which is being done on the underseas missile launched submarine system, the Trident system, during this particular five-year period. As you know, I outlined to the Congress the Soviets were constructing a ballistic-firing submarine, the so-called Y-class, at a rate of eight a year. In my interview with U.S. News and World Report, I pointed out earlier this year and also in various Congressional cross examinations by Members of Congress, I pointed out that the Soviet Union would have the capability, continuing its present construction program, to have in the area of some 90 of these submarines before the first of the so-called Trident series could be launched.

This was of great concern to me and this concern continues to be a concern for national security planning and for the safety of our peoplle because the 41 (ship) ballistic missile submarine program which the United States has, was approved in 1958. There has been no change in that program since 1958. There are submarines that need to be replaced and should the agreement not go forward after a period of some five years, it's absolutely essential to the security and safety of this country that we have such a capacity to construct these programs and to go forward with their construction. As Secretary of Defense, I will do everything that I possibly can to see that this capability does move forward as far as the United States is concerned. It is absolutely essential as far as the period after 1978 and during the periods of the 1980s, if we are to protect our freedom, our safety, and to preserve and maintain peace.

Q. So you're talking about speeding up the Trident submarine program? How many do you want to build, Mr. Secretary, and when do you want the first one?

A. The Trident program which we presently have before the Congress and which is being considered by the various Committees at the present time is a 10-boat program. We will do everything that we can to see that this 10-boat program is approved, goes forward in the amount that has been recommended by the President and are contained in the Defense budget for Fiscal Year 1973.

Q. Is that a speedup in Trident or do you simply want to do what you've already proposed?

A. There is a speedup provided in the legislation which we have. I understand there are some Members of the Senate who feel that the speedup should be even accelerated at a faster rate than we have in our bill. It is possible to perhaps accelerate it by 12 months, but we feel that we have picked the best program and that would be that the first of the Trident submarines would be available in 1978. That is the program that has the approval of the President; that is the program that is included in the Defense budget before Congress. Prior to that time, the program's completion date, under the old schedule would have been late in 1979 or early 1980. We do not believe that we have that kind of time for planning and that that program cannot be delayed. We are going to support the program as submitted in the 1973 budget, and I will be doing everything that I can to assure the approval of that program.

Q. Sir, to what extent does the five-year agreement permit you to replace Polaris submarines with Tridents?

A. I'm not going to get into the specifics of that arrangement, but I would only say that, of course, modernization would be permitted. Of course, as you know the first 10 of the 41 Polaris-type were approved in 1958; the 41-boat program was approved in 1958; the last 31 are different types than the first 10. The last 31 can be converted to Poseidons; the first 10 cannot.

Q. What about hard site? What does this do to hard site?

A. The hard site program, we will continue to move forward on our research and development, and that is a research and development program. The hard site program in research and development as submitted to the Congress will move forward.

Q. Mr. Secretary, when you talk about keeping our guard up, do you mean we're going to have a missile race for quality now rather than quantity?

A. It's essential, I think, when you view the numbers that are involved in the agreement that the United States maintain a technological superior position. This is important in order for us to have a parity with the Soviet Union. Our program is not based upon the quantitative aspects in the strategic area. Our program is based and equated and equalized on the qualitative aspects and that's very important to bear in mind when considering the full ramifications of the agreement which will be announced in a few hours.

Q. You implied that you'll go to Congress now with some new and rather dramatic proposals. In other words—

A. I certainly will if the reports that I got that there were some individuals in the Congress feeling that somehow or other now we could have tremendous reductions as far as the B-1 program, tremendous reductions as far as submarine construction. That just cannot be. That would be the worst result of these important agreements. If we are going to be successful in obtaining the goal of the President, we must maintain during this important period of negotiations in the offensive area, a strong United States position. We will not be successful in the follow-on negotiations if the United States were to take a different position today. These follow-on negotiations are important. Now, there will be some changes we can make as a result of the SALT agreements to be announced in the defensive area, but as far as the offensive area there is a necessity for us to remain in a strong position as these follow-on negotiations go forward.

Q. What happens to the B-1 bomber, by the way?

A. We are supporting that program fully at the budget request that has been submitted to the Congress.

Q. We are not going to save a lot of money as a result of this agreement, is that what you're saying, Mr. Secretary?

A. I do not want to imply that there won't be some savings, because there will be some savings as far as moving away from the 12-site ABM program, so there will be some overall savings in that area. There will be no savings as far as the offensive request for offensive strategic weapons which have been presented to the Congress in the '73 budget.

Q. What about the ABM around Washington?

A. I'm not going to get into that discussion. I'll come down and visit with you some time soon regarding the full implications of the agreement. The agreement will be announced and I think it will speak for itself, and that will be within the next two or three hours.

Press: Thank you very much.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

XUM

Mr. Chairman, I wish to associate myself with the remarks of the able vice chairman of the Joint Committee on Atomic Energy, in his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging the passage of the bill.

As indicated, it was a very carefully examined document. It took the testimony of some 45 witnesses over a period of several months. Many of our witnesses were Ph. D. types from the laboratories and other parts of the Government, who could give us the benefit of their expert knowledge of the area of priorities in connection with the Nation's nuclear program.

I should like to point out something very significant which is not too often realized by the Members with respect to the funds which are appropriated annually to the Atomic Energy Commission.

Roughly, of the $2.5 billion sought approximately $500 million will be used for capital improvements of one kind or another in the very large nuclear establishment operated by the U.S. Government. Two billion dollars of the funds will be used for operating moneys.

I should like to point to a negative item in this budget, a credit against the funds to be appropriated, for moneys received by the Atomic Energy Commission over the year. That credit amounts to $328 million in the form of so-called revenues applied.

What in the world could the U.S. Government be doing to obtain that magnitude of income from somebody, somewhere? Well, let me say that the major portion of this $328 million comes from a U.S. Government, socialized, federally operated business.

Now, a lot of people may seem shocked that such things would be going on in this Nation of free enterprise, but ever since the inception of the nuclear program it has been necessary for the U.S. Government to operate a business, to wit, the business of enriching uranium.

First we had to do this so that we could get the fuel or the ingredients we needed for nuclear weapons, and we sized the plants for this purpose, which cost us over $2 billion, so that they could take care of the entire requirements of the military of the United States for enriched uranium for use in nuclear bombs. That was back in the late 1940's.

Then along came the invention of the hydrogen bomb in the early 1950's, and this tremendous productive capacity for the enrichment of uranium was indeed no longer necessary.

But, at this very same time, and particularly in the year 1954, we started to turn from the military atom to the peaceful atom, and it turned out that this enriched uranium was the very fuel that is needed to carry on the Nation's nuclear power peaceful program for the production of electricity.

As the years go on we as a Nation are going to have to work out, possibly, some better means than the U.S. Government operation of this enrichment complex in order to supply this product.

However, that can be done, and it will probably have to be done simply because we as a nation probably will not want to put up the money necessary to increase the capacity for enrichment that will be required as our nuclear industry grows and grows and grows.

I hope that this gives you a feel for some of the variety of the activities that are carried on by this program. I hope you will join us in approving the words and figures of the report which have been carefully chosen to describe the nature of the activities and the priorities. I heartily recommend the passage of H.R. 14990.

Mr. FINDLEY. Will the gentleman yield?

Mr. HOSMER. I am glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

I ask for this privilege in order to inquire as to the relationship of the authorization request with the request of the executive branch as set forth in the budget earlier this year. Can the gentleman tell us how the dollars involved in the authorization compare with the request made by the executive branch?

Mr. HOSMER. As indicated a moment ago by the gentleman from Illinois, there is about a 4.5-percent cut below the various budget requests that were received. We received requests in this particular instance in two or three increments, and we finally had to consolidate them.

Mr. FINDLEY. If the gentleman will yield further; to be more precise, can the gentleman tell us how the figure in this authorization compares with the initial budget request as set forth in the budget message of the President in January?

Mr. HOSMER. The gentleman from Illinois has those figures at his fingertips, and I will yield to him for the purpose of answering the question.

Mr. ANDERSON of Illinois. If the gentleman from Illinois (Mr. FINDLEY) will look at page 4 of the committee report, I think he will find as a result of the committee recommendations there is a net reduction of $121,875,000 from the original budget request of the AEC, which was $2,724,850,000.

Mr. FINDLEY. I want to congratulate the committee. I think this is probably the most favorable relationship to the budget request that any committee reported, whether it is an authorizing or an appropriating committee. I hope that the work of this committee will be a standard that others will try to follow.

Mr. HOSMER. We are very pleased with the gentleman's remarks.

Mr. Chairman, I wish to commend the distinguished vice chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging passage of this bill.

This measure is the result of exhaustive review by the Joint Committee. We heard testimony from the AEC Chairman and key officials, representatives of the national laboratories, and members of the public on certain programs. The committee deliberated with great care in full recognition of the very substantial amount of public funds involved and it is our considered opinion that this bill provides for a necessary and, in reality, a rather austere program.

A major portion of the funding involved for the civilian portion of this program will be applied to assist this country in meeting the enormous demand for electric power which now faces us. Fully one-half of the total budget will be applied to insure the national security. Without the application of sufficient financial resources to each of these fundamental needs of our Nation, as we know it, will cease to exist.

The distinguished gentleman from Illinois (Mr. PRICE) has very ably stressed the most significant factors of the bill. I should like to apply what I think is an appropriate characterization of this bill:

It is an energy bill. If my colleagues will address themselves to the table on page 3 of the committee report, you will quickly note that almost $450 million is provided for nuclear materials, a major portion of which is devoted to the production of nuclear fuel to generate electric power. Part of that is also for the production of materials for our nuclear weapons. The reactor development program would be funded at a level of over $480 million. Defense related efforts will consume another $875 million. These three general areas alone provide this country with the energy needed to insure our survival, to keep our industries humming and our economy strong, and to provide a portion of the electricity for use in our homes and businesses. We have all come to take this energy for granted but never forget that it is fundamental to the standard of living which has come to be known as the American way.

Other, significantly lesser amounts, will be devoted to the development of technology which will enable us to keep pace with the future demands for energy. Here I speak of the physical research program for which the AEC provides essentially all Federal funding. Here also is funding for the Plowshare program which has at its fingertips the capacity to more than double this Nation's available natural gas, the most environmentally desirable fossil fuel.

I shall not impose upon my colleagues further by reiterating the extensive details contained in the committee's report. I shall be happy to respond to any questions. This is a sound measure, a carefully considered measure, and your support of this bill will be support for the most comprehensive and most effective energy program now being conducted by the Federal Government. The bill has the unanimous support of the committee and the identical measure has already been passed by the other body. Mr. Chairman, I commend this measure to my colleagues and urge passage of this bill.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, title II of the bill provides authority to the Atomic Energy Commission to provide financial assistance to the State of Colorado to undertake a program of assessment and necessary remedial action relative to limiting further exposure of the people in the area of Grand Junction to radiation resulting from the use of uranium mill tailings as a construction material. Title II is patterned after the Texas City Disaster Relief Act of 1955 in that it recognizes the compassionate responsibility of the Federal Government in the absence of any apparent legal liability. While it is clear that the situation existing in Colorado is by no means in the nature of a disaster, there does exist a potential health hazard for which there is no apparent remedy other than an expenditure of Federal and State moneys to aid the people affected. The mill tailings involved were generated through the production of uranium concentrate which was needed by the Federal Government in order to provide for the national security and it is only reasonable and appropriate that the Federal Government share, to a significant degree, the costs involved in remedying the resultant situation.

The bill authorizes the AEC to provide up to 75 percent of the cost of the program with the Federal share not to exceed $5 million. The program is to be administered by the State of Colorado which will itself or by its contractors perform the necessary action whether it be removal of tailings, application of sealants, installation of internal or external ventilation or some other appropriate measure. The State will see that the work is paid for and will have continuing responsibility for any tailings removed as part of this program.

The determination of what is the appropriate action is specifically the responsibility of the AEC. In reaching that determination, the Commission is to apply standards promulgated by the Surgeon General of the United States. The Commission also is empowered to issue such rules and regulations as may be necessary for it to carry out the authority granted by the bill. Upon the completion of any remedial action taken or waiver thereof, the United States is to be released from any liability related to the use of mill tailings, whatever that liability may be, and further the United States is to be held harmless against any claim which may arise out of any performance of remedial action by the State or its contractors.

A law has been enacted by the State of Colorado to provide one-half of the State share of funding for this program. I am confident that the State will meet its obligations and provide the appropriate resources in both money and manpower to assure the satisfactory completion of this program.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I too rise in support of this legislation. I think that it is a thoroughly excellent bill that, in addition to representing reductions as has already been pointed out in the original administration's budget request, the other items of this bill have been given careful consideration.

I would also certainly pay tribute to both the gentleman from Illinois (Mr. PRICE) the chairman, and the distinguished vice chairman and the ranking Republican member, the gentleman from California (Mr. HOSMER) for their enormous contributions during the time that this bill was being worked on in committee.

Mr. Chairman, last year, in its action on the AEC authorizing legislation, the Congress amended sections 31 and 33 of the Atomic Energy Act to provide authority to the Commission to engage in nonnuclear energy related research. This is in consonance with the importance attached to finding improved techniques for use of energy resources and energy converters, and the reduction of environmental impact in connection with energy applications as emphasized by the President in his June 4, 1971, energy message to the Congress. It also recognizes that the Commission's national laboratories represent an unsurpassed national asset in terms of scientific talent which should be utilized in finding solutions to energy problems outside as well as within the nuclear field.

This year's budget request of $3 million is to be applied in research on dry cooling towers, lithium-sulfide batteries, and underground transmission lines. These are important projects directly related to prospects of improving techniques for more efficient use of our electrical generating facilities and lessening their impact on our environment.

This is an appropriate funding level for this first year of nonnuclear technology effort. It has special significance, however, in that it brings to bear the talents and expertise of our AEC National Laboratories in solving energy research problems which are nonnuclear in nature.

The Argonne National Laboratory, located in Illinois, is one of the AEC laboratories—it has throughout its existence made significant contributions in the fields of nuclear physics, nuclear chemistry, engineering and high-energy physics. I anticipate with special pride the contributions which Argonne can be depended upon to make in this important new undertaking—nonnuclear technology research.

I would also like to describe briefly for my colleagues the status of the high-energy physics research program in the United States.

The Subcommittee on Research, Development, and Radiation, of the Joint Committee on Atomic Energy, conducted hearings on February 29 and March 1, 1972, to examine how the high-energy physics program of the United States was progressing under the stewardship of the AEC. In general, I conclude that the U.S. program is going well. Our efforts have kept us well in the forefront of the high-energy physics research in the world. We now not only have facilities with the greatest intensity beams, we have the facility with the highest energy beam. At about 2 p.m. on the afternoon of March 1, 1972, the energy of the proton beam at the National Accelerator Laboratory—NAL—near Batavia, Ill., reached 200 billion electron volts, the design energy, although at something less than designed beam intensity. We have been told that because of advances made while the accelerator was under design and construction, it should be possible to get to 400 billion electron volts with few changes in the system. The major requirement will be the availability of increased power from the local utility. This indeed would be a remarkable achievement.

As my colleagues may recall, the NAL project was fully authorized by the Congress in fiscal year 1970 at a total estimated cost of $250 million. Of this total amount the Congress has appropriated about $192.4 million for design and construction work through fiscal year 1972. As of December 31, 1971, all work was on schedule and progressing well. The appropriation requested this year to bring the laboratory almost to completion is $42,850,000.

Some problems were encountered during the past year because of high moisture content in the underground 4-mile accelerator ring. I am pleased to announce that these difficulties have been overcome and repairs have been made to damaged magnets and other equipment within the scope of funding estimated for the complete accelerator laboratory. I consider that a "well done" is in order for the laboratory and AEC personnel responsible for bringing this truly major program along on schedule with a design better than the original specifications, all within the original cost estimates made several years ago.

I would like to conclude by stating that a joint United States-U.S.S.R. research program is now underway, the first research program at the new facility. Batavia, Ill., is becoming as internationally famous and as well known in scientific circles as CERN in Switzerland and Serpukhov in Russia. We of Illinois are proud of this achievement.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. DOW).

Mr. DOW. Mr. Chairman, under the 5-minute rule, I plan to introduce an amendment to this authorization H.R. 14990 that will decrease the total appropriation in sec. 101(a), from $2,109,980,000 to $2,082,230,000. This will reduce the amount planned for in the committee report for a liquid metal fast breeder reactor by $65,750,000, which is half of the amount designated for that type of reactor. At the same time, my adjustment of the figure in the bill will double the amount provided in the report for controlled thermonuclear research. That is, by $38 million.

There are roughly three types of nuclear reactors that offer prospect for generating electrical power. The most common type is the light-water reactor such as the present nuclear powerplants which are operating, or are recently constructed to operate, for power generation in the United States today. This type of reactor is regarded as inefficient in its

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use of the uranium isotopes which provide the energy. It is also being seriously challenged on grounds of safety. The main fear is loss of coolant such that the cores of thermonuclear material may melt down and cause dangers in earth, water, and air, that are difficult to predict.

The second type of reactor that has a scientific standing for generation of power is the liquid metal fast breeder reactor. This reactor is barely at the laboratory stage; $131.5 million is proposed in the bill to provide a demonstration plant by 1980. The fast breeder system is far more efficient than the light water reactor, but is regarded as vastly more dangerous. Melting of the core could precipitate problems with the coolant even more than those we fear in the present generation of reactors. In this reactor, the uranium has been converted to plutonium which is one of the most dangerous substances known to man. Among the scientists who have issued warnings about the fast breeder are Nobel Prize winners such as Linus Pauling and Harold Urey, experts known for their pioneering in the atomic field. The purpose of my amendment is to heed these great men by cutting the outlay for the fast breeder in half. I would like to eliminate the entire authorization for this type of breeder, but I do not want to stand as an outright obstructionist who would bar all investigation of this particular endeavor.

The third type of power generation is the fusion process, often associated with the use of lasers, when it is sometimes called laser-fusion. This system is regarded as having infinitely more potential because it can use unlimited elements available in the sea, unlike uranium which is limited in supply. Moreover the fusion process is regarded as highly efficient and considerably safer than other processes. Yet this system will not be perfected for some years. My amendment would double the $38 million contained in the bill for the development of the controlled thermonuclear research leading to the fusion process.

In other words, my amendment simply says the liquid metal fast breeder is far too dangerous to implement and we must hasten the perfection of the fusion process. Let us halve the investment in the fast breeder and double the investment in the fusion process, which has such a vast potential.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to bring my colleagues up to date on the current status of the AEC's nuclear waste management program.

In June 1971, the Commission created a Division of Waste Management and Transportation which has been assigned broad programmatic and fiscal responsibilities for the AEC's nuclear waste management programs. Included are the design, construction, and future operation of long-term storage facilities for those AEC-generated wastes now in temporary storage. Under study are plans to place the AEC-generated wastes from the reactor fuel reprocessing plants deep beneath the two major reactor product production facilities—Savannah River, S.C., and Hanford, Wash. Since 1963, at the National Reactor Testing Station in my State of Idaho, calcined waste has been stored in stainless steel bins inside concrete vaults just below the earth's surface. This may prove acceptable as long-term storage. Further studies are being made.

The new division also is responsible for the research, design, and future operation of the proposed Federal repositories for commercially generated high-level nuclear wastes. These wastes would be solidified at the commercial reprocessing facility and then shipped to a Federal repository for long-term storage.

The division will be responsible for the operation of solid waste burial facilities at AEC sites like the one at the National Reactor Testing Station. These sites generally handle materials contaminated by plutonium or other alpha emitting contaminants. Finally, the division will implement policies for the decontamination and decommissioning of AEC-sponsored facilities and will advise the Commission on transportation of radioactive materials.

My colleagues will recall that last year the AEC announced plans to build a prototype federally operated waste repository in a salt mine near Lyons, Kans. Subsequent to last year's debate on the AEC's authorization bill, data became available which indicated that the Lyons, Kans., site might not be the best location for a permanent waste repository. Reflecting this information, section 105 of the bill amends the fiscal year 1972 act by striking the words "Lyons, Kansas" and substituting therefor the words "site undetermined". Meanwhile, the Kansas Geological Survey conducted a study for the AEC and has identified other areas in Kansas which contain salt beds believed to be more suitable for a permanent repository. In addition, other geologic formations in various parts of the country are being examined and considered for repository use. Meanwhile, research is continuing at Lyons, Kans., and in laboratories on the characteristics of bedded salt and associated shale layers and their possible interaction with buried nuclear waste. Authorization by the Congress will be required before construction of any storage facility.

I would like to make it clear that the present method of holding AEC-generated high-level radioactive waste in double containment steel and concrete vessels at Savannah River and Hanford could suffice as a means of storage for considerable periods of time. Such wastes have now been stored for approximately 30 years in these containment systems. Furthermore, as announced by the AEC on May 18, the Commission is undertaking the design of engineered surface structures for storing solidified high-level waste. These will be so designed as to safely isolate wastes for centuries if necessary. Such containment systems, of course, would be suitable for the first commercially generated wastes to be delivered in 1979 or 1980. It is expected that initial construction funds will be requested for fiscal year 1975.

The committee report, at pages 11 and 12, contains the committee's comments on this program. The AEC fully recognizes the magnitude and complexity of the waste management issue and is following a course which carefully considers a variety of possible solutions. This is a prudent approach and the Commission's efforts are being carefully monitored by the committee.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 14990.

Mr. Chairman, I have carefully read the provisions of the $2.6 billion Atomic Energy Commission authorization bill H.R. 14990, now before us for approval, and the Joint Committee's report on the measure.

I believe that I am correct in my interpretation that the bill does not authorize any funds for the installation or operation of an atomic waste depository in the State of Kansas, including Lyons. It is on that premise that I shall not oppose the measure.

It is incumbent on me, however, Mr. Chairman, to make it very clear to the AEC that the people of Kansas, its State officials from the Governor down, and its newspapers, remain unalterably opposed to any legislative or administrative legerdemain that might permit the AEC to do by indirection what it professes it will not do directly.

For example, the bill before us authorizes the AEC to carry out research on the disposal and handling of atomic waste but makes clear that such research shall not be restricted to Kansas, nor indeed to any particular site in Kansas or elsewhere. That is all to the good because up to very recently, Kansas was the chosen land, the new Jerusalem to which dangerous atomic wastes from all over the United States would be shipped for interment.

Many of my colleagues will recall, I am sure, that about this time last year when the AEC authorization was before us, I fought tooth-and-nail against the AEC's preposterous proposal that an abandoned salt mine near Lyons, Kans., be made the national atomic waste depository.

Our point then was that the AEC simply had not completed its research, did not know all the facts it should know before exposing mankind and the environment to the dangers of waste burial in salt.

As is normal for the AEC, it sought to run roughshod over the wishes and even the welfare of ordinary citizens. The arrogance for which it has become notorious, as is now cited by scientist after scientist who may differ with the AEC, was evident then and remains the concern of many Kansans who do not trust this governmental agency.

The AEC is currently engaged in drilling bore holes in salt beds in other parts of Kansas. Many people in Kansas continue to believe that the AEC will stubbornly persist in making our State a site for a waste depository. I can only assure the people of Kansas that the Joint Committee on Atomic Energy has drafted language which limits AEC operations in Kansas to research. The drilling of such boreholes is technically defined as research. Hopefully, sites "not in Kansas," to use the words of the committee, are being investigated. Hopefully, research, meaning boreholes and other more meaningful work of a geologic nature, will be undertaken in other parts of the United States.

Indeed, it is my fervent hope that the AEC eventually will select a waste burial site in a remote, unpopulated place that is acceptable to the international community of nuclear nations. It is for this reason I said a year ago, and repeat now, that I support funds for laboratory and field research, but for research that does not endanger the lives of a community, however small, nor harm the environment and its plant and animal life.

I pointed out earlier, Mr. Chairman, that newspaper editorials in our State oppose Kansas as a site for a nuclear waste dump. Indeed, carefully carried out polls show that three-fourths of the people of my district, and almost as large percentages of the people of the State, oppose the waste dump even if it could be proved absolutely safe.

I ask that two recent editorials from the Chanute Tribune and the El Dorado Times, which emphasize the distrust in which the AEC is held in Kansas, be printed at this place in my remarks.

The editorials follow:

BLACKMAIL FOR KANSAS

R. W. Clack of Kansas State University's Nuclear Engineering Department is dangling a $250 million bait in front of Kansans to lure them into easy acceptance of making our state a nuclear trash dump.

He points to the growth of nuclear power plants around the country, and suggests that a 10-20 per cent surcharge on bills from these utilities be tacked on, with the money going to Kansas. This would be our sop for taking the waste from nuclear reactors.

A cynical try, but one that probably won't get far.

For one thing, it is unlikely that Congress or the states could ever get together on providing a special tax to send to one state.

For another, and more important objection, the Atomic Energy Commission has so lost its credibility with many Kansans that even this form of blackmail payoff would hardly convince some that what the AEC is up to is safe.

As John Lear of Saturday Review pointed out in his analysis of nuclear waste disposal, the AEC has dented the public trust through its deceptions and half-measures that it may be impossible to find approval for present disposal schemes any place in the country.

The solution is for the scientists to come up with another disposal system, which does not involve storage. After all, the technicians got us into this mess, and they are the only ones who can get us out. Fortunately, such research is well underway—and it could be we need not worry about how to spend that $250 million.

AEC WON'T GIVE UP

While Kansas people cannot praise the Atomic Energy Commission's plan to make Kansas the dumping ground for its nuclear waste, it must admire its persistence.

A dispatch announces that work on the commission's search for a suitable Kansas salt bed to utilize for the purpose started this week. Tests are being run in Lincoln and Wichita counties.

All this indifference to the mounting sentiment in Kansas to refuse to accept nuclear waste for burial anywhere within the state seems surprising. Does the AEC think Kansas has no mind of its own?

Governor Docking said again this week what he, and others have said before. "I repeatedly have recommended that the Commission look beyond Kansas and beyond the continental United States for sites" to dispose of such waste, said the governor. He added the suggestion that it discuss the feasibility of storing this waste in other substances than salt.

Ron Baxter, Topeka, president of the Kansas Sierra Club, declared the intention of his agency to urge the AEC to investigate the possibility of an international agreement on a world disposal site.

If the Atomic Energy Commission thinks it is going to ferret out a site in Kansas where it believes the waste may be stored, lull the residents of the area into acquiescence to the move by spending a few millions (as it did at Lyons) and somehow manage to get the project going despite disapproval of the state in general, it has another think coming. Too many dead game "antis" are watching it now.

Mr. HOSMER. Mr. Chairman, I am very pleased that the gentleman from Kansas is this year supporting the bill.

Mr. BAKER. Mr. Chairman, I rise in support of this fiscal 1973 authorization for the Atomic Energy Commission.

Those of us who were adults in 1945 can never, it seems to me, cease to stand in awe of the capability of atomic energy.

Just as the Roman goddess of wisdom and technology sprang fully grown and armed from the brain of Jupiter, so, for most of the Nation in 1945, did Oak Ridge seem to suddenly appear on our gently rolling East Tennessee countryside.

Oak Ridge, conceived in the urgent immediacy of a vital wartime mission, has today assumed even more tremendous importance through the breadth and depth of its operations, research and development.

For this reason, although it is a relatively small item in this authorization, the National Nuclear Science Information Center—or the American Museum of Atomic Energy—at Oak Ridge is of particular interest to many thousands of visitors who come each year. The people of the Oak Ridge community have long been interested in this project and aware of the valuable contributions it could make to the Nation as a museum in the traditional sense and as a training facility as well.

Of paramount interest to all of us, of course, is the fact that energy consumption trends in this country are presenting us with an energy crisis. In this affluent land of ours, we consider as necessities many things which in other lands are considered to be luxuries. We consume enormous amounts of energy each and every day. Indeed, half of man's total energy consumption has taken place in the last 30 years—we have consumed as much energy in the last 30 years as was consumed by mankind down through all the previous centuries of recorded time.

And, along with this energy crisis, we have an environmental crisis. We have demanded, we have wasted, we have put a tremendous load on our resources and have done tremendous ecological damage.

It is no simple task to work out a proper balance between our critical energy needs and our equally vital environmental concerns.

Nuclear powerplants are at the center of both this national concern about supplies of energy and the national concern over our environment.

In view of both these crises, I believe one of the most important features of this authorization we are considering today is the authorization of funds for the commencement of construction in the TVA area of the liquid metal fast breeder reactor. This demonstration program, which seems to be progressing on schedule toward meeting the goal of operation by 1980 established by the President, will, I believe, help us to find answers to both our energy and our environmental crises.

There are problems in connection with this particular breeder reactor which admittedly must be solved, waste heat, low-level radiation, possibility of accidents, waste disposal—but with the wealth of talent at Oak Ridge, I am persuaded that the LMFBR development program can proceed with the expectation that safety and reliability will be attained, with maximum assurance that every problem will be completely solved.

Of equal importance, is the continuation of the research and development work on alernative breeder technology. I am gratified that the Joint Committee has provided increased funds for work on the light water breeder reactor, the molten salt breeder reactor—which is being done exclusively at Oak Ridge, and the gas cooled fast breeder reactor. This permits continuation of the vital research being done at our Oak Ridge National Laboratory and, thus, our scientists will be able to evaluate each reactor's technical and economic potential.

I want to commend the committee, too, for authorizing $50 million for the cascade improvement program, considerably increasing the capacity at Oak Ridge to enrich uranium 238, and for further funding the cascade power uprating program. In order to make fuel for a fission reactor, they have to enrich it. As fuel needs grow, this cascade improvement program will be increasingly important. I join with the committee in urging the Appropriations Committees and the Commissoin to proceed with these vital programs as expeditiously as possible.

As our research and development efforts in the vital fields of defense and national security continue—with the civil defense program, the naval propulsion reactors program, the space propulsion program and the space electric power program—I believe people are becoming more and more aware and interested in the truly wonderful applications of nuclear technology for the benefit of all of us.

Most meaningful, perhaps, are the applications in the fields of biology and

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medicine. In the divisions of biology and medicine at Oak Ridge, we have an unusually talented group of people working on a host of our Nation's medical and biological problems. I hope and expect their work will grow as they continue their research—indeed, the work they are doing now on cancer detection and treatment indicates to me that they will play a vital role in our priority search for cancer causes and cures.

Atomic research in the development of fission and fusion breeders, on the application of nuclear energy to desalting, to agriculture and other fields, as well as the application of isotopes to medicine, seems almost impossible on the face of it. It is clear, too, that atomic research has strengthened our capacity to contribute intelligently to resolving the problems of the environment posed by nuclear energy.

One final observation I would like to make is in regard to community assistance payments to Oak Ridge. These assistance payments to the city of Oak Ridge are calculated on a tax base formula under which the AEC payment is $1,252,000, plus the percentage of that base amount by which the local property tax rate is above $2.48 per $100 of assessed value. The formula does not take into account rising property values and assessments in Oak Ridge. The total property tax paid by an individual is based on the tax rate and the properties assessed valuation.

Therefore, it seems to me that to assure that AEC pays its fair share of increasing city of Oak Ridge expenses, the AEC payment should reflect not only the local property tax rate, but the changes in assessments from the time the AEC tax base of $1,250,000 was originally formulated. In this way, AEC assistance payments would be made on an equitable basis with the taxes paid by individuals.

Mr. WOLFF. Mr. Chairman, we are all greatly concerned about this Nation's ability to generate an adequate quantity of electricity for the future. We all seek to have this power produced with a minimum amount of environmental impact. However, a look at our initiatives reveals that we have not followed these principles well. We are about to embark on a short sighted crusade to make the liquid metal fast breeder reactor this Nation's principal source of electrical energy for the future. While we propose to spend $230-plus million in fiscal year 1973 on the LMFBR program, alternative energy options are being seriously underfunded. We are being shortsighted because the LMFBR is clearly not the most promising technology available to supply energy for future generations. We should take the time and spend the money now to find out whether fusion power or solar power can become commercially feasible by the year 2020. Dr. Roy Gould, assistant director of reactor research for the AEC has stated:

> A significantly expanded program, spending some $650 million in this decade would give us "greatly increased" chances of reaching scientific feasibility for fusion in the 1970's. An "all-out effort" requiring nearly $1 billion in funding would give us a "high" probability of attaining feasibility in this decade, probably by 1977.

For power supply in this decade and through the year 2020, we should depend upon improved conventional reactors and improved fossil fuel utilization techniques. I urge you to consider the inherent hazards of the LFMBR before we push ahead with this program.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller—but still substantial—quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous LMFBR before sound technical solutions for these problems have been developed and proven.

The LMFBR has all the drawbacks of conventional nuclear plants—such as thermal pollution, radiation releases, and no solution to radioactive waste storage—plus severe additional dangers of its own. The hundreds of tons of plutonium that will be produced by fast breeders pose a permanent threat because of its extreme toxicity—one particle can cause cancer; 1/1,000,000th of a gram can be lethal and its permanence—half-life is 24,000 years.

The liquid-sodium coolant poses an additional threat because of its violent explosive potential on contact with air and water. The fast breeder reactor, with its ton of plutonium fuel, could explode like an atomic bomb in circumstances leading to a critical configuration.

The LMFBR should not be ruled out as a long-term energy option, nor should it be propelled by Congress into a position of superiority because of a shortsighted funding commitment. The claim that the LMFBR is needed now to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage, and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, fusion power, coal gasification, geothermal power, fuel cells, magnetohydrodynamics—MHD—and use of agricultural wastes and garbage. Together, these systems hold the promise of providing the energy we need as a great nation to meet the demands of our people in the future.

Mr. VANIK. Mr. Chairman, today we are being asked to approve a $2.6 billion authorization for the Atomic Energy Commission for fiscal year 1973. Before we approve this authorization request I believe that there are several crucial issues that must be discussed. These issues are in the areas of nuclear safety, continuing advances in energy source development, and the development of the fusion reactor. These are issues that are vitally important to all of us.

In any development of nuclear power the question of safety must be paramount. Safety is of such importance that we should examine all aspects of nuclear energy, from the daily operation of reactors to the transportation and disposal of nuclear materials and waste. Because the tremendous potential for catastrophe exists due to the nature of nuclear materials, it is imperative to ask if the AEC is devoting the considerable effort to nuclear safety that is required.

Recently, the AEC designated the liquid metal fast breeder reactor as its main priority in civilian power development. However, several serious questions remain unanswered on the safety aspects of the liquid metal fast breeder reactor, LMFBR. The LMFBR is a fuel-producing reactor, the fuel it will produce is plutonium. The danger of plutonium pollution is almost unlimited. One speck of plutonium on the lungs can cause cancer. Regardless of any real or supposed benefits of the LMFBR, the utmost attention must be paid to proper safety precautions.

Furthermore, in the advent of an overheating accident in the reactor, the nuclear reaction in the LMFBR would not be stopped as in present nuclear reactors, but the reactions could be accelerated and possible nuclear explosion could result.

One further safety question remains and that is the nature of this coolant element. The LMFBR is a liquid metal cooled reactor and its cooling element is sodium. Sodium is an element so volatile that immediately upon contact with air or water it explodes. This new coolant has vastly different properties than the water currently being used for cooling purposes. The slightest mishap in handling this volatile coolant could be disastrous. In view of these facts concerning the LMFBR, we cannot be cautious enough when considering safety factors.

In its naming of the LMFBR as the No. 1 energy priority, the AEC claimed that the LMFBR would save the Nation $20 billion over the next 50 years in power expenditures. This saving made the eventual $4 billion development cost of the LMFBR seem worthwhile. It now appears that the method the AEC used in calculating the savings figure is questionable. For example, the $20 billion savings was calculated on a discount or cost of money rate of 7 percent while George Shultz, former director of the Office of Management and Budget, set a 10-percent discount rate as appropriate for all Federal projects. This higher discount rate would reduce the AEC net savings by 75 percent.

Part of the savings benefit figure was calculated by using estimates of future electric power demand, existence of uranium reserves, and construction costs of the LMFBR. In all of these cases, the AEC used figures that have been questioned by experts in each area. None of these estimated numbers should be considered definite and thus there is no way we can accept the AEC cost savings estimate as definite.

Because of the approaching energy shortage we cannot depend entirely on any single energy development project.

We must develop other nonnuclear energy sources. One of the alternative nuclear energy sources is controlled thermal nuclear fusion which could be a clean, efficient source of energy, but our development of fusion has been slow. If more emphasis were placed on fusion research and development, would we not possibly come closer to realizing the goal of a functioning nonpolluting fusion reactor.

The energy problem requires research into nonnuclear energy technology as well as nuclear energy. A $3 million expenditure appears in the AEC authorization for nonnuclear technology, "to be used for research in the energy field." The programs funded with this money must be coordinated with other programs of energy source development carried on by other Government agencies and with those of the private sector. We must continue our research efforts into the areas of geothermal energy, solar power, and thermal gradients.

The AEC should consider as its primary goal finding and producing the means with which we can supply our future energy needs in a manner that is efficient, environmentally sound, and safe.

Mr. PRICE of Illinois. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,109,980,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73-1-a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73-1-b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73-1-c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73-1-d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73-1-e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73-1-f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73-1-g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73-1-h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73-2-a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73-2-b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73-3-a, weapons production, development, and test installations, $10,000,000.

Project 73-3-b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73-3-c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73-3-d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73-4-a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73-4-b, land acquisition, Rocky Flats, Colorado, $6,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73-5-a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73-5-b, modifications to EBR-II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73-5-c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73-5-d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73-5-e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73-5-f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $6,000,000.

Project 73-5-g, modifications to reactors, $3,000,000.

Project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Projection 73-6-c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73-6-b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73-6-d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73-6-f, accelerator and reactor improvements, medium and low energy physics, $600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73-7-a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73-8-a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATION.—

Project 73-9-a, addition to Headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITOL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b) (1), project 70-1-b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b) (5), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b) (1), project 72-1-f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b) (2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b) (3), project 72-3-b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "*Provided*, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b) (5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for the fol-

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lowing projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding a gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 1, line 7, after "not," strike out "tot" and insert "to".

On page 5, line 9, strike out "Administration" and insert "Administrative".

And on page 5, line 13, strike out "Capitol" and insert "Capital".

Mr. PRICE of Illinois. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 1, line 7, after "'Operating expenses'," strike out "$2,109,980,000" and insert "$2,110,480,000".

Mr. HOSMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during the markup on this legislation, there was a question in connection with the funds that had been requested by the administration for carrying on the nuclear-powered heart pacemaker work, as to whether or not the requested $1 million could be utilized during this fiscal year. At the time we actually marked up the bill, it appeared that this sum could not be utilized for certain technical reasons, and that $500,000 would be adequate for the purpose.

Let me point out that the nuclear-powered pacemaker is the device which is used to stimulate the heart in cases of individuals who have an irregular or low heartbeat and who need some kind of minor electrical stimulation in order to carry on a normal heartbeat pattern. The commercial pacemakers are battery powered at the present time. When they are implanted into the body, they have to be explanted and replanted whenever the batteries run low. The batteries have not lasted too long, a year or two, and we are attempting to get a nuclear-powered battery which would have a life of 10 years.

With this restoration of $500,000, it will coincide with the administration request and coincide with the action taken in the other body on this bill, if we add this sum of money. Therefore, I trust that support will come for this amendment.

Mr. Chairman, I wish to add that the triggering of this issue was brought to us by the gentleman from Pennsylvania (Mr. SAYLOR) who has kept very close watch on this. The gentleman pointed out that the money could be used, for which I thank him. I would like to yield at this point to the gentleman from Pennsylvania, and I express my thanks to him.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from California for offering this amendment. I think that as a result of this, our country will forge ahead and into the lead on the pacemaker that will save American lives.

Mr. HOSMER. Mr. Chairman, again I wish to thank the gentleman from Pennsylvania for his understanding and kindness and support in this matter.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman from California (Mr. HOSMER) and I think he stated the situation accurately. Certainly there is no objection on this side to the adoption of the gentleman's amendment. We accept the amendment on this side.

Mr. SAYLOR. Mr. Chairman, there is no secret about the fact that I have, on occasion, been critical of the work of the Atomic Energy Commission. Our colleagues are aware that the civilian side of our atomic energy program has come under increasing scrutiny by the Congress and the public. But where plaudits are due, plaudits should be given. Such is the case with a life-saving program authorized by the Joint Committee on Atomic Energy and carried out by the Commission with respect to the "atomic pacemaker."

Without getting into a technical discussion of the radioisotope powered cardiac pacemaker development, allow me to proudly boast that this breakthrough in and for the medical sciences is being conducted by a firm in my congressional district—ARCO Nuclear Co. of Leechburg, Pa. You can see, then, why I have a particular interest in the legislation pending inasmuch as the amount requested in the fiscal year 1973 AEC authorization request would provide funds for continuation of this marvelous, life-saving technology. The research and development connected with the program will make it possible for many thousands of Americans with malfunctioning or damaged hearts to function normally and for longer periods of time.

ARCO has kindly provided a program summary which I include here to bring our colleagues up to date on this important research. You will note that the research and development is four-fifths done; the authorization sought in the legislation today is designed to finish the job. The program summary follows:

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crashing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demonstrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

Present models of cardiac pacemakers operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every 2 years. The expected lifetime of these new atomic pacemakers is estimated between 8 and 10 years. Medical technology in this field in Europe is running considerably ahead of our present timetable; about 30 atomic-powered pacemakers have already been implanted in European patients in the last two years.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. One source estimates that this number could increase by 25,000 or more each year. At present the average lifespan after installation of a pacemaker is 6 years but the battery-operated pacemakers require surgical replacement about every 2 years, subjecting the patient to the risk, trauma, and costs of serious surgery, three or more times in what has been calculated as their last decade of life. The atomic pacemaker, in addition to its increased efficiency of operation, brings with it the potential of relieving the patient of anxieties during a day-to-day existence.

I do not want to overdramatize about the pacemaker-user, nor overgeneralize about the medical technology which has brought about this life-prolonging miracle, but having known about one pacemaker-user, I can say with confidence that her contribution to society as a fulltime teacher was incalculable from the time she first underwent heart surgery to the date of her passing—5 years and two standard pacemakers later.

With the radioisotope powered cardiac pacemaker we stand at a new threshold of medical science. Full funding for this technological advance is important steps still necesary to qualify the device for human application here in the United States. I do not for a minute imply here that the advances in this field made in Europe are not safe for human use; merely that we have a duty to the whole Nation and to potential users of the atomic pacemaker, to be absolutely sure that we have the best model—in every sense of the word—on the medical market.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mr. DOW. Mr. Chairman, I offer a substitute amendment.

Mr. HOSMER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from California will state it.

Mr. HOSMER. Mr. Chairman, was the previous amendment offered by me accepted?

The CHAIRMAN. No. The Chair will state the gentleman from New York is offering a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) and the Clerk is about to report the substitute.

The Clerk read as follows:

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

On page 1, line 7, strike out "$2,109,980,000" and insert "$2,082,230,000"

Mr. DOW. Mr. Chairman, in moving to strike the figure of $2,109,980,000 from the Atomic Energy Commission appropriation and substitute $2,082,230,000. I am aiming in two directions. One is to reduce by one-half, the appropriation for a liquid metal fast breeder reactor, a very dangerous type of reactor. The other purpose is to double the authorization for the fusion process of generating nuclear power; this is a process which is farther way in point of time but much safer, according to eminent physicists, and certainly a process not limited by the supply of uranium. The decreased appropriation for the fast breeder in my amendment is $65,750,000 and the increase for fusion is $38 million. The net of these two figures is $27,750,000, and that is the reduction in the total figure of operating expenses found in section 101(a) of the bill, on page 1. The appropriation for the fast breeder may be noted on page 14 of the committee report, and the appropriation for the fusion process, known as controlled thermonuclear research, on page 25.

The fast breeder reactor is able to take a relatively small amount of uranium of a type that cannot be used by the present generation of light water reactors and convert it to plutonium. Plutonium is among the most dangerous substances on the face of the globe. A speck on the lungs can be fatal, according to reputable authorities. With a half life of 24,000 years, as against roughly 15 years for the byproducts of today's light water reactors, the plutonium is radioactive for many millenniums. This, of course, would compound the already alarming problems in handling nuclear wastes.

Moreover, the fear is justified that such a dangerous material may be diverted for use by unauthorized parties. Just a small amount is enough to construct a nuclear bomb.

While it is true that the AEC and the power industry, under the goad of brownouts, are eager for the development of the fast breeder, nevertheless, it would be a crying shame if voices on this floor do not express the alarm among many authorities about the fast breeder. Among the scientists who have issued warnings are Dr. Linus Pauling, Dr. John Edsall, Dr. Barry Commoner, Dr. Paul Ehrlich, Dr. George Wald, Dr. Lamont Cole, Dr. George L. Weil, Dr. Ernest Sternglass, Dr. Irving Lyon, Dr. Harold Urey, and a number of others.

I want to enlarge the amounts in the bill for fusion and other engineering options to provide energy for our society.

There is a woeful failure in our national provisions for such other options which are not within the scope of the AEC. I am thinking of the small programs of the Office of Science and Technology for exploiting solar energy. I am thinking of the programs of the Interior Department for geothermal experimentation and for the gasification of coal. Someone has said that 61 different Federal agencies are concerned with the subject of our energy crisis.

We should certainly as a nation take note of these small dispersed, tentative, and speculative activities. Mr. Chairman, the Congress is not grappling with the whole vast problem of our energy resources, and the Nation will be the loser.

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not be perfected for some years. My amendment would double the $38 million contained in the bill for the development of the controlled thermonuclear research leading to the fusion process.

In other words, my amendment simply says the liquid metal fast breeder is far too dangerous to implement and we must hasten the perfection of the fusion process. Let us halve the investment in the fast breeder and double the investment in the fusion process, which has such a vast potential.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to bring my colleagues up to date on the current status of the AEC's nuclear waste management program.

In June 1971, the Commission created a Division of Waste Management and Transportation which has been assigned broad programmatic and fiscal responsibilities for the AEC's nuclear waste management programs. Included are the design, construction, and future operations [illegible] words "site undetermined". Meanwhile, the Kansas Geological Survey conducted a study for the AEC and has identified other areas in Kansas which contain salt beds believed to be more suitable for a permanent repository. In addition, other geologic formations in various parts of the country are being examined and considered for repository use. Meanwhile, research is continuing at Lyons, Kans., and in laboratories on the characteristics of bedded salt and associated shale layers and their possible interaction with buried nuclear waste. Authorization by the Congress will be required before construction of any storage facility.

I would like to make it clear that the present method of holding AEC-generated high-level radioactive waste in double containment steel and concrete vessels at Savannah River and Hanford could suffice as a means of storage for considerable periods of time. Such wastes have now been stored for approximately 30 years in these containment systems. Furthermore, as announced by the AEC on May 18, the Commission is undertaking the design of engineered surface structures for storing solidified high-level waste. These will be so designed as to safely isolate wastes for centuries if any particular site in Kansas or elsewhere. That is all to the good because up to very recently, Kansas was the chosen land, the new Jerusalem to which dangerous atomic wastes from all over the United States would be shipped for interment.

Many of my colleagues will recall, I am sure, that about this time last year when the AEC authorization was before us, I fought tooth-and-nail against the AEC's preposterous proposal that an abandoned salt mine near Lyons, Kans., be made the national atomic waste depository.

Our point then was that the AEC simply had not completed its research, did not know all the facts it should know before exposing mankind and the environment to the dangers of waste burial in salt.

As is normal for the AEC, it sought to run roughshod over the wishes and even the welfare of ordinary citizens. The arrogance for which it has become notorious, as is now cited by scientist after scientist who may differ with the AEC, was evident then and remains the concern of many Kansans who do not trust this governmental agency.

The AEC is currently engaged in drilling bore holes in salt beds in other parts

He points to the growth of nuclear power plants around the country, and suggests that a 10-20 per cent surcharge on bills from these utilities be tacked on, with the money going to Kansas. This would be our sop for taking the waste from nuclear reactors.

A cynical try, but one that probably won't get far.

For one thing, it is unlikely that Congress or the states could ever get together on providing a special tax to send to one state.

For another, and more important objection, the Atomic Energy Commission has so lost its credibility with many Kansans that even this form of blackmail payoff would hardly convince some that what the AEC is up to is safe.

As John Lear of Saturday Review pointed out in his analysis of nuclear waste disposal, the AEC has dented the public trust through its deceptions and half-measures that it may be impossible to find approval for present disposal schemes any place in the country.

The solution is for the scientists to come up with another disposal system, which does not involve storage. After all, the technicians got us into this mess, and they are the only ones who can get us out. Fortunately, such research is well underway—and it could be we need not worry about how to spend that $250 million.

AEC WON'T GIVE UP

While Kansas people cannot praise the Atomic Energy Commission's plan to make

[illegible] Oak Ridge, conceived in the urgent immediacy of a vital wartime mission, has today assumed even more tremendous importance through the breadth and depth of its operations, research and development.

For this reason, although it is a relatively small item in this authorization, the National Nuclear Science Information Center—or the American Museum of Atomic Energy—at Oak Ridge is of particular interest to many thousands of visitors who come each year. The people of the Oak Ridge community have long been interested in this project and aware of the valuable contributions it could make to the Nation as a museum in the traditional sense and as a training facility as well.

Of paramount interest to all of us, of course, is the fact that energy consumption trends in this country are presenting us with an energy crisis. In this affluent land of ours, we consider as necessities many things which in other lands are considered to be luxuries. We consume enormous amounts of energy each and every day. Indeed, half of man's total energy consumption has taken place in the last 30 years—we have consumed as much energy in the last 30 years as was consumed by mankind down

permits continuation of the vital research being done at our Oak Ridge National Laboratory and, thus, our scientists will be able to evaluate each reactor's technical and economic potential.

I want to commend the committee, too, for authorizing $50 million for the cascade improvement program, considerably increasing the capacity at Oak Ridge to enrich uranium 238, and for further funding the cascade power uprating program. In order to make fuel for a fission reactor, they have to enrich it. As fuel needs grow, this cascade improvement program will be increasingly important. I join with the committee in urging the Appropriations Committees and the Commissoin to proceed with these vital programs as expeditiously as possible.

As our research and development efforts in the vital fields of defense and national security continue—with the civil defense program, the naval propulsion reactors program, the space propulsion program and the space electric power program—I believe people are becoming more and more aware and interested in the truly wonderful applications of nuclear technology for the benefit of all of us.

Most meaningful, perhaps, are the applications in the fields of biology and

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medicine. In the divisions of biology and medicine at Oak Ridge, we have an unusually talented group of people working on a host of our Nation's medical and biological problems. I hope and expect their work will grow as they continue their research—indeed, the work they are doing now on cancer detection and treatment indicates to me that they will play a vital role in our priority search for cancer causes and cures.

Atomic research in the development of fission and fusion breeders, on the application of nuclear energy to desalting, to agriculture and other fields, as well as the application of isotopes to medicine, seems almost impossible on the face of it. It is clear, too, that atomic research has strengthened our capacity to contribute intelligently to resolving the problems of the environment posed by nuclear energy.

One final observation I would like to make is in regard to community assistance payments to Oak Ridge. These assistance payments to the city of Oak Ridge are calculated on a tax base formula under which the AEC payment is $1,252,000, plus the percentage of that base amount by which the local property tax rate is above $2.45 per $100 of assessed value. The formula does not take into account rising property values and assessments in Oak Ridge. The total property tax paid by an individual is based on the tax rate and the properties assessed valuation.

Therefore, it seems to me that to assure that AEC pays its fair share of increasing city of Oak Ridge expenses, the AEC payment should reflect not only the local property tax rate, but the changes in assessments from the time the AEC tax base of $1,250,000 was originally formulated. In this way, AEC assistance payments would be made on an equitable basis with the taxes paid by individuals.

Mr. WOLFF. Mr. Chairman, we are all greatly concerned about this Nation's ability to generate an adequate quantity of electricity for the future. We all seek to have this power produced with a minimum amount of environmental impact. However, a look at our initiatives reveals that we have not followed these principles well. We are about to embark on a short sighted crusade to make the liquid metal fast breeder reactor this Nation's principal source of electrical energy for the future. While we propose to spend $230-plus million in fiscal year 1973 on the LMFBR program, alternative energy options are being seriously underfunded. We are being shortsighted because the LMFBR is clearly not the most promising technology available to supply energy for future generations. We should take the time and spend the money now to find out whether fusion power or solar power can become commercially feasible by the year 2020. Dr. Roy Gould, assistant director of reactor research for the AEC has stated:

A significantly expanded program, spending some $650 million in this decade would give us "greatly increased" chances of reaching scientific feasibility for fusion in the 1970's. An "all-out effort" requiring nearly $1 billion in funding would give us a "high" probability of attaining feasibility in this decade, probably by 1977.

For power supply in this decade and through the year 2020, we should depend upon improved conventional reactors and improved fossil fuel utilization techniques. I urge you to consider the inherent hazards of the LFMBR before we push ahead with this program.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller—but still substantial—quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous LMFBR before sound technical solutions for these problems have been developed and proven.

The LMFBR has all the drawbacks of conventional nuclear plants—such as thermal pollution, radiation releases, and no solution to radioactive waste storage—plus severe additional dangers of its own. The hundreds of tons of plutonium that will be produced by fast breeders pose a permanent threat because of its extreme toxicity—one particle can cause cancer; 1/1,000,000th of a gram can be lethal and its permanence—half-life is 24,000 years.

The liquid-sodium coolant poses an additional threat because of its violent explosive potential on contact with air and water. The fast breeder reactor, with its ton of plutonium fuel, could explode like an atomic bomb in circumstances leading to a critical configuration.

The LMFBR should not be ruled out as a long-term energy option, nor should it be propelled by Congress into a position of superiority because of a shortsighted funding commitment. The claim that the LMFBR is needed now to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage, and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, fusion power, coal gasification, geothermal power, fuel cells, magnetohydrodynamics—MHD—and use of agricultural wastes and garbage. Together, these systems hold the promise of providing the energy we need as a great nation to meet the demands of our people in the future.

Mr. VANIK. Mr. Chairman, today we are being asked to approve a $2.6 billion authorization for the Atomic Energy Commission for fiscal year 1973. Before we approve this authorization request I believe that there are several crucial issues that must be discussed. These issues are in the areas of nuclear safety, continuing advances in energy source development, and the development of the fusion reactor. These are issues that are vitally important to all of us.

In any development of nuclear power the question of safety must be paramount. Safety is of such importance that we should examine all aspects of nuclear energy, from the daily operation of reactors to the transportation and disposal of nuclear materials and waste. Because the tremendous potential for catastrophe exists due to the nature of nuclear materials, it is imperative to ask if the AEC is devoting the considerable effort to nuclear safety that is required.

Recently, the AEC designated the liquid metal fast breeder reactor as its main priority in civilian power development. However, several serious questions remain unanswered on the safety aspects of the liquid metal fast breeder reactor, LMFBR. The LMFBR is a fuel-producing reactor, the fuel it will produce is plutonium. The danger of plutonium pollution is almost unlimited. One speck of plutonium on the lungs can cause cancer. Regardless of any real or supposed benefits of the LMFBR, the utmost attention must be paid to proper safety precautions.

Furthermore, in the advent of an overheating accident in the reactor, the nuclear reaction in the LMFBR would not be stopped as in present nuclear reactors, but the reactions could be accelerated and possible nuclear explosion could result.

One further safety question remains and that is the nature of this coolant element. The LMFBR is a liquid metal cooled reactor and its cooling element is sodium. Sodium is an element so volatile that immediately upon contact with air or water it explodes. This new coolant has vastly different properties than the water currently being used for cooling purposes. The slightest mishap in handling this volatile coolant could be disastrous. In view of these facts concerning the LMFBR, we cannot be cautious enough when considering safety factors.

In its naming of the LMFBR as the No. 1 energy priority, the AEC claimed that the LMFBR would save the Nation $20 billion over the next 50 years in power expenditures. This saving made the eventual $4 billion development cost of the LMFBR seem worthwhile. It now appears that the method the AEC used in calculating the savings figure is questionable. For example, the $20 billion savings was calculated on a discount or cost of money rate of 7 percent while George Shultz, former director of the Office of Management and Budget, set a 10-percent discount rate as appropriate for all Federal projects. This higher discount rate would reduce the AEC net savings by 75 percent.

Part of the savings benefit figure was calculated by using estimates of future electric power demand, existence of uranium reserves, and construction costs of the LMFBR. In all of these cases, the AEC used figures that have been questioned by experts in each area. None of these estimated numbers should be considered definite and thus there is no way we can accept the AEC cost savings estimate as definite.

Because of the approaching energy shortage we cannot depend entirely on any single energy development project. We must develop other nonnuclear energy sources. One of the alternative nuclear energy sources is controlled thermal nuclear fusion which could be a clean, efficient source of energy, but our development of fusion has been slow. If more emphasis were placed on fusion research and development, would we not possibly come closer to realizing the goal of a functioning nonpolluting fusion reactor.

The energy problem requires research into nonnuclear energy technology as well as nuclear energy. A $3 million expenditure appears in the AEC authorization for nonnuclear technology, "to be used for research in the energy field." The programs funded with this money must be coordinated with other programs of energy source development carried on by other Government agencies and with those of the private sector. We must continue our research efforts into the areas of geothermal energy, solar power, and thermal gradients.

The AEC should consider as its primary goal finding and producing the means with which we can supply our future energy needs in a manner that is efficient, environmentally sound, and safe.

Mr. PRICE of Illinois. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,109,980,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73-1-a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73-1-b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73-1-c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73-1-d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73-1-e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73-1-f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73-1-g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73-1-h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73-2-a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73-2-b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73-3-a, weapons production, development, and test installations, $10,000,000.

Project 73-3-b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73-3-c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73-3-d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73-4—a. new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73-4-b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73-5-a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73-5-b, modifications to EBR-II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73-5-c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73-5-d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73-5-e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73-5-f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73-5-g, modifications to reactors, $3,000,000.

Project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Projection 73-6-c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73-6-b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73-6-d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73-6-f, accelerator and reactor improvements, medium and low energy physics, $500,000.

(7) BIOLOGY AND MEDICINE.—

Project 73-7-a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73-8-a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATION.—

Project 73-9-a, addition to Headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITOL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b)(1), project 70-1-b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b)(1), project 71-1-e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$10,460,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b)(1), project 72-1-f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72-3-b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words *"Provided,* That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for the fol-

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lowing projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding a gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a) (2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 1, line 7, after "not," strike out "tot" and insert "to".

On page 5, line 9, strike out "Administration" and insert "Administrative".

And on page 5, line 13, strike out "Capitol" and insert "Capital".

Mr. PRICE of Illinois. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 1, line 7, after "'Operating expenses'," strike out "$2,109,980,000" and insert "$2,110,480,000".

Mr. HOSMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during the markup on this legislation, there was a question in connection with the funds that had been requested by the administration for carrying on the nuclear-powered heart pacemaker work, as to whether or not the requested $1 million could be utilized during this fiscal year. At the time we actually marked up the bill, it appeared that this sum could not be utilized for certain technical reasons, and that $500,000 would be adequate for the purpose.

Let me point out that the nuclear-powered pacemaker is the device which is used to stimulate the heart in cases of individuals who have an irregular or low heartbeat and who need some kind of minor electrical stimulation in order to carry on a normal heartbeat pattern. The commercial pacemakers are battery powered at the present time. When they are implanted into the body, they have to be explanted and replanted whenever the batteries run low. The batteries have not lasted too long, a year or two, and we are attempting to get a nuclear-powered battery which would have a life of 10 years.

With this restoration of $500,000, it will coincide with the administration request and coincide with the action taken in the other body on this bill, if we add this sum of money. Therefore, I trust that support will come for this amendment.

Mr. Chairman, I wish to add that the triggering of this issue was brought to us by the gentleman from Pennsylvania (Mr. SAYLOR) who has kept very close watch on this. The gentleman pointed out that the money could be used, for which I thank him. I would like to yield at this point to the gentleman from Pennsylvania, and I express my thanks to him.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from California for offering this amendment. I think that as a result of this, our country will forge ahead and into the lead on the pacemaker that will save American lives.

Mr. HOSMER. Mr. Chairman, again I wish to thank the gentleman from Pennsylvania for his understanding and kindness and support in this matter.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman from California (Mr. HOSMER) and I think he stated the situation accurately. Certainly there is no objection on this side to the adoption of the gentleman's amendment. We accept the amendment on this side.

Mr. SAYLOR. Mr. Chairman, there is no secret about the fact that I have, on occasion, been critical of the work of the Atomic Energy Commission. Our colleagues are aware that the civilian side of our atomic energy program has come under increasing scrutiny by the Congress and the public. But where plaudits are due, plaudits should be given. Such is the case with a life-saving program authorized by the Joint Committee on Atomic Energy and carried out by the Commission with respect to the "atomic pacemaker."

Without getting into a technical discussion of the radioisotope powered cardiac pacemaker development, allow me to proudly boast that this breakthrough in and for the medical sciences is being conducted by a firm in my congressional district—ARCO Nuclear Co. of Leechburg, Pa. You can see, then, why I have a particular interest in the legislation pending inasmuch as the amount requested in the fiscal year 1973 AEC authorization request would provide funds for continuation of this marvelous, life-saving technology. The research and development connected with the program will make it possible for many thousands of Americans with malfunctioning or damaged hearts to function normally and for longer periods of time.

ARCO has kindly provided a program summary which I include here to bring our colleagues up to date on this important research. You will note that the research and development is four-fifths done; the authorization sought in the legislation today is designed to finish the job. The program summary follows:

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crashing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demonstrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

Present models of cardiac pacemakers operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every 2 years. The expected lifetime of these new atomic pacemakers is estimated between 8 and 10 years. Medical technology in this field in Europe is running considerably ahead of our present timetable; about 30 atomic-powered pacemakers have already been implanted in European patients in the last two years.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. One source estimates that this number could increase by 25,000 or more each year. At present the average lifespan after installation of a pacemaker is 6 years but the battery-operated pacemakers require surgical replacement about every 2 years, subjecting the patient to the risk, trauma, and costs of serious surgery, three or more times in what has been calculated as their last decade of life. The atomic pacemaker, in addition to its increased efficiency of operation, brings with it the potential of relieving the patient of anxieties during a day-to-day existence.

I do not want to overdramatize about the pacemaker-user, nor overgeneralize about the medical technology which has brought about this life-prolonging miracle, but having known about one pacemaker-user, I can say with confidence that her contribution to society as a fulltime teacher was incalculable from the time she first underwent heart surgery to the date of her passing—5 years and two standard pacemakers later.

With the radioisotope powered cardiac pacemaker we stand at a new threshold of medical science. Full funding for this technological advance is important steps still necesary to qualify the device for human application here in the United States. I do not for a minute imply here that the advances in this field made in Europe are not safe for human use; merely that we have a duty to the whole Nation and to potential users of the atomic pacemaker, to be absolutely sure that we have the best model—in every sense of the word—on the medical market.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mr. DOW. Mr. Chairman, I offer a substitute amendment.

Mr. HOSMER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from California will state it.

Mr. HOSMER. Mr. Chairman, was the previous amendment offered by me accepted?

The CHAIRMAN. No. The Chair will state the gentleman from New York is offering a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) and the Clerk is about to report the substitute.

The Clerk read as follows:

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

On page 1, line 7, strike out "$2,109,980,000" and insert "$2,082,230,000"

Mr. DOW. Mr. Chairman, in moving to strike the figure of $2,109,980,000 from the Atomic Energy Commission appropriation and substitute $2,082,230,000. I am aiming in two directions. One is to reduce by one-half, the appropriation for a liquid metal fast breeder reactor, a very dangerous type of reactor. The other purpose is to double the authorization for the fusion process of generating nuclear power; this is a process which is farther way in point of time but much safer, according to eminent physicists, and certainly a process not limited by the supply of uranium. The decreased appropriation for the fast breeder in my amendment is $65,750,000 and the increase for fusion is $38 million. The net of these two figures is $27,750,000, and that is the reduction in the total figure of operating expenses found in section 101(a) of the bill, on page 1. The appropriation for the fast breeder may be noted on page 14 of the committee report, and the appropriation for the fusion process, known as controlled thermonuclear research, on page 25.

The fast breeder reactor is able to take a relatively small amount of uranium of a type that cannot be used by the present generation of light water reactors and convert it to plutonium. Plutonium is among the most dangerous substances on the face of the globe. A speck on the lungs can be fatal, according to reputable authorities. With a half life of 24,000 years, as against roughly 15 years for the byproducts of today's light water reactors, the plutonium is radioactive for many millenniums. This, of course, would compound the already alarming problems in handling nuclear wastes.

Moreover, the fear is justified that such a dangerous material may be diverted for use by unauthorized parties. Just a small amount is enough to construct a nuclear bomb.

While it is true that the AEC and the power industry, under the goad of brownouts, are eager for the development of the fast breeder, nevertheless, it would be a crying shame if voices on this floor do not express the alarm among many authorities about the fast breeder. Among the scientists who have issued warnings are Dr. Linus Pauling, Dr. John Edsall, Dr. Barry Commoner, Dr. Paul Ehrlich, Dr. George Wald, Dr. Lamont Cole, Dr. George L. Weil, Dr. Ernest Sternglass, Dr. Irving Lyon, Dr. Harold Urey, and a number of others.

I want to enlarge the amounts in the bill for fusion and other engineering options to provide energy for our society.

There is a woeful failure in our national provisions for such other options which are not within the scope of the AEC. I am thinking of the small programs of the Office of Science and Technology for exploiting solar energy. I am thinking of the programs of the Interior Department for geothermal experimentation and for the gasification of coal. Someone has said that 61 different Federal agencies are concerned with the subject of our energy crisis.

We should certainly as a nation take note of these small dispersed, tentative, and speculative activities. Mr. Chairman, the Congress is not grappling with the whole vast problem of our energy resources, and the Nation will be the loser.

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We have all seen legislation aimed at the overall approach to our energy crisis defeated and delayed on more than one occasion.

By offering this amendment, I raise my voice against the myopic judgment that confines our salvation from the energy crisis to the fast breeder and largely ignores the necessity for a comprehensive program considering every possibility including the safest possibilities.

Mr. Chairman, I urge the adoption of my amendment.

Mr. REID. Mr. Chairman, I rise to support the amendment proposed by the distinguished gentleman from New York (Mr. Dow) to reduce by one-half the authorization of $180.5 million for the development of the liquid metal fast breeder reactors—LMFBR.

All responsible people realize that we must conduct extensive research and development programs to produce the new technologies to meet the growing energy needs of our Nation. I believe that the energy problem facing us is one of our major national priorities. It demands that basic decisions be made far in advance of requirements. It demands also that these decisions be made on the basis of thorough exploration of all alternatives and sober evaluation of the benefits and consequences of each. Above all, we must not allow ourselves to be stampeded into a precipitous rush to develop one alternative at the expense of all others, especially in light of the very serious questions as to the consequences of that alternative for the safety and health not only of this generation but of future generations as well.

H.R. 14990 does not provide for the kind of balanced exploration of alternatives that is needed. Quite the contrary, it would devote a totally disproportionate share of the development effort to the LMFBR. It would provide funding for this controversial program at levels far in excess of those for any other energy option. The effect of this is to decide the issue long before we have the facts as to which option would be most effective and safest.

Environmental Action, one of the groups concerned over the implications of this program, has prepared an analysis of some of the more promising alternatives and the Government funding for research and development on each. I insert this revealing document in the RECORD:

ALTERNATIVES TO THE LMFBR, GOVERNMENT FUNDING FOR RESEARCH AND DEVELOPMENT

[In millions of dollars]

Reactor	Fiscal year — 1972	1973
Water cooled	5.5	5.0
Advanced converter and light water breeder	29.8	30.8
Gas cooled fast breeder	1.0	1.0
Molten salt breeder	5.0	5.0
Solar energy	1.0	4.0
Coal classification and liquification	44.8	61.3
Magnetohydrodynamics	1.0	3.0
Fuel cells	0	0
Geothermal	.7	2.5
Controlled thermal nuclear fusion	47.2	65.4

I think that it is clear that there are a number of promising possibilities and that these possibilities are not receiving the same kind of attention that is being devoted to the LMFBR.

Thirty of our Nation's most distinguished scientists have raised very serious questions about the safety and feasibility of the LMFBR. I am submitting a copy of that statement for my colleagues consideration before they decide this grave issue:

STATEMENT OF SCIENTISTS AGAINST THE BREEDER

The Atomic Energy Commission has announced that its highest priority is the development of the Liquid Metal Fast Breeder Reactor. This program has been endorsed by the Joint Committee on Atomic Energy and is the keystone of President Nixon's long-term energy policy. We believe that massive funding for the construction of the LMFBR demonstration projects at this time is a major mistake. Too many serious questions exist about the safety and environmental impact of such a project to make a commitment at this point to the commercial development of this technology.

The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

The breeder reactor should not be ruled out as an energy option for the long term. However, the claim that it is needed immediately to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, controlled thermonuclear fusion, coal gasification, geothermal power, fuel cells, magnetohydrodynamics (MHD), and use of agriculture wastes and garbage. Together, these systems hold the promise of providing significant contributions to our overall energy requirements.

In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

During this moratorium, we urge Congress to reassess our reesarch and development commitments to energy sources. Funding priority should go to the technologies which hold the greatest promise of environmental compatibility.

Dr. Linus Pauling, Professor of Chemistry, Stanford University.
Dr. Lamont Cole, Langmuir Laboratory, Cornell University.
Dr. John Edsall, Biology Department, Harvard University.
Dr. Barry Commoner, Washington University, St. Louis, Missouri.
Dr. Harold Urey, Department of Chemistry, University of California at San Diego.
Dr. Paul Ehrlich, Department of Biology, Stanford University.
Dr. John Holdren, California Institute of Technology.
Dr. Edward Martell, National Center for Atmospheric Research.
Dr. John Gofman, Professor of Medical Physics, University of California at Berkeley.
Dr. Glenn Paulson, Environmental Scientist, City College of New York.
Harold L. Rosenthal, Professor of Physiological Chemistry, Washington University.
Dr. George Wald, Professor of Biology, Harvard University.
Dr. Roslyn Barbash, Teaneck, New Jersey.
Dr. Herman Levine, San Antonio, Texas.
Dr. David Gitlin, Cleveland, Ohio.
David Marra, Oceanographer.
Dr. Irving Lyons, Biologist, Bennington College.
Dr. George L. Weil, Nuclear Energy Consultant.
Dr. Ernest Sternglass, Professor of Radiation and Physics, University of Pittsburgh.
Patti Peterson, Professor of American Studies, State University of New York at Oswego.
Dr. Harry S. Blanchard, Limerick Ecology Action.
J. B. Nielands, Professor of Biochemistry, University of California at Berkeley.
Dr. Curtis Williams, Dean of Natural Sciences, State University of New York at Purchase.
Dr. James Watson, Biology Department, Harvard University.
Dr. Donald Geesamen, Physicist, Lawrence Livermore Laboratory, University of California.
Dr. Robert Rienow, Political Scientist, State University of New York at Albany.
Daniel S. Greenberg, Publisher, Science & Government Report.
K. Danner Clouser, Professor of Medical Ethics, Penn State University, College of Medicine.
Norman Edwards, Oceanographer.
T. A. Creswell, M.D., Chairman, County Medical Society, Environmental Committee, Saginaw, Michigan.
Affiliations listed for identification purposes only.

The LMFBR will, if all things go well, provide us with only a temporary energy source but will leave a permanent legacy of toxic wastes. Although its residue of plutonium and other radioactive wastes will remain lethally toxic for tens of thousands of years, it is considered, even by its proponents to be only a temporary energy source—in use perhaps for 50 years—until other less hazardous and hopefully renewable energy sources are developed. Let us take a hard look at the way the toxicity of plutonium is measured, in millionths of a gram, and the way the quantities to be produced are being estimated in hundreds of tons. Let us take a hard look at the fantastic disparity between cost—permanent hazard, and benefit—temporary use.

The proposal of the distinguished gentleman from New York is reasonable. It would not halt research and development on the LMFBR. Quite the contrary, it would continue funding for this program at $90.25 million, a level still higher than any of the other alternatives. But it would bring the program back into proportion with the other effects.

I strongly urge my colleagues to heed the words of our scientific community and support the amendment before us today.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the thrust of the amendment of the gentleman from New York (Mr. Dow) is to shift energy research and development emphasis away from the breeder reactor and to nuclear fusion. This is certainly a commendable ideal. It is an idealistic goal. Unfortunately, it is totally unrealistic at the present time.

In the President's energy message of last summer he set out an immediate goal, and that was to have a demonstration liquid metal fast breeder reactor on the line by the year 1980.

If we maintain our present program of research and development and support for the breeder as it is now established in this proposed budget, we can hope that we will meet the President's schedule, and have the first demonstration breeder on the line by the year 1980. If we have the LMFBR demonstration plant on the line by the year 1980, we can hope that we may have commercial plants on the line by 1985 or 1987. Then we can expect these new breeder reactors to begin to produce new fuel to provide energy for this country. We can hope that if this program is successful, then our fissile material inventory may be brought into equilibrium. That is, we will be producing as much fuel as we are consuming.

Mr. Chairman, I cannot overemphasize the importance of this point. We must depend upon nuclear energy from fission for the next 40 to 50 years, and until we have developed such other sources of energy as the gentleman from New York would have us emphasize. Unfortunately, however, we are not advanced far enough in our technology today to talk seriously about having electricity produced from fusion on the line at any time before the year 2000. It may be that existing R. & D. programs will advance that date, but we cannot today depend upon that possibility—or cut the breeder program, because of it. The breeder reactor program, whether it is the LEFDR or the gas-cooled breeder, is designed to give us enough nuclear fuel when we will need it. If we do not have this program, we might well have to burn up virtually all our gas and petroleum and coal, and use up most of our present uranium resources between now and the year 2000 in order to provide the energy that we need.

With the breeder program we can assume we may have enough fuel to catch up by the year 2000 and to keep us in a state of equilibrium from then on.

I agree that we must emphasize fusion research. This budget today provides an increase of 25 percent in fusion research for the fiscal year 1973. This is up to about $38 million for the traditional fusion research and a very large additional amount of money, also, for laser-pellet research.

This programs are not being limited by the budget. During the month of May the Subcommittee on Science Research and Development held a series of hearings on energy research and development. On two occasions, Mr. Chairman, we had outstanding experts in the field of fusion, who, when I asked if our fusion research program is being limited by money, responded unequivocally in the negative. The research program for fusion is limited by technology alone. When we are ready to take the next steps in research and development on fusion, then the Atomic Energy Commission and the Joint Committee on Atomic Energy stand ready, I am certain, and as all of our testimony indicates, to have the necessary funds for this research. It would be foolish to put more money into this fusion today than is needed; or more than can be used. It would be disastrous to cut our breeder program, because this would cause us to slip further and further behind in provide the nuclear fuel that we need between the year 1985 and 2000.

I completely sympathize with the desires of the gentleman from New York in his wish to emphasize other areas of research and development for energy.

Although we are not carrying out the integrated energy research program I would like to see, I believe we are moving in this direction. Above all else, however, we must not cut the breeder program at this time.

Mr. Chairman, an allegation has been made that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should discontinue the breeder reactor program. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

It may not be well known to the proposer of the amendment, but civilian power reactors which have been in operation for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of a value, are recovered for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nulcear facility.

In summary, we should no more give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give up the manufacture of chlorine—for water treatment purpose related to the preservation of the public health, or give up the manufature of commercial explosives important to construction and mining activities, because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and I am convinced that the Atomic Energy Commission, through its licensing program does and will insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the action sought by the gentleman from New York is to do two things both of which would be a tremendous mistake.

The first thing the gentleman wants to do is to double the amount of money in the budget for controlled thermonuclear reaction research. This is a long way, and a very long way, to talk about the very physics processes that go on on the surface of the sun, and to tame them so that we can use them right here at home to produce electricity.

Now, a number of people have had the same suggestion as the gentleman from New York, to put a lot of money into it, and then we can have this almost overnight. In the Joint Committee on Atomic Energy we held a series of hearings on that very issue of how soon could you get controlled thermonuclear fusion as an economic process for the production of electricity in America. We called in everybody who had any reason to know anything about the technology and its development. It turned out that everybody, and they were all knowledgeable, said that it would take until the year 2000 in order to perfect this technique to become an economic technology. And if you even went ahead and spent untold billions of dollars in addition to that on this research you still could not push this date up any closer than1990.

Now, this is 1972. What the gentleman wants to do is to take this period of time between 1972 and 1990, or 2000, and eliminate the other technology to fill in the energy gap in this period.

Mr. DOW. Mr. Chairman. will the gentleman yield?

Mr. HOSMER. Not at this time; I will yield to the gentleman when I have completed my statement.

The technology that has been suggested—not only suggested, but it has been studied for years, and even for decades—is the liquid-metal fast breeder reactor to fill in this energy gap. You know, we will not have uranium around forever to burn in these light-water reac-

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tors. We need the liquid metal fast breeder reactor in order to take advantage of the plutonium that the gentleman is complaining about as being so dangerous, but which is being made every day in the light-water reactors. The plutonium problem is not going to be compounded a bit by the development of the fast breeder reactor. But this is what has to be done in order to avoid an energy gap even worse than the one that we now anticipate in this country.

This development as a technology of the production of electricity is the only alternative we have. There are other ways of having breeder reactors—you can have a gas-cooled breeder, you can have a water-cooled breeder, you can have a liquid molten salt-cooled breeder, but this liquid-metal fast breeder reactor is the one that seems to offer the best promise, and that is the goal we want to meet. Not only we, but every other nation in the world, any other advanced nation, is doing the same thing—developing liquid metal fast breeder reactors. Half a dozen countries in Europe are doing it, and the Soviet Union has a large effort.

But this is the most atavistic thing I have ever seen. I can understand the spirit that underlies the Spanish Inquisition, and I do not condone it, but I can understand it, and I can understand the same spirit that may have underlain the burning of witches, but I cannot understand the spirit in an economic society and a highly developed society that requires this type of approach.

Does anybody seriously want to take a hara-kiri knife to this kind of development in the year 1972?

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the gentleman for his characteristic and forthright statement.

Mr. Chairman, I rise in opposition to the substitute amendment and in support of the original amendment offered by the gentleman from California.

Mr. Chairman, of late we have heard many suggestions for a new energy source to meet our burgeoning needs. These are frequently claimed to be clean, to have zero impact on the environment, to be available in the near future, and to be economical. These suggestions include solar energy, tidal energy, thermal gradients in the oceans, laser fusion, magnetically confined fusion, coal gasification, magneto hydrodynamics, wind power, methane generation by the decomposition of animal wastes, and so on.

Inevitably, though, a fundamental factor seems to be overlooked. Little if any recognition is given to the fact that all possible energy sources were carefully considered before our Nation's nuclear power program was laid out. As early as the late 1950's and the early 1960's the Joint Committee was fully cognizant of the claims made for a limitless supply of energy from our fossil fuel resources as well as the possibilities from other sources.

Accordingly, even though there was great pressure to go all out in the development of nuclear energy, the Joint Committee stubbornly insisted on a full justification of such an effort taking into consideration the claims that other sources were adequate or possibly better. It was upon the committee's insistence that the administration in the period of 1959 through 1962 thoroughly studied our energy needs and the practical ways in which we could meet those needs. These studies culminated in the 1962 report to the President on nuclear power. This report did not simply represent the views of the Atomic Energy Commission. It included the views of the Department of the Interior, the Federal Power Commission, the National Academy of Sciences, and many from the private sector who have professional competence in the development and utilization of energy.

That report concluded that we must have additional sources of energy; that nuclear energy was the only practical means for meeting our long-range needs. Nuclear energy, of course, includes both fission and fusion reactions although fission is the only nuclear reaction whose feasibility has been demonstrated and, therefore, the only practical source at this time.

Following the report the Joint Committee held extensive hearings at which both Government and private witnesses were given the opportunity to testify. The civilian nuclear power program laid out in that 1962 report to the President stood the test and the executive and legislative branches of our Government accepted the program and have been diligent in carrying out its mandates ever since.

Several years later though, as a check to determine that we were still on the right track, the committee asked the executive branch to verify the validity of the earlier conclusions. This culminated in the 1967 supplement to the 1962 report to the President which, fundamentally, reaffirmed the findings of the basic report.

Although it does not seem to be generally recognized, the Joint Committee has consistently supported other research and development programs on energy. It has not limited its interest and activity to nuclear energy. In 1962 after its review and acceptance of the 1962 program, the committee made it abundantly clear that it supported the development and utilization of our enormous coal reserves. This committee has supported research and development efforts by the Atomic Energy Commission, for example, in coal gasification. The committee has supported programs for the control of stack effluents from fossil plants. The committee has also supported the research effort on the fusion reaction to a total of nearly one-half billion dollars to date. Last year the committee amended the Atomic Energy Act to authorize the Atomic Energy Commission to perform research and development in all fields of energy so that the special competence and facilities existing in our atomic energy laboratories could be utilized to the fullest in our national interest.

Recognizing that there may always be those who will not or cannot agree, the committee remains convinced that the steps taken to establish the breeder program as a primary effort to meet our long-range needs were appropriate and the program which we are now following and which this bill will fund will meet those needs. I urge that the substitute amendment be rejected.

Mr. HOSMER. Mr. Chairman, let me add this: That the technology of the fast breeder reactor is no more dangerous than the technology of the light-water reactor, or the technology of the internal combustion engine which requires the storage of large amounts of gasoline, or with the use of other industrial processes such as those that use cyanide, or hydrochloric acid. If you take care of these things nobody gets hurt.

The CHAIRMAN. The time of the gentleman from California has expired.

(Mr. HOSMER (at the request of Mr. ANDERSON of Illinois) was granted 5 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I certainly want to associate myself with the remarks that have just been made by the gentleman from California, in opposition to the amendment offered by the gentleman from New York (Mr. Dow).

The gentleman now in the well and I know that we had occasion just last evening to talk with the vice chairman of the European Economic Commission in charge of energy matters.

Europe is indeed ahead of us right now on this very important matter of building a liquid metal fast-breeder reactor and have already sited and are planning the construction of a 300-megawatt reactor of that kind in West Germany.

The power from that will eventually increase to 1,000 megawatts.

Here are our economic competitors, with all of this power and muscle in the Common Market that is going to be imposed against us so far as world commerce is concerned.

They have the good sense to proceed with this development. I think it is nothing short of tragic if we were to yield to the kind of know-nothingness that we should somehow do something to cut down the efforts that we are making to produce and put on the line a liquid metal fast breeder reactor.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HOSMER. Mr. Chairman, I thank the gentleman very much for his remarks.

I think that we ought to understand that this is not something new.

We have the EBR I reactor.

We have the EBR II reactor.

We have the Enrico Fermi reactor.

And we have the SEFOR reactor, all right here in the United States.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. DOW. I would like to quote one statement from one of the scientists that appeared this week in Time magazine.

He says:

We are going in the future with only one arrow for our bow—the breeder. If it does not work out we will face a real crisis.

The gentleman from California I think erroneously suggested that I did not offer or care for any option other than the fusion process.

In my earlier remarks I spoke of the need for exploiting solar energy and also for experimentation in the geothermal area.

But this present bill does very little in that direction.

Mr. HOSMER. It has been suggested also, that the whole energy problem can be solved through the use of gas generated from manure piles. But it is not exactly practical in time to meet the problem as it rushes down upon us.

There are a number of alternatives, yes, but they are all in the area of 20 years for development, which will bring them all up in competition later.

And the gentleman probably was not listening when I recited that we do have alternates to the liquid metal breeder that we are working on.

Another probably is from the molten salt and gas-cooled breeders.

Each year about the time the Joint Committee's bill authorizing AEC appropriations reaches the floor of the House, arguments are generated against nuclear power reactors. This year we find opposition to the liquid metal fast breeder reactor being developed for electric power generation. One claim this year is that laser induced fusion powered generation is imminent and that within the next few years, at most, we could have powerplants which would utilize clean, nonpolluting fusion fuels. I can assure you that this is not the case.

On November 10 and 11, 1971, the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy held 2 days of hearings on controlled thermonuclear research in the United States and in the rest of the world. All types of fusion research were covered. Significant attention was given to the possibility of achieving controlled thermonuclear reactions using lasers to start the reaction. It was concluded that this promising field of research should continue to examine possible means of initiating fusion reactions with lasers. However, it also was concluded that practical high-energy lasers and the mechanical and optical systems necessary to create fusion reactions, even on a feasibility basis, are not expected until the end of this decade.

An apparent misunderstanding of what transpired at a recent international conference in Montreal no doubt led some of my colleagues to push for accelerated laser-induced fusion research instead of continuing with the liquid metal fast breeder reactor program. At that Montreal conference, it was stated that theoretical computer studies, conducted at a weapons laboratory, yielded results which indicated that, if it were possible to compress light elements, such as hydrogen atoms, by a factor of 10,000, it should be possible to induce a fusion reaction using lasers available today from commercial sources.

It is unfortunate that the statement made at that conference was interpreted by some as meaning such compression is possible today, because it immediately raised high hopes among those who opt for fusion over all other forms of energy generation that a means had been discovered to provide fusion now. As I indicated previously, it is not a fact that we know any way to achieve a compression of 10,000 using a laser.

Let us recall that the vice chairman of the Joint Committee on Atomic Energy in his opening statement indicated that a total of about $80 million is going into fusion research next year compared to $31 million in the current year. This will provide significant impetus but an orderly approach to the development of this remarkable, unlimited energy source of the future.

Furthermore, in consonance with the President's energy message of June 4, 1971, it is imperative that we go forward with the LMFBR program under development by the AEC so that such systems will be available to go on line by 1980.

In this regard, I recommend that we vote to reject the amendment to delete funds for the LMFBR program.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, during fiscal year 1973, the AEC will find itself at a crucial stage in the development program for the liquid metal fast-breeder reactor. Time is of the essence in the planning and execution of this program in order to meet the national goal established by President Nixon in his June 4, 1971, energy message—operation of a demonstration liquid metal fast-breeder reactor by 1980. This action by the President has brought about the development of the needed momentum, both in industry and the Government to make achievement of this goal possible.

Electric utility companies throughout the country, both public and private, have amassed a total of $240 million in pledges to be used in the design, construction, and operation of the first demonstration breeder, and to this will be added the $100 million of direct Federal assistance already authorized by the Congress.

The amendment would delete from the bill now before us is one-half of the amount proposed for the LMFBR base technology program for fiscal year 1973. This effort will lay the groundwork in terms of general engineering design, structural materials, fuels, and vital components for liquid metal fast breeder reactors. A significant portion of the effort relates to the demonstration program; the remainder will provide a long-range capability for this Nation to bring this program to successful fruition and, thereby, establish the feasibility of nuclear energy as a long-range solution to electrical energy requirements in this country.

The breeder reactor program has been a long-range program of the Atomic Energy Commission for a number of years and was formalized as such in the 1962 report to the President. It was recognized at that time that if we could not develop a breeder reactor, the uranium resources of this country would not permit nonbreeder reactors to make a significant contribution to our long-range energy problems. Present-day reactors do not utilize nuclear fuel efficiently and in the long run we must learn how to breed additional fissionable material in order to realize the full potential of nuclear energy. The feasibility of a breeder was demonstrated over 20 years ago. It is important now that we take advantage of the momentum recently generated and get on with the development and demonstration of this reactor for commercial application.

Shortages of oil, gas, and ultimately even coal have been well studied by many committees of both Houses. I am sure that the majority of my colleagues recognize the importance of finding solutions to the energy problem so that the generations to come will have an adequate supply of electricity, produced in a manner which will assure the quality of our environment.

It should be pointed out that ours is not the only effort to develop a liquid metal fast breeder reactor. The major industrial nations of the world each have their own program and some would claim that their efforts are equal or superior to ours. The U.S.S.R. earlier this year announced completion of construction of a liquid metal fast breeder demonstration reactor which provides for desalination of water in addition to the production of 150 megawatts of electricity. In addition, a 600-MWE breeder reactor is under construction by the Russians. The British are constructing a 250-MWE prototype breeder reactor and the French have nearly completed a breeder reactor of equal size. West Germany has its own program and the Japanese have put together a program to meet their own needs. Since our first demonstration reactor is not scheduled to be completed until 1980, it could be said that we are behind these other nations. The Atomic Energy Commission believes, and the Joint Committee concurs, that our program is being developed on a broad technology base requiring proof testing and safety evaluation of each component. Once these components are assembled in the demonstration facility, we believe we shall be closer to a commercially acceptable plant than others who will be trying to "de-bug" a whole facility and each component part.

All of these nations appear convinced that the sodium cooled breeder is the best approach and that it can be designed and operated in a fashion having minimal impact on the environment while concurrently providing protection to the public health and safety. Our own liquid metal fast breeder safety program is directed toward assuring that all conceivable accidents are considered and that full protection is provided to assure safety of operation.

I urge that the amendment be rejected and that the Members of this body lend support to this important program which has the goal of developing a new tech-

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nology which can mean so much to this Nation's preeminence in the energy field.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I rise today not in opposition to H.R. 14490, nor in favor of the amendment of the gentleman from New York (Mr. Dow) merely to question the research and development priorities in this authorization. I share some of the concerns of the gentleman from New York about the LMFBR.

With the authorization of $132 million for the liquid metal fast breeder reactor, our country could be launching itself on an unknown, and perhaps unsure, energy course. However the liquid metal fast breeder reactor authorization does not cease there. The liquid metal engineering center facilities and the modifications to the EBR, the power burst facility and the TREAT programs are all primarily LMFBR items. These are items 73.5 a-d in the plant and capitol equipment requests.

Thus the authorization gives LMFBR over $230 million while other promising energy options seem to be ignored.

The committee report states that—

It is prudent to provide for continuing effort on viable alternative approaches.

Yet, two of the competing breeder concepts—the gas-cooled fast reactor and the molten salt breeder—are receiving only $1 and $5 million respectively in fiscal year 1973. The highly touted solar technologies are receiving a mere $4 million combined.

The authorization seems less a search for viable alternatives than a firm LFMBR commitment for the future. If LFMBR proves uncontrollable, unreliable, or unsuccessful, we could well be left with all our eggs in a leaky basket.

The time to evaluate our nuclear energy development priorities is now. The ratio of $230 million, or $132 for LMFBR, to $10 million for other technologies, deserves hard looks and searching questions now before the firm commitment is made and the chance for alternatives is lost.

The presentation of the gentleman from Illinois (Mr. PRICE) leads me to the conclusion that the Joint Committee has not favored the liquid metal fast breeder reactor to the exclusion of other technologies, but I would like to ask the gentleman if he would respond whether the committee is determined that the LMFBR is by far the most promising technology and why, for instance, we did not apply a few more dollars to the molten salt breeder and the gas-cooled fast reactor and the solar technology?

Mr. PRICE of Illinois. If the gentleman will yield, I could say we have studied both the molten salt reactor for many years, and some of us have seen some potential in it. We do feel it is as far along as other approaches. The fast breeder reactor, we feel at the present time, offers the best hope of producing not only the resources of energy we now need but also has a very important part in answering our fuel problem in future years.

We have followed the thermonuclear program from its inception and have been among the strongest supporters of the thermonuclear program, and I think we kept it alive for a few years, and we worked with the Commission and urged the Commission to continue and expand its research in the thermonuclear reactors.

Mr. FRENZEL. I thank the gentleman, and I accept that as a statement from the committee that they are not against these other technologies even though the auhorizations for them seem exceedingly low.

Might I ask the committee whether the committee is still enthusiastic to proceed with both the salt research in the foreseeable future and the other technologies?

Mr. PRICE of Illinois. I will say to the gentleman the committee's views on the salt reactor are expressed on page 14 of the committee's report. It certainly has not been ignored in any way by the committee.

Mr. FRENZEL. I thank the gentleman from Illinois.

I would like to ask further if, since the facility for which we appropriated in 1967 is not completed yet, the capital funds now to be applied for LMFBR can be safely spent before we complete the safety tests for it?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, if I may say, I think the gentleman probably refers to the fast flux test facility.

Mr. FRENZEL. I do.

Mr. HOSMER. That largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor are, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronic of the system.

Mr. FRENZEL. I thank the gentleman. I thank both the gentlemen for their careful attention to my education.

Mr. TIERNAN. Mr. Chairman, I move to strike the last word.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, I thank my colleague, the gentleman from Rhode Island, for yielding. I shall only be a minute. I have a list of 32 eminent scientists who have expressed deepest concern and opposition to the fast breeder reactor because of the danger. They conclude in these words:

In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

I wish the committee had paid a little bit more attention to these eminent men, some of whom are Nobel laureates.

I thank the gentleman from Rhode Island for yielding.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I will yield to the gentleman from California, but before doing so I should like to ask the distinguished chairman (Mr. PRICE) of the committee a question.

Mr. Chairman, I have read the testimony before your committee, on November 10 and 11, and I read the line of answers and questions—on page 33 of the report—where in response to Senator SYMINGTON the reply was given as follows:

That is, we are very, very tight now. We are not able to do most urgent things, in my opinion.

I have read through this testimony, and listened to the arguments made by the gentleman from New York, and I, also, am concerned as to whether or not we are restricting the amounts of money for research in other areas.

I realize the necessity of the committee taking into consideration the whole line of development in this area, but I am also concerned. I do not quite favor the substitute amendment of the gentleman from New York, in the fact that it cuts back on what the committee seems to believe feasible, but I am in support of that part of the substitute amendment which would increase the amount of research for these alternate methods. I believe that is a very important point.

I wonder if the chairman could help me with a comment on that line of testimony?

Mr. PRICE of Illinois. We do have problems in the financing of these programs, as the gentleman recognizes, as we do in other areas of government where research and development is involved.

I do not believe, however, that this particular program has resulted in the reduction of any line items in the appropriation area. The Joint Committee itself has strongly supported the other research programs, and has been a staunch supporter of adequate research and development on any promising program under the Commission activities.

Mr. TIERNAN. I thank the chairman.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. I should merely like to point out, in connection with the statement made a few minutes ago by the distinguished gentleman from New York (Mr. Dow) when he recited, I believe, a list of some 32 distinguished Nobel laureates, who expressed fears about the safety of the liquid metal fast breeder reactor. I am not sure I am aware of all the names on the list but I did recognize the name of George Wald, who is a very distinguished biologist, and I am scarcely ready to concede his capacity in this field.

Linus Pauling, a very distinguished scientist, is a chemist.

I believe we ought to consider the fact

that men like Glenn Seaborg, President Kennedy's Chairman of the Atomic Energy Commission, himself a distinguished atomic physicist, is one of those who appeared before this committee and testified in favor of the LMFBR program.

Lee DuBridge, a distinguished physicist, the former president of Cal Tech and the former science adviser to the President of the United States, also testified. These are the kinds of witnesses the committee listened to.

I believe, rather than to consider a long list of distinguished scientists who have great competence in their own fields, we ought to put greater weight on the testimony of men like Glenn Seaborg. and Lee DuBridge and many others who are in fact experts in this area.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. Dow), for the amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mrs. ABZUG. Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. PRICE of Illinois. Mr. Chairman, has the question been put on the amendment offered by the gentleman from California?

The CHAIRMAN. The gentlewoman from New York wishes to offer a substitute amendment for the amendment offered by the gentleman from California?

Mrs. ABZUG. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: On page 1, line 7, delete "$2,109,980,000" and insert instead "$1,927,840,000", and on page 6, after line 9, add the following new subsection:

"(d) The Commission may not explode or assist in exploding any nuclear weapon of any sort, nor may it use any appropriated funds in furtherance of, or preparation for, any explosion of any nuclear weapon of any sort."

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the substitute amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. The second portion of the gentlewoman's amendment to add section (d) is not germane to the amendment before the House and therefore is not a proper substitute.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. HOSMER. No further.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard on the point of order?

Mrs. ABZUG. Well, I think it is germane, because it talks in that subsection concerning the use of appropriated funds in preparation for an explosion of nuclear weapons, so I think it is germane to the reduction of appropriations proposed in this bill.

The CHAIRMAN (Mr. UDALL). The Chair has examined the gentlewoman's substitute and will state that the main amendment pending offered by the gentleman from California (Mr. HOSMER) is only a money amendment. Therefore a substitute for that amendment would have to be germane thereto.

There might be another procedure by which the gentlewoman could offer the additional part of her substitute, but the Chair under the present situation holds the substitute not germane to the pending amendment and sustains the point of order.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER.

Mrs. ABZUG. Mr. Chairman, I desire to offer a substitute amendment.

The Clerk read as follows:

Substitute for the amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: Page 1, line 7: delete "$2,109,980,000" and insert instead "$927,840,000".

Mrs. ABZUG. Mr. Chairman, this amendment would delete $182 million authorized in this bill for nuclear weapons testing and would prohibit the Atomic Energy Commission from exploding or preparing to explode any nuclear device as part of the weapons program.

Last fall the Atomic Energy Commission detonated the "Cannikin" bomb on Amchitka Island in Alaska. The full extent of the damage which it caused to the ecology of that area is not yet known and may never be revealed fully. Thus far, we do know for certain that countless sea otters, fish, and other wildlife were killed or maimed as a result of the blast.

While the Atomic Energy Commission stated that Cannikin would be the last of the "large" nuclear weapons tests, testing of smaller devices has already begun in the Southwestern United States. Particularly in light of the arms agreements reached in Moscow last month, I cannot understand what more we have to gain from continued testing of these weapons.

I should like to remind this House that the United States solemnly pledged itself in both the limited test ban treaty and the nonproliferation treaty to work toward the discontinuance of all test explosions of nuclear weapons.

A comprehensive test ban on nuclear explosions would stabilize and retard the arms race and pave the way for further agreements among the nuclear powers with regard to mutual disarmament and limitation of strategic weapons.

Each new nuclear explosion poses a new set of undesirable questions about its possible adverse effects on the environment, release of radioactive materials, triggering of earthquakes, and permanent damage to the ecology of an area.

The Atomic Energy Commission spent over $200 million in fiscal years 1971 and 1972 for nuclear testing, and the bill before us proposes the expenditure of a like amount in fiscal 1973. This total sum of over half a billion dollars equals the annual budget for vocational and adult education. It also equals the total operating budget for the Environmental Protection Agency for a year.

For some time much of the American opposition to a comprehensive test ban has stemmed from the question of whether or not we could detect such testing. It has been made quite clear from reports on the subject, including that of the Federation of American Scientists, that we have been able to improve our seismology and such other means of detection as satellite photography and communications monitoring, enough to give us a high degree of confidence that any violation of a comprehensive test ban could and would be detected.

I believe that the United States should begin to take some initiatives with respect to creating the climate for active negotiations which would ultimately lead to a comprehensive ban on all nuclear test explosions with the Soviet Union and other nuclear powers. I think that this would slow the arms race and reduce the likelihood of other countries joining the nuclear club.

I believe that the Soviet Union has informally indicated a willingness to open additional nuclear test ban talks. I think that we should take the step here in the Congress to put a stop to this dangerous and unnecessary testing of nuclear weapons.

True security for this Nation lies not in instruments of destruction, but in the health and well-being of our citizens, the soundness of our economy, and the permanent reduction of world tensions.

Mr. Chairman, I urge the adoption of the substitute amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, the gentlewoman from New York has offered an amendment which would prohibit the Atomic Energy Commission from engaging in nuclear weapons testing. The Congresswoman's major premise, and I quote from her "Dear Colleague" letter of June 5, 1972, is:

With the termination of offensive missile development and production which we will soon see should also come the termination of nuclear warhead development.

I know of no indication stated or inferred that there will soon be termination of offensive missile development and production in the United States or in other countries which now possess nuclear weapons.

She also hopes that—

A cessation of testing by the United States would be a long step in the direction of bringing about a comprehensive test ban treaty.

It apparently is expected that if the United States should unilaterally cease nuclear weapons testing, it might by some means result in other members of the nuclear weapons club following suit.

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I do not understand why, in view of the great advances toward arms limitations made by the President in his recent summit trips, there remain those who would act now to jeopardize that progress made and the potential progress in future SALT negotiations.

I should like to point out that there is nothing in the Treaty on the Limitations of Anti-Ballistic-Missile Systems to prohibit the qualitative improvement of strategic forces. To the contrary, article VII of the treaty specifically states:

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Moreover, article IV of the Interim Agreement on Strategic Offensive Arms provides:

Subject to the provisions of this Interim Agreement, modernization and replacement of strategic offensive ballistic missiles and launchers covered by this Interim Agreement may be undertaken.

Nowhere in these two documents does one find the slightest hint of a prohibition of nuclear weapons testing for the sake of arms control. It would be the height of foolishness to unilaterally weaken this Nation's position at the time when we are in a position to bargain from strength.

The reasons advanced for stopping tests, besides encouraging the other members of the nuclear club to follow suit, are manifold. Some are obvious trips into fantasy land. For instance, early in May 1972 there was a statement in the CONGRESSIONAL RECORD bemoaning the fact that if the United States did not cease testing, a test would cause an earthquake and a follow-on tsunami. It must be terrible to have such a short memory. Obviously, those who repeat these apocalyptic statements forget that the Cannikin test on Amchitka Island, Alaska, last November, a test announced as being in the megaton range, caused no earthquake and caused no tsunami.

It has been suggested that if the United States would unilaterally stop weapons testing it might stop weapons proliferation and that it might slow down the arms race. Has there been proliferation? I know of no country which has joined the nuclear club since the Chinese People's Republic detonated its first nuclear weapon in 1964.

Bear in mind the fact that India is the country most often cited as the one that would join the nuclear weapons club if the United States and the U.S.S.R. did not sign a comprehensive test treaty. However, it seems to me that India is more interested in what happens at the Chinese Lop Nor testing grounds than in what happens at the Siberia or Nevada testing sites. The People's Republic has not even signed the limited test ban treaty or the nonproliferation treaty. It is interesting to note that the Defense Minister of India recently stated that while his country was not interested in nuclear weapons, it was interested in the possible use of peaceful nuclear explosives.

I do not believe that the unilateral cessation of testing by the United States would really be a long step in the direction of bringing about a comprehensive test ban treaty. I strongly believe in the other side of the coin—the unilateral cessation of nuclear testing by the United States could further postpone agreement on a comprehensive test ban treaty, because it could significantly contribute to a weakening of our strategic deterrent.

Furthermore, I would like to point out that the cessation of underground testing would be in conflict with the four safeguards which the Senate insisted upon in 1963 when it ratified the treaty banning nuclear weapons tests in the atmosphere, in outer space, and underground. The essential purpose of the four safeguards was to protect the national security of the United States by assuring that our deterrent capabilities work. The proof of the effectiveness of our deterrence lies in our testing program. That testing program is essential for the evaluation of the effectiveness and workability of our weapons system. Several factors such as weapons storage and weapons movements are also validated by safety tests in the Nevada Test Site.

Nuclear weapons technology is dynamic. Nuclear deterrents, which are the cornerstone of our strategic policy, are dependent upon continued advances in nuclear weapons technology. A unilateral cessation at this time in history without adequate assurances of effective arms control agreements would present a grave danger to the security of our Nation. Very simply, the nuclear testing program is essential to maintain our nuclear capability which, in turn, is vital to our Nation's security.

I urge my colleagues to vote against this amendment, which would, in this critical time in history, weaken our Nation's nuclear weapons capability and the strength of our bargaining position in future discussions on acceptable arms control agreements.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel that this amendment is not going to be agreed to but I rise because I think the reasons why it should not be agreed to must be understood and underlined in the context of the treaties and agreements that were arranged in Moscow.

It is in the context of hard bargaining and negotiations that we are going to have a safer world. Or is it in the context of some unilateral decision on our part to forego our own defense?

I think most of us feel that a unilateral action has never in the history of the world brought a stable peace to any of the nations on the face of this world. Only by means of hard agreements that are in the mutual self-interest of the powers that have agreed to them can you achieve the stability by which peace can be imposed upon a troublesome world over a reasonable period of time.

Now, if we are just to forego all testing—and remember, remember, it was testing that made the treaty on the ABM possible—if we had not had the testing at Amchitka which was objected to by some in this Chamber, very loudly and very persistently, we would not have had an ABM system to make an agreement with the Russians about. Just think of that.

Just think of that. It was not until last November when that test was conducted successfully at Amchitka that we had the chips to put on the table to make an agreement with these people about the ABM. That was a great contribution to arms control and was only carried on and came about because we in the Congress and in the administration of this U.S. Government had the guts to go ahead and conduct this activity as it had to be carried forward in order to make an agreement.

Today we have that ABM agreement. It will be before the other body as a treaty. We also have the interim agreement on offensive missiles which will be before both bodies as an executive agreement. These two documents presuppose not only that the parties thereto will refrain from certain activities, but that the parties thereto will also carry on certain activities.

At the present moment this treaty and this agreement create a situation that is not lopsided either as to the capabilities in the nuclear strategic context of the Soviet Union or of the United States. Both of these nations have a sufficiency in nuclear capability to withstand the surprise attack of one of the countries and yet retain enough undamaged capability thereafter to retaliate to the other party's destruction, and that band of competency, that band of nuclear sufficiency that exists now, over the 5 years ahead that we have to negotiate a permanent interim agreement, will vary and will change.

As a matter of fact, it will probably disappear unless the very acts that are provided for, the research and testing of nuclear weapons, by this agreement and the other programs of nuclear weaponry are carried on as contemplated in the context in which that agreement was made; namely, the B–1 program, the trident program, and the other R. & D. programs in the strategic weapons area. If you do not want to carry those programs on, you apparently do not want to continue the stability of nuclear deterrents on both sides. You want to put yourself in a position, as the gentlewoman explained who offered this amendment, where we would do nothing but set an example while the other side, with whom we had not been able to do something because we have had nothing to bargain with them, would be free to achieve nuclear superiority. That just simply is not going to be to anybody's self-interest.

The CHAIRMAN. The time of the gentleman from California has expired.

Mrs. ABZUG. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HOSMER), may have additional time.

Mr. HOSMER. I object.

The CHAIRMAN. Objection is heard.

The question is on the substitute amendment offered by the gentlewoman from New York (Mrs. ABZUG), for the amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO: Page 1, line 7, strike the figure "$2,109,980,000" and insert in lieu thereof the following figure: "$2,099,480,000."

Mr. RONCALIO. Mr. Chairman, and my colleagues, this amendment seeks to remove from the appropriations for operating expenses for the current year $10,500,000. That was a line item in the report for continuation of Project Plowshare, the procedure of atomic stimulation of natural gas in tight structures in the hope of this making a substantial contribution to alleviating the natural gas shortage, the energy shortage, in our Nation.

I reluctantly speak before this committee because I have over the last quarter of a century, since its inception following World War II, felt that this program has been one of the most successful in our Government, the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy from which the Commission gets its jurisdiction. So I speak with a bit of respect for what has been accomplished in the past, but also with something scratching my conscience called Grand Junction, Colo., where 50 to 60 people have died of cancer, though we were sure 20 years ago there was absolutely no danger whatever in the milling operations at Grand Junction.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I want to be sure I understood that last statement. Does my friend, the gentleman from Wyoming, have any factual material that states 60 to 70 people have died in the Grand Junction, Colo., area as a result of cancer from radiation?

Mr. RONCALIO. I have a clipping from the Associated Press in Washington, D.C., as follows:

Glen E. Keller, Jr., president of the Colorado State Board of Health, was the harshest AEC critic, saying:

We have observed the efforts of the AEC first to deny the possibility of a problem, then to admit possibility but pooh-pooh probability, then to recognize a problem and deny responsibility, and finally, in the last few weeks, to engage frantically in behind-the-scenes efforts to avoid recommendations of the Interagency Steering Committee and the Medical Advisory Committee that the tailings be removed.

I can either insert it in the RECORD or read it in the RECORD for the gentleman. It reports death rate from birth defects 50 percent higher in Mesa County in Colorado.

Mr. ASPINALL. Mr. Chairman, I have no desire to have any newspaper article placed in the RECORD.

Mr. RONCALIO. I do not know of any better way to support my position than to quote from some authority.

Mr. ASPINALL. If my friend has to depend on that for the only support he has got, the Surgeon General has made a statement before the committee that the figures that my friend has used are just not factual. That is all I wish to say, Mr. Chairman.

Mr. RONCALIO. Perhaps my figures are in error. I believe we all agree Grand Junction represents an abysmal failure, and title II of this bill is devoted to that Grand Junction failure.

Mr. Chairman, please consider the following two questions: First, is natural gas the proper fuel of the future; and second, what effect will gas stimulation have on the populations located near proposed gasfields?

Natural gas is a depletable resource; it is estimated that we will run out of it in the next 50 to 150 years. The Plowshare project assumes that the best use for natural gas is as a clean, cheap fuel. No thought is given to the fact that natural gas is also a unique and extremely important chemical resource, and that by burning more than 97 percent of our production each year, we are literally throwing away a vital resource, a resource that once it is gone, can never be replaced. We forget that natural gas is used for such common products as synthetic rubber, textiles such as nylon and orlon, plastics, drugs, sulfur, ammonia, fertilizer, solvents—items that cannot be produced from our alternative energy resources. Is it wise to continue to use 97 percent of our natural gas reserves for fuel, knowing that in 150 years, at the most, we will not have any left for fuel or nonfuel purposes? Why not be putting these funds to more positive sources of energy development, such as solar energy or nuclear fusion power, which will not deplete in the next 150 years?

Second, what effect will atomic gas stimulation have on those populations of Wyoming, Utah, Colorado, Arizona, and New Mexico who have the ill fortune to live in rich natural gasfield areas?

A case in point is Project Wagon Wheel which is proposed by the AEC and El Paso Natural Gas Co. in my State of Wyoming. It may have the following effects:

First, structural damage will occur, and it is already estimated 200 to 400 claims will be made adding up to about $65,000.

Second, five sequential blasts, each equal to 100,000 tons of TNT, will have an individual Richter magnitude of 5—6 is potentially quite destructive—and aftershock waves will continue for at least 3 weeks.

Third, it is unknown whether or not underground aquifers will be contaminated, but if they are, continuous contamination of these water reserves could be expected for 400 years.

Fourth, in April of 1972 the Atomic Energy Commission stated:

Experience from technical studies and two previous nuclear gas stimulation experiments—Gasbuggy and Rulison—suggests a high probability of success.

The use of "probability" did little to calm the fears of 275 of my constituents who live within a 15-mile radius of the blast site.

Fifth, if this experiment is successful, possibly 40 to 50 new wells will be developed in the Rocky Mountain region each year.

My amendment to halt for 1 year funding authorizations for the Plowshare project is thus based on two facts: Natural gas is an expendable resource that is wasted as an energy fuel; and the people directly affected are not certain that they want this development until some pending questions are answered.

The Plowshare project was established in the summer of 1957. In light of the new directions this Nation has taken and the vast knowledge we have obtained during the past 15 years, I am hopeful you will join me in halting the work of Plowshare for 1 year while we reassess the directions it is taking.

This program, Plowshare, as best, is premature and represents a continuing insistance in making our energy policy. It points up the fact that there is at the worst some misrepresentation and at the best some lack of candor when we term the Rulison and Gasbuggy "highly successful," because they have not been successful.

To this day there has not been one cubic foot of gas usable from either one. To this day—and I am not talking about environmental damage here. I am not one of those who is highly concerned with the amendments before us today regarding environmental damage. If nuclear stimulation of tight gas fields would result in a substantial solution of the energy shortage, the people of Wyoming would be willing to put up with the damage of their environment, even with the sequential detonations which mean literally shaking up and doing damage to the earth, if we are in the pioneer area for the next 20 years, if that is the price, I say fine, so be it.

But if facts prove Plowshare is a continuing wastefulness of two important assets of this Nation's natural gas and U–238, I will say to my friend, the gentleman from California, that it then should no longer be funded.

I would like to quote from one of the many authorities who appeared in a meeting of about 1,100 citizens of Sublette County, Wyo., last month, attended by Senator CLIFFORD P. HANSEN of Wyoming and by me, and by radiologists, physicists, and other scientists. At that time, Mr. P. B. Henault of the Arco operations in Idaho pointed out what we are in effect doing is this. About 97 percent of natural gas in this country today is burned, when its most important use would be to continue as feedstock for the petrochemical industry.

We ought to face the fact that using uranium for atomic explosions of this kind to stimulate natural gas production is not the route toward solving our shortage in any way. It serves only to perpetuate the waste of both resources.

I would rather see the $10,500,000 used in the liquid metal fast breeder reactor, or in fusion research. These are programs that can ultimately make a last-

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ing and real end to our energy crisis. Plowshare cannot; it only compounds our mistakes.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. RONCALIO was allowed to proceed for 1 additional minute.)

Mr. RONCALIO. Mr. Chairman, I would like to state, to the Members of Congress, this is the case as stated by two of the best geologists I know, each of whom is responsible for bringing in one of the largest gasfields in Wyoming today.

They have said:

Teno, what is wrong with this program is that it is like going after a fly with a howitzer.

I suggest to you, my colleagues, we have now shot two howitzers after that housefly, and he is still buzzing around the Chamber. We ought not to be shooting a lot more howitzers at this fly, because we are wasting good ammunition doing it and we are making a mess of our House.

Geologically, these men have told me, the industry wanted to get permeability. Instead all it gets is a chimney. The program should be phased out.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this program was redirected 2 years ago to concentrate on underground engineering applications, particularly the stimulation of natural gas deposits not producible in any other way.

Present estimates are that we can more than double our supply of natural gas in the lower 48 States, and natural gas is the cleanest, most environmentally desirable fossil fuel.

This program has proceeded at a modest pace and, if anything, deserves more support, not less.

The two joint industry-government experiments to date—Gasbuggy and Rulison—have proved the technical feasibility of this concept. Efforts now are directed toward device development to limit residual radioactivity and to permit sequential detonation to reduce the seismic effects.

These efforts are being conducted under procedures to assure protection of the public health and safety both as to the use of the devices and the use of the gas produced.

I ask for defeat of the amendment.

Mr. HOSMER. Mr. Chairman, I also rise in opposition to the amendment.

Mr. Chairman, I believe it out to be pointed out that at the time the nations of the world engaged in the nonproliferation treaty, an obligation was assumed by the nuclear powers for the benefit of the nonnuclear powers, to provide them with peaceful nuclear-explosive services. Now, these services could include such things as the building of dams, the building of underground storage areas, and a host of nuclear-type activities—explosive they are, but peaceful also they are.

Now, if the gentleman's amendment prevails, this $10.5 million is all the money which the United States, one of the countries obliged to perform these services, has in its entire budget for the Plowshare program.

The gentleman from Wyoming is seeking to knock out not only the part that has to do with the gas experiments, but also everything else.

I believe this to be a very improvident move on an international scale.

On the domestic basis, let me say that I know the gentleman from Wyoming honestly believes there might be some detrimental occurrence in his district or in his State on account of the Plowshare project.

Let me say also, and I am sure the gentleman from Wyoming has no knowledge of this, but there are people in that part of our country who want to stop the Plowshare program for the production of gas for another reason. These are the people who own a lot of property they want to exploit for oil shale purposes. These people have come to the conclusion that if they can knock out the Plowshare program the environmentalists will be so grateful to them that they will not object to these operators exploiting the oil shale program, coming in and scooping out by strip mining the oil shale, burning it underground, with subsidence following, and all those other things.

So I suggest that the opposition to this program is not entirely sweet, clean and pure, and I exclude specifically from those remarks the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Wyoming.

Mr. RONCALIO. I am grateful to the gentleman for yielding.

I do not speak in behalf of the interest of any particular energy source, whether it be fossil fuel on one side, or shale, or anything else.

Let me say that all of this, or substantially all of this, will be used in a program called Wagon Wheel, which will be the sequential firing of five 100,000-ton explosives sequentially, about 500 feet apart, and all of it in Wyoming.

There is no foreign government involved in this program. The next shot is wholly in Wyoming.

I am not stating that this will be put out permanently. I am stating that the environmental impact report itself, which was hastily put through by the Atomic Energy Commission and the Environmental Protection Agency, incidentally, after telling the citizens of the State that they would have ample time for statements, then turned around and issued a final draft without giving a chance or notice to the people of the State of Wyoming.

Mr. HOSMER. Mr. Chairman, I yield to to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

In further elaboration of the point already made by my distinguished colleague (Mr. HOSMER), actually Wagon Wheel, which is the project which concerns the gentleman from Wyoming, amounts to $2.4 million. It would be tragic overkill, I believe, to kill off, as your amendment would do, the whole $10.5 million Project Plowshare because of your distaste for this one project.

Let me add one other point. These are joint industrial projects. When you talk about Gasbuggy and these other projects, they are shared in by private industry which will be contributing from their own capital funds for the support of these projects. Their share will be 90 percent. There will be 10 percent Government, 90 percent private capital. I think it would be a shame to wipe out a program when we provide that kind of incentive and encouragement to private capital to come in and develop the resources of the United States.

Mr. TIERNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from California, since he made some reference to the motivations of people, if he would give me some clarification for my benefit.

The gentleman made some remarks with regard to the motivations of people who are opposed to this and excluded the gentleman from Wyoming. I would like to know whether any of the people present in the Chamber would have a motivation that would fall in the category of the description you gave.

Mr. HOSMER. There is no one in the Chamber I know of that would fit the description I gave. Those who would fall in the category of the description I gave are operators of oil shale projects and properties in the Western United States.

Mr. TIERNAN. If the gentleman will also refer to page 28 of the committee report, it seems to me the increase in funding in this particular area resulted in an effort by you and members of the committee to increase the grants to carry on this program with vigor and with additional funding. Is that correct?

Mr. HOSMER. Indeed. In recognition of the tremendous gas shortage we have and in recognition of the fact that there is over twice the amount of gas locked in oil shale in the western regions of the United States than has been discovered and used in this country already, we figured that we should get with it.

Mr. TIERNAN. Is it correct from your remarks that the feeling of the committee and the administration is that this is not being pursued sufficiently?

Mr. HOSMER. Without funding of $3 million more than has been asked for over the last 3, 4, or 5 years we felt it has not been sufficient. Consistently, we have added about $3 million to the program with the feeling that it should be tied in at that rate rather than the slower pace indicated by the budgetary request.

Mr. TIERNAN. I thank the gentleman.

Mr. RONCALIO. Let me give a good example to the gentleman from Illinois of the magnanimity of the extent to which private enterprise has been contributing its 90 percent of costs of damage. I now read from Wagon Wheel Environmental Import Report:

Those within seven miles—fewer than 25 persons—will be requested to leave the area during detonation. Minor architectural damage to some 200 to 400 structures may occur.

Such damage is currently estimated at approximately $65,000.

This is the equivalent of $400 per citizen for the damage to their homes, to their walls, or to their feeding pens, to their fences, dams. I submit further that if you find the damage exceeds $65,000, additional appropriations will be sought from the Congress to pay the claims. It's always the people who pay. But if great quantities of gas are beneficially recovered, you know who gets the windfall profit.

Let me also state to the gentleman from California (Mr. HOSMER) with whom I have labored long and hard on many of these things in the Committee on Interior and Insular Affairs, that if this thing is a success, and a howling success, that you will have contributed less than 1.5 percent toward the solving of the shortage for energy over the next 15 years. It is not very much—at best.

I think that it is high time that we should be spending this money on nuclear fusion rather than on this wasteful, poor program which even if successful only perpetuates our wasteful habits regarding natural gas and uranium usage.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield so that I can make a brief reply to the gentleman from Wyoming?

Mr. TIERNAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I just want to point out that I think perhaps the gentleman did it unwittingly, but that in referring to the particular question of the payment of damages the gentleman has created, I am sure, in the minds of some of the members of the committee, the impression that this was in fact that damage would occur. I think it should be emphasized that it is, that it may occur, but I think the fact is extremely problematical that it may occur, or that any of these rather horrendous predictions of estimated damage would in fact occur. So I think we ought to put the stress on the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill H.R. 14990, and strongly urge its approval, including the funds authorized to provide and develop the advanced Trident missile submarine.

Mr. Chairman, the last time this body authorized a missile submarine was in 1964; that was the authorization of our last Polaris submarine. Our last missile submarine was completed in 1967. During this 8-year and 5-year period respectively the Soviets have been developing, designing, and building advanced missile submarines at an increasing rate. The Soviets have also been working very hard to develop techniques for neutralizing our missile submarines—techniques for finding them and destroying them. We believe they have not been successful to date, but it is only reasonable to expect that eventually they will be successful. Of course we do not know when but we must prepare for this day.

The best way to prepare for such an event is to develop an advanced submarine which will be able to take over in place of our older missile submarines by the time the Soviets have been successful in neutralizing them. This is the purpose in developing the advanced Trident system.

One of the most important factors in contending with this and similar complex technology and hardware programs is the time factor. It takes at least 5 years to develop an advanced nuclear propulsion plant. Any deferrals are irreversible actions. Ignoring this lead time and waiting until an absolute need develops will cause us to be 5 years late. Of course, in matters such as this, vital to our national defense posture, such a situation would be disastrous. Accordingly, delays in getting started cannot and should not be tolerated.

The funds herein authorized are essential to U.S. security and I am confident the House will vote its approval on that basis.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302(a) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

"(b) The Court of Claims shall have jurisdiction to hear and determine—

(1) whether any revocation under subsection (a) of this section constitutes a taking of private property within the meaning of the Fifth Amendment to the United States Constitution, and

(2) should it decide that such a taking has occurred the amount of compensation due from the United States for losses resulting from such revocation."

POINT OF ORDER

Mr. PRICE of Illinois. Mr. Chairman, I make a point of order against the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Illinois. Mr. Chairman, the amendment just offered by the gentlewoman from New York (Mrs. ABZUG) in subparagraph (b) prescribes the jurisdiction of the Court of Claims. Of course, the Court of Claims is not within the purview of the legislation pending before us this afternoon.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. ABZUG) desire to be heard on the point of order?

Mrs. ABZUG. I do, Mr. Chairman.

Mr. Chairman, the question involved here is not the prescription of the jurisdiction of the Court of Claims; it merely provides that should it be interpreted here that there is a taking of private property, that the Court of Claims which has jurisdiction would herein determine whether or not there is a taking of private property within the meaning of the fifth amendment. It does not impose any new jurisdiction upon the Court of Claims.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule on the point of order raised by the gentleman from Illinois (Mr. PRICE).

The first portion of subparagraph (a) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is in the opinion of the Chair germane to the legislation before us. However, subparagraph (b) of the proposed amendment would impose or give jurisdiction to the Court of Claims to make certain determinations. The matter contained in subparagraph (b) is not a matter within the jurisdiction of the Joint Committee on Atomic Energy, and would lie within the jurisdiction of another committee of the Congress, and of the House of Representatives.

It is therefore the opinion of the Chair that since subparagraph (b) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is not germane, the Chair therefore sustains the point of order against the amendment.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302. (a) The Commission shall not grant or renew any license permitting the trustees of Columbia University in the city of New York to operate or fuel any nuclear reactor within the city of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment in that it denies the trustees of Columbia University the equal protection of the law because it singles them out and them alone as being ineligible for a license, which is within the general power of the Commission to grant.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard?

Mrs. ABZUG. Yes, Mr. Chairman.

Mr. Chairman, I understood the Chair to have ruled the amendment which I have just proposed as being germane and in order.

However, I do not believe that it does that at all. It does not deny equal protection of the laws. The fact is that the Commission has the authority to either grant license or not grant a license depending upon its authority under the act.

This merely indicates it has also the power to revoke licenses upon a demon-

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stration that there is a lack of safety involved.

Mr. Chairman, I think this amendment is both germane and in order.

The CHAIRMAN (Mr. UDALL). The pending bill would authorize certain appropriations for the Atomic Energy Commission and authorize certain activities.

The proposed amendment would place a limitation, a specific limitation, on those activities.

In the opinion of the Chair the amendment is germane and therefore the Chair overrules the point of order.

Mrs. ABZUG. Mr. Chairman, this amendment is addressed to a very serious problem in New York and many other places.

Despite much community protest, and over the safety-based objections of the experts comprising its own trial board, the Atomic Energy Commission has just granted a license permitting Columbia University to operate a nuclear reactor in the densely populated Morningside Heights community.

My amendment would uphold the objections of the Morningside community and the safety experts of the AEC by revoking that license and prohibiting the issuance of a new one.

Community opposition to the Triga II pulsing nuclear reactor, located at 119th Street and Amsterdam Avenue, goes back nearly a decade to the time the reactor was first proposed. Three years ago, four Columbia professors and many local residents and public officials joined in protesting the reactor as too dangerous, and community residents have participated in the proceedings before the AEC.

In April 1971, the AEC trial board recommended the denial of Columbia's application for a reactor permit on the ground that there was insufficient evidence that the reactor could be operated safely. This "pulsing" reactor, while smaller than many other reactors, pulses up to 250,000 kilowatts of atomic power once every 6 minutes At the time this pulse occurs, the reactor is as powerful and as dangerous as a substantially larger reactor.

Last month, the AEC Appeals Board reversed the decision of the trial board and granted the license, effective June 2—last Friday.

Columbia has not taken any steps to fuel the reactor, but under this last decision they are free to do so at any time. The Columbia situation is one of national significance. I am not opposed to the peaceful application of atomic energy, but we have a responsibility to guarantee that atomic reactors are not located in the midst of densely populated areas. All people have a right to be protected in their own homes and to be assured that we will not permit atomic reactors to be their next-door neighbors.

Mr. Chairman, this amendment is of great importance to the people in New York City and around the country, and I urge its adoption.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this terrible monster about which you have just heard is so horrible, in fact, that it is a machine that is used as a research tool and it is installed in many of the universities of the United States and, indeed, the major progressive universities throughout the world.

For example, there is one of these at the University of Arizona, one at the University of Illinois, one at Idaho State University, one at Reed College, and one at Michigan State University. There are other reactors on other campuses all over the country. The reason they are put there is that they are tools and devices for the enhancement of man's knowledge in technical areas, man's knowledge in medical areas, biological areas, and many other areas.

If I were to have any phraseology at all to describe the amendment, I would have to describe it as "the dark ages amendment," "turn back the clock," "stop the knowledge," "take away the research tools."

Mr. Chairman, I urge defeat of the amendment.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment knowing that the amendment is not going to be agreed to, but to use the opportunity to address myself to a basic question, because I think it should ultimately be the subject of legislation and be discussed in the appropriate committee. That is this: Should not a locality have the right to have standards more stringent than those the AEC requires? There have been attempts at that. I think it was the State of Minnesota that established more stringent safety standards, and they took it all the way up to the Supreme Court and the Supreme Court said no, that setting standards had been preempted by the Federal Government.

Ought we not have legislation which says that where the standards of a State are higher than those provided in the Federal law, the Federal Government shall not preempt the State standards?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I think you have asked a perfectly legitimate question, but as I read section 302(a), the language of the proposed amendment states:

> Any such license currently outstanding is hereby revoked effective immediately upon the enactment of this Act.

In other words, you would be adding the power of the Federal Government here to revoke a license that had already been granted.

Mr. KOCH. No, if I understand the amendment and the situation applying in New York it is this: The license is an AEC license that has been granted to Columbia University. The language and intent of the amendment is not directed at preventing the city of New York from issuing a license, indeed it has no such power. And I want to tell you that many of the people of the city of New York do not want that reactor there. And in my judgment the city of New York would bar it if it had that power.

As I said, I do not believe we will pass this amendment, but ought this House not address itself at some time to the question of whether we, the Federal Government, shall impose a nuclear reactor on an area where the city or the State does not want it? That is the basic question.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from California.

Mr. HOSMER. The AEC did not initiate the proceedings to authorize a license. The trustees of Columbia University wanted a reactor and a license to operate it. Why should the U.S. Congress tell the trustees of Columbia University that they cannot have a reactor when all the rest of the universities have reactors? But Uncle Sam, in the form of the United States, says, "You cannot have one."

Mr. KOCH. Columbia University is a great university, but that does not mean it has the right to endanger the city if it decides to do that. The city of New York does not have the power to bar the Columbia University reactor, because the Federal Government has preempted that power. That is what I am addressing myself to.

Mr. HOSMER. On that basis, I submit they can also prevent trucks and cars and people from coming into the city of New York. Are they going to create a duchy of New York?

Mr. KOCH. Does the gentleman equate trucks and buses with atomic energy and atomic plants? I certainly do not.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, is there any evidence the city of New York actually wants to take away from the university the right to operate a nuclear reactor?

Mr. KOCH. I can tell the gentleman that this project has been condemned by great numbers of community groups in the city of New York. There has been no opportunity for the city of New York to make an official judgment or decision, because the city of New York is not given a role in determining whether the reactor will be built in its jurisdiction. What I am saying is there should be legislation to permit the State of Minnesota to do what it wanted to do to give the city of New York comparable powers to say what energy sources shall be built within its city. Does the gentleman not agree with that?

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out once again that nothing the Federal Government is doing is forcing the nuclear reactor onto the Columbia University campus or anywhere else. We have established in the Atomic Energy Commission the right to license reactors. The trustees of the university have requested this reactor. If we lend our authority to the hysteria that makes people fear this reactor, this tiny research tool, as if it is going to destroy the city of New York, then we will be doing a great disservice, not only to research, but also to common intelligence.

There are a great many other reactors in the country. I cite the one in Washington, which is right on the campus, built right along the sidewalks the students walk on as they pass the student union building, and along which everybody walks to go to the football stadium. The reactor is enclosed in glass. Everybody can walk past it and see it. It is half the width of this room away from the sidewalk. The students work on their research projects on this reactor, separated only by a pane of glass from the bystanders. The people learned to accept this, because they have not been driven by hysteria into thinking this reactor is going to gobble them up and destroy their city. We have to establish that we are not going to lend ourselves to this hysteria.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from New York.

Mrs. ABZUG. It has been pointed out by the gentleman from New York (Mr. KOCH) and I will reaffirm this, that this particular reactor has been opposed by many leading scientists and community leaders in New York City. I realize that it may be the impression of my colleague, the gentleman from Washington, that we in New York are hysterical, but I think it has been evident that there are many of us who are not, and some of us who may be.

There has been serious and informed testimony—and the gentleman can read it if he wishes to—that there is considerable question about the safety of this particular nuclear reactor. There have been some indications that considerable damage can flow from even low-level plant emissions which it has been suggested can take place here.

I find it interesting that the gentleman has made it his role to defend against any effort to amend that is made in the arena of atomic energy for the safety of people, and I think it is good, because he is a scientist. However, we must reconcile the needs of atomic energy with the rights and safety of our citizens.

I think that no amount of evidence that there has been only some reactor accidents, and that there has not been accidents at every one of them, can obscure or erase the fact that community after community is being subjected to possible safety hazards.

There is no reason to have the reactors in crowded areas of cities. We should address ourselves to the question of where and how we can maintain nuclear development for peaceful purposes which will not at the same time create possible hazards to densely populated areas.

Mr. McCORMACK. Thank you.

I can only say that there is no established record anywhere of any accident for any such reactor, anywhere in the world.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 1007, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 2, not voting 63, as follows:

[Roll No. 193]

YEAS—367

Abbitt	Blanton	Clausen,
Abourezk	Blatnik	Don H.
Adams	Boggs	Clay
Addabbo	Boland	Cleveland
Alexander	Bolling	Collier
Anderson,	Bow	Collins, Ill.
Calif.	Brademas	Collins, Tex.
Anderson, Ill.	Brasco	Conable
Anderson,	Bray	Conover
Tenn.	Brinkley	Conte
Andrews, Ala.	Brooks	Corman
Andrews,	Broomfield	Cotter
N. Dak.	Brotzman	Coughlin
Annunzio	Brown, Mich.	Crane
Archer	Brown, Ohio	Culver
Arends	Broyhill, N.C.	Curlin
Ashbrook	Broyhill, Va.	Daniel, Va.
Ashley	Buchanan	Davis, Ga.
Aspin	Burke, Fla.	Davis, S.C.
Aspinall	Burke, Mass.	Davis, Wis.
Badillo	Burleson, Tex.	de la Garza
Baker	Burlison, Mo.	Delaney
Baring	Byrnes, Wis.	Dellenback
Barrett	Byron	Dennis
Begich	Cabell	Dent
Belcher	Caffery	Derwinski
Bennett	Camp	Devine
Bergland	Carey, N.Y.	Dickinson
Betts	Carlson	Dingell
Bevill	Carter	Donohue
Biaggi	Casey, Tex.	Dorn
Biester	Cederberg	Dow
Bingham	Chamberlain	Downing
Blackburn	Clancy	Dulski
Duncan	Keating	Roberts
du Pont	Kee	Robison, N.Y.
Dwyer	Keith	Roe
Eckhardt	Kemp	Rogers
Edmondson	King	Roncalio
Edwards, Ala.	Kluczynski	Rooney, Pa.
Edwards, Calif.	Koch	Rosenthal
Eilberg	Kuykendall	Rostenkowski
Erlenborn	Kyl	Roush
Esch	Landgrebe	Rousselot
Evans, Colo.	Landrum	Roy
Evins, Tenn.	Latta	Runnels
Fascell	Lennon	Ruppe
Findley	Link	Ruth
Fish	Lloyd	St Germain
Fisher	Long, Md.	Sandman
Flowers	McClure	Sarbanes
Flynt	McCollister	Satterfield
Foley	McCormack	Saylor
Ford, Gerald R.	McCulloch	Scherle
Ford,	McDade	Schwengel
William D.	McDonald,	Scott
Forsythe	Mich.	Sebelius
Fountain	McFall	Selberling
Fraser	McKay	Shipley
Frelinghuysen	McKevitt	Shoup
Frenzel	Macdonald,	Shriver
Frey	Mass.	Sikes
Fulton	Madden	Sisk
Fuqua	Mahon	Skubitz
Gallifianakis	Mailliard	Slack
Garmatz	Mallary	Smith, Calif.
Gaydos	Mann	Smith, Iowa
Gettys	Martin	Smith, N.Y.
Giaimo	Mathias, Calif.	Snyder
Goldwater	Mathis, Ga.	Spence
Gonzalez	Matsunaga	Staggers
Goodling	Mayne	Stanton,
Grasso	Mazzoli	J. William
Gray	Meeds	Stanton,
Green, Oreg.	Melcher	James V.
Green, Pa.	Michel	Steed
Griffin	Mikva	Steele
Gross	Miller, Ohio	Steiger, Ariz.
Grover	Mills, Ark.	Steiger, Wis.
Gubser	Mills, Md.	Stephens
Hagan	Minish	Stokes
Haley	Mink	Stratton
Hall	Minshall	Sullivan
Hamilton	Mitchell	Symington
Hammer-	Mizell	Talcott
schmidt	Mollohan	Taylor
Hanley	Monagan	Teague, Calif.
Hanna	Montgomery	Teague, Tex.
Hansen, Idaho	Moorhead	Terry
Hansen, Wash.	Morgan	Thompson, Ga.
Harrington	Mosher	Thompson, N.J.
Harsha	Murphy, Ill.	Thomson, Wis.
Harvey	Myers	Thone
Hastings	Natcher	Tiernan
Hathaway	Nedzi	Udall
Hawkins	Nelsen	Ullman
Hays	Nichols	Vander Jagt
Hébert	Nix	Vanik
Hechler, W. Va.	Obey	Veysey
Heckler, Mass.	O'Hara	Vigorito
Heinz	O'Neill	Waggonner
Helstoski	Patman	Wampler
Henderson	Patten	Ware
Hicks, Mass.	Pelly	Whalen
Hicks, Wash.	Pepper	Whalley
Hillis	Perkins	White
Hogan	Pettis	Whitehurst
Horton	Pickle	Whitten
Hosmer	Pike	Widnall
Howard	Pirnie	Wiggins
Hull	Poage	Williams
Hungate	Podell	Winn
Hunt	Poff	Wolff
Hutchinson	Powell	Wright
Ichord	Preyer, N.C.	Wyatt
Jacobs	Price, Ill.	Wydler
Jarman	Purcell	Wylie
Johnson, Calif.	Quie	Wyman
Johnson, Pa.	Quillen	Yates
Jonas	Railsback	Yatron
Jones, Ala.	Randall	Young, Fla.
Jones, N.C.	Rarick	Young, Tex.
Jones, Tenn.	Rees	Zablocki
Karth	Reid	Zion
Kastenmeier	Reuss	Zwach
Kazen	Rhodes	

NAYS—2

Abzug	Ryan

NOT VOTING—63

Abernethy	Chisholm	Dellums
Bell	Clark	Denholm
Burton	Clawson, Del	Diggs
Byrne, Pa.	Colmer	Dowdy
Carney	Conyers	Drinan
Celler	Daniels, N.J.	Eshleman
Chappell	Danielson	Flood

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Gallagher	McMillan	Rooney, N.Y.
Gibbons	Metcalfe	Roybal
Griffiths	Miller, Calif.	Scheuer
Gude	Moss	Schmitz
Halpern	Murphy, N.Y.	Schneebeli
Holifield	O'Konski	Springer
Kyros	Passman	Stubblefield
Leggett	Peyser	Stuckey
Lent	Price, Tex.	Van Deerlin
Long, La.	Pryor, Ark.	Waldie
Lujan	Pucinski	Wilson, Bob
McClory	Rangel	Wilson,
McCloskey	Riegle	Charles H.
McEwen	Robinson, Va.	
McKinney	Rodino	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Del Clawson.
Mr. Chappell with Mr. Robinson of Virginia.
Mr. Flood with Mr. Eshleman.
Mr. Denholm with Mr. O'Konski.
Mr. Burton with Mrs. Chisholm.
Mr. Drinan with Mr. Diggs.
Mr. Stubblefield with Mr. Lujan.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Daniels of New Jersey with Mr. Riegle.
Mr. Colmer with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Schneebeli.
Mr. Murphy of New York with Mr. Peyser.
Mr. Rooney of New York with Mr. Halpern.
Mr. Waldie with Mr. Rangel.
Mr. Melcher with Mr. McCloskey.
Mr. Kyros with Mr. McKinney.
Mr. Gibbons with Mr. Springer.
Mr. Celler with Mr. Gude.
Mr. Van Deerlin with Mr. Schmitz.
Mr. Stuckey with Mr. McEwen.
Mrs. Griffiths with Mr. Price of Texas.
Mr. Carney with Mr. Lent.
Mr. Leggett with Mr. Bell.
Mr. Scheuer with Mr. Dellums.
Mr. McMillan with Mr. Passman.
Mr. Rodino with Mr. Danielson.
Mr. Miller of California with Mr. Pucinski.
Mr. Moss with Mr. Pryor of Arkansas.
Mr Roybal with Mr. Gallagher.
Mr. Clark with Mr. Conyers.
Mr. Abernethy with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 1007, I call up from the Speaker's table for immediate consideration the Senate bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3607

An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,110,480,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separation areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73–4–a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Project 73–6–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerators and reactor improvements, medium and low-energy physics, $600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATIVE.—

Project 73–9–a, addition to headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4)

striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92–84, as amended, is further amended by(1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefore the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words *"Provided,* That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14990) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RE-REFERENCE OF S. 2988, ARCTIC WINTER GAMES, TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of S. 2988, to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974, and that the bill be rereferred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

DEATH OF HELEN G. BONFILS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, it is my sad duty to advise the Members of the death of Helen G. Bonfils, whose family has meant a great deal to the people of my district and particularly to the schools at Troy, Mo. The account of her death in today's Washington Post follows:

HELEN G. BONFILS DIES AT 82; CHAIRMAN OF DENVER POST

DENVER, June 5.—Philanthropist Helen G. Bonfils, chairman of the board of the Denver Post, died Tuesday at St. Joseph's Hospital after a lengthy illness marked by heart trouble. She was 82.

Miss Bonfils had expressed the desire to have employees own the newspaper and at the time of her death she personally owned one share.

The remainder of her majority holdings, about 82 percent, earlier had been placed in an employees' stock trust and in her own Helen G. Bonfils Foundation for later transfer to the employees' fund.

Miss Bonfils was the younger daughter of Post cofounder Frederick G. Bonfils, who bought the paper with H. H. Tammen for $12,500 in October, 1895. When he died in 1933, she assumed management.

Charles R. Buxton, editor and publisher of The Post, said Miss Bonfils was "a great lady, a philanthropist, actress, but most of all a newspaperwoman—one of the few in U.S. journalism history who understood, guided and loved her people so that her newspaper could achieve greatness."

Though hospitalized in recent years, "Miss Helen," as she was known to her employees, worked closely with the editors of The Post.

The newspaper and the theater were her first interests, but she also spent a great deal of time and money on charitable causes, churches and hospitals. She received a Papal Cross in 1942 for her contributions to the Catholic Church and its institutions.

In the theater, Miss Bonfils was a actress, a benefactor and the financial backer of many plays, including "Sleuth," a Tony Award winner on Broadway during the 1970–71 season.

Born in Peekskill, N.Y., Nov. 26, 1889, Miss Bonfils grew up and was educated in Denver and at the National Park Seminary in Forest Glen, Md.

She married summer stock director George Somnes here in 1936. He died in 1956 and she married a local oil man, Edward Michael Davis, in 1959. They were divorced last year.

Miss Bonfils and her sister, the late Mrs. Charles Stanton, shared equally in the $14-million estate of their father and in the $10-million estate of their mother, who died in 1935.

Mrs. Stanton sold the bulk of her shares in the newspaper to Samuel I. Newhouse, the owner of a group of newspapers and

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head of the Herald Co. that now holds 14,724 shares, or about 18 percent.

Miss Bonfils added to her holdings in the newspaper by buying two blocks of stock for the corporation in 1960 and 1966.

The Herald Co. filed suit in 1968, contending The Post management had made improper use of newspaper funds in the 1960 stock purchase. The case is now being considered by the 10th U.S. Circuit Court of Appeals here following a lower court ruling that the disputed shares be sold at public auction.

Miss Bonfils made several generous gifts to the community in which her father and his father obtained their starts. Bonfils Auditorium and Bonfils Cafeteria in Buchanan High School in Troy will stand as monuments to their philantrophy. Equally important, her father, Fred Bonfils, provided a great deal of the color of frontier life in Missouri and Kansas, as well as Colorado.

Gene Fowler's book "Timber Line" describes him:

Tammen invaded Chicago's Midway with a portfolio of Jackson's Architectural Views—tinted photographs of the World's Fair.

While scouting the press room, Tammen chanced on a book of peculiar tickets. "What are these?"

The boss-printer glanced up from the Declaration.

"Oh, those? Some lottery tickets."

"Who for?" Tammen asked.

"A fellow named Bonfils. Know him? Fred G. Bonfils."

"No. What's his game?"

The printer chuckled. "He's a lulu! Kansas City. We do all his printing. This Bonfils has a million dollars salted away."

"Banker?"

The printer shook his head. "Not so's you could notice. Gambler!"

Tammen pricked up his ears. "A million, eh? How old is he?"

"I'd say about thirty-three or four. Went to West Point. Says he's a relative of Napoleon. Sounds kind of crazy."

"He's not crazy," Tammen said, "or he'd claim he was Napoleon. How'd he make his million? Lotteries?"

"He got his stake in the Indian Territory land rush of '89."

"A prairie-dog trapper," Tammen said. "Then what?"

"Well, he helped lay out the town of Guthrie. Then there was a little commotion. When the boys began peddling high-priced lots in Oklahoma City, what does this here Bonfils do? Why, he puts big ads in all the newspapers, offering Oklahoma City parcels for one-third the market value; but it seems the ground Bonfils sold was not in Oklahoma City, Oklahoma, at all, but Oklahoma City, Hemphill County, Texas!"

"A genius!" Tammen said. "Is that all you know?"

"Maybe I oughtn't to gab so much," the printer said. "I don't know who you are."

"I'm the fellow who's going to trim this Bonfils," Tammen said.

The printer laughed loudly. "Any old time! Why, just let anybody try and get a dime out of him. It's like childbirth. . . . How big you want this plate? Same size?"

"A little bigger," Tammen said. "Let's not short change the people of Chicago. . . . Say, what kind of looker is this Napoleon of the Corn Fields?"

"A dude," the printer said, "handsome and military, if he didn't wear such loud check suits."

"Big fellow?" Tammen asked.

"Say, you seem interested!" the printer said. "You ain't a copper by any chance?"

"No, a con man."

"Oh," the printer said. "Well, you see the authorities are after him. They claim Bonfils' lottery is crooked."

"They're narrow-minded," Tammen said. "That's why them lottery tickets are still here. Bonfils was supposed to get 'em two weeks ago. But I guess he's laying low. Some new laws was passed."

"Laying low where, partner?'

The printer hesitated. "Well, it's none of my business, but he works his lottery from Kansas City, Kansas, and lives in Kansas City, Missouri."

"Skip out of one State into the other on short notice?" Tammen asked.

"Search me. Now, you was askin' about his size. Taller'n you, I'd say. About five feet ten and a half. Well set up. Like a boxer. Moves sure and fast. They say he's got a punch like a mule. Anyway, you wouldn't want to cross him. He's got the damnedest set of blazing black eyes that ever looked at five aces. A sharp-pointed moustache and curly hair, black as coal . . . How many of these you want printed?"

"I'll be back," Tammen said. "If Bonfils shows up, tell him Harry Tammen is out to trim him."

"You'll be the first one, then," the printer said.

Tammen did not find his man in Kansas City. Many other persons were looking for Frederick Gilmer Bonfils, government officers being anxious to question him concerning the Little Louisiana Lottery, which they claimed he had been operating under the alias of L. E. Winn. That interesting enterprise, said the sleuths, was fraudulent, Mr. Winn offering a large capital prize and several lesser ones, himself winning the big plum through members of his own ring.

The more Tammen learned of Bonfils, the more determined he became to contact the Napoleon of the Corn Fields. Information was plentiful. The Kansas City Star, the farmers' Bible, had been attacking Bonfils. The owner of that great publication, William Rockhill Nelson, was determined to rid the municipality and State of the swarthy Corsican. The Nelson publication declared Bonfils had operated under several aliases, such as L. E. Winn, E. Little, Silas Carr, and M. Dauphin. The last-named, said Kansas City journalists, was a fabulous person, who "had died conveniently" during some scheme or other.

As for Bonfils' biography, Tammen learned that he was a native of Troy, Missouri, the son of a Probate Judge, whose name originally had been Eugene Napoleon Buonfiglio. The family—a respected and well-to-do clan—had changed the name for purposes of simplification. Fred Bonfils' grandfather it was said, not only had been closely related to Napoleon, but as a boy in Corsica had played with the future First Consul.

The Judge, on retiring from the bench, became an executive of the Triple Alliance,* an insurance company of Troy. He had military ambitions for his son. He was delighted when Fred was nominated for West Point. The young man entered that war-foundry in the late '70's, a classmate of John J. Pershing and Enoch H. Crowder.

Stories varied concerning Bonfils' leaving West Point. One had it that he was demoted from the third to the fourth class for deficiency in mathematics; that he tried for three years to meet the academic requirements, but finally was dropped in 1881. Another version was that he resigned voluntarily to marry Miss Belle Barton, a young woman of Peekskill, N.Y. At any rate he did leave West Point before graduation.

*In the Triple Alliance policy you were assigned a number and you collected if the person with the number before or after you died. It was later declared a lottery.

It was said that he labored briefly in New York City, merchandising gas mantles from door to door. Gossipers averred he was ejected from a Knox Hat Store when giving a sales talk, and was so lastingly enraged that, during his journalistic days, he ordered a virulent editorial attack on Senator Philander Knox, who was not related in any way to the Knox Hat people. Bonfils hated the very name, Knox.

Still later, he worked in the Chemical National Bank, learning something of finance. Then, after his wedding in 1882, he moved to Canon City, Colorado. There he became drill master and instructor in mathematics at a military school. After a short sojourn in Canon City, Bonfils returned to Troy, where he engaged in the insurance business of his father, Judge Eugene Napoleon Bonfils. He heard so much of Napoleon that eventually he came to believe himself a lineal descendant of the Little Corporal.

Tammen gleaned all the reports he could concerning Bonfils and went back to Chicago.

As to what occurred when the Little Dutchman met Bonfils for the first time, one must rely upon Tammen's own account.

"I walked smack in on him," said Tammen. "He eyed me up and down, and said:

" 'Who are you? and what do you want?'

" 'Kid,' I said, 'I hear you've got a million dollars in safety-deposit boxes and I'm going to shake you down for half of it.'

"This sort of floored him. He said: 'Sit down, and we'll talk it over.' Then he imitated me. 'Kid,' he said, 'if you get a nickel out of me, you'll be doing more than anyone else ever did, or ever will do.'

"Well, I guess I'm a pretty good salesman. I told Bonfils about the new crop of millionaires out in our country. Of Stratton, Tabor and the rest; Dave Moffat and the boys of the gold fields. Then I told him about the Evening Post, a little sheet that could hardly pay its office rent. And we went into partnership then and there. And there never was a scratch of a pen between us. There were a lot of things he didn't know. What he didn't know, I did. What I didn't know, he knew. And between us, we knew everything."

Tammen and Bonfils took lunch together, The Little Dutchman had a first taste of Bonfils' shrewd and everlasting guardianship of that which belonged to him, when time came to pay the check.

Bonfils swiftly added the figures. Then he said: "We'll each pay for his own."

Tammen studied the lithe, handsome gambler, who began a lecture on giving large tips to waiters. "It only spoils a man," Bonfils was saying, "to overpay him—to give him something that he doesn't earn. Never do it. It means you are really afraid of something—of looking ridiculous perhaps—when you give away a big tip."

It was the beginning of as strange and lasting a friendship as the West ever witnessed. The obscure meeting of these men of opposite temperament, of opposite behavior, was apparently unimportant to anyone but themselves. Yet, it was to affect the lives and thoughts of hundreds of thousands of persons, shape the destiny of a city, a state—and, within certain limits, a nation. For, from this friendship was born a blatantly new journalism, called by some a menace, a font of indecency, a nuptial flight of vulgarity and sensationalism; by others regarded as a guarantee against corporate banditry, a championing of virtue and a voice of the exploited working man. The important thing was that everyone would have some opinion of the product of this union.

Tammen was a dreamer. Bonfils was haughty, dynamic, publicly taciturn (except when his Peer Gynt temper broke through and words or fists commenced to fly).

Neither of these men ever seemed to grow old in mind or body. They didn't have time. And as diametrically opposite as they were in most respects, they had this in common: both were strong of purpose, both were aggressive fighters.

The initial agreement between the partners was that Bonfils provide the capital—$12,500 for the purchase of the Evening Post—and Tammen "the publishing brains."

The partners arrived at Denver in October, 1895. They bought the Post property on October 28 of that year.

"It's a piddling little paper now," Tammen said to Bonfils as they walked arm-in-arm up Curtis Street. "But we'll wean it on tigermilk."

When the first week had passed, Tammen applied to Bonfils for funds to meet the editorial pay-roll.

Bonfils looked at his partner wonderingly. "Why, no, Harry," he said, "I won't advance another cent."

Tammen was defiated. "Then how in hell are we to keep on publishing?"

"That'a for you to determine, Harry. You say you have the brains. I know I have the money."

"You won't put up a few hundred more?"

Bonfils embraced Tammen. "Harry, when we bought this paper, I expected it to make money from the grass up. And it will have to do just that. Not one cent more do I put in from my capital. The POST has got to earn its own way."

"Great!" Tammen said. "It will."

The first of Bonfils' many newspaper crusades was launched—it was a drive against the operation of lotteries!

CONFERENCE REPORT ON HIGHER EDUCATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. GREEN), is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the conference report on the higher education bill is scheduled for a vote tomorrow. The higher education bill as it was reported out of the full committee and as it was approved by this House on November 4 by a vote of 332 yeas to 38 nays is legislation that was enthusiastically supported by all of the higher education community. I regret more than I can say that the conference report on the higher education bill is legislation that I cannot support. The reasons for my opposition are stated very eloquently and very succinctly in the hundreds of letters and telegrams which I have received in my office in opposition to the bill. I do not suggest that all of higher education is opposed to the conference report, but it seems to me that an article in the June 2 issue of Science describes the situation accurately:

An ambiguous note is the attitude of the higher education community. The associations of universities and colleges which form the higher education lobby in Washington have given an uncharacteristically slow and uncoordinated reaction to the bill, offering either halfhearted endorsement for the bill or engaging in extended consultations with their constituents. Advocates of the bill have been counting on support from university and college officials to counterbalance the busing issue. There is considerable reluctance in the higher education community to accept even the modified antibusing features added to the bill, and there are also objections to several of the educational provisions of the bill. The bill's institutional aid formula, in particular, is viewed unenthusiastically by academia's policy makers, who would have preferred a program of direct grants to institutions to the bill's complicated formula stressing aid based on federal funds received by an institution's students.

There follows a statement by the National Association of Jesuit Colleges and Universities in opposition to the conference report:

ASSOCIATION OF
JESUIT COLLEGES & UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE: The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill, S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

Rev. JOHN A. FITTERER, S.J.
Mr. JOSEPH KANE.

The president of every private college in my State of Oregon is on record in opposition to the bill. Their reasons are very persuasive from an educational standpoint:

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds under entitlements would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions, as written in this bill, would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

Dr. Rex F. Johnston, Columbia Christian College, Portland, Oregon; Dr. David C. Le Shana, George Fox College, Newberg, Oregon; Dr. John R. Howard, Lewis & Clark College, Portland, Oregon; Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon; Dr. James V. Miller, Pacific University, Forest Grove, Oregon; Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon; and Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon; Dr. Donald Reid, Judson Baptist College, Portland, Oregon; Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon; Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon; Dr. Paul Bragdon, Reed College, Portland, Oregon; and Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

The nationally known and highly respected president of Duke University has stated very eloquently the reasons for his opposition to the conference report. President Terry Sanford is the former Governor of North Carolina and an outstanding leader in the educational field. He was one of the first to initiate the Education Commission of the States. He is the author of the widely read book, "Storm Over the States." It seems to me we would be wise to listen to his counsel.

(Letter from President Terry Sanford of Duke University (in opposition to the Higher Education Conference Report.) He is also the Chairman of the National Council of Independent Colleges and Universities.)

MEMORANDUM

May 22, 1972.

Re: S. 659, Education Amendments of 1972.
Memo to: Honorable Edith Green.

As President of a private, graduate university, it is quite likely that this bill is very beneficial for us. But I hope we can look beyond our private interests.

I have deep misgivings about this bill. I agree with the broad objectives of Federal participation in the support of higher education, and especially with the objective of a program that will make it possible for every qualified student to get a college education, regardless of financial disability.

However, I do not think that this bill accomplishes these national purposes, certainly not in the long run.

I am opposed, as a matter of principle, to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign. I happen to believe that nothing is much better than many courses of action. I do not think we should jump at every dollar mark held up by Congress. I think that we should be firm in insisting that Congress not start false courses that cannot later be corrected.

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First of all, this bill appears to be full of empty promises. It is not likely to be funded properly, and there are too many loopholes for those who will play budget games. Unless there is 75% funding of EOG and 100% of Work-Study and NDSL there can be no funding of the new BOG (Basic Opportunity Grants), and until BOG is funded to at least 50% of need there cannot be full institutional aid. I am advised by an Office of Education spokesman that there is no chance that BOG can be started in time for the next school year.

Furthermore, I am not tremendously impressed with the concept of BOG. If EOG had been fully funded, we would not need this "new" approach.

As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately.

To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education, and to miss the point of the needs of students. Higher education is for all students, not just needy students.

I am an original champion of removing all financial barriers to higher education, but I cannot stretch this to a policy that suggests removing financial barriers *is the purpose* of higher education. Aid to institutions should relate to all students, for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore cannot be considered good public policy.

There are some good aspects. I especially approve of the aid to community colleges and technical and industrial education. If this bill is defeated this special assistance can be provided before the 1973 school year, and will not, I am told, be available for the 1972 school year in any event.

The Educational Opportunity Grants, the subsidized loans, and Work-Study will take care of 100% of the requirement of needy students if fully funded by Congress.

Institutional aid should be based on students, not on just a class of students.

The four-year college, the most in need, gets very little from this bill unless it changes its function and starts recruiting a special class of students.

The provisions relating to veterans are absurd. We need right now a positive and full GI bill, but this is at best a sop and at worst a special provision for one big state.

TERRY SANFORD,
President, Duke University.

Mr. Speaker, at this point I am including in the RECORD letters from educational leaders across the country. These letters urge the defeat of the conference report because it is not sound educational policy. However, a vote against the conference report obviously cannot be construed as a vote against higher education. As these hundreds of college presidents describe the inadequacies of the conference report, they are certainly arguing for the future of higher education when many of them say that no bill at all or a 1-year extension of existing programs would be preferable to the conference report. I urge my colleagues to consider the arguments which are made by these educational leaders who are not looking at the dollar sign but rather at the long-range interests of all postsecondary education:

May 29, 1972.

DEAR CONGRESSWOMAN GREEN: I am unequivocally and unalterably opposed to the Higher Education Bill as outlined in the Conference Report. I would greatly favor the extension of existing legislation for a year, hoping for more rational new legislation a year hence. College officials have been informed that they must support the Senate version or there will be no legislation at all; I prefer none at all.

It simply is not reasonable, and neither does it ring true to the American way, to say that we will ignore—and perhaps thereby *kill*—any institution which does not have a substantial number of students on federal assistance programs. (This may include a majority of the private colleges.) I cannot be convinced that the *only* institutions rendering service worthy of support are those serving a large percentage of disadvantaged students. In actuality, many "colleges" the Conference Report proposes to aid are providing instruction at a junior high level; but they are to be rewarded for an *attempt* to provide compensatory education the public lower schools should provide (even though research has proven most compensatory efforts to be fruitless anyway).

Please do what you can to kill the legislation proposed by the Conference Report, and please understand that many college officials have "switched rather than fight" because they have been told they are in a "this or nothing" position. . . .

Sincerely yours,

S. DAVID FRAZIER,
President, Peace College, Raleigh, N.C.

The higher education bill on which you will be voting is so tortured and defective that I cannot find much hope in it and hope you will vote against it—and vote instead for a continuation for one year of the present legislation.

The difficulty with the new bill, as I see it, is that it so circumscribes two important principles of funding as to make each almost useless. To tie everything to EOG—even institutional aid—is itself not very helpful, no matter how deeply one feels for the "disadvantaged"; to limit the proposed expansion by making it conditional on the unlikely proposition that present programs will be fully funded is, I should think, to ensure that probably unworkable scheme gets approval without even sweetening the medicine with dollars.

Because the various associations in higher education have apparently decided that a quarter-loaf is better than none, I'd really like to be of the party of consent. But the more I study this bill the more I am led to believe it offers no serious response to a very serious matter that of fiscal survival for private colleges. I would therefore be false to what I can read out of the bill and what I know about college finances were I to express even mild enthusiasm for the main provisions of the bill.

HAROLD C. MARTIN,
President, Union College, Schenectady, New York

I have received pressures from various organizations to urge the passing of the bill. I have not been convinced it was well designed, and thoroughly endorse your idea of a one-year extension of existing programs or a one-year continuing resolution at the 1972 level of funding as better solutions than the proposed legislation. I commend you for your refusal to sign the Conference Report under the circumstances. You have excellent backing when people like Terry Sanford feel as you do.

FREDERICK C. PERRY,
President, Pine Manor Junior College, Chestnut Hill, Mass.

President ROGER W. HEYNS,
American Council on Education, One duPont Circle, Washington, D.C.

DEAR PRESIDENT HEYNS: Thank you for your letter of May 22 reporting the decision of the Board of Directors of the American Council on Education to support the proposed Higher Education Act (S. 659).

I recognize that there are some commendable features of this proposed piece of legislation. However, it seems to me the undesirable features outweigh those deserving our support. I regret that the Board of Directors saw fit to endorse a piece of legislation that seems well calculated to make the position of the four-year, private college more precarious. Further, I do not believe it is in the best interest of the American Council on Education to let its decisions on higher education be influenced by the antibusing controversy in the public schools.

I recognize the need for a prompt response by the Council to proposed legislation and that the issues in this instance are quite complex. Nevertheless, I believe constituents of the Council should let their convictions be known to those who must speak on our behalf.

Sincerely yours,

RAYMOND M. BOST,
President, Lenoir Rhyne College, Hickory, N.C.

Your vote against higher education bill strongly urged. Legislation represented in this bill very detrimental to a large sector of education in America, namely private colleges. More thought must be given to meeting needs of the entire field of higher education. Urge that bill be defeated and that present legislation concerning Federal support of higher education be extended to allow time for further consideration and for the preparation of a more adequate bill during the next year.

SIDNEY E. SANDRIDGE,
President, Athens College, Athens, Ala.

. . . The Higher Education Bill is not a response to either the University, generally, or needy students in our student body.

LEON W. GILLESPIE,
Executive Vice President, Southeastern Bible College, Birmingham, Ala.

We are not at all "sold" on the bill in its present form. It seems to us at best, that it is a "make-do" situation intended as a temporary sop to those who wish aid for higher education, and yet a bill which will not meet the needs of higher education in the long run.

As representatives of private higher education, we are quite sure of the fact that this bill will not meet our needs. Our primary need, as we have stated many, many times in the past, is direct institutional aid based perhaps on a student per capita basis. We would, of course, like to see the aid to education continued under EOG, CWS, and NDEA. This is a help, but not a total solution to the problem. . . . Personally, we would rather see the bill postponed and the current programs continued until such time as a more satisfactory bill could be brought out of Committee.

JOHN V. TERRY,
Director of Development, John Brown University, Siloam Springs, Ark.

May 24, 1972.

DEAR MR. PERKINS: As to the substance of the conference report, again, I am disappointed. I speak as the president of a small, private, undergraduate college:

1) I cannot see that the provisions of the conference report promise much help to private colleges. "Entitlement" gives a fixed amount of aid to a student and encourages him to go to the school where the tuition is lowest. Institutional aid will follow him to that low tuition school. Therefore, the conference report does not provide significant relief from our declining enrollments and budget deficits. It seems to me that following the passage of the conference report there will be a flood of federal dollars and of additional students into the already overcrowded state-supported institutions.

In sum, I am very much disappointed that many needs and wishes of private colleges and of educational associations were ignored and deleted in the conference, particularly in the matter of direct institutional aid as it was proposed by Mrs. Edith Green in H.R. 7248.

2) Cost of instruction payments to veterans as proposed in the conference report is even more discriminatory against the private school. Eighty per cent or more of veterans are already in public institutions where their fixed allotments from the G.I. Bill stretch further because of low tuition. Cost of instruction payments will follow them to the large public institutions.

Sincerely,

WILLIAM J. RIMES, S.J.,
President, Spring Hill College, Mobile, Alabama.

MAY 24, 1972.

MY DEAR MR. PERKINS: Thank you for such immediate dissemination of the Conference Report and for requesting comment.

As president of an institution newly coeducational and located in a geographic area the minority population of which is practically non-existent, I cannot find much in the report to elicit my enthusiastic response.

Dominican College was a woman's college until this academic year; it is gradually building an enrollment of men, but the attraction of a substantial enrollment of veterans will probably be a slow process.

Martin county is one of California's most affluent counties, and with the exception of a small largely black-populated area in southern Marin, has practically no minority inhabitants. The College attracts resident students from many states and from other countries, and has tried to make it possible for students with very little money to spend for education to attend, but again its most immediate constituents are not members of minority groups (save that increasingly threatened species, the middle class).

This college, like its small liberal arts counterparts, does some things very well and, as the only college in a 521 square mile county, genuinely serves a constituency which needs it. There is almost no provision for a college such as ours in the proposed legislation, except perhaps in the program of grants for interim emergency assistance to institutions in serious distress; I look forward to the spelling out of its details.

I am truly appreciative of the hard work and long hours which have gone into the conference committee's work, as well as of the complicated extraneous matter included, and the need for compromise. However, I sometimes wonder who in Washington (besides Edith Green) really values colleges such as ours and their contribution to the diversity of higher education in this country, for diversity seems to receive much lip service but very little support.

Very truly yours,

SISTER M. SAMUEL CONLAN, O.P.,
President, Dominican College.

Memo to: Honorable EDITH GREEN.
Re: S. 659 Education Amendments of 1972.

MAY 26, 1972.

As the President of a small liberal arts college, I concur fully with the views expressed in your letter of May 20, 1972.

I would rather see an extension of existing programs over the legislation developed by the Conference Committee. Bless you for your courage and support of sound educational policy.

Institutional aid is needed desperately by the important segment of smaller institutions if they are to survive.

Let's wait and start fresh in January of 1973.

You have my continued support.

RAYMOND DOYLE,
President, Russell College, Burlingame, Calif.

MAY 26, 1972.

DEAR MRS. GREEN: It is with a good deal of disappointment that I have observed recently that the bill which the House approved has largely been discarded by the House-Senate conference committee.

While the bill will do much for the low-income person, it will completely by-pass the needs of the middle-income person and will spell the demise for many small private colleges; 49 have died this year and predictions are that 300 more will have died by 1980—these are institutions which for the most part deserve a better fate than they will receive.

In the name of the small private college, I implore you and your colleagues to award us a better fate than that.

Sincerely,

Dr. GEORGE WILLIAMS,
President, Regis College, Denver, Colo.

MAY 30, 1972.

In re: Higher Education Bill.
Hon. EDITH S. GREEN,
U.S. House of Representatives, Washington, D.C.

DEAR MRS. GREEN: It has come to my attention that the Conference Committee on the Higher Education Bill has reached an agreement which does not include general institutional aid. The formula for institutional aid, I am informed, relates to needy students who are or will be receiving federal financial assistance. As worthy as this "needy student" concept might be in principle, it does not meet the urgent need for unqualified institutional aid. Furthermore, the Conference Report represents an indifference to the blight of the middle income family. All students are served by higher education, and failure to provide general institutional aid ignores this basic fact. There is little doubt that the legislation in question fails to consider the crush placed upon middle income families to educate their children.

I hope you will vote against the Conference Report. I would rather wait another year to renew efforts for general institutional aid than to be faced with a situation which represents what I consider to be an unacceptable alternative.

With best regards.

Sincerely,

WILLIAM T. O'HARA,
Director, Southeastern Branch, University of Connecticut, Groton, Conn.

MAY 30, 1972.

Re: S. 659 Education Amendments of 1972.
Hon. EDITH GREEN,
House of Representatives, Washington, D.C.

MY DEAR MRS. GREEN: I could not agree with you more! It is far better to extend the existing programs for one more year so as to pass a proper bill for higher education than it is to vote for the provisions in this bill. Nova University, a graduate institution mission-oriented to resolve the problems facing society in the 70's, would receive almost no funding as a result of the provisions in the higher education bill. This would be so even though we are attacking a fundamental problem in American education, that of upgrading the competency and skills of elementary and secondary principals to help them bring about the changes so urgently needed in American public education.

Respectfully,

ABRAHAM S. FISCHLER,
President, Nova University, Fort Lauderdale, Fla.

MAY 30, 1972.

DEAR MRS. GREEN: In response to your correspondence regarding the educational legislation which is now before the House of Representatives, my basic feeling at this time is that we should renew and fund the present programs, provide some assistance to universities based on total population and forget the complicated percentages, formulae and quoted restrictions that appear in the new bill. The integration rider is a ridiculous imposition on the total education bill. . . .

Sincerely,

JOHN E. JOHNS,
President, Stetson University, DeLand, Fla.

MAY 26, 1972.

DEAR MRS. GREEN: I am not able to state any more adequately my thoughts than to echo the message of President Terry Sanford. He speaks for a large number of college and university presidents, I am sure.

Unfortunately, and with some embarrassment in admitting it to you, I have responded to Representative Carl D. Perkins, Chairman of the Committee on Education and Labor just three days ago and offered support for the Conference Report. I did so, while at the same time indicating many reservations and concerns. My reason for responding positively to Chairman Perkins resulted from the information I had received from a number of sources that this was the only way to assure continuing funding of the current programs for the coming academic year.

As you already know, the continuation of the NDSL, CWSP, and EOG programs is critical for all institutions. For a few of us who have exerted extensive effort to recruit lower income students, the continuation of funding in the EOG program particularly, is crucial.

In my letter to Chairman Perkins, I indicated my strong views that it makes no sense to authorize any new programs, when those that could very well perform the services needed, have not been funded to an adequate level to make their effectiveness possible. It is my belief that the various associations that you referred to in your letter have reversed themselves on many issues, simply because they have heard the urgency of the necessity for funding the current student aid programs from their constituents. In part, I am guilty of the same in my response to Chairman Perkins.

In summary, there are a number of items in the Conference Committee Report with which I find disagreement and which I believe will prove to be unsound educational policy. If there is any hope of passing the necessary legislation to assure ongoing funding of the current aid programs, I would prefer to see the total Higher Education Bill restudied and submitted in different form next year.

Sincerely yours,

JACK B. CRITCHFIELD,
President, Rollins College, Winter Park, Fla.

MAY 25, 1972.

DEAR MRS. GREEN: I regret that your Bill was not accepted by the Committee. I feel that the present bill is unsatisfactory for the needs of Higher Education particularly in the area of institutional aid. Apparently no consideration was given to the efforts which institutions make in providing institutional financial aid to its students. Young Harris College has always provided assistance for needy students. This has been true since 1886 and certainly before we began receiving Economic Opportunity Grants, College Work/Study and National Defense Student Loan Funds. We appreciate the financial assistance which we receive through

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Health, Education and Welfare but I do not believe that the institutional aid should be tied to student aid.

The proposed program for institutional aid on the basis of veterans attending seems to me to be ridiculous. I concur wholeheartedly in the premise that some extension of the current program would be better than to complicate matters by passing a bill which has not been carefully considered. I certainly hope that the Representatives of the people will be concerned enough to read the bill before it is passed. I do not think that we should accept "second best" when it is possible with more time to receive the best. Many of our problems are the result of expedient measures and our society certainly needs excellence in all areas.

Thank you again for your support.

Respectfully yours,

RAY FARLEY,
President, Young Harris College,
Young Harris, Ga.

MAY 26, 1972.

DEAR MRS. GREEN: I thought you would be interested in knowing that I wrote a letter yesterday to Representative Perkins telling him that, as far as I was concerned, they might as well not pass the Bill. From the beginning, I have supported the position which you took relative to direct aid to the institutions of higher learning. The Conference Committee Bill is utterly useless to institutions such as my type of state institution and to most private institutions which so badly need help.

Sincerely yours,

HENRY L. ASHMORE,
President, Armstrong State College,
Savannah, Ga.

MAY 25, 1972.

DEAR MRS. GREEN: I very much support the stand you have taken with reference to the Conference Committee report on the Higher Education Bill. By all means, oppose the bill. It is not a good bill. It would be far better for us to have a one-year extension at the 1972 level than to have this bill adopted ....

Sincerely yours,

THOMAS Y. WHITLEY,
President, Columbus College, Columbus, Ga.

GEORGIA SOUTHERN COLLEGE,
STATESBORO, GA., *May 25, 1972.*

DEAR CONGRESSWOMAN GREEN: I appreciate your analysis of the Conference Report on the Higher Education Bill. I must agree with you with regard to the problems which are inherent in the bill as it now stands. I have noted that the American Council on Education is supporting the Conference Report reluctantly, but I think your position is the sounder one. It appears to me that higher education would be better served by having an extension of the existing programs in order to give time for the Congress to develop a better higher education bill than the one now before the House. . . .

Respectfully yours,

POPE A. DUNCAN,
President.

MAY 29, 1972.

DEAR CONGRESSWOMAN GREEN: I am writing this brief letter simply to say two things. First, I greatly appreciate all the efforts you have been making on behalf of higher education. Second, I agree with your opinion of the Higher Education bill as worked out by the Conference Committee last week.

The colleges need financial assistance very badly. Unless the assistance can be given without too many strings attached, however, I believe it would be just as well not to give it. Many institutions like my own would benefit relatively little from the present bill.

Sincerely,

W. EARL STRICKLAND.

KANEOHE, OAHU, HAWAII.

Am in full agreement with you and with Terry Sanford. Without a doubt a one-year extension of existing programs would be a better measure, and would provide time to draft a bill that truly offers aid to higher education.

Hawaii Loa College is a new institution having just completed its second commencement. As a private liberal arts college, it is unique in Hawaii and adds an important dimension to the educational base in the state. Because of its newness and the kind of minority groups in Hawaii, we are only just beginning to be eligible for NDEA, EOG, and work-study funds, and such as we are allowed are very small. Consequently, under the proposed bill Hawaii Loa College would receive virtually no assistance from the Federal Government. I expect that most private new colleges would find themselves in the same situation. . . .

CHANDLER W. ROWE,
President, Hawaii Loa College.

CHICAGO, ILL., *May 25, 1972.*

Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.:

Please oppose higher education amendments because of increased costs. Federal tax dollars needed for general support of higher education.

HARRY A. MARMION,
President, St. Xavier College.

BUTLER UNIVERSITY,
Indianapolis, Ind., May 25, 1972.

DEAR MRS. GREEN: I have been studying the matter for several days and feel very strongly that the Conference Committee Bill is very bad. I find that my feelings about it are similar in many respects to those of President Sanford of Duke University, as presented in the memorandum to you from him, and I agree with your feeling that it would be better to have a one-year extension of the existing programs while a new bill is prepared than to adopt the bill as it emerged from the Conference Committee.

I applaud your decision not to support the present bill when it is officially considered by the House of Representatives.

Sincerely,

ALEXANDER E. JONES, *President.*

UNIVERSITY OF
NORTHERN IOWA,
Cedar Falls, Iowa, May 25, 1972.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GREEN: With great reluctance, I write to you to oppose the Higher Education Bill as it emerged from Conference Committee. I had hoped that this would be the year when a great breakthrough would be made in federal support of higher education. The institutions of higher education in this country are badly in need. Unfortunately, I believe that the compromise worked out by the Conference Committee contains too many undesirable features.

Sincerely,

JOHN J. KAMERICK, *President.*

LEAVENWORTH, KANS.,
May 30, 1792.

Hon. EDITH GREEN,
U.S. House, of Representatives,
Washington, D.C.

I have read carefully the provisions of the conference report on the Higher Education Amendments of 1972 and find it very difficult to support the proposed legislation simply because, it is better than nothing. Instead, I would endorse your plan for one-year extension of existing programs, with full funding of each program and trust, the Congress, to work out a fairer and more authentically helpful bill in the next session.

Sister MARY JANET,
President, Saint Mary College.

GREAT BEND, KANS.

Certainly those of us involved in higher education had hoped for the passage of the Green bill during the current congressional session. The purpose of this letter, however, is to question whether the bill which came out of the Conference Committee should be passed. To our view point, it would do little to help out financial problems and might even force us into directions of educational training which would ultimately hurt our institutions.

PAUL D. HINES,
President, Barton County Community Junior College.

MAY 25, 1972.

In regard to institutional aid, it seems to me that this Bill instead of increasing stability would in the case of small colleges tend to undermine such stability because it would demand that these colleges, which are already giving beyond available resources for aid to needy students, would have to provide even greater resources of their own to match the use of Federal funds which would be necessary to enable them to qualify for the institutional aid offered in the Bill.

Furthermore, I would like to point out that the Federal Program already in effect which provides said for the lowest income group of students is now giving this group of students more financial advantages in securing a college education than the middle income group of students which are finding it increasingly difficult to finance their college education. We have a large number of under-privileged students who get a completely free ride in their education, whereas some with moderate incomes have to seek institutions where the cost is not so high in order to get a college education, and therefore we lose a large number of this group of students. An institution cannot exist if it caters solely to students who can pay little or nothing on their educational costs, and I believe that the colleges of the country are already providing a fair share of aid to the lowest income students.

I think it is wrong for the Federal Government to try to force a college into a mold which would be detrimental to other students who are just as worthy of a college education as the more needy. In addition I cannot agree with the compromise Bills conditions for granting institutional aid on the basis of increasing enrollment of Veterans by 10% and such other provisions. These types of provisions are most unfair to the smaller institutions where many educators recognize real quality education is to be found. Therefore, while I am highly in favor of Federal Aid directly to institutions as well as to students, I cannot feel that this compromise Bill should be passed into law in its present state, and hope you will consider the objections which I have tried to raise in a very concise manner. Colleges such as Sterling need general institutional aid which is not tied to needy students receiving Federal financial assistance.

Sincerely yours,

WILLIAM M. MCCREERY,
President, Sterling College, Sterling, Kans.

I am writing to you to express concern over the higher education bill which is being reported out of the Conference Committee.

In addition to emphasizing and subsidizing the institutions with a large number of students receiving Federal monies already this bill would particularly penalize a new institution such as Northern whose grants from EOG and other Federal monies are very small.

Beyond the above objections, I am very much concerned that Congress continues to see fit to appropriate money which it does not have. I am getting very tired of finding governmental units and educational institutions planning to spend, not what they have to spend, but what they claim they need to spend. It is this profligate spending which always, for domestic and for military purposes, involves enormous waste which contributes more than private spending does to run-away inflation. How long will it take Congress to understand that there is a vast "silent majority" in this country who are fed up with the assumption that more money will solve any problem.

Sincerely,

FRANK STEELY,
President, Northern Kentucky State College.

SAINT CATHERINE COLLEGE,
Saint Catharine, Ky., May 30, 1972.

DEAR MRS. GREEN: Thank you for your notice concerning the Higher Education Bill.

I am writing Congressman Perkins telling him of my opposition to this bill in its present form.

Thank you for all you continue to do for the cause of education in our nation.

Sincerely yours,

Sister MARGARET MARIE HOFSTETTER.

UNIVERSITY OF MAINE,
Fort Kent, Maine.

In view of our relatively small enrollment as well as the economically disadvantaged status of a very large percentage of our students, it is tempting to be enthusiastic over the Senate's passage of the Higher Education bill. Philosophically, and pragmatically, too, I believe that the fiscal complications involved in the bill will be self-defeating in the long run.

There is no sense to the exclusion from aid of the student who works and studies—but does so not under the federal program. There is little sense in enabling the rich to get richer. I object strenuously to the complicated processes needed for the administration of the bill.

RICHARD J. SPATH,
President.

PEABODY INSTITUTE,
OF THE CITY OF BALTIMORE,
Baltimore, Md., May 31, 1972.

DEAR MRS. GREEN: As President of an institution of higher learning, I should like to express my thanks to you for your letter of May 27, 1972, and its enclosures concerning the Higher Education bill. I am delighted that you will not sign the Conference Report or support the proposed legislation. I feel that your reasoning is sound and proper, and I should like to compliment you and assure you of my support. I am sure that many college presidents feel as I do and share your sentiments.

Sincerely yours,

RICHARD FRANKO GOLDMAN,
President.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

May I add my voice to Terry Sanford in opposing S. 659 Education Amendment of 1972 in all respects. I agree with his analysis and urge you to oppose this bill in the House since I have not had time to adequately discuss and evaluate the bill with my faculty. I speak only for myself and not the college.

PAUL D. NEWLAND,
St. Johns College, Annapolis, Md.

EMMITTSBURG, MD.

Hon. EDITH GREEN,
Congress of United States, House of Representatives, Washington, D.C.

I concur with your opinion to have a one year extension of existing program.

I believe aid should be available to students from the middle income group and to the institutions that serve them. St. Joseph College, Emmittsburg, Maryland will close in June 1973 largely for the reason that its clientele can not afford to attend the college of their choice. It is deplorable that a fine institution like St. Josephs that has educated thousands of women for leadership roles can not continue. We are not alone in our plight; many private colleges are in similar straits.

Sister MARGARET DOUGHERTY,
President.

MAY 26, 1972.

DEAR MRS. GREEN: I would like to respond to your thoughtful letter of May 20th.

Although I cannot afford to deny that "something is better than nothing" we guess that the present Higher Education Bill will do very little for this College and for many others like it which are facing a serious and deepening financial crisis. The situation for colleges like ourselves is probably more serious than it is for any other segment of higher education (with the possible exception of the private junior colleges) because we have no unrestricted funds with which to meet deficits which can be caused by various special situations (curriculum modernization, temporary enrollment declines, changes in departmental enrollments, etc.).

The present bill may be fine for the Harvards, and Stanfords, but it accomplishes these objectives either poorly or hardly at all for the smaller poorer institutions.

Not representing one of the prestige institutions I feel that it is a bit hard to get heard, particularly at the Federal level. Our only chance seems to be through associations such as the American Council on Education, but even they seem to be saying a bad bill is better than none.

In the interest of brevity I have not commented on the unwieldy complexities which would require substantial administrative support, the incongruity of basing aid on a certain class of students, coercion vs. assistance; the need to support programs for the disadvantaged rather than force them on institutions whose resources are already thinly spread.

Thank you for giving me the opportunity to express my views. Your presence in the House and your leadership on educational matters has long held my respect.

Sincerely,

RICHARD CHAPIN, *President.*

DEAR MR. PERKINS: Your letter of May 19 asked for an expression of opinion about the Higher Education Amendments of 1972. You asked for it, so hold onto your hat.

We who are running private colleges are about to go under because of our inability to compete with colleges which are supported by public funds. The Higher Education bill this year indicates either that some people cannot recognize that fact or that they just don't care.

Why do I say this? Because in tying aid to higher education to the amount of help a college gives to the disadvantaged, you have virtually assured that nearly all of this aid will go to the publicly-supported institutions.

It should be obvious that disadvantaged students usually go to public colleges and universities because their tuition and fees are much lower. When a private school helps the disadvantaged, the burden falls on the other students who must pay more to cover the increased costs. A very few heavily-endowed schools probably pay for it in other ways, but their tuition rates are highest of all.

So, if the money goes where the disadvantaged are, it goes to publicly-supported colleges.

If you want to help private colleges, *do* something for them. If you want to help the disadvantaged, do something for *them*. But please stop trying to link the two things together. It just won't work.

The Education Amendments of 1972 are simply another body blow to hundreds of institutions who are already on the ropes from government competition.

Sincerely,

GORDON B. CROSS, *President.*

WORCESTER POLYTECHNIC INSTITUTE,
Worcester, Mass., June 1, 1972.

Hon. EDITH GREEN
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSWOMAN GREEN: You have my brief telegram opposing the Conference Committee version of the Higher Education Bill. I have strongly supported the concepts in the House (your committee) version and continue to do so. May I add a few remarks about why I oppose the Conference Committee report?

WPI is a small but prestigious private college of engineering and science with an enrollment of 2,000. Half its undergraduate students are on financial aid since they come from lower to middle income families. We devote over $1 million of our funds to helping these students achieve an education that makes them productive members of society, not dropouts.

The formulas of the Conference Committee would almost completely ignore most of our students and the aid *we* give them. It would say, in effect, if you want federal support, take more rich kids and more very poor kids but ignore most of those you have educated in the past. Not a very good way to maintain the backbone of our technological society!

We have always needed and asked for more EOG, Work-Study, and NDSL funds than have ever been available. It is hard to see how the Conference Committee bill improves this situation at all.

Finally may I point out that a much better approach all around would be federal matching of institutional support efforts. Public institutions can support larger *numbers* of students with fewer *dollars* because of their large influx of *state* TAX DOLLARS. But private institutions spend more *dollars* helping their students. Would it not provide the greatest equalization of opportunity for the greatest number of students if *dollars* of institutional support were matched by federal *dollars*?

The efforts we are all making for veterans, for women, for minorities are not really helped by the Conference Committee bill. I urge you and your colleagues to develop a more realistic and useful program for assuring the useful survival of higher education.

Sincerely,

GEORGE W. HAZZARD, *President.*

SIENA HEIGHTS COLLEGE,
Adrain, Mich.

I am in firm belief that the Higher Education Bill as it stands now should not be passed, and that further study be given to it for the extension of another year. It is important at this point in time that the existing programs be continued for a year and be given greater consideration for fuller appropriations. It was essential that awards be made to students for the Fall term with some hope that the Regional Boards' approvals would be met to a reasonable degree. Rather than rush new regulations, it would seem more reasonable to me to do something about the existing ones in order to avoid hardship for the 1972–1973 year. In our situation, I am requesting a greater consideration in the CWSP, EOG, and NDSL Programs.

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The biggest objection in the aid bills centers around the word "Needy student." The term is fine but the actual connotation given it by regulations is something else. An "overemphasis" of "disadvantaged students" has caused a severe hardship on our middle-class, moderate income families, who are in just as much need for educational financial assistance as are the lower income groups. Little or great, if the verified need is evidenced, a student—regardless of income—should be considered.

I again stress that an extension of the present programs be made with reasonable appropriations increase for this year.

MISSISSIPPI STATE UNIVERSITY,
State College, Miss., May 29, 1972.

HON. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: Thank you for your letter of May 20 and the comments on the Higher Education Bill. I agree fully with your views on this proposed legislation.

It seems to me that to accept as helpful and needed the bill that came from the conference would be being less than completely honest with ourselves. This legislation, it appears to me, simply disregards the help needed by a vast majority of our people.

Sincerely yours,
WILLIAM L. GILES, *President.*

AVILA COLLEGE,
Kansas City, Mo., May 25, 1972.

DEAR REPRESENTATIVE GREEN: To focus aid solely on students rather than institutions is sad. We should have learned this from the past. There are students who are in higher education who don't belong there. Higher education is for all students, not just needy students. Most of the colleges outside of the prestigious colleges have more than half of their students who are from the middle and lower middle classes. Aid to our college should relate to all students, for the student from this little income group is already being hard pressed and the new legislation certainly does not help. It aggravates the problem and cannot possibly be good public policy.

If there is an argument for institutional aid, it is to give financial stability to institutions facing financial crisis and help them meet basic institutional costs for all students. Avila is one of these institutions.

Sincerely,
Sister OLIVE LOUISE, C.S.J.,
President.

SOUTHEAST MISSOURI STATE COLLEGE,
Cape Girardeau, Mo., May 25, 1972.

DEAR CONGRESSMAN BURLISON: The Conference Report on the Higher Education Bill No. S. 659 appears so seriously in error that I would suggest that the report be rejected by both the House and the Senate and a new bill introduced which would extend the provisions of the present bill for one year so that the Congress has time to work out a better bill. There's no point in compounding problems that we now have by adding those inherent in the new legislation.

Very truly yours,
MARK SCULLY, *President.*

WILLIAM WOODS COLLEGE,
Fulton, Mo., May 30, 1972.

MY DEAR REPRESENTATIVE GREEN: I should like to go on record as stating that our institution has many grave doubts about the bill, and we wish that the weaknesses and inconsistencies that exist could be somehow rectified. We are, at the same time, torn by an ambivalency created by advice which comes to us from our national associations which state that if this bill is rejected, it will probably be three or four years before it would be attempted again. We would, therefore, have to settle either for what we have now or nothing. This is a very frightening bit of advice and, indeed, a sobering one. Most private colleges in this country cannot exist indefinitely on the present level of higher education support and probably not much longer on the bill which was passed.

I believe that nearly every private college president in the United States and practically every professional association pleaded the cause of unrestricted grants to colleges as being the way to help most institutions in their fight for survival. This was excluded from the bill, and this alone would have weakened the document had everything else been included that might have been helpful.

Basing the preliminary emphasis of the Higher Education Bill on the students and financial need is a gross oversight of those who claim to want to help our nation's colleges. Our institution fortunately is not in dire financial need, but I know of hundreds and hundreds who are and who probably cannot continue to exist under the bill now being proposed.

I appreciate all of your good work and the efforts that you have made to supply the real needs of colleges, and I am most regretful that more of your colleagues do not see fit to support you.

With warmest personal regards, I remain
Cordially yours,
R. B. CUTLIP, *President.*

TELEGRAM
MAY 26, 1972.

DR. ROGER HEYNS,
President,
American Council on Education,
Washington, D.C.
DR. FREDERIC W. NESS,
President,
Association of American Colleges,
Washington, D.C.:

I wish to go on record as being strongly opposed to the hasty passage of the final conference committee bill. Rather, I urge that the American Council on Education (Association of American Colleges) do all it can to bring about a 1-year extension of existing programs supported by the present higher education bill. We should not vote in haste on something that several years ago we did not approve of.

LELAND MILES,
President, Alfred University.

HARRIMAN COLLEGE,
Harriman, N.Y., May 25, 1972.

DEAR MRS. GREEN: I don't think it is the role of Congress to use economic coercion to persuade colleges and universities to provide compensatory education. I think this should be dealt with in the junior colleges, but not in isolation. The creativity of trained teachers is the only way to respond to the seventh grade arithmetic and eighth grade reading difficulties of many students. I think we are degrading the higher educational system by admitting unprepared students to four-year colleges and universities. If students with these deficiencies are taken care of in a junior college they will be able to transfer to four-year colleges with greater confidence and a greater chance for success. Then the government's money would be well spent.

Gratefully,
Sister AGNES, *President.*

HARTWICK COLLEGE,
Oneonta, N.Y., May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I agree with your judgment that it would be better to have a one-year extension of existing programs than the bill which is now proposed. We further concur with the memorandum to you from Terry Sanford, President of Duke University and in particular to his notation, "As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately."

We do not believe that this compromise bill will accomplish the national purposes, certainly not in the long run.

Sincerely,
ADOLPH G. ANDERSON, *President.*

TELEGRAM

LE MOYNE COLLEGE,
Syracuse, N.Y., May 26, 1972.

I am informing Congressmen James Hanley and John Terry of my position on S. 659 with this message.

I join Congresswoman Edith Green in opposing the passage of the higher education bill reported out of conference. First, it does not meet the need of the students who attend Le Moyne College or the needs of the institution itself. Second, it is poorly drafted especially with the ambiguities of BOG grants subjected to the vagaries of uncertain appropriations. Third, I deplore the insertion of the anti-busing provisions in the legislation for higher education. I support the proposal of Chairman Green that existing programs for higher education be given a one-year extension.

Father WILLIAM L. REILLY,
President.

MARIA REGINA COLLEGE,
Syracuse, N.Y., May 31, 1972.

DEAR MADAM: After reading the summary and the memorandum from President Terry Sanford of Duke University, we agree that this Bill is ill advised, both in its philosophy and its implementation. We would favor an interim measure to continue student financial aid at the 1972 level of funding. We note that the generous provisions for community colleges do not include private two-year colleges, even though the latter may be providing many of the same educational services.

This Bill seems to give the impression that the Federal Government is solicitous for the well-being of institutions of higher education chiefly insofar as they are dispensers of student financial aid to needy students as narrowly defined in the Bill. Finally, the passage of S. 659 would be likely to preclude any further treatment of higher education problems in a more carefully considered bill.

Sincerely,
SISTER MARY ROSALIE,
President.

VASSAR COLLEGE,
Poughkeepsie, N.Y., June 1,1972.

DEAR CONGRESSWOMAN GREEN: I agree heartily with your comments and those of President Terry Sanford that the bill is woefully inadequate and full of half-hearted compromises that accomplish very little in the way of institutional aid.

For Vassar College the bill as proposed gives us the alternative of changing the composition of our student body if we want Federal institutional support. The fact that we presently appropriate 20% of our income for student financial aid means nothing insofar as the compromise bill is concerned, because it is directed to those who can benefit from higher education, and who have demonstrated a financial need. Should Congress force all these students to seek Federal financial assistance? I think not.

Please continue your support of intelligent legislation in the area of Higher Education. We urge you to resist these attempts that fail miserably to meet the needs of the quality four-year liberal arts institution that is already doing everything it can to carry its share of the load.

Yours sincerely,
ALAN SIMPSON, *President.*

. . . I am as disgusted with the entire measure as you are. I am totally opposed to the tying of higher education support to the disadvantaged student program.

JESSE L. MCDANIEL, *President,*
Lenoir Community College, Kingston, N.C.

I wish respectfully to register a very strong recommendation that the Conference bill on higher education be defeated in the House. . . .

Disadvantaged people clearly need help. However, it is a terrible error to fund programs that are based on the assumption that college experience is vital for everyone, and that therefore institutions desiring to qualify for Federal aid must commit personnel and time to "remedial" work. Where interest and capacity warrant it, this can be (and has been) done on an individual or small-group basis. But it is dishonest and misleading to establish national policy that infers that remedial programs plus college programs are the answer to the economic and social problems of every disadvantaged person—or, for that matter, for every nondisadvantaged person.

One of the basic impacts of the Conference bill would be to expand community colleges at a rate and to a level that would impair the existence of a sizable number of private junior and senior colleges—literally to use Federal funds to drive the private schools out of business! It appears reasonable to expect that there could be devised less disastrous methods of supporting strength in the community colleges. Such support is important for post-secondary technical and vocational training clearly are badly needed.

The idea of a full-time Office of Veterans Affairs at smaller institutions is patently ridiculous. This requirement under the bill would virtually eliminate opportunities for smaller schools (both public and private) to enroll veterans under a Federal support program.

Finally, except for a very few highly endowed institutions, the Conference bill's apportionment formula would very soon put private colleges and universities out of business with respect to serving disadvantaged students.

We would be immensely better off if the expiring legislation were merely extended for another year, which would provide time to develop realistic and appropriate legislation for the following year.

DONALD J. HART,
President, St. Andrews Presbyterian College, Laurinberg, N.C.

BREVARD COLLEGE,
May 30, 1972.

DEAR MRS. GREEN: I would like to indicate my strong support for the position that you have taken on the recent compromise of the higher education bill. The point you expressed in your memorandum and in that of President Terry Sanford represents, I believe, an appropriately sound position. I feel that it would be greatly inappropriate to relate the general support of higher education to the amount of aid to needy students as proposed in the compromise bill. The trend of recent years to virtually penalize the students from middle income groups would be further heightened by a program which would relate institutionally to the basic opportunity grants.

I would like to urge you to stay with your present position for a one year extension of existing programs rather than accepting the bill with all of its present liabilities.

Be assured of the genuine appreciation of the higher education community for your astute leadership and careful analysis of the implications of the proposed bill.

Sincerely yours,
ROBERT A. DAVIS, *President.*

CHOWAN COLLEGE,
Murfreesboro, N.C., June 3, 1972.

Re: S. 659.

DEAR CONGRESSWOMAN GREEN: I simply have not had time to look at your communication of May 20 until today. This is true also of the letter from President Terry Sanford of Duke University.

Though I have written my Congressman, Walter B. Jones, as well as Congressman L. H. Fountain, requesting their support of subject bill, I now have second thoughts. Moreover, I have just talked with one of my colleagues in the state and I think you may be right that it is better to defeat the Conference Report and then to get, immediately, a one-year extension of the existing programs or a continuing resolution for one year at the 1972 level of funding. However, I would earnestly and sincerely hope that in January of 1973 a bill like that formerly passed by the House would be passed by Congress.

Frankly, I am quite concerned that the traditional liberal arts college like ours, (we are a two-year church-related college enrolling approximately 1,500 students), simply would not fare well under the Conference Report. An institution needs money so that it can serve all students enrolled in the institution. There must be assistance of this nature and type with adequate funding or many, many private and church-related colleges will not be in existence within the next five-ten year period.

I am taking the liberty of forwarding a copy of this letter to Congressman Walter B. Jones and to Congressman L. H. Fountain in light of my previous communication with them. I wasn't happy about the endorsement of the Conference Report from the outset, but "was sold" on it being the best we could expect within the next several years.

My best thinking at the moment therefore is that the Conference Report should be defeated and that we then should get a continuing resolution for one year with full funding at that level, but then begin to work early next year on a bill comprising the much better components of the earlier House-passed bill. . . .

Very sincerely yours,
BRUCE E. WHITAKER, *President.*

WILSON COUNTY TECHNICAL INSTITUTE,
Wilson, N.C., June 1, 1972.

MADAM: Too often we let the pressures of the moment spur us into unwise action. Too often we let our emotions toward the disadvantaged influence our judgment for what is best for each individual. Too often needs for financial aid prompt acceptance at any cost. Let's not repeat these mistakes in this massive and historic bill. I, for one, seek financial aid of community colleges and technical institutes and their students with as few controls and restrictions as is possible.

If a continuing resolution will buy the necessary time for careful review of the bill while allowing us to meet the needs of this fall's crop of students, then it appears a prudent move.

Sincerely,
ERNEST B. PARRY, *President.*

WINGATE COLLEGE,
Wingate, N.C., May 29, 1972.

DEAR MRS. GREEN: I want to write and say that I am most grateful to you for your stand on the higher education bill. I am certainly aware that you understand the importance of this legislation, and I want you to know that we support you in every way. I agree that if the bill was not a good one previously it is no longer good. We need to have your thinking on this. No other person in this country is as aware of the basic philosophy and needs of all types of institutions as you. The private institutions of our land are in trouble, and I believe you are a friend to both private and public higher education. As a representative from a two year private school, we do not know where we are going if things continue to be controlled out of Washington. There seems to be very little concern about the two-year private, church-related college in the government. This is indeed sad because it is in these institutions that real teaching takes place and young people are given an opportunity to establish values that will last and uphold the principles of our great country.

Again I want to thank you for your concern and hope and pray that everybody will vote with you when the matter comes to the floor in the House.

Very cordially,
BUDD E. SMITH, *President.*

MIAMI UNIVERSITY,
Oxford, Ohio, May 31, 1972.

MY DEAR MRS. GREEN: I have your letter of May 20, together with a copy of the memorandum from Terry Sanford to you under date of May 22. After studying the Conference Committee report on the Higher Education Bill, I find myself in total support of your views. Assuredly, the compromise is not a good one; the present bill should be defeated.

I agree with your conclusion that it would be better to have a one-year extension of existing programs than it would be to be saddled with bad legislation.

One final comment: the presidents of Yale, Harvard, Stanford, Cornell, Dartmouth, and Brown most decidedly do not represent my views or the views of the majority of those in higher education. I wish that some of your colleagues in Congress could wake up to that fact.

Sincerely yours,
PHILLIP R. SHRIVER, *President.*

NEW CONCORD, OHIO,
May 31, 1972.

Re: Conference Report on Higher Education Amendments of 1972.

DEAR MRS. GREEN: I want to thank you for mailing to us a copy of the summary of actions taken by the Conference Committee. As I understand the new proposal, it would not hurt us; that is, I see it providing the kinds of aid for disadvantaged people that we are presently receiving. Our disappointment is that it will not help us. In fact, the suggested plan of institutional aid will not provide funds for us since we will have very few of these students enrolled. The $1400 per student assistance will encourage more students to attend the state universities rather than the private institutions. Therefore, my overall assessment is that we might very well find our enrollment picture worsening because of the proposed legislation.

We thank you very much for your efforts to provide financial assistance to all higher education, both public and private.

Cordially yours,
WILLIAM P. MILLER,
President, Muskingum College.

EL RENO, OKLA.

Your letter of May 27 stated that you could not sign the Conference Report on the Higher Education bill. . . . I fully agree with your position.

A. R. HARRISON,
President, El Reno College.

PORTLAND, OREG.

You probably have received a letter from a group of community college presidents which indicates our position on the matter. We back your position fully.

In regard to the student financial aid, as I look at it the compromise bill, unless it is fully funded, won't be much better than the present formula. I also see nothing in the financial aid package which would give an institution flexibility. I happen to believe that we are the best determiners of who needs financial aid and although we might need

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some Federal guidelines, we need the flexibility if we are to make decisions which will help the student.

AMO DE BERNARDIS,
President, Portland Community College.

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds at all would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions as written in this bill would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

LIST OF PRESIDENTS

Dr. Rex P. Johnston, Columbia Christian College, Portland, Oregon.

Dr. David C. Le Shana, George Fox College, Newberg, Oregon.

Dr. John R. Howard, Lewis & Clark College, Portland, Oregon.

Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon.

Dr. James V. Miller, Pacific University, Forest Grove, Oregon.

Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon.

Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon.

Dr. Donald Reid, Judson Baptist College, Portland, Oregon.

Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon.

Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon.

Dr. Paul Bragdon, Reed College, Portland, Oregon.

Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

MONMOUTH, OREG.,
May 25, 1972.

DEAR MRS. GREEN: I agree with you completely and thank you for your stand. Today's often well-intended but poorly thought out "solutions" become tomorrow's problems.

From the very beginning to the present, as you have pointed out, this bill has had elements in it which will harm higher education and the nation. The backers of these elements both in the Congress and out have manifested a kind of simple mindedness about the complexity of educational problems. I grant that many of these persons are well meaning, but their proposed solutions are childish and their naivette is frightening. Others have acted through crass self interest. Still others have acted through fear—fear that higher education or large segments of it will collapse if the bill is not passed without further delay. (I am sorry to say that the education community itself has created most of this fear pressure.)

Please maintain your stand and do not allow higher education in the years ahead to be saddled by a bad bill. It is far better to extend the student aid benefits in the current programs for another year or as long as is necessary to get a Higher Education Bill that is statesmanlike.

Sincerely,

LEONARD W. RICE,
President, Oregon College of Education.

FOREST GROVE, OREG.,
May 30, 1972.

DEAR MRS. GREEN: Several presidents of Oregon colleges and universities have expressed our common concerns in a recent group letter. Permit me to add misgivings over my signature.

Reports in the national press and educational news sources seem to point to a fact: S659, Education Amendments of 1972, is "full of sound and fury" but of little value to most of the colleges and universities. Without full-funding of Work Study and NSDL and 75% funding of EOG there will be no funding of the Basic Opportunity Grant. This indeed sounds like a budgetary BOG. Then, too, as I understand the provisions, institutional aid depends upon at least 50% funding of the Basic Opportunity Grant. If so, such aid seems remote.

The part dealing with veterans will be of no help to most colleges. Why not provide an adequate G.I. Bill?

The bill provides little or nothing for the mass of our students and will thereby move most independent colleges one more step toward absorption into the state educational system.

I deeply appreciate your understanding and interest in education.

Sincerely yours,

JAMES V. MILLER,
President, Pacific University.

PORTLAND, OREG.,
May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I wish to record formally my opposition to the Report on the Higher Education Bill by the Conference Committee.

Many of the decisions therein support provisions which were strongly opposed by the President of the University of Portland, and by one national association after another, representing the University of Portland.

As now reported, many an undergraduate four-year institution, like our own, would be discriminated against. Such a school would receive no general institutional aid and would receive institutional aid only as it is related to needy students who are receiving Federal financial assistance. We would be cut off, largely for trying to build a strong school academically.

The Institutional Aid formulas are all to unrealistic. Many an excellent institution of higher education would be locked out from such aid, and consequently the opportunity of helping many a really deserving student would be frustrated.

A bad feature of the Bill as now proposed is that it precludes the student from the middle income group. This student is often the needy student who would profit much by four years in a college or university, yet is hampered for lack of the support he needs.

What is badly needed now is Federal general support for higher education, badly needed now because of the escalating costs all along the line. The Report of the Conference Committee sets up barriers and formulas too unrealistic to really help where help is most needed.

Moreover, the provisions for veterans are unrealistic. It is not near what should be developed for the returning G.I. The guidelines and regulations that would have to go along with the Conference Report would never allow a good G.I. program to get off the ground.

I strongly oppose the acceptance of the Conference Report. Far better would be to extend present programs, to provide an opportunity to reconsider the Bill as it was overwhelmingly approved by the House. A one-year extension of present programs is now a necessity which I wholeheartedly support.

Sincerely,

Reverend MICHAEL G. O'BRIEN, C.S.C.,
Academic Vice President, University of Portland.

CARLISLE, PA.,
June 7, 1972.

Concerning the conference report on the Higher Education Amendments of 1972. I feel that the disadvantages of this report far outweigh the advantages. Personally I can not support it.

CHARLES TWICHELL,
Director of Student Aid, Dickinson College.

EAST STROUDSBURG, PA.,
May 26, 1972.

DEAR MRS. GREEN: This summarizes points I expressed in our conversation about the conference report on the Higher Education Amendments of 1972.

1. The Bill still makes provision for passing the cost of education to the student—particularly a hardship on the "working poor" who are not eligible for aid. It ignores the general public responsibility for the education of its citizenry. It does "recognize" special interest groups and, however laudible this may be, it is devisive. A fair basic opportunity for all ought to be a central goal and this can be achieved by a base general institutional aid.

2. The administrative costs of these new complex amendments will mount and mount, and my position is that a simpler, across-the-the-board formula would be easier to administer and money spent for administration could be put into "on line" support.

3. Students must have something by way of aid for the coming fiscal year. It is a fact that substantial numbers of students here at East Stroudsburg State College will not be able to attend college if existing levels of support are denied them. Your comment that "72 levels of funding can be maintained is reassuring. I share your concern about the government's current capability of implementing necessary steps to "get the money out" to the needy students under the new proposals.

I hope these comments may be helpful. With all good wishes.

Sincerely,

DARRELL HOLMES,
President, East Stroudsburg State College.

BRYN MAWR, PA.

Thank you for sending the analysis of the Higher Education bill. I support your position wholeheartedly.

MICHAEL A. DUZY,
President, Harcum Junior College.

GETTYSBURG, PA.

HON. EDITH GREEN: Share your judgment about the conference bill on higher education and commend your analysis. Please vote against the bill.

C. A. HANSON,
President, Gettysburg College.

CENTER VALLEY, PA.,
May 26, 1972.

DEAR MRS. GREEN: Higher education is, of course, in dire need of financial aid but I agree with you that this bill might very well force colleges to change their mission. Colleges have an obligation to provide quality education to all segments of the society. This bill, it seems to me, focuses completely on needy students who are receiving federal assistance and ignores needy students who, on their own initiative, are providing aid for themselves by such means as working their way through college and obtaining scholarships from sources other than government money.

I would hope that there could be a one-year extension of existing programs, with perhaps more adequate funding of economic opportunity grants to give aid to needy students; and that a bill similar to the one passed by the House which would provide institutional aid in terms of the number of students attending the institution be passed.

Sincerely,

Rev. J. STUART DOOLING, OSFS,
President.

LAFAYETTE COLLEGE,
Easton, Pa., June 1, 1972.

DEAR MR. PERKINS: I have before me your memorandum of May 19 summarizing the Conference Report on the Higher Education Amendments of 1972. At your invitation I am providing you with my reaction to the report.

There are some elements of the report which I favor. The increase in funding for the work study and guaranteed student loan programs, the improvement of community colleges, the extension of Title III for strengthening developing institutions, and the emergency assistance for institutions in financial trouble are all decisions which I favor.

However, I regret that I cannot add my support to the new program of entitlement grants or the program of institutional aid. I do not believe that the compromise developed through the Conference Committee addresses itself properly to current problems and may, in fact, produce greater difficulty in higher education in the future.

In many ways Lafayette College is representative of other privately-sponsored institutions. Tuition, room, board and other charges run approximately $4400 per year for each student. Consequently, a student receiving the maximum education opportunity grant ($1400) will still require nearly $3000 in additional aid per year to attend Lafayette College. Even with work study and national defense student loans, the institution would still have to commit nearly $1500 of its own scholarship funds to assist this student. Under these conditions, it is not likely that private institutions such as Lafayette would enroll many students receiving basic education opportunity grants, since each student enrolled adds to the financial burdens of the institution.

While I recognize the desire of Congress to assist disadvantaged students, I think it is unfortunate that the proposed legislation relates direct institutional aid to the aggregate amount of supplemental EOG, Work Study and NDSL funds received by each institution. Privately-sponsored institutions perform a great service to society by creating educational opportunity with least possible drain on tax revenues. However, under the proposed legislation privately-sponsored institutions would receive very little institutional aid since they are not likely to have many students enrolled who receive federal scholarships and work study grants. Consequently, federal support will be going primarily to those institutions which are already low charge due to state tax support, and the private sector which is in serious need of federal aid will receive very little.

If the proposed legislation were enacted, low-charging institutions would be encouraged to enroll more disadvantaged students and expand facilities for that purpose. Consequently more tax revenues would be required for such expansion. At the same time, spaces would remain empty in privately-sponsored institutions because those institutions were not receiving general institutional aid according to their service to society. Instead they would receive very little aid according to a formula which demanded substantial commitments from their own resources in order to enroll disadvantaged students. All in all the provisions for institutional aid seem to make things worse rather than better for most privately-sponsored institutions.

Under these conditions, I do not favor the immediate or long-range results which appear to emanate from the current proposed legislation.

Sincerely,

K. ROALD BERGETHON.

BETHLEHEM, PA.,
May 31, 1972.

DEAR CONGRESSWOMAN GREEN: I have received your letter of May 20 with its enclosures and have given it careful consideration. We have, on a continuing basis, attempted to keep abreast of the progress of both your bill and that bearing the name of Senator Pell. We have been favorably disposed toward the content of your proposed legislation and were dismayed at the results of the Conference Committee's deliberations.

After reviewing the contents of his memorandum to you, I find myself in complete agreement with President Stanford of Duke University. Clearly, the existing federal programs could do the job if fully funded. It is especially noteworthy that the attitude of Congress toward the funding of higher education has shown clear support for the self-help programs, and much less than full support for the "free money" programs. It is strange, indeed, that the Senate should now so overwhelmingly support yet another "free money" program.

I am writing to Congressmen Perkins, Flood and Rooney to convey the concern of Lehigh University. I sincerely hope that, should the current legislation proposal be defeated and continuing legislation for existing programs enacted for the fiscal year 1973, you will reintroduce your aid to higher education proposal.

Very sincerely yours,

W. DEMING LEWIS, *President.*

PHILADELPHIA, PA.

HON. EDITH GREEN: Recommend House defeats Conference Committees Higher Education Bill and approves one year extension existing program.

ROBERT H. THOMPSON,
President, Spring Garden College.

DUE WEST, S.C.,
May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I have considerable misgiving about the Higher Education Bill as it came out of the Conference Committee. The provisions concerning student aid and the formula for the new institutional aid need further thought and reshaping.

I am, therefore, in favor of your suggestion of a one-year extension of existing programs, so that next year Congress can come up with a fully thought out solution of the complicated problems.

Sincerely yours,

JOSEPH WIGHTMAN,
Erskine College.

SPRINGFIELD, S. DAK.,
May 25, 1972.

HON. EDITH GREEN: Urge you to make determined effort for one year extension of present higher education bill. Conference committee bill has provisions which are intolerable for higher education.

CARROL KRAUSE,
Provost, University of South Dakota.

LAKE JACKSON, TEX.,
June 1, 1972.

DEAR CONGRESSWOMAN GREEN: I concur 100% with the statement you made, "To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education and to miss the point of the needs of students. Higher education is for all students, not just needy students." You go on to state, "Aid to institutions should relate to all students for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore can not be considered good public policy."

I am appalled at some of the things being done in the name of education. I am gratified in the knowledge that there are still many in legislative positions who have the type character it takes to stand up and be counted. You I count as one of these.

I have sent letters stating my views, which are essentially identical with those you expressed, to Senator Harris of Oklahoma and to Texas Senators Tower and Bentsen. I also sent the same type letter to Congressmen John Young, Bob Casey and Olin E. Teague.

I believe that I can speak for a great majority of the forty-four presidents of Texas public junior colleges when I commend you for your action and encourage you to remain steadfast in your conviction.

Best wishes in your efforts.

Sincerely,

J. R. JACKSON,
President, Brazosport College.

HOUSTON, TEX.

HON. EDITH GREEN: Cannot support S. 659, agree with Sanford's letter of May 22 to you.

NORMAN HACKERMAN,
President, Rice University.

LOVELLAND, TEX.,
May 26, 1972.

DEAR REPRESENTATIVE GREEN: In my estimation, the Pell Bill has many weaknesses, and I would certainly favor extending the existing programs for this year until these weaknesses can be worked out.

For example, our EOG allocation for FY 1973 was 26% less than our last year's appropriation. The CWSP allocation was 13% less than last year. The NDSL approved level of lending was increased by 4.5%, but this program has been self-sustaining for the past three years and required no additional government funds.

If the cost of fully funding the Pell grants runs about ⅓ more than the funding for the present programs, I have no reason to believe funding would be anywhere close to adequate under the Pell Bill. The present Federal programs will take care of all the needs of the needy students if the programs were fully funded by Congress.

Sincerely yours,

MARVIN L. BAKER,
President, South Plains College.

XUM

SEGUIN, TEX.,
May 26, 1972.

DEAR CONGRESSWOMAN GREEN: I agree with your views and appreciate very much the efforts that you are making to provide a sound program of institutional grants and financial aid for students, which would permit students to have a viable choice in the kind of educational institutions they choose. I hope you are successful in your efforts.

Best wishes.

Sincerely,

JOE K. MENN,
President, Texas Lutheran College.

POULTNEY, VT.,
May 26, 1972.

DEAR MRS. GREEN: Frankly, at this point I can see no value in passing the bill in its present form and like you I am of the opinion that it would be better to delay such passage for several months, if necessary, in order to obtain a satisfactory measure.

The present bill provides little, if any, assistance for the individual college by tying institutional grants to student aid. Unless the colleges themselves receive some form of assistance some of them will be in very serious difficulty before too long.

We are indebted to you for your concern for and interest in our colleges and universities during this critical time.

Sincerely,

RAYMOND A. WITHEY,
President, Green Mountain College.

DEAR CONGRESSWOMAN GREEN: I agree with the position which you have taken and I agree with the statement made by Terry Sanford. I hope that the House of Representatives does reject this bill and will start to work on a bill which will provide educational opportunities for all American youth but will, in addition, prevent the demise of an extremely large number of private colleges in this country.

Last year I met with the American Council on Education's Commission on Federal Relations to urge their support of a plan which would equalize educational opportunity in higher education and would preserve private higher education. I would very much appreciate your reaction to this particular plan. I would also welcome the opportunity to testify before your Subcommittee along with some other colleagues who are intrigued with the educational opportunity bank idea.

Because I am a long time friend of Claiborne Pell, I sent this suggestion to him at the same time as my meeting with the American Council on Education. He sent me a copy of his plan at the time and I was distressed at the proposed institutional aid in his program. It would do very little to help private higher education. It would merely make public higher education less expensive for states and municipalities. In essence, it is the Pell plan which has been adopted by the joint committee.

In spite of my preference for an educational opportunity bank instead of direct institutional aid, as it exists in your bill, I nevertheless support your bill. It would give direct and much needed immediate aid to private colleges which are in dire straits. It is worth fighting for and I hope that you will keep up the fight.

Cordially,

EUGENE C. WINSLOW,
President, Windham College, Putney, Vt.

As President of a private institution badly in need of funds but looking beyond private interest, I urge you to vote against the Higher Education Bill (S. 659) and to bring your influence to bear upon its defeat.

ROY D. HUDSON,
President, Hampton Institute, Hampton, Va.

DEAR MRS. GREEN: Thank you so much for sending your comments and Terry Sanford's letter about S. 659. I think there are very few people in the higher education community who are happy about the proposals that have issued from the Conference Committee. Regardless of the stand taken by our national organizations in Washington, many do not think it is wise, for the long run, to accept this form of higher education legislation. It is a matter of holding your nose and voting for proposals which you know will not serve the best interest of colleges and universities in the future.

I thoroughly agree with Terry Sanford's analysis, and I feel, with you, that an extension of the present programs of aid for "disadvantaged students" would adequately serve their needs. I emphatically do not think that institutional aid should be tied to the numbers of needy students enrolled at institutions of higher learning. The bill which you endorsed in the House meets our real problems more directly and realistically, and I know of very few of my colleagues who would not have preferred your formulas to Senator Pell's bill.

The problem of the middle income student is particularly severe at both private and public institutions. General institutional aid is the only approach that will begin to attack this problem. We are in grave danger of giving awards only for quantitative achievement in higher education, and the form of the proposed legislation accentuates this danger.

Every college and university is facing grave financial problems, but I think it would be woefully shortsighted of us to accept badly constructed legislation in the illusory hope of some short run relief.

Please let me know if I can be helpful to you in any way.

Yours very sincerely,

JOHN A. LOGAN, JR.,
President, Hollins College, Hollins College, Va.

MAY 31, 1972.

Hon. WATKINS M. ABBITT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABBITT: We at Sweet Briar are not unaware of the necessity of compromise that makes politics "the art of the possible," nor are we deaf to the argument that half-a-loaf is better than none. Still, after a weekend of study and reflection we feel that the Conference Committee Report on the Higher Education Bill represents too unsatisfactory a compromise for us to wish to support it.

Our chief objection centers on the mixed formula for individual and institutional aid, which in the long run threatens further to weaken quality education at the higher level.

To judge by the correspondence received in the past few days, I assume ours is a minority position among educational institutions, but even so we urge you to oppose the current draft, approved by the Senate, in the belief that extension of existing programs and a hopefully wiser new proposal would provide a more desirable alternative.

Yours very sincerely,

HAROLD B. WHITEMAN, JR.,
President, Sweet Briar College, Sweet Briar, Va.

MAY 30, 1972.

DEAR REPRESENTATIVE GREEN: Thank you very much for your letter of 20 May 1972. It is certainly with a distinct feeling of chagrin and disappointment that I acknowledge this letter of yours. So many hopes of so many private colleges and universities were pinned to your amendment of the higher education bill. Seeing the frustration of your efforts is a distinct and bitter disappointment. I can only thank you for the very real interest which you have taken in the plight of our sector of American society. I can only encourage you to do whatever you can to see that a more equitable arrangement than the one reported out by the Joint Conference in one way or another becomes the law and the policy of this republic.

Very sincerely yours in Christ,

(The Very Rev.) MATTHEW NAUMES,
O.S.B.,
Saint Martin's College, Olympia, Wash.

At the meeting of the program council of the Mountain State Association of Colleges, Inc., which included Alderson-Broaddus Davis and Elkin Salem and West Virginia Wesleyan on June 5, 1972, the following resolution was approved be it resolved that the Mountain State Association of Colleges, Inc., of West Virginia express its concern regarding current higher education legislation and urge that the present bill be extended for one year and be funded to the fullest extent possible allowing the various institutions immediately to make and keep their financial aid commitments to needy and worthy students and be it further resolved that the legislators in Washington be commended for their conscientious and continuous attention to higher education and be urged to consider further programs which will help to maintain the traditional strength of diversity in the nations educational structure and give vitality to the smaller developing institutions like the associations members, who are contributing in a growingly substantial way to the educational cultural and economic welfare of the nation through their service in Appalachia.

GORDON E. HERMANSON,
President, Mountain State Association of Colleges, Inc.

JUNE 5, 1972.

WIRE TO U.S. SENATORS AND CONGRESSMEN

Our presidents still strongly favor House version of education bill concensus is that higher education in general would profit by defeating the compromise bill and then authorizing the continuation of present programs, hopefully more adequately funded. We recommend trying for passage of stronger and more equitable legislation one year hence.

A. P. DUNLAP,
Acting Coordinator, West Virginia Association of Private Colleges.

MAY 24, 1972.

DEAR REPRESENTATIVE GREEN: A few years ago when new federal education and poverty programs were being cranked out in bundles, I recall a pertinent cartoon. A father, with his arm on the shoulder of his son who had just graduated from college, was saying, "Go into poverty, son—that's where the money is!" It looks like that's where the money will be for colleges.

After flip-flopping between expediency and longer range reality, I support your attitude on the Conference Report on the Higher Education Bill. I believe it will lead to an intemperate race by colleges for needy students regardless of their suitability for college work or national needs for college trainees. I believe that the Conference Report creates a more complicated student aid plan than what we have now. Furthermore, is the impending pressure on veterans to attend college in their best interests; is it in the national interest in view of the spiraling number of college graduates?

Furthermore, as I fight to recruit a few students to enter the fine program we have at our small private junior college, I have little sympathy toward means whereby community colleges can continue their spawning of new ones. In view of some hard facts on population trends, it appears that such expansion is becoming willy-nilly. I therefore oppose Part A—Community Colleges. It is a prod to unneeded growth. The enclosed ERIC review I believe is thoughtful reading on this subject.

I prefer essentially your views as expressed last fall. I believe that the Conference Report is a half-loaf that offers little to most colleges beyond what we now have. Yet I do appreciate the mountain of man-hours spent in trying to hammer out a workable report.

Sincerely,

JUSTIN B. ROBERTS,
President, Ohio Valley College, Parkersburg, W. Va.

MAY 26, 1972.

DEAR MRS. GREEN: . . . My interest and concerns run deep, because I sense some threats to small developing institutions like Salem College. Although the institution was established in 1888 and has a long and distinguished career of educational service in Appalachia, it was not until recent years that the College emerged as a fully-accredited thriving institution performing increasingly important educational services.

Two major dangers are evident in the current legislation, it seems to me. One is that the private sector of higher education may be irrevocably weakened unless some major specific attention can be given to independent colleges like Salem very soon. Second, colleges like Salem are in double jeopardy. In addition to their independent status, they are "emerging," they are caught in a "twilight zone" between achieving real strength and prestige or being forced into oblivion.

My initial plea would be that we make arrangements to use our present higher educational facilities to the fullest extent possible before creating further junior and community colleges or inadvertently causing a greater inbalance between public and private institutions. It would seem to me wise to make some provision to assure free choice for students in selecting a college, providing "equalizing" grants or loans so they can go to private institutions if they so desire and still meet the higher tuition costs without economic prejudice or disadvantage.

In addition, I would urge that the present legislation be immediately authorized for extension while proposed legislation is being considered. This will serve two purposes. First, there will be more adequate opportunity to study the new legislation and perfect it in such a way as to more nearly meet all the needs. Second, it would allow both colleges and students to make immediate decisions regarding next year's educational programs. It is already almost too late. Many students, with an uncertainty about financial assistance, are deciding not to continue their educational programs or are transferring from colleges like Salem to tax-supported institutions.

Sincerely,

K. DUANE HURLEY,
President, Salem College, Salem, W. Va.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: I support without reservation your concept of a one-year extension of existing programs. I would hope for at least a continuing funding at the 1972 level, but would prefer an increase in several areas, particularly the work-study program.

I support fully your proposal to start in January, 1973, on a new higher education bill.

I share your fear that for too long a few universities have dominated higher educational policy for this country.

I find very pertinent the questions you raise concerning the wisdom of Congressional action to force universities to pay attention to "disadvantaged" and "needy" students, and the questions you raise concerning compensatory education at the higher education level. There are other pertinent questions which I believe should be considered, such as those involving current efforts to politicize the college and university and current efforts to transform the university into a multiversity. Further, I think the entire question of the relationship between the higher education components of our educational system to the high school and the elementary school, as well as to the vocational school, needs much closer scrutiny. It seems to me that the funding of higher education, in other words, must be tied much more closely to a clearer picture of national goals and national priorities.

Sincerely yours,

JAMES M. HANLON,
President, Marion College of Fond du Lac, Fond du Lac, Wis.

DEAR CONGRESSWOMAN GREEN: All of us in higher education are very concerned about the higher education bill and its many deficiencies. We worked with you and your office, as well as with others and their offices, in an imaginative new approach to relations between the Federal Government and higher education. It is disappointing to see that the heart of what we worked for has been eliminated from the bill.

It is quite obvious that the bill contains some good provisions. But aside from the busing provisions, it is extremely frustrating to note the insertion of the basic opportunity grants for institutional support based upon the number of students. The latter was an important principle, and its elimination certainly tends to dull enthusiasm for the bill. If we are to achieve equities of educational opportunity in the United States, aid to institutions of higher education should not be based on just one class of students. Rather, it should be based upon the needs of all who seek higher education.

I hope we from higher education will continue to enjoy your support as we work together to improve congressional legislation in the future.

Sincerely yours,

EDWARD W. WEIDNER,
Chancellor, University of Wisconsin, Green Bay, Wis.

I have been a supporter of your original bill, H.R. 7248, for over a year. On April 30, 1971, I wrote Congressman William A. Steiger strongly endorsing it and at the same time pointed out my objections to the companion bill of Senator Pell, S. 659.

I have the same deep misgivings about the conference committee, which follows the S. 659 pattern that prompted Terry Sanford, president of Duke University, to write you.

I, therefore, urge you to oppose the conference bill in its present form and to seek a one year extension of existing programs.

I further urge that the extension period be used to draft a sound educational bill along the lines of your original bill.

Confirming letter follows.

Sincerely,

R. E. GUILES,
Chancellor, University of Wisconsin, Oshkosh, Wis.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: Thank you for sending to me a summary of the Conference Report on the Higher Education Act. I am in agreement with your position on the institutional aid portion of this bill and would add to your arguments against same the following:

1. The formula would encourage the wealthier institutions to focus their high powered recruiting machines upon the disadvantaged students and the rich would get richer and the poor get poorer. Even worse, however, the disadvantaged students would be pawns in the "Dollar" game. Often finding themselves enrolled in an institution ill equipped to meet their needs.

2. The conditions attached to the Veteran's Grants create the same situations as described in No. 1 above.

A continuing resolution may be the most expedient way to solve our current dilemma, however, we would need supplemental funds for Educational Opportunity Grants and College Work-Study.

I sincerely appreciate your efforts to see enacted equitable legislation in support of Higher Education.

Sincerely,

CHARLES ROGERS,
President, East Wyoming College, Torrington, Wyo.

U.S. COURT OF APPEALS REVERSES SCHOOL BUSING DECISION IN RICHMOND, VA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday the U.S. Court of Appeals for the Fourth Circuit in a 5 to 1 decision reversed the district court decision in Bradley against the School Board of the City of Richmond, Va., and held that the district court exceeded its power of intervention in ordering the joinder of the School District of the City of Richmond with the school districts of the two adjoining counties of Henrico and Chesterfield Counties in order to achieve a greater degree of integration and racial balance.

In his opinion, Judge Craven of the Fourth Circuit held that a judge may not compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools absent a showing of "invidious discrimination in the establishment or maintenance of local governmental units."

Judge Craven stated further that—

We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage. *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

Mr. Speaker, in light of the current controversy raging throughout this Nation concerning the issue of possible cross-district busing and the merging of school districts for the purpose of achieving racial balance and because of the overwhelming widespread interest in this landmark decision, my own and other congressional districts in Michigan as well as throughout the rest of the country, I ask unanimous consent to insert the full text of the majority opinion of the court in the RECORD at this point:

[In the U.S. Court of Appeals for the Fourth Circuit]

MAJORITY OPINION

NO. 72-1058

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Chesterfield County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1059

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Henrico County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1060

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The State Board of Education of the Commonwealth of Virginia, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1150

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* Dawn Gauldin, an infant, by her next friend and mother, Judith Gauldin, and others, parents and school children of Chesterfield County, Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., District Judge.

(Argued April 13, 1972; Decided June 6, 1972).

Before Haynsworth, Chief Judge, and Bryan, Winter, Craven, Russell and Field, Circuit Judges, sitting en banc.

Philip B. Kurland (Andrew P. Miller, Attorney General of Virginia, William G. Broaddus, D. Patrick Lacy, Jr., Assistant Attorneys General, on brief for [The State Board of Education and the Superintendent of Public Instruction]; Frederick T. Gray, Walter E. Rogers, and Oliver D. Rudy, Commonwealth's Attorney for Chesterfield County, on brief for [The Board of Supervisors of Chesterfield County]; J. Segar Gravatt on brief for [The School Board of Chesterfield County]; R. D. McIlwaine, L. Paul Byrne, J. Mercer White, Jr., County Attorney for Henrico County, on brief for [The Board of Supervisors of Henrico County and the School Board of Henrico County] for Appellants; and George B. Little (John H. Obrion, Jr., James K. Cluverius, and Browder, Russell, Little, and Morris, and Conard B. Mattox, Jr., City Attorney, on brief) and Norman J. Chachkin (Louis R. Lucas, William L. Taylor, Jack Greenberg, James M. Nabrit, III, James R. Olphin, and M. Ralph Page on brief) for Appellees. (Stephen J. Pollak, Richard M. Sharp, David Rubin, and Shea and Gardner on brief) for Amicus Curiae, The National Education Association. (Richard Falcon, David Bogen, Melvin L. Wulf, Sanford Jay Rosen, American Civil Liberties Union, and Philip Hirshkop, on brief) for Amicus Curiae American Civil Liberties Union, American Civil Liberties Union of Virginia. (Brian P. Gettings, United States Attorney, David L. Norman, Assistant Attorney General, Department of Justice, and Brian K. Landsberg, Attorney, Department of Justice, on brief) for Amicus Curiae, The United States. (Theodore Walker Mitchell and William C. Chance, Floyd B. McKissick, Charles Conley, and Roy Innis, National Director, Victor Solomon, Associate National Director, Congress of Racial Equality, on brief) for Amicus Curiae, The Congress of Racial Equality.

Craven, Circuit Judge:

May a United States District Judge compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools? We think not, absent invidious discrimination in the establishment or maintenance of local governmental units, and accordingly reverse.

This is a new aspect of an old school case begun in 1961.[1] Neither the parties to this appeal nor the numerous amici permitted to file briefs question the duty of the Richmond School Board to achieve a unitary school system. *Brown v. Board of Education* (*Brown I*), 347 U.S. 483 (1954); *Brown v. Board of Education* (*Brown II*), 349 U.S. 294 (1955). *Green v. School Board of New Kent County*, 391 U.S. 430 (1968). Indeed, it is virtually conceded and established beyond question that, albeit belatedly, Richmond has at this juncture done all it can do to disestablish to the maximum extent possible [2] the formerly state-imposed dual school system within its municipal boundary.

What is presented on appeal is whether the district court may compel joinder with Richmond's unitary school system two other school districts (also unitary) in order to achieve a greater degree of integration and racial balance. The district judge felt compelled to order consolidation of the three school units partly because of his concern with what seemed to him an unfortunate racial balance in the three separate systems and partly because he felt this racial balance was the result of invidious state action. In his concern for effective implementation of the Fourteenth Amendment he failed to sufficiently consider, we think, a fundamental principle of federalism incorporated in the Tenth Amendment and failed to consider that *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), established limitations on his power to fashion remedies in school cases.

Footnotes at end of article.

I.

The current phase of the case began on March 10, 1970. On that date the black plaintiffs filed a motion for further relief, and on March 19, 1970, in response to inquiry by the court, the Richmond School Board filed a statement to the effect that "they had been advised that the public schools of the City of Richmond are not being operated as unitary schools in accordance with the most recent enunciations of the Supreme Court of the United States." The board thus conceded that its previously implemented plan of integration, largely based on freedom of choice, which plan had been approved by the district court on March 30, 1969, was insufficient under *Green* v. *School Board of New Kent County*, *supra*, to constitute a unitary school system. The school board waived a hearing and further advised the court that it had "requested the Department of Health, Education and Welfare to make a study and recommendation as to a plan which would insure the operation of the unitary school system in compliance with the decisions of the Unitd States Supreme Court" said plan to be ready by May 1, 1970. On June 26, 1970, the court rejected the proposed HEW plan and granted leave to the Richmond School Board to submit another plan if they so desired. That plan was filed on July 23, 1970, and a hearing on its adequacy was conducted on August 7, 1970. Because of the imminence of the beginning of the school year 1970–71, the court approved this second plan purely on an interim basis. After several additional hearings, another plan, designated Plan III, was approved in April 1971 for the school year 1971–72, The Richmond city schools are currently operating under this plan. In *Bradley* v. *School Board of the City of Richmond*, 325 F. Supp. 828, 835 (1971), the district judge, having carefully compared the three proposed plans, plus a fourth one, called the Foster Plan, concluded that Plan III, if successfully implemented, would eliminate "the racial identifiability of each facility to the extent feasible within the City of Richmond." The court added that "this is the extent, under current law, of the affirmative obligation governing use of its [school board] available powers: . . ."

Meanwhile, administrators of the Richmond school system were having second thoughts, prompted perhaps by a colloquy between court and counsel having to do with possible consolidation of the Richmond school system with the adjoining school systems of Chesterfield County and Henrico County. Under the approved Plan III it was projected that the percentage of whites in high schools would range from 21 percent to 57 percent and the percentage of blacks from 43 percent to 79 percent, that the range in middle schools would be 19 percent to 61 percent whites and 39 percent to 81 percent black, and the elementary range would be from 20 percent to 66 percent white and from 34 percent to 80 percent black. Such arithmetic pointed up the obvious: that if the heavily white school population of the adjoining counties could be combined with the majority black school population of Richmond a "better" racial mix would result. Thus, on November 4, 1970, the city filed a "motion to compel joinder of parties needed for just adjudication under Rule 19." The court allowed the motion and the filing of an amended complaint directed toward relief against these new respondents: the Board of Supervisors of Chesterfield County, the Board of Supervisors of Henrico County, the School Board of Chesterfield County, the School Board of Henrico County, the State Board of Education, and the Superintendent of Public Instruction. On January 10, 1972, came judgment: all defendants, including the State Board of Education, the State Superintendent of Public Instruction, the school boards

of the two counties and the city, the boards of supervisors of the two counties, and the City Council of the city, were enjoined to create a single school division composed of the city and the two counties. In great detail, set out on some seven pages, methods and procedures of effecting consolidation were specified to be completed within time limitations. It is from this injunction that the state and county defendants prosecute this appeal.

II.

Were we to sustain this injunctive decree, the result would be one of the largest school districts in America. In the fall of 1970 the Richmond school district had 47,824 pupils and was the third largest school district in Virginia. The Henrico school division had 34,080 and was the fifth largest in Virginia, and the Chesterfield school district had 24,069 pupils and was the twelfth largest in Virginia. Richmond has a geographical area of 63 square miles, Henrico 244 square miles, and Chesterfield 445 square miles. The mandated school consolidation would thus create a district containing over 750 square miles and in excess of 100,000 pupils. In the fall of 1970 there were only 28 school districts in the entire United States containing 100,000 or more pupils, approximately 0.2 percent of all school districts in the nation. Presently in Virginia there is only one school district (Fairfax County) containing more than 100,000 pupils. The second largest is Norfolk with 55,739 pupils, and, as stated, Richmond is third with 47,824 pupils.

For the school year 1970–71, the Richmond City School Board operated 57 schools, and the racial composition of the pupil population was approximately 64 percent black and 36 percent white. Henrico operated 43 schools, and the racial composition was approximately 92 percent white and eight percent black. Chesterfield operated 28 schools, and the racial composition was approximately 91 percent white and nine percent black.

Beginning at page 234 of his opinion, the district judge sets out in some detail the theory advanced by various witnesses of a "viable racial mix." [3] In order to effect such a mix, the court approved, subject to trial and error, a lottery program similar to the national draft.

"Under the lottery program developed by the Richmond officials, whether a child is among those normally assigned to the school in his attendance zone who would be transported elsewhere is determined by birth date. A single birthday or 366 might be picked out of a hat. Then, starting with the first picked and taking all born subsequently, or following the list of 366 in order drawn, sufficient pupils are chosen to meet the quota of those to be transported out. After the child's status is determined according to the lottery, he would remain with his fellows during his tenure at each level of school. A new lottery would be conducted for him as he moved into middle school and later into high school." *Bradley*, at 236.

In his concern to achieve a "viable racial mix," the district court did not rule out the possibility of joining additional counties, *e.g.*, Hanover County (*Bradley*, at 248), and indeed ventured the opinion that "due to the sparsity of population in some of the adjoining counties, the task will not be difficult." *Bradley*, at 247.

It is not clear from the district court's decision the weight given to the testimony of various witnesses. Some importance, however, undoubtedly attaches to the testimony of Dr. Pettigrew adopted in part by the court below,[4]

"To achieve 'integration', in Dr. Pettigrew's terms one must have the 'mix plus positive interaction as we would want to say, between whites and blacks.' Current research indicates that in order to achieve these benefits there is an optimum racial composition which should be sought in each school. Dr. Pettigrew placed this at from 20 to 40% black occupancy. These figures are not at all hard and fast barriers, but merely indicate to the racial composition range in which interaction of a positive sort is the more likely to occur. Social science is not such an exact science that the success or failure of integration depends upon a few percentage points. The low level of 20% fixes the general area below which the black component takes on the character of a token presence. Where only a few black students are in the particular school, there simply are insufficient numbers for them to be represented in most areas of school activities. Such participation would be crucial to the success of integration. The high level of 40% is linked not to the likely behavior of the students so much as it is to the behavior of their parents. When the black population in a school rises substantially above 40%, it has been Dr. Pettigrew's experience that white students tend to disappear from the school entirely at a rapid rate, and the Court so finds. This is only possible, of course, when alternative facilities exist with a lesser black proportion where the white pupils can be enrolled. The upper limit, then, relates to stability." *Bradley*, at 250.

The district court concluded (*Bradley*, at 231) that "taking the three jurisdictions together," (Chesterfield, Henrico, Richmond) over the past ten years "the racial proportions have remained quite constant, at about 67% white and 33% black." The court stated that he rejected the notion that a goal of placing 20 to 40 percent black students in each school could be characterized as the imposition of a fixed racial quota,[5] but did note that "if the goal were achieved Negroes would be in a minority in each school." *Bradley*, at 234. He emphasized that this corresponded to the demographic pattern of the units combined, and, indeed, corresponded to the racial balance of the nation as a whole. However, in discussing the Richmond Metropolitan School Plan, the district court also emphasized the fact that without consolidation, very few pupils in the city or the counties would attend schools whose racial mix corresponded to that considered "viable" by Dr. Pettigrew, while with consolidation under the proposed plan,

"97% of the black students in the area would attend schools in the range of 20–40% black; the remainder would be in 15–20% black schools. Under that plan 92.5% of the white students in the area would be in schools of the optimum mix determined by Dr. Pettigrew, and 7.5% would be in schools with a 15–20% black enrollment." *Bradley*, at 252.

The desire of the district judge to achieve such a racial mix is quite understandable since the evidence seemed to indicate its workability in practice. But we think the adoption of the Richmond Metropolitan Plan in toto by the district court, viewed in the light of the stated reasons for its adoption, is the equivalent, despite disclaimer, of the imposition of a fixed racial quota.

The Constitution imposes no such requirement, and imposition as a matter of substantive constitutional right of any particular degree of racial balance is beyond the power of a district court. *Swann v. Charlotte-Mecklenburg Board of Education*, *supra* at 24; *Spencer v. Kugler*, 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.*—U.S. —, 92 S. Ct. 707 (1972).

III.

The boundaries of the three school districts, Richmond, Chesterfield and Henrico, have always been (for more than 100 years) coterminous with the political subdivision of the City of Richmond, the County of Chesterfield and the County of Henrico. The boundaries have never been changed except as occasioned by annexation of land within the two counties caused by the expansion and growth of the City of Richmond. The most recent annexation has resulted in adding to the school population of Richmond 10,240 pupils, of which approximately 9,867 are white.[6] It is not contended by any of the parties or by amici that the establishment of the school district lines more than 100 years ago was invidiously motivated. We have searched the 325-page opinion of the district court in vain for the slightest scintilla of evidence that the boundary lines of the three local governmental units have been maintained either long ago or recently for the purpose of perpetuating racial discrimination in the public schools. As the brief of the United States points out, to the extent, if at all, there are district court findings of inter-district discrimination, they are delineated with such a "broad brush" as to make "it difficult on review to say precisely what the violation, if any, was." We agree with the position of the United States that "this is not primarily a case about segregation required by law, because state law has never required segregation as between Richmond and the neighboring school systems."

With the discontinuance, at the instigation of HEW, of Chesterfield County's participation in the Matoaca Laboratory School, every black child in Chesterfield County attends a racially desegregated facility, and the school system is unitary. As early as 1969, HEW was satisfied that Henrico County was operating a unitary nonracial school system, and by June 30, 1971, with the elimination of the racial identifiability of the Central Garden School, Henrico County complied in all respects with the suggestions of HEW. It is thus established that in each of the three school districts the formerly dual system of schools has been disestablished and effectively replaced with a unitary school system within which no child is excluded from any school by reason of his race. The issue, also as urged by the United States, is whether the maintenance of three separate unitary school divisions constitutes invidious racial discrimination in violation of the Fourteenth Amendment.

It is urged upon us that within the City of Richmond there has been state (also federal) action tending to perpetuate apartheid of the races in ghetto patterns throughout the city, and that there has been state action within the adjoining counties also tending to restrict and control the housing location of black residents. We think such findings are not clearly erroneous, and accept them. Just as all three units formerly operated dual school systems, so likewise all three are found by the district court to have in the past discriminated against blacks with respect to places and opportunity for residence. But neither the record nor the opinion of the district court even suggests that there was ever joint interaction between any two of the units involved (or by higher state officers) for the purpose of keeping one unit relatively white by confining blacks to another. What the district court seems to have found, though this is not clear, is that there has been in the past action by the counties which had a tendency to keep blacks within the boundaries of the City of Richmond and excluded them from the counties. In arriving at this conclusion, the district court seemed to place great reliance on the selection of new school construction sites over the years, racially restrictive covenants in deeds, the non-participation of the counties in federally assisted low income housing, and testimony concerning private acts of discrimination in the sale of housing. If the district court's theory was that the counties were thus keeping blacks in Richmond schools while allowing whites to flee to relatively white sanctuaries, the facts do not support this theory.

Footnotes at end of article.

XUM

It is significant that of the 34,000 pupils enrolled in Henrico County schools for the school year 1970–71 only 2,035 (5.9 percent) had transferred from the Richmond city schools to the Henrico County schools during the preceding *decade*, and of this number 532 (26 percent) were black. Of the more than 2,500 pupils listed by the Richmond School Board as "missing" from the Richmond city schools for the 1970–71 school year, only 145 enrolled in Henrico County schools that school year, and of this number 36 (25 percent) were black.

Of the 20,676 Chesterfield children enrolled in Chesterfield County schools for the year 1970–71, only 1,335 had transferred from the Richmond city schools during the preceding 12 years. Except for 36, all were white. But, significantly, only 6.46 percent of the entire Chesterfield school population ever attended Richmond schools.

The Richmond white school population decreased from 17,203 in 1970–71 to 13,500 in 1971–72—a net loss of 3,703. But these white students did not move to Chesterfield or Henrico Counties. For both counties show a net white enrollment loss for the same period, Chesterfield down 208 white pupils and Henrico 366.

If we assume state action to keep blacks confined to Richmond, and none appears, it is evident that such action has failed to achieve its assumed invidious purpose. Richmond schools may be getting blacker, but so also are the schools of Henrico, and the trend may soon reach to Chesterfield. If the district court's conclusion was that, regardless of the effect on the schools in the City of Richmond, the counties' action kept blacks who lived in Richmond from moving to the counties, thereby perpetuating segregation in the public schools in the counties and thus denying to the plaintiffs the equal protection of the laws, we think that this conclusion is not supported by substantial evidence.

We agree that there has been some inaction, (*e.g.*, nonparticipation in construction of low income housing) by the counties here which may have restricted the access of blacks to residences in these counties. If we assume invidious purpose, and none is established, it is possible to draw an inference of cause and effect if one ignores the possibility that in a heavily white county much of such housing would likely be occupied by low income white. School construction site selection would seem to have little relevance to city-county movement by blacks, since, until recently, blacks who moved to the county would still have had to go to segregated schools. Thus the choice of whether to move or not would not have been influenced by the location of schools in the counties or the city. Former FHA policies and the use of racially restrictive covenants have doubtless had an impact on residential housing patterns within the city and the counties. The record does not establish whether or not Richmond's restrictive use of such tools of discrimination has been greater or less than that of the counties. We are thus unable to determine whether such discrimination, practiced in all three units, has had any impact upon movement by blacks out of the city and into the counties.

The two instances in the record of private discrimination in the sale of housing, illegal since *Jones v. Meyer*, 392 U.S. 409 (1968), are scant evidence of state action, even assuming that state inaction in preventing such discrimination is state action within the meaning of *Shelley v. Kraemer*, 334 U.S. 1 (1948).

We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political, and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta, and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

To approve the consolidation of these three school districts would require us to ignore the tradition and history of the Commonwealth of Virginia with respect to its establishment and operation of schools, as well as hold invalid various enactments of the Legislature of Virginia structuring Virginia's system of free public schools. In addition, there are some practical problems involving money and finance and taxes.

The power to operate, maintain and supervise public schools in Virginia is, and has always been, within the exclusive jurisdiction of the local school boards and not within the jurisdiction of the State Board of Education. *School Board of Prince Edward County v. Griffin*, 204 Va. 650, 133 S.E.2d 565 (1963). Indeed, the operation of public schools has been a matter of local option. *See Griffin v. School Board of Prince Edward County*, 377 U.S. 218 (1964).

Section 133 of the 1902 Constitution of Virginia provided that "the supervsion of the schools in each county or city shall be vested in a school board." But school boards, per se, including a court-ordered consolidated school board, are not authorized by law to raise funds for the schools. Instead, under Virginia law, a school board is fiscally dependent upon the local governing body, e.g., county commissioners or city council, and have no authority whatever to levy taxes or appropriate funds for school purposes.

Although it is true that under Section 132 of the 1902 constiution the State Board of Education can designate two or more counties or counties and cities as a single school division, and has done so on 28 accasions, Section 133 of the constiution contemplates that even after such "consolidation" the separate school boards of the combined units are to continue to function.[7]

In 1954 the General Assembly of Virginia enacted Virginia Code 22–100.1 et seq. Under these statutes a multi-unit school district with a single school board could be established, but only by the majority vote of the school board of each affected county and/or city and with the approval of the governing body of each affected unit and the approval of the State Board of Education.

Such a school division has never been established in Virginia. Prior to the order entered in this case on January 10, 1972, neither the school boards of Richmond, Henrico or Chesterfield nor any of the governing bodies of these units ever requested the State Board to take such action.[8]

Under the new Constitution of Virginia the State Board is given power to divide the Commonwealth into school divisions subject to "such criteria and conditions as the General Assembly may prescribe. At its extra session of 1971, the General Assembly enacted into law Virginia Code 22–30:

"(1) No school division shall be composed of more than one county or city.

"(2) No school division shall be composed of a county or city and any one of the following towns: Abingdon, Cape Charles, Colonial Beach, Fries, Poquoson, Saltville, or West Point.

"Notwithstanding any of the above criteria and conditions, the Board of Education may, upon the request of the school boards of the counties, cities, and towns affected, concurred in by the governing bodies thereof, consolidate or otherwise alter school divisions."

Thus neither under the old constitution and statutes in effect prior to July 1, 1971, nor under the new constitution and statutes in effect after that date, could the State Board of Education, acting alone, have effected the consolidation of the school systems of Richmond, Henrico and Chesterfield into a single system under the control of a single school board.

But even if we were to ignore Virginia law, as we are urged to do, there are practicabilities of budgeting and finance that boggle the mind. Each of the three political subdivisions involved here has a separate tax base and a separate and distinct electorate. The school board of the consolidated district would have to look to three separate governing bodies for approval and support of school budgets. The Turner Commission in its 1967 report on raising the level of public education in Virginia concluded that consolidation of school districts in Virginia could not work under Virginia's fiscal structure:

"It would appear that the *compulsory* consolidation of School Boards, not accompanied by a consolidation of all functions of local government, would need to have a degree of fiscal independence not available under present statutes."

Apparently none of the numerous witnesses examined in the district court was aware of any instance in American education in which any expert in the field had ever recommended the consolidation of three separate school divisions into a single consolidated school division having three separate tax bases.

We think it fair to say that the only "educational" reason offered by the numerous school experts in support of consolidation was the egalitarian concept that it is good for children of diverse economic, racial and social background to associate together more than would be possible within the Richmond school district. The expert thought that the optimum size school district was one having a school population of from 20,000 to 50,000 pupils. When a district is too small, specialized programs tend to be eliminated, and when a school district is too large, it tends to become unwieldy and cumbersome and to lose parent participation.[9] Thus the consensus was that the three separate school districts were about the right size, and the consolidated district much larger than desirable for educational and administrative purposes.

V

By the Tenth Amendment to the Constitution of the United States it is provided that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

One of the powers thus reserved to the states is the power to structure their internal government. "Municipal corporations are political subdivisions of the state, created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them. . . . The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the state." *Hunter v. Pittsburgh*, 207 U.S. 161, 198 (1907).

"When a state exercises power wholly within the domain of state interest, it is insulated from federal judicial review." *Gomillion v. Lightfoot*, 364 U.S. 339, 347 (1960). The Supreme Court has always recognized "the breadth and importance of this aspect of the state's political power," *Gomillion, supra* at 342, but "has never acknowledged that the states have power to do as they will with municipal corporations regardless of consequences." *Gomillion, supra* at 344. If the states' near plenary power over its political subdivisions "is used as an instrument for circumventing," *Gomillion, supra* at 347, the Fourteenth Amendment equal protection right of blacks to attend a unitary school system, then the Tenth Amendment is brought into conflict with the Fourteenth, and it settled that the latter will prevail. *Gomillion, supra*. The facts of this case do not establish, however, that state establishment and maintenance of school districts coterminous with the political subdivisions of the City of Richmond and the Counties of Chesterfield and Henrico have been intended to circumvent any federally protected right. Nor is there any evidence that the consequence of such state action impairs any federally protected right, for there is no right to racial balance within even a single school district, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24, but only a right to attend a unitary school system.

In seeking to define the extent of a district judge's remedial power in a school case.

"It is important to remember that judicial powers may be exercised only on the basis of a constitutional violation. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. Judicial authority enters when local authority defaults.

"School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court." *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 16 (1971).

Because we are unable to discern any constitutional violation in the establishment and maintenance of these three school districts, nor any unconstitutional consequence of such maintenance, we hold that it was not within the district judge's authority to order the consolidation of these three separate political subdivisions of the Commonwealth of Virginia. When it became "clear that state-imposed segregation . . . [had] been completely removed," *Green, supra* at 439, within the school district of the City of Richmond, as adjudged by the district court, further intervention by the district court was neither necessary nor justifiable.

As the Chief Justice said in Swann:

"At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in Brown I. The systems would then be 'unitary' in the sense required by our decisions in Green and Alexander.

"It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition or student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. . . . in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary." *Swann, supra* at 31–32.

In devising remedies in school cases it is difficult to know "how far a court can go, but it must be recognized that there are limita." *Swann, supra* at 28. In *Spencer* v. *Kugler*, 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.* —— U.S. ——, 92 S. Ct. 707 (1972), black plaintiffs sought to compel the joinder of separate school districts within the State of New Jersey for the purpose of achieving racial balance and preventing de facto segregation The three-judge court held de facto segregation, defined as racial imbalance that exists through no discriminatory action of state authorities, to be beyond the ambit of the Fourteenth Amendment. On appeal the decision was affirmed without opinion by a nearly unanimous United States Supreme Court. We think *Spencer* v. *Kugler, supra*, is indistinguishable and controls decision in this case.

Because we think the last vestiges of state-imposed segregation have been wiped out in the public schools of the City of Richmond and the Counties of Henrico and Chesterfield and unitary school systems achieved, and because it is not established that the racial composition of the schools in the City of Richmond and the counties is the result of invidious state action, we conclude there is no constitutional violation and that, therefore, the district judge exceeded his power of intervention.

Reversed.

APPENDIX A—RESOLUTIONS OF THE SCHOOL BOARD OF CHESTERFIELD COUNTY UNDER ORDER OF U.S. DISTRICT COURT OF JANUARY 10, 1972

Be it resolved by the School Board of Chesterfield County that:

1. Whereas, on January 10, 1972, the United States District Court for the Eastern District of Virginia, Richmond Division, did enter its Final Order in the case of Bradley v. School Board of the City of Richmond, et als, in which suit this Board was joined as a defendant, and

* * * * * *

4. Whereas, it is the judgment of this Board that the best interest of the education of the children of Chesterfield County, and indeed, of the children of the City of Richmond and of Henrico County, will be promoted by maintaining Chesterfield as an independent division and system; and

5. Whereas, it is the judgment of this Board that, under no circumstances should a request under Section 22–30 be made for consolidation of the three separate divisions as required by the Order of January 10, 1972, until an agreement has been reached between the three separate political sub-divisions upon the value of the school property required to be transferred by each to the school board for the consolidated division and until payments required to equalize the value of property conveyed by each have been agreed upon among the City and the Counties based upon the value of the property conveyed by each and the anticipated school enrollment from each County and the City, and upon some other fair basis; and

6. Whereas, it is further the judgment of this Board that under no circumstances should a request be made as required by the Order of January 10, 1972, for consolidation of the separate school divisions of the Counties of Chesterfield and Henrico and the City of Richmond until the amount of the outstanding bonded indebtedness for school construction of each of the Counties and the City has been determined and agreement reached for the equitable distribution of the entire tax burden of the consolidated division among the two Counties and the City of Richmond based upon the anticipated enrollment of each in the schools of the consolidated division, or upon some other fair basis.

7. Whereas, if the members of this Board remained free to vote in accord with their independent and collective judgment and will, they would unanimously refuse to request the State Board of Education to create a single division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; and

* * * * * *

9. Whereas, our attorney aforesaid has advised us that the Order of January 10, 1972, mandatorily directs that we cast our vote in favor of a "request" that the State Board of Education create a single division composed of the Counties of Chesterfield and Henrico and the City of Richmond on or before 30 days from January 10, 1972, under pain of punishment for contempt by fine or imprisonment should we fail to do so.

10. Now, therefore, acting under the duress, coercion, and compulsion of the penalties consequent upon doing otherwise, and acting contrary to our individual and collective judgment and wills, and under the compulsion of the Order aforesaid, we do adopt and vote for the following:

11. [T]hat we request the State Board of Education to create a single school division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; this request is, however, expressly limited to such period of time, only, as said Order shall not be stayed or reversed by order of the Court of Appeals for the Fourth Circuit or of the Supreme Court of the United States.

FOOTNOTES

[1] The history of this litigation unfolds in Bradley v. School Board of the City of Richmond, 317 F. 2d 429 (4th Cir. 1963); 345 F. 2d 310 (4th Cir. 1965), *rev'd and remanded*, 382 U.S. 103 (1965). After four years under a consent decree, the subsequent litigation in the district court is found in Bradley v. School Board of the City of Richmond, 51 F.R.D. 139 (E.D. Va. 1970); 317 F. Supp. 555 (E.D. Va. 1970); 324 F. Supp. 396 (E.D. Va. 1971); 324 F. Supp. 439 (E.D. Va. 1971); 324 F. Supp. 456 (E.D. Va. 1971); and 325 F. Supp. 828 (E.D. Va. 1971). The opinion of the district court which is the subject of this appeal is Carolyn Bradley v. School Board of the City of Richmond, Civil No. 3353 (E.D. Va. January 5, 1972), hereinafter referred to as Bradley.

[2] This is not a bussing case. That remedy, approved in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), has been utilized in Richmond and is not challenged on appeal.

[3] "The term 'viable racial mix' was defined by Dr. Little as 'It is a racial mix that is well enough established that it will continue to prosper. It will be a desirable, reasonable mix for educational purposes. . . .'" Bradley, at 234, n. 22.

[4] In apparently adopting Dr. Pettigrew's viable racial mix theory, the district court rejected the testimony of another expert that the idea of a viable racial mix in which blacks must be in the minority in order to have a good education is a racist proposal. Dr. Hooker thought that the consolidation of schools in the Richmond area would "disenfranchise" black residents by preventing them from achieving control of the school system and would in time be resented by black citizens as paternalistic and patronizing. The position of one of the amici, the Congress of Racial Equality, is similar to that expressed by Dr. Hooker.

[5] The author of this opinion is not unsympathetic with the district judge's having

Footnotes at end of article.

XUM

accepted the Pettigrew theory of "viable racial mix." In Brunson v. Board of Trustees of School District No. 1 of Clarendon County, South Carolina, 429 F. 2d 820 (1970), I wrote favorably of such an approach because of my dismay that white fleeing had actually *occurred* and would unquestionably continue until there were neither black schools nor white schools, but just black schools only. But in that case there was an extreme preponderance of blacks not present in the Richmond school district. Even so, I acknowledge doubt about my approach in that case and an increasing respect for the viewpoint of Judges Sobeloff and Winter expressed in opposition. Brunson, *supra* at 823.

[6] The district court's concern with viable racial mix has been partly alleviated by this annexation, which has now been approved by this court. Holt v. City of Richmond, Nos. 71-2185 and 71-2186 (4th Cir. May —, 1972).

[7] "There shall be appointed by the school board or boards of each school division, one division Superintendent of Schools. . . ." Constitution of Virginia § 133 (1902).

[8] Under coercion of the district court, the School Board of Chesterfield County, on February 5, 1972, adopted a resolution set out in part as Appendix A.

[9] Dr. Thomas C. Little, expert witness for plaintiff and associate superintendent of the Richmond schools, conceded that:

"You also reach a point, and I don't know exactly what that point is, some 50, 60, 70 thousand students, whereby it becomes unwieldy for certain types of operations, particularly your curriculum, your involvement and neighborhood input into the operation of your schools."

SUPPORT FOR MOBILE HOME SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 5 minutes.

Mr. FREY. Mr. Speaker, H.R. 15157 which I introduced on May 24, 1972, with 24 cosponsors to establish uniform Federal safety standards for mobile home through a National Mobile Home Safety Bureau has resulted in a considerable amount of support from individuals and my own State of Florida.

I should like at this time to insert in the RECORD some representative letters which I have received.

Mr. Vestal Lemmon, president of the National Association of Independent Insurers—NAII—in announcing the support of the NAII for the legislation stated as follows:

The National Association of Independent Insurers, whose 535 affiliated companies write approximately 85 per cent of the mobile home insurance in the nation, supports the objectives of your proposed National Mobile Home Safety Act of 1972.

We wholeheartedly agree with you that in view of the mounting human and economic loss resulting from mobile home accidents, and the general lack of safety-related measures in the mobile home field, prompt action is needed to ensure the protection of the more than seven million Americans who live in this form of housing.

The absence of clearly-defined, enforceable safety legislation for mobile homes has had inevitable consequences in the insurance industry. As you pointed out in your recent comments on the floor of the U.S. House, the average mobile home fire loss has almost doubled in the last six years. Studies by the state of Oregon have concluded that fire loss in a mobile home as compared to its value is almost four times greater than the loss-value ratio of a conventional home; and the state of Arizona estimates that the mortality rate in mobile home fires is eight times higher than that in ordinary housing.

As our industry strives to provide the broadest possible protection at affordable and equitable rates, these conditions are unfortunately creating unnecessarily high underwriting exposures which are having a telling impact upon insurance costs. It is a bad situation and certain to get worse unless meaningful safety provisions are adopted and enforced.

The introduction of your bill, therefore, was encouraging and welcome, and the NAII is ready to lend whatever advice and assistance we can to achieve the objectives of your proposed safety Act."

A fireman in Gibsonton, Fla. wrote:

I am a fireman in The Gibsonton Volunteer Fire Dep't, and thus, am sitting on top of the situation as regards fires in these units. Fortunately, we do not have many mobile home parks, and none of those of 200-300 spaces, in our area.

When answering an alarm, and learning that it is a mobile home fire, my personal views are: that except for saving life, or personal possession, or protecting adjoining property, the engines may as well stay in the firehouse, because, if they are not at the scene in moments of ignition, it is certain to be a total loss, even though only one end may be destroyed. They go up that fast.

Now to the design of these homes.

Prior to the twelve wides, the second door of these units opened directly into a bedroom, giving occupants an escape route in case of fire. In the newer units, probably to preserve the decor of the bedroom, the second door is now situated in a hallway between the living and sleeping quarters. In this hallway are the heating furnace, entrance to the bathroom, and in some, a small bedroom. The main, or master bedroom, is at the end of the hall.

A malfunction in the heating unit during the night, and getting a little headstart, could prevent the use of that second door as a means of escape from the bedrooms. Also, the type of windows used in these units, are a detriment for getting out, and in some, with their placement near the ceiling, makes it an impossibility. I believe the second door should still open directly into the bedroom.

More on design, but for another reason.

I am also a driver and First Aider on the ambulance we operate in conjunction with the fire department. I find that in a good percentage of these homes, it is impossible to get into a bedroom with a stretcher, as we cannot make the turns, into them. Recently, while inspecting a new doublewide, (24 X 54), with three bedrooms, I noted that the same situation prevailed. As we know, many mobile homes are being purchased by elderly people, and as such, are more susceptible to falls, heart attacks, and other illnesses necessitating the use of a stretcher. Of course we can use an orthopedic (scoop) stretcher, but it takes more time, and even with its use, the patient would almost be in a vertical position to make the turn out of the bedroom to the wheeled stretcher. This is another reason why the second, or third door, should open into the bedroom.

I believe that the proper placement of doors in these units, and the use of better construction materials as your bill provides, would do much to make mobile home living that much safer.

The quality control manager of two national mobile home manufacturers stated:

Am very interested in the progress of your bill concerning safety factors of Mobile Home Manufacturing.

Have been Quality Control Manager for years, representing two of our National Manufacturers and placed my trade with smaller custom plants.

Their interest was quality but coding was a thorn in their side. I have worked close with state inspectors and MHMH (National inspectors), Insurance inspectors, etc.

Can I be of some help to you in this respect?

There are short cuts in construction which misrepresents wall structure as advertised yet legal but not defined.

I have been in trailer-mobile home industry for a straight 32 years and in all its phases and still at it.

I believe your bill will be a God-send to the public for their security, etc.

A long-time resident of mobile homes sent six photographs of unsafe conditions and stated as follows:

Your Bill on Mobile Homes Safety Laws, is what has been needed for a long time. I have lived in mobile homes since 1954. I know what an ordeal it is to get people to live up to their so called Guarantees and Warranties.

I am enclosing some photos, an advertisement of the home that I am living in now, also some newspaper clippings. This may be of some help.

Typical of the responses received from the many retired senior citizens who live in mobile homes is the following:

I retired at 73 with a fixed income of $5,300.00 and about 6 weeks ago purchased for $1,200.00 a double wide Mobile Home. Moved in April 1. The following evening the furnace started and fell apart. About 2 weeks ago during a hard shower the water literally ran in under the outside walls in seven different places.

President Peter F. Secchia of Universal Forest Products, Inc., which supplies materials for mobile home construction wrote:

We commend you on your Federal Standards Agency Proposal for mobile home construction. Our firm has long taken the position that we must standardize our construction methods and up-grade the industry.

I have been appointed Chairman of a nine-state committee for Lumber Standards and we are currently negotiating with Third Party Testing so that they will accept our procedure in structural rigidity testing proposals.

Should you need any information regarding the lumber usage and structural problems of mobile home construction, please feel free to call on our firm. We are the leader in this industry for technical and engineering knowledge.

These communications, Mr. Speaker, are a few of the many I have received since the introduction of H.R. 15157. Although 6½ million people now live in mobile homes and 95 percent of the single family dwellings under $15,000 are mobile homes, there is no effective regulation to protect the low- and moderate-income purchasers. The legislation I have introduced would fill this gap.

FEDERAL CONTROL OF THE LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 60 minutes.

Mr. DEVINE. Mr. Speaker, as my colleagues know, the other body will shortly consider the bill S. 3010, to amend and extend the Economic Opportunity Act of

1964. A bill extending the life of the Office of Economic Opportunity has been passed by this body. While I approved that bill as written it is certainly my hope that the Congress will enact, and the President will sign, legislation to accomplish that important objective.

There are, however, matters of some concern embodied in S. 3010, and I believe it will be useful to my colleagues to give these matters some consideration. I refer particularly to title IX of the bill, which would establish a new National Legal Services Corporation. I understand that several of my colleagues share my concern regarding this title, and I understand further that some distinguished Members of the other body have similar concerns which they intend to express in due course.

Mr. Speaker, my colleagues will recall the words used by the President when he vetoed S. 2007; in speaking about the National Legal Services Corporation:

In the Congress . . . the quintessential principle of accountability has been lost.

I am concerned, Mr. Speaker, that in S. 3010, that quintessential principle of accountability still has been lost, as it must obviously and most assuredly has been in H.R. 12350.

The thrust and philosophy of Title IX in S. 3010 is all in the direction of insulation from Federal review. Now surely, Mr. Speaker, no one in this body wishes to see the delivery of legal services to the poor be a political activity, subject to political pressures. Yet the fact is, that many of the activities of the Legal Services program have involved political aspects. Legal Services attorneys have run for office; they have organized pressure groups to influence legislators; some have even organized efforts to recall elected officials. My concern, Mr. Speaker, is that if this program is now removed from Federal oversight, with all the political involvement that is its history, and institutionalized, that it will prove impossible to depoliticize it. Section 913 of title IX provides:

Nothing contained in this Title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the Corporation or any of its grantees or contractees or employees, or over the charter of bylaws of the Corporation, or over the attorneys providing legal services pursuant to this Title. . . .

The amount of independence this confers upon the proposed Corporation is virtually infinite. Considering that over $60 million of taxpayers' funds have been expended annually by OEO on its Legal Services program, it seems to me, Mr. Speaker, to raise grave concerns about the proper relationship of Congress and this new Corporation. In an era when semiautonomous, quasi-governmental corporations are taking over so many functions formerly carried out either by Government or the private sector, it seems to me that Congress has a profound obligation to insure that public funds are expended in a responsible manner, and consistent with the intent of Congress.

I can fully sympathize, Mr. Speaker, with those Senators who are gravely concerned about title IX of S. 3010, and I can well understand why some Senators are contemplating the advisability of striking the entire title.

Mr. WAGGONNER. Mr. Speaker, the National Advisory Committee on Legal Services, which is supposed to provide guidance to the legal services program of the Office of Economic Opportunity, has come to be dominated by a self-perpetuating clique of persons presently or formerly connected with individual legal services programs or grantees. This results, quite obviously, in the supervision of Legal Services by persons with a vested interest in specific programs, which by anyone's definition constitutes a conflict of interest.

For example, among the present members of the National Advisory Committee is the president and no less than nine other officers and board members of the National Legal Aid and Defender Association—NLADA—which in the current fiscal year is the recipient of a $440,000 grant from OEO's legal services program. One vice president and director of the NLADA, who serves on the National Advisory Committee, is also president of the National Clients' Council, an offshoot of NLADA which is currently receiving $126,000 from legal services.

There are other, only slightly less glaring, examples. Antioch Law School's Urban Law Institute is presently being funded at the level of more than $500,000 annually. The co-dean of Antioch University Law School and executive director of the Urban Law Institute serves on the National Advisory Committee on Legal Services. So does a California attorney who is employed by the California rural legal assistance program—CRLA—which has received more than $2.5 million from OEO's legal services in the current fiscal year.

Can these individuals reasonably be expected to conduct themselves with a complete absence of concern for the organizations they represent, and focus entirely upon the total problem of the legal needs of the poor?

The simple truth is that the National Advisory Committee on Legal Services cannot exercise objectivity in the supervision of OEO legal services programs when its membership is to such an extent made up of persons associated with legal services grantees. Nor can the committee reasonably be expected to reflect a widely divergent spectrum of viewpoints and attitudes when so many of its members are drawn from the community of legal services grantees.

Another problem that has arisen out of the present structure of the National Advisory Committee on Legal Services has to do with the methods by which its members have, in the past, been selected and replaced. There has been no limit on the terms of service of committee members, and the membership has rather informally filled any vacancies that have occurred. The result has, of course, been a committee narrow in outlook, composed largely of persons sharing similar professional backgrounds, connections, and points of view. This, too, is unhealthy for the legal services program.

The National Advisory Committee on Legal Services must be entirely restructured if it is to perform its function without becoming a spokesman for special interests or a battleground in ideological warfare. It is not enough merely to permit the Board of Directors of the proposed Legal Services Corporation to appoint members to the Advisory Committee for unspecified terms of service. The term of service of members of the National Advisory Committee should be specified by statute, and a more responsible means of filling vacancies established. Until the Legal Services Corporation is actually inaugurated, the Director of the Office of Economic Opportunity should have broad authority to reconstitute the National Advisory Committee along the lines that will most effectively serve the cause of the provision of legal services to the poor, and should make recommendations with regard to the organization and function of the committee as an adjunct of the Legal Services Corporation.

Mr. HUNT. Mr. Speaker. I am glad to have this opportunity to participate in the dialog on the necessity of striking the provisions of the Economic Opportunity Amendments, S. 3010, contained in title IX proposing the establishment of an autonomous Legal Services Corporation.

The legal services program under the Office of Economic Opportunity has admittedly been controversial and there have been a large number of cases that few responsible authorities would doubt should not have been handled under the program with taxpayer funds. Perhaps more than anything else, the political pressures that have followed the controversy have kept the program in check even though the extent to which this has been successful can be compared with squeezing a water-filled balloon. Obviously, insulating legal services from those who are the elected representatives of the people can only serve to put this program beyond the bounds of reasonable congressional oversight and the ability of even the executive branch to enforce to statutory limitations respecting political activities.

Mr. Speaker, my experience with legal services to date is that there is a serious lack of accountability. This deficiency can only be compounded under the terms of the corporation concept and it should be of concern that while the objectives of providing legal services to the involuntarily poor are meritorious, there are no evident restrictions on the representation of the nonpoor or the voluntarily poor.

From all outward appearances of the provisions as written, coupled with the turbulent experiences that mark the present legal services program, it can be predicted that the enactment of title IX would result in the creation of another haven for Federal bureaucrats whose grievances against the system that supports them can be carried on with abandon and with little fear of reprisal or reprimand by the executive branch or the Congress. The concentration of such power whose exercise is deliberately left vague and subject to the most liberal interpretation cannot be vested in an autonomous agency of the Government

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without jeopardizing the integrity of the Congress and its ability to be responsive to the people. I certainly trust this matter will be put to an early rest with the striking of title IX to forestall the possibility that the House will not have another opportunity to review this proposal should the legislation go directly to conference.

Mr. SPENCE. Mr. Speaker, many able arguments have been presented here this afternoon, serving notice that the National Legal Services Corporation, as proposed in Senate bill S. 3010, is an unacceptable alternative to the present structure of the legal services program. I am not sure there is anything new that I can add, for this topic is by now, in this Congress at least, a well plowed field.

Unfortunately, however, in view of the bill recently reported by the Senate Labor and Public Welfare Committee—S. 3010—it seems that no amount of plowing up skeletons is sufficient to deter some Federal legislators from their efforts to establish the forces of revolutionary change permanently upon our public landscape.

We all know that the present legal services program under the administration of OEO stands badly in need of reform. One legislative attempt at establishing a Legal Services Corporation has already been courageously vetoed by the President because it only worsened an already intolerable situation.

We have been assured by spokesmen for S. 3010 that the objections on which the President based his veto have now been corrected. My review of the bill, on the contrary, convinces me that this is one of the most flagrant examples of legislative whitewash ever perpetrated. In hardly a single significant respect has the bill been substantively improved, though a great deal of camouflaging verbiage has been added.

For this reason I am delighted for the opportunity which this special order provides. Mr. Speaker, I oppose the entire concept of a National Legal Services Corporation. If, however, there is to be such a Corporation, the structure outlined in S. 3010 is wholly and totally inappropriate. I would like to discuss the problem from both points of view.

I am, as I said, opposed to the entire concept of a quasi-public corporation for legal services. In the first place, such a structure tends to insulate from public scrutiny and control the activity it carries on. I can understand why the vast corps of legal services lawyers now operating under the program are anxious to be insulated from public scrutiny and control. But it is not in the best interests of justice for the poor or of good government for the country to so insulate them.

Equally as important, I have seen nothing to satisfy me that the corporation approach is the best way to refrom the present program. It is certainly not the only way.

Adoption of the Legal Services Corporation will effectively limit, if not entirely preclude, any meaningful experimentation with judicare, vouchers, or prepaid legal insurance as mechanisms for providing the poor with equal access to justice. Other alternatives may also be available.

It is my impression that any of the three aforementioned plans would be preferable to the Corporation with its permanent extension of the existing staff-attorney system. This is the system which presently threatens to preclude the development of private law offices in low-income areas. Instead of encouraging the development of a true choice in legal representation for the poor, we are now insuring—and would under the Corporation continue to insure—that low income minority groups are forced to patronize public legal services exclusively and, in the vast majority of cases, wind up being represented by lawyers with whom they have little in common, culturally or ethnically.

This fact, alone, I believe, does more to show up the current legal services program for the manipulative power struggle that it really is in many areas, than any other point that could be made.

I am not in favor of either perpetuating or encouraging that power struggle, and I am not in favor of a program which emphasizes class action suits and dramatic cases at the expense of serving the real legal needs of the poor.

Thus, I say again, I am opposed to the whole concept of a Legal Services Corporation. If we must have one, however, there is still no reason for enacting it in the form contained in S. 3010. There are enumerable failings and inadequacies in the bill. But one, alone, is sufficient in my estimation to mark the bill for rejection. That one fatal flaw is the fact that congressional oversight and review of the Corporation would be almost negligible. Congress could review the audits of the Corporation's financial operation. Beyond that, this quasi-public Corporation would be effectively beyond the reach of Congress except, of course, that it could refuse to appropriate funds for the Corporation or could abolish it entirely.

In addition, Office of Management and Budget authority in budget reviews would be severely limited and the authority of the Justice Department and the Civil Service Commission to enforce adherence to statutory limitations on political activity would be greatly restricted.

These facts, coupled with the unrealistic limitations on the appointment power of the President and the extent to which the governing board will represent vested interests, suggest that, all other criticisms aside, the bill is just as indefensible now as when it was vetoed earlier.

I would certainly hope that a successful effort will be made in the Senate to strike the Legal Services Corporation title from S. 3010. If that is successful, I would definitely favor a motion to instruct the House conferees to concur in the Senate action.

Mr. MATHIAS of California. Mr. Speaker, I wish to join my colleagues in voicing strong opposition to the enactment of any provision which would create an independent National Legal Services Corporation, unless this body has given full consideration to it.

The parliamentary problem now facing us is clear. If the Senate passes S. 3010, as reported, it will have approved a new National Legal Services Corporation. By inserting the language of the passed S. 3010 for the provisions of H.R. 12350, as passed by this body and as sent to the Senate, the Senate will confront the House conferees with provisions which this body has not yet had an opportunity to fully debate. It is not accurate to say the will of this body was expressed with respect to a Corporation last year, for the Corporation as embodied in S. 3010, as reported, is different from that acted upon by the House last year. Additionally, new factors have come to our attention, including what seems to be a never ending list of examples showing questionable activities being conducted under the auspices of the existing legal services program.

One thing is clear: This body has not yet had an opportunity to concern itself with the new proposal for a Corporation. This body should have that opportunity. It must.

What are some of the major policy and administrative issues that are yet to be resolved? Here are some:

First. The meaning and role of "accountability" of the Corporation, its directors, officers, and employees, and the meaning and role of "accountability" of project directors and attorneys within programs to be assisted by the Corporation, have not been resolved, either with respect to the public, to the client community, to the Congress, or to the executive.

Second. The role of Federal oversight with respect to this Corporation and program—to be federally authorized and to be federally funded—has yet to be resolved.

Third. The qualifications of attorneys and personnel who will provide legal services to the poor has yet to be resolved, despite evidence showing "attorneys" in some existing projects as not even being admitted to practice, and despite showings of overriding ideological, philosophical, and political motives among many project attorneys.

Fourth. The question as to who is eligible to be represented, if the new program is authorized, has not been resolved—and would not be resolved under the Senate language. Is it to be an income of $3,000 per year, or $6,000, or $9,000, or $12,000? Is it to include organizations? Who monitors the criteria? Who revises them?

Fifth. The nature of the attorney-client relationship within federally created and federally funded programs has yet to be resolved.

Sixth. The whole question of solicitation by project attorneys within the client community—of individuals and of organizations—has been left open ended.

Seventh. The question of the permissible scope of the outside practice of law and representation has been left open? Does it permit representation of parties otherwise excluded by the statute or by regulations? Does it permit the representation of criminals? Of prison "rights" organizations? Of the nonpoor? Would a project attorney be able to make such representations by taking "afternoon leave," despite his public identification with a legal services project?

Eighth. The question as to priorities and who determines them—the Congress, the Executive, the Corporation, the local programs, the project attorneys, the National Advisory Committee for Legal Services, the clients council, the project attorneys council, or members of the client community—and even the question as to whether or not there should be preestablished priorities—using, in the alternative, the rule that whomever needs help, if eligible, gets it—has been left unresolved.

Ninth. The role of project attorneys in criminal representations and in prisoner activities has been left unresolved, for the section which attempts to prohibit criminal representation leaves open such representation as pro bono publico work, as well as leaving open the possiblity that numerous exceptions to the present prohibition will be taken over as exceptions into the new corporation.

Tenth. The role of project attorneys in so-called community organization—which typically means organizing chapters of the National Welfare Rights Organization, the National Tenants Union, and so forth—and in so-called community education—which usually means whipping up public hostilities—has been left unresolved.

Eleventh. The role and propriety of promoting ideological, philosophical, political, and partisan goals of project attorneys, sometimes to the detriment of the needs of clients, has been left unresolved. When a project attorney has his own self-imposed agenda, the case which does not conform to furthering the goals embodied within that agenda gets often pushed aside. The client is left without adequate representation.

Twelfth. The nature and the scope of the representation of organizations has been left totally unresolved by the section on eligibility. Can a project attorney represent any organization that purports to represent poor people? Even if that organization has sufficient funds for counsel? Even if a majority of the members are not poor? Even if the purpose of the organization is lobbying, such as NWRO?

Thirteenth. The efficacy of involvement and participation in, among project attorneys, direct action, political activity, legislative advocacy, and lobbying has been left open. For the first time in the history of the federally funded legal services program, legislative advocacy is specifically authorized by statute, if S. 3010 becomes law. Must such action relate to the needs of a specific client? At what point does one draw the line against solicitation of a client for such advocacy purposes? Is it not still outside of the permissible scope of conduct for a member of the legal profession to whip up masses at rallies against the Federal Government—when he draws his income from the Federal Government?

Fourteenth. The role of project attorneys on those issues not yet even resolved by the Congress—busing to achieve racial balance in the schools, abortion reform, work requirements for the receipt of public welfare assistance, to mention just a few—has been left open.

Fifteenth. The role of State officials has been left unresolved.

Sixteenth. The role of the State bar associations has been left unresolved.

Seventeenth. The shape the new program will take as an autonomous and independent Legal Services Corporation has been left unresolved.

Mr. Speaker, I suggest that these issues can be resolved only in one forum—the Congress of the United States. Full debate must be had by both bodies as to this legislation. It must have a full airing before the American public.

Mr. ARCHER. Mr. Speaker, proposed title IX of the EOA would create a National Legal Services Corporation as an independent, autonomous corporation. The legal services program now within OEO would be moved to the new Corporation, where it would be further expanded.

As it is presently structured in the committee-reported bill, S. 3010, I oppose this new Corporation. I share deeply the concerns expressed by my colleagues this afternoon. One of the most persuasive arguments which can be advanced against the reported bill is its failure to preclude possible conflicts of interest and the way in which such potential conflicts are actually set into motion by the terms of the bill.

One of the major problems in trying to set aright the present program within OEO has been that those who ought to be in a position to help straighten out the program too frequently represent the interests of organizations which are recipients of the benefits of the program. Many members of the National Advisory Committee on the Legal Services Program represent recipients of financial assistance from the programs—as grantees, as contractees, and so forth. Additionally members of the project attorneys organization and the clients organization are represented on the advisory committee. Can this be documented? Yes.

An analysis of the grants and contracts made by the Office of Legal Services, OEO, shows at least these grants and contracts to organizations represented on the National Advisory Committee. There may be more, but this is all that I could glean from the public press release gathered by my staff on very short notice.

Antioch College: Urban Law Institute. The co-dean and principal organizer of the Urban Law Institute under the auspices of Antioch College is Jean C. Cahn. Mrs. Cahn is a member of the National Advisory Committee on the Legal Services Program. Through a grant for program year July 1, 1971, to August 31, 1972—which means this will soon be up for refunding—the Institute received $559,761 from OEO's program. The total grant was $1,019,761; the balance of $460,000 was "to be drawn from sources other than the Office of Legal Services, pending authorization by Congress or the determination that OEO's funds for fiscal year 1972 were in excess of its requirements."

American Bar Association: Fund for Public Education. The ABA is represented on the National Advisory Committee by John W. Cummiskey, chairman of the ABA Committee on Professional Education; William Falsgraf, chairman of the board of governors of the ABA Committee on Legal Services; Thomas Gilhool of Philadelphia; William T. Gossett, former president of the ABA; Leon Jaworski, president, ABA; Robert Meserve, president-elect of the ABA; John D. Robb, chairman of the ABA Standing Committee on Legal Aid and Indigent Defendants; Jerome J. Shestack of Philadelphia; and Bernard Segal, former president of the ABA, and chairman of the National Advisory Committee.

For program year July 1, 1971, through June 30, 1972, $750,022 was given to the Council on Legal Educational Opportunity of the ABA. The ABA's Commission on Correctional Facilities and Services received a $124,450 grant for program year March 1, 1972, through February 28, 1973. The ABA's Special Committee on Housing received $70,000 in carry over from a previous fiscal year for the Boston Lawyers for Housing.

National Legal Aid and Defenders Association. NLADA is represented on the National Advisory Committee by John Douglas. The association received $440,000 for program year July 1, 1971, through June 30, 1972.

National Clients Council. The council is represented on the National Advisory Committee by Maryellen H. Hamilton, of Washington, D.C. For program year January 1, 1972, through September 30, 1972, the council received $126,300. It has been previously funded as a project of the National Legal Aid and Defender Association, its parent body, at the level of $118,100 for program year July 1, 1970, through June 30, 1971, and $77,197 for program year July 1, 1971, through December 31, 1971.

UNIVERSITY OF CALIFORNIA REGENTS

The University of California is represented on the National Adivsory Committee by two professors, Harold Horowitz and Earl Johnson, Jr. The National Housing and Economic Development Law project of the University of California at Berkeley received $224,451 for its economic development component for program year May 1, 1971, through March 31, 1972 and $344,955 for its housing law component for program year May 1, 1971, through March 31, 1972. The National Legal Program on Health Problems of the Poor of the University of California at Los Angeles received $311,920 for the program year ending September 30, 1972.

Mr. Speaker, I wish to make it perfectly clear, I have no evidence, and I am not suggesting, that these members of the National Advisory Committee have, in some clandestine manner, secreted sums of money from OEO for the organizations they represent. Public exposure and disclosure evidences that this is not the case. I do wish to make it clear, however, that a potential conflict does exist here in that, as the Holy Bible says, you cannot serve two masters. Thus, tension between different loyalties must arise if one must decide an advantage of one over and against a disadvantage of the other. Can a member of the commit-

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tee have a genuinely disinterested posture with respect to an activity which involves funds for the organization he represents? Each must answer that question from his own conscience.

In my opinion, the new Corporation, if it does come into being, must be removed from susceptibility to falling into the alluring traps that have lured many other worthwhile antipoverty efforts away from recognition and realization of their stated objectives. They must avoid not only the conflict, but also the appearance of the conflict. They must avoid both as to "self-dealing," both as to providing funds more to the "poverty-industrial complex" than to the people they are intended to serve, both as to real or potential conflicts of interest.

The new Corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is for the other body, or this body when it is considered by us, to reject any Corporation structure which does not contain absolute safeguards against these real or potential conflicts. Such conflicts should include:

A prohibition against any person, who is a partner in, or employee, officer, or designee of, any firm program, organization, or corporation receiving financial assistance at the time the act is enacted from being consulted or used in any official consultative capacity by the incorporating trustee during the transition period between the OEO program and the Corporation program.

A prohibition that no person who is a partner in, or an employee, officer, or designee of, any firm, program, organization, or corporation receiving financial assistance in any form whatsoever at the date of the enactment of the act, either under the existing program or the one to be created, shall serve on any advisory board, committee, or similar body constituted pursuant to the title to recommend, or to consider recommending, persons for appointment to membership on the board of the Corporation should be accepted.

A prohibition that no contract agreement, grant, loan, or other assistance shall be made with, or provided to, any firm, program, organization, or corporation of which a partner therein, or officer, or employee, or designee thereof, serves on the Board of Directors of the Corporation, the National Advisory Committee, or any other committee, board, council, or similar body organized pursuant to the title should be accepted.

A prohibition should be accepted as to the foregoing prohibition, except that it would be also applicable to those programs transferred to the Corporation from OEO.

Mr. Speaker, only with these changes in S. 3010, as reported, can conflicts no longer be an overwhelming concern to many Members of this body.

Mr. NELSEN. Mr. Speaker, it appears that one of the serious shortcomings of the Office of Economic Opportunity's legal services program is that it gives less than alequate attention to the needs of the elderly poor in this nation. There are 5 million Americans over 65 whose incomes put them below the poverty line. This represents one-fourth of the elderly population, and one-fifth of all low-income Americans. And although in other areas of need to problems of the elderly poor have received a great deal of attention lately, I believe that they receive far less than their fair share of the benefits of the legal services program.

In general terms, the elderly poor share the needs common to all persons below the poverty line, and in addition are affected by the problems of most of the elderly. Old age brings poor health; but financial resources are scarce and mobility is reduced, with the result that the health needs of the elderly poor are most likely to go unmet.

The elderly have greater difficulty than any other age group in securing employment, which of course reduces their financial security and may also contribute to a feeling of despair and hopelessness. The elderly often live in virtual isolation widowed, deserted by their relatives, unable to get around easily and often unable to afford even the simplest means of communication with the outside world. And perhaps most critically, they are frequently unaware of the availability of some assistance, either governmental or private.

In addition, we are all aware of the burden that inflation has created for the elderly, even for those who had been members of the middle class. The erosion of savings and pensions and the higher cost of living have particularly serious consequences for persons living on fixed, modest incomes.

These needs have been recognized, and steps have been taken to begin to meet them. In his message this past March, President Nixon outlined a comprehensive strategy of assistance to the aged, regardless of their income level:

Improvement of incomes;

Upgrading the quality of nursing homes;

Helping the elderly to live dignified, independent lives in their own homes;

Expanding opportunities for involving the elderly in community life;

Organization of government to meet the needs of the elderly.

The President is committed to increasing the improving social security benefits, and he has charged the Office of Economic Opportunity with the improvement of its legal services program for the elderly poor.

The aged have many legal problems requiring assistance. Some are related to housing and tenancy: evictions, rent increases, inadequate housing, and so on. Others involve consumer issues: Fraudulent sales techniques, false advertising, credit fraud, nonfulfilment of contracts, et cetera. There may be problems with social security and retirement benefits, welfare, disability insurance, veterans benefits and the like, or with private pension plans. And in some cases their problems involve issues of guardianship, competence, mental commitment, and so forth.

It is readily apparent that the elderly American, living in near or actual poverty on limited social security or other benefits, his savings eroded by inflation, is in no position to be able to pay for legal aid. It is therefore a legitimate function of OEO's legal services program to meet the needs of these unfortunate Americans.

It is not, however, always within the realm of intentions of the attorneys who man OEO's legal services offices around the country. In far too many instances, legal services staff attorneys prefer to concentrate their energies and resources on cases calculated to obtain extensive publicity, or to focus on so-called relevant social issues. They are most interested in class action suits and other cases that might lead to extensive, basic changes in our legal and social system. And only rarely do the needs of the elderly meet such criteria.

Mr. Speaker, I believe it would be appropriate for the Congress to direct OEO's legal services programs to devote to the elderly poor a portion of their program funds similar to the percentage of the elderly among the poverty population. In most cases, this would come to 15 to 20 percent of their resources, but in some areas it might be considerably higher. Although I recognize that OEO's programs are decentralized, and should be subject to very few federally imposed criteria, it would seem that such a provision is the only way to insure that the elderly are fairly treated by all legal services agencies. I trust that the Senate, in its current consideration of the OEO legislation, will give its attention to this problem so that such a provision may be incorporated into the OEO Amendments of 1972.

Mr. BETTS. Mr. Speaker, just recently, an OEO news release came across my desk that candidly points out how legal services lawyers are given blanket approval to conduct lobbying activities at the taxpayers' expense. The release—dated May 10—announced a grant of $101,251 from OEO to the Ohio State Legal Services Association to assist legal service lawyers in their efforts in behalf of legislation affecting the poor before the Ohio Legislature.

I certainly have no objection to a group of attorneys at their own expense, or through a private donation, representing the views of the poor before the U.S. Congress or the Ohio General Assembly. However, I seriously question the propriety of a Federal agency granting tax dollars to any group to lobby for passage of legislation that would benefit them or their clients. This is simply a matter of robbing Peter to pay Paul, and I feel the hard-working American taxpayer deserves an explanation. Not only are Federal tax dollars used to lobby the Legislature of Ohio, but there is always the possibility the lobbying will be done in behalf of legislation that, if enacted, would place even further tax burdens on the productive element of society.

For the RECORD, I want to read a part of the release. It states:

> One of the OSLSA's (Ohio State Legal Services Association) most useful anti-poverty services is monitoring proposed or pending legislation which might affect the poor. In this way, when legislative committees meet or hearings are held on such legislation, Legal Services lawyers and their clients can be present to observe and voice their opinions.
>
> "OSLSA also studies the need for new or revised legislation to protect poor clients and testifies before committees considering such bills. It suggests and drafts similar legislation. Since OSLSA's office is in the State Capital, its lawyers have frequent contact with other Ohio anti-poverty agencies. They suggest improvements in their services and encourage other Legal Services programs to take advantage of these state facilities.

It is interesting to note that the proponents of a Federal Legal Services Corporation with independence from so-called political control like to make the argument that partisan politics has no place in legal services programs for the poor. In other words, the elected representatives of the people should not be allowed to pursue congressional oversight, at least according to this argument. But, the unbelievable thing is that those who advance such an argument turn right around and declare with a straight face that tax dollars should be spent to lobby for passage of what can be very partisan legislation.

There is certainly no doubt in my mind why many people question the real purpose of the legal services program when such tortured reasoning is used to justify so obvious a double standard.

Mr. CRANE. Mr. Speaker, a dangerous tendency which is developing among significant segments of our Nation's governmental bureaucracy is highlighted by certain activities of the legal services program of the Office of Economic Opportunity. I speak of the growing inclination of many bureaucrats to ignore or even to violate openly the traditional American taboo against the use of governmental power and resources to further a particular ideological, philosophical, political or partisan point of view. And I submit that to a considerable and disquieting degree this predisposition has come to dominate the cadre of attorneys and other personnel affiliated with OEO's legal services.

The question, Mr. Speaker, is this: Who really runs America? Historically, our position has been that the final decision-making authority must rest with the people, that ours is a Government, as President Lincoln put it, "of the people, by the people, for the people." We, the elected representatives of the people, may have the obligation to exercise our own best judgment on public issues, but we are responsible, in the final analysis, to the people who vested in us the authority to make public policy.

It is vital to recognize that the policy-making authority in this Nation was never granted to the professional administrative bureaucracy of Government. We are not unique in this regard: indeed, no free society gives its bureaucracy the power to create policy. Only in the oligarchic states—the "big brother" societies—is such authority granted to professional government employees who represent no one and whose responsibility is only to their bosses. Certainly the framers of our Constitution never intended that the United States should become such a society.

But freedom is never easily maintained. If we are to keep our Nation a Republic, we must continually fulfill two absolutely essential requirements: Our institutions of government must unceasingly conform to the will of the people, as expressed through their elected representatives; and the American people must remain a constantly alert and informed public, capable of—and, more importantly, disposed to—the intelligent and responsible exercise of that will.

There are today many who say that this is a time of testing for the Republic. In recent years, to be sure, we have seen an increasing surge of public dissatisfaction with the course of events and some of the directions of public policy. The zeitgeist of the 1970's, we are told, is antiestablishmentarian, and we—indeed, the Republic itself—represent the establishment.

A significant part of the problem results from a widespread feeling on the part of the average citizen that he is powerless to control his own destiny, or to influence the course of events or the development of policy. In a nation of more than 200 million, the individual believes that his voice goes largely unheard, and he finds the realization frustrating.

One example of this frustration is the current "taxpayer's rebellion." No one has ever enjoyed paying taxes, but the understandable annoyance that most of us feel is severely compounded for many Americans by the feeling that they have no way to control the way in which their tax dollars are spent, at any level of government.

To many this is but a single symptom of a more serious general malaise, the apparent growth of governmental elitism. There is an increasing recognition in this country that there is one branch of the Government over which the people have absolutely no control at all. Even when the President and the Congress have determined the direction of public policy, the professional bureaucrats whose duty it is to administer that policy may very well frustrate it instead. Perhaps this is why the average citizen is so quick to anger at the thought of rising Government employment and salaries. "Bureaucrats aren't elected by me," the taxpayer will say in pique, "and I can't control what they do—so why should I have to pay their salaries?"

On a more serious level, this question might well be phrased thus: What recourse have the people when the bureaucracy begins to formulate and implement its own policy, or when it thwarts the implementation of policy determined by the elected leadership?

It is an important question. If America's form of government is to survive, the principle of accountability of the bureaucracy to the elected officials and ultimately to the people must be recognized and forcefully upheld. And although it is widely recognized, it is too often today honored more in the breach than in the observance.

The situation becomes particularly critical when the bureaucracy ignores or condones attempts by Government programs to violate the historical taboo against governmental support of an ideological or philosophical position, or of a particular political viewpoint. And, Mr. Speaker, this happens far too often, particularly in programs such as OEO's legal services.

The taboo is violated when the Government makes grants to organizations that advocate a particular philosophical or ideological position, be it the viewpoint of the Welfare Rights Organization, the black nationalists, or other radical activists. It would be equally wrong to make grants to the Minutemen or the Klu Klux Klan, but this is not what is happening. The taboo is further violated when the Government provides legal assistance to such ideological or political organizations or their representatives in legal battles intended to promote their philosophical premises.

The taboo is violated by the use of Government funds in either legal or extra-legal efforts to make basic changes in the system without any expression of the public will or recourse to the legislative process.

And finally the taboo is most greviously violated when those in positions of authority in government programs or grantee agencies focus their efforts upon political and ideological goals and then shout "political interference!" when someone dares to challenge them.

The legal services program conducted by the Office of Economic Opportunity is intended to serve the poor. Instead, it has become a hotbed of ideological and outright political activity: Supporting organizations engaged chiefly in radical activity, employing individuals better qualified as agitators than as attorneys, spending Government funds on projects that seek to make radical changes in our system without legislative action, only thinly veiled as "class action" and "civil liberties" lawsuits.

OEO legal services thus theatens the basic premise that the American Government should not be involved in the promotion of ideology, and is a prime example of the elitist attitude of those who would impose the will and convictions of a few radical activists and their champions in the bureaucracy upon the Nation as a whole, by molding our legal system to their own specifications.

Recent attempts to control such activities within OEO legal services have failed, largely because of the decentralization and independence of the program. I believe that the time has come for the Congress to act to prevent further such assaults on the American system by bureaucrats and attorneys who are supposed to serve the people of the United States.

Mr. VEYSEY. Mr. Speaker, section 18 of S. 3010, as reported in the other body, would add a new title IX to the Economic Opportunity Act of 1964, as amended. That new title would create a new National Legal Services Corporation and transfer to it the present activities and functions of the legal services program within OEO.

The concept of an independent corporation for the federally funded legal services program for the poor has received widespread support. It was proposed by the President in a message to Congress. It was endorsed by the American Bar Association. It has been supported in the Congress.

But the independent corporation proposed by the President and supported by

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many is not the same as the corporation which would be created by section 18 of S. 3010.

The Legal Services program within OEO has been fraught with problems of administration and policy. It is felt that the program has been inadequately administered and monitored, has become too heavily involved in public policy issues, and has become a principal vehicle for radical and revolutionary activities and organization. Through its present approach, the program tends too often to treat poor people as a distinct class of people in our society, thereby drawing them further away from full integration with the mainstream of our society.

The principal question as to whether or not the Corporation, as proposed in S. 3010, ought to be created is whether it will be adequately accountable to the people through their elected representatives in the Congress and in the Presidency. The answer is, unfortunately, "No." Neither will the Corporation manifest itself in its new status any differently than it has within OEO, unless major changes are made by the Congress and carried out by the Executive. We can, in essence, expect the problem areas to go on unchecked, if the program is given a corporate status, virtually immune from Federal oversight. Certainly, a problem-plagued program within a Federal agency is not going to become free of those problems simply by transfer to a federally created and federally funded corporation.

Other problems exist with the Corporation, as proposed in S. 3010. These problems have been dealt with on a one-by-one basis by my colleagues today.

For the first time, the opportunity now exists within OEO to make substantial reform within the existing program—reforms of substance, not simply of form. It is critically important to remember that if the proposed Corporation is stricken from the language of S. 3010, it will not deny legal services to the poor. It leaves the present program intact within OEO. Within OEO, and with intensified efforts to aright the program, coupled further with the problem areas brought to light by the debate of this and the other body, it would be more susceptible to constructive changes than it would be in the new Corporation.

Mr. Speaker, I suggest that the appropriate course of action ought to be to strike the provisions creating a new Corporation, keep the existing program within OEO, and immediately set about to make changes in that existing program.

GENERAL LEAVE

Mr. McCOLLISTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of Mr. DEVINE's special order today and to include pertinent extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

KEMP SPEAKS OUT ON BEHALF OF FIREMEN AND POLICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today I presented testimony to the House Judiciary Committee on behalf of legislation I have cosponsored, H.R. 12629, which would pay a $50,000 death benefit to the family survivors of policemen, firemen, and other public safety officers who sacrifice their lives in the line of duty.

Generations of Americans have depended upon our police and firemen for both personal and family safety. Too often, I am afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay—yet they are there when we need them.

I am proud to number among my friends many individuals who have chosen law enforcement or firefighting as careers. I know the immense personal sacrifices which are made daily by these brave men and women of the police and fire departments in order that we might feel secure on the streets and in our homes.

In my 39th District, which takes in part of Buffalo, N.Y., we are fortunate to have an especially outstanding group of police and fire officials. Among these are Frank Felicetta, the first American of Italian extraction to achieve the post of police commissioner of Buffalo; Pat Mangan, president of the Buffalo Professional Firefighters' Association; and Robert B. Howard, Jr., commissioner of the Buffalo Fire Department, whose recent statement I have included in my testimony before the House Judiciary Committee.

This legislation has the full support of the Police Benevolent Association which includes all ranks of the Buffalo Police Department.

And its benefits would provide protection to all the courageous and dedicated paid officers who serve Erie County, including those in the Erie County sheriff's office, the New York State Police, and those in law enforcement agencies protecting the citizens of Amherst, Cheektowaga, West Seneca, Depew, Angola, Lackawanna, the town of Tonawanda, Hamburg, Orchard Park, and Boston.

I would like to emphasize at this time, Mr. Speaker, my strong disagreement with administration spokesmen who have said that firemen do not need coverage such as that provided by my bill. I am in full accord with the International Association of Firefighters which has stated:

Firefighters are prime targets—sitting ducks—to those who foment and promote civil disorders. Virtually every city in the land is experiencing a fantastic increase in the number of false alarms to which firefighters must respond. A firefighter is just as dead when killed by a fall from his truck as he is when killed in a burning building. And every additional false alarm increases the chances of such a fatal accident. A firefighter is just as dead when killed by a sniper's bullet as he is when killed in a burning building. And our newspapers and other news media have been filled with stories of sniping attacks on firefighters during times of civil disorder. Indeed, one study of civil disturbances in 11 cities reported four firefighters killed and some 400 injured, a greater toll than that suffered by police.

Mr. Speaker, I believe that these courageous firemen, who risk their lives each time they answer a call, have unquestionably earned the right to be included along with policemen for benefits in legislation such as mine.

Through this bill we can repay in a very small part the immense debt we owe our police and firemen and their families. I have urged that the House Judiciary Committee give favorable consideration to this urgently needed legislation and I hope that it will be promptly passed by the Congress.

Mr. Speaker, I know that many of my colleagues share my deep concern for our police and firemen and I include for their consideration my testimony presented to the House Judiciary Committee:

STATEMENT BY HON. JACK KEMP

Mr. Chairman, members of the Committee and others present, I sincerely appreciate this opportunity to testify on behalf of legislation which would provide a $50,000 Federal death benefit to the families of public safety officers who sacrifice their lives in the line of duty.

The immensity of the law officer's task in today's complex society cannot be over-emphasized. They are our first line of defense against those who would destroy our freedom and all we hold dear.

Today, more and more, the police and fire fighters themselves are becoming victims of crime. With this appalling upsurge of attacks on both law enforcement officers and firemen, it is imperative that we aid those most directly affected, the families of those who have made the supreme sacrifice that we might go about our daily lives in safety.

H.R. 12629, which I have cosponsored, and other legislation which you are considering, would provide much needed assistance to those hapless victims of a deterioration of respect for law and order on the part of some elements of our society.

In 1970, one hundred law enforcement officers were killed on duty, a sixteen per cent increase from the previous year, and for every one hundred policemen, there were 18.7 assaults, an increase of around 11 per cent. Since then, the tragic toll has continued with over 90 officers killed in the first nine months alone of 1971. Most of these policemen had families who depended upon them for support as is evidenced by the fact that nine out of ten law enforcement officers killed in New York City during 1971 left a widow and on the average of three children.

Demands for more police protection are bringing an increased number of officers out into the streets where patrol duty is the most hazardous of all police activities. Not only is stronger legislation needed to protect our police and firemen, it is also our responsibility to assure that the families of these men, who daily place their lives in jeopardy on our behalf, receive a proper measure of security in the case of their death. This bill will provide reasonable and humane benefits for those bereaved families who at this moment must depend upon meager pension funds, insurance and contributions.

We owe much to our police and firemen, but special tribute should also be paid to their courageous families who also serve. Mr. Chairman, I include as part of my testimony a statement, Gallant Wives and Children,

made by Philip Conners, President of the Southboro, Massachusetts, Police Association. Although Philip Connors speaks of wives and children of police officers, his statement applies equally well to the families of firemen:

"GALLANT WIVES AND CHILDREN

"(By Philip Connors, President Southboro, Mass., Police Association)

"Their husbands and fathers have one of the most dangerous, discouraging and demanding jobs in the world. Their husbands and fathers are honorable and competent men. Their husbands and fathers know that they deserve every reasonable encouragement and rightful support.

"I am talking about wives and children of police officers. Not that it is just limited to them, for friends and relatives of policemen often suffer ridicule, scorn, harassment and assault, just because they are friends and relatives.

"It takes courage and understanding to be the wife or child of a policeman. Besides the long and unusual work hours the officers work, besides the danger and discouragement, often cranks will telephone, write or yell threats of death or destruction to the family. Wives and children often will be told their husband or father 'will not make it home tonight.' Often they are threatened with bombs or fire and sometimes even taunts and physical attacks. It takes a special type of person to read newspapers—with blurring headlines of 'Police brutality'—and yet knowing that really the headlines should read 'Police Brutalized' by persons.

"It takes a special family to know that their father or husband will work Christmas, and probably be pushed, punched, shoved and spit upon and yet be charged with brutality if he over-reacts.

"Knowing that criminals their fathers or husbands risk their lives arresting will probably be on the streets again before the police even finish the report, makes them wonder about justice.

"Wives and children must wonder where the people who yell for police help are, when the police ask for help. Yes, wives and children of policemen are courageous, sacrificing and understanding, knowing that they too do much to help combat crime, which if not checked and controlled will one day destroy this nation from within."

The attack upon law enforcement officers has also spread to our firemen whose occupation, the most hazardous in the Nation, is being increasingly endangered by hostile crowds. In some states, the arson rate is climbing several times as fast as the respective crime rate and each call to one of these fires means danger to the firemen and the possibility of serious injury or death. During a three-year-span in New York City, for example, over 2500 harassment incidents were recorded with over 650 firemen injured. Widows of firemen in several states receive only forty dollars per month in pension plans—a shameful amount when compared to the constant sacrifices of their husbands for life and property.

Mr. Chairman, at this point, I wish to include as part of my testimony the statement of Robert B. Howard Jr., Commissioner of the Department of Fire of the City of Buffalo, New York, who makes some excellent points concerning problems facing the fire services:

"PROBLEMS FACING THE FIRE SERVICES

"(By Robert B. Howard, Jr.)

"One of the most pressing problems facing urban fire departments today is the terrifically high cost of operations.

"Compulsory bargaining between municipalities and fire department unions has driven the cost of wages and fringe benefits, however they may be deserved, to greater heights than were dreamed of a few years ago.

"The reduction of working hours due to mandated shorter work weeks, more paid vacation days, longer vacations, and bereavement time periods is making necessary the addition of personnel and the reduction of the number of men assigned to each piece of fire apparatus.

"The cost of equipment, including fire pumpers and ladder trucks, rises about 10% per year.

"All these increases in the cost of operating today's fire departments have placed staggering burdens upon most of our already overburdened cities.

"The suggested restructuring of the firefighters job into different levels of skill, thereby requiring two or more people to do what one firefighter is presently doing is impractical and unrealistic.

"The apparatus unit crew strength of many fire departments today is below par because of the high cost of manpower,

"The above mentioned factors make necessary the present versatility and interchange ability of the firefighter.

"He must at various times be driver of the apparatus, tillerman on a hook and ladder truck, acting officer, nozzleman, ladderman, fire investigator, etc., because he must fill in for off-duty men during vacations, periods of sick time, personal leave time and bereavement time.

"Certification of firefighter training standards is one way by which we can maintain the proficiency which the Fire Service must maintain if the public is to be adequately served.

"Unfortunately, that proficiency is already diminishing because of reduced manpower strength.

"Another contributing factor in fire service operational costs is the inability of the Fire Chief to implement some suggestions made by fire protection engineers because of political considerations.

"All citizens, understandably want the best possible fire protection for his home area.

"Suggested elimination of unneeded fire companies frequently creates a storm of protests from angry citizens within an affected area.

"Elected public officials usually will be reluctant to approve actions which will affect their reelection campaigns.

"On the other side of the coin, survey firms which are hired by some cities to make operations and systems analyses in the interest of effecting economics sometimes make suggestions which decrease the effectiveness of the fire fighting forces.

"Few citizens wish to save a few tax dollars at the expense of the fire safety of their homes and their lives.

"The Fire Chief, after all, is a better judge of practical fire department operations than is an 'instant expert' analyst.

"The greatest problem, by far, which urban fire departments have had to face has been the massive conflagrations of the civil disturbance era. Hopefully, we think of this period in the past tense, but who can be sure of what the future may bring?

"It behooves the Fire Service to do everything possible to make all segments of our communities aware of the fact that firefighters are their friends and benefactors.

"Every member of the Fire Service group should be made aware of the fact that it is advantageous to himself to have a good rapport with the citizens of every segment of his community.

"Probably, the National Commission on Fire Prevention and Control can do more than any other organization to promote good will on both sides of the fence through the medium of a massive public relations campaign.

"Disadvantaged people must be brought into the mainstream of American Community life by making them and their more affluent neighbors aware of the fact that this is mutually advantageous.

"Arson and false alarms are apparently accepted forms of amusements for disadvantaged youngsters and to a certain extent for young adults.

"Vacant buildings are routinely set on fire in urban communities with a complete lack of regard for the safety and well-being of the occupants of adjacent buildings.

"Fire companies are tied up by these unnecessary fires and by false alarms, thereby necessitating the dispatching of more distant companies to handle real emergencies.

"Injuries and death, both among the civilian population and firefighters ranks, are too frequently the results of false alarms.

"Deliberately set fires have brought about a tragic situation in insurance cancellations and unconscionable increases in fire insurance premium rates within ghetto communities.

"A practice called 'red lining' is prevalent in many cities. This is an arbitrary designation of a large section of a disadvantaged neighborhood as uninsurable by a particular insurance company.

"Most of the buildings in the area may be just as sound and insurable as those in other sections of the city but the owners of the good property face the possibility of a disastrous fire.

"Home owners with tears in their eyes have appealed to me for help. People who had put a life time of saving into what they thought was the security of their homes, face the prospect of losing all their possessions in the event of a fire.

"Insurance companies which participate in their practice should be denied licenses to operate in cities where they have redlined sections of those cities.

"A powerful government agency might be able to bring about a cessation of the practice of 'red-lining'.

"The residents of ghetto neighborhoods must assume a share of responsibility in an effort to have them share in the good life which every American citizen should be entitled to. This country certainly has enough of the necessities by which this could be made possible.

"They must be taught that arson and false alarms hurt them more than they hurt anyone else.

"Ghetto residents must also be taught that the fire departments of their respective cities provide them with more dedicated service than any other municipal agency, regardless of what city is involved.

"The firefighter is the friend of all the people within his response area, and those people must be convinced that harassment of firefighters is comparable to a dog's biting of the hand that feeds him.

"Frustration resulting from inability to obtain all the benefits of first class citizenship is causing some members of the black communities to advocate separatism. This does not solve the basic problems which have caused the frustations which plague them.

"These people hate the so-called establishment of which the local fire departments are part. They must be told that even though the fire department is a municipal agency, it is not a part of the establishment in the sense that law enforcement agencies are.

"The fundamentals of fire prevention in the home and the advantages of careers in the Fire Service should be taught to people who have had little exposure to that knowledge which is taken for granted by the average American citizen.

"The National Commission could be the most influential agency in this nation in implementing these reforms."

Mr. Chairman, generations of Americans have depended upon our policemen and firemen for both personal and family safety.

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Too often, I'm afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay, yet they are there when we need them.

Mr. Chairman, through this legislation we can attempt to repay in a very small part the debt which we owe these gallant men and their families. I respectfully urge that your Committee give favorable consideration to this legislation and I very much hope that it will be promptly passed by the Congress.

Thank you.

ENVIRONMENTAL OVERKILL IN THE AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, concern for environmental quality has been of paramount interest to the Congress for the past decade. Through a whole new body of legislation, coupled with resurrection of older laws already on the books, Congress has established stringent pollution controls. In some cases, however, new standards are based more on desire for environmental overkill than on practicality. The utopian plateau of an absolutely pollution free environment is a worthy goal, but to legislate such a goal as a standard, without adequate consideration of the costs involved, both economic and social, is to shirk responsibility as legislators.

The automobile emission standards of the Clean Air Act of 1970 are an example of Congress legislating beyond genuine need in terms of the realities of life, in terms of jobs and daily living. Under this law, carbon monoxide and hydrocarbon emissions are required by 1975 to be reduced to 90 percent of the 1970 standards. This is not reduced by 90 percent rather by 96 percent because the 1970 standards were already higher than zero.

Such a standard requires that by 1975 automobile emissions must be approximately 96-percent pollution-free. Estimates of the added cost to the price tag of a new car for compliance with such a standard range up to $1,000 additional per vehicle, without considering the additional cost for gasoline required to operate the pollution control devices which will reduce mechanical efficiency and hence mileage-per-gallon on the order of one-third. Net cost to the consuming public for the last 6 percent over the 90 percent requirement for pollution free emission per car for an annual road mileage of 15,000 miles can run as high as $250 more per year per vehicle. This is both unrealistic and unnecessary.

Accordingly, I am today introducing legislation to provide that automobile carbon monoxide and hydrocarbon emissions be reduced by 90 percent over the actual emission of these pollutants. Such a reduction is within existing competence of technology and does not involve excessive additional cost to car owners. The remaining 10 percent, despite the dire predictions of the enthusiasts of overkill, will not poison the air humans breathe sufficiently to endanger public health, even in city streets.

Frankly, it is time for Congress to modify the present standards to a realistic level in relation to public health rather than setting a utopian goal as a required standard that in terms of the present level of technology is unrealistic in terms of cost, result and public need.

My bill is as follows:

H.R. ——

A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b)(1)(A) of the Clean Air Act is amended by striking out "reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970." and inserting in lieu thereof "reduction of at least 90 per centum from the estimate of the average emissions of carbon monoxide and hydrocarbons which would have been emitted from light duty motor vehicles and engines manufactured during model year 1970 had such vehicles and engines not been subject to any Federal or State emission standard for carbon monoxide or hydrocarbons. Such estimate of the average of emissions shall be determined by the Administrator under regulations."

KLEINDIENST, SHAME, SHAME, SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the incredible Sharpstown scandal has not come to an end—perhaps it never will—but tomorrow it looks as if the whole sorry episode will end in a crowning irony, with the expected Senate confirmation of Richard Kleindienst to be Attorney General of the United States. This is the same Kleindienst who approved the action of freeing Frank Sharp from prosecution on any serious Federal charge, thus freeing the biggest fish of them all in the gigantic Texas scandal.

Let me say that the citizens of Texas did not have the moral blindness of a Kleindienst. The Sharpstown scandal has set off the greatest public housecleaning in the history of the State. At the polls, the Governor, the Lieutenant Governor, the speaker of the house, the newly appointed speaker of the house, the State attorney general, and about half the members of the State legislature have been retired through primary election defeats, and many of these defeats were wholly due to the feeling that people had that too many State officials had profited by the scandal, or simply had been too slow to search out and prosecute Sharp and the crooks associated with him.

Moreover, the speaker of the house, just replaced and then defeated in the primary election, has been convicted for his role in the Sharp scandel. Other legislators are facing criminal indictments for playing too fast and loose with their expense allowances. Both in the courts and at the polls, the people of Texas are dealing with the Sharpstown scandal and all that it symbolizes, the best way they can. The whole political atmosphere of Texas has changed; people have let candidates and officeholders alike know that they expect and demand better performance, higher standards, than have prevailed in the past.

In the face of this general housecleaning, it is a supreme irony that Frank Sharp has made a clean getaway. The only Federal actions that have been taken have been against the lowliest minions of the Sharp gang, save for the granting of what amounts to a Federal amnesty to Sharp himself.

There was only one reason that the Department of Justice extended its amnesty to Sharp, and that was political. Kleindienst sought, as I have at great length shown, to protect his subordinate Will Wilson from being caught up in the scandal, and at the same time to make political hay against Wilson's old Democratic enemies in Texas. As it turned out, Wilson had to resign anyway, because his close associations with Sharp became known, and eventually were the subject of national news and comment. And Sharp himself was a worthless witness; his testimony produced a handful of indictments against men of no importance to the Sharp empire, while the only political figures subjected to criminal action were indicted under State laws. Kleindienst was neither able to protect Wilson nor to do any political grandstanding.

Perhaps the failure of Kleindienst's venture was due to the ineptness of the local U.S. attorney down in Houston, who bungled the affair from start to finish. This fellow, one Anthony J. P. Farris, is so blatantly political that his politics interferes with his ability to do a job. Farris is so anxious to be a good Republican that, like an over-eager dog, he only gets in his master's way. Today, Farris claims that he might not recommend immunity for Sharp, but he blames his action on the State attorney general of Texas, who he says failed to dissuade him soon enough. Farris seems to think it was the duty of the State's officials to keep him from doing the wrong thing. I hate to remind him that he is paid to run his own office, and his mistakes are his own.

The Senate has been amused to find that certain California Republicans have been left free of any embarrassing prosecution by the Department of Justice. Kleindienst tells them that the faithful Republican attorney in this instance was wrong, and indeed acted improperly, but of course nothing has been done. He would not want to hurt the fellow's feelings.

Then of course we have the case of Kleindienst being offered a bribe, which he properly refused. However, he did not see anything particularly wrong with this, finding it just one of those things, and took no other action. Had Kleindienst any sense of the importance of the event, and the importance of discouraging future bribe offers, he would have had the man prosecuted rather than merely booting him out of his office.

And there is the sordid tale of Dita Beard, who now has disappeared from sight and mind, and of her employers, ITT, who conveyed $400,000 or so to Kleindienst's boss, all in the spirit of good comradeship and in the interests of a jolly good convention. It was only a coincidence that following this, Kleindienst called in the antitrust chief, who dropped the biggest antitrust case in years, against that same ITT corporation. The now departed antitrust chief has been made a Federal judge. In the course of the ITT affair, the Justice Department wavered between discrediting Dita Beard, denying all, admitting some, or just enduring. It was the sorriest performance in years.

All of this—the moral blindness of Kleindienst, his incredible action in letting Frank Sharp go, his brazen political acts, his zany protection of incompetent subordinates—all of this is the kind of behavior that has so disaffected the citizens of Texas. They have demonstrated that they want none of it. And yet, we are about to see it all affirmed and blessed with the confirmation of Kleindienst to be Attorney General. We are about to tell the protesting and disbelieving voters not just in Texas but everywhere else, that ineptitude and outright dishonesty has its rewards.

I say shame—shame on Kleindienst and shame on the Senate if this man is confirmed. The country has not gone so far as to have to tolerate such men in its highest councils. The country has not become so blind as to be unable to see the difference between a good man and a sorry one. If we do not know now why people are casting protest votes by the millions, I despair of the future. If we are so insulated from reality that we can conceive of Kleindienst as being worthy of his office, then we well deserve the disgust of the millions of decent, concerned people of this country.

Mr. Speaker, the confirmation of Kleindienst will be a great irony; the people of Texas have plainly shown their impatience with a situation that made Sharp's thievery possible; yet Kleindienst has let Sharp go. His appointment, were it up to the voters of my State, would be soundly rejected for that reason alone. His action in letting Sharp go was a calculated political move, one that could not be defended on any moral grounds, and which failed even as a political tactic. Such a grand failure deserves not commendation and promotion, but condemnation and termination.

I hope that the Senate will reject this man; if it does, and I think that is the duty of the Senate to do so, then we can at least take comfort in the knowledge that the man who let Sharp go is getting his just desserts. If he is confirmed, it will only be another sorry chapter in the Sharpstown follies.

COST OVERRUNS ON AIR DEFENSE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Army is shelling out an extra $377.6 million on cost overruns for new forward defense system. This air defense system which consists of the Charappal missile, the Vulcan gun and the FAAR radar is a botched-up disaster.

Despite the recognition of the problem since 1948, the Army cannot build a decent air defense system to protect our frontline infantry troops.

In addition, the Army is knowingly buying defective FAAR radar systems and paying almost three times more than the original estimated cost. The Army is consciously misusing public funds to buy admittedly inadequate equipment according to a recent General Accounting Office staff study.

The GAO study concludes that:

The most recent tests leaves serious doubts as to the suitability of FAAR.

Despite the GAO's conclusion, the Army insists on producing 90 units before a reevaluation is made. Even the Army's old tests reveal that the radar systems suffer from six major deficiencies that the Army has done nothing about.

Since the completion of the General Accounting Office study in March, and additional $67.7 million of cost overruns have occurred resulting in the total overrun of $377.6.

The FAAR radar system itself has increased in cost from a development estimate of $41 million to $114.1 million. The original planning estimate for the FAAR radar was only $1.1 million.

I have been informed by Army officials that although the Army originally hoped to classify the FAAR radar as "acceptable" by January of this year, additional technical foulups will prevent its classification as acceptable until at least September 1972.

While the Chaparral missile and Vulcan gun are considered acceptable for Army use, the FAAR radar is not. But the missile and gun are useless in protecting our troops without a radar to spot approaching enemy planes.

I am writing to Secretary of the Army Froehlke today requesting that he penalize the contractor for his inability to build a decent radar rather than reward a company for botching the job. It should be forced to pay for its own mistakes.

Sanders Associates, of Bedford, Mass., is responsible for building this radar system.

Apparently changes in redesigns, delays and just plain mismanagement are the causes of these huge cost overruns.

My letter to Secretary Froehlke follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1972.

Hon. ROBERT FROEHLKE,
Secretary of the Army, Department of the Army, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am most concerned about the huge cost overruns that are plaguing our air forward defense system program.

The air forward defense system which consists of the Chaparral missile, the Vulcan gun and the FAAR radar has been plagued by cost overruns, delays and managerial problems.

I am particularly concerned about the inability of Sanders Associates of Bedford, Massachusetts to produce an acceptable radar for Army use.

It is my belief that the Army should penalize the contractor for its inability to build a decent radar. Rather than reward a company for botching the job, it should be forced to pay for its own mistakes.

I hope that you can forward me those portions of the contract with Sanders that include provisions for penalty payments and tell me what the Army has done to penalize the contractor for its poor performance.

As long as we continue to reward contractors for waste and mismanagement, we will continue to suffer from huge cost overruns and deficient end products. The way to alleviate the waste and deficiencies is to place the contractor on notice that a poor job will no longer be rewarded.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

PRESIDENT NIXON SHOULD EXPLAIN WHY SALT AGREEMENTS INCREASE DEFENSE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I am perplexed by recent developments in the area of defense spending. For the last several days, Secretary of Defense Melvin Laird has been telling appropriate congressional committees that defense spending for strategic weapons must be increased.

After listening and studying the President's statements on the first agreements to limit strategic weapons, I was convinced that the costly arms race was being lessened. Yet, within the last few days, the Secretary of Defense has confused this issue. He has forcefully argued that the United States must forge ahead with new strategic weapons, at great cost, to assure our parity with the U.S.S.R. The Secretary specifically mentioned the need for a Trident submarine and a B–1 bomber for which the R. & D. costs for the next 2 years are estimated to be $1.6 billion and full R. & D. extends into many additional billions of dollars. Each Trident submarine, for example, will cost $1 billion. The news report this morning that DOD is planning to use $20 million saved by the limitation on ABM's to develop a new cruise missile further compounds the confusion.

I do not claim to be a defense expert, but when the President justifies the arms agreement as lowering the costly arms race and his Secretary of Defense claims we must spend more for strategic weapons, I believe the President owes the Congress and the American people an explanation.

TARIFF COMMISSION GIVES ASSISTANCE TO DUCHESS SHOE CO. OF SALEM, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, along with other Congressmen from New England I have been sharply critical in the past of the refusal of the Tariff Commission to make adjustment assistance available to companies in need of it, and entitled to receive it under the law.

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Therefore, I think it is important today for me to give credit to the Commission for its forthright and courageous decisions of last Friday, certifying the Duchess Shoe Co. of Salem as eligible for adjustment assistance.

That company is in my district, but the importance of this case transcends the fate of any one company, for it comes after a long period of negative decision by the Tariff Commission on shoe company petitions and those of us who have worked for the industry's interests informed the Commission that we considered it a test case of the Commission's attitude toward shoe companies.

I am pleased to be able to report that the Commission passed that test well.

This one decision in favor of a company which made a very strong case by no means solves all of the problems of the shoe industry, nor does it mean that every shoe company that applies will automatically get approval. What it does mean is that for the first time in a long time, there is a disposition on the Tariff Commission to respond sympathetically and with understanding of the economic realities to companies hurt by imports.

I said this was a courageous decision, Mr. Speaker, because part of the blame for the sorry record of adjustment assistance lies with Congress and the Executive branch, as well as with the Tariff Commission. The statute is not well drawn, and the weakness of the language gives a coloring of legitimacy to those who wish to deny adjustment assistance to needy companies. In the face of this, and in the face of the long line of negative decisions, it took courage for the three-member majority to speak out firmly in favor of aiding the shoe industry at this time.

It is worth noting that one of those voting for the company was our former colleague, Mrs. Catherine May Bedell, who voted as Chairman of the Commission for the first time in a shoe case. And it is no accident, I believe, that Mrs. Bedell voted for adjustment assistance. As a former Member of the House, she knows the difficulty of drafting legislation, and she also knows what the House and Senate intended to accomplish when they enacted that provision. In other words, Mr. Speaker, the arrival on the Commission of a former Member of Congress has helped bring the Commission around to the position of carrying out the will of Congress. I think it is incumbent on us to correct the shortcomings of the adjustment assistance statute. I am cosponsoring amendments drafted by Congressmen ASPIN and FRASER to do that, but until we can get action on these amendments, large segments of American industry are dependent on the willingness of a majority of the Tariff Commission to carry out the clear intent of the law.

I am very glad to be able to report to the House that last Friday, Mrs. Bedell and Commissioners Moore and Parker did exactly that.

PROTECTING THE BILL OF RIGHTS IN MIDDLE CLASS HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the Bill of Rights and our system of justice is supposed to protect everyone from the arbitrary actions of Government. Among the most important f undations of our democracy are the right to privacy, the constitutional prohibition against self-incrimination and the presumption that a person is innocent before proven guilty.

But in New York today, all of these foundations are being challenged. Middle class citizens are being forced to abandon their fundamental rights in order to live in decent housing at a fair cost.

Mr. Speaker, this outrageous situation began with a very noble experiment. A number of years ago, New York State established the visionary Mitchell-Lama program to encourage the development of reasonably priced middle class apartments. This law has not only enabled many New Yorkers to find decent housing, but has also provided a buffer against some of the worst excesses of inflation that other apartment dwellers have had to face.

In years past, the residents of this housing have had to sign an affidavit attesting to their middle income status. A tenant's signature was taken as his solemn oath—in the same way that his signature is used on a driver's license, a check, or a Federal income tax return.

This year, however, the managers of these apartment buildings have gone beyond the normal affidavit. They are demanding that each tenant sign a statement authorizing the New York City Finance Administrator to show his income tax returns to the State Division of Housing.

This procedure assumes that the tenant is guilty of defrauding the State—even though no tenant has been brought before a court of law on such charges. This procedure requires self-incrimination. This procedure opens up income tax returns to numerous curiosity seekers in the bureaucracy of New York—when instead the right of privacy should be protected. Indeed, we know that Federal income tax returns, which are available to the States, have been misused by some State officials.

So far as I know, only these middle class tenants are forced to forfeit their fundamental rights in this way.

Many organizations and people are subsidized. The officers of the Lockheed Corp. are subsidized. Certain builders in New York are subsidized. The officers of certain day care centers are subsidized. Yet none of these people are required to divulge their income tax returns.

Why are only middle class persons' rights so easily violated?

Mr. Speaker, today I have introduced legislation to protect the rights of these middle class citizens—the backbone of America. My legislation amends the fair housing laws which we enacted in order to end practices of discrimination in housing. When we passed those laws we could not have anticipated this latest form of intimidation.

These tenants should not be forced to choose between skyrocketing rents or the forfeiture of their rights. My bill would specifically protect them by providing that:

> No person shall be required by any officer of the Federal Government or any officer of any State or municipal government or any manager of housing or any other person to divulge his income tax return as a condition for residence in any housing, provided that such person is not under criminal indictment or authorized criminal investigation.

This legislation should not be necessary—but it is unfortunately now necessary. As we all know, "eternal vigilance is the price of liberty."

ADMINISTRATION SHOULD REPUDIATE STATEMENT BY SECRETARY OF LABOR HODGSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, I have not seen an exact transcript of the statement made by Secretary of Labor Hodgson at the National Press Club on May 25, but my understanding is that in response to a question, he said he favored the right of union and management to negotiate union shops.

It seems to me that the White House should spell out whether this is the official administration position or just the personal opinion of Mr. Hodgson.

I would think, also, that the administration needs to spell out just what that means in terms of policy. Does it mean the administration favors the repeal of section 14(b) of the Taft-Hartley Act? Does it mean the administration does not support the 1968 Republican Party platform? Does it mean the administration does not support its own Executive order protecting Federal employees against compulsory union membership? Does it mean the administration favors repeal of the Henderson amendment to the Postal Reorganization Act?

It is hard for me to believe that the official administration position is in accord with Mr. Hodgson's statement. And if it is not, the statement should be specifically repudiated by the President.

INSTEAD OF UNEMPLOYMENT ENDING, UNEMPLOYMENT BENEFITS ARE ENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to call the attention of my colleagues in this House to a situation which is becoming more and more ominous with each passing day. I am referring to the fact that with national unemployment in the Nation hovering at a rate of 5.9 percent for the the past 20 months, and some States well in access of this figure for the same period, some States are in danger of exhausting the present unemployment compensation benefits provided in the Emergency Unemployment Compensation Act of 1971. The Emergency Unemployed Compensation Act of 1971, in fact, expires this month. Already the national extended unemployment compensation benefit program has ended.

Under the terms of the Emergency Unemployment Compensation Act of 1971, the Secretary of Labor was directed to report to the Congress by May of 1972 on the operation of the extended benefit program as well as to make recommendations regarding extended benefits during a period of massive unemployment. To date, the Secretary has refrained from making any recommendations as to the future operation of the program. The report of many can only be considered disappointing to anyone reading it for specific recommendations. At that time, the Secretary claimed inadequacy of data as his excuse for refraining from making any specific recommendations. Instead he promised to be back in early June to Congress with these recommendations. However, to date the report has failed to make its appearance and rumors are circulating that this means the administration is not likely to come to Congress with a request to extend the program. The pressure of time would have dictated submitting such a positive recommendation as close to June 1 as possible.

I can only conclude from this delay, therefore, that for States like Massachusetts currently laboring under a 7.9-percent unemployment rate with thousands of people in danger of exhausting existing benefits the future is bleak indeed. It seems to me that this Nation is sophisticated enough to have on the books by now a long-term national program for coping with extended periods of unemployment such as we have experienced the past 3 years. The present patchwork of law and programs with the need to revise and extend periodically adds an element of uncertainty to the unemployed workers' problems, which they do not need. It is difficult enough to be unemployed without worrying about whether the unemployment benefit program is going to be around next month. It seems to me that the managers of our economy owe its victims—many of them unemployed directly as a result of the fiasco known as the game plan—a better deal than this. To justify failure to extend the emergency unemployment benefit program at this juncture on the basis of fiscal responsibility just does not stand up under close examination. The fact of the matter is that as the unemployed workers go off this program they will be looking directly to the States for welfare. If that is where the Secretary of Labor wants them—on Secretary Richardson's back rather than his own—then it can only strike me as so much passing of the buck. In fact, I think it could be argued that the cost of the Nation resulting from additional welfare recipients would be a lot worse than continuing those who are unemployed workers on an unemployment compensation program. If the Secretary of Labor fails to act then it seems incumbent upon Congress to pick up the cudgels without further delay.

I want to close by adding a copy of a letter just received from the AFL-CIO on this subject:

AMERICAN FEDERATION
OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 6, 1972.

Hon. JAMES A. BURKE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BURKE: The Secretary of Labor this past week reported an unemployment rate of 5.9 percent for the nation. Unemployment has hovered between 5.7 and 6.2 percent at the national level for the past 20 months. The continuation of persistent high unemployment has imposed a severe hardship on the long-term unemployed because the legislative mechanisms which determine whether extended benefits under the Employment Security Amendments of 1970 shall or shall not be paid are unsuited in a period of continuous high unemployment. The Emergency Unemployment Compensation Act of 1971 expires this month.

On June 2, 1972, President Meany in a letter to the Secretary of Labor, James D. Hodgson, urged revision of the formulae which set in motion the extended benefit payments under the Employment Security Amendments of 1970, and extension of the Emergency Unemployment Compensation Act of 1971 for an additional year.

Enclosed is a copy of President Meany's letter to Labor Secretary James D. Hodgson.

We strongly urge the Congress at the earliest practicable opportunity to enact legislation to meet the needs of the long-term unemployed.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

A COMPREHENSIVE REFORM OF OUR TAX LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN), is recognized for 10 minutes.

Mr. ULLMAN. Mr. Speaker, today, I am introducing a bill to call for a comprehensive reform of our tax laws including a rewriting and simplification of the entire Internal Revenue Code during the two sessions of the next Congress.

I join my chairman, WILBUR D. MILLS, in wanting to see a comprehensive reform of the tax laws. I believe, however, that the termination of specific provisions would cause considerable uncertainty in many areas of economic planning and business conduct.

Under my bill, the same 54 items are listed for tax review as were listed by Chairman MILLS in H.R. 15230. I make it clear, however, as I think he intended, that the tax reform measures I am concerned with are not limited to these 54 items but would also include any other tax reform measures with which the House Committee on Ways and Means might be concerned. I am particularly anxious that we review measures designed to simplify the Internal Revenue Code.

Under my proposal, the House Committee on Ways and Means will be directed during the first session of the 93d Congress to review at least one-half of the 54 provisions previously referred to by Chairman MILLS and specifically referred to in my bill and to report to the House of Representatives before the close of the session a bill which repeals or modifies those provisions which the committee determines should be repealed or modified, also indicating those provisions which it believes should be continued as they are. The committee is also directed to review and study the second half of these provisions, and to report a bill repealing and modifying these provisions to the extent it so determines during the second session of the 93d Congress. As I have already indicated, the committee during its consideration of the preferences which are listed in the bill is also expected to consider other areas especially those which deal with the problem of simplifying the tax laws.

I expect the committee in its work to rewrite many provisions of the Internal Revenue Code and to state them in terms which are much more readily understandable to the average citizen. At the same time, I expect to see a real reform of the tax laws and the elimination of loopholes. I think it is important that in this 2-year period ahead, we do the whole job.

The text of my bill follows:

H.R. 15360

An act to insure orderly Congressional review of tax preferences and other items which narrow the income tax base

REVIEW BY HOUSE COMMITTEE ON WAYS AND MEANS

SECTION 1. The Committee on Ways and Means of the House of Representatives is hereby directed, during the first session of the 93rd Congress, to review and study at least one-half of the income tax items described in section 2 and to report to the House of Representatives before the close of such session a bill to repeal or modify those items reviewed during the session which the Committee determines should be repealed or modified. The Committee on Ways and Means is hereby directed during the second session of the 93rd Congress to review and study those items listed in section 2 which were not considered by it during the first session of such Congress, and to report to the House of Representatives before the close of such second session a bill to repeal or modify those items reviewed during such session which the Committee determines should be repealed or modified. The Committee is directed in its report on each bill to specify any item listed in section 2 which the Committee reviewed and decided should be retained in the law without modification. The Committee is authorized to include in such bills reported to the House of Representatives such other amendments of the Internal Revenue Code of 1954, not covered by the items listed in section 2, which the Committee determines are needed or desirable—

(a) in order to simplify the income tax laws and particularly the individual income tax return,

(b) in order to broaden further the income tax base of individuals and corporations or otherwise reform the income tax provisions, or

(c) to reform and improve the estate and gift tax provisions.

INCOME TAX ITEMS TO BE REVIEWED

SEC. 2. The following income tax provisions of the Internal Revenue Code of 1954 shall be reviewed, as provided by the first section, by the Committee on Ways and Means of the House of Representatives:

(1) The corporate surtax exemption.—The surtax exemption of $25,000 provided for corportations by section 11 of such Code.

(2) Retirement income credit.—The re-

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tirement income credit allowed by section 37 of such Code to individuals on retirement income.

(3) Investment credit.—The credit against tax allowed by section 38 of such Code to individuals and corporations for investment in certain depreciable property.

(4) Credit or deduction for contributions by individuals to candidates for public office.—The credit allowed (to a maximum of $25) by section 41 of such Code to individuals for contributions to candidates of public office, and the deduction (to a maximum of $100) allowed to individuals by section 218 of such Code for such contributions.

(5) The $30,000 exemption for the minimum tax.—The substraction under section 56 of such Code of $30,000 each year from the sum of the items of tax preference for the year in computing the minimum tax on items of tax preference.

(6) The deduction of ordinary income taxes for the minimum tax.—The subtraction under section 56 of such Code from the sum of the items of tax preference for the taxable year of the ordinary income taxes paid for the year in computing the amount subject to the minimum tax on tax preferences.

(7) Group-term life insurance purchased for employees.—The exclusion from gross income under section 79(a) of such Code of the cost of $50,000 of group-term life insurance purchased for employees.

(8) Exclusion from gross income of $5,000 employee's death benefit.—The exclusion from gross income under section 101(b) of such Code of $5,000 of a benefit paid by an employer upon an employee's death.

(9) Tax-exempt interest.—The exclusion from gross income under section 103 of such Code of interest on obligations of a State or possession of the United States, or of any political subdivision of a State or possession.

(10) Exclusion from gross income of sick pay.—The exclusion from gross income under section 105(d) of such Code of amounts received by an employee from his employer as sick pay.

(11) Exclusion from gross income of rental value of parsonages.—The exclusion under section 107 of such Code from the gross income of a minister of the gospel of the rental value of a home or a rental allowance furnished to him as part of his compensation.

(12) Exemption from tax of $100 of dividends received by individuals.—The exclusion from gross income provided by section 116 of such Code of $100 of dividends received by an individual.

(13) Exclusion from gross income of scholarship and fellowship grants.—The exclusion provided by section 117 of such Code of amounts received as a scholarship or as a fellowship grant.

(14) Exclusion from gross income of gain on sale of residence by person over age 65.—The exclusion from gross income provided by section 117 of such Code of gain from the same of the taxpayer's residence if the taxpayer has reached the age of 65 years before the sale.

(15) Additional exemption for age 65 or blindness of taxpayer or spouse.—The additional exemption of $750 provided by section 151 of such Code if the taxpayer has reached the age of 65 before the close of the year and an additional exemption of $750 if he is blind.

(16) Exemption for child whose income exceeds $750.—The deduction allowed by section 151(e) of such Code for a dependent child of the taxpayer where the child has gross income in excess of $750 and is entitled to an exemption of $750 in the return filed by him.

(17) Deduction of nonbusiness interest.—The deduction allowed under section 163 of such Code for interest paid where the indebtedness was not incurred in carrying on a trade or business or an activity for the production of income.

(18) Deduction of nonbusiness taxes.—The deduction allowed under section 164 of such Code for certain taxes where they are not incurred in carrying on a trade or business or an activity for the production of income.

(19) Deduction for nonbusiness casualty losses.—The deduction provided in section 165(c) to an individual of casualty losses not connected with a trade or business.

(20) Treatment of loss of certain nonbusiness guaranties.—The treatment under section 166(f) of such Code as an ordinary loss, rather than a short-term capital loss, of payments made by an individual on account of his nonbusiness guaranty of the obligation of another individual.

(21) Fast depreciation methods.—The allowance for depreciation under section 167 (b) of such Code by use of the declining balance method or the sum-of-the-years-digits method.

(22) 20-percent variation' under the asset depreciation range system.—The provision of section 167(m) of such Code which allows the use by the taxpayer of a 20-percent variance from any class life prescribed by the Secretary of the Treasury.

(23) Charitable contribution deductions.—The deductions allowed under section 170 and 642(c) of such Code for charitable contributions and gifts.

(24) Deduction of research and experimental expenditures.—The election provided by section 174 of such Code to treat research and experimental expenditures as deductible expenditures.

(25) Deduction of soil and water conservation.—The election provided in section 175 of such Code to treat soil and water conservation expenditures aa deductible expenses.

(26) Additional first-year depreciation allowance.—The additional first-year depreciation allowance for small business provided by section 179 of such Code.

(27) Deduction of expenditures for clearing land.—The election provided by section 182 of such Code to treat expenditures incurred in the clearing of land for use in farming as deductible expenses.

(28) Amortization of railroad grading and tunnel bores.—The election provided by section 185 of such Code to a domestic common carrier by railroad to take amortization deductions over a period of 50 years for railroad grading and tunnel bores.

(29) Medical expense deduction.—The deduction allowed an individual under section 213 of such Code for medical, dental, etc., expenses.

(30) Household and dependent care deduction.—The deduction allowed under section 214 of such Code to an employee for certain household and dependent care services.

(31) Deduction of moving expenses.—The deduction allowed under section 217 of the Code to an individual for expenses paid in connection with the commencement of work at a new location.

(32) Deduction of intangible drilling and development costs.—The deduction provided in section 263(c) of such Code for intangible drilling and development costs in the case of oil and gas wells.

(33) Nonrecognition of gain on appreciated property used to redeem stock.—The exceptions ard limitations provided in section 311(d)(2) of such Code on recognition of gain when a corporation distributes appreciated property in redemption of stock in such corporation.

(34) Nonrecognition of gain in connection with certain liquidations.—The provisions of section 337 of such Code for nonrecognition to a corporation of gain or loss incurred on the sale of property in the course of complete liquidation during a 12-month period.

(35) Capital gain treatment for lump-sum distribution from pension funds.—The provisions in section 402(a)(2) and 403(a)(2)(A) of such Code for capital gains treatment for certain lump-sum distributions received on account of an employee's death or termination of employment.

(36) Treatment of employee stock options.—The exclusion from gross income provided by section 421 of such Code upon exercise by an employee of a qualified or restricted stock option.

(37) Tax exemption of credit unions and mutual insurance funds for certain financial institutions.—The exemption provided by section 501(c)(14) of such Code to credit unions (without capital stock and not operated for profit) and certain corporations (not operated for profit) organized for the purpose of providing reserve funds for building and loan associations, cooperative banks, and mutual savings banks.

(38) Treatment of bad debt reserves of banks and other financial institutions.—The special deductions for reserves for bad debts allowed by section 585 of such Code to banks and by section 593(b) of such Code to mutual banks, building and loan associations, and cooperative banks.

(39) Percentage depletion for oil, gas, and other minerals.—The allowance for depletion provided in section 613 of such Code for oil, gas, and other minerals, based upon a percentage of gross income, with a limitation on the allowance of 50 percent of taxable income.

(40) Deduction of development expenditures in the case of mines.—The deduction provided in section 616 of such Code for expenditurea incurred in the development of a mine.

(41) Capital gain for timber, coal, and iron ore royalties.—The provisions of section 631 of such Code for the treatment of certain income from timber, coal, and domestic iron ore as long-term capital gains.

(42) Tax exemption for ships under foreign flag.—The tax exemption provided by sections 872(b)(1) and 883(a)(1) of such Code for earnings from ships under foreign flags.

(43) Exclusion of gross-up on dividends of less developed country corporations.—The provision in section 902 of such Code which exempts dividends received from a less developed country corporation from the gross-up required in the case of dividends received from other foreign corporations for the deemed paid foreign tax credit.

(44) Exemption of earned income from foreign sources.—The exemption provided by section 911 of such Code of earned income derived from sources without the United States.

(45) Special deduction for a Western Hemisphere trade corporation.—The deduction provided by section 922 of such Code for a domestic corporation qualifying as a Western Hemisphere trade corporation.

(46) Exemption of income from sources within possessions of the United States.—The exemption provided under section 931 of such Code to a United States citizen or domestic corporation on income from sources outside the United States.

(47) Exclusion from Subpart F income of shipping profits and certain dividends, interest, and gains.—The exclusion from Subpart F income provided in section 954(b)(1) and (2) of such Code for certain dividends, interest, and gains from qualified investments in less developed countries, and of income derived from any ship or aircraft in foreign commerce.

(48) Tax exemption for a DISC.—The tax exemption provided in section 991 of such Code for a domestic international sales corporation.

(49) Step-up in tax basis of property acquired from decedent.—The provisions of section 1014 of such Code which provide that the tax basis of property acquired from a decedent shall be the fair market value of the property at the date of the decedent's death.

(50) Alternative tax on capital gains.—The alternative tax for corporations and individuals provided by section 1201 of such Code on long-term capital gains.

(51) Deduction of capital gains.—The deduction allowed an individual under section 1202 of such Code with respect to long-term capital gains.

(52) Capital gains on sale or exchange of patents.—The treatment as long-term capital gain under section 1235 of such Code of amounts received by an individual from his transfer of a patent created by his efforts, whether or not the payments received are contingent on the productivity or use of the transferred patent.

(53) Rules for capture of depreciation on sale at gain of real property.—The rule in section 1250 of such Code that gain on the sale of depreciable real property is ordinary income only to the extent the taxpayer has taken depreciation on the property which is in excess of straight-line depreciation, in contrast to the rule in section 1245 of such Code which requires recapture in the case of equipment of all depreciation previously deducted (to the extent of the gain on sale).

(54) Special exemptions for excess deductions account for farm losses.—The provisions in section 1251(b) of such Code which provide that an individual does not have to make an addition to the excess deductions account unless his nonfarm income for the year exceeds $50,000 and his farm loss exceeds $25,000.

PANAMA CANAL: REPRESENTATIVE FLOOD REPLIES TO RADICAL PANAMANIAN DEMANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, the present administration, which accepted the unfortunate Isthmian canal policy of the preceding one, is now engaged in diplomatic negotiations with the unconstitutional Government of Panama in which the announced purpose is to surrender U.S. sovereignty over the U.S.-owned Canal Zone territory to that Government. Such surrender, which has not been authorized by the Congress, is in direct violation of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress, which includes the House of Representatives as well as the Senate. Because of its importance I quote the indicated provision:

> The Congress shall have Power to dispose of—Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States.

Despite this important constitutional provision, obviously framed by the farvisioned Founders of our country to protect its territory against despoilment or unjustified whims of the executive branch, this agency of Government has continued negotiations that should never have been started. Have our negotiators informed Panamanian representatives of these constitutional limitations on their powers? I have seen no evidence that they have and they are proceeding under the erroneous assumption that an Executive fiat in the premises is adequate for the purpose of negotiating surrender. Mr. Speaker, there could not be any greater fallacy, better way to mislead Panama, or to imperil all U.S. citizens engaged in such negotiations.

To supply the basis for views herein stated there was the address on May 24, 1972, by Foreign Minister Juan Antonio Tack, a rabid Panamanian radical, before the Eighth Congress of the Student Federation of Panama. In this address Minister Tack—

First, revealed that there is an understanding between the executive branches of Government of the United States and Panama for the elimination of the Canal Zone.

Second, asserted that in addition to the elimination of the Zone, this U.S. territory would be fully integrated with the territory of Panama and that it would exercise jurisdiction over land, sea, and air.

Third, stated that Panama would take effective control over the shores of the Canal itself.

Fourth, charged that the effect of United States presence on the Isthmus has been pernicious through "corruption, threat, and slander" but failed to mention the enormous benefits that Panama receives from U.S. agencies in the Zone that total more than $160 million annually and that some 15,000 Panamanians are employed in the Zone and that they fear the loss of their livelihood. Nor did he refer to the billions of dollars supplied by U.S. taxpayers for the construction, maintenance, operation, sanitation, and protection of the canal that has given Panama one of the highest per captita incomes in all Latin America.

Fifth, asserted that the immediate origin of the present negotiations was in the 1964 riots, which is not only untrue but amounts to political blackmail.

Sixth, disclosed that key points in the negotiations include provisions for elimination of the perpetuity clause in the 1903 treaty and for authorization for the United States to modernize the existing canal.

As to the last point such major modernization is already authorized. The word "maintenance," as specifically defined by the Panama Government, includes "expansion and new construction" as required for the maintenance, operation, sanitation, and protection of the existing waterway—CONGRESSIONAL RECORD, volume 84, part 9, July 24, 1939, page 9834.

Why, Mr. Speaker, should officials of our Government try to negotiate for rights already possessed? Do they not know the diplomatic history of the subject with which they are dealing? So far as can be ascertained no recent President, Secretary of State, or other official of the State Department, who have been so solicitious to turn the Canal Zone over to Panama, has ever borne the burden of responsibility for operating the Canal and thus, in a realistic sense know nothing about actual canal problems involved. They are apparently guided alone by shabby sentimentalism.

As the result of an extensive correspondence from all parts of the Nation, I know that the American people do not wish to surrender the Canal Zone territory or to give away the Panama Canal to Panama or any other country or international agency; and any administration or political party that so advocates does so at its peril.

In spite of the truculence and sustained campaign of hate against the United States by the present Government of Panama no replies in defense of our country are ever made by our high responsible officials whose duty is to defend our Nation against manifest and malicious attacks by others. No wonder we are being judged abroad unjustly. Mark my word: the world is watching what the United States does at Panama. Upon the outcome of the present perplexing state of affairs will depend much of our country's present and future reputation. For the guidance of our officials, who should realize that the canal is under diplomatic and juridical attack, we quote the fine statement of ex-President Theodore Roosevelt in meeting the 1917 internationalization proposal of the U.S.S.R. His words were:

> It is our canal; we built it, we fortified it, and we will protect it, and we will not allow our enemies to use it in war—House Document No. 474, 89th Congress, page 388.

Man for man Panamanian negotiators seem stronger than those of our Government and have succeeded in brain washing the latter. As evidence of this is the fact that our negotiators have never, so far as I have learned, stressed the indispensable necessity for retention by the United States of the Canal Zone for military reasons, which apply to Panama as much as to the United States. Certainly, Mr. Speaker, the time has come to terminate these nonsensical negotiations and to go ahead with the major modernization of the Panama Canal under existing treaties.

In these general connections certain vital points should never be forgotten. They are:

First, that the Isthmus of Panama is one of the most strategic land areas in the world.

Second, that the Isthmus is coveted by predatory powers and probably always will be because of its strategic position.

Third, that the Republic of Panama is a small, weak, unstable, and technologically primitive country under an unconstitutional government and can stay free only so long as the United States remains on the Isthmus.

Fourth, that the advantages Panama seeks to exploit because of its geographic position are canceled out by its precarious weakness, which is well illustrated by the fact that in the last 69 years it has had 59 presidents some of which have been unconstitutional.

Fifth, that the U.S. taxpayers between 1904 and June 30, 1971, invested in the canal enterprise, including its defense, a total of $5,695,745,000—CONGRESSIONAL RECORD, volume 118, No. 60, April 18, 1972, page 13154.

Sixth, that the Canal Zone, in addition to the canal itself, has many U.S. Government installations essential for defense, scientific, and health purposes.

Seventh, that the annual benefits from

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these agencies to Panama exceeds $160 million, and is steadily increasing.

Radical agitators of Panama never mention the above facts. They think no more of the billions expended by our Nation and the activities for which they are beneficiaries than taking a drink of water but continue their unrealistic demands to drive the United States from the Isthmus by the indirect means of obtaining cession to Panama of sovereignty over the Canal Zone. In event of such cession to Panama its government would be in a position to expropriate the Canal Zone and canal as did Egypt in case of the Suez Canal. So I say, Mr. Speaker, if there is ever to be any surrender of U.S. sovereignty over the Canal Zone it should be to Colombia and not to Panama; but I am opposed to either as I am to the return of the Gadsen Purchase to Mexico or Alaska to Russia.

In a physical sense the United States can take pride in the fact that its facilities for communication are unexcelled anywhere in the world. But the sizes of mass media plants do not mean much in this day of publishing only the news that fits. Communication media in our country seldom publishes any worthwhile information on events affecting the status of the Canal Zone now under Communist attack but aids and abets such attacks by its silence and indifference. In contrast, the people of Panama and other countries following the situation on the Isthmus are far better informed than our own citizens. This is not accidental but the result of a strict censorship by the prored revolutionary Government of Panama in which Soviet agents have already penetrated and the failure of our own press.

A recent newsstory in the Panama Star Herald, one of the leading Latin American newspapers established in 1849 and now published under the strong arm of censors, reports on the previously indicated address of Minister Tack and quotes significant portions of it. Because of the relevance of the newsstory to understanding what is taking place as regards the Canal Zone and Panama Canal, I quote the full text:

END OF CZ ENCLAVE IS RP–US UNDERSTANDING

The elimination of the Canal Zone as a colonial enclave is the understanding behind the current Panama Canal negotiations between Panama and the United States and Panama is steadfastly maintaining that position, Foreign Minister told the Student Federation last night.

"If there were no such understanding," he said, "We would not be seated now at the negotiation table."

The Foreign Minister said "some progress" has been made in the year since the negotiations began.

"In the lapse of almost one year since the negotiations began," he told the Student Federation, "we feel that some progress has been made. There has been a constant and continued interchange of position documents, as well as studies on specific topics.

"The two governments have agreed on the elimination of the odious perpetuity clause; the principle that the jurisdiction over the Canal Zone must revert to Panama has been accepted.

"However, the positions of both countries are still far apart from each other on many fundamental points and on many details.

"Therefore, up to this point, there is no commitment to accept, nor even to examine for definite acceptance, any document which has the nature of an accord, agreement or pact between the two nations."

PERPETUITY MUST GO

"This situation," Foreign Minister Tack added, "should not lead us to despair; this situation is perfectly explainable. This is due to the fact that, unlike previous negotiations, the National Government is determined that not for one instant can the possibility be admitted—whether openly or in a concealed fashion—that perpetuity will be maintained or that the duration of the treaty may extend beyond what is strictly necessary.

"Likewise," Tack said, "the National Government has taken a position against any formula that could imply the concession of lands and waters away from Panamanian jurisdiction and against any proposal that may tend to lessen the jurisdiction that the Republic must exercise over all its territory."

Tack did not go into the details of the treaty talks, but in a recent appearance before the National Commission that is drafting constitutional amendments he spelled out the seven key topics of negotiations as: duration of the treaty, expansion of the present canal, lands and waters, flag, protection of the canal, and economic compensations or benefits.

STUDENTS' ROLE PRAISED

The Foreign Minister was the principal speaker at the installation of the Eighth Congress of the Student Federation. The opening session was attended by Brig. Gen. Omar Torrijos, leader of the Revolutionary Government, cabinet members and officers of the staff of the National Guard.

In his address, Tack praised the role of students in the country's struggle for liberation from alien domination. In his discussion of the Panama Canal treaty negotiations, which he described as "the definitive struggle for the reaffirmation of national independence," Tack declared:

". . . The goals that Panama has set for itself in the negotiations are concentrated in a fundamental objective: The elimination of the colonial entity known as the Canal Zone and the full integration of the latter to the territorial sovereign—the Republic of Panama.

"FULL INTEGRATION" EXPLAINED

"It is important that this Panamanian position be understood well . . . What is meant by the full integration of the Canal Zone to Panamanian jurisdiction? We understand this to mean that the so-called Canal Zone belongs to the metropolitan area of the Republic of Panama geographically, politically, socially, economically and culturally. Logically, the exercise of full Panamanian jurisdiction over the Canal strip not only involves the exaltation of the image of the Republic, domestically as well as internally, but offers the key to launch a Panamanian program aimed at accelerating the progress of the nation and the fair distribution of its benefits to all sections of the country. In other words, the recovery of full jurisdiction and economic development, nationally inspired are inseparably linked.

"With this objective in mind," Tack added, "the Panamanian state is entitled to the exercise of jurisdiction—land, sea and air—over all its territory, all persons and all things whether national or foreign, based on the principle of exclusive jurisdiction recognized by the international community . . . and taking into account that such jurisdiction is incompatible with analogous powers by another state.

"Contrary to what has been the general belief of some of our intellectuals, Panama's geographical position does not mean riches through the Canal annuity and the furnishing of services, but rather through our effective and sovereign control, at some time, over the shores of the Canal which is what would permit economic as well as national development of unsuspected intensity."

Tack said Panama's diplomacy in the past had been mistakenly directed towards capturing the Canal Zone market. He added:

TRADER MENTALITY

"Some of our people, who have the mentality of traders and who care only about keeping their pockets full, think that our struggle for dignity is romantic and foolish. They are mistaken. We know very well what we want. Sovereignty and dignity are translated into economic development, but with a national content.

"In order to render effective our geographical position, Panamanian control and development of the Canal Zone and the shores of the waterway—which up to now have been rendered sterile to world trade because of their utilization by the United States for military purposes—are indispensable."

Tack charged that the Canal Zone, in its present status, has served for a "preconceived plan to destroy Panamanian nationality . . ."

PERNICIOUS CZ INFLUENCE

"The Canal Zone has exerted a pernicious influence on Panamanian life, not only because of the numerous outrages that have been perpetrated there against citizens of our country, the gravest one being the implantation of racial prejudices alien to our tradition, but because the powers therein installed have sought at all times to extend their influence over the rest of the Republic to keep it weak and in disrepute, poor and subjected, so that it would never raise the cry of national liberation and integration.

"This constant pressure," Tack declared, "the oldest of the wars between two countries, has sought also the moral dismantling of Panamanian citizenship and its leaders through corruption, threat and slander to bring about the disappearance from the national stage of figures who opposed the extension of its (the United States') illegitimate prerogatives.

"The Canal Zone is a foreign body that has been limited to fulfilling a military purpose serving designs that are anachronistic in today's world and alien to the true interests of Panama and Latin America.

"Panama's general policy on the Canal Zone has nothing to do with temporary situations or episodes. It responds to a historic attitude and to the need of defending our interests, which have been injured from the beginnings of our independent life."

It is this position that Panama has made clear in the current negotiations, Tack declared.

The Foreign Minister reminded the students that the negotiations had their "immediate origin" in the January 9, 1964, events in which students played a leading part. The 1964 clashes along the Canal Zone border resulted from an attempt by Panamanian students to display the Panamanian flag in the Canal Zone.

FOR A CHANGE—LET THE CRIMINAL BE FEARFUL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I rise in support of continuing efforts by many Members to institute severe, mandatory punishment for those persons convicted of carrying a firearm during the commission of a crime.

Until a few years ago the British imposed the death penalty on criminals taking the life of an unarmed policeman by using a firearm. This led to a situation where most criminals would not bother carrying a firearm, Why? Because of the strict penalty for using it.

Between 1900 and 1965 the English police had only 47 of their number killed by armed criminals. When the death penalty was abolished in 1965, this number rose by 12 in the next 2 years. Members of the British Parliament are now fighting to reinstitute the death penalty for this crime.

Criminals in Britain can expect to receive a term of imprisonment of from 10 to 14 years for carrying a firearm or facsimile during the commission of a crime. More important is the fact that the law is enforced.

I realize that it is impossible to compare every aspect of life between Britain and the United States. However, safety from the threat of crime is a challenge each country has faced. The British found a workable solution. Why not the United States?

The United Kingdom has shown us what to expect if we pass a law which benefits criminals. This country needs a law to give the citizen some piece of mind; a law to put fear into the minds of the lawbreakers.

STRENGTHENING AND EXPANDING NATIONAL AND STATE MARINE MAMMAL PROTECTION PROGRAMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in their column released May 10, through the Los Angeles Times syndicate, writers Stewart L. Udall and Jeff Stansbury make a number of contemptible assertions about the positions of two respected American conservationists: Daniel A. Poole of the Wildlife Management Institute and Thomas L. Kimball of the National Wildlife Federation, with respect to pending legislation to strengthen and expand national and State marine mammal protection programs.

The subject itself is controversial, as many Members know. Unfortunately the controversy over the legislation is being smothered by a type of gutter-sniping journalism that one would not, should not, expect to see coming from the pen of a former Secretary of the Interior.

I want to add right here that my relations with former Secretary Udall, during his years at the helm of the Department of the Interior, were always conducted on the highest possible plane, even when we disagreed on conservation matters. I find it utterly incomprehensible that he has joined with less high-minded individuals and organizations to deride and castigate the motives of those who were his former allies in many hard-fought battles in the Congress.

The issue in contention is "Wildlife Management." Messrs. Udall and Stansbury have apparently taken upon themselves to publicly discredit persons and organizations who may hold views different from their own on the subject. Congress must act on the basis of facts, not emotions. Udall and Stansbury raise many questions of fact about the legislation in question.

After reading the column I contacted Mr. Poole and asked him for an explanation of his position with respect to the emotion-tinged statements in the column. After thanking me for caring about this unprecedented attack on himself and his organization, Mr. Poole provided a series of documents in rebuttal to the Udall-Stansbury assertions which, I believe, lays the matter to rest at least as far as the "official record" is concerned.

It is an unlucky fact that one never wins an argument with the press so the damage done by the Udall-Stansbury column will probably never be undone. It is my hope however that Members of Congress will read the columns mentioned, the rebuttals, and the supporting documentation attached herewith, and decide for themselves whether or not the Wildlife Management Institute and the National Wildlife Federation are guilty of the charges leveled by the columnists. Once that issue is resolved, we can get back to the real business: the protection of marine mammals.

The material follows:

OUR ENVIRONMENT—THAT OLD KAIBAB CAPER

(By Stewart Udall and Jeff Stansbury)

MAY 10, 1972.

One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer. In 1906, when this Grand Canyon rimland was declared a national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. Then they sat back to watch their lovely deer prosper.

The deer did not oblige. At first it seems they multiplied handsomely, up from 4,000 head to an estimated 100,000, but the legend has it that they ran out of food, sickened, wasted away and died by the tens of thousands. A marvelously poetic biologist, Aldo Leopold, said the destruction of the deer's enemies had destroyed the deer.

Leopold's dictum has been sanctified by the wildlife management crowd. Today, in an emotional tantrum, they are trying to use it to scare the Senate Commerce Committee out of imposing a ban on the "taking" of whales, dolphins, seals, sea lions, manatees, polar bears and other marine mammals.

It strains credulity to watch stalwarts from the Wildlife Management Institute cite the "lessons" of the Kaibab Plateau as if they ruled marine mammals. By their lights, manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!

The evidence, to be sure, is inconclusive. Both the WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups.

Okay, but what do we do about what we don't know? Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?

Tom Garrett, a staff man with Friends of the Earth, has his own reply and it isn't Dan Poole's. "Our very limited knowledge of marine ecosystems and marine mammals," he says, "makes it necessary to set aside a period when the animals will not be subjected to molestation."

With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by the WMI, the NWF and the National Forestry Assn. You figure that last one out. We can't. None of the marine mammals we know eats trees.

Thanks mostly to Sen. Ernest F. Hollings (D–S.C.), the conservationists and their scientific allies will get a bill which is at least half-good. The present draft calls for a 15-year moratorium on the killing of marine mammals. This is a notable step toward the full genetic protection of these intelligent, playful and harassed creatures.

The Commerce Committee bill, however, vests an enormous degree of discretion in the chief of the National Oceanic and Atmospheric Administration. Not only may he sanction the "accidental" killing of thousands of dolphins and porpoises by tuna fishermen, but he may also allow the importation of marine mammal products and the killing of these animals by "persons who are members of a class found . . . to have common needs requiring" such slaughter.

Whom is this gobbledygook supposed to benefit? Furriers who trade in seal pelts? Wealthy sportsmen who like to bag polar bears from helicopters?

These loopholes, says Garrett, will undermine the 15-year moratorium. In the few weeks before the bill reaches the Senate floor, Friends of the Earth and its allies will try to get the offending language removed.

Meanwhile, they must contend with Dan Poole's scare campaign. In news releases that smack of lobbying (though the WMI gets a tax break for laying off legislation), his publicists assail the "antihunting and animal protection groups" for their stand against "scientific management." You know what scientific management means. It means knocking seals on the head with a club.

Any lingering respect for the WMI's pseudoscience has surely been demolished by the latest restudy of that old Kaibab Plateau caper. Apparently at least one heretical ecologist couldn't bring himself to genuflect before Aldo Leopold's dictum. It sounded much too neat, too simple. Sure enough, an investigation showed that Leopold had badly misread his numbers. The Kaibab deer herd's boom and bust never happened.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 19, 1972.

Mr. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEWART: I have a copy of your and Stansbury's May 10 "Our Environment" column for the Los Angeles Times Syndicate in association with Newsday. Titled "That Old Kaibad Caper," it contains several specific references to me and to the Wildlife Management Institute. For reasons that I will explain, I find the column inaccurate, misleading and personally offensive. I regret that those who may have read it have been exposed to such distortion.

This is the second time that you have referred to me in one of your columns. In neither case did you or Stansbury seek to talk with me or any member of our staff to ascertain our views. And, clearly, neither was there any examination of the record. You will recall I wrote you following that first instance (copy of letter enclosed) and explained how the column was in serious error.

You telephoned me on September 20, 1971, and explained that the September 8 column had been prewritten and released by your

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associate in your absence from the city during August. You said further that on several earlier occasions you found on your return to the city that you did not agree with what he had written in the column and you apologized for it. You also expressed appreciation for our courteous letter, saying you "were pleased that the Institute did not get mad at you."

You will recall that I thanked you for your phone call and noted (1) that an oral apology constituted no apology of record and (2) that as such it in no way informed your readers that they had been misinformed.

Your May 10 column is in serious error on two major counts. First, it demonstrates an abysmal lack of understanding of the now-ancient Kaibab deer situation. Secondly, it totally misrepresents the Wildlife Management Institute's position, including my personal views, on the current subject of devising a sound and workable program for the protection of marine mammals. The author's or coauthors' ignorance of wildlife literature, plus his or their inability to comprehend the substance and limitations of the scientific paper used as a platform for carrying the burden of the column, is compounded by his or their equal ignorance of the marine mamal siutation.

1. You said: "One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer." And in your closing sentence you said, "The Kaibab deer herd's boom and bust never happened."

Truth: The rise and fall of the Kaibab deer population is not a legend. It is established and a well-documented fact. Its several contributory reasons are well known, and similar events have occurred elsewhere but on a more minor scale.

If, after actually consulting the abundant wildlife literature on this point, you have any doubt about the Kaibab having happened, check with Dr. Edward C. Crafts, personally known to you. Dr. Crafts worked on the Kaibab at the time and he invites your inquiry, should you care for personal verification outside of the large body of scientific literature on this point.

2. You said: In 1906, after the Kaibab area was made a "national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. They then sat back to watch their lovely deer prosper."

Truth: *Government predator agents*, employed for the specific purpose, not *"deer-loving hunters,"* killed a recorded 781 mountain lions, 30 wolves, 4,899 coyotes, and 554 bobcats plus an unknown number of eagles. You do America's sportsmen a disservice.

Further complicating the situation biologically for the deer were (1) the banning of all sport hunting for deer, (2) vegetative change brought on by domestic livestock grazing that created conditions more favorable to deer, (3) controversy between federal and state interests, and (4) ignorance, even then, of wildlife management objectives and necessity.

3. You said: "A marvelously poetic biologist, Aldo Leopold, said that the destruction of the deer's enemies had destroyed the deer."

Truth: The ill-advised killing of predators helped to destroy the deer. So did the range forage changes caused by domestic livestock and the ban on deer hunting. The animals increased beyond the capacity of their overtaxed range to support them. Although individual deer died, the deer were not destroyed as a species, for they persist and flourish in the Kaibab today. The main point is that a large number of deer needlessly and wastefully suffered cruel deaths. Also, the habitat elements that sustain wildlife were greatly altered by overgrazing by deer and domestic livestock.

As a long-time former U.S. representative of Arizona and the author of a book on conservation history, it is surprising that you do not know that ignorance and obstinance in your home state contributed to the severity of the Kaibab situation. Arizonans resisted suggestions that steps be taken to get the deer-livestock-range situation under control. As Arizona State Game Warden K. C. Kartchner later stated, "All this could have been avoided if we had had experienced game managers twenty years ago."

4. You said: "It strains credulity to watch stalwarts from the Wildlife Management Institute cite the 'lessons' of the Kaibab Plateau as if they ruled marine mammals."

Truth: The Wildlife Management Institute *never* cited the Kaibab incident in any of its statements on marine mammals, written or oral.

5. You said: "By their lights (referring to the Wildlife Management Institute) manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!"

Truth: The Wildlife Management Institute never has advocated "culling" manatees or sea lions. The taking of manatees is correctly prohibited by Florida law, the only state in which they occur naturally. California sea lions also are protected by law, but fishermen may take them to protect their equipment and catch. The animals are completely protected in Oregon and Washington. Stellar sea lions in Alaska, which number about 200,000, may be taken under permit regulations promulgated by that state's wildlife agency. There is no evidence that the latter species is dwindling.

6. You said: "Both WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups."

Truth: *Nowhere* in my invited testimony before the House and Senate Committees, during the questioning, or anywhere else did I make any mention of manatees or pesticides in the manner alleged.

7. You said: "Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?"

Truth: I *never* have proposed the commercial killing of marine mammals, and you cannot support such an allegation. In agreement with many other knowledgeable individuals, I have urged the scientific management of marine mammals, which, by the definition inserted in the bill by the Senate Subcommittee, includes "when and where appropriate . . . the periodic or total protection of species or populations as well as regulated taking."

Who is included within the meaning of "we" in your question? You and Stansbury? You, Stansbury, and your not-so-well camouflaged advisor? The public at large? I suggest you read the House testimony (available for public distribution without charge) of Dr. G. Carleton Ray, Dr. Kenneth S. Norris, and Mr. William E. Schevill (respectively director, Marine Mammal Council, International Biological Program and Johns Hopkins University; University of California and chief scientist, Marine Mammal Division, Oceanic Institute of Hawaii; and Harvard University and Woods Hole Oceanographic Institution). The recommendations of these experts contradict, at virtually every point, your column's simplistic and emotional inferences and suggestions.

8. You said: In quoting a spokesman for Friends of the Earth, "Our very limited knowledge of marine mammals makes it necessary to set aside a period when the animals will not be subject to molestation.

"With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by WMI, the NWF and the National Forestry Association."

Truth: The Wildlife Management Institute cooperates very closely with the National Audubon Society and has for many decades. Had you taken the time to check with the Society's officers (or with us) you would have found our views closely parallel on marine mammals protection. We have the greatest respect for the Society's biologically trained and experienced staff and its program. Incidentally, there is *no* organization by the name of the National Forestry Association. Such a group does not exist.

An objective reporter, with respect to the suggestion of establishing a period "where the animals will not be subject to molestation" (i.e. a legislatively mandated moratorium), also should have quoted Dr. G. Carleton Ray, Program Director of the Marine Mammal Council, which directs the U.S. International Biological Program's Marine Mammal Program under financial support through the National Science Foundation. Dr. Ray told the House Committee at its September 1971 public hearing (page 401 of the hearing record)

"A total moratorium on the taking of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

With other conservation organizations, we accept the judgment of Dr. Ray and his colleagues, among the most respected marine mammal specialists in the world. Perhaps you were not aware of the scientific community's evaluation of this very critical point, and Dr. Ray's full statement on it is attached. Then again, it may not have been the column's purpose to give readers an intelligent report on this important conservation issue.

9. You associate WMI with the killing of thousands of porpoises incidental to commercial tuna fishing.

Truth: Our statements decry the wasteful loss, demand that it be stopped, and suggest measures to remedy the situation. They are practically identical to and in support of those expressed by *all* organizations interested in marine mammals protection. Check the hearing records and see for yourself.

10. You said: "You know what scientific management means. It means knocking seals on the head with a club."

Truth: As approved by the Senate Subcommittee, and as recommended by the Wildlife Management Institute and other conservation organizations, scientific management means, "the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Management includes the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking." Scientific management has absolutely no connection with the manner animals are taken, if, indeed, they are taken at all.

A final point. The column's thrust is hung on what you describe to be "the latest restudy of the old Kaibab Plateau caper." You say, "at least one heretical ecologist couldn't bring himself to genuflect before Aldo Leopold's dictum." His findings, you assert, show "The Kaibab deer herd's boom and bust never happened."

Your "heretical ecologist" is Graeme Caughley, then of New Zealand, whose paper, "Eruption of Ungulate Populations, With Emphasis on Himalayan Thar in New Zealand," was published in Ecology (Vol. 51, No. 1, 1970). Caughley's paper is devoted to examination of the mechanism of the eruption of ungulate mammal populations. In the early part of the text, he makes some reference to the Kaibab case.

At *no* point in his paper, however, did Caughley claim, as you say, that the "Kaibab deer herd's boom and bust never happened." In fact, in several places, he acknowledges that it *did* happen. His sole concern with the subject is *how* it happened. And its consideration was only a minor element of his long paper.

For example, in the very first three sentences of his abstract, which appears at the beginning of his paper, he states: "An eruptive fluctuation is defined operationally as an increase in numbers over at least two generations, followed by a marked decline. Reported eruptions in ungulates suggest that the upswing is initiated by a change in food or habitat and is terminated by overgrazing. An apparent exception—the Kaibab eruption—probably also fits this pattern."

Secondly, I have discussed your column with several wildlife leaders, including some having personal knowledge of the Kaibab situation. One of those consulted was John P. Russo, chief of game for the Arizona Game and Fish Department, a trained and widely respected biologist with more than twenty years experience in your home state. He is the author of a definitive study of the Kaibab situation.

John is familiar with Caughley's paper and he gave me permission to quote his reaction to it. Caughley, he said, "picked up several incidents throughout our country and related them to New Zealand. He has taken everything in publication out of context."

Unlike your column, everything stated in this letter can be substantiated. I would prefer that you not call me again to say you again disagree with a column written and released during your absence from your office. Your name is on the column and you must bear appropriate responsibility for its content.

I believe your syndicators and your readers deserve to know if the column content actually represents your opinion in all cases, however. If it does not, and if these are the columns that are written and released when you are unavailable to review them, could it be that someone is taking advantage of your name and your past proud conservation record? In any event, I believe your syndicators and your readers have a right to know which of the materials issued under your name reflect the thinking and knowledge of Stewart Udall.

Sincerely,

DANIEL A. POOLE,
President.

JUNE 9, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Programs for the protection and scientific management of marine mammals are being threatened by well-publicized but misguided efforts which, if successful, would destroy the conduct of biologically sound activities of state and federal conservation agencies.

Conservation of this varied group of animals has been a long and arduous battle in the face of indifference and exploitation. Their management has been made more difficult by the international movements of several of the species involved and insufficient knowledge concerning their habitat requirements. Progress has been and is being made, however.

Some animals, such as the fur seal and sea otter, have been restored to productive numbers. Research is underway into the life histories, habitats, and movements of others.

Much more can be done. This will require the understanding and support of the Administration, support which no Administration heretofore has seen fit to confer in any degree commensurate with the need. Your Administration could gain much support and commendation by requesting adequate authorities and funds to bring federal programs for marine mammals up to necessary levels and by seeking new and more effective international understanding.

Should these many past years of progress be undermined by a complete "hands off" policy forced upon responsible fish and wildlife agencies, such as proposed by S. 1315 and similar House bills, marine mammals under scientific management would suffer a serious set back.

In essence, the issue is whether natural resources will be protected, managed and used on a scientific basis or whether they are to be regarded as something apart from and unaffected by man.

As has been amply demonstrated by the successful management and restoration of other wildlife resources, the latter course is unacceptable. Decisions regarding the well-being of any wildlife resource must be based on fact, not on emotion.

The following national conservation organizations respectfully request that you support programs to improve domestic and international management of marine mammals. Further, we urge the Administration to oppose S. 1315 and similar House bills as being a negative response to a resource management responsibility that should be accepted by the Federal and State Governments.

Sincerely,

American Forestry Association, William E. Towell, Executive Vice President; Citizens Committee on Natural Resources, Spencer M. Smith, Secretary; International Association of Game, Fish and Conservation Commissioners, Chester F. Phelps, President.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director; National Audubon Society, Charles H. Callison, Executive Vice President; National Rifle Association of America, Maxwell E. Rich, Executive Vice President.

North American Wildlife Foundation, C. R. Gutermuth, Secretary; Sport Fishing Institute, Richard H. Stroud, Executive Vice President; The Wildlife Society, Fred G. Evenden, Executive Director.

Trout Unlimited, Ray A. Kotrla, Washington Representative; Wildlife Management Institute, Daniel A. Poole, President; World Wildlife Fund, Ira N. Gabrielson, President.

OUR ENVIRONMENT—THE HUNTERS

(By Stewart Udall and Jeff Stansbury)

SEPTEMBER 8, 1971.

The Wildlife Management Institute (WMI) is guilty of some crude distortions in its campaign to quash the Harris-Pryor ocean mammals protection bill—a bill offering our only hope to save the polar bear and endangered species of whales, seals, sea lions, manatees and walruses.

In its latest bulletin, the WMI alleges that "conservationists" strongly oppose the Harris-Pryor bill "because it would prevent scientific management and make certain marine mammals subject to indiscriminate slaughter." This statement is utterly misleading.

First, the few "conservationists" who oppose Harris-Pryor are members of a Washington, D.C., hunting lobby which does not adequately represent most sportsmen in this country. The bill would prohibit the killing of any ocean mammals by U.S. citizens or in U.S. waters—and the WMI absurdly views this as the first shot in a war against hunters. Meanwhile, many environmental groups led by Friends of the Earth vigorously support the Harris-Pryor legislation.

Second, "scientific management" is the WMI's code-word for a license to go on killing species whose very future is at stake. There is no ecological basis for the assertion that the commercial culling of ocean mammal stocks is the best way either to protect them or to learn about them.

Third, it is deceitful to say that Harris-Pryor would subject certain marine mammals to "indiscriminate slaughter." The bill would immediately *halt* the killing of all such species in U.S. waters—and it would call upon the State Department to negotiate a worldwide moratorium.

But it is on the test of predation that some hunters—especially U.S. hunters—fail. What is this test? Simply that there must be a rough symmetry between the skills of the predator and the skills of the prey. Over evolutionary time, both the hunter and his victim unwittingly refine each other's weapons so that the contest becomes more nearly equal. And one way this is accomplished is through the predator's selectivity: by disproportionately culling the sick, aged and deformed, he enhances the genetic vigor of his prey.

The gun-toting trophy-hunter is something else. Armed to the teeth, wrapped in weather-defying nylon and perhaps carted to his target in a snowmobile or jeep, he makes a mockery of predation. Only his *lack* of stamina and skill serves any evolutionary purpose.

Three years ago the junior author of this column interviewed Dr. Lee Talbot, then of the Smithsonian Institution and now staff ecologist for the Council on Environmental Quality. The interview was germane to this discussion.

While predators cannot subsist only on aged or sick prey, Dr. Talbot said, "they do, in the process, remove any animal that is substandard. They are beautifully adapted to do this—something we found in East Africa. An antelope, say, that is behaving slightly different from the herd—right off the lion will charge straight through the herd to get at him. Obviously it's a knack the predators have picked up to survive, but it also assures that the least survival-worthy antelope will be removed and the breeding stock, to that degree, will remain strong."

All of which is a far, far cry from the nimrod who helped wipe out the passenger pigeon or who always sets his sights on the finest head or the stoutest heart in the herd.

The WMI bulletin's choice of words is peculiarly haunting, for what the WMI apparently seeks is the *discriminate* slaughter of ocean mammals. Such a policy, no matter how glibly couched in scientific gobbledygook, is a policy of extinction.

SEPTEMBER 9, 1971.

MR. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEW: A copy of the Udall-Stansbury column for September 8—The Hunters—has been called to my attention.

Unfortunately, much of what it conveys distorts both the Institute's position and the facts at hand. Its net effect, in my view, is

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to waste an opportunity to help unite public opinion behind an appropriate marine mammal program.

The enclosed copies of the letters to the President and all Members of Congress will give you the names of the "few" conservationists and "members of the Washington, D.C. hunting lobby" who share the view that the Harris-Pryor approach holds more harm than good for marine mammals. Please note, too, that the organizations go strongly on record in support of a greatly strengthened program for the animals. These letters were inserted in the Congressional Record and have been a matter of public information for many weeks.

I am also enclosing a copy of the Institute's testimony prepared for submission to the House subcommittee. It calls for a strong and effective marine mammals program—one based on knowledge rather than emotion. When all the testimony is in, I believe that you will find similar recommendations have been made by the several national organizations who actually have trained and experienced biologists on their staffs.

Sincerely,

DANIEL A. POOLE,
President.

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., August 4, 1971.

DANIEL A. POOLE,
President, Wildlife Management Institute, Washington, D.C.

DEAR MR. POOLE: The President has requested that I express his appreciation for the letter which you and your fellow representatives of national conservation organizations have addressed to him regarding Senate Bill S. 1315. Because of my responsibilities in connection with this subject, he has also requested that I respond to the specific matters which you have raised.

I agree wholeheartedly with the points that you have made in your letter. In my opinion, some of the actions called for by S. 1315 could threaten the future status of the Pribilof seals and could adversely affect the United States' position of leadership in conservation matters. As an ecologist, I am particularly concerned over the principle of substituting protection for scientific management. Scientific management of a species may require protection at some time as one of its methods, but it also must rely on various other types of actions. The United States has led the world in the development of scientific wildlife management techniques. To me, it would be highly unfortunate if we should take action which would renounce these principles. Further, the history of conservation practices of the Pribilof sealing appears to be a good one. It is an outstanding—perhaps the outstanding—example of an international agreement which has managed a wildlife population effectively. There appear to be good diplomatic reasons why such a convention should not be renounced in the manner which would be accomplished by S. 1315, but perhaps more important from the standpoint of conservation of seals, it would appear that the unilateral renunciation of that convention could result in the loss of the effective management and protection which now exists. The net result could be highly detrimental to the survival of this species.

From these remarks I hope that my position relative to this legislation is clear. However, in spite of the similar views held and expressed by some members of Congress and by a number of other conservation organizations and citizens, the specter of baby seals being killed on the snow appears to have developed a very strong public support for S. 1315, or something like it. In a sense this is ironic since it is not the policy for baby seals to be killed in the Pribilofs. The killing pictured in most of the propaganda which I have seen is done in Canada, and the U.S. legislation would not affect this directly.

However, regardless of the scientific aspect of the situation, there does appear to be remarkably strong support for some bill increasing protection of the seals and other marine mammals. Therefore, we are now reviewing the situation to see whether or not it would be desirable to develop some mechanism for improving the scientifically based management of marine mammals in general—but which would not involve the adverse effects which you have rightly cited. I would value your views and advice on this matter.

The Administration has made a very positive move in the direction of scientific management in the case of whales. As you know, the International Whaling Commission held its annual meeting in the United States last month. At the end of this calendar year, America will cease to be active in any commercial aspect of whaling, since we have listed all of the larger whales as species whose continued exploitation can seriously endanger their survival. However, at the Whaling Commission meeting, the United States position was that whales, like many other forms of wildlife, represent both a potential commercial harvest and a significant component of the ecosystem. Their continued survival in adequate numbers can be significant to the health of the marine environment, as well as to the whaling industry. Consequently, even though the United States will no longer be involved commercially after this year, we will maintain a strong and active interest in whales from the standpoint of maintenance of their role in the marine environment. The United States also offered a contribution to help initiate the long overdue international observer's scheme (to provide for international supervision of the whaling activities) and it was agreed that this scheme would be put into operation this year.

This Administration is committed to the management and restoration of wildlife resources based on scientific knowledge and principles. The contributions in this field made by your group and by other citizen groups and professional organizations has been truly impressive, and over the years these contributions have been instrumental in helping to establish America's international leadership in conservation and management of wildlife resources. Your contributions to these activities in the past and the views which you have expressed in your letter are greatly appreciated. I can assure you that your views will be fully taken into account in any response of the Administration to S. 1315 and similar bills.

With all best wishes,

Sincerely yours,

LEE M. TALBOT,
Senior Scientist.

MARINE MAMMALS HEARINGS, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, SEPTEMBER 9, 13, 17, 23, 1971

Dr. G. Carleton Ray, Program Director, Marine Mammal Council, on subject of legislative moratorium on taking (page 401):

"The marine mammals are the Cetacea (whales, dolphins, and porpoises), the Pinnipedia (seals, sea lions, and walruses), the Sirenia (dugongs and manatees), the sea otter (a member of the weasel family, Mustelidae), and the polar bear (which is considered a marine mammal only because of its sea-ice habitat, not because of any anatomical adaptation to live in the sea). This is a diverse group, for which no sweeping statements can be made in terms of abundance, habits, or conservation. Together, they represent perhaps the least-known of the large mammals. As they represent several hundred thousand tons annual production, they assume vital resource importance. It is not true that most are in danger of extinction; two marine mammals have become extinct at the hand of man, some are now seriously depleted, and some are in good condition. Many are already protected by international treaty, to the limits of the power of international law. Notably excepted are the small Cetacea. One, the fur seal of the North Pacific, is being managed in exemplary fashion; in fact, the treaty covering the fur seal represents exactly what is needed in international law of the high seas, namely, limitation of entry into a "fishery." *A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."*

A CORRECTION

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, on May 23 of this year, in discussing the purchase by the District of Columbia Redevelopment Land Agency of a parcel of land on which is situated the business known as the Wax Museum, I incorrectly stated that Mr. Norman Bernstein was the owner of the museum as well as the property.

I have been notified of this error by Mr. Frank L. Dennis, who identifies himself as president of the Wax Museum and who states that the museum was a tenant of Mr. Bernstein. It was, therefore, Mr. Bernstein who realized a 212-percent profit in the sale of this property and not the Wax Museum.

WAR POWERS LEGISLATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. GREEN of Oregon. Mr. Speaker, on April 25, with the cosponsorship of my distinguished Republican colleague and fellow Oregonian, WENDELL WYATT, I introduced a war powers bill which is identical in all important respects to one I introduced back in October of 1969, in the 91st Congress.

This bill, H.R. 14592, looks to the post-Vietnam war era and establishes safeguards to prevent this Nation from ever again sliding imperceptibly into a full-fledged war as we never intended to, but did, in Vietnam. It is carefully balanced to prevent unwarranted encroachment either by the Congress on the powers of the President or the reverse in their mutually heavy responsibilities and decisions affecting war or peace. While it does not outlaw war, it provides a mechanism to keep us alert and conscious of the sobering possibilities in any situation involving the use of U.S. Armed Forces in potential combat areas.

I am pleased to announce the reintroduction of this bill today with additional cosponsors including the following: Mr. ALEXANDER, Mr. CAREY, Mr. DENT, Mr. DOWNING, Mr. GAYDOS, Mr. GIAIMO, Mr. GIBBONS, Mr. LEGGETT, Mr. MAZZOLI, Mr. MOLLOHAN, and Mr. PIKE.

RT. REV. JOHN E. HINES, THE PRESIDING BISHOP OF THE EPISCOPAL CHURCH, DELIVERS DEDICATION SERMON

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on May 25, 1972, in a unique service of dedication, St. Paul's Episcopal Church, in Syracuse, N.Y., was "set apart" to be the cathedral for the Episcopal Diocese of Central New York.

The presiding bishop of the Episcopal Church, the Right Reverend John E. Hines, delivered the sermon, in which he pointed out that—

Rather than a dedication of a Cathedral, this was a rededication of people. This Cathedral is a focus of unity and meaning in the Diocese—it is not simply a local possession. It belongs to the community in the heart of the City and is surrounded by people who belong to it. Its purpose is not to stand apart from pain or joy but to share in those problems which work its progress toward the realization of its destiny.

Noting the beginning of a new era by this "set apart," Bishop Hines stated he would be pleased "if Christian social concern should motivate and charge every person touched by the cathedral. I will be grateful if the whole city encountered the Lord here and be driven downward on their knees in penitence and upward ambition."

St. Paul's Episcopal Church in Syracuse dates back to 1826; the present towering gothic structure to 1885.

The Right Reverend Ned Cole, Episcopal Bishop of Syracuse, will enjoy the "privilege of the pulpit" at St. Paul's Cathedral four times per year in keeping with Episcopal custom. The former rector of St. Paul's, Harold Hutton, now has assumed responsibilities as dean of the cathedral.

I commend to your attention, Mr. Speaker, and to the attention of the U.S. Congress the hard working spirit and dedication of the clergy and people of the Episcopal Diocese of Syracuse, so successfully and spiritually symbolized in the "setting apart" of St. Paul's Cathedral.

I also commend the full text of Bishop Hines' address to my colleagues:

TEXT OF BISHOP HINES' ADDRESS

On one occasion, speaking to the role of the Church in an era of change, Abbé Godin said:

"The task is not to renew preaching methods, nor to restore liturgical forms, but to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

We are gathered together this evening to set apart this Church edifice as the Cathedral of St. Paul's, in the City of Syracuse, in the Diocese of Central New York. In so doing we may, perhaps, also underscore the essence, if not the substance, of Abbé Godin's observation!

This Cathedral is a Christian edifice—to be sure.

It is committed to, and rises out of, the Judeo-Christian tradition which, for Christians, is incarnate in the life, death, and resurrection of Jesus Christ!

But—even though it is a focus of unity and meaning for this diocese—it is not simply a "local possession"—this Cathedral—of a few people—operating in a narrow ideological framework! It belongs to the community! It is placed—symbolically enough—right in the heart of a vital community—a city—and—the diocese, and it is surrounded by people who belong to this Church—who belong to this City—and who belong to the human race! And its purpose is not to stand apart from the pain and joy—the problems and privileges—of a vital community—but, rather, to share in those problems which mark the progress of a diocese towards the realization of its destiny.

Some of you may have been in the memorial chapel—cut into the wall of the great castle which broods over the city of Edinburgh. If so—you may recall this observation: (inscribed on the wall in tribute to the Scots who died in World War I).

"The whole world is the tomb of heroic men; and their story is graven not only on stone, over their clay—but abides everywhere—without visible symbol—woven into the very stuff of other men's lives."

A ministry can be "woven into the stuff of other men's lives" only inasmuch as it champions the freedom through which people can be liberated from the chains of their partisanship:

From the rigidities of their sectarianism,
From the bond of their prejudices,
From the fetters of their ignorance,
From the myopia of their parochialism.

In candor, it must be said that the Church has not always lived up to the "high expectations" of her Lord—and the catholicity of her concerns too often has been less than ideal—if not, on occasion, a scandal. Some dark pages of history have been written because of the Church's apostasy—because of her reluctance to obey the movement of the Spirit—because of her "self-serving"—and her arrogance!

Two or three years ago, when I had an opportunity to visit with Col. Frank Borman (a communicant and Lay Reader in this Church) after the historic Lunar Flight of Apollo VIII, I asked him what had impressed him most. He replied: "Two things: when we were on the dark side of the moon—for the final orbit—not knowing whether our propulsion engines would fire—and start us home—the sense of aloneness—and isolation was almost unbearable!"

And, (later) "When I had the privilege of describing to the College of Cardinals the flight—in the identical room in which their predecessors—four hundred years before—had condemned Galileo as a heretic for theories that made the flight possible!"

"Those," he said, "were moments I shall never forget!"

The ministry of this Cathedral—of any Cathedral—is to know that even a structure of beauty and powerful symbolism, such as this, cannot domesticate a God Who says:

"My ways are not your ways—nor my thoughts your thoughts."

But, rather, must offer itself as a place where the whole community can engage in dialogue upon the central issues which make the difference between light and darkness, freedom and bondage, life and death. In offering itself in this manner it does not abandon its own commitments in faith—but neither does it require that people coming within these portals should abandon their own convictions!

For Christians—honest pursuit of truth (and this must not be separated from doing the truth) includes the willingness to hear the claims of others who do not represent our point of view—for

"The spirit bloweth where it listeth—and no man knows from whence it comes—or whither it goes,"

So mysterious—and compelling—are the ways of God in His ministry of Judgment, and love, and forgiveness—and renewal!

In a day of chaotic and rapid change—our responsibility is not to try to triumph over others, just because they disagree with us—but, to stand with them in openness and charity—trusting that God can lead us all—together—into a vital and creative fellowship, through which His will for mankind can better be done.

Ours is the terrifying honor of having been called by God as servants and fellow-heirs of the Lord Christ in the most unpredictable, exciting and frightening era in recorded history. How we discharge this grave responsibility is crucial—and may be decisive for our soul's destiny. It is precisely to such a situation that Abbé Godin spoke when, concerning the Church's role, he said:

"The task is not to renew preaching methods, nor to restore liturgical forms. But to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

But, let us be certain of one thing: a recasting of the message means relevant, reinterpretation of God's self-revelation—and not the substitution of something different. No matter how critical the contemporary situation, the Church must not dilute her God-revealed tradition—nor should she abdicate her appointed role. The Church must offer the Good News of God's costly involvement in human history for what it is: Judgment and Life, by forgiveness and grace for such as believe—and not as a means of conserving any vested interests or privileges of any institution or race or class.

Dr. John Whale reminds us that—by his own admission—the Duke of Wellington used to go to Church "to set a good example for the common people,"—a transparent case of "doing the right thing, for the wrong reason!" For when we manage to corrupt the "essential disinterestedness" of Christian worship, in order to preserve the status quo, or, to freeze the social order, or to avoid a "costly involvement" in the tragedy and misery of human life, we have produced something less than the Christian faith—something demonic and self-destroying. Let the Church forget this, and the historic judgment recorded over Sapphira in the Book of the Acts, will be pronounced upon us by a new generation: "Behold—the feet of the young men, which have buried thy husband, are at the door—*and shall carry thee out!*"

This Cathedral is the place of the Bishop's Cathedra—it symbolizes both the unifying influence of the Bishop's office and the Bishop's role of pastoral and prophetic leadership. Actually, it is the Bishop's responsibility to help widen the horizons of his people, and to keep the Church "family" engaged "on the firing line" of the battle of the world's most desperate needs.

It will not take a Bishop long to discover that many of the congregations, committed to his charge, are "like children"—occasionally are even childish!

Like children, they will prove to have short memories, forgetting that they are not their own, but have been bought with a price.

Like children, they will be inclined to view their relatives as nuisances, unless they happen to be wealthy relatives from whom generous gifts can come.

Like children, they will be possessed of the aggravating tensions between their own immediate wants, and the universal needs of mankind, that stand in judgment over them—even if separated by half a globe from them.

Like children, their understanding is too frequently localized within the confines of their own little world, in which they play the "major role" according to their whims and fantasies.

Everybody knows that it often takes a shattering "conversion" of family experience to keep a child from being utterly destroyed by the poisons with which his natural ego

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feeds him. Whatever a father in a Christian family is responsible for, he is responsible, under God, for such a transformation of his own children.

To carry out the analogy—without trespassing upon their freedom—so must a Bishop discharge this responsibility with his "family in God." For—many times—they are "as sheep without a shepherd." And you, Ned Cole, have been chosen as the representative of "the Great Shepherd" Whose Spirit is a maturing power and Whose service is perfect freedom!

When a Bishop can learn to walk, and stand, amidst the members of his "family in God" in love and patience—in courage and hope—exercising discipline with tact and forbearance, always remembering whose servant he, the bishop is! And that he, himself, is a weak, sinful man, in need—sometimes desperate need—of God's forgiveness and grace, then the Church can be the Church! His Cathedral can be the legitimate symbol of the Church. And durable things will be done in the name of Christ and for His People!

Many of us of the older generation can recall with thanksgiving the ministry of Dr. Harry Emerson Fosdick. The Riverside Church in New York City is a monument to the power of it! Dr. Fosdick admits in his autobiography that he had many an anxious moment wondering whether or not the new Church would be a great tragedy! So, while still in the Park Avenue edifice, he preached a sermon on this topic and this is a part of what he said:

"You know it could be wicked for us to have that new Church—wicked! Whether it is going to be wicked or not, depends upon what we do with it! Very frequently in these days people come to me and say: "The new Church will be wonderful!' My friends, it is not yet settled whether or not the new Church will be wonderful! If we should gather a selfish company there, though the walls bulge every Sunday with the congregations, that would not be wonderful! If we formed there a religious club, greatly enjoying themselves, and though we trebled in numbers the first year, that would not be wonderful!

"But, if all over the world, at home and abroad, wherever the Kingdom of God is hard beset, the support of this Church should be felt, and like an incoming tide, many an estuary should feel its contribution flowing in, that would be wonderful! If young men and young women coming to that Church should have Isaiah's experience, seeing the Lord high and lifted up, and if they, too, should discover their divine vocation, answering, "Here am I, send me!"—that would be wonderful! If wherever soldiers of the common good are fighting for a more decent international life, and a juster industry, they should feel behind them the support of this Church which, though associated in the public thought with prosperity and power, has kept its conviction clear that a major part of Christianity is the application of Jesus to the social life, and that no industrial or international question is ever settled until it is settled Christianly, that would be wonderful!

If in this city, this glorious, wretched city, where so many live in houses that human beings ought not to live in, and children play where children ought not to have to play, if we could lift some burdens and lighten some dark spots, and help to solve some of our community's problems, that would be wonderful!

"If, in the new temple we simply sit together in 'heavenly places,' that will not be wonderful! But, if we also work together in 'un-heavenly places,' that will be!" And it was to such an ideal and such a realistic hope that the ministry in Riverside Church was dedicated and few are the people, today, who do not know its glory!

Beginning a new era—in the life of this Diocese—by setting apart St. Paul's Cathedral—as you are doing—I would be pleased indeed if powerful Christian "Social Concern" should motivate and highly charge every person touched by this Cathedral. But—I would be more profoundly grateful—and this whole city would be enriched—if we could be certain that men and women, entering this lovely impressive building, would see the Lord—high and lifted up—and, through a penetrating understanding of his mission of judgment and forgiveness and reconciliation upon this earth be driven downward to their knees in penitence, and then, outward into the world in vocation and mission.

Then, it would be that—instead of a Cathedral being dedicated a people would be re-dedicated. And, there would be joy—in heaven.

To this so great a hope, and so powerful an expectation, may this cathedral be offered Today and forever.

FRANCIS E. HORRIGAN, PASTOR OF ST. JAMES CHURCH IN SYRACUSE, N.Y., CELEBRATING 50 YEARS OF DEDICATED SERVICE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this weekend, one of the kindest and most respected gentlemen it has been my pleasure to know, will be honored on the golden anniversary of his ordination to the priesthood. Mr. Francis E. Horrigan, pastor of St. James Church in Syracuse, N.Y., is celebrating 50 years of dedicated service to God and church. For nearly three decades, Monsignor Horrigan has guided the destiny of St. James Parish. He has presided over a growth pattern that has included the construction of a new church, a new rectory, and a new grammar school. But more importantly, Monsignor Horrigan has made St. James a vital force in the community affairs of Syracuse.

A few years ago, when the new wave of ecumenism was sweeping the world, Monsignor Horrigan was in the forefront of the effort to heal old wounds, and to bind up new allegiances. His warm, soft spoken manner, his gentle understanding, and his genuine love of people earned him the undying respect of everyone who knew him.

Monsignor Horrigan has been a familiar figure in the valley since his appointment as pastor of St. James back on November 14, 1944. I say in the valley rather than just in St. James, because, in fact, Mosignor Horrigan's flock includes thousands who are not even members of his church. Over the years he has provided counsel and advice to everyone who sought him out, regardless of their religious preferences.

As Monsignor Horrigan enters his 51st year in the priesthood, Mr. Speaker, I know that you and I and the other Members of the House of Representatives will want to join his parishioners, his legion of friends, and his beloved sister, Jule, in wishing him many more years of good health, good fortune, and the choicest of God's blessings.

SMITHSONIAN'S "DRUGS: A SPECIAL EXHIBITION"

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the Smithsonian Institution is presenting an exhibition on a subject of the gravest public concern, the use and misuse of drugs. I think it is important that the Smithsonian, whose museums are visited by more than 13 million people each year, has brought its resources of knowledge in museum technique to bear on an important, but controversial subject. The exhibit places the use and misuse of drugs in a historical context. Its message to the visitor is that drugs are not a new problem, that they have brought benefits as well as harm to almost every human culture, and that drug misuse exists not only in our inner-city ghettos, but pervades every sector of our society. I believe that this exhibition sets in a helpful perspective the issues surrounding drugs, and I was pleased to note an editorial praising the exhibit in the Evening Star of May 31. I include this editorial at this point for the information of my colleagues:

DRUG SHOW

The Smithsonian Institution, in its Arts and Industries Building, has recently opened "Drugs: A Special Exhibition."

The subtitle is entirely merited. The drug show is a very special exhibition indeed. The subject is another instance of a museum addressing itself to a problem of contemporary concern and bringing to the problem an unusual and very formidable array of resources to inform and to stimulate thought.

Beyond the subject, the exhibition's attitude is a relief from the panic or horror that often permeates discussions of drugs. Instead, history and present day facts are presented in very imaginative ways. The field of drugs is shown as including coffee, alcohol, tobacco and patent medicines along with the opium derivatives.

Different voices from "talking heads" present varied attitudes toward the subject: an American Indian, a Southeast Asiatic, a young white American marijuana user, a worried American mother and a black former addict.

The exhibition offers the visitor an enormous amount of information on drugs and places them in a worldwide historical context rarely even thought of by many who discuss the subject most heatedly.

Part of the show is a "Rap Theater," in which visitors may engage in discussion with representatives of local organizations concerned with the problem.

The spectacular design of the exhibition is the work of the Research and Design Institute, a non-profit group in Providence, R.I. The design includes air-supported inflatable galleries in which, following the Washington showing through this year, the exhibition can be shown on such sites as super-market parking lots in a three-year national tour.

THE HONORABLE JOHN A. CARVER

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the Honorable John A. Carver, presently a member of the Federal Power Commission and formerly Assistant as well as Under Secretary of the Department of the Interior, will soon become a member of the staff of the University of Denver Law School.

Recently, I was privileged to be at a meeting of the alumni of the University of Denver Law School for which occasion Mr. Carver had prepared some very interesting remarks concerning his future career in the field of teaching and his present approach on philosophy to such responsibilities. I found his statement so interesting that I am sure that it will be of interest also to my colleagues:

The invitation for a newly appointed law professor to meet with the alumni of his new employer has to be recognized for what it is, a command performance. Your President, Dale Shaffer, said don't worry about preparation, just a few words off-the-cuff will suffice. He was right about the few words, but the off-the-cuff part was a figure of speech. One does not ramble before Wayne Aspinall, and preparation is the only known preventive measure for rambling.

I am struck by the repetitive career theme among Denver law alumni here today. At least three former Speakers of the Colorado House of Representatives; an equal number of former Assistant Interior Secretaries, not to mention multiples of former, present and future Denver University faculty members, members and staff of the Congress of the United States, independent regulatory agency members, and military officers.

I used to take pleasure in introducing Oscar Chapman as a former *Assistant* Secretary of the Interior, notwithstanding his service also as Under Secretary and Secretary. All of us ought to have the option of being identified either on our epitaphs or in our introductions with that part of our careers in which we experienced the most satisfaction—by calling attention to Oscar's thirteen years as Assistant Secretary, I simply express my own great joy in that job, now held by another Denver alumnus, H. Loesch.

I am already in the debt of Chris Munch. On my first visit to his office, I was fumbling at attempt to articulate the thoughts I had about how I might distil out of my experience in government—state and federal—and in the practice of law something that would be useful and beneficial as a course offering. He saw instantly what it was, and named the courses—the Law of the Private Use of Public Resources.

As some of you know, I have long been preoccupied with the relationship between the government as land proprietor and as sovereign with the entrepreneurial section where much or most of the land and its resources is in federal ownership.

That preoccupation has led me to the conclusion, among others, that the Western lawyer has the responsibility of understanding this process somewhat better, not simply to represent his clients better but to help halt the erosion of public confidence in government itself.

The proliferation of course offerings in "environmental law" at all of the law schools in the country, attracts students with the premise, explicit or implicit, that they are choosing a side, to right an imbalance between conservationist and aesthetic values on the one hand and pressures exerted by corporate interests seeking resource development on the other.

This is no bad thing by itself. Universities (and other institutions including perhaps the Congress) are chargeable with the quality of conceptions of those who exit, not those who enter.

It is to the quality of conception that I would like to address my efforts. Criticism of the reclamation program, of the Taylor Grazing Act, of the mining and leasing laws, indeed of our economic and political system generally, does not threaten the republic. But those who hold themselves out as learned men, as professional men, owe the public as well as themselves the duty not to be ignorant in their criticism.

Understanding of law demands an understanding of history, and of other disciplines as well. In the field of natural resources law, it is vital to know why the mining laws took their present shape; the policy choice which the country made for opening up the public lands; the abuses which were corrected by the Taylor Act.

I have perhaps the misguided idea that judging last year's lawmakers or administrators by this year's standards promotes mistrust in government. There is a kind of revisionism rampant today which gives special weight to criticisms of resource decisions leveled by those who originally made the criticized decisions. I would like to promote a discipline of student approach which would present past decisions in the light of contemporaneous values and knowledge, not those of some later date. The passage of time can prove us all wrong, but the passage of time alone should not cause our reputations to be besmirched.

This country opted for a Jeffersonian over a Hamiltonian philosophy for opening the Western lands—the part of today's morality which I criticize would make Jefferson a giveaway artist, responsible for many of our current ills.

Well, such is the flavor of my philosophy as I undertake to begin teaching at the University of Denver, College of Law. I am hopeful that the breadth of my experience in government will be magnet enough to bring students to hear me. At the end of the course, they may remain of the opinion, or be newly come to it, that in resource matters they should put their faith in the courts, or in fashioning administrative structures out of rediscovered old laws. I can respect such views. I do not even expect respect for my old-fashioned ideas about values other than the quality of the environment being at stake if we commit resource decisionmaking to an elite or to politically non-responsible institutions, in perference to elected representatives.

I expect, nevertheless, a net professional enhancement. I anticipate that I can gather together the readings in history, the statutes, the simulated case studies, and the insights of others to add to my own to give a unity to the subject of the law of private use of public resources. I am going to need a lot of help, and much of it must come from people in this room.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MARTIN (at the request of Mr. GERALD R. FORD), for June 8, on account of official business.

Mr. DENHOLM (at the request of Mr. MCFALL), for Wednesday. June 7, and Thursday, June 8, 1972, on account of official business.

Mr. CARNEY (at the request of Mr. MCFALL), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. SCHNEEBELI (at the request of Mr. GERALD R. FORD), for today, on account of a death in the family.

Mrs. GRIFFITHS (at the request of Mr. BOGGS), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. CHAPPELL (at the request of Mr. BOGGS), for the week of June 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 60 minutes, today; to revise and extend her remarks and include extraneous matter

Mr. WILLIAM D. FORD, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCOLLISTER) and to revise and extend their remarks and include extraneous matter:

Mr. FREY, for 5 minutes, today.

Mr. HORTON, for 60 minutes, on June 14.

Mr. DEVINE, for 60 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. WYMAN, for 10 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. HENDERSON, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. ULLMAN, for 10 minutes, today.

Mr. FLOOD, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 30 minutes, on June 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR, notwithstanding an estimated cost of $455, to extend his remarks in the RECORD today.

Mr. MAHON, his remarks made today.

Mr. PRICE of Illinois, to include extraneous matter in his remarks in Committee of the Whole today.

Mr. REID following Mr. Dow in connection with his amendment to H.R. 14990.

Mr. WILLIAM D. FORD, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $560.

Mrs. GREEN of Oregon, to include extraneous matter in connection with her special order notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $1,540.

(The following Members (at the request of Mr. MCCOLLISTER), and to include extraneous matter:)

Mr. STEELE in 10 instances.

Mr. DUNCAN.

Mr. SCHWENGEL in two instances.

XUM

Mr. BROOMFIELD.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mr. ERLENBORN.
Mr. HARVEY.
Mr. DERWINSKI in two instances.
Mr. VEYSEY in two instances.
Mr. ARENDS.
Mr. MIZELL in five instances.
Mr. SEBELIUS.
Mr. ASHBROOK in three instances.
Mr. ROBISON of New York.
Mr. BROTZMAN in two instances.
Mr. DELLENBACK.
Mr. DU PONT.
Mr. BROWN of Ohio.
Mr. HILLIS.
Mr. CONTE.
Mr. STEIGER of Wisconsin.
Mr. THONE.
Mr. KEMP.
Mr. SPENCE.
Mr. SMITH of New York.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. JAMES V. STANTON.
Mr. DINGELL.
Mr. CARNEY.
Mr. BEGICH in four instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in two instances.
Mr. ROGERS in five instances.
Mr. WOLFF in two instances.
Mr. MAHON.
Mr. BINGHAM in five instances.
Mr. BADILLO.
Mr. ANDERSON of California in two instances.
Mr. KASTENMEIER in five instances.
Mr. HÉBERT.
Mr. PATTEN.
Mr. FRASER.
Mr. DOWNING.
Mr. VANIK in two instances.
Mr. HUNGATE in two instances.
Mr. ROYBAL.
Mr. HAMILTON.
Mr. NIX.
Mr. CORMAN in five instances.
Mr. EVINS of Tennessee.
Mr. STOKES in two instances.
Mr. MCCORMACK.
Mr. PERKINS in two instances.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Secretary of Defense, transmitting notice that he has authorized deficiencies for the necessities of the current year in various appropriations to the Department of Defense, pursuant to 41 U.S.C. 11; to the Committee on Appropriations.

2068. A letter from the Secretary of Commerce, transmitting the 99th Quarterly Report on export control, covering the first quarter of 1972, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2069. A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2070. A letter from the Acting Administrator of General Services, transmitting prospectuses for the construction of Federal office buildings in various locations, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2071. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in May 1972, pursuant to the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 12602. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; with amendment (Rept. No. 92–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 839. Resolution to provide further funds for the expenses of the investigations and study authorized by House Resolution 21; with amendment (Rept. No. 92–1116). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 15359. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 15360. A bill to insure orderly congressional review of tax preferences and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15361. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15362. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 15363. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

By Mr. CARNEY:

H.R. 15364. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Education and Labor.

By Mr. CONTE:

H.R. 15365. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 15366. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 15367. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 15368. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. ALEXANDER, Mr. CAREY of New York, Mr. DENT, Mr. DOWNING, Mr. GAYDOS, Mr. GIAIMO, Mr. GIBBONS, Mr. LEGGETT, Mr. MAZZOLI, Mr. MOLLOHAN, and Mr. PIKE):

H.R. 15369. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 15370. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, to the Committee on Education and Labor.

H.R. 15371. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 15372. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Port Chester; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 15373. A bill to provide service credit for certain periods during which members of Reserve components are entitled to basic pay and allowances; to the Committee on Armed Services.

H.R. 15374. A bill to provide that certain group health benefits plans shall be considered approved plans for the purposes of chapter 89 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 15375. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 15376. A bill to amend the Service Contract Act of 1965 to revise the methods of computing wage rates under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 15377. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 15378. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who rent their principal residences; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 15379. A bill to prohibit the use of certain small vessels in U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

H.R. 15380. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes; to the Committee on Science and Astronautics.

By Mr. DU PONT:

H.R. 15381. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware; to the Committee on Public Works.

By Mr. ESCH:

H.R. 15382. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. FRENZEL, Mr. MCKINNEY, and Mr. MOSHER):

H.R. 15383. A bill to provide for an end to the U.S. involvement in hostilities in and over Indochina, to secure the withdrawal of all U.S. forces therefrom, and to express the sense of the Congress for a cease-fire and an arms embargo therein; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 15384. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 15385. A bill to amend the Rural Electrification Act to provide that telephone excise taxes imposed on rural telephone service shall be used for purposes of the rural telephone loan program; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 15386. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Wabash Valley Basin environmental conservation program; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 15387. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN:

H.R. 15388. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.J. Res. 1217. Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector; to the Committee on Appropriations.

By Mr. BINGHAM:

H.J. Res. 1218. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.J. Res. 1219. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 1220. Joint resolution proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a U.S. citizen for at least 12 years and a resident within the United States for 14 years; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1221. Joint resolution to protect the bill of rights for middle-class housing residents; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHALLEY introduced a House concurrent resolution (H. Con. Res. 628) expressing the Nation's gratitude and appreciation to Dr. Wernher von Braun on the occasion of his retirement from the National Aeronautics and Space Administration, which was referred to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII,

247. The SPEAKER presented a petition of Richard Richeson, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, June 7, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose will is the destiny of men and nations, draw the people of this land together in a new comradeship of purpose to fulfill the vision of our fathers. Enable us to provide not only work and homes and food but a life where true religion and education flourish, where art and music come to full expression. Expel all that corrupts or defiles the divine image in men, that the more perfect order may come in a land of freedom and faith. May the President, the Congress, all holders of public trust, and all the people be joined in common dedication to serve the higher way of righteousness and justice, that Thy kingdom may come and Thy will be done on earth.

And to Thee shall be all glory and praise. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today. Under the unanimous-consent agreement, the following business will be transacted, as in legislative session.

Before the Chair's distinguished colleague from Montana is recognized, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 6, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 799.

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUITABILITY OF INDIAN PEAKS AREA FOR INCLUSION IN WILDERNESS PRESERVATION SYSTEM

The Senate proceeded to consider the bill (S. 1198) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, strike out "That (a) the Secretary of Agriculture in administering the provisions of subsection (b) of section 3 of the Wilderness Act" and insert "That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies"; on page 2, after line 16, insert:

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

And, at the beginning of line 24, strike out "(b)" and insert "(c)"; so as to make the bill read:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-five thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the Indian Peaks Area, and shall report his findings to the President on or before the expiration of the two-year period following the date of the enactment of this Act. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness", together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

(c) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act,

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

Mr. ALLOTT. Mr. President, I support S. 1198, a bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

I introduced S. 1198 with the cosponsorship of my colleague from Colorado (Mr. DOMINICK) on March 11, 1971. An identical measure (H.R. 5932) was introduced in the House of Representatives on that same day by Mr. BROTZMAN with the cosponsorship of Mr. MCKEVITT.

As amended, the bill would authorize and direct the Secretary of Agriculture to conduct a study of the Indian Peaks Area in Colorado under the same procedure as is outlined in the Wilderness Act for existing primitive areas, and to report his recommendations within 2 years after the enactment of the act. The need for such legislation is due to the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as primitive on the date of its enactment.

It is expected that the study will not only reveal the necessary information for the Secretary to recommend appropriate boundaries for the area, but also to determine the number and location of access points. Because the Indian Peaks Area is quite close to Metropolitan Denver, having a population in excess of 1 million, it may be appropriate to devise a special management plan to protect the wilderness values from general overuse, heavy localized user traffic, and sanitation problems, since the area is a part of the watershed supplying municipal water to communities along the Front Range.

The area is truly beautiful and derives its name from many mountain peaks named for various Indian tribes. It is worthy of serious consideration as a part of the wilderness system. Support for this legislation in Colorado has been enormous. I have received hundreds of expressions of support, both written and oral. In addition, the Colorado Legislature has memorialized Congress urging the enactment of this bill.

The Committee on Interior and Insular Affairs, after adopting some minor clarifying amendments, unanimously ordered the bill (S. 1198) reported, and I urge the Senate to pass the measure, as amended, today.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–833), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The legislation would authorize and direct the Secretary of Agriculture to conduct and complete a study of the "Indian Peaks" area to determine its suitability or nonsuitability for preservation as wilderness. The Indian Peaks area is 30 to 40 miles west of the Denver metropolitan area, and straddles the Continental Divide. It is located partially in Arapaho National Forest and, partially in Roosevelt National Forest in the State of Colorado. The area contains approximately 75,000 acres, and borders Rocky Mountain National Park on the South.

DESCRIPTION OF THE AREA

The Rocky Mountain National Park in Colorado is known for its rich natural scenic values. Its Trail Ridge Road near Estes Park has afforded millions, over the years, with their first breathtaking exposure to the inspiring majesty of the Continental Divide and the Rocky Mountains.

Within the panorama which unfolds before the visitor to the Rocky Mountain National Park, lies an area to the South of the Park, transversing the Continental Divide, which has come to be known as the Indian Peaks area:

The Denver Post on December 22, 1970 said of this area:

"Once proposed as part of Rocky Mountain Park and managed as a virtual wilderness area by the Forest Service, Indian Peaks is in sharp contrast to the sprawling high tundra prominent in the park. Access is by horseback or on foot. The Forest Service prohibits vehicles.

"Its ragged peaks, sheer walls rising above forests that have not been logged—bear proud names: Arapaho, Navajo, Apache, Paiute, Kiowa, Arikaree, Ogallalla, Pawnee, Shoshoni. Many of these are over 13,000 feet high."

A general description of the area as prepared by the Wilderness Workshop of the Colorado Open Space Council follows:

Maps: USGS Topographic 7.5 minute series: Aliens Park, 1957; Ward, 1957; East Portal, 1958; Monarch Lake, 1958; Isolation Peak, 1958; Shadow Mountain, 1958. Commencing at the SE corner of Rocky Mountain National Park; thence generally S through peak 10,810 to a point ¼ mile N of the jeep road in the valley of the Middle St. Vrain Creek; then W parallel to and ¼ mile N of said road to a point N of the end of said road; then S across Middle St. Vrain Creek to a point ¼ mile S of the same jeep road; then generally SE parallel to and ¼ mile from said road to a point on the trail leading from the road to Coney Creek; thence generally S parallel to and including the Buchanan Pass Trail to the intersection of said trail and the Blue Lake Trail; thence SW to a point ⅛ mile downstream from the NE end of Long Lake; thence S to the crest of Niwot Ridge; thence W along the ridge to the boundary of the Boulder City Watershed; thence following the N,W, and S boundaries of said watershed to a point on the line between sections 28 and 29, T1N, R73W; thence SE to peak 10,616; thence S to peak 10,485; thence W through peak 12,081 and point 11,958 to point 11,156; thence S to a point ¼ mile S of the North Fork of Middle Boulder Creek; then SE parallel to and ¼ mile from said creek to a point due N of Chittenden Mt.; thence S through Chittenden Mt. to a point ¼ mile S of the South Fork of Middle Boulder Creek; thence W parallel to and ¼ mile from said creek and continuing in this general direction to the Continental Divide at a point ¼ mile N of Rollins Pass; thence W to the boundary of the private property in section 30, T1S, R74W; thence N along said boundary to the NE corner of the property in section 18, T1S, R74W; thence NW to peak 11,145; thence NNW down the ridge to Cabin Creek; thence NE up the ridge to peak 11,725; thence generally N through peaks 11,801 and 11,831 to peak 11,722 on the ridge which divides Meadow Creek and Arapaho Creek; thence NW along the ridge through peaks 11,281 and 10,925 to peak 9,810; thence N along Mill Creek to Arapaho Creek and continuing to its intersection with Buchanan Creek; thence due N to the 9,400 foot contour; thence generally NW to the intersection of Roaring Fork and the 9,200 foot contour; thence due W to the Shadow Mountain National Recreation Area boundary; thence W and N following said boundary to its intersection with the S boundary of Rocky Mountain National Park; thence E along the above boundary to the point of beginning.

DISCUSSION

The legislation, as amended, would require the Secretary to review the area and report his finding as to the area's suitability for preservation as wilderness to the President within 2 years after the enactment of the act.

The study is to be accomplished in accordance with the procedures established in the Wilderness Act (Public Law 88–577, 78 Stat. 890) and therefore, the area should receive the protection presently afforded to "primitive" areas during the study period. The committee adopted an amendment to ensure that such protection is granted to the area.

It is anticipated that the study will not only reveal information necessary to determine the area's suitability as a wilderness area, and to properly designate its boundaries, but, also, to determine the number and location of the access points. Because the Indian Peaks area is quite close to the metropolitan Denver-Boulder area, having a population in excess of one million, it may be that a special management plan will be found to be appropriate. Consideration should be given to such problems as general overuse, heavy localized user traffic, sanitation and other dangers inherent in the fact that part of the area is the watershed for municipal water supplies.

In carrying out the study to be authorized by this legislation, the Secretary is expected to include in his recommendation only areas which meet the definition of wilderness as defined in subsection 2(c) of the Wilderness Act and hereinafter quoted:

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Furthermore, the Secretary is expected to fully consider and apply the provisions of subsection 4(c) of the Wilderness Act quoted below:

PROHIBITION OF CERTAIN USES

"(c) Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

NEED FOR LEGISLATION

The need for such legislation stems from the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as "primitive" as of the date of enactment. When Congress enacted the Wilderness Act, it adopted a new policy with respect to areas designated as "wilderness," "primitive," "wild," and "canoe," as well as certain roadless areas under the jurisdiction of the Secretary of the Interior. All such areas were ultimately to be incorporated into one system—the Wilderness Preservation System. Additions to the System were to be incorporated only after the provisions of the Wilderness Act were fulfilled, which includes an act of Congress for final designation as "wilderness." Of course, Congress, under its plenary powers relating to the territory or other property belonging to the United States, could act directly to create "wilderness areas" on Federal lands, but by following the procedure provided by this legislation and the basic Wilderness Act, Congress will have the benefit of a full wilderness study before acting.

Further, by following the full wilderness review procedure as prescribed by this legislation, the objections, to the effect that a study had not been conducted, previously voiced by the Forest Service in connection with other wilderness legislation (such as S. 493, to add the Minam River Canyon area to the Eagle Cap Wilderness) are fully met.

HEARINGS

The bill (S. 1198) was introduced by Senators Allott and Dominick on March 11, 1971, and hearings were held by the Senate Subcommittee on Public Lands on May 5, 1972. Several witnesses were heard and about 200 communications were received. All were favorable.

RESOLUTIONS

The Forty-eighth General Assembly of the State of Colorado adopted House Joint Memorial No. 1002, memorializing Congress to "• • • enact the necessary legislation directing the Secretary of Agriculture to study the Indian Peaks Area of Colorado for its wilderness values and make recommendations to Congress concerning its inclusion in the National Wilderness Preservation System • • • "

Resolutions of support were also received from the City Council of the city of Longmont, Colo., the Board of County Commissioners of Boulder County, Colo., and the City Council of the City of Boulder, Colo.

COMMITTEE AMENDMENTS

The committee adopted three amendments which are discussed below.

The Department of Agriculture recommended a clarifying amendment with respect to complying with the review and hearing procedure set forth in subsection 3(d) of the Wilderness Act. Since it is the intent of the bill that the full review procedure as set forth in the Wilderness Act be followed, the committee adopted the amendment for purposes of clarification. The amendment is as follows:

On page 1, lines 3 and 4 and the word "act" on line 5 were stricken and the following was inserted in lieu thereof:

"That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies."

The Department of the Interior, in its report, recommended an extension of time for the completion of the mineral survey, and the Department of Agriculture recommended deletion of the language requiring completion of the study within 18 months after enactment, which would have rendered the prescribed study period as an indefinite period. The committee felt that it was in the best interests of the area, the wilderness program, all interested parties, and the Nation, generally, to prescribe a reasonable study period and agreed to an amendment to set the reporting date at 2 years after enactment. The amendment is as follows:

On page 2, line 4, strike out the words "eighteen-months" and insert in lieu thereof the words "two years".

It was the intent of the author of S. 1198 (Senator Allott) that the Indian Peaks area would be managed as "wilderness" during the study period, and of course, that such protection would continue for areas recommended for inclusion in the wilderness preservation system until its permanent status was determined by an act of Congress. However, by adopting the amendment recommended by the Department of Agriculture discussed earlier, some doubt was raised. The committee adopted a clarifying amendment which would insure wilderness management during the study, and provide for a continuation of such management for such lands as are recommended for inclusions in the wilderness system, for a period of 3 years after the submittal of the Secretary's recommendations.

The amendment will also assure the final disposition of the wilderness status of all of the lands within the area by the end of 5 years after enactment. Federal lands determined to be not suitable for wilderness classification will be returned to general multiple-use management by the Forest Service. The amendment follows:

On page 2, between lines 12 and 13 insert the following new subsection and redesignate subsections "(b)" as "(c)".

(b) During the review period provided by this Act and for a period of 3 years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

COSTS

No cost estimates were supplied by either the Department of Agriculture or the Department of Interior; however, the costs of the study are expected to be nominal and the agencies will probably be able to absorb such costs in the general operating budget.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that S. 1198, as amended, be enacted. The adoption of all amendments and of the motion to report S. 1198 to the Senate with a recommendation of enactment was by the unanimous agreement of the members of the committee present.

ECOCIDE IN VIETNAM

Mr. MANSFIELD. Mr. President, published in the Los Angeles Times today is a commentary by Mr. Robert F. Goheen, president of Princeton University, entitled "Vietnam's Sad Lesson for the U.S." In Newsweek magazine for June 12, 1972, there is a small insert entitled "A Small War's Toll."

I read it in part as follows:

"It would be fabulous if the war in Viet-

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nam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm, and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shells also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD in full.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIETNAM'S SAD LESSON FOR THE UNITED STATES

(By Robert F. Goheen)

Against the apparent endlessness of this country's involvement in Indochina under current policies, where massive air and naval commitments replace withdrawn ground forces, there may be a gleam of hope in the proposed joint resolution before the House Foreign Affairs Committee providing for an end to the engagement of all U.S. forces there.

I bring no specialized skill to the consideration of the question. Expert neither in constitutional law nor national defense strategy, I was once a student of history and find myself today especially struck by the grim parallels to be found in the undoing of brilliant, powerful Athens some 2,400 years ago, as told by Thucydides. From the vantage point of a university, my lot more recently has been to be a concerned observer of the tensions straining our American society—not least among them the issues of war and peace and national honor hinged on our heavy continuing military involvement in Indochina.

Even if not an infallible source of light, a university is, I suggest, a good place from which to view these matters. On the one hand, you are among people intent on trying to take the long view, on assessing the course of history and the options before us, in as clear-eyed, reasoned, and unprejudiced ways as are possible in this imperfect world. At the same time, you are in (sometimes uncomfortably) close touch with the sentient generations coming on, who with all their energy and idealism are the nation's best hope for a better, less torn, less ravaged future—all the frequent impatience, intemperance and self-conceit of the young notwithstanding.

Many of them have come to see more quickly and clearly than the general run of us what our forceful intervention in the affairs of the Vietnamese means not only for the people of that war-torn land but about us.

Among today's students, the few wild-eyed protesters who have again set themselves to obstruction and loud posturing represent neither the extent nor full nature of the moral concern which now runs wide and deep among college-age young Americans all across the country. The relative peacefulness of the majority this spring should not be construed an acquiescence in national policy. It bespeaks more often deep frustration about the constituted authorities, whom they seem to feel to be both unresponsive to their humanitarian concerns and apparently powerless to disentangle the country from its protracted devastating involvement in Indochina. There is much latent dynamite there. There is also immense desire and potential for human good.

Like the people of most nations holding great power, we Americans have been used to thinking self-righteously about our involvement in wars, even though the record is a mixed one. It is hard for us who love our country to face up to a candid recognition that it is engaged in action that is irreparably damaging and to no good effect. Therefore, most of us have been slow to accept the fact that our nation has unwittingly been caught up in a tragedy which has already cost more than 1 million lives—some 46,000 of them American; the rest, persons equally human and no less the children of God. We have been slow to see that almost all of us must in some degree or another share the blame. We have been slow to recognize ourselves as actors in a drama to which there can be no happy ending—a drama chillingly like the ancient Greek tragedies of human arrogance and catastrophe. Step by step, with no chief villain, with no architect of evil secretly in control, we and our elected leaders have made, supported or acquiesced in decisions that have multiplied to now surely unconscionable heights the brutality and the suffering which war always brings.

Piling the arrogance of power on top of our ignorance of a strange and distant land, we have stumbled and forced our way under three national administrations into the lives and affairs of another people endowed with a culture very different from our own—acting as though their interests were our interests, and if not, that they should be! On this presumption we have helped to magnify manyfold their ability to do damage to one another, and involved ourselves in a heavy course of destruction. The fact that other large nations have also been meddling in Vietnamese affairs does not alter these facts.

Much has been made of our national honor and not enough, I think, of the dishonor we do ourselves when we bomb to save face. It is as though persistence in a grievous wrong could cover up the mistakes which led us into this tragedy. We now need not to save a face which has become arrogant to the world, but to let that face show the deep lines of hard lessons learned and of human compassion.

On our home shores, too, we are experiencing the infectious spread of violence, and we have begun to see an erosion of the nation's morale and confidence because of this dreadful war. Yet, there is hope that a movement toward contrition, a stirring of respect and compassion for other people, a candid recognition of former blindness and pride may halt that erosion. Under the grace of God, we Americans still have, I believe, the capacity for that sort of magnanimity. There is at least a chance that we can be honest and courageous enough to recognize that we have gone astray and need now to point ourselves back once more to the great humanitarian ideals of our Judeo-Christian heritage.

The Congress can begin to provide leadership in this by setting a date certain for the termination of all American military involvement there and cutting off funding beyond that date. For over a decade a series of Administrations has given us lesson after lesson in the futility of trying to end the kind of conflict we are involved in in Vietnam by enlarging and extending it. The recent magnification of the scale of the conflict by both the North Vietnamese and ourselves portends no new turn, only this same old lesson.

It is time to recognize that we cannot Vietnamize the Vistnamese to our purposes. They must be allowed to unravel and put back together their own affairs according to their own best interests, as best they can. If that means turmoil and more lives taken, the process cannot possibly be more devastating than the course of action to which the President apparently still has us committed in Vietnam.

But let me add the hope that if the Congress does move to force the end of the American military involvement in Indochina, it will simultaneously challenge us to aid in the task of reconciliation and renewal with no less intensity of spirit and no less expenditure of resources than the war has called forth from this nation these past dozen years and more.

A SMALL WAR'S TOLL

"It would be fabulous if the war in Vietnam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shell also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

"There is nothing in the history of warfare to compare with it," Wisconsin Sen. Gaylord Nelson recently told Congress. "Never before has a land been so massively altered and mutilated . . . The cold, hard and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business at this time?

The ACTING PRESIDENT pro tempore. No, there is not.

COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, and in accordance with the previous unanimous-consent agreement, the Chair now lays before the Senate S. 3442, which the clerk will report.

The assistant legislative clerk read as follows: S. 3442, to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

TITLE I—COMMUNICABLE DISEASE PREVENTION AND CONTROL

SEC. 101. (a) Section 317(a) of the Public Health Service Act is amended to read as follows: "There are authorized to be appropriated $90,000,000 for the fiscal year ending June 30, 1972; $90,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years to enable the Secretary to make grants to States, and in consultation with the State health authority, to agencies and political subdivisions of the States, under this subsection. In the awarding of such grants, the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b)(1) and to the design of the public health program to assure effective performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs and their attendant laboratory services, including the cost of studies to determine the communicable disease control needs of the communities and the best means of meeting such needs.

(b)(1) Subsection (b) of such section is amended by striking out the word "subsection" and inserting in lieu thereof "section".

(2) Subsection (b)(1) of such section is amended by striking out the phrase "on the recommendation of the National Advisory Health Council".

(c) Subsection (f) of such section is amended by striking "assisted under this section".

(d) Such section, as amended by this Act, is further amended by adding at the end thereof the following new subsections:

"(h)(1) The Secretary is authorized to make grants to, and enter into contracts with, public and private nonprofit agencies, organizations, and institutions for the purpose of making the citizens of the United States aware of the consequences of the diseases described in subsection (b)(1) and the programs available which will avert such consequences.

"(2) For the purpose of carrying out this subsection, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years.

"(i) Except for section 318 of this Act, notwithstanding any other provision of law unless enacted after the enactment of this Act expressly in limitation of this section, no funds appropriated pursuant to the authorization of any section of the Public Health Service Act other than this section shall be available for communicable disease control or vaccination assistance programs of the type authorized under this section."

SEC. 102. Section 314(e) of such Act is amended by striking "$157,000,000" and inserting in lieu thereof "$179,000,000."

SEC. 103. Section 1001(c) of the Public Health Service Act is amended by striking out "$90,000,000" and inserting "$127,300,000" in lieu thereof.

TITLE II—VENEREAL DISEASE PREVENTION AND CONTROL

SEC. 201. This title may be cited as the "National Venereal Disease Prevention and Control Act".

SEC. 202. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease has reached epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those treated by physicians;

(3) the incidence of venereal disease is particularly high among individuals in the 20–24 age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, in infants under one year of age increased by 33⅓ per centum between 1970 and 1971;

(6) health education programs in schools and through the mass media may prevent a substantial portion of the venereal disease problem; and

(7) medical authorities have no successful vaccine for syphilis or gonorrhea and no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and control of venereal disease.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 203. (a) Part B of title III of the Public Health Service Act is amended by adding immediately after section 317 thereof the following new section:

"PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

"SEC. 318. (a) The Secretary is authorized to conduct, and render assistance to appropriate public authorities and scientific institutions in the conduct of research, training, and public health programs relating to the prevention and control of venereal disease.

"(b)(1) The Secretary is authorized to make grants to States, political subdivisions, universities, hospitals, and other public and nonprofit private institutions, agencies, institutions, or organizations, for projects for the conduct of research, demonstrations, or training for the prevention or control of venereal disease.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(c)(1) There is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years, to enable the Secretary to make grants to State health authorities to assist the States in establishing and maintaining adequate public health programs for the diagnosis and treatment of venereal disease. The sums so appropriated shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans for the provision of public health services for the diagnosis and treatment of venereal disease.

"(2) In order to be approved under this subsection, a State plan for the provision of public health services for the diagnosis and treatment of venereal disease must—

"(A) provide for the administration or supervision of administration by the State health authority;

"(B) set forth the policies and procedures to be followed in the expenditure of the funds paid to the State under this subsection;

"(C) provide that the public health services furnished under the plan will include the provision of statewide laboratory services which include Darkfield microscopes for the diagnosis of both gonorrhea and syphilis, and will otherwise be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services;

"(D) contain or be supported by assurances satisfactory to the Secretary that (i) the funds paid to the State under this subsection will be used to make a significant contribution toward providing and strengthening public health services for the diagnosis and treatment of venereal disease in the various political subdivisions in order to improve the health of the people; (ii) such funds will be used to supplement and, to the extent practical, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant any non-Federal funds which would otherwise be available for such purpose; and (iii) the plan is compatible with the total health program of the State;

"(E) provide that the State health authority will from time to time, but not less often than annually, review and evaluate its State plan approved under this subsection, and submit to the Secretary appropriate modifications thereof;

"(F) provide that the State health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(G) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursements of and accounting for funds paid to the State under this subsection; and

"(H) contain such additional information and assurances as the Secretary may find necessary to carry out the purposes of this subsection.

"(3) From the sums appropriated to carry out the provisions of this subsection, the several States shall be entitled for each fiscal year to allotments determined, in accordance with regulations, on the basis of the incidence of venereal disease in, and the population of, the respective States; except that no State's allotment shall be less than $75,000 for any fiscal year.

"(4)(A) From each State's allotment under this subsection for a fiscal year, the State shall be paid a Federal share of the expenditures incurred during such year under its State plan approved under this subsection. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary or by way of reimbursement, with necessary adjustments on account of previous underpayments or overpayments.

"(B) the Federal share for any State shall be such per centum (not in excess of 90 per centum) of the expenditures of such State (referred to in subparagraph (A)) as shall be established by such State.

"(C) 'State' means each of the several States of the United States, the District of Columbia, the Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico.

"(D) Any amount so allotted to a State during any such fiscal year (other than the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico) and

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remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only) and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount remaining unobligated at the end of the sixth month following the end of such year for which it was allotted which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under this subsection of this section to the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Commonwealth of Puerto Rico for a fiscal year and remaining unobligated at the end of such year shall remain available to it for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such named States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to any such named State shall be in addition to any other amounts allotted and available to it for the same period.

"(5) Effective with respect to allotments under this subsection at least 70 per centum of a State's allotment under this subsection shall be available only for the provision under the State plan of services in communities of the State.

"(d) (1) The Secretary is authorized to make project grants to States and, in consultation with the State health authority, to political subdivisions of States, for the conduct of venereal disease prevention and control programs.

"(2) For purposes of this subsection, the term 'venereal disease prevention and control program' means a program which includes—

"(A) disease surveillance activities, including the reporting, screening, and followup of diagnostic tests and diagnosed cases of venereal disease;

"(B) casefinding and case followup activities, including contact tracing of infectious cases;

"(C) interstate epidemiologic referral and followup activities;

"(D) professional and public venereal disease education activities; and

"(E) such special studies or demonstrations to evaluate or test venereal disease control as may be prescribed by the Secretary.

"(e) Grants made under subsection (b) or (d) of this section shall be made on such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary.

"(f) Nothing in this section shall be construed to limit or otherwise restrict the use or availability of funds which are granted to a State or to a political subdivision of a State under other provisions of section 317 of this Act which are available for the conduct of venereal disease programs from being used in connection with programs assisted through grants under this section.

"(g) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(h) Each recipient of assistance under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(i) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this section.

"(j) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies, or equipment furnished to such recipient and by the amount of pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of this section, be deemed to have been paid to such agency.

"(k) Any grant awarded pursuant to this section shall be subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form or for clinical and research purposes in such a way as not to identify particular individuals."

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, time on the bill is limited to 20 minutes. The Senator from Massachusetts (Mr. KENNEDY) has 10 minutes and the Senator from New York (Mr. JAVITS) has 10 minutes.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

The pending bill, S. 3442, the communicable disease legislation, on which the Subcommittee on Health held extensive hearings is of great concern to the American people. The bill covers the whole range of communicable diseases which affect so many of our citizens.

The pending legislation has the enthusiastic support of the American Public Health Association, the American Academy of Pediatrics, the American Social Health Association, the New York City Department of Health, the National Respiratory and Tuberculosis Association, and the Association of State Territorial Health Officers.

Regrettably, the administration testified against enactment of the legislation. I would point out to my colleagues that the legislation is authorization for some 5 years, at a total cost of $759 million, to meet the problems of TB, measles, rubella, polio, diphtheria, venereal diseases, and a number of other kinds of communicable diseases which affect so many of our citizens. Mr. President, a great deal can be done to alleviate the pain and suffering and the human tragedy which comes as a result of these diseases. And that is the rationale for the committee's bill.

Mr. President, the Senator from California (Mr. CRANSTON), who worked closely with us in developing this bill, is unable to speak on the floor today as we debate S. 3442. He has asked me to indicate today that he will make a statement regarding this bill on the floor next Monday.

Mr. President, I commend the ranking minority member of the Health Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), for his efforts and cooperation in support of this bill. I also commend the ranking minority member of the full committee, Mr. JAVITS, for his input and his energy. This legislation represents the best judgment of both the Democratic and Republican members of the Health Subcommittee. And it was unanimously reported from the committee. It is a constructive and positive piece of legislation. It is the kind of legislation which, when funded, can do a most comprehensive job in meeting the problems of communicable diseases in this country.

Mr. President, there is also in title II of the bill a provision that includes a special program to combat venereal diseases. That provision was sponsored by the distinguished Senator from New York (Mr. JAVITS). I know that he will elaborate upon that provision. I strongly support title II of the bill.

Mr. President, communicable diseases affect millions of Americans each year and especially present a serious threat to the health of the Nation's children, a most vulnerable population.

The efforts to prevent and control communicable diseases reflect the strengths and weaknesses of our present health care system. Communicable diseases were the leading causes of death at the turn of the century. In 1900, influenza, tuberculosis, and gastritis accounted for nearly a third of all deaths. However, outstanding medical research achievements have today dramatically reduced the mortality rates for infectious diseases. Many effective vaccines have been developed which can eradicate several of our common communicable diseases. Effective drugs are now available to treat the acute infections and thereby prevent serious medical complications. We have the means available, and yet there are serious gaps in the application of such effective remedies to eradicate many communicable diseases.

We are currently committing significant Federal support to scientific research for effective means to prevent and control heart disease, cancer, and stroke: the three leading causes of death in America today. Yet such effective approaches are available for many communicable diseases. It is imperative that the Federal Government play a leadership role in implementing the research tools available. Unfortunately, there often has not been a consistent and coordinated plan to control communicable diseases. Inadequacies in health care delivery have resulted in unnecessary infections with needless human suffering and economic loss.

Title I of this bill authorizes a 5-year program of project grants to State and local governments for assistance in programs for the prevention and control of communicable diseases. For such purposes, $90 million is authorized for each of the next 5 fiscal years.

Despite tremendous strides in vaccination and immunization programs, there continue to be serious gaps in levels of immunization for the Nation's children. In 1964, 87.6 percent of children between ages of 1 and 4 were immunized against polio; 1971 levels are 67.3 percent. Comparable immunization levels in 1971 include: Measles, 61.4 percent; rubella, 51.2 percent; and diphtheria-pertussis-tetanus, 78.8 percent. Overall these figures indicate an increase from 1970 levels, but still they demonstrate a serious lack of protection for many children. Furthermore, comparable levels are lower for the inner city and economically disadvantaged children.

Because of inadequate immunization, reported cases of such diseases continue. There were 75,000 cases of measles reported in 1971 in contrast to 47,000 for 1970. The reported cases of rubella have decreased from 56,600 cases in 1970 to 44,000 cases in 1971. Vigorous immunization programs have significantly reduced the impact of these diseases because of available vaccines, but a concerted effort must continue to immunize all children. Each disease may cause serious medical complications, and it is foolish to gamble with a child's health when vaccines are effective for prevention. The paralysis of polio is well known. Measles may cause encephalitis and mental retardation. Rubella, in the 1964–65 epidemic, resulted in 20,000 brain-damaged children with estimated costs of rehabilitation put at more than $2 billion. Diphtheria, which continues to occur in sporadic outbreaks, can result in health and brain damage and death by suffocation. Mortality rates for tetanus are as high as 70 percent. Whooping cough may easily cause death especially to the child under 1 year of age and also can produce convulsions, brain damage, and chronic lung disease.

In the health area, generally we still have few measures which can produce primary prevention of disease. Yet such tools are available for several communicable diseases.

Effective vaccines are available to eradicate many infections which wreak such havoc on children. There must be a Federal commitment to universal immunization for all children. If we can eradicate smallpox, we can also eradicate such diseases as polio, measles, and rubella. Support must not falter for such programs.

Mr. President, the committee, for example, is especially concerned with the faltering Federal support for tuberculosis control programs. For the first time in decades there are no funds designated at the Federal level for the support of TB programs. In his testimony, Dr. Lee Reichman of the New York City Department of Health documented the effectiveness of the New York City TB project whose present Federal funding is scheduled to be eliminated. If funding is stopped, it will force the closure of eight hospital-based clinics and transfer of 6,500 TB patients to other facilities. Elimination of Federal funding will seriously threaten similar programs throughout the country. The incidence of new cases of TB is now beginning to level off rather than decline and in urban areas may be increasing. In 1970, there were over 37,000 new active cases reported. Tuberculosis caused the death of 5,500 Americans, and remains the No. 1 killer among communicable diseases. The committee strongly endorses the testimony of the witnesses who urged continued strong Federal support for TB control programs and the committee's bill directs the administration to continue these worthwhile programs.

The administration in their testimony before the Health Subcommittee on this bill indicated special authority for communicable diseases, including venereal disease, was not needed: For under section 314(e) of the PHS Act there was ample authority and flexibility to provide for communicable disease programs. This rationale has accounted for administration requests for higher authorization ceilings for section 314(e) for the coming fiscal year to provide for several programs which include communicable disease prevention and control.

Regrettably, Mr. President, the administration has unwisely chosen to fly in the face of clear and unmistakable congressional intent in this respect. The Labor and Public Welfare Committee in its report on the Health Services Improvement Act of 1970 stated:

> The Committee notes with concern the fact that a large proportion of the programs funded under section 314(e) continue to be too narrowly focused rather than focused upon the broader area of the organization and delivery of health services. In large part, of course, this is attributable to the fact that the states have not been as willing as the Congress had hoped, in funding these vitally important though narrower projects with funds made available under the bloc grant program, 314(d). The Congress is in the process of responding to this problem. The Senate has passed and the House will soon take up the Communicable Disease Control and Vaccination Assistance Amendments of 1969 which, if enacted, would authorize separate categorical project grant authority for these programs. At that time the Committee intends the projects funded under section 314(e) be primarily intended to grapple with the organization and delivery of comprehensive health services.

The House Committee on Interstate and Foreign Commerce in its report on the Communicable Disease Control Amendments of 1970 stated:

> As a practical matter, the categorical grant approach which was sought to be eliminated by Public Law 89–749 has not, in practice, worked exactly as planned. In each of its budget presentations each year since the enactment of section 314(e), the Department of Health, Education and Welfare has earmarked specific amounts of the 314(e) fund request for specific programs for the coming year. In other words, the categorical grant approach has continued since the enactment of Public Law 89–749, except that instead of the Congress setting the categories, the categories have been set by the Department of HEW.
>
> One of the purposes of this bill is to restore some control to the Congress of the categories of health programs for which project grant funds are to be made available.
>
> Upon enactment of this legislation, the situation with respect to project grants will be restored to that prevailing in 1967 and 1968, at which time both section 314(e), providing overall authorizations for project grant funds, and section 317 of the Public Health Service Act, authorizing assistance for communicable disease prevention programs, were jointly operative.
>
> Upon enactment of this legislation, the administration will have available to it two separate authorizations for project grants programs—a general project grant authorization for health programs under section 314(e) and a communicable disease project grant authorization under this new legislation.

The most recent evidence, Mr. President, of this flagrant disregard of congressional intent is found in the Secretary of HEW's required report to the Congress on communicable diseases, which was transmitted to the Congress by the President on May 22, 1972. I ask unanimous consent that that report be included in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, given this sorry record of the administration, Mr. President, the committee has felt obliged to include in its bill a provision which legislatively prohibits the administration from using section 314(e) as a smokescreen to cloud its disregard for an effective Federal effort in respect to communicable disease programs.

In addition to providing program funding for communicable disease controls, title I of this bill provides special support for public education concerning communicable diseases. Public education is a most important element in effective communicable disease control to alert the public on the possible serious consequences of communicable diseases and programs available to combat and prevent such diseases.

Title II of S. 3442 creates a new section 318 of the Public Health Service Act to provide for a special venereal disease prevention and control program, given the fact that venereal diseases have now reached epidemic proportions. The cases reported for venereal diseases represent alarming increases which this Nation has not faced since the post World War II period. Gonorrhea and syphilis are clearly approaching epidemic proportions and there is no indication that the

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present escalating trend will be abated in the near future.

Gonorrhea is the most prevalent reportable communicable disease in the Nation. In 1971, 624,000 cases were reported. If unreported cases were included, cases would total more than 2,500,000.

In the past 4 years gonorrhea has increased on the average of 15 to 16 percent per year. Some cities have had nearly 50 percent increases in the past year. Of special concern are the estimated 800,000 women with asymptomatic cases of gonorrhea who constitute a silent reservoir of infection. Prenatal clinic exams have shown one out of twelve pregnant women infected with gonorrhea who were unaware of the infection. Serious complications can result to the newborn of an infected mother—such as severe eye infections. Up to 10 percent of women infected may develop severe infections which can cause infertility and may warrant abdominal surgery.

Syphilis with declining rates of infection for four consecutive years—1965–69—rose 8.1 percent in 1970 and 8.9 in 1971. Reported cases for 1971 were 23,000 with estimates of more than 95,000 if unreported cases are included. Without prompt dignosis and treatment, severe medical disabilities may develop years after the initial infection. Syphilis can cause blindness, paralysis, and insanity. Institutional care for the syphilitic insane amounts to more than $40 million per year.

Mr. President, to meet this health crisis, title II authorizes for each of the next 3 fiscal years:

First. $15 million in project grants for research demonstration or graining for prevention and control;

Second. $30 million in formula grants to states for establishing and maintaining programs for diagnosis and treatment;

Third. $30 million in project grants to States for prevention and control programs.

The committee strongly endorses title II of its bill to begin to meet the overwhelming need for a national program against venereal disease as recently recommended by the President's National Commission on Venereal Disease.

Mr. President, S. 3442 is essential to mandate a concerted attack on a broad spectrum of communicable diseases. This legislation will increase the effort for coordinated plans and programs to prevent and control communicable diseases by research, immunization, treatment and public education. National communicable disease programs have in many instances significantly reduced the toll these diseases exact in human and economic terms. Yet much more needs to be done. This bill provides the impetus for continued congressional commitment to communicable disease prevention and control programs with a goal for (1) universal immunization of children to eradicate those communicable diseases for which vaccines are available; (2) expanded program support to halt the cycle of infection for such diseases as tuberculosis, gonorrhea and syphilis; (3) continued basic research to develop new vaccines and other effective treatment; and (4) program support for public education.

Mr. President, this is a good bill. It was reported to the Senate unanimously by the Senate Labor Committee. It is an extension of expiring legislative authority. I urge my colleagues to vote in favor of S. 3442.

EXHIBIT 1

REPORT TO THE PRESIDENT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR FISCAL YEAR 1971 ON ACTIVITIES UNDER PUBLIC LAW 91-464, "COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970"

Section 317 of the Public Health Service Act, as amended by Public Law 91-464 (84 Stat. 988), authorized the appropriation of $75 million for fiscal year 1971 and $90 million for fiscal year 1972, to enable the Secretary of Health, Education, and Welfare to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States for communicable disease control programs.

TUBERCULOSIS

In fiscal year 1971, Congress appropriated $2 million to implement this legislation. The Department of Health, Education and Welfare decided to use these funds to assist States in completing the phaseout of the tuberculosis control project grant program which had been supported under section 314(e) of the Partnership for Health legislation. In 1970 some $18 million was transferred from 314(e) project grants to 314(d) formula grants for the control of tuberculosis at the State level. This shift in funding mechanism was consistent with the basic concept of the partnership for Health legislation. The basic intent of that legislation was to establish a Federal State relationship in which States receive block-type formula grants to establish or maintain adequate public health services. Project grant funds were intended to support, for a short period of time, new and innovative programs for health services. Since the methods for control of tuberculosis were well known and generally used, it was appropriate that these funds be transferred from special project type funding 314(e) to block type formula grant funding 314(d). Because this change represented only a change in funding mechanism and not in the availability of funds for tuberculosis control activities, the Department did not request funds for tuberculosis control under the Communicable Disease Control Amendments. Knowing that some States would experience financial problems because of the shift, a program of transitional funding was developed in order to maintain tuberculosis control activities. In fiscal years 1970 and 1971, $3.3 million was made available from section 314(e) funds to provide transitional funding in areas which: (1) Still had significant tuberculosis problems and (2) received less financial support under the formula grant distribution than they previously had been awarded under tuberculosis control project grants. The $2 million appropriated under the Communicable Disease Control Amendments of 1970 has been used to continue the phaseout of project support for tuberculosis by forward funding tuberculosis control activities in fiscal year 1972. The funds are being used primarily to support outpatient clinics which had been established with previous grant funds. The major portion of the expenditures is for personnel and supplies needed to complete the treatment of individuals with active tuberculosis and to provide preventive therapy for suspects and contacts of infectious tuberculosis cases.

VENERAL DISEASES

Venereal diseases remain a continuing problem throughout the United States today. After a 4-year decline in incidence during the mid-1960's when the Nationwide syphilis eradication program was at its maximum, the incidence of syphilis has once again been on the increase. Gonorrhea has been increasing since 1957, but in the last few years, the annual increase has been dramatic—to the point where more than 600,000 cases were reported in 1971. Recognizing the need to act to curb the spread of these and other communicable diseases, the Department submitted a budget amendment requesting a $10 million increase in 314(d) formula grant funds over the original fiscal year 1971 budget request to provide additional assistance to the States. While the States would decide which health services these funds would be used for, the Department expected to encourage the States to use these funds for venereal disease and community immunization programs. The Congress did not act on this request but appropriated $20 million—$16 million earmarked for veneral disease under the authority of the Communicable Disease Control Amendments of 1970. These funds are in addition to the $6.3 million that has been identified for the control of syphilis under section 314(e). These grant funds, a total of $22.3 million, will enable States and communities to initiate gonorrhea control programs and to once again start down the road toward the eradication of syphilis.

IMMUNIZATION PROGRAMS

In recent years, Nationwide immunization levels against some of the major childhood diseases have declined, particularly among the urban and rural poor in the one through four age group. The results of this deterioration of protection became evident during 1970 in outbreaks of diphtheria, continued high levels of susceptibility to poliomyelitis particularly in inner cities, and a continued upswing in the number of cases of measles. To correct this trend the Department in 1971 authorized the use of $6 million in funds that had been appropriated for rubella under section 314(e) for the purchase of measles, poliomyelitis, and the newly licensed rubella-measles vaccine. The $6 million was available because of substantially larger decreases in the cost of rubella vaccine than had originally been estimated. The combined measles-rubella vaccine which permits simultaneous immunization against both measles and rubella will provide a stimulus to the programs. To continue these programs, $4 million for the support of immunization activities was appropriated in 1972 under the authority in section 317. These additional funds together with the $13 million that has been identified under section 314(e) for the national rubella immunization program will make it possible for States and communities to undertake a coordinated national immunization program against measles, poliomyelitis, and diphtheria, as well as rubella.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts (Mr. KENNEDY) for his remarks. The Senator from Massachusetts has made so central a part of his career in the Senate the sponsorship of major health legislation including the great way we have to go in the field of health maintenance organization legislation, and ultimately in a national health insurance program.

Mr. President, I too would like to express my appreciation to the ranking minority member of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), for his very expert and dedicated participation in bringing about this measure.

I wish personally to speak particularly about title II of the bill which deals with venereal disease prevention and control programs.

I am very grateful to the Senator from Massachusetts and to the Senator from Pennsylvania for including the S. 3187 in essence in the pending measure as title II.

Mr. President, I am the author of the National Venereal Disease Prevention and Control Act—S. 3187—which has the bipartisan support of 40 Senators, and I am pleased to commend to their attention, and the attention of all my colleagues, that this bill is incorporated as a separate title of the pending Communicable Disease Control Amendments Act of 1972—S. 3442—of which I am a cosponsor. I strongly urge their support for the measure.

The impact of venereal disease tends to rise and fall as a major element with expenditures to deal with it adequately, hence their vital importance. Venereal disease has reached epidemic proportions. The National Venereal Disease Prevention and Control Act title of the bill authorizes $45 million for the development of new and additional research, diagnosis, and treatment techniques and $30 million in formula grants to States for defined, comprehensive prevention and control programs. Witnesses estimated that there were 2,500,000 cases of gonorrhea and 100,000 cases of infectious syphilis in the United States during 1971. It should be understood that venereal disease is much more than a social disease, it has a tragic debilitating effect on its victims; blindness, paralysis, insanity, and death. Regrettably, the steady decline in the number of reported cases between 1966–69 has now been reversed and the number of cases is the highest since 1950. Federal funding has been substantially reduced and in 1971, 11 States were excluded from receiving any Federal project grant support for combating venereal disease.

I am pleased to commend to my colleagues' attention that although introduced prior to the final report of the National Commission on Venereal Disease—appointed by the Secretary of Health, Education and Welfare—the venereal disease title of the pending bill following the bill offered with my provisions is substantially responsive to their recommendations. The Commission Chairman, Dr. Webster, testified that the bill's passage was "essential to control the venereal diseases." The bill targets in on two facets of the VD problem which merit our attention—research education.

Unfortunately, only minimal amounts of research in the basic aspects of syphilis and gonorrhea were being carried out in the United States and it is therefore urgent that research, both inside and outside the Department of Health, Education, and Welfare, be initiated with a view to increasing our basic knowledge of the microbiology and immunology of the gonococcus and the treponema pallidum, which cause syphilis. This research should also be directed toward better diagnostic methods for gonorrhea, the effectiveness of prophylaxis of these diseases and ultimately, the possibility of a vaccine for syphilis and gonorrhea. Research is also needed into the effectiveness of current control programs being undertaken. Other countries appear to have achieved good results in VD control with less emphasis on the epidemiological approach and greater emphasis on education and clinical management. It would appear that we know too little about the behavioral motivations of the high incidence groups of their attitudes toward present methods of control or prophylaxis.

Significantly higher funding must also be allocated to public and professional education. Education concerning the venereal diseases should be introduced in the curriculum of public, parochial, and private schools, and the Commission recommends that this be done "no later than the seventh grade." We also must have the Federal Government initiate and support programs of public education and information to the various consumer groups concerned which would include information concerning signs and symptoms, prophylaxis, prevention, and facilities for treatment. There is strong evidence that our approach to public education in the past has been too indirect, too scattered, and, to some extent, unacceptable to the groups toward which it was directed. Also, professional education should not be overlooked. There is little or no instruction concerning the venereal diseases being carried on in the medical schools in this country and as a result of this, young doctors are leaving our medical schools with very little interest in, or knowledge of, the venereal diseases.

In closing, I believe it is most important that we all understand that when we speak about venereal disease, an epidemic of unparalleled proportions, that no level of society is immune. The sad statistics are that VD strikes our affluent suburbs as well as our inner cities. We urgently need this legislation which will allow us to be effective in combating these tragic diseases.

I agree with the Senator from Massachusetts that something will be done "if the measure is properly funded" as it so urgently needs to be, and we will see a material abatement in the grave threat which is represented by venereal disease.

Mr. President, I would congratulate the media for their efforts to focus public attention on the tragedy of the venereal disease epidemic. And they have done it without any of the self-consciousness, shibboleths, and pretentiousness which have for so many centuries surrounded this dread disease. I particularly commend to the attention of my colleagues the public service programing by the Metromedia radio stations in New York, WNEW and WNEW-FM, which discussed the symptoms, prevention, and treatment of venereal disease. The success of that programing was reflected by the thousands of people who were persuaded to seek treatment. I am pleased to announce that the project's success has led Metromedia to deal with the subject once again, and beginning on June 11, they will present on WNEW and WNEW-FM in New York two 1-hour programs and a series of shorter features, produced in cooperation with the New York City Bureau of Venereal Disease Control.

To the great credit of Metromedia, I understand, they will be promoting the program with advertising in newspapers and on television as well as on their own radio stations to provide the project the widest possible public exposure.

Mr. President, I also would particularly like to applaud the campaign of the public broadcasting stations which have moved into the field.

Mr. President, I ask unanimous consent that various publications demonstrating that fact be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTARY ON VD

A nationwide campaign to combat venereal disease, which has reached epidemic proportions throughout the United States, will be launched this fall with the televising of a one-hour special being produced for the Public Broadcasting Service by WNET/13 under a grant from the 3M Company.

The program is expected to be seen on the 219 PBS stations next fall. These stations will be encouraged to follow the hour-long network program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns.

If additional funds become available, printed materials containing information on all aspects of VD will be prepared by WNET/13 to be distributed throughout the nation by PBS stations, by educational institutions, by pharmacists and by physicians. Both the national and local telecasts and the printed materials will be geared to communicate with teenagers as well as adults.

Producing the one-hour national program for WNET/13 is Don Fouser, who will also coordinate the printed materials.

Raymond P. Herzog, president of the 3M Company, noted that the National Commission on Venereal Disease this week declared venereal disease "out of control" and called for a massive drive to combat it.

"The Commission's study estimates that there will be a record 2.5 million new cases of gonorrhea this year and 100,000 new cases of infectious syphilis," Mr. Herzog said. "They expect the number of cases to continue to rise in 1973.

[From the New York Times, Apr. 7, 1972]

PUBLIC TV PLANNING A PROGRAM TO FIGHT VENEREAL DISEASE

(By George Gent)

A one-hour dramatic program to combat venereal disease, with material by such writers as Jules Feiffer, Arnold Schulman, Eleanor Perry, Walter Jones and Israel Horovitz, will be televised nationally on public television, including Channel 13 here, next October.

The program, which was made possible by a $105,000 grant from the 3M Company, will be presented on the 219-station network of the Public Broadcasting Service. Each of the stations will also be encouraged to follow the

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program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns. It is expected that physicians in each area will be encouraged to appear on the local segments of the program.

If additional funds become available, printed materials relating to all aspects of venereal disease will be prepared by WNET–13 to be distributed throughout the country by P.B.S. stations, by educational institutions, pharmacists and physicians. Both the national and local telecasts will be directed to teen-agers and adults.

Producing the one-hour national program will be Don Fouser, who will begin filming this summer. The format will be a series of dramatic vignettes designed to impart a variety of information on the subject.

The program, Mr. Fouser said, "will be serious and humorous, poignant and provocative. Each vignette will deal with the human predicament of the individual faced with venereal disease. The audience will learn the difference between various forms of VD—how it is contracted, diagnosed, cured and prevented. And what happens if it isn't cured."

Mr. JAVITS. Mr. President, I commend the willingness of the education system to join in the struggle. Much more of this needs to be done. This is very definitely a struggle to achieve public knowledge concerning the venereal disease tragedy.

I am so pleased to see that a totally new attitude now prevails. Indeed, the legislation itself contemplates assistance for precisely this type of education and information.

So, I join with the Senator from Massachusetts in gratification that the legislation has reached this far and that it will, without much question, become law, and I will certainly join with the Senator from Pennsylvania and the Senator from Massachusetts in a major effort to see that the funding to achieve this result meets the promise made for this organization.

I hope very much that the vote will be unanimous on the adoption of this bill.

Mr. SCHWEIKER. I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCHWEIKER. Mr. President, I join with my colleagues in recommending the support of the Senate for this very important bill. The Senator from New York has done an outstanding job, particularly with respect to title II. And, as has been stated, we have accepted his bill, a bill that was sponsored by a considerable number of Senators, and placed it in the communicable diseases bill as title II.

So, I think a geat deal of the credit logically has to go to the Senator from New York for his interest, for his perseverance, and for his very specific and positive proposals that have been incorporated into the pending bill at his urging and suggestion.

Mr. President, I would like to commend the distinguished chairman of the subcommittee on which I have the privilege of serving as ranking minority member for his leadership in the health field. Since I have become a member of the subcommittee, I have been pleased to work with the Senator from Massachusetts in a very impressive array of health legislative achievements commencing with the all-out attack on cancer bill which was signed into law last year. There is also the very significant comprehensive health manpower training act, which will enlarge our supply of health professionals around the country in a very serious time of critical shortage.

There is also the sickle cell anemia bill which was recently signed into law by the President in the recognition of the need for a cure for that disease and the arranging of our priorities to deal with this problem.

More recently there has been the heart disease bill which has passed the Senate and is now before the House for consideration.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCHWEIKER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCHWEIKER. Mr. President, we now have the communicable diseases bill which will be passed today. After its disposition, we will be considering the sudden infant death syndrome bill which hopefully we will pass. There is also pending before the Health Subcommittee the health maintenance organization bill which is a new way of approaching the health delivery system with a new method for the utilization of our health personnel and resources.

That is a very impressive array of health legislative priorities.

We are very definitely coming to grips with the real problems involving health. We are facing up to them and setting a national framework for the effort that is needed to wage war on these many critical disease and health problems.

I am very pleased to commend the Senator from Massachusetts for his leadership on the subcommittee on which I serve, and to recommend to my colleagues the unanimous support of this bill and the bill that follows it.

Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, the Communicable Disease Control Amendments of 1972, S. 3442, of which I am a cosponsor, is an essential piece of legislation if we are to begin the difficult transition to the practice of preventive medicine. It is specifically addressed to those diseases, such as tuberculosis, measles, poliomyelitis, diphtheria, and venereal disease, which can be prevented or controlled. Perhaps no other piece of legislation so aptly addresses the old adage, "an ounce of prevention is worth a pound of cure."

The worth of a communicable disease program was most dramatically demonstrated by our Nation's conquest of "infantile paralysis." Less than two decades ago, the annual arrival of summer brought with it a somber fear of polio epidemics. Since the advent of the polio vaccine and a vigorous vaccination program, we have almost eradicated this crippling disease, Only slightly less dramatic have been our efforts to control tuberculosis, diphtheria, and measles.

The financial investment in prevention and control of these diseases is minute in comparison to the consequences, in terms of social and economic costs, of allowing them to run rampant. For example, measles are not always a benign childhood disease, for there are often serious medical complications such as middle ear infections and encephalitis, which can result in mental retardation. In addition to the financial resources expended for treatment, there is no way to accurately measure the number of school days lost.

The cost of rubella and its toll in human lives is greater. Its effects on the unborn child have been well demonstrated. In the most recent epidemic in 1964 and 1965, there were approximately 10 million cases, resulting in an alarming 15,000 to 20,000 miscarriages or stillbirths and 20,000 children born with defects.

Although these and other communicable diseases could be virtually eliminated, until now we have not developed a continuing and comprehensive immunization and vaccination program. Too often, we are merely responding to an emergency or epidemic situation. Our support must be constant and it must be total. Unfortunately, each time Federal expenditures are reduced in this area, the immunization level declines. This is then accompanied by a rise in the number and the severity of the outbreaks. This vicious cycle can be broken. The Communicable Disease Control Amendments of 1972 are a beginning.

Mr. President, I would like to specifically comment on two provisions of this measure which I feel are particularly important: First, adequate funding for tuberculosis control programs; and second, the specific designation of venereal disease as a target area.

In 1970, there were over 37,000 new active cases of tuberculosis reported. In the same year, this disease caused the death of 5,500 Americans, and it remains the No. 1 killer among communicable diseases. Due to a shortage of funding, however, many ongoing tuberculosis clinics were scheduled to lose their Federal support, including clinics in El Paso, Houston, and San Antonio, Tex. This legislation will enable these needed clinics to continue their operations.

Second, this act encompasses the provisions of the "Venereal Disease Control and Prevention Act of 1972," which I have also cosponsored. Venereal disease has reached epidemic proportions in the United States. Following World War II, we drastically reduced the incidence of syphilis with the introduction of penicillin and the availability of Federal support for State and local VD control programs. Nevertheless, when Federal expenditures were sharply reduced, we witnessed the resurgence of venereal disease, which now threatens to erupt into an epidemic of immense proportions. For example, just last year, there were an estimated 2 million cases of gonorrhea in the United States. We must begin now to address this problem with increased Federal support for programs of detection, treatment, and education.

Mr. President, I understand that the House of Representatives is acting expeditiously on this matter, and I am hopeful that undue delay can be avoided in bringing this legislation to enactment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have a statement by the distinguished Senator from Georgia (Mr. GAMBRELL) printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR GAMBRELL

I am pleased that the Senate is proceeding to the consideration of S. 3442 this morning. This bill, which was adopted from a bill I cosponsored, S. 3187, deals with a problem which has been growing in the United States and has increased at an almost uncontrollable rate over the last several years. Venereal disease in our country has reached epidemic proportions and has moved into second place as the most common communicable disease behind only the common cold. It shows no signs of lessening on its own prior to the introduction of effective control and treatment programs, programs which do not exist today.

The problem of venereal disease can no longer be swept under the rug as it once was. This is a problem which must be discussed and dealt with on a serious level. According to recent estimates, during 1972, there will be 2.5 million new cases of gonorrhea and over 100,000 new cases of syphilis. Over one-half million people are now living in this country with untreated syphilis. These victims either do not know they have the disease or they are afraid to seek treatment for fear of being socially ostracized.

The spread of venereal disease has reached all corners of our Nation from Georgia to Alaska and from Maine to California. The problem can no longer be ignored. If left untreated, venereal disease may result in blindness, sterility, brain damage, aortic insufficiency, visceral disorders and even death. The ramifications of the disease are too serious to allow the severity of this problem to go unrecognized.

This bill will provide added national recognition and special funding for an educational program which will increase the national awareness of the severity of the problem. This program will serve to better publicize the severe problems associated with VD, and it will hopefully result in the decrease of the number of people affected by this crippling disease each year.

Mr. JAVITS. Mr. President, I am prepared to yield back our time and vote on the measure.

Mr. KENNEDY. Mr. President, I am pleased to yield our time.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[Leg. No. 195]

YEAS—72

Aiken	Fannin	Pearson
Allen	Fulbright	Percy
Allott	Griffin	Proxmire
Anderson	Gurney	Randolph
Bayh	Hansen	Ribicoff
Bellmon	Hart	Roth
Bennett	Hatfield	Saxbe
Bentsen	Hollings	Schweiker
Bible	Hughes	Scott
Boggs	Jackson	Smith
Burdick	Javits	Spong
Byrd, Harry F., Jr.	Jordan, N.C.	Stafford
Byrd, Robert C.	Jordan, Idaho	Stennis
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Cook	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Curtis	McGee	Thurmond
Dole	Metcalf	Tower
Dominick	Miller	Tunney
Eagleton	Mondale	Williams
Ellender	Moss	Young
Ervin	Nelson	
	Pastore	

NAYS—0

NOT VOTING—28

Baker	Gambrell	McIntyre
Beall	Goldwater	Montoya
Brock	Gravel	Mundt
Brooke	Harris	Muskie
Buckley	Hartke	Packwood
Cannon	Hruska	Pell
Case	Humphrey	Sparkman
Cranston	Inouye	Weicker
Eastland	McClellan	
Fong	McGovern	

So the bill (S. 3442) was passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SUDDEN INFANT DEATH SYNDROME

The ACTING PRESIDENT pro tempore. Under the previous unanimous consent agreement, the Chair now lays before the Senate, Senate Joint Resolution 206, which the clerk will read.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 206) relating to sudden infant death syndrome.

The Senate proceeded to consider the joint resolution, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 2, line 12, after the word "the", strike out "top" and insert "highest."

The ACTING PRESIDENT pro tempore. Debate on this measure is limited.

The Senator from Minnesota is recognized. How much time does the Senator yield himself?

Mr. MONDALE. Mr. President, I yield myself such time as I may need. I do not believe we are going to need the full 20 minutes. I know of no opposition.

May I first commend the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) and the ranking Republican member of that subcommittee (Mr. SCHWEIKER) for their courteous, thorough, and expeditious consideration of this most necessary proposal.

I am pleased to propose for consideration by the Senate today a resolution which I hope will eventually end the suffering of thousands of families who lose babies in this country each year to sudden infant death syndrome or crib death.

My Subcommittee on Children and Youth held a hearing on the subject of SIDS on January 25. On that occasion I heard testimony from officials of HEW, from medical experts, and from parents whose children had died of SIDS. I was appalled to learn that, although SIDS kills at least 10,000 infants each year in this country, the Government does not even list it as a cause of death in infant mortality statistics.

Furthermore, HEW has in the past shown only the most minimal commitment to finding a cause and cure of the disease. In 1971, only one research grant in the amount of $46,258 was directed specifically toward the discovery of an exploration and solution of this hideous disease.

SIDS is a disease that takes a terrible toll on the families it strikes. The in-

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fant victims of the disease usually die suddenly and inexplicably, often in their cribs in the middle of the night. They often do not appear to be ill, and when an autopsy is performed, no specific cause of death is found.

Parents, other relatives and friends have no choice but to accept the death of an innocent child without explanation. Parents often cannot avoid the thought that they somehow neglected or abused the child. Police and other public authorities who come in contact with it are often not familiar with SIDS and imply that the parents are guilty of criminal neglect toward the child.

Following the hearing of the Children and Youth Subcommittee, I introduced Senate Joint Resolution 206 in the hope of encouraging HEW to intensify its SIDS research efforts and provide services to stricken families. The resolution was subsequently approved by the Health Subcommittee and the Labor and Public Welfare Committee. I am particularly grateful to Senator KENNEDY for his role in gaining committee approval of the measure.

I ask unanimous consent to have printed in the RECORD at this point the report of the Labor and Public Welfare Committee on Senate Joint Resolution 206 and some letters written by parents who have lost children to SIDS.

These letters offer a moving and poignant description of the experiences of families whose children have died. They are the most convincing evidence I have seen of the need for the passage of this resolution. I hope that all of my colleagues will join me in voting for Senate Joint Resolution 206 today.

There being no objection, the report and letters were ordered to be printed in the RECORD, as follows:

PARENTS' LETTERS

REPORT OF HANDLING OF MICHAEL DAVANZO, AGE 23 MONTHS—DIED, THURSDAY, SEPTEMBER 17, 1970, AT HOME, 12 NOON

I found the baby limp after a morning nap. I phoned 911. An ambulance and a police car came. During the trip to Jamaica Hospital, the doctor in the ambulance applied oxygen. He asked "When was the last time you saw this baby alive?" At the hospital emergency treatment began immediately. At the same time police and nurses began questioning me. Their questions were: "What did you give him?" "What did you do to him?" "Did he fall?" My mind went blank.

Then I was taken into a private room to be interviewed by a doctor with a nurse. He took the case history and explained that an autopsy would be necessary. It was the law. It would be done in Queens General. On Thursday night when the undertaker called Queens General, he was told the baby was there. However, later it was revealed that baby arrived at Queens General on Friday (9/18) at 3:19 PM. There was no medical examiner in Queens, so the body was removed to Bellevue on Saturday (9/19) at 12:17 p.m. The reason for this delay was said to be that there was no van driver. On Saturday morning we called a television "Action Reporter," Christopher Jones. We were advised to call a woman doctor at Bellevue (by undertaker). This doctor asked if the baby had been sick. The baby had been well, and seen by his doctor 5 days previously. She took the doctor's name. We were advised to pick the baby up at 4:00 p.m. Within a short time, the death certificate arrived. Cause of death was stated as "under further investigation."

My husband and I went through a period of extreme anguish. We wondered if we'd missed an illness. We ate his baby food. We drank his apple juice. We relived our lives (previous to his death) trying to retrace steps and wondering.

In January, I contacted the previously mentioned "Action" reporter. I told him I had never heard anything further about my son's death. In February, a letter arrived stating the cause of death was pneumonia. For a full autopsy report we were advised to send $11. This we did. I called my family doctor and accused him of overlooking the illness. The doctor assured me and said it was crib death.

The cause of death on the autopsy report was "pending further investigation." The report also said "circumstances suspicious or unusual," which made me nervous.

In July, 1971 a letter came from Dr. Helpern. It stated he was sorry for the loss of my child and gave me statistics on how many babies do die suddenly. He asked me to please answer a questionnaire.

I have found it a great help talking to other parents about their experiences. I am now active and hope to prevent other parents from going through the anguish and treatment of almost a full year until they learned their baby has died of Sudden Infant Death Syndrome.

MRS. RONALD DAVANZO.

MISCELLANEOUS LETTERS TO NATIONAL FOUNDATION FOR SUDDEN INFANT DEATH, INC.

DEAR SIRS: I lost my baby last week and they called it a crib death. My heart aches so I just can't explain it. I keep asking if there was something I could of done. Please send me some information.

Some times I feel I am losing my mind. I even fear going home to the place she died. Her crib is still there along with her clothing what should I do? I have only one other child, a four year old. Should I go home and try all over or should I look for another house? I am with my parents now. My husband is a truck driver and he's not home all the time. This means I am alone a great deal.

If you can please help me.

Waiting to hear from you.

———, *Pennsylvania.*

GENTLEMEN: I read an article in "The Kansas City Star" about your National Convention and wrote to J. Bruce Beckwith, M.D. who was kind enough to send me literature containing your address.

I lost my son almost 24 years ago in Lima, Peru, with this syndrome. An autopsy was not performed. I have since divorced and my ex-husband has told both my daughters that I killed the baby. I fed him at 3:00 a.m. and at 6:00 a.m. he was dying when I went in to check him. He was still warm and there was no vomitus in his crib. I have seen two psychiatrists but I still have terrible guilt feelings.

I am wondering whether there is a Chapter of the NFSID that I can join in my area. How can I help? There is an occasional local newspaper coverage of an infant death but there is usually no mention of this syndrome.

I would do anything I could to help relieve some tortured parent from going through what I have for 24 years and probably for the rest of my life.

I deeply appreciate the work you are doing and only wish that there had been people like you to help me when my baby died.

———, *Missouri.*

DEAR SIRS: I need your help. My 2 month daughter has died and I love her very much. It was our first child. She was born on January 31, 1971—she died April 1, 1971.

My baby—I carried her for nine months. She weighed 8 pounds 2½ ounces she never lost any weight she gained. When she died she weighed 14 pounds and was very happy. She ate good, slept good.

Our family got the flu. I was wondering if my baby could of gotten the flu without anyone knowing about it. The only thing that happened was that I did not realize till she died that for three days before she died she slept 2 days and I had to wake her up to feed her. Then the next day she was alright. That night I gave her supper then I put her to bed. She seemed restless but everybody told me that lots of babies do cry all night and are all right. She had just been for a check up and she was alright. Well, I picked her up and rocked her to sleep. She was breathing okay. She didn't act like she had a cold or anything. The next morning she was dead.

Now I am a nervous wreck. I don't care if I live or not. The man that checks dead people said there was no sense in doing anything to her because they won't find anything. I am heartbroken.

What I want to know is do you have any idea what could have been wrong with her? They told me it might be "crib death"—what is that—I don't believe that my baby or any baby could die from nothing.

We want to have more children but I am scared to become pregnant because I am afraid it will happen again. I just can't take it anymore. I am on nerve pills. I keep hearing her crying. I don't feel like seeing my friends because when I do I don't know what to say to them. I need your help I am going to end up in a mental hospital if I don't get some help from someone soon. I am so lonely.

———, *New York.*

DEAR SIRS: I have just finished reading a story in a magazine about "crib death". I can't begin to tell you how much I appreciated it. On April 16, 1969 we lost our seven week old baby. Coroner's Report Crib Death. I had heard little about these deaths, still we searched magazines, newspapers for anything we could find on the subject, anything to enlighten us to the facts about these deaths. I kept asking myself, did I do anything wrong. Did I over feed him, should I have laid him on his back instead of his stomach, will this happen again. All kinds of endless, torturing questions. Thank God, I had a doctor who explained to me that it was nothing I had done wrong and a husband who assured me that I gave my baby the best care in the world. You know when this thing happens to you it makes you more aware of other infants dying. I pick up a newspaper and see where a baby has died and my heart goes out to these parents, I think if only I could talk to them, help them and their family to learn the facts of these deaths. To tell them it wasn't their fault in any way—that there was nothing they could of done.

You'd be surprised how ignorant the general public is about this, people would ask us what did your baby die from and when we would say SID they'd look at us like we were crazy. For instance, Jedd Roe's case when the detective asked him that silly question. The Coroner showed us a clipping that he carried in his wallet about these deaths, he told us that he had seen marriages break up because one mate would blame the other, why? because most people don't know or have never read about crib death.

Please tell us how we can help others to understand. If there is a volunteer group near my home town put us in touch with them or tell me how to start one. We would sincerely like to help your cause. I thank you for this wonderful article—I hope millions of other people read it. Send us more information if you can.

———, *Kentucky.*

DEAR MRS. CHOATE: We thank you for your very nice letter plus all of the articles you enclosed on SIDS. They sure helped to answer questions which needed answering. And you gave us more information than we could have ever hoped for. Thank you from the bottom of our hearts.

There is one thing that left a doubt in my mind. In all the articles they mention a peak age for SIDS. Two to four months, rarely over 6 months. Our daughter was 13½ months old. She had been to the doctor 6 days before she died. He checked her and found her healthy. He gave her a vaccination shot. Six days later she ran a slight fever (100) then after that she was dead. No other signs of sickness, no cough, no runny nose, no sore throat. We had an autopsy performed. The doctor told us "bronchial pneumonia" was all they could come up with. He said it was a common thing to list this as "crib death." He had no explanation as to why, or how. All he said was "the vaccination had nothing to do with it, it was a "crib death." Why would they say "bronchial pneumonia" if it was "crib death"? We asked him for information or who we could write or talk to for answers. He had nothing to tell us.

It wasn't until a few months ago, two years after our daughter's death, that we found out about your organization. It is a long time to go around wondering and feeling guilty. We hadn't known that so many babies die from SIDS. For the longest time after our son was born, we were so frightened it would happen again. We feel relieved now. But I guess it will be some time before I am really secure.

Again, we thank you for your letter and for sharing your baby's death with us. It made us feel less alone. We deeply appreciate your literature and all of the work you are doing.

———, *Massachusetts.*

DEAR SIRS: I am 18 years old, my husband is 21. We were married October 12, 1968. June 19, 1969, we had a baby girl. She would have been 3 months old September 19, 1969—the day she died.

We had left her with my mother-in-law for 3 days. We went to pick her up the evening of September 18, 1969. My mother-in-law informed me she thought "———" was catching a cold. She said she had a runny nose.

She was in a playful mood when we arrived home. My husband wanted me to let her stay up later and play. However—I had her on a schedule. She was to go to bed at 9:00 p.m.—she usually woke up at about 7:00 a.m. Then after she had her bath and ate she usually went back to sleep for an hour or two.

I put Vicks on her back, chest and throat—then I put a heating pad under her sheet and turned it on to medium.

I worked from the time she was 2 weeks old until she was about 2½ months. (My husband was in jail at this time, that's why we left her at my mother-in-laws—because he just got out and we wanted to be alone—so we could go places and have fun.)

So, she was used to being with her grandmother and uncles. Naturally she was spoiled and didn't like to go to bed. So she cried until about 10 or 10:30. At 11:00 just before we went to bed my husband went in to check on her. She was asleep on her stomach (she wouldn't sleep on her back). He asked me to come in the bedroom and showed me that she was covered with perspiration, her clothes were soaked. I presumed the heating pad was on too high although it didn't feel too warm when I touched it. I turned it on low. We had just moved to the apartment and didn't have the heat turned on yet so I didn't want to turn the heating pad all the way off.

At about 2:30 or 3:00 I woke up. "———" was screaming—not just crying but screaming. I thought that she just had a bad dream. I went to her room and tried to give a bottle but she wouldn't take it. She just kept on screaming. I went back to bed and she shut up in about 15 or 20 minutes—but all this time she was screaming.

At 6:00 we got up because I was going to take my husband to look for a job. I went in to get her to give her a bath. I picked her up and she was stiff—I dropped her back down. Her little fists were purple and they were gripping the sheet. There was white foam in her mouth.

The coroner said she had been dead probably 3 or 4 hours. I guess she stopped crying when she died. They said it was "crib death" but never did tell me anything more than that. I think she suffocated from the heat of the heating pad. My husband and mother-in-law both told me that it wasn't because of the heating pad and told me to call the autopsy man a few days later when I was off the tranquilizers. He again told me it was "crib death." But no one ever told me what that meant.

We now have a 7 month old baby. When he was 5 months old he was put in the hospital for 3 days for what doctors thought was bronchitis. They found he was only sick from allergy to a drug another doctor has prescribed for his cold while my baby's doctor was away.

The first day he went to the hospital my husband and I got into an argument. He said I never took care of the baby and that it was my fault he was in the hospital.

We were living with my mother-in-law then too (neither her nor my father-in-law could drive so I had to take each of them back and forth to work every day plus I had to do all the housework). So, about all I could do with the baby was give him a bath and my husband took care of him the rest of the time.

Also when he said it was my fault that the baby was in the hospital he said "at least I never killed our little girl". He had never said that to me before and didn't mean to say it then, it just slipped out. But that proved to me that he does think I killed her. Since then, I wonder all the time if it was my fault and if I really did kill her with the heating pad. Maybe my mother-in-law and the autopsy guy know I killed her with the heating pad and are hiding it from me. I don't know why, but I feel that they are lying to me. I am afraid to ask my husband.

(This letter goes on for three more pages pleading for answers to questions related to sleep, eating habits, etc., but is mainly repetitive.)

Well, there are probably more questions I could ask, but I mainly want to know if you think I killed my baby or did she really die from "crib death"? And what is "crib death". Please help me as soon as possible. I don't want to kill my new baby.

———, *Oregon.*

LETTERS TO SUBCOMMITTEE ON CHILDREN AND YOUTH

ARLINGTON HEIGHTS,
January 28, 1972:

Senator WALTER F. MONDALE,
Chairman, Senate Subcommittee On Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: It was indeed a great pleasure meeting and talking to you after the Hearing on Sudden Infant Death Tuesday in Washington. It's quite a good feeling knowing that at last something is really going to be done to investigate and research Crib Deaths in our Country.

Enclosed is the testimony you asked us to submit, which is to be included in the record:

Our son, David, a four month old healthy adopted child, was fed early in the morning of June 28, 1968. (About 5:45 a.m.) After his bottle, I put him back in the cradle, and crept quietly back to bed myself.

Around 7:00 A.M. my husband awoke and we talked for a few minutes. We commented on how good little Dave was that morning, to go back to sleep. When my husband got out of bed, he immediately sensed something wrong. He went over to the cradle and found David laying face down with the light blanket wrapped around his head. He picked up the baby and tried to give him mouth to mouth resuscitation. I picked up the phone and asked the operator to send the fire dept. Inhalator squad, because my baby wasn't breathing.

Moments later a hook and ladder fire truck was at our door, followed by the police. (We found out later, that our town didn't have a fire ambulance at that time.) At any rate the police squad car drove our baby to the hospital where he was pronounced dead on arrival.

At Northwest Community Hospital in Arlington Heights, we were handled extremely well. (So much better than the majority of young parents we have since contacted for the N.F.S.I.D.) This fact above all others, forces us to keep working with new families. When all SID parents are given fair and equal treatment, we will feel a sense of great relief.

Anyway, at the hospital, we told them we thought the baby had suffocated in his blanket. They didn't know, but explained that an autopsy would be performed.

Later that morning our pediatrician came out to the house and told us about crib deaths, and how he felt almost certain that the autopsy would prove that our son was a victim of Sudden Infant Death.

An hour later, the funeral home called to say the Cook County Coroner's office (Chicago, Illinois) called and released the body, as this was, in their opinion, an obvious case of pneumonia. We just couldn't understand how they could tell in a telephone call to the hospital, without ever having seen the baby. I became very confused once again. Maybe someone was trying to say pneumonia, just to make me feel better. It just made the guilt feelings stronger.

Pneumonia just couldn't be . . . . At 6:00 AM our son was in perfect health. There was no way he could be dead from pneumonia one hour later!

I immediately felt once again that I had accidently smothered the baby by putting a blanket over him. But it was cool that morning, I reasoned . . . why shouldn't I have covered him? But, maybe if I hadn't, he'd be alive. Thoughts like these raced madly through my mind. We called the pediatrician again, and told him what had happened. I honestly wanted to believe him about Crib Death, but couldn't . . . . . there was this blanket . . . . I just felt totally responsible.

Dr. Manas recommended a private autopsy be done at Evanston Hospital, which he thought would help. (Once again we were more fortunate than most, to have such good counseling from our doctor, and also, the ability of being able to afford a private autopsy.) It was performed that morning, and later that week, the pathologist found the cause of Death to be Sudden Infant Death Syndrome. A small relief to us on one hand, but a new worry just beginning on the other.

When friends and relatives began calling us that afternoon to offer sympathy and money for flowers, we directed that all the money be sent to any local medical organization that was researching Sudden Infant Death. The trouble was, no one seemed to know of one. We called Northwestern University Medical School first. No, they had nothing. Then we tried Univ. of Illinois Research, and after talking to a half dozen people, realized that they didn't have, or know of anyone researching SID. More phone calls followed, and again the same answer,

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"sorry, no". The sickening shock hit us, that nowhere in the entire Metropolitan Chicago Area, was anything being done about SID, nor could anyone direct us where to go.

By a coincidence, Redbook Magazine ran an Article on Crib Death, that appeared on the newsstands that June day in 1968, describing a case very similar to ours. I desperately wrote to the organization named, The National Foundation of Sudden Infant Death, N.Y., and through them, found many of the answers we were seeking.

We now know that our son's death was a classic example of S.I.D., but the biggest question still remains unanswered. It is the same one you asked throughout the Hearings, Sen. Mondale. "Why is research on SID still back in the middle ages, why in this day and age of medical research and technology, has nothing been done to find the answer to these Crib Deaths?"

The longer we searched three years ago . . . . the less we found. Today, it's basically no different . . . and we are still asking why. How does one truly answer the new parents questions of what has been done since our son died? How do you answer, not much . . . because not enough people care . . . .

It is our opinion, that by not wanting to scare the general public of young parents, SID articles and information, up until very recently has been very scant. We may be saving young parents from worrying about SID, but we are not saving their babies. Let this disease be known . . . . and let it be conquered.

With this in mind we came to Washington to support in any way, your interest in this problem.

Most sincerely yours,

MRS. NOBLE C. CHRISTENSEN.

PERTH AMBOY, N.J.

DEAR SENATOR MONDALE: On December 16th 1971 I awoke at about 8:25 a.m. because of a phone call from my husband who had left for work a half hour earlier. We spoke for a few minutes and with the phone in my hand, I got up and walked across the hall to our 4½ month old son's room. His name was George Smith III. He was usually a late sleeper, and since he had gone to bed past his normal bedtime, I thought nothing of him being asleep at 8:30 a.m.

As I opened the door to his room, I put down the phone and went to his crib. After just touching his blankets I knew something was very wrong—they were damp—. I could see his forehead and hands and pulled the blanket down—he was discolored and stiff—he was dead.

I called for first aid. I tried chest massage, back pat, and mouth to mouth. Then I called my husband and told him the baby died in his sleep of suffocation. The first aid came and took the baby and myself to the hospital.

There they took my baby and tried to revive him, but some nurse took me aside asking for information, then another nurse came out and said that she thought that the baby was breathing. At this I turned to her and said, "Why lie to me?". Another nurse led me to a room where I could sit down. A doctor came in followed by a policeman, a nurse and another man. The doctor told me my son died of crib death. He explained that it wasn't my fault and that this happens to about 20 babies every year in our county alone.

I found out who the other man was: he was a detective from the homicide squad and he wanted to question me. I almost begged him to please wait, but he insisted on asking me questions. "Was your baby sick? If so; why didn't you take him to see a doctor? When was the last time the baby saw a doctor? When was the last time I checked on him?"—and he kept repeating these questions. I answered all of his questions, still pleading with him to please wait because my husband wasn't there and he really didn't know for sure if the baby was dead. When my husband did arrive, they started questioning him in the same manner.

Someone brought my mother from work to the hospital. We told her what happened and the detective was still there listening to all this. Finally, our minister came and took us all to his home where we made arrangements for our son's funeral.

The most difficult part of everything was explaining to our families and answering their questions with little information that we had. Thank God my aunt had read an article the week before about crib death, and told us more about what caused it.

The only other thing I can say is that the hurt and guilt I felt was so intensified just by the police not waiting to question me, and that is a feeling I will live with always—it was cruel and inhuman, to make me go through something like that when a doctor had told me in front of the police that my son's death was no one's fault, that no one could have prevented it.

MRS. JANICE M. SMITH,
MR. and MRS. GEORGE T. SMITH, Jr.

PUBLIC STATEMENT ON SUDDEN INFANT DEATH BY BARBARA AND DAVE SIMPSON

(Parents of SIDS victim David Carstairs Simpson. Born—November 5, 1968. Died—February 5, 1969. Age—3 months.)

A great amount of unnecessary suffering could have been eliminated by three little words, Sudden Infant Death, written on a piece of paper called a death certificate. Instead bronchial pneumonia and interitis was written. Our doctors told us that upon their inquiry, they were told that Davey's was a classic crib death.

How could this unnecessary suffering been eliminated? It took two years of my life away from my family and me. I wasn't sure if I were a fit person to be around anyone. I didn't know how it was affecting my two boys. I know that now they are very aware of how special our new little girl is. They protect her from all possible harm that they are aware of. This extra sensitivity probably never would have developed if SIDS were written on the death certificate. It never would have developed because we would have known for sure that SIDS was the cause and that an illness was not overlooked.

My hope for the future is that SIDS be an entry on all death certificates; and that there be no double standards of being told one cause of death and another being written on the death certificate.

There were so many doubts in my mind that I couldn't accept it all at once. I read everything that I could get my hands on about pneumonia and interitis. I just could not believe that my baby died of this without my seeing some sign of his discomfort. If he had had diarrhea I could have seen it with my own eyes. If he had had pneumonia and a fever, when I held him to nurse him I would have felt the heat of a fever. Only now can I rationalize these things. Three years ago I could not.

I thank God that there was a National Foundation for Sudden Infant Death to help me. Without it I could never have gotten the information I needed to know. They give parents so much of what is needed immediately after a SIDS death. Unfortunately it took me a few weeks to find them. The damage was already done. My thoughts kept going back to what had been written on the death certificate. I'll go back a way and tell you how it happened and the events that followed.

Dave, my husband, got up for work at the regular time; showered and shaved and went through the whole morning routine. Then he realized that the little guy was not rustling around like he did when someone was moving around in the room. He picked up our little son and held him close. Dave knew that there was no hope of bringing him back. That's why he did not wake me up right away. When he did awaken me, I could see that the tears were wetting his shirt. Our little Davey was dead. I knew he was dead, but I thought if I screamed loud enough it would bring him back. Dave called the police. I looked at Davey's face for a long time. I never wanted to forget it.

When they came they administered artificial respiration and mouth to mouth resucitation. I still kept hoping they would bring him back to life. The police asked Dave to wrap the baby in his blanket so they could take him to the hospital. I can remember that so well. As they left I remember telling Dave to make sure that he brought Davey back with him. Of course Dave came home without him. That's when two years grieving started. The following events contributed to prolonging our grief.

We called my uncle, a mortician. He asked where the baby's body was. We told him he was in Elmhurst General Hospital. In a few minutes he called back and said there was no record of the baby being brought there. (Well, Dave and I thought, Oh good, it was a bad dream.) It was late evening by the the time they found where they had misplaced my precious little baby. This was the start of the loss dignity. Why the hell should they care where my baby was lying. For all I knew (having been told nothing) they could have thrown him in a garbage can. Our next worst time was still to come. We were told to come down and identify his body the next day. All night I lay awake wondering what he was going to look like. Dave and I were so afraid we couldn't sleep in the same room he had died in. My mother had taken my two sons home with her to stay until we had all the arrangements made and the baby buried.

We arrived at the morgue the next day a little early. I was looking to see a little bundle. I didn't. We waited and watched the door to the morgue open and close. People with buckets and syringes went in and out. All I could think of was how could they put him in that dirty place. It is an awful place. It seemed like we waited for hours. All I wanted to do was see my baby again. Finally we were called into the coroner's office. I can still remember his face. He looked like he had no blood in his body. His face was very white. His hair was dark, trimmed in a meticulous crew cut. I couldn't help but notice that he wore a bow tie, and thinking he looked like he was going to a wedding. We were asked to sit down and answer some questions. Both agreeing, we sat. I asked him questions first—what did my baby die of? Did you perform an autospsy? He didn't answer us but said he would like to ask us some questions. Name, address, etc. Then he started—Did the baby have diarrhea? No. Was the baby sick? He had a cold. Did he have a fever? No. When was the last time you had fed the baby? 3:15.

Next, he told us there would have to be an autopsy. Dave and I agreed. He went into a detailed description of how an autopsy is performed. He started with the head first. He said that they would only take what they needed, and sew it back up and you would not see it if the baby wore a hat. Next he said a criss cross incision would be made in the stomach. By this time we said a few times that we knew how it was done, please don't explain any more. I couldn't tell you what he said after that, but he didn't stop until he was ready. I can remember, I kept asking if I could please see the baby now. He dismissed us and told us to identify the body.

We had to stand behind a big glass window. I could hear laughing and talking inside. An attendant wheeled him into view. We both said it was him. I wanted to touch him so

bad—his hair was all standing up—straight out like a little halo around his head. I wondered how they could put him on a really dirty pillow, even the sheet was dirty. His head lying straight now and his hands were at his side. He was so precious to us. We went back to his office and asked if we could please be informed of the autopsy results.

We went home and waited and waited. I called my doctor and asked if he could hurry things up. He said he was also waiting. Soon after, my uncle the mortician called to let Dave and me know the baby would be released later on in the day and that he would come to our house to pick up the baby's clothes. He came and went and still no word. At about 3:30 that afternoon, Uncle Tex called to tell us that pneumonia and interitis were listed as cause of death.

Five minutes later my doctor called and said that it was a classic crib death. I asked what he meant. He said something about the tubes having ruptured blood vessels. At this point I called my pediatrician (he had taken care of my other two children). I asked if he could get the information straight. He did. He called back and also said it was crib death. I was very upset at this point. I kept thinking. Crib death? What is it, the crib that killed my baby? Nonsense. I started looking up the meaning of crib death. I just couldn't find anything on it. I did find a lot about pneumonia and interitis. But nothing on sudden infant death or crib death. My insides felt like someone was pulling on them. If it was SID why not put it on the death certificate. My uncle being the person to look at the death certificate kept telling me it was pneumonia. My family kept saying you must go by what is on the death certificate.

This was a very long day. My family had left for the day and we were alone. I couldn't stand it so still. Later that night friends came over so we wouldn't be alone. I remember we had a nice time and for a while I forgot what happened. Until the house was empty again. We were just waiting for tomorrow. The next thing I knew the little white casket was at the cemetery all sealed, and I could never see him again.

The nights that followed were terrible. I couldn't sleep. I was afraid that something was going to happen to Bobby and Daniel. Dave's hours were changed to the night shift. My two friends slept in my apartment with me so I wouldn't be alone. It didn't help. I still didn't sleep. When I closed my eyes he was right in front of me and I had to cry. Silly but I can remember laughing and still crying. This went on until I contacted the NFSID. Someone had mentioned that they had read an article in the newspaper, but they didn't know exactly when. I went to the Library. It took time but I finally found the article title *Infant Killer Stalked on Long Island*. With renewed vigor, I contacted the Foundation. They immediately sent all the information they had at the time. We spoke on the phone many times. One mother whose baby died on the same day a year previously gave me great comfort. For some strange reason the knowledge that someone else shared that same factor gave me a feeling that I wasn't alone.

I now learned that other families were told the same thing by coroners and doctors. Now that I knew that this was common practice, I tried to tell this to other people. This is where I ran into conflicts again. It was said that if SIDS is put on some death certificates, why wasn't it put on mine. I rationalized this and came up with the answer that the doctors were probably just trying to help me, so I wouldn't feel that I had overlooked some warning sign. For two years this is what I believed.

I have since come to reason that what killed little Davey was SIDS and not me—only through the Foundation did I make this decision. If I called the Foundation when I was down, they knew what it was to cry for days. They have educated me like no other source was able to. In return, I will do my best to continue to wipe out ignorance, extreme guilt so as to lessen grief. Foremost, however, is that SIDS be written on the death certificate and that no other substitute be used. Most of all I pray that a cause-cure be found, so no one ever has to try to wake up a dead baby that was put to sleep healthy.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Massachusetts, who helped lead the fight for the adoption of this measure in the subcommittee.

Mr. KENNEDY. Mr. President, I want to commend the Senator from Minnesota for bringing this matter to the attention of the Senate. He has, of course, achieved very substantial recognition, which is well deserved, for his interest in the problems of children in this country. The hearing that his subcommittee held, I thought, was enormously informative, though extraordinarily distressing because of the fact that it revealed there are so many crib deaths in this country. I think all of us were distressed by the fact that there was so little information to be made available to us, that so little had been gathered by HEW. In the course of the hearing, we could see that there was a paucity of research and a lack of training programs for young researchers to move into this area and investigate the problem, and thirdly, a lack of information available both to Congress and to the parents and consumers across the country.

The thrust of this resolution is not only to draw attention to the sense of Congress, but hopefully to induce HEW to move in this area to provide the kinds of information and training and encourage the kind of research necessary so that this very dread syndrome, which affects so many children and causes such heartache to so many parents, can eventually be eliminated as a health scourge in this country.

So I urge the adoption of the joint resolution. I commend the Senator from Minnesota for the leadership he has provided and for making all of us on the Health Subcommittee, and I think all Senators, aware of the problem. I am hopeful that the joint resolution will pass, and I compliment the Senator and the ranking members of the committee, including the minority members, Senators JAVITS and SCHWEIKER, for their interest and support in getting this measure to the floor and their help in formulating the program.

Mr. MONDALE. I thank the Senator from Massachusetts for his wholehearted support of the measure and for his leadership in bringing it swiftly before the Senate for consideration.

We have found on several occasions in the Health Subcommittee, on which I am privileged to serve, that there are compelling health problems in this country which, for some unexplainable reason, are not receiving the kind of attention, either in research or treatment, that is needed. We have seen this earlier in connection with alcoholism and drug abuse, and later with sickle cell anemia, all major health problems in this country on which nothing was being done. Now another classic example of the problem is this sudden infant death syndrome, which causes over 10,000 deaths a year and yet nothing is being done about it. I believe that with this joint resolution, at long last, something will be done to deal with this frightful problem. I thank the Senator from Massachusetts again, and I am hopeful that the joint resolution will be adopted.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I wish to congratulate both the able senior Senator from Masachusetts and the able junior Senator from Minnesota for their efforts and the splendid work they have done in bringing this resolution to the floor, and I share with them the feeling and the hope that the Senate will adopt the joint resolution unanimously.

Mr. MONDALE. I thank the Senator.

Mr. ROBERT C. BYRD. May I inquire of the Senator, are cosponsors being accepted at this time?

Mr. MONDALE. We would be delighted to have the Senator from West Virginia as a cosponsor.

Mr. ROBERT C. BYRD. I thank the Senator. Will he request that my name be added?

Mr. MONDALE. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia be added as a cosponsor of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. MONDALE. Mr. President, I thank the Senator from West Virginia for his most gracious cosponsorship.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time on the other side, which has been assigned to me, may be handled by the Senator from Pennsylvania (Mr. SCHWEIKER).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield myself 3 minutes.

I should like to begin by commending the Senator from Minnesota (Mr. MONDALE), who has done so much to take the leadership in this field and whose imprint is borne by the measure we now have before us. His work has been outstanding, and without it I am sure the joint resolution would not be in the form that it is today here on the Senate floor.

Second, Mr. President, I would like to say that the joint resolution does a few simple things that need to be done with reference to a disease about which virtually nothing is known as to its cure, its symptoms, or its general medical patterns. The measure, of course, focuses much attention on the research that has to be done on this mystery killer of infants, the largest killer of children under 1 year of age. It is rather ironic that we do not even know what it is. When we call it a mystery disease, crib death, or sudden infant death syndrome, it indicates that we do not know. It is all the more tragic when we consider the heart-

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ache it causes. There is ample reason for giving high priority to research on this major killer of infants.

The problem is complicated by the fact that we do not even call it a disease. Unless it is classified and internationally recognized as a disease, it is virtually impossible to obtain statistics and to coordinate the necessary research and treatment. One important feature of the measure is that it moves to make the sudden infant death syndrome, or SIDS, as we call it, a recognized, classified disease. It is hard to define it as a disease when we are not even accounting for it statistically.

Third, we have the problem of parental guilt. There is still much parental guilt in connection with this kind of death. The mother feels, though it is completely unwarranted, that perhaps the child died in the crib because she failed to cover the child, or put too many covers on it, or because she was out of the room and did not hear it cry out. She is haunted by the specter in her mind that she somehow helped cause the death when nothing could be further from the truth.

This problem has nothing to do with parental neglect in any way. Nevertheless, the mother who goes through this rather hard experience needs to cleanse her mind of that self-accusation. That is what this bill is about, to help to educate people as well as to help find the cause of "crib deaths."

I strongly urge the Senate to vote for the joint resolution. I believe it deserves unanimous support, and I once again commend the Senator from Minnesota.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Pennsylvania, the ranking minority member of the subcommittee. The members of the Health Subcommittee, on this measure and many others, have been working very well together, trying to find some method by which all of us can participate in improving the speed of technological change in medical research and medical procedures. I believe that the Senator from Pennsylvania has been outstanding in this matter, and I think his leadership in the minority position, as head of the minority group on the Health Subcommittee, has been very helpful in getting this measure rapidly to the floor. I congratulate him.

Mr. SCHWEIKER. I thank the Senator.

Mr. MONDALE. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Minnesota has properly taken the wonderful lead in this joint resolution. I am a cosponsor of it. I strongly urge its passage. I think it is one of the finest measures we have reported out of the Labor and Public Welfare Committee.

Mr. President, I am a cosponsor of Senate Joint Resolution 206, a resolution relating to sudden infant death syndrome, and urge its passage. SIDS takes the life of over 10,000 children each year; it is the leading cause of death of infants between 1 month and 1 year old—striking 3 out of every 1,000 children born in this country—yet nothing is known about its causes. The parents of infants who die from SIDS are, unfortunately, many times harassed by legal authorities, as well as family and neighbors, because the available educational material in this area is so limited that no one unaware of this disease can believe that such a sudden death can result from anything short of mistreatment of the infant. Due to the lack of information, the parents themselves are plagued with doubt and anxiety, thinking that the infant's death was their fault, as they can see no other explanation.

Unfortunately, Mr. President, progress in this area has been slowed by the paucity of researchers interested in the sudden infant death syndrome, the absence of the sudden infant death syndrome from the International Classification of Diseases, and the very nature of the syndrome itself, in which death occurs suddenly and without warning.

Recognizing the inherent difficulties of this research area, HEW plans to direct research efforts toward identifying factors which predispose infants to the sudden infant death syndrome and emphasis will be placed upon the study of developmental physiologic phenomena on a longitudinal basis during the first 9 months of life. With this approach, it should be possible to identify interrelationships between physiologic events in the growing infant, his environment, and the occurrence of the syndrome, and subsequently to develop approaches to intervention and prevention.

In addition, HEW has encouraged the inclusion of the sudden infant death syndrome in the ninth edition of the International Classification of Diseases, which will make possible a reliable index of the incidence and distribution of sudden infant death cases throughout the Nation. In addition, States and localities will be encouraged through HEW educational and informational activities to make autopsies available for the victims of the sudden infant death syndrome, with prompt dissemination of findings to the parents.

Although much needs to be done to achieve the purpose of the resolution to assure that maximum resources and efforts are concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease, I am pleased to note that HEW has undertaken many important first steps.

Mr. KENNEDY. Mr. President, I am delighted this morning to join with the Senator from Minnesota (Mr. MONDALE) in the general debate on this very important resolution in respect to sudden infant death syndrome. My distinguished colleague (Mr. MONDALE) chaired the hearings by the subcommittee of children and youth, of which I am a member, last January which led to the introduction of this important resolution. Since the joint introduction of that resolution into the House and the Senate, the Senate Health Subcommittee has considered it in executive session, and it has now been brought to the full Senate for debate.

Mr. President, Senator MONDALE has great compassion for the children of this Nation, and his legislative records since coming to the Senate is replete with efforts intended to create the conditions for a better, more fruitful life for American children.

This resolution is another solid accomplishment in that effort of his, and I commend him for it.

There is no doubt that Congress is eager to move to eradicate this mysterious and most heartbreaking childhood disease. Three out of every 1,000 babies born, or 10,000 infants born in this country each year die from this elusive disease before they reach their first birthday. And yet, our scientists today concede they know very little about this tragic phenomenon which historians tell us has been with us since Biblical times. How ironic it is that although the National Institute of Child Health and Human Development of HEW calls it the largest cause of deaths for infants from 1 to 12-months old, SIDS is not even mentioned in Government statistics.

In Dr. Merlin K. Duval's testimony before the Subcommittee on Children and Youth, the Assistant Secretary for Health and Scientific Affairs for HEW stated that one of the reasons for the slow progress in SIDS was the "paucity of scientists interested in the phenomenon." One might then ask the question, "why is there this paucity"?

When our Nation embarked on the space age, we did not wring our hands deploring the lack of space scientists. Instead we took firm action to search the scientific community for the best talent possible. In less than a decade our Nation was second to none in space research. We can do no less for the children, and indeed the families of the children who may fall victim to sudden infant death.

Senate Joint Resolution 206 has several purposes. It assures appropriate research, including research training, and it also calls for an accelerated public education program to extend public knowledge.

The National Institute of Child Health and Human Development is directed to—

Designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts.

This would include the awarding of research and research training grants and fellowships and the encouraging of investigative proposals for possible Federal support.

The Secretary of Health, Education, and Welfare is also directed to develop, publish, and distribute literature to be used for educational purposes.

Finally, the resolution provides for a statistical reporting mechanism, including the addition of the sudden infant death syndrome into the international classification of diseases.

What the resolution cannot speak to is the effect inaction will have on thousands of families across the face of this country. As if the death of these infants were not tragic enough, the guilts shared by parents remain far afterward.

Sudden infant death outranks deaths from all other types of infant deaths, including heart disease. And over twice as many babies die from SIDS as die from cancer.

However, despite this irrefutable series of facts, in 1971 the Department of Health, Education, and Welfare awarded only a paltry $1.8 million in research grants for SIDS.

On May 23, I appeared as chairman of the Subcommittee on Health before Senator WARREN G. MAGNUSON's Subcommittee on HEW Appropriations. At that time I testified that of the $127,244,000 budgeted to the National Institute of Child Health and Human Development, $10 million should be earmarked for the sudden infant death syndrome. This seemed to be an appropriate indication of congressional intention to move quickly on SIDS. This should provide the stimulus to mobilize the research community to assist us in this effort.

Mr. President, I wish to thank you for this opportunity to speak in behalf of Senate Joint Resolution 206. Certainly it is our children who are still our Nation's greatest resource. We can do no less than assure each child the greatest possibility and potential for life.

Mr. President, I urge my colleagues to support this resolution.

Mr. TOWER. Mr. President, today, we are considering Senate Joint Resolution 206, of which I am a cosponsor. This resolution addresses the problem of the sudden infant death syndrome, or as it is more commonly called, "crib death."

Each year, at least 10,000 babies die of crib death. It is the largest killer of infants between the age of 1 month and 1 year. Yet, we do not know what causes crib death—nor do we know how to prevent it. It was only recently that we developed a recurring set of symptoms which has enabled us to define the boundaries of the disease. This lack of recognition has seriously impeded our efforts to effectively control the disease itself and its social consequences.

The first demonstrated need is for basic research. A typical case of crib death illustrates quite graphically our ignorance of the disease. An apparently healthy infant, usually between the ages of 3 weeks and 6 months, is put to bed. He shows no indication that something might be wrong. He might have the symptoms of a slight cold. Later, while asleep, without a single cry or whimper of warning, the child dies. An autopsy discloses no definite cause of death. This phenomena, which repeats itself thousands of times each year, is basically the essence of our knowledge to date. We merely know that crib death exists. Therefore, the first purpose of this resolution is to designate the search for a cause and cure of sudden infant death is one of the highest priorities of research activities in the National Institute of Child Health and Human Development.

The second demonstrated need is for the development of a range of programs to educate the public. The death of the child, by itself, is a tragic event. The social and psychological impact on the family who lose the child is often even more tragic. Because so little is known of the disease, parents often feel responsible for the death, feeling that in some way they could have prevented it. Furthermore, the parents must face the consequences of informing the authorities. Because the child must generally be seen by the coroner for investigation, crib death is often handled as if it were a criminal case. Hence, the parents are often investigated as if they were potential criminals, either directly or negligently having caused their infant's death. This situation is deplorable—and exists solely because of the general ignorance of law enforcement officials, coroners, and medical professionals as to the existence and the nature of the phenomena. Therefore, in order to correct this situation, the resolution directs the Department of Health, Education, and Welfare to carry out the following activities: First, development, publication, and distribution of literature to be used to inform the public and educate professionals who come in contact with crib death, about the disease; Second, work toward the establishment of reliable statistical reporting procedures for crib death, and third, work toward the availability of autopsies of children who die of crib death and the release of the autopsy results to the parents.

Hopefully, with these directives, the Department of Health, Education, and Welfare will be able to alleviate some of the social consequences of crib death and to answer some of the many questions which the disease raises.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

Mr. SCHWEIKER. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading and to be read the third time.

The joint resolution was read a third time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The joint resolution having been read a third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 196 Leg.]

YEAS—72

Aiken	Fannin	Pearson
Allen	Griffin	Percy
Allott	Gurney	Proxmire
Anderson	Hansen	Randolph
Bayh	Hart	Ribicoff
Bellmon	Hatfield	Roth
Bennett	Hollings	Saxbe
Bentsen	Hughes	Schweiker
Bible	Jackson	Scott
Boggs	Javits	Smith
Burdick	Jordan, N.C.	Spong
Byrd, Harry F., Jr.	Jordan, Idaho	Stafford
Byrd, Robert C.	Kennedy	Stennis
Chiles	Long	Stevens
Church	Magnuson	Stevenson
Cook	Mansfield	Symington
Cooper	Mathias	Taft
Cotton	McGee	Talmadge
Curtis	McIntyre	Thurmond
Dole	Metcalf	Tower
Dominick	Miller	Tunney
Eagleton	Mondale	Williams
Ellender	Moss	Young
Ervin	Nelson	
	Pastore	

NAYS—0

NOT VOTING—28

Baker	Fulbright	McGovern
Beall	Gambrell	Montoya
Brock	Goldwater	Mundt
Brooke	Gravel	Muskie
Buckley	Harris	Packwood
Cannon	Hartke	Pell
Case	Hruska	Sparkman
Cranston	Humphrey	Weicker
Eastland	Inouye	
Fong	McClellan	

So the joint resolution (S.J. Res. 206) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas sudden infant death syndrome

kills more infants between the age of one month and one year than any other disease; and

Whereas the cause and prevention of sudden infant death syndrome are unknown; and

Whereas there is a lack of adequate knowledge about the disease and its effects among the public and professionals who come into contact with it: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this joint resolution to assure that the maximum resources and effort be concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease.

SEC. 2. The National Institute of Child Health and Human Development, of the Department of Health, Education, and Welfare, is hereby directed to designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts and in the awarding of research and research training gants and fellowships: and to encourage researchers to submit proposals for investigations of sudden infant death syndrome.

SEC. 3. The Secretary of Health, Education, and Welfare is directed to develop, publish, and distribute literature to be used in educating and counseling coroners, medical examiners, nurses, social workers, and similar personnel and parents, future parents, and families whose children die, to the nature of sudden infant death syndrome and to the needs of families affected by it.

SEC. 4. The Secretary of Health, Education, and Welfare is further directed to work toward the institution of statistical reporting procedures that will provide a reliable index to the incidence and distribution of sudden infant death syndrome cases throughout the Nation; to work toward the availability of autopsies of children who apparently die of sudden infant death syndrome and for prompt release of the results to their parents; and to add sudden infant death syndrome to the International Classification of Disease.

H.R. 2—ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the Senate amendment to H.R. 2, passed yesterday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBSTITUTION OF CONFEREE ON S. 2770

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. BAYH) be substituted as a Senate conferee on S. 2770, to amend the Federal Water Pollution Control Act, for the Senator from California (Mr. TUNNEY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, there will now be a period for the transaction of routine morning business, as in legislative session, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WORLD'S FIRST ENVIRONMENTAL CONFERENCE

Mr. MAGNUSON. Mr. President, for some time the U.S. Senate has been deeply interested in world environmental problems. The Senate passed a resolution late last fall in which it unanimously approved of the establishment of a World Environmental Institute. As a result, the State Department, the United Nations, and other nations of the world thought they should have what would be the first environmental conference in the world. That conference is now being held in Stockholm, Sweden.

The Senate designated me and the distinguished Senator from New Jersey (Mr. CASE) to represent the Senate at that meeting, at which we will present a resolution based upon the measure the Senate passed last fall looking toward the establishment of a world environmental institute. I am to present the resolution to that body, at which 110 nations will be represented.

Many facets of the environment probably cannot be settled at the meeting, but we can make some very vital first steps. Our proposal to the conference in Stockholm will be for the establishment of a data-gathering institute, probably eventually leading to something like the World International Health Organization, in which we would have a place for all nations to go to receive technical and scientific advice on how to handle their specific environmental problems.

There will be many consultations in Stockholm. As I said, many facets cannot be resolved at the first session, but we think we can take this first step.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I have been designated to present the measure to which I have referred to the conference on Friday morning. Therefore, I must leave the Senate late this afternoon and proceed to Stockholm. I ask unanimous consent that I may have the indulgence of the Senate for the next 3 days, until the first part of the week, and that I be excused for this very important job on behalf of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON VOTE ON KLEINDIENST NOMINATION

Mr. MAGNUSON. Mr. President, when the vote occur tomorrow on the nomination of Richard G. Kleindienst to be Attorney General, on the vote to refer to the Committee on the Judiciary I would vote "aye" and on the vote on the nomination I would vote "nay." The Senator from Tennessee (Mr. BAKER), who represents the State Department and the very fine advisory committee that will be in Stockholm will also be in Stockholm, and we will pair on this vote. But I want the RECORD to show that my vote would be as I have stated. It will be a back-to-back vote tomorrow, and my vote on the two rollcalls will be as I have stated.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATIONS OF CERTAIN APPROPRIATIONS

A letter from the Secretary of Defense, reporting, pursuant to law on authorized deficiencies to be incurred for the necessities of the current year in certain appropriations; to the Committee on Appropriations.

REPORT ON APPROVAL OF LOANS RELATING TO EAST KENTUCKY RURAL ELECTRIC COOPERATIVE CORP., WINCHESTER, KY.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans made to certain distribution systems for investment in East Kentucky Rural Electric Cooperative Corporation, Winchester, Kentucky; to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the first quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

FLAMMABILITY STANDARD FOR MATTRESSES

A letter from the Assistant Secretary of Commerce, transmitting, for the information of the Senate, a flammability standard for mattresses (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF SHIPPING ACT, 1916

A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports made by that Office, for the month of May, 1972 (with an accompanying document); to the Committee on Government Operations.

PROSPECTUSES FOR CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for the construction of certain Federal buildings (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 205

"To memorialize the House of Representatives of the United States Congress to support passage of the federal revenue sharing bill, H.R. 14370.

"Whereas, revenue sharing by the United States with the states is a just and equitable principle as it serves to return to the states for use in promoting the welfare of their citizens a portion of the revenues collected from the citizens of the states; and

"Whereas, H.R. 14370, a revenue sharing measure, is now pending before the House of Representatives of the Congress and deserves the support of the Louisiana delegation in Congress as well as the support of the Representatives from all other states.

"Now therefore be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Louisiana delegation in the Congress and the Representatives from all other states are memorialized, requested and urged to give their full support to the passage of H.R. 14370.

"Be it further resolved that a copy of this resolution shall be sent to the members of the Louisiana delegation in the Congress and to the speaker of the House of Representatives of the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 92-838).

Mr. ALLEN. Mr. President, as in legislative session, acting under authority of the Committee on Agriculture and Forestry, I report H.R. 10729, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes. Inasmuch as some of the subject matter of the bill comes within the jurisdiction of the Committee on Commerce, I ask unanimous consent that the bill be referred to the Committee on Commerce for a period of 30 days, exclusive of recesses and adjournments of more than 3 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 3679. A bill to authorize the payment of a pension to veterans of the Philippine Jolo Jolo Campaign and the Cuban Pacification Campaign and to the widows and children of such veterans, and for other purposes. Referred to the Committee on Veterans' Affairs; and

S. 3680. A bill to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, today I am introducing legislation to correct a defect in the provisions of the Revenue Act of 1971 which repealed the 10 percent manufacturer's excise tax on light-duty trucks having a gross vehicle weight of 10,000 pounds or less. At the time that the repeal of the manufacturer's excise tax on passenger cars was being considered, Congress also decided to repeal the tax on light-duty trucks because, to a substantial degree, these trucks are used by many families in farm areas, as well as by other individuals, as a means of personal transportation comparable to the use made of passenger cars.

In that connection, the Report of the Committee on Finance states; at page 81:

The exclusion from the 10 percent truck excise tax for light-duty trucks includes the original equipment on the truck when it is sold. That is, parts and accessories that in the past have been subject to the 10 percent truck tax because of the sales of the truck, in the future are not to be subject to the parts tax. This means that parts and accessories which are sold with the truck (or ordered at the time of sale) are not to be subject to tax.

It has been called to my attention that, due to a technical rule, the 8 percent manufacturer's excise tax on truck replacement parts and accessories, rather than the 10 percent tax on trucks—including original equipment—is imposed in the situation where the dealer, in connection with the sale of a light-duty truck, sells or installs a part or accessory which he has purchased from a manufacturer other than the manufacturer of the truck. As a result of this situation, the repeal by the 1971 act of the 10 percent excise tax on trucks does not provide relief from excise tax in the case of accessories, obtained by the dealer from a manufacturer other than the truck manufacturer, which are sold on or in connection with the sale of a light-duty truck. For example, there is a considerable demand for heavy-duty bumpers for pick-up trucks, but these generally are not supplied by truck manufacturers. Rather, they must be purchased from independent bumper manufacturers. The purchaser of a light-duty truck, equipped with such a heavy-duty bumper from an independent manufacturer, is burdened with the 8 percent excise tax on the bumper which is passed on to him in the form of higher sales price.

When the Congress repealed the 10 percent manufacturer's excise tax on light-duty trucks, I am sure it did not intend to discriminate against purchasers of light-duty trucks who required equipment available only from independent manufacturers of such equipment. The amendment I am offering today will correct this oversight by allowing a credit for refund to the manufacturer of the 8 percent tax imposed on parts or accessories in the case where such parts or accessories are sold on or in connection with the first retail sale of a light-duty truck. As in the case of the repeal of the manufacturers excise tax on passenger cars and light-duty trucks, it is intended that the full amount of the repealed tax be passed on to the consumer.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing and Urban Affairs.

ASSIGNMENT OF INVESTMENT COMPANY MANAGEMENT CONTRACTS

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, on behalf of myself and Senator TOWER, I am introducing a bill prepared by that agency to regulate the assignment of investment advisory contracts with mutual funds and other investment companies.

The purpose of this bill is to clarify the legal status of the assignment of such contracts in light of the decision of the United States Court of Appeals for the Second Circuit in the case of Rosenfeld against Black. I hope that this bill will provide a vehicle for congressional consideration of this question. Mr. President, I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD together with a technical statement prepared by the Securities and Exchange Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended by adding at the end thereof a new subsection as follows:

"(f) An investment adviser of a registered investment company, or an affiliated person

of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such company if—

"(1) no affiliated person of such company (or successor thereto by reorganization or otherwise) is, for a period of five years after the date on which any such transaction occurred, (A) an interested person of the investment adviser of such company, or (B) an interested person of the predecessor of such investment adviser; and

"(2) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

For purpose of this subsection, an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurred, whereby the predecessor or successor investment adviser of such company or any interested person of either such adviser, receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, or (ii) from such company or its security holders for other than bona fide investment advisory or administrative services."

SEC. 2. Section 15(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-15 (c)) is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction of the type referred to in subsection (f)."

SEC. 3. Section 16 of the Investment Company Act of 1940 (15 U.S.C. 80a-16) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by adding after subsection (a) a new subsection as follows:

"(b) Any director of a registered investment company who is an interested person of either party to a transaction of the type referred to in section 15(f) shall not serve as a director of such company on and after the date of commencement of the new investment advisory contract, and the remaining directors of such company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are not such interested persons in the manner specified in section 10(e)."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 24, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Committee on Banking, Housing, and Urban Affairs, United States Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing proposed legislation designed to clarify and modify the Investment Company Act of 1940 in light of the decision in *Rosenfeld* v. *Black* as it may apply to transfers of mutual fund investment advisory organizations. The proposal is drafted generally along the lines discussed in my letter of March 10, 1972. A detailed explanation of the proposed legislation is contained in the attached technical statement.

The proposed legislation has the unanimous approval of the Commission, and the Office of Management and Budget has advised us that it has no objection to our submitting the proposal to Congress from the standpoint of the program of the Administration. The Commission therefore recommends that the attached legislative draft be introduced as a bill and that your Committee support its passage.

We have transmitted this proposal and recommendation to Senator Sparkman and to Congressman Staggers, Chairman of the House Committee on Interstate and Foreign Commerce.

Sincerely yours,

WILLIAM J. CASEY,
Chairman.

TECHNICAL STATEMENT BY SEC

PROPOSED AMENDMENT TO SECTION 15 OF THE INVESTMENT COMPANY ACT OF 1940 TO ADD A NEW SUBSECTION (F)

(f) An investment adviser of a registered investment company, or an affiliated person of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such investment company, *provided that*

(1) for a period of five years after the time of any such transaction, no affiliated person of such registered company (or successor thereto, by reorganization or otherwise) shall also be (A) an interested person of the investment adviser of such investment company or (B) an interested person of the predecessor investment adviser; and

(2) such transaction or its terms, conditions, or any understanding with respect thereto, express or implied, does not impose an unfair burden on the investment company. For purposes of this section, an unfair burden shall include any arrangement, during the two-year period after the time of such transaction, whereby the predecessor or successor adviser or any interested person of either such adviser receives or is to receive any compensation directly or indirectly (A) from any person in connection with the purchase or sale of securities or other property to, from or on behalf of such investment company or (B) from the investment company or its security holders for other than bona fide investment advisory or administrative services.

PRESENT SUBSECTION 16(B) BE REDESIGNATED 16(C) AND A NEW SUBSECTION (B) BE ADDED AS FOLLOWS

(b) In the event of any transaction within the provisions of Section 15(f), the directors of the investment company who are interested persons of either party to the transaction shall resign effective at the date of commencement of the new advisory contract and the remaining directors of the investment company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are also not such interested persons in the manner specified in Section 10(e).

PROPOSED AMENDMENT TO SUBSECTION 15(C) TO ADD A NEW PROVISION

Subsection (c) as amended would read as follows (new matter underscored): (c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or interested persons of such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be duty of the directors of a registered investment company to request and evaluate and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company. It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such investment company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction within the provisions of subsection (f).

TECHNICAL STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION ON THE PROPOSED AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 REGARDING TRANSFERS OF ADVISORY RELATIONSHIPS

The proposed legislation would amend Section 15 of the Investment Company Act of 1940 ("Act") by adding new subsection (f), amend Section 16 by renumbering subsection (b) as (c) and adding a new subsection (b) and would add a new provision to Section 15(c). The proposed amendments are intended to clarify and modify the law in light of the decision in *Rosenfeld* v. *Black*, 445 F. 2d 1337 (2 Cir. 1971), as it may apply to the assignment of a contract of an investment adviser of an investment company registered under the Act.

In that case, the Court of Appeals for the Second Circuit held that the general equitable principle that a fiduciary cannot sell his office is impliedly incorporated into Section 15(a) of the Act. Consequently, a retiring investment adviser breaches its fiduciary duty under the Act by receiving compensation which reflects either (1) payment contingent upon the use of influence to secure approval of a new adviser or (2) an assurance of profits the successor adviser will receive under the new advisory contract and renewals thereof.[1]

The Commission believes that the principle that a fiduciary cannot profit from the sale of his office was appropriately applied under the circumstances of that case, which appears to have involved an outright sale by the investment adviser of its investment advisory contract with a registered investment company.[2] The transfer of investment advisory functions in the *Rosenfeld* case did not involve the sale of the outgoing investment adviser's business through a sale of its stock or through a sale of its assets. However, the broad sweep of the language of the Court has cast substantial doubt on whether an investment adviser can make any profit when it sells his business in that manner.[3]

The Commission believes that it would be in the public interest to remove the uncertainty in the mutual fund industry which has been generated by the *Rosenfeld* decision. Therefore, the Commission recommends legislation which would clarify and modify the applicability of the Investment Company Act, as interpreted by *Rosenfeld*, to transfers of investment advisory organizations.

The proposed amendments are intended to permit an investment adviser, or an affiliated person of an adviser to obtain a profit upon the sale or transfer of its stock, or in connection with any other transaction which results in an assignment of the advisory contract, if certain conditions are met. These conditions are designed to prevent a retiring investment adviser or an affiliate from receiving any payment or other benefit in connection with the sale of the business of the adviser where such payment or benefit includes any amount reflecting certainty of succession to and assurance of continuation of the investment advisory contract. Preventing receipt by a retiring adviser of payments for these purposes should mitigate the dangers with which the Second Circuit was concerned in the *Rosenfeld* opinion. A detailed discussion of the statutory language follows:

Proposed section 15(f)

Proposed Section 15(f) specifies that an investment adviser or an affiliate may receive any amount or benefit in connection with a transaction resulting in an assignment of such adviser's investment advisory contract, if the adviser or affiliate can establish that conditions in the provision of the subsection are met. Proposed Section 15(f) would apply only to a transaction which results in an assignment of the adviser's investment advisory contract. "Assignment" is defined by Section 2(a)(4) of the Investment Company Act as including "any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor." An assignment will ordinarily occur as a result of a transfer of a controlling block of the adviser's stock but this may also be accomplished, as indicated by the definition of assignment, indirectly by a sale of assets, or transfer or hypothecation of a contract or chose in action, as for example, a sale of non-voting stock.

The proviso in subsection (f) would not limit the value of the purchase price or other consideration which may be received or accrued by the retiring adviser or its affiliate. The proposal thus takes into consideration the fact that a purchaser of the investment adviser may be willing to pay consideration for the business of an investment adviser over and above the fair value of its tangible assets in the hope or expectation of serving as investment adviser to the registered investment company in the future.

The first provision of proposed Section 15(f) requires, however, that for a period of at least five years subsequent to the time of any such transaction, all affiliated persons of the investment company, such as officers, directors, and employees, must not be interested persons of the company's investment adviser and of any successor adviser. This would be accomplished by making it unlawful during the five year period for the registered investment company involved in the transaction to have as an affiliated person any person who is also (1) an interested person of the investment adviser of such investment company or (2) an interested person of any predecessor adviser. These requirements would also apply to any successor to such an investment company where the successor becomes such by reason of a reorganization of the investment company or otherwise. For the purpose of determining who are interested persons, the definition in Section 2(a)(19)(B) of the Act would apply.

The second provision of Section 15(f) prohibits any assignment of an advisory contract which subjects the investment company to an unfair burden for a two-year period after the transaction. Such a burden could arise, for example, where the transaction involves an arrangement with respect to the investment company's brokerage commissions. A definition of unfair burden along these lines is included in the section. The prohibition against unfair burden is limited to two years—the maximum period specified by the statute for the duration of the initial advisory contract with the new investment adviser. Thereafter, the investment company's board of directors, consisting entirely of disinterested persons, will be expected to continue this protection.

It is important to note that the proposed amendment does not provide for rate making or fixing of profits by either the Commission or a court. In this connection, however, in determining whether or not to recommend the new contract for stockholder approval, the directors of the investment company who now have a fiduciary duty to refrain from personal misconduct in the performance of their office, would of course be required to carefully scrutinize and evaluate the terms and conditions of such contract as well as the qualifications and capabilities of the proposed new adviser.

Proposed New Section 16(b)

Section 16(b) provides that in the event of a transaction causing an assignment within the provisions of Section 15(f), the investment company affected will achieve a board of directors as required by Section 15(f) by prompt resignation of any directors who become ineligible to serve. Further, in order to achieve maximum independence of any successor directors throughout the period contemplated by Section 15(f)(1) during which the board must consist entirely of persons who are not interested persons of the investment adviser, new Section 16(b) also provides for the selection of such successor directors, and their recommendation to shareholders for election, by those members of the company's board of directors who themselves are not interested persons of the investment adviser. In this connection, the time periods specified in Subsection 10(e) would be applicable.

* * * * *

In view of the provisions of proposed Section 15(f), and new Section 16(b), a prospective purchaser of the business of an investment adviser would know that automatic perpetual succession to and continuation of the advisory relationship could not be assured. The new adviser would have to service the investment company at arm's length and the arm's-length relationship would continue for at least five years after the consummation of the transaction which caused the existing advisory contract to be assigned. Because the proposed successor adviser would have to deal at arm's length with the investment company, there should be no assurance that a purchaser will automatically perpetuate an advisory relationship with the investment company. Therefore, the proposed amendment should have the tendency of limiting to a fair value the consideration which a purchaser would be willing to offer a retiring adviser for its stock or assets.

Proposed Amendment to Section 15(c)

The proposed amendment to Section 15(c) of the Act would make it clear that the directors of a registered investment company when evaluating the terms of an investment advisory contract, may not take into account the purchase price or other consideration that might have been paid by the adviser in connection with an earlier transaction within the provisions of Section 15(f). The directors of the investment company would be expected to perform their fiduciary duties presently specified by Section 15(c) by requesting and evaluating all relevant information and considering the qualifications and performance of the adviser. Although this consideration could include the adviser's costs in servicing the investment company, such costs could not include any amount paid to a predecessor adviser or its affiliated persons.

* * * * *

It is intended that these amendments would be prospective in application only.

The Commission believes that the proposed amendments would permit investment advisers and their affiliates to obtain fair returns for the risks they assume in organizing, promoting, and managing investment companies and, at the same time, would protect the interests of investment companies and their shareholders when the investment advisers of those companies engage in transactions resulting in the assignment of their investment advisory contracts.

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[1] See 445 F. 2d at 1343, 1344.

[2] The facts in the *Rosenfeld* case show that the outgoing investment adviser, Lazard Freres & Co., ("Lazard"), decided to terminate its relationship with the Lazard Fund ("the Fund"), a registered investment company. Ordinarily, a retiring adviser sells a controlling block of its stock or its assets. However, Lazard did not follow this route, but instead, entered into an agreement with Dun & Bradstreet, Inc. ("D&B") to transfer the advisory functions to Moody's Advisers & Distributors ("Moody's A&D"), a wholly-owned subsidiary of Moody's Investor Service, which in turn is a wholly-owned subsidiary of D&B. The transfer of advisory functions was accomplished by merging the Fund into Moody's Capital Fund ("Capital Fund"). Approval of the merger by the Fund's stockholders included approval of the new advisory contract between Capital Fund and Moody's A&D. Other agreements, which were contingent upon consummation of the merger, consisted of covenants or undertakings by Lazard, among other things, not to engage in the investment company business as an investment adviser or otherwise, and to provide or make available certain services to Capital Fund. As consideration for such agreements, D&B agreed to deliver to Lazard Freres, in installments over a period of five years, 75,000 shares of its common stock then worth about $2.7 million. In this connection, the Court stated that (445 F. 2d at 1344):

". . . any payment made to the outgoing adviser by his successor in these circumstances over and above the value of any continuing services represents consideration not for the lawful assignment of the contract—which is prohibited—but primarily for the use of influence in securing stockholder approval of the successor who expects to profit from the post. While it is true that the advisory contract is not conceptually an asset of the Fund, it is equally true that the expectation of profits under the contract is not an asset which, under the Act, the adviser can assign outright. Hence, if plaintiffs are correct in asserting that Lazard's few covenants were only a minor part of the consideration for D&B's payment to Lazard, Lazard and D&B must have assumed that the outgoing adviser was in a position to help effect the transfer of his office and that his efforts in doing so were worth valuable consideration."

[3] In its discussion of *S.E.C.* v. *Insurance Securities, Inc.*, 254 F. 2d 642 (9 Cir., 1958), *cert. den.*, 358 U.S. 823 (1958), which involved the sale by controlling stockholders of an investment adviser of their stock to a new controlling group at a price 25 times its net asset value, the Second Circuit stated that ". . . there are passages in the opinion suggesting that in the court's view none of the excess of the price received by the controlling stockholders over the book value of their stock would be recoverable under any circumstances by stockholders of the investment company." The Court stated that it did "not wish to be understood as accepting these views," although it did not find it necessary to determine "whether the difference between a transaction such as that here before us and the sale of a controlling block of stock in a corporate adviser at a price reflecting the expectation of profits under a renewed contract with the corporation which the sellers were to aid in procuring, is sufficiently substantial to warrant a different result in this latter case." 445 F. 2d at 1346–1347.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2050

At the request of Mr. SCHWEIKER, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2050, a bill to amend the Atomic Energy Act of

1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

S. 3148

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 3148, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 3472

At the request of Mr. ANDERSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing.

S. 3573

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 3573, the State Lottery Exemption Act of 1972.

S. 3643

At the request of Mr. BENNETT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 3643, the Allied Services Act of 1972.

S. 3664

At the request of Mr. Moss, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3664, the National Multiple Sclerosis and Epilepsy Act of 1972.

SENATE CONCURRENT RESOLUTION 84—SUBMISSION OF A CONCURRENT RESOLUTION IN APPRECIATION TO DR. WERNHER VON BRAUN

(Referred to the Committee on Aeronautical and Space Sciences.)

Mr. SCOTT submitted the following concurrent resolution:

S. CON. RES. 84

Whereas the development of the national space program has brought science and technology to new levels of achievement and has generated inspiration, intellectual stimulation, and a sense of adventure not only for the people of the United States but for the entire world; and

Whereas the accomplishments of the space program are in large part a direct result of the contributions made over the years by Doctor Wernher von Braun, whose stature as the space genius of the twentieth century and the chief architect of the coming exploration of space has already begun to grow into a legend; and

Whereas the retirement of Doctor von Braun from the National Aeronautics and Space Administration at the end of June 1972 provides a uniquely appropriate occasion for expressing public appreciation of his achievements in the space program and recognition of his contributions in space-related areas:

Now, therefore, be it,

Resolved by the Senate (and the House of Representatives concurring), That the Congress of the United States, for itself and on behalf of the American people, expresses its gratitude and appreciation to Doctor Wernher von Braun for his outstanding contributions to and achievements in the space program and its recognition of the benefits which his contributions and achievements have conferred and will continue to confer upon mankind.

OFFICE OF THE HANDICAPPED ACT—AMENDMENT

AMENDMENT NO. 1214

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. STAFFORD. Mr. President, today on behalf of Senator EAGLETON and myself, I am submitting an amendment to S. 3158.

The Federal Government has been for years committed to the principle that employment of the handicapped is in the national interest in terms of both the use of their national human resources and of individual fulfillment. Yet, I feel that the Federal Government has in some respects failed to live up to its own commitment in providing employment opportunities to handicapped people in appropriate Federal jobs relating to services provided by them.

It is for that reason and also a feeling that a handicapped person can best understand the plight of another handicapped individual in search of Government services that I am introducing this amendment.

Simply stated, the amendment is designed to demonstrate that we as a Nation and Government mean it when we say that a handicapped person needs only the opportunity to demonstrate that he can meet the performance requirements of most jobs so that he may be self-supporting in our society. I can think of no better way in which they can actively contribute to our society than the use of their skills to help fellow handicapped persons obtain the necessary services the Government can provide so that they may become independent.

My amendment would require that handicapped persons otherwise qualified be employed to fill all jobs in the proposed Office of the Handicapped of HEW. I can think of no better place to start with such a program.

Mr. President, I ask unanimous consent that the text of my amendment and of an explanation thereof be printed in the RECORD at this point.

There being no objection, the amendment and explanation were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1214

On page 3, between lines 2 and 3, insert the following new section:

"SEC. 3. In carrying out the functions of the Office under this Act, the Secretary shall employ handicapped persons otherwise qualified to fill all positions in said Office."

On page 3, line 3, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

EXPLANATION OF SENATOR STAFFORD'S AMENDMENT TO S. 3158

The amendment would require the Secretary of Health, Education, and Welfare to hire handicapped persons otherwise qualified to fill all jobs in the newly created Office for the Handicapped within HEW.

The burden would be on the Secretary to prove that he is unable to find a qualified handicapped person before he could hire a non-handicapped person for any job in the Office.

The purpose of the amendment, quite simply, is to provide tangible demonstration that the Congress means it when it says that handicapped persons are capable of meeting the performance requirements of most jobs; of supporting themselves, and of contributing actively to society . . . if only given the opportunity.

The amendment would also strengthen the Office of the Handicapped by guaranteeing a staff attuned to the special problems of the handicapped. And, of course, it would provide a practical, working model for achieving the goal of gainful employment of the handicapped of the nation.

STATE AND LOCAL FISCAL ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1215

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GURNEY. Mr. President, I am today submitting, on behalf of myself and Senator RIBICOFF, Senator BENTSEN, Senator BIBLE, Senator CANNON, Senator COTTON, Senator MCINTYRE, Senator TOWER, and Senator WEICKER, an amendment to S. 3651—the State and Local Fiscal Assistance Act of 1972—which will remove from the bill the bias against States with no, or relatively small, State personal income taxes.

The bill, as introduced, provides for $3.5 billion in direct aid to local governments plus an additional $1.8 billion for State governments. Half of the $1.8 billion to State governments would be allocated among the States on the basis of each State's combined tax effort—State and local taxes. The remaining $900 million would be allocated on the basis of State personal income tax dollars collected, with minimum payments for States with no personal income taxes.

The effect of the distribution formula for this latter $900 million would be to penalize States with no personal income taxes, or with relatively low personal income taxes. In all, 28 States are discriminated against by this provision including: Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming.

The language of the committee report on H.R. 14370, which is identical to S. 3651, indicates that supporters of this provision believe:

First. That the Federal Government should force States to adopt specific methods of generating revenues, as directed by Congress through penalty provisions within revenue-sharing legislation, and

Second. That State personal incomes taxes are the "most reasonable" method of generating revenues for every State.

I strongly disagree with both of these propositions.

General-revenue sharing, which I support, was originally intended to strengthen State and local governments, not emasculate them by removing the right of the people of a State to determine for themselves what type of State taxes should be levied. Indeed, this is a form of taxation without representation in that it effectively provides that the amount and type of State taxes would be determined at the national level—by representatives from other States.

Not all States are uniform in their fiscal and tax situations. The same tax structures are not equally equitable in every State. There are many examples of States where factors such as unusual economic bases, extreme mobility of population, or electoral preferences make dependence on State personal income taxes inappropriate and inequitable.

In my own State of Florida, for instance, there are a large number of "second homes" which belong to out-of-State residents. These owners—who are generally among our Nation's more affluent citizens—share in the benefits of State public works and services. They also pay their fair share for those benefits, because Florida does not rely on personal income taxes for financing.

My amendment to S. 3651 would remove from the revenue-sharing distribution formula the factor based on State individual income tax collections, and would substitute a factor based on Federal individual income tax collections within the respective States. While this plan would continue to base the allocation of revenue-sharing funds on the personal taxable incomes within each State—as these taxable incomes are the indirect determinant of both State and Federal income tax collections—the change would allow all States to share equitably in revenue sharing. States, in order to get fair returns, would not be forced to adopt new or greatly increased State personal income taxes, taxes their citizens would otherwise oppose.

It is my sincere hope that this amendment will be adopted so that those of us who oppose State personal income taxes, and support the right of the States to exercise fiscal self-determination, may consider giving our full support to a fair and equitable general revenue-sharing formula.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1215

On page 26, beginning with line 10, strike out through line 25 on page 31 and insert the following:

SEC. 122. AMOUNT OF ENTITLEMENT OF EACH STATE.

(a) GENERAL RULE.—The amount of the entitlement of any State for any entitlement period is the sum of—

(1) the income tax share of such State for such period, plus

(2) the combined tax effort share of such State for such period.

(b) INCOME TAX SHARE.—For purposes of this section—

(1) IN GENERAL.—The income tax share of any State for any entitlement period is the amount equal to the lesser of—

(A) the adjusted Federal income tax effort of such State for such period, or

(B) the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(1) as the adjusted Federal income tax effort of such State for such period bears to the sum of the adjusted Federal income tax effort of all States for such period.

(2) Federal income tax effort.—The Federal income tax effort of any State for any entitlement period is 3 percent of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) Adjustment.—The adjusted Federal income tax effort of any State for any entitlement period is one-half (one-quarter in the case of an entitlement period of 6 months) of the Federal income tax effort of such State (determined under paragraph (2)).

(c) COMBINED TAX EFFORT SHARE.—

(1) IN GENERAL.—The combined tax effort share of any State for any entitlement period is the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(2) as the combined tax effort amount of such State for such period bears to the sum of the combined tax effort amounts of all States for such period.

(2) COMBINED TAX EFFORT AMOUNT.—The combined tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(A) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(B) a fraction—

(i) the numerator of which is the net amount referred to in subparagraph (A), and

(ii) the denominator of which is the aggregate personal income attributed to such State for the one-year period ending on the second June 30 before the beginning of such period.

(d) DEFINITIONS.—For purposes of this section—

(1) Federal individual income tax liabilities attributed to State.—The Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(2) STATE AND LOCAL TAXES.—

(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under subsection (c)(2) are the compulsory contributions exacted by the State (or by any political subdivision of the State for public purposes other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of the entitlement period.

(3) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(c) State Must Maintain Effort.—

(1) General rule.—The entitlement of any State for any entitlement period beginning on or after July 1, 1972, shall be reduced by the amount (if any) by which

(A) the aggregate amount transferred by the State (out of its own sources) during such period to all units of local government in such State is less than—

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

(2) Adjustment where State assumes responsibility for category of expenditures.—If the State establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Special rule for period beginning July 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amount which (but for this paragraph) would be taken into account.

(4) Reduction in entitlement.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State under this subtitle an amount equal to such reduction.

(5) Transfer to general fund.—An amount equal to the reduction in the entitlement of any State which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund created by section 123(c) to the general fund of the Treasury on the day on which such reduction becomes final.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Florida (Mr. GURNEY) in introducing this amendment to correct a serious inequity in the revenue-sharing legislation approved by the House Ways and Means Committee.

As a former Governor and Cabinet member, and as a member of the Senate Finance Committee, I fully support the concept of revenue sharing. State and city governments across the country are on the verge of bankruptcy. Their costs are rising at the same time their tax base is declining.

The revenue-sharing system embodied in H.R. 14370 will be an important first step toward alleviating this problem. By granting $3.5 billion to local governments and $1.8 billion to State governments with relatively few strings attached, local officials will be able to develop programs they consider most responsive to the needs of their constituents.

I am opposed, however, to the formula presently in the bill distributing one-half of the $1.8 billion State allotment on the basis of each State's collection of individual income taxes. States without State individual income taxes would receive smaller amounts based on a percentage of Federal individual income tax liabilities from these States.

This formula seriously penalizes States which do not have an income tax or have an income tax with low rates. The rationale is that the individual income tax is the most efficient and reasonable type of taxation and should be encouraged. The fallacy, however, is that we are simply making the same mistake all over again. We are saying: "Washington always knows best. Do it our way if you

want more money." This places the States in the same subservient position we are attempting to abolish.

The amendment we introduce today would eliminate this problem by basing the distribution of the $900 million in question solely on Federal, rather than State, income tax revenues. As a result, the amount of funds to be shared would more accurately reflect each State's contribution to the National Treasury. A State like Connecticut, which would be heavily penalized under the House bill, would receive the amount it rightly deserves.

Under the present formula, the State government of Connecticut would receive a total of $21 million in the first year of the program. Under the Gurney-Ribicoff proposal, this would rise to approximately $35 million, in addition to the $51 million that would flow under either proposal directly to cities within the State. A total of 28 States would gain more funds under this proposal without increasing the overall cost of the program.

General-revenue sharing is an important concept that should be implemented as soon as possible. However, if revenue sharing is also going to mean responsibility sharing, the amendment we introduce today must be adopted.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1216, 1217, AND 1218

(Ordered to be printed and to lie on the table.)

LEGAL SERVICES FOR THE POOR

Mr. HRUSKA. Mr. President, everyone wants to do something about the crime situation. Most people agree that the difficulty in obtaining swift and sure justice in our courts has a direct relationship to the growth of crime in America.

In addition, the overcrowded dockets throughout every level of our judicial system pose a distinct threat to the concept of justice in this country and to the respect for and resort to the law which should be prevalent in our society.

Before long the Senate will be asked to consider S. 3010, a bill which deals with programs administered by the Office of Economic Opportunity. Title IX of S. 3010, as reported by the Committee on Labor and Public Welfare, would establish a National Legal Services Corporation. This Corporation would supplant the existing program to provide legal services for the poor which is now administered by OEO.

Mr. President, last December, President Nixon vetoed a bill which contained provisions establishing an independent legal services corporation, not just because of these provisions, but primarily because of portions of this proposal dealing with child development. The President's concern about the legal services corporation provisions was quite apparent, however, and it was shared by this Senator. This is one of the reasons why I supported the President's action in vetoing the measure in question, S. 2007.

Under the present OEO legal services program there has been a measurable impact on the Nation's courts—not the least of which has been the far-ranging nature of the legal actions undertaken by several legal services attorneys in the name of justice for the poor. A significant number of instances have come to my attention where such attorneys have become involved in cases which go beyond what Congress intended in authorizing this program, at least in the opinion of this Senator. I will not go into them at this time.

When the proposal to establish a Legal Services Corporation was considered in this Chamber last year, I had grave reservations about the nature of the Corporation so established and its effect upon our judiciary. The fact that this proposal was not studied by the Committee on the Judiciary prior to its consideration on the Senate floor did very little to allay my concern.

We will shortly face a repeat performance of this situation, Mr. President, and my reading of the present version of this proposal in title IX of S. 3010 gives me the uneasy feeling that we are right back where we started from. The current measure appears to have at least as many problems as did its predecessor. It should be gone over very carefully in this Chamber, and I believe this will be done.

I intend to have a good deal more to say about this proposal at a later time. For the present, however, I now send to the desk three amendments which I intend to propose to S. 3010 and ask that they lie on the table and be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I am not sure that any number of amendments will make this provision into an entirely acceptable measure. These amendments would make a beginning, however. The first would insure that legislative jurisdiction over future changes in this area of the law would lie with the Committee on the Judiciary, where it should have been in the first place. The second would make more stringent and effective the prohibition against outside practice of law by full-time employees of the Corporation. And the third would prohibit the Corporation from employing attorneys who have been suspended, disbarred, or who are otherwise undesirable citizens.

I am pleased to have been able to make the remarks prior to the actual consideration of S. 3010. After today's discussion of this proposal and its implications, hopefully all Senators will have their interest in taking a very careful look at this measure stimulated.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 914

At the request of Mr. HATFIELD, the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of amendment No. 914, intended to be proposed to the bill (S. 3108), the Military Procurement Authorizations Act, 1973.

ADDITIONAL STATEMENTS

CAPT. ROGER C. LOCHER RESCUED IN NORTH VIETNAM

Mr. DOLE. Mr. President, the Sunday papers carried a Vietnam story about a happy ending to a long and anxious ordeal for a Kansas Air Force officer.

Capt. Roger C. Locher, of Sabetha, Kans., was shot down near Hanoi on May 10. When his F–4 Phantom was hit, Captain Locher bailed out, and, for 23 days he evaded North Vietnamese search parties, sustained himself and kept alert for rescue opportunities.

Finally, last Friday he was found by U.S. rescue forces and taken to Thailand where he received a warm welcome back to our lines from his comrades and the Commander of U.S. Air Force Operations in Indochina, Gen. John W. Vogt.

Captain Locher's courage and resourcefulness speak highly of his personal character. Very few Americans have been shot down so deeply in North Vietnam and then managed to conceal themselves from the enemy until our rescue forces could locate them and get in with sufficient firepower and equipment to bring about their rescue.

Captain Locher certainly deserves high praise as do those forces who effected his rescue. I am sure I speak for all my colleagues in extending a heartfelt expression of relief for Captain Locher's safe return and a sincere "well done" to the brave and devoted men who rescued him.

Not only does this story reflect great credit on Captain Locher and his rescuers, but it also speaks most highly of the training received by our fighting men and the Armed Services' commitment to protecting their personnel and rescuing them from the perils encountered on their hazardous missions in Southeast Asia—or wherever in the world duty takes them.

JAMES J. KILPATRICK ENDORSES SENATOR BAYH'S "SATURDAY NIGHT SPECIAL" BILL

Mr. BAYH. Mr. President, recent events have forced us to recognize that the easy availability of cheap handguns is a continuing source of much of our crime problem. Recently, James J. Kilpatrick, a respected national columnist, lent his support to those of us in Congress who are trying to do something about curbing these dangerous crime weapons.

In his column several weeks ago, Mr. Kilpatrick pointed out that the gun problem in our country is getting worse: In 1970 more than half the murders in the United States—or almost 8,000—were committed with handguns. We can no longer afford to wait to take action on reducing the number of cheap handguns on our streets. As Mr. Kilpatrick notes, my bill to ban the so-called "Saturday Night Specials" "does make sense—these are small snubnosed handguns, useless to the sportsman."

Mr. President, I am encouraged by Mr. Kilpatrick's support for my proposal and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the St. Louis Globe-Democrat, May 26, 1972]

GUN CONTROLS HAVEN'T REDUCED CRIME

(By James J. Kilpatrick)

WASHINGTON.—Four years ago, the assassination of Martin Luther King and Robert Kennedy led directly to congressional approval of sweeping gun controls. History repeats. This summer, in the wake of the attempted assassination of Governor George C. Wallace, Congress will try once more to draft an effective law.

It won't be easy. In this highly-charged field, where emotions have a way of outrunning reason, it is far easier to define the problem than to find a workable solution.

The problem itself is universally recognized. In 1970, the FBI reported an estimated 15,800 murders in the United States; more than half of them were committed with handguns.

That same year saw an estimated 350,000 robberies. Nearly two-thirds of them were armed robberies.

Between 1961 and 1970, more than 600 law enforcement officers were slain; 466 of them died of handgun wounds.

The figures give no account of the hundreds of tragic accidents that occur when children discover loaded weapons around the home. No accurate tabulation is kept of persons wounded by firearms in cases of aggravated assault, but at least 80,000 such assaults occurred in 1970.

The gun problem in our country is grave; and it is getting worse.

That is one point to keep in mind in contemplating new laws. There is little to indicate that the two acts approved in 1968 have done much to curb criminal violence.

The first of them, embodied in Title IV of the Omnibus Crime Control Act, prohibited the interstate shipment of pistols and revolvers to individuals, prohibited the sale of such weapons to convicted felons and fugitives, and banned over-the-counter sales of handguns to non-residents of a dealer's State.

The law also required that detailed records be kept on shipments and purchases; it was this provision that enabled the FBI instantly to track down the weapon used against Governor Wallace.

In October of 1968, Congress extended generally the same provisions to commerce in rifles and shotguns. Together, the two Federal laws provide a tight system of dealer licensing and record-keeping; and they flatly prohibit the sale of handguns to persons under 21.

Yet thousands of young hoodlums manage to acquire concealable weapons anyhow, and the ugly wave of crime rolls on.

What to do about it? It is easier to suggest what ought not to be done.

We are hearing once again the fatuous demand for outright confiscation; the idea is that a 30-day period would be provided in which every person would have to surrender his firearms to his local police. There he would receive a receipt for them; subsequently he would receive compensation.

The idea is absurd. It would leave criminals armed, and their victims defenseless.

Neither is there merit in the idea of licensing and registration. Here the argument goes that men do not object to licensing of their automobiles. If a car can be effectively registered, why not a gun? One answer is that automobiles, by their very nature, can be publicly observed; an automobile licensing law presents no problems of effective enforcement. But this is not true of firearms.

For every law-abiding citizen who registered his weapons, and paid the heavy license fees proposed, a hundred criminals would simply ignore the law.

One measure does make sense. On Wednesday, less than 48 hours after the Wallace shooting, a Senate sub-committee approved Senator Birch Bayh's bill to ban the so-called Saturday night specials. These are small, snub-nosed handguns, useless to the sportsman. If a law could be drafted that defined such weapons precisely, the law should be passed. Over a period of years, it might help.

But my own thought is that Congress can do less than judges can. If our courts would crack down hard on gun-toting criminals, hitting them with tough additional sentences for the use of a firearm, the word would get around.

REMOVAL OF EARNINGS LIMITATION IN SOCIAL SECURITY

Mr. JAVITS. Mr. President, I have received many letters in the past year from New York constituents—more so than in the past—protesting against the unfair earnings limitation in social security. While, as we all know, the administration has proposed easing somewhat the monetary amount of the limitation, I believe it is about time that we gave serious consideration to lifting this limitation altogether. I certainly hope that the Committee on Finance, in its deliberations on H.R. 1, will review this problem closely and will come up with some equitable arrangement for eliminating a provision which unjustly penalizes so many older Americans.

In this connection, I ask unanimous consent that there be printed in the RECORD an article published in the Insurance Advocate of March 18, describing an address by Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc. Mr. Bradshaw outlines succinctly the arguments for ending the earnings limitation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

END OF BENEFIT PENALTY AGAINST SOCIAL SECURITY RETIREE WHO CONTINUES WORKING IS URGED BY BRADSHAW

A simple change in the law will end the rampant discrimination which has plagued the rank and file retiree under the Social Security System throughout its existence. Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc., told the Friendly Sons of St. Patrick in a St. Patrick's Day address at John F. Kennedy International Airport, New York.

Mr. Bradshaw's reference was to the requirement that people reaching retirement age under Social Security must sacrifice benefits if they continue to work and earn in excess of about $30 per week. Yet, he said, the Social Security benefits are at best meager in the light of the rise in living costs and the pension benefits under the system are barely enough to keep an individual from starving.

Even if the individual wants to earn more in some job in order to supplement the Social Security benefits, Mr. Bradshaw told the St. Patrick's Day gathering, he or she is barred from doing so without the penalty of loss of benefits.

This is unfair, Mr. Bradshaw said, because the Social Security benefits are not a gift, not charity, and not welfare. The worker reaching retirement age under the law, has paid for the benefits in advance all through the working years and there is no reason to continue the rule which restricts the use of these monies when they are paid, Mr. Bradshaw asserted.

The law is discriminatory against the middle class and poor individual, Bradshaw said, because people of means who reach Social Security retirement age can continue to collect any amount in dividends, interest, rents or other non-salaried income, without penalty to the Social Security benefits. Obviously, he said, the original intent of the Social Security system, to provide income to the aged of limited means, is thwarted because the income rule is no longer responsive to present needs.

One who is not wealthy and who wants to continue to work and has the capacity to do so, even part time, is discouraged from doing so and may thereby be reduced to a state akin to the poverty level, Bradshaw said.

Private retirement plans make no such income limitation rules. They are entered as straight cash deals, you pay while you work and they pay you back when you retire, he said. The pension fund, whether through civil service, private industry or union, does not limit what you can earn in your retirement years. There is no reason, Bradshaw pointed out, why the federal government can't do the same under Social Security, particularly where the law works so unfair a hardship on so many people. In simple truth, he said, when a person reaches his retirement age under the Social Security law, whether he works or not is none of Washington's business. He said that salary income such a person may earn has no effect on Social Security funds except to enhance them if the tax continues to be collected on earnings.

PEOPLE FAVOR IT

Talking over the years to hundreds of his life insurance clients, Mr. Bradshaw said, it is clear that the people favor this change which would hurt no one and benefit millions of people. In the present session of Congress, he said, the legislators will spend a lot of time on welfare problems, annual incomes of the poor and Social Security.

Attention to this amendment to the law to end this infringement on the rights of the older citizen, would be beneficial to the country as a whole, Bradshaw said.

McGOVERN ON ISRAEL

Mr. CHURCH. Mr. President, last week, while campaigning for Senator McGOVERN in the California primary, I was astonished to find questions being raised, and groundless charges circulated, concerning the McGovern position on Israel.

I was astonished because Senator McGOVERN has so frequently addressed himself to the crisis in the Middle East in so specific and forthright a manner as to leave no reason whatsoever for misunderstanding.

On May 30, 1972, in Los Angeles, Senator McGOVERN again reiterated his stand, outlining a four-point program aimed at "guaranteeing the survival of an Israel that is economically sound, politically democratic, and militarily secure."

His four-point program included a firm and continuing commitment for supplies of American arms to Israel; an $85 million aid program to assist in resettling immigrants from the Soviet Union; U.S. recognition of Jerusalem as the Israeli capital; and American efforts to persuade the Soviet Union on the merits of a nonimposed Middle East settlement.

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I wholeheartedly support the McGovern program. I believe its implementation would help to stabilize the situation in the Middle East, reduce the chances of another tragic war, and enhance the prospects for an enduring settlement.

I ask unanimous consent that the text of Senator McGOVERN's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MCGOVERN ISSUES FOUR-POINT POLICY STATEMENT ON ISRAEL

LOS ANGELES.—Senator George McGovern outlined a four-point stand on Middle East issues over the Memorial Day weekend in a major campaign address to Jewish community leaders in Los Angeles.

American policy, the South Dakota Democrat said, should be aimed at guaranteeing the survivial of an Israel that is economically sound, politically democratic and militarily secure.

This four-point program included an $85 million aid program to assist in resettling immigrants from the Soviet Union; United States recognition of Jerusalem as the Israeli capital; American efforts to persuade the Soviet Union on the merits of a non-imposed Middle East settlement; and a continuing commitment for supply of American arms.

In his address, McGovern cited his support of "every legislative effort to give military and economic assistance to Israel since I came to Congress in 1957." He added he had also urged "hesitant administrations, both Democratic and Republican, to sell Israel the equipment required for her defense. And I have opposed military aid for other Middle Eastern countries when I felt it could be used for military activity against Israel," he added.

McGovern called for "direct negotiations, without preconditions, between the nations of the Middle East themselves," as "the only kind of negotiations which can bring peace. The cornerstone of any peace settlement must be mutual agreement upon defensible and recognized national boundaries capable of deterring any future aggression." The Senator said Israel's current boundaries, "because of their tempting vulnerability, were invitations to armed invasion and maritime blockade." He continued that all three Israeli-Arab wars "can be traced to these arbitrary and erratic lines drawn as Israel's temporary boundaries."

The Democratic Presidential candidate, who said he was "proud to have built a reputation as a spokesman for peace," drew a sharp distinction between Israel and Vietnam.

"Israel is not Vietnam," McGovern said. "It is, in fact, the very opposite of Vietnam. The government of Saigon is a corrupt dictatorship which long ago lost the support of its people. Israel is a democratic nation, whose elected leadership has as firm a support among its people as any government in the world. Southeast Asia is not essential to the economy and security of the United States. The Middle East is. And most important, the Israelis have never and will never ask for a single American soldier to come and fight in their defense."

Criticizing State Department efforts which "tried to impose a settlement through a concert of outside powers," McGovern said, "This effort not only failed, it helped stoke up the arms race, strengthened the forces of aggression and terrorism and made it far more difficult for the Israelis."

McGovern's four point plan, he said, would make it possible for the United States to "assert itself as a force for peace in the Middle East." Text of the four-point plan is as follows:

"First: The most effective guarantee of both the present cease-fire and of a permanent peace is the modern military deterrent of the Israeli armed forces. Where we have hesitated in our military support of Israel, the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack. Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

"Second: Israel needs substantial economic aid. It has, of hard necessity, the largest per capita defense budget in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid is supplied by people like yourselves. But our government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

"Third: Israel needs our diplomatic support, in support of her basic peace proposals and her present policies in the arenas of diplomacy, including the United Nations. I was distressed when the United States joined in voting criticism of Israeli administration of Jerusalem. In the last twenty centuries, Jerusalem has never seen better rule than it sees today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. The people of Jerusalem have gained from Israeli administration and should continue under it. Furthermore, the United States should recognize Jerusalem as the capital of Israel and move our embassy there.

"Finally, Israel needs our help in restraining Soviet activity in the Middle East. For fifteen years, the Soviets have fished in the troubled waters of the Eastern Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of non-imposed settlement that would take the Middle East out of the theatre of big-power confrontation."

GREENVILLE NEWS EDITORIAL ENTITLED "LOCAL POVERTY PROGRAM PROMISING"

Mr. THURMOND. Mr. President, I have long been a critic of welfare plans which tend to perpetuate the problems of people in poverty rather than helping them get on their feet so they can earn their own way.

The Greenville, S.C., County Council for Community Actions, Inc., has initiated a program that, in my judgment, has merit. Teams of specialists, who have been trained in specific problem areas relating to the poor, are now going directly into the homes of needy families. They associate themselves with a certain number of these families and they work with them until they have found a way to alleviate the problems.

The Greenville News of June 4, 1972, published an editorial praising the efforts of this county council. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOCAL POVERTY PROGRAM PROMISING

Having for years insisted that handouts, federal or otherwise, don't really help people in poverty and often make their situations worse, we welcome efforts in Greenville County to deal with and hopefully eliminate or alleviate the real causes of poverty.

A new program of the Greenville County Council for Community Actions, Inc., is aimed directly in that direction. It will tend to de-emphasize use of neighborhood centers to help needy families, and will put teams to work directly on the families themselves.

The program is based upon research which proves that families in poverty have numerous problems, any one of which renders them helpless. It follows that the solution of those problems, rather than merely providing dollars, is the way to get such families on their feet and keep them there.

In Greenville teams of specialists in the various problems known to produce poverty will go directly into poverty-stricken homes. As Mrs. Eula M. Stockman, CAP program developer, described it, "The family team will be the general practitioner."

Each team will have a limited number of families, each carefully selected, and will stay with those families until success is achieved within a reasonable time or all available avenues have been exhausted.

One good aspect of this program is that it can be evaluated easily, and changes can be made on the basis of experience.

It offers real promise and deserves the cooperation of all Greenville individuals and organizations in position to lend helping hands.

PROFILE OF SENATOR PERCY

Mr. BOGGS. Mr. President, from time to time there appear in publications large and small profiles of biographies of Members of Congress and other dedicated public servants.

Often, they provide perceptive new insights into the philosophy and legislative approach of the individual who is being interviewed.

Such a profile of the distinguished Senator from Illinois is the lead article in the May 1972 issue of the AMBA Executive, a publication of the Association of Master and Business Administration Executives.

I believe the article would be of particular interest to Members of this body. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the AMBA Executive, May 1972]

APPLY THE PRINCIPLES OF BUSINESS TO GOVERNMENT, SAYS SENATOR PERCY

Q. (*AMBA*) *At what point did you begin your business career?*

A. (Senator Percy) I went into business quite early. I was very young—I think seven years old.

My first venture began when a salesman for the Saturday Evening Post drove by a group of us playing ball. The salesman called us over and asked, "Would anyone like to make a dollar?" The Post was running a promotion at the time. I said I would. The salesman said, "Sell this pile of magazines and

you've earned a dollar." That's how I got started in business.

I told the salesman to increase the number of magazines in my order each week, as I ought to be able to sell more. Soon I had one of the largest Saturday Evening Post Thursday night sales routes. I added the Ladies Home Journal once a month and even won a YMCA Scholarship for selling more Country Gentlemen in an urban area than any other salesman in the United States—I think I sold seven.

Then I developed a shopping service on Saturday which involved grocery shopping for the wives in the neighborhood. I'd take their lists and a wagon and I'd shop. It grew a great deal by word of mouth, which is the way you develop any business—your satisfied customers create a large part of your next year's sales. For example, they would say, "I only asked for two cans of tomatoes, you've bought me three."

"Yes, but they were three for thirty-nine," I would answer. "You save a couple of cents by buying three." The wives would tell a friend that this young fellow saves them money; he doesn't do just what is on the shopping list.

Q. *Did you continue your business career while you attended college?*

A. When I went to the University of Chicago, I had to borrow money to start. I had to earn a hundred-plus percent of my expenses, since I had to contribute something at home because it was the Depression. I had a very small scholarship and waited tables at 40c an hour. It seems ridiculous today, but that's what we all got. There were no better paying jobs. I was cutting down on my meals; I had to have more money; it was a matter of pure necessity—but how do you do it at 40c an hour?

The answer was a fraternity purchasing agency which I started by getting all the fraternities together. Before I started the agency, each of the fraternities was buying separately in uneconomical quantities for its 40 or 50 members using local merchants or local stores and shops. Also, each used a different laundry and a different coal company—we had coal furnaces in those days. I had had a part-time job shoveling coal when I went to high school so I knew something about buying coal. I also knew something about laundry and linen. I proved to fifteen fraternities that if I bought for all the men, I could buy substantially cheaper than they could on their own. For example, I went in and offered a large laundry all the business and we cut the rate in half. I went to the wholesale houses and would buy goods in the summer to be used during the year. We saved a great deal; we drove the prices down. I remember one incident in particular because I knew so little about some aspects of the business—olives for instance. I bought giant olives, cases of them, when I was buying one summer, only to find that giant is the smallest olive made. They were like little peas—super colossal is what I should have bought. I had a lot of giant olives on my hands for months. Then we sold fruits and vegetables—I got a man who had a wagon to work full time with me. He's now become one of the largest purveyors on the south side of Chicago selling to hotels and restaurants. I started him by having him buy fruits and vegetables at the market for us.

As Robert Hutchins, Chancellor at the University of Chicago said, I was the richest poor boy who ever went there. We had a business; we were grossing $150,000 a year in my last year; and I netted $10,000. I could hardly afford to quit school.

I've been in business most of my life. I love business; it's intriguing and fascinating.

Q. *When you finished college, did you think of continuing your education; getting an MBA or a law degree, for example?*

A. No, I didn't. I did want law, but couldn't afford law school, and the War was on—it was June of 1941 when I graduated from college.

After graduation, I went to work for Bell & Howell where I had been working summers while at the University of Chicago, I had the feeling we were going to be involved in the War and I helped Bell & Howell prepare for it.

Q. *Can you tell us more about your career at Bell & Howell?*

A. The first summer I worked at Bell & Howell, four of us dictated answers to letters and correspondence that came in from customers. A typical letter ran: "Dear Sir, I bought one of your cameras and I took three rolls of film. They're all black—what's the matter with your camera?" We'd write back, "Dear Sir, If you'll take the little lens cap off the lens, perhaps you'll get better pictures." We dictated answers all day long on dictating machines—they used round cylinders then I remember it very well because it took me so long to dictate my first cylinder. I carried it to the stenographic department and I dropped it—four hours of work scattered on the ground.

Near the end of the summer I analyzed all the correspondence we were doing and realized that there were no more than 150 different questions and answers that accounted for 90% of the mail. I carefully developed 150 perfect answers, numbered them and put a copy of each answer into two books. I gave one copy to the secretary and kept one for myself. I'd get my mail and put the appropriate numbers down at the bottom of each letter and send the letter to the secretary. She would answer the letter by looking at her book. Both she and I were able to do five times as many letters in one day as we did previously. I wrote a report at the end of the summer saying that one person rather than four could do this job and still have time to do other things. The sales manager, who went on to become Executive Vice President of Polaroid, thought it was pretty humorous and wrote a note to the president saying that this young fellow is going nowhere—he's just eliminated his job for next summer. The president was a Scotsman, Joe McNabb. McNabb sent for me and as a result, I got to know him in a kind of unique way. He told me that he wanted me to come in and see him every summer.

At the end of my third year, McNabb sent for me because I hadn't come in personally to report to him. The sales manager had told him that Chuck Percy had quit; he was leaving and taking a job with Crowell-Collier in sales promotion. The president sent for me and asked me to come to his home.

I had never been in his home, and at that time we were living in relatively unsatisfactory housing, to say the least. I walked into this mansion and I was never so awe-struck in my life.

"Young man, I'm terribly disappointed in you because I thought you had a future, but I found out that you left us," said McNabb.

"Why? You didn't even tell me." I replied that I had told my immediate superior and didn't think I should go over his head.

"Why did you leave?" he repeated. I said I was only getting $13 a week and was working to support myself and give my family some assistance. I had a chance to get $50 a week from Crowell-Collier—to triple my salary.

"That's the biggest mistake you've ever made," said McNabb. "You should know that at your age, experience is more valuable than money."

"Mr. McNabb," I said, "I have enough faith in the American economic system to feel that if they're willing to pay me three times as much as Bell & Howell, I must be getting three times as much experience with them." That was the last conversation I ever had with him or anyone at Bell & Howell about salary—after that, they always paid me more than I thought I was worth.

When I graduated from college, McNabb asked me what I intended to do. I said. "I'd like to go on to law school, but I can't afford it. I think that we're going to be involved in the War. I'd better get to work now and at least get the feel of it before I go into the service. I think I should look around for the best job I can find."

"Promise me one thing," McNabb said, "before you accept any offer, you will tell me what the best offer you receive is, and won't commit yourself."

So I went to see a number of companies, including Armstrong-Cork. At my final interview, after three days, one of my Armstrong-Cork interviewers said, "The fine thing about our company is that we can tell you today just where you'll be ten or fifteen years from now—you might even be an Assistant Vice President in charge of the Floor Division." I said, "I appreciate that very much but I can't say yes or no right now." I wasn't too impressed with the offer; I wasn't so sure that what I wanted was that "security". However, it was the best dollar offer.

I went back to see Joe McNabb. He asked me how much they offered. I told him and he said, "I'll double it to start with." And that was that. Later the Chairman of the Board of Armstrong-Cork and I became very close friends and I told him what had happened. That was the last time their recruiters ever told a young fellow about the "sure route for him".

My first suggestion to McNabb was that Bell & Howell ought to get into defense work. I couldn't see how a company in June '41 could stay in amateur photographic products very long—they just were not essential. McNabb said, "Fine. You handle it; that's your department." At that point I became a department head. It was the smallest department in the company—one man—me; not even a secretary. Within six months the war broke out and we had a six month lead on most companies. We got the first ordnance contract in the city of Chicago. We had developed a knowledge, an expertise on how to do business with the government which catapulted us into defense work. I handled all of that work until I left for the Navy in January of '43.

When I left for the Navy, McNabb told me he would keep me on salary and make me an officer of the company: assistant secretary. I was about 24. He said he wanted me to write a report once a month on what Bell & Howell ought to be doing after the war. That helped keep my interest in the company strong.

When I came back after the War he said, "I'd like you to become a stockholder and if you'd like to borrow money to buy stock now, you can start to buy." I went to the banks and arranged my first loan. Each year my measure of success was how much bigger my debt was. I was in debt steadily for over 20 years and did not pay it off until I resigned and went into public life when I felt I shouldn't have any debts. Other than the house, all my investments were in Bell & Howell. I was once told the old adage, "Don't put all your eggs in one basket, unless you can watch the basket.' I thought why not pour my life into something and put my money where my life was.

McNabb had left a note for the Board, to be read when I was elected President. It suggested that they should give me a stock option. I refused it for two years until the Board was willing to give options to other officers and until I proved myself as President—I didn't want to have the moral obligation of an option if I didn't work out. I lost several executives because we had no stock option plan.

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Q. *What do you feel was most important to your success at Bell & Howell?*

A. You cannot say to my success, you would have to say to my colleagues' success.

My predecessor at Bell & Howell ran the company—ran a one man company—22 men reported directly to him. He knew every aspect of it. I didn't want to run the company that way; I wasn't qualified to run it that way. I delegated a great deal of responsibility and developed a rapport with men who were used to being directed in virtually every aspect of their life to see whether they could assume responsibility. I had to weed out the ones who simply refused to take a risk.

This is one of the great problems I have found in government, with the State Department particularly—you can progress if you don't make a mistake. In business, you can't work on that philosophy. You have got to take risks. The more risks you are willing to take, backed up by solid reasoning, judgment and research, the higher a business can afford to pay you. One of the qualities that brings success is, I think, the ability to take risks, to not make too many mistakes, but to make enough.

I remember our credit manager, for example. We used to have one that everyone was proud of because we had the lowest bad debt losses of any company in the photographic industry. My first question when I became President was, "Harry, how many sales are you losing? I think you're so unwilling to take risks that we're losing hundreds of thousands or millions of dollars worth of business. Have a little more faith in people. Don't say *no* too frequently or demand cash on the barrel-head. Let's see if we can't expand sales just on credit alone." We did expand tremendously because everyone knew we were the most tight-fisted company in the industry. That is one of the reasons I went out to my dealers and said, "We're now going to share the risks with you. But, you've got to share your knowledge with us as to where you stand, where you are going and what your plans are." We offered a dealer counseling service to them. That helped build their business as we built ours.

I was blessed with fine men to work with. Building men was my main job; that is, bringing men in, giving them responsibility, giving them the thrill that I had when I suddenly realized that I was President and Chief Executive Officer and could run things. I was only responsible to my conscience, my Board of Directors, my employees and the stockholders, among others. But I wanted to share the burden and the risks. We had presidents of divisions—I liked the term "President of the Division" because it gave the individual the feeling of being the Chief Executive Officer of a business. These decisions were what started us off on a spiral of sales and earnings growth—we grew into a very large, several hundred-million dollar company.

Q. *How did you get involved with politics?*

A. Before the War, I had no particular interest in politics. When I came back from the War in 1946 I started a group to get returning veterans involved in politics. I became interested in precinct work and associated myself with the Republican Party.

During the Eisenhower administration I was asked to be State Finance Chairman. Twelve other businessmen had been asked, I found, and they had all turned it down. Finally Eisenhower, as the President, asked me to come down and take the job—and I did. That gradually got me into politics in 1955. I raised $4 million for the Party in the next four years, went on the Budget Committee and the National Committee. Eventually, President Eisenhower began to give me assignments: he sent me to Latin America, to Bolivia and Peru for the inaugurations as his personal representative with the title of Ambassador. While there, I spoke at Chambers of Commerce, investigated business opportunities and our relationships with these countries and then reported back to the President. He asked me to head the Foreign Aid Program, which I could not do. He asked me to become the Assistant Secretary of the Department of Health, Education and Welfare—then a new agency—but I just didn't feel I could leave business. I had been given an opportunity early—at age 29—to be head of Bell & Howell. I told the President that if it was an emergency, I would certainly do it. In the absence of that, I said, when and if I go into politics, rather than going from a limousine at Bell & Howell to a limousine in Washington, I would rather start at the bottom. I would seek and run for public office, know what it's like to struggle and work to gain my job rather than becoming a Presidential appointee which would be so easy. It wouldn't teach me the business of government and politics as I had learned the Bell & Howell business.

"If you will do that," said President Eisenhower, "I will back you for any office you want to run for, be it the highest in the land, and I will tell all of my administrative people to stop pestering you about coming in full time as long as you can take part-time jobs." He wrote me a letter confirming that. I agreed to head the Republican Committee on Program and Progress; I worked on the National Goals Commission; I worked with the President and very gradually started to spend an increasing amount of time on the business of government. Finally, needless to say, after 25 years at Bell & Howell, I felt I ought to give other young fellows a chance—I either had to go for another 25 years and get the gold watch, or start a whole new career.

I resigned as Chief Executive but didn't as Chairman of the Board, then ran for Governor. I lost. I decided to run for the Senate in 1966, to go for broke—no ties with the past. People were saying, "Does he really mean it? He's still a businessman, but he's running for office." I resigned as Chairman and left Bell & Howell totally and completely severing every business connection. I ran and won.

Q. *Are there any particular characteristics that have contributed to your political success?*

A. Yes. I think very careful organization has helped. Politics is a terribly haphazard and catch-as-catch-can business. It is emotion-driven. I feel that reason, research, planning and forward thinking can be successfully applied to it.

In order to best organize my office, to take good care of correspondence, I've put all of my first term salary, my speaking and writing fees and more, into the office. I think I have one of the most efficient offices in Washington.

Participatory democracy—which I tried to instill at Bell & Howell—which the *Reader's Digest* wrote up some years ago in an article entitled "Democracy—Eight to Five" is something I have tried to apply to my public service. At Bell & Howell, our suggestion system was one of the most successful in the country—we would get ideas from the people who were working on the product as to what we could do to improve it.

Similarly, we go back and survey our constituents with great regularity for their opinions. I think we have one of the largest mailing lists of any Senator, all on computer tape. A management consulting firm came in and set up my computer system so that I could stay in closer touch with my constituents. When I wanted to send a survey out to doctors to ask them to appraise and analyze the Scott-Percy Medical Health Rights Bill which we developed, I sent preliminary copies to every doctor in the State of Illinois. I was able to send them out in about 24 hours. I can send out a survey to every dentist, to every automobile dealer, to every private pilot, for example. Having them all on computer makes us able to do so much and expand our knowledge of their opinions. That is why we have been able to introduce so much legislation.

I have had management engineers analyze my operation from a managerial standpoint. They made suggestions on how I could improve the handling of mail, the use of filing systems, among other things. An accounting firm audits my books and files income tax statements—I have the finest talent that I can get to back up and support me. I think I have the finest staff—they get paid less and work twice as hard, but then so do I.

In business I felt that the longer the assembly line, the further removed management was from the workers' attitudes and feelings. Every year, from the first year I was President of Bell & Howell when we had 1300 employees, to the last year when we had 10,000, I shook hands with everyone in the plant at least once a year. I met with employees frequently and regularly and with all supervisors at least once a month.

In politics, I have listen-ins all over the State; not in my office but down on the ground floor of a post office, anyplace that people stop or that is accessible to many people. The people should have easy access to their public officials and not feel they have to come to Washington or make an appointment—they can just see me where they are—I'll come to them. I have been taking 40–50 trips back to Illinois every year since I've been here, though the Senate only allows either six or eight, I forget which. I take the rest simply because I feel the need to stay close to constituents in my State.

Q. *In business profit is a measure of performance. How do you measure your performance as a Senator?*

A. The necessity of a follow-up is a discipline you learn in business. You get a monthly financial statement. You know where you stand because you get regular measures of your performance. When I was at Bell & Howell, every year we sent an annual report to 25,000 stockholders, 5–10,000 major customers and to over 10,000 employees. I addressed all three groups each year; I personally reported to thousands of our stockholders, employees and their families each year.

I've kept that habit here; every year I send an annual report to our constituents and release it publicly. It covers ideas, accomplishments and failures. In business I always included failures in the annual report; things don't always go right. *Forbes* said that my annual report was the most unusual one they had ever seen. Generally, they are white sheets that only talk about the good things. I don't think an annual report should be a sales brochure; I think it ought to be an accurate accounting of what you do, and obviously you have made mistakes that cost stockholders' money. You ought to say so. I made a horrible mistake one year, underestimating the size of a market. I reported that we lost millions of dollars worth of sales because of my judgment in not appraising the market properly. I received more letters of commendation from mentioning our mistake than from mentioning all the successes we have had. When I reversed myself on the SST, I admitted on the floor of the Senate that I had made a mistake. I originally voted for it, but I hadn't analyzed and appraised its economic impact carefully enough. I just emotionally said that we ought to have the best of everything, and went ahead and voted for it, foolishly. It was the most stupid vote I have ever cast. I corrected it by working hard against the SST. We defeated it and I made up for my mistake.

The tendencies in business are the same tendencies I like to have here. I feel that in business the consumer is king, not the producer. The consumer, not the producer should be the one who is protected. We built our business by satisfying consumers.

In the Consumer Protection Forum that we had in the Senate today on a bill that I am sponsoring along with a number of my colleagues, I said the same things—we must protect the consumer. Government has a role to play in helping the consumer have an advocate who protects his interests. Business needs to understand that. I have tried to keep the same principles in government that I have had in business.

Q. *What do you think about the voluntary social action programs involving business and government? Many businessmen feel that they have not worked because they do not provide adequate motivation—profit—to business.*

A. I think the criticism that some of the programs have not worked is valid. When we develop a program, test it and find it has not worked, the best thing to do is scrap it. The inertia of these programs is such that once they get started, they are very hard to stop. Committees are similar. In business you can set up a temporary committee that is dissolved as soon as it has fulfilled its function. In politics, when a presidential commission, for instance, is set up, it is just like it has been cast in cement to try to get rid of it. I have an avowed objective to get rid of a great number of them while I am in government. I have yet to get rid of one, but I have got a bill in now that will eliminate all commissions at the end of two years unless they have a separate piece of legislation authorizing their extension. I can see why many people feel that programs that were set up during one period of industrial or economic history are no longer useful.

Q. *What do you see happening in the role of business and society in the years ahead?*

A. For a number of years I have felt that younger men and women want a sense of "worthwhileness" about the company or enterprise in which they work. This is why I have said it is going to be good business in the future for companies to get into programs such as the Alliance for Businessmen—for business to participate actively in community betterment, urban planning, new town developments. You might say government should do this, but I would a lot sooner see it done through the planning and thinking of private enterprise. To attract and hold young people, business is going to have to be more socially oriented. That is a philosophy I have had for 20 some years in business. Originally I was considered impractical, but now virtually all companies have a social conscience and recognize that it is good business for them to have it.

You cannot ever forget, however, that the acid test, the litmus test, of a business is that it must be successful; that it must obtain a reasonable rate of return on investment. It cannot create opportunities for growth and expansion for individuals unless it can attract sufficient capital to finance its own growth. To do this, it must have a reasonable expectation of increasingly higher returns in the future—that means running a profitable business. You can't become so socially oriented as to forget that the first step is to become profitable and successful. It is a mockery to say that business is a substitute for either government which is non-profit and/or for non-profit ventures and charitable organizations—that is a soft-headed way of looking at it. You have to try to do both but you must remember your primary responsibility is to stay financially sound and successful as an enterprise while at the same time serving a social conscience.

Regarding business participation in politics, I have always been impressed that labor unions have never hesitated to take partisan positions. They don't hide behind a cloak of, "Well, I can't get involved or I can't become committed." They take a stand. They are knowledgeable enough in politics to work at the grass roots level, to realize that just making a contribution is not enough: you must get out and learn the business from the bottom, at the grass roots level, at the precinct. I am impressed now that more businessmen are becoming increasingly sophisticated, recognizing that they have to take positions. They can't be political eunuchs; they have to declare themselves on occasion and fight for what they believe in if they want to command respect.

As a family man I know my children participate in public affairs. Government is one of the more exciting aspects of my life as far as they are concerned. I am not sure I would have attracted and held their interests by just being a businessman that stuck his nose to the grindstone; that I would have been as good as a businessman if I had that narrow a perspective. By broadening my horizon, by going into civic activities, politics, I brought a fresher and a broader point of view to the company as well. I think some of the finest training and experiences that my older son has had as a graduate student in business, were not as a result of being the son of a corporation president, but as the son of a corporation president who was interested in politics. He has participated in politics and became my first administrative assistant and driver for my campaign. My younger son, who is 16, is going to follow in his footsteps and be my driver this summer back in Illinois as I run for reelection. I don't imagine that my son-in-law, Jay Rockefeller, has begrudged the political experience that my daughter has had, though my son-in-law and I are in a contest to see whether or not his children, my grandchildren, are going to be Democrats or Republicans. Politics has given us a common bond and provided an element of excitement.

I have heard it said that to Democrats, politics is a way of life, and to Republicans, it's a sacrifice. This is one Republican that feels that political activity has been one of the most exciting, meaningful and significant aspects of his life. As I look back, I wouldn't do it any other way than to establish my business career first and then go into politics. Having that base behind me has been extremely helpful to me.

SUMMER YOUTH JOBS

Mr. JAVITS. Mr. President, the President has now signed into law the second supplemental appropriation bill which, as approved by the Senate-House conference, contains a supplemental appropriation of $156 million for the Neighborhood Youth Corps summer job and recreational programs.

This makes possible the provision of a record number of jobs in the program, a total of 740,222 job slots, compared with 609,300 slots last summer, which was the highest up until that time; each slot represents a 9-week opportunity for a disadvantaged boy or girl between the ages of 14 and 21.

Mr. President, Senators may recall that on April 19, joined by 26 other Senators, I urged the Senate Appropriations Committee to respond to the current unemployment crisis among poor youth by meeting the needs documented to us by the National League of Cities-U.S. Conference of Mayors. We originally sought a supplemental of $291.4 million for 947,928 slots in the program; the Senate Appropriations Committee responded with a recommendation of $246 million, an amount necessary to provide the slots we requested, but on a 9-week, rather than a 10-week basis. The House had passed only a $95 million supplemental appropriation.

Mr. President, of course I had hoped that the final amount agreed upon in conference would be closer to that which the National League of Cities and the U.S. Conference of Mayors had documented to me as essential.

However, I am very grateful that this significant amount has been made available at this relatively early date in the summer and I wish to take this occasion to express my appreciation to the members of the Senate Committee on Appropriations for their initial action and their efforts in conference; to my colleagues and to the administration for making this possible.

I wish also to acknowledge my special appreciation to my colleagues who joined with me in April. They include the following: Senators LLOYD BENTSEN, QUENTIN N. BURDICK, ROBERT C. BYRD, HOWARD W. CANNON, CLIFFORD P. CASE, ALAN CRANSTON, THOMAS F. EAGLETON, J. W. FULBRIGHT, FRED R. HARRIS, PHILIP A. HART, HUBERT HUMPHREY, HENRY M. JACKSON, FRANK E. MOSS, EDMUND S. MUSKIE, BOB PACKWOOD, CLAIBORNE PELL, ABRAHAM RIBICOFF, ROBERT TAFT, JR., JOHN TOWER, JOHN V. TUNNEY, HARRISON A. WILLIAMS, JR., ROBERT P. GRIFFIN, GEORGE MCGOVERN, WALTER MONDALE, WILLIAM B. SAXBE, and RICHARD S. SCHWEIKER.

Mr. President, I ask unanimous consent that there be printed in the RECORD a news release dated June 5, 1972, issued by the Department of Labor, which provides a summary of funds available for summer jobs from these and other sources, as well as tables with respect to allocations among the regions of the Nation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXTRA FUNDS RAISE SUMMER YOUTH JOBS TO 1.2 MILLION—RECORD HIGH

The supplemental appropriation signed by President Nixon in Moscow has raised the number of summer jobs for youth to the all-time high of 1,201,400, Secretary of Labor J. D. Hodgson announced today.

This is 220,000 more summer jobs than were available for youth last summer.

The funds made available through this appropriation will bring the total to be spent this summer to $377.6 million, also a record high, and $85 million more than in any previous year, Hodgson explained.

Most of the federally supported jobs for youth this summer will be in the Neighborhood Youth Corps. The NYC summer program is providing nine weeks of employment for 740,222 disadvantaged boys and girls, 14 through 21. The jobs pay $1.60 an hour for work in community service activities.

The supplemental appropriation not only sets up a larger-than-ever summer program, but it still provides a record amount of lead time for local planners. Local governments and agencies were given initial allocations in March to help plan for the summer. The supplemental funds are also that much ahead of previous years availability, Hodgson pointed out.

The $377.6 million in Federal funds will be spent through four programs providing 865,322 jobs. The remaining 336,000 jobs will be provided mainly in the private sector by business and industry, without Federal financial support.

Federally supported summer jobs will be provided through the:

Neighborhood Youth Corps Summer Program	740,222
Federal Summer Employment Program for Youth	63,000
Public Employment Program	59,100
Youth Conservation Corps	3,000

XUM

An estimated $25 million of already allocated Section 6 Emergency Employment Act funds will be available to provide 59,100 jobs paying $1.60 an hour if local officials so choose.

The Federal Summer Employment Program will hire one disadvantaged youth through the Civil Service Commission for every 40 Federal employees for jobs in most agencies. The Youth Conservation Corps selects participants through the Department of the Interior from all walks of life for environmental support work.

The Federal-State Employment Service plans to fill 161,000 jobs in its Youth Summer Placement program, an increase of 5,500 over last year. The Employment Service will hire up to 600 special placement officers to help handle the influx of summer job seekers.

"The National Alliance of Businessmen deserves a special note of recognition," Hodgson said. "In addition to its efforts in behalf of the disadvantaged and its additional and nearly fulfilled pledge to find jobs for 100,000 veterans, the NAB has pledged to hire 175,000 young people in 126 metropolitan areas, 24,000 more than it did last summer."

In another facet of the Administration's summer program, 2,228,000 recreational opportunities for young people between 8 and 13 years of age will be provided. The Summer Recreation Support program will support 2,185,000 youngsters and the National Summer Youth Sports will handle an additional 43,000.

The Labor Department's regional offices are contacting local Neighborhood Youth Corps program sponsors now to inform them of the new slot and fund allocations. Tentative allocations were released by the Department March 19.

In many communities, the mayor's office will play a greater role than in past years in coordinating summer activities for youth.

Revised enrollment slots in the Neighborhood Youth Corps summer program by State and the 50 largest cities, are listed. (attached)

FISCAL YEAR 1972 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region I	38,706
Connecticut	10,367
Maine	3,828
Massachusetts	18,040
New Hampshire	1,813
Rhode Island	3,132
Vermont	1,526
Region II	110,093
New Jersey	21,879
New York	67,963
Puerto Rico	19,830
Virgin Islands	421
Region III	68,339
Delaware	1,709
Maryland	10,473
Pennsylvania	33,585
Virginia	12,632
West Virginia	9,940
Region IV	130,078
Alabama	15,924
Florida	22,462
Georgia	17,483
Kentucky	14,617
Mississippi	13,059
North Carolina	19,092
South Carolina	11,431
Tennessee	16,010
Region V	137,469
Illinois	38,883
Indiana	14,979
Michigan	30,979
Minnesota	11,118
Ohio	29,536
Wisconsin	11,974
Region VI	80,869
Arkansas	9,543
Louisiana	17,873
New Mexico	4,716
Oklahoma	9,488
Texas	39,249
Region VII	34,183
Iowa	7,366
Kansas	6,726
Missouri	16,193
Nebraska	3,898
Region VIII	17,445
Colorado	6,162
Montana	2,640
North Dakota	2,055
South Dakota	2,304
Utah	3,311
Wyoming	973
Region IX	82,708
Arizona	9,492
California	68,671
Hawaii	2,032
Nevada	1,872
Guam	622
W. Trust Territory and Samoa	219
Region X	25,948
Alaska	2,152
Idaho	2,287
Oregon	7,088
Washington	14,421
District of Columbia	14,384
U.S. Total	740,222

FISCAL YEAR 1972 NYC SUMMER PROGRAM 50 CITY ALLOCATIONS

	Job opportunities
Region I:	
Boston	5,230
Region II:	
Jersey City	2,206
Newark	7,000
Buffalo	2,913
New York	49,884
Rochester	1,239
Region III:	
Baltimore	7,712
Philadelphia	8,571
Pittsburgh	8,536
Norfolk	2,684
Region IV:	
Birmingham	2,349
Dade County (Miami)	5,851
Tampa	5,597
Atlanta	3,109
Louisville	2,537
Memphis	2,179
Region V:	
Chicago	31,617
Gary	3,556
Indianapolis	1,594
Detroit	18,332
Minneapolis	2,318
St. Paul	1,147
Akron	958
Cincinnati	2,903
Cleveland	10,205
Columbus	1,635
Dayton	1,098
Toledo	1,046
Milwaukee	3,379
Region VI:	
New Orleans	2,738
Oklahoma City	1,634
Tulsa	751
Dallas	2,424
El Paso	1,168
Fort Worth	1,134
Houston	3,846
San Antonio	5,080
Region VII:	
Kansas City	3,212
St. Louis	5,385
Omaha	1,834
Region VIII:	
Denver	1,481
Region IX:	
Phoenix	3,475
Los Angeles (including Long Beach)	24,948
Oakland	6,233
San Diego	4,350
San Francisco	4,310
Honolulu	791
Region X:	
Portland	2,370
Seattle	4,198
Washington, D.C.	14,384

Fact sheet—Summer job opportunities, 1972

A record number of summer job opportunities with Federal support has been scheduled for 1972. Six major programs are being organized to provide 1,201,400 summer jobs, an increase of 219,900 over last year's total.

JOB PROGRAMS AND FUNDING

	Opportunities			Federal funds		
	1971	1972	Change	1971	1972	Change
Neighborhood Youth Corps	609,300	740,222	+130,922	$257.9	$316.1	+58.2
Federal summer employment program for youth	63,000	63,000	0	31.9	33.0	+1.1
Youth Conservation Corps	2,700	3,000	+300	2.5	3.5	+1.0
Public employment program		59,100	+59,100		25.0	[1] +25.0
National alliance of businessmen summer hires	151,000	175,000	+24,000			
Employment service youth summer placement	155,500	161,000	+5,500			
Total	981,500	1,201,400	+219,900	292.3	377.6	+85.3
Recreation opportunities:						
Summer recreation support	1,900,000	2,185,000	+285,000	12.8	15.0	+2.2
National summer youth sports program	43,000	43,000	0	2.9	3.0	+.1
Total	1,943,000	2,228,000	+285,000	15.7	18.0	+2.3
Supportive service programs:						
Summer transportation	851,113	851,113	0	1.5	1.5	0
Youth coordinator grants				3.3	3.3	0
Total	851,113	851,113	0	4.8	4.8	0

[1] This is an estimate. Program agents under the public employment program may use Emergency Employment Act funds for summer job opportunities, if they so choose.

Neighborhood Youth Corps summer programs will be for 9 weeks at a minimum pay of $1.60 an hour for a total of 234 hours. PEP funds would be similarly used.

National Alliance of Businessmen's summer hires will be in the private sector without Federal funds, as will most of those hired through the Employment Service Youth Summer Placement program.

The Federal Summer Employment Program will hire one disadvantaged youth for every 40 Federal workers.

Recreation opportunities will be for youngsters between 8 and 13 years of age. May 30, 1972.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed concern about the possibility that under this treaty American citizens could be tried in foreign courts without American constitutional guarantees. But a close examination of the facts of the matter reveals that an objection to the convention on this basis is without foundation.

If an American citizen is accused of committing genocide in another nation, and is accused while he is in that nation, he may, according to article VI of the treaty, be tried by a competent tribunal of the state in the territory of which the act was committed. There is nothing unusual about this provision; under present law, an American accused of murder in a foreign country may be tried there. And even without American ratification of this treaty, American citizens may be tried for genocide by nations which are parties to the treaty.

What seems to concern critics of the treaty is the provision of article VII regarding extradition of citizens who are accused of genocide. That provision says that:

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The important point is that extradition is promised in accordance with laws and treaties in force. What this means is that the Genocide Convention itself does not alter extradition procedures; it says they will be conducted the way our extradition treaties specify. At present, we have no extradition treaties dealing with genocide, and they would be made in the future with the advice and consent of the Senate.

These future extradition treaties could and would contain a number of safeguards. First, we can assure that certain procedural rights are secured in the courts of the foreign nation. As George Aldrich, Deputy Legal Adviser of the Department of State, testified to the 1970 Foreign Relations Subcommittee:

[One] factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can change, basic procedural protections have to be built into the treaty at the beginning.

Second, there can be provision for a thorough examination of the evidence in the case before extradition is agreed to. As Mr. Aldrich proposed:

Any extradition treaty will require the state requesting extradition to produce sufficient evidence that the person sought would be held for trial under U.S. law if the offense had been committed here.

Finally, S. 3182, the proposed legislation implementing the Genocide treaty, states that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the U.S. is either already prosecuting or intends to prosecute. I might add that Mr. Aldrich testified that the State Department supported this provision.

The Genocide treaty is, then, not in itself an extradition treaty. Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

GREENVILLE NEWS EDITORIAL ENTITLED "50 YEARS OF SERVICE"

Mr. THURMOND. Mr. President, the Jaycees of Greenville, S.C., are celebrating their Golden Anniversary this year. This local chapter is one of the oldest in the United States, having been formed in 1922 shortly after the national organization was launched in St. Louis in 1920.

The Greenville Jaycees have always been in the forefront of civic leadership and they have played a large and significant role in the growth and prosperity of their city.

Mr. President, I am highly pleased to express my appreciation to this capable group of responsible citizens. I commend them for their past achievements and express my hope that the next 50 years will record a continuation of their constructive efforts and leadership.

An editorial entitled "50 Years of Service" was published in the Greenville S.C., News of June 4. It pays a deserving tribute to the Greenville Jaycees. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

50 YEARS OF SERVICE

The Golden Anniversary of the Greenville Jaycees this year is an event that should not pass unnoticed by the community at large. During the past 50 years the Jaycees have been in the forefront of efforts to make Greenville a better place in which to live and work.

The Greenville Jaycee chapter is one of the oldest in the nation. It came into being as the Junior Chamber of Commerce shortly after the founding of the national organization in St. Louis in 1920.

The purpose of the organization has never been, from the beginning, strictly fun and fellowship. Rather, it has been a rallying point for young men concerned about the problems of their community.

The Jaycees are activists. Their long list of projects over the years point to a willingness to become involved in helping to meet some of the community's pressing needs.

They have, from time to time, been drawn into controversy, but this is often the case for people who attempt to get things done. The Jaycees have never backed away from an issue or problem because it might be controversial.

The Jaycees have made a difference in Greenville. We salute them on their 50th birthday, and sincerely hope—for the good of the community—that they will have many more.

JAMES G. STAHLMAN, A GIANT AMONG NEWSMEN

Mr. ALLEN. Mr. President, on Thursday, June 1, 1972, James Geddes Stahlman retired after 60 years of service to the Nashville Banner, to the people of Nashville and Tennessee and, in every respect, to the people of the United States. Starting on the Banner as a delivery boy, Mr. Stahlman spent the past 42 years as publisher and president of the paper, "dedicated," as he said in his final editorial, "to the cause of free and responsible journalism."

Unfortunately for America, the day is about over for personal journalism practiced through the medium of strongly edited, independent, home-owned daily newspapers. But Mr. Stahlman has written that he shall not retire to some secluded beach, and even though the Banner is now part of a national newspaper chain, those who pick up his pen were trained under Mr. Stahlman to be dedicated to the journalistic principles which have made the Nashville Banner the potent, independent, conservative voice that it has been for its 96 years of existence, 91 of which have been under the stamp of the Stahlman family.

Mr. President, in its issue of June 1, the Banner published a final column written by James Stahlman and addressed to his friends and readers. I ask unanimous consent that this touching, yet stirring, article be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAHLMAN COMPLETES 60 BANNER YEARS—PLANS TWO BOOKS ON PEOPLE, PLACES, EVENTS IN HIS EXCITING LIFE

To my friends and readers of The Nashville Banner:

By the grace of God, the tolerance of a fickle and sometimes intolerant newspaper constituency, and the faithful and devoted support of cherished members of what has become affectionately known as "The Banner Family," I have come to one of the most emotionally difficult days of my life.

Today I complete sixty years of service to The Nashville Banner, forty-two of it as president and publisher, with every day dedicated to the cause of free and responsible journalism.

I had firmly charted my present course prior to the conclusion of my sale of this beloved newspaper to the Gannett Group. I had made it perfectly clear to my longtime friend, Paul Miller, whose personal and journalistic integrity had prompted me to select him and his able associates in the Gannett Group as my successor owners, that I would end my duties as president and publisher on the day that I had completed 60 years as an employe of this newspaper.

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This is it!

These three-score years have taught me much. They have afforded me world travel, world friendships, world service.

They have placed me in high positions of honor and responsibility.

They have given me the opportunity to play a part in the history of this beloved country of ours, of this neighboring hemisphere which we have shared with Canadians to the North and our Latin brothers South of the border.

And in more far-reaching portions of the earth I have been privileged to serve my country in times of war as well as peace in numerous capacities.

I have witnessed and actively participated in some of the important scientific and industrial developments from the horse-car to Americans on the moon; from the early filament bulb to the devastating laser beam; from Marconi to Telstar; from Kitty Hawk to the SST; from a reverent pulpit to a distressing era of agnosticism.

This has been the most exciting period of advance in the world's history—culturally, scientifically, industrially, sociologically, economically, politically.

Our progress has wrought much havoc. It has played hob. with stable homelife, produced a disdain for the fundamentals, destroyed respect for law, order, the courts and constituted authority. It has brought the United States to a dangerous divisiveness and the world to the brink of self-destruction.

Through all these years, I have clung steadfastly to the belief that this blessed country of ours is still worth saving; that the freedoms of our people can be preserved; that there is more good than bad in mankind and that a forgiving, omnipotent Father can and will save those men and nations willing to defend that faith implicit in our national motto: "In God We Trust."

As I relinquish The Banner's helm, I shall not retire to some secluded beach. I turn over the flagbridge to a competent team—Wayne Sargent, Jimmy Armistead and Ken Morrell—all experienced in their respective fields, the two latter gentlemen my longtime, valued associates, indoctrinated in and dedicated to the journalistic principles which have made The Nashville Banner the potent, independent, conservative voice of this region during its ninety-six years of service to Nashville, the State of Tennessee and the United States, ninety-one of which have had the Stahlman imprint dominant in its policies.

I commend them to all who read, respect and trust The Nashville Banner, confident that these gentlemen and their equally dedicated associates—all of whom I hold in highest esteem and deep personal affection, will uphold the editorial policies and journalistic traditions which have characterized The Nashville Banner since its founding nearly a century ago.

They are the inheritors of a precious legacy bequeathed by men like Dr. William Martin Clark, Major Edward Bushrod Stahlman, Gideon H. Baskette, Edward Claiborne Stahlman, Richard H. Yancey, George Harrison Armistead and Alvand C. Dunkleberger.

Their legatees would not, could not betray this sacred trust.

For me there are days and years of serious work ahead.

I have two or more books to write, before my memory fades.

I have things to say and things to tell about places I have visited, men I have known, events in which I have participated, many of them having had something to do with where we are today, how we got there, where we could be headed and how we may arrive at our respective destinies. Some of this might be fairly interesting. None of it will be dull.

Stick around and I'll try to convince you.

And remember this—on April 10, 1976, The Nashville Banner will celebrate its one-hundredth anniversary.

Meet me there!

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, FAMILY SERVICES ACT, AND OEO EXTENSION

Mr. JAVITS. Mr. President, two measures of deep importance to the poor and to families generally have been reported by the Committee on Labor and Public Welfare, of which I am the ranking minority leader.

First, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972, a bipartisan proposal sponsored by Senator MONDALE and myself, and based in part upon S. 3228, which I introduced on February 24 and a similar measure before the committee. The bill would provide $2.95 billion over a 3-year period in Federal assistance for increased educational and other developmental opportunities for preschool and other children.

Second, S. 3010, the Economic Opportunity Amendments of 1972, originally introduced by Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, and myself. The bill would provide for a 3-year extension of the poverty program, establish a new Legal Service Corporation, authorize a new community economic development program, and authorize other important measures affecting the poor.

As I have urged, these bills have been reported separately and will be acted upon by the Senate separately, in the order mentioned.

Together, they represent a thoughtful bipartisan effort to meet the President's specific objections to S. 2007, the Economic Opportunity Act Amendments of 1972, to which had been attached an earlier child care measure, and which was vetoed last December.

Mr. President, so that Members may be aware of the basic elements of each of these measures, and my basis for recommending that each be approved by the Senate, I ask unanimous consent that the text of the Supplemental Views of myself and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD with respect to S. 3617 and a section-by-section analysis of the bill and Supplemental Views with respect to S. 3010, joined in by the same Senators, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, SCHWEIKER, PACKWOOD, TAFT AND STAFFORD

We support the "Comprehensive Headstart, Child Development and Family Services Act of 1972", which is a bipartisan compromise proposal based upon S. 3228, which we introduced on February 24 with 9 other Republican co-sponsors, and a similar measure contained in S. 3193.

We are pleased that the Committee chose to report this measure separately from the extension of the Economic Opportunity Act, as we urged, so that there will be full opportunity for debate on child development legislation, and the essential extension of our anti-poverty efforts will not be further delayed.

A separate bill, the Economic Opportunity Amendments of 1972, S. 3010, has been reported by the full Committee simultaneously with this measure.

We believe that a legislative framework should be provided for increased educational and other developmental opportunities for preschool and children whose parents request them in order to engage in employment, training, or education or otherwise to enhance the well being of their families.

At the present time there are only 700,000 licensed child care "slots" available in the Nation, while there are five million children of working mothers in families with incomes under $7,000, as well as 2.5 million low-income preschool children whose mothers are not employed. Overall, in 1971, 43% of the Nation's mothers worked outside the home compared with 18% in 1948.

The unfortunate result has been that millions of working mothers and many others who need supplemental educational and other services for their children have been unable to find adequate child development opportunities.

In his message of December 9, 1971, vetoing S. 2007, the Economic Opportunity Amendment of 1971, President Nixon stated that the "laudable" purpose of the child development title had been "overshadowed by": "fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections relating to the system established under the vetoed bill.

First, with respect to fiscal responsibility, the Committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts to be fiscally responsible both in terms of the extent to which new resources may be effectively channelled through the system each year, and in light of the amounts spent upon remedial programs that attempt to correct the damage inflicted upon many children who lack such opportunities during early childhood.

Second, the bill contains a number of new provisions, many of which were adopted from S. 3228, to ensure its "administrative workability"; they include provisions:

Requiring that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. Importantly, state governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify;

Giving state and local prime sponsors clear administrative responsibility for conducting the programs. Under the vetoed bill, the lines of administrative responsibility between the prime sponsors and the child development councils established were unclear. The Committee bill limits the role of such councils to approving certain basic actions taken by the prime sponsor;

Providing for "annual family service plans" to be submitted by State governments, in conjunction with local prime sponsors, to ensure statewide coordination and maximum utilization of resources; and

Ensuring coordination with other efforts for children, including those conducted in the schools.

These provisions also will ensure a substantial role for State governments, which the President described as "insignificant" under the vetoed bill.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to ensure that child development programs will serve to strengthen the family. These include provisions:

Emphasizing that child development services are voluntary, that is provided only at the request of parents who choose to use them and not as a matter of universal application;

Providing a greater number of options to parents, ranging from full or part day services in centers to in-home services, in each case considered supplemental to family efforts;

Emphasizing the provision of child related services to other members of the family, such as prenatal care, so that child development centers will be family centers; and

Providing for the involvement of parents in programs.

Importantly, at least half of the membership of councils to be established at the prime sponsorship, area and project level are to be parents of children enrolled in child development programs.

In our opinion, these provisions distinguish the programs contemplated under the Committee bill from the state run compulsory system which exists in other countries.

We support the basic fee schedule provisions of the Committee bill, worked out with the Administration last year, under which free services would be provided to families with incomes up to $4320 for a family of four, with modest fees between that level and $7214, the so called Bureau of Labor Statistics "lower living standard". The Secretary would establish the fee schedule for families with incomes above that level.

Significantly, the Committee bill includes an additional provision from S. 3228 to ensure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumsatnces.

We also note that the bill authorizes greater funding for training than S. 2007, an aspect which the President considered deficient.

In conclusion, we believe that the Committee bill represents a viable means of implementing the objective, which the President articulated so well in February 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

We urge that the Committee bill be approved by the Congress and signed into law so that the Nation's commitment to full opportunity may be implemented fully.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.
BOB PACKWOOD.
ROBERT TAFT, JR.
ROBERT T. STAFFORD.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

This section sets forth the congressional findings concerning the need for child development and family services and the purpose to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes the appropriation of $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out this Act. Any unobligated amounts at the end of such fiscal year may be obligated in the succeeding fiscal year.

Subsection (b) authorizes the appropriation of $150 million for fiscal 1973 for the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems appropriate to prepare for the implementation of this title.

Subsection (c) provides that the amounts appropriated under subsection (a) shall be made available as follows:

The amount of $500 million shall be for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, with priority for Headstart projects.

Up to 15 percent of the amounts which remain thereafter may be made available, as the Secretary of Health, Education, and Welfare deems appropriate, for titles II and III of this Act, but not to exceed 5 percent of such remaining amounts shall be used for title III.

The remainder of the appropriation is to be used for carrying out title I.

Subsection (d) sets forth advance funding authority.

SECTION 4. DEFINITIONS

This section defines terms used in the Act.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

SECTION 101. PROGRAMS ASSISTED

This section provides that the Secretary of Health, Education, and Welfare shall provide financial asistance for carrying out child development and family services programs under this title to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans, program statements, and applications approved in accordance with this title. The purposes for which financial assistance may be used are set forth in this section.

SECTION 102. STATE AND LOCAL PRIME SPONSORS

Subsection (a) provides that a State, a unit or combination of units of general local government of at least 25,000 population or, if less, which demonstrates capability and a particular need, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor of child development and family service programs in accordance with the provisions of the legislation upon approval by the Secretary of a prime sponsorship plan.

Subsection (b) provides that the plan must provide for a child and family services council, must provide assurances that staff and other administrative expenses of the council and local program councils and project policy committees will not exceed percent of the total cost of child development programs administered by the prime sponsor (unless increased to reflect higher start-up costs or other special needs), and must provide assurances to provide or to enter into arrangements with appropriate State or local or other agencies for linkages to provide services related to child development.

Subsection (b)(8) provides that, in the case of a State applicant for designation as prime sponsor of areas not served by a local prime sponsor, the plan must also provide for designating local family service areas serving the area of one local government or of units of local government serving not more than 50,000 population unless Secretary allows area of up to 100,000 population. For each local family service area, a local program council must be maintained consisting of at least half parents and the remainder public members appointed by the local government official. These local program councils participate in developing and approve the State's program statement for the area and arrangements for projects in the area.

Subsection (c) provides that any local program council may appeal directly to the Secretary when it alleges a failure to comply with the program statement or the provisions of the Act.

Subsection (d)(1) provides that the Secretary shall approve a satisfactory State prime sponsorship plan for areas not served by local prime sponsors.

Subsection (d)(2) authorizes the Secretary to designate five States to carry out demonstration projects as Statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. No State with a population of 5 percent of the national population or more could be so designated.

Subsection (e) provides that the Secretary shall approve a prime sponsorship plan submitted by a city or county or other unit of general local government if it meets the requirements of subsection (a) and has a population of 25,000 or more. The Secretary has discretion to choose either a city or a county as prime sponsor for an area which covers a common geographical area.

Subsection (f) provides that the Secretary shall approve a prime sponorship plan submitted by a combination of localities if the plan meets the requirements of subsection (a) and has a population of 25,000 or more.

Subsection (g) provides that the Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if the plan meets the requirements of subsection (a).

Subsection (h) provides that the Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or a public or private nonprofit agency if he determines that the plan includes provisions setting forth arrangements for serving children in a neighborhood which is not covered by a prime sponsor or in any portion of an area where the prime sponsor is not satisfactorily implementing child development programs, or for making available special services designed to meet the needs of economically disadvantaged or preschool children. He may also approve such a prime sponsorship plan setting forth arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers, or arrangements for carrying out model programs, especially projects for economically disadvantaged, minority group, or bilingual preschool children.

Subsection (i) provides that the Governor of the State shall be given between thirty and sixty days to review and make recommendations on prime sponsorship plans submitted under this section.

Subsection (j) provides that a prime sponsorship plan may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary provides written notice, a reasonable time for corrective amendments or action, and an opportunity for a hearing upon which an appeal to the Secretary may be based.

Subsection (k) provides for review by the court of appeals of the Secretary's final action with respect to prime sponsorship under subsection (j).

Subsection (l) provides that the Secretary

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shall approve the application of an alternate unit of Government or a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where any unit of general government or other prime sponsor is practicing discrimination against minority group or economically disadvantaged children.

Subsection (m) provides that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted or the Secretary has not approved a program statement under this section, or where a prime sponsorship designation is not in effect, or where the needs of migrants, preschoolage children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

SECTION 103. CHILD AND FAMILY SERVICES COUNCILS

Subsection (a) provides that each prime sponsor shall establish and maintain a Child and Family Services Council consisting of not less than 10 members half of whom must be parents of children served in programs under this Act and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public.

(Half of the public representatives must be persons broadly representative of the general public including community agencies and organizations, and the remaining members must be persons who are skilled in child development, child health, child welfare, or other child services.)

Subsection (b) provides that, in accordance with regulations the Secretary shall establish pursuant to regulations, each prime sponsor shall provide that the parent members of child development councils shall be chosen by the membership of local program councils described in section 102(b)(8), in the case of State prime sponsors, and participants in federally assisted day care programs especially Headstart, in the case of local prime sponsors. Not less than one-third of the total membership of such council shall be persons broadly representative of the economically disadvantaged. The council is entitled to approve program statements, basic goals, policies, actions, and procedures, and the selection or establishment and annual renewal of the administering agency or agencies, for the prime sponsor. The council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants.

SECTION 104. PROGRAM STATEMENTS

Subsection (a) provides that financial assistance to a prime sponsor may be provided for any particular fiscal year only pursuant to a program statement approved by the Secretary. Provisions which such program statement are to include are set forth in this subsection. Among these provisions are the requirements that not less than 65 percent of the financial assistance from apportionments under section 3(c)(3) must be used for programs and services for economically disadvantaged children; and that priority thereafter must be given to other children of single parents and working mothers.

Subsection (b) provides that no program statement shall be approved unless opportunities to submit comments to the prime sponsor and to the Secretary have been provided to each community action agency or single-purpose Headstart agency previously responsible for a Headstart program, to the local educational agency and other appropriate educational and training agencies and institutions, and the Governor of the State.

Subsection (c) provides that a program statement may be disapproved or a prior approval withdrawn only if the Secretary has provided written notice, reasonable time for corrective amendments or action, and an opportunity for a public hearing upon which an appeal may be biased.

Subsection (d) provides that the Secretary shall establish procedures to permit prime sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

SECTION 105. PROJECT APPLICATIONS

Subsection (a) provide that financial assistance may be provided to a project applicant for any particular fiscal year if the project application is submitted by a public or private nonprofit agency and contains other provisions set forth in this subsection. Among these provisions are requirements that funds be provided only to qualified public or private agencies and that project policy committees be established and maintained. Such project policy committees must consist of not less than 10 members and half must be parents of children served in such projects and the remaining half shall be comprised of persons who are representative of the community approved by the parent members and one person who is skilled in child development. Project policy committees must participate directly in the development and preparation of project applications and have responsibility for approving basic goals, policies, actions, and procedures for the project applicant. The bill provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

Subsection (b) requires that the project application otherwise further the objectives and satisfy the requirements of the prime sponsor's program statement.

Subsection (c) provides that a public or private nonprofit agency which is a prime sponsor shall submit a project application directly to the Secretary.

Subsection (d) provides that a prime sponsor may disapprove a project application only if it provides a statement of reasons to the applicant and that the project applicant may appeal to the Secretary for direct approval thereof.

Subsection (e) provides that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

SECTION 106. ANNUAL FAMILY SERVICE PLANS

This section provides that, upon submission of an annual family service plan by any State, the Secretary is authorized to provide financial assistance for carrying out activities for the purposes of determining child development and family service goals and needs, assisting in the establishment of Child and Family Service Councils, and strengthening their capabilities, and arrangements under which State agencies assist in providing child development and related services where requested by prime sponsors in the development and implementation of program statements.

SECTION 107. SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES AND OTHER PROJECT SPONSORS

This section provides that the Secretary shall use funds made available under section 108(a)(1)(E) to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs.

SECTION 108. ALLOCATION OF FUNDS

Subsection (a)(1) provides that, of the amounts available for this title, the Secretary shall reserve the following:

For apportioning among programs for children of migrant agricultural workers, not less than that proportion of the total amounts available for this title, as the proportion which the number of such children bears to the number of economically disadvantaged;

For apportioning among programs for children on Federal and State Indian reservations, not less than that proportion of the total amounts available for this title as the proportion which the number of such children bears to the number of economically disadvantaged children;

For special activities for handicapped children, not less than 10 percent of the total amount available for this title; and

For model programs, not to exceed 5 percent of the total amounts available for this title.

For special cooperative programs with educational institutions, not to exceed 5 percent of the total amounts available for this title.

Subsection (a)(2) provides that the amounts remaining after such reservations shall be allocated by the Secretary to the extent practicable so that such funds shall be apportioned among the States and localities within each State as follows: 50 percent in proportion to the relative numbers of economically disadvantaged children, 25 percent in proportion of the relative numbers of children up to age 6, and 25 percent in proportion to the relative numbers of children of working mothers and single parents.

Subsection (a)(3) provides that not to exceed 10 percent of the total funds allotted for use within a State may be made available to the State to carry out its annual family service plan under section 106.

Subsection (b) provides for reapportionment of unused apportionments.

SECTION 109. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

This section provides that applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, lease or lease-purchase, renovation, or remodeling of adequate facilities is not practicable. Federal assistance for construction may not exceed 50 percent of cost in the case of funds to be paid to other than public or private nonprofit agencies and organizations. A maximum of 15 percent of a prime sponsor's total financial assistance may be used for construction.

SECTION 110. USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

This section requires reports as to the extent to which facilities owned or leased by Federal agencies and other agencies may be available for child development programs during times when such facilities are not being utilized fully for their usual purposes.

SECTION 111. PAYMENTS

This section sets forth the Federal share provisions. A Federal share of 90 percent is provided for child development programs ordinarily, but the Secretary has discretion to exceed that percentage and he is required to pay 100 percent of programs for migrants and Indians.

TITLE II—TRAINING, TECHNICAL ASSISTANCE PLANNING, AND EVALUATION

SECTION 201. PRESERVICE AND INSERVICE TRAINING

This section authorizes the Secretary to provide financial assistance for preservice or inservice training for professional and nonprofessional personnel.

SECTION 202. TECHNICAL ASSISTANCE AND PLANNING

This section provides that the Secretary shall make technical assistance available to prime sponsors and project applicants to assist them in planning, developing, and carrying out child development programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SECTION 301. SPECIAL RESPONSIBILITIES OF THE SECRETARY

Subsection (a) provides that the Secretary shall make an evaluation of Federal involvement in child development activities and services. The Secretary must reserve 1 percent, and may reserve up to 2 percent, of the funds under this Act for the evaluations required by this section.

Subsection (b) provides that the Secretary shall carry out research and demonstration projects, including research on the nature of child development processes, research to test alternative methods of providing child development and related services, evaluation of research findings, and the dissemination and application of research and development efforts.

Subsection (c) provides that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Subsection (d) authorizes the Secretary to make grants in contracts with public or private nonprofit agencies to carry out research and demonstration projects under this section.

Subsection (e) authorizes the transfer with the approval of other agency heads, of funds to the Secretary for research purposes under this part, provides that the Secretary shall through the Office of Child Development coordinate all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare.

Subsection (f) authorizes financial assistance for child development and family service programs for the children of employees of the Federal Government.

Subsection (g) provides that the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this Act. Such services shall make use of the special food service program for children as defined in section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with such acts.

SECTION 302. FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

This section provides that the Secretary shall promulgate a common set of program standards to be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. Such standards shall be consistent with the Federal Interagency Day Care Requirements. A special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, is to be established for the purpose of participating in the development of such standards.

SECTION 303. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

This section provides for a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities dealing principally with matters of health, safety, and physical comfort. Upon approval by the Secretary, standards contained in the code are to be applicable to all projects assisted under this Act.

SECTION 304. MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This section establishes a program of mortgage insurance for child development facilities, to be administered by the Secretary of Health, Education, and Welfare.

SECTION 305. OFFICE OF CHILD DEVELOPMENT

This section provides for the Office of Child Development to be the principal agency in the Department of Health, Education, and Welfare for the administration of this title and for the coordination of programs and other activities relating to child development and family service research, training, and development efforts.

SECTION 306. SPECIAL COORDINATING COUNCIL

This section establishes by statute the Child Development Research Council.

SECTION 307. SPECIAL PROHIBITIONS

This section contains administrative provisions of the same kind usually set forth in similar legislation.

SECTION 308. WITHHOLDING OF GRANTS

This section provides that the Secretary may withhold funds for failure to comply with requirements of this Act after notice and opportunity for a hearing.

SECTION 309. FEDERAL CONTROL NOT AUTHORIZED

This section sets forth the prohibition against Federal control of education.

SECTION 310. SPECIAL PROHIBITIONS AND PROTECTIONS

This section provides that nothing in this Act shall infringe upon parental rights and directs the Secretary to establish procedures to insure that no child shall be the subject of research or experimentation under this Act unless the child's parent or guardian is informed and has the opportunity to except such child therefrom. This section also provides that the Secretary shall assume that programs providing care outside the home for very young children shall be reviewed periodically and frequently by the Secretary and that no such program shall be approved for assistance unless it is specifically authorized and approved by the Secretary.

SECTION 311. REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

This section provides for repealing, effective July 1, 1975, the authorization for Headstart and provides that where day care authorized elsewhere in the Economic Opportunity Act shall be provided, wherever feasible, through child care programs under this Act.

SECTION 312. TRANSITIONAL AUTHORITY

This section permits the Director of the Office of Economic Opportunity to waive allotment and Federal share provisions under title II of the Economic Opportunity Act to relieve hardship resulting from the failure to continue the authorization for Headstart under the current section 222(a)(1) when this Act takes effect.

SECTION 313. ACCEPTANCE OF FUNDS

This section authorizes the Secretary to accept, for use under this Act, funds appropriated to carry out other laws if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

SUPPLEMENTAL VIEWS OF MR. JAVITS, MR. SCHWEIKER, MR. PACKWOOD, MR. TAFT, AND MR. STAFFORD

We support the Economic Opportunity Act Amendments of 1972, to extend our crucial anti-poverty efforts, by continuing the Office of Economic Opportunity on the federal level and the activities conducted by Community Action and similar agencies on the local level.

S. 3010, the Economic Opportunity Act Amendments of 1972—which was first introduced by Senator Javits and Senator Nelson, Chairman of the Subcommittee on Employment, Manpower and Poverty, soon after the President's veto of the Economic Opportunity Amendments of 1971—commends itself in four major respects.

First, it would extend the basic authorization for programs under the Economic Opportunity Act of 1964, for a period of three fiscal years, through fiscal year 1974.

We are pleased that the Committee adopted an amendment which we proposed for a three-year extension, rather than the two-year extension continued in the Senate bill as originally introduced; it is time that our anti-poverty efforts be given a more secure tenure.

The funds authorized under the Committee bill for community action, manpower training, Headstart and related programs—representing an aggregate of approximately $9 billion—should help greatly to make this new tenure a meaningful one.

We note in this connection that the Committee chose to reduce significantly the earmarking for these programs, thus providing the Administration with greater flexibility as it requested.

Second, it would establish a new independent non-profit corporation for the conduct of the legal services program. This step, which first was proposed by the Administration, represents a general bipartisan consensus on the desirability of giving top priority to legal aid to the poor as one of the Nation's most effective anti-poverty efforts.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

"Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice."

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors.

We are pleased that the Committee adopted a compromise amendment which we proposed to provide for a nineteen-member board consisting of ten "public" members appointed by the President, and nine members appointed by the President from recommendations made by various national bar, clients, and project attorney groups.

As introduced, S. 3010 provided for a seventeen member board, consisting of six public members appointed by the President and eleven by the President from lists submitted from various groups, as in the vetoed bill, to which the President objected.

Third, the Committee bill includes a new title for Community Economic Development co-authored by Senator Javits which would authorize grants to urban and rural Community Development Corporations and their

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non-profit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of federal and other sources.

This title builds upon the "special Impact" program under title I–D of the Economic Opportunity Act, which was included in the law in 1967 by Senator Javits and the late Senator Robert Kennedy. The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, New York.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural Community Development Corporations throughout the country, such corporations have demonstrated—"unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area."

Fourth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action and other new activities which should greatly advance our anti-poverty efforts.

We are pleased also with the inclusion of provisions which we sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

We urge that the Committee measure be approved and signed into law at the earliest moment so that our essential efforts against poverty may be continued.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.
BOB PACKWOOD.
ROBERT TAFT, JR.
ROBERT T. STAFFORD.

SECOND ANNUAL COLLEGE WEEK FOR SENIOR CITIZENS AT CLEMSON UNIVERSITY

Mr. THURMOND. Mr. President, programs which provide for the enrichment and advancement of senior citizens can also be of benefit to everyone. Such a program is College Week for Senior Citizens at Clemson University in South Carolina. It recently concluded its second annual session under the sponsorship of that institution and several other State and private organizations.

A program of this nature brings knowledge of many skills useful to people of all ages, but particularly to those in older age groups. Perhaps of more importance is the additional knowledge made available to these people who already possess the wisdom of time and experience.

Mr. President, the field of instruction in this program was broad and offered subjects of value to people of all interests.

A feature article entitled "School Bell Tolls for Elderly," published in the Greenville, S.C., News, of June 4, 1972, presents good description of the College Week program for Senior Citizens at Clemson University. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOL BELL TOLLS FOR ELDERLY

(By Garnette Bane)

CLEMSON.—It's been a long time since reading, 'riting and 'rithmetic, but some 250 senior citizens have discovered school still can be fun.

These men and women, all South Carolina residents over 65, participated in the second annual College Week for Senior Citizens at Clemson University which concluded Thursday. The classes were sponsored by the South Carolina Commission on Aging, the South Carolina Churchman's Committee for Older Adult Ministries, Clemson University Extension Service and the Department of Recreation and Park Administration at the university.

Instead of the three "Rs" students studied subjects of interest directed to their particular age group.

Classes on nutrition were designed to help persons prepare meals for special diets or make dinner for one, should the person live alone. The instructor stressed the importance of a nourishing diet, regardless of one's age.

A course on home safety dealt with home furnishings and household products which could possibly be detrimental to the individual's well-being. "Proper labeling of chemicals and medicines were outlined so there would be no mistake in consuming the wrong potion," said Charles R. White, project director.

Early South Carolina history was aimed at helping those taking the course become more familiar with their state, various historical sites, and tales of the Palmetto State's favorite sons and war heroes.

Special programs on health and consumer fraud, Social Security and Medicare were set up to work as safeguards for the elderly. Under the instruction of William J. Monaghan, staff associate of the Department of Investigation, American Medical Association, the course on health fraud examined and analyzed so-called "health claims" which mean nothing. Consumer fraud, taught by Miss Veronica Carmack of the home economics department at Clemson, looked into the major areas in which many older people are exploited.

Besides subjects designed to educate and enlighten, the week's scholars also found time to pursue their favorite hobby, which included everything from oshibana and macrame to papiers-colles; needlepoint, decoupage and wine-making.

Highlighting the week of activities were tours of Keowee-Toxaway Visitors Center and various historic homes in Pendleton.

Robert Hill, assistant professor of English at Clemson, taught a class in creative writing for oldsters who have shown an interest in writing poetry. Horticulture instructors taught fruit and vegetable production in home gardens in the gardens of the school.

Topping off the week were songfests and a talent show. Graduation was held Thursday night with "graduates" receiving diplomas at a banquet.

It was a busy week for all; however, more than one who attended left with "I'll be back next year."

MANDATORY RETIREMENT VERSUS FLEXIBLE RETIREMENT AGE

Mr. CHURCH. Mr. President, in recent years there has been a trend toward compulsory retirement at a fixed age.

With unemployment continuing to remain at an unacceptably high level, pressures for earlier retirement have continued to mount.

Today only about 15 percent of all persons 65 and older have jobs—usually part time and in lower paying occupations.

Many persons in their forty's and fifty's are now dropping out of the labor force.

Nearly 2.4 million persons in the 45 to 64 age category have withdrawn from the work force, in many cases involuntarily. This compares with 1.4 million for 1960. The net impact of these figures is that the labor force drop-out rate for middle-aged and older men has increased by more than 71 percent in a little over a decade.

To the Committee on Aging, of which I am chairman, these alarming statistics raise very fundamental questions, such as:

What is the impact upon our Nation when we lose some of our most experienced and skillful workers?

What kind of a national policy should we develop to cope with the growing dependency ratio of nonworkers to workers, which in large part is the result of forced and earlier retirement practices?

The issues related to mandatory retirement and a flexible retirement age received the close scrutiny of the White House Conference on Aging.

The employment and retirement section, for example, had this to say:

Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Another excellent analysis of this growing problem has been prepared by Ted Schuchat in his North American Newspaper Alliance syndicated column.

In this article, he describes very clearly and concisely some of the arguments for and against compulsory retirement.

Moreover, he provides further evidence about the growing trend toward compulsory retirement. According to a recent social security survey, the proportion of men subject to mandatory retirement increased from 11 percent in 1951 to 36 percent in 1970. In the vast majority of cases, 65 was the mandatory quitting age.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIXTY-FIVE AND OUT? NOT EVERYBODY

(By Theodor Schuchat)

Compulsory retirement, usually at age 65, is growing in the United States, according to the Social Security Administration, but presently affects less than half the working population.

Past surveys made by Social Security research teams found the proportion of men subject to mandatory retirement rising from 11 per cent in 1951 to 21 per cent in 1963.

The latest survey, made in 1970, showed 36 per cent of the recently retired males drawing Social Security benefits had been forced into retirement.

Compulsory retirement is less likely to apply to women. Still, the proportion of women subject to this personnel practice rose from six per cent in 1951 to 10 per cent in 1963 and 23 per cent in 1970.

Two thirds of those subject to compulsory retirement in 1970 reported that 65 was the mandatory quitting age. The second most common age for retirement was 70, applied to a fifth of those surveyed.

Pension plans and compulsory retirement usually go together. Nearly all (84 per cent) subject to compulsory retirement were eligible for a private pension, but 34 per cent of those with pension coverage were not forced to retire.

Compulsory retirement is most common in industries with high rates of pension coverage—transportation, communications, public utilities, government. In government, two thirds of those subject to mandatory retirement did not have to retire until age 70 or later.

The association of pension coverage and compulsory retirement rules is shown also by the incomes of retirees. Men who were forced to retire average $3,380 in retirement income compared with $1,640 for men who did not face compulsory retirement in their last job.

For women, the corresponding amounts of retirement income were $1,870 and $890 per year, respectively.

INCOME LOSS

Retirement meant a considerable loss of annual income for those surveyed by the Social Security Administration in 1970. For about half the men subject to compulsory retirement, their retirement income replaced at least 40 per cent of their previous income.

For nearly half those not subject to compulsory retirement, retirement benefits amounted to less than 30 per cent of the amount they had been earning before retirement.

More than half of those compulsorily retired said they did not want to quit working. Only a fourth of the men and a sixth of the women who hit compulsory retirement age said they had health problems that would prevent them from working regularly.

Health problems also were a factor in the retirement of many people before they reached the age of compulsory retirement. Of those who retired voluntarily, 44 per cent of the men and 21 per cent of the women said their health prevented them from working regularly.

NO COVERAGE

Those who worked in jobs without compulsory retirement (who were also least likely to have private pension coverage) were least likely to have wanted to retire when they did and most likely to have health problems.

Nearly 60 per cent of these men and 40 per cent of these women told the Social Security Administration they were unable to work regularly.

As the trend toward compulsory retirement grows, the debate about its wisdom and equity continues.

Dr. Arthur S. Flemming, President Nixon's special consultant on aging, calls compulsory retirement a lazy man's way of making a difficult personnel decision. Flemming is a former member of the U.S. Civil Service Commission.

PROS AND CONS

Advocates of compulsory retirement say it opens up jobs for younger workers and usually provides some secure retirement income.

They acknowledge that it is easy to administer and claim in its favor that it is objective—applying equally to all workers—and completely predictable, so plans for retirement can be made well in advance.

Opponents of compulsory retirement contend that workers should be able to decide for themselves whether they want to retire or continue working.

They emphasize, too, that retirement income is usually only an unsatisfactory fraction of what the worker was previously able to earn. Retirement thus works an economic hardship on many.

HIGH COST

Opponents also question whether society can continue to afford the mounting costs of supporting—even at relatively low income levels—a growing number of retired workers.

LEGAL SERVICES, YES; CORPORATION, NO

Mr. ALLOTT. Mr. President, I am extremely pleased that we are taking time today to discus title IX of S. 3010. This is an important piece of legislation, one which I personally believe will be, at least, a startling precedent and more than likely will be unconstitutional if enacted. Title IX contemplates establishing an independent corporation to provide legal services and assistance to low-income persons. The corporation will also assist low-income persons in obtaining a legal education. The philosophy behind the establishment of an independent corporation is to eliminate so-called political interference from the present legal services program. I believe that it is important to examine this philosophy.

Section 901(4) provides in part "that there be no political interference with the provision and performance of legal services." The report submitted by the committee to accompany S. 3010, states that—

The Committee feels that it is necessary that the legal services program be placed in an institutional setting which will minimize political interference with the provision of legal services.

It goes on to state that—

The program must be insured a sufficiently secure future with adequate funding to enable it to plan and to operate efficiently and effectively.

In the section-by-section analysis of the report the committee states that section 901 is to "create a private nonprofit corporation free from extraneous interference and control."

I quote these sections from the bill and the report to assist me in defining the phrase "political interference." In all honesty, Mr. President, I am unable to understand what the authors of the phrase mean by it. And I am concerned that the effect of the philosophy behind that phrase might be to make the corporation independent from executive and legislative review.

I have in the past and I will in the future support the idea that legal services should be provided to needy individuals. In a society based on law there can be no justification for denying judicial remedies to those who cannot afford it. I hold this view as a Senator, and also as one who has been actively engaged in the practice of law before coming to the Senate.

I am familiar with the current OEO-operated legal services program. In Colorado alone, there are OEO-assisted legal programs operating in Denver, Adams County, Arapahoe County, Colorado Springs, Pueblo, and a statewide rural program with offices in Boulder, Greeley, La Junta, Trinidad, Grand Junction and the San Luis Valley. These offices are staffed by some 75 attorneys and assisted by 21 volunteer attorneys. They are operating on a yearly budget of over $1.5 million provided by the Federal taxpayer. Along with the 90 some attorneys there are more than 110 other individuals employed by the legal services program in Colorado. I enumerate these facts only to show the size of the legal services in just one State. This is not a small operation.

Because of the size of this operation I have been called upon numerous times to assist in one way or another with problems connected with the legal services program. These problems come from all conceivable types of possibilities: individuals objecting to what they consider legal harassment by the OEO attorneys, individuals seeking assistance from me in securing legal counsel, and finally individuals directly connected with the OEO programs attempting to obtain additional funds which, in turn, would allow the opening of additional legal services offices in Colorado. As the elected representative of the persons making these inquiries, I attempt, as I am sure all Senators do, to be of assistance. But it is possible to interpret section 901 (4) to forbid this type of constituent assistance as "political interference." Therefore, I cannot support this provision.

Let me take just a moment to more specifically enumerate my concern. In the past several years I have received complaints of harassment by legal service attorneys from individuals as diverse as school superintendents, farmers, radio station operators, private businessmen, hospital administrators, and practicing attorneys. I also have received complaints from potential clients that legal services have not been responsive in meeting their legal needs. During this same period I have had several requests from individuals associated with the legal services program to assist them in obtaining additional Federal funds. In all cases I have attempted to be responsive.

I have referred complaints to the appropriate officials in the OEO. I have attempted to work with the State Bar Association in forming a review panel for hearing these complaints. I have personally written to the appropriate legal services office referring clients to that office. And finally, Mr. President, I have supported applications for additional funds in Colorado. I am afraid that these activities would no longer be possible if title IX of S. 3010 is enacted.

To support this title, I would have to shirk my responsibility to the people of Colorado. I am not prepared to do this.

The expenditure of Federal funds should be subject to the closest type of legislative and executive review. A taxpayer expects and is entitled to ask his elected officials to examine the use of Federal funds. Any attempt to reduce this scrutiny or to make it more difficult should not be acceptable.

I interpret title IX to do just this and I hope that Senators will vote to strike this section.

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WELFARE REFORM

Mr. RIBICOFF. Mr. President, I am hopeful that Congress can enact meaningful welfare reform this year—reform which assures that no one is less well off than he or she is under the present system and which creates a humane and efficient welfare structure.

With bipartisan support in the Senate, I am sure that major improvements can be made in H.R. 1 which will achieve our reform goals. I fully recognize that H.R. 1 as it passed the House in April of 1971 is unsatisfactory and will not have my support without major improvements. I am hopeful that the administration will join with those of us who support meaningful welfare reform in enacting a forward looking welfare reform program.

The Washington Post in a series of recent editorials has pointed out the need for supporters of genuine welfare reform to work together to create worthwhile legislation.

I ask unanimous consent that the Washington Post editorials of June 5 and 6 be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

SALVAGING WELFARE REFORM

Chairman Russell Long of the Senate Finance Committee has once again promised to complete action—presumably some time this month—on the social security bill bearing the remains of welfare reform. We use the word "remains" advisedly, in view of the committee's decision to replace the administration proposal with a wholly different and thoroughly unacceptable substitute of its own. And we use the word "promise" with some hesitation, not just because the chairman has slipped his own announced deadline in this matter so often, but also because what is about to issue forth from the committee and what could subsequently take place in Congress strikes us as constituting at least as much of a threat as a promise.

The point is that neither the committee proposal nor the administration-favored measure which it has replaced (but which remains the House version of the bill) can be described as meeting the minimum requirements of genuine welfare reform. The committee bill fails because it embodies an employment program that takes the wrong approach to employment, trapping both government and welfare recipient in a choiceless situation where armies of people must be hired and retained in starvation-wage, make-work jobs that provide them neither the opportunity nor the incentive to improve their lot—jobs which will cost the taxpayer plenty into the bargain. The House-passed, administration-sponsored version of the reform has the theoretical advantage at least of being based on the more reasonable and humane principle of putting a cash floor under income and providing additional incentives to work. However, time and alteration of the original administration measure have rendered it, in its present form, as unacceptable and dangerous as the Committee's make-work bill.

For while this measure would put a floor under the income of working poor families with children, that floor ($2,400 annually) is so low and the tax on a recipient's earnings (67%) so high, that in practice very little relief would be forthcoming for the working poor. For the non-working and unemployable poor among families with children—that is, for many current recipients—it would do even less, creating a strong possibility that a great majority would have their present low benefits substantially reduced. Moreover, this version of Mr. Nixon's original bill would actually provide *less* incentive to work than is provided under current welfare law: some recipients would be left with a smaller proportion of earned wages than they are at present. Finally, this version of the bill relies heavily on coercion and is encumbered by provisions that endanger the fundamental freedoms and liberties of welfare recipients—and, by extension, everyone else.

There is a third alternative, one which we have favored. This is Senator Ribicoff's proposal which would raise the administration's basic guarantee from $2,400 to $3,000 annually and which would also ensure that current recipients did not end up worse off than they are now. In addition, the Ribicoff measure would dispose of very nearly all of the objectionable features of the House-passed, administration-backed bill. It has long been apparent, however, that in its present form, the Ribicoff bill is too expensive to be passed and implemented now and that the only chance of enacting an effective, generous and authentic reform in this Congress lies in the fashioning of a compromise measure that is broadly acceptable to Senator Ribicoff and his liberal supporters, to the White House and to Chairman Mills of the House Ways and Means Committee.

That such a measure at least lies within the realm of possibility seems self-evident to us: all three have made the basis of proposed reform the establishment of a federal floor under the income of families with children, including working poor families; all three have endorsed, in principle, the creation of a structure of work incentives and job opportunities to accompany the guaranteed income; and Mr. Mills and the President both have expressed a willingness to support increased federal expenditures of around $6 billion on such a program. Within a range of some $1 billion to $2 billion more, it is possible to work out an initial program that meets both the requirements of genuinely aiding the nation's poor and of reforming the present cruel and self-defeating welfare system. We find it encouraging that talks between the parties with a view to arriving at such a measure are now reported to be under way.

Our own idea of an acceptable compromise would begin with an ironclad guarantee that welfare reform not be used as a perverse instrument whereby welfare recipients experience a reduction in present benefit levels and a worsening of their situation. Such a bill would have to include mandatory provisions for states to maintain current levels of welfare payment and to assure that the equivalent value of food stamp payment levels was maintained. Second, the federal guarantee should be raised to somewhere between the too low $2,400 administration figure and Senator Ribicoff's $3,000, with provision for raising the figure to $3,000 in phases—and ultimately beyond. In addition, it would seem to us desirable that the tax rate on earned income in both the Ribicoff and administration bills be lowered in a substitute measure: the poor should be allowed to keep at least 50% of their earnings in the effort to work their way off welfare. (Besides encouraging work, a liberal tax rate on earned income tends to increase the recipient's cash benefits in a more substantial way than does the raising of the floor by a few hundred dollars.) Again, the provisions in the administration measure infringing on constitutionally protected rights should be eliminated entirely. In this connection, the coercive aspects of the welfare work requirement should be modified by inclusion of a volunteer preference provision, one that would guarantee that job and job-training opportunities went first to those recipients who volunteered for them. Voluntary demand for jobs has generally outstripped supply wherever work incentive programs have been made available to welfare recipients. There should also be uniform federal standards of eligibility and federal administration of the program.

What a program along these lines would do would be three-fold: it would improve conditions substantially for many current welfare recipients and for numbers of the working poor; it would ensure that current recipients did not suffer wholesale loss of benefits; and it would provide an improved and—equally crucial—an improvable base for a rational, generous and effective system of public assistance. But while there is widespread agreement among those concerned for the well-being of the poor on the desirability of meeting these objectives, there is anything but agreement on tactics. We shall take up this disagreement in a subsequent editorial.

Within the ranks of those who care about the well being of the poor, there is sharp division on the question of how to respond to the present situation in Congress concerning welfare reform—division not over principles but over tactics. Our own view is that the well being of the nation's poor will be advanced by efforts made now to construct a decent alternative to the proposals pending on the Hill, to mobilize a majority around an administration-backed and liberal-supported compromise measure along the lines of that which has already been outlined in this space. It would require what we regard as a wholly feasible accommodation between Senator Ribicoff and those who favor his welfare bill, the White House and Chairman Mills of the House Ways and Means Committee on a compromise that would merit the support of all three.

This approach—to put it mildly—is not universally held to be a wise one among people concerned with reforming our shameful welfare system. Elsewhere on this page today, for instance, Nick Kotz has sketched out a prospective scenario for disaster that could occur in Congress even if an acceptable welfare compromise were worked out and passed in the Senate. And there are voices from many quarters—the National Urban League, the National Council of Churches and the National Welfare Rights Organization among them—arguing that there is only one way to prevent Senate-House conferees from ultimately confronting Congress with a no-choice welfare program that represents the most regressive features of the current proposals and, consequently, dealing an enormous blow to the nation's poor. This way would be to work to kill any comprehensive welfare legislation that comes to the floor of the Senate for attachment to the social security bill. We disagree with this analysis of how the dreadful prospect can best be prevented. In the past, we have argued, vainly, that organizations such as the National Welfare Rights Organization could best promote the cause of just welfare reform by putting forward and lobbying for a serious alternative to the present mess—rather than by proposing a $6,500 program that would cost tens of billions of dollars and publicly combating anything that fell short of it. We would argue now—perhaps just as vainly—that the best chance of warding off disaster in Congress is not to oppose all substitute welfare reform but to work to mobilize a majority around an alternative such as that we have broadly outlined, one which could legitimately merit the support not only of liberal Democrats but also of the administration.

If you believe, as we do, in accord with the protesting organizations, that neither the Finance Committee bill nor the House-backed bill nor, for that matter, any other collection of regressive amendments or provisions affecting welfare recipients should be enacted into law, and if you also share our conviction that Senate liberals and moderates have an obligation to defeat such proposals at whatever point they come along, it still does not follow, in our view, that this is a moment to reject all efforts at passage of a better bill. With an administration-backed majority in the Senate mobilized around a decent and worthy alternative, it seems to us there is a rather better chance of averting the dismal scenario set forth by Mr. Kotz than there is without one.

What makes anybody think that without a Senate passed welfare measure of any kind, a Senate-House conference such as that Mr. Kotz and others fear would not *still* append to the social security measure at hand a string of mean-minded and punitive provisions affecting the people now receiving public assistance? That there is likely to be a pitched battle over the conference report seems beyond question to us. That will be the time when the fight to prevent the enactment of punitive welfare measures will be conducted, if such measures are reported out. We expect such a fight would be made easier, not harder by the existence of a Senate majority which has expressed its will in favor of a *good* welfare bill—whether that bill has survived the conference or whether it has been abandoned by faithless Senate conferees. In this connection, it seems appropriate to us to recall that last winter a collection of "workfare" measures passed both houses and were enacted into law. So there already are on the books some of the features that critics of the present legislation rightly object to. While we subscribe to the view that any further inroads of this kind must be prevented, it seems to us that the passage of last winter's legislation and the threat of more of the same coming out of conference make the effort in the Senate to get a genuine reform bill while there is still a chance all the more urgent—not less so.

The critics of this tactic are right in stressing the dangers that attend it—even though, in our judgment, these are no greater than the dangers of the course the critics themselves prescribe. What is required is a clear, firm and irrevocable commitment on the part of those involved in fashioning and supporting a compromise measure, a commitment to full scale, unequivocal battle in its behalf and to equally intense battle to reject legislation that would harm, not help, the poor. On the left, on the right, at the White House, in Congress and among the lobbies there has been so little reliability on this question over the past few years and so much rhetorical self-indulgence, that it is still not certain that a coalition of the kind we have in mind will be produced and maintained, even as it is still not certain that a decent and mutually acceptable reform bill will be the result of efforts now under way in that direction. Our view is that it is urgent that the effort be made.

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

Mr. JAVITS. Mr. President, on June 1, 1972, it was my honor to give the commencement address at Dropsie College, in Philadelphia, Pa. By coincidence the day of graduation at Dropsie College coincided with the date of President Nixon's return from his historic mission to the Soviet Union. I chose as the subject of my remarks "United States-Soviet Relations After the Moscow Summit." I ask unanimous consent that the text of my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

(Address by Senator JACOB K. JAVITS)

Graduation from so eminent a college gives each graduate the capability of leadership in the community and in his time. Because the challenges to leadership are so great, in terms of knowledge and intellect required, I feel it most appropriate to talk with the graduating class about the overriding issues of our times which will determine whether we shall have peace and a moral climate in the world for the next thirty years. It is fortuitous in this respect that we meet today, the same day that the President returns from a historic trip to Moscow. Viewed in the context of his visit to Mainland China, this journey may inaugurate in a new era.

The single most important determining factor in American foreign policy since 1945 has been our adversary relationship with the Soviet Union. Some key elements of that relationship now appear to have been changed following President Nixon's visit to Moscow. The changes flowing from the President's visit to the Soviet Union are likely to be even more significant and far-reaching than the consequences flowing from the President's historic visit to Peking. In my judgment, the President, and his gifted advisor Dr. Kissinger, deserve the nation's gratitude for the outstanding diplomatic accomplishments related to the President's trip to the Soviet Union.

Indeed, the big point is that notwithstanding the President's action in mining Haiphong harbor and the resultant bottling up or turning back of Soviet ships, the invitation to President Nixon was not cancelled—obviously restraint and cooler heads with a long view prevailed in the Kremlin's inner counsels. This is the best augury for the future hopes for the U.S. and the U.S.S.R. getting along and for peace that we have seen in years. It is the biggest thing that happened in respect of the Moscow visit by far.

The capstone achievement of the President's trip was the agreement on strategic arms limitation. The Strategic Arms Limitation Talks (SALT) have been in progress for nearly three years and many arms control advocates have been pessimistic and skeptical over the results because of the slow pace of the negotiations. However, the end result has been excellent—and worth waiting for—it seals the concept of nuclear parity into the relations between the superpowers and removes the incentive to escalate to gain some fancied superiority.

There is every reason to expect that additional agreements will be arrived at, for the negotiations will continue in the established channels, and new institutions—as well as pledges on both sides to seek further limitations—give evidence of a strong momentum.

The significance of the SALT agreements can be fully appreciated only by reminding ourselves of the alternative—a dangerous, spiralling escalation of the strategic arms race leaving both sides less secure at the end. Technology has brought us to the threshold of a whole new generation of offensive and defensive strategic weapons. In the past, such technological break-throughs invariably have touched off another round of the arms race—with each round more costly, dangerous and "destabilizing" than the previous.

In my judgment, the Senate has played a very important role in success of the SALT negotiations. The great Senate debates of 1968, 1969 and 1970 on strategic arms issues helped importantly to educate the Executive Branch of our government and the Soviet government—for we know that the Soviets avidly read the Senate debates. The issues and the principles which were established and clarified in the Senate debates have now found expression in the SALT agreements. This instructional role of the Senate would not have been possible except for a most remarkable phenomenon which was uniquely American.

That phenomenon was a "revolt" by key elements of the scientific community and defense intellectuals—in many instances men who had invented and developed the very weapons which the SALT agreements now control. Unable to break through the rigid compartmentalization of the Executive Branch, these men turned to the Senate for a hearing. A substantial group of Senators quickly grasped the significance of the issues, and mounted determined efforts focusing largely on amendments relating to the construction of ABM systems. Although the principal Senate amendments were defeated in extremely close votes, the arguments of the proponents have now been accepted and are embodied in the SALT agreements signed by President Nixon and General Secretary Brezhnev. The same spirit in the Senate—and hopefully in the Congress—made possible the recent Senate passage of the War Powers Act.

The SALT agreements are evidence that the United States and the Soviet Union have succeeded in averting a costly and dangerous new round of the nuclear arms race, and this signifies a highly significant shift in the rhythm and tenor of our relationship of the past twenty-five years. Other key elements of our relationship also appear to have been constructively altered as a result of the negotiations and agreements connected with the Nixon visit.

However, it would be a mistake to convey any false sense of euphoria respecting U.S.-Soviet relations. On the two issues foremost on the public mind—Vietnam and the Middle East—there is no evidence of any progress. In the Mideast, the Soviet Union seems to feel that time is on its side. This sense of self-assurance does not seem to be shared by President Sadat with respect to Egypt's confrontation with Israel, as he has pledged to renew the war against Israel in 1972. But, the key factor will be Soviet diplomatic and military calculations. The Arabs can attack Israel only with Soviet arms and can avert defeat only through Soviet intervention if they do attack. Overt Soviet intervention would, of course, create a grave risk of confrontation with the U.S. considering the key security implications of the Middle East for Western Europe and the U.S.

The greatest disappointment of the Nixon-Brezhnev communique is its failure to indicate any progress toward a Vietnam agreement. In the communique, the U.S.S.R. reiterates its support of Hanoi and the Vietcong in unflinching terms. Against the background of President Nixon's escalation of the air war and the blockade and mining of North Vietnamese harbors on the eve of his Moscow visit, the Soviet reiteration of verbal support for its Communist allies in Indochina may be considered as evidence of restraint. But President Nixon's Vietnam speech of May 8, couched in terms almost of a challenge to the Soviet Union, created an expectation that the President believed he could enlist the help of the Soviet Union in bringing about a peace settlement compatible with the terms set forth in that speech.

The expectation of many that concrete trade agreements would be signed during the Moscow visit was not fulfilled. But, for the short term, the proposed Joint Commission to develop the economic relationship between the United States and U.S.S.R. as trading partners including "most favored nation" treatment and export credits may prove to be very important. The U.S.S.R. wishes to be accepted as a great industrial power and to receive the credit and the reciprocity which come with that status. If the United States

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now recognizes these Soviet aspirations and asks that they be the reason to unlock the door of Soviet secretiveness and economic chauvinism, the benefit to all peoples, including the Soviet people, and to peace and to the other peoples of the Communist bloc in Eastern Europe will be incalculable. For this reason I urge the President to insist in including in these negotiations, in addition to the four items already stipulated, the following:

1. Subscription by the U.S.S.R. to the fair trading rules of GATT (General Agreement on Tariffs and Trade) or to join GATT itself.

2. Protection of patents and copyrights on a reciprocal basis through the internation Convention or by a special convention on the subject.

3. Freedom of access by business and technological personnel to the business and industrial centers of both countries.

4. A relationship with or membership in the International Bank for Reconstruction and Development and the International Monetary Fund (IMF) so that the U.S.S.R. may have a role in the international monetary system to be established following the Smithsonian Institution agreement and play a role with the rest of the developed world in aid to the developing world. It is noteworthy in this regard that the U.S.S.R. has been since its beginning a member of the International Labor Organization (ILO).

The U.S.S.R. is obviously bidding for economic respectability and acceptance as a major world industrial power. This is the moment to invite the U.S.S.R. to join the world economy and not to remain out of it as agitator and critic as it has for 54 years. It is a time for boldness in the world economy and the United States can leapfrog the new protectionism which could develop here at home and in the EEC and Japan. We can do this by bringing in the two Communist giants. If we do not raise our sights to include the U.S.S.R. and the Peoples Republic of China in the world economy, we will be missing the other half of the greatest chance for peace in this century.

Europe has been the central arena of U.S.-Soviet confrontation since 1945. Developments of the past twenty-five years have created a new situation on the ground in Europe and this "new situation" has found expression in the agreements reached in Moscow by President Nixon. In this respect, the Four Power Berlin agreement of 1971 and the West German Non-Aggression Treaties with the Soviet Union and Poland must be regarded as essential preliminaries.

The Nixon-Brezhnev communique has opened the way for the convening of a Conference on European Security and Cooperation and for negotiations on Mutual Balanced Force Reductions in Central Europe. What we are witnessing is a series of negotiations to achieve a comprehensive settlement of the unresolved issues of World War II in Europe. Most of those issues have been essentially resolved by pragmatic arrangements achieved in an *ad hoc* manner over the past two decades. A *de jure* settlement, based on these pragmatic arrangements, is now emerging. A comprehensive, *de jure* settlement will permit a "normalization" of relations between Eastern and Western Europe and an easing of tensions. Intense competition will continue and many potential sources of crisis will remain.

But in its overall outlines, the emerging pattern in Europe is one which is favorable to United States interests and one which leaves the forces of freedom and peace greatly enhanced. The free nations of Western Europe, who are our closest allies, are set on a course of economic and political integration, with the German Federal Republic as an important and manageable component of the new European entity. There is every reason to hope that Europe will not again in this century be the breeding ground and cockpit of a world war.

Viewed from the perspective of the Kremlin, the results of the Nixon visit must be viewed with great satisfaction by the Soviet leaders. The Soviet Union achieved public acceptance of respectability and "parity" with the United States; and its World War II territorial gains in Eastern and Central Europe have been accorded recognition. All of these are long-standing major objectives of Soviet postwar diplomacy. Rightwing circles in the United States have already begun to question the Moscow results, focusing their attack on the SALT agreement and its acceptance of Soviet strategic parity.

In a very important sense, it remains to be seen which side will benefit more from the Moscow agreements. The outcome, in my judgment, will depend on the creativity and initiative which the respective sides bring to bear upon the new situation of "political normalization" in Europe in the decade ahead. In this respect, I have faith in the vitality and purpose of the free peoples of the West. The Soviet objective of "consolidation" in Eastern Europe is likely to prove a backward-looking vision based upon the realities of the 1940's and 1950's and in the new competition of peaceful coexistence the dynamic societies of the Atlantic Alliance have a real opportunity to demonstrate the obsolescence of the Soviet, and Soviet satellite system. The prerequisite for such a felicitous outcome, of course, is continued Western cohesion and integration—and the continued full-scale engagement of the United States in Europe.

The right-wing pessimists in our country view the Soviet Union primarily as a still emerging military colossus implacably set on a course of world domination. I do not dispute this interpretation of Soviet ideology and rhetoric; but in the reality of the Kremlin's position, I believe it is an unrealistic projection of the future by them. Viewed from an overall strategic perspective the Soviet Union must be viewed as a nation which is under increasing strategic pressure from China, as a nation which is faced with the prospect of increasing challenge from its satellite partners in Eastern Europe, and as a nation whose regime is even on the defensive in respect of its own people.

In an important sense, the decades of superpower dominance of the world are drawing to a close—for the United States as well as for the Soviet Union. The emphasis on maintaining the *status quo*, which was such a distinct feature of the Moscow agreements, reflects a certain sense in both Moscow and Washington that the days when major questions can be settled by only two superpowers are numbered. It should not be the objective of U.S. diplomacy to assure the Soviet Union a continued great role in the twentieth century analogous to the role assured to the Austro-Hungarian Empire in the nineteenth century, long after the Austro-Hungarian Empire had lost its own inner vitality and *raison d'etre*. A freezing of the *status quo* at the Congress of Vienna brought relative stability in Europe for a number of decades, but by making peaceful change almost impossible the somewhat mechanical "balance of power" arrangements of the nineteenth century also fueled the flames of revolution and World War in this century.

Most importantly, in our search for stability in our relationship with the U.S.S.R. we must not sacrifice our own dedication to the principles of freedom and human dignity. Repression and persecution remain standard instruments of Soviet rule. Particular targets of repression in the Soviet Union at this time are its intellectuals and its Jewish community. We must not fail these groups by muting our expressions of concern and solidarity as elements of an overall "bargain of convenience." To do so would be a betrayal of ourselves and the freedom for which men and women have fought and sacrificed for centuries and which is the base of our own freedom.

ALASKA PIPELINE HEARINGS

Mr. PROXMIRE. Mr. President the Joint Economic Committee will conduct hearings on natural gas regulation and the economics of the trans-Alaska pipeline on June 7, 8, 9, and 22. The press announcement and a list of witnesses for the hearings is being distributed today.

It is becoming increasingly clear that the Nation badly needs a rational national energy policy to avert an energy crisis.

But this means much more than simply the rapid development and use of our scarce energy resources. It means a hard-nosed analysis of our energy supplies and the development of comprehensive government policies that provide needed energy while balancing the environmental, economic, national security, and other social demands of both consumers and producers.

It does not mean that the Nation accepts the energy policies that are dictated by those who have the most to gain from the policies they advocate.

I am particularly concerned about accusations that the recent Alaska pipeline decision by the Interior Department was not made on the facts in the context of the broad energy needs of the Nation, but was the result of a decisionmaking process that was biased from the beginning.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments aubmitted by conservation groups, and Secretary Morton's May 11 public justification for proceeding with the Trans-Alaska Pipeline right-of-way. Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between Secretary Morton's public statement and the findings contained in the impact statement and the economic and national security analysis done by the Interior Department staff.

On May 19, I wrote a detailed letter to Secretary Morton spelling out some of the questions that had arisen in the course of our review, and asked the Secretary to come before the committee to answer these questions and provide a detailed explanation of the reasons for his decision. I am very happy to report that Secretary Morton has agreed to do so on June 22. There is no better test of the quality of a decision than a good public airing.

In addition, Secretary Morton sent me a 45-page document that was supposed to be a response to my questions. It is not responsive. The document reads like a 45-page public relations handout for somebody who knows nothing about the circumstances of the Trans-Alaska Pipeline case.

It does not answer my questions.

It asserts but provides no evidence of a west coast oil deficit in 1975 or 1980.

It fails to compare the benefits of the Trans-Alaska pipeline with the benefits of Trans-Canada oil and gas pipelines showing a common corridor.

It gives us no basis for the alleged 3- to 5-day delay on the Canadian route.

It asserts but fails to indicate diverse and flexible supplies for the Midwest and east coast.

Perhaps we should not expect this 45-page document to answer my questions. It was prepared on May 11, 8 days before I wrote to Mr. Morton and was to be used as the Secretary's public explanation of his approval of the Trans-Alaska pipeline. Surprisingly, and perhaps inadvertently, the copy of the 45-page document I received was still stamped with the May 11 date.

This response from Secretary Morton raises two questions.

First, why did the Secretary choose not to release the more detailed statement publicly on May 11?

Second, why does even the longer statement still not address itself to such fundamental questions as those raised in my May 19 letter?

I want to put the Secretary on warning. Unless he has better answers for the Joint Economic Committee on June 22, he is going to have a tough time supporting his case.

Since I know that many Senators are interested in this issue, I ask unanimous consent that my May 19 letter and the news release announcing the hearings be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROXMIRE TO HOLD HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

Senator William Proxmire (D-Wis.), Chairman of the Joint Economic Committee, announced Friday that the Committee will hold four days of hearings on June 7, 8, 9, and 22 on natural gas regulation and the Trans-Alaska pipeline.

"It is becoming increasingly clear that the supply of energy has shifted from abundance to scarcity," Proxmire said, "and that the Nation badly needs wise public policies to avert an energy crisis.

"But this means much more than rapid development and use of our scarce energy resources.

"It means a hard-nosed analysis of our energy supplies, how we are presently using those supplies, and the development of comprehensive government policies to close the gap between energy supply and demand.

"It also means that government policies must be formulated in a broad perspective that carefully balances the environmental, economic, national security, and other social demands of both consumers and producers.

"We must guard against situations where our energy policies are dictated by the special interests that have the most to gain from the policies they advocate.

"The purpose of the hearings I am announcing today will be to place the Federal Power Commission's regulation of natural gas and the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way into this broad context and determine how well these policies serve the broad public interest.

"The hearings on June 7 and 8 will focus on means of improving the domestic supply of natural gas, with special attention to the regulatory process and the recent rule proposal of the Federal Power Commission. This proposal could potentially amount to deregulation of well head prices for new gas supplies and thus lead to much higher prices to users of natural gas without necessarily improving the supply of gas. The Committee will inquire into alternative approaches which could and perhaps should be used by the Federal Government to meet this critical situation without unduly burdening the consumer.

"The hearings on June 9 and 22 will investigate whether there is evidence to support the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way. As I indicated in a May 19 letter to Secretary Morton, a preliminary analysis of the available information indicates serious omissions and inconsistencies between Secretary Morton's public statements and his Department's analysis of the situation."

All hearings will begin at 10:00 in Room 1202 of the New Senate Office Building. A list of the witnesses is attached.

Members of the Joint Economic Committee are:

SENATE

William Proxmire (D-Wis.), Chairman
John Sparkman (D-Ala.)
J. W. Fulbright (D-Ark.)
Abraham Ribicoff (D-Conn.)
Hubert H. Humphrey (D-Minn.)
Lloyd M. Bentsen, Jr. (D-Tex.)
Jacob K. Javits (R-N.Y.)
Jack Miller (R-Iowa)
Charles H. Percy (R-Ill.)
James B. Pearson (R-Kan.)

HOUSE OF REPRESENTATIVES

Wright Patman (D-Tex.) Vice Chairman
Richard Bolling (D-Mo.)
Hale Boggs (D-La.)
Henry S. Reuss (D-Wis.)
Martha W. Griffiths (D-Mich.)
William S. Moorhead (D-Pa.)
William B. Widnall (R-N.J.)
Barber B. Conable, Jr. (R-N.Y.)
Clarence J. Brown (R-Ohio)
Ben B. Blackburn (R-Ga.)

HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

All hearings will be held in Room 1202, New Senate Office Building, beginning at 10:00 a.m.

WEDNESDAY, JUNE 7, 1972

Charles H. Frazier, Independent Public Utility Consultant associated with National Economic Research Associates, Inc.

Michael V. Posner, Senior Fellow, The Brookings Institution.

Lee C. White, Semer, White & Jacobsen (formerly Chairman, Federal Power Commission, March 1966–July 1969).

THURSDAY, JUNE 8, 1972

John N. Nassikas, Chairman, Federal Power Commission.

S. David Freeman, Research Director, National Energy Policy Study, Twentieth Century Fund.

John F. O'Leary, Energy Consultant, Washington, D.C.

FRIDAY, JUNE 9, 1972

David Anderson, Member of Parliament, Canada.

Charles Cicchetti, Economist, Resources for the Future.

Richard D. Nehring, Former Economist, Department of the Interior.

Stewart L. Udall, Chairman of the Board, The Overview Corporation.

THURSDAY, JUNE 22, 1972

Rogers C. B. Morton, Secretary of the Interior.

(Additional witnesses for June 22 to be announced later.)

JOINT ECONOMIC COMMITTEE,
Washington, D.C., May 19, 1972.

Hon. ROGERS MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On May 11, you publicly announced: "I have determined that it is in the national interest of the United States to grant a right-of-way permit for the Trans-Alaska Pipeline which will transport crude petroleum from state lands in northern Alaska to the south coast of Valdez. . . . I am convinced that the decision is consistent with the policies set by the Congress in the National Environmental Policy Act of 1969, which the Department and I, personally, are deeply committed to carry out."

As you know, the National Environmental Policy Act of 1969 declares that it is the policy of the Federal Government "to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

This means that your decision on the Trans-Alaska pipeline must ultimately be judged in terms of how well you balanced the environmental, economic, national security, and other social demands that are integral to maintaining the Nation's general welfare in this case.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments submitted to you by conservation groups, and your May 11th public justification for proceeding with the Trans-Alaska pipeline right-of-way.

Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between your public statement and the findings contained in the impact statement and economic and national security analysis done by the Interior Department staff.

I am particularly concerned about the adequacy of the evaluation of the pertinent economic and national security factors. Unfortunately, your May 11th statement is completely inadequate as an explanation of what substantive factors in fact caused you to believe that national security and economic considerations so overridingly supported the Trans-Alaska alternative. Your 4 page statement merely makes assertions regarding national security and economic matters, with no discussion of the critical evidence that caused you to approve the Trans-Alaska pipeline right-of-way.

Consequently, there remain at least the following questions that must be answered in order to really explain why you made the decision you did:

1. Since your impact statement notes the existence of 26 trillion cubic feet of natural gas under the Prudhoe Bay oil field and concludes that it is economically unfeasible to liquify this gas at Valdez and ship it to market in LNG tankers, did you consider the economic and environmental merits of a single oil/gas pipeline corridor running from Prudhoe Bay to Fort McPherson, Canada and then south along the Makenzie River Valley to Edmonton versus two separate corridors, one for oil through Alaska, and another for gas through Canada? If so, why are the results of this comparison not included in the Interior Department's analysis and why did it not alter your decision?

2. Did you estimate the full potential of the North Slope and adjoining Arctic Regions in order to determine the probable need for a second oil pipeline route to this

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country between 1980 and 1985? If so, what would be the route of that pipeline?

3. What is the basis for your 3 to 5 year estimate of the delay associated with constructing the Alaska-Canada route, given that there is no discussion of this matter in the impact statement, and that Canadian officials have estimated a 1 to 2 year delay? Regarding the alleged 3 to 5 year delay you allude to, did you consider legal delays involved in the Trans-Alaska route while the matter is litigated in the courts?

4. On what basis did you determine a Pacific Coast deficit in 1980 of 2 million barrels a day?

(a) What were your estimates for oil supply, offshore and onshore, from sources in southern Alaska, California, the Canadian Trans-Mountain pipeline, and possible flows from Oil Districts III and IV?

(b) What were your estimates for oil demand on the Pacific Coast?

(c) Is it not true that the Canadians have indicated a willingness to compensate for any shortage of crude oil brought about by a delay in pipeline construction and, if so, why have we rejected this offer?

5. Given the Pacific Coast oil oversupply that is likely to occur if the Trans-Alaska pipeline is built, as noted in your own economic and security analysis, did you evaluate how this oversupply would disrupt existing oil markets, forcing other oil sources out of the Pacific Coast market, and thereby imposing additional economic and national security costs on the Nation? Since your May 11th statement nevertheless implies that the total North Slope production will be absorbed on the Pacific Coast, would you—in order to further enhance the military and economic benefits of Alaskan production—be willing to write into your stipulations with the oil industry provisions forbidding the sale of North Slope oil to foreign nations, including Japan?

6. In arguing that the Trans-Alaska pipeline is an essential oil source for the Pacific Coast, because that region "does not have the diversity and flexibility of supply available to the midwest," you have not made clear what are to be the future oil sources for the midwest.

(a) Does this statement reflect the physical impossibilities of delivering oil from the southwest to the Pacific Coast, or the desire of certain oil companies to maximize their profits and enhance their positions in certain areas of the country at the expense of citizens in other areas?

(b) Is it not true that the crude oil deficit in the midwest is several times that of the Pacific Coast and is projected to continue?

(c) What are the diverse and flexible sources available to the midwest that you allude to?

(d) Certainly of equal importance, to what extent did your analysis take into account East Coast needs for diverse and flexible oil sources?

7. What were the national security criteria that allowed you to come to the conclusion that the Trans-Alaska route would make this country's oil supply more secure? In particular, since your own economic and security analysis finds greater oil shortages in the midwest and eastern regions, how did you balance the short- and long-run security needs of these regions with the security needs of the West Coast?

8. The economic analysis section of your March 20 impact statement concluded that construction of a pipeline through Alaska would not lower the rate of unemployment in Alaska, would not significantly reduce existing barriers to native employment, would have a major adverse impact on the native subsistence economy in a great portion of the state, would aggravate conditions of inflation and over-crowded housing, would severely damage commercial and recreational fishing in the Valdez Arm and Prince William Sound, and would lead to a "significant downward (economic) adjustment" when construction is complete. What then is the basis for your May 11th statement that construction of the pipeline through Alaska "will be beneficial to the economic development of the state?"

9. Did your May 11th statement that, "The Trans-Alaska right-of-way to Valdez would commit an additional area of 30 to 50 square miles to development," include the 361 mile service road accompanying the project, the 61.3 miles of avian habitat your impact statement estimates would be destroyed during construction, the area to be occupied by three to five air strips, 12 construction camps and six pumping stations (each of 50 acres), the 900 acre "tank farm" at Valdez, and activity associated with the gathering of the 89 million cubic yards of construction material, mostly gravel, to be gathered along the route?

(10) In evaluating the Trans-Alaska alternative, did you take into account the cost of the subsidy and tax deferral of building tankers, developing environmentally safe harbors, and Department of Defense requests for patrol frigates and sealane control ships to protect U.S. oil tankers?

(11) Regarding the difficulties of obtaining financing for a Canadian pipeline, is it not true that the same oil companies involved in the development of Alaska's resources are also involved in exploring the Canadian Arctic? What are the unique financing difficulties associated with the Canadian alternative?

(12) Did you determine the nature and magnitude of the special economic benefits accruing to each oil company that is a member of Alyeska as a result of approving this particular pipeline route? Have you evaluated the effect of this particular pipeline arrangement on competition in the oil industry?

As Chairman of this Committee it is of course my duty to seek answers to these questions because, taken together, they have a profound impact on insuring an adequate national energy supply at the lowest possible cost consistent with meeting our environmental and national security needs.

Since you are uniquely responsible for the decision to proceed with the Trans-Alaska pipeline right-of-way, I invite you to come before the Joint Economic Committee and provide the Congress with a substantive explanation of the considerations that caused you to make the decision you made. We would of course expect answers to the questions mentioned above, and I know that you will want to respond to these questions in order to assure the public that it can in fact support your decision. We have scheduled oil and gas supply hearings for the 7th, 8th, 9th, and 12th of June and would be happy to receive your testimony on any of those days. We would prefer that you appear on the 12th if that is possible.

Looking forward to hearing from you.

Sincerely,

WILLIAM PROXMIRE, *Chairman.*

MAY 26, 1972.

HON. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your letter of May 19 invites me to appear before the Joint Economic Committee of the Congress for the purpose of clarifying the considerations that led to my decision to proceed with the Trans-Alaska Pipeline right-of-way. As a member of your staff has been advised, the date of June 12 would be impossible because of my scheduled conferences in Paris, Stockholm and London. If the Committee can conveniently reschedule my appearance date to June 22 I shall be happy to appear on that day.

Your letter mentioned that my public statement issued on May 11 was inadequate in its discussion of the critical evidence which I reviewed. I am enclosing for reference of the Committee a 45-page document which sets forth in greater detail the reasons for my approval which were summarized in my statement of May 11. Many of the questions posed in your letter are answered in the more detailed document. Nevertheless I will be pleased to discuss the 12 questions you posed upon my return from Europe.

Sincerely yours,

ROGERS C. B. MORTON.

Enclosure
cc: Secy's Chron.
Secy's Personal

THE LEGAL SERVICES PROGRAM

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, I voted to report S. 3010, the Economic Opportunity Amendments of 1972. I have nonetheless certain serious reservations with regards to title IX, which creates the Legal Services Corporation. I have expressed these in the supplemental views published with the committee report that I signed with the Senator from Maryland (Mr. BEALL).

In its present form, title IX limits the likelihood of achieving reforms necessary to an effective and responsible legal services program, and allows the perpetuation and extension of practices that are inconsistent with the expressed will of the Congress and at odds with the best interests of the program's intended beneficiaries.

I do not believe that title IX sufficiently safeguards the congressionally imposed objectives of the legal services program against subversion by individuals within the Corporation who would set their own priorities for the Corporation on the basis of personal conviction to the detriment of expressed congressional intent.

I become alarmed when creative legal services attorneys find ways to litigate criminal cases in a civil context, thus circumventing the clearly expressed congressional prohibition against such representation.

S. 3010 ostensibly proscribes criminal representation, yet it is couched in such terms that it can be easily circumvented by Corporation attorneys. For example, it does not prohibit criminal representation by project attorneys as pro bono publico representation during off-duty hours; nor would it prohibit legal services projects from using privately donated funds for such purposes. I do not believe that the Congress should enact a Legal Services Corporation bill so fraught with opportunities for abuse of congressional intent.

The limitations on lobbying and political activities included in this title are less than adequate attempts at dealing with these problems. In denying, as this bill does, the right to lobby to attorneys who are not representing a client or group of clients, this must conversely permit such activity by attorneys who do represent any client—whether or not the activity is in the interest of that client. My concern is that this creates a most dangerous precedent in allowing Government resources to be enlisted in support of legislative advocacy.

Let me stress that my objection is not that legal services attorneys are trying to bring about changes in public policy, as that is the right of every American. But Americans have never accepted the notion that public funds—taxpayers' money—should be used in such a manner, and I do not believe that we should accept such a notion now.

Surely the interests of the poor may best be served by the Legal Services Corporation if its attorneys devote themselves to representing the poor in the courts and providing them with legal counsel, rather than to pursuing legislative goals more in keeping with their own beliefs than with the aspirations or practical needs of their clients.

The bill also calls for a congressional stamp of approval on another form of political activity by Corporation attorneys—the transportation of voters to the polls. Although such activity may seem innocent and indeed public-spirited, it is altogether too easily subverted into a form of partisan involvement. Title IX must be amended to prohibit this transportation activity and the presently permissible forms of legislative advocacy or lobbying.

Further, I question the compatibility of the tax-exempt status conferred upon the Legal Services Corporation by this legislation with the activities, nowhere proscribed, of legal services attorneys in support of welfare demonstrations, rent strikes, boycotts, and other such activities. Other organizations, not funded by the Congress, engaging in similar activities would have a very questionable claim to tax-exempt status under the regulations of the Internal Revenue Code. Yet, title IX not only confers tax exempt status on the Corporation, but also denies the right of the Commissioner and District Directors of Internal Revenue to remove the tax exemption from the Corporation for engaging in activities that IRS would ordinarily deem impermissible. Certainly this constitutes preferred treatment for a government-chartered corporation, publicly funded, in violation of our traditional inhibition against selective Government support.

Mr. President, I do not challenge either the concept of legal services or the principle of the Corporation, but whether the program is continued as a division of OEO or placed in a newly created Corporation, I believe that the points I have raised should be subjected to Senate scrutiny, and that the provisions which unnecessarily dilute the services flowing to the poor should be corrected.

ABUSE OF FIREARMS

Mr. KENNEDY. Mr. President, nowhere in the civilized world is there the massively uncontrolled abuse of firearms as exists in the United States. Among the nations of the world, America stands in the bloodiest pool of death by gunfire—guns kill over 20,000 Americans each year. Yet we still have not fashioned an effective system to curb the explosive number of deaths and injuries that guns cause. Moreover, we tend to display public concern about guns only when public figures are involved.

Attacks on national figures stun the national conscience and make us take pause. But we have not yet produced the national will required to stop the spiral of death by gunfire in this country. The Nation stood paralyzed in the hours following the shooting of Gov. George Wallace. Exactly 2 weeks after the shooting of Governor Wallace an even more tragic assault occurred in Raleigh, N.C., where Senator EVERETT JORDAN was campaigning for reelection.

There is no way to explain why the gunman fired into that North Carolina parking lot. And there is no way to measure the grief and agony in the homes of the three people he killed, or to explain the bewilderment of the gunman's parents who are sentenced to live with the staggering truth that their son took his own life, killed three people, and wounded eight more.

Horrifying as it was, the attack on those innocent unsuspecting victims in North Carolina is already accepted in public opinion as unpreventable. Even worse, that is the kind of tragedy often described by gun zealots as a normal expected risk for the citizens of a gun owning society.

For, it is proclaimed, there is a certain number of madmen in the world and it is impossible to prevent their erratic and uncontrolled behavior.

I deplore the logic of that claim because it completely ignores the real issue—and that is that the easy accessibility to firearms produces an unnatural and uncivilized environment. At least 100 million guns are owned by civilians in the United States. About 30 million of that number are handguns. Such a national arsenal of death wielding devices is absurd.

Harvey Glenn McLeod lies dead along with three others in Raleigh, N.C., not just because no one could predict how he would use the rifle he purchased from Thorne's Hardware Store, but because our society tacitly permits citizens to purchase such deadly weapons as easily as we can purchase a stepladder.

More than 20,000 Americans die by gunfire each year because we in Congress have failed to control the availability of firearms.

Immediately after Governor Wallace was gunned down, familiar demands for a curb on cheap handguns emerged again. But our distorted sense of the role of all firearms in our society diverted attention from the need for effective controls on every kind of firearm—both handguns and long guns.

More than 15 months have passed since I introduced in the Senate, the Personal Safety Firearms Act. Not only would my bill produce a significant reduction in the manufacture of handguns in this country; it would also require people to undergo an investigation before buying a rifle or shotgun. Agencies authorized to issue firearms licenses must obtain fingerprints and a recent photograph of the prospective buyer to aid in establishing that the purchaser is neither an addict, a minor, an alcoholic, a felon nor a fugitive from justice.

Harvey McLeod could not have purchased that rifle 2 hours before devastating the rally in Raleigh if my bill were the law of the land. He could not have passed the eligibility requirements. After days of investigation, authorities would have rejected his application because his criminal background would have disqualified him.

I can see no reasonable justification for failing to implement safeguards that may reduce the tragedies of assaults by people who may take up arms and blast away at innocent, unknowing victims.

Clearly we have not achieved the technical ability to identify those people who are likely to go on a shooting rampage. But it is obvious that the device used in such instances—the gun—should not be so readily available to people who are likely to do what Harvey McLeod did.

Mr. President, I have brought to the attention of the Senate several outstanding editorial comments that were published recently in the Wall Street Journal, the Christian Science Monitor, the Washington Post, the Washington Sunday Star, the Boston Globe, and the New York Times regarding the need for a nationwide system of gun controls.

I ask unanimous consent to have printed in the RECORD additional contributions on the gun issue, these also from the Washington Post and the Wall Street Journal. In accordance with Senate rules, I have requested the Government Printing Office to estimate the probable cost of printing this material, and I am informed that such costs should not exceed $700. All these writings have consistently upheld the reasoned demand for implementing stronger gun controls. I am hopeful that with such well presented expressions of concern on this matter we can begin to get proper Senate action on a national gun control system.

Therefore, notwithstanding the additional cost involved. I again ask unanimous consent to have this material printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material ordered to be printed in the RECORD is as follows:

[From the Wall Street Journal, June 6, 1972]

THE GUN IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

(By Felix Kessler)

LONDON.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons among the civilian population to bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade

and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policemen, even criminals made a point of being unarmed.

There has been a sharp rise in armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum.

The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regulary to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact that lessens the danger to innocent bystanders. Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police stations; none bring them home, thus reducing the chance of accidental shootings.

IN SWITZERLAND, MANY HAVE GUNS, BUT FEW GET SHOT

Many European countries share Britain's antipathy to the widespread possession of guns, but one country—Switzerland—is a notable exception. By comparison with the British, its people are armed to the teeth.

Switzerland, with a population of 6.2 million, has a reserve army of 600,000, and each citizen-soldier is required to keep his army rifle and 24 rounds of ammunition in his home. Yet the number of shooting deaths in the nation is so small that police say they don't even both to keep statistics—a fact often cited by U.S. opponents of gun-control laws who argue that widespread possession of guns needn't result in widespread gun abuse.

One reason for the relative lack of shootings is the nature of Swiss society; it is stable and homogeneous, and there are few of the racial and ethnic strains that exist in the U.S.

But there also are rigid controls imposed on those who keep guns in Switzerland. Each citizen-soldier is held strictly accountable for his weapon and each of his 24 bullets. Moreover, anybody who wants to buy or carry other types of weapons—even including knives—would find that in most cantons, or regions, of Switzerland he would have to get the same sort of permits that gun fanciers oppose in the U.S.

THE GUN TO THE ARMS INDUSTRY, CONTROL CONTROVERSY IS A BUSINESS PROBLEM

(By David Gumpert)

WATERTOWN, MASS.—Saul Arnstein, owner of the Ivanhoe Gun Shop, would seem to have a marketing problem. The three daily newspapers in nearby Boston refuse to carry ads for the handguns he relies on for a sizable percentage of his sales. The newspapers say they will advertise only "sporting" weapons, like shotguns.

Mr. Arnstein isn't hurting, though. While the newspapers may refuse his ads, he feels he's getting a free sales boost in the papers' news columns. The reason: Every time there's a burst of publicity about proposals to restrict the ownership of handguns, his sales jump.

"It's beautiful," he says. "They're helping the gun business." He attributes the sales spurts following such publicity to citizens' fears that they may suddenly be unable to buy many types of guns. Many customers, Mr. Arnstein says, tell him they want the weapons for protection against criminals.

Mr. Arnstein's situation may be paradoxical but no more so than the situation of the entire civilian firearms industry in the U.S., including some of the biggest arms manufacturers in the nation.

On the one hand, there's growing pressure to limit or outlaw entirely the private ownership of firearms. And even without legal restrictions, gun makers fear that a growing public aversion to hunting—derisively attributed by some in the industry to a "Bambi complex"—is undermining a major source of their business. At the same time, population pressures are reducing the amount of hunting land available, discouraging hunters.

Yet on the other hand, guns remain very big business indeed. Last year nonmilitary sales of guns and ammunition in the U.S. amounted to about $553.8 million, according to the National Sporting Goods Association. And for the next few years at least, despite the "problems," sales are expected to grow at a modest rate.

To those who abhor the widespread and largely unregulated civilian ownership of firearms in the U.S., the mere thought of regarding guns solely in business terms is repugnant. Manufacturers and sellers who consider only profit "divorce themselves completely from the final results of their activity," says Rep. John M. Murphy of New York, a long-time advocate of gun controls. "There's just no conscience on the part of these people."

But it would be naive to ignore the role of profit in the current struggle between anti-gun forces and the so-called gun lobby over proposals to restrict gun sales and ownership. Gun manufacturers play an important part in bankrolling the thus-far largely successful fight to minimize antigun legislation. Money from gun makers and sellers, either through outright subsidy or indirectly in the form of advertising in membership journals and the like, helps finance such leaders in the antigun fight as the National Rifle Association and the National Shooting Sports Foundation.

Interestingly, though, the companies themselves try to keep a low profile in the dispute. "We find we can't win by making public statements, so we don't make any . . . We just take our lumps," says a spokesman for Colt Industries Inc. In explaining the company's reluctance to let a reporter question top executives about Colt's firearms operations. (Eventually, however, the interview was granted.)

The firearms industry includes some of the oldest and most familiar names in U.S. manufacturing—names like Colt, Remington and Winchester. Remington Arms Co., the oldest surviving firm, was founded in 1816, and many of the others date back well into the 19th century.

A number of the best-known names have long since been assimilated in to conglomerates or have themselves expanded into widely diversified companies. But a few, such as Marlin Firearms Co. and Iver Johnson's Arms & Cycle Works Inc., are still privately held. Practically all, big or small, remain based in Massachusetts or Connecticut, where they began.

If the names and home bases haven't changed much, neither have the products—at least in this century. Small-arms technology went through its greatest period of advancement in the latter 19th century. At the beginning of the 1800s, the standard weapon was a muzzle-loading flintlock musket. The shooter had to load separately his "bullet," which in those days was actually a round ball, and his gunpowder, which provided the explosive force to propel the ball. When he pulled the trigger a spark from the flint striking steel ignited the powder.

Later, the flint was replaced by percussion cap, which is a small metal or paper container holding a highly explosive charge that provides ignition for the powder when struck by the gun's hammer. Eventually, by the end of the century, percussion caps, powder and bullet had been combined into a single self-contained cartridge, and guns had been designed that would fire several cartridges successively without reloading.

The repeating weapon firing a self-contained cartridge remains the standard today. Weapons makers have introduced a number of refinements, including more powerful and more accurate cartridges and various design changes in the weapons, but the principle remains the same.

TWO CATEGORIES

Civilian weapons generally fall into two categories—long guns, which include shotguns and rifles, and handguns, which include both revolvers and semiautomatic pistols. Rifles and shotguns sell for as little as $40, but a dedicated gun fancier can easily pay several hundred or even thousands of dollars for a precision-crafted weapon with a fancy inlaid stock and engraved metalwork.

American-made pistols sell for about $40 and up, but some models assembled from cheap imported parts can be found for $10 or even less.

(Many arms makers also make weapons for the armed forces of the U.S. and other countries, of course, and some of these products are far more sophisticated. But sales of military small arms amount to much less for most firms than civilian sales.)

Production methods also have changed relatively little over the years, remaining highly dependent on hand labor with little automation. The gun industry "has tended to be a little slower than other industries to change," says William Ruger, president of Sturm, Ruger and Co., a firearms maker based in Southport, Conn.

Indeed, there isn't even a moving assembly line in Ruger's Southport plant. In one area, machinists and other technicians turn out gun frames and other parts. Elsewhere, men seated at tables spread out batches of parts and assemble them into complete revolvers. In a small room off to one side, the weapons are test-fired on a miniature target range by two men wearing sound proof earmuffs.

The Southport plant employs 175 men and turns out 150,000 revolvers and rifles a year.

Figuring out a pecking order among the firearms makers is difficult, because the industry is intensely competitive and most comparative statistics are closely guarded. Remington and the Winchester-Western division of Olin Corp., however, are generally acknowledged to be the top two in terms of overall sales volume, with other firms trailing substantially behind. While Olin keeps its Winchester-Western sales secret, Remington last year reported nonmilitary sales of nearly $115 million.

In ammunition sales, an estimated 90% of the market is controlled jointly by Winchester, Remington and Federal Cartridge Co., a privately held Minneapolis concern.

Besides the old-line manufacturers, there has in recent years sprung up a new segment of the industry—the makers of cheap handguns known as "Saturday-night specials." The name came from Detroit police, who discovered a few years ago that Detroit residents, unable to buy cheap pistols in their own city, were driving to Toledo (where laws are less restrictive) and returning with guns to tote in their Saturday-night merrymaking.

Saturday-night specials, assembled in the U.S. from imported parts, sell for about $10 to $25. Practically all makers of such guns went into business right after the federal Gun Control Act of 1968 outlawed the importation of small, cheap handguns. (Only pistols meeting certain specifications as sporting weapons are still legally imported.) By mounting imported components on American-made frames, the makers of Saturday-night specials are able to circumvent the law and still produce cheap guns. Some also legally import inexpensive long-barreled target pistols, then saw the barrels off to make the pistols more easily concealable.

"A GREAT, GRAVE PROBLEM"

Shy as the old-line manufacturers may be about publicity, they seem almost publicity-mad by comparison with many makers of Saturday-night specials. One such manufacturer, Criterion Dye & Machine Co., won't even allow a reporter in its gun-making facility on the second floor of an old eight-story stone building in a warehouse district of lower Manhattan in New York. And a company official, contacted by telephone and asked why the firm shuns publicity, abruptly ends the conversation with: "We avoid publicity on every level."

These makers of cheap handguns (Criterions retail for $12 to $20) have upset the established manufacturers no end. The established companies contend the low price of Saturday-night specials makes them particularly appealing to criminals and inexperienced gun users. They also charge that

the guns are poorly made and thus dangerous to use, sometimes even blowing up in the shooter's hand. Perhaps most importantly, they feel the Saturday-night specials provide antigun forces with that much more ammunition in seeking restrictive gun laws.

A BAD NAME FOR HUNTING

The National Shooting Sports Foundation, a trade group of arms makers, says none of its members produce such guns. Its president, Warren Page, adds that the group views their existence as "a great, grave problem."

Anything that might contribute to adverse public opinion about firearms is, of course, anethema to the old-line manufacturers. Gun makers have long been concerned that public revulsion as assassination, urban riots and the slaughter of the Vietnam war would lead to legal restrictions on the sale and ownership of firearms not used for hunting. But now, they say, even hunting seems to be getting a bad name.

Some gun makers say many people have developed a "Bambi complex" from watching the personification of animals in Disney-type cartoons and movies. But a somewhat different view was expressed by the director of the National Congress of American Indians, a civil rights group, in a letter to Field & Stream magazine earlier this year. The average hunter, he wrote, "yearly treks into the virgin, unspoiled wilderness with his beer cans, whisky bottles, gas fumes and other mementos of his 'civilization' for the brief pleasure of sending a 180-grain, .30-06 (high-powered) bullet crashing and tearing through the heart of some frightened, desperate bear or moose or deer."

Whatever the reason, industry representatives say sales of hunting weapons, long the industry's backbone, have stagnated. As a consequence, they're pushing other markets to take up the slack. One of the most promising, they say, is target shooting.

Much of target shooting's appeal to manufacturers lies in its potential as a family sport—and in the fact that it burns up far more ammunition than hunting. Winchester-Western 10 years ago started franchising trap and skeet shooting clubs around the country. Today there are 35 clubs, and the company expects them to multiple at a faster rate in the next few years.

Trap and skeet shooting involve firing at clay disks thrown into the air by machines. Devotees say an afternoon of shooting costs about $15 for ammunition and $5 for targets. Also needed: a proper shotgun, which costs about $200.

GUNS FOR COLLECTORS

Guns made especially for collectors form another growing market. Typically, a manufacturer will produce a limited number of copies of a 75- or 100-year-old model and sell them for several hundred dollars apiece. Harrington & Richardson Inc. last year made 10,000 copies of an 1872 model rifle, priced them at $250 to $300 and sold all before production was completed.

Handguns for law enforcement also constitute a growing market, manufacturers say. Colt Industries' small-arms division has watched its sales double during the past eight years, and David Margolis, president, claims sales of handguns to police and other law-enforcement agencies are largely responsible.

For all their image problems, gun manufacturers seem to have no qualms about what they're doing. "I think it's a fine, worthwhile business, and I don't try to keep it from anyone that I'm in it," says J. P. McAndrews, a Remington vice president and director of marketing.

"A DAMNED RESPECTABLE POSITION"

Like nearly everyone else in the industry, Mr. McAndrews argues it isn't guns that are responsible for crime but the people who use them and "lenient" law enforcement. "I guess I'm like every human," he says. "If a man gets shot by another person, I don't like it. But then you find out the man (who did the shooting) has been paroled or is out on bail."

Listening to some manufacturers makes one wonder just where the guns used in crimes come from. Larry Levine, director of sales and marketing for a Saturday-night-special maker called General Precision Corp. of Watertown, Conn., argues: "The guy who's going to buy the $20 handgun (like General Precision makes) is going to put it in his home for protection or he's going to a target range and fire it." The criminal, however, "is not going to take a chance on it misfiring on him. He's going to use a quality handgun like a Colt or a Smith & Wesson."

Mr. Margolis of Colt doesn't see it that way. Most of Colt's pistols go to policemen, he contends, and thus the company actually performs a social service. "If the police can be made more effective through Colt, that's a damned respectable position as far as I'm concerned," he says.

When talk turns to the role of manufacturers in the gun lobby, industry representatives plead ignorance. "I've never been able to make out what the gun lobby is," says Warren Page of the National Shooting Sports Foundation.

Some people think they have the connection figured out, though. Former Sen. Joseph Tydings of Maryland, whose 1970 defeat was blamed in part on the efforts of gun proponents upset with his backing of firearms legislation, says the manufacturers provide the financial leverage needed to muster opposition to gun-control laws. "It's the industry that has provided the sinews, the money, the direction that has made the gun lobby the power it is," says Mr. Tydings.

The National Rifle Association, for instance, took in some $1.7 million in advertising revenues last year for its magazine, the American Rifleman, and most of that came from makers of guns, ammunition and related gear. The ad revenues amounted to more than 22% of the NRA's income, the rest coming mainly from membership dues. Other gun and sporting magazines, including commercial ones, similarly benefit from manufacturers' ads; they level harsh criticism regularly at gun-control proposals.

Some long-standing "conservation" groups such as Ducks Unlimited and the National Wildlife Management Institute receive large contributions from gun manufacturers. The groups push for wildlife "conservation" for the benefit of hunters.

Ducks Unlimited, for example, gets a "substantial" part of its $3 million in annual income from gun manufacturers, says Kenneth McCreary, executive secretary. It also happens to express opposition to most gun-control legislation in the publications it sends to members and in congressional testimony.

Gun makers seem to expect that. When asked how Remington would feel if any of the wildlife conservation groups to which it contributes should change their positions about guns and hunting, Mr. McAndrews says: "We feel that anyone who is knowledgeable will realize that hunting has a place in our society." And, he adds, "we contribute only to knowledgeable groups."

[From the Washington Post, May 30, 1972]

GUNS: A TALE OF TWO CITIES AND 19 PEOPLE

Last week, in the little town of Harrisonville, Mo., a lone gunman raced across the sleepy town square, squeezing rounds out of his M–1 carbine as he went. This week, on Monday afternoon, a lone gunman stood in the parking lot of a shopping center in Raleigh, North Carolina, squeezing rounds out of his .22 caliber semi-automatic carbine, crouching calmly only to reload his weapon before rising and firing again.

The body count, more reliable than some others we have seen of late, excluding the gunmen themselves, was six dead and eleven wounded. Charlie Simpson killed three and wounded three in Harrisonville and Harvey McLeod killed three and wounded eight in Raleigh. When he was through, Charlie Simpson, 21 put the muzzle of his M–1 in his mouth and pulled the trigger. He was buried by his friends last week. When he heard the first sirens, according to witnesses, Harvey McLeod turned the gun to his own head and fired. Presumably he will be buried later on this week.

Harvey McLeod, 23, according to people who knew him, was a shy, clumsy fellow who was never clever with girls. He had recently taken a job as a janitor. The local police chief related that McLeod had a record dating back to 1964 including assault with a deadly weapon. Just Sunday, he was arrested on charges of falsely reporting the theft of an automobile. On Monday morning he bought the .22 and in the afternoon, he and three other people were dead.

Charlie Simpson was one of a group of nine long-haired young men who hung around the Harrisonville town square upsetting the local populace with their appearance, their unwavering gazes at the passersby and the preference of eight of them to draw unemployment checks rather than to work. A month before the shooting, Charlie confided to a friend, "I'm sick of the world, but it's nothing serious." He was crying as he talked. Later, the police arrested all of Charlie's friends for loitering.

The next morning, he took his life's savings and bailed them all out. That afternoon, he and three other people were dead.

Neither Mr. Simpson nor Mr. McLeod will be around to tell us why he decided to end his life as he did or why he chose, at the end, to turn his weapon upon himself. It is clear, however, that in each of these young men, something snapped to turn life's potential toward death and destruction. It is also clear that in McLeod's case, a man with a record of arrests, one occurring in the immediate past, could purchase a rifle in a hardware store with the same ease that any other citizen could purchase a flashlight in the same store.

Two weeks ago, in the aftermath of the attempt on Governor Wallace's life, this newspaper reaffirmed its view that handguns should be outlawed except under carefully circumscribed conditions and that long guns should be registered and their owners licensed to use them. In a complex and thrusting society of over 200 million, there are bound to be a number of people who cannot cope with the problems of the world around them or with the conflicts that the world unleashes inside themselves. The country recognizes that in such an interwoven and difficult society, not everyone is quick enough of muscle or eye to be given the opportunity to drive or aim an automobile. By the same token, it is a reasonable proposition, it seems to us, that not everyone is sufficiently stable of mind or spirit to be given the opportunity to aim and fire a rifle.

We recognize that just as the licensing of drivers and the registration of automobiles have not ended the slaughter on our highways, the licensing of riflemen and the registration of their weapons will not end gunplay in our national life. But, as we have said repeatedly, and ever more wearily and sadly, it might make tragedies such as those of Harrisonville and Raleigh and Charlie and Harvey much less likely to occur.

[From the Washington Post, May 28, 1972]

THE VIOLENCE OF THE DISPOSSESSED

(By William Davidson and Louise FitzSimons)

Davidson is a practicing psychiatrist and president of the Institute for Psychiatry and Foreign Affairs. FitzSimons is a political scientist and author of "The Kennedy Doctrine."

The tendency to regard the attempted assassination of George Wallace as a senseless act may obscure its important lessons. The attack may not have been rational, but even irrational acts have meaning. Behind this particular irrational act are two disturbing truths about American life: First, large numbers of powerless individuals cannot exist in a culture of violence without deadly effect and, second, we have reached an impasse between the democratic process as we know it and America's culture of violence.

As a result of the attack on Gov. Wallace, some well-meaning Americans apparently are prepared to put the democratic process at the service of violence and irrationality rather than to address the deeper problem. Some suggest that campaigning be confined to "closed halls," with the audience passing metal detectors on the way in. Direct contact between candidate and voter, long regarded as a sacred American tradition, must now be abandoned, they say.

When an individual under stress refuses to recognize and deal with an important factor in his distress, we speak of a psychic mechanism called denial. To suggest that recent assassinations have merely been meaningless, irrational acts and that the only way to prevent them is to surround leaders with bullet-proof glass and cut them off from the people is an instance of the denial mechanism at work.

It is, of course, practically impossible to give political leaders absolute security. No politician would permit it in any event, as President Nixon demonstrated the day after the attack on Wallace by deliberately plunging into a crowd of tourists. But apart from these realities, Americans must now begin to wonder when pillars of the establishment call for ever-tighter security rather than basic remedial action.

Those who cast suspicion on the suggestion that there is something wrong with America are doing the nation a disservice. No amount of exhortation to "talk about what is *right* with America" can erase the image of our political leaders lying in pools of blood with sobbing wives bending over them.

THE NATIONAL PATHOLOGY

If we assume that there are a certain number of madmen at large in the world, then it is difficult to explain why other democratic countries do not seem to have this problem. As the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) noted: "In comparison to the other nations of the world, the level of assassination in the United States is high. It is still high when the comparison is limited to other countries with large populations or other Western democracies . . . Almost alone among the nations with the highest level of economic development and the greatest degree of political freedom the United States has a high assassination rate."

Even totalitarian nations—where it might be assumed that increased motive might compensate for the reduced opportunity afforded by leaders who do not dive into crowds to "press the flesh"—do not seem plagued by this evil. It seems to be rampant in America at this point in our history because of the intersection of two processes, one personal—the frustration of the powerless that arises from our idealization of "the winner"—and the other historic—the persistence of the cult of the gun.

Within nations as within individuals, benign and malignant processes are constantly at work. Maladjustments in character can exist in nations as in individuals. Usually these maladjustments are controlled and balanced by countervailing forces. In people, when they are not balanced and controlled we tend to call the result pathological. Rather than wall off the reality by dismissing it as individual madness—although individual pathology certainly may be a significant factor in all of these cases—should we not examine the deeper process, the national pathology? Is it not time to address ourselves to the underlying disease of which these unpredictable and painful crises are the outward expressions? Should we not ask ourselves whether we as a people have not permitted the malignant elements in our natures to prevail by continuing to accept a culture of violence that honors the use of force on both the individual and national levels?

"A GOOD COUNTRY"

One can still believe that, as President Nixon has said, "this is a good country," and yet recognize the fact that we are not a peaceful people.

We came to virgin shores and hacked settlements out of a hostile wilderness. We fought for our independence and fought again to maintain it. We fought Indians and Mexicans on the frontier to fulfill our "manifest destiny." We fought a bitter civil war, the consequences of which are still with us after 100 years. We fought in the mines and factories and on the rail roads for the right of workers to organize. We fought to "make the world safe for democracy" and to preserve it from fascism. We fight today to "preserve the freedom" of those whose devotion to it is less clear than our own.

There is much in this record that it is honorable, some that is dishonorable. But overall it is a record of a people in struggle. The political assassinations that have so shocked the nation over the last decade have occurred in the climate of a society that, while it may define itself as "peace-loving," has historically accepted the resolution of conflict by violent means.

Further, we have always valued and rewarded the fighting spirit, on the football field and in the political arena. We have honored the "doer" rather than the man of contemplation, the winner rather than the man who may have played the game well but who didn't make it. We have idealized the frontier mentality.

THE RAGE OF IMPOTENCE

The second element of the national pathology is the rage of impotence that was responsible for three of the six major attacks of recent years. It killed John and Robert Kennedy and crippled George Wallace. (Martin Luther King, Malcolm X and George Lincoln Rockwell were assassinated for somewhat different reasons.)

The bullets shot by Bremer, Sirhan and Oswald are an expression of the frustration of powerlessness of those who feel themselves cut off from any effective control over their lives. Each of these pathetic non-winners acted with the classic motivation of the lone assassin, to compensate for his own impotence by sharing in the power—by destroying it—of an expressive, charismatic figure. Each sought to give significance and importance to a meaningless existence. Ironically, the very constituency George Wallace was trying to mobilize, the forgotten men, the non-achievers, the left-behind little people is grotesquely represented by his would-be assassin.

There are in America today large and increasing numbers of alienated, powerless people with no stake in the system, no investment in its future. The urban poor make up only part of this mass. Many others are essentially the innocent castoffs of a highly developed technological society, agricultural workers displaced by mechanization, blue-collar workers stifled by repetitive, unsatisfying jobs. They are the products not only of our neglect but of the increasing demands of a machine society that has left little room for the non-achiever. In our emphasis on the external environment, on productivity, on increases in gross national product, we have failed to provide for an inner meaning that can assure that people find some satisfaction in their work and in the quality of their lives and that they feel some sense of participation, of ability to make an impact on the forces that determine their destinies.

A growing mass of men and women, for various intellectual, physical or emotional reasons, are incapable of "achievement" in the particular way that our society defines achievement.

In an older and less crowded America, the son who didn't make it might have sought his fortune in the West. In a simpler America, he might have devoted himself to a craft. But today there is scarcely any room for him.

If he is a factory worker or a policeman trapped in the system, he has nowhere to go but home to the television with a six-pack. His chief hope left is a better life for his children through quality education, and even this many now see as threatened by busing. If he is a middle-level business executive, he despairs when he realizes he will never rise to the top. And because he is repeatedly told that there is little value in being second-best, he may have started to drink excessively. If his children are hustlers and "A" students, they possibly have gone on to Harvard. If they are not, they may have dropped out and joined a commune, which at least affords them some sense of participation, of value, of community in microcosm.

SHOOTING OUT OF LOVE

It is no coincidence that skyjackings and attacks on political figures are committed by the same types of individuals and that both acts resist solution by any feasible law enforcement procedures. If we exclude politically motivated acts by Arab guerrilla groups, we can see that skyjackers usually come from that same psychological rock-bottom of society as those who strike at political leaders. They are the dispossessed. They do not care about their own lives or the lives of others. They feel utterly powerless, and the airplane is an enormous symbol of power and of the technology that overwhelms. So they seize it and make it their own, with little or no thought that at some point, inevitably, the adventure will be over.

Seen in this context, it is not at all surprising that George Wallace should have been gunned down by one who apparently had been an admirer. Such a disaffected, powerless individual, a man who, as one newspaper put it, was "at the end of his rope," might well have struck at Wallace not out of hatred but out of love, out of longing to participate in Wallace's power and authority. Ironically, that power and authority are made even more attractive and appealing by the very accouterments that are supposed to protect the candidate—speeding cars with screeching sirens, bands of Secret Service agents, a bullet-proof speaker's podium. Unable to have any effect on the world around him or on other people, the disaffected soul so desperately longs to be noticed, to be part of that impressive drama—"Hey, George! Hey, George! Come over here! Come over here!"—that he leaps onto the stage and enters the action.

Sick? Of course. But it can hardly be denied that the society in which we live provides to such unfortunate persons a pattern for working out their psychoses, a pattern that we, perhaps partly unwillingly, approve and admire. The cult of D. B. Cooper—the song, the sweatshirts—that appeared on the West Coast after the first successful parachute skyjacking is a demonstration of the idealization both of the winner and of the successful violent act.

THE CULTURE OF VIOLENCE

Impotence in small nations, it appears, is better tolerated. Few small and powerless nations commit national suicide with one made act. On the individual level, however, particularly in America, the man who can-

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not live with his powerlessness and frustration strikes out. The American misfit with a potential for violence is reinforced by the elements of the culture of violence all around him, particularly in movies and on TV. Examples are endless: "Gunsmoke," "The Untouchables," "Bonnie and Clyde," "A Clockwork Orange." "The Godfather" promises—or should we say threatens—to become the biggest money-maker in the history of the movies. While science has been unable to show a cause-and-effect relationship between violence on film and TV and individual acts of violence, movies and TV do offer constant support to the climate that nurtures men like Bremer, Sirhan, and Oswald.

If, as so many have said in recent days, America can tolerate no more of this, then we must look not to palliatives, but to careful diagnosis and therapeutic programs. There are elements of sickness within American society, and they are constantly contending with elements of health. We need to control the elements of sickness and support the healing process.

The impasse between our democratic processes and the persistence of the culture of violence cannot be resolved in favor of violence. Rather, it must be recognized that our democratic system requires that a political candidate be able to take his case to the people directly, not only on television and behind bullet-proof glass, but on street corners and even in shopping centers. An open, participatory democratic system requires a high level of political maturity and the kind of civility and civic respect that can never be instilled by law enforcement alone. We must, as a nation, now understand that the martial spirit that built America when it was a struggling young nation in the wilderness is not an appropriate spirit for an impacted, interdependent, 20th Century society. We need to replace the culture of violence with a culture of accommodation.

Nations, like individuals, can change and grow from experience. We need, first of all, to reduce our obsession with the gun and with the winner. Although 21,000 Americans die every year by gunfire, Congress continues to refuse to control handguns, which were created for shooting people. The Wall Street Journal estimates that a new handgun is sold in America every 24 seconds. But there are hopeful signs. According to an April, 1972, Gallup poll, 79 per cent of Americans favor requiring a police permit before a gun can be purchased. Americans should be outraged if Congress still fails to act on gun control legislation and the President still fails to use his leadership to this end.

THE HAPPY LOSERS

There are also some indications that Americans, particularly younger Americans, are becoming less obsessed with winning, with being "number one." A Trendex poll in November, 1971, indicated that more than 30 per cent of Americans felt that, as a general concept, the idea that America had to be first in the world in everything was not valid. Over 39 per cent of those in their 20s held this view. Unfortunately, President Nixon has decried this tendency as "defeatism and self-doubt," which, he claims, is chipping away at the "moral strength" of the nation. Can we not ask what price the nation is to pay for sustaining this particular definition of "moral strength?"

To make a place for those who are now regarded as losers, we must re-humanize patterns of work and the American lifestyle. This, to be sure, is no small task, and much of it is beyond the power of government. But we must nonetheless strive for these changes. We hear repeated accounts of the failure of increased financial incentives to motivate the assembly-line man whose job it is to tighten screws on a metal plate 480 times a day. We read of high absenteeism among younger workers, some of whom regularly show up only four days a week and, when asked why, respond that they cannot make enough money in three. We need new concepts and patterns of work that will allow people to find satisfaction and a sense of accomplishment in their daily jobs.

George Santayana once said that a nation that could find no satisfying place for its least gifted citizens deserved to be remembered no more than the sands of the sea. A basic failing of the Marxist approach is that communism's preoccupation with material goods for sharing is actually no advance over capitalism's preoccupation with material goods for profit.

Finally, we need a further opening of the political process and the corridors to power so that people have a sense of participating and affecting, if only in a small way, the forces that control their lives. Ironically, what we do not need is an increase in the distance between the political leaders and the people, as has been suggested in the wake of the attack on Gov. Wallace. Rather, we need to bring them closer together. There was much psychological insight in Sen. Eugene McCarthy's 1968 "campaign promise" to take down the fence around the White House.

When the human body suffers a massive wound, it either expires or it resists, adapts, adjusts and survives. When the human mind sustains a traumatic shock, it is either destroyed or it accommodates, resolves and incorporates the experience as learning and survives. The process is not so very different for the national body that is all of us.

COMMENCEMENT ADDRESS BY SENATOR MILLER AT GEORGETOWN VISITATION PREPARATORY SCHOOL FOR GIRLS

Mr. FANNIN. Mr. President, yesterday, June 6, the distinguished senior Senator from Iowa (Mr. MILLER) gave the commencement address at Georgetown Visitation Preparatory School for Girls, in Washington.

The address contains some most timely guidance for young people who are moving into their new role of full participants in guiding the destiny of our society. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGETOWN VISITATION PREPARATORY SCHOOL COMMENCEMENT ADDRESS BY JACK MILLER, U.S. SENATOR FROM IOWA

Members of the Class of 1972: This is a happy day for both you and me. For you, it represents a major achievement after four years of commitment—the beginning of your golden rainbows. For me, it happens to be my birthday.

I recall one of my high school class reunions several years ago. Few of us even remembered who our commencement speaker had been. No one remembered what he had said. But all of us retained a distinct impression that the auditorium had been very warm and that the commencement speaker spoke much too long.

I intend to do better than that for this outstanding class.

Most of you are familiar with Flip Wilson's wonderful characterization of Christopher Columbus discovering America.

As Chris anchors his ships off the shore of what he believes to be America, a maiden rebukes him this way: "What . . . you want comin' round in them ships? We don't wanna be discovered."

Contrary to what some people are saying, most of the youth of today want to be discovered—to be recognized as individuals—and to have a piece of the action, so to speak.

There is no one here today who doesn't have some doubts about the future. As your class song expresses it: You are "not sure of what will come".

But the answer to those doubts is not going to be to just sit and do nothing.

The answer lies in involvement. And one of the most crucial challenges facing you from the moment you receive your diploma will be whether you will live up to your responsibilities by becoming involved in the cause of helping to make ours a good society.

Actually, each of you will become involved—actively or passively—in one way or another, whether you wish to or not, in shaping solutions to the problems of our society. The only question is how much.

Your class, along with the thousands of others across the land in this year 1972, has had thrust upon it—more than any other in history—the new politics of involvement.

Yours is the first class ever to hold in its hands some of the voting power which, in a democracy, CAN lead to the solution of our problems. I say "can", because voting power, unwisely exercised, will inevitably lead to more problems and worse problems.

"There is nothing more frightful than ignorance in action," said the philosopher Goethe.

Will that apply to you, in this first year in which graduating classes at the high school level have been given the opportunity to cast your ballots for public officials?

Will you exercise your franchise wisely and ably, through thoughtful and effective awareness of today's issues and problems?

Will you take your voting power seriously and conscientiously?

These are not mere rhetorical questions, for I regret to say there have been many of the older generations who have not, in the years past, taken the time and trouble to be able to answer those questions affirmatively.

While no one is expecting you to solve all the problems of the world, it will be up to you, through your voting power and through other action-type involvement, to demonstrate that you have the stuff to contribute significantly to the betterment of not only yourselves but also your community, your state and your country.

We all have read articles which say that some students have lost faith in America. This is true. But there have always been pessimists—ever since our country was born. Those who have lost faith might admit to the relative goodness and prosperity that is ours. But they are impatient—terribly impatient—over the fact that our system has not overcome the problems that concern them. However, they aren't the only ones who are concerned, or the only ones who are impatient.

All of us are concerned and impatient in one way or another. The difference is that most of us believe in reform—which is change for the better—not just change for the sake of change—and we believe that reform *within* our system will be far more lasting and helpful than abolishing our system. Most of us recognize that had it not been for our system, our problems would be more numerous and worse. And we realize that countries which have not had our system generally have far more and far worse problems than we do.

I am afraid that we have been hearing too much about the rights of citizenship and not enough about the correlative responsibilities that accompany those rights. Our system is not to be blamed if it is abused by someone who claims all the rights our system affords, but chucks the responsibilities off onto someone else's shoulders.

The right of free speech is not an absolute right, and it has a correlative responsibility to respect the rights of others to speak, to avoid false statements which may damage the reputations of others, and to help—not to hinder—others in their search for truth.

The right to academic freedom is not an absolute right either, and it has a correlative responsibility to help in the search for truth, knowledge and wisdom, to broaden horizons, and to enhance—not tear down—the good name of the school, college or university.

The right to dissent is matched by the right of others to agree.

The right to equal job opportunities has a correlative responsibility to be loyal to one's employer, to be tolerant and understanding of one's fellow employees, and to earn advancement on the basis of merit.

The right to own property has a correlative responsibility to respect the property of others, including public property owned by all the people.

The right to vote has a correlative responsibility to do one's homework and to know whom and what one is voting for.

If these correlative responsibilities of American citizenship are not lived up to, the rights of citizenship are not going to be worth very much and, indeed, any system" would be in trouble.

I am confident these responsibilities will be met by the vast majority of the members of your generation. Your generation recognizes, more than those which have gone before—that quality—not quantity—in our society should be the principle by which to measure progress. Your generation realizes we cannot have a "great" society simply by calling it "great," that we must have a "good" society if we are to have a great society.

Let me make a few points about your newly acquired voting power. The first is that you should never get the idea that your vote doesn't count. It does, and it counts just as much as the vote of the President of the United States, or the vote of your teachers and parents.

The second point is: Don't waste your vote. During my first campaign for the Senate in 1960, the League of Women Voters of my state ran a series of ads a couple of weeks before the November election. All these ads said was this "Vote—But Don't Vote in the Dark." What the League was saying was don't waste your vote by failing to live up to your responsibility to do your homework first.

Thomas Jefferson once wrote that for the great experiment in self-government to succeed, the will of the majority is a necessary condition, but it isn't a sufficient condition. The necessary and sufficient condition, he said, is the will of the *enlightened* majority.

It is often said that people get the quality of government they vote for. If they are uninformed voters, they are likely to get poor government. The uninformed voters can, of course, offset the vote of an informed voter. He really wastes two votes. If voters take the trouble to become informed, they are likely to get good government.

My third point ties in with this. Polls disclose that nationwide some 60 percent of the new voters are identifying themselves as "independent," and it is well known that an increasing percentage of old voters are also registering independent. Even among the new voters who are identifying with a Party, an overwhelming number say they are more candidate- or issue-oriented than Party-oriented.

To me, this means that most of the new voters are going to take their time and do their homework before they cast their vote. And I don't believe they are going to be impressed by glittering generalities and all kinds of promises. They want specifics. They are not interested in change just for the sake of change. They know that campaign promises are very cheap; that it's performance that counts. There may be a few of them who will vote for someone who promises the most, but I believe most of them *expect to have to work for a better America* and they like those challenging words of the late President Kennedy: "Ask not what your country can do for you, but what you can do for your country."

Just like my generation has been, your will power and your intellects will be subject to some very severe tests. These tests will often not be clear-cut, and they may arise under nice-sounding labels of "social justice," "fairness," and "change." They will try your consciences. But beware of false prophets. Persevere in the proposition that we can correct injustices through the use of proper means just as well as through improper means—and a lot better in the long run. We can assure equal opportunities for all our citizens and a better life for all within the system which has produced a nation, which is the acknowledged leader of the Free World.

Our first national goal is a just and lasting world peace. Without genuine peace in the world, the peace, security, and freedom of our people cannot last. And our second national goal is a good society for America, because without that, all else fails.

These goals are part of what being an American citizen means. And they are not beyond our reach!

But if we reach them, it will be because we have called upon the best that is within us—commitment to hard work, recognition that the easy road is not always the right road, respect for the rights of others, patience, and, above all, firm adherence to sound moral principles—the ones you have had the opportunity to learn here at Visitation.

I am confident that you will meet these responsibilities of good citizenship; and, if you do, I can promise that you will gain the happiness and peace of mind which always accompany the realization that one has made a contribution towards making ours a nation of better people.

Each of you can make a meaningful contribution. As Edward Everett Hale so well put it: "I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something I can do."

As you leave here today my fondest wish for each of you is that you will be good citizens.

Congratulations, good luck, and God bless!

AGRICULTURE AND THE ENVIRONMENT

Mr. MOSS. Mr. President, many city dwellers who have recently joined the environmental crusade are not aware of the great efforts which have been made down through the years by our rural agricultural community to protect our land, our air, and our water from environmental deterioration. Most farmers and ranchers were action environmentalists long before the current public interest was aroused.

I recently received a report from A. W. Hamelstrom, vice chairman of the Utah Rural Development Committee, which said, in part:

The farmers and ranchers in Utah have been carrying out environmental improvements for years, yet few people recognize this. For example, erosion control measures installed on our farms and ranches reduce sediment deposits in our lakes and streams. This results in cleaner water. Wind erosion control practices such as strip cropping and residue management reduce air pollution. Proper management of cropland, woodland, rangeland, and pasture stabilizes soil erosion, provides wildlife habitat, and provides a pleasing view to the observer. All of these contribute to environmental quality. Many of the lakes and reservoirs in our state which provide so many hours of recreation for large numbers of people started out as irrigation reservoirs constructed by farmers and ranchers. These are only one of the many contributions agriculture has made to preserve environmental quality.

I am glad to have the opportunity to spread the word of the excellent work Utah agriculture has done and is continuing to do in this field.

MANTUA INDUSTRIAL DEVELOPMENT CORP.

Mr. SCHWEIKER. Mr. President, the Mantua Industrial Development Corp., of Philadelphia, was written up in Business Week.

The Mantua project was initiated by two dedicated Philadelphians, Wilbur W. Pierce and Herman Wrice. Over 2 years ago, Wilbur Pierce was working on a doctorate at the University of Pennsylvania when he met an energetic young black leader named Herman Wrice. At that time, Wrice had already organized a group called the Young Great Society. YGS was running drug abatement, rat control, housing renewal, medical, and educational programs on a shoestring. Wrice was convinced that one of the keys to the development of the black community was to find jobs for the local residents, and he also knew very well that YGS needed money to continue its vitally needed programs.

Herman Wrice and Wilbur Pierce teamed up to organize the Mantua Industrial Development Corp. The story of the struggles and the successes, along with the wonderful support they received from several helpful Philadelphia businessmen, is told in the Business Week article.

Mr. President, the Mantua project represents a wonderful example of dedication and determination. I commend the story of how it was done to the Senate and ask unanimous consent that the Business Week article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK CAPITALISM: A STUDY OF STRUGGLE

Frederick S. Jackson, Jr., the black president of Mantua Techtron, Inc.: "I have first-hand knowledge of the many days Wilbur Pierce sat in a heatless building trying to put together the operation. I saw and heard the abuse of so-called militants who demanded immediate action or removal of the 'Honkey' from the neighborhood. I called the office within minutes after Wilbur had been attacked with a pick ax. . . . I was there when the kids broke windows and there wasn't enough money to buy heating fuel, let alone replace windows. Yes, I saw Wilbur take abuse after abuse, and when questioned as to why, his answer was: 'We all have a job to do.'"

The job Wilbur W. Pierce of Philadelphia had to do reached a heady plateau at yearend when, after a year of wrangling, the Small Business Administration approved a $600,000 loan to complete financing of a $1-million building to house the first primarily black-owned cooperative industrial complex in the United States.

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Through Pierce's dedication, tenacity, and coaching, 10 small businesses, seven black owned, have been brought together to form Mantua Industrial Development Corp. The 190,000-sq.-ft. MIDC building will house a line-up that includes a printed circuit-board maker, a producer of sophisticated plastic molded parts, a computer softwear designer, a contract engineering and part-time help company, and a janitorial service. Alongside the primary black-owned operations will be a Mexican-American furniture manufacturer and two white-owned companies: a printing plant and a medical supply distributor.

The MIDC affiliates expect to:

Employ 350 people and gross $3-million this year.

Merge and remerge into companies that make products three or four can produce together and sell through a common marketing front.

Show that an integrated group of companies can cope—face to face—with the realities of business life.

Help a downrodden neighborhood finance its own revival.

BACKGROUND

Tracing the hurdles that MIDC participants overcame to reach this point is a case study of the problems that can attend efforts to assist black capitalism.

The saga started more than two years ago when Pierce, who was working on a doctorate in Russian history at the University of Pennsylvania, met a charismatic young black leader, Herman Wrice. Working in a dismal ghetto called Mantua, Wrice had organized a cadre of young men into a group he called the Young Great Society (YGS). Living hand-to-mouth, Wrice managed to fund and run drug abatement, rat control, housing renewal, medical, and special preschool-to-college-level educational programs. In the process, he learned to work his way through two mazes: foundations and Washington.

Most importantly, Wrice knew his people needed jobs and YGS needed money. He put it to Pierce: Why not start some businesses that could put jobs in the ghetto and possibly profits into YGS? Pierce says Wrice told him, "I know 'social' but I don't know econonomic." Pierce adds, "I didn't know economic either, but I decided to figure it out." For Pierce, 29, this meant the school of hard knocks.

ADVICE

From all sides—Wharton B-school professors, Philadelphia bankers, and government agencies—Pierce was told to keep his efforts simple because the blacks he would hire had little or no work experience. His advisers thought making pallets for fork-lift trucks would be ideal. A bank loan of $10,000 provided money to rent a garage, buy some nail guns, and order a load of lumber.

One large company donated a 1938 truck, which broke down on its first trip and never ran again despite $800 in repairs. Another company gave a fork-lift truck, which did not have enough power to get up the driveway to the garage. "That taught me something about business handouts," says Pierce, who was rapidly and painfully learning some fundamental lessons in business management.

Wrice kept sending to Pierce workers who simply were not ready to work eight hours a day with rough lumber. Orders were slow and equipment broke down. The oversized staff amused itself by firing nail guns at a sign that read: "No job is so important that safety can be sacrificed." Nail gun battles became an occupational hazard.

Piecework was tried, and within an hour Pierce was called a "Jibe Mother Honkey." Against a market price of $4.85 per pallet, Mantua was producing pallets at an average cost of $61.43. Within four weeks, the company failed. "From then on, whenever I went to a bank, I felt like a schmoo trying to climb over a stack of my pallets barricading the doors," recalls Pierce.

With $80 left in the till, Pierce tried a different tack. He wrote a rubber check to buy a machine to make plastic name plates. It was lighter work, more easily learned, and the venture managed for a time to get enough business to keep ahead of the rubber checks. But banks were not willing to loan enough to buy better equipment to make the operation more efficient.

Through the winter of 1968–1969, Pierce had no money to heat his office, toilets flushed into the basement, typewriters and adding machines were stolen, and solid oak doors were destroyed within a week. But the phone bill was conveniently overlooked by a former Bell vice-president.

One day, word got out that YGS had received a $120,000 grant and that Pierce had some of it. Two hoods decided they wanted to open a shoe store and stalked Pierce in his frigid lair at gunpoint, demanding $10,000. On the pretense of getting the money, Pierce managed to escape onto the roof. Another time, harassers knocked him unconscious with a pick ax.

UNDAUNTED

Pierce kept pushing. The Mantua project tried to start a moving company to move welfare families displaced from their homes. Government funds were supposed to pay the cost, but the welfare recipients cashed the checks first and the operation folded with $1,500 in receivables. "And we dropped a couple of refrigerators along the way," says Pierce.

Though Pierce started with Wrice's YGS at $130 a week in salary, that dropped to nothing within a month. Friends, black and white, still are awed by his commitment. Many a day he and his wife, Sara, lived on Philadelphia's functional and filling soft pretzels. Other days they would be fed by friends like Wayne Owens of General Electric's Re-Entry & Environmental Systems Div., or Ben Lane of the printing company which is now a part of MIDC, or Stanley Bernstein, a quiet benefactor and president of Quaker Export Packaging Corp.

In fact, GE's RESD operation, located near Mantua and strongly committed to the community, was a second home for Pierce. "I could cry there, I could get warm there, and I sure abused their phone privileges. It's a good thing Otto Klima doesn't know everything his people did for me." Klima, vice-president and general manager, knows and applauds what happened.

Pierce eventually became convinced that he could not help YGS and Mantua if he had to work in fear for his life. And he had learned that business cannot be run for purely social benefit. It has to be run for profit, he says, before there can be any social benefit. Perhaps most importantly, he concluded that black business would have no meaning unless it entered the industrial mainstream. "To make an impact, don't go into barber shops and dashiki shops," he says. "You have to be fair-sized, and you have to be in manufacturing. Oh, there may never be a black Alcoa, but there might be an integrated one."

To make the impact he wanted, Pierce needed money, a facility, a type of business that would mean something, and a black entrepreneur. With nothing but three failures to show, the tasks were incredibly difficult.

THE ENTREPRENEURS

"Bernard Baruch," says Pierce, "said find a need and fill it. No, the need's there. The problem is to find the man to fill it." For Pierce, this meant finding black entrepreneurs: men who could build a business, "live with the agony of Friday" when the payroll falls due, and do business with white executives.

MIDC's enterpreneurs come from a variety of backgrounds, but the majority threw over secure corporate jobs to take the plunge. One such is Frederick S. Jackson, Jr., president and 51% owner of Mantua Techtron, Inc., a manufacturer of printed circuit boards. He had spent 12 years in electronics with RCA Corp. when, by the summer of 1968, he realized he wanted to become more involved in black affairs. But with six children and a mortgage, he could not take welfare-oriented offers.

At the same time, Pierce was deciding—in a leap of fancy his associates have learned to accept—that what pallets could not do, printed circuit boards could. He saw an ad for a plant and called Owens at GE to see if he knew a black with electronic experience who could run that sort of operation. Owens put Jackson and Pierce together.

YGS was to be a large shareholder in the venture, with Jackson receiving a $12,500 salary for two years before getting 25% control. But in two months, the salary stopped, and Jackson scraped by on $70 a week from the owners of the plant, while they waited for Pierce and YGS to find funds and buy the operation.

Finally, as Pierce says, "I met a babe in swaddling clothes." The "babe" was Norman L. Bitterman of Central Penn National Bank who had not been burned by pallets, liked the idea, and arranged a $25,000 loan.

Mantua Techtron, Inc (MTI) was incorporated last June with Jackson, at Bitterman's insistence, holding 51%, Pierce with 10%, and YGS and Wrice the balance. Monthly income is up to $13,000 and pushing the break-even mark. But before he got this far, Jackson often faced the agony of Friday and the specter of failure.

"I have $16,000 in this business," says Jackson. "I sold my insurance policies and used my life savings. My house was next to go." But the payroll was always met. When things began to look too bleak, he would call Bitterman, who would say, "Call me on Friday and we'll work something out."

Pierce's contribution was twofold. He was there when Jackson needed him and he helped open corporate doors. Pierce has a simple sales theory. "You have to deal with the big companies whose top men have reputations to protect. A medium-size company doesn't give a damn."

CUSTOMERS

MTI's first customer was Leeds & Northrup. Now, both RCA and IBM are steady customers. IBM, in fact, has programmed purchases through 1971 at a rate that should assure MTI of a profitable year. Other customers include GE's Switchgear Div. and Boeing's Vertol. Div. But the companies weren't easy to sell. One buyer told Pierce flatly: "A black can't make printed circuit boards." Pierce replied: "You're right. A black can't make anything unless you give him an order."

MTI, like other MIDC companies, is afloat now because of an SBA-guaranteed loan of $100,000 at 5½% interest for 15 years. Some $32,000 of that went to wipe out the initial loan and the ever growing line of credit from Bitterman. The balance was used to buy new equipment and to cover operating expenses. But it is still touch and go, says Jackson. "I'm very uncomfortable on working capital. I'm working strictly on accounts receiveable."

The SBA and MIDC directors are confident that Jackson will make it. "He's bright, and we felt he should have the opportunity to fly," says SBA Regional Director Russell Hamilton, Jr., who loaned MTI $15,000 more than it requested. In total, SBA and Philadelphia banks have backed the 10 MIDC companies with about $750,000 in loans issued or pending.

THE SHOWCASE

MIDC Chairman Jay Tolson says: "This thing died at least a hundred times. Each time, somehow, someway, Wilbur brought it back to life." Getting the showcase building was an example. By September, 1969, Pierce thought he had enough companies lined up to justify building a big industrial park near the Philadelphia airport. He had learned that while the Mantua goal was to give jobs to ghetto residents, the jobs had to be accessible and yet situated far enough from employees' homes to eliminate noontime disappearances. The airport site, he still tells skeptics, was "accessible."

Through corporate clients, Pierce met real estate executive Robert M. Brasler, who quickly proved that the industrial park scheme was too grandiose. But Brasler had a 190,000-sq.-ft. building on his books, which was only a short streetcar ride and stroll from Mantua. Brasler struggled to put the deal together all year—first with banks, then with a state agency, and finally the SBA. "Never have I worked so hard. It's been like handling a bomb. One false step and it would blow," he says:

The loan was delayed at least three months by seemingly endless SBA regulations and policies. "In most business deals," says an MIDC director, "You agree to clean up points A, B, and C and then you have a deal. With the government, they say 'clean up A, B, and C then come back and see if we have thought up D, E, and F.' Furthermore, they have to ask Washington if it thinks you cleaned up A, B, and C. There has to be an easier way."

The SBA's Hamilton never doubted that the loan would go through. "That Pierce," he says, "has more brass than a statue. He and the black businessmen carried the load, and the things they have done are phenomenal. This has to work and has to spread. Really, MIDC is what the hell it's all about."

ORDERS

Even as they waited for the building, some of the MIDC's dreams started to come true. Norman Moore's Jeannor, Inc. a knitting mill, got a $250,000 contract to make sweaters for the Navy, and some work for Sears, Roebuck & Co. Q-Pel Corp., controlled by Willie Cunningham, a black, gregarious plastic parts for a new IBM computer, pushbuttons for Ford car radios, parts for GE switchgear controls and Philco TV sets. Pierce is a partner in Q-Pel. He will get a 32% interest if he brings in $1-million worth of business. But if he does, his stock will go into escrow, at SBA insistence, to insure black control of Q-Pel. Says Cunningham: "If Wilbur were dipped in a deep rich bath of milk chocolate and looked like an M&M candy, he might be allowed to earn something for the year he went without salary and the midnight hours he spends helping people."

But Pierce has not given up his role as MIDC cajoler and coordinator. One of his goals is to form separate companies out of the MIDC components, which would make new products to be marketed originally under special small-business set-aside contracts. Negotiations are under way for Philco-Ford Corp. to join with three Mantua firms—MTI, Q-Pel, and Creative Computer, Inc.—to form a company called Nucleus, Inc. to make transceivers. Philco would contribute its marketing and management knowhow and after three years would divest its interest.

Pierce expects Nucleus and other synergistic permutations of the little businesses to soak up 60,000 sq. ft. of the MIDC building which the seller, Logistics Industries Corp. has agreed to continue to rent from MIDC for three years. And he is already negotiating with a black dental supply firm, and a Chinese importer to join MIDC.

But MIDC's real hope is to keep the companies already in the fold growing and to move them on to other, bigger buildings, which it will finance in part from the profits made on the present building. Besides offering tenants a favorable rent—$1 per sq. ft. for the first three years—MIDC is so structured that the tenants will own the building. That is small recompense, say MIDC's creators, for the years that black entrepreneurs have suffered the fear of payless Fridays, the sight of reluctant bankers, and often the skepticism of white business.

REGULATION OF TRANSPORTATION

Mr. COTTON. Mr. President, on May 17, Mr. John A. Creedy, president of the Water Transport Association, spoke before the 15th annual transportation seminar at St. Anselm's College, in Manchester, N.H. The subject of Mr. Creedy's address was "Better Regulation: Time to Get at the Real Problems."

In Mr. Creedy's address, I find much with which I can agree, but there are some assertions with which I am not wholly in accord. However, I believe Mr. Creedy's address to be a thought-provoking statement of current regulatory problems affecting our transportation industry which may be of interest to Senators.

Therefore, by request, I ask unanimous consent that the text of Mr. Creedy's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BETTER REGULATION: TIME TO GET AT THE REAL PROBLEMS

It is always a special pleasure to have an excuse to visit New Hampshire and New England and it is a privilege to participate in the St. Anselm's College Transportation Seminar.

We have never been more in need of good communications in the transportation industry and between the industry and government than we are today.

At a critical time when probably, realistically, only weeks are available to agree on a program for action in the Congress this year, we need to get down to business. Forums such as this can be helpful in untangling some of the confusions.

Far and away the most important immediate problem to resolve is the question of priorities this year. There is great momentum for long range reform, but also there is an emergency situation as to the railroads which has to be dealt with first. This is basically what the joint rail-water-truck approach in the Surface Transportation Act is aimed at doing. We know there is more in this proposal for the railroads than for any other segment of transportation, but their need is more immediate. It is time for the transportation industry and shippers and government to back an effective approach to prevent nationalization of the railroads now and, later on, of the rest of the transportation industry.

Having said that, what about "Economic Regulation—How Much?", our topic today? In the testimony before the Congress so far this year, I think that question has been resolved. It is not how much. The deregulation idea has become obsolete. The question is how to achieve *better* regulation.

But even before we can get to that question, we urgently need much better analysis of the problems than we have had so far. Very distinguished scholars in the Council of Economic Advisers and elsewhere have discussed transportation problems. But unfortunately they have relied for their conclusions on some of the most undistinguished economic scholarship in recent history.

This scholarship is now being torn to shreds in testimony before the Congress. In essence, the underlying data supporting the reform theories of the Department of Transportation has dealt with small segments of the trucking industry, not with the trucking industry as a whole, nor with the rest of surface transportation. Even for what the scholarship purports to prove about a small segment of trucking, the data has been shown to be at the best obsolete, inconclusive and irrelevant, and at worst, totally mischievous and misleading. As to its relevance to the rest of transportation, it is completely useless.

I am not proposing here a massive new study program. We tend to study our problems to death. But it is necessary to analyze the industry enough to recognize its real problems. A 15-year-old study—itself faulty—by the Department of Agriculture of a small segment of trucking is not enough as a justification for drastic change in regulation for the entire transportation industry. Nor does it help to be offered, as I have been, experience in Australia or Canada or airline experience in California or the experience of the taxicab industry in Washington as a substitute for a thorough analysis of U.S. railroads, U.S. water carriers and all segments of U.S. trucking. Indeed, attempts to justify the shoddy thinking and inadequate data are becoming ludicrous.

It is increasingly clear that the DOT proposals are in reality a massive attack on the trucking industry. The proposals would seriously damage the railroads and the water carriers as well, but apparently mostly by mistake, and certainly in ways that were not foreseen. Of course the truckers are perfectly capable of defending themselves, but any student of transportation recognizes that the instant overnight service of trucking makes a decisive contribution to the nation's productivity and any attack on trucking which threatens to undermine its efficiency is a very serious matter for everyone who produces and uses transportation.

The ready availability of trucking as a connection for gathering and distribution of water carrier business works at maximum efficiency as an aid to our industry. Some years ago, as president of a school board, I was deeply involved in the construction of a new school in Westchester County. It was impressive to observe how the bricks from Baltimore, the windows from Providence, the steel from New York and all the other components were assembled on time by the trucks. Where one supplier failed, the trucks could reach out at once to an alternate one and the school opened very close to schedule. Any delays we had were not the fault of the truckers. We take this sort of efficiency for granted. It does seem that the proponents of drastic change should feel an obligation to provide more than one 15-year-old study of an extremely limited segment of trucking to show that such far-reaching proposals would necessarily provide better solutions.

One obvious trap the policy makers fall into is the assumption that the transportation market place is like every other market place. In fact, there are many different market situations in the economy and transportation has its own market imperatives which cannot be dismissed lightly.

For example, guaranteeing agricultural and industrial producers access to their markets on an equitable basis is quite a complex problem. There probably isn't one simple solution to providing equity as between competing ports, communities, factories, and commodities.

The problem of equitable access to markets for competing producers in part has been recognized by the establishment of rate bureaus, where timely protests can be lodged as legitimate interests are affected. These may look like cartels to those who are satisfied with over-simplifications, but they perform a very necessary function. Rate bureaus can be abused, but the cure is to improve the way the bureaus operate, not to eliminate them. This is now being accomplished through a series of meetings between shippers and carriers at which the actual rather than theoretical problems are being discussed.

The very inadequate scholarship of those who propose change has obscured the basic

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fact that, far from holding up rates to artificially high levels, the industry has failed to produce adequate revenues and earnings. The shippers are getting the best of the rate level argument; average rate levels for transportation lag far behind the consumer and wholesale price indices.

So, far from having to reduce profits of the industry as appears to be the erroneous view of some experts, the real problem is how to coax new investment into an industry which has a very poor reputation for earnings.

And for that we need to talk about improving the regulatory process; not necessarily more regulation or less regulation but better regulation.

One of the simplest first steps is to stop starving the ICC. The Congress provides adequate funding for the ICC, but the funds are arbitrarily withheld by the government bureaucracy and the regulatory process is slowed to a snail's pace, even sabotaged, as a result. A quick cure would be to remove authority for the ICC's budget from the Office of Management and Budget, as is proposed in the Surface Transportation Act.

A second step would be to go directly to the most important problem, adequacy of revenues and earnings. Astonishing as it may sound, the ICC so far has not developed any standard as a yardstick to determine what rate levels are adequate in the public interest to provide for the public service. Shippers claim they are willing to pay a fair price for freight service. They say they do not want to be subsidized by the transportation industry. But there is constant controversy over and resistance to necessary rate increases, in large part because adequate intelligence is not available on adequacy of revenues.

Transport rate levels are tied to historic costs. Particularly, with long-lived equipment such as rail and water carrier equipment, the gap between acquisition cost and replacement cost has been disastrous. In the last five years, for example, a 1,200 ton covered hopper barge has doubled in cost from $60,000 to $120,000. Rates based on historic cost of equipment now 15 years old will fall far short of providing the necessary means for replacement and expansion. The bright side is that although it is complicated, it is perfectly feasible to quantify the inflation factor acceptably and feed it into the consideration of rate standards. One would of course make due allowances for whatever productivity increases have resulted from investment in new equipment. As long as the standard is tied to "useful equipment," the shipper is protected against the inclusion of redundant capacity.

The modernized standards will simply provide accurate recognition of the revenues needed to perform well in the public interest. This is not a new idea. Assets of oil pipelines, for example, are revalued every year and a standard rate of return allowed on the revalued assets. In the non-regulated economy, prices rise to a level which covers replacement cost of assets and the current costs of obtaining capital. The tremendous lag between increases in transport rates and increases in the wholesale and consumer price indices is symptomatic of something fundamentally wrong in present transport pricing standards.

The development of adequacy of earnings standards should be rounded out by the early completion of the present rate structure, rate base and cost finding proceedings. Perhaps special additional staff should be made available to the ICC to complete these cases promptly.

A continuing study of capital requirements for the industry over the next 10 years would help complete the picture. Shippers can hardly object to rate levels which will buy necessary hardware to improve and expand service. It would help to identify the requirements beyond reasonable dispute. Having a capital requirement study would give the ICC an opportunity to audit the relationship between investment and revenues and earnings.

Much has been made by the Council of Economic Advisers of the need to improve the way the forces of competition work in transportation. Contrary to the impression the CEA tries to give, the transportation industry is far less concentrated and more competitive than most of industry. The water carriers have thoroughly orthodox views on competition. They believe that competition *is* one of the most reliable forces available to ensure and promote efficiency. They are not for protection of the inefficient. At the same time, clearly, the more efficient producer should not be knocked out of the market place by the abuse of economic muscle. Water carriers urge that an analysis be made of the present actual roadblocks to improved healthy competition looking toward the development of reasonable rules to make sure that the more efficient competitor is not artificially shut out of an opportunity to compete.

Finally, it is time to open a very large new subject which has been curiously neglected by the policy makers in transportation. This is the question of how productivity improvement may be achieved in transportation.

Oddly enough, the leading transportation texts have little to say about transportation productivity. There is seldom much discussion of it in the current articles on transportation policy in the transportation magazines. Every other aspect of transportation is fully covered, but productivity does not have the center of the stage.

And yet obviously the main hope of holding down rates is improvement in productivity. No one can entertain the illusion that, in the future, wages are going down or the cost of fuel, or the cost of steel, or the price of engines, or the price of rubber tires, or groceries for the galleys, or the cost of printing tariffs, or the cost of repairs and maintenance will be less than they are today.

Indeed most people throw up their hands at the mere prospect of improving productivity. How can you take all those components, each of which is getting more costly by the minute, and expect to produce stable rates or even lower rates? It is manifestly impossible, they say.

The issue of improving productivity is so crucial that the policy makers, as a matter of priority, ought to know all there is to be known about it. In fact, they know very little about it. Their intelligence on the subject is so primitive that they do not even have a price index of freight transportation by mode. They do not have a productivity index. They don't know how productivity improvement is achieved in transportation.

Obviously change in production of anything begins with new investment. Workers have to be trained to improve their skills and training costs money. New technology has to be bought, re-organization of production to take advantage of economies of scale means discarding old methods and buying new; committing more capital per worker means heavy new investment.

It is precisely heavy new investment which has worked in improving productivity in the water carrier industry. The container system, pioneered in the domestic trades, replaced the old break-bulk system which had survived virtually unchanged since before the time of Christ. The new development was the investment of about five times as much per ton of capacity for the container system than the break-bulk system. Savings for the customer have been substantial.

In barging, big towboats were purchased at heavy cost capable of pushing upwards of 40,000 tons of cargo at a time, replacing much smaller units which could handle less than half that load. Again heavy new investment paid off. Average barge rates today are less than they were in 1960.

One thing that stands out in all the discussion of transport problems is the failure to recognize that transportation is far more capital intensive than most other segments of the economy. In manufacturing, fifty cents of investment will, in general, produce a dollar of revenue. But in railroads three dollars of investment are required to produce a dollar in revenue and a somewhat similar picture emerges when water carriers are analyzed.

When the ICC talks of capital starvation of transportation companies, this is not just another factor among many, it may be *the* paramount factor explaining carrier difficulties. Not enough attention has been given to the significance of the formation of capital for transportation companies, particularly railroads and water carriers, in the struggle for improved productivity.

Thus, in summary, we make four suggestions for improving regulation of surface freight transportation.

The first is to fund the ICC adequately and stop playing games with this vital agency.

The second is to determine on a continuing and accurate basis standards for the adequacy of earnings for transportation.

The third is to identify the roadblocks to competition and remove them and the fourth is to find out just what triggers improved productivity in transportation and invest in it.

It seems to me that the shippers and carriers have plenty of reason to work together on these issues in the coming months. As one of the early promoters of the joint rail-water-truck approach, I have invited shippers to work with us as fellow experts to produce a program that will really help.

A program which has as its target disadvantaging the trucking industry or tries to help one industry at the expense of another or is not fair to the consumers of transportation services is, in my opinion, doomed.

Transportation is not a simple industry. There are unlikely to be simple solutions to its problems. A doctrinaire approach to the solutions borrowed from pure economic theory without adjustment to the realities of the transport market place has done more harm than good. If the legitimate requirement of industrial and agricultural producers for equitable access to their markets at reasonable rates is to be recognized, the policies adopted have to fit the problems. There is no escape from that simple fact.

The DOT's search for new directions is commended by everyone. In essence, the objectives are sound—more competition, less government intervention with business decisions. Nobody can be against those objectives and nobody is. What they have turned out, however, is obviously the result of an attempt to apply a doctrine, then tinker with it to anticipate political objections. The end product is now unworkable, unhelpful and probably unfixable. An alternative approach is to identify the problems needing attention more precisely. To do that the help of shippers and carriers is needed. Up to now the DOT has been selling a pre-determined doctrine, and has not been receptive to constructive alternative suggestions from the consumers and producers of transportation.

Looking at the wrong solution to a problem is often a necessary prelude to finding the right solution. In my view, if we develop effective lines of communication on the rest problems, the Department is in a position to do the public a significant service. The present system is not all bad as some extremists would have us believe; perhaps there is much more good than bad in it. A conservative approach to change so that matters are not made worse seems indicated. The four-point program suggested here is both conservative and far-reaching.

TAX REFORM—OR IS IT?

Mr. HANSEN. Mr. President, as one headline writer recently put it, "Rich Man's Loophole is Little Man's Shelter."

He went on in the article to point out that there are, of course, a number of loopholes in the tax laws by means of which people with large incomes are able to avoid paying significant amounts of income taxes.

But most of these tax avoidance possibilities were written into the tax laws not as loopholes but to encourage those with substantial capital holdings to invest that capital in ways which Congress thought would be helpful to a particular cause of the Nation as a whole.

For example, a homeowner is subsidized by allowance as a tax deduction the amounts paid for property taxes and mortgage interest.

And one of the best-known tax avoidance techniques is the purpose of municipal bonds the interest on which is exempt from Federal income tax and generally from State income tax as well.

But, if the tax exemption for municipal bond interest were to be eliminated, only about a third of the revenue increase to the Federal Government would come from the investor while the other two-thirds would be added on to the already crushing local tax burdens.

The same would be true of other so-called loopholes. The investment tax credit is a good example. Intended to stimulate business and industrial activity—more jobs.

The oil depletion allowance intended to stimulate exploration and development of new oil and gas reserves has worked well for almost 50 years. Now that the Nation's insatiable appetite for energy is devouring oil and gas faster than it is being discovered, incentive for discovery of new supplies is needed more than ever.

The prospects of the billions of dollars which will flow out in trade deficits for imported oil and the hazards of dependence on unstable foreign sources are added reasons for retaining the oil depletion allowance. But the compelling reason is again, that whatever is taken away from the oil companies in tax deduction will as surely as the sun rises be added to the consumer price of gasoline, home heating oil and other petroleum products just as the added cost of the interest on tax exempt bonds would be paid by the average taxpayer.

Removal of the tax and interest deduction for homeowners would eliminate the incentive to own a home. Why not rent and let someone else pay the expenses?

Mr. President, the real answer to the overburdened taxpayer's problems is not tax reform but Government spending reform. I am in favor of a new awareness and, in fact, a militancy on the part of the American taxpayer toward the big spenders in Government—those who would cure all of our ills with money. During the past decade, Federal spending has doubled and there is no end in sight.

Mr. President, it should by now be obvious to the average taxpayer that someone keeps turning the screw as his taxes go up year after year. And that someone is the Congress of the United States, over which only he has control. When he, the average taxpayer, decides he has had enough, he can do something about it. Each 2 years he has an opportunity to vote for a Congressman or Senator. Each 4 years, a President.

Mr. President, I have a more detailed analysis and commentary on the Tax Policy Review Act of 1972—the Mills-Mansfield tax reform proposals. I ask unanimous consent that the following explanation and comment be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MILLS-MANSFIELD TAX REFORM PROPOSAL
(H.R. 15230, S. 3657)

I. EXPLANATION

1. *Proposal.*—The Mills-Mansfield bills ("Tax Policy Review Act of 1972") would amend the Internal Revenue Code by terminating 54 tax differentials which were originally enacted, largely with bipartisan support, to provide incentive, equity, and/or fairness in accordance with stated economic or social rationales. Under the proposal the termination of 18 differential items would occur on January 1, 1974, with an additional 18 items terminated in each of the two succeeding years. The groupings of the items in their respective termination categories follow no consistent pattern and are at best illogical. The differentials in tax treatment specified for termination in the bills include Code provisions allowing exclusions, exemptions, deductions, and credits affecting such items as capital recovery allowances, research and conservation expenditures, exploration expenses and percentage depletion in the case of over 100 minerals, special reserves of financial institutions, interest on state and local bonds, home mortgage interest, educational expenses, retirement benefits, personal exemptions, dividend income, capital gains, estate taxation, charitable contributions, etc. The sweeping thrust of these terminations would affect all variables of taxpayers at all income levels.

2. *Purpose.*—The professed sole purpose of this unique sudden-death approach to tax reform is to "provide a guarantee" of an "orderly and systematic review" of virtually all differentials in tax treatment presently contained in the Federal tax law. Presumably, in connection with the three-year review that is to follow enactment of the termination measure, the Congress could take such action, if any, which it deemed appropriate with respect to the Code provisions affected. If Congress did not act, the provisions of present law covered by the Mills-Mansfield bills would be terminated on the dates scheduled.

3. *Legislative status.*—The Mills-Mansfield bills are now pending before the House Committee on Ways and Means and the Senate Committee on Finance respectively. The intention has been indicated to offer the legislation as an amendment to a measure increasing the statutory debt limit ceiling. The debt-ceiling bill has not to date been introduced but it is scheduled to be considered by the Congress during the month of June and must become public law by midnight June 30, 1972. The Committee on Ways and Means has begun brief public hearings on the subject. The hearings are to be immediately followed by executive sessions. The amendatory attempt may occur at any of several stages in the legislative process. However, it is considered the most likely stages for the effort are in executive session by the Ways and Means Committee or during Senate Floor debate. Other possible legislative stages include House Rules Committee, House Floor, or Senate Finance Committee action.

II. COMMENT

1. *Economic effect.*—Economic growth and the creation of new and improved job opportunities would be seriously jeopardized if the Mills-Mansfield proposal were enacted. Business investment would encounter a tax climate of unprecedented uncertainty. The American businessman would become an endangered species. Economic recovery could be turned into recession. The House Committee Report accompanying the Revenue Act of 1971 stated as a reason for that bill, "The growth in our gross national product has been small, unemployment has remained too high, and capital goods expenditures have hardly grown at all." (p. 3, H. Rept. No. 92–533) Enactment of the Mills-Mansfield proposal would make those lamentable conditions seem like the "good old days" as the resulting tax uncertainties stifled economic progress.

2. *Family effect.*—The Mills-Mansfield proposal would cause uncertainty regarding numerous tax provisions that have important bearing on long-range family planning. Home acquisitions and real estate values would be adversely affected by the termination of the deductibility of interest on home mortgages. Automotive financing would be similarly affected. The retirement security of millions of Americans would be threatened by the proposed terminations of Code provisions relating to insurance, retirement income, pension distributions, additional exemptions for the aged, and estate taxation. Additional provisions affecting individuals that would be terminated include the tax treatment of charitable contributions, scholarships and fellowships, medical expenses, child care expenses, and sick pay.

3. *Fiscal effect.*—An acknowledged principal objective of the more militant and precipitous tax reformers is the quest for more revenues to finance higher governmental expenditures. The probabilities are that enactment of the Mills-Mansfield proposal would actually produce *less* revenues at all echelons of government during the three-year tax hiatus because of the inevitable economic downturn. Under these conditions, governmental fiscal affairs would seriously deteriorate and even the cost of maintaining existing programs would become more onerous. An additional fiscal complication would arise in those 33 states which conform their income tax structures with the Federal law.

4. *Tax perspectives.*—America's preeminence among Nations is contingent on the vitality and durability of our free enterprise system. Capital formation and investment and the productivity of its citizens are keys to America's continued economic progress. It is essential that tax policy have a minimum inhibitive effect on the business decision-making that is a daily part of our economic life. Reasonable continuity and stability of treatment are important aspects of this tax objective. The present tax structure is an integral part of our economy and any proposal which threatens sweeping adverse changes in that structure is bound to be disruptive. Part of the present clamor for instant tax reform is predicated on the false assertion that recent tax legislation has favored corporate taxpayers over individual taxpayers. The facts prove the contrary. For the 12-year period 1969–1980, the Revenue Acts of 1969 and 1971 and the adoption of the Asset Depreciation Range System (accelerated depreciation) will decrease corporate income taxes by an aggregate of $8.1 billion (an average of $0.7 billion a year), decrease individual income taxes by an aggregate of $140.7 billion (an average of about $11.7 billion a year), and decrease excise taxes by an aggregate of $19.7 billion (mostly benefiting individuals). The advocates of instant tax reform seek to leave the impression that tax avoidance is rampant among the wealthy. Factual examination of this assertion proves it is grossly exaggerated as a revenue raising factor. To the extent the assertion is true, a proper remedy must be found but it hardly justifies threatening the

entire Nation with a tax recession induced by the Mills-Mansfield proposal.

5. *Spending perspectives.*—The so-called Taxpayers' Revolt may in fact be a revolt against the burgeoning level of governmental spending. Public concern is mounting over the apparently insatiable demand of government for tax dollars to finance new and expanded programs of doubtful effectiveness. Published instances of mismanagement of public funds are increasing in frequency and provide little comfort to the harassed and overburdened American taxpayer. The level of Federal spending has more than doubled in the eight-year fiscal period 1965 ($118.4 billion to 1973) ($246.3 billion projected). Serious question exists as to whether or not there has been a commensurate public benefit. Spending projections for the balance of the 1970's make it clear that the future will demand stringent frugality in the initiation, maintenance, and administration of governmental programs if the private enterprise sector of our economy is to survive. The Nation's ability to spend more for governmental programs will largely depend on the extent to which our private economy is expanding or contracting.

III. CONCLUSION

The unprecedented Mills-Mansfield approach to sweeping tax reform is a dangerous and unnecessary departure from traditional tax reform procedures. It is dangerous in the light of the aggravated apprehensions and uncertainties that would be reflected adversely in economic trends. It is unnecessary in that all that would be required for the Congress to undertake tax reform is for the Committee on Ways and Means to announce public hearings on the subject. Such an announcement should reflect a bipartisan commitment by the Committee which could be made now. It should be aimed at the commencement of such hearings early in 1973 so as to avoid undue election-year political input into the decision-making process. Such timing would allow affected taxpayers reasonable time in which to prepare their presentations and would provide Congress with an opportunity for a comprehensive and deliberate study. It would avoid the inevitable imputation of "guilty until proved innocent" that is inherent in the prejudgment approach of the Mills-Mansfield proposal.

Tax reform as a political issue in 1972 can be put in context by recognizing that most of the differentials in tax treatment that are covered in the Mills-Mansfield proposal were adopted with bipartisan support in the Congress. Furthermore, in the last two decades control of the Executive Branch has been vested in the Republican Party during 12 years and in the Democratic Party 8 years. The Democratic Party has been in control of both houses of the Congress 18 years and the Republican Party in control 2 years. Our present Federal tax structure can be ascribed to no one party label and to no one institution of government.

THE EDUCATION AMENDMENTS OF 1972

Mr. BAYH. Mr. President, on May 24 the Senate approved the conference report on S. 659, the Education Amendments of 1972. Despite my opposition to the bill's attempt to frustrate desegregation of the public schools, I voted to approve the conference report. I did so for three reasons: First, the bill contains some of the most significant advances in Federal aid to education Congress has ever enacted; second, the bill's unfortunate and misguided attempt to inhibit school desegregation is of questionable constitutionality and dubious effectiveness; third, to return the bill to conference was to risk both loss of the higher education bill and enactment of a more restrictive pupil transportation provision.

Every Member of Congress knows the emotional response the words "school busing" bring in this election year. And every Member knows or should know that the issue has been blown far out of proportion to its importance. Busing has always been an integral part of our Nation's educational system. Before anyone ever heard of "forced busing," close to 40 percent of the country's public school students were taking the bus to school. For two generations busing has been the way to provide bigger, consolidated, more modern school facilities; that is, better educational opportunities or, in the current phase, a quality education. Court-ordered busing designed to facilitate the desegregation of the schools has increased preexisting busing by only about 3 or 4 percent.

Every Member of Congress knows, too, that, despite the various directions in which lower courts have gone, the Supreme Court has given only very limited approval to school busing. In Swann against Charlotte-Mecklenburg Board of Education, the Court unanimously stated that busing is only one of many remedies which a lower court may use to overcome the effects of State-sanctioned racial discrimination in the public schools—and even then it cannot be ordered where the time or distance of travel is so great as to risk the health of the children or to impinge on the educational process. The Court has never approved busing which is shown to be educationally harmful. The Court has never spoken to the question whether school districts can be consolidated or students bused across political boundaries. The Court has never even considered whether busing can be ordered to overcome de facto segregation.

Indeed, one of the most serious difficulties we face in trying to deal dispassionately with the busing issue is that we in Congress—and the lower courts—have had little guidance from the Supreme Court. Partly for this reason, partly to allow time for emotions to cool, and partly because some lower court orders appear to have gone beyond Swann, I supported the Mansfield-Scott amendment to the education bill.

Briefly, Mansfield-Scott prohibited the use of Federal funds for busing which was so extensive that it risked the health of children or significantly impinged on the educational process. It prohibited all Federal employees from urging or requiring school busing which endangered public school pupils' health or safety, or which resulted in students going to schools substantially inferior to those they would otherwise lawfully attend. And it postponed—for 1 year, or until judicial appeals were completed, whichever is shorter—district court orders requiring interdistrict transfer or transportation of pupils or consolidation of educational agencies.

This last provision of Mansfield-Scott—which postpones the effective date of certain busing orders for a limited period of time—is particularly important. It was designed to give the courts, including the Supreme Court, an opportunity to clarify the law. Once the legal situation is clarified, I am confident the issue will be put in its proper perspective. We can then consider additional legislation, if it is needed.

But now—when politics and emotion are joining together to cloud reason—is no time to tamper with the fundamental human rights involved in assuring high quality, equal educational opportunity to every child. For this reason I supported Mansfield-Scott. For the same reason, I opposed the unconstitutional and unwise Griffin amendment, which attempted to withdraw from the Federal Courts all jurisdiction to provide for pupil transportation, even where it is the only remedy available to end forced segregation. And for the same reason I am opposed to those proposed constitutional amendments which would deal with the busing issue by cutting back on our commitment to equal protection of the laws.

Mansfield-Scott was a responsible and reasonable effort to deal with a highly divisive issue. Unfortunately, section 803 of the education bill as it came from conference, is not. That section is far too broad to be acceptable to a nation dedicated to overcoming its past and existing racial segregation. For section 803 purports to stay, for up to 18 months, the effectiveness of any district court order requiring "the transfer or transportation of any student—from any school attendance area—for the purposes of achieving a balance among students with respect to race." This broad language could conceivably be interpreted to stay the most ordinary court order not involving busing at all which was designed to prohibit segregation. For example, its language might be thought to reach a court order transfering a student from a school to which he has been bused for the purpose of racial segregation to a nearer integrated school, within walking distance of his home. If section 803 were so interpreted—and if it were constitutional—it would indeed be a drastic step backward from Brown against Board of Education. And precisely for this reason, I have the gravest doubts as to the constitutionality of this provision.

Moreover, there is a great likelihood that section 803 will have no legal effect whatsoever. It stays only court orders which are intended to achieve a racial balance. But the Supreme Court has never permitted or authorized any court order—involving busing or any other tool of desegregation—simply to achieve racial balance in the public schools. The Court in Swann went to great pains to remind us all that "judicial powers may be exercised only on the basis of a constitutional violation"—namely, State-imposed racial segregation in the public schools. For these reasons, section 803 is very likely to be either unconstitutional or wholly ineffective.

The question I faced as a responsible legislator was whether to vote against the whole education bill because I opposed section 803. The decision was extremely difficult because the bill contains a number of absolutely vital reforms in Federal aid to education policy. I can touch only on the highlights here. First, the bill contains a national commitment that students who want postsecondary education—whether in a community college, a vocational institution, or a traditional 4-year college or university—will receive financial assistance if they need it. While maintaining and improving the existing work-study and student loan programs, the bill would provide a basic grant of $1,400 to every postsecondary school student, less the family contribution. This provision will assure the poor and underprivileged access to the advanced education they need to realize the promises of America. Second, the bill recognizes the shaky financial conditions of many colleges and universities today, and provides direct operating subsidies to help them stay alive and functioning. The subsidy is based primarily on the percentage of scholarship students in the school, which, in keeping with the thrust of the bill, should help open the doors of our Nation's postsecondary schools to those who might otherwise be unable to attend. Third, the bill provides $2 billion in 2 years to assist those school districts which are working to provide public school students with quality integrated education. Obviously, this money is desperately needed by the many school districts which are trying to comply with the law, but face rapidly rising school costs.

These are the major programs in the bill. In addition, there are provisions for a special Indian education program; for continuation of the Teacher Corps; for the establishment in inner city and poverty areas of educational centers to provide guidance to young people entering college; for special programs to improve the educational opportunities of disadvantaged and bilingual children; for a new National Institute of Education to coordinate educational research and to promote innovative ways of opening postsecondary education to all. The bill also contains, I am glad to report, a prohibition against sex discrimination by educational institutions, a provision virtually identical to an amendment which I offered and the Senate accepted when the bill was being debated in this Chamber.

Thus, rejection of the conference report would have deprived American educational institutions and American students—particularly those of low and moderate income who might otherwise never become students—of desperately needed new programs and funds. And I fear that sending the bill back to conference would have risked more blatant—and perhaps more effective—assaults on Brown against Board of Education. Accordingly, I supported the conference bill.

WELFARE REFORM

Mr. KENNEDY. Mr. President, welfare reform has been the center of public debate since the President submitted his family assistance plan to the Congress nearly 2 years ago. Controversy about the essential features of meaningful reform has often focused on the principles highlighted by welfare advocates and the opposing views of those who are not interested in meeting the needs of the poor.

For months, while the Committee on Finance has studied the details of the House-passed welfare proposal many of us have grown increasingly more concerned about the prospect of achieving the changes that are needed to produce an adequate and humane system.

Peter Edelman, who is now vice president for policy and plans at the University of Massachusetts, has concisely described the present conditions concerning this very critical matter. I ask unanimous consent to have printed in the RECORD the article entitled "Welfare Reform . . . or Repression?" published in the Boston Globe on May 31, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, May 31, 1972]

WELFARE REFORM . . . OR REPRESSION?

(By Peter Edelman)

In a few weeks Sen. Russell Long, chairman of the Senate Finance Committee, will report to the full Senate a new version of H.R. 1, the omnibus Welfare-Social Security bill that has been pending in Congress in various forms for most of the Nixon years.

As part of this new version, Sen. Long has managed to come up with a new extreme in punishment of welfare recipients—no assistance at all for families with children over 6, only grossly substandard wages for "voluntary" public and subsidized private contract employment at menial jobs.

It is likely that the Long legislation will be viewed by nearly all who claim concern for the poor as grossly reactionary and an unacceptable equivalent to slave labor. The House-passed version—President's Nixon's Family Assistance Plan—will probably be revived with a sigh of relief. The trouble is that the House bill does not constitute reform, either. It, too, is dangerous and punitive, as much an effort to control and regulate the poor as Sen. Long's, just more subtle.

To call President Nixon's plan "reform" as the House passed it is a fraud. It is not reform, it is repression. This is the view of the National Welfare Rights Organization, the National Urban League, the American Civil Liberties Union, the Black Congressional Caucus, the National Council of Churches, the Child Welfare League of America and dozens of other organizations.

The first of the bill's regressive features is the so-called work "incentive"—allowing the government to force mothers to work, exempting only those with children under 3.

There are few standards governing forced work. People may be required to work for three-fourths of the regular minimum wage. A mother would have no control over the choice of day care for her children, the location of her job or her working conditions. And she may end up taking home less money than she would receive from welfare, not much of an "incentive" to work.

A second step backward is the series of sanctions for noncompliance of various kinds. It is a Federal crime, punishable by a year in jail or $1,000 fine, for a father to cross state lines with the intention of leaving his family on this program.

Failure to comply with a bureaucratic directive for work or training, or for referral to vocational rehabilitation for drug abuse or alcoholism treatment, can result in loss of $800 in benefits for the family. Failure to report family income promptly and accurately every three months can result in a fine or even total cut-off.

In any case, all recipients are cut off the rolls every two years and must reapply.

Third is the lack of simple due process. The bill turns back the clock on an array of procedural safeguards declared by the courts in recent years. The facts as determined by bureaucrats cannot be appealed in court; appeals are possible only on interpretation of the legislation.

The Secretary of Health, Education, and Welfare can determine who is fit to represent a recipient in an administrative hearing. Payments alleged to be erroneous can continue until a hearing is held, but must be paid back if the finding goes against the recipient. Each of these provisions, is contrary to present law.

A fourth problem is the level of assistance. It is not just that $2400 for a family of four is inadequate when the poverty line is $4000 and the Federal "modest but adequate" standard is $6500. The $2400 figure is less than 45 states now pay.

Worse, the bill does not require states to preserve current levels where they are higher. Indeed it invites them to cut benefits, an invitation not likely to be refused. But even if the legislation provided an adequate income, it would still be reprehensible as an assault on the civil liberties of the poor.

If all of this is not a system for controlling the poor, I do not know what is. I do not see how a liberal senator can vote for legislation with these provisions in it, regardless of what may be in other titles of the bill.

How can welfare reform be saved, then? First, we must recognize that HR 1 is not welfare reform at all. Second, there is simply no effective way to liberalize the bill in the Senate. Why? Because whatever family assistance plan the Senate enacts will be sent to a conference between Wilbur Mills and Russell Long to resolve the differences, which is a little like asking Andrew Carnegie and John D. Rockefeller to design a plan for the redistribution of wealth in America.

A Mills-Long meeting is sure to produce the worst bill possible under the parliamentary circumstances. I can bear personal witness to this. I was legislative assistant to Sen. Robert Kennedy when the Senate passed a series of liberalizing amendments to some damaging welfare legislation in 1967. Every last amendment was removed in conference.

What, then should be done? The answer proposed by a Massachusetts citizens group—the Ad Hoc Committee Against Bogus Welfare Reform—is that H.R. 1 should be killed outright. The Committee, which is chaired by Hubie Jones and Rev. James Breeden and includes representatives from a wide range of black, peace and liberal groups, has been actively meeting with Sens. Brooke and Kennedy to work toward this end. Both senators have been responsive.

Sen. Brooke has already urged the defeat of H.R. 1. He has proposed that a 20 percent Social Security increase and reforms for the aged, blind and disabled be passed separately. This is a sound idea. There is no reason to delay Social Security reforms because the Senate Finance Committee is not prepared to approve real welfare reform.

Sen. Kennedy has indicated his opposition to the House version, and is considering introduction of a stop-gap welfare measure to provide fiscal relief to the states, a modest national floor and preservation of present state benefit levels.

This will not be welfare reform either, but it is not repression. And it will ease the present crisis while we take the time to have a thoughtful national debate on what true welfare reform really is.

THE NEED IS FOR NEW EMPHASIS FOR ENERGY RESEARCH

Mr. RANDOLPH. Mr. President, today the National Fuels and Energy Policy

Study being conducted by the Senate Interior and Insular Affairs Committee pursuant to Senate Resolution 45, sponsored by Senator JACKSON and me, held a hearing on Federal Energy Research Priorities and Programs. The consensus among the witnesses, who included the President's Science Adviser, Dr. Edward David, Jr.; Dr. Alfred J. Eggers, the National Science Foundation's Assistant Director for Research Applications; and S. David Freeman, is that the viability of our Nation's energy future is critically dependent on developing during the 1970's environmentally acceptable means for the use of domestic fossil fuels for example, both high and low B.t.u. synthetic gas from coal. Longer term alternatives energy sources include solar energy, the breeder reactor, and fusion nuclear power. In addition improved efficiencies and methods for the extraction, conversion, and transportation of energy offer relief for our Nation's emerging gap between energy supplies and requirements.

Mr. President, I feel the statement of Prof. Raymond F. Baddour, the distinguished head of the Chemical Engineering Department at Massachusetts Institute of Technology and Director of the M.I.T. Environmental Laboratory, is most informative. He graphically presents the technological case for Federal leadership in developing process innovation in the extraction and use of our Nation's abundant fossil fuel energy resources.

I ask unanimous consent to have printed in the RECORD the statement by Professor Baddour.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A NATIONAL NEED FOR PROCESS INNOVATION IN THE FOSSIL FUELS INDUSTRY

(By Prof. Raymond F. Baddour)

Projections of energy demands and alternative sources of energy supply in the coming decades vary according to a wide range of existing and potential technologies and available economic resources. Considerations of the quality of the environment and regional differences of economic and natural resources, levels of industrial development, and population further serve to increase the variance in what options are most feasible. These options were studied in depth for the National Science Foundation by Resources for the Future, Inc., of Washington, D.C., in cooperation with the M.I.T. Environmental Laboratory. This study and its conclusions were reported under the title, "Energy Research Needs," and published last October. In the interest of time, I will concentrate my remarks on the most likely trends for the immediate future and discuss the need for process innovations vital to the continued development and use of fossil fuels.

In this regard, the pressing national need for new technology is concerned primarily with producing pipeline quality and low-BTU clean gas from coal, and synthetic crude oil from coal, tar sands, and shale oil. The alarming depletion of our domestic proven reserves of gas and petroleum and projected demands to the year 2000 and beyond, consideration of our national security in terms of our energy consumption and industrial well-being, and the measurably vast potential reserves of coal and shale in particular all combine to make the development of processes to upgrade our low grade fuel reserves not only attractive but imminently imperative.

Until the present (since about 1850), new fuels typically have not displaced but generally added to existing fuels, and since about 1885 our total energy consumption has increased at a faster rate than the population. Wood is the only fuel which has had a declining use, but its present consumption is estimated at just under a half of what it was in 1900, and the energy produced nationally from wood in 1970 was about four times that from nuclear sources.

With dwindling reserves and greatly increased costs of exploration and drilling to add to our proven reserves of high grade fuels, this situation is bound to change. Synthetic and substitute fuels must begin to assume more of our national energy burden, and they must do so in the very near future.

According to the latest complete data compiled by the Bureau of Mines, oil supplies 43% of our present energy needs. Gas supplies 32.8%, coal 20%, hydro power a little less than 4% and nuclear power about 0.3%. Nuclear power will inevitably take on a greater share of our energy demands but by 2000, the major portion (in the order of ¾ or more) of our energy demand will have to still be met with hydrocarbons. In terms of our conventional use of fuels and present rates of use, we simply cannot expect to meet such continued demand without severe economic and environmental costs, massive energy shortages, strategically harmful foreign policy alternatives, or combinations of all of these difficulties. Our total energy requirements have for the past 40 years doubled on the average every 22 years and for the past nine years the doubling time has held steady at 15.5 years. In these terms, the year 2000 is alarmingly close at hand.

In terms of environmental quality considerations, ease of handling, and efficiencies in energy production, our most attractive hydrocarbon fuel is natural gas. However, even though our total energy requirements doubling time is now 15.5, the doubling time for the consumption of natural gas is 11 years and, thus, is growing at a much faster rate than total energy consumption.

The problem is immediate. For almost 4 years, gas distributors have had difficulty in contracting for increases in long term gas supplies. Major distributors are now defaulting on some industrial contracts, and the situation has become critical with the curtailment of gas deliveries to industrial plants during severe cold spells as early as two winters ago.

There is strong evidence that the present 6 per cent per year growth rate in natural gas use will combine with continuously decreasing discovery rates of new gas to produce a great shortage of natural gas if both trends persist. The United States will need gas from coal at a time not yet established, but very probably soon, on a scale that will dwarf all other industry of comparable chemical content.

In consequence, the Office of Coal Research, the Bureau of Mines, and the American Gas Association are vigorously pursuing research on synthetic gas from coal. Four processes—two in pilot stage—deserve strong support; they have demonstrated sufficient promising results, freedom from serious faults, and differences in concept to warrant being kept in the running during the period of pilot-plant assessment of the processes. The four organizations involved are the Institute of Gas Technology, Consolidation Coal Co., the U.S. Bureau of Mines, and Bituminous Coal Research. The first two of these have pilot plants for the main gasification process near completion; the last two have plans for pilot plants and have done the necessary research.

In view of the magnitude of the final commercial operation based on the research of these four teams to date, the nation cannot afford to overlook the possibility that any one of the four processes may have advantages properly assessable only on a larger scale than that of the laboratory research which has been completed to date.

The strong recommendation of continuation of four processes at least through the pilot-plant stage implies that much basic research has already been carried out on coal gasification, but it does not imply absence of the need for more. Any process that wins the race will be in need of continuous modification and improvement; and a strong research program, both basic and applied, on the physics and chemistry of coal gasification is needed.

The air-blown gas producer that left the American scene in the 1920's is due for a comeback if it can be made larger, automatic, and capable of handling coking coals, and if it can be given a high capacity through operation under pressure. A major impetus for developing a process for making low-BTU gas from coal comes from the electric power industry. Producer gas made under pressure and scrubbed to remove sulfur is an ideal gas-turbine fuel, and the combining of gas producers with gas-steam power cycles of high efficiency looks attractive as a solution to the sulfur problem in power production. The implications of low-BTU gasification for power production are so striking as to warrant a more vigorous support of research on air gasification of coal at moderate pressures than at present exists.

Although our immediate energy shortages concern the supply of natural and synthetic gas, significant process research is being applied to the conversation of coal, tar sands, and oil shale to synthetic crude oil. In terms of our national needs beyond this decade, such continued research is imperative. Failure to couple the expectation that nuclear fuel will in the long run supply our power with the recognition that this cannot happen fast enough to eliminate the need for clean fossil fuels now is a real national danger; inadequate emphasis on research to produce clean fossil fuels both for power and for processing operations could produce an impasse between industrial energy needs and the need to protect the environment.

The various processes for making liquid fuel from coal are in too early a stage of development to allow meaningful estimates to be made of comparative costs. Processes which appear to be in the running include the H-Coal process, which uses a cobalt molybdenum catalyst to hydrogenate fine coal at high pressure in an ebullating bed, the Consol process modified to make low-sulfur synthetic crude oil, the PAMCO process for light hydrogenation of coal to make an ash-free product which is pumpable only when hot, and the COED process of staged pyrolysis to make gas, oil, and char. Opinions differ on the relative merits of these processes.

Research on H-Coal is being supported by a consortium of oil companies, and a National Academy of Engineering panel has recommended continued support of the Consol process. Though published studies of the probable cost of oil from coal have indicated the possibility of production of synthetic crude at prices comparing favorably with quoted market prices of crude oil, the estimates may not be realistic in their allowance for contingencies associated with new processes and for escalation during completion of development and plant construction.

The need for technological sophistication in recovering oil from nonpetroleum fossil deposits is much less when the raw material is tar sands or oil shale than when it is coal. This may cause earlier developments of oil from shale than from coal, regardless of ultimate comparative economics.

Tar sand treatment has become commercial in Alberta, on sands averaging 12.5 per cent bitumen, and shale oil would be attractive to U.S. industry largely because of vast domestic deposits in Colorado. The hydrogen-carbon ratio is higher than that for tar sands, which increases its attractiveness, and three retorting processes have operated on sufficient scale (260–1000 tons/day) to evaluate the retorting operation. Cost estimates for processing oil shale appear reasonable, but experience with mining and acceptably disposing of shale at a rate in excess of one ton per second—the rate required in a plant producing 50,000 barrels of oil daily—is missing.

An intercomparison of the conversion processes considered—pipeline-quality gas from coal, low-BTU gas from coal, oil from coal, oil from tar sands, and oil from shale—is difficult because of different objectives of different customers, national energy policy, foreign energy policy and import-pricing, differences in status of development of the processes, limits on ability to predict resources, the differences in cost-estimating procedures used in the economic studies, and the degree of interchangeability of the products.

Within the limitations these uncertainties impose, certain conclusions are possible. Contrary to widely held public opinion, the pessimistic conclusions of a year ago of a National Academy of Engineering Panel concerning SO_2 removal from stack-gas still stand, and the shortcomings of stack-gas sulfur-dioxide clean-up systems so far investigated make processes for the production of sulfur-free fuels or for sulfur removal during combustion look especially attractive. Within this scope, two concepts—making clean low-BTU gas from coal and making an ash-free, sulfur-free heavy hydrocarbon from either coal or oil—should be of great interest. If the cost estimates are realistic, completion of development along both lines is justified. Because of the capital-intensive character of fuel conversion processes, federal support is warranted on research on coal hydrogenation and on coal gasification with air, and on development of larger advanced-cycle gas turbines.

The resources of coal, tar sands, and oil shale are all so enormous as sources of oil that they must certainly someday be tapped. The timetable for this, however, is very difficult to establish, especially because of changes in import quotas and in prices established by foreign governments.

With respect to coal versus oil shale as sources of synthetic crude oil, the assessment is more difficult. Despite the considerable effort that has gone into oil-from-coal development, research processes for oil shale treatment are simpler and more nearly ready for use. But the yield from coal is so much greater (3 to 3.5 barrels per ton versus 0.8 barrel for relatively rich oil shale) and the disposal problem so much simpler that vigorous pilot-plant development followed by demonstration-plant operation is in the best national interest. The very fact that the processing of coal to produce oil is considerably more complex than the production of oil from shale is reason to expect a greater improvement, through research, in the efficiency and cost of the latter.

The development of any of the previously discussed oil recovery processes to the point of producing synthetic crude at prices reasonably near present crude prices could well turn out to be primarily an insurance policy—but a very valuable one—against excessive increase in the price of imported oil. On this ground alone strong federal support of fuel conversion research is eminently warranted.

But the problems are not simply a matter of technology. To illustrate the capital investment costs involved and place a perspective on the magnitude of the foreseen industry necessary to adequately utilize synthetic pipeline gas and augment our energy needs, I would like to cite remarks presented to the American Association for the Advancement of Science this past December by Professor Hoyt C. Hottel, a senior member of our Chemical Engineering faculty at M.I.T. and a nationally-recognized authority on combustion processes and energy technology:

"The probable size of the synthetic gas industry is indicated by the following: the United States consumed in 1970 some 23 x 10^{12} cu. ft. of natural gas. If 40% of that much gas were to be made synthetically by 1983 when the 11-year doubling time has elapsed and the synthetic gas then represents only 20% of the total, 100 gas plants of 250 million cubic feet per day each would have to be built, each requiring an investment of the order of $200 million and each consuming 15,000 tons of coal per day—a total investment of $20 billion and a total annual coal consumption of one-half billion tons, approximately our present total coal consumption."

A major problem, of course, concerns the time-lag involved in developing such a massive industry. The effects of gas shortages are immediate, and if we, with our present rates of gas consumption and pricing, wait until natural gas shortages create enough economic strain such that prices are allowed to rise and other incentives provided to alleviate the stress, the time scales will be too long to adequately prevent major damage to our industrial economy.

To illustrate the time-lags involved, I will cite an example where the technology is fully developed and for which overseas reserves exist; that is, liquefied natural gas.

It is estimated that a facility for the production, liquefaction, and delivery of 400 million cubic feet a day costs about $500 million, and from inception to first output a time span of 5 years is minimum.

The subject of foreign reserves brings up the question of national security. The risks, of course, are concerned with our becoming primarily dependent on the Middle East and North Africa, where 70% of the world's reserves of petroleum and natural gas are located. We run great future danger of our supply of energy from this highly unstable region of the world being cut off at critical times of our industrial and consumer needs. Adequate and timely development of processes related to upgrading our low-grade fuels such as shale oil and coal (which if completely developed could combine to satisfy our energy needs for even centuries to come) would greatly assist in reducing our foreign policy risks.

An additional and most important point concerns our maintaining a competitive edge in bargaining with foreign parties in filling our energy gap. The national costs of developing commercially viable processes to upgrade our low-grade fuels will surely be less than the alternative of not doing so. It is only reasonable to expect what the exporter can ask for a price just below the price of the next best alternatives. The development of coal liquefaction and gasification and oil from tar sands and shale oil will provide us those alternatives at prices reasonably arrived at.

The immediate costs in terms relative to current industrially sponsored research and development are great, however. I am of the opinion that Federal research and development support is absolutely essential until viable processes have been developed. A present situation, for example, is this: there is no single good coal gasification process and no single oil company can produce the capital to research and develop such a process adequately. The government must share, with partial support, the development costs of non-proprietary processes, the results of which would be generally available. If, then, government regulations are properly prepared, industry could apply the necessary capital from private sources to construct plants for the processing of coal and distribution of its products.

Such a program of research and development, coherently arrived at, would afford a great opportunity for universities, industry, and the government to jointly provide a vital security for the nation for generations to come.

Thank you.

EDITORIALS IN SUPPORT OF GUN CONTROL

Mr. BAYH. Mr. President, the tragic shooting of Governor Wallace, like the tragic assassinations of President Kennedy, Martin Luther King, and Senator Robert F. Kennedy has focused public concern on the question of why the United States is the only civilized country in the world in which deadly and useless weapons are freely available for over-the-counter sale. At this late date, there is no need to take the time of this body to recite the statistics showing the senseless slaughter, both deliberate and accidental, which this plague of weapons inflicts upon us each year. As the distinguished Senator from Utah (Mr. BENNETT) said here in 1969:

I think the Senate knows what the issues are.

Gun control is an issue "which every Senator understands."

But if the facts of this situation are known to us all, it may still be useful to bring to the attention of the Senate indications of the mood of the country on the question of gun control. I therefore ask unanimous consent to have printed in the RECORD a number of editorials which have been published on the subject since the shooting in Laurel, Md.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

WMAL AM–FM–TV EDITORIALS

MAY 15–18, 1972

What kind of madness so twists a man that he tries to thwart the political process with a gun?

And how much more senseless violence must the nation endure before we wake up and rid ourselves of the menace of handguns.

Too often in recent years, gunmen have struck down prominent Americans: President John F. Kennedy, Medgar Evers, Malcolm X, Dr. Martin Luther King, and Senator Robert Kennedy.

Now, Alabama Governor George Wallace lies wounded from bullets fired from a .38 caliber pistol.

This latest shooting is even more tragic because it might have been prevented by effective national gun control legislation.

For nearly a year we have appealed to Congress to *get the guns off the streets* through federal licensing and registration of gun owners, and federal control of the manufacture and sale of firearms.

We said then . . . Congress has the power to do it . . . you the people can make Congress act.

We say it again. Let our national leaders know that Americans are sick of violence and murder by guns.

President Nixon has asked the nation to pray for the recovery of Governor Wallace. We join in that prayer. We add this fervent plea of our own—get the guns off the streets in the name of our national sanity.

MAY 17, 1972

Commenting on the attempted murder of Governor George Wallace, former Attorney General John Mitchell said: ". . . the American political process now subjects political

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leaders to such personal danger that it deprives the American people of direct access to those leaders."

We respectfully disagree with Mr. Mitchell. It is not the American political system that is at fault. We have great faith in the system which has served us so well for so long. We are concerned, however, with our mindless refusal to adopt strict controls on handguns.

We refuse to accept the premise that assassinations and attempted assassinations by several lunatics are a sign that the nation is sick. But it should tell us that we do have many insane, troubled and frustrated people in this country. It should cause us to question the policy that makes it easy for such people to buy guns and ammunition. And, it should cause us to question the continued refusal of our political leaders to call for strict controls on handguns.

Murders and assassinations would be far more difficult if we sharply reduced the availability and use of handguns.

That is why we have argued we must *get the guns off the streets.*

It is time to ban handguns for all but law enforcement officers and the military.

Congress must control the manufacture, sale, and transportation of handguns, and enact tough licensing laws which will in fact *get the guns off the streets.*

MAY 18, 1972

Yesterday, WMAL urged Congress to enact an immediate ban on the manufacture and sale of handguns to all but law enforcement officers and members of the military.

This will not stop assassinations and senseless murder, but it will make both much more difficult, and it will dramatically reduce the rate of both.

This nation has been incredibly lax in controlling guns—especially handguns. The effect of our policy has been to make it easy for lunatics, criminals, and addicts to obtain and use guns.

There are two undeniable facts about guns in the hands of deranged people: Guns give them the power of life and death; and the gun is an essential factor in the violence and fear in this nation.

Guns make our streets unsafe, cause the deaths of more than 20,000 people a year, and result in the wounding of tens of thousands more.

In this presidential campaign, there will be more discussion of the violence unleashed on American society. But that dialogue will be futile if it deals only with alleged sickness in society, and if it ignores the need for strict federal gun licensing and registration, and controls on the manufacture, sale and transportation of firearms.

Congress must *get the guns off the streets.*

MAY 19, 1972

The time is over for hand-wringing and desperate talk about the sickness in American society as the cause of assassinations and assassination attempts.

It is time now to get the guns off the streets.

It is time to question why our highest officials and Congress refuse to eliminate the one thing that makes this madness possible—handguns.

Let's face it. They're afraid of the propaganda mill of the gun lobby. They know that if they eliminate handguns for all but the military and law enforcement officers that we could drastically reduce murder, assassination and fear in this country.

The Nixon administration calls itself a law and order administration. If it really wants to earn that label, now is the time.

And the time calls for leadership and courage. The watered down bill to ban the cheap, short Saturday night specials isn't the answer.

Most of our murders, shootings, and armed robberies are committed with good, high-performance pistols. So, look for the National Rifle Association, Senator Roman Hruska and friends try to confuse this issue in the days ahead. The fact that this country is an armed camp is a monument to their skill in delaying and confusing the issue of gun control.

You *can* do something to put this nation back on the right track. Write and phone your Congressman. Tell him to *get the guns off the streets.*

[From the Washington Star, May 17, 1972]

AND THE HANDGUN PROBLEM

A grim piece of irony associated with the shooting of George Wallace is that the victim has long been opposed to legislation restricting the availability of handguns. Moreover, many other Americans vehemently resisting such legislation are firm Wallace supporters.

We trust at least some of the gun lobby is having second thoughts today. If that is the case, so much the better. For an inevitable consequence of the assault on Wallace will be the revival of efforts to pass effective gun-control legislation. Success of these efforts will depend to a great deal on the muting of the vociferous gun-lovers and gun-makers, along with some greater candor and courage on the part of our politicians.

Three years ago, in the wake of the killings of Robert Kennedy and Martin Luther King, Congress passed a gun-control act that was supposed to end the flow of cheap, imported handguns into this country. It did not work. Because of a loophole in the law, vast quantities of handgun parts continue to pour into the United States, and by the hundreds of thousands a year these "Saturday night specials" are assembled and sold on the open market.

And so things are worse than ever on the American crime front. Where else in the civilized world is the handgun so readily available to the common criminal or the deranged assassin? Why does this nation continue to put up with it?

We believe nothing less is needed than a flat, nationwide ban of handguns, together with heavy, mandatory penalties for their possession or use. An extreme step, yes. And yet what kind of case can be made for the handgun? Very little. As a means of household defense or as a hunting instrument, it is inferior to the shotgun or rifle. That leaves target shooting, a hobby for some. Well, this is one hobby group that should get out of the way.

It is too much to expect, of course. But for starters, we would commend the long-delayed proposal of Senator Bayh of Indiana. It makes room for the hobbyists, and it avoids any attempt to outlaw, or even register, the millions of pistols that citizens now own. It would, however, prohibit dealers from selling any more new handguns, unless the purchaser is a law enforcement officer or unless the guns are designated by the Treasury as suitable for sport.

Senator Bayh's judgment is that this proposal is the most that can be hoped for. Perhaps he is right. Since hearings were held in September, he has not been able to move even this bill out of his own juvenile delinquency subcommittee. For one thing, President Nixon kept promising his own version of gun-control legislation. That promise hasn't been kept. Then, too, Senator Hruska of Nebraska, a darling of the gun lobby, keeps threatening an executive session filibuster. But other subcommittee members, including Maryland's Senator Mathias, also have shown little enthusiasm for the bill.

Today, in the wake of the Wallace shooting, Senator Bayh called another session of his subcommittee in an attempt to clear the measure. We hope the gun lobby, including its numerous Maryland adherents, remain mindful of what happened in Laurel. We hope Senator Mathias, whose vote could be critical, stands up for the legislation. It does, after all, have the endorsement of the nation's police chiefs' and patrolmen's association. It is a modest, necessary step in the right direction.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 17, 1972]

THE WALLACE SHOOTING AGAIN POINTS UP THE NEED FOR STRONG GUN CONTROLS AND A BETTER UNDERSTANDING OF FREE SPEECH

The barbaric assassination attempt on the life of Governor George Wallace in Laurel, Maryland, is like a bad dream. It brings back all of the horrible memories of all of the political assassinations of the past. It forces Americans to confront the reality of senseless violence which has become so characteristic of our time. The wounded body of Governor Wallace is but another reminder of one of the most serious threats to our democracy, for if a man cannot seek political office or espouse a controversial point of view publicly without threatening his life of the lives of those close to him, our democratic guarantees of free speech are nothing more than paper promises.

No longer can anyone argue that political assassination is an aberration in the United States. The deaths of President John F. Kennedy, Reverend Martin Luther King, Robert Kennedy, Malcolm X, Jock Yablonski and several others clearly indicate that those who speak their minds expose themselves to possible assassination. This must not be tolerated.

Perhaps the shock of the most recent senseless act of violence will convince us of the need to do something to take revolvers—the instrumental cause of these barbarous deeds out of the hands of would be assassins. It is a sad and ironical fact, but the very State which repudiated Senator Joseph Tydings for his gun control position, now must bear the terrible reality of being the scene of the crime.

As ABC's Howard K. Smith so accurately put it, the politicians want controls, the courts want controls, the police want controls but the National Rifle Association prevents these controls from becoming a reality.

The time has come for each of us to stand up and be counted. We have more evidence than we need or can tolerate that substantial reform is in order. We are the only civilized country in the world which does not have controls and we are one of the least civilized when it comes to the statistics on political assassination and death at the hands of the midnight special.

Earlier this week we pointed out statistics which indicate that one of every ten Americans suffers from some form of mental or emotional illness. To permit these sick people to have guns or to make guns easily available to them is to invite trouble.

Certainly we are appalled by what has happened, but we have seen it all before on the national level and in our cities. This madness and the climate of polarization which so contributes to it must be ended. The first most difficult step must be strong gun control legislation which would take the hand guns away from would be assassins. The second step involves the personal realization that this country is built on the principle of free speech. It is at the very heart of our democracy and each time it is denied by a violent act a little bit of each of us dies.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 25, 1972]

HAND GUN CONTROL LEGISLATION IS NEEDED

It is more than a week since Governor George Wallace was shot. Since that time much has been written and said about gun control legislation. Our opinion remains the same. Strict hand gun controls are necessary and they should become law.

Some of our viewers disagree. They write telling us that our position is "too emotional," "too hysterical." A typical comment goes something like this, "Our laws are perfectly good as they are." Another viewer writes "the politicians are in favor of gun control because most of them are such weasels that they should be hung and they are afraid of being shot."

"People kill, not guns" one viewer wrote. Another told us "There should be tougher laws to punish those who use guns in criminal acts" and one person said "Something should be done, but not more blind laws which encumber honest people."

The last two points are well taken. The U.S. Firearms Act which requires the registration of guns, constitutes a good half step toward effective gun control, but we need much more.

Senator Birch Bayh's bill banning the manufacture and sale of all concealable hand guns, the Saturday night special variety, should be passed. Senator Philip Hart's bill which would put guns only in the hands of the military, the police, the antique collector and the target shooting clubs—to remain at the clubs, is another necessary reform. Moreover, strict federal and state laws designed to punish those who use guns in criminal acts are also in order.

We believe this to be a constructive legislative approach to a most serious national problem. In no way would it compromise the target shooting sportsman. In no way would it endanger the police or the public figure. Nor would it harm the honest citizen. On the contrary, it would help to reduce the more than 30,000,000 hand guns circulating in this country, many of which are being used to the disadvantage of society.

As necessary as these proposed laws are, however, they must be accompanied by a new state of mind which diminishes the wild west psychosis which causes some of us to believe that the court of last resort is an act of violence.

[KNXT editorial, Los Angeles, Calif., May 18 and 19, 1972]

TIGHTER GUN CONTROLS

Last November a young man was arrested in Wisconsin for carrying a concealed weapon. In December, his gun was confiscated. In January, he went out and bought another one. All he had to do was sign a form that said he was not a felon or not otherwise prohibited by law from owning a handgun. Today that young man is being held in the shooting of George Wallace.

California law might have stopped that man from getting another pistol. We have a five-day waiting period between the purchase and delivery of a handgun. During that time, the authorities can check the buyer's record and find out if he's an ex-convict or a former mental patient or otherwise disqualified. It's a good law and it should apply nationally.

But recording names of original buyers is not enough. Guns can be sold again and again, and there's no record of the owner. That's why we also need a registration law.

Senator Bayh of Indiana wants to ban the sale of any handgun to anyone, except police, unless it is a sporting gun. His bill is before the Senate Judiciary Committee and has a bare chance of passing if the public will support it.

(Picture) Now here's the kind of gun used in the Wallace shooting. What does anyone need with a gun that can be hidden so easily? Sportsmen don't need them. It's not a sporting gun and we see no reason for anyone to buy one.

Federal law prohibits the importation of such guns, but it doesn't prevent their production in this country. An American company can even import all the parts and assemble them here. The law is a farce. It doesn't protect the public. It only protects the American manufacturer from competition.

None of us who enjoys hunting or target shooting wants any restriction on the right to own sporting guns. But the sportsman owes something to the public at large, too. We've got to support reasonable gun control bills. Nobody can guarantee that they're going to stop all crime, but we've got to give it a try.

[WOR editorial, New York, N.Y., May 25 and 26, 1972]

GUN CONTROL

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of anub-nosed pistols; pistols like the one that seriously wounded Alabama Governor George Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make home-made guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and The President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

This has been a WOR 710 Editorial. I'm Robert S. Smith.

[From the New York Post, May 22, 1972]

GUN CONTROL: THE PERIL OF DELAY

In the immediate aftermath of the shooting of George C. Wallace, the gun lobby once again found itself temporarily on the defensive. But each moment that passes without the enactment of new, stringent gun-control legislation increases the danger that Congress will once more unleash a water-pistol rather than a massive offensive against the domestic merchants of death. Its tendency to retreat under fire as soon as the anti-control forces mount a new attack—under the old slogans—has been demonstrated too often.

Sen. Birch Bayh (D-Ind.), a long-time advocate of effective curbs, recalled yesterday on ABC's "Issues and Answers" what happened with the adoption of limited legislation following the death of Sen. Robert Kennedy. The bill did in fact restrict the import of certain parts and materials vital to gun-making; the major result appears to have been a boom for creative home-front manufacturers who swiftly—and profitably—moved into the breach.

Even the measure now moving in the Senate, Birch conceded, falls far short of the decisive action needed. It would not, for example, do anything about the registration of 25,000,000 owners of handy hand-weapons now roaming the land; it would ostensibly block future production. Certainly the passage of this bill would be better than nothing. But can we really do no better at a time when revulsion against terrorism by gun-fire must be felt in every political camp?

Bayh pointed out that the Nixon Administration has been conspicuously negligent about coming forward with any serious challenge to the gun lobby. At a moment when the President is emphasizing his hope for international arms restrictions in his Moscow meeting, surely a real measure of domestic disarmament deserves full-scale support.

We have never contended that gun-control offers automatic safety for political candidates—or anyone else. But neither are we impressed by those who demean its importance while addressing solemn sermons to the verbalizers of political hatred. A free society cannot impose standards of rhetorical civility; too often one man's demagogy is another's inspirational sermon. But it can undertake a major, bi-partisan drive to remove firearms from the hands of millions who have capriciously obtained them. No "sporting" interests—so often the front for the gun lobby—should be permitted to stand in the way of that effort. Time is crucial in that battle; delay is the ally of legislative mutilation.

SHAPE OF ONE MAN'S OPINION—MAY 23, 1972

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion. A look at arms control at home, after this word. . . .

At the Kremlin summit, the president and Brezhnev are pursuing ways to stabilize peace in the world, so Moscow dispatches say. On Capitol Hill, the pursuit of peace at home is languishing. An item of top priority of the Moscow agenda is an arms control agreement to limit the production and placement of certain nuclear weapons and weapons systems by the two super powers. This won't be easy to perform. But what a monstrous irony it is that a domestic arms control agreement to limit the weapons systems people use to kill each other is almost impossible to achieve—even after the attempted assassination last week of Governor Wallace.

Why is this so? Why do Congress and other law-making bodies continue to be held in thrall by the virulence of the socalled gun lobby despite a 1971 record of some 10,500 citizens murdered by gunfire? How do you explain legislative delay and the pusilanimity of what it does enact in the face of such proof of rising public concern as the Wall Street Journal cited in a long lead article about gun control last Friday? Namely, a Gallup Poll showing that in April—before the attack on the Alabama governor—a record 79 percent of Americans favored requiring a police permit to buy *any* gun.

On ABC's Issues and Answers Sunday, I put this contradiction to Indiana's Birch Bayh, chairman of a Senate judiciary subcommittee which, roused by the Wallace shooting, finally approved his bill to outlaw sale and purchase of handguns.

He answered that it was extremely difficult to get good legislation—he emphasized his own bill was no panacea—because of the propaganda pressure of outfits like the National Rifle Association, because of deliberate misrepresentation and a kind of hysteria generated over the issue.

Reminded that there were already some 25 million hand guns in private possession in the U.S. which his bill would not touch, Senator Bayh argued there had to be a beginning of control. Indeed he would extend nationwide Indiana's requirement that you can't carry a hand gun without a license.

"Why should you walk around the street with a weapon in your belt, concealed," he asked, "without having some test placed upon your ability to know how to use that weapon?"—or, he might have added, to justify your carrying it. But, he conceded, "whenever you move this far, then they turn the dogs loose and we don't get anything."

Well, it's time to put those dogs on leash and push for meaningful gun control. No bill can prevent assassinations, or murders, motivated by passion or in cold blood. But their chances of happening can be shrunk by shrinking and/or controlling the supply of guns. The Bayh bill is a good start.

Ironically, the senator reports that the Nixon administration has thrown nothing but roadblocks in the way of his measure for two years. From the president down to Acting Attorney General Kleindienst, Bayh charges, the thinking is: the less said about gun control, the better off you'll be politically.

Any such thinking on arms control, domestic or international, puts us all in trouble.

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion.

[From the Christian Science Monitor, May 31, 1972]

GUN CONTROL WATCH

By the time you get to the end of this sentence, at a reading-aloud pace, another new handgun will have been sold in the United States.

Will it have a history like the one a 14-year-old Virginia boy went home for after a playground fight and took back to school, firing at three classmates and killing one?

By now in your reading, two new handguns have been sold and a used one traded. A handgun in new hands every 13 seconds.

This multiplying of handguns in America occurring with the deadly consistency of punctuation to sentences, can be stopped.

Congress has this week the materials, in the form of legislation already introduced to end the proliferation of handguns—particularly the cheap or concealable variety which are causing so much havoc.

The Senate has four major pieces of gun-control legislation: Sen. Philip Hart's bill, which would prohibit possession of all handguns after 180 days; Sen. Edward Kennedy's bill which would require the licensing of owners and registration of all guns, and would restrict handgun ownership; Sen. Birch Bayh's bill which would end the proliferation of cheap handguns by settling quality and size regulations; and Sen. Adlai Stevenson III's bill which would set federal licensing and registration standards for handguns.

The hopeful sign in recent days on the Senate side is that the Bayh bill outlawing the "Saturday night special" handgun may soon reach the full Judiciary Committee after being buried in subcommittee for a year.

In the House there are three important handgun bills: Rep. John Murphy's bill banning the manufacture and sale of Saturday night specials; Rep. Abner Mikva's bill prohibiting the manufacture, sale, import of handguns or bearing them outside one's home; and Rep. Emanuel Celler's bill which combines Senator Kennedy's proposal to require the licensing and registration of long guns and Representative Mikva's proposal on handguns.

The hopeful sign in the House is that Representative Celler, the key man in House gun control action, has promised to start hearings now that the Memorial Day weekend is over.

It is important to stress that the stirrings in Senate and House committees are only opportunities. There is still great resistance to gun control. In the Senate, Senators Bayh and Hruska are near dead-lock on what constitutes a permissible "sporting" handgun. In the House, Representative Celler is worried that the start of hearings could boomerang into repeal of handgun control progress to date. The White House remains opposed to meaningful handgun control. The other day Republican presidential campaign strategist John Mitchell repeated his opposition to gun controls, indicating the likely White House and Republican line until November.

But we are convinced that the resistance to gun control progress will yield. The majority of Americans (by three to one) want controls. The logic and statistics on the issue argue inescapably for greater control. What is most needed is a clear setting forth of the facts so that those in Washington will have no choice but to respond to the dictates of reason. To this end these columns are undertaking a "gun control watch," to monitor events in Washington and to help build the case for effective controls. We urge our readers to join us in this vigil.

WHAT IS WRONG WITH TITLE IX OF S. 3010?—II

Mr. CURTIS. Mr. President, it is my understanding that other Senators will be discussing the specific problem areas with the legislation and what amendments ought to be considered in an effort to make this a workable piece of legislation. I wish to continue that item-by-item discussion.

OUTSIDE PRACTICE OF LAW

A prohibition against any outside practice of law whatsoever is needed to prevent circumvention of proscriptions otherwise made in the title or by regulations.

Section 906(d) attempts to proscribe full-time employees of programs funded by the Corporation from any outside practice of law, but an exception is made, to wit: "unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation."

In section 906(i), the bill purports to prohibit the provision of legal services with respect to any criminal proceedings.

The exception provided for in proposed section 906(d) could vitiate any other proscriptions contained in this bill, for pro bono publico representation could be expanded to permit legal services thought to be proscribed by this body. A not infrequent method of circumvention of prohibitions under the existing legal services program within OEO is to represent a criminal defendant—that one is prohibited from representing during duty hours—as pro bono publico representation in off-duty hours. If the criminal case requires one to be present in court during working hours, the project attorney simply takes annual leave or compensatory time leave for those hours. Thus, he is still able to represent the client and is not in strict violation of the proscriptions, although he is clearly in violation of the spirit of those proscriptions. I suggest that prohibitions contained in the bill before us can all be circumscribed, unless the Congress strictly forbids the outside practice of law in any manner whatsoever.

An amendment is needed placing the responsibility for insuring against the outside practice of law by project attorneys onto the executive director of the corporation, project directors, and, of course, on the individual project attorneys. Such a responsibility must be both joint and several. The amendment must preclude the outside practice of law by project attorneys in any form whatsoever.

LEGISLATIVE AND POLICY ADVOCACY

Other Members of this body have spoken on this matter today, I do not need to dwell further upon the particulars of where project attorneys have deeply involved themselves in policy advocacy where it had no relation to the needs of a particular client. If advocacy on behalf of, or opposed to, a particular point of public policy must be aired as a required and necessary aspect of the representation of the needs of a particular client, it should not be prohibited or restrained. Unfortunately, project attorneys have become deeply involved in policy advocacy, and in legislative advocacy, when it had no relation to a client, or when they had to seek out a particular client in order to have a relationship to the issue at hand.

The propriety of the Federal Government authorizing and funding programs and activities which authorize, and frequently encourage, legislative advocacy—usually known as lobbying—has seldom been fully debated by the Congress. It has never been debated with respect to the legal services program.

Because of its gradual development, and because of the similarly slow development of the premises which underlay it, legislative advocacy has grown into a controversial public issue, the resolution of which may significantly impact upon our society. It seems appropriate, therefore, for the Congress to address itself forthrightly to the question of the propriety of such authorization.

These issues arise from several sections of the bill, but primarily from section 906(e) which reads;

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

Several questions arise from an investigation of the proposed legislation, from the current statute and regulations, and from the historic record as to the subject matter:

First, ought the Federal Government to support with funds, or otherwise assist, independent or semiautonomous entities which authorize and permit lobbying and political activities?

Second, ought the Federal Government to support with funds, and otherwise assist, independent or semiautonomous entities which seek, through lobbying and political activities, to undercut the antipoverty policies and objectives established by the Congress and administered by the Executive, and also to do some on State and local levels?

Third, ought any of this to be permitted with virtual immunity from legislative and executive oversight, as such immunity is provided for in proposed section 913?

A negative answer is obvious as to each of these questions.

Inherent in our freedoms is the notion that government ought not to expend taxpayers dollars to promote ideological, philosophical, political, or partisan points of view. This taboo against government expending, or authorizing to be expended, sums of money for such viewpoints is deeply imbedded in the American tradition and in our laws. In summary, the taboo can best be characterized as a guarantee against infringements on the rights of free thought.

From time to time, the Congress has enacted statutory prohibitions reflecting this taboo, the most stringent of which is 18 U.S.C. 1913, a prohibition against lobbying with appropriated funds, as follows:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution opposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or any department or agency thereof violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

The responsibility which a Federal officer or employee has under this section of the code can be variously interpreted. Nonetheless, it is clear that the issue is the use to which Federal funds are put, immediately or ultimately, and that no less than these responsibilities and duties are mandated for a proper administration of the public trust: first, a Federal offiical should make a preaward survey to determine the risks of noncompliance with the proscriptions of his statute; secondly, he ought to stipulate prohibitions in the form of conditions, if he feels there are questionable areas of conduct which might arise; and he ought to make audits of those Federal funds at routine intervals.

Congress has addressed itself to the issues of direct action and political activities through amendments to the Economic Opportunity Act of 1964, as amended, principally in sections 603(b) and 613, which, respectively, prohibit political activity in a broad sense, and prohibit unlawful activities. But OEO has worked around these prohibitions. In the implementation of the EOA by Sargent Shriver, its first administrator, the theme of OEO being "an advocate for the poor" was developed, through which theme OEO, at all levels, was encouraged to be the spokesman within, and without, the Federal Government for the interests at law of the poor and disadvantaged. Pursuant to provisions of the EOA, guidelines in the form of OEO instructions have been issued as to restrictions on political activities; limitations with repect to unlawful demonstrations, rioting, and civil disturbances; and employee participation in direct action.

A combination of these items—the statute, the theme, and the guidelines—with the trend of intensified activity on behalf of the poor has produced lenient interpretations of the permissible scope of political, lobbying, and direct action activities. In reality, more is now permitted under the system than is prohibited. OEO has drifted a great measure from its indication in Guidelines for Legal Services Programs, promulgated in 1968, that legislative advocacy was not within the "scope of legal services rendered," to the pronouncement in the OEO-funded publication, Clearinghouse Review, of Febuary 1972 that:

> A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated, or controversial pieces of legislation—Kantor, Legislative Advocacy, Clearinghouse Review, Vol. 5, p. 574. 576.

What has legislative advocacy come to mean for federally funded project attorneys? Why? And how?

Rather than making judgments and evaluations myself, the article to which I have referred—Kantor, Legislative Advocacy, 5 Clearinghouse Review 574—gives us the answers to these questions without any equivocation. Mr. Kantor is the executive director of the Action for Legal Rights, Inc., and the publication is the federally funded monthly sent as the primary reference source to all project attorneys and directors. Here is what Mr. Kantor has to say about legislative advocacy:

> Legislative advocacy is the stepchild of the Legal Services Program. . . . However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" a reevaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. . . .
>
> With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor. . . .
>
> Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. . . .
>
> Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. . . .
>
> A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation. . . .
>
> A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus the subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? . . . Is a grassroots effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? . . .
>
> If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. . . .
>
> The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups. . . .
>
> The . . . area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor. . . .
>
> The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation.

Mr. President, certain provisions of the legislation before us, notably proposed section 906(e), are put into a more realistic perspective by this article. We are being asked to fund what will, in reality, be lobbyists to lobby in the Congress and the State legislatures. Our dollars will be used for developing and passing new, sophisticated, or controversial pieces of legislation. We are to be made the objects of federally funded legislative strategies. Is the National Legal Service Corp. the "legislative advocacy service" advocated for location here in the Nation's Capital?

In Smith, "Legislative Advocacy at CRLA," 5 Clearinghouse Review 584—February 1972—several other interesting observations are made as to what really is going on:

> Develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision.
>
> The three criteria most germane to selecting the best author are:
>
> 1. That he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;
>
> 2. That he is viewed as an expert in the field affected by the legislation and has credibility in the field; and
>
> 3. He believes in the legislation and will push hard for it.
>
> . . . By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, e.g., "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible. . . .
>
> It seems far more useful to become part of a welfare or education coalition with community, client, church, minority, and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences.

Mr. President, the legislation before us transfers these OEO-funded activities to a to-be-created National Legal Services Corporation. We can rest assured that

the activities and directions being deployed presently within OEO will be transferred to the new corporation, with an immunity from responsible criticism never before possible. I ask unanimous consent that the full text of the Kantor and Smith articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

APPENDIX II

LEGISLATIVE ADVOCACY

(By Mickey Kantor, executive director, Action for Legal Rights, Inc.)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" [2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Services lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's *Code of Professional Responsibility* makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system. . . ." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1964.[6] That section's directive, "To further the cause of justice . . . by legal counseling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Programs stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue." [8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, or (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating of self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant;

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these areas particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(d) be careful not to duplicate the efforts of other programs in the state—but to coordinate resources;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

"Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest." [13]

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support? [14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempt to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises are potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocate must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns, from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon [15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts [16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their law reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed to each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

FOOTNOTES

[1] Gross, The Legislative Struggle, at 153–4: The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation.

Others have argued, in the past, that so called "law reform" efforts are better left to the legislatures. *See* Hazard, *Social Justice Through Civil Justice*, 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970):

In our government of laws and not of man, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim, issue or defense.

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Short, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Service Programs.*

Footnotes at end of article.

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906 (e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess. pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 117 Cong. Rec. (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum (2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge,* 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to, and devote considerable resources to, legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

APPENDIX III

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, staff attorney and legislative advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (e.g., welfare rights organizations on welfare), or if the likelihood of success in a given poverty law area (e.g., the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. Are those issues susceptible of administrative reform by the defendant private industry or governmental entity?

The latter question is probably the most important practical one, because major test case litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducting the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generaly viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law reform litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticide. AB 2399 (Arnett, R–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D–Okla) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governor's Office to justify the veto of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast; 41 were needed.

One of the most active areas of prison reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearinghouse No. 7152, provides for due process protections appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D-Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6' x 9' cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influenced by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

APPENDIX A

Consumer

Motor Vehicles. AB 620, Clearinghouse No. 7153 (Waxman, D-Los Angeles), motor vehicle financing anti-deficiency bill. The bill was heard in Assembly Finance and Insurance Committee and passed through the Assembly on April 13, (41–32). As the bill left the Assembly, it provided for abolition of the deficiency judgment as to both new and used cars. However, in order to get the measure out of the Senate Judiciary Committee, the bill had to be watered down such that deficiency judgments would be abolished on used car sales only. The bill was carried for us in the Senate by Senator Moscone (D–San Francisco) who lost the first floor vote despite a massive Legal Services campaign in support of the measure. Senator Moscone was able to obtain reconsideration of the bill. The vote would have been extremely tight. Many of the supposed "committed" votes changed their minds at the last minute. Fortunately, or unfortunately, the bill never got to a final floor vote in the Senate because that house adjourned for the year before the bill came up again. As now planned, the measure will be reintroduced next year, hopefully in its original form. As we have learned increasingly, the key to consumer issues is constituency pressure. Work on this will have to be started quite early in the year.

SB 1627, Clearinghouse No. 7154 (Beilenson, D–Los Angeles), used car fitness warranty bill. The bill was initially assigned to the Senate Committee on Transportation, It requires that there be a distinction between major and minor defects for purposes of the remedy provided. This distinction was to have been developed by the joint efforts of the Department of Motor Vehicles and the California Highway Patrol. Both of these agencies protested that the task would require months of study, if it could be accomplished at all. The bill was then weakened so as to require only a general warranty of fitness. The choice was whether to get something through the legislature this year or scrap the entire measure. We opted for the latter, feeling that the measure, if passed, would actually do quite little. Our efforts were pulled off, and the bill was allowed to die quietly in the senate committee. Following this, our office has been in touch with the National Center for Consumer Law and the Center for Auto Safety (Ralph Nader's group) in Washington, D.C., and together we are developing a method of easily distinguishing between major and minor defects in automobiles. Hopefully, next session a more tightly drafted measure can be introduced into the legislature.

Small Claims Courts. AB 2720, Clearinghouse No. 7155 (Waxman, D–Los Angeles) would have limited the number of times a party could bring a small claims court action to 12 within each calendar year. The intent was to curtail corporation usage of the small claims court as its collection agency. Opposition here was so strong that the bill was removed and effectively killed.

AB 1142, Clearinghouse No. 7156 (Brathwaite, D–Los Angeles) raised the jurisdictional amount of small claims courts from $300 to $500 with no other protections. This measure passed both houses and was signed into law by the Governor. Bills become law 60 days after the legislature adjourns. Obviously, because of this new element in small claims practice, measures similar to AB 2720, above, will hopefully be introduced in the 1972 session.

Default Judgments. AB 1905, Clearinghouse No. 7157 (Warren, D—Los Angeles), default judgment statute regarding venue. The bill passed easily out of the Assembly (60–0) on June 23 with support for the Assembly Judiciary Committee. The Bill, as amended, passed out of the Senate 24–4, and was signed by the Governor (Chapter 1640, Stats. 1971). In its final form, the bill extends to all consumer transactions the same type of venue protections now available in Unruh and Rees-Levering situations. The new parts of the bill, dealing with default situations, are of great significance. Defendant/debtor now has 60 days *after levy upon his property* to move to defend the case in the proper county (the bill also extended this provision to Rees-Levering and Unruh cases). Where venue is improper, plaintiff has the burden of showing he used reasonable diligence to select the proper court. If he fails in this, defendant has the right to actual damages and costs, including reasonable attorneys' fees. For the sake of passage of the measure, punitive damages and dismissal with prejudice were deleted from the final document.

Voters' Rights

Bilingual Voter Registrars. AB 2101, Clearinghouse No. 7158 (Maddy, R—Fresno) died in the Senate after passing the first time. Senator Richardson and the Republican caucus led the opposition. The bill would have provided that bilingual voter registrars be deputized whenever there are significant linguistic minority groups in a county.

Education

Placement of Mentally Retarded Minors. SB 33, Clearinghouse No. 7159 (Burgener, R—San Diego) was signed at an early date by Governor Reagan. The California Department of Education has issued extensive regulations to implement this Act, and copies are available from the Clearinghouse.

Parolees' Higher Education Act. AB 3002, Clearinghouse No. 7160, was passed by the Senate Education Committee and failed by one vote in Senate Finance. Los Angeles State College recently received a grant in excess of $25,000 to provide services along the lines proposed by the bill.

School Finance. No bills passed this year. A special joint committee has been established and is expected to report its findings by May 1, 1972.

Mr. CURTIS. Mr. President, deficiencies in the present statute and guidelines include, but are not limited to, the following: Inadequate restrictions on off-duty activities of officials with high visibility and public identification with programs funded by OEO; inadequate penalties for violations of the restrictions; inadequate restraints on the solicitation of clients in order to have a client whose interests one is representing before a legislative body, committee, or member; encouragement of activities if they are related to public issues impacting upon the poor.

What can a party still do under section 960(e)? How can he, knowingly or unknowingly, circumvent its provisions? I remind my colleagues that this new section 906(e) is not new at all. Its first appearance was in the bill vetoed by the President on December 9, 1971; thus, it has already been vetoed once before.

Section 906(e) does not, in reality, guard against what it is intended, or what it superficially, guards against. Rather, for the first time, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity—here, Federally funded—when such is in furtherance of the in-

terests of a client, a group of clients, or when such is requested by a legislative body, committee, or member. Now, let's look at this in its real application. Is there really a neighborhood legal services project attorney alive who cannot find a client whose interests conform to the subject under legislative consideration? Of course, the answer is no. Is there a legal services attorney alive who would find it difficult to obtain the consent of a group of clients—that usually means an organization—which would not give him their consent to represent their interests? Again, the answer is no. Finally, is there a project attorney alive who does not know a legislator friendly to his cause, which legislator would request him to make representations to the body, the committee, or to himself? Again, the answer is no. Additionally, the language of section 906(e) does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, et cetera, and their local affiliates.

In the opinion of many, efforts to restrict such activities are, in reality, more likely to be successful through amendments to the statute, thereby reflecting the will of the Congress, than they are likely to be successful through maneuvers within the administrative system. We can truly expect the modus operandi of the Office of Legal Services, OEO, to become the modus operandi on this matter within the new Corporation. An amendment should say:

Funds or personnel made available to, or made available by, the Corporation pursuant to this title or pursuant to any other provision of law or any other source of public or private funding, shall not be used in a manner involving the use of such funds, the provision of services or facilities, or the employment or assignment of such personnel in a manner supporting or resulting in the identification of the Corporation, of legal services programs assisted by the Corporation, or of their personnel, with—

(1) Consideration in any form by any Federal or non-Federal legislative or executive body of any proposed convention, constitutional amendment, code, statute, executive order, initiative, ordinance, regulation, rule, or similar enactment or promulgation, or any amendment thereto, or any similar legislative or executive activity; or

(2) Organization of others, or the encouragement of the organization of others, to directly or indirectly promote changes in public policy.

Such an amendment would preclude legislative advocacy for advocacy's sake.

I call upon Senators to examine these, and other, criticisms of the particulars of the legislation which will be coming before us soon. Only by making substantial changes in the reported bill will this legislation warrant affirmative action by this body.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF S. 722, RELATING TO CERTAIN FEDERALLY OWNED LAND

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the votes on the confirmations of nominations on the Executive Calendar, and at such time as the Senate returns to the consideration of legislative business, the Senate proceed to the consideration of S. 722, a bill to declare that certain federally owned land be held by the United States in trust for the Stockbridge-Munsee community.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there is a time limitation on that bill of 1 hour. There is a time limitation on any amendment, debatable motion, or appeal in relation thereto of 30 minutes. Action will be completed on that bill before the close of business tomorrow.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that when the hour of 2:30 p.m. arrives today, the conference report on the authorization for public buildings be considered as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. WILLIAMS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, was read twice by its title and referred to the Committee on Veterans' Affairs.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, the Senate, in executive session, will now resume debate on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The question is, Will the Senate advise and consent to the nomination of Richard G. Kleindienst to be Attorney General of the United States?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PLANT PROTECTION CONVENTION, CONVENTION TO PREVENT AND PUNISH ACTS OF TERRORISM, TREATY WITH HONDURAS ON THE SWAN ISLANDS, CONVENTION ON TAKING OF EVIDENCE ABROAD, EXTRADITION TREATY WITH ARGENTINA, AND PARTIAL REVISION OF RADIO REGULATIONS (1959) RELATING TO SPACE TELECOMMUNICATIONS

Mr. MANSFIELD. Mr. President, after consultation with the Republican leadership, inasmuch as the Senate is in executive session, I ask unanimous consent that the pending nomination be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 20, Executive D, 84th Congress, second session, the International Plant Protection Convention; Calendar No. 21, Executive D, 92d Congress, first session, Convention To Prevent and Punish Acts of Terrorism; Calendar No. 22, Executive H, 92d Congress, second session, Treaty with Honduras on the Swan Islands; Calendar No. 23, Executive A, 92d Congress, second session, Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Calendar No. 24, Executive F, 92d Congress, second session, Treaty of Extradition with Argentina; Calendar No. 25, Executive E, 92d Congress, second session, Partial Revision of Radio Regulations Relating to Space Telecommunications.

It is my understanding that all these treaties were reported unanimously by the Committee on Foreign Relations. I know of no opposition to any of them.

I ask unanimous consent that I be permitted to incorporate at appropriate points in the RECORD pertinent excerpts from the reports detailing what the treaties comprise, and that the treaties be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate as in Committee of the Whole, proceeded to consider Executive D, 84th Congress, second session; Executive D, 92d Congress, first session; Executive H, 92d Congress, second session; Executive A, 92d Congress, second session; Executive F, 92d Congress, second session; and Executive E, 92d Congress, second session, which were read the second time as follows:

EXECUTIVE D—84TH CONGRESS, SECOND SESSION

INTERNATIONAL PLANT PROTECTION CONVENTION

PREAMBLE

The contracting Governments, recognizing the usefulness of international co-operation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across national boundaries, and desiring to ensure close co-ordination of measures directed to these ends, have agreed as follows:

ARTICLE I—PURPOSE AND RESPONSIBILITY

1. With the purpose of securing common and effective action to prevent the introduction and spread of pests and diseases of plants and plant products and to promote measures for their control, the contracting Governments undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agrements pursuant to Article III.

2. Each contracting Government shall assume responsibility for the fulfillment within its territories of all requirements under this Convention.

ARTICLE II—SCOPE

1. For the purposes of this Convention the term "plants" shall comprise living plants and parts thereof, including seeds in so far as the supervision of their importation under Article VI of the Convention or the issue of phytosanitary certificates in respect of them under Articles IV (1), (a), (iv) and V of this Convention may be deemed necessary by contracting Governments; and the term "plant products" shall comprise unmanufactured and milled material of plant origin, including seeds in so far as they are not included in the term "plants."

2. The provisions of this Convention may be deemed by contracting Governments to extend to storage places, containers, conveyances, packing material and accompanying media of all sorts including soil involved in the international transportation of all plants and plant products.

3. This Convention shall have particular reference to pests and diseases of importance to international trade.

ARTICLE III—SUPPLEMENTARY AGREEMENTS

1. Supplementary agreements applicable to specific regions, to specific pests or diseases, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO" on the recommendation of a contracting Government or on its own initiative, to meet special problems of plant protection which need particular attention or action.

2. Any such supplementary agreements shall come into force for each contracting Government after acceptance in accordance with the provisions of the FAO Constitution and Rules of Procedure.

ARTICLE IV—NATIONAL ORGANIZATION FOR PLANT PROTECTION

1. Each contracting Government shall make provision, as soon as possible and to the best of its ability, for

(a) an official plant protection organization, with the following main functions:

(i) the inspection of growing plants, of areas under cultivation (including fields, plantations, nurseries, gardens and greenhouses), and of plants and plant products in storage and in transportation, particularly with the object of reporting the existence, outbreak and spread of plant diseases and pests and of controlling those pests and diseases;

(ii) the inspection of consignments of plants and plant products moving in international traffic, and, as far as practicable, the inspection of consignments of other articles or commodities moving in international traffic under conditions where they may act incidentally as carriers of pests and diseases of plants and plant products, and the inspection and supervision of storage and transportation facilities of all kinds involved in international traffic whether of plants and plant products or of other commodities, particularly with the object of preventing the dissemination across national boundaries of pests and diseases of plants and plant products;

(iii) the disinfestation or disinfection of consignments of plants and plant products moving in international traffic, and their containers, storage places, or transportation facilities of all kinds employed;

(iv) the issue of certificates relating to phytosanitary condition and origin of consignments of plants and plant products (hereinafter referred to as "phytosanitary certificates");

(b) the distribution of information within the country regarding the pests and diseases of plants and plant products and the means of their prevention and control;

(c) research and investigation in the field of plant protection.

2. Each contracting Government shall submit a description of the scope of its national organization for plant protection and of changes in such organization to the Director-General of FAO, who shall circulate such information to all contracting Governments.

ARTICLE V—PHYTOSANITARY CERTIFICATES

1. Each contracting Government shall make arrangements for the issue of phytosanitary certificates to accord with the plant protection regulations of other contracting Governments, and in conformity with the following provisions:

(a) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.

(b) Each certificate covering material intended for planting or propagation shall be as worded in the Annex to this Convention and shall include such additional declarations as may be required by the importing country. The model certificate may also be used for other plants or plant products where appropriate and not inconsistent with the requirements of the importing country.

(c) The certificates shall bear no alterations or erasures.

2. Each contracting Government undertakes not to require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with the model set out in the Annex to this Convention.

ARTICLE VI—REQUIREMENTS IN RELATION TO IMPORTS

1. With the aim of preventing the introduction of diseases and pests of plants into their territories, contracting Governments shall have full authority to regulate the entry of plants and plant products, and to this end, may:

(a) prescribe restrictions or requirements concerning the importation of plants or plant products;

(b) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;

(c) inspect or detain particular consignments of plants or plant products;

(d) treat, destroy or refuse entry to particular consignments of plants or plant products, or require such consignments to be treated or destroyed.

2. In order to minimize interference with international trade, each contracting Government undertakes to carry out the provisions referred to in paragraph 1 of this Article in conformity with the following:

(a) Contracting Governments shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.

(b) If a contracting Government prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to the plant protection services of other contracting Governments and to FAO.

(c) If a contracting Government prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform the plant protection services of other contracting Governments and GAO.

(d) If a contracting Government requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting Government shall publish a list of such points of entry and communicate it to the plant protection services of other contracting Governments and to FAO. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

(e) Any inspection by the plant protection service of a contracting Government of consignments of plants offered for importation shall take place as promptly as possible with due regard to the perishability of the plants concerned. If any consignment is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection service of the exporting country shall be informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection service of the exporting country.

(f) Contracting Governments shall make provisions which, without endangering their

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own plant production, will reduce to a minimum the number of cases in which a phytosanitary certificate is required on the entry of plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.

(g) Contracting Governments may make provision for the importation for purposes of scientific research of plants and plant products and of specimens of plant pests and disease-causing organisms under conditions affording ample precaution against the risk of spreading plant diseases and pests.

3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting Governments unless such measures are necessary for the protection of their own plants.

ARTICLE VII—INTERNATIONAL CO-OPERATION

The contracting Governments shall co-operate with one another to the fullest practicable extent in achieving the aims of this Convention, in particular as follows:

(a) Each contracting Government agrees to co-operate with FAO in the establishment of a world reporting service on plant diseases and pests, making full use of the facilities and services of existing organizations for this purpose, and, when this is established, to furnish to FAO periodically the following information:

(i) reports on the occurrence, outbreak and spread of economically important pests and diseases of plants and plant products which may be of immediate or potential danger;

(ii) information on means found to be effective in controlling the pests and diseases of plants and plant products.

(b) Each contracting Government shall, as far as is practicable, participate in any special campaigns for combating particular destructive pests or diseases which may seriously threaten crop production and need international action to meet the emergencies.

ARTICLE VIII—REGIONAL PLANT PROTECTION ORGANIZATION

1. The contracting Governments undertake to co-operate with one another in establishing regional plant protection organizations in appropriate areas.

2. The regional plant protection organizations shall function as the co-ordinating bodies in the areas covered and shall participate in various activities to achieve the objectives of this Convention.

ARTICLE IX—SETTLEMENT OF DISPUTES

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting Government considers that any action by another contracting Government is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the Government or Governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.

2. The Director-General of FAO shall thereupon, after consultation with the Governments concerned, appoint a committee of experts which shall include representatives of those Governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Governments concerned. This committee shall submit a report to the Director-General of FAO who shall transmit it to the Governments concerned, and to other contracting Governments.

3. The contracting Governments agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Governments concerned of the matter out of which the disagreement arose.

4. The Governments concerned shall share equally the expenses of the experts.

ARTICLE X—SUBSTITUTION OF PRIOR AGREEMENTS

This Convention shall terminate and replace, between contracting Governments, the International Convention respecting measures to be taken against the *Phylloxera vastatrix* of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

ARTICLE XI—TERRITORIAL APPLICATION

1. Any Government may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any Government which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such modification or termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all signatory and adhering Governments of any declaration received under this Article.

ARTICLE XII—RATIFICATION AND ADHERENCE

1. This Convention shall be open for signature by all Governments until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory Governments.

2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory Governments. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering Governments.

ARTICLE XIII—AMENDMENT

1. Any proposal by a contracting Government for the amendment of this Convention shall be communicated to the Director-General of FAO.

2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting Government shall be presented to a regular or special session of the Conference of FAO for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting Governments, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposed amendment of this Convention shall be transmitted to the contracting Governments by the Director-General of FAO not later than the time when the agenda of the session of the Conference at which time the matter is to be considered is dispatched.

4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting Governments. Amendments involving new obligations for contracting Governments, however, shall come into force in respect of each contracting Government only on acceptance by it and as from the thirtieth day after such acceptance.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting Governments of the receipt of acceptances and the entry into force of amendments.

ARTICLE XIV—ENTRY INTO FORCE

As soon as this Convention has been ratified by three signatory Governments it shall come into force between them. It shall come into force for each Government ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

ARTICLE XV—DENUNCIATION

1. Any contracting Government may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all signatory and adhering Governments.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

ANNEX: MODEL PHYTOSANITARY CERTIFICATE

PLANT PROTECTION SERVICE OF ------ No. ----

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were throughly examined on (date) ----------
by (name) ---------- an authorized officer of the (service) ---------- and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing country):

Date ----------
Duration of exposure ----------
Treatment ----------
Chemical and concentration ----------
Additional declaration:
(Date) ---------- 19----
(Signature)

(Rank)

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter: ----------
Name and address of consignee: ----------
Number and description of packages: ------
Distinguishing marks: ----------
Origin (if required by importing country): ----------
Means of conveyance: ----------
Point of entry: ----------
Quantity and name of produce: ----------
Botanical name (if required by importing country): ----------

DONE *at Rome, Italy, on the sixth day of December, one thousand nine hundred and fifty-one, in a single copy in the English, French and Spanish languages, each of which shall be of equal authenticity. This document shall be deposited in the archives of the Food and Agriculture Organization of the United Nations. Certified copies shall be transmitted by the Director-General of the Food and Agriculture Organization to each signatory and adhering Government.*

IN WITNESS WHEREOF *the undersigned, duly authorized to that effect, have signed this Convention on behalf of their respective Governments on the dates appearing opposite their signatures.*

For Austria:
R PHILIP 6th of December 1951
For the Kingdom of Belgium:
A VAN HOUTTE 6 décembre 1951 ad referendum
For Brazil:
JOSUE DE CASTRO 6 de décembre 1951 ad ref.
For Canada:
H. BARTON Dec. 6, 1951 ad ref.

For Ceylon:
G. C. S. COREA 7th December 1951
For Egypt: On account of the fact that the Royal Egyptian Government does not acknowledge and has not up till now acknowledged the existence of Israel, my signature to this Convention does not bind my Government by any means to Israel and has been allowed with all rights reserved in this connection.
MOHAMED ALI EL KELANY 6.12.51 ad ref.
For France:
ANDRE MAYER 6 décembre 1951 ad referendum
For India:
J. N. KHOSLA 30/4/52
For the United States of Indonesia:
SURYO-DI-PURO December 6, 1951
For Ireland:
THOMAS WALSH 6th December 1951 ad ref.
For Israel:
D MOSHE ISHAY 6.21.51
For Japan:
R. YAMAZOE 6.12.51 ad ref.
For Lebanon:
For the Grand Duchy of Luxembourg:
BRUCK 16 1 52 ad ref.
For the Kingdom of the Netherlands:
S. L. LOUWES 6.12.51 ad ref.
For New Zealand:
C. S. M. HOPKIRK 6.12.51
For Pakistan:
For the Republic of the Philippines:
J S CAMUS 12/6/51 subject to confirmation
For Portugal:
ANTONIO PEREIRA DE SOUSA DA CAMARA 6 Dec. 51
For Spain:
CARLOS REIN 10 décembre 51
For Switzerland:
L MAIRE 6 dec. 1951
For Thailand:
PHRA CHUANG KASHETRA Dec. 6, '51
For the Union of South Africa:
S. J. DE SWARDT 6th Dec. 1951
For the United Kingdom of Great Britain and Northern Ireland:
CARRINGTON 6,12.51 ad ref.
For the United States of America:
P. V. CARDON 6:12 '51 ad ref.
For Viet-Nam:
For Yugoslavia:
DALIBOR SOLDATIC 6 Dec. 51 ad ref.
For Cuba:
CARLOS MARTINEZ 6 de decembre de 1951 ad ref.
For Denmark:
A. P. JACOBSEN 6 Dec. 1951 ad ref.
For El Salvador:
ROD B. SCHONENBERG 6 Dec. 1951 ad ref.
For Sweden:
JOHAN BECK-FRIIS 11 Dec. 1951
For Italy:
AMINTORE FANFANI 2 fevrier 1952 ad ref.
For Ecuador:
R. JACOME 12 marzo 1952 ad referendum
For Chile:
C. CAMPO R. 3 abril 1952
For Guatemala:
F. COSENZA G. 23 abril 1952 ad referendum
For Costa Rica:
TEODORO B CASTRO 28 abril 1952 ad referendum
For Colombia:
EDU ZULETA ANGEL *Ambassador of Columbia* 29 abril de 1952
For the Federal Republic of Germany:
CLEMENS BRENTANO *Ambassador of Germany* 30 avril 52 ad referendum
For the Government of the Commonwealth of Australia:
C. V. KELLWAY 30th April 1952
For Uruguay:
C GIAMBRUNO 30 de abril de 1952 ad referendum

I hereby certify that this text is a true copy of the International Plant Protection Convention as signed in Rome by the representatives of 37 governments between December 6, 1951 and 1 May 1952.

/s/ NORRIS E. DODD
Director-General of the Food and Agriculture Organization of the United Nations.

EXECUTIVE D—92ND SESSION

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM TAKING THE FORM OF CRIMES AGAINST PERSONS AND RELATED EXTORTION THAT ARE OF INTERNATIONAL SIGNIFICANCE

WHEREAS:

The defense of freedom and justice and respect for the fundamental rights of the individual that are recognized by the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights are primary duties of states;

The General Assembly of the Organization, in Resolution 4, of June 30, 1970, strongly condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with that crime, which it declared to be serious common crimes;

Criminal acts against persons entitled to special protection under international law are occurring frequently, and those acts are of international significance because of the consequences that may flow from them for relations among states;

It is advisable to adopt general standards that will progressively develop international law as regards cooperation in the prevention and punishment of such acts; and

In the application of those standards the institution of asylum should be maintained and, likewise the principle of nonintervention should not be impaired.

THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES HAVE AGREED UPON THE FOLLOWING ARTICLES:

ARTICLE 1

The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

ARTICLE 2

For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

ARTICLE 3

Persons who have been charged or convicted for any of the crimes referred to in Article 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws.

In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.

ARTICLE 4

Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

ARTICLE 5

When extradition requested for one of the crimes specified in Article 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Article 4 shall be respected.

ARTICLE 6

None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

ARTICLE 7

The contracting states undertake to include the crimes referred to in Article 2 of this convention among the punishable acts giving rise to extradition in any treaty on the subject to which they agree among themselves in the future. The contracting states that do not subject extradition to the existence of a treaty with the requesting state shall consider the crimes referred to in Article 2 of this convention as crimes giving rise to extradition, according to the conditions established by the laws of the requested state.

ARTICLE 8

To cooperate in preventing and punishing the crimes contemplated in Article 2 of this convention, the contracting states accept the following obligations:

a. To take all measures within their power, and in conformity with their own laws, to prevent and impede the preparation in their respective territories of the crimes mentioned in Article 2 that are to be carried out in the territory of another contracting state.

b. To exchange information and consider effective administrative measures for the purpose of protecting the persons to whom Article 2 of this convention refers.

c. To guarantee to every person deprived of his freedom through the application of this convention every right to defend himself.

d. To endeavor to have the criminal acts contemplated in this convention included in their penal laws, if not already so included.

e. To comply most expeditiously with the requests for extradition concerning the criminal acts contemplated in this convention.

ARTICLE 9

This convention shall remain open for signature by the member states of the Organization of American States, as well as by any other state that is a member of the United Nations or any of its specialized agencies, or any state that is a party to the Statute of the International Court of Justice, or any other state that may be invited by the General Assembly of the Organization of American States to sign it.

ARTICLE 10

This convention shall be ratified by the signatory states in accordance with their respective constitutional procedures.

ARTICLE 11

The original instrument of this convention the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited in the General Secretariat of the Organization of American States, which shall send certified copies to the signatory governments for purposes of ratification. The instruments of ratification shall be deposited in the General Secretariat of the Organization of American States, which shall notify the signatory governments of such deposit.

XUM

ARTICLE 12

This convention shall enter into force among the states that ratify it when they deposit their respective instruments of ratification.

ARTICLE 13

This convention shall remain in force indefinitely, but any of the contracting states may denounce it. The denunciation shall be transmitted to the General Secretariat of the Organization of American States, which shall notify the other contracting states thereof. One year following the denunciation, the convention shall cease to be in force for the denouncing state, but shall continue to be in force for the other contracting states.

STATEMENT OF PANAMA

The Delegation of Panama states for the record that nothing in this convention shall be interpreted to the effect that the right of asylum implies the right to request asylum from the United States authorities in the Panama Canal Zone, or that there is recognition of the right of the United States to grant asylum or political refuge in that part of the territory of the Republic of Panama that constitutes the Canal Zone.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having presented their full powers, which have been found to be in due and proper form, sign this convention on behalf of their respective governments, at the city of Washington this second day of February of the year one thousand nine hundred seventy-one.

For Nicaragua:
GUILLERMO SEVILLA SAC
For Trinidad and Tobago:
ELLIS CLARKE
For Peru:

For Honduras:
ROBERTO PERDOMO PAREDES
For Guatemala:

For Uruguay:
JOAQUIN COSTANZO
For Bolivia:

For Ecuador:

For Chile:

For Barbados:

For Mexico:
EMILIO O. RABASA
For the United States of America:
JOHN N. IRWIN II
CHARLES A. MEYER
JOSEPH JOHN JOVA
MARK B. FELDMAN
For Panama:
NANDER PITTY VELASQUEZ
For Costa Rica:
GONGALO J. FACIO
RAFAEL ALBERTO ZUNIGA
HUMBERTO PACHECO
RODRIGO CREAMUNO
ROGELIO NAVAS
For Brazil:

For Haiti:

For Paraguay:

For the Dominican Republic:
JAIME MANUEL FERNANDEZ
ENRIQUILLO A. DEL ROSARIO C.
MARCO A. DE PENA
For Venezuela:
ARISTDES CALVANI
GONZALO GARCIA BUSTILLOS
MARTIN MARQUEZ ANEZ
ESTEBAN AGUDO FREITES
ALEJANDRO TINOCO
OSWALDO GAMBOA
For El Salvador:
JULIO A. RIVERA
JUAN SCAFFINI H.
For Colombia:
ALFREDO VAZQUEZ CARRIZOSA
CARLOS HOLGUIN
ALBERTO VENEGAS TAMAYO
JOSE CAMACHO LORENZANA
For the Argentine Republic:

For Jamaica:
EGERTON RICHARDSON

EXECUTIVE H

TREATY ON THE SWAN ISLANDS

The Government of the United States of America and the Government of Honduras,

Acknowledging that both Governments have heretofore claimed sovereignty over the Swan Islands,

Recognizing that the Government of the United States of America has for many years maintained a radio air navigational, meteorological observation, and telecommunications facility there, and

Desiring to reach an amicable settlement with respect to their conflicting claims to the Swan Islands and regarding the continuance in operation of the radio air navigational and meteorological facility thereon,

Have agreed as follows:

ARTICLE I

The Government of the United States of America recognizes the sovereignty of Honduras over the Swan Islands.

ARTICLE II

The Government of the United States of America and the Government of Honduras, recognizing the benefit derived by both countries from the maintenance of a meteorological observation and telecommunications facility in the Swan Islands, declare their intention to establish a cooperative program between them for the continuation of that facility, according to terms to be agreed upon between them.

ARTICLE III

The Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan.

ARTICLE IV

The Government of the United States of America transfers to the Government of Honduras as of the date of this Treaty enters into force all land, buildings, equipment, and other real and personal property in the Swan Islands to which it holds title, except as agreed pursuant to Article II of this Treaty.

ARTICLE V

(1) This Treaty shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

In witness whereof, the undersigned, duly authorized, sign this Treaty in the city of San Pedro Sula, in duplicate, in the English and Spanish languages, both texts being equally authentic, this twenty-second day of November, nineteen hundred and seventy-one.

For the Government of the United States of America:

HEWSON A. RYAN (Ambassador of the United States of America to Honduras)

ROBERT H. FINCH (Counsellor to the President of the United States of America)

For the Government of the Republic of Honduras:

ANDRES ALVARADO PUERTO (Minister of Foreign Affairs)

RAMON ERNESTO CRUZ (President of the Republic of Honduras)

(Exchange of notes concerning a cooperative program for a meteorological and telecommunications facility)

TEGUCIGALPA, D.C., *November 22, 1971.*
No. 185.

His Excellency ANDRÉS ALVARDO PUERTO,
Minister of Foreign Relations
Tegucigalpa, D.C.

Excellency: I have the honor to refer to the Treaty on the Swan Islands, signed today, on behalf of the Government of the United States of America and the Government of Honduras, and subject to ratification, Article II of the Treaty declares the intention of the Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments. Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras on the date the Treaty enters into force, all land to which it holds title as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In accordance with the provisions of Articles II and IV of the Treaty, I have the honor to propose a cooperative program between our two Governments on the following terms:

1. *Names of Program.* The cooperative program to which this agreement refers shall be known as the "Swan Islands Cooperative Meteorological Program."

2. *Purposes.* The purpose of the Cooperative Meteorological Program shall be, through cooperation between the Governments of Honduras and the United States, to facilitate the operation and maintenance of a meteorological observation and telecommunications facility in the Swan Islands; to make surface meteorological and rawinsonde observations; and to disseminate internationally reports of these observations.

3. *Specific Undertakings of the Government of the United States.* As its contribution to the Cooperative Meteorological Program, the Government of the United States:

(a) Shall operate and maintain the facility described in paragraph 2 above, and shall provide and maintain all buildings and services, such as water, light, etc., and furnish all materials, equipment, supplies, goods, and personnel required for the operation and maintenance of the facility, except as provided in paragraph 4(b) below; and

(b) Shall ensure that reports of all entries of personnel in accordance with the provisions of paragraph 4(d) below, and the entries of aircraft and vessels in accordance with the provisions of paragraph 4(e) below, and the entries of materials, supplies, equipment and effects in accordance with the provisions of paragraph 4(f)(1) and 4(k)(1) below, are furnished expeditiously to the Government of Honduras.

4. *Specific Undertakings of the Government of Honduras.* As its contribution to the Cooperative Meteorological Program, the Government of Honduras:

(a) Shall make available, with right of access, without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, for its use as sites for the facility described in paragraph 2 of this document, the two areas of land on Great Swan Island described in Annex A. Officials, employees, and agents of the Government of Honduras shall be entitled to access to these areas whenever necessary for the operation and maintenance of any facility or equipment for which the Government of Honduras has assumed responsibility. Also without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, officials, employees, and agents of the Government of the United States shall be allowed access to any other areas where there are service and distribution lines furnishing oil, water, or electric power for any facility or equipment for which the Government of the United States is responsible, when such access is necessary for the operation or maintenance of the lines, facilities, or equipment.

(b) Shall assume responsibility for the continued maintenance and further development of the dock and landing strip on Great Swan Island, including the maintenance of the equipment connected therewith, as may be necessary to carry out the Cooperative Meteorological Program, subject to the right of access, without cost to the Government of the United States for the duration of the Cooperative Meteorological Program, which the officials, employees, and agents of the Government of the United States shall have to the aforesaid dock and landing strip.

(c) Shall take all necessary steps to facilitate:

(i) The activities of the Government of the United States and its officials, employees, and agents in connection with the Cooperative Meteorological Programs;

(ii) The provision of such services and facilities in Honduras as may be required to carry out those activities; and

(iii) The importation into Honduras of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program.

(d) Shall exempt the officials, employees, and agents of the Government of the United States who are required to visit or serve on Great Swan Island in connection with the Cooperative Meteorological Program from visa requirements, immigration inspection, and any registration or control as aliens, until the provisions of paragraph 4(m) shall have been implemented. Thereafter, without charge and through the appropriate Honduran official or officials resident on Great Swan Island, they shall comply with Honduran visa requirements and procedures relating to immigration inspection and alien registration and control.

(e) Shall permit aircraft and vessels engaged in the Cooperative Meteorological Program to go to Great Swan Island, without prior authorization but subject to prior notification to the pertinent authorities.

(f) Shall permit the entry into Honduras, free of customs and import duties, taxes, or other similar charges, of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program, and shall permit the entry into Honduras of such materials, equipment, supplies, and goods directly at Great Swan Island. Until the provisions of paragraph 4(m) below shall have been implemented,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has been implemented, provisions (i) and (ii) above shall no longer be in force.

(g) Shall collect no license fees, taxes, or other similar charges in respect of the use in Honduras, in connection with the Cooperative Meteorological Program, of any items imported under the provisions of paragraph 4(f) above.

(h) Shall levy no fees, taxes, or other similar chargea with respect to the use or ownership of the real property described in paragraph 4(a) above and paragraph 5 below.

(i) Shall require no person ordinarily resident in the United States to pay in Honduras any tax for a license in respect of any service or work done for the Government of the United States in connection with the Cooperative Meteorological Program or under any contract made with the Government of the United States in connection with the Cooperative Meteorological Program.

(j) Shall exempt any official or employee of the Government of the United States temporarily in Honduras in connection with the Cooperative Meteorological Program from payment of any taxes or other charges which would otherwise be imposed upon him by virtue of his temporary residence in Honduras.

(k) Shall exempt any official or employee of the Government of the United States serving or employed in Honduras in connection with the Cooperative Meterological Program, who is not a national of Honduras and who is residing in the country only by reason of such service or employment, from the payment of customs and import duties, taxes, or other similar charges on personal effects, household furnishings, equipment, and supplies, including one personal motor vehicle, which was imported into Honduras and which enter directly at Great Swan Island, for his own use or the use of his immediate family (spouse, parents, and children). Until provisions of paragraph 4(m) below shall have taken effect,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has taken effect, provisions (i) and (ii) above shall no longer be in force.

(l) Shall exempt any such official or employee, and the spouse, parents, and children of such official or employee, from the payment of all taxes that otherwise would be imposed on them solely by virtue of their residence in Honduras, including (1) income tax (except from income derived from sources in Honduras); (2) social security taxes; (3) any poll or personal tax; and (4) any tax on the ownership or use of property situated on Great Swan Island or outside Honduras.

(m) Shall provide on Great Swan Island, as soon as feasible, sufficient Honduran personnel who will reside on the island and who shall be authorized to issue on Great Swan Island all permits or authorizations required for the entry of person, aircraft, vessels, materials, equipment, supplies, and household effects under the provisions of paragraph 4(d), 4(e), 4(f), 4(g), and 4(k) above, to issue visas, and to implement on Great Swan Island Honduran procedures with respect to alien registration and control.

5. *Title to Property.*

(a) Title to the property on Great Swan Island described in Annex B shall be retained by the Government of the United States.

(b) Title to improvements to real property hereinafter furnished, acquired, or constructed by, or with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(c) Title to any item of equipment or other personal property hereafter supplied by, or purchased with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(d) In the event of termination of the Cooperative Meteorological Program, the Government of the United States shall have the option of removing from Great Swan Island any personal property to which it has title. Title to any property which is not removed shall be transferred to the Government of Honduras.

6. *Liability.* The Government of the United States shall be responsible for claims for damage to property or injury to persons only with respect to activities connected with the Cooperative Meteorological Program directly engaged in or performed by that Government or its employees.

No liability shall attach to the Government of the United States based solely on the fact that it holds title to real or personal property used in connection with the program.

7. *Protection of Radio Frequencies*

(a) During the life of the Cooperative Meteorological Program:

(i) The following radio frequencies shall be protected in order to ensure their use free of interference for the operation and maintenance of the facility described in paragraph 2 above: 2738 kHz, 2774.5 kHz, 3223 kHz, 3329 kHz, 3361.5 kHz, 5923.5 kHz, 5945 kHz, 6855 kHz, 6976 kHz, 8150 kHz, 9840 kHz, 9946 kHz, 12175 kHz, and 14790.5 kHz, and emergency frequencies 121.5 mHz and 242 mHz.

(ii) The radio frequencies in the 401–406 MHZ and 1660–1700 MHZ bands shall be protected to ensure their use free of interference for rawinsonde observations, in accordance with the provisions of the Radio Regulations annexed to the International Telecommunication Convention.

(iii) A radio call sign which has been assigned by the appropriate Honduran agency shall be used in its telecommunications operations by the meteorological observation and telecommunications facility on Great Swan Island.

(b) The appropriate agencies of the Governments of Honduras and the United States shall initiate consultations as soon as practicable making available at the headquarters of the National Meteorological Service of Honduras the reports of the meterological observations made at the Great Swan Island facility.

8. *Appropriation of Funds.* To the extent that the carrying out of any provision of this agreement will depend on funds appropriated by the Congress of the United States of America, it shall be subject to the availability of such funds.

9. *Review of the Program.* Five years after the entry into force of this agreement, or at an earlier date if mutually agreed upon, the Government of Honduras and the Government of the United States shall review its operation and consider its revision to provide for an adjustment and appropriate reapportionment of responsibilities under the program or for assumption by the Government of Honduras of complete responsibility for the operation and maintenance of the facility described in paragraph 2 above.

10. *Term.* This agreement shall enter into force on the date of the exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or sixty days after either Government has given notice in writing to the other Government of its intention to terminate it.

If the foregoing provisions are acceptable to the Government of Honduras, I have the honor to propose that your Excellency's reply to that effect and my note shall constitute an agreement between our two Governments, which shall enter into force as provided above.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HEWSON A. RYAN.

ANNEX A

Annex A gives the description of the two sites to be made available by Honduras to the United States for the duration of the Cooperative Meteorological Program.

ANNEX B

Annex B gives the description of the property to which the United States retains title.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America,
United States Embassy.

EXCELLENCY: I have the honor to acknowledge receipt of Your Excellency's note of this date, which refers to the Treaty on the Swan Islands, concluded also on this date, subject

to ratification, between the Governments of Honduras and the United States of America.

Article II of the Treaty states the intention of the two Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments.

Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras, on the date the Treaty enters into force, all land to which it holds title, as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In the same note your Excellency proposes a cooperative program between our two Governments on the following terms:

[For text see preceding U.S. Embassy note No. 185.]

Since the foregoing provisions are acceptable to the Government of Honduras, Your Excellency's note and this note in reply shall constitute an agreement, which shall enter into force as provided.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

(Exchange of Notes Concerning Electric Power)

TEGUCIGALPA, D.C., *November 22, 1971.*

No. 191.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands, signed today, subject to ratification, on behalf of the Government of the United States of America and the Government of Honduras.

Article II of the Treaty declares the intention of the two Governments to establish a cooperative program for the continuation of the meteorological observation and telecommunications facility on the Swan Islands according to terms to be agreed upon between the two Governments.

These terms were agreed in an exchange of notes today between Your Excellency and me and provide, *inter alia*, for the Government of the United States to retain title to the electric generators which furnish electric power for the facility and for the Government of Honduras to assume responsibility for the maintenance and further development of the dock and landing strip.

Furthermore, Article III of the Treaty provides for the Government of Honduras to assume responsibility for the operation and maintenance of the radio air navigational facility on the Swan Islands. The electric generators referred to presently supply also the electrical power needed for the operation of the radio air navigational facility and for the lighting systems associated with the dock and the landing strip.

In view of the above, I have the honor to propose that, in order to facilitate the operations for which the Government of Honduras will be responsible, the Government of the United States, while it continues to operate the electric generators on Great Swan Island, shall make electric power available to the radio air navigational facility and the lighting systems associated with the dock and the landing strip, without cost to the Government of Honduras, provided that

(a) current levels of consumption at each of the three installations shall not be exceeded without prior agreement between the appropriate representatives of the two Governments;

(b) the Government of Honduras shall assume responsibility for the maintenance of the electric service lines between each of the three installations and the nearest power distribution point to the installation in question.

If the foregoing is acceptable to the Government of Honduras, I have the honor to propose that Your Excellency's reply to that effect and my note shall constitute a further agreement between our two Governments, which shall be supplementary to the agreement on the meteorological facility and which shall enter into force on the day of exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

EXCELLENCY: I have the honor to acknowledge receipt of your note of this date, which refers to the Treaty, on the Swan Islands, concluded today, subject to ratification, between the Governments of Honduras and the United States of America.

Your Excellency states:

[For text see preceding US Embassy note No. 191.]

Since the foregoing terms are acceptable to the Government of Honduras, Your Excellency's note and this reply shall constitute an agreement, which shall enter into force on the date of exchange of the instruments of ratification of the aforesaid Treaty and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs for Honduras.

(Exchange of Notes Concerning Rights of Third Country Nationals)

EMBASSY OF THE
UNITED STATES OF AMERICA,
Tegucigalpa, D.C., November 10, 1971.

AIDE-MEMOIRE

Reference is made to the current negotiations between the United States of America and the Republic of Honduras with respect to the Swan Islands.

As the Government of Honduras is aware, there are a small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals. It is the understanding of the Government of the United States that after its recognition of Honduran sovereignty over the Swan Islands under the Treaty which the two Governments have recently negotiated, the Government of Honduras will protect the residential and personal property rights of such persons.

It would be appreciated if the Government of Honduras would confirm this understanding.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 18, 1971.

AIDE-MEMOIRE

With reference to the Embassy's aide-memoire of November 10, 1971, concerning the small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals, the Government of Honduras takes pleasure in stating that it is willing to protect their residential and property rights, in conformity with the Constitution of the Republic and other national laws.

Ministry of Foreign Affairs of Honduras.

(Exchange of Notes Concerning the Juridical Position of the United States With Respect to the Territorial Sea and Jurisdiction Over Fisheries)

TEGUCIGALPA, *November, 22, 1971.*

No. 190.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands signed today by the United States of America and the Republic of Honduras.

Nothing in said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

MR. AMBASSADOR: I have the honor to acknowledge receipt of Your Excellency's note of this date, referring to the Treaty on the Swan Island, signed today.

I state to Your Excellency that: "Nothing in the said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

EXECUTIVE A

CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The States signatory to the present Convention,

Desiring to facilitate the transmission and execution of Letters of Request and to further the acccommodation of the different methods which they use for this purpose,

Desiring to improve mutual judicial co-operation in civil or commercial matters,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions—

CHAPTER I. LETTERS OF REQUEST

ARTICLE 1

In civil or commercial matters a judicial authority of a Contracting State may, in accordance with the provisions of the law of that State, request the competent authority of another Contracting State, by means of a Letter of Request, to obtain evidence, or to perform some other judicial act.

A Letter shall not be used to obtain evidence which is not intended for use in judicial proceedings, commenced or contemplated.

The expression 'other judicial act' does not cover the service of judicial documents or the issuance of any process by which judgments or orders are executed or enforced, or orders for provisional or protective measures.

ARTICLE 2

A Contracting State shall designate a Central Authority which will undertake to receive Letters of Request coming from a judicial authority of another Contracting State and

to transmit them to the authority competent to execute them. Each State shall organize the Central Authority in accordance with its own law.

Letters shall be sent to the Central Authority of the State of execution without being transmitted through any other authority of that State.

ARTICLE 3

A letter of Request shall specify—

(a) the authority requesting its execution and the authority requested to execute it, if known to the requesting authority;

(b) the names and addresses of the parties to the proceedings and their representatives, if any;

(c) the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto;

(d) the evidence to be obtained or other judicial act to be performed.

Where appropriate, the Letter shall specify, inter alia—

(e) the names and addresses of the persons to be examined;

(f) the questions to be put to the persons to be examined or a statement of the subject-matter about which they are to be examined;

(g) the documents or other property, real or personal, to be inspected;

(h) any requirement that the evidence is to be given on oath or affirmation, and any special form to be used;

(i) any special method or procedure to be followed under Article 9.

A Letter may also mention any information necessary for the application of Article 11.

No legalization or other like formality may be required.

ARTICLE 4

A Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language.

Nevertheless, a Contracting State shall accept a Letter in either English or French, or a translation into one of these languages, unless it has made the reservation authorized by Article 33.

A Contracting State which has more than one official language and cannot, for reasons of internal law, accept Letters in one of these languages for the whole of its territory, shall, by declaration, specify the language in which the Letter or translation thereof shall be expressed for execution in the specified parts of its territory. In case of failure to comply with this declaration, without justifiable excuse, the costs of translation into the required language shall be borne by the State of origin.

A Contracting State may, by declaration, specify the language or languages other than those referred to in the preceding paragraphs in which a Letter may be sent to its Central Authority.

Any translation accompanying a Letter shall be certified as correct, either by a diplomatic officer or consular agent or by a sworn translator or by any other person so authorized in either State.

ARTICLE 5

If the Central Authority considers that the request does not comply with the provisions of the present Convention, it shall promptly inform the authority of the State of origin which transmitted the Letter of Request, specifying the objections to the Letter.

ARTICLE 6

If the authority to whom a Letter of Request has been transmitted is not competent to execute it, the Letter shall be sent forthwith to the authority in the same State which is competent to execute it in accordance with the provision of its own law.

ARTICLE 7

The requesting authority shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representatives, if any, may be present. This information shall be sent directly to the parties or their representatives when the authority of the State of origin so requests.

ARTICLE 8

A Contracting State may declare that members of the judicial personnel of the requesting authority of another Contracting State may be present at the execution of a Letter of Request. Prior authorization by the competent authority designated by the declaring State may be required.

ARTICLE 9

The judicial authority which executes a Letter of Request shall apply its own law as to the methods and procedures to be followed.

However, it will follow a request of the requesting authority that a special method or procedure be followed, unless this is incompatible with the internal law of the State of execution or is impossible of performance by reason of its internal practice and procedure or by reason of practical difficulties.

A Letter of Request shall be executed expeditiously.

ARTICLE 10

In executing a Letter of Request the requested authority shall apply the appropriate measures of compulsion in the instances and to the same extent as are provided by its internal law for the execution of orders issued by the authorities of its own country or of requests made by parties in internal proceedings.

ARTICLE 11

In the execution of a Letter of Request the person concerned may refuse to give evidence in so far as he has a privilege or duty to refuse to give the evidence—

(a) under the law of the State of execution; or

(b) under the law of the State of origin, and the privilege or duty has been specified in the Letter, or, at the instance of the requested authority, has been otherwise confirmed to that authority by the requesting authority.

A Contracting State may declare that, in addition, it will respect privileges and duties existing under the law of States other than the State of origin and the State of execution, to the extent specified in that declaration.

ARTICLE 12

The execution of a Letter of Request may be refused only to the extent that—

(a) in the State of execution the execution of the Letter does not fall within the functions of the judiciary; or

(b) the State addressed considers that its sovereignty or security would be prejudiced thereby.

Execution may not be refused solely on the ground that under its internal law the State of execution claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not admit a right of action on it.

ARTICLE 13

The documents establishing the execution of the Letter of Request shall be sent by the requested authority to the requesting authority by the same channel which was used by the latter.

In every instance where the Letter is not executed in whole or in part, the requesting authority shall be informed immediately through the same channel and advised of the reasons.

ARTICLE 14

The execution of the Letter of Request shall not give rise to any reimbursement of taxes or costs of any nature.

Nevertheless, the State of execution has the right to require the State of origin to reimburse the fees paid to experts and interpreters and the costs occasioned by the use of a special procedure requested by the State of origin under Article 9, paragraph 2.

The requested authority whose law obliges the parties themselves to secure evidence, and which is not able itself to execute the Letter may, after having obtained the consent of the requesting authority, appoint a suitable person to do so. When seeking this consent the requested authority shall indicate the approximate costs which would result from this procedure. If the requesting authority gives its consent it shall reimburse any costs incurred; without such consent the requesting authority shall not be liable for the costs.

CHAPTER II. TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS

ARTICLE 15

In a civil or commercial matter, a diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, take the evidence without compulsion of nationals of a State which he represents in aid of proceedings commenced in the courts of a State which he represents.

A Contracting State may declare that evidence may be taken by a diplomatic officer or consular agent only if permission to that effect is given upon application made by him or on his behalf to the appropriate authority designated by the declaring State.

ARTICLE 16

A diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, also take the evidence, without compulsion, of nationals of the State in which he exercises his functions or of a third State, in aid of proceedings commenced in the courts of a State which he represents, if—

(a) a competent authority designated by the State in which he exercises his functions has given its permission either generally or in the particular case, and

(b) he complies with the conditions which the competent authority has specified in the permission.

A Contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 17

In a civil or commercial matter, a person duly appointed as a commissioner for the purpose may, without compulsion, take evidence in the territory of a Contracting State in aid of proceedings commenced in the courts of another Contracting State if—

(a) a competent authority designated by the State where the evidence is to be taken has given its permission either generally or in the particular case; and

(b) he complies with the conditions which the competent authority has specified in the permission.

A contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 18

A Contracting State may declare that a diplomatic officer, consular agent or commissioner authorized to take evidence under Articles 15, 16 or 17, may apply to the competent authority designated by the declaring State for appropriate assistance to obtain the evidence by compulsion. The declaration may contain such conditions as the declaring State may see fit to impose.

If the authority grants the application it shall apply any measures of compulsion which are appropriate and are prescribed by its law for use in internal proceedings.

ARTICLE 19

The competent authority, in giving the permission referred to in Article 15, 16 or 17, or in granting the application referred to in Article 18, may lay down such conditions as it deems fit, *inter alia*, as to the time and place of the taking of the evidence. Similarly it may require that it be given

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reasonable advance notice of the time, date and place of the taking of the evidence; in such a case a representative of the authority shall be entitled to be present at the taking of the evidence.

ARTICLE 20

In the taking of evidence under any Article of this Chapter persons concerned may be legally represented.

ARTICLE 21

Where a diplomatic officer, consular agent or commissioner is authorized under Articles 15, 16 or 17 to take evidence—

(a) he may take all kinds of evidence which are not incompatible with the law of the State where the evidence is taken or contrary to any permission granted pursuant to the above Articles, and shall have power within such limits to administer an oath or take an affirmation;

(b) a request to a person to appear or to give evidence shall, unless the recipient is a national of the State where the action is pending, be drawn up in the language of the place where the evidence is taken or be accompanied by a translation into such language;

(c) the request shall inform the person that he may be legally represented and, in any State that has not filed a declaration under Article 18, shall also inform him that he is not compelled to appear or to give evidence;

(d) the evidence may be taken in the manner provided by the law applicable to the court in which the action is pending provided that such manner is not forbidden by the law of the State where the evidence is taken;

(e) a person requested to give evidence may invoke the privileges and duties to refuse to give the evidence contained in Article 11.

ARTICLE 22

The fact that an attempt to take evidence under the procedure laid down in this Chapter has failed, owing to the refusal of a person to give evidence, shall not prevent an application being subsequently made to take the evidence in accordance with Chapter I.

CHAPTER III. GENERAL CLAUSES

ARTICLE 23

A Contracting State may at the time of signature, ratification or accession, declare that it will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries.

ARTICLE 24

A Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence. However, Letters of Request may in all cases be sent to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

ARTICLE 25

A Contracting State which has more than one legal system may designate the authorities of one of such systems, which shall have exclusive competence to execute Letters of Request pursuant to this Convention.

ARTICLE 26

A Contracting State, if required to do so because of constitutional limitations, may request the reimbursement by the State of origin of fees and costs, in connection with the execution of Letters of Request, for the service of process necessary to compel the appearance of a person to give evidence, the costs of attendance of such persons, and the cost of any transcript of the evidence.

Where a State has made a request pursuant to the above paragraph, any other Contracting State may request from the State the reimbursement of similar fees and costs.

ARTICLE 27

The provisions of the present Convention shall not prevent a Contracting State from—

(a) declaring that Letters of Request may be transmitted to its judicial authorities through channels other than those provided for in Article 2;

(b) permitting, by internal law or practice, any act provided for in this Convention to be performed upon less restrictive conditions;

(c) permitting, by internal law or practice, methods of taking evidence other than those provided for in this Convention.

ARTICLE 28

The present Convention shall not prevent an agreement between any two or more Contracting States to derogate from—

(a) the provisions of Article 2 with respect to methods of transmitting Letters of Request;

(b) the provisions of Article 4 with respect to the languages which may be used;

(c) the provisions of Article 8 with respect to the presence of judicial personnel at the execution of Letters;

(d) the provisions of Article 11 with respect to the privileges and duties of witnesses to refuse to give evidence;

(e) the provisions of Article 13 with respect to the methods of returning executed Letters to the requesting authority;

(f) the provisions of Article 14 with respect to fees and costs;

(g) the provisions of Chapter II.

ARTICLE 29

Between Parties to the present Convention who are also Parties to one or both of the Conventions on Civil Procedure signed at the Hague on the 17th of July 1905 and the 1st of March 1954, this Convention shall replace Articles 8–16 of the earlier Conventions.

ARTICLE 30

The present Convention shall not affect the application of Article 23 of the Convention of 1905, or of Article 24 of the Convention of 1954.

ARTICLE 31

Supplementary Agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention unless the Parties have otherwise agreed.

ARTICLE 32

Without prejudice to the provisions of Articles 29 and 31, the present Convention shall not derogate from conventions containing provisions on the matters covered by this Convention to which the Contracting States are, or shall become Parties.

ARTICLE 33

A State may, at the time of signature, ratification or accession exclude, in whole or in part, the application of the provisions of paragraph 2 of Article 4 and of Chapter II. No other reservation shall be permitted.

Each Contracting State may at any time withdraw a reservation it has made; the reservation shall cease to have effect on the sixtieth day after notification of the withdrawal.

When a State has made a reservation, any other State affected thereby may apply the same rule against the reserving State.

ARTICLE 34

A State may at any time withdraw or modify a declaration.

ARTICLE 35

A Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the designation of authorities, pursuant to Articles 2, 8, 24 and 25.

A Contracting State shall likewise inform the Ministry, where appropriate, of the following—

(a) the designation of the authorities to whom notice must be given, whose permission may be required, and whose assistance may be invoked in the taking of evidence by diplomatic officers and consular agents, pursuant to Articles 15, 16 and 18 respectively;

(b) the designation of the authorities whose permission may be required in the taking of evidence by commissioners pursuant to Article 17 and of those who may grant the assistance provided for in Article 18;

(c) declarations pursuant to Articles 4, 8, 11, 15, 16, 17, 18, 23 and 27;

(d) any withdrawal or modification of the above designations and declarations;

(e) the withdrawal of any reservation.

ARTICLE 36

Any difficulties which may arise between Contracting States in connection with the operation of this Convention shall be settled through diplomatic channels.

ARTICLE 37

The present Convention shall be open for signature by the States represented at the Eleventh Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

ARTICLE 38

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 37.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

ARTICLE 39

Any State not represented at the Eleventh Session of the Hague Conference on Private International Law which is a Member of this Conference or of the United Nations or of a specialized agency of that Organization, or a Party to the Statute of the International Court of Justice may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 38.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter force for a State acceding to it on the sixtieth day after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the sixtieth day after the deposit of the declaration of acceptance.

ARTICLE 40

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification indicated in the preceding paragraph.

ARTICLE 41

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 38, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

ARTICLE 42

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 37, and to the States which have acceded in accordance with Article 39, of the following—

(a) the signatures and ratifications referred to in Article 37;

(b) the date on which the present Convention enters in force in accordance with the first paragraph of Article 38;

(c) the accessions referred to in Article 39 and the dates on which they take effect;

(d) the extensions referred to in Article 40 and the dates on which tfiey take effect;

(e) the designations, reservations and declarations referred to in Articles 33 and 35;

(f) the denuciations referred to in the third paragraph of Article 41.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto have signed the present Convention.

DONE at The Hague, on the 18th day of March 1970, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archieves of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Eleventh Session of the Hague Conference on Private International Law.

EXECUTIVE F

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ARGENTINA

The United States of America and the Republic of Argentina, desiring to make more effective the cooperation of the two countries in the repression of crime, agree as follows:

ARTICLE 1

The Contracting Parties agree to extradite on a reciprocal basis to the other, in the circumstances and subject to the conditions established in this Treaty, persons found in the territory of one of the Parties who have been charged with or convicted by the judicial authorities of the other of the offenses mentioned in Article 2 of this Treaty committed within the territory of such other, or outside thereof under the conditions specified in Article 3.

ARTICLE 2

Persons shall be delivered up according to the provisions of this Treaty for any of the following offenses provided that these offenses are punishable by the laws of both Contracting Parties by deprivation of liberty for a maximum period exceeding one year:

1. Murder or manslaughter.
2. Abortion.
3. Aggravated injury or mutilation.
4. Any offense relating to firearms.
5. Willful abandonment of a child or spouse when for that reason the life of that child or spouse is or is likely to be endangered or death results.
6. Rape; statutory rape; indecent assault; corruption of minors, including unlawful sexual acts with or upon minors under the age specified by the penal laws of both Contracting Parties.
7. Procuration; promoting or facilitating prostitution.
8. False imprisonment; abduction or child stealing; kidnapping.
9. Robbery or larceny or burglary.
10. Extortion or threats.
11. Bigamy.
12. Fraud; embezzlement or breach of fiduciary relationships; obtaining money, valuable securities or property, by false pretenses or by other fraudulent means including the use of the mails or other means of communication.
13. Unlawful manufacture, use, distribution, supply, acquisition or possession, or theft of bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials; manufacture, use, distribution, supply, acquisition or possession of any bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials, with the purpose of committing an offense.
14. Offenses that endanger the safety of means of transportation or communication, including any act that endangers any person on a means of transportation.
15. Piracy of vessels or aircraft, including hijacking.
16. Offenses against public health.
17. Unlawful introduction or importation, exportation, fabrication, production, preparation, sale, delivery or supply of narcotic drugs, psychotropic drugs, cocaine and its derivatives and other dangerous drugs including cannabis sativa L, and chemicals or substances injurious to health or of primary materials designed for such fabrication.
18. Introduction, export, fabrication, transportation, sale or transmission, use, possession or stockpiling of explosives, offensive chemicals or similar materials, substances, or instruments designed for such fabrication, arms, munitions, nuclear elements and other materials considered war material, other than such acts legally provided for or properly authorized.
19. Bribery, including soliciting, offering and accepting.
20. Malversation.
21. False statements, accusations or testimony effected before a government agency or official.
22. Counterfeiting or forgery of money, bank bills, bearer bonds, documents of credit, seals, stamps, marks, and public and private instruments. For the purpose of this offense, holographic wills, sealed wills, checks, letters of exchange and negotiable or bearer documents shall be considered public instruments.
23. Issuance, acceptance or endorsement of receipts which do not conform, totally or partially, to purchases and sales actually performed.
24. Execution or issuance of checks without sufficient funds.
25. Smuggling.
26. The acquisition, receipt or concealment of money, objects or valuables, knowing the article is the result of a crime, whether or not the receiver participated in such crime or intervened pursuant to an agreement preceding the offense.
27. Arson; malicious injury to property.
28. Any offense against the bankruptcy laws.
29. Industrial or commercial fraud, including:

(a) The raising or lowering the price of merchandise, public funds or negotiable instruments through the use of false information, simulated negotiations, meetings or coalitions, for the purpose of not selling certain merchandise or of selling at a fixed price.

(b) The offering of public funds or stock or financial obligations of corporations, companies, partnerships, or corporate bodies, dissimulating or concealing facts or true circumstances or affirming or expressing false statements or circumstances.

(c) The publishing or authorizing of false or incomplete inventories, accounts, profit and loss statements, reports or statements or informing a meeting of partners by falsehood or the withholding of information about important facts needed to understand the economic condition of a firm, for whatever end.

In the case of subparagraphs (a) and (b) of this paragraph, the offense can be committed by any individual as well as by members of corporations or partnerships of any nature. In the supposition of subparagraph (c) of this paragraph, the offense must necessarily have been committed by incorporators, directors, administrators, liquidators or trustees of incorporated entities, cooperatives or other joint companies.

30. Assault upon a public official.

Extradition shall also be granted for participation in any of the offenses mentioned in this Article, not only as principal or accomplices, but as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned offenses, when such participation, attempt or conspiracy is subject, under the laws of both Parties, to a term of imprisonment exceeding one year.

In the case in which a person has already been convicted, extradition will be granted only if the sentence imposed or remaining to be served is a minimum of one year of imprisonment.

ARTICLE 3

For the purposes of this Treaty, the territory of a Contracting Party shall include all the territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in that Contracting Party if any such aircraft is in flight or if any such vessel is on the high seas when the offense is committed. For purposes of this Treaty an aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends. The aforementioned provisions do not exclude the application of penal jurisdiction exercised in accord with the legislation of the requested Party.

When the offense for which extradition has been requested has been committed outside the territory of the requesting Party, the executive authority of the United States or the judicial authority of the Republic of Argentina, as appropriate, shall have the power to grant extradition if the laws of the requested State provide for the jurisdiction over such an offense committed in similar circumstances.

ARTICLE 4

Notwithstanding the general principle contained in Article 1, the Contracting Parties shall not be bound to grant extradition of their own nations, but the executive authority of the United States or the competent authority of the Republic of Argentina shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

If the request for extradition is denied on the basis of nationality, the person claimed shall be tried by the requested Party for the offense on which the request for extradition was based, unless that offense is not punishable under its own laws or the requested Party lacks appropriate jurisdiction.

The status of nationality shall be determined by the laws of the requested Party.

ARTICLE 5

Extradition shall be granted if the evidence presented, according to the laws of the place where the indicted or convicted person is located, would justify his arrest in order to be held for trial if he had committed the crime there, or is sufficient to prove that such person has already been convicted by the requesting Party.

ARTICLE 6

When the person whose extradition is requested is, at the time of the presentation of the request for extradition, under the age of eighteen years and has permanent residence in the requested country and the

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competent authorities of that country determine that extradition would prejudice the social readjustment and rehabilitation of that person, the requested Party may suggest to the requesting Party that the request for extradition be withdrawn, specifying the reasons therefor.

ARTICLE 7

1. Extradition shall not be granted in any of the following circumstances:

(a) When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the offense for which his extradition is requested.

(b) When the person whose surrender is sought has been tried and acquitted, or has undergone punishment, or has been pardoned, in a third State for the offense for which his extradition is requested.

(c) When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requested Party or the requesting Party.

(d) When the offense in respect of which the extradition is requested is a military offense and does not fall within the jurisdiction of ordinary criminal law.

(e) When the offense in respect of which the extradition is requested is of a political character or is connected with an offense of a political character, or when the person whose extradition is requested proves that the extradition is requested for the purpose of trying or punishing him for an offense of the above-mentioned character.

The allegation of a political motive or end shall not impede the extradition if the alleged offense constitutes primarily a common offense, in which case the requested Party may request that the requesting Party give assurances that the political motive or end will not contribute to the aggravation of the penalty.

2. In the case of doubt related to this Article the competent authorities of the requested Party shall decide.

ARTICLE 8

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party, and the laws of the requested country do not permit the death penalty for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE 9

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and, in the case of a conviction, until the full execution of any punishment he may be or may have been awarded.

ARTICLE 10

The determination that extradition should or should not be granted shall be made in accordance with this Treaty and the law of the requested Party. The person whose extradition is sought shall have the right to use such remedies and recourses as are provided by the law of the requested Party.

ARTICLE 11

1. The request for extradition shall be made through the diplomatic channel.

2. The request shall be accompanied by:

(a) A statement of the facts of the case.

(b) The data necessary to prove the identity of the person whose extradition is sought including, when possible, photographs and fingerprints.

(c) The text of the applicable laws, including the laws defining the offense, the law prescribing the punishment for the offense and the laws relating to the limitation of the legal proceedings or the enforcement of the legal penalty for the offense.

(d) The evidence which would be necessary, according to the laws of the requested Party, to justify the arrest and committal for trial of the person whose extradition is sought, as if the offense had been committed in the territory of the requested Party.

3. When the request relates to a person who has not yet been convicted, it must be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party.

4. When the request relates to a person already convicted, it shall be accompanied by the following:

(a) When emanating from the United States, a copy of the judgment of conviction and of the sentence if it has been passed.

(b) When emanating from the Republic of Argentina, a copy of the sentence.

In a case envisioned in this subparagraph, a certification showing that the sentence has not been served or how much of the sentence has not been served shall also be sent to the requested Party.

5. The documents which, according to this Article, shall accompany the extradition request, shall be admitted in evidence when:

(a) In the case of a request emanating from the United States, they are signed by a judge, magistrate or officer of the United States, authenticated by the official seal of the Department of State and certified by the principal diplomatic or consular officer of the Republic of Argentina in the United States.

(b) In the case of a request emanating from the Republic of Argentina they are signed by a judge or other judicial authority and are legalized by the principal diplomatic or consular officer of the United States in the Republic of Argentina.

6. All the documents mentioned in this Article shall be accompanied by a translation into the language of the requested Party which will be at the expense of the requesting Party.

ARTICLE 12

In case of urgency the Contracting Parties may request, through their respective diplomatic agents, the provisional arrest of an accused as well as the seizure of objects relating to the offense of which he has been accused and which objects are in the possession of the accused or of his agent, associate, or representative, and the location of which has been identified by the requesting Party. The requesting Party shall support a request for objects by evidence showing the relationship of the objects to the offense charged. The requested Party may decline this request if it appears that the interest of innocent third parties has intervened.

The request shall be granted if it contains a declaration of the existence of one of the documents enumerated in Article 11, paragraphs 3 and 4, the description of the person sought and the offense for which he has been charged.

If, within forty-five calendar days from the date of provisional arrest, the requesting Party fails to present the formal request for extradition, supported by the documents required by Article 11, the person claimed shall be released and a new request based on the same offense shall be admitted only if a formal request for extradition is presented with all the requirements enumerated in Article 11.

ARTICLE 13

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. Such discharge shall not bar the requesting Party from submitting another request in due form in respect of the same offense.

ARTICLE 14

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. If, upon being released, he remains in the territory of the requesting Party for more than thirty days counting from the date his release was granted; or

2. When, having left the territory of the requesting Party after his extradition, he has voluntarily returned to it;

3. When the requested Party has manifested its consent to his detention, trial or punishment for an offense other than that for which extradition was granted or to his extradition to a third State provided such other offense is covered by Article 2.

For the purpose of subparagraphs 1 and 2 of this Article, the person extradited must be formally advised at the time he is released in the requesting Party of the possible consequences if he remains in the territory of that Party.

The stipulations of subparagraphs 1, 2, and 3 of this Article shall not apply to offenses committed after the extradition.

ARTICLE 15

The requested Party upon receiving two or more requests for the extradition of the same person, either for the same offense or for different offenses, shall determine to which of the requesting States it will grant extradition, taking into consideration all the circumstances of the case and, particularly, the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting States.

ARTICLE 16

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within thirty days from the date of said communication, he shall be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE 17

To the extent permitted under the law of the requested Party and subject to the rights of third Parties, which shall be duly respected, all articles, objects of value or documents relating to the offense, whether acquired as a result of the offense or use for its execution, or which in any other manner may be material evidence for the prosecution, shall, if found, be surrendered upon the granting of the extradition even when extradition cannot be effected due to the death or disappearance of the accused.

ARTICLE 18

Transit through the territory of one of the Contracting Parties of a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel, which request shall be accompanied by a copy of the warrant or order of extradition, provided that conditions are present which would warrant extradition of such person by the State of transit and reason of public order are not opposed to the transit.

The requesting Party shall reimburse the State of transit for any expenses incurred in connection with such transportation.

ARTICLE 19

Expenses related to the translation of documents and to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.

No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested Party against the requesting Party.

ARTICLE 20

Once extradition of an individual is denied, it may not again be requested for the same offense.

ARTICLE 21

Desirous of perfecting the judicial cooperation in criminal matters, the Contracting Parties agree as follows:

1. The competent judicial authority of each Contracting Party shall execute letters rogatory in criminal matters.

2. Such letters and accompanying documentation shall be presented in the original and one copy. All letters and documentation shall be translated by the sending State into the language of the receiving State which translations shall also be sent in the original and one copy.

3. Upon receipt of the letters, the receiving authority will effect transmission of these letters to the competent judicial authority for execution.

4. When the letters have been executed, they shall be returned to the sending State authenticated by the competent authority of the receiving State. The authentication shall be accomplished, as indicated, by the seal of the Department of Justice of the United States of America or the stamp of the Ministry of Foreign Affairs and Worship of the Republic of Argentina. Such authentication shall constitute evidence of authenticity of the letters and accompanying documents.

5. Expenses incurred in processing such letters shall be borne exclusively by the Government of the receiving State.

ARTICLE 22

This Treaty shall be ratified and enter into force upon the exchange of ratifications in Buenos Aires at the earliest possible date.

It may be terminated at any time by either Contracting Party by prior notification of the other Contracting Party, and termination shall become effective six months after the date such notification is received.

This Treaty shall abrogate and supersede the Extradition Treaty between the United States of America and the Argentine Republic done at Buenos Aires on September 26, 1896. The offenses listed in the Treaty of 1896 and which have been committed prior to the entry into force of the present Treaty shall nevertheless be subject to extradition pursuant to the provisions of that Treaty.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at Washington this twenty-first day of January, one thousand nine hundred seventy-two.

For the United States of America
WILLIAM P. ROGERS
For the Republic of Argentina:
CARLOS M. MUÑIZ

EXECUTIVE E

FINAL ACTS OF THE WORLD ADMINISTRATIVE RADIO CONFERENCE FOR SPACE TELECOMMUNICATIONS, GENEVA, 1971

ABBREVIATIONS

The following abbreviations are used in the Annexes, to indicate the nature of amendments made in the partial revision of the Radio Regulations.

Symbol	Meaning
MOD	Modification
SUP	Suppression
ADD	Addition
NOC	No change

Note: If a modification affects only the drafting of a number, without changing the substance, the following symbol is used: (MOD)

PARTIAL REVISION OF THE RADIO REGULATIONS [1]

In its Recommendation No. Spa 9, the Extraordinary Administrative Radio Conference to allocate frequency bands for space radiocommunication purposes, held in Geneva in 1963, recommended that the Administrative Council of the Union should review annually the progress in space radiocommunications made by administrations and the available reports and recommendations of the permanent organs of the Union with respect thereto. The Conference also recommended that the Administrative Council should, in the light of its annual review and at a date which it would determine, recommend to administrations the convening of an Administrative Conference to work out further agreements for the international regulation of the use of radio frequency bands allocated for space radiocommunications by the 1963 Conference.

At its 23rd Session in 1968, the Administrative Council, in its Resolution No. 632, recommended that a World Administrative Radio Conference should be convened during the latter part of 1970 or early 1971 and invited Administrations to send to the Secretary-General their proposals for the agenda thereof.

In accordance with Nos. 56 and 64 of the International Telecommunication Convention (Montreux, 1965), the Administrative Council, at its 1969 Session, with the concurrence of a majority of the Members of the Union, determined in its Resolution No. 653 the agenda of the World Administrative Radio Conference for Space Telecommunications and decided that it would meet in Geneva on 7 June, 1971 for a duration of six weeks, provision being made for one additional week if necessary.

However, in 1970, the Administrative Council, taking into account the provisions of Resolution No. 40 of the XIIth Plenary Assembly of the C.C.I.R. relative to the convening, prior to the Conference, of a Special Joint Meeting of C.C.I.R. Study Groups, decided in its Resolution No. 665 that the duration of the Conference would be six weeks.

The World Administrative Radio Conference for Space Telecommunications, accordingly convened on the appointed date, considered and revised, in conformity with its agenda, the relevant parts of the Radio Regulations. Particulars of the revision of the Radio Regulations are given in Annexes 1 to 19 hereto.

The revised provisions of the Radio Regulations shall form an integral part of the Radio Regulations which are annexed to the International Telecommunication Convention. They shall come into force on 1 January, 1973, on which date the provisions of the Radio Regulations which are cancelled or modified by this revision shall be abrogated.

The delegates signing this revision of the Radio Regulations hereby declare that, should an administration make reservations concerning the application of one or more of the revised provisions of the Radio Regulations, no other administration shall be obliged to observe that provision or those provisons in its relations with that particular administration.

Members and Associate Members of the Union shall inform the Secretary-General of their approval of the revision of the Radio Regulations by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971). The Secretary-General will inform Members and Associate Members of the Union regarding receipt of such notifications of approval as they are received.

In witness whereof the delegates of the Members of the Union represented at the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) have signed in the names of their respective countries this revision of the Radio Regulations in a single copy which will remain in the archives of the International Telecommunication Union and of which a certified copy will be delivered to each Member and Associate Member of the Union.

Done at Geneva, 17 July, 1971.

Pour l'Algérie (République Algérienne Démocratique et Populaire):
M. IBNOU-ZEKRI
M. HARBI
Pour le Royaume de l'Arabie Saoudite:
A. ZAIDAN
OBAID AL RAHMAN SAFFDAR
Pour la République Argentine:
N. J. MAZZARO
R. SAIDMAN
Pour le Commonwealth de l'Australie:
L. M. HARRIS
E. SANDBACH
Pour l'Autriche:
H. PANGRATZ
Pour la Belgique:
P. C. M. BOUCHIER
Pour la République Socialiste Soviétique de Biélorussie:
Z. L. PODORSKI
Pour le Brésil:
P. RIBENBOIM
J. V. PARETO NETO
A. J. A. SALGADO
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C. P. QUEVEDO
M. A. DE BIASE SILVA PICOT
R. R. RAMOS
M. B. MARSIAJ
L. C. BAHIANA
A. B. CARLEIAL
B. HIMELGRYN
J. SANTELLI JUNIOR
Pour la République Populaire de Bulgarie:
I. IGNATOV
Pour la République Fédérale du Cameroun:
P. N. KAMGA
Pour le Canada:
DE MONTIGNY MARCHAND
R. MARCHAND
Pour la République Centrafricaine:
F. D. DIMA
Pour Ceylan:
M. B. RODRIGO
Pour le Chili:
J. S. SCHATZ
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A. M. LUENGO
J. B. SERRAT
Pour la Chine:
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T. V. MIAO
C. CHEN
Pour la République de Chypre:
R. MICHAELIDES
Pour l'Etat de la Cité du Vatican:
H. M. DE RIEDMATTEN
A. STEFANIZZI
P. V. GIUDICI
Pour la République de Colombie:
D. GARCES
L. CHETHUAN
H. ROMBERO

[1] Namely the Radio Regulations, Geneva, 1959, as partially revised by the Extraordinary Administrative Radio Conference to allocate frequency bands for Space Radiocommunication purposes (Geneva, 1963) by the Extraordinary Administrative Radio Conference for the preparation of a revised allotment plan for the Aeronautical Mobile (R) Service (Geneva, 1966) and, by the World Administrative Radio Conference to deal with matters relating to the Maritime Mobile Service (Geneva, 1967).

XUM

Pour la République Démocratique du Congo:
A. BANANISA
G. NKUBITO
B. MVILAKANI
Pour la République Populaire du Congo:
F. BATOLA
Pour la République de Corée:
J. S. CHOY
B. K. CHO
Y. H. LEE
J. U. KIM
Pour la République de Côte d'Ivoire:
C. N. NOGBOU
P. K. KOPOIN
Pour Cuba:
L. SOLA VILA
J. A. VALLADARES TIMONEDA
J. RAURELL VIDAL
Pour le Danemark:
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T. SEBHATU
Pour la Finlande:
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A. SINKKONEN
Pour la France:
F. JOB.
M. HUET
P. L. CHASPOUL
J. B. BES
Pour la République Gabonaise:
S. EWORE
T. SOUAH
Pour le Ghana:
R. K. BAFFOUR
Pour la Gréce:
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E. NICOLAIDES
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J. MALONE
Pour l'Islande:
S. THORKELSSON
S. OSKARSSON

Pour l'Etat d'Israël:
M. SHAKKED
Pour l'Italie:
A. BIGI
A. PETTI
Pour la Jamaïque:
G. A. GAUNTLETT
T. O. MINOTT
Pour le Japon:
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Y. OKAWA
Pour le Kenya:
R. M. YUSUF
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I. N. ODUNDO
Pour l'Etat de Koweït:
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Pour le Royaume du Maroc:
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Pour Monaco:
C. C. SOLAMITO
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P. E. WILLEMS
K. J. KERLING
F. S. LATOUR
Pour le Pérou:
J. ESTRADA GOMEZ SANCHEZ
J. E. BARREDA DELGADO
M. COLINA-MARIE
Pour la République des Philippines:
C. S. CARREON
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J. O. LEANDRO
Pour la République Arabe Syrienne:
N. KISRAWI
M. HAMMOUDE
Pour la République Arabe Unie:
E. ELKASHLAN
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J. KUPPER
Pour la République Socialiste Soviétique de l'Ukraine:
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G. AIRINEI
L. CONSTANTINESCU
Pour de Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Iles Anglo-Normandes et l'Ile de Man:
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Pour la République du Sénégal:
A. M'BODJI
I. N'DOYE
L. DIA
Pour la République de Singapour:
R. G. RAJASINGAM
Pour la République Sudafricaine:
A. BIRRELL
P. H. de V. VAN TONDER
Pour la Suède:
B. BJUREL
C.-G. ASDAL
P. AKERLIND
Pour la Confédération Suisse:
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C. STEFFEN
H. A. KIEFFER
Pour la République Unie de Tanzanie:
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C. KASEMSRI
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A. AITHNARD
Pour la Tunisie:
B. KHOUADJA
Pour la Turquie:
N. AKYUZALP
O. TURAN
T. ULUÇEVIK
Pour l'Union des Républiques Socialistes Soviétiques:
A. L. BADALOV
Pour la République Orientale de l'Uruguay:
R. BOTTO
Pour la République de Venezuela:
C. J. MARTINEZ
R. ZERPA
Pour la République du Viet-Nam:
VUONG QUANG NGHIA
PHAM VAN TRINH
NGUYEN CONG ANH-TUAN
Pour la République Socialiste Fédérative de Yougoslavie:
M. DAKIC

ANNEX 1: REVISION OF ARTICLE 1 OF THE RADIO REGULATIONS*

Article 1 of the Radio Regulations shall be amended as follows:

SECTION II. RADIO SYSTEMS, SERVICES AND STATIONS

After Regulation No. 21, add the following new Regulations:

ADD 21A
Spa2

Space Station

A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere.

Earth Station

A station located either on the Earth's surface or within the major portion of the Earth's atmosphere intended for communication:

With one or more space stations; or

With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

ADD 21C
Spa2

Space Radiocommunication

Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

ADD 21D
Spa2

Terrestrial Radiocommunication [1]

Any radiocommunication other than space radiocommunication or radio astronomy.

ADD 21D.1
Spa2

ADD 21E
Spa2

Terrestrial Station [2]

A station effecting terrestrial radiocommunication.

ADD 21E.1
Spa2

Replace Regulation No. 69 by the following new text:

Safety Service

MOD 69
Spa2

A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the Earth's surface, in the air or in space.

Delete Regulations Nos. 84AA and 84AB.

MOD.
84ATE, Space Operation Service, 84AC,
MOD.
84ATF, Inter-Satellite Service, 84AC, MOD.
84BAA, Spacecraft, 84BH, MOD.
84BAC, Active Satellite, 84AJ, NOC.
84BAD, Passive Satellite, 84AK, NOC.

*Note by the General Secretariat

Certain definitions were rearranged and renumbered by the Conference; some were amended while others were maintained unchanged. The definitions concerned are the following:

New number; Definition; Old number; Remarks.

21A, Space Station, 84AE, MOD.
21B, Earth Station, 84AD, MOD.
21C, Space Radiocommunication, 84AC, MOD.
21D, Terrestrial Radiocommunication, 84AA, MOD.
21E, Terrestrial Station, 84AB, MOD.
84AFA, Satellite System, 84AL, MOD.
84ATD, Space Research Service, 84AM,

[1] In these Regulations, unless otherwise stated, any radiocommunication service relates to terrestrial radiocommunication.

[2] In these Regulations, unless otherwise stated, any station is a terrestrial station.

SECTION IIA. SPACE SYSTEMS, SERVICES AND STATIONS

Delete Regulations Nos. 84AC, 84AD and 84AE.

Replace Regulation No. 84AF by the following new text:

MOD 84AF
Spa2

Space System

Any group of co-operating earth and/or space stations employing space radiocommunication for specific purposes.

After Regulation No. 84AF, add the following new Regulations:

ADD 84AFA
Spa2

Satellite System

A space system using one or more artificial earth satellites.

ADD 84AFB
Spa2

Satellite Network

A satellite system or a part of a satellite system, consisting of only one satellite and the co-operating earth stations.

ADD 84AFC
Spa2

Satellite Link

A radio link between a transmitting earth station and a receiving earth station through one satellite.

A satellite link comprises one up-path and one down-path.

ADD 84AFD
Spa2

Multi-Satellite Link

A radio link between a transmitting earth station and a receiving earth station through two or more satellites, without any intermediate earth station.

A multi-satellite link comprises one up-path, one or more satellite-to-satellite paths and one down-path.

Replace Regulation No. 84AG by the following new text:

ADD 84AGA
Spa2

Fixed-Satellite Service

A radiocommunication service:

Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the inter-satellite service;

For connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

After Regulation No. 84AG, add the following new Regulations:

MOD 84AG
Spa2

Mobile-Satellite Service

A radiocommunication service:

Between mobile earth stations and one or more space stations; or between space stations used by this service;

Or between mobile earth stations by means of one or more space stations;

And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

ADD 84AGB
Spa2

Aeronautical Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGC
Spa 2

Maritime Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGD
Spa2

Land Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on land.

Delete Regulations Nos. 84AH to 84AO.

Replace Regulation No. 84AP by the following new text:

MOD 84AP
Spa2

Broadcasting-Satellite Service

A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception [1] by the general public.

ADD 84AP.1
Spa2

After Regulation No. 84AP, add the following new Regulations:

ADD 84APA
Spa2

Individual reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennae.

ADD 84APB
Spa2

Community reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those used for individual reception, and intended for use:

By a group of the general public at one location; or

Through a distribution system covering a limited area.

ADD 84APC
Spa2

Radiodetermination-Satellite Service

A radiocommunication-service involving the use of radiodetermination and the use of one or more space stations.

Replace Regulation No. 84AQ by the following new text:

MOD 84AQ
Spa2

Radionavigation-Satellite Service

A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

After Regulation No. 84AQ, add the following new Regulations:

ADD 84AQA
Spa2

Aeronautical Radionavigation-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

ADD 84AQB
Spa2

Maritime Radionavigaton-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board ships.

[1] In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

XUM

Delete Regulations Nos. 84AR and 84AS.

Before Regulation No. 84AT, add the following new Regulation:

ADD 84ASA
Spa2

Earth Exploration-Satellite Service

A radiocommunication service between earth stations and one or more space stations in which:

Information relating to the characteristics of the Earth and its natural phenomena is obtained from instruments on earth satellites;

Similar information is collected from airborne or earth-based platforms;

Such information may be distributed to earth stations within the system concerned;

Platform interrogation may be included.

Replace Regulation No. 84AT by the following new text:

MOD 84AT
Spa2

Meteorological-Satellite Service

An earth exploration-satellite service for meteorological purposes.

After Regulation No. 84AT, add the following new Regulations:

ADD 84ATA
Spa2

Amateur-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

ADD 84ATB
Spa2

Standard Frequency-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

ADD 84ATC
Spa2

Time Signal-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the time signal service.

ADD 84ATD
Spa2

Space Research Service

A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

ADD 84ATE
Spa2

Space Operation Service

A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand.

These functions will normally be provided within the service in which the space station is operating.

ADD 84ATF
Spa2

Inter-Satellite Service

A radio communication service providing links between artificial earth satellites.

Delete Regulations Nos. 84AU and 84AV.

SECTION IIB. SPACE, ORBITS AND TYPES OF OBJECTS IN SPACE

Replace Regulation No. 84BA by the following new text:

MOD 84BA
Spa2

Deep Space

Space at distances from the Earth approximately equal to, or greater than, the distance between the Earth and the Moon.

After Regulation No. 84BA, add the following new Regulations:

ADD 84BAA
Spa2

Spacecraft

A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere.

ADD 84BAB
Spa2

Satellite

A body[1] which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body.

ADD 84BAB.1
ADD 84BAC
Spa2

Active Satellite

An earth satellite carrying a station intended to transmit or retransmit radiocommunication signals.

ADD 84BAD
Spa2

Passive Satellite

An earth satellite intended to transmit radiocommunication signals by reflection.

Replace Regulations Nos. 84BB to 84BE by the following new texts:

MOD 84BB
Spa2

Orbit

1. The path, relative to a specified frame of reference, described by the centre of mass of a satellite or other object in space, subjected solely to natural forces, mainly the force of gravity.

2. By extension, the path described by the centre of mass of an object in space subjected to natural forces and occasional low-energy corrective forces exerted by a propulsive device in order to achieve and maintain a desired path.

MOD 84BC
Spa2

Inclination of an Orbit (of an earth satellite)

The angle determined by the plane containing an orbit and the plane of the Earth's equator.

MOD 84BD
Spa2

Period (of a satellite)

The time elapsing between two consecutive passages of a satellite or planet through a characteristic point on its orbit.

MOD 84BE
Spa2

Altitude of the Apogee (Perigee)

The altitude of the apogee (perigee) above a specified reference surface serving to represent the surface of the Earth.

Delete Regulation No. 84BF.

Before Regulation No. 84BG, add the following new Regulation:

ADD 84BFA
Spa2

Geosynchronous Satellite

An earth satellite whose period of revolution is equal to the period of rotation of the Earth about its axis.

MOD 84BG
Spa2

Geostationary Satellite

A satellite, the circular orbit of which lies in the plane of the Earth's equator and which turns about the polar axis of the Earth in the same direction and with the same period as those of the Earth's rotation.

The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit."

Delete Regulation No. 84BH.

SECTION III. TECHNICAL CHARACTERISTICS

After Regulation No. 98, add the following new Regulation:

ADD 98A
Spa2

Equivalent Isotropically Radiated Power (e.i.r.p.)

The product of the power of an emission as supplied to an antenna and the antenna gain in a given direction relative to an isotropic antenna.

After Regulation No. 103, add the following new Regulations:

ADD 103A
Spa2

Equivalent Satellite Link Noise Temperature

The noise temperature at the input of the earth station receiver corresponding to the radio-frequency noise power which produces the total observed noise at the output of the satellite link excluding noise due to interference coming from satellite links using other satellites and from terrestrial systems.

ADD 103B
Spa2

Co-ordination Distance

Distance from an earth station in a given azimuth within which a terrestrial station sharing the same frequency band may cause or be subject to more than a permissible level of interference.

ADD 103C
Spa2

Co-ordination Contour

The line joining the points which are on all azimuths around an earth station at a distance from this station equal to the co-ordination distance corresponding to each azimuth.

ADD 103D
Spa2

Co-ordination Area

Area around an earth station enclosed by the co-ordination contour.

ANNEX 2: REVISION OF ARTICLE 2 OF THE RADIO REGULATIONS

Article 2 of the Radio Regulations shall be amended as follows:

SECTION III. NOMENCLATURE OF THE FREQUENCY AND WAVELENGTH BANDS USED IN RADIOCOMMUNICATION

Replace Regulation No. 112 by the following new text:

MOD 112
Spa2

§ 7. The radio spectrum shall be subdivided into nine frequency bands, which shall be designated by progressive whole numbers in accordance with the following table. Frequencies shall be expressed:

In kilohertz (kHz) up to and including 3000 kHz.

In megahertz (MHz) thereafter up to and including 3000 MHz.

In gigahertz (GHz) thereafter up to and including 3000 GHz.

However, where adherence to these provisions would introduce serious difficulties, for example in connection with the notification and registration of frequencies, the lists of frequencies and related matters, reasonable departures may be made.

[1] A body so defined which revolves around the Sun is called a planet or planetoid.

Band number	Frequency range (lower limit exclusive, upper limit inclusive)	Corresponding metric subdivision
4	3 to 30 kHz	Myriametric waves.
5	30 to 300 kHz	Kilometric waves.
6	300 to 3,000 kHz	Hectometric waves.
7	3 to 30 MHz	Decametric waves.
8	30 to 300 MHz	Metric waves.
9	300 to 3,000 MHz	Decimetric waves.
10	3 to 30 GHz	Centimetric waves.
11	30 to 300 GHz	Millimetric waves.
12	300 to 3,000 GHz or 3 THz.	Decimillimetric waves.

Note 1: "Band Number N" extends from 0.3×10^{N} to 3×10^{N} Hz.

Note 2: Symbols and prefixes: Hz=hertz; k=kilo (10^{3}), M=mega (10^{6}), G=giga (10^{9}), T=tera (10^{12}).

Note 3: Abbreviations for adjectival band designations: Band 4=VLF; Band 5=LF; Band 6=MF; Band 7=HF; Band 8=VHF; Band 9=UHF; Band 10=SHF; Band 11=EHF.

ANNEX 3: REVISION OF ARTICLE 5 OF THE RADIO REGULATIONS

Article 5 of the Radio Regulations shall be amended as follows:

Replace the title of Article 5 by the following new title:

MOD Spa2

Frequency Allocations[1]
10 kHz to 275 GHz

SECTION I. REGIONS AND AREAS

Replace Regulation No. 125 by the following new text:

(MOD) 125
Spa2

§ 1. For the allocation of frequencies the world has been subdivided into three Regions[2] (see Appendix 24).

Insert the following new foot-note:

ADD Spa2

Replace Regulation 125.1 by the following new text:

(MOD) 125.1
Spa2

MOD Spa2 Section IV. Table of Frequency Allocations—10 kHz to 275 GHz

In the Table of Frequency Allocations, replace the provisions for the band 1 800 – 2 000 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
NOC	1 800—2 000 Amateur Fixed Mobile except aeronautical mobile Radionavigation 198	

NOC 198
SUP 199 199.1

In the Table of Frequency Allocations, replace the provisions for the band 2 170–2 194 kHz by the following:

kHz

Region 1	Region 2	Region 3
2 170–2 194	Mobile (distress and calling) 201 201A	

[1] See Resolution No. 6.

[2] It should be noted that where the words "regions" or "regional" are without a capital "R" in these Regulations, they do not relate to the three Regions here defined for purposes of frequency allocation.

NOC 201
ADD 201A
Spa2

The frequencies 2 182 kHz, 3 023.5 kHz, 5 680 kHz, 8 364 kHz, 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10 003 kHz, 14 993 kHz and 19 993 kHz, but in each of these cases emissions must be confined in a band of ±3 kHz about the frequency.

In the Table of Frequency Allocations, replace the provisions for the band 2 498–2 502 kHz in Region 1 and for the band 2 495–2 505 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 300–2 498 NOC	2 300–2 495	NOC
2 498–2 502 Standard frequency 203 203A	2 495–2 505	Standard frequency 203 203A
2 502–2 625 NOC	2 505–2 625	NOC

ADD 203A
Spa2
SUP 204

The bands 2 501–2 502 kHz, 5 003–5 005 kHz, 10 003–10 005 kHz, 15 005–15 010 kHz, 19 990–19 995 kHz, 20 005–20 010 kHz and 25 005–25 010 kHz are also allocated, on a secondary basis, to the space research service.

In the Table of Frequency Allocations, replace the provisions for the band 2 850–3 025 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 850–3 025	Aeronautical mobile (R) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 4 995–5 005 kHz by the following:

kHz

Region 1	Region 2	Region 3
4 995–5 005	Standard frequency 203A 210	

NOC 210

In the Table of Frequency Allocations, replace the provisions for the band 5 480–5 730 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
5 480–5 680	Aeronautical mobile (R) 201A	
5 680–5 730	Aeronautical mobile (OR) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 7 000–7 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
7 000–7 100	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 8 195–8 815 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
8 195–8 815	Maritime mobile 201A 213	

NOC 213

In the Table of Frequency Allocations, replace the provisions for the band 9 995–10 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
9 995–10 005	Standard frequency 201A 203A 214	
10 005–10 100	Aeronautical mobile (R) 201A	

NOC 214
SUP 215 215A

In the Table of Frequency Allocations, replace the provisions for the band 14 000—14 350 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
14 000–14 250	Amateur Amateur-satellite	
14 250–14 350	Amateur 218	

NOC 218

In the Table of Frequency Allocations, replace the provisions for the band 14 990–15 010 kHz by the following:

kHz

Region 1	Region 2	Region 3
14 990–15 010	Standard frequency 201A 203A 219	

In the Table of Frequency Allocations, replace the provisions for the band 15 762–15 768 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
15 762–15 768	Fixed	

In the Table of Frequency Allocations, replace the provisions for the band 18 030–20 010 kHz by the following:

XUM

kHz

Region 1	Region 2	Region 3
18 030–18 052	Fixed	
18 052–18 068	Fixed Space research	
18 068–19 990	Fixed	
19 990–20 010	Standard frequency 201A 203A 220	

NOC 220
SUP 221 221A

In the Table of Frequency Allocations, replace the provisions for the band 21 000–21 450 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
21 000–21 450	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 21 850 — 22 000 kHz by the following:

kHz

Region 1	Region 2	Region 3
21 850–21 870	Radio Astronomy 221B	
21 870–22 000	Aeronautical fixed Aeronautical mobile (R)	

ADD 221B
Spa2

In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 21 850–21 870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 23 350–25 010 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
23 350–24 990	Fixed Land mobile 222 222A	
24 990–25 010	Standard frequency 203A 223	

NOC 222
ADD 222A
Spa2

In Argentina and Uruguay, the band 24 528–24 538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 223

In the Table of Frequency Allocations, replace the provisions for the band 28–47 MHz in Region 1, for the band 28–50 MHz in Region 2 and for the band 28–44 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
28–29.7	Amateur Amateur-satellite	
29.7–30.005	Fixed 228 229 231 232 Mobile	
30.005–30.01	Space operation (Satellite identification) Fixed 228 229 231 Mobile Space research	
30.01–37.75	Fixed 228 229 230 231 Mobile 233A	

NOC 228 229 230 231 232
SUP 233
ADD 233A
Spa2

In Argentina and Uruguay, the bands 36.65—36.85 MHz, 41.15—41.35 MHz and 45.65—45.85 MHz, and in Argentina, Brazil and Uruguay, the band 170.55—170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

MHz

Allocation to services		
Region 1	Region 2	Region 3
37.75–38.25	Fixed 228 229 231 Mobile Radio astronomy 233B	
38.25–41	Fixed 228 229 230 Mobile 235 236 236A	
41–47 Broadcasting Fixed 228 237 Mobile	41–50 Fixed 228 231 237 Mobile	41–44 Fixed 228 237 Mobile 236A 44–50 NOC
236A 238 239 240 241	233A 236A	

ADD 233B
Spa2

In making assignments to stations of other services to which the bands 37.75–38.25 MHz, 150.05–153 MHz, 406.1–410 MHz, 2 690–2 700 MHz and 4 700–5 000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

MOD 235
Spa2

The band 39.986–40.02 MHz is also allocated, on a secondary basis, to the space research service.

NOC 236
ADD 236A
Spa2

The band 40.98–41.015 MHz is also allocated, on a secondary basis, to the space research service, in particular for measurements of the differential Faraday effect.

NOC 237 238 239 240 241

In the Table of Frequency Allocations, replace the provisions for the band 80–100 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
NOC	NOC	80–87 Fixed Mobile 254 255 256 257 261 266 87–100
NOC	NOC	Fixed Mobile Broadcasting 254 267 268

NOC 254 255 256 257 261 266
MOD 267
Spa2

In New Zealand, the bands 87–88 MHz and 94–108 MHz are allocated to the fixed and mobile services.

NOC 268

In the Table of Frequency Allocations, replace the provisions for the band 117·975–174 MHz in Region 1, for the bands 117·975–146 MHz and 148–174 MHz in Region 2 and for the bands 117·975–146 MHz and 148–170 MHz in Region 3 by the following:

MHz

Allocation to Services		
Region 1	Region 2	Region 3
117.975–132	Aeronautical mobile (R) 201A 273 273A	
132–136	Aeronautical mobile (R) 273A 274 274A 274B 275	
136–137	Space research (space-to-earth) 281A 281AA	
137–138	Space operation (Telemetering and tracking) Meteorological-satellite Space research (Space-to-earth) 275A 279A 281C 281E	

NOC 273 273A
MOD 274
Spa2

In Bulgaria, Japan, Poland, Portugal, Portuguese Oversea Provinces in Region 1 south of the equator, Roumania, Sweden, Czechoslovakia and the U.S.S.R., existing stations in the aeronautical mobile (OR) service in the band 132–136 MHz, may continue to operate for an unspecified period on a primary basis.

ADD 274A
Spa2

In Regions 2 and 3, stations of the fixed and mobile services may continue to use the band 132–136 MHz until 1 January 1976. Until that date, frequency assignments to stations of the aeronautical mobile (R) service shall be co-ordinated between the administrations concerned and shall be protected from harmful interference.

ADD 274B
Spa2

In Cuba and Mexico, the band 132–136 MHz is also allocated to the fixed and mobile services.

MOD 275
Spa2

In Burundi, Ethiopia, Gambia, Malawi, Nigeria, Portuguese Oversea Provinces in Region 1 south of the equator, Rhodesia, Rwanda, Sierra Leone and in the Republic of South Africa, the band 138–144 MHz is allocated to the fixed and mobile services. In these countries, existing stations in the fixed and mobile services may continue to operate in the band 132–136 MHz until 1 January 1976.

NOC 275A
SUP 276 277
MOD 278
Spa 2

In New Zealand, the band 138–144 MHz is allocated to the aeronautical mobile (OR) service.

SUP 279
NOC 279A 281A
ADD 281AA
Spa2

In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Iraz, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia and the U.S.S.R., the band 136–137 MHz is also allocated to the fixed and mobile services.

SUP 281B
MOD 281C
Spa2

In Bulgaria, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and in Yugoslavia, the band 137–138 MHz is also allocated to the aeronautical mobile (OR) service.

SUP 281D
MOD 281E
Spa2

In Malaysia, Pakistan and the Philippines, the band 137–138 MHz is also allocated to the fixed and mobile services.

SUP 281F

MHz

Allocation to services		
Region 2	Region 2	Region 3
138–143.6 Aeronautical mobile (OR)	138–143.6 Fixed Mobile Radiolocation Space research (Space-to-earth)	138–143.6 Fixed Mobile Space research (Space-to-earth)
275 281G 282A 283	283A	278 279A 284

ADD 281G
Spa2

In the F.R. of Germany, the band 136–140 MHz is also allocated, on a secondary basis, to the space research service (space-to-Earth).

SUP 282
ADD 282A
Spa2

In Belgium, France, Israel, Italy, Liechtenstein, Netherlands, the United Kingdom and Switzerland, the bands 138–143.6 MHz and 143.65–144 MHz are also allocated, on a secondary basis, to the space research service (space-to-Earth).

MOD 283
Spa2

In Austria, Denmark, Greece, Norway, Netherlands, Portugal, F.R. of Germany, United Kingdom, Sweden, Switzerland and Turkey, the band 138–144 MHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services.

ADD 283A
Spa2

In Argentina, the frequency 138.54 MHz ± 7.5 kHz and the band 143.6–143.65 MHz may be used by the space research service (telecommand), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 284

MHz

Allocation to services		
Region 1	Region 2	Region 3
143.6–143.65 Aeronautical Mobile (OR) Space research (space-to-earth) 275 283 143.65–144 Aeronautical mobile (OR)	143.6–143.65 Fixed Mobile Space research (space-to-earth) Radiolocation 238A 143.65–144 Fixed Mobile Radiolocation Space research (space-to-earth)	143.6–143.65 Fixed Mobile Space research (space-to earth) 278 279A 284 143.65–144 Fixed Mobile Space research (space-to-earth) 278 279A 284
275 282A 283 144–146	Amateur Amateur-satellite 146–148	NOC
146–149.9 Fixed Mobile except aeronautical mobile (R)	148–149.9	Fixed Mobile 285A 290
285 285A 149.9–150.05	Radionavigation-satellite 285B 285C	

MHz

Allocation to services		
Region 1	Region 2	Region 3
150.05–151 Fixed Mobile except aeronautical mobile (R) Radio astronomy 233B 285 286A 151–153 Fixed Mobile except aeronautical mobile (R) Radio astronomy Meteorological aids 233B 285 286A 153–154 Fixed Mobile except aeronautical mobile (R) Meteorological aids 285 154–156 Fixed Mobile except aeronautical mobile (R) 285 156–174 Fixed Mobile except aeronautical mobile	150.05–174 Fixed Mobile	150.05–170 Fixed Mobile 201A 287 287A 290 170–174 NOC
201A 285 287 287A 288	201A 233A 287 287A	

SUP 284A
NOC 285
MOD 285A
Spa2

The band 148–149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected. The bandwidth of an individual transmission shall not exceed ±15 kHz.

MOD 285B
Spa2

In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania and Yugoslavia, the band 149.9–150.05 MHz is also allocated to fixed and mobile services (see Recommendation No. Spa8).

ADD 285C
Spa2

Emissions of the radionavigation-satellite service in the bands 149.9–150.05 MHz and 399.9–400.05 MHz may also be used by receiving earth stations of the space research service.

SUP 286 (*see* ADD 233B)
NOC 286A 287
ADD 287A
Spa2

In the frequency bands designated for the maritime mobile service in accordance with Appendix 18 to the Radio Regulations, the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The satellite systems shall not be brought into use before 1 January 1976 (see Resolution No. Spa2–5).

NOC 288 289 290

In the Table of Frequency Allocations, replace the provisions for the bands 235–470 MHz and 582–790 MHz in Region 1; for the band 235–942 MHz in Region 2 and for bands 235–470 MHz and 585–890 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
235–267	Fixed Mobile 201A 305 305A 308A 309	
267–272	Fixed Mobile Space operation (telemetering) 309A 309B 308A	
272–273	Space operation (telemetering) 309A Fixed Mobile 308A	
273–328.6	Fixed Mobile 308A 310 310A	
328.6–335.4	Aeronautical radionavigation 311	

NOC 305
ADD 305A
Spa2

In New Zealand, the band 235–239.5 MHz is also allocated to the aeronautical radionavigation service.

ADD 308A
Spa2

The bands 240–328.6 MHz and 335.4–399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 309 309A 309B
MOD 310
Spa2

Radio astronomy observations in the band 322–328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in using this band.

ADD 310A
Spa2

In India, the band 322–328.6 MHz is also allocated to the radio astronomy service.

NOC 311

XUM

MHz

Allocation to services		
Region 1	Region 2	Region 3
335.4–339.9	Fixed Mobile 308A	
339.9–400.05	Radionavigation-satellite 285C 311A	
400.05–400.15	Standard frequency-satellite 312B 313 314	
400.15–401	Meteorological aids Meteorological-satellite (Maintenance telemetering) Space research (Telemetering and tracking) 313 314	

MOD 311A
Spa2

In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran Kuwait, Lebanon, the United Arab Republic, Syria and Yugoslavia, the band 399–400–05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa. 8).

SUP 312A

ADD 312B
Spa2

In this band the standard frequency is 400–1 MHz. Emissions shall be confined in a band of ± 25 kHz about this frequency.

NOC 313 314

MHz

Allocation to services		
Region 1	Region 2	Region 3
401–402	Meteorological aids Space operation (Telemetering) 315A Fixed Meteorological-satellite (Earth-to-space) Mobile except aeronautical mobile 314 315 315B 315C 316	
402–403	Meteorological aids Fixed Meteorological-satellite (Earth-to-space) Mobile except aeronautical mobile 314 315 315C 316	
403–406	Meteorological aids Fixed Mobile except aeronautical mobile 314 315 316	

NOC 315 315A 315B
ADD 315C
Spa2

In the band 401–403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for Earth-to-space transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

NOC 316

MHz

Allocation to services		
Region 1	Region 2	Region 3
406–406.1	Mobile-satellite (Earth-to-space) 314 317A 317B	
406.1–410	Fixed Mobile except aeronautical mobile Radio astronomy 233B 314	
410–420	Fixed Mobile except aeronautical mobile 314	

SUP 317 (see ADD 233B)

ADD 317A
Spa2

The band 406–406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5 W) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

ADD 317B
Spa2

In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia and in the U.S.S.R., the band 406–406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

MHz

Allocation to services		
Region 1	Region 2	Region 3
420–430 Fixed Mobile except aeronautical mobile Radiolocation 318 319 430–440 Amateur Radiolocation 318 319 319B 320 320A 321 322 440–450 Fixed Mobile except aeronautical mobile Radiolocation 318 319 319A	420–450	Radiolocation Amateur 318 319A 319B 320A 323 324
450–460	Fixed Mobile 318 319A	
460–470	Fixed Mobile Meteorological-satellite (Space-to-earth) 318A	

MOD 318
Spa2

Radio altimeters may also be used until 31 December 1974 in the band 420–460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

NOC 318A 319
MOD 319A
Spa2

The band 449.75–450.25 MHz may be used for space telecommand and space research (Earth-to-space), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 319B
Spa2

In France and the French Department of Guyana (Region 2) the frequency 434 MHz ± 0.25 MHz may be used for space operation (Earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 320
ADD 320A
Spa2

In the band 435–438 MHz, the amateur-satellite service may be authorized, on condition that no harmful interference shall be caused to other services operating in accordance with the Table. Administrations authorizing such use shall ensure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1567A.

NOC 321
MOD 322
Spa2

In Denmark, Norway and Sweden, the bands 430–432 MHz and 438–440 MHz are also allocated to the fixed and mobile services.

NOC 323 324
(MOD) 324A
Spa2

It is intended that meteorological-satellite space stations operating in the band 1 670–1 690 MHz shall transmit to selected earth stations. The location of such earth stations is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 324B
Spa2

Earth exploration-satellite service applications, other than meteorological-satellite service, may also be used in the bands 460–470 MHz and 1 690–1 700 MHz for space-to-Earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

MHz

Allocation to Services		
Region 1	Region 2	Region 3
470–582 NOC 582–606 Broadcasting Radionavigation 325 327 328 329 606–790 Broadcasting 329 330 330A 331 332 332A 790–890 NOC	470–890 Broadcasting	470–585 NOC 585–610 Radionavigation 330B 336 337 610–890 Fixed Mobile Broadcasting
890–942 NOC	329A 332 332A 890–942 Fixed Radiolocation 339A 340	330B 332 332A 338 339 890–942 NOC

NOC 325
SUP 326
NOC 327 328 329
ADD 329A
Spa2

In Argentina and Uruguay, the band 602–608 MHz is allocated to the radio astronomy service.

NOC 330 330A
ADD 330B
Spa2

In India, the band 608–614 MHz is also allocated to the radio astronomy service.

NOC 331 332
ADD 332A
Spa2

Within the frequency band 620–790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). Such stations shall not produce a power flux density in excess of the value −129 dBW/m² for angles of arrival less than 20° (see Recommendation No. Spa2–10) within the territories of other countries without the consent of the administrations of those countries.

NOC 336 337 338 339 339A
MOD 340
Spa2

In Region 2, the frequency 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 1 350–1 400 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 350–1 400 Fixed Mobile Radiolocation 349 349A	1 350–1 400	Radiolocation 349 349A

NOC 349
ADD 349A
Spa2

Radio astronomy observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 1 350 — 1 400 MHz.

In the Table of Frequency Allocations, replace the provisions for the band 1 427 — 1 429 MHz by the following:

MHz

Region 1	Region 2	Region 3
1 427–1 429	Space operation (telecommand) Fixed Mobile except aeronautical mobile	

In the Table of Frequency Allocations, replace the provisions for the band 1 525–2 300 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile except aeronautical mobile 350C	1 525–1 535 Space operation (Telemetering) 350A Earth Exploration-Satellite Fixed Mobile 350D	1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile

MOD 350A
Spa2

Space stations employing frequencies in the band 1 525–1 535 MHz for telemetering purposes may also transmit tracking signals in this band.

NOC 350B 350C 350D
SUP 350E

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 535–1 542.5	Maritime mobile-satellite 352 352D 352E	
1 542.5–1 543.5	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352F	
1 543.5–1 558.5	Aeronautical mobile-satellite (R) 352 352D 352G	
1 558.5–1 636.5	Aeronautical radionavigation 352 352A 352B 352D 352K	
1 636.5–1 644	Maritime mobile-satellite 352 352D 352H	
1 644–1 645	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352I	
1 645–1 660	Aeronautical mobile-satellite (R) 352 352D 352J	

SUP 351
NOC 352
MOD 352A
Spa2

The bands 1 558.5—1 636.5 MHz, 4 200—4 400 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

MOD 352B
Spa2

The bands 1 558.5—1 636.5 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radiocommunication techniques. Such use and development is subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 352C
NOC 352D
ADD 352E
Spa2

The use of the band 1 535—1 542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ship links.

ADD 352F
Spa2

The use of the band 1 542.5—1 543.5 MHz is limited to transmission from space to earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352G
Spa2

The use of the band 1 543.5—1 558.5 MHz is limited to transmissions from space to earth stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

ADD 352H
Spa2

The use of the band 1 636.5—1 644 MHz is limited to transmissions from earth to space stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

ADD 352I
Spa2

The use of the band 1 644—1 645 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352J
Spa2

The use of the band 1 645–1 660 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

ADD 352K
Spa2

Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1 612.231 MHz and 1 720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1 611.5–1 612.5 MHz and 1 720–1 721 MHz respectively. Administrations should bear in mind the needs of radio astronomy service in their future planning of the bands 1 558.5–1 636.5 MHz and 1 710–1 770 MHz.

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 660–1 670	Meteorological aids Radio astronomy 353A 354 354A 354B	
1 670–1 690	Meteorological aids Fixed Meteorological-satellite (space-to-earth) 324A Mobile except aeronautical mobile 354	
1 690–1 700 Meteorological aids Meteorological-satellite (space-to-earth) Fixed Mobile except aeronautical mobile 324B 354A	1 690–1 700	Meteorological aids Meteorological-satellite (space-to-earth)
1 700–1 710 Fixed Space research (space-to-earth) Mobile 354D	1 700–1 710	324B 354A 354C Fixed Mobile Space research (space-to-earth) 354D

SUP 353
MOD 353A
Spa2

In view of the successful detection by astronomers of two hydroxyl spectral lines in

the regions of 1 665 MHz and 1 667 MHz, administrations are urged to give all practicable protection in the band 1 660–1 670 MHz for future research in radio astronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1 664.4–1 668.4 MHz as soon as practicable.

NOC 354
MOD 354A
Spa2

In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tanzania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the bands 1 660–1 670 MHz and 1 690–1 700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

NOC 354B 354C
ADD 354D
Spa2

The band 1 700–1 700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9–150.05 MHz and 399.9–400.05 MHz for the requirements of ionospheric investigation and geodesy.

SUP 355A

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 710–1 770 Fixed Mobile 352K 356	1 710–1 770	Fixed Mobile 352K 356A
1 770–1 790 Fixed Meteorological-satellite 356AA Mobile 356	1 770–1 790	Fixed Mobile Meteorological-satellite 356AA 356A
1 790–2 290 Fixed Mobile 356 356AB 356ABA 356AC	1 790–2 290	Fixed Mobile 356A 356AB 356ABA
2 290–2 300 Fixed Space research (space-to-earth) Mobile 356C	2 290–2 300	Fixed Mobile Space research (space-to-earth)

MOD 356
Spa2

In Switzerland, the band 1 710–2 290 MHz is allocated to the fixed service and the mobile, except the aeronautical mobile, service and the band 1 770–1 790 MHz is also allocated, on a secondary basis, to the meteorological-satellite service.

MOD 356A
Spa2

In Region 2, in Australia and Japan, the band 1 750–1 850 MHz may also be used for Earth-to-space transmissions, and in Regions 2 and 3, the band 2 200–290 MHz may also be used for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 356AA [NOC 356AA *is* (MOD) 356AA *in the French and Spanish version.*]

ADD 356AB
Spa2

In Regions 2 and 3 and in Spain, in the band 2 025–2 120 MHz Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356ABA
Spa2

In Region 2, in Australia and Spain, in the band 2 025–2 120 MHz and in Regions 1 and 3, in the band 2 110–2 120 MHz Earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radiocommunication services in these bands and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356AC
Spa2

In Region 1, in the band 2 096–2 120 MHz, Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see No. 356AB)).

SUP 356B
NOC 356C

In the Table of Frequency Allocations, replace the provisions for the band 2 450–2 700 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
2 450–2 500 Fixed Mobile Radiolocation 357 361	2 450–2 500	Fixed Mobile Radiolocation 357
2 500–2 550 Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B	2 500–2 535	Fixed 364C Fixed-satellite (Space-to-Earth) Mobile except aeronautical mobile Broadcasting-satellite 361B 361A 364E 364F
	2 535–2 550	Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B 361A 364F
2 550–2 655		Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B 362 363 364 364F
2 655–2 690 Fixed 364C 364D Mobile except aeronautical mobile Broadcasting-satellite 361B 364H 363 364 364F 364G 2 690–2 700	2 655–2 690	Fixed 364C 364D Fixed-satellite (earth-to-space) Mobile except aeronautical mobile Broadcasting-satellite 361B 364H 364E 364F 364G Radio astronomy 233B 363 364A 364B

NOC 357
MOD 361
Spa2

In France and the United Kingdom, the band 2 450–2 500 MHz is allocated on a primary basis to the radiolocation service and, on a secondary basis, to the fixed and mobile services.

ADD 361A
Spa2

In France, the band 2 500–2 550 MHz is also allocated, on a primary basis, to the radiolocation service and, on a secondary basis, to the fixed and mobile services. In Canada, the 2 500–2 550 MHz is also allocated on a primary basis to the radiolocation service.

ADD 361B
Spa2

The use of the band 2 500–2 690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). The power flux density at the Earth's surface shall not exceed the values given in Nos. 470NH–470NK.

MOD 362
Spa2

In the United Kingdom, the band 2 500–2 600 MHz is also allocated, on a secondary basis, to the radiolocation service.

NOC 363
MOD 364
Spa2

In Region 1, tropospheric scatter systems may operate in band 2 550–2 690 MHz, subject to agreement between the administrations concerned and those having terrestrial radiocommunication services, operating in accordance with the Table, which may be affected.

MOD 364A
Spa2

In Bulgaria, Cuba, Hungary, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the band 2 690–2 700 MHz is also allocated to the fixed and mobile services.

NOC 364B
ADD 364C
Spa2

When planning new tropospheric scatter radio-relay links in the band 2 500–2 690 MHz, all possible measures shall be taken to avoid directing the antennae of these links toward the geostationary satellite orbit.

ADD 364D
Spa2

Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2 655–2 690 MHz.

ADD 364E
Spa2

The use of the bands 2 500–2 535 MHz and 2 655–2 690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A). In the direction space-to-Earth, the power flux density at the Earth's surface shall not exceed the values given in 470NE.

ADD 364F
Spa2

In Bulgaria, Iran, Portugal and the U.S.S.R., the band 2 600-2 690 MHz is allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 364G
Spa2

Radio astronomy observations in the band 2 670-2 690 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

ADD 364H
Spa2

In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2 690–2 700 MHz.

SUP 365 (*see* ADD 233B)

In the Table of Frequency Allocations, replace the provisions for the band 3 400-5 250 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
3 400–3 500 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation 372 373 374 375	3 400–3 500	Fixed-satellite (space-to-earth) Radiolocation Amateur 376
3 600–4 200 Fixed Fixed-satellite (space-to-earth) Mobile	3 500–3 700 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation	3 500–3 700 Fixed-satellite (space-to-earth) Radiolocation Fixed Mobile 377 378
	3 700–4 200	Fixed Fixed-satellite (space-to-earth) Mobile 379
374 4 200–4 400	Aeronautical radionavigation 352A 379A 381 382 383	
4 400–4 700	Fixed Fixed-satellite (earth-to-space) Mobile	

MHz

Allocation to services		
Region 1	Region 2	Region 3
4 700–4 990	Fixed Mobile 233B 354 382A 382B	
4 990–5 000 Fixed Mobile Radio astronomy 233B 5 000–5 250	4 990–5 000 Radio astronomy 383A	4 990–5 000 Fixed Mobile Radio astronomy 233B
	Aeronautical radionavigation 352A 352B 383B	

NOC 372
(MOD) 373
Spa2

In Denmark, Norway, Sweden and Switzerland, the fixed, mobile, radiolocation and fixed-satellite services operate on a basis of equality of rights in the band 3 400—3 600 MHz.

NOC 374
SUP 374A
NOC 375 376
MOD 377
Spa2

In China and Japan, the band 3 500—3 700 MHz is also allocated to the fixed and mobile services.

NOC 378
(MOD) 379
Spa2

In Australia, the band 3 700—3 770 MHz is allocated to the radiolocation and fixed-satellite services.

ADD 379A
Spa2

The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4 202 MHz for space-to-Earth transmissions and the frequency 6 427 MHz for Earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 381 382
ADD 382A
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 4 829–649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 4 825–4 835 MHz.

ADD 382B
Spa2

Radio astronomy observations in the band 4 950–4 990 MHz are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of his band.

NOC 383
(MOD) 383A
Spa2

In Cuba, the band 4 990–5 000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

ADD 383B
Spa2

The band 5 000–5 250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the Earth and satellites used by the aeronautical mobile (R) service and/or the radio-determination service. Such use and development shall be subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

In the Table of Frequency Allocations, replace the provisions for the band 5 725–7 750 MHz in Regions 1 and 3 and for the bands 5 725–5 850 MHz and 5 925–7 750 MHz in Region 2 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 725–5 850 Fixed-satellite (earth-to-space) Radiolocation Amateur 354 388 390 91 391A	5 725–5 850	Radiolocation Amateur 389 391 391A

NOC 388 389
(MOD) 390
Spa2

In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 5 800 – 5 850 MHz is allocated to the fixed, mobile and fixed-satellite services.

NOC 391
ADD 391A
Spa2

Radio astronomy observations are being carried out in the bands 5 750 – 5 770 MHz and 36 458 – 36 488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 850–5 925 Fixed Fixed-satellite (earth-to-space) Mobile 391 5 925–6 425	5 850–5 925 NOC	5 850–5 925 Fixed Fixed-satellite (earth-to-space) Mobile Radiolocation 391
	Fixed Fixed-satellite (earth-to-space) Mobile	
6 425–7 250	Fixed Mobile 379A 392AA 392B 393	
7 250–7 300	Fixed-satellite (space-to-earth) 392D 392G	

MHz

Allocation to services		
Region 1	Region 2	Region 3
7 300–7 450	Fixed Fixed-satellite (space-to-earth) Mobile 392D	
7 450–7 550	Fixed Fixed-satellite (space-to-earth) Meteorological-satellite (space-to-earth) Mobile 392D	
7 550– 7750	Fixed Fixed-satellite (space-to-earth) Mobile 392D	

SUP 392A
ADD 392AA
Spa2

In Brazil, Canada and the United States of America, the band 6 625–7 125 MHz is also allocated, on a secondary basis, to the fixed-satellite service for space-to-Earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

MOD 392B
Spa2

The band 7 145–7 235 MHz may be used for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 392C
MOD 392D
Spa2

As an exception, passive fixed-satellite systems also may be accommodated in the band 7 250–7 750 MHz subject to:

a) agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected;

b) the co-ordination procedures laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by the fixed or mobile service. Power flux density limitations at the Earth's surface after reflection from the passive fixed-satellites shall not exceed those

XUM

prescribed in the present Regulations for active fixed-satellite systems.

SUP 392F
NOC 392G 392H 393

In the Table of Frequency Allocations, replace the provisions for the band 7 900–8 500 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
7 900—7 975	Fixed Fixed-satellite (earth-to-space) Mobile	
7 975—8 025	Fixed-satellite (earth-to-space) 392H	

MHz

Allocation to services		
Region 1	Region 2	Region 3
8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394 394B	8 025–8 175 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394 394B
8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B	8 175–8 215 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile	8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B
8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394 394B	8 215–8 400 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394

MHz

Allocation to services		
Region 1	Region 2	Region 3
8 400–8 500		Fixed Mobile Space research (space-to-earth) 394A 394D

(MOD) 394
Spa2

In Australia and the United Kingdom, the band 8 250–8 400 MHz is allocated to the radiolocation and fixed-satellite services.

MOD 394A
Spa2

In the United Kingdom, the band 8 400–8 500 MHz is allocated to the radiolocation and space research services

(MOD) 394B
Spa2

In Israel, the band 8 025–8 400 MHz is allocated, on a primary basis, to the fixed and mobile services and, on a secondary basis, to the fixed-satellite service.

SUP 394C
NOC 394D

In the Table of Frequency Allocations, replace the provisions for the band 10 v 55 15.35 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
10·55–10·6 10·6–10·68	NOC Fixed Mobile Radio astronomy Radiolocation 404A	
10·68–10·7	Radio astronomy 405B	

ADD 404A
Spa2

In the F.R. of Germany, in the band 10.6–10.68 GHz, the radio astronomy

SUP 405A
NOC 405B

GHz

Allocation to services		
Region 1	Region 2	Region 3
10.7–10.95	Fixed Mobile	
10.95–11.2 Fixed Fixed-satellite (space-to-earth) (earth-to-space) Mobile 11.2–11.45	10.95–11.2 Fixed Mobile	Fixed Fixed-satellite (space-to-earth) Mobile
11.45–11.7	Fixed Fixed-satellite (space-to-earth) Mobile	

GHz

Allocation to services		
Region 1	Region 2	Region 3
11.7–12.5 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 4058A 12.5–12.7 Fixed-satellite (space-to-earth) (earth-to-space) 405BD 405BE 12.75–13.25 13.25–13.4 13.4–14	11.7–12.2 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BB 405BC 12.2–12.5 12.5–12.75 Fixed Fixed-satellite (earth-to-sapce) Mobile except aeronautical mobile Fixed Mobile Aeronautical radionavigation 406 407 407A Radiolocation 407 407A 408 409	11.7–12.2 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BA Fixed Mobile except aeronautical moblie Broadcasting 12.5–12.75 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile

GHz

Allocation to services		
Region 1	Region 2	Region 3
14–14.3	Fixed-satellite (earth-to-space) Radionavigation 408A 407 407A	
14.3–14.4	Fixed-satellite (earth-to-sapce) Radionavigation-satellite 408A	
14.4–14.5	Fixed Fixed-satellite (earth-to-space) Mobile 408B 408C	
14.5–15.35	Fixed Mobile 408B 408C	

ADD 405BA
Spa2

In the band 11.7–12.2 GHz in Region 3 and in the band 11.7–12.5 GHz in Region 1, existing and future fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate broadcasting frequency assignment planning conference (see Resolution No. Spa2–2) and this requirement shall be taken into account in the decisions of that conference.

ADD 405BB
Spa2

Terrestrial radiocommunication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to ensure compatibility between the uses that each country decides for this band.

ADD 405BC
Spa2

The use of the band 11.7–12.2 GHz in Region 2 by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A and Resolution No. Spa2–3).

ADD 405BD

In Bulgaria, Cameroon, Congo (Brazzaville), the Ivory Coast, Gabon, Ghana, Hungary, Iraq, Israel, Jordan, Kuwait, Libya, Mali, Niger, Poland, Syria, United Arab Republic, Rumania, Senegal, Czechoslovakia, Togo and the U.S.S.R., the band 12.5–12.75 GHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 405BE
Spa2

In Algeria, Belgium, Denmark, Spain, Ethiopia, Finland, France, Greece, Kenya, Liechtenstein, Luxembourg, Monaco, Norway, Uganda, Netherlands, Portugal, the F.R. of Germany, Sweden, Switzerland, Tanzania and Tunisia, the band 12.5–12.75 GHz is also allocated, on a secondary basis, to the fixed service and the mobile, except aeronautical mobile, service.

NOC 406
MOD 407
Spa2

In Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovakia and the U.S.S.R., the bands 13.25–13.5 GHz, 14.175–14.3 GHz, 15.4–17.7 GHz, 23.6–24 GHz, 24.05–24.25 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 407A
Spa2

The band 13.25–14.2 GHz may also be used, on a secondary basis, for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

MOD 408
Spa2

In Sweden, the bands 13.4–14 GHz, 15.7–17.7 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 408A
Spa2

The use of the bands 14–14.3 GHz and 14.3–14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa2–15, paragraph 2.14).

ADD 408B
Spa2

The band 14.4–15.35 GHz may also be used, on a secondary basis, for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 408C
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference in the band 14.485–14.515 GHz.

NOC 409
SUP 409A 409B

In the Table of Frequency Allocations, replace the provisions for the band 17.7–24.25 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
17.7–19.7	Fixed Fixed-satellite (space-to-earth) Mobile	
19.7–21.2	Fixed-satellite (space-to-earth) 409E	
21.2–22	Earth exploration-satellite (space-to-earth) Fixed Mobile	
22–22.5	Fixed Mobile 410A	
22.5–23	Fixed Mobile	22.5–23 Fixed Mobile Broadcasting-satellite 410B
23–23.6	Fixed Mobile	
23.6–24	Radio astronomy 407	
24–24.05	Amateur Amateur-satellite 410C	
24.05–24.25	Radiolocation Amateur 407 410C	

SUP 409D
ADD 409E
Spa2

In Japan, the bands 19.7–21.2 GHz and 29.5–31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation on the power flux density of space stations in the fixed-satellite service.

SUP 410
ADD 410
Spa2

The band 22.21–22.26 GHz is also allocated to the radio astronomy service for observations of a spectral line due to water vapour (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radio astronomy.

ADD 410
Spa2

In Region 3, the broadcasting-satellite service is authorized in the band 22.5–23.0 GHz, subject to power flux density limits for the protection of the terrestrial services in this band.

ADD 410C
Spa2

The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 25.25–31.3 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
25.25–27.5	Fixed Mobile	
27.5–29.5	Fixed Fixed-satellite (earth-to-space) Mobile	
29.5–31	Fixed-satellite (earth-to-space) 409E	
31–31.3	Fixed Mobile Space research 412H 412I	

NOC 412E 412H
ADD 412I
Spa2

Radio astronomy observations in the band 31.2–31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 36–40 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
36—40	Fixed Mobile 391A 412E	

In the Table of Frequency Allocations, replace the indication "above 40 (Not allocated)" *by the following new Table:*

GHz

Allocation to services		
Region 1	Region 2	Region 3
40–41	Fixed-satellite (space-to-earth)	
41–43	Broadcasting-satellite	
43–48	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
48–50	(Not allocated)	
50–51	Fixed-satellite (earth-to-space)	
51–52	Earth exploration-satellite Space research	
52–54.25	Space research (passive) 412J	
54.25–58.2	Inter-satellite	

ADD 412J
Spa2

All emissions in the bands 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz, 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz and 230–240 GHz are prohibited. The use of passive sensors by other services is also authorized.

GHz

Allocation to services		
Region 1	Region 2	Region 3
58.2–59	Space research (passive) 412J	
59–64	Inter-satellite	
64–65	Space research (passive) 412J	
65–66	Earth exploration-satellite Space research	
66–71	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
71–84	(Not allocated)	
84–86	Broadcasting-satellite	
86–92	Radio astronomy Space research (passive) 412J	

XUM

GHz

Allocation to services		
Region 1	Region 2	Region 3
92–95	Fixed-satellite (earth-to-space)	
95–101	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
101–102	Space research (passive) 412J	
102–105	Fixed-satellite (space-to-earth)	
105–130	Inter-satellite 412K	
130–140	Radio astronomy Space research (passive) 412J	
104–142	Fixed-satellite (earth-to-space)	

ADD 412K
Spa2

Radio astronomy observations on the carbon monoxide line at 115–271 GHz are carried out in a number of countries under national arrangements. In making assignments to other services in the Table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16–115.38 GHz.

GHz

Allocation to services		
Region 1	Region 2	Region 3
142–150	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
150–152	Fixed-satellite (space-to-earth)	
152–170	(Not allocated)	
170–182	Intersatellite	
182–185	Space research (passive) 412J	
185–190	Intersatellite	
190–200	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
200–220	(Not allocated)	
220–230	Fixed-satellite	
230–240	Radio astronomy Space research (passive) 412J	
240–250	(Not allocated)	
250–265	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
265–275	Fixed-satellite	
Above 275	(Not allocated)	

ANNEX 4: REVISION OF ARTICLE 6 OF THE RADIO REGULATIONS

Article 6 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 415 by the following new text:

MOD 415
Spa2

§ 2. (1) When special circumstances make it indispensable to do so, an administration may, as an exception to the normal methods of working authorized by these Regulations, have recourse to the special methods of working enumerated below, on the sole condition that the characteristics of the stations still conform to those inserted in the Master International Frequency Register:

(a) a fixed station in the terrestrial radiocommunication service or an earth station in the fixed-satellite service may, on a secondary basis, transmit to mobile stations on its normal frequencies;

(b) a land station may communicate, on a secondary basis, with fixed stations in the terrestrial radio communication service or earth stations in the fixed-satellite service or other land stations of the same category.

Replace Regulation No. 417 by the following new text:

MOD 417
Spa2

§ 3. Any administration may assign a frequency in a band allocated to the fixed service or allocated to the fixed-satellite service to a station authorized to transmit, unilaterally, from one specified fixed point to one or more specified fixed points provided that such transmissions are not intended to be received directly by the general public.

Add the following new text after Regulation No. 419:

ADD 419A
Spa2

§ 5A. Earth stations on board aircraft are authorized to use frequencies in the bands allocated to the maritime mobile-satellite service for the purpose of communicating, via the stations of that service, with the public telegraph and telephone networks.

ANNEX 5: REVISION OF ARTICLE 7 OF THE RADIO REGULATIONS

Article 7 of the Radio Regulations shall be amended as follows:

Add the following new sub-title and text after Section I:

ADD Spa2

SECTION IA. BROADCASTING-SATELLITE SERVICE

ADD 428A
Spa2

§ 2A. In devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum extent practicable, the radiation over the territory of other countries unless an agreement has been previously reached with such countries.

Replace the title of Section VII by the following new title:

MOD Spa2

SECTION VII. TERRESTRIAL RADIOCOMMUNICATION SERVICES SHARING FREQUENCY BANDS WITH SPACE RADIOCOMMUNICATION SERVICES ABOVE 1GHZ

Choice of Sites and Frequencies

Replace Regulation No. 470A by the following new text:

(MOD) 470A
Spa2

§ 18. Sites and frequencies for terrestrial stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from earth stations.

After Regulation No. 470A, add the following new Regulations:

ADD 470AA
Spa2

§ 18A. (1) As far as practicable, sites for transmitting[1] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +35 dBW in the frequency bands between 1 and 10 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 2° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[2]

ADD 470AB
Spa2

(2) As far as practicable, sites for transmitting[3] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +45 dBW in the frequency bands between 10 and 15 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 1–5° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[4]

ADD 470AC
Spa2

(3) In the frequency bands above 15 GHz there shall be no restriction as to the direction of maximum radiation for stations in the fixed or mobile service.

ADD 470AA.1
Spa2

Power Limits

Replace Regulation No. 470B by the following new text:

MOD 470B
Spa2

§ 19. (1) The maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed +55 dBW.

After Regulation No. 470B, add the following new Regulations:

ADD 470BA
Spa2

(1A) Where compliance with No. 470AA is impracticable the maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed:

+47 dBW in any direction within 0.5° of the geostationary satellite orbit; or

+47 dBW to +55 dBW, on a linear decibel scale (8 dB per degree), in any direction between 0.5 and 1.5 of the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[1]

Replace Regulation No. 470C by the following new text:

MOD 470C
Spa2

(2) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands between 1 and 10 GHz, shall not exceed +13 dBW.

After Regulation No. 470C, add the following new Regulation:

ADD 470C
Spa2

[1] For their own protection receiving stations in the fixed or mobile services operating in bands shared with space radiocommunication services (space-to-Earth) should also avoid directing their antennae towards the geostationary satellite orbit if their sensitivity is sufficiently high that interference from space station transmissions may be significant.

ADD 470AA.2
Spa2

[2] Information on this subject is given in the most recent version of C.C.I.R. Report No. 393.

ADD 470AB.1
Spa2

[3] See No. 470AA.1.

ADD 470AB.2
Spa2

[4] See No. 470AA.2.

(2A) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands above 10 GHz shall not exceed + 10 dBW.

ADD 470BA.1 [1] See No. 370AA.2.
Spa2

Replace Regulation No. 470D by the following new text:

MOD 470D
Spa2

(3) The limits given in Nos. 470AA, 470B, 470BA and 470C apply in the following frequency bands allocated to the fixed-satellite service and the meteorological-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (for Regions 2 and 3)
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (for Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz

After Regulation No. 470D, add the following new Regulations:

ADD 470DA
Spa2

(4) The limits given in Nos. 470AB, 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 1 and 2)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

ADD 470DB
Spa2

(5) The limits given in Nos. 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

27 5 - 29 5 GHz
29 5 - 31 0 GHz (for the country mentioned in No. 409E)

Replace the title of Section VIII by the following new title:

MOD Spa2

Section VIII. Space Radiocommunication Services sharing Frequency Bands with Terrestrial Radiocommunication Services above 1 GHz

Choice of Sites and Frequencies

Replace Regulation No. 470E by the following new text:

(MOD) 470E
Spa2

§ 20. Sites and frequencies for earth stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services, shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from terrestrial stations.

Power Limits

Replace Regulations Nos. 470F and 470G by following new texts:

MOD 470F
Spa2

§ 21. (1) Earth stations.

MOD 470G
Spa2

(2) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands between 1 and 15 GHz, shall not exceed the following limits except as provided in Nos. 470H or 470GC:

+40 dBW in any 4 kHz band for θ less than equal 0°

+40+30dBW in any 4kHz band for 0° < θ (less than equal)

where θ is the angle of elevation of the horizon viewed from the centre of radiation of the antenna of the earth station and measured in degrees as positive above the horizontal plane and negative below it.

After Regulation No. 470G, add the following new Regulations:

ADD 470GA
Spa2

(2A) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands above 15 GHz shall not exceed the following limits except as provided in Nos. 470H or 470GD:

+64 dBW in any 1 MHz band for θ (less than equal) 0°

+64+3θ dBW in any 1 MHz band for 0° < θ (lss than equal) 5°

where θ is as defined in No. 470G.

ADD 470GB
Spa2

(2B) For angles of elevation of the horizon greater than 5° there shall be no restriction as to the equivalent isotropically radiated power transmitted by an earth station towards the horizon.

ADD 470GC
Spa2

(2C) As an exception to the limits given in No. 470G, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +55 dBW in any 4 kHz band.

ADD 470GD
Spa2

(2D) As an exception to the limits in No. 470GA, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +79 dBW in any 1 MHz band.

Replace Regulation No. 470H by the following new text:

MOD 470H
Spa2

(3) The limits given in No. 470G, No. 470GA, No. 470GC and No. 470GD, as applicable, may be exceeded by not more than 10 dB. However, when the resulting co-ordination area extends into the territory of another country, such increase shall be subject to agreement by the administration of that country.

Delete Regulation No. 470I.

Replace Regulation No. 470J by the following new text:

MOD 470J
Spa2

(3A) The limits given in No. 470G apply in the following frequency bands allocated to transmission by earth stations in the fixed-satellite service and earth exploration-satellite service, and in particular the meteorological-satellite service, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (Regions 2 and 3)
4 400–4 700 MHz
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz
10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 2 and 3 and for the countries mentioned in No. 405BD)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

After Regulation No. 470J, add the following new Regulation:

ADD 470JA
Spa2

(3B) The limits given in No. 470GA apply in the following frequency band allocated to transmission by earth stations in the fixed-satellite service, where this is shared with equal rights with the fixed or mobile service:

27.5–29.5 GHz

Minimum Angle of Elevation

Replace Regulations Nos. 470K and 470L by the following new texts:

MOD 470K
Spa2

§ 22.(1) Earth stations.

MOD 470L
Spa2

(2) Earth station antennae shall not be employed for transmission at elevation angles of less than 3 degrees measured from the horizontal plane to the direction of maximum radiation, except when agreed to by administrations concerned or those whose services may be affected. In case of reception by an earth station, the above value shall be used for co-ordination purposes if the operating angle of elevation is less than that value.

After Regulation No. 470L, add the following new Regulation:

ADD 470LA
Spa2

(2A) As an exception to No. 470L, earth station antennae in the space research service (near-earth) shall not be employed for transmission at elevation angles of less than 5 degrees, and earth station antennae in the space research service (deep-space) shall not be employed for transmission at elevation angles of less than 10 degrees, both angles being those measured from the horizontal plane to the direction of maximum radiation. In case of reception by an earth station, the above values shall be used for co-ordination purposes if the operating angle of elevation is less than those values.

Delete Regulation No. 470M.

Replace the sub-title "Power Flux Density Limits" as well as Regulation No. 470N by the following new sub-title and text:

MOD Spa2 *Limits of Power Flux Density from Space Stations*

MOD 470N
Spa2

§ 23. (1) Power flux density limits between 1 690 MHz and 1 700 MHz.

After Regulation No. 470N, add the following new Regulations:

ADD 470NA
Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed —133 dBW/m² in any 1.5 MHz band. This limit relates to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NB
Spa2

b) The limit given in No. 470NA applies in the frequency band listed in No. 470NC which is allocated to transmission by space stations in the earth exploration-satellite service and in particular the meteorological-satellite service where this band is shared with equal rights with the meteorological aids service.

ADD 470NC
Spa2
1 690–1 700 MHz

XUM

ADD 470ND
Spa2
(2) Power flux density limits between 1 670 MHz and 2 535 MHz.
ADD 470NE
Spa2
(*a*) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—154 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$$-154+\frac{\delta-5}{2}\text{dBW/m}^2 \text{ in any 4 kHz band for}$$

angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—144 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degress above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NF
Spa2
(*b*) The limits given in No. 470NE apply in the frequency bands listed in No. 470NG which are allocated to transmission by space stations in the following space radiocommunication services:
—Earth exploration-satellite service and in particular meteorological-satellite service (space-to-Earth)
—space research service (space-to-Earth)
—fixed-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NG
Spa2
1 670–1 690 MHz
1 690–1 700 MHz (for the countries mentioned in No. 354A)
1 700–1 710 MHz
1 770–1 790 MHz (for the countries mentioned in No. 358AA)
2 200–2 290 MHz
2 290–2 300 MHz
2 500–2 535 MHz
ADD 470NGA
Spa2
c) The power flux density values given in No. 470NE are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the bands listed in No. 470NG and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.
ADD 470NH
Spa2
(3) Power flux density limits between 2 500 MHz and 2 690 MHz.
ADD 470NI
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station in the broadcasting-satellite service for all conditions and for all methods of modulation shall not exceed the following values:
—152 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—152+3(δ—5)/ dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—137 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NJ
Spa2
b) The limits given in No. 470NI apply in the frequency band:
2 500–2 690 MHz
which is shared by the broadcasting-satellite service with the fixed or mobile service.
ADD 470NK
Spa2
c) The power flux density values given in No. 470NI are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the band mentioned in No. 470NJ and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.
ADD 470NL
Spa2
(4) Power flux density limits between 3 400 MHz and 7 750 MHz.
ADD 470NM
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—152 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—152+δ—5/2 dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—142 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NN
Spa 2
b) The limits given in No. 470NM apply in the frequency bands listed in No. 470NO which are allocated to transmission by space stations in the following space radiocommunication services:
—fixed-satellite service (space-to-Earth)
—meteorological-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NO
Spa2
3 400—4 200 MHz
7 250—7 300 MHz (for the countries mentioned in No. 392G)
7 300–7 750 MHz
ADD 470NP
Spa2
(5) Power flux density limits between 8 025 MHz and 11·7 GHz.
ADD 470NQ
Spa2
(*a*) The power flux density at the Earth's surface, produced by emissions from a space station, or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—150 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—150+δ—5/2 dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—140 dBW/M² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NR
Spa2
(*b*) The limits given in No. 470NQ apply in the frequency bands listed in No. 470NS which are allocated to transmission by space stations in the following space radiocommunication services:
Earth exploration-satellite service (space-to-Earth)
Space research service (space-to-Earth)
Fixed-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NS
Spa2
8 025–8 400 MHz
8 400–8 500 MHz
10.95–11.20 GHz
11.45–11.70 GHz
ADD 470NT
Spa2
(6) Power flux density limits between 12.50 GHz and 12.75 GHz.
ADD 470NU
Spa2
(*a*) The power flux density at the Earth's surface, produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—148 dBW/M² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—148+δ—5/2 dBW/m² in any kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—138 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NV
Spa2
(*b*) The limits given in No. 470NU apply in the frequency band indicated in No. 470NW which is allocated to the fixed-satellite service for transmission by space stations where this band is shared with equal rights with the fixed or mobile service:
ADD 470NW
Spa2
12.50–12.75 GHz (Region 3 and for the countries mentioned in No. 405BD)
ADD 470NX
Spa2
(7) Power flux density limits between 17·7 GHz and 22·0 GHz.
ADD 470NY
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—115 dBW/m² in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—115+*6*—5/2 dBW/m² in any 1 MHz band for angles of arrival *6* (in degrees) between 5 and 25 degrees above the horizontal plane;
—105 dBW/m² in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NZ
Spa2
b) The limits given in No. 470NY apply in the frequency bands listed in No. 470NZA which are allocated to transmission by space stations in the following space radiocommunication services:

—fixed-satellite service (space-to-Earth)
—earth exploration-satellite service (space-to-Earth) where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NZA
Spa2
17·7–19·7 GHz
21·2–22·0 GHz
ADD 470NZB
Spa2
(8) The limits given in Nos. 470NA, 470NE, 470NI, 470NM, 470NQ, 470NU and 470NY may be exceeded on the territory of any country the administration of which has so agreed.
Delete Regulations No. 470O to 470U.
Delete note[1] on the foot of page 140 (Radio Regulations—1968 edition).
Replace Section IX by the following new text:
MOD Spa2
Section IX. Space Radiocommunication Services
Cessation of Emissions
MOD 470V
Spa2
§ 24. Space stations shall be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these Regulations.
ADD Spa2
Control of Interference between Geostationary-Satellite Systems and non-synchronous inclined Orbit-Satellite Systems
§ 25. Non-geostationary space stations in the fixed-satellite service shall cease or reduce to a negligible level radio emissions, and their associated earth stations shall not transmit to them whenever there is insufficient angular separation between the non-geostationary satellite and geostationary satellites and unacceptable interference[1] to
ADD 470VA.1
Spa2
geostationary satellite space systems operating in accordance with these Regulations.
ADD Spa2
Stations Keeping of Space Stations[1]
ADD 470VB
Spa2
§ 26. Space stations on geostationary satellites:
ADD 470VC
Spa2
—shall the capability of maintaining their positions within ± 1 degree of the longitude of their nominal positions, but efforts should be made to achieve a capability of maintaining their positions at least within ± 0.5 degree of the longitude of their nominal positions;
ADD 470VD
Spa2
—shall maintain their positions within ± 1 degree of longitude of their nominal positions irrespective of the cause of variation; but
ADD 470VE
Spa2
—need not comply with No. 470VD as long as the satellite network to which the space station belongs does not produce an unacceptable level of interference[2] into any other satellite network whose space station complies with the limits given in No. 470VD.
ADD Spa2
Pointing Accuracy of Antennae on Geostationary Satellites
ADD 470VF
Spa2
§ 27. The pointing direction of maximum radiation of any earthward beam of antennae on geostationary satellites shall be capable of being maintained within:
10% of the half power beamwidth relative to the nominal pointing direction, or
0.5 degree relative to the nominal pointing direction, which ever is greater. This provision applies only when such a beam is intended for less than global coverage.
In the event that the beam is not rotationally symmetrical about the axis of maximum radiation, the tolerance in any plane containing this axis shall be related to the half power beamwidth in that plane.
This accuracy shall be maintained only if it is required to avoid unacceptable interference[1] to other systems.
ADD Spa2
Power Flux Density at the Geostationary Satellite Orbit
ADD 470VG Spa2
§ 28. In the frequency band 8 025 to 8 400 MHz, which the Earth exploration-satellite service using non-geostationary satellites shares with the fixed-satellite service (Earth-to-space) or the meteorological-satellite service (Earth-to-space), the maximum power flux density produced at the geostationary satellite orbit by any earth exploration-satellite service space station shall not exceed—
—177 dBW/m² in any 4kHz band.
ADD 470VF.1 Spa2

ANNEX 6: REVISION OF ARTICLE 8 OF THE RADIO REGULATIONS

Article 8 of the Radio Regulations shall be amended as follows:
Replace Regulation No. 477 by the following new text:
MOD 477
Spa2
e) the study, on a long-term basis, of the usage of the radio spectrum, with a view to making recommendations for its more effective use;

ANNEX 7: REVISION OF ARTICLE 9 OF THE RADIO REGULATIONS

Article 9 of the Radio Regulations shall be amended as follows:
The title of the article as well as the text of footnote[2] shown on page 143 of the Radio Regulations (1968 edition) are replaced by the following new title and notes:
MOD Spa2 Notification and Recording in the Master International Frequency Register of Frequency Assignments[1] to Terrestrial Radiocommunication Stations[2]
ADD 470VE.1
Spa2
SECTION I. NOTIFICATION OF FREQUENCY ASSIGNMENTS AND CO-ORDINATION PROCEDURE TO BE APPLIED IN APPROPRIATE CASES
Delete Regulation No. 486.1.
Replace Regulations Nos. 486, 486.2, 486.3 and 486.4 by the following new texts:
(MOD) 486
Spa2
§ 1. (1) Any frequency assignment[1] to a fixed, land, broadcasting[2], radionavigation land, radiolocation land or standard frequency station, or to a ground-based station in the meteorological aids service, shall be notified to the International Frequency Registration Board:
a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration[3]; or
b) if the frequency is to be used for international radiocommunication; or
c) if it is desired to obtain international recognition of the use of the frequency[3].
[(MOD) 487 *only concerns the French text*]
(MOD) 486.1
Spa2
Replace Regulations Nos. 490, 491, 492, 492A, 492A.1, 492B, 492B.1, 492C, 492D, 492E, and 492F by the following new texts:
MOD 490
Spa2
(2) When stations of the same service, such as the land mobile service, use a band of frequencies above 28 000 kHz in a specific area or areas, an individual notice should be drawn up, as prescribed in Section C of Appendix 1, which specifies the basic characteristics to be furnished, for each frequency on which there are assignments within the band; however, the particulars should relate only to a typical station. This does not apply to broadcasting stations or to other terrestrial stations to which the provisions of Sub-Section IIB of this article apply or to other stations of the fixed or mobile service which operate in frequency bands listed in Table II of Appendix 28 with equivalent isotropically radiated power exceeding the corresponding values listed in the table.
MOD 491
Spa2
§ 3. (1) Whenever practicable, each notice should reach the Board before the date on which the assignment is brought into use. It must reach the Board not earlier than ninety

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[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.
ADD Spa 2
ADD 470VA
Spa2
[1] In the case of space stations on geosynchronous satellites with orbits having an angle of inclination greater than 5 degrees the positional tolerance shall relate to the nodal point.

[2] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.
[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.
[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).
[2] For the notification and recording in the Master International Frequency Register of frequency assignments to radio astronomy and space radiocommunication stations, see Article 9A.
[1] In the case where a frequency is used by numerous stations under the jurisdiction of the same administration, see Appendix 1 (Section E, II, Column 5a, paragraphs 2c and 2d).
(MOD) 486.2
Spa2
[2] With respect to assignments to broadcasting stations in the bands allocated exclusively to the broadcasting service between 5 950 kHz and 26 100 kHz, see Article 10.
MOD 486.3
Spa2
[3] The attention of administration is specifically drawn to the application of the provisions of Nos. 486 *a*) and 486 *c*) in those cases where they make a frequency assignment to a terrestrial station, located within co-ordination area of an earth station (see No. 492A), in a band which terrestrial radiocommunication services share with equal rights with space radiocommunication services in the frequency spectrum above 1 GHz.

XUM

days before the date on which it is to be brought into use, but in any case not later than thirty days after the date it is actually brought into use. However, for a frequency assignment to one of the terrestrial stations mentioned in Sub-Section IIB of this article or in No. 639AQ, the notice must reach the Board not earlier than three years and not later than ninety days before the date on which the assignment is to be brought into use.

MOD 492
Spa2

(2) Any frequency assignment, the notice of which reaches the Board more than thirty days after the notified date of bringing into use, or in the case of a terrestrial station mentioned in Sub-Section IIB of this article, any frequency assignment, the notice of which reaches the Board less than ninety days before it is brought into use, shall, where it is to be recorded, bear a remark in the Master Register to indicate that it is not in conformity with No. 491.

MOD 492A
Spa2

§ 3A. (1) Before an administration notifies to the Board, or brings into use any frequency assignment to a terrestrial station[1] for transmitting in a band allocated with equal rights to terrestrial radio-communication services and space radiocommunication services (space-to-Earth) in the frequency spectrum above 1GHz, it shall initiate co-ordination of the proposed assignment with the administration responsible for the receiving earth station concerned if the assignment is for use within the co-ordination area of an existing receiving earth station or of one for which the co-ordination procedure referred to in No. 639AN has been initiated. For the purpose of effecting co-ordination, it shall send to any other such administration, by the fastest possible means, a copy of a diagram drawn to an appropriate scale indicating the location of the terrestrial station and all other pertinent details of the proposed frequency assignment, and the approximate date on which it is planned to bring the station into use.

MOD 492B
Spa2

(2) An administration with which co-ordination is sought under No. 492A shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch, the administration seeking co-ordination may dispatch a telegram requesting acknowledgement of receipt of the co-ordination data, to which the receiving administration shall reply. Upon receipt of the co-ordination data an administration shall promptly examine the matter with regard to interference[1] which would be caused to the services rendered by its earth stations operating in accordance with the Convention and these Regulations, or to be so operated within the next three years, with the proviso that in this latter case co-ordination specified in No. 639 AN has been effected or that the co-ordination procedure has already been initiated; and shall, within an overall period of sixty days from dispatch of the co-ordination data, either notify the administration requesting co-ordination of its agreement to the proposals or, if this is not possible, indicate the reasons therefor and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

MOD 492A.1
Spa2

MOD 492C
Spa2

(3) No co-ordination under No. 492A is required when an administration proposes:

a) to bring into use a terrestrial station which is located, in relation to an earth station, outside the co-ordination area; or

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to the earth stations of other administrations.

ADD 492B.1
Spa2

MOD 492D
Spa2

(4) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination, in those cases where:

a) an administration with which co-ordination is sought under No. 492A fails to acknowledge receipt under No. 492B within thirty days of dispatch of the coordination data;

b) an administration which has acknowledged receipt under No. 492B but fails to give a decision within ninety days of dispatch of the co-ordination data;

c) there is disagreement between the administration seeking coordination and an administration with which co-ordination is sought as to the acceptable level of interference; or

d) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

MOD 492E
Spa2

(5) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

MOD 492F
Spa2

(6) Where the Board receives a request under No. 492D *a*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

After Regulation No. 492F, add the following new Regulations:

ADD 492FA
Spa2

(7) Where the Board receives an acknowledgement following its action under No. 492F, or where the Board receives a request under No. 492D b), it shall forthwith send a telegram to the administration concerned requesting an early decision in the matter.

ADD 492FB
Spa2

(8) Where the Board receives a request under No. 492D *d*), it shall endeavour to effect co-ordination in accordance with the provisions of No. 492A. Where the Board receives no acknowledgement of its request for co-ordination within the period specified in No. 492B, it shall act in accordance with No. 492F.

ADD 492FC
Spa2

(9) Where an administration fails to reply within thirty days of dispatch of the Board's telegram sent under No. 492F requesting an acknowledgement, or fails to give a decision in the matter within sixty days of dispatch of the Board's telegram of request sent under No. 492FA, it shall be deemed that the administration with which co-ordination was sought has undertaken that no complaint will be made in respect of any harmful interference which may be caused by the terrestrial station being co-ordinated to the service rendered by its earth station.

Replace Regulation No. 492G by the following new text:

MOD 492G
Spa2

(10) Where necessary, as part of the procedure under No. 492D, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

After Regulation No. 492G, add the following new Regulations:

ADD 492GA
Spa2

(11) In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking co-ordination may, after sixty days from the date of the request for the assistance of the Board, taking into cosideration the provisions of No. 491, send its notice concerning the proposed assignment to the Board.

ADD 492GB
Spa2

§ 3B. Where the Board receives information from an administration in accordance with the provisions of No. 639AQ in reply to a request for co-ordination for an earth station, it shall consider as notifications under this Section, only that information relating to assignments to existing terrestrial stations or to those to be brought into use within the time limits defined in No. 491. Such notifications shall be examined by the Board with respect to the provisions of Nos. 570AB and 570AD, as appropriate, and shall be treated accordingly.

Replace No. 493 by the following new text:

(MOD) 493
Spa2

§ 3C. (1) Whatever the means of communication, including telegraph, by which a notice is transmitted to the Board, it shall be considered complete if it contains at least those appropriate basic characteristics specified in Appendix 1.

Replace the title of Sub-Section IIA by the following new title:

MOD Spa2 Sub-Section IIA. Procedure to be followed in cases not covered by Sub-Section IIB of this Article

[(MOD) 501 only concerns the French and the Spanish texts]

Replace the title of Sub-Section IIB by the following new title:

MOD Spa2
Sub-Section IIB. Procedure to be followed in cases where terrestrial stations are in the same frequency band as, and within the co-ordination area of, an existing earth station or one for which co-ordination has been effected or initiated.

[(MOD) 570AB *only concerns the French and the Spanish texts*]

Replace Regulation No. 570AD by the following next text:

(MOD) 570 AD
Spa2

c) where appropriate, with respect to the probability of harmful interference to the service rendered by an earth receiving station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM, and if the corresponding frequency assignment to the space transmitting station has not, in fact, caused harmful interference to

[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or the mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria for other terrestrial radiocommunication services, the criteria to be used in effecting co-ordination between earth stations and terrestrial stations other than those of the fixed or the mobile service, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

any frequency assignment in conformity with No. 501 or 570AB, as appropriate, previously recorded in the Master Register.

Replace Regulation No. 570AG by the following new text:

MOD 570AG
Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be examined immediately with respect to Nos. 570AC and 570AD.

After Regulation No. 570AG, add the following new Regulations:

ADD 570AGA
Spa2

(3) If the finding is favourable with respect to No. 570AC or 570AD, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

ADD 570AGB
Spa2

(4) If the finding is unfavourable with respect to No. 570AC or 570AD, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

ADD 570AGC
Spa2

(5) The period of one hundred and twenty days mentioned in Nos. 570AGB and 570AX shall count:

—from the date when the assignment to the terrestrial station which received an unfavourable finding is brought into use, if the assignment to the earth station is then in use;

—otherwise, from the date when the assignment to the earth station is brought into use.

But if the assignment to the earth atation has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from that date. Allowance, if necessary, may be made for the additional period mentioned in No. 570BF.

Replace Regulations Nos. 750AH to 570AK by the following new texts:

(MOD) 570AH
Spa2

(6) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

(MOD) 570AI
Spa2

(7) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 570AH.

(MOD) 570AJ
Spa2

(8) If the notifying administration resubmits the notice with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of Nos. 570AG and 570AGA or No. 570AGB, as appropriate.

(MOD) 570AK
Spa2

(9) If the notifying administration resubmits the notice with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 570AB, the notice shall be treated under the provisions of Nos. 570AL to 570AX. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in Column 2d.

[(MOD) 570AM, (MOD) 570AN, (MOD) 570AO (MOD) 570AP *only concerns the Spanish text*]

ADD Spa2

[(MOD) 570AV *only concerns the Spanish text*]

Replace Regulation No. 570AX by the following new text:

MOD 570AX
Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 570AW to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 570AGC.

Delete Regulation No. 570AY.

Replace Regulation No. 570BA by the following new text:

MOD 570BA
Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1 (except those entered in Columns 3 and 4a of the Master Register), shall be examined by the Board according to Nos. 570AB and 570AC and, where appropriate, No. 570AD, and the provisions of Nos. 570AF to 570AX inclusive applied. Where the change should be recorded, the original assignment shall be amended according to the notice.

Replace Regulation No. 570BC by the following new text:

(MOD) 570BC
Spa2

§ 23H. In applying the provisions of this Sub-Section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

Replace Regulations Nos. 570BF, 570BG and 570BH by the following new texts:

(MOD) 570BF
Spa2

(3) If, within the period of thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of bringing into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration received before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

MOD 570BG
Spa2

(4) In the circumstances described in No. 570AX, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 570AGC, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 570AX, the information relating to the absence of complaint of harmful interference.

MOD 570BH
Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 570BF or at the end of the period referred to in No. 570BG, as appropriate, the entry concerned shall be cancelled. The Board shall advise the notifying administration before taking such action.

Replace Regulation No. 611A by the following new text:

(MOD) 611A
Spa2

(6) If harmful interference to the reception of any station whose assignment is in accordance with No. 639BM is actually caused by the use of a frequency assignment which is not in conformity with No. 501 or 570AB, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VIII. MISCELLANEOUS PROVISIONS

After Regulation No. 635, add the following new Regulations:

ADD 635A
Spa2

§ 47A. (1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) verification of the diagram showing the co-ordination area referred to in No. 639AN;

b) computation of the interference level, as referred to in No. 492B;

c) any other assistance of a technical nature for completion of the procedures in this Article.

ADD 635B
Spa2

(2) In making a request to the Board under No. 635A, the administration shall furnish the Board with the necessary information.

ANNEX 8: REVISION OF ARTICLE 9A OF THE RADIO REGULATIONS

Article 9A of the Radio Regulations shall be amended as follows:

The entire Article 9A is replaced by the following new text:

MOD Spa2 ARTICLE 9A

Co-ordination, Notification and Recording in the Master International Frequency Register of Frequency Assignments[1] to Radio Astronomy and Space Radiocommunication

[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).

XUM

Stations except Stations in the Broadcasting-Satellite Service

SECTION I. PROCEDURE FOR THE ADVANCE PUBLICATION OF INFORMATION ON PLANNED SATELLITE SYSTEMS

639AA
Spa2

§ 1. (1) An administration (or one acting on behalf of a group of named administrations) which intends to establish a satellite system shall, prior to the co-ordination procedure in accordance with No. 639AJ where applicable, send to the International Frequency Registration Board not earlier than five years before the date of bringing into service each satellite network of the planned system, the information listed in Appendix 1B.

639AB
Sp2

(2) Any amendments to the information sent concerning a planned satellite system in accordance with No. 639A shall also be sent to the Board as soon as they become available.

639AC
Spa2

(3) The Board shall publish the information sent under Nos. 639AA and 639AB in a special section of its weekly circular and shall also, when the weekly circular contains such information, so advise all administrations by circular telegram.

639AD
Spa2

(4) If, after studying the information published under No. 639AC, any administration is of the opinion that interference, which may be unacceptable, may be caused to its existing or planned space radiocommunication services, it shall within ninety days after the date of the weekly circular publishing the information listed in Appendix 1B, send its comments to the administration concerned. A copy of these comments shall also be sent to the Board. If no such comments are received from an administration within the period mentioned above, it may be assumed that that administration has no basic objections to the planned satellite network(s) of that system on which details have been published.

639AE
Spa2

(5) An administration receiving comments sent in accordance with No. 639A shall endeavour to resolve any difficulties that may arise.

639AF
Spa2

(6) In case of difficulties arising when any planned satellite network of a system is intended to use the geostationary satellite orbit:

a) the administration responsible for the planned system shall first explore all possible means of meeting its requirements, taking into account the characteristics of the geostationary satellite networks of other systems, and without considering the possibility of adjustment to systems of other administrations. If no such means can be found, the administration concerned is then free to apply to other administrations concerned to solve these difficulties;

b) an administration receiving a request under *a*) above shall, in consultation with the requesting administration, explore all possible means of meeting the requirements of the requesting administration, for example, by relocating one or more of its own geostationary space stations involved, or by changing the emissions, frequency usage (including changes in frequency bands) or other technical or operational characteristics;

c) if after following the procedure outlined in *a*) and *b*) above there are unresolved difficulties, the administrations concerned shall together make every possible effort to resolve these difficulties by means of mutually acceptable adjustments, for example, to geostationary space station locations and to other characteristics of the systems involved in order to provide for the normal operation of both the planned and existing systems.

639AG
Spa2

(7) In their attempts to resolve the difficulties mentioned above administrations may seek the assistance of the Board.

639AH
Spa2

(8) In complying with the provisions of Nos. 639AE to 639AG, an administration responsible for a planned satellite system shall, if necessary, defer its commencement of the co-ordination procedure, or where this is not applicable, the sending of its notices to the Board, until one hundred and fifty days after the date of the weekly circular containing the information listed in Appendix 1B on the relevant satellite network. However, in respect of those administrations with whom difficulties have been resolved or who have responded favorably, the co-ordination procedure, where applicable, may be commenced prior to the expiry of the one hundred and fifty days mentioned above.

639AI
Spa2

(9) An administration on behalf of which details of planned satellite networks in its system have been published, in accordance with the provisions of Nos. 639AA to 639AC, shall periodically inform the Board whether or not comments have been received and of the progress made, with other administrations, in resolving any difficulties. The Board shall publish this information in a special section of its weekly circular and shall also, when the weekly circular contains such information, so inform all administrations by circular telegram.

SECTION II. CO-ORDINATION PROCEDURES TO BE APPLIED IN APPROPRIATE CASES

639AJ
Spa2

§ 2. (1) Before an administration notifies to the Board or brings into use any frequency assignment to a space station on a geostationary satellite or to an earth station that is to communicate with a space station on a geostationary satellite, it shall effect co-ordination of the assignment with any other administration whose assignment in the same band for a space station on a geostationary satellite or for an earth station that communicates with a space station on a geostationary satellite is recorded in the Master Register, or has been co-ordinated or is being co-ordinated under the provisions of this paragraph. For this purpose, the administration requesting coordination shall send to any other such administration the information listed in Appendix 1A.

639AK
Spa2

(2) No co-ordination under No. 639AJ is required:

a) when the use of a new frequency assignment will cause, to any service of another administration, an increase in the noise temperature of any space station receiver or earth station receiver, or an increase in the equivalent satellite link noise temperature, as appropriate, not exceeding the predetermined increase of noise temperature calculated in accordance with the method given in Appendix 29; or

b) when an administration proposes to change the characteristics of an existing assignment in such a way as will, in respect of any service of another administration, meet the requirements of sub-paragraph *a*) above, or, where this assignment has previously been coordinated, will cause an increase in noise temperature not exceeding the value agreed during co-ordination.

639AL
Spa2

(3) An administration initiating the co-ordination procedure referred to in No. 639AJ shall at the same time send to the Board a copy of the request for co-ordination, with the information listed in Appendix 1A and the name(s) of the administration(s) with which co-ordination is sought. The Board shall publish this information in a special section of its weekly circular, together with a reference to the weekly circular in which details of the satellite system were published in accordance with Section I of this Article. When the weekly circular contains such information, the Board shall so inform all administrations by circular telegram.

639AM
Spa2

(4) An administration believing that it should have been included in the co-ordination procedure under No. 639AJ shall have the right to request that it be brought into the co-ordination procedure.

639AN
Spa2

§ 3. (1) Before an administration notifies to the Board or brings into use any frequency assignment to an earth station, whether for transmitting or receiving, in a particular band allocated with equal rights to space and terrestrial [1] radiocommunication services in the frequency spectrum above 1 GHz, it shall effect co-ordination of the assignment with any other administration whose territory lies wholly or partly within the co-ordination area [2] of the planned earth station. For this purpose it shall send to any other such administration a copy of a diagram drawn to an appropriate scale indicating the location of the earth station and showing the co-ordination areas [2] of the earth station for the cases of transmission and reception by the earth station and the data on which they are based, including all pertinent details of the proposed frequency assignment, as listed in Appendix 1A, and an indication of the approximate date on which it is planned to begin operations.

639AO
Spa2

(2) An administration with which co-ordination is sought under No. 639AJ shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within thirty days after the date of the weekly circular publishing the information under No. 639AL, the administration seeking coordination shall dispatch a telegram requesting acknowledgement, to which the receiving administration shall reply within a further period of thirty days. Upon receipt of the co-ordination data, an administration shall, having regard to the proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard to interference [1] which would be caused to the service rendered by its stations in respect of which co-ordination is sought under No. 639AJ; and shall, within ninety days from the date of the relevant weekly circular, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree, it shall, within the same period, send to the administration seeking co-ordination the technical details upon which its disagreement is based, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem. A copy of these comments shall also be sent to the Board.

639AN.1
Spa2

[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria relating to other terrestrial radiocommunication services, the criteria to be employed in effecting co-ordination between earth stations and terrestrial radiocommunication stations, other than those of the fixed or mobile service, shall be agreed between the administrations concerned.

639AN.2
Spa2

[2] Calculated, in relation to the fixed or mobile service, in accordance with the procedures described in Appendix 28.

639AP
Spa2

(3) An administration with which co-ordination is sought under No. 639AN shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch of the co-ordination data, the administration seeking co-ordination shall dispatch a telegram requesting acknowledgement to which the receiving administration shall reply within a further period of fifteen days. Upon receipt of the co-ordination data an administration shall, having regard to the proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard both to:

a) interference [2] which would be caused to the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer; and to

639AP.1
Spa2

b) interference [1] which would be caused to reception at the earth station by the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer.

The administration with which co-ordination is sought shall then, within sixty days from dispatch of the co-ordination data, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree it shall, within the same period, send to the administration seeking co-ordination a copy of a diagram drawn to an appropriate scale showing the location of its terrestrial radiocommunication stations which are or will be within the co-ordination area of the earth transmitting or receiving station, as appropriate, together with all other relevant basic characteristics, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

639AQ
Spa2

(4) When the administration with which co-ordination is sought sends to the administration seeking co-ordination the information mentioned in No. 639AP, a copy thereof shall also be sent to the Board. The Board shall consider as notification in accordance with Section I of Article 9 only that information relating to existing terrestrial radiocommunications stations or to those to be brought into use within the next three years.

639AR
Spa2

(5) No co-ordination under No 639AN is required when an administration proposes:

639AP.1
Spa2

a) to bring into use an earth station, the co-ordination area of which does not include any of the territory of any other country;

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to or from the terrestrial radiocommunication stations of other administrations;

c) to operate a mobile earth station. However, if the co-ordination area associated with the operation of such a mobile earth station, in a frequency band referred to in No. 639AN, includes any of the territory of another country, it shall be subject to prior agreement between the administrations concerned in order to avoid harmful interference to existing terrestrial radiocommunication stations of that country. This agreement shall apply to the characteristics of the mobile earth station(s), or to the characteristics of a typical mobile earth station, and shall apply to a specified service area; unless otherwise stipulated in the agreement, it shall apply to any mobile earth stations in the specified service area provided that the probability of harmful interference caused by them shall not be greater than that caused by the typical earth station.

639AS
Spa2

§ 4. (1) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination in those cases where:

a) an administration with which co-ordination is sought under No. 639AJ fails to acknowledge receipt, under

No. 639AO, within sixty days after the date of the weekly circular publishing the information relating to the request for co-ordination;

b) an administration with which co-ordination is sought under No. 639AN fails to acknowledge receipt, under No. 639AP, within thirty days of dispatch of the co-ordination data;

c) an administration has acknowledged receipt under No. 639AO, but fails to give a decision within ninety days from the date of the relevant weekly circular;

d) an administration has acknowledged receipt under No. 639AP, but fails to give a decision within sixty days from dispatch of the co-ordination data;

e) there is disagreement between the administration seeking co-ordination and an administration with which co-ordination is sought as to the acceptable level of interference;

f) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

639AT
Spa2

(2) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

639AU
Spa2

(3) Where the Board receives a request under No. 639AS *a*) or *b*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

639AV
Spa2

(4) Where the Board receives an acknowledgement following its action under No. 639AU, or where the Board receives a request under No. 639AS *c*) or *d*), it shall forthwith send a telegram to the administration concerned requesting an early decision in the manner.

639AW
Spa2

(5) Where the Board receives a request under No. 639AS *f*), it shall endeavour to effect co-ordination in accordance with the provisions of Nos. 639AJ and 639AN, as appropriate. The Board shall also, where appropriate, act in accordance with No. 639AL. Where the Board receives no acknowledgement to its request for co-ordination within the periods specified in No. 639AO or 639AP, as appropriate, it shall act in accordance with No. 639AU.

639AX
Spa2

(6) Where an administration fails to reply within thirty days of dispatch of the Board's telegram requesting an acknowledgement sent under No. 639AU, or fails to give a decision in the matter within thirty days of dispatch of the Board's telegram of request under No. 639AV, it shall be deemed that the administration with which co-ordination was sought has undertaken:

a) that no complaint will be made in respect of any harmful interference which may be caused to the services rendered by its space or terrestrial radiocommunication stations by the use of the assignment for which co-ordination was requested;

b) that its space or terrestrial radiocommunication stations will not cause harmful interference to the use of the assignment for which co-ordination was requested.

639AY
Spa2

(7) Where necessary, as part of the procedure under No. 639AS, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

639AZ
Spa2

§ 5. In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking co-ordination may, after one hundred and fifty days from the date of the request for co-ordination, taking into consideration the provisions of No. 639BF, send its notice concerning the proposed assignment to the Board.

SECTION III. NOTIFICATION OF FREQUENCY ASSIGNMENTS

639BA
Spa2

§ 6. (1) Any frequency assignment to an

639AO.1
Spa2

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[2] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendation, shall be agreed between the administrations concerned.

XUM

earth or space station shall be notified to the Board:

a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration; or

b) if the frequency is to be used for international radiocommunications; or

c) if it is desired to obtain international recognition of the use of the frequency.

639BB
Spa2

(2) Similar notice shall be given for any frequency to be used for the reception of transmissions from earth or space stations by a particular space or earth station in each case where one or more of the conditions specified in No. 639BA are applicable.

639BC
Spa2

(3) Similar notice may be given for any frequency or frequency band to be used for reception by a particular radio astronomy station, if it is desired that such data should be included in the Master Register.

639BD
Spa2

(4) A notice submitted in accordance with No. 639BA or 639BB and relating to a frequency assignment to mobile earth stations in a satellite system shall include the technical characteristics either of each mobile earth station, or of a typical mobile earth station, and an indication of the service area within which these stations are to be operated.

639BE
Spa2

§ 7 For any notification under No. 639BA, 639BB, 639BC, or 639BD, an individual notice for each frequency assignment shall be drawn up as prescribed in Appendix 1A, the various Sections of which specify the basic characteristics to be furnished according to the case. It is recommended that the notifying administration should also supply the additional data called for in Section A of that Appendix, together with such further data as it may consider appropriate.

639BF
Spa2

§ 8. (1) For a frequency assignment to an earth or space station, each notice must reach the Board not earlier than three years before the date on which the assignment is to be brought into use. The notice must reach the Board in any case not later than ninety days[1] before this date, except in the case of assignments in the space research service in bands allocated exclusively to this service or in shared bands in which this service is the sole primary service. In the case of an assignment in the space research service, the notice should, whenever practicable, reach the Board before the date on which the assignment is brought into use, but it must in any case reach the Board not later than thirty days after the date it is actually brought into use.

(2) Any frequency assignment to an earth or space station, the notice of which reaches the Board after the applicable period specified in No. 639BF, shall, where it is to be recorded, bear a mark in the Master Register to indicate that it is not in conformity with No. 639BF.

639BF.1
Spa2

[1] The notifying administration shall take this limit into account when deciding, where appropriate, to initiate the co-ordination procedure(s).

SECTION IV. PROCEDURE FOR THE EXAMINATION OF NOTICES AND THE RECORDING OF FREQUENCY ASSIGNMENTS IN THE MASTER REGISTER

639BH § 9.
Spa2

Any notice which does not contain at least those basic characteristics specified in Appendix 1A shall be returned by the Board immediately, by airmail, to the notifying administration with the reasons therefor.

639BI § 10.
Spa2

Upon receipt of a complete notice, the Board shall include the particulars thereof, with the date of receipt, in the weekly circular referred to in No. 497, which shall contain the particulars of all such notices received since the publication of the previous circular.

639BJ § 11.
Spa2

The circular shall constitute the acknowledgement to the notifying administration of the receipt of a complete notice.

639BK § 12.
Spa2

Complete notices shall be considered by the Board in the order of their receipt. The Board shall not postpone the formulation of a finding unless it lacks sufficient data to render a decision in connection therewith; moreover, the Board shall not act upon any notice which has a technical bearing on an earlier notice still under consideration by the Board, until it has reached a finding with respect to such earlier notice.

639BL § 13.
Spa2

The Board shall examine each notice:

639BM
Spa2

a) with respect to its conformity with the Convention the Table of Frequency Allocations and the other provisions of the Radio Regulations (with the exception of those relating to the co-ordination procedures and the probability of harmful interference);

639BN
Spa2

b) where appropriate, with respect to its conformity with the provisions of No. 639AJ, relating to the coordination of the use of the frequency assignment with the other administrations concerned vis-a-vis space radiocommunication stations;

639BO
Spa2

c) where appropriate, with respect to its conformity with the provisions of No. 639AN relating to the co-ordination of the use of the frequency assignment with the other administrations concerned vis-a-vis terrestrial radiocommunication stations;

639BP
Spa2

d) where appropriate, with respect to the probability of harmful interference to the service rendered by a space radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM if this frequency assignment has not in fact caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BQ
Spa2

e) where appropriate, with respect to the probability of harmful interference to the service rendered by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 501 or 570AB, as appropriate, if this frequency assignment has not, in fact, caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BR
Spa2

f) where appropriate, with respect to the probability of harmful interference caused to the receiving earth station by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with No. 501 or 570AB, as appropriate.

639BS § 14.
Spa2

When, following an examination of a notice with respect to No. 639BP, the Board reaches an unfavourable finding based upon the probability of harmful interference to a recorded assignment for a space station which the Board has reason to believe may not be in regular use, the Board shall forthwith consult the administration responsible for the registered assignment. If it is established, after such consultation and on the basis of the information available, that the recorded assignment has not been in use for two years, it shall not be taken into account for the purposes of the examination in progress or any other further examination under No. 639BP conducted before the date on which the assignment is brought back into use. Before the assignment is brought back into use, it shall be subject to further co-ordination in accordance with the provisions of No. 639AJ or further examination by the Board with respect to No. 639BP, as appropriate. The date on which the assignment is brought back into use shall then be entered in the Master Register.

639BT § 15.
Spa2

Depending upon the findings of the Board subsequent to the examination prescribed in Nos. 639BM, 639BN, 639BO, 639BQ and 639BR, as appropriate, further action shall be as follows:

639BU § 16.
Spa2

(1) *Finding favourable with respect to No.* 639BM *in cases where the provisions of Nos.* 639BN and 639BO *are not applicable.*

639BV
Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BW § 17.
Spa2

(1) *Finding unfavourable with respect to No.* 639BM.

639BX
Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, and the finding is favourable with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BY
Spa2

(3) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115 and the finding is unfavourable with respect to No. 639BN, 639BO, 639BP, 639BQ or 639BR, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

639BZ
Spa2

(4) The period of one hundred and twenty days mentioned in Nos. 639BY and 639CP shall count:

From the date when the assignment to the space radiocommunication station which received an unfavourable finding is brought into use, if the assignment to the station which was the basis for the unfavourable finding is then in use;

Otherwise, from the date when the assignment to the station which was the basis for the unfavourable finding is brought into use.

But if the assignment to the station which was the basis for the unfavourable finding has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from this date. Allowance shall, if necessary, be made for the additional period mentioned in No. 639CY.

639CA
Spa2

(5) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CB
Spa2

(6) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 639CA. If it is resubmitted with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of No. 639BX or 639BY, as appropriate. If it is resubmitted with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 639BM, it shall be treated as a new notice.

639CC § 18.
Spa2

(1) *Finding favourable with respect to No.* 639BM *in cases where the provisions of No.* 639BN *or* 639BO *are applicable.*

639CD
Spa2

(2) Where the Board finds that the co-ordination procedures mentioned in No. 639BN or 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CE
Spa2

(3) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration requests the Board to effect the required co-ordination, the Board shall take appropriate action and shall inform the administrations concerned of the results obtained. If the Board's efforts are successful, the notice shall be treated in accordance with No. 639CD. If the Board's efforts are unsuccessful, the notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate.

639CF
Spa2

(4) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration does not request the Board to effect the required co-ordination, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this action and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CG
Spa2

(5) Where the notifying administration resubmits the notice and the Board finds that the co-ordination procedures mentioned in Nos. 639BN and 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CH
Spa2

(6) Where the notifying administration resubmits the notice with a request that the Board effect the required co-ordindation under No. 639AJ or 639AN, it shall be treated in accordance with the provisions of No. 639CE. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CI
Spa2

(7) Where the notifying administration resubmits the notice and states it has been unsuccessful in effecting the co-ordination, the Board shall inform the administrations concerned thereof. The notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CJ § 19
Spa2

(1) *Finding favourable with respect to Nos.* 639BM, 639BP, 639BQ *and* 639BR, *as appropriate.*

639CK
Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CL
Spa2

(3) However, should the examination show that the level of the interference noise and the percentage of time during which it is likely to occur have values slightly greater than those used for assessing the probability of harmful interference (extreme propagation conditions, abnormal atmospheric humidity, etc.), a remark shall be included in the Master Register to show that there may be a slight risk of harmful interference and hence additional precautions must be taken in the use of the assignment to avoid harmful interference to assignments already recorded in the Master Register.

639CM § 20
Spa2

(1) *Finding favourable with respect to No.* 639BM *but unfavourable with respect to No.* 639BP, 639BQ *or* 639BR, *as appropriate.*

639CN
Spa2

(2) The notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CO
Spa2

(3) Should the notifying administration resubmit the notice with modifications which result, after re-examination, in a favourable finding by the Board with respect to Nos. 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be indicated in the Remarks Column.

639CP
Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 639CO to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 639BZ.

639CQ § 21.
Spa2

(1) *Notices relating to radio astronomy stations.*

639CR
Spa2

(2) A notice relating to radio astronomy station shall not be examined by the Board with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR. Whatever the finding, the assignment shall be recorded in the Master Register with a date in Column 2c. The date of receipt by the Board of the notice shall be recorded in the Remarks Column.

639CS § 22.
Spa2

(1) *Change in the basic characteristics of assignments already recorded in the Master Register.*

639CT
Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1A (except the name of the station or the name of the locality in which it is situated) shall be examined by the Board according to No. 639BM, and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, and the provisions of Nos. 639BU to 639CR inclusive shall apply. Where the change should be recorded, the original assignment shall be amended according to the notice.

XUM

639CU
Spa2

(3) However, in the case of a change in the characteristics of an assignment which is in conformity with No. 639BM, should the Board reach a favourable finding with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, where appropriate, or find that the changes do not increase the probability of harmful interference to assignments already recorded, the amended assignment shall retain the original date in Column 2d. The date of receipt by the Board of the notice relating to the change shall be entered in the Remarks Column.

639CV § 23.
Spa2

In applying the provisions of this section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

639CW § 24.
Spa2

(1) *Recording of frequency assignments notified before being brought into use.*

639CX
Spa2

(2) If a frequency assignment notified in advance of bringing into use has received a favourable finding by the Board with respect to No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, it shall be entered provisionally in the Master Register with a special symbol in the Remarks Column indicating the provisional nature of that entry.

639CY
Spa2

(3) If, within thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of putting into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration received before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

639CZ
Spa2

(4) In the circumstances described in Nos. 639BY and 639CP, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 639BZ, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 639BY or 639CP, as appropriate, the information relating to the absence of complaint of harmful interference.

639DA
Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 639CY or at the end of the period referred to in No. 639BY or 639CP, as appropriate, the entry concerned shall be cancelled. The Board shall advise the administration concerned before taking such action.

SECTION V. RECORDING OF FINDINGS IN THE MASTER REGISTER

639DB § 25
Spa2

In any case where a frequency assignment is recorded in the Master Register, the finding reached by the Board shall be indicated by a symbol in Column 13a. In addition, a remark indicating the reasons for any unfavorable finding shall be inserted in the Remarks Column.

SECTION VI. CATEGORIES OF FREQUENCY ASSIGNMENTS

639DC § 26.
Spa2

(1) The date in Column 2c shall be the date of putting into use notified by the administration concerned. It is given for information only.

639DD
Spa2

(2) If harmful interference is actually caused to the reception of any space radiocommunication station whose frequency assignment has been recorded in the Master Register as a result of a favourable finding with respect to Nos. 639BM, 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, by the use of a frequency assignment to a space radiocommunication station subsequently recorded in the Master Register in accordance with the provisions of No. 639CP, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

639DE
Spa2

(3) If harmful interference to the reception of any station whose assignment is in accordance with No. 501, 570AB or 639BM, as appropriate, is actually caused by the use of a frequency assignment which is not in conformity with No. 639CM, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VII. REVIEW OF FINDINGS

639DF § 27.
Spa2

(1) The review of a finding by the Board may be undertaken:

At the request of the notifying administration;

At the request of any other administration interested in the question, but only on the grounds of actual harmful interference;

On the initiative of the Board itself when it considers this is justified.

639DG
Spa2

(2) The Board, in the light of all the data at its disposal shall review the matter, taking into account No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR and shall render an appropriate finding, informing the notifying administration prior either to the promulgation of its finding or to any recording action.

639DH § 28.
spa2

(1) After actual use for a reasonable period of an assignment which has been entered in the Master Register on the insistence of the notifying administration, following an unfavourable finding with respect to No. 639BP, 639BQ or 639BR, this administration may request the Board to review the finding. Thereupon, the Board shall review the matter, having first consulted the administrations concerned.

639DI
Spa2

(2) If the finding of the Board is then favourable it shall enter in the Master Register the changes that are required so that the entry shall appear in the future as if the original finding had been favourable.

639DJ
Spa2

(3) If the finding with regard to the probability of harmful interference remains unfavourable, no change shall be made in the original entry.

SECTION VIII. MODIFICATION, CANCELLATION AND REVIEW OF ENTRIES IN THE MASTER REGISTER

639DK §29.
Spa2

(1) Where the use of a recorded assignment to a space station is suspended for a period of eighteen months, the notifying administration shall, within this eighteen-month period, inform the Board of the date on which such use was suspended and of the date on which the assignment is to be brought back into regular use.

639DL
Spa2

(2) Whenever it appears to the Board, whether or not as a result of action under No. 639DK, that a recorded assignment to a space station has not been in regular use for more than eighteen months, the Board shall inquire of the notifying administration as to when the assignment is to be brought back into regular use.

639DM
Spa2

(3) If no reply is received within six months of action by the Board under No. 639DL, or if the reply does not confirm that the assignment to a space station is to be brought back into regular use within this six-month limit, a mark shall be applied against the entry in the Master Register. Thereafter, the assignment shall be treated in accordance with No. 639BS as one which has been established as having been out of regular use for two years.

639DN § 30.
Spa2

In case of permanent discontinuance of the use of any recorded frequency assignment, the notifying administration shall inform the Board within ninety days of such discontinuance, whereupon the entry shall be removed from the Master Register.

639DO § 31.
Spa2

Whenever it appears to the Board from the information available that a recorded assignment has not been brought into regular operation in accordance with the notified basic characteristics, or is not being used in accordance with those basic characteristics, the Board shall consult the notifying administration and, subject to its agreement, shall either cancel or suitably modify the entry.

639DP § 32.
Spa2

If, in connection with an inquiry by the Board under No. 639DO, the notifying administration has failed to supply the Board within forty-five days with the necessary or pertinent information, the Board shall make suitable entries in the Remarks Column of the Master Register to indicate the situation.

SECTION IX. STUDIES AND RECOMMENDATIONS

639DQ § 33.
Spa2

(1) If it is requested by any administration, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall conduct a study of cases of alleged contravention or non-observance of these Regulations, or of harmful interference.

639DR
Spa2

(2) The Board shall thereupon prepare and forward to the administration concerned a report containing its findings and recommendations for the solution of the problem.

639DS § 34.
Spa2

In a case where, as a result of a study, the Board submits to one or more administrations suggestions or recommendations for the solution of a problem, and where no answer has been received from one or more of these administrations within a period of ninety days, the Board shall consider that the suggestions or recommendations concerned are unacceptable to the administrations which did not answer. If it was the requesting administration which failed to answer within this period, the Board shall close the study.

SECTION X. MISCELLANEOUS PROVISIONS

639DT § 35.
Spa2

(1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) computation of the increases in noise temperatures in accordance with No. 639AK;

b) preparation of diagrams showing the co-ordination areas as in No. 639AN;

c) any other assistance of a technical nature for completion of the procedures in this Article.

639DU
Spa2

(2) In making a request to the Board under No. 639DT, the administration shall furnish the Board with the necessary information.

639DV
Spa2

§ 36. The technical standards of the Board shall be based upon the relevant provisions of these Regulations and the Appendices thereto, the decisions of Administrative Conferences of the Union, as appropriate, the Recommendations of the C.C.I.R., the state of the radio art and the development of new transmission techniques.

639DW
Spa2

§ 37. The Board shall promulgate to administrations its findings and reasons therefor, together with all changes made to the Master Register, through the weekly circular referred to in No. 497.

639DX
Spa2

§ 38. In case a Member or Associate Member of the Union avails itself of the provisions of Article 28 of the Convention, the Board shall, upon request, make its records available for such proceedings as are prescribed in the Convention for the settlement of international disputes.

ANNEX 9: REVISION OF ARTICLE 14 OF THE RADIO REGULATIONS

Article 14 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 695 by the following new text:

MOD 695
Spa2

§ 3. In order to avoid interference:

locations of transmitting stations and, where the nature of the service permits, locations of receiving stations shall be selected with particular care;

radiation in and reception from unnecessary directions shall be minimized, where the nature of the service permits, by taking the maximum practical advantage of the properties of directional antennae;

the choice and use of transmitters and receivers shall be in accordance with the provisions of Article 12;

the conditions specified under No. 470V shall be fulfilled.

ANNEX 10: REVISION OF ARTICLE 15 OF THE RADIO REGULATIONS

Article 15 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 717 by the following new text:

MOD 717
Spa2

(2) In such a case, the administration concerned may also request the Board to act in accordance with the provisions of Sections VII and VIII of Article 9 and Sections IX and X of Article 9A; but it shall then supply the Board with the full facts of the case, including all the technical and operational details and copies of the correspondence.

ANNEX 11: REVISION OF ARTICLE 27 OF THE RADIO REGULATIONS

Article 27 of the Radio Regulations shall be amended as follows:

Replace Nos. 951 and 952 by the following new texts:

MOD 951
Spa2

§ 3. (1) Stations on board aircraft may communicate with stations of the maritime mobile-satellite services. They shall conform to those provisions of these Regulations which relate to these services.

MOD 952
Spa2

(2) For this purpose stations on board aircraft should use the frequencies allocated to the maritime mobile or maritime mobile-satellite services. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all the administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region I should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

ANNEX 12: REVISION OF ARTICLE 41 OF THE RADIO REGULATIONS

Article 41 of the Radio Regulations shall be amended as follows:

After Regulation No. 1567, add the following new Regulation:

ADD 1567A
Spa2

§ 6. Space stations in the amateur-satellite service operating in bands shared with other services shall be fitted with appropriate devices for controlling emissions in the event that harmful interference is reported in accordance with the procedure laid down in Article 15. Administrations authorizing such space stations shall inform the I.F.R.B., and shall insure that sufficient earth command stations are established before launch to guarantee that any harmful interference that might be reported can be terminated by the authorizing Administration (see No. 470V).

ANNEX 13: REVISION OF APPENDIX 1 TO THE RADIO REGULATIONS

Appendix 1 to the Radio Regulations shall be amended as follows:

SECTION A. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 486 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) reference frequency, if any, and any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 487 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

Mod Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 490 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

ANNEX 14: REVISION OF APPENDIX 1A TO THE RADIO REGULATIONS

Appendix 1A to the Radio Regulations shall be amended as follows:

The entire Appendix 1A is replaced by the following new text:

APPENDIX 1A

MOD Spa2

Notices relating to Space Radiocommunication and Radio Astronomy Stations; (See Article 9A)

SECTION A. GENERAL INSTRUCTIONS

1. A separate notice shall be sent to the International Frequency Registration Board for notifying:

each new frequency assignment;

any change in the characteristics of a frequency assignment recorded in the Master International Frequency Register (hereinafter called the *Master Register*);

any total deletion of a frequency assignment recorded in the Master Register.

2. When submitting notices under No. 639BA for earth and space transmitting assignments and under No. 639BB for space and earth receiving assignments, separate notices shall be submitted to the Board for each assignment to an earth or space station. In the case of a passive satellite system, only earth transmitting and receiving assignments shall be notified.

3. In the case of a satellite system employing multiple space stations with the same general characteristics, a separate notice shall be submitted for each space station:

—when it is aboard a geostationary satellite; or

—when it is aboard a non-geostationary satellite except when a number of satellites have the same radio frequency characteristics and orbital characteristics (excluding the ascending node position); in the latter case, one notice covering all such space stations may be submitted.

4. The following basic information shall be shown on the notice:

a) the serial number of the notice and the date on which the notice is sent to the Board;

b) the name of the notifying administration;

c) sufficient data to identify the particular satellite network in which the earth or space station will operate;

d) whether the notice reflects:

1) the first use of a frequency by a station;

2) a change in the characteristics of a frequency assignment recorded in the Master Register (indicate whether the change is a replacement, addition or deletion of existing characteristics); or

XUM

3) a deletion of an assignment in all of its notified characteristics;

e) reference to the I.F.R.B. weekly circular providing the advance publication information required in accordance with No. 639AA;

f) basic characteristics as outlined in Section B, C, D, E, or F as appropriate;

g) any other information which the administration considers to be relevant, e.g., any factors taken into account when applying Appendix 28 for determination of the co-ordination area and also any indication that the assignment concerned would be operating in accordance with No. 115, information concerning the use of the notified frequency if such use is restricted, or, in the case of notices pertaining to space stations, if the transmissions of the station are to be permanently switched off after a certain period.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY EARTH STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assigment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the transmitting earth station

a) Indicate the name by which the station is known or the name of the locality in which it is situated.

b) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the transmitter site.

Item 5 Station(s) with which communication is to be established

Identify the associated receiving space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the location of the associated receiving earth stations(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission;

b)[1] indicate the carrier frequency or frequencies of the emission(s);

c)[1] indicate for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 8 Power characteristics of the transmission

a)[1] Indicate for each carrier, the peak power supplied to the input of the antenna.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

b) Indicate the total peak power and the maximum power density per Hz supplied to the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz, or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 9 Transmitting antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees between the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimium operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise from true north, the planned range of operating azimuthal angles for the direction of maximum radiation.

g)[1] Indicate the type of polarization of the transmitted wave in the direction of maximum radiation; also indicate the sense in the case of circular polarization and the plane in the case of linear polarization.

h) Indicate the altitude (metres) of the antenna above mean sea level.

Item 10 [1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multichannel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis charcateristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 11 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration with which the use of this frequency has been successfully co-ordinated in accordance with Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

Item 13 Agreements

Give, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic address of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY EARTH STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned frequency begins.

b) Whenever the assignment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the receiving earth station

a) Indicate the name by which the receiving earth station is known or the name of the locality in which it is situated.

b) Indicate the country in which the receiving earth station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the receiver site.

Item 5 Station(s) with which communication is to be established

Identify the associated transmitting space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the associated transmitting earth station(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of the transmission to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission to be received;

b)[1] indicate the carrier frequency or frequencies of the transmission to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission.

Item 8 Earth station receiving antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees between the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimum operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise, from True North, the planned range of operating azimuthal angles for the direction of maximum radiation.

g) Indicate the altitude (metres) of the antenna above mean sea level.

Item 9 Noise temperature

Indicate the lowest equivalent satellite link noise temperature in kelvins (see No. 103A) under "quiet sky conditions". This value shall be indicated for the nominal value of the angle of elevation when the associated transmitting station is aboard a geostationary satellite and, in other cases, for the minimum value of angle of elevation.

Item 10 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 11 Co-ordination

Give the name of any administration with successfully co-ordinated in accordance with which the use of this frequency has been Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

Item 12 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 13 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION D. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY SPACE STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the space station(s)

Indicate the identity of the space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite indicate the nominal geographical longitude on the geostationary satellite orbit and the longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Service area

Indicate the service area or areas on the Earth or the name of the locality and country in which the associated receiving station(s) is (are) located.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission;

b) [1] indicate the carrier frequency or frequencies of the transmission;

c) [1] indicate, for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 9 Power characteristics of the transmission

a) [1] indicate, for each carrier, the class of power supplied to the input of the antenna.

b) Indicate the total peak power and the maximum power density per Hz at the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 10 Space station transmitting antenna characteristics

For each service area:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station transmitting antenna by means of gain contours plotted on a map of Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station abroad a non-geostationary satellite, indicate the isotropic gain of the space station transmitting antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization; also indicate the worst case axial ratio in the half power beam;

d) for a geostationary satellite, indicate the pointing accuracy of the antenna.

Item 11 [1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multi-channel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis characteristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift-modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 12 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequncy of each carrier.

Item 13 Co-ordination

Give the name of any administration or group of administrations with which the use of the satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 14 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 15 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION E. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY SPACE STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30000 kHz inclusive, and in MHz above 30000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned frequency begins.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4, the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the receiving space station(s)

Indicate the identity of the receiving space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite, indicate the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Associated transmitting earth station(s)

Identify the associated transmitting earth station(s) by reference to the notification thereof or in any other appropriate manner.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of the transmission(s) to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission(s) to be received;

b) [1] indicate the carrier frequency or frequencies of the transmission(s) to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission(s) to be received.

Item 9 Space station receiving antenna characteristics

For each receiving beam:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the isotropic gain of the space station receiving antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization, also indicate the worst case axial ratio in the half power beam;

d) indicate, for a geostationary satellite, the pointing accuracy of the antenna.

Item 10 Noise temperature

Indicate the total receiving system noise temperature (in kelvins) at the input of the space station receiver.

Item 11 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration or group of administrations with which the use of satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 13 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION F. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY RADIO ASTRONOMY STATIONS

Item 1 Observed frequency

Indicate the centre of the frequency band observed, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz.

Item 2 Date of bringing into use

(*a*) Indicate the date (actual or foreseen, as appropriate) when reception of the frequency band begins.

(*b*) Whenever there is a change in any of the basic characteristics, as shown in this Section (except in the case of a change in Item 3(*b*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 3 Name and location of the station

a) Indicate the letters "RA".

b) Indicate the name by which the station is known or the name of the locality in which it is situated or both.

c) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

d) Indicate the geographical co-ordinates (in degrees and minutes) of the station site.

Item 4 Bandwidth

Indicate the width of the frequency band (in kHz) observed by the station.

Item 5 Antenna characteristics

Indicate the antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

Item 6 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency band shown in Item 4.

Item 7 Noise temperature

Indicate the over-all receiving system noise temperature (in kelvins).

Item 8 Class of observations

Indicate the class of observations to be taken on the frequency band shown in Item 4. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

Item 9 Operating administration or company

Indicate the identity of the operating administration or company and the postal and telegraphic addresses of the administration to which communication should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

[Section G. Form of Notice (Earth Station) not printed in the RECORD]

[Section H. Form of Notice (Space Station) not printed in the RECORD]

ANNEX 15: ADDITION OF A NEW APPENDIX (APPENDIX 1B) TO THE RADIO REGULATIONS

The following new Appendix 1A shall be added to the Radio Regulations after Appendix 1A:

ADD

Spa2

APPENDIX 1B

Advance Publication Information to be furnished for a Satellite Network (see Article 9A)

SECTION A. GENERAL INSTRUCTIONS

Item 1 Information shall be provided separately for each satellite network.

Item 2 Information to be furnished for each satellite network shall include general characteristics (Section B), and, as applicable characteristics in the Earth-to-space direction (Section C), characteristics in the space-to-Earth direction (Section D), and characteristics for space-to-space relay (Section E).

SECTION B. GENERAL CHARACTERISTICS TO BE FURNISHED FOR A SATELLITE NETWORK

Item 1 Identity of the satellite network

Clearly identify the satellite network and, if applicable, identify the satellite system of which it will form a part.

Item 2 Date of bringing into use

Indicate the date by which the satellite network is expected to be brought initially into use.

Item 3 Administration or group of administrations submitting the advance information

Give the name of the administration or the names of the administrations in the group submitting the advance information on the satellite network and the postal and telegraphic addresses of the administration(s) to which any communication should be sent.

Item 4 Orbital information relating to the space station(s)

a) In the case of a space station aboard a geostationary satellite, give the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas;

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used having the same characteristics.

SECTION C. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE EARTH-TO-SPACE DIRECTION

Item 1 Earth-to-space service area(s)

Indicate the service area(s) on the Earth associated with each receiving antenna of the space station.

Item 2 Class of stations and nature of service

For each Earth-to-space service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each Earth-to-space service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmitted wave

a) For each Earth-to-space service area indicate the maximum spectral power density (W/Hz) to be delivered to the antenna of the transmitting earth stations (the bandwidth over which this is averaged depends on the nature of the service concerned).

b) If available, indicate, for each Earth-to-space service area, the actual radiation pattern (relative to isotropic) of the transmitting earth station antenna having the highest offbeam equivalent isotropically radiated spectral power density.

Item 5 Characteristics of space station receiving antennae

For each Earth-to-space service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station receiving antenna in the main direction of reception and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference.

Item 6 Noise temperature of the receiving space station

For each Earth-to-space service area, when other than a simple frequency changing transponder is used aboard the space station indicate the lowest total receiving system noise temperature.

SECTION D. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE SPACE-TO-EARTH DIRECTION

Item 1 Space-to-Earth service area(s)

Indicate the service area(s) on the Earth associated with each transmitting antenna of the space station.

Item 2 Class of stations and nature of service

For each space-to-Earth service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each space-to-Earth service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmission

For each space-to-Earth service area, indicate the maximum spectral power density (W/Hz) to be delivered to the transmitting antenna of the space station (the bandwidth over which this is averaged depends on the nature of the service concerned).

Item 5 Characteristics of space station transmitting antennae

For each space-to-Earth service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station transmitting antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station transmitting antenna in the main direction of transmission and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of transmission as a reference.

Item 6 Characteristics of receiving earth stations

a) For each space-to-Earth service area, when other than a simple frequency changing transponder is used aboard the space station, indicate the lowest total receiving system noise temperature of the earth stations.

For each space-to-Earth service area and for each projected usage,[1] when simple frequency changing transponders are used on the space station, indicate the lowest equivalent satellite link noise temperature and the associated value of transmission gain evaluated from the output of the receiving antenna of the space station to the output of the receiving antenna of the earth station. For each projected usage, indicate also the receiving antenna(e) of the space station to which each simple frequency changing transponder will be connected.

b) If available, indicate for each space-to-Earth service area the actual radiation pattern (relative to isotropic) of the receiving earth station antenna having the highest off beam level. When simple frequency changing transponders are used on the space station, indicate also, if available, the pattern associated with each equivalent satellite link noise temperature indicated above.

SECTION E. CHARACTERISTICS TO BE FURNISHED FOR SPACE-TO-SPACE RELAY

Where the satellite network is connected to one or more satellite networks by means of space-to-space relay, indicate the following:

a) identity or identities of the other satellite network(s) to which the satellite network is connected;

b) transmit and receive frequency bands;

c) classes of emission;

d) nominal equivalent isotropically radiated power(s) on the beam axis.

ANNEX 16: REVISION OF APPENDIX 9 TO THE RADIO REGULATIONS

Appendix 9 to the Radio Regulations shall be amended as follows:

Replace the title of Appendix 9 by the following:

APPENDIX 9

MOD Spa2 Service Documents

(See Articles 8, 9, 9A, 10 and 20)

List I. International Frequency List

Replace footnotes 1 to 8 by the following (footnotes 3 and 5 are unchanged):

[1] In the case of television broadcasting stations in Region 1, the frequency in this column is that of the sound and vision carriers (See Appendix 1 to the Radio Regulations). [2] See Nos. 607 and 608 of the Radio Regulations. [3] A symbol instead of a date indicates an assignment notified pursuant to No. 272 of the Extraordinary Administrative Radio Conference Agreement (Geneva, 1951), or, in the frequency bands above 27 500 kHz, an assignment for which the notice was received by the I.F.R.B. before 1st April 1952. [4] See Appendix 1 to the Radio Regulations. [5] Columns 12a and 12b contain numbers or letters which are explained in the Preface to the International Frequency List. [6] See Article 9, Section II and Article 9A, Section IV, of the Radio Regulations. [7] See Nos. 516, 517, 621, 622, 639BS, 639DM, 639DO and 639DP of the Radio Regulations. [8] Including dates referred to in Section II of Article 9 and Section IV of Article 9A of the Radio Regulations.

Replace the title of List VIIIA by the following:

MOD Spa2

List VIIIA.—List of Space Radiocommunication Stations and Radio Astronomy Stations[1]

MOD Spa2

Replace the title of section 1 by the following: 1—Earth stations in the fixed-satellite service

Replace the column heads of section 1 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

Communications

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (kW).

RECEPTION

Telemetering

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Tracking

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.

Communications

7a. Frequency (MHz or GHz).
7b. Class of emission, necessary bandwidth and description of transmission.
8. Identity of the associated space station(s) with which communication is to be established.
9. Operating administration or company.
10. Remarks:

1. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

2. Special methods of modulation.

Note: For the cases where these data must be supplied, see Nos. 639BA, 639BB and 639BC.

Replace the title of Section 2 by the fol-

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] A different usage will be considered to take place when different types of carriers are employed (different by virtue of maximum power spectral density), or when different types of receiving earth stations are employed (different by virtue of receiving antenna gain).

XUM

lowing: 2—Space stations in the fixed-satellite service

Replace the column heads of Section 2 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Communications

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand Where Appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Communications

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
8. Operating administration or company.
9. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of geostationary satellite: minus nominal geographical longitude on the geostationary satellite orbit; minus arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 3 by the following: 3—Earth stations in the earth exploration-satellite service

Replace the column heads of Section 3 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Reception of earth exploration information

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 4 by the following: 4—Space stations in the earth exploration-satellite service

Replace the column heads of Section 4 by the following:

1. Identity of the station

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of earth exploration information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service areas or areas on the earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8 Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 5 by the following: 5—Earth stations in the radiodetermination-satellite service.

Replace the column heads of Section 5 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Supplementary Information Necessary for the Operation of the Radiodetermination System

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 6 by the following: 6—Space stations in the radiodetermination-satellite service.

Replace the column heads of Section 6 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of radiodetermination information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwith and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 7 by the following: 7—Earth stations in the space research service

Replace the column heads of Section 7 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand Where Appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Reception of research information

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Any special characteristics of the station and scope of research.

Replace the title of Section 8 by the following: 8—Space stations in the space research service

Replace the column heads of Section 8 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. In the case of an earth satellite, orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) In the case of geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. In the case of a space probe, general indication of its trajectory.

3. Special methods of modulation.

Replace the title of Section 9 by the following: 9—Stations in the radio astronomy service

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ANNEX 17: REVISION OF APPENDIX 10 TO THE RADIO REGULATIONS

Appendix 10 to the Radio Regulations shall be amended as follows:

Delete the symbol FE.

Replace the symbols EC, TC, TH, TM *and* TN *by the following:*

MOD EC Space station in the fixed-satellite service
MOD TC Earth station in the fixed-satellite service
MOD TH Earth station in the space research service
MOD TM Earth station in the meteorological-satellite service
MOD TN Earth station in the radionavigation-satellite service

Add, in alphabetical order, the following new symbols:

ADD EA Space station in the amateur-satellite service
ADD EB Space station in the broadcasting-satellite service (sound broadcasting)
ADD EV Space station in the broadcasting-satellite service (television)
ADD TA Space operation earth station in the amateur-satellite service
ADD TE Transmitting earth station
ADD TF Fixed earth station in the radiodetermination-satellite service
ADD TL Mobile earth station in the radiodetermination-satellite service
ADD TP Receiving earth station
ADD TT Earth station in the space operation service

ANNEX 18: ADDITION OF A NEW APPENDIX (APPENDIX 28) TO THE RADIO REGULATIONS

The following new Appendix 28 shall be added to the Radio Regulations after Appendix 27:

APPENDIX 28

Procedure for Determination of the Co-ordination Area around an Earth Station in Frequency Bands between 1 and 40 GHz shared between Space and Terrestrial Radiocommunication Services

1. *Objectives*

The co-ordination area (see No. 103D) is determined by calculating, in all directions of azimuth from the earth station, the co-ordination distances (see No. 103B), and drawing to scale on an appropriate map the co-ordination contour (see No. 103C).

It must be emphasized that the presence or installation of a terrestrial station within the co-ordination area of an earth station would not necessarily preclude the successful operation of either the earth station or that terrestrial station, since the procedure is based on the most unfavorable case asumptions as regards interference.

For the determination of the co-ordination area two cases may have to be considered:

(1) For the earth station when it is receiving (and hence capable of being interfered with by terrestrial stations);

(2) For the earth station when it is transmitting (and hence capable of interfering with terrestrial stations).

Where an earth station is intended to operate with a variety of classes of emissions, the earth station parameters to be used in the determination of the co-ordination contour shall be those which lead to the greatest co-ordination distances, for each earth station antenna beam and in each allocated frequency band which the earth station proposes to share with the terrestrial services.

The procedure given in this Appendix for the determination of the co-ordination area is fairly complex. For this reason, it is considered useful to present in Annex A a simplified vesion of this procedure which will assist a user in following the necessary steps to produce co-ordination contours. The simplified presentation is given for certain allocated frequency bands.

It is suggested to draw, together with the co-ordination contour, auxiliary contours based on less unfavourable assumptions than those chosen for determination of the co-ordination contour. These auxiliary contours may be used during subsequent negotiations between the administrations concerned with a view to eliminating from the discussions (without the need for more precise calculations) the case of certain existing or planned stations located within the co-ordination area. The determination and use of these auxiliary contours is explained in Annex B to this Appendix.

2. *Permissible values of interference*

The permissible interference power (in dBW) in the reference bandwidth to be exceeded for no more than p percent of the time at the receiver input of a station suffering interference, from each source of interference, from each source of interference, is given by the general formula below:

$$P_r(p) = 10 \log_{10} (kT_rB) + J + M(p) - W \quad (1)$$

where

with $M(p) = M(p_s/n) = M_s(p_s)$ (1a)

k=Boltzmann's constant (1.38×10^{-23} joule per K);

T_r thermal noise temperature of the receiving system (K);

B=reference handwidth (in Hz) (bandwidth, of concern to the interfered with system, over which the interference power can be averaged);

J=ratio (in dB) of the permissible long term (20% of the time) interfering power to the thermal noise power in the receiving system [1];

P_s percentage of the time during which the interference from all sources may exceed the permissible value;

n=number of expected entries of interference, assumed to be uncorrelated;

p=percentage of the time during which the interference from one source may exceed the permissible value; since the entries are not likely to occur simultaneously $p = p_o/n$;

$M_o(p_o)$=ratio (in dB) between the permissible interference powers during p_o% and 20% of the time respectively, for all entries of interference [2];

$M(p)$=ratio (in dB) between the permissible interference powers during p% of the time for one entry of interference, and during 20% of the time for all entries of interference, respectively;

W=equivalence factor (in dB) relating the effect of interference to that of thermal noise of equal power in the reference bandwidth.[3]

Tables I and II list values for the above parameters.

3. *Determination of co-ordination distance for near great circle propagation mechanisms*

When determining the co-ordination distance for an earth station, a number of mechanisms of radio-wave propagation need to be considered. This section deals with the determination of co-ordination distance in conditions associated with super-refraction, ducting, scattering and reflection due to irregularities in the refractive index of the lower atmosphere in the absence of precipitation. The determination of the co-ordination distance associated with propagation due to scattering from hydrometeors is discussed in Section 4.

3.1 *Normalized basic transmission loss* L_o *(0.01)*:

To facilitate the graphical determination of the co-ordination distance, it is convenient to normalize the percentage of time to 0.01% and the frequency to 4 GHz.

The first step in the determination of the co-ordination distance is the calculation of a normalized basic transmission loss L_o *(00.1)* given by:

$$L_o(0.01) = P_t' + G_t' + G_r - P_r(p) - F(p) - 20 \log_{10} (f/4) \quad (2)$$

where

P_t'=maximum available transmitting power (in dBW) in reference bandwidth B at the input to the antenna of an interfering station[4];

G_t'=gain (in dB relative to isotropic) of the transmitting antenna of the interfering station. If the interfering station is an earth station, this is the isotropic gain in the pertinent direction. If it is a terrestrial station, P_t' *and* G_t' are combined in the main beam equivalent isotropically radiated power E, for which the values given in Table II shall be used. When G_t' is the gain in the main direction of radiation it is denoted G_t' *max.*;

G_r=gain (in dB relative to isotropic) of the receiving antenna of the station suffering interference. If that station is an earth station, this is the isotropic gain in the pertinent direction; in the case of a terrestrial station, the maximum antenna gain is to be used. When G_r is the main beam gain, it is denoted G_r *max.* (In the case of terrestrial tions, see Table I);

$F(p)$=correction factor in dB to relate the effective percentage of the time p to 0.01% (see Figure 1);

f=operating frequency in GHz.

The "pertinent direction" referred to in the definitions of G_t' *and* G_r is usually the direction toward the physical horizon on the azimuth considered (see Section 3.2) except when an earth station points its main beam at elevation angles below 12°. In the latter case, the path of minimum transmission loss may not be the horizon path but rather the main beam path (see Section 3.6).

When considering moving satellites, G_t', or G_r (whichever pertains to the earth station antenna) is variable with time. In such cases, it is suggested that an equivalent time-invariant earth station antenna gain [5] should be used. This equivalent gain is either 10 dB less than the maximum horizon antenna gain or is that value of horizon antenna gain ex-

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ceeded for no more than 10% of the time, whichever is the greater.

3.2 *Antenna gain at the earth station horizon for geostationary satellites:*

The gain component of the earth station antenna in the direction of the physical horizon around an earth station is a function of the angular separation ϕ between the antenna main beam direction and the horion direction under consideration. Therefore, knowledge of the angle φ is required for each azimuth.

The elevation ϵ and azimuth a of geostationary satellites as seen from an earth station at a latitude λ are uniquely related. Figure 2 shows the "permissible" location arcs of geostationary satellites in a rectangular *elevation azimuth plot*, each are corresponding to an earth station latitude.

Specific relative satellite longitudes may not be known beforehand, but even when they are, the possibility of the addition of a new satellite, or the repositioning of an existing one suggests that all or a portion of the applicable arc be considered to hold satellites.

With the correct arc or segment of arc chosen and suitably marked, the horizon profile $\varphi(a)$ is superimposed on the plot of Figure 3, which shows an example for an earth station located at 45°N latitude for a satellite expected to be located somewhere between relative longitudes of 10°E and 45°W, with the site horizon profile drawn as shown.

For each point on the local horizon $\varphi(a)$, the smallest distance to the arc is determined and measured on the elevation scale. The example of Figure 3 shows the determination of the off-beam angle φ at an azimuth $a_0=210°$ with a horizon elevation $\varphi=4°$.

If this is done for all azimuths (in suitable increments, e.g. 5°), a relationship $\varphi(a)$ results. The relationship $\varphi(a)$ may be used to derive a function for the horizon antenna gain $G(a)$, by using the actual earth station antenna pattern, or a formula giving a good approximation; for example, in cases where the ratio between the antenna diameter and the wavelength exceeds 100, the following equation should be used:

$G(\varphi)$ equals 32 minus 25 $\log_{10}\varphi$(dB) (1° less than or equal to φ 48° equals minus 10 dB (48° less than or equal to φ 180°).

The application of this gain equation to the $\varphi(a)$ plot yields the desired horizon antenna gain as a function of azimuth.

The parameters used above are defined as follows:

a=azimuthal angle under consideration, east of True North;

φ=the smaller angle in degrees between the main beam direction of the earth station antenna and the straight line connecting the earth station to the physical horizon on azimuth a;

ϵ=earth station main beam elevation angle above horizontal plane;

λ=latitude of earth station;

θ=elevation angle of the physical horizon above the horizontal plane on azimuth a.

3.3 *Radio-climatic Zones:*

The world has been divided into three basic radio-climatic regions termed Zones A, B and C, respectively.

These zones are defined as follows:

Zone A: land, with the exception of a coastal strip the width of which is either 100 km or that distance from the actual coast at which the terrain begins to exceed an altitude of 1000 m, whichever is the lesser distance;

Zone B: sea, at latitudes greater than 23.5° (North or South), excluding the Mediterranean and Black Seas, but including the coastal strip defined above wherever land borders on sea at latitudes greater than 23.5°;

Zone C: sea, at latitudes smaller than 23.5° North or South), including the Mediterranean and Black Seas, and the coastal strip defined above wherever land borders on sea at latitudes smaller than 23.5°.

3.4 *Procedure for the determination of the coordination distance for propagation mode (a):*

To obtain the co-ordination distance for Zone A, it is necessary to subtract from L_b(0–01) a correction ΔL which accounts for the difference in basic transmission loss over paths that have different horizon elevation angles at the earth station. ΔL is computed in two steps. First a correction ΔL_0 for unit elevation angle (i.e, for a 1° elevation angle) is obtained from Figure 4 as a function of the normalized basic transmission loss and the frequency. Linear interpolation should be used between the curves of Figure 4 for frequencies not shown.

For ainy other horizon elevation angle 0, the horizon angle correction ΔL (in dB) is obtained from Figure 5 using the value of ΔL_0 previously obtained from Figure 4. If values are required at elevation angles other than those indicated, linear interpolation should again be used. In cases where the elevation angle is less than 0.2°, ΔL is always 0 dB.

The horizon angle correction ΔL so obtained should be subtracted from the normalized basic transmission loss to result in a "co-ordination loss" L_c:

$L_c=L_b(0.0)-\Delta L$.

This co-ordination loss, used with the appropriate frequency in Figure 6, yields the co-ordination distance.

In a similar manner, the Zone B and Zone C co-ordination distance can be determined using Figures 7, 8 and 9 for Zone B and Figures 10, 11 and 12 for Zone. C

Distances so obtained are, for reference purposes, to be labelled d_{cA}, d_{cB}, and d_{cC} for Zones A, B and C, respectively.

3.5 *Co-ordination distance for mixed paths:*

3.5.1 *Two Zones.*

The procedure to be followed in the case of a mixed path involving two zones is illustrated by the example shown in Figure 13b. The earth station is situated in Zone A at a distance of 75 km from Zone B. The graphical presentation described below is particularly useful where more than one boundary between zones may be involved, as in this example.

It is assumed that, at a frequency of 4 GHz, the normalized basic transmission loss $L_b(0.01)$ is 200 dB, and that the horizon elevation angle is zero degrees. This results in identical values of 200 dB for L_c in any zone (which would, of course, not be the case if the horizon elevation angle were greater than 0.2°). The procedure is as follows:

(i) determine the distance entirely in Zone A that would give the co-ordination loss. Mark this distance (in this case it is 350 km) from the origin along the abscissa axis of linear graph paper as indicated by the point A (Figure 13a);

ii) determine the distance entirely in Zone B that would give the same co-ordination loss. Mark this distance (in this case it is 530 km) from the origin along the ordinate axis of the chart as indicated by the point B;

iii) draw a straight line between points A and B representing these distances from the origin;

iv) starting from the origin, the distance of 75 km from the earth station to Zone B is set off along the abscissa axis of the chart as indicated by the point A_1;

v) starting from point A_1 the Zone B path length of 375 km is then set off parallel to the ordinate axis of the chart as indicated by the point B_1;

vi) the further distance in the next Zone A region is then measured parallel to the abscissa axis from the point B_1 to the point of intersection of the mixed path curve as indicated by X. On Figure 13a, this distance is 30 km;

vii) the co-ordination distance is the sum of the distances OA_1, A_1B_1 and B_1X and is equal to

$$75+375+30=480 \text{ km}$$

The distance B_1X can also, more precisely, be found numerically from the total distance of the two parts in Zone A, OA_1+B_1X given by

$$OA_1+B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)$$

whence:

$$B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)-OA_1$$

hence,

$$B_1X=350\left(1-\frac{375}{530}\right)-75=27 \text{ km}$$

In some special cases, the mixed path involves all three radio-climatic Zones A. B and C. A solution to this problem can be found in adding a third dimension to the procedure to be followed for mixed paths involving only two zones. Theoretically, it means that the third coordinate has to be determined for a point having coordinates corresponding to the known distances in the first two zones and lying in a plane defined by three points on the axes X, Y and Z, corresponding to distances in Zones A, B and C, respectively, that would give the required basic transmission loss.

In practice, the procedure can be reduced to a simple graphical method shown in Figure 14, assuming for example a co-ordination loss (L_c) of 200 dB at a frequency of 4 GHz. It is required to find the co-ordination distance from the earth station in the direction given in Figure 14a. Here an earth station is situated in Zone A at a distance of 75 km in a given azimuthal direction from Zone B. In the same azimuthel direction Bone B is 375 km long and followed by an unknown portion in Zone C (Figure 14a.).

In this case, the procedure to be applied should be as follows (Figure 14b):

1) repeat the same procedure as for mixed paths involving only two zones, given in steps (1) to (v) above, and continue as follows:

11) from the point B_1 draw a line parallel to the line AB to intersect the abscissa axis as indicated by the point D;

111) determine the distance entirely in Zone C that would give the co-ordination loss. Mark this distance (in this case it is 930 km) from the origin along the ordinate axis of the chart as indicated by the point C. Draw a straight line between points C and A;

1v) at the point D, draw a line parallel to the ordinate axis to intersect the line CA as indicated by X;

v) the distance between the points D and X, which is the unknown distance in Zone C, is found to be 75 km;

vi) the co-ordination distance is then the sum of the distances $OA_1+A_1B_1+DX$ and in this example is equal to

$$75+375+75=525 \text{ km}$$

The distance DX can also, more precisely, be found numerically from the formula:

$$DX=OC\left(1-\frac{OA_1}{OA}-\frac{A_1B_1}{OC}\right)$$

hence,

$$DX=930\left(1-\frac{75}{350}-\frac{375}{530}\right)=73 \text{ km}$$

The distance obtained from either the single zone case (Section 3.4), whichever is applicable, is to be labelled d_c.

3.6 *Determination of the co-ordination distance for propagation mode (b)*

If the main beam of the earth station antenna is elevated less than 12° for long periods of time, as may be the case in operation with geostationary satellites, the co-ordination distance in the azimuthal direction of the main beam is determined in the same manner as above but the antenna elevation angle ϵ is used instead of the horizon elevation angle θ, and the antenna main beam gain is used instead of the gain towards the horizon. *In all such cases, the Zone A curves should be used irrespective of the actual zone involved.*

This procedure yields a distance for propagation mode (b), to be labelled d_b.

When considering non-geostationary satellites, interference via the main beam path should only be considered when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

3.7 *Evaluation of results from propagation modes (a) and (b)*

If propagation mode (b) is applicable, then the distance obtained for propagation mode (b) is compared with that of propagation mode (a) and where the co-ordination distance resulting from the main beam calculation exceeds that from the horizon path calculation, the procedure illustrated in Figure 15 should be used as follows to obtain the co-ordination contour for great circle propagation mechanisms:

1) draw two straight lines from the earth station at azimuthal angles of ±5° relative to the azimuth of the main beam till they intersect the co-ordination contour obtained according to propagation mode (a);

ii) from the point corresponding to the co-ordination distance derived according to propagation mode (b) in the azimuthal direction of the main beam, draw two straight lines to join these two intersections;

iii) these two lines so drawn constitute the part of the co-ordination contour to be used in the sector ±5° relative to the azimuthal direction of the main beam;

iv) outside the preceding sector ±5° the co-ordination contour for the great circle propagation mechanisms is the one obtained for propagation mode (a).

For reference purposes, the distances obtained after application of procedures set forth in Sections 3.4 to 3.7 are to be labelled d_{cb}.

4. *Determination of co-ordination distance for propagation mode (c) scattering from hydrometeors)*

The determination of co-ordination distance for scattering from hydrometeors (rain scatter) is predicated on a path geometry which is substantially different from that of the great circle propagation mechanisms.

4.1 *Normalized transmission loss $L_1(0.01)$*

To determine the co-ordination distance associated with rain scatter, it is necessary to calculate a "normalized transmission loss", given by:

$$L_1(0.01)=P_{l'}+\Delta G-P_r(p)-F_1(p,f) \quad (4)$$

where:

ΔG=difference (in dB) between the maximum gain of terrestrial station antennae in the frequency band under investigation and the value of 42dB. When the earth station is a transmitting station, the values shown in Table I should be used; when it is a receiving station, the values shown in Table II should be used.

$F_1(p,f)$=correction factor (in dB) to relate the effective percentage of the time p to 0.01%, in the frequency band under consideration (see Figure 16).

All other parameters have been defined in Section 2. For terrestrial stations, values of $P_{l'}$ are listed in Table II.

4.2 *Rain-climatic Zones*

The world has been divided into five basic rain-climatic zones numbered 1 to 5 as shown in Figure 17.

4.3 *Procedure for the determination of rain scatter co-ordination distance*

To obtain the rain scatter co-ordination distance for rain-climatic Zone 1, the normalized transmission loss (obtained by solving equation (4)), is used together with the appropriate frequency in Figure 18 to yield the rain scatter distance d_{cr}.

Figures 19 to 21 show corresponding curves for rain-climatic Zones 2 to 5. In all cases that rain climate is to be chosen which corresponds to the location of the earth station. Due to the peculiar geometry associated with rain scatter propagation, the centre of the rain scatter co-ordination contour does not coincide with the location of the earth station by a distance Δd.

The rain scatter distance d_{cr}, together with the elevation angle ϵ of the main beam of the earth station antenna are used in Figure 22 to obtain the distance denoted Δd. The distance Δd is measured from the earth station location along the azimuth of the main beam of the earth station antenna; a circle of radius d_{cr} is drawn around the point so reached. The circle is the rain scatter contour.

The rain scatter co-ordination distance, to be labelled d_r, is the distance from the earth station site to the rain scatter co-ordination contour on the azimuth under consideration.

5. *Minimum value of co-ordination distance*

In the process of determining the co-ordination distance for propagation mode (a) or (b), if values result which would require the co-ordination distance curves to be extended to distances of less than 100 km, the co-ordination distance (d_a or d_b) for the propagation mode under consideration shall be 100 km.

In the process of determining the co-ordination distance for propagation mode (c), if values result which would require the rain scatter distance curves to be extended to distances of less than 100 km, the rain scatter distance (d_{cr}) shall be 100 km, used with the appropriate value of Δd.

6. *The co-ordination distance*

On any azimuth, the greatest of the co-ordination distances d_a, d_b, or d_c, for any of the three propagation modes, represents the co-ordination distance and is to be used for the co-ordination procedure.

An example of a co-ordination contour is shown in Figure 23.

7. *Parameters for calculation*

The values of parameters necessary for the determination of the co-ordination contour are given in Table I in the case of a transmitting earth station, and in Table II in the case of a receiving earth station.

In certain cases, an administration may have reason to believe that, for its specific earth station, a departure from the values associated with the earth station, as listed in Table II, may be justified. Attention is drawn to the fact that for specific systems the bandwidths B or, as for instance in the case of demand assignment systems, the percentages of the time p *and* p_e may have to be changed from the values given in Table II.

To aid in subsequent negotiations between administrations (as discussed in Annex B), it has been found useful to isolate from equation (2) two composite parameters associated only with terrestrial stations, an interference sensitivity factor $S=G_r-P_r(p)$ for the case of transmitting earth stations, and the e.i.r.p. $E=P_t'-G_t'$ for the case of receiving earth stations. The values to be used for S and E are given in Tables I and II, respectively.

If it becomes necessary to calculate the co-ordination distance in a band not shown in Table I or II, the values associated with the nearest allocated frequency band for the same service should be used.

TABLE I.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A TRANSMITTING EARTH STATION

Space radiocommunication service designation	Space operation (telecommand)	Fixed-satellite								
Frequency bands (GHz)	1.427–1.429	2.655–2.690	4.400–4.700	5.850–6.425	7.900–7.975, 8.025–8.400	10.95–11.20	12.50–12.75	14.4–14.5	27.5–29.5
Modulation of terrestrial station [1]	A	A	A	A	A	A	A	A	N
Interference parameters and criteria:									
P_0 (percent)	0.01	0.01	0.01	0.01	0. 01	0.01	0.01	0.01	0.003
n	2	1	1	2	2	2	2	2	1
p (percent)	0.005	0.01	0.01	0.005	0.005	0.005	0.005	0.005	0.003
I (dB)	16	9	9	16	16	16	16	16	0
$M_c(p_0)$ (dB)	17	17	17	17	17	17	17	17	30
W (dB)	0	0	0	0	0	0	0	0	0
Terrestrial station parameters:									
B (Hz)	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	1×10^4
G_r (dB) [2]	35	[3] 52	[3] 52	45	47	50	50	50	50
ΔG (dB)	−7	[3] 10	[3] 10	3	5	8	8	8	8
T_r (K)	750	[3] 500	[3] 500	750	750	1500	1500	1500	3200
Auxiliary parameters:									
S (dBW)	166	192	192	176	178	178	178	178	154
$P_r(p)$ (dBW) in B	−131	−140	−140	−131	−131	−128	−128	−128	−104

[1] A=analog modulation; N=digital modulation.

[2] Feeder losses are not included in the values for G_r.

[3] In these bends the parameters for the terrestrial station associated with transhorizon system have been used.

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TABLE II.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A RECEIVING EARTH STATION

Space radiocommunication service designation	Space operation (telemetering) [1]	Meteorological-satellite [1]	Space research		Fixed-satellite					Earth exploration-satellite [1]	Space research		Fixed-satellite					Earth exploration-satellite [1]
			Near earth	Deepspace; manned							Near earth	Deep space						
Frequency band (GHz)	1.525–1.535	1.670–1.690	1.700–1.710	2.290–2.300	2.500–2.535		3.400–4.200		7.300–7.750	8.025–8.400	8.400–8.500		10.95–11.20 11.45–11.70		11.70–12.20 12.50–12.75		17.7–19.7	21.2–22.0
Modulation at earth station [2]					A	N	A	N	A	N			A	N	A	N	N	
Interference parameters and criteria:																		
p_o (percent)			0.1	0.001	0.03		0.03	0.003	0.03	0.003	0.1	0.001	0.03	0.003	0.03	0.003	0.003	
n			2	1	3		3	3	3	3	2	1	2	1	2	1	1	
p (percent)			0.05	0.001	0.01		0.01	0.001	0.01	0.001	0.05	0.001	0.015	0.003	0.015	0.003	0.003	
J (dB)					−8		−8	0	−8	0			−8	0	−8	0	0	
$M_o(p_o)$ (dB)					17		17	[3]5	17	[3]5			17	[3]5	17	[3]5	[3]5	
W (dB)					4		4	0	4	0			4	0	4	0	0	
Terrestrial station parameters:																		
E (dBW) in B	55	55	[4]62	[4]62	92		55	55	55	55	[4]25	[4]25	55	55	55	55	[4]35	
P'_t (dBW) in B	13	13	[4]10	[4]10	40		13	13	13	13	[4]−17	[4]−17	5	5	5	5	[4]−15	
ΔG (dB)	0	0	10	10	10		0	0	0	0	0	0	0	0	0	0	0	
Reference bandwidth: B (Hz)			1	1	[5]0		[5]0	[5]0	[5]0	[5]0	1	1	[5]0	10	[5]0	[5]0	10	
Permissible interference power: $P_r(p)$ (dBW) in B			−220	−220							−220	−220						

[1] Parameters associated with these services may vary over a rather wide range. Further study is required before representative values become available.
[2] A=analog modulation; N=digital modulation.
[3] See note (2) in sec. 2. $M_o(p_o)$ may assume values between 5 and 40 dB, depending on frequency, rain-climatic zone and system design.
[4] These values are estimated for 1 Hz bandwidth and are 30 dB below the total power assumed for emission.
[5] These values assume an RF bandwidth of no less than 100 MHz, and are 20 dB below total power assumed per emission.
[6] In these bands, the parameters for the terrestrial stations associated with transhorizon systems have been used.

Figures 1–23 are not printed in the RECORD.

ANNEX A TO APPENDIX 28: DETERMINATION OF CO-ORDINATION DISTANCE IN ALLOCATED FREQUENCY BANDS

1. Article 9A of the Radio Regulations requires co-ordination distances to be determined only in the particular frequency bands given in Article 5 of these Regulations and listed in Tables III and IV of this Annex. For each of these frequency bands it is convenient to combine those parameters which depend only upon the frequency and types of system using the band. The resulting value of the combined parameters is then a given constant for a particular allocated frequency band and type of earth station.

Earth station transmission:

2. In the bands allocated for earth station transmission (Table III), use is made of constants C_1 and C_2 derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_1 = G_r - P_r(p) - 20 \log_{10}(f/4) - F(p)$$
$$= S - 20 \log_{10}(f/4) - F(p)$$

For propagation by mode (c):

$$C_2 = -P_r(p) - F_1(p,f) + \Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01) = P_t' + G_t' + C_1$$
$$L_1(0.01) = P_t' + C_2$$

The values of C_1 and C_2 for bands allocated for earth station transmission are given in Table III, together with the reference bandwidth (B) which is used in calculating P_t'

Earth station reception:

3. In the bands allocated for earth station reception (see Table IV) use is made of constants C_3 and C_4 which are derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_3 = E - (10 \log_{10} kB + J - W) - F(p) - 20 \log_{10}(f/4)$$

For propagation by mode (c):

$$C = P_t' - (10 \log_{10} kB + J - W) - F_1(p,f) + \Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01) = G_r + C_3 - 10 \log_{10} T_r - M(p)$$
$$L_1(0.01) = C_4 - 10 \log_{10} T_r - M(p)$$

The values of C_3 and C_4 for bands allocated for earth station reception are given in Table IV.

Flow Diagrams:

4. The procedure for determining co-ordination distance is illustrated by Flow Diagrams 1 and 2 in this Annex. The steps required to determine co-ordination distances for a transmitting earth station are shown in Flow Diagram 1, and those for a receiving earth station are shown in Flow Diagram 2. The symbols used in these diagrams are defined in the main text of Appendix 28.

TABLE III.—EARTH STATION TRANSMISSION (SEE FLOW DIAGRAM 1)

Allocated frequency bands (GHz)	C_1 (dBW)	C_2 (dBW)	Reference bandwidth B(Hz)
1.427–1.429	178	127	4×10^3
2.655–2.690	196	150	4×10^3
4.400–4.700	191	150	4×10^3
5.850–6.425	175	136	4×10^3
7.900–7.975 / 8.025–8.400	175	138	4×10^3
10.95–11.20	172	137	4×10^3
12.50–12.75	171	137	4×10^3
14.40–14.50	170	137	4×10^3
27.5–29.5	142	112	1×10^6

TABLE IV.—EARTH STATION RECEPTION (SEE FLOW DIAGRAM 2)

Allocated frequency bands (GHz)	Designation of space radiocommunication service	Type of modulating signal [1]	C_3 (dBW)	C_4 (dBW)
1.525–1.535	Space operation (telemetering)			
1.670–1.690	Meteorological-satellite			
1.700–1.710	Space research:			
2.290–2.300	Near Earth			
	Deep space, manned			
2.500–2.535	Fixed-satellite	A	277	231
3.400–4.200	Fixed-satellite	A	236	194
		N	234	188
7.300–7.750	Fixed-satellite	A	230	194
		N	228	186
8.025–8.400	Earth exploration-satellite			
8.400–8.500	Space research:			
	Near Earth			
	Deep space			
10.95–11.20	Fixed-satellite	A	225	184
11.45–11.70		N	220	176
11.70–12.20	Fixed-satellite	A	224	184
12.50–12.75		N	219	176
17.7–19.7	Fixed-satellite	N	196	154
21.2–22.0	Earth exploration-satellite			

[1] A=Analogue modulation; N=Digital modulation.

ANNEX B TO APPENDIX 28: DETERMINATION AND USE OF AUXILIARY CONTOURS

1. *Introduction:*

For great circle propagation mechanisms, modes (*a*) and (*b*), auxiliary contours are of great value in eliminating certain existing or planned terrestrial stations falling within the co-ordination area without recourse to precise and arduous calculations. The work of both the earth station administration and the affected administrations is therefore eased during subsequent negotiations if these auxiliary contours are supplied.

2. *Determination of the auxiliary contours:*

Two types of contours can be determined, depending on whether the earth station is used for transmission or reception.

2.1 *Transmitting earth station:*

The contours are determined in the same way as the corresponding co-ordination contour for propagation modes (*a*) and (*b*), but using terrestrial station interference sensitivity factor *S* values (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table I of Appendix 28) corresponding to the co-ordination contour.

2.2 *Receiving earth station:*

The contours are determined in the same way as the corresponding co-ordination contour, for propagation modes (*a*) and (*b*), but using terrestrial station e.i.r.p. values *E* (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table II of Appendix 28) corresponding to the co-ordination contour.

3. *Use of auxiliary contours:*

The auxiliary contours, the co-ordination contour for great circle propagation (modes (*a*) and (*b*)) and the co-ordination contour for rain scatter (mode (*c*)) are all plotted on the same diagram for a given shared band. An illustrated example is given in Figure 23 of Appendix 28 for a transmitting earth station.

For each terrestrial station situated within the co-ordination area, a two-stage procedure may be applied, one for the great circle propagation mechanism and the other for rain scatter.

3.1 *Great circle propagation mechanism (modes (a) and (b)):*

If a transmitting terrestrial station is outside the co-ordination area corresponding to modes (*a*) and (*b*), it need not be considered further with respect to modes (*a*) and (*b*).

For each transmitting terrestrial station situated within the co-ordination area corresponding to modes (*a*) and (*b*), the e.i.r.p. value in the direction of the earth station is determined. If this value is less than the value associated with the nearest contour defining an area outside of which the station is situated, the station may be considered not to cause more than a permissible level of interference and therefore may be eliminated from further considerations with respect to modes (*a*) and (*b*).

For each receiving terrestrial station, the analogous procedure may be applied, using the interference sensitivity factor instead of the e.i.r.p. value.

3.2 *Elimination of a terrestrial station and rain scatter mechanism (mode (c)):*

Terrestrial stations eliminated by the above procedure from further consideration with regard to propagation modes (*a*) and (*b*) need, nevertheless, be further considered with regard to propagation mode (*c*) when they lie within the rain scatter co-ordination area.

FOOTNOTES

[1] The factor *J* (in dB) is defined as the ratio of total permissible long-term (20% of the time) interference power in the system, to the long-term thermal noise power in a single receiver. For example, in a 50-hop terrestrial line-of-sight radio relay hypothetical reference circuit, the total allowable additive interference power is 1000 pW0p (C.C.I.R Recommendation 357–1) and the mean thermal noise power in a single hop may be assumed to be 25 pW0p. Therefore, since in a FDM/FM system the ratio of the interference noise power to the thermal noise power in a 4 kHz band is the same before and after demodulation, $J=16$ dB. In a satellite link in the fixed-satellite service, the total allowable intereference power is also 1,000 pW0p (C.C.I.R. Recommendation 356–2), but the thermal noise contribution of the down path is not likely to exceed 7,000 pW0p, hence *J* is greater than or equal to 8.5 dB. In digital systems it may be necessary to protect each communication path individually, and in that case, long-term interference power may be of the same order of magnitude as long-term thermal noise, hence $J=0$ dB.

[2] $M_o(p_o)$ (in dB) is the "interference margin" between the long-term (20%) and the short-term (p_o%) allowable interference powers. For analogue radio-relay and fixed-satellite systems in bands between 1 and 15 GHz, this is the ratio (in dB) between 50,000 and 1,000 pW0p (17 dB). In the case of digital systems, $M_o(p_o)$ may tentatively be set equal to the fading margin which depends, inter alia, on the local rain climate.

[3] The factor *W* (in dB) is the ratio of thermal noise power to interference power, in the reference bandwidth, producing the same interference effect after demodulation (e.g. in a FDM/FM system it would be expressed for equal voice channel performance; in a digital system it would be expressed for equal bit error probabilities). For FM signals, it is defined as follows:

$$W = 10 \log_{10} \left\{ \frac{\text{Interfering power in the receiving system after demodulation}}{\text{Thermal noise power in the receiving system after demodulation}} \times \frac{\text{Thermal noise power at the receiver input in the reference bandwidth}}{\text{Interfering power at the radio frequency in the reference bandwidth}} \right\}$$

Also, when the wanted signal uses FM modulation with r.m.s. modulation indices which are greater than unity, *W* is approximately 4 dB, regardless of the characteristics of the interfering signal. For low-index FDM/FM systems a very small reference bandwidth (4 kHz) has been used in order to avoid the necessity of dealing with a large range of characteristics of both wanted and unwanted signals upon which, for greater reference bandwidths, the value of *W* would depend.

When the wanted signal is digital, *W* is usually equal to or less than 0 dB, regardless of the characteristics of the interfering signal.

[4] Primes refer to the parameters associated with the interfering station.

[5] This equivalent antenna gain should not be used when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

ANNEX 19: ADDITION OF A NEW APPENDIX (APPENDIX 29) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after the new Appendix 28:

APPENDIX 29

Method of Calculation to evaluate the Degree of Interference between geostationary Satellite Networks Sharing the same Frequency Bands.

I. *Introduction:*

The method of calculating interference is based on the concept that the noise temperature of the system receiving interference increases as the level of the interference increases. It can, therefore, be applied irrespective of the modulation characteristics of these satellite networks, and of the precise frequencies used.

In this method, the apparent increase in the equivalent satellite link noise temperature [1] resulting from interference caused by a given system is calculated and this value is compared with a predetermined increase in the noise temperature (see section 3 below).

2. *Calculation of the increase in noise temperature of the satellite link receiving interference:*

Let A and A' be the satellite links [2] of the two satellite networks considered. Primes indicate the parameters of satellite link A'; the notation without primes is used for the parameters of satellite link A.

The parameters are defined as follows (for satellite link A):

ΔT_e = increase in the receiver noise temperature of the satellite S caused by interference in the receiver of this satellite (K);

ΔT_e = increase in the receiver noise temperature of the earth station e_R caused by interference in the receiver of this station (K);

p_o = maximum power density per Hz delivered to the antenna of satellite S (averaged over the worst 4 kHz band for a carrier frequency below 15 GHz or over the worst 1 MHz band above 15 GHz) (W/Hz);

$g_2(\eta_e')$ = transmitting antenna gain of satellite S in the direction of the receiving earth station e'_R of satellite link A' (numerical power ratio);

Note: the product $p_o g_2(\eta_e')$ is the maximum equivalent isotropically radiated power per Hz of satellite S in the direction of the receiving earth station e'_R of satellite link A' (W/Hz);

$g_1(\delta\epsilon)$ = receiving antenna gain of satellite S in the direction of the transmitting earth station e'_R (numerical power ratio);

$g_1(\theta)$ = transmitting antenna gain of the earth station e'_R in the direction of satellite S' (numerical power ratio);

$g_1(\theta)$ = receiving antenna gain of the earth station e'_R in the direction of satellite S' (numerical power ratio);

k = Boltzmann's constant (J/K);

l_d = free-space transmission loss on the down-path (numerical power ratio) [3];

l_u = free-space transmission loss on the up-path (numerical power ratio) [3];

γ = transmission gain of the satellite link evaluated from the output of the receiving antenna of the space station S to the output of the receiving antenna of the earth station e'_R (numerical power ratio, usually less than 1);

θ = geocentric angular separation between two satellites (degrees) [4].

The parameters ΔT_e and ΔT_e are given by the following equations:

$$\Delta T_e = \frac{p' g'_1(\theta) g_2(\theta_e')}{k l_u} \quad (1)$$

$$\Delta T_e = \frac{p' g'_2(\eta_e) g_1(\delta)}{k l_d} \quad (2)$$

The symbol ΔT will be used to denote the apparent increase in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving station e'_R due to interference from link A'.

This increase is the result of interference entering at both the satellite and earth station receiver of link A and can accordingly be expressed as:

$$\Delta T = \gamma \Delta T_e + \Delta T_e \quad (3)$$

Hence,

$$\Delta T = \gamma \frac{p' g'_1(\theta) g_2(\delta\epsilon')}{k l_u} + \frac{p' g'_2(\eta_e) g_1(\theta)}{k l_d} \quad (4)$$

Equation (4) combines both the up-path and the down-path interference. If there is a change of modulation in the satellite or if the translation frequencies of the wanted and interfering satellites are different then it may be necessary to treat up and down paths separately using equations (1) and (2).

In the foregoing equations, the gains $g'_1(\theta)$ and $g_1(\theta)$ are those of the earth stations concerned. Unless more precise actual data

[1] See No. 103A.
[2] See No. 84AFC.

[3] To simplify the circulation it was assumed that:

Basic transmission loss on the down-path is the same regardless of the satellite and earth station considered;

Basic transmission loss on the up-path is the same regardless of the earth station and satellite considered.

[4] To simplify the calculation it was assumed that the topocentric angular separation between the two satellites as seen from any earth station is identical to the geocentric angular separation between the two satellites.

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are available, an appropriate reference radiation pattern may be used to express the gain $g'_1(\theta)$ and $g_4(\theta)$ in a direction forming an angle θ with the direction of maximum radiation. In the event that precise numerical data are not available, the reference radiation pattern $32-25 \log_{10}\theta$ shall be used for earth station antennae for which the ratio *diameter/wavelength* exceeds 100.

In the same way, the increase $\Delta T'$ in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving earth station e'E under the effect of the interference caused by satellite link A is given by the following equations:

$$\Delta T'_{s'} = \frac{p_{s'} g_1(\theta) g'_2(\delta_s)}{k l_s} \quad (5)$$

$$\Delta T'_{d'} = \frac{p_{s'} g_3(\eta_{s'}) g'_4(\theta)}{k l_d} \quad (6)$$

$$\Delta T' = \gamma' \frac{p_{s'} g_1(\theta) g'_2(\delta_s)}{k l_s} + \frac{p_{s'} g_3(\eta_{s'}) g'_4(\theta)}{k l_d} \quad (7)$$

For two multiple-access satellites this calculation must be made for each of the satellite links established via one satellite in relation to each of the satellite links established via the other satellite.

3. Comparison between calculated and predetermined percentage increase in equivalent satellite link noise temperature

The calculated values of ΔT and $\Delta T'$ shall be compared with the corresponding predetermined values. These predetermined values are taken as 2% of the appropriate equivalent satellite link noise temperatures:

If the calculated values of ΔT is less than the predetermined one, the interference level from satellite link A' to satellite link A is permissible irrespective of the modulation characteristics of the two satellite links and of the precise frequencies used;

If the calculated value of ΔT is more than the predetermined one, a detailed calculation shall be carried out following the methods and techniques set out in the relevant C.C.I.R. Reports and Recommendations.

The comparison of $\Delta T'$ with the predetermined value shall be carried out in a similar manner.

As an example, it can be seen that in the case of a satellite link operating in accordance with current C.C.I.R. Recommendations, using FM telephony and having a total noise in a telephone channel of 10,000 pW0p including pW0p interference noise from terrestrial radio-relay systems and 1,000 pW0p interference noise from other satellite links, a 2% increase in equivalent noise temperature would correspond to 160 pW0p of interference noise.

The list of basic characteristics to be furnished for each network is given in Appendix 1B to the Radio Regulations. A detailed illustration of the interference calculation in the case of two geostationary satellite links is given in the Annex to this Appendix.

4. Determination of the satellite links to be considered in calculating the increase in equivalent satellite link noise temperature from the data furnished for the advance publication of satellite network

The greatest increase in equivalent satellite link noise temperature caused to any link of another satellite network, existing or planned, by interference produced by the proposed satellite network must be determined.

The most unfavourably sited transmitting earth station of the interfering satellite network should be determined for each satellite receiving antenna of the network suffering interference by superimposing the "Earth-to-space" service areas of the interfering network on the space station receiving antenna gain contours plotted on a map of the Earth's surface. The most unfavourably sited transmitting earth station is the one in the direction of which the satellite receiving antenna gain of the network interfered with is the greatest.

The most unfavourably sited receiving earth station of the network suffering interference should be determined in an analogous manner for each "space-to-Earth" service area of that network. The most unfavourably sited receiving earth station is the one in the direction of which the satellite transmitting antenna gain of the interfering network is the greatest.

When the satellite of the network suffering interference is equipped with simple frequency-translating transponders the above determinations are made in pairs, one for the receiving antenna of a particular transponder and one for the "space-to-Earth" service area associated with the transmitting antenna of that transponder.

The calculation procedure described above may be used to determine the greatest increase in equivalent noise temperature caused to any satellite link in a proposed satellite network by interference produced by any other satellite network.

ANNEX TO APPENDIX 29: EXAMPLE OF AN INTERFERENCE CALCULATION BETWEEN TWO GEOSTATIONARY SATELLITE LINKS SHARING THE SAME FREQUENCY BAND

A. General

In this example, for simplicity, two identical satellite networks are assumed with $0 = 6°$ geocentric angular spacing between the satellites. For this angular separation the reference radiation pattern of the earth station antenna $(32 - 25 \log_{10}\theta)$ gives a gain of 12.5 dB in the direction on the satellite of the other network.

The calculations have been performed in dB, which means that numerical multiplications thus become dB additions and numerical divisions become dB subtractions. In each step, the contributing factors have been introduced in a sequence corresponding to the propagation direction. The first three steps define the system parameters for each link. Steps 4, 5 and 6 perform the actual interference calculations.

To determine the equivalent link noise temperature it is necessary to know the ratio between the total internal link noise and the thermal noise of the down-path. The noise budget for this example is assumed as follows:

NOISE BUDGET

Internal noise—8 000 pW0p:	
Thermal noise (down-path)	5 000 pW0p
Thermal noise (up-path)	1 000 pW0p
Intermodulation noise	2 000 pW0p
External noise—2 000 pW0p:	
Interference noise from links using other satellites	1 000 pW0p
Interference noise from terrestrial systems	1 000 pW0p
Total noise	10 000 pW0p

It may be noted that since both satellites use global beams, essentially no antenna discrimination between wanted and unwanted signals is obtained at the satellite and that this constitutes a worst case.

B. SYSTEM PARAMETERS

	Symbol	Link A or A'	Unit
Step 1. Up-path at 6 175 MHz			
Maximum power density per Hz delivered to the antenna of the transmitting earth station in the worst 4 kHz band.	P_s	−370	dBW/Hz
Earth station antenna gain	g_1	62.5	dB
Free space loss 38 500 km at 6 175 MHz	l_s	200	bB
Satellite antenna gain (using global beam)	g_2	15.5	bB
Receiver input at satellite $P_s+g_1-l_s+g_2$		−159	bBW/Hz
Step 2. Down-path at 3 950 MHz			
Maximum power density per Hz delivered to the satellite antenna in the worst 4 kHz band.	P_s	−57	bBW/Hz
Satellite transmitting antenna gain	g_3	15.5	dB
Free space loss for 38 500 km at 3 950 MHz	l_d	196	dB
Earth station receiv. antenna gain	g_4	58.5	dB
Receiver input at earth station $P_s+g_3-l_d+g_4$		−179	dBW/Hz
Step 3. Link calculations			
Transmission gain from satellite receiver input to earth station receiver input 159 dB—179 dB.	γ	−20	dB
Earth station noise temperature (giving G/T=40.7 dB)		60	K
Thermal noise down-path (see noise budget)		5 000	pW0p
Total internal link noise (see noise budget)		8 000	pW0p
Equivalent link noise temperature 8 000/5 000×60	T	96	K

C. INTERFERENCE CALCULATION

	Symbol	Link A or A'	Unit
Step 4) Up-path interference			
Interfering earth station power density (as in Step 1)	$p_{s'}$	−37	dBW/Hz
Interfering earth station antenna gain towards interfered satellite (6° off beam)	$g_1'(\delta)$	12.5	dB
Free space loss for 38 500 km at 6 175 MHz (see Step 1)	l_s	200	dB

C. INTERFERENCE CALCULATION—Continued

	Symbol	Link A or A'	Unit
Satellite antenna gain in the direction of the interfering earth station	$g_2(\delta_{s'})$	15.5	dB
Boltzmann's constant 1.38×10^{-23} J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the satellite	ΔT_s	91	K
$p_{s'}+g_1'(\theta)-l_s+g_2(\delta_{s'})-k$ (in logarithmic units)		19.6	
Step 5. Down-path interference			
Interfering satellite transmitter power density (as in Step 2)	$p_{s'}$	−57	dBW/Hz
Interfering satellite antenna gain towards Interfered earth station.	$g_3(\eta_{s'})$	15.5	dB
Free space loss for 38 500 km at 3 950 MHz (see Step 2)	l_d	196	dB
Earth station antenna gain in the direction of the interfering satellite (6° off beam)	$g_4(\delta)$	12.5	dB
Boltzmann s constant 1.38×10^{-23} J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the earth station $p'_s+g'(\eta_{sd})-l_d+g_4(\delta)-k$ (in logarithmic units)		3.6	
Increase in receiver noise temperature of the earth station	ΔT_e	2.29	K
Step 6. Total link interference			
Increase in satellite noise temperature (from Step 4).	ΔT_s	91	K
Numerical value for γ (from Step 3)	γ	0.01	numerics
Increase in receiver noise temperature of the earth station (from Step 5)	ΔT_e	2.29	K
Increase in equivalent link noise temperature $\gamma\Delta T_s$ $+\Delta T_e = 0.01\times91+2.29$	ΔT	3.2	K
Percentage increase 3.2/96 × 100%	$(\Delta T/T)\times100\%$	3.33	%
Increase in link noise due to interference (3.33/100) × 8 000 pW0p		266	pW0p

D. Conclusions

In the example shown, the increase in equivalent satellite link noise temperature is 3.33%. Since it exceeds the predetermined value of 2%, the amount of noise introduced can no longer be considered permissible and therefore co-ordination between the two networks is required. More precise calculations should now be made using, in particular, the actual antenna patterns of the earth stations, the topocentric angular separation of the satellites, and the precise basic transmission losses. There may be additional factors such as polarization discrimination, frequency interleaving, spectral distribution of the interference which all reduce the calculated interference.

It can be shown that for this example a larger satellite spacing of 7.4° would have caused only 2% increase in equivalent link noise temperature and thus obviated the need for any co-ordination.

FINAL PROTOCOL

At the time of signing of the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) the undersigned delegates take note of the following statements made by signatory delegations:

GENERAL

The World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) decided that the following statement by India should be included in the Final Protocol forming part of the Final Acts of the Conference:

"In India, the band 845–935 MHz is also used in the experimentation of satellite broadcasting of television with frequency modulation including energy dispersal, subject to agreement with the administrations having services operating in accordance with the Table of Frequency Allocations which may be affected.

"For the protection of terrestrial television services the power flux-density limit given in Radio Regulation 332A will apply; and for the protection of fixed and mobile services operating in this band, the power flux-density limit given in Radio Regulation 470NI and the power flux-density limit in Radio Regulation 470NK will apply."

FEDERAL REPUBLIC OF CAMEROON

The Delegation of the Federal Republic of Cameroon to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), unable at the present state of its development to make pertinent comments on the proposed allocation of frequency bands between 40 and 275 GHz yet earnestly wishing to encourage technological progress,

Signs the Final Acts of the present Conference but reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, and to protect its telecommunication network should certain Members or Associate Members fail to comply with the provisions of the Radio Regulations thus revised and amplified.

CENTRAL AFRICAN REPUBLIC

The Delegation of the Central African Republic to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) signs the Final Acts of the present Conference but reserves for the Government of the Central African Republic the right to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail in any way to comply with the decisions of the present Conference or should action resulting from the reservations made by other countries jeopardize the efficient operation of its telecommunication services.

CEYLON

The Delegation of Ceylon reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations by other countries jeopardize its telecommunication services.

CHILE

The Chilean Delegation reserves the right for the Republic of Chile to take, in cooperation with the International Telecommunication Union, such action as it may consider legitimate to safeguard its sovereignty and interests should any Member or Associate Member fail to comply with any or all of the provisions of the revised Radio Regulations (Geneva, 1971) and the Montreux Convention (1965) or should reservations made by other countries affect directly or indirectly the interests and/or telecommunication systems of the Republic of Chile.

DEMOCRATIC REPUBLIC OF THE CONGO

The Delegation of the Democratic Republic of the Congo to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail to comply with the provisions of the revised Radio Regulations, or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF THE IVORY COAST

The Delegation of the Ivory Coast wishes to declare that, by virtue of the powers conferred on it, it reserves for its Government the right to take such action as it may consider necessary, in co-operation with the International Telecommunication Union, to safeguard its interests should certain Members or Associate Members fail in any way whatever to comply with the provisions in the revised version of the Radio Regulations (Geneva, 1959), prepared by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF INDONESIA

The Indonesian Delegation is of the firm belief that only through close international co-operation on as broad a basis as possible could the tremendous potential of satellite communications be realized.

Indonesia being an archipelago with a vast land and sea area looks forward with great hope to the expansion of satellite communications as to help solving its tremendous communication problems.

The great importance of satellite communications in helping to diffuse education, information, and other public services to the people in places far away from the capitals is being fully recognized by the developing countries.

There is, however, great need for the developing countries to fully participate in the discussions and in important decisions concerning the future of the satellite systems. They need to be continuously informed with regard to its further progress and development.

Furthermore, the developing countries should not be left with a feeling as being dependent on the goodwill of a small group in order to enjoy the progress of this technology. The use of the satellite system should not be limited to a few rich; assistance measures have therefore to be devised so as to allow even the poorest among the developing countries to take advantage of the progress in the satellite communication systems.

If the progress of this technology is to benefit mankind as a whole and if it is to become a substantial contribution towards the success of the Second Development Decade, then it is necessary that more attention be given to the interest of the developing countries.

Indonesia is grateful to the I.T.U. and the U.N.D.P. for the assistance given so far in the improvement of its communication system. There are, however, projects which are still to be completed such as: the regional telecommunication network in South East Asia, educational projects, telecommunication projects in West Irian in the framework of the Funds for Development for West Irian and others for which further assistance is being required. It is the sincere hope of Indonesia that it could be given technical assistance in developing its own national satellite communication system.

IRAN

The Imperial Government of Iran reserves the right to take such action as it may consider necessary to protect and use its services as operated at present or to be brought into operation in the future should they be affected by the services of other countries.

It also reserves the right not to accept the I.F.R.B. procedures for registering the frequencies now used or to be used in the future in respect of its equipment and on its territory.

The Delegation of Iran therefore reserves for its country the right to take such action as may be necessary to meet its requirements in telecommunications and to protect its existing and future services without restriction of any sort as to the equipment used or to be used in the future in all frequency bands.

JAMAICA

The Delegation of Jamaica reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) and in so doing jeopardize the telecommunication services of Jamaica.

ISLAMIC REPUBLIC OF MAURITANIA

The Delegation of the Islamic Republic of Mauritania to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to:

Safeguard its interests, or

Protect, in all the frequency bands concerned, its existing, projected or future telecommunication network, should certain Members or Associate Members fail in any way to comply with the revised and supplemented provisions of the Radio Regulations, or should reservations made by other countries jeopardize the normal operation of its telecommunication services.

REPUBLIC OF THE NIGER

The Delegation of the Republic of the Niger reserves for its Government the right to take any steps it may deem fit and adequate to safeguard its interests should any country fail in any way to comply with the provisions contained in the Final Acts of this Conference or should reservations made by any country jeopardize the efficient operation of its telecommunications.

PAKISTAN

In signing the Final Acts of the World Administrative Radio Conference for Space

Telecommunications, (Geneva, 1971), the Delegation of Pakistan reserves the right of its Government to adhere to all or to some of the provisions of the revised Radio Regulations (Geneva, 1959).

The Delegation of Pakistan further declares that it reserves the right of its Government in accepting implications that may arise through the non-adherence by any other country Member of the Union to the provisions of these revised Radio Regulations.

REPUBLIC OF RWANDA

The Delegation of the Republic of Rwanda, in signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Members or Associate Members fail in any way to comply with the provisions of the Radio Regulations (Geneva, 1959) as revised by this Conference or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF THE SENEGAL

The Delegation of the Republic of the Senegal to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right to take such action as it may consider useful or necessary:

To safeguard its interests in the use of the frequency bands above 40 GHz;

Or should certain Members fail in any way to comply with the decisions of this Conference or should acts deriving from reservations made by other Members jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF SINGAPORE

In signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), the Delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Final Acts of this Conference or should reservations made by any country jeopardize the telecommunication services of the Republic of Singapore.

REPUBLIC OF VENEZUELA

The Delegation of the Republic of Venezuela to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), delcares that, in signing the Final Acts of the Conference, it expressly reserves the right for its Government to adopt or not to adopt the conclusions of the Conference and to take any steps that it may deem fit to safeguard its interests and to protect its telecommunication networks should any Member or Associate Member fail to comply with the provisions of the Radio Regulations as amended or supplemented at the date mentioned above.

INTERNATIONAL PLANT PROTECTION CONVENTION

MAIN PURPOSE OF THE CONVENTION

The main purpose of the convention is to promote international cooperation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across international boundaries.

The convention applies to living plants and parts thereof, to unmanufactured and milled material of plant origin, and to seeds (Art. II (1)). It may be extended to storage places, containers, conveyances, and packing material (Art. II(2)), but it is to have particular reference to pests and diseases of importance to international trade (Art. II(3)). Supplementary agreements covering specific regions, plants, or problems may also be negotiated (Art. III) and regional organizations established (Art. VIII).

Each contracting government is required to make provision "as soon as possible and to the best of its ability," for (1) a competent official plant protection organization for inspection and disinfection work and for issuance of phytosanitary certificates; (2) distribution of information within the country regarding pests and diseases of plants; and (3) research and investigation in the field of plant protection (Art. IV). Provisions are made regarding issuance of phytosanitary certificates to insure that they are dependable documents (Art. V (1)), and it is agreed that a government will "not require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with" a model certificate annexed to the convention (Art. V(2)).

National plant protection legislation is not to be used as a basis for import regulations except for phytosanitary reasons (Art. VI(2)(a)). Phytosanitary restrictions and requirements in regard to imports are to be published and communicated to other contracting governments and to the U.N. Food and Agriculture Organization (Arts. VI(2)(b) (c) and (d)). Inspections and other requirements are to be carried out so as to impede trade as little as possible (Art. VI(d) (e) and (f)). A worldwide reporting service on plant diseases and pests is to be established in cooperation with the Food and Agriculture Organization (Art. VII).

The convention is of indefinite duration but it may be denounced on one year's notice (Art. XV). Disputes regarding the convention are to be settled by negotiation between the governments concerned, assisted, if they so desire, by a committee of experts appointed by the Director General of the Food and Agriculture Organization (Art. IX).

BACKGROUND

Negotiations for the present convention took place in 1950 and 1951, with the participation of the Departments of State and Agriculture. The convention was open for signature at Rome from December 6, 1951, to May 1, 1952, during which time it was signed by the United States and 36 other states. Up to the present, 61 countries, which are listed in the appendix, have completed the ratification or adherence procedure.

The convention came into force, as among ratifying countries, on April 3, 1952.

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM

PURPOSE

The express purpose of this Convention is to condemn crimes of violence against officials of foreign states and international organizations as common crimes regardless of the motive for which they were committed. The effect is to exclude such crimes, for purposes of extradition and asylum, from being treated as political offenses. Thus, the perpetrators of such crimes would not be eligible for the diplomatic or territorial asylum which is often extended to those who commit political offenses.

BACKGROUND

In the past few years a new form of terrorism has emerged, directed against diplomats and other officials of foreign governments. Approximately 17 incidents of kidnapping and violence directed at representatives of states have occurred in six countries of the Western Hemisphere in the last three years, nine of which involved United States personnel.

This wave of terrorism prompted the General Assembly of the Organization of American States (OAS) to adopt a resolution on June 30, 1971 condemning all acts of terrorism as crimes against humanity and further condemning "such acts when perpetrated against representatives of foreign states, as violations not only of human rights but also of the norms that govern international relations." In response to this situation, the Inter-American Juridical Committee was requested to prepare "one or more draft Inter-American instruments on kidnapping, extortion and assaults against persons, in cases in which these acts may have repercussions on international relations." The work of this Inter-American Juridical Committee was considered by a special session of the OAS General Assembly meeting in Washington January 25–February 2, 1971. The Convention under consideration is a much narrower version of the Committee's draft and is limited only to assaults against foreign officials.

It was adopted by the OAS General Assembly by a 13 to 1 vote with 2 abstentions. It should be noted, however, that six of the OAS delegations boycotted the final vote in protest against what they considered an inadequate document. Brazil, Argentina, Ecuador, Paraguay, Guatemala and Haiti wanted a convention which included all acts of political terrorism and not just the kidnapping of diplomats and foreign officials.

The Convention was signed at Washington on February 2, 1971 and submitted to the Senate on May 11, 1971.

PROVISIONS OF THE AGREEMENT

The Convention consists of a preamble and thirteen articles accompanied by a short statement of the Delegation of Panama clarifying the interpretation of the right of asylum with respect to the Panama Canal Zone.

The following is a summary of the convention's provisions provided by the Secretary of State.

Article 1 commits the Contracting States to cooperate by taking effective measures under their own laws and in accordance with the Convention to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state owes a special duty of protection under international law. This provision extends to acts of terrorism generally, but incorporates no specific commitments. Rather, it establishes a general duty of cooperation that should guide the Contracting States in their application of other provisions of the Convention.

Article 2 provides that kidnapping, murder and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, and related acts of extortion, shall be considered common crimes of international significance regardless of motive. The provision establishes the principle that such crimes are not to be considered as political offenses.

Article 3 states that persons charged or convicted of crimes referred to in Article 2 shall be subject to extradiction under the provisions of existing treaties or, in the absence of a requirement for a treaty, in accordance with relevant national laws.

Article 3 confirms that it is the exclusive responsibility of the state that may be asked to grant asylum or extradition to determine the nature of the acts and whether the Convention is applicable to a particular request for extradition.

Article 4 specifies that "any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process".

Article 5 requires a Contracting State, if it withholds surrender of a fugitive charged or convicted of an offense specified in Article 2 either because the person sought is a national of the requested state or because of

some other legal impediment, to submit the case to its competent authorities for prosecution as if the act had been committed in its territory.

Article 6 states that "none of the provisions of this convention shall be interpreted so as to impair the right of asylum".

Article 7 requirees the Contracting States to include the crimes described in Article 2 of the Convention as extraditable offenses in any future extradition treaty concluded among them.

Article 8 sets forth certain obligations of cooperation accepted by the Contracting States to prevent or punish the crimes defined in Article 2 of the Convention. The Contracting States agree:

(a) To take all measures within their power, in conformity with their laws, to prevent and impede the preparation in their respective territories of such crimes that are to be carried out in the territory of another Contracting State;

(b) To exchange information and consider effective administrative measures for the purpose of protecting the persons referred to in Article 2;

(c) To guarantee to every person deprived of his freedom under the Convention every right to defend himself;

(d) To endeavor to have the criminal acts included in their penal laws, if not already so included;

(e) To comply most expeditiously with the request for extradition concerning the criminal acts contemplated in this Convention.

Articles 9–13 provide that the Convention shall remain open indefinitely for signature by the member states of the Organization of American States and any other state, member of the United Nations or its specialized agencies or party to the Statute of the International Court of Justice. Other states may be invited by the OAS General Assembly to sign.

DATE OF ENTRY INTO FORCE

Pursuant to Article 12, this Convention shall enter into force among the states that ratify it immediately upon deposit of their instruments of ratification.

TREATY WITH HONDURAS ON THE SWAN ISLANDS

PURPOSE

The express purpose of this treaty is to settle long-standing difference between the United States and Honduras resulting from their conflicting claims to the Swan Islands. The State Department has indicated that this treaty will fulfill the desire of the Honduran people for the recognition of Honduran sovereignty over these islands and will adequately protect the interests of the United States in maintaining a weather observation and telecommunication facility on the larger of the two islands.

BACKGROUND

The Swan Islands are rock keys located in the Caribbean about 98 miles off the coast of Honduras. The islands have no intrinsic value to the United States and the largest of the two islands is only two miles long and one-half mile wide. The only U.S. interest in these islands is the operation and maintenance of a meteorological observation and telecommunications facility and an air navigation beacon. The islands are populated by approximately six Americans who operate the facilities and a dozen Honduran nationals and British subjects who work for the United States facilities or raise cattle.

The U.S. claim to these islands was originally made in 1863 under the authority of Guano Act of 1856 (48 U.S.C. 1411–1419). That Act provides that whenever "any United States citizen discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States." The Act also provides that nothing in it "shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same."

Guano operations were carried on for a number of years but have long since ceased. Beginning in 1914, the U.S. has operated a weather observation station and since 1946 the Federal Aviation Agency has maintained an airways beacon. During the 1960's the islands were also the site of a radio transmitter, since discontinued, broadcasting to Cuba.

The Honduran claim to these islands is based on succession to a sixteenth century Spanish claim. The State Department feels that this issue is of considerable importance to the Honduran people and has been a long-standing irritant in U.S.-Honduran relations.

On August 23, 1960, the Secretary of State informed the Honduran Foreign Minister that the U.S. would be pleased to discuss the position of Honduras with respect to the Swan Islands. On November 3, 1962, a joint communique issued after a meeting between President Kennedy and Honduran President Villeda Morales stated that the two governments should seek, on an urgent basis, a solution to the question concerning these islands. It was submitted to the Senate on March 28, 1972.

PROVISIONS OF THE AGREEMENT

The Treaty consists of a short preamble and five Articles accompanied by an exchange of notes which set forth the terms of the agreement dealing with: (1) a cooperative program for the meteorological and telecommunications facility; (2) the electric power; (3) the rights of third country nationals; (4) the juridical position of the U.S. with respect to the territorial sea and jurisdiction over fisheries.

The following summary of the treaty's provisions was provided by the Secretary of State:

Under Article I of the Treaty the Government of the United States recognizes the sovereign of Honduras over the Swan Islands.

Article II recognizes the mutual benefit derived from the maintenance of a meteorological observation and telecommunications facility and provides for establishment of a cooperative program to continue the facility on terms to be agreed. Simultaneously with signature of the Treaty, the two Governments exchanged notes setting forth the terms of agreement for the facility. They provide for continuation of the meteorological facility on terms recommended by the National Oceanic and Atmospheric Administration (NOAA) under a cooperative program similar to those in effect with several countries throughout the world. The United States Government will retain use of the land and title to the property and improvements thereon needed for the facility and will maintain and operate the facility. The Government of Honduras will make the needed land available for use without charge, will be responsible for the continued maintenance and further development of the dock and landing strip, and will facilitate the NOAA operation by granting it tax-exempt status as well as providing for duty-free entry for materials, equipment, and supplies relating to the program. Radio frequencies will be protected and a radio call signal has been assigned for the facility's use. The meteorological program agreement will enter into force simultaneously with the Treaty, and operations under it will be subject to review and possible revision five years later. To the extent the program depends on funds appropriated by the United States Congress, it is made subject to the availability of such funds.

Under Article III of the Swan Islands Treaty the Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan. This transfer of responsibility was recommended by the Federal Aviation Administration, which presently operates the beacon. As provided in a supplementary exchange of notes, electric power for the operation of the air navigation facility as well as for the lighting systems associated with the dock and landing strip will be supplied, as at present, by the electric generators to which the United States Government is retaining title.

Article IV of the Treaty provides for the transfer to the Government of Honduras, upon entry into force of the Treaty, of all land, buildings, equipment, and other property to which the United States holds title, except for such property as the parties agree, pursuant to Article II, shall be retained by the United States for operation by NOAA of the meteorological facility. As pointed out above, it is agreed in the cooperative weather program agreement that the United States will retain use of the land and title to the property thereon needed for that facility.

DATE OF ENTRY INTO FORCE

Pursuant to Article V, this treaty will enter into force on the date instruments of ratification are exchanged in Washington.

CONVENTION ON TAKING OF EVIDENCE ABROAD

BACKGROUND AND PROVISIONS

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters was approved at the conclusion of the eleventh session of the Hague Conference on Private International Law which was held from October 7–26, 1966. It was opened for signature on June 1, 1970, and signed on behalf of the United States on July 27. According to the State Department, the willingness of the Conference to proceed promptly with work on the evidence convention is perhaps attributable in large measure to the difficulties encountered by courts and lawyers in obtaining evidence abroad from countries with markedly different legal systems. To minimize such difficulties in the future, the convention, which consists of a preamble and forty-two articles, is designed to:

1. Make the employment of letters of request a principal means of obtaining evidence abroad;

2. Improve the means for securing evidence abroad by increasing the powers of consuls and by introducing in the civil law world, on a limited basis, the concept of the commissioners;

3. Provide means for securing evidence in the form needed by the court where the action is pending; and

4. Preserve all more favorable and less restrictive practices arising from internal law, internal rules of procedure and bilateral or multilateral conventions.

The Convention is divided into three chapters dealing with (1) letters of request which are issued by a judicial authority in a civil or commercial matter to obtain evidence or to perform some other judicial act; (2) the taking of evidence by foreign officials, principally consuls and commissioners; and (3) general provisions. The report accompanying the convention explains these chapters as follows:

Chapter I deals with Letters of Request ("Commissions rogatories"). It includes articles 1–14, and regulates the form of the Letter, the scope of its content, the methods of transmission, the language to be used, the method and technique of execution, the compulsion to be exercised against a witness, the privileges and immunities of the witness, the permissible grounds for refusal to ex-

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ecute the Letter, and the question of costs and expenses.

Chapter II deals with the use of consuls or commissioners to take evidence. It includes articles 15–22, and regulates the situations under which a consul or commissioner may act, the extent to which approval and consent of the State of execution may be required, the extent to which compulsion against the witness may be available, the privileges and immunities of the witness, the limits of the power of the consul or commissioner, and the privilege of obtaining evidence through other channels in the event of the failure to obtain the evidence through the consul or commissioner.

Chapter III contains the general clauses. It includes articles 23–42, and regulates the relationship between the present Convention and the Conventions of 1905 and 1954, the limits of the power of reservation by a signatory, the declarations to be filed and the authorities to be designated under certain articles, the State which may be signatories or which may accede to the Convention, the use of diplomatic channels to resolve disputes, the application of the Convention to the territories of a signatory, the time when the Convention will enter into force, the time the Convention will remain in force, the power of denunciation and the provisions for administration by the Ministry of Foreign Affairs of the Netherlands.

Chapter III also contains individual clauses further limiting the scope of Letters of Request, providing details respecting the Central Authority, authorizing States with more than one legal system to designate one of them to execute Letters of Request, further regulating certain costs and expenses, and listing the matters as to which States may, by agreement, derogate from the provisions of the Convention.

Finally, Chapter III contains, in article 27, the all-important provision that if any State, by internal law or practice, permits any act provided for in the Convention to be performed on a more liberal and less restrictive basis than the Convention provides, such internal law or practice will be unaffected by the Convention and will continue to govern.

DATE OF ENTRY INTO FORCE

The Convention will enter into force on the sixtieth day after the third instrument of ratification has been deposited by any of the twenty-five member states which attended the eleventh session of the Hague Conference on Private International Law.

EXTRADITION TREATY WITH ARGENTINA

According to the Administration, the Extradition Treaty with Argentina, which is the first to be signed with a Latin American country since 1961, "follows generally the form and content of extradition treaties recently concluded by this Government."

MAJOR PROVISIONS

Article 2 of the Treaty lists thirty extraditable offenses, including those relating to narcotics and aircraft hijacking. In addition, it contains a provision which would permit extradition in the case of conspiracy to commit any of the offenses mentioned.

Pursuant to the provisions of Article 3, the normal concept of territorial jurisdiction is extended to include aircraft in flig' t. Thus, acts of aircraft piracy would be covered whether or not they occur over United States territory. In addition, extradition could be granted for offenses committed outside the territory of either country, if such offense would be punishable under the laws of both parties. It is understood that this provision will be useful in narcotics and counterfeiting violations.

Article 4, which is a standard provision, grants the executive authority of either country the discretionary power to extradite its own nationals. However, if one of the parties refuses extradition on the basis of nationality, then that party is obliged to undertake to try the individual requested when the offense is punishable under its own laws and it has appropriate jurisdiction. This latter provision is new to United States extradition treaties.

Under the terms of Article 8, extradition may be refused unless assurances are received from the country requesting extradition that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Several other recent treaties include similar language.

Other articles deal with such matters as procedures to be followed in requesting extradition (Article 11), provisional arrest in case of urgency (Article 12), requests for additional evidence or information (Article 13), detention or punishment for an offense other than that for which extradition has been granted (Article 14), the handling of multiple requests for extradition of the same person (Article 15), the time limit for removal of a person after extradition has been granted (Article 16), surrendering evidence upon granting of the extradition (Article 17), and the procedure for requesting transit for the person surrendered (Article 18).

Article 19 provides that expenses related to "the translation of documents and to the transportation of the person sought" are to be paid by the requesting party. In addition, it states that each party shall assist the other in the presentation of extradition cases before their respective judges and magistrates. The Department of State maintains that this requirement is normally included in the more recent extradition treaties "because the costs of presentation are a hindrance to the making of extradition requests." It should be noted, however, that this provision differs from domestic law (18 U.S.C. 3195) which requires that costs or expenses incurred in extradition proceedings be paid by the requesting authority. The State Department expects to recommend legislation amending that law so it will not be in conflict with the treaty language.

The provisions of Article 21 are new in United States extradition treaties. They provide for judicial cooperation in criminal matters by the execution of letters rogatory. (These letters are directed to any judge or tribunal having jurisdiction in a foreign country with the request that witnesses come before them and answer interrogatories and that they cause their depositions to be committed to writing and returned with the letters rogatory.) Article 21 states that expenses incurred in processing such letters shall be borne exclusively by the receiving State.

DATE OF ENTRY INTO FORCE

In accordance with the provisions of Article 22, this treaty will enter into force upon the exchange of instruments of ratification in Buenos Aires. It may be terminated at any time by giving six months' notice. Although it will abrogate and supersede the Extradition Treat of 1896, the offenses listed in that treaty which have been committed prior to the time the pending treaty enters into force will be subject to extradition pursuant to the provisions of that treaty.

PARTIAL REVISION OF RADIO REGULATIONS

The pending Partial Revision of the Radio Regulations relating to space telecommunications was signed on behalf of the United States at the conclusion of a conference held at Geneva from June 7–17, 1971.

BACKGROUND

The Radio Regulations (Geneva, 1959) came into force for the United States on October 23, 1961. Subsequently, the United States became a party to three partial revisions of those regulations: (1) a partial revision to allocate frequency bands for space radiocommunication purposes, dated at Geneva November 8, 1963; (2) a partial revision dated at Geneva April 29, 1966, to put into effect a revised frequency allotment plan for the aeronautical mobile service; and (3) a partial revision dated at Geneva November 3, 1967, relating to the maritime mobile service.

PROVISIONS OF PARTIAL REVISION

According to the Department of State, the 1971 World Administrative Radio Conference for Space Telecommunications was called, pursuant to a resolution adopted by the Administrative Council of the International Telecommunication Union in May, 1969, (a) to consider, revise, and supplement the Radio Regulations and related instruments to adopt new provisions for radiocommunication services in so far as they use space radio techniques, including those for manned space vehicles and for the radio astronomy service; (b) to provide for the use of space radio techniques by the Aeronautical Mobile and Maritime Mobile Services; (c) to adopt provisions pertaining to the technical criteria and procedures for frequency sharing between space and terrestrial services and between space systems; and (d) to consider the feasibility of coordinated frequency planning for radiocommunication satellites, including those placed on the geostationary orbit. The revisions embodied in the Final Acts deal with these matters.

The Final Protocol sets forth the texts of declarations made by certain of the governments represented at the Conference in regard to their rights to take action to protect their interests should any other country not comply with the provisions or should reservations made by other countries jeopardize the efficient operation of their respective telecommunication services.

DATE OF ENTRY INTO FORCE

The Partial Revision, according to its terms, will come into force on January 1, 1973, and will supersede the existing regulations adopted at the space telecommunications conference held in 1963. It has the support of the Department of State, the Federal Communications Commission, and the President's Director of Telecommunications Policy.

The PRESIDING OFFICER. Without objection, the protocols will be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Plant Protection Convention, which was open for signature at Rome from December 6, 1951, to May 1, 1952, and during that period was signed on behalf of the United States of America and 36 other states. (Ex. D, Eighty-fourth Congress, second session.)

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971 (Ex. D, 92–1).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Swan Islands Between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Ex. H, 92–2).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and Signed on Behalf of the United States of America at the Hague on July 27, 1970 (Ex. A, 92–2).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of The Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972 (Ex. F, 92–2).

Resolved, (Two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of A Partial Revision of the Radio Regulations (1959) Relating to Space Telecommunications, with a Final Protocol, Dated at Geneva, July 17, 1971 (Ex. E, 92–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at an appropriate time to request a yea-and-nay vote on all six treaties; that three of them be voted on beginning at 2:30 p.m. on Monday next and that the other three be voted on on Tuesday next, but the time will be determined by the joint leadership, in conjunction with interested Senators, at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS). Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order, with one show of seconds, a yea-and-nay vote on each of the six treaties to which the distinguished majority leader alluded a little earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 1736

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, at such time as the conference report on S. 1736, the Public Buildings Act amendment, is called up, there be a limitation of 1 hour thereon, the time to be equally divided between the distinguished senior Senator from West Virginia (Mr. RANDOLPH) the chairman of the committee, and the distinguished senior Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to the consideration of the conference report on S. 1736, the Public Buildings Act amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, whether there will be a rollcall vote on that conference report, I am in no position to say at this time. It would be well for the respective cloakrooms, however, to alert Senators to the fact that the conference report will be before the Senate during the afternoon, beginning at 2:30 p.m., to last for not to exceed 1 hour, and that there is a possibility of a rollcall vote thereon.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that the Senate, in executive session, return to the consideration of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:30 p.m. today.

The motion was agreed to; and at 12:06 p.m. the Senate took a recess until 12:30 p.m; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDER FOR YEAS AND NAYS ON S. 722

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that it may be in order to order the yeas and nays on S. 722 by the same show of seconds as will order the yeas and nays on the various treaties previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, since Wednesday, May 31, 1972, there have been on the Senate Calendar two of the large, important regular annual appropriation bills—H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies, and H.R. 15093, making appropriations for the Department of Housing and Urban Development, Space, Science, Veterans.

The State-Justice-Commerce appropriation bill is being held up for lack of several authorizations. All of the appropriations for the Department of State have not been authorized, so the committee has inserted in the bill a general provision stipulating that the funds shall be available only upon the enactment of authorizing legislation. Under the Department of Commerce, several items have not been authorized although the funds have been included in the bill with a similar restriction. Some of these items are export control, fishermen's protective fund, certain activities under the National Bureau of Standards, and the Maritime Administration. There is no authorization for certain activities of the Commission on Civil Rights, for which funds have been included in the bill; nor are the funds contained in the bill for the United States Information Agency authorized. All of these items contain restrictions on the use of the funds, prohibiting such activities until the authorizing legislation has been enacted.

This is also the case with respect to the appropriation bill for the Department of Housing and Urban Development, Space, Science, Veterans. The homeownership and rental housing assistance item, which is included in the bill on page 2, requires enactment of authorizing legislation. This is true of college housing, comprehensive planning grants under community planning and management, urban renewal programs, and grants for neighborhood facilities. Although the funds for these items have been included in the bill, certain authorizations are lacking and, consequently, similar provisions prohibiting the use of the funds until the enactment of such authorization have been inserted in the bill in each instance. This is also true of the National Science Foundation where an appropriation of $619 million has been provided by both the House and the Senate committee.

It is expected that the committee will report the District of Columbia appropriation bill in the near future. There will be no need to delay this bill due to a lack of authorization.

It is expected that the committee will

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report the Department of Transportation appropriation bill in the near future. However, again, as in the case of the first two bills I mentioned, certain authorizing legislation is required—for example, for the Coast Guard, the National Highway Traffic Safety Administration, the Federal Railroad Administration, high-speed ground transportation, and the natural gas pipeline safety program. Thus. when this bill is reported, it will likewise have to be held on the Calendar.

The committee will be reporting the Department of the Interior and Related Agencies appropriation bill in the near future, and in this case, there is no reason why it cannot be considered immediately in the Senate. There is no program which requires authorizing legislation except the American Revolution Bicentennial Commission. I understand the House has omitted this item from the bill, but we can consider the item in a supplemental bill.

It is expected that the Departments of Labor and Health, Education, and Welfare appropriation bill will be reported to the House today and is scheduled for House action next week. It is my hope that the Committee on Appropriations of the Senate will report the bill to the Senate promptly. Again in this case. I have been advised the House will include $116,200,000 for comprehensive health services projects, which requires authorizing legislation. It will include, I am informed, over $137 million for family planning service grants and contracts, which is not authorized, as well as over $100 million for maternal and child health services, which is likewise not authorized. Consequently, when this bill is reported to the Senate it will also have to be held up pending the enactment of authorizing legislation.

It is not clear when the military construction appropriation bill will be reported to the House, but there is no authorizing legislation in either the Senate or the House for this entire program.

A large part of the funds in the Public Works-Atomic Energy Commission appropriation bill requires authorizing legislation. It is expected that this bill will come to the Senate in the near future, and I am hopeful that the AEC authorization will have cleared the Congress so that we can take this bill up on the floor as soon as we receive it from the House.

Most of the requirement for authorizing legislation in the agriculture-environmental and consumer protection appropriation bill—namely, the Environmental Protection Agency—has passed both bodies and is in conference, so I would envision handling this bill in the Senate soon after it is received from the House of Representatives. However, it is not clear yet when the House will pass this particular appropriation bill.

I foresee no difficulties with respect to the Treasury-Postal Service appropriation bill. The $250 million authorization bill for the Special Action Office for Drug Abuse has now been signed into law, and I would hope that we can process the appropriation bill shortly after its arrival from the House. However, the date when this bill will be considered in the House is not certain.

There are two remaining appropriation bills—the foreign assistance appropriation bill and the Department of Defense appropriation bill—which are dependent upon authorizing legislation, not yet processed in either the Senate or the House of Representatives.

I desired to make this short review to the Senate at this time on the status of the appropriation bills. Mr. President, it appears to me that we are in a very bad situation. Until the authorizing committees can report their respective bills and have them considered by the Congress, we are not in a position to complete action on the appropriation bills before July 1. It will be recalled that I promised to have all of our regular appropriation bills on the desk of the President on or before June 30. We are still in a position to do so, if we can have the necessary authorizing legislation enacted.

Mr. President, as I have stated on the floor of the Senate on many occasions, it is my hope to have all the bills on the President's desk on or before June 30, and I am proud to say that the Senate Committee on Appropriations, through its subcommittees, has held the proper hearings on all of those bills, and we are now waiting on the House of Representatives and on the authorizing committees as well, in order to be able to handle the bills and send them to the President. I do hope that action will be taken soon in order to accomplish that, so that the bills can be passed and sent to the President as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST—UNANIMOUS CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, beginning at the hour of 1 p.m., the debate on the nomination of Mr. Kleindienst be under time control, and that the time between 1 p.m. and 4 p.m. be equally divided between and controlled by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:45 p.m. today.

The motion was agreed to; and at 12:55 p.m., the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURDICK).

ORDER FOR EXECUTIVE SESSION ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, I ask unanimous consent that on Tuesday next, at the hour of 3 o'clock P.M., the Senate go into executive session, and that the Senate then proceed to vote on Executive Calendar Order No. 23, Executive A, 92d Congress, 2d session; that immediately following that vote, the Senate proceed to vote on Executive Calendar Order No. 24, Executive F, 92d Congress, 2d session; and that upon the disposition of that treaty. the Senate immediately proceed to vote on Executive Calendar Order No. 25, Executive E, 92d Congress, 2d session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the yeas and nays will be ordered on those three treaties. The yeas and nays will also be ordered on the three treaties on which votes will occur on Monday. Senators are alerted, therefore, to the fact that there will be at least three rollcall votes on Monday next beginning at 2:30 p.m. and at least three rollcall votes on Tuesday next.

NOMINATION OF RICHARD G. KLEINDIENST

BYRD TO VOTE AGAINST KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, the nomination of Richard G. Kleindienst to be Attorney General of the United States was voted out of the Judiciary Committee on February 24, 1972, by a vote of 13 to 0 following 2 days of routine hearings. On February 29 and March 1, 1972, columnist Jack Anderson ran stories of an alleged secret memorandum from an International Telephone & Telegraph lobbyist, Mrs. Dita Beard, to her superior, Mr. William R. Merriam, the head of ITT's Washington Office. The stories alleged that the memorandum implied a deal with ITT regarding a monetary commitment to the Convention Bureau of San Diego, Calif., for the purpose of bringing the Republican National Convention to that city in exchange for a settlement of the $6 billion ITT divestiture suits with the Antitrust Division of the Justice Department.

On March 2, 1972, the Judiciary Committee met again in public hearings and Chairman EASTLAND stated:

> This hearing was called at the request of Mr. Kleindienst.

In his opening statement Mr. Kleindienst said:

> I would not want that confirmation to take place with a cloud over my head.

On April 27, 1972, the hearings concluded over the objections of six of the members of the committee who, the day before, had unsuccessfully sought, by a vote of 8 to 6, to call further witnesses and to postpone concluson of the hearings to a point beyond the following day.

The hearings totaled 24 days, tying the Senate record for length of confirmation hearings, and included an unprecedented seven-member subcommittee hearing in a hospital room in Denver, Colo.

Although my duties on the floor of the Senate precluded me from taking the active role in the hearings that I otherwise might have wished, I did take an active part in the executive sessions concerning this nomination. I have also reviewed the transcripts as best I could. I take this opportunity to very briefly express my problem with the confirmation of Mr. Kleindienst to be Attorney General.

These hearings have seen events that do not do credit to the integrity of the Senate's role to advise and consent on the nomination of high public officials. These hearings have seen corporate witnesses making themselves less than available to the committee. These hearings have seen the shredding of possibly relevant documents at the Washington office of ITT by ITT security personnel following the appearance of the news stories as to the alleged Beard memorandum.

These hearings have seen a deluge of "real Beard memorandums" as well as affidavits contradicting each other as to who typed what part of which memorandum. These hearings have seen the outright contradiction of witnesses testifying under oath, and a lack of candor and/or memory of certain witnesses concerning events that could have been helpful to the committee in sorting out the conflicting implications of the evidence. Events of this type and the behavior surrounding the Senate confirmation hearings do not do credit to our constitutional system. The American people expect and deserve better.

The lack of candor of witnesses; the reluctancy of witnesses to relate events in detail; the innocuous-looking documents and statements that, when closely scrutinized, raised questions that remain unanswered; the many inconsistencies and contradictions spread throughout the 24 days of hearings and the 1,751 printed pages of testimony; the quashing of a subpena by the U.S. attorney—conduct which, in the words of a high official of the Justice Department, was characterized as "highly improper" but which was publicly exonerated by the Department—all these constitute a show of arrogance and deception and insensitivity to the people's right to know.

It is for these reasons that I consistently voted in the executive sessions of the Senate Judiciary Committee to call additional witnesses and to continue the hearings—always within reason—to try to find some of the answers.

The answers were not forthcoming, however, and they do not even now appear on the record. But I do not believe that any useful purpose would be served by a resumption of the hearings, judging from the experience and the results of the previous marathon.

It seems to me that there are two distinct aspects with respect to a vote on the nomination of Mr. Kleindienst—one is the personal aspect to him about which we are all aware. The other and the broader aspect, it seems, has to do with the unique nature of the position of Attorney General and the administration of the Department of Justice on a day-to-day basis.

Probably unlike any other department of the executive branch, the Attorney General participates more directly, hour by hour and day by day, in not only the decisionmaking process but also the actual formal decision itself. Constantly throughout each day, the decision whether or not to prosecute in a particular case—whether antitrust, civil rights, general crimes, tax, or environment—requires the personal signature of the Attorney General. The decision whether to conduct an administrative investigation with respect to the alleged improper conduct of Department of Justice employees requires the actual signature of the Attorney General. The decision whether a national security or a court-ordered electronic surveillance shall be instituted requires the actual signature of the Attorney General.

Because of the sensitive impact and effect that the function, therefore, has upon the lives of both individual citizens and corporations, it is imperative that the person who is called upon to exercise that function do so with the full power contemplated by the Constitution. This is to say that he be not only nominated as the Attorney General of the United States, but also confirmed by the U.S. Senate, thereafter appointed by the President, and qualified by taking the oath of office. So, as a consequence, in order to permit the proper administration of justice under the law, the Senate of the United States should as speedily as possible determine the identity of the next Attorney General, so that all persons—whether individual, corporations, labor organizations, or other associations—will know that in the event a prosecutorial decision is made that will affect them, it will have been made by the Attorney General of the United States—not by an Acting Attorney General of the United States, a creature of bureaucratic regulation.

I have stated that Mr. Kleindienst is entitled to a judgment and a verdict by the full Senate. If it is the Senate's judgment that his nomination be rejected, then that judgment should be rendered without further delay and the President given an opportunity to submit another nomination for consideration. If, on the other hand, it is the will of a majority of the Senate that consent be given to the nomination, then that action should no longer be unduly delayed. As for myself, as one Senator, and as one member of the Senate Judiciary Committee, I am ready to cast my vote.

I have no question regarding the legal ability of Mr. Kleindienst. Moreover, he is a man of remarkable charm and ingratiating personality. I personally like him. Actually, I would like very much to be in a position to vote for his nomination, believing, as I do, that the President should be given the benefit of the doubt, as a general rule, regarding nominations of cabinet members.

In retrospect, I am constrained to feel that Mr. Kleindienst's loyalty to his superiors, his dedication to the administration which he seryes, and circumstances and events—all these may have conspired to prevent him from being the master of his own destiny. He must be given great credit for his willingness to return before the committee in his desire that the confirmation not take place with a cloud over the nomination. Yet, the questions raised and left unanswered, in the course of the hearings, in my judgment, have only served to silhouette the cloud to which the nominee referred.

I am afraid that the events which were brought to light during the course of the hearings are typical of what has contributed much to the decline of public confidence in what we call the Government—or what some would call the "system." Such public confidence cannot be restored when important questions remain unanswered and where uneasy doubts remain which cannot be explained away.

I am sorry to have to vote against Mr. Kleindienst. I cannot say that he is unfit or unworthy or incapable. I can only say that the overall complex of circumstances and events surrounding the nomination are such that, the record being what it is today as it stands before us for our judgment, I cannot give my consent to the nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. BURDICK. Mr. President, the Committee on the Judiciary has spent many days of hearings on the qualification of Richard Kleindienst to be Attorney General of the United States. As a member of that committee, I attended most of those hearings, including the abortive hearings scheduled at Denver, Colo. At each stage of the hearings, I joined with those on the committee who urged that the hearings be extended for whatever length of time was necessary in order that the committee might hear the complete testimony of those persons who had knowledge of the events involved in these hearings.

As we meet here today to deliberate upon the nomination of Mr. Kleindienst, the fact remains that all the necessary witnesses have not been heard and the examination of certain vital witnesses has not been completed. The Members of this body should not be asked to make a final decision on this nomination until the hearing record is complete.

It is particularly important, at this time in our history, that the serious questions raised during these hearings not be glossed over by means of forcing a vote on an imperfect record.

Thus, when we are asked to consent to the nomination of a person to serve as Attorney General of the United States, we must bear in mind that we are dealing with the highest law enforcement office in our Federal system. The decision of this body on the question of the nominee's confirmation is a judgment of the Senate that the nominee, by past record and general qualifications, is a person who would faithfully and impartially execute and enforce the laws of the

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United States. This judgment of the Senate must be reached under such facts and circumstances that the vast majority of our citizenry will concur in the decision which we have made.

Mr. Kleindienst himself recognized this when he asked for additional hearings after charges had been made that settlement of the ITT antitrust case had been influenced by partisan political reasons during the time when he was the Deputy Attorney General.

The Judiciary Committee, by a unanimous vote, reported the nomination of Richard Kleindienst favorably. Subsequently, Mr. Kleindienst requested an appearance before the committee to "remove a cloud" over his nomination caused by a story which appeared in Jack Anderson's column, linking a contribution to the Republican Convention in San Diego, with a settlement of certain antitrust suits against the International Telephone & Telegraph Co. Mr. Kleindienst stated:

The reason why I asked for this hearing, Mr. Chairman, and members of the committee, is because charges have been made that I influenced the settlement of Government antitrust litigation for partisan political reason. These are serious charges, and by virtue of the fact that the confirmation of my nomination as the Attorney General of the United States is before the U.S. Senate, *I would not want that confirmation to take place with a cloud over my head*, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any of the Members of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past 3 years as the Deputy Attorney General, that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate. (Hearings, p. 96.) (Emphasis added.)

The President of the United States at his March 24 news conference said:

We want the whole record brought out because as far as he is concerned, he wants to go in as Attorney General with no cloud over him. He will not have any, in my opinion, once the hearings are concluded and what we are talking about will be proof, rather than simply charges which have not been substantiated. (Emphasis Added.) (New York Times, March 25, 1972)

On the 10th day of April 1972, a majority of the Judiciary Committee voted to conclude the hearings on the 20th day of April 1972. I voted against the termination of the hearings because, among other reasons, a principal witness, Dita Beard, had not been fully heard.

The hearings have come to an end, Mrs. Beard has not been heard, the cloud over the nomination has not been removed, and yet the majority of the committee wish to report the nomination. A recent Wall Street Journal editorial commented:

If Mr. Kleindienst is confirmed, it will inevitably be under the cloud he said he sought to avoid. (Emphasis added.)

The irony of the situation is that, although 24 days have been consumed in taking testimony, a principal witness has not appeared, except for a brief and preliminary examination at a Denver hospital. Mrs. Beard and her memo constituted the basis for the Jack Anderson story that precipitated the return of Richard Kleindienst to the committee room. I submit that it will be impossible to conclude the hearing now and at the same time do what the nominee and the President of the United States wanted done, namely, remove the cloud over the nominee.

The majority might argue that because of her health, she is not available. Serious doubts about that have arisen since the abortive Denver hearing. Within a few days after the Denver collapse, Mrs. Beard appeared on a Mike Wallace television show without the tubes, needles, monitors and other medical trappings which were present when the committee began their hearing in Denver. Within 2 days after the Mike Wallace TV appearance, she moved from the hospital to a private apartment. In addition, the committee received a statement from two independent doctors questioning the objective findings of Mrs. Beard's personal physician. It is true that her own doctors say that she cannot testify at this time.

I have the deepest concern for Mrs. Beard's health and I recognize the emotional strain of any hearings. However, in view of what has transpired since the Denver hearing, I believe it is reasonable to assume that her testimony will be available.

The majority might argue that it is not fair to Mr. Kleindienst to require him to wait until the Beard testimony is available. Mr. Kleindienst is the Attorney General for all practical purposes at this time. I do not believe the delay that might be occasioned in securing the testimony of Mrs. Beard would be as prejudicial to him as will be the murky situation that now prevails about the record without her testimony.

Finally, the majority might say that further testimony of Mrs. Beard is not necessary since we have her statement. But having her statement and having the right to cross-examine are two different things.

For two centuries past, the policy of the Anglo-American system of Evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. *The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test,* has found increasing strength in lengthening experience. (Emphasis added.) 5 Wigmore, Evidence, § 1367, at 28 (3rd ed. 1940)

As the record now stands, 12 members of the Judiciary Committee, including me, have been denied this right of cross-examination. The record is replete with inconsistencies, contradictions and perjury on the part of someone. In a great many cases there are contradictions between Mrs. Beard's abbreviated testimony and the other witnesses, which in the interest of the truth and the record must be cleared up. I should like to point out to my colleagues these are not idle matters, but bear directly on the issues. For that reason, I have selected many places in the record that need explanation. The answers could well clear away dark clouds that hang over this nomination. These are some of the areas I would have pursued, and would pursue, if Mrs. Beard were a witness.

DITA BEARD'S RESPONSIBILITY OVER ANTITRUST MATTERS

Mrs. Beard, according to her testimony, had almost sole responsibility for the ITT-San Diego convention arrangements but denied she was attempting to gain a favorable settlement of the three antitrust suits against ITT and its subsidiaries. She testified in Denver that Britt Hume, when questioning her in February, tried to tie her work on convention arrangements and antitrust lobbying together. She said:

. . . I kept stating, "You are not going to tie the two together, because they are not related." I was never assigned to work on anything in antitrust. I have no background to work on such a thing as that and certainly I don't work at that level. (Hearings, p. 761.)

She further emphasized her denial of any antitrust lobbying when she testified:

At that point, sir, I wasn't near the White House as far as this antitrust thing was concerned. I did not understand it. I am not a lobby—I am not a lawyer. I can't add two and two. I was never involved in that in any way. . . . (Hearings, p. 747.)

But the matter cannot rest with these denials as there are too many statements and too much evidence of her lobbying efforts to the contrary.

Mr. Hume stated that in his interview with Mrs. Beard, she indicated she was instructed in regard to the antitrust cases as follows:

. . . She said Governor Nunn, whom she described as a good and dear and close friend, had tipped her in advance that the Attorney General would be at this Kentucky Derby party, and that she might have the opportunity to meet with him at that time.

Senator BAYH. She told you that?

Mr. HUME. She told me that is what Governor Nunn had told her, that is right. I gather there was some kind of friendship between her and Governor Nunn because he testified that she was always present for his Derby parties for the whole time he was Governor.

Nevertheless, she said she wrote a memorandum at that point to Mr. Gerrity, senior vice president for public relations in New York. Mr. Gerrity, from what I understand of the structure, more or less has charge of overseeing the Washington operation. She said that Mr. Gerrity responded to that memorandum in a telephone conversation in which he gave her the broad outlines of what she should push for if she did indeed get into a discussion with the Attorney General over the merger cases. (Hearings, p. 434.)

Mr. Hume further stated that Mrs. Beard told him she did discuss these antitrust matters with the Attorney General at Governor Nunn's party:

She said that the Attorney General began to berate her angrily. He protested that she had been causing trouble for him by writing and having given on the floor of both Houses of Congress a number of speeches which were either critical of the Antitrust Division or critical of the handling of the ITT matter in general. (Hearings, p. 434.)

In a CBS television interview with Mike Wallace on Sunday, April 2, 1972, Mrs. Beard also stated that she had been instructed by Mr. Gerrity that if the occasion arose, she might mention the settlement matter:

WALLACE. Did they tell you to ask about ITT and Hartford?

BEARD. No, they didn't.

WALLACE. Honest?

BEARD. They asked if the occasion arise, if there is a possibility, to do it.

WALLACE. So you did.

BEARD. So I did. . . . (Transcript, p. 1651.)

The fact that Mrs. Beard did lobby, despite her protestations to the contrary, can best be seen in the uniform assertions of the other witnesses.

Former Attorney General Mitchell testified that she lobbied in antitrust matters:

As I recall this incident, Mrs. Beard approached me to complain about the treatment ITT was receiving at the hands of the Justice Department. . . . (Hearings, p. 541.)

. . . And I don't recall whether anybody introduced me to her or not, but the first contact I had with her was at that time when she approached and opened up on the subject matter of the ITT litigation. (Hearings, p. 542.)

Dr. Liszka testified that she lobbied in antitrust matters:

She told me, "I tried to talk to the Attorney General about a merger and antitrust matters and he told me that I should proceed through proper channels. . . . (Hearings, p. 227.)

Mr. Nunn testified that she lobbied in antitrust matters:

Mrs. Beard responded . . . why didn't he [Attorney General Mitchell] say something about what they were doing to ITT. (Hearings. p. 294.)

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As we walked along, she continued to talk, trying to get back on the subject from time to time about ITT and what was happening to them. (Hearings, p. 295.)

• • • • •

In any event she came back to the table or raised the issue again about ITT. . . . (Hearings, p. 295.)

Britt Hume testified that she had lobbied in antitrust matters:

She said Mitchell told her he was sympathetic [about ITT antitrust] but that his great problem was McLaren. . . . (Hearings. p. 492.)

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She said she told him [Attorney General Mitchell] they had to have the Hartford Insurance Company "because of the economy." And she added they also wanted "part of Grinnell." She said she couldn't remember what else she asked for, but it was exactly what the company got in the settlement. (Hearings, p. 492.)

In light of the foregoing direct contradictions appearing in the testimony of the several witnesses, it is imperative that Dita Beard complete her appearance as a witness in these hearings.

ORIGIN AND AUTHORITY OF THE MEMORANDUM

The testimony given by various witnesses as to the origin and authenticity of the Dita Beard memorandum only compounds the doubt and inconsistency in the record. As to the motives of Dita Beard in writing the memo, the hearing record discloses at least three statements which indicate that Mr. Merriam needed the memorandum and ordered that it be written. Yet, Mr. Merriam denies this and, in turn, gives conflicting testimony, first by stating Mrs. Beard insisted on writing the memorandum and, then, denying any knowledge of the memorandum at all.

The reasons for writing the memorandum can be found in the following testimony.

Mrs. Beard, in response to a series of questions from Senator KENNEDY, stated that Mr. Merriam was confused and excited about convention arrangements. She stated:

He said, "I don't understand it. Go write it." *And I did.* (Emphasis added.) (Hearings, p. 755.)

Mr. Hume explained that she had related a somewhat different purpose for the memo:

And now she talked, we discussed her memo, and she explained the reason she had written the memo was that she had felt that her friend, Mr. Merriam, who is her boss, I guess, technically, and the manager of the Washington office, had committed an indiscretion by letting the word slip out at a lower level of the White House than she had desired, and she felt that it was undesirable, about this commitment, which remained secret, as you know, until well after the convention decision was made. (Hearings, p. 412.)

She reaffirmed her motive later, as Mr. Hume testified:

And she said that she wrote the memo in an effort really to impress upon him the need for discretion in this matter, and furthermore, she was trying to resolve the confusion that had developed about whether or not it was going to be in cash, this commitment, or in services, that it was apparently the cause of Mr. Merriam asking some questions and then there being a call to the White House, or from the White House, which really triggered this memorandum (Hearings, p. 412.)

Mr. Hume further stated:

The only information I have is Mrs. Beard's statement to me on the night that I talked to her on the phone that she had discussed this with Mr. Merriam and that he had said not that he hadn't received it but that he didn't know what he had done with it. (Hearings, p. 433.)

Although Mrs. Beard seemed quite positive that Mr. Merriam had ordered that she explain the arrangements that ITT had made to contribute to the GOP Convention in writing, Mr. Merriam while testifying before the committee, was unequivocal in his denial of having asked for or of having received the memo. In answer to a question of Senator BURDICK, he denied ever asking for a memorandum. He states:

. . . *I do not recall her sending me any memorandum concerning the subject of our conversation. I do not recall asking her to dictate a memorandum on this topic.* (Emphasis added.) (Transcript, p. 1608.)

He stated further:

No, sir, in my prepared statement I denied having ever asked her to put anything in writing. No doubt about I was confused but I never asked her to put it in writing. (Transcript, p. 1635.)

But prior to Mr. Merriam's appearance, Congressman WILSON told a different story. His testimony is that Mr. Merriam did not deny receiving the memorandum, but only that he denied having asked for it. Senator BURDICK quoted the Congressman's statement from an earlier newspaper interview as follows:

. . . ITT puts out the story that nobody ever saw it. Well that's Gerrity saying nobody ever saw the memo. The hell they didn't. Merriam personally told me last Monday that he got the memo.

Then Senator BURDICK queried:

That is correct?

The Congressman replied:

That is correct. (Transcript, p. 1536.)

Mrs. Beard must be questioned as to the authenticity of the memorandum of June 25, 1971, which first connected the convention gift and the settlement of the ITT antitrust cases. Mrs. Beard, on March 26, over 3 weeks after the memorandum was first published, denied the authenticity of the memorandum in these words:

I did not write, compose or dictate the entirety of the memorandum which Mr. Hume presented to me in the Washington office of ITT last month. (Hearings, p. 739).

Yet, six other persons have testified that Mrs. Beard either admitted the authenticity of the memorandum or failed to deny her authorship.

Dr. Liszka, testifying on March 6, stated that Mrs. Beard told him that she did not mean to imply some things in the memo—she did not deny she wrote it:

Well, no, she didn't deny it. She denied that she—it was my impression that she accepted it that was her memo. (Hearings, p. 231).

In answer to a question from the chairman as to whether or not she was intoxicated when she wrote it, Dr. Liszka stated:

She said she was just mad. She could have been because, you know, but she said I was mad and disturbed when I wrote it, she said. She stated that she didn't mean to imply things which seem to be implied in the memo. (Hearings, p. 232.)

According to Mr. Hume's testimony, she acknowledged that the memorandum was hers:

. . . I went over there about noon that day and showed her the document, which is the original of this memorandum.

And she was quite flustered about it, but she did acknowledge this was authentic, and she did this in the presence of two ITT public relations officials, Bernie Goodrich and Jack Horner. The best thing she said in terms of authenticating this document was that the initial "D" beside her typed name on the memo was "her own little 'd'," as she put it. (Hearings, p. 408.)

Mrs. Beard went so far as to confess to Britt Hume that "they" wanted her to lie. As he told the committee:

On the night I met here at her home she said, "They wanted me to tell you that I made this up." But, she said something like, *"I wrote this memo. You know I wrote this memo. There is no use trying to pretend otherwise." She underscored the confirmation of it that she had given me a day earlier.* (Emphasis added.) (Hearings, p. 455.)

After the publication of her memorandum by Jack Anderson, Mrs. Beard traveled to New York on February 29, 1972. There she met for 3 hours with Mr. Gerrity, an ITT vice president, who probed

deeply into the question of the handling of the memorandum. In regard to this interview, Senator HART asked:

Senator HART. Did she deny that she had written the memo?

Mr. GERRITY. Sir, at that point in time I do not recall she denied writing the memorandum. . . . (Transcript, p. 2138.)

Following this, Senator BAYH asked:

Senator BAYH. I would suggest the answer to the question I just asked is yes, she did not deny writing it.

Mr. GERRITY. I guess that is a fair inference. (Transcript, p. 2165.)

Nor did she make any denial to her old friend, Louie Nunn. Mr. Nunn, in testimony, related that approximately 2 days prior to the publication of the memorandum, she called him and said his name was used in a column by Jack Anderson about the ITT memorandum; she was sorry if it would embarrass him. Senator KENNEDY then asked Mr. Nunn specifically:

Senator KENNEDY. In that conversation, she didn't say that she didn't write the memorandum, though, did she, Governor?

Mr. NUNN. No. (Hearings, p. 317.)

Congressman WILSON in his testimony reiterated what he had earlier stated in a newspaper interview. In that interview, Congressman WILSON talked of a conversation he had with Mr. Merriam in which Mr. Merriam claimed that Mrs. Beard had insisted on writing the memo. Senator BURDICK asked if the newspaper account was correct.

Senator BURDICK. He [Merriam] said Dita insisted that she write the memo."

That's right, too, isn't it?

Mr. WILSON. That's right. (Transcript, p. 1536.)

Such testimony is totally inconsistent with a claim that Dita Beard did not write the memorandum and even inconsistent with Merriam's claim that he did not know of its existence.

Senator TUNNEY elicited from Mr. Merriam the fact that the authorship of the memorandum had never been denied, at least to him. The exact words were:

Senator TUNNEY. What was the first time that Mrs. Beard denied, Mr. Merriam, that she had written the Anderson memorandum?

Mr. MERRIAM. She never denied it to me, Senator . . . (Transcript, p. 1645.)

TESTIMONY REGARDING ARRANGEMENTS FOR THE REPUBLICATION CONVENTION IN SAN DIEGO

Attorney General Mitchell testified he was not informed of any of the arrangements for the San Diego convention. This was contradicted by Republican Lieutenant Governor Reinecke of California and Ed Gillenwaters. Mr. Gillenwaters stated in an interview with Britt Hume during the week of February 22 that he and Lieutenant Governor Reinecke discussed the arrangements in great detail with Mr. Mitchell in May of 1971. Mr. Gillenwaters admitted to Senator BAYH during the hearings that he had, in fact, made such a statement to Britt Hume:

Senator BAYH. In your original statement to Mr. Hume, did you suggest that his conversation was in April or May?

Mr. GILLENWATERS. Erroneously advised in May. (Transcript, p. 2580.)

Lieutenant Governor Reinecke and Mr. Gillenwaters, in their testimony before the committee, also contradicted Mrs. Beard's testimony given in the Denver hearing. They claimed in their statements to Mr. Hume that the discussions with Mrs. Beard about the possibility of having a convention in San Diego first took place in May. Mrs. Beard had testified in answer to a question of Senator HART that it was in January or February:

Chairman HART. Well, who was it that made the suggestion to you?

Mrs. BEARD. Some people in California, Ed Reinecke and his aide, and not—I have known them. They are very, very close friends. Heck, I have known Ed Reinecke since he was in candidate's school, and I don't know whether it was his idea or whether—I really didn't ask any questions. He said, "This is in utter confidence. We don't know whether there is a chance in the world. You know San Diego. Can you look it over and find out if your own hotel will be built in time, because rooms are going to be difficult?" So I did. My own company didn't know what the heck I was doing. I was out in San Diego counting rooms, meeting with Ma and Pa operations, and we had the time at the Sheraton one of the finest managers I had ever known at any hotel, Gary Seland, who happened to be the assistant manager of the Blackstone in Chicago in 1960 and a tremendous help, having been through a convention, and the dangers thereof and so forth, and he and I just quietly went around counting rooms and realized that, you know, transportation, everything, and realized that extra 700 rooms we were going to have in our hotel would make the difference.

Chairman HART. Well, about when was the suggestion made to you by Mr. Reinecke?

Mrs. BEARD. Either January or February of last year, sir.

Chairman HART. And was the aide whom you have not named Mr. Gillenwaters?

Mrs. BEARD. Yes, I'm sorry. (Hearings, pp. 747 and 748.)

Her answer to Senator HART was consistent with the testimony given by Britt Hume as to what she had originally told him in the interview at her home:

She said she first thought of having the GOP Convention in San Diego during a conversation that she had with Ed Reinecke, the California Lieutenant Governor, in about January of last year. She said that he considered it a possibility and mentioned it to her. (Hearings, p. 411.)

When Senator KENNEDY questioned Lieutenant Governor Reinecke as to the first time the convention idea was discussed, Mr. Reinecke disagreed with Mrs. Beard:

Senator KENNEDY. Well, I think Mrs. Beard indicated to us that as an idea it either started in either January or February of last year, is her testimony. Do you know why she might have thought that it did?

Mr. REINECKE. No; I really don't, Senator. I was not in Washington.

Senator KENNEDY. She said she was out in San Diego; she was out in California.

Mr. REINECKE. I have never met Mrs. Beard in San Diego at any time. (Transcript, pp. 2546 & 2547.)

If Mrs. Beard and Lieutenant Governor Reinecke had begun discussing convention matters in January or February of 1971, as she testified, there is a stronger likelihood of a meeting between Lieutenant Governor Reinecke and Attorney General Mitchell in May to discuss the progress of these arrangements.

Lieutenant Governor Reinecke did testify that when the meeting with Attorney General Mitchell took place in September, a full disclosure of convention arrangements was made at that time:

Mr. REINECKE. I am sure he [Attorney General Mitchell] had heard about it and I wanted him to know about our part of it, what we had done. Also, I am sure he was interested in knowing from the standpoint of communications and security and his role as adviser to the President. It was vital that he know everything he could about something as important as this. (Transcript, p. 2613.)

Whatever version of Lieutenant Governor Reinecke's is believed, he comes in conflict with the following testimony of Mr. Mitchell to the effect that Mr. Mitchell was at no time told of the convention arrangements:

Mr. MITCHELL. The third point, Mr. Chairman, related to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the convention by the Republican National Committee.

I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.

I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego convention site or anything relating to any discussion or negotiations with ITT or any of its subsidiaries.

I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof. (Emphasis added.) (Hearings, p. 541.)

OTHER NECESSARY WITNESSES AND EXHIBITS

There are additional gaps in the record which are created by the failure of the committee to call several necessary witnesses and the refusal of the Justice Department to comply with requests for evidentiary material. Some of the additional witnesses are Howard Abel, corporate counsel for ITT and William Timmons, White House staff member in charge of the convention arrangements. In addition, Peter Flanigan and Harold Geneen should be recalled to clarify certain inconsistencies which exist between their testimony and the testimony of other witnesses. The need for these witnesses is fully set forth in the separate views of Senator KENNEDY.

On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:

Senator BURDICK. But there is one omission I would like to call your attention to and maybe you can help us with it.

Mr. KLEINDIENST. If I can, I will, Senator.

Senator BURDICK. On March 8, I questioned Mr. McLaren—

Mr. KLEINDIENST. On what page are you referring to?

Senator BURDICK. 371.

Mr. KLEINDIENST. Thank you, sir.

The CHAIRMAN. Was that 371 or 271?

Senator BURDICK. 371, Volume—page 2. There I had asked Mr. McLaren if he would supply me with a chronology of events and just to state it, Mr. Cook said: "Mr. Chairman, do I understand that Senator Burdick was in effect asking for a docket sheet?

"Senator BURDICK. No, I was just asking for a chronology of the events that took place. This would include the pleadings that were filed, what contacts you made with the courts and with the people in respect to this case. I am thinking of a kind of a day-to-day diary. I haven't been able to attend all the hearings. It would be helpful to me.

"Judge MCLAREN. I think I understand what you are asking for, Senator. I think we can put it together."

Mr. KLEINDIENST. Apparently they have not put it together."

Senator BURDICK. They have not put it together in seven weeks and I have to vote at five o'clock.

Mr. KLEINDIENST. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick?

Senator Burdick, I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 & 2923.)

On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Without this material, the record remains incomplete.

CONCLUSION

Except for the inferences which can be justifiably drawn from the facts of record, the committee's efforts to obtain a full disclosure of the facts surrounding the Department of Justice's settlement of the ITT antitrust litigation have been almost totally frustrated by a tangled web of half-truths and contradictions spun by the witnesses, some of whom were marked by an obvious lack of candor. Ascertainment of the true facts surrounding this litigation is critical to an assessment of Mr. Kleindienst's performance as the second-in-command of the Department for which he is now nominated as the prime commander.

Rather than having dispelled the cloud, these hearings have made it more murky. I have supported efforts to get at the full story. Unless that story is told, completely and frankly, I would have no choice, but to draw the permissible inferences which arise from the record. This would not be fair to Mr. Kleindienst. It would be in the best interests of the Attorney General to assume the administration of that high office free from those clouds of suspicion. It certainly would be in the best interests of the country. And, it would be in the best interests of Dita Beard. As the record now stands, the doubts, suspicions and contradictions will plague her. If she were recalled, she would have the opportunity to give some answers to many unanswered questions.

For these reasons, I oppose the closing of these hearings and I oppose the reporting of this nomination. Mr. Kleindienst deserves to be considered on a complete record which I believe through additional hearings should be made available to the committee. If the nomination is not recommitted, then I would have no alternative, but to vote against the nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 2:30 p.m. having arrived, under the previous order, as in legislative session, the Senate will now proceed to consider the conference report on S. 1736, which was previously submitted by the Senator from Alaska (Mr. GRAVEL).

Thereupon, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 30, 1972, at pp. 19103–19108.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, as I understand it, the time agreement is for 1 hour. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Is it likewise correct that one-half of that time would be under my control?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I ask that the time allotted to me be transferred to the Senator from Alaska (Mr. GRAVEL), the chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, who is the manager of the conference report.

The PRESIDING OFFICER. The remaining 29 minutes will be so remanded.

Mr. RANDOLPH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. Mr. President, I ask unanimous consent that the following five members of the Public Works Committee staff be given the privilege of the floor to help us during the deliberations: Mr. Barry Meyer, Mr. Bailey Guard, Mr. Harold Brayman, Mr. John Purnton, and Miss Kathy Cudlipp.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I call up the conference report on the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

Mr. President, the conferees of the Senate and House met on May 24, 1972, to consider the differences in their respective versions of S. 1736, the Public Buildings Amendments of 1972. The session was one of cordiality, as the two committees have always been able to compose differences in a spirit of cooperation and accommodation. I feel that we have brought back a sound and useful measure which retains most of the items and provisions included in the version passed by the Senate.

Briefly, Mr. President, the conference report of the Public Buildings Amendments of 1972 authorizes a purchase contract procedure of 3-year duration to eliminate an 8-year backlog of 63 much-needed but unfunded Federal buildings. To finance these on a fiscally sound and efficient basis the legislation also authorizes the establishment of a revolving fund, into which will be deposited rents collected from all Federal agencies using space in Government-owned buildings. These rents will be used to make payments on purchase contracts for the new buildings to be constructed. This will effect a wholesale revamping of the Government's public building construction and improvement program, and will save the taxpayers millions of dollars annually.

In addition, the conference report contains language concerning the Kennedy Center, providing for transfer of the non-performing arts functions of the center, including maintenance, security, janitorial and other services, to the National Park Service, and authorizing funds for the public maintenance and operations costs of these non-performing arts functions during fiscal year 1972.

Mr. BIBLE. Mr. President, will the Senator permit an interruption at that point, because he has mentioned the Kennedy Center?

Mr. GRAVEL. I yield.

Mr. BIBLE. Perhaps the Senator would prefer to complete his statement.

Mr. GRAVEL. No, I am happy to yield now.

Mr. BIBLE. Mr. President, I have read with great interest the statement of the conferees on S. 1736, specifically with respect to their construction of the lan-

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guage of section 10. I would appreciate a clarification of the extent of jurisdiction which the conferees contemplate for the National Park Service as to provisions for information and interpretation facilities at the Kennedy Center.

Mr. GRAVEL. I would be most happy to assist the Senator.

Mr. BIBLE. It is my understanding gained from conversations and correspondence that both the National Park Service and the Board of Trustees contemplate that the National Park Service shall have overall responsibility for providing information and interpretation at the Center, but that the Service will not be prohibited from entering into agreements with the Board of Trustees so that interested groups such as the Friends of the Kennedy Center could provide some services, many of which are now being provided by the Friends.

Mr. GRAVEL. That is also my understanding.

Mr. BIBLE. What had concerned me, and the reason I wanted to make this legislative history, is the language in the statement that:

Section 10 does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.

The implication of this language unless it is clarified appears to be that the Friends of the Kennedy Center would not be responsible to the Park Service for certain informational or interpretative functions, and since the jurisdiction of the Service is not exclusive they can engage in any form of information and interpretation service they choose. This interpretation is totally inconsistent with my understanding of the intent of this section. The National Park Service has done a fine job at other memorials, and I am confident they can do the same at the Kennedy Center. I have grave reservations over any division of authority in a situation like this where you have two entities involved. I want to make it abundantly clear that the overall responsibility for the nonperforming arts function rests with the Secretary of Interior acting through the National Park Service.

Mr. GRAVEL. I agree with the Senator. The statement's language was not designed to give free rein to any group who chose to provide or disseminate information at the Center. The reason the words "section 10 does not confer exclusive responsibilty" was used, was to insure that we do not prohibit the National Park Service from entering into such agreements as it feels would be beneficial. They will still be ultimately responsible for the overall quality of the services provided, but we did not want to prevent them from delegating some functions.

Mr. BIBLE. I thank the Senator. What happens if the National Park Service enters into an agreement with the Board of Trustees calling for the Friends of the Kennedy Center, a creature of the Board, to provide information? Will this language prevent the Service from exercising control over the Friends activities with respect to the information function?

Mr. GRAVEL. Not with respect to those functions provided in the agreement. The Friends of the Kennedy Center provide a variety of services for the Center, some intimately connected with the performing arts function. We wanted to make it clear that the National Park Service does not have any responsibility over the performing arts function of the Center and -therefore does not have authority over the Friends in that respect.

Mr. BIBLE. That would be only with respect to the performing arts functions.

Mr. GRAVEL. That is correct.

Mr. BIBLE. But as to the nonperforming arts functions such as providing information and interpretation, the role of the Friends would have to be the subject of an agreement with the National Park Service and the Service would have overall authority over the Friends as it concerned the operation of the Center from the nonperforming arts standpoint.

Mr. GRAVEL. With respect to those nonperforming arts functions for which the Service will have responsibility, they will have authority over the conduct of any group with whom they enter into an agreement.

Mr. BIBLE. I thank the Senator. That accords with my understanding of the situation.

Mr. President, I ask unanimous consent to have printed in the RECORD an exchange of correspondence I have had with Mr. Harry McPherson, which I believe reinforces the understanding I have expressed here today with respect to the prospective role of the National Park Service in administering this great center. I ask unanimous consent that the letter from Mr. McPherson, who is the vice chairman of the Board of Trustees, John F. Kennedy Center for the Performing Arts, and is, as I understand it, their legal adviser, be printed in the RECORD, and I likewise ask unanimous consent that my letter to Mr. McPherson be printed in the RECORD. My letter should be incorporated before the letter from Harry McPherson, because they occurred in that sequence.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 31, 1972.

Mr. HARRY MCPHERSON,
Vice Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR HARRY: Thank you for sending me a copy of your letter of May 23 to Senators Randolph and Cooper relating to section 10 of S. 1736 which places the jurisdiction of the National Park Service over the non-performing arts functions of the Kennedy Center.

In your letter you stated with respect to the means of providing "information" and "interpretation" that "the National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center." As you intimated in your letter, the language should not prohibit the Park Service from entering into an agreement with the Friends of the Kennedy Center such that the Friends might provide some services at the Center, but in order to insure that the services are conducted with the quality present at other memorials there should be no division of responsibility and that "overall responsibility" should be vested in the Park Service. I tend to agree with you, and the National Park Service is in accord with this interpretation of its functions under section 10. The Service has evinced interest in having the Friends of the Kennedy Center continue to be involved if this legislation is enacted, as indicated in the letter dated May 23 from the Acting Director Thomas Flynn to Senator Randolph.

The construction placed on section 10 by the Conference Committee in the joint Statement of the Conferees may appear to be inconsistent with such a view. The Conference statement language in question states that "section 10 does not confer exclusive responsibility in the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts, *and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.*" This language might allow the Friends of the Kennedy Center to engage in any activities it chooses with no control exercisable by the Park Service with respect to the non-performing arts functions of the Center, which is the only role assigned to the Department. As I interpret it, the language could in effect deny "overall responsibility to the Park Service" over this function. As the fine lawyer you are, I would appreciate your comments with respect to the effect of this language and whether you consider it consistent with the view you expressed in your letter of May 23, 1972.

In addition, there is some more financial information which I would appreciate receiving from you in your capacity of Vice Chairman of the Board of Trustees. In the event this language is approved and a budget request is submitted to the Congress for its consideration, my Appropriations Subcommittee will require this information, and it might be helpful to have it immediately available. I would like to know the exact status of the construction of the building and how much has been spent and how much more is anticipated to be expended to complete the Center, if any. It is my understanding that somewhere in the vicinity of $70 million has thus far been expended, of which more than $40 million has been provided by the Federal Government.

I would also like to have some idea of the budget which has been maintained to operate the Center, i.e., the source of operating funds and the allocation of these funds in the day-to-day operation. It has been advertised that the Park Service will be reimbursed by some $500,000 by the Center for carrying out its proposed functions in connection with the operation as they relate to the performing arts function.

I would also like to be advised of the revenues that have been raised by the Friends of the Center and how these funds have been utilized.

I am aware that the General Accounting Office is currently auditing the Center and this is not expected to be completed until July. However, I am sure that the information I am requesting is basic, and I would appreciate having it in time for Floor consideration of the conference report on the Public Buildings Act.

Cordially,

ALAN BIBLE.

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
June 6, 1972.

Hon. ALAN BIBLE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BIBLE: I am responding to your letter of May 31, 1972, with reference to the proposed role of the National Park Service in the Kennedy Center, and to the Center's own financial situation.

First, I can well understand that as Chairman of the Subcommittee on Interior Department appropriations you are concerned that the Park Service's role be spelled out as clearly as possible. In my letter to Senators Randolph and Cooper, I stated that it was appropriate that the Park Service have overall responsibility for the information and interpretation function at the Center. In the words of Park Service Acting Director Thomas W. Flynn, that responsibility is to "provide the public with an interpretive program of high standards similar in quality and integrity to the . . . programs for other memorials in the Washington area, such as the Washington Monument, Lincoln Memorial and Jefferson Memorial."

At the same time, the Center, the Congress, and the public should take full advantage of contributions made by the Friends of the Kennedy Center. This organization, which has attracted support for the Center throughout the nation, has provided guide service, special education programs, and funds for a number of activities at the Center. The Friends have helped us carry out our congressional mandate to offer a broad range of educational experiences to the public. In my judgment, there will be little difficulty in reaching an agreement between the Center and the Park Service as to the Friends' future role. I believe the Park Service wishes to make maximum use of this volunteer force, consistent with its responsibility to "provide an interpretive program of high standards . . ." I read the S. 1736 conference report language as expressing the conferees' concern that the Friends should continue to exist and function, not as a unit of the Park Service, but as an entity whose role will be defined by the Center's Board of Trustees and was you know, the Friends organization is an arm of the Center's Board of Trustees and was created by resolution of the Board.) For reasons of consistency and accountability, the interpretive and informational aspects of that role should be guided and shaped by the Park Service. In other words, the Friends' activities can and should be made to fit into an overall Park Service program as envisioned by Section 10 of the Bill.

Next, as to the financial condition of the Center.

Construction of the Center, as contemplated under the prime contract, is substantially completed. The remedy of several hundred defects and omissions, required of the contractor and subcontractor under warranties, remains to be done. Completion of a multi-purpose room and studio theatre, included in the design of the Center, has been deferred for lack of funding.

To date, approximately $65.2 million has been expended for construction under the prime contract, the total cost of which is estimated to be approximately $67.5 million. In addition, $2.4 million has been expended for settlement of subcontractor's delay claims. The existence of these delay damage claims, totaling more than $6.1 million, was not known by the Trustees or by GSA in 1969, when the estimate of $66.4 million for completion of the Center was given to the Congress. It is anticipated that full settlement of these claims will require between $3 and $4.5 million, a figure which includes the $2.4 million already paid out.

The Federal Government, as you state, has provided more than $43 million for construction of the Center. $23 million was provided by direct appropriations and has been more than matched by private donations. $20.4 million was provided in the form of Treasury Revenue Bonds payable within fifty years of issue.

At the present time, the Center is completely reorganizing its budgeting process. The budget system maintained during the construction phase was found to be quite inappropriate to the operation of a performing arts center. To accomplish this reorganization, the Center has hired a new comptroller, given new authority to its Finance Committee, and retained the firm of Lutz and Carr, experienced theatrical accountants, to assist its own Certified Public Accountant. We hope to complete the reorganization by July 15, 1972, at which time it will be possible to provide the detailed information requested by the Appropriations Subcommittee. The pending GAO review of the Center's operations will also supply more complete answers to the questions your raise.

As to the Center's ability to reimburse the Park Service in the amount of $500,000 per year, as its share of the expense of the functions to be assumed by the Park Service, Roger Stevens has stated that he considers this amount feasible, if the Center is operated purely as a commercial enterprise. By this is meant that to the extent the Center undertakes public service responsibilities—either in the nature of its programming, in reduced-priced tickets for students, the aged, veterans, and other groups, or otherwise—its ability to meet that figure is correspondingly reduced. We shall try to meet it, without sacrificing the other needs which Congress has instructed us to satisfy, but there is no doubt that it will be difficult to do so.

In response to your inquiry about the financial operations of the Friends of the Kennedy Center, from March, 1967, through May, 1972, the Friends have had income of $403,462.30 from the following major sources: membership fees, operation of the information (souvenir) booths at the Center, and fundraising events. Total cash expenditures—chiefly for informational and promotional purposes—during that same period have been $379,248,23. The excess of receipts over disbursements is held by the Friends, subject to certain liabilities. These figures take no account of the value of the volunteers' time and services, which can conservatively be estimated at more than half a million dollars.

In closing, let me offer an independent observation. As I see it, the Center has achieved two principal goals, and has yet to achieve a third.

The first was to construct a building to which the public might come, either to enjoy the lively arts or as tourists. The second was to provide the capital and its millions of visitors with an almost nightly offering of first-rate theater, dance, and music. The building is operating, and the public's response to its attractions has been almost overwhelming. Of both achievements, the Congress that provided the lion's share of the means should be very proud.

The third goal is to develop the tightest and most efficient administration and cost controls possible within a performing arts center. This we are trying to do now, and, given the dedication of the Trustees and the staff to the Center, we will do it.

Public support for the non-performing arts functions—the memorial functions of the Center—is essential if we are to make the performing arts functions viable. I hope it will be possible for you to support the proposal whole-heartedly.

With highest regard.

Sincerely,

HARRY MCPHERSON,
Vice Chairman, Board of Trustees.

Mr. BIBLE. It might well be that either the Senator from Alaska or the Senator from Kentucky (Mr. COOPER), who has been extremely active in working out the negotiations, would likewise like to ask unanimous consent, though the letter is directed to the chairman of the committee (Mr. RANDOLPH), to incorporate the letter from Senator Randolph to the Park Service and likewise the reply of the Park Service. I think those letters should be incorporated into the RECORD, so that we would have a complete cycle of the negotiations and understandings we have reached up to the present time.

By this colloquy and by the introduction of these letters, I merely want to clear up what might appear to be an inconsistency between the language of the proposed statute and the joint statement of the conferees. I think the history made in the other body together with the statements made here today have cleared the air. What it boils down to, Mr. President, is that if this Center is to be administered as a memorial and as a de facto unit of the national park system insofar as its visitation by the thousands of our citizens annually is concerned, then the Secretary of Interior, through the National Park Service, must have overall authority for this nonperforming arts aspect of the Center's operation.

As I understand it, the authorizing language, as contained in the conference report called up here today, is for a period of 1 year, that is for fiscal year 1973; is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. I think there is some language providing for $1.5 million for operation and maintenance up to June 30 of this year, to take care of the items discussed in the supplemental appropriation package. Is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. There may be other problems—and I think there are going to be some. But from what I have been told by the Park Service people and the trustees of the Kennedy Center—I think there is every indication that they will come to a satisfactory agreement. In any event, the problems will have to be cleared up before they come in for appropriations in order to get the money. But I think the procedure will go along very well, though I thought we ought to have a full colloquy, so that we will understand where the responsibilities lie.

Mr. GRAVEL. I thank the Senator from Nevada, who has added a great deal of precision to the understanding of this issue. Of course, he is recognized as Mr. Park Service in this country, and I am deeply grateful to him for his comments.

Mr. President, the language of the conference report also authorizes use of the Congressional Hotel as a House office building and provides that certain surplus space may be leased at fair market value. Finally, it authorizes conveyance of air rights to the city of New York, by the U.S. Postal Service, for the purpose of constructing public housing in Brooklyn over a mail handling facility.

Mr. President, I urge the Senate to adopt the conference report.

Mr. JAVITS. Mr. President, if the Senator will yield on that last point, I do not

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wish to intrude on the time of the Senator from Kentucky, but I would like to develop some matters respecting this language concerning the Morgan Post Office Annex, on the time which the Senator will yield me.

Mr. GRAVEL. We are aware of this, and we certainly will give deference to the Senator from New York's views on this, because I think they are very sound.

I will yield the floor at this time, so that the comanager of the measure on the minority side may make his statement, and then I am sure we will both provide the Senator from New York sufficient time for his purpose.

I yield the floor.

Mr. COOPER. I thank the Senator from Alaska.

First, I want to commend the chairman of the subcommittee, the distinguished Senator from Alaska, the members on the majority side, and our member on the minority side, the Senator from Delaware (Mr. BOGGS), for the very effective bill they have presented to the Senate and then to the conference. I believe this bill will save our country millions of dollars in the construction of public buildings.

In line with the colloquy between the Senator from Alaska and the Senator from Nevada (Mr. BIBLE), I shall comment briefly upon the issue they have discussed.

In the conference committee, I raised questions regarding the role of the Friends of the Kennedy Center. I thought it was important to do so, because the Friends of the Kennedy Center are a voluntary association of several thousand persons who have given their time freely and voluntarily—I might say that I understand the value of their services has been estimated to be a half million dollars—to the raising of funds for the Kennedy Center and to undertaking informational and intepretational duties at the center. This has been done under the able direction of Mrs. Polk Guest, who has devoted full time, day after day, to this task.

I am very much interested in what their role would be under this bill. I am, of course, very glad that the National Park Service is undertaking the functions which are spelled out in the bill.

Senator RANDOLPH and I wrote to the National Park Service and the trustees of the Kennedy Center, asking them for their interpretation of the words "information" and "interpretation" which appear in section 10. I thought there was some lack of clarity in their letters and that there were some differences in definitions.

I wrote the language which is on page 16 of the conference report and secured approval of the conferees with respect to this language. Since that time, I have discussed the matter with the Senator from Alaska, the Senator from Nevada, and the Senator from West Virginia (Mr. RANDOLPH), and I think the interpretation which they have given today is about as close as one can get.

It is my understanding—and I ask the Senator from Alaska whether this is correct—that so far as the performing arts are concerned, there has been no limitation upon the work of the Friends of the Kennedy Center, except as done by agreement with the trustees for the Kennedy Center.

Mr. GRAVEL. That is my understanding. Of course, it would be limited by the agreement in question. But it is not our intention to inject the Government in any form into the performing arts.

Mr. COOPER. As to the nonperforming arts work of the center, such role as the Friends might have would be developed between the trustees of the Kennedy Center and the National Park Service?

Mr. GRAVEL. Very much so. Of course, it would be a contractual arrangement, but we do specifically want to give the authority to the National Park Service in that regard so that there is no area for confusion.

Mr. COOPER. I think this would follow. It would be logical that if the Friends are a voluntary association and do not want to place themselves under the National Park Service, they would not have to do so.

Mr. BIBLE. If I may interject, I think the statement is a hundred percent correct. I do not think the Friends can be forced into their agreement. It would be to their advantage to enter into an agreement, and every indication is that they will enter into an agreement. I think the Senator from Kentucky is correct. By this act or any other act, we cannot force them in.

Mr. COOPER. I accept that interpretation, without question.

I just want to point out the very valuable work of the Friends and express the hope that they will have a function which will be helpful in the work of the Kennedy Center.

In an attempt to define some of the issues before going to conference and to get the views of the Park Service and Kennedy Center as to the scope and extent of jurisdiction conferred by section 10, Senator RANDOLPH and I sent a letter to the Park Service and to the board of trustees of the Kennedy Center I ask unanimous consent that these letters be included in the RECORD.

I also ask unanimous consent that the responses to these letters, together with a cost analysis received earlier from the Park Service, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 19, 1972.

Mr. ROGER L. STEVENS,
Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR MR. STEVENS: We have addressed a letter today to Mr. Hartzog, Director of the National Park Service, copy of which is enclosed.

We would be glad to receive your comments on the questions addressed to the National Park Service from the point of view of the Kennedy Center, or any additional information or suggestions you believe might be helpful to us at this time.

We were happy to meet with you earlier his week, and also to learn from several of our colleagues that you have had constructive discussions with them.

Truly,

JENNINGS RANDOLPH,
Chairman.
JOHN SHERMAN COOPER.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., May 19, 1972.

Hon. GEORGE B. HARTZOG, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. HARTZOG: The House of Representatives on April 19 passed S. 1736, as amended, including Section 10—an amendment offered by Congressman Roncalio which would direct the National Park Service to provide certain services "necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts", and authorizing for fiscal year 1973 the appropriation of "such sums as may be necessary" for that purpose.

As Sections 9 and 10 were not included in the bill as passed by the Senate on November 1, 1971, and as there are other differences in "The Public Buildings Amendments of 1972", it will be necessary for these differences to be resolved in conference. A Senate-House conference has been scheduled for Wednesday morning, May 24.

While hearings were not held by either the House or Senate Committees on Public Works on the proposal to extend Park Service jurisdiction to the Kennedy Center, we have recently had some discussions of this matter with representatives of the Center. We understand the proposal has been discussed also with Members of the Interior and Appropriations Committee, but as far as we know no formal presentation as to the intent, scope and cost of this proposal has been submitted. It is essential to have an appraisal of the proposal by the National Park Service before the conference. We need your immediate response to these questions:

1. What is the view of the National Park Service as to the nature and extent of jurisdiction to be assumed under the language of the House amendment, Section 10 of S. 1736?

2. Does the Park Service have any objection to assuming such jurisdiction?

3. Does the language of Section 10 provide the Park Service with any authority, or impose any duties, with respect to the performing arts functions of the Kennedy Center?

4. What does the Park Service consider its authority would be under Section 10, with respect to providing "information, interpretation . . . and other services" necessary to the non-performing arts functions of the Center?

5. Would the Park Service interpretation of the above language provide to it any authority over the activities of the Friends of the Kennedy Center, and if so, in what way? Could the Friends continue their present operations and functions, independent of the activities of the National Park Service?

6. What is the Park Service estimate of the cost of providing the services covered by Section 10? Would it be the intention of the Park Service, if Section 10 is adopted, to request a budget estimate for an appropriation in fiscal year 1973, in this or some other amount, and to support such a request before the Appropriations Committees?

We recognize that time is short before the conference, but are advised that you are acquainted with this proposal. We hope very much, therefore, that you will be able to send us a timely response. As always, of course we would be glad to receive any additional information, comments or suggestions which you believe pertinent, or which you consider might be helpful to us in consideration of Section 10, or any modification or alternative to it the conference might appropriately consider.

Truly,

JENNINGS RANDOLPH,
Chairman.
JOHN SHERMAN COOPER

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 23, 1972.

Hon. JOHN SHERMAN COOPER,
U.S. Senate, Public Works Committee, Washington, D.C.

DEAR SENATOR COOPER: We are pleased to respond to your May 19 letter cosigned by Senator Randolph requesting our appraisal of the proposal that the National Park Service provide certain services necessary to the nonperforming arts functions of the J. F. Kennedy Center for the Performing Arts.

We will comment on the questions in your letter in the order in which they are presented:

1. The National Park Service is agreeable to the nature and extent of jurisdiction to be assumed under the language of the House Amendment, Section 10 of S. 1736.

2. The National Park Service has no objection to assuming such jurisdiction, and prefers that its jurisdiction be as now defined in Section 10.

3. The language of Section 10 does not provide the National Park Service with authority, or impose any duties, with respect to the Performing Arts function of the Kennedy Center. The National Park Service involvement in the performing arts function will be only in those areas of activity which affect both the performing arts and nonperforming arts functions, such as the provision of maintenance, security and janitorial services. Parking and restaurant facilities affect both functions; but we propose to leave responsibility therefor in the Kennedy Center.

4. The National Park Service considers its authority and responsibilities under Section 10 to provide the public with an interpretive program of high standards similar in quality and integrity to the informational and interpretive programs for other memorials in the Washington area such as the Washington Monument, Lincoln Memorial and Jefferson Memorial. It will provide under its control guides and other visitor services.

The National Park Service conduct of these activities would require the same high standards for security, maintenance, interpretation and information services evident in our memorial programs and responsibilities elsewhere in the Washington area.

5. We would not envision the present interpretive and informational services now conducted by the Friends of the Kennedy Center to continue as an independent activity should the Service assume responsibility for this function. It would be the hope of the National Park Service, however, that the Friends of the Kennedy Center could work with the National Park Service in continuing to furnish information and in interpreting the functional or memorial aspects of the Kennedy Center, provided that high standards are maintained. Indeed, the Service looks forward to such assistance. It would be anticipated under Section 10, S. 1736 that the National Park Service would assume the management role required to implement such a program. The full professional skills and expertise of the National Capital Parks office would be available to develop an interpretive program of the highest standards in addition to the resources which are already available for the Kennedy Center interpretive program. In addition to the memorial aspects of the Center, we would interpret the role of theatre operations in the Center for all visitors except for theatre patrons. Obviously, the Friends' performing arts activities would be unaffected by Section 10.

6. We have estimated the total costs of maintenance, security, information, interpretation, janitorial and all other services for the Center to be $2,986,000 for fiscal year 1973, of which $2,400,000 is related to the nonperforming arts function and would be borne by the National Park Service out of funds appropriated to it for this purpose. We would expect that the remaining $586,000, allocated to the performing arts function, would be reimbursed to the Service by the Center. Without this reimbursement the total cost of $2,986,000 will be required. As you can appreciate, this estimate could be reduced in amount, but only with a corresponding reduction in the level of service and maintenance. Such a reduction is not desirable for a building which is valued in excess of $70 million.

If Section 10, S. 1736 is adopted, we will request an appropriation in fiscal year 1973 for funds to fulfill the Service's obligations under this authority. Both the National Park Service and the Department of the Interior would support such a request before the Appropriations Committee. Please let us know if you need any further information.

Sincerely yours,

THOMAS FLYNN,
Acting Director.

VEANER, LÜPPERT,
BERNHARD AND MCPHERSON,
Washington, D.C., May 23, 1972.

Senator JENNINGS RANDOLPH,
Senator JOHN SHERMAN COOPER,
Senate Public Works Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS: In the absence of Roger Stevens, I am responding to questions you have put to Mr. George Hartzog with reference to the proposed relationship between the Kennedy Center and the National Park Service. While several of the questions can only be answered by the Park Service, others can appropriately be commented upon by the management of the Center.

It seems clear that under the House-passed § 10 of S. 1736, the Park Service would have no responsibility for, nor authority over, the performing arts functions of the Center. This is as it should be. Such responsibility and authority are vested by law in the trustees of the Center. To my knowledge, it has never been contemplated that a government agency should in any way control or influence the programming or performance of Center productions.

Further, the language of § 10 would give the Park Service no responsibility for the operation of garages, restaurants, or other commercial concessions at the Center. These are the subject of contractual agreements entered into between the Center and concessionnaires.

The "maintenance, security, . . . and janitorial services" language in § 10 is pretty clear. The cost of these functions is principally associated with the Center's role as a national memorial and tourist attraction, and has accounted for most of the financial burden on the Center since it opened to the public last September.

The fourth and fifth questions in your letter, relative to "information" and "interpretation", have occasioned discussion among those most interested in the Center. Principally, the words refer to the work of guiding and informing the thousands of visitors who come through the Center each day. The National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center.*

At the same time, it would obviously be self-defeating to supplant completely the work of the Friends of the Kennedy Center. In my judgment, it is quite feasible to work out an agreement between the Center and the Park Service by which the Friends may continue to play active roles as guides, to accommodate special group tours, to develop special education programs, to operate a booth for the sale of mementos and other objects associated with the Center. This kind of volunteer work is now being performed by the Friends, to the great benefit of the Center and the public. My understanding is that the Park Service is actively encouraging such voluntary efforts throughout its system, and believes it should be done at the Center. Time has not permitted reaching a detailed agreement on the Friends role, but after discussions with Interior and Park Service officials, I have no doubt that the Center and the Park Service can work out all problems which might arise under the language of the amendment; for surely the intent of the language is to enable the Park Service to play a constructive and cooperative role in helping the Center to perform its legislative mandate.

With the highest regard.

Sincerely,

HARRY MCPHERSON,
Vice Chairman, Board of Trustees.

*The language of § 10 wisely does not provide for an *exclusive* Park Service responsibility in the areas of "information" and "interpretation".

ESTIMATE OF INTERPRETATION, PROTECTION AND MAINTENANCE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The attached statements show the estimated cost of operating and maintaining the John F. Kennedy Center, as submitted by the Kennedy Center, and included in the hearings before the Subcommittee on Buildings and Grounds of the Committee on Public Works of the U.S. Senate, and those estimates as prepared by the National Park Service.

The Center shows total cost of $2,384,000 and the National Park Service $2,986,000.

The significant differences are as follows:

1. Law enforcement is $35,000 over the Center's estimate and is based on original estimate to the Center and actual experience to date.

2. An item for care of the interior specimen trees is included by the National Park Service at a cost of $69,000. This item was not considered by the Center. Four 16-foot and eighteen 12-foot to 14-foot trees are being donated to the Center, to be placed in the Hall of Nations, and in the atrium on the top level. It will be necessary to purchase an additional 22 trees for rotation purposes on a month-to-month basis which must be done to insure survival of the trees. The rotation costs and the care of the 44 trees in the Center and in storage will cost $69,000.

3. The National Park Service includes an item of $141,000 for interpretation as against no cost shown by the Center. While the estimate is based on utilization of the present volunteers, costs are included for the employment of professional staff for program planning, direction and supervision, and uniforms, meals and transportation for approximately 100 volunteers. This is essential for a quality visitor interpretive program at the Center.

4. The major difference is in operation and maintenance; $1,015,000 as opposed to $548,000 estimated by the Center. The principal reasons for this difference are (1) the understanding that the Center's estimate was made before the Center was opened, and the NPS estimate is based on experience from actual operations, (2) there have been pay increases since the Center's estimate was proposed, and (3) the NPS estimates include the operation of the exterior fountains and pools which have not been operated since opening last September.

5. The National Park Service is less than the Center's estimate for janitorial services, again due to experience gained from actual operations.

The allocation of expenses has been made on the same formula as those for the Center which was based on estimate that the theaters would average two dark days per week during the year and 10 hours of the 15 hours of operation are allocable to nonperforming arts activities. The interior planting and interpretation have been included wholly as nonperforming arts expenses. It is noted that the allocation according to the formula for the Center shows an amount of $1,884,215 as against a National Park Service amount of

$2,400,000. According to the hearings, the Center would cover the difference between the $1,884,215 and $1,500,000 from other sources.

The National Park Service feels strongly and interpretation, befitting this memorial, that to provide quality maintenance, security will require at least a total of $2,986,000 with is requested that this amount be authorized $2,400,000 allocated to the nonperformingand appropriated. The National Park Service arts activities and the remainder to be re-is not in a position to determine whether or imbursed by the Center. If it be the will ofnot the Center may have the funds from Congress to request the Department of theother sources to apply toward these nonper- Interior to assume these responsibilities, itforming arts functions.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS—ALLOCATION OF EXPENSES

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
Center estimates:			
Security	$285,000	$285,000	$226,885
Operation and maintenance	548,000	417,524	332,386
Utilities	720,000	548,572	436,712
Janitorial services	764,000	582,072	463,381
Shop and other equipment	16,000	12,190	9,704
Management and administration	51,000	38,857	30,932
Total	2,384,000	1,884,215	1,500,000

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
NPS estimates:			
Security	$320,000	$320,000	$320,000
Interior tree maintenance	69,000	69,000	69,000
Interpretation	141,000	141,000	141,000
Operation and maintenance	1,015,000	773,335	773,335
Utilities	720,000	548,572	548,572
Janitorial services	666,000	507,430	507,430
Management and administration	55,000	41,906	41,906
Total	2,986,000	[1] 2,401,243	[2] 2,401,243

[1] Or $2,400,000.

[2] Or $2,400,000.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, TOTAL ESTIMATED OPERATING AND MAINTENANCE EXPENSES

	Center estimates	NPS estimates
A. Primarily nonperforming arts costs:		
1. Security	$285,000	$320,000
2. Interior specimen tree maintenance		69,000
3. Interpretation		141,000
B. Costs to be allocated between performing arts and nonperforming arts activities of the Kennedy Center:		
1. Operation and maintenance of mechanical and electrical equipment (excludes theater and backstage equipment)	548,000	1,015,000
Wages, supplies and materials for operation	273,000	940,000
Maintenance repairs	200,000	
Elevator and escalator maintenance	75,000	75,000
2. Utilities, electricity	720,000	730,000
3. Janitorial services	764,000	666,000
Daily servicing	690,000	520,000
Window washing	14,000	14,000
High cleaning	25,000	25,000
Cleaning chandeliers	10,000	10,000
Relamping	8,000	80,000
Trash removal	17,000	17,000
4. Shop and other equipment	16,000	
5. Management and administration	51,000	55,000
Total	2,384,000	2,986,000

NATIONAL CAPITAL PARKS

OPERATING COSTS OF MAJOR MEMORIALS

Maintenance	Lincoln Memorial and grounds	Washington Monument and grounds	Jefferson Memorial and grounds
Memorial maintenance	$30,600	$38,200	$10,000
Memorial operation	32,100	27,700	30,000
Utilities	11,300	10,800	4,700
Sanitation	2,800	28,300	4,000
Outside lighting	1,900	3,300	
Turf	5,000	20,900	6,200
Trees	1,100	10,700	1,000
Flowers		3,000	
Shrubs	5,800	4,900	2,000
Special events	3,400	50,100	1,500
Roads and walks	5,200	42,700	5,000
Miscellaneous	3,000	22,500	3,000
Supervision	9,900	28,000	3,900
Total maintenance	112,100	291,100	71,300
Visitor services	80,000	96,000	80,000
Protection	125,000	125,000	125,000
Total	317,100	512,100	276,300

The above costs were included in the hearings on the Kennedy Center.

These structures are not comparable in size, furnishings and complexity. For instance, the Lincoln Memorial is all masonry with no floor and wall coverings as in the Center, and with no elevator and escalator facilities; and with a very simple heating system as compared to the complex heating and air-conditioning systems in the Center. Also, the many elaborate lighting facilities in the Center do not exist at the Lincoln Memorial.

The Kennedy Center is approximately ten times the size of the Lincoln Memorial.

Mr. RANDOLPH. Mr.. President, will the Senator yield?

Mr. GRAVEL. I yield the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, the members of the Committee on Public Works, especially those on the Subcommittee on Buildings and Grounds, chaired by Senator GRAVEL, have given very detailed study to the subject matter and to many of the implications which have been discussed in connection with the operation of the Kennedy Center.

I only want to strengthen, if I may, what has been said by the Senator from Nevada and the Senator from Kentucky, that we do realize that there is a proper function for the Friends of the Kennedy Center, who are intensely interested in the development of the Center.

I also feel that it is important to say that we do agree—I think all of us who have studied this question—that there must be better management of the Kennedy Center than we have had to date. This is not in disparagement of any individual or of any group who have had responsibilities. It is the responsibility of Congress, in its authorizing and appropriating process, to insist, insofar as practical, on the quality of oversight or review which will keep us fully informed as to the ongoing functions of the Kennedy Center under management which we know must be the very best.

Mr. GRAVEL. I thank the distinguished chairman of the committee.

Mr. President, at this time I yield to the distinguished Senator from New York as much time as he may need. I reserve 2 minutes for myself, and I am sure that we can use some of Senator COOPER's time after that.

Mr. JAVITS. I will not take too long, but I do have a very important matter to discuss which relates to the city of New York.

It will be noted, Mr. President, as the Senator from Alaska has already noted, that various arrangements are contemplated by this conference report, with the city of New York respecting a very large facility to be installed—which is mentioned in the report as if it were going to be installed—by the U.S. Postal Service at a location referred to as the "Morgan Annex Site."

This has been a very highly controversial proposition, and there has been much debate between the junior Senator from New York, Senator BUCKLEY, and myself, as well as the Representative from the area, Mrs. ABZUG, with the U.S. Postal Service, respecting the propriety and desirability of building on this site, or on an alternate site which is two city blocks away.

Mr. GRAVEL. Mr. President, will the Senator from New York yield momentarily so that I may ask for the yeas and nays?

Mr. JAVITS. I yield.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, my specific concern is with section 6(b) which grants to New York City for public housing the air rights above "the postal facility to be constructed" on the so-called Morgan Annex site in midtown Manhattan.

Mr. President, this language stems from the extensive debate over two complex questions having to do with the Postal Service and New York City. The first question is "Who is the proper owner of the Morgan Annex property?" The second is "What is the best location for a multimillion dollar vehicle maintenance facility the Postal Service wishes to build in Manhattan?"

The language serves a valuable purpose by clarifying the issue of ownership. However, the language used to clarify this issue appears to take as a given fact that the Post Office will construct the vehicle maintenance facility on this property. Therefore, this wording seems to place the conference in the position of having decided on the merits of building at Morgan Annex, which I feel to be incorrect and inappropriate.

A number of responsible citizens and at least one agency of the New York City municipal government contend that a less costly alternative for construction exists; in addition, a number of agencies of the New York City government question the desirability of use of the Morgan Annex site for a vehicle maintenance facility because of its impact on the New York community in terms of air pollution, community development and surface traffic.

My colleague from New York (Mr. BUCKLEY) and I have insisted very strongly that the doubts be thoroughly explored. However, the questions cannot be settled, apparently, by us or by the parties or by the Postal Service itself, although I have talked with the directors of the Postal Service and I realize how many pros and cons there are in the argument. So we finally decided that we would get a report from the General Accounting Office which would gather up all of the points of view—to wit, those of the Postal Service, those of the General Services Administration, and those of the various agencies of the city of New York, and apply its own expertise to it and come up with an answer.

I have talked with Comptroller General Staats personally and I am satisfied, without in any way quoting him, that he will have this report in about 10 days. It will take a short amount of time thereafter actually to analyze and consider it.

What I am disturbed about here, is the effect of the conference language on the question of what is best in terms of housing regarding the city of New York, which is very controversial, the traffic pattern in New York, which is also hotly controversial, the environmental impact of this particular facility and also the cost question which is the most controversial of all——

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. May I just finish my thought? My concern is that this particular provision takes for granted that the facility at the Morgan Annex site is about to be built and if we pass the conference report we are confirming that it will be built.

Mr. COOPER. Mr. President, will the Senator just yield a moment so that I may give him more time? I yield him 10 minutes.

Mr. GRAVEL. Mr. President, he is still talking on my time.

Mr. JAVITS. I wanted to make the point, and then I shall yield to the Senator from Colorado (Mr. DOMINICK), that I believe that in the interests of the city of New York, as to whether, in fairness and common decency, an opportunity should be given to the General Accounting Office to file its report, which is in process, so that the Postal Service and all of us may know whether this is truly the best deal for the United States, taking into consideration all the factors which I have just mentioned.

When I am through yielding, I shall ask a question of the manager and the ranking member in that regard.

I yield now to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from New York. I obviously have heard about this problem myself. It has nothing to do with Colorado except the fact that we have public funds involving it, and I do not intend to inject myself as a Senator from Colorado into a problem which is inherently one of New York's; but it does seem to me that we have got a difficult situation here, where the two Senators from New York have worked hard to try to work out the problem through the General Accounting Office, only to find that we are about to pass a bill under the terms of which the various buildings will be constructed for these purposes, before we get the GAO report.

What I am wondering about is whether the Senator has been able to work out any agreement with the Postal Service or the managers of the bill which would permit a review of this again, at such time as the GAO report comes out.

Mr. JAVITS. I am hoping, as soon as we are at the proper point in this debate, to put that question to the manager and the ranking member. It is my understanding that they will deal with it affirmatively and are sympathetic to the idea of giving an opportunity for this matter at least to be considered, based upon the GAO report.

Mr. DOMINICK. I thank the Senator from New York very much. I know how hard he has worked on this matter. I hope we can get it accomplished.

Mr. JAVITS. I thank the Senator from Colorado for his helpful intercession.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by myself, my colleague from New York, and Congresswoman ABZUG on March 8 to the Director, Office of Policy and Program Planning of the General Accounting Office requesting a comparative cost analysis of the Morgan Annex site and an alternative site. Also, a second letter from Senator BUCKLEY, Mrs. ABZUG and me written on March 29 to the Postmaster General expressing our concern over plans to build at Morgan Annex and requesting that a final decision not be made until first, the GAO report was received and second, signed statements were obtained from the six involved New York City agencies presenting their views on the Morgan Annex site.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 8, 1972.

MR. E. H. MORSE, JR.,
Director, Office of Policy and Program Planning, U.S. General Accounting Office, Washington, D.C.

DEAR MR. MORSE: Last month the General Accounting Office prepared a comparative cost analysis on the question of whether the Postal Service should (1) construct for ownership a Vehicle Maintenance Facility on land owned by the Postal Service adjacent to the Morgan Station (Morgan Annex site) or (2) negotiate to lease a similar VMF to be constructed by the Sharp Development Corporation on land about two city blocks from the Morgan Annex site.

The Postal Service has indicated that their chief objection to the Sharp proposal was a high footage rate ($5.15 per foot) and the need to build to a height of eight stories. In the past weeks representatives of the Sharp Development Corporation have been working very closely with the New York City Economic Development Administration on a new plan which, based on an extremely positive and creative approach by the New York EDA, indicates a rate thirty-percent lower than that previously quoted (or $3.50 to $3.80 per foot) and would produce a building five stories high, the height proposed by the Postal Service at the Morgan Annex site.

We would greatly appreciate having the comparison of the two alternatives confronting the Postal Service updated on the basis of the new information regarding the Sharp Development Corporation's proposal.

Sincerely,

JACOB K. JAVITS,
U.S. Senate.
JAMES L. BUCKLEY,
U.S. Senate.
BELLA ABZUG,
Member of Congress.

U.S. SENATE,
Washington, D.C., March 29, 1972.

Hon. E. T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We understand that a decision has been made in favor of the Morgan Annex site for the proposed vehicle maintenance facility and garage in New York City. We request that this decision be reconsidered before it is presented to the Board for final approval.

Selection of the site of the vehicle maintenance facility is critical for two reasons. First, the facility will have a massive impact on the New York community and surface traffic. Second, the construction project represents a significant expenditure of funds, which may indirectly affect the cost of postal service to the public.

Given the importance of this decision, we are concerned at the apparent conflicts over, first, the basic suitability of the Morgan Annex site and, second, the economic advantages of Morgan Annex versus another site. The positions attributed to various New York City agencies in the feasibility study prepared for the Postal Service by Ames Associates directly contradict information given to us by the same agencies. Further, the cost comparison being carried out by the General Accounting Office to resolve earlier conflicts over estimated costs of two different sites is still two to three weeks from completion.

To ensure that reconsideration is based on the best available information, we urge that it await:

1. The submission of signed statements by the Housing and Development Administration, the City Planning Commission, the Borough President's Office, the Department of Traffic, the Department of Highways, and the Economic Development Administration presenting their views on the Morgan Annex site.

2. The final report from the GAO comparing the Morgan Annex and the proposed alternative sites.

We look forward to your advices accordingly.

Sincerely,

JACOB K. JAVITS,
U.S. Senate.
JAMES L. BUCKLEY,
Member of Congress.
BELLA S. ABZUG,
Member of Congress.

Mr. JAVITS. Mr. President, now if I may have the attention of the manager of the bill and the ranking minority member, I would like to ask a question relating to this particular matter.

It would be helpful if we could have an expression from the Senate conferees in support of the policy that no final decision to build the Morgan Annex should be made until the report of the Comptroller General, and the positions of the New York City municipal agencies involved, are received and analyzed by the parties.

As I have said, I have every reason to state that the Comptroller General's re-

port should be in hand within 10 days. I hope very much that in this way we can avoid any necessity for moving into legislation in respect of the matter and also any necessity because of this particular situation for my voting against the conference report.

Mr. GRAVEL. Mr. President, let me say that I share the views of the Senator from New York, that the Postal Service should wait for clarification. The Senator from New York is very much on target with reference to this matter.

Mr. JAVITS. I thank the Senator from Alaska. I take it, then, that the manager of the bill would support us and does support us in the request that this matter not be finalized until the GAO study is received and a modest time afforded to analyze it.

Mr. GRAVEL. I can assure the Senator from New York, not only as manager of the bill but also as a Senator, that I share his views most strongly.

Mr. JAVITS. That will help us in this respect.

Mr. GRAVEL. I say that in my capacity as manager of the bill, and in my capacity as a Senator.

Mr. BOGGS. Mr. President, I want to join the distinguished manager of the bill in the remarks he has just made. I would point out, further, that the conference report, in my opinion, does not preclude the use of an alternative site in Manhattan. This legislation merely says that if the Postal Service builds the Morgan Annex facility, it must give the air rights to the city of New York for construction of a housing facility.

If the Postal Service, after consideration of the GAO report, decides to go ahead at an alternative site, then the Morgan Annex property can be purchased by the city of New York for its fair market value.

As I see it, we will accomplish nothing by delaying consideration of the conference report. Actually, the delay will cause a delay in the construction of many facilities needed by the Federal Government and the public.

Mr. JAVITS. Mr. President, I thank the Senator from Delaware very much. Sometimes in a particular conference report such as this, the matter becomes involved as this one has and can be resolved by the fairness which the Senator from Delaware has evidenced and which the Senator from Alaska has also evidenced. Or, on the other hand, in some cases it could hold up the report.

I welcome the support that my colleagues have given so as to make it possible for me to support the report which dealing with all of the matters that it does, should not be rejected.

Mr. GRAVEL. Mr. President, I can speak for the rest of my colleagues. We will be glad to support the Senator on this matter.

Mr. COOPER. Mr. President, I would like to say that the Senator from Delaware (Mr. BOGGS) is the ranking Republican member of the subcommittee. I want to associate myself with his statements and with the statement of the Senator from Alaska, the manager of the bill. Further, I want to commend the distinguished Senator from Nevada (Mr. BIBLE) for his views on this legislation. His interest in the Kennedy Center is vital, in view of his position as chairman of the Parks Subcommittee of the Interior Committee, and as chairman of the Appropriations Subcommittee which has jurisdiction over Park Service appropriations. I also wish to support the proposal of the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much. That is very helpful.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes remaining.

Mr. COOPER. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator for yielding me 5 minutes. I might not require that much time. I would merely like to address an inquiry to the chairman of the full committee, the very distinguished Senator from West Virginia, because I am somewhat perplexed by reports that appear in the press to the effect that the provisions of this conference report would be available for the first time to construct a recreational facility under the lease purchase arrangement which had heretofore been available only for regular Federal office buildings.

As the distinguished Senator from West Virginia will recall, my colleague from Maryland (Mr. BEALL) and I have discussed with him on occasions the philosophy of the use of the lease purchase facility, and we have understood from him in the process that this would not be the normal course of procedure.

I wonder if the Senator would comment on the reports that have appeared in the press.

Mr. RANDOLPH. Mr. President, responding to the question of the Senator from Maryland, I wish to state that it is proper that the RECORD be clarified in reference to the matter in question. I believe that perhaps I can best respond by reading the letter that I sent on June 1, as chairman of the Senate Public Works Committee, to Hon. J. GLENN BEALL, Jr., the junior Senator from Maryland. It reads as follows:

> This is in response to your letter of June 1, inquiring as to the status of the proposed convention center and sports arena in the District of Columbia.
>
> I am advised the lease-purchase prospectus relating to these facilities is currently pending before the House Public Works Committee, having been approved by its Public Buildings and Grounds Subcommittee. It will not come before the Senate Committee on Public Works until after the House Committee has acted favorably.
>
> It is my feeling that a facility of this kind should not be handled by the lease-purchase prospectus procedure. The purpose of this summary method of authorizing building construction should, I believe, be reserved exclusively for public buildings designed to serve the operational needs of the Federal Government. The procedure does not require action by the full House and Senate. It is my feeling that the only proper method of handling the proposed convention and sports arena, should be by legislation, reported from the respective Committees on the District of Columbia, considered in each House and funded through the appropriations process.
>
> If you have further questions on the status of the proposal, please let me know.

Mr. MATHIAS. Mr. President, does the distinguished Senator from West Virginia feel that he can announce with certainty that that is the feeling of the majority members of the committee?

Mr. RANDOLPH. I believe that is the position generally of the members of the committee.

Mr. GRAVEL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, I yield the Senator from Maryland an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 3 minutes.

Mr. GRAVEL. Mr. President, I associate myself with the remarks of the chairman of the full committee. He speaks certainly with my voice behind him. In this regard, I think that a record should be made.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TUNNEY. Mr. Presidnt, I was very happy that the Senator from Maryland brought up the point because it was of concern to me.

I am pleased that the very able chairman of the committee made the statement he made. I would like to associate myself with the remarks of the Senator from West Virginia.

I feel that there was a complete understanding in the conference that a special finding of the President would be required to the effect that the building is in the public interest before it could be constructed. From the conversations we had at the time, I was led to believe that this was the general feeling of the membership on the majority side. I am very happy that the Senator from West Virginia has clarified his attitude.

Mr. RANDOLPH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. Mr. President, I am very happy to yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I wish to state further that the understanding of the Senator from Maryland and the Senator from California as to the feeling within the committee is that which is stated in the letter which I wrote to the junior Senator from Maryland and have just read. That was the position then and it is the position now. It has not changed in any way. I think that should be noted for the RECORD.

The Senator from Kentucky (Mr. COOPER) and I discussed the matter. I believe this is the procedure that should be followed. It is one that retains to the Congress of the United States the decisionmaking in reference to the proposed convention center and sports arena.

We underscore that it should be by legislation. The two committees of the House and Senate on the District of Columbia should consider this proposal, and then there should be action in the respective Chambers.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. TUNNEY. Mr. President, it was my feeling that the conferees expected that the President was unlikely to make a finding that the complex was in the public interest. Was this the attitude of the other members of the conference who are present this afternoon?

Mr. RANDOLPH. I believe that generally would reflect the feeling we had.

Mr. MATHIAS. I thank the Senator for his clarification.

Mr. GRAVEL. Mr. President, I believe I have 4 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BOGGS. I thank the distinguished chairman of the subcommittee. I want to take this opportunity to express my support for the conference report on S. 1736 and to compliment the members of the subcommittee and its distinguished chairman, the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. COOPER), the Senator from California (Mr. TUNNEY), and the distinguished chairman of the full committee the Senator from West Virginia (Mr. RANDOLPH) for their work on the bill and for bringing this conference report promptly to the Senate.

Mr. President, I wish to give my colleagues a brief description of the main features of the legislation.

The central provisions of the legislation are contained in sections 3 and 5 of the bill. Section 5 grants to the Administrator of the General Services Administration authority to enter into lease-purchase contracts, for up to 30 years, for construction of Federal buildings. These are buildings presently authorized, but unfunded in whole or in part.

Mr. President, this is an emergency provision, which expires 3 years after enactment. And we do face an emergency in meeting the office needs of the Federal Government.

Due to slowdowns in the past, there are 63 Federal buildings that have been authorized, but on which construction funds have not been appropriated in whole or in part.

Mr. President, I should point out that congressional authorization of some of these structures dates as far back as a decade or more. Section 5 will allow GSA to go forward with these buildings, shifting the initial capital investment on the private sector.

But I must also point out that section 5(a) requires that title for each building be transferred eventually to the Federal Government.

I ask unanimous consent that a list of these buildings be included at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOGGS. Mr. President, GSA, it should also be noted, plans to go to the market for purchase contracts on 32 of these structures approximately 60 days after enactment. I am happy to report that one of the buildings on this 60-day list is a new Federal office building authorized for construction in Dover, Del.

The other major provision of the bill is section 3. This section creates a revolving fund into which Federal agencies will pay "rent" fees for the Federal space they occupy. Such a fund should guarantee that future major backlogs of unbuilt Federal structures will not occur.

In addition, Mr. President, I call the attention of my colleagues to language in the statement of managers at the conclusion of the explanation of the conference substitute of section 2 of the bill.

The statement reads:

> In the letting of contracts for purchase contract construction, it is the intent of the conferees that the General Services Administration retain ownership of architectural and engineering designs and plans developed for such facilities prior to enactment of this Act.
>
> Further, the conferees recognize that additional design and engineering work may be necessary on some of the projects that will be constructed under a purchase contract arrangement. The GSA should make every effort to contract for such work with the original architect or engineer. GSA should also make every reasonable effort to contract directly for such services with the architect or engineer, rather than directing that the contractor make such arrangements. The conferees believe this is essential, whenever possible, to avoid a situation in which an architectural or engineering firm may face a conflict of interest between the Federal Government and the contractor.

I would like to point out that this language also pertains to section 5 of the bill, the section authorizing lease-purchase contracts.

In closing, Mr. President, I recommend approval of the conference report to the Senate.

EXHIBIT 1

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE—APPROVED PROJECTS, POTENTIAL PURCHASE CONTRACTS

States and cities	Buildings	Net assignable square feet	Estimated direct Federal construction cost
Arizona: Tucson	FOB	74,225	$5,533,000
Arkansas: Batesville	PO, CT, FOB	33,354	2,192,000
California:			
Los Angeles	PF	705,600	8,125,000
San Diego	CT, FOB, PF	639,000	44,955,000
Santa Ana	FOB	197,500	13,900,000
Santa Rose	FOB	49,315	4,502,000
Van Nuys	FOB	176,128	8,521,000
Connecticut: New Haven	PO, FOB	117,420	8,675,000
Delaware: Dover	FOB	19,325	1,577,000
Florida: Orlando	CT, FOB	114,700	8,555,000
Georgia:			
Athens	PO, FOB	75,392	1,868,000
Atlanta	CT, FOB	703,450	51,976,000
Griffin	PO, FOB	33,942	1,690,000
Rome	PO, CT	60,000	3,703,000
Waycross	PO, CT, FOB	52,000	3,946,000
Hawaii: Honolulu	CT, FOB	398,950	44,184,000
Idaho:			
Moscow[1]	PO, CT	28,800	1,340,000
Sandpoint	FPB	25,000	2,168,000
Illinois:			
Chicago	GSA Federal Records Center	180,000	6,946,000
Mt. Vernon	FOB	13,000	975,000
Indiana: Indianapolis	FOB	461,429	19,219,000
Iowa: Iowa City	PO, FOB	73,629	4,497,000
Louisiana: New Orleans	CT, FOB	424,629	27,533,000
Maine: Waterville	PO, FOB	42,650	2,152,000
Maryland: Baltimore	CT, FOB	286,290	19,541,000
Massachusetts:			
Fitchburg[1]	PO, FOB	68,860	4,438,000
New Bedford	PO, FOB	19,400	1,731,000
Michigan:			
Ann Arbor	FOB	48,000	4,167,000
Detroit	P. V. McNamara FOB	820,101	48,224,000
Saginaw	FOB	32,400	2,625,000
Mississippi: Hattiesburg	CT, FOB	36,455	2,636,000
Nebraska: Lincoln	CT, FOB, PF	422,450	21,307,000
New Hampshire: Manchester	PO, FOB	200,000	6,563,000
New Mexico: Las Cruces	CT, FOB	35,700	3,146,000
New York:			
Albany	FOB	185,855	$12,636,000
Auburn	PO, CT, FOB	64,500	4,589,000
Hempstead	FOB	914,900	74,342,000
New York[1]	CT, CU, FOB annex	554,700	58,740,000
Syracuse	CT, FOB	242,200	19,087,000
North Carolina: Winston-Salem	CT, FOB	220,105	12,144,000
Ohio:			
Akron	CT, FOB	286,900	16,168,000
Dayton	CT, FOB	117,300	8,890,000
Oregon:			
Eugene	CT, FOB	58,200	4,923,000
Portland	FOB	349,675	19,667,000
Pennsylvania: Williamsport	PO, CT, FOB	52,000	3,983,000
Puerto Rico: San Juan	CT, FOB	243,000	20,471,000
Rhode Island: Woonsocket	PO, FOB	31,400	2,041,000
South Carolina: Florence	PO, CT, FOB	92,725	5,192,000
South Dakota:			
Aberdeen	FOB	108,825	8,000,000
Huron	PO, FOB	100,000	7,645,000
Rapid City	CT, FOB	54,000	3,728,000
Tennessee: Nashville	CT, FOB	301,451	12,211,000
Texas:			
Denton[1]	PO, FOB	68,364	2,527,000
Fort Worth	FOB, PF	437,500	4,425,000
Houston	Federal motor vehicle facility	16,598	1,240,000
Pearsall	PO, FOB	7,600	347,000
San Angelo	PO, CT, FOB	106,300	4,209,000
Vermont: Essex Junction	PO, FOB	8,585	268,000
Virgin Islands: Charlotte Amalie	PO, CT, FOB	54,000	5,248,000
Virginia: Roanoke	FOB	147,000	11,169,000
Washington: Wenatchee	PO, FOB	55,200	4,489,000
Wisconsin:			
Madison	FOB	129,000	8,123,000
LaCrosse	PO, CT	73,650	6,097,000
Totals		11,750,227	735,709,000

[1] Amount as required by increase.

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Mr. GRAVEL. Mr. President, I thank my associate on the committee on the minority side, the Senator from Delaware (Mr. BOGGS). I compliment him. He has been a most assiduous worker in connection with this legislation and it is a pleasure to work with him, as well as the Senator from California (Mr. TUNNEY). I also thank the Senator from Kentucky (Mr. COOPER) for his support. He deeply involves himself in these matters. I also wish to thank the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH). It is a pleasure to work with these Senators. I also wish to thank the staff that worked so hard to bring forth the data to make possible this legislation.

Mr. President, I think that with this legislation today we do the American people a great service in connection with the method to finance the space to be occupied. It is a benchmark in the processes of government; it is to the best interests of the taxpayers, and to the best interests of providing service to the people.

Mr. TUNNEY. Mr. President, before we act on this conference report, there is an additional matter which I would like to raise concerning the Federal courthouse to be built in San Diego. This report which we will approve today is intended to be the final congressional action necessary for this project. However in view of the present controversy which exists between the Federal judges in San Diego on the one hand and the Administrative Office of the U.S. Courts and GSA on the other over the design of that building, and similar controversies in other Federal judicial districts, I wish to serve notice that we will continue to monitor this situation closely.

Mr. President, because of some very serious questions raised by Federal judges throughout the country about the adequacy of the proposed new standard size courtroom, the chairman of the House Subcommittee on Public Buildings and Grounds (Mr. GRAY) recently held two hearings on those problems. During the hearings, this entire matter was considered at some length.

As a result of those hearings, it is my understanding that there is presently an effort underway to resolve the problem in a satisfactory manner. I earnestly hope that such a result will occur because I think it would be most unfortunate to have the present situation continue. I clearly support efforts to save Federal tax dollars and I know that was the intent of the proposal for standard courtrooms.

But I am afraid that the application of this idea is being carried forward with none of the flexibility that such proposals require. In fact, in San Diego I think the result may very well be unsatisfactory not only in terms of judicial efficiency but in cost as well.

For that reason I want to serve notice as we act upon this conference report that I will continue to watch this problem closely. I am hopeful that a compromise can be arrived at between the various parties in this situation. But as said in a letter to Chairman GRAY last week, as a member of both the Senate Judiciary Committee and the Public Works Committee, including particularly the Public Buildings Subcommittee, I am prepared to take such appropriate action as may prove necessary. I might add that I have discussed this entire problem with my colleague in the House, Mr. VAN DEERLIN, whose district includes part of San Diego, and we will continue to coordinate our efforts.

Mr. President, I ask unanimous consent that my letter to Chairman GRAY be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

MAY 25, 1972.

Hon. KENNETH GRAY,
Chairman, Subcommittee on Public Buildings and Grounds, U.S. House of Representatives, Washington, D.C.

DEAR KEN: I want to reiterate my personal interest in swift resolution of the present controversy involving the size of federal courtrooms in the new federal courthouse in San Diego and other judicial districts.

As you know, I presently serve on both the Senate Judiciary Committee and the Senate Public Works Committee (including its subcommittee on Public Buildings and Grounds). In those capacities I have had the opportunity to review the present plans for the San Diego court facility and the alternate proposal being advanced by the Administrative Office of the U.S. Courts and the General Services Administration.

After considering all of the factors, I concluded that forced adherence to the so-called "mini-courtroom" plan will serve neither the interest of the people of San Diego in efficient administration of justice nor the interest of federal taxpayers in cost savings.

For that reason I and members of my staff have been involved since mid-February in various meetings with the federal judges in San Diego, with members of the Senate Judiciary Committee and with GSA and the Administrative Office to reach a workable resolution of this problem.

Your personal interest in this problem and particularly the hearings which you have chaired have been of major significance. It is my understanding that assurances have been given to you that the matter will be promptly resolved through consultation by members of the appropriate committee of the Judicial Conference.

My purpose in writing to you at this stage is to voice my continued interest and support in this matter. In the event that the San Diego situation is not satisfactorily resolved in the very near future, I am prepared to support your efforts by taking appropriate action with the two Committees on which I serve.

In view of your own efforts and those of our colleagues in the House and the Senate, I am confident that such action will not be necessary.

I am sending copies of this letter to the appropriate officials at GSA and the Administrative Office.

Best regards,

JOHN V. TUNNEY,
U.S. Senator.

Mr. GRAVEL. I am prepared to yield back the remainder of my time so that we may proceed to a vote.

Mr. COOPER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time is yielded back. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "yea."

The result was announced—yeas 73, nays 2, as follows:

[No. 197 Leg.]

YEAS—73

Aiken	Fannin	Pastore
Allen	Fulbright	Pearson
Allott	Gravel	Percy
Anderson	Griffin	Proxmire
Bayh	Gurney	Randolph
Bellmon	Hansen	Ribicoff
Bennett	Hart	Roth
Bentsen	Hatfield	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Smith
Burdick	Hughes	Spong
Byrd, Harry F., Jr.	Jackson	Stafford
Byrd, Robert C.	Javits	Stennis
Chiles	Jordan, N.C.	Stevens
Church	Jordan, Idaho	Stevenson
Cook	Kennedy	Symington
Cooper	Long	Taft
Cotton	Mansfield	Talmadge
Curtis	Mathias	Thurmond
Dole	McGee	Tower
Dominick	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Ellender	Miller	Williams
Ervin	Mondale	Young
	Moss	

NAYS—2

Brock	Saxbe

NOT VOTING—25

Baker	Gambrell	Montoya
Beall	Goldwater	Mundt
Brooke	Harris	Muskie
Buckley	Hartke	Nelson
Cannon	Humphrey	Packwood
Case	Inouye	Pell
Cranston	Magnuson	Sparkman
Eastland	McClellan	
Fong	McGovern	

So the conference report was agreed to.

Mr. TOWER. Mr. President, I am extremely pleased, today, with the adoption of the conference report on S. 1736, the public buildings amendments of 1972. This represents the successful culmination of several years' efforts to obtain congressional authorization for Federal construction projects in Denton, Fort Worth, Houston, Pearsall, and San Angelo.

Briefly stated, the public buildings amendments of 1972 will:

First. Establish a public buildings fund into which will be poured rents collected from all Federal departments and agencies using Federal space, and from which will be drawn the capital to finance congressionally approved Federal buildings projects; and

Second. Authorize a 3-year crash program for the construction of 63 public buildings already authorized by the Congress, but unfunded in whole or in part, including the buildings at Denton, Fort Worth, Houston, Pearsall, and San Angelo. To permit the execution of this crash program without jeopardizing present economic and budgetary planning, the bill would authorize the purchase of Federal buildings over a period of years through a purchase-contract arrangement.

This purchase-contract authority permits the General Services Administration to make regular payments over a period of from 10 to 30 years to entrepreneurs who will finance and construct buildings that meet GSA specifications. At the end of the contract term, title to the buildings will be vested in the United States. During the contract term, a purchase-contract building will remain on the local tax rolls, helping to ease the burdens of the Federal presence upon the local community.

The bill includes the purchase-contract authority for all congressionally approved but unfunded buildings projects, including a new post office and Federal office building in Denton, a new Federal office building in Fort Worth, a new motor vehicle facility in Houston, a new post office and Federal office building in Pearsall, and a new post office, courthouse, and Federal office building in San Angelo.

In four of these five cities, the Federal Government already owns the sites and has completed design and construction plans. These sites and plans may now be sold to entrepreneurs who may begin construction of the buildings immediately.

I applaud this action, which will be of tremendous benefit to Texans.

NOMINATION OF RICHARD G. KLEINDIENST

The Senate, in executive session, continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. PERCY. Mr. President, I want to indicate at this time that I will vote for the confirmation of the nomination of Richard G. Kleindienst as Attorney General of the United States.

The Senate is responsible for giving its advice and consent to the appointments of Cabinet officers. In the long tradition of the past, the Senate has based its decisions on three general criteria. The nominee should be competent to perform the duties of the office; he should be a person of integrity; and in accepting the office for which he is nominated, he should be free of any conflict of interest. Within these bounds, the President should be permitted to have as Cabinet officers those persons he feels will best be able to carry out the policies of his administration.

In my judgment, the question which presents itself to the Senate in cases of Cabinet appointments is clearly distinguishable from judicial appointments. Federal judges hold their positions for life, and they conduct their official responsibilities independent of either the Presidents who nominate them or the Senate which confirms them. Cabinet officials serve at the pleasure of the President, assisting him in the implementation of his programs in the manner and style of his choosing. To the greatest extent possible, a President ought to be permitted to build a Cabinet of his own choice.

I have studied Mr. Kleindienst's record and the confirmation hearings very carefully. From the record and from my own working relationship with Mr. Kleindienst, I have concluded that he clearly meets the criteria I have mentioned.

Mr. Kleindienst's career has been a distinguished one. Having graduated magna cum laude and Phi Beta Kappa from Harvard College, he thereafter received his law degree from Harvard Law School in 1950. He was admitted to the Arizona bar that same year. In the practice of law he focused his efforts on the area of labor law. He served in the Arizona House of Representatives in 1953 and 1954, and since 1969 he has served as the Deputy Attorney General of the United States.

The issues raised during the confirmation hearings involving Mr. Kleindienst's integrity stem mainly from allegations concerning the settlement of three antitrust suits brought against the International Telephone & Telegraph Corp. After reviewing the 1,700 pages of testimony before the Judiciary Committee, I have concluded that the evidence presented was wholly insufficient to support any suggestion of impropriety. I have withheld announcing my decision until today in case any new evidence were presented that would refute the findings of the Judiciary Committee. The record still reveals no evidence to demonstrate that Mr. Kleindienst conducted himself other than properly and forthrightly.

Indeed, the Senator from Michigan (Mr. HART), who participated in every aspect of the Judiciary Committee review and who chaired many of the proceedings, in his supplemental views to the committee report, stated that in regard to the settlement of the ITT cases:

> I find no errors in judgment for which I would deny him his nomination . . . On the basis of this record, I find no basis on which to conclude that the nominee was involved in, or aware of, any effort to link the convention and the settlement.

I concur in that judgment.

Nevertheless, the confirmation hearings have raised again the larger issue of the manner and extent to which influence is exerted by powerful private interest groups on Government policy. It is an area which has received precious little scrutiny by Congress and which deserves a careful and exhaustive review. The American people should not be forced to accept anything less. However, the confirmation procedure itself is not the proper forum to debate this larger issue.

Mr. President, in all candor I should point out that I do have some important differences of opinion with Mr. Kleindienst on matters of public policy. Although I respect his opinions, we at times find ourselves on different sides of issues. But, in general, these differences are irrelevant to the question of the confirmation of the nomination of Mr. Kleindienst. They are nothing more than the differences in views which characterize a healthy democracy.

As I have indicated, I consider Mr. Kleindienst a competent public servant and man of integrity. I also find no basis to suspect that any conflict of interest exists which would interfere with the performance of his duties as Attorney General. He has proven himself worthy of the office to which he has been nominated. For these reasons, I will vote for the confirmation of his nomination as Attorney General of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at such time as Senate Resolution 299—a resolution to establish a select committee to study questions relating to secret and confidential Government documents—is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished majority leader or his designee; that time on a motion to be offered, presumably by Mr. HRUSKA, but, in any event, a motion to refer the resolution to committee, be limited to 1 hour, to be equally divided between the mover of that motion and the distinguished majority leader or his designee.

I make this request, Mr. President, having cleared it with the distinguished Senator from Nebraska (Mr. HRUSKA) and with the distinguished Senator from Alabama (Mr. ALLEN) and with other Senators involved. Before the Chair propounds the request, I state that it would not be the intention of the leadership to call up this resolution this week. It would

be called up, presumably, on a day next week, after appropriate notice is given to the principal Senators who have shown interest in this measure.

The PRESIDING OFFICER. Without objection, the order is entered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. COTTON. Mr. President, throughout this long debate concerning the confirmation of the nomination of Mr. Kleindienst as Attorney General of the United States, I have not participated; and I suspect it has been assumed generally that I would be in support of the nominee and that, in a sense, it was unnecessary for me to make any public announcement on the floor in connection therewith.

However, I do wish to say that not only have I read with some care the speeches made on the floor in opposition to the confirmation of the nomination of Mr. Kleindienst, but also, I have made some examination of the record—not all the record, but parts of the record that purported to present reasons against his confirmation—and have read with care the utterances of members of the Judiciary Committee who have conducted the hearings and listened to the evidence.

I, too, like the distinguished Senator from Illinois, find no possible reason, no satisfactory reason, and no reason at all, from the viewpoint of the Senator from New Hampshire, why the nomination of Mr. Kleindienst should be objected to.

Furthermore, since early in the year 1964, or perhaps late in the year 1963, I have personally been very well acquainted with Mr. Kleindienst. I worked with him for a series of months in the State of New Hampshire in connection with the campaign of the distinguished Senator from Arizona (Mr. GOLDWATER) when he was running for the office of President of the United States. I have seen Mr. Kleindienst in action and I have counseled with him with small groups in dealing with campaign tactics, campaign strategy, and if you please, Mr. President, to a certain extent, campaign ethics. I have found him in those personal contacts to be a man of absolute integrity who lived up to his background of distinguished service as a member of the bar and to his outstanding qualifications as indicated in his college and law school career, who always advocated the open and honorable course.

From my personal knowledge of Richard Kleindienst, he is about the last man that I would suspect of any act in which he knowingly would deviate one jot from the honorable and straightforward course.

In character, in reputation, in his sense of honor, and in his ability, he is highly qualified to be the chief law enforcement officer of the United States of America. It would be my pleasure, privilege, and honor to vote against recommittal to the Committee on the Judiciary. It would seem to me, from my knowledge of the man throughout this long and drawn out procedure that there was little to justify it.

Certainly it will be my honor, and I shall vote with complete consciousness that I am doing the absolute right thing, to cast my vote for his confirmation.

Mr. KENNEDY. Mr. President, before we adjourn for this evening, I should like to highlight another matter that concerns the nominee. The Judiciary Committee gave some attention to this issue and I think it will be of interest to this membership in its consideration of how it will vote tomorrow afternoon. This concerns the conduct of the nominee in regard to the Warner Lambert case—another antitrust situation in which the nominee played a rather key role.

I think, in reviewing the set of circumstances that involved the ITT cases in particular, it will be of some use for the membership of this body to consider some of the facts that were brought out during the course of the hearings in the Judiciary Committee about how the Warner Lambert matter was resolved.

So, with the indulgence of the Senate, I should like to make some remarks and to read the particular passages from the record which I think would be of interest to the membership this afternoon.

Over the past few days there has been extensive discussion on the Senate floor concerning the nominee's actions in regard to the ITT settlement and the Harry Steward case. There has also been comment on Mr. Kleindienst's refusal to discuss his role in the Carson matter before the committee. These three items are dealt with extensively in the minority views of Senators BAYH, TUNNEY, and myself, and in the separate views of Senator TUNNEY. The Warner Lambert case, as I said, should also be brought to the attention of my colleagues before the votes on the nomination.

WARNER LAMBERT CASE

The role of Mr. Kleindienst in the Justice Department's decision to allow Warner Lambert Co. and Parke Davis & Co. to merge in the fall of 1970 was brought out in the Judiciary Committee hearings.

This case is important because, as Mr. Kleindienst told us:

> The only antitrust case where I had to act as the Attorney General were the three ITT cases and the Warner Lambert case.

We all know about the controversy surrounding the three ITT cases; well, there are some problems with the nominee's handling of the Warner Lambert situation likewise.

Let me first read Mr. Kleindienst's full explanation of his handling of this case, from pages 150–151 of the hearings:

> I was in, I believe, Phoenix, Ariz., on the weekend of November 6, 7, 8, and 9—or 7, 8, and 9, whatever the dates were. I received a call, I believe on a Friday night or a Saturday night, I don't remember which, from Mr. Mitchell, in which he asked me when I was going to return to Washington, D.C. I said that I planned to return on Monday or Sunday night, to be in the office on Monday.
>
> He asked me if I had any appointments scheduled on Monday and I said, "I don't know."
>
> He said, "Do you think you could cancel them?"
>
> I said, "I think I could; for what reason?"
>
> He said, "Well, Mr. McLaren brought up a proposed injunction to me today," on Friday—or if he called me on Saturday, he said "yesterday," but I believe it was a Friday night—"I have a conflict of interest situation in that case, and have to disqualify myself. The complaint seeks to enjoin a merger that's going to take effect on Thursday, November—well, the following Thursday—and you're going to have to determine between 1 day when you get back and sometime on Wednesday, whether or not the Department is going to file the lawsuit and seek the injunction to prevent the proposed merger of Warner-Lambert and Parke, Davis."
>
> I told him that I would call my secretary, or I think maybe I asked him to have his secretary get hold of my secretary and cancel my appointments on the following Monday.
>
> When I came back, the files had been placed on my desk in that matter and were there waiting for me on Monday.
>
> Mr. McLaren was out of the city on that Monday. I think he was up in New Haven some place, but he wasn't there. I read over the files, and, incidentally, the representatives of these two companies had requested a meeting with me to discuss this matter on Monday.
>
> I believe I met with them on Monday afternoon.
>
> I read over the prosecuting memorandum presented by the Antitrust Division and the other matters contained in the file. I then had a meeting with the attorneys and officers of Warner-Lambert and Parke, Davis. They made some very strong assertions and statements to me.
>
> I then studied the file that Monday night.
>
> On Tuesday morning—I believe it was Veteran's Day—I attended the Veteran's Day ceremony at the cemetery, and came back to my office. I believe I had a conference with Mr. McLaren on that Tuesday, but I'm not sure.
>
> In any event, I determined that an injunction should not be issued by the Department of Justice.
>
> On Wednesday noon, Mr. McLaren and I met again, in which we discussed the matter. He disagreed with that decision on my part. I stuck with my decision, in which I said that under these circumstances and at this late hour, with such short notice, with the proposed merger to be consummated the next day—and for some other reasons that I'll come to in a second, Senator—I persisted in my position.
>
> At that luncheon, however, Mr. McLaren and I did agree that the matter should be referred to the Federal Trade Commission, which has concurrent jurisdiction in civil actions of this kind, and which Mr. McLaren indicated to me was having some investigations in the ethical pharmaceutical field.
>
> I told Mr. McLaren that the reasons for my position in the Warner-Lambert case were essentially as follows:
>
> No. 1, the proposed merger did not come within the Department's own guidelines, the guidelines that they publish with respect to acquisitions did not cover this case.
>
> No. 2, in the meeting with the Parke, Davis and with Warner-Lambert officers and attorneys, a representative of Parke, Davis, whose name I don't know, indicated to me that if this merger did not come about, Parke, Davis was going to have to get out of the research business. I felt that that would have a bad effect on competition in the pharmaceutical industry.
>
> I might say that after our decision, Parke, Davis repudiated that statement publicly. They denied they ever said that. But they did say that to me in that meeting.
>
> Second, at that meeting, a representation was made by some representative of either Warner-Lambert or Parke, Davis that Dr. Edwards at HEW had said that this merger would not interfere with competition.
>
> Finally, I arrived at the opinion not to file the injunction because, even after the acquisition by Warner-Lambert of this company, it would have no more than 5 percent of the market, and this was not a concentrated industry type of business. I think the largest portion of the market by any company was, as I recall, 8 or 9 percent. That might not be correct, but that's my recollection, that there were many companies in the field and it was not concentrated and there was a lot of competition.
>
> But I think the thing that disturbed me more than anything else was, and I think this is the only situation that I ever had in a friendly way to be kind of critical of Mr. McLaren, was the fact that for one reason or another, the Antitrust Division did not get the prosecuting memorandum and the recommendation for the filing of the complaint up to Mr. Mitchell's office until Friday, the Friday before the proposed merger was to take place.
>
> He had to disqualify himself; I was out of town. I got back, and I really had only about 2 days within which to make a very fundamental decision involving two very significant companies.
>
> I think the thing that really tipped it in my mind is the fact that the prosecuting memorandum from the Department itself to the Attorney General—in this case, myself—said that while this case does not come within our guidelines, we think for other reasons that we ought to proceed with it.
>
> Those are essentially the reasons why I arrived at that decision in that case.

Mr. Kleindienst had told us that he "never tried to substantiate a recommendation of opinion of Judge McLaren"; that McLaren "ran the Antitrust Division and I was not going to interfere with his operaton." Yet in the Warner Lambert case he not only overrode McLaren's recommendation and opinion—he did it on the basis of unsubstantiated assertions by counsel to the parties involved. And who was that counsel? The Warner Lambert Co. was represented by none other than the law firm of Mudge, Rose, Guthrie—formerly the law firm of the President and the Attorney General.

I am not going to go into a detailed refutation of the reasons given by Mr. Kleindienst in his referring the Warner Lambert matter to the Federal Trade Commission rather than approving a Justice Department lawsuit to block or undo the merger. In his testimony that I just read the nominee submitted that one of his three reasons—what he was told by a Parke, Davis representative—was totally false and was later repudiated by the company itself. The other two reasons, suffice it to say, were equally weak.

Since Mr. Kleindienst had gone into such detail on his conversation with the Attorney General on the Warner Lambert case, we asked Mr. Mitchell for his recollection. I quoted from the nominee's statement and continued the questioning. I will read here from the transcript:

> Senator KENNEDY. Can you tell us why this matter would come to your desk at all or how you were able to become so familiar with that case if you had disqualified yourself?
>
> Mr. MITCHELL. Senator, I have no recollection at all.

He was referring to the telephone call to Mr. Kleindienst here.

Continuing to read from the transcript:

> . . . I am certain if the telephone call took place that it wasn't with respect to the details involved. The time elements might have been furnished to me by somebody like my executive assistant. I have no recollection, no reason why I should.
>
> Question. You don't remember talking to Mr. Kleindienst about this case in the kind of detail that Mr. Kleindienst——
>
> Mr. MITCHELL. Quite to the contrary. I don't know much about the case and still don't. It is quite conceivable that based on the information that my executive assistant would give me that I would call Mr. Kleindienst and ask him to come back for that purpose but I have no recollection of it. What year was it, Senator?
>
> Question. 1970.
>
> Mr. MITCHELL. I am sure I talked to Mr. Kleindienst many, many times about many, many things and I certainly wouldn't remember the details of a conversation like that.
>
> Question. You wouldn't have this kind of information, obviously——
>
> Mr. MITCHELL. No, sir.

So with Mr. Mitchell's testimony appearing to be in direct contradiction with that of Mr. Kleindienst, we are left again with an unresolved conflict surrounding the nominee's handling of the one other antitrust case for which he was responsible outside of the ITT cases.

In fact the case was referred by Justice to the Federal Trade Commission—a move admitted by all concerned to be completely unprecedented. The FTC has brought a lengthy complaint to undo the merger, but unfortunately Commission procedures are such that it will take years before any resolution can be reached—quite a different situation than if Justice had sued directly before the merger was consummated.

Why would Mr. Kleindienst want the Warner Lambert merger to go through? Did his boss' old law firm have that much influence? Or was it because the honorary chairman of Warner Lambert, Mr. Elmer Bobst, also happened to be a good and close personal friend of the President of the United States? To see what Mr. Bobst said about the situation, we can turn to the National Journal of January 22, 1972. In an article entitled "President's Inner Circle of Friends Serves as Influential 'Kitchen Cabinet,'" the National Journal reported:

> The closeness of Bobst and the White House prompted speculation early in the Administration that favoritism may have been involved when the Justice Department ruled against invoking antitrust proceedings against Warner-Lambert in its takeover of the Parke, Davis & Co. pharmaceutical firm.
>
> *McLaren overruled*—Richard W. McLaren, head of the department's Antitrust Division, favored taking action but was overruled by Deputy Attorney General Richard G. Kleindienst. Attorney General Mitchell excused himself from the case because of his former association with the Mudge, Rose law firm, which was representing Warner-Lambert.
>
> At the direction of Kleindienst, the issue was turned over to the Federal Trade Commission.
>
> "I never opened my mouth to the President about the case," Bobst said. "I did talk to other people in the White House about it, though."

So there are four major antitrust cases in which Mr. Kleindienst had some participation or involvement by his own admission. In the three ITT cases we saw a strong effort on the part of Mr. McLaren, who was charged with antitrust responsibility and who was driving for 2½ years to have that antitrust policy—as expressed by the ITT cases approved by the Supreme Court—abruptly halted and a settlement favorable to ITT reached. And in the course of those hearings we found that, quite the contrary to what Mr. Kleindienst wrote Chairman O'Brien, that he, in fact, handled and negotiated the settlement of these cases.

We found during the course of our hearings that he was very much involved in a very intimate way with the case.

When we examined the other case in which he was involved, the Warner Lambert case, we found once again the recommendation made by Mr. McLaren was turned around and the unprecedented move taken of turning that case back to the Federal Trade Commission contrary to the recommendations of Mr. McLaren. And we have one of the principal figures in that case, the Warner Lambert case, Mr. Bobst, indicating that he did go to the White House and did talk to White House aides about it. This is a legitimate concern for the Members of the Senate.

So the White House, according to Bobst, was involved in this one also. Who in the White House was involved?

A Washington Post article published on January 29, 1972, written by Morton Mintz, entitled "Nixon Friend Reveals Talks on Drug Firms," based on the National Journal reporter's 5-hour interview with Mr. Bobst, discussed the National Journal piece and continued:

> The article did not amplify Bobst's knowledge of the "merits" of the acquisition, in which Mudge, Rose represented Warner-Lambert. The Federal Trade Commission, to which Kleindienst agreed to refer the merger after the Justice Department abandoned it, now is seeking to dissolve the merger.
>
> Sometime after that, Bobst said during a five-hour interview, White House aide Peter M. Flanigan "received and interviewed" FTC Chairman Miles W. Kirkpatrick and Republican members of the regulatory agency.
>
> The purpose was to discuss the Warner-Lambert case."

So again the name of our friend Mr. Flanigan appears in conjunction with alleged impropriety in the handling of an antitrust case for which the nominee was responsible. This is certainly an area which the Judiciary Committee should have the opportunity to question Mr. Flanigan about before we close the books on this nomination. Yet we did not have that opportunity when Mr. Flanigan appeared before the Judiciary Committee.

Reviewing the facts and cast of characters for a moment in the Warner Lambert case, we find—

First. Judge McLaren strongly recommending an antitrust action against a company that he believes to be clearly violating Federal law by merging with another company.

Second. Attorney General Mitchell excusing himself because his law firm represents the prospective defendant.

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Third. Mr. Kleindienst taking over responsibility of the case.

Fourth. A chief executive officer of the company and close friend of the President making contact with the White House.

Fifth. Mr. Peter Flanigan named as going to bat in behalf of the company.

Sixth. The Justice Department deciding not to file suit against the company.

Mr. President, admittedly all of the facts surrounding this matter are not known yet. But the appearance of impropriety runs high, and taken along with the ITT cases the pattern seems unmistakable, adding one more cloud over the nominee's head.

EXECUTIVE PRIVILEGE

There is one other area I might review very briefly. I mentioned it the other day in my comments on the floor. That concerns the abuse by the administration of the executive privilege with respect to the Judiciary Committee's requests for information.

Executive privilege is the only basis for refusing to cooperate with congressional committees. President Nixon himself has said so. Mr. President, I would like to read the President's directive to all the departments and agencies on March 24, 1969.

It reads as follows:

THE WHITE HOUSE,
Washington, March 24, 1969.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Establishing a procedure to govern compliance with Congressional demands for information.

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocations of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

That is what the President's memorandum says—

Executive privilege will not be used without specific Presidential approval.

As a matter of fact, when William Rehnquist was the Attorney General's official lawyer—he was in charge of the Office of Legal Counsel in the Justice Department—he specifically acknowledged that executive privilege was the only basis for refusing congressional requests for information under the terms of President Nixon's directive that I just read.

Here is what Mr. Rehnquist said when he testified before Senator ERVIN's Subcommittee on the Separation of Powers last August. The testimony appears on pages 440 and 441 of Senator ERVIN's hearings.

Senator ERVIN. I think Counsel has some questions.

Mr. EDMISTEN. Mr. Rehnquist, I am sure that you are very familiar with the President's memorandum issued to the executive departments and agencies, in which he specifically states that executive privilege will be invoked only in the most compelling circumstances and only personally by him. That memorandum does not give to any agency any authority whatsoever to devise its own means of refusing information, does it?

Mr. REHNQUIST. You mean short of a presidential——

Mr. EDMISTEN. Yes.

Mr. REHNQUIST. No. Let me add, Mr. Edmisten, that requests for information are never or virtually never addressed to the President himself. I think the President expects the responsible heads of the agencies to whom such requests are addressed to make some sort of a tentative determination as to whether some of the information requested might warrant a claim of executive privilege. And during the course of discussions or negotiations between congressional staff members and agency staff members, certainly it is not inappropriate. I think, for the executive people to say if you insist on that, then we will have to go through the procedure for presenting a claim for executive privilege to the President. But that is not the same thing as claiming the privilege.

Mr. EDMISTEN. But under the plain wording of this memorandum, there is no authority for any executive agency or department to refuse outright to give Congress information?

Mr. REHNQUIST. No.

Mr. EDMISTEN. No agency or department is authorized to say no, you shall not have it?

Mr. REHNQUIST. No.

And yet during the recent Judiciary Committee hearings—despite President Nixon's directive, and despite the interpretation that had been placed upon that directive by the Attorney General's lawyer—here is one of our exchanges with the nominee on the subject, which appears on pages 3005–3006.

Q. Well, the reports Justice sent to the White House on antitrust policy; we understand there was at least one. Why wouldn't that be made available?

Mr. KLEINDIENST. It might be on the same basis, Senator.

Q. Well, can we get the basis once more just so we have got that in the record and so we can tell the members of the Senate what the basis is?

Mr. KLEINDIENST. As of right now, Senator Kennedy, it is my refusal.

Q. Just your refusal based on what?

Mr. KLEINDIENST. As the Acting Attorney General of the United States.

Q. Based on what?

Mr. KLEINDIENST. On my opinion it is not a proper document to give to this committee.

So there it is. That is the basis upon which a committee of the Congress was, time and time again, denied extremely relevant and pertinent information.

The nominee's own personal opinion that the committee should not have it.

No executive privilege claimed, no compliance with the President's order, complete rejection of the Rhenquist position—the same William Rhenquist in whom this administration had so much confidence that they put him on the Supreme Court of the United States. Instead, we had just the nominee's own personal opinion that we should not have the information; just the personal opinion of the one person who should have believed he had more to gain by extending his Department's full cooperation to the committee.

That is the kind of theory that was employed to refuse us so much important information: the ITT settlement file, the information about the interagency committee, the factual basis for "clearing" U.S. Attorney Harry Steward of any "wrongdoing," and all the other items that are listed on pages 118 and 119 of our report.

Mr. President, this is just one more subject I thought was important to bring to the attention of the Senate.

I yield the floor.

Mr. BAYH. Mr. President, as accurately pointed out on Monday by the distinguished minority leader, on March 27, when Mr. Kleindienst appeared before the Judiciary Committee on the last day of the hearings into his qualification and fitness to be Attorney General of the United States, I raised the matter of Mr. Kleindienst's conduct in the case of Robert Carson. Mr. Carson, a former administrative assistant to one of our colleagues, had—according to sworn statements of Mr. Kleindienst's—offered to procure a $50,000 to $100,000 contribution to President Nixon's reelection campaign if Mr. Kleindienst would fix a criminal case for a friend of Mr. Carson's. Mr. Kleindienst stated under oath that he did not think that was a bribe offer, and that he did not report the offer until after he found out—1 week after the offer was made—that Mr. Carson was under FBI investigation, including an imminent electronic surveillance. Only then—1 week later—did Mr. Kleindienst report the offer to Attorney General Mitchell—and only after he learned of the FBI investigation of Mr. Carson did he regard Mr. Carson's offer of a week earlier as having been a bribe offer.

The distinguished minority leader did not seek to defend or explain Mr. Kleindienst's curious conduct in that case. Instead he chose to question why it was that the Carson matter had not been brought up at some earlier time. He said, in his remarks on Monday:

During the last hour of the last day of 24 days of hearings on this nomination, one member of the Judiciary Committee introduced an entirely new issue which had been utterly ignored by him and the other opponents since the President nominated Mr. Kleindienst on February 15. The new issue involved the Carson case, which is now on appeal and at the trial of which Mr. Kleindienst appeared as a witness.

Mr. Kleindienst's opponents insist that the nominee is not fit to be Attorney General on the basis of facts in the Carson case they were all aware of long before the nomination was submitted to the Senate. Incredible as it may seem, the same Senators voted on February 24 to report Mr. Kleindienst's nomination favorably, even though they knew on the last day of hearings when the issue first came up. I say this is incredible. The same Senators who refused to bring up the issue during the hearings before the first committee vote on February 24 and who voted to report the nominee, now rise on this floor in apparent outrage and indignation. We hear expressions such as "obviously improper" "clearly recognizable," and "easily recognizable." If it is so obivous, why did we wait so long to hear about it? If it is disqualifying now, why was it not disqualifying on February 24? I suggest that the attempt to provide answers to those questions by the Senator who first raised the Carson issue are entirely unsatisfactory.

In my remarks last Friday, I said that it would probably make more sense if Senators spent more time discussing the issues and less time speculating and making allegations about other Senators' motives. But such apparently is not to be the case with regard to the Carson case and the distinguished minority leader. Apparently it is more relevant to the nomination of Mr. Kleindienst—according to the distinguished minority leader—that the Senate find out why certain questions were asked when they were asked, than it is to find out the answers to those questions. Frankly, I do not think that is the issue at all.

But since the issue was raised, let me reply briefly to his inquiry. It is quite clear that Mr. Kleindienst's conduct in the Carson case raises the most serious questions regarding his fitness and qualification to be Attorney General of the United States. These questions were as serious in February as they are now in June. But, as I stated, rather clearly, last Friday:

I was reluctant to get involved in pursuing this matter, because the man who was convicted of perjury and offering of the bribes had previously been the employee of one of our colleagues. I do not think anyone can for a moment suggest that this colleague, who shall remain unnamed here, knew anything about his actions or was implicated in any way, shape, or form. But because of this past relationship, the Senator from Indiana has been reluctant throughout the hearings to get involved in the matter.

I thought about it, and was persuaded not to pursue it.

I felt, at the time of the original hearings back in February, that Mr. Kleindienst was entitled to the benefit of the doubt—no other allegations of wrongdoing having been made by anyone, or any allegations of poor judgment.

However, Mr. Kleindienst then requested a new set of hearings into his nomination, in order to reply to charges of misconduct and questionable judgment.

That he did so is to his credit, for he did not wish to assume the extremely important office of Attorney General with a cloud of suspicion hovering over his appointment to that position.

As those hearings went on, however, it became clear to me that rather than dispell that cloud, the evidence being brought out was only making it more threatening. And troublesome questions about Mr. Kleindienst's judgment were being raised. Not only were these questions being raised—and not satisfactorily answered—with regard to the ITT and Warner Lambert antitrust cases, but these questions of judgment became especially acute in the case of Harry Steward, where Mr. Kleindienst issued a press release clearing Steward of all misconduct despite the fact that the Justice Department investigators who had looked into Mr. Steward's alleged misconduct had found that he had acted in a "highly improper" manner in quashing a subpena on behalf of his leading political benefactor and sponsor.

At this point I felt that the Carson matter was of special relevance, and had to be raised, even though there might be some possible embarrassment to one of our colleagues—who had no part in Mr. Carson's scheme, and certainly was not implicated in any way in his activities. Since Mr. Kleindienst—who was, after all, the only man who could explain his conduct in that case—did not appear again until the final day of the hearings, that final day was the only opportunity that remained to raise the issue, once the clear necessity of raising the issue had been established by the developments in the previous weeks of hearings.

Perhaps the distinguished minority leader is right—perhaps the matter should have been brought up at an earlier time, for as the distinguished minority leader accurately pointed out, Mr. Kleindienst's conduct was equally disqualifying in February as it is now. But that is surely not the issue. Are we really to be stopped from raising crucial issues in March because we did not first raise them in February? It would seem that arguments like this are made because it is apparent that there is no decent explanation for Mr. Kleindienst's conduct in the Carson case, and rather than just accept that, this gratuitous argument is raised to get around that embarrassing truth. Mr. Kleindienst did not have an explanation, so he concocted a specious legal excuse to cover up his refusal to answer questions about the matter. And the distinguished minority leader apparently can come up with no decent explanation either, so instead he has chosen to throw up a smokescreen of frivolous argument.

I would also point out, for the record, that all three Senators who joined in debate on this subject last Friday agreed that the offer that Mr. Kleindienst did not recognize and did not report as a bribe offer was easily recognized as such a bribe offer. And two of those Senators were supporters of Mr. Kleindienst. So this is not some trumped up issue raised at the last minute—it is an extremely serious question of the man's judgment.

I would also like to reply briefly to a point raised in debate last Friday by my good friend, the Senator from Nebraska, who has been so ably defending the nominee for the last few days. This is in regard to Mr. Kleindienst's refusal to answer any questions at all about the Carson case. Mr. Kleindienst made the argument that: he would not answer any questions about the matter because—

I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

Last Friday, instead of quibbling about when the matter was first raised, Senator HRUSKA and I engaged in lengthy and thorough debate on this matter of Mr. Kleindienst's conduct in the Carson case and his refusal to answer questions about the matter. The Senator from Nebraska cited, in support of Mr. Kleindienst's refusal to answer questions about the matter, certain American Bar Association disciplinary rules regarding extrajudicial statements by attorneys. Now it is quite clear upon examination of those rules that they simply do not cover the case, and even if they did, the rules themselves contain an exception which would, in fact, specifically allow Mr. Kleindienst to answer the questions which I would have liked to put to him. The rules cited by Senator HRUSKA are as follows:

DISCIPLINARY RULE 7–107

(B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that related to:

(1) the character, reputation, or prior criminal record of the accused.

• • • • •

(6) any opinion as to the guilt or innocence of the accused, the evidence or the merits of the case.

(D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.

(E) After the completion of a trial or disposition without a trial of a criminal matter and prior to the imposition of sentence a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement

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that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

(I) The foregoing provisions of DR 7-107 do not preclude a lawyer from replying to charges or misconduct publicly made against him or from participating in the proceedings of legislature, administrative, or other investigative bodies.

It should be immediately apparent that these rules do not excuse Mr. Kleindienst from testifying about the Carson case at all. Section E comes the closest to being at all relevant. But it states—and I do not think one has to be a strict constructionist to agree to its limited applicability—that post trial statements about a case are improper where such statements would be "reasonably likely to affect the imposition of sentence."

Now how can that apply to the Carson case? Carson has already been sentenced, and his appeal argued. So the section is absolutely not on point.

But even if it were—for the sake of argument—at all relevant, section I of the rule expressly creates an exception for just such a situation such as the one in which Mr. Kleindienst found himself before the Judiciary Committee on March 27, when he was asked about his conduct with respect to the Carson case. Section I states that the rule does "not preclude a lawyer from replying to charges of misconduct publicly made against him or from participating in the proceedings of legislative, administrative, or other investigative bodies."

Mr. Kleindienst was both appearing before an investigative, legislative body, and replying to publicly made charges of misconduct. What situation could be more on point?

So why did he refuse to answer the questions? He had no good legal reason. I have to suggest again, as I did on last Friday, that Mr. Kleindienst's meager excuse was just a crutch used to try to explain away an embarrassing situation for which there was no decent explanation. This man, who would be Attorney General of the United States, with vast power and influence over all the citizens of this Nation, refuses to answer questions going directly to his fitness for that responsibility, and the Senate of the United States is called upon to stamp its approval in his unjustifiable refusal to tell us just why he behaved the way he did in this crucial matter. Such advise and consent would be neither good advice, nor informed consent.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes—all of which will be as in legislative session—at the conclusion of which the Senate resume its consideration, in executive session, of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY AND FOR CONSIDERATION OF AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that on Monday next, following recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILL TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961 (S. 3390) TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of business tomorrow the Chair lay before the Senate, to be the pending business, S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to Senate Resolution 299—concerning which an agreement already has been entered into—time on any amendment to that resolution, debatable motion or appeal be limited to 30 minutes, the time to be equally divided and controlled by the mover of such and the author of the bill, the Senator from New York (Mr. JAVITS), except in an instance in which the author of the bill (Mr. JAVITS) might support such amendment, debatable motion, or appeal, in which case the time in opposition thereto be under control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished assistant majority leader, what the program is for the rest of the week and the first part of next week. I know there are a number of votes being planned, and I would like Senators to be on notice.

The PRESIDING OFFICER. The Senate will be in order, so that the Senators can be heard.

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session.

Following morning business, there will be a resumption of the consideration of the nomination of Mr. Kleindienst, and beginning no later than 1 p.m., time for the debate thereon will be controlled. A rollcall vote will occur at 4 p.m. on the motion to refer the nomination back to commitee, and, if that motion fails, immediately thereafter there will be a rollcall vote on the confirmation of the nomination of Mr. Kleindienst.

Immediately following that rollcall vote, there will be a rollcall vote on the nomination of Mr. Shultz for the office of Secretary of the Treasury. Immediately after that rollcall vote, there will be debate, under a 1-hour limitation, on a bill on the calendar, S. 722, and there will be a vote on passage of that bill. The able junior Senator from Wisconsin (Mr. NELSON) will be in charge of the time on this side of the aisle, and he has indicated that there will be a rollcall vote.

Mr. SCOTT. It is a resolution; is it not?

Mr. ROBERT C. BYRD. It is S. 722, a bill to declare that certain federally owned land be held by the United States in trust.

Mr. SCOTT. All right.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. In addition to the rollcall votes that I have enumerated, it is quite possible that, if it is agreeable to all sides, during the day between the hours of 10:30 a.m. and 1 p.m., other measures on which a time limitation agreement has been entered into could be called up and could, of course, necessitate rollcall votes. But barring that, the first rollcall vote would occur at 4 p.m. tomorrow.

In further answer to the query by the distinguished Republican leader, the state of the calendar will be such that there will be no session on Friday. It is hoped on the part of the leadership that committees will take advantage of the opportunity to conduct uninterrupted sessions, so that "must" legislation can be prepared for future floor action.

On Monday following routine morning business, the Senate will take up the bill to amend the Foreign Assistance Act of 1961, S. 3390, and at the hour of 2:30 p.m. on Monday, there will begin a procession of rollcall votes back-to-back on three treaties, Calendar Order Nos. 20, 21, and 22 on the Executive Calendar. Following those three rollcall votes on Monday, the Senate will resume its consideration of the Foreign Assistance Act. On Tuesday afternoon, beginning at 3 o'clock, there will be three rollcall votes, back-to-back, beginning with Calendar Order No. 23 on the Executive Calendar, and including Calendar Order Nos. 24 and 25. There may be other rollcall votes on Tuesday.

One further thing, Mr. President. It is the intention of the leadership next week, possibly beginning with Tuesday, to operate on a two-track system if necessary and where possible, with the Foreign Assistance Act being the main track. There is also a possibility of Saturday sessions from next week onward.

Mr. SCOTT. Mr. President, one further question. Following the rollcall vote on the confirmation of Mr. Shultz as Secretary of the Treasury, there appear also on the Executive Calendar nominations for Deputy Secretary of the Treasury, Under Secretary of the Treasury, Assistant Secretary of the Treasury, and an Assistant General Counsel in the Treasury Department who is to be Chief Counsel for the Internal Revenue Service. I would assume it is the intention to take those up also, following the vote on the Secretary of the Treasury. I know of no delay that has been requested on any of those nominations.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican leader is correct; they will be taken up. I do not anticipate rollcall votes thereon.

The distinguished majority leader has just reminded me that we had indicated there would be a rollcall vote on the Shultz nomination. I, therefore, ask unanimous consent that it be in order at this time to order the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thereupon ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. SCOTT. Have the yeas and nays been requested on the motion to recommit the Kleindienst nomination and, if that should fail, the vote to confirm the nomination?

Mr. ROBERT C. BYRD. That is my understanding. I ask the Chair for confirmation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I now ask for the yeas and nays on S. 722, and on Executive Calendar Nos. 22, 23, 24, and 25.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader.

Mr. SCOTT. I thank the distinguished assistant majority leader, and I yield back my time.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:27 p.m., the Senate adjourned in executive session until tomorrow, Thursday, June 8, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1972:

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith, 545-28-8317FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, 326-05-4359, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, 246-20-1593, Army of the United States (major, U.S. Army).

Col. John Winn McEnery, 520-44-2282, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, 229-28-1369, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, 266-30-0303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Elvind Herbert Johansen, 569-20-6835), Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, 527-16-0447, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, 475-20-0596, United States Army.

Col. Lee Ell Surut, 081-32-6261, Army of the United States (lieutenant colonel, U.S. Army).

Col Richard Joseph Tallman, 198-14-1783, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Mauer, 298-12-3716, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, 429-46-6995, Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, 346-18-2472, Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., 197-14-1624, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, 462-34-5604, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., 308-24-1286, Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, 534-38-6899, U.S. Army.

Col. George Macon Shuffer, Jr., 460-64-3564, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, 336-14-7464, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., 191-20-6333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, 340-16-0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, 233-34-8814, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, 509-26-9886, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, 227-20-0740, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, 263-60-2965, Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, 356-16-9650, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, 425-44-0179, Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., 514-40-, Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, 241-32-2474, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, 218-24-2299, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, 447-24-2833, Army of the United States (major, U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., 460-64-4253, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, 028-18-9333, United States Army Reserve.

Col. John Carter Faith, 346-18-0189, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, 012-22-3429, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly, 510-22-9173, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, 081-32-6760, Army of the United States (major, U.S. Army).

Col. Wilfrid King Grover Smith, 433-58-2185, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, 036-26-5540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, 409-30-3190, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., 081-32-6626, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, 364-26-3704, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, 294-22-6931, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, 346-22-8288, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, 371-14-9446, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, 017-20-0149, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, 280-20-0506, Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, 538-16-5091, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, 186-18-7133, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, 003-16-3544,

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Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, 559–24–2325, Army of the United States (lieutenant colonel U.S. Army).

Col. Willard Latham, 464–22–0730, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, 466–60–3313, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, 457–30–8222, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, 240–28–5658, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, 485–03–9614, United States Army.

Col. Lloyd Joseph Faul, 433–40–2296, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones 561–54–8201, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Fix III, 136–32–3557, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Wesley Currier, 497–24–0625, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, 484–16–2355, U.S. Army.

Col. Paul Traylor Smith, 430–48–8214, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Jr., 072–18–9345, Army of the United States (lieutenant colonel U.S. Army).

IN THE NAVY

The following-named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Paul C. Huelsenbeck Chester C. Hosmer
Ira D. Putnam Samuel W. Van Court

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

IN THE MARINE CORPS

Lt. Gen. William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be colonel (medical)

Schmidt, Clayton H., 504–26–3279.

To be captain (medical)

Peacock, George H., 525–82–6280.

To be captain (dental)

Daehlin, Douglas R., 517–48–2220.
Dettmann, Darryl D., 535–36–5110.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Aitken, Gordon J., 368–50–5334.
Akins, Jerry G., 492–52–2947.
Alford, Robert T., 418–60–1633.
Allen, Guy V., Jr., 449–74–3451.
Anderson, Perry L., 247–74–9643.
Anderson, Philip J., 366–42–2756.
Auffert, Edward L., 499–46–5567.
Barbi, Kenneth W., 073–36–4144.
Barnes, Larry A., 373–36–7037.
Barr, Roger B., 481–56–6437.
Baumgart, John R., 471–50–3932.
Baynes, Larry A., 239–72–8114.
Beach, Allen B., 329–32–4559.
Beck, Carolyn R. T., 266–68–4316.
Beck, William R., 226–60–8948.
Berkshire, Walker E., Jr., 550–52–7317.
Birmingham, Donald D., 262–62–0939.
Bishop, Robert G., III, 040–36–3198.
Bittner, Robert J., 352–36–8386.
Boland, Thomas J., 545–66–1686.
Bonebrake, Galen D., 186–34–0779.
Bonne, Kenneth A., 103–36–0596.
Bornstein, Robert M., 571–68–8972.
Bourne, Carol D., 449–78–5744.
Boyd, David J., 542–44–4267.
Boyle, Allan E., 265–80–0062.
Bretschneider, Roland W. P., 212–46–4181.
Brown, Robert P., 393–46–6279.
Brown, Thomas J., 543–50–2890.
Burk, Larry L., 463–70–5717.
Burns, Ralph S., 543–52–2975.
Butkovich, Albert N., 116–30–8979.
Callaway, Michael R., 564–62–1661.
Capparossa, Benjamin, 119–34–1901.
Carpenter, Margaret J., 406–62–6482.
Carter, Percy M., 440–34–4787.
Castello, Dale A., 279–38–0733.
Castine, Michael L., 574–14–6203.
Castle, Ronald C., 459–74–4750.
Christiansen, Lynn A., 485–46–3447.
Clay, Sherwood A., 421–64–4404.
Cleveland, Grover, Jr., 427–84–6748.
Cleyrat, Daniel A., 243–74–3351.
Coburn, Dick E., 524–54–5818.
Cochoy, Robert E., 300–36–9414.
Cochran, Robert W., 283–32–7699.
Cogswell, Brent E., 526–62–2471.
Coleman, John W., 264–44–7518.
Cork, Thomas R., 316–46–0881.
Corwin, Arthur J., 090–36–9860.
Cowan, Jay G., 262–66–7493.
Craig, Robert G., 321–32–5210.
Craig, William B., 250–78–5654.
Csuy, Trennace G., 201–38–5728.
Cundiff, Robert D., Jr., 315–50–5857.
Curtis, William C., 585–22–1407.
Davis, Francis J., Jr., 016–34–9593.
DeCarlo, Juan J., 458–66–2026.
DeLagarza, Carlos A., 457–70–4549.
Devine, Jon P., 034–32–9125.
Dietzel, Ronald K., 212–48–7580.
Dionne, Ronald R., 003–34–3396.
Dodge, Frederick J., 438–64–4877.
Doyle, Thomas A., 309–46–3113.
Duelfer, Rudolph F., III, 436–66–6135.
Duncan, John C., Jr., 156–30–8103.
Dunn, Robert W., 454–72–4768.
Durant, Earl, 245–74–5538.
Durham, Richard, 550–58–3477.
Dye, Scott M., 585–16–9172.
Eagan, Dennis F., 238–70–2380.
Eager, Richard A., 469–38–8221.
Eberts, Randy D., 328–40–0122.
Edenfield, John N., Jr., 230–58–9502.
Edge, James F., 455–52–7588.
Egelston, Thomas G., 133–36–4279.
Ellis, Richard R., 443–44–8229.
Erwin, James S., 463–70–2026.
Fergus, John H., Jr., 201–36–8436.
Fernandez, Juan D., 458–72–4396.
Flene, Bruce, 357–34–9525.
Fisher, John C., 280–42–7329.
Fjeld, Gary J., 502–50–8290.
Fletcher, George J., Jr., 327–36–8168.
Forbes, Robert E., 120–32–7910.
Foss, Thomas P., 266–80–8352.
Fowler, James D., 452–56–1819.
Fox, Daniel B., 351–38–2446.
Fravel, Ralph P., 568–64–7588.
Freiburger, Robert J., 367–46–4401.
Fries, Robert G., 274–34–2940.
Galanos, Chris S., 458–70–4013.
Garbin, David A., 041–36–6586.
Gelth, James W., 091–36–6041.
George, William M., 273–42–1363.
Giedras, Peter W., 474–50–6170.
Gilbert, John A., 279–44–4850.
Glover, William L., 233–64–0267.
Goeller, Craig J., 169–36–5663.
Gookins, Carl E., 316–44–8613.
Griffin, Merrill D., 431–78–1714.
Grzymajlo, Richard J., 351–38–4405.
Guirreri, Joseph A., 158–36–9021.
Hackleman, Ferris J., 307–50–3304.
Hadley, Tee R., III, 262–68–8955.
Halnes, Dennis G., 505–56–8791.
Hales, William D., Jr., 458–78–3695.
Hall, Charles F., 236–54–3240.
Hammond, Glenn B., 229–64–5978.
Hanlon, Robert C., 223–64–1936.
Hannigan, Joseph C., Jr., 522–58–8065.
Hansen, Wayne N., 331–40–2614.
Harrelson, Rick, 184–38–8156.
Harsha, Truman, III, 521–60–7853.
Hart, Carl D., Jr., 430–82–5944.
Hart, John F., 313–44–4680.
Haslam, Robert T., III, 135–38–6347.
Haynes, Kenneth W., 256–60–1093.
Hearn, Vern C., 312–46–8700.
Heefner, Barton L., 032–34–7084.
Helman, Virgil G., Jr., 453–72–9671.
Henning, Elaine R., 555–58–9556.
Henry, Gary G., 533–36–8762.
Herron, Jack C., Jr., 441–40–1653.
Highley, James R., 520–48–7170.
Hogan, Patrick M., 469–50–6650.
Holmes, Burton K., 578–44–3468.
Hood, Dennis, 166–38–5551.
Hudkins, John W., 565–62–3539.
Huey, Joel L., 496–52–7549.
Hughes, Benjamin C., 266–62–0213.
Hutchison, Keith D., 350–36–5413.
Jacobs, Robert H., 295–42–5521.
James, John B., II, 541–52–7660.
Janssen, Don W., 506–60–4843.
Jenkins, Charles G., Jr., 408–74–9170.
Johnson, Larry R., 480–54–4678.
Johnson, Robert A., 360–32–6288.
Johnson, Robert M. L., 386–42–1615.
Johnson, Russell H., 050–38–7533.
Johnson, William R., II, 521–56–8635.
Jones, Charlie E., 447–46–2628.
Jones, Eric L., 272–40–7181.
Jordan, James P., 090–34–7054.
Junck, Rodger N., 479–62–3354.
Kalinowski, Leonard E., Jr., 348–36–3615.
Keady, Joseph F., Jr., 016–34–2274.
Kehres, John W., 138–26–9624.
Kelkenberg, Kelvin J., 131–34–0526.
Key, Fred W., 248–74–4131.
Klovstad, Donald W., 453–70–7162.
Koehler, James W., 568–62–0010.
Koenig, George G., 082–34–0986.
Krejci, Robert H., 478–48–5477.
Krulic, James J., 497–48–0964.
Kueper, Vincent J., 479–56–9070.
Kunkle, Robert J., 569–58–3816.
Kuratko, Louis G., Jr., 461–76–7263.
Lafferty, James W., 374–46–3653.
Laird, Michael J., 509–50–8151.
Landis, Dale L., 316–42–9423.
Lanier, Laurie T., 262–62–5599.
Laughlin, William T., 033–32–2465.
Launey, Allison J. P., 438–70–5280.
Lenz, John O., 395–44–9924.
Leveille, Brent B., 047–36–3244.
Lindstrom, Jon C., 549–70–3285.
Linhard, Robert E., 092–40–9216.
Lockie, Douglas G., 516–56–6763.
Long, James P., 464–72–6512.
Lord, Lance W., 413–66–1026.
Lowe, Robert N., 041–38–2834.
Lucas, Ben A., 511–46–8733.

Lukasik, Stephen M., 123–38–9257.
Lustrea, John L., 505–64–2830.
Lynch, Franklin E., 510–46–9421.
Mansell, John A., 424–58–9625.
Marks, Jacky R., 429–72–8328.
Marquis, Calvin F., 004–30–8949.
Marshall, Bruce E., 526–74–1282.
Mason, Willard L., 126–30–8444.
Mathias, Darryll A., 346–36–4892.
Matthews, Thomas W., 423–62–9376.
Mayeux, Robert P., 484–64–3330.
Mayfield, James R., 428–92–8091.
McBride, Richard W., 267–66–6102.
McCanless, William V., 240–72–1727.
McCardle, Darrell W., 436–74–3330.
McCommon, Leonard V., Jr., 444–44–7739.
McDonald, John D., 527–58–1672.
McInnis, Helene L., 362–56–5425.
McKee, Thomas B., 419–44–9618.
McLaughlin, Kenneth B., 263–80–1278.
McSwain, Thomas C., Jr., 226–58–0759.
McWhorter, Ted A., 453–80–3212.
Midtbo, Richard D., 428–96–4724.
Miller, Craig S., 460–74–3187.
Miller, John R., Jr., 512–44–1687.
Mitchell, Ocie L., Jr., 437–64–4344.
Morris, John L., 433–76–3663.
Moss, Howard R., 438–62–7935.
Motley, Alvin, 371–32–1512.
Mozingo, Lloyd M., 246–52–1516.
Munlz, Edelmiro, 454–72–2429.
Newcom, Darwin K., 484–48–1000.
Nicastri, Edward D., 124–38–1976.
Nozaki, Kenneth Y., 565–64–9352.
Palmer, William A., 527–78–8496.
Palmetier, Charles M., 545–68–0686.
Pelak, Andrew J., Jr., 148–38–7135.
Perigo, Gary C., 529–62–9573.
Perkins, William W., 3184–40–9536.
Perry, Philip R., 105–38–6997.
Peterson, Kenneth A., 343–36–2781.
Peterson, North A., 050–36–3773.
Pineda, Pete P., 449–58–7772.
Poindexter, Jeffry A., 490–50–0679.
Porubski, John S., Jr., 137–40–6653.
Prismon, Carol E., 552–74–4124.
Radzykewycz, Dan T., 215–40–2151.
Rainey, Hal L., 409–70–8965.
Ramfia, Jeffrey A., 575–48–4645.
Rasch, Ronald H., 121–32–0443.
Rathgeber, William A., 585–28–3609.
Reaves, Charles R., 463–60–7479.
Revere, Michael F., 219–48–9072.
Rice, Robert L., 172–36–3868.
Richards, David F., 128–36–4986.
Riley, Daniel R., 540–54–3787.
Robinson, Carl C., 579–62–8788.
Robinson, Richard L., 458–68–7237.
Rogers, Douglas G., 369–50–1635.
Rogge, Thomas K., 515–42–9339.
Rosengren, Paul L., Jr., 264–72–8465.
Rouell, Ira E., 442–36–9858.
Saltzman, Arnold L., 208–34–1236.
Sampson, James G., 364–46–2185.
Sanders, Joseph E., Jr., 434–64–9011.
Saracco, Don, 335–36–6843.
Savage, Sallie A., 158–38–1412.
Scanlan, Thomas J., Jr., 585–20–6426.
Schaefer, Daniel A., 285–46–8410.
Schaff, Jonathan E., 557–66–3388.
Schonenberg, Paul M., 077–38–5646.
Schubert, Charles W., Jr., 465–66–7609.
Schulmeister, Glenn, 466–76–1418.
Schwebach, Gerhard H., 503–52–4237.
Schwingendorf, Charles O., 304–42–5060.
Scott, James H., 255–56–6661.
Searles, Donald G., 020–36–6701.
Seeley, Edgar G., III, 262–72–3450.
Shelton, Barry A., 142–36–4879.
Sipka, Milan D., 276–40–6181.
Slagle, Christine F., 265–86–3040.
Slivka, John A., 069–38–8250.
Small, Lester L., 030–34–2129.
Smith, Stephen A., 571–72–9174.
Standage, William N., 527–62–5443.
Stanton, John R., 579–46–3028.
Stelling, Jimmie D., 452–46–1039.
Stonge, John V., Jr., 121–38–9581.
Stovall, Thomas B., Jr., 439–68–0313.
Stowell, Philip G., 249–78–7487.
Sutter, Joseph E., 264–78–9913.
Sutton, Bret J., 375–48–1161.
Swaim, Samuel J., Jr., 512–30–8989.
Swain, Paul A., 362–44–7363.
Swanick, David R., Jr., 089–38–5034.
Synchak Roman, 295–48–2063.
Szczepanski, Kenneth N., 059–36–0159.
Tatus, Ronald P., 369–46–5595.
Thomas, Charles B., 530–20–9095.
Thomas, Jackie R., 570–60–0841.
Thompson, Jack R., Jr., 455–72–6463.
Thompson, John A., 470–56–5111.
Thompson, Robert W., 545–66–5807.
Townsend, William G., 529–58–1649.
Trask, David C., 516–54–7705.
Troutman, Acel B., 545–66–4883.
Turner, Douglas R., 042–38–1557.
Twedt, Gordon H., 501–46–1447.
Valaika, John R., 505–58–6669.
Vandenbosch, Gerald L., 504–44–9275.
Vanornum, Joel V., 537–42–5199.
Vanroyenvisee, Jean A., 135–34–5906.
Villarina, Ricardo, Jr., 563–52–4069.
Vicek, Joseph G., 336–30–3464.
Waddle, David E., 465–74–0850.
Wagner, Thomas G., 001–34–5291.
Waldrop, James H., 282–42–5565.
Walker, John M., 428–92–4175.
Ward, Herbert M., 266–74–0157.
Ward, Jack D., 459–66–8155.
Watanabe, Harry H., 575–42–0400.
Watkinson, Warren B., 511–40–2693.
Westover, Frederick, 382–46–8546.
Wheeler, Gilmer B., 179–38–7046.
Whitsett, James W., 571–64–8953.
Wilhelm, Daniel L., 220–46–6685.
Williams, Everett D., Jr., 472–50–3700.
Williams, Wallace E., 501–42–8567.
Winkelmann, Robert W., 369–46–8954.
Wohlfeld, Stephen L., 310–42–6907.
Woodbury, Roger M., Jr., 012–34–7301.
Woodworth, Richard C., 097–38–4700.
Worrell, Gary D., 359–38–8284.
Woznlak, Michael R., 330–38–2788.
Yama, Rodney N., 575–46–1981.
Yelmgren, Kevin E., 194–34–9196.

To be second lieutenant

Abbott, Ira R., III, 453–72–8682.
Accola, Thomas D., 522–72–7585.
Acton, Thomas D., 313–32–9489.
Adams, James D., 400–48–4556.
Adams, Louis S., 019–38–9401.
Adams, Patrick O., 496–46–9010.
Addy, Ronald G., 585–18–6688.
Ainslie, Robert S., 153–30–2695.
Aja, Joseph G., 009–32–2797.
Akers, Merideth J., 417–58–4049.
Alcorn, James S., 475–52–8647.
Allen, Donald L., III, 192–38–5999.
Almquist, Kenneth C., 568–66–4856.
Amatulli, Ladis W., 067–38–6082.
Ambos, Dale S., 287–46–1576.
Andersen, Theodore E., 149–36–4224.
Anderson, Donald M., 504–50–2081.
Anderson, William A., III, 152–36–1660.
Andrews, Gary J., 327–42–6022.
Andrews, Ralph E., 419–62–1564.
Angelico, John D., 267–60–6195.
Anschuetz, Harold F., Jr., 397–44–6054.
Ard, Robert F., 104–34–8150.
Ashford, Gene M., Jr., 319–38–4236.
Ashton, Warren A., 262–92–6152.
Atkinson, Daniel W., 294–40–0256
Aubin, Robert R., 261–90–3363.
Aucoin, James S., 435–58–2618.
Aucoin, Peter A., 247–30–6947.
Austin, Gary M., 006–46–2384.
Aymond, Thomas W., 438–70–8053.
Babcock, Walter H., 120–34–8967.
Backstrom, Robert C., 534–50–6099.
Bacon, Marion E., 089–40–5159.
Baehr, Kenneth M., 347–36–3817.
Bainter, Elaine A., 480–52–0865.
Baker, Charles W., 343–32–9934.
Baker, Joseph E., 431–70–2215.
Baker, Karen A., 286–40–9212.
Baker, Larry N., 201–38–1847.
Baker, Michael A., 301–38–8403.
Baker, William L., 438–66–6795.
Baker, William L., 273–40–0124.
Ball, Ronnie E., 445–46–4031.
Ballard, Robert H., 537–46–7082.
Baralt, Raymond A., 383–46–5615.
Barker, Raymond H., Jr., 138–38–6496.
Barnes, Carroll T., 500–46–7840.
Barnette, William D., 425–96–9625.
Barrilleaux, Ray J., 433–66–6597.
Barthel, Gerald R., 496–48–0116.
Bartkowski, Michael A., 081–36–9541.
Bartlett, Stephen E., 163–38–7791.
Bates, Walter T., 485–56–3165.
Baxter, Harvey E., 262–72–4490.
Beach, Charles D., 497–50–4715.
Bean, Allan K., 453–76–6635.
Bearce, Douglas L., 330–38–6381.
Beatty, Thomas R., 403–62–0202.
Beck, Charles E., 201–38–6840.
Beckman, Steven C., 330–36–2265.
Bedard, Robert J. C., 016–30–7262.
Beebe, Iria C., 459–70–6952.
Bell, Lee P., Jr., 318–32–9001.
Bence, Christopher, F., Jr., 250–52–4923.
Benedict, William N., II, 510–52–0176.
Bennett, Ronald W., 545–62–3719.
Benson, Dick G., 013–26–1704.
Benson, William H., 136–30–0552.
Berg, James A., 476–50–5121.
Berger, Peter A., 148–38–3620.
Berkey, Robert P., 472–52–1379.
Bernards, Herman W., 544–52–9167.
Bertoldo, Donald R., 564–64–0850.
Bever, James D., 555–72–0469.
Beyer, Charles T., 576–44–2103.
Biggio, Stephen L., III, 439–72–2959.
Bingham, Dennis A., 071–42–9128.
Bird, Stephen E., 517–52–6496.
Bird, Thomas A., 271–42–4536.
Bishop, John R., 262–52–1473.
Bittenbender, Leona C., 206–40–7275.
Bitzer, Richard L., 534–32–8002.
Black, Nathaniel L., Jr., 263–44–9051.
Black, Robert J., 290–40–4231.
Blackburn, Thomas D., Jr., 361–34–4337.
Blom, Raymond, 504–48–1047.
Blum, Norman R., 317–48–6927.
Boe, Gary B., 484–52–6557.
Boerum, Joseph E., Jr., 526–78–2204.
Bohnenstiel, Robert L., Jr., 414–76–6070.
Boltin, Gerald, 208–38–4083.
Bolyard, William T., III, 185–38–9352.
Bone, Terrence E., 259–72–4224.
Bonesteele, Raymond G., 544–50–4496.
Boomhouwer, Jacob, 072–40–8357.
Borkowski, Gloria M., 497–46–3499.
Bosco, Salvatore R., 046–36–3507.
Boyer, Kenneth S., 220–48–6027.
Boyle, James S., 059–40–0503.
Bozeman, Charles L., 460–58–4747.
Braisted, Daniel M., 522–60–7391.
Brandt, Thomas R., 369–44–4991.
Brantley, Billy E., 263–68–8228.
Braswell, Gary J., 225–64–0985.
Brent, Michael J., 491–50–0498.
Brentnall, Gerald J., Jr., 555–78–3979.
Brining, Donald R., 512–44–2176.
Brink, Donald L., 401–60–3138.
Brister, James L., 427–76–7233.
Brittingham, Richard B., 215–44–6427.
Brogdon, Bill D., 456–68–2930.
Brooks, Harry G., II, 353–36–0377.
Brooks, Robert J., 496–50–7438.
Brower, Charles L., 309–52–1181.
Brown, Alan T., 512–46–5664.
Brown, David I., 217–44–8896.
Brown, Keith S., 456–72–6014.
Brown, Lawrence L., 540–52–2433.
Brown, Timothy A., 576–42–6989.
Browning, Ronald G., 262–54–9448.
Broyles, Stephen D., 029–38–2755.
Bruck, Lawrence A., 449–72–0282.
Brumbaugh, James Lee, 478–54–3071.
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Moore, Charles T., 259–76–3900.
Moore, Robert P., 173–38–7983.
Moravek, William D. K., 387–52–7641.
Morgan, Ralph R., 505–50–5993.
Morgan, Robert J., 053–32–7927.
Morris, Anthony A., 247–86–4585.
Morris, Charles R., 460–64–9833.
Morris, Robert C., Jr., 463–76–4373.
Morse, David G., 543–56–6798.
Moss, Charles L., 103–36–0066.
Moss, Richard N., 079–36–8694.
Mullen, Charles D., Jr., 224–46–3800.
Murphy, Daniel L., 511–46–6049.
Murray, Robert B. III, 274–46–0206.
Myers, Thomas M., 301–40–1197.
Nardi, John C., 269–42–1266.
Nardone, Girard F. II, 036–30–9822.
Nault, Charles C., 033–32–2509.
Neary, Thomas H., 519–48–0508.
Negstad, Paul L., 535–42–8621.
Neid, Patrick L., 508–60–0446.
Nelson, Christopher T., 327–40–8147.
Nelson, Kent D., 520–50–1160.
Neri, Patrick J., 225–66–1694.
Neulist, Peter F., 351–40–7581.
Neustrand, Carl B., 570–64–5621.
Newlon, Thomas H., 217–48–9321.
Newman, Daniel L., 454–76–4397.
Newman, Richard A., 537–46–4548.
Newsom, William M., 228–62–5723.
Nielsen, Wade L., 440–44–9739.
Nix, John R., Jr., 224–68–1268.
Noble, Max L., 466–48–8868.
Noel, Bruce A., 231–60–0185.
Nolting, David J., 489–48–6477.
Novakowski, Frank E., 229–66–2197.
Nunn, Tery D., 522–54–1279.
Nuttleman, Robert A., 514–42–7768.
Oguin, Gerald T., 330–34–9878.
Ohlson, Richard J., 047–36–9600.
Oliver, Richard A., 274–32–0252.
O'Neill, Peter P., 043–36–5586.
Orbison, Caroll F., 450–72–6465.
Orenstein, Steven M., 032–34–9348.
Orlando, Robert J., 249–76–5874.
Orr, David L., 411–78–7467.

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OrTgies, Donivan D., 507–34–4832.
Origies, Donivan D., 507–34–4832.
Owens, Raymond W., III, 341–40–5470.
Page, Cedric D., 059–38–0423.
Palfreyman, David L., 529–58–8851.
Pancoast, Edward L., 161–38–0472.
Parker, Richard S., 049–38–3033.
Parr, Randall J., 528–56–6807.
Patrick, John R., 528–58–1906.
Patterson, Robert G., 467–70–8187.
Patterson, Robert J., 497–46–7589.
Pearce, Charles L., 450–80–5977.
Pearson, Frederick Y., 362–40–7608.
Pearson, Sammy W., 466–72–3384.
Peck, Richard E., 260–70–2546.
Peckham, Lawrence N., 454–74–4183.
Pedro, Verne A., 580–01–6572.
Pemrick, John J., III, 142–40–0598.
Peppard, Ralph E., 281–44–6699.
Pepple, Joe R., Jr., 288–44–0787.
Perkins, Glenn D., 491–44–0080.
Perrien, Dennis J., 433–68–5521.
Peters, Bruce E., 514–50–7140.
Peterson, Daryl A., 453–76–3520.
Peterson, Gene L., 524–46–8341.
Peterson, Walter G., Jr., 148–38–1455.
Phalen, Thomas E., 505–58–5509.
Phillips, James M., 490–48–0604.
Philpitt, Donald A., 262–76–9773.
Pierce, Elihu C., 539–34–7275.
Pierce, Ronald C., 228–64–4661.
Pirrie, Robert J., 542–50–8373.
Pittavino, Robert R., 203–38–8348.
Polk, Thomas D., 413–74–4492.
Poole, John A., Jr., 246–50–6827.
Pope, Eugene J., Jr., 225–68–5602.
Porter, Thomas D., 462–72–5791.
Presutti, Anthony H., Jr., 209–34–4281.
Price, William J., 394–50–4094.
Purtle, Homer, Jr., 429–82–1291.
Quick, Willard G., 251–70–6412.
Quinn, William J., II, 234–74–0557.
Quon, Randolph D. S., 575–48–9753.
Ransel, Alfred D., 501–54–7676.
Rastetter, Arthur L., III, 289–42–6676.
Rawls, James M., 259–64–4169.
Rayment, Larry L., 382–40–6081.
Reale, John R., 224–68–0241.
Reames, Brian W., 115–36–0173.
Reed, Raymond L., II, 323–38–8173.
Reeder, Glen L., 262–70–8668.
Reid, Donald R., 215–44–4302.
Reid, Paul A., 585–18–8697.
Rendon, Henry M., 466–66–8857.
Reusser, David L., 540–52–8047.
Reuter, Carl D., 506–56–6288.
Rewalt, James C., 504–50–1144.
Reynolds, Philip J., 141–36–6496.
Riccardi, Frederick V., 558–60–5249.
Ripley, James D., 563–58–3755.
Ritchey, Vernon S., 149–38–6180.
Robbins, Cleudis, 404–44–8996.
Roberts, Leroy C., 511–46–5265.
Robinson, William C., 290–40–3147.
Rogers, Michael E., 246–78–5533.
Rogers, Robert L., 563–52–7329.
Rohm, David A., 566–74–0089.
Roy, Robert J., 469–54–8702.
Rudolph, Robert A., 468–56–4749.
Rudy, Clifford M., 505–62–8832.
Ruffin, Paul W., 284–46–7065.
Runingen, Daniel C., 523–54–3314.
Rusby, William C., 541–56–4275.
Rush, George D., III, 250–78–0673.
Rust, Alan L., 573–66–6928.
Rylander, Robert A., 534–46–4544.
Salton, Ronald D., 072–36–0986.
Sample, Stephen E., 324–40–7938.
Satrom, Steven B., 156–36–3732.
Sauer, Peter W., 496–50–7100.
Saxton, Harold E., 266–74–7656.
Schade, John W., 113–30–9790.
Schaffler, Mark C., 475–48–4168.
Schiller, Stephen L., 439–72–2402.
Schmiesing, Roy L., 470–50–0339.
Schnorr, Dennis R., 127–32–3134.
Schussler, Edward G., III, 333–36–2384.
Schwartz, Rodney J., 508–54–9274.
Scott, Donald C., 577–62–9265.
Scully, Thomas A., 135–38–4909.
Seiler, Louis W., Jr., 433–68–8575.
Self, Wayne L., 246–70–9252.
Sellers, Billy J., 415–76–9803.
Sellin, Paul J., 138–40–5626.
Senft, Robert G., 220–34–6298.
Shaw, Charles W., 413–86–2640.
Shema, Theodore M., Jr., 585–64–0603.
Sheperd, James G., 510–50–1573.
Sherrard, Ancel R., 448–48–3947.
Shevis, Gordon R., 014–26–5160.
Shimomura, Richard K., 263–72–6508.
Shook, Billy H., 426–68–3009.
Shore, Thaddeus W., 243–74–8320.
Shumaker, Gerald C., 297–36–3262.
Sias, John W., 033–32–9720.
Sikra, James C., 147–34–9015.
Silber, Robert N., 075–36–9326.
Simas, Robert J., 555–82–5205.
Simmons, Larry C., 438–66–5662.
Simonson, Robert T., 262–68–1569.
Sleeper, Leigh E., 039–24–4825.
Sloan, Charles J., 293–44–2552.
Sluzevich, Sam C., II, 326–38–0365.
Smith, Charles G., 286–36–1954.
Smith, Frank, Jr., 499–46–0924.
Smith, Hewey E., Jr., 407–46–7197.
Smith, R. C., Jr., 439–44–9524.
Smith, Ronald C., 468–50–4471.
Smith, Thomas E., 264–88–5512.
Smith, William R., 249–78–0121.
Sonnenburg, Allen E., 548–48–8267.
Soule, Stanley E., Jr., 554–70–9546.
Spence, Kenneth M., 049–36–7612.
Spunich, ordon D., 517–52–9667.
Stahl, Michael J., 192–38–7057.
Stamas, Louis N., Jr., 034–36–4937.
Stanke, Edward C., II, 585–14–0454.
Stann, John F., Jr., 226–70–8246.
Starr, Rowland E., Jr., 380–48–5902.
Stead, Charles R., 225–66–3706.
Steen, Sanford N., 425–90–9746.
Steiger, Nancy L., 090–40–1172.
Stephenson, Karen L., 507–56–3278.
Stern, Scott W. M., 515–46–3815.
Stickel, Jack R., 225–66–2376.
Stocks, Maurice L., 225–60–9556.
Stockwell, John K., 169–40–7211.
Stoehr, Martin E., 201–34–8637.
Stone, Alan C., 078–42–8805.
Stover, James E., 501–54–3022.
Stover, James G., 187–36–3142.
Strick, David C., 278–46–2484.
Strobridge, Steven P., 009–32–3818.
Stump, Richard R., 270–44–8208.
Suffron, Raymond D., 515–44–3255.
Sullivan, Daniel F., 443–40–5194.
Sullivan, Paul G., Jr., 190–38–5100.
Svoboda, Kenneth G., 158–36–4438.
Swalles, James E., 380–38–6406.
Swanson, Richard P., 476–32–0937.
Sydney, Lloyd B., 128–34–5365.
Sykes, Lundy M., 261–88–4362.
Symsack, Elmer F., 496–46–7442.
Szczesniak, John G., 055–28–6374.
Tanabe, Dick Y., 535–36–1977.
Tate, Martin L., 267–60–8805.
Tauscher, Leon J., 391–48–1472.
Taylor, John W., 528–60–6420.
Taylor, Larry D., 449–70–7984.
Tejkowski, Emil J., 359–38–1790.
Terlecky, Peter M., Jr., 060–34–9411.
Teschner, Charles F., 498–50–7504.
Theobald, Alan C., 403–64–4376.
Thomae, Steven A., 301–42–3360.
Thomas, Michael L., 284–44–6448.
Thomson, George T., 429–86–1386.
Thran, Duane C., 479–58–1568.
Tisher, Kenneth R., 551–72–1090.
Tkach, Vladimir, 472–50–3159.
Todd, Richard A., II, 227–68–3023.
Todd, Robert S., 408–70–7417.
Tolendino, Lawrence F., Jr., 153–38–9026.
Toole, Garon A., 349–36–6702.
Townsend, John C., 308–42–1721.
Townsend, Ray E., 325–38–6951.
Trapnell, Robert N., Jr., 452–82–3245.
Traynham, William L., II, 249–78–0871.
Trilling, Ronald H., 144–38–9757.
Triplett, Henry H., Jr., 401–68–2824.
Trizna, Walter, 156–40–7108.
Trowbridge, Leigh M., Jr., 570–58–9344.
True, Ted W., 449–66–8281.
Tucker, Alan E. M., 235–62–2694.
Tupper, Norman C., 574–16–9443.
Turman, Bobby N., 455–70–0791.
Turner, Daniel S., 418–62–2089.
Turner, Thomas L., 337–30–1829.
Turquette, John N., 450–70–8540.
Twilley, John L., 212–48–2936.
Tyne, John M., 151–36–2560.
Ullman, Bruce L., 140–36–1009.
Unz, Richard L., 483–52–8174.
Unzelman, Louis R., 502–48–3255.
Unzicker, Jerry L., 512–46–8220.
Utley, Tom W., Jr., 451–68–5431.
Vail, Patrick J., 016–23–7710.
Valentine, Michael L., 447–44–1881.
Valkenburg, James R., 157–34–0483.
Vanallen, Robert L., 515–44–8115.
Vansickle, Judd R., 323–40–6411.
Varnado, Latham A. 263–54–2090.
Vassallo, Anthony R., 544–50–6297.
Vecellio, Leo A., Jr., 233–72–0476.
Viau, Richard P., 105–40–6013.
Vidmar, Randolph F., 292–38–5642.
Vincent, Robert A., 049–34–0153.
Vitz, Robert C., 279–40–3248.
Vloet, John M., 366–50–1499.
Vojtech, Larry J., 385–46–1278.
Vonada, John A., 176–36–3081.
Voss, Paul O., 459–74–7475.
Wade, James C., Jr., 418–60–6984.
Wagner, James C., 350–36–5804.
Walker, Jay L., 272–40–7947.
Wall, Charles G., 546–50–5015.
Walsh, Kenneth V., 093–38–6175.
Walsh, Margaret, 185–36–7514.
Wang, David M., 471–52–3813.
Ward, Jimmy D., 466–70–4255.
Ward, Ralph R., Jr., 266–58–5291.
Ware, Michael R., 401–64–3613.
Washburn, Kenneth L., Jr., 312–50–9648.
Watkins, Thomas E., 263–84–1495.
Watring, Harry G., II, 253–76–3113.
Watson, Emory O., Jr., 250–74–3073.
Watts, Jerry L., 229–54–2955.
Weathers, Edward B., 402–62–9737.
Weaver, John L., 241–72–2557.
Weaver, Russell L., Jr., 234–74–2360.
Webber, Michael D., 557–48–7765.
Weeks, Dale J., 341–38–4764.
Wertz, Faust H., 150–40–2837.
West, Charles T., 508–54–3793.
Whicker, Elmer, 315–52–9628.
Whiddon, William I., 214–42–3467.
White, Cullen L., 433–60–1310.
White, Robert E., 559–74–6618.
Wilbur, George I., 146–36–9381.
Wilkinson, David M., 108–34–5398.
Wilkinson, Edward C., 322–32–2272.
Williams, Dan D., 433–68–5378.
Williams, James R., 456–66–5732.
Williams, John L., 231–58–2437.
Wiliams, Nathaniel, 424–62–9930.
Williams, Richard B., 567–60–6521.
Williams, Roland B., 253–74–4100.
Williams, Ronald C., 510–52–1037.
Williamson, Steven L., 225–66–4395.
Willoughby, Steven B., 570–74–4602.
Wilson, Douglas H., 260–66–9777.
Wilson, Jackson L., Jr., 526–70–8234.
Wilt, Donald C., 556–72–2606.
Witiw, Michael R., 166–38–0412.
Wittman, Thomas V., 272–40–3892.
Witty, Robert M., 261–48–3218.
Wolf, Michael L., 310–46–6568.
Wolfard, Neal E., Jr., 448–44–0302.
Wood, Russell O., 500–34–4541.
Wood, William L., 451–80–0704.
Wyatt, Phillip P., 405–62–9087.
Yankee, Jerald R., 465–68–6650.
Yasuhara, Philip K., 576–46–8188.
Yates, William E., 039–30–7236.
Yerby, Jack D., 455–80–4562.
Young, G. R., 059–40–6080.
Zahorski, Theodore R., 548–62–7483.
Zalkovsky, David F., 459–74–9524.
Zappa, Patrick A., 395–48–1112.
Zimmerman, Alan L., 309–48–7853.
Zorn, James F., 392–42–5074.
Zuckerman, Meyer D., 098–34–3065.
Zwick, Kent W., 501–48–2798.

Lois C. Parks, 460–18–9331, for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of sections 593 and 1211, title 10, United States Code and Public Law 92–129.

Roland L. Langley, 484–34–1076, for appointment as a temporary officer in the U.S. Air Force (medical corps). In the grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code.

The following persons for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

Barney, Robert I., 544–12–2059.
Wuennemann, Bernard H., 268–18–0256.

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Albers, Frank C., 510–28–2854.
Arthur, Jay C., 369–36–8915.
Birdsall, Robert A., Jr., 265–44–4667.
Black, John W., 164–26–2394.
Bomkamp, Raymond W., 321–28–0062.
Bonde, Bernard E., 314–32–3812.
Bowthrope, Benjamin W., 528–40–8730.
Brands, Paul C., 520–28–8595.
Brighenti, James M., 030–24–5212.
Caliari, Joseph A., 081–24–8508.
Carruthers, Buell, 484–38–4442.
Cozzi, Martin A., 093–28–3860.
Crites, Howard G., 557–42–7709.
Daniel, Thomas N., 403–32–0399.
Davidson, Ricard E., 383–30–9219.
Duffy, John E., 276–28–0748.
Dye, Everett C., 510–24–8005.
Ehrlingspiel, Richard J., 302–24–3102.
Fagg, James W., 516–34–8569.
Graves, John W., 453, 46–2084.
Grove, Lynn S., 483–32–1694.
Heist, Harry E., II, 171–28–3691.
Highsmith, William S., III, 458–40–3934.
Horner, Karl F., 273–26–1671.
Huntley, Dean E., 520–26–5768.
Hurley, Michael J., 395–28–0966.
Janucik, Richard W., 077–26–5679.
Jewell, Gerald W., 309–34–3556.
Johnson, Don, 454–48–2067.
Jones, Glenn E., 488–40–8352.
Kaufman, John F., 152–26–0436.
Kester, William E., 543–34–9435.
Kidder, Donald G., 551–42–5608.
Kozak, Gerald M., 212–30–7655.
Lattin, Gary G., 111–26–7572.
Lawrence, John K., 203–22–0344.
Lindsay, Herbert N., 026–22–0807.
Lisenby, Harvey G., 430–56–9652.
Marse, Hugh E., 263–44–3220.
Moffitt, Albert R., Jr., 559–42–4106.
Nuccitelli, Vincent V., 041–28–2985.
Olson, Donald C., 282–30–1494.
Ostrem, James A., 473–38–9341.
Parkinson, Lawrence P., 217–40–0548.
Piccotti, Louis S., 191–26–8005.
Powell, Daniel D., 460–84–3889.
Przybylski, Joseph A., 328–26–2832.
Rolier, James M., 296–32–9941.
Schupp, Roger W., 482–30–4154.
Smallwood, Paul E., Jr., 253–46–2989.
Snoreck, Harry P., 360–24–1477.
Vurbeff, Theodore C., 067–22–9425.
Walker, Donald R., 444–30–3488.
Wasson, William H., 301–28–5000.
White, Marshall N., Jr., 312–32–7735.
Williams, Donald R., 559–44–0815.
Wright, Henry J., Jr., 397–30–8717.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, section 3294:

To be captain

McDonald, Paul T., 457–66–7940.
Pardi, Livo F., 053–34–1556.
Zurlo, Joseph A., 108–34–3811.

To be first lieutenant

Albus, Robert A., 101–38–3789.
Cole, Gary B., 429–74–9495.
Herman, Claude P., 075–38–0247.
Karl, Robert D., Jr., 220–48–8442.
Peake, James B., 220–42–1525.
Read, John A., II, 088–38–9713.
Smith, Steven R., 235–74–1635.
Stanfield, Bernard M., II, 429–84–7953.
Taylor, Harvey G., Jr., 459–68–7088.
Wehunt, William D., 249–84–2036.
Winkel, Craig A., 521–66–3247.

IN THE NAVY

Richard B. Porterfield (midshipman Naval Academy) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officer's training corps candidates) to be permanent Ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Robert A. Dussman
Sammy L. Foursha
Steven R. Goad
Roger E. Krogstad
Alfred W. Mitchell

Charles R. Hamlin, U. S. Navy officer, to be a permanent commander and a temporary captain in the Medical Corps of the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named U. S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U. S. Navy, subject to the qualification therefor as provided by law.

Jon G. Beidler
Joseph H. Bowlds
Frank M. Crittenden, Jr.
William W. Johnson
Carl P. Kessler
Robert J. Mollerus
John F. Russo
Ralph G. Sablan

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan L. Gray
Stephen W. Malley
Steve M. Walsh

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Thomas J. Forgeng
Michael B. Griffee
Dennis W. Lauth
Vincent M. Lynch
Keith G. Mason

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary Lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Terry L. Carlberg
Richard T. Darnall III
Russell E. Haag
Edward R. Hinrzen
John J. Holton
Dennis L. Nelson
Timothy R. Perkins
Edward A. Rohrbaugh
Jeffrey R. Vinton

Newell J. Cummings, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

Owen G. Blackwell, II, to be a permanent commander in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as a permanent warrant and/or permanent and temporary warrant, subject to the qualification therefor as provided by law.

SUPPLY

Dennis E. Bell
Lonnie D. Holt
Bobby L. Randall
Robert E. Reynolds
Lyle M. Seymour

CIVIL ENGINEER

Harold W. Bryant
George L. Law

DECK

Larry D. Countryman
James T. Easterling
William L. Estes
Terrence M. Gallagher
Donald E. Gavin
David W. Herrington
Kenneth D. Luper
James E. Malloch
Thomas W. Morris
Arthur G. Nolan
Charles R. Scott
Chester B. Smith
Bobby G. Sowers
Herbert A. Stephan
Robert E. Taylor
Robert A. Worley

OPERATIONS

Donald C. Brown
William J. LaPointe
Robert W. Mays
Robert H. Neil, Jr.
Russell W. Salyers
Frank O. Stutler, Jr.
Donald P. Turner
William C. Unangst

ORDNANCE

Robert T. Alexander
William A. Brooks
Loren K. Dixon
Bobby L. Dowty
Larry D. Huffman
Richard W. Manley
LaVonne H. Moore
James P. Oxrider
Hugh K. Redding
Robert R. Riegger
William R. Robertson
Frank L. Rogers
Francis F. Thomas
Lawrence W. Whitaker

EXPLOSIVE ORDNANCE DISPOSAL

John P. Boyden
Henry W. Busseno
Theodore K. McCarley
James S. Wallace

ADMINISTRATION

Harold D. Chambers
Van E. Chisholm
Bo G. Christensen
William P. Clark, Jr.
Michael K. Dote
John F. Hale
Richard T. Hall
Charles R. Hammock
James C. Jensen
Gary M. Johnson
Troy R. Johnson
Thurman J. Julian
Duwaine L. Laib
Frank A. Lukens
Johnny E. Ross
Robert B. Spinner
Donald W. Taylor
Charles W. Tucker
William L. Vassar
Thomas C. Webber

DATA PROCESSING

Duane L. Bertelsen
Jack W. Cowan
Larry A. Hunston
Ronald E. Millard

BANDMASTER

Paul D. Clemens
Philip H. Field
David W. Oliver

ENGINEERING

Gary L. Anglehart
Paul E. Banks
Michael J. Bargelski
Frederick L. Briggs
Gary J. Brown
John C. Burton, Jr.
Paul J. Casey
Alvin E. Crane
Edward A. Crowl
Carl E. Dahlman
Roger W. Dionne
Patrick J. Dougherty
Robert A. Duncan
Timothy W. Foster, Sr.
John E. Gancel
Virgil E. Gann
James T. Gee
Nathaniel Hale
Wayne E. Kirby
Donald G. McNabb
George R. McWilliams
William M. Metzer
David W. Minnehan
John O. Sullivan
Fortunato Pichardo, Jr.
Paul J. Rose
Allen J. Schmidt
Richard C. Schneider
Robert G. Sinclair
John H. Szucs
Marion E. Thyfault
Lee L. Walz

HULL

Charles E. Allen
John W. Brown
LeRoy A. Brown
Thomas H. Graham
Festus M. Harrington
Fred S. Harvey, Jr.
Gerald A. Haworth
Ronald Lynch
Junior L. Perry
Terrance A. Toomey

ELECTRICIAN

John W. Beckman
John E. Dryfka
Claude Garnett, Jr.
Larry F. Golden
Buford E. Latham
Richard F. Sherman
James P. Staehr
Joseph K. Winsey

XUM

ELECTRONICS

David P. Award
Raleigh D. Baker, Jr.
Lloyd A. Beare
Richard E. Botwright
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Harold M. Devries
Dickie D. Dunn
Kenneth P. Edwards
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Charles F. Ragghianti
James W. Remer
Thomas A. Robertson
Ronnie L. Rodeffer
Leo C. Rosenberg
Chuck N. Ruston
Lance D. Sirmans
Chester P. Szydlowski
Clarence E. Thompson
James S. Turner Jr.
Chester H. Walters
Wayne L. Weller
John E. Wilson
Millard L. Wilson
Neal R. Young
Ralph K. Zimmerman

George C. Bingham (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lawrence H. Fink (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Martin S. Barber
Charles M. Belisle
Robert E. Cruetz
Michael J. Dainer
George J. Everidge
Gerald R. Fabry
Donald E. Harmon
Robert D. Harper
Robert J. Hartman
Anthony B. Junkin
Jon B. Lowe
Thomas G. Lutz
Richard M. Manjerovic
Peter P. Menghini
George D. Miller
John R. Nisbet
Russell C. Packard
Wayne E. Pasanen
Randall W. Powell
David S. Richmond
William B. Ross
Michael W. Schuetz
Henry H. Street
Henry Travers
David K. Wagoner
John R. Wilcox

David J. Reilly (Navy enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the Line or Staff Corps of the Navy, in lieu of ensign, as previously nominated and confirmed.

Frederick A. Cravens (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

John L. Verkleeren (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lieutenant Ralph J. Gemelli, U.S. Navy, to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Jon D. Rahman

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Patrick A. Fayle
Steven J. Konota
Brad S. Smith
Miguel Saldana

IN THE MARINE CORPS

The following-named commissioned warrant officers/warrant officers for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Adams, Charles W.
Aldrich, David S.
Alexander, Frank A.
Anderson, Joseph N.
Ash, James B.
Asselin, Raymond F.
Bacon, Welles D.
Bahr, Wayne D.
Baldwin, Claude R., Jr.
Balius, Ronald A.
Bass, Bonnie H.
Bennett, Charles S.
Bennett, Michael B.
Boggess, Gary M.
Boudreaux, Clyde P.
Bowen, Robert L.
Braun, Donald B.
Brinkham, Lawrence C.
Britton, Albert K.
Brown, William C., Jr.
Browning, Victor E., Jr.
Bruce, Charles J.
Bullock, James R., Jr.
Campbell, Billy R.
Campbell, Everett J.
Caulfield, Robert J. Jr.
Caulfield, Robert J.,
Click, Tilden U.
Clifton, Rayborn S.
Cole, John H., Jr.
Conti, Frank J.
Dankmyer, Charles A., Jr.
Danley, Douglas J.
Deguise, Joseph L.
Dodson, Eldon L.
Dulaney, Terrell L.
Ethington, Riley S.
Ferguson, Harold D.
Floe, Jerry D.
Floyd, Joe M.
Flynn, Jack W.
Franklin, Eugene T.
Gale, Earl G., III
Gillberg, Emil A., Jr.
Haferkamp, Johann
Hanson, Donald L.
Hart, Frank R.
Haugley, Lorell J.
Hicks, Herbert O., Jr.
Hug, Raymond L.
Humphrey, Edward W.
Hutchinson, Holland C.
Immings, Barton E.
King, Carl E.
King, Thomas F., Jr.
Kuykendall, William A.
Lainhart, Michael S.
Lane, Albert, Jr.
Lee, Bernard L.
Lem, Juan M.
Leslie, Philip D.
Lewis, Kenneth D.
Macey, Wayne W.
Main, Raymond J.
Marsh, Barry E.
McDonald, Howard
McGill, Bryan M.
McNutt, Benjamin H.
Miller, Edward R.
Miller, George A.
Mongoven, Patrick J.
Parry, Fred R.
Phillips, Lloyd G.
Pullin, Jesse P.
Renau, Thomas T.
Ribeiro, Joseph
Robinson, Dorsey, Jr.
Rosser, William H.
Salamack, Stephen C.
Sanchez, Efrain F.
Sawin, Peter B.
Seman, Stephen G.
Shanklin, Michael L.
Shidal, William F., Jr.
Slavens, Charles R.
Sorley, James A.
Stafford, Herbert B.
Stevens, Patrick L.
Steward, John A., Jr.
Strickroth, George B.
Vincent, Robert L.
Wahlers, Larry F.
Walker, Bennie R.
Weaver, Napoleon K.
White, Ford D.
Whitley, John, Jr.
Wildgrube, Wayne D.
Wine, Larry L.
Winter, Warren W.
Wolnoski, Stanley G.
Yoerk, Richard L.

The following-named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Akioka, Harry E.
Andelin, Marvin R.
Anderson, Robert C.
Baier, Charles G.

Baird, Dale L.
Barineau, Richard L.
Barron, Bonie P.
Baseley, Jacque A.
Belville, Arthur J., Jr.
Bergeron, Joseph W., Sr.
Birren, James M.
Bolles, Elmer S.
Brakowiecki, Laurence R.
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Broughton, Frankie D.
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Carr, Jay S., II
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Carter, Wallace M.
Cheely, Benjamin L.
Collins, Melvin
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Cuddy, Raymond S., Jr.
Curry, Carl R.
Day, Lawrence M.
Dolphin, John J.
Donelow, Robert L.
Dowell, Frederick L.
Dunbar, George H.
Eckman, George M.
Egbert, Carroll F., Jr.
Eldredge, Frederick R., Jr.
Estey, Howard E.
Faircloth, Jeris L.
Farr, Roland C.
Fitzgerald, Joseph T., Jr.
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Ford, Billy J.
Geer, Robert W.
Giger, John R.
Griffin, Charles L.
Gwinn, Robert P.
Halburnt, James C.
Haley, Dale A.
Hallbick, Larry J.
Harkless, James J.
Harpe, Charles W.
Hashagen, Donald J.
Hastings, Sidney T.
Heatley, George
Hicks, Robert
Hinchliffe, Herbert C.
Hinman, Rex L.
Howard, Sylvester
Hunnicutt, Thomas
Hurst, Charles E.
Jackson, Albert P.
Jenkins, Robert
Jiminez, Francis
Johnson, John W.
Johnson, Robert B.
Jordan, Robert T.
Justis, Forest W.
Kidd, Arthur J.
Kiker, Meek C.
Kingry, Thomas E.
Kistler, Ernest J.
Kolek, David L.
Ledford, William H.
Liebl, Luitpold J.
Lile, Brian K.
Loy, Lloyd L.
Luchansky, George J.
Lundberg, Frank C.
Lynch, John F.
Machado, Louis E.
Mannix, James W.
Mattox, Chester C.
McDuffie, Don C.
Meagher, Gregory F., Jr.
Mouton, Joseph
Newman, Billy R.
Palmquist, Charles J.
Parrish, John W.
Payne, Walter A., Sr.
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Sellers, Walter S.
Sherry, Guy R.
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Snodgrass, Nathaniel L.
Spangler, Tommy L.
Surles, Charles T.
Thompson, Leon R.
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Webster, Lawrence E.
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White, Llewellyn S.
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Widenhouse, Robert W.
Williams, Robert G.
Wilson, Eugene S.
Witham, Merton T.
Wolf, Donald E.
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INTERNATIONAL MONETARY FUND; INTERNATIONAL BANK FOR RECONSTRUCTION & DEVELOPMENT; INTERAMERICAN DEVELOPMENT BANK; AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years.

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture, vice Clarence D. Palmby, resigned.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Clarence D. Palmby, resigned.

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be Member of the Board of Parole for the term expiring September 30, 1978. Mr. Sigler is now serving in this position under an appointment which expires September 30, 1972.

EXTENSIONS OF REMARKS

A STUDY OF THE RUSSIAN NAVY

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. GRAVEL. Mr. President, I should like to place in the RECORD a study on the Russian Navy by Michael MccGwire, a former commander in the British Navy and naval attaché in Moscow. The title of this study is "Soviet Naval Capabilities and Intentions."

I would like to summarize some of the main points of this report. First, Mr. MccGwire says the West has given the Russians propaganda advantages by overstating the threat in the Mediterranean. The author speculates that this may have been done to create myths similar to the bomber and missile gaps for the purpose of expediting funds through Congress. Mr. MccGwire states that—

By ignoring the "most likely course of enemy action," and by concentrating our attention solely on some hypothetical "worst case," based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

The basic strategy of the Soviet Naval forces is the "Young School" concept adopted in the early thirties of only defending their maritime frontiers and not ruling the waves. The first two tasks of the Soviet Navy are:

1. Countering the Polaris submarine.
2. To neutralize the strike attack aircraft carriers prior to aircraft launch.

The main defense areas are the Baltic and Black Seas. It was from these areas that the Western Powers intervened by sea in an attempt to crush the revolution. Then in 1957 the United States introduced the A3D aircraft on our aircraft carriers in the Eastern Mediterranean. Since these planes could reach Russia's industrial areas the Russians felt they had to counter our carriers in the Mediterranean for defensive purposes. When we later put Polaris submarines in the Mediterranean this gave them another reason to be there. Mr. MccGwire illustrates this by saying:

The greatly increased range of sea-borne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength. It seems probable that the 1963 announcement that Polaris submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area.

This is a classical case of the spiraling arms race.

Concerning the value of our huge carriers, Mr. MccGwire says:

As sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be.

It is the belief of many naval experts that the aircraft carrier is now obsolete due to the cruise missile. The new Russian C class cruise missile system would be very dangerous against carriers, because of its submerged launch, supersonic speed, and surface-skimming trajectory.

But once out of the Russian frontier area, Mr. MccGwire feels Soviet capabilities fall off:

The Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SOVIET NAVAL CAPABILITIES AND INTENTIONS

(By Michael MccGwire)

Most qualified opinion is in fact agreed on the essentially defensive requirements which caused the Soviet Union to develop its present naval capability, although there is a wider range of opinion as to where this may lead them in the future. All are also agreed that, irrespective of its genesis, growing Soviet naval strength presents a potential threat to Western interests, which must be countered. But starting from these points of agreement, opinion then divides into two broad groups. There are those who see the greatest danger to the West, in a democracy's reluctance to provide adequate resources to long-term defence in peacetime, and who therefore tend to formulate the threat in extreme terms, both of military capability and aggressive intentions, in order to frighten the politicians into releasing adequate funds to naval defence. And there are others who consider that more certain damage to Western interests has been, and will be caused by alarmist assessments (however worthy their motives) which exaggerate Russian maritime capabilities and ignore the considerable constraints which limit the flexible employment of Soviet naval forces.

I hold unreservedly to this latter opinion, and it is not because I under-rate the very real threat to Western interests which is implicit in Soviet naval strength nor because I am persuaded of their friendly intentions. My reasons are twofold. Firstly, experience as a long-range planner has shown me the dangers of 'fiddling the factors' in order to produce some predetermined conclusion, and how in the long run it always rebounds to one's disadvantage; in formulating a threat which will persuade the politicians, we run the risk of obscuring our own perception of the real danger to Western maritime interests, and at the same time we are likely to distort our wider foreign

policy assessments. And secondly, I have watched the way in which alarmist, and frequently ill-informed Western comment has brought Russia political benefits, which the Soviet Navy could never have achieved on its own.

Over the last three years, there has been a marked and substantial shift in the Soviet Union's political exploitation of her navy's enforced forward deployment; this stems from the aftermath of the Arab-Israeli conflict in 1967, and the sudden and vociferous public awareness in the West, that Russia had a navy which went to sea. Western commentators delivered a substantial (and undeserved) propaganda success to the Russians by insisting that the Soviet naval presence must paralyse Western naval initiatives, by failing to distinguish between the widely varying combat capabilities of the Russian units in the Mediterranean, and by speaking of illusory 'massive naval reinforcements' during the June war (which on one occasion even included a water-tanker and an icebreaker towing a patrol-craft). They then confirmed Russia's naval standing in Arab eyes, by ridiculing official Western statements which pointed to the exposed nature of these Soviet deployments, and to the vulnerability of individual units to Western attack. This alarmism may have been thought necessary to arouse a sense of concern in NATO, or to extract funds from a reluctant US Congress, but it none the less provided the Russians with a detailed course on how to discomfort the West with the smallest diversion of resources; it has also given Soviet surface deployments a military credibility which is still largely spurious. It was most noticeable that, prior to June 1967, Russian deployments were primarily a navy-to-navy affair, with a relative disregard for the potential political benefits. The strategic reasons underlying these deployments have not changed, but since that date, naval visits have been increasingly used to reinforce the reputation which the West has gratuitously bestowed on the Soviet Navy.

In the late 1950s the Soviet Union derived substantial political benefits from the publicising by Western commentators of the mythical Bomber and Missiles Gaps, and the ease with which the West can still be induced to credit their opponents with an exaggerated military capability must be a source of continuing gratification to Soviet leaders. It conceals their technological inadequacies from critical world opinion, and allows them to make retrospective claims to have influenced the outcome of events in situations where they have sat by helpless, as selfishly worried spectators. It is significant that well into 1968, the Russians remained understandably silent about their negative contribution to the outcome of the June war, concentrating their propaganda on linking the presence of the US Sixth Fleet with the Israeli attack; but by 1969, the Soviets were emboldened to play back the West's more alarmist assessments, and now claimed that it was the Russian naval presence which saved the Arabs from imperialist intervention in 1967.

As with Soviet naval capabilities, so with their intentions, and they are only too happy that the West should concentrate on the former and assume the worst of the latter. By causing the West to over-estimate both her belligerency and her naval strength, the Soviet Union hopes to encourage inaction and acquiescence when otherwise the West might thwart her plans. She has not lacked support and from the start Western Jeremiahs have insisted that the mere presence of Soviet naval units, irrespective of their real or relative capability, must inevitably inhibit the West's reaction. The effect of these exaggerations is to obscure the limited nature of the Soviet Union's physical commitment outside the boundaries of the Warsaw Pact, and to induce a quite unjustified belief in both her capability and her readiness to use force. There is a perverse community of interest between Russia's desire to obscure her naval inadequacies and the West's concern to guard against overcomplacency. Naturally enough, the Soviet Union welcomes the Western amplifier which is now plugged into her naval propaganda machine, whose authoritative voice helps to compensate for the sometimes glaring shortfall between her words and deeds.

It is of course a distorted form of realism which insists that we must ignore our opponent's intentions. While it is proper to concentrate on capabilities in contingency planning or at the theatre-tactical level, such an approach is wholly inappropriate as the basis of policy formulation at the politico-strategic level. A country's national interests, intentions and essential defence requirements are equally important factors in the threat equation and to exclude these constraints on Soviet action, must inevitably distort Western maritime policy and inhibit the effective use of our naval superiority. By ignoring the 'most likely course of enemy action', and by concentrating our attention solely on some hypothetical 'worst case', based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

I make no apologies for this digression before getting down to the details of the paper, because Russian intentions are a function of Western political will and the extent to which Soviet maritime policy is shaped by the West's naval preponderance and by the nature of our response at sea, is inadequately understood. I will come back to this fundamental point, which should become clearer as we turn to consider the development of Soviet naval policy since the war, and gain a better idea of the changing requirements they have had to meet. This background knowledge is fundamental to analysing the present capabilities of their forces.

THE STRATEGIC THREAT FROM CARRIERS

By 1957–58, the Soviet Navy realized that it had been geographically and technologically outflanked. The US Navy's A3D carrier-borne aircraft could reach Russia's industrial areas from the South Norwegian Sea and the Eastern Mediterranean; the US Navy's nuclear submarines were of much higher performance than the Soviet classes due to begin delivery; the US Navy was also establishing an anti-submarine area-defense system off its seaboard which would largely neutralise the Soviet strategic delivery units; the US. Navy's *Polaris* would pose an additional strategic threat.

The maritime threat to Russia was once more a national rather than a single service problem and the repercussions on naval building were considerable. Neither the missile-cruiser nor the SSG were of much use when the encounter-zone was beyond the range of shore-based air-cover, and all these programmes were cancelled. The relatively inferior performance of Soviet strategic delivery submarnes and the threat of nuclear strike by carrier aircaft combined to cause the reallocation of nuclear propulsion to what was now the top-priority task of countering the carrier. The second generation SSBN was cancelled and the hull/propulsion unit was configured as an SSGN, making use of the J-Class weapon systems. Meanwhile the Soviet Union misinterpreted the future scale and nature of the *Polaris* threat, and saw it as a complementary weapon system to close the Northern arc, where principles of area-defense could apply. The main requirement was to extend the range of helicopter operations, to achieve which two *Stalingrad* class (the *Sverdlov*-successor) cruiser hulls were adapted to build the *Moskva* Class anti-submarine cruiser. These were mainly interim measures, and the final answer had to await the third generation of nuclear submarines, which were projected at this time and due for delivery in 1968. These would include a nuclear missile system with a self-contained horizon-range missile system for use against the carrier and a much improved *Polaris* style SSBN. Meanwhile the Soviet Union adopted various other expedients such as basing W-Class submarines in Albania (1958) trying to set up a joint Sino-Soviet naval and air defense command (1957) and the stationing of intelligence units off the USA (1959).

THE INCREASED THREAT FROM POLARIS

By 1961, the Soviet Union had come to realise that the threat from *Polaris* was not limited to the Arctic, but that Western Russia was now threatened from 270° of arc, extending from the Indian Ocean through the Mediterranean to the Norwegian Sea, and that by the middle sixties, one third of the USA's nuclear strike capability would be seaborne. This generated a fundamental re-assessment of naval policy which is discussed further below, leading to the decision that some form of permanent counter must be deployed against both *Polaris* and the US carriers.

In 1962, the Soviet Navy was ill-prepared for this radical reorientation of policy, both operationally and in terms of the necessary ships to implement the concept. Although primary reliance was to be placed on submarines and naval air, surface ships would be required in support, but their only surface-to-air missile (SAM) armed destroyer-type (the *Kashin*) was programmed to build at a mere two units a year. To ameliorate the situation, they undertook the major conversion of eight of the older *Kotlin* Class destroyers, and six of the *Krupnyj* Class missile units, into SAM-armed anti-submarine ships. This gave these ships a weapons performance comparable to the *Kashin*, for delivery during the latter half of the sixties.

In the longer term, they were somewhat better placed. They were already committed to a three-fold increase in their nuclear submarine building capacity, with the third generation of submarines due to enter service in 1968–69. Meanwhile, in the normal course of events, a new family of surface ships was scheduled to begin delivery in 1970, and the design of the larger type could be ajusted to reflect these changed requirements.

THE SHIFT TO FORWARD DEPLOYMENT

The last eight years has seen the Soviet Navy's progressive shift to forward deployment, as it attempts to counter the strategic nuclear threat which can now be posed from sea-areas 2,000 miles or more from Russia's frontiers. Admiral Gorshkov has admitted that the change has not been easy, involving as it did the organic restructuring of the Navy and the reorientation of traditional naval policy and operational habits, in order to meet this qualitatively new requirement. The process still has some way to go, but the pattern of operations is now clear enough to identify the underlying concept of operations.

Posing a permanent counter. For the Soviet Union, the implications of the USA's shift to seaborne strategic strike systems went far beyond the intensification and diversification of an existing threat. Most serious was that naval units would largely escape the intercontinental nuclear exchange; the USA would therefore have the option of holding back their seaborne systems, in order to dictate the subsequent course of a general war. To foreclose this option, the Soviet Union had to provide for the destruction of these US naval units at the outbreak of war, irrespective of whether the effective reaction time would also be able to prevent the launch of strategic weapons. Since the destruction of all US units could not be guaranteed, the Soviet Union would need to develop its own SSB force in order to ensure that the post-exchange nuclear balance was preserved.

In formulating an operational concept to meet these specialised requirements, Soviet naval leaders chose to exploit the particular characteristics of nuclear-missile war at sea; (it is likely that the alternative of trying to match the West's maritime capability was dismissed as impractical for both military and economic reasons). The Soviet Navy requires to destroy Western strike units at the outbreak of war. To do this, the Soviet Navy does not need maritime superiority, because their naval units deployed to this task have only to survive long enough to discharge their weapons; if they are already within weapon range of their opponent, the requirement is limited to surviving a preemptive attack. Meanwhile, the free use of the sea which has enabled the peacetime deployment of US strategic strike units within weapon range of the Soviet Union, means that the Russians are likewise free to maintain their own naval forces within weapon range of Western units.

This operational concept, which can be described as "posing a permanent counter under the protection of peace", underlies the extending pattern of Russian naval deployments since 1962, and points the way ahead. The decision to by-pass the basic naval requirement to be able to survive in a hostile environment, is particularly significant, and has allowed the Soviet Navy to base its future plans on the sustained mid-ocean support of units on forward deployment. It does not however reduce the vulnerability of such operations to interference from the West, and militarily, is only tenable in the context of mutual deterrence.

As a corollary of this concept, existing Soviet "zones of maritime defence" (which only reached 200–300 miles from Russian shores), were extended to cover the more vital sea areas of threat, such as the Norwegian Sea and the eastern Mediterranean. This served to contest the right of Western strike units to use these seas unhindered, while allowing the Soviet Navy to apply some of their established tactical concepts of anti-submarine area defence, in their efforts to counter *Polaris*.

Countering the carrier. Initially this involved the close shadowing of Western carriers whenever they approached to within strike range of the Soviet Union, in order to provide target location data to Soviet missile units, which remained permanently within weapon range. In the Norwegian Sea and Pacific the requirement could be met by sailing units as the need arose, but to counter the carriers of the Sixth Fleet in the Mediterranean, a continuous Soviet naval presence was necessary. In the longer term, as sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be. Irrespective of their current employment, as long as U.S. carriers carry nuclear weapons in their magazines, their potential threat remains.

Countering the Polaris *submarine.* The problem of posing a permanent counter to *Polaris* is of quite a different order, reflecting the difficulties of initial acquisition and remaining in contact with a nuclear submarine, as well as the vast areas of sea from which missiles can be launched against Russia, including the Mediterranean, the eastern Atlantic and the Arabian Sea, as well as parts of the Pacific. The range of methods adopted by the Soviet Union has yet to be fully perceived, but it appears that they are trying to develop some combination of continuous tracking and area defence. The problems are immense, and in most respects they are at a disadvantage to the U.S. Navy in this field. The Soviets lag both in nuclear submarine design and submarine detection systems, and are badly placed in terms of maritime geography. But limited prospects of success have never discouraged the Soviet Union from embarking on measures which she sees as essential to her national security, and there is little doubt that the Soviet Navy will continue to give priority to their efforts to counter *Polaris;* certainly, these provide the explanation for a large proportion of their distant deployments.

THE EXTENDING PATTERN OF SOVIET NAVAL OPERATIONS

The past decade of Soviet naval operations illustrates the progressive implementation of the long term operational concept. The appointment of Kasatanow to the C.-in-C. of the Northern Fleet in February 1962, was one of several indicators of the reorientation policy which appears to have been decided during 1961. Preliminary moves were made in 1962, but it was not until 1963–64 that the shift to forward deployment became more widely noticed. The initial areas of attention were those from whence both *Polaris* submarines and aircraft carriers could launch strikes against Russia; the eastern Mediterranean, the Norwegian Sea and equivalent areas in the Pacific. This was partly because the Soviet Navy already had some form of counter to deploy against the carriers, but also reflected their policy of trying to achieve a *de facto* extension of the Soviet Union's maritime frontiers, by maintaining a naval presence in those sea areas of most immediate defensive concern to Russia. After five years of steady if slow progress in these areas, the Soviet Navy turned its attention to the sea-route between the USA and the Mediterranean, and then to the Arabian Sea.

The Mediterranean deployment. The greatly increased range of seaborne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength.

It seems probable that the 1963 announcement that *Polaris* submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area, before it was properly equipped to do so. Although there was a progressive naval build-up from the initial sorties in 1963, their afloat support was not designed to work from open anchorages, and they were neither able to sustain year-round deployments, nor substantial numbers of ships on station. It was not until after the June 1967 war that the availability of sheltered berths for their support ships in Egyptian harbours, enabled a substantial jump in the average number of ships deployed. Throughout most of 1968–69, the Soviet naval squadron was maintained at about seven to ten submarines and eight to twelve surface combatants, the number rising when overlaps were arranged to allow for major exercises; since 1967, the Soviet Navy has also been able to maintain a year-round presence in the Mediterranean, although it is still considerably reduced during winter months. The Arab-Israeli war led to the use of Egyptian airfields in support of Soviet naval operations, by UAR reconnaissance aircraft and by Soviet ASW *Badger* units. Apart from marking the carriers of the Sixth Fleet, Soviet naval activity concentrates mainly on anti-submarine (i.e. counter *Polaris*) operations in the eastern Mediterranean.

Besides these attempts to counter the US strategic threat directly (which includes posing a threat by proxy, through the supply of naval arms to Arab states), Russia is also pursuing a policy of "maritime exclusion" designed to cause the US Navy to cease (or limit) its operations in the Mediterranean. The Soviet Union has always sought to achieve *de jure* recognition that the Baltic and Black Seas were "closed" or "neutral" seas, and has never accepted the right of non-riparian powers to innocent passage in these areas, and she is now trying to extend this concept to the Mediterranean. She made proposals in 1958 and 1963 about non-nuclear zones, but in April 1967 Kosygin demanded the withdrawal of the Sixth Fleet, and this signalled a policy of deliberate harassment by Soviet naval units. By November 1968, Russia was claiming that since she was a Black Sea power she was by definition a Mediterranean power, and she declared that the area should be designated a nuclear-free zone from which the Sixth Fleet would be excluded. This diplomatic offensive is having some effect in the area, and Jugoslavia and Algeria have separately suggested that both Russia and the USA should take their quarrel and their fleets elsewhere. It is probable that on balance, such a solution would be acceptable to the Soviet Union, if she could be certain that *Polaris* submarines would also be excluded.

Mission. Traditionally, the primary mission of the Russian Navy has been "to defend the homeland," and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war. It is this basic mission which, over the years, had dictated the size and composition of their fleets, and the characteristics of their naval units. Before 1958, the nature of the maritime threat to Russia meant that (apart from strategic delivery) primary naval requirements were limited to operations in the four fleet areas, and these would take place following the outbreak of war. But the introduction of nuclear weapons and long-range delivery systems has radically altered the operational scope of the Navy's traditional mission. To defend the Soviet Union against attack from the sea now requires the Soviet Navy to operate in remote areas at a great distance from Russian shores.

Tasks. In support of its mission, the Soviet Navy now has to discharge five primary tasks:

(a) To counter the *Polaris* submarine.

(b) To neutralize the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet area, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land op. ations along the coastal axes.

There are of course many other ways in which Soviet naval forces can or would be used, particularly after the outbreak of fighting. But these five primary tasks have precedence, both chronologically and in determining the design specification of new classes of ships. And although all submarines have an anti-surface capability, attack on sea-communications is not among these five tasks, all of which must be discharged during the initial nuclear exchange, or earlier.

The last two are traditional tasks, whose underlying nature has changed little, although the geographical scope has been somewhat extended, and it is assumed that operations will take place in a nuclear environment. The first three derive from the availability of nuclear weapons and the increased range of seaborne delivery systems, and it is these tasks which embody the special characteristics of mutual deterrence and nuclear-missile war, of which the most significant is the force-consuming requirement that these tasks must be discharged continuously in peacetime, at wartime level of readiness.

The Soviet naval balance. The composition of her fleets, the pattern of their deploy-

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ments and the statements of her leaders, all confirm that the Soviet Union has built a Navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

H.R. 12674—A BILL TO CREATE A NATIONAL CEMETERY SYSTEM WITHIN THE VETERANS' ADMINISTRATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ZWACH. Mr. Speaker, it was my privilege to coauthor H.R. 12674, a bill to create a national cemetery system within the Veterans' Administration. The vote by which this bill passed the House of Representatives last Monday, 310 to 4, is a reflection of the strong support for the provisions of the measure by this body.

The bill represents the initial step in ultimately solving the national cemetery problem that has confronted the veterans of this Nation for the past several years.

Despite the fact that every honorably discharged veteran is entitled to burial in a national cemetery, there have been no new cemeteries constructed since 1950 and existing burial spaces are rapidly being filled and national cemeteries closed to further burial.

The bill, H.R. 12674, will transfer to the Veterans' Administration the administrative jurisdiction over the national cemetery system presently administered by the Department of the Army; military posts cemeteries administered by the respective services departments and cemeteries on foreign soil administered by the American Battle Monuments Commission. These Federal cemetery systems, together with the several cemeteries presently operated by the Veterans' Administration will form the nucleus of a new national cemetery system.

Under the terms of the measure, the Administrator of Veterans' Affairs is required to undertake a comprehensive study of the criteria that should govern the future of the national cemetery system. The Administrator will then report to us within 30 days after the convening of the next session of Congress, his recommendations for a national policy on veteran burial, including the need for and location of additional national cemeteries.

The bill additionally authorizes a plot allowance of $150 payable on behalf of those veterans who are not buried in a national cemetery. Authorization for the interment in Arlington National Cemetery of an unknown serviceman from the Vietnam era is also provided in the bill.

It is my understanding, however, that at the present time there are no unidentified war dead from the Vietnam conflict.

Mr. Speaker, this is necessary legislation. As a cosponsor of this bill, I have supported it vigorously in committee and on the floor of the House of Representatives. I hope the other body will act promptly and rapidly to send the measure to the President for his approval.

FEDERAL AID TO PRIVATE SCHOOLS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. TUNNEY. Mr. President, the subject of school financing is one which has caused great concern to me and to my fellow Senators. Schools throughout the country, both public and private, are facing increasing financial difficulties as the costs of providing an education rise at a rapid rate. Many concerned parents and educators feel that private, alternative sources of education are a vital part of the American educational tradition which may now be faced with extinction, because they cannot meet the increasing financial demands placed upon them. Parents who choose to send their children to private schools, for whatever reason, face the very real problem of having to pay two tuitions: One to the private schools which they have chosen, and one to the public school system in the form of educational taxes. The private schools themselves face a double problem: Not only are the costs of education going up, but, in addition, the revenues from tuition are going down as more and more parents withdraw their children from private schools—either because they no longer wish their children to attend private schools, or because, quite simply, they no longer feel that they can afford the double burden of taxation and tuition.

Legislators at both the State and the Federal level have given thought to this problem. Many feel that the private schools are indeed vital to the American tradition, and must be aided by public funds in order that they may continue to fuifill their role in American society. At the college level, of course there are already a large number of State and Federal programs which provide aid both directly to colleges and universities, and to the students who attend these institutions.

The problem is more complex at the level of elementary and secondary education because, as things are at present, the vast majority of the private schools are operated by religious organizations. The most extensive network of private schools, enrolling roughly 83 percent of all private elementary and secondary students, is that of the Catholic Church. The question of aid to private elementary and secondary schools cannot be separated, therefore, from the question of the interrelationship of church and state. The first amendment to the U.S. Constitution forbids the Government to take any action to establish any church or religious activity.

The constitutional prohibition against establishment of religion has led the U.S. Supreme Court to set very strict rules over the kinds of aid which governments may provide to schools affiliated with religious organizations. State laws providing for aid to parochial schools have recently been declared unconstitutional, because they were deemed to constitute establishment of religion or to engender excessive intermingling and potential entanglement of the church and the state. Only those limited programs of aid to parochial schools for the express purpose of providing nonsectarian services to the pupils in the schools, and some aids directly to private school pupils, have been allowed to stand.

In view of these strict constitutional requirements and the close scrutiny which the Supreme Court may be expected to devote to any program of aid to parochial schools, Congress is obliged to proceed very cautiously in this area.

Two types of aid which could possibly be developed to bring financial relief to the parochial schools—as well as to other private elementary and secondary schools—are the voucher system and the tax credit or tax deduction system.

The Office of Economic Opportunity is currently conducting an experiment with a voucher system. Under this system a local school board gives each student in the school district a voucher valued at some sum of money, perhaps the average annual expenditure per pupil in the local public schools. The student is then free to use this voucher to pay the full cost of his education at any school he chooses, so long as that school meets requirements for participation laid down by the school board and also agrees to accept the voucher as full payment for educational services over the school year.

Another possibility lies in providing tax deductions or tax credits to parents who pay tuition to send their children to private elementary or secondary schools. Under this system, the parent, when he filed his Federal income tax form each year, would be allowed either to deduct some proportion of his tuition payments from his taxable income, or to subtract some fixed amount from the actual tax which he must pay. The amount of tuition which he could deduct or which he could credit against his final tax liability would be determined, probably in relation to the number of children for whom he is paying tuition, and his total family income.

This is a difficult problem, one which vitally affects the education of our children. America has always paid careful attention to its educational system and has developed one of the best systems in the world. We must now find a resolution to this pressing problem, but we must find a solution that will be consistent with our legal as well as our educational traditions—and which will assure the long-range health and vitality of all our Nation's schools.

A COMMENDABLE SELF-INITIATED ANTIPOLLUTION EFFORT

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HARVEY. Mr. Speaker, it seems to me that far too often there is an emphasis or a great deal of publicity on negative situations concerning our country's commitment to better protect and improve our environment. At this time, I would like to bring to the attention of all Members the efforts of the Saginaw Steering Gear Division of General Motors which, on its own initiative and expense, has installed a "closed loop" system for recycling and reusing more than 1,000,000 gallons of industrial oils annually.

This new system eliminates the need for disposing of used industrial oils by burning, burial or other methods that might pollute the environment. Instead, as it is pointed out, the oil now is recovered, cleaned, rerefined and fed back into the division's manufacturing plants for reuse.

Let me quote from the statement issued by Mr. Ellis M. Ivey, Jr., general manager of the steering gear division, who said:

A recent report by the United States Environmental Protection Agency shows that 1.5 billion gallons of industrial lube oils are purchased in the United States annually and that 30% of this amount is not consumed and must be disposed of in some manner. The EPA is increasingly concerned that this 30% is being burned or dumped, thus becoming an environmental pollution threat.

Mr. Ivey then concluded:

Our "closed loop" system ends this problem for our plants, except for water soluble oils. We now are planning additional, still more advanced, waste oil removal systems for the near future that will further reduce the possibility of air, water, or solid waste pollution.

Because I felt that this was an excellent example of good citizenship and concern for our environment, I informed the Environmental Protection Agency of the development of this new system.

I am happy to include the letter of commendation received from the EPA on this matter, as well as a news statement from the Saginaw Steering Gear Division. Both follow below:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 13, 1972.

Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR MR. HARVEY: This is in response to your letter of March 24, 1972, to Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency (EPA) forwarding information on the closed-loop oil recycling system developed by the Saginaw Steering Gear Division of the General Motors Corporation.

We appreciate receiving this information and would like to commend the company for their effort in attacking the problem of pollution caused by the discharge of waste oils into the environment.

The Environmental Protection Agency initiated studies addressed to waste oil management in 1967. A grant was awarded to Villanova University to upgrade current rerefining technology. In 1969, a grant was awarded to the National Oil Recovery Corporation to develop new technology for the conversion of waste oils into saleable products by distillation. The results of this work are now being put to use in an economically feasible manner. A grant issued to the City of Buffalo, New York, has developed information on insewer detection techniques and trapping equipment plus effects of waste oil in benthic deposits in the Buffalo River. We have just recently awarded a grant to the State of Maryland to develop methods for dealing with the problem of the disposal of all types of oily waste materials on a statewide basis. This grant includes the requirements for a state-of-the-art report which will be used as the basis for the reports to the Congress required by the pending legislation. We have also been in contact with the City of Seattle to investigate the possibility of having a similar study conducted there. Another contract is to be awarded to study the efficacy of using waste oils in conjunction with incineration of garbage and refuse. EPA is currently preparing a Request for Proposals for the development of improved technology for the rerefining of waste oils. This RFP will be issued in the latter part of this fiscal year for funding in Fiscal Year 1973.

The abatement of pollution caused by waste oils will have to be attacked by the combined efforts of government and industry. Efforts in this direction such as those taken by Saginaw Gear will greatly assist in finding a solution to this problem.

I appreciate your interest in this matter and would like to thank you for sending this information to us.

Sincerely yours,

A. C. TRAKOWSKI,
Acting Assistant Administrator for Research and Monitoring.

The Saginaw Steering Gear Division of General Motors has completed and put into use a "closed loop" system for recycling and re-using more than 1,000,000 gallons of industrial oils annually.

The new system, according to Ellis M. Ivey, Jr., general manager, eliminated the need for disposing of used industrial oils by burning, burial, or other methods that might pollute the environment. Instead the oil now is recovered, cleaned, re-refined and fed back into the division's manufacturing plants for reuse.

Last year Steering Gear treated approximately 300 million gallons of waste water from its plants in the "closed loop" system and recovered 1,193,840 gallons of oil. After preliminary treatment this oil was trucked to a Detroit firm where it was re-refined and returned to storage for re-use in SSG manufacturing processes.

The "closed loop" system, located at the division's Holland Road location in Buena Vista Township, collects industrial waste water from Plants 3, 4, 5, 6, and 7 and from the Chevrolet Manufacturing Plant at 2328 E. Genessee Avenue. Aa similar system treats waste water from SSG Plants 1 and 2. Waste from the Chevrolet plant is pumped to the facility through a 1½-mile-long underground conduit. This waste water contains large quantities of various industrial oils, grease, and other substances used in manufacturing operations.

The waste water treatment facility skims floating oils from the surface of the water and dredges the heavier waste materials from the bottom of the settling tanks. The recovered oils are pumped into holding tanks where further settling and skimming is performed.

Eventually, the oil is drained from the holding tanks into tanker trucks for shipment to the re-refining plant in Detroit. After being re-refined, the oil, which is found to be equal to new oil for cutting, broaching, and grinding operations, is repurchased by Saginaw Steering Gear.

Before the "closed loop" waste water treatment facility was completed, most of the recovered oil had to be disposed of by a professional waste disposal firm, which meant that it was buried, incinerated, or used for road surfacing. Each of these methods poses a threat of undesirable environmental pollution. The completed "closed loop" system permanently eliminates any such possibility.

In commenting on the new system, Ivey said,

"A recent report by the U.S. Environmental Protection Agency shows that 1.5 billion gallons of industrial lube oils are purchased in the U.S. annually and that 30% of this amount is not consumed and must be disposed of in some manner. The E.P.A. is increasingly concerned that this 30% is being burned or dumped, thus becoming an environmental pollution threat.

"Our 'closed loop' system ends this problem for our plants, except for water soluble oils. We now are planning additional, still more advanced, waste oil removal systems for the near future that will further reduce the possibility of air, water, or solid waste pollution."

YES, THE DEMOCRATS CAN BEAT RICHARD NIXON

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Yes, the Democrats Can Beat Richard Nixon," written by Joseph Napolitan, and published in the Saturday Review of April 1, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YES, THE DEMOCRATS CAN BEAT RICHARD NIXON

(By Joseph Napolitan)

I start by assuming that Richard Nixon can be defeated in 1972. There are some elections that cannot be won—even on a Presidential level. I'd put the 1964 Johnson victory over Goldwater in this category; I don't see any way that Goldwater could have beaten Johnson that year. But I do think Nixon can be taken in 1972—that's not to say he *will* be, only that he *can* be.

Right now, of course, the Democrats are preoccupied with the internal problem of selecting a candidate, but I hope, and indeed I urge, that at least the leaders of the party concern themselves with the more distant but also more crucial matter of winning the general election once the candidate has been nominated. I say this now because what happens between the present time and the Democratic nominating convention in July will have incalculable impact on the outcome of the election. The status of the war in Vietnam and the economy of the country are the two major variables, and my crystal ball is murkier than most people's so I wouldn't even hazard a guess about how those important factors will have developed by November 1972. But if I were to lay out a program to defeat Nixon, I would start now, and this is what I would do.

First, I would plan a negative campaign. That is, the thrust of the effort would be aimed at influencing people to vote *against* Nixon rather than *for* my candidate, whoever he might be. Any incumbent President in tur-

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bulent times must run on his record, or be forced to run on his record if he tries to seek another avenue. The powers of the Presidency are awesome, the resources of the President are unmatchable by the party out of office, and the staff and services provided by the federal government are far too rich for the out party to match, particularly if the out party still is trying to pay off its 1968 debts.

But there is one big disadvantage to running as the incumbent: You must accept responsibility for what has happened to the country in the four years of your stewardship.

I'd begin my campaign planning with polls. Starting immediately, I would try to make arrangements with the leading political polling firms, Democratic state committees, and Democratic candidates for statewide and Congressional offices to include a brief series of questions in all their polls about the Presidential election. The polling firms might have to get the permission of their political clients to include the questions, but this really shouldn't be a problem. If I were running a statewide campaign for a Democratic candidate in 1972, I'd certainly want a pretty clear look at the Presidential contest anyway. Even if it became necessary to pay the polling firms a few hundred dollars for adding the questions, and I don't think we would have to, it still would be worth it.

There are certain *kinds* of questions I'd like to see included in all polls, starting immediately, with exactly the same wording in each poll, and presented to demographic cross sections as similar as possible in each state. First I would list the candidates and ask the respondent if he had heard of each and whether he regarded them favorably or unfavorably or had no opinion. Next I would ask him what he felt were the major accomplishments and failures of the Nixon administration. Then I would have him select who he thought would make the best Democratic candidate. Finally I would have him choose between Nixon and several of the more prominent Democratic contenders.

Obviously, this wouldn't be a survey in depth, but it would give the Democratic National Committee, which bears the ultimate responsibility for organizing the Presidential campaign, a constant and standardized flow of information from the various states. The DNC can feed this information to a computer and get figures and comparisons, broken down regionally and demographically (by age, for example, or by race, sex, income, education, religion, and so forth). And all for free, or practically nothing.

I can readily understand Presidential candidates' reluctance to share their private poll information, but if they would all agree to provide the national committee with this kind of information, with the understanding that all the candidates for the nomination would have access to it, they'll all benefit, and so would the committee.

Another thing I'd do now is line up half a dozen good polling firms, concentrate on the states that need to be polled, and assign them some specific states and dates. For example, I'd want a full-scale poll in the field about a week after the Democratic nominee is selected, probably another one the first week in September, and a third about the second week of October. I wouldn't assign more than three or four polls to any one polling firm, because none of the firms I know of can handle a lot of states simultaneously and turn out high-quality work on time. The questionnaire should be prepared at the DNC and the demographics be selected by someone appointed to supervise polling operations for the DNC so that the polls would be compatible and easily matched. Polling firms use various age breakdowns. My firm happens to use these: twenty-one through thirty, thirty-one through forty, forty-one through sixty, over sixty. We make a ten-year breakdown between twenty-one and forty, because those under thirty really grew up on television, those over thirty weren't as influenced in their childhood by television. In 1972, obviously, the eighteen- through twenty-year-olds should be included, and I'd put them in a separate category, to measure what impact, if any they will have in the Presidential election. The breakdowns for income, education, and other factors also should be standardized.

I wouldn't advocate any national polls, because we don't have a national election; we have a series of state elections, and there are many states that the Democratic Party need not poll in 1972.

We tried to do some selective polling in 1968, but by the time we got going—after Labor Day—it was too late to achieve maximum effectiveness. We were in the awkward position of being forced to produce our media materials before the poll results were in hand. But if the Democratic National Committee follows the outline I've presented, or something similar, it will have the best set of polls ever produced for a Presidential candidate.

Another project I'de get started on early would be the selection of target states. We wasted a lot of money in 1968 because of poor advance planning; there's no excuse for allowing this to happen again in 1972.

Picking the target states is easy. In 1968 Nixon won thirty-two states with 301 electoral votes, Humphrey won thirteen and the District of Columbia with 191, and Wallace won five with 46. The clear and obvious Democratic targets for 1972 are the thirteen states Humphrey won in 1968—Connecticut, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New York, Pennsylvania, Rhode Island, Texas, Washington, and West Virginia—plus the states Nixon won that the Democrats have a reasonable chance to carry in 1972. This is the critical list, and on it I would place, in order of importance, California, Illinois, Ohio, New Jersey, Missouri, Wisconsin, Delaware, and Alaska. Those eight states delivered 137 electoral votes to Nixon in 1968; today, because of census reapportionment, they're worth 140. The states Nixon carried in 1968 now total 305 electoral votes instead of 301; Humphrey's states drop from 191 to 188; Wallace's from 46 to 45.

If the Democratic candidate can carry the thirteen states Humphrey carried in 1968, plus as few as three of the states Nixon carried (California, Illinois, Ohio, or California, Illinois, New Jersey; or California, Ohio, New Jersey), he can accumulate the 270 electoral votes needed to win, regardless of what Nixon and any third- or fourth-party candidate may do. I don't see this as an impossible task.

The keystone state is California. That's the battleground for 1972. Gainer of 5 electoral votes—booming it to 45 while New York drops back to 41—California is the prize that could decide the election. A Democrat could win without California by carrying Humphrey's 1968 states plus, say, Illinois, Ohio, New Jersey, Missouri, and Alaska, but it would be more difficult.

Of the states that Humphrey lost in 1968, I would say New Jersey, Missouri, and Alaska will be the easiest to swing into the Democratic column in 1972, closely followed by Delaware. California, Illinois, Ohio, and Wisconsin will be tougher—much tougher, but worth fighting for.

With the objectives clearly defined so early in the game this is the time to begin tooling up in the target states—for whoever the Democratic candidate may be. Special television programs can be developed for these states. Registration drives should begin at once in Democratic strongholds in these states, among blacks and young people and the poor. The votes aren't hard to identify, but unless they are registered they won't do the Democratic Party any good in November.

I may give the impression here that I am writing off certain states, and I am. There are at least a dozen states I'm willing to concede immediately and avoid spending any money in at all, unless that money is raised in the state to be spent there. This may be a cold-blooded position not calculated to win friends among state chairmen and committeemen and women, but, to tell the truth, I'd rather win the election than make friends. (It's amazing how friendly everyone gets to be after you've won.)

There are some states that Nixon carried in 1968 that a Democrat conceivably could win in 1972—other than the eight I already have listed—but none in which I see the Democrats with a strong chance. Nevada, New Mexico, North Carolina, Kentucky, Tennessee possibly—but if I had my druthers I'd much rather place emphasis (i.e., money) in states where I had a better chance of winning than I do in these places. And I wouldn't bother with the Wallace states at all. It's conceivable a hawkish Democrat such as Senator Jackson might pull off one or two if he wins the nomination, but I wouldn't bet on it. And who knows at this point whether there will be a third-party candidate (Wallace) or maybe even a fourth-party nominee (Gene McCarthy or John Lindsay). But, for planning purposes at this stage, it really doesn't make much difference, because there is a minimum number of electoral votes required to win—270—and efforts should be directed at carrying enough states to accumulate that number of votes.

If this is going to be a negative campaign—and I don't see how it can be any other kind unless Nixon is not the candidate—then the DNC computer should be put to use right away. I'd begin feeding it every public statement Richard Nixon has made since he became a Congressman, properly coded and categorized. I'd also add the statements of Spiro Agnew and any other Republicans who might be targets of one sort or another in 1972—for example, Republican National Chairman Robert Dole. Then when I (i.e., the DNC, any of the Presidential candidates, eventually *the* Presidential candidate and his running mate, or any other prominent Democratic speechmakers) wanted to demonstrate the inconsistencies of Nixon's actions with his words, I could just punch the right buttons on my computer, and it would print out the material I needed.

This information-retrieval system can be a tremendous boon to speech writers, copywriters, film and radio producers, and local Democratic candidates. It's just a question of assembling, coding, storing, and retrieving. I assume something like this has and is being done, because the information it can provide, literally on a moment's notice, will be invaluable to the campaign.

My major interest in campaigns is political communication. This involves the use of mass media, particularly television and radio, but other media as well. When I became advertising director of the Humphrey organization late in the 1968 campaign, I tried to implement some of my theories on the use of media in a Presidential election, with a fair amount of success. But the shortage of time and funds caused us to fall sort of our goal. We have the time now, and I expect there will be enough money amound to finance an adequate campaign—not as much as the Republicans will have, but enough to cover the necessities if it is spent properly.

I would try some new approaches to the use of media in the 1972 election, some of which can be initiated before we even know who the Democratic candidate will be. In fact, there is no reason why the candidates could not be informed what is being done (notice I said "informed," not "consulted"; you don't produce good media by committee in consultation) on their behalf. Presumably, the eventual candidate might want to scrub everything, but I doubt it if the material I envision is produced the way it should be; and even if he doesn't want to use it, it will be prepared in such a way that Democratic candidates for Senate, the House, and statehouses will be able to make use of it.

Suppose I had carte blanche to organize and implement media planning and structure for the 1972 Presidential election: What would I do?

First I would take the seven big states I feel are essential to win in 1972—California, New York, Pennsylvania, Illinois, Ohio, Michigan, and Texas—and get some tough research done on how the Nixon administration has failed to solve the problems in those states. I would deal in hard specifics, with problems directly related to the individual states. In New York, for example, this could include the massive problems of welfare and drug addiction; in California, the rampant unemployment in aerospace and the erosion of natural resources.

I would find out not only what the problems are and how the Republican administration has failed to solve them but also what solutions have been presented by the Democrats. We should also note that California, New York, Illinois, and Michigan have Republican governors, and that Pennsylvania and Ohio had Republican governors until the start of 1971.

As soon as I had assembled my research, and probably concomitantly, I would engage three or four of the best television documentary producers to make a thirty-minute film on each state. These films should be suitable for both Presidential and regional candidates. Wherever and whenever possible, attractive local candidates should be included in the film.

By the late spring or early summer of 1972 I would have a package of half-hour documentaries for use in the major battleground states, specifically relating to their problems, revealing Republican failures and outlining Democratic programs. Remember one thing: We should never underestimate the intelligence of the American voter or overestimate the amount of information at his disposal. We should be giving him solid chunks of anti-Nixon information preparatory to presenting our own constructive proposals.

While I was producing these state documentaries. I also would be working on some *problem* (or, if you prefer, *issues*) documentaries on the major problems facing the country: lack of job opportunities, drug addiction, education, pollution and conservation, education, welfare, and poverty. Again, these would be definitive studies that would document Republican failures and present Democratic programs, and they'd work for whoever the nominee might be. I can't see that there would be sharp differences among Humphrey, Muskie, McGovern, Kennedy, or Jackson programs on drugs or poverty or protection of natural resources or education.

The basic footage could be filmed in the spring and early summer; after the candidate is nominated, he can be worked into each of the films, and there could be time and space provided for tie-ins with local candidates.

These problem-oriented films could, if desired, be shown on national network television, although I would be more inclined to make local purchases within states so that we would be paying for only the states we wanted to reach and not for states where we have no chance of winning anyway. I'd have all these films ready to go on the air by Labor Day, and perhaps run one a week for the next five or six weeks, making them available to state committees and candidates within each state for additional showings at their convenience and expense.

As soon as the candidate is nominated, I'd begin work on a biographical documentary of him and, perhaps, his running mate. This would be for use later in the campaign, say from the middle of October on.

From all these films—the state documentaries and those on problems—five-minute programs and one-minute spots also could be culled. The candidate would go into the campaign armed with the greatest assortment of television weapons any candidate for President anywhere has ever had. What would this whole package cost? About $1-million—or something less than 8 per cent of the total Republican television time budget in 1968, around 15 per cent of what the Democrats spent on television in the past election. And there would be some offsetting gains: Candidates for senator and governor might be induced to pick up part of the tab by acquiring the films they considered most useful to them in their own races and adapting them to their personal needs.

The key to the success of this project is the quality of the materials produced, as it so often is. That's why I would try to get a lock on the best film producers as early as possible and put them to work on these films before they get so committed in other races that they don't have time to work on the Presidential election. This happened in 1968, to Humphrey's detriment.

Nixon made much better use of radio in 1968 than Humphrey did. For 1972, a series of low-key, factual five-minute radio programs on important issues can be prepared early, utilizing the best speech writers in the Democratic stable, and go on the air during the summer. The cost is low, and the impact can be high.

I'd also make use of the *losing* Democratic contenders in films, perhaps a series of five-minute programs not unlike the one made with Humphrey and Ted Kennedy in 1968. These would not be used nationally but shown in the states where the losing candidate is particularly popular. For example, if Senator Jackson doesn't make it, a five-minute film of him and the Democratic nominee discussing the problems of the state of Washington should have favorable impact in that state. The same would be true with Harold Hughes in Iowa, Birch Bayh in Indian. Kennedy in Massachuseets, George McGovern in the Dakotas, Humphrey in Minnesota, Edmund Muskie in New England. Not too costly, and potentially useful.

I'd get the best political time buyer available and have him chart the states where we wish to make our biggest push and outline budgets and potential time buys in those states. Buying network time isn't as difficult in a Presidential election, because the networks are, by law, forced to make equal time available to each of the Presidential candidates. The time buyer's skill can best be used within key states.

There also are some more esoteric areas of electronic communication that I would want the Democrats to take advantage of. One is instant reaction, and the other would be the establishment of videotape and radio files. I would establish an "instant-reaction" electronics team, a group of television and radio specialists who could capitalize on an event virtually instantaneously, be it a statement, a speech, or a piece of news, and through electric feeds make it available to the networks and key stations throughout the country. Often this could be news material offered to the stations for use on news programs; in other cases, paid spots produced in twenty-four hours or less and worked into previously purchased time.

No one knows when news that could affect the outcome of the election will break, or even when an opponent will commit a gaffe that could be capitalized on. Under conventional systems of producing television and radio spots, it takes days, sometimes weeks, to turn out reaction spots. Under the system I envision, these could be done in hours. What it takes is an alert electronics team, standing by twenty-four hours a day, ready to act on literally a moment's notice. The problem here really is not so much one of implementation, but of proper planning and having the right people ready to move when they must. I am convinced that the cost of such an operation would be far less than the value we would realize from it.

For years candidates have maintained newspaper clip files; sophisticated ones are beginning to use computer retrieval systems similar to the one I mentioned earlier. But now it is time for candidates, at least for Presidents, to establish data banks of video- and audiotapes—not necessarily or exclusively of their opponents, but also of news events. These can be used for recall, to capitalize on the information already inside everyone's brain. Consciously, we tend to forget fairly rapidly; subconsciously, we retain information for much longer periods, possibly forever. The audio/videotape banks would permit our television and radio producers to create instant recall of major events and to capitalize on both the emotionalism and the rational reactions that surrounded these events during the time they were taking place. For example, no one who lived in New York in July 1970 is likely to forget the suffocating smog that smothered the city for a few days during the middle of that month. Utilization of newsfilm clips and commentaries would instantly recall those horrendous conditions and could trigger the rage and frustration New Yorkers felt during those days.

These electronic data banks could be extraordinarily valuable in preparing television and radio materials for the Presidential election—but the time to start assembling them is *now*, not after the candidate has been nominated in the middle of July 1972. A candidate who goes into the campaign armed with this kind of backup material, and the availability of instant reaction facilities; possesses a big advantage over the candidate who doesn't, and this is the kind of thing the party apparatus can be doing prior to the election. By Labor Day 1972 the operation should be organized and ready to go, the material assembled, the technologists in place, the research completed, the techniques perfected.

This whole operation obviously requires planning, direction, and financing. The last may be the toughest, but I think it's not a question of whether the Democratic Party can afford *not* to do it but whether the party can afford to do it. And, in the long run I don't think the program I have outlined would cost any more than the haphazard media programs both parties have had in the past; intelligent reallocation of resources would provide maximum value for every dollar—something we did not receive in past elections.

In any event, one aspect of the campaign has worked out well. Former Attorney General John Mitchell will run Nixon's campaign again. Anyone who can manage Nixon from a fifteen-point lead to a seven-tenths-of-a-point victory in seven weeks is too good a friend to lose.

GENERAL ASSEMBLY CALLS FOR NEW GRAIN AND OIL SEED BASE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHWENGEL. Mr. Speaker, the second session of the 64th general assembly of the State of Iowa expressed a deep concern for the inability of Iowa grain

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producers to obtain premium prices in accordance with the consistently higher quality of the grain and oil seed products which they submit under the present grade-price structure.

In Iowa House Concurrent Resolution 111, all resources of the Federal Government are called upon to institute a study of the present price-grading system with the intent of establishing a new basis for determining the market price of feed grains and oil seeds. The text of the resolution follows:

HOUSE CONCURRENT RESOLUTION 111

Whereas, we, the members of the Agriculture Committee of the Iowa House of Representatives, have a deep concern for the problems of the grain producers of our state in marketing grain and oil seeds, the market price of which is determined by established grade; and

Whereas, hundreds of Iowa grain producers are submitting grain and oil seeds to local markets, which grain and oil seeds average consistently higher in quality and grade than is provided for in the present grade-pricing system; and

Whereas, these producers of premium quality grain and oil seeds are unable to procure premium prices for their products under the present grade-price structure, now therefore be it

Resolved, by the House, the Senate concurring, That the President of the United States, the Secretary of Agriculture of the United States, the Congress of the United States, and the Committees on Agriculture of the United States House of Representatives and Senate be directed to immediately institute a study of the present price-grading system for grains and oil seeds in the United States with the intent of establishing a new base for determining the market price of feed grains and oil seeds; and be it further

Resolved, That copies of this Resolution be transmitted to the President of the United States, the Secretary of Agriculture of the United States, the Speaker of the United States Senate, the Committees on Agriculture of the United States House of Representatives and Senate and to all members of the Iowa delegation to the Congress of the United States.

INCREASING CONFIDENCE IN THE ECONOMY

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ARENDS. Mr. Speaker, new information on the economy indicates it is continuing to expand. The Department of Commerce has reported that new factory orders for durable goods during the month of April continued their upward trend of the last several months. In addition, the F. W. Dodge division of McGraw-Hill Information Systems Co. has reported that new construction contracts during the month of April were at a record level.

Total new factory orders during April were $35.5 billion, up 1.2 percent from March. The April increase followed a 1.7-percent increase in March. The total March–April rise of 2.9 percent in new factory orders for durable goods would be equal to an annual rise of more than 17 percent. The strength of the recent performance in new durable goods orders is highlighted by comparing the last 4 months of 1971 with the first 4 months of 1972; the increase is higher this year.

The Dodge index of new construction contracts, as seasonally adjusted, rose to 167 in April, up from March's 159 and February's 155. The growth was strong in both residential and nonresidential contracts. Residential building contracts showed the biggest gain, with a 27-percent increase to $3.97 billion, as compared to April 1971's $3.12 billion. Nonresidential contracting showed a 6-percent gain to $2.18 billion, as compared to $2.06 billion a year ago.

Mr. Speaker, this strong performance by these two important indicators is very encouraging because of the increasing confidence in the economy indicated by such a high level of durable goods orders and the inevitably favorable effects which such strong construction activity has on the rest of our economy.

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the April 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of April was 2,870,842 as compared with 2,866,346 in the preceding month of March. This was a net increase of 4,496.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of April totaled 2,830,332. This was a net increase of 4,123 as compared with employment reported in the preceding month of March. Employment by months in fiscal 1972 follows:

Month	Full-time employees in permanent positions	Change from previous month	Temporary, part-time, etc.	Change from previous month	Total employment	Change from previous month
1971:						
July	2,521,703	+1,391	381,448	+18,755	2,903,151	+20,146
August	2,524,098	+2,395	366,062	−15,386	2,890,160	−12,991
September	2,527,518	−3,420	317,021	−49,041	2,844,539	−45,621
October	2,529,832	+2,314	303,236	−13,785	2,833,068	−11,471
November	2,528,233	−1,599	300,256	−2,980	2,828,489	−4,579
December	2,525,858	−2,375	300,662	−406	2,826,520	−1,969
1972:						
January	2,552,081	+26,223	272,945	−27,717	2,825,026	−1,494
February	2,550,984	−1,097	277,284	+4,339	2,828,268	+3,242
March	2,539,790	−11,194	286,419	+9,157	2,826,209	−2,037
April	2,533,275	−6,515	297,057	+10,638	2,830,332	+4,123

Agencies of the executive branch have reported a net reduction of 17,037 in total full-time permanent employment since June 1971 (excluding for comparison purposes a shift of about 30,000 Postal Service employees from temporary to permanent status) to the April total of 2,533,275.

Administration orders announced last August were directed at reductions in the category of full-time permanent employment in agencies exclusive of Postal Service. Since June 1971 this employment has been reduced 15,650, indicating further reduction of about 21,780 to reach the level of 1,918,100 projected by the budget for June 30, 1972 under the reduction orders.

This net decrease in full-time permanent employment of 15,650 reflects reductions of 20,826 reported by the Defense Department in the 10 months since June 1971, partially offset by increases totaling 5,176 reported by other civilian agencies. The further reduction of 21,780 necessary to reach the projected June 30, 1972 level is anticipated by the Administration as a result of expected Defense reductions resulting from the transfer of Okinawa and seasonal decline in overseas teachers, together with lower than anticipated expansion in certain civilian agencies.

Changes in total employment in April in Civilian Agencies of the Executive Branch as compared with civilian employment in Military Agencies were as follows:

	April	March	Change
Civilian agencies	1,714,680	1,705,937	+8,743
Military agencies	1,115,652	1,120,272	−4,620
Total, civilian employment	2,830,332	2,826,209	+4,123

The civilian agencies of the Executive Branch reporting the largest increases in April were Agriculture with 5,028, Treasury with 1,783 and Interior with 1,410. In the Department of Defense the largest decreases in civilian employment were reported by Army with 2,134 and Air Force with 1,360.

Total Executive Branch employment inside the United States in April was 2,651,950, an increase of 8,769 as compared with March. Total employment outside the United States in April was 178,382, a decrease of 4,646 as compared with March.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in April totaled 32,236, an increase of 383 as compared with the preceding month of March. Employment in the Judicial Branch in April totaled 8,274, a decrease of 10 as compared with March.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during April 1972, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	April 1972	Estimated June 30, 1972[1]
Agriculture	89,912	84,252	82,789	83,000
Commerce	25,427	28,435	27,860	28,500
Defense:				
Civil functions	30,297	30,063	30,129	30,600
Military functions	1,129,642	1,062,741	1,041,849	1,011,000
Health, Education, and Welfare	102,297	104,283	106,556	102,000
Housing and Urban Development	14,661	16,030	15,729	15,200
Interior	59,349	57,570	56,585	56,900
Justice	38,013	42,662	44,131	45,100
Labor	10,217	11,352	12,111	11,800
State	23,618	23,398	22,768	22,700
Agency for International Development	14,486	13,477	12,400	12,400
Transportation	63,879	68,482	66,995	66,400
Treasury	86,020	90,135	95,661	98,500
Atomic Energy Commission	7,033	6,920	6,808	6,700
Civil Service Commission	5,214	5,324	5,167	5,600
Environmental Protection Agency[2]		5,959	8,030	8,000
General Services Administration	36,400	38,076	35,596	39,400
National Aeronautics and Space Administration	31,223	29,478	28,026	27,500
Panama Canal	14,635	13,967	13,863	14,200
Selective Service System	6,665	5,568	5,790	6,200
Small Business Administration	4,015	4,004	4,007	4,000
Tennessee Valley Authority	12,657	13,612	13,801	14,000
U.S. Information Agency	9,989	9,773	9,462	9,400
Veterans Administration	148,497	158,635	160,976	162,700
All other agencies	29,807	31,333	32,791	34,300
Contingencies				2,000
Subtotal	1,986,953	1,955,530	1,939,880	1,918,100
U.S. Postal Service	565,618	564,782	593,395	[3]613,400
Total[4]	2,552,571	2,520,312	2,533,275	2,531,500

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.
[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.
[3] Includes approximately 39,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement. Reclassification of 30,000 such employees was reported to the Committee in January 1972.
[4] April figure excludes 3,054 disadvantaged persons in public service careers programs as compared with 2,947 in March (see table 3, p. 11).

ITALIAN REPUBLIC DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mrs. GRASSO. Mr. Speaker, on June 2 the Republic of Italy celebrated the 26th anniversary of that date when, in 1946, its people voted by popular plebiscite to replace the monarchy with a republic. This occasion affords me the special pleasure of honoring the people of Italy and the nation which has its own unique place in the world community.

Following the devastation of World War II, Italy began the long journey which has carried it to new heights of economic growth and national pride. The impressive progress of the past generation demonstrates the indomitable spirit of the Italian people. Tremendous obstacles faced Italy. The country lacks widespread natural resources. Yet, industrialization has created in Italy industries known throughout the world for the production of automobiles, tires, textiles, and leather goods. Through trade and commerce, Italy has strengthened ties with the free world and has become an integral part of the Western European community.

The economic advances have contributed to a strengthening of the Republic itself. Recently, more emphasis has been placed on providing the fruits of economic prosperity to the entire nation. Economic policies are being aimed at increased diversification and development—especially in the underindustrialized south. Despite the diverse nature of the populace, Italy proved in recent elections that the Italian people remain committed to democracy—to social and economic change without authoritarian discipline.

The Western World owes much to the long and rich history of Italy. Roman law, which is the basis for our own legal system, was only the first of the contributions made by the Italian nation to the culture of Europe and the Americas. In the arts, science, and in philosophy, Italians from many ages have been leaders in their fields. The works of DaVinci, Raphael, and Michelangelo testify to the genius of the nation's artists. The world of opera and classical music would be far different from what we know without the talents of Verdi, Vivaldi, and Toscanini. The writers Dante and Pirandello are among the greatest authors in the history of literature. In the field of science, men like Galileo, and DaVinci made invaluable contributions to our understanding of the world around us. The fields of philosophy and government have been enriched by the writings and actions of Cicero, Machiavelli, Mazzini, and Garibaldi.

The creativity and energy which the people of Italy have demonstrated in their native land have been transmitted to our country by the hundreds of thousands of Italians who have come to these shores. Italian-Americans have contributed to all fields of American life. Constantino Brumidi—the Michelangelo of the Capitol—and the famed physicist Enrico Fermi are two examples. The industry and devotion of Italian-Americans has made this Nation a better place for all our citizens. The many Italian-Americans who have been instrumental in our own country's progress insure that the bonds between Italy and America will continue to be strong and friendly.

I extend my warmest congratulations to the Italian people for the 26th anniversary of the Republic, and wish them the continued success which is rightfully theirs.

HELPING THE VOICELESS CHILDREN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, an article by Thomas R. Miller, entitled, "Helping the Voiceless Children," appeared in the New York Times on June 3, 1972. It is a poignant statement.

We can count the lives lost and the billions of dollars wasted in Vietnam, but it is not as easy to measure the suffering among the survivors. And the deepest cruelty in Vietnam has been inflicted upon the children. They are the true innocents. The article follows:

HELPING THE VOICELESS CHILDREN

(By Thomas R. Miller)

I recently went to Hue to see the damage caused by the new fighting. Before it began doctors at the hospital there estimated it would take thirty years after the fighting stopped to take care of the war's innocent victims. Now it most certainly was worse—sudden rocketing followed by heavy bombing in populated areas.

At the airport American G.I.'s, brought for combat duty in the defense of radar sites in the rugged hills around Hue, walked slowly and silently through the mud, obviously bitter that they might be the last Americans to die. They were greeted by an equally silent group of South Vietnamese troops waiting, bandaged and bloodied, for air evacuation.

Tens of thousands of refugees had packed themselves into every available space, silently enduring the latest man-created test of their willingness to live. Many others were not so lucky and were caught to the north when the heavy bombing began. "I saw hundreds being killed and injured by the bombs," said a stunned 66-year-old man who had just escaped from Cam Lo with 500 other refugees after days of heavy bombing. Rockets from the North had taken their toll, too.

What about the civilian medical conditions? At first we got no clear answer. The hospitals in Hue and Quantri were hesitant to give out any information. It was only when one of the hospital officials came privately to a reporter friend of ours—a Vietnamese-speaking doctor who had a keen interest in civilian medical problems—that we learned the real story.

"I needn't tell you that there have been many wounded brought to the hospitals," the hospital official said, "but in Quantri there was only one part-time doctor and no emergency service before the fighting began. Then, when the fighting began, the hospital staff, including the doctor, fled." he added. Immoral for a doctor to flee his patients? I thought. It is hard for Americans to put themselves in the position of the Vietnamese. Among the people, no one is loved and honored more in Vietnam than the rare soul who, when the test comes, does care beyond himself and his family. We learned more, confirming our worst fears of the human destruction.

Except for one napalm-burned child, we did not have space to bring injured children back—they would come later through the organized clinics. And for those lucky few

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children who did make it to the hospital, the painful task of putting their little bodies back together would begin. Tiny arms glued by burn contractures to the side; skull and faces shot away or eaten away in a few days by a disease called "noma" (it was last seen in Europe in Nazi concentration camps); hands and legs injured and burned; eyes that could not shut. It is too much for even the most hardened observers to bear.

Through clouds of smoke from napalm fires we returned to Saigon. My next duty was to prepare an announcement to the overworked Vietnamese staff that their already small salaries would be cut because we were running out of funds for our hospital.

RIGEL SCHOOL FOR SPECIAL EDUCATION: A MODEL SCHOOL IS DEDICATED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, during the tenure of Mr. Henry Bryant, superintendent of the Elmendorf Air Force Base schools and during my tenure as superintendent of the Fort Richardson schools, an idea was born, an idea that developed over 6 long years into a reality that was officially dedicated on May 16 of this year. That idea was the Rigel School for Special Education, at Elmendorf Air Force Base, Alaska; the first special education building in Alaska designed specifically for this purpose.

There are no orthopedic barriers at Rigel; the front doors are electric, all halls have handrails, each room has an exterior door. There are no classroom doors, but there are screen barriers with one-way glass for observation. The building is completely carpeted. The gang lavatories have no doors and each has a special wheelchair sink. The multipurpose room is completely open with no hall walls. It has a hot lunch kitchen for about 100. In fact, in a preview of the building the many teachers, visitors, professors, architects, and professionals who toured the building could not think of one thing that had been left out of this innovative building.

Rigel School is named for the star that makes up the heel of the constellation Orion—Rigel, the smallest and brightest star. On May 16, 1972, Rigel School was dedicated "to all the special people who need an abundance of love and understanding to meet their needs." The following description, written by Mrs. Thelma Fenner, a teacher at Rigel, shows just how well-equipped toward meeting those needs is the Rigel School:

Today, Monday, February 29, 1972, we had our first day in our new school—this also happened to be the day President and Mrs. Nixon were at Elmendorf on their way back from China.

Our facilities consist of 10 classrooms, conference rooms, testing rooms and multi-purpose rooms. We are very happy with our set up.

At present we have 2 classrooms for the TMR (trainable children), each well equipped for the Children's individual needs.

One class for the Multi-handicapped. We have railed supports for these children along the hallways even to the stage in the multi-purpose room.

One classroom for the hard of hearing. We do not take the deaf (children with no residual hearing), these children are taken care of by the Alaska Crippled Children Association School. We have special equipment that will greatly aid these children. The teacher will also be teaching communication skills and speech.

There will be two classrooms—one for the children interested in vocational home-ec. and the other for vocational arts and craft.

The other four classrooms will be for children with learning disabilities with specialties in Reading, Math, Lang. Arts, and Science.

Distar, complete series in reading, math, lang. arts, Lippincott Reading Series, Reader's Digest Series, Action Series, teacher's own series, and many others are introduced to our students.

For P.E., the children will be introduced to special perceptual exercises that will aid them in our classes. We have plans for the best program of P.E. that the state has to offer.

The individual needs of each student with learning disabilities dictates that the teacher has available a wide range of instructional aids and methods. Teaching Resources provides in our school this variety with many different programs, and within each program itself. Each concept or progression in every program is so structured so that the teacher can use as many, or as few, of the multiple procedures and exercises suggested at each step without interfering with the continuity of the program.

We are introducing special programs such as Dubnoff, Program I, these are basic perceptual skills that develop the child's readiness for reading and writing.

Dubnoff Program I, Level 2, develops cognitive skills for reading and writing readiness.

Dubnoff Program I, Level 3, brings to the children a complete curriculum of writing readiness skills.

Dubnoff Program 2, is for visual-motor perception with pattern boards.

For eye-hand coordination, we are using in each room the Pathway School Program. These are games and exercises to develop or improve visual-motor integration, and body-arm-hand-eye movements in unison. Many children are developed in these games and exercises. Body awareness and relationships in working in a confined space at a restricted or defined activity is stressed.

Our A.D.D. Program of auditory discrimination in depth is designed to teach beginning students, or below average students of any age, the basic auditory perceptual skills they must have in order to read and spell correctly—the ability to decode and encode.

In Math, we have the Foundation for Math, which is a completely new approach in four sequential units, to provide a foundation of basic skills and concepts from which mathematical competency is developed. This Math program was developed by Dr. William Crueckshank, Professor of Psychology and Education, University of Michigan.

These above programs will be added to our regular programs: We are striving at all times to bring to our children the newest and the best approaches that have been presented to us.

Your child will be safe and loved in our classrooms. We welcome your inspection.

Rigel School is a joint venture of the Air Force and Army through ALCOM to serve the special education students of the base and post. It presently accommodates 85 trainable, mentally retarded and physically handicapped youngsters. Next year there will be about 110 students. There are 10 teachers, a coordinator, and a principal to provide the program for the youngsters from Elmendorf and Fort Richardson, Alaska.

Rigel is a model school of special education, wtih architectural curricular and administrative innovations. I urge my colleagues and all those interested in special education to study this unique school and all the possibilities it presents. Rigel School is a milestone in special education, a school plant which will certainly enhance the school experiences of our special disadvantaged, dependent schoolchildren, and I am proud to have had a small role in its planning and development.

Mr. Speaker, I am certain that I speak for all the Members of this House when I offer congratulations and best wishes to the Rigel School for Special Education as they celebrate their building dedication and begin their first year of operation. A special salute should go to Henry Bryant, superintendent of schools, who had the perseverance to see this project to completion. He deserves great thanks from all of us.

OPERATION FACT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SEBELIUS. Mr. Speaker, a unique approach to promoting rural-urban understanding, Operation FACT—Food and Agriculture Communications Tour—was recently sponsored by the National Agricultural Institute.

I was most impressed with this effort, and I commend the National Association of Wheat Growers, and its supporting organizations such as the Kansas Wheat Growers Association, for recognizing the value of meeting face to face with consumers and working to help them to better understand and appreciate our agricultural system. The timing of this activity was particularly good. It was launched during a period of heightened concern over food costs and at a time when the public was receptive to the farmer's side of the story.

Mr. Eugene Moos, president of the National Association of Wheat Growers, was one of four active farmers who served as farm ambassadors to the cities of America to set the record straight regarding mass urban confusion over food prices. During the tour, the team met with shoppers, sought the views of consumer spokesmen, talked with students, and answered questions from radio, television, and newspaper reporters in Washington, D.C., Chicago, Seattle, Houston, Atlanta, Boston, and New York to disseminate the facts regarding farmers, farm prices, and our Nation's No. 1 industry—agriculture.

Mr. Moos, a wheatgrower from Edwall, Wash., has prepared the following report on his participation in Operation FACT which I would like to share with my colleagues at this time:

A REPORT ON "OPERATION FACT"

(By Eugene Moos)

The objective of the National Agricultural Institute's "Operation FACT" (Food and Agriculture Communications Tour) was to provide two-way communication between farmers and consumers with a special focus on the food price issue. We pointed to the positive aspects of agriculture's story, and sought also a more complete understanding of consumer concerns.

Each of the tour participants was a producer of a basic agricultural commodity. They were J. S. Francis, Jr., Peoria, Arizona, cotton and alfalfa; Thurman Gaskill, Corwith, Iowa, corn-hog; John Barringer of Memphis, Tennessee, cattle; and myself, a wheat producer from Edwall, Washington. The group was selected to provide broad geographic balance, and to reflect a representative cross-section of various commodities.

"Operation FACT" started in Washington, D.C., on April 18th with a press conference held in the hearing room of the Senate Committee on Agriculture and Forestry. Team members were joined by Secretary of Agriculture Butz, Senator Carl Curtis of Nebraska and Congressman George Mahon of Texas. The team also appeared on "Panorama," a local TV talk show.

Prior to the tour start, a briefing session by USDA personnel was held on April 17th. The briefing session covered agricultural program policies, export markets, domestic marketing and public information efforts of the Department.

Before leaving Washington, D.C., team members had the opportunity to tour the meat processing and distribution center of Safeway stores for the District of Columbia area. Two hundred and forty-six supermarkets are served from this meat center, covering an approximate 200 mile radius of Washington, D.C.

The first team stop was in Chicago. There we met with Jane Byrne, consumer advisor to the Mayor of Chicago, and assistants. After these meetings, we attended a press conference in North Chicago at a Jewel Store which was covered by three TV networks plus radio and news reporters. Team members were filmed interviewing both men and women shoppers. The shoppers all felt that food prices were high, but then "so was everything else." No one blamed farmers, and shoppers always referred to the "big guys" as being responsible for high food prices. We also appeared on a major radio talk program in Chicago.

The following day we were in Seattle and met and lectured a class at Seattle Pacific University. Each team member gave a 10-minute presentation covering all of agriculture. I covered farm programs and their relation to food prices. Questions from the class were direct but not hostile.

Next, I met with a group of University of Washington graduate students at a marketing seminar. I gave a 20-minute presentation and the class asked questions for over an hour. Class participation was very good with major interest on understanding farm programs and farm subsidies. The students seemed to have a very good understanding of marketing involved in the food chain.

In Houston we met with consumer representatives and had a 40-minute dialogue on a radio show. We also met with the editorial board of the *Houston Chronicle* to discuss food prices and the farm situation; the newspaper men gave an impression of understanding and interest. Two of our team members were interviewed on a local TV talk show while in Houston. We met consumers at supermarkets, talked with home economists, housewives and consumer advocates and served on a panel responding to consumer questioning.

In Atlanta the team appeared on live TV talk shows, live and taped radio programs, and met with the editors and editorial staff of both the *Atlanta Constitution* and *Atlanta Journal*. We also conducted two hours of interviews with consumers at an Atlanta shopping center.

We participated on radio and TV talk shows in Boston. We met with the Massachusetts Commissioner of Agriculture and the Governor, and were introduced to a Joint Session of the Massachusetts Legislature where the team spoke briefly on the purpose of its tour. The team met with the "Mini-Consumer Board of Directors of the Stop and Shop Supermarkets" and had a two-hour exchange on food prices, farm returns, farm programs and subsidies, agricultural politics, etc. Operation FACT visited one of the few supermarkets located in the Black community anywhere in the U.S., and we talked at length with black consumers—most of whom are on fixed incomes or of low income.

An unusual experience in the Boston area was a visit to the U.S. Army Research and Development Center in Natick. Here, the Department of Defense is conducting experiments to improve food storability (shelf life) through irradiation processes. They are also developing a freeze-drying process to minimize handling and distribution problems connected with large-scale food shipments.

In New York we met with a Consumer Journalism class at the Columbia University Graduate School. We presented our story and then asked for their critique in terms of credibility and style of presentation. The class indicated that the team was very effective. They asked the same question we heard in Boston—"Why aren't farmers doing more of this to counteract their poor image?"

Before leaving New York we met with the editorial staff of the *Wall Street Journal* and were questioned on the direction and purpose of Federal farm programs.

Our tour ended in Washington, D.C., on April 28th with a luncheon on Capitol Hill set up by Senator Curtis and Congressman Mahon and attended by members of the House and Senate Agriculture Committees and top-level USDA personnel. The team reported on its communications tour and presented its findings to members of Congress attending the lunch. The report stimulated an impressive amount of interest and a lengthy question and answer period.

TOP SOVIET OBJECTIVE: U.S. WITHDRAWAL FROM EUROPE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CRANE. Mr. Speaker, there are many voices both at home and abroad who urge an American withdrawal from Europe. One of the bases upon which such a policy is advocated is that the Soviet Union has abandoned its own territorial ambitions in Western Europe and has now embarked upon a policy of conciliation and detente.

Often, our own country has been victimized by its optimistic assessment of the policies of those whose aggressive desires have been made known, but have been somewhat camouflaged. Insisting upon seeing the best in others, we have mistaken the camouflage for reality and have often overlooked the real facts. Hitler's aggression in Europe, the Japanese assault in Asia, the Communist desire for control over Eastern Europe after World War II, all were misunderstood by American observers.

Speaking before the German Atlantic Society, West German Publisher Axel Springer expressed the view that Soviet goals have not changed in the least. He noted that—

For me the purpose of the East is unshakeably clear, and it is equally clear that the Soviet Union's Western policy has not altered one iota in its aims since the war. That aim has always been: Consolidation of military conquest in Eastern Europe, Sovietization of all Germany, and hegemony over Europe.

Mr. Springer points out that—

An American withdrawal is . . . the top priority long-term objective of Soviet policy for Europe. American withdrawal is the actual main objective of the repeatedly propagated European security conference, which West Germany in the Moscow treaty has promised to support. Once the U.S. troops were to go, however, NATO would become a mere chimera; the decisive prerequisites for Soviet hegemony over Europe will then have been created.

If the United States leaves Europe, Mr. Springer believes:

The Kremlin then expects . . . that not even ten years would be needed to bring Western Europe under Soviet control.

I wish to share Mr. Springer's remarks, as they were published in The New York Times of May 16, 1972, with my colleagues, and insert them in the RECORD at this time:

THE UNITED STATES MUST NOT LEAVE EUROPE

(By Axel Springer)

STUTTGART, GERMANY.—In the reflected glow of good feeling cast by West Berliners being temporarily reunited with families and friends in the eastern part of the city behind the Wall, it is worth looking at the reasons why reunion has been permitted to happen after six years of isolation and to determine the place Berlin occupies in today's world. By doing so, we may see why a city so far away is important to Americans.

To define the city's place, one need go no further than the statement of Willy Brandt in 1958, when he was both Mayor of Berlin and President of the Association of German Municipalities. He said, "From all German cities, factories and communities the call must come, not to be ignored, 'We will not be torn asunder. Berlin is the capital of Germany.'"

That place in both history and geography had been confirmed in the Convention on Relations between the Three Powers and the Federal Republic of Germany dated Oct. 23, 1954. What then, one may well ask, has happened that the Soviet-dominated Eastern part of our country woos West Berliners with the promise of easy access and the present leaders of the Federal Republic eagerly respond to such overtures?

From my viewpoint there are only a few possible explanations: Either those responsible in Bonn believe, in spite of all their own experience and in the face of all the information from secret and nonsecret services which they continuously and copiously receive, that one can now trust the Soviets because they have changed. Or, those responsible in Bonn have given up and believe there is no more chance for a free society to prevail against the Communists, and so one must try to come to an arrangement with the inevitable. Or, finally, those responsible desire victory for Socialism and the elimination of a free society because they believe in a just and workable Socialism or even a humane Communism.

For me the purpose of the East is unshakably clear, and it is equally clear that the Soviet Union's Western policy has not altered one iota in its aims since the war. That aim has always been: Consolidation of military conquest in Eastern Europe, Sovietization of all Germany, and hegemony over Europe.

This is the old great Russian aim, once

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documented by a competent man, a witness who cannot be suspected of being a modern cold warmonger. "Russian policy is unchangeable," wrote this expert. "Russia's methods, tactics, maneuvers, can change; but the Pole Star of Russian politics—to rule the world—is a fixed star. There is only one way to deal with a power like Russia, and that is the way of fearlessness. . . ." Who wrote that? The London correspondent of the old New York Daily Tribune in his reports on Eastern policy. His name: Karl Marx.

The Eastern ambition to rule is served up to the Germans today in cheap demagogics as a peace policy. But for the Soviets, I believe, it is a policy for preparing the conquest of the rest of Europe. To me, therefore, the *ostpolitik* of the present German Government implies a deadly danger for our country and our people; and I consider it at the same time a menace to Europe as well as to the entire free world of which America is, of course, the foundation.

The immediate objective of the East clearly remains one way or another to overcome the "enemy," which means the West Germans. Why do they want this? Because Communism can only exist unchallenged in East Germany once democracy is eliminated from the Federal Republic in West Germany. Otherwise its magnetic attraction for the 17 million Germans under the Red yoke will persist. That is why it is so important for the Soviet imperial league to banish from the edge of its fortifications the permanent temptation of freedom. That is why Berlin is such a disturbing factor to them and so important to the West.

This objective is being pursued by the East in various ways. One is directed to political capitulation by the West. Important landmarks in this are the treaties of Moscow and Warsaw. A great deal has been said about these in the last Bundestag debate.

But to those in the United States, I believe one point in this East-West confrontation has particular importance: As long as the Americans remain engaged in Europe, the Soviets will not attain their objective. An American withdrawal is, therefore, the top-priority long-term objective of Soviet policy for Europe. American withdrawal is the actual main objective of the repeatedly propagated European security conference, which West Germany in the Moscow treaty has promised to support. Once the U.S. troops were to go, however, NATO would become a mere chimera; the decisive prerequisites for Soviet hegemony over Europe will then have been created. If the Americans leave Europe, the Kremlin then expects, according to credible information, that not even ten years would be needed to bring Western Europe under Soviet control.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INDUSTRIAL NATIONS ON THE BRINK OF AN ECONOMICALLY DESTRUCTIVE TRADE WAR

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HUNGATE. Mr. Speaker, the citizens of Missouri are privileged to have one of their distinguished citizens, William S. Lowe, serving now as president of the U.S. Chamber of Commerce.

This is recognized as a fine thing for the citizens of Missouri and particularly the city of Mexico, Mo., where Mr. Lowe makes his home. As one who has known Mr. Lowe for many years and had the privilege of serving with him on the Board of Trustees of William Woods College at Fulton, Mo., I suggest that the U.S. Chamber of Commerce is fortunate in getting his services. He is a man of leadership and vision.

As foreign trade has become increasingly important to our economy, it has grown correspondingly as a subject of controversy. We have before us numerous measures designed to further restrict the flow of goods and capital across our borders. In other industrial nations, the situation is much the same.

In a perceptive and timely speech to an audience of European businessmen, Mr. Lowe has warned that the major industrial nations are today poised on the brink of an economically destructive trade war. The way to prevent it, he says, is for businessmen and their organizations to make every effort to educate the peoples of the world to the benefits of freer trade.

Mr. Lowe is himself an experienced international businessman. He is chairman and chief executive officer of A. P. Green Refractories Co., which manufactures firebrick and other ceramic materials used to insulate against ultrahigh temperatures in many industrial processes. The company has 22 plants in the United States and Canada, and 16 in other countries, with headquarters in Mexico, Mo. He is also a past president of the Missouri Chamber of Commerce, which he still serves as a director and member of its executive committee.

Mr. Lowe's speech, "Organizing for Economic Progress," was delivered to the biannual meeting of the Council of American Chambers of Commerce Abroad in Europe and the Mediterranean, held in Amsterdam, the Netherlands, May 26:

ORGANIZING FOR ECONOMIC PROGRESS

Chairman Kelly, President Pillero, ladies and gentlemen: Mrs. Lowe and I are delighted to be here in this historic city of Amsterdam, and to have the privilege of meeting with all of you on the auspicious occasion of the semiannual meeting of the Euro-Med Council of American Chambers of Commerce.

I have heard that Netherlanders say, "God made the world, but the Dutch made the Netherlands." The sturdy, innovative character of the Dutch people is certainly evidence of that.

It is a privilege for me to represent the Chamber of Commerce of the United States, and I bring you greetings and best wishes from our board of directors and from Arch N. Booth, our executive vice president.

In our Chamber federation of 40,000 business and 4,000 organization members, the American Chambers Abroad are far more important than their numbers alone would suggest. You are our window on the world. We are proud of you, and we invite an ever closer working relationship as we address ourselves to the problems and opportunities of the international business community.

The economies of the nations of the world are becoming more closely interrelated every day. What affects one tends to spread rapidly to all. Problems cross international borders. So must our search for solutions.

In our common effort, however, we must take care that the solutions we offer are soundly conceived. Then, we must make certain they are wisely implemented.

I want to discuss with you tonight some of the current developments and emerging problems which are seen by the National Chamber both as cause for concern and as challenges which offer opportunities for progress.

Underlying these developments has been the emergence of a new Europe—the near fulfillment of a remarkable concept—the European Community. Concurrently there has been another important post-war phenomenon in the world—the development of the multinational enterprise.

On the first point, developments of economic and trade relations between the United States and an enlarging European Community call for new forms of cooperation. Such cooperation is bound to benefit all parties involved. Let us acknowledge that the United States benefits from the success of the market of Six. Let us earnestly hope that similarly good relations can be maintained with the Europe of Ten.

There are, nonetheless, problems which should have attention before they become acute. This means a keen sense of responsibility on the part of all countries involved—the United States included.

THE GUIDING PRINCIPLES

Just as the economies of countries are interrelated, so are the elements of international economic policy: Trade problems cannot be separated from monetary and investment mattera. There are certain broad principles concerning the framework of international trade which I believe we all agree should be recognized:

1. The importance of increasing world trade;

2. The gradual elimination of tariff and non-tariff barriers to trade;

3. The principle of comparative economic advantage guiding the structure of trade;

4. The necessity of stable monetary arrangements for the development of trade relations.

At the same time, in supporting the principle of free trade, recognition should be given to the fairness of trade. Fair trade must be achieved by competitive performance and neither impeded nor distorted by artificial measures.

We recognize the essential role that the General Agreement on Tariffs and Trade has played and must continue to play in the evolution of an open trading system for the world. In consideration of the evolution of world trade in recent decades and of the emergence of new economic and monetary organizations, we would urge that it is time for the GATT rules to be applied and honored.

With respect to the importance of non-tariff barriers to trade, more attention must be given to the problems of world-wide technical and environmental standards and legal and administrative controls.

On the monetary side, while the Bretton Woods system has been of considerable benefit to the world economy, it does require some modification. Even so, its basic principles remain valid and should be maintained. For example, every country has the responsibility of managing its own economy appropriately, so that its actions do not have an adverse impact on other economies. Also, while the system of relatively fixed parity levels is a good one, some changes are desirable in order to give it greater flexibility. When a currency's parity is out of line, it should be adjusted before a crisis erupts.

Establishment of a European currency may face practical difficulties in the short range, but may well be a desirable objective.

There should be early restoration of the convertibility of the dollar, and full confidence in the dollar must be reestablished. To this end, continued efforts must be made to improve the U.S. balance of payments, including the strengthening of its trade accounts to enable the U.S. to meet its other important international obligations.

One desirable step in this direction would be a partial funding of U.S. dollar balances—converting into longer-term debt some portion of excess short-term dollar liabilities to overseas holders.

Progress toward convertibility would serve to reduce the danger of a general imposition of controls over trade and capital movements. Certainly, any world monetary changes should aim at the greatest possible freedom of trade and capital flows.

It seems likely that Special Drawing Rights will ultimately become the major foreign reserve asset as their allocation expands, with a relatively lesser role for dollars, sterling and gold.

One way to utilize surplus dollars more effectively is through more European direct investment in the United States. If you know of obstacles to such investment, please tell us. They should be identified and removed.

INTERNATIONAL INVESTMENT AND NATIONALISM

The third part of the international economic equation is international investment. Freedom of trade and investment are generally linked. Investment provides one of the most effective vehicles for improving the wealth of both rich and poor countries.

The major impediments to investment all over the world, including fiscal, legal and social disparities, need removing. Double taxation should be eliminated, and national treatment generally accorded all investors. Of course, international investment must always respect national sensitivities.

There is an insidious, narrow economic nationalism rising in certain countries—and to a degree even in the U.S. It is not to be confused with patriotism. Its rationale is expressed in terms of a need for more employment within a country, for the conservation of foreign exchange otherwise required for imports and, possibly, for the provision of an opportunity to earn foreign exchange through exports.

None of these objectives is in itself unworthy. The approach used, however, is contrary to the trade expansionist concept and frequently has to find its support through specious appeal to prejudice. The outcome is usually a highly protected preference for domestic goods accompanied by a virtual shutout of foreign goods. Quality, performance, price, operating costs and all the other considerations which go into the determination of value are subordinated to the nationality of source. So also are the advantages derived from effective competition.

The displaced U.S. exporter is, accordingly, obliged either to abandon the market to protected domestic sources or to try to hold a place by undertaking production within the market.

If, indeed, this production takes the form of direct investment, it may be found that the plague of economic nationalism passes from the goods to the investment. In what sometimes seems to be little more than false pride, laws are passed to curb foreign ownership or to confine it to a minority position. The rationale rests on a claim that sometimes a business should be operated not in accordance with the best interest of the concern itself but in accordance with what local nationals or their government may deem best for some other purpose.

To forestall these irresponsible actions, international investors must always seek to emulate the high standards of responsible corporate action that many multinational enterprises have applied with success. Even then, there will remain an urgent need to increase *public understanding* of the proper function played by multinational investment in the world economy. The multinational corporation on a world-wide scale has been a most effective and successful agent for the production and distribution of goods and services through all parts of the population.

You and your membership play an important role in explaining to the public the positive contribution of multinational corporations. Emphasis on sound public affairs programs is exceedingly well placed.

Attitudes vary greatly throughout the world and are influenced by many things, not the least of which are local political considerations. In certain Latin American countries at this time, the multinational enterprise is in a tenuous situation, to put it mildly. Even in Canada domestic pressures have brought about proposals for a review of takeovers by foreigners. Canadian firms valued at more than $250,000 or with annual revenues exceeding $3 million would be effected.

Meanwhile, on the brighter side, in Japan there is a distinct trend toward greater freedom of movement of capital.

In Europe, I am reliably informed, most countries enjoy stable government and once hostile governments are now re-inviting U.S. investments, albeit under close scrutiny. In spite of this, it has been pointed out that protectionist trends in European-U.S. trade relations are heavily reported and have a concentric impact larger than reality. The press throughout Europe has been saturated with articles on the vices of multinational corporations. U.S. investment is seemingly not needed now as it was in the past.

U.S. ECONOMIC AND TRADE POLICY

Understandably, the United States has grown anxious at the signs of a European Community turning inward and becoming more protectionist, while expanding its size. On the other hand, the Europeans chastise the U.S. for complaining about the economic dislocations caused in the States by Community trade policy. But Europeans should remember that in the past the U.S. has accepted tremendous economic, political and military burdens to create a politically strong, economically stable Atlantic Alliance.

In the trade field, the U.S. has initiated several major trade agreements and has taken the lead in removing tariff barriers to trade expansion. The National Chamber does not believe it is the intention of the U.S. Government to renounce these precedents. However, it is clear that a tougher trade policy is emerging from the U.S. in response to tougher trade policies by its trading partners. The National Chamber supports this rational position.

The fact, is the post-war era of American scientific and technological supremacy in the world economy has come to an end. We now face a new era of more intensive international competition.

We cannot indulge the misconceptions that have encouraged fiscal irresponsibility at home and weakened the dollar abroad. Deep-rooted and persistent inflation has become a serious problem. Events have forced us to recognize that we can no longer safely ignore rules of reason, prudence and self-discipline in the management of our economy. That was the significance of President Nixon's dramatic move on August 15.

The President's decisive action offered our nation, and the world, historic risks as well as historic opportunities. The risks are that the greatest bastion of free, competitive enterprise, in a reflex action of self-defense, may now turn inward, in both economic and political philosophy. The opportunities are, through renewed constructive and cooperative action, to achieve another step forward in the slow, and sometimes painful, evolutionary process toward a more open world and greater human welfare.

President Nixon had no choice but to arrest the forces that were slowly but surely sapping our economic vitality. The symptoms of our creeping incapacity, both at home and abroad, have been long apparent. They included the 20-year chronic U.S. balance of payment deficits, the resulting decline in our gold reserves from a post-war high of $25 billion to less than $10 billion, the drop in our share of world exports from 25% in 1948 to 14% in 1970, and, for the year 1971, the first trade deficit since 1893. Add to these unnerving statistics the fact that the purchasing power of the dollar has declined by 27% since 1965. Under such circumstances, even those who know the dangers of wage-price controls could only applaud the President for his recognition of the emergency facing our nation. Phase I had to come.

Insofar as Phase II is concerned, the jury is still out. If you want to be a pessimist, you can point to the fact that both wage rates and prices have been creeping up at a faster rate than the guidelines are supposed to allow. And you can worry about the "time bomb" inflationary potential of the government's record deficits, when economic recovery is completed and the economy returns to capacity.

On the other hand, the optimists can point to the fact that inflation has slowed somewhat, if not as much as we would like.

In the end, the greater threat to our economy would seem to come not from *economic* policy, but rather, from the effect of domestic political considerations *on* economic policy.

LABOR TURNS PROTECTIONIST

While U.S. business supports in principle the President's program, labor has been more critical, culminating in the well-publicized walk-out from the Pay Board.

George Meany's attacks on the wage-price aspects of the package are being parroted on the trade and investment policy side.

Mr. Meany believes that the President's program for increasing exports and curbing imports is inadequate. He feels it will not restrain U.S. based multinational companies and the international banks from practices which, accounting to the AFL-CIO, have meant the "export" of American jobs.

Therefore, organized labor in the U.S. is urging Congress to enact an ominous program which includes:

New tax measures to halt the alleged "export of jobs"; to remove presumed incentives to establish new plants and to curb expansion of existing facilities abroad.

New legislation to restrict outflows of U.S. capital, including close controls on the nature of investments and on the effects of Eximbank loans of U.S. trade and the national economy.

Presidential authority to supervise and limit the export of technology, through standards to regulate licensing and patent agreements.

International fair labor standards inserted in trade agreements.

And quantitative restraints on imports that allegedly threaten the displacement of U.S. production and workers.

The bill itself is less of a threat than the philosophy it represents. It has been generally recognized for the reactionary outrage that it is, and therefore stands little chance of passage as a unit. However, the political

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influence of organized labor is both potent and enduring. Therefore, the greater danger is that regressive trade legislation will make its way through Congress piece-by-piece, either separately or tacked on to other, unrelated bills.

Guarding against this eventuality will require continuing vigilance and effort.

With labor throwing its weight into the scale against international trade, American farmers become the swing vote. An alliance of farm interests, enlightened consumers and internationally-oriented businesses has just enough political strength to hold the protectionists at bay. We must therefore keep in mind the political importance and social implications of the agricultural situation on both sides of the Atlantic. In current and forthcoming negotiations, account should be taken of the necessity for maintaining equitable income to farmers while enhancing their market opportunities.

As you can see, this is an issue ideally suited both to the demagogue and to an age in which people receive their news in small capsules and their conclusions in quick jumps.

Indeed, there are already pending in Congress several bills to repeal the earned income exemption for U.S. citizens working abroad, to limit or eliminate credits allowed on U.S. taxes for taxes paid abroad, to repeal the Asset Depreciation Range allowance, to repeal the Domestic International Sales Corporation, and to repeal the Western Hemisphere Trade Corporation tax provision.

Both the labor push for protection and the populist appeals for tax reform are aimed directly to the very corporations which you represent, or with which you deal. Beyond that, they are aimed, through ignorance or selfishness, at the entire underpinning of the economic prosperity of the Western world.

Americans especially are just not aware of the importance of international trade to the high standard of living we all enjoy.

THE TRUTH ABOUT THE MNE

The National Chamber, through the efforts of its International Group and its Special Task Force on the Multinational Enterprise, is aggressively fighting these potentially disastrous anti-trade bills. Since good intelligence is the first step in a successful campaign, the Chamber undertook a survey of major U.S. international companies—now completed—which clearly documents three basic facts:

Contrary to labor's charge that foreign investment means the "export of American jobs," the findings show that U.S. international companies *increased domestic employment* far beyond the national average during the 1969 to 1970 period; that these companies *increased exports* far above the national average; and that the major reason for going overseas was that this was the only viable way of serving the market.

The full report is currently at the printer and will be available soon. It cuts through a proliferation of misinformation, and can go far in preventing misguided action in the U.S. against U.S. investment overseas.

The emergence of protectionist sentiment in the United States, as elsewhere, reflects a normal reaction to economic difficulty and unemployment. It is always easy to point to outside competition as the prime culprit when business slackens—whether or not it is justified. This makes it all the more important that all trading nations strive to abide by the rules of fair trading practices as restraints beget restraints on the part of others in retaliatory measure.

There must be a spirit of give and take so that the mutuality of objectives will not be obscured by narrow interests. This is not to say that dislocations should not be met on the domestic front, but the remedies to be used should be carefully chosen so that they will not be unduly disruptive or breed unbridled retaliation.

The 1970's will be a period of heightened competition and accelerated adjustment to change. Hopefully, 1973 will see extended negotiations among major trading nations to set the monetary, trade and developmental policies for an era marked by the maturity of the European market, the continuing rise of Japan, and the further growth of the multinational corporation.

Policy negotiations will be carried on in a context of increasing world concern over environmental issues, particularly as they relate to foreign trade and depletion of resources. The economic instability caused by varying rates of inflation will remain a major problem. To maintain an open society of dynamic growth and rising living standards through this decade, business and government leaders must not only have, but take, the opportunity to get down to basics in a frank exchange of views. The National Chamber is sponsoring a National Conference on International Trade Policy on December 6 in Washington, D.C. to provide such exposure of problems.

To lead calls for courage and enterprise. The call for enterprise falls most heavily on we who represent business. A prominent business statesman has wisely observed. "If we allow ourselves to be intimidated by sometimes exaggerated reports of hostility toward us, we will not be doing our part. If we insist on being 'liked' before we act, we will never enjoy the opportunity to earn the better right of being respected. If we act courageously, we shall become even greater contributors to a society which can only be as great as its industry is progressive. We need more effective private decision-making."

It has been well said that history demonstrates that a two-fold test of a great people is their ability, first, to foresee the impact of world movements on the nation, the economy and their personal well-being. And, second, their ability to act bravely, wisely, vigorously and promptly to master their own fate.

A statement of Nicholas Murray Butler seems even more apt today than when it was written over fifty years ago:

"What higher use can be made of a nation's sovereignty than to cooperate with other like-minded sovereign nations in the common tasks of advancing civilization and promoting the comforts, the satisfaction, and the happiness of man, in removing artificial barriers to trade and commerce, in spreading abroad the teachings of science, in making common property of the world's literature and the world's art, and in holding out the hand of helpfulness and courage to those less fortunate peoples who, backward in their social organization or in their philosophy of life, have not yet been able to take their place in the council board of nations?"

I am grateful for this opportunity to meet with you today. I feel very strongly that there is a great need for more consultation and cooperation among the business communities represented here. There must be more cooperation, for the world has grown too complex, the economic pressures are too strong for us to continue going our separate ways.

Please let us have your views at all times.

THE ALASKA FESTIVAL OF MUSIC

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, each year, the Alaska Festival of Music is held to afford to Alaskans an opportunity to concentrate their attention on the performing arts. This 2-week program, including performing and visual arts ranges from native music and crafts to major orchestral compositions and jazz, and affords Alaskans from all over the State the opportunity to participate and perform. All Alaskans consider it a valuable part of the cultural life of the State. I enclose for the attention of my colleagues the recent proclamation of Alaska Gov. William A. Egan commemorating the Alaska Festival of Music:

PROCLAMATION—ALASKA FESTIVAL OF MUSIC TIME

The Alaska Festival of Music is dedicated to a threefold emphasis of studying, performing, and hearing great music.

The first Music Festival was held in 1956, and it has continued to draw its audience, participants, auditors, and native scholars from throughout Alaska.

The programs of the Alaska Music Festival, including performing and visual arts ranging from native music and crafts to major orchestral-choral compositions and jazz, afford Alaskans the opportunity to enjoy performances by talented residents of our own great State as well as performances by leading national and international artists.

Therefore, I, William A. Egan, Governor of Alaska, in recognition of this program which contributes to the prestige and culture of our great State, proclaim the month of June, 1972, as "Alaska Festival of Music Time" throughout Alaska, and I urge all who are able to do so to participate in, or attend, this worthy and enjoyable event which will be staged in Anchorage over a two-week period beginning June 15, 1972.

Dated this fourth day of May, 1972.

NATIONAL STUDENT LOBBY ENDORSES EDUCATION AMENDMENTS OF 1972

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the conference report on the Education Amendments of 1972 has received the endorsement of the National Student Lobby representing 134 member colleges and universities and 950,000 students in 36 States. It has been my pleasure to work with the NSL during our consideration of this legislation. I would like to express my personal tribute for their sophisticated and effective efforts and share with my colleagues the following statement:

STATEMENT BY LAYTON OLSON, DIRECTOR OF THE NATIONAL STUDENT LOBBY

The Conference Report on the Higher Education Act (S. 659) passed the Senate last week by a substantial majority (63–15). Now this legislation goes to the House for final passage. The Report represents two years of effort by members of Congress to legislate increased benefits for students enrolled in institutions of higher education and for the colleges they attend. As reported out of Conference, this Omnibus Higher Education Act (S. 659) includes new provisions and programs which would allow students, previously prevented from attending college for financial reasons, opportunities to acquire a college degree.

Last year over 400,000 students who were deemed eligible for participation in student assistance programs, both by their institutions and the Federal Government, had the door to college slammed in their face. For no other reason than insufficient funds, they were barred from attending college. S. 659 takes an important step in the direction of solving this problem. Most importantly, S. 659 begins the process of involving the Federal Government in guaranteeing at least some money to needy students through Basic Educational Opportunity Grants. This is an historic step.

With 134 member colleges and universities the National Student Lobby (NSL) speaks for 950,000 students in institutions of higher education in 36 states. With its central office in Washington, D.C., the NSL has been actively engaged in all phases of development of the Omnibus Higher Education Act. On March 22, 23, and 24 of this year, the NSL coordinated a major lobbying effort bringing 350 students from 39 states to Washington, D.C. to speak with their legislators and to lobby in support of the "Basic Grants" provision (which was subsequently included in the Conference Report)—and against antibusing amendments. In addition, these students lobbied in support of the Harris Amendment which would encourage student representation on Boards of Trustees (a considerably watered down version of this Amendment now appears in the Conference Report).

As provided in the final Conference Report, the advantages of S. 659 to both universities and students are considerable. At a time when students and universities alike are under critical financial pressure, this Higher Education Act speaks substantively to the vital financial questions of higher education and to the changing approaches to institutional management. Benefits in S. 659 for students and universities include:

(1) The *Basic Educational Opportunities Grants Program* providing needy college students with up to $1400.00 yearly assistance for education, minus their "family contribution."

(2) Continued funding at guaranteed minimum levels of present student Educational Opportunity Grants (E.O.G.), Work-Study programs, and low-interest direct loans programs.

(3) extension of Work-Study programs to community service jobs (with preferences for veterans) and to part time students.

(4) a "Harris Amendment" encouraging student participation (i.e., representation) on college and university Boards of Trustees, with the student body having a voice in the selection of such student Trustee.

(5) funds to finance *reforms* in higher education.

(6) creation of a National Institute of Education to finance needed *research* at all levels of education.

(7) massive direct financial aid to colleges and universities.

Coupled with its other higher educational provisions, this conference bill undoubtedly represents the most comprehensive and advanced higher education achievement to have ever come for a vote before Congress. The National Student Lobby is seriously concerned with the future welfare of higher education in America, and urges the active support and passage of this act. The Senate has recognized the substantial merit of S. 659, and has voted accordingly. The time has now come for the House to act.

Passage of the Report on Higher Education (S. 659) in this session is placed in doubt by the anti-busing provisions. Jeopardizing the entire Higher Education program, however, on the basis of such an emotionally charged and confused issue as busing would constitute an unwarranted and irresponsible action by the House.

Ever since the Supreme Court struck down "separate but equal" and instituted busing as one method for achieving racial balance, the depth of our domestic racial problems have become clearer. The emotional question of the effectiveness of busing has divided the country. The anti-busing Amendments on the Higher Education Act S. 659 are seen by students aa a serious threat to the progressive measures this legislation outlines and a weakening of the moral leadership of the Congress. However, the benefits of the Higher Education Act S. 659 provisions stand apart in issue and merit from the busing issue. The anti-busing provisions (providing for full federal court appeals before the issuance of a busing order) would be in effect only until January 1, 1974. The benefits and effects of Higher Education upon society are lasting; the weight of public emotions and opinion of the moment are not. Accordingly, it is the responsibility of the House to recognize this crucial difference, and to vote passage of the Conference Report on Higher Education (S. 659).

NATIONAL SCHOOL BOARDS ASSOCIATION SUPPORTS HIGHER EDUCATION CONFERENCE REPORT

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. PERKINS. Mr. Speaker, as we near the final vote on the Higher Education Conference Report still another education association has endorsed the conference report. I am pleased to share with my colleagues the following letter I received today from the National School Boards Association in which this major association representing the public schools of our Nation urge adoption of the conference report. The letter follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,
Washington, D.C., June 7, 1972.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN PERKINS: On behalf of the National School Boards Association I wish to again commend you and the members of your committee from both political parties for the outstanding way in which the conference on S. 659 was concluded.

This conference report, like nearly all similar reports, is the result of a compromise of varying points of view. Therefore it is inevitable that certain decisions of the conferees would not meet with our support—the final language of Title V, General Provisions Relating to the Assignment of Transportation of Students being the best example. Nevertheless, on balance we find this a *great* piece of legislation and *endorse* its final passage.

The scope of the bill is not limited to higher education, but contains substantive provisions for elementary and secondary schools. Local school districts need the research which will be provided through the National Institute of Education, they need support in occupational education, and they need financial assistance to deal with desegregation problems. The Education Amendments of 1972 contain provisions designed to meet these needs and much more.

Again I must say that we who represent the public schools of our nation urge the final passage of the report.

Sincerely,

AUGUST W. STEINHILBER.
Director, Federal and Congressional Relations.

POOR WOMEN AND THE EQUAL RIGHTS AMENDMENT—ERA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, on May 10, 1972, Mrs. Elizabeth Duncan Koontz delivered a speech—"ERA and Upward Mobility for Women"—at the Equal Rights Amendment Ratification Assembly here in Washington. Mrs. Koontz, in her address, quickly laid to rest one of the perennial arguments used against the ERA, the equal rights amendment. The ERA is not a constitutional provision aimed at giving the greatest benefits to business and professional women. Its object is to benefit all women and, in the larger sense, the entire Nation.

As Mrs. Koontz points out, young women and girls, particularly disadvantaged young women and girls will benefit greatly from the ERA. Mrs. Koontz' description of these benefits is a good one. I place it in the RECORD at this point:

ERA AND UPWARD MOBILITY FOR WOMEN

(By Mrs. Elizabeth Duncan Koontz)

Many people have the mistaken idea that the Equal Rights Amendment will be of greatest benefit to business and professional women—that it might even work to the disadvantage of other workers.

Actually, young women and girls, particularly the disadvantaged, stand to gain the most in tangible benefits, once the Amendment becomes law. This is true on a number of counts.

1. EQUAL EDUCATIONAL OPPORTUNITIES

Our society has, for too long, designated certain jobs for men and others for women, and for the most part, women's jobs have required less skill and paid less money. For this reason girls and women have usually been excluded from vocational education courses in auto and aircraft mechanics, electronics, repair of appliances and office machines, jewelry and watch repairing, and similar training.

Most vocational training for girls is confined to fields traditionally thought of as women's. More than half the women and girls in public vocational programs are being trained in home economics and about one-third are studying office practice.

As a matter of policy, many school systems have maintained separate vocational courses or even separate vocational schools for boys and girls. The Amendment would require that all educational opportunities in the public schools be open to both girls and boys.

Young women from poor families will benefit at the college level, too. Many depend on Scholarships for tuition and other expenses but often women are restricted by a quota system or men are given preference in the awarding of scholarships. Under the Amendment, government supported colleges and universities would be required to make scholarships and other student aid programs equally available to students of both sexes.

2. EQUAL OPPORTUNITY FOR JOB TRAINING

Publicly funded training programs for the disadvantaged would be required to provide the same opportunities for men and women under the Equal Rights Amendment. At present, some inequities do exist.

For instance, the law provides that the Secretary of Labor endeavor to achieve 50 percent participation of women in the Job Corps. However, the present enrollment of women is only 28.9 percent, in spite of the fact that the Nation's highest unemployment rate is among non-white girls, aged 16–21.

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Possibly, young women are not attracted to the Job Corps because the kinds of training provided follow the same old limiting pattern. For instance, enclosed in the December assistance checks sent by a southwestern State to recipients of Aid to Families with Dependent Children was Job Corps recruiting material. Young women were offered training in the occupations of secretary, hospital and food service workers, beauty operator and nurse's aide. Young men were offered training as auto mechanics, heavy equipment operators, carpenters and electronics workers—all better paying jobs with a future.

To cite another example—the recently passed Public Law 92-223 amending Title II of the Social Security Act, gives male heads of households priority over female heads of household for training and work under the Work Incentive Program (WIN).

3. BENEFITS FROM MILITARY SERVICE

Women would be subject to the draft under the Equal Rights Amendment but military service would make them eligible for training while in service and for all the veterans' benefits which have provided an exit from poverty for disadvantaged young men for many years.

At present, the armed forces treat men and women differently in a number of ways that tend to discriminate against women:

Young women cannot volunteer for military service unless they are high school graduates. This is not true of men.

Women must make higher scores on the educational tests than the regular scores for men who are drafted.

Women are excluded from many occupational slots that might lead to lucrative careers in civilian life. They are not, for example, permitted to train as pilots.

4. ANY STATE OR LOCAL LAWS LIMITING THE HOURS WOMEN MAY WORK OR THE TYPES OF WORK THEY MAY DO AND LAWS SETTING CERTAIN LABOR STANDARDS FOR WOMEN ONLY WOULD BE INVALIDATED

Actually, very few of these so-called "protective" laws remain. In most cases they have been found to be restrictive, rather than protective, and have been ruled discriminatory under Title VII of the Civil Rights Act. But we find situations such as that in one State where women earn pay for two and three-fifths fewer weeks than men because they are required to take lunch breaks while men can eat on the job. Night-work laws in some States prevent women from earning premium pay.

The fact of the matter is that "protective legislation" rarely covered the poorest working women in the country, those in service occupations, like household employment, which have been, generally, outside the coverage of those laws.

It should be noted that under the Equal Rights Amendment, where existing laws confer a benefit on women, such as laws requiring rest periods for women workers, the benefit would be extended to men. On the other hand, where a law restricts or denies opportunities to women, the law would be rendered unconstitutional.

5. INEQUITIES IN CRIMINAL JUSTICE WOULD BE CORRECTED

The poor woman suffers most through inequities in criminal justice. Delinquency and crime breed most frequently under conditions of poverty and the poor are least able to cope with the behavioral problems that lead to crime. Statistics show that one-half of all girls appearing before juvenile courts are referred there for non-criminal behavioral problems while that is true of only one-fifth of the cases involving boys. The family of a poor girl is unable to afford psychiatric treatment or a private school in order to avoid her commitment to a reformatory where she is likely to serve a longer sentence than a boy committing a more serious offense.

Adult women may be given harsher sentences than men for the same offense. If she is head of a family or has dependents, the imprisonment of a poor woman can be devastating to those who depend upon her for the necessities of life.

While the injustices of sex discrimination affect all women, poor women, particularly non-white poor women, are at a special disadvantage. Middle and upper income women can sometimes obtain through private means remedies or opportunities available to poor women only if public policy changes. When the Equal Rights Amendment is ratified we will need to change some existing laws and enact others to eliminate conflict between State and local laws and practices and the new constitutional amendment. We will have to guard, too, against those forces in our society that resist the idea of giving women equal power, forces that can be expected to raise barriers to implementation of the law, that will even seek to play off one disadvantaged group against another—minority men against women, for instance.

TAX CREDITS FOR OVERBURDENED PARENTS OF CHILDREN IN PRIVATE SCHOOLS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. NIX. Mr. Speaker, I have introduced a bill, H.R. 15296, that will provide a tax credit to parents of children in private nonprofit elementary and secondary schools of up to half the tuition paid with a maximum ceiling of $400 a year.

This bill is really not a radical departure from the past in that the Federal Government has without objection aided those going to all schools of higher education, regardless of whether private or Government institutions. Three GI bills bear this out. Therefore, I see no objection in aiding the parents of pupils in elementary schools in the form of a tax credit, since there is no objection to the direct aid of students attending private colleges.

For a considerable period of time, the U.S. Government has encouraged pluralism in education rather than promoting a government monopoly of education.

Today there are over 5 million children in elementary and secondary private schools. The vast majority of these children are in parochial schools. Their 2 million parents pay the same tax bill that other citizens do while voluntarily paying additional sums in order to provide a private education for their children. This voluntary effort results in the saving of $4,290 million in public money since it costs on a national average $858 a year to educate a child in the public schools.

Tax credits are allowed citizens for the payment of interest on mortgages, for interest on car payments and sales taxes. Yet, up to now, we have allowed nothing for the payment of tuition for the education of a child, a far more significant expenditure.

While it is true that up until now parents have borne their double burden of private tuition and school taxes without complaint, they can no longer do so. Private education in the United States is in financial trouble because of the impact of a severe inflation.

If we ignore private education's plight, we will be ignoring its contribution to American society and if we wait long enough we can expect to spend $4 billion a year more on government education. While the costs of my bill to the Treasury may reach $500 million, it is a saving considering the problem.

I believe that the limited competition now existing between private and public education in our elementary and high schools is good for both. Each in effect sets goals for the other as a result in comparison in methods, successes, and failures. Each provides a yardstick for the other. This kind of competition is part and parcel of the American system in my opinion and I believe that my bill is a step in keeping the total American school system alive and well.

TENANT TAX DEDUCTION 25 PERCENT RENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. WOLFF. Mr. Speaker, much has been said about the need to reform our system of taxation so as to equalize the burden among persons of all income groups; and to eliminate the discriminatory features now embodied in the law. One such feature which has developed operates to the particular-disadvantage of those who rent rather than own their homes. A homeowner is presently permitted a tax deduction for the amount of his property tax as well as the interest on his mortgage. Even the owner of a cooperative apartment is allowed to deduct that portion of his rent or maintenance which represents the property taxes on his building and the interest on the mortgage. A tenant, however, is permitted no such deduction, even though his rent includes a proportion of the property tax passed on by the landlord.

To eliminate this discriminatory feature, and to take an important step toward equalizing the tax burden, I am today introducing a bill which would permit a tenant the right to deduct from his personal income tax 25 percent of his annual rent. This legislation closely resembles a measure proposed in the New York State legislature by Assemblymen Eli Wager and Irwin Landes that would permit a 25 percent deduction from the New York State personal income tax.

Mr. Speaker, by so acknowledging the substantial contribution the tenant makes to the property tax on his building, I believe this legislation will effectively equalize tax treatment for tenant and homeowner alike and thereby restore a long absent measure of justice to the millions of renters who now reap no benefit for the taxes they pay.

REPORT ON THE COLD WAR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROSENTHAL. Mr. Speaker, Dr. Fred Warner Neal, an associate at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., recently gave an important address on "American Foreign Policy at the Crossroads: The New Game Plan, the U.S.S.R. and Europe." His talk, before the center's convocation on "The United States and the World After the Cold War," was given in New York on May 6, 1972.

Dr. Neal, an expert on the cold war, testified before the Subcommittee on Europe last year on the subject. His latest statement brings up to date his excellent analysis of our difficulties in dealing with the Soviet Union. I include his speech below:

AMERICAN FOREIGN POLICY AT THE CROSSROADS: THE NEW GAME PLAN, THE U.S.S.R. AND EUROPE

(By Fred Warner Neal)

The Chinese have a saying that to prophesy is dangerous, especially about the future. It should, perhaps, be amended to say, especially about the future of American foreign policy in 1972. Until a relatively few days ago, at least, the options open to us looked like this:

1. We had the possibility, for the first time, of ending the Cold War altogether, of achieving a detente with the Soviet Union—and with China—and putting coexistence on an assured basis which would guarantee peace and survival.

2. We had the possibility of continuing the comparatively low-key Cold War sparring of recent years while entering into peripheral *ad hoc* agreements and understanding calculated to tamp down those passions not already eroded by ennui, economic considerations and glimpses of thermonuclear reality.

3. We also had the possibility of heating up the Cold War and returning to the era of serious and possibly deadly confrontation and conflict.

The omens for the first possibility, breaking free of the confines of the Cold War and putting our international relations on a new footing, seemed good for a while. The disaster of Vietnam brought popular discontent and the beginnings of a reexamination of our Cold War policies. The Soviet Union, anxious for a formal settlement in Europe, indicated in countless ways, in the diaphanous body language of diplomacy, its desire to put relations with the United States on a new and firmer basis. And President Nixon's comparative restraint in rhetoric and policy led one to hope that after all he might be a pragmatist rather than true believer and would take advantage of the situation to fulfill his promise of establishing a generation of peace.

It was probably too much to hope for realistically. After twenty-five years, the Cold War mentality in our country has become institutionalized, and one could hardly expect the President, major victim (or victimizer) to break free of it entirely. The second possibility, continued Cold War but on a less passionate plane, thus seemed more realistic. The awful anomaly, however, is that our present policy may well be rushing pell mell toward the third alternative, a reheating of the Cold War. Almost certainly this is not something Mr. Nixon wants any more than anybody else, save for a few kooks and extremists. But if we are not extremely lucky it is what we may get nevertheless.

If this indeed be our predicament, the explanation lies, I think, first in President Nixon's continued commitment to Cold War concepts and secondly to Dr. Kissinger's commitment of what I would call the "back to Metternich syndrome."

For a quarter of a century, American foreign policy has been dominated by Cold War concepts. They originated, I think, in the deeply-held and largely psychological-originated fear that the United States faced a military threat from the Soviet Union. I am deeply convinced there was no basis whatsoever for this fear, but, unlike the new revisionist historians, I do think the fear existed and was sincerely believed in. It followed that those who held it in effect abandoned diplomacy and focused on the use of military power to "contain" the Soviet Union, which we saw as the originator of all Communism as well as other evils. From there we went on to try military containment of China, of Communism generally and finally simply revolution, which we subsumed under the totally illogical term of "internal aggression."

UNITED STATES ALONE NOT RESPONSIBLE

I am not suggesting that the United States alone was responsible for the Cold War. It takes two, or more, to make a war, even a Cold War. But I am asserting that our misperceptions of reality—of the world and of the Soviet Union in particular, were a major if not the primary factor.

In any event, in the process of trying to prevent "Communism" from dominating the world—the perennial American nightmare—a number of characteristic Cold War attitudes took a firm hold on American foreign policy thinking. Psychologically, we refused to accept the reality of the Soviet Union as a great power, and later of China. We refused to deal with the USSR as even a potential equal. We refused to negotiate with the Russians meaningfully if at all. We insisted on trying to maintain military superiority and saw Moscow's refusal to accept inferiority as proof of aggressive intent. Our attempted military encirclement of the Soviet Union, and then of China, we saw as defensive, and we objected to their objections to it. All resulting problems—spiraling nuclear arms race, ever-expanding foreign bases, and continual military intervention—were justified by the perceived Communist threat—which had to be contained at all costs.

The Cold War policy, aimed at a threat that wasn't there, failed because it was conceived on the assumption that the United States could maintain unto itself a dominant preponderance of military power. Once this assumption proved to be wrong, not only did the American Cold War policy not work but it became acutely dangerous. Neither Soviet influence nor revolution could be satisfactorily contained, at least without risking thermonuclear war.

FAILURE IN VIETNAM

Vietnam has been the *reductio ad absurdum*, the *reductio ad tragedium*, of all this—Vietnam and the suicidal arms race. But Vietnam, for all its tragedy, could turn out to have a good effect. Up until recently, the Cold War foreign policy was neither debated nor questioned in the United States. The impact of our egregious failure in Vietnam—exposed by the casualty rate, the revolt of the youth, the television and the Pentagon Papers—has now, for the first time, aroused critical attention to the fundamentals of American Cold War concepts. The remarkable article by Senator Fulbright, in the January 8th issue of *The New Yorker*—is a case in point. I don't think Senator Fulbright's analysis goes far enough, but until something like it comes to be widely accepted, I doubt if we will get very far with new foreign policy directions.

As I read the Nixon foreign policy game plan, the way it has unfolded in recent weeks—and days—it is still based mainly on the Cold War concepts. It still seeks the same ends and objectives, only now it is trying to use 19th century balance of power diplomacy, as well as military power, to obtain them. If the original Cold War policy failed because world reality refused to conform to the American view of it, I think failure for the new Cold War policy is likely for the same reason.

The new Nixon Cold War policy reflects an idea dear to the hearts of some professors of international relations, namely that the post-war bi-polar world, in which the United States and the Soviet Union were the only major powers, has been replaced by a multi-polar world with five rather than two power centers. In such a world, it is felt, wily diplomacy can achieve the upper hand by playing off various powers against each other, just like Metternich in the 19th century. Nowhere is this system discussed with more enthusiasm than Dr. Kissinger's doctoral dissertation, published under the title *A World Restored*.

A CENTURY TOO LATE

There is only one thing wrong with it as a prescription for policy today. It is a century too late—or, perhaps, a century too early. Because the most important fact about the present-day international system is that peace and a liveable world depend in the first instance on relations between the United States and the Soviet Union. That which contributes to a betterment of these relations contributes to peace. That which threatens these relations threatens the peace. This has nothing to do with what one thinks about the Soviet Union. It is simply the prime, hard, cold reality of the 1970's.

In future years—if we make it through this decade—it is not inconceivable that our relations with other countries may become equally important—our relations with China, for example, with Japan, with Western Europe, if it ever becomes a unified entity. I am not suggesting that these relations are not now important. Indeed, both we and the Russians have to consider them more than before. I am merely saying that in terms of the power to destroy and the power to exert influence, the United States and the Soviet Union remain in a unique category by themselves. In this sense, we still have very much a bi-polar world, however altered its nature.

There is much talk these days about multipolarity, some of it based on wishful thinking, some of it on crystal-grazing. It may be useful for an academic lecture on the international politics of the future. But to the extent it ignores the over-riding priority of American-Soviet relations it is both wrong and dangerous as a guide for foreign policy. Nevertheless, all the signals emanating from the present game-plan indicate that this is the course we have set.

BACK TO METTERNICH

The first major step in the Nixon-Kissinger attempt to resurrect the Metternichian system was the rapprochement with China. The very idea of the President's visit to Peking, of course, is enormously important because it brought about an end to twenty years of total unrealism about China. But it seems clear that much more than this was involved.

For the past three years, the Russians, both here and in Moscow, have been forcefully and seriously telling anybody who would listen that they were worried about American-Chinese collusion against them. It seemed like such a ridiculous idea that I, at least, put it down to the well-known Soviet paranoia about the rest of the world. Several factors, however, suggest that the Russians may have known what they were talking about.

First, the anti-Soviet orientation of Mr.

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Nixon's anti-Communism has shown itself repeatedly, most clearly, perhaps, in recent weeks regarding Vietnam. Second, there is Dr. Kissinger's well-known predeliction for Metternich. In his doctoral dissertation, Dr. Kissinger describes in almost adulatory fashion how the cunning Austrian exponent and practitioner of balance of power politics sought to play Tsar Alexander I against Napoleon and vice versa. One cannot read it without the sudden reversal of our China policy coming to mind. Thirdly, there is the recent American position on the India-Pakistan conflict.

In a conflict between two states, one can imagine a third state favoring one side, even if it is certain to be the loser, on the grounds that there is harmony of ideals, that for moral reasons it will lend support regardless of immediate advantage. Or one can imagine supporting one side just because it was going to win, even though its political system is repugnant. But prior to the American stance in the India-Pakistan war one could not imagine support of a sure loser with a repugnant system and opposition to the sure winner which carries the banner for your brand of political ideals. Even granting the extreme limits of irrationality in statesmen, I find it difficult to believe that President Nixon and Dr. Kissinger—who are clever men—would have so ostentatiously supported Pakistan against India without some reason. The only reason likely to come to mind, at least in Moscow, is one which has to do not only with support of Chinese interests but support of those interests against the Soviet Union.

RESPONSE TO HANOI

Finally, we have the current situation in regard to Vietnam. If Mr. Nixon's savage response to the renewed Hanoi offensive illustrates his commitment to Cold War concepts, his virtual throwing down the gauntlet to the Russians seems to illustrate the "back to Metternich syndrome" in operation. If nothing else, it indicates that the President regards preservation of an American-dominated, anti-Communist stronghold in Southeast Asia more important than improving relations with the Soviet Union.

In this Metternich-like approach to Moscow there is likely to be another miscalculation. Often in the past, the Russians when pushed in the East have given in in the West, and vice versa. But this pattern of events characterized a militarily weak and backward Russia. The Soviet Union of today, however much it may seek to avoid being engaged on two fronts, is a different story.

Containment a la Metternich is, of course, not confined to diplomacy. The Nixon Doctrine is designed to supply muscle in many parts of the world. What it can mean we have seen recently in Vietnam. It also involves urging remilitarization of Japan, calling for expansion of foreign military aid and continued stationing of American forces in Europe. But above all it assumes we must have clear military superiority over the USSR. Indeed, forcing the Russians to agree to nuclear inferiority may well be one of the prime objectives of the new game plan. Thus as a prelude we insured the SALT talks would get off to an inauspicious start by opting for ABM and MIRV even before the talks began. The new Cold War policy may in fact be even more committed to a big military posture than the old. With all our economic difficulties internally, the Administration has cheapened the dollar, raised protectionist tariffs and imposed domestic controls while simultaneously proposing a higher military budget than ever. It seems as though those now in power will do almost anything to avoid cutting military spending, despite the fact that it is this, more than anything else, which is at the heart of our economic dislocation.

VIEWS ON "ISOLATIONISM"

Those who raise questions about all this are greeted with stern warnings from the Administration—and such as Dean Rusk—about the dangers of "isolationism." Such warnings seem to me to be aimed less at isolationism than at efforts to ward off restraints which Congressmen would impose to prevent a repetition of tragedies like Vietnam. We must stand in no confusion about what isolationism really is. It is, I think, primarily a state of mind, a psychological attitude, based in ignorance of the realities of international politics, in a refusal to accept the world as it is, in insistence on a unilateral approach to foreign affairs which rejects real international cooperation. This can take the form of head-in-sand ignoring of foreign affairs which characterized our stance between the wars. Or it can take the form of a riding-off-in-all-directions global intervention which characterized our policy since World War II. Both, in my opinion, were equally isolationist-based.

The pre-World War II type of isolation is, of course, impossible today. For good or ill, we are too much entangled with the world. But the syndrome is still with us and exhibited nowhere more markedly than by the Nixon Administration. The blunt unilateral economic moves of the past year, the reaction to the refusal of the United Nations to follow our two-China policy, the high-handed treatment of India, even the sudden, dramatic move toward Peking itself, all smack of a take-it-or-leave-it approach to the world which rejects international cooperation as a basis for policy. Could anything be more isolationist that the idea that our persistence in the Vietnam war, which is so universally condemned in all but the most subservient of our client states, is necessary to guarantee us prestige and world leadership? I think even Metternich, were he not blinded by Cold War concepts, would see this kind of an approach to today's world will not serve the true interests of the United States.

IDEOLOGICAL COEXISTENCE

An alternative approach to foreign policy is one based on consciously seeking a *detente* with the Soviet Union, and for a world in which peace is necessary it is the only rational one. This involves first accepting the idea of coexistence with competing ideological systems. Second, it requires working out clear mutual understandings that we and the Russians will both honor our respective core interest, that each will stay out of those strategic areas considered vital by the other. For us these include Latin America and Western Europe. For the Soviet Union they include Eastern Europe and other areas on the periphery of the USSR. Thirdly, we must try to work out arrangements for neutralization of areas which are not the core interests of either great power, that is, pledging mutually that we will both stay out of them militarily and pledging also that changes in such areas will not add to the strength of either bloc. This last is especially significant if we are to achieve a real sense of security. The Soviet position is that it is an equally great power and will not let such areas as the Mediterranean and the Indian Ocean be dominated by the United States alone. And it has the power to make its position effective. The Russians are saying, in effect, if you go in we will. If you stay out, we will stay out. Can any other solution than neutralization, a mutual staying out, insure against dangerous military competition in these seas? Ultimately, can any other solution bring peace to the Middle East? Or to Southeast Asia?

Working out such arrangements with the Soviet Union—and ultimately with China—may not be easy; we won't know that unless we try. But if anything is certain, it is at the moment the Soviet Union sees its interests enhanced by agreements with the United States. While it is obvious that there are lengths to which Moscow will not go—and cannot be pushed—it is equally clear that at the moment the Soviet Union is, by its lights, doing its best to encourage a process of *detente*. If we can let the process develop, free of Cold War concepts and the "back to Metternich" syndrome, we stand a better chance now than ever before of removing the main barriers to a stable and peaceful world.

TO CONTROL ARMS

The end objective must be effective arms control and disarmament. But the most immediately pressing ones involve Germany and mutual withdrawal of troops from Central Europe. This is the place to start because the door is already more than half way open. Chancellor Brandt's West German government has recognized East Germany *de facto* and moved for its own *detente* with Moscow. That these arrangements are presently in such a precarious state is not due only to Brandt's opposition. Whether the United States has actually dragged its heels on them is not clear, but for a country professing world leadership we have demonstrated an abysmal lack of diplomatic initiative. The way is open to us, if we would but take it, for a normalization of relations with East Germany, at least to the extent of having both Germanies in the United Nations, a reduction of our own troops and a move toward elimination of both NATO and Warsaw Pacts.

Essentially, this is what the Soviet proposal for a European Security Conference is mainly about. The Western position is not so clear. We have raised the concept of Mutual Balanced Reduction of Forces. There is nothing wrong with this concept in principle, but we must be very careful, I think, that it is not used as an excuse for maintaining NATO willy-nilly. Here an old shibboleth is always raised. This is, that since the United States would have to withdraw its forces clear across the Atlantic and the Soviet Union only withdraw its forces behind Soviet borders, this would represent an inequality to our side. Since we have only the geography God gave us, this is little more than an argument for a permanent American garrison in Europe under any and all circumstances. No one who raises this argument can be serious about wanting to end the Cold War. Yet this seems to be the present position of the U.S. government.

NO EUROPEAN POLICY

The fact is that aside from NATO the United States has no real European policy, and there is a built-in reluctance to face up to the possibility of a Europe without NATO. In addition, there has developed in and around NATO a substantial bureaucracy which, like any bureaucracy anywhere, is mainly concerned with its own perpetuation and aggrandizement. Not only has it helped perpetuate the myth of a Soviet military danger but it has helped perpetuate the myth that, should such a danger exist, NATO could cope with it. It took General de Gaulle, with all his *grandeur*, to stand up and say that NATO, like the king, wasn't very well clad. NATO has never been the same since.

It may well be that at one time NATO was a necessary means of giving assurance to weak European regimes. But this consideration no longer obtains. To the extent that these governments need armed forces, they themselves are quite capable of providing them. To the extent that NATO has kept Western European governments from thinking meaningfully about foreign policy, NATO has been a device however, unintentional, for blocking East-West *detente*. In one way it may have contributed to Western European unity, but in another way it has been an impediment to unity. Particularly has NATO impeded closer relations between Western and Eastern Europe, and its existence ever tends to make the Common Market not only an economic instrument but a Cold War instrument as well. Western European unity, especially with the addition of Britain to the Market, has gone beyond being a Cold War device.

NATO A HINDRANCE

What is true about Western European cooperation is also true, I think, about Atlantic cooperation. Without NATO, American relations with Western Europe could be on a firmer basis. As it is, it is primarily our military relationships which have been destabilizing. These, more than anything, contributed to our estrangement from France and to the long delay in Britain joining the Common Market, and they have also stood in the way of other non-Communist but neutralist-minded nations coming in. There has been constant pulling and hauling about who should contribute what, with our disproportionate share not only causing economic problems to everybody but also putting our European partners in a poor client relationship, to everybody's detriment.

There has been some talk about non-military cooperation within the NATO framework. I don't think it will work, and it shouldn't if it could. NATO is a military organization with a Cold War orientation. Without its military component and without the Cold War, it would altogether lose its *raisen e'etre*. Surely an alliance whose origin was in Cold War military considerations is not suitable for a post-Cold War period. There is a need to lift our foreign policy thinking about Europe to new horizons, just in case the cynics are wrong and the Cold War is really ending.

SPECIAL TIES WITH EUROPE

It is true that the United States has special ties with Western Europe; cooperation between us and them should be increased, not lessened. A whole variety of forms of cooperation are possible, for instance, dealing with political, cultural, economic, ecological and technological problems. I would assume there would be also some sort of military mutual assistance agreements. And as long as we have nuclear weapons they clearly will stand as an umbrella over Western Europe, for whatever this is worth. But if many of our interests are parallel with those of Western Europe, many are different also, as we may well soon see in regard to the Common market. The world, even Europe, is bigger than Western Europe, and one way we can serve Western Europe's interests, as well as our own, is by avoiding the parochialism which sometimes comes too easily to the Western Europeans. One of the objections to NATO, indeed, is that it accentuated the division of Europe, regardless of what the Russians did, and, if anything, made the Soviet bloc more closely knit. We should promote organizations designed to bring the Communists regimes in, not keep them out. Western Europe clearly should be one of our main interests, but we should not over-focus on it.

It is at least now possible to make a beginning toward such a new, post-Cold War grand design of foreign policy. How much further than a beginning depends, of course, not only on the United States. But wise and courageous American leadership, free of the old Cold War hang-ups and attuned to the realities of the 20th Century rather than those of the 19th, is the essential ingredient. Without such leadership, we are in danger of lapsing back into earlier Cold War patterns, or into isolationism, if not both, with consequences which are indeed frightening to contemplate.

EAGLES, AFFLUENCE, AND PESTICIDES

HON. CLARENCE J. BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROWN of Ohio. Mr. Speaker, Roy M. Kottman, dean of the College of Agriculture and Home Economics, the Ohio State University, Columbus, Ohio, recently brought to my attention a most pertinent and timely statement on the subject of pesticides and the "balance of nature." This statement was made by Andrew J. Rogers, Ph. D., and with the thought that it may be of interest to my colleagues in the House of Representatives, I am pleased to submit his thoughtful comments:

EAGLES, AFFLUENCE, AND PESTICIDES
(By Andrew J. Rogers, Ph. D.)

Modern man has progressed from a point in the misty past where he was part of the vicious animal-eat-animal system, which some now call the balance of nature, to material abundance and a safer, longer life. In order to accomplish this it was necessary to upset this mythical natural balance by eliminating the competition of his food plants, a process now called cultivation, and by domesticating some of the more useful animals, and protecting them from their enemies.

So he moved from a condition of hunter and gatherer to one of farmer and animal husbandman. Not many generations ago almost 100 percent of the people were engaged in farming as a necessity of survival. Owing to improved agricultural technology, the condition now prevails in some affluent countries like the United States where one farmer produces enough food and fiber to supply himself and approximately 40 others. And, the only way that modern man can maintain this condition is to keep nature unbalanced in his favor.

This great achievement in food production has freed more than 95 percent of our people to engage in other vocations, crafts, professions and miscellaneous activities. Some have become so detached from the land that they do not look beyond the suburban supermarket as the source of their food, and there is a small minority which seems determined to destroy the very technology that sustains us all. It is this subject which I wish to discuss.

Many charges have been made against pesticides, i.e., pesticides in the sea, pesticides in Antarctica, pesticides in food, pesticides causing thin eggshells, pesticides causing cancer, pesticides in mother's milk, pesticides in rain, and on and on ad infinitum. One obviously cannot discuss each of these in a brief address; therefore, I have chosen two relevant points of this controversy for examination in some depth.

The members of this Association are well acquainted with the absolute necessity of using insecticides for mosquito control and for protecting millions of people against such scourges as malaria, filariasis, onchocerlasis, yellow fever, encephalitis, and other deadly diseases. And we know of the strong stand of the World Health Organization for the continued use of DDT in the worldwide malaria eradication program. Therefore, rather than repeat this well-known subject, this presentation will emphasize some vital points recently made on the subject of pesticides and food production and the effects of pesticides on bird population, especially the birds of prey, which seem to be of most concern to the anti-pesticide lobby.

As a preface to this discussion, I wish to state that the members of this Association want a clean environment as much as any other group of responsible citizens. It is the policy of the American Mosquito Control Association to use pesticides properly so as to minimize any possible hazard to the environment, and they are used as supplements to water management and other methods of mosquito control in an integrated program of pest management. We are proud of the fine cooperative program of the National Mosquito Control-Fish and Wildlife Management Coordination Committee. The professional wildlife scientists who are a part of that program are not included in the anti-pesticide lobby referred to in this paper. Neither are the many responsible conservationists both in and outside various conservation organizations.

The real hard core anti-pesticide lobby appears to be a very small minority of scientists who seem to think that their scientific training in other disciplines qualifies them to discuss pesticides authoritatively, a classic example of a little learning being a dangerous thing. This group and their supporters make it appear that pesticides are the major environmental pollutants. This just isn't true. The mere presence of a substance in minute quantities does not prove harmful effects, which is the logical basis of judging the importance of a polluting substance.

Harmful pollution is a result of our high standard of living, and all Americans contribute their part, including the environmentalists. Damaging pollution can and should be corrected, but this is a job for everyone—not just industry or those who farm or control insects.

Pesticides and Food Production.—While we are an affluent people, this is not true of about 75 percent of the world population. A visiting minister who has been converted by the "ecology" movement came to my church a few months ago and in his sermon blasted DDT for polluting the environment. More recently a Bishop of this church stood in the same pulpit and asked the congregation to help feed those in developing countries where 12,000 people die of starvation every day. We who call ourselves Christians need to speak with one voice on this vital matter.

Dr. Norman E. Borlaug, winner of the Nobel Peace Prize in 1970, is much more qualified than I to tell the story of pesticides and food production, and tell it he did in the McDougall Memorial Lecture at the 1971 Conference of the Food and Agricultural Organization of the United Nations. I have leaned heavily on this great man's lecture for the following points on this subject. Dr. Borlaug developed improved varieties of wheat that are the basis of the Green Revolution which is reducing the number of deaths by starvation in developing countries. The continued success of this program depends not only upon the availability of improved varieties of food plants, it also requires the continued availability and input of agricultural chemicals, including pesticides.

The subject of modern agricultural technology as it affects available wildlife habitat is another very cogent point. This technology including pesticides, has saved 292 million acres of wildlife land in the United States in the past 30 years by increasing the yield per acre of 17 principal crops, thus making it possible to leave this much additional land for trees and wildlife. According to Dr. Borlaugh, this is an area equal in size to the entire land area east of the Mississippi and south of the Ohio Rivers.

On this same subject, the point is also made that within the next 30 years the large animals of East Africa and the elephant, tiger, and peacock of India will all be poached out of existance unless agricultural food production is increased sufficiently to take the pressure off these animals. These startling pronouncements deserve careful con-

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sideration by biologists and others who continue to demand the banning of the very pesticides that might help prevent this.

To close this subject, a statement by Dr. Earl L. Butz, Secretary of Agriculture, seems pertinent. He says that we can return to organic farming, which was our production technology of 75 years ago; but first someone has to decide which 50 millions of the American people are willing to starve, for this would be the result without a large production input of chemicals.

Pesticides and Birds of Prey. For the purpose of this address, the emphasis will be on eagles with a few comments about other birds of prey. These birds appear to be the basis of most of the opposition to pesticides.

On the subject of eagles, there is one thing about which there seems to be general agreement; these great birds are declining in numbers. But the anti-pesticide minority would have us believe that this unfortunate situation only started or became serious with the general use of persistent pesticides about 26 years ago and that these chemicals are the most important cause of the problem. The published record reveals some interesting information on this subject.

Fifty years ago (1921) a paper was published in the scientific journal Ecology entitled, "Threatened Extinction of the Bald Eagle". This paper stated in part that the bald eagle was fast becoming a rare bird in the United States. Again, in Science News Letter of July, 1943, several years before there was general use of persistent pesticides, attention was called to the declining eagle population and the author attributed this to the cutting of nesting trees and pollution of nearby streams by sewage and industrial wastes which destroyed the fish that comprised the principal food of eagles. So, scratch one false charge. The decline of eagles started many years before DDT or any other persistent pesticide was ever used.

And here is more from the record about what has happened to eagles in more recent times. Of 147 eagles found dead in the United States and examined at the Patuxent Wildlife Research Center in the period 1960–68, only nine, or 6.1 percent, were suspected of being killed by pesticides, only one of which was by DDT. The other 138 were shot or died of disease or unknown causes. But hear this! Prior to 1951, Alaska is reported to have paid bounties on 100,000 eagles slaughtered in a 36 year period because they were believed to be detrimental to the salmon industry. This is almost 3,000 eagles per year for 36 years. In this connection the following statement from Smithsonian U.S. National Museum Bulletin No. 167, published in 1937 is pertinent: "Where eagles are sufficiently abundant and are known to be doing serious damage to salmon fisheries, fur farming activities, or other human interest they should be reduced in numbers. There is no danger of their extermination in the vast uninhabited regions of Alaska. Elsewhere we can afford to protect such a picturesque feature as our national emblem".

And there is more! Although the practice was banned in 1962, the record states that 20,000 eagles were shot from small planes, presumably in the American West. But the ban on this practice notwithstanding, a press report as recently as August 3, 1971 stated that 500 Bald and Golden Eagles were shot from planes in Wyoming and Colorado for predator control that year. And speaking of predator control, it is well known that poison baits placed in the environment for control of other predators have inadvertently killed hundreds of eagles. This has been done for many years with the approval of the U.S. Department of Interior and was discontinued only about a month ago.

Another published report states that the Department of Interior authorized the killing of Golden Eagles in some Montana Counties in 1967 to protect livestock.

Now, this is 120,645 dead eagles, an average of 2,116 per year during the past 57 years, that have been accounted for by the published record, and this does not include the unknown hundreds killed by poison baits, electrocution by power lines, etc., that were not recorded. But of those accounted for only nine are reported as having succumbed to pesticides, only one of which was by DDT.

Much is said about reproductive failures of birds, especially birds of prey, due to pesticides. These chemicals are blamed especially for causing thin eggshells that break before hatching. This charge is based primarily on laboratory studies where various kinds of birds were fed rather large amounts of pesticides daily for long periods. In a frequently cited recent paper on this subject by Hickey and Anderson, there are data showing reductions of average weights of eggshells of Florida eagles of about 19 percent in the late 1940's and the 1950's when compared to average weights of eggshells collected before that time. But the published record also shows that this difference is similar to the normal range of egg size for Florida eagles as determined by measurements of 50 eggs collected prior to 1937. As reported in U.S. Museum Bulletin 167, the length of the 50 eggs varied by 26.2 and the width by 18.4 percent. It seems reasonable, therefore that the difference in weights of the shells of these pre-DDT eggs would have varied by at least the 19 percent reported by Hickey and Anderson, especially since their samples of recent eggs were only 6 and 12 in number. The authors relate their data of eggshell weight to a declining eagle population in Florida.

There can be no debate about another factor that has prevented thousands of birds' eggs from hatching over the past 100 years. This is the practice of egg collecting by some ornithologists and bird protectionists for scientific or private collections. Collecting a reasonable number of eggs for scientific study is understandable and necessary, but the practice appears to be much more widespread than this.

The paper by Hickey and Anderson (ibid.) states that 1729 eggs from 39 museums and private collections were examined in their study. On page 361 of U.S. Museum Bulletin 167 it is reported that the measurements of 312 American Osprey eggs in a private collection averaged 61 by 45.6 millimeters. In discussing possible causes of the osprey abandoning a nesting area of New England we find this statement: "Considerable egg collecting was done in certain parts of the area, but no more than, if as much as, in the area where the birds still breed". Also, there are many references to average sizes of eggs of several of the birds of prey based on measurements of 40 to 50 eggs from various collections. There is another reference to robbing the nest of a pair of peregrine falcons repeatedly until the birds gave up in despair. It seems evident from these and many similar references that egg collectors have probably prevented the hatching of a much larger number of birds' eggs than any pesticide ever has.

The record also indicates that many additional eggs are prevented from hatching as a result of molesting birds on their nests, causing them to abandon the eggs at various stages of incubation. There are many references to this practice in past years, but a more current report also is available. In a recent paper entitled, "The Truth about the California Brown Pelicans", Dr. J. Gordon Edwards blames "scientific persecution" during the 1970 breeding season for the near failure of these birds to bear young that year off the California coast, on Anacapa Island, rather than pesticides as claimed. Dr. Edwards states that the superintendent of Channel Island National Monument, was deeply concerned over the Anacapa Island disruption by biologists and the widely publicized misinformation about the pelican colony there. Moreover, in 1971 the National Park Service refused to permit scientists to hover over or land on Anacapa Island by helicopter, as they did frequently in 1969–70, because noise and excitement are known to upset the birds, causing thin eggshells and nest desertion. Dr. Edwards states further that research biologists were no longer permitted to roam among the nests frightening off the brooding females or shooting them on the nests for analysis, as they had also done earlier.

One final comment on bird hunting should be adequate to make this point. These excerpts are from a letter published in the Monthly American Journal of Geology and Natural Science of 1832. Again the subject is bird collecting and the place is the East Coast of Florida. Quote: "At sunrise the next morning, I and four negro servants proceeded in search of birds and adventures. The fact is, that I was anxious to kill some 25 brown Pelicans. (*Pelicanus fuscus*) to enable me to make a new drawing of an adult male bird, and to preserve the dresses of the others. I proceeded along a narrow shallow bay, where the fish were truly abundant . . . I shot some rare birds, and putting along the shore, passed a point, when lo, I came in sight of several hundred pelicans perched on the branches of mangrove trees, seated in comfortable harmony, as near each other as the strength of the boughs would allow. I ordered to back water gently: the hands backed water. I waded to the shore under cover of the rushes along it, saw the pelicans fast asleep, examined their countenances and deportment well and leisurely, and after all, levelled, fired my piece, dropped two of the finest specimens I ever saw. I really believe I would have shot one hundred of the revered sirs, had not a mistake taken place in the reloading of my gun. A mistake, however, did take place, and to my utmost disappointment, I saw each pelican, old and young, leave his perch and take to wing; soaring off, well pleased, I dare say, at making so good an escape from so dangerous a foe. . . . After shooting more birds, and pulling our boat through many a difficult channel, we reached the schooner again; and as the birds, generally speaking, appeared wild and few (you must be aware that I call birds few when I shoot less than one hundred per day)—my generous host proposed to return towards home again." The letter also states that in celebration of getting their boat afloat, the party set fire to the whole salt-marsh just for fun, and saw marsh rabbits, etc. scampering from the fire by the thousands, as they pulled their oars. The letter was written by John J. Audubon, December 31, 1831. This reference is included only to emphasize how attitudes have changed, not to discredit this famous man in any way.

In concluding this discussion it is pertinent to cite an example from the record concerning pesticides and bald eagles in nearby Everglades National Park. The Park is next door to two of the most intensely sprayed areas in the world, the Everglades muck farms a few miles to the north and the Homestead vegetable farms on the eastern boundary of the Park. These farming areas are cultivated almost yearlong and sprayed almost continuously with just about every pesticide available, including DDT, and this has been going on for many years.

Consider also that South Florida is a network of canals connecting the farming areas with the drainage and water storage areas of the Everglades and that the main source of water for the Park is from this farming district a few miles to the north. Now, a news release datelined Everglades Park of January, 1969, reports a biologist of the National Audubon Society as saying that pesticides are being washed into canals, streams, lakes, etc., in increasing volume where eagles hunt fish, their primary food. One can easily demonstrate the effect of this kind of publicity.

About a year ago my wife and I were riding along listening to an interview on the car radio with an influential official at the Washington level about the fires that were then destroying forever much of the Everglades muck. When asked about his thoughts on this the official stated that the fires were not too important because they had been occurring for years in the glades. He said the real danger was all that DDT in the water that was flowing into the Park.

Now, on the basis of these pronouncements, the Everglades National Park should be the perfect model for conditions which the anti-pesticide people claim are responsible for thin eggshells and declining populations of eagles. Therefore, any citizen who is not knowledgeable on the subject would have to conclude that if there are any eagles left in the Park, they must be just hanging on by one claw and soon will be gone forever, because there could not possibly be any hatching of eggs with all those pesticides building up in the food chain.

But wait! According to the published record this is not the case. The same news release quotes the biologist further as saying that the Everglades National Park has the healthiest Bald Eagle population in the United States, outside of Alaska, and that a Park official estimates the reproductive success of the eagles there at close to 60 percent, while only a 50 percent rate is required for maintaining a stable population. The healthy nature of the eagles in the Park also is confirmed by a scientific report in the Pesticides Monitoring Journal of December, 1970.

But, the news story also points out that of the other three eagle populations in Florida, the two coastal colonies are declining and the one between Lake Okeechobee and Orlando is just holding its own.

Now, when you put it all together, the record clearly shows that the eagles that are getting along well in Florida are those in or near the farming areas that are heavily sprayed with pesticides but are also far removed from people, and the declining eagle colonies are those along the coasts where people are numerous and are intruding on former eagle territory. The news release does mention shooting, habitat destruction, and competition between people and eagles for waterfront property as important factors affecting the coastal populations of eagles. But the most amazing statement of the news release is a quotation attributed to the Audubon biologist which says that unless measures are taken to prevent it, pesticides, and DDT in particular, eventually will eradicate the bald eagles. This Mrak report, a scholarly study of pesticides and environmental health, submitted to the Secretary of the Department of Health, Education, and Welfare just over two years ago, seems to put the subject of pesticides and reproductive success of eagles in proper perspective. This report states on page 437 that there is a reasonable doubt that chlorinated hydrocarbon pesticides are found in the natural feed of these birds at levels required to adversely affect reproduction.

Now, according to the published record, it appears that shooting, collecting of birds and their eggs, encroachment of suburbia on former eagle habitat, poison baits, electrocution, and molesting of nesting birds are all important factors adversely affecting the populations of these great birds of prey. Based on this evidence, it seems reasonable to conclude that birds might profit a great deal more by a ban on some of these practices than by banning pesticides. If pesticides are an important cause of declining bird populations, this will be determined in time by unbiased, objective science—not by environmental rhetoric. At the present time, the evidence for this is not impressive.

What is impressive about the published record is that wildlife, like people, is dependent upon the continuing use of pesticides—not their elimination. For the simple truth is that people are going to see to their own survival first, and if present high yields per acre of food are reduced by banning pesticides, more wildlife land will be cleared and farmed to make up this loss of production.

I find no more reason to apologize for using a legally labelled chemical pesticide than would a physician for using penicillin, which also is a pesticide, especially when that chemical pesticide has saved more lives than penicillin and all of the other so-called antibiotic drugs combined. But there is a real danger that we will lose these vital tools of food production and public health protection through mosquito control unless more people start telling the positive side of the pesticide story. The challenge I leave with you is to acquaint yourselves with the scientific facts about this matter and use these facts in every possible way in defense of pesticides in your work.

Let's not be members of the silent majority of the affluent 40 while the militant minority destroys the technology that man has developed for his own survival and health, as well as for the protection of wildlife. With 2.8 billion people in the world of 1972, all having a need for housing and food, there might not be enough caves to go around if we are forced to return to the "balance of nature" culture of our prehistoric ancestors; and the few eagles that remain would surely end up in stew pots in those circumstances, anyway. Thank you.

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VIRGINIA: PROGRESS IN THE OCEANS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DOWNING. Mr. Speaker, last Saturday afternoon the Hampton Roads Jaycees celebrated the fourth annual marine festival at Huntington Park in Newport News, Va. It was a festive occasion with entertainment for all and featuring every conceivable type of delicious seafood.

The main speaker on this occasion was a dear friend and former colleague in the House of Representatives, the Honorable Howard W. Pollock, Deputy Administrator of the National Oceanic and Atmospheric Administration, whose topic was "Progress in the Oceans."

His speech, which follows, was so interesting and informative that I thought it was deserving of being placed in the CONGRESSIONAL RECORD for everyone to read:

VIRGINIA: PROGRESS IN THE OCEANS

(By Hon. Howard W. Pollock)

Distinguished citizens of Newport News, visitors to the Marine Festival, vigorous and energetic members of the Hampton Roads Jaycees, ladies and gentlemen:

It was with the greatest of pleasure that I received the thoughtful invitation from my very dear friend, Congressman Tom Downing to join you for this wonderful celebration and marine festival.

My friends, this is an old and historic area, rich in American history and rich in the heritage of America's seafarers. I am told that the first settlers came to Hampton in 1610, just three years after Jamestown was established; and Hampton has been settled ever since, and Virginians have been going down to the sea ever since—fishing, launching ships, fighting our Nation's battles, manning our merchant marine.

Indeed, one Virginian of note, George Washington, apparently enjoyed recreational fishing when he had the opportunity, for his diary speaks of going out on the river on one occasion and catching great quantities of shad. Thomas Jefferson, another Virginian, a man of many talents and ideas, had a great interest in America's early commercial fishery resources. While he was Secretary of State, in February of 1791, Mr. Jefferson initiated action that led to a subsidy to the commercial fishing industry of the Commonwealth of Massachusetts to help that industry recover from the devastating effects of the American Revolution. So far as we know, this was the first direct subsidy arrangement ever made by the Federal Government for any United States industry.

Throughout our Nation's history, the Virginia watermen who fish the ocean, the estuaries, and the rivers of the Old Dominion have made Virginia one of America's leading fishery states, for both commercial and recreational fishing. In commercial fishing, Virginia is consistently among the leaders in

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annual landings—a fact that is not sufficiently known and appreciated. Last year, for example, Virginia was third among the states, with a total commercial landing of about 489 million pounds of fish and shellfish, with a total value of approximately $22 million.

Our best available information shows that in 1971, Virginia had 4,700 full time and about 2,800 part time commercial fishermen.

Virginia has about 120 seafood processing plants, employing some 3,500 persons full time and about 1,500 more on a seasonal basis. Are you aware that there are about 140 wholesalers in the fishing business, employing an additional 500 to 700 persons, depending upon the season?

And so, the seafood industry is well established, and of great economic importance to the area. The oystermen, the crabbers, the finfishermen and all the others connected with our coastal fisheries are of great interest to us in the National Oceanic and Atmospheric Administration. It is part of our charter in NOAA to help ensure the good health of the fishing industry. We try to do this primarily through our National Marine Fisheries Service and our Sea Grant Program.

Today, about 80% of the volume of Virginia's commercial fishing is for menhaden, the volume leader among all fish taken by U.S. fishermen. Of the five billion pounds of fish and shellfish caught by all U.S. commercial fishermen in 1971, 2.2 billion pounds were menhaden.

As an industrial fish, menhaden is the source of numerous products. It provides oils for five lubricants, soaps and paints. It is manufactured into meal as a protein supplement for poultry and livestock feed—so when you eat some of those marvelous Rockingham fowl or Smithfield hams from other parts of Virginia, you may well be getting some of your own fish back in an indirect way.

On a related subject, for the information of the nonfisherman, it might interest you to know that the National Marine Fisheries Service maintains a Market News office in Hampton. The office provides valuable services to the commercial fishing industry. The Hampton office is a collection point for receiving and distributing information from all over the Nation on prices, landings, and other statistical information of vital importance to the American fishermen.

Laboratories of the National Marine Fisheries Service are scattered on all coasts of the U.S. Some of these laboratories are carrying out work of special interest to the Virginia fishing industry. Through the Marine Advisory Service of the Virginia Institute of Marine Science on the York River, there is now an effective way to make the results of this research work known locally. A recent example is the research and evaluation of mechanical fish separators, which are designed to recover fish flesh that would otherwise be thrown away. Up in New England, the National Marine Fisheries Service developed a separator that appears to be both effective and, for some uses, quite economical. So NMFS technicians from Gloucester, Mass., came down to Gloucester Point, Va., to demonstrate it. The VIMS marine resource information bulletin, part of its Sea Grant advisory service, disseminated this important information to Virginia seafood processors for their possible use.

The Sea Grant extension program is a particularly interesting and important example of the wonderful work carried out by the Virginia Institute of Marine Science and by its Director, Dr. Bill Hargis. Many of you know Dr. Hargis, of course. He is also Chairman of the Coastal States Organization, and he is Chief Advisor for marine science to the Governor and to the Legislature of Virginia. I understand that he also works with the University of Virginia and for William and Mary College in marine affairs.

In my capacity as Deputy Administrator of NOAA, I interface with Bill Hargis in yet another capacity in which he serves. President Nixon appointed him as Vice Chairman of the National Advisory Committee on Oceans and Atmosphere. You are fortunate indeed to have such a fine scientist and leader in your area, in addition to my friend and colleague, Congressman Tom Downing.

We at NOAA are proud to be a part of your marine activities. Our largest Sea Grant in Virginia is held by VIMS to support a variety of projects, including advisory and extension activities, shellfish research, mineral inventory on the continental shelf, and coastal zone planning.

Our grant forms a portion of a program also funded by the National Science Foundation, relating to the entirety of the Chesapeake Bay area. Our current grant to the Institute, which began January 1 and runs for one year, is for $325,000.

VIMS has been able to obtain an additional amount of about $175,000 from the Commonwealth and from industry as matching funds for the NOAA Sea Grant.

And, incidentally, while we are speaking of the cooperation and support of other groups, permit me to mention the cooperative extension effort recently begun by VIMS and the Virginia Polytechnic Institute, also with a NOAA Sea Grant. VPI has a Food Science and Technology Department, a good one, and has long been active in extension activities with the agricultural industry and terrestrial food processing industries. With the aid of the Sea Grant, VPI is now drawing on this experience to initiate the extension service program for the seafood processing industry in the Commonwealth of Virginia. The VIMS/VPI cooperative effort is designed to help the fishing industry and other users of the marine environment to get answers to some of the problems that they face.

With its food science and agricultural extension background, VPI will make an important contribution to marine advisory work in Virginia. It will provide the first outside addition to the VIMS program, and we should not be surprised to see this grow into a very effective multi-university effort within the Commonwealth of Virginia.

One of the major research efforts at VIMS, which we at NOAA are both supporting and following with a great deal of interest, is the work on crabs. The program is designed to assist the industry in expanding the production of soft blue crabs, and to better forecast the commercial blue crab catch a year in advance, so that the industry can plan its operations more efficiently. VIMS is developing a recirculated sea water system, and is making comparisons of survival in soft crab yield—subjecting the crabs known as peelers to various combinations of water quality and crowding conditions. Some of the work sounds esoteric, I'm sure—for example, biologists there are working to obtain base line data on blood serum constituents of hard, soft and peeler crabs. But information of that sort is urgently needed to develop sophisticated methods for possible early recognition of abnormal conditions in the crabs.

VIMS scientists are also working on developing techniques for estimating spawning success in blue crabs, and estimating the population size, total catch, and fishing mortality in the winter crab dredge fishery.

This is the kind of applied work, combining field and laboratory techniques, that leads to payoffs for the industry and thus for the economy of the area.

Another example of their work that is culminating in success is obtaining edible soft shells from the rock crab for winter consumption. Based on the recommendations of institute scientists, the industry has already produced small amounts of soft shell rock crab the last two winters, and has promising plans for the future.

We all hope that what we are seeing here is the beginning of a new and productive activity for Chesapeake Bay watermen in the wintertime.

Another major research area is the work with oysters, and related work with clams, scallops, and other bivalves. Many of you are aware of the unhappy recent history of oyster production in the lower Chesapeake Bay. Many public beds had been unproductive for decades because of predation on the spat or seed and the effects of diseases and of unlimited harvesting on larger oysters. Large seed oysters from the James River were used to plant thousands of acres of private beds in Mobjack Bay, off Egg Island, and in Hampton Roads. The high salinity areas were places where only large-scale and relatively efficient oyster culture kept this rather precarious industry from collapsing.

Virginia now suffers from a serious shortage of seed oysters; and oysters steadily move farther into the luxury category owing to decrease in supply and increase in price.

Recognizing the grave situation, the Virginia Institute of Marine Science is making a strong effort to breed, test, and select laboratory-bred stocks for disease resistance, primarily for oyster mariculture.

Here again, basic biology that sometimes seems baffling to those of us who are laymen is absolutely necessary to the restoration of a thriving industry. Knowledge and use of genetic factors in the oyster are essential to intensive oyster culture, just as they are in agriculture and animal husbandry.

The VIMS work has been underway for a number of years, with direct support from the Commonwealth, from the National Marine Fisheries Service, and the National Science Foundation, to which we have now joined the Sea Grant support.

These are impressive accomplishments. VIMS is a research organization that is making an invaluable contribution to the continued economic health of this region, and we are delighted to support it and delighted that you support it so well.

In the few brief moments remaining to me, I should like to sketch out some of the interests of my own organization that overlap your own. As you know, President Nixon created NOAA almost two years ago, within the Department of Commerce, because of the clear need for a mechanism for making effective use of the oceans, the atmosphere, and their resources—while conserving them for future generations of Americans.

NOAA is a major Federal mechanism to foster the exploration, development, operation and maintenance of a national system to monitor and predict the environment.

NOAA is one of the new trio of Federal institutions—along with the Environmental Protection Agency and the Council for Environmental Quality—to deal with problems of environmental control.

NOAA is a key agency in solid earth science and service.

Finally, our organization is charged with insuring the Nation's scientific and technological competence for understanding the oceans and atmosphere.

With respect to the living resources of the Sea, one of our very high priority efforts is called "MARMAP", an acronym for Marine Resources Monitoring Assessment and Prediction, of the kinds and quantities of living marine resources available. It will hopefully provide a comprehensive data base for domestic and international management of these resources.

The MARMAP surveys will be supported by biological and physical oceanographic studies conducted by our National Marine Fisheries Service, by universities and colleges, and by other Federal, state and international organizations.

A portion of MARMAP will be directed towards groundfish; that is, those species that live on or near the sea floor such as flounder, cod, and haddock.

Another MARMAP effort will be directed toward the pelagic species such as herring and tuna. Further development of remote sensing capabilities, either through aerospace techniques, hydro-acoustics, or some combination of the two, will be necessary to sample all the species covered in this survey.

In addition to MARMAP, we are increasing our surveys of inshore, continental shelf and deep ocean regions for navigation and for resource development, and are devoting substantial resources to a variety of coastal zone programs, including cooperative projects with states for boundary delineation. In this context, I note again the work of VIMS, with its recent report on the boundary of the territorial sea of Virginia.

Other high-priority tasks will include a major examination of the impact of human activities on the quality of our oceans and atmosphere.

Here I might mention that we have already been very active in the quest to define contaminants in our marine life. We are seeking to define the nature and extent of heavy metal pollution in fish found in coastal and offshore waters. A systematic survey of major commercial and sport species is now underway.

We also intend to extend our system for predicting air pollution potential, and will intensify our programs for the modification of weather processes, especially focusing on the possibility of hurricane and other severe weather modification.

We are convinced of the need to develop certain national capabilities vital to many oceanic and atmospheric purposes. Among the most important of these are the undersea laboratories and submersibles that scientists need to do their work on or near the floor of the ocean. One such project, incidentally, involved the work of a graduate student in oceanography at Old Dominion College.

In closing, let me say what a wonderful experience it has been to be here, and share with you some of our plans and projects, and the progress that is being made in America's oceanic programs. You have a wonderful marine tradition right here in Virginia. We in the Federal Government are benefiting from it, and we are trying to enhance your own maritime efforts and the economic prosperity that you derive from them. My very best wishes, and thanks to all of you.

My friends, I'm told that we are now going to have a crab feed, and I'm delighted, and I'm ready. So, let'a turn our attention to some of the culinary benefits provided by Virginia waters. Thanks so much for letting me share your day.

God love you and keep you—each and every one of you.

THE 1972 LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. PATTEN. Mr. Speaker, knowing the legislative views of constituents is important to me, so I send a legislative questionnaire once every year to each home in the congressional district I represent.

This year my questionnaire contains eight questions—five on domestic issues and three in the area of foreign affairs. The questions follow:

Do you think that the Administration's program to hold down prices and wages (Phase II) is effective and fair?

Do you feel that the Federal government should undertake a comprehensive child care program that would take care of children while their mothers work?

Would you favor the N.J. Commissioner of Education ordering the busing of students across municipal lines to achieve racial balance?

The Administration is considering a so-called value-added tax, which would place a Federal levy on each stage of the manufacturing and distribution process. Would you favor such a tax?

Would you favor providing income tax credits for such educational expenses as tuition, fees, books, and supplies?

Would you approve of withdrawing all U.S. military forces from Vietnam by October, 1972, providing American prisoners of war are released?

Should the United States continue to sell military aircraft to Israel to help maintain a balance of power in the Middle East?

Do you think that President Nixon's trips to Peking and Moscow will significantly improve American relations with China and the Soviet Union?

MORE IMPROPRIETIES IN THE FOREIGN SERVICE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ASHBROOK. Mr. Speaker, on May 18, 1971, I introduced H.R. 8523, a bill designed to provide a grievance procedure for Foreign Service officers and information officers who had been denied due process in firing through selection out. Since the introduction of my bill, the Senate Foreign Relations Committee has held hearings on similar measures introduced in the Senate and on May 31, 1972, the Senate approved S. 3526 which would, among other things, establish a formal grievance procedure. Consequently, the House itself will be confronted shortly with the issue of the personnel procedures governing the Foreign Service.

My main concern in introducing H.R. 8523 had been with the evils of selection out. Since then I have repeatedly invited the attention of the House to a long series of unjust actions concerning eminent Foreign Service officers who were the victims of vendettas conducted against them by the Foreign Service. These cases included that of Stephen A. Koczak, a Harvard University graduate, selected out for predicting that the East German Communist Government would build the Berlin Wall and for calling attention to serious security problems in connection with the American Embassy in Warsaw. Mr. Koczak's service included assignments in strategic positions in the Military Government in Germany; on January 31, 1949, he was expelled by the Stalinist Rakosi government in Hungary for allegedly conspiring with Cardinal Mindszenty "to overthrow" the Hungarian state; he had accurately predicted the Israeli-Arab War of 1956.

Other well-known injustices to which I called the attention of the House included the case of John Hemenway, who had a distinguished military record in the Army; then graduated as an ensign from Annapolis; and received his bachelor and master's degrees from Oxford as a Rhodes Scholar. I have also provided extensive material on the selection out of Charles Thomas, one of the most distinguished Foreign Service officers who was an Air Force fighter pilot during World War II; who held two law degrees; and who was authorized to practice before the Supreme Court of the United States. Mr. Thomas, denied a hearing by the State Department, was reduced to poverty and to waiting on the tables of diplomats who were formerly his colleagues. He committed suicide on Easter Monday 1971.

On May 15 and May 17, 1972, I introduced into the RECORD the testimony of John Hemenway questioning the promotion of many of the Foreign Service officers by the most recent selection panels. Mr. Hemenway concentrated on the lack of foreign language competence of many of the officers being nominated for promotion. He pointed out that 35 percent of class 1 Officers and 31 percent of class 2 officers on the promotion list do not meet the minimal standards of having a command of a single foreign language. In addition, he cited two cases in which he charged that both professional competence and basic integrity or honesty are possibly involved.

In commenting on this promotion list, Mr. Hemenway said the following:

Mr. Chairman, you will recall that the former Director of Personnel, Mr. Howard P. Mace attempted to explain to this Committee, during his recent confirmation hearing, the complex sequence by which Promotion Boards determine promotions. According to Mr. Mace, Boards consist of objective citizens, who determine objective personnel files (presumably in accordance with the regulations) to determine—competitively and fairly—which officers are the best. Under questioning from you, Mr. Chairman, it was determined that Mr. Mace himself had a large say in who sat on these Boards. This 1972 promotion list is, so to speak, the last "Mace List" in that Mr. Mace helped determine the composition of these Boards. The process sounds orderly enough, when glibly explained; but it is not orderly, Mr. Chairman, nor is it equitable.

I have now received further disquieting news about how promotions are arranged by the Foreign Service from the Charles William Thomas Memorial Legal Defense Fund which is sponsored by the American Federation of Government Employees, AFL–CIO. In preparing for suits against the State Department for selection out, the fund has discovered certain practices in the way selection boards are designated that are contrary to the most elemental standards of fair play. I should like to call your especial attention to the following passages which the Thomas Fund has been circulating to interested parties:

Because the Fund hopes to instruct its counsel to file suit by the end of June or early July, we wish to stress that any person who was "selected out," or who retired "voluntarily" in order to avoid selection out, should communicate immediately with the Charles William Thomas Memorial Legal Defense Fund to obtain particulars about qualifying for participation in the suit. It would be helpful if each correspondent indicated whether he or she had been "selected out"

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or had retired "voluntarily" to avoid selection out; the date and composition of the last selection panel rating the Officer; the date of retirement; and any other information which the Officer recalls in connection with the administrative processing of "retirement" or separation. (These data are especially important in light of the discovery by Fund that State Department management had been placing among "public members" of the Promotion Boards persons whose primary qualifications are family ties or service to management in confidential or consulting roles. For example, Deputy Under Secretary William J. Crockett appointed his brother-in-law, William Figy, to the 1963 Selection Board "B" which promoted Idar Rimestad, Howard Mace and seven other proteges of Mr. Crockett to Class FSO–1. Most recently, Deputy Under Secretary William B. Macomber appointed Harry Tyson Carter as FSR–1 to work with Mr. Robert Gordon, the Department's Ombudsman for grievances. Previously, Mr. Carter was a paid "consultant" to the Department serving as special counsel to Secretary Macomber in connection with the unsuccessful attempted confirmation of Howard Mace as Ambassador to Sierra Leone. Prior to that, Mr. Carter served as "public member" of the 1970 Selection Board "II" which promoted among others, Mr. Robert Gordon, the Department's "Ombudsman", to Class FSO–1. We are now assembling lists of Officers "selected out" by Board "B" and Board "II" and by other Boards.)"

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Management has also made available to Selection Panels unverified, oral prejudicial material relating to "suitability," and these data have sometimes resulted in placing officers in the lowest percentage of their class.

First of all, I am shocked to have heard that the selection boards do not maintain permanent records of their actions; and that for this reason, any appeals system will have to be based on procedures without benefit of complete records of decisions by selection panels. Second, I am astounded that unverified detrimental and, it appears, even fabricated materials have been orally submitted by top State Department personnel officers to selection boards to assure the selection out of certain officers. Third, I am literally astonished to discover that the top administrative officer at that time, Deputy Under Secretary of State William J. Crockett, appointed his own brother-in-law, William Figy, as a so-called public member, to the 1963 board promoting officers to class 1.

Let us look at some of the people that board promoted. The Thomas Fund has informed me that in addition to Idar Rimestad, who succeeded Mr. Crockett as Deputy Under Secretary of State for Administration and Mr. Howard Mace, whom the Senate Foreign Relations Committee did not agree to confirm after hearings about the way he discharged his duties as Deputy Director General of the Foreign Service, the following names of persons closely associated with Mr. Crockett appeared on that promotion list:

Joseph F. Donelan, Jr.: Acting Assistant Secretary for Administration;

Millan L. Egert: Department of State Consultant; Assistant Director Planning Administration; Special Assistant; Deputy Administrative Officer in Rome during the period 1956 to June 1959. He served immediately under Crockett who was Administrative Officer in Rome from Feb. 28, 1954 to June 14, 1957;

Frederick Irving: Deputy Assistant Secretary for Educational-Cultural Affairs;

Marshall P. Jones: Special Assistant to Assistant Secretary of State for Administration;

Howard P. Mace: Consul General, Istanbul, Turkey; previously, Acting Director General of the Foreign Service; previously, Deputy Director General of Personnel; Deputy Assistant Secretary for Personnel; Deputy Assistant Secretary for Organization and Management;

Adrian T. Middleton: (Deceased);

Idar Rimestad: U.S. Representative to U.N. with rank of Ambassador; previously, Deputy Under Secretary for Administration;

Earl D. Sohm: Deputy Director of Personnel for Operations; previously, Deputy Assistant Secretary; earlier, Chief Career Management Assignment Division; Chief, Personnel Operations Division; Deputy Chief, Personnel Operations Division; and

John H. Stutesman, Jr.: Deputy Director of Personnel for Recruitment; previously, Dean of Foreign Service Institute School for Professional Studies; earlier, Foreign Affairs personnel planning program; earlier Special Assistant to Deputy Under Secretary of State for Administration.

Many highly qualified Foreign Service officers were "selected out" by selection boards since 1963. In reviewing the role that was played by the William Figy board, I learned from the fund that several persons promoted to FSO–1 by that board subsequently themselves served on selection boards. For example, Frederick Irving and Earl Sohm served on two boards; John Stutesman and Adrian Middleton on one; and Charles Mace, the twin brother of Howard Mace, served on a selection board in 1966.

I question whether the foreign policy of the United States is served properly when career professionals are promoted, fired and assigned by a system where brothers-in-law and twin brothers of top personnel administrators are given crucial roles over the fate of Foreign Service officers.

I include in the RECORD material recently mailed to Foreign Service personnel by the Charles William Thomas Memorial Legal Defense Fund.

The material follows:

IMPORTANT MESSAGE FROM THE THOMAS LEGAL DEFENSE FUND TO RETIRED FOREIGN SERVICE OFFICERS WHO MAY WISH TO JOIN ITS CLASS ACTION SUIT

The Charles William Thomas Memorial Legal Defense Fund wishes to call the attention of all retired Foreign Service Officers, Foreign Service Information Officers, and other Foreign Service personnel to the possible impact on them of the suits which it is about to file. These consequences should be seriously weighed especially by those Officers *who are "selected out" or who retired "voluntarily" to avoid selection out*. This suit will seek to restore many Officers to the rolls of the Foreign Service; for others it will establish claims for back pay; and it should result in increased annuities for all participants who define the "class".

The legal action which the Thomaa Fund will be filing on behalf of "selected out" Foreign Service Officers is defined as a *class action suit*. Thus, this suit differs from all previous suits brought on behalf of Foreign Service Officers, whether as individuals or as a group.

"CLASS ACTION"

This suit will seek redress for all litigants on the grounds that, *as a class*, they were denied due process by certain specific operations of the Foreign Service *as a system*. The individual cases which will be presented will serve primarily as representative examples of the systematic denial of due process to all the litigants as a result of the procedures and the administrative practices and policies of the Foreign Service.

Previous suits against selection out were unsuccessful principally because the Department of State was able to persuade the courts to deny the litigant the right of "discovery". This meant that the litigant could not subpoena records and obtain affidavits. The Department relied essentially on the argument that discovery should be denied because the records sought in the suit related to the performance rating of the individual officer and were not germane to the issue as to how his *relative standing* had been established by the selection boards. Since "selection out" was based on "relative standing", the Department of State argued, "discovery" should be denied.

This suit, in contrast, will address itself primarily to the very process of establishing "relative standing". On the basis of precedents already established by the courts, we have every reason to believe that discovery will be allowed and we will be able to subpoena records and witnesses.

SPECIAL CRITERIA REGARDING PARTICIPATION

There is another important distinction of which all potential participants should be aware.

Class action suits, which are a relatively recent genre of litigation, must comply with certain specific requirements not applying to traditional suits. Especially important for litigants is the manner in which participation in the suit is established.

It is a standard rule that potential participants may join *up to the time immediately before the suit is filed. Once the suit is filed, however, it may be difficult for additional participants to join the suit without the explicit approval of the court. Some courts have refused to grant this permission.*

Because the Fund hopes to instruct its counsel to file suit by the end of June or early July, we wish to stress that any person who was "selected out", or who retired "voluntarily" in order to avoid selection out, should communicate immediately with the Charles William Thomas Memorial Legal Defense Fund to obtain particulars about qualifying for participation in the suit. It would be helpful if each correspondent indicated whether he or she had been "selected out" or had retired "voluntarily" to avoid selection out; the date and composition of the last selection panel rating the Officer; the date of retirement; and any other information which the Officer recalls in connection with the administrative process of "retirement" or separation. (These data are especially important in light of the discovery by Fund that State Department management has been placing among "public members" of the Promotion Boards persons whose primary qualifications are family ties or service to management in confidential or consulting roles. For example, Deputy Under Secretary William J. Crockett appointed his brother-in-law, William Figy, to the 1963 Selection Board "B" which promoted Idar Rimestad, Howard Mace and seven other proteges of Mr. Crockett to Class FSO–1. Most recently, Deputy Under Secretary William B. Macomber appointed Harry Tyson Carter as FSR–1 to work with Mr. Robert Gordon, the Department's "Ombudsman" for grievances. Previously, Mr. Carter was a paid "consultant" to the Department, serving as special counsel to Secretary Macomber in connection with the unsuccessful attempted confirmation of Howard Mace as Ambassador to Sierra Leone. Prior to that, Mr. Carter served as "public member" of the 1970 Selection Board "II" which promoted, among others, Mr. Robert Gordon, the Department's "Ombudsman", to Class FSO–1. We are now assembling lists of Officers "selected out" by Board "B" and Board "II" and by other Boards.)

Please address all correspondence to: The Charles William Thomas Memorial Legal Defense Fund, P.O. Box 19443—20th Street Station, Washington, D.C. 20036.

THE TIME TO SPEAK OUT AGAINST MILITARY PLANS TO DESTROY THE NORTH VIETNAMESE DAM AND DIKE SYSTEM IS NOW

HON. ROBERT W. KASTENMEIER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. KASTENMEIER. Mr. Speaker, during the long history of the Indochina war, we have heard one President after another announce that a decision had been reached and military action initiated that broadened the American involvement in that tragic conflict. Those of us in and out of the Congress who have opposed these war policies, had found ourselves, time and time again, presented with a fait accompli, and our protests against the stepped up military activities went largely ignored by the White House.

The increased air bombing of North Vietnam could present us with a similar situation. One of the most inviting targets in North Vietnam is its system of dams and dikes, and the military has been known to favor an attack upon these flood control systems. Such an act would bring mass devastation to the civilian population of North Vietnam. Now, not after another fait accompli, is the time to let the President know that such an attack against civilians will not be tolerated by the American people who already must feel some moral compunction about the enormous damage our bombings cause throughout Indochina.

Mr. Speaker, in this respect, I would like to call to the attention of my colleagues an article by D. Gareth Porter which appeared in the June 3, 1972, New Republic:

NIXON'S NEXT OPTION: BOMBING THE DIKES

(By D. Gareth Porter)

North Vietnamese society, based on agriculture and a highly motivated and resourceful labor force, has one major vulnerability—the vulnerability of its food supply to destruction by floods. The destruction of that food supply by flooding is Mr. Nixon's only remaining military option. He's bombing the ports, power transformers, rail lines and bridges; next he can bomb the dams and dikes of the Red River Delta.

The possibility arises because of the extreme unevenness of precipitation in the North; about 85 percent of its annual rainfall will come during the coming months, peaking in July, August and September in the most fertile rice-producing area. During the rainy season the Red River becomes swollen, often nearing the top of its dikes. If those dikes are breached or broken, floods will cause paddy fields to become waterlogged and the rice crop to be lost, even if other damage is minimized. And if the Red River overflows, it will probably mean serious floods in the other river valleys of Central North Vietnam as well.

North Vietnam's people have suffered floods during the rainy reason—and droughts during the dry season—many times in their history, but the worst of all was in 1944 when 25 sections of the Red River dikes were broken and some 225,000 hectares of riceland, or about one-fourth of the total under cultivation, were ruined. That natural calamity became an atrocity when the Japanese occupation authority requisitioned much of the available paddy for its own purposes, leaving an estimated two million Vietnamese to starve to death.

Last year, flood waters smashed through a 30-mile section of the delta's dikes, wiping out large parts of the 1971 autumn rice crop, which was then being harvested and the 1972 winter crop, which is only now being harvested. Because of the importation of food from Russia and China and relief efforts, there apparently was no starvation. When systematic US bombing of the North began in 1965, a civilian army of 200,000 men and women was formed to patrol the branches of the Red River for any ruptures in the dikes, whose destruction would threaten mass starvation.

Air attacks on the dike system would have to be combined with all-out bombing to prevent the import of sufficient foodstuffs overland from China. The Johnson administration gave serious consideration to just such a plan, based in part on the analysis of the Central Intelligence Agency, which said in January, 1967, "Bombing the levee system which keeps the Red River under control, if timed correctly, could cause large crop losses and force North Vietnam to import large amounts of rice. Depending on the success of the interdiction efforts, such imports might overload the transport system." But the military effects of such a policy, the CIA correctly observed, would be "limited and short-lived." Such proposals were rejected, and Secretary McNamara's memorandum of May 16, 1967 explained why: "There may be a limit beyond which many Americans and most of the world would not permit the United States to go," he wrote.

Although the systematic targeting of the Red River dikes and dams was ruled out, this did not mean that they were never hit. Attacks on dikes surrounding the city of Namdinh in 1966 were reported by *New York Times* correspondent Harrison Salisbury during his trip to the North. According to city officials, U.S. planes dropped six bombs on a two-kilometer section of the dike on May 31 and again on July 14. As the water level of the Dao River continued to rise, American planes returned on July 20 and July 31 to hit the dikes repeatedly. The Pentagon responded to Salisbury's report by saying the real target was a transshipment facility in Namdinh, and that, in any case, "repairs would not be difficult and . . . accidental damage inflicted on it would not necessarily show up on later intelligence photography taken subsequent to repairs." Many such "accidents" occurred from 1965 through 1968, seemingly intended to force North Vietnam to divert manpower to repairing the damage. (In the case of Namdinh, the population worked for 20 straight days to repair the dike.)

Nevertheless, U.S. bombing was not intended to cause major flooding in the Red River Delta. As we know from the Pentagon Papers, the joint chiefs were never satisfied with this restriction and pressed for both the removal of restraints on the bombing of Hanoi and Halphong, "with the expected increase in civilian casualties to be accepted as militarily justified and necessary," and the systematic targeting of dikes and dams as well.

The precedent for striking flood control systems as "strategic targets" for the purposes of starving the enemy into submission was set near the end of the Korean War, when the U.S. air force was authorized to destroy all North Korean irrigation dams. On May 13, 1953, 20 air force F–4s destroyed the Toksan irrigation dam, causing a flash flood which inundated 27 miles of valley farmlands. Two other dams were bombed for the same purpose; the remainder were scheduled for attack when the armistice intervened.

American memories are short. Only a few years before, the flooding of agricultural land by a Nazi enemy had been considered a heinous crime. The German high commissioner in Holland, Seyss-Inquart, who opened the dikes of that country at the end of 1944 and flooded approximately 500,000 acres of land, was hanged as a war criminal by the Nuremburg Tribunal—despite the fact that he stopped the flooding after being warned by the Allied High Command and agreed to help in relief efforts.

But that was a crime against white Europeans. In North Vietnam, as in North Korea, the distinction between military and civilian targets is barely perceptible. As marine Commandant Wallace M. Greene, Jr., testified before the Senate Preparedness Investigating Subcommittee on October 23, 1967, "We are at war with North Vietnam right now . . . , and we shouldn't be so much interested in [the North Vietnamese people's] anger as we are in bringing the war home to every one of them up there." Army Chief of Staff Harold K. Johnson was more blunt: "I put 'innocent civilians' in quotation marks," he said.

The joint chiefs, having lost in the previous administration, are now renewing pressures on the President to attack the dams and dikes. With the fear of direct Soviet and Chinese intervention receding, the Nixon administration may not be as constrained as its predecessor. At any rate, Mr. Nixon has publicly kept this option open. In Texas on April 30, he was asked about bombing the dams and dikes of North Vietnam. His answer, carefully phrased, could be interpreted both as a warning to Hanoi and a trial balloon at home. First he called the dikes and dams "strategic targets," indicating his acceptance of the joint chiefs' doctrine that they are legitimate targets. He went on to say that bombing the dikes and dams could cause "an enormous number of civilian casualties" and that this was something which "we need to avoid" and also "something we believe is not needed." But he did not rule out such attacks at some future time.

Twelve days later, after serious reversals had been suffered by the Saigon army, Hanoi radio reported that US bombers had knocked out a section of the dike protecting Hanoi from the waters of the Red River. *Nhan Dan*, the Lao Dong Party's newspaper, reported that flood control dikes in many areas of the country's four southern provinces had been hit. These breaks, which could presumably still be repaired in time to avoid flooding from the coming heavy rains, might have been accidents, but they might also have been intended to remind Hanoi that the dikes could be breached. If the President does choose to use this remaining option, he will move swiftly and secretly. Congress and the public would once again be faced with a *fait accompli*, and left once again, with nothing to do but express regrets. Those in Congress who want to prevent this crime would be well advised to raise the issue now—while there is still time.

JUNIOR PHILHARMONIC ORCHESTRA OF CALIFORNIA

HON. EDWARD R. ROYBAL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROYBAL. Mr. Speaker, I wish to take this opportunity to applaud the work of Dr. Ernest Katz and his Junior

Philharmonic Orchestra of California for 35 years of outstanding musical achievement.

In 1937 Dr. Katz started his young people's symphony which has now been recognized by contemporary composers and musicians as one of the finest junior symphonies in the United States.

One amazing fact about this orchestra is that while it has never accepted any financial support from local, State, or Federal Government, it has helped raise over $8 million in funds for noteworthy causes.

Composed of 125 boys and girls between the ages of 12 and 19, the orchestra has been honored by personal appearances of such famous composers as Oscar Straus, Jerome Kern, Sigmund Romberg, David Rose, Meredith Wilson, Ferde Grofe, Rudolf Friml, and Dimitri Tiomkin. Included among its honorary members are pianist Jose Iturbi, violinist Isaac Stern and comedian/violinist Jack Benny.

The orchestra has received special commendations from Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon. I wish to extend my congratulations to Dr. Katz and his young people's symphony for their many cultural and civic contributions, and I invite my colleagues to join with me in honoring them today.

A PROGRAM TO COMBAT THE MYSTERIOUS INFANT DEATH SYNDROME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation which would assure that an extensive and concentrated effort is made to discover the cause of the sudden infant death syndrome—SIDS. This disease kills one of every 300 babies born during their first year of life—almost 10,000 infants a year. So ignorant is the public about SIDS that even the labeling of this killer as a disease has been a major step forward in the past 3 years.

Due to a lack of medical research, virtually all we know about SIDS is that it affects babies between the ages of 1 month to 1 year and fatalities reach a peak at age 3 months. Most infants die silently in their sleep without the slightest indication when they were put to bed that anything was wrong. Very often, an autopsy is performed but it fails to disclose the precise cause of death. "Crib death," as it is also known, is the explanation offered to parents. Ignorance of the cause of death leads many parents to despair over the way they cared for their child and makes the entire experience especially traumatic for them. Occasionally, parents are even subjected to a police investigation because the authorities suspect some wrongdoing on the parents' part. Thus, lack of knowledge compounds the tragedy for the parents.

The resolution I am proposing would rectify the appalling ignorance about SIDS. It would call for the dissemination of information concerning SIDS to coroners, medical examiners, social workers, and similar personnel. This information would describe the nature of SIDS and discuss the needs of families affected by it. The Secretary of the Department of HEW would be responsible for researching and distributing this material.

Most important, my resolution would instruct the National Institute of Child Health and Human Development of HEW to search for the cause of SIDS and for its prevention or cure. This would be achieved through the awarding of special research grants and fellowships.

Last, the measure would authorize the Secretary of HEW to develop a reliable index that would outline the national incident and distribution of SIDS. Further, autopsies would become standard procedure for infants who die from SIDS and the results would become immediately available to parents.

We must provide the resources to SIDS research if we are to assure children their right to life and families their right to understand SIDS. Compassion and human decency require the Congress act now before more young lives are lost.

FOURTH-CLASS TREATMENT

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. THONE. Mr. Speaker, fourth-class treatment for Nebraska farmers and residents of small towns is proposed with the announcement that the U.S. Postal Service plans to discontinue Sunday deliveries to third- and fourth-class post offices in my State.

The proposed move will delay first-class letter delivery and will make it difficult or impossible for many farmers and people who live in small towns to get a newspaper on Sunday. When mail is not delivered to a post office on Sunday, it is not apt to reach homes on Monday. Many rural Nebraskans subscribe to Sunday newspapers by mail. They go to the post office to pick up their papers on Sunday. Without Sunday deliveries to the post offices, many Nebraskans may not get Sunday papers through the mail until Tuesday.

I was not a Member of Congress when the Department of the Post Office was abolished and the independent U.S. Postal Service was created. Many now believe it was a mistake to free that agency from control of Congress, and I am inclined to agree that something is apparently wrong.

Over the years, the Post Office Department helped to unite this Nation. It aided tremendously in disseminating information and knowledge, especially in rural areas.

The U.S. Postal Service is attempting to convey the idea that it is newly efficient. The high-priced imagemakers, however, cannot conceal the fact that mail service is still deteriorating, while rates go higher.

Today, Postmaster General E. T. Klassen declares that it is unprofitable to make Sunday deliveries to third- and fourth-class post offices in Nebraska. Tomorrow, at the rate he is going, he will declare that all rural free delivery is unprofitable.

Within the next few weeks, Congress is expected to pass new legislation to aid in the redevelopment and revitalization of rural America. I, of course, will support that legislation. Does it make sense, however, for one arm of Government to provide millions and millions of dollars to make rural America liveable, while another arm of Government, the Postal Service, tries to cut off farmers and small-town dwellers from information and service through the mail?

The cost of Sunday delivery to Nebraska third- and fourth-class post offices compared to the cost of contemplated increases in postal rates is similar to the difference in size between a gnat and an elephant.

The new entity to deliver the mail added service to its name. I think it is about time to place service foremost in the management philosophy of the U.S. Postal Service. I am again calling on Postmaster General Klassen to rescind his order to end Sunday service to small Nebraska post offices as of July 1.

THE WAR AND OPPRESSION—A STATEMENT OF HUMAN VALUES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, as is so often the case in our society, the churches represent the cutting edge of enlightened human opinion. Recently I received in my office a copy of two resolutions passed at the Convention of the Episcopal Diocese of Alaska meeting in Anchorage on April 21 of this year. Those resolutions relate to the Indochina war and to the general question of repression everywhere. I believe their expressions of opinion are moving, and deserve the attention of all my colleagues.

The resolutions follow:

A RESOLUTION ON THE INDOCHINA WAR

Whereas the original, radical message of Christ insists upon a real peace and love between neighbors and nations; and

Whereas many different religious groups, including the Executive Council of this Church, have condemned the war in Indochina and its continuation;

Be it therefore resolved that this Convention, aware of its Christian responsibility, urges all governments immediately to stop the war in Indochina. It urges all governments foreign to Indochina to withdraw troops from, and military aid to Indochina.

And be it further resolved that this Resolution shall be communicated to the Alaska Congressional delegation, the President of the Senate and Speaker of the House of the Alaska State Legislature, the public and the press.

A RESOLUTION ON OPPRESSION

Whereas there appears to many an alarming trend toward repression in this country; and

Whereas this climate seems to have as a goal the discouragement and intimidation of any political dissenters who might think of expressing their views out loud; and

Whereas love and worship of God requires respecting the personhood of one's brother:

Be it therefore resolved that this Convention urges the full protection of the rights of all prisoners and persons being investigated and that their human dignity be respected; and

Be it further resolved that this Convention condemns partiality in enforcement and interpretation of the law and the indiscriminate use of violence to intimidate minority groups and causes; and

Be it further resolved that this Convention condemns the misuse of power to control and manipulate dissenting viewpoints unpopular with those in power; and

Be it further resolved that this Resolution shall be communicated to the Alaskan Congressional Delegation, the President of the Senate and Speaker of the House of the Alaska State Legislature, the public and the press.

MEMORIAL DAY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DUNCAN. Mr. Speaker, for a long number of years, it has been my privilege and high honor to participate in Memorial Day observances in my home city of Knoxville. The program this year was under the auspices of the Metropolitan Knoxville Council of War Veterans Organizations. The officers of this organization are as follows:

President, William E. Fitzgerald, Veterans of Foreign Wars, American Legion.

Executive vice president, Charles H. Dodge, World War I Veterans, American Legion.

Second vice president, Raleigh Wynn, Sr., Veterans of Foreign Wars.

Third vice president, Harry W. Pipkin, Jr., Disabled American Veterans, American Legion.

Secretary, James A. King, Veterans of Foreign Wars, American Legion.

Sergeant at arms, Walter Chandler, American Legion.

This year's program was a most impressive one. One of the finest high school bands in the Nation, Doyle High School in Knoxville, under the direction of Mr. Anthony J. D'Andrea, provided patriotic music for the event.

The occasion this year was in honor of Col. John A. Clancy, Sr. The Clancy family is well known in Tennessee, and have been referred to as the "outstanding patriotic family of Knoxville." I was so impressed by the remarks Mr. Clancy prepared for the occasion that I would like for all my colleagues to have the benefit of the wisdom contained therein.

The remarks follow:

TEXT OF AN ADDRESS BY COL. JOHN A. CLANCY, SR.

I speak for the Clancy Clan, the family referred to by the Arrangement Committee and news media as "An Outstanding Patriotic Family of Knoxville."

I am a poor hand at speaking but if you will bear with me, I will try to get the record straight. First, we make no claim to being outstanding, though we sincerely appreciate the compliment. We are not outstanding, just numerous and healthy. We thank God no member of our family was ever deprived of service because of a physical or mental handicap. But we are similar to thousands of families hereabouts with give or take a few more or less members who like ourselves want to share our burden of defense of our country. Any recognition or honor accorded our immediate family is not for me or my boys but for their sainted mother, the late Ellen Joy Clancy, who went to her reward in 1965. We only stand proxy for her. Any credit is her due. She taught our children to love and serve their God, their country, their family, and their neighbors. She was a true Christian mother and she worked at it hard. God rest her.

Our family has quite a roster of veterans down through the years. Some wore the gray. One was with Major Walter Reed and his Yellow Fever Immunes in Cuba. We have been well represented in all our wars (at least by numbers). Two of our grandsons left the university for Vietnam service. They are now, by the grace of God and the generosity of our government, back with their studies, proud holders of Combat Infantry Badges. Another left high school and joined the Navy. There is nothing spectacular about our service, we are just able and willing and we keep coming along, generation after generation. We have thirteen husky grandsons now and (if women's lib takes over) sixteen equally healthy granddaughters, one great granddaughter and two great grandsons coming along. With natural increment, we feel we can meet any probable quotas in the foreseeable future for our immediate family.

We are both humble and proud and honored to be with our Gold Star Mothers, his honor the Mayor, and that tried and true friend of all veterans, their families, and their organizations, the Honorable John J. Duncan, our representative in the Congress, the reverend clergy, our city and county officials, representatives of our veteran organizations and their auxiliaries, the Honorable William E. Fitzgerald and Charles H. Dodge of the Arrangement Committee and a host of other distinguished guests assembled with you to honor and pay homage to the sacred memory of our departed comrades, friends, and neighbors. May they rest in peace is our prayer.

May I take the liberty of asking you to pray? Please pray. Please, I beseech you to pray.

Pray for our Country

Pray for its Dedicated Leaders

Pray for our gallant defenders in the service

Pray for our vigilant protectors in law enforcement

And last but not least

Please pray for peace and may God be with you all.

Thanks.

BUFFALO COURIER EXPRESS URGES NO MORE STALLING ON REVENUE PLAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. KEMP. Mr. Speaker, I am anxious to cast my vote in favor of the Mills revenue-sharing bill. I am a cosponsor of the legislation and I have been expending considerable time and effort in obtaining a redevelopment designation for Erie County, N.Y. This would enable the county to obtain special benefits from the Economic Development Administration and these are badly needed.

I know firsthand the financial problems of the governmental units, not only in Erie County, but throughout the Nation. This editorial points out that these governmental units must determine the sources of revenue in order to plan ahead. Many will not have much time to plan, so prompt action is a necessity.

I was delighted to read the editorial appearing in the May 31, 1972, issue to the Buffalo Courier Express and I believe this editorial will spark some action on the revenue-sharing plan. I commend this article to the attention of all my colleagues and specifically urge the majority leadership to note the straightforward comments in the editorial. I include the editorial at this point:

[From the Buffalo Courier Express, May 31, 1972]

NO MORE STALLING ON REVENUE PLAN

In putting off action on the Nixon-Mills revenue-sharing bill until after June 5, the House Democratic leadership seems to have taken a calculated risk, apparently hoping to be sure of the votes needed for passage. For the sake of the cities and towns of this nation, the congressional leaders had better be 100 per cent sure of what they're doing.

Perhaps the sudden shift in plans was indeed due to the need to await the return of President Nixon from Moscow, as Rep. Carl Albert and Rep. Hale Boggs indicated. But if prospects for approval of this too-long-delayed bill really are so chancy that it requires more arm-twisting from Mr. Nixon, it does not speak too well for the enthusiasm and effectiveness of Speaker Albert, Majority Leader Boggs and Rep. Wilbur Mills, chairman of the Ways and Means Committee which made several improvements in the original Nixon legislation. This trio certainly should be able to get their own people lined up in the time remaining.

However, the leadership may be in deep trouble if the opposition snag was due to resentment on the 8-7 Rules Committee vote to bar amendments on the floor. And there is a possibility that the bill might lose unless modified to cut out the five-year time span of the $30-billion funding and to make the program subject to annual funding. Perhaps Rep. Mills will be able to work another compromise; perhaps a two-year initial funding would be easier to get.

In order to have any validity for long-range planning, however, revenue sharing needs to be free of the threat of being the victim of a political hatchet job every year. Local communities have to know the funds are there so they can plan their own projects efficiently. So the start of the revenue-sharing plan needs to be funded with specific dollar amounts, not just with an authorization for money which can be torpedoed later on. State and local officials have been put through the wringer long enough in the struggle for this bill and there is no excuse for any further gamesmanship in Congress. It's up to the House leadership of both parties to get it passed with no more stalling.

JOINT RESOLUTION TO MANDATE TAX REFORM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing a joint resolution

which would require Congress to begin the task of reforming and recodifying the Federal tax laws by June 30, 1972. It is my belief that the Internal Revenue Code of 1954 has been amended and reamended so many times in the last 18 years that the course I am recommending is the only sensible way to give the American people the comprehensive tax reform they seek and deserve.

My resolution would direct the Ways and Means Committee and the Senate Finance Committee to hold hearings on each tax preference contained in the Internal Revenue Code no later than June 30. By tax preference, I am referring to the adjustments, credits, deductions, exclusions, and exemptions which are found throughout the code. The resolution directs the executive branch to fully cooperate with the hearings, and it further directs the Ways and Means Committee and the Senate Finance Committee to report to the floors of the House and Senate, respectively, comprehensive legislation to reform and recodify the Federal income, estate, and gift tax laws. This approach to tax reform neither singles out a certain small percentage of tax preferences for review, nor does it cause provisions in the present tax laws to lapse prior to the completion of congressional action, and thereby create hopeless uncertainty for the Nation's taxpayers.

Mr. Speaker, it is often said that one man's tax loophole is another man's tax incentive. While everyone would wish tax lopoholes to be closed, the problem is to determine what, in fact, is a loophole.

The term "loophole" generally refers to a legislative oversight—a gap in the law which allows particularly clever people to violate the intent of Congress with impunity. This is not the case, however, with so-called tax loopholes. Here we are talking about tax preferences which have been accorded by the Congress for the purpose of achieving socially desirable decisions in the private sector.

Personally, I view the whole question of tax reform with an open mind. Certainly the growing dissatisfaction with various provisions in the Internal Revenue Code justifies thorough hearings, of the sort called for in my resolution, and I believe they should be commenced in the very near future.

The resolution also establishes certain ground rules for the consideration of tax reform which I deem essential if we are to view this matter in its proper context. First, we must ask if the particular tax preference seeks to implement a desirable policy in the public interest. Second, if the policy goal is a good one, we must ask if the present language in the Internal Revenue Code does the best possible job of implementing that goal. Third, tax preferences must be assessed as to their compatibility with the overriding social goal of equitably treating all taxpayers. Finally, it must be determined if the tax preference in question is one which is compatible with the revenue needs of the Federal Government.

The Nation needs, Mr. Speaker, a new tax law. It does not need additional random consideration of individual sections of the present code, and it most assuredly does not need a methodology of tax reform which leaves the Nation's taxpayers unable to wisely plan their financial decisions over the course of the next several years. For these reasons I urge the quick approval of the joint resolution I have today introduced.

WELFARE IS NOT AN EVIL WORD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, on May 13, 1972, The New York Times published an essay by former Chief Justice of the U.S. Supreme Court Earl Warren entitled, "Welfare is not an Evil Word." Knocking welfare has become a political pastime, that, evidently, few national figures can resist. President Nixon has repeatedly thumped for "workfare" over "welfare." People, more than ever before, perceive welfare clients as an affront to the American way of life. "Welfare people," says George Sternlieb, director of the Center for Urban Policy Research of Rutgers University in New Jersey, "are now the closest thing to untouchables that this country has got."

Justice Warren's comments put the problem in a better perspective.

The article follows:

WELFARE IS NOT AN EVIL WORD

(By Earl Warren)

Many of the poor who came here struggled out of ghettos to a more favorable position in life for their children. But there are still more recent arrivals who have not yet been able to escape their sordid surroundings. What a breach of trust it is—as well as a betrayal of a commitment to our own ideals—whenever any of these people, because of their race, or color, or creed, find hostility here instead of hospitality, or are awarded not light and warmth from the "lamp beside the golden door" but a badge of inferiority for conditions they are powerless to change.

Those without color have found it comparatively easy to work their way out of the slums. But the colored, particularly the blacks—almost twenty million of them—have carried a cross throughout our history, not because of anything they could change but because of well-known reasons not flattering to the rest of us. The condition of these citizens presents one of our greatest national problems.

It is imperative to remember in all of our actions that our nation has developed as a plural society composed of people of every racial origin on earth. Our ancestors were urged to come here to populate the country, to develop its resources, and to build its economy and its institutions. We have enshrined in our Constitution the principle that all men are created equal and have made everyone born or naturalized in the United States a citizen with all the privileges and immunities inherent in that status. We must realize that the only way we can have unity throughout the nation is to accord the full spectrum of constitutional rights equally to everyone. There is no other way. The color of a man's skin or the religion he espouses must not be a factor in according him rights.

We have for centuries segregated certain groups from the mainstream of American life. Now that that exclusion has caught up with us, we do not know how to communicate with them, and in effect, while using the same words, we speak different languages. Our boast for years has been that we have developed the most affluent society in recorded history; yet, admittedly, millions of Americans go to bed hungry every night. This does not add up to affluence. It is, at best, a paradox. Here we are, plagued with problems of unemployment, relief and frustration, while surrounded on every side with extravagance of all kinds.

Recently, resistance has developed to what is compendiously called "welfare." Because of disjointed statutes, faulty administration, and abuse by some, all of the categories of aid to the unfortunate are lumped under that term, and welfare has acquired a somewhat sinister meaning. But it is not, of course, an evil word. Indeed the Preamble to the Constitution includes the general welfare as one of its objectives. Many functions of the government are undertaken with welfare in mind, for the benefit of different segments of society, but as a term of debasement it seems to apply only to assistance to the unfortunate.

When hundreds of millions of dollars are given to bankrupt railroads, failing defense manufacturers, shipping interests and the like, the words "welfare" or "relief" are not used. Instead, such things are done to "strengthen the economy." Perhaps welfare to needy individuals can some day be discussed with the same particularity and with the same equanimity as subsidy to industry and other impersonal beneficiaries.

The same metamorphosis is occurring in the field of health and medical care. Only a very few years ago any proposal for medical assistance that called for governmental participation in the health of the public was denounced by vested interests as the work of the devil. It was "Communism" in its purest form. But today we have Medicare and Medicaid, and the questions under review are primarily how and when aid can be extended to other groups whose ill health, caused by the inaccessibility of medical attention, is weakening our society.

In considering the problems of intolerance and neglect in a multiracial society, we must not close our eyes to the danger to the rights of all inherent in the denial of rights to the few. That danger is visible all around us, today as never before.

JOINT RESOLUTION AUTHORIZING EMPLOYMENT OF NEIGHBORHOOD YOUTH CORPS MEMBERS BY THE PRIVATE SECTOR

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BADILLO. Mr. Speaker, I am today introducing a joint resolution which would authorize the assignment of Neighborhood Youth Corps members to employment in the private sector. By thus enlarging the scope of utilization, I hope to open up to these youngsters meaningful job training opportunities, as well as jobs capable of incorporating career ladders.

On May 17, commenting on the appropriation levels voted this year for the Neighborhood Youth Corps, I stated that not only do we woefully underfund this program, but that we are also critically underutilizing its potentials. The joint resolution I am introducing today calls on the Secretary of Labor to rectify this situation by making available funds appropriated for manpower training services under the Second Supplemental Appropriations Act of 1972 for employment and training opportunities with private for-profit employers.

For years, especially in connection with this program, many unkept promises were made. For years a large majority of eligible youth, more than eight out of 10 in New York City last year, were excluded from the opportunities which were allegedly created for their benefit. As a result, our disappointed youth and communities have come to regard the Summer Neighborhood Youth Corps program as the establishment's efforts to buy peace. This belief has been reinforced by the types of jobs into which we have been channeling participating youth. To date the public and nonprofit sectors have often had to put the corpsmen to work in make-work situations, employing them in dead-end jobs which the youngsters were quick to see would lead them nowhere and provide them with no salable skills. The youth drew the minimum wage and were confirmed in their disillusionment with and disappointment in "the system."

New York City, as many of our other cities, is experiencing high levels of unemployment. It is also experiencing disastrous levels of juvenile delinquency. On the night of June 1, three youngsters were shot in the Bronx. The day before that 12 were knifed.

Out-of work, excluded from meaningful opportunities, deeply disillusioned with the idea of working within the framework of "the system," these youths turn to destructive behavior—thus making the already bleak and deprived neighborhoods they inhabit even more intolerable. If allowed to continue, they are destined for a life of crime and dependency.

But troubled though they are, these youth represent one of our most precious resources. We must reach them, we must give them meaningful opportunities. And as far as the Neighborhood Youth Corps program is concerned, we can only do this fully by utilizing the resources of the private sector so that they can, during their term as corpsmen, acquire skills that are genuinely helpful and have the potential of preparing them for the existing job market. I do not stand alone in this belief. A subcommittee of the Bronx Task Force on Gang Activity passed a resolution on June 1 calling for the immediate implementation of such an approach.

The legislation I am introducing is an emergency measure to meet an existing dramatic need. By making funds available for such programs this year we can pave the way for comprehensive legislation in this area in the future. The 1-year authorization contained in the measure will be sufficient to set up programs this year, establish meaningful and profitable ties with business, and accumulate data to guide us in our deliberations in this area next year.

Mr. Speaker, I am inserting here, for the information of my colleagues, the text of my joint resolution. I believe it represents an effort very much worthy of support and I am asking my colleagues on both sides of the aisle to aid me in this endeavor.

Text of the joint resolution follows:

Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector

Whereas, by restricting the utilization of neighborhood youth corps summer employment opportunities to public, nonprofit employers, the potential of the Neighborhood Youth Corps program for providing training and meaningful work experience is severely restricted;

Whereas, the youths eligible for participation in this program are in severe need of meaningful work training and experience which is capable of leading to permanent jobs in the private industry and to job opportunities which have the potential of incorporating career ladders; and

Whereas, it is necessary to harness and call upon the resources of private for profit businesses to achieve the above two objectives. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated for manpower training services under the Second Supplemental Appropriation Act for fiscal year 1972 shall be available to carry out a program to fund employment and training opportunities with private for profit employers: *Provided,* That the program shall not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

H.R. 15361—A BILL TO INCREASE THE RATES OF COMPENSATION FOR DISABLED VETERANS BY 10 PERCENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation which would increase the rates of compensation for service-connected disabled veterans by 10 percent.

We all know that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country.

Who can place a price tag on the value of one's eyesight?

Who can attach a dollar value to a man's ability to be a working, productive member of society?

Compensation payments for disabled veterans have always reflected an inadequate amount. But, we have an obligation to at least insure that we are compensating our veterans for their average economic loss resulting from a disease or an injury.

I am not convinced that we are computing rates to reflect the actual loss suffered by the veteran. The Veterans' Administration is undertaking an intensive study on this question and I believe that a reform should be forthcoming in order to adequately compensate those who gave so much of themselves in the service of our country. However, the study is not yet available in its final form.

Thus, I am introducing this legislation today in order to adjust compensation rates to the increases in the cost of living. Hopefully, this increase will be met with further increases after the results of the VA study are revealed.

Disability rates were last adjusted July 1, 1970. Since that time and by the end of this year the cost of living will have risen an estimated 9 percent.

Therefore, a 10 percent increase will do little other than allow the disabled veteran to have the same purchasing power than he had in 1970.

Under this proposal, the veteran with a 40 percent disability would receive $106 per month, instead of his present $96 per month. The veteran with an 80 percent disability would receive $245 per month, rather than the $223 he presently receives.

But, Mr. Speaker, even with the 10 percent increase as proposed by my bill, the disabled veteran still does not receive adequate compensation.

Let us compare the 100-percent disabled veteran with his counterpart, who also served, but, only through the grace of God, was spared from receiving totally disabling wounds. The veteran with a 100-percent disability presently receives $450 a month, or $5,400 per year. His comrade, without a disability, earns $721 a month or $8,660 per year—based on the median income of male veterans in the civilian noninstitutional population for 1970.

Thus, the disabled veteran not only receives $271 a month less than his comrade, he also suffers the psychological burden of not enjoying a prosperous career, such as a skilled carpenter, or a dentist.

In addition to the 10 percent increase in rates, this proposal would establish a $150 annual clothing allowance for disabled veterans who wear prosthetic devices. The Congress has recognized that the use of these artificial limbs results in unusual wear and tear on ordinary clothing, and the VA has furnished repairs to clothing damaged by prosthetic devices.

However, this VA service has not proven adequate, and veterans now pay for needed repairs out of their own pockets.

Thus, by establishing an annual clothing allowance, the seriously disabled veteran would have a relatively low-cost benefit that will be well worth the expense.

I urge the Veterans' Affairs Committee to make this legislation a top-priority item, and enact no less than a 10-percent increase in benefits within the coming months.

GEORGE WHITE: CLEVELAND'S SUPER-QUALIFIED ARCHITECT OF THE CAPITOL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. JAMES V. STANTON. Mr. Speaker, at the time the 92d Congress convened in January 1971, a distinguished Clevelander, George M. White, entered the service of the Federal Government in

Washington, as the ninth Architect of the Capitol.

The job of Capitol Architect is very demanding, for the one who holds it must possess skills not only in architecture, but also planning and management. The importance of his post cannot be understated either, for through his decisions, the Architect shapes the physical makeup of our Nation's symbol of democracy.

I am extremely proud of the job done by my close friend, George White, and I was pleased to see that the Cleveland Plain Dealer recently carried a feature article about him in its Sunday magazine. I commend this article, which appeared on April 23, to the attention of my colleagues:

ARCHITECT OF THE CAPITOL: CLEVELANDER IN THE HISTORIC HOT SEAT

WASHINGTON.—In January last year, when President Nixon appointed Clevelander Malcolm White to the prestigious position of architect of the Capitol, there was a feeling that there would be an easing of the tensions that had so long typified relations between Congress and White's late predecessor, firebrand J. George Stewart. But there is every evidence that the new architect has inherited at least one of the controversial issues proposed and pursued with great diligence by Stewart—extension of the west front of the Capitol. It was Stewart who conceived and directed the extension of the east front of the building between 1958 and 1962 and who, before he died, charged that present west front of the building was in imminent danger of collapse and should be rebuilt and extended in the same manner. This, since it involves the last vestige of the exterior of the original Capitol building, caused some instantaneous hackleraising in Congress and inspired new heights in anti-Stewart oratory.

An ex-congressman himself but without official architectural qualifications, although he was an engineer, Stewart responded in kind. But congressmen, many of whom view the last wall of the original building with the same reverence they accord to the flag and motherhood, had been calling down anathemas upon Stewart'a head consistently through his 16-year tenure without swaying him from his views or stilling his sharp repartee.

So constantly did turmoil reign that former Sen. Paul Douglas would periodically rise in the senate chamber and implore in resounding tones:

"Architect, spare our Capitol
Touch not another stone.
In youth it sheltered our Republic.
O, please let it alone."

The vision of peace at last on Capitol Hill was inspired by White's known position on the thorny extension issue. He was in favor of restoration and preservation, entirely in agreement with the announced policy of the American Institute of Architects, of which he was vice president. The $38,000-a-year job although considered a political plum, does not require congressional approval and traditionally is not affected by changes of administration. There have been 37 presidents, who appoint the architect, but in all history there have been only nine Capitol architects. Strangely, or maybe not so strangely, only four of them have been really architects in the professional sense. It has sometimes been an uneasy position only because the Capitol is every American's symbol of freedom and government. Any dalliance with the gods of change therefore is regarded with suspicion and invites scorching condemnation.

After a year on the job and much soul-searching, White has now reversed his position and favors an extension of the west front, not only to save the hallowed original area which has required much buttressing and reinforcing, but to provide 163,000 square feet of space for offices, restaurants, committee rooms and auditoriums. The estimated cost has been put at $45 million.

Actually, the decision was made, with White's professional concurrence and as a member, by a seven-man Commission for Extension of the United States Capitol, a commission set up by Congress with the specific responsibility of determining whether the aged west front should be restored or extended. The other six members are Carl Albert, speaker of the House; Spiro T. Agnew, vice president of the United States and president of the Senate; Hale Boggs, majority leader of the House; Mike Mansfield, majority leader of the Senate; Gerald R. Ford, minority leader of the House; and Hugh Scott, minority leader of the Senate. Any way you figure it, this is a pretty good hand in anybody's poker game.

But, since he is the professional, the flak drops down on the holder of the architect's job and scarcely had the decision been announced than Rep. Samuel S. Stratton (D-N.Y.) suggested that White had allowed himself to be swayed and pushed around. Said Stratton, "his performance was a disgrace and he should resign."

Even Sen. Ted Kennedy, long an advocate for preservation and renovation, rose to speak his mind . . . "Today, the debate has entered a new and much more critical stage. George White, for whom I have immense respect, was with us in the fight in other days. Now, he wears a different hat, and we now hold different views."

The New York Times, without mentioning names, took violent issue with the plan. "The United States Capitol does not belong to the seven congressmen of the Commission for the Extension of the Capitol. It belongs to the people of the United States and to history . . . the controversial extension of the Capitol's west front is a gross error of art and judgment . . ."

Even the American Institute of Architects which had long been lobbying for appointment of one of its members, announced its intention of marshaling forces to save the old west front, refusing to accept the commission's decision as irrevocable.

But the urbane White, unruffled by the furor, proceeds with his plans, knowing that the issue is still far from resolved and that the halls of Congress will long echo with the thunder of voices raised in protest and accepting the fact that voices raised in protest are always louder than those raised in accord.

"You have to remember that this is a very emotional issue," smiles White. "Actually, I was seated next to Sen. Kennedy and he told me that he was going to say something about the project. Then, when he finished and sat down he turned, smiled and said, 'there, that wasn't so bad, was it?' And I saw Rep. Stratton shortly after his remark and he assured me that there was nothing personal about his remarks."

To attain a true perspective of the ramifications involved in being the architect of the Capitol, White has only to peruse the careers of the men who held the job before him to realize that conflict and travail have frequently been part and parcel with the job.

William Thornton, first architect of the Capitol and designer of the original building, held his successor, Benjamin Latrobe, the first professional to hold the job in such low esteem that he was fond of quoting his feelings in verse:

"This Dutchman in taste,
This monument builder,
This planner of grand steps
and walls,
This falling-arch maker,
This blunder-roof gilder,
Himself still an architect calls."

Thornton, actually a physician, was the $500 top prize winner in a competition for design of the Capitol. But because he was unfamiliar with building procedures, the runner-up in the competition, Edienne S. Hallet, took charge of construction. But Hallet was so overly fond of adding his personal touches that a third person, James Hoban was finally put in charge. Hoban had won a competition to design the White House. George Washington laid the cornerstone on September 18, 1793. The north wing was completed in 1800 and Congress met in Washington for the first time that November.

Then along came a rear admiral of the British fleet, Sir George Cockburn, who ordered "this harbor of Yankee democracy" set afire on Aug. 24, 1814. As a result Congress met temporarily in a "Brick Capitol" on the site of the present Supreme Court building while Latrobe efficiently set about rebuilding the "magnificent ruin."

Latrobe resigned under pressure in 1817 as a result of friction with others involved in the restoration but the present interior reflects his own work in which he closely followed Thornton's original designs.

Charles Bulfinch, America's first native-born architect of distinction, was appointed to succeed Latrobe by President James Monroe. Bulfinch supervised construction of the Capitol's midsection linking the two wings and built the building's first low, wooden dome. His reward for diligent service was typical of an ungrateful Congress. They abolished the office of Capitol architect. The necessary services, from 1829 to 1851, were performed by either the commissioner of public buildings and grounds, or the architect of public buildings.

Ironically, during this period, the same congressional grumbling over lack of space that inspired today's proposed extension, resulted in another design competition for extending the building north and south. Jefferson Davis, later president of the Confederacy, was chairman of the Senate committee which supervised the contest.

After some controversy and personal involvement by President Millard Fillmore, Thomas Ustick Walter, a Philadelphia architect, was named the winner. And in a rare example of presidential initiative during his administration, Fillmore re-established the office of architect of the Capitol in 1851, appointing Walter to the post.

Under Walter's architectural direction the House and Senate extensions were both finished by 1859. Although the interiors have been remodeled, these extensions contain the present House and Senate chambers.

During Walter'a regime, too, came the huge nine million pound, cast-iron dome rising 385 feet above the eastern plaza and topped by the 19½-foot, seven and one-half-ton Statue of Freedom, the figure of an Indian with headdress. Construction continued under Walter during the Civil War at the urging of President Lincoln who logically concluded that, "if the people see the Capitol going on . . . it is a sign we intend the Union shall go on."

The 90 years following the Civil War were relatively uneventful but busy for the men who held the title of Capitol architect. The Senate and House Office Buildings, the Library of Congress and the Supreme Court buildings sprang up nearly although changes to the Capitol itself were purely functional. Steam heating was added in 1856, elevators in 1874, fireproofing in 1881, modern drainage in 1882 and electricity in 1884. The Capitol architects of that era, Edward Clark, Elliott Woods and David Lynn, perhaps cognizant of past history, fiddled around with repairs and maintenance or busied themselves with nearby construction. They wisely left the Capitol alone. The most lasting Capitol development was the hiring of landscape architect Frederick Law Olmsted to lay out the magnificent Capitol grounds, a job that began in 1874 and lasted until 1885.

Over those peaceful years, however, the infirmities of an aging building grown too small for the services expected of it began to become apparent. The ambitious and single-minded J. George Stewart was appointed architect of the Capitol by President Eisenhower and the tranquility of past decades evaporated almost immediately. During his regime Stewart, a caustic, undiplomatic man, managed to enrage nearly everyone but a tightly knit coterie of powerful congressional leaders and favored architects. It was at his insistence and under his direction that the east front of the Capitol was extended 32½ feet at an approximate cost of $12 million. The anguished wailing from those who relish antiquity and tradition above all was loud, long, bitter and unavailing. Stewart had the congressional muscle.

And now comes George M. White and, as fate would have it, just in time to figure in the hornet's nest of public and congressional wrath over the proposed extension at the west front by 88 feet—plans inherited from the crusty and controversial J. George Stewart who possessed, according to his critics, an "edifice complex." He was, they pointed out, forever altering the face of Capitol Hill with untold tons of gleaming marble. His last "monument" on the hill was the Rayburn House Office Building, roundly scored for its excessive cost and "early Halloween" architecture.

It is somewhat prophetic that White took command only a day after a bomb exploded in the Senate wing, creating an unholy mess and costly repair job that his department inherited. The uproar would probably have delighted the late J. George Stewart.

By the questionable and mysterious criteria employed by some of today's corporate personnel people, White is undoubtedly the most "overqualified" man ever appointed to the post of architect of the Capitol. Not only is he an architect of international fame and stature, but he holds bachelor and master's degrees in engineering from Massachusetts Institute of Technology, a master's degree in business administration from the Harvard Graduate School of Business Administration and a law degree from Case Western Reserve University. The law degree was earned while he shared architectural offices with his father, Maxwell H. White, at 750 Prospect Avenue, where the senior White still holds forth. During World War II he worked as an electronics engineer at General Electric, designing radar transmitters. Later he taught physics at Case Western Reserve for eight years, scheduling early morning classes after which he went to work in his architectural office. He has made a specialty of and is a recognized authority on the legal aspects of the building business and the architectural profession.

"My physics classes usually began at eight o'clock," he recalls. "This gave me a chance for an hour of skating at the Cleveland Skating Club before classes. The classes were over in time for me to still put in a full day at the architectural office."

How does a man, still young at 51, manage to achieve such scholarly stature and acquire so much varied knowledge?

"I've always been interested in intellectual pursuits," he explains. "Study to me is what golf or fishing are to others, fun and relaxation. There was no planned goal for seemingly diverse subjects but, strangely, it seems as though fate has directed me to the one single job in the country where all of them, engineering, business administration, architecture and law, are immensely important and interrelated."

With a staff of 1,900, from professional status architects, engineers and accountants to charladies and groundskeepers, White has supervision of not only the Capitol Building, but the Senate and House Office Buildings, the Supreme Court, the Library of Congress, the Botanical Gardens and the power plant that serves all of them.

A complicated, detail-ridden assignment, the job carries with it collateral responsibilities that consume time and energy. The holder of the office automatically becomes a member of the Capitol Police Board and the District of Columbia Zoning Board.

"I had to learn as much about the city and its development as possible," says White. "It involved an amazing number of fields, factors and important considerations. I had to get the feeling and 'aura' of the community, its historic background and its future growth potential. The job is not one of dwelling on the past, but of trying to anticipate the needs of the Capitol and other governmental offices and facilities 40, 60 and even 100 years from now and to plan accordingly without being callous to the needs of preservation. As far as the extension of the west front, I have had to change my position after studying all the factors and stripping away all the emotional issues. It's a question of what will best serve the people as a nation. It is the 'people's building,' the shrine of freedom and democracy. And it is fitting that the present controversy is about the home of the most deliberative body in the world. Actually, the old west front isn't going to disappear. It will still be visible within the extension, after being buttressed, restored and strengthened. Keystones have slipped, cracks extend the height of the wall and pieces of the west front have fallen off the building. For that reason it has already been subjected to considerable shoring and buttressing. We have had to install screens to keep pieces of the upper cornice from tumbling down. The very same architectural lines will be carried forward in the new west front when and if it is finally approved. Again, it is an emotional issue with many people and when emotion is in the forefront of reasoning one seldom arrives at a reasonable or wise verdict. The proponents for restoring the original west front have sort of a 'save at any cost' philosophy which is something like 'peace at any price.'"

Much of the deterioration of the west front is in the nature of flaking and cracking of the sandstone, partly because of the heat when the British torched the building in 1814 and 158 years of alternate freezing and thawing of the porous stone. Some historians say that Washington insisted that native sandstone from nearby Virginia be used in the building, possibly in a laudable attempt to boost his state's economy.

"Not so," says White. "The Capitol Building was begun with funds so modest that economy was the watchword. Sure, Vermont marble would have been preferable because of its durability, but they just couldn't afford the marble or the shipping costs."

Not a political activist, White is a registered Republican who recalls that his lone expedition into partisan politics was in 1960 when he turned his station wagon into a sound vehicle to campaign for Nixon against Kennedy.

Divorced, White has four children and is renting a townhouse in the Georgetown section of Washington. Two daughters are in college, a son is presently a page in Congress and will return to University School. Another daughter is in high school in Washington.

When he was in Cleveland White was an enthusiastic yachtsman and long time member of the Mentor Harbor Yacht Club. Shortly after his Washington appointment he went to Grand River to prepare his Tartan 34 for the season. The boat had been laid up for the winter at Merriman-Holbrook, Inc., manufacturers of marine equipment and a firm he was once president of. Somehow, late on that Sunday afternoon he forgot to deactivate the burglar alarm system which protected the anchorage docks and buildings. Soon he was confronted with police officers and sheriff's deputies. Fortunately, membership on the Capitol Police Board involves an impressive badge which in this case convinced the gendarmes that all was well.

"We had a good laugh over it," recalls White. "But at first I'm sure they thought the joint was being raided by the feds."

But the badge will carry no weight in committee hearings where, as tradition has it, he will spend a good deal of time justifying to Congress his decisions, actions and recommendations with regard to its hallowed home. There is precedent, of course, for his immediate predecessor, the volatile J. George Stewart, spent much time in similar pursuits.

"I never met the man," philosophizes White. "But I suspect he got a lot of abuse he didn't deserve."

WHAT'S SAUCE FOR THE GOOSE OUGHT TO BE SAUCE FOR THE GANDER

HON. JOHN N. ERLENBORN
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ERLENBORN. Mr. Speaker, a sense of humor has been likened to the pole which adds balance to our steps as we walk the tightrope of life. I had that thought in mind when I replied to a request from the Nader Task Force on Congress.

Would I, the letter asked, supply the task force with my speeches, newsletters, news releases and the like so that the task force could make a nonpartisan study of Congress? Yes, I would.

Inasmuch as the study had the backing of Mr. Nader, I was certain, of course, that it would be conducted fairly and without partisanship; but I deemed it prudent, nevertheless, to be reassured. So I asked that Mr. Nader supply me with copies of his speeches, news releases and position papers on the assumption that what is sauce for the goose ought to be sauce for the gander.

It did not quite work out that way, as you will perceive from a perusal of our correspondence.

The material follows:

NADER TASK FORCE ON CONGRESS,
Washington, D.C.

DEAR SIR: An institution with as much impressive authority and power as the United States Congress deserves the full understanding of its citizens. Under the guidance of Ralph Nader, we are forming a large, nonpartisan study group to conduct a year-long inquiry into the structure and operations of Congress.

Our goal is to provide citizens with additional and comprehensive information about their Congress. We shall focus on the activities, procedures, and composition of the Senate and House of Representatives and examine their impact both in Washington, D.C. and at the local level.

Research will be conducted in Washington, D.C. by about 80 young professional and graduate students from all parts of the country during the spring and summer of 1972. In addition, information will be gathered in as many of the Congressional districts as possible. The end product will be a detailed and constructively framed report.

To ensure the accuracy and completeness of our analysis, we look forward to working and talking with you and your staff. We also hope that our findings and suggestions will be reviewed and considered by the Congress.

Your experience and guidance will be valuable in helping us transmit an active under-

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standing of the legislative branch of government to the American people. We would welcome receiving any addresses, articles, or debates which you have prepared or conducted on Congressional activities and public issues, including your newsletter to constituents. Thank you.

Very truly yours,

ROBERT C. FELLMETH,
Project Director.

MAY 24, 1972.

Mr. RALPH NADER,
Center for the Study of Responsive Law, Washington, D.C.

DEAR MR. NADER: In response to your recent request, I have asked a member of my staff to cull from my files for your Congress Study Project a copy of each of the press releases, questionnaires, and other public statements that I have issued over the past two years. The stack will also include copies of several of the speeches I have made, but not all, the time and expense involved preclude my duplicating all of them.

This collected material, I suspect, will be of such volume that it will travel better by hand delivery than by mail. For this reason and another, I would appreciate your sending someone to pick it up. The other reason is that I would like that person to deliver to my office a copy of each of the addresses, articles, reports and press releases that you have prepared and conducted on public issues over the past two years.

When an institution or an individual achieves a position of power and influence over the government or the press, the public interest is necessarily involved; and public curiosity is aroused. So that the public may understand the influence you exercise, I would like to conduct an in-depth, nonpartisan study of your operations.

My goal is to provide the public with a comprehensive analysis of the development of your expertise in the host of problems that beset us. I shall focus on the activities, procedure, and composition of your various task forces and examine your impact both in and out of government.

Additionally, I am happy to add your name to my press release mailing list and hope you will add my name to yours.

By this reciprocal trade agreement, we should be able to ensure the accuracy and completeness of the study each of us is making.

Very truly yours,

JOHN N. ERLENBORN,
Member of Congress.

MAY 29, 1972.

Representative JOHN N. ERLENBORN,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. ERLENBORN: Your May 24, 1972 letter of misunderstanding deserves some clarification. First, the request to your office for recent speeches and other public statements was for the purpose of obtaining your views and positions on issues relating to the performance of your public trust as a public servant. It is certainly within your power to exercise a negative and deprive us of your unedited positions on the issues. It is obviously your choice to make.

The remainder of your letter reflects a quality of unfamiliarity and prejudgment that is most unbecoming to your official status. The Congress project has not issued any reports, speeches, articles and press releases thus far, with the exception of an announcement of the study which was sent to your office last November. Furthermore, all other reports and statements which you requested not related to the Congress Project, are either in the Library of Congress—readily accessible to you—or in Congressional hearings. Are all your public materials as readily available in the Library of Congress or in Congressional hearings?

In addition, it is surprising indeed to note your lack of awareness of critical appraisals conducted on our activities by dozens of investigative reporters, authors, corporations, trade-associations and members of Congress. Again, a simple reference to various and accessible indices will inform you of their presence, inasmuch as you have apparently been unfamiliar with these materials.

It is interesting to note that your curiosity arises from this citizens' study of your office. Perhaps, you are espousing a new premise to your operation—namely, that when citizens, some from your own District, decide to study their elected representative in Congress, (who is supposed to represent all Americans, not just his District residents,) "a trade agreement" must be entered into whereby the Representative studies the citizenry. It should be clear, Mr. Erlenborn, that it is you who are elected and who are endowed with such awesome powers for the present and future of this country, not the citizens who must be served by you. Such citizen evaluation, particularly during these years of great challenges before the Congress, should be welcomed and not described with such demeaning phrases as a "reciprocal trade agreement." These citizens, after all, are not like the ordinary lobbyists who come to you with such regularity that you might be forgiven the misuses of such commercial analogies.

At any rate, should you choose not to forward the requested materials, our desire to have your most complete views represented in the basic research compilations must regrettably accede to your decision to refuse.

Sincerely,

RALPH NADER.

JUNE 7, 1972.

Mr. RALPH NADER.
Center for the Study of Responsive Law, Washington, D.C.

DEAR MR. NADER: Your May 29 letter of misunderstanding deserves some clarification. First, the request to your office for recent speeches and other public statements was for the purpose of obtaining your views and positions relative to the performance of your public trust as self-proclaimed Public Citizen. It is certainly within your power to decline the invitation. The choice obviously is yours.

Second, your letter declares, ". . . All other reports and statements which you requested not related to the Congress Project are either in the Library of Congress—I have inquired at the Library of Congress. It seems likely that your definition of "readily accessible" differs from mine.

In addition, it is surprising to note your lack of awareness of critical appraisals of Members of Congress by dozens of investigative reporters, authors, corporations, trade associations, academic leaders, the Committee on Political Education, the Americans for Democratic Action, the Americans for Constitutional Action, consumer groups and environmentalists, to mention only a few. Persons investigating Congress need not even fear a suit for invasion of privacy if they press their investigations beyond the limits of good taste or fairness.

Throughout my tenure in Congress, I have gone far out of my way to make sure that the people of the Fourteenth Congressional District—*and they are my constituents*—know where I stand and what I believe. My constituents often disagree with me, and are not bashful about saying so; but I hear no complaint that they lack information on which they may make a judgment when they vote every other November.

Now comes Ralph Nader, who has elected himself Public Citizen in a campaign financed by those privileged bastions of entrenched wealth, the Foundations. He announces that he will use his access to the public press to tell the people of the 14th Congressional District what to think about their Representative in Congress.

It is curious, I repeat, that such a Public Citizen should seek to deny the private citizens of the 14th Congressional District information which will help them make a judgment about his activities. Such citizen evaluation, particularly during these years of great challenges before Congress should be welcomed by you.

At this point, permit me to apologize. I did not intend to offend you by the phrase, "Reciprocal Trade Agreement," and I hasten to withdraw it. The material which you asked for is collected here in my office. As I explained in my May 24 letter, it is of such a nature that it would not travel well by mail (and there is an additional question in my mind whether it should properly be sent by frank).

Hence, if you will send one of your aides to my office, I will be glad to turn all this material over to him, without reciprocity, without trade, and without agreement.

I would hope, however, that you would now voluntarily send your materials along.

Yours very truly,

JOHN N. ERLENBORN,
Member of Congress.

THE DEFEATISTS ARE AT IT AGAIN

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HÉBERT. Mr. Speaker, Mr. Richard G. "Dick" Capen, Jr., is well known to Washington officialdom since he served with distinction as Assistant to the Secretary for Legislative Affairs.

He has moved on to become vice president of Copley Newspapers.

On May 26 Mr. Capen addressed the district convention of Lions International in San Diego, Calif., and I believe that his words need repeating, and I insert them at this point in the RECORD:

THE DEFEATISTS ARE AT IT AGAIN

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease. A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas.

They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called The President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie The President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moslems and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington law offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon's leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, the President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize the President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has the President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. **There are** no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defending the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect the President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to The White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports The President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse The President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, the President has asked for the support of a unified nation. I believe he deserve that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

LET US END CRIME AND VIOLENCE NOW

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROOMFIELD. Mr. Speaker, as part of my continuing effort to keep my constituents abreast of the latest events here in Washington, I have mailed to the residents of Oakland County, Mich., my Washington Report. In this newsletter I have related the latest news on the firebombing of my district congressional office, the progress of my amendment to halt court ordered busing and other issues which are vitally important to the people of Oakland County.

Mr. Speaker, as we know, the privilege of holding public office carries with it the responsibility of taking a stand on a wide range of crucial issues. In addition, good government requires that we make every effort to express those views and positions to our constituents. Newsletters such as these are one of the best ways that I know of to meet that commitment.

I, therefore, insert my Washington Report be in the CONGRESSIONAL RECORD for the benefit of all my colleagues.

The report follows:

WASHINGTON REPORT

LET'S END CRIME AND VIOLENCE NOW!

In the days since the firebombing of my Congressional District Office in Oakland

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County, I've tried hard to understand the motives and the meaning behind this shocking and destructive attack.

Although police and the F.B.I. are still working on the case, most of the evidence suggests that the bombing may have been a "protest" against the war in Vietnam, my stand against forced school busing, or any number of other positions I am required to take almost every day on controversial issues.

Make no mistake about it, this violent attack was no more a "protest" than was the attempted assassination of Governor Wallace later the same day. Plainly and simply, they were criminal acts and should not be dismissed or excused as political activism.

In writing about the bombing, a friend of mine observed that: "Freedom does not justify anarchy any more than respect for order justifies oppression." It is important to identify these acts of criminality for what they are and to see that those who are responsible are punished as criminals and not glorified. We must insist that judges enforce the full penalties of the law, that the courts give at least equal weight to the rights of law-abiding citizens as they do to the rights of the accused, and we must not be afraid to stand up in full support of those whose job it is to preserve order—the police officer, the prosecutor and the courts.

In the days ahead and hopefully with your support I am going to devote myself to doing just that and to finding new ways of putting an end to the crime and violence that touches each of our lives in some way everyday.

Our only hope of progressing further along the road to a more perfect democracy lies in strengthening the bonds of mutual trust and tolerance that allow us to function as an open society. The assassin and the bomb-thrower do as much damage to these fragile links of our society as they do physical harm.

SPECIAL PROGRESS REPORT: U.S. SENATE APPROVES BROOMFIELD BILL TO HALT FORCED BUSING

Hopefully, as you read this newsletter, Congress will have given final approval to my bill to halt forced school bussing and it will be on the way to the President for his signature.

Last week the Senate voted its final okay of a package of anti-bussing amendments which includes my bill to prevent Federal District Courts from implementing bussing orders until all parties have had an opportunity to exhaust their appeals, hopefully to the U.S. Supreme Court.

My bill is the only measure now pending in Congress which has a chance of preventing cross-district bussing in the Detroit Metropolitan area this fall. Stronger legislation ultimately may be needed. But there is not enough time left in this session of Congress to get new legislation approved to affect the Detroit case and others like it throughout the country.

It is vitally important to get one of these cases before the U.S. Supreme Court since it has never ruled on one like the Detroit or Richmond, Virginia situation involving cross-district bussing. In view of the 1964 Civil Rights Act which was explicit against bussing to achieve racial balance, there is reason to believe the court might oppose cross-district bussing.

While I have signed the discharge petition calling for a vote on a Constitutional Amendment to prohibit bussing, it is doubtful there will be a vote in Congress on it this year. Many members of Congress feel that efforts should be made to resolve the matter by legislation or through the courts before beginning the lengthy process of amending the Constitution. Immediate approval of my bill will provide the necessary time to accomplish these things and to permit us to concentrate on the most important problem—providing a quality education for everyone.

FEDERAL COURT DIVIDES OAKLAND COUNTY INTO FOUR CONGRESSIONAL DISTRICTS

PLUS CHANGE IN COURTS: CRIME CONTROL NEEDS FIVE-FRONT ATTACK

Serious crimes have continued to increase nationally and in the Oakland County area. Most important in changing that trend, I believe, is a new attitude on the part of the courts to insist that the law be upheld and enforced for the protection of law-abiding citizens as well as the accused.

Beyond this, however, there are five broad areas in which I would like to see increased emphasis by the Federal Government. First, we need higher priorities in allocating Federal funds to the fight against crime which still ranks low in comparison to other social problems. Second, we must provide better pay and equipment for police agencies—our first line in the battle against crime. Third, we must attack inefficiency and delays in the courts; fourth, vastly improve our correctional system; and finally, continue the attack on organized crime and control drug addiction.

Oakland County was divided into four Congressional Districts by a Federal Court decision recently which re-drew the boundaries of Michigan's 19 seats in Congress.

The judge's ruling meant that five Michigan Congressmen have had to move their residences including both of us in Oakland County.

Because I was born and raised in Oakland County and represented all of it for 8 of my 16 years in Congress, I have decided to seek re-election in the new 19th Congressional District which remains mostly in the County.

I represented all of the County for 10 years from 1954 to 1964, first as a member of the State Senate and for eight years as a Member of Congress.

This decision means that I will continue to represent many of the people I have served in Congress for 16 years. It means also that I will have the pleasure of renewing acquaintances with people in other parts of the county.

MORE THAN 100 BROOMFIELD BILLS PENDING BEFORE CONGRESS THIS YEAR

Since the 92nd Congress convened, I have sponsored more than 100 pieces of legislation. Some of these measures which may be of special interest to you are summarized below. Additional information and copies of the bills are available on request.

War powers: H.J. Res. 1—To define the powers and responsibilities of the Congress and the President in committing this nation to armed conflict.

Strikes: H.R. 10433—To provide procedures by law for resolving national transportation strikes which threaten the public's interest.

Cancer: H. Con. Res. 128—Calling for a national commitment to control and cure cancer within this decade.

Firearms: H.R. 7176—A bill to make it a Federal crime to commit a felony with a firearm.

Drugs: H. Con. Res. 129—Requires that U.S. aid be cut off to nations which permit the flow of illegal drugs into this country.

Property taxes: H.R. 9071—To provide additional relief for homeowners by allowing increased Federal tax deductions.

HOUSE LEADER NAMES BROOMFIELD TO UNITED STATES-CANADA INTERPARLIAMENTARY

House Minority Leader Gerald Ford has appointed me a delegate to the U.S.-Canada Interparliamentary Conference this year, an assignment which I have had in the past.

This year, I am also serving as a Congressional Adviser to the 26-nation Geneva Disarmament Talks. These assignments are made because of my position as a ranking member of the House Foreign Affairs Committee.

In this role, I served in 1967 as U.S. Ambassador to the 22nd General Assembly of the United Nations.

VIETNAM QUESTIONNAIRES ARRIVE BY THOUSANDS

Thousands of Oakland County residents are returning my May questionnaires on Vietnam. All replies will be tabulated and the results will be sent to the President and transmitted to Congress.

If you need additional ballots, please let me know. Later this summer, I will forward a summary of the results to you so that you may compare your views with those of your neighbors in Oakland County. These periodic surveys are to encourage those who would not otherwise write to let me know their thinking on important issues. I welcome your detailed comments by letter at any time.

WELCOME TO WASHINGTON

My staff and I will be glad to help you plan your trip to Washington and to arrange tours of the Capitol, museums, the FBI, State Department and the White House.

If you can, let me know about a month before your visit. You can write me at 2435 Rayburn House Office Building, Washington, D.C. 20515.

THANK YOU FOR YOUR CONCERN

The destruction of my District office brought many very kind and considerate expressions of concern from people throughout Oakland County for which I express my sincere appreciation. One of the most moving messages came from the Prisoner of War Committee of Michigan. The text of the message from Secretary Treasurer Robert J. Farr follows:

"The Prisoner of War families of Michigan are deeply indebted to Congressman Broomfield for his untiring efforts and long-standing record of aggressively pressing for humane treatment, and identification of our men held captive in S.E. Asia. To those of us who have carefully watched the actions of our Senators and Congressmen, in respect to our involvement in Vietnam, we feel Congressman Broomfield deserves the support of all Americans, and is entitled to recognition as an outstanding representative of his constituency. This reckless act of symbolically bombing the principles for which he stands, by physically destroying his office and endangering his staff, is a depraved act representing those things which have enslaved people and subjected them to untold horrors from tyrannical despots from the beginning of time. We, and I am sure all rational Americans, deplore this flagrant act of violence towards an honorable man."

1971 YEARBOOKS AVAILABLE

A limited supply of the 1971 Agricultural Yearbook, "A Good Life for More People," is still available through my office. I will be glad to fill requests for them on a first-come, first-served basis as long as they last. Please let me know if you would like a copy by writing me at 2435 Rayburn House Office Building, Washington, D.C. 20515.

VIETNAM PROTESTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DERWINSKI. Mr. Speaker, there has been a noticeable atmosphere of caution in the Congress among those Members who have been constant critics of the President's Vietnam policy, even among those who have gone out of their way to agitate groups congregating near the Capitol, the White House, and the Pentagon. A hard-hitting editorial commentary on the subject of the Vietnam protests was carried by the Tri-City Advertiser of May 31 which I think eloquently speaks for itself:

VIETNAM PROTESTS

We find it rational to try to understand those of our people who express their views on the Vietnam war because it is not too difficult to comprehend their viewpoint.

By the same token we are sympathetic to those in authority who were initially responsible for getting us into the conflict despite warnings by men who understood Asians. It is admitted by most everyone that these men made a mistake and it is well to recall they are not the first to have erred.

It is true that two Generals, MacArthur and Wainright who, perhaps more so than any others, knew, as they said, that we could never win that war because we did not understand the Asian mind. How right they were!

What we abhor is the growing list of various so called "peace" organizations who persist in staging demonstrations when the purpose of those demonstrations appears to be to lay the blame where it does not belong.

For example, the TV carried a scene where one of those organizations staged a protest in the midst of ceremonies honoring our war dead on Memorial Day. The leader and the loudest speaker was a man who said he was a Veteran of World War I and gave his age as 81.

He proclaimed his violent opposition and insisted that we must get out at once.

We wonder why such men as this one didn't protest when the war started instead of waiting until now.

We have a faint suspicion that much of the protesting is to gain attention for political power.

We feel that steps to end the war are meaningful and will be successful. We believe the conflict can be ended.

It cannot be ended just exactly when Joe Soap wants it to be.

GENERAL MOTORS WINS NATIONAL SAFETY COUNCIL AWARD

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HILLIS. Mr. Speaker, today I would like to take a few minutes to congratulate the employees of General Motors for their outstanding on-the-job safety record.

For the 23d time in 30 years General Motors has received the National Safety Council's highest award for on-the-job safety.

Many of these employees live in my congressional district. I understand their safety programs and commend them for their effort.

The United Auto Workers Union stresses safety programs and I also commend the UAW for their work in this field.

The accident frequency rate for GM employees last year was less than one accident per million man-hours worked.

The National Safety Council estimates that less than one-half of 1 percent of all companies or plants in the United States could qualify for the award in a single year.

GM's safety record for 1971 has to be better than the average experience of both GM and the automotive industry for the 3 preceding years in order to win the award.

WATER—WILL IT LAST?

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. STEELE. Mr. Speaker, it is widely recognized today that our environment is in great need of a general clean up. It has taken a long time for man to become aware of his effect on the environment. Unfortunately, it has been too long, and now that we do recognize the detrimental effects of our daily lives on the environment, we must strengthen our efforts to clean and protect it.

Water has played a vital role throughout man's history. Not only is it basic for man's survival, it has provided indispensable services for man, as a form of transportation and as an inexpensive element to be used in the industrial production process. With the advent of modern-day industry and appliances, the waters of our country have become receptacles for many chemical wastes which are not readily reclaimed by natural sources.

The transportation of oil products by ship has proved to be a major cause of pollution of the oceans. Movement of crude oil or its products now accounts for half of the world's ocean tonnage. More than 4,000 tankers carry over 600 million tons of oil each year. The American Bureau of Shipping reports that, during the 1960's, there were 553 collisions, 17 underwater collisions, and three damaging collisions with ice involving 488 American tankers of 30,000 tons of deadweight or more.

In 1971 alone there were nearly 10,000 oil spill incidents throughout the world. Many of these spills cost more than $3 million to partially alleviate the environmental and other damages caused by the spread of oil from these spills.

Oil spills are but one source of pollution of the waters. Combined with the many other causes of water pollution, not only is the water polluted and made unfit for human consumption or recreation, but the national wildlife, which depends upon water for its survival and livelihood, dies or is maimed by the pollutants.

As pointed out in "Water, Water Everywhere, and Not a Drop To Drink," an article published in the May issue of Textile Labor, we do not have an endless supply of water. Although we have begun the fight to prevent further water pollution, there is still further work to be done to insure that our water supply does not become exhausted and that our seas, lakes, and rivers do not die.

An excerpt from the above-mentioned article follows:

WATER, WATER EVERYWHERE, AND NOT A DROP TO DRINK

Despite the fact that man has no hope of surviving without it, water is perhaps the most carelessly abused and taken for granted of all our natural resources.

Falsely secure in the knowledge that an endless supply of water is virtually assured, we tend to think only in terms of its quantity with little or no concern for its rapidly diminishing quality.

We drink it, bathe in it, shave with it, swim in it, fish from it, make steel with it, distill it, dump chemicals and human and animal wastes in it, store it, cool our power plants and cars with it, and create scores of amusement or tourist attractions in and around it.

In the process, however, once crystal-clear lakes are becoming stagnant cesspools and sparkling rivers are being turned into flowing sewers which pour endless tons of filth into the seas around us.

Each day, 2,600 billion gallons of water—more than six times the daily flow of the vast Mississippi River—are used in the United States, according to the Dept. of Interior. Of this total 2,285 billion gallons are used for the generation of hydroelectric power and returned uncontaminated to their source.

It is with the still formidable 315 billion gallons remaining that problems arise and pollution results. Industry uses 177 billion of these, 120 billion go for irrigation and 18 billion are used by the general public.

Of the water used by industry, much carries a heavy load of various contaminating wastes and poisons when it is returned to lakes, rivers and streams. Most of it—approximately 90%—is heated to high temperatures when discharged, posing a further threat to the purity of the waters and the life within them.

About half of water used for irrigation evaporates and leaves the area from which it was taken as vapor. The other half picks up varying quantities of harmful salts, minerals and chemicals before emerging from soil or subsoil into a ditch or stream.

With the third major category of water use, that by the general public, comes the most publicized form of water pollution—sewage and domestic wastes generated in increasing quantities by every city and town in the nation.

Just a small percentage of the pollutants produced by any one of these three sources—as little as 1% in the case of sewage—can ruin any stream for swimming or fishing, kill any lake and everything in it, or contaminate any estuary in which a river merges with the sea. Combined at full strength they can spell the eventual end of humanity.

This grim process is already well underway. Citing New York as an example, the Interior Dept. pointed out in a 1970 Environmental Report that the nation's largest city dumped 24,000 tons of waste each day into a nearby swampland, once the home of a wide variety of birds and animals but now populated only by rats and foraging gulls.

It estimated that the 5.3 pounds of solid waste discarded daily by each New Yorker in 1970 would increase to 7.5 pounds in 1980 and to 10 pounds by the year 2000.

"This is only part of the picture," the report declared. "The continuous dumping of sewage sludge in the New York harbor area has killed all marine life in a great expanse. In a recent four-year period, that metropolitan area expected the ocean to assimilate 10 million tons of such waste solids. Overwhelmed by such affluence, part of the sea simply died."

Surface bodies of water are not the only ones threatened, the report continued.

The quality of precious water far below the ground, which serves so many cities and towns from coast to coast, also faces a pollution peril. "Untold millions of gallons of poisonous liquid, mostly from industries, are being pumped into the earth each year, hopefully to be assimilated safely."

What we can see of water pollution is sickening and frightening enough, but the unknown effects of underground waste disposal on subterranean waters is, in the words of former Interior Sec. Walter Hickel, "a potential environmental Frankenstein's Monster."

Occasional periods of drought notwithstanding, the natural cycle of water from sea to clouds to rain still produces an overall

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average annual rainfall of 30 to 40 inches. There are 326 million cubic miles of water worldwide—97% of it in the oceans. We will never have any less, but there will never be any more either.

Scientists in the U.S. and abroad are universally agreed that when an estimated 6 billion people occupy the Earth by the year 2000, the world's oceans will be expected to produce four times today's animal proteins and minerals while at the same time being asked to double their intake of man's wastes. This will be impossible unless all nations join in finding technological solutions to man-created water problems before it is too late.

Water is in a class by itself among all of Earth's tangible resources. No living organism—animal or plant—can exist without it. Man cannot run any machine or produce a single product without water in some form. Yet water, just as in the case of the intangible air we must breathe in order to live, cannot itself be produced or replaced. It can't even be consumed as other resources can. Water can only be ruined by perpetual abuse through misuse.

As of 1970, "the number of chemical compounds reaching the ocean from rivers, from sewers, from the air and from vessels is (was) in the neighborhood of 100,000," according to Calvin Menzie, a chemist for the Interior Dept., and "we really don't know much about the sea's ability to process them."

However belatedly, the battle lines against water pollution are now being drawn tighter throughout the world.

DELAWARE LEGISLATURE EXPRESSES RESPECT FOR WORK OF FBI UPON DEATH OF J. EDGAR HOOVER

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DU PONT. Mr. Speaker, the General Assembly of Delaware recently passed a resolution commending the FBI and J. Edgar Hoover for many years of outstanding service to the Nation.

The resolution follows:

EXPRESSING THE RESPECT OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR THE WORK OF THE FEDERAL BUREAU OF INVESTIGATION UPON THE DEATH OF ITS DIRECTOR, J. EDGAR HOOVER

Whereas, the death of J. Edgar Hoover on May 2, 1972, has brought attention again to the people of Delaware of the need for the highest type of dedicated citizen to serve in the Federal Bureau of Investigation; and

Whereas, during his career as Director of the Federal Bureau of Investigation, a career which began on May 10, 1924, J. Edgar Hoover exemplified professionalism; and

Whereas by this example, J. Edgar Hoover inspired tens of thousands of Federal Bureau of Investigation agents as well as state, county and municipal policemen to regard their work with pride; and

Whereas, through the creation of the FBI Academy and other units within the Federal Bureau of Investigation, J. Edgar Hoover underlined the importance of training and the need for scientific training in the constant war against crime; and

Whereas, through the creation of a national fingerprint system, J. Edgar Hoover developed an additional method for apprehending criminals and for assisting victims of crime; and

Whereas, J. Edgar Hoover employed outstanding young men in whom the community and nation could have complete faith; and

Whereas, J. Edgar Hoover saw corruption in local police units as destroying all that the professional police officer stood for and helped wherever he could to eliminate it; and

Whereas, J. Edgar Hoover filled his years of service with courage, dedication and integrity in the public annals of this nation.

Now therefore:

Be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that the State of Delaware expresses a deep sense of gratitude for the many years of unselfish and dedicated service that J. Edgar Hoover rendered to his fellowman and country as its chief law enforcement officer.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Attorney General of the United States and the Delaware Congressional Delegation for inclusion in the Congressional Record as a permanent expression of respect by the people of Delaware.

Be it further resolved that a copy of this resolution of appreciation be made a part of the Archives of the Federal Bureau of Investigation.

MEMORIAL DAY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SPENCE. Mr. Speaker, the June 4 issue of the Washington Post carried an unusual entry which caught my attention. The item appeared as a paid advertisement sponsored by the Montgomery County Memorial Day Committee of Huntingdon Valley, Pa., and it included an eloquent address delivered by an unidentified young veteran.

The heading on the advertisement was as follows: "In All the Fun and Excitement of Memorial Day Weekend, Did We Forget Something?" This is a talk given by a young combat veteran to one of a myriad of groups of Americans that gathered under the flag to remember the meaning of Memorial Day. It is presented as a reminder for those distracted by traffic exhaust and holiday exhaustion, from sharing in the pulse and purpose of America's heart.

It does seem that, increasingly, Americans focus on personal plans for their long Memorial Day weekend, thus tending to disregard the real significance of the holiday.

Our ancestors of the last century knew what it was like to live in a land beseiged by the horrors of war. They experienced what I pray will turn out to be the last major conflict fought on American soil. Perhaps that is why they ascribed so much more significance to that special day than do we.

Our Nation has come a long way since that devastating era which produced the Memorial Day observance. Life today is better in so many ways; yet, there are valuable lessons we can learn from those who saw her through one of our most difficult periods.

We must maintain a reverence for those who have preserved, and are preserving, for us the precious gift of freedom.

In the event some of my colleagues missed the profound expression of patriotism printed in the Post of June 4, 1972, I insert it at this point in the CONGRESSIONAL RECORD.

The address follows:

MEMORIAL DAY

Memorial Day was begun to honor soldiers killed in the Civil War.

Annual celebrations were conducted in several of the Confederate States even before the end of hostilities. A date was first fixed when John A. Logan, commander of the Grand Army of the Republic, named May 30, 1868, for the purpose of "strewing flowers or otherwise decorating the graves of comrades." He hoped the practice would continue.

Rhode Island, in 1874, was first to legalize the May 30th date, now recognized by all states; some Southern States still celebrate a Confederate Memorial Day, usually on Jefferson Davis' birthday, June 3rd.

Today, Memorial Day is an occasion in which we honor the soldiers who have died in that and all subsequent wars.

Memorial Day holds a special significance for me, and should for all of us. For at this very moment there are Americans actively engaged in combat, defending an allied nation threatened by a belligerent whose clearly expansionist and totalitarian leadership intends to impose its will by force.

The war is geographically distant, as were our past three major conflicts. Our children don't hear the terrors of enemy artillery crashing into their towns, or sickeningly see mutilated bodies in their streets.

I pray they never will. But we cannot isolate ourselves from the fact, intellectually or emotionally, for our allies are not so fortunate and we are not immune. Our physical separation has not been without terrible cost in life, limb, and resources. We owe this insulation to people who have willingly sacrificed their lives for it.

On Memorial Day, I cannot help but have mixed feelings. I feel a permeating sadness and remorse in the immeasurable tragedies inflicted on families, relatives, friends and communities of those who have died.

But I also feel a tremendous debt of gratitude to the servicemen and women who made the ultimate sacrifice, who subordinated themselves to their beliefs, for the protection of a way of life and of their loved ones, for the generations to follow, and for freedom.

The fruit of their sacrifice is what we enjoy today: freedom, prosperity, religion, schools, perhaps life itself. Ours is not a Utopian Society, but it is the one they died for. And how many of us would prefer a different citizenship?

We owe these men a debt we can never pay; we should not even attempt to pay it in mourning, for nothing is gained by lingering in sorrow. The only meaningful reconciliation is to perpetuate the ideals for which they stood, to accept our responsibilities as free men and women of a free nation—and not to shrink from them.

We must conscientiously and meticulously guard our freedoms, and curb the erosion of our national foundations from subversion and apathy, and actively resist our enemies.

This requires dedication and unity of effort. Our unique form of government encourages dissent, and this is a right we should never compromise; we should not only welcome change but strive for it. But at the same time we must be alert to the insidous dangers of subversion and sedition which bring anarchy, and ultimate destruction or enslavement.

War is the most horrible event man has brought on himself, but tyranny and avarice have made it prerequisite to survival. Nobody wants war—our enemies would prefer to conquer without violence—but they cannot because free men have refused to betray their beliefs for personal safety.

One of the best descriptions of this national character was in the late President John F. Kennedy's 1961 Inaugural Address: "Let every nation know, whether it wishes well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the survival and the success of liberty . . . United there is nothing we cannot do. . . divided there is little we can do—for we dare not meet a powerful challenge at odds and split us asunder."

The generations before mine have known the ravages of war. Now, my generation faces a determined enemy whose ruthlessness, disregard for human life and willingness to sustain appalling casualties has left many of my contemporaries dead.

Perhaps my generation's challenge is even greater than those before. We have seen Viet Cong flags paraded in the streets. We have seen men dedicated to the destruction of every principle for which we stand—Ho Chi Minh, Mao Tse Tung, Che Guevara, Fidel Castro—made heroes by elements of our society. We have even seen that unbelievable desecration, the burning of America's flag, on nationwide television.

This is a time of fear and confusion, of real danger to the human rights that others before us have shed their life's blood for.

We should now more than ever reaffirm our commitment to liberty, our responsibility to the men and women we honor today who gave their lives for it and for us. Their memory should give us not only pride, but confidence and inspiration to move forward so they shall not have died in vain.

On a plaque at the entrance to the headquarters of a combat group in Viet Nam, this was anonymously inscribed:

"War is an ugly thing, but not the ugliest of things. The decayed state of moral and patriotic feeling which thinks nothing is worth war is much worse. The individual who has nothing for which he is willing to fight, whose only concern is for his own personal safety, is a miserable creature who has no chance of being free unless made and kept so by the exertions of better men than himself."

IRAQI OIL TAKEOVER

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. McCORMACK. Mr. Speaker, as one who has been deeply concerned with the fuel and energy situations in this country, I would like to call my colleagues' attention to an article and an editorial on the Iraqi Government's nationalization of a major Western oil company. As Chairman WAYNE ASPINALL recently said in discussing the Interior and Insular Affairs Committee's hearings on fuel and energy:

The United States is about to be caught in a Middle Eastern squeeze-play and I believe the American people ought to know about it.

It appears that the squeeze-play has begun and I hope that, once the American people become aware of it, they will support the research and development necessary to end our dependence on foreign energy sources.

The articles follow:

[From the New York Times, June 6, 1972]

BAGHDAD'S GAMBLE

Iraq's seizure of the Western-owned consortium, the Iraq Petroleum Company, is a blow to the West, a boon for the Soviet Union and a high-risk gamble for the radical regime in Baghdad.

The expropriation directly affects consortium partners from the United States, Britain, the Netherlands and France who stands to lose much, if not all, of an investment estimated at up to $1 billion. It threatens Western access to an important, though not major, component of Middle East oil—fields which, over-all, encompass about 70 per cent of the world's known reserves. And it could adversely influence delicate negotiations now under way between Western companies and other Middle East oil-producing states.

The West's loss is another gain for Moscow, which has been vigorously exploiting its support of the Arab cause against Israel for military, political and economic advantage throughout the region. The Russians already are helping to develop Algerian oil and are purchasing from Libya small amounts of oil seized from the British last December. Last April Soviet Premier Kosygin participated in the opening of a rich, new Iraqi oil field, developed with Russian assistance after its seizure from the consortium eleven years ago.

The question for the Iraqis is whether the Russians or others can furnish a ready market for the output of the newly seized fields and provide the hard cash urgently needed to sustain development programs that until now have been heavily dependent on revenues from the consortium. If they cannot, the Baathist regime could be in serious trouble. Even if the Russians do come through with a substitute for Western markets, the regime, already obliged to accept two Communists in high government posts, can expect to pay a heavy political price for its abrupt break with the Western consortium.

In the long run, there is an inevitable trend toward the acquisition of foreign-owned assets by the oil-producing states, both as an expression of national sovereignty and as a means of maximizing returns from oil resources for domestic development. Although this trend may be accelerated by Arab-Israeli tensions and by Soviet opportunism, both sides should be constrained to moderation by two hard realities—the West's compelling need for Middle East oil, which is increasing even in the United States, and the concurrent need of Middle Eastern states for Western markets and the hard cash they provide. If the jubilant Russians press their present advantage too far they may well end up cast in the onerus role of the ousted "imperialists," with embittered and unmanageable clients.

IRAQ TAKES OVER BIG OIL COMPANY AFTER TALKS FAIL

BEIRUT, LEBANON, June 1—Iraq tonight nationalized the Iraq Petroleum Company, owned jointly by American, British, French and Dutch oil companies, the Baghdad radio reported.

The company, which produces 10 percent of the Middle East's oil, was nationalized after negotiations between it and the Government broke down over a variety of demands.

Chief among Iraqi demands was one that the Government be given a 20 per cent share in the London-based company of which the United States concerns Mobil and Standard of New Jersey each owns 11⅞ per cent of the shares. The main shareholder is the British Petroleum Company.

President Ahmed Hassan al-Bakr announced that the ruling Revolutionary Command Council had issued a law nationalizing the company effective immediately.

NO COMMENT IN LONDON

In London, a company spokesman refused to comment on the nationalization report. "We have been waiting all day for something to happen," he said, "but until we hear from our people in Iraq I'm afraid we can't say anything at all."

Under the nationalization law the company's properties and concession areas become property of the state, the Iraqi News Agency said.

The law also provides for the formation of "the Iraqi Company for Oil Operations." This will run all the nationalized properties, but will not be responsible for previous commitments. The company will have an eight-man board, including its chairman.

The law also provides for the state to pay compensation to the foreign interests involved after allowing for debts, taxes, wages or any other sums that the Government may demand, the news agency reported.

In his announcement, President al-Bakr said "the struggle against oppression and imperialistic exploitation" would not end, except by the destruction of the foundations and vital interests upon which "imperialistic existence" was founded.

Foreign Minister Murtada al-Hadithi and Geoffrey Stockwell, the company's managing director, met for two hours in Baghdad last night, when a two week deadline imposed by the Government expired.

The meeting ended with Iraq's rejection of the company's latest offer and the deadline was extended 11 hours.

But no word of further developments was received until President al-Bakr's announcement of nationalization.

The talks first started last January between Government and the Iraq Petroleum Company and its affiliates, the Mosul and Basrah petroleum companies.

The three companies faced a host of demands, including a minimum share of 20 per cent in existing assets, as well as more than $250-million in claims starting in 1956.

The dispute came to a culmination in March, when the oil companies reduced production from northern oilfields.

The Iraqi Government charged that the three companies during March and April and early in May, had sharply cut back production of its northern fields, ostensibly for commercial reasons, thus causing great loses to Iraq's revenues and the national economy.

Iraq is heavily dependent on oil revenue, which provides more than 80 per cent of the foreign exchange needed to finance numerous development projects.

The Revolutionary Council demanded an immediate response by the oil companies to a Government request that production be raised to the maximum. It also called for the companies to adhere to their agreement with the Oil Ministry to work out a long-term program of steady production.

FOURTH LARGEST OIL PRODUCER

Iraq is the fourth largest oil-producing country in the Middle East. In 1971, the nation's production amounted to 1.7 million barrels a day, slightly more than 10 per cent of the region's total production of 16,165,000 barrels a day. Output has increased about 71 per cent over the last decade.

The Iraq Petroleum Company accounts for the bulk of the country's oil production The company is owned jointly by the British Petroleum Company, Compagnie Francaise des Petroles, the Royal Dutch-Shell group and a company owned by the Standard Oil Company (New Jersey) and the Mobil Oil Corporation.

The Government and the company have been in a continuing dispute over increasing oil exports and prices, both of which affect

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royalties paid to the Government by the company, and Iraq's claim to oil concessions previously assigned to the company. Iraq has been developing some of the disputed concession areas with Russian help.

THE SOVIET UNION, THE UNITED STATES, AND MIDDLE EAST OIL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HAMILTON. Mr. Speaker, the nationalization of the Iraq Petroleum Co., by the Iraqi Government last week has focused attention once again on Middle East oil. The increasing importance of Middle East oil to the United States, the growing interest of the Soviet Union in Middle East oil, and the changing relationship between international oil companies and oil exporting countries are the topics of concern in two excellent articles by Ray Vicker which appeared in the Wall Street Journal on June 6 and 7, 1972.

The articles follow:

WINNING FRIENDS: IN A FOUR-PRONG DRIVE, SOVIET UNION INCREASES INFLUENCE IN MIDEAST—MOSCOW USES DIPLOMACY, OIL, MILITARY AND ECONOMIC AID TO UNDERMINE THE WEST

(By Ray Vicker)

BAGHDAD, IRAQ.—Three perspiring Soviet oil technicians, in disheveled suits wait in line at the air terminal here along with other passengers leaving Middle East Airlines Flight 320 from Beirut. Among the others waiting to clear immigration are several Iraqis attired in Western garb except for their Arab headdress; they stand patiently. Not so patient is a Kuwaiti sheikh in white robes who fans himself with a passport from which several banknotes protrude conspicuously but, as it turns out, futilely.

Seeing the Russians' passport, an immigration clerk beckons to the technicians to go to the front of the line. "We go Rumaila," the leader of the Russians says in English. He is referring to Iraq's new oil field, which was developed with $200 million of Soviet-bloc aid.

Quickly the Russians are cleared through immigrations and customs and whisked away. Less elite passengers—like the Iraqis and the sheikh with the banknotes—continue to swelter in the crowded terminal building.

The incident in the terminal has broader implications than simply fighting the international travel bureaucracy here in Baghdad. For Russians are being favored in many parts of the Middle East as Moscow increases its influence in the Arab world at the expense of the West. Militarily Israel's crack army may dominate the Mideast, but economically and diplomatically the Russians have been scoring most of the gains lately in this area—one that posseses two-thirds of the world's known oil reserves. That total is so large that even the U.S. is expected to become increasingly dependent on this oil for its supplies.

EFFECT OF THE RUSSIAN PRESENCE

The Soviet presence in Iraq undoubtedly is hardening the attitude of this Communist-leaning nation toward Western oil companies. Only last week Iraq nationalized part of the holdings here of Iraq Petroleum Co., a consortium owned by British Petroleum Co., Royal Dutch-Shell Group, Compagnie Francaise des Petroles, Standard Oil Co. (New Jersey), Mobil Oil Corp. and the Caloste Gulbenkian Foundation of Paris.

Immediately after the nationalization, Iraq's foreign minister led a delegation to Moscow for talks with Soviet officials. Tass, the Soviet news agency, strongly supported the nationalization, calling it a move toward liberating Iraq "from the sway of foreign capital."

"The Russians would like to see the U.S. and other Western nations as well as Japan pay a heavy price for that oil and perhaps even be forced to obtain their supplies through the grace of Moscow," one Western oilman here says.

The Soviet drive into the Middle East is four-pronged. First, military assistance links Arab armies to Soviet munitions plants. The total of all Soviet aid to Egypt thus far is estimated at more than $5 billion. Soviet MIG jets break the sound barriers over Arab skies in Syria, Iraq and Egypt. Soviet weaponry is evident almost every time any part of an Arab army stages a parade.

The second prong involves economic assistance, which creates an image of a benevolent big brother. In Syria, for instance, a giant dam on the Euphrates is widely touted by Soviet propagandists. The dam, being built with Soviet aid, will irrigate 1.5 million acres and generate 300,000 kilowatts of power when completed. Soviet help in developing Iraq's North Rumaila oil field is listed as another major project. The field was nationalized in 1961 but placed in production only last April by Iraq's state-owned oil company.

THE DIPLOMATIC PRONG

A tabulation of Soviet aid shows that there are 100 projects under way in Egypt, 80 in Algeria, 70 in Iraq, 50 in Syria and 40 in South Yemen. They range from a $125 million aluminum plant on the lower Nile to irrigation programs in Yemen and from re-equipping Egypt's commercial airline with new planes to prospecting for oil in Syria. It is difficult to put dollar tags on some of these projects because they may be repaid in oil or other commodities.

The third prong of the Soviet drive into the Middle East is diplomatic. Moscow gained its first foothold in the Mideast through its ties with Gamal Abdel Nasser, the late Egyptian president. Early last month Russia tightened up its links to Cairo through a series of diplomatic meetings.

Later in May Iraq's government placed two Communists in ministerial posts, an action evolving from the 15-year treaty of friendship the two nations recently signed. This was the first time Communists have been invited into a Mideastern government in this fashion. One Western European diplomat here says: "The timing of these appointments shows that Iraq certainly wanted to place its relationship with the Soviet Union on a firm foundation as it nationalized oil properties."

On May 14 Russia strengthened its ties to Syria with the signing of a military treaty between the two nations.

Algeria, another Arab nation, has rebuffed any tightly binding pact with Moscow, and it is the most independent of Russia's Arab friends. Nonetheless, it usually leans more to the East than to the West in politics. Its key oil-technicians' training center is controlled by more than 250 Soviet instructors and Algeria's oil industry is infused with Russian experts and technicians. Last year Algeria nationalized 51% of French interests in its oil; in 1970 five other foreign companies were nationalized.

THE FOURTH PRONG

Oil—the fourth prong in the Soviet drive in the Mideast—is especially important today, with nationalization more than just an idle threat over oil properties. The Communists provide the Arab nations with oil markets, which give the Arabs more flexibility in their moves to squeeze international oil companies. For instance, a Soviet tanker recently picked up the first cargo of oil exported from the North Rumaila field—about 157,000 barrels destined for the Soviet port of Odessa. About 20,000 barrels a day are scheduled to be shipped this year to Russia and about 40,000 barrels a day in each of the next three years.

Other East-bloc nations have been turning to the Middle East for oil also. Estimates are that the Soviet bloc imported 157,000 barrels a day in 1971, up from 131,000 the previous years. The main suppliers were Iran, Egypt, Algeria, Libya, Iraq and Syria.

With the Russians able to meet all their own oil requirements, the question is why the Soviet Union should seek Mideast oil. The answer is that although Russia can meet its own demands, it isn't sure that it can meet those of its East European satellites. In the future Russia would like to become the middleman for Mideastern oil, supplying its satellites and perhaps other nations as well.

Still, the Soviet Union will be hard-pressed to take all Iraq's nationalized oil. It may not have the tanker capacity. It doesn't need that oil for itself at the present time. It doesn't have the hard cash to pay for it. This, of course, doesn't mean that it won't try, probably funneling part of the oil back into Western markets in one way or another.

AN EYE ON THE PERSIAN GULF

Russia's real goal in this area is the Persian Gulf, where most of the Mideast oil is located, Western diplomats say. Iraq borders on the gulf and thus provides a stepping-stone for further Soviet advances. Already Soviet diplomatic feelers have been extended to some of the little states on the gulf. For decades Britain dominated this area militarily while American oil companies did so economically. Britain's military pullout has left a political vacuum that Russia would like to fill.

So would Iran, a non-Arab oil producer that would like to squeeze Western oil companies for its own benefit, not for that of the Soviet Union. Iraq has had a long feud with Iran and is willing to play along with Russia to further its own expansionist hopes in the gulf area. Along the border between Iran and Iraq there have been a number of shooting incidents recently and some diplomatic sources believe these have been created in an attempt to isolate Iran from Arab nations on the gulf.

"Iraq now has the Soviet Union behind it," explains one diplomat in Bahrain, one of the oil principalities on the gulf. "So all the little sheikdoms along here are reading those border incidents as Russia's way of telling Iran that it had better not try to control the Arabian Gulf." (In Arab lands, it's the Arabian, not the Persian, Gulf.)

Until recently, all of Iraq's oil was produced by Iraq Petroleum Co., which has been battling with the government for over 10 years. Soviet assistance hasn't been confined only to developing the fields but also has involved pipelines.

THE SECOND AND THIRD STAGES

The Russians currently are helping Iraq with the second stage of development, which will expand production by about 3½ times in 1974. A third stage is then scheduled to raise output to 40 million tons, or about 800,000 barrels daily, in the late 1970s.

Now Russia has the task of helping Iraq produce and sell oil from IPC's fields in northern Iraq. IPC, of course, is likely to try legal means to keep that oil from reaching Western markets. This is what it has been doing since oil began to flow from the North Rumaila field. Only last April IPC ran ads in numerous newspapers in Europe warning potential buyers against taking that oil.

The East bloc provides convenient markets for Iraq in these circumstances, yet it is apparent that the field is expanding so fast that the East bloc won't be able to take all that oil. Even with Soviet help, all the cards aren't on the Iraqi side, since Western oil companies have the marketing organizations that can dispose of Iraqi oil much better than can any Soviet-Iraq combination.

COMING CONFLICTS OVER ARAB OIL

(By Ray Vicker)

BEIRUT, LEBANON.—"Within 10 years all the oil properties in the Middle East and North Africa will be nationalized."

"The prediction comes not from a radical Arab but from a conservative American banker with considerable knowledge of this area and of the people who make decisions in it. He marshals impressive data to bolster his thesis.

Even now, international oil companies are reeling from Iraq's nationalization of the northern Iraq properties of Iraq Petroleum Co., Ltd., the consortium owned by the Shell Group, Compagnie Francaise des Petroles, British Petroleum Co., Ltd., Mobil Oil Corp., Jersey Standard and Gulbenkian interests. Without doubt, international oil companies are in a turbulent financial era which looks as if it will get worse. There are no signs at all that it will get any better. Arab oil nations other than Iraq are pressing for 20% equity participation in petroleum production companies. Arab leaders have made it clear that this is only the beginning. Nadim Pachachi, secretary general of the 11-nation Organization of Petroleum Exporting Countries (OPEC), is only one of many Arab leaders who stress that the ultimate goal is a minimum 51% of company equity for the host nations.

That equity control is enough to dictate the rate of expansion and the divided payments. Still it isn't beyond the realm of possibility that an Arab nation alone or several in conjunction may seize all of certain properties and well within that 10 years estimate. Iraq did just that when it seized the North Rumaila concession of Iraq Petroleum Co. Ltd. in 1961, and with its latest action against IPC. Algeria already has nationalized its oil industry. Libya has taken over control of British Petroleum Co. holdings in that country.

A GIANT POKER GAME

Today, there is a feeling of volatility in the Arab world, of muscle flexing based on a belief that Arabs hold all the aces in a giant poker game.

Wide-ranging effects of that game can be envisioned. Oil companies may be forced to revise their whole way of doing business. Changes in oil payment patterns may create revisions in the world's monetary structure. Oil consumers in Western Europe, Japan, the U.S. and elsewhere face sharply higher fuel costs for automobiles, some heating, industrial uses and power generation. The mechanized farmer, for instance, may find his fuel costs soaring. Airline fares of the future are likely to reflect considerably higher fuel costs. Economically, the trend injects a worldwide built-in inflationary factor, for oil companies are likely to pass along most of their increased costs. Already the profit return on net worth of international oil companies is down to around 9.5% versus 14% in 1960 and 11% in 1970.

The trend promises to hasten development of competitive energy sources. Nuclear power is likely to be stimulated. Coal may stage something of a comeback in some areas although it has ecological problems to surmount. Colorado oil shale and Athabasca oil sands may become more competitive. And technology will place more stress on achieving fuel economies. The electric car could have much more appeal when gasoline sells at $2 a gallon than when the gasoline price is 50 cents a gallon.

But technology is unlikely to show any measurable effects on the pattern of energy consumption before those sharply higher oil prices hit the world. Sir Eric Drake, chairman of British Petroleum Co., says, "The competing fuels are unlikely to achieve any substantial substitution for oil in the 1970s."

The Middle East is important in the worldwide energy picture because of its enormous reserves. At the start of 1971, oil authorities estimated that two-thirds of the world's published proved reserves of recoverable oil were located in the Middle East and in North Africa. Except for non-Arab Iran and a small amount obtained by Israel in the Sinai, this is all Arab oil.

"There is no substitute for Middle East oil," says Christopher Tugendhat, a British member of Parliament who also is an oil expert. Several hard economic facts lie behind the present turbulence on the oil scene. Over the last few years, the world's dependence on oil has increased substantially as home dwellers have switched from coal to oil for heating, power plants have changed to natural gas or oil, the auto population has expanded and industrial users have found new applications for liquid fuels. Today, just under 50% of total energy in the non-Communist world is supplied by oil. Shell Oil Group studies indicate that if oil consumption continues along the present road the world will use as much oil in the next 10 years as it did in the previous 100 years. Moreover, in the second decade ahead oil consumption would double from the level of the decade now starting. The consumption pattern shows that Middle East oil will become much more important in the future to users because it is the richest petroleum area in the world.

In the 1960s decade 44% of all the oil discovered was found in the Middle East, 24% in the Communist world and less than 1% in the U.S. Since that time important fields have been discovered in Alaska and in the North Sea. Yet when measured against total needs of Western Europe and the U.S. over the next two decades, these new producing areas are swallowed up by an inexorable demand. Even if the North Sea finds prove as rich as anticipated, they will only supply about 15% of Western Europe's needs in 1980.

As for that North Slope Alaskan oil, ecologists have inhibited its exploitation even though the U.S. may be headed for an energy shortage of crisis proportions. Some oil men aver that, even if all stops are pulled soon to produce North Slope oil, total U.S. oil output in 1980 may be below the 1970 rate. That, of course, means the U.S. will become ever more dependent on imports and an increasing percentage will be coming from the Mideast.

There are some astute Arab petroleum experts too. They can analyze the meaning of oil statistics as well as can executives of Western corporations. And authorities in the producing nations are convinced that they literally have the Western world over an oil barrel. This is what conditions the thinking of OPEC and its members. They seem convinced that the West's need for oil is so great that oil companies have no recourse but to accept a step-by-step nationalization of their properties.

It used to be standard whenever producer country-company relations deteriorated for oil executives to claim that Arab nations "can't drink their oil." But company-country negotiations over the last 18 months indicate clearly that oil demand plus the unity of producing nations have strengthened the latters' hands immeasurably.

Oil company officials now sound rather hollow when making that same remark about oil's lack of drinking appeal. Oil men in this part of the world don't even want to discuss the possibility of nationalization, as if their silence might encourage the whole matter to disappear. One executive of a major international company in a reluctant discussion utters platitudes about "Arabs seeing the light and recognizing that they need companies."

Then he adds, "We have the downstream operations and that gives us some cards, too. I can tell you one thing: We will never take a barrel of nationalized oil into our operations." (By "downstream" he means the refining and marketing operations which involve heavy investment.)

This remains to be seen. The history of nationalization in the minerals field shows that somehow countries do find markets for their output. It may be that after nationalization some nations are worse off owning their own resources than when properties were in the hands of outside companies. Some Iranian figures, for instance, suggest that Iran earns less per barrel of oil generally in fields where it has participation than from those fields operated exclusively by well-managed foreign companies.

Still this is not likely to deter the trend toward ownership of natural resources. Nationalism plays an important role. It isn't merely a case of earning revenue, it is a matter of steering oil investments and decision-making in a way that benefits the nation. This requires more participation on boards of the companies, say Arab spokesmen.

MARKETING AND DIVERSIFICATION

Of course, it won't be the end of the world for corporations if they do lose equity control through nationalization which either are forced or negotiated (there really isn't much difference but it might be diplomatic to pretend that there is). Producing corporations may become contractors for governments in pumping that oil. The marketing end of their businesses may become much more important. Already some outfits are diversifying into new or related areas.

The fate of international oil companies rides on two key matters which will be the subject of tough negotiations: the compensation to be paid for participation and the price per barrel of oil to be delivered by nations to companies. OPEC suggests compensation should be on the book value of properties with no allowance for any of the oil which companies may have discovered. In effect, companies would be paid only for the machinery and equipment above ground, an assessment which would have payoffs set at about a tenth of their true worth, the companies claim. Still, that may be more than companies will collect from a radical country like Iraq in the way of compensation for oil properties. Iraq, for instance, has placed claims against the companies which could total a few hundred million dollars in revenues. The government says these claims should have been paid years ago. By presenting claims which exceed any possible level of compensation, a radical nation may thus not only wipe out that compensation but have the companies owing money, at least in the opinion of the radical nation.

Moreover there's likely to be little cash in any transaction. Payments will be made in oil. Companies could be hit again if an unrealistic posted price were established by the governments on the oil used in payment.

Here though, the goals of producing nations should be understood. Their aim is to nationalize properties, yet have companies cooperating with them under the new arrangement. If nationalization alone were the goal, producer countries could do that tomorrow by decree. It is the compensation which will determine whether or not companies cooperate after the governments take control, not the anti-socialist prejudices of individual executives.

Most thoughtful Arabs realize this, which is why nationalization in a step-by-step procedure is considered better than any "one-swoop" seizures. Companies must be led carefully into the harness which Mideast nations are preparing for them. Nations certainly will suffer if the hassle leads to any halting of production.

Companies want to get as much as they can in any settlement. Their capital needs in reorganizations and new exploration strategies will be immense. Downstream operations have never been very profitable for companies and some firms may be left with direct control of only this end of their businesses. Higher prices may make some of those downstream operations more profitable. Higher prices are likely to come on a steeply rising curve.

UNEASINESS IN WASHINGTON

Balance of payments effects of this trend on the U.S. already are a cause for uneasiness in some Washington offices. A greater total of U.S. oil requirements must be imported at sharply higher prices. Today, oil earnings from the Middle East are a plus factor in the U.S. balance of payments. Looking ahead, it's a different story. Currently the U.S. imports less than 4 million barrels of oil a day with less than a tenth coming from the Mideast and North Africa; by 1985 nearly 15 million barrels a day will have to be imported, most from North Africa and the Middle East. Some estimates place the cost of that oil in the $30 billion to $35 billion-a-year range. Obviously it will take a substantial amount of U.S. exports if this trade is to be balanced. So finally, the U.S. faces some balance of payments problems along with all the other problems posed by the Arab oil nations. In other words, there are a good many headaches in store for Americans where the Middle East is concerned.

ONE MAN'S OVERVIEW OF PRESIDENT RICHARD M. NIXON

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROBISON of New York. Mr. Speaker, President Nixon's efforts at, alternatively, waging war and then waging peace have captured the headlines of late, with widely varying viewpoints as to the wisdom and correctness of his policies. Such divergencies are probably inevitable, in a presidential election year, as the political tides in the Nation move ever more swiftly.

Too often, however, emotions supersede objectivity, and prejudices overshadow logic, in arriving at an overall assessment. This is why my attention was so captured by the following letter to the editor of the Evening Press, of Binghamton, N.Y., in my district. The writer's thoughts are unusually direct, and to the point, and whether one agrees with his conclusions or not, the substance thereof is well worth considering. The article follows:

IN RUTHLESS WORLD, NIXON DESERVES RESPECT

BINGHAMTON, N.Y.

To the EDITOR:

The recent run of events in Southeast Asia has disturbed me so little that I feel compelled to be outspoken. The science of brinksmanship as practiced by all nations is either a competitive exercise by their PR men without genuine consequence, or it has subtle ties which escape us average citizens.

At best there is a double or triple standard here. Citizens think of the Vietnam war in terms of national uneasiness, those killed, wounded, missing, all with the shadows of nuclear weapons looming in the background; meanwhile, back at the conference table, ambassadors shout expected insults at one another on weekly schedule; and meanwhile back at the hotel room, special advisers and privileged emissaries sip cocktails and trade off real estate for battalions, bombing rights for military rights of way, tactical support for future trade agreements.

At least in part, I am ready to believe the worst about our conduct in international affairs; but at the same time, we must assume a similarly cynical posture for other nations. I do not believe that the coldness and calculation in our negotiations with foreign powers is predisposed, but is reactionary, defensive and absolutely necessary.

I believe this because American foreign policy is a confusing agglomeration of cherished, privileged and often outmoded tenets from economic, social, religious and military quarters, which are inconsistent with one another. Small wonder that national leaders and citizens alike shift easily from one viewpoint to another and often seek security on the nearest bandwagon.

America is wrongly accused of imperialism, because currently we have no clear foreign policy to execute. At least, we have nothing to match in scope and detail the game plans of China, Israel, Japan, and those emerging countries who are nationalizing themselves.

Keeping in mind that our foreign political adversaries are clever and dedicated and that international politics are ruthless. I would like to state that I admire, respect and support Nixon in his role as President.

Mr. Nixon is an excellent politician. He is less than satisfactory as a spiritual leader; his public relations crew still has some blind spots, and endless hours of practice have not humanized his smile. But when I voted for him, I was not trying to match him with some father image, and I did not intend to evaluate his competency as President by the amount of charisma he was able or unable to generate.

Nixon's job is 1) to oversee the improvement and balance of the economic and social climate at home and 2) in the international arena, to look out for the selfish interests of America. Evaluating the first depends upon point of view, and is largely another issue.

Considering the second, I voted for Nixon as my representative in the dirty sandbox of international relations because, given the rules of the game, I believed he could make better mud pies than anyone else. Nixon brought a professional attitude to this complex and corrupting job and did quite well. Very well, considering that a number of amateur politicians tried to disrupt his efforts with a campaign of oversimplifying and overemotionalizing the issues.

In short, I pay and praise Nixon for doing what I and most other Americans don't have the insight, patience, skill or stomach for—to protect American interests, just as other presidents (premiers, prime ministers, etc.), are committed to looking out for their own.

I really hope Nixon enjoys sports, patting babies, returning fallen birds to their nests, saluting the flag and other harmless things. But when American interests are challenged, I expect him to do his job and tell the other party to "buzz off." I don't want him to be any more understanding or tolerant or forgiving than any other national leader.

"Americans Shocked at Calley Massacre!" screamed the headlines. Don't make me laugh! We knew it all the time. We knew we couldn't be holding our own against another skilled slaughter machine without retaliation in kind. We knew deep down that you can't fight a Nice war.

We knew it all right, but it was way over there, and we were hoping to get it over with soon, and it was probably for a good cause and . . . how dare that Calley get caught and make us realize how brutal and inhuman America has been!

I have been deliberately provocative to make a point. There is a moral problem here. Nixon's dilemma—mine and yours, once we face it—is that the policies and techniques needed to maintain our posture in the world are mainly inconsistent with the Christian-social ethics we espouse. What we call virtue in the private sector (love, brotherhood, peace, sacrifice, forgiveness) are international liabilities in an era of conflict and disagreement. The now question is: Can this nation, fully aware of how cruel and inhuman modern war can be, ever have a just reason for being at war?

There seems to be a strong current of guilt rippling through America because we are ashamed of the killing and maiming in Vietnam which we are a part of. We like to think, if only we can get out of this war, the shame will fade. Should the people of South Vietnam be subsequently overrun, as many predict, we are going to acquire a different kind of guilt. Only a Christian could be in such a dilemma.

How can a Christian country, with its well-known turn-the-other-cheek attitude, possibly deal with a country which has no moral hang-ups of this sort, no adverse press, no angry citizens, no moral outrage at hurting one's enemy? With a country which intends to gain its objectives through any expedient means, and has said so frequently?

We learn of no dissent from North Vietnam, we learn of no guilt, no demonstrations among the people. While America seems to be weakening its resolution to fight there, the North Vietnamese, without the Christian guilt Syndrome, are fighting with as much determination as ever. Perhaps more so, as they read their daily reports from America.

Boy, have they got our number! America, with unprecedented charity, guilt, fear and compassion, is publicly turning the other cheek.

I hope we're ready for this conclusion. We are doomed to lose this war. After all, that is the only thing a decent Christian can do. Because, ironically, we are the good guys, after all. And you know what that makes ol' stick-to-his-guns Nixon.

For Nixon's conduct of the war has not put him at odds with many Americans. They have set themselves apart from him, have moved out from under their original, and his current, position. He has already liberalized and re-liberalized this position. If he gives in completely, history will remember him as the President who betrayed the principle of honoring treaties and who shut off assistance to a friendly ally.

On the other hand, if the war doesn't end pretty soon, we will have all convinced ourselves that this is Nixon's war, that he started it against our wishes, that he could end it right away if he weren't such a stubborn cuss, and that all future blood spilled is on his hands.

Just as many Americans sloughed off their guilt on scapegoat Calley, who didn't know how to fight honorably against a savage and unrestrained enemy, anyone as intransigent as Nixon is about this war has got to be guilty of something.

Those who have disassociated themselves from America's role in the Vietnam conflict ought to be glad that the bloodthirsty Calley and "stone-ears" Nixon came along. They provide a convenient dumping station for any type of guilt feelings you could do without.

Well, as I said before, Nixon is a pro. That's the way it goes in war biz.

Spiritual leaders need to give some attention to this problem. There is guilt involved in letting a friend be victimized without our lifting a finger; and there is guilt involved in helping him, if pain and death are the known consequences.

There is only one sure way to avoid war—just lie down and let whoever walk over you. Publish your plans and they will wait in line for the privilege.

Even if sparks generated in this country were to result in genuine love, respect and understanding, we would still have to cope with threats from other countries, ideologically opposed, and with a thousand creative ways to let you know it.

America needs Presidents with perseverance and highly developed political skills. Maybe a small compromise here and a secret deal there. But we are still a long, long way from resolving international disputes with other nations according to the Marquis of Queensbury and Robert's Rules of Order.

Maybe the day will come. Until then, I'll keep voting for the Nixons, bless their tricky hides.

ROBERT J. KRETZ.

BLACK CHANCELLOR SETS GOALS FOR UNIVERSITY OF MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CONTE. Mr. Speaker, one of the 13 fine institutions of higher education in my district is the University of Massachusetts at Amherst. It is indeed fortunate to have as its head Dr. Randolph W. Bromery, who was named chancellor this past April.

Having joined the university in 1967, he quickly distinguished himself in the classroom, became chairman of the geophysics department, and won the post of vice chancellor of student affairs before ultimately being named chancellor of the university. I am pleased to count this fine gentleman and educator as a close friend.

The June 7, 1972, edition of the Christian Science Monitor includes an article about Dr. Bromery and the university, to which I now respectfully call the Members' attention:

BLACK CHANCELLOR SETS GOALS FOR UNIVERSITY OF MASSACHUSETTS

(By Luix Overbea)

AMHERST, MASS.—"It is extremely lonely—being the only black here, one of only a few there, a black among a throng working in a non-black job."

So spoke Dr. Randolph W. Bromery, a black, a scientist, a New England migrant, an educator with only four years of full-time classroom experience—now head of a growing state university of 21,000 students with a $52 million budget.

Dr. Bromery was named chancellor of the University of Massachusetts at Amherst in April. He had become a full-time teacher in 1967 when the university hired him as associate professor of geophysics and deputy departmental chairman. The move to academic quarters followed 20 years in geology, most of them as an exploration geophysicist with the U.S. Geological Survey, Branch of Regional Geophysics.

RANGE OF IDEAS

As a neophyte chancellor, Dr. Bromery has a variety of ideas on what a "today" university should be:

It should attract students who are adult in mind.

It should not become a mammoth education factory turning out computerized graduates.

Black students and other minorities must have greater opportunities for higher education.

A chancellor must lend an ear to student desires, needs, and trends. He must relate to students and alumni.

A great university must serve the community, not only through special adult programs but also with imaginative educational options.

"The University of Massachusetts is not a place for parents to send their children," Dr. Bromery said as he recommended that young people in college should be mature individuals.

PARENTS CITED

"A great university is not a place for children," he explained. "The campus is a place for individuals who are young men and women. I often feel in working with students that parents are part of student difficulties. Many students want to be talked with, not just talked to. They want an adult father figure. The agitated, frustrated student is really never understood by his parents."

The chancellor feels that "we must challenge students to make something of themselves."

Being black in a "white world" has been a challenge to Dr. Bromery most of his adult life, he says. "My 20 years as a geophysicist most of them as the only black in my field, taught me to try to be the best there is in my field. Then I tried to recruit blacks, most of them untrained in the airborne geophysical discipline, as geophysicists."

TO FACULTY IN 1967

His efforts in recruitment, he said, caused him to decide to teach geophysics. He joined the University of Massachusetts faculty in 1967 as an associate professor. He later became chairman of the geophysics department, and he worked to recruit blacks to study in the sciences.

These efforts, he said, were often thwarted when black students were channeled into other fields. "This pushed me into running for vice-chancellor of student affairs," he said. He won that post, which included offices of admissions and financial aid, residence halls, dining commons, Student-Union-Campus Center complex, and security.

CHINESE OUTNUMBERED BLACKS

To bring more blacks to the campus and establish a program to help them, Dr. Bromery founded and became first president of the Committee for the Collegiate Education of Black Students (CCEBS), an educational opportunities program on campus that now includes students of all races.

As one of the first 10 black faculty members, Dr. Bromery said, he noticed there were only 33 black undergraduates and 2 black graduate students on campus in 1967, compared with 72 students from Taiwan, China.

He established CCEBS to bring more blacks to campus, to provide academic and social counseling to these students, to develop a program to help black students become more creative, and to change the environment for black students by encouraging the employment of blacks on the professional and nonprofessional staffs of the university.

SMALL INITIAL BACKLASH

"There was a small white backlash at first," Dr. Bromery said, "but more openings for black students resulted."

Today the university has nearly 50 black faculty students, and 200 graduate students. The 1972 class will have 50 black graduates, more than the total number of blacks graduated in the university's history, he said.

"What surprised me about CCEBS," he said, "was that students on campus supported our program verbally and financially. The student government allocated $30,000 a year to CCEBS. The faculty contributed from their salaries $75,000 a year.

A GREETING IN SPANISH

Today the committee helps Spanish-speaking students, American Indians, and even some whites. Dr. Bromery welcomed 200 Spanish-speaking students in Spanish and English last fall. He said he expects more progress in bringing minority students to the University of Massachusetts campus.

A good university, he feels, must appeal to all students with exciting new programs and improved continuing activities. He sees progress in small residential colleges within the campus complex, a university year-for-action program, an improved graduate studies program, and better relations between his office and other elements of the campus, including students and faculty members.

CEILING AT 25,000

The chancellor has set a ceiling of 25,000 students for the Amherst campus. "If we get too big, I will hardly know my students nor my faculty members," he said.

One way to keep the family spirit on campus, he noted, is the residential college concept, which provides a campus within the big campus atmosphere for students in the same field of study. Another is the university year for action, giving juniors and seniors a work-study program with academic credit while providing community service.

SIGNIFICANCE OF CUBAN INDEPENDENCE DAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BURKE of Florida. Mr. Speaker, it is fitting and proper to recall the historic events in the independence of a nation. May 20 marks the anniversary of Cuba's independence from Spain.

Seventy years ago, in 1902, a new government came into being in this neighboring country. It then became a government dedicated to the principles of political freedom. This was a culmination of a four century struggle for freedom led by Cuba's great men, such as Maximo Gomez, Antonio Maceo, and Jose Marti.

Jose Marti, called the "Apostle of Cuban Independence" was born in Havana in 1853, received his early education there and at 15 began to understand the plight of his Cuban people and their need for independence and self-determination. A year later his political activities brought him a 6-year prison sentence at hard labor, however, a short time later he was exiled to Spain by the Governor who feared his political activities. Marti did not, however, cease promoting independence for his country. He was a skilled orator and came to the United States and worked ardently as a journalist and literary critic to create good will and sympathy for the Cuban cause and at the same time uniting other exiles from Cuba, raising funds and supplies in a plan to win freedom for his people.

Marti, 10 years before his efforts were successful, founded a movement which united all Cuban exiles and gave Cuba a formal constitution, which proclaimed belief in the dignity and equality of all Cubans and propounded the ideal that the general happiness of a people rests on individual independence.

Realizing that Cuba's independence could not be won with words, Marti and his followers launched an attack on the military colonial oppressors of his land and landed a force near Santiago in eastern Cuba, and joined with other Cuban exiles from the Dominican Repub-

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lic, Mexico and the Caribbean islands. In the battle Marti was mortally wounded, but others took up the cause for Cuba's freedom.

The effort was a feeble one and the military power of Spain made his early effort futile. Antonio Maceo was also killed in the battle and although he and Maximo Gomez succeeded in outmaneuvering the conquistadors, in the end the Spanish Army dispersed the greatly outnumbered patriots. The population was rounded up and held in concentration camps and the leaders tried for treason. News of the inhumane treatment by the Spanish of the political prisoners reached the United States, and demands for U.S. intervention was made throughout our country.

Finally, in February 1898, the American naval warship, U.S.S. *Maine*, was sent to Havana for the purpose of protecting American citizens living in Cuba. While in Havana Harbor, the ship was blown up and 266 American lives were lost. The sinking of the battleship *Maine* led to severe patrotic outbursts against Spain and the cry, "Remember the *Maine*" rang throughout the land.

The rest is history. As a final result the U.S. Congress declared war against Spain and ultimately was instrumental in gaining for Cuba its independence, on May 20, 1902, which lasted until 1959 when Fidel Castro, in the guise of freeing the Cuban people from the military dictatorship of General Batista, created the present Communist dictatorship.

Today, over 10 percent former Cubans are living in exile from Fidel Castro's present Communist regime. Most of these fled to the United States and have contributed much by assimilating themselves into the mainstream of our Nation. Most who fled from Cuba were doctors, lawyers, artists, teachers, and engineers and have accepted our land as one of opportunity and justice.

Some have become leaders of Cubans in our own Government process and most have proved themselves to be worthy of American citizenship.

FREEDOM OF PRESS DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DERWINSKI. Mr. Speaker, today, June 7, is Freedom of the Press Day. Americans should appreciate the freedom our press enjoys, and especially so when it is contrasted with the total control of the news in countries dominated by communism.

A very timely, succinct editorial on the subject was carried in the Southwest Messenger Press of Cook County, Ill., on June 1 which I am pleased to insert into the RECORD:

FREEDOM OF PRESS OUR GREAT BLESSING

As the nation prepares to observe Freedom of the Press Day on June 7, it is fitting to consider what freedom of the press means to U.S. citizens in the crucible of the nuclear age. Freedom of the press allows an honest evaluation of the President's efforts to achieve peace and a "working arrangement" with former communist enemies. Although sometimes harsh in its approach, the free press permits every citizen to make an unvarnished assessment of political candidates. It probes the motives and principles of public figures who enjoy positions of leadership. The free press is the only genuine disciplinary force that can be exerted against government. It is the articulate focal point of public opinion.

A free press is literally the watchdog of a free people. At times wrong conclusions are drawn from what the press reveals, but over the long pull, its batting average is good. If every nation enjoyed the vision that is given by a free press to the people of the U.S., the cause of world peace would be immeasurably brighter. The purpose of Freedom of the Press Day is "To celebrate and promote press freedom in the Americas." In observing the Day, we should remember that it is an occasion for free men only.

MEMORIAL DAY 1972

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHWENGEL. Mr. Speaker, the following is the text of the Memorial Day keynote speech delivered by George T. Nickolas of Davenport, Iowa, at services held on the lawn of the Rock Island County Courthouse in Rock Island, Ill.:

MEMORIAL DAY 1972

(Mr. Nickolas, a Contract Specialist with the U.S. Army Command, is the immediate past National President of the State Commanders and Adjutants Association of the Disabled American Veterans.)

Ladies, Gentlemen, Distinguished Guests, my brother and sister Americans. There are many reasons and purposes that bring us together this morning. Some of us have come to pay honor to a departed loved one, some of us have come to pay honor to a close friend or comrade in arms who died in service. Some of us have come because we are part of a veterans or service organization, and others just to participate in a patriotic program.

It is only fitting and proper that we annually set aside this time in our busy schedules. It is only fitting and proper that across the breadth of our great country we pay honor to those who gave the ultimate, their lives. It is only fitting and proper that we reflect in memories of those our departed loved ones. As the years wane our wounds of the body and mind heal. The grief that we once experienced at the loss of our loved ones diminishes. Visions of those departed loved ones become clouded and often we consciously forget them except when we are specifically reminded as we are today.

The roar of cannon still echoes around the world, bullets still pierce living flesh, and the suffering and the dying continues. It is no different this day than it was 30 years ago, and the only difference in the dying is that the name of the place may differ. It is Da Nang instead of Bataan. Men and women continue to fight for many reasons. Many who died did so doing what they believed was right, and others died not in total agreement with the objectives of the Government, but served because they had a sense of duty and obligation to their country. These servicemen have paid their dues for the freedom of man.

But, my friends, I do not propose to further praise these honored dead. They, the dead veterans, whose names are etched on stone have written a far better epitaph in their deeds and devotions to the perpetuation of the Republic and its principles.

All American citizens, no matter how they choose to commemorate Memorial Day, owe these honored dead more than just words of praise, a volley of rifle fire, the sounding of "Taps", or even a tear or two. We owe these American dead the renewed devotion and sworn adherence to the principles of freedom, equality, justice and the American Way of Life for which they were willing to give their lives.

To say, "I am an American!!! I was born here! I pay Taxes! I vote! These are simple words and they don't require very much sacrifice on the individual's part. It may require a little effort to go to the polls and cast your vote. It may hurt the pocketbook a little to pay the taxes. These are really insignificant payments for the privileges and the protection of the laws that are afforded the citizens of this country. I personally do not feel that these actions are adequate services or payments for the rights and privileges of living in this free society.

Today America is engaged in a war that seems to be unpopular with a great number of Americans who have hit the vital cord and have gained a great deal of free publicity. To be a patriotic individual is not in vogue. To support the war or the participants of that war can bring condemnation, scorn and even threats. It now takes a little courage to speak out for America and our free society. Th's may be more courage than most of our average citizens possess at this time. In order to perpetuate this country we must love it and be willing to defend and aid in the protection of the principles in which it was founded. Every man and woman in this society should endeavor to serve his country in some manner. To salute and pay homage to the flag, to nod one's head in agreement when someone makes a patriotic speech, or to do as Milton suggested when he wrote, ". . . others serve who only stand and wait," is not fulfilling the requirements of a good citizen. Since we all cannot fight in the Armed Services of this country, we must find other activities through which we can demonstrate our support and loyalty. We can not "stand and wait" for these activities and opportunities to seek us as individuals, we must seek these ways of service to our country, state, and community.

In these times too many of the people of this country have accepted the notion that the passive way is the only way out of this country's problems. Freedom as the average American enjoys and evisions was not achieved nor can it long endure with passiveness.

These famous words of the past hold true today—". . . Shall we acquire the means of effectual resistance by lying on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? We are not weak if we make a proper use of those means that the God of nature has placed in our power . . . armed in the holy cause of liberty, and in such a country as that which we possess, we are invincible to any force which our enemy can send against us. Besides we shall not fight our battles alone. There is a just God who presides over the destinies of nations . . . The battle . . . is not to the strong alone; it is to the vigilant, the active, the brave. It is in vain to extenuate the matter. Gentlemen may cry Peace, Peace, but there is no peace. The war is actually begun. Our brethren are alresdy in the field! Why stand here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!" We all know that one of the greatest American Patriots, Patrick Henry, made that speech nearly two hundred years ago.

We may not be facing the same battles he envisioned, but we do face the battle to preserve our society. It takes a positive response on the part of all Americans. Seldom do we think of those who helped on the home front during World War II as patriots, but they were and so are their counter parts today.

My hope is as America commemorates this Memorial Day, citizens will solemnly and sincerely resolve to express in some positive manner the pride of being an American and to keep that resolve everyday of their lives.

In addition to the voiced thanks for the rights and privileges that all citizens enjoy as free Americans, citizens in their own way must contribute time and effort in order that our freedoms can continue. If we fail to contribute—if we continue to seek the easy way and thus fail to do our share—the dead that we honor may yet have died in vain and their services and sacrifices may have been wasted.

I charge each and every American to volunteer to do something constructive for their community, state, and nation. Take an active part in the service organizations to which you belong and help your neighbor. With the help of each citizen and the grace of God this nation will continue to be the home of the brave and the free .

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD the Monthly Calendar of the Smithsonian Institution. The June Calendar of Events follows:

JUNE AT THE SMITHSONIAN

June 1, 1972

Creative screen: *With These Hands*. A look into the studios of eight artist-craftsmen working with equipment ranging from a weaver's loom to heavy machinery. Artists include Peter Voulkos, James Tanner and Toshiko Takaezu. 11 a.m., 12 noon, 1 p.m., National Collection of Fine Arts.

Exhibition: *Insect Zoo*. Live insects on display, including bees and termites and featuring a typical Allegheny mound ants nest. Colonies of bees and termites are also included as well as a butterfly flight cage. Highly magnified images of insects will be projected on a TV screen through the use of a videotape camera. Through August 31, Natural History Building.

Exhibition: *Arts and Physics*. "Astralites," light sculptures by Washington artist Adam Peiperl. Museum of History and Technology, through September 31.

June 3, 1972

Creative screen: *With These Hands*. Repeat. See June 1 for details.

June 4, 1972

Concert: *Fernando Astilleros*, flamenco guitarist. A student of Manolo Gano of Madrid, Mr. Astilleros has made public appearances on three continents. Sponsored by Adelante, an organization of Spanish-speaking professionals in D.C. 3 p.m., National Collection of Fine Arts. (Note: A tour of the collections will be given in Spanish at 2 p.m.)

June 5, 1972

Exhibition: Art from D.C. Junior High Schools, including paintings, drawings, prints and three-dimensional works. National Collection of Fine Arts, through July 31.

June 6, 1972

Suzanne's lament: Multi-media commentary on man's development of the spectacular Alaskan Coastal Wilderness. Created by Dr. Miles Hayes, Director of Coastal Research Center, University of Massachusetts, and introduced by Dr. Erle Kauffman, Smithsonian Division of Invertebrate Paleontology, 8:30 p.m., Natural History Building auditorium. Sponsored by the Smithsonian Associates.

June 7, 1972

Design film: *The Music Rack*, with wood craftsman Wendell Castle. Continuous half-hour showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

Lecture: *The Last Tribes of Mindanao*, by The Honorable Manuel Elizalde, Presidential Assistant for National Minorities, (Panamin), Philippines. Slides and a film are included in the lecture, presented in conjunction with the Smithsonian Department of Anthropology. 7:30 p.m., Natural History Building auditorium.

June 8, 1972

Seminar: *The Forging of New Alliances*. Final seminar in a series on the "Dynamics of the American Political System 1972; Trends and Directions," sponsored by the Woodrow Wilson International Center for Scholars. Moderator: Neal Peirce, journalist and Fellow, Woodrow Wilson Center. Speakers: Peter Lisagor, John Saloma. Commentators: Chris Aldrete, Channing E. Phillips, James Reichley, William Rusher and James Sundquist. 8 p.m., Natural History Building auditorium. The public is invited.

Exhibition: *The Art of Simon Yavitz*. Unique botanical subjects sculptured in gold and silver and enhanced with gems and ivory. Gem Hall, Museum of Natural History. On display indefinitely.

June 9, 1972

Exhibition: *Washington Print Club Collection*. Selected from the private collections of the Club members. National Collection of Fine Arts, through July 9.

Folk concert: *Rick and Lorraine Lee* performing "Old-Time and Modern" American music on guitar, banjo, dulcimer and piano. 8:30 p.m. Natural History Building auditorium. Sponsored by the Folklore Society of Greater Washington. Free to FSGW members: $1 non-members.

June 10, 1972

Exhibition: *The Swedish Touch*. Contemporary Swedish textiles including wall-hangings, patchwork, fabric collage, stitchery and plaiting by 25 artist-craftsmen. Sponsored by the Embassy of Sweden. At the Renwick Gallery, through July 30.

Lecture: *Swedish Textiles Today*, by Dag Widman, Curator of the Craft Department. National Museum in Stockholm. Presented in conjunction with The Swedish Touch exhibition. 3 p.m., The Renwick Gallery.

June 13, 1972

Exhibition: Prints by six Swiss sculptors: Bill, Corbusier, Giacometti, Luginbuhl, Muller and Tinguely. Fifty-nine works—mainly silkscreens, lithographs and etchings—from the Zurich collections of Hans C. and Walter A. Bechtler, show how sculptors think in another medium. Organized by the Mint Museum of Art, Charlotte, North Carolina, and circulated by the Smithsonian Institution Traveling Exhibition Service. At the Embassy of Switzerland, 2900 Cathedral Avenue, N.W. 10 a.m. to 7 p.m. daily. Free admission. Through June 29.

June 14, 1972

Design Film: *Glas-leerdam*—the design and manufacture of glass. Continuous showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

June 15, 1972

Creative Screen: *Penland Summer*—The intensive courses in pottery, weaving and other media offered by the North Carolina Penland School of Crafts; *The High Lonesome Sound*—a film by John Cohen, founder of "The New Lost City Ramblers," Two-film program begins at 11 a.m., 12 noon, 1 p.m., National Collection of Fine Arts.

June 17, 1972

Creative Screen: *Penland Summer; The High Lonesome Sound*. Repeat. See May 15 for details.

June 19, 1972

Demonstration: Gemstone carving by four master craftsmen from Idar-Oberstein, Germany. Museum of Natural History, through June 23.

June 21, 1972

Design Film: *The Music Rack*. See June 7.

June 22, 1972

Demonstration: Master potter Rick Flannery making pottery using designs of the Moravian potters of Old Salem, N.C. Museum of History and Technology. Reproductions will be sold in the Museum Shop. Through June 25.

June 23, 1972

Exhibition: *National Parks and the American Landscape*. Paintings, drawings, and photographs from the National Park Service's collections commemorating the park system centennial and focusing on the Hayden and Powell surveys of the West in the 1870's. Works by Moran, Bierstadt, and Thomas Hill are included. National Collection of Fine Arts, through August 23.

June 24, 1972

Concert: *Dupont Circle Consortium*. Sponsored by the National Park Service, in connection with the *National Parks and the American Landscape* exhibition. 3 p.m., National Collection of Fine Arts.

June 28, 1972

Design Film: *Design and Man*—A look at industrial and commercial design, and the design process. Continuous showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

June 30, 1972

Festival of American Folklife 1972 (Opening day). The sixth annual festival will feature the State of Maryland—including its horse country and the Greek community of Baltimore—with a special auxiliary site on the Potomac River depicting the water traditions and skills of the Eastern Shore. American Indians of the Southwest—tribes from 19 New Mexican pueblos—and the American working man as a member of organized labor will be the other two featured areas of the festival. Performances and demonstrations will be held from 11 a.m. to 5 p.m., June 30–July 4, Musical performance will continue until 8:30 every night. (Detailed schedule of activities will appear in the July Calendar of Events.)

DRUGS: A SPECIAL EXHIBITION—SCHEDULE OF SPECIAL ACTIVITIES, ARTS AND INDUSTRIES BUILDING

June 1.—*The Circle*, from the National Film Board of Canada. 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question answer sessions follow.

June 2.—*The Circle*, 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question answer sessions follow.

June 3.—*Trash*, filmed by Andy Warhol. 1:30, 3:30 and 6:30 p.m. Question/answer sessions follow.

June 4.—*Trash*. 1:30, 3:30 and 6:30 p.m.

June 5.—Panel discussion: *Drug Use: Historical Perspective and Current Parallels*, presentation of original papers by Richard Blum and Andrew Malcolm. Panel discussions follow presentation of each paper, followed by question answer session.

June 6.—Video replay of June 5th panel. 10:30 a.m. and 12:30 p.m.

June 7.—*Inner Voices of Lorton*. Performances at 1:30 and 4:30 p.m.

June 8.—*To Find Our Life*, documentary by the Peyote Hunt of the Huichols of Mexico. 11:30 a.m. and 4:30 p.m. *Ebena*. Showings at 2:30 and 6:30 p.m.

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June 9.—Repeat of June 8 Program.

June 10.—*Mike Malone's Group.* Performances at 1:30 and 4:30 p.m.

June 11.—*Mike Malone's Group.* Performances at 1:30 and 4:30 p.m.

June 12.—Informal drug education talk by Capt. Ralph Greene, Chief of Police, Crofton, Md., 10:30 a.m. 1:30 and 3:30 p.m. *The Answer Is Understanding,* documentary. 6:30 p.m. Discussion of film follows.

June 13.—Informal drug education talk by Capt. Ralph Greene. 10:30 a.m., 1:30 and 3:30 p.m. *David,* a documentary film. 6:30. Discussion of film follows.

June 14.—Informal drug education talk by Capt. Ralph Greene, 10:30 a.m., 1:30 and 3:30 p.m. *Brian at 17,* a documentary film. 6:30 p.m. Discussion of film follows.

June 15.—Informal drug education talk by Capt. Ralph Greene. Lecture: *Drug Education—A Community's Answer.* 1 p.m. Question/answer session follows.

June 16.—Informal drug education talk by Capt. Ralph Greene. 10:30 a.m., 1:30 and 3:30 p.m. *Anything for Kicks,* a documentary film. 6:30 p.m. Discussion of film follows.

June 17.—*Long Day's Journey Into Night,* film directed by Sidney Lumet. 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Discussion of film and question/answer sessions follow.

June 18.—*Long Day's Journey Into Night.* 11:30 a.m., 2:30, 4:30 and 6:30 p.m.

June 19.—Panel discussion: *Socio-Cultural Patterns of Drug Misuse.* Two-hour sessions beginning at 10:30 a.m. and 2 p.m.

June 20.—Video replay of June 19th panel. 10:30 a.m.

June 21.—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m.

June 22.—*Skeezag,* a documentary film. 11:30 a.m. and 6:30 p.m. *Curious Alice.* 2:30 and 4:30 p.m. Discussions follow.

June 23.—*Skeezag.* 11:30 and 6:30 p.m. *Curious Alice.* 2:30 and 4:30 p.m.

June 24.—Bob Alexander's *Living Theatre.* Performances at 1:30 and 4:30 p.m.

June 25.—*Living Theatre.* 1:30 and 4:30 p.m.

June 26.—Lecture: *Law Enforcement Problems of Addiction.*

June 27.—*Changing,* a documentary film. 11:30 a.m. and 4:30 p.m. *Brian at 17.* 2:30 and 6:30 p.m.

June 28.—*Epitaph.* 11:30 a.m. and 4:30 pm. *Speedscene: the Problem of Amphetamine Abuse.* 2:30 and 6:30 p.m.

June 29.—*To Find Our Life.* 11:30 a.m. and 4:30 p.m. *Ebena.* 2:30 and 6:30 p.m. A discussion of the film follows each screening.

June 30.—*To Find Our Life.* 11:30 a.m. and 4:30 p.m. *Ebena.* 2:30 and 6:30 p.m.

OTHER NEWLY OPENED EXHIBITS

Why Teeth. An imaginative story of dental care illustrated by the sculpture and drawings of Provincetown artist Kathleen Ferguson. Museum of History and Technology, Hall of Health. Through July 1.

Helicopters. Five different types of helicopters, including the one used by Eisenhower during his presidency. Arts and Industries Building.

DOMESTIC TOURS

Winterthur and Hagley. July 22 (7:45 a.m.—6 p.m.). Special Museum Day for students age 16 and over. Sponsored by the Resident Smithsonian Associates. Available by subscription only. For information call Mrs. King, 381–5157.

The Smithsonian Associates also sponsor tours listed below. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Windjammer Cruise: June 25–July 1.

Solar Eclipse: July 5–11. Prince Edward Island.

Archaeology Dig: August 6–12. New Hampshire.

Mountain Camping: August 21–31. Gifford Pinchot National Forest, Washington State.

Olympic National Park: September.

Instruction in Photography: September 24–29. Maine.

Sanibel Island, Florida: November 5–10.

A Look at Nature's Past: November 12–19. (Fla.)

VOLUNTEERS NEEDED

Info '72. Summer tour guides—students, 16 years old or over. Minimum: one full day or two half-days per week. Training will be provided. Call 381–6471.

Central Information Program. Continuing program for Information desks and independent areas of the Institution. Minimum: Three hours per week. Call 381–6264.

National Collection of Fine Arts/The Renwick Gallery. Docents to conduct school and adult tours. Training begins in the fall. Call 381–6541.

DEMONSTRATIONS—MUSEUM OF HISTORY AND TECHNOLOGY

Musical Instruments, from the Smithsonian's collection, Monday through Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving, Tuesday, Wednesday, Thursday, 1:30–12:30.

Machine Tools. Wednesday, Thursday, Friday, 1–2 p.m.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (10.35) from 9–9:30 p.m. The program schedule for June:

4th—*Concert.* Sonya Monosoff, violin, Judith Davidoff, cello, and James Weaver, harpsichord, play violin sonatas of Corelli.

11th—*Terms of the Social Contract.* Robert Ardrey, author and anthropologist, discusses the structure of society with Wilton Dillon, Director of Seminars at the Smithsonian.

18th—*The Also Rans.* Lillian Miller, National Portrait Gallery Historian, talks about candidates who ran for president—and lost.

Are Heavy Metals Dangerous?, with Dale Jenkins, Director of the Smithsonian's Ecology Program.

25th—*Where is the Melody?* Martin Williams, noted jazz critic and Director of the Smithsonian's Jazz Program, discusses and illustrates jazz fundamentals.

HOURS

Museum of History and Technology, Museum of Natural History; Arts and Industries Building: 10 a.m.–9 p.m. seven days each week.

Freer Gallery of Art: National Collection of Fine Arts; National Portrait Gallery; Renwick Gallery: 10 a.m.–5:30 p.m. daily.

National Zoo buildings: 9 a.m.–6 p.m. daily.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

PUPPET THEATRE

The Marvelous Land of Oz. The further adventures of Scarecrow, Tin Woodman, and Glinda the good witch, with many new characters and touched with light political satire. Based on L. Frank Baum's own sequel to his classic *The Wizard of Oz,* the production is designed and performed by Allan Stevens and Company, and produced by the Division of Performing Arts. Through June 11: Wed. through Fri., 10:30 and 11:30 a.m.; weekends, 10:30 a.m., 12:30 and 2:30 p.m. Tom Sawyer. Repeat production. June 14–July 9, 11 a.m., 12 and 1 p.m. Wed. through Sun. Performances are in the History and Technology Building auditorium. Tickets are $1.25 adults, $1 children. For reservations call 381–5395. (*The Marvelous Land of Oz will reopen July 19.*)

CLASSES AND WORKSHOPS—SPONSORED BY THE SMITHSONIAN ASSOCIATES

Classes are available in the following categories on a subscription-only basis. For information, call 381–5157.

Tiny Tots (ages 4–17), Two-week sessions every Tuesday, Wednesday, and Thursday, July 11–20; July 25–August 3; August 14–24.

Young People (ages 8–13). Same schedule as above.

Tennagers and Adults: Twice a week for three weeks. July 20–27; August 7–24.

MUSEUM TOURS

National Collection of Fine Arts:

Monday-Friday. 1 p.m. Introduction to the Collection.

National Portrait Gallery: "Accoustiguide" tour (45 minutes) of exhibition, "If Elected . . . " Unsuccessful Candidates for the Presidency, 1796–1968. Recorded by Dr. Marvin Sadik, Director of the NPG. $1.

Renwick Gallery: By appointment, call 381–5811.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. For further details on tours, listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

1972

King Arthur's England: July 11–Aug. 1.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour (Dulles-London-Dulles): Sept. 11–Oct. 2.

Russia: Sept. 22–Oct. 3. Waiting list only.

Pakistan and Afghanistan: Oct. 9–Nov. 8. Waiting list only.

1973

Peru (archeology tour): Feb. 8–Mar. 5.

Morocco: Mar. 6—3 weeks.

Prehistoric Caves of Spain and France: April 2—3 weeks.

Middle East (Lebanon, Jordan, Cyprus and Israel): April 13—3 weeks.

Sites of Civilization: Oct. 7—3 weeks on the cruise ship *Argonaut.*

African Safari (Tanzania and Kenya Game Parks and Seychelles): Oct.—3 weeks.

THE ELIZABETH BAPTIST CHURCH OF YOUNGSTOWN, OHIO, CELEBRATES 50TH ANNIVERSARY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, April 23, 1972, Elizabeth Baptist Church of Youngstown, Ohio, celebrated its 50th anniversary. Through a great deal of dedicated service, Elizabeth Baptist Church has progressed both spiritually and financially over the years. I, therefore, would like to take this opportunity to extend my sincere congratulations and best wishes to Pastor Henry Clinkscale and his family; the four living charter members, Mrs. Adline Mixon, Deacon Ernest Jones, Mrs. Annie Battles, and Mrs. Fannie Lee; and all of the members responsible for the wonderful progress that has been made.

Mr. Speaker, I insert in the RECORD a brief history of Elizabeth Baptist Church, a profile of Pastor Clinkscale, and a few words from the pastor at this time:

HISTORY OF ELIZABETH BAPTIST CHURCH

The Elizabeth Baptist Church was organized April 22, 1922, by Rev. C. W. Lee, with approximately 25 members, four of which are still living, two of whom are still with the church. They are Mrs. Adline Mixon and Deacon Ernest Jones. The other two are, Mrs. Annie Battles, Akron, Ohio and Mrs. Fannie Lee of Youngstown, Ohio.

The church had its beginning on Cherry Street, from there we moved to Wilson Avenue. In 1931, the property at 1846 Lawrence Street was donated to the Church by Mrs. Caroline Hazeltine, at this time the Rev. W. L. Ingram was the pastor. Receiving this property were the following Trustees: K. D. Hall, E. S. Jones, Thomas Hall, Archie Hickson and Frank Bennett.

Since 1922, the church has had several pastors, since no records were kept until recent years we have no accurate account of the work of some of the members.

In November, 1954, the church called as its pastor, the Rev. Lonnie Simon. Under the leadership of Rev. Simon, the church membership increased. On January 8, 1956, the church held its last service at 1864 Lawrence Street. The following Sunday, we moved into another church building located at 328 S. Forest Avenue.

On September 1, 1957, dedicatory service was held, at which time the mortgage on the church was burned. This was a six-year mortgage, but was paid off in two and a half years.

In April, 1966, the Rev. Hycel B. Taylor, was called to the church as its pastor. He served till 1966 and moved to Nashville, Tennessee, to enroll in Vanderbilt University.

Rev. Arthur Stevens, pastor of First Baptist Church, Freedom, Pennsylvania, was called to pastor and was then called to St. Peters Baptist Church, Youngstown, Ohio.

Elizabeth Baptist Church sold their property at 328 S. Forest Avenue to Mt. Sinai Baptist Church and moved temporarily to 1452 Wilson Avenue.

The Church then called Rev. Henry Clinkscale, pastor of Beulah Baptist Church. Under the leadership of Rev. Clinkscale the church progressed both spiritually and financially.

In July, 1970, Elizabeth Baptist Church purchased the Emmanuel Baptist Church and Parsonage at 7 S. Garland Avenue for $35,000.00 On September 6, 1970, the Church was rededicated and our corner stone was laid.

November 1970 Elizabeth purchased property at 8 S. Garland Avenue for $4,700.00 for parking facility. In 1970, 21 members were added to the membership roll by Christian experience, 13 candidates for Baptism, 1 reinstated, 7 deceased, 8 dismissal by letter.

In 1970 our church grew spiritually. There was an increase of 58 new members. Of this number there were 38 candidates for Baptism, 17 by Christian Experience, 3 by Restoration and 5 babies were dedicated. Also, a Junior Church was organized.

At the beginning of 1971, our church proposed a budget of $22,700.00. With God's Blessings and your efforts we were able to surpass this goal by $2,484.00. The budget for 1972 has been set at $30,000.00. This year we plan to burn the mortgage on the church and, also, have the church air-conditioned.

To the members who are responsible for the 50 years of progress, we say "Thank You", unto Him who is able to keep us from falling we say, "Bless His Holy Name". Through the Years.

Charter members living: Deacon Ernest Jones; Sis. Fannie Lee; Sis. Adline Mixon; and Sis. Annie Battles.

PASTOR AND FIRST LADY

PROFILE OF THE PASTOR

Henry Clinkscale Jr., the son of Mrs. Mattie Clinkscale and the late Henry Clinkscale, was born in Youngstown, Ohio.

He attended Covington School, Hayes Jr. High School, South High Night School and the International Correspondence School. He attended the Human Engineering Institute of Niles, Ohio for three years, and received a certificate for completing the course in Hydraulic Maintenance, I and II, which was sponsored by the Commercial Shearing and Stamping Company, where he is employed as a Plumber. He also attended the Central Bible College in Cleveland, Ohio for four years.

He served as an Ordained Deacon of the New Bethel Baptist Church for six years and was called to preach in 1965. He was licensed to preach by the New Bethel Baptist Church where the Rev. L. A. Simon is the Pastor. He served as Assistant Pastor of the Antioch Baptist Church where the Rev. Alfred Ward is the Pastor.

Pastor Clinkscale was ordained in 1967 and was called to Pastor the Beulah Baptist Church. In September 1969 he was called to Pastor the Elizabeth Baptist Church.

Pastor Clinkscale is married to the former Odessa Harris and they have four daughters, Rose and Sandra at home, Mrs. Ernest Paul, and Mrs. James Williams of Cleveland, Mississippi. They have three grand-children, Dwayne and Rodney Williams and Ernest Paul Jr.

WORDS FROM THE PASTOR

A COMMAND TO A MARCHING CHURCH

Exodus 14:13.—"Fear not, stand still, and see the salvation of the Lord."

We come at this time to celebrate the Fiftieth Anniversary of our church and again I say to you, it is so wonderful to be a part of such a great organization as the Elizabeth Baptist Church. I cannot express the joy and Christian love which I have felt working with you in the last two years and seven months of these fifty years.

I have been strengthened by the bond of fellowship which exists among the board of Deacons, Trustees and members. I am richer in experience today than I was two years ago. I can say like the poet, "Twas grace that brought us safe thus far and grace will lead us on."

Deacon Jones and Mother Mixon started out marching fifty years ago and are yet going forward.

Elizabeth, God's church must forever go forward, it must not stop, it cannot stop, "for God is in the midst of her."

Let us march forward in the preaching of the Gospel, the world needs the Gospel.

We must march forward in love, "For God so loved the world that He gave, His only begotten son."

The church must march on, in denouncing immorality. Elizabeth, keep on marching, holding up the blood stained banner of the Lord, until Christ comes for His Church.

Pastor HENRY CLINKSCALE AND FAMILY.

SPRING HILL: A NEW CONFERENCE CENTER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, I want to bring to the attention of my colleagues, and to those who plan conferences for the Government, foundations, or other private groups, the new Minneapolis area conference facility that will be available this September.

This conference center, Spring Hill, is located 35 minutes from the Minneapolis-St. Paul International Airport. There are 10 nonstop flights daily between Washington and Minneapolis and excellent transportation connections with New York, Chicago, and the west coast.

Planners of small conferences should investigate Spring Hill. A detailed description of the facility and background information on the concept of Spring Hill follow:

SPRING HILL CONFERENCE CENTER

Spring Hill, organized to become a national and international conference center, is both a facility and a program . . . designed to encourage discussions which raise, illuminate and help to resolve the issues of our changing society.

It was established in 1971 by individuals in the Twin Cities area. It is organized as a non-profit operating foundation for educational, charitable and scientific purposes.

The center is located in the western suburbs of Minneapolis, on a hill overlooking Long Lake. It is accessible . . . within three miles of an Interstate highway which runs 30 minutes southeast to the Twin Cities International Airport. Yet its 62 acres provide an appropriate isolation.

It is a part of . . . as well as simply *in* . . . the Twin Cities community. The intellectual and cultural resources of this innovative metropolitan region will be made available to the users of Spring Hill. Its business, civic and governmental institutions will, in turn, be enriched by the discussions which take place here.

Spring Hill can accomodate conferences of up to 100, and provides guest facilities for 61 persons.

The conference area contains one room adequate for 60 conferees and 40 observers, and two rooms for 30 conferees each.

The guest rooms are arranged for privacy. There are 51 single rooms, each with its own bath and individually-controlled air conditioning. There are five double rooms.

There is a main lounge, a gallery, within the guest room area, four meeting lounges for informal discussion. There is a library, which can be supplemented with resource materials for a particular conference.

The dining room seats 60. Overflow space is available for an additional 40. Refreshments are served either in the lounges, around the fireplace, or outdoors on the terrace.

There are also facilities for relaxation and recreation. There is a fine tennis court, an outdoor pool, a sauna and exercise room . . . and an opportunity for walks across the surrounding fields or through the pines down to the lake.

The center is interested in encouraging discussions which probe the political, social, economic and other aspects of the fundamental changes occuring in our institutions . . . which project these changes toward the end of the century and of the millenium . . . and which examine—in relation to basic human values—both the issues raised by the efforts to direct this change, and the choices that will be required.

Spring Hill is particularly concerned with conferences which bring together a diversity of backgrounds . . . individuals working in different fields who will come, in the course of their sessions, to a larger understanding of the interrelationships of their various disciplines and activities.

A full-time professional staff assists in the preparation of conferences to be conducted by others . . . and prepares and conducts conferences sponsored by Spring Hill itself. For those responsible for the conference,

XUM

audio-visual equipment, secretarial services and duplicating services are provided.

We welcome inquiries about the center and about its program . . . both of which are available to a broad range of organizations for discussions that share our purposes.

SPRING HILL: A CONFERENCE CENTER FOR SERIOUS PURPOSES

Spring Hill Conference Center serves two basic purposes. First, its facilities are available for rental by organizations and groups for all types of conferences and meetings which are compatible with the general policies of the Center. Second, Spring Hill will conduct its own program: (a) by sponsoring its own conferences, and (b) by serving as a catalyst to stimulate or assist—through subsidy or co-sponsorship—conferences arranged by other organizations.

With these goals in mind, Spring Hill expects to attract conferences of state, national and world leaders to discuss and make contributions toward resolving major questions and problems of our society.

In the quality of both its facilities and its own conference programs, Spring Hill Conference Center intends to become at least comparable with such other leading conference centers as Airlie House, Washington, D.C.; Arden House, Harriman, New York; Wingspread, Racine, Wisconsin; and the Aspen Institute, Aspen, Colorado.

For more than a decade, leading Twin City business and professional people have recognized the need for a conference center in the metropolitan-Twin City area. Unlike other major metropolitan areas in America, the Twin Cities do not now provide an executive conference center where men and women have an opportunity to address themselves to serious, constructive purposes in appropriate facilities.

In January of 1970 the Wood-Rill Foundation engaged John G. Fischer, former administrator of Wayzata Community Church, to begin researching the possibilities for development of such a center. His search confirmed favorable interest in such a development on the part of the academic and cultural communities, corporations and associations. The University of Minnesota, Augsburg College, Minneapolis Urban Coalition, Minnesota State Arts Council, the Minnesota Executive Program, the Walker Art Center, the National Association of Housing and Redevelopment Officials, American Society of Training Directors, and many others have already made inquiries of the center's availability.

In selecting a site for the proposed center, the words "accessible isolation" were used as a major criteria. The John Cowles, Jr. property on Long Lake in Orono, Minnesota, which became available in 1971, meets this criteria superbly. The Cowles house is readily adaptable to a conference center, and there is ample room for additional housing and conference facilities.

The environment of the 62-acre country tract of land provides the appropriate atmosphere. Conferees will be free to work and relax without distraction. A tennis court, swimming pool, gymnasium, and walking paths will offer contrast to the conference sessions themselves. Aesthetically, as the style of its architecture suggests, Spring Hill will be a place of simplicity and serenity, a setting conducive to creative inter-action of its conferees.

Functionally, Spring Hill Conference Center will fulfill a definite community need. It will be designed for meetings and conferences; it will be a center that will serve as a program catalyst, bringing together the intellectual and cultural resources of the area; and it will be an organization that will, through its own staff and directors, originate its own programs.

Spring Hill Conference Center is being developed for the benefit and use of all cultural and charitable agencies in the area, as well as service groups, business and government. Already inquiries have been received from many organizations for additional information and possible dates for proposed conferences, which indicates the potential high degree of usage. Construction of the center is planned for completion in September of 1972. Advance reservations will begin April 1, 1972; and it is expected that some smaller, day group meetings will begin in the summer of 1972.

PROGRAMATIC GOALS

Never before has man had greater freedom of choice. Never before have the choices been so numerous, complicated, and fraught with awesome consequences for the future. The technologic skills produced by our exploding knowledge have made almost routine man's historic objective of mere physical survival: food, clothing, protection from the elements and "natural" diseases, etc. Given some restructuring and redistribution of physical wealth, plus reasonable birth rates, mere survival need no longer be a primary concern of this Earth's population. Some of the new questions are: survival for what? Are "bigger," "faster" and "more" necessarily "better"? What do we now mean by progress?

If preservation of the species is now routine—barring nuclear accident or ecologic cataclysm—what might be man's new goals, priorities, value systems? What are the possible new objectives and what are the various ways to move toward them? What are the choices now? What will they be next year? In five years? In thirty years?

The physical "wealth" of this Earth, whether in the form of gold, water or uranium, is, within the human time frame, finite: the Earth's mass and energy are not expandable in perceptible human terms. Relatively, man's knowledge—the new wealth—may well be unlimited. But knowledge which has made possible man's new condition of free choice is also offering, or requiring man to make, many choices that are difficult to make because the subject matter is not familiar and/or the consequences are not clear and/or one or more of the choices conflicts with possibly obsolescent mores shaped during earlier stages of man's evolution.

The accelerating rate of change produced by our exploding knowledge, the multiplicity and interaction of the new choices, and the relative irreversibility of some of these choices (e.g. ecology, genetics) all require the longest possible "lead time" for these choices to be considered by all persons who might be involved or affected. The human psyche is not a computer: we need time to think, to speculate, to investigate, to choose, to adjust, to prepare. Nor can we safely assume that either the human mind or body is infinitely adaptable. The further ahead we can see, the sooner we shall be able to see what our limits might be, and modify our choices accordingly.

Spring Hill's conference program will try to provide this lead time by formulating and disseminating clear descriptions and/or evaluations and/or advocacy of the alternatives and choices that will increasingly confront, or become available to, the citizens of our region, nation and Earth.

Spring Hill will *not* have its own "master plan," though its sympathies might lean more toward pragmatism, heterogeneity, freedom, justice and individualism than toward ideology, homogeneity, security, efficiency or collectivism.

Spring Hill's objective will be to encourage and assist maximum feasible self-government at all levels of our society—from a private citizen's choice of life style to a President's formulation and ranking of national goals, from city councils and school boards to the chambers of the United Nations.

The center's conferences, in general, will tend to (a) formulate and reconcile goals before specifying solutions to real or putative problems, (b) reflect the systemic nature of man's existence by drawing upon all relevant disciplines, (c) recognize that generalists who can synthesize are as necessary as specialists who can analyze, and (d) seek means to reconcile conflicting value systems with a minimum of coercion and a maximum of individual freedom.

In thinking about the future and man's choices, Spring Hill will encourage specificity, application and alternatives: priority will be given to the possible applications of theoretical knowledge and artistic creativity to the improvement of definable spheres of social life, as contrasted with efforts at theory building as such, or speculation about the future as a whole. The spectrum of conferences might include such topics as: new modes of continuing education, socialization of the arts, the judicial system in American life, the changing nature and roles of various professions in modern society.

Our firm intention is that the center to be located here contribute in a major way to the intellectual life of the people living and working here. Spring Hill must be o/ this community, as well as *in* it. We will search for opportunities for individuals and for organizations here to participate in the discussions taking place at the center, even where these are sponsored by non-local groups. And we will try to see that the results of discussions here become available to this community. The persons coming to Spring Hill will represent a tremendous resource; this community can benefit enormously from opportunities we can develop to talk with them. We believe they can benefit, in turn, from an exposure to the changes occurring—in governmental organization, in social institutions, in private institutions—in this remarkably innovative Twin Cities area.

NATIONAL FREEDOM OF THE PRESS DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. WOLFF. Mr. Speaker, today, June 7, is National Freedom of the Press Day.

In the course of a year's time thousands of observations are held in America honoring this group or that, commemorating one anniversary or another, paying tribute to the various and sundry organizations to whom it is felt tribute is due. More often than not due recognition is given to these groups and organizations and observations detailing their exploits are found here in the pages of the RECORD. They serve to remind us, if we need reminding, that not all the good that is done, not all the causes that are served, not all the worthy endeavors undertaken, necessarily commence here in the two Houses of the Congress. To say to us that the greatness of America is found in the diversity of our institutions and in the worthiness of the good and just deeds they perform.

But today, Mr. Speaker, is a special day, seeking as it does to call attention to that one American institution which

more than any other shores up our freedom—the press.

No group of men or women are more consistently maligned in this Nation than members of the press or more faulted for the ills that affect our society. Not even politicians, upon whose heads coals of fire are constantly poured, suffer as much from the citizenry as do the press. And yet, there is no freedom where there is an absence of a free press. So the very freedom that makes possible this maligning of the press is safeguarded by none other than the press itself.

Now the press, suffering no more abnormalities then the rest of us, chafes somewhat under this collective criticism, but understands in its more somber moments, the necessity of it. Within the past several years a spate of monthly and quarterly publications have arisen serving no other purpose than to cast a critical eye on the performance of the daily press. These journals—they appear in such places as Chicago, New York, Philadelphia, Baltimore, Los Angeles, and other cities—vary in size and scope and publishing schedules, but they all seek one primary objective—to keep the press from becoming too complacent. There is no certain measure to their success, but rather a certain measure to their need.

The bottom line of this is our very great need for the press to be free. Thomas Jefferson spoke of the press being chequered about with many abuses, but he knew better than most men, even vilified as he often was by the press, of America's dependence upon it as a means of keeping our freedom. I do not know of a time when our need for the press was greater than today. I say that because of the extraordinary hostility displayed toward the press by the Nixon administration. Flora Lewis wrote some days ago that the Nixon game is to "beat the press." I agree. it disturbs me, this line of attack, for the power of any administration to intimidate the press, is very great.

The press, in most cases—it should be said—does not appear to be backing down. We must hope the opposite never happens. Not if we wish to maintain our freedom.

Today, Mr. Speaker, when we honor the Freedom of the Press Day, I think the words of John Adams worth recalling:

> But none of the means of information are more sacred, or have been cherished with more tenderness and care by the settlers of America, than the press. Care has been taken that the art of printing should be encouraged, and that it should be easy and cheap and safe for any person to communicate his thoughts to the public. And you, Messieurs printers, whatever the tyrants of the earth may say of your papers, have done important service to your country by your readiness and freedom in publishing the speculations of the curious. The stale, impudent insinuations of slander and sedition with which the gormandizers of power have endeavored to discredit your paper are so much more to your honor; for the jaws of power are always opened to devour, and her arm is always stretched out, if possible, to destroy the freedom of thinking, speaking, and writing.

SENATE—*Thursday, June 8, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, we thank Thee for the cleansing of the morning hours and for the bright promise of the new day. May this day begin, continue, and end in Thee that we may worthily magnify Thy holy name. Grant to Thy servants in this place grace to hear with discrimination and to speak with wisdom, so that all their actions being ordered by Thy governance, this Nation may be ably served and Thy kingdom advanced.

Through Him whose name is above every name. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today; but under the unanimous-consent agreement, the following legislative business will be transacted as in legislative session.

First, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 7, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 802, S. 2987.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EISENHOWER MEMORIAL

The Senate proceeded to consider the bill (S. 2987) to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower.

Mr. JAVITS. Mr. President, I urge passage of S. 2987, the bill I introduced on December 10, 1971, in which Senators PASTORE, GOLDWATER, and FANNIN joined me as cosponsor. This legislation would authorize the Secretary of the Treasury to make a grant to the Eisenhower College in Seneca Falls, N.Y., of $1 from the proceeds received from the sale of each "proof" Eisenhower silver dollar being sold for $10 to collectors.

In 1963, the late President Eisenhower agreed to the establishment of Eisenhower College as a living, permanent memorial to his years of service to the Nation in war and in peace. In subsequent years, the Eisenhower family and close friends have actively supported the establishment of the school, its development, and the funds necessary for its success. They have been joined by some 12,000 donors who have contributed more than $7 million to the college.

Among individuals who submitted testimony in support of the bill were Dr. Milton Eisenhower, Mrs. Mamie Eisenhower, John Eisenhower of the family, and such close personal friends as Gen. Alfred M. Gruenther, and Gen. Lauris Norstad. Organization support came from such varied sources as the Veterans of Foreign Wars and the AFL–CIO. This testimony gives emphasis to the fact that the college is the Nation's memorial to the late Dwight D. Eisenhower and is not to be confused in any way with legislation to aid an institution of higher education, which like so many others, is in financial need.

In 1968, Congress enacted Public Law 90–563 providing $5 million for the Eisenhower College on a matching basis. This amount has been matched by foundation, corporate, and individual gifts and pledges. The $20 million anticipated from this bill for the sale of "proof" Eisenhower silver dollar coins would supplement the $5 million appropriated in 1968. Some $46 million in Federal funds has been expended on construction, bonds, and land acquisition for the Kennedy Center.

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The Bank Holding Company Act Amendments of 1970, Public Law 91-607, authorizes the minting of Eisenhower silver dollars. Twenty million "proof" coins are being sold to the public—coin collectors and collectors of Eisenhower memorabilia—at $10 each. One dollar of this $10 would go as the Secretary of the Treasury may direct, to the Eisenhower College up to a maximum amount of $20 million.

In addition to the "proof" Eisenhower silver dollar coins being sold for $10 each, the Treasury is also selling 130 million "uncirculated" Eisenhower silver dollar coins, each in a plastic case, for $3 apiece. The $390 million proceeds from this sale would not be affected by my bill, the entire amount going to the Treasury.

Eisenhower College is a living memorial to the great American who led the people of his Nation in war and in peace. A former college president himself, President Eisenhower saw Eisenhower College, an institution of higher learning, as a proper memorial. At the groundbreaking ceremony in September of 1965, he said:

> This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

This bill would help translate the will into the deed, the dream into reality. I urge its approval.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Treasury is authorized to make grants to Eisenhower College, Seneca Falls, New York, in an amount equal to 10 per centum of the amounts received by the Secretary for the issuance of proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower, and minted under the authority of section 101(d) of the Coinage Act of 1965, and section 203 of the Bank Holding Company Act Amendments of 1970; the amount received by the Secretary for each minted proof dollar coin being $10 per coin.

TRIBUTE TO REPUBLICAN LEADER—SENATOR SCOTT, OF PENNSYLVANIA

Mr. MANSFIELD. Mr. President, the distinguished Republican leader of the Senate is to be honored at a dinner this evening given by the American Technion Society, on which occasion Senator SCOTT will receive the Albert Einstein Award.

As Pennsylvania's senior Senator, HUGH SCOTT represents the people of his State with integrity, intelligence, and ability. Always calm, unfailingly courteous, possessed of good judgment, and a dedication to public service, he is the delight of his colleagues and a tribute to the good sense of the voters of Pennsylvania. In my opinion, Senator SCOTT has performed outstandingly on behalf of his district, his State, the Nation, and the free world.

As Republican leader in the U.S. Senate, he has been a major contributor to both the substance and the passage of landmark legislation. As my counterpart in the Senate, I have nothing but words of praise for his understanding, his tolerance, and his cooperation in seeing to it that the Senate functions as a legislative body in its true meaning, and as a man in whom I have the utmost confidence. While at all times he represents the viewpoint of his party and his colleagues, he, nevertheless, recognizes the fact that regardless of party the needs of the country come first and he acts accordingly.

To pay tribute to HUGH SCOTT is to recognize his virtues as an outstanding American, an accomplished legislator, and a decent human being. Having served with him for 14 years in the U.S. Senate, and having watched his stature grow during the ensuing years, I can attest to these qualities as a lawmaker and a humanitarian.

It is an honor and a privilege for me to have the opportunity to serve with him and alongside him in the Senate, and to speak personally and publicly of my extremely high regard for him as a man and as a legislator.

HUGH SCOTT is a great American, and I want to extend to him my best wishes and to assure him that it has been a distinct pleasure and, indeed, a privilege to work with HUGH SCOTT in the Senate in the service of the Nation.

I extend my congratuations to the American Technion Society for recognizing this citizen, this outstanding Senator, this fine gentleman, and my good and close friend.

I congratulate the distinguished Republican leader who will be, this evening, the recipient of the Albert Einstein Award, an award given to very few and given only to those of high integrity, of public purpose, and deep understanding and tolerance.

Mr. SCOTT. Mr. President, I am inexpressibly grateful.

For the first time in a long time, words fail me.

I thank the distinguished majority leader from the bottom of my heart.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

RECESS TO 11:10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:10 this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 10:13 a.m. the Senate took a recess until 11:10 a.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. HOLLINGS).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 82. A concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share (Rept. No. 92-840).

By Mr. ROBERT C. BYRD, for Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce (Rept. No. 92-841) (together with separate and additional views).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART IV"—REPORT OF A COMMITTEE (S. REPT. NO. 92-839)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business, Part IV," concerning the effect of cargo loss, theft, and hijacking in the trucking industry, based on 2 years of hearings and investigative work by our committee. I ask that the report be printed.

The PRESIDING OFFICER. The report will be received and printed.

Mr. BIBLE. Mr. President, this report is the fourth issued by our committee since December 1969, as a result of our efforts to assess the economic impact of crime on the Nation's 5½ million small businesses who must try to survive in the marketplace these days despite the disadvantageous social and economic factors of our times.

Mr. President, we believe that truck theft and hijacking cargo losses will exceed the present $925 million annual cost, unless carriers, shippers and government regulatory-law enforcement agencies mount a coordinated attack to deal with them. Certainly this cost estimate is probably only the tip of the iceberg compared to the total economic loss suffered by trucking companies, shippers, retailers and the consumer public required to pay crime-inflated prices.

Certainly, the stealing of truck cargoes is one of the fastest growing crimes nationally today and a key element in the $1½ billion annual cost of theft, pilferage and hijacking of truck, air, rail and ship cargo.

According to Mr. Lewis I. Siede, executive vice president of Babaco Alarm Systems, New York City, truck theft and hijacking increased 17½ percent nationally in 1971 to a record high of $925 million. He estimates that the average truck full-load loss increased from $40,000 to $47,000. We can continue to wonder whether the motor freight industry can operate in a business-as-usual manner in a crime-plagued society where thieves prefer to steal a truck with its expensive load rather than rob a bank with that average $4,500 loss.

One of the committee's findings in our report is that law enforcement efforts of local, state, and Federal law enforcement authorities are wholly inadequate in preventing the alarming increase in truck cargo thievery and in apprehending criminals involved therein. The report explains that a multiplicity of overlapping jurisdictional responsibilities encourages lapses in information exchange and prevention and apprehension efforts. There seems to be no concerted effort to break up the shady business operations involved in fencing and hijacking. Possibly, the ineffectiveness of traditional law enforcement efforts is shown by the spiraling increase in thefts of cargo shipped by truck since 90 percent of such thefts are carried out against interstate shipments.

We are still hopeful that Congress will enact this year the Senate-passed bill, S. 942, which our hearings caused us to introduce 2 years ago, to establish a Presidentially-appointed Federal Commission on the Security and Safety of Cargo, to seek out the why's and wherefore's of cargo thievery and methods for industry, government, and labor to determine cooperatively how to strike out at these sophisticated 1972 model bandits of the road.

Mr. President, I ask unanimous consent that a summary of the committee's findings and recommendations be printed at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

COMMITTEE FINDINGS RE TRUCK CARGO THIEVERY

1. The frequency of truck cargo transport pilferage, hijacking and thefts is increasing at an alarmingly rapid rate, with law enforcement personnel finding it difficult to control.

2. The task of apprehending and convicting criminals is made more difficult by the absence of a systematic program of truck cargo theft prevention controls by manufacturers, shippers, truckers, terminal operators, and receivers.

3. Physical security, documentation and personnel policies of the trucking industry are lax and negligent and unnecessarily facilitate criminal activities.

4. Law enforcement efforts by local, State and Federal authorities are "wholly inadequate" and more cooperation and better liaison with industry are essential.

COMMITTEE RECOMMENDATIONS RE TRUCK CARGO THIEVERY

1. Present mandatory loss reporting regulations for Class I trucks should be expanded by the Interstate Commerce Commission to include all truck cargo carriers.

2. State and local law enforcement agencies should cooperate with crime prevention efforts of industry and Federal authorities by requiring reporting and assessment of intrastate cargo crimes.

3. The Departments of Transportation and Justice (Law Enforcement Assistance Administration) should jointly support and conduct research efforts designed to eliminate causes of theft, pilferage and hijacking of truck cargo.

4. The Department of Justice should seek to increase manpower where needed to survey organized crime's role in truck thievery and promote training courses for Federal, State and local law enforcement authorities to understand better the nature of cargo theft.

5. The Departments of Transportation and Justice and the Interstate Commerce Commission, along with representatives of manufacturers, carriers and shippers, should prescribe packaging, labeling, and documentation requirements and standards.

6. The Secretary of Transportation should be granted statutory authority to research, develop and establish minimal physical security standards for carriers and cargo terminal facilities, as proposed in the Bible Cargo Security Commission bill, S. 942.

7. The Departments of Transportation and Justice (Federal Bureau of Investigation), the Interstate Commerce Commission, state regulatory and licensing authorities, and carrier and labor union representatives should devise and seek to establish uniform personnel identification and/or licensing requirements.

8. The Interstate Commerce Commission should review present regulations and enforcement practices permitting embargoes and selected refusals to transport commodities.

9. Industry or inter-industry efforts to curb increasing cargo criminality should be assisted by Federal technological, management and financial assistance.

10. Increased penalties, as suggested by civil damage actions for receiving and "fencing" stolen property, should be imposed by new laws.

11. The trucking industry should consider increased cargo thievery as a matter of high public interest and concern, and should increasingly cooperate with Federal agencies in developing and implementing modern management techniques to provide for tighter responsibility and accountability for moving cargo, with special efforts directed to hiring, personnel and training practices.

12. The Department of Justice should undertake systematic assessment and evaluation of truck theft data to formulate and recommend specific strategies of prevention, identify technical aspects of crime prevention requiring further scientific research, and identify information requirements to be supplied by industry through established reporting requirements.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan; and

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary to Uganda.

PROHIBITION ON CERTAIN VESSELS IN U.S. FISHERIES—ORDER FOR A STAR PRINT OF S. 3358

Mr. STEVENS. Mr. President, the Commerce Committee will shortly be conducting hearings on my bill, S. 2258, to prohibit the use of certain small vessels in U.S. fisheries.

I ask unanimous consent that a star print be made of S. 3358, adding on page 2, after line 2, a new section 2, reading "This Act shall affect no vessel acquired prior to the date of enactment.".

The purpose of this addition is to protect those persons who previously purchased Canadian vessels and have substantial sums of money invested in them.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 3682. A bill to authorize the payment of back pay and allowances to Federal employees whose positions are incorrectly classified. Referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

By Mr. BROCK (for himself and Mr. BAKER):

S. 3684. A bill to create a special tariff provision for imported glycine and related products. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 3685. A bill for the relief of Carmelo Sessa. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 3686. A bill for the relief of Siu Lun Pang; and

S. 3687. A bill for the relief of Hoi Yeung Wong. Referred to the Committee on the Judiciary.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, and Mr. METCALF):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to

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expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND RESOLUTIONS

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

FEDERAL TAX-SHARING EDUCATION ACT OF 1972

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill which would, basically, return to the States and their political subdivisions 2 percent of the total Federal tax collections to be used solely for educational purposes. I have advocated this form of Federal revenue sharing ever since I was elected to the Senate. Based on fiscal 1971 Federal tax collections of $191.6 billion this would amount to about $3.8 billion.

Education is an essential prerequisite to self-fulfillment of the individual and to social and economic progress of a Nation. Our breakthroughs in space exploration and nuclear energy, our advances in health, social services, and in other areas are traceable to our citizens' enlightened view of education as a lifelong process. Our commitment to education is well known and is being emulated throughout the world.

Nevertheless, our schools face a financial crisis, born of the necessity and firm belief that every child should have the best education possible. Sources of money have been depleted by inflation while the needs continue to grow. Property taxes have become oppressive. The citizen-taxpayer is wondering when the demands on him will let up even as he knows we cannot afford to ignore our youth and our educational institutions.

The financial crisis of our schools is really an outgrowth of the financial problems of our States and local governments which are essentially ones of steeply rising expenditures and inadequate resources with which to meet the growing demands for increased services, not only in the case of education but in all other areas of State and local activities as well. If our federal system is to survive, the growing imbalance between the financial resources of the Federal Government and that of State and local governments must be corrected.

While State and local revenues have grown substantially—from $31.1 billion to $130.8 billion between 1955 and 1970, respectively—the heavy reliance of State and local governments on property and sales taxes has made increases in tax revenues more difficult to obtain recently. To a substantial degree these tax revenue increases have had to be obtained by rate increases because the bulk of State and local revenue comes from sources which do not increase as rapidly as income levels rise. In the meantime, State and local expenditures almost tripled between the years 1955 to 1970—from $33.7 billion to $131.3 billion.

I have received more and more complaints from constituents in my State concerning high property taxes. Because property tax revenues are used, in most States, to support local schools, a revenue-sharing measure such as I am proposing is the best way I know of providing meaningful and sustained property tax relief. It will significantly help State and local governments meet their growing responsibilities while at the same time retaining primary operational independence.

I am very much aware that there are numerous other revenue-sharing measures which are being considered by the Congress. Many allow the shared funds to be used for any purpose, but the most prominent—the so-called Mills bill (H.R. 14370)—would not allow local units of government to use their Federal revenue-sharing funds for educational purposes. Since revenue sharing would be a new approach, and since education is so important to the future of this country, any revenue sharing that is authorized should be limited, at first, to educational purposes, and that is what I have done in my bill. After we have had some experience with such a program, the purposes for which the money could be used could be expanded as the shared revenues are increased.

The principal provisions of my bill are as follows: The bill would establish a tax-sharing fund in the Treasury and would appropriate to such fund for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, an amount equal to 2 percent of total Federal tax collections received during the preceding fiscal year. The Secretary of the Treasury would be directed to pay the State allotments from this fund at least quarterly.

The allotment to each State would be determined primarily on the basis of the population of each State between ages 5 and 20 inclusive. Each State's basic allotment would be increased or decreased by the percentage that the State's annual per capita income is lesser or greater, respectively, than the average annual per capita income of all the States. This formula, while primarily distributing the funds on the basis of school age population, would assure that the lower income States would receive an added amount.

The bill contains a pass-through provision to assure that the local governmental units would receive a fair share of the State allotment. The amount passed through to each political subdivision would be determined by the ratio that expenditures of such subdivision for education—exclusive of State aid—bear to the total expenditures for education by the State and all of its political subdivisions.

The States and their political subdivisions could use their allotment under the bill only for activities, programs, and services in the field of education, including activities, programs and services provided with respect to elementary and secondary schools, vocational and technical schools, and institutions of higher learning.

If a State uses any of its allotment for other than educational purposes or if it does not obligate its allotment within 2 years after it was made, the Secretary of the Treasury, after notice and opportunity for hearing, would be required to subtract such amount from subsequent allotments to that State. Also, the States must give the Secretary assurances and certify that they will use fiscal control and fund accounting procedures necessary to assure proper disbursement and accounting of their allotment, make accounting reports to the General Accounting Office, and comply with all applicable laws, including title VI of the Civil Rights Act of 1964. If the Secretary finds any state or political subdivision not in substantial compliance with these requirements, he would be required to cancel any subsequent payments to that State and reallocate such amount to the other States. Determination by the Secretary would be subject to appeal to the U.S. District Court for the District of Columbia, as a matter of preventing hardship due to any arbitrary decisions by administrative officials.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, and Mr. METCALF):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.)

Mr. ALLOTT. Mr. President, on behalf of Senator JORDAN of Idaho, Senator FANNIN, Senator HANSEN, Senator HATFIELD, Senator BELLMON, Senator BUCKLEY, and myself, all of the minority members of the Interior and Insular Affairs Committee, I send to the desk legislation which, if acted upon favorably by the Congress, will provide lands to 19 Indian tribes in nine States including the lands for the Stockbridge Munsee Tribe, the subject of S. 722 being considered today which have located near their reservations, tracts of the so-called submarginal lands which were purchased in the 1930's as a part of this country's efforts to combat economic depression only.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALLOTT. Since the 76th Congress, legislation has been introduced in each Congress to date for the purpose of accomplishing a transfer of such lands to the Indian tribes but, time and time again, the Senate Interior and Insular Affairs—or its predecessor committee—has refused to act favorably upon the Senate bills or House-passed bills which were for only some of the tribes.

On May 19, 1972, the majority of the committee reversed its previously declared policy of not acting until it had considered the matter of all 19 transfers at the same time and proceeded to order a bill reported for one tribe only, S. 722 which as I said, is being separately considered by the Senate today.

While not endorsing the delay which the aforesaid policy of this committee has, in part, brought about we do believe that the only equitable manner in which

to proceed is by considering all instances at the same time.

The bill which we are introducing today will provide the vehicle for considering all of the desired transfers of these lands together. Consistent with the previously declared policy of the Interior and Insular Affairs Committee, we would examine these requests in their entirety rather than on a piecemeal basis.

Considering and passing on the question of what will be done with all of these lands is long overdue.

The history of this submarginal lands legislation and the reasons for our introduction of this bill are detailed at length in the minority views we recently filed in connection with the report of the Interior and Insular Affairs Committee on the said S. 722.

The bill we are introducing today provides for the following:

First, donation of the pertinent submarginal lands to each of the 19 tribes in trust.

Second, exemption of requiring payments for the land by the tribes—or possible payment through "offsets" in the Indian Claims Commission which the Commission has determined it would not do, even if a provision for "offsets" is included in the legislation.

Third, reserves mineral rights in the United States—consistent with the provisions of an omnibus bill which Senator CHURCH introduced in the 87th Congress and other similar bills.

Fourth, protects all vested contract and possessory rights including water rights.

We would be happy to have Senators who believe that the requests of all tribes should be considered join us in sponsoring this bill.

Mr. METCALF. Mr. President, I am delighted that the Senator from Colorado has brought up this question of the other 19 Indian reservations. If he would acquiesce, I should like to ask that I be allowed to be a cosponsor of the bill that he sent to the desk.

Mr. ALLOTT. I am very happy to have the Senator from Montana be a cosponsor of the bill and ask unanimous consent, Mr. President, that he be added as a cosponsor.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of safeguarding the respective interests and welfare of the tribes of Indians enumerated below in connection with specified submarginal lands, the following described lands and improvements thereon, upon which said Indians depend and which are necessary for their reasonable social and economic development, are hereby gratuitously given to said tribes, respectively, to be held in trust by the United States for the sole use and benefit of the said tribes and said lands shall be parts of the reservation heretofore established for each said tribe:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1 Bad River Band of the Lake Superior Tribe of Chippewas	Bad River	Bad River LI-WI-8	13,189
2 Blackfeet	Blackfeet	Blackfeet LI-MT-9	9,037
3 Burns Paiute	Burns Colony	Burns Colony LI-OR-5	606
4 Cherokee Nation	Cherokee	Delaware IL-OK-4	13,778
		Adair, LJ-OK-5	4,960
5 Cheyenne River Sioux	Cheyenne River	Cheyenne Indian LI-SD-13	5,111
6 Crow Creek Sioux	Crow Creek	Crow Creek LI-SD-10	19,627
7 Lower Brule Sioux	Lower Brule	Lower Brule	14,290
8 Devils Lake Sioux	Fort Totten	Fort Totten LI-ND-11	1,424
9 Fort Belknap Indian Community	Fort Belknap	Fort Belknap LI-MT-8	25,536
10 Fort Peck	Fort Peck	Fort Peck LI-MT-6	85,338
11 Lac Court Oreilles Band of Lake Superior	Lac Courte Oreilles	Lac Courte LI-WI-9	13,185
12 Keweenaw Bay Indian Community	L'Anse Community	L'Anse LI-MI-8	4,022
13 Minnesota Chippewa	White Earth	Twin Lakes LI-MN-6	24,115
		Flat Lake LI-MN-15	4,436
14 Navajo	Navajo	Gallup-Two Wells LI-NM-18	70,000
15 Oglala Sioux	Pine Ridge	Pine Ridge LI-DS-7	46,522
16 Rosebud Sioux	Rosebud	Cutmeat LI-SD-8	10,089
		Antelope LI-SD-9	18,642
17 Shoshone-Bannock	Fort Hall	Fort Hall LI-ID-2	8,710
18 Standing Rock Sioux	Standing Rock	Standing Rock LI-ND-10	6,879
19 Stockbridge-Munsee Community	Stockbridge	Stockbridge LI-WI-11	13,077

SEC. 2. As to the submarginal lands set forth next to their names, the donations made by this Act to such tribes or groups are all of the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), reserving to the United States the minerals thereof, and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Indian tribes or groups named and hereby declared to be held by the United States in trust for such Indian tribes or groups, subject to the reservation in the United States of a right to use for military purposes any part of such lands that are within the boundaries of the Ellsworth Air Force Range, and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by the Act of July 3, 1958 (72 Stat. 297, 311), and the lands shall be parts of the reservations heretofore established for the tribes or groups involved: *Provided*, That the provisions of this Act shall not apply to the title to any part of such lands or any interest therein that the Secretary of the Interior and the Secretary of the Army jointly announce by publication in the Federal Register within one year from the date of this Act are needed in connection with authorized water resource development projects.

SEC. 3. The laws of the States in which the lands donated by section 1 are situated shall be applicable in adjudicating and establishing rights and priorities, if any, to waters under, upon or otherwise appurtenant to such lands, as in the case of other private rights and claims.

SEC. 4. Any receipts from leases or permits for minerals in such lands that were received prior to the date of this Act and that are required by section 6 of the Act of August 7, 1947 (61 Stat. 913, 915), to be deposited in a special fund in the Treasury pending final disposition thereof by Congress shall be deposited in or transferred to the miscellaneous receipts of the Treasury.

SEC. 5. Nothing in this Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

HIGH-LEVEL GOVERNMENT SALARY INCREASES SHOULD BE SUSPENDED FOR THE DURATION OF WAGE CONTROLS

Mr. HUMPHREY. Mr. President, I oppose any consideration of pay raises this year for high-level executive, legislative, and judicial officers of the Federal Government. I stated this in my letter of May 22, 1972, to President Nixon. Under present law the President convenes the Salary Review Commission which recommends high-level salary increases for inclusion in the next budget transmittal to the Congress.

In my opinion, public confidence in the Government and its economic policies would not be served by the appointment or convening of this Commission this year.

Wages of the typical American are now stringently controlled by economic stabilization policies. Leaders in the executive, judicial, and legislative branches of the Federal Government should not, in my opinion, enjoy a privileged status while the average family bears the brunt of both the inflation of prices and the attempted inflation control through wage restraints.

The first and only such Commission on executive, legislative and judicial salaries was convened in fiscal year 1969, and is scheduled again for this coming fiscal year under the provisions of section 225 of the Postal Revenue and Federal Salary Act of 1967.

This law requires salary reviews every fourth year. It also provides for a nine-

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member Commission; three appointed by the President of the United States, two by the President of the Senate, two by the Speaker of the House of Representatives, and two by the Chief Justice.

Four categories of salaries would be reviewed. The first category is Senators, Members of the House, and Resident Commissioners. The second category is legislative offices and positions, such as the Sergeant at Arms, Architect of the Capitol, legislative counsel, and others. Justices, judges and other personnel in the Federal judiciary comprise the third category, and Offices and Positions Under the Executive Schedule—chapter 53, II title 5, United States Code—commonly known as "executive levels," are the fourth category.

The rationale for this periodic review is that in the intervening 4 years other salaries, such as career civil service salaries have been increased, thereby creating instances in which employees' and superiors' salaries become out of alinement.

I cannot, despite this rationale, support these pay raises at a time when I feel that our whole economy is out of alinement, and working people's wages are frozen.

These pay raises affected 2,047 persons in 1970 and cost approximately $23 million each year. The salaries of the Cabinet members and Supreme Court Justices were increased to $60,000, the Chief Justice's to $62,500.

The salaries of the Vice President of the United States, and the Speaker of the House of Representatives were increased to $62,500 annually, from $43,000.

The salaries of the majority and minority leaders of the House and Senate and the President pro tempore of the Senate were increased to $49,500.

The salaries of the Members of the Congress were increased to $42,500.

The President's recommended salary revisions would ordinarily go into effect within 30 days of transmittal to the Congress, unless there is adverse action in either House.

It will be recalled, however, that considerable controversy surrounded the salary increases granted to the Members and leadership of the Congress, as well as that of the Vice President.

The increases were at first rejected by the Senate, and there was a good deal of opposition before the salary measure was finally passed.

As Members of the Congress, we should not require others to tighten their belts, yet refuse to tighten our own. The same need to provide an example of leadership by not seeking salary increases now carries throughout the higher levels of all three branches of the Government.

I therefore introduce a bill to suspend the executive, legislative, and judicial wage review procedure with respect to fiscal year 1973, and ask unanimous consent that the text be printed in the RECORD, along with my letter to President Nixon.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be appointed, with respect to fiscal year 1973, as a member of the Commission on Executive, Legislative, and Judicial Salaries established under section 225 of the Postal Revenue and Federal Salary Act of 1967; no review shall be conducted or report submitted under such section by the Commission or its staff with respect to such fiscal year; and the President shall not make recommendations under that section with respect to such fiscal year.

MAY 22, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I understand that, as the law requires, you will soon be appointing members to the Commission on Executive, Legislative and Judicial Salaries. Members of this Commission will also be appointed by the President of the Senate, the Speaker of the House of Representatives and the Chief Justice.

The purpose of this Commission would be to recommend to you increases in salaries for members of Congress, legislative employees, judicial personnel and executive positions in federal agencies. The Commission would report to you anytime before the end of this year and you would have the option of forwarding their recommendation to the Congress with or without your own recommendations. If contravening legislation is not enacted by one house of Congress, the salary increase recommendations would become effective automatically.

I wish to serve notice here and now that I firmly oppose any increases in these high level salaries during such time as the wage freeze or wage controls continue to be applied to the salaries of wage-earning men and women. If salary increases are forwarded to the Congress I certainly will introduce and strongly support a resolution of disapproval, absent a lifting of the wage freeze or controls.

Raising the salaries of the President and Vice President, Senators and Congressmen, Cabinet members and others—among the highest paid people in our government and in our society, would clearly compound the existing inequities of wage-price controls. I simply could not support increasing the salaries of the government's top wage earners at the same time most workers in our country suffer the consequences of inflationary prices and controlled wages. This would be particularly unjust because, as we have seen, price and profit controls simply have not been effective, whereas wages have been held down. Moreover, while prices have continued to rise, exemptions to the price controls have been increased, rather than the reverse. Only the wage earner is forced to observe controls.

I urge you to make clear to the American people your intent with respect to high-level government salary increases.

Sincerely,

HUBERT H. HUMPHREY.

By Mr. HUMPHREY:

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICER RETRAINING ACT

Mr. HUMPHREY. Mr. President, an increasing number of our Nation's public safety officers are injured, or even killed as they go about their job of protecting us.

In 1970, 100 police officers were killed.

In 1971, 125 police officers were killed.

Firefighting is now the most hazardous profession in the country. Last year, 210 firefighters lost their lives. During the past decade, 44 firefighters have been the victims of criminal attack.

In 1970 alone, 38,583 firefighters were injured in the line of duty.

That same year, assaults on policemen totaled 43,171. That is a rate of 18.7 assaults per 100 policemen.

Of the assaults on the police, 15,165 resulted in injuries—a rate of 6.6 per 100 policemen.

These are our truly unheralded heroes.

These grim statistics regarding the increase in murders of public safety officers are now familiar to us all. But there is little attention paid to those brave public safety officers—countless numbers of them—who sustain disabling injuries as they perform their duties.

These injuries often abruptly end their careers. Whether they are policemen, prison guards, or firemen, their public safety training is often their only marketable skill. They are left with many productive years ahead but little or no meaningful work to look forward to.

The problems facing the public safety officer who retires after 20 or 25 years is also serious. After courageously serving the public he often finds himself cut off, still in the prime of life, from anything useful to do.

Vocational programs and manpower training programs are now available to many Americans. Who could be more deserving of such assistance than one who is disabled for the rest of his life because he faced the hazards of protecting you and me?

Therefore, I am introducing the Public Safety Officer Retraining Act, to provide for the vocational counseling and retraining of public safety officers injured in the line of duty, or retiring after completing the required years of service.

By amendment to existing manpower development and training legislation, resources would be made available to bring the same vocational counseling, job retraining, and other assistance to public safety officers as we now provide to others.

States would be able to avail themselves of Federal matching funds to establish manpower programs. All job-disabled Federal, State, or local public safety employees, whether in enforcement, corrections, or other work with potentially dangerous persons through the courts systems, would be able to use these services.

Injured firefighters, voluntary or otherwise, would also be eligible for these services.

The Secretary of Labor would be authorized to provide up to 75 percent of the costs to the States for such programs.

Let us do no less for our injured and disabled public safety officers than they have done for us.

By Mr. HUMPHREY:

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

NATIONAL SCHOOL LUNCH LEGISLATION FOR 1972–1973 SCHOOL YEAR

Mr. HUMPHREY. Mr. President, I am today introducing legislation which will continue on a permanent basis the action taken by Congress last September to prevent the President and his administration from cutting Federal support for school lunch. The bill is similar to legislation now under consideration in the House.

It is essential for the Congress to enact this legislation in view of the admission yesterday that the President intends to save some $400 million in food stamp funds the Congress has authorized for the war on hunger in America.

This is not a savings, this is a scandal. We cannot be proud of an action which takes food from the poor, from those who now will suffer the indignity of hunger and pain of malnutrition. We must oppose any such efforts which substitute economy for compassion.

When the Nixon administration proposed new rules for the school lunch program last September which would have taken food from 2 million needy children, and would have reduced Federal support for school lunch, the Congress passed emergency legislation which imposed specific and positive requirements on the Nixon economizers.

We said that schoolchildren whose parents were poor should get a free lunch, and the Federal Government would pay up to 40 cents to support each lunch served to a needy child. We also said that every child should be encouraged to eat a school lunch, and we provided an additional reimbursement of 6 cents for each lunch served to any child.

We also said that the local school district and the State educational authorities could tell best which child was eligible for a free lunch, and we told the President he could not interfere with the people in the States and the community by dictating eligibility standards.

The bill I am introducing today continues this policy. The President should not be able to dictate to the people. The children should be fed.

I am making one significant change. It is to increase the level of additional reimbursement for all lunches from 6 cents to 8 cents. The cost of food has gone up, and continues to increase. Without additional support, the cost of a school lunch must also go up. If lunch prices increase, the children whose parents now earn a moderate income will be the first to drop out of the program. The blue-collar worker will benefit from this amendment.

I recognize the administration will deny any intention to reduce the level of support for school lunch, and will cite its budget proposal for the next school year as evidence of its good intentions.

I can only say that we must take Mr. Nixon at his own words—which are as I recall, "don't judge me by my words but by my deeds."

The failure to use $400 million which Congress has authorized to help eliminate hunger among the poor is warning enough of what will befall the schoolchild next fall if Congress fails to act this summer.

The legislation I have introduced will protect the school lunch program from the Nixon economizers.

Mr. President I ask unanimous consent to have my bill printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

SEC. 2. (a) The first sentence of section 13 (a) (1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) as amended, is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand non-profit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and non-profit private schools."

SEC. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand non-profit breakfast programs in schools."

SEC. 4. (a) Notwithstanding any other provisions of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than eight cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 5. Section 9 of the National School Lunch Act is amended by inserting after "as of July 1 of such year," the following: "Such guidelines shall be considered only as a national minimum standard of eligibility. The Secretary shall reimburse State agencies and local school authorities for free and reduced-cost meals pursuant to eligibility standards established by State agencies prior to September 1 of such fiscal year. The Secretary shall not lower eligibility standards for free or reduced-price meals in effect during a fiscal year for which such standards have been established nor require a reduction below the number of children served in any school district during such fiscal year."

SEC. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91-248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000." To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the act of June 30, 1944, an act "to provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. RANDOLPH. Mr. President, it is a privilege today to introduce a measure which, if enacted into law, will enhance the continued development of the Harpers Ferry National Historical Park.

This park has contributed significantly to the enjoyment, education, and relaxation of millions of our citizens.

Visitation to the park has increased from 955,520 persons in 1967 to 1,129,900 in 1971. It is expected that visitation to Harpers Ferry over the next several years will increase by approximately 10 percent each year.

Over a period of many, many years, I have had a continuing and close association with the development of the Harpers Ferry facility. It was my privilege to have participated in the original planning of the park and to have sponsored the legislation in 1944 authorizing its establishment. That measure created the Harpers Ferry National Monument. In

1963, I authored the bill which expanded this very important park area and renamed it the Harpers Ferry National Historical Park.

From the date of park's establishment, the National Park Service has carried on a program of restoring the town as nearly as possible to its appearance from 1859 to 1865. This period includes the turbulent years of the raid on the Federal armory by John Brown and his small band of men and the Civil War that followed. Over the past 10 or 12 years, seven of the historic buildings have been restored including the Master Armorer's House in which is interpreted the story of the Federal armory operation in Harpers Ferry. The Robert Harper House has been restored and is furnished in the style of that period. The Paymaster's House has been restored and exhibits placed in two rooms depicting the school room setting of the time when Rev. Nathan C. Brackett as a missionary came to Harpers Ferry soon after the Civil War and began teaching former slaves in these very same rooms. From this humble beginning Storer College grew.

The Stagecoach Inn has been restored and is now the Park's Visitor Center. Other developments necessary to accommodate visitors and provide for operation of the park have been accomplished concurrently with the restoration program.

Additionally, the National Park Service has established a training center for its personnel and that of other Federal agencies, as well as State, local, and foreign park personnel. This training facility was developed from the buildings of Storer College which closed its doors in 1955.

Early in 1970, Mr. President, a major unit of the National Park Service was moved from Washington to Harpers Ferry. This division of the Park Service has the responsibility for planning and producing films and other audiovisual materials, publications, and museum interpretive exhibits for all parks across the country. The personnel involved in this important work are housed in a new, progressively designed building in a setting most conducive to creativity.

Recently the National Park Service developed a master plan which, when implemented, will provide for the accommodation of the large number of visitors in a manner that will better preserve the historic resources of the area. At the same time, it will permit them to derive a better understanding and appreciation of the historical events commemorated in the park. This is to be accomplished by arranging to park all passenger vehicles at some point outside the historic town where there will be a visitor orientation center, and provide a shuttle service by bus or some other means into the historic areas, including a circle tour to points of historic interest outside the town itself. Those of us familiar with the geography of the Harpers Ferry area readily understand the confined space in the historic town that is shared by the visitors and their automobiles. This situation has now become most serious. The congested vehicular traffic interferes with the visitors' enjoyment of the historic setting and its peaceful atmosphere. Additionally, large numbers of visitors, especially on weekends, are unable to find parking space and their searching creates hazards to the safety of these visitors walking about the town.

There are plans also to accelerate the restoration of the historic buildings and the general townscape to its 1859 to 1865 appearance and to improve the interpretation programs by means of living history activities, exhibits, and by an increased staff of skilled interpreters.

During recent conferences the officials of the National Park Service have promised me their continued cooperation to the fullest extent with the local governmental units, local associations, and with private individuals to preserve the historical resources in the area. Also, since the natural features of mountains, valleys, and streams of the lovely countryside contributed to the development of Harpers Ferry and its resulting place in our history, the Park Service is committed to maintaining this natural beauty which has made and still makes Harpers Ferry an historic jewel in a magnificent natural setting. It is important that they follow through with these commitments.

Mr. President, I ask unanimous consent that the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act of June 30, 1944 (58 Stat. 645) an Act "To provide for the establishment of the Harpers Ferry National Monument" is amended to read as follows:

That, in order to carry out the purposes of this Act, the Secretary of the Interior is authorized to acquire lands or interests in lands, by donation, purchase with donated or appropriated funds, or exchange, within the boundaries as generally depicted on the drawing entitled "Boundary Map. Harpers Ferry National Historical Park," numbered 385–40,000B and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided,* The Secretary may make minor revisions in the boundary from time to time, but the total acreage shall not exceed 1600 acres: *Provided further,* That nothing herein shall be deemed to authorize the acquisition without consent of the owner of a fee simple interest in lands within the boundaries in which a less than fee interest has previously been acquired by the Secretary of the Interior.

SEC. 2. Section 3 of the Act of June 30, 1944 (supra) is amended by striking the word "and" at the end of paragraph (1) thereof; by substituting "; and" for the period at the end of paragraph (2); and by adding the following new paragraph (3):

(3) Provide, directly or by contract, an interpretive shuttle transportation service within, between, and among lands acquired for the purpose of this Act for such times and upon such terms as in his judgment will best accomplish the purposes of this Act.

SEC. 3. Section 4 of the Act of June 30, 1944 (supra), as amended (16 U.S.C. 450bb–6), is further amended to read as follows:

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SUMMARY OF BILL

Section 1 amends the first sentence of the earlier Act, which limited acquisition to donations, by authorizing the acquisition of lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange within the boundaries as generally depicted on the map referred to in the bill. The map would be on file and available for inspection in the offices of the National Park Service. It also provides that the Secretary of the Interior may make minor revisions in the boundary, but that the total acreage within the park may not exceed 1600 acres. Section 1 also prohibits acquisition, without the consent of the owner, of fee simple title to any lands in which a less than fee interest had previously been acquired.

Section 2 adds a new paragraph (3) to section 3 of the earlier Act. The new subsection would authorize the provision of an interpretive shuttle transportation service within, between, and among the lands acquired for the purposes of the Act.

Section 3 amends the authorization for appropriation language in the earlier Act, to authorize such sums as may be necessary to carry out the purposes of the Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1209

Mr. HANSEN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 1209, a bill I have sponsored, to amend the act of October 17, 1968, relating to the control of noxious plants on Federal lands.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3070

At the request of Mr. THURMOND, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3423

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3423, a bill to amend the Federal Aviation Act of 1958 regarding the medical certification of airline pilots.

S. 3664

At the request of Mr. Moss, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 3664, a bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

ANNOUNCEMENT OF HEARINGS ON THE REDTAPE BURDEN

Mr. McINTYRE. Mr. President, on June 27, 1972, at 10 a.m., in Room 5302 of the New Senate Office Building, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will resume its hearings into the Federal paperwork burden.

The subcommittee, which I have the honor to chair, has held three hearings in Chicago, Boston, and Concord, N.H. At those hearings we heard from small businesses, the accounting profession, and other knowledgeable persons as to the growing burden and financial expense of Government redtape which, according to many, are causing many small businesses to cease operations.

The hearing scheduled for June 27 will have representatives from those Federal agencies who have an interest in, and responsibility for, curbing rapidly increasing Federal form pollution. Further information may be obtained by calling the subcommittee staff on 225–5175.

NOTICE OF HEARING BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. BURDICK. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Washington (Mr. JACKSON) be printed in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for June 16, 1972, on the following bills:

S. 2969, to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon;

S. 3596, pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon; and

S. 2972, to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

The hearing will be held in Room 3110 New Senate Office Building, beginning at 10:00 a.m.

ADDITIONAL STATEMENTS

LAW ENFORCEMENT AND THE MEDIA—ADDRESS BY SENATOR ROBERT C. BYRD

Mr. TUNNEY. Mr. President, on Tuesday, May 30, the junior Senator from West Virginia (Mr. BYRD) spoke at the opening day luncheon of a 3-day conference on "Law Enforcement and the Media."

The speech deals with the relationship between the media and law enforcement agencies, and the relationship both these segments have with the rest of society. Before making his address, the Senator from West Virginia was given a fine and deserved introduction by Fulton Lewis III, the noted commentator of the Mutual Broadcasting Network.

I ask unanimous consent that the speech and Mr. Lewis' introductory remarks be printed in the RECORD.

There being no objection, the speech and the remarks were ordered to be printed in the RECORD, as follows:

INTRODUCTION BY FULTON LEWIS III

I am truly honored to have this opportunity to introduce today's distinguished speaker. He is a man who has driven the so-called political "experts" and odds-makers up the wall by consistently doing what they regard as "the impossible."

Let's look at the record, as they say. Our guest has held more legislative elective offices than has any other individual in the history of his home state of West Virginia. He was elected to the West Virginia House of Delegates in 1946, and was reelected in 1948. Two years later, he sought a seat in the State Senate. His campaign style was rather unique. He would go to a country store in a local community—or wherever people might congregate—take out his fiddle and play some country favorites until a crowd gathered—he would then give them his political pitch . . . it was enough to get him elected. In 1952, he won election to the U.S. House of Representatives . . . after winning two more bids for re-election to the House . . . he was elected to the U.S. Senate in 1958. He was reelected in 1964 by the greatest numerical vote and by the greatest numerical majority ever accorded a West Virginia candidate . . . in 1970, he won the primary with the highest percentage of votes ever received by a candidate in a West Virginia statewide contest election (98%) . . . in the 1970 general election, he carried all of West Virginia's 55 counties for the first time in a general election in the state's history . . . receiving the highest percentage (78%) ever received by a candidate there in a contested statewide general election.

In the 1950's he decided he would finish his education by attending night sessions at American University Law School—which he did on top of his senatorial responsibilities. He graduated cum laude.

In January, 1971, our guest was elected to his party's second most powerful Senate post, the assistant majority leader.

Only weeks ago, he again did the impossible . . . converting the Church-Case End-the-War amendment—by the addition of only a few of his own words—into a measure which supports President Nixon's Indochina war policy down the line

Liberals like him because of his record of supporting measures which give realistic assistance to those in need . . . and to open the door for those seeking to develop and use their talents.

Conservatives like him because of his hard line against crime and corruption—his deep belief in a strict interpretation of the Constitution . . . and his devotion to basic American principles . . .

On several occasions he has been mentioned prominently as a possible Nixon nominee to the Supreme Court . . . when the Senate rejected Judge Carswell, our guest sent a telegram to the White House stating: "Do not yield one centimeter in your desire to nominate a strict constructionist to the Supreme Court."

Every successful man has a secret of success . . . our guest's secret is no secret. He is exceptionally hard-working—I know personally that you are more likely than not to find him in his office from 7 a.m. until midnight on most occasions . . . He is candid—his outspoken views have angered some and pleased others but there has never been a shadow of a doubt as to where our guest has stood on the controversial issues of the day. Perhaps most important, he has been fair . . . to friend and foe alike. He will schedule Senate votes not in a way which will benefit his particular position on the issue at stake . . . but in a way in which all sides will have the fairest opportunity to have their positions represented and counted.

Ladies and gentlemen, I present to you the Majority Whip of the United States Senate, West Virginia's Senator ROBERT C. BYRD.

SPEECH BY ROBERT C. BYRD, A U.S. SENATOR FROM WEST VIRGINIA

Mr. Chairman, Ladies and Gentlemen:

It is a pleasure for me to be with the Friends of the F.B.I., with members of the Law Enforcement agencies of our nation, and with the representatives of the communications media. There comes to mind the lines from "Othello":

"O heaven! that such companions thou'dst unfold,
And put in every honest hand a whip,
To lash the rascals naked through the world. . . ."

not that I think for a moment we have here any rascals—nor, indeed, have I any desire, as Senate Majority Whip, to attempt to lash anybody.

It is a piece of idle imagery, I know, but every time I read or use the word "media", I have a quiet chuckle. It is so similar to "Media", who, as you know, was the Greek enchantress who helped Jason win the Golden Fleece—and then burned down his palace.

The theme of this conference is an intriguing one—"Law Enforcement and the Media." These two have not always been exactly synonymous, to say the least. In recent years, in fact, the one has all too often been the antithesis of the other. Like so many young Americans, I received my first impressions of lawmen and newspaper men from the offerings of Hollywood and the silver screen. I can still remember the slot men and the city editors with their inevitable green eyeshades, and the intrepid reporters, fedora brims snapped and pencils poised, invariably solving the crime and printing it on page one, long before the somewhat dimwitted detectives had arrived at clue number two.

I can remember the gallant G-man, with omnipresent trench coat and monosyllabic conversation, doggedly tracking his criminal quarry to lonely cabin or lush penthouse. It took me years to realize that one really cannot fire fifteen rounds from a six-chamber revolver without re-loading.

But those were the romantic days of fantasy and glamor; and, like so much of what the movies churned out for our entertainment, the characters and the plots bore little resemblance to real life—either in the Bureau or police precinct, or in the city rooms of the nation's newspapers. For every Lee Tracy or Humphrey Bogart, there were thousands of plain, competent, and unglamorous newspapermen and policemen, who went daily about their appointed tasks with nary a fifth of bourbon in their desk drawers, or a sable-clad paramour in their private lives.

But when we come to think of it, very little has changed, actually, except that the screens are now twenty-eight inches wide, and a man, if he chooses, can sit and watch cops-and-robbers, in his shorts, with a cold beer in his hand. But the gap between reality and fantasy is still almost as wide.

More years ago than I care to remember, in grade school in the hills of West Virginia, my best subject, after spelling, was arithmetic. It might be an interesting exercise to take the conference theme—Law Enforcement and the Media—and put it into terms of simple arithmetic. "Law Enforcement *plus* the Media"; "Law Enforcement *minus* the Media"; and lastly, "Law Enforcement *divided* by the Media."

The first term is the easiest to contemplate.

XUM

Almost since the beginning of our American society, we have been accustomed to reading—and, in recent years, seeing—how our law enforcement procedures, our law enforcement personnel, and our law enforcement successes (or failures) work. Almost from the moment the law is violated—through arrest, arraignment, trial, and appeal—the case, if its news value warrants it, is blanketed by the communications media. Main stories, sidebars, human interest angles, family backgrounds, historical backgrounds, sex angles—all conceivable minutiae, relevant and irrelevant, are spread over the printed page, blared forth from millions of radios, and given the sophisticated coverage so beloved of the medium of living color.

The guilt (or the innocence) of the defendant, is established in millions of minds, all over America, long before the judge or the jury arrives at a verdict.

It has always been a point of argument, whether the public's right to know transcends the accused's right to privacy, before he or she has been adjudged guilty; but in our American milieu, the argument is purely academic.

There is no question that there are occasions when representatives of the media give invaluable help to law enforcement officers, just as there are occasions, I am sure, when the officers look upon the media representatives with a very jaundiced eye, and wish they were anywhere but in the immediate vicinity. For, as every man or woman in public life knows, media people can be infuriating, just as they can be helpful.

It is here that "Law Enforcement *divided* by the Media" is most relevant. I have never studied criminology, nor am I cognizant of how enforcement officers go about their tasks of piecing together the many strands of evidence that eventually make up a case. But common sense would seem to dictate that the less the quarry knows about the hunter, the easier will be the hunter's pursuit. Most criminals can read, most criminals have access to a television set, and I cannot help thinking that the detection and solving of crime in our society would often be simpler if the myriad of details were not emblazoned on every front page and blared forth from every microphone.

Men and women who have the privilege to write and to talk on public affairs, and, by so doing, influence public opinion, have a tremendous responsibility to avoid abusing that privilege. The rights and the protection given to them under the First Amendment are precious, and, I hope, will never be abrogated. I also hope the day will never come when license and irresponsibility become so rife as to make abrogation an even remote possibility.

I am sure you did not invite me here today to mouth platitudes or to tell you only what you might like to hear. I see in the audience quite a few individuals who are adept at the art of observing and analyzing—even, sometimes, criticizing—people and events, both in the *printed* and in the *spoken* word.

It is not too often that a United States Senator is given the opportunity, before such a distinguished and specialized audience, to offer a few gentle observations to the effect that, flourishing as the Fourth Estate and its contiguous territories may be, there are some areas that could stand some repairs.

No masthead slogan in the world is better known that "All The News That's Fit to Print". I have never particularly cared for that, as it smacks of some arrogance and not a little egotism. While the hierarchy of New York's "old grey lady" undoubtedly print what they do in the best of faith, there is just a vague possibility that their choice is not always right. But I have always liked the slogan of that once-renowned news agency, the late, lamented International News Service—"Get it First—but get it Right". That, I feel, is a slogan that should be emblazoned over the portal of every school of journalism, in all news and editorial rooms, and in every television and radio studio in the land.

I am not a philosopher, nor am I an expert in sociology. I have read the works of a few of those who are experts in these, and related fields, and frequently they seek to enlighten us as to the visible and invisible forces which cause change in men's lives and in the ways of the world. Their theories may well have validity, but to my rather more practical mind, the single, greatest influence for change is the incredible rapidity and profusion of human communication. And it is because this is so, that those who are the conduits of this profusion, have the inescapable duty to disseminate with absolute accuracy and total objectivity. I feel constrained to comment that this duty is not always fulfilled.

Zechariah Chafee, Jr., wrote in 1948, "The press is a sort of wild animal in our midst—restless, gigantic, always seeking new ways to use its strength . . . the sovereign press for the most part acknowledges accountability to no-one except its owners and publishers."

I feel that perhaps Mr. Chafee was a little harsh. While I have no illusions regarding the basic necessity for a newspaper, a radio station, or a television station to make a profit, I also believe that a significant number of the gatekeepers are men and women of integrity, who are fully as responsible to their consciences as they are to their publishers. Though there have been times when their carelessness has annoyed me, I still believe that there are far more Don Quixotes than Machiavellis in the ranks of our news media.

But if I may be allowed to chide gently, I feel compelled to observe that far too often these days, banalities and trivialities are allowed to overwhelm the simple art of good writing and good commenting and the penchant for the sensational is too often allowed to eliminate discretion and good judgment. There are, in my opinion, more crimes against simplicity and clarity committed in the name of "human interest", than West Virginia has hills. I do not expect, of course, that every writer should be able to make a story on a Senate debate on social security read like "Gone with the Wind", or every television commentator be able to make a mundane report sound like Laurence Olivier speaking the "Soliloquy" on the stage of the Old Vic. (Though, come to think of it, there *are* a couple of our well-known video personalities—who shall be nameless—who may well think of themselves as Olivier.)

What I have noticed most sharply in our leading newspapers over the past couple of years, is an increasing tendency towards shoddy technical production—careless typos, poor proof-reading and lackadaisical editing. When I mentioned these things recently to a highly-reputable newspaperman, he gave as his explanation that very few of the youngsters coming into the business these days, want to be desk men or technicians. They all want to be Walter Lippmans six weeks after graduating from journalism school. Not for them the glamorless and often tedious chores of putting the punctuation in the right place, correcting the frequently atrocious spelling, or catching the transposed lines.

This theory seems reasonable and doubtless, has validity, but my own feeling is that in the news business, as in so many other aspects of our national life, there has gone from it, a great deal of the pride and a great deal of the loyalty that once were characteristic of the practitioners of the scriveners' art. There was a day when men felt about their newspapers—and to a lesser extent, about their radio stations—an almost "my country right or wrong" philosophy, and were fiercely proud of their associations. Today, with a few exceptions, that kind of loyalty is almost non-existent.

I think it is fair to say that there is a greater schism between the present Administration and the media—at least publicly—than at any previous time in our history. It is not my place, or my wish, to offer opinions on the merits or demerits, of the Administration's case against the press and the video medium. Vice President Agnew, particularly, has made it abundantly clear that in his, and presumably, the White House view, there are very few "white-hat boys" in the media.

However, as in most situations, there are two sides to the story. Neither the media nor the Administration is blameless; and, sometimes, misunderstandings arise purely through careless communication or because of an unfortunate choice of words. A good example of what I mean occurred just two weeks ago. Kenneth Clawson, deputy director of communications for the White House, and a former reporter for the *Washington Post*, accused the *New York Times* of being, in his words, "a conduit of enemy propaganda", for carrying two articles in which the North Vietnamese were shown in a somewhat favorable light.

Without repeating all the details, which I am sure all of you are familiar with anyway, it seems to me that this was a classic case of poor choice of words. While I may and do disagree firmly with the *New York Times* on some issues, I cannot for a moment accept the description "conduit of enemy propaganda". This is close to accusing the *New York Times* of treason, or at least, of furthering the cause of the North Vietnamese at the expense of ourselves and our Allies. And this I do not believe is the case. Much as I sometimes disagree with its editorial policy, I do not believe that the *Times* is subversive. I am not going to argue for or against the case of the newspaper's printing two dispatches from Hanoi on page one, but I beg leave to question Mr. Clawson's use of words. They can only serve to exacerbate feelings which are already strained on both sides; and from this, nobody can gain.

To men and women in public life, the goodwill of the media is vastly important; and while it might be exaggeration to say that the print and visual media can make or break a public figure, there is no question that a *hostile* media can make a man or woman's life infinitely more difficult. And this is true, unfortunately, even if the individual concerned is as close to being as pure as a mortal can be, and the hostility is morally unfounded. Owners, publishers, editors, commentators, and reporters have the same potential for vindictiveness as have politicians, lawyers, garden club members, or performing artists. They also have the same potential for benevolence. Unhappily, human nature being what it is, the blow of vindictiveness is always more marked than the caress of benevolence, and it is for this reason that the print, video, and audio media of this nation bear a responsibility towards impartiality unequalled anywhere in the world.

It is the function of the communications and information media to communicate and inform. If, in the course of fulfilling this function, there arises the necessity to expose—to lay bare facts that impugn integrities—then these integrities are fair game. But if we accept the premise that the exposing of doubtful integrities and characters is a legitimate facet of communicating and informing, is it not also reasonable to expect that emphasis be given to unquestioned integrity and character? Or are we always to be wedded to the old proverb that "bad news travels fast" and that good news is seldom worth dissemination?

On May 2nd of this year, a great American died—a man whose name was synonymous with law enforcement of the highest caliber. In his latter years, J. Edgar Hoover had some critics, who were entitled, under our system, to their opinions. But it struck me at the time when these criticisms were most vociferous, that they were given infinitely more notice than were the opinions of the many millions of Americans who respected and revered this man. Perhaps it was thought that his patent honesty, integrity, and incomparable record of achievement did not need defense. But it was noticeable that all the sterling qualities that made him great—and which were so little mentioned during his life—were subject to extensive notice in his eulogies. Perhaps it will always be true, as is written in the Book of Matthew, that "a prophet is not without honour, save in his own country . . ."

I mentioned earlier the inroads that have been made, in both the print and electronic media, by the fetish of "human interest". There are thousands of examples over the years, but one very recent and shocking case illustrates perfectly the lengths to which this technique has gone.

I refer to the attempted assassination of Governor Wallace, allegedly by one Arthur Bremer, of Milwaukee, Wisconsin. It is not for me here to judge the accused. His guilt or otherwise will be decided at his trial. What does seriously trouble me, however, is the grief and embarrassment that have been caused to the family and friends of this young man, whose apparent only involvement is that they are relatives or that they knew him. I cannot, for a moment, understand why it is necessary, in the name of "human interest," that the sanctity of privacy be violated by representatives of the media to a point where police protection is needed to save the innocent from further harassment.

I use the Bremer case as an illustration, only because of its topicality; its circumstances have been a feature of every major case for as long as I can remember. Perhaps what I am getting at is, that while I have much admiration for the competence and conscientiousness of the media in most fields, I find them guilty, in too many instances, of plain bad taste.

Any citizen who breaks the law, or by his or her actions, violates a reasonable or accepted standard of behavior in our society, must except a public investigation and possible obloquy. But the boundaries of good taste and discretion are exceeded, in my opinion, when persons on the periphery of these actions—and having no personal connection with or responsibility for them—are subjected to an unveiling of their personal lives by over-enthusiastic and ill-mannered minions of the media.

The possession of a press pass, the dignity of a by-line, or the heady wine of a thirty-second spot in living color on the 6:30 or 7 o'clock network news, should not entitle the individual who enjoys them, to exhibit a callous disregard for the private rights of innocent and law-abiding Americans.

Having said these things, I must also say that nowhere in the world are the people of a nation so well-informed, and, in most cases, so fairly informed, as are we in the United States. In the communications media, as in the market-place, competition has forced a striving for excellence, and this has been, to a notable extent, achieved.

I would be amiss, too, if I failed to mention one aspect of our communications media that seldom is given the kudos it deserves. I refer to the wire services. While all of our major publications and our major audio and visual outlets have large news-gathering staffs of their own, by far the bulk of the news that reaches into every nook and cranny of this country, is gathered and disseminated by men and women of the wire services, whose conscientious, and sometimes dull routine, is absolutely essential to the continuation of the premier place we Americans enjoy as the best-informed citizens in the world.

It cannot be argued that a man's judgment is only as good as the information on which he has based it, and the same applies to a nation. Over the years, the American people have displayed good judgment. There can be no more suitable accolade as to the quality of their information.

I have dwelt at some length on the media, and I have discussed only briefly the law enforcement side of this seminar. This is meant as no reflection on the most worthy citizens who represent here the forces of law and order. But as I perused the program and the panel discussions that will follow this luncheon, I felt reluctant to impinge on the comprehensive nature of the panel subjects.

"National Security and Public's Right to Know"; "Surveillance and the Media"; and "The Minorities, the Media and the Police" seem to me to run the gamut. I could not hope to discuss with you any one, or a melange, of these controversial subjects, with the expertise of those whose names are listed; so, I chose to share with you the few thoughts and observations I have advanced.

Those of you who are familiar with my attitude toward, and public statements on, law and order, will have no doubt as to where I stand. Our law enforcement agencies and the personnel who man them, have possibly our nation's most unenviable job. With very few exceptions, the men who have to apply the law and maintain order at the citizen level in these troubled days, are men of goodwill and men of conscience. The provocations they suffer frequently tax their capacities for patience and understanding.

The physical abuse they are subjected to, far too often goes beyond any normal limit of forbearance. It is much to their credit that the confrontations which take place are as largely non-violent as they usually turn out to be.

Just the other night, I saw on a network news show, a five-second segment of a policeman striking a campus demonstrator with his nightstick. The accompanying narration pointed out this action. It did not mention the fact that the policeman had a stream of blood running down the left side of his head and face. Perhaps, as Arnold Bennett wrote in his essay "Things That Have Interested Me", "the price of justice is eternal publicity."

Unfortunately, this price is frequently much too high for the value of the product as it relates to the public interest. As I mentioned earlier, those who are conduits of the profusion of information available to Americans, have an awesome responsibility to use discretion and sound judgment as to how that profusion is disseminated. It has always struck me as being unfortunate, if not to say inflammatory, that the confrontation aspects of demonstrations are written about, and shown, almost ad infinitum—in the case of television, often accompanied by a narration in language more suited to a dramatized production, than to responsible, unbiased reporting.

I am convinced that the over-colorful, almost romantic coverage given by all media to the irresponsible leaders and followers of campus and other demonstrations, is, to a frightening extent, responsible for the emulation by others, which always follow. I cannot expect that these kinds of events would be wholly ignored. But I can and do expect that information media should be capable of enough maturity and intelligent restraint, that they do not, wittingly or unwittingly, become contributing factors in the continuation and exacerbation of the kind of behavior to which they lend their immense power and influence.

One day, with the co-operation of all concerned, we may return to an America where tolerance—not overtolerance—is a virtue; where a different point of view is to be sought and respected and is not the object of derision and contempt; where the essential goodness of humankind is not blotted out by the excess of human evil; where pride in our country is not a subject of scorn; where the going down of the sun is a time for dreaming and not a time for fear.

In this re-birth of America, there will be, once again, a decent respect for the law, and a re-dedication to its letter and to its spirit by those charged with the duty of administering the law. Where exists crime, there, also, will exist punishment. Out of this respect for law, there will come a decent order, and these two conditions will be realities—not just a catch-phrase.

PROPOSED CATASTROPHIC HEALTH PLAN

Mr. SAXBE. Mr. President, it has been widely speculated that there is the possibility of having a catastrophic health insurance proposal pass the Senate this year, as part of H.R. 1, the social security bill.

For some time, I have been an advocate of a catastrophic health insurance program, at least in principle. I believe that our citizens should be protected from financial ruin encountered as a result of long and serious illness.

But the proposal that is being considered by the Finance Committee, and the one likely to be considered by the Senate, would not protect people from financial ruin. A person would have to pay the first $2,000 of doctor bills, as well as the cost of the first 60 days in the hospital, before receiving any Federal aid. This would in many cases require a person to pay as much as $6,000 or $7,000, and for millions of people in this country, $7,000 is financial ruin.

The following article on health insurance clearly explains the pitfalls and loopholes in the proposed catastrophic health insurance plan. I think it is important for all Senators, before they vote, to become aware of exactly what this proposal would do—or rather, what it would not do. I think we ought to see it for what it is.

For this reason, Mr. President, I ask unanimous consent that the article by Sylvia Porter, entitled "The Health Insurance Bill," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, May 30, 1972]

YOUR MONEY'S WORTH: THE HEALTH INSURANCE BILL

(By Sylvia Porter)

Comprehensive national health insurance legislation is dead as far as the 92d Congress is concerned—and if the 93rd Congress is less liberally inclined, it well may remain interred for many years.

A kind of "stopgap" catastrophic health insurance bill, sponsored by Sen. Russell Long, D.-La., has a chance, though. It has the widest political appeal of all the bills proposed. It seems the least costly of the proposals. And it is a health bill.

But an analysis of the Long proposal suggests that we well might be better off if the 92nd passed into oblivion without giving us any health insurance legislation at all. As Max Fine, executive director of the Committee for National Health Insurance puts it:

"The bill would be pouring good money after bad, it would do nothing to stem the rising costs of health care, nothing to provide quality controls on care, nothing to streamline our overall health system. It's a delusion."

XUM

No one disputes the need for financial protection against the catastrophic costs of a major illness. More than half of all Americans now covered by some form of health insurance are still without major medical insurance.

The typical ceiling on today's ordinary Blue Cross health insurance policy is about $5,000; the typical limits on the number of covered days of hospitalization are 60 to 90 days. Under private commercial major medical policies, a typical deductible is $100 a person and upper limits of coverage typically range from $5,000 to $15,000.

Under Long's "catastrophic" insurance plan, up to age 65, you would have to pay the cost of the first 60 days in the hospital plus 25 percent of hospital costs thereafter. You would pay the first $2,000 in doctor bills plus 20 percent of amounts above that. To finance the plan, a new tax of 0.3 percent would be added to the first $9,000 of all workers' wages (on top of the 0.8 percent Medicare tax) or an initial maximum of $22 a year.

But what wouldn't and would the legislation really do?

Consider this case history of a Wisconsin factory worker, a widow, age 58, who was admitted to a hospital last September with a broken hip. Her gross income was $4,500 a year, her total assets were a home valued at $15,000. She was too young for Medicare, and because her assets were too "valuable," she was ineligible for Medicaid.

This lady's total bill for 51 days of hospitalization—at $55 a day for the room, plus physician fees and other costs—came to $5,397. The Long bill would not pay one penny of this huge sum.

As it turned out, this widow's company insurance plan paid a total of $1,675; she was forced to sell her house to raise the $3,722 still owed. How "catastrophic" could this widow's illness be?

The Long bill would help only one in every 300 to 400 or perhaps even 600 who ever get medical bills in this lofty range. An overwhelming 96 percent of all hospital stays are for fewer than 30 days.

It would heap on incentives for the most expensive kind of care—would encourage long-term hospitalization in order to take advantage of catastrophic insurance benefits—and would thereby even intensify today's spiraling health care costs.

It would not provide protection for many in greatest need of catastrophic coverage—those in the middle income and the top of the lower brackets who aren't eligible for Medicaid—simply because many of these could not afford to pay the enormous deductibles and co-insurance. These would come to as much as $8,000 to $10,000 before the catastrophic coverage would even take effect.

It would force the poor and near poor to bear a disproportionate share of the overall financial burden via the proposed regressive tax on the full amount of their wages.

It would still fail to provide aged Americans with the catastrophic coverage—including long-term nursing care—they, more than anyone else among us, need.

This "catastrophic" insurance legislation would itself be a catastrophe indeed if it diverted—as it already is diverting—the attention of Congress from our very real need for a meaningful and comprehensive health insurance system for us all.

NATURE LASHES THE SOUTHWEST

Mr. MONTOYA. Mr. President, nowadays the Nation is preoccupied with political activity, while a major crisis is looming across our entire Southwest. Too often we take the natural course of events so much for granted that it takes some major catastrophe to remind us of elementary forces governing lives of men and societies. Across the Southwest, we are rapidly being confronted by a drought of massive proportions.

Water holes are drying up with frightening rapidity. Cattle are running out of range months before they are supposed to because of heat and lack of rain. In fact, rainfall has not been recorded in some parts of the Southwest for approximately 5 months.

A range of Federal emergency relief programs are available to affected citizens, but more often than not they simply do not go that far over the long pull in alleviating such a situation, if applied too late.

In view of the state of affairs developing in my home State of New Mexico, I believe such measures should be taken by the Federal Government immediately. Many people taking their living from the land are already very hard-pressed financially. Assistance from the National Government now would ease pressures on them. Further delay is unwise. We should not wait until these citizens are in extremis and up against the financial wall. Many local banks, familiar with such rural citizens, are willing to do all they can to aid them. But their resources in turn are limited, especially when stacked up against the magnitude of this potential disaster.

Because of the drought, many, many stockraisers, especially smaller ones, are being denied normal access to public grazing lands controlled by the Federal Government. In New Mexico, these lands are vast, and lack of access to them is a telling blow to the hopes of small ranchers.

Almost all such people must cope with a certain number of fixed expenses their forebearers did without. These include vehicles, electricity, fuel for homes, and phones. Even though utilized at an irreducible minimum, these bills are almost too much for many such people.

America's consumers will eventually pay the bill if we fail to act. Presently, markets are bulging with premature beef animals farmers cannot afford to feed. As a result, prices are somewhat lower. Yet next year, because of lower rates of reproduction, prices almost certainly will go much higher, with attendant travail and expense for the average American consumer.

Irrigation water supplies are already depleted dangerously. Across the entire southwest crops grown through heavy use of irrigation water are in peril. Such crops are raised all up and down the Rio Grande Valley in New Mexico. These consist of cotton, sorghum, grains, fruits, and vegetables. Many such crops are grown by small landholders laboring on small margin to supplement already low incomes. Here again we see eventual costs being borne by urban dwellers dependent upon these crops. What is the farmer's immediate loss is a long-term price increase for consumers.

Another menace looming immediately on the horizon as a result of this drought is a threat of major forest fires. Extreme fire hazard conditions are being created everywhere in our southwestern forest lands, which constitute a large portion of New Mexico's total area. We face a prospect of forest fires affecting millions of acres of land in my State, with all attendant destruction they bring.

The drought also cuts into vital water supplies of literally dozens of communities, including some as large as our State capital, Santa Fe, which is my home, and possibly the most historic city in America.

Santa Fe faces a prospect of harsh water rationing, perhaps within a month. Smaller communities face even worse possibilities, as their water supplies will dry up within a month if no rain falls. Then we shall have to haul water in to smaller towns in order to maintain community life.

Planning is already under way to provide emergency drinking water to small communities in our State whose wells will probably go dry for the second year in a row. In New Mexico, steamflow during May was the lowest in 56 years on the Pecos River at Santa Rosa, and the lowest in 71 years on the Rio Grande at Otowi Bridge near San Ildefonso.

Mr. President, our Nation has suffered severely in the past from such droughts in the same areas of the Southwest now affected. I feel we must pay significant attention to this emerging state of affairs now, rather than wait for it to assume even more disastrous proportions.

In the past we have too often ignored the plight of vast rural areas subject to disaster from natural causes, mainly because their agonies are slow rather than rating as instantaneous tragedies. More often than not, they occur far removed from massive urban concentrations where the media find it easy to obtain a story on such a situation.

Yet in this case it is easy to ascertain the outlines of real, enduring tragedy today affecting millions of rural Americans. Further, their travail today is the loss of all the rest of America soon thereafter. Economic fallout and rural dislocation in these drought areas alone will have far-reaching effects upon the rest of our Nation in relatively short order.

For all these reasons, as well as simple compassion for our fellow citizens, it behooves the Federal Government to commence significant efforts to alleviate the worst effects of this drought, and to bring to bear the full force of Government agencies to prevent a further drastic worsening of this situation.

Half a dozen Federal agencies, particularly the Departments of Agriculture and Interior, should be ready with plans of action. The President should declare a state of emergency and get appropriate agency efforts moving forthwith. Having just come from that area, I can testify to how severe the situation is now and how it is deteriorating almost daily.

Many political figures bemoan the flight from rural to urban areas, which simply cannot support more population. Many sources complain about a need to keep rural America enticing in terms of year-round living. Yet here we observe stark tragedy and everyone is merely sitting, watching it happen and doing absolutely nothing except pointing to it and noting what is transpiring.

PUBLIC PROGRAM ANALYSIS AND EVALUATION FOR THE PURPOSES OF THE EXECUTIVE AND THE CONGRESS

Mr. ROTH. Mr. President, I recently made available a report which presents the findings of a study initiated by my staff and me in July of 1971. At that time we directed a questionnaire to 41 Federal agencies, seeking to put together a general picture of program evaluation and analysis in these agencies. This study seemed to us to be necessary to determine what sorts of improvements were needed in the information used by the executive and legislative branches in the allocation of scarce national resources. Much of the work in preparing this report has been performed by two very competent college student interns under the direction of a full-time member of my staff.

My entire approach to program evaluation and analysis is a commonsense one. I intend the term "evaluation" to refer primarily to a process which measures the success of ongoing activities. Obviously there is an analytical aspect to this. The expression "analysis" has a broader meaning—including the consideration of hypothetical situations in planning for the future. Decisionmaking based on analysis is what I am really advocating—be it in Congress or the executive. To my commonsense way of looking at it, this would be decisionmaking following upon a breakdown of problems into their constituent parts; an assembling of all pertinent, available facts; and the tying together of causes and effects.

My interest in making sure that the executive branch and Congress have adequate evaluation and analysis to back up their decisionmaking is derived from a desire to find a practical path to true fiscal responsibility. Evaluation and analysis contribute to this end by allowing us to better determine whether programs are accomplishing their intended goals, how these programs could be improved, and what new programs should be undertaken in the future.

Adequate analysis and evaluation would also permit us to compare the relative costs and achievements of various programs managed by one or a number of agencies. Any rational allocation of scarce public resources requires that some sort of cost-effectiveness or cost-benefit analysis be performed.

I have been led to an interest in the use of evaluative program data also as a result of my concern that sufficient program information be available for use by grant users. When I discovered that such user-oriented material was not always adequate, I began to wonder if agencies were collecting and using output data. Grant users, legislators, political-level executives, and program coordinators all stand to gain from improved program information of all sorts.

The use of analytical techniques is subject to a number of dangerous distortions. These include over-objectification, over-systematization, and use for advocacy by program managers and political executives. We must keep in mind that it is especially difficult to gage whether social programs are successful. These programs necessarily have multiple goals which in their ultimate form are very hard to measure. Further, I think we need to guard against the erection of complicated formal structures of analysis which have no impact on decisionmakers.

Despite these pitfalls, my staff and I still feel that a reasonable, flexible approach to evaluation analysis can contribute much to fiscal responsibility. This was President Nixon's argument when, in a May 1970 memorandum to agency heads, he urged wider use of program evaluation. In initiating our survey of Federal evaluation practices, we did not wish to advocate any particular approach or technique. We mainly hoped to get some feeling for the extent and nature of evaluation activities in the Federal Establishment as a whole.

In July of 1971 my staff directed a questionnaire to 41 Federal agencies. A copy of the questionnaire appears in the RECORD at the conclusion of my remarks. We received written replies from 39 of the agencies. In the questionnaire we concentrated especially on practices involved in evaluating ongoing Federal domestic assistance programs. However, as the staff proceeded with personal interviews and other contacts with agency evaluation people and interested parties, our scope of interest broadened to include the evaluation and analysis of most governmental activity.

I would now like to summarize the findings of our survey. The report we have prepared contains general summaries of the agency responses, as well as reports on each agency's reply. We have, of course, been limited by the accuracy and completeness of the agency responses. To as great a degree as possible we have simply summarized what the agencies have told us. Of course, in some instances it has been necessary to apply an amount of judgment in piecing together information from the direct answers as well as accompanying documents. It is also important to realize that the general summaries of the agency responses are necessarily only approximations of reality

It seems to me most essential that agencies make serious efforts to define the short and long-term goals of their programs. There is no denying the fact that legislative authorizations often do not pin down the purposes of authorizations. Further, by their nature those governmental efforts with social objectives usually have multiple objects. These realizations do not lead me to accept the often-made argument that we therefore cannot really assess the accomplishments of social programs.

An agency cannot possibly pursue its responsibilities in any coherent fashion without some goal orientation. Of course, it is usually possible to define and measure immediate outputs such as number of houses built, number of persons trained, et cetera. To accomplish the same with ultimate goals such as the improvement of housing or employment opportunities for a particular group in the society is a much taller order.

According to our survey, the definition of objectives and goals is not a highly developed art among the executive departments and the independent agencies. Immediate outputs seem to be more frequently defined, and the large executive departments have gone somewhat further in this direction than the usually smaller independent agencies.

Once goals and objectives are outlined, techniques must be selected with which to determine whether agency efforts are meeting these standards. Among the major executive departments immediate outputs appear to be measured for most programs in a majority of departments. Ultimate effectiveness seems to be rather infrequently gaged. Turning to the independent agencies, again, immediate output was said to be assessed somewhat more commonly than ultimate effects. The extent of output measurement, of any sort, was reported as considerably more limited by these agencies than by the executive departments.

Program outputs must be related to program costs in order to effectively use program evaluation and analysis to determine priorities and allocate scarce resources.

In other words, one must be able to categorize expenditures in the same terms as program activities. This process is of course complicated by the fact that Congress appropriates money in "input" terms, defined by organizational structure.

Our survey found the major executive departments to be further along than the other organizations in making use of cost benefit or effectiveness study. Nevertheless, in both cases many agencies said that they did not apply this technique to most of their activities or did not provide us with useful responses to the query. As regards the use of some sort of formal PPBS by agencies, such use was almost nonexistent among independent agencies, while four executive departments claimed to do so.

In constructing our questionnaire to the agencies, we felt that it was essential to find something out about the organization of evaluation and analysis within various agencies. It only makes sense that there must be a proper distribution of resources between program operators and agency-wide management. This distribution should allow program people to make use of their great knowledge of program operations for self-guidance and the guidance of top decisionmakers. Yet these top decisionmakers need to be able to reflect independently on this data and recommendations. To do this, they must have both independent informational as well as analytical resources. It just does not make sense to allow the civil servants who operate programs day-by-day and who may be conscientiously committed to them, to make final decisions about their role in an agency's overall effort.

Few executive departments or independent agencies, in response to our letter, described their evaluation apparatus as centralized. Decentralization seems to be the order of the day. Most departments and almost half the agencies noted the existence of a central unit with major evaluatory-analytical responsibilities. It is important that each agency determine, with guidance from the Executive Office of the President, what sort of formal

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structure of evaluation and analysis best meets its needs.

Sheer numbers of analysts, of course, may not be as important as their quality. For example, it is my understanding that the Department of Health, Education, and Welfare considers a small staff of analysts to be adequate for that department's needs. The Department of Agriculture has 11 analysts in its Office of Planning and Evaluation, and the Department of Commerce's Office of Budget and Program Analysis disposes of the services of 20 out of a total of 147 evaluation personnel.

I am most hopeful that the Federal Government will in the future take more interest in encouraging State and local government capacity to manage intergovernmental aid minus extensive Federal requirements. Following upon this concern, in our questionnaire we asked agencies to comment on their efforts to foster evaluative ability among State and local grant recipients. Both executive departments and independent agencies made it clear that almost no programs to support improvements in evaluation and analysis exist. Similarly, almost no functional programs permit the use of money for such purposes.

If we were to help our States and localities develop more capacity for self-criticism, we might be able to eliminate much of the expensive red-tape and bureaucracy now involved in administering Federal domestic assistance. As a consequence some of those at all levels of government who had formerly administered the endless requirements associated with categorical grants might be trained to assess the accomplishments of grants-in-aid. It is interesting to note that a few departments and agencies have given evaluation responsibilities to their regional organizations.

It has always seemed to me that the improvement of evaluative and analytical practices in the Federal establishment could best be achieved through the budget process. If the Office of Management and Budget, and for that matter Congress, were to demand more analytical support for agency budgetary requests, I think we would see at least an increase in the amount of analysis and evaluation in the agencies. The quality of this might also improve if OMB and Congress possessed the ability to spot check its validity.

OMB involves itself in agency program evaluation primarily through: issue letters which task agencies on special problems; the requirements for evaluative support set in OMB Circular A–11; studies it undertakes on its own; the work of the budget examiners; and through guidance provided to agencies by OMB's Evaluation Division. All evidence, including exchanges with OMB and the responses of agencies to our letter, lead to the conclusion that OMB involvement with substantive evaluation at the agency level is not great. Likewise, there is not a great deal of evidence indicating extensive independent substantive evaluation of agency activities by OMB.

With this laissez-faire attitude, it is difficult for me to understand how the executive can have adequate information to make tradeoffs among possible expenditures. Of course, we are all aware of the fact that the Office of Management and Budget has a tremendous number of tasks to perform—most of which it does quite well. A letter from Director Shultz of the OMB, presented as a part of my report on evaluation, reveals some useful information concerning his agency's impact on Federal evaluation practices. Perhaps there is a role for the domestic council to play in offering leadership to the agencies, especially as regards the evaluation of domestic assistance programs.

The General Accounting Office is an existing agency which could provide independent evaluations of programs to Congress, as well as assistance to executive agencies. At a later time I plan to treat the question of increased evaluative and analytical resources for the national legislature. A rather small portion of the executive departments, and an even smaller portion of the independent agencies, indicated in response to our inquiry that GAO was actively or regularly involved in evaluating the substantive accomplishments of their programs. They also stated that the Comptroller General's interest in their programs was quite often of a fiscal-procedural nature.

It should be noted, however, that the GAO has considerably increased its involvement in the evaluation of program accomplishments in recent years and plans further advances in the future. Comptroller General Staats has presented his view of the General Accounting Office's role in program analysis in a letter included in my report. By 1973 GAO estimates that of its 3,000 professional staff members about 32 percent will be involved in reviews of program effectiveness and program results. According to the same estimates, only 10 percent of professional staff is currently concerned with purely fiscal audits.

It is clear that GAO has plenty of work to do and does much of it effectively. However, Congress needs to have more independent evaluation of the impact of Federal governmental activity—by GAO, the Library of Congress, its own committees, or perhaps by some other body. The Legislative Reorganization Act of 1970 clearly assigns to the Comptroller General and the Library of Congress additional responsibility to perform substantive evaluations.

In our questionnaire we also inquired as to whether Federal bodies depended primarily on evaluation in-house by full-time staff or on studies contracted out to private consulting firms, research foundations, or universities. A good majority of agencies throughout the Federal establishment reported that they depend primarily on in-house evaluation and analysis. There are only a few instances, such as with HUD's model cities supplemental grants, where program money is available for evaluation. Equally uncommon is the situation, such as with a number of HEW programs, where Congress or the executive has earmarked specific funds for this function. One percent of program funds for HEW health programs and several social and rehabilitation service programs is set aside by Congress for evaluation.

Besides on occasion allocating specific funds for the assessment of program accomplishments, Congress in the 1967 Office of Economic Opportunity Amendments gave explicit instructions that the Director of OEO make a continuing effort to evaluate OEO efforts. These same amendments required evaluation by the Comptroller General.

In conclusion, it has been my hope that through these comments I can call attention to the need for the executive branch to improve and extend its attempts to measure the accomplishments of governmental activities and weigh these accomplishments against their costs. I feel that the study conducted by my staff suggests serious weaknesses in agency evaluative and analytical practices.

We in Congress can encourage the executive agencies to move in this direction in the course of committee hearings and by earmaking, where appropriate, program funds for evaluation and analysis when authorizing programs. We could also demand extensive analytical support for requests for funds and authorizations. At the same time, we must turn to the improvement of our own capacity to use and independently generate analysis and evaluation. These are tools which, when sensibly put to use, greatly increase the possibility of making the maximum use of public funds.

Mr. President, I ask unanimous consent that the text of my questionnaire to Federal agencies, the exchange of letters between myself, and OMB Director Shultz, and Comptroller General Staats letter to me be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 26, 1971.

DEAR ———

I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. How many domestic assistance programs as defined by the 1971 Office of Management and Budget Catalog of Federal Domestic Assistance does the agency administer?

To what extent are agency activities readily defined in terms of objectives and outputs conducive to measurement and evaluation of effectiveness? (e.g., PPB program structures or building block format) How many programs are operated and monitored in terms of definite output measures and goals? (NOTE—"Output measures" does not describe measures of expenditure, but rather the ultimate results of these expenditures.)

2. For which programs are expenditure and output data *evaluated* (i.e., in terms of cost-effectiveness, alternative approaches, experimental variations, program side-effects, efficiency, improved program strategies)?

3. How are the tasks of evaluation organized and distributed within the department/agency?

(a) How is the department/agency evaluation staff arranged (in terms of size and scope of activity)?

Department/agency office of evaluation?
Bureau and program evaluation staffs?

For state and locally administered programs, have evaluation staffs been developed at the state and local levels? Are there program funds authorized specifically for this purpose? (What is the role of state and local personnel in reporting or evaluating information?)

(b) What has been the role of OMB in evaluating department/agency programs?

Independently of agency staff?
In cooperation with agency staff?

(c) What has been the scope of GAO activity in doing *evaluation* studies of department/agency programs?

(d) To what extent have valuation studies been contracted out?

(e) To what extent are date reporting and evaluation performed by:

Participating program staff?
Independent staffs?

4. How has the evaluation staff been funded?

(a) Individual program authorizations specifying evaluation studies of the program?

(b) The Secretary or director's administrative staff appropriations? (Were the funds utilized specifically designated for program evaluation in the budget authorization?)

(c) Other?

5. Is evaluative information made available or could it be made available upon request for use by the legislative branch in considering authorization and funding levels of the various programs? (How much evaluative information is covered by executive privilege?)

6. Are there any projected innovations in the area of program evaluation in the agency?

Any suggestions, further information or examples concerning program evaluation would be greatly appreciated. Please direct such information to Kent Peterson of my staff.

Sincerely,
WILLIAM V. ROTH, JR.,
U.S. Senate.

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U.S. SENATE,
Washington, D.C., July 22, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Attention: Mr. William A. Niskanen, Jr.
Assistant Director for Evaluation.

DEAR MR. SHULTZ: I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of OMB evaluation activity? Are there any projected innovations?

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats." It is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis a vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

(c) Where should the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

3. What are the procedures providing for a comparative overview in analyzing

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluation information *is provided* by the agencies in the budgeting process?

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policy-making? What, in your view, should the relationship between evaluation and policy-formation be?

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become less or more objective? (Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?)

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern?

What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

Any assistance you can provide on this important subject will be greatly appreciated.

Sincerely,
WILLIAM V. ROTH, JR.,
U.S. Senate.

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OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1971.

Hon. WILLIAM V. ROTH, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I value your interest in the Federal evaluation process and your support of our efforts to improve the information and analysis available to Federal policy officials. John Collins and Kent Peterson met with our Assistant Director for Evaluation, Bill Niskanen, to provide a general background for our response to your specific questions.

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of the OMB evaluation activity? Are there any projected innovations?

The OMB Evaluation Division has 18 authorized positions, divided equally between a Special Projects Branch and an Evaluation Techniques Branch. Each professional staff member has a primary responsibility for one domestic program area and also contributes to the evaluation of selected Government-wide management and procedural problems. The major projected innovation is to give the Evaluation Division the responsibility for structuring the OMB Spring Reviews that provide the policy and budget guidance for agency preparation of their proposed budgets.

It is important to recognize that evaluation is a management technique that includes performance audits of existing programs, management information systems, and analysis of the costs and effects of proposed programs and policies. In this sense, most of the OMB staff is involved in evaluation. The specific role of the Evaluation Division is to improve the quality of evaluation throughout OMB by developing criteria, improving analytic techniques, assisting the other divisions, and by performing special projects.

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

In general, this relationship is professional and informal, primarily involving the sharing of data, research results, analytic methods, and perceptions of problems. The OMB Evaluation Division does not supervise or specifically monitor the budgets and activities of the agency evaluation staffs. One developing aspect of this relation is the development and promulgation of evaluation guidelines in specific program areas; these guidelines are usually developed jointly by the OMB and agencies' evaluation staffs and are incorporated in OMB Circulars.

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

Most of the data collection and program analyses are, and should be, conducted by the agency evaluation staffs and by the university and contract research community. OMB tries to assure that the specific studies of most direct interest to the Executive Office are performed, either by organizing a special project or by tasking an agency. The primary formal instrument for tasking an agency is an Issue Letter; these letters are now prepared in the summer for a response by the following spring and are usually restricted to studies of major importance. The OMB program examiners are continuously tasking the agencies for data and studies with a shorter deadline or of lesser importance.

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats," it is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis-a-vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

The agencies and OMB obviously have somewhat different institutional objectives—the agencies to promote programs for which they are responsible and OMB to constrain total spending and balance programs across the Government—and their respective evaluation staffs are bound to reflect these objectives. This problem is somewhat tempered by a developing sense of professional standards in the analytic community. In recognition of this problem, OMB's study requests to the agencies are increasingly restricted to information that does not directly threaten the agency's fundamental interests. In addition, OMB relies heavily on studies conducted outside of the Government and on studies by the OMB staff to provide parallel sources of information and analysis. We may not be sufficiently aware of similar distortive pressures within OMB, but it is probable that our current budget orientation sometimes makes us unduly critical of some spending proposals.

(c) Where the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

At the present time, there does not appear to be a general shortage of analysts in either the agencies or OMB. The primary present challenge is to make more effective use of the potentially available analyses by improving our review processes and, pending these procedural changes, an increase in the supply of analysts will not increase the amount of analysis that is effectively used. In contrast, there may be a greater payoff to increasing the number and quality of analysts working for Congress, an action that would also improve the quality of analysis in the executive branch.

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3. What are the procedures providing for a comparative overview in analyzing?

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

Most programs serve several goals, some of which are not well defined. Indeed, the necessary coalition for approval of a major program usually includes parties who support the program for quite different reasons. In recognition of the several goals of most Federal programs, OMB is increasingly using several different formats for reviewing the Federal budget and activities. These several formats include the necessary agency and appropriation aggregation, several types of program aggregations, resource-type aggregations, and selected Government-wide overviews of economic and management issues. We are developing review procedures to give increasing attention to the distributive consequences of Federal activities—by income class, demographic group, region, etc.—as well as the incentive effects on the various parties involved in carrying out Federal programs. Our review procedures are still in an experimental state, subject to the necessary procedures to review and publish the budget, but we believe we are working toward a more informative and effective process.

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluative information *is provided* by the agencies in the budgeting process?

Program Evaluation materials are submitted at several stages of the budget cycle. The results of major studies prepared by the agencies in response to the Issue Letters as well as studies performed within OMB receive greatest attention in the Spring Reviews. Agencies submit some program evaluation materials with their proposed budgets, both in response to OMB Circular A–11 and to frequent informal request by the program examiners. Some program evaluation material, prepared either by the agencies or within OMB, is included in the program books for the Fall Reviews. A representative Issue Letter and a copy of Circular A–11 are enclosed. The usefulness of agency program evaluation information varies enormously; in general, the basic information on which the agency analysis is based is more useful to us than their analysis and conclusions.

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policymaking? What, in your view, should the relationship between evaluation and policymaking be?

The OMB Evaluation Division has no direct policy responsibility; its primary contribution to policymaking is to assure that the OMB policy officials have the best possible information and analysis on management and budget issues. OMB's impact on policymaking, of course, derives entirely from the powers of the President and OMB's unique role as the only comprehensive staff in the Executive Office. Evaluation can be one of several important inputs to policymaking, but cannot be a substitute for the critical political decisions; evaluation should not be expected to resolve issues when there is a fundamental disagreement on objectives among well-informed parties.

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become more or less objective? Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?

The President's policy is to use "executive privilege" to the minimum extent consistent with the full and frank discussion of policy alternatives within the executive branch and with the necessary coordination of Administration proposals and consistent, of course, with the normal restrictions on classified material. In general, clearly, individual requests would have to be considered on a case-by-case basis.

As a general rule, the availability of the backup component studies might probably increase the objectivity of these studies, as they would be subject to review by a larger professional audience with, possibly, a wider range of interests. The release of studies that directly lead to a policy recommendation by appointed officials, however, would reduce the frankness of the internal policy discussion.

Because, generally, the basic data on which executive branch analysis is based would also be available to Congress, there would not seem to be any particular need for a separate congressional office of program evaluation, apart from existing committee staff, but of course, Congress would have to judge that for itself.

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern? What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

We do not favor the creation of a Council of Social Advisors as proposed by Senator Mondale. A council of this nature without a specific program or policy focus would most likely evolve into spokesmen for specific policies and would usually be excluded from the primary decision processes. In addition to the agency evaluation staffs, it is important to recognize that the Executive Office review of social programs and policies now benefits from the contribution of the Domestic Council staff, the Council of Economic Advisers, the Office of Science and Technology, and the Council on Environmental Quality as well as OMB, and these staffs include able social scientists from a range of professional disciplines.

I hope that these answers are responsive to your requests. Bill Niskanen can follow up on more details if this would be valuable. Again, thank you for your interest and understanding.

Sincerely,

(S) GEORGE P. SHULTZ,
Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 5, 1972.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I appreciate the opportunity afforded me to look over the report which summarizes your findings dealing with Federal program evaluation practices. As mentioned in my letter to you of April 20, you may wish to include a copy of this letter in your report.

I certainly share your view that program evaluation and analysis can contribute much to fiscal responsibility and for this and other reasons most of our audit effort over the past several years has focused on the evaluation of management of Federal programs and the assessment of whether these programs are accomplishing the purposes which Congress intended them to accomplish.

The principal objective of the General Accounting Office is to render maximum assistance to the Congress, its committees, and Members, consistent with our responsibilities as an independent, nonpolitical agency. Meeting this objective with our limited resources requires the judicious selection of assignments and the most efficient utilization of available staff in the conduct of those assignments. Therefore, except as otherwise required statute or external requests, our basic audit policy is to direct available resources and talents to the areas in which they can be most effectively used to fulfill the greatest apparent need and benefit to the Government.

Implementation of our audit policy results in considerable audit coverage of some Federal programs while very little audit effort will be devoted to other programs. For instance, we have performed a number of program evaluations at the Environmental Protection Agency and the Departments of Defense; Health, Education, and Welfare; Interior; Agriculture; and Housing and Urban Development because these departments have many substantive on-going programs which have a considerable impact on a large number of people and require sizable amounts of Federal funds. On the other hand, independent agencies such as the Inter-American Social Development Institute and the Overseas Private Investment Corporation have been in operation for only a little over a year and accordingly our work in these agencies has not been extensive at this point in time.

We are directing more of our efforts to providing the Congress and the Federal agencies with information on the progress made in achieving program objectives and on possible alternative approaches to accomplishing the objectives intended by Congress. For fiscal years 1971 through 1973 we estimate that our 3,000 professional staff members about 21 percent, 28 percent, and 32 percent, respectively, were, or will be, concerned with reviews of program effectiveness and program results. In addition, a substantial portion of our manpower is expended on management evaluations which are designed to achieve greater economy and efficiency in Federal Government operations. Less than 10 percent of our professional staff is concerned with purely fiscal audits.

A significant part of our work is done in response to specific requests by committees of the Congress, often in direct support of their legislative or legislative oversight responsibilities. As a current and important example, we are supporting the Joint Economic Committee in its study of welfare programs by measuring, in six geographic areas, the extent to which poor persons receive benefits from the multitude of Federal programs intended for their aid. To the best of our knowledge, this effort is unique. Also, we have recently evaluated and will shortly report on the impact of a basic change, provided for by present legislation, in the method of distributing funds for maternal and child health programs on the provision of services to program beneficiaries. This work was done at the request of the House Ways and Means and Senate Finance Committees to assist in their consideration of the need for modifying the legislation.

Many of our reviews are concerned with important domestic programs. Following are some examples of our more recent efforts in this area.

1. We reported to the Congress that the solid waste demonstration grant program had limited impact in improving the solid waste disposal problem in the Nation.

2. A report to be issued to the Congress this month will discuss the progress and problems in reducing air pollution from automobiles.

3. A recently issued report to the Congress evaluates the effect of Federal expenditures on the economy of Johnson County, Kentucky. A similar study, undertaken at the request of Senator Edward Brooke, resulted in a report on our evaluation of the impact of Federal programs on economic development, employment, and housing in New Bedford, Massachusetts.

4. Our report to the Congress on civil defense in the United States provided an evaluation of the development of a nationwide fallout shelter system.

5. In a report to the Congress last month we assessed the dimensions of insanitary conditions in the food manufacturing industry.

6. Over a recent 3-month period we issued five reports to the Congress on our assessment of the impact of the Teacher Corps program at various locations in the United States and we will shortly issue a report on the impact of the program nationwide.

7. A report which will shortly be issued to the Congress will discuss how enforcement of housing codes can enhance achievement of the Nation's housing goal.

8. Two recent reports to the Congress provided evaluations of the housing and education programs for the American Indian.

These examples represent a small portion of the audit effort which we are devoting to program evaluations. We have already provided you with a copy of our annual report for fiscal year 1971. I am providing separately a partial listing of reports which we have issued during about the past 3 years, or which will be issued in the next month or two, on the agencies involved in your study. This listing includes about 200 reports directed to the status and/or accomplishments of Federal programs. From the information included in our annual report and in the listing, I think you will agree that our efforts in the area of program evaluations have been quite extensive.

It is obvious that some agency responses to your questionnaire were not complete concerning our past efforts in evaluating their programs. Some of the responses apparently were prepared by agency people who were not familiar with our work. Overall, I think it would be fair to say that our total effort in program evaluations has been quite substantial and that our progressive increase of both total and multidiscipline staff resources which we have applied in this area in the last 6 years evidences our deep interest in such evaluations. This is not to say that more should not be done. On the contrary, as you note in your report, the Legislative Reorganization Act of 1970, as well as other recent legislative actions, will require the General Accounting Office to place even greater emphasis on program evaluations.

We appreciate your interest in this subject and hope that you will support our program evaluation efforts. If we can be of any further assistance, please do not hesitate to call.

Sincerely yours,

LEWIS B. STAATS.
Comptroller General of the United States.

STUDENT REPRESENTATION ON UNIVERSITY BOARDS OF DIRECTORS

Mr. HARRIS. Mr. President, on February 29, the Senate adopted by a vote of 66 to 28 an amendment which I offered to the Higher Education Act which encouraged college and university boards of trustees to include a student in their membership. My amendment did not make such membership a legal requirement, but did instruct the Secretary of Health, Education, and Welfare to report to the Congress on the effect of student membership on university governance throughout the country.

In the past few weeks it became clear that the language of my amendment, gentle as it was, was not satisfactory to all members of the conference committee. Although the measure has been retained in principle, the conference language has seriously weakened the powerful mandate given by this House to the inclusion of students on college and university governing boards.

Mr. President, a major problem in America is the powerlessness of individuals to influence the institutions which dominate their lives. Our cities are in turmoil, our workers feel that they are totally isolated from their management, and our students feel their constructive criticisms of their own educational system go unnoticed. Little wonder, then, that many of our most responsible and talented young people feel that their protests must be taken outside the system before they can be heard.

I have received numerous communications from students, faculty members, and administrators of schools where students are given a real input into the decisionmaking structure. Those who have had experience with student trustees overwhelmingly endorse the contributions and perspective which these young people have made. And the students feel that they do have a way of making their vote heard.

I am sorry that the conferees were unable to agree to the Senate wording of my amendment; but I am hopeful that the sense of the Senate expressed in the original version, and the endorsements of student representation which I have made public in this Chamber will give colleges and universities throughout America a clear enough mandate that they will work to include students at all levels of the decisionmaking process.

FUNDS FOR AID TO IMPACTED SCHOOL DISTRICT

Mr. MATHIAS. Mr. President, yesterday the House Appropriations Committee approved a $28 billion appropriation measure for the Departments of Labor, and Health, Education, and Welfare. I was most pleased to note that the committee has included in that measure $615.5 million for impacted aid to local school districts authorized under Public Law 81–874. This is an increase of $210.5 million over the administration request, and provides for continuation of the current level of funding for this important program.

Mr. President, I, like many others, am painfully aware of the increasing inability of local governments to finance education through the property tax. The impacted aid program has become a vital source of funds for countless school districts across the country. It has given local authorities the ability and the discretion to meet the challenges before them. Moreover, the program achieves these purposes with a minimum of administrative costs to Federal and local agencies.

I congratulate the House Appropriations Committee for its wisdom in restoring funds to this critical program, and urge the Senate to approve at least an equal level of aid in order to sustain the quality of education we provide for this Nation's young people.

THE AMERICAN WAY OF BOMBING

Mr. CHURCH. Mr. President, the current issue of Harper's magazine contains an excerpt from a pioneering study entitled "The Air War in Indochina." The study was compiled by scholars working under the auspices of the Cornell University Program on Peace Studies.

Understandably, the attention of Americans has been principally focused upon ground combat activity which has generated approximately 55,000 dead American soldiers. However, the air war study makes the argument that air power has been the dominant feature of American military involvement in Indochina.

The study, totaling more than 280 pages, is a most worthwhile contribution to an understanding of the intensity of our military efforts in Indochina. The excerpt in Harper's treats with the growing impersonalization of warfare, typified by a remark of a Marine Corps captain to a report for the New York Times:

I don't think anyone here thinks about blowing in and dropping bombs and killing a person. It's all very impersonal. You don't hear the bombs. It's all very abstract.

I ask unanimous consent that the Harper's piece be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE AMERICAN WAY OF BOMBING

Since the Battle of Agincourt, where the English longbow was decisive, warfare has become increasingly depersonalized. The distance between the combatants has become progressively greater, and each man has been given a growing offensive capability that permits him to kill many others with a single effort. The massive use of air power in World War II and in Korea contributed to this trend of increasing the physical and psychological separation between combatants and of minimizing the emotional interaction between them. The most recent developments in the instrumentation of warfare in Indochina—especially aerial navigation, target detection, and weapons delivery advances—have accelerated this trend considerably.

So far, advances in navigation and computerized weapons release have had their greatest impact on interdiction attacks by fixed-wing aircraft against stationary, soft targets; some degree of blind bombing capability has been achieved. Ground sensors are used primarily for accumulating intelligence for preplanned strikes on stationary targets, though they are also utilized for immediate strikes against trucks. The airborne sensor devices, on the other hand, have found their most important use in the truck interdiction campaign over the Ho Chi Minh trail, about which the Air Force has recently made such impressive claims. The U.S. night interdiction capability there rests on fixed-wing gunships, first employed in 1968, that carry various combinations of night viewing and other target detection devices.

The enormous U.S. industrial and scientific research base has made possible these rapid advances in weapons technology, but the demand for new military capabilities, plus the availability of a combat testing ground in Indochina, has been a major contributing factor to these developments. The results portend significant changes in the mode of operation of U.S. tactical air power for the future, particularly in counterinsurgency operations. Military enthusiasm for these systems obviously centers on

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their technical performance, on their cost savings, and on their increased effectiveness. Spokesmen have claimed that electronic battlefield developments have significantly reduced a long recognized deficiency of tactical air power—its lack of high-confidence, all-weather interdiction capability.

What tend to be forgotten or minimized are the limitations inherent in the system. Senors are vulnerable to decoys and countermeasures, and the possibilities for false responses abound (although the term "false alarm" has been stricken from the vocabulary; one refers now to a *nontargetable activation*). The battle between men and machines is not as one-sided as the machine designers claim. Highly motivated men are amazingly resourceful, and automated detectors are an open invitation to human ingenuity.

Beyond practical limitations there lies a fundamental problem. When friend and foe are intermingled, how can electronic sensing and controlling devices discriminate between them? This remains a basic problem under any conditions. A seismic detector cannot tell the difference between a truck full of arms and a school bus; a urine sniffer cannot tell a military shelter from a woodcutter's shack. The further the U.S. goes down the road to automation, and the greater its capital investment becomes relative to its investment in manpower, the more deeply will it become committed to this blind form of warfare. Gen. William Westmoreland, Army Chief of Staff, has stated: "On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. . . . I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine." [*Congressional Record*, vol. 116, pt. 18, p. 23824.]

Air Force spokesmen frequently point out that the data from electronic target detection and acquisition machinery are never used without collation with other inputs, and that no counteraction is ever ordered without the intervention of the essential element of trained human judgment. The human operator, however, is terribly remote from the consequences of his actions; he is most likely to be sitting in an air-conditioned trailer, hundreds of miles from the area of battle; from there he assesses "target signatures," evaluates ambiguities in the various sensor systems, collates their reports, and determines the tactical necessity for various forms of action, which are then implemented automatically. For him, the radar blip and flashing lights no more represent human beings than the tokens in a board-type war game. War and war games become much the same.

An account provided us by a retired general further illustrates this potential for depersonalization. He reported that when he was a student at the National War College he began to sense a regularity in the responses of the student officers to the various war-game scenarios endemic to such places of higher military learning. When faced with situations requiring either a diplomatic or a military response to a given crisis, experienced Navy PT-boat commanders tended to favor diplomatic solutions, while Polaris submarine commanders preferred tactical or strategic military responses. Similar distinctions were observed between Army infantry and artillery commanders, and between Air Force Tactical Air Command and Strategic Air Command officers. He concluded that those officers who were confronted directly with the consequences of their actions in the form of human lives lost—whether adversary, neutral, or allied—were more reluctant to resort to military solutions. Those officers whose weapons systems delivered death remotely were much more willing to call awesome amounts of firepower into play.

Moreover, an explicit goal of research-development programs is an improved "real-time" response, in all conditions of weather and visibility, to the information provided by the detection apparatus. The present bottleneck in the automated response process, as perceived by the Air Force, lies in the analysis of this information. According to the head of the Air Force Systems Command Laboratories, the "big problem" facing the labs today is how to analyze and correlate this input data for immediate response; "Microelectronics, coupled with new storage devices, offers some hope of dealing effectively with the data manipulation problem . . ." But, to the extent that this problem in data manipulation is solved, the contribution from human judgment in the target-selection process is likely to decline.

Automated warfare has certain "advantages," however, apart from its technical features. Instruments do not defect. They are not known to take consciousness-expanding drugs, nor to have ethical qualms about coincidental killing of civilians. They do more or less what they are told, and represent a powerful, mechanized, mercenary army.

Ultimately we can have the machines fighting the "target signatures" with no human beings involved on either side. As two commentators have put it, the electronic battlefield ". . . eliminates a constant problem of Vietnam and other wars—that some men must go and fight while others watch on television. With the truly automated system, everybody, including the soldiers, will watch the war on television—the only difference between the Army and the American Legion being the placement of the viewing screen."

The very existence of such an advanced technology produces pressures for its use; it will be hard to resist deploying these powerful weapons and gadgets for "countering insurgency" wherever found. Such a movement may have indirect consequences of considerable import. For example, the channeling of scientific and engineering effort into destructive applications of this sort may well encourage the currently emerging disaffection with technology per se, when in fact technology may be needed for extracting mankind from a wide range of ecological disasters. This disaffection in the U.S. is fueled by the recognition that American scientists and engineers—civilians as well as those working for the Department of Defense—have been deeply involved in the development of the electric battlefield.

The difference between war and a competitive sport has always been clear. A game of tennis cannot be won by blasting one's opponent clear off the court; the concept of "winning" is, by definition, tied to the rules of the game. Not so in war. Here the explicit objective is to reduce the opponent to a state of helplessness or willingness to capitulate. Anything that furthers this aim is part of the efforts; there is no umpire who might invalidate a victory that was won by breaking the rules. Of course, there are moral reasons for not going to excess with the destructive process of war—indiscriminate killing and devastation are repugnant to the individual, and few governments would subscribe to them as a matter of avowed policy. However, the exercise of moral restraint in practice comes under constant pressure from the practical calculations of the moment. If the advantages gained by transgressing a moral limitation appear great enough, the limitation is likely to give away. The practical calculations must of course take into account the possibility that the opponent, or one of his allies, will retaliate in like manner. This is a major factor inhibiting the unrestrained, moral rectitude exerts a very limited leverage. History abounds with examples of ruthless warfare, to say nothing of gratuitous brutality and wholesale massacre, in cases where one of the adversaries was free from the fear of retaliation.

If the effectivenesa of moral restraints in practice has never been great, there are factors in the new technologies that serve to undermine the foundations even of those limited restraints. The change in attitude is already profound in the normal exercise of strategic air power. It becomes particularly marked, however, with the evolution of the electronic battlefield and of automated warfare, the full development of which has far-reaching implications.

Remote-controlled warfare reduces the need for the public to confront the consequences of military action abroad. The cost of a fully automated war can be reckoned in dollars and machinery—a small price compared to a harvest of casualties. No longer must the leaders of a nation first establish widespread support for the policies that require fighting a war. Wars can be entered quickly, if need be even in clandestine manner, and fought with minimum repercussions at home. Indeed, an automated war might soon fade from the public consciousness and become *institutionalized*. Modern air capabilities make realistic Orwell's vision of *1984*.

Remote-controlled warfare also reduces the need for emotional conditioning of the armed forces so that they can engage in face-to-face killing. With automated war the combatants are *technicians*. Their powers of destruction are enormous, but their emotional involvement can be small. The use of complex gadgetry and the acquisition of the skills to operate it successfully can endow the entire destructive process with the characteristics of a game. The mere manipulation of the machinery is absorbing and pleasurable, like playing with a super-sophisticated pinball machine. The effects or merits of the actions are not considered; if such questions arise at all, they are dismissed as matters for high-level decision of no legitimate concern to those who execute the commands.

At work, too, is the psychological principle that one's sense of responsibility is weakened toward persons he cannot see. Through its isolation of the military actor from his target, automated warfare diminishes the inhibitions that could formerly be expected on the individual level in the exercise of warfare. With calm detachment, and without even being aware of it, persons can participate in the kind of indiscriminate destruction and killing that, in the context of conventional ground warfare, has so far been classified as a war crime.

This brief discussion outlines a rather somber view of the consequences of technological developments in warfare, particularly those involving progress toward a greater degree of automation and remote control. This is by no means a look into the distant future: though not yet fully developed, the electronic battlefield is a reality, and the strong pressures for its further refinement and free deployment cannot be ignored. What possibility is there, then, for restoring the balance in favor of restraint in warfare, on both the policy-making level and that of the individual combatant?

This is too broad and difficult a question to answer here. One can suggest certain ways however of creating or reinforcing such restraint. Increased awareness of the destructive power of modern air war with its burgeoning technology could make more people question the use of such destructive power to support limited policy aims. Individuals in positions of responsibility might become more willing to opposition decisions that violate the principle of proportionality and other well-founded rules of warfare. Still, it is no easy task to create greater public awareness of these matters, and to inculcate a greater sense of personal moral responsibility would require an all-out educational effort.

Such an effort would initially be handicapped by the progressive erosion of legal and moral restraints that has accompanied the development and use of strategic air power. Basic concepts like "military necessity," though applicable in principle to air warfare, have become nearly meaningless in practice. A concerted international effort to review and evaluate the juridical status of air warfare is vitally needed. Big-power agreement to a treaty limiting the use of air power could be a major achievement.

No one familiar with military developments over the past thirty years can believe that such agreement will be reached easily. An absolute prohibition of strategic bombing would probably be more practicable and effective than attempting to define which targets could be attacked at all, or only under specified conditions. Another possibility would be specifically to define air-war crimes in connection with an affirmation or reformulation of the Nuremburg principles, thus helping to institutionalize restraint at all levels. As a further internal restraint it would be well to curb the power of the executive to withhold information from the public. There is also the constitutional issue of restoring Congressional control over war-making activities.

No one of these measures—except possibly the absolute prohibition of strategic bombing—could effectively prevent the widely destructive use of air power, but all taken together possibly could. There doubtless are many other steps that could be taken. What is needed is a package of many mutually reinforcing measures. The design and creation of such a package is an urgent task, requiring imagination and leadership of the highest order.

U.S. POLICY TOWARD INDIA

Mr. HARRIS. Mr. President, the New York Times of May 30 contains a thoughtful letter by Chile's Ambassador to India. The article raises disturbing questions about the course of American foreign policy toward the largest democratic system in the world, the Government of India.

I believe that other Members of the Congress will wish to study the serious questions which Ambassador Miguel Serrano has raised. It helps us to place in context the consequences of the President's disastrous foreign policy toward India and Pakistan. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MUSIC OF DECADENCE

(By Miguel Serrano)

For some time the United States Government has been behaving like a man who, with an expensive house almost completed, decides to place a bomb in the living room and blow it to smithereens. For more than twenty years, the United States gave millions of dollars in aid to India, and then, almost overnight, in a seemingly mindless way, it stopped that assistance and began to court India's greatest competitor. This change seems alien to the traditional moral consistency of the American character. Perhaps it is the product of a new computer morality. If so, it represents a dehumanization capable of enslaving or destroying the human race.

This self-destructive impulse is revealed in a whole range of recent events. It is a tableau that threatens the survival of Western culture. To Europe the frivolousness of American foreign policy is especially disconcerting. The cold, hard men who voluntarily undertook the defense of the West now seem strangely untrustworthy. Everyone in Europe realizes that something had to be done to correct the American balance of payments and to reform the international monetary system.

For the last decade European bankers and politicians have been making discreet inquiries round the world concerning the possible devaluation of the dollar. Then suddenly, without consultation, the United States put an end to the convertibility of the dollar and imposed an import tax. These actions created a deep feeling of resentment throughout the North Atlantic alliance. Moreover, the Japanese, who for twenty-five years maintained a close relationship with the Americans, suddenly found themselves being treated like enemies. The ancient doubt began to take form again. The Japanese had accepted Hiroshima as a logical consequence to Pearl Harbor, and had developed an understanding of American rectitude, but now the earlier vision of the white Commodore forcing them to open their ports began to take shape again.

The United States' decision to try to close the gap with China was also undertaken in complete secrecy and without consulting any of its European or Asian allies. This rapprochement has required an abrupt shift in traditional American attitudes. To cite only one disastrous consequence, American silence about East Bengal and its open aid to Pakistan sanctioned the greatest massacre of modern times. This action was part of the price the American Government had to pay for its new relationship with China.

This sudden change, treating one's friends as enemies and one's enemies as friends has created disquiet everywhere. Anyone who has lived in the East will know that Asians will take it as a sign that the civilization of the white man is beginning to decay. This change constitutes what the ancient Chinese called the "music of decadence" that always precedes the death of an empire.

The modern Chinese will be pleased, but the laughter of Mao and Chou En-lai will be cold and sardonic. For them, there is only one people that count—the Chinese. All others are barbarians. And what better sign of barbarism than inconsistency, since it shows a lack of true culture, an insufficiency of feeling and ignorance of history.

It is difficult to understand why the Americans threw away the enormous influence that came with the millions of dollars they gave to India at the moment when India was at last attaining agricultural self-sufficiency and a greater industrialization than China, while at the same time maintaining a democratic parliamentary systems. Just when the aid efforts were bearing fruit, India was abandoned.

Americans, who are certainly generous, nevertheless have this defect of a young people; they want to be thanked, they want to be noticed, admired and loved by those to whom they give things. But for the survival of mankind, this powerful nation must abandon this childish indulgence. Instead of resenting what they imagine to be India's ingratitude, Americans should rejoice in India's independence and power.

It is not a communist country, nor does it allow foreign powers to establish military bases on its territory. More than ever before, it is a power in Southern Asia and in the Indian Ocean. Under Indira Gandhi, Nehru's daughter, it has an extraordinary Government that has only begun its mission. Women have governed countries in all times and places except in the Americas. This again would create suspicion among the Americans for whom the mother is only a superficial influence.

Unless these facts are recognized the Americans will inevitably begin to create on their side of the Pacific the "music of decadence" that the Ming emperors heard at the end of their rule three hundred years ago.

THE SALZBURG SEMINAR IN AMERICAN STUDIES

Mr. MATHIAS. Mr. President, the Salzburg Seminar in American Studies is a unique institution which rose from the ashes of World War II to help Europeans learn more about the United States. Many distinguished Americans such as the late Secretary of Labor Frances Perkins, Justice Byron White, and Justice Potter Stewart have taught at Leopoldskron in Salzburg, Austria, and it was with a sense of both history and humility that I accepted the invitation to join the seminar faculty.

Law, management, culture, urban, and international affairs are among the subjects explored at previous seminars by the faculty, which is traditionally American, and the student body, which is chiefly European. This spring's seminar gave me a chance to explain to the students my views on the changing political scene in the United States. But as the lectures ended and discussion began, the teacher-pupil relationship shifted and I found myself confronting the issues which of concern to the European community on both sides of the Iron Curtain.

Chief among these issues was the fear that the superpowers, the United States, Russia, and China, would engage in another Yalta-type agreement which would enforce some arbitrary world order on smaller nations and independent peoples. I hope that I was able to dispel this fear with respect to the intent of U.S. policy, but we should recognize that such currents of opinion do exist in important areas of the world.

The student body also expressed interest in the European Security Conference which is now being debated in the United States and Canada, as well as in both Eastern and Western Europe. They welcomed the concept of a nation-to-nation meeting to discuss European security in contrast to bloc-to-bloc confrontation but, again, expressed the fear that such a conference would be dominated by the superpowers.

The European students were apparently as concerned about the question of secrecy in government as are many of my Maryland constituents. Our discussion started on the publication of the Pentagon papers, but quickly broadened to focus on the classified document policies practiced by their governments.

It may interest Americans to learn that the role of the press in modern society is as controversial a topic in Europe as in the United States. We spent many hours debating the role of the press and its responsibility as the fourth estate, an instrument of government in a democratic society.

Many students told me of plans to visit the United States during the forthcoming celebration of the bicentennial of the American Revolution. Their plans challenged me to renew my efforts to get a bicentennial plan enacted that will make this enormously important celebration of 200 years of freedom meaningful to all mankind, American and foreign alike.

Finally, and most importantly, I was impressed by the concern for, and interest in the integrity of the American political process displayed by the stu-

dents in Salzburg. These Europeans viewed our political system, not only as students, but as people whose lives would be affected by the American political process. They recognized that the end product of our political system is the choice of American leadership, and they know that the kind of leadership that America gives to the world can be of personal importance to each of them. I never felt a greater sense of responsibility for the integrity of our political institutions and I was inspired to renew my own pledge to preserve and protect the strength, vigor, and honesty of our system so that it will continue to accurately express the will of the American people.

While the Salzburg seminars were originally conceived as an institution to promote education of Europeans in Europe, it should be apparent that it also has much to offer to Americans. Now that Europe has regained its prosperity, now that her ancient universities have resumed their historic duties and now that travel across the continent is not only possible for Europeans, but easier than ever before, it may be time to look at Salzburg for an expanded role in educating men and women from both sides of the Atlantic. If my experience is typical, it would be a worthwhile and useful experiment in international education and I hope it will be considered.

STATE DEPARTMENT GRIEVANCE PROCEDURES

Mr. FULBRIGHT. Mr. President, during the past year the Committee on Foreign Relations has received many complaints about grievance procedures within the Department of State. As a consequence, the committee added a new title to the Foreign Service Act of 1946 which established a procedure for the consideration of grievances in the Foreign Service. The provision added by the committee was modified and approved by the Senate. It is incorporated in the Foreign Relations Authorization Act of 1972.

On May 5, 1972, I wrote Mr. Richard A. Frank, a 7-year veteran of the Office of the Legal Adviser in the Department of State, and asked him for an evaluation of the Department's grievance procedures in the light of his experiences both in and out of the Department. In a letter dated May 31, Mr. Frank sets forth some very interesting and well-informed judgments on the State Department's grievance system. Among other things, he states:

> My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

Mr. Frank concludes his letter with the following:

> As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, including grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside sources, a patronizing attitude by management has been developed in connection with personnel affairs.
>
> Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

Mr. President, I believe Mr. Frank's letter will be of interest to Members of Congress and the general public, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTER FOR LAW AND SOCIAL POLICY,
Washington, D.C., May 31, 1972.

Senator J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In your letter of May 5, 1972, you requested my views, technical advice, and evaluation of the Department of State grievance procedures.

My experience with Department of State grievance system stems from my responsibility as counsel to the first grievant to have a completed hearing under the former grievance procedures, and a consultative function in connection with a more recent case pending under the "interim grievance procedures". My interest in these cases has been not only the specific grievances of the persons involved but also the general fairness of the grievance processes in the Department of State.

Rather than focusing on specific provisions of the Department of State's past or existing procedures or on the various proposals for change, I would like to concentrate on the more general questions whether the Congress should play a role in the Department of State grievance process by passing legislation of this nature and by maintaining surveillance, or whether the Department of State should be permitted to promulgate its own rules and operate under those rules without Congressional participation or scrutiny.

Since I was a member of the Office of the Legal Adviser of the Department of State for seven years, my biases have generally been in favor of depending on the Department's integrity and of granting it flexibility. The argument in favor of permitting the Department to act in this area without Congressional oversight is merely that a Government agency ought to be able to handle these matters adequately.

My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

The lack of appreciation within the Department for traditional administrative law rights was demonstrated in several respects in the cases with which I am familiar. One example of this involved the Department's unilateral actions in areas where decisions are normally taken only after an adversary proceeding. Under the former grievance procedures, the personnel division of the Department, without a hearing or other adjudicatory process, decided several times over a seven month period that the grievant would not prevail on the merits of his case, and the grievant should not, therefore, be allowed to utilize the grievance machinery. The Department, of course, is not itself entitled to make this decision in this fashion; and, in that case, the judgment turned out to be wholly incorrect, for when a hearing was finally held, the decision by both the Grievance Committee and the Department upheld the grievant's claim. This same issue remains under the "interim grievance procedures". The Grievance Committee unilaterally is able to determine whether it has jurisdiction over a grievance and whether the grievant is entitled to a hearing; the grievant has no right to discuss his position on these issues before the Grievance Committee.

The failure to understand basic administrative requirements was demonstrated in another instance when the decision maker and lawyers presenting the State Department's case collaborated during the course of a hearing. The State Department had no regulation, and still has no regulation, assuring a separation of functions of the advocate and decision maker, and the individuals involved did not comprehend that this collaboration was unjustified, until the Legal Adviser intervened in the matter.

The Department has also failed even to comply with its own regulations. For example, the Department's regulations under the former grievance machinery provided a specific procedure for extention of time limits (3 FAM 1824.2). In a case in which I was involved, the Deputy Under Secretary for Management unilaterally took an extension for an indefinite period in making a required decision and did so without complying with or even referring to the regulations. When we objected to this violation by the Department of its own regulation, the answer was that the Deputy Under Secretary needed "flexibility".

The Department has not been prepared to articulate reasons for its decisions, even though the courts have consistently required that reasons be stated. The former grievance procedures require that the decisions of the Director of Personnel be accompanied by the basis or reasons for his decision. While the Grievance Committee in one case in which I was involved fully stated the reasons for its conclusions, neither the Director of Personnel nor the Deputy Under Secretary for Management provided adequate reasoning when they rejected one Committee recommendation. The interim grievance procedures, rather than being an improvement, do not even require statements of reason for numerous decisions.

In sum, the Department's regulations have been and continue to be defective, and, in addition, the employees at the Department of State handling personnel and grievance matters have not administered these regulations in accordance with due process. I believe that if the Department of State is given more or less unfettered discretion, as it has requested, to promulgate its regulations and to implement those regulations, foreign service officers will not receive the equitable treatment which should be granted in sound administrative practice, and will be able to vindicate rights only through appeals to the courts.

A rather serious question is why the conceptions of Department of State officials about administrative due process are inconsistent with laws and with court decisions on this subject.

As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, including grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside resources, a patronizing attitude by management has been developed in connection with personnel affairs.

Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

If I can be of any further assistance concerning this matter, I would be happy to assist you or the Committee in any way.

Sincerely yours,

RICHARD A. FRANK.

REFORM OF THE SOCIAL SECURITY SYSTEM

Mr. HARTKE. Mr. President, one of the greatest issues remaining in this session of the 92d Congress is the reform of the social security retirement and welfare systems. Both programs suffer from long-term misconceptions and misunderstandings. So long as we fail to make meaningful change in these programs, we perpetuate their feelings and foster public disenchantment and disillusionment.

We have discussed the social security retirement system as a program of social insurance in which workers and their dependents receive benefits based upon the contributions which they and their employers made during working years. In fact, the program is quite different. Employee-employer contributions finance the benefits of presently retired workers. Those currently in the work force are not guaranteed any benefits whatsoever. Should future generations of workers allow themselves to be taxed as current wokers do, then those now in the work force will receive benefits upon retirement. The extent of those benefits is not guaranteed.

Among the greatest inequities of the current social security system is the flat-rate tax imposed to finance retirement benefits. For all too many persons, the social security tax is a greater percentage of income than the more progressive personal income tax.

Clearly, the social security tax is regressive. It is levied at a flat rate. There are no exemptions based upon size of family. There are upper income limitations on the applicability of the tax. And many forms of "unearned" income are excluded.

The rules which have been established around this program are both complicated and unjust. Why, for instance, should a married woman who is also a worker, not receive the full benefits to which she is entitled? Why should a working couple receive less benefits than a couple in which only one partner works? These are illogical situations, but they exist under the current social security system.

Mr. President, Congress has shown little inclination to undertake major surgery on this "sacred cow." On three occasions this year—and countless times in the past—I have offered omnibus proposals to reform the social security system. The most recent of these proposals can be found in amendments 893 and 1050 to H.R. 1.

Among the major changes included in these amendments are proposals for partial general-revenue financing of retirement and medical benefits, and a reduced rate of withholding tax for lower-income workers.

As drastic as these changes may appear to some, I am convinced that they are not the final solution to the inequities of the social security retirement system. Nevertheless, they commit Congress to make necessary changes.

Partial general-revenue financing of retirement and medical benefits recognize the fact that current workers are paying for the benefits of retired workers. Because of this, use of general revenues, financed in large part from taxes more progressive than the social security tax, eliminates a portion of the inequitable burden on the current working generation.

Reduced social security taxes for low-income workers eliminate a major cause of regressiveness in the current social security tax structure.

Mr. President, we must face up to this challenge in 1972. Each of us gets hundreds of letters from constituents complaining of inequities in the current social security system. Most of these complaints are well founded.

Mr. President, I intend to press for major reforms in the social security system during this session of Congress. The time for shortsighted expediency has passed. The most expedient action for this Congress to take is a major overhaul of the social security retirement and welfare programs.

GRADUATION ADDRESS BY H. A. DAVE TRUE, JR., AT COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Mr. HANSEN. Mr. President, although a great many graduation speeches are made at this time of year, few people have placed into clearer perspective more worthy guidelines than were spelled out by H. A. Dave True, Jr., president of the University of Wyoming's board of trustees, as he greeted and addressed those men about to be commissioned officers in the Army and Air Corps.

Because I believe Mr. True's remarks are deserving of wide dissemination and readership, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY H. A. DAVE TRUE, JR., AT THE COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Thank you, Colonel Pelland. Good morning, ladies and gentlemen.

It must be evident to you soon to be commissioned officers, that this large group, including a U.S. Senator, the President of the University, members of the Board of Trustees, Academic Deans, instructional staff within and from outside your departments, families and others, gathered here on an early Sunday morning in competition with the golf courses, the fishing streams, and probably most significantly—the soft beds, demonstrates the number of friends and supporters you and this program have.

While I seldom attempt to speak for the Board of Trustees, this is one instance in which I feel free to do so—to pass on to you the Board's high regard of you in the ROTC programs, your conduct, and the credit you bring to this institution.

Instead of burdening you with promises and predictions for the future, I want to talk simply about a matter which is of significant importance to all of us here today—the troubled Nation that is the United States of 1972.

All here today are well versed on our difficult domestic situations, and all have theories as to the causes. Perhaps these causes find their roots in a decline of standards throughout the United States, the decline of standards which is widely accepted as a way of life. Because of this decline, much of the behavior of our people is confused behavior. True, there are some among us who are deliberately agitating or deliberately attempting to undermine and alter our way of life. But these are few in number. The confused behavior extends far beyond them to encompass many, many others. These other people however are not radicals. They are not actively concerned with destroying our government. They are simply confused by the lack of these general standards.

This confusion of behavior—and of attitude—and of value—and of belief leads directly to resentment, a resentment directed not against any one aspect of life, but which remains unfocused until it can seize upon a single aspect of a single occurrence. Only then does it express itself in violence and disorder. The action may not be even remotely related to the cause.

It is essential to emphasize one point. In the United States we have traditionally granted our people a very large measure of personal freedom, more freedom than has been experienced by any other population in the history of the world. This means that we have permitted differences of opinions, differences of values, differences of attitudes, and differences of behavior in a very wide range.

This must be. We must continue to permit these personal freedoms to flourish unfettered. We must guarantee that the freedoms of the individual remain unchained. Yet there is a grave danger that these freedoms will be attacked. They will be attacked because they are visible. We can see them. It's easy to attack these visible freedoms and as they are attacked, we may thereby narrow the American way of life until it becomes something far different from what we want it to be. Thus we must continually strive to retain as much personal individual freedom as we can.

At the same time we must realize that the only reason we have been able to give freedoms of our people has been that under these personal differences of opinion, attitude, dress, and behavior, there has been an unshakable foundation of significant standards. These standards have been widely accepted and commonly followed, thereby giving a basis of unity and solidarity. Not all measured up to the standards. Many of us failed to do those things which we ought to have done. But when we failed in the past we admitted our failure. We accepted the standards, acknowledged our short-comings, and tried to do better. Today, it seems to me, the pattern has changed. Today the violator of the laws may insist his violation is justified, that it was the only thing to do, that it was the right thing to do, that the laws and standards are wrong, and that he alone is right.

This type of justification undermines the validity of law and law observance, and undermines the foundation of unity and solidarity so essential for the continuance of our Nation. This underscores a vital necessity

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in preserving our personal freedoms to as great an extent as possible while remembering that freedom flourishes only on the basis of a foundation of concensus, a foundation of agreement, a foundation of genuine devotion to standards.

These standards need not be set forth in vast and wordy documents. They can be stated best in very brief sentences such as "Do your duty."

Do your duty. This once was a standard applying to everyone. It was widely accepted. It governed our lives, military and non-military alike. Very often we were unsuccessful in meeting the standard, but we admitted our failures and we saw the standard as something bigger than ourselves, something we would continue to follow to the best of our ability.

In recent times two things have happened to this standard. On one hand, we have people who have forgotten the standard, or who laugh at it as old fashioned, or who regard it in other ways as not applicable to today. On the other hand there are the very persuasive voices of mass communication, mass literature, mass involvement—very persuasive voices redefining the way in which we should do our duty. Our duty is often defined for us as completely doing what will please us, doing what will develop ourselves—doing what will make us happy.

If we develop ourselves only for ourselves, if our duty is only to ourselves alone, we very soon discover that life is meaningless, and we very soon come to resent bitterly the meaninglessness of the very life which we, ourselves, have created.

A correspondent once wrote a famous author to tell him: "The whole purpose of life is to put yourself in second place." The purpose of life is to put you in second place—that sounds exactly like the opposite of what I have been saying. It sounds like the opposite of the advice to concentrate on ourselves. It is, in fact, exactly the opposite.

These two polar positions—concentration on ourselves and putting ourselves in second place—are both wrong. They are both wrong because they are both incomplete.

The author who received the advice from the correspondent responded by saying: "The whole problem of life is to find what to put in first place before yourself." That's it. That's the whole answer. That's why many people who today do put themselves in second place are still mistaken. Out of confusion and resentment they put some unworthy thing in first place before themselves.

These young officers of the University of Wyoming Cadet Corps have handled this paradox well up to this present moment. They have developed themselves, they have brought to the fore their abilities, their talents, their potential. More importantly they also have learned that development for yourself only is meaningless. They have learned that it is fatally wrong to put something unworthy before themselves. Therefore, they both developed themselves and they put in first place before themselves a worthy and meaningful goal.

They have put in first place their nation.

Congratulations to you, gentlemen of the Army and Air Force ROTC Corps, and congratulations to the nation which you serve.

Thank you.

DOMESTIC INTERNATIONAL SALES CORPORATION

Mr. HARRIS. Mr. President, during Senate debate on the Revenue Act of 1971, a number of Senators pointed out the grave risk of disagreements with our trading partners which this administration was willing to court in its plan to set up Domestic International Sales Corp. or the so-called DISC. It will be recalled that under DISC half of the export profits of U.S. firms can be sheltered from Federal income tax.

Senators at the time warned that even if many of the shaky economic arguments which the administration was advancing in favor of DISC were correct, our trading partners would be quick to retaliate by setting up similar trade gimmicks.

Today, it is no source of pleasure to report that the critics were right and the administration was wrong. The Wall Street Journal of May 24, 1972, contains an item reporting that the DISC is now propelling the United States toward a new clash with its foreign trading partners.

In answer to questions submitted by the Journal, the U.S. Treasury admits that the United States has quietly agreed to a meeting in about 6 weeks with officials of the European Community to discuss the U.S. DISC proposal. Meanwhile Canada is claiming that its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would receive from the DISC tax deferral.

Mr. President, I think the administration owes Congress an explanation on the issue of DISC. We should know precisely what the complaints of our trading partners are and what the administration proposed to do to meet them.

I believe that other Senators will benefit from reading the brief item which appeared in the Wall Street Journal. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX REPORT—A SPECIAL SUMMARY AND FORECAST OF FEDERAL AND STATE TAX DEVELOPMENTS

DISC propels the U.S. toward a new clash with its foreign trading partners.

Companies in this country are rushing to set up Domestic International Sales Corporations, half of whose export profits can be sheltered from federal income tax under a new law passed last year. States are sweetening the pot even more. The New York legislature has passed a law similar to the federal incentive.

But trouble is brewing abroad, the Treasury grudgingly admitted yesterday. Foreign nations have never liked the DISC idea and some of them now are protesting. So the U.S. has quietly agreed to a meeting in about six weeks with officials of the European Communities, the Treasury said in answer to questions. Details weren't available. But the nations are expected to meet under the auspices of the General Agreement on Tariffs and Trade. Geneva-based GATT, a trade-liberalizing group of about 100 nations, frowns on export "subsidies," and that's precisely what some other nations deem DISC to be. A Treasury official said the U.S. agreed to the meeting on the condition that discussions include European "export subsidy methods."

Along with foreign talk against DISC, signs of retaliation-in-kind are appearing, too. Canada claims its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would get from the DISC tax deferral.

DEPLETION OF U.S. FISH RESOURCES AND U.S. POLICY

Mr. WILLIAMS. Mr. President, the fish resources of our Nation, and of the world, are in danger of being depleted. Indiscriminate fishing by fleets of all nations, the use of modern equipment which sweeps the sea clean of even the smallest fish, a disregard for the reproductive cycles of fish, and the pollution of our oceans have all contributed to the problem of dwindling resources.

Commercial and sports fishermen have complained in recent years of dwindling fish catches. I have been receiving hundreds of letters from sport and commercial fishermen in New Jersey expressing their alarm at the diminishing fishing resources off the New Jersey coast. I have been keenly aware of the problems which are resulting from the expansion of foreign fishing off our coasts, and I believe we must intensify our efforts to preserve the interests of our American fishermen. Prompt action is essential if we are to conserve our resources.

The complaints of American fishermen are supported by figures which show a downward trend in total fish catch of such species as the Atlantic menhadens, sauries, California sardines, North Pacific herring, and Atlantic scallop. Already the haddock has been hunted off of the Georges Bank off the coast of New England and the yellowfin flounder is gone from Alaskan waters.

A principal cause of this reduction in numbers in overfishing. Overfishing has been given impetus by an expanding market for fish products, technological advances, capitalization of the industry, and competition between national fleets. In recent years the annual consumption of fish products has increased approximately 6 percent per annum. Since 1945 the world catch has increased almost 300 percent. The international trade in fishing products reached $2 billion in 1965, and it continues to increase.

Technological advances and the economic capitalization of the fishing industry have permitted the purchase of new gear which makes wholesale catches more possible. It also makes them necessary if the equipment is to be paid for. Some nations, particularly the Soviet Union and Japan, have rapidly built up their fleets and now comb the world's oceans for fish. Unsound fishing practices are often too tempting to resist. Denmark and South Korea, with no rivers in which salmon spawn, insist on the right to catch salmon on the high seas.

U.S. fishermen are particularly threatened by practices such as these. While the world fish catch increased from 43 billion to 123 billion pounds since 1945 the U.S. catch has remained relatively constant at 4 to 5 billion pounds.

PROBLEMS AND ISSUES

Since the 18th century users of the oceans and their resources have been subject to the rules of international law, the fundamental proposition of which is a 3-mile territorial limit, the rest of the oceans being considered high seas, belonging to no one and open to all.

Subsequently, many nations have unilaterally extended their jurisdiction, some to a 200-mile limit, primarily because of the fish stocks found within that zone. In 1958 and 1960 international conferences, held to deal with the problems created by these unilateral acts, failed to reach agreement on setting limits on national jurisdiction over the sea.

Some nations have interpreted the lack of agreement as leaving them free to set their own jurisdictional limits.

Thus, the problem of resource depletion created by an increase in economic competition and capability is aggravated by ambiguity in international sea law. The result has been confusion, anger, and in some cases international conflict.

The issues are quite complex and will not be easily resolved. The high seas belong to everyone, but different nations have different interests. Industrialized nations tend to have global interests plus the capability to exploit the resources of the ocean no matter how far from home. They tend to favor a more narrow definition of territorial waters, which permits a more extensive exploitation of the oceans by their more highly capitalized and technologically advanced fleets.

The less developed countries, particularly those in South America, favor a more extensive jurisdiction; 10 South American nations at this time claim a 200-mile territorial limit. These nations have rich fishing grounds off their coasts, they are badly in need of capital for economic development, and their economic arguments are intensified by a strong feeling of nationalism.

There are competing interests within nations as well as between nations. The United States, for example, has a west coast tuna fleet which wants to fish in the rich waters off the coast of South America. They want a narrow limit. East coast fishermen, facing the competition of Soviet vessels, tend to want a more extensive jurisdiction.

Furthermore, nations with technologically advanced and aggressive fishing fleets do not want foreign ships too near their territory for security reasons, nor do they want foreign fishermen exploiting resources traditionally reserved for their own fleets.

In sum, the given condition underlying fishery competition is that the oceans belong to all nations. Their status is open to all, with their resources now being overused and thus depleted. To prevent resource depletion, international rules which deal with the two major problems of, first, conserving fish stocks, and second, allocating catches in conserved fisheries, are required.

These problems must be resolved within the framework of economic efficiency by maximizing the net economic return from ocean fisheries. They must be resolved promptly with sound fisheries management and the appropriate international rules.

U.S. ACTIONS IN THE PAST

The United States in order to better preserve and utilize ocean fish stocks, has signed bilateral and multilateral agreements and conventions with other nations. In order to protect and promote the interests of its own fishermen it has passed national law.

The agreemnets and conventions, concluded for the most part in the 20th century, have attempted to conserve, regulate, and allocate fishery resources. Generally, they provide for an international commission, a body to do scientific research, equal representation, and enforcement by the individual State. None have granted the power to set relative national quotas or have made international adjudication of disputes compulsory.

The International Pacific Halibut Convention, signed in 1923, was an agreement between the United States and Canada to investigate and manage a particular fishery. Its powers included setting closed seasons, limiting the catch in specially designated areas, licensing ships and setting gear requirements, closing nursery grounds, collecting statistics and conducting investigations. Its success has been due to the limited number of parties and to their mutuality of interests.

An important agreement, in force today, is the International Convention for the North-West Atlantic Fisheries, founded in 1949. Its Commission recommends conservation techniques, such as closed seasons, closed breeding grounds, gear restrictions, overall catch limits, and size limits for fish. Each nation regulates its own fishermen.

The United States and the Soviet Union are participatories in the Atlantic Fisheries Agreement, signed in 1967 and modified and amended in 1968, 1970, and 1971. The agreement affords protection to four species of fish in the mid-Atlantic area and extends conservation measures to two additional species. These species, which have in the past been heavily fished by Soviet vessels, are important to American commercial and sport fishermen.

The Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas deal with the establishment of controls on the harvesting of tuna and related species. The 22-year-old fishery management program of the former has an outstanding reputation among scientists.

The United States has attempted to protect its fishermen through national law as well as international agreement. A law enacted in 1964 made it illegal for any foreign vessel to fish within a 3-mile zone off the U.S. coast. In 1966, the act was amended to extend the exclusive fisheries zone of the United States to 12 miles, and in 1971 the fine for fishing within that zone was increased from $10 thousand to $100 thousand. In addition, legislation has been passed promoting research and control of disease.

CURRENT U.S. POLICY AND THE INTERNATIONAL LAW OF THE SEA CONFERENCE, 1973

To supplement national law and international agreement, the United States is preparing for an International Law of the Sea Conference, to be held in 1973. Official responsibility for U.S. law of the sea policy was vested in an interagency task force, composed of members of the Departments of State, Defense, Interior, among others, in February of 1970. A number of policy statements have been issued by the task force and the President since that date.

There are two principles upon which international policy should be based. First, issues are to be dealt with in their entirety as part of a systems approach. For example, fisheries will be dealt with within the context of a law-of-the-oceans approach. But this does not exclude bilateral and multilateral conventions. Second, other nations should participate as much as possible in achieving international agreement on these issues.

The administration's policy currently being developed for the Conference includes promotion of a new international treaty fixing the limitation of the territorial sea at 12 miles and giving preferential rights based on a "species approach" to coastal fishing nations. The species approach is based on the principle that the management and harvesting of fisheries should be governed by the biological distribution and migration of fish stocks, rather than by arbitrary jurisdictional boundaries expressed in miles.

The essence of U.S. policy is contained in a statement made on March 29, 1972, by Ambassador McKernan, alternate U.S. representative to one of the committees preparing the Law of the Sea Conference.

Three-quarters of the world's marine fish catch is composed of coastal and anadromous species. Effective management and conservation of these species may be provided by granting coastal States clear and effective control over all such species, in the context of protecting other uses of the high seas. This concept includes inspection and arrest authority. The control exercised by the coastal States would follow such stocks as far offshore as the stock ranges. The coastal State could reserve to itself that portion of the allowable catch that it could utilize. The remaining portion of the allowable catch would be open to harvest on a nondiscriminatory basis by fishermen of other nations but would be subject to the coastal State's nondiscriminatory conservation measures, and reasonable management fees fixed in accordance with an international standard. The extent to which the coastal State preference should diminish traditional distant water fisheries—or vice versa—would be dealt with under a reasonable compromise provision in the treaty. We are opposed to the creation of a zone of exclusive coastal State jurisdiction beyond 12 miles.

The species approach principle of preferential fishing rights for coastal nations has evolved from two basic considerations. First, fisheries research has provided enough information for us to understand the breeding and migration patterns of the most important fish stocks. These findings permit us to make rules which will provide more sound fishery management practices. Second, it was deemed necessary to develop a position which would meet the concern of coastal States and be acceptable to them. The United States, noting the inherent conflict between the interests of coastal States and other States, and recognizing the priority interests of the coastal State, has proposed that coastal States have a priority interest based on their fishing capacity. This permits the coastal States to utilize the fish resources off their coast up to certain limits while assuring that other States will be able to utilize the excess over those limits.

CONCLUSION

I support a comprehensive approach to solving the fisheries problem within the framework of an international sea law agreement. A reasonable territorial limit and preferential rights based on the spe-

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cies approach would serve to preserve the interests of our fishermen and those of other coastal States. It would encourage those States to follow the best practices of conservation and efficient management. Agreement on the law should reduce international conflict.

While recognizing that international agreement is often slow and difficult of achievement, we must realize that a prompt resolution is essential in this case. The United States must vigorously continue to pursue bilateral and multilateral arrangements, which historically have been much more successful. We cannot afford the consequences of long delay. For example, prompt agreements should be concluded with respect to sea and river herring whose populations are declining rapidly.

I would prefer not to take extreme actions which would jeopardize the reaching of an international agreement at the Conference. The gravity of the fisheries problem and the danger posed by international conflict makes it imperative that a rational, equitable, and enforceable law of the sea be developed and adopted at the earliest possible moment. But if we cannot secure a prompt resolution of this problem, we must seriously consider extending our fishing zone substantially beyond the 12-mile limit supported by the administration.

RECENT DECISIONS OF THE SUPREME COURT

Mr. THURMOND. Mr. President, the June 5, 1972, issue of the U.S. News & World Report contains an article concerning recent decisions of the new "Nixon Supreme Court."

The article points out a new trend which is taking shape as the Nixon appointees cast the decisive votes in two decisions of the Supreme Court which upheld convictions by split-jury votes.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. Thus, the Court is apparently reflecting Mr. Nixon's judicial philosophy of strict construction of the U.S. Constitution.

Mr. President, in view of this recent shift in the Court's philosophy, I ask unanimous consent that the article, entitled "From the 'Nixon Court'—Decisions That Favor Lawmen," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM THE "NIXON COURT"—DECISIONS THAT FAVOR LAWMEN

The Supreme Court, as reshaped by Nixon appointments, now appears to be turning in a widely predicted direction—toward strengthened support for law enforcement against criminals.

Two decisions, handed down on May 22, are regarded by many Court observers as indicating what they see as a significant new trend.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. They upheld State laws authorizing less-than-unanimous verdicts in Oregon and Louisiana. Thus, they appeared to open the way for other States to pass similar laws.

The votes in both cases were 5 to 4. The majority included four Court members appointed by President Nixon—Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell, Jr., and William H. Rehnquist.

NO MAJORITY, BUT—

Mr. Nixon, in appointing the four men, made clear that he regarded them as "strict constructionists" of the Constitution who would reflect his legal philosophy. Alone, they are not a majority of the nine-member court. But all they need is to pick up one additional vote.

In the jury-verdict cases, the vote they picked up was that of Justice Byron R. White, who is considered—along with Justice Potter Stewart—to be a "swing man" who frequently sides with the Court "conservatives."

Justice Stewart voted in the minority along with three justices widely regarded as the most "liberal" members of the Court—William O. Douglas, Thurgood Marshall and William J. Brennan, Jr.

The majority opinions, written by Justice White, rejected the idea that a unanimous vote is necessary to establish guilt beyond a reasonable doubt. He not only upheld Oregon convictions that had been reached by 11 to 1 and 10 to 2 vote but also upheld a Louisiana conviction arrived at by a vote of 9 to 3. Mr. White said.

"Of course, the State's proof could perhaps be regarded as more certain if it had convinced all 12 jurors instead of only nine; it would have been even more compelling, if it had been required to convince and had, in fact, convinced 24 or 36 jurors. But the fact remains that nine jurors—a substantial majority of the jury—were convinced by the evidence.

"In our view, disagreement of the three jurors does not alone establish reasonable doubt, particularly when such a heavy majority of the jury, after having considered the dissenters' views, remains convinced of guilt. That rational men disagree is not in itself equivalent to a failure of proof by the State nor does it indicate infidelity to the reasonable doubt standard."

OBJECTION

A minority report, written by Justice Stewart, said:

"The doubts of a single juror are in my view evidence that the government has failed to carry its burden of proving guilt beyond a reasonable doubt."

In addition to Oregon and Louisiana, Oklahoma and Montana also permit guilty verdicts by a split jury.

The American Civil Liberties Union deplored the Supreme Court ruling as "unfortunate since it illustrates the Supreme Court's new posture, which reflects a lack of sympathy for the rights of criminal defendants."

FEW STATES TO CHANGE?

Most jurists and legal experts questioned by the Associated Press, however, said they did not think the quality of justice would be affected by the rulings. Nor did they expect any rush by States to abandon unanimous verdicts.

The authorization of split-jury verdicts in State courts was not applied to federal courts, which apparently will continue to require unanimous votes for conviction of defendants.

Another Supreme Court ruling of May 22 also was interpreted as an aid to law-enforcement officials.

That ruling upheld the Government's power to compel grand-jury testimony of a witness without granting complete immunity from prosecution. Under this ruling the immunity need only insure that the testimony itself—or leads resulting from it—will not be used in prosecuting the witness. Any subsequent prosecution would have to be based on independent evidence. Justice Powell wrote that 5-to-2 decision, with Justices Douglas and Marshall dissenting.

EFFECTIVE STREET LIGHTING AS CRIME DETERRENT

Mr. BIBLE. Mr. President, we are pleased to report that Metropolitan Police Chief Jerry Wilson has advised me that crime in the Nation's Capital City has decreased by 30 to 35 percent in the last year, with a remarkable reduction of 32 percent in most types of nighttime crime, especially in areas where high-intensity, anticrime street lighting fixtures have been installed.

Three years ago it was my pleasure to call to the attention of the Senate that hearings before our Small Business Committee on the impact of crime against small business across this country showed that effective street lighting was "one of the best deterrents to robbery and burglary." To that we can also add assault-type street and stealth crimes to the person. Since 1969, when we cited the importance of effective street lighting as a crime deterrent, we have been working closely with Mayor Walter Washington and other District of Columbia government officials to use Washington, D.C., as a showcase to point up the success of a program now in progress to upgrade street lighting throughout the city by the installation of high-intensity fixtures as a means of combating the high crime rate.

It is particularly rewarding to see progress in crime prevention brought about by such a low-cost program as improved street lighting with Washington, D.C. as one of the first cities in the Nation to install this new high-intensity type light.

We believe strongly that good street lighting is an effective response to the problems of mugging, burglary, robbery, and the other personalized assault-type crimes. Lighting provides the opportunity for an intended victim to take evasive action. It is also a strong psychological deterrent against a criminal where he can be easily observed in brightly lighted areas.

Certainly, the Washington success story is not going untold. And we hope for greater success when more of the high-intensity lights are installed in Washington and hopefully within the Capitol Hill complex of Government buildings and parklands. Several months ago Newsweek magazine and General Electric jointly produced a film entitled "One Glow of Hope," telling about what more light has done for the business community and for residential areas of this city. This film is now being shown around the country and other cities are making inquiry to Mayor Washington about how these benefits here might be repeated in their own communities.

And emphasizing this success story is the nationwide program now in its 12th year, "Brighten the Night," cosponsored by the 11½ million member General Federation of Women's Clubs and the Reader's Digest Foundation. A feature of this program is a national competition among some 1,200 women's clubs from every State wherein cash prizes are awarded to those women's organizations who actively promote the installation of effective street lighting as an aid to fighting crime.

It was my high honor to serve as a judge for this national competition several months ago in the Senate reception room across the hall from this Senate Chamber. Joining with me in the judging of entries from 250 cities and towns were District of Columbia Police Chief Jerry Wilson and District of Columbia City Councilman Tedson Myers. And what both amazed and pleased us judges most about this entire program, Mr. President, was the seriousness with which cities, large and small across this Nation, have worked to install better street lights to curb crime and promote safety generally.

As Mrs. Earle A. Brown of Pittsburgh, Pa., president of the General Federation of Women's Clubs, told me while we judged the entries this year:

If this program adds just one light that saves a life on the highway or protects an unsuspecting person from assault, our effort is more than justified.

We agree wholeheartedly with Mrs. Brown's comments and the work of the General Federation of Women's Clubs, the Reader's Digest Foundation, and the work of the Street and Highway Safety Lighting Bureau is to be highly commended. We believe the Nation's Capital City is helping to prove your case.

At noon today at the Hilton Hotel in Denver, Colo., the winners of the 1972 contest were announced by Educational Director Andrew S. Edson of the Street and Highway Safety Lighting Bureau before several thousand women attending the national convention of the General Federation of Women's Clubs. I might say that the State of Alabama took not only top honors but most of the prizes, but Arkansas, Indiana, Maryland, Iowa, Florida, Pennsylvania, California, and West Virginia fared well, too.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks the names of the winners of the 1970–72 "Brighten the Night" contest, together with an article describing various aspects of the Washington, D.C., film, "One Glow of Hope."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WINNERS IN 1970–72 GFWC-READER'S DIGEST "BRIGHTEN THE NIGHT" COMPETITION

$2,000 Grand Prize Winner: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$400 First Prize Winner—Class 1—under 1,000 population: Dalecarlia Women's Club, Lowell, Indiana.

$300 Second Prize Winner—Class 1—under 1,000 population: The Women's Club of Jessup, Jessup, Maryland.

$200 Third Prize Winner—Class 1—under 1,000 population: Outlook Club, Earlville, Iowa.

$400 First Prize Winner—Class 2—1,000 to 10,000 population: Women's Club of Saraland, Saraland, Alabama.

$300 Second Prize Winner—Class 2—1,000 to 10,000 population: Progressive Club, Mountain Home, Arkansas.

$200 Third Prize Winner—Class 2—1,000 to 10,000 population: Cutler Ridge Women's Club, Perrine, Florida.

$400 First Prize Winner—Class 3—10,000 to 50,000 population: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$300 Second Prize Winner—Class 3—10,000 to 50,000 population: Presque Isle Women's Club, Erie, Pennsylvania.

$200 Third Prize Winner—Class 3—10,000 to 50,000 population: Sanger Women's Club, Sanger, California.

$400 First Prize Winner—Class 4—more than 50,000 population: Cosmopolitan Club, Mobile, Alabama.

$300 Second Prize Winner—Class 4—more than 50,000 population: Women's Club of Charleston, Charleston West Side Woman's Club, and their Junior Departments, Charleston, West Virginia.

$200 Third Prize Winner—Class 4—more than 50,000 population: Public Welfare Forum of Little Rock, Little Rock, Arkansas.

"ONE GLOW OF HOPE"—THE NATION'S CAPITAL CITY

WASHINGTON, D.C., February 16.—The effectiveness of intelligent community action in helping reduce crime in the streets of the nation's capital was dramatized here today at the premiere of a new documentary motion picture.

Focal point for a nationwide communication program, the 27-minute sound-color film depicts how the District of Columbia is utilizing highly improved street lighting to reduce night crime in many areas of the city by as much as 30 to 35%. The film, titled "One Glow of Hope," was produced by Newsweek Magazine and the General Electric Company in cooperation with the City of Washington.

The film describes how officials of the District of Columbia, working in close harmony with federal agencies, business community leaders, private citizens and other groups, are turning back the darkness of city streets to help curb street crime. These results are confirmed in a series of interviews with Mayor Walter E. Washington, Police Chief Jerry Wilson and a number of government officials, business leaders and private citizens.

Mayor Washington explained: "This is what our endeavor is; to really return the streets of a city in America, the nation's capital, to the people, and that's what we're about. We're lighting the streets."

The District of Columbia Highway Department efforts began in 1968 with less than $50,000 for initial lighting installations. Public demand for more relighting led to the approval of additional funds for further improved street lighting. Other grants came through HUD's Neighborhood Development Program and through provisions of the Law Enforcement Assistance Act.

John E. Hartley, Director of Traffic Engineering for the District of Columbia, points out that just over $1,000,000 had been invested in converting 6,000 street lights by the end of 1971. Plans for 1972 call for the conversion of about 12,000 more lights, covering about 30% of the city's lighting when installed.

The relighting program was initiated to sharply increase light levels. This was accomplished by using a modern high pressure sodium lighting system as well as designing a special conversion kit to fit in the historic Washington street globes.

Police Chief Wilson said that since the relighting: "Our experience has been that in those high-crime areas where we put the high-pressure sodium vapor lighting the crime rate has been down as much as 30 and 35%."

Businessmen testifying to the success of the relighting included a hotel manager who states "Ever since the lighting was installed, there's absolutely no question as to improvement relating to business. We're running 15 to 18% higher than a year ago prior to the new lighting."

According to Mayor Washington: "The only way that we're going to make the long-term decrease in the total crime rate that we want is by the government moving out with this initiative and citizens participating, cooperating because they have something that they really feel and really know is making the difference."

The film concludes that this successful report on a war on crime in the City of Washington has several things that are encouraging to all cities:

"First, high intensity lighting is reducing the streets to the people.

Second, all elements of the public eagerly welcome and appreciate the effort to bring better lighting to their city.

Third, adequate funding is available. Washington's Highway Department began its pioneering efforts with one man's ideas and less than $100,000. The City Council, just like all city councils, responded to the successful beginnings with vastly increased budgets. Private citizens and businesses, eager for better lighting, added personal contributions. The federal government, through Congress, HUD, the Law Enforcement Assistance Act, and other programs showed its responsiveness by providing additional funds. All of these actions are encouraging to all cities. For they indicate there are several significant means, including lighting, to reduce crime. Possibly the singlemindedness of purpose, this cooperative spirit of action is, indeed, our one *glow of hope*."

Filmed by Vero Productions of Darien, Connecticut, "One Glow of Hope," was produced and photographed by Abbott Mills and edited by Joseph Filipowic.

In addition to the film, the communication program will include a slide presentation describing how various other cities have utilized high intensity street lighting.

It is anticipated that the communication program will be widely used by electric utilities and other industry-wide organizations to carry the Washington story to local governments and civic groups in formulating street lighting programs and provide direction for obtaining funding.

ANTIWAR SENTIMENT TURNS INTO HOSTILITY

Mr. HARRIS. Mr. President, from time to time a perceptive journalist is able to capture the mood of ordinary citizens as they attempt to cope with the problems faced by our society. Everett Groseclose has done this in an article for the Wall Street Journal which describes the way in which the Vietnam war has undermined the faith of our citizens in the ability of our society to reform itself.

Examining the attitudes of people in Dodge City, Kans., Mr. Groseclose found that the mood of the city's residents has changed from a groundswell of support for our involvement in Vietnam in 1966, to war weariness by 1967, to opposition in 1969, to "pessimism, cynicism, fear, and outright hostility" to U.S. military actions in Vietnam today.

According to Mr. Groseclose:

Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. And the major reason, they contend, is the war.

Mr. President, I am convinced that our leaders cannot understand the consequences of what they are doing or they would stop. I wish it were possible for the President himself to talk with the citizens of Dodge City, as Mr. Groseclose did, so that the consequences domestically of our actions in Vietnam could be more clearly understood.

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I believe that others will benefit from reading Mr. Groseclose's provocative article. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 23, 1972]

IN A TOWN IN KANSAS, ANTIWAR SENTIMENT TURNS INTO HOSTILITY

(By Everett Groseclose)

DODGE CITY, KANS.—Once again, the mood has changed.

From a groundswell of support for American involvement in Vietnam in 1966, sentiment here by mid-1967 had shifted to war weariness and deep-seated doubts. And by late 1969 many residents of this prairie town of 17,000 had turned downright dovish.

Now, another shift has come. It is characterized by pessimism, cynicism, fear and outright hostility for continuing U.S. efforts in Vietnam. It developed over the past several months, and hasn't changed noticeably since the U.S. started mining the harbors of North Vietnam and stepped up the bombing of military targets in the North.

But far more than just the war and the fact that it is continuing now is involved. Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. The major reason, they contend, is the war.

A SYMBOLIC FAILURE

"Vietnam is symbolic of our failure—the failure of our government and institutions of all kinds—to come to grips with our problems," says Charles M. Barnes, president of Dodge City's Community Junior College. "The war dramatizes our national predicament, our negative attitude toward all kinds of things." Aside from focusing attention on the scarcity of alternatives in Vietnam, he adds, the blockade has done nothing to change the basic outlook and sentiment of Dodge residents.

Mr. Barnes' view that the war has made deep inroads into the way people think and live in grass-roots America is relatively common around the "Cowboy Capital," as Dodge proudly calls itself. Although, of course, not everyone agrees, many residents here repeatedly talk about what the war has done and continues to do to American character, morals, integrity and willingness to place trust in elected leadership.

Indeed, to a visitor who comes to Dodge City for the fourth time in the past six years to gauge the impact of Vietnam, it's clear that things have changed enormously—not only since the first visit in the spring of 1966, but also since the most recent visit in the fall of 1969.

On the campuses of Dodge's two colleges, where attitudes of both faculty and students changed from hawkish in 1966 to active involvement in peace demonstrations in 1969, the mood now is one of despair and dejection. "You sit in the student union and try to talk to people about it, and you get disgusted reactions," says Kathy Ridgway, the president of the student body at St. Mary of the Plains College, a four-year institution. "They feel the subject has been talked to death, and they've given up on having any influence" with peace demonstrations, rallies and the like, she adds.

TOWN AGREES WITH GOWN

Around town, strikingly similar sentiment crops up. "People are just fed up with this war. They're frustrated. They've had it up to here," says W. D. Janousek, touching his throat while he sips midmorning coffee at Schafer's Cafe on Gunsmoke Street (named after the television show whose locale is Dodge). Mr. Janousek, who owns a retail TV and appliance store across the street, adds: "There's a feeling of helplessness. We all feel it, and we don't know what to do about it.

Almost all of Dodge's civic and business leaders blame the mood for voter rejection on April 4 of two issues that many believe would have been beneficial to the community. One was a $160,000 revenue-bond proposal, which wouldn't have involved a tax increase, to help finance a new park, swimming pool and recreation area for the town. The other was a one-year, one-mill assessment to help finance a search for new industry.

Moreover, many say that this mood helped elect a new group of city councilmen, headed by a man whose only campaign promise was negative—to fire Dodge's city manager, regarded by some as an able and conscientious man who had done much for the community. (Once elected, the new council majority promptly made good on its leader's promise.)

NEGATIVE FEELINGS EVERYWHERE

"There seems to be a negative feeling on just about everything—and especially anything that looks like an added tax burden," laments John E. Winter, Dodge's part-time mayor, who works full time as a teacher of driver education at Dodge City Junior High School. He adds: "All this disenchantment and unhappiness isn't just local. It's everywhere, all across the country."

It is impossible to determine precisely how much of such general discontent can be traced to the war and how much can be attributed to other factors—such as uneasiness about the economy, high taxation and racial strife. Nonetheless, the consensus of residents here is that the war's impact is a major element.

Why the dejection?

A few days in Dodge talking with townspeople turns up a number of considerations. The U.S. role in Vietnam combat—and thus U.S. casualties—has been scaled down dramatically in the past couple of years through troop withdrawals, but many residents say the strength of Hanoi's invasion that began on Easter Sunday only proves the failure of the so-called Vietnamization program.

Many also believe that the potential for re-escalation is very real—especially after the U.S. mining of Haiphong harbor. A few pessimists even envision the possibility, unlikely though they admit it may be, that the U.S. could commit more troops, especially if the blockade fails to blunt the North Vietnamese invasion.

"I get the feeling that people around here just aren't willing to see more American lives lost over there, because the way things have been going, you have to wonder if they're lost in vain," says Mrs. William Merrill, executive secretary of the Red Cross chapter in Dodge.

Indeed, casualties play a large part in the sentiment of Dodge's residents. Thus far, 11 men from Dodge and its immediate vicinity have been killed in the war. About that many more have returned gravely wounded, some of them badly disfigured. And almost everyone recalls the shock that was felt in late July and early August 1970. In a three-week period two young men died in the war; both had lived in the tiny community of Wright, about five miles northeast of Dodge.

One of the men was Greg F. Steimel, the son of Mr. and Mrs. Alfred Steimel. Mr. Steimel is chairman of the board of trustees at Dodge's junior college and manager of a large farmer's co-op in Wright; Mrs. Steimel is a well-known feature writer for the Dodge City Daily Globe, the local newspaper. Until her son's death, says a tearful Mrs. Steimel, who has written a number of articles about the war, "like so many other people, we had always just accepted the war, the necessity for men to fight in it." Now, however, she says, "we're completely opposite. All that has changed."

A PEACE PLEA—TOO LATE

Mrs. Steimel and others view what happened at Greg Steimel's funeral as suggestive of the quiet intensity of antiwar sentiment in central Kansas. As is customary in cases of combat deaths, the Steimel family planned to have a military funeral service. Then a delegation of 12 students, all of whom had been Greg's friends at St. Mary of the Plains, called on the Steimel family to ask that military services be rejected.

By that time, however, it was too late to change plans. A daughter of Mr. and Mrs. Steimel made leather peace symbols, which the family and others wore, the symbols—and no one refused one—even the Army man assigned to escort the body. "He told me he absolutely believed in the peace movement," Mrs. Steimel says.

The other casualty from Wright was Richard J. Conrardy. In 1966, when I first assessed the impact of the war on Dodge, Richard's father, Eugene A. Conrardy, expressed fear for the life of an older son, Donnie, who had just been drafted. Mr. Conrardy, then a hawk but now a dove, also complained about having to cut back on the family's farming interests (he has 900 acres) because Donnie wouldn't be around to lend a helping hand. As it turned out, Donnie served in Vietnam without injury; his younger brother wasn't so lucky.

At the post-office building in Dodge, Mrs. Elwood Augerot, who has been the clerk of local draft board 23 since the war began heating up, says that these days "things are actually pretty quiet," especially compared with two years ago. At that time draft calls were still high, and many parents were openly expressing hostility toward the war and personal resentment at her role in drafting their sons.

"The kids are still coming in from time to time wanting to know where they stand, but that's about all, "Mrs. Augerot says. For the young men, she adds, "its just a feeling of helplessness. There seems to be nothing they can do about the war, and that frustrates them." In the past year, Mrs. Augerot's draft call has been almost nonexistent. She has been told to induct only one man, and a volunteer turned up to fill that space.

PROBLEMS FOR RECRUITERS

Across the hallway from Mrs. Augerot's office, however, a Marine recruiter says the absence of the draft threat is making recruiting considerably more difficult. And down the hall, a youthful Army recruiter allows that "you really have to get out there and hustle" to find enlistees. Even then, few are willing to sign up for infantry training "because they figure they'll go straight to Vietnam." Instead, he adds, "they all want to go to Europe or Hawaii."

In fact, there is substantial evidence around Dodge that a growing number of young men are determined to resist any connection with the military forces. Just a few weeks ago, for example, 20-year-old Stanley McMillen, the son of a local power-plant employe, returned home after making national headlines.

By young Mr. McMillen's account, he and nine other young men who had sought release from the Army on conscientious-objector grounds were "hastily discharged" at Fort Sam Houston, Texas, after being imprisoned for almost a week in a maximum-security stockade at Fort Hood, Texas. He contends that he faced "trumped-up" court-martial charges involving disrespect, disobedience and unwillingness or inability to adapt to military life. "The Army just wanted to get rid of us," he says.

VETERANS SEEKING TO FORGET

Over at the First Presbyterian Church, 31-year-old Tom Owen, whose mother is Mrs. Merrill at the Red Cross, works as a custodian full time and attends classes at the junior college in his spare time. He relates his opposition to the Vietnam war on moral grounds and says the deaths of several friends in Vietnam caused him to give up a military career after 10 years as a Navy medic. "I have a wife and two children," he says, "and I didn't like the thought of those children growing up without me."

Mr. Owen is also treasurer of the Vietnam Veterans Club, organized last October at the junior college. Club members, he says, hardly ever speak of their common memories of the war. Instead, they devote their time and interest to social projects, including the operation of a bus shuttle from homes for the aged to shopping areas. "Most of us just want to forget all about the war." Mr. Owen says.

Leaders of peace demonstrations two years ago agree that the situation is drastically changed. The Rev. Paul Palmer, pastor of the First Presbyterian Church, was one of the first Dodge residents to publicly oppose the war. "I have continued to make my opposition known, but I've found it less necessary to do it from a radical stance because I find that so many people are siding with me now," he says. Still, he is disappointed with the lack of peace-related activities on campus. "There haven't been any rallies in the last year or so, and that's part of the cynicism," he says.

Such attitudes also go a long way toward other things, according to James S. Maag, a second-term state representative, who teaches history at Dodge's junior college. He says such attitudes also contribute to "a general discontent with government at all levels—local, state and national—and their apparent inability to solve our problems." Voter rejection of Dodge's revenue-bond issue and of the assessment to finance a search for new industry, he adds, "is a classic example of the expression of that discontent."

But others in Dodge are expressing their dismay in other ways. Don C. Smith, a 46-year-old attorney, says his opposition to the Vienam war caused him to change his political affiliation from Republican to Democratic slightly less than a year ago. "The war has affected my life, the way I think and the way I feel like no other single thing," he says. "I'm terribly concerned about the possibility of reescalation."

Mr. Smith, who now is a local Democratic leader, expressed his opposition to the war May 13 at the First District Democratic Convention in Pratt, Kan., when he introduced an emotional resolution against continuation of the conflict. The resolution, in toned-down form, was adopted. Mr. Smith also helped deliver seven of Ford County's eight delegates at the district convention to Sen. George McGovern, largely because of the Senator's promise to promptly withdraw from Vietnam. (The session elected six degelates to the national Democratic convention, in Miami Beach; none of the delegates is formally committed, but Mr. Smith and others believe most of the delegates lean toward Sen. McGovern.)

A RARE SPECIES

Not everyone in Dodge, of course, sides with Mr. Smith and like-minded doves, but out-and-out hawks who favor a step-up in military action are indeed rare these days. Nonetheless, many residents contend that President Nixon had little realistic alternative to his blockade of North Vietnam.

One such man is Kenneth S. Johnson, an attorney in downtown Dodge. "Everybody wants to get out, but they want an honorable withdrawal," he says. "They don't want to just walk away." Like many other residents of Dodge, Mr. Johnson also complains that "these days you just don't know who you can believe—not the government, not what you hear on TV and read in the newspapers—you just don't know what the real situation is."

Six years ago the leaders of Dodge's small manufacturing community were complaining about late deliveries of goods, drafted workers and soaring prices. Now they say their problems that were brought on by the war have eased, largely because of lower draft calls, suppliers eager to please after the recession and the effects of economic controls. Business, they say, is generally improving, and they are optimistic about sales and earnings for the year.

But when the subject turns to Vietnam, their optimism vanishes. Stuart Curtis, president of Curtis Manufacturing Co., a maker of gearboxes, says that while he supports the Nixon policy, he is nonetheless dismayed that there seems to be no solution. Down the street at Speed King Manufacturing Co., a maker of conveyor systems, Hector Campbell, president, says: "Nixon has staked his whole future on Vietnamization, but what has happened so far is very discouraging. It appears to date that all the bombing we've done has accomplished exactly nothing, and I guess we'll have to wait and see what cutting off their supplies will do."

Whatever the sentiment concerning the war, a number of people in Dodge are glad they accomplished certain things before attitudes changed. Mr. Barnes, the president of the junior college, proudly shows a visitor through the institution's gleaming new buildings on the campus northwest of downtown Dodge. "Seven years ago," he says, "we passed a $2.5 million revenue bond issue" to help finance the school's $4.8 million construction program. "Seven out of every 10 voters supported it," he adds. "Thank goodness we did it when we did. Today, with attitudes being what they are, there's no way we'd ever get it approved."

SECURITIES SALESMAN SEES A DECLINE IN NIXON'S STOCK

DODGE CITY.—The war in Vietnam is viewed many ways by residents of central Kansas. But perhaps no one looks at it quite the way one securities salesman in Dodge does.

Warren K. Akerson, with the New York Stock Exchange member firm of Edward D. Jones & Co., says the erosion of confidence in the war effort "is sort of like what happened with a stock we recommended about six months ago."

The firm recommended buying shares of Recognition Equipment Inc., Dallas, based largely on the company's contract to deliver automated mail-sorting devices to the U.S. Postal System. But, for a number of reasons, deliveries have been later than expected.

"There's nothing inherently wrong with the company," Mr. Akerson says, but delivery of the devices "keeps getting put off." With the delays, he says, the price of the company's stock, which is traded over the counter, has declined from a 1972 high of $15 a share to $8.625 bid yesterday.

"Finally," he says, "some of the people who bought the stock on your recommendation and watched it go down start to lose faith in you. They start to back off. It's sort of the same thing that's happened with Nixon and the war."

A WHITE HOUSE VIEW OF McGOVERN

Mr. SCOTT. Mr. President, the New York Times of June 7 contains an article by White House Staff Assistant Noel Koch to which I invite the attention of Senators. I do, however, take issue with one point. Contrary to the statement in the article, of 36,709 French POW's and MIA's, only 10,754 were ever returned, and there was never an accounting of the remainder.

I ask unanimous consent that Mr. Koch's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WHITE HOUSE VIEW OF MCGOVERN

(By Noel Koch)

WASHINGTON.—President Nixon's journey to Moscow provides an excellent prism through which to view recent demands by Democratic hopefuls for a precipitous withdrawal from Vietnam. Their broadly publicized notion that we can simply pack up and pull out with a claim that we have done "all that could be expected" harkens back to the unusual ethical proposition advanced by Pilate who thought he could cleanse his conscience by washing his hands.

The most persistent voice here has been that of Senator George McGovern, whose design for unconditional departure from Vietnam within some vaguely stated period of time ranging from "within a few weeks" to "within ninety days" recalls a similar promise by French Socialist Pierre Mendès-France as he moved for the premiership in the dismal days of the hapless Fourth Republic.

As a former professor of history, Senator McGovern might have been expected to discern some cause and effect relationship between Mendès-France's ill-advised campaign promise to extract France from Indochina within one month, his even more ill-advised redemption of that promise, and the resumption seven years later of that same war—this time with the United States substituting for France.

The issue today is different, of course—the attempt of an ex-colonial power to reassert itself has become an effort to keep that half of Vietnam which escaped the colonial yoke free from a Communist yoke. But this should have been resolved in 1954, and was not, because expediency assumed a higher priority than responsibility to French politics.

In retrospect, it seems remarkable that France salvaged as much as she did in the process of extracting herself from the conflict. One estimate indicates the Vietminh controlled more than three-fourths of the territory of Vietnam—in the end they settled for less than half.

The South was not expected to survive.

Inexplicably, South Vietnam did survive, and, in a further departure from expectations, Ngo Dinh Diem, the man responsible for the survival of the South, refused to hold the elections which the Vietminh had promised themselves two years before with the hasty acquiesence of the other signatories to the agreement. (These included neither the representatives of Saigon nor those of the United States.)

If the road to Hanoi once lay through Moscow, it is doubtful that it still does. The Vietnamese Communists lost on Soviet terms in 1954. It is likely that they will prefer to lose on their own terms this time. It is, perhaps, for this reason—among others—that President Nixon has not insisted that they accept loss, but rather that they accept reason leading to the accommodation of mutual interest.

If such an accommodation is to be reached, it must come through painstaking and responsible efforts that will insure the lasting peace for which the President has risked his own re-election. For nothing is more certain than that the seeds of American involvement in Vietnam were planted in the politics of France when Pierre Mendès-France—in a prefiguration of latterday Presidential aspirants, such as George McGovern, who have adopted the politics of surrender—promised to have France out of Indochina in thirty days. (In contrast to Mr. McGovern's stated intentions, Mendès-France at least negotiated the return of French prisoners of war.)

The seeds planted in France were nurtured in Geneva when the armistice arrangements were appended for purposes of expediency with a final declaration having vir-

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tually no force in international law, and having the most malevolent possibilities. These possibilities were realized when alleged violations of the final declaration served as a pretense on the part of Hanoi for a resumption of the Indochina war.

The United States then harvested the mature and bitter fruits of the hasty surrender when it sought to aid a beleaguered ally. Whether it ought to have done so is a judgment to be levied ultimately on the Kennedy Administration, which sent forces into Vietnam two years before Senator McGovern thought to question such action.

Ultimately, history will show that the actions of both Pierre Mendés-France and Richard Nixon in ending their nations' involvement in Vietnam were dictated by a keen sense of their nations' positions in the matrix of world power. President Nixon will not seek short-term political advantage by adopting means that hold the long-term risk of renewed conflict. This time the war on the Indochina peninsula must be terminated, not merely postponed.

THE NEED FOR RAIL SAFETY

Mr. HARTKE. Mr. President, one of the frustrating experiences of being a legislator is to work hard to develop needed legislation and then to find after all the work has been accomplished that nothing is being done by the administration to make the impact of the legislation felt. We are beginning to get indications that this may well be the case with the Rail Safety Act that was passed by Congress in 1970 by an overwhelming margin. I hope the administration is not ignoring this overwhelming mandate. In this connection, however, I commend to the Senate an article entitled "Rail Safety Law: Chugging Along at a Pedestrian Pace," published in the magazine Occupational Hazards.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAIL SAFETY LAW: CHUGGING ALONG AT A PEDESTRIAN PACE

On January 1, 1968, a freight train, heading west through Dunreith, Indiana, hit a broken rail, jumped the tracks, and collided with an eastbound train using the adjacent track.

A tank car loaded with vinyl chloride ruptured and caught fire almost immediately. Forty-five minutes later, a tank car loaded with ethylene oxide exploded. A tank car loaded with acetone cyanohydrin had been ruptured.

Water used on the fire reacted with the acetone cyanohydrin to form cyanides and poison the town's water supply.

A cannery and seven homes were destroyed. Miraculously, no one was killed or seriously injured.

On January 25, 1969, a train passing through Laurel, Miss. derailed when a defective wheel on one of the cars shattered. Fifteen tank cars, containing liquefied petroleum gas, exploded and burned. Fires raged for six hours. Fifty-four homes, six schools, and five churches were destroyed, and 1,350 homes were damaged. Two persons died, 33 were hospitalized, and many more were treated for minor injuries.

Three weeks later, a defective and misaligned track derailed a train passing through Crete, Nebraska. Derailed cars struck a tank car loaded with anhydrous ammonia standing on a siding. The tank car ruptured, and an ammonia gas cloud formed. Six persons died, 53 were injured from exposure to the ammonia gas.

PROPOSAL

In the first four months of 1969, train accidents involving hazardous chemicals happended in nine localities in the United States. In their wake, Sen. Vance Hartke (D.-Ind.) introduced railroad safety legislation, which was referred to the Senate Committee on Commerce.

The proposal was still in committee when, on September 11, 1969, a derailment in Glendora, Mississippi involving eight cars loaded with vinyl chloride resulted in explosiona and fires that lasted 12 days and caused the evacuation of 21,000 persons from their homes.

The Federal Railroad Safety Act was reported out of committee in December, 1969. The committee report stated, "The basic thrust of the testimony in a voluminous hearing record is that the unsafe conditions which persist on some railroads are very serious, particularly in view of the fact that with the introduction of higher speed, longer and heavier trains, the increased carriage of deadly and dangerous materials, the possibility of a major catastrophe is ever present."

PASSAGE

The Railroad Safety Act passed in October, 1970. The Act empowered the Secretary of Transportation to set and enforce safety standards for railroads. The Secretary was to issue the first body of standards within one year and review and revise them after hearings as necessary. Violation of a standard results in a penalty of not less than $250 and not more than $2,500. Each day the violation lasts, it is considered a separate violation. In cases of emergency involving a hazard of death or injury to persons affected by it, the Secretary is empowered to issue orders prohibiting the further use of facilities and equipment until the unsafe condition has been corrected. The Secretary can grant exemptions from the regulations—if the exemptions are found to be in the public interest and consistent with railroad safety.

The Secretary of Transportation issued the first body of standards (safety standards for railroad track) under the new law in October, 1971. They became effective December 1, 1971 for track constructed after October 15, 1971; effective dates for track installed prior to that date are October, 1972 for most of the standards, and October, 1973 for the rest.

As we go to press, the Secretary was expected to propose a second body of standards governing railroad equipment.

The Secretary has not issued any citations, penalties, or exemptions from the standards, nor has he used his "cease-and-desist" power yet in an emergency.

The law authorizes the Secretary to conduct research, to set record-keeping and reporting requirements, and to enter railroad property to inspect for compliance to the standards. The National Transportation Safety Board is empowered to enter railroad property to investigate accidents.

To date, the Federal Railroad Administration has not hired any inspectors. Its activities under this Act have been confined largely to research, continuing studies on tank car safety begun before the Act was passed.

The law also provides for State participation in the enforcement of the railroad safety program. States may inspect for compliance to the standards and investigate accidents, but the Secretary holds to himself exclusive authority to assess and compromise penalties, to issue cease-and-desist orders in emergencies, and to take injunctive action against railroads. The law requires each participating State to submit an annual report listing the railroads under its authority and the inspections and investigations it's conducted. Participating States get Federal grants-in-aid covering 50 percent of the cost of these programs.

At present, the criteria for State participation has not been set up. An FRA spokesman describes 12 States as "interested" in the program and another 30 as "curious."

UNFULFILLED PROMISE

Al H. Chesser, president of the United Transportation Union, is pleased with the law but displeased with its administration. "The law itself is fine, but we've seen no effort to enforce it," Chesser told us. Chesser was especially critical of what he terms the slowness in promulgating standards, the delayed dates for compliance to the standards, and the lack of inspectors.

He believes the railroads are actively working against the implementation of the Act. "First, they (the railroads) tried to thwart the law's passage, and now they're trying to thwart its implementation," Chesser said.

Chesser thinks the railroads should view the Act with enlightened self-interest. "This law was not passed arbitrarily against the railroads but to help the railroads. Look at all these derailments. In many cases, proper track inspection would have found the $200 track repair that could have saved the railroad $500,000," said Chesser.

The union has not pushed hard for enforcement yet, however, Chesser said it first wanted to give the new FRA administrator, John Ingram, a chance to show what he can do. Chesser believes Ingram "will do a good job if he gets the tools."

John A. Risendal, executive director of safety and special services division of the Association of American Railroads, said the Act gave the secretary "comprehensive and complete authority to set standards for the railroads" but withheld further comment on the Act.

Regarding the standards Risendal said, "It would be premature to comment. Our engineering people are checking their own properties, and on the basis of preliminary perusal, it appears unlikely we can comply with all the standards within the allotted time."

Risendal described some of the safety standards as, "merely good maintenance practices," which, he says, do not belong among a body of legally enforceable standards.

A provision in the Railroad Safety Act required the Secretary of Transportation to submit to Congress within one year of the passage of the Act a study on how to protect or eliminate railway-highway crossings. The first part of the report was submitted last November, and the second part is expected this July.

COROLLARY PROPOSAL

Meanwhile, Sen. Hartke in the Senate and Congressman Brock Adams (D.-Wash.) in the House have introduced as the Surface Transportation Act of 1971, a bill designed to give financial aid to the transportation industry through government guaranteed loans, tax incentives, and tariff regulations. Title IV of the Act however would require States to use 5 percent of their highway trust funds to improve or eliminate grade crossings. The Senate Committee on Commerce is currently holding hearings on the bill, which has the support of the transportation industry. Whether the bill will get to the floor for a vote in this hectic, election year remains to be seen.

ROLE OF LARGE CORPORATE ENTITIES IN AMERICA

Mr. HARRIS. Mr. President, the recent allegations of waste and mismanagement directed at the Lockheed Aircraft Corp. have prompted serious and grave doubts as to the role of large corporate entities in our society. It is obvious that each American taxpayer was the loser in that incident, for it is he who must "foot the bill." It is he who must suffer under an inadequately funded educational system in order to support sickly business. It is he who must be content with poor public transportation, poor environmental controls, poor housing.

But there are others who suffer from such incidents as that concerning Lockheed Aircraft Corp. One such man is Henry Durham, of Marietta, Ga.

Mr. Durham was employed by Lockheed until May 1971, as a department manager in Marietta. Previous to that time, Mr. Durham had become aware of the amazing mismanagement in Lockheed's C–5A program and, when he attempted to report it, he was compelled to resign his post. Mr. Durham then went on to courageously inform his countrymen of the fantastic waste and seemingly poor practices of Lockheed. In the face of tremendous pressures from his friends and neighbors, Mr. Durham stood by his principles of honesty and fairness to attack the prime employer of his community.

As a result of his grave and commendable efforts, Mr. Durham has been forced to suffer under the most intolerable circumstances. He has been unable to find further employment. He and his family have been effectively ostracized from their community. He has received many hateful phone calls including threats on the lives and well being of himself, his wife, and his children.

What was Mr. Durham's crime for such punishment? He told the truth. He was unafraid to stand before one of the most powerful enterprises in our country and to say that it was not fulfilling the public's trust.

I do not know if Mr. Durham will ever be able to be recompensed for his brave actions. I do not know if he will ever be able to live the life that he and his family deserve. But if he cannot, it will portend a sad future for all Americans. The ills of our society will never be corrected unless an honest man can tell the truth without fear.

I fully support the efforts of the Senator from Wisconsin (Mr. PROXMIRE) to assist Mr. Durham, and because of the importance that this incident has for all Americans, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EDUCATION OF HENRY DURHAM

(By Erwin Knoll)

MARIETTA, GA.—Drive west on the highway that cuts through Marietta, past the old town square with its statue of Senator Alexander Stephens Clay, past the sprawling Lockheed plant on Dobbins Air Force Base, where they are building the huge C–5A cargo plane. If you are caught in the traffic crush when a shift lets out, you will find it hard to believe that Lockheed is in trouble—so much trouble that the taxpayers of the United States must keep the company afloat with a $250 million loan guarantee. Lockheed's Marietta payroll is down from 30,000 a couple of years ago to fewer than 20,000 today, but that is still enough to make it the largest industrial employer in Marietta, in Cobb County, in Georgia.

The landscape turns suburban a few miles past the Lockheed plant. You drive along tree-lined streets where comfortable brick ramblers sit on carefully tended lawns—the homes of engineers and computer programmers and middle-management men. The house at 256 Merrydale Drive SW is one of these. The jeep parked in the driveway has an American flag decal and a National Rifle Association emblem affixed to the rear window.

The house, the jeep, the flag decal, and the NRA membership belong to Henry Durham, whose neighbors and former friends have recently proclaimed him Public Enemy Number Two. In Marietta, the top title—Public Enemy Number One—is reserved for Senator William Proxmire, the Wisconsin Democrat who led the unsuccessful Senate effort to block the Lockheed loan guarantee.

The calls have let up lately, though I still get an occasional one in the middle of the night, Henry Durham told me. Sometimes they call me names, sometimes they just breathe into the telephone and hang up. Uptown I see people I've known for twenty years. They give me a dirty look and turn away. A thing like this sure lets you find out who your friends are.

You might suppose that Henry Durham would have many friends. He is a kind, soft-spoken man, proud of his home and family, proud of his participation in community affairs. He was assistant scoutmaster of his son's Boy Scout troop, and likes to coach little league football teams. His wife, Nan, is attractive, gracious, and devout—a native of Marietta who taught Sunday School for more than a decade at the First Presbyterian Church, which she has attended all her life. Their children, sixteen-year-old Melinda, who is called Mindy, and twelve-year-old Henry III, who is called Trey, are popular with their classmates or were until the classmates' parents told them to have no more truck with the Durham kids.

The reaction of the church was what hurt us worst. All of a sudden, when this happened, the church just turned cold as a cucumber. They told Nan that they "understood" she didn't want to teach Sunday school any more. Not one member of the church, not one officer, not the preacher, has made any move at all to ease the community pressure against us. Not one word has been said. You would think the preacher would be the first to hold high the banner of integrity, or at least to affirm that a person has the right to say what he thinks. Not a word.

Some weeks ago Mrs. Durham wrote a letter to the Reverend Billy Graham, whose gospel broadcasts she had long admired. "I felt I needed to get an answer from someone," she explains. "Our family has lived a twenty-four-hour nightmare each day," she wrote. "In our community, it seems that a person could stand in the square in the center of town and shout 'God is dead!'—and people would pass him by. But my husband said, 'Lockheed has been dishonest and grossly mismanaged'—and people are ready to kill him. Signs were put up all over the bulletin boards in the plant and in the rest rooms, 'Kill Durham'. . . . Is God dead in the hearts of these people?" The reply, from one of Dr. Graham's "spiritual counselors," said: "While it is not possible for us to become involved in the legal and political aspects of the situation, we do want you to know that we are having our prayer group faithfully remember your family and your cause. . . ." A bundle of Bible tracts was enclosed.

We didn't understand that Billy Graham was a business, too—a big business. We've had to learn a lot about a lot of things.

Henry Myron Durham has acquired his education slowly, painfully. He is forty-four years old. The neat mustache he grew not long ago is gray, as is the hair at his temples. He has the weathered complexion of an outdoorsman, which he is, and the build of a boxer, which he was. His bearing is that of an ex-Marine. His accent belongs to his native Florida and his adopted Georgia. He speaks carefully, sprinkling his sentences with "you knows" to give him time to organize the words to come.

He has never been employed by anyone but Lockheed. He joined the company in 1951 as a $50-a-week dispatcher, and worked his way up to a $20,000-a-year supervisory post.

I was determined to advance to a vice presidency, or as far as I could go. I've always felt that a person should advance within a company in accordance with his determination, effort, skill, and dedication to doing a good job, you know. I worked long, hard hours—an average of ten to twelve hours a day—and then I'd go in on the weekends. Sometimes they paid me for the overtime and sometimes they didn't—I never asked. I went in on Saturdays, and on Sundays, when my wife went to church, I'd go to Lockheed to catch up on my paperwork and do my planning. Everything had to be perfect. I never left without having organized for the next day.

I neglected my family—I know I did, and I regret it now. When I came home at night the kids would have been fed and Nan would cook another supper for me. Lockheed had priority; Lockheed came first. I can see now how large corporations do that to people. If Lockheed said something was right, you know, it was right. What was good for Lockheed was good for the world, as far as I was concerned.

The education of Henry Durham began in the summer of 1969, when he became a general department manager in the Marietta plant, wtih jurisdiction over some 250 employees involved in production control operations on the C–5A flight line. The big plane was already in big trouble. More than a half year earlier, A. Ernest Fitzgerald, a civilian cost analyst for the Air Force, had revealed before Senator Proxmire's Joint Economic Committee that costs on Lockheed's C–5A contract would run some $2 billion higher than initial projections. In his new job, Durham began to learn why.

I began to notice serious discrepancies on the airplanes almost immediately—starting with the first one I saw. The production people were making parts requests for which they had no authority; the paperwork showed that the parts had already been installed. Some were small parts, no bigger than your fingernail, some were large and tremendously expensive. Thousands of missing parts—and they really were missing.

At first I thought it was just some kind of clerical error. I didn't want to believe that anything dishonest was going on. I wanted to believe there was just some fantastic unseen problem that was causing this, you know. I had always known that Lockheed had problems in quality control, and I had been fighting those problems for years. But this was something bigger.

What was happening, Durham discovered, was that Lockheed was "meeting" its contractual production schedules, and qualifying for Air Force "milestone" payments on the C–5A, by falsifying the completion data. Aircraft would arrive at the final assembly stage still requiring work that should have been completed much earlier—and accompanied by forms indicating that the work had been done. In consequence, parts that had long since gone astray had to be refabricated or reordered at premium prices, and installed at over-time rates. The excess cost, Durham calculated, ran into many millions of dollars.

When I was sure of my facts, beyond a shadow of a doubt, I went to my supervisors and told them about it. I went to see all levels of management—the production manager, the assistant to the director of manufacturing, the director of manufacturing. I went to see all the division managers in production, the people responsible for having the parts installed. At first, they expressed shock and concern, and told me not to worry about it, they would take care of it. Then I began getting adverse, hostile reactions. They would say something like, "You SOB what

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do you mean running around talking about missing parts? Why don't you just go mind your own business and let us tend to ours?" That just made me more determined than ever.

All I wanted Lockheed to do was to halt everything, if necessary, and lay all the cards out on the table—admit that there were serious problems, get help, and do something about them. I was worried about the company. I just wanted it to get back on an even keel. Instead, they insisted on going on with the subterfuge.

In the fall of 1969, Durham began compiling and submitting to his superiors written reports and documentary evidence of the chaotic C–5A production process. At about the same time he began to feel the pressure in the plant. People stopped talking to him on the job, and he was excluded from management meetings dealing with production aspects under his jurisdiction.

Finally, they moved me off the flight line. They gave me another job, with equal responsibility, up in the final assembly area. They didn't know it, but I welcomed the opportunity to go up there, because it would give me a chance to check on the upper end of the business, to see if I could find out more about the problem.

I remember when Ship 23 [the twenty-third C–5A to be produced] came up, the papers showed forty-seven items left to be installed. That was real good, but I knew it wasn't factual. So I got some people who were familiar with production paper to go in there with me and check on what was really going on. There were more than 2,000 missing parts, and I wrote another report.

Durham had been present on March 2, 1968, when President Lyndon B. Johnson had come to Marietta to help celebrate the "roll-out" of the first C–5A. He recalls the President saying, "You could put an awful lot of hay in there." Apparently, hay storage was about all the plane was good for at that point. Durham has a memo from a former Lockheed colleague who wants to remain anonymous; he wrote: "This ship, which was supposed to be complete in every detail except for scattered engineering changes, came into the test program a virtual skeleton—missing many large structural assemblies and thousands of smaller parts and electronic components. When the ship was 'rolled out' for the inspection of President Johnson and other dignitaries, many portions of the ship had been hastily structured from plywood and paper and were installed strictly for show. A complete 'teardown' of the aircraft took place immediately after the President's inspection."

The President of the United States can be forgiven for failing to recognize a mock airplane, but what about the inspectors—military and civilian—whom the Air Force constantly assigns to the C–5A production lines?

They never talked to me, and I never talked to them. At Lockheed, you're dead if you talk to the Air Force about a Lockheed problem. That's one of the first things you learn. People have been fired for it.

Either the Air Force inspectors were blind, or there was collusion between Lockheed and the Air Force. I personally don't feel it could have been anything but collusion. They couldn't have missed seeing all this.

On February 24, 1970, Durham received a letter of commendation from Lockheed—one of several in his personnel file. "Among his many qualifications," the letter stated, "are unquestioned loyalty, energy, initiative, product and corporate knowledge, ambition, and insistence on a job well done—first of all by himself, and secondly by all reporting to him." Three months later, in May, he was commended "for a job well done under adverse conditions." Durham now believes these citations may have been designed to quiet him down. If that was the intent, the effort was unsuccessful.

By this time, having exhausted all lower levels of management, Durham had taken his case—and an eight-inch stack of documentation—to R. H. Fuhrman, the president of Lockheed-Georgia.

I gave him examples of double-ordering and triple-ordering of parts. I gave him all kinds of proof. He listened mostly, didn't say much. Finally, he said, "Where there's so much smoke there's got to be some fire. We'll look into it." I said to myself, "Man, at last I'm getting somewhere."

Two weeks later I was told my job was to be abolished. I was offered a downgrade and a substantial pay cut.

Instead, he decided to give two weeks' notice and take a layoff, which would enable him to collect severance pay and other fringe benefits. He felt he "just had to get out of that plant for a while." He sent a four-page letter, with accompanying documents, to Daniel J. Haughton, chairman of the board of the Lockheed Aircraft Corporation, the parent company of Lockeed-Georgia.

"Mr. Haughton," Durham wrote, "I know that many statements made by outside sources regarding Lockheed management are true as far as the Georgia company is concerned. However, I do feel that Lockheed management as a whole throughout the corporation is beyond reproach. I know the Lockheed Corporation had to be built on integrity to be as large as it is and to have enjoyed the respect it has gained through the years."

From Lockheed corporate headquarters at Burbank, California, Haughton replied that he would launch an investigation and advise Durham of the results. Durham is still waiting for further word.

I should have had guts enough to admit that Lockheed just didn't want to do anything about this. The fact is, I wanted to believe in them, you know. All my life I'd heard about Uncle Dan—Uncle Dan this, Uncle Dan that. I really thought the dear old whitehaired patriarch of the Lockheed family was going to do something. I found out that he's in on this thing as much as anyone else.

After a couple of months of lay-off—"I stayed home and talked to my children for the first time in a long time"—Durham was invited to come back to work for Lockheed. He refused to return to the Marietta plant and was given a job in Chattanooga, 100 miles away, at a $5,000-a-year cut in pay. The Chattanooga plant, where Lockheed makes ground equipment for the C–5A, is known to Lockheed employees as the "Siberia" of the corporation.

I discovered that things were even worse in Chattanooga than in Marietta. There was horrible waste and mismangement—absolutely gross. I found tools that were rusting away in the yard, some that had been out there for years. I found them buying material from vendors at exorbitant prices when they had the same material available in Chattanooga—or in Marietta—but they didn't know they had it because they had no inventory controls. I found tons and tons of steel that had rusted beyond recognition. When I tried to clean the place up, we scrapped forty-two tons of ruined metal.

I just couldn't stand it any longer. It was so rotten and so terrible that I finally decided the only thing I could do was to get out and attack the problem in a different way. I hadn't heard from Haughton, I hadn't heard from anybody, so in May, 1971, I decided just to call it quits.

But before I left, Paul Frech, the director of manufacturing for Lockheed-Georgia, came up to Chattanooga to see me. He had heard I might be planning to go outside Lockheed to publicize conditions in the company. He asked me, "Do you know what happened to Ernie Fitzgerald? He's now chief ——— inspector for the Civil Service Commission." [Fitzgerald, who was fired by the Air Force two years ago after testifying before Proxmire's Committee, is still trying to get his job back through the Civil Service Commission and the courts.] He said Fitzgerald would never be able to get a good job as long as he lives. He gave me to understand that anybody who bucks Lockheed or the Air Force is in for a rough time the rest of his life. I just said, "Is that so?" I wasn't intimidated; I was more determined than ever.

Durham returned to Marietta, where his family had remained during his months in Chattanooga, and embarked on a letter-writing campaign. The Lockheed loan guarantee was pending in Congress, and Durham wrote to every member who might conceivably be interested—eighty-six Senators and Representatives in all—offering to come to Washington at his own expense to provide information that might have a bearing on the Lockheed matter. He received sixteen replies—most of them what he calls "Dear Friend" letters thanking him politely for his communication.

One of my great disappointments was with the chairmen of the House and Senate Armed Services Committees. I wrote to them before the Lockheed bail-out bill had reached the floor, advising them that I had irrefutable evidence of gross mismanagement, waste, and corruption on the C–5A military contract. I implored them to let me come up and show them the evidence before they voted on the bill. I felt certain they would be vitally concerned. Aren't they supposed to be overseeing military spending? I never got a word. To this day I haven't heard a thing from them. I've really thought a lot about that.

Durham also wrote to Morton Mintz, an investigative reporter for The Washington Post, because he had read in Time magazine about a book, America, Inc., of which Mintz is co-author. After interviewing Durham and inspecting his evidence, Mintz wrote a long article about his allegations against Lockheed, which the Post published and distributed to newspapers receiving its wire service. The article appeared in the Atlanta Journal and Constitution on Sunday, July 18, ushering in the final phase of Henry Durham's education.

I started receiving calls by Sunday noon—about the time people were getting home from church—and they increased in frequency through the day and night. The callers were vicious almost every case, threatening my life, my family, my children. They were anonymous—some local and some long-distance. They said I was trying to close down Lockheed and jeopardize the livelihood of thousands of people. One caller said, "The only way you're going to Washington is in a box." Another said, "You won't be here when the sun comes up tomorrow morning." Still another told me, "You've got a pretty daughter now, but she won't be pretty long." In some cases it seemed to be an organized telephone attack—people calling to ask, "How much is Senator Proxmire paying you?" I'd just answer, "Thank you, is there anything else?" and hang up.

I took it rather lightly at first, as something that would go away in a few days. But I slept on a sofa down in the den, with a pistol on the coffee table, and every time I heard an unusual noise I went outside to check. I took all the calls myself—I didn't want my wife and children to hear the vulgar language—and about midnight I would take the phone off the hook so we could get some sleep.

By this time, Proxmire had invited Durham to testify before the Joint Economic Committee. As a Congressional witness, he was entitled to Federal protection, and when the abusive calls intensified instead of abating, Durham appealed to Proxmire for help. For more than two months this summer and fall, Federal marshals stood guard over the Durham family 'round the clock. Their presence—and some inquiries made by agents of the FBI about threats at the Lockheed plant—seemed to reduce the pressure.

Some of Durham's neighbors, however, protested the presence of the marshals and circulated a petition calling for their removal. Pat Backus, owner of a local computer firm, told the *Marietta Daily Journal:* "We simply do not think this neighborhood should continue to be a garrison. If his life is really in danger, which I doubt, then he should be moved. If there is a danger, we don't want that danger close to our wives and children. Let them move him to a hotel where he could be protected by a single guard instead of a team of them. Maybe he could stay with Senator Proxmire in his Washington apartment."

Durham, accompanied by two marshals, went to Washington on September 29 to testify before the Joint Economic Committee. His testimony was voluminous and detailed, and was accompanied by letters, reports, production forms—even rusted parts and drill bits from the Chattanooga plant. When he finished, Proxmire told him, "I can't tell you how much I admire your courage. Very few people are called upon to show the kind of guts you have. If it weren't for people like you, we'd have a far poorer country."

Dozens of letters in a similar vein have reached Durham from all parts of the country. Often they say, as a correspondent in Lafayette, Louisiana, put it, "Thank you for being what most of us really want to be but haven't had the courage to be." Some of the letters have even contained small checks. Strangely, none has contained an offer of a job.

The Durham family is living on savings and the $7,000 a year Nan Durham earns as a caseworker for the Cobb County Department of Welfare. They would like to leave Marietta. "I wouldn't look back," says Mrs. Durham, who has lived here all her life, noting that people she has known since childhood will no longer speak to her.

Henry Durham is still writing letters. He wrote this the other day to his new friends in Congress and the press: "Lockheed typifies the large, arrogant Government-military-industrial complex in every way. Anything and everything wrong with the system and the large companies within the system can be found at Lockheed—disastrously rotten mismanagement, waste, unethical business practices, complicity with the Air Force and Government, etc., etc. So, a concerted effort and continuous pressure could result at long last in a foot in the door that in turn could result in drastic changes in military contracting and spending that could save billions of dollars. Dollars that could better be spent to improve the quality of life in our country. After Lockheed, the same pressure tactics could be applied to other serious conditions and social ills. Football games are won by team effort."

When he read recently that the government of Brazil was planning to buy some Orion anti-submarine patrol aircraft designed by Lockheed, Durham dashed off this handwritten note to the President of Brazil: "It should be abundantly clear that anyone purchasing an aircraft from Lockheed at this time will pay far more than the product is actually worth. Also, Lockheed has had great trouble with quality which stems from slipshod and faulty assembly. . . . I am writing you in all sincerity. I am not seeking revenge against Lockheed but am an honest, loyal U.S. citizen trying to correct some serious conditions existing in my country. The Lockheed problem represents a rotten political malignancy which must be removed from American society. I know that you, Mr. President, would be vitally concerned if such costly and unacceptable conditions existed in Brazil. . . ."

I always conducted myself the way the company would want me to. For years I was pro-management and anti-union, because that was what the company wanted. Now I realize that there's a union because the company makes it necessary. I've learned that a union member has protection—he can speak out against company practices because he has a contract. A management man has no protection—he can be fired on the spot.

This is one reason why a corporation can bilk the country out of hundreds of millions of dollars through mismanagement and waste: The people in management who know about these things are too frightened to speak out; to do so would jeopardize their very existence. It's a very strong club the corporation wields—not only over the country but over its own management. It's a very strong lever.

I'm not a pretzel to be bent and twisted. The company owned me up to a point, but when I found out they could do wrong—and, even worse, that they wouldn't do anything about what they were doing wrong—I drew the line. But there are hundreds and thousands of honest people in big corporations who would speak out if they were protected from reprisals. That's something we could do right now—write into every Government contract immunity for people who speak out.

With time hanging heavy on his hands—there is only so much tinkering you can do around a house, only so many letters to write, only so many times you can drive the jeep to pick up the kids at school—Henry Durham has been thinking hard about some things to which he never gave much mind before.

I have become greatly concerned about issues that never bothered me because I thought they were somebody else's problems; now I realize they're everybody's problems—the problems of old people, of poor people. There's something wrong with a society where children born across the tracks can't get enough milk to drink or food to eat and are looked down on by a more fortunate group. There's something wrong with a society whose Government will rescue an outfit like Lockheed and let our environment go down the drain.

My attitude towards the things the company has done has made me look hard at the things my country has done. Until recently I favored the Vietnam war because my Government favored it. If my Government said it was good, it was good. But what my Government did about Lockheed made me start asking questions. I looked at the war and decided—I hope I'm wrong about this—that it has been prolonged to keep our economy going, because so much of our economy depends on the production of military hardware. It's a horrible thing to think that people may have died to maintain production.

I'm beginning to realize some things—even though I'm a Southerner, born in the Bible Belt. We're patriotic in this part of the country, and we've produced many heroes, but I've come to understand that you're just as much of a hero when you see things wrong and do something about them. You're as much a hero to do that as to go out and die in Vietnam. I'm still proud of our country, I just realize we're going to have to do better.

So many things have to be changed in this country, and I'm hoping the young people will do it—not by blowing up toilets but by turning out of office the mossbacks who hold power now. I hope young people will have the courage to do what my generation has been unable to do. I would like to go out and speak to them—to all voting people—about what I have learned. We could have a peaceful revolution in this country that might save the basic qualities of life—instead of turning out more airplanes.

Henry Durham has no regrets—"I would do it a hundred times over," he says—but he would like to be back at work, doing the things he knows how to do on a job that lets a man live with his conscience. There must be a job like that somewhere in America for a man who is competent, honest, and brave. And who has acquired an expensive education.

PERSONS WHO POSE AS BANK EXAMINERS

Mr. BIBLE. Mr. President, a recent communication from Sgt. A. J. Feroah of the Inspectors Bureau, Fraud Detail of the Reno, Nev., Police Department called my attention to a serious fraud being perpetrated against some of our senior citizens by persons posing as bank examiners. The FBI classifies this fraud operation in the general crime category so nationwide statistics are unavailable; however, the experience in Reno is undoubtedly representative of frauds of this kindbeing committed all across the Nation. Thus while public attention naturally focuses on violent crimes such as robbery and murder, this type of crime against the elderly, often unknown and unseen, yet very costly, is ever prevalent in our society.

I am speaking of the elderly persons who become the victims of unscrupulous people who pose as bank examiners in an attempt to con victims out of their life savings. These victims are usually widows and social security recipients whose losses generally represent the victim's life savings.

As reported to me this bunco scheme usually follows a pattern: The intended victim receives a phone call from a person identifying himself as a bank examiner or a detective from the local police department. The caller advises the intended victim that examiners have found bank account irregularities and requests the victim to read, over the phone, the correct amount of money in his account at the present time. The caller then tells the victim he will check the bank records and make a return call. In the second phone call the victim is advised that someone is stealing from the bank account and that their cooperation will be appreciated in apprehending the thief. If the victim agrees to help the examiner or detective a withdrawal of funds is requested with an examiner to pick up the cash at the victim's home. Secrecy is important if the thief is to be arrested.

The victim is relieved of the cash which has been withdrawn and taken with the understanding that the money will be redeposited into the victim's account. Thus, this phoney scheme can rob its victims of their life savings.

I understand some general statements and warnings about such schemes have been published. Yet elderly persons still become victims of the bunco artist. Recently in Reno, four victims were bilked for more than $46,000. All were over 66 years of age. To combat the problem Sergeant Feroah has suggested that the Social Security Administration itself publish periodic warnings alerting social security recipients to such fraud schemes. Perhaps a notice could be mailed out along with social security checks.

I think this idea has a good deal of merit and have brought it to the attention of the Social Security Commissioner.

Also, I think the banks themselves,

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associations of bankers, and the Federal Deposit Insurance Corporation should take notice and increase their efforts to alert bank depositors to this kind of scheme.

Unfortunately, many victims are reluctant to report such schemes as this fearing personal embarrassment. Education of the public is definitely needed. Sergeant Feroah and the Reno Police Department are to be commended for calling attention to the matter and for their helpful suggestions. This is certainly a problem that needs continuing exploration.

PENTAGON WRONG ON McGOVERN DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, the Pentagon's appraisal of Senator GEORGE McGOVERN's proposed budget contains errors amounting to several billions of dollars.

The Pentagon's appraisal of Senator McGOVERN's proposed defense budget, contains mispricing errors amounting to several billions of dollars. These errors, along with their record of cost overruns on weapons systems, qualify the Pentagon experts as the champion miscalculators of all time.

The Department of Defense has not yet shown that it has made an objective analysis of Senator McGOVERN's proposals. In light of the highly inflammatory and unsupported charges leveled against Senator McGOVERN by the Secretary of Defense, I am doubtful that the Pentagon is capable of evaluating the proposal in a fair and impartial manner.

The alleged mispricing in the McGOVERN proposal is largely based on estimates of future inflation and future military pay increases. These matters are difficult, if not impossible to forecast with precision.

The lifference between the McGOVERN approach and the Pentagon's approach to the uncertainties of forecasting the future, is that McGOVERN recognizes the risks involved while the Pentagon maintains the illusion that it knows what will happen in the future.

The Department of Defense itself has proven to be a major source of miscalculations not only with regard to weapon system overruns, but also on the size of its own budget, the military assistance program, the Soviet and Chinese treats, the capabilities of the North Vietnam and the Vietcong, and the Vietnamization program.

The Pentagon alleges that McGOVERN overstates the cost of the war in Vietnam by about $5 billion. The statement by the Secretary of Defense that the expanded hostilities in Vietnam could add from $3 to $5 billion to the defense budget, partially contradicts the assertion that McGOVERN understates the cost of the war.

In its a appraisal of the McGOVERN proposal, the Pentagon apparently neglected to take into account the January 1, 1972, military pay raise, when calculating the future costs of military pay.

Some of the figures in the Pentagon's appraisal attributed to McGOVERN do not appear in McGOVERN's own proposal. Apparently, the analysts in the Department of Defense attempted to reconstruct McGOVERN's numbers so as to fit their preconceptions.

Thus, the Pentagon takes McGOVERN's item labeled Equipment. Supplies, and Services—$20.9 billion, and breaks it down into two categories; namely, Operating Costs, other than pay—$0.2 billion and Procurement, R.D.T. & E. and Construction—$20.7 billion.

The Pentagon appraisal then purports to show that McGOVERN's figures for operating costs other than pay are understated by $7.6 billion.

The facts are that Senator McGOVERN's tables do not show an item called "Operating costs, other than pay," that he does not place a $0.2 billion figure on such an item, and that therefore the Pentagon cannot demonstrate that the alleged mispricing has occurred.

In my judgment, the Pentagon has taken liberties with Senator McGOVERN's figures and juggled the numbers to suit their own purposes.

Instead of playing fast and loose with the costs of defense, the Pentagon ought to take a long, hard, and unbiased look at the McGovern proposal.

Senator McGOVERN's defense budget is the most comprehensive and careful analysis of the real requirements of national security put forth by any Member of the U.S. Senate. It provides the Members of Congress with a realistic set of alternatives to the administration's program and is a major contribution to the improvement of the process by which decisions about military spending are made.

Senator McGOVERN will be given the opportunity to explain his proposal in detail when he testifies before the Subcommittee on Priorities and Economy in Government on June 16, 1972.

OCEAN MAMMALS

Mr. HARRIS. Mr. President, last year I introduced with Representative PRYOR legislation to protect our ocean mammals. It has proven to be a highly controversial piece of legislation and with good reason. It called upon our country to look at the exploitation of our natural resources in a new light. It asked that we not look on these as something to be destroyed for private profit but to be protected for the general welfare.

We had to expect strong opposition to reform legislation on this subject, for it is not easy for people to change attitudes which they have held for years. But the need to alter these attitudes was clear. If we were to continue on our present course, soon there would be no ocean mammals to kill.

Now we are nearing the final stages of legislative consideration of this issue. The Committee on Commerce will soon be reporting a bill to the Senate.

Up to the last moment the pressures on the committee have been enormous. The fur industry, which serves the desires of only the very richest members of our society, has lobbied hard against any change. The conservation groups in turn have pressed for a strong bill.

Recently, the Washington Post published an article by Lewis Regenstein, Washington representative for the Fund for Animals, which attempts to explain the point of view of many conservation groups. In a June 7 letter to the Post, the junior Senator from South Carolina (Mr. HOLLINGS) replied to many of Mr. Regenstein's arguments. The Washington Post editorial then commented on both sides of the issue. I ask unanimous consent to have these articles printed in the RECORD at the end of my remarks because I believe they help to explain the issues involved in the important legislation which the Senate will soon consider. For the same reason I also ask unanimous consent that a May 30 editorial in the Times be inserted in the RECORD at the end of my remarks.

Mr. President, for my own part, I do not feel that I am in a position to comment in detail on the committee bill since work on this still continues. But I do wish to state today that I hope a large number of Senators will actively oppose any bill which represents a step backward from the House bill, which indeed is not an improvement on it.

We must not so riddle the concept of a 15-year moratorium with loopholes and exceptions that in the end one is forced to ask what the moratorium might mean. We must not permit the further importation of hair seal skins from Canada. We must not compromise on efforts to end the slaughter of the dolphins. We must not couch the language of the bill in a manner to suggest to those who will administer it that the goal is sustained slaughter rather than humane protection. We must not skirt the issue of our own kill on the Pribilof Islands.

Mr. President, I wish now to turn to another aspect of this issue—the interests of the Alaskan Natives.

The hearings on the Ocean Mammals bill which I introduced last year have served to bring the issue of protection for ocean mammals to a head. As a result, Congress may well adopt protective legislation this session.

But at the same time, the hearings have served another purpose. They have brought to light what we all suspected. The enemy of the ocean mammals is not the Alaskan Native who takes these animals in modest amounts for subsistence living. The enemy is the commercial firm which butchers tens of thousands for private profit.

It is estimated that the level of kill by Native Alaskans today is very low, running only to approximately 2,500 mammals per year, including all mammals for all purposes. Meanwhile, literally hundreds of thousands of seals and whales are killed by commercial firms which are depleting perhaps forever a resource given to all mankind.

In light of the findings which the ocean mammals hearings have brought to our attention, I am hopeful that the committee will amend the bill in a manner which will protect the interests of the Natives as well as the ocean mammals. In the event that the committee language is not satisfactory, however, I wish to announce that I am prepared to submit the following amendment:

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title, including 103(g), shall not apply with respect to the taking of any ocean mammal (other than a marine mammal specified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by the Indian, Aleut, and Eskimo Natives who dwell on the coast of the North Pacific Ocean or the Arctic Ocean as long as the general level of such taking remains approximately the same on a per capita basis as in the last decade. However, the Secretary of Commerce is authorized to place reasonable restrictions on such taking if he finds the general level to be on the rise.

Mr. President, this amendment should protect the rights of virtually all Natives in Alaska under this bill except possibly one. It is well known that today a few hundred Aleuts now living on the Pribilof Islands every year participate in the slaughter of seals as stipulated in international agreements with Japan, Canada, and the Soviet Union. Congressional hearings have revealed that the primary beneficiary from this slaughter is not the Aleuts but a single U.S. company which processes the seal skins for sale to wealthy people in the continental United States. This is the Fouke Fur Co. located in South Carolina. Although figures are not readily available, data presented in these hearings suggest that the U.S. Government heavily subsidizes the slaughter of these seal skins for the profit of this single company.

Mr. President, I see no reason why the U.S. taxpayers should continue to support an operation which benefits only a single corporation and a handful of wealthy people who like to wear fur coats. Both for humanitarian and commercial reasons, I believe that we should act quickly to end the slaughter of seals on the Pribilof Islands.

But if this were to happen, everyone recognizes that the Aleuts on the Pribilof Islands who now make their living from this seal kill would be temporarily out of work. It is for this reason that the distinguished junior Senator from Alaska (Mr. GRAVEL) announced his intention to submit an amendment, No. 1151, which would compensate Alaskan Natives who would be adversely affected financially by passage of the ocean mammals bill.

I wish to declare my support for measures designed to compensate the Aleuts who may be adversely affected by greater protection for ocean mammals. For years this country has paid wealthy farmers and the giant agribusinesses millions of dollars not to grow crops. We certainly can spend a vastly smaller sum on the Aleuts to make up for their willingness to end the slaughter of a national resource.

I do not believe, however, that this provision goes far enough. We must not only compensate the Aleuts but provide them with other native employment. Therefore I am announcing my intention to submit an additional amendment which would direct appropriate executive departments to find alternate routes of employment for the Aleut peoples on the Probilof Islands. Mr. President, I ask unanimous consent that my amendments be printed in the RECORD at this point.

There being no objection, the amendments and articles were ordered to be printed in the RECORD, as follows:

AMENDMENT ON ALASKAN NATIVES

1. In the event that under this legislation reduction or elimination of the United States kill or the kill of other countries of fur-bearing seals on the Pribilof Islands results in the loss of income of individual Indians, Aleuts, or Eskimos employed on those islands, the appropriate agencies of the Federal Government shall be authorized to provide compensation in the amount of 100 per centum of the value of the loss for the individual in question. Compensation shall be determined by an average of the income earned by the individual averaged over the five years prior to enactment of this legislation.

2. The Secretary of Commerce, in conjunction with the Secretary of Interior, the Secretary of Labor and the Administrator of the Small Business Administration is directed to determine and make available alternative methods of employment of individual Aleuts or Eskimos or groups of such individuals now employed on the Pribilof Islands where the abolition or modification of the interim convention on the conservation of North Pacific Fur Seals results in the loss of employment for the individual or group. The Secretary shall report back to the Congress in twelve months within the enactment of this legislation regarding programs undertaken.

[From the Washington Post, May 31, 1972]

PROPOSED BILL, WOULD LEGITIMIZE SLAUGHTER—A LAST CHANCE FOR OCEAN MAMMALS?

(By Lewis Regenstein)

The Senate Subcommittee on Oceans and Atmosphere, chaired by Senator Ernest Hollings (D-S.C.), has drafted and is about to report out a bill which is ostensibly designed to protect and conserve the mammals of the sea: whales, seals, sea otters, dolphins, porpoises, polar bears, sea lions, mantees, and dugongs. The actual language of the bill, however, would have the opposite effect: it would perpetuate and legitimize the present slaughter that is taking place, and allow the U.S. to remain a major market for marine mammal products.

A study of this bill's legislative history reveals a classic case of special interest groups succesfully lobbying behind the scenes to cripple a strong bill in order to protect their own interests, while at the same time maintaining an empty structural shell which seems designed to appease public sentiment. The bill is loftily entitled "The Marine Mammal Protection Act of 1972: A Bill to Protect Marine Mammals." However, its preamble states that it is the will of Congress that ocean mammals be "managed" under a "scientific resource program" in such a way as to achieve a maximum productivity to "insure the continuing availability of marine mammal products which move in interstate commerce." Language in previous drafts and in the House version of the bill which banned killing or importation that was "to the disadvantage of the species or population stocks" concerned has been stricken.

Since the bill is primarily oriented towards vested interest groups which profit from the killing and sale of marine mammals and their products, most of the responsibility for administering the law is given—logically enough—to an agency of Commerce. The National Oceanic and Atmospheric Administration (NOAA). This was done despite the fact that during the Senate hearings, Howard Pollock, deputy administrator of NOAA, opposed the passage of this legislation.

The bill's most obvious weakness is a flagrant exemption to the ban on imports of marine mammal products which was given to the fur industry, particularly that segment which utilizes pelts from the adults and baby "hair" seals killed by the hundreds of thousands each year by Canadian and Norwegian hunters. This loophole was inserted after a secret lobbying effort by Isidore Bergner, a New York furrier who deals in sealskins, acting on behalf of about 45 other New York fur merchants. This group was particularly incensed that the Subcommittee's Draft Bill Number 1 contained an import exemption only for Chairman Hollings' constituents in Greenville, South Carolina, the Fouke Fur Company. Fouke is the world's largest importer and processor of fur seal pelts, including those from Alaskan Fur Seals, and seals killed in South Africa and Uruguay. As with the bill passed by the House, Draft No. 1 allowed seal imports solely for processing and re-export, conditions which neatly satisfied Fouke's needs. However, the bill as now written allows unlimited imports of seal skins and finished products for sale in the U.S. even during the moratorium period during which time all other products are effectively banned. The only condition is that the seals must be killed in foreign "management" programs which meet the approval of—you guessed it—the Commerce Department's NOAA. This Agency's National Marine Fisheries Service (NMFS), headed by Philip Roedel, is already on record as implicitly endorsing the 1971 Canadian-Norwegian seal kill as efficient and humane. In this hunt, a quota was set at 245,000 seals, mostly nursing pups.

Mr. Bergner further requested that the House bills provision banning the import of seals under eight months of age be removed, so that the "whitecoat" baby seals could continue to be imported. The subcommittee obligingly changed the 8 months requirement to one month, thus allowing imports from seals of practically any age. For as Mr. Bergner pointed out in his secret statement, "There is literally no way of accurately determining the age of hairseals. Unlike human beings, they do not possess birth certificates."

This loophole also opens up the U.S. market to seal products from Antarctica, where commercial seal killing operations are expected to begin on a large scale this summer or the next. Thus, the U.S. will continue to provide an economic incentive for other countries to kill seals; and foreign nationals will be allowed to profit in this country from activities in which our own citizens are restricted from participating.

Another crippling provision in the bill allows the issuance of "general" or blanket permits for the killing of any marine mammal to any "persons who are members of a class who have common needs requiring them to take marine mammals." This terminology is so ambiguous that it could refer to any person or group now killing these animals: polar bear hunters and guides; abalone fishermen who kill sea otters to eliminate their competition; or tuna fishermen who kill dolphins and porpoises each year at 250,000–400,000 in one area of the eastern tropical Pacific.

There are several reasons the subcommittee has adopted this pitifully weak bill, including pressure from industry and the Nixon administration. Also effective was a last minute lobbying effort from the hunting and firearms complex, led by the Wildlife Management Institute and Mr. C. R. Gutermuth, who serves concurrently as President of the World Wildlife Fund and Vice President of the National Rifle Association. Dr. Carlton Ray, a marine "biologist" from the Smithsonian who is expected to head or participate in the Marine Mammal Commission set up by the bill, opposes a cessation of the killing of marine mammals and lobbied vigorously against a strong bill. Another significant factor was Senator Hollings' determination to protect his home state constituents, the Fouke Fur Company, which in turn led to a near total exemption for the fur industry as a whole. But most important of all was the attitude of the other committee members. Senator Stevens (R-Alaska) adamantly opposed any measures to provide ad-

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equate protection to ocean mammals, the killing of which is a big industry in Alaska. The indifference of the other members of the Subcommittee, including Senators Weicker (R-Conn.), Cook (R-Ky.), Griffin (R-Mich.), Inouye (D-Hawaii) and Long (D-La.) has allowed this "management," antiprotectionist attitude to prevail. And Senators Pastore (D-RI), Spong (D-Va.), and Hart (D-Mich.), while claiming to favor a stronger bill, have not been as active as the bill's opponents.

In response to letters from the public, Senator Hollings is sending out a form letter stating that "the government must take action to protect these threatened animals. It is highly possible that ocean mammals are a vital link in the chain which binds together all living things. I think we must act now to prevent their destruction before it is too late." Ironically, if Senator Hollings' bill is not significantly strengthened before it is passed, it may indeed be too late. For we will have lost what is perhaps our last chance to legally halt the slaughter, suffering, and eventual extinction that man is visiting upon these unique, intelligent, and highly-evolved creatures of the sea.

Comments on Protecting Ocean Mammals

As chairman of the Senate Subcommittee on Oceans and Atmosphere, I consider it my responsibility to respond to the opinions of Mr. Lewis Regenstein as stated in the article, "A Last Chance for Ocean Mammals?" It is unfortunate that The Washington Post has allowed its editorial page to be used to propagandize half-truths and misstatements of fact. The difficulty in attempting to shed light on such a complex situation as the marine mammal legislation is that the truth seldom is as dramatic or as sinister seeming as is the slander.

First, the full Committee on Commerce will indeed consider several amendments to Committee Print No. 1, which was reported by the subcommittee on May 10. These would include amendments to both expand executive authority to declare or lift moratoria, as well as tightening import restrictions. There is no final version of the bill until it is reported officially by the full committee.

Second, what does the bill do? It establishes a 15-year moratorium on the killing or capture of all marine mammals, including whales, seals, sea otters, dolphins, polar bears, sea lions, manatees, and walruses. We selected this time period in order to provide a complete life cycle for study and observation of various species of marine mammals, since so little is known about them. There are several important exceptions to the moratorium, each approved for valid scientific and diplomatic reasons.

It is mandatory that we remember that Congress acting alone cannot begin to solve the worldwide marine mammal problem. . . . Contrary to the article by Mr. Regenstein, we believe our bill provides the stimulus to launch immediately a round of international negotiations aimed at protecting and conserving all species of marine mammals.

The exceptions are:

1) The selected harvest of 3- to 4-year-old bachelor male seals, surplus to the breeding and reproduction needs of the population, will continue pursuant to United States obligations under the North Pacific Fur Seal Convention. At the same time, the bill provides for an intensive examination of the conditions of the herd to determine if the population saturation is at its peak. If not, then efforts will commence immediately to reduce the taking of seals through renegotiation of the treaty with Russia, Canada and Japan. It is undisputed fact that the scientific application of wildlife management principles to this fur seal herd have restored it from the brink of extinction to its present healthy status. It is also acknowledged fact that without this treaty, and because of commercial pressures, there would no doubt be a return to open ocean sealing. Should we allow this to happen, then the indiscriminate slaughter of these animals would take place on the high seas where as many as three or four would be lost for every one taken, and there would be no distinctions made between males, females or immature animals. This could decimate the fur seal herd quickly, as occurred prior to the treaty.

2) General class permits may be issued to the American tuna fishermen who participate in the yellowfin tuna fishery of the southwest Pacific Ocean, but only insofar as these fishermen adapt to gear and fishing methods found to cause the least feasible hazard to the three species of porpoise associated with the tuna. During a two-year period of scientific and technologic investigation, the tuna industry will be required to cooperate with government and academic research to eliminate the incidental taking of porpoise. At the end of this two-year period, it is envisioned that all U.S. flag vessels will have changed to fishing methods which will reduce to insignificant levels the taking of porpoises.

3) Committee Print No. 1 would allow, under certain circumstances, the importation of weaned seals for processing and sale in the United States. However, as chairman, I intend to offer an amendment to the bill to close the U.S. market to any and all hairseal products except those produced by native Alaskans. However, Mr. Regenstein erred in implying that the bill would allow the importation of pelts from the baby "Whitecoat" Canadian harp seal. The provision of allowing seals above one month was based on the fact that "Whitecoats" shed their white fur before one month of age, becoming "beaters" which leave the pack ice and effectively escape, in large part, to the open sea, where sealing is prohibited. The Post participated in this deception by printing a photograph of a "Whitecoat" pup. The committee is as distressed as anyone at the scenes of slaughter of these three to 10-day-old pups, and had no intention of allowing their importation, as Mr. Regenstein was fully informed by subcommittee staff.

4) Permits could be issued for the taking or importation of marine mammals for scientific research or for display in public oceanariums under strict regulation.

5) And, finally, the taking of such mammals would be permitted to continue in Alaska as part of the traditional cultural pattern of Eskimos, Aleuts and Indians, and to preserve their reliance on marine mammal products as part of their patterns of living and interacting on the fringe of our economy.

Of concern to me is the attack on this bill as perpetuating and legitimizing the present slaughter of marine mammals, when the opposite is true. The bill places sharp restrictions on the ability of any group of individuals to kill marine mammals. The appropriate secretary, working with the Marine Mammal Commission, must approve a strict set of limitations on each species, proceeding through a public hearing and judicial review, and a further hearing and review process in the granting of perimts—and all of this would be beyond the 15-year moratorium. If the Fund for Mammals thinks this is weak legislation, then what they seek must be the ultimate rejection of the killing of any animal for any purpose, including legitimate hunting in the United States. Personally, I do not believe we have reached that point yet, although this legislation sets broad precedent for protection of animals as well as the application of a tested field of scientific, biologic knowledge of wildlife conservation.

The Subcommittee on Oceans and Atmosphere and its members, rather than being disinterested and uninvolved, have gone to considerable effort to examine all sides of this issue in an attempt to create good legislation which will be to the benefit of marine mammals, not just to appease emotional pressures based on uninformed or misinformed propaganda. In the case of porpoise related tuna fishery, we know that it would have been simple and popular to clamp a one-year deadline on the incidental taking of porpoise, and then turn our backs, smugly considering our duty done. The industry simply would go to a flag of convenience, sell its tuna elsewhere, and the porpoise would continue to suffer. We chose instead to try to work with the industry to make certain that all nations join us in protecting porpoise and dolphin.

We are convinced that the bill which shall be reported to the floor will do these things, and that the United States will lift a standard for the world to follow in making certain that all species of marine mammals will continue to coexist with man on this planet we share with all living creatures.

ERNEST F. HOLLINGS,
U.S. Senator.

Washington.

For Your Infoamation

On may 31 we printed on this page an article by Mr. Lewis Regenstein, Washington representative for the Fund for Animals, Inc., Mammals Protection Act of 1972" now before the Senate Commerce Committee. Today our Letters section is devoted to responses from two United States Senators and a scientist actively involved in that legislation. All three letters display a remarkable sensitivity to Mr. Regenstein's charges. Because this exchange of views dramatizes problems which crop up in many legislative arguments, especially over complex and emotionally charged issues such as the fate of baby seals, it may be useful—For Your Information—to review some of the attitudes involved and the ways in which we believe politicians and the press can best promote rational legislation.

At the heart of the dispute between Senators Hollings and Stevens and Dr. Ray, on the one hand, and Mr. Regenstein, on the other hand, is a basic disagreement over what should be the aims and therefore the provisions of legislation to "protect" ocean mammals. All parties object, as this newspaper has in the past, to the current absence of controls over the slaughter of ocean mammals, including seals, whales, dolphins and porpoises, Senator Hollings and Stevens and Dr. Ray, along with many interested organizations, support the bill which—as Sen. Hollings outlines in his letter—would impose a moratorium on the killing or capture of all marine mammals, and prohibit imports of marine mammal products, with some exceptions. To its advocates, this bill provides *substantial* protection to the species now endangered in the seas, and they view it as "strong." From this different perspective, Mr. Regenstein measured the bill against the yardstick of *complete* protection; since some killing of mammals would continue under the bill's exceptions, Mr. Regenstein judged it "weak."

How the bill looks depends on where you stand. This is a common and legitimate debate, akin to those raging constantly over civil rights, taxation and the war—to mention just a few other subjects on which people of differing attitudes constantly hurl value judgments back and forth. What is unfortunate in this instance is that today's correspondents, rather than resting on the merits of their own case, or simply challenging the premises or practicality of Mr. Regenstein's view, felt compelled to burden their responses with free-swinging accusations such as "half-truths," "slander," "absolute lie" and "consistent vendetta." Mr. Regenstein's statement which Sen. Stevens labels an "absolute lie," for example, was firmly grounded in Mr. Regenstein's judgment that the marine mammal protection bill Sen. Stevens backs is *not* adequate. It would have been enough for the Senator to disagree.

There is considerable persuasiveness in the view, underlying Sen. Hollings' position, that the marine mammal bill now under review is a real gain and, subject to certain improvements, may represent the longest step toward stopping the killing of these species which the Congress is willing to take this year. There is also considerable educational value, in our view, in permitting Mr. Regenstein—or another articulate advocate of a "purist" position in another field—to explore on this page the ways in which, from that angle, a relatively progressive measure is less than perfect. We welcome such articles, just as we welcome the substantive parts of today's letters in rebuttal.

It seems to us that the pending Hollings bill reflects the push and pull of many interests, including conservation groups, research scientists, elements of the fur and import industries, and Alaskan natives—all of whom have been actively "lobbying" for their views in competitive and apparently reasonable ways. There may be defects in the result; on the basis of the evidence so far, there is nothing disgraceful about it, and we regret that the architects of the "mainstream" position feel so defensive about criticism from their flanks. Creative compromise is, after all, an essential legislative art. Those who manage to gather their forces under large umbrellas should not be so nervous about the few who choose to stay out in the rain.

[From the New York Times, May 30, 1972]

To Protect Dolphins

The Senate Commerce Committee is nearing a decision on the Marine Mammal Protection Act. As passed by the House, this bill had serious defects which reflected more concern for the profits and convenience of the commercial tuna fishing industry than for the welfare of the highly intelligent dolphins and other ocean mammals threatened with extinction.

In the Senate version, there is some significant added protection but it has also some weakening provisions. For example, at the behest of a small segment of the fur industry, the bill would permit the import of skins from seals more than one month old. That would mean the clubbing to death of baby seals, which horrified the American public when it was shown on television, would continue to have a commercial justification.

The bill eatablishes a fifteen-year moratorium on the killing of marine mammals by American citizens. The tuna industry, which inadvertently and needlessly slaughters thousands of dolphins every year, receives a special two-year exemption which could be renewed annually at the discretion of the Secretary of Commerce. The bill provides ample research funds to encourage the tuna industry to develop less deadly fishing methods but there is no firm cutoff date beyond which it would have to stop its current cruel practices.

Two amendments are indispensable if the Senate bill is to represent any improvement over the House version. First, Senator Humphrey, Democrat of Minnesota, has proposed that the special exemption for the tuna industry be limited to one year with no possibility of renewal. Secondly, Senator Hart, Democrat of Michigan, seeks to transfer all authority under the bill from the Commerce Department to the Interior Department, which now shares a small piece of the power. This change is highly desirable. Interior has a strong conservationist tradition while the oceanic administration in Commerce is the former Bureau of Commercial Fisheries with a new name but the same old exploitative, pro-industry attitudes.

A GRATEFUL IOWA MOTHER THANKS TAXPAYERS

Mr. HUGHES. Mr. President, in a short time the Senate will begin its consideration of welfare reform. As we debate this controversial—and so very human—subject, it may be well for us to bear in mind what ADC, aid to dependent children, is all about. We hear a lot about "welfare cheaters" and "freeloaders," who, according to official statistics, make up about 1 percent of the welfare load. Even if the percentage of those who should not be on the welfare rolls were as high as 10 percent, what of the other 90 percent? Who are they? What are they like? What are their problems? Since the bulk of our money goes for ADC, perhaps we should study more closely just who the families are that are helped by this program.

One such family is the Struthers family of Storm Lake, Iowa. Ten years ago, Mrs. Phyllis Struthers was left alone with her four small children, shortly thereafter giving birth to her fifth child. This family of six was left with nothing but unpaid bills and very little hope for the future. The only way Mrs. Struthers could hope to keep her family together was by applying for ADC, which she did only as a last resort because she had been taught to regard welfare as a disgrace.

But with the meager income provided by ADC, Mrs. Struthers managed to keep her family together, and at the same time to go to college to get the education needed to become self-supporting. Through scrimping and saving and sheer hard work, the family has grown up together, and the last ADC payment has been made.

The story of this family can be told many thousands of times over, and I think we should keep it in mind during the coming weeks. The full story has been ably related by Robert Krotz in the Des Moines Sunday Register of May 28, 1972. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ADC SAVED HER FAMILY—A GRATEFUL IOWA MOTHER DECLARES: "I WANT TO THANK TAXPAYERS"

(By Robert Krotz)

STORM LAKE, IOWA.—Ten years ago Mrs. Phyllis Struthers' husband ran away, leaving her with four small children, a pile of unpaid bills and little hope for the future.

A few weeks after her husband disappeared, Mrs. Struthers gave birth to her fifth child.

Shortly afterward, several creditors came to her home and repossessed most of the family's belongings.

"My husband had bought everything on time and hadn't made the payments," Mrs. Struthers recalls. "They took everything—the refrigerator, the beds, they even took linoleum up off the floor."

With only a high school education, no particular job skills, and a back injury that prevented her from doing heavy work, Mrs. Struthers found she couldn't support her family alone. It appeared she would have to give up the children.

"I could just see all my children going to some detention home or juvenile home or orphanage, and I couldn't stand it. They were all I had left. I was really down," she remembers.

As a last resort, Mrs. Struthers reluctantly applied for and began receiving Aid to Dependent Children (ADC) from her county welfare office to support her family.

"It was hard for her to do because my parents had always taught us to regard ADC as some kind of disgrace," she recalls. "I had to fight a lot of psychological and emotional upsets. I had the idea that divorce was a mortal sin—and here I was, a divorcee and an ADC mother."

Ironically, Mrs. Struthers laughs a lot as she reminisces about her past hardships, but her laughter is that of a person whose memories are so painful that to not laugh about them is to cry. Her eyes water and she sniffles as she laughs, and she laughs about "this awful cold" as she dabs at her nose with a tissue.

COLLEGE GRADUATE

But those things were 10 years ago. A lot has changed since then.

For openers, Mrs. Struthers, 36, a pert, pleasant woman, is now a college graduate. She graduated near the top of her class at Buena Vista College here this year with a 3.27 grade-point average (4.0 is perfect).

In September she will begin work as a fifth-grade teacher in the Dunlap Community School District. Eighty other teachers applied for the same job.

Mrs. Struthers and her five children are still very much together, and the closeness of their family relationship is obvious to even the casual observer.

Instead of ending up in detention homes, the Struthers youngsters—Fred, 18, Phillip, 16, Felicia, 14, Starr, 13, and Sheila, 10—have grown up into the kind of wholesome, attractive kids that usually are seen only in milk commercials.

The debts Mrs. Struthers' husband left her have all been paid (although some new ones were created by the cost of her college education), and the family belongings that were repossessed 10 years ago have been replaced.

LAST ADC CHECK

This month, after 10 years of being on welfare, Mrs. Struthers accepted her last ADC check. Now, she says, she's eager to begin working and paying taxes "so I can help someone else get back on their feet."

And to every taxpayer who reads this, Phyllis Struthers says thank you.

"I don't imagine I could find words that would fully express my gratitude; there just aren't enough words," she told two visitors recently in the living room of her modest home here.

"But I just wish the taxpayers and the government could only know how sincerely I appreciate everything they've done for me and my family," she added. "I don't know what I would have done without ADC; it saved my family, that's all there is to it."

Mrs. Struthers said ADC, ranging from $125 to $279 monthly, was her family's only source of income for the last 10 years.

She said she stretched her monthly ADC allotments by shopping carefully for bargains, sewing most of her family's clothing, and "raising a big garden and doing a lot of canning and freezing every year."

SQUEEZE $5 FROM BUDGET

She gradually replaced the home furnishings that were taken away by "squeezing $5 out of the budget here one month, sneaking another $5 out from there the next and saving it all aside until I had enough to buy something. Then I'd start saving again for something else." She bought nothing on credit. Relatives also helped by donating some of their home furnishings, she added.

Mrs. Struthers said she insisted that her

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children mow lawns, babysit and perform other odd jobs in their spare time "because I wanted them to learn the value of work and I didn't want them to develop the attitude that, 'Oh, well, the government will always take care of us.'"

She explained that ADC regulations required that most of the children's earnings be placed in savings under their names, and couldn't be used to supplement ADC aid.

In addition to her financial debts, Mrs. Struthers said she also worked to repay "my debt to society" by teaching an intermediate Sunday school class, working in the nursery, and singing in the choir at First Presbyterian Church here. She also worked in a volunteer "meal-on-wheels" program for Storm Lake's elderly.

The first six years after her divorce, Mrs. Struthers stayed home and took care of her children. Then after all her children were in school, she spent the next four years doubling as a mother and college student.

SCHOLARSHIPS, LOANS

She financed her college education through scholarships, grants and long-term government loans.

"When I first enrolled in college and my instructors found out I was an ADC mother, some of them acted a little standoffish toward me, as if they didn't think I was going to be around very long," she remembers.

She also remembers that her first year of college was particularly difficult, mainly because of reoccurring family problems.

"The first semester, while I was taking tests, my sister was in a bad car accident in California and I took off three weeks to go out and see her because she wasn't expected to live, but she did," said Mrs. Struthers.

"Then the second semester, I was right in the midst of my English final exam and I had to get up and leave because they called me to tell me my mother had died.

"The kids always seemed to be getting sick. It just seemed to be one of those years. And we had this little rickety old house and the furnace was always blowing up.

SON IN COLLEGE

"Things like that were always making me fall behind, and then I'd have to work extra hard to catch up."

But she survived, she explained, by "missing a lot of sleep and burning a lot of midnight oil."

While Mrs. Struthers was finishing her senior year, her oldest son, Fred, enrolled at Buena Vista as a freshman. He is currently paying his own way through school by attending classes in the morning and working as an electrician in the afternoon.

Mrs. Struthers said her attitude toward ADC has changed considerably, but she's well aware that many people still feel as she did 10 years ago.

"Someone knows a bad ADC mother, so they think they're all that way," she said. "People tend to stereotype ADC mothers the same way they stereotype religion, race and everything else. But it's not true; you've got to know the individual before you can judge.

"There are ADC people who just want more and more and more," she adds, "but I think the taxpayers ought to know that there are many of us who really use the money wisely and really need it, and without this kind of aid to keep families together, I think the cost to the public in the long run would be much greater.

SHE REMARRIES

"I know the help I received through ADC made all the difference for me and my children."

And that ends the Phyllis Struthers story. For Saturday, in a brief ceremony at Call State Park near Algona, she became Mrs. Ed Rich. Her new husband is an Algona electrician.

The bride prepared for her wedding by getting out her sewing machine several weeks ago and whipping up the wedding clothes for everyone in the ceremony.

"It was fun," she bubbled as she displayed the brightly colored gowns and shirts.

"You'd think I was 15 and had never been married before, the way I'm getting ready for this wedding," she laughed, this time with no sniffles.

She even made her husband's suit and her own wedding slippers.

PRICE TOO HIGH

"I looked at some shoes downtown but they cost $15, and I decided that was too much to pay for something that I'd only wear once," she casually explained.

The Rich family—"We're going to be 'poor' Rich'," Mrs. Rich quips—is now preparing to move to a new home in Dunlap.

"Everything's really going nicely now," Mrs. Rich smiled before the wedding. "Finally, it seems as if the sun is shining."

THE GENOCIDE TREATY AND AMERICA'S ROLE IN THE WORLD

Mr. PROXMIRE. Mr. President, article I of the International Convention of Genocide says this:

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

If, as I strongly recommend, the United States were to join the 75 nations who are already parties to this treaty, we, too, would undertake the prevention and punishment of genocide. This would be an important commitment; and it is a commitment which some opponents of the treaty are reluctant to make. The tragic consequences of our intervention in Vietnam have persuaded many Americans that we should not undertake involvement in events far away from home.

But a decision to isolate ourselves from the rest of the world would draw the wrong lesson from our painful experiences in Vietnam. We cannot and ought not limit our concerns to what happens within our own borders; we are necessarily affected by and concerned about what goes on in the world. Rather than try to withdraw from international involvement, we must take care that the nature of that involvement is just and in our national interest.

What, then, would we commit ourselves to by ratifying the Convention on Genocide? First, we would be committed to the enactment of legislation, such as proposed in S. 3182, to outlaw genocide within our own country. Second, and what is particularly relevant to my remarks today, our commitment to prevent genocide abroad is spelled out by article VIII of the treaty, which says:

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

What ratification of this treaty would not mean is unilateral U.S. responsibility to prevent genocide all around the world. We would not be world policemen against genocide; we would join with other nations in the United Nations to act against genocide. This is, I think, most appropriate. The United States has neither the resources nor the authority to enforce even these minimal moral standards on the conduct of all other nations. The universal realization of a right even as obvious and elementary as the right of groups of people to live is not an easy thing to achieve. Prudence will dictate that even the collective force of many nations cannot defend that right in every case. But surely such collective action is what will make that defense possible. What the treaty does is define genocide as an international crime, and establishes international authority to combat it. This convention helps build a structure to settle matters of international importance by the responsible collective action of the community of nations. Such a structure is of the utmost importance to world peace.

I therefore urge the Senate to speedily ratify the Genocide Convention.

POPULISM

Mr. HARRIS. Mr. President, the New York Times Magazine on June 4 published an unusually comprehensive article on "Populism," written by the distinguished historian C. Vann Woodward.

In describing the origins of populism in this country, Professor Woodward demolishes the false belief, often found in the popular press, that the old populism was necessarily racist in origin. On the contrary, Professor Woodward notes, many of the early leaders made repeated efforts to bring black and white together. Their purpose was to end a political tradition which enabled unprincipled politicans to exploit racial hatreds.

According to Professor Woodward, it was during the cold war period that the myth arose that the old Populism was racist. Intellectuals at that time found themselves under attack from Senator Joe McCarthy; and in attempting to explain the roots of popular support for McCarthy, many of these observers falsely identified the early Populist tradition as the cause of our trouble in the 1950's. Very few of these men were historians. Fewer understood the efforts of the early Populists to work across race lines.

Summing up, Professor Woodward suggests that the fate of the new populism may determine the political future of our country. For if the premise of the new populism is wrong—namely that the average working people of all races and nationalities in this country can work together against the vested interests—then our future is bleak indeed.

Mr. President, I ask unanimous consent that Professor Woodward's provocative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GHOST OF POPULISM WALKS AGAIN

(By C. Vann Woodward)

American political culture encourages the periodic revival of ghosts. The practice has become traditional. Revivals and celebrations of the past are national rituals. Before fully recovering from a Civil War Centennial, we gird ourselves for a Revolutionary Bicentennial. We have had two Whig parties and two Republican parties, and now we appear to be pregnant with a second Populist movement, some would have it a populist fad or myth. Populist slogans and populist candidates abound.

Some politicians proclaim themselves populists and even more are rather indiscriminately labeled populists. The term crops up everywhere—in book titles, manifestoes, speeches, editorials. It is used, as it always has been, both as a term of abuse and a term of praise, depending on the ax the user has to grind or the history he has read and how he understands it. Increasingly it turns up in improbable and unaccustomed quarters and more and more as a term of approbation rather than approbrium.

After a Rip Van Winkle sleep of 80 years, an old Populist of 1892 would awake in a bewildering world of 1972. He would not blink twice at a populist Senator from Oklahoma and one from South Dakota, or be startled by a Governor of Alabama in populist clothing, a Lieutenant Governor of Virginia who calls himself a populist, or assorted populist types in the Lower South. Those were all old Populist territories in the nineties with authentic traditions and precedents. What would give our old Populist a turn would be the sight of a populist from Maine or one from Park Avenue. What he would make of a self-proclaimed populist from West Virginia who bore the name John D. Rockefeller 4th, or the Presidential candidacy of Dr. Benjamin Spock on a populist ticket, or references to the "populist style" of Spiro Agnew—is beyond imagining.

Any resemblance between the late 19th century Populism and the movement now struggling to be born would at first appear entirely superficial. The world of Tom Watson, Cyclone Davis, Stump Ashby, Sockless Jerry Simpson, James B. Weaver and Mary E. Lease was a remote, intensely provincial, horse-and-buggy America of a forgotten long ago. Their world was rural, their values agrarian, their problems largely agricultural, their movement bred of prolonged depression. To many Americans today their language would seem quaint, their temper overwrought and some of their ideas cranky.

On the other hand, when one takes account of their grievances, their political and economic plight, their enemies, the coalitions they formed, the issues they raised, the platforms they wrote and the strategies they used, the remoteness and irrelevance of the old Populists diminishes and they begin to come into focus. They spoke for the little man against the establishment, the provinces against the metropolis, the poor and deprived against the rich and privileged. The issues they addressed centered on the unequal distribution of wealth and income, and the unjust distribution of power. These issues included prices, wages, money, taxes, unemployment, monopoly, consumers' rights, big-business corruption of government and government selling out to business.

In a moment of exasperation, the economist Henry Demarest Lloyd once called his fellow Populists "a fortuitous collection of the dissatisfied." And so they were. The mass of them were farmers, however, and their dissatisfactions were bred of three decades of agricultural depression, the last of which coincided with the worst industrial depression up to that time. Debt-ridden, mortgage-ladened, impoverished and helpless, millions of farmers saw themselves slipping from landowning to tenant status. Bitter and desperate, they undertook for a time to speak for and lead the oppressed of all classes.

Back of the Populist revolt were many organizations, unions and cooperatives, such as the Grangers and the Knights of Labor, but none was as powerful as the Farmers' Alliance. Founded about 1875 in Texas, it exploded with new ideas and militant zeal in 1886, and swept through the whole South, establishing thousands of suballiances at the community level. In three years the Alliance claimed four and a quarter million members. Semisecret, highly centralized, with its own press and official corps of "lecturers" or propagandists, the Farmers' Alliance radicalized and disciplined the future Populist cohorts. The larger part of a similar but much smaller Northwestern Alliance merged with the dominant Southern organization as a National Alliance in 1889 and the Knights of Labor affiliated with it.

The "demands" of the Alliance evolved into the Populist platform. They focused on issues of money and credit, land and industrial monopoly, and transportation. They called for the abolition of national banks, Government control of credit and money and a substantial increase of the money in circulation by several means, including free coinage of silver. They also wanted the break-up of trusts and monopolies; an eight-hour law for labor; Government ownership of railroad and telegraph lines; a Federal income tax; initiative and referendum; and direct election of Senators.

Feeling strong enough to take over the Democratic party in the South in 1890, Alliance men did in fact elect 45 Congressmen and three Senators pledged to support their demands, and secured control of eight state legislatures. In the West, Alliance men set up several independent third parties of different names that elected eight Congressmen and two Senators. When most of the Alliance-elected Congressmen from the South lined up behind a conservative Democratic candidate for Speaker, Tom Watson of Georgia left his party and became the "People's party" or Populist candidate for Speaker, with support of the Western third-party men. Thus the new party had a Congressional delegation before it had a national organization.

At a national convention the Populists welcomed alliance with the Knights of Labor, the Single-Taxers, the utopian Nationalists, Greenbackers and Prohibitionists, and attracted several Socialists. Their main problem lay in bridging the cleavages between the disconnected sections, parties, races and classes they sought to unite. They revived the old agrarian alliance between South and West, divided since the Civil War by the bloody-shirt issue. They struggled hard to unite black and white voters in the South against the racist propaganda of the old party. They appealed to labor and won over the declining Knights of Labor, but not the growing American Federation of Labor.

William Allen White of Kansas called Populist leaders of his state "wild-eyed, rattle-brained fanatics," and the very nicknames of such leaders as "Calamity" Weller of Iowa, "Bloody Bridles" Walt of Colorado and "Cyclone" Davis of Texas, lent themselves to the stereotype. But the variety of leaders defied generalization. They ranged from Virginia aristocrats with the oldest and most distinguished names to Texas evangelists and ex-cowpunchers. More typical was the middle range that included Tom Watson, twice the party's Presidential nominee and once the nominee for Vice President. A successful lawyer and editor, and a prolific author of history books, the red-headed Georgian was, before his party's collapse and his personal deterioration, utterly fearless and a formidable orator.

Leonidas L. Polk, a distinguished North Carolinian who was president of the National Alliance, was assumed to be the Populist choice for the 1892 nomination, but on his death James B. Weaver, the old Greenbacker from Iowa, was put forward. In spite of handicaps, the new party cast more than a million votes for their Presidential candidate, and elected 10 Congressmen, five Senators, three Governors, and some 1,500 members of state legislatures. In the elections of 1894 the third party increased the vote it polled in 1892 by 42 per cent, mainly in the South, and badly frightened the Democrats.

Democratic insurgents took over their own party in 1896, unseated the conservatives, and invited the Populists to put aside their more radical demands and support William Jennings Bryan on the silver issue. In spite of resistance by radicals, the silverites had their way. The Populists ran an independent ticket in two more Presidential elections, but the fight over fusion with Democrats in 1896 tore them apart and they never succeeded in reuniting.

The Old Populists left a vital heritage of protest and precipitated a historic realignment of American politics. It is far-fetched, however, to picture them as a model for modern radical reform. They lacked firm grip on the problems even of their own time. Their parochial idiom, their evangelical style and their pentecostal politics are about as far removed from the present as anything in our history.

But to catch the echo of the past in the present, to capture the appeal the Old Populism has for the New, one has to listen closely to the rhetoric of 19th-century Populism in old manifestoes, platforms and speeches. Here one senses the shared moods and common impulses of the two periods. They are moods of suspicion and resentment and a sense of betrayal, tones of frustration, disillusionment and alienation, disenchantment with the old parties, flashes of anger at injustice and neglect, disgust at private opulence and public squalor, indignation over fraud and bribery in government and corruption in high office, outrage over privilege of special interests and the arrogance of the rich.

As an example of the desperate tone and apocalyptic rhetoric of the Old Populists, the preamble of of their platform of 1892 is often cited. It begins: "The conditions that surround us best justify our cooperation; we meet in the midst of a nation brought to the verge of moral, political and material ruin."

Yet neither the rhetoric of 1892 nor the bill of particulars that followed would seem especially out of date in any number of current-day speeches and editorials. The New York Times, for example, can ask rhetorically "Whether a new rot has infected the American political-economic system" (April 2, 1972). According to a Harris Poll last September, a majority of Americans indicated distrust of every major institution in the country—business, the press, the media, the old parties and government in general, all the way up to and including the Presidency.

The New Populists on the whole enjoy advantages over the Old in their attack on common targets. They have more to shoot at, for one thing, and the targets are usually larger. The "bigness" that so disturbed the Populists of the nineties was minuscule compared with the bigness of the present. One has only to compare, for example, Standard Oil then with General Motors now. The old-fashioned Robber Barons were more conveniently personalized, but their corporate counterparts of today are more flagrant, as demonstrated by the recent histories of the nation's largest railroad, the nation's largest corporate conglomerate, or the nation's largest defense contractor.

The power of banks, which terrified the embattled farmers, was peanuts compared with the present day concentration of bank power. In their wildest paranoid and conspiratorial dreams of interlocking directorates and financial monopolies, the Old Pops never imagined anything so extensive and elaborate as exists today among the largest commercial banks and the largest insurance companies.

There are certainly far more opportunities for contemporary scandal in view of the proliferation of Government contracts for national defense highways, housing, airlines, health, education, welfare and agriculture. There are opportunities for Government sub-

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sidies, handouts and favoritism for business beyond anything dreamed of in the philosophy of the Old Pops. Besides a $4-billion annual subsidy to big corporate farmers, and fabulous subsidies to the largest defense contractors such as Lockheed, Boeing and General Dynamics, there are depletion allowances and import quotas for the powerful oil industry. Our Byzantine Federal tax structure has correctly been called "welfare for the rich and free enterprise for the poor," with built-in shelters, loopholes and exemptions that are closed to small incomes and wide open to the billions of the wealthy.

POPULISM: "A MOVEMENT CLAIMING TO REPRESENT THE RANK AND FILE OF THE PEOPLE"

Ready and waiting for the New Populism, therefore, are many of the issues that were exploited by its 19th-century predecessor plus a great many more concerns of the same character which have even greater popular appeal and explosive potential. The question remains, who will exploit them and to what ends? Will the resulting movement head to the right or the left? Is there any quality inherent in the nature of populism that dooms it to retrogressive and reactionary uses? Is there something about the ideology of populism, or about the type of leaders it produces or attracts, that justifies the rather sinister reputation it has among some intellectuals and more widely among the literate public?

To answer these questions, we must assess the findings of some scholars and look over the leaders populism has produced in the past as well as the potential leaders of the present in this country. But first a cursory glance at manifestations abroad might be instructive, for populism of one kind or another has found root lately in many parts of the world besides our own.

A conference of international scholars brought together in London five years ago to discuss world-wide manifestations of populism opened its summary report (a book entitled "Populism: Its Meaning and National Characteristics") with a phrase consciously lifted from the "Communist Manifesto" of 1948: "A specter is haunting the world—populism." Five years ago, the specter admittedly assumed a fantastic variety of forms. Among manifestations cited in the report were Poujade of France, Peron of Argentina, Vargas of Brazil, Zapata of Mexico and Belaunde of Peru. Populist leanings were found in Frantz Fanon's African following, in Gandhi's Indian movement, in the Sinn Fein of Ireland, in the Iron Guard of Rumania, even in the doctrines of Tito, Mao and Castro.

A populist international has, of course, never developed, and to imagine a summit conference of world populists is to evoke comparison with the Tower of Babel. It would bring together left- and right-wingers; fascists and egalitarians; parliamentarians and totalitarians; the working class, middle class and peasants; movements that grew out of both rural and urban settings; and from developed and undeveloped countries (though predominantly the latter); upheavals bred of depression as well as booms; people with progressive as well as reactionary yearnings; and those with forward-looking as well as nostalgic impulses. It would also bring together movements that had never been conscious of one another, were unaware of a common denominator, and rarely adopted the name "populist."

Their grouping is not their own idea but that of theorists who impose on them the populist classification. Admitting the looseness and the contradictions inherent in the term, the theorists point to the looseness with which the terms "capitalism," "communism," and "democracy" are used, holding that "populism" is no more vague and that its use is equally unavoidable. When pressed for definitions of populism, political theorists say they are speaking more of a syndrome than an ideology, a situation rather than a theory, an emphasis, a dimension of political culture rather than a system. They speak of movements found "among those aware of belonging to the poor periphery of an industrial system," either in provinces or ex-colonies. Populism is a "tension between metropolis and province," an upheaval of the little man, the neglected many against an indifferent establishment. It proclaims the supremacy of the "will of the people," the common folk over the sophisticated, the wealthy, the powerful and the corrupt.

The two classic historical examples of populism, apparently the only two that embraced the name, occurred in the late 19th century in Russia and the United States. Mutually unaware of each other, they shared some characteristics, but their differences were more numerous. For one thing, Russian Populism was made up of intellectuals without a mass following, American Populism of a mass following with few intellectuals. Illuminating comparison is difficult, however. For example, there is the contrast between the figures of Czar Alexander II and President Grover Cleveland as national symbols of what populists of the two countries opposed; there is also the remarkable encounter between Count Leo Tolstoy and William Jennings Bryan—an interview without communication, as it turned out.

Beyond the obvious point that populism assumes many forms (as, indeed, do capitalism and Communism) and that comparisons are dangerous, this excursion abroad leaves us with the conclusion that for an understanding of the American heritage of populism we had best stick pretty closely to its domestic history. Even then we are confronted with sharp differences of opinion and interpretation among scholars. Populists and their forebears, and the populist tradition, have from the start had rough handling from conservative historians. But until the nineteen-fifties, historians of the progressive, liberal or radical tradition generally treated populists with respect as people with legitimate and serious grievances, striking at real economic and social evils, proposing rational and sometimes ingenious reforms, and working within the reform tradition toward humane ends.

A startling reversal of this picture took shape in the mid-nineteen-fifties at the hands of intellectuals caught in cross-currents of the cold war. Mainly social scientists rather than historians, these revisionists published numerous works, but most of their strictures on populism find expression in contributions to a book edited by Daniel Bell, "The New American Right" (1955). None of the writers repudiated democracy, but they fixed on populism—or what they loosely and sometimes wrongly identified with it in all periods of American history—as embodying the seamy and sinister side of democracy, often referred to as "mobism" or "plebiscitarism."

Few professed much knowledge of the historic party of Populism or historic Populists, but those who did joined in attributing to the 19th-century movement a basically irrational mentality that was expressed in paranoidal obsessions, conspiratorial delusions, nostalgic dreams of a golden age and hostility to industrial progress. Populists were described as opportunists given to demagogic exploitation of racism, anti-Semitism and the hatred of foreigners (xenophobia) and immigrants (nativism).

Most of the revisionists were more interested in the present than in the past, and were particularly concerned over the mass support Senator Joseph McCarthy was then winning in his anti-Communist crusade of character assassination. They seized upon populism, in its newly conceived reactionary image, as proto-Fascism and the roots of authoritarianism—the "radical right" and all that was retrograde in the mid-nineteen-fifties and in the whole American political tradition. Thus Prof. Talcott Parsons of Harvard discovered "elements of continuity between Western agrarian populism and McCarthyism," and Prof. Edward A. Shils of Chicago thought them connected by "a straight line." An extreme statement by Peter Viereck declared that underneath the old populism "seethed a mania of xenophobia, Jew-baiting, intellectual-baiting and thought-controlling lynch spirit."

This interpretation of historic American Populism, or one derived from it, is the one still fixed in the mind of the educated public. It has given the word the sinister connotation that it has for so many, and is responsible for the moral and political disreputability under which the New Populism suffers. Many informed people, even some who are—or otherwise would be—drawn to support the new movement, continue to renounce or apologize for the heritage of Populism and to disavow any connection with it.

Thus even Jack Newfield and Jeff Greenfield, authors of "A Populist Manifesto: The Making of a New Majority," a spirited platform for the New Populism, feel obliged to renounce the proper heritage of the movement in their book. And in a subsequent appeal they write: "We emphasize a 'new' populism because there was plenty wrong with the old Populism which flourished in the late 19th century: racism, paranoia, xenophobia. The movement we seek rejects these poisons."

If popular protest and radical reform movements of the present are obliged to cut their roots with the past, they will wither and die. If they, unlike those of the past, habitually regard political impulses in the mass of ordinary people as inherently irrational or poisonous, they cut off their source of support. If every mass protest against existing institutions is discredited as "populist," we are lost. If intellectuals and enlightened folk are alienated from the sources of revolt, mass dissent will be consigned to the demagogues, the racists and the unscrupulous. The very core of the democratic faith is at stake here.

Rarely have crises in public affairs so closely coincided with scholarly concerns. Yet the public has fallen behind the scholars. The sinister interpretations of populism, biased by the mood of the mid-fifties, have been since then subjected to searching criticism in monographs and articles of limited circulation, some yet to be published. These have effectively disproved the charge of penopholia and nativism, discounted the evidence of anti-Semitism, and greatly diminished and brought into perspective of a racist society the charge of racism. They have stressed the reality of Populist grievances, the vital importance of Populists' issues, the rationality of their demands, and the courage of their leaders. If Populists were anti-intellectual, we are reminded that intellectuals of the time were hysterically anti-Populist. The late Richard Hofstadter, whose "Age of Reform" (1955) shaped much of the earlier view but not its extreme form, conceded the validity of much of this criticism in later publications.

A curious twist of history, it can now be seen, fastened upon the Populists a reputation for the tactics, bigotries and policies of their enemies, their betrayers, or a few old Populists like Tom Watson who did not age gracefully. Only thus can a George Wallace be conceded the mantle of Populism. A Ben Tillman or a Jim Hogg, or their . . . gone, the Heflins, Bilbos and Cole Bleases, are now regularly labeled "Populists," yet they were the bitter enemies of Populism. It was they who disfranchised the Negro and used white-supremacy demagoguery to destroy Populism. It was the Populists who tried and often succeeded, at a time when Negrophobia was approaching a peak, in uniting black and white voters behind the party of reform.

As for the theory giving more recent right-wing demagogues populist roots and origins, it received a severe blow from a study by Michael P. Rogin, "The Intellectuals and McCarthy" (1967), which proved that the overwhelming majority of those who sent Joe McCarthy and his supporters to the Senate were antiprogressive regular Republicans and predominantly economic conservatives.

Few scholars are so naive as to believe that the mass of people who support any leftward movement are devoid of irrational and retrograde impulses. Nor for that matter are the masses who support rightist movements in the old parties. Certainly the populist masses had their share of such impulses, and it was always a struggle between leaders who appealed to the retrograde and those who addressed the better nature of the discontented. The same sort of struggle is raging today for leadership of the nascent New Populism.

As a matter of fact the New Left students were among the first to sense the rise of incipient populism in the nineteen-sixties and make ineffectual bids to organize and capture it. At one New England university a professor of history, known for his writing on populism, was repeatedly approached by student activists seeking his support for reviving the Populist party under New Left auspices. His advice was that nothing was better calculated to alienate the sort of people they sought to attract than certain "lifestyles," class attitudes and varieties of arrogance. The New Left tried but failed. The later efforts of some chastened old New Lefters to organize populist sentiment at the community level through their New Americans Movement remain indeterminate.

The Nixon Republicans, with their appeal to "The Silent Majority" and "Middle America," were trying in their way to capture at least a share of the same constituency. It is not too fantastic to regard Vice President Agnew's assaults on the "effete East" and assorted sophisticates in this light. The Nixon-style populism, however, has already written off one element essential to any successful populist coalition—the black votes. The "Southern strategy" and the Presidential stand on busing and other race issues indicate that clearly enough.

Last September populist-watchers with strict standards believed they saw the genuine article emerging out of Oklahoma when Senator Fred Harris announced his Presidential candidacy. The son of a sharecropper from Mississippi, he spoke the true idiom in down-to-earth style. "No more hogwash" was the way he paraphrased his real slogan for the networks. "There simply cannot be a mass movement without the masses," he maintained, and he meant masses of all colors. He spoke, he said, "in the spirit of the old Populism," which he believed "contains lessons with modern applications." After six weeks he withdrew from the race, declaring simply, "I am broke."

George Wallace of Alabama, in spite of the crippling attempt on his life, continues to be a formidable contender in this field. The busing issue is the latest version of his original stand as defender of segregation and white supremacy. He knows that hard-line segregationists can have perfectly rational economic grievances and political demands, and makes his pitch accordingly. Any candidate for the Democratic nomination in 1972 who seriously addresses himself to the valid and rational issues of discontent, Senator George McGovern, for example, will have to contend with an opponent skilled at combining and confusing the irrational with the rational. The two candidates will be appealing to overlapping parts of the same constituency. After Senator Robert Kennedy was assassinated and Senator Eugene McCarthy was eliminated from the race in 1968, many of their supporters turned to Wallace in the general election. Four years later we seem faced with the possibility of a re-enactment of such a struggle.

Both Senator Humphrey and Senator McGovern are making bids for the neo-populist constituency, each in his own way. Humphrey has made more explicit concessions to the Wallace line on busing, and, like Wallace, relies less on economic issues than on folksy identification with the masses. McGovern, on the other hand, has drawn a rather strict line against racist appeals and in his dry, firm, sometimes angry voice, hammers home economic issues and his program of reforms. Acknowledging a kinship between his supporters and those of Wallace, and insisting that the latter be granted a hearing at Miami, McGovern goes so far as to say, "Governor Wallace and I have different solutions, but both of us are saying with a perfectly straight, clear conscience that we are fed up with conditions as they are."

An air of paradox hangs over the Humphrey-McGovern contest. While the former history professor, McGovern, apparently clings to the darker interpretation of historic Populism and disavows the Populist label, he is closer to the old Populist tradition in his economic reforms and his moral outrage than any of his opponents. Yet organized labor leans more to Humphrey than to McGovern and so do the black voters. Both of these Humphrey constituencies seem to be guided by historic allegiances and debts of the past rather than by concerns of the present. McGovern's advantage lies in his appeal to youth and in his anti-Establishment reputation. That reputation is indispensable to any Populist leader and Humphrey has not been able to acquire it.

It must be admitted that the New Populism is still a sentiment and not an organization. Candidates seeking to co-opt that sentiment for their national ambitions do have organizations, but not the sentiment itself. The new populists lack what the old Populists had painfully built up by the rank and file in their local and state organizations, founded on the discipline and radical education of the Farmers' Alliance, vital precursor of the party. Lacking such discipline and political education, the new populists are more susceptible to demagogic appeal. In dragging them into national politics prematurely, Presidential candidates act in a parasitic rather than a constructive role and may dissipate the sentiment before it achieves coherence.

Part of the antiestablishment tradition of both populist movements is a distrust of the two old parties. Then and now they are pictured as equally reactionary, corrupt and cynical—Tweedledee vs. Tweedledum. The obvious answer is a third party. Wallace may still be able to run a replay of his third-party adventure if he is not the choice at Miami. If the Democrats nominate an establishmentarian we may well have a second "third" party, dividing the populists into hostile right- and left-wing camps.

The chances of the Democrats co-opting the populists a replay of the Bryan performance of 1896, are not to be dismissed out of hand. It is true, as Newfield and Greenfield point out, that the main current of Democratic thought has run counter to the party's populist tradition for a generation. Labor unions enlisted in the cold war and liberals grew conservative and elitist. The party rejected Estes Kefauver, who had the common touch and the true populist reform zeal, and fell under the charm of Adlai Stevenson and John Kennedy, bewitched by "style." What there was of the populist in Lyndon Johnson was quickly submerged under his Vietnam disaster and he was scorned as much for the one as for the other by liberal elitists.

Signs of a reversal of the elitist current in the Democratic party are not lacking. Bobby Kennedy's reception among South Bend blue collars and in Watts pointed the way in 1968, and George McGovern is claiming his mantle. The drastic reform of delegate elections for the Democratic National Convention now curbs the dominance of bosses and party establishmentarians and gives youth, blacks and women a striking prominence. The submerged populist tradition has a better opportunity of surfacing than it has had in many years. As in '96, of course, the populists may be joining a losing coalition.

It remains to see what part the New Populism may play in the major voting realignment that political scientists have been predicting, and whether 1972 may qualify as one of our historic "critical elections." These realignments and critical elections have periodically served to relieve the build-up of tension in our society and restore the health of the party system and the body politic. They have come in cycles of 29 to 36 years: 1800, 1828, 1860, 1896, 1932. Each one from Jefferson to Franklin Roosevelt was founded on a new coalition, represented major breaks in the voting habits of millions and reflected widely perceived national crises such as slavery, the Populist revolt or the Great Depression. Dominant sentiment on such polarizing issues either captures one of the major parties or forms a new one: Anti-Masons in the eighteen-twenties. Free Soilers in the eighteen-fifties, Populists in the eighteen-nineties, La Follette Progressives in the nineteen-twenties.

By almost every sign we are already ripe for a new realignment, whether it comes now or later. More than the normal span between "critical elections" has elapsed. Huge blocs of voters have cut loose from traditional moorings: the South growing more Republican, New England more Democratic, blacks and other ethnic groups more independent and politically conscious. Ticket-splitters multiply, and between a fourth and a third of all voters now classify themselves as independents. Some 25 million persons between the ages of 18 and 25 will be eligible to cast their first votes for President in 1972, and almost half of them refuse to profess affiliation with either of the old parties. The aimless drift and confusion of the old parties that has always preceded a major realignment has long prevailed.

The great unknown is which of several possible issues or combinations of them will polarize the voters, be captured by the winning candidate, precipitate the new realignment and shape the dominant coalition. "Rational" or "irrational" issues? Is race "the one question in American life today that seems to pack the emotional punch necessary for a party realignment" as David S. Broder, author of "The Party's Over," fears? Fred Harris would seem to agree. "Race is the central fact in American politics today," he writes, "because it is the deepest and most dangerous problem of American life." If so, the new realignment could be an ugly one. Ominous questions of this sort lend an urgency and poignancy to the questions we have been raising about the new and old populism.

Few who write about or instruct or govern ordinary Americans have kept in very close touch with them in recent years of crisis. One who has both kept in touch and kept his faith in them is Dr. Robert Coles of Harvard, author of many fine books about them. "In my experience," he writes, "if ordinary 'average' Americans are anything, they by and large are loyal to this nation's populist tradition. It is a tradition that goes back into the 19th century, when farmers and factory workers railed in down-to-earth language against 'big-money boys' and 'the crooked politicians.' It is a tradition that includes white Southerners, among them avowed segregationists, Mid-western small-town people, miners and blue-collar workers. And it is a tradition that is by no means dead."

XUM

History would appear to be forcing a new test on that tradition. On the outcome of that test—and on the frustrations and fears, the real problems and grievances, the good sense and good faith of the people who submit to it—hangs the shape of our future.

THE WAR, GOLD, AND THE DOLLAR

Mr. SYMINGTON. Mr. President, 1 month ago, the price of gold on the London market was $54 an ounce, at that time the highest in history.

Yesterday, the price of gold on the London exchange soared to $64.85. Today it was $66.75. This is nearly $29 higher than the official monetary price of $38 an ounce and some $24 higher than the market price in January.

As I noted in my last of three recent statements on this subject, European bankers point out that:

The more gold prices exceed the official price of $38 an ounce, the weaker the dollar seems to look psychologically. That compounds the task of restoring confidence.

Also compounding the problem of confidence in the dollar are the increasing deficits in the U.S. balance of trade, the continuing deterioration in our overall balance-of-payments position, and the mounting inflation here at home, due primarily to our continuing heavy and tragic involvement in Southeast Asia.

Surely a strong economy is as vital to the well-being of this Nation as a strong military posture; and therefore, it would appear essential that steps be taken now to reverse the trends noted above, thereby restoring confidence in the dollar.

A NEW PENSION PROPOSAL

Mr. McGOVERN. Mr. President, Stephen Duane started working for the Great Atlantic & Pacific Tea Co. when he was 19. He worked for that company for 32 years, participating in a company pension program and looking forward to secure retirement income. But then the plant where he had been working closed. He was still 4 years short of the early retirement age, and he forfeited his pension rights. Stephen Duane did not decide to close that plant, the company did. And when the company decided to close that plant, they took away not only his job but also his pension. For 32 years of pension benefits in lieu of wages, Stephen Duane received nothing.

This sort of experience is far too common. People who have participated in pension plans for years find, when it is too late, that they have no "vested" rights. If they lose their jobs, or change jobs, or if their company goes out of business, then they have no rights in the pension plan in which they may have participated for most of their working lives. Inadequate vesting provisions are particularly conspicuous in the mining, transportation, and service industries.

Even a worker with vested rights is not secure. Pension funds have been mismanaged in every conceivable way.

George Silver worked for 30 years for the Michigan Tool Co. in Detroit. Then his company announced plans to cease operations in Detroit and move South—one of the domestic runaway industries. And it turned out that the pension plan to which George Silver had contributed had been mismanaged. It was the company's fault, but it was George Silver who lost out.

In fact, the beneficiaries lose out even when they do not actually forfeit their pensions for lack of funding. Pension funds are commonly administered in the interests of the managers rather than the beneficiaries. A company will invest pension funds in its own activities, rather than seeking the highest return on the beneficiaries' money.

Senator HARRISON WILLIAMS' Subcommittee on Labor has documented astonishing cases of pension fund abuse by corporate managers. One large data-processing equipment manufacturing company has invested $41 million of pension money in unsecured loans. A Midwest cable corporation has in the last 5 years charged off as "administrative costs" more than one-third of the benefits paid.

The executives of our large corporations are provided for well in their companies' pension plans. It is the men and women who staff the assembly lines and the offices whose pensions are likely to evaporate. The insecurity of pensions has long been a matter of deep concern for working people in America. It has made old age a time of poverty and lost hopes for millions of Americans. Yet except for modest regulation of union pension funds, it is an area which the Federal Government has virtually ignored.

A NEW APPROACH

To assure complete protection of worker rights the entire system ought to be overhauled. The essential need is to assure secure and well-managed systems.

The best approach would be to take the management of pension money out of employers' hands, and permit each employee to select a fund in which to establish a retirement account. This proposal was originally made by Ralph Nader. Employers would still contribute toward their employees' retirement, and they would still get tax deductions for those contributions. But instead of creating their own funds, they would pay into funds selected by the employee.

An important first result of this system would be immediate vesting. The money in an employee's account would belong to him from the day it was paid in. If he changed jobs his pension rights would not be endangered and the new employer would contribute to the same account. The pension would also be secure if the company went out of business. And an employee's spouse would be assured of the pension in the event of the breadwinner's death.

The funds themselves would be private and competitive, licensed and regulated by the Securities and Exchange Commission. The competitive feature would have two important benefits. It would guarantee that managers of the funds would compete to offer the greatest return on investment. And by giving employees the opportunity to go elsewhere, it would be the strongest possible safeguard against mismanagement.

Federal employees are permitted to choose between several medical insurance programs, and the resultant competition has benefited the employees greatly. Free choice in the selection of pension funds could be equally beneficial.

The fact that employers would no longer be responsible for the administrative work associated with pension plans would make it feasible for many new employers to begin pension programs for their employees.

Contributions to an employee's retirement account are essentially a deferment of wages in order to guarantee a secure retirement income. Employees should be able to choose how much income they wish to set aside for future security. They should be permitted to voluntarily make additional contributions to their retirement accounts, and should receive tax deductions for such contributions.

MINIMUM PENSION CONTRIBUTIONS

These steps would protect workers against forfeiting their pensions, but additional steps must be taken to see that pensions are raised to adequate levels, and that pension programs are extended to cover the tens of millions of workers who now have no private pension rights at all.

I recommend that future minimum wage legislation should include requirements for minimum employer contributions to pension funds. Pension contributions, which are, after all, deferred wages, are just as legitimate subjects for minimum wage legislation as ordinary wages are. By including minimum pension requirements in future minimum wage increases, we can gradually achieve an insured adequate pension for all workers.

DISTRIBUTION OF WEALTH

Mr. HARRIS. Mr. President, one of the great undiscussed issues of our time is the distribution of wealth in this country. More and more of our public figures finally are beginning to understand that the distribution of income in the United States is unfair. From time to time in newspaper articles we now read the troubling revelation that the top 20 percent of the income bracket receives around 41 percent of the Nation's income after taxes, whereas the bottom 20 percent receives only around 5 percent.

But how much more unequal is the distribution of wealth. According to a survey by the Federal Reserve Board published in 1964, the wealthiest 20 percent of the population in 1962 owned 75 percent—I repeat 75 percent—of all private assets. Meanwhile, the poorest 25 percent of all families had no net worth—their debts equaled their assets. And the wealthiest 8 percent of the population owned 60 percent of all private assets.

Unfortunately, most American economists are not interested in this problem. They are lost in the clouds of macroeconomics and view wealth distribution as an equity question which is political most economic in nature. They, therefore, help to insure that no one will talk about it, that it will remain the great secret of our economy.

There is, however, an outsider to the profession who has attempted to force

the establishment economists to face up to the problem of the unequal distribution of wealth in the United States. The man's name is Louis Kelso, a highly successful San Francisco lawyer. The author of several books and articles on various mechanisms which would attempt to broaden the ownership of stock and real property in the United States, recently he encountered a breakthrough. Although economists would not listen to him, the new Governor of Puerto Rico would.

Governor Ferre thus proposed the creation of a Proprietary Fund which would assist the citizens of Puerto Rico to become stockholders. The idea behind his fund was not crude leveling but the creation of a mechanism which would insure that as the Puerto Rican economy grew, the benefits of growth would be more widely distributed among the population. In other words, his purpose was to attempt to bring to a halt the current system which permits those already owning great wealth to accumulate even more. His intention was to enable the little guy to have a chance to become a property holder.

The Ferre proposal soon gave rise to an exchange of views between noted economist Paul Samuelson and Kelso. Although the exchange is perhaps more polemical than a real examination of the problem would require, it is instructive.

In the case of Samuelson, despite hard points which Kelso must answer, we see again the unwillingness to face up to the problem of the distribution of wealth. Nowhere in Professor Samuelson's contribution is there any concern expressed over the extremes in wealth ownership on the island of Puerto Rico.

In the case of Kelso, whatever we may think of his recommendations, we have a man who at least is talking about an important problem. I am not judging his scheme one way or another. Neither man goes into sufficient detail for an outsider to judge the logical rather than the polemical face of the argument. Nevertheless, I rather feel Kelso won the exchange and for this reason. If his scheme is economically faulty as Samuelson suggests, then I agree with a point Kelso has made repeatedly, namely that the more established economists should come forward with a scheme which is not faulty. For the problem of such gross disparities in ownership is a real one. It will not go away because our more established economists ignore it.

Mr. President, I believe that others in the Senate will benefit from study of the Samuelson-Kelso exchange of views. I therefore ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that an article from the Wall Street Journal on the Puerto Rican plan be printed in the RECORD, as well.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the San Juan Star, Apr. 27, 1972]

THE PROPRIETARY FUND CRITICIZED

(By Paul A. Samuelson)

(EDITOR'S NOTE.—The following was released Wednesday by Senate President Rafael Hernandez Colon. Samuelson is the Nobel Prize-winning professor of economics at MIT who lectured at the University of Puerto Rico earlier this year.)

Statement by Paul A. Samuelson on House Bill 1708, concerning the Patrimony for the Progress of Puerto Rico (the Proprietary Fund).

1—This statement is prepared at the request of the president of the Senate of Puerto Rico, soliciting my views on the wisdom of this measure. The views I express are my own and have no relation to the views of any political parties or factions in Puerto Rico. Moreover, I make no pretense toward expert knowledge of Puerto Rico: I confine myself to problems of broad general economic principle, relating to the distribution of income and to economic development.

2—The general purposes of the bill must strike an economist as being vaguely philanthropic if not grandiose. One would wish for the typical citizen of any land both higher real wages and higher non-wage income. However, the guiding philosophy that underlies the bill is that associated with the two-factor theory of Louis Kelso (and various collaborators such as Mortimer J. Adler). Kelsoism is not accepted by modern scientific economics as a valid and fruitful analysis of the distribution of income, but rather it is regarded as an amateurish and cranky fad. Although it has been put forth in more than one book and has been around for a long time, the principal learned journals of economic science—e.g., the American Economic Review, the Royal Economic Journal, the Harvard Quarterly Journal of Economics, the Chicago Journal of Political Economy—have steadfastly withheld recognition and approval from the doctrines of Kelsoism. Its central tenet is contradicted by the findings of economic empirical science: according to statistical study of macroeconomic trends, by such distinguished scholars as Professor Simon Kuznets of Harvard (Nobel laureate in economics for 1971), Senator and Professor Paul H. Douglas (award winner for his Cobb-Douglas statistical measurement of the aggregate production function), MIT Professor Robert M. Solow, and numerous researchers at the National Bureau of Economic Research under the directorship of Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, economic adviser to Presidents Eisenhower and Nixon, the contribution of labor to the totality of GNP is in the neighborhood of 75 per cent, with only 25 per cent attributable to land, machinery and other property.

Moreover, an increasing proportion of labor productivity is attributable in modern economics, such as Puerto Rico is aspiring to become, to investment of "human capital" in the form of education and skill enrichment. This 75–25 per cent breakdown is diametrically opposite to the Kelso presuppositions, which are purely speculative and not based upon econometric analysis of the observed statistics of nations at different stages of development.

3—Because the basic economic principles underlying the proposal are faulty, it is likely in practice to prove a cruel disappointment to the Puerto Rican people. Beyond its fundamental weaknesses, the proposal has many pitfalls and loopholes that the American Congress would condemn it to oblivion. Let me enumerate only a few of the defects that struck me at first study of the matter. If so many defects appear on the surface, think how many more a careful and informed analysis would reveal.

(a)—It is a first principle of sound finance that families at low income level must not invest so heavily as more affluent families in venture equities. Although Puerto Rican incomes are higher than they used to be and higher than in many Latin countries, island incomes are lower still than in any of the 50 states. It would be rash for California, our most affluent state, to tempt people into venture equity investment by guaranteed bank loans and various gimmicks of government guarantees and tax abatements. How much more rash for Puerto Rico.

(b)—You cannot get something for nothing in economic life. The scandal of John Law in ancient France pretended otherwise, and led to fiasco. I fear the same in this case. If the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development. What advantage is there in a dollar of dividends if it slows down the growth of productivity of real wages by tens of dollars?

(c)—The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption squandered on the Patrimony is that much less of a dollar available for other Bootstrap operations. Here in the states, we have much experience, much of it sad, with venture capital efforts—the disastrous Small Business Investment Companies with their water tax exemptions, etc. All the least, very wealthy men who can afford to lose their money, should be relied on for such risky ventures. To tempt, or coerce, the masses and the poor into such avenues is to invite, if not disaster, at the least disappointment, economic inefficiency, and waste.

(d)—Further, the program is open to dangerous pitfalls of corruption, political patronage, and tax avoidance. Thus, if one has tens of thousands of dollars of capital gains in a business, and even if it makes no economic sense for this to be acquired by the Patrimony, there is a tax reason for selling to that body and temptation to lobby with some future government official to have this done. Who will be able to prevent this or even recognize that such a miscarriage of sound finance is taking place? To avoid inheritance tax, some men will send for the priest and at the same time acquire tax-exempt Patrimony shares, only to have their heirs sell off those shares after they have performed their loophole functions.

These are not vague possibilities. As consultant to the U.S. Treasury over the years and as an expert witness before congressional committees, I have had occasion to see every chink in the law exploited in this way, and yet I have never seen a mainland bill so carelessly drafted in terms of providing such tax-avoidance opportunities. The Puerto Rican legislature is warned!

4—In summary, despite the laudable intentions of the Patrimony bill, a careful cost-benefit analysis of its features in terms of scientific economics must raise grave fears concerning its unsoundness for a commonwealth anxious to elevate the standard of living of its citizens.

KELSO ANSWERS SAMUELSON'S ATTACK ON THE PROPRIETARY FUND BILL

(By Louis O. Kelso and Patricia Hetter)

We are grateful to Senate President Rafael Hernandez Colon. He has succeeded in doing what we have failed to do in more than a decade of effort. He has enticed a Keynesian economist—indeed, the dean of Keynesian economists—to break the conspiracy of silence which the profession has drawn around two-factor economics. More, he has wrung from Professor Samuelson an admission that the conspiracy has existed.

Professor Samuelson is correct in stating that "the principal learned journals of economic science," which he proceeds to name, "have steadfastly withheld recognition of approval from" two-factor economic concepts. The conspiracy extends beyond the refusal of the learned economic journals to publish articles, review books, or to acknowledge the existence of two-factor theory in any form. In the 14 years that have passed since the publication of The Capitalist Manifesto, no academic economist who has dis-

agreed with it has seen fit to accept numerous invitations to subject two-factor concepts to public debate and discussion. Nor have two additional books, numerous articles and lectures succeeded in tempting the dissenting academic economists to engage in open, forthright dialogue.

The official silence which the academic economics fraternity has carefully preserved over the years does not mean that academic economists have not heard of two-factor theory or are indifferent to the challenge it offers to their 30-year reign over men's minds and the economic policies of the governments of the West. During these same years we have acquired an impressive collection of private "economic analyses" and "critiques" written by academic economists. Not one of these "refutations" has ever reached us through the courtesy of its author, or through the medium of print. The academic economist knows that controversy spreads ideas. Therefore, he prefers to attack underhandedly by stealth, using his self-conferred status as "expert" to disparage two-factor economics and to intellectually intimidate anyone of prominence who appears likely to succumb to this dangerous new heresy.

Even surreptitious attacks would be welcome and valuable if they were addressed to the actual concepts and assumptions of two-factor economics, and to the concrete business applications and the proposals and policies which this line of thought suggests. But this has yet to occur. Invariably the academic economist constructs out of a melange of fact and fiction a conceptual scarecrow which, he assures his reader, is an accurate representation of Kelso's ideas. With self-righteous ostentation, he then proceeds to demolish this effigy straw by straw, to demonstrate of what flimsy stuff it is constructed.

We had supposed that an academic economist of Prof. Samuelson's distinction would be above such shabby tactics. But his statement on the Ferre Fund is indistinguishable from the works of his minor league precursors. Like them, Prof. Samuelson has not bothered to read the books or articles which set forth the ideas he presumes to criticize. He does not understand two-factor economics. He does not understand the mechanics of the Proprietary Fund. He does not, by his own admission, understand the economy of Puerto Rico or the aspirations and needs of its people. Before we present the evidence for this harsh judgment, however, we would like to make a few general remarks about the academic Keynesian economist and the relationship between Keynesian economics and the state of the world today.

During the thirty-five years Kelso has spent as a corporate and financial lawyer among the men who actually organize and manage the wealth-producing enterprises that academic economists theorize about, the only professional economists he has encountered were in staff capacities, mostly in very large banks. Economists, particularly academic economists, have no function in the productive sector of the economy. They theorize about it (from a distance), they are supported by it, but they are not part of it.

The layman is inclined to believe that the "economist" is the final authority on all things economic; the economist, being human, does not discourage the illusion that without him the macro-economy would come crashing down about our ears in ruin. Happily for mankind, however, the facts are quite the opposite. We think it would help the people of Puerto Rico to evaluate Prof. Samuelson's contribution if we briefly considered the subject matter and limitations of Keynesian economics. For Prof. Samuelson is, of course, a Keynesian.

In his own words, "I first resisted the Keynesian revolution, and was finally won over." [1] Not only is Prof. Samuelson a Keynesian economist, he is the archetypical Keynesian economist. From the same New York Times interview, published shortly after he was awarded the Nobel Prize in economics in 1970: "Mr. Samuelson gladly accepted the award as evidence of the respect still due, in his opinion, the Keynesian school of thought. 'I have never been,' he said, 'a lone wolf outside the frame of reference of modern economists generally. My faults are the faults of my contemporaries. I have been through all the metamorphoses.'" [1]

But the world is waking up to the fact that Keynesian economics is not quite as "scientific" as its practitioners pretend. Sweden, one of the first countries to run its economy on Keynesian principles and widely proclaimed as a model of success, is in deep economic trouble. Here is the distinguished economics journalist Leonard Silk reporting to the New York Times from Stockholm:

"Public indignation over the failure of governments to solve the problem of inflation by conventional monetary and fiscal measures—without causing more unemployment than is politically tolerable—is starting to force a breakup of economic dogmas and political alignments throughout the Western world. The trend is comparable to the impact on politics and economics of persistent mass unemployment in the 1930's. But now as then, *public demands for improvement in economic policy are in advance of what either the economics profession or the politicians are yet prepared to offer.*" [2] [Italics ours.]

After 40 years of the harshest redistributive taxation in the Western world (average income tax 40%, sales tax, 17%), a Swedish government commission in 1968 found that taxation and social policies had little effect on income distribution, and that concentration of ownership of capital is even greater in Sweden today than in the United States or England. Inflation rampages on—it was 6% in 1971.

Recently the influential magazine, Saturday Review, devoted an issue to questioning the relevance of Keynesian economics. Here is Robert A. Solo of Michigan State University; not as illustrious an academic economist as Prof. Samuelson, but more honest.

"It comes down to this: the Establishment economics that is taught in the universities, proliferated in the journals, regurgitated in the councils of government, with all its mountains of published outputs, has not advanced our capacity to control our economy beyond what it was in the late 1930s.

"That after the clear failure of neo-classical and Keynesian concepts and techniques of monetary and fiscal control, the nation is left with no answer to the persistent and profound economic problems of inflation and unemployment save a wage-price freeze in the manner of World War I or World War II attests to the sterility of economic thought and policy." [3]

In 1971 the distinguished journalist Edwin L. Dale, Jr., of the New York Times, himself an economist, brought back what he described as a "cautionary tale" from England. There a great debate had raged over the question of whether Britain should or should not join the European Common Market. About a week before the decisive vote in Parliament, two letters appears in the Times of London. The first letter, signed by 154 full-time teaching officers of economics in British universities, predicted that the economic effects of joining the European Common Market "are more likely to be unfavorable than favorable to Britain." The second letter, signed by 142 full-time teaching officers of economics in British universities, predicted that these economic effects "are more likely to be favorable than unfavorable to Britain."

"Thus did the informed British public receive the verdict of the 'experts,' following about 10 years of erudite discussion and a mass of written material (including statistics) that probably equaled the entire literary output of the productive eighteenth century," commented Edwin Dale. He went on to explain that the issue was not the merits of Britain's entry into the Common Market. The issue was economists.

"In the United States we have gone through the strange drama of the monetarists versus the fiscalists while the economy itself was going to pot. We have had ever more complex econometric models of the economy with ever more dubious results.

"As the mountain of literature grows, and the mathematical equations become more impenetrable, and the predictions become more suspect, it is fair to ask a cruel question: are we seeing the decline and fall of the economists' empire?" [4]

The failure of Keynesianism in Great Britain was conceded as long ago as 1968. The august journal, The Economist, wrote the obituary. It recalled that Keynes had observed at the end of his magnum opus, "The General Theory of Employment, Interest and Money":

"Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist."

The Economist then delivered the coup de grace:

"The piquant situation today is that Keynes himself is now a defunct economist." [5]

It is true that The Economist only dethroned Keynes in order to crown Milton Friedman and his monetary doctrines. But now the monetarists, after a brief day in the sun, are themselves defunct. At the American economy with ever more dubious results. New Orleans in January of this year, Milton Friedman made this memorable confession:

"I believe that we economists in recent years have done vast harm—to society at large and to our profession in particular—by claiming more than we can deliver. We have encouraged politicians to make extravagant promises [which] promote discontent with reasonably satisfactory results because they fall short of the economists' promised land." [6]

At the same meeting, Arthur Okun admitted, in the words of The Wall Street Journal, "How distressing it was for himself and other Johnson administration fiscalists that the 10% income tax surcharge of mid-1968 failed to dampen the inflationary boom. 'When we were able to call the policy tune . . . the economy did not dance to it,' he ruefully recalls." [7]

Nor does Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, seem to consider Keynesian economics the last word in scientific exactitude. In July of 1971 he issued this understatement of the fiscal year: "The rules of economics are not working in quite the way they used to." [8]

And this brings us to the heart of the matter.

Society imposes on "experts" in other professions—most particularly the sciences—the most rigorous standards of accountability. Society does not bestow honors on engineers whose bridges collapse, nor do people queue up to consult physicians whose patients mainly end up in the cemetery. The reward of a lawyer who counsels his client to ruin is not the Nobel Prize but a malpractice suit. But economists so far have been excused from having to submit their theories to the test of empirical reality which society imposes on more mundane disciplines. In the forty years that have turned all economists into Keynesians, the diagnoses, proposals and remedies emanating from this profession have

Footnotes at end of table.

been consistently in error. The institutional walls between our actual and potential productive power on the one hand and our proliferating poverty and misery on the other have remained. These theories display without exception the fatal characteristic which Pasteur, who was a true scientist, declared the infallible sign of a false theory, namely, "the impossibility of ever foreseeing new facts; whenever such a fact is discovered, those theories have to be grafted with further hypotheses in order to account for them." [9]

"True theories, on the contrary," continued Pasteur, "are the expression of actual facts and are characterized by being able to predict new facts, a natural consequence of those already known. In a word, the characteristic of a true theory is its fruitfulness." [10]

With a sound theory, in other words, you can make accurate predictions. But the "scientific economics" of Prof. Samuelson and his colleagues is virtually useless for providing reliable information about the future. The ancient Roman Senate consulted public soothsayers or augurs before every important act of policy, government or war; these haruspices—liver inspectors—would report on the will of the gods by examining the entrails of sacrificed animals. Academic economists are the augurs of our day, although their clients could probably learn more about the future by reading an academic economist's entrails than by consulting his prognostications and econometric models.

Here we venture to make a modest prediction. The world is about to discover that economics is only potentially a science. True "scientific economies" is two-factor theory, not yet recognized in the circles of the academic economists. Fashionable economics today is in exactly the same state that medicine was before the germ theory of Pasteur. Prof. Samuelson considers two-factor economics a "crankish fad." We consider his one-factor economics preposterous quackery which enlightened people will soon discard. Puerto Rico, indeed, is already in the process of doing just that—which is the real motivation for Prof. Samuelson's attack.

The fundamental absurdities of Keynesian "scientific economics" are generously illustrated by Prof. Samuelson in his statement.

To begin with, the Professor asserts that the central tenet of two-factor economics is "contradicted by the findings of empirical science," as personified by various Keynesian colleagues and institutions whose names he proceeds to drop for the next 10½ lines—in the belief, evidently, that the people of Puerto Rico will be intimidated by this fusillade of authority into relinquishing the right to think for themselves. Prof. Samuelson would do well to recall the wise warning of one of his colleagues, the British economist Colin Clark: "Economists, speaking collectively, have a remarkable capacity for being wrong." [11]

Unfortunately, Prof. Samuelson has either dashed off his statement in careless haste, or entrusted its preparation to one of his students. For he neglects to identify two-factor economics' central tenet. He implies that it is the opposite of what empirical "economic science" has found, namely that labor contributes about 75% to the total GNP, and land, machines and other property only 25%. If Prof. Samuelson means that labor receives about 75% of the total income in the economy, while capital owners receive about 25%, this is such a universally-known fact that no one would bother to dispute it. This statistic is not the central tenet of two-factor economics, however. Since Prof. Samuelson does not seem to be able to locate its central tenet, perhaps he will not be offended if we venture to enlighten him.

The central proposition of two-factor theory is simply that there are two factors of production, people and things, and that the function of technology is to shift the burden of production from the human factor to the non-human. Each factor produces wealth in exactly the same sense—physical, economic, political and moral. An individual can legitimately and effectively engage in the production of wealth through the ownership of either factor, or, as common sense suggests, through a combination of both.

This is a momentous and basic truth which Prof. Samuelson could not refute even if he understood the significance of what is asserted, which he does not.

It is also a truth which neither the economic policy of the United States nor that of any other nation recognizes. Under the tutelage of one-factor Keynesian "scientific economics," the economic policy of all the Western nations is exactly the same. Full employment of the labor force alone is relied upon to enable all people to produce an adequate income. It is full employment that is the number one goal—not the highest level of affluence attainable with current technology and consistent with environmental protection and wise resource use. The Keynesian economic goal is indistinguishable from that of the Soviet Union, and its imitators in Cuba, China, etc. Its spirit may be summarized in a phrase: Full toil for all forever.

Puerto Rico, through the Ferre Plan, would be the first government in the world to recognize that things produce wealth as well as do people and that in an age of accelerating technology, a family can rarely produce an affluent standard of living for itself through labor alone, even if all of its members are employed. Each consumer unit must have the opportunity to produce some of its income through ownership of productive things, as well as through employment. No Keynesian has ever suggested such a policy, nor could he, for his pre-industrial tunnel mind is focused on just one factor of production, labor, and his ideal for humanity is to make a toiler out of every human being not confined to his crib or his bed, and to leave the ownership of proliferating and ever-more productive capital to the already rich.

The people of Puerto Rico must be alerted to one other Keynesian blind-spot before we dispose of Prof. Samuelson's other erroneous and irrelevant criticisms of the Ferre Fund. Keynesian doctrine is totally oblivious to the concept of private property. It is indifferent to ownership—to its legal attributes, to its personal, social and economic benefits, to the relationship between private property and freedom, to the economic and social consequences of the concentration of ownership of industrial wealth (with only a handful of exceptions), and to the hole of private property in power diffusion. To the Keynesian, the income produced by capital exists only to be redistributed. Property, like freedom, independence, leisure, affluence, love of peace, and other human desires, are "values," and "ethical judgments," and the Keynesian economist is not concerned—to quote Prof. Samuelson's best selling economics textbook—with "basic questions concerning right and wrong goals." These are beyond the realm of their "science."

Property, of course, is a supreme value—it is only private property in one's labor power that distinguishes the free man from the slave. Being oblivious to property, the professional economist also ignores the evidence that most human being are fiercely attached to their property, resent parasites, and strenuously resist all the plans of the professional Keynesian economist to redistribute their property income, from labor or from capital, to the less productive or the non-productive. In the 8th edition of Prof. Samuelsons textbook, Economics, the concept "property" appears in the index only twice, one of these entries being "Property taxes." A total of 71 pages is devoted to employment, full employment and unemployment. This emphasis eloquently reveals the Keynesian blind spot.

But the American economic dream—indeed, the universal economic dream—has never been toil, but a defendable property relationship between the individual and the productive land, structures, and machines on which economic wellbeing depends. The Keynesian "scientific economist," who considers the realm of value judgments none of his affair, does not understand that his sacrosanct goal of full employment is itself a value judgment, for if capital instruments are the source of affluence and leisure, why should men and women be condemned to make their productive input solely through toil and labor? Why should economic policy fly in the face of technological facts? Why should the rich get more capital and the poor stay capital-less?

The goal of the Proprietary Fund is to eventually create a generally affluent Puerto Rico. Employment opportunities will be greatly increased by the new consumer demand that the Proprietary Fund will help unleash. Full employment should be an important *effect* of the Ferre Plan. It is not the *goal*. Its goal is greater affluence for Puerto Ricans.

Mr. Samuelson states that "one would wish higher real wages and higher non-wage income for everyone." This pious sentiment confuses the issue at the outset. The Proprietary Fund envisioned by Gov. Ferre is not designed to create just any kind of "non-wage income." It is specifically designed not to create any of the kinds of non-wage income that the Keynesians rely so heavily on to accomplish redistribution. Indeed, it is precisely such kinds of non-wage income that bloat the statistics Prof. Samuelson cites as evidence that labor *produces* 75% of the economy's goods and services. That labor *receives* 75% of the economy's income does not mean that labor produced it. The statistics include income obtained through organized coercion, doles, unemployment compensation, redistributed income removed from the productive sector through taxation, governmentally subsidized boondoggle paid for by taxpayers (income channeled through boondoggle is disguised to look like "wages," but actually represents non-productive make-work grants, subsidies, or other types of handout).

Not a trace of criticism is due labor unions or individual wage-earners for this development. The responsibility rests squarely on Keynesian "scientific economics" which lie, misrepresent or equivocate about technology's logic and function. Keynesian "scientific economists" assure workers that technology causes the productivity of their labor to rise, although the facts are just the opposite. The Keynesians, in short, with their one-factor myopia, have put the workers and their unions in a position where, as inevitable technological change robs them of the adequacy of their labor power, their Keynesian-misguided institutions do not restore and enhance that productive power by building capital ownership into them. Keynesian doctrine forces labor to demand more pay for less work—a short-term gain that is quickly offset by the resulting rise in the cost of living.

Prof. Samuelson frequently invokes the "findings of economic empirical science" based on "statistical study of macrocosmic trends." But a real scientist looks behind observed phenomena for the explanation or cause. To ignore the role that coercive redistribution plays in the national income statistics, and to assert that all the income diverted to labor represents real productive input, is about as "scientific" as reading a thermometer while holding a blow torch under the mercury bulb.

Footnotes at end of table.

As for the scientific basis of Keynesian economics, Prof. Samuelson's advice to beginning economists who study his textbook, Economics, reveals his contempt for scientific method:

"'Satchel' Page, a great baseball player, once said: 'Never look back; someone may be gaining on you.' This is good advice in economics, too. Do not look back to see what caused past layoffs; look forward to see what you have to do to restore high employment. This is more efficient—and more helpful.

"Better still, this approach means you do not have to decide whether the pessimists are right who argue that inventions will kill off more jobs than they create. Why care? *In every case we know that high employment without inflation will require monetary and fiscal policies of the correct magnitudes and mixed economies know what needs doing.*" [12] [Italics his.]

The Ferre Fund is designed to enable men born without capital, or without adequate capital, to buy it, to pay for it out of the income it produces, to own it and thereafter to receive capital income in addition to their wages.

"Wishing" is one thing. Translating the wish into action is another. Perhaps Mr. Samuelson would come forward and identify those of his works (written works, that is) where this "wish" has been translated into an actual proposal for enabling the nonpropertied many to obtain capital ownership. We have searched his writings carefully and are confident that no such proposal has ever been made or implied. Since Prof. Samuelson is a millionaire and is proud of his speculations in the stock market, it may be presumed that he is aware that capital ownership exists and is a good thing—for Prof. Samuelson and the 5% or so of families who monopolize ownership of capital assets in the United States and elsewhere.

As for the Proprietary Fund proving "a cruel disappointment to the Puerto Rican people," that is a strange prophecy, considering its source. Keynesian "scientific economics" has been disappointing people in one economy after another for almost 40 years. Since 1932 the Keynesians have pretended to be fighting poverty. In actuality, they have invariably confined their attacks to the *effects* of poverty, while meticulously ignoring its cause: the low economic productiveness of exclusively labor-dependent people unassisted by capital ownership in an economy where progressively more goods and services are produced by the non-human factor of production owned only by a few families at the economy's pinnacle. As a consequence, and with rare exceptions, the only poverty consistently cured under Keynesian policies and prescriptions is the poverty of Keynesian economists. Little wonder that Gov. Ferre's proposal to attack the causes of Puerto Rican poverty by building capital ownership into the people has triggered Prof. Samuelson's desperate effort to save the Keynesians' faces. He libelously insinuates that Gov. Ferre is the modern day counterpart of the 1720 infamous stock swindler, John Law, who nearly bankrupted France with his fraudulent scheme.

As for the "defects" that Prof. Samuelson thinks he sees in the Proprietary Fund proposal, not one is well founded.

"It is a first principle of sound finance that families at low income levels must not invest so heavily as more affluent families in venture equities." The professor has managed to overlook the fact that the Proprietary Fund involves making available to the average worker the logic of business investment that is traditionally used by the business corporation itself on behalf of its stockholders: to provide them with access to *nonrecourse credit* on terms where it will be used to buy newly issued stock, the proceeds of which to the corporation will be used to acquire business capital on terms where it will pay for itself. The Proprietary Fund, like the growing applications of two-factor financing techniques used in business in the United States, does not call for any deductions from the worker's paycheck, nor for investment of his savings. Thus, it is a kind of investment which enables the man born without capital to invest in the largest and best managed corporations on terms where, when the productive capital has paid off its financing cost, he can own it, protect it, and enjoy its income. Nothing in the Proprietary Fund proposal, nor in any use of two-factor theory to build equity ownership into those who are born without capital, involves any "venture equity investment" by the individual either of his income or his savings. Thus Prof. Samuelson, by misrepresenting the nature of the proposal, seeks to mislead his readers and his clients.

"You cannot get something for nothing in economic life," says the professor. What the professor implies here is that (1) one who does not own capital can legitimately acquire it only to the extent that he foregoes the use of current income for consumption and (2) that one cannot acquire income without personal toil. The first point, as noted above, happens to be contrary to the basic self-liquidation logic of financing capital formation that is standard operating procedure in well-managed businesses everywhere. The second implication happens to be a variation on a favorite phrase that Prof. Samuelson repeats over and over again in his writing and in his lectures: "There is no such thing in economics as a free lunch."

In the pre-industrial past, the "no free lunch" assertion was true for most men. Today, it is not true except to the extent men continue to be victims of one-factor Keynesian thinking. The essence of two-factor theory is that there are two factors of production, the human factor or labor, and the non-human factor or capital. In the sense that men may legitimately and properly enjoy income produced by their privately owned capital, there is such a thing as a toil-free lunch. Indeed, the industrial world lives primarily on toil-free lunches, and as technological advance progresses, it will increasingly do so. In the sense of saving toil, you can indeed get something for nothing in economic life, and it is the purpose of the Proprietary Fund to make this advantage of technology available to those who traditionally do not own capital. That Prof. Samuelson will have many of his most cherished misconceptions trampled upon by such a program is perhaps of less importance than solving the problems of poverty for the masses and the inadequacy of their purchasing power for the merchants.

Prof. Samuelson darkly hints that 'if the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development." What he conveniently overlooks is that the proceeds of the Patrimony Fund received from the credit-financed purchase of its stock is indeed invested in economic development. That is one of the main purposes of the Proprietary Fund.

"The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption *squandered* on the Patrimony is that much less of a dollar available for other Bootstrap Operations." Prof. Samuelson again resorts to incredible misrepresentation. One of the prime purposes of the Proprietary Fund is the developing of industry, the building of the Commonwealth tax base, the the expansion of Commonwealth private industry. All of the expertise that has been used in "Bootstrap Operations" will be used in the operations of the Proprietary Fund, with this difference: the ownership of the industry thus developed and expanded will be built into private individual citizens of the Commonwealth.

The scientific professor, in referring to the sad experience of the United States with "venture capital efforts" is disregarding in total the objectives of the Proprietary Fund. Its function, exactly like the function of "Operation Bootstrap" is to bring to Puerto Rico or expand in Puerto Rico the largest, best financed, best managed and most prosperous business corporations that can be found. The difference is that a portion of their ownership, to the extent financed through the Proprietary Fund, will be in the individual Puerto Rican employee, without any deduction from his paycheck or investment of his savings. Capital, in well-managed businesses, pays for itself, not just once, but repeatedly. The object of the Proprietary Fund is to assure that the first time following investment by the Proprietary Fund that the capital pays for itself, it will be owned outright by the employee-investors (through non-recourse credit) in the Proprietary Fund. The scandalous distortion about "tempting" and "coercing" the masses and the poor into giving up their limited wealth is simply "scientific" misrepresentation.

"Further, the program is open to dangerous pitfalls of corruptions, political patronage, and tax avoidance." If Prof. Samuelson can conceive of any greater corruption than that fostered by the "scientific economists" through their subsidized boondoggle in agriculture, industry, education, research, foreign aid, and elsewhere, we would like to know about it. The cheap political trick of trying to prevent sound change by conjuring up visions of misuse and human fraud is an old one. The fact of the matter is that those economies which do not make the ownership of capital available to the great majority of their citizens inevitably invite fraud and corruption.

The American Dream, so far as economics is concerned, is the ownership of a private holding of capital that will produce a private supplement to income. The "scientific economists" have succeeded in defeating realization of this dream for most Americans for 40 years. Without legitimate avenues to buy capital, pay for it out of what it produces, and to own it and enjoy its economic security and its support to political freedom, fraud inevitably becomes a part of the distribution structure itself. Thus the activities in recent decades of the "scientific economists," in limiting the masses of citizens of every economy to the solution of their personal income problems through employment (real and pretended) alone, are the chief perpetrators of fraud and corruption. If men cannot acquire capital ownership legitimately, in a world where it is perfectly clear that the ownership of capital is critical to their wellbeing, then they will acquire it illegitimately.

The important truth is that all schools of one-factor economic thinking—the "scientific economists"—are obsolete. The "scientific economists" of the Keynesian or Keynesian-Samuelson schools, like "scientific Marxism," are as non-scientific and as contrary to reality as it is possible to be. Their theory of the "rising productivity of labor" (a more grotesque version is called "increasing human capital") is a hoax. It consists of measuring the output of two factors of production (the human and non-human) in terms of the input of one (the human) and attributing all gains, where comparisons are made, to the human factor. In reality, the gains in productiveness are not in the human factor but in the non-human factor. It is capital that is the source of our increasing affluence, and when "scientific economists" deprive most men of the legitimate, effective and speedy means of acquiring the ownership of capital, they deny them the right to freedom, to leisure, to peace, and to affluence.

Footnotes at end of table.

Gov. Luis A. Ferre is a modern hero in his earnest effort to make the ownership of capital accessible to those Puerto Ricans who are not born with it. It may well serve the purpose of Gov. Ferre's political opponents to call upon the pseudo-scientific economists like Prof. Samuelson to mislead the public as to the nature and purpose of the Proprietary Fund bill, but it does not serve the interests of the people of Puerto Rico, nor their future prosperity, nor their liberty.

Puerto Rico has before it in the Ferre proposal the opportunity to show all of Latin America, and indeed all of the world, that there is an alternative to socialism, either of the Marxian variety such as that found in Cuba, or of the Samuelson variety that is gradually converting the United States economy into state capitalism.

FOOTNOTES

[1] New York Times, Nov. 7, 1970, p. 2–E.
[2] New York Times, Oct. 7, 1970, p. 67.
[3] Saturday Review, Jan. 22, 1972, p. 47.
[4] New York Times, Nov. 7, 1971, p. 7 Financial Section.
[5] New York Times, Nov. 6, 1968, p. 53.
[6] The Wall Street Journal, Jan. 10, 1972, p. 1.
[7] The Wall Street Journal, Jan. 10, 1972, p. 1.
[8] Statement before the Joint Economic Committee, July 23, 1971, p. 2.
[9] The Life of Pasteur, by Rene Vallery-Radot (Garden City Publishing Co., Inc., N.Y.), p. 243.
[10] Op. cit.
[11] The Cost of Living, a pamphlet (Hollis & Carter, London) 1957.
[12] P. 319, Economics, 8th Edition.

[From the Wall Street Journal, Mar. 29, 1972]

IN PUERTO RICO, STOCKS FOR EVERYONE

(By Richard F. Janssen)

SAN JUAN.—To examine garden-variety government giveaways, one needn't come to Puerto Rico. To the chagrin of conservatives and the applause of liberals, governments around the world long have been handling out everything from false teeth to flour and beans, from welfare checks to subsidized mortgages.

But one does have to come to Puerto Rico to find a government planning a giveaway that is uniquely seasoned to both liberal and conservative tastes: shares of stock, and for nearly everyone.

In essence, Puerto Rico is considering opening up to the average mechanic or garbageman the same avenue a wheeler-dealer might take toward investment in a corporation with no cash outlay of his own—borrow money from a bank, use it to buy stock and use the dividends to pay off the loan. To make this painless approach to investorhood feasible on a mass basis, the Puerto Rican authorities propose to prearrange and guarantee the loans, and provide the stock through a sort of government-run national fund.

If the bill being pushed by Gov. Antonio Luis Ferre is enacted (and prospects appear good), it could gradually transform Puerto Rico into a "commonwealth" in actuality as well as name, making it an island populated almost entirely by capitalists. All this, advocates admit a bit nervously, may flow from a theory that no country has hitherto tried to apply, and one that most prominent American economists dismiss as a crackpot dream.

MR. KELSO'S THEORY

For years now, Louis O. Kelso, a San Francisco lawyer-author, has been telling people about his "theory of universal capitalism." It holds that the economy would grow much faster if the earnings of capital went to the great mass of people poor enough to speed them swiftly on a worldy goods they need, rather than to a tiny slice of wealthy investors already sated with possessions.

If the theory takes roots in Puerto Rico's lush tropical climate, it just might be transplanted to northerly industrial nations. Canadian officials are already expressing interest, sources here say, and the more enthusiastic backers can envision long-poor Puerto Rico someday leading the U.S. itself into a bright new era in which every worker enjoys a sizeable "second income" from his dividends.

So what happens here is "important for the world," says Joseph A. Novak, a 41-year-old private tax lawyer from Massachusetts. Mr. Novak finds himself the key man in the effort to tailor the theory to Puerto Rican conditions. His assignment owes much to some chance personal encounters.

Mr. Kelso met once with Gov. Ferre some time ago, while on a mission involving a much narrower aspect of his dream, a corporate employe stock ownership plan. On the airplane back to the mainland, Passenger Kelso happened to sit next to Passenger Novak, and sparked his interest. Last summer, chance struck again. Gov. Ferre tapped Mr. Novak's law partner to be his treasury secretary, and Mr. Novak sent the idea up through the newly personalized channels. He almost instantly drew the assignment to draft a detailed plan, which stayed quite secret until the governor sprang it early this year.

If it succeeds, the impact could be nothing less than "to save capitalism," Mr. Novak asserts. By giving almost everyone "a piece of the action," he figures, there's at least a fighting chance to counter the alienation of the young and poor, and to inspire employes to greater loyalty and diligence. Maybe, others add, it would even make workers less likely to resort to strikes and sabotage such as the much-criticized-local telephone company has suffered lately.

Failure, on the other hand, could cause at least as much grassroots disillusionment with the free enterprise system here as the collapse of speculative off-shore mutual funds has among Europe's small stockholders.

Even if so much weren't potentially at stake, the details of the plan would be inherently intriguing. And they could, of course, make it foolproof, or mask a fatal flaw.

The basic instrument is to be the "Proprietary Fund for the Progress of Puerto Rico," known popularly in Spanish as the "Patrimonio" and in English as the "Ferre Fund," a nicety not lost on the governor's political opponents in this election year. Every employed Puerto Rican with gross wages between $800 and $7,800 a year would be eligible to buy convertible preferred shares in the fund. In turn, the fund's professional managers would invest in a diversified portfolio of commercial, industrial and agricultural operations in Puerto Rico.

The individual shareholders could buy in "without putting up a dime," Mr. Novak stresses, because the government expects banks to make fully guaranteed loans to every eligible person. And there's a free bonus to lure eligible investors into the plan; if a worker borrows his proposed first-year limit of $50 to buy the preferred shares, the government will draw from a $10 million appropriation to buy him a matching $50 of common shares.

With priority accorded to those at the lowest end of the income scale, planners expect they'll be able to accommodate about 200,000 of the 800,000 eligible investors the first year. The dividends on both classes of stock will be earmarked for paying off the bank loans, at which point the preferred shares will be converted into common and the worker-investor can atart pocketing the dividends.

That should take only about five years, they figure, counting on shrewd investment decisions and a generous array of tax advantages to produce a return to the fund of 20%, maybe even 40% annually. (If it does take longer than five years, the government pays off the bank loans and gets all the dividends until it in turn has been paid off.) Under the law, the individual's credit record would be protected against any blemish.

For earnings to be at least 20% annually is "not all that unrealistic," Mr. Novak argues. Some of the investment will be in small, presumably fast-growing local ventures, and in most cases the fund will insist on a "relatively high" dividend payout before investing. The fund will be free of all taxes, and it can issue tax-exempt bonds to supplement its resources.

That's not all. If the fund owns, say, 25% (the proposed maximum control) of a corporation, then 25% of that company's income tax will be turned over to the fund in addition to the dividends. To encourage people to sell shares they now own in profitable existing businesses to the fund, the bill would make their capitol gain tax-free. These receiving dividends on fund shares won't pay any income tax on them, and higher-income residents earning up to $18,000 a year will get an income-tax deduction for buying up to $100 in fund common shares under a "supplemental investment plan." This might provide many more millions to add to the fund's basic first-year resources of $20 million.

HAZARDS CONCEDED

There are hazards, even ardent backers concede. At one extreme, the fund could become too successful. Within a few decades, some figure, it could prosper so massively that it would clearly be the most pervasive force in Puerto Rico's economy, in effect socializing or nationalizing much of industry, agriculture and retailing. Conceivably, the fund's chunk of big U.S. and foreign companies doing business in Puerto Rico could give it the pivotal voice in proxy fights, pollution-policy battles and other corporate issues, with global reverberations.

At the other extreme, it could be starting so small that it will stay that way. The prospective five-year wait for the first dividend check could deter many from even bothering to make the trip to the bank and to fill out the loan application. And then the dividends might not be more than a few dollars a year, or an almost imperceptible few cents a week, far from enough to bring a meaningful reordering of social attitudes and economic standing.

Despite a lot of local press attention, proponents are well aware that overcoming apathy, misunderstanding and outright mistrust rank as major problems. "The Patrimonio? I know noting of it," shrugs Umberto, a short-order cook in a working-class restaurant here; nor does he want to, and not because he's uninitiated in the world of finance. "A few years ago I bought stock in a very famoua food company, and now I hear nothing from them—except I read that they are bankrupt."

Unsettling for one Ferre plan fan is that he tried to explain it to the family cleaning woman, finally settling for the simplest possible description that it is "just like *acciones*," Spanish for common stocks. Only she hadn't heard of acciones. Other potential investors are unshakable in their misimpressions. "It is only for government employees," insists Juan, a part-time waiter who cites his credentials as a student of political science as authority. Besides, he argues, "I am a socialist, and this is a reactionary sham."

Some more careful analysts come to much the same conclusion. The suspicion can't be avoided that the Ferre Fund is "little more than a dressing up of the facade of the body politic, or worse still, politicking for the working class vote in an election year," contends an article by Richard Gillett, di-

rector of the Puerto Rico Industrial Mission, and Jose J. Villamil, a professor in the University of Puerto Rico Planning School.

A BASIC OBJECTION

The basic objection, these and other academic critics contend, is that with an unemployment rate running around 12% there are other things that Puerto Rico needs more—among them a more progressive tax system and greater budget outlays for housing, welfare and other services rendered more directly to the poor.

Legally required profit-sharing by individual companies probably would have more impact on worker morale than this "indirect and most likely ineffectual" economy-wide form, suggests the university's Prof. Arthur J. Mann. He doubts it can do much to redistribute income; now, he calculates, the poorest fifth of Puerto Rican families have 3.2% of the income, while the richest fifth have 47.2%.

The advocates appear no less sincere, however, in wanting to reach the same ends of a more equitable distribution of wealth, and in a way that strengthens rather than weakens the free enterprise system. Anyway, the appeal of "something for nothing" is so elemental that labor and political leaders to the left of Gov. Ferre's GOP-oriented New Progressive Party generally aren't inclined to risk outright opposition.

So it appears that Mr. Kelso's long-scorned plan for a short-cut to universal capitalism is due for its first practical test. It is hard to shake the thought that it is probably just as well that the test take place on a very small island. But it is also hard to avoid the conclusion that it is well for the test to be made.

DISCONTINUANCE OF THE POSTAL ACADEMY

Mr. HARRIS. Mr. President, I invite the attention of Senators to an article by William Raspberry, about the decision that was recently made to discontinue the Postal Academy program as of June 30, published in the Washington Post of Monday, May 22, 1972.

The Postal Academy, now operating in six cities throughout the United States, is patterned after the New York Urban League street program, whose primary purpose is to reach inner-city youngsters who have dropped out of school for such reasons as need for a job, rebellion against the public school society, trouble with the law, family difficulties and pregnancy, and to get them to resume their education.

I am very disappointed that such a program, tailored to the needs of young people whom our society has not been able to reach, is being discontinued. When the Government spends thousands of dollars on study after study trying to determine what programs would aid the poor, it demonstrates its insincerity by dropping a program with a proven record of success.

For further review by Senators, I ask unanimous consent to have printed at this point in the RECORD, along with the newspaper article, a fact sheet giving some background information on the history of the Postal Academy, its aims and its financial needs.

I urge that serious consideration be given by the Departments involved to reconsider their previous decision and continue this very important program for those young people who so desperately need encouragement and help in getting back into the mainstream of life.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ANOTHER BAD DECISION

(By William Raspberry)

Sometimes you wonder if there isn't somewhere in the bowels of the federal establishment a deputy under secretary in charge of official madness.

If there is, he could be the guy who ordered the end of the Postal Academy Program, effective the end of next month.

The Postal Academy, modeled after the Urban League's Street Academy program in New York, has been in operation for two years in six cities. Its purpose is to reach inner-city youngsters who have dropped out, or been pushed out, of public school and get them to resume their education.

By the account of a government-ordered evaluation study, the academy was doing its job very well.

"There seems to be real pride, hope, positive attitudes, feelings of accomplishment and the kind of aspirations that one would hardly expect to find among a group of inner-city school dropouts," the evaluation report said at one point.

And at another: "As in most experiments, there were both successes and failures. The prime objective of the program—to educate and motivate disadvantaged school dropouts—appears to be the strongest part of the program and generally is being achieved."

The evaluators recommended continuing funding. The letters informing academy leaders that funding won't be continued don't contend that the program has been a failure, either here or in any of the other cities where it operates (Atlanta, Chicago, Detroit, Newark and San Francisco).

In fact, the letters don't say much of any thing at all by way of explanation.

You can get an off-the-cuff explanation from former Assistant Postmaster General Ken Housman, though.

"Red (former PMG Winton "Red" Blount) is gone, and the people in there now aren't interested in this kind of effort, in my opinion. It's a damn shame."

If that sounds a little bitter, Housman is entitled. It's his baby that's being thrown out.

Housman, an official with Union Carbide at the time, was one of the leaders in the movement to get businesses involved in the prototype Street Academy program, sponsored by the Urban League in New York.

When he was tapped to come down to Washington as assistant PMG, he brought his enthusiasm for the academy program with him.

"I wanted to build on what I already knew about the Street Academy program and also the special advantages of the Post Office. Postal people are walking the street, every day, making direct personal contact with the people we were interested in reaching.

"Also, the Post Office had the advantage of being nationwide; it was in every city. I saw it as a chance to use some of the country's untapped resources to tackle some of the problems of the country."

Housman, now a vice president of Amtrak, said he limited the Postal Academy to six cities initially because he thought the idea needed proving.

"Well, I think we proved some things," he said last week, "and I'll be mad as hell if it's not going to be used somewhere."

The program's most useful findings in dealing with youngsters who haven't made it in regular school programs, he said, are:

Part-time work is vital "if you're going to keep a youngster interested in school instead of in hustling."

You have to be interested in the total lives of people, not just their education.

You don't need certificated teachers. "It's interest and dedication that turns these kids on."

"Look at the (evaluation) report," he said. "Well, that's factual. That's not an effort for publicity, that's not a grandstand play. In fact, when it first came out I wouldn't even permit publicity on it.

"But the report reflects enthusiasm, both on the part of the students and on the part of the teachers (mostly postmen detailed to the program). It's the same spirit as in the early days of the Peace Corps."

There's a good deal of evidence that he's right. A good many of the postmen involved with the program, for instance, are saying they won't exercise their right to return to the Postal Service if the program folds.

"In fact, most of us aren't going back," one of them said. "Not in protest. We just feel we have to do something for the 280 youngsters who are still in the program."

THE POSTAL ACADEMY PROGRAM: A CASE FOR SURVIVAL

The Postal Academy Program, located in six cities across the country, involving approximately 1500 staff and students at an annual budget of 4 million dollars has been evaluated by the Department of Labor as an "asset to their cities." The evaluators took time to document the "air of exuberance" in these storefront schools accommodating young high school dropouts looking forward to their High School Equivalennoy Diplomas and a chance for a college experience.

Despite proven success and the crying need to restore the victims of our inner city schools, the Postal Academy Program is being *closed down!*

SOME HISTORY

The Postal Academy Program has its roots in the decade long experience of the New York Urban League Street Academy Program. There, a handful of men daily faced the desperation on the faces and in the hearts or urban youth and slowly evolved the concepts and practices which became Street Academies and Harlem Prep. Late in 1969, a few of the leaders in New York brought their vast experience and successful model to Washington and convinced the Post Office Department, Labor and O.E.O. to inaugurate a federally funded program marrying the concepts and experience of the street academies with the resources of the Postal Service.

The Postal Academy Program brought from New York the concepts of small storefront schools identified with the communities in which they were located. This structure was filled out from the resources of the Postal Service.

The Academy staff was selected primarily from qualified postal employees interested in dealing with youth, who were then detailed to the program full-time. Academy students received part-time jobs in the Post Office in the evenings. In addition, the Post Office provided such services as educational materials from their dead letter office, transportation and administrative support.

More important than the structure and services to the success of the Postal Academy Program is the attitude which the staff has toward high school drop-outs. It believes that students in the acedemies have as high or higher potentials than those who remain in school. It feels they dropped out for a variety of reasons that often had nothing to do with academics—need for a job, rebellion against the public school society, trouble with the law, family difficulties, pregnancy. Therefore, it feels that if an atmosphere of learning and development different from the public school which they left can be created in the academy, there is no reason that the students could not achieve. For this reason, it emphasizes motivation, self concept, and academics rather than job training. For this reason, too, it encourages the students to aspire high—beyond the GED to further education or to a challenging career.

The program emphasizes three points which it believes are important in its ability to reach dropouts. First, it believes that academics must be set in the student's life context and that his everyday needs must be met as well as his academic needs. Thus, the academies have unique staff members called streetworkers, who establish close relationships with students, counsel them, and meet their housing, job, health, legal, and other personal needs whenever required—regardless of time or day. It is trying to correct a failure of the public schools and most social service agencies which only deal with a part of youth's life and fail to come to terms with his total life.

Secondly, the Postal Academy Program believes that the establishment of friendly, trusting relationships among staff and students is a prerequisite for motivation and learning to take place. Thus, in the selection of staff, the Director of an Academy places greater emphasis on the ability of the staff member to convey genuine concern, respect, and appreciation to the students than on his academic or professional credentials.

Thirdly, the program, through its academic and related activities, attempts to help the student to place all knowledge, skills, and concepts in a context of a larger search for adequate values and life style for a person of the future. It believes that knowledge is worthless unless a student places it in a context of what he thinks is important to him and what he wants to do with his life.

In May 1970, the Postal Academy Program first opened its doors to an initial group of 250 students in sites in five cities—Atlanta, Chicago, Detroit, San Francisco and Washington, D.C. located in a variety of renovated community buildings in the urban centers. Each of the academies recruited an initial group of fifty high school dropouts, aged 16–22, under the direction of a local community oriented Director.

In the two years since then, the PAP added two new academies in the existing cities and opened a new academy in Newark. The enrollment has grown to 1,275 and the academies are showing the first fruits of success. As of January 1972, scarcely one and one-half years after opening, the Postal Academy Program has recorded 58 students who are in college, 95 students who have received their high school equivalency diploma, 103 students who entered full time employment, 16 students who entered the armed services, and 57 students who returned to the public schools. In November 1971, the Department of Labor conducted an extensive evaluation and had high praise for the quality of the staff and of the educational program and of the enthusiasm of the students.

ABOUT FUNDING

In its first year of operation, the Postal Academy Program was financed by the Department of Labor and the Office of Economic Opportunity while the Post Office Department contributed ten percent of the total 4 million dollar budget. As now, no formal funding arrangements were established and the money was allocated through informal arrangements between the Secretaries of Labor and OEO and then Postmaster General Winton Blount.

In fiscal year '71, O.E.O. was replaced by the Department of Health, Education, and Welfare. In fiscal year '72, the budget was made up of the following components.

Department of Labor	$1,585,098
Health, Education & Welfare	2,127,400
U.S. Postal Service	386,800
Total fiscal year 1972 Budget	4,099,298

These funds are still coming from informal agreements between men in high places. It is also true that much of the H.E.W. money is from their MDTA funds which makes the Department of Labor a substantially larger contributor than the above breakdown would indicate.

The Postal Academy Program is a victim of these informal funding patterns. It is basically an education program and the Postal Service and the Department of Labor are now unwilling to continue funding a program which does not fit in their respective plans. H.E.W. is also unwilling to continue its funding for reasons that remain obscure. About all that can be concluded is that our government thinks in categories and the Postal Academy Program, despite its record of quality, doesn't fit in an established category.

Each mayor's office in the six cities has endorsed the program and has expressed dismay that the present administration would take more than $600,000 out of each of their cities at a time when just the opposite is needed.

Who will suffer? Those with careers will continue. Those in the Postal Academy Program with credentials will choose new jobs. Again, only the students in the academy will suffer. Only they will come to a dead end, maybe the final deadend.

APPEAL

The Postal Academy Program must not be allowed to shut down! Pressure must be brought on the offices of the Postmaster General, the Secretary of Labor and the Secretary of Health, Education, and Welfare to face up to their obligation to place the program in a suitable home to see that it is refunded. The Office of Management and Budget has attempted to resolve this dilemma but to no avail. Now Congress must demand that action be taken by the administration to preserve the only successful alternative to the inner-city dropout crisis.

Our country cannot allow compartmentalized bureaucracy to destroy the hopes of thousands of young dropouts attempting to make it within the system.

What happens to a dream deferred?

Does it dry up
Like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

LANGSTON HUGHES.

SURFACE MINING REGULATION

Mr. MOSS. Mr. President, with my distinguished colleagues, the Senator from Idaho (Mr. JORDAN), the ranking minority member of the Subcommittee on Minerals, Materials, and Fuels, and the Senator from Wyoming (Mr. HANSEN) the subcommittee toured Utah, Idaho, and Wyoming as a part of our year-long efforts to meet the problems of surface mining throughout the Nation.

I have presided over days of hearings and flown over hundreds of miles of land from the Four Corners area of our own Southwest to the cool, clear, alpine meadows of the Stillwater over Montana, and the broken hollows and denuded mountaintops of Appalachia, inspecting surface mining operations and seeking solutions to the problem of how to keep the beauty of our fragile land, while extracting the minerals which we need for energy and industrial development.

For those of us in the developing West, putting our resources to work is an accepted fact of life. For those in the East whose resources are dwindling and for whom an open space is a premium to be zealously guarded, mining, particularly of coal, with its concomitant degradation of water supplies and the environment, has become anathema to be fought by environmentalists at every turn of the road.

In my own State, we looked at sand and gravel pits composed of alluvial deposits along the mountain edges of Salt Lake Valley and flew into the mountain areas where we were pleased to find compatible use being made of an ongoing mine operation and an active ski resort. We flew over the vast checkerboard of solar evaporation ponds on Great Salt Lake where there are extensive surface operations recovering potash from brines of the lake. Of course, one of the wonders of the world is the Bingham Copper pit at the Kennecott Copper Co. where surface mining has been proceeding for many years and will be carried on for a long time yet. The vastness of this operation defies the imagination and serves to emphasize in a very obvious way the difficulties in defining reclamation requirements to meet Appalachia requirements and the Bingham pit.

To the north in the State of Idaho, we looked at phosphate operations where extensive efforts are being made to reseed and claim the lands being mined under regulations of the Department of the Interior and pursuant to Idaho State law. Much of the effort was voluntary on the part of the companies involved. This is not to say, however, that this has always been the case and our tour showed us both the good and the bad—from no reclamation on the early mines to the sophisticated methods on ongoing mines of today.

In our sister State of Wyoming, we journeyed through an area which had contained a bustling coal mining town at the turn of the century and which is now part of the high grass, good grazing land with lakes and rolling hills. The sites of coal operations could be seen in subsidence pockets dotting the hillside from underground mines. In one remarkable instance, we toured a coal seam which lies in a continuous vein from 102 feet to about 40 feet where erosion has removed the upper layer of coal. In uranium pits in Wyoming, reclamation has begun under Wyoming State law even before the uranium production has begun.

In all of our travels, the recurring theme was of the diversity of the mineral wealth and the unique problems varying within each State in the geologic pattern, weather conditions and so forth. The problems which we encountered in our surface mining operations in Appalachia differ remarkably with those of the West.

America depends upon its mineral and energy resources for many commodities and services: phosphate for fertilizer; iron and chrome for steel; uranium for

nuclear power; sand, gravel, and stone for construction; and coal and oil shale for fuel. These mineral resources are critically essential to the Nation's economy and security. We must find a way to meet the need and mitigate and avoid environmental damage.

The potential for surface mining operations in the Western United States is staggering. Coalfields underlie approximately 68.7 million acres, and are the major source of low-sulfur coal required to meet environmental standards for air pollution control. In 1970, production of western coal was about 29 million tons. Projected production for 1990 is over 11 times that, or about 338 million tons. Heavy demands for more coal-powered electrical generating plants to meet the Nation's increasing power crisis can be expected to result in a rapid increase in coal production until such time as commercial breeder-nuclear power reactors become a reality.

The establishment of effective mining and reclamation systems for development of mineral resources by surface mining is urgently needed to prevent undesirable environmental conditions detrimental to the general welfare, health, and safety of the population.

It is my hope to present to the Senate within the next several weeks a surface mining bill which the committee has been working on long and hard which will recognize the co-existing policy concepts adopted under the Mineral Policy Act of 1970 and the National Environmental Protection Act of 1969.

I wish to thank the many fine people in the States of Wyoming, Utah, and Idaho who welcomed us and provided us with a comprehensive tour of mining areas and the Secretary of Defense and his competent people who made our aerial inspection of remote areas possible.

MEXICO IMPOSES TOUGH NEW CONTROLS ON GUNS; AND IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

Mr. BAYH. Mr. President, I noted with interest an article in the Washington Post on June 6, 1972, stating that Mexico is imposing tough new controls on guns. The prevalance of firearms in Mexico is somewhat comparable to the situation in the United States. But Mexico has followed the lead of countries throughout the world in taking strong action to curtail the accessibility and use of firearms. The regulations which Mexico has adopted are not necessarily those that the United States should adopt and certainly this Senator is not suggesting legislation reflecting Mexican laws. Nevertheless, the action taken by the Mexican Government will certainly be of interest to Members of this body. Mexico, like the United States, has a long frontier tradition of a heavily armed citizenry and purely local controls of firearms, but they have recognized the need for a national system of firearms regulations.

I ask unanimous consent to have printed at this point in the RECORD the article by Marlise Simons, published in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO IMPOSES TOUGH NEW CONTROLS ON GUNS

(By Marlise Simons)

MEXICO CITY, June 5.—Mexicans today began handling in illegal firearms and registering permitted weapons as a tough new gun-control law went into effect.

The law is the country's first serious attempt to deal with an alarming level of violent crime and rid Mexico of its image as a nation of "bandidos" and "pistoleros."

There was some public opposition to the law, and minor amendments were made by Congress, but no powerful gun lobby comparable to that in the United States exist here.

Under the new law, a civilian may own only one small-caliber pistol, and all other weapons are reserved for use by the army and police. All firearms must be surrendered or registered, and permission to carry a gun will be granted only in rare circumstances.

From now on each household will be permitted one pistol which must be kept at home, although the government responded to public pressure by agreeing to consider the car as an extension of the home.

These home permits for small-caliber guns will be granted only to adults who can read and write, who have done their military service, who are gainfully employed and who have no criminal record.

But with an estimated 6 million unregistered weapons loose in the country, implementing the law and breaking a long-standing habit will not be easy.

To the majority of Mexicans a gun is a natural accessory. A weapon has become a traditional symbol of a man's "machismo," the Latin concept of masculinity that invariably involves drinking, cruelty to women, defending one's honor and flashing a gun.

Much of Mexico's violence therefore stems from crimes of passion and honor, although there are no realiable figures on the number of killed and wounded with firearms.

Many incidents go unreported or unpublished, but there are daily stories in the press about lovers' quarrels, labor disputes, insults or traffic incidents that are settled by showdowns with guns.

Shoot-outs have even occurred in the Chamber of Deputies, the last time three years ago. No one was seriously hurt.

Analyzing their tradition of violence and their impersonal contempt for death, Mexicans recall the sacrificial practices of the Aztecs, who needed the blood of humans to nourish their gods. The Spanish invaders imported their own belief that damaged pride and honor must always be avenged.

Mexico's modern history has been turbulent, first fighting the Spanish conquistadors and then invaders from France and the United States. Its revolution of 1910 lasted over a decade, taking more than a million lives.

Even if the Mexican revolution romanticized the "pistoleros" who killed indiscriminately and died violent death themselves, today's Mexicans are glad to have peace. Yet the disregard for human life persists.

In 1968, the army, acting under orders, fired on a protest meeting of students and workers in Mexico City, killing close to 300 people including women and children.

Only last June, a student march was broken up by progovernment terrorists carrying submachine guns and at least 30 people died.

This "official violence" and the lack of faith in their system of justice make many Mexicans hesitant to surrender their arms. In the remote areas of the country gun law still rules, with politicians and landowners using "pistoleros" to control dissidents and peasants arming themselves in self-defense. In urban areas, no day goes by without police using their position to rob or extort money from violators of the law.

Since last year'a wave of bank robberies and political kidnaping, the Mexican policeman—even the traffic cop—is armed with large-caliber weapons. Under the new law, such weapons are reserved for the army, but policemen continue to carry them despite this law and public protest.

Defense Minister Gen. Cuenca Diaz recently explained that the law "aims to control the wave of violent crimes, to combat gun-running and to prevent lesser authorities and influential people from abusing the right to own a weapon.

"Mexico is a peaceful country," the general went on, "and its citizens do not need to walk around armed."

Just how peaceful the citizens themselves consider the country, and how much protection they believe they can count on from the authorities, will be determined by the level of adherence to the new law.

For ordinary citizens, buying bullets or a pistol used to be as simple as ordering a cup of coffee, but private armories are now closed down and sales are to be strictly controlled by the government. Smuggling arms into the country, a highly profitable business—especially automatic rifles from the United States—will be punished with one to 15 years' imprisonment and a fine of $8 to $8,000.

Sanctions for owning an illegal weapon will vary from three months' to three years' imprisonment, a fine from $4 to $8,000, or both.

"Many Mexicans want to sell their guns at the moment," said a former armory owner who is now converting his shop into a snack bar. "But since there are no bullets, no one wants to buy."

Mr. BAYH. Mr. President, I also noted an article entitled, "In Britain, the Absence of Arms Contributes to the General Docorum," published in the Wall Street Journal of June 6, 1972. By strictly controlling the sale of firearms, that Nation has limited the flow of weapons among the civilian population to a bare trickle. I am the first to agree that there are numerous distinctions between Britain and the United States, but if the United States could regulate more clearly their firearms controls, we might be able to receive the same "beneficial effect on the flavor of life" in America as those in Britain.

I ask unanimous consent that the article by Felix Kessler be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GUN: IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

(By Felix Kessler)

LONDON.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons among the civilian population to a bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policeman, even criminals made a point of being unarmed.

There has been a sharp rise in the armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that the most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum. The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regularly to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact

that lessens the danger to innocent bystanders. Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police station; none bring them home, thus reducing the chance of accidental shootings.

AN AMERICAN FOREIGN POLICY FOR ISRAEL

Mr. HUMPHREY. Mr. President, the President has just returned from a visit to the Soviet Union, after having reached several important agreements with that country. One item which was noticeably absent in the joint communique released at the end of the Moscow Summit Conference was any substantive progress with respect to the Middle East. President Nixon does not seem to have convinced the Soviet Union that a continuation of its present policies in Arab countries only serve to raise tensions in that part of the world and; consequently, to weaken the prospects for a negotiated settlement.

What we see, instead, is a continuation of Soviet military incursion into that highly volatile part of the world. It hardly serves to strengthen peaceful Soviet-American relations to find that the Soviet Union openly supports and sustains governments which applaud the kind of indiscriminate human slaughter which occurred so recently at Lod International Airport in Israel.

The United States must firm up its policies in the Middle East so that no doubt remains as to our commitment to stand by Israel in an attempt to facilitate a negotiated settlement by the parties directly involved. I have spelled out in a recent statement what I think should be the main thrust and the principal goals of American foreign policy in the Middle East. Mr. President, I ask unanimous consent that the statement, published in the Near East Report of June 7, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HUBERT H. HUMPHREY:
A PERSONAL STATEMENT

An American foreign policy which is truly responsive to the needs of this nation and the new requirements for international understanding must include the clear and consistent recognition of our commitment to Israel. This commitment is based on experience, the history of the birth and struggle for the survival of the State of Israel, and above all, it is rooted in our affirmation of human rights for people of all races and religions.

In sum, it is in the national interest of the United States to maintain our commitment to Israel. Our overall interest is in facilitating peace in the Middle East. For the United States, the goal rests on the supposition that the Arabs and Israelis must settle the outstanding issues between them through the negotiating process. The focus of our attention should be on ways to reduce the threshold for a renewed outbreak in hostilities and for creating a climate which facilitates direct negotiations by the parties themselves.

The United States can do a great deal in this regard, but success or failure is as much a function of whether the Soviet Union exercises restraint by refraining from any further military or political interference in the Middle East. Once the Soviet Union decides to assume a stand-off position, the chances for direct negotiations are that much greater.

Any settlement of the Middle East, to be viable over a long term, must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

The settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy Places.

At the moment Arab intransigence towards negotiations is reinforced by actions taken by the Soviet Union, which is steadily building up Soviet personnel, military equipment and influence in the Middle East and along the coast of North Africa. Joint communiques frequently issued by the Soviet Union and the Arab countries have been provocative and a clear indication to Israel that it must seek outside support.

Unfortunately, our own government has been too slow in recognizing the trend of increasing Soviet involvement in the Middle East and has failed to grasp its full significance for the security of Israel.

Only after substantial Congressional and public concern was expressed did the Administration act appropriately. In May of 1970, during the "war of attrition," I went to Israel and after conferring with its leaders strongly recommended that the U.S. supply Israel with the military equipment it needed, including Phantom jets, and make it clear to Russia that we were so committed. I also joined with 77 other U.S. Senators in October 1971, in introducing a resolution urging the sale to Israel of Phantom jets which were essential to maintain her defense capabilities.

Early this year, the Congress, with my support, also included $50 million of supporting assistance to Israel as part of the Foreign Assistance Act of 1972. I favor increasing this figure for 1973.

I have proposed other steps which our government should take to implement our commitment—that the United States recognize Jerusalem as the capital of Israel, that we provide continued assurances of economic and military support, and that we exert diplomatic and moral pressure in behalf of the Russian Jewish community and Syrian Jewry now suffering under a heavy yoke of persecution.

Israel is founded on the moral tradition of providing a haven from persecution for Jews throughout the world. For this reason, it has a very special role to play in the international community. As much as we would like to think that religious persecution no longer exists, we know otherwise. There are 2.2 million Jews now living in the Soviet Union who are living in an alienated world, separated from their religion, their culture and their national identity. There are 5,000 Jews in Syria whose lives are severely restricted in contravention of the Universal Declaration of Human Rights, which Syria and the Soviet Union have signed.

I have urged repeatedly that President Nixon make every effort to discuss with the Soviet Union the question of the persecution of Soviet Jews, their right to emigrate, and the establishment of ethnic cultural exchanges between each of several minority groups with sizeable populations in both the United States and the Soviet Union. I have urged the President to do this during his scheduled trip to Moscow.

I have joined with other Senators in cosponsoring legislation which would provide $85 million in special assistance for the settlement of Soviet refugees in Israel. This sum will cover only a portion of the expense when you consider the enormous costs Israel has had to incur for its own defense and for the settlement of refugees.

There is more that Americans can do and I know there is more I can do. I know what must be done and I have the will to do it. Moral conviction and a yearning for greater understanding in the Middle East are my motives. Peace is my goal.

SOUTHERN POLICE INSTITUTE

Mr. COOK. Mr. President, one of the most serious problems confronting the United States at this time is the ever-escalating crime rate. It is no longer sufficient merely to place a badge on an individual and give him a revolver and tell him now that he is a policeman, he is prepared to rid the community of crime. As the criminal element becomes more sophisticated in the commission of crimes it is mandatory that our law enforcement officers likewise become more sophisticated in the apprehension of offenders. It is for this reason that I am so enthusiastic about the accomplishments of the Southern Police Institute conducted by the University of Louisville in Louisville, Ky. The institute, oftentimes referred to as the "West Point" of police work, has trained some 3,600 persons from over 40 States and 12 foreign countries in its 21 years of existence. As a Kentuckian, I am extremely proud of the fine record which the institute has established over the years and the service which it has provided not only the State of Kentucky, but also the Nation.

For those who would like to know more about the institute, I ask unanimous consent to have printed in the RECORD an article written by Mr. Stan Macdonald and published in the Louisville Courier-Journal of May 30, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHERN POLICE INSTITUTE: UNIVERSITY OF LOUISVILLE GROOMS FUTURE POLICE CHIEFS

(By Stan Macdonald)

J. C. Goodman was a sergeant in the Charlotte, N.C., police department when he attended the Southern Police Institute in Louisville some 20 years ago.

He recalls that before attending SPI he knew little about policing beyond the cop-on-the-beat functions.

Goodman says the experience was a turning point. "I was on a one-way street," he says. "I decided I wanted to be an administrator."

Today, Goodman is Charlotte's police chief.

An unusual case? Not a bit. A number of police chiefs and other top police administrators around the nation are SPI graduates.

Traditionally, policing and academics have rarely gone hand in hand. The Southern Police Institute, which is part of the University of Louisville, has been a notable exception.

Law officers refer to the institute as the "West Point" of police work. It is one of the best known police schools in the nation. It concentrates on producing officers who can run and administer police departments.

The curriculum taught at the institute's fast-paced 12-week terms was almost unheard of in police circles two decades ago when the school was founded. Even today it probably produces some frowns.

Subjects include personnel management, the use of computers in determining crime patterns, crowd psychology, budgeting and constitutional law.

Not exactly the cop as egghead—but the institute does stress the police officer as part businessman and part lawyer. And there is good reason for this. According to SPI's teachers and students, most of the policemen are of supervisory rank.

John C. Klotter, institute director, says simply, "Policing is big business . . . A large percentage of the budget of a municipality or a county is for public safety. If we don't have good administration in the public safety section, then we're going to waste a lot of money."

Police departments, like business and industry, have to train personnel, select and assign their manpower, prepare budgets, keep accounts and purchase equipment. "The only difference here," Klotter says, "is that the product is the protection of the public."

If policing is big business, so is police education, thanks largely to an increasing amount of federal grants available for police training and education. Law enforcement courses and educational programs are mushrooming at colleges and junior colleges across the country. The Southern Police Institute prides itself as a forerunner in this field.

A law enforcement training complex at the U of L has grown up around the institute. In recent years the university has established the School of Police Administration and the National Crime Prevention Institute. SPI and the Crime Prevention Institute are separate but are both under the School of Police Administration, which offers a four-year undergraduate degree program.

ABOUT 3,600 HAVE ATTENDED

Klotter is both the dean of the police administration school and director of SPI.

The Southern Police Institute began in 1951 as a small, cramped operation in the second floor of a University of Louisville service building. The first class had 25 students and one-full time instructor.

Although the institute originally was to serve 11 Southeastern states, its scope soon grew nationwide. Officers from a wide geographical area asked to attend.

The needs for such police training were many and they remain:

Law enforcement authorities say repeatedly that policing is growing more complex and police must keep pace with the times. Modern business techniques, they say, are essential if police departments are to be run efficiently and effectively. Civil rights questions pose delicate and sensitive police problems. Protests and demonstrations must be dealt with. U.S. Supreme Court decisions require that policemen adopt new procedures and reforms.

Today SPI—largely through foundation grants—has a building of its own, five instructors and about 60 students in each class.

About 3,600 persons connected with law enforcement from over 40 states and 20 foreign countries and several federal agencies have attended the institute's 12-week terms or its two-week seminars.

Four seminars are held each year. They focus on particular areas, especially those of current concern to police. Recent topics have been "bombings, assaults, ambushes and murders of officers" and "civil disorders and riots." Leading experts in the subjects being studied are brought for one-day lectures at the institute.

M'CANDLESS WAS FIRST DIRECTOR

The school's 47th class will graduate Friday, and if the past is an indication, some of the sergeants and lieutenants presently enrolled will eventually become chiefs of their departments.

David A. McCandless was instrumental in founding the institute and was its first director until he died at 65 last year. He set a direction and a tone.

McCandless was a staunch defender of the policeman. He was resentful that legislative bodies were often unwilling to raise police salaries until a crisis arrived. He thought the news media should be more understanding of the complexity of the policeman's job.

But McCandless saw much need for self-improvement in policing and he was concerned that more policemen didn't appear to share this view. In one of his last interviews, he said he was most troubled by the lack of interest of many veteran officers in "improving themselves and their departments," he said. "It is difficult to overstate the resistance of a number of officers to change, no matter what the change it."

Students at the institute today seem to agree. "We have kind of spurned the idea of technical training and it has harmed us, slowed us down," says Capt. Gene Fawley, of the Cuyahoga Falls, Ohio, Police Department. "We just don't have enough of a general education to understand all the complex problems we have to deal with," he adds.

During the 12-week terms, which are offered twice a year, there is little time for anything but education. It's a cram course—providing intensive "in-service" training without keeping an officer away from his job for more than a few months.

TUITION IS $500

The program has its pressures; it's not intended to be a vacation. Hard work is expected and it is possible to flunk out, although this has rarely happened.

Classes run each week day from 8:45 a.m. to 4 p.m. For one hour the students may be lectured on "spans of control" in utilizing manpower, for the next hour they may examine U.S. Supreme Court decisions concerning an accused person's constitutional right to counsel.

Discussion in the classes often is lively. Much of it is give and take, and the officers don't hesitate to ask questions.

The school isn't a "mutual admiration society," said psychology instructor B. Edward Campbell. One function, he said, is to make officers "aware of some of the shortcomings of the past." He added, however, that the purpose isn't to "lock horns" because nothing else would be accomplished.

The officers quickly learn there is a lot they didn't know which directly concerns their jobs. "I really thought I knew constitutional law but after sitting in class for a few hours I found out how much I didn't know," said Lt. Otis Hinton, of Raleigh, N.C. "I thought I was doing a top-notch job with the squad at home but now I realize some of the things that I didn't do. Being a policeman is a hell of a job."

The ratio between applicants and those admitted to the institute is running about 5 to 1, Klotter said. Police chiefs recommend the men whom they want to send to the school. A university committee then makes the selections. To be considered, all applicants must have a high school diploma or its equivalent and must "pass" a college aptitude test.

Once admitted, a man has incentives to work hard. The police chiefs expect their men to utilize their training when they return. A poor showing at the institute could possibly lessen an officer's advancement in his department. An officer who does nothing at the school is wasting his time and the taxpayer's money. Tuition for each student is $500, and in many cases this is paid through federal funds given to local law enforcement agencies for police education and training.

Some officers, Klotter said, arrive with a "here I am, teach me" attitude. But he added that this is immediately discouraged. "We tell them the first day that if they already have their minds made up, they might as well go home."

Klotter doesn't recall any officer leaving the first day but he says that "sometimes the pressure is so great that students have gone home after a week or two."

Klotter himself isn't the high-pressurized type. The 53-year-old former FBI agent is a quiet, friendly man. But he also is a man who hates to waste classroom time. For him there is too much to teach and learn and too little time.

STUDENTS CALLED "SHARPER"

Students at the institute wait anxiously for the day when Klotter will arrive late for his constitutional law class. Invariably, however, he is always there when the bell rings, clutching textbook and lecture notes. He also has been known to ask if anyone would like to have class on a holiday.

Instructors at the institute say today's students are generally "sharper" and more highly motivated. This is largely due, they say, to the fact that many police departments have raised their entrance requirements. When the institute began the average student hadn't finished high school. Today he has about one year of college.

The institute's curriculum also is changing. In the first years, technical training like fingerprinting, traffic control and crime-scene investigation were stressed. But these subjects are now taught at local police recruit schools and the institute has moved its emphasis to police administration. Very few police schools in the nation offer this type of instruction on an "in-service" basis.

Next fall the terms will be expanded to 14 weeks in length because a new course in "communications" is being added to the curriculum. Klotter said that a good percentage of students have difficulty expressing ideas.

LOCAL ACADEMY NEEDED

The institute gets high marks from many in law enforcement. But it also isn't without criticism. At least one student this term questioned trying to give officers from both small and large police departments the same administrative training. He said a large department may have very different training needs than a small one. "It's difficult in providing a program that's geared to the middle of the road," he said.

The city of Louisville gives $10,000 a year to the institute and the city Police Department has by far more graduates than any other department. Many Jefferson County police officers also have attended the institute. County Police Chief Russell McDaniel and city Police Chief Edgar Paul are graduates of the institute and both speak highly of it.

But some law enforcement officials feel that the local governments haven't taken enough advantage of the institute's resources and, at the same time, the institute hasn't been aggressive enough in pushing for more local criminal justice training programs.

Stephen Porter, executive director of the Louisville-Jefferson County Crime Commission, thinks a local Criminal Justice Training Academy for police as well as correctional personnel, court officials and social workers would be a great benefit.

"The academy," Porter said, "should be based on the experience of the Southern Police Institute, the School of Police Administration, the U of L law school and the Kent School."

Some officials said there has been resistance to such an academy. But Klotter and Chief Paul indicated their support.

WELFARE REFORM

Mr. HARRIS. Mr. President, on June 6 an article by Nick Kotz, published in the Washington Post spelled out a probable scenario for the welfare legislation soon to be before the Senate for consideration. Mr. Kotz is an able, perceptive, and

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knowledgeable reporter in the area of welfare reform and has, in my opinion, done a great service by publicly spelling out what so many Members of the Senate have privately felt for some time now. His conclusion is that Members of the Senate who have the best intentions may in fact be a part of moves which will result in a regressive, punitive bill that will be disastrous for those millions of our citizens forced into poverty and onto the welfare rolls. I ask unanimous consent that the article be printed in the RECORD. I hope that Senators will read it carefully before voting for any half-way step toward welfare reform.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"AS THE POLITICAL RHETORIC HEATS UP": A CRUCIAL STAGE FOR WELFARE LEGISLATION

(By Nick Kotz)

As the political rhetoric heats up in a presidential election year, candidates once again are promising they will stamp out welfare loafers who are living it up at taxpayers' expense. Governor Wallace would put an end to the welfare bonanza created by liberal "pointy heads." Senator Humphrey, even though he has co-sponsored a generous welfare bill, has adopted a campaign tone hostile to welfare recipients. President Nixon has been asserting that emptying bedpans at $1.20 an hour is just as rewarding a job as being President.

It is in this atmosphere that Congress reaches a crucial stage in its three-year consideration of so-called "welfare reform" legislation. At this time, it is awfully hard to find anyone who is speaking for and to the human needs of those 12 million children, old people, and disabled who comprise more than 85 per cent of the welfare "deadbeats." Their case deserves to be stated in a country that still prides itself with concern over the helpless, the powerless, and the child.

Ironically some of the welfare poor are just as worried today about protection from their "friends" (liberals in Congress and newspapers like The Washington Post and New York Times) as they are sickened by their enemies. They thoroughly understand the intentions and motivations of Senator Russell Long (D–La.), the Finance Committee chairman, who is openly preoccupied with the present shortage of women willing to wash his shirts for poverty wages. Long and a majority of his committee and the House Ways and Means Committee traditionally have approached welfare with a keen interest in maintaining a cheap, helpless labor supply in the South and elsewhere.

But members of the National Welfare Rights Organization composed of poor people who must exist on welfare, and their allies in the National Council of Churches, are far more perplexed, but no less worried about the liberal legislative strategists who keep pushing this year's welfare reform bill toward the White House.

Advocates for the welfare poor, such as NWRO and the Council of Churches are convinced that Congress is now virtually locked into a legislative course that almost certainly will leave present welfare recipients worse off than they are today. Yet this legislative drive is being kept alive by liberals flying under the banner of welfare reform and an interest in helping the poor, but unmindful of the likely outcome.

This is the legislative scenario that is envisioned by these spokesmen for the welfare poor:

1. The House has already passed a Nixon administration welfare bill, which could result in a loss of legal rights and benefits for 90 per cent of the recipients now on welfare. The poor in only four or five states might end up better off. Food stamp aid, now amounting to $2½ billion annually to 12 million poor, would be eliminated. Numerous hard-won legal rights are stripped from the poor. A family of four would be guaranteed only $2,400 a year, which is about one-third of what the Labor Department says it takes to live on a low-level budget in a typical American city. The reform in the bills is that the working poor will get benefits for the first time.

2. The Senate Finance Committee will report out a bill, that will make even the most regressive features of the administration's House-passed bill look generous by comparison. If that bill contains subtle measures to control the poor, the Long bill openly punishes welfare children and their mothers.

3. The White House will then negotiate a compromise bill with a single senator, Abraham Ribicoff (D-Conn.). The White House needs Ribicoff and liberal Democrats because the administration can't find a half dozen Republicans to support its own House-passed bill. Ribicoff needs help from the White House because his own proposal, which helps rather than punishes the poor, also probably cannot pass the Senate.

So the President and Ribicoff strike a compromise restoring a few of the legal rights which other proposals snatch from the poor, and offering at least a better guarantee that millions of poor people won't have their already inadequate benefits cut still further. (To Ribicoff's credit, he is the one liberal senator to have designed and worked hard on a practical, generous welfare plan.)

4. The Senate, depending on how many liberals have deserted the floor for presidential and other campaigning, will probably approve some form of Nixon-Ribicoff compromise. The quality of the compromise will depend on the mood of the White House, which has swung to a punitive attitude on welfare, and of Senator Ribicoff, whose volatile views about the poor have varied from punitive to human understanding.

At best, the Senate will pass a bill that improves somewhat on the House version and guarantees that current welfare and food stamp recipients aren't left worse off than before. Such a guarantee would require ironclad provisions that state benefits above the minimum are maintained, that food stamps are retained or replaced dollar-for-dollar with cash, and that welfare recipients are not denied their civil liberties and legal rights.

5. A Senate-House conference committee will then convene to consider the different House and Senate versions of welfare reform. The committee will probably consist of the senior members of Long's Finance Committee and Rep. Wilbur Mills' Ways and Means Committee. Based on past voting records, there is not among these senior men a single one who will support decent living standards for the welfare poor.

The conference committee will reach a compromise. If the Senate conferees make any pretense of supporting the Senate-passed bill (which they violently opposed), then the compromise probably will be no worse than opening the way for 80 per cent of the poor to suffer reduced benefits.

6. The conference bill will be reported back to the House and Senate floors, just as Congress is about to adjourn and political demagoging of welfare has reached election year fever pitch.

The House will approve the conference report overwhelmingly, over the protest of the Black Caucus and a few dozen others.

The Senate also will pass the bill by a wide margin after first hearing the belated protests of a few liberal senators that the bill should be defeated because it takes bread out of the mouths of already undernourished children.

It will be a good vote for most members of Congress. It will be considered a good political vote not only against welfare loafers but for social security increases. (Social security and welfare are considered in a single package.) Few congressmen would consider endangering a social security hike in an election year.

7. President Nixon will sign the bill, announcing his greatest legislative achievement—which will put an end to the welfare mess.

8. About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children. Senator George McGovern and others who fought for the last six years to end hunger in America will sadly discover that the hungry are right back where they started, without the principal food program that was starting to help them.

The legislative scenario described here doesn't have to be acted out. It can be short-circuited in several ways.

A Senate majority of liberals and moderates could conceivably exercise a collective profile in courage. But this would require action now. These senators would have to pledge, starting this week, that they will kill any legislation that hurts poor people. Ribicoff hasn't made that pledge. They will have to decide that the fate of millions of poor Americans should not be decided in private negotiations between a single Democratic senator and the White House, nor by two ultra-conservative finance committees whose members have hard hearts when it comes to poor people. These senators will have to forswear the political luxury of casting one vote for poor people and then resignedly voting for a final bill that punishes the poor.

These senators will have to decide, as have NWRO and the National Council of Churches, that there is a price that is too high to pay for a few elements of structural reform.

The price is too high when it includes increased suffering for innocent children. The price is too high when it strips poor Americans of the rights they have won the last 10 years in the U.S. Supreme Court. The price for establishing the principle of aid to the working poor is too high when it includes increased misery for 15 million already miserable people.

The welfare bill also could be killed by a coalition of senators who refuse to hurt the present welfare poor, and conservatives who disapprove of aid to the working poor.

Noticeably absent from the entire debate are a few facts about welfare.

1. There are no more welfare cheaters than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

Many of the women are needed at home to care for small children. Many do work—at poverty wages. Many more want to work but can't find jobs that would pay them enough to support their families. Many can't find jobs at all. Many are not qualified for jobs.

But these kinds of facts do not register on the minds of people who want to believe something else. The welfare recipient becomes a convenient scapegoat for a troubled society.

So the genuine representatives of poor people watch with dismay while their self-appointed liberal champions keep the welfare legislation rolling, without attention to legislative realities that could end disastrously for the poor. The poor still look for the champions who will say "no" to legislation that could mean less food for 8 million children and millions of elderly who already can't afford an adequate diet.

OVER 50 YEARS IN SCOUTING

Mr. PROXMIRE. Mr. President, Boy Scout Troop 409 in Wausau, Wis., was founded in 1918. The man who served as its first scoutmaster, Richard Eiseman, was recently honored for his long service to the youth of Wausau.

Mr. President, I ask unanimous consent that an article published in the Wausau Record-Herald of May 15 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOY SCOUT TROOP 409 MARKS 50TH ANNIVERSARY

Boy Scout Troop 409, sponsored by the Stettin School Parent Teacher Association, observed its 50th anniversary Sunday at Thomas Jefferson School.

The unit, which has actually seen 53 years of uninterrupted scouting, is the only troop in the district and the second in Samoset Council to reach the 50-year mark.

The troop attained the 50 years last year, but just recently received national clarification on the organization date.

Originally organized as Troop 9 in 1918, Troop 409 was at one time the only scout troop in existence in the council. The situation continued for two years, 1928 to 1930, during which time Richard Eiseman, in addition to serving as scoutmaster, was acting scout executive. He and C. C. Yawkey kept the council charter alive.

The Rev. Eastwood of First Presbyterian Church and the late Henry C. Manecke were the troop's first scout leaders in 1918.

In 1918 E. J. Hopkins was the leader and Eiseman became actively involved in scouting at this time at Underwood Memorial Chapel.

Hopkins was followed by Karl Schmidt, a local attorney, with Eiseman as assistant scoutmaster. In 1921, Eiseman was appointed scoutmaster.

He served continuously in that capacity until 1942 at which time he enlisted in Army during World War II. After his discharge in 1945, he again took over Troop 409 and served until 1947 when he retired from active scouting.

During the war years, Emil Ammentorp took over the troop's operation for two years.

Other scoutmasters and their terms of service include Robert Egeler, 1948 to 1953 and 1956; David Hase, 1954 to 1955; Kenneth Schaefer, 1957 to 1965; Larry Schaefer, 1966; John Sadenwasser, 1967 to 1968; William Hussong, 1969; Francis Fassino, 1970, and current scoutmaster, John Stroesenreuther, who took over in 1971.

Troop 9 became known as 409 in the late 1950s and transferred to Stettin School then.

The unit has had as many as 69 scouts registered. There are presently 14 scouts enrolled. These include Bill and Karl Boeselager, Bruce Fochs, Wes Hawkinson, Scott Karasek, Leland Koenig, Steve Misoni, Jim Rogge, Brian Smith, David Schreiber, Keith and Peter Soma, Tom Williams and Randy Woldt.

The troop also sponsored a junior scout program at one time, enrolling 101 boys, ages nine to 12. This was organized by Eiseman before the national headquarters entered the cubbing field actively.

The group has had 20 Eagle scouts during its history. These include Norman Gahnz, Robert Manecke, Harold Neitzke, Earl Kutchery, Jay Dudley (deceased), James Bibby, Albert Dahl, Fred Reich, Donald Manecke, Glen Gritzmacher, Earl Brandt, Jack Heybl, Robert Fehl, Terry Wadinski, Jim and Larry Schaefer, Robert Wolsiegel, Thomas and Marcus Hawkinson and David Strobach.

The Sunday observance included a talk and charter presentation by John Hedquist, Stevens Point, council commissioner.

Hedquist discussed a commissioner's duties, which include solving problems that arise within units and maintaining registration within the council.

He also talked about the various campaigns conducted by the boy scouts through the years, ranging from conservation to drug abuse and ecology.

"Although the ranks and requirements for boys may have changed through the years," he said, "the aims are the same, citizenship training, character building and physical fitness."

He then discussed some of the changes to take place in scouting.

These include immediate presentation of awards when they are earned. Previously, a boy might have to wait several months between the time he earned an award and the time he actually received it.

Previously a boy entering boy scouting automatically became a tenderfoot. With the change, he will have to be a member for two months and must earn two skill badges prior to receiving the tenderfoot rank.

Skill award and merit badge requirements for first and second class ranks will be increased.

Youth will no longer be called boy scouts, Hedquist said, rather they will be known as scouts.

A leadership corps will be established for 14 and 15 year-olds. Training will be required for this and one of the scouts will be a member of the troop leader council, previously called the patrol leader council.

Master of ceremonies for the evening was John Tetzlaff, a member of the executive board.

A year certificate was presented by Russell Johnson, district executive, to Wes Hawkinson, senior patrol leader of Troop 409.

Jerry Madison, home secretary for Rep. David R. Obey, D-Wausau, presented the troop with a flag that had flown over the nation's Capitol.

A special troop neckerchief was designed and presented to all those involved in the troop and its anniversary celebration.

Troop Eagle scouts received certificates and past scoutmasters received plaques.

Donald Manecke presented a special 50-year service award to Richard Eiseman.

The invocation and benediction were given by the Rev. George Robie, assistant pastor, First Presbyterian Church, Wausau.

In addition to Stroesenreuther, and Williams, troop personnel include Todd Orthman, executive officer, Keith W. Smith, committee chairman; Edwin Strobach, and Robert Boeselager, committee members; David Strobach and Marc Hawkinson, assistant scoutmasters.

IN COMMEMORATION OF AFRICAN LIBERATION DAY

Mr. HUMPHREY. Mr. President, on May 27 of this year more than 12,000 people gathered in Washington to commemorate African Liberation Day. Several distinguished speeches were given, some of which remonstrated against the lack of initiative by the United States to promote the liberation of persecuted black majority populations in Africa with a view toward the implementation of social and racial equality in all countries of the African continent.

At the time of the Washington and San Francisco demonstrations for Africans' Liberation I issued a statement proposing a set of guidelines for U.S. policies toward black southern Africa which are in keeping with the traditions which we uphold in our own country. Mr. President, I ask unanimous consent that this statement and the statement I issued upon the release of the British Government's Pearce Commission findings on Rhodesia be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.—Senator Hubert H. Humphrey issued the following statement today in observance of African Liberation Day and the first national African-American Conference on Africa at Howard University:

IN COMMEMORATION OF AFRICAN LIBERATION DAY AND THE AFRICAN-AMERICAN CONFERENCE ON AFRICA

This year's marking of African Liberation Day and the first national African American Conference on Africa comes at a time when the majority of black Southern Africa is still not free. This annual commemoration has stirred a new consciousness among black and white people alike that this grave injustice to the majority population of Southern Africa is an affront to the principles of the United States and the cause of civil rights the world over.

On Africa Freedom Day in 1961 I said:

"We believe that the people of Africa—all of Africa—must be given a chance for freedom of choice—the opportunity to plan and achieve the cultural, political, economic, and social development to which they are entitled."

In 1961 several African countries were still under colonial rule, but in most instances steps had been taken by the European countries to move rapidly towards independence and majority rule. The United States was applying its own diplomatic pressure to accelerate the movement.

It is now 1972 and there are still at least 35 million non-whites living under the colonial-type rule of 4 million whites. It is 1972 and we find our own government backtracking on the cause of African liberation abroad and the cause of civil rights here at home. The two are interconnected, for ultimately an administration's foreign policy is an extension of its policies at home.

In 1972, President Nixon spoke of an African dilemma and noted that "Southern Africa contains within itself the seeds of change." In practice these words have come to mean resignation and even complacence with the *status quo*.

Today I offer a broad outline of steps to be taken in the assumption of an active and constructive policy towards Southern Africa.

1. *Rhodesia*—The United States should strictly observe UN sanctions until independence with majority rule is achieved. It should encourage the convening of a new constitutional conference with the participation of black and white Rhodesians, as well as representatives of the British government.

2. *Namibia (South West Africa)*—The United States should take full account of the legal consequences of the UN General Assembly vote and the World Court's advisory opinion. Our government must refrain from any acts and in particular any dealings with the Government of South Africa which would imply recognition or support of the South African government's rule over this territory. Instead, the U.S. government should restrict American investment operations in Namibia to dealing with the United Nations. Taxes on the profits of American companies in Namibia should not be paid to the government of South Africa

but to the UN itself which is now the legal trustee of Namibia.

3. *South Africa*—The United States should restaff its embassy in Pretoria to include a proportionate number of blacks as an indication of our own government's strong opposition to apartheid. Corporate responsibility is a reflection of U.S. policy on apartheid. American corporations in South Africa should, therefore, be encouraged by our government to achieve the equal employment opportunity standards which we insist upon in our own country.

4. *Portuguese territories of Angola, Mozambique and Guinea-Bissau*—An immediate study should be made of our military assistance program to Portugal to determine just how essential this assistance is to NATO and the extent to which our military aid is diverted to Portuguese colonial governments to aid in their fight against the local liberation forces.

5. Our government should set up a Citizens Committee to study and report on U.S. relations with Southern Africa and U.S. support of UN policies in Africa.

These actions can contribute to ending violence and hostility between races. They are steps to achieving human freedom and dignity.

HUMPHREY CALLS FOR INDEPENDENCE WITH MAJORITY RULE FOR RHODESIA

The British Government's Peace Commission has just announced its flat rejection of the proposed formula for an independent Rhodesia. I applaud their decision.

The Commission was formed to study the acceptability, to the people of Rhodesia, of the new formula. Its findings conclusively indicated that the porposal was unacceptable, unacceptable to the Rhodesians, and to the majority of Africans.

How could this proposal be acceptable when it endorsed the inequality between the majority black and the minority white populations in Rhodesia. How could this proposal be acceptable to Africans who are striving to build their countries on a foundation of human rights and liberty. How could this proposal be acceptable to our own government unless it cares little for the principles laid out in our own Bill of Rights and amendments to the Constitution, unless it cares little for the cause of blacks, or colored peoples as much as whites the world over.

I am hopeful that the Pearce Commission's decision will lead to a constructive effort to attain independence with majority rule for Rhodesia. I urge our own government to add its support to the British government and the people of Rhodesia to attain this goal.

Until independence is achieved with majority rule, I support the position of the British government and the United Nations of maintaining economic sanctions. I view the importation of chrome to the United States as a serious violation of these sanctions and of the principle of UN enforcement procedures. It is incumbent upon the Congress and President Nixon to restore all trade sanctions observed by the UN against Rhodesia.

HEALTH CARE

Mr. McGOVERN. Mr. President, the Nation's health care system is in critical condition.

Overall, it costs about $70 billion a year in private payments and public taxes.

But it is not delivering the treatment Americans need, when they need it, where they need it, and at prices they can afford.

And it is falling far behind in recruiting and training the people we must have to preserve the Nation's health in the future.

Recently I visited Harbor General Hospital in Torrance, Calif. It has dedicated young physicians and a capable staff. It is as good a public hospital as there is in this country.

Yet, a women with a sick child must often wait 6 hours for a few minutes of treatment in its clinic.

Accident cases die before they get to the emergency room, because many of the ambulances which bring them here lack survival equipment.

A medical care patient who cannot qualify as an indigent pays $146 a day.

And Federal cutbacks are making it harder and harder for Harbor General to find the funds it needs for research and expansion.

The truth is that Harbor Hospital's patients are as much a victim of the system as they are of accidents and disease.

It is the system of lax regulation that keeps medical costs consistently the fastest-rising component of the price index.

The system of poor supervision that allowed Blue Cross to make a $92 million profit on its Federal employee program last year, while pleading poverty in order to get approval of a 22-percent increase in premiums.

The system that limits the number of young people who can go to medical school, while doctors' offices resemble factories, thousands of communities have no doctors at all, and even the affluent suburbanite finds it impossible to get hold of a doctor on weekends.

And the system of governmental indifference which has cut back the medical program in California, and tried to increase the deductible payments for medicare at the Federal level.

We must break this system before it breaks our health, and before it breaks the people of all income levels who suffer accidents and disease.

The Nixon administration's response leaves almost everything to be desired.

In the past 40 months we have seen a constantly growing patchwork of inadequately conceived, overlapping, and uncoordinated health programs, accompanied by a proliferation of complex—if not incomprehensible—regulations.

We have seen a veto of desperately needed Hill-Burton funds for hospital construction.

We have seen a veto of legislation to train more family physicians; cuts in Federal aid to medical students, and the deletion of over $25 million from the research budgets of the National Institutes of Health.

The Federal Government cannot and should not attempt to solve all health problems by itself. It cannot do the work of State and local governments, doctors, and other health personnel.

But certainly it must take the leadership role in medical care. It is the Federal Government's ultimate responsibility to assure the health and welfare of the American people.

I propose here today some new directions to help fulfill that obligation.

First, we must adopt legislation to insure against the spiral in health bills borne by the individual.

The cost of medical care has been rising at a rate twice as fast as everything else. The daily rate on hospital rooms in major cities is 15 percent higher than it was last year.

Yet, 20 percent of people under 65 have no health insurance at all; nearly half have no coverage for care outside a hospital; 20 percent are not covered for the cost of surgery; and the scope of private health coverage held by most Americans leaves them wholly unprepared for the catastrophic health bills they are receiving now.

The best answer presented thus far is the health security plan which I am cosponsoring with Senator KENNEDY and 23 other Senators. It would help provide more doctors and skilled medical technicians, and it would permit all Americans to receive medical care at costs they can afford.

Second, we should greatly improve the organization and efficiency of the entire health delivery system.

Today's fragmentation of the medical system means that available manpower is often misused, hospitals are often poorly managed, expensive facilities are needlessly duplicated, and costs tend to defy rational controls.

The health security plan includes to deal with this problem. But we should also encourage, support, and guide the private sector to organize itself into "medical care corporations" or "health maintenance organizations." Such agencies would include doctors, hospitals, laboratories, nursing homes, mental health facilities, and other health services under one organizational and financial roof. The prototype HMO, the Kaiser-Permanente health care program throughout the west coast, has been operating successfully for 40 years. Such organizations should be encouraged with start-up money and through the collection and dissemination of needed research and management data.

Third, emergency medical services should be dramatically improved.

People under 38 years of age die more frequently from accidents than from any other cause. Heart disease and strokes are the biggest killers over 40. And thousands of people in both groups could be saved if emergency medical services were upgraded just to meet what is already technically feasible.

Priorities should include the training of ambulance attendants, designing and equipping emergency vehicles, communications systems, and the staffing and organization of hospital emergency rooms.

Fourth, medical services must be delivered to areas of acute shortage, particularly in rural areas and central cities.

Both areas have a major stake in the communications and transportation systems that would be available under regional emergency medical services systems. But they also need more medical personnel. The National Health Service Corps should be expanded, with particular attention to this special inadequacy.

The most promising route is to foster the establishment of rural area and community health centers in areas not presently served, staffed by paramedical personnel and stocked with medical equipment from the 1,500 prepackaged health units now stored by the civil defense program and not used.

Fifth, action is needed to stem the rising costs of drugs.

Whether the bill is paid by the patient or the public, the price of drugs used for both immediate and long-term treatment should be a matter of serious concern. Extension of medicare to include prescription drugs should include a requirement that such drugs be prescribed by their generic name. Further, the patent period for commercially produced drugs should be shortened to 5 years, and patent holders should be obliged to license them to competitors after that period. When this was done in the case of penicillin, the price dropped nearly 100 percent.

THE NORTHEASTERN FOREST FIRE PROTECTION COMPACT

Mr. MUSKIE. Mr. President, 1972 marks the 25th anniversary of an event which resulted in passage of one of the most unique and significant pieces of forest fire protection legislation ever enacted in the history of our country.

The Northeastern Forest Fire Protection Compact, created by an act of Congress, was the first intergovernmental body of its kind and has served as a model of mutual aid for other sections of the country. Its establishment was a direct result of a series of disastrous forest fires which burned throughout New England and the Northeast during the autumn of 1947. In that year, my own State of Maine experienced the most devastating fires in its history in which 220,000 acres of forest and wildland were burned 2,500 people were made homeless, and nine communities were leveled or practically wiped out.

The events of 1947 pointed up the critical importance of interstate and Federal cooperation to deal effectively and promptly with forest fires. As a consequence, the 81st Congress on June 25, 1949 enacted Public Law 129 authorizing the Northeastern Forest Fire Protection Compact. Three years later on May 13, 1952, the 82d Congress enacted Public Law 340 authorizing Canadian participation in the compact.

Several Senators well remember the forest fires of 1947, for they participated in passage of the legislation authorizing the Northeastern Forest Fire Protection Compact. Senator AIKEN, of Vermont, with 12 cosponsors, guided S. 1659 through to enactment at Public Law 81–129. Senator PASTORE, as Governor of Rhode Island, on May 8, 1950, executed the document which made his State a member of the first Interstate Forest Fire Protection Agency.

Mr. President, all of us, especially those who were in any way connected with the establishment of this Compact have a deep interest in its development, progress, and accomplishments. The devastation caused by the 1947 forest fires was most severe in the State of Maine. At that time, Austin H. Wilkins, at present forest commissioner for the State of Maine, was supervisor in charge of forest fire control in the organized towns. He is a member of the Compact Commission and served as chairman in 1969–70. His firsthand knowledge of conditions throughout the State in 1947 and action on the fireline provided excellent qualifications for writing "The Story of the Maine Fire Disaster" published in the Journal of Forestry in August 1948.

This account not only vividly describes the disaster, but sets forth the reasons for establishing an intergovernmental mechanism for preventing the recurrence of the events which took place in the fall of 1947.

Mr. President, I ask unanimous consent that the article entitled "The Story of the Maine Forest Fire Disaster" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STORY OF THE MAINE FOREST FIRE DISASTER

(By Austin H. Wilkins[1])

Never in the history of the state of Maine have a series of forest fires caused such devastation and privation as those which ran rampant in October, and November, 1947. There is nothing from historical records of the state to indicate that a major forest fire disaster ever before occurred in the fall. In the recent fire disaster winter set in before the fire lines were totally extinguished. In some sections, hose lines were frozen into the ground while others were buried under snow to be recovered in the spring.

The loss of property was not wholly confined to the forests. When one measures a loss in terms of human privation and hardship, the destruction of many inhabited dwellings and crossroad neighborhoods in the late season was tremendous.

Approximately 220,000 acres of forest, hay fields, and pastures were burned. This is a little over 1 percent of the total 16,783,000 acres of forest land in the state. Graphically, a straight line 313 miles long and one mile wide, extending from one extreme corner of the state to the other, would be an equivalent to the area burned.

It is estimated that the total property loss was $30,000,000, and fire suppression costs $500,000. This loss in a general classification includes the destruction of many fine homes and cottages and most all of their furnishings; sets of farm buildings, livestock, and farm machinery; boys' and girls' summer camps; antiques that can never be replaced; a famed cancer research laboratory; factories, stores, and businesses; telephone, telegraph, and power lines; trucks, tractors, and automobiles; public buildings; sawmills and lumber yards; millions of fect of mature timber and thousands of cords of cut and uncut fuelwood and pulpwood, and even the soil was so severely burned that nature will require many years to rebuild. In the tragic wake of this destruction 16 persons lost their lives, 2,500 were made homeless, 9 communities were leveled or practically wiped out, and 4 other communities suffered extensive damage.

One serious false impression must be corrected here before actual accounts of the fire are related. In spite of heavy property losses and extensive areas swept over, the whole state of Maine did not burn up nor did a major portion of it. It is unfortunate that leading newspapers outside of New England and national radio broadcasts, carried the exaggerated information that "The State of Maine was aflame." The psychological damage done by this false impression can result in a most serious effect upon the state. As an illustration, the publisher of a weekly newspaper received a letter of condolence from his newsprint supplier regretting to learn that he had been "burned out" (which he wasn't) and advising that his November and December paper supply would be allocated elsewhere. A quick long distance telephone call soon straightened out the situation. There are many other similar cases. It is going to take much true publicity to get the facts across to the people of the country to prevent Maine being "written off" by tourists, vacationers, sportsmen, businessmen, and others.

The writer in describing the scenes, events, and conditions prior and during the disaster cannot be too detailed because of the many aspects of the whole situation. One must realize that there was not just one major forest fire but a series of widely scattered fires. Any oversight in mentioning persons companies, agencies, or occurrences is not deliberate. There just isn't time to include all in this paper.

The contributing factors should first be considered. They were the character of the season, ground conditions, and fire hazards following lumbering operations building up to and extending through the disaster period.

The snowfall of 1946–47 was normal. But in early March, an abnormal warm spell set in which caused the snow to quickly melt and disappear from the woods along the entire coast line and for several townships inland. Temperatures in the high eighties broke long-standing weather records. There was also very little frost in the ground. Thus, there was the unusual condition of fields and woods clear of snow at about the same time. To those engaged in fire control this was an ominous sign.

However, for the months which followed to the middle of July, the season was wet and cold. The average precipitation for April, May, and June was over 5 inches. In one section of the state there were five continuous days of rain from April 30 to May 5. Heavy rains also fell in May and June. There were many days of overcast skies and slight drizzles.

In the middle of July, a complete reversal of weather conditions started and remained unchanged for the next four months. This marked the beginning of a prolonged drought which accumulated to 108 days before any appreciable rains fell on November 8. There were several periods of 25 to 35 continuous days without any trace of precipitation whatsoever.

Continued days of warm, drying, gentle winds from the southwest and northwest quarters began to have a marked effect upon the soil moisture, wells, lakes, streams, ponds, and vegetation. By the first of October, with no break in the drought, several danger signs became very real and threatening. The water level of wells and lakes receded to unprecedented low marks, small streams dried up leaving here and there little stagnant pools. Bogs and marshes could be crossed without any sign of wetness, and the forest floor was practically without moisture.

The hardwood foliage began to show the effects of the drought. Lack of moisture caused the leaves to dry while still on the trees. Many fell prematurely and when crushed in the hand were pulverized. During the fire, hardwood trees flamed up just like a conifer. In stands of hardwood growth, fires actually crowned. Sometimes leaves would fall like snowflakes in a storm and quickly ignite on the hot ground and jump across trenched firelines. There were several early killing frosts but little coloration as in other falls. The nights were hot and very little dew formed.

Conditions were so dry that the soil would not hold together. Very few farmers did fall plowing because of the difficulty of laying over furrows. When crews were constructing fire lines the soil would spill off the workmen's shovels like loose sand. Bulldozers working around fields and woods raised no-

[1] Maine Forest Service, Augusta, Maine. Senior member, S.A.F.

thing but clouds of dust. Often in establishing a fire line a second run was made to lay up sufficient mounds of earth for a fire stop or for the crews to work with.

Wood in buildings became dry. The moisture in shingles, clapboards, foundation timbers, and wooden steps was greatly reduced by the evaporating rays of the sun.

Added to these physical dry signs were the reports from fire danger stations of a class 4 fire danger day continuing for periods of 15 to 20 consecutive days. There were several reports of a class 5 danger day.

Within the last 10 years four very distinct factors contributed toward the accumulation of this serious forest fire hazard. First, the slash hazard of the hurricane of 1938 had not been entirely eliminated; second, the severe snowstorm of 1945 caused heavy tree bending, branch and top breakage; third, the accelerated cutting operations during the war to supply wood so essential for the national emergency; and fourth, the continuing lumber operations to meet a vast program of post-war reconstruction.

At this point a brief word should be said about the state-town fire protection set-up in order to better understand what happened when the fires raged. The State Forestry Department is a cooperating agency only with the organized towns in forest fire control. Under the existing statutes the municipalities are responsible for their own fires. The state does not have any authority but cooperates by providing services of trained wardens, tools, and equipment, at no cost to the towns. The state further helps by paying one-half of the suppression costs on forest fires up to 1 percent of the town's valuation. It also maintains lookout towers, storehouses, and trucks. The only authority the state can exercise is what the selectmen of towns wish to give. They can and often do deputize the state wardens.

Normally, the state closes the lookout towers, storehouses, and lays off some of the wardens by the first of October. Charged with functioning within a limited budget, and expecting fall rains, the state did close out some districts. As fires began to occur the second week of October, everything was reopened at full strength, although it was pitifully inadequate to handle the situation which was to arise a week later.

Thus, the week of October 20 found the state, as a whole, powder dry and with about 50 small fires going. All were considered under control. By Governor's Proclamation, a ban was already in effect closing the entire woods of the state to smoking or building of any fires. This was made effective at sunrise, October 17, and continued in force until November 12, making one of the longest periods of woods' closure on record.

On October 21, strong winds blew all day and several fires broke out of patrol lines and then began the race of terror, climaxed by the all-day wind gale on the twenty-third. What happened that day and subsequent days is still a nightmare.

The major fire disaster in southern Maine will be referred to as the York County fire because 15 towns were involved. The situation, prior to the big wind of October 23, was this: This county had been cut heavily for pine lumber for the last 10 years leaving behind a tremendous volume of slash which was powder dry. A fire had burned for several days at North Kennebunkport but was more or less being held in check. Another fire was going on the Shapleigh Plains, an area of scrub oak and pitch pine, which had covered about 1,000 acres. Line patrols had been lessened but not stopped. Still another fire was going in the town of Wakefield, N.H., just over the Maine line. These fires were located at widely separated points. When the day of the big wind of October 23 came these three fires were whipped into a fury never experienced by natives or fire fighters in that section. The Wakefield fire jumped across the state line into Maine and raced until it met the Shapleigh fire a distance of 8 miles. In the meantime the Shapleigh fire was racing through towns southward and ending at a point 19 miles from its point of origin. The North Kennebunkport fire, fanned by the wind, carried a solid wall of fire clear to the Atlantic Ocean wiping out valuable popular summer beach sections.

After the smoke had cleared away it was found that the Wakefield and Shapleigh fires which had joined did not catch up with the North Kennebunkport fire. Thus, there were two separate major areas burned. The total acreage covered was 131,000 acres with an estimated perimeter of 150 miles of fire lines. It is anticipated that 100,000,000 board feet of timber can be salvaged. Sawmill operators are now busily engaged in this work with millions of board feet cut as logs or already turned into lumber.

It was an awesome sight to see the solid walls of roaring fire sweeping over mountains and across level areas, consuming everything in their path. The smoke hung so thick and heavy for days over the area that it was difficult to determine at times just how near or far away the fires were. The sun did not penetrate through the thick pall of smoke for over ten days. Men using trucks, cars, and bulldozers had to use their headlights as much in the daytime as at night.

The state forest fire watchman on Ossipee Lookout had to abandon his tower together with a state police radio technician. Fortunately, the fire had slowed down at night and just crept over the mountain causing negligible damage to the tower.

The sound of the onrushing fires on fronts of several miles is described as a continuous roar.

The blackout conditions because of several communication and power lines added to the problem of fire suppression and evacuation. Stories of heroism are heard everywhere; fire fighters making last ditch stands; families just escaping before their homes became enveloped with flames; and efforts to rush help where needed.

In the actual fighting of the fires, there was an abundance of manpower and equipment. However, there was no organization to handle fires at disaster level. When the fire, got beyond town size there was no centralized control to coordinate the various protective agencies. It was not until two days later that organizational set-up began to function at state level and and orders were handed down through properly authorized channels.

Appreciating that water was scarce, virtually whole fleets of big and small tank trucks were moving bumper to bumper to areas where they could be emptied onto burning buildings, fire in the woods, or wetting down protection strips. One cannot mention here all the names of those who provided heavy equipment except to state that offers to assist came from most everywhere. Grateful acknowledgment is made to all of them.

The intensity of the fire is of special interest. Fanned by gale velocity winds, fires crowned through stands of pine and yet did not drop down to develop a surface fire. In other instances, the crown fire traveled hundreds of feet ahead of the surface fire. In still other places, the fire was blown so hard that only an inch depth of the humus was burned. It is mystifying to see places where the fire virtually blew itself out. Charred leaves and twigs rained down on some sections to actually blacken the ground but contained no live fire brands.

A half-mile out to sea a heavily wooded island burned like a flaming torch.

The burning of the settlement of Newfield was tragic. It is hardly conceivable that a whole settlement could be so completely consumed. In the Goose Rocks, Cape Porpoise districts in Kennebunkport, over 200 dwelling places, most of them summer cottages, were destroyed. The State Forestry Department lost its valuable storehouse at Alfred. Practically all of the equipment was out on the fires. Insurance coverage will permit rebuilding sometime this spring.

The Fryeburg-Brownfield fire is another story of flame and smoke roaring madly over mountains and sweeping across valleys. This fire, like the others, broke out of bounds by the wind of October 23. On that day it travelled a distance of 13 miles. Jump fires were carried great distances ahead of the main fire, making it difficult for fire fighters to make a determined stand. The technique of back firing was used to good advantage in some instances. Miles of back fires were started from bulldozed fire lines and widened, old dirt roads. It is said that this was a battle of the bulldozers. In the anxiety of many to save buildings and woods this method of fire suppression did not always save the situation. The oncoming head fire was too unpredictable and much effort was wasted.

Conditions were equally dry in this area with numerous cutovers to feed the fire. The loss of the two communities of Brownfield and East Brownfield was indeed tragic. Roads were crowded with people, livestock, cars, teams, and wheelbarrows fleeing before the fire. One could drive for miles and see where telephone poles were completely consumed, while in other places just the tops of poles and the crossarms would be dangling in midair.

The dry stubble of cut hay fields burned like spring grass fires, often igniting house and barn foundation timbers. Pilots engaged to assist in the control work could see little due to the dense rolling clouds of black smoke.

The watchman on a nearby lookout had to abandon the tower for two days because of the choking smoke and haze conditions. Typical "yellow days" hung over the area for nearly a week.

Rough estimates place a figure at 20,000,000 board feet of timber to be salvaged. Operations are already in progress.

It is believed that approximately 20,000 acres burned over.

The Bar Harbor fire followed a pattern similar to the others. A small fire was being held in check until October 23. Then the wind came. An all-day blow from the northwest quarter fanned the fire out of bounds and caused tremendous damage to many beautiful palatial residences and surrounding forest growth. Because of the rugged terrain, characteristic of Bar Harbor and Mt. Desert, the problem of fire fighting was most difficult. The dense growth of spruce and other softwoods was sufficient for the fire to travel hard and fast, fanning out into many fingers. As the fire swept over mountains and valleys at will toward the compact section of Bar Harbor there was enacted one of the most dramatic scenes of the disaster. With the causeway road leading to the mainland blocked by flames, a second Dunkerque took place with fleeing residents rescued by Coast Guard patrol boats, the Navy, and many private boats. Inasmuch as the Acadia National Park (federal land) was considerably involved, some form of martial law was in force. Federal soldiers from the Dow Airfield gave valuable assistance to augment the local organizations. Through long lines of hose, water was pumped by boats from the Coast Guard and the Navy.

Here too, as in the other burns, some timber salvage program is to be worked out. Estimates place 17,500 acres burned over.

The last major fire to be mentioned occurred in Washington County and known as the Centerville-Jonesboro fire. This fire originated in a pulpwood operation. Again the strong wind of October 23 fanned this fire out of control and burned 20,000 acres. Much fine cut and uncut pulpwood was destroyed. Lack of water necessitated long hauls by trucks and tractors, and laying of long lines of hose. Many miles of hose were laid out. It was on this fire that winter set in before all the equipment had been picked up. Heavy bulldozers laid back and buried miles of live fire which continued to smoke late into December.

A brief word should be *written* here as to the organizational set-up. It is frankly admitted that there was no fire action plan to meet such a disaster. As previously stated, the small municipalities have always handled their own fires. When the fires began to get beyond town lines and whole communities engulfed or threatened, then the job was turned over to the State Forestry Department. The Governor, on the evening of October 23, declared a state of emergency and broadcast to the people of the state that all should turn to and give whatever help at their command to the Forestry Department. The response to this appeal was magnificent. The department was immediately placed on a 24-hour schedule for the duration of the emergency.

It was not until two days later that things began to smooth out and organizations function under a single head. The agencies of the Red Cross, National Guard, State Police, State Fish and Game Department, State Highway Commission, Army, Navy, F.W.A., American Legion, Civil Air Patrol, Boy Scouts, U.S. Forest Service, municipalities, colleges, industries, and many others all contributed toward the tremendous task of patrolling fires and rehabilitation. Even dry ice was dropped by planes in an effort to make it rain.

Over 150 separate fires were going or being patrolled at one time or another during the week of October 20. It was natural that the state as a whole should revert to a set-up reminiscent of the days of the O.C.D. (Organization for Civil Defense). Towns not affected by fires began to mobilize manpower and equipment. Rumors of sabotage caused towns to maintain 24-hour road patrols, form vigilante groups, establish road blocks and watches from every vantage point. The state issued special car stickers for entrance to and from fire areas. Lookout towers were manned around the clock on a 24-hour schedule for over two weeks. Even the coastal lighthouses cooperated in this detection work.

The public was so thoroughly aroused to the fire danger that any new fires could almost be "ringed" by crews of men. In one instance over 200 men with every conceivable fire tool and equipment converged on a small 10-acre fire. It would have had to go between the legs of men to escape. Even a septic tank was mounted on a truck and used to haul water.

This vigilance continued until the crisis was over. Welcome rains came on November 9 and brought to end one of the worst periods of forest fire devastation known in Maine. It is significant to state that man and the facilities at his disposal did in a large measure bring under control most of the major fires before the rains came. In retrospect it should be noted that not a single life was lost of the thousands engaged in actual fire fighting. The reported 16 deaths were due to indirect causes.

It is especially noteworthy to state that in the Maine Forestry District, where over 10,000,000 acres of vast wild timberlands are located, there were no major fires such as those going in the organized towns. This was probably due to better organization and preparation.

In summary, what was the most valuable lesson learned from the disaster? It can be summed up as a need for centralized control, premised on law—a single authority to handle such situations at the various levels of organization, and mandatory training of state and town wardens.

A master state fire plan must be drawn up calling for legislative action combined with appropriation of sufficient funds. It should contain the combined thoughts and ideas of all cooperating agencies and be an expression of what the people of Maine want and are willing to pay to get forest fire protection.

SOME SIDELIGHTS OF THE DISASTER

The State Forestry Department sent the following telegram to the D. B. Smith Company, Utica, New York. "Rush immediately 200 Indians." The astonished Western Union operator asked if we really meant 200 live Indians. The young lady was quickly advised.

A family moved all of their furnishings and valuables to another house some distance from the path of the fire only to learn that the house was burned and their own saved.

Army transport planes flying from Newfoundland to Westover Field, Mass., reported 30-mile tail smoke out to sea from the Bar Harbor fire.

Several stories are told of sophomore college students who took charge of some of the fire control work and did a credible job. It was learned later the men were majors in the army during the war.

It is told that a farmer saved his home by using a hard cider barrel and contents as an extinguisher which had been preciously stored in the cellar for enjoyment for the coming long winter nights.

Eye witnesses speak of live embers being blown by the wind onto sides of old houses and barns and held there until the clapboards ignited.

A local mutual insurance company had just reinsured itself shortly before the disaster and was able to pay its burned-out policy holders.

A most peculiar story, verified by several, is told of a patrolman observing several small fires all in straight line of each other leading away from the fire line. Five little fires were found and were traced to a dried up mud hole where a raccoon lay dead and almost completely singed.

A freak is reported of the branches of a pine resting on the roof of a shingled barn. During the fire the branches were burned but the barn did not ignite.

A colony of beavers hindered the suppression work by repeatedly rebuilding their dam which had been dynamited to let the water through.

Another colony of beavers is credited with first beginning timber salvage operations. Hardly had the fire passed near their winter houses when they began cutting the burned trees leaving high stumps to get away from the charred wood.

Mr. MUSKIE. Mr. President, the Maine forest fire disaster of 1947 brought a realization that no single State could afford to employ and equip a forest fire-fighting organization adequate to cope with such a catastrophe. Gov. Frederick G. Payne of Maine and the citizens of Maine and other State sought better forest fire protection. The first step was a conference of the New England Governors at the Massachusetts State House in November 1947. This led to several subsequent conferences attended by officials of interested agencies.

In the discussions and studies that accompanied this effort, several objectives and several difficulties became apparent. The primary objective was to assure the possibility that a State facing a threat of serious forest fires could be aided by the forest firefighting personnel of a neighboring State. The difficulty was the question of the powers, immunities, rights, and liabilities of the forces of the aiding States.

In essence, this was the heart of the problem, but there were other suggestions that would strengthen such a pattern of cooperation. It was suggested that some permanent agency be set up which, through its membership and its power of reporting and recommending, would by its very existence serve to integrate the forest fire protection services of the States of the region into a cohesive and organized pattern. In addition, it was suggested that a regional forest fire plan ought to be developed, while at the same time each State would be obligated to maintain a forest fire plan of its own. Another interesting problem was the situation along the international boundary with Canada. Some of the States that fronted on that boundary were anxious, if possible, to have any plan for cooperative aid include the adjacent Canadian Provinces.

With the necessity for securing a legally binding agreement among the States and a permanent basis for a joint interstate agency it was decided that an interstate compact was necessary.

For this purpose a conference of the State Foresters of New England and New York was organized and met several times during 1948 and 1949 under the auspices of the Massachusetts Commission on Interstate Cooperation and the Council of State Governments. The Draft of a compact was formulated to encompass these several objectives.

The Council of State Governments played a major part in the details of drafting the compact legislation which was introduced by it in the Congress and through the several State joint legislative committees on interstate cooperation in the State legislatures.

The enactment of Public Law 129, 81st Congress, approved June 25, 1949, authorized the establishment of an interstate forest fire protection compact in the Northeast. Within 4 months, six of seven specified member States had become party to a northeastern interstate forest fire protection compact. Rhode Island, whose legislature was not in session the previous year, became the seventh State by joining in 1950.

The citations and dates on which the compact was executed by the Governors are as follows:

Connecticut, Public Act 236 of 1949; September 30, 1949 (Chester Bowles, Governor).

Maine, Chapter 75 of 1949; August 23, 1949 (Frederick G. Payne, Governor).

Massachusetts, Chapter 457 of 1949; August 23, 1949 (Paul R. Dever, Governor).

New Hampshire, Chapter 302 of 1949; September 1, 1949 (Sherman Adams, Governor).

New York, Chapter 744 of 1949; October 18, 1949 (Thomas E. Dewey, Governor).

Rhode Island, Chapter 2430 of 1950; May 18, 1950 (John O. Pastore, Governor).

Vermont, Public Act 271 of 1949; September 14, 1949 (Ernest Gibson, Governor).

ORGANIZATION OF THE COMMISSION

By January 1, 1950, legislative requirements had been met and the commission met to organize on January 19 of that year, electing Perry Merrill, of Vermont, as chairman; Arthur S. Hopkins, of New York, as vice chairman; and appointing committees on rules and regulations and organization. After a general discussion

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on the compact setup, adjournment was had to March 10, 1950.

At that meeting the rules and regulations prepared by Mr. Fred Zimmerman of the Council of State Governments were approved, a budget for expenses to July 1, 1950, prepared, and R. M. Evans appointed executive secretary. The meeting also fixed the date of the first annual meeting for July 17, 1950. Mr. Evans began work May 4, 1950, from office space furnished by the White Mountain National Forest at Laconia, N.H. The commission was now in business a short 9 months after congressional approval of the compact.

The first annual meeting in Boston was an important one. From its deliberations came the pattern which was to guide the commission in its pioneer interstate fire protection work. A budget for the year July 1, 1950, to June 30, 1951, in the amount of $7,500 was approved and assessments made on the several States in proportion to the Clarke-McNary estimates for "basic protection." This method is still in use.

A technical committee composed of the State foresters was established to supervise a coordinated training program and to formulate procedures in all technical fire control problems. Uniform closure laws, regional and State fire plans were also discussed and the officers and secretary reelected for the ensuing fiscal year.

CANADIAN PARTICIPATION

Representatives of the Provinces of New Brunswick and Quebec attended the first annual meeting of the compact in Boston.

On May 2, 1951, the Province of New Brunswick adopted an Order-in-Council giving authority to the Minister of Lands and Mines to negotiate and enter into an agreement for participation in the Northeastern Interstate Forest Fire Protection Compact subject to the approval of the Department of External Affairs of the Dominion Government at Ottawa. Representatives of the Department of External Affairs approached officers of the commission as well as the eastern office of the Council of State Governments for full details concerning the compact.

It was now in order to secure the additional consent of Congress as called for in Public Law 129 with reference to participation in the compact by Canadian Provinces. A draft bill to accomplish this purpose was prepared, containing the simple implementing language required by both the compact and Public Law 129. In addition, it contained provisions designed to cover any questions that might arise under the immigration laws or under the tax laws dealing with exports and imports. Public Law 340, 82d Congress, approved May 13, 1952 filled this need.

Although the Province of New Brunswick seriously considered becoming a member of the compact in the early 1950's, it was Quebec which was the first Canadian Province to become a member of the Northeastern Forest Fire Protection Compact on September 23, 1969.

The April 1970 issue of American Forests carried an article entitled "The Quebec Joinder" which describes the ceremony at which Quebec joined the compact. The author Alfred E. Eckes is a 38-year veteran employee of the U.S. Forest Service who has spent much of his career in the northeast where he acquired a wealth of information about the Northeastern Forest Fire Protection Compact. For the past decade, he has been assigned to the cooperative forest fire control program in the northeast and has provided liaison to the compact organization.

Mr. President, I ask unanimous consent that the article entitled "The Quebec Joinder" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE QUEBEC JOINDER

(By A. E. Eckes)

September 23, 1969, was an historic day in the annals of forest fire prevention and control in North America. In joining the Northeastern Interstate Forest Fire Protection Compact, the Province of Quebec pledged that it is now a full-fledged partner in the task of providing forest fire protection to forests situated along the 500 miles of common border shared with the states of Maine, New Hampshire, Vermont and New York. The agreement is called the Quebec Joinder.

The solemnity of the occasion was marked. Dignitaries from both countries who gathered at Quebec's Legislative Council Chamber knew this was an important "first" that brought two neighboring countries into a full partnership. Prime Minister of Quebec, the Honorable Jean-Jacques Bertrand, was there. So was the Minister of Lands and Forests, the Honorable Claude G. Gosselin. Representing the Northeastern Forest Fire Protection Commission was Chairman Austin H. Wilkins, Forest Commissioner of the Maine Forest Service, and Governor Kenneth M. Curtiss, of Maine.

Many of those present had long memories of past killing fires, some of mutual concern to both countries. Beginning with Peshtigo Fire of 1871 in Wisconsin and continuing through the Sundance Fire of 1967 in Idaho, there is a long list of fire spectaculars including numerous death-dealing disasters. October 1947, loomed even more importantly in the minds of the new partners. Throughout the northeastern states and eastern Canada, the days had been hot, dry and dark. A summer drought became a nightmare. In Maine, three major fires—Alfred, Brownfield and Bar Harbor—burned more than 250,000 acres. Numerous lesser fires burned in the New England States, New York and Canada.

Property losses ran high. Homes were burned, numerous small industries and businesses wiped out, family possessions lost, and villages and schools destroyed.

In the wake of the fires, there was a new realization in both countries that no single state could afford to employ and equip a forest fire organization adequate to cope with a holocaust as had been experienced.

A Governors' conference, followed by subsequent studies by representatives of interested agencies, led to a decision to employ the Interstate Compact device to provide the suppression forces and facilities which would be required should another catastrophic fire situation occur. The 81st Congress enacted Public Law 129 granting consent and approval of Congress to an interstate forest fire protection compact: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the consent and approval of Congress is hereby given to an interstate forest fire protection compact, as hereinafter set out; but before any province of the Dominion of Canada shall be made party to such compact, the further consent of Congress shall be first obtained."

In 1952, the 82nd Congress enacted legislation which gave consent and approval for joinder of the Canadian Provinces.

These Acts made it possible to establish the first interstate compact for prevention and control of forest fires. The six New England States and New York, along with any State or Canadian Province contiguous to a member State, were specified in the law as eligible for membership. Six states enacted necessary legislation in 1949 and the Northeastern Forest Fire Protection Compact became effective. The legislature of Rhode Island met in 1950 and approved a measure that enabled compact membership.

For 20 years, 1949–1969, membership in the Northeastern Forest Fire Protection Compact remained at seven States, though the latch string was out. The Canadian Provinces of Quebec and New Brunswick indicated interest in membership but encountered obstacles which prohibited an early joinder. Throughout the years, representatives of the forest agencies of these provinces worked to remove the obstacles. Persistence paid off and by mid-1969 it was clear the Province of Quebec would soon be ready for joinder. September 23, 1969 was the day selected for Quebec to become a full partner.

Invitations were sent out to selected forest fire control people in the United States and Canada to participate at the ceremony. During the ceremony Minister of Lands and Forests Gosselin stated "This agreement will make it possible for Quebec to provide fire protection to the forests situated along the five hundred miles of common border that we share with the States of Maine, New Hampshire, Vermont and New York and this in a manner that will be altogether more efficient and economical.

"We have had in the past a profitable experience in dealing with this commission particularly in the field of personnel training but we felt that we should join this group in order to establish a more systematic approach in our efforts. The agreement will permit the establishment of integrated programs for the conservation of a resource that spreads on both sides of the border and that is equally important to our countries. The compact bears on all aspects of the prevention and suppression of forest fires and includes the conditions under which mutual assistance will be granted.

"It must be remembered that fire knows no border and that therefore coordination of efforts is vitally important. Furthermore modern techniques of fire control rely on extensive use of aircrafts as well as other heavy equipment and therefore it is necessary to spread the utilization of that costly material over the largest possible area in order to keep operating costs within reasonable limits. This is why the agreement which is signed today opens a new era in the protection of our south shore forests and we deem that we are fortunate to be able to profit from over 20 years of experience in fire control."

Speaking for the Governors of the seven member States, Governor Curtiss, of Maine, replied:

"A great American poet, Robert Frost, once wrote that 'Good fences make good neighbors.' It was the sort of remark that a New Englander might be expected to make for it tells us in a brief, pointed way that while we respect one another, we recognize each other's right to independent thoughts and action. Today's compact signing ceremony is but another example of this. In reality, of course, we have been able to call for help and receive it when fighting fires in our vast woodlands for some time.

"Just two years ago a disastrous blaze was sweeping across our northern region and it was the airborne firefighters from Quebec who rushed to our aid and helped drown the fire.

"During many emergencies along our border there have been men from Canadian cities and towns who have hurried to our aid, and when the need has arisen, we have reciprocated.

"The idea of a compact to formalize this Gentlemen's Agreement between nations and states is but a reaffirmation of this agreement."

Then the agreement was signed by the Minister of Lands and Forests Gosselin, representing the Province of Quebec, and Commissioner Wilkins. The Province of Quebec was now a member of the first forest protection compact, and the compact had become an international fire control agency.

Mr. MUSKIE. Within a year, following "The Quebec Joinder," the Province of New Brunswick became a member of the Northeastern Forest Fire Protection Compact. A news item released at Fredericton, New Brunswick, on June 9, 1970, describes the ceremony at which this Province became a member of the compact.

Mr. President, I ask unanimous consent that the news article entitled "New Brunswick Joins Fire Compact" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW BRUNSWICK JOINS FIRE COMPACT

FREDERICTON.—The province of New Brunswick today (June 8, 1970) joined the Northeastern Forest Fire Protection Commission, an agency which includes the New England States, the State of New York and the Province of Quebec.

The agreement calls for mutual aid in fighting forest fires and integration of regional fire plans and training programs.

Premier Louis J. Robichaud and Natural Resources Minister W. R. Duffie signed the Northeastern Forest Fire Protection Compact" on behalf of New Brunswick.

Signing for the Commission was its Chairman, Austin H. Wilkins, Forest Commissioner for the State of Maine. Governor Kenneth M. Curtis of Maine also signed in his capacity as representative of the New England Governor's Conference.

The mutual aid provisions of the Agreement cover 5.4 million acres of New Brunswick forests, and includes all of Charlotte, Carleton, Victoria and Madawaska counties and parts of Saint John, Kings, Queens, Sunbury and York Counties.

The Northeastern Forest Fire Protection Commission was formed following the disastrous fires in New England in 1947 to provide for mutual assistance in meeting extreme forest fire emergencies.

New Brunswick Forest Service personnel have taken part in the Commission's training programs in the past and the agreement signed today will formalize such participation.

Speaking at a luncheon following the signing, the Premier welcomed Gov. Curtis and officers of the Commission to the Province and expressed his pleasure that New Brunswick had joined with its neighbors in a cooperative approach to the problems of forest protection.

The Premier referred to the agreement as further evidence of the friendly co-operation that has always existed between the two countries, especially in the Atlantic area.

"For many years the province has benefited through the attendance of our fire protection personnel at the kind invitation of members of the Compact. With the signing of this formal agreement we are now in a position to take an official part in assisting the activities of the Commission. I am sure that such direct participation on our part will be mutually advantageous to all concerned," said the Premier.

THE COMPACT IN ACTION—MUTUAL AID

Mr. MUSKIE. Mutual aid provisions of the compact were invoked for the first time in August of 1952 when extremely dry conditions and stubborn fires were affecting Maine, New Hampshire, Massachusetts, and Rhode Island. Arrangements were made through the Secretary and when calls for assistance resulted Vermont provided New Hampshire with pump operators and standby service. Maine received pumps and hose from New York in less than 5 hours from time of request.

In October of 1963 extreme conditions in New York resulted in requests for hand tools, pumps, and hose. These requests were honored by Rhode Island, Connecticut, and Maine. Maine also had standby manpower ready to go.

Later that month Massachusetts reached a "state of emergency" and requested assistance through the Secretary. Standby men and equipment were made available from Maine, Rhode Island, and the U.S. Forest Service.

Massachusetts had problems again the next year and in May of 1964 utilized manpower and tank trucks from Connecticut and Rhode Island.

In August of 1965 a large, uncontrolled fire in Maine resulted in five member States providing aid. Pumps and hose were furnished by Massachusetts, New York, Connecticut, New Hampshire, and Rhode Island.

Although over 12,000 acres of forest land had been burned over, compact aid had helped prevent a recurrence of the disastrous fires 18 years before under similar conditions.

The latest call for compact assistance came through the U.S. Forest Service in Washington for possible assistance to the Province of Ontario. Fifty thousand feet of hose and 23 portable pumps were made available for transport by military aircraft. Fortunately the situation cooled and dispatch was not necessary.

TRAINING

On November 14–16, 1950, the fire control officers of the region met at Laconia, N.H. This was an important meeting because out of it came agreements and recommendations which determined the direction and kind of the training programs of the commission. The basic purpose of such a program was determined to be as follows:

To enable the compact "on short notice to assemble from its several States fire control personnel capable of functioning as a well-coordinated, smoothly operating team to take on the handling of a large forest fire," it was recognized that the same principles of organization would apply to fires of any size in varying degrees. It was also emphasized that instate training based on the commission's standards was a must if uniformity was to be secured.

Two months later the commission held its first training session in Laconia, N.H., on January 29 to February 1, 1951. The subject was "Fire Control Organization and Its Operation." In August of the same year the technical committee approved the proposed scheme of interstate training and urged its continuation.

A second training meeting on organization was held October 2–5, 1951, at Norfolk, Conn. This was a simulated exercise or dry run. This exercise, participated in by fire personnel from all seven compact States, clearly demonstrated the need for the proposed type of training.

Following this dry run, the technical committee on November 13–14, 1951, formally adopted a detailed training policy under which all subsequent training sessions have been conducted.

The program originated with the need for uniformly trained personnel who could move from State to State as needed, and be fitted into the firefighting organization of a sister State without further instruction as to how the firefighting job was to be done. The training program is conducted by the commission in cooperation with the U.S. Forest Service, State forestry departments, State university forestry departments, and private organizations.

In brief, the purpose of the program is to train persons who, in turn, are expected to train others in their home States. The aim is to teach such persons how to cooperate in controlling large or "campaign" fires.

Since the inception of the compact training program in 1951, 23 training sessions have been held, providing more than 650 hours of instruction in the various facets of forest fire control. Subjects covered include, compact fire control and organization, campaign fires, fire suppression fundamentals, weather forecasting, management of men and equipment, presuppression planning for critical high hazard areas, interpretation of fire records and data, fundamentals of ignition and combustion, fire prevention, law enforcement, instructor's training, air operational procedures, weather and fire behavior, mechanized forest fire control, fire planning, organization for large fires and other related subjects.

Some State forest fire control personnel have attended nearly all of the training sessions, and hundreds of individuals have attended one or more training sessions. Attendance has not been limited to member States, but forest fire control people from outside the area have been invited to attend either as trainees or program specialists.

An analysis of the forest fire record of the seven States joining the compact shortly after the fire catastrophe of 1947 shows that these training sessions have paid good dividends, as there has been a substantial increase in efficiency in controlling fires. Unfortunately the prevention of man-caused fires has not had similar success. Forest fire prevention is made difficult by an expanding and mobile population and increased hazards.

FOREST FIRE STATISTICS

NORTHEASTERN FOREST FIRE PROTECTION COMPACT (MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, NEW YORK, CONNECTICUT, AND RHODE ISLAND)

5-year period	Number of fires in 5 years	Average per year	Acres burned in 5 years	Burned area acres per year	Average size (acres)
1945-49	29,243	5,848	488,826	97,765	16.2
1950-54	30,623	6,124	250,962	50,192	8.5
1955-59	34,632	6,926	196,640	39,328	5.2
1960-64	51,989	10,398	158,191	31,638	3.2
1965-69	56,616	11,323	131,377	26,275	2.1

The Northeastern Forest Fire Protection Compact is effectively accomplishing the purposes intended by the Congress. It is indeed a pleasure, Mr. President, to review a program which, over the course of 25 years, has filled an important need and has served as a model for similar efforts in other parts of the Nation.

ADMINISTRATION WITHHOLDING MORE THAN $400 MILLION IN FISCAL YEAR 1972 FOOD STAMP FUNDS

Mr. HUMPHREY. Mr. President, on May 26, 1972, I called public attention to the fact that the administration is planning to return more than $400 million to the Treasury in unspent food stamp funds appropriated by Congress for the program for fiscal year 1972. On May 31, 1972, I wrote Senator HERMAN E. TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, asking that the committee, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated by Congress for the food stamp program in fiscal year 1972 has not been spent. Yesterday, Senator TALMADGE responded to my request by indicating that he has asked Secretary of Agriculture Butz to comment on my charges and to explain what actions have been taken by the Department this past year to improve and expand the program in accordance with congressional directives to do so.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator TALMADGE requesting this investigation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

May 31, 1972.

HON. HERMAN E. TALMADGE,
Chairman, Committeee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I was very disappointed to learn last week that the U.S. Department of Agriculture will likely return to the Treasury at the end of next month over $400 million in unspent funds. Congress appropriated $2.285 billion in Fiscal Year 1972 to operate the food stamp program, but it now appears that spending by the Administration will not exceed $1.860 billion, or about $425 million less than provided.

USDA in presenting its budget proposals to Congress in January for the 1973 Fiscal Year revealed it would turn back $198 million in food stamp funds in the 1972 Fiscal Year to the Treasury. These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion. Against this amount, the Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal Year 1971 of $89 million, or a total of about $2.285 billion to finance food stamps in Fiscal Year 1972.

While USDA program officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget, they have acknowledged the actual level will be at least $400 million.

In view of those revelations, I wish to request that the Senate Committee on Agriculture and Forestry, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated for the food stamp program has not been spent, and why the Administration has not taken action to improve and expand the program in accordance with Congressional direction to do so.

The Administration last week acknowledged that unemployment would remain high through the rest of 1972. If the Administration is aware that millions of Americans are going to continue to suffer from low income, then the least it could do is show some compassion and use the resources Congress has provided to help minimize the impact of such conditions.

Your favorable consideration of this request is very much appreciated.

Sincerely.

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, this action by the Nixon administration is further evidence of its consciously contributing to hunger and malnutrition and openly ignoring the efforts of Congress to help underfed Americans by deliberately withholding a substantial amount of the funds which Congress has appropriated for this purpose.

This action by the administration also has to make you wonder about its basic credibility. In early May, the President announced that he was going to ask Congress for additional $45 million to expand the school breakfast and summer child feeding programs. Now we learn that he is simultaneously planning to turn back almost 10 times that amount in needed food stamp funds to the Treasury:

It is clear to me that food stamp bonus amounts could have been increased this past year and that action could have been taken to reach the 12 million or more people who now do not participate in the program. Furthermore, in view of the Administration's acknowledgement that unemployment is expected to remain high through the rest of 1972, this action by the Administration is nothing short of a callous disregard of the low income problems that millions of Americans will be faced with during this period. The least the Administration could do in view of this situation is show some compassion for these people and use the resources Congress has provided to help them minimize the adverse impact of such conditions.

Congress appropriated $2.285 billion in fiscal 1972 to operate the food stamp program, but it now appears that the administration will not use more than $1.860 billion, or about $425 million less than that provided by Congress.

In presenting its budget proposals to Congress in January for the 1973 fiscal year, USDA revealed it would turn back $198 million in food stamp funds in the 1972 fiscal year to the Treasury.

These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion.

Against this amount, Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal 1971 of $89 million, for a total of about $2.285 billion to finance food stamps in fiscal 1972.

While USDA officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget this fiscal year, they have acknowledged that the amount will be at least $400 million.

Mr. President, it would appear that Congress will again have to take action to force the administration to implement both the letter and spirit of the food assistance laws it enacts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD three tables showing monthly performance under the food stamp program and the budget analysis for the program for this fiscal year.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—MONTHLY PERFORMANCE, FOOD STAMP PROGRAM (FISCAL 1972)

[In thousands]

Month	Participation	Bonus stamps
July	10,414	138,371
August	10,668	143,560
September	10,610	141,435
October	10,601	141,601
November	11,070	148,717
December	11,184	149,956
January	11,070	150,690
February	11,355	154,018
March	11,460	156,272
April [1]	11,660	159,000
May [1]	11,800	161,800
June [1]	12,060	164,600

[1] Participation is assumed to increase 200,000 persons monthly The bonus rate for each new participant is assumed to be $14 per month.

TABLE 2: FOOD STAMP PROGRAM—BUDGET ANALYSIS [1] FISCAL 1972

	Million
Appropriation	$2,196
Unobligated balance available, start of year	89
(Available for operations)	2,285
Unobligated balance lapsing	198
Total obligations [2]	2,087

[1] Data Source: The Budget of the United States, Fiscal 1973.

[2] Includes $50 million for administration, other costs.

TABLE 3: FOOD STAMP PROGRAM—REVISED ANALYSIS, FISCAL 1972

	Million
Available for operation [1]	$2,285
Bonus Stamps [2]	1,810
Administration, Other [1]	50
Total Obligation	1,860
Unobligated balance lapsing	425

[1] Table 2.

[2] Table 1.

PROBLEMS OF THE SMALL BUSINESSMAN

Mr. McGOVERN. Mr. President, competition is the strength of our free enterprise system, and the greatest single threat to our economic system is the mounting pressure against small businessmen. Study after study has shown that prices to the consumer are significantly lower where there is effective competition, and in our efforts to insure the survival and strength of small business, literally billions of dollars of benefits are at stake for every man, woman, and child in this country.

Since the 19th century, it has been recognized that the many features of our economic system and our Government policy that benefit the growth of big business domination need to be counterbalanced with a positive small business policy. Since 1953, it has been national policy to "aid, counsel, assist, and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise—and to maintain and strengthen the overall economy of the Nation."

Unfortunately, despite lipservice to these goals, the present administration has acted as if free enterprise meant not competition but large corporations. The long term growth in economic concentration has continued and even accelerated in the last 3 years. The share of Federal procurement going to small businesses has continued to decline. The recession brought on by the administration's economic policies has been a depression for small businessmen. In 1970, the profit margins of small businessmen declined by 32 percent; the after tax profits of small manufacturing corporations declined by 45 percent; the rate of business failures increased by 17 percent.

When Lockheed was in trouble, the administration rushed through Congress a $250 million emergency loan guarantee. The administration has shown no such solicitation for failing small businesses—of which there are 10,000 every year. On the floor of the Senate, I attempted to add an amendment to the bill providing for $2 billion of loan guarantees for farmers and small businessmen, but the administration's supporters defeated this proposal.

Our small business policy should include an immediate end to the recession, a more vigorous Federal procurement effort, a review of Federal requirements and specifications as they affect small businesses, a crackdown on crimes that affect small businessmen, assistance to small businessmen who face compliance deadlines for new regulations, and reform of the tax laws as they affect small businessmen.

With respect to the tax laws, I am a cosponsor of Senator BIBLE's bill, S. 1615. This bill contains provisions to encourage the establishment and growth of small businesses. It also provides for an eight-step graduation in the corporate income tax rates, to provide relief for small businesses. The corporate tax rate would be lowered to 20 percent for income up to $50,000.

Numerous small businessmen have faced problems in complying with new regulations adopted in the last few years as safeguards for consumers and employees. On April 1, 1969, I was one of the original cosponsors of S. 1750, the bill to guarantee the availability of capital for small businesses facing compliance problems. In the words of the 1971 report of the Senate Small Business Committee, this bill "was designed to make small businesses—the partners in progress rather than its victims." Key provisions of S. 1750 have been inserted as amendments to the Egg Products Inspection Act of 1970, and other legislation.

I am currently cosponsoring S. 1649, introduced by Senator BIBLE, which would permit the Small Business Administration to make emergency deadline compliance loans to small businesses on terms not otherwise available. I hope that this will ameliorate some of the problems that small businessmen face.

A NEW FOUNDATION FOR AN AMERICAN POLICY TOWARD ISRAEL

Mr. McGOVERN. Mr. President, in my first year in Congress I voted against a proposed aid package for the Arab countries because I knew that this aid, which was intended for use against communism, would only be used against Israel.

I am proud that I resisted Vietnam-type thinking as applied to the Middle East. I am proud that I have resisted the idea that we should support any dictator, whether Nasser in Egypt or Thieu in Saigon.

Mr. President, some see an analogy between Vietnam and the Middle East. I see only a paradox.

A flimsy dictatorship in Saigon is backed with the hugest arsenal of firepower ever assembled in history. But the citizens of the free democracy of Israel must wonder from year to year whether they are again to slip to the razor's edge of survival.

Huge sums are spent to develop modernistic weapons that are tailored exactly to the needs of the strong men in Saigon. But the army of Israel must depend on carefully shepherded leftovers

Hundreds of thousands of men and women and children die to make Southeast Asia a model of unshakeable commitment. But Israel is still in danger after a generation of war because the commitments of her friends have been abandoned again and again and again.

Lives have been lost because it has mistakenly been claimed that our national interests and our democratic ideals are at stake in Southeast Asia. But in treating our aid to Israel as a favor rather than a permanent relationship we have been deaf where those needs and ideals are really at stake.

We have talked about self-determination in Southeast Asia. Yet we have failed to give our unequivocal support for the principle that the problems of the Middle East must be solved by the nations of the Middle East themselves.

Mr. President, it is a foolish priority that this Nation spends hundreds of millions of dollars designing people sniffers and spider mines and other bizarre weapons for use in guerrilla warfare in Southeast Asia rather than reinforcing Israel's capacity to wage desert warfare in the Negev and the Sinai.

Our primary goal in the Middle East should be clear. We seek a secure peace that will guarantee the military security and economic soundness of democratic Israel. The cornerstone of such a peace must be mutual agreement upon recognized national boundaries that are defensible and capable of deterring future aggression. The arbitrary and erratic lines drawn as Israel's temporary boundaries after World War II were largely responsible for three wars.

If we make a commitment to Israel as firm as our commitment has been to Saigon, I do not think that Israel will have to endure another generation of warfare.

I suggest the following four points as the foundation for American policy.

First, Israel's modern deterrent is the most effective guarantee that could exist for the current cease-fire or for a permanent peace. When we have hesitated in our military support for Israel the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack.

Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

Second, Israel needs substantial economic aid. Israel's per capita defense budget is, of hard necessity, the largest in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid has come in the form of contributions by thousands upon thousands of citizens of this country. But our Government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

Third, Israel needs our diplomatic support. This should include support for Israel's basic peace proposals and for her positions in the arenas of diplomacy, including the United Nations.

Recently the United States joined in voting criticism of Israeli administration of Jerusalem. Yet in the last 20 centuries, Jerusalem has never seen better rule than it has today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. I wish that we could make these claims about our country. The people of Jerusalem have gained from Israeli administration and should continue under it. The United States should recognize Jerusalem as the capital of Israel and move our Embassy there.

Finally, Israel needs our help in restraining Soviet activity in the Middle East. For 15 years, the Soviets have fished in the troubled waters of the Eastern

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Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of nonimposed settlement that would take the Middle East out of the theater of big-power confrontation.

The policy measures that I propose are an investment in the future. They will bring closer the permanent peace that is the first need of Arabs and Israelis alike. They will bring closer the day when all of the nations of the Middle East can use their resources for growth rather than war.

SENATOR HUGH SCOTT'S RECORD ON CONSUMER LEGISLATION

Mr. COOK. Mr. President, American consumers are more aware of their function in the marketplace than ever before. Shoddy goods, misleading advertising, and poor service have all been looked at by the Congress and the Government's various consumer protection offices. Consumers are just not that easy to fool. Our esteemed minority leader, Senator HUGH SCOTT, of Pennsylvania, has long advocated sound legislation to protect consumers. I ask unanimous consent that Senator SCOTT's record on behalf of consumers be placed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. 3136—To amend the Federal Food, Drug, and Cosmetic Act to regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

Votes

Voted for appropriations to provide consumer protection and services.

Voted for the Motor Vehicle Information and Cost Savings Act.

Voted for the Consumer Product Warranties and Federal Trade Commission Improvement Act of 1971.

Voted for the Wholesome Fish and Fishery Products Act of 1971.

THE 91ST CONGRESS

Legislation

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1689—To protect children against dangerous toys.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 3204—To require safety devices on household refrigerators.

S. 3822—To provide insurance for member accounts in State and Federally chartered credit unions.

S. 3941—To provide penalties for the use of lead-based paint in certain dwellings.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted to require identification of sexually oriented mail advertising and to provide for its return, if unsolicited at sender's cost plus a surcharge.

Voted for the Consumer Protection Organization Act of 1970.

Voted for the Securities Investor Protection Act of 1970.

THE 90TH CONGRESS

Legislation

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

S. 1129—Fire Research and Safety Act.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2966—To limit categories of questions required to be answered under penalty of law in the decennial censuses.

S. 3771—To amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, etc.

Votes

Voted for the Truth in Lending Act.

THE 89TH CONGRESS

Legislation

S. 3054—To provide for a study of serious interruptions of certain essential services due to power failures, etc.

S. 3059—To authorize Secretary of Agriculture to regulate animals used for research, experimentation, etc.

Votes

Voted for the Tire Safety Act of 1966.

Voted for the Fair Packaging and Labeling Act.

Voted for the Humane Handling of Research Animals Act.

Voted for the Traffic Safety Act of 1966.

THE 88TH CONGRESS

Legislation

S. 774—To promote quality and price stabilization, restrain unfair distribution, equalize rights of producers and resellers in the distribution of goods identified by distinguishing trademarks.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

THE 87TH CONGRESS

Legislation

Senate Resolution 119—To establish a Select Committee on Consumers.

THE 86TH CONGRESS

Legislation

S. 73—To prohibit certain acts involving import, transport, possession or use of explosives.

Senate Joint Resolution 160—To combat traffic in obscene matters.

ILLINOIS SENIOR CITIZENS QUESTIONNAIRE REPORT

Mr. PERCY. Mr. President, 6 months have now passed since the conclusion of the White House Conference on Aging, at which over 500 recommendations were made for improving life for our elderly citizens.

Although no one anticipated that all of these recommendations would be adopted, it was hoped that they would be reviewed carefully by appropriate public and private agencies, and that the best and most important among them would be put into effect.

The recommendations made collectively by the more than 3,400 delegates have already proved useful in giving public officials guidance with respect to actions they can take. At the time of the conference, however, I felt it would be useful as well to have the benefit of the individually expressed views of the delegates, and I therefore distributed a special questionnaire to my constituents represented in the Illinois delegation. Their responses were informative and interesting, and insofar as they pertain to certain provisions of H.R. 1 and other legislation now pending before Congress, I would now like to share them with my colleagues:

Question No. 1: Inadequate income is frequently mentioned as the most serious problem confronting senior citizens today. Do you agree with this view? If not, what do you feel is the most serious problem?

Eighty-eight percent of the delegates agreed that inadequate income is the most serious problem—at least in terms of needed response by the Government. Furthermore, as Nils Axelson, with the Evangelical Covenant Church of America, pointed out:

It is also true that the elderly poor are least able to do anything about improving their own financial situation.

Next to inadequate income on the list of serious problems came health, for, as Mrs. Fred Kushmer, of Lombard, Ill., stated:

If you do not have good health, you have nothing.

Significantly, a substantial number of the delegates indicated that loneliness and isolation among the elderly constitute a problem as serious—if not more so—than inadequate income. The chairman of the delegation, Joseph L. Gidwitz, indicated this by saying:

Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, malnutrition—malnutrition, because so many older people do not bother to secure an adequate diet—and other causes that contribute to mental deterioration.

This view was reaffirmed by Percy Shue, a representative of Kiwanis International, who responded to this question in part by saying:

I would suspect that their most serious problem would probaby be expressed in some context of human relations—uncertainty about their future, finding life meaningful and enjoyable, separation from those they most love, and so forth.

Question No. 2: Do you agree or disagree with the concept of a guaranteed annual income for the elderly poor? If you favor this concept, what would you recommend as a reasonable and proper guaranteed annual income?

Eighty percent of those who responded agreed with the concept of a guaranteed annual income. Recommended incomes ranged from $1,500 to $4,500 for an individual per year; from $3,500 to $7,200 for couples. The average of those figures recommended for an individual was $3,123; for a couple, $4,557. Most of those who supported the concept of a guaranteed annual income felt that it should reflect changes in the cost of living as well as differences in the living standards found to exist in various parts of the country.

The 20 percent who disagreed with this concept disagreed strongly, and expressed fears that the guaranteed income would destroy one's incentive to plan for his retirement and to help himself, thereby eroding his sense of self-respect and dignity.

Question No. 3: Do you favor a liberalization in the Social Security earnings limitation, now set at $1,680? If so, what would you consider a reasonable figure for the earnings limitation? Would you support a total elimination of the limitation?

The delegates were virtually unanimous in supporting liberalization of the earnings limitation, or "retirement test," and there was strong sentiment in favor of eliminating the test altogether.

Question No. 4: Do you support the idea of increasing substantially the minimum monthly Social Security payment? If so, what do you feel would be a reasonable minimum?

Eighty-eight percent supported raising the monthly benefit substantially, but the figures recommended varied widely. The most commonly suggested figure was $150 per month for an individual. The current minimum is $74.

Question No. 5: Do you feel Medicare should be extended to cover prescription drugs?

Ninety-five percent responded affirmatively to this question. In favoring the extension of medicare to cover out-of-hospital prescription drugs, however, the delegates cautioned that the Government should watch for unwarranted increases in the price of drugs, and that it should exercise certain controls.

Question No. 6: What do you feel are the greatest shortcomings in our Social Security and Medicare programs? Can you give specific recommendations for improving the program?

Criticism of the social security program—especially when measured against that of the medicare program—was relatively mild. There were no particular features of social security viewed as shortcomings on a widespread basis, although several delegates did single out the earnings limitation as one of the more undesirable aspects of the program. Other aspects cited as shortcomings included: a. inadequate benefits; b. inequities in the treatment of widows versus other groups; c. little return for the self-employed.

Medicare, however, seemed to draw nothing but negative comments, and on the basis of the responses, one would conclude that it is an inadequate and poorly administered program.

In commenting on its inadequacy, delegate Jerome Hammerman, a professor at the University of Chicago, stated:

Medicare has been described as a "leaking umbrella." The idea is right, but the quality and coverage of protection are very spotty.

Recommendations for making the program more adequate included: a. extension of medicare to cover eyeglasses, hearing aids, and dental service; b. elimination of deductions and copayment features; and c. more emphasis on preventive health care.

The administrative shortcomings of medicare were depicted in these terms by Miss Caroline Redebaugh, a registered nurse with the Orchard Glen Nursing Home in Dixon, Ill.:

Medicare has grown to be a bureaucracy where paperwork is considered more important than the patient. The entire program needs to be looked into, reviewed, and evaluated from a humanistic point of view as opposed to an accountant's viewpoint.

Professor Hammerman made this comment:

Present administrative interpretations of "skilled" nursing care have gone to ridiculous lengths in refusing coverage for all except the most exotic forms of illness, forcing us to use the most high cost facilities to qualify for this insurance coverage. The aged—and providers—are forced to play a game of Russian roulette, never knowing in advance what needed service will be considered eligible and what will be disallowed. The result has been untold hardship on all, and a growing loss of confidence in the honesty and effectiveness of the whole program.

Complaints were made that "it takes forever to process claims," and suggestions for improving the administrative aspects of medicare included: a. better procedures for notifying recipients of termination of benefits; b. elimination of the practice whereby payments for services already rendered are denied retroactively.

In summation of what is wrong with medicare, one delegate, Mrs. Agnes Czachor, replied tersely:

Too many people in the office don't know what they are doing.

Question No. 7: Do you feel there has been any improvement in the nursing home conditions in Illinois since the exposés of last spring? Should the Congress take further action in this area? If so, what specific actions would you recommend?

Interestingly, the consensus answer to this question was that there has been some improvement. Not surprisingly, however, this optimism was expressed in cautious terms, and the continuing need for vast improvement and for constant surveillance of homes was stressed. The answer given by Ben Levinson, of the Northwest Home for the Aged, in Chicago, summarizes well the responses of the others:

There has been some improvement in nursing homes since the exposés of last spring. These improvements will be temporary unless: 1) owners are made to comply with laws, rules, & regulations affecting them; 2) the point system of payment for care is abolished; and 3) some way is found to get physicians into long-term care facilities to treat the patients and supervise health care.

A word about the "point system" in Illinois. It is wasteful, extravagant, and encourages abuse and fraud. It makes patients dependent instead of self-reliant, inactive instead of active, and creates an unhealthy environment in which a man loses interest in all things, including life itself. The facts supporting these conclusions are well known to interested people familiar with the "point system."

Miss Redebaugh felt that while standards are generally adequate, enforcement is not, and that "enforcement is the key word to any legislation." I would certainly agree with this view.

Question No. 8: Do you feel the Age Discrimination in Employment Law needs to be strengthened? Have you personally encountered age discrimination in either applying for a job or in obtaining auto insurance? Or can you give information concerning friends or acquaintances who have encountered such discrimination?

Surprisingly, almost half the delegates had no opinion on this question, and indicated that their knowledge of the problem was so limited that they could not respond strongly either way.

Half the delegates indicated that the age discrimination in employment law does need to be strengthened, but for the most part, these delegates did not cite specific examples of age discrimination within their own personal experience, nor that of their acquaintances.

One delegate opposed strengthening the law, commenting that "age cannot be an excuse for employment."

Question No. 9: The Senate Aging Committee recently held hearings on "A Barrier Free Environment for the Elderly and the Handicapped." The hearings focused on problems which can arise from poorly or thoughtlessly constructed public facilities. Presumably you would support making transportation facilities more accessible to the elderly and the handicapped; would you—and could you—actively work toward this goal in Illinois?

All of the delegates who responded to this question expressed sympathy with the goal of making transportation facilities more accessible to the elderly and the handicapped; 58 percent actually said they were in a position to work actively toward this goal. In commenting on the "architectural barriers" issue, several delegates brought up the issue of reduced fare programs for senior citizens on mass transit facilities, indicating strong support for such programs.

One delegate, Robert Rummenie of Quincy, Ill., made the suggestion that:

Two possibilities (for making transportation facilities more available to the elderly) lie in the use of school buses—if the insurance angle and availability of experienced drivers could be worked out—and some sort of transportation stamp program, similar to food stamps.

Question No. 10: Do you have any suggestions as to how the Federal Government could help alleviate the housing problems of the elderly?

Aside from general agreement that the Federal Government should foster conditions conducive to the development of more, better, and more reasonably priced housing—a goal desirable for all age groups, and not unique to the elderly—the delegates recommended:

a. creating conditions which allow elderly people to remain in their own homes;

b. easing the property tax burden;

c. providing social and supportive services in and around housing for the elderly;

d. rehabilitating old buildings—again, so that residents can remain in environments familiar to them; and

e. upgrading of the 202 program.

Question No. 11: What do you feel has been the primary value of the 1971 White House Conference on Aging?

The delegates were almost unanimous in saying that the primary value of the conference was to focus much needed attention on the most serious problems of the elderly. The conference also served to bring together people knowledgeable in the field of aging, so that they could pool their wisdom and put together a reservoir of suggested solutions for the administration, the Congress, and the various State administrations and legislatures to act on during the coming years. A generally shared view was that expressed by Chauncey Lee from Springfield, who said:

The conference was well organized, the delegates dedicated, hardworking people, but

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it will all be in vain if no recommendations are implemented. The Executive Director for the Governor's Committee for Senior Citizens, Clarence Lipman, said that "if Congress in its wisdom would just follow the recommendations that came forth at the Conference, the senior citizens who attended would feel the conference was well worth the effort they put into it."

In summing up the meaning of the White House Conference on Aging, and the task before us, I think the comments of Professor Hammerman are most appropriate:

Clearly the most serious problem confronting older people is their very real exclusion from the main areas of political, economic, and social life; the fragility of familiar and primary relationships, and the unfortunate position usually accorded the superannuated, unneeded, and unwanted in society. To reverse this negative attitude toward the aged is the ultimate sum and substance of our concerns.

SENATE MUST ACT ON H.R. 1

Mr. President, I believe the remarks made in response to this questionnaire underscore the importance of congressional action on H.R. 1, the omnibus social security, medicare, and medicaid bill now before the Senate.

Every single day I am receiving letters from constituents asking: "What has happened to the social security bill? When can we expect to see an increase in our social security benefits?"

Enactment of H.R. 1 is critical to the millions of older Americans who must depend largely upon social security for their income, and I would once again like to note the urgency with which we must consider this legislation and the many amendments I have introduced that will move a long way toward correcting the injustices evidenced by responses to my questionnaire.

SOUTHERN RURAL ACTION, INC.

Mr. COOK. Mr. President, at a time when all the Nation is concerned with welfare and unemployment and the Government's role in solving these problems, there are examples of initiative being taken by nongovernmental institutions. One such organization is the Southern Rural Action, Inc., which has attempted to create jobs for the rural poor in the manufacturing and construction industries. President Nixon recently said of this organization.

By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives.

I ask unanimous consent that the article in the New York Times of May 8 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL ACTION HELPS TO GIVE POOR SOUTHERN BLACKS JOBS AND PRIDE

ATLANTA, May 7.—Dr. Randolph T. Blackwell, director of Southern Rural Action, Inc., unrelentingly walked the back roads of the South attempting to create jobs for rural blacks where none existed and instilling community pride where it seldom existed.

Now after six years of guiding an organization where personalities run a distant second to programs and projects, there are those in other self-help agencies around the nation multitalented staff has demonstrated rural America does not have to become a sprawling ghost land as some have prophesied.

A practical, often crafty administrator who instinctively knows and relates to the problems of the poor, uneducated and deprived. Mr. Blackwell readily admits Southern Rural Action has by no means solved the nagging unemployment and housing problems of the stagnant masses trapped in backwoods America. But he hastens to add:

"We are trying to make it impossible for anybody to argue that it can't be done by demonstrating what can be done," he stresses.

INDUSTRIES ESTABLISHED

By demonstrating, Mr. Blackwell points to the 20 light industries S.R.A. has created in small hamlets of Georgia, Mississippi, North Carolina, South Carolina and Alabama, since his organization was founded in 1966.

From an original staff of four that has grown to 26, Mr. Blackwell and his supporters have built eight garment factories, four brick manufacturing plants, three silk screen shops, two roof truss operations, a cabinet shop, a bakery and a woodwork plant.

Products from these places come by way of such unheralded towns as Mt. Bayou, Miss.; Uniontown, Ala., Plains, Ga., and Choctaw, Ala., to mention a few. Funding to develop these projects has been left primarily to the largesse of individuals, churches, trade unions and women's organizations.

In June, however, Southern Rural will be reconsidered for a second $200,000 Housing, Education and Welfare (H.E.W.) grant that is applied to administrative needs only. The fact that the efforts of his staff has also caught the eye of President Nixon pleases Mr. Blackwell.

In a recent letter to the S.R.A. director, President Nixon wrote: "By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives."

Possibly the showcase of what Southern Rural is accomplishing is found in the small community of Plains, Ga., located in the black belt of Southwest Georgia and which also is the home of incumbent Gov. Jimmy Carter. ("Make it clear that we were there long before Mr. Carter became Governor," notes Mr. Blackwell, "and that we didn't climb on any political backs.")

There, in one of the 10 poorest counties in Georgia, Southern Rural has constructed a roof truss plant capable of turning out 60 trusses per day; a brick plant used for training as well as supplying materials to buy homes; a $20,000 community center that was constructed from the ground up mostly by local black teen-agers who in turn will run the center.

But the largest project has just gotten under way. On April 17, ground was broken for the construction of 15 low-income homes to be built in Plains ranging from $9,000 to $14,000, with payments scaling from $35 to $55 monthly depending on family size and household income.

PROVIDE FOR THEMSELVES

When completed by September, Africana Village will be additional evidence, as Mr. Blackwell often points out, "that want to provide for themselves, and in fact want to provide for themselves, if given the opportunity."

Mr. and Mrs. Henry Tatum, a black couple with seven children ranging from eight to 21 years old, were the first to move into a home constructed in Plains with S.R.A.'s assistance. Their oldest son Jimmy made and laid many of the bricks used to build the family's modest four-bedroom home.

Every enterprise that S.R.A. undertakes winds up in the hands of the employees or coordinators of a project. Once a business, like the sewing plant in Blue Ridge, Ga., or Greene County, Ala., is self-sustaining, workers determine their own salaries, manage the plant and provide for expansion if necessary.

MOST UNITS SHOW PROFIT

Most of the capital generated by the small industries is fed into the local community, thereby stimulating whatever growth is possible.

While there continues to be lean months where Southern Rural doesn't know where the next project dollar is coming from, Mr. Blackwell refuses to take money from the businesses he has helped to establish. "You're not helping people when you're benefiting from their labors," he says.

From all indications, all but two of the businesses Southern Rural has helped to start are showing a profit. The two exceptions are a brick plant in Choctaw County, Ala., and a factory in Huntsville, Ala., that manufactures disposable hospital garments.

Occasionally, Mr. Blackwell, who was a former program director of the Southern Christian Leadership Conference (S.C.L.C.) when Dr. Martin Luther King was alive, will undertake a project that gives the needy services instead of jobs.

For example, in Russum, Miss., S.R.A. has formed a water association and will shortly provide the system necessary to pipe water into the homes of 38 families there whose only source of any kind of water until now has been rain barrels.

Wedded to the principle of total community development, S.R.A. through Mr. Blackwell's leadership has sought to assist mainly poverty pockets of the South with projects diverse enough to make it possible for everybody to participate.

"If we are going to reverse the downward trend of these (poor) counties, it will take the efforts of everybody. And most of the places we have been going into in fact have been going downhill for the past 100 years."

WE CANNOT AFFORD TO BE COMPLACENT ABOUT U.S. PRODUCTIVITY

Mr. PERCY. Mr. President, increased U.S. economic productivity is at the core of our domestic economic recovery and our international competitiveness. There is a debate, however, about the nature of Government's role in increasing productivity.

One point of view is that productivity rises or falls in tandem with general economic activity, that there is no particular reason to worry about poor productivity now, and that it will improve almost automatically as business conditions generally improve.

The other point of view, which I and my very able colleague, Senator JAVITS, share, is that the United States is entering a period when productivity cannot be expected to rebound upward along with an upward trend in the business cycle. We think that an analysis of the causes of low U.S. productivity indicates the presence of factors, especially changed employee attitudes, that will lead to continued productivity sluggishness. We believe that so much depends on increasing our Nation's productivity that Government must take an active role in encouraging labor and management to take special steps to increase it.

The differences between the two points of view are well illustrated by an exchange of views in Fortune magazine between Mr. Sanford Rose, an associate editor of Fortune, and Senator JAVITS and myself. In the February issue of Fortune, Mr. Rose, in an article titled "The News About Productivity Is Better Than You Think," CONGRESSIONAL RECORD, page 3767, expressed the view that productivity is essentially a reflection of the level of general economic activity, and that we can expect it to improve rather automatically as the economy recovers.

In our rejoinders in Fortune's May issue Senator JAVITS and I responded that we cannot expect automatic productivity increases and that Government must now take an active role in encouraging productivity improvement.

I think this exchange of views amply illustrates the current division of opinion about the importance of governmental steps to increase productivity. The same differences were expressed in the Joint Economic Committee's hearings on national productivity, which were held April 25 through 27.

In my view Government must take an activitist role in increasing productivity. I very much hope that the Joint Economic Committee's hearings report will reflect this urgent need, which I believe is gaining increased acceptance.

I ask unanimous consent that this excerpt from Fortune magazine be reprinted in the CONGRESSIONAL RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HOW GOOD IS THE NEWS ABOUT PRODUCTIVITY?

(NOTE.—In "The News About Productivity Is Better Than You Think" (FORTUNE, February), associate editor Sanford Rose argued that all the recent talk about a "crisis in productivity" may be somewhat overdone. Two members of the Joint Economic Committee of Congress, Senator Charles H. Percy and Senator Jacob K. Javits, vigorously dissented. We are pleased to publish their remarks.)

Senator PERCY. I do not share Mr. Rose's optimistic analysis that U.S. productivity rates will almost automatically achieve their 1950–65 levels as the economy recovers. My view is that since 1965, when productivity rates began to drop, some quite fundamental social changes have taken place that will, in the long run, depress U.S. productivity unless we take special remedial steps.

I agree with Mr. Rose that low U.S. productivity performance in the 1965–70 period was directly related to the distorted economic forces at work in those years. I am also keenly aware that the productivity increase we are now experiencing is a cyclical phenomenon that normally occurs in periods of economic recovery. But will productivity growth return to the 1950–65 rate after this short-term recovery, and even if it does, can we afford to be content with that level of performance?

In the short term I believe that a determined effort to increase productivity rates is essential in order to achieve price stability, speed removal of wage-price controls, and improve our international competitive position. Such an effort is also necessary to help achieve important long-term objectives. There is an urgent need to create greater real economic growth so that we can more readily afford to solve our social problems. A number of experts have indicated that our productivity potential is significantly greater than the 3 percent annual average growth from 1950 to 1965. The question is, how do we achieve "optimum" levels?

I have urged my fellow legislators to recognize the pressing national need to adopt tax and other measures that will provide incentives to stimulate growth. Likewise, I have tried to make both business and labor more aware of the need for a substantiral long-term increase in productivity growth rates through such techniquea as job enrichment and redesign, group incentive-pay plans, manpower planning for adjustment and upward mobility, and joint labor-management efforts to increase productivity through such means as formation of productivity teams or councils at the plant level. What must be communicated is a national concern, a sense of "productivity consciousness." Instead Mr. Rose's analysis encourages a renewal of complacency about what I consider a very serious problem. I argue that inadequate emphasis is given to at least four important changes that have been taking place.

REBELLIOUS WORKERS

Mr. Rose, like too many others, seems reluctant to accept the fact that the work force of the 1970's is simply not the same as the work force of the 1950's or the 1960's. As he points out, it is younger and better educated. Today 60 percent of the work force has a high-school education, compared to 30 percent thirty years ago. As a result, employee attitudes are changing. Even as jobs have become more and more standardized and routinized, the idea is taking root that work must be a fulfilling, personally rewarding experience. Unless the new work force is motivated to do the blue- and white-collar jobs industry needs done, the fact that it is on average younger and better educated could well be a disadvantage, not, as Mr. Rose indicates, an advantage.

The fact that the work force is different and, more important, is dissatisfied, has been convincingly explained both by former Assistant Secretary of Labor Jerome Rosow in his report on America's blue-collar workers, and by Mr. Judson Gooding in his series of articles for FORTUNE, particularly those titled "Blue-Collar Blues on the Assembly Line" (July, 1970) and "The Fraying White Collar" (December, 1970). There is evidence that America's productivity is being handicapped by high quit rates, excessive absenteeism, pilferage, overt sabotage, resistance to change, and rebellion against union leadership.

The point is that these changes in attitude and job performance require businesses to change as well, and many of them are doing so. At Polaroid, Texas Instruments, General Mills, and other companies, efforts to enrich jobs and motivate employees by giving them responsibility for their jobs, and for the pace and ways in which they do them, have paid off handsomely for companies as well as employees. Such techniques should be emulated.

The special problem of low productivity in service industries creates another long-term drag on productivity that is not given enough emphasis in Mr. Rose's analysis. And we have come to the end of the substantial off-farm migration that helped boost private-sector productivity growth by an estimated 0.2 percent to 0.3 percent a year in the pre-1965 period.

FASTER GROWTH ABROAD

Finally, I do not think Mr. Rose's analysis adequately takes into account the changed position of the U.S. in the world economy. A special effort to increase productivity in all sectors of the American economy would be necessary for this reason alone.

The spread of technology throughout the world, the increased use of modern management techniques, the availability of capital, and the installation and renewal at very high rates of highly sophisticated plant and equipment have created an entirely different situation now than in the postwar period, when the U.S. economy was in a predominant position.

Strong corrective measures have been taken, with my own active support as a legislator, to restore the competitive position of the U.S. economy. Realistic exchange rates and dampened inflation will help create a more favorable trade balance. Enactment of the 7 percent investment tax credit and more liberal depreciation rules will help make treatment of U.S. capital investment more nearly equal to that of our major competitors.

Even if our more stable and more competitive economy does regain a 3 or even 4 percent level of productivity growth after 1972, we will still remain at the low end of the productivity growth scale. For example, at the rate of 3.1 percent for the 1960's, U.S. productivity growth was lower than that of (in ascending order) the United Kingdom, Canada, Switzerland, France, Germany, Belgium, Italy, the Netherlands, Sweden, and Japan.

A fundamental requirement for significant progress is a change of attitudes. Management must take a new look at workers and their jobs. Both labor and management should re-examine their adversary relationship and begin working together to achieve common objectives. Higher rates of investment and more dynamic research and development will result in significantly improved performance.

We cannot be complacent about the fundamental problems we face. We must be more active in urging concentrated efforts to generate a substantial long-term increase in productivity. In short, we must become a productivity-conscious nation.

The rewards are certainly worth the effort. Faster real economic growth will enable us to afford solutions to our national needs. Increased quality of output will help reassure and satisfy consumers. More jobs, higher-paying jobs, better and more satisfying jobs will help cure our labor force's "blues." Ultimately, the U.S. economy will again be the most competitive in the world.

Senator JAVITS. Indeed, I wish the news about productivity were better than I think. However, this otherwise well-written and researched article fails badly on at least four important counts.

First, it makes no mention of the fact that during the past six years the rate of productivity increases in other industrialized countries has exceeded both our average and, in most cases, our peak performance. Germany, Japan, and Canada, to name a few countries, are increasing their output per man-hour at rates that severely threaten our ability to maintain price competitiveness for long periods of time. The figures on productivity growth in those countries from 1965 to 1970, incidentally, are 5.3 percent, 14.2 percent, and 3.5 percent respectively.

The article states that "for all this chatter about a 'productivity crisis,' the years 1971 and 1972 might well produce the greatest back-to-back gains in over twenty years"; however, even this peak performance is expected to be overshadowed by the gains in Japan, which is currently suffering under its worst postwar recession.

Second, the article does not clarify the direct connection that increased productivity has with price stability. The economy was simply following the inexorable laws of economics when our sagging productivity performance in 1969 and 1970 coincided with a price situation that seemed to be getting out of hand. Similarly, the prospects for price stability during the Phase Two period are enhanced by the fact that productivity is following the normal cyclical pattern of increase. We shall need above-average rates of productivity growth if we are to expect the wage gains and price

stability that are the goals of economic policy.

Third, there is no description in the article anywhere of the role that increased productivity can play in satisfying the immense social needs that have been generated by our affluence. Modern society now demands clean air and waters, higher-quality education, better housing for all, efficient mass transit, and a myraid of other expensive services. Politicians compete for superlatives in describing how America deserves new, and costly, programs for improving the quality of life.

Well, where are the money and the resources for these programs going to come from? The Office of Management and Budget recently informed us that there is only $5 billion of leeway left in the 1976 federal budget for new programs. A Joint Economic Committee study concluded last year that without above-average productivity increases the economy itself would be capable of absorbing only $44 billion in new programs over the 1972–76 period. Place these figures alongside the bill that is given merely for cleaning up air and water pollution in America—$70 billion—and the need for greater productivity gains becomes obvious.

A final issue completely missed by the article is the effect that our success in increasing the educational level of Americans has had on worker attitudes and, therefore, productivity. It seems clear to me that the government should take the lead in promoting new ways of employing our intelligent work force, which possesses immense potential but no longer conforms to the blue-collar stereotype—if it ever did so conform—under which management science has developed.

These are only a few of the flaws. Others include the fact that there is no mention concerning the effect of R. and D. on productivity, of profit-sharing and other incentive plans, or of the National Commission on Productivity, which is spearheading the government's work in this field.

Although I believe it is necessary to call the nation's attention to our need to increase productivity, I am no pessimist. The American working force has the greatest potential of any nation's for productivity improvement, and for raising our standard of living and that of others. But there is much work to be done in changing our attitudes toward work and "humanizing" the work environment so as to bring our full productive potential into play.

SANFORD ROSE REPLIES

Many of the criticisms relate to omissions that were unavoidable in an article devoted to the broad dimensions of the productivity problem. But the Senators made some curious points that require a response. They note that many other countries have exceeded our productivity performance and that this, in Senator Javits' words, "severely threatens our ability to maintain price competitiveness." Surely Senator Javits is aware that price competitiveness depends not merely on relative movements of productivity change but also on relative trends in hourly compensation. From 1960 to 1965, for example, U.S. productivity increased far more slowly than that of most of our competitors, but so did U.S. wages. Unit labor costs in the U.S. actually fell during this period, while those of other nations were rising sharply, and the U.S. trade surplus increased.

Since 1965 our trade surplus has evaporated, in part because our productivity has lagged, but also because of outsize wage increases. In the future our productivity will probably continue to rise at a slower rate than that of our major competitors—though the gap will almost surely be less than in the past—but this need not mean a deterioration in price competitiveness. In fact, there are encouraging signs that relative price movements will favor the U.S. for much of the next two to three years.

Moreover, both Senators seem to forget that competitiveness is defined, in economic terms, as equilibrium or surplus in the current account of the balance of payments—that is, goods *and* services——rather than in just the merchandise trade account. Considered in this light, there can be little doubt that the U.S. will remain a formidable world competitor. While our surplus on "visible" trade will fall short of the level reached ten years ago, our balance on "invisible" trade will undoubtedly rise. Computers, aircraft, etc., are not the only trade goods that the U.S. possesses. Management is also a trade goods—indeed, perhaps the most important one—and the U.S. will shortly earn enough from its overseas management to offset any weakness in the visible-goods area.

Senator Percy refers to certain structural changes in the U.S. economy that would tend to dampen the rate of productivity growth. But the article did take these changes into account. It pointed out that, according to estimates by the Bureau of Labor Statistics, the shift to service industries could lower the rate of productivity growth by 0.2 percent a year during the 1970's, while the shift away from farms could reduce it by an additional 0.2 percent. The article notes, however, that the B.L.S. is currently projecting an *increase* in the rates of productivity gain in many industries. These increases will offset about half the loss from the occupational shifts, leaving a net potential decline of about 0.2 percent.

Senator Percy argues that discontents in the labor force may jeopardize commitments to productivity. Everyone talks about new worker attitudes, but no one seems able to document them, except by isolated examples that in themselves prove little. Senator Percy says that one problem is high turnover rates, but while turnover rates were higher in the late 1960's than in the early 1960's, they were no higher than in mature stages of previous economic expansions. Moreover, they fell when the recession began, just as they had always fallen in similar circumstances.

Senator Percy says that absenteeism is excessive, but offers no evidence that it is rising—nor could he, I believe, present compelling evidence on an economy-wide basis. In preparing this article, I made an extensive effort to find statistical support for the idea of *pervasively* deteriorating work attitudes, but could find relatively little.

It is helpful to alert people to the need for higher productivity, but it is dangerous to overstate the problem. It took an unconscionably long time to deflate economic expectations during the late 1960's. Let us hope that it does not take quite so long a time to reflate them during the 1970's.

LEGAL SERVICES

Mr. COOK. Mr. President, in respect to the bill S. 3010, which would amend and extend the Economic Opportunity Act of 1964, as amended, I need not remind this body of the importance of this deliberation, in view of the fact that legislation in many respects similar to the present bill was passed by this body last fall, only to be vetoed by the President, a veto, I might add, which was subsequently sustained.

Included in the new bill as ordered reported, is a provision for the creation of a new National Legal Services Corporation which would replace the legal services program now with the Office of Economic Opportunity. It is entirely possible that the Congress may permanently fix the Federal role in legal services for many years to come. The critical need for all Members of this body, before committing themselves to such an outcome, to become fully aware of the very serious issues raised by S. 3010, is what brings me to the floor today.

There are a number of serious problems in the committee bill which all of my colleagues should recognize.

Last year I introduced on behalf of the administration S. 1769, the Legal Services Corporation Act. Subsequently on September 9, 1971, I offered this measure as a substitute for the legal services provision in S. 2007. Although the amendment failed by a very close vote, it did I believe focus the Senate's attention on some very serious problems; namely, accountability and criminal representation. To my satisfaction these problems and others, have still not been resolved.

In regard to accountability, there are a number of problems. First there is the board of directors, the governing body of the proposed Legal Services Corporation. The bill as reported is far superior to the original version which provided the President with only 6 out of 17 appointees. The committee version now empowers the President to appoint 10 out of 19 board members. But in reality, factors such as executive committee authority and the power of a working majority to set policy still clouds this issue.

But even more disturbing is the total lack of control over the activities of the proposed corporation. Section 913 states very clearly:

Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

This not only limits congressional review, except in audits, but also restricts the Office of Management and Budget in its budget review role. I believe this to be an intolerable situation.

The section dealing with criminal representation is also a slight improvement over the previous version vetoed by the President. However, I believe it is an improvement in form rather than substance. The bill vetoed by the President (S. 2007) contained a so-called criminal representation prohibition as does section 906(i). However, that section is replete with potential loopholes. I believe this section should likewise be tightened up.

There are many other issues which are equally important and which I hope some of my colleagues will study and debate. These include lobbying by the corporation's attorneys, political activity—employees are not subject to the Hatch Act, lack of criteria establishing standards for eligibility and others.

Mr. President, I do not especially wish a role which many will conclude as being against legal services for the poor. I favor such services as a means of insuring citizens of limited means the opportunity of resolving their means "within the system." However, I will think twice before supporting the Legal Services Corporation in its present form. I plan to offer amendments to correct many abuses in S. 3010. Furthermore, I will consider amendments either striking title IX or separating it from the rest of the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, in executive session, the Chair lays before the Senate the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Mr. Kleindienst to be Attorney General of the United States. The vote will occur at 4 p.m. this afternoon. The time between 1 p.m. and 4 p.m. will be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HRUSKA).

WAIVER OF GERMANENESS RULE FOR REMAINDER OF DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule concerning germaneness be waived for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR CADETS AND MIDSHIPMEN

Mr. MANSFIELD. Mr. President, if the Senator from Indiana would yield to me without losing his right to the floor, I ask unanimous consent, as in legislative session, that the Senate turn to the consideration of Calendar No. 526, H.R. 9096.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

Calendar No. 526, H.R. 9096, a bill to amend ch. 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

The Senate proceeded to consider the bill.

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator from Colorado (Mr. ALLOTT), who is interested in this legislation. We have also had hearings on this matter. We have come to an understanding as to what the bill is to cover. And I think it is important for us now to proceed with this bill to provide this needed service to the cadets and midshipmen.

Mr. ALLOTT. Mr. President, I wish to extend my sincere appreciation to the distinguished senior Senator from Indiana for his graciousness in holding hearings on this bill on May 27. Because the Air Force Academy is located in Colorado, I felt perhaps an extra amount of responsibility to fully acquaint myself with this legislation prior to its consideration by the Senate. Therefore, I particularly want to thank the chairman for making this hearing record available to us.

Mr. President, I would like to ask the Senator from Indiana if I am correct in my understanding that this bill is to extend to service academy cadets and midshipmen the privilege of purchasing SGLI, a privilege which is currently available to all active duty personnel?

Mr. HARTKE. The distinguished senior Senator from Colorado is correct. At present there are nearly 2.3 million servicemen who are insured for $42.5 billion. This bill would extend eligibility for coverage under servicemen's group life insurance to approximately 12,500 cadets and midshipmen at the four service academies. I should like also to point out that this past May 17 the Veterans' Administration declared a 15 percent reduction in premium rates which are listed in the committee's report on H.R. 9096. The new rate for full $15,000 coverage is now $2.55 a month.

Mr. ALLOTT. Am I correct in my understanding that currently, service academy cadets have available to them commercial life insurance coverage specially designed for this group of individuals?

Mr. HARTKE. It is my understanding that certain commercial group life insurance policies are available to cadets and midshipmen at some but not all of the service academies.

Mr. ALLOTT. Am I also correct in understanding that there is no intent by the enactment of this legislation to discourage cadets and midshipmen from availing themselves of SGLI coverage in lieu of commercial coverage which may be available to them; or in any way to discourage the private sector from continuing to be able to offer coverage to the cadets and midshipmen?

Mr. HARTKE. That is correct. It is the intent of the legislation to correct an anomalous situation in which cadets and midshipmen were unintentionally excluded in coverage under SGLI when that program was first enacted. I think we all recognize the value of adequate insurance and this bill is not intended to exclude or eliminate other policies which will be of value to these young men in obtaining the best and most extensive coverage suitable for them.

Mr. ALLOTT. Mr. President. I would like to ask the distinguished chairman if it would be his desire that appropriate information be available to the cadets and midshipmen so that they can make an informed, intelligent decision relative to life insurance coverage?

Mr. HARTKE. As I have indicated, it would be my hope that the cadets and midshipmen would make informed decisions which would enable them to have the best possible coverage. I would assume that the Deartment of Defense and the respective Academy superintendents would adopt appropriate regulations to that end.

Mr. ALLOTT. Once again, Mr. President, I wish to thank and commend the Senator from Indiana for his diligent work on this particular piece of legislation which I believe is meritorious and which will afford a broader range of selection of insurance coverage to cadets and midshipmen comparable to that available to active duty personnel.

Mr. HARTKE. I thank the distinguished senior Senator from Colorado for his kind remarks. I am most mindful that as the ranking minority member of the Appropriations Subcommittee on HUD-Space-Science-Veterans he has consistently shown an active interest and deep concern for the programs over which the Committee on Veterans' Affairs has legislative authority.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 9096) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. HARTKE. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 11417.

The PRESIDING OFFICER. The clerk will state it.

The legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 6, 1972, at pp. 19824–19828.)

Mr. HARTKE. Mr. President, the conferees have completed work in resolving the differences between the House and Senate versions of the pending Amtrak legislation. The conference report lays out in detail the results of the conference. I think it appropriate, however, to make some special comment about a few of the items which were considered.

First, the Senate agreed to recede from its provision in section 1 of the Senate

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bill establishing a flat salary limitation on all Amtrak officers not to exceed the level of salary for Cabinet-level officers now fixed at $60,000 annually. We accepted the House version which also contains a salary limitation at the same level but modifies the limitation so as to make it possible for officers of the Corporation to enjoy a salary greater than $60,000; provided, however, that any excess over the limit must come from net profits. We were concerned that the House modification would inadvertently provide an incentive for officers of the Corporation to severely limit the Amtrak network, discontinuing after July 1, 1973, all unprofitable routes or services and retaining only the profitable routes. This might have meant, unless circumstances change, that the system would be pared down to consist solely of the Metroliner service between Washington and New York. Such result would, of course, be a gross distortion of legislative intent, and the House conferees agreed that we should admonish Amtrak management to remember that its responsibility is to provide service on a nationwide scale. Accordingly, the conference report at page 10 states that the provision of section I of the agreed-upon bill relating to excess salary payments from their profits is not intended "to serve as an incentive to discontinue any part of a nationwide system of intercity passenger service." This should eliminate any question about management's continuing responsibility to maintain rail passenger service where needed in accordance with the principle of the act. The profitability of a particular service is only one measure of need.

Another problem which has arisen is the practical question involved in applying the Freedom of Information Act—5 U.S.C. 552—to a quasi-public corporation such as is required by section 3(b) of the conference bill. Amtrak has within the past few days indicated that because it is not an agency of the Federal Government, that it will be difficult for it to comply with certain provisions of the Freedom of Information Act. It is pointed out, for example, that much of the Freedom of Information Act is concerned with rules, regulations, and standards promulgated by an agency. Amtrak in the normal course of its business would not issue rules, regulations, or standards in the nature of those issued by a Federal agency.

But it does not appear that this should present an overwhelming problem to Amtrak. Certainly, if a part of the Freedom of Information Act cannot operate on Amtrak, then it should not be considered applicable and Amtrak need not be concerned with complying. It is quite clear, however, that the reason for including this section in the bill is to insure that the public, which after all is footing the bill for Amtrak operations, should have the right to scrutinize the Corporation's operations. Beyond this general principle, it would seem that Amtrak management need only exercise good commonsense in deciding whether a particular provision of the Freedom of Information Act can as a practical matter be made to apply to Amtrak operations. I would also point out that if this section of the act presents a problem for Amtrak, the Corporation has only itself to thank. This section was adopted after members of the Senate Commerce Committee and others had been made aware of several instances during the past year in which Amtrak refused to make information available to the press and private citizens. Nevertheless, if this section proves to be onerous, I, for one, would be happy to entertain the possibility of an amendment.

It is also of importance to comment on a provision of the House version that was acceded to by the Senate concerning section 22(1) of the Interstate Commerce Act. The Department of Transportation in a letter dated May 3, 1972, expressed concern that section 3 of the House bill, now section 3(a) of the conference bill applying to section 22(1) of the Interstate Commerce Act, would inadvertently subject Amtrak to provisions of the Interstate Commerce Act pertaining to rates, fares, and charges. The conference committee, in its report at page 11, makes clear that there is no intention by virtue of the reference to section 22(1) to in any way change the impact of the Interstate Commerce Act upon Amtrak.

The amount of financial assistance contained in the conference reported bill represents a compromise by both Houses of Congress and further represents, I think, the best possible position achievable by the Senate conferees. Briefly stated, the conference committee recommendation for financial assistance compared to the Senate approved version is as follows: The Senate approved $270 million in Federal grants, plus $2 million annually for certain international service. The conference committee agreed upon a figure of $225 million in direct grants retaining the $2 million annually for international service. The Senate bill contained an increase of $150 million in loan guarantees above existing law which would have brought the total in loan guarantees to $250 million. The conference committee agreed to a $50 million increase in loan guarantees to be effective upon enactment, and $50 million more in loan guarantees to be effective on July 1, 1973, bringing the total available by that date to $200 million. The Senate bill also contained four amendments earmarking $15 million for experimentation, $100 million in loan guarantees for urban corridors, and $50 million in loans for urban corridors. These three amounts were stricken from the Senate bill by the conference committee except that the Senate language on experimentation contained in section 7 of the Senate bill was retained as section 6 of the conference committee bill.

Mr. President, while there were several other less significant changes agreed to by the Conference Committee, I think the foregoing discussion has outlined the most significant changes. The Senate conferees supported the Senate position with enthusiasm and, I think we have, with the House conferees, developed a very fine bill. Certainly, there is not as much in the final legislation as the Senate thinks is necessary but Amtrak will now be better equipped to upgrade rail passenger service in the United States.

I think it appropriate to emphasize at this point that Amtrak should consider that it has a mandate to carry out a thorough evaluation of the basic system. Under existing law, Amtrak's discretion to discontinue service in the basic system will be greatly expanded on July 1, 1973. But Amtrak management should not look upon this as an opportunity for a wholesale shutdown of all rail passenger service that is not profitable by that time. Rather Amtrak should exercise its discretion with great care. It should not discontinue service that has not received a thorough testing from every standpoint including both marketing and service. Government's interest in transportation and Amtrak's interest, therefore, should not be to measure profitability as a goal in itself. Rather, it should strive to insure that rail transportation services are available for those citizens who need the services. This may or may not mean that the service makes money.

There can be little question that thus far Amtrak has failed to make the kind of effort that the Congress and the public had hoped that it would make. During the past year, because of inadequate funds, Amtrak has had a ready-made excuse, albeit a very inadequate excuse. In the year to come, Amtrak will have available to it substantial resources to launch sound improvements in rail passenger service. We in the Congress have made clear that we expect Amtrak management to take advantage of the opportunities and begin a thorough testing of rail passenger service. There is little question that for the foreseeable future there will be a continuing role for Amtrak or at least rail passenger service in a balanced transportation system. Amtrak must now begin asserting itself in that role. It is anticipated that a year from now we may once again be required to examine Amtrak's performance. I hope that those of us on the Commerce Committee will be able to present a better report on Amtrak performance in fiscal year 1973 than we were able to present for the past 12 or 13 months.

Mr. WEICKER. Mr. President, I wish to join my distinguished colleague from Indiana (Mr. HARTKE) in urging the Senate to adopt the Conference Report on H.R. 11417, to amend the Rail Passenger Service Act of 1970 and provide financial assistance to Amtrak for the purchase of modern railroad passenger equipment.

In approving this conference report, the Congress will be taking the lead in committing the Nation to the long-term improvement of intercity rail passenger service.

Recently, some influential voices in government have been saying that passenger trains should be retired to the same museum that holds the stagecoach.

Others say that rail service should continue but only in its present precarious state, glued together by the hopes of a few rail buffs and allowed quietly to fade away before the onslaught of the automobile and the airplane.

These views are rejected by this conference report.

Rail passenger service is an essential facet of a balanced national transportation system. Over 200,000 miles of railroad track exist all over the country, serving every major metropolitan area in the Nation. Rails connect city centers which are often miles and hours from airports. Rails carry people far more efficiently than highways which cover two to three times the amount of increasingly scarce real estate. Rails serve smaller cities which are ignored by airlines and cut off from the world by all modes other than the automobile.

With all these advantages—and the relatively low cost of using existing tracks—it is incredible that knowledgeable people, people in a position to take meaningful, affirmative action, are willing to allow the American rail passenger to disappear at the very same time that every other developed nation in the world is investing billions in new technology to speed people along the ground.

It is with pride that I congratulate my fellow conferees in the Senate for taking the lead in burying the array of negativism expressed by so many in government and committing themselves to a new day in rail passenger service.

Mr. President, this was not an easy conference. The conference committee was confronted with almost 20 issues. I had hoped we could return with more of the provisions of the Senate-passed bill. However, confronted as we were with an adamant position of the House on certain major issues, I think we have done well.

I especially again want to compliment our chairman and leader in this matter, the Senator from Indiana (Mr. HARTKE).

For example, we were able to maintain the Senate provision with respect to pass privileges for railroad employees, an amendment authorized by the distinguished senior Senator from Delaware (Mr. BOGGS) which had been adopted by the Commerce Committee. Similarly, the Senate managers were able to prevail on at least that part of the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) providing standards for additional experimental service by Amtrak. Unfortunately, we were not successful in "earmarking" the additional funds sought by the balance of Senator BROOKE'S amendment.

As for Federal grants, the House-passed measure authorized $170 million plus $2 million annually for international service. The conference compromise would authorize Federal grants of $225 million, $55 million over that passed by the House, or more than half the increase sought by the Senate.

I would like to make one point at this juncture—that it is not only the $55 million that is important, but, rather, what that $55 million is to be committed to; and we come back to this Senate Chamber as conferees with a commitment that Federal moneys will not only be used to cover operating deficits—which is a rather bleak purpose at best—but, rather, that it is money which will be used for capital improvements, research, and development.

As for loan guarantee authority, the House-passed measure made no change in existing law, leaving the amount at $100 million. The Senate, on the other hand, had increased this amount by $150 million to a total of $250 million. The conference substitute represents an increase of $100 million in two steps. The first step raises the total to $150 million immediately and the second takes it to $200 million after July 1, 1973.

Mr. President, the increase in the amount authorized for Federal grants and the loan guarantees, especially that after June 30, 1973, is particularly significant when recognizing that Amtrak's legal obligation to operate passenger service runs only until July 1, 1973. At issue here is what I believe to be a basic philosophical difference between the Senate conferees—if not most members of this body—and the House conferees.

During debate on the Senate version of H.R. 11417 in this Chamber last April 27, the distinguished junior Senator from Maryland (Mr. BEALL) correctly observed, in quoting from the House Report on the original Rail Passenger Service Act of 1970:

> This is a constructive attempt to salvage an essential system of intercity rail passenger service to meet the needs of the public.

Amtrak also has been characterized by Secretary of Transportation Volpe as a vehicle—

> To conduct a nationwide test to determine the appropriate role and level of rail passenger service in the development of a transportation system.

Similarly, the report of the House Interstate and Foreign Commerce Committee accompanying H.R. 11417 noted that:

> We fully recognize that Amtrak was to be a substantial degree an experimental effort to determine the appropriate role and level of rail passenger service in the development of a balanced national transportation system.

Mr. President, I do not quarrel with the characterization that Amtrak does represent "an experimental effort." And, I believe that most Members in this Chamber would concede that Amtrak is an experiment, albeit one that no doubt most of us would wish to see prosecuted with considerably more vigor than has been demonstrated thus far. Yet, when we got to conference on H.R. 11417, I was surprised to learn of a very sharp philosophical difference between the Senate and House conferees as to the outlook for intercity rail passenger service after the completion of this "experiment" next July 1. This Senator believes—and very strongly, I might add—that whether it be Amtrak or some other organization which moves more toward the nationalization of rail passenger service, the facts clearly dictate a continuing and increasing need for revitalization of this mode of transportation. It is on this most important point that I find myself in sharp disagreement with my colleagues in the House.

The House conferees feel that the jury is still out on intercity rail passenger service itself and that, subject to the results of the Amtrak experiment, we may seriously consider ending all Federal assistance beyond July 1 of next year.

And what a preposterous contemplation on the part of the House that is. Certainly we know that, insofar as intercity rail service is concerned, it is not going back into private hands. Rather, we hope that the present system will succeed, which is a combination of government and private enterprise. But if it goes anywhere, it goes the route of nationalization, and not back in private hands.

I understand there was even insistence on the part of some House conferees that language to this effect be included in the joint explanatory statement to reflect this House position.

I refer again to that portion of my comments that indicated that, subject to the results of the Amtrak experiment, we might be considering ending all Federal assistance by July 1 of that year.

For example, some House conferees wanted language directing Amtrak to use guaranteed loans only for capital improvements with a high degree of liquidity which could be easily disposed of upon the death of passenger service. I vigorously and successfully opposed any such language in the joint explanatory statement, but I shall not be surprised if there is a colloquy in the other body when this conference report is considered which attempts to convey this pessimistic philosophy. While I have no control over what is said in the other body, I believe that if such a philosophy is espoused, it would fly in the face not only of the conference report itself but also of the report of the House Committee on Interstate and Foreign Commerce which accompanied the Rail Passenger Service Act of 1970, Report No. 91-1580.

Mr. President, I cannot understand what is in the minds of those, be they on the House side, members of the administration, representatives of private enterprise, or the president of Amtrak himself who feel that this Nation can survive without superior intercity rail transportation.

No longer is it only a problem of the commuter living outside of New York, Chicago, or Boston. Rather it is the problem of every budding city in our United States. In my own State of Connecticut, it is no longer the problem of the Fourth District of Fairfield County; it is now the problem of the Hartfords, the New Havens, and the Bridgeports. It is no longer simply something which is demanded in the name of mobility, but the arguments can be made in many other areas for a rail system that truly works.

For example, in the name of safety: Mr. President, certainly the people of this Nation have every right to protest the loss of American lives wherever it occurs. But where are the protestors who will sit down in the waiting room of my office and say, "We are tired of having 55,000 Americans each year killed on the highways of this Nation?"

I think each one of us knows that if any governmental policy were being construed that contemplated the loss of 55,000 Americans, whoever espoused such a policy would fast be out of office. And what about the ecology, the environment? It can also be argued here that we have

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to have decent rail service, and in fact the pollution created by increasing numbers of automobiles is something we can no longer live with. And what about the fact that no form of transportation moves so many people over so great a length of real estate in so short a time? It may well be that we have finally reached the saturation point, and will have to return to the rails.

First, such a proposition would fly in the face of section 10 of this conference report concerning loan guarantees. Subsection (d) of that section provides that the aggregate unpaid principal amount of loans outstanding "(1) may not exceed $150 million before July 1, 1973 and (2) may not exceed $200 million after June 30, 1973." Certainly, Mr. President, to authorize an increase of $50 million in loan guarantee authority 1 day prior to the termination of the Amtrak "experiment" on July 1, 1973 indicates a definite congressional commitment to continue intercity rail passenger services beyond the termination date of this so-called experiment.

I know that this was the intent of the committee, for in fact the gracious chairman of our subcommittee, the Senator from Indiana (Mr. HARTKE), wanted a date placed in the bill which would have made it clear that we are going to continue beyond July 1 of 1973. Some opposition having developed to that, and realizing the importance of moving this legislation through, he, I, and the other members of the committee all got together and figured out that we would make a meaningful commitment, dollarwise, which certainly would be interpreted to mean that this "experiment" was to be a meaningful commitment for the future, to move Americans, via rail, intercity.

Second, Mr. President, if, in the words of the House committee's own report on the Rail Passenger Service Act of 1970, this is to be a "constructive attempt to salvage an essential system of intercity rail passenger service—," then surely Amtrak cannot be held back and labeled a holding action foretelling the eventual abandonment of this same passenger service. If we were to adopt the philosophy espoused by the House conferees which would limit loan guarantees to those items with the greatest degree of liquidity, Amtrak would be foreclosed from issuing the guarantees to obtain new passenger cars and would be doomed to failure.

Based on personal experience in Connecticut, I know that it takes several years between the ordering of new rail equipment and the date such equipment comes on line.

Before I even came to the Senate, in the year 1966, the then Governor of Connecticut, Hon. John Dempster, and the Governor of New York, Hon. Nelson Rockefeller, met in Greenwich, Conn., and, with the cooperation of the then President of the United States, Lyndon Johnson, made a commitment for the purchase of 154 new cars for the New Haven Railroad.

The first delivery on those cars will take place in the fall of this year, 1972, or in fact 6 years later. Six years after the agreement was made, the first of the equipment arrives.

To deprive Amtrak of desperately needed lead time by preventing the purchase of and planning for entirely new passenger equipment, we would be telling the American people that the "constructive attempt" of the so-called Amtrak "experiment" has no chance of success. This I, and, I am sure, a vast majority of my colleagues in the Senate, are totally unwilling to say.

Here, Mr. President, is the essential difference between the two versions. The House was willing to go along on the basis of merely covering operating deficits. The Senate said:

> We cannot fulfill our obligations to the American people by continuing a system of covering deficits in the operation of our railroads.

Rather, what we would say to the American people is:

> We have now given Amtrak the tools to eventually bring to a close that day when its operating deficits need be covered by public funds.

If you run the same equipment over the same tracks, employing the same methods, you are going to end up with the same deficits, only this time the taxpayers of the United States will be covering it rather than private enterprise. That is the House version of the bill.

The Senate version, which we pass upon today, says:

> We are now giving you the tools, the money, to buy new equipment, to run that equipment over new rights of way, employing new methods, and thus bring to an end the unending cycle of deficits.

Mr. President, I apologize for the length of my statement on what should otherwise be a routine consideration of a conference report. However, I feel very strongly that the legislative history which I anticipate may be attempted to be made in the House on this conference report cannot be left to stand uncontested. It is too vital a philosophical difference for me to remain silent. Amtrak as an entity may be an experiment; rail passenger service as a viable essential mode of transportation is not.

In conclusion, Mr. President, I urge the adoption of the conference report on H.R. 11417, subject to my foregoing remarks. I would only ask my distinguished colleague from Indiana (Mr. HARTKE), chairman of the Surface Transportation Committee of our Committee on Commerce, who has worked so diligently on this legislation since its inception, and without whose support these principles I have enunciated could not come to pass, whether he would concur in the views which I have expressed concerning this matter.

Mr. HARTKE. Mr. President, I concur with the Senator from Connecticut, indeed, I wholeheartedly agree with everything he has said and explained here, in what I consider a very fine exposition of the problems we are faced with in connection with Amtrak.

Our feeling is that Amtrak, or at least rail passenger service, is here to stay for the foreseeable future. Nothing in the law indicates that the corporation has a limited life. Article II of its articles of incorporation provides that the period of duration of the corporation is perpetual. Eight members of the board of directors who are appointed by the President with the advice and consent of the Senate are appointed for successive terms of 4 years. The legislation presently being considered authorizes $150 million in guaranteed loans up to June 30, 1973, and $200 million thereafter.

Section 404(b)(3) of the act specifies the method by which Amtrak may discontinue trains in the basic system after July 1, 1973.

Section 701 authorizes $200 million in loans and loan guarantees to the railroads for the purpose of permitting them to enter into and carry out contracts with Amtrak. The maturity of these loans is 5 years.

Of course, any agency created by Congress or pursuant to an act of Congress can be restructured or abolished at any time. But this principle does not make Amtrak any less permanent than any other agency created by Congress or pursuant to an act of Congress.

Amtrak must be given an opportunity to reverse the downward trend in ridership and to cause the trend to start on the upgrade. After June 30, 1972, it will possibly need long-term financing. Within the next 2 months, I am told Amtrak will be making long-term commitments for new locomotives, new passenger cars, and perhaps whole new trains.

Amtrak has also been directed by Congress to take over passenger operations and operate our intercity rail passenger service directly, to the extent this is practicable. Congress certainly would not have required this if, as soon as the employees were taken over, they would have to be fired.

Pursuant to the authority granted to Congress, Amtrak has entered into a contract with the railroads which gives Amtrak the right to use the railroads' rigths-of-way through April 30, 1996, and also provides that the railroads may not terminate their service obligations to Amtrak prior to May 1, 1981.

Every bit of evidence indicates that Congress intended Amtrak to be more than a temporary organization, more than an experiment; and this is not changed by the requirements that Amtrak make recommendations to Congress for a basic route system to be operated after July 1, 1973. Not only is the law clear on the intention of Congress, but good business judgment will require that Amtrak or its successor, be funded on a long-term basis.

I think it is appropriate at this time for me to give a special commendation to the distinguished Senator from Connecticut (Mr. WEICKER) for his diligence not only in the conference but also throughout the entire committee consideration of this bill. He certainly was one of the best informed members and he was one of the driving forces to make this legislation what it is today.

I think both of us would agree that it does not go as far as we would like, that it is not as specific as we would like it to be in its direction to assume responsibility and opportunity which we believe passenger service transportation should have. But, at the same time, the efforts by the Senator from Connecticut were of such nature that it made it possible for the committee to move affirmatively, to move in a manner in which the intent is clear, and which we have tried to make clear on the floor in discussing this conference report.

I might say, also, that, in my opinion, contrary to the views expressed by those who think the United States has reached its zenith in passenger service by rail, I look at this not as the end of an old age but the beginning of a new age.

If the people who are the directors and operators of Amtrak do not have the vision and do not have the commitment and do not have the foresight to make Amtrak what the country thinks it should be, and what we in Congress want it to be, then they ought to find themselves a different place to work, because Amtrak is a place in which opportunity is presented for those willing to grasp it.

It has been said frequently that to take over an operation which is a success and to continue its success deserves no credit whatever. But to take over operation of a system which has been permitted to come to the edge of disaster, and to be placed in a position to turn it around is to be given an opportunity of great value. If the managers and directors and the people who are in charge of Amtrak seize the initiative and demonstrate their capacity to be innovative and forward looking—then I think the efforts of those on the committee will be rewarded. I point out to the management of Amtrak that if they will display the same diligence we have had on this committee, that in and of itself would be a good start.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana

The motion was agreed to.

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question now recurs on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. ROBERT C. BYRD. Mr. President, there is at the desk a report on the nomination of Mr. William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission. This nomination was reported earlier today by the committee chaired by the distinguished Senator from New Jersey (Mr. WILLIAMS). Mr. WILLIAMS has requested that the nomination be confirmed today. The matter has been cleared with the other side.

I therefore ask unanimous consent that the Senate proceed with its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nomination will be stated.

The assistant legislative clerk read the nomination of William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the nomination of Mr. Richard G. Kleindienst.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:55 p.m. today.

The motion was agreed to; and at 11:59 a.m., the Senate took a recess until 12:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SAXBE).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. Cabell as an additional manager on the part of the House in the conference on the disagreeing votes of the two Houses thereon to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virgina and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message announced that the House had passed, without amendment, the bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed a bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I take the liberty of yielding, on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY), 5 minutes to the able Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I thank the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for his courtesy.

Mr. President, on April 27, 1972, a majority of the Senate Judiciary Committee abruptly voted to end the committee's deliberations on the nomination of Richard Kleindienst to be Attorney General of the United States. This action insured that the full Senate would be forced to consider this important nomination on the basis of an incomplete and inconsistent hearing record.

The committee's task was to investigate the public allegations that the Justice Department and Mr. Kleindienst had acted improperly in settling a major antitrust case against one of the Nation's largest conglomerates—ITT. Yet the committee failed to obtain several crucial documents—both from the Justice Department and ITT which could have shed light on this issue, failed to hear from several critical witnesses, and failed to recall witnesses—such as Mrs. Dita Beard and Harold Geneen, President of ITT—

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whose earlier testimony was both incomplete and substantially contradicted by other testimony.

What we are left with, then, is a series of basic questions about the ITT affair and Mr. Kleindienst's role in the matter. Unless the committee holds further hearings, hearings which allow ample and complete cross examination of key witnesses, I cannot vote to confirm this nomination.

Without such hearings, it would be a serious mistake to confirm Mr. Kleindienst on the basis of the record before us. As the New York Times pointed out in its editorial opposing this nomination:

> Mr. Kleindienst's personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide.

While the Times noted that men can grow as Attorney General, it concluded that:

> There is little in Mr. Kleindienst's record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of this gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralizations. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Mr. Kleindienst as Attorney General.

Mr. President, I ask unanimous consent to have the full text of the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE KLEINDIENST CASE

Ideally, an Attorney General should be a lawyer, highly regarded for his professional attainments and wise, discriminating judgment. Although aware of political necessities, he ought not be a partisan in a narrow or combative sense. To the President, he should be a sagacious counselor able to take a long view in the rush of immediate events. To the public, he should be—along with the members of the Supreme Court—one of the ultimate guardians of justice.

It is sad but not historically unprecedented that Richard G. Kleindienst, whose confirmation is now under Senate debate, falls short of these high standards. At least half of the men who have headed the Justice Department in its long history have failed to meet them. Mr. Kleindienst is a lawyer of no particular distinction and a routine politician. But those facts do not preclude his confirmation inasmuch as American tradition gives a President wide latitude in choosing his Cabinet advisers.

Furthermore, it is only to be expected that Mr. Kleindienst holds regressive opinions on civil liberties and civil rights. In view of President Nixon's own law-and-order attitudes, the choice of a more liberal lawyer as successor to John N. Mitchell could not be expected.

The issue then for the Senate and the nation is whether Mr. Kleindienst falls so far below an acceptable standard of competence, political involvement and leadership quality as to override the prevailing presumption in favor of any Presidential nominee. Reluctantly, we conclude that Mr. Kleindienst does fall below this minimum standard.

His personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide. There is a high risk, perhaps a probability, that if Mr. Kleindienst is confirmed and serves for any considerable time as Attorney General, he will reduce the morale and efficiency of the Justice Department to the demoralized condition which it reached twenty years ago at the end of the Truman era.

The experience of the Truman Administration is relevant and disturbing. President Truman appointed three successive Attorneys General, none of them personally corrupt but none of them professionally eminent or invulnerable to political influence. Each in turn was a shade more mediocre and, in varying ways, more political-minded than his predecessor. The result by 1953 was a flight of the competent employes and a rotting away of the spirit of those who remained.

Former Attorney General Mitchell, except in the field of municipal finance, is not professionally distinguished. He is an able man but his guidance of the Justice Department was unduly influenced by short-run political calculations. Mr. Kleindienst's professional accomplishments are less visible than those of his predecessor and his political manipulations and preoccupations even more obvious. In short, his tenure would almost certainly lead to a quickening of the downward spiral within the department. When young and middle-level career employes lose confidence in the professional capacity and freedom from political subservience of the department's leadership, the destructive attitudes of cynicism and resentment rapidly gather force.

The six weeks of Senate Judiciary Committee hearings on Mr. Kleindienst's nomination were inconclusive on many issues of fact. But they wrote a compelling indictment of the nominee as evasive, disingenuous and crass. He consistently tried to conceal the extent and nature of his involvement in the politically motivated I.T.T. settlement which undercut an important legal position that the Antitrust Division had been asserting for two and one-half years.

In the bribery case involving Robert T. Carson, administrative assistant to Senator Fong of Hawaii, the most that can be said for Mr. Kleindienst's peculiar actions is that he must be remarkably obtuse. Mr. Carson allegedly offered Mr. Kleindienst a large political contribution in exchange for quashing a criminal case, but Mr. Kleindienst did not report the matter for a week and only after learning that the F.B.I. was "bugging" Mr. Carson's office. In the Stewart case involving the flagrant obstruction of justice in a San Diego investigation of illegal political contributions Mr. Kliendienst joined in hushing up the affair.

Men can grow as Attorney General as other men grow as President. When Robert Kennedy was appointed in 1961, he seemed a person of narrow views and inadequate experience, but in almost every respect he rose to the challenge of his high office. It is possible to believe that Mr. Kleindienst would respond similarly. Yet there is little in his record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of that gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralization. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Richard Kleindienst as Attorney General.

Mr. MONDALE. Mr. President, when news stories appeared linking Mr. Kliendienst to the ITT antitrust settlement, Mr. Kleindienst himself asked the Senate Judiciary Committee to reopen the hearings on his nomination. After his request was granted, Mr. Kleindienst testified that:

> He did not want the Senate to act upon his nomination "if there was any substantial doubt in the minds of any of the members of the Senate . . . that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate."

I think it is clear that the substantial doubts raised by the public allegations still remain, and under Mr. Kleindienst's own standards, so that until further hearings are called to clear the air, the Senate should not confirm Mr. Kleindienst's nomination as the Nation's chief law enforcement official.

Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, the position of Attorney General of the United States is, next to the Presidency, one of the most important posts in the Federal Government. It is the Attorney General, as the chief legal officer of the United States, who is entrusted with the duty to uphold the Constitution and its guarantees. He must, of course, be the servant of the President. But he must be more than that. He must be the servant of all the people.

Under normal circumstances, most of us in the Senate have held the viewpoint that a President should have the opportunity to appoint his own man to advise him and develop national policy on the administration of justice, leaving the decision whether to accept or reject policy judgments to the American people when they are called upon to elect their President.

Unfortunately, the facts which have surfaced as a result of the hearings on the nomination of Richard Kleindienst raise such serious questions about the nominee's fitness to serve as Attorney General that I do not believe we should leave this judgment to November's ballotting. And while we do not yet—and may never—have full knowledge of all of the important facts about this nominee's performance thus far in office, the things which we do know raise grave questions about Mr. Kleindienst's integrity and judgment.

The Senate Judiciary Committee has held an unprecedented 6 weeks of hearings on the Kleindienst nomination. There were many complex issues raised during these sessions which in large part centered around Mr. Kleindienst's role in the ITT antitrust settlement but which also went into episodes involving Mr. Robert Carson and U.S. Attorney Harry Steward.

While the notorious ITT affair has provided the American people with an important lesson as to the relationships between certain private interests, the Government, and partisan politics, it becomes particularly relevant to the Kleindienst nomination in the context of statements made by the nominee regarding his personal involvement in the events leading to the settlement of the legal case by the Justice Department. Mr. Kleindienst, when first questioned about his role in the ITT case, responded in a letter to the chairman of the Democratic National Committee that the case was handled exclusively by the head of the Antitrust Division. From that time forward, it became more and more obvious during the nomination hearings that Mr. Kleindienst did play an important role in the case. I think that the hearing record leaves no doubt that the nominee involved himself in this affair in a very substantial way and this leads me to conclude that Mr. Kleindienst simply refused to tell the whole story to the committee about his involvement.

Mr. Kleindienst's testimony concerning the Carson bribery case casts doubt on his personal judgment. He stated in Federal court that Mr. Carson asked for help for a friend under a grand jury indictment in return for a large cash contribution to the reelection campaign of President Nixon. But, it appears that Mr. Kleindienst did not view this offer as a bribe and gave no thought to reporting the incident to Attorney General Mitchell until after learning that the FBI was bugging Carson's office. Either Mr. Kleindienst is remarkably naive about matters such as this or he is extraordinarily insensitive, and in either case I think this incident raises additional profound questions about his ability to properly serve as the chief legal officer of our Government.

The ITT and Carson cases combined with the matter of U.S. Attorney Harry Steward, where Mr. Kleindienst tried to hush up the flagrant obstruction of justice by Mr. Steward in an investigation of illegal political contributions, suggest a clear pattern of performance which cannot be excused as the Senate considers the nominee's fitness for office. The record before us is one of evasive responses, convenient memory lapses, and a refusal to offer full cooperation with Members of the Senate who desired to seek out the truth behind all of these most unusual and peculiar circumstances. I find myself in a position where I cannot help but question the ability of Mr. Kleindienst to meet the high standards for the position to which he was nominated. I can have no confidence in his qualifications to impartially and vigorously enforce the laws of the United States when he has demonstrated his unwillingness to put the public interest ahead of political convenience. It is for these reasons that I have decided to oppose the confirmation of his nomination, and it is my hope that a majority of Senators can be persuaded to do likewise.

Mr. DOLE. Mr. President, I have previously stated my intention to vote to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. Today, I rise to repeat my support for this nomination and to urge that the Senate proceed with all appropriate dispatch to give its advice and consent and then move on to the pressing business which requires our consideration.

The nomination and confirmation process is one of the most important interactions between the legislative and executive branches of Government. As part of the series of checks and balances with which the authors of the Constitution sought to strengthen our democratic institutions, its effective operation demands the most conscientious and serious attention of the President and the Senate.

PRESIDENT'S COMMITMENT

The Senator from Kansas believes that in nominating Mr. Kleindienst, President Nixon has fulfilled his responsibility for choosing a professionally qualified, personally distinguished individual to be our Nation's chief law enforcement officer. The President approaches each nomination to executive and judicial posts with the utmost seriousness and regard for the importance of these high offices. In doing so he keeps faith with one of the highest commitments of his Presidency.

In his campaign and throughout his service in office, the President has repeatedly stressed his determination to improve Government and make it more responsible and responsive to the needs of our citizens. He has initiated numerous reforms directed toward achieving that goal. Foremost among these are revenue sharing and departmental reorganization—and specific policy changes in existing programs have been made whenever appropriate. But nowhere has his commitment been more widely or effectively demonstrated than in the President's personal efforts to bring the most qualified, highly motivated, and dedicated men and women into Federal public service. These efforts have been pushed at all levels of Government, and they have succeeded to a unique degree in advancing the cause of better government—Federal, State, and local. Our Government is, after all, by the people, and it can only be as effective and efficient as the individuals who comprise it.

Setting the pace, President Nixon has brought an extraordinarily talented and dedicated group of Cabinet and sub-Cabinet officials to Washington. And these individuals have provided more than 3½ years of outstanding service to America while directing the job of implementing the President's policies. And throughout this period, Richard Kleindienst has been one of the foremost figures in this select group.

RECORD OF LEADERSHIP

Serving as Deputy Attorney General, he has played a major role in helping fulfill one of the President's most urgent campaign commitments—making an all-out assault on crime in America and securing improvements in the Administration of Justice, both civil and criminal, throughout the Nation.

Having worked in close cooperation with Attorney General John Mitchell, Richard Kleindienst deserves a large measure of credit for the accomplishments of the Department of Justice in strengthening law enforcement and protecting the law-abiding in America over the past 40 months. The record is clear, and it reflects great credit on all who participated in its achievement. For under this dynamic leadership, the Department of Justice has formulated and launched a massive program to improve the means and mechanisms by which our laws are enforced and applied—not only by the Federal Government but by States and localities as well.

In recognition of the threat posed by crime and the criminal to every level of society the Nation's entire criminal justice system has been scrutinized, and reforms have been pursued through advocacy of improved statutory provisions, modernized judicial machinery, and improved postconviction procedures and penal practices.

Also in the civil rights field, in areas dealing with the protection of our society from subversion and terrorism, regulation of competition in business, and the management and protection of our natural resources, the Department of Justice has compiled a record of vigorous, fair and diligent labor on behalf of the public interest. It should also be pointed out that the Department's Civil Division was given prime responsibility for enforcement of the President's wage and price freeze and subsequent controls.

In all these areas and many others the accomplishments of the Department are numerous and impressive. Of course neither Mr. Mitchell nor Mr. Kleindienst was personally involved in the details of every case or each decision, but the new sense of vigor and direction which they imparted to this important Department of Government reflects only the highest comment on their leadership and President Nixon's foresight in selecting them.

UNIQUELY QUALIFIED

Having been directly involved at the highest policy level of the Department, Richard Kleindienst has gained a background of experience and insight which uniquely qualifies him to serve as Attorney General. He fully understands the structure, personnel and goals of the Department, and his service in this position will assure continued dedication to the President's policies and an unbroken commitment to the full, fair and vigorous administration of equal justice under law in these United States.

I believe the President has made a wise and prudent choice. Mr. Kleindienst is superbly qualified, and he will be an able successor to John Mitchell as Attorney General.

THOROUGH INITIAL HEARINGS

Mr. President, I noted earlier that the nomination-confirmation process demands the conscientious and serious attention of both the President and the Senate. The President, as throughout his administration, has responded in a manner which demonstrates that he appreciates the importance of the nomination process and which evidences his high regard for the office of Attorney General.

The Senator from Kansas would have hoped that the response of the Senate had been in the same spirit. At first it appeared that examination of Mr. Kleindienst's record and qualifications would be accomplished with all appropriate diligence, but with a decent respect for the need to proceed without undue delay. In fact Mr. Kleindienst's nomination did receive a thorough, detailed, and adequate hearing before the Committee on the Judiciary. All who wished to came forward and gave testimony. Mr. Kleindienst appeared. A substantial record was made, and the committee voted to favorably report the nomination to the Senate.

TRIAL BY INNUENDO

However, the influence of an irresponsible Washington gossip columnist led to one of the most bizarre circuses of trial

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by innuendo, smear, and irrelevancy ever seen in the annals of Government—or sensational journalism.

I will spare my colleagues another dreary recitation of the second round of hearings on Mr. Kleindienst—hearings, I would point out, which were suggested by Mr. Kleindienst in hopes of providing the Senate every opportunity to explore his character, qualifications, and record.

But that second series of hearings, rather than attempting to further the Senate's knowledge and understanding of Mr. Kleindienst, was converted into a burlesque which appeared more intent on monopolizing time on the network newscasts and space in the Washington Post than serving any legitimate senatorial interest. Indeed, Mr. Kleindienst was all but forgotten as the so-called investigation strayed to such totally unrelated and self-serving areas as Latin-American politics, the Kentucky Derby social scene, and the ultimately unsuccessful efforts of a California city to obtain support for hosting a national political convention.

A POINTLESS CIRCUS

In short it was a circus. And in the end—many weeks after its muckraker-ringmaster opened the extravaganza—there was nothing to show for it, except a lengthy transcript, a number of bold but meaningless headlines and absolutely no grounds for questioning the soundness of the original finding that Richard Kleindienst should be confirmed by the Senate as Attorney General of the United States.

Delay, distortion, and a growing dullness were the chief products of this protracted exercise in headline fabrication. And while it may have raised some questions in the public's mind about the press' capacity to sustain a false issue. It certainly did not affect Mr. Kleindienst's qualifications nor, I am sure, his desire to continue his outstanding service to America in the Department of Justice.

CIRCUS IS OVER

But, now, at long last, the Senate has Mr. Kleindienst's nomination before it. The Senator from Kansas would hope that the Members of this body will recognize that the circus is over. Mr. Kleindienst, his record and his qualifications are easily winnowed from the chaff of sensational publicity, and he stands unmarred by the attacks of those whose charges have made headlines but which have not rung true either in the Senate or with the American people.

After those more than 6 weeks of endless smear and insinuation, aimed at Richard Kleindienst and in turn at the Nixon Administration; in spite of the muckracking; in spite of the Washington Post editorials which still go on like a broken record playing in an empty room; in spite of the desperate and extended effort to find something to justify the whole disgraceful Democrat-generated fiasco: in spite of it all, not one single piece of evidence was found to justify even questioning Richard Kleindienst's nomination.

It is the Senator from Kansas' impression that most if not all Senators have reached their decisions on Mr. Kleindienst. Attendance on the floor since his nomination was brought up would certainly indicate that most of our colleagues have not relied on the statements made here to assess their votes. The American public has certainly tired of hearing the same old arguments and accusations. Repetition of the old, unproven charges, further headline seeking and more delay will not change any votes—and will not serve the public interest.

OTHER IMPORTANT BUSINESS

The Senate has important business yet to consider in the short time before conventions and campaigns are upon us. It is time to fulfill our responsibility by disposing of this nomination and then turning to the business which awaits our attention.

The Senator from Kansas urges that the vote be taken and that Richard Kleindienst be confirmed as Attorney General.

Mr. GURNEY. Mr. President, on April 27, after 8 weeks of hearings, the Judiciary Committee confirmed by an 11-to-4 vote, the nomination of Richard Kleindienst as Attorney General of the United States. Never have hearings on the nomination of a Cabinet officer taken so long and proved so little. As a member of that committee, and of the special subcommittee that went out and interviewed ITT lobbyist Dita Beard, I have yet to see or hear any evidence of wrongdoing that would or should disqualify Richard Kleindienst from assuming the post as the Nation's top law enforcement officer.

On January 31, 1969, the Senate confirmed without objection the nomination of Richard Kleindienst as Deputy Attorney General. Since that time Mr. Kleindienst has built on his fine record of public service and his strong belief in law and order. In conjunction with former Attorney General John Mitchell, Richard W. McLaren, and others, he has helped to lead the fight against crime in the streets, urban unrest, drug abuse, and the growth of monopolistically inclined conglomerates.

A great deal of success has been achieved. Urban unrest has dropped off steeply since 1968, crime in the District of Columbia has declined to the lowest rate in the last 5 years, Federal anticrime aid to States and cities has been increased by 253 percent, and narcotics arrests have increased sharply. A lot of progress has been made in returning law and order to America and Richard Kleindienst deserves his share of the credit.

Yet, to hear all that has been said lately one would think that his record, not only as Deputy Attorney General, but as an Air Force navigator, as a member of the Arizona State House of Representatives, as a lawyer, and as a private citizen, does not count for anything. The fact is that his record eminently qualifies him to be Attorney General, these ITT hearings nonwithstanding.

As a matter of fact, the question of whether Mr. Kleindienst had anything to do with the alleged ITT deal has often been obscured in the welter of testimony, allegations, and insinuations. What we need to do is focus upon that charge and the other one dealing with U.S. District Attorney Harry Steward.

The two major allegations raised during the hearings on Mr. Kleindienst's nomination were, first, that the settlement negotiated between the Government and ITT concerning corporate divestiture was improperly linked to an ITT contribution to the Republican National Convention. And, second, that Mr. Kleindienst improperly absolved the U.S. attorney in San Diego of improper activities.

With regard to the ITT case, the accusations concerning the ITT antitrust case stem from charges made by columnist Jack Anderson to the effect that the settlement, requiring ITT to divest itself of numerous subsidiary companies but permitting it to retain the Hartford Insurance Co., was the result of a $400,000 contribution by ITT to the Republican National Convention.

First of all, the hearings produced no testimony which, in any way, indicated any connection between Richard Kleindienst and the San Diego convention. Furthermore, testimony showed that the Kleindienst connection with the ITT litigation was minimal.

The facts of the matter are that the accusations which have been made stemmed from a memorandum reportedly written by Dita Beard, ITT's Washington lobbyist, to the head of the ITT Washington office, William Merriam, which then, somehow, fell into the hands of Jack Anderson. Anderson's associate, Brit Hume, testified that Mrs. Beard identified that memorandum as hers. Mrs. Beard testified to the committee that, while she had written a memorandum concerning the convention, the Anderson memorandum was not the one she had written. Her testimony was corroborated in a sworn affidavit by one of her former secretaries, Susan Lichtman, who testified that she had typed a memorandum for Mrs. Beard concerning the convention but that the political and the litigatory references in the Anderson memorandum were not included. And, finally, Mr. Merriam testified that he had never received such a memorandum.

Two factors bearing on authenticity of the memorandum should be mentioned. In this connection. First, the shredding business, ITT, at best, exercised exceedingly poor judgment when, upon hearing of the Anderson memorandum, they panicked and shredded a large number of documents. This proves nothing. Fear of another "edited" document further embarrassing the company could easily have provoked this unwise move.

Second, Congressman BOB WILSON'S interview with San Diego newsman, Robert E. Cox. This interview likewise is not conclusive, since Congressman WILSON, under oath, testified that Mrs. Beard had indicated to him that she had not written the Anderson memorandum.

Thus, while the committee was faced with some conflicting statements, the overwhelming weight of the testimony adduced before it casts doubt on the veracity of the contents of the Anderson memorandum and suggests that it was entirely possible that the entire memorandum might have been a forgery.

As to the substantive contentions contained in the charge, two points should be noted.

First of all, there is the question of the contribution itself. The testimony before the Judiciary Committee clearly indicated that what we are concerned with was a pledge of up to $200,000, not $400,000, by the Sheraton Hotel chain to the city of San Diego's Convention Bureau to enable the city to attract the Republican National Convention. Actually, testimony indicated that the final contribution of the Sheraton Hotel possibly would have been less than $100,000.

It should also be noted that the convention would have coincided with the opening of the new Sheraton Hotel in San Diego, giving that hotel an estimated $1 million worth of national publicity at a cost below the $250,000 which the Sheraton chain had expended in promoting the opening of a new hotel in Hawaii the year before.

Thus, it is clear that the Sheraton pledge to the city of San Diego's Convention Bureau was nothing more than good business public relations strategy.

Second, there is the insinuation that all this was masterminded, for political purposes, by former Attorney General John Mitchell himself.

However, while the memorandum indicates Mr. Mitchell had some knowledge of the convention and the antitrust litigation, he testified that, at first, he had no knowledge of any convention plans while Attorney General and, second, that because of law firm associations, he had removed himself completely from the ITT antitrust litigation leaving Deputy Attorney General Kleindienst in charge. Most critics, even, have admitted the latter and, also, all parties involved are agreed that when Mrs. Beard attempted to broach the subject to Mr. Mitchell at the Governor's mansion during the festivities involving the Kentucky Derby, the Attorney General was adamant in his refusal to even discuss the matter.

A few comments should also be made about the antitrust settlement itself. First of all, the settlement was entered into only after the Government had lost two cases against ITT and a preliminary ruling in a third. Solicitor General Erwin N. Griswold testified that it was probable that the Government would lose any appeal and that the settlement arrived at was 70 percent pro-Government. A quick look at what the settlement did more than supports the conclusion that this was no "favorable deal" for ITT.

While it is true that ITT was permitted to retain the Hartford Insurance Co., the price was the divestiture of five firms with annual sales totaling $1 billion plus a ban on future anticompetitive acquisitions. Indeed, the announced terms of the settlement were so severe as to cause a 14-point drop in the value of the stock and the dumping of large numbers of shares by insiders—an abuse that should be prosecuted.

It should also be noted that this antitrust action was perhaps the largest in the history of the United States. It certainly is quite a contrast to the position taken by the two previous administrations, that conglomerate activity was not within the scope of antitrust actions. In fact, the antitrust chief in the Johnson administration, Donald Turner, publicly stated that antitrust laws were not broad enough to prosecute conglomerates.

In contrast, Judge Richard W. McLaren, who headed the Antitrust Division of the Department of Justice at the time of the ITT case, testified that not only was the decision to settle and the terms of the settlement made by him alone, but also that the settlement represented what he thought to be a good deal from the Government's viewpoint. Judge McLaren should know; he had 25 years experience in antitrust cases and, based on his record of going after big business mergers, he can hardly be considered a friend of the conglomerates. In his testimony he pointed out that his decision was based upon several factors: First, the Government had already lost two court cases, plus a preliminary ruling; second, specialists in the Treasury Department agreed with the settlement; and third, an evaluation performed by an outside analyst supported their conclusion. This last item, which has been popularly referred to as "the Ramsden Report" was, as McLaren consistently and specifically stated, only a cross-check and not the total basis for his decision.

Concern has been expressed about the role White House aide, Peter Flanigan, played in obtaining the Ramsden report. Testimony before the committee indicated that Mr. Ramsden was chosen because of a similar analysis he had performed while a White House fellow. Flanigan, as an accommodation to McClaren, ascertained the whereabouts of Mr. Ramsden and requested, on behalf of McClaren, the report. The report was prepared while Judge McLaren was out of the country and was held by Mr. Flanigan until McLaren returned. Flanigan testified that he served as a "conduit," a description which is corroborated by McLaren's description of his activities. The theory that his role was larger than that is based on speculation, not fact. The question, then, reverts to the role Mr. Kleindienst played in this affair. The testimony shows that, despite his meetings with Mr. Rohatyn, and it should be noted that ITT officials met with any Democrat that they thought might be helpful as well as administration officials, Mr. Kleindienst made no effort to influence Judge McLaren. He took no part in a meeting at which ITT made a presentation to McLaren and he only happened to be with McLaren when Flanigan transmitted to McLaren the Ramsden report. The only other contact occurred when Flanigan inquired of Kleindienst what to do with the report while McLaren was out of the country and Kleindienst informed him to hold onto it. Mr. Kleindienst testified that he never read the report, nor did he interfere in any way with any of the antitrust activities in regard to ITT. This hardly sounds like the way to execute some behind the scenes deal.

The second allegation against Mr. Kleindienst was the handling of a matter concerning the U.S. attorney in San Diego, Harry Steward. This story, which first appeared in a Life magazine article, accused Steward of hampering an investigation of a prominent Republican and personal friend, Frank Thornton. The charges were that Steward had quashed a subpena for Mr. Thornton and that he had generally obstructed the investigation.

However, testimony by Mr. Henry Peterson, head of the Criminal Division of the Justice Department, brought out the fact that when these accusations had reached the Justice Department, Mr. Kleindienst ordered a full FBI and departmental investigation of Steward's activities. Peterson testified that the FBI and the Department career personnel determined that there had been no culpable wrongdoing but, rather, a gross error of judgment. He also testified that, in light of the fact that Steward was due to prosecute some very important tax cases, it was recommend to Kleindienst that the Justice Department should issue a statement expressing confidence in Steward, but that, privately, he should be reprimanded. Both Steward and Kleindienst testified that the latter reprimanded Steward and informed him that, in the future, when a friend was involved he should remove himself from any activity in the case. Steward's contention was that he knew Thornton personally and that he knew that Thornton would cooperate and testify under oath without the need for dragging him before a grand jury where his reputation would inevitably be damaged by press coverage no matter what the outcome. As we have seen in the case of Frank Sinatra's appearance before the House Select Committee on Crime, Steward is not the only person to exhibit a concern for the sensitivities of a friend.

In conclusion, the 8 weeks of hearings by the Judiciary Committee indicate that insofar as the ITT affair is concerned, the only basis for any accusation of wrongdoing by anybody is the Anderson memorandum, the authenticity of which has been severely questioned and is in grave doubt. No evidence has been presented that substantiates the allegation in the Anderson memorandum. Instead, testimony shows that the antitrust settlement against ITT was the sole decision of Judge McLaren, based on a number of sources and opinions, and arrived at after three court losses by the Government.

As far as Richard Kleindienst was concerned, he had no contact or involvement with the Republican Convention and very little contact, and only an associational one at that, with any aspect of the antitrust litigation against ITT itself.

As far as the San Diego charges are concerned, several things are quite clear. First of all, even though Harry Steward acted with poor judgment in insisting on what he regarded as a more appropriate interrogation of a particular witness during an investigation, he did not violate any laws.

Second, Richard Kleindienst's decision to publicly express confidence in, while privately reprimanding Steward, was based upon recommendations of career service personnel who analyzed the FBI reports. Under the circumstances, it was justified and certainly is not grounds for disqualification of Mr. Kleindienst as Attorney General.

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In conclusion, 8 weeks of hearings have not produced any evidence that would indicate any reason not to confirm Richard Kleindienst as Attorney General of the United States. Instead, what the hearings have succeeded in doing is damage the reputation of a man through insinuation and innuendo unsupported by the facts. If, in 8 weeks, no more of a case could be developed than the speculations we have heard so far, no further purpose can be served, and a good deal of harm can be done, by dragging these proceedings out any further. I am completely satisfied that Richard Kleindienst is completely qualified to be Attorney General and urge that his nomination be confirmed as soon as possible.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the remainder of the proceedings in connection with the Kleindienst nomination members of the majority staff and the minority staff of the Committee on the Judiciary and its subcommittees be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time to be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BELLMON. Mr. President, may I have 5 minutes?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, the Senate will decide today whether or not to consent to the appointment of Richard G. Kleindienst to the office of Attorney General of the United States. Much has already been written and said about this nomination and the junior Senator from Oklahoma has no desire to add unnecessarily to the already voluminous record on this matter.

Others have spoken concerning his legal qualifications, his legal experience, and his official acts as Deputy Attorney General. My comments to the Senate relate to none of the above. Rather, my support for Dick Kleindienst is based upon two points: First, the respect I feel for him as a result of a long and at times close association in the political arena and, second, my strong feeling that the laws of our land properly give to the President great latitude in selecting the person of his choice as Attorney General.

My association with Dick Kleindienst began in 1960 when we were both serving as Republican State Chairmen—he of Arizona and I of Oklahoma. I learned to admire his drive and intellect and to respect his political acumen.

Again in 1967 and 1968, we were closely associated in the campaign organization of then presidential candidate Richard Nixon. Here again Dick Kleindienst proved to be an incisive, hard-driving, cool-headed leader.

Since coming to Washington I have had frequent contacts with Dick Kleindienst in his capacity as Deputy Attorney General. Because of the close personal relationship between President Nixon and Attorney John Mitchell, I found that much of the responsibilities for day-to-day operation of the Department of Justice rested upon the shoulders of Dick Kleindienst and that many of the decision making powers were in his hands. I have found him to be honorable and reasonable in the use of these powers and highly competent as a decisionmaker in dealing with the many difficult problems faced by the Department of Justice. He has served his apprenticeship well and I have total confidence in his ability to serve with great competence as Attorney General.

Mr. President, our laws plainly give the President of this country the right to choose the Attorney General. As a practical matter our system could hardly do otherwise without disrupting the orderly processes of government.

I served 4 years as Governor of Oklahoma with an attorney general who was not of my choosing. I can personally attest to the dissatisfaction felt by both parties with such an arrangement. Our laws give the Chief Executive great latitude in forming his Cabinet. Certainly the choice of Attorney General is one where the President's personal desires should be paramount. The Senate should not, therefore, deny confirmation in any except the gravest circumstances. In spite of weeks of tireless efforts on the part of enemies of the administration in and out of Government, no such circumstances have been shown to exist in this case.

Mr. President, Dick Kleindienst has withstood all the unfounded attacks which have been made against him. There is plainly no reason for this matter to be held in abeyance any longer. I am convinced that President Nixon and the country need and deserve the services of an able, level-headed tough, and fair-minded Attorney General and I am convinced that Dick Kleindienst is such a man.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time do we have on each side now?

The PRESIDING OFFICER. At this point there are 61 minutes to each side.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

In just a short while I am going to make a unanimous-consent request. I will not do so at this time, but I will read the unanimous-consent request for the benefit of the distinguished Senator from Nebraska and to afford me an opportunity to communicate this proposal to my other colleagues who may not be on the floor during the course of the remaining time.

It will be a unanimous-consent request along the following lines: That if the nomination of Mr. Kleindienst is recommitted, the Senate will proceed immediately to its consideration at the close of morning business the day following the Judiciary Committee's report, and that during further consideration of the nomination debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The purpose of this request—which I will offer if the motion to reconsider is carried this afternoon—is to allow the Senate Judiciary Committee an opportunity to hold hearings during next week, on Monday, Tuesday, Wednesday, and Thursday, hopefully for some 25 hours of hearings, so that we would call the necessary witnesses, as defined primarily by those who were on the initial list accepted by the committee as clearly necessary, perhaps augmented by those witnesses, one or two witnesses that the Senator from California desired, who would be useful and helpful to clear up any further doubts about the Steward case. During this period of time, the committee would have the opportunity to subpena material, for example the ITT files that still remain in the ITT office in New York; and we would have an opportunity to examine relavant ITT files that are in the possession of the SEC which could have an important bearing on the ITT settlement effort, as well as the other materials which have not been made available by the Justice Department. We should at least require the Department, if they desire to withhold documents to exercise executive privilege, so that at least we would have some written explanation by those in authority for denying to the Judiciary Committee appropriate materials that have been requested.

Then the committee could subpena those materials it felt were being unlawfully withheld.

Finally, following the conclusion on Thursday of the hearings next week from June 12 to June 15, we would have a report due on Monday, June 19. With this unanimous-consent request we would limit the time for debate to 10 hours, to be equally divided between the majority leader and the minority leader, so that we could have a vote no later than Wednesday, June 21.

As I say, I shall propound this unanimous-consent request at a later time, Mr. President, but it is my intention to propose such an agreement. It is necessary that we have a unanimous-consent agreement to incorporate a limitation on the time that would be available for consideration; I have tried to assure the Members of the Senate that it is the purpose of those who support the motion to recommit that if we are successful on that motion to recommit, we would follow this schedule I have outilend, and would be quite willing to limit the time to approximately the 10 hours which I have indicated.

We wanted to assure the Senate that it is not our intention, through returning this nomination to the Judiciary Committee, to see it burned forever or tabled, but that the committee would proceed with its legitimate interest in exploring testimony from those witnesses who have not been heard, or only partially heard, and receiving the documentary information which I think is of such basic importance to those of us in the Senate who are trying to make a responsible judgment. That is the way that we would like to proceed.

I would remind the Senate that the unresolved issues troubled the Judiciary Committee itself. When the question arose of an extended period of time for consideration of additional witnesses, the committee itself was actually split on the more extended period of time, and we were unable to resolve that question and call the additional witnesses. There was a very substantial group within the committee that wanted to have the additional time and additional witnesses, and I would think that certainly the Senate should provide us with the opportunity to do so. The committee was in fact evenly divided, 7 to 7, on whether to continue the hearings. Half the members of the Committee on the Judiciary who had been considering the matter wanted to have additional time, and half wanted to end it. And of the 15 members participating in the final vote on reporting the nomination for confirmation, only eight joined in the majority views completely clearing the nominee, while seven filed individual views expressing varying levels of disagreement with the majority view.

So here we have the Committee on the Judiciary, charged with considering the qualifications of this nominee, split evenly on the question of additional hearings; and when the committee filed its report, only eight members signed the majority report and seven filed individual views expressing disagreement with the views of the majority. I think this doubt is reflected by many of the Members of the Senate.

Mr. President, during the course of the initial set of hearings I had the opportunity to listen to the nominee and an opportunity to question him about a number of different issues within the responsibility of the Justice Department over the period of time since he had assumed the important responsibility of Deputy Attorney General. Many things that took place during this period caused me great concern about his fitness and his competency to serve as Attorney General.

When we considered, for example, the Law Enforcement Assistance Act, which was to be the principal vehicle to meet the problems of crime in this country, we found that it had been bogged down in an administrative nightmare. I think all of us are hearing many and varied complaints expressed by those charged with its administration in States and in counties all over the country. Certainly we were not coming to grips with the problems of crime and disorder in this country, as I think many of us who had supported the Law Enforcement Assistance Act program thought that we should, because of lack of vigorous Justice Department efforts in this area.

I was troubled that in our battle to meet the problems of juvenile delinquency, for example, we had an administration that failed to fill the important and responsible position of Director of the juvenile delinquency program for some 16 months. The juvenile delinquency program—started in the early part of the 1960's—was provided with a variety of tools to meet the problems of juvenile delinquency and to help formulate community programs to meet those problems. Yet it was being left without direction in the Justice Department.

I was troubled by the attitude of the Justice Department on the Naroctics Addict Rehabilitation Act, a new program to help those afflicted by drug addiction. Obviously, all of us want a strong crackdown on drug pushers. But for the addicts themselves, the Narcotics Addict Rehabilitation Act was a program to provide some consideration during the time they are being held for trial, which would recognize their sickness and addiction, and to try to provide a more enlightened attitude and viewpoint about drug addicts and the whole process of rehabilitation. Yet that legislation was virtually ignored.

I was distressed—as I am sure many Americans were—by the failure of the Justice Department to carry forward in a strong and vigorous way enforcement of the gun control legislation passed by Congress in 1968. I was distressed, quite frankly, by the attitude of the former Attorney General, Mr. Mitchell, as well as Mr. Kleindienst, when he was asked to appear before the Judiciary Committee on a number of occasions, and respond to what the Justice Department was doing on the problem of Saturday night specials—the snub-nosed revolvers which are readily available to those who should not have any right to possession of those weapons in our society.

There is absolutely no justification for those weapons on the basis of use for sporting purposes. Still, we have had delay after delay by the Justice Department and a refusal of either Mr. Mitchell or Mr. Kleindienst to submit legislation on this issue.

I was distressed by the attitude Mr. Kleindienst exhibited on the whole question of the Kent State tragedy. Young students at Kent State were shot down over 2 years ago, yet the Justice Department has failed to investigate and to carry forward its responsibility to call a grand jury and to find out the real cause and who was responsible for the killing of young students, some of whose only crime was walking from one classroom to another.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself an additional 10 minutes.

I have met with the parents of some of those who were killed, and they said, "If this is a Department of Justice, why can't we have justice?" How do you answer a parent whose child has been lost, a child whose only transgression was walking between classes? The Justice Department has refused to carry forward any thoughtful and comprehensive investigation which many think was so essential and so important.

I was distressed quite frankly by the actions, in which this Justice Department was involved in the general dragnet operations on Mayday. The various courts have found, quite clearly, that the actions of law-enforcement officials at that time clearly exceeded legal authority, and we have seen hundreds of cases that have been dropped as a result.

I was distressed by the activities of the Justice Department at the time we considered the extension of the Voting Rights Act of 1965, in wanting to weaken that act, when there were those of us who were trying to strengthen it, to insure that the right to vote was going to be assured to all citizens, black and white, all over this country, yet the Justice Department's only efforts were to weaken those provisions.

I was distressed by the attitude of the Justice Department in carrying forward our national commitment toward equal rights toward equal education opportunities for students in all parts of this country, rather than taking a clear position to assure that all students in this Nation, black and white, students of different races and nationalities, would be assured of a quality education. The obvious ambivalence and confusion of the Justice Department on this matter finally developed into almost a revolt within the Civil Rights Division of the Justice Department.

These are just some of the areas that concern me. We saw the Justice Department's willingness to pull out all the stops when it came to Daniel Ellsberg and the Pentagon Papers, or to Clifford Irving and the Howard Hughes case. The Department was ready to call grand juries, ready to provide immunity, but was unwilling to do so when it came to the Kent State case.

These are some of the areas on which many of us who felt strongly about the importance of rights and liberties in this country, and about the prosecution of crime and violence in an enlightened and effective way, might have taken issue with the nominee. But as I pointed out—and I think other members of the Judiciary Committee pointed out—in our views at the conclusion of the first set of hearings, the President must be able to have the kind of Attorney General and the kind of Cabinet team he wants to carry forward his program, because he is elected by the people, and the standard used for Cabinet officials obviously is

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different from the standard which should be applied to those who sit on the Judiciary.

So I joined my colleagues in reporting the nomination of Mr. Kleindienst and indicated that I would support Mr. Kleindienst, even though we had those areas of very legitimate concern.

Then, as has been examined here during the course of the past few days—and by the Judiciary Committee—there arose very substantial, additional questions which run even deeper to the whole competency and handling of the responsibilities of the Justice Department, in which Mr. Kleindienst was implicated, and which I think raise some of the most serious questions about his being able to serve as our Attorney General.

In these matters, I would point out to my colleagues, we on the Judiciary Committee have been very seriously handicapped in doing justice to Mr. Kleindienst and to the Senate. We have been handicapped in not hearing from all relevant witnesses. We have been handicapped by not receiving all relevant materials. As a result, we think it is of importance that this matter be returned to the Judiciary Committee. The areas about which we are concerned are the settlement of the ITT cases, the handling of the Warner-Lambert case and the Harry Stewart matter, and the explanation of the Carson matter.

Mr. President, I yield 10 minutes to the Senator from Utah.

Mr. MOSS. I thank the Senator from Massachusetts for yielding me this time.

Mr. President, the Senate today is asked to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. At the same time, however, the Senate has been denied access to information which has proven most crucial to our judgment of the nominee's qualifications to hold this position of high trust. For this reason, I intend to vote for additional hearings into this matter by the Judiciary Committee. Should that motion prove unsuccessful, I will be forced to vote against the nomination itself. The administration's insistent "coverup" of this investigation has left me no other choice.

One of the real drawbacks of our great two-party system is that the distinguished minority leader should support Mr. Kleindienst's nomination, and, at the same time, argue that an investigation of his qualifications was not justified in the first place, that the inquiry was a "dry creek."

"Dry creek" or not, the overwhelming majority of the American people remain convinced that there was some questionable actions in the relationship between the Justice Department and ITT.

The confirmation of Mr. Kleindienst will not instill public faith in those who were party to this affair. A cloud hangs over the Justice Department. It will continue to hang there until the next time the Attorney General is asked to make a conscientious decision regarding the execution of his duties. Perhaps it will be in the area of civil rights. Perhaps it will be in a case of official corruption or of vote fraud. There will, however, come a time, perhaps in the very near future, where the decisions and actions of the Attorney General will require his defense of the public trust based solely on his judgment and his integrity. I do not believe that confirming this nomination, under the present circumstances, will enhance that public trust.

More than any other post in the Cabinet, the national role of the Attorney General is determined by the character of the man who holds the position.

In recent years, we have seen a variety of Attorneys General. Some like Robert Kennedy and Ramsey Clark, have made themselves vigorous enforcers of civil rights and liberties, at the vanguard of the Nation's constitutional development in this field. Others Attorneys General in the recent past have seen their roles differently.

They have concerned themselves primarily with the need to preserve social order and tranquility. Regardless of one's political or ideological stand on these issues, everyone recognizes that the Attorney General must walk a tightrope between civil liberty and civil disorder, between social changes and social transgression. His discretion must be exceptional.

At the same time, his judgment must be above question. Even to those who disagree with the actions of an Attorney General, his motive must be above question. His conduct must be above politics.

As we approach a vote on Mr. Kleindienst's nomination, his unconvincing testimony regarding the ITT matter, his questionable behavior in the Carson bribery case, his unwillingness to expose the evidence that might exonerate him, have left me no alternative but to vote against his confirmation.

I make this judgment not as a member of a jury. If this were a court of law, we would have been given sufficient evidence to decide on Mr. Kleindienst's conduct, to establish his guilt or innocence of the charges. We have not received such information. Nor have we been shown sufficient reason to allay our suspicions about matters relevant to the ITT case itself.

The matter before us, however, is not whether to acquit Mr. Kleindienst of the charges made against him, but whether to make him our Attorney General. Therefore, today I do not vote against Mr. Kleindienst, but simply against his confirmation as Attorney General. In an age when so many people question the public interest of established government, we must have an Attorney General who is above suspicion of gross political intrigue. What it really comes down to is, Mr. President: If you cannot trust the Attorney General, whom can you trust?

Mr. President, I have taken a long time and given a great deal of thought to come to this conclusion. I know also that many of my colleagues have devoted many, many hours, much more time than I have been able to devote, to the consideration of the matter before us. But in the time I have had available to make my judgment, with the materials available, or rather lack of materials available before me, I can come to no other conclusion. Therefore, I state it to the Senate today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Massachusetts has 44 minutes remaining, and the Senator from Nebraska has 71 minutes remaining.

Mr. KENNEDY. I thank the Chair.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, on March 29, 1972, I placed in the RECORD a copy of a letter that I had written to Acting Attorney General Kleindienst in which I urged that as Attorney General he make it abundantly clear that neither he nor officials of his Department will in any way be involved in partisan politics.

In making this request of the Acting Attorney General, I did not intend to suggest that there had been any wrongdoing on the part of any former Attorneys General, even though it is well known that there have been in the past Attorneys General of both political parties who have been top political advisers in the administrations in which they served.

Rather, I made the suggestion in the hope that any semblance of doubt about the integrity of the judicial system be removed; that there be no reason for the slightest suggestion that the administration of justice was in any way involved in or dependent upon political considerations.

Shortly after he received my letter, Mr. Kleindienst visited me in my office and discussed the contents of that letter. I agreed that it would be more appropriate for him to delay responding to my letter until after his nomination was placed on the calendar, and, accordingly, on May 30, 1972, Mr. Kleindienst did reply.

In his letter Mr. Kleindienst said:

Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department.

Mr. President, I think this is a most important policy and I trust it will be fully and promptly implemented.

I ask unanimous consent that my letter of March 29 and Mr. Kleindienst's reply of May 30, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 24, 1972.

Hon. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: Among the matters of gravest concern to the American people today continues to be the question of law and order; the safety of our citizens in their homes and on the streets, the protection of their families and property from harm or destruction, and the swift and fair administration of justice once an offender is apprehended.

This concern, I think, is deeply rooted in respect for the rule of law, a respect that is shared by the vast majority of American citizens. It is this respect for the rule of law and the fervent desire on the part of Americans to see the law upheld that forms one of the basic cornerstones of our democratic system. That foundation of democracy cannot remain strong if respect for the administration of justice under the law is eroded.

Inherent in any administration of justice that seeks to command the respect of our citizens is the absolute imperative that justice be meted out without favor. Short of outright corruption of the justicial system or malfeasance in office on the part of members of either the Judicial Branch of the government or the administrators of our laws, political favoritism would rank at about the top of the list of those things which would bring the integrity of the system into serious doubt.

I am greatly concerned at this point that the just administration of our laws be carried out without the taint of political favor or even the appearance of such favoritism. It is not difficult to see how an appearance of favoritism may be created even though none actually exists if Justice Department officials are known to be involved in partisan political activity.

On March 15, 1972, the New York Times carried a lead editorial two paragraphs of which I would like to quote at this point:

"The politicizing of the Justice Department has been a dismal trend, engaged in by both parties for more than a generation. It is precisely because this course has been unchallenged by the Democrats and Republicans alike that sometimes even the most important officials become morally blind to its consequences.

"The result is a contagion of cynicism about the system and its institutions. When Government creates conditions which make it easy to abuse power, its citizens begin to condone corruption as a way of life. Such attitudes, particularly when they involve the Justice Department, subvert faith in Government by law."

It is not my purpose here to suggest any wrong-doing in the past on the part of officials of the Department of Justice, except to say that it is common knowledge that past Attorneys General have frequently served as top political advisers to the administrations of which they have been a part. The fact that this has occured under both Democratic and Republican administrations does not alter the fact that it is an unhealthy practice.

It is my deeply held conviction that a new policy is called for, one in which the Attorney General makes abundantly clear that neither he nor officials of his department, will in any way be involved in partisan politics.

I strongly urge you to make your position clear on this point, not only because it would greatly assist the Senate in the confirmation process, but because it would go a long way toward removing the Department of Justice completely from the arena of politics. To the extent that that has been achieved, I believe that greater public respect for the integrity, not only of the present Administration, but for the American democratic system of government itself, will swiftly follow.

I would appreciate your prompt response to this request for clarification of your position on the question of political involvement by Justice Department officials.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., May 30, 1972.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This will supplement my letter to you of May 5, 1972, which in turn replied to your letter of March 24, 1972 to me.

Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department. Indeed, to the best of my recollection, during three and one half years I may have made over 300 appearances before a variety of groups and organizations. With the sole exception of an appearance before the Trunk 'n Tusk groups of Tucson and Phoenix, Arizona last week, none of these appearances were sponsored by a political organization.

Of course, I intend to appear before many non-political gatherings in the future, and I intend, at such appearances, to describe and set forth the policies and accomplishments of the Department with respect to the administration of justice in America.

Let me thank you again for your interest in this matter.

Very truly yours,

RICHARD G. KLEINDIENST,
Acting Attorney General.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, in a few days it will be 4 months that this body will have been considering the nomination of Mr. Richard Kleindienst to be Attorney General of the United States. Since the floor debate on the nomination of Richard Kleindienst to be Attorney General of the United States began 8 days ago, we have heard a great deal of rhetoric and impassioned argument from the opponents of confirmation. What we have not heard is anything new or substantial which would serve as a basis for the Senate rejecting this nomination.

On May 31, in the opening hours of the debate, this Senator spoke at length on the evidence that had been presented at the Judiciary Committee hearings on this nomination. All of the issues raised during those sessions were analyzed. It was my conclusion that there was nothing on the record which could be construed as disqualifying the nominee from being confirmed for this high office. Rather, I felt he was well qualified and should be quickly approved.

But after this lengthy debate we are left just where we began. The opponents have found no new evidence on which to persuade us to their viewpoint. Instead, the record is exactly as it was at the time the committee voted 11 to 4 to report the nomination to the Senate. During these sessions we have heard the same tired arguments, which were unpersuasive in the beginning, trotted out for rehearing for the benefit of the full Senate. They failed to win the day in the committee; they should fail to do so on the floor.

It was my original intention to stand by my opening statement and not to speak again on this subject. However, after listening to the debate these past 8 days, I have concluded that the record should show that the charges made by the opponents are misleading, some very inaccurate, and most of them irrelevant. All of them were considered by the committee prior to the time it took its favorable vote.

ITT ANTITRUST CASES

It is alleged that the Justice Department settled its three antitrust cases against ITT in exchange for a pledge of $400,000 to the Republican Party and that all of this was arranged with the help of the nominee. Not one of these statements is true.

The facts surrounding the filing and the settlement of these three suits have been explored in depth by the full committee during these hearings. The evidence shows that the Nixon administration pursued a tough policy against conglomerate mergers with anticompetitive impact, despite the fact that the previous two Democratic administrations had failed to do so. As part of this program, Assistant Attorney General McLaren of the Justice Department Antitrust Division filed three suits against ITT to require the divestiture of Canteen Corp., Grinnell Fire Protection Division, and the Hartford Insurance Co.

During the litigation of all three of these cases, the Government lost its arguments before the court. It was the opinion of the Solicitor General that were the cases taken to the Supreme Court, the Government would lose all three appeals there.

Despite these facts, McLaren was able to work out with ITT a settlement which provided for the Government to win the Canteen and Grinnell cases, and required the divestiture of Avis, Levitt, ITT Life Insurance Co., and ITT Hamilton Life Insurance Co. In addition, ITT is prohibited from acquiring additional companies without the consent of the Justice Department or the courts. After winning all of these points, the Government had no basis to require the divestiture of Hartford.

Let me quote from Mr. McLaren on this point:

I am responsible for that settlement and I stand fully behind it. In my professional opinion, it is an excellent settlement from the Government's standpoint not only as a matter of disposition of this litigation but for its overall impact in promoting compliance with the antitrust laws in deterring anticompetitive mergers.

My settlement, by the way I ultimately analyzed it, is we got absolutely everything we could possibly get, by winning Canteen. We got the gist of everything we could win or we would want to win in Grinnell, and so far as Hartford was concerned, we paired off other companies which under the control of ITT might be used with Hartford for anticompetitive ends. And we thought that we had achieved really as much as we got by going through the appeals, and furthermore, we had a solid order against reciprocity, which we believed ITT had been engaging in, and we had a very solid order against further acquisitions of the major sort, and ITT had been the leader in this movement of these really giant mergers that had anticompetitive aspects, which is what we are trying to stop. (p. 118)

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This is the settlement that some of my colleagues say was a sell-out by McLaren to ITT in exchange for a gift to the Republican Party. It was no such thing. Mr. President, I would like to quote from an article appearing in 48 Chicago-Kent Law Review—winter 1971—entitled "Conglomerate Mergers and the ITT Consent Decrees" written by Paul H. White. This article begins with the statement:

A litigant can rarely lose every battle and yet win the war.

Now I hope my colleagues are listening to this:

Yet that is exactly what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Company as violating Section 7 of the Clayton Act. . . . the Justice Department lost final judgments to ITT in two of the three cases and a preliminary injunction had been denied in the third.

Nevertheless, the government appears to have won the war. . . .

That is exactly the point this Senator and a good many of my colleagues have been trying to make ever since this matter was raised during the hearings.

Mr. President, I ask unanimous consent that the text of the entire article appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the other half of this charge is that ITT contributed $400,000 to the Republican Party in exchange for this "favorable" treatment from Kleindienst-McLaren and Company.

Let me quote from the testimony of ITT President Harold Geneen as to the details of the ITT pledge to the city of San Diego in order to attract the Republican Convention to that city:

Therefore, on July 21st prior to the site, and I want to emphasize that, prior to the site selection board's meeting and prior to the presentation of the San Diego Convention and Tourist Bureau of its bid for the convention, we dispatched a detailed telegram to the San Diego Convention and Tourist Bureau, in care of Congressman Bob Wilson, spelling out specifically what ITT Sheraton's pledge was. I think the telegram made it very clear that this was the entire pledge of ITT Sheraton or ITT or any subsidiary thereof. That pledge is contained in the telegram, a copy of which I will be glad to place with the Committee, and it calls for three things:

1. A commitment that the presidential headquarters will be in the Sheraton Hotel if the bid should be successful.

2. A payment of $100,000 in cash to the San Diego Convention and Tourist Bureau.

3. An offer, if needed, to contribute an additional $100,000 again if needed and matched by other business organizations.

That is the only commitment made to the San Diego Convention and Tourist Bureau, or to anyone else for the convention.

We obtained outside legal advice that since this was in the ordinary course of Sheraton business and in proportion thereto, it was a proper and lawful action for the Sheraton chain consistent with their business practices, and it would be therefore allowable as a tax deduction under the IRS rulings. (pp. 648–49)

Just recently, May 17 to be exact, Judge Robert J. Kelleher of the U.S. District Court for the Central District of California, dismissed a case challenging the legality of the ITT pledge, ruling that it did not violate Federal law. This was the same argument made by at least one witness at the hearings. I ask unanimous consent to have an article from the Washington Post of May 19, 1972, reporting that decision printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ITT GIFT TO GOP IS RULED LEGAL

LOS ANGELES.—A federal judge ruled yesterday that the $100,000 contribution International Telephone and Telegraph Corp. made to attract the Republican National Convention to San Diego was not illegal.

U.S. District Judge Robert J. Kelleher dismissed the suit brought against ITT by California Secretary of State Edmund G. Brown Jr., who charged the contribution violated the Federal Corrupt Practices Act.

The act forbids corporations to make political contributions to federal election campaigns and conventions.

ITT countered that it did not contribute the money to a political campaign, but gave the money to a San Diego civic group to help attract a big convention, a legitimate business expense to promote bookings for three ITT-owned hotels in San Diego.

Lawyers for ITT also argued that Brown was not entitled to sue under the provisions of the Corrupt Practices Act, a criminal law.

Kelleher issued an order dismissing the suit, accepting all grounds urged by the defense attorneys, including the contention that the contribution did not violate the federal law.

The contribution figured prominently in Senate hearings. Democrats urged investigation of the possibility the contribution was part of a deal between ITT and the administration, in return for the Justice Department's settling an antitrust suit against the conglomerate out of court on favorable terms.

In the aftermath, spurred by an argument over rising convention hall costs, the Republicans pulled the convention out of San Diego and switched it to Miami Beach.

Mr. HRUSKA. Mr. President, it should be noted that the headline on the article is misleading and inaccurate however. It refers to a gift to the Republican Party. This is totally false. It went to the Convention Committee of San Diego, as the newsstory clearly indicates.

Having disposed of the challenges against the settlement and the pledge, all that remains is to quote from the testimony of Mr. Kleindienst that at the time the ITT settlement was going forward through normal channels at the Justice Department, neither he nor Mr. McLaren was aware of any aspects of ITT's involvement with San Diego or the Republican Convention. I read from the hearings:

Mr. KLEINDIENST. Now, Mr. Chairman, based upon the statements that have been made I would like to conclude my remarks by saying categorically and specifically that at no time, until some time in December 1971, did I have any knowledge of any kind, direct or indirect, that the ITT Corp. was being asked to make any kind of a contribution to the city of San Diego or to the Republican Party with respect to the prospective national convention of the Republican Party in San Diego. I never talked to a person on the face of this earth about any aspect of the San Diego Republican National Convention or the I.T. & T. Corp. I never talked to Mr. Mitchell about any aspect of this case. He never mentioned any aspect of this case, and there is not a person in this world who, if they testify truthfully, can come forward and say either that I had knowledge of anything going on with respect to the San Diego convention and the I.T. & T. Corp. or that in any way, under any circumstances, I had anything whatsoever to do with anything that the Department of Justice, the Government of the United States, myself, or Judge McLaren, in connection with these matters. (P. 100)

Mr. President, the Senator from North Dakota (Mr. BURDICK) made a request during the hearings that the Department of Justice supply a chronological list of events in the various ITT cases. There has been some suggestions during this debate that this request has not been met.

I ask unanimous consent to have printed at this point in the RECORD, the Department's reply to this request.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., April 27, 1972.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that Senator Burdick has renewed his request to provide information going to a chronological summary of the ITT matter. This request was initially directed to Judge McLaren, as shown on page 371 of the printed transcript of these hearings.

It is our position that prior submissions to the Committee constitute substantial compliance with Senator Burdick's request. We have furnished a complete listing of our docket entries, which to the best of our knowledge shows all pleadings and briefs filed and hearings in the three ITT cases. Moreover, on April 14, my letter to you listed the dates of meetings and persons present at each such meeting at which negotiations and discussion leading to the ITT settlement occurred. That letter was supplemented by my letter to you dated April 17, 1972.

Should you have further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

WALKER B. COMEGYS,
Acting Assistant Attorney General Antitrust Division.

Mr. HRUSKA. That, in the mind of this Senator, puts to rest any doubt about the ITT cases. I should also remind my colleagues that this matter was discussed in detail in my statement of May 31 and that of the Senator from Kentucky (Mr. COOK) on June 5.

BLOCKING INVESTIGATIONS

The second substantive charge against the nominee is not quite clear. However, it appears to go something like this: U.S. Attorney Harry Steward of the southern district of California blocked a criminal investigation involving a friend and benefactor, Frank Thornton, and that the nominee is somehow culpable for this wrongdoing.

The record shows no investigation was blocked. A particular method of proceeding—by the first subpena—was not used. But the investigation continued. A complete report was made. It is interesting to note that the regional commissioner of intelligence disallowed the investigator's recommendation as not in order for prosecution. The Department of Justice Organized Crime Section concurred that prosecution was not in order. Much ado about nothing, it can be said.

First, the actions of Steward. It is admitted by all that the U.S. attorney used very poor judgment when he involved himself in a criminal case concerning a longtime friend. For this lapse of good sense he has been reprimanded orally and in writing by the Deputy Attorney General; the entire matter has been spread on the hearing record and the newspapers so that all who are interested know that an error was made.

What really happened is that a subpena was issued for Thornton, but never served, during a time when Steward was out of the office. By the time he returned the subpena had lapsed; he ordered that no new one be issued until he had an opportunity to talk personally with Thornton. This was done. Following that conversation the investigation proceeded. No investigation was blocked. Stopping the subpena did not stop the investigation; only the manner of conducting the investigation was changed by Steward's intervention. This is confirmed for the record by the testimony of Henry Peterson, longtime career prosecutor, present head of the Justice Department's Criminal Division:

Steward's actions, contrary to some assertions, did not thwart the investigation of any criminal violations. Admittedly, Steward did talk to Frank Thornton in lieu of subpenaing him before the special grand jury, but only after the subpena had been issued without Steward's knowledge and at a time when he was out of his office. I could tell you Senators I do not know what your reaction would be, but if somebody knew that I had a personal interest in an individual, and impliedly assumed that I would violate my duty, and issued a subpena behind my back, I can tell you I would scold them, and only my presence before this committee prevents me from using stronger language.

Despite Steward's personal assertion into the case, it is clear that Stutz continued an independent investigation at the direction of strike force attorney DeFoe. (p. 973)

Senator TUNNEY. But at a particular point in time the investigation by the IRS, by Mr. Stutz, was stopped by Mr. Steward, irrespective of what Mr. Stutz should have done?

Mr. PETERSEN: I don't know that. The record reflects that the investigation proceeded. Now, whether there was a hiatus or not, I don't know. The record reflects that the investigation proceeded; Thornton's testimony was taken under oath in September. Stutz filed a report and made his recommendations.

Senator TUNNEY. Do you know for a fact that the IRS investigation continued, that Mr. Stutz continued the IRS investigation?

Mr. PETERSEN. We received a final report on it, Senator, in which the Assistant Regional Commissioner of Intelligence had disagreed with Mr. Stutz conclusion and regional counsel had disagreed with Mr. Stutz conclusion and because that aspect of it bore an organized crime label, it was referred to us.

Ordinarily, it would be closed at that point. They referred it to us and the Organized Crime Section reviewed it; the fellows on the west coast reviewed it and they concurred in the decision of the regional counsel.

Senator TUNNEY. To stop the investigation?

Mr. PETERSEN. No, sir; not to stop the investigation. On completion of the investigation they concluded that prosecution was not in order. (p. 1013)

And by Steward himself:

I told the agents, and I told Mr. Kleindienst that I told the agents, that I had known Mr. Thornton for many years: he was a friend of mine. I said that instead of subpenaing him I will go over and talk to him and take a look at what records he has, to determine whether or not it is necessary for him to be subpenaed before this grand jury.

I went over; I talked to Mr. Thornton. I told him there was a question whether he should appear or not. Frank Thornton said, "Well, I don't mind appearing; I will come in any time you say; right now, as a matter of fact. Tell me what you want and I will come in." And I said, "Frank, we will talk first."

So we talked for a while. I looked at the records that he had and I concluded that it was not necessary to open up another publicity campaign based upon what he showed me and what I saw. I have been an attorney on one side or the other, in Federal law, for about 20 years and I like to think I can see a case and not see a case when necessary; and I concluded that it was not necessary for him to testify before the grand jury and I went back and so advised the attorneys that were there—Huffman and DeFeo. At that time they had no particular adverse comment. To the contrary, it was agreed that the investigation would go along normal, usual lines; and I told the Deputy Attorney General that as far as I know that is exactly what happened, that it went along its normal, usual lines.

At no time, I told him, did I ever attempt to interfere or stop the investigation. My sole participation, if you will, was in the decision as to whether or not he be questioned before a grand jury or questioned in the normal, usual practice and procedure that has always existed in the Department of Justice, to my knowledge for the last 18 years at least. (pp. 1423–24)

* * * * *

Senator FONG. At that time you decided then and there that subpenaing Mr. Thornton was not the thing to do, that you could elicit the information from him, the same information from him, if you talked to him?

Mr. STEWARD. Yes; but I want to make it very clear, sir, if I may, my purpose in going over to talk to Thornton was not to investigate Thornton nor like an investigator would; it was just to determine whether or not under the circumstances the situation, the facts and the knowledge that he had were such that it should be brought out in connection with the grand jury proceeding rather than the normal proceeding which is to have an investigator go in and spend a few days or a few weeks going through books, records, and meeting people and the like. That was my purpose in this.

Senator FONG. Now, in the course of your work as district attorney and formerly as assistant district attorney, did you have to subpena every witness that you wanted to talk to?

Mr. STEWARD. No, sir; no; most witnesses you don't have to.

Senator FONG. In other words, if a witness was willing to talk, you didn't have to subpena him?

Mr. STEWARD. That is correct, sir.

Senator FONG. In this case here, you thought that you could talk to Mr. Thornton?

Mr. STEWARD. Yes, sir.

Senator FONG. Therefore, you thought it was not necessary to subpena him?

Mr. STEWARD. That is correct, sir. (pp. 1428–29)

While Petersen indicated that Steward had acted in a "highly improper manner" there is no evidence that his actions amounts to "wrongdoing" or criminal behavior. It is also interesting, Mr. President, that the type of action for which Mr. Steward has been criticized is apparently not unfamiliar to at least one Member of this body.

Secondly, the actions of Kleindienst. It is logical and fair that the nominee should be responsible only for his own actions in this incident, but the opponents of his confirmation seem to want to extend his liability to broader limits.

It is clear that Mr. Kleindienst's own role involved only the departmental review of charges against Steward. From the nominee's own testimony, as well as that of Steward and Petersen, it is established that all the Deputy Attorney General did was to call Mr. Steward to Washington to talk with him about the Thornton incident, to order a full FBI investigation of the charge, and to make the final decision regarding the retention of Steward based on the recommendation of the reviewing officers in the Criminal Division.

It was well summed-up by Petersen when he said:

I think it will be clear from the following that Mr. Kleindienst's role in this matter involved the ordering of the investigation of Harry Steward and the making of the final decision, after a full discussion of the facts. The investigation itself was monitored by career attorneys who analyzed the information gathered and made recommendations with which Mr. Kleindienst agreed. (p. 966)

Petersen later gave his opinion of the nominee's handling of this matter:

. . . I am convinced there is absolutely nothing in this record that would reflect adversely on Dick Kleindienst, absolutely nothing. (p. 1028)

The one remaining question which has troubled some observers is why the Department issued a press release indicating full confidence in Steward after Kleindienst had made a finding that he had used poor judgment in the Thornton episode. As this Senator indicated on the Senate floor on May 31:

Steward was about to try a controversial and important case on behalf of the United States, the notable and long-awaited Alessio Tax Fraud Case. It was determined that the Department should announce its decision retaining Steward as U.S. Attorney in a way which would not undermine his effectiveness and which would stabilize the publicity that had surrounded this matter in the San Diego press.

My summary of the facts and reasoning behind this decision is supported by this excerpt from the hearing transcript:

Senator HART. You, in this case, I take it, concurred in one further action, and that was because of your U.S. attorney's involvement in a pending trial; a statement was to be made which publicly had the Department expressing the fullest confidence in the U.S. attorney?

Mr. PETERSEN. Yes, sir; I concurred in that. I saw no way we could say that he was half right or 99.9 percent pure. If he was going to try the Alessio case, which was a case of great notoriety in San Diego, and the trial was coming up imminently, we had to say, "Look, we have confidence in him," and indeed so far as that case was concerned, we did have confidence in him. We did not admire his conduct in one particular respect.

Senator HART. But, in that situation again, and I think I am suggesting this may be

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basic, if you handle it the only other way, dismissal, presumably without explanation, you lend credibility to all of the charges that have surfaced?

Mr. PETERSEN. That is the reason I say it would have been grossly unfair, Senator.

Senator HART. And you ruin a man who used bad judgment?

Mr. PETERSEN. That's right.

Senator HART. It is a pretty tough rule for any of us to have to live with.

Mr. PETERSEN. Indeed so.

Senator HART. In any event, I have known you a long time and I believe you wouldn't lie or shade the truth to protect anybody. (p. 987)

CARSON CASE

On the 24th and final day of the hearing, one committee member sought to raise a new issue on which to oppose the nomination—the bribery trial of Robert Carson. The nominee refused to answer any questions concerning this case. His refusal to answer is now being characterized as an attempt to cover up some aspect of this matter.

I believe the nominee's response is the best answer that can be given to this charge. Mr. Kleindienst said:

Mr. KLEINDIENST. Senator Bayh, I wonder if it might facilitate this hearing if I indicate to you what my posture is with respect to any questions that might be propounded to me as a result of the case that you are obviously referring to.

I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

I am, therefore, indicating to you in advance, Senator Bayh, that I will not make any comment or respond to any questions with respect to that matter; and if, unfortunately, that leaves questions open with respect to my conduct as a Deputy Attorney General of the Department of Justice, then I will just have to run that risk because I think the rights of litigants in serious matters, such as this, are more important than any interest in my favor which you might have to get a further extension of any comments from me about it.

Senator BAYH. Would you care to quote the basis for your refusal to answer—the legal precedent? This case is not on trial. The jury is in; the defendant has been convicted; it is now on appeal and it is my understanding, according to my understanding of Hornbook law as well as the little personal experience I have had as a lawyer, that the appellate court is confined to the trial record and any comment that you or I make now really has no relevance, cannot in any way prejudice the case on appeal.

Mr. KLEINDIENST. It could, Senator Bayh, if the case were sent back for trial, and I am here under oath testifying in an open, public proceeding. Statements that I make might be statements which otherwise would not have been admissible in evidence in a court of law, that could operate to the prejudice of the defendant in any such case——

Senator BAYH. May I ask—

Mr. KLEINDIENST. Or to the U.S. Government. (p. 1710)

Mr. Kleindienst quite correctly took the position that any comment by him on any aspect of that case would be improper because it conceivably could prejudice the rights of either the defendant or the Government, on appeal or in a retrial.

Furthermore, Mr. Kleindienst had already been a witness in that case. He had given public testimony under oath in court where strict rules of evidence prevail. Further testimony under oath by him before the Senate Judiciary Committee without these same safeguards would only run the risk of prejudicing the rights of the parties involved.

Even though the trial of the case was completed, it is clear that, so far as the Second Circuit Court of Appeals—the court handling the appeal in this case—is concerned, such comment while the appeal is pending would be improper. The court strongly indicated this in a unanimous dictum in the case of *U.S.* v. *Bufalino*, 285 F. 2d 408, 420 (2d Cir., 1960).

On June 2 this Senator and the Senator from Indiana (Mr. BAYH) discussed this subject on the floor. At that time, I placed in the RECORD a number of rulings and case citations which make it crystal clear that the nominee acted properly and responsibly in refusing to elaborate on his trial testimony. I shall not repeat all of this material at this point, but indicate that it and the complete transcript of Mr. Kleindienst's trial testimony appear at pages 19592 et seq., CONGRESSIONAL RECORD, June 2, 1972.

Mr. President, at no time has the nominee sought to cover up the facts regarding Mr. Carson's approach to him in November 1970 or the events that took place thereafter. He testified voluntarily and under oath to all the aspects of this incident that the New York court would permit pursuant to the Federal rules of evidence. Twice he sought to amplify and elaborate on this testimony but was cut off by counsel and the court.

How cavalier it would have been for Mr. Kleindienst to disregard these court rulings in order to respond to questions at the hearings. I believe it is a measure of the man that he refused to sacrifice his commitment to fair trial and due process on the altar of expedience and personal gain.

All of the facts in the Carson case were known before this nomination was submitted to the Senate. It was not raised during the first set of hearings. It was not thought to be a disqualifying factor when the committee voted to unanimously approve the nomination on February 24. It was not until literally the final hour of the hearings that this subject was brought up. The attempt to find some sinister action by the nominee in this matter strikes me as last ditch attempt to find some issue—any issue, regardless of validity—by which to stop this confirmation. Why if Mr. Kleindienst's actions in the Carson case disqualify him from being Attorney General in June 1972, were they not disqualifying factors in February 1972? I suspect there is no answer to that question.

PROCEDURAL ISSUES

It is almost impossible to respond to the arguments of the opponents and remain faithful to our responsibility to be germane to the subject of this debate. Just as in the hearings when Mr. Kleindienst's name was not mentioned for days on end, so, too, during this debate when pages and pages of the record are devoid of any reference to him.

On what could be called procedural, as opposed to substantive issues the opponents make three principal charges regarding the conduct of the hearings. I should like to discuss these under three headings: Unanswered questions, uncalled witnesses, unsupplied documents.

UNANSWERED QUESTIONS

As an illustration of this type of argument, let me cite the 29 questions about ITT that the Senator from Indiana says remain unanswered by the testimony. Only five of these questions have any relationship at all to the nominee, and the answers to all of these were fully explored during the hearings. A majority of the committee resolved all of these questions in favor of the nominee. These same remarks hold true for the other unanswered questions that some Senators find lurking in the hearing pages.

UNCALLED WITNESSES

It is alleged that there are nine clearly necessary witnesses who should be but were not heard by the committee: Howard Aibel, Howard James, William Timmons, Harold Geneen, Richard Herman, Reuben Robertson, Denny Walsh, Dita Beard, and Peter Flanigan.

None of these have testimony that is clearly necessary to a full and proper consideration of the nomination of Richard Klendienst to be Attorney General. In fact, five of the nine have already been heard. The remaining four have no relevant evidence to offer to the committee, but would be called upon too offer testimony unrelated to Richard Kleindienst.

Let us look at the list:

Howard Aibel—ITT General Counsel. Aibel has already testified on more than one occasion. Senator KENNEDY, at least twice, saw that he was in the hearing room and requested him to come up to the witness table to testify, even though his appearance had not been scheduled. He has already been questioned on all of the issues that relate to the nominee.

Howard James—President of ITT-Sheraton. Anything James would add would be cumulative and immaterial because several other witnesses have already testified regarding the ITT pledge and because it cannot be linked to Kleindienst or McLaren or the settlement of the ITT suits.

William Timmons—White House Convention Coordinator. Timmons may have had something to do with the planning of the convention, but he did not discuss the ITT cases with the Justice Department.

Whatever he learned of the convention arrangements, there is no hint in the record or elsewhere that he had any connection with the ITT antitrust cases or with Kleindienst.

Harold Geneen—President of ITT. Geneen's testimony already takes up roughly 150 printed pages and covers every conceivable germane topic. Adequate testimony has already been received and cross-examination afforded on the only relevant point—contacts with Government officials.

Richard Herman—Republican National Committee vice-chairman. There is no contention that Herman had anything to do with the ITT antitrust suits or their settlement or any of the other subjects of concern to the committee. None of the items for which it is alleged his testimony is needed have anything to do with the nominee.

Reuben Robertson—Nader associate. The name Reuben Robertson brings to mind one of the most revealing incidents in the hearings. Robertson apparently told Kleindienst's opponents on the committe that he hand delivered a letter to both Kleindienst and McLaren on September 21, 1971, asking for several things, including a comment on charges that there was a connection between the settlement and an ITT contribution to the city of San Diego for the Republican Convention. In fact, the letter was hand delivered to neither. It was handed to Ray Carson, one of the Government attorneys in the ITT cases.

The original—and only—copy of the letter received by the Justice Department shows a handwritten notation that it was received by Carson. He then sent it to McLaren for a reply to Robertson because a hearing on final entry of the ITT consent decrees was scheduled for September 23, and McLaren wanted his attorneys to have something in hand in case the point came up at the hearing. He also wanted to prevent any possible allegation that the silence of the Justice Department amounted to an admission of guilt.

Although Robertson had ample opportunity to object to final entry of the ITT consent decrees on September 23, 1971, on the basis of charges that there was a political deal, he made no such objection.

Kleindienst never received a copy of the letter. He did, however, receive an inquiry from McLaren who asked if Kleindienst had talked to Representative BOB WILSON during the settlement negotiations. His answer was "no."

Robertson's testimony is sought for the purpose of giving an analysis of the settlement. He did that before the district judge who entered the decrees and was unable to persuade him that the decrees were not in the public interest. His associate, Mark Green, asked to appear before the committee during the first 2 days of hearings, but chose not to testify. Much of his prepared text dealt with the ITT settlement. Yet Green did not feel constrained to appear to testify on the subject. If the ITT settlement is so unsound now, why was it not so unsound on February 23? Nader, Green, and Robertson could have provided the same economic analysis to the settlement then if it was so important. The economics of the settlement have not changed.

In addition, Senator KENNEDY has already inserted in the hearing record a statement prepared by Robertson.

Denny Walsh—Life reporter. There is nothing Walsh can offer that is relevant. We are not concerned with his investigation. We are only concerned with what Kleindienst did on the basis of the FBI investigation and the Criminal Division's report on the FBI investigation. In addition, his testimony would be entirely hearsay.

Dita Beard—ITT lobbyist. Kleindienst's opponents have tried to have it both ways on the subject of Dita Beard's testimony. After the special hearings in her hospital room in Denver, the Washington Post editorialized on March 28, 1972, that—

Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full Judiciary Committee to return to the serious business at hand.

Later in the same editorial, the Post suggested:

In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

I ask unanimous consent that the text of that editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1972]

THE ITT AFFAIR: FROM BURLESQUE TO GROTESQUE

The friends and supporters of the Nixon administration on the Senate Judiciary Committee have paid a heavy price—and might have paid a far heavier one—for the partisan, tactical maneuvering which had made the cross-examination of Mrs. Dita Beard a condition precedent to further hearings on the nomination of Mr. Richard Kleindienst to be Attorney General. By all accounts they were exceedingly lucky that her sudden heart seizure under the pressure of questioning was relatively mild and that the farce being played out at her bedside on Sunday did not turn into tragedy. Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full judiciary committee to return to the serious business at hand. If not, perhaps such testimony as she was able to give at the bedside hearing will discourage them from pursuing this line of inquiry further because she was, as might have been foreseen, an unconvincing witness, at best, for the defense of either the Nixon administration or ITT.

Her denial that she wrote the so-called Anderson memorandum was not new; she had already signed an affidavit to that effect. As for the rest of her testimony, it is hard to make much of it, in the absence of further guidance from ITT as to when, precisely, she is, and is not to be believed—when her disavowals carry weight, and when she is "irrational" or "disturbed" or suffering from "mental lapses" or "drinking excessively." For example, she made it quite clear that although she didn't author the Anderson memo, she did write something on the subject which was different from the memo which ITT now offers as the one-and-only "genuine" memorandum on the subject. If so, this does not say much for the integrity of ITT.

Moreover, if we are supposed to credit her disavowal of the Anderson memorandum—a full three weeks after she had every chance to do so, and didn't—then we must equally believe her when she tells of a conversation with an unidentified White House aide which materially alters the picture we have been given by the administration and the Republican National Committee and ITT of the extent to which ITT was preparing to support the Republican Party this year. We had been told by ITT President Harold Geneen that $200,000 was involved, all of it connected with the promotion of ITT hotel properties in San Diego, and with the Republican Convention there. Other Republican figures have conceded that the figure might have been as high as $300,000 or $400,000. But now, in Denver, Mrs. Beard has introduced the figure of $600,000, and raised the possibility that some part of it might go directly into financing President Nixon's own campaign for re-election. Now that, assuming you believe it, puts rather a different light on things; it involves the White House and the President, who was supposed to be in no way involved, in a much more handsome gift from ITT at a time when that corporation's fate lay in the hands of a Republican administration.

For our part, we don't know what to believe, except that either you believe Mrs. Beard or you don't—you can't be selective about it. The best way out of this dilemma, we would think, is to put the Beard memorandum to one side and move on with the Senate's inquiry; the substance of the ITT affair, after all, has been amply documented in other testimony and far more significant witnesses are awaiting call—White House aide Peter Flanigan, for example, or Mr. Richard Ramsden, the private expert whose report, arranged by Mr. Flanigan, is said to have had so much to do with persuading the antitrust chief of the time, Richard McLaren, to settle the ITT cases out of court.

It is apparently Senator Hart's view that "clearly it will inhibit" the Judiciary Committee if Mrs. Beard cannot be questioned further and that as a result "we may never know the truth." In our view, not knowing the truth about the Beard memorandum, while perhaps tantalizing, can hardly inhibit the Senate for there is almost nothing in that memorandum, in the way of assertions or allegations, which has not been sworn to in other, more reliable, testimony. In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 10 minutes.

Mr. HRUSKA. Mr. President, as the Post elsewhere put it, interrogating Dita Beard again may be "tantalizing," but it is hardly essential.

Peter Flanigan—assistant to the President. The committee decided on April 18, 1972, by a 12 to 1 vote to have Flanigan testify on the following matters only:

First. Flanigan's involvement in assisting McLaren in obtaining independent financial analysis from Ramsden,

Second. Geneen's participation in a group meeting at the White House in February 1971,

Third. Flanigan's knowledge in respect to the selection of San Diego as the site of the Republican National Convention, and

Fourth. The matters which occurred in Flanigan's presence at the meetings held in the office of Attorney General Mitchell on April 29, 1971.

He testified fully and completely on those matters. During the course of Flanigan's testimony, the committee saw two other matters that Flanigan should comment on. They were:

First. The nature of all contracts between Flanigan and officers, employees, consultants, or representatives of ITT up to the time his activities in connection with the ITT cases ceased, to the extent such contacts related to the ITT cases.

Second. The nature of all contacts flowing from the Ramsden report between Flanigan and officials or employees of the Justice Department in connection with the ITT cases during the period of the settlement negotiations.

He responded to those two inquiries in a full and candid manner. Those who now seek to ask additional questions had an opportunity to suggest questions they wished to put to Flanigan when the committee decided to accept Flanigan's offer to testify or when they decided to send further inquires to Flanigan after he testified. They did not then offer any specific questions and their failure to do so now should demonstrate that they have nothing in mind but a grand fishing expedition.

Consider what happened when Flanigan appeared on April 20. Two days earlier, the committee had voted 12 to 1 to limit the questioning as described above. When Flanigan during the testimony quite properly refused to go beyond the four designated areas, the Kleindienst opponents on the committee cried "snow jobs" and "whitewash." All except Senator KENNEDY had agreed not to press questions beyond the scope of the agreement. All of the 13 members who voted on the agreement, I believe, conceded that there is a doctrine of executive privilege, although there were differences of opinion as to its scope. So this agreement was actually a compromise between two branches of government, the importance of which went far beyond the testimony Flanigan was to give to the committee.

Now having agreed to limitations 2 days before, why were some Senators objecting when Flanigan appeared? Were they misled by Senator Ervin, who drafted the agreement?

Here is what he said on the subject:

I say to this day, that this resolution, plus Mr. Flanigan's letter, permits interrogation of Mr. Flanigan about everything that any of the testimony of these weeks showed he had any knowledge about, or had participated in, in any way, I read that proposed resolution aloud in the presence of every member of this committee, except Senator John L. McClellan, in a very loud tone of voice, because I use a pretty loud tone of voice, and it was voted for, I believe it was 12 to 1. (p. 1628)

* * * * * *

Now, we have heard a lot of testimony from officials of the Department of Justice; we have heard a lot of testimony from people connected with ITT; and this agreement, plus Mr. Flanigan's letter, permit the testimony of Mr. Flanigan and he agreed to testify on these terms to everything that there was a scintilla of evidence during the weeks of hearings that linked him in any way with anything connected with this investigation.

I just say this in defense of myself, having drawn the resolution, and I was very proud that I got every vote but one for it; but I do hope something could be worked out where he can testify as to whether he ever talked to Mr. Kleindienst about this or talked to ITT officials. But I think under this agreement he is not a free agent and I say in defense of him that if there is any unwise limitation here, I am responsible for it and the members of the committee who voted for the proposal I wrote out, after they could not agree on anything else, also are responsible for it.

I think it is sort of a pity you have these privileges but they are privileges that run all through the law and we were trying the best we could to avoid a confrontation between the executive and the legislative branches of the Government with respect to these things; and I think it is highly desirable to avoid such a confrontation and I think that Mr. Flanigan—I will say to his credit—has agreed and has testified in respect to every transaction that the weeks of testimony, from all sources, indicated that he had anything to do with. (p. 1629)

Finally, it should be noted that the number and identity of witnesses called was largely up to the opponents. The limit agreed to by the committee was one of time only. Had the opponents been willing to curtail their repetitious and redundant questioning, additional witnesses could have been heard prior to the April 20 deadline. When the complaint concerning uncalled witnesses is heard, it should be remembered that the responsibility lies with the opponents.

Additionally, the chairman of the committee cooperated fully with those opposing the nomination in scheduling the witnesses they requested. The witnesses called were those on the list submitted to the chairman by the Senator from California (Mr. TUNNEY).

Let me repeat: all the "clearly necessary" witnesses, and many more, have already been heard.

UNSUPPLIED DOCUMENTS

It is alléged that pertinent documents requested by committee members from the Justice Department and ITT have not been produced.

I cannot speak for ITT. If documents which exist and are relevant have been requested and not supplied, that is a matter which ITT counsel should examine closely.

Mr. KENNEDY. Mr. President, will the Senator from Nebraska yield on my time?

Mr. HRUSKA. Mr. President, when I finish my speech, then I will yield on the Senator's time.

Mr. President, with regard to the Justice Department I can speak with more certainty. Since these hearings began, the Department has expended hundreds of man-hours sifting through files in order to comply with the numerous requests for documents. Thousands of pages of material—much having little or no bearing on the nomination—have been produced. Some documents were withheld on the decision of Department officials that they either reflected internal advice tendered by subordinates to the Assistant Attorneys General or the Deputy Attorney General which were not appropriate for public disclosure or were criminal files on which departmental rules require confidentiality.

The Department attempted to comply with the committee requests to the fullest extent possible. Some sensitive materials were submitted to committee members with the understanding that they be made available to Senators only. When these materials found their way unerringly into the columns of the Washington Post and the New York Times, the Department determined that it could no longer supply documents on this basis.

Before the charge is made that the Department failed to cooperate with the committee, we should be certain that a charge of "unclean hands" on this subject cannot be lodged elsewhere.

CONCLUSION

Mr. President, I have set forth the facts on the charges made by the opponents of this nomination so that the record will be quite clear as to both sides of these questions. The "clouds" which some would like to see over this matter have long since been drilled with so many holes that they no longer hold either water or hope for the opponents.

Richard Kleindienst will make a strong and effective leader for the Department of Justice. I know that we shall all be proud of the way he will discharge his duties. It is my hope the Senate will approve and confirm the nomination by a substantial vote.

CONGLOMERATE MERGERS AND THE ITT CONSENT DECREES

A litigant can rarely lose every battle and yet win the war. However, that is just what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Corporation as violating Section 7 of the Clayton Act.[1] In *United States v. International Tel. & Tel.*,[2] filed in April, 1969, the government sought to force I.T.T. to divest itself of Canteen Corporation. In *United States v. International Tel. & Tel. and Grinnell Corp.*[3] and *United States v. International Tel. & Tel. and The Hartford Fire Insurance Company*,[4] both filed in August, 1969, the government sought to prevent the proposed acquisitions of Grinnell Corporation and the Hartford Fire Insurance Company by I.T.T. In the last two actions, the government also sought preliminary injunctions preventing the acquisitions. The court refused to issue an injunction in either case in October, 1969.[5] Then in December, 1970, the trial court found that I.T.T. was entitled to a motion dismissing the complaint in the case of the Grinnell acquisition.[6] In July, 1971, the trial court in the Canteen Corporation case found that the I.T.T. was also entitled to a judgment dismissing that complaint.[7] Thus, the Justice Department lost final judgments to I.T.T. in two of the three cases and a preliminary injunction had been denied in the third.

Nevertheless, the government appears to have won the war, since, in September, 1971, consent decrees were entered in all three cases.[8] These consent decrees provide for divestiture by I.T.T. of Canteen Corporation[9] and the Fire Protection Division of Grinnell Corporation[10] within two years. In addition the decrees require I.T.T. to divest itself of either (1) the Hartford Fire Insurance Company or (2) Avis Rent-A-Car, I.T.T.-Levitt and Sons, Inc. and its subsidiaries, I.T.T. Hamilton Life Insurance

Footnotes at end of article.

Company, and I.T.T. Life Insurance Co. of New York within three years. Further, if I.T.T. does not divest itself of Hartford, it is restrained from acquiring any leading domestic company or dominant company in a concentrated market without showing in court that such acquisition would not lessen competition or tend to create a monopoly in any line of commerce in any section of the country.[11] Thus, the government received nearly all the substantive relief it had originally sought in filing the actions. The government, however, failed to get a definitive Supreme Court ruling on the novel arguments presented in attacking these mergers. Therein lies the quandary for attorneys in the field. The novel arguments had been rejected by the district courts. Why, then, had I.T.T. agreed to the consent decree? Did I.T.T. believe that these arguments would succeed in the Supreme Court? This article will examine these arguments and explore their probabilities of success.

Over forty-five years ago the Supreme Court emphasized that each antitrust case was *sui generis* and that the facts of each precedent must be closely examined before applying them to any other situation.[12] Though a trial court no longer must undertake an exhaustive economic analysis in every merger case,[13] at least some understanding of the economic effects of a merger is necessary.[14] Consequently, a brief look at the status of the companies involved in the I.T.T. acquisitions is necessary.

In 1968, the year prior to the filing of the suits, I.T.T. was the eleventh largest industrial concern in the United States. Its revenues were just over four billion dollars that year. Its holdings in 1968 included Continental Baking Company, the largest baking company in the U.S.; Sheraton Corporation of America, one of the two largest hotel chains in the nation; Levitt & Sons, Inc., the nation's largest residential construction firm; and Avis, Inc., the second largest car rental company.

In April, 1969, I.T.T. acquired Canteen Corporation, Hartford Fire Insurance Company and, Grinnell Corporation. At that time Canteen was one of the few nationwide food vending organizations, with operations in 43 states. Canteen had 1968 revenues of $322 million, 95 percent of which came from merchandise and equipment sales. Canteen ranked second among companies operating in the on site food service market. Hartford Fire Insurance Company was the fourth largest property and liability insurance company in the country. Hartford had 1968 revenues of $968.8 million. Grinnell Corporation was the largest manufacturer and installer of automatic sprinkler fire protection systems in the country. Grinnell had revenues of $341.3 million in 1968 and was the 268th largest industrial corporation in the United States. By acquiring these three companies, I.T.T. could expect to increase their 1968 revenues of $4 billion by at least $1.5 billion.

In light of the Justice Department's avowed intention to attack any merger among the top 200 manufacturing firms or firms of comparable size in other industries,[15] the vigorous attack on I.T.T.'s acquisitions is not surprising. What may be more surprising is that none of the government's arguments about the effects of these acquisitions were able to convince the trial judges that:

"[I]n any line of commerce in any section of the country, the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly."[16]

To understand this phenomenon an analysis of the government's principal arguments is required.

The government's complaint in the Canteen case[17] is primarily founded on the increased power of I.T.T. and Canteen to employ reciprocity or benefit from reciprocity effect in the furnishing of vending and inplant feeding services. In addition, the complaint alleges that the merger will foreclose competitors from vying for I.T.T.'s food service business; the merger will raise barriers to entry in this market and will trigger other defensive mergers.[18] With respect to the first allegation, the court found that since no significant increase in opportunities for reciprocal dealing was shown, and since I.T.T. would probably not utilize these opportunities if they did exist, no substantial adverse effect on competition was likely.[19] The court also found that the vertical foreclosure of Canteen's competitors from I.T.T.'s locations, even if it were to occur, would foreclose less than one-half of one percent of the market and would be de minimus.[20] Finally, since no likelihood of reciprocity effects or significant vertical foreclosure existed the court rejected the government's contention that these competitive advantages would hinder entry into the market or trigger other mergers.[21] Consequently, the government's complaint was dismissed on the merits.

In the case of the Grinnell acquisition,[22] the government first alleged that Grinnell was a dominant competitor in certain lines of commerce in certain sections of the country.[23] The government then alleged that this dominant competitor would receive certain competitive advantages from the merger and thus substantially lessen competition. The primary competitive damage alleged was increased opportunity for reciprocity. In addition, the government also alleged that the merger would permit Grinnell to sell complete packages or systems, obtain leads for sales of sprinkler systems from Hartford agents, foreclose Grinnell's competitors from competing for I.T.T.'s business, and give Grinnell access to I.T.T.'s financial and advertising resources.[24] Finally, the government alleged that this merger would increase economic concentration and result in injury to competition in numerous undesignated lines of commerce.[25]

The trial court emphatically rejected the government's first contention, that Grinnell was a dominant competitor in any relevant produce or geographic market.[26] Then, though the court said it need not have reached these questions, it decided that even if Grinnell were a dominant competitor none of the allegations of competitive advantages were substantiated. The court found that increased reciprocity was not likely to result from the merger.[27] As to the rest of the alleged advantages, the court either found that they were not truly advantages or that they were not likely to occur.[28] Finally, the court rejected the argument that increased economic concentration was forbidden by Section 7 of the Clayton Act. The court acknowledged that concentration in a particular market was a relevant concern of the statute, but rejected as irrelevant the argument that conglomerate mergers were causing concentration of resources in the entire domestic economy.[29]

The Justice Department's action attacking the I.T.T.-Hartford acquisition never came to trail. However, the gist of the government's complaint, and of the court's reaction to it, can be determined from the court's decision in refusing a preliminary injunction.[30] Again in this case, the government alleged that the acquisition would result in a market structure conducive to reciprocal dealing.[31] It also alleged a substantial vertical foreclosure of I.T.T.'s insurance business to Hartford's competitors.[32] In addition, the government claimed that I.T.T. and its subsidiaries would receive an advantage over their competitors by having access to $400 million in excess funds held by Hartford.[33] The government also alleged that the merger would eliminate potential competition between I.T.T. and Hartford, since Hartford was studying diversification as a way to utilize its $400 million surplus.[34] Finally, the government again alleged that the merger would further accelerate the trend of increasing concentration in the economy and thus would have anti-competitive effects.[35]

In refusing the preliminary injunction, the court decided that the government had not demonstrated a reasonable probability that it would be successful in sustaining any of its allegations at trial. As to reciprocity, the court found that the government had neither shown that the merger created substantially increased opportunities for reciprocity, nor that such opportunities, even if created, were likely to be exploited.[36] The vertical foreclosure was found to be insubstantial, or at least not large enough, by itself to make the merger invalid.[37] The court held further that the government had not shown a probability that Hartford's surplus would be used by I.T.T. subsidiaries.[38] The court also held that the government had made no showing that the merger eliminated potential competition between I.T.T. and Hartford.[39] Finally, the court found no merit to the government's claim that economic concentration in the aggregate, rather than in a particular market, was violative of the Clayton Act.[40]

These three cases together represent the Justice Department's most ambitious attack on conglomerate mergers to date. As such, they present several novel theories of attack on conglomerates. The first new theory they seek to establish is that a mere potential for reciprocity is adequate to invalidate a merger. The second new theory is that Section 7 of the Clayton Act was intended to remove the anti-competitive effects of concentration of assets in the economy as a whole as well as concentration in a particular line. The last new theory is that two corporations with plans to diversify are potential competitors and their merger may substantially harm competition.

Nothing is novel about attacking mergers because of reciprocity. The Supreme Court in *Federal Trade Commission v. Consolidated Foods Corp.*[41] made it clear that reciprocity is one of the anti-competitive practices which the antitrust laws are intended to counteract. The Court held that reciprocity violates Section 7 of the Clayton Act if the probability that it will lessen competition is shown.[42] Thus, the novel point argued in the I.T.T. cases was the nature of the proof necessary to show that probability. The government argued that a showing that opportunities for reciprocity were substantially increased was adequate. Their argument was strongly supported by two cases decided in the Third Circuit, *Federal Trade Commission v. Ingersoll-Rand Co.*[43] and *Allis-Chalmers Mfg. Co., v. White Consolidated Industries, Inc.*[44] However the trial courts felt that I.T.T. had shown a strong corporate policy against reciprocity and, because of their profit center structure, effectively discouraged it. In the absence of proof of these corporate policies, the government's argument on reciprocity would probably have been accepted by the courts.[45] The conclusion must be, therefore, that proof of a market structure significantly increasing the opportunities for reciprocity remains an important means of attack on conglomerate mergers.

Like reciprocity, the government's theory of the anti-competitive effects of eliminating potential competition is simply an extension of accepted law. *United States v. Continental Can Co.*[46] made it clear that mergers between two competitors may violate the antitrust laws, even if the competitors produce goods as different as metal cans and glass containers. Further, *United States v. Penn-Olin Chemical Co.*[47] stated that a combination between two potential entrants to a market for the purpose of jointly entering the market is also within the scope of the anti-trust laws. In that case, however, the district court on remand decided that neither joint venturer would

Footnotes at end of article.

have entered the particular market alone and consequently no violation occurred.[48] In *Hartford*, though, the government could point to no particular industry and say that both I.T.T. and Hartford were potential entrants. The mere fact that both were considering diversification does not meet the *Penn-Olin* requirement that a reasonable probability exist that both would have entered a particular market.[49] In fact, since both companies' diversification studies were so wide-ranging, the mathematical probabilities that they would have chosen to enter the same market seems very small indeed. Therefore, the application of the doctrine of potential competition to conglomerate mergers appears to be largely foreclosed by the diversified nature of the conglomerates themselves.

The last new theory presented by the government in attacking the I.T.T. mergers is that the merger will impair competition by increasing economic concentration. Economic concentration in a particular line of commerce has long been a relevant concern in considering the anti-competitive effects of a merger.[50] The reason the alleged effect must be limited to a particular line of commerce is not clear. The words of the Clayton Act say that the requisite standard is met if competition is impaired "in any line of commerce in any section of the country."[51] The House report on the bill said that: "[T]he purpose of the bill is to protect competition in each line of commerce in each section of the country."[52] While the intention of the statute is directed toward preserving competition in each line of commerce, it does not follow that concentration only in a particular line of commerce can harm that line of commerce. For example, concentration in the American steel industry certainly could have a harmful effect on the auto industry. The court decisions, too, seem to justify a broader interpretation if their method of determining a relevant market is examined. In *United States v. Continental Can Co.*,[53] for instance, the Court recognized a line of commerce that included metal cans and glass bottles because what happened in one of those lines affected the other. Thus, if the government could show a casual relationship between conglomerate mergers and harmful effects in several different markets, their argument should be accepted. Certainly such effects are within purview of congressional intent in passing Section 7 of the Clayton Act and within the logic of court interpretations of the Act. Therefore, an argument which attacks a merger on the basis of these effects could be successful.

CONCLUSION

The trial courts refused to accept any of the three novel theories advanced by the Justice Department in attacking the three I.T.T. mergers. Nevertheless, I.T.T. respected the government's arguments enough to agree to a consent decree. On closer examination, at least two of these three novel theories seem to have some chance for success had they been argued before the Supreme Court. Thus, these arguments will probably continue to be valuable to the government in attacking future conglomerate mergers.

PAUL H. WHITE.

FOOTNOTES

[1] 15 U.S.C. § 18 (1970).
[2] 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).
[3] 324 F. Supp. 19 (D. Conn. 1970).
[4] Civil Action No. 13320 (D. Conn., filed August 1, 1969).
[5] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).
[6] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Conn. 1970).
[7] United States v. International Tel. & Tel., 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).
[8] 521 B.N.A. Antitrust & Trade Reg. Rept. A-4 (Sept. 28, 1971).
[9] 1971 Trade Cas. 90,774 (filed August 23, 1971).
[10] 1971 Trade Cas. 90,763 (entered Sept. 24, 1971).
[11] 1971 Trade Cas. 90,766 (filed Aug. 23, 1971).
[12] Maple Flooring Association v. U.S., 268 U.S. 563, 579 (1925).
[13] United States v. Philadelphia National Bank, 374 U.S. 321, 363 (1963).
[14] *Id.* at 362.
[15] Address by Attorney General John N. Mitchell before the Georgia Bar Association, June 6, 1969, 5 C.C.H. Trade Reg. Rept. 55, 505 (June 19, 1969).
[16] 15 U.S.C. § 18 (1970).
[17] United States v. International Tel. & Tel., 1971 Trade Cas. 90,530 (N.D. Ill., July 1, 1971).
[18] *Id.* at 90,535.
[19] *Id.* at 90,548.
[20] *Id.* at 90,559.
[21] *Id.* at 90,560.
[22] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Conn. 1970).
[23] *Id.* at 24.
[24] *Id.* at 30.
[25] *Id.* at 52.
[26] *Id* at 29.
[27] *Id.* at 46.
[28] *Id.* at 47.
[29] *Id.* at 53.
[30] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).
[31] *Id.* at 786.
[32] *Id.* at 792.
[33] *Id.* at 791.
[34] *Id.* at 795.
[35] *Id.* at 796.
[36] *Id.* at 791.
[37] *Id.* at 795.
[38] *Id.* at 792.
[39] *Id.* at 795.
[40] *Id.* at 796.
[41] 380 U.S. 592 (1965).
[42] *Id.* at 595.
[43] 320 F.2d 509 (3d Cir. 1963).
[44] 414 F.2d 506 (3d Cir. 1969), *cert. denied*, 396 U.S. 1009 (1970).
[45] *See, e.g.*, United States v. International Tel. & Tel., 306 F. Supp. 766, 783 (D. Conn. 1969).
[46] 378 U.S. 441 (1964).
[47] 378 U.S. 158 (1964).
[48] United States v. Penn-Olin Chemical Co., 246 F. Supp. 917 (D. Del. 1965).
[49] United States v. Penn-Olin Chemical Co., 378 U.S. 158, 175 (1964).
[50] *E.g.*, United States v. Von's Grocery, 384 U.S. 270 (1966).
[51] 15 U.S.C. § 18 (1970).
[52] H.R. Rep. No. 1191, 81st Cong., 1st Sess., 8 (1949).
[53] 378 U.S. 441 (1964).

Now, on the Senator's time, I yield to him briefly.

Mr. KENNEDY. Mr. President, I would like to gain the floor in my own right.

The PRESIDING OFFICER. Who yields time?

Mr. Kennedy addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is difficult for me to understand the reasoning of my good friend from Nebraska about the series of witnesses, and his statement that we were dilatory in trying to obtain witnesses or in not moving the hearings along. As a matter of fact, those of us on the subcommittee who took testimony from Mrs. Beard went out to Denver, Colo., on Saturday, conducted hearings on Sunday, and we did that on our own time. There was never a time when we were not prepared to meet in the evening or during the course of weekends if we were given the opportunity to do so, and our desire was expressed.

The Senator from Nebraska knows full well of the length of time it took us to get Mr. Flanigan before the committee. His name was mentioned on the first day of the hearing, but only in the final hour did he come before the committee, and then only under the most extraordinary restrictions did he answer questions. He was one of the most extraordinary witnesses to come before a committee in the 10 years I have been in the Senate. Mr. Flanigan was permitted to say he would come before the committee but that he would tell the committee what questions he would answer and would not testify on other matters. There was the exchange of correspondence which was worked out to elicit responses showing he was involved with Mr. Kleindienst, and had seen him and called him twice. Rather than satisfying questions that some of us had wanted to ask, answers only raised additional questions.

So I reject again the argument of the Senator from Nebraska that we were dilatory in trying to increase the number of witnesses. We indicated in our report the number of witnesses we wanted to call.

I wish to ask my friend the Senator from Nebraska if he takes some issue with our desire to call Mr. Howard Aibel. Howard Aibel was a quarterback for the ITT settlement offensive. We heard from Mr. Geneen, if only partially, Mr. Gerrity, and Mr. Ryan, but the one fellow who knew what all the others knew and more was Howard Aibel. Why should we not be able to call him? Does not the Senator from Nebraska think that the testimony of Mr. Aibel would be important and worth having for the record?

Mr. Howard James actually negotiated the ITT contribution to the Visitors Bureau in San Diego. Why should we not hear from Mr. James? We had testimony that Mr. Geneen turned negotiations over to Mr. James. Dita Beard said Mr. James handled the negotiations. Are we being dilatory to try to hear from the man who made the arrangements?

What about Mr. Timmons in the White House? We know he was in San Diego and was involved in the convention arrangements. Why should we not have the opportunity to question him as well as Mr. Flanigan? Is that being dilatory? I suggest it is not.

We go down the list. With respect to Mrs. Dita Beard, we agreed to 9 hours of questioning, yet we were able to get in only 2 hours. The final question was, "Did you know Mr. Kleindienst?" That is the basic question. But that ended it. She said, "I met him once," and that was the end. That was the last question. There was no followup on that answer.

There was no followup with respect to Mr. Flanigan. There was no testimony at all from Mr. Timmons, and there was no opportunity to hear from other witnesses.

I challenge the statement of the Senator from Nebraska. If he would like to make comment on these points at this time, I would be willing to yield time to him.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 40 minutes remaining and the Senator from Nebraska has 56 minutes remaining.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, as I indicated earlier Howard Aibel testified on more than one occasion. On at least one occasion he was sitting in the audience and the Senator from Massachusetts called him from the audience. He was not scheduled but he was called upon to testify; he did to the full extent of the negotiations imagined or expressed by the Senator. He already had been questioned on all matters relating to the nominee.

With respect to Howard James, anything he would add would be cumulative and immaterial because we had other witnesses who testified about the ITT pledge. It cannot be linked to Mr. Kleindienst and it is Mr. Kleindienst who was nominated and who stands before this body and not Howard James or ITT. It is Mr. Kleindienst.

As far as Mr. Timmons and Mr. Flanigan are concerned, Mr. Flanigan testified within those boundaries which the committee by a vote of 12 to 1 determined to be appropriate. He came there under those circumstances. It was to prevent what might have been an undesirable confrontation between two constitutional branches of Government that this agreement was entered into. He testified to all matters that are pertinent to this matter. He did not come there with a blank check and subject himself to some irrelevant, some impertinent, some redundant, and some outright alien questions to the subject at hand, which was the qualification of Mr. Kleindienst to be Attorney General.

We can see in this line of argument a repetition of that system of using and consuming time without any relevance and in redundant fashion again and again. It would serve no purpose. All the facts are there and more than enough for this body to make an intelligent judgment.

Mr. KENNEDY. I ask the Senator if he knows who in the White House negotiated with Mr. James. Do you think that that is immaterial? We have received no testimony in connection with the arrangement to have the Presidential headquarters at the ITT-Sheraton. Mr. James was working on the negotiations. Would it not be well to know with whom in the White House James was negotiating? Would it not be interesting if it turned out to be Mr. Flanigan? Should we not be able to have that information?

With respect to Mr. Aibel, it was very limited testimony, mainly dealing with the ITT shredding operation, despite the fact that he was the quarterback of the whole operation. Obviously, there was a range of contacts that Mr. Aibel knows about because he was the quarterback and knew whom all the ITT officials were talking to. We do not know who all those administration contacts were because we were unable to get the information from either Mr. Aibel or Mr. Geneen or anyone else.

When I hear the Senator from Nebraska say, "What in the world does Howard James have to do with Mr. Kleindienst?" the simple answer is that Mr. James negotiated the contribution for the Republican Convention. When it is asked, "What does that have to do with Mr. Kleindienst?" the simple answer is that for 2½ years there was a strong anticonglomerate policy which was turned around overnight at the same time as ITT's pledge for the Republican Convention.

Mr. President, we are charged with the responsibility of finding out if there was a connection. Each time we tried to call witnesses—Howard Aibel, ITT's quarterback on the antitrust cases; Howard James, who negotiated the contribution; William Timmons, up to his ears in convention negotiations between the White House and San Diego—we were denied these witnesses.

We are not interested in hearings ad infinitum; we are interested only in the witnesses listed on page 25 of our report.

We are not asking to go back to the Judiciary Committee and decide whom we might want to have. We have already specifically stated the particular witnesses we want to have, and the subjects on which we want to question them.

With respect once again to the role of Mr. Howard James, here is Mr. James' letter which he sent to Congressman BOB WILSON:

JULY 21, 1971.

To: San Diego County Convention and Tourist Bureau.
C/o: Congressman Bob Wilson, 2235 Rayburn House Office Building, Washington, D.C.

As you know Sheraton Corporation of America will have, with the completion of the Sheraton Harbor Island Hotel, a 700-room hotel being located on land owned and created by San Diego Port Authority, three hotels in San Diego. In consideration of the naming of the Sheraton Harbor Island Hotel as Presidential headquarters hotel in conjunction with its opening at the time of the convention, and as part of the general community effort to establish San Diego as a convention center by bringing the 1972 Republican National Convention to the City, Sheraton is prepared to commit a total of $200,000 to the Bureau for its promotional activities, if San Diego is designated as the convention site, on the following basis: $100,000 in cash to be available to the bureau on August 1, 1971 and a balance to be paid as a matching contribution when the bureau has raised an additional $200,000 in cash from other non-public sources.

HOWARD JAMES,
President, Sheraton Corporation of America.

So there is Howard James, speaking about the ITT-Sheraton being named as presidential headquarters. What authority did James have to say that? Whom did he talk to in the White House about that? So now we can see why we need Mr. James.

All we want to do is to have the opportunity to ask those questions. They are extremely relevant to the issues before us. I ask my friend from Nebraska, should we not be entitled to obtain from ITT the various memorandums they have which relate to antitrust policies—those memorandums which were not shredded? We asked Attorney Gilbert if he would provide that material to the committee. Mr. Gilbert indicated that he would make it available to the committee, but we have never received it.

I would ask why the Senator from Nebraska was not helping us or assisting us in getting that material from ITT, so that we could present it to the Senate? If any of that material had been made available to us, perhaps it would have been helpful to ITT. Yet they refused to provide it.

Here are some of the items we requested from ITT. These are listed beginning on page 120 of our report:

Memoranda or vouchers relating to Mrs. Beards visit to the Kentucky Derby. These would include the alleged memorandum from Mrs. Beard to Gerrity indicating that she would see Mitchell at the Derby, and any memorandum reflecting activities or instructions she got thereafter. ITT counsel Gilbert told the committee under oath that "We have found nothing but we believe we can find some vouchers which we do not yet have." None have been supplied to the Committee subsequently.

We also asked ITT for—

Memoranda, correspondence, reports or other documents relating to Geneen's contacts with the 22 federal officials listed in the March 13, 1972 press release.

We were asking for ITT's memoranda that might indicate the nature of the conversations ITT's people had had with White House and Cabinet officials. Does not the Senator think that that would have been relevant, when ITT has admitted that these contacts were about ITT, and antitrust policy? But we were not able to get that information, even though ITT's attorney told us under oath, "When I get back to New York, I will see if we can find anything there."

So we have not been able to find out with any specificity what all these ITT officials were talking about on these occasions when they discussed antitrust policy and anticonglomerate policy with the administration. That information is extremely important because we know that after the cases were settled none of these ITT people ever went back to the Justice Department or to the White House or to any of those Cabinet officials about antitrust policy. So I think we ought to have an opportunity to get that information.

We are certainly entitled to have the memoranda that were not shredded. And yet we find the ITT failed to furnish us that information, and that the Senator from Nebraska is not distressed that they did not provide us with it. I find that difficult to understand.

We also discovered during the course of the hearings that Mrs. Dita Beard was reimbursed for expenses by the Republican National Finance Committee into the amount of $116.50 on January 19, 1971. And she received another expense reimbursement from the National Republican Senatorial Committee on June 3, 1971, this time for $80.50. This was at a time when matters concerning ITT were being considered. Why was Mrs. Beard having her expenses paid by the Republican Finance Committee on one occasion and by the National Republican Senatorial Committee on the other? When she was charged with making arrangements at San Diego and also in-

volved in the settlement of the ITT cases, we find vouchers paid by the Republican committees. We think there should be some explanation of that. We want to resolve that. That is the kind of information we want and which I think we are entitled to receive. Yet it is said to be irrelevant, and a dilatory tactic to ask for it.

These things are all extremely relevant and certainly justify our motion for recommittal.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes remaining.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, to be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. KENNEDY. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. Fifty-three minutes remain to the Senator from Nebraska.

Mr. KENNEDY. And how much to us?

The PRESIDING OFFICER. There are now 52 minutes to the Senator from Nebraska and 30 minutes to the Senator from Massachusetts. If no time is yielded——

Mr. KENNEDY. Mr. President, I have some additional remarks. I would have thought that those who support this nomination would be wanting to take the opportunity to respond to the questions raised here and to use some of their time, but they appear unprepared to do so.

A great deal has been said here to the effect that, well, what do all these matters have to do with Mr. Kleindienist? What have Howard Aibel, or Howard James, or Peter Flanigan, or William Timmons, or Dita Beard got to do with Mr. Kleindienst? I would like to mention here the various contacts that Mr. Kleindienst had on the ITT case and to point up the importance of these various contacts. We have talked about the different roles these people have had with the settlement of the case. I would like to review very briefly the contacts between Mr. Kleindienst and representatives of ITT because it stands in stark contrast with what he had written to Mr. O'Brien when he indicated that the ITT matter had been "handled and negotiated exclusively" by Mr. McLaren.

Yet, even though he wrote that to Mr. O'Brien, we find, on page 156 of the hearings, Mr. Kleindienst saying:

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford by ITT.

Mr. President, that is a pretty wide disparity between what was written to Mr. O'Brien as to the involvement of Mr. Kleindienst on the one hand and what Mr. Kleindienst himself indicated to our committee on the other.

It is understandable why he would have made the latter statement "I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford" because of the series of contacts he had. We saw his repeated conversations with Mr. John Ryan, who was the antitrust listening post for ITT.

We found out about the Rohatyn contacts, involving two telephone calls and six meetings in person with Mr. Kleindienst. We found out about Judge Walsh, who in behalf of ITT made three telephone calls and sent one letter to Kleindienst. We found out about the conversations the nominee had with Mr. Griswold about the procedure to be followed in an ITT appeal. Then, with Mr. Flanigan in the White House, there were two telephone calls and one visit in person to the nominee.

So we can see significance of the contacts that were made with Mr. Kleindienst.

I yield 7 minutes to the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator from Massachusetts for yielding to me at this time. I want to pay tribute to him on the floor of the Senate for the excellent and worthwhile work he has done as a member of the Senate Committee on the Judiciary in regard to the nomination of Richard G. Kleindienst to be Attorney General of the United States.

Mr. President, I am here today to speak against the confirmation of the nomination of Mr. Kleindienst. I might say that on the day this nomination was announced, I declared that I would oppose the nomination, and my view has not changed. As a matter of fact, I have become more confirmed in my original judgment about the lack of wisdom on the part of the President in making this particular appointment.

I said at that time, that my happiness at the retirement of the then Attorney General was exceeded only by my disappointment at the naming of his successor. I still feel the same way.

My reason for opposing this nomination is basically and fundamentally the same which led me last November to oppose the nomination of Dr. Earl Butz as Secretary of Agriculture.

I simply believe that public officials, especially those who are members of the President's Cabinet, must represent the public interest. They must have backgrounds and attitudes that will lead them to give highest priority to the interests of the ordinary American—the worker, the consumer, the taxpayer.

In the case of Dr. Butz, I was gravely concerned about his ties to the giant agribusinesses and his resulting insensitivity to the needs of small farmers, farm workers, and consumers. It is the same sort of concern that leads me to oppose the confirmation of Mr. Kleindienst. His record as Deputy Attorney General indicates he is unwilling to enforce the antitrust law when big corporations violate it.

The Attorney General of the United States is the country's chief law enforcement official. While at times I have disagreed with the current administration over the methods they have used to curb crime, I remain firmly committed to the principle that the laws of our Nation must be uniformly enforced.

I think the American people rightfully expect that anyone nominated for the post of Attorney General should share this belief. Yet Mr. Kleindienst has, while a member of the Justice Department, blatantly interferred with the enforcement of our antitrust laws on several occasions.

My interest in his record in this area stems from my continuing concern about the economic and political power of big corporations in this country. As Senators know, I sponsored and cosponsored legislation aimed at protecting the ordinary American from the dangers of concentrated economic power—including the Concentrated Industries Act, which would decentralize the shared monopolies that now control 35 percent of basic industry in America.

The economic power of our biggest corporation has grown to the point that it is extremely difficult to find anyone in our Government willing to enforce the antitrust laws passed by Congress. Yet Richard McLaren, the former head of the Justice Department's antitrust division, seemed an exception to this rule. He seemed willing to file suit against those corporations, mainly conglomerates, whose activities or holdings were in violation of the antitrust laws. Mr. McLaren did not get very far; and in at least two cases Mr. Kleindienst was the man who kept the Justice Department from enforcing the law of the land.

Ralph Nader's Study Group report on antitrust, entitled "The Closed Enterprise System," describes these cases in some detail.

According to their account, in early 1969 ITT was attempting to acquire the Canteen Corp., the Nation's leading producer of vending machines. When the Antitrust Division recommended that the Justice Department file suit to block the merger, Attorney General Mitchell withdrew from consideration of the case due to a conflict of interest. As the hearings also brought out, it therefore fell to Richard Kleindienst, Deputy Attorney General, to decide what to do about the case. I would emphasize the importance of the decision Mr. Kleindienst had to make. It did not involve the conglomerate merger of a mom and pop grocery store with a local florist. ITT is the eighth largest industrial company in America, with assets of over $6 billion. At the same time it was seeking to merge with Canteen, ITT was also initiating mergers with the $2 billion Hartford Fire Insurance Co. and with the Grinnell Corp., a large, diversified manufacturer. The March 2 Washington Post noted that Mr. McLaren wanted to overturn these mergers as it stated, "to break up at least part of the giant ITT telecommunications industrial complex." In addition, the Post pointed out that—

> On several occasions McLaren said that the ITT-Hartford case could well break new legal ground for the applicability of the Clayton Act.

What did Mr. Kleindienst do, Mr. President, when faced with making part of the decision on whether or not to challenge the biggest merger in the history of corporate America? According to the Nader report, he rejected the advice of Mr. McLaren and the staff of the Antitrust Division, and refused to file suit before the merger went into effect. Whether his decision was based on explicit political considerations, as Nader's study group charges, or rather merely on Mr. Kleindienst's unwillingness to challenge corporate power, it amounted to a refusal to enforce the law.

The Nader report goes on to describe how, after Mr. Kleindienst's initial decision, Mr. McLaren threatened to resign if the case was not brought. The report underscores what happened next. "The case was filed, but not until after the merger had been consummated. Thus, there was no chance for a preliminary injunction to stop the merger from occurring, as the antitrust staff had urged." When the Canteen case, along with the Grinnell and Hartford Fire cases, were settled in a consent decree on July 30, 1971, ITT agreed to divest itself of $1 billion in assets, including the illegally acquired Canteen Corp. While most of the attention has correctly been focused on the fact that ITT was not required to divest itself of the $2 billion Hartford Fire Insurance Co., the fact remains that the consent decree, splitting Canteen from ITT, confirmed that Mr. Kleindienst had been wrong from the beginning.

The Nader antitrust report also describes Mr. Kleindienst's actions in the proposed merger between two giant drug companies—Warner-Lambert and Parke-Davis. Again I must emphasize the importance of the decision Mr. Kleindienst would make. As the hearings chaired by the late Senator Estes Kefauver, so ably documented, the drug industry is the most profitable one in America. The average person is grossly overcharged for brand name drugs right now. The industry has an elaborate system of patent monopolies, excessive advertising expenditures, and monopolistic structures which takes the ordinary person to the cleaners when he or she buys brand name drugs. For this reason we need more competition in the drug industry—not more concentration.

Yet that is precisely what Warner-Lambert and Parke-Davis proposed in July of 1970—a merger which would make the new company the fifth biggest drug company in America with sales of $1.1 billion a year. Attorney General Mitchell again had to withdraw from the case because of a conflict of interest with his former law firm. Again, according to the Nader report, Mr. McLaren and the Antitrust Division staff recommended that the Justice Department file suit to block the merger. And again, Mr. Kleindienst refused.

Nader's Study Group believes that "the political context of this case is even more suspect than in ITT-Canteen." They point to the fact that the honorary chairman of Warner-Lambert is Elmer Bobst, a close friend of President Nixon. And that in an interview earlier this year with the Washington Post, Mr. Bobst admitted "I never opened my mouth to the President about the case. I did talk to other people in the White House about it, though."

Whether or not such considerations affected Mr. Kleindienst's refusal to block the merger, his decision was clearly a case of nonenforcement of the law. Five months after he overruled the Antitrust Division and stopped the Justice Department from enforcing the Clayton Antitrust Act, the Federal Trade Commission did challenge the merger. On April 20, 1971, the FTC charged that it would harm competition in the markets for 52 specific drugs. Once again, Mr. McLaren was vindicated and the evidence of Mr. Kleindienst's unfitness to be Attorney General increased.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield time to the Senator.

Mr. HARRIS. There is one other related issue involving the Justice Department's willingness to enforce the law against big corporations on which I believe this body should consider the impact of confirming Mr. Kleindienst. The Reclamation Act of 1902 was designed to make sure that Federal irrigation projects served small, family farmers and not the agribusinesses, the railroads, and the other giant landowners. The law specifically states that anyone receiving federally subsidized water must sell, at preirrigation prices, irrigated holdings over 160 acres. As we all know, this law has never been enforced and there are giant landlords in California with tens of thousands of acres irrigated at the expense of the Federal taxpayer.

Recently, court actions have tended to favor those who would like to enforce the 1902 law. But in an extraordinary letter to Mrs. Stephen L. Stover of Manhattan, Kans., the Solicitor General of the United States admitted that the Justice Department had not pursued one case on appeal because he believed "we should not win it." This, of course, is incredible doctrine—that the Justice Department can simply ignore a law when it disagrees with its intent.

Will Mr. Kleindienst enforce the Reclamation Act of 1902? His record on issues favoring the wealthy over the working man does not suggest this.

I must emphasize once again, Mr. President, that even if the more severe charges that have been made about this nomination are not true, the confirmation of Mr. Kleindienst would be a mistake. The refusal of a public official, and especially the second highest law enforcement officer in this country, to enforce the law—for whatever reason—is cause enough to reject his promotion to higher office. Even if there were no suggestion of financial and political influence over the decisionmaking process, the fact that Mr. Kleindienst's decisions themselves have amounted to nonenforcement of the antitrust laws disqualifies him from the attorney generalship.

As the Members of this body know, the problem of economic concentration in this country is getting worse all the time. In 1945, the 200 biggest corporations controlled 45 percent of manufacturing. By 1968 that figure had grown to 60 percent. The actions of Mr. Kleindienst and Mr. Mitchell in refusing to block major mergers, like the Warner-Lambert Parke-Davis merger and the ITT-Canteen Corp. merger, make the problem even worse.

These statistics and the complicated legal arguments may sound dull to the ordinary American, but they determine the prices he pays and the quality he gets when he shops for products every day. Mr. Kleindienst's refusal to enforce the antitrust laws against the big corporations will cost the working men and women of this country dollars and cents.

To confirm as Attorney General a man who has refused to enforce laws passed by this Congress would be to violate our trust to those who elected us; to confirm a man who ignores the antitrust laws at will—laws whose aggressive enforcement could cut many consumer prices by up to 20 percent—contradicts the public interest. And, whether or not there are huge sums of money involved—as there were in two cases I have described—it is clear that the Attorney General's duty is to work for enforcement of every law.

In addition, the Senate should consider what effect the confirmation of Mr. Kleindienst will have on other corporate executives who contemplate violating the antitrust laws.

What does the elevation of Mr. Kleindienst tell big business in this country? It tells them that the refusal to enforce the law against corporate giants will be rewarded by promotion. Dr. William O. Baker, research vice president of the Bell Telephone Laboratories, was asked recently by a Washington Post reporter whether or not he thought the Justice Department would enforce the antitrust laws against corporate efforts to wipe out competition in research activities. He replied:

> I think the matter of the Justice Department is being taken care of—Mr. McLaren has another job, and Mr. Kleindienst will be Attorney General. (February 18, 1972)

Let there be no mistake about it. The confirmation of Mr. Kleindienst as Attorney General will tell every corporate executive in America that obeying the law is for ordinary people—but not for them. Dr. Baker of Bell Telephone is clear that that is its impact. We should be, too.

Mr. President, I strongly believe that the confirmation of Richard Kleindienst would be a serious mistake in the light of his actions in the antitrust cases I have cited above. For this reason, I believe it is my duty to work and vote against his confirmation as Attorney General. I hope that Members of this body will agree with me. In any event, however, I do not believe that his nomination should proceed further until the Senate receives a complete study of Mr. Kleindienst's actions in every significant antitrust case in which he has been involved in the Justice Department. This committee should not concern itself solely with the few cases that have surfaced in the press and are tinged with allegations of scandal. It must look to the deeper issues that determine what the ordinary person pays for the products he buys; whether or not those products work the way they are

supposed to; and whether or not he will be asked to bail out mismanaged giants like the Penn Central and Lockheed which collapse under their own weight. These are the kinds of questions the antitrust laws address; and they are kinds of questions the new Attorney General will face.

When Mr. Haynsworth and Mr. Carswell were nominated to fill vacancies on the Supreme Court, we refused to confirm their nominations—and in that refusal we clearly exercised a constitutional charge. Yet every time Senate opposition is voiced to a Cabinet nominee, we are all subjected to a barrage of criticism based on the theory that the President has some kind of "right" to appoint any relatively respectable woman or man to any job he wants to fill.

Mr. President, that is just not what the American Constitution says. As Senators, we have the right, and the duty, to vote against the confirmation of any woman or man who we feel is not suited to serve the public interest in the job for which she or he is nominated. There is no provision in the Constitution that our rejection of a candidate may only be on moral or ethical grounds. In deciding to vote for or against confirmation of Mr. Kleindienst, Senators may, and should, consider any or all of the criteria the President considers when he nominated him.

My own view is that the basic qualification for the Attorney Generalship is a commitment to enforce the law—against the powerful as well as against the powerless. Looking at this record, I must conclude that Mr. Kleindienst does not have that commitment. I, therefore, urge the Senate to recommit this nomination to the Judiciary Committee.

Mr. President, these it seems to me, are basic kinds of questions. Other Members of the Senate have spoken on the role of Mr. Kleindienst in the serious undermining of basic, fundamental, constitutional, individual rights in this country. I speak of his views of wiretapping, no-knock, and preventive detention. Such views influenced my early and immediate decision to oppose this nomination; but I have chosen this time to speak about another fundamental matter in this country, which has to do with the inordinate concentration of economic and political power.

As I have said on other occasions, those of my own party who have occupied the Presidency have not been without blame in this matter by any means. But there never has been the intensification of that kind of concentration of power that we have seen under this administration.

If one looks at a graph of mergers in this country, he will see that just before Teddy Roosevelt took office, mergers went up in a peak on a chart, like Pike's Peak, and when Teddy Roosevelt came in, they went down again. Just before Franklin Roosevelt became President, mergers went up, like Mount Everest, and then with Franklin Roosevelt they went down again. Under this administration and the preceding administration, mergers have gone completely off the chart. So that today the top 200 corporations control 60 percent of manufacturing, as compared with only 45 percent at the end of World War II. When one considers that more than 80 percent of all individually held corporate stock is today owned by 2 percent of our population, that economic growth is primarily within corporations, and that economic growth is primarily internally generated within corporations, I think it is easy to see that we are more and more becoming a country in which the interests of government and big industry are synonymous.

I do not want to further this trend; I would like to change it. Therefore, I intend to vote against the confirmation of this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes, and the Senator from Massachusetts has 15 minutes.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against each side.

Mr. KENNEDY. I yield myself 30 seconds.

Mr. President, the Senator from Nebraska kindly offered to yield some time to us. Perhaps if we have a quorum call, the time could be taken out of his time or he could yield us some of his time.

I say to the Senator from Nebraska that we have 15 minutes remaining and he has approximately 50.

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes remaining. Who yields time?

Mr. KENNEDY. Does the Senator wish to have the time for a quorum call taken out of his time, or will he yield us some time?

Mr. HRUSKA. I have a request for time, and I yield to the Senator from Arizona such time as he may require.

Mr. FANNIN. Mr. President, the past 3½ months have been very frustrating for those of us who know Richard Kleindienst well. He is a man who will make a great attorney general, and it is unfortunate that confirmation was delayed unnecessarily for such a long time. The record is now clear that the nomination of Richard Kleindienst should be overwhelmingly confirmed. Dick Kleindienst has the intelligence, the capability, and the devotion to preserving the rights and protecting the freedom of Americans.

In its May edition Justice magazine carried an article which expressed Dick Kleindienst's deep commitment to the law and to the development of a more democratic society. This magazine, incidentally, is not published by the Justice Department.

I would like to cite a few of the paragraphs from the article which is entitled "Kleindienst: Image Distorted?" This article points out that Dick Kleindienst has a reputation for being "tough" and "hard boiled." But I think it is clear that, although he is "tough" and "hard boiled" when it comes to doing his duty, he also has a deep commitment to the principles of democracy which make our Nation great.

Here are some of the passages from the article:

Concerning his public role:

How does Kleindienst really feel about his public role?

He sees the Department of Justice as one important element in society's two-pronged drive for social reform. "A lawful society is required if we are to have long-term redress of social grievances. It is the Department's role to enforce the laws enacted by Congress, to insure the short-term accommodations to the law, so that you can have the long-term capability of social reform. No social reform is going to take place if anarchy is permitted to take over."

Concerning civil rights, Mr. Kleindienst is quoted as saying:

When the day comes that American citizens in their hearts begin to respect and honor each other as fellow human beings, that will be the day when we have eliminated the biggest injustice in our society. It will be done not by law but by changing people's hearts and minds.

Concerning dissent and violence, the article says:

Justice Department friends tag him, not as a conservative, but rather as middle-of-the-road, or leaning toward liberal. They note his willingness to make intellectual distinctions between dissent and socially violent acts.

"I believe," Kleindienst says, "that not only is the First Amendment right of free speech the most important right we have, but I also believe it important that the government, to the extent that it can, should create and maintain an atmosphere where people feel free to exercise that right."

How does this philosophy jell with his actions during the May Day demonstrations?

Marnie Kleindienst describes how upsetting it was for her husband, the father of four children, to look down from a Justice Department window into the faces of 5,000 American youths demonstrating under the banner of a Communist flag.

"The steps he took were simply to hold things together until we grow back together."

One of the wonderful aspects of Dick Kleindienst is his devotion to his wife, and children, and to his church. The magazine closed its article with a brief mention of this:

He and Marnie live with their four children in a big old house in Great Falls, Va. One visitor said the Kleindienst's home appears to be forged together in love and respect, rather than law and order tactics, attributed to his department.

Marnie says that she and her husband make no big issue about hair or dress. Emphasis is placed on earning your way towards goals.

"We give the children great latitude, don't put many restraints on them. They can fly around the country, but it's on money they earned.

"We take the kids to church every Sunday. We don't make a fetish of religion, but within our concept of the basic Christian meaning, we are a Christian family. We don't interpret that to mean we have virtue. We're all fallible sinners.

Mr. President, I believe that the image of Dick Kleindienst has been terribly distorted by the groundless attacks on him during the past 3½ months. These attacks have obscured the fact that Dick Kleindienst has superb qualifications—technically and morally—to be the Attorney General of the United States.

I hope that we can now put this unfortunate episode behind us and get on with the important work before Congress.

Certainly I am relieved that the Justice Department will once again be able to concentrate its full efforts on enforcing the laws of our Nation. At last we can fill vacancies that have been left open because of the inevitable uncertainty which we have had because of the delay in confirmation.

Mr. President, in the 20 plus years that I have known Dick Kleindienst, I have never known him to act dishonorably. He has excelled in his every undertaking. President Nixon could not have made a better choice for this most important position in our Government. Again, Mr. President, I reiterate that I have every confidence that Dick Kleindienst will be a great Attorney General.

Mr. MILLER. Mr. President, I will cast my vote for confirmation of Richard Kleindienst to be Attorney General.

A study of the record indicates to me that, notwithstanding a great amount of testimony which turned out to be unrelated to Mr. Kleindienst, this nomination should be approved.

The major allegations of the opponents appear to be these:

First. That Mr. Kleindienst did not adequately discipline a U.S. attorney for exercising poor judgment in a case involving certain individuals in San Diego, Calif.

Second. That Mr. Kleindienst did not respond truthfully to the National Democrat Party chairman when he stated in his letter to him that he had not been connected with the settlement of the ITT antitrust cases.

With respect to the allegation concerning discipline, while some of us might have taken more severe measures, this would hardly seem to warrant voting against confirmation.

With respect to Mr. Kleindienst's statement to the National Democrat chairman, I find nothing in the record to refute it. He testified fully and frankly before the committee, showing that he had, indeed, met with ITT representatives and had turned them over to the Assistant Attorney General in charge of the Antitrust Division. The settlement, which was eventually worked out, was handled exclusively by said Assistant Attorney General. Moreover, the distinguished Solicitor General, Erwin Griswold, testified that the settlement was a good one from the standpoint of the Federal Government. I might point out that Solicitor General Griswold has served in his capacity under both Democratic and Republican administrations, and his reputation for integrity is above reproach.

All of this is not to say that, as a member of the legislative branch of our Government, I approve of the conduct by certain ITT officials in connection with the proposed commitment to the San Diego Civic Association to support its bid to obtain the National Republican Convention. But that had nothing to do with this nominee.

I might add that Mr. Kleindienst has earned this promotion in view of his dedication and overall efficiency in conducting the job of Deputy Attorney General, with its enormous duties, for over 3 years.

I ask unanimous consent that the lead editorial from today's Washington Evening Star be placed in the RECORD. It well expresses my sentiments.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOTING ON KLEINDIENST

It seemed, until just recently, that Richard Kleindienst might become an old man while waiting for the Senate to vote on his confirmation as attorney general. But not so. The senators have agreed to take up the matter this afternoon, and a floor decision may have been reached by the time some of the reader peruse these words.

We hope so, because the affair has been dragged on until it's threadbare, and because the country has to have—or at least ought to have—an attorney general. The latest sporadic parries at Kleindienst by his detractors in the Senate have added nothing of consequence to the record. And if anything is added in the floor debate it will come as a big surprise, for the Judiciary Committee's hearings were more than ample. They were stretched out—to the point of equaling the longest such hearings in history—so that every scrap of information could be grasped. If anything important hasn't been ascertained, it is not for lack of time or energy expended.

And this investigative dragnet did not, as a commanding majority of the committee finally acknowledged, produce anything that disqualifies the nominee. On the most critical question, no political linkage between him and International Telephone and Telegraph's various endeavors was proved. The hearings provided much sensation, but no substance as far as Kleindienst is concerned. Some senators have questioned his judgment in other matters, and there were ups and downs in the quality of his testimony, especially in regard to his retrieval of memory. But there was nothing to indicate unfitness, and indeed no one is challenging his professional qualifications and good record as an administrator in the Justice Department.

Some senators consider Kleindienst's demeanor too bluff and find his hard line on law enforcement difficult to swallow, and some no doubt see partisan political advantage in getting in a few more whacks at him today. But a sizable majority of the Senate apparently perceives that the President is fully entitled to this appointment—to say who will sit in his own cabinet. Only twice in this century have Presidents (Coolidge and Eisenhower) been denied that right, and in neither instance is there any evidence that the Senate was correct. It turned the two appointees down for trivial reasons, not related to qualifications, thereby throwing grit in the nation's system of balanced powers. We're reminded, too, of the fervid opposition to Walter Hickel's appointment as Interior secretary three years ago, and of the fact that he later became the hero of those environmentalists who had complained the loudest.

So we hope the Senate will approve Kleindienst's appointment with the least possible delay and polemics, and get on with its weightier business. For this debate already has been exhausted.

Mr. MUSKIE. Mr. President, the Office of Attorney General is one of the most important posts in our Government. A man in that position, by word and deed, helps shape the course of justice in our country and the continuing faith, among all segments of our population, in the fairness of our legal system. Burdened with such responsibilities, the Attorney General of the United States must be a man of sound judgment whose legal and ethical sensitivities shield him and his department from any hint of concealed misconduct or arbitrary enforcement of the laws. I have grave doubts, on the basis of his handling of three matters during his service as Deputy Attorney General, that Richard G. Kleindienst meets these high standards.

The first matter involves Mr. Kleindienst's failure to recognize a bribe offer that was presented to him in the most direct, blatant fashion. A senatorial aide, Robert T. Carson, meeting with Mr. Kleindienst in the Department of Justice, asked for Mr. Kleindienst's help in easing the troubles of a New York friend who was under indictment for Federal offenses. The aide suggested that the man in trouble would be willing to make a substantial contribution of between $50,000 and $100,000 to the reelection of President Nixon. Mr. Kleindienst, in his own testimony at the subsequent trial of Mr. Carson for perjury and conspiracy to commit bribery charges, stated that he simply told Mr. Carson he could not do anything about this matter. Mr. Kleindienst then forgot about this conversation until, almost a week later, he saw a memorandum addressed to the Attorney General from the Director of the Federal Bureau of Investigation which made reference to Mr. Carson. He then reported his conversation with Carson to the Attorney General.

The Federal bribery statute clearly seems to cover the Carson offer. Commonsense shows it was gross impropriety. Yet Mr. Kleindienst was so unmoved by its illegality or impropriety that, according to his own testimony, he did not even give Carson's offer another thought for a whole week, until Carson's existing involvement with Federal authorities came to his attention. Only then did he reconsider his view of the Carson offer and report it to the Attorney General.

I am deeply troubled by the prospect of an Attorney General who does not possess the legal judgment or the good sense to recognize a bribe offer so nakedly put. Nothing Mr. Kleindienst has said about this incident eases my doubts.

The second matter involves Mr. Kleindienst's handling of the Department of Justice's investigation of Harry Steward, U.S. attorney for the Southern District of California. Mr. Steward, upon hearing of a Justice Department investigation, involving a friend of his, of possible illegal campaign contributions, intervened to halt the subpenaing of his friend before a grand jury and, instead, interviewed the man himself, without witnesses, and reported that the expenditure under investigation had been satisfactorily explained. Steward subsequently injected himself into another investigation of the same matter by the IRS.

Steward's conduct came to the attention of Justice Department officials in Washington. Steward was summoned to Washington for a private meeting with Mr. Kleindienst, who reportedly emerged from the meeting to tell the Deputy Assistant Attorney General of the Criminal Division, whose staff was to be in charge of an administrative inquiry into Steward's conduct, that he did not think Steward had done anything wrong.

The Criminal Division, at a meeting held in Mr. Kleindienst's office on February 17, 1971, reported the finding of its staff attorney that Steward's conduct had been "highly improper" and that he should be admonished. Mr. Kleindienst disagreed. Shunning even a mild rebuke, he issued a statement completely exonerating Steward of any wrongdoing. The statement read as follows:

At the request of U.S. Attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office.

These changes were exhaustively investigated by the Bureau and a report was made to the Department. I have evaluated the matter and determined there has been no wrongdoing.

The Department considers the matter closed and Mr. Steward will continue to serve as U.S. Attorney for the Southern District of California with the full confidence of the Attorney General.

Henry Peterson, Deputy Assistant Attorney General of the Criminal Division, later explained that Kleindienst decided to issue the statement because of his belief that Steward, who was about to try a major tax-evasion case, had to enjoy the full confidence of the public.

There are, as Senator TUNNEY has so ably highlighted in his statement "Individual Views on the Kleindienst Nomination," several distressing elements in Mr. Kleindienst's handling of this case:

(1) Mr. Kleindienst prejudged the merits of the case after a single conversation with Steward and informed the subordinates who were to conduct an administrative inquiry of that prejudgment.

(2) Mr. Kleindienst's public statement about the Steward case was highly misleading. Mr. Steward, according to Henry Peterson, never requested the investigation of his conduct. Mr. Kleindienst, who conceded that he did not read the FBI's investigative report on Steward, never truly evaluated the matter in detail. His statement that there was no wrongdoing simply ignored the finding of his own Department that Steward's conduct had been highly improper.

(3) The rationale for this misleading statement, that public confidence in the office of prosecutor had to be maintained, borders on the incredible. I simply do not see how a responsible public official could contend that public confidence in the processes of government depends on hiding from the people the facts of official misdoing.

Finally, in evaluating Mr. Kleindienst's handling of the Steward case, we cannot ignore the fact that the investigation thwarted by Mr. Steward involved key fundraisers in California and national Republican circles. Mr. Kleindienst, who played a key role in the 1968 presidential campaign, must have been aware of this fact. If so, he should have been all the more sensitive to the need for a frank, judicious treatment of the Steward case. Instead, we find Mr. Kleindienst involved with hasty judgments and a calculated effort to conceal the true facts from the public. This performance, in such a sensitive setting, only erodes that public confidence in our legal system for which Mr. Kleindienst expressed such concern.

The third matter involves Mr. Kleindienst's handling of the ITT antitrust settlement. I cannot escape the conclusion, on the basis of the existing record, that Mr. Kleindienst substantially misrepresented the facts when he wrote to Lawrence O'Brien, the chairman of the Democratic Party, that the ITT settlement had been "handled and negotiated exclusively" by the head of the Justice Department's Antitrust Division. Mr. Kleindienst, in fact, played a determinative role in the events leading to the settlement of the ITT cases. He delayed, at the request of a personal friend representing ITT, a Government appeal to the Supreme Court in one of the three cases involving ITT. He maintained, throughout the crucial period prior to the settlement, continuing contacts with an ITT director, occasionally meeting with him without Assistant Attorney General McLaren, the man most familiar with the details of the case. He sat in on a meeting where ITT, urging its case for special consideration, made a presentation to Mr. McLaren and his staff.

Moreover, Mr. Kleindienst's assertion that the ITT settlement was "handled and negotiated exclusively" by Mr. McLaren ignores the role which Peter Flanigan of the White House staff played in securing the services of a financial expert to analyze ITT's contentions about the economic implications of the divestiture of Hartford Insurance. This report, which both Mr. Kleindienst and Mr. McLaren said they relied upon heavily in making the settlement decision, was later described by its author as simply not standing for the conclusions which Kleindienst and McLaren attributed to it.

These facts, in my judgment, simply do not square with Mr. Kleindienst's avowed detachment from the ITT settlement. This misrepresentation, as in the Carson matter, occurs in a case of extreme delicacy, both because of its implications for the development of antitrust law and because, at the very time the settlement negotiations were in progress, ITT was negotiating a gift that would bring the Republican National Convention to San Diego. There is no clear evidence that Mr. Kleindienst, at the time the ITT settlement was being negotiated, knew of the gift negotiations. He says he did not. However, as Senators BAYH, KENNEDY, and TUNNEY point out in their statement of views, both Mr. Kleindienst and Mr. McLaren were aware of the allegation of a nexus between the two transactions before the ITT settlement became final, as a result of a September 1971, letter from Reuben Robertson, an associate of Ralph Nader, inquiring about such a relationship. The very existence of this suspicion should have emphasized to Mr. Kleindienst the importance of allaying all such doubts through a full, candid explanation of the details surrounding the ITT settlement. Instead, when Mr. O'Brien inquired in December 1971, about these details, Mr. Kleindienst responded with a clear misrepresentation of the facts.

Perhaps, in all these matters I have discussed, there is more to be said in Mr. Kleindienst's defense. If so, I would like to hear it. Unfortunately, Mr. Kleindienst has refused to testify any further about the Carson case on the dubious ground that that case, now on appeal, might be prejudiced. The record on the Steward case is incomplete because a majority of the Judiciary Committee refused to call the key witnesses, though I must say that even on the basis of an incomplete record the culpability of Mr. Kleindienst's conduct seems irrefutable. The record on the ITT settlement is much more seriously incomplete, primarily because of the administration's continuing refusal to provide relevant witnesses and documents to the Judiciary Committee.

This last point is particularly troubling. The administration, by its refusal to cooperate with the Judiciary Committee in a full investigaton of the ITT affair, is asking the Senate to approve its nominee for the vital post of Attorney General while serious questions about the fitness of that nominee remain unresolved. A President, to be sure, must be able to surround himself with officials of his choice. The Senate must be sensitive to that Presidential prerogative. But the Senate abandons its confirming role if respect for Presidential prerogatives becomes mere compliance with Presidential will, particularly in a situation where the administration itself contributes to the lingering doubts about a nominee's qualifications. I feel no reluctance, under such circumstances, about resolving the doubts against the nominee. Indeed, given the extreme sensitivity of the position under consideration, Attorney General, a position which requires the same unimpeachable integrity as a Supreme Court Justice, I feel I have no other choice.

Mr. Kleindienst's conduct in the Carson, Steward, and ITT cases, on the record before us, raises grave questions about his judgment and his sensitivity to the delicate responsibilities of his office. An isolated act might be forgiven. A consistent pattern of conduct cannot be. I must vote against the nomination of Richard Kleindienst for Attorney General.

Mr. BUCKLEY. Mr. President, I am not a member of the Judiciary Committee and have not participated, up until this time, in the confirmation hearings or debate on the nomination of Richard G. Kleindienst to be Attorney General. However, I did not want the vote on this matter to occur this afternoon without making a few comments on this issue.

I shall vote against recommitting the nomination to the Judiciary Committee. That body has already examined this question on two separate occasions—for a total of 24 days of hearings—and each time it has approved the nomination—once unanimously, once by a vote of 11 to 4. It is time that the Senate worked its will, regardless of what the outcome may be. If the nomination is approved, the Nation will have a new Attorney General and the work of the Justice Department can go forward without interruption. If the nomination is rejected, Mr. Kleindienst will be able to relax after the 4-month ordeal the Senate has put him through, and the President will be obliged to send us another nomination. But it is time we voted and stopped the politically motivated stalling tactics which have consumed so much time and noise.

Should the recommittal motion fail, I shall vote to confirm the nominee.

Several of my colleagues have examined the charges made against Mr. Kleindienst in great detail and I shall not repeat all of these matters. I particularly refer interested Senators to the remarks of the Senator from Nebraska (Mr. HRUSKA) on May 31 and again this afternoon.

Since I have come to this body, I have had numerous opportunities to work with Mr. Kleindienst on matters of interest to the State of New York. I have always found him to be honest, hard-working, cooperative, and openminded.

He is a fine human being and in my judgment will make an excellent Attorney General.

There seems to be no question concerning his abilities. He is an honor graduate of Harvard and Harvard Law School. He has been a respected member of the Arizona bar for more than 20 years and was regarded, I understand, as one of the most capable attorneys in Phoenix prior to the time he became Deputy Attorney General. It is my firm belief that he has carried out his duties as the No. 2 man in the Justice Department these past 3½ years with diligence, intelligence, and a high degree of honor.

I have read the reports of the Judiciary Committee on this nomination with some care. I have dipped to a limited extent into the three volumes of committee hearings. I have reviewed the debate which has occupied the Senate these past 8 days. It is my firm conclusion that there is nothing in all of this material which in any way should disqualify Mr. Kleindienst from being Attorney General of the United States.

To be certain, there are issues raised in the hearings and report on which the answers are not clear. This is particularly so with regard to some of the activities of ITT and its employees. However, not one of these unresolved questions has anything to do with the nominee. His role in the settlement of the ITT antitrust cases—a settlement favorable to the Government, by the way—was proper and secondary to that of the Assistant Attorney General in charge of the Antitrust Division. His role with regard to the financing of the Republican National Convention was nonexistent.

The other substantive issues questioned by the opponents of the nomination—the investigation of San Diego U.S. Attorney Steward and the bribery trial of Robert Carson—likewise lead to dead ends. Based on the testimony adduced by the Judiciary Committee, it is my conclusion that the nominee acted reasonably and properly in both of these incidents. It would seem, in short, that some of my colleagues are clutching at invisible straws in an attempt to stop this nomination.

There is one point, however, that I would like to discuss for a moment. Much has been made of the fact that during his testimony the nominee did not always remember all the details of meetings, conversations, and events about which he was being questioned. On numerous occasions he told the committee that after refreshing his memory he remembered details and incidents which he had not mentioned earlier. These examples of imperfect recollection are now being used by some to substantiate a claim that Mr. Kleindienst was less than candid with the committee. This argument strikes me as totally ridiculous. How many of my colleagues can recall with exactitude events and conversations which took place a year ago? I certainly cannot do so in every instance. At the time the Deputy Attorney General was discussing and acting on the various aspects of the ITT cases, those events were no more important to him than any of the other things which occupied his busy days. It is only in retrospect, in the light of later events, that they became important. I believe that it is perfectly natural, perfectly human—given the way our minds function—that he could not recall with accuracy all of the matters about which he was being questioned. Some of my colleagues are attempting to hold the nominee to a standard which they themselves could not meet. In all fairness to Mr. Kleindienst, I think this point should be made for all to consider in light of their own experiences.

These are the reasons why I shall vote for the confirmation of Mr. Kleindienst to be Attorney General of the United States. I am confident that he will bring credit to that office and to the Nation. It is my hope that a majority of my colleagues will agree with me so that the Justice Department can again operate at full capacity.

RICHARD KLEINDIENST MERITS CONFIRMATION BY THE SENATE

Mr. RANDOLPH. Mr. President, we are approaching a vote on the nomination of Richard Kleindienst to be the Attorney General of the United States. I will vote against recommittal and for confirmation of the nominee.

Mr. Kleindienst is eminently qualified for the position of Attorney General. He has an excellent academic background: he was graduated magna cum laude from Harvard University and was elected to Phi Beta Kappa. He also received his law degree from Harvard in 1950. Mr. Kleindienst had 3½ years of service in the Army Air Corps during the Second World War. He was a law clerk at one of the most respected legal firms in the United States, Ropes and Gray in Boston.

For 18 years, he practiced law in Arizona. He is now president-elect of the Federal Bar Association. He served in the Arizona State Legislature as a member of the House of Representatives.

Most importantly, perhaps, he has proved to be an able administrator and a capable leader at the Justice Department. For 3 years, he has been serving in one of the most difficult of Federal positions. The nominee has demonstrated industry and diligence. His emphasis has been on the fight against crime. The crime situation has improved during the last 3 years. It has not been eliminated. But the frightening rise in crime has been abated. Gains have been made, particularly in Washington, D.C. I believe Richard Kleindienst merits commendation for his efforts to help bring about these improvements.

The nominee is a forceful man who has not shirked his duty to present the views of the Department of Justice directly and explicitly. He has done his job well in articulating the Department's policies and positions on a wide range of issues.

Mr. President, I consider Richard Kleindienst to be a man of conviction and integrity. He has outstanding legal ability, often not appreciated because of his forthright manner. His extensive civic and religious involvements show him to be a man of compassion and understanding.

If Mr. Kleindienst is confirmed by the Senate, he will, in my conviction, be an Attorney General who will serve this country and all of our people with courage and a high sense of public trust.

Mr. COOPER. Mr. President, I am not a member of the Judiciary Committee and I have not had the opportunity to hear all the information that came before it, but as a Member of the Senate I have read the report and part of the hearings record and attended several days of the hearings, with other committee responsibilities, I followed the progress of the hearings as best I could. Also, I read the daily newspaper accounts of the hearings and some editorial comment.

From my study, it is apparent that many of the matters before the committee, and criticisms of various individuals during the hearings were not related to Mr. Kleindienst's qualifications to be Attorney General. It is necessary to establish by substantial evidence that he conducted himself improperly, or, that any conduct of his reflected adversely upon his integrity.

I do not believe that these conditions were established in the hearings and I shall vote against the motion to recommit and then I shall vote for his confirmation.

There are two basic questions which the Senate should consider in reaching a judgment on the qualifications of the nominee:

First, the nominee's professional competence; and

Second, his character and reputation for integrity.

In reviewing the hearing record and the committee report, it is apparent that no one has questioned Mr. Kleindienst's legal ability, as evidenced by his academic career, his experience as an attorney and his experience as a Deputy Attorney General. I think it proper to summarize briefly his legal training and experience.

Mr. Kleindienst enrolled in the University of Arizona prior to World War II and, upon his discharge from the Army Air Force as a first lieutenant, he enrolled in Harvard College in 1946 to complete his undergraduate studies. He was graduated maga cum laude from Harvard University, and was elected to Phi Beta Kappa. He entered Harvard Law School and received his LL.B degree in 1950. He was then invited to serve as a law clerk in one of this country's well-known and respected law firms—Ropes, Gray, Best, Coolidge and Rugg of Boston, Mass., for approximately a year and a half. Upon his return to Arizona, he served in the State legislature and practiced law with several Arizona law firms. He was a partner in the firm of Shimmel, Hill,

Kleindienst and Bishop of Phoenix for approximately 10 years prior to his nomination as Deputy Attorney General in 1969.

In addition to his legal accomplishments as a member of the Arizona Bar, Mr. Kleindienst has been active in various civic organizations and public service enterprises.

The professional competence and ability of Mr. Kleindienst to serve as Attorney General has not been challenged.

In addition to legal competence of a high order, the second important qualification of a nominee to be the country's chief legal officer—equal with the first—is that he must be a person of such character and integrity as to command public confidence.

We must ask, apart from the merits of the antitrust settlement, whether Mr. Kleindienst played any role with respect to the alleged financial contribution by an ITT subsidiary to support the Republican National Convention in San Diego? On this point the hearing record is clear. The Justice Department reached final agreement on the ITT antitrust cases at some time in July and August of 1971. Mr. Kleindienst's sworn testimony, on page 100 of the hearing record, states unequivocally that at no time until some time in December 1971 did he have any knowledge of any kind, direct or indirect, that the ITT Corp., was being asked to make any kind of contribution to the city of San Diego or to the Republican Party with respect to its national convention in San Diego. Mr. Kleindienst was explicit in stating that—

> I never talked to a person on the face of this earth about any aspect of the San Diego National Convention or the ITT Corp. I never talked to Mr. Mitchell about any aspect of this case.

As to the substance of the ITT settlement, while I am not experienced in antitrust matters, it is my view that a settlement of this nature, in a field of law that is unsettled, is a matter of judgment in which informed experts are bound to disagree. I find the testimony of Solicitor General Griswold on this point persuasive. I believe all if the Senate hold the Solicitor General in the highest esteem, for his legal competence and integrity. His answer, which appears on page 387 of the hearing record in reply to a question by Senator HART, is as follows:

> Senator HART. You describe what you thought was established by the settlement, namely, divestiture in a case of a conglomerate could be obtained under section 7.
>
> Mr. GRISWOLD. Yes, Senator.
>
> Senator HART. Now, as you look at that settlement, do you also find an indication that it can't be obtained if there is a balance-of-payments problem and a rippling effect?
>
> Mr. GRISWOLD. No, I don't think that appears. I think what does appear is that if you want to settle a conglomerate antitrust case, if the Government wants to settle the conglomerate antitrust case, it can't get 100 percent of what it wants. It can get 60 or 65 percent, which is what I would say—well, maybe that is a little high—yes, 60 or 65 percent, because the Hartford was the biggest part of it.
>
> On the other hand, a great many other things came in. And I think I will raise it to 70 percent. The Government really got a 70 percent settlement here, and anybody who tries lawsuits knows that when you can get that, that is pretty good, particularly after you have lost, completely, two of the major cases in the lower courts.

The testimony by Mr. Kleindienst and Judge McLaren, a part of which I heard, established that he did not have a decisionmaking role in the determination by the Department of Justice to enter into a consent decree with ITT and the terms of that decree relating to the divestiture by ITT of various subsidiaries. The record clearly supports the view that Judge McLaren made the basic decisions for the Government in this case.

I wanted to make this brief statement because of my personal views of the ability and integrity of Mr. Richard Kleindienst. I never knew him until after his appointment as Deputy Attorney General. Since that time, I have met with him to discuss official business, chiefly regarding the recommendations that my colleague, Senator MARLOW COOK, and I have made for the offices of Federal judges for the district courts and the circuit court of appeals and officials of the courts. I found him to be absolutely straightforward, correct, and reliable in the discussions which we had relating to these appointments. It is a personal judgment, of course, but we are constantly making personal judgments about persons and my judgment has been that he is a man of integrity and character. I thought that his decision to ask that the hearings be reopened after he had been approved by the Judiciary Committee was a further testimony to his confidence in his own proper conduct and his personal integrity. On the occasions when I attended the hearings and heard him, as he was questioned by the members of the committee, his answers and conduct also strengthened my belief in his candor, honesty, and integrity.

As I have said, I shall vote for his confirmation to be Attorney General of the United States.

Mr. McGOVERN. Mr. President, I shall cast my vote against the confirmation of Richard Kleindienst to serve as Attorney General of the United States. I announced my opposition when his name was first proposed, even before we knew about the apparent conflict of interest in connection with the ITT case.

I am opposed to him because of his record against civil rights, because of his tendency to encourage wiretapping, snooping, no-knock entrance to homes and preventive detention—all those things that I regard as inconsistent with what the Department of Justice should stand for.

Beyond these considerations, serious doubts have now been raised about apparent influence of big money on the way antitrust suits have been handled or dropped in the Department of Justice. The American people have a right to know that the chief law enforcement official of the land is completely above such considerations.

Mr. TUNNEY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Forty-two minutes remain to the proponents and 15 minutes to the opponents.

Mr. TUNNEY. Mr. President, would the distinguished Senator from Nebraska (Mr. HRUSKA) object to yielding me approximately 7 minutes?

Mr. HRUSKA. I am very happy to yield 10 minutes to the Senator if that will bring any more sunshine into his life.

Mr. TUNNEY. I thank the Senator from Nebraska very much for yielding me this time. I am not sure he will enjoy the statement I am about to make, but I appreciate his great courtesy, nonetheless.

Mr. President, the time of judgment on this nomination has arrived. But as we make that judgment, I think we must focus, if only for a brief moment, upon the significance of what we are about to do.

For the judgment which we are called upon to make here today has taken on a significance that extends beyond the particular merits of this nominee.

The issue here is not the President's right to name his own man as Attorney General. The people of this country elected Richard Nixon and until they elect a new President he will retain that right. For that reason, although many of us on the Judiciary Committee had reservations about the dedication of this nominee to basic civil liberties, we voted unanimously in February to report him favorably. And, but for the events which intervened, I would have voted to confirm him on the Senate floor.

In retrospect, some of us wonder whether we met our responsibilities adequately in those first hearings.

But events did intervene. The nominee requested additional hearings and we were faced with the task of reexercising that responsibility and revising that judgment.

And now, in part through circumstances beyond his control, but primarily through his own conduct, Richard Kleindienst and his relationship to ITT has become a symbol of what many people consider to be wrong with our entire system of government.

Having made the request for new hearings, Richard Kleindienst had an obligation to the Senate and to the American people—an obligation to assure the fullest possible disclosure of the facts, not only in the ITT case but also in the case regarding the U.S. attorney in San Diego, Mr. Steward.

I believe that Mr. Kleindienst has failed that responsibility—he has failed it severely, but more importantly he has failed it deliberately, in a calculated effort to assure minimum embarrassment to the administration in which he serves—and to himself.

Richard Kleindienst cannot be charged with all of the defects and inadequacies in the hearing record. He had a lot of outside and, I must say, extraordinarily incompetent help from ITT.

The conduct of that corporation both before and during these hearings is perhaps the clearest example of the dangers that accompany the growing concentration of economic power in a few corporations. The arrogance displayed by ITT in shredded documents, questionable affidavits, phony memoranda, and

corporate amnesia is a challenge to the integrity of the entire investigative process of the Congress.

But the American people have a right to expect more from their Attorney General than they do from ITT. Our system can survive corporate giants who wield power and influence irresponsibly, if we have strong and forthright public officials who resist and reject such pressure.

That is my quarrel with Mr. Kleindienst. No one of us is so hypocritical as to pretend that corporate influence is not a factor in every administration. It has been, under Republicans and Democrats alike—in the Congress as well as the White House—and it will continue as long as we continue to finance our political system by watering at the big money trough.

Therefore, I do not blame Richard Kleindienst for the fact that ITT put on the full court press in Washington.

But the job of the Attorney General of the United States is to reject that pressure, not to join eagerly in serving its goal. It is the job of the Attorney General to deal fairly and honestly with the public, not to mislead them with semantics. And it is the job of the Attorney General, when called upon to explain his conduct, to disclose the full record, not to bury it in the limbo between executive privilege and personal pique.

We do not know all of the facts that bear on this nomination.

The process by which we come to our judgment has not been a credit to the Senate which must advise and consent to this nominee or to the President who placed his name in nomination.

We have heard a lot of rhetoric in this Chamber recently about the abdication of congressional power to the executive branch. But the conduct of both the committee and the executive branch in this nomination has done nothing but confirm that abdication. A Senate committee voted not once but many times against calling key witnesses with highly relevant information. It refused to demand key documents. And in perhaps the most quixotic actions, it subpenaed two witnesses, flew them here from San Diego and then refused to hear their testimony.

But worst of all, the committee caved in to assertions of executive prerogatives and executive arrogance of a kind that demand the attention of this body.

Documents were denied to the committee not on the basis of any Presidentially authorized claim of executive privilege—which none of us would deny to the President where properly exercised—but on the basis of the nominee's own personal opinion, despite his obvious direct interest in the outcome of the hearings.

And most disturbing of all was the off-hand dismissal of a committee member's specific request after a personal commitment from the nominee himself to comply with that request. During the opening days of the hearings the Senator from North Dakota (Mr. BURDICK) asked that the Department provide a chronology of the events that took place in the settlement of the antitrust cases. Had the Department complied with that one request alone, a major part of the effort to determine the facts might well have been rendered unnecessary.

But we were denied that chronology—denied it in a way that summarizes in a very obvious way what is wrong with this nomination and this nominee.

I would like to read Senator BURDICK's remarks on that point.

> On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:
>
> Mr. KLEINDIENST. Apparently they have not put it together.
>
> Senator BURDICK. They have not put it together in seven weeks and I have to vote at five o'clock.
>
> Mr. KLEINDIENST. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick?
>
> Senator BURDICK. I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 and 2923.)
>
> On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the Committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Mr. President, I do not know how any Senator can be comfortable with that record.

It tells us a great deal about the way Richard Kleindienst will approach his responsibilities as Attorney General.

And the bottom line is this: When it comes to the crunch where Mr. Kleindienst has to answer the question of whether he will put the interests of the White House ahead of those of the American people, I feel that we have indications that the White House will win out.

I do not know whether there was a connection between the ITT convention offer and the settlement of its antitrust case. Frankly, I find it hard to believe that any public official would be corrupt enough or foolish enough to make that kind of deal.

But whether there was a payoff or not, it is clear that ITT got special treatment from Richard Kleindienst and when confronted with the evidence, he refused to face up to it and chose instead to camouflage and obscure his role.

And when Harry Steward gravely undermined the effectiveness of law enforcement in San Diego, Mr. Kleindienst declined to restore that effectiveness and chose instead to deceive the public, condone a wrong and protect a political crony.

If anyone has read the record of the hearings, he will see very clearly that the record contains allegations against the U.S. attorney in San Diego, Mr. Steward. Those allegations included the charge that Steward has obstructed a Federal investigation of a friend and political ally, in fact had prevented his appearance before a Federal grand jury, telling Federal agents:

> This man is a friend of mine. He got me my job as United States Attorney. He is going to make me a Federal court judge. And therefore I am going to see him personally.

Despite sworn affidavits by three Federal agents confirming those charges, affidavits contained in the report presented to him, Mr. Kleindienst subsequently gave a clean bill of health to this U.S. attorney in San Diego, and that fact indicates to me that there is something gravely wrong with Mr. Kleindienst's approach to his responsibilities.

Now we are required to assess that record and judge for ourselves whether this nominee should be the chief law enforcement officer for this country. No one can even be entirely comfortable sitting in judgment on another because it demands the application of a standard which we must be willing to apply to ourselves. I would like to be able to vote for this nomination because the nominee and I have been personal friends in the past. He is a man whose personality I have enjoyed and whose word I have had occasion to accept and rely upon.

But events have intervened and I can no longer accept him as a nominee. I cannot fault him for his loyalty to the administration which he serves, but I am afraid his loyalty has interfered with the public trust he must also bear. And, therefore, I cannot consent to this nomination.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to ask the Senator from California if he would agree with me that, if we had the testimony of the witnesses we have asked for on the witness list in the report, plus one or two from California, and if we had the documents indicated in the report, we could probably finish up any additional hearings by the end of next week? Would the Senator not be willing to agree to some time limitation no later than the end of next week?

Mr. TUNNEY. I certainly would. I think that Mr. Kleindienst is entitled to have an up and down vote on his nomination.

Mr. KENNEDY. Yes.

Mr. TUNNEY. But I think he is entitled to have it after the Senate has the full record before it.

I am most disappointed that we did not have an opportunity to hear all of the witnesses we requested, particularly the witnesses from San Diego as they related to Mr. Kleindienst and Mr. Steward. We heard witnesses rebut the allegations in the Steward matter without ever hearing the charges themselves.

Mr. KENNEDY. Does the Senator remember when we voted on the question of additional hearings? That vote was 7 to 7. Does the Senator remember that?

Mr. TUNNEY. I recall that vote very clearly.

Mr. KENNEDY. Does the Senator remember that when the reports were filed, seven members of the Committee on the

Judiciary failed to sign the majority report and indicated separate views? Does the Senator agree that the Committee on the Judiciary charged with this responsibility is almost equally divided on the question of additional hearings? Certainly, out of consideration for that, would the Senator not agree that the request for witnesses and material is certainly not dilatory? It is reasonable and responsible, and could very well provide the kind of information that would give all Members of the Senate the material for a considered judgment on the nomination.

Mr. TUNNEY. I could not agree with the Senator more. I think that the Senator states it very clearly. There was a great division in our committee as to whether or not we should continue with the hearings.

I think that if a Senator has had the opportunity to read the record he will see how incomplete the hearings were and how much there was in the way of contradictory testimony. The Senator from Massachusetts sat through the hearings, every hour of the hearings, just as did the Senator from California. The Senator from Massachusetts is clearly aware of the fact that there were conflicting statements under oath which, at least in my lexicon, mean that someone was perjuring himself.

Mr. KENNEDY. I thank the Senator from California. I would like to ask him if he was not impressed by the climate that surrounded the whole Kleindienst-ITT hearings by the extraordinary impact of influence ITT had in the Justice Department and quite clearly in the White House.

An example of this kind of influence that distresses me, and certainly it distresses all Americans, is the kind of exchange that took place between the Justice Department when requests were made by a Member of the Senate and by a representative of Common Cause for legal opinions on different matters, and the Justice Department summarily dismissed those requests. But when it came to Mr. Kalmbach's firm from California getting clearance for a campaign contribution from the Justice Department, he received a very positive response.

Does the Senator remember when we put in the RECORD a letter written by Senator ALAN CRANSTON of California asking about certain Indian water rights and the response of the Deputy Attorney General?

In that instance, the Assistant Attorney General responded:

This is in reply to your letter of June 30, 1971, requesting a formal opinion of Attorney General as to whether section 666 of title 43 of the United States Code has application to private property rights of Indians held in trust by the United States and whether the *Eagle River* case or the *Water District No. 5* case may be extended in their application to adjudications in state court of Indian water rights.

We regret to inform you that under existing law, Attorney General opinions are authorized to be given only in response to the request of the President of the United States or in response to requests of heads of Executive Departments on questions of law arising in the administration of their departments.

So Indians do not get the treatment that the law firm of the President's friend was getting.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 additional minutes.

Then, we have the letter to Mr. Rogovin, which was written by William S. Sessions, who was Chief, Government Operations Section, Criminal Division, Department of Justice, about the nonpartisan Common Cause organization. Mr. Sessions stated in his letter:

This is in reference to your letter of December 22, 1970, requesting a ruling concerning the application of certain provisions of the Federal Regulation of Lobbying Act to your client, Common Cause.

As you know, the Department of Justice is authorized to render legal advice and opinions only to the President and the heads of the executive departments of the Government; and I regret, therefore, that we are unable to comply with your request.

Then, there is the answer it gave to Mr. Kalmbach's firm whether a contribution, such as ITT's, to a local committee working on bringing a political convention to a city would violate the Corrupt Practices Act. We find the letter from Henry E. Petersen, Assistant Attorney General, Criminal Division, which indicates a willingness to give carte blanche permission for a contribution to such a committee.

So Indians could not get attention, Common Cause could not get attention, but Mr. DeMarco of the Kalmbach firm could for the Republican Party.

Does the Senator from California know Mr. Kalmbach? He is from the Senator's State.

Mr. TUNNEY. I do not know him personally, but he has the reputation of being a very close personal friend of the President.

Mr. KENNEDY. We had an article from the Washington Star on Kalmbach which points out that he raised millions of dollars for the President. That was in the record.

The Indians cannot get that kind of attention from the Justice Department, Common Cause cannot get that kind of attention from the Justice Department, but one of the leading contributors can. So we see the power of ITT.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I will yield to the Senator on his time but I wish to finish this thought first.

I think this shows the atmosphere which surrounded this case and why it is so important that the complete roster of witnesses and the information indicated in our report should be considered by the Committee on the Judiciary.

If the Senator wishes, I yield to him on his time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I cannot use any more of my time.

Mr. DOLE. I have listened with great interest to the discussion of supposed contributions to the Republican Party. As chairman of the Republican National Committee I again state there was no contribution from ITT to the Republican National Committee.

As I have said for a long time, without much impression on the media or Democrats who controlled the spotlight and who prolonged these extended hearings, there was a time when I felt we should look into the Democratic National Committee's overdue phone bill of $1.5 million to see if it violated the Corrupt Practices Act. The sum of $1.5 million has been owed to A.T. & T. by the Democratic National Committee since 1968, and not one dime has been paid. I do not know whether any interest was paid. I am not certain that it violates the regulations, but it would appear that when Democratic Senators who have been exchanging remarks here are investigating contributions, they might have a look into their own party's A.T. & T. telephone bill. I suggest that if the average customer of A.T. & T. owed $1.5 million he would have his phone taken out and his service disconnected. But A.T. & T. understands which party controls committees in Congress, and the Democratic Party understands this. During all these torturous hearings in connection with the nomination of Richard Kleindienst, I find it rather strange that this matter was not gone into. We have heard talk about $50,000 with respect to ITT, but little mention was made of the $1.5 million owed to A.T. & T. for 4 years by the Democratic Party. Is there interest being charged? What are the facts? I think the American people are entitled to know.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the Senator 3 minutes.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. TUNNEY. Would not the Senator agree that the question of A.T. & T. and the Democratic National Committee is quite extraneous to the question of whether the nomination of Mr. Kleindienst ought to be confirmed?

Mr. DOLE. No. There have been so many hearings on Mr. Kleindienst that most of the American people have forgotten the purpose of the hearings, but initially they were talking about alleged contribution of ITT to the Republican National Convention. Somehow Mr. Kleindienst was supposed to be involved in all that.

I again say that the Republican National Committee never received one dime from ITT. It went to the San Diego Convention Bureau, just as money is now being given to the Miami Convention Bureau for both the Democratic and Republican Conventions. It is perfectly legal.

That is why I brought up the A.T. & T. matter, because so much has been said about the influence of corporations and the influence of big business, but apparently a $1.5 million Democratic debt, as compared to an entirely legal contribution of $50,000 to a city's convention bureau, is nothing.

Mr. TUNNEY. I think the Senator knows full well that the hearings were held for the purpose of determining the qualifications of Mr. Kleindienst. Mr. Kleindienst's qualifications have no relation to A.T. & T. What we were talking about was a fact situation that during the time when ITT was having three antitrust cases resolved by the Justice Department and the issue was whether to pursue the litigation or settle the cases, a very substantial commitment of money was made by the ITT to the Convention Bureau at San Diego possibly in order to gain favorable treatment of its request. I indicated earlier in my remarks that I cannot imagine anyone would have been stupid enough to make a deal like that, but, on the other hand, we do know that ITT got its way. It got Hartford Fire Insurance.

Mr. DOLE. The record is clear that they did not get what they wanted. They divested themselves of some $1 billion worth of holdings. It was a fair settlement, but I will not get into that. I rose to state that the Republican Party did not receive one dime from ITT. I am pleased with the concern of the Senators. I wish they would be equally concerned with the $1.5 million still owed to the American Telephone & Telegraph Co. by the Democratic National Committee.

Mr. KENNEDY. Mr. President, I yield myself 1 minute. The point remains that the Republican Party was paying off as late as May 1971 its own campaign debts to Eastern Airlines—3 years after the 1968 campaign. And everyone understands they have bigger campaign coffers.

If the question is whether we are going to eliminate the influence of big campaign contributors, I wish our friend from Kansas would say so and discuss some alternatives like the dollar checkoff. Then we could really talk about doing something about the problems of campaign debts.

But the fact is that Dita Beard's memorandum states:

I am convinced, because of several conversations with Louie re Mitchell that our noble commitment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them.

That is Dita Beard's statement. She was ITT's only registered lobbyist. She is talking about the link between the convention gift and the antitrust settlement.

If the Senator can explain that, then we will talk about the A.T. & T.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I withhold the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

Since February 17, when this nomination came to the Senate, there have been the equivalent of 5 full working weeks devoted to hearings. There have been in excess of 2,000 printed pages of hearings, reports, and analyses, and in the last 8 days many more pages in the CONGRESSIONAL RECORD.

Each and every one of the issues that has been suggested from time to time during the debate has been thoroughly discussed in the reports and on the floor of the Senate. By way of summary, it can be said that the bulk of those 2,000 pages is not relevant to the question at hand.

The question at hand is the qualification of Mr. Kleindienst to be Attorney General. It is said, here is a gift to a convention committee and there were litigations pending in the Department of Justice. That is true. But only by way of conjecture and imagination has any connection been shown. There are no facts to tie the two together.

I might suggest that, in the case of the $1.5 million telephone bill referred to by the Senator from Kansas, perhaps there might be some connection. Maybe there might be somebody in this world who could establish a connection between that fact and the fact that the congressional committees on antitrust and monopoly have not brought any suit against ITT. Is not it just as reasonable to suggest that as it is to suggest that there is a connection, without proof, without any evidence, between ITT and the nominee?

We do not have to get into that, because it does not measure up to any rules of logic, any rules of commonsense, or any rules that would be persuasive to reasonable men.

The fact is that we have a man who has served for 3½ years as a Deputy Attorney General. His record through his lifetime—and he has practiced law for over 25 years—has been that of an able, honorable, and capable attorney. He has earned the respect of his fellow practitioners in Arizona. He has earned the respect nationwide of the bar, and particularly of his colleagues at the Department of Justice, because of the fine manner in which he has administered the affairs of that Department.

Mr. President, there is still a rule that has not been repealed by the Supreme Court or by the Congress or by the commonsense of the American people, and that is that a man is presumed to be innocent until he is found guilty.

Let us have the facts. There has not been any evidence. There has been a lot of conjecture, but there has been no evidence of any wrongdoing, of dishonorable conduct, or any evidence even bearing a suggestion of impropriety on the part of Mr. Kleindienst. The record is a long one, and yet when we view it in that light, I believe the Senate should confirm the nomination, and by a substantial vote. I hope it does.

Mr. President, is there any more time remaining to me?

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Is there time remaining?

The PRESIDING OFFICER. There is time remaining.

Mr. HRUSKA. How much time do I have left?

The PRESIDING OFFICER. The Senator from Nebraska has 18 minutes remaining.

Mr. HRUSKA. I have further requests for time. One of our colleagues is on his way here.

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Yes, I yield 2 minutes.

PRIVILEGE OF THE FLOOR

Mr. TUNNEY. Mr. President, I understand unanimous consent has been obtained to have staff members of the Judiciary Committee present on the floor and also staff members of individual Senators.

I ask unanimous consent that Tom Gallagher and Jane Frank, of my staff, be added to the list of staff members who may be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, does the Senator want to yield me any of his time?

Mr. HRUSKA. Would 5 minutes help the Senator?

Mr. KENNEDY. Yes.

Mr. HRUSKA. I yield 5 minutes to the Senator.

Mr. KENNEDY. I thank the Senator from Nebraska and also the Senator from Arizona. I do not know whether they will like what I am about to say.

I would like to review with the Senate for just a few minutes the contacts Mr. Kleindienst had in the ITT case before December 1971, when he indicated that this matter was "handled and negotiated exclusively" by Mr. McLaren.

This is all indicated in the full report, but I think when we look at the series of contacts, we will realize the questions have been raised, and why additional hearings are necessary.

We had, in March or April, the original Ryan and Kleindienst conversations at the neighborhood party about the antitrust cases.

We had, on April 16, the Walsh telephone call to Mr. Kleindienst. Walsh was at that time representing ITT.

About April 16, we had Rohatyn call Kleindienst for an appointment. He was then representing ITT.

On the morning of April 19, Kleindienst called Walsh about the Grinnell case, which was an ITT case. In the afternoon, Kleindienst talked with Mr. Walsh again about the ITT case. Then there was the meeting with Mr. Griswold about the extension of time. That is all on April 19, 1971.

Then, on April 20, we have the first of the private meetings between Mr. Rohatyn, a director of ITT, and Mr. Kleindienst, and we have the arrangements for the full presentation of the Rohatyn position to McLaren that same day.

On April 29, we have the meeting of Mr. Rohatyn with Mr. Mitchell in the Justice Department, when Mr. Kleindienst waited 55 minutes downstairs while Rohatyn was conferring with Mitchell about another matter; then there was an extensive meeting about the matter Mr. Rohatyn came to see Mr. Kleindienst about.

On May 10, we have the second private meeting between Kleindienst and Rohatyn. On about May 10, McLaren and Kleindienst confer, and McLaren calls Flanigan to request that he get in touch with Ramsden.

On May 20, Ramsden delivered his report to Flanigan, and Flanigan confers with Kleindienst the same day. Kleindienst tells Flanigan to hold the report for McLaren's return from Europe.

Then, approximately June 10, Flanigan delivers the Ramsden report to McLaren in Kleindienst's presence. On June 17, we have a McLaren memorandum to Kleindienst agreeing to settle and a joint phone call from the two of them to Rohatyn delivering the good news.

We have the third private meeting of Kleindienst and Rohatyn on June 29, and in early July we have Flanigan calling Kleindienst, telling him of Rohatyn's complaint about McLaren from Flanigan's own June 29 meeting with Rohatyn.

On July 15, we have the fourth private meeting between Kleindienst and Rohatyn, with Rohatyn again complaining about McLaren's inflexibility.

About July 17, there is the alleged WILSON and Kleindienst conference with respect to the ITT antitrust settlement.

Then, on September 14, we have Mr. Rohatyn visiting Mr. Kleindienst in his office.

So we have all these contacts and all this activity by Mr. Kleindienst, and still, at the time that he wrote to Mr. O'Brien, Kleindienst indicated that this was a matter handled and negotiated exclusively by Mr. McLaren.

The thing that we want to do upon recommittal is have the opportunity to explore those particular meetings, to try to assess whether there have been causal connections between the settlement of the case and the campaign contribution.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. Who yields time?

Mr. TUNNEY. Mr. President, will the Senator from Nebraska yield me 2 minutes for a question?

Mr. HRUSKA. Mr. President, I will do that; but this is the last time. The talk has all been on that side of the aisle, and it does not seem to be making any more progress here than was indicated by the more than 2,000 printed pages of the hearing record.

Mr. TUNNEY. I thank the Senator from Nebraska. Maybe this side has talked so much that we have convinced ourselves of the veracity of what we are saying, but I think if the American people could listen they would agree definitely that Mr. Kleindienst's nomination should not be confirmed.

I would like to ask the Senator from Massachusetts if he has yet received the documents which Mr. Gilbert, the attorney for ITT, promised he would deliver to the committee. As of yesterday they had not been received.

Mr. KENNEDY. No, we have not received them. They are documents that relate to very specific items requested by the committee. Mr. Gilbert had indicated that he would respond positively, but still they have not been received.

Mr. TUNNEY. Mr. President, I, in my unanimous-consent request concerning the privilege of the floor, did not ask that my two staff members be permitted to be present on the floor during the vote, like the other staff members. I ask unanimous consent that they may be.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HRUSKA. Mr. President, I am prepared to yield back the remainder of my time. It is my understanding that the time of the opposition has expired. Is that understanding correct, Mr. President?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Nebraska has 9 minutes remaining. The Senator from Massachusetts has 4 minutes remaining. But under the unanimous-consent agreement, the vote may not occur until the hour of 4 o'clock.

Who yields time?

Mr. HRUSKA. Mr. President, I yield 4 minutes to the Senator from Michigan.

Mr. HART. Mr. President, soon the Senate will be asked to send the nomination of Richard Kleindienst to be Attorney General back to the Judiciary Committee for further hearings.

I will support that motion for the reasons presented in my individual views of the Judiciary Committee report. I ask unanimous consent that, at the conclusion of my remarks, the first portion of these views which summarizes them be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. As I made clear then, I strongly disagree with many of the policies which the nominee has helped implement and has indicated that he will follow in the future. But I think the proper remedy for our dissatisfaction is to change the leadership of our Government in this fall's election, not to oppose Cabinet members who will, naturally and properly, carry out the President's wishes.

If it were up to me, the nomination would be withdrawn, because of the many questions that have arisen during the recent hearings—questions which may never be answered satisfactorily in the public's mind.

Other members of the Judiciary Committee have ably detailed the important witnesses whose testimony either was never completed or was never heard at all by the committee, despite the objection of those of us who felt the hearing record was incomplete. They have also indicated the numerous documents and information which the committee was unable to obtain before the hearings were forced to end.

As I said in my views:

I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But, as I also indicated, if a majority of the Senate decides to proceed to a final vote on the nomination on the basis of the existing record:

I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.

Not all of the bizarre events which have confronted the committee in the past few months were necessarily within the nominee's control.

I have not found in the record evidence of misrepresentation to the committee by the nominee. Moreover, as my views stated—

I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in any effort to link the settlement to ITT's convention commitment.

Finally, Mr. President, I should acknowledge that my analysis of the antitrust settlement and of what produced it has been affected by my knowledge of Judge McLaren, as a man, as an attorney, and as a public servant. This impact was inevitable, because I know him to be a man of quiet courage, candor, and of dedication to vigorous antitrust enforcement.

And I remain convinced, as my views noted, that he did not recommend a settlement he thought was against the public interest, let alone participate in some sort of "fix." I simply do not believe that.

While incomplete, the hearing record is extensive and has explored a great many avenues bearing on every aspect of the convention and the antitrust litigation. In the absence of any significant evidence at this point linking Mr. Kleindienst to improper efforts to obtain a settlement, he is, in my view, entitled to confirmation.

EXHIBIT 1

INDIVIDUAL VIEWS OF MR. HART

I. SUMMARY

This has been the second hearing on the nomination of Richard Kliendienst to be Attorney General. The nomination initially was reported from the Committee by a unanimous vote, although several of us indicated our profound differences with policies the nominee has espoused. We stated them:

"Members of the cabinet, unlike Justices of the Supreme Court serve at the pleasure of the President, as his assistants. The policies they pursue will almost inevitably follow the President's position. He must work with them. Therefore, absent personal impropriety, incompetence, or disqualifying conflict of interest, in the nominee, the President is entitled to the man or woman of his choice. • • • However, we wish to make clear the extent of our disagreement with the policies he has endorsed, in order that our votes not be misconstrued as approval of those policies. • • • Unfortunately • • • we have concluded that the President intends to continue these policies whether or not Mr. Kleindienst becomes Attorney General. Therefore, notwithstanding our dissatisfaction with that course, we shall vote to confirm the nomination."

Against that background, Mr. Kleindienst requested this second hearing to dispel an acknowledged "cloud" over the nomination caused by news stories of a memorandum allegedly written by ITT representative, Dita Beard. That cloud produced four weeks of stormy hearings.

The memorandum linked ITT's pledge of financial support for the 1972 Republican National Convention with the settlement of antitrust litigation against ITT. Mr. Kleindienst had been the acting Attorney General in that matter. The primary issue in the hearing, therefore, has been this. Did the nominee act so improperly or with such bad judgment in his handling of the litigation—whether by pressure on the Antitrust Division or otherwise—that he is not entitled to confirmation?

In the course of the hearing, however, other issues have arisen, which the committee is obliged to appraise for our colleagues.

First, did he act improperly—or with bad judgment of disqualifying dimension—in the investigation and public exoneration of a United States Attorney?

Second, has the nominee, by failing to be candid with the Committee, undermined our initial confirmation of his integrity?

Finally, has the hearing, itself, been hobbled by such lack of cooperation from the Executive Branch—in refusal to produce relevant documents, limitation upon probative testimony; or premature foreclosure of hearings—as to forfeit Senate advise and consent?

Each of us presumably has in mind the standard by which these determinations shall be made. This is neither a civil nor a criminal judicial proceeding, and the standard is not to be found in any hornbook. But fundamental fairness requires that some standard govern—or we have learned little from recent history.

Mr. Kleindienst now realizes, I am sure, that for many reasons the cloud in the public's mind may never be lifted fully. And public confidence in the integrity of our Justice Department is important. So, too, is confidence in the integrity of the legislative check and balance in the nominating process.

My preference at the conclusion of the hearings was to extend them, so that my colleagues and the public could have the fullest possible exploration of the disturbing charges and bizarre developments in this matter. That effort failing, I voted to report the nomination to the Senate again, without reaffirming our initial recommendation. This disposition also was defeated; the only vehicles for presenting the issue to the full Senate became a recommendation anew by the Committee, which I supported for that purpose.

But I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.[1] I believe each Senator should have the opportunity to resolve that judgment with whatever guidance the hearing and our deliberations upon the Record can provide.

I have concluded that the Antitrust Division Staff, under the direction of then Assistant Attorney General McLaren, did not agree to a settlement they thought inconsistent with the public interest.

And, on the record before us, I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in, any effort to link the settlement to ITT convention commitment.

As for the inevitable atmosphere of pressure created by ITT's more general lobbying efforts, one cannot pretend that it was absent from the settlement milieu. Regrettably, such pressure has haunted the Antitrust Division under every administration. The Division does not operate in a vacuum. The perennial ties between Washington and big business constantly threaten vigorous antitrust enforcement.[2]

We must bend our efforts to isolate these pressures, to challenge their inevitability, and to minimize their impact—whether conscious or subliminal—on the decision making process.[3] But while they undoubtedly were part of the context for this major litigation, as they have been for every other, such stones are not first cast lightly. The Antitrust Division in the last three years has, by and large, aggressively enforced our antitrust law—particularly in extending it application to conglomerate mergers. For this effort it deserves our commendation, not condemnation.

I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But if the Senate wishes to proceed to final consideration of the nomination on the basis of the existing Record, then I would vote for confirmation.

For the above reasons, I do not subscribe to all of the analysis and conclusions in the Majority Report of the Committee. The following is a brief elaboration of these summary observations.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. I did not hear the request.

Mr. KENNEDY. I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

This would limit the time for debate to 10 hours, when it comes back to the floor, if the nomination is recommitted.

Mr. HRUSKA. Mr. President, I see no point in venturing that far into the future. In due time, if and when recommittal is had, and if there will be a committee report, it seems to me that we can consider that matter. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I want to establish now that it was our intention that on the motion to recommit we would set a precise time for the vote. I think that our desire to do so was reflected in the unanimous consent request.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. It is my understanding that, under the previous agreement, the motion to recommit will be voted on at 4 p.m.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I move that the nomination of Richard Kleindienst to be Attorney General be recommitted to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpenas for necessary witnesses and documents, and to report to the Senate by midnight on the second weekday following the day of completion of the hearings.

I would expect, Mr. President, that if we are able to obtain recommittal today, the documents and witnesses could be subpenaed by tomorrow; the hearings would take place during the course of next week; the report would be due by Monday, June 19; and the probable vote would take place by June 21.

I want the Senate, before it votes on this matter, to know that it is our intention to have a vote on the nomination of Mr. Kleindienst and that it be no later than the 21st. That would be the motion to recommit, at 4 o'clock.

The PRESIDING OFFICER. Will the Senator send his motion to the desk?

Mr. KENNEDY. I sent it to the desk.

Mr. HRUSKA. Mr. President, the record will show that there was a unanimous-consent agreement to vote on a motion to recommit, not a motion to recommit with instructions or conditions or hours or days, but simply to recommit.

I do not know whether a point of order would lie on the ground that this motion made by the Senator from Massachusetts would not be in compliance with that unanimous-consent agreement. I do not intended to object on that ground. I do believe, however, that when the motion does get into detail on instructions to the committee, those instructions and the fashion in which it was done are added reason why the motion to recommit should be rejected.

Mr. KENNEDY. Mr. President, I was not here at the time the unanimous-consent agreement was entered into, but no motion to recommit was made at that time. This is a motion to recommit. It is made now with a very clear indication of a limitation on time, and I believe that is in order.

[1] I might feel differently were we faced with a lifetime appointment to the Supreme Court.

[2] See for example, the provocative, and sobering, discussions in Green, et al., *The Closed Enterprise System: A Nader Study Group Report* (1972), Chapter 2, "The Politics of Antitrust," and Chapter 3, "A History of Personality of Policy."

[3] To this end, I hope that the indignation expressed about a large contribution to the convention efforts of the incumbent Administration by an antitrust defendent will be matched by equally zealous support of public financing of election campaigns.

XUM

The PRESIDING OFFICER. The motion will be stated:

The motion was read, as follows:

I move that the nomination of Richard Kleindienst to be Attorney General be recommited to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpoenas for necessary witnesses and documents, and then to report to the Senate by midnight on the second week day following the day of completion of the hearings.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. TUNNEY. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield 1 minute to the Senator.

Mr. TUNNEY. I want to clarify a point raised by the Senator from Massachusetts about the recommittal motion. I was on the floor and had discussed it with the majority leader. Certainly, no motion was made and there was no indication as to the form the motion was going to take when it was made. We were relying on subsequent developments to formulate the motion.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the time on the other side is yielded back.

Mr. MANSFIELD. Mr. President, will the Senator yield me ½ minute?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. In view of the fact that the votes, under certain conditions, are going to follow one another in a sequence of three, I ask unanimous consent—I hope the Senate will approve—that if the motion to recommit fails, there be a 10-minute limitation on the two following votes, rather than the usual 15 minutes. I make this request in plenty of time so that Senators will be aware of what the situation will be if the Senate agrees.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I apologize to the majority leader. I could not hear him.

Mr. MANSFIELD. If the motion to recommit fails, that we then have 10 minutes on each of the two following votes—on the confirmation of Mr. Kleindienst and the nomination of Mr. Shultz.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the other side is willing to do so.

The PRESIDING OFFICER. Will the Senator from Massachusetts yield back the 1 minute which remains to him?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

GEORGE P. SHULTZ

Mr. BENNETT. Mr. President, when the Office of Management and Budget was created in 1970, President Nixon did not have to look far to find a man eminently qualified to become the first Director of the powerful new unit. He had only to look to his Cabinet and his able Secretary of Labor, George P. Shultz.

Today the Senate has the opportunity to once more put its seal of approval on the President's wisdom in selecting George Shultz for a vital position in our Government. I congratulate the President on his selection of Dr. Shultz to be the Secretary of the Treasury in his administration, and am pleased to fully support the nomination.

Through my committee assignments I have had the opportunity to watch Dr. Shultz in action from close range when he has testified before us. He has consistently showed a keen knowledge of issues facing the OMB and has exhibited a judicious balance of firmness yet understanding in his role as a mediator between the Government's resources and the needs of our country.

The public record of Dr. Shultz is too well known to merit repeating here. However, it should be emphasized that in him we have a man who has traveled with great facility over a wide range of academic, financial and governmental experience. He will bring to bear on the vital office of Treasury Secretary a personal knowledge of the problems facing every segment of our economy.

Finally, Mr. President, I cannot help but note once more than President Nixon in this selection has again shown a genius for selecting men with impeccable credentials to this vital Cabinet position.

My fellow Utahan, David Kennedy, made an important contribution to the post and continues important governmental service, especially in relation to America's economic dealings abroad. John Connally likewise made an invaluable contribution in leading us through the thorny problems associated with the administration's innovative economic policies.

I am certain that George Shultz likewise will leave an indelible imprint on the office of Secretary of the Treasury. I urge his immediate confirmation by the Senate.

MOTION TO RECOMMIT KLEINDIENST NOMINATION

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion to recommit with instructions the nomination of Richard G. Kleindienst to be Attorney General of the United States.

On this question the yeas and nays have been ordered, and the hour of 4 p.m. having arrived, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the distinguished Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from California (Mr. CRANSTON) would each vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Tennessee (Mr. BAKER).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Oregon (Mr. HATFIELD).

If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) would each vote "nay."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON).

If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Oregon would vote "nay" and the Senator from New Jersey would vote "yea."

The result was announced—yeas 20, nays 63, as follows:

[No. 198 Ex.]

YEAS—20

Bayh	Hollings	Moss
Burdick	Hughes	Muskie
Church	Kennedy	Nelson
Eagleton	McGovern	Ribicoff
Fulbright	McIntyre	Stevenscn
Harris	Metcalf	Tunney
Hart	Mondale	

NAYS—63

Aiken	Ellender	Percy
Allen	Ervin	Proxmire
Allott	Fannin	Randolph
Anderson	Fong	Roth
Bellmon	Goldwater	Saxbe
Bennett	Griffin	Schweiker
Bentsen	Gurney	Scott
Bible	Hansen	Smith
Boggs	Hartke	Sparkman
Brock	Hruska	Spong
Brooke	Jackson	Stafford
Buckley	Javita	Stennis
Byrd, Harry F., Jr.	Jordan, N.C.	Stevens
Byrd, Robert C.	Jordan, Idaho	Symington
Chiles	Long	Taft
Cook	Mansfield	Talmadge
Cooper	Mathias	Thurmond
Cotton	McGee	Tower
Curtis	Miller	Weicker
Dole	Montoya	Young
Eastland	Pastore	
	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, for.

NOT VOTING—16

Baker	Gambrell	Mundt
Beall	Gravel	Packwood
Cannon	Hatfield	Pell
Case	Inouye	Williams
Cranston	Magnuson	
Dominick	McClellan	

So the motion to recommit with instructions the nomination was rejected.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States?

YEAS AND NAYS ON SHULTZ NOMINATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, for the purpose of eliminating any ambiguity, that I may be recognized for one-half minute to ask for the yeas and nays on the Shultz nomination, the vote to occur immediately after the vote on the Kleindienst nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the confirmation of the Shultz nomination.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States. On this question the yeas and nays have been ordered.

The Chair will announce that under the previous unanimous-consent agreement, this vote will take 10 minutes.

Mr. COTTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, may we have quiet so that we can hear the proceedings?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and discontinue conversations.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY. On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from California (Mr. CRANSTON). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 64, nays 19, as follows:

[No. 199 Ex.]

YEAS—64

Aiken	Ervin	Pearson
Allen	Fannin	Percy
Allott	Fong	Proxmire
Anderson	Goldwater	Randolph
Bellmon	Griffin	Roth
Bennett	Gurney	Saxbe
Bentsen	Hansen	Schweiker
Bible	Hart	Scott
Bogga	Hartke	Smith
Brock	Hollings	Sparkman
Brooke	Hruska	Spong
Buckley	Jackson	Stafford
Byrd, Harry F., Jr.	Javits	Stennis
Chiles	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Symington
Cooper	Long	Taft
Cotton	Mansfield	Talmadge
Curtis	Mathias	Thurmond
Dole	McGee	Tower
Eastland	Miller	Weicker
Ellender	Montoya	Young
	Pastore	

NAYS—19

Bayh	Hughes	Muskie
Burdick	Kennedy	Nelson
Byrd, Robert C.	McGovern	Ribicoff
Church	McIntyre	Stevenson
Eagleton	Metcalf	Tunney
Fulbright	Mondale	
Harris	Moss	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, against.

NOT VOTING—16

Baker	Gambrell	Mundt
Beall	Gravel	Packwood
Cannon	Hatfield	Pell
Case	Inouye	Williams
Cranston	Magnuson	
Dominick	McClellan	

So the nomination was confirmed.

NOMINATION OF GEORGE P. SHULTZ

The PRESIDING OFFICER. Under the previous order the Senate will now proceed immediately to vote on the nomination of George P. Shultz to be Secretary of the Treasury. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 200 Ex.]

YEAS—83

Aiken	Fannin	Moss
Allen	Fong	Muskie
Allott	Fulbright	Nelson
Anderson	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Percy
Bennett	Harris	Proxmire
Bentsen	Hart	Randolph
Bible	Hartke	Ribicoff
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Buckley	Humphrey	Scott
Burdick	Jackson	Smith
Byrd, Harry F., Jr.	Javits	Sparkman
	Jordan, N.C.	Spong
Byrd, Robert C.	Jordan, Idaho	Stafford
Chiles	Kennedy	Stennis
Church	Long	Stevens
Cook	Mansfield	Stevenson
Cooper	Mathias	Symington
Cotton	McGee	Taft
Curtis	McGovern	Talmadge
Dole	McIntyre	Thurmond
Eagleton	Metcalf	Tower
Eastland	Miller	Tunney
Ellender	Mondale	Weicker
Ervin	Montoya	Young

NAYS—0

NOT VOTING—17

Baker	Gambrell	McClellan
Beall	Goldwater	Mundt
Cannon	Gravel	Packwood
Case	Hatfield	Pell
Cranston	Inouye	Williams
Dominick	Magnuson	

So the nomination was confirmed.

NOMINATIONS OF CHARLES E. WALKER, EDWIN S. COHEN, JOHN M. HENNESSY, AND LEE H. HENKEL, JR. IN THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The clerk will state the next nomination on the Executive Calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the nominations for the Department of the Treasury be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the remaining nominations for the Department of the Treasury are considered and confirmed en bloc.

U.S. DISTRICT JUDGES

Mr. MANSFIELD. Mr. President, I understand that two judgeship nominations were reported earlier today, which have been cleared all around. I ask that they be called up at this time.

The PRESIDING OFFICER. Without objection, the clerk will state the nomination.

The assistant legislative clerk read the nomination of Charles W. Joyner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Albert Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. ARENDS, Mr. BRAY, and Mr. HALL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 5158) for the relief of Maria Rosa Martins, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 5158) for the relief of Maria Rosa Martins, was read twice by its title and referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STOCKBRIDGE-MUNSEE COMMUNITY

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 722, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 722), to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands part of the reservation involved.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert:

That, subject to valid existing rights, all the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI-WI-11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. JACKSON. Mr. President, I am pleased that after prolonged and careful consideration, the Interior and Insular Affairs Committee has voted to recommend passage of S. 722, conveying trust title to the Stockbridge-Munsee Indian Community of 13,077 acres of submarginal land purchased by the Federal Government for this purpose.

If favorably acted upon by this body and the other House, this will complete long unfinished business initiated in 1933 under President Franklin D. Roosevelt's administration.

Under authority provided by the Congress in title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), with funds appropriated by Congress under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and with specific congressional authorization extended in section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), a national land program was established.

Under this program, it was decided by the Roosevelt administration that certain "Demonstration Indian Lands Projects" would be carried out to accomplish the purpose of "readjustment and rehabilitation of the Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs."

Five types of demonstration Indian areas were included in the program, including "lands for homeless Indian bands or communities forming acute relief problems," of which the Stockbridge-Munsee Indian Community was one.

The policy agreed on by all Government agencies involved was to "acquire lands for Indian use which will improve their economy and welfare and lessen relief costs."

The lands were purchased by the Farm Security Administration, as part of a combined purchase to form a blocked-out area to provide the Stockbridge-Munsee Indian Community with an adequate land base on which to survive and develop. A majority of the housing in which the people of this Indian community reside is located on the submarginal land, and was built under Federal supervision with Federal funds.

By some historical quirk, the land purchased with Indian Reorganization Act—IRA—(48 Stat. 984) funds was delivered to the tribe, and placed in trust. The submarginal land was transferred to the Bureau of Indian Affairs to hold for the exclusive benefit of Indians but trust title never passed to the tribe, a fact which has clouded the ability of the Indians to use this land, and particularly to develop it for the betterment of the community and its people. S. 722 would complete the long awaited delivery of trust title to the Stockbridge-Munsee community of their submarginal land.

At the request of the Secretary of the Interior, the distinguished ranking minority member of the committee, Senator GORDON ALLOTT, and I jointly introduced S. 1230 early in the 92d Congress which, with the exception of language added by the committee reserving to the U.S. mineral rights in the land transferred, is identical to the bill which the committee now reports. The only known mineral deposit on this land is a small gravel deposit.

The committee held hearings on this legislation on March 26, 1971, at which no witness spoke in opposition to the transfer of these lands to the tribe, and congressional administration, tribal, and independent witnesses all presented strong and convincing cases supporting transfer of this land to the tribe.

The report of the National Council on Indian Opportunity entitled "Indian Submarginal Lands: An Unresolved Problem" has proved exceptionally helpful in clarifying the historic origins of this land. It, too, recommended passage of similar legislation.

This bill is not a precedent. The Congress previously transferred submarginal lands purchased under the land program to the tribes for which it was purchased, under the act of August 13, 1949 (63 Stat. 604) granting trust title to various pueblos in New Mexico, and under the act of July 20, 1956 (70 Stat. 581) delivering trust title of 27,000 acres of submarginal land to the landless Seminoles of Florida. Also under the act of August 2, 1956 (70 Stat. 941), Congress conveyed trust title to 78,372 additional acres of submarginal land to Zia and Jemez Pueblos of New Mexico.

The committee sought and waited 7 months for an independent evaluation of the propriety of completing delivery of trust title of this land to the tribe for which it was purchased, by the office of the Comptroller General. Again, the recommendation of that agency supported transfer of the land to the Stockbridge-Munsee community, as it had in a previous report in 1963.

Finally, the committee is well aware of the support for this legislation expressed before it by the two Senators from Wisconsin, and particularly grateful for the assistance furnished to the committee by the junior Senator from Wisconsin (Mr. NELSON), who was able to provide the committee with considerable information assisting our deliberations.

Mr. President, I urge favorable action on this legislation.

Mr. METCALF. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I will control the time on the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield to the Senator from Colorado first?

Mr. ALLOTT. Mr. President, will the Senator from Montana yield to me for a unanimous-consent request?

Mr. METCALF. Certainly.

Mr. ALLOTT. Mr. President, in the absence of several of us the other day, the yeas and nays were ordered on this bill. I see no justification for the yeas and nays at the termination of this matter. So that our colleagues may be advised, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. Mr. President, I yield such time as he may require to the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, I rise in support of S. 722, a bill transferring 13,077 acres of federally owned submarginal land to the Stockbridge-Munsee Indian Community of Wisconsin to be held in trust by the United States.

I introduced this measure on February 10, 1971. Hearings were held on the bill on March 26, 1971, by the Indian Affairs Subcommittee. And on May 19, 1972, the Committee on Interior and Insular Affairs ordered the bill reported favorably to the full Senate. The bill was reported only after prolonged and careful consideration.

WIDE SUPPORT

Mr. President, it is difficult for me to imagine how anyone could be against this measure. It has received wide support from a variety of sources. The administration supports the legislation; in fact, the bill, as amended by the committee, contains the very language of the administration sponsored bill—S. 1230—introduced by Senators ALLOTT and JACKSON. The Office of Management and the Budget has no objection to the bill. The General Accounting Office has no objection. Neither the 1962 GAO report nor the updated report of last October posed any objections to the submarginal lands being transferred to the Stockbridge-Munsee Indian Community. Both the Cabinet-level National Council on Indian Opportunity and the Department of Interior have gone on record as stating that the submarginal lands were purchased with the understanding that they eventually be placed in trust for the Indians. In fact, administrative jurisdiction of these lands was transferred to the Secretary of the Interior in 1938 for the benefit of the Stockbridge-Munsee Indian Community and these lands have been used by them for the past 34 years.

LEGISLATIVE PRECEDENT

Mr. President, not only has the bill had wide support from the executive branch, but also there are several legislative precedents. On three separate occasions, Congress has passed legislation transferring submarginal lands to Indian tribes. These precedents will be discussed later.

BACKGROUND

The lands involved are the so-called FSA lands, a title designation referring to the now defunct Farm Security Administration. The original objective of the acquisition of the FSA lands in 1936 was the retirement from farming of unprofitable, badly eroded and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the "exclusive benefit of the Indians." It is this official commitment which has not been honored in this case, because Congress has failed to enact legislation to deliver these lands to the Stockbridge-Munsee Community.

It should be pointed out that the Government has actually made money as a result of these FSA lands which were purchased "for the exclusive benefit of the Indians." The Federal Government originally paid $69,546 for the lands and has collected more than $92,263 in stumpage fees, gravel mining permits, and rentals.

Mr. President, there are no minerals involved in the submarginal lands in this bill. Even so, S. 722 as amended reserves all mineral rights for the United States. The lands comprise more than 85 percent of the total Stockbridge-Munsee Reservation area. Currently, more than 30 percent of the Indians in the reservation area reside on the submarginal lands. The lands are needed to restore the community and allow implementation of its development plan. Housing is in critically short supply. Passage of the legislation would allow home construction and job opportunity plans to proceed.

The Stockbridge-Munsee Indian Community has waited far too long for this bill. Now is the time for these submarginal lands to be placed in trust for the Stockbridge-Munsee people so that they may finally realize the intended benefits of the land.

As was stated before, Congress has previously recognized its commitment to make FSA or submarginal lands a part of the reservations involved. In 1949, Congress transferred 457,530 acres of submarginal lands to several Pueblo Tribal groups and to the Canoncito Navajo Tribe of New Mexico. On July 20, 1956, Congress transferred 27,000 acres of submarginal lands to the Seminole Indians of Florida. And again on August 2, 1956, Congress passed an act transferring 78,372 acres of submarginal lands to the Jemez and Zia Pueblos of New Mexico.

Mr. President, almost everyone concerned with the submarginal lands has recognized our commitment to transfer them to the Indian tribes. The Cabinet-level National Council on Indian Opportunity, which is chaired by Vice Presi-

dent AGNEW, released a report in May 1971, entitled "Indian Submarginal Lands: An Unresolved Problem." The conclusion of the report states:

An examination of the legislative history and course of administration of this program can lead to but one conclusion: the land was purchased with special funds to be consolidated with other tribal land holdings, and held in trust for the tribes . . .

Thus, the fulfillment of this promise made long ago requires passage of legislation delivering trust title to the submarginal lands to the respective tribes for whom they were purchased, for use in accord with land use plans which have been legislatively approved . . .

Moreover, the Department of the Interior executive communication to the Congress dated March 1, 1971, transmitting proposed legislation to convey beneficial interest in the submarginal lands to the Stockbridge-Munsee Indian Community states:

The records disclose a complete understanding between the Federal Agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with the demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

MINORITY VIEWS

Mr. President, I would like to address myself briefly to the arguments raised against the bill in the minority views of the committee report.

First of all, it is argued that there is no precedent for this legislation. This is a simple mistatement of fact. As was stated previously, Congress has, on three different occasions in the past, enacted legislation which transferred title to submarginal lands to Indian groups. The minority report even mentions these instances but by some logic which escapes me maintains that they are not precedents. Despite any attempts to the contrary, these precedents cannot be denied. In fact, in his letter to Senator JACKSON dated October 18, 1971, the Comptroller General states:

On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups.

I ask unanimous consent that a copy of this letter be inserted in the RECORD, after my remarks.

Second, the minority report states that in 1942 the Interior Committee established a position to the effect that all submarginal lands should be considered together. This contention is debatable but even if it is accepted, it is clear that it is also irrelevant due to the fact that this position was clearly overruled in 1949 and again in 1956 when submarginal lands were transferred to individual Indian tribes.

The minority report claims that the committee has consistently held to its supposed position of considering only omnibus approaches to the submarginal land bills. In fact, the committee has never reported out an omnibus bill, but has instead reported several submarginal land bills for individual tribes, three of which have passed Congress.

Third, the minority report states that the passage of S. 722 would represent only token recognition of a problem which should have been resolved years ago. This is true but it is certainly no reason to refuse to take a step in the right direction by passing this bill.

Lastly, another minority argument is that there should be an omnibus submarginal land bill which would provide equal treatment for all affected tribes. The Department of Interior presently lists 19 submarginal land areas as being now under consideration for transfer to the nearby Indian tribes.

The administration, through the Department of Interior, has indicated a desire to proceed on a case-by-case basis, as evidenced by the introduction of the administration-sponsored bills, S. 1217 and S. 1230 dealing with the White Earth and the Stockbridge-Munsee Reservations. The General Accounting Office, in meetings with the Interior Committee staff, also indicated a desire to report on the submarginal lands individually. This would seem to be the logical way to proceed when one recognizes the fact that situations and circumstances differ in each instance.

There are minerals on some submarginal lands and none on other lands. The economic and social situations of the tribes involved differ greatly. In this instance there are no minerals involved. The administration supports the bill. Neither the GAO nor OMB has any objections. The Interior Committee considered the bill for a year and a half before favorably reporting it. There can be no reason to delay this bill any longer.

Why should this bill be delayed by being grouped with other more controversial bills as the minority report proposes?

In effect, the minority report recognizes the need for this bill; they argue only on the means, by favoring an omnibus bill instead of this individual bill. However, the reasons against an omnibus bill mentioned above are persuasive.

The Republican signatories of the minority views are clearly out of step with the administration's position in support of this bill. They are also out of step with the majority of the Interior Committee which has considered the messure quite carefully and extensively. There can be no valid reason for delaying passage of this bill, the need for which is recognized even by those signing the minority report.

Mr. President, I ask unanimous consent that a letter from the Comptroller General of the United States dated October 18, 1971, addressed to the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., October 18, 1971.

DEAR MR. CHAIRMAN: By letter dated April 1, 1971, you requested that we update an August 13, 1962, report which was submitted to the House and Senate Committees on Interior and Insular Affairs, which concerns submarginal lands and submit immediate reports on two bills, S. 1217 and S. 1230, 92d Congress.

These bills would declare that certain federally owned submarginal lands located on or near the Stockbridge Reservation, Wisconsin, and the White Earth Reservation in Minnesota, shall be held by the United States in trust for the Stockbridge Munsee Indian Community and the Minnesota Chippewa Tribe.

By letter dated May 25, 1971, we advised you that on the information then available to us, we would have to qualify our comments on these bills and we felt that such qualified comments would be of little value to the Committee. We have now completed our work on the updating of the August 13, 1962, report as it pertains to these Indian groups and are now prepared to comment on S. 1217 and S. 1230.

On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups. By the Act of August 13, 1949, ch. 425, 63 Stat. 604, and the Act of August 2, 1956, ch. 886, 70 Stat. 941, certain submarginal lands in New Mexico were transferred to Navajo and Pueblo Indians with title held by the United States Government in trust for the Indian groups cited in the Acts. Also, under the Act of July 20, 1956, ch. 645, 70 Stat. 581, the Government transferred to the Seminole Indians 27,086.10 acres of submarginal lands located in Florida which the Government had purchased under various acts for the relief of stricken agricultural areas.

If title to the submarginal lands is transferred to the Stockbridge Munsee Indian Community in Wisconsin and to the Minnesota Chippewa Tribe on the White Earth Reservation in Minnesota, the revenues from timber cutting and other activities which presently are being collected by the Government would then accrue to the respective Indian groups. We believe that these revenues could help the groups advance their economic and social standing, provided they are invested in planning, establishing, and operating enterprises having realistic chances of success.

In considering legislation to convey these submarginal lands to the Indian groups involved, we believe the Congress might wish to consider including provisions designed to assure that the lands would be developed for their best potential. Provisions which the Congress might wish to consider include the following:

Provision for a reinvestment of a reasonable portion of the timber and other revenues into the maintenance, improvement, cultivation, and preservation of the revenue-producing resources;

Provision for a minimum degree of group and/or individual Indian ownership of any enterprises established on such lands to ensure substantial and active Indian participation in the operation, management, and profits of such enterprises; and,

Provision for economic and ecological evaluations of proposed developments to ensure that they have reasonable chances of success and do not adversely affect the environment, particularly adjacent waters.

In accordance with a request of the staff of the Committee, we have examined into the question of offsets of the value of any submarginal lands conveyed to Indian groups against any awards that might be made to such groups by the Indian Claims Commission. In considering this question, we reviewed the decisions of the Indian Claims Commission in Docket No. 73 involving the Seminole Indians of Florida and Docket No. 151 involving the Seminole Nation of Oklahoma as successors to the Seminole Nation which was in Florida prior to 1823. While in Florida, the Seminole Nation sustained the injuries for which compensation was sought. These two cases were decided by the Commission on October 22, 1970, and are reported in 24 Ind. Cl. Comm. 1 (1970).

The Commission concluded that offsets of lands purchased with funds from national recovery acts is specifically prohibited by section 2 of the Indian Claims Commission Act of 1946, 25 U.S.C. 70a. Inasmuch as the submarginal lands proposed to be conveyed to the Stockbridge Munsee Community and the Indians of the White Earth Reservation were purchased under the authority of the same national recovery acts as were the lands transferred to the Seminoles, the holding in 24 Ind. Cl. Comm. 1 is *stare decists* and the Indian Claims Commission would disallow any offsets of submarginal lands against any claims that might be awarded to the Indian groups.

Final reports which update the factual information that was contained in our report of August 13, 1962, as it pertained to these two Indian groups will be shortly forthcoming.

Sincerely yours,

_____,
Deputy Comptroller General of the United States.

Mr. NELSON. Mr. President, I yield the floor, with the understanding, as I have agreed with the Senator from Montana, that if I need more time it will be yielded by the committee.

Mr. METCALF. Certainly; I shall be delighted.

Does the Senator from Colorado seek recognition at this time?

Mr. ALLOTT. Unless the Senator from Montana wishes to speak on the bill at this time.

Mr. METCALF. I wish to speak on the bill very briefly.

Mr. ALLOTT. All right; I yield to the Senator.

Mr. METCALF. Mr. President, back in the days of the depression, when the Farm Holiday Association was tipping over milk trucks and farmers were moving with pitchforks against bankruptcy sales, President Roosevelt and Harry Hopkins sent people out to buy farms that were being foreclosed. The Roosevelt administration was trying to keep the people on farms, and maintain their operations during the days when wheat was selling at 17 cents a bushel and livestock was selling at about the same price it is selling now.

This is one of the cases where the Government went out and, for the purpose of helping the Indians, purchased agricultural lands. They bought them and said, "These lands will be held in behalf of the various Indian tribes."

There are many complex and complicated situations involved in the Indians' unique relations with the Federal Government. In my own State, for example, farms were bought for various Indian tribes, and oil was subsequently discovered on those farms, and we are now faced with the question of who should receive these oil revenues?

But the Stockbridge-Munsee situation is a very simple problem. These lands were purchased for the Indian tribe located in that area. They do not have any other problems involved. Our consideration of S. 722 represents a start on the manner in which we resolve this longstanding issue of conveying the submarginal lands to tribal groups with the title to be held in trust by the United States. The several tribes involved have utilized these lands for various purposes over the years as if it were in fact theirs.

I think that we should seek to solve the problem on a case-by-case basis. That is the simplest and probably the best solution. I have nothing but high praise for the Senator from Wisconsin, who introduced this bill. I believe we should follow the precedents that we have set in Florida and in New Mexico to return these properties in trust to the Indian tribes to which they really should belong, and give them not only the beneficial interest which they hold now, but the proprietary interest which is the subject matter of this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, I rise in support of S. 722, as favorably reported by the Senate Interior and Insular Affairs Committee. I am happy to give my support to legislation which is, at the same time, supported by the two Democratic Senators from Wisconsin, and by the Nixon administration.

As chairman of the Subcommittee on Indian Affairs, I know that concern for American Indians has traditionally been a bipartisan matter, and I am pleased that the language of this bill, originally proposed as a part of the program of the Nixon administration, is, with the one perfecting amendment added by the committee, supported by the distinguished chairman and entire Democratic side of the Interior Committee, which considered it carefully from the time of its public hearing on March 26, 1971, before my subcommittee.

Every witness appearing before that subcommittee—administration, tribal, and independent—testified in favor of this proposed transfer of trust title of these submarginal lands to the Stockbridge-Munsee Indian Community, which desperately needs them, and has waited patiently for such legislation since these lands were first purchased to add to the tribal land base of that community, beginning in 1934. The entire economic development of this Indian community depends upon the immediate enactment of this legislation.

The National Council on Indian Opportunity, in its recent report on this subject, has indicated that, for this tribe, obtaining trust title to these lands is the only legislative priority, upon which the entire tribal future depends.

The tribal delegation appearing before my subcommittee presented a carefully thought out and well-presented program for the use of these lands, in combination with the much smaller present tribal land base.

The Stockbridge-Munsee Reservation, created by the Treaty of the United States with the tribe on February 5, 1856, originally consisted of 23,040 acres. As a result of the Allotment Act of 1887, the national Indian land base was diminished from 140 million acres to 50 million acres of the least desirable land. At the Stockbridge-Munsee Reservation, by 1934, when the Allotment Act policy was finally repudiated by the Congress, little more than 100 acres remained in Indian hands, far too little to house, let alone support, the tribal population.

The 13,077 acres of submarginal land which are the subject of S. 722 were purchased by the Farm Security Administration, along with 2,450 acres of land purchased with funds appropriated under the authority of the Indian Reorganization Act (48 Stat. 984) to block out a single consolidated area which would be a viable reservation base for this tribe. Both purchases were entirely within the boundaries of the original reservation. The Farm Security Administration even acted as a purchasing agent for the Bureau of Indian Affairs, to insure that the land purchases would be consolidated. Although tribal members were allowed partial use of the land, and members of the tribe were permitted and even encouraged by Federal officials to construct houses on the submarginal land in the early expectation that Congress would enact legislation delivering trust title to the tribe, that legislation has not yet passed. More than half of the resident tribal population of this reservation lives on houses constructed on submarginal land, although title to the land remains in the United States. S. 722 is designed to correct that oversight and injustice.

An identical process was followed on behalf of the landless Seminoles of Florida, for whom a tract of submarginal land also was purchased during the thirties, in addition to another parcel purchased with IRA funds. In 1956, the Congress approved the delivery of trust title of the submarginal land parcel together with the IRA purchased lands, to the Seminole tribe to create a new reservation. (70) Stat. 581.)

Certain members of the minority of the Interior Committee have unconvincingly argued that this action does not constitute a precedent for the action we undertake today, on the grounds that the "justification for the transfer was, in fact, to provide a land base from whatever public lands were available and was not because of a 'submarginal lands' designation of some of them." Even were this view accurate, the Seminole legislation would still serve as a precedent for adding submarginal lands to otherwise acquired land to provide an adequate land base for the tribe, which is the ultimate purpose of the bill before us. However, what this minority view ignores is that in both the Seminole case and in the Stockbridge-Munsee case before us, all of the land was specifically purchased to accomplish the purpose of creating an adequate, economically productive land base reservation for the tribe in question, by a combination of IRA-purchased land, and submarginal land.

The Seminole case is obviously a precedent for today's proposed action. The only difference between the two cases is that in the present case, Congress did not deliver trust title to the submarginal land in its original enactment, an oversight which we are attempting to rectify today.

The whole question of precedent is

relevant only because the minority view asserts, without proving, that S. 722 is precedent creating, a contention I deny, and that, therefore, we must consider all of the tribes attempting to claim submarginal lands at once, or not at all. The only possible approach, we are told, is a single piece of omnibus legislation, proposed but not yet introduced, which is necessary because of some belated sense of fairness expressed by the minority to the 17 other tribes seeking title to submarginal land parcels purchased for them.

I am favorably impressed with the expressed desire of these members to support such legislation, since six of these tribes involved are in the State of South Dakota, twice as many as in any other State, and I have repeatedly introduced legislation on behalf of these tribes.

I am somewhat at a loss to understand why my friends in the minority of the committee, apparently so concerned with fairness to these tribes, have not joined with me in sponsoring this legislation, and I will look with favor on their support of any future bills to deliver submarginal land parcels to the South Dakota tribes.

I am also puzzled as to why these Senators, so concerned with equal treatment for all such tribes, have waited until so late in this session to introduce such legislation, which they claim follows a longstanding committee policy for an "omnibus" approach. At this time in the session, such a bill can only delay further consideration of the bill before us, and cannot possibly result in fair treatment for anyone, particularly the Stockbridge-Munsee Indian community.

At least one of these six Senators, the Senator from Oregon (Mr. HATFIELD), seems to have overlooked the supposed longstanding committee policy when he introduced, on March 13, 1969, S. 1544 (91st Congress), his own bill to deliver trust title to its submarginal lands to the Burns Paiute Colony of Harney County, Oreg.

While the Senators protest against unfairness to the other Indian tribes, the tribes themselves share the view of the committee that a case-by-case approach is the fairest and most appropriate way to proceed. Delegates from each of the concerned tribes met jointly at Minneapolis, Minn., at a meeting sponsored by the National Council on Indian Opportunity, and pledged themselves to support the efforts of each of the tribes to obtain title to their lands. Four of the South Dakota tribes have furnished me with tribal resolutions indicating their support for such action.

A review of the history of the committee provided in the minority views of the report on the bill before us conclusively demonstrates, in spite of the minority conclusion to the contrary, that all of the evidence indicates that any action taken by the committee on this legislation has been on a case-by-case basis.

Whatever the previous committee history, no one yet has produced a single word to indicate that this land should not be transferred, as this bill proposes, to the Stockbridge-Munsee Indian community. I urge favorable action on this bill, so desperately needed by the Stockbridge-Munsee tribe.

Mr. PROXMIRE. Mr. President, I support Senator NELSON'S bill, S. 722, as amended by the committee, to transfer 13,077 acres of FSA submarginal lands in trust to the Stockbridge-Munsee Indians. Twice over the past 10 years, I have introduced similar legislation to accomplish this transfer. In fact, I was a cosponsor of the original proposal introduced by my Wisconsin colleague, Senator NELSON, to bring about this land transfer.

The Stockbridge-Munsee Community has developed an extensive plan for use of this land. It is essential for their plan that this land be transferred in trust to the tribe, so they may have the security of knowing the land and improvements on it will remain in their hands. Such a transfer will also permit the tribes to operate and manage these improvements economically and efficiently.

The Federal Emergency Relief Administration—FERA—back in the early thirties was authorized to spend funds for the acquisition of submarginal land under consideration today. A memorandum dated July 16, 1934, to Hon. Harold L. Ickes, Secretary of the Interior, from John S. Lansill, director of the land program, concerning submarginal land purchases reads:

> These lands include projects in which land to be purchased is to be used primarily for the benefit of the Indians under the jurisdiction of the Bureau of Indian Affairs.

In January of 1935, a statement of policy regarding acquisition of land for Indian use was issued. This statement reiterated that it was "desirable to acquire lands for Indian use which will improve their economy and welfare, and lessen relief costs."

These pronouncements make it clear that this land was intended for the use of the Indians. The question then is "How can the Indians best make use of this land?" It is my view, as well as that of the tribe and the Interior Department, that this can best be done by transferring this land in trust to the Stockbridge-Munsee Indians.

This Stockbridge-Munsee submarginal land currently is much more important to the well-being of the tribe than the tribal land. For example, there are 152 Indians residing on submarginal land while 92 live on tribal land. According to the Interior Department, approximately 40 homes have been built on submarginal land. During fiscal year 1969, $17,010 was realized from the sale of submarginal land timber compared with a mere $60 from the sale of tribal land timber. Finally, the average family income of the submarginal land residents is $4,000 compared to $3,500 for the tribal land families.

The fact that the Stockbridge-Munsee Tribe depends heavily on this submarginal land, which covers almost six times as much acreage as the tribal land, makes it clear that these two tracts must be coordinated, planned, and developed under the same management. In fact, the development and real estate plans submitted by the Stockbridge-Munsee Indians are based on the assumption and hope of receiving these 13,077 acres in trust.

According to the real estate planning report of the Stockbridge-Munsee Reservation:

> The development of lands (sub-marginal as well as tribal) is dependent upon getting the lands under one ownership for efficient management purposes.

This plan includes the creation of a five site commercial development, the cultivation of acreage for farming, and the establishment of a community recreation area which would include swimming and wading facilities as well as a unique recreational area to be developed commercially to benefit the tribe. The report goes on to say:

> The development of the recreation area would be after land ownership is consolidated in the areas involved.

This report concludes that:

> There is sufficient acreage, considering the tribal, FSA land and the private lands within atrategic areas for a commercial recreation center and to provide for the present and anticipated future needs of the Indian people for year-around and seasonal homesites. Also, timber production . . . is a compatible use.

It is important to note that one of the objections frequently interposed to tribal acquisitions of submarginal land is that the mineral value of the land is extremely high. This is not true of the land under consideration today. As the real estate planning report makes clear, there are no known mineral leases on either submarginal or reservation land. The only minerals of any value are a few gravel and sand deposits scattered throughout the reservation and submarginal lands. A GAO report also came to this conclusion. Thus, neither the State nor the Federal Government stands to lose substantial mineral values by this transfer.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

(The remarks that Mr. ALLOTT made at this point on the introduction of S. 3688, dealing with Indian submarginal lands, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ALLOTT. Mr. President, the following is a quotation from the 1962 Report of the Comptroller General on 18 of the 19 submarginal land tracts, including those to which S. 277 relates when an omnibus bill for all tribes was before both the Senate and the House:

> The submarginal land proposed for conveyance to Indian tribes by Senate bill 1925, Senate bill 2183, and House bill 3534 was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the act of August 24, 1935 (49 Stat. 750, 781).
>
> The general purpose for acquiring this land was to retire it from private ownership and to correct maladjustments in land use. This land was originally under the jurisdiction of the Secretary of Agriculture. However, inasmuch as it was found to be largely contiguous to existing Indian reservations, it was placed under the jurisdiction of the Secretary of the Interior by Executive Order 7868 dated April 15, 1938 (3 Fed. Reg. 767), and by Executive Order 8473 dated July 8, 1940 (5 Fed. Reg. 2520).
>
> The term "submarginal," as used to describe the land proposed for conveyance, is for the most part a misnomer. Generally, the submarginal land is equal in quality to contiguous land at each of the 18 locations and most of it has been gainfully utilized for such productive activities as forestry, grazing, and farming.
>
> Senate bill 1925, Senate bill 2183, and House bill 3534 would donate, in a trust status, the submarginal land to the stated Indian tribes and groups, thereby, in effect, providing for the Department of the Interior, as trustee, to administer and manage the land for the benefit of the tribes. Senate bill 2183 and House bill 3534 would reserve the right of the United States to use for military purposes that part of the submarginal land which is within the Ellsworth Air Force Range (Pine Ridge Reservation). However, the latter bills do not specifically state whether the United States would be required to pay the tribe for such right.
>
> NEED AND USE FOR SUBMARGINAL LAND NOT ADEQUATELY JUSTIFIED
>
> Inasmuch as most of the tribes have not developed adequate land-use plans, there is little evidence to show that the submarginal land would be better utilized if placed in tribal ownership. Officials of most tribes indicated that, if the submarginal land was conveyed to the tribes, they would continue to lease such land to Indians and non-Indians. Therefore, the only benefit that most of the tribes would derive from the tranafer in trust of such land would be a relatively small addition of income to the tribes while the Bureau, as trustee, would continue to have administrative responsibility for managing the land and the income derived therefrom. Further, the tribes have not, apparently, encouraged individual Indians to lease and develop submarginal land; our review disclosed that the tribes had leased the greatest portion of submarginal land to non-Indians. (See p. 23.)
>
> We believe that an adequate plan for tribal use of the land would be one in which the land is to be used for a tribal enterprise to provide employment or training for its members, housing for needy Indians, or homesites for unemployable or marginally employable adult members of the tribe. Therefore, the Committees may wish to consider that submarginal land should not be transferred to the tribes unless they contemplate a use for the land that is incorporated in an over-all constructive program to aid individual members of the tribe and to accomplish the ultimate objective of terminating Federal supervision over the recipient tribes.
>
> "FINANCIAL RESOURCES OF THE TRIBES AND INCOME FROM SUBMARGINAL LAND
>
> "We believe that, in determining whether the submarginal land should be provided to the tribes without cost, consideration should be given to (1) the ability of the tribes to finance the cost of the land, (2) the amount of income to be derived from the land, (3) whether the Federal Government has reimbursed or will reimburse the tribe for tribal lands taken for dams and reservoirs and for related damages, and (4) how the submarginal land will be used by the tribe.
>
> "FINANCIAL RESOURCES OF THE TRIBES AND GROUPS
>
> "The financial records and statements made available to us by Bureau and tribal officials disclosed that of the 18 tribes and groups, 8 had net worths in excess of a million dollars, 4 had net worths ranging from $100,000 to $296,000, 3 had net worths ranging from $8,257 to $95,876, and 1 had no assets or liabilities. The net worths of two tribes were not determinable from the information we obtained. The following table summarizes the financial position of each tribe and group as of June 30, 1961, or as otherwise noted.

> "ALTERNATE METHOD OF DISTRIBUTING INCOME
>
> "If the Congress intends that funds derived from submarginal lands should be used for the benefit of Indians, consideration should be given to the needs and justification for Federal assistance of all Indians under the responsibility of the Federal Government and to the desirability of distributing income collected from such land by means of appropriations. This procedure would preserve the congressional controls inherent in the appropriation processes and distribute Federal funds for the benefit of Indians on the basis of realistic requirements rather than on the coincidental location of valuable Federal lands.
>
> "ADVANTAGES OF TRANSFERRING TITLE IN FEE RATHER THAN IN TRUST STATUS
>
> "The proposed legislation provides that the submarginal land to be conveyed to the tribes is to be held by the United States in trust. Because the land would be transferred in trust status as opposed to a transfer in fee title, the Federal Government would continue to be responsible for administration of the land and income earned therefrom and the land would not be subject to local real estate taxes as are other privately owned lands. Conversely, if the land is transferred in fee title, it would serve to prepare the tribes for eventual withdrawal of Federal supervision because the tribes would gain experience in managing their own affairs and would be required to bear the related share of civic obligations and responsibilities."

Mr. President, the reason for these remarks on S. 722 are as follows:

As I have stated in introducing S. 3688, today, there are 19 submarginal tracts, divided into nine different States and consisting of some 403,000 acres. On page 23 of the report, in the footnotes, we have statements by lawyers for various Indian tribes who say specifically that they do not claim that the Indians have a legal right to this land. The most they can say is that they might have a moral right to retain it.

I have had the legislation which served as authority for the acquisition of the lands—which, by the way, is attached as an exhibit to the minority views in the report—examined thoroughly; and I find nothing in the authorizing legislation nor the appropriations which would indicate that there ever was an attempt or an intent by Congress to return this land to the Indians. This is also what GAO said and the Library of Congress has affirmed it. Everything which consists of a so-called moral right has consisted of exchanges of letters between officials in the administrations at various times and the Indians themselves and other executive branch documents but nowhere through the long history of this matter, since it first came up, has Congress ever, by any legislation, signified its intent to act upon this matter and donate these lands to the Indians:

I should like to refer to a short portion of the report, pages 34 and 35:

> On November 18, 1970, Senators Allott and Jackson in accordance with their agreement as to bills transmitted by the Administration, introduced S. 4511 to transfer the submarginal lands of the White Earth Reservation. Earlier, Senator Nelson introduced a bill apparently as a result of the impending Administration transmittal. It pertained to the Stockbridge Munsee.

That is the bill we have here.

As later developed, these were only the first of the bills on *all* 19 tracts which the Dept. of the Interior had determined to attempt to submit to Congress.

When the two submarginal lands bills were submitted in the 92nd Congress by the Administration, they were introduced by Senators Allott and Jackson as S. 1217 (White Earth) and S. 1230 (Stockbridge Munsee) on March 12, 1970. Senator Nelson had already introduced S. 722 for the Stockbridge Munsee on February 10, 1971.

Only *six days* had passed since introduction of the Administration bills. . . .

When this bill was called up for hearing.

In so doing and in ordering one of those bills reported this year, the leadership of this committee broke with the two-pronged principle they had laid down twenty-nine years before and to which they had adhered ever since for reasons they presumably believed were valid.

The action of the majority appears to have been in reaction to the innovative Message to Congress on Indian Affairs by President Nixon on July 8, 1970, and the ensuing proposed legislation which was submitted by the Administration to carry out its Indian affairs legislative program. We note that when the hearings on S. 1217 and S. 1230 were announced, three non-administration bills had already been introduced in the 92nd Congress for the Bad River Band, the LaCourte Oreilles and the Standing Rock Sioux, but the hearings were not scheduled on them, only on the two administration bills.

Regardless of the reasons for the apparent reflex response of the leadership of the committee, at the March 31, 1971, Executive Session, consistent with its long-established policy, the committee voted *unanimously* to seek to have the 1962 GAO Report updated in its entirety so that it would have current data on all 19 tribes which desire these submarginal lands and which (after 32 years since the first bill) would permit this committee to consider *all* tracts for final disposition.

The minority Members foresaw omnibus legislation and I assure the Senators who have spoken that if the leadership had produced that updated report in accordance with the unanimous directive of the entire committee we would have done everything in our power to see that the reported bill gave each one of the 19 tribes equal treatment. That, as the Senators know, could have been done quite easily by ordering a substitute bill, for all 19 tribes, reported.

Well, Mr. President, to boil this all down as a result of an agreement of which we were only advised last month, after waiting for months, the GAO finally reported back with respect to two tribes. We did not set the current status report on all 19 tribes which was ordered 15 months ago. For this reason, we have introduced today the legislation S. 3688. My comments there on behalf of all the minority members of the Senate Interior and Insular Affairs Committee are pertinent to this discussion. We believe it is a basic mistake for Congress to consider this one bill at this time. We believe, as others concede, it may be years before the other tribes' requests are considered and even then they may not get similar treatment. This is unfair and discriminatory. By acting favorably on S. 722, the Senate will accede to only a token recognition of a

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problem which it should resolve in its entirety.

It seems to me that having 33 years of history of not doing anything about this, and having the GAO in effect refusing to report to the committee on all the 19 bills, we are in effect acting in the dark here, because no matter what the report says, no matter what kind of legislative history we attempt to make on the floor of the Senate, we are, in fact, by passing this bill, establishing a precedent that will have to be followed on all 19 of those parcels of land.

I want to make it very, very clear to every Senator in this Chamber that never before has Congress acted favorably on a bill the sole purpose of which was to donate only submarginal lands to the Indians. The minority views we have filed detail this very clearly. From a reading of those views it can be seen that the Seminole Indian bill and the two New Mexico bills are distinctly different.

That briefly is the situation. While I realize that there is no danger of the bill not being passed this afternoon, I did feel that, in pursuance of what I believe to be commonsense and the equitable approach, commensurate with the commitment with the Committee on Interior and Insular Affairs, these statements had to be made and we should remind ourselves that the decisions we have made consistently affirmed over the years, ordinarily are premised upon a sound base and should not be lightly overturned. In this situation, the committee decided years ago it should have a full and complete study and then act for all tribes together. This apparently has been the excuse for the 33-year refusal to act. Now that we are going to finally act, it should be for all, not just a favored single tribe. I think, Mr. President, for the moment at least, and perhaps for the remainder of the afternoon, that may be all I shall have to say about this matter.

Mr. METCALF. Mr. President, several of the bills included in the compilation of bills introduced in prior Congresses to convey submarginal lands to tribal groups, were undoubtedly sponsored by me. My bills related to submarginal lands near Indian reservations in Montana where the issues are more involved, but I will agree that the questions involved are more complex than those in S. 722. None of my bills were approved by Congress.

This bill will not set a precedent on oil leases or mineral disposal rights. The committee tried to take care of that. The Senator from Colorado introduced an amendment in committee, which all of us supported, to provide that the Federal Government would retain mineral rights in the submarginal lands to be transferred to the tribal group as contemplated in the bill before us today.

I believe the Senator's amendment to reserve the minerals to the United States is valid. I question whether there are any minerals to be considered at Stockbridge-Munsee, but when we move to consider similar legislation for tribal groups in Montana and other Western States the question of mineral rights will present serious problems for the Congress. So we are not setting any precedent or plowing any new ground today. We have already given the Seminole Indians of Florida and the New Mexico Pueblos these lands. Today, by introducing his omnibus bill, the Senator from Colorado has underscored what the Federal Government must do in order to convey the remainder of the submarginal lands to the various tribal groups who are concerned with the disposition of such lands.

So let us pass this bill, which does not have the problems or any of the complexities that are in some of the other 19, and then move forward on the proposal that the Senator from Colorado has proposed.

Mr. HUMPHREY. Mr. President, may I say that I am very happy to support the measure that the Senator from Wisconsin (Mr. NELSON) and the Senator from Montana (Mr. METCALF) are so actively forwarding and supporting here today.

Mr. METCALF. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, so that the record will be clear on this point, the Stockbridge-Munsee bill authorizing the transfer of Farm Security Administration lands held in trust to be made part of that reservation, I believe, was introduced first by me in 1963.

So, the issue has been pending before the Committee on Interior and Insular Affairs now for almost 9 years. Seven of those years I was on the committee myself. I do not quarrel with the idea of taking up all of these FSA lands in one bill as proposed by the distinguished Senator from Colorado.

I do not know all the complications involved in each of those parcels. And that may be a very good way to do it.

However, this particular proposal involving the Stockbridge-Munsee Indians has no complications involved in it at all. It involves 13,000-plus acres. It has been administered by the Department of the Interior for the benefit of the Stockbridge-Munsee Indians for 34 years, ever since 1938.

The Federal Government paid $69,000-plus for the land. It has now recovered through the sales of stumpage fees and gravel $92,000.

So, the Federal Government has gotten back all of the money it put in plus an additional $23,000. There are no mineral rights problems involved in these submarginal lands.

The administration recommended that these bills be taken up on an individual basis, case by case. And the administration made a proposal to transfer those lands that is practically identical to the one I have been introducing for the last 9 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. Mr. President, I yield an additional minute to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional minute.

Mr. NELSON. Mr. President, the General Accounting Office has taken the position that it is much more manageable and feasible to handle each of these parcels on a case-by-case basis. So, I think that as to this particular bill the transfer ought to be made as it has been made on three previous occasions, by an act of Congress transferring the submarginal land to a particular Indian reservation.

Mr. President, as to the question of the balance of the bills, I certainly have no objection to taking them all up in one bill if it is feasible to do so. However, that might hold up this bill and deprive the Stockbridge-Munsee Indians of rights that they have been entitled to for over 30 years. It might hold it up for another 2, 3, 4, or 5 years, because I do not know what agreement could be reached on taking up all of these parcels at one time.

Mr. ALLOTT. Mr. President, I yield myself such time as I shall need.

First, the 2 to 5 year leadtime for the Stockbridge-Munsee, just referred to, is part of the inequity in proceeding only on S. 722. The other part, of course is the question of what type of treatment bills in future Congresses might provide. They, based on the history, could require the Indians to pay for the lands, give them to non-Indians, give non-Indians rights to use the lands. Previous instances where Congress has done this are set out in our minority views.

I want to point out that we set ourselves in a tenible bind in passing precedent setting legislation. Then we try to write a provision into the bill to say that it is not a precedent. Several precedents are being made, in my opinion, in this bill.

I just want to make the record straight. For example, on page 20 of the committee report, Mr. Sonosky, an attorney for some of the tribes and a leader in the drive for submarginal lands legislation is quoted. He made the following statement in 1970:

> Only a unified effort will work . . . since no single tribe will be able to succeed because the Committees won't let one bill pass which will serve as a precedent for the others. So that no matter how appealing the *Stockbridge*, or Burns Paiute case is, *it will rest with all the others.*

He, I submit, is correct, this is a precedent setting bill and there is no reason why we should not have given attention to all the tribes. We initiated this effort 15 months ago, but there was no follow-up.

Mr. President, I refer now specifically to the footnotes on page 23 of the committee report particularly to the statement by Mr. Arthur Lazarus, Jr., attorney for the Oglala Sioux Tribe, one of the 19. He said:

> I am making no argument that this land belongs to the Indians as a matter of law. It does not. It belongs to the United States.

So, Mr. President, by donating similar lands to the Stockbridge-Munsee, it seems to me that we are making a precedent and setting a precedent here in other instances, and I do not see how we can avoid the precedent we are setting here this afternoon in future cases.

In conclusion I wish to say that in the consideration of future transfers I hope they will be considered en bloc because there is one principle involved here, and that principle is giving to the Indians, the respective Indian tribes, land which was purchased with Federal funds from the Treasury of the United States from people to whom they had sold, or otherwise conveyed the land. That is the issue in all 19 instances. So we are setting a precedent here and I do not see how the Senators are going to be able to argue that those tribes with more valuable lands should not receive them.

I hope that in the consideration of these cases that some study might be made of the minority views in this particular case, for which I am very indebted to Mr. Tom Nelson, a member of the minority staff of the Committee on Interior and Insular Affairs, because of the deep research he has done on these bills, and it should be the guide for the action we take in subsequent bills.

I hope my friends on the other side will persist with me in getting a report out of the GAO for all 19, or 18 tribes so that we can get and dispose of all these matters at the earliest possible time. It only took GAO a little over 6 months to compile the 1962 report and it should have been able to update it in the 15-month period which followed the committee's March 31, 1971, directive.

I am reminded of one thing. This question has been around a long time. There was an omnibus bill introduced in 1939 which passed the House and the Senate did not act upon it. The Senate has never acted on a bill such as S. 722 up to the present time.

I am ready to yield back the remainder of my time.

Mr. METCALF. I am ready to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 722) was passed.

The title was amended, so as to read: "A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge-Munsee Indian Community, Wisconsin."

Mr. NELSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks that Mr. HUMPHREY made at this point on the introduction of S. 3689, S. 3690, and S. 3691 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FOUNTAIN, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, Mr. BROOMFIELD, and Mr. THOMSON of Wisconsin were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Chair lays before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1972".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 2. Section 234(c) of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended by striking out "(1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation" and inserting in lieu thereof "(1) in its financing programs, acquire debt securities convertible to stock or rights to acquire stock, but such debt securities or rights shall not be converted to stock while held by the Corporation".

REFUGEE RELIEF ASSISTANCE

SEC. 3. Section 491 of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and "$250,000,000" and inserting in lieu thereof "1973" and "$50,000,000", respectively.

MILITARY ASSISTANCE

SEC. 4. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$600,000,000 for the fiscal year 1973".

(2) In section 506(a), relating to special authority, strike out "1972" wherever it appears and insert in lieu thereof "1973".

(3) In section 513, relating to military assistance authorizations for Thailand—

(A) insert in the section caption immediately after "Thailand", a comma and the following: "Laos, and South Vietnam"; and

(B) add at the end thereof the following new sentence: "After June 30, 1973, no military assistance shall be furnished by the United States to Laos or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

(4)(A) In section 514(a)(1), relating to special foreign country accounts, strike out "10" wherever it appears and insert in lieu thereof "25".

(B) The amendment made by subparagraph (A) of this paragraph is effective July 1, 1972.

(5) At the end of such chapter 2, add the following new section:

"SEC. 515. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation."

SECURITY SUPPORTING ASSISTANCE

SEC. 5. Section 532 of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "1972" and "$618,000,000" and inserting in lieu thereof "1973" and "$650,000,000," respectively.

TRANSFER BETWEEN ACCOUNTS

SEC. 6. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended—

(1) by inserting immediately after "except that" the designation "(1)"; and

(2) by inserting before the period at the end thereof a comma and the following: "and (2) no funds made available for any provision of part I of this Act may be transferred to, or consolidated with, funds made available for any provision of part II of this Act (including chapter 4 of such part II)".

PROHIBITION AGAINST FURNISHING ASSISTANCE

SEC. 7. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(x) No assistance may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan."

ALLOCATION AND REIMBURSEMENT AMONG AGENCIES

SEC. 8. Subsection (a) of section 632 of the Foreign Assistance Act of 1961, relating to allocation and reimbursement among agencies, is repealed.

LIMITATIONS ON CAMBODIAN ASSISTANCE

SEC. 9. Section 655 of the Foreign Assistance Act of 1961, relating to limitations upon assistance to or for Cambodia, is amended—

(1) by striking out "$341,000,000" and "1972", wherever they appear in subsections (a) and (b) and inserting in lieu thereof "$275,000,000" and "1973", respectively; and

(2) by inserting in subsection (g), after "section", a comma and the following: "or any amendment thereto,".

FOREIGN MILITARY SALES

SEC. 10. The Foreign Military Sales Act is amended as follows:

(1) In section 31(a), relating to authorization, strike out "1972" and insert in lieu thereof "1973".

(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "1972" and insert in lieu thereof "1973".

EXCESS DEFENSE ARTICLES

SEC. 11. Section 8(b) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended, is amended by striking out "$185,000,000" and inserting in lieu thereof "$150,000,000".

HOSTILITIES IN INDOCHINA

Sec. 12. (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than August 31, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after August 31, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—

(1) an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

AZORES AND BAHRAIN AGREEMENTS

SEC. 13. Commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

PROHIBITING OBLIGATION OR EXPENDITURE OF FUNDS FOR CERTAIN AGREEMENTS TO WHICH THE SENATE HAS NOT GIVEN ITS ADVICE AND CONSENT

SEC. 14. No funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, (2) revising or extending the provisions of any such agreement, or (3) providing for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this section shall be construed as authorizing the President to enter into any agreement relating to any other matter, with or without the advice and consent of the Senate.

AUTHORITY FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TUNNEY AND SENATOR ROBERT C. BYRD ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, immediately after the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—BILL ADJUSTING RATES OF PAY FOR GOVERNMENT EMPLOYEES—H.R. 9092

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, is called up and made the pending business before the Senate, there be a time limitation on debate as follows: Two hours on the bill, to be equally divided and controlled by the distinguished Senator from Hawaii (Mr. FONG) and the distinguished Senator from Wyoming (Mr. MCGEE); the time on any amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the manager of the bill (Mr. MCGEE); provided further, that Senators in control of time on the bill may yield therefrom to Senators on any amendment, debatable motion, or appeal; provided further that if the manager of the bill should favor any amendment, debatable motion or appeal, then the time in opposition thereto would be under the control of the distinguished Republican leader or his designee; and provided finally, that no nongermane amendments may be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

LEAVE OF ABSENCE

Mr. GRIFFIN. Mr. President, the junior Senator from Kentucky (Mr. COOK) will be with the crew of Apollo 16 on Monday. I ask unanimous consent that he be granted leave of the Senate on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will meet at 11 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. TUNNEY) will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia, now speaking, will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume consideration of S. 3390, the bill to amend the Foreign Assistance Act of 1961, and for other purposes.

At 2:30 p.m. the Senate will proceed to conduct three consecutive rollcall votes on the following treaties, and in the order stated: One, the International Plant Protection Convention; two, the Convention To Prevent and Punish Acts of Terrorism; three, the Treaty with Honduras on the Swan Islands.

Following the rollcall votes on the aforementioned treaties, the Senate will resume consideration of the Foreign Assistance Act.

So Senators are reminded that there will be at least three rollcall votes on Monday, these occurring back-to-back and beginning at 2:30 p.m.

Mr. President, as a postscript, may I say that the Senate will continue consideration of the Foreign Assistance Act on Tuesday through the remainder of next week or until such time as the bill is disposed of. The leadership, however, expects and hopes to operate, beginning with Tuesday, a two-track system where necessary.

I might add that Senators should be alerted to the possibility of Saturday sessions beginning next week and continuing until the Democratic Convention, there is a very strong possibility of Saturday sessions until the Republican Convention.

There is much work to be done, so in order to get the work done and remaining "must" legislation enacted, it is highly likely that there will be long sessions and at least the possibility of some Saturday sessions.

I say this just so Senators may be on notice and may act accordingly.

ADJOURNMENT TO MONDAY, JUNE 12, 1972, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. on Monday next.

The motion was agreed to; and at 5:32 p.m. the Senate adjourned until Monday, June 12, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1972:

DIPLOMATIC AND FOREIGN SERVICE

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service Officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1972:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission for a term of 4 years.

DEPARTMENT OF JUSTICE

Richard G. Kleindienst of Arizona to be Attorney General.

DEPARTMENT OF THE TREASURY

George P. Shultz, of Illinois, to be Secretary of the Treasury.

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury.

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury.

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury.

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

U.S. DISTRICT COURTS

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 1972*

The House met at 12 o'clock noon.

Rev. John E. Howell, First Baptist Church, Washington, D.C., offered the following prayer:

Lord God, we need Your strength to persevere in the cause of good when we are bone tired from the struggle. We need Your courage when we are discouraged, Your patience and wisdom when our solutions do not match the magnitude and complexity of our problems.

We believe, Father, that You are personally interested in each of us and in our needs. We also believe You have a mission for each of us to fulfill in Your service and that of our fellows.

Grant to the Members of this House today a keen awareness of Your presence, power, and encouragement as they renew their work.

We ask this in the name of Him who most clearly revealed both Your expectations and Your mercy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House has approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) entitled "An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1198. An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado;

S. 3442. An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes; and

S.J. Res. 206, Joint resolution relating to sudden infant death syndrome.

PERMISSION TO FILE REPORT ON INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION TO FILE REPORT ON DEPARTMENT OF LABOR, HEW AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, being necessarily absent on official business, June 5, 1972, I missed rollcalls Nos. 185, 186, 187, 188, and 189. Had I been present and voting, I would have voted "yea" on each of the rollcalls.

THE EDUCATION AMENDMENTS CONFERENCE REPORT

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, it is tragic that the most sweeping program of aid to higher education is encumbered with antibusing amendments that strike at the authority of our courts and at basic constitutional principles.

The intent of the Broomfield amendment is clear. It is designed to halt 14th amendment school desegregation enforcement for up to 18 months—6 months longer even than President Nixon's proposed moratorium.

It is not enough to say the amendment is probably unconstitutional and will be struck down by the Court. We cannot take that chance. We are being asked to sacrifice a basic right of American schoolchildren for the financial aid authorized by this bill.

I say that the rights and freedoms fundamental to American life cannot be so compromised. I urge rejection of the conference report and a new start toward providing assistance to higher education.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Abernethy	Dwyer	Mitchell
Abourezk	Eshleman	Moorhead
Anderson, Tenn.	Ford, William D.	Moss
Barrett	Gallagher	Passman
Blatnik	Gray	Patman
Burton	Griffiths	Pelly
Cabell	Gude	Poff
Carney	Halpern	Price, Tex.
Chappell	Holifield	Pryor, Ark.
Chisholm	Howard	Rees
Clark	Kee	Robinson, Va.
Clawson, Del	Kyros	Rooney, N.Y.
Colmer	Lujan	Rosenthal
Conyers	McClory	Rousselot
Curlin	McEwen	Scheuer
Danielson	McMillan	Springer
Davis, Ga.	Macdonald, Mass.	Teague, Calif.
Denholm	Martin	Teague, Tex.
Derwinski	Metcalfe	Terry
Diggs	Miller, Calif.	Wilson, Bob
Dowdy		Yatron

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 2, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2), to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. HÉBERT, PRICE of Illinois, FISHER, BENNETT, ARENDS, BRAY, and HALL.

CONFERENCE REPORT ON S. 659, EDUCATION AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related acts, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Speaker, I object. I have two points of order against the conference report.

The SPEAKER. The Clerk will read the report.

Mr. PERKINS. Mr. Speaker, let me first state that the gentleman can make these points of order, and without reading the entire report.

Mr. GROSS. Mr. Speaker, I insist upon the regular order.

The SPEAKER. Regular order is demanded.

The Clerk will read the conference report.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that 1 additional hour of debate on the conference report be provided and that the time be equally divided between the gentleman from Minnesota (Mr. QUIE), the ranking minority member, and me.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. CLAY. Mr. Speaker, reserving the right to object, I represent 30 Members of this House who are opposed to the legislation. I think we have a unique position that perhaps might differ from the position of others who are opposed. For that reason, I would like to ascertain or seek from the chairman a statement as to whether he might amend his unanimous-consent request to allow that our positions be adequately articulated on the floor of this House, and I am asking him to amend his unanimous-consent agreement to allow us 30 minutes of the time which I will control.

Mr. PERKINS. Let me say to my distinguished colleague that will be impossible. We already have nine requests for time. We have four members of the committee that are on this conference who have requested time, and we have not been able to give any of them time.

Mr. CLAY. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PUCINSKI. Mr. Speaker, is it in order under the rules of the House to move that an additional hour be afforded for this discussion?

The SPEAKER. It requires unanimous consent.

Mr. PERKINS. Mr. Speaker, let me make another unanimous-consent request. I ask unanimous consent that we try, in order to accommodate many members on the committee and give people representation, that the time be extended for at least an additional 30 minutes to be controlled by myself and the ranking minority Member. If we only get a half hour's time, I do not see where anyone—and toward accommodating the committee—and I have committed myself to the gentleman from Louisiana (Mr. WAGGONNER)—could be recognized for more than 5 minutes, even with an hour and a half.

If we do not get an hour and a half, I do not see how we are going to be able to recognize Members.

The SPEAKER. Is the gentleman making a unanimous-consent request?

Mr. PERKINS. Mr. Speaker, I am making a unanimous-consent request that we have at least one hour and a half.

The SPEAKER. One hour and a half, the time to be equally divided.

Is there objection to the request of the gentleman from Kentucky?

Mr. CLAY. Mr. Speaker, reserving the right to object, I should like to ask the chairman if he can assure us we will be given at least 15 minutes of that time to express our opinion?

Mr. PERKINS. Let me say to my distinguished colleague that that would be impossible. I will assure you that your views will be adequately represented—I would not want to make any commitment beyond that. But unless we have the hour and a half the time is going to have to be cut even below the 5 minutes.

The point I want to make here, is that there were so many members of this conference committee. We have so many Members who want to speak, and so many members on the committee, that they will not be able to speak even with the hour and a half.

Mr. CLAY. Mr. Speaker, reserving the right to object, are you saying, Mr. Chairman, in dispensing the time that you will be fair and equitable and that our point of view will be permitted to be expressed on this floor?

Mr. PERKINS. I am saying that you will have an opportunity to express your point of view on the floor.

Mr. CLAY. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I wonder what special group is being talked about by the Member who is asking for an unusual distribution of time. What group is he talking about?

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I understood the chairman to say that every Member would be protected to the best of his ability, to present his views. This was why I was hopeful we could renew the gentleman's request for 2 hours.

Mr. GROSS. I understood there were 30 Members of this group. I thought we were all one group in the House, but I am advised by the request that there is another and special group among us.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. CLAY. I think your question referred to the statement I made about 30 members whom I represent.

Mr. GROSS. Yes.

Mr. CLAY. For your information, they are the good guys who wear the white hats.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Kentucky yield?

The SPEAKER. The gentleman from Iowa has the time under a reservation of objection.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. Yes; if the gentleman can explain what the good guys in the white hats may mean.

Mr. GERALD R. FORD. I should like to say at the outset, I favor a 2-hour period. I do not understand how we help to alleviate the problem by cutting back to an hour and a half. It seems to me that 2 hours would give more Members an opportunity to explain their views.

I would strongly urge the gentleman from Missouri to withhold his objection. That obviously will give us more time for more people to explain their position on this important occasion.

Mr. GROSS. I will tell the gentleman, that the gentleman from Missouri has withheld an objection to an hour and 30 minutes, but he did not withhold his objection to 2 hours.

Mr. PERKINS. The gentleman objected to 2 hours before I made the other request.

Mr. GROSS. I happen to believe that, as a Member of the minority of the minority of the House, that minority of the minority should have equal consideration if there is to be additional time. We are not necessarily good guys in white hats, green hats, or any other kind of hats. If there is to be distribution of time in this fashion I would like to make an application on the part of the minority of the minority.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I address my remarks now to the chairman of the full committee.

In view of the fact that this is one of the most controversial pieces of legislation so far as conference reports are concerned that have come to this House during this session, I think that the gentleman was wrong in requesting only 2 hours. I think he should have requested 3 hours and given everybody who wants to talk the opportunity to do so. I would sincerely hope he will ask for at least 3 hours to give people an opportunity to express their views.

Mr. PERKINS. Let me say to my distinguished colleague from Pennsylvania that the gentleman from Missouri objected to 2 hours, and then I made a unanimous-consent request for one and a half hours.

Mr. SAYLOR. I realize that, but, in other words, you did not solve the problem that the gentleman from Missouri was seeking to solve, and that is to give his group of Members time or to give all Members of the House time to present their views on this piece of legislation.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. THOMPSON of Georgia. I would like to state that I intend to object to anything less than 2 hours. I think we should have 3 hours, and if we are not going to have at least 2, I object to an hour and a half.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PUCINSKI. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

The SPEAKER. There is nothing pending under which anyone can yield to anyone.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

Mr. THOMPSON of Georgia. Mr. Speaker, reserving the right to object, I object to a one and a half hour time limit for the simple reason that, if we are going to discuss an issue that is one of the most pressing and critical in this Nation, we need at least 3 hours, but I would not object to anything over 2 hours. However, I object to one and a half hours.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield on his reservation?

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. WAGGONNER. To whom does the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would simply like to say to the gentleman from Georgia that in objecting to one and a half hours he has accomplished the same thing that the gentleman from Missouri has accomplished by objecting to 2 hours. He has further restricted the right to talk about this bill on the merits of the conference report.

Mr. THOMPSON of Georgia. One and a half hours does not give us ample time. One hour does not give us ample time.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. THOMPSON of Georgia. I have to object to anything under 2 hours.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. THOMPSON of Georgia. Yes. I yield to the gentleman.

Mr. WAGGONNER. The gentleman will certainly agree one and a half hours is better than an hour; will he not?

Mr. THOMPSON of Georgia. It still does not give adequate time, and we should give adequate time on this matter. I will not object if the chairman would restate his request for anything over 2 hours. I do object to one and a half hours.

The SPEAKER. Objection is heard. The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Is the Clerk now to read the conference report or is he to read the statement of the managers?

The SPEAKER. The Clerk is reading the conference report.

Objection was made to the reading of the statement.

Mr. WAGGONNER. Then I am protected to offer my two points of order at the completion of the reading or dispensing of the reading of the conference report before any consideration or reading of the statement of the managers. Is that correct?

The SPEAKER. The gentleman is correct.

Is the gentleman from Kentucky seeking further recognition?

Mr. PERKINS. Nothing except to oppose a point of order.

I ask unanimous consent that the reading of the statement of the managers be dispensed with.

Mr. WAGGONNER. I object, Mr. Speaker.

The SPEAKER. The gentleman can ask unanimous consent that the reading of the report be dispensed with. Does the gentleman desire to make a unanimous-consent request to that effect?

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Chair will state to the gentleman from Kentucky that the gentleman could ask unanimous consent to dispense with the further reading of the conference report.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that further reading of the conference report be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINTS OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have two points of order against consideration of the conference report which I make and insist upon prior to the reading of the statement of the managers.

The SPEAKER. The gentleman will state his point of order but prior to the gentleman doing so the Chair would ask if the gentleman is going to take up the points of order one at a time or is he going to have them both considered at once.

Mr. WAGGONNER. Mr. Speaker, I can state them one at a time or state both of them but I would prefer to state them one at a time.

The SPEAKER. The Chair would state to the gentleman from Louisiana that the Chair would prefer the gentleman would make both points of order at this time.

PARLIAMENTARY INQUIRIES

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, my parliamentary inquiry is this, if the gen-

tleman from Louisiana states both points of order simultaneously, for consideration simultaneously, is the gentleman hindered in any way if one point of order should have merit and the other not have merit?

The SPEAKER. The Chair will state that the gentleman from Louisiana would not lose his right to have the Chair pass on both points of order.

Mr. WAGGONNER. A further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, it is my understanding then that the Chair will rule on the points of order separately?

The SPEAKER. The Chair will rule on all points of order.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, my parliamentary inquiry is this, will the Chair rule separately on all points of order?

The SPEAKER. The Chair will state that the Chair would like to hear the points of order first.

Mr. WAGGONNER. Mr. Speaker, I prefer to make the points of order separately.

The SPEAKER. The gentleman from Louisiana will state his first point of order.

Mr. WAGGONNER. Mr. Speaker, I make the point of order that the conference report on S. 659 does not comply with the rules and precedents of the House. House Resolution 661, the rule which governed the debate on H.R. 7248 provided in part that a point of order would lie against provisions in that bill that were properly under the jurisdiction of other committees.

Pursuant to this rule a point of order was made by the gentleman from Pennsylvania (Mr. GOODLING) against the language in title XII relative to the creation of land-grant colleges on Guam and the Virgin Islands. The Chair on that occasion sustained the point of order and title XII was stricken. It was later amended with proper language.

On November 4, 1971, the House passed H.R. 7248 and then in the usual manner substituted the language of the House bill for the language of S. 659.

On March 1, 1972, the Senate amended S. 659 with an amendment in the nature of a substitute for the House amendment in the nature of a substitute. Included in the text of this Senate amendment was language designating landgrant colleges on Guam and the Virgin Islands, language, Mr. Speaker, which had been earlier ruled out of order by you in the House.

The conferees have agreed to most of the Senate amendment.

The statement of the managers is as follows:

The conference agreement retains the House provision with respect to endowment grants and the Senate conforming amendments relating to land grant status for such institutions. The Senate amendments are modified so as to provide an annual authorization in the Act equivalent with that provided under the Senate amendments.

Thus, it is clear, Mr. Speaker, that what the conferees did was to agree in conference to matter which had earlier been subject to a valid point of order in the House of Representatives.

Cannon's Precedents at page 136, citation of Speaker Mann of Illinois, February 15, 1921, illustrates the principle at hand here, and I quote:

No part of order lies against a Senate amendment. And the rule has no application in that respect. The only effect of the rule in reference to Senate amendments is that the House conferees unless authorized by the House cannot agree in conference to Senate amendments which would have been subject to points of order in the House.

This is, of course, Mr. Speaker, the clear mandate of rule XXI, clauses 2 and 3.

It is also the clear philosophy of VII, 1571 which held that the Managers on the part of the House may not agree in conference to amendments in violation of clause 2 of rule XXI or to Senate amendments to legislative bills carrying appropriations unless authorized by a vote of the House.

Certainly, Mr. Speaker, to permit the House conferees to agree in conference to a Senate amendment, the language of which has or has been subject to a point of order, does violence to the orderly procedure in the House and I, therefore, make a point of order against section 506 of the conference report on the grounds that it includes specific language against which a point of order by the Chair and acting under the authority of House Resolution 61, the rule governing the original House debate on this legislation.

Mr. Speaker, I submit the point of order should prevail and the only way this conference report coming within the construction of these provisions of the House rules can be brought to this floor is to go to the Committee on Rules and get a rule from the Rules Committee waiving points of order.

Mr. Speaker, I insist upon the point of order.

The SPEAKER. Does the gentleman from Kentucky (Mr. PERKINS) desire to be heard on the point of order?

Mr. PERKINS. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. PERKINS. Mr. Speaker, the precedent to which the distinguished gentleman from Louisiana referred was with reference to a peculiar situation. If the bill to which he had referred had been brought to the floor of the House under an ordinary rule, the point of order would not have been well taken. But it was brought to the House under a unique rule at that time.

Mr. Speaker, a point of order has been raised against section 506 of the conference report, conferring land-grant status on the College of the Virgin Islands and the University of Guam, as being in violation of the rules of the House of Representatives. This point of order should not be sustained.

The House amendment authorized a lump sum appropriation of $3 million for each institution, plus an annual appropriation of $450,000 for each for general operating expenses in lieu of land-grant status for the institution.

The Senate amendment provided for endowments and payment of operating expenses, but in slightly different form. Land-grant status was conferred on the two institutions, with a cash endowment in lieu of the receipts from the sale of land scrip, plus conforming amendments to other related legislation which is related to land-grant status.

The issue before the conferees, therefore, was not whether aid should be extended to the College of the Virgin Islands and the University of Guam, but only the form such aid should take.

The conferees adopted the Senate approach of conferring land-grant status on the two institutions instead of assistance in lieu of landgrant status, but limited the amount of the endowment payment to the House figure of $3 million. The Senate conforming amendments were modified to assure that the colleges' payments for general operating expenses did not exceed the amounts they would have received if they were located within the United States.

The provision reported by the conferees, therefore, represents a compromise between the provisions of both bills committed to conference. It certainly remains well within the scope of the issues presented to the conferees. That rule to which the distinguished gentleman from Louisiana referred applied only to the consideration of the bill during the House debate.

Mr. Speaker, the point of order should not be sustained.

It was a special and unique rule governing that debate only. It cannot be relied upon now. Again, I repeat, if the bill had been brought to the House under an ordinary rule instead of a special and unique rule at the time, the precedent to which the gentleman has referred would be of no avail.

The SPEAKER. Does the gentleman from Minnesota desire to be heard?

Mr. QUIE. Yes, Mr. Speaker, I would like to speak in opposition to the point of order.

Mr. Speaker, adding to what the gentleman from Kentucky has said—and I think the gentleman from Kentucky summed up the opposition to the point of order in a very excellent manner—I should like to read that portion of the rule that applied when the point of order was made on November 4, 1971. That part of the rule is as follows:

And further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248.

We have gone by that position. We have S. 659 before us, which has been agreed to in the conference report. We had in the bill H.R. 7248, when we sent it to the other body, the $3 million for the institutions of higher education, but we did not make them land-grant colleges. Since they were already set up in

that way, the House accepted that portion of the Senate language which is within our jurisdiction, and under the rules, it seems to me, we have only the question of germaneness and cannot raise the rule under which we operated when H.R. 7248 was considered in the House.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Minnesota says that the point of order should have been made during the consideration, and properly stated, of H.R. 7248. The point I make is exactly this: A point of order was made and was sustained during the consideration of H.R. 7248. The question is not whether or not there is an appropriation. The question still is whether or not this committee, having already been ruled against on a point of order during consideration of H.R. 7248, can now, by another device, bring back in this conference report legislation which designates these two institutions in Guam and the Virgin Islands as land-grant institutions. I submit that they cannot, except to follow the rules of the House, and that is now, inasmuch as the Senate amendment is not germane and the point of order has already been ruled on here in the House of Representatives, to obtain a rule from the House Committee on Rules waiving points of order.

The SPEAKER. The Chair is ready to rule. The gentleman from Louisiana makes a point of order that the conference report violates the rules and precedents of the House. Since the conference report on the bill S. 659 was filed some 2 weeks ago, the Chair has carefully scrutinized the agreements that were reached in conference to be sure that the managers have not violated the rules of the House with respect to conference reports. Obviously where, as here, the House amendment in the nature of a substitute and a Senate substitute therefor are both extensive and comprehensive legislative proposals, the task of writing a conference compromise is a difficult and painstaking task.

Several of the managers on the part of the House conferred with the Chair during the conference deliberations and stressed to the Chair that at every stage of their negotiations particular attention was being given to the rules governing conference procedure and the authority of the conferees.

Whenever a possible compromise infringed or even raised a question of the infringement of the rules of the House, the Chair was informed that the managers on the part of the House resolved that matter so there was no conflict with the provisions of rules XX or XXVIII.

The matter to which the gentleman from Louisiana referred was contained in title XI of the House amendment to the Senate bill. The Chair has examined the parts of the conference report to which the point of order is directed and the relevant portions of the statement of the managers. The Chair is satisfied that the managers have conformed to the rules of the House, and therefore overrules the point of order.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have another point of order.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, I make a point of order against section 704(a), the appropriation section of the emergency school-aid title of the conference report, report No. 92–1085.

I respectfully make the point of order, Mr. Speaker, that the conference committee has exceeded its authority. Section 1803(a) of the House-passed bill dealing with appropriations for emergency school aid authorized $1,500,000,000 for the next 2 fiscal years. In the Senate bill, in section 704(a) the Senate proposed the same amount of money, $1,500,000,000 for the first 2 fiscal years for emergency school aid.

Now, Mr. Speaker, as we know, section 3263, volume 8, of Cannon's Precedents of the House of Representatives states:

Conferees may not go beyond the limits of the disagreements confided to them, and where the differences involve numbers, conferees are limited to the range between the highest figure proposed by one House and the lowest proposed by the other.

Each House, Mr. Speaker, dealing with this very specific subject, came to a very clear dollar figure for this authorization, $1,500,000,000. It is apparent, Mr. Speaker, that the conferees disregarded this. The conferees proposed an authorization for the first 2 years for emergency school aid of $2 billion, a half-billion dollars higher than proposed by either House of the Congress.

Notwithstanding the latitude allowed by general amendments, Mr. Speaker, I trust that no reasonable mind would carry that to encompass so clear an expression of the will of the two Houses as this specific dollar amount, and I trust that the Chair will agree that the conferees have in this instance exceeded the authority confided to them and will sustain the point of order.

The SPEAKER. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. PERKINS. Yes, Mr. Speaker.

The House amendment authorized the appropriations for the emergency school aid provisions of $500 million for fiscal year 1972, and $1 billion for the fiscal year 1973.

In contrast, the Senate amendment authorized $500 million for fiscal year 1973, and $1 billion for the fiscal year 1974.

The conference report authorizes the House amount for the fiscal year 1973, and the Senate amount for the fiscal year 1974.

The Precedents of the House are clear. The test is the total authorized amount in any single year, not the cumulative total. Therefore, the conference report does not violate the House Rules, and the point of order should be overruled.

Mr. WAGGONNER. Mr. Speaker, I desire to speak further to the point of order.

Mr. Speaker, section 3263, volume 8 of the Precedents of the House states again—and I want Members to listen—clearly:

Conferees may not go beyond the limits of the disagreements confided to them, and where the differences involve numbers, conferees are limited to the range—

Mr. Speaker, "to the range"—

between the highest figure proposed by one House and the lowest proposed by the other.

Mr. Speaker, the Precedents of the House do not speak to the fiscal year allocations. The Precedents of the House and the Rules of the House speak to the limitations and to the range between the highest and the lowest figure proposed by one House or the other. I submit the conferees have violated the Rules of the House, because they have not limited their actions to the range.

They have considered in their actions fiscal year appropriations and not limitations of the respective bills which went to the conference.

The SPEAKER. The Chair is prepared to rule.

The Chair has referred to that portion of the statement of the managers which explains the language in the conference report to which the point of order is directed. It seems to the Chair that the language in the statement goes directly to the point at issue.

The House amendment authorized appropriations of $500 million for fiscal year 1972 and $1 billion for fiscal year 1973.

The Senate amendment authorized $500 million for the period beginning with enactment and ending June 30, 1973, and $1 billion for fiscal year 1974.

The conference substitute contains the House provision for fiscal year 1973 and the Senate provisions for fiscal year 1974.

The Chair will point out that neither the House nor the Senate provisions dealing with emergency school aid set an overall limit on authorizations. Both dealt with specific fiscal years. The conference in this situation had the authority to consider the differences between the two Houses with respect to each of the fiscal years 1972, 1973, and 1974, and to compromise their differences on a year-by-year basis. This they have done.

The Chair holds that the conferees have not exceeded their authority, and overrules the point of order.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, do I understand correctly the Chair rules that the conferees have not exceeded the limitations on authorizations contained in either the House or the Senate bills?

Mr. Speaker, I hold here in my hand the House-passed bill and the Senate-passed bill.

Appropriations in the House-passed bill, section 1803(a):

There are authorized to be appropriated for carrying out this title not in excess of $500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $1,000,000,000 for the succeeding fiscal year.

I submit that is a very severe and precise limitation.

And on page 288 of the Senate-passed bill, section 704 (a):

The Commission shall, in accordance with the provisions of this title, carry out a program designed to achieve the purposes set forth in section 73(b). There are authorized to be appropriated to the Com-

missioner, for the purpose of carrying out this title, $500,000,000 for the period beginning with the enactment of this title and ending June 30, 1973, and $1,000,000,000 for the fiscal year ending June 30, 1974.

Mr. Speaker, I submit they are very precise and exactly duplicating authorization limitations.

The SPEAKER. The Chair passed upon the specific question the gentleman has raised in his parliamentary inquiry, and overruled the point of order; and the Chair reaffirms his previous ruling.

The Clerk will read the statement.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have another point of order.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, this point of order is quite simple. On two occasions the House of Representatives has by overwhelming votes instructed and given a mandate to the conferees from the House of Representatives on this particular legislation. I submit without any further explanation that they have violated the instructions of the House of Representatives, and therefore have violated, Mr. Speaker, the rules of the House of Representatives.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Is it not the fact that it is stated in Jefferson's Manual when the rules of instructions are exceeded by the managers on the part of this body that the remedy lies in returning to the body for instruction, and thus another violation, as clearly set forth in the report, has been approved?

Mr. WAGGONNER. The gentleman is exactly right.

The SPEAKER. The Chair is ready to rule.

The gentleman from Louisiana (Mr. WAGGONNER) makes a point of order against the conference report on the bill S. 659 on the ground that the managers on the part of the House have not adhered to the instructions imposed upon them by the House on March 8, 1972, and again on May 11, 1972.

The Chair has examined the precedents on this question and they consistently indicate, although conferees disregard the instructions of the House, the Speaker cannot for that reason rule the conference report out of order. The Chair would suggest that the gentleman examine Hinds Precedents, volume V, 6395 and Cannons Precedents volume VIII, 3246.

For this reason, the Chair overrules the point of order.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Do not the rules of the House of Representatives provide that when the House has given instructions to its conferees on any legislative proposal, if they cannot comply with those instructions, they are required to come back to the House of Representatives for further instruction?

The SPEAKER. The Chair knows of no rule that makes such provision.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Missouri just read that particular rule.

The SPEAKER. The Chair has read the rule.

The Clerk will read the statement.

The Clerk read the statement of the managers.

(For statement see proceedings of the House of May 23, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. QUIE. Mr. Speaker, I would like to renew a unanimous-consent request.

I ask unanimous consent that the House take an additional half hour to consider the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. CLAY. Mr. Speaker, I object.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Oregon (Mrs. GREEN), the chairman of the subcommittee.

Mrs. GREEN of Oregon. Mr. Speaker, I regret very much that the chairman will only allow the opposition 4 minutes to state the reasons for opposition to many of the varied, complex, and detailed parts of this legislation, so I hope my colleagues will forgive me if I seem to be using shorthand in my speech. I will ask to include telegrams and other materials—but will try to summarize now in the allotted 4 minutes to discuss a $20 billion bill affecting the lives of millions of people in the next several years.

Mr. Speaker, in the 18 years I have been in the House I do not recall any time when I have actively participated in an effort to defeat a conference report. I fully realize that it is most difficult to defeat a bill in its final stages when it comes back from conference. It is only because of overwhelming reasons that I do so today.

As you know, I was the author of the higher education legislation and I now find myself in the most regrettable position of opposing the legislation I originally cosponsored with several others of my colleagues. This House on November 4 voted 332 to 38 in favor of the higher education bill. In the conference drastic changes were made in several respects. The debate should not center exclusively around the busing issue.

These are educational decisions of major importance. A vote against the conference report today cannot be construed by anyone as a vote against higher education. In my State of Oregon the president of every private college in the State wrote to me expressing his opposition. Presidents of State tax-supported institutions have also advised me they think it is a bad bill and that a 1-year extension of existing programs would be far preferable.

Literally hundreds of college and university presidents have written, phoned, and wired urging me to oppose the conference report. As college presidents they certainly are arguing for—I say "for"—the future of higher education when they say that no bill or a 1-year extension would be preferable to the conference report.

I do not argue that all of higher education is opposed. I do suggest they are terribly divided and that hundreds do outright oppose the conference bill; other hundreds are sitting on their hands; and some—but not all—of the community colleges are supporting the legislation. At the conclusion of my remarks I am going to include the article "A Moratorium on Community Colleges."

Glen Olds, the president of Kent State University, in supporting the legislation, even wrote:

The serious limitations of the bill are: Absurd provisions regarding veterans; failure to respond to middle income group; there is presumption of empty promises reminiscent of International Ed Act of ignoble fame; false formula for interpreting institutional support.

Mr. Speaker, if a sizable segment of higher education is opposed to a bill written for their special benefit, then we ought to examine the legislation and ask why. Terry Sanford, the former Governor of North Carolina, the president of Duke University and president of the National Council of Independent Colleges, put it very succinctly:

I am opposed as a matter of principle to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign.

I happen to believe that nothing is much better than many courses of action. I do think we should be firm in insisting that Congress not start false courses that cannot later be corrected.

Yesterday I placed his entire statement in the CONGRESSIONAL RECORD. I urge your consideration of his views. Mr. Speaker, in my judgment we are starting false courses and we are making false promises that we will never keep. The first false promise appears in the student financial aid section on page 14 of the conference report in section 411(a).

We state that every student who has been accepted for enrollment shall be entitled to $1,400 a year minus the family contribution. With the 18-year-old vote and new court decisions on residency requirements, and with the trend toward emancipation of more and more 18-, 19-, and 20-year-olds, we invite youngsters to set up separate residences because parents will be willing and anxious to cooperate if by the new emancipation of their children they are relieved of the financial responsibility of helping to pay for higher education. This is accented, if by our action today the Federal Government says it will pick up the tab.

It is estimated that the so-called Pell grants or this "entitlement theory" may cost close to $1 billion the first year if we fully fund the promises we have made today. The sum may be astronomical later. But, Mr. Speaker, this is just the beginning. Before Congress could appropriate any funds for the so-called Pell grants, Congress would have to appropriate under the conference report language $653 million for educational opportunity grants, work-study, and NDEA loans. Only then could Congress appropriate funds under the so-called entitlement formula.

I do not happen to believe that this Congress or succeeding Congresses in the next several years will increase student financial aid appropriations to well over a billion dollars. In the authorization legislation today a favorable vote says Congress is making that promise. Later on, after studying other budget demands, the funds will not be there and students will have a perfect right to say this is another promise that Congress never intended to keep.

Furthermore, Mr. Speaker, I do not happen to believe that every student attending an institution of higher education is "entitled" as a matter of right to $1,400 of other taxpayers' money. I think any student financial aid supplied by the Federal Government should depend on the academic achievement and the motivation of the student. There are many, many Members in this Chamber who worked their entire way through college and did not have a dime of Federal financial assistance. Those of you who watched the CBS documentary 2 or 3 weeks ago, "Higher Education—Who Needs It?"—know that we have a surplus of Ph. D.'s and many thousands of college graduates who cannot find a job. To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.

In the existing programs—educational opportunity grants, work-study and NDEA subsidized loans and guaranteed student loans, we have never embarked on the theory that every student is "entitled" to this financial assistance. The various proposals have been designed so that the very able, highly motivated student would not be denied the opportunity to attend college because of the status of the family pocketbook. This concept I support wholeheartedly.

However, originally these programs were designed so that the student financial aid officer would make the decision based on the student's academic achievement and his motivation and his financial need and that of the family. Not a single one of the four programs was originally passed on the theory that any and all enrolled students are "entitled" to the money. Furthermore, Mr. Speaker, if EOA, work-study, and NDEA were fully funded, there would be no need for a new program. They would be very adequate for the needs of all students.

In the dozens of letters and telegrams which I placed in the RECORD yesterday, over and over we find education leaders saying that there are too many students already in college. In a GAO audit made 2 years ago, the level of academic achievement for the special class of students at one college was fifth grade. I am advised that at CUNY, compensatory education is provided at the fourth- and fifth-grade level. Is this the role of the university—to provide classes at the elementary and secondary level in order to prepare the youngsters to go to the university? I do not happen to believe that we serve the individuals or the Nation by following a policy that has as its purpose to try to persuade colleges to take students unprepared for college.

Bob Clark, former president of San Jose, and now president of the University of Oregon, stated it this way:

To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has over sold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

The Department of Labor has done a detailed study of the manpower needs in the 1970's. The Department concludes that fewer than 20 percent of the jobs in the decade of the 1970's will require the equivalency of a bachelor's degree.

In the conference committee sessions a proponent of the "entitlement" theory argued that he wanted to force the college or university to pay more attention to the disadvantaged student. Does this Congress really want to pass class legislation and continue a policy which makes it more and more difficult for the middle income student and ignore their needs while we place all the emphasis on the disadvantaged and urge them to enroll at the college whether or not they do college work?

Mr. Speaker, in the original legislation I would never have argued for Federal funds for institutional support had I not been persuaded that many of our private colleges and universities are really facing a financial crisis of major proportions. The bill which the House passed was designed to give across-the-board support to all institutions of higher education with a weighted factor for the small college. As a compromise we accepted a provision that one-third of the institutional aid would be a cost-of-education allowance tied to the dollar volume amount of EOG, work-study, and NDEA funds at that institution. The conference report changed the 33⅓ percent to 90 percent so that no undergraduate 4-year institution will receive any institutional aid except that which is tied directly to the funds for needy students. Forty-five percent on EOG, work-study and NDEA and 45 percent on Pell grants. In my judgment, Mr. Speaker, this misses the point because higher education is for all students enrolled and not just for needy students. Institutional aid should never be based on a particular socioeconomic class. As Terry Sanford, the president of Duke University, wrote: "The 4-year college, the most in need, gets very little from this bill unless it changes its function and starts recruiting a special class of student."

The proponents have sent out notices that the private colleges with 26 percent of the students would receive 30 percent of the funds. Where they get these figures is a mystery but at a minimum they must be depending on the 45 percent of the distribution formula of institutional aid based on the Pell grants which, in my judgment, will never be appropriated. As I said previously, no Pell grants can be funded until $653 million is appropriated for EOG, work-study and NDEA. And then, the 45 percent of the institutional aid cannot be funded until $450 million is appropriated for the so-called Pell grants based on the entitlement theory.

So the proponents in promising institutional aid are again holding out false hopes. This money will not be forthcoming for institutional aid because Congress will not be appropriating well over a billion dollars for student aid. It also seems wrong to me to say to the private colleges whose financial crisis is the greatest that you will only get help as you are willing to fit into the mold that the conference committee designed—aid based on the number of disadvantaged students you are willing to take. The National Association of Jesuit Colleges has opposed this conference report. The letter follows:

ASSOCIATION OF JESUIT COLLEGES AND UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE,

The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill, S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

Rev. JOHN A. FITTERER, S.J.
Mr. JOSEPH KANE.

As I said previously, the president of every private college in my State of Oregon opposes the conference bill. Today I received a telegram from Don Patterson, executive director in the State of Washington for the Friends of Higher Education. Their telegram reads as follows:

KENT, WASH., *June 7, 1972.*

Hon. EDITH GREEN,
Washington, D.C.:

We want there to be no misunderstanding about the position of the private higher institutions who are members of Washington Friends of Higher Education. That we

are absolutely in opposition and you can be assured that we are on record as opposing S. 659. By all means we urge its defeat. We assure you that we are supporting you 100 percent and that we are using Dr. Terry Sanford's statement of principle.

DON S. PATTERSON,
Executive Director, Washington Friends of Higher Education.

Father Reinert in Missouri and the author of the book "To Stem the Tide" is opposed to this legislation. Also, I place at this point in the RECORD the telegrams from the executive director of Independent Colleges in Missouri and Texas. Also, the telegram from Sister Margaret Claydon, president of Trinity College in Washington; Landrum R. Bolling, president of Earlham College in Indiana; Bernard L. Boutin, president of St. Michael College in Vermont; and Michael P. Walsh, president of Fordham University in New York. These people together with Terry Sanford of Duke and Jim Sullivan of Oregon all serve on the national board of the Independent Colleges. They are all opposed to the legislation. Also, Mr. Speaker, today I received a telegram from the chairman of the board of trustees of Urbana College and a telegram from the dean of faculty affairs at Urbana. They add their names to the long list of college presidents opposed to this legislation:

ST. LOUIS, MO., *June 8, 1972.*

HON. EDITH GREEN,
Washington, D.C.:

Am not expressing a consensus of membership attitudes confusion however general agreement a member college presidents seems to be that a compromise bill does not accomplish what the original House bill was designed to do. My personal feeling is that support for S. 659 is a disastrous step in the wrong direction.

CHARLES V. GALLAGHER,
Executive, Independent Colleges.

SHERMAN, TEX., *June 7, 1972.*

HON. EDITH GREEN,
Washington, D.C.:

Apart from the busing issue, I personally do not think the conference report on the higher education bill is on balance desirable legislation.

JOHN D. MOSLEY,
President, Austin College.

BRONX, N.Y.,
June 7, 1972.

Representative EDITH GREEN,
Chairman, Higher Education Subcommittee, Washington, D.C.:

I am strongly opposed to the conference bill. I endorse your views.

MICHAEL P. WALSH,
S. J. President, Fordham University.

URBANA, OHIO,
June 7, 1972.

HON. EDITH GREEN,
Washington, D.C.:

Re higher education bill pending floor vote on June 8, 1972. Bill not realistic. Has not really given thought to the effect on small private colleges. Better to rewrite next year. Will effect the mix of students at Urbana College. Continuing resolution better for next 12 months after election. Less emotionalism.

CHARLES F. JOHNSON,
Chairman, Executive Committee, Urbana College, Board of Trustees, President, Johnson Manufacturing Co.

URBANA, OHIO.

HON. EDITH GREEN,
Washington, D.C.:

Copy of telegram sent to Clarence J. Brown: after careful examination of the present education bill, which is up for vote by the House, June 8th, 1972, we at Urbana College strongly urge that you, as our representative, cast a no vote. Among other important consideration, this bill, if passed, will first; drastically affect the balance now existing between our lower and middle income students, and, secondly; due to the plethora of appended provisions, if not funded fully (which is likely), our institution, as well as others, stands the real risk of losing a good share of our present aid again, in the name of president Zenner, who is now on vacation, and the institution at large, please vote no to the Pell bill. Thank you.

THOMAS E. BELLAVANCE,
Dean of Faculty Affairs, Urbana College.

WASHINGTON, D.C.,
June 7, 1972.

Representative EDITH GREEN,
Washington, D.C.:

I support your position in opposition to the pending higher education bill. Does not help small private colleges. Thank you for whatever you can do.

Sister MARGARET CLAYDON,
President, Trinity College.

RICHMOND, IND.,
June 8, 1972.

HON. EDITH GREEN,
Washington, D.C.:

Despite numerous good features in higher education bill now before Congress, it fails to deal with certain central problems in higher education while creating an illusion of providing a comprehensive solution. Moreover, it perpetuates and worsens some glaring inequities in financing of higher education. I urge the rejection of this bill in favor of a continuation of present programs more adequately funded and a renewed effort next year to develop a better, more comprehensive omnibus bill.

LANDRUM R. BOLLING,
President, Earlham College.

WINOOSKI, VT.,
June 7, 1972.

HON. EDITH GREEN,
Washington, D.C.:

I am very disappointed with S. 659, particularly with provisions for institutional aid for higher education. I hope you will vote no.

BERNARD L. BOUTIN,
President, St. Michael College.

Mr. Speaker, this conference bill will help private colleges very little if at all. In the House-passed bill last November, 66⅔ percent of the institutional aid would go to all institutions on a per capita basis. The conference report comes back providing that only 10 percent of the funds will be distributed on a per capita basis and all of that 10 percent will go to graduate schools and none of it to undergraduate 4-year institutions. Mr. Speaker, fewer than 100 universities, making up only 5 percent of the total, now receive 69 percent of all Federal funds. MIT and Harvard are Nos. 1 and 2 on that list with MIT receiving $97.6 million and Harvard $69.6 million, according to the latest figures available published in 1969. The University of Michigan is next with $61.4 million. In the name of equity and fairness why should we now reserve 10 percent of the unrestricted institutional aid for only graduate schools? Studies show that in the 4-year undergraduate private colleges over 350 will probably close their doors by 1980 because of the financial crisis. I do not think it is in the national interest to let this happen. The strength of higher education is in the dual system, the public colleges and the private colleges, and especially in these days we find certain moral values present in private colleges that are too often absent in public universities.

Now, Mr. Speaker, let me go to the busing provision. Title VIII in my judgment provides only the illusion of relief from busing but would aggravate the busing problems; it would aggravate by providing new grounds for court activity and specifically this bill provides funds definitely for busing. It is a busing bill.

The conference committee introduced in section 802 the Ashbrook amendment the proviso "except on the express written voluntary authority of the appropriate local school officials" which takes all meaning out of the prohibition of the use of funds for busing.

The conference committee introduced in section 802(b) an amendment which added the words "unless constitutionally required an administrative or judicial determination," which renders meaningless the prohibition of Federal activity, encouraging local agencies to bus upon a constitutional determination, administrative as well as judicial that the local agency should bus.

The conference committee introduced into section 803 the limitation:

This section shall expire at midnight on January 31, 1974.

The fact is that imposes a time limitation on the term of relief. It converts a congressional recognition of the general difficulties that school districts face in accommodating to court orders into a short-term relief measure. Under unanimous consent, I include at this point a very careful analysis done by the legal counsel of the subcommittee. I ask also to include at this point another analysis done by a lawyer who also has the respect of his colleagues:

ANALYSIS OF S. 659 IN REGARD TO BUSING

(By Harry J. Hogan, legal counsel, Special Subcommittee on Education)

S.659 is a pro-busing Bill.

Title VIII provides only the illusion of relief. Not only does it not provide the substance, but it will have two negative effects: (1) To provide increased occasion for litigation of school issues; and (2) in specific instances to provide federal support for busing.

Section 802(a) (Ashbrook Amendment) prohibits use of funds for racial imbalance busing and racial desegregation busing, except on the "voluntary" request of local school officials. The request for federal funds of a school official under a court order to bus students, would qualify as a "voluntary request." The net effect is to authorize federal money for busing—a real result which is not only new law but is also precisely opposite to that apparently intended.

Section 802(b) adds two provisions apparently prohibiting busing: one prohibits use of funds for busing where time or distance risks health of the children or significantly impinges on the educational process. This provision merely expresses standards laid down by the Supreme Court in the *Swann* case. It appears to add something and in reality does not.

The other provision prohibits use of funds for busing "where educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin." The provision is apparently designed to prevent use of funds for busing students, now in good schools, to poorer schools. Actually, successful defense under this provision against a busing order must prove one school to be inferior and in doing so will probably prove discrimination, thereby introducing the Constitutional issue on which the busing to the inferior school can then be ordered. In addition, to the extent that the funds are used to bus students to their present school, the provision will provide students a new Congressionally enacted statutory ground, in addition to the Constitutional one, for requesting transfer to a better school to which they might be assigned under any non-discriminatory system. Certainly this provision can provide grounds for endless court interference in the drawing and redrawing of school boundaries.

Section 802(b) is nullified by the introduction of the proviso "unless Constitutionally required." The decision regarding Constitutionality can be made administratively as well as judicially. Once made, the prohibitory language is meaningless.

It can also be argued that the proviso does more than make the subsection meaningless. It may provide a negative inference that, upon finding that a purpose is Constitutionally required, the federal agent *must* provide federal funds to accomplish it and *must* require the local or state agency to do the same. The net effect would be to accomplish in reality the precise opposite to the result apparently intended.

Section 803, (Broomfield Amendment) staying court busing orders pending appeal, offers only illusory help. Appeal times are typically short. The addition of the sentence terminating the section on January 1, 1974 gives the provision itself only a short life. In addition, Section 803 may be interpreted to have effects now hardly realized. The use of the word "balance" instead of "desegregation" may be interpreted to imply a Congressional intent to provide statutory authority, now lacking, for treatment of racial imbalance situations. Similarly the use of the words "socio-economic status" may be interpreted to imply Congressional approval of court orders of busing which treat "socio-economic status" as offering the same possibilities of discrimination as exist in regard to race, sex, and religion. So interpreted section 803 would fortify court efforts to cross school district lines in order to reach suburban schools.

Title VIII, (Emergency School Aid) among other things, would be affirmatively a busing program except for the anti-busing provisions of Title VIII.

Section 709(a)(2) authorizes HEW grants to local educational agencies to develop plans "to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 percentum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area."

Section 708(a)(2) authorizes HEW to make grants "for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title . . ."

Section 702 states the purpose of the Title to be the elimination of minority group segregation and discrimination. Section 720(6) defines an "integrated" school as one "with an enrollment in which a substantial proportion of the children is from educationally advantaged background, and in which the Assistant Secretary determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 65 per centum thereof . . ."

Under section 709(a)(2) no grant may be made unless ⅔ of the local educational agencies in the Area have approved the application, and the number of students in the agencies which approve the application constitutes ⅔ of the students in the schools of all the agencies in the Area. The fact that this provision allows/local option (except for the outvoted one-third) does not detract from the Congressional endorsement of plans "to reduce and eliminate minority group isolation." Such plans must involve transportation of students. If transportation is made difficult or impossible by Title VIII provisions, then achieving the purpose of Title VII is correspondingly made difficult or impossible. To the extent that Title VIII provisions are meaningless, then the purpose of Title VII can be achieved by transportation of students, i.e., "busing."

Mr. Speaker, the second analysis follows:

The antibusing amendments adopted by the the higher education conference are illusory; that is, they sound like they provide relief and set national standards but an analysis of their application and effect clearly indicates that they do not.

Section 802(a), where the conference adopted the substance of the Scott-Mansfield version of the Ashbrook amendment—the only significant exception is the adding of the word "voluntary" between the words "written" and "request"—appears to set a new standard, but in fact does not—it just creates a new mess in school desegregation cases. The Congress provides two exceptions for transportation money; namely, the time, distance, and health limitations set forth in the Swann case, and second, an "inferior school" exception. Thus, Congress has made the first standard no more clear than it is today, but has gone on and muddied the waters considerably by putting local school districts and the Government in the impossible position of trying to compare educational opportunities in the context of hypothetical assignments for a student" who would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin." There is no helpful legislative history whatsoever as to the meaning of this provision.

Section 802(b) is again illusory. Because of the proviso "unless constitutionally required," it would not appear that section 802(b) will in any way affect current HEW title VI enforcement standards except to the extent that the Office of Civil Rights will be involved in the same "inferior school" morass that exists in 802(a).

Section 803—the Broomfield amendment—appears to do a great deal, but in fact its practical application in the courts will result in little, if any, relief. Although the record is clouded, it seems perfectly clear that the Broomfield amendment is intended to apply to cases like Nashville, which is currently on appeal, having already implemented a plan. The biggest fallacy with the Broomfield amendment is that, aside from the few consolidation cases, standard pupil assignment school desegregation cases are handled on an expedited basis and appeals are exhausted very quickly. Therefore, once the lower district court orders a massive school busing plan, staying the implementation of that plan until all appeals are exhausted sounds like it will take considerable time—in fact, however, in most cases it does not. A further complication arises over the "balance" issue in that it seems clear that the Senate understanding of that word was that it was used as a code word for desegregation, despite the obvious difficulty in having the Broomfield language bear that freight. If the "balance" language were only thought applicable to de facto situations, the entire debate and controversy in the Congress over the Broomfield amendment would have to be regarded as without practical substance or meaning, an exercise in much ado about nothing.

On balance, it would appear that the Congress has reached the worst of both possible worlds. It has tried to give the appearance of setting new standards as called for by the President in his substantive legislation proposals, but it has failed. Second, it has attempted to create the pretense of establishing a moratorium on busing, and it clearly has not.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mrs. GREEN of Oregon. Mr. Speaker, I would ask for 3 additional minutes.

Mr. PERKINS. Mr. Speaker, I regret to say that the time is not available but I understand the gentleman from Louisiana wishes to yield his time to the gentlewoman and I yield for the time of the gentleman from Louisiana which we previously agreed on of 3½ minutes.

Mr. WAGGONNER. Mr. Speaker, let me say simply this, that we are not trying to do away with the higher education proposals if we vote this conference report down, we will have a preferential motion to insure that we do have an education bill.

I now yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, that is correct, if the conference report is voted down a preferential motion will be immediately offered which would provide, first, the continuation of all existing higher educational programs at the 1972 level of funding; and, second, it would add title X of the conference report which is the vocational and technical education and the community college section of the bill. It is my judgment we ought to be putting more emphasis on vocational and technical education, not just trying to offer financial incentives so more and more students would enroll in 4 years institutions; the third item would include the three busing amendments as originally passed in this House last November and which were reported by almost a 2-to-1 majority, and twice again approved on motions to instructions by a 2-to-1 majority.

Mr. Speaker, one part of this bill that would be eliminated if the conference report is voted down is the $100 million set aside for the Commissioner of Education to draw up a plan for a metropolitan school district.

Let me repeat, in the preferential motion, we would not have the metropolitan school district which is in the conference report.

If you read the conference report carefully on pages 135–136 there is a provision for 5 percent of $2 billion—$100 million—for the Commissioner of Educa-

tion to draw up this plan for a metropolitan school district. Grants will also be made for educational parks.

If this conference report is voted on today and approved, this Congress would be putting its stamp of approval on a metropolitan school district such as the court ordered in Detroit, Richmond, and possibly in other places where there are metropolitan school district suits at the present time. What would be the impact in Detroit, Boston, Indianapolis, Hartford, Conn., Wilmington, Del., Grand Rapids—other places where suits may be brought?

Mr. Speaker, does this Congress that voted against busing want to vote for metropolitan school districts that could not operate unless there was busing?

Do we want to give a few judges the right and the authority to establish metropolitan school districts. The Fourth Circuit Court of Appeals reversed the lower court judge on the basis he exceeded his authority in establishing a metropolitan school district. Does Congress now want to bestow that authority by congressional action? If so, what impact will it have on future decisions on future appeals that are made?

A vote for this bill is a vote for the metropolitan school districts and a vote for this bill is a vote for busing—busing that we have never had in any other education bill.

Furthermore, a vote for this conference report is a vote to give the Office of Education $685 million more for educational research, educational reform, educational innovation. At the present time the Office of Education has 50,000 live contracts and grants that require some degree of monitoring? The General Accounting Office has said the Research Department is absolute chaos and confusion.

Do we want to vote $685 million more for additional contracts and grants that cannot—that will not be adequately monitored. There is no attempt to evaluate the results of the 50,000 contracts and grants now in effect. Hundreds of millions of dollars have been wasted in OEO and HEW contracting procedures. Why now provide $685 million more?

Would it not be better to let the research, reform, and innovation come from the institutions of higher education and from the States?

To summarize, Mr. Speaker, I cannot vote for this conference report because it is class legislation—with almost exclusive emphasis on the disadvantaged student—to the neglect of sons and daughters of middle-income families.

I cannot vote for this conference report because it abandons the House position of across-the-board institutional aid and the result, as I see it, will be to accelerate the pace at which private colleges will have to close their doors.

I cannot vote for this conference report because it promises 45 percent of the institutional aid tied to the Pell grants; this is a false promise because I do not believe Congress will appropriate over $1 billion in student aid—a prerequisite for this 45 percent of the institutional aid.

I cannot vote for this conference report because we use economic persuasion to try to force universities and colleges to change their function—to try to force a college into a mold which would be detrimental to other students who are just as worthy of a college education as the more needy. I cannot vote for the conference report because I do not think it wise for Congress to appropriate $100 million for a metropolitan school district. In desegregation plans—are we so sure this is good sound educational policy? Will your constituents endorse this approach with its inevitable busing across school district lines?

And finally, Mr. Speaker, I cannot vote for the conference report because the instructions of the House were not followed. This is a probusing bill.

Mr. WAGGONNER. Mr. Speaker, I urge in the interest of education that we vote the conference report down.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I think it is absolutely imperative for every mind in this House that is open and has not already decided what it is going to do, that it see this issue in perspective.

You realize that we have here a bill that has had four subcommittees of the House Committee on Education and Labor involved with it. This matter has gone on for more than 3 years, with 84 days of hearings, and there are more than 6,900 pages of testimony.

There have been literally thousands of hours of effort by dozens of Members of this House and there have been 9 weeks of conference. The House bill consists of 282 pages and the Senate bill consists of 247 pages.

There are more than 400 points of difference that have been acted upon. On about one-third of them, the House receded. The Senate receded on about one-third of them, and there was a compromise on about one-third of them.

The bill passed this House substantively in the same form by a vote of 332 to 8 last November.

There are certain points in this bill—isolated points—that have attracted the most attention.

I wish I had time to reply to my friend and colleague who argued before me in this well, that we do not have an additional $1,400 for student aid over the present program. We establish a basic program under this bill.

There is vitally needed institutional aid—and the highest percentage of aid goes to the private institutions.

This bill would bring to higher education critically important increased stability, with 3 full years provided, a stability that is absolutely imperative if we are to have any higher education.

We have here significant changes in some 19 other programs besides the nine that are involved in new programs.

We have community service and continuing education, college library programs, aid to developing institutions, student assistance, insured student loans, college work study, cooperative education, education professions development, academic facilities, networks for knowledge, graduate programs and fellowships, aid to community colleges, occupational education, law school clinical experience programs, postsecondary education commission, and comprehensive planning, vocational education, Indian education, prohibition of sex discrimination, consumer education, and on and on and on.

We have a statement from the Governors Conference approving it. We have the backing of every major national educational institution. We have the statement of support of HEW Secretary Richardson. This really is landmark legislation. Anybody who takes this and, because of a few lightning rods of controversy, says, "We will not support this bill today" is in danger of taking a major backward step in the field of education.

Mr. Speaker, the defeat of this conference report, with brushing aside of hundreds of specific features that the conference dealt with, major advances for education of almost every conceivable nature, such defeat of this conference report would be a tragedy.

Mr. QUIE. Mr. Speaker, many people can take pride in the fact that this conference report is finally reaching a vote on the House floor. Since the Senate has overwhelmingly approved it already, we can send this landmark education bill to the President tonight. I doubt if we will see for a long time a bill as complex and controversial as this bill has been. We started hearings on the basic higher education legislation December 16, 1969. That is almost 2½ years ago.

Actually the higher education legislation expired last June 30 but because of the complicated issues it was allowed to be extended automatically under one of the provisions of the General Education Provisions Act. But that provision will not apply this year and the higher education and vocational education laws are due to expire 22 days from now.

Since December of 1969 our committee has held over 80 days of hearings on this legislation. While most of it got its start in the higher education subcommittee, three other subcommittees have held hearings on provisions in the bill. Here on the desk are the several volumes of hearings which have gone into this legislation. They are over 9 inches high of small print taking up over 6,900 pages.

That type of effort, Mr. Speaker, can not be replicated in a short time. This is perhaps, for all of its remaining doubts and controversy, one of the most thoroughly researched and discussed bills to come from our committee.

I am extremely enthused over most of the provisions in the conference report. I am less enthused about others but no Member can expect in a bill of this size to have his own wishes and desires manifested throughout the bill.

Rather than going through a lengthy discussion of the many provisions in the conference report—all of which have been discussed at considerable length on the floor of the House and in the Senate—I will comment only on a few provisions.

STUDENT GRANTS

I believe the basic education opportunity grant will be looked upon in years ahead as one of the great achievements in Federal higher education legislation. It represents an idea which I have studied and developed for well over a year. I commend Senator PELL and Senator JAVITS and Members of the other body who also introduced and pressed for this program.

The basic opportunity grant program does not have some of the shortcomings of our present educational opportunity grant program. But the conference report modified the present EOG program in such a way that I believe the two will complement one another. The BOG was one of those already complicated provisions which was made perhaps complicated by the tough negotiations of the conference committee. But I believe it is sound and workable as is. But there is no doubt that in a few years we will have the opportunity to change it or to modify it if experience dictates.

The present EOG program has been modified and continued in the conference report as the "supplemental education opportunity grant" program. Under present practice these supplemental grants are distributed at the discretion of each institution, under guidelines from the Office of Education. It has been the practice to continue a student receiving an EOG for the full 4 years of his education. Although we expect that students currently enrolled in colleges—who enrolled with the understanding the grant was good for more than 1 year—will continue to be so assisted.

But the conference committee changed this program so that no student has any call on the supplemental EOG money beyond 1 year. He, of course, can apply for a grant each year.

I point this out, Mr. Speaker, because the conference committee overlooked what I think would have been the proper change in the authorizing legislation to provide for one authorization figure rather than continuing one authorization for initial year grants and a separate authorization of such sums as may be necessary, for continuing grants.

I would not, therefore, expect the Office of Education to request, or the appropriations committees to make available money to fund renewal grants in total before money is available for first-time grants. Rather I would expect each institution to get its fair allotment according to its total request and that the institution would then make its decisions about individual supplemental grants as it determines.

GUARANTEED LOANS

Mr. Speaker, in terms of students and dollars the guaranteed student loan program is our largest program. Last year over 1 million students borrowed over $1 billion.

All of us on the committee are concerned about the default rate on these loans and the fact that some students are getting subsidized guaranteed loans and using the proceeds for purposes other than to meet educational costs.

Another concern of the committee has been the needs of middle and upper middle income students. Under present law all loans made to students with adjusted family incomes of $15,000 or less have the interest paid by the Government while they are in school and during a grace period. All students above $15,000 get no interest subsidy.

I believe the conference report provides a much more equitable rule than the habitually $15,000 rule. Why should the Government pay the interest on a student loan, all of which is not needed to meet educational costs? Especially when we do not provide an interest subsidy to students above $15,000 who are truly in need of a loan in order to attend their college or university.

The conference report provides for an institutional determination of the amount a student needs in order to attend that institution. The need is on top of whatever other assistance from family, the State, the institution, other Federal programs or anyone else provide. This amount is made as a recommendation to the lending agency. We continue to leave to the banks of the final determination of the amount of the loan. But I certainly would not expect any lending institution to exceed the institutional recommendation unless there is just cause. And I would expect the guaranty agencies, including the Federal Government, to disapprove the guaranty of such subsidized loans which exceed the institution's recommendation by any substantial amount without proper justification.

Mr. Speaker, any student may also apply for a guaranteed nonsubsidized loan—one which we have come to term a "loan of convenience" in addition to whatever amount of subsidized loan he might have. Of course the sum of these two loans could not exceed the statutory limits.

OCCUPATIONAL EDUCATION

Mr. Speaker, I am especially pleased that legislation which I introduced earlier this Congress relating to occupational education is incorporated in the conference report. Although its thrust is the support of postsecondary occupational education, it will encourage and support better counseling about the world of work in both elementary and secondary education.

NATIONAL INSTITUTE ON EDUCATION

The President proposed a National Institute of Education in the last Congress and again in this Congress. I think it holds promise of providing some new answers to the old problems of teaching and learning.

The conference report spells out that NIE will have a major responsibility for dissemination as well as for research and development. I think it is important that NIE have good communications with practitioners in our State and local education agencies. I believe a good educational system will be increasingly dependent on strong and respected leadership at the State level. And I believe we have seen a great improvement in this regard in the past 5 or 10 years.

So it is my hope that NIE would foster good relationships with State departments of education, encouraging them to provide ideas and feedback as one source of input to the NIE planning process. The task of dissemination is a very broad responsibility. Many channels must be used to get good ideas understood at the local level. Here again, the State department of education can make major contributions in assisting NIE in carrying out its functions of dissemination and demonstration of the products of NIE research.

State participation can be accomplished through such means as the participation of State education officials in the advisory council, NIE-State agency development of research projects, joint NIE-State agency staff development, and NIE dissemination grants to the State education agencies.

INNOVATION

Although the conference report does not include the President's proposal for a National Foundation on Higher Education, it does give the Secretary of Health, Education, and Welfare new authority to encourage and support projects similar to those in the proposed foundation. I believe the conferees look forward with great expectation to the stimulation of new approaches to postsecondary education, the development of new types of educational institutions, and noninstitutional-based learning and credentialing systems.

In order to accomplish this challenge, I would hope that the Secretary will be careful not to allow this new authority to get lost as simply one more program in one of the existing units of the Office of Education. I believe it must have some reasonable amount of flexibility and autonomy, as well as the involvement of many individuals outside of Government, in order to provide the creative leadership which we all expect.

Mr. Speaker, I would like to go on discussing the several other important provisions relating to higher education but as I said, I think most of them have been adequately discussed on the floor previously.

Although most of the conferees would have preferred that this legislation not be saddled with the issue of busing, we had no choice.

I think that the conference report on S. 659 is a victory for the House of Representatives with respect to the so-called antibusing amendments. The House conferees were under instructions to adhere to the House version of the amendments. They voted time after time to refuse to recede on any part of the language. But in the end, as in all free conferences, some compromises were required. The compromise reached I hope is acceptable to every Member who voted for the antibusing amendments and to instruct the House conferees.

First, it must be understood that the Senate language did not differ at most points from the language of the House amendments. The Senate language only modified or limited the scope of the House language. This is significant, because in all previous amendments of this kind we have ended up with language which limited the use of funds to achieve racial balance in the schools. No court has ever admitted to requiring racial balance, even when a nearly exact balance was the end result, and the U.S. Supreme Court in the Swann decision (*Swann et al. v. Charlotte-Mecklenburg Board of Education et al.*, April 20, 1971) said it would reverse a decision which held "as a matter of sub-

stantive constitutional right, any particular degree of racial balance or mixing" in the schools.

So in previous legislation the Congress has been tilting at legal windmills. But the Ashbrook-Green amendment addressed itself to the use of funds not only to effect some scheme of racial balancing, but for "transportation of students or teachers—in order to carry out a plan of racial desegregation of any school or school system." The Senate retained this language, as does the conference report, and thus for the first time since the Civil Rights Act of 1964 the Congress is addressing itself directly to plans of desegregation, and this time in terms of limitations on methods of carrying out such plans.

The Senate in its version of the Ashbrook-Green amendment did something more than to limit the scope of the amendment—it also added absolute prohibitions against the use of Federal funds for transportation, or against a Federal officer ordering the use of State or local funds for such purposes—

When the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

The prohibition relating to too great a "time or distance of travel" comes directly from Chief Justice Burger's opinion in the Swann case, but the prohibition against assignment to an inferior school is a new concept, and together these distinctly strengthen the original House language.

Let us, therefore, at this point examine the House amendment offered by Mr. ASHBROOK and the amendment to it offered by Mrs. GREEN—and most important of all, the Broomfield amendment—so that we may understand the action of the conference.

Unlike the Broomfield amendment, the Ashbrook-Green amendment was not a limitation on the Federal courts, but only upon the executive branch. The Ashbrook amendment simply prohibited the use of any Federal funds administered by the U.S. Commissioner of Education to be used "for the transportation of students or teachers—or for the purchase of equipment for such transportation" in order to overcome racial imbalance or to carry out a plan of desegregation in any school or school system. Actually, relatively small amounts of Federal funds would be affected, because the expenditure of these funds is controlled by the acts which authorized them, and aside from aid to federally impacted school districts under Public Law 874—which is for general school purposes—and the new emergency school aid authorization which will be specifically targeted for school desegregation, I am not aware of any act which authorizes the expenditure of funds for the purposes prohibited by the amendment.

The Green amendment added a sentence to the Ashbrook amendment which prohibited officials of the executive branch from ordering or urging a local educational agency or any private agency to use State or local funds for purposes for which Federal funds may not be used under the Ashbrook amendment, or from conditioning the receipt of Federal funds upon such use.

Now let us examine the conference action. First, with respect to both the Ashbrook and Green portions of the amendment the new prohibition I have described were applied. Second, the Ashbrook amendment was changed to permit the use of Federal funds—keeping in mind that the act which authorized the funds would also have to permit such use—for the purposes prohibited by the amendment, but only upon "the express written voluntary request of appropriate local school officials." That puts the matter squarely up to local officials, which means it is controlled by school boards which are elected by the local voters in virtually all cases. I find it difficult to follow the argument that this really weakens the Ashbrook portion of the amendment.

The effect of the sentence added by the amendment of Mrs. GREEN—and I think in all fairness we have to admit this—was significantly altered. The prohibition of the amendment still applies, but not to situations where the transportation of students is "constitutionally required." Even under instructions from the House, it was obvious that there would have to be some compromise worked out with the Senate in order to get this bill, which has provisions benefiting millions of Americans and significantly strengthening education in this Nation. This was the critical compromise. It simply permits Federal officials charged with such responsibilities under the Civil Rights Act of 1964 to take action to reach results which are required under the Constitution of the United States.

In any event, Mrs. GREEN's amendment even without a single change would not stop the process of school desegregation or prevent the use of any of the means approved by the Supreme Court for carrying out that process, because it would have no effect whatsoever upon the courts.

That is not the case with the Broomfield amendment, which was aimed solely at staying Federal court desegregation orders involving the transfer or transportation of students until all appeals are exhausted or until the time for taking such appeals has expired without one being taken. This is an extremely important and necessary action designed to obtain equity and uniformity in these cases, and perhaps to give the Federal judiciary some time to assess the mood of Congress and the country with respect to wholesale busing of schoolchildren.

Although the Broomfield amendment is addressed to orders which require the transfer or transportation of students "for the purposes of achieving a balance among students," it is clear from the debate on the House floor last November that its author and the House understood and intended that it would cover all desegregation orders involving the transfer or transportation of students "from any school attendance area prescribed by competent State or local authority."

The Broomfield amendment was thus by far the most significant of the House antibusing amendments covered by the instructions to the conferees, and on the substance of that amendment the House conferees did not yield a thing, despite prolonged debate and insistence by the Senate conferees. All we agreed to was a termination date for the amendment of January 1, 1974. This is not significant, since it provides ample time for all pending appeals to be exhausted, as well as appeals of decisions which may be handed down over the next year. That should be time enough to accomplish the purposes of the amendment.

Accordingly, the conference report contains without substantive change the most significant and effective of the amendments covered by the instructions of the House. For the first time in the field of school desegregation the Congress will be exercising its authority, which is limited under the Constitution, to regulate the actions of Federal courts.

One may argue that the Ashbrook-Green amendment was weakened, and it was to the extent I have pointed out, but it is also fair to say that the additional prohibitions relating to excessive busing and to transferring students to inferior schools strengthened the House version. It also holds up to the Federal courts and to Federal agencies a cautionary signal that while both Congress and the country approve of going forward with the task of ending dual school systems and of reducing racial isolation in our schools, we do not approve of excessive busing as a method of accomplishing these ends.

I think that this was the main purpose of the Ashbrook-Green amendment and that it has been accomplished. In my judgment, the conferees and the conference report merit the overwhelming support of the House.

Finally, Mr. Speaker, I would be remiss if I did not mention briefly those individuals who have played such a large role over the last couple of years in the development of this bill. Throughout, Chairman PERKINS has done his best to expedite this legislation and to be fair to all sides. As a member of the minority, I thank him and respect him for that. The chairman has carried an especially heavy burden in the last 3 months as chairman of the conference committee.

I should also like to thank those subcommittee chairmen who have contributed to this bill, since it represents the work of four of our seven subcommittees. Mr. BRADEMAS, as well as doing a most thorough job in preparing the legislation on the National Institute on Education, has also contributed greatly to the subcommittee handling the basic higher education legislation. And he contributed a great deal in working with me and others to find reasonable and acceptable compromises in the conference.

Mr. Speaker, I am most proud of the diligence and hard work displayed by my own colleagues on the minority. Congressman DELLENBACK, as ranking member of the higher education subcommittee has followed carefully and provided leadership on many aspects of the bill. Representatives BELL, ERLENBORN, ESCH, STEIGER, and HANSEN all played major roles in the development of various provisions of the conference report as House conferees. I thank them for the long hours they have spent on this legislation.

Comparable diligence has been displayed by Representative RUTH who is a member of the higher education subcommittee, but was not a conferee.

Mr. Speaker, we also know that any major legislation is the result of countless hours on the part of staff. Literally, thousands of staff hours have gone into this legislation. I would like to mention the outstanding jobs that our minority staff did on this legislation: First, Charles Radcliffe on emergency school aid programs, occupational education, and the issue of school busing; Dr. Marty LaVor for his work on the National Institute on Education and Indian Education; and Dennis Taylor for his assistance on youth camp safety and sex discrimination; Dr. Robert Andringa, who did such superb work on the basic higher education legislation and coordinated our staff effort on this legislation throughout the past 2 years.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, we are all hard-pressed in several minutes to accomplish our objectives. First of all, we want to counter the arguments that have been presented by the other side. We want to explain what is in the bill. We also want to explain what the situation will be if we vote down the conference report.

First, as to the arguments that have been pressed, basically they are twofold: First, that there will be no bill if we vote down the conference report which it is said would result in dire consequences for colleges throughout the country. As has already been explained, this is not the case. We are not leaving the colleges high and dry. There is adequate opportunity for providing continuation of existing programs, as the gentlewoman from Oregon has presented.

Second, it will be alleged, and it has already been referred to, that the conferees did keep the spirit of the House instructions on forced busing amendments. The gentleman from Oregon (Mr. DELLENBACK) just said the conference report was back in the same major form. It is not in the same major form. The antibusing amendments were clearly gutted. We are talking about a situation where, in November, the will of this House was that Federal funds should not be used for busing to achieve racial balance—shall not be used, I repeat—across the board. No matter what the rhetoric is, Federal funds can now be used under the conference report language for busing for racial balance.

So, in effect, we have gone from a position where we have prohibited Federal funds to a position where we now allow Federal funds and, indeed, in my opinion, encourage the use of Federal funds. So we do not see the busing amendment in the same major form as when we voted last November and, indeed, two times since in instructing the conferees. Let me remind the overwhelming majority of this body that our vote was 233 to 124 on the original amendment; 272 to 139 on the first motion to instruct; and 275 to 124 on the second motion to instruct. A substantial majority of this body is clearly on record as opposing Federal funds for busing, for forced busing to achieve racial balance.

We are now in a position in relation to this conference report of having everything provided for in forced busing that was ever wanted, that was ever discussed and desired in the first place. The House has totally capitulated and, even worse than that, as the gentlewoman from Oregon has indicated, as if to, in effect, say, "We don't care what the majority of the House wants," they went one step further in allocating up to $100 million for the metropolitan school district concept.

The heart of the court of appeal decision in the Richmond case this Monday in reversing Judge Merhige's decision was that the district court exceeded its authority in endeavoring to set up a metropolitan school district combining a city school district and adjoining districts. Here we are legitimatizing the metro school district concept, the very concept that the court of appeals said there is no such authority to establish such a district. What a peg for a court to hang a decision on in the future.

I think most of the Members of this body know that if the House and the Senate conferees had previously enacted a law which included the metropolitan school district plan, there is a very good chance the Monday decision would have been the opposite.

A court would have said this Congress is endeavoring to set up such a school district. Therefore, the metro concept is not proper. A vote for this conference report will encourage court-enforced metropolitan school districts. The heart of every metropolitan school district is a forced busing scheme. There is no way to walk from the suburbs to downtown or from downtown to the suburbs.

Our U.S. Commissioner of Education has stated busing should avoid what he calls grotesque distances, whatever that means, but that busing would be the heart of a metropolitan school district concept.

I believe the Richmond decision by the court of appeals would have been different had Congress been on record as voting what we are about to vote for if we adopt this conference report.

There is one additional fact. We have already gone from crosstown busing to the Mehrige decision which would unite districts outside the city. This setup would encourage the next step—merging across State lines. If we legitimatize standard metropolitan statistical areas, we will just open up another can of worms, to where we can attach Camden, N.J., to Philadelphia, Covington, Ky., to Cincinnati, and so forth.

Mr. Speaker, I urge defeat of this conference report.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I share the disappointment of many that we were unable to get more time.

I would like to address myself to a couple of matters especially relating to the preferential motion which was discussed by our colleague, from Oregon (Mrs. GREEN). In the first place, it is, in my judgment, questionable under the rules. This preferential motion would eliminate all institutional aid. Each of the Members knows what the institutional aid can bring to the colleges and universities in his district under the conference report.

It would eliminate the basic grants. No reference is made in it to Indian education or work study help for the veterans of the Vietnam war. It will chop out completely any aid to them. We have sent those men there, and they need educational help on their return. We are being asked now to defeat a conference report which would include aid for them and aid for every institution, plus work opportunity grants, and innumerable other things, all on the specious ground of the so-called busing argument.

This conference report does not confer on any court any jurisdiction with respect to any metropolitan school districts. It confers the right, the entirely voluntary right to the municipalities to embark on such a project if, indeed, they want to. Members know in their districts which municipalities would or would not embark on metropolitan school districts. this issue is a total bugaboo. Three years of effort have gone into this enormous and important piece of legislation, and yet it seems to me we are reduced to emotional grounds of very dubious quality, in terms of accuracy, to defeat it.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. REID. Mr. Speaker, is it not true that the Carnegie Commission study last year documented that 60 percent of the 2,340 institutions of higher education in our Nation are in serious difficulty, some in grave financial straits, and that absent this legislation, we will place the fate of higher education in jeopardy in this country?

Mr. THOMPSON of New Jersey. There is no question about it, and there is no question further that the greatest number of private institutions in the United States, the land-grant colleges and all other colleges favor this legislation, notwithstanding a very small group which says they are against it.

In one instance we are told that a group of institutions operated by the Jesuits are opposed to it, and on that stationery is St. Peter's College in my State of New Jersey. Father Ryan, the executive vice president of that college, today talked with me in support of this legislation, as have all 16 of the private institutions in the State of New Jersey.

I respectfully suggest that it is in your best interests to support this conference report.

Mr. QUIE. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. GERALD R. FORD), the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, although I have some reservations about the higher education portion of this conference report, if it were standing alone I would vote for it.

I have major objections, however, to the total conference report, and for that reason I intend to vote against it.

No. 1: The House conferees, even though instructed twice by overwhelming majorities on a bipartisan basis, did not live up to the integrity of their instructions. In effect, the House conferees junked most of the specific language of the House instructions on the busing issue. The integrity of the instruction of House conferee process is at stake. If a majority of the House conferees are permitted to violate their instructions in this instance, from now on we might as well abandon the process of instructing House conferees.

No. 2: The antibusing provisions are inadequate. The only meaningful part of the conference report in the busing field is the Broomfield amendment. But even there we are getting a part of a loaf, not all of the original amendment passed by the House.

In addition I must say that there are some legal authorities who question the effectiveness of the Broomfield amendment. They allege that it appears to give relief but in effect it will not achieve that result. Only time will tell. I hope it is effective.

Second, let me say that the conference report in effect junks the Ashbrook and Green of Oregon amendments, and substitutes in place of them the philosophy and some critical words of the Scott-Mansfield amendment. The Scott-Mansfield amendment is totally ineffective in handling the antibusing problem.

Ladies and gentlemen of the House, it seems to me there is an alternative, a preferential motion, which in my judgment will answer the problems of higher education and retain the integrity of the House position on the antibusing provisions.

There has been some controversy on the floor of the House about the Metropolitan School District and its impact on Federal judicial decisions. No one could deny that if we approve this conference report we are legitimizing a Metropolitan School District in law. It is perfectly conceivable, once this becomes law, that a Federal judge, like Judge Roth in Detroit, can say in his decision that the action of the Congress strengthens his justification for a decree merging school districts.

He can utilize in his decision our action in Congress in his decision. I do not think we want to give him that hook on which to hang his decision.

Mr. Speaker, for almost 2 weeks I labored with the distinguished chairman of the Committee on Education and Labor seeking a parliamentary way to strengthen the antibusing action in this legislation. Unfortunately, those labors were not successful, and for that reason as well as others I intend to vote against the conference report.

Mr. WILLIAM D. FORD. Mr. Speaker, I rise in support of the conference report on S. 659, the Higher Education Amendments of 1972. I would like to outline the important provisions of this legislation and the reasons why it is so desperately needed at this time, as well as raising and answering questions as to what it should do and what it will do.

However, since so many of the Members here today have addressed themselves specifically to title VIII—"General Provisions Relating to the Assignment of Transportation of Students"—I ask unanimous consent at this point to insert at the conclusion of my remarks the text of the specific sections of this bill dealing with the prohibition against the assignment or transportation of students to achieve racial balance.

I was shocked and somewhat amazed by the distinguished minority leader from Michigan, who preceded me on the floor today and launched a wholly unwarranted and misleading attack on this legislation with respect to its effect on the transportation of students for the purpose of achieving racial balance.

Section 803 is the most important provision of this entire act to the people of my district, to the State of Michigan, and, perhaps, to the country, particularly now, as we wait day by day for a final decision from the Federal court which is at this very moment considering a plan of metropolitan school districts or cross-district assignment of pupils in the Detroit metropolitan area.

The specific language of section 803 was originally introduced on October 19, 1971, by me and six other Members of Congress representing the suburbs surrounding the city of Detroit. Because Congressman WILLIAM BROOMFIELD's name was listed first among the cosponsors, it has come to be known as the Broomfield amendment.

That particular piece of legislation was assigned to the House Judiciary Committee and although hearings have been held, no action on the legislation has been taken. On November 4, 1971, when the higher education bill which is the subject of this conference report was before the House, Congressman BROOMFIELD, with the concurrence of all of us were the cosponsors from both political parties, offered this proposed bill as a section to be added to the education bill.

Section 803 reads as follows:

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

The intent of this section is clearly evidenced by the legislative history which has developed since we originally introduced it in October 1971; during its consideration on the floor of the House in November 1971, and in the statement of the managers of the conference report indicating discussion during the conference, as well as the legislative history established here today by Congressman O'HARA of Michigan, Congressman BROOMFIELD of Michigan, and Congressman PERKINS of Kentucky, chairman of the conference committee.

The intent is to prevent any Federal district court from putting into effect any plan requiring the transfer or transportation of students from any school attendance area for the purpose of achieving a balance among students with respect to race, religion, or socioeconomic status.

If we adopt this conference report today, since it has already been adopted by the U.S. Senate, and I might say with the concurring vote of the minority whip who is the junior Senator from the same State and party as our distinguished minority leader, this legislation will go directly to the President for signature.

When it is signed into law, it will constitute the first act by the Congress to prevent such assignment of transportation of pupils until the Supreme Court has had an opportunity to act on this controversial matter.

I have been convinced ever since I first studied the preliminary findings made by Judge Roth in the Detroit case that the U.S. Supreme Court would not sustain on appeal any order requiring the merger of school districts contrary to the wishes of the people therein and without their vote and consent, or requiring the transportation of students from one school district to another.

The important decision rendered on June 5, earlier this week, in the Richmond case, I believe vindicates the course of action which we have taken in offering this legislative proposal and supporting it through its tortuous path to today when we now have an opportunity to adopt it.

In view of the Richmond decision, I am convinced that the appellate courts and, particularly, the Supreme Court of the United States, will not approve of any such order by a Federal district court.

When we introduced this legislation in October, 1971, all of us who cosponsored the legislation immediately joined in an urgent request to Gov. William Milliken, Attorney General Frank Kelley, and the State Board of Education, all parties to the Detroit lawsuit, asking them to proceed forthwith to appeal Judge Roth's order so that the matter could be reviewed by the Supreme Court.

Such an appeal has been filed and there is presently pending an appeal filed by Attorney General Kelley so that if we pass this legislation today, and the President signs it into law, any such order entered in the Detroit case could not and would not take effect until those appeals and others yet to be filed have been considered by the Supreme Court.

I am convinced that if this legislation is adopted today we will never see cross-district busing or court-ordered school district mergers in the State of Michigan or any other metropolitan area such as that surrounding Detroit.

At this point I would like to insert the full text of title VIII:

TITLE VIII—GENERAL PROVISIONS RELATING TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS

PROHIBITION AGAINST ASSIGNMENT OR TRANSPORTATION OF STUDENTS TO OVERCOME RACIAL IMBALANCE

SEC. 801. No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 802(a). No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(c) An applicable program means a program to which the General Education Provisions Act applies.

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 804. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 805. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407(a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 806. The proviso of section 407(a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

Mr. Speaker, at the beginning of my remarks I indicated that I would like to discuss some of the other important provisions of S. 659 relating to higher education, and explain why they were so desperately needed at this time.

At this point I would like to continue, if I may, and outline some of these very significant features of the education amendments of 1972.

Mr. Speaker, consideration of the conference report on S. 659, the Higher Education Amendments of 1972, culminates several years' work of the Congress in reshaping and extending higher education programs which will more effectively enable colleges and universities to provide for the higher education needs of this Nation. More important, the conference bill will result in a realization of the often-stated congressional intent that no student be denied an opportunity for higher education because the cost of it is beyond his reach.

S. 659 extends expiring higher education and student assistance programs for a 3-year period, and these, combined with its newly authorized programs of assistance, call for approximately $18.5 billion of meaningful Federal support for the 3-year period.

Highlights of the legislation are:

First. Existing Federal higher education student assistance programs are strengthened and expanded with a new program being authorized to assist States in establishing State student grants program and a new Federal student assistance program covering all students with a grant of up to $1,400 to defer college expenses.

Second. For the first time, meaningful support for community and junior colleges is given through an authorization of $275 million and in addition $500 million annually is authorized in grants to States to assist in formulating, establishing, and operating programs of post-secondary occupational education.

Third. Forty million dollars is authorized to provide emergency grants to public and private colleges in severe financial distress.

Fourth. A National Institute of Education is established with a $550 million authorization over 3 years to support, conduct, and disseminate research at all levels of education.

Fifth. For the first time, direct aid to institutions, both public and private, is authorized with an annual authorization of $1 billion.

Sixth. Significant assistance is provided to strengthen opportunities for veterans seeking enrollment in institutions of higher education.

At this point in my remarks, I include questions and answers concerning major provisions of the conference report, as well as a summary of some of the most important features of the legislation:

(1) *How will the institutional aid authorized by the bill be apportioned among colleges and universities?*

The Conference Report authorizes a three-part formula for distributing institutional aid funds:

(1) Forty-five percent of the funds will be distributed according to the *number* of Basic Educational Opportunity Grant recipients enrolled at each institution;

(2) Forty-five percent of the funds will be distributed according to the *amount* of Supplemental Educational Opportunity Grant, College Work-Study and National Defense Student Loan funds paid to students enrolled at each institution; and

(3) Ten percent will be distributed according to the *number* of graduate students enrolled at each institution.

The specific provisions of this formula are explained in greater detail on pages 223–228 of the Conference Report.

(2) *Will private colleges and universities receive an equitable share under this formula?*

Yes. Private colleges and universities in the United States enroll 26.4% of students who attend institutions of higher education. Under the formula contained in the Conference Report, however, it is estimated that 37% of the institutional aid funds will go to private institutions which, according to all the evidence received by the Committee, are in greater financial difficulty than most public institutions.

(3) *What restrictions will be placed upon the use of institutional aid funds by colleges and universities?*

Institutional aid funds paid to colleges and universities must be used for instructional expenses incurred in academically related programs of the recipient institution. No other restrictions (aside from a prohibition against use of the funds for sectarian activities) are imposed—colleges and universities are free to use the funds as they see fit.

(4) *How does the size of the institutional aid program contained in the conference report compare with the program contained in the House-passed bill?*

Both formulas would require approximately the same amount—$1 billion annual-

ly—to pay each institution the full amount to which it is entitled.

(5) *Does the institutional aid formula in the conference report contain any of the provisions of the institutional aid formula approved by the House last fall?*

Yes. Under the Conference Report 55% of the money will be distributed in accordance with provisions contained in the House-passed bill. The other 45% will follow provisions contained in the original Senate-passed bill.

(6) *How will the so-called "basic grant" program for students work?*

Each student enrolled at an accredited institution of higher education, or an accredited post-secondary proprietary school, will be entitled to receive an annual grant of $1400, minus the amount which his or her family could reasonably be expected to contribute for education purposes. However, no grant could exceed the amount necessary to attend the institution at which the student is enrolled, nor could a grant exceed 60% of the amount a student needs beyond his expected family contribution to attend an institution.

(7) *Who will decide what a student's expected "family contribution" is?*

As in present practice, the financial aid officer at the institution which the student attends will make this decision in accordance with generally established principles for making student aid awards. The Conference Report requires that the financial aid officer consider, among other factors, the amount of the family's income, the number of dependents in the family, the number of children in the family attending college and any unusual expenses of the family such as unusual medical expenses.

(8) *Will basic grants be available only to low-income students?*

No. Middle income students as well as low income students will be able to receive Basic Grants, with the only difference being that middle income students' grants will naturally tend to be smaller.

(9) *What limitations does the conference report place on funding of the basic grant program?*

The Conference Report provides that Basic Grants may not be paid until the National Defense Student Loan and College Work-Study programs are funded at a level equal to FY 1972 appropriation, and the Education Opportunity Grants program is funded at a level equal to 75% of FY 1972 original appropriations. This provision was included at the unanimous insistence of the House conferees.

(10) *What about existing students aid programs?*

All existing student aid programs, including Educational Opportunity Grants, College Work-Study, National Defense Student Loans and the Guaranteed Loan program, will be continued for three years. The Conference Report substantially follows the eligibility amendments in the House-passed bill which will provide greater access to these programs for students from middle-income families, particularly those attending private colleges and universities, where costs are normally higher than at public institutions.

The Conference Report also contains a new National Student Loan Marketing Association for the purpose of providing greater liquidity for student loan paper, thus enabling banks and other lending institutions to substantially enlarge their student loan programs. The $15,000 annual family income limitation on the Federally subsidized loan program is deleted—all students, regardless of family income, will be able to receive a Federally subsidized loan through a bank or other lending institution so long as a student can show that he or she is in need of the loan.

CONFERENCE REPORT HIGHLIGHTS — HIGHER EDUCATION AMENDMENTS OF 1972

STUDENT ASSISTANCE

All existing programs, including College Work-Study, National Defense Student Loans, Educational Opportunity Grants, and Guaranteed Student Loans, continued for three years.

New program of Basic Educational Opportunity Grants, under which each student would be entitled to $1,400 per year, less expected family contribution. No grant could exceed 60% of what a student needed to attend a particular institution for any year.

Creation of a National Student Loan Marketing Association to buy, sell and warehouse Guaranteed Student Loans, and thereby stimulate new capital for such loans.

INSTITUTIONAL AID

$1 billion annually in direct aid to institutions, both public and private. Note: 45% of the aid would be based on the *number* of Basic Grant recipients at each institution; 45% on the aggregate *amount* of (Supplemental) EOG, Work-Study and NDSL funds paid to students at each institution; and 10% on the *number* of graduate students enrolled at each institution.

$40 million annually in emergency grants to institutions in severe financial distress.

Veterans Cost-of-Instruction Grants to institutions in the amount of $300 for each veteran enrolled, and an additional $150 for each veteran who is in a special or remedial program.

COMMUNITY COLLEGES

Start-up and expansion grants for community colleges. Authorization: $275 million over three years.

OCCUPATIONAL EDUCATION

New program to help the States design, establish and operate post-secondary occupational education programs. Authorization: $850 million over three years.

NATIONAL INSTITUTE OF EDUCATION

New agency established within HEW to support, conduct, and disseminate the products of, research at all levels of education. Authorization: $550 million over three years.

HIGHER EDUCATION INNOVATION

New program of grants to institutions to encourage reform and innovation in higher education. Authorization: $135 million over three years.

EXISTING HIGHER EDUCATION PROGRAMS

All existing categorical aid programs, including facilities construction, extended for three years.

INDIAN EDUCATION

$95 million over three years in grants to local education agencies for programs to help meet the special educational needs of Indian children.

Mr. Speaker, there have been many confusing and misleading statements made concerning the conference report and what it actually contains. Extension of existing programs and the new programs authorized are the product of lengthy and serious consideration by the Congress over a long period of time. In many instances, the conference report contains provisions which are not precisely as anyone of us individually would have written. But the overall impact of the bill is constructive and forward moving. Higher education opportunities and the ability of our junior colleges, 4-year colleges and universities to provide high quality education programs will be critically impaired unless S. 659 as reported by the conference is adopted. Consequently, I urge my colleagues to vote "Yes" on the conference report.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, the conference report the House considers today is truly a landmark in Federal support for higher education. Indeed, I believe it is the most significant Federal higher education measure since the Land-Grant College Act was signed by President Lincoln over a century ago.

The conference report is the result of bipartisan cooperation and compromise, and the product of a great deal of work by Members of both the House and Senate.

I would like to express my warm personal appreciation to the distinguished chairman of the Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky, and to the distinguished ranking minority member, the Honorable ALBERT H. QUIE of Minnesota, who have labored long and hard on behalf of this legislation and American higher education.

I would also like to pay tribute to the other members of our committee who helped make possible the conference report today, in particular to our distinguished colleagues, the gentleman from New Jersey (Mr. THOMPSON); the gentleman from Illinois (Mr. PUCINSKI); the gentleman from Illinois (Mr. ERLENBORN); the gentleman from Oregon (Mr. DELLENBACK); the gentleman from Washington (Mr. MEEDS); the gentleman from Wisconsin (Mr. STEIGER); the gentleman from New York (Mr. REID); and the gentleman from Idaho (Mr. HANSEN). Without their fine work, we would not have this outstanding bill before us.

Mr. Speaker, the conference report on which we are voting today is truly an historic measure.

It contains provisions of great significance for the whole range of post-secondary education activities in the United States.

In addition to extending all existing higher education programs, the conference report would establish two new programs of special significance:

First. A new program of basic educational opportunity grants, championed by the distinguished Senator from Rhode Island, the Honorable CLAIBORNE PELL, whose leadership in the other body did so much to bring us to this historic day for American higher education.

Under the new basic grant program, each student will be entitled to a grant of $1,400 per year, less the amount his or her family could reasonably be expected to contribute toward his or her education.

Second. A new program of direct aid to colleges and universities, under which each institution of higher education in the United States, public as well as private, will receive a Federal payment based on, first, the number of basic grant recipients enrolled at each institution; second, the amount of other Federal student assistance provided to students enrolled at each institution; and third, the number of graduate students enrolled at each institution.

Mr. Speaker, this legislation, as I have indicated, will establish a landmark in

Federal support for higher education, and as might be expected with any measure of such great magnitude, its specific provisions are quite complex.

Indeed, Mr. Speaker, I have been disturbed to find in speaking to many of my colleagues in the House as well as college and university presidents around the country, that some of the provisions of this bill, including the ones I have mentioned above have been widely misunderstood.

Therefore, Mr. Speaker, I would like to take this opportunity to set the record straight as to what the conference committee agreed to with respect to both student aid and direct institutional assistance to colleges and universities.

First, let me address myself to the question of participation by students from middle-income families in the student assistance programs, and in particular in the new program of basic educational opportunity grants.

It is emphatically not true that the basic grant program will be limited to "needy students" in the sense that we use the term to describe students from low-income families.

On the contrary, the basic grant program is intended by the conferees to provide assistance to any student who is in need of help, whether he or she comes from a middle-income or a low-income family. A reading of the statutory provisions contained in the conference report makes clear that we have designed this program so as to prevent middle-income students from being "traded-off" in favor of low-income students, or vice versa, by the Commissioner of Education or anybody else.

And Mr. Speaker, lest there be any misapprehension on the part of my colleagues, let me make it quite clear that the basic educational opportunity grant program in the conference report was agreed to on a unanimous rollcall vote with every one of the House conferees voting for it.

While on this subject, I should also note that the other student aid provisions of the conference report are also designed to make available assistance to students from middle-income as well as low-income families. For example, the House amendment deleting the low-income preference from the college work-study program was adopted by the conferees with the express intent of opening up this program to greater middle-income participation.

In addition, the conference report creates a new National Student Loan Marketing Association to buy, sell, and warehouse guaranteed student loans, and thereby stimulate new capital for such loans. This new entity should vastly expand the amount of loan money available to students from banks and other lending institutions.

Finally, we followed the House bill in deleting the $15,000 family income limitation for participation in the subsidy feature of the guaranteed student loan program, thereby opening yet another avenue of access for students from middle-income families.

So any suggestion that the student aid provisions of the conference report discriminates against middle-income America is simply not accurate.

Second, the Speaker, I would like to address myself to the provisions of the conference report for direct assistance to colleges and universities, and the erroneous apprehension on the part of some that this program means "small comfort" for private institutions.

The formula agreed to by the conference committee should provide nearly $1 billion annually in direct assistance to our colleges and universities, both public and private.

Private institutions today enroll 26.4 percent of the Nation's college student population. In recognition of the fact that private institutions by and large have been experiencing financial distress to a greater extent than have public institutions, the formula contained in the conference report for institutional aid will give private colleges and universities at least 37 percent of institutional aid funds.

Thus the charge that the conference report discriminates against private colleges and universities is simply contrary to the facts. I might add that as a Member of Congress who is proud to represent the University of Notre Dame, Goshen College, Bethel College, Saint Mary's College, and Holy Cross Junior College, I would certainly not favor an institutional aid program that would operate against private institutions getting a fair share of Federal assistance.

Mr. Speaker, let me stress one more point on this particular subject. The direct aid provided to colleges and universities by the conference report is, indeed, direct and without strings attached. It is not, as some have erroneously thought, restricted to remedial services or other special services for disadvantaged students. Rather the new institutional aid may be used by each college and university for any instructional purpose it sees fit, subject only to the requirement, of course, that funds obtained under this program may not be used for sectarian purposes.

Mr. Speaker, I would touch on one other matter before concluding my remarks.

As you know, the Select Education Subcommittee, which I have the honor to chair, held extensive hearings last year on the proposed National Institute of Education, which will support research and development in education at every level.

Our subcommittee heard from some of the leading figures in American education on the need to increase the paltry one-third of 1 percent which we are currently spending, at all levels, on research and development in education.

Repeatedly, Mr. Speaker, witnesses told us of, first, the need for much more educational research of high quality, and then to insure the dissemination of the results of research into the educational system, where it could make an effective impact on improving the learning process.

The proposed National Institute of Education was accepted by both Houses of Congress, and the conferees agreed to House language insuring that the institute would be a strong, viable research and development agency on a par with the Office of Education.

Mr. Speaker, for the sake of brevity I include at this point an outline I have prepared explaining the purposes, functions, structure, and authorizations of the institute:

NATIONAL INSTITUTE OF EDUCATION

PURPOSES

The purpose of the Institute is to promote reform and renewal at all levels of education by advancing education as an art, science, and profession, strengthening the scientific and technological foundations of education, and building an effective educational research and development system.

FUNCTIONS

To accomplish these aims, the Institute will:

Conduct educational research;

Collect and disseminate the findings of educational research;

Assist and foster such research, collection, dissemination, or training through grants, or technical assistance to public or private organizations, institutions, agencies, or individuals;

Promote the coordination of educational research support within the Federal Government;

And construct or provide for such facilities as are necessary for these purposes.

An essential element in the achievement of the purposes of the Institute is the strengthening of the links between research and development and educational practice. The whole complex set of dissemination/utilization functions—including National Center for Educational Communication activities such as ERIC PREP, Publishers Alert—will, therefore, be responsibilities of the National Institute of Education.

STRUCTURE

A new Division of Education within the Department of Health, Education, and Welfare will be established. The Division will be headed by a new Assistant Secretary of HEW, and will be composed of the National Institute of Education, and the Office of Education—which are to be separate, co-equal administrative units. The Institute will be headed by a Director and the Office of Education by the Commissioner—both appointed by the President, with the advice and consent of the Senate.

A National Council on Educational Research will be responsible for general policies governing the Institute. The Director, however, will be in charge of overall operations and allocations decisions. The independent Council with decision-making authority. Exclusive of the costs of administering the program, and the strong Directorship will hopefully ensure a vigorous Institute.

FUNDS AUTHORIZATION

$550 million is authorized for the Institute over a three-year period. At least 90% of the funds appropriated for any fiscal year, must be expended through grants and contracts with public or private organizations, institutions, agencies, or individuals.

What I want particularly to explain to Members of the House today, Mr. Speaker, is the intent of the conferees with respect to one aspect of our concern to insure that educational research relates to educational practice.

If the purposes of the Institute are to be attained, clearly it is essential that the linkages between these two functions of research and practice be strengthened.

These linkages can be achieved in two principal ways.

First, the whole complex set of existing dissemination/utilization functions

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relating to education—including the National Center for Educational Communication activities such as ERIC, PREP, Publishers Alert—will be responsibilities of the National Institute of Education.

Second, Mr. Speaker, the conferees intend that the State education agencies play a part in the dissemination functions of the Institute.

Although as a Federal agency, the Institute must have specific links to existing State and local education agencies, the problems of communicating directly with thousands of local education agencies and coordinating product distribution to them could unnecessarily sap the resources of the Institute.

State education agencies are in an advantageous position to carry out the essential dissemination of Institute supported research. There are several reasons they can be helpful in this respect.

First, State education agencies are the existing State mechanisms for administering certain Federal programs such as title III of the Elementary and Secondary Education Act, as well as State-funded developmental programs in many States. State education agencies therefore already have experience as channels to local districts for program improvement.

Moreover, Mr. Speaker, the development of State intermediate offices has accelerated in many States—frequently under increasingly vigorous State leadership—and these regional offices provide additional administrative channels for the dissemination of Institute products.

I should say, Mr. Speaker, that the conferees' intention that State education agencies be utilized in the dissemination activities of the Institute is not based solely on the practical fact that these agencies have the capacity to carry out this essential function.

The intent is also based on the fact that such utilization is increasingly important, because the States are being held increasingly accountable for equalizing classroom opportunity and fiscal support for schools.

The Federal Government must clearly be helpful in making available the results of the new national educational research effort represented by the National Institute of Education—and this will mean in part working with the State education agencies.

But beyond the participation of State education agencies in the dissemination, diffusion, and demonstration of Institute supported research results, the agencies will also participate in both policy development and the specification of research needs.

It is intended that this participation, Mr. Speaker, be accomplished through such means as participation in the National Council on Educational Research, joint research design development, and joint staff development programs.

Mr. Speaker, the conferees' decision to assign dissemination and utilization functions to the Institute, and the provision that State and local educational agencies play a large part in these crucial areas, will help insure that the results of research in education do not gather dust on musty shelves, but, instead, make a real difference in the quality and accessibility of education at all levels.

Mr. Speaker, over the course of the last 2 years our committee has heard witness after witness describe the financial plight of American higher education today. The new institutional aid program contained in the conference report constitutes a rational and considered answer to the financial travails of our colleges and universities, especially those in the private sector.

In addition, the conference report does justice to the philosophy that every American young man and woman, regardless of his or her family's financial status, may aspire to the best education this country can provide and of which he or she is capable.

For this measure to fail now on the basis of an unreal promise of a preferential motion that would destroy the principal new programs in this legislation would be a tragedy we cannot afford to see happen.

I strongly urge adoption of this conference report.

Mr. REID. Mr. Speaker, we in Congress have today a unique opportunity to vote on an historic piece of legislation. As many have already said, this report could well be the most significant advance in Federal support for institutions of higher education since the Land Grant College Act over 100 years ago.

As a member of the Education and Labor Committee which considered this legislation over the past few years and as one of the conferees who worked for over 2 months to reach agreement on this conference report, I can say clearly that this bill is vital to higher education and essential to millions of students.

Both students and colleges and universities in every congressional district in this country will benefit from major new provisions in this bill and from the continuation and expansion of several other excellent existing programs.

Beginning in 1958 with the enactment of the National Defense Education Act, the U.S. Government made a special commitment to guarantee qualified high school graduates an opportunity to seek a postsecondary education. Today over 2 million students are benefiting from four major programs: educational opportunity grants, college work study grants, National Defense Education Act loans and guaranteed student loans. Although these programs have served many students over the past several years, it was felt by the conference that more needed to be done to insure that a student's access to a postsecondary education is not limited by financial needs.

The Senate committee report found, for example, that a student from a family with an income over $15,000 is almost five times more likely to attend college than a student from a family with an income under $3,000. Responding to this gap in our higher education system, the higher education amendments provide that in addition to present student aid programs, there will be created a program of basic educational opportunity grants, an entitlement to every college age youth of $1,400 minus the amount of money that his family can reasonably be expected to contribute to the cost of his education. These grants are available to students as a matter of right, regardless of where he or she lives or goes to college, and they are not limited to low-income students. Middle income students as well will be able to receive basic grants. For the first time the Federal Government has made a commitment to the principle that every qualified high school graduate is entitled to further his education—at a community college, vocational institution, or a 2- or 4-year college or university.

For the past 2 years we have seen evidence of an increasing financial crisis among many higher education institutions in this country. In 1971 over a dozen separate studies had been released documenting a new depression in higher education as the gap widened between expected revenues and estimated expenditures. Mushrooming enrollments, the need to increase the quality and variety of courses, increased expenditures on student aid coupled with accentuated inflation in the economy contributed to sharply increasing costs of education per student.

And with this increase in cost has come a decrease in revenue available from State, private, and Federal sources. Perhaps hardest hit have been the small private institutions, dependent on tuitions and donations. But public institutions have suffered too as revenues declined. The Carnegie Commission Study last year documented that 60 percent of the 2,340 institutions of higher education in our Nation were in or headed for financial difficulties. With enrollments up 60 percent from 1965, Federal support is at its lowest since 1966.

The conferees have responded with realistic and substantial direct college operating subsidies. $1 billion will be directed annually to both private and public institutions not only to help schools meet their present financial crisis, but also to provide assistance to higher education institutions to meet the demands which will be made on them in the future. Money will be allocated with 45 percent of the funds based on the number of basic grant recipients at each institution, 45 percent based on the aggregate amount of Federal student aid funds paid to students enrolled at each institution, and 10 percent based on the number of graduate students enrolled at each institution. Payments are weighted to take note of the special problems faced by the small liberal arts colleges which have been the hardest hit by this financial crisis. In fact, it has been estimated that under the formula contained in the conference report, 39 percent of the institutional aid funds will go to private institutions which presently enroll 26.4 percent of the students who attend institutions of higher education. Funds paid to these colleges and universities must be used for instructional expenses incurred in academically related programs. No other restrictions aside from a prohibition against use of the funds for sectarian activities are imposed and thus colleges and universities are free to use these funds in any way they see fit.

Additional institutional aid is provided for by a $40 million emergency assistance program designed to assist the Nation's schools facing the severest crises.

These two new programs—entitlement grants and direct cost-of-education allowances—are the two main provisions of a concept of Federal assistance which I endorsed in 1969. At that time, Congressman JOHN BRADEMAS and I introduced the Higher Education Bill of Rights, incorporating the recommendations of the Carnegie Commission on Higher Education. Today, 3 years later, these ideas have been refined and incorporated into the higher education amendments which we vote on today.

Combined with these two major new programs, several other student aid and categorical instutional aid programs have been revised and extended, thus reversing the trend of decreasing Federal assistance to the institutions of higher education.

The philisophical basis for the Federal student assistance programs, and particularly the new basic educational opportunity grant is that students from lower-income families have less access to financial aid, less opportunity to obtain guaranteed loans, and are less likely to receive help from relatives and private organizations. And institutions serving a high proportion of disadvantaged students have less money with which to help their student populations.

Along with the basic grant program, all existing programs, including college work study, national defense student loans, educational opportunity grants have been continued for 3 years, with expanded eligibility requirements, thus providing much greater access to these programs for students from middle income families. This will be of particular benefit for those attending private colleges and universities where costs are normally higher than at public institutions. The guaranteed student loan program was retained with a new National Student Loan Marketing Association established to expand the availability of credit.

One additional feature of particular benefit to New York State is the creation of a State student incentive grant program, authorizing $50 million annually for grants to States on an even-matching basis to assist them in providing grants to students of substantial financial need. The conference felt that the States have long preceded the Federal Government in this area of student aid and, that they ought to be assisted in continuing to do so. New York State, with the largest student aid program in the Nation, of over $72 million annually, will derive substantial benefit from this provision.

In the last decade there has been a growing demand to provide diversity in postsecondary education. Both students and educators alike, have recognized that the needs of all students are not served by the traditional 4-year liberal arts college education. Thus there has been a dramatic expansion of community colleges and vocational institutions. Enrollment in community colleges has increased 400 percent in the last 10 years. Responding to this important trend, and realizing its significance for the future of higher education, the conference report contains a program of startup and expansion grants for community colleges and a new program to help States design, establish, and operate postsecondary occupational education programs.

As a member of the House Education and Labor Committee for 8 years, I have constantly been dismayed by the lack of knowledge that we have about how children learn and about the best ways to educate the children in our society—and particularly the millions of deprived children. To date our efforts to learn more have been scattered and uncoordinated. In higher education as well, there is a need for reform and innovation—yet research in this field has continually been relegated to a very low priority. Since 1960 only $1 billion has been spent on research in education, while $7 billion has been spent on agriculture research and $14 billion on health research. For every dollar we spend on education, less than a third of a penny goes for research. For this reason, in 1970, Congressman BRADEMAS and I introduced legislation creating a National Institute of Education. I am most pleased, Mr. Speaker, to see the inclusion of the Institute in the present higher education amendments. This center modeled on the National Institutes for Health will provide for the first time coordinated educational research to stimulate reform and innovation at every level of education. Specifically included in the Institute is the concept of the proposed National Foundation for Postsecondary Education to promote innovation in postsecondary education.

Any one of these programs would represent progress. Together, as I said before, this legislation represents one of the most important pieces of education legislation ever before Congress. Recognizing this fact, colleges, universities, and education organizations from every State in the Nation have voiced their support of this bill.

If we defeat this report today, because we disagree with various provisions in the bill, higher education may not have another chance for many years. We will be saying not now to several million students who need the Federal Government's assistance to move into the mainstream of American life by advancing their education. We will be saying not now to over 2,500 institutions of higher education which have contributed so much and which desperately need our help. Congress, by its response today, may, in fact, be determining the fate of American higher education for many years to come.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, one of the Members has just suggested that we need better order and I thank him. However, I will say that if I cannot command the attention of this group then they can go ahead and talk, it is all right.

My usefulness on the Education and Labor Committee seems to be relegated today to digging out certain things that happen in the committee and some of the things that happen in conference and in interpreting them for my colleagues.

I hope you have my prepared statement which gives the six reasons why I oppose this conference report. Additional copies are available in the cloakroom.

Members of the House know that I supported the House bill, as most of you did, when it was considered last year. Earlier this year when the bill went to conference and was referred back to the House, I offered the motion which was carried to instruct the House conferees to insist on the House language regarding busing.

My opposition to this conference report should not be interpreted by anyone as an intention to kill the higher education bill. The plan is to offer a privileged motion which will include the educational programs, the House busing amendment and to include the titles of the bill which will continue community and vocational education. In the meantime, we can all hope and work for a better prepared higher education bill which will benefit all members of our society.

In case you think all of this malarkey or a snow job by RUTH I want you to look at the report and I state in the margin exactly where in the conference report you can find these things that I have mentioned. So I hope you will use this and I hope you will study it.

I began thinking about this first when I started getting letters from 4-year institutional presidents who were against this bill. Now, when you start getting presidents of institutions who stand to gain starting to tell you to vote against the conference report then, I think it is about time we start examining it.

And I will admit that I have gotten all kinds of telegrams in support saying they want this. However, when the likes of Terry Sanford, the president of Duke University, and he is also president of the National Council of Independent Colleges which oppose the report—and I might also add that I have other colleges that are quite substantial in my area against it. It is time to thoroughly examine the legislation. It reminds me of the case of the Boy Scouts who wanted to get merit badges so they went downtown and stood at the corner and started leading old ladies across the street, and this was fine, but when they got through they had lead a gang of old ladies across the street who did not want to go there.

Now, if you will let me follow my outline that tells you why I oppose the conference report, the first thing is that the conferees did not follow the instructions on busing. And I think we have beaten that horse pretty well to death. And I think you know that they did not follow the instructions. Our distinguished Speaker in his recent ruling said that he could not make the conferees follow the instructions, but that we have to do it, and he said it about as plain as one man can.

Then, there is the inclusion of the metropolitan school district. That is absurd. We have just gotten a reversal in the Richmond case and it was reversed

because the judge did not have the right to set up a metropolitan school district and yet here we are passing a law to give them the right to establish such districts.

Then the next thing is the inclusion of veterans' benefits. And the gentleman from New Jersey should know that the veterans' benefits are for the colleges and not for the veterans. And you should remember that along with TIGER TEAGUE, the gentleman from Texas, and other members of our entire Veterans' Committee, we feel our committee should consider this item.

Then we have got the inclusion of the Pell grants, but we do not need them.

If you look at item 4 you will see that if you include the Pell grants with all the other grants a student in college can get $7,900. The Pell program would make it possible for every student in the United States to be eligible for $1,400 to go to college. And it also says less the amount that the family can provide. We have already started people on welfare to have the daddies leave home so that the family can get the money and we are now going to start the students leaving home so that they can get Federal money by saying, "I am not depending on my daddy to get this money." And we have got a lot of smart kids in this country and I expect they will do it.

I am sorry the way time flies, but I hope you will look at item 4 of my hand out.

I guess my strongest reason to oppose the report, it is arguing or asking how any fiscally responsible person in the Congress can want to give institutional aid based on the amount of Federal aid to students.

I was a dean of students in a small college, and I used to preside over these meetings for needy students. We invariably looked for ways to help needy students without using Federal money.

Under permission to revise and extend my remarks I include detailed information supporting my opposition to the adoption of the conference report:

BUSING

The Broomfield amendment as adopted by the House required that all appeals on busing must be heard before the court orders would be enforced. The conference report sets January 1, 1974 as a termination date for the provision. This weakens the amendment and could cause undue hardships in the future.

The Green Amendment prohibited Federal employees encouraging local government or local agencies to use their money for busing. The Conference added "unless constitutionally required." This language modifies the intent of the amendment and opens a loophole for debate in interpretation.

The Ashbrook Amendment prohibits the use of funds for busing of students or teachers to overcome racial imbalance, or for the purchase of equipment for such transportation and forbids any office or employee of HEW or the Office of Education, or any other Federal agency to force States to expend State and local funds for purposes for which Federal funds cannot be expended. The Senate added the language "unless instructed in writing by local school officials." This wording was included in the Conference Report and makes the amendment meaningless and completely disregards the House instructions to the Conferees.

Also it should be noted that in the statement on policy the House Amendment stated that *guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States* in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. *The Senate amended the policy and stated the criteria used would be pursuant to Title VI of the Civil Rights Act.* An investigation of this shows it to be different from the House version inasmuch as it reads as follows: "Such uniformity refers to *one policy applied uniformly to de jure segregation* wherever found and such other policy as may be provided pursuant to law *applied uniformly to de facto segregation* wherever found."

Here we have a nullifying effect that might go completely unnoticed.

METROPOLITAN SCHOOL DISTRICT

The Conference Report authorizes the Commissioner of Education to set aside 5% of a $2 billion authorization ($100,000,000) to draw up plans for the metropolitan school district. The backbone of this plan is busing. It is only logical that this supports the Richmond and Detroit decisions. Congress is thus giving its stamp of approval to these busing decisions and is inviting more. Although the House instructions to the conferees did not deal with this particular section, it violates the will of the House on busing.

INCLUSION OF VETERANS BENEFITS

As a member of the House Committee on Veterans Affairs, I have supported legislation to assist our veterans.

However, the provisions of this Conference Report include a new feature and impose requirements on the institutions which are costly and questionable. I quote the following from the Report: "The Senate bill would provide cost-of-instruction payments to institutions of higher education on behalf of veterans in attendance at such institutions. In order to be eligible, an institution must increase the number of veterans in attendance at such institution by 10 per centum the first year. If an institution is eligible for payment, the amount of that payment shall be (1) $300 for each veteran and (2) in addition, $150 for each veteran who has participated in one of the special remedial veterans programs. In case of payments in this latter category, no payment would be made on behalf of a veteran if the institution receives a payment in excess of $150 on behalf of that veteran under the cost of instruction allowances section.

When appropriations are not sufficient to meet such institutional entitlements, the Commissioner of Education shall use funds from the National Service Life Insurance Fund and give such Fund noninterest bearing notes that the Secretary of the Treasury is authorized and directed to purchase. There are no similar House provisions."

Traditionally legislation of this type has come from the Veterans Affairs Committee which I feel is highly qualified to consider and will do a better job coordinating such a program, if needed, with existing V.A. programs.

INCLUSION OF PELL GRANTS—BASIC EDUCATIONAL OPPORTUNITY GRANTS (BOG)

We now have: E.O.G. Education Opportunities Grant; N.D.E.A. National Defense Education Act; G.S.L. Guaranteed Student Loans; C.W.S. College Work Study Program.

If these programs are funded, we don't need the Pell Grants (B.O.G.) Basic Opportunity Grants.

I am afraid of the wording "everyone eligible for post secondary education being *entitled* to $1,400."

Someone seemed to realize this is superfluous as it states the B.O.G. can be used for only ½ the aid a student receives.

Also, anything that can be done will be done. Under all these programs a student could get the following:

BOG	$1,400
EOG	1,500
NDEA	1,500
GSL	2,500
CWS	1,000
Total	7,900

In the welfare program we are now trying to get away from the father leaving home so the family can get welfare aid. Are we going to start a new practice—college students leaving home to become eligible for B.O.G.? This will be happening even in wealthy families.

METHOD OF DISTRIBUTING MONEY TO INSTITUTIONS

I'm not sure we are prepared to begin institutional aid. However, if we are—it needs to be cleared up and simplified. I know it is a mistake to grant institutional aid on a formula that is based on the amount of Federal aid used by students. While colleges in the past have looked first to other sources for student aid—economics will dictate that they now encourage all federal aid possible. The formula states that whatever is appropriated:

45% is based on all federal money such as E.O.G., N.D.E.A., C.W.S. and G.S.L. Each college adds its total dollars used and receives a pro-rated amount.

45% is based on the number of persons getting E.O.G. grants. After a head count each college receives a pro-rated amount. This is admitted an impossible task by the coming school year. 10% is based on the number of graduate students in an institution—each initiation receiving a pro-rated amount.

The House Bill allotted ⅔ of the money appropriated to institution based on enrollment.

This is a conglomeration aimed at satisfying the conferees. No thought was given to make this a simple or equitable process. This kind of hurried legislation only leads to confusion and criticism of the Federal government.

POSTSECONDARY EDUCATION IS FOR EVERYONE

It is not the prerogative of the Federal Government to insist that post secondary education is for everyone and use the dollar to encourage institutions to lower their standards. It also destroys the incentive of the student to earn his education—both in meeting his financial obligation and preparedness.

Educators in my state are confused about this bill as are many throughout the nation. Some support and some oppose. Many admit they do not fully understand this bill. Following are some statements from some of these leaders.

EXCERPT FROM LETTERS

TERRY SANFORD, PRESIDENT, DUKE UNIVERSITY

As President of a private, graduate university, it is quite likely that this bill is very beneficial for us. But I hope we can look beyond our private interests.

I am opposed, as a matter of principle, to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign. I am not tremendously impressed with the concept of BOG. If EOG had been fully funded, we would not need this "new" approach.

Higher education is for all students, not just needy students.

I am an original champion of removing all financial barriers to higher education, but I cannot stretch this to a policy that suggests removing financial barriers is the purpose of higher education.

Institutional aid should be based on students, not on just a class of students.

S. DAVID FRAZIER, PRESIDENT, PEACE COLLEGE

College officials have been informed that they must support the Senate version or there will be no legislation at all; I prefer none at all.

It simply is not reasonable, and neither does it ring true to the American way, to say that we will ignore—and perhaps kill—any institution which does not have a substantial number of students on federal assistance programs.

Many college officials have "switched rather than fight" because they have been told they are in a "this or nothing" position.

DONALD J. HART, PRESIDENT, ST. ANDREWS PRESBYTERIAN COLLEGE

Disadvantaged people clearly need help. However, it is a terrible error to fund programs that are based on the assumption that college experience is vital for everyone, and that therefore institutions desiring to qualify for Federal aid must commit personnel and time to "remedial" work.

We would be immensely better off if the expiring legislation were merely extended for another year, which would provide time to develop realistic and appropriate legislation for the following year.

JOHN E. WEEMS, PRESIDENT OF MEREDITH COLLEGE

After reviewing the Higher Education Bill, I believe that a number of unwise decisions were made and it is legislation that should not be supported. I highly recommend that the existing higher education programs be given a one-year extension, with the hope that the additional length of time would allow the many problems to be better resolved. It is my opinion that we need the right legislation instead of just some legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, if I may have the attention of the House for one observation, the minority leader has tried to create the impression here that if this conference report is not adopted, there will be a preferential motion to do all those things that have to be done.

But there is no assurance that the Senate will accept that kind of preferential motion. After sitting in conference for countless hours, I can tell you that I have serious doubts that they will accept it.

The higher education bill expires in 3 weeks.

The vocational education bill expires in 3 weeks.

You are going to have in this nation unprecedented chaos if we do not address ourselves to the problem today.

This bill has a lot of good things in it.

It gives the middle-income family a break on sending their children to college. For the first time we extend student grants to a family that may have a middle income but finds itself hard pressed if it is helping finance the education of two or three children in the family.

I would like you to look at that program.

On the question of busing—I yield to no one in my opposition to busing in this Chamber. I was against busing long before anybody else in this House; when they thought it was an isolated problem and long before it became a national issue.

This conference report bars busing specifically and unequivocally. If the local community voluntarily asks for such funds, we put two limitations on them.

First of all, they cannot bus children from a good school to an inferior school.

Second, they cannot impair the child's health or safety.

This is the toughest anti bussing amendment ever passed by Congress because it puts a freeze on all orders until a final appeal has been exhausted.

On the question of metropolitan planning, I moved in conference to drop this whole program out of the bill.

The gentlewoman from Oregon offered an amendment to the metropolitan planning program which requires that two-thirds of the schools having two-thirds of the students must agree to seek such planning funds before application can be made. This additional requirement made the metropolitan planning section acceptable to the conferees.

If you are really opposed to metropolitan planning, you will vote for this conference report because we put in here that you have two-thirds support of the schools and two-thirds support of the students before any planning can be adopted.

This bill will rank among the greatest education bills ever considered by Congress. This bill will do more for our college and university students than even the landmark Higher Education Act of 1965. And it will do more for our colleges and universities than even the Higher Education Facilities Act of 1963 or for that matter any bill since the Morrill Land-Grant Act of 1862.

That is not to say that this bill stands before us in what I would consider the most perfect form possible. If I had had my way, I would have written many of these provisions differently. But, as we all know, the essence of the legislative process is compromise. And I can honestly say that the bill before us is the best compromise which we were able to arrive at in conference.

STUDENT ASSISTANCE

The centerpiece of the bill is the creation of an entitlement for every student to Federal student assistance, the amount limited only by the anticipated contribution of his family. This entitlement will be a matter of right, that is to say, once the Secretary of Health, Education, and Welfare has issued the schedule of anticipated contributions of families according to their incomes and numbers of children and if appropriations are sufficient, all students whose families' contributions are not sufficient to pay for their education will be entitled as a matter of right to a certain amount of Federal assistance.

This entitlement will allow a youngster to choose to attend whatever college or university, or community college or technical school, he wants to attend and which will accept him for enrollment. No longer will a student have to shop around for the school which offers him the most money.

But this conference report, in recognition of the fact that it may take several years to achieve sufficient appropriations to put this new program into full operation, also contains extensions for the present student aid programs. And in fact it improves these programs by increasing the maximum amounts for the educational opportunity grants and the guaranteed student loans. The conference report also contains the National Student Loan Marketing Association—Sally Mae—which will buy, sell, and warehouse guaranteed student loans and thereby stimulate new capital for these loans.

I am extremely pleased that the conference report contains my amendment to open eligibility for all the student assistance programs to half-time students. I would have preferred also including part-time students, but this amendment is at least a beginning in having the Federal Government recognize that a large number of our college students work part or full time and attend school whenever they can. These students should be commended and assisted for their tremendous efforts, instead of being penalized as they are now for not having enough money to be able to attend school full time.

INSTITUTIONAL AID

The next major innovation in the conference report is the new institutional aid program. This program will provide unrestricted Federal funds to colleges and universities for the first time. Illinois colleges and universities will receive a total of $43,518,224 when this program is fully operative. The Central YMCA Community College in Chicago will receive $1.6 million; the Kennedy-King branch of the City College of Chicago will receive $1.1 million; Illinois State University will receive $1.4 million; Loyola University will receive $1.1 million; and the University of Illinois at Urbana will receive $3 million.

VETERANS' COST OF INSTITUTION GRANTS

I am very pleased that the conference report also contains the veterans' cost of instruction grants. This program, which I sponsored in the House and supported vigorously in conference, provides each college and technical school enrolling veterans $300 for each veteran and $150 for each veteran who is in a special or remedial program on the condition that the institution increases its veterans' enrollment by 10 percent and use half of the money to establish an office of veterans' affairs and special and remedial programs for veterans. This last requirement can be waived if in the Commissioner's judgment the school is already doing an excellent job for its veterans.

Many of us were only able to attend college because of the World War II GI bill. Many of today's veterans are receiving the same opportunity under the new GI bill. Yet Defense Department studies indicate that men with a high school education or less are far less likely to use the present GI bill to attend college or junior college than are men of equal ability with preservice college attendance. In fact in Illinois while 45 percent of our veterans who have been to college before service used the GI bill

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only 13 percent of the far greater number of veterans with no preservice college used their once-in-a-lifetime GI bill assistance.

Part of the reason lies in the fact that we as a nation have failed to respond to veterans as we did after World War II. At that time, a veteran received full tuition plus $75 a month. Today, the veteran receives $175 a month, out of which he must pay his tuition. This amount falls miserably in paying for the true cost of an education.

In order to begin to right this wrong and to give educational institutions the incentive to serve many who have returned from war, I authored with Senator ALAN CRANSTON the veteran's cost of instruction amendment. This amendment will pay schools for part of the cost of educating veterans, and should go a long way in encouraging the educational community to meet the needs of our veterans, particularly those who have never enrolled before in college. These funds can be used to staff veterans' counseling offices on campus, pay veterans to run outreach programs, and enable the colleges to undertake to offer veterans remedial programs and other services needed to enable them to enter and complete college.

Illinois colleges, universities, community colleges, and technical schools could receive $10 million this year under the amendment. Since only 10 percent of Illinois Vietnam-era veterans are enrolled in college, I believe that this new assistance is absolutely vital if we are not to waste the talents of these young men.

VOCATIONAL EDUCATION AND OCCUPATIONAL EDUCATION

The conference report extends the expiring provisions of the Vocational Education Act for 3 more years. These provisions authorize the new, innovative programs which were added under my sponsorship in 1968 and which have done so much to rejuvenate the field of vocational education.

The conference report also authorizes a new Occupational Education Act which I am pleased to have cosponsored at a level of $850 million for three fiscal years. These funds will be used for postsecondary occupational programs of high quality and for career education in elementary and secondary schools. It is expected that the Commissioner will approve grants in equal amounts for each of these two purposes within each State although he has the discretion to vary these amounts according to each State's individual needs.

The State Advisory Councils on Vocational Education will have the same responsibility within the States for these new programs as they do now have for the vocational education programs. The National Advisory Council will also have the same responsibility on a national level. The Commissioner must assure that adequate funds are available from each State's allotment for the State councils, and the National Council is expected to request additional funds under authority of section 102(c) of the Vocational Education Act for its new duties under this act.

The conference report also creates a Bureau of Occupational and Adult Education within the Office of Education. This Bureau will have responsibiilty for the administration of part B of title X of the Higher Education Act, the Vocational Education Act—including the research and curriculum development programs—the Adult Education Act, and those portions of any new act which Congress passes authorizing career education as they are relevant to the purposes of the Bureau.

ETHNIC STUDIES

The bill also contains the Ethnic Heritage Studies Act which I first introduced in 1969. This act, which is authorized at $15 million for fiscal 1973, will provide substantial Federal funds for the first time for the development of curriculum materials on ethnic groups for use in elementary and secondary schools and institutions of higher education. Programs can be funded to focus on one group or to study a number of groups.

The purpose of this new program is to give students the opportunity to learn about the contributions of their own ethnic groups to American life and also to learn of the contributions of the other ethnic groups. I am hopeful that this program will lead to a growth in self-respect among students and also to the development of tolerance and respect for other groups.

Senator RICHARD SCHWEIKER is to be highly commended for his ardent advocacy of this idea and for his sponsorship of the Ethnic Studies Act in the Senate. His contribution to the successful passage of this act is enormous.

EMERGENCY SCHOOL AID

The conference report also contains the Emergency School Aid Act, a $2 billion, 2-year program providing financial assistance to school districts under court orders to desegregate or voluntarily integrating. I will insert at this point in the RECORD the State allotments for fiscal year 1973 under this new program:

Estimated distribution of funds under Emergency School Aid Act, S. 659, title VII; Fiscal year 1973—Estimated State amounts[1]

Alabama	$24,725,537
Alaska	2,009,664
Arizona	11,842,580
Arkansas	9,911,345
California	108,777,092
Colorado	8,663,067
Connecticut	6,591,501
Delaware	2,247,874
Florida	33,763,493
Georgia	31,580,741
Hawaii	100,000
Idaho	774,611
Illinois	45,102,327
Indiana	11,039,620
Iowa	1,317,645
Kansas	3,841,142
Kentucky	5,838,583
Louisiana	30,206,745
Maine	238,106
Maryland	18,816,726
Massachusetts	6,074,344
Michigan	27,841,457
Minnesota	2,162,648
Mississippi	23,715,224
Missouri	12,913,629
Montana	1,170,295
Nebraska	1,757,984
Nevada	1,452,180
New Hampshire	180,717
New Jersey	24,941,380
New Mexico	11,965,604
New York	80,504,907
North Carolina	31,350,286
North Dakota	664,240
Ohio	26,400,684
Oklahoma	7,759,451
Oregon	1,934,315
Pennsylvania	26,289,089
Rhode Island	847,102
South Carolina	22,467,844
South Dakota	1,172,009
Tennessee	16,380,824
Texas	83,344,574
Utah	1,726,963
Vermont	111,409
Virginia	22,647,686
Washington	4,996,764
West Virginia	1,785,413
Wisconsin	5,215,219
Wyoming	737,059
District of Columbia	12,100,301
Total 50 States and District of Columbia	820,000,000

[1] Estimated distribution of $1,000,000 with 5 percent ($50,000,000) reserved for sec. 709, and 13 percent ($130,000,000) reserved for secs. 708 (a) and (c), 711, and 713 and the remainder ($820,000,000) distributed with a basic amount of $75,000 to each State and District of Columbia and the balance distributed on the basis of the total of the 5–17 population, Negro and other races, April 1, 1970 and estimated enrollment of Spanish-surnamed Americans, fall 1970, with a minimum amount of $100,000.

The conference report authorizes funds for compensatory education in school districts which are receiving integration funds under ESAA. This will give those minority students in schools which are almost impossible to integrate, such as in the heart of Harlem or in the middle of the ghetto in Chicago, opportunities to participate in compensatory education programs of high quality.

The conference report sets forth with considerable care the criteria which the Assistant Secretary is to use in approving applications under ESAA. Those criteria are the only criteria which he can use in approving applications. If the Assistant Secretary believes that those criteria are too restrictive, then the administration can submit a bill to Congress to modify section 710(c). That provision and the Cranston amendment ought to make crystal clear that Congress insists on knowing what is going on in these programs and will no longer tolerate any administration—regardless of the party in power—issuing guidelines which frustrate the congressional intent.

Let me say another word about busing. You all know my position on busing. I voted twice this year to instruct the House conferees even though I myself was one of the conferees and last year I voted for all the antibusing amendments.

But I am here today to tell you that this bill contains prohibitions stronger against busing than any Congress has ever passed before.

This conference report contains an 18-month delay of all court orders open to appeal which require busing or transfers of students from their neighborhood schools. Let me emphasize that this is far stronger than even the President requested earlier this year.

This is 6 months longer than he requested and it bars far more than just busing—it also bars any transfer of a child away from his neighborhood school regardless of whether that requires busing or not.

This conference report also limits the use of Federal funds and restricts the activities of Federal officials to bar any busing which risks the health or safety of the children or impinges on their education. And, very importantly, it bars any busing when as a result children are bused to an educationally inferior school.

Lastly, this conference report contains a congressional statement for the first time on the neighborhood school. We provide that a school system which assign students to schools closest to their home—neighborhood schools—meets all requirements of law of such school district's school boundaries are drawn in a racially nondiscriminatory basis. It is my hope this new directive by Congress will eliminate busing orders in the future.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I wish I had more time, as do the other speakers I am sure wish they had more time.

But let me talk for just a few minutes about the students assistance portion of this conference report.

I do support the conference report. I was one of the conferees and I signed the report and I hope it will be adopted.

Let me say, first of all, that there are ranges in the student assistance program and I would point out to you that each one has a maximum limitation.

There is no way under this bill that any student can get $7,900. So let me put that to rest.

The gentleman who preceded me in the well has taken all of the maximum limitations and added them together. But there is no way you can get that amount for any one student.

There were two overriding concerns in our committee regarding student assistance which are incorporated in several provisions of the report: First, concern for the middle-income student; and second, concern for increasing the options a student has in making use of student assistance, especially the choice of attending a vocational or technical school.

Let us look at how the conference report changes present law to accomplish these objectives.

Middle-income students were specifically kept in mind in approving the following changes and additions:

Basic education opportunity grants: This is a new program which would move the Federal Government much closer to its long-standing objective of removing financial barriers for any student with ability and motivation to pursue postsecondary education.

The facts are that students of high achievement levels but limited resources do not attend college at nearly the rate of similar students with high incomes.

The program is based on the accumulated experience of over a dozen years of Federal student assistance.

The basic formula—called an entitlement, even though the program is dependent on annual appropriations—would provide a grant of $1,400 minus the student's "expected family contribution."

The use of "expected family contribution" has been part of higher education for a long time. It is already computed by our colleges for those students receiving benefits under current programs.

This program will reach up to family incomes of approximately $12,000 for families of two children, one in college. Higher incomes would qualify if there were more kids, unusual medical problems in the family, and so forth.

Of course, the higher the income, the smaller the basic education opportunity grant. The idea is to provide all students with a comparable base upon which to fund their education.

A grant could not exceed half of what the student has to have to meet all his expenses. Additional aid from other sources would have to be found—including the work-study program, direct loans, and so forth.

Work-study: Present law says that preference must be given to the "low-income student" for the work-study program.

The conference report changes that to a preference for the student in the greatest need—many middle-income students, especially those attending our higher cost institutions, have need. They should be able to work their way through college with help from this program. For the first time, they will be able to do so.

Direct loans—NDEA loans—because of increasing college costs, the conference report increases the amount a student can borrow under this program.

Incidentally, the conference report eliminates some of the cancellation features of this program which were originally intended to encourage students to go into teaching. Now that we have a surplus of teachers, these provisions are no longer necessary. The conference report would save the Government several million in this respect.

Guaranteed student loans: Perhaps the program which middle-income students have depended upon the most is the guaranteed student loan program. Last year over 1 million students borrowed from banks and other lending institutions over $1 billion.

In the past couple years, many students have had difficulty finding these loans because banks had come to their limits. Money has been scarce.

The conference report would solve that problem. It creates a secondary market—Sally Mae—to purchase and warehouse student loans from the lender. This will increase the amount of money in the private market for student loans.

Presently, students whose adjusted family incomes are over $15,000 cannot get a subsidized guaranteed loan. And every loan to students below $15,000 is subsidized. The $15,000 ceiling is somewhat arbitrary.

Under the conference report a student, regardless of family income, can be determined eligible for a subsidized guaranteed loan if his institution determines he is in need of the loan.

So we will not be making subsidized loans to those who use them for purposes other than meeting educational costs. And we will be making subsidized loans to middle- and upper-middle-income students who definitely have a need.

I mentioned the conference report provides more alternatives for federally aided students. Specifically, it allows students at accredited postsecondary proprietary and nonprofit vocational schools to benefit in all programs. Present law excludes these students.

The conference report opens up all programs to half-time students as well. That will allow more to work their way through school and get valuable experience at the same time.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, it is with regrets and a profound respect for the majority views that I must oppose this conference report.

I am not embarrassed by the company in which I find myself, for I believe my own position is in the best interest of all Americans, human justice, and the preservation of constitutional rights.

The 14th amendment—basic to this report—protects both the right and left; both corporate wealth and individual rights.

I therefore welcome the support of my distinguished colleagues from the South and from the Far West—who join in what I consider an unorthodox means to obtain what I believe to be just goals.

Despite some inconsistencies in the educational aspects of the bill S. 659, I would support this report if it did not contain the antibusing amendments. These provisions in the compromise go beyond the separate but equal concept of Plessy against Ferguson—1896—in their impact—and all the way back to the Dred Scott decision, the import of which was to deal with the Negro as a subject-property and not as a human being.

As long as we perpetuate unequal educational opportunities in elementary and secondary grades, the benefits and services which are provided in higher education by legislative enactments will widen still further the gap in education, employment, housing, and health between minorities and nonminority groups.

The racially exclusionary implications in the antibusing amendments of this report are deep and strong. Certain groups, especially blacks, are asked to accept further suspension of their constitutional rights while Congress debates the issue. I say "deliberate speed" in enforcing the law as interpreted 18 years ago in Brown against Board of Education has already run out.

Further, the racial implications of the Broomfield amendment are revealed in its application not merely to court orders which involve busing, but likewise to student transfers or reassignments even where students walk to neighborhood schools.

In addition, the amendment singles out just school cases involving a balance of race, religion, national origin or socio-economic status and treats these differently from all other school cases.

Likewise, despite the fact that 66 percent of American schoolchildren ride buses to school and only 3 percent for purposes of school desegregation, these amendments touch only the 3 percent. Never before have we seen so much emo-

tion and political flak generated for so small a kill.

Furthermore, I find it inconsistent for an education bill to affirm a universal agreement that children should not be transferred to bad schools, but in the same legislation recognize the legal continuation of bad schools. Why should any children be left in bad schools? Why not first bring all schools up to a standard of quality?

Despite logical reasoning, however, I am fully aware that this issue today will be settled in an atmosphere beclouded with emotion and political expediency. Acting in such manner constitutes a threat to all Americans whose interest during such a similar hysteria may need protection against restrictive legislation interfering with the Federal courts' obligations to protect constitutional rights. Today it may be blacks but often it is others: Religious and political minorities, women's rights, and dissidents.

In the many communications I have received from educational institutions and associations supporting this report, I am impressed by the number that also expressed opposition to antibusing amendments being attached. This convinced me that we can obtain a good education bill without destroying the moral and legal base which is fundamental to our preservation as a free and viable society. We should request this report thereby serving notice on Congress that it should do—not the court's work but its own.

The danger in this report is not that we weaken education but that we weaken the moral and legal basis on which our Nation is founded. This price we cannot afford to pay.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I rise in support of the conference report accompanying the bill S. 659, the Education Amendments of 1972.

There has been a great deal of controversy surrounding this bill.

But most of the controversy has been directed at only two pages of a 228-page conference report.

There have been some allegations that the House conferees "sold out" to the Senate on those portions of the bill dealing with the desegregation of schools. This allegation is simply without any foundation whatsoever.

When we went into conference, we were confronted by Senate emergency school aid language which consistently, at every turn, encouraged the busing of students for the purpose of achieving racial balance.

The Senate bill required, as a condition for the receipt of any funds under the emergency school aid program, that every school board in the Nation adopt a comprehensive integration plan—one that would provide integration to the maximum extent possible.

As we all know, many things are possible.

It is possible, though certainly not practicable or wise, to bus every child from every city into a distant suburb to school every day.

That is what the Senate bill could have required.

Your conferees were successful in eliminating that provision from the bill.

The Senate bill would have required the establishment of a model, integrated school in every school district of the Nation.

There are probably very sound reasons for encouraging this step—but it would have been contrary to the expressed wishes of this House to require it of every school district, since in many districts this action could not be taken without busing.

The House conferees insisted successfully on the elimination of this provision.

There was also the issue of the Senate's 15-percent earmarking for metropolitan area programs.

Two-thirds of this earmarking was thrown out altogether.

And the remaining one-third may be spent only on the voluntary application of school officials, just as under the original House bill.

I do not underestimate the importance of those two pages.

I would point out one thing:

First, focusing on busing language to the exclusion of the 18-point $5 billion of critically needed education assistance constitutes a tragic disservice to the more than 3 years of work which has gone into this bill.

I support the conference report with respect to the emergency school aid bill and to metropolitan area planning money that the gentlelady mentioned, Mr. Speaker, one point must be made absolutely clear: The fact that two-thirds of the districts in the area must participate in a voluntary planning application before funds can be granted absolutely does not mean that a plan would be binding on the remaining one-third. Nor would it in any way establish a metropolitan school district. Contrary to the statement of the gentleman from North Carolina it did not establish a metropolitan school area.

Not only would it not be binding, the plan could not even encompass nonparticipating school districts.

No school district will be affected in any way by any planning unless it voluntarily requests to participate in such planning, and note that this provision relates only to planning.

Mr. Speaker, the conference report emergency school aid language differs very little from the bill which passed this House last November.

If the House conferees had indeed sold out to the other body, then why did the three major Senate supporters of busing, vote against this conference report? And did not sign it.

I have great respect for the integrity of my colleagues on both sides of this issue whose positions reflect deeply felt principle on the question of busing.

I would say to both sides, however, that the very fact of their alliance in opposition to the bill is proof that the bill does not do what they think it does.

The whole bill represented by this conference report should be considered today—not just a few pages of it.

Vitally needed new programs are in this bill, programs that cannot be saved by any continuing resolution.

Regardless of one's point of view on the controversy, Mr. Speaker, the advantages of this bill so far outweigh any perceived disadvantages that it deserves the support of every Member present.

I strongly urge my colleagues to weigh these factors, and join with me in supporting the conference report.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I am particularly interested in the provisions of section 803 of the conference report.

First, I would like to ask Mr. BROOMFIELD about his meaning when his amendment spoke of an order of a district court requiring the transfer or transportation of students "for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status." In all of the court orders with which I am familiar, the court has stated that its purpose is to prevent unconstitutional segregation of students. May I inquire of the gentleman from Michigan if it was his intention that section 803 apply to orders that have the practical effect of achieving some sort of racial balance, although the court may have stated that its order was entered for the purpose of correcting unconstitutional segregation?

Mr. BROOMFIELD. Yes; it was my intention to cover such cases and specifically, it was my intention to cover cases like those now being litigated in Richmond and Detroit.

Mr. O'HARA. May I ask the chairman of the conference committee, the gentleman from Kentucky, if his understanding is the same as that of the gentleman from Michigan (Mr. BROOMFIELD)?

Mr. PERKINS. Yes, it is. It is my understanding that section 803 covers district court orders which require the transfer or transportation of students for racial purposes whether the court order is framed in terms of correcting unconstitutional segregation or whether it is framed in terms of "achieving a balance among students with respect to race."

Mr. O'HARA. If I could continue to have the attention of the gentleman from Kentucky, the effective date of section 803 is July 1 of this year.

The joint explanatory statement of the committee of conference says:

> This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment.

Does this mean that if an order requiring the transfer or transportation of students has been entered prior to July 1, 1972, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event that no appeals are taken, until the time for such appeal has expired?

Mr. PERKINS. The gentleman from Michigan is correct. Section 803 will apply to such orders whether entered before or after July 1, 1972, as long as appeals of such orders have not been exhausted or, in the event no appeal of such order was taken, until the time for such appeal has expired.

Mr. O'HARA. I thank the gentleman from Michigan and the gentleman from Kentucky for their explanations and I urge adoption of the conference report with the very important provisions contained in section 803.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I rise as one who supported the Ashbrook-Green amendments as well as the Broomfield amendment, and one who voted to instruct the conferees on this legislation. I rise to make sure that we understand, among all the rhetoric that has been going on today, specifically what we will be voting on.

For the first time, the very first time the Congress in this legislation is placing a limitation on the Federal courts in their execution of busing orders. Now there are some who argue that the Broomfield amendment in its reference to racial balance might well apply to all busing orders, but the legislative history, and the legislative history just repeated, indicates clearly that it applies to all orders, and that history will be determining.

The applicable history is as follows:

Mr. BROOMFIELD. No, Mr. Chairman. I have a short statement and I should like to complete it.

Mr. Chairman, I am not alone in stating this view. Only last September, *Chief Justice Warren Burger said some Federal judges were misreading the Court's April decision on busing by ordering more than the law requires.*

Given these conflicting judicial statements on just what the law says in regard to busing, it is easy to understand the confusion and emotion that surrounds the busing issue.

We can expect that many of these decisions ordering busing will be appealed and that on appeal they may be overturned. However, the appeals process is a long and difficult one. It may take 2 or 3 years. Thus, before the courts can completely decide this question, before the law is crystallized once and for all, busing will have become an accomplished fact.

Mr. Chairman, forced busing may prove to be an expensive, time consuming and disruptive mistake.

My amendment would only delay a lower court's busing order until all those parties have had a chance to plead their case at their court of last resort.

I believe that it is a fair and equitable approach to this most difficult problem. It gives the courts the time they need to adjudicate this question completely. I urge my colleagues to lend their support to this amendment.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, I know that we are coming to some amendments that will be highly controversial and highly emotional. Before discussing them I should like to commend the gentlewoman from Oregon and the other members of this committee for a very fine job under most difficult circumstances. The committee has brought here a consolidated bill dealing with the whole area of higher education. It is a good bill and I hope it passes.

Mr. Chairman, to the best of my knowledge this is the first time that this has occurred, and I know that it is quite a task to dispose of all 20 titles contained in this bill. But in many ways it is best for us to have some knowledge of what we are asked to do in the whole area of higher education at the Federal level than to come in as we have in the past with piecemeal legislation. And the fact is that many of us do now have a firm grasp of the full picture in the field of higher education. I am sorry that my good friend from Illinois plans to offer an amendment dealing with the legislation that was considered here and rejected on Monday last.

I say that not because I am in opposition to aid to elementary education. I say it because I think it is an entirely different subject; that it is not related to higher education; that the problems of elementary and secondary education are quite different generally throughout our country from those of higher education and to try to tie them together in this bill is an illogical marriage of two disparate subjects: That amendment and this amendment are not germane to higher education. But, it is coming and we will face it.

In that amendment I am informed that the whole question of busing will be debated.

Now, the gentleman who has offered this amendment seeks, I presume, to come to that discussion prior to the gentleman from Illinois. I would hope that his amendment would be defeated and I would hope that an amendment to strike the subject from the proposal of the gentleman from Illinois would prevail.

Mr. Chairman, I know that in polls conducted throughout the country when you go ask parents, "How do you stand on busing," the answer comes back almost invariably. "I am against it." Yet I also know that if you went and asked the same parent, "How do you stand on public education," the answer would come back invariably. "I am for it." But this does not stop busing. This is a vain and useless thing.

But, Mr. Chairman, our function here today, as it is in all legislative questions, is trying to see to it that we do what we consider best for our country.

In this particular case what is best for our country is to provide the best education we can have in this particular bill in the area of higher education and in the other bill in the area of elementary and secondary education.

Now, you know and I know that busing comes about from a whole variety of reasons. We had it for years merely as a transportation device to get people where they were going. Then we had it for years to preserve segregation. Everyone knows that. Now we have it because the courts have handed it down and said this is what must happen in certain areas of the country. This bill is not going to change that and let's not fool the people.

The CHAIRMAN pro tempore. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 5 additional minutes.)

Mr. BOGGS. Mr. Chairman, if we adopt this amendment that the gentleman proposes—and he is a very sincere Member, I am very fond of him, and we have served together for many years—I ask you sincerely, with all of the earnestness that I can command, do you really help this bill by adopting this amendment?

Is there any higher educational institution in this country that has any busing problems? I do not know of one. There may be. This is a higher education bill. But what about in secondary and elementary education, where we have all these problems, and have all the emotionalism—and I know about it. I have lived through it for years. I do not have to tell you about it, I know. It has been part of my political life for 20 years. Does this help any school kid anywhere in the United States?

The court hands down the decree, and says you have to bus. If you write this provision into this bill it does not say, well, you do not bus, it simply says that you impose more, you impose more on the local taxpayers, most of whom, particularly in the areas where this problem is most acute, in the big cities, have already exhausted their remedies and their revenues. You say to them, oh, yes, we will give you some money to help in desegregation, but we are not going to let you use one penny to go out and buy buses, or pay school bus drivers, or all the other incidentals that result from a court decree.

You are not stopping the buses, you are not doing a thing about the busing, it is still going on, you are simply requiring that the local people will pay the cost and bear the burden.

It seems to me that every iota of logic commands us, if we are to legislate in this area, if we are to let the Federal Government assume, as it must, its proportionate share of the cost of educating our people, then the idea of trying by these indirect methods to overcome the decisions of the U.S. Supreme Court have no place in this type of legislation.

Whether I agree or disagree, I would say that the honest approach is in the approach of the gentleman from Georgia and the gentleman from Oklahoma who have put here on the desk petitions calling for constitutional amendments in this area. Do not take this legislation that this committee has struggled so long and so hard to report, and to perfect, and to pass, and use it as a vehicle that really will not accomplish what you seek to accomplish, but which would tie every school board and every school district in the United States into a hopeless situation on the expenditure of these funds that we make available.

That is my plea to you.

I hope the amendment of the gentleman from Michigan will be voted down, and I hope the other amendments that seek to bring about this result which cannot come to pass will also be voted down.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Chairman, we have a very simple amendment before us at the present time. *The amendment, in effect, says that no order on the part of any U.S. district court which requires the transfer or transportation of any student or students shall go into effect until such court order has been appealed to the highest court or until the time for such appeal has expired.*

If this amendment is approved—if it is enacted into law, it simply means that no district court order forcing busing for the purpose of obtaining racial balance shall go into effect until the U.S. Supreme Court has made the final determination.

I think that is fair. It is a bipartisan amendment. I am told that five Members on the Democratic side of the aisle from the State of Michigan, Mr. WILLIAM D. FORD, Mrs. GRIFFITHS, Mr. O'HARA, Mr. NEDZI, and Mr. DINGELL have cosponsored this amendment in legislative form and they have been joined by the gentleman from Michigan (Mr. BROOMFIELD) and the gentleman from Michigan (Mr. MCDONALD).

This is legislation that would, in effect, put a stop order on Federal court action until there has been a final appeal to the U.S. Supreme Court. I think it is fair. I think it makes sense. I applaud the bipartisan authorship of this legislation and I hope the committee approves it.

Let me talk a minute, if I might, about the other legislation that my friend, the gentleman from Louisiana mentioned.

I think we have to differentiate between this amendment and the emergency school aid amendment which will be offered by the gentleman from Illinois (Mr. PUCINSKI).

The emergency school aid bill is aimed at helping those school districts primarily that are under court order to bus for the attain-

ment of racial balance. The purpose of the legislation is to provide Federal funds to assist those school districts that through no fault of their own have to take action in conformity with a court order.

It is equity and justice on the part of the Federal Government to provide that financial assistance. I am interested in the best education that we can get at the elementary and secondary level. The best way in this emergency to obtain that best education is to provide Federal financial assistance rather than to force busing. Forced busing to attain racial balance is not the best way to get good education.

Let me illustrate. In my hometown of Grand Rapids, Mich., we have, for example, a pupil-teacher ratio of 25 students to one teacher. In my judgment, it would be far wiser to spend the money that we might spend for busing, to reduce the pupil-teacher ratio. It should be 8 to 1 or 7 to 1. It is a far wiser expenditure to use that money for the lowering of the pupil-teacher ratio. The emergency school aid bill will accomplish that objective; $1.5 billion will accomplish that.

I happen to think it is far wiser timewise for kids to be in their neighborhood schools rather than to spend a lot of time traveling from their home to a school which may be 3, 4, 5 or 10 miles away.

For that reason I am strongly in support of the emergency school aid bill. It is a case of equity. It is a case of helping to improve education. It is a better way to do it than by the method used or proposed under the current circumstances.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. RANGEL. I thank the gentleman for yielding.

I am new here and I recognize that we have three separate branches of Government. I know that busing is a very emotional and perhaps a political question. But does not your support of this amendment mean that the Members of the U.S. Congress are restraining the members of the judiciary from enforcing what they believe to be a constitutional mandate?

Mr. GERALD R. FORD. Under the Constitution, and I am sure the lawyers on the Committee on the Judiciary would agree, the Congress has the authority to prescribe rules and regulations as to appeals and the effect of an appeal during the process of appeal. That is all this legislation seeks to do.

Mr. RANGEL. In your history as a Congressman has it ever occurred before when Members politically did not like a court decision that we legislated new ones?

Mr. GERALD R. FORD. I am sure that in the history of the Congress that has been done. I cannot recall a specific case since I have been here, but it is certainly permissible under the constitutional authority allocated to the Congress of the United States.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. CAREY of New York. Mr. Chairman, reserving the right to object, I wonder if we could actually hear the wording of the amendment.

Mr. GERALD R. FORD. I think the better way to do that is to suggest that the gentleman come over and get copies of the amendment, but if you would like, I will read the amendment.

Mr. CAREY of New York. I would be glad to hear it now or read it later.

The CHAIRMAN pro tempore. Is there objection to the request that the gentleman from Michigan be given 2 additional minutes?

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman from Michigan is going to read the amendment, I ask unanimous consent that he be given 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GERALD R. FORD. The amendment offered by the gentleman from Michigan (Mr. BROOMFIELD) is as follows:

"On page 277 after line 20, insert:

" 'SEC. 2001. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.'

"And renumber the remaining sections of title XX accordingly."

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I know it is late. I know many of us would like to get through the amendment to title XXI, so we can dispose of the question up or down.

As I understand the amendment before the House, it is nothing more than a reaffirmation of existing procedures in the courts. A school district is confronted with a court order, and there is a stay of execution while it perfects its appeal. *All this amendment does is merely to reaffirm as a statement of the Congress that local school districts faced with a court order do not have to implement the court order until all appeals have been perfected and completed and disposed of—all.*

If a local school district chooses not to perfect an appeal, then at least until the time of such an appeal has run, I do not see how or why we should have a great deal of difficulty with that question. I do not see any objection to the amendment. I do not see much difference whether one is for it or against it. It is a reaffirmation, and if Members of the Congress really want to participate in that kind of reaffirmation, it seems to me they should be given that opportunity.

Mr. GERALD R. FORD. I would summarize what I have said in this way: The amendment merely holds the status quo in a school district until a final judgment has been made by the U.S. Supreme Court. I think that is fairness. That is equity. We ought to approve it.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from North Carolina.

Mr. JONAS. The record will show that U.S. district courts have refused to stay orders requiring busing pending appeal.

Mr. GERALD R. FORD. Mr. Chairman, in conclusion, this is a bipartisan amendment. It is in the form of a bill sponsored by five Members of the Democratic Party and two on the part of the Republican Party. I think the Committee ought to approve it.

When we vote for this conference report it will be the only opportunity that we have this year to give indication to the courts that we wish to stop court ordered busing for 18 months until either the courts can make a clarification as to busing to achieve racial balance or until this body takes other action by other means on this matter of court-ordered busing.

If Members will recall, the amendment we are voting on today, the primary amendment, the Broomfield amendment, was not germane, but it was put in the bill and left in the bill.

I would suggest to the Members that nothing coming out of the Judiciary Committee this year, or out of any other committee, or out of the Senate, will do this one thing. Those who are undetermined in this Chamber today, if they vote against this conference report, will be saying they do not wish to stop court-ordered busing for the next 18 months.

We all have disagreements on this legislation, but we must recognize we have to bring stability to the local school districts and to the children, black and white; and the intent of this legislation is to do just that.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I wish to compliment the gentleman from Michigan and to say that I share in his explanation of the bill today, and indicate to the House that as a sponsor of the Broomfield amendment I am going to support the conference report.

Mr. Speaker, as the author of the Broomfield antibusing amendment which is contained in the bill before us, I have listened with great interest to the debate about this proposal since it was first approved by this body nearly 7 months ago.

Fine legal minds, respected scholars and working educators have analyzed it from all sides and presented arguments both for and against my proposal.

I have heard some more of this analysis today.

I cannot claim that sort of expertise.

I would only ask each of you to ask yourselves one very simple and direct question before you vote today.

Are you for or are you against forced busing?

And, if in all sincerity you conclude that you are against forced busing, you will vote for the bill and my amendment.

Because plainly and simply it is the only antibusing legislation before us today.

It is the only antibusing legislation that will go to the White House for the President's signature tomorrow—not next month, or next fall, or next year, or the year after.

If we, who are opposed to court-ordered busing, view this vote today as an all-or-nothing proposition, we are going to get just that—absolutely nothing—to prevent the senseless busing of thousands of school children this fall.

In the Detroit metropolitan area where I come from, in Florida, in California, or Texas where court-ordered busing could begin or will continue next September—just 3 months from now—people will want to know: "What happened to the Broomfield amendment?"

"Isn't it true," they will ask, "that Congress had before it the means to halt this senseless busing at least while we appealed our case all the way to the U.S. Supreme Court?"

The answer is: Of course it would have. And, it will, if we pass this legislation today.

In the 18 months that this amendment will be effective there is no telling how many more school districts will be ordered to bus. Illinois, Maryland, and Ohio are just three States that come to mind.

We have the means here today to halt those buses before they ever roll. We cannot let this chance slip through our hands.

Make no mistake about it, I am not telling you that we have the final answer to the busing problem before us.

I am prepared to continue working tomorrow for even stronger language and, if necessary, a constitutional amendment which will once-and-for-all make court-ordered busing a thing of the past.

But we have to be realistic. Forced busing is not yet a thing of the past. It is a very real and persistent problem of the present. It will, unfortunately, continue until we do something about it here in Congress.

This amendment bridges the gap between the present crisis for which we have no legislative remedy and that day in the future when we can eradicate forced busing for good.

Let us not delude ourselves—nor the people who are depending on us—that this can be accomplished overnight.

My amendment was added to the higher education bill last November along with the Green and Ashbrook amendments. But it has taken us nearly 7 months to come this far and we have lost most of the language of the Green and Ashbrook proposals—very fine proposals which I wholeheartedly support.

Does anyone of us who is sincerely opposed to forced busing seriously suggest that we vote down this antibusing legislation today and begin all over again tomorrow with absolutely no assurance that we can do better?

We can fill the air with all of the highest sounding rhetoric in the world about the need for strong legislation.

But if children are bused next week or next month or next fall because we were not satisfied with half-a-loaf then we have failed to help the people who are counting on us.

If this body were to pass a constitutional amendment against forced busing today, and, if by some major miracle the Senate were to do likewise tomorrow, which you and I know is as unlikely as a July snowfall, it still would be years before it could be ratified by the necessary State legislatures and be put into effect.

So, I say let us pass this language today. Let us take half-a-loaf today and begin working tomorrow for the rest.

This amendment will buy us the time we need to get the rest.

Without this antibusing amendment, parents in many places throughout the country will read in tomorrow's papers that Congress rejected help in the fight against forced busing while their children ride 10, 20, or 30 miles to school under court decree.

With this antibusing amendment, they will read that Congress is making progress in the fight against forced busing while their children continue to walk to their neighborhood school.

I can think of no better way to illustrate the importance and the fairness of the Broomfield antibusing amendment than by reminding you that only 2 days ago the Fourth Circuit Court of Appeals reversed a lower Federal court's cross-district busing order in Richmond.

Fortunately, Richmond had been granted a stay of that order pending appeal. Otherwise they would have been forced to spend the time and money to plan busing only to learn on appeal that the lower court was wrong.

If the appeals court had not ruled till next fall, children would have been bused only to find that it was not necessary under the law.

There is a very real possibility that without my antibusing amendment that hypothetical could become a reality in Metropolitan Detroit and other parts of the Nation.

I want to avoid that. My antibusing amendment will avoid that. It provides that the defendant school district will have his day in court before he has to buy buses, uproot children from their neighborhood schools and implement forced busing.

Mr. Speaker, it seems only fair to me that if those who would have us spend millions of dollars and thousands of hours, educational dollars and hours, for busing are so sure that it is constitutional, why not give those of us who are equally sure that it is not constitutional the opportunity to appeal before we have to bus.

It seems clear to me that the true solution to the busing problem lies in upgrading the quality of all of our schools across the country.

As one of the original signers of the discharge petition to the constitutional amendment to ban busing, I testified before the House Judiciary Committee last month on this very point. I feel that busing is hardly a remedy to the problem of unequal education.

There are remedies, real remedies, which we can and should explore. We need increased financial aid to local schools. We need improved teacher training programs designed to develop the unique and special skills to reach disadvantaged children. We need teaching aides and assistants to relieve professional teachers from the daily burdens and duties which rob them of precious time they can devote to their students.

These and other ideas are not new. They have been suggested in the past. They are viable. Yet, we have never really implemented them.

Mr. Speaker, I would like to address one final point. There has been some confusion, some misunderstanding about the operation of my antibusing amendment. I have read with a great deal of surprise that my amendment only applies to busing for purposes of arriving at a racial balance.

I have seen my amendment quoted out of context so as to imply that it will not be effective in preventing the vast majority of busing which is or will be ordered.

I suggest that a complete reading of the language reads, "for the purpose of achieving a balance among students with respect to race, sex, religion or socio-economic status."

I repeat it halts busing ordered on the basis of socio-economic status. That phrase was purposely added to my bill and retained only after a great deal of thought. Our feeling was that the phrase is wide enough and open enough to include any rationale or basis which a court might conceive of in order to justify busing.

I realized that by limiting the language only to cases involving racial balance, there would be those who would try to skirt and evade the obvious and clear intent of my bill. My bill delays all busing orders pending appeal and socio-economic covers enough ground to make sure that happens.

Mr. Speaker it is for all of these reasons, but most especially to give relief to the millions of Americans who oppose forced busing, that I respectfully urge this House to pass the Higher Education Act and my amendment to postpone court-ordered busing until all appeals to that order have been exhausted.

Mr. ESCH. I appreciate the gentleman's statement.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report, and ask unanimous consent that I be granted permission to revise and extend my remarks immediately following those of the gentleman from Michigan (Mr. GERALD R. FORD).

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am pleased to yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I rise to oppose this legislation. I hope it will be defeated.

Mr. Speaker, we must decide whether we wish to be one country or two. The conference report confronts us with that choice. Since I am committed to the proposition that we should be one nation, indivisible, I shall vote no.

As a U.S. Representative, I was elected to exercise my sound judgment and to legislate not exclusively for those who voted for me but for the common good of all the people of this country.

The common good will not be served by condoning or promoting a policy of racial isolation. No one can seriously—at least, openly—contend that continued separation of the races is the path to racial harmony and one America. Nor can anyone seriously contend that the separate facilities made available to minority groups have been, or ever can be, equal in

quality to those facilities enjoyed by the majority of Americans.

A policy of integration is thus an absolute necessity for two distinct, independent reasons—national—survival and simple justice.

Education does not escape this necessity. It is utter silliness to pursue a policy of racial harmony by educating the races separately. An education in a state of racial isolation is, at best, an incomplete education. Although a complete education includes the three R's, it is not limited to them. There are so many other things to learn—not the least of which is learning how to live and live together in our present society.

The law relating to this problem is quite clear. It says that wherever government has caused the races to be educated separately, it must correct this wrong. After having separated the races through its policies in the past, it is no answer for government to cease doing anything. If a car is veering off the road, it is no answer for the driver to take his hands off the steering wheel. In both cases the answer is affirmative action to put us back where we should have always been. The law reflects this commonsense approach to the problem.

Thus the Federal courts have ruled that a school board that racially discriminates must do more than merely stop discriminating; rather, it must return to where it should always have been.

There are some who argue—to continue our analogy—that the proper policy for the car is to drive straight, that if the car angles off the road that is wrong but that it is just as wrong to compensate by angling the car back toward the center of the road, that two wrongs do not make a right, and that even if the car is off the road it should pursue the correct policy of driving straight.

The courts have not been fooled by such an argument. Where school boards have assigned students by race to separate them, the courts have required that they unassign students by race in order to integrate them. Sometimes this can be done with little or no inconvenience. Sometimes it cannot.

For sometimes there arise cases where the prolonged patterns of school segregation which produce black schools and white schools have, in turn, respectively drawn around these schools black neighborhoods and white neighborhoods. In such a case, the only possible remedy—the only way to undo the damage of the school board's discriminatory policies, the only way to return to where we should always have been, the only way to pursue a policy of national survival and simple justice—is to transfer some students to a school beyond the nearest school so that the racial identifiability of the schools might be erased. If the transfer requires the student to travel some distance, generally about a mile and a half, the State or local government will provide free transportation.

Busing is an inconvenience, but it is an utterly necessary inconvenience. In some cases, it is simply not possible to desegregate without busing. In some cases, one has only two choices—busing or segregation. To say in such a context that one is for desegregation but against busing is to ignore the hard realities of the problem. To delude the American people by professing that they can have it both ways—integration without, in some instance, the inconveniences of busing—is to play politics with the future of our society. I have listened to more than 130 witnesses during the last 3 months of hearings before the Judiciary Committee. I repeatedly asked witnesses of all persuasions if there was any practical alternative to busing. If there is one, I am still waiting to hear it.

What is needed now is someone with the courage of a sales clerk who will say to the American people, "If you want the goods, you will have to pay the price." If we want one America, we will have to desegregate; if we desegregate, we will in some instances, have to bus.

Busing has been an educational fact of life for decades. The fact that busing was used in the South to promote segregation, of course, does not make it right for desegregation today. Nor does it make it wrong. Busing is only a means, a neutral means. It is the purpose of the busing that makes it good or bad. We all really know that. There appears to be no objection to busing children long distances for a better education. Experience has indicated that where special programs of good quality have been offered at some distance from the home, parents fight to have their children bused to that special program. There is no objection, either, to busing handicapped children unusually long distances for their special training. The inconvenience in these cases is thought worth the benefit. What disappoints me is that the same acceptance is not accorded to busing which is intended to bring the races together, equalize educational opportunities, and breathe life into the promise of our constitution.

The burdens of busing for desegregation are not greater than those of busing for other reasons already accepted by most people. What is different is how we value what the busing can accomplish.

Many witnesses against busing listed the inconveniences allegedly resulting therefrom. But what was never explained was why the inconveniences did not matter for the 40 percent of the total number of students who are bused for traditional reasons whereas they counted heavily for the eight-tenths of 1 percent who are bused to remedy desegregation. Why is it that busing is unsafe for the second group but not for the first? Why is it that busing precludes participation in extracurricular activities for the second group but not the first? Why is it that busing diminishes parental participation in school affairs in the second case but not in the first?

The evidence makes clear that these inconveniences either were invented out of fear or were inflicted by State agencies upon the children for political reasons. In Nashville, for example, the children are made to suffer by a local legislature that refuses to provide the buses needed to make the desegregation plan workable. Thus these children attend school in shifts from dawn to dusk—not because a Federal judge has ordered them to be punished as some spokesmen would have us believe, but because local agencies of government have chosen to use the children as pawns in an attack on the Federal courts because they have ordered compliance with the Constitution. I suppose it should be no surprise that town councils and school boards that have historically opposed desegregation are not converted to constitutional principles when a Federal court pronounces the law. That being so, we would do well, whenever there are allegations that children are made to suffer by busing, to look with scrutiny to determine exactly who is responsible for such inconveniences—those who declared the law or those who obstruct its implementation.

The question for the Members of this body is whether we shall stand up for those men of courage on and off the bench who have sought to apply the law and bring us all together or alternatively whether we shall reward those who have obstructed the law and sought to keep us divided.

A vote to accept section 802 would put this body on record clearly on the side of those who have obstructed the law. Its combined purpose is to make it more difficult for new buses to be acquired to carry out constitutional mandates. A vote for section 802 is akin to an act of civil disobedience for which the disobedient need not personally suffer. Instead the consequences are inflicted on children or on local taxpayers. That either group should suffer for the political gains of others is, in my opinion, an indefensible proposition.

Finally, section 803 would delay the actual implementation of a transfer or transportation order to achieve a balance on the basis of race until appeals have been exhausted. The provision is either meaningless or mischievous. In either case, I find no reason to support it. It is intended to delay desegregation—even where no busing is required and even where there are compelling circumstances to the contrary—in spite of the fact that the Constitution requires desegregation at once.

Therefore, I shall vote "no." A vote "yes" is not so much a vote against busing as it is a vote against education, against the Constitution, against children, and against the common good of the country.

(Mr. McCULLOCH asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I am reminded by this debate of the sign in the old Mayflower Coffee Shop about "Keep your eye on the doughnut and not the hole." I am afraid there are those today who have decided to pay less attention to the substance and more attention to the rhetoric.

Most Members will remember the eloquent and forceful statement of the gentlewoman from Oregon in November of 1971, in which she said—

> The various studies that have been made on higher education, it seems to me, prove absolutely that the institutions are facing the greatest financial crisis they have ever seen in the United States.

Are we now to assume the crisis has disappeared? I think not.

In the Oshkosh Northwestern of May 31, 1972, the headline about a story on Father Reinert's study said "Many independent colleges may be closing down." That is the substance of this conference report.

There are three parts to institutional assistance which I believe the House ought to consider before it decides to vote down the conference report and attempts to take what is being offered in the form of a preferential motion.

Any kind of preferential motion, Mr. Speaker, is totally inadequate to do this job in terms of meeting the problems facing the institutions of higher education across the United States.

Institutional assistance is a part of what I think the conference has attempted to do in making available both to students and institutions the kind of aid which is most appropriate. To simply extend the present programs does little to relieve the serious problem facing some institutions.

Mr. Speaker, one of the big issues throughout his legislation has been institutional aid.

It is a fairly complicated issue. I have seen some things in print recently that completely misrepresent what the conference committee agreed on.

Many witnesses before our committee said the exact formula for institutional aid was not that crucial. Any number of formulas we explored had good points and bad. I believe the conference report includes a very reasonable formula.

Actually, the conference report has three different programs which can be considered as "institutional aid."

1. GENERAL ASSISTANCE

According to Office of Education estimates, the main conference report provision for general assistance costs about $890 million at a full funding.

I have heard it said that private institutions would not get any general assistance until over $1 billion is appropriated for student aid.

That is absolutely false.

The money institutions receive under this program can be spent at their discretion. They do not have to spend it on any particular group or category of students.

It is accurate to say that 55 percent of this general aid is distributed according to formulas which were in the House-passed bill.

That particular part of the total $890 million—or about $490 million—is not tied to the appropriation for the basic opportunity grants. It could be distributed immediately. And about $189 million of this $490 million would go to private institutions—45 percent of this general aid is distributed according to a formula related to the number of recipients of basic education opportunity grants on a campus. That includes both low- and middle-income students.

This 45 percent of any appropriation, however, could not be disbursed to the colleges unless the Congress funds the Basic Education Opportunity Grant program at least at the 50-percent level. If not, this part of institutional aid would revert back to the Treasury.

Let us be candid about the reason for this provision. It is to encourage the higher education community to help lobby for lower and middle income students at the same time they lobby for Federal aid for themselves.

The Senate bill would have put this condition on all of the general aid program. The conference report applies it to only 45 percent of the money.

So let us be clear. This general aid will help almost every college and university in the country. Although most of the distribution formula is tied to student assistance, the college is not bound at all to spend this money only on those receiving Federal student assistance.

And it does to justice to private institutions, many of which are small and cannot realize the same economies of scale which larger institutions can. Although private institutions enroll about 27 percent of the students, they stand to receive about 37 percent of this general aid.

2. EMERGENCY AID FOR INSTITUTIONS OF HIGHER EDUCATION

A second provision in the report authorizes $40 million over the next 2 years to provide emergency assistance to those institutions which might otherwise not survive without it.

The Senate bill provided $150 million for this purpose. The conference reduced that to $40 million.

The first general aid provision uses a shotgun approach. Everyone gets something.

The problem with that approach is that, even if funded at substantial levels, it will not provide enough assistance to those institutions about to close their doors.

This emergency assistance takes a rifle approach. It targets money only where it is needed for an institution to survive.

Money will not go to an institution simply because it is in the red. It must meet certain criteria as determined by the Commissioner, in consultation with a panel of specialists from outside the Government.

The institution must present data about its financial situation and agree to conduct a comprehensive cost analysis study of its operation.

The Commissioner must also determine that the institution, if aided, shows promise of making a major contribution to the overall higher educational system of the area of the State in which it is located.

The conferees discussed the need for sound, rational criteria which could be published and applied to all institutions wishing to seek aid under this program. We intend that the Commissioner would use the panel of specialists to create these criteria in order to provide clearly understood thresholds which must be met before an application could be considered.

3. COST-OF-INSTRUCTION BENEFITS FOR VETERANS

The purpose of this program is to encourage institutions to do a better job of making known their opportunities to our returning veterans.

Our veterans have not been taking advantage of their GI educational benefits as much as was the case following World War II and Korea, even though their ability makes them highly eligible for further education. One of the reasons is that colleges tend to concentrate their recruiting efforts on high school students.

This program—estimated to cost $150 million if fully funded—would go to institutions which increase their veterans enrollment by 10 percent over the previous year—50 percent of the money received by an institution would have to be used to provide educational vocational and personal counseling for veterans; for outreach and recruiting; and for special education programs.

We do not intend, as some have suggested, that this program encourage a lowering of standards to admit students who would not or should not otherwise attend college.

Once veterans do find the right educational opportunity for them, they have always proven themselves as serious, highly motivated students who do better than those of similar ability who go straight from high school to college.

This is not a massive program of institutional aid. But I believe its limited purpose of increasing educational benefits to those who have fought and are fighting for us in Vietnam is a worthy purpose.

The problem of the returning Vietnam veteran concerns us all. About a million GI's are expected to be released from the service this year. What are they coming home to, and what will they do? We have a 1970 GI bill with increased benefits—we have a Jobs for Veterans program—but we also have statistics that show that these GI's are suffering from high rates of unemployment—350,000 veterans are unemployed. Those veterans who have never been to college before are far less likely to use the GI bill to go to college or junior college than previous college attenders. Obviously, a veteran enrolled in college or junior college is one less veteran looking for a full-time job, and one man who will have skills he previously lacked to get a job when he completes his courses.

The reason for the veterans cost us instruction payment is that those veterans who have had previous college experience are almost three times as likely to use the GI bill to go to college as those with equal ability but only a high school education. When you realize that 80 percent of our returning veterans have only a high school education or less, you can understand that the GI bill alone will not solve the problem.

The problem is that these veterans must be sought out and convinced that the key to their future is higher education and that they can succeed at it. The colleges and the universities can do this job the way it must be done, using student veterans from like backgrounds. Except for some few demonstration efforts, there is no process now available which systematically serves to put the veteran—without prior college experience—in touch with institutions of higher education in a manner that overcomes

institutional barriers to enrollment of men without a college orientation.

The veterans cost of instruction amendment encourages colleges to recruit and enroll veterans by having each veteran bring with him up to $300 and in the case of veterans using remedial and PREP courses authorized by the GI bill up to an additional $150. Only 15 percent of the high school graduate veterans—who comprise 60 percent of the 1 million men discharged last year—used the GI bill to attend college or junior college. Cost incentives to the colleges should activate them to enroll additional veterans, and at the same time help them with costs imposed by the $2.2 billion GI bill. The veterans cost of instruction provision is subject to the same safeguards as are the other institutional aid provisions. However, colleges receiving veterans cost of instruction benefits must meet specific requirements to get grants:

The veterans' cost of instruction provision is subject to the same safeguards as are the other institutional aid provisions. However, colleges receiving veterans' cost of instruction benefits must meet specific requirements to get grants:

First, they must have a 10-percent increase in veterans' enrollment;

Second, they must offer veterans counseling services based on the size of the school;

Third, they must run an outreach program with work study money; and

Fourth, they must offer prep and remedial programs. Perfecting amendments that were added in conference release smaller colleges from having to meet the requirement of offering a full-time veterans' counseling office by allowing them to participate in a consortium doing counseling.

Fifty percent of the moneys made available for veterans must be spent on the costs of offering educational and related services to veterans which will enable them to stay in school and successfully complete their courses. A final requirement is that colleges must offer prep and remedial programs authorized by the GI bill.

Unlike World War's GI bill, today's GI bill gives the colleges no financial incentives to recruit veterans. Colleges lose money on each student enrolled, including veterans. The World War II GI bill covered the total cost of college for a veteran and for the college, because many colleges charged—some say, overcharged—in-State GI's out-of-State tuition rates. Therefore, the real cost of education was covered.

In my own State of Wisconsin, only 29.7 percent of the State's Vietnam-era veterans have used the GI bill. This is well below the national average of 38.1 percent. Only 16.1, or about 20,000 Wisconsin veterans, have used their GI bill benefits to attend college or junior college. Based on the Defense Department study, 9.9 percent of Wisconsin veterans, who were high school graduates before they entered the service, used the GI bill to attend college or junior college while 42.1 percent of the veterans who had preservice college used the GI bill for that purpose.

More money to the veterans through the GI bill would fail to solve the problem of the colleges. A president of a leading junior college system has said that student aid is only one leg of a three-legged stool. If veterans fail to bring institutional aid with them, no additional veterans could be taken into his institution because the State legislature was reducing the operating funds available to the college. Veterans' tuition payments would not provide those missing funds to undertake a greater effort in order to aid veterans, we must give the colleges the same incentives we give them to educate other federally aided students.

Lower tuition private colleges should benefit from the veterans cost of instruction amendment. This will give them the means to recruit veterans who will bring with them Federal aid dollars. Giving colleges Federal dollars for doing so, as we are doing in this bill for other categories of federally aided students, should have an impact. No matter how one feels about the war, we must recognize our obligation to those men who served. Many of them were draftees, serving because they were required, and serving well.

In some areas, veterans find that colleges, particularly State colleges and some junior colleges, are turning them away because they have no places. These schools have been hard hit by State legislatures reacting against college students and cutting back on legislative appropriations. Veterans, therefore, are excluded often, because their high school records were not all that good, or because they were released from the services and applied at time of the year which are different than the colleges' normal schedules. For example, many veterans being discharged on programs to cut back the Armed Forces are rejected because their applications are made in May or June, and admissions have closed effectively in April. The moneys these men bring with them may help the colleges to do what many consider to be their duty to men who have served their country.

Just because national public opinion polls show that the country wants to forget about Vietnam, let us insure now that it not forget about its veterans. These young men, above all, should have the chance to receive higher education and we can bridge the gap that now serves to separate them from it.

Further, Mr. Speaker, the requirement that 50 percent of veterans' cost-of-instruction payments be used to provide special resources for veterans' education should be liberally construed to assist veterans in the ways needed to enable them to enroll in and complete college. For example, although emphasis is placed on using GI bill provisions for remedial courses, a number of colleges are undertaking "Upward Bound" for veterans programs. Non-Federal expenditures for such concentrated, remedial, motivational courses would be included in counting the 50 percent. This would be particularly important to encourage colleges to offer remedial courses which provide credit.

Colleges are to be encouraged to work together particularly in consortium arrangements to aid veterans. Thus, there will be limited duplication of effort and effective contact with the veterans.

An adequate counseling program would necessarily involve financial aid counseling. Veterans need a package of loans, part-time jobs and additional scholarships. Because they have been excluded from work-study programs, because of inclusion of GI bill payments, resources, job development is particularly important. Veterans hired to work on this and other questions should count toward the 50-percent requirement.

Another key need is for veteran peer counselors to assist veterans in adjusting to academic training.

It is not intended that the 50-percent requirement for use of veterans' cost-of-instruction payments be applied against financial aid made available to veterans. The exception to this is for veterans hired to implement the colleges' veterans program.

Mr. Speaker, I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this debate culminates more than 2 years of intensive activity on the higher education bill. When the House convened the 92d Congress in January 1971, I called the subcommittee chairmen together to indicate that we were going to give higher education special attention. All other committee business was to stand aside, so that there would be no conflicts.

Higher education programs were due to expire on June 30, 1971. For a variety of reasons—all of them valid—the bill was not reported until the late fall. I went to the subcommittee and sat with Mrs. GREEN and the members of the subcommittee for many days. We worked out an excellent bill. My colleagues will recall that on November 5, it passed with a great majority.

Now there is one thing clear to me as I review this legislative history. This is the best possible conference report that could possibly be obtained. It is clear to me also—and it should be clear to every Member present—that the action we take here today will be final.

Now there have been various rumors circulating that there are alternatives which we can turn to if the conference report is defeated. Granted there may be motions available if the conference report should not be accepted, but in my judgment, these would be doomed to failure.

The conference report before us represents the only compromise possible between the divergent views of this House and the Senate on any number of issues. Such compromises were reached only after hours and hours of debate and discussion.

Mr. Speaker, the first meeting of the conference committee took place on March 15, more than 12 weeks ago. During the intervening period of time, the conference committee met 21 times. Most of our meetings lasted from early afternoon well into the evening hours. There were more than 100 hours of hard and tedious deliberation devoted to the work of resolving the differences in this legislation.

The conference committee had before it two massive versions—the House amendment numbered 423 pages and the Senate amendment numbered 754 pages. These versions in many respects were as dissimilar in their approaches as they were similar in the very controversial issues they each contained.

There were more than 383 substantive differences in the bill with which the conference committee had to deal. In our work we utilized nine different committee prints which identified and analyzed these differences. Because of the number and diversity of issues involved, it was necessary to prepare agendas each day so that Members could be advised of each session's activity. At the end of each session, it was necessary also to prepare a listing of the conference agreements and/or discussions with regard to the various points in difference.

Few of the differences could be resolved with relative ease because of the widely divergent approaches in each of the bills. Because of their very complex and substantive nature many of the topics required repeated discussion during which additional recommendations and suggestions for possible compromise could be aired.

The number of topics requiring the repeated attention of the conference committee during the 21 sessions included the differences involving institutional assistance, student aid, developing institutions, busing, emergency school aid, occupational education and junior colleges, the political internship program, ethnic heritage studies, sex discrimination provisions, the insured student loan program, state scholarships, basic grants, the National Institute of Education, and education renewal.

While these issues in and of themselves were not easily reconcilable, the conference committee was compelled to labor under House instructions. Throughout our proceedings the job of negotiation and deliberation was made that much more difficult because of these instructions. In addition, at all times we were conscious of the new House rules under which the conference committee had to function, and every effort was made to check all possible compromises and solutions with the House Parliamentarian to see that such agreement fell within the scope of conference authority.

Mr. Speaker, there were times when it seemed there would be no conference report. Agreement seemed very remote. The last session of the conference committee—May 16—extended over 15 hours, and I say to my colleagues that even when we were within close reach of a final agreement—not more than 2 hours before our signatures were affixed to the conference papers—there was a great possibility that all of our work would be in vain, that we would have to return to the House in disagreement. It was therefore not until the very end of the last session that the conferees could safely feel that agreement had been reached. Not until we walked out of the Old Supreme Court Chamber in the Capitol at 5:30 a.m. on the morning of May 17—after over 15 straight hours of deliberation—were we able to say our work was successful.

For my part, it was indeed an honor and a privilege to serve as chairman of a conference committee which I believe will be recognized as a diligent, persevering, dedicated body ever mindful of its authority and responsibility to the purpose of improving American education. The conference report before us today is the product of the labors of that conference committee. It is a good product—the best possible product—a negotiated product in which is evident the hard, tenuous give and take compromise agreements which were finally arrived at during the course of deliberation lasting close to 3 months.

This conference experience has convinced me—and I daresay the majority of the House conferees—that this higher education bill, and only this higher education bill, stands any chance of final enactment this year. Any attempts to further change or revise or add to what is before us at this very moment will fail. Turning to an analysis of the bill, title I covers higher education; title II vocational education; title III a recognization of the Office of Education; title IV Indian education; title V miscellaneous subjects; title VI Youth Camp Safety; titles VII and VIII emergency school aid and transportation of schoolchildren; title IX sex discrimination; and title X, direct aid to institutions of higher education.

I shall not in this statement touch upon every matter contained in the bill. Each element is fully explained in the joint statement of the managers. Suffice it to say, the conferees have brought to you a 3-year bill which extends certain of the present programs and authorizes new programs through fiscal year 1975.

Mr. Speaker, I have referred to the compromises. I do not wish to be misinterpreted in utilizing this term to indicate that the conference report compromises the House positions on the most important issues. It does not.

Paramount in the House bill was the authorization of a program of direct general assistance to institutions of higher education. That concept has been preserved. The conference report does not, as did the Senate bill, give secondary emphasis to institutional aid. General purpose moneys can begin to flow almost immediately to institutions of higher education, if the conference report is adopted.

Keep in mind there would be no general assistance if we simply have a continuing resolution.

Yes, the formula for distributing the funds is different from the House version. The mechanism—but not the concept—was compromised. What does the compromise mean? It does not, as some have suggested, slight private education. To the contrary, based on the studies we have, private education will benefit from this formula allocation as much as, if not more than, the original House bill.

Mr. Speaker, I wish to repeat that this conference report represents with respect to institutional aid a great victory for the House of Representatives—and for higher education—for the concept of direct institutional aid will become a reality.

Turning to another area of the conference report of equal importance—student aid. I do not think that neither the House or Senate bills by themselves offered as much in this area as we have in the compromise bill. Three essential items are part of our agreement:

A new program of basic educational opportunity grants is authorized. And for the first time I believe we have authorized a program which will result in a realization of the often-stated congressional intent that no student be denied an opportunity for higher education, because of financial difficulties.

Second, we have fully protected the integrity of existing student assistance programs which have, as you well know, made such a significant contribution to American higher education through the years. Under the agreement, the National Defense Education Act student loan program, the college work-study program, and the educational opportunity grants cannot and will not suffer, because of the establishment of the new program of basic grants.

And I think we should view this area in another way. Let us talk about the people we are trying to help through our student assistance programs. One of the great faults with the Senate approach to the issue of student assistance was that it neglected the financial plight in which middle-income families find themselves in financing a higher education. The House approach was a balanced approach in that it strengthened and sharpened the focus on low-income students while at the same time expanding benefits for middle-income students. The Senate approach did not offer this balance. The agreement—because it contains the House expanding provisions of the insured loan program and because it builds into the Federal student assistance program basic and supplemental grants—provides for even a more balanced approach than existed in either bill if taken separately.

Another thing, Mr. Speaker, the conference report has been challenged on the basis that it does nothing for middle-income America. I have just mentioned the balanced approach in the House bill and the balanced approach in the Senate bill. Let us consider also that the report contains the Student Loan Marketing Association, which will greatly strengthen and expand the volume of lending under the insured loan program—that program which we have specifically designed for students from middle-income families. Again a continuing resolution will not address this problem. The volume of lending under the insured loan program will continue to be hindered, because of the liquidity problems if we only have a continuing resolution.

The conference report also retains the proposal in the House bill to liberalize the interest subsidy benefits under the insured loan program. Under current law and in the Senate bill, no student from an adjusted family income of $15,000 or more could receive an interest subsidy payment. Under the conference report, this will now be possible provided the student can demonstrate need.

In the third major area of controversy, I wish to stress that the conference

agreement lived up to the letter of the House instruction with regard to the busing agreements. The conference report speaks for itself:

After hours of debate during which the House conferees rejected numerous Senate proposals to weaken and compromise the Broomfield amendment, we were able to maintain the House Broomfield amendment staying court ordered busing until all appeal rights are exhausted. The conference report differs in only one way, and that is that there is a period certain fixed for this prohibition. The date was set as January 1, 1974—a period 6 months longer than the administration's proposed moratorium period.

A slightly modified version of the Ashbrook amendment which prohibits the use of Federal funds for busing is contained in the conference report. As modified, Federal funds could be used only "on the express written voluntary request of appropriate local school officials." But even this permission is limited by further amendments which absolutely prohibit the use of Federal funds when the busing involves travel over distances which risk health or safety of children or impinge on the educational process. Still another limitation is provided under which there is an absolute prohibition on the use of Federal funds for busing when the educational opportunities provided would be inferior at the school to which the child would be transferred.

The conference report contains a provision prohibiting Federal activity with respect to busing which was covered in the Green amendment. The prohibition has been modified, however, to allow such activity when "constitutionally required." But once again even this exemption has been limited so as to absolutely bar such Federal activity if the proposed busing would impinge on the educational process or involve travel over distances which risk health or safety or if the educational opportunities would be inferior at the school to which the children would be transferred.

Bear in mind also, however, that in addition, the conference report contains the following related Senate provisions:

First. A provision granting a parent or guardian the right to reopen or intervene in court ordered busing if the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process.

Second. A provision barring courts or officials of the United States from issuing any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school district to another. This provision applies to all schools and systems under all circumstances throughout the United States.

Third. A Senate provision reading "No provision of this act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

There are other aspects of the conference report I should like to refer to. I believe an excellent decision was made in retaining those Senate provisions relative to the higher education title II program of assistance for college and university libraries for creating an entitlement for institutions of higher education for basic grants. This carries out, in my judgment, the original intent of the Congress. Likewise, I am pleased that the conference report contains certain House provisions regarding the eligibility requirements for participation in the title II program.

A question has arisen as to whether it is the intent of the committee and the Congress that independent research libraries such as the Henry E. Huntington Library of San Marino, Calif., the Newberry Library of Chicago, the American Antiquarian Society of Worcester, Mass., or the Historical Society of Pennsylvania in Philadelphia will be eligible for assistance under title II. The collections of the independent research libraries such as those listed above are of national importance, and their readers come from across the Nation. In that these research libraries serve colleges and universities in a cooperative fashion, it is my judgment that they will be eligible for assistance.

Other provisions of the conference report extend the expiring provisions of the Vocational Education Act of 1963. The report contains a number of new initiatives including the Senate proposal for a new program of grants to establish and expand community colleges, but it retains also the House provision of assistance to States to plan and develop postsecondary occupational education.

With approval of the conference report the National Institute of Education will be established and there will be authorized a national study of the financing of postsecondary education. Many changes are provided with respect to the Federal involvement in graduate education. A whole new title on graduate education which contains the best elements of both the House and Senate provisions in this matter is contained in the conference report. The new title would consolidate many of the graduate and fellowship programs; it would extend without change in the new title the program of education for public service, and the improvement of graduate programs; and it would extend NDEA title IV teaching fellowships. The report also extends as separate programs title VI NDEA fellowships with emphasis on undergraduate language programs. Under this title, the International Education Act is extended without change, and a new program of fellowships for mineral resources and for persons from disadvantaged backgrounds is created.

The conference report also allows the Department of Health, Education, and Welfare to assure responsibility for the highly successful CLEO program which has been administered as a research and demonstration project by the Office of Economic Opportunity. In 3 years, this program has assisted approximately 1,000 students from disadvantaged backgrounds in gaining admission to law school. The proposed transfer is consistent with the desires of the administration and has the support of the American Bar Association and the Association of American Law Schools, both of which serve as cosponsors of the Council on Legal Education Opportunity.

Finally, an important and very necessary new program in support of Indian education is in the conference report. Support for consumer education, ethnic heritage studies, for the University of Guam and the College of the Virgin Islands, a study of youth camp safety, and the basis of sex are still other important aspects of the conference report.

Mr. Speaker, for the purpose of legislative history on this bill, I would like to comment briefly on a few items which might otherwise leave some confused about the intent of the conferees. Let me say that I have checked with Mr. QUIE, the ranking minority member, on each of these items and he agrees with me on the interpretation of these provisions.

The conference report creates an education division within the Department of Health, Education, and Welfare, headed by an assistant secretary to whom the Commissioner of Education and the Director of the National Institute of Education would report. This assistant secretary should be the chief spokesman for education at the Federal level. This bill makes him a line officer in HEW, rather than merely a staff person to the Secretary. The heads of both the Office of Education and the NIE will report to him.

The assistant secretary would have administrative responsibility under this bill for the Emergency School Aid Act. I would assume that he would be free to administer the program within his own office or delegate that authority to the Commissioner of Education. Similarly, the assistant secretary could administer other educational programs delegated to him by the Secretary.

Mr. Speaker, we want to make clear, however, that the conferees did not intend to create a vast bureaucratic superstructure. Rather, the assistant secretary should require only the staff necessary to enable him to fulfill his responsibilities. I would assume that much of the supporting staff of the Office of the Secretary could be of assistance to him. And, of course, the Office of Education and the NIE will have staffs able to carry out some of the policy decisions made by the assistant secretary.

Section 402(a) of the General Education Provisions Act creates the position of assistant secretary at a level IV. It is the intention of the conferees that this is to be a new position, in addition to the other level IV's the Department has now.

Mr. Speaker, another clarification for legislative history has to do with the funds paid to institutions under section 464(b) to make up for direct student loans canceled for service as a teacher or member of the Armed Forces. It is the intention of the conferees that any funds paid to institutions under this section be required to be deposited in the student loan fund established at the institution under part E of title IV. This money is to be used to make additional loans to students.

Some have asked about the meaning of the word "entitlement" as it is used in the basic education opportunity grant program. Section 411(b)(3)(B) spells out the payment provisions that are operative when not enough money is appropriated to pay all entitlements. A student's entitlement, for the purpose of that section, is to be determined solely by subtracting from $1,400 his expected family contribution.

Another item which needs clarification relates to the veterans' cost-of-instruction payments under section 420. It is our hope, of course, that the appropriations committees would appropriate the amount to which these institutions are entitled for educating veterans. But if there is not sufficient funds, those institutions would have to be satisfied with their pro rata share of the amount that was appropriated. The conference never intended, in the way this provision was finally agreed upon, that any institution would have any legal right against the Government for the full amount of its entitlement. There should be no question about that.

Finally, Mr. Speaker, I would like to point out one drafting error in part J of title I of the bill—which deals with community colleges and occupational education. In that part which deals with the establishment of a Bureau of Occupational and Adult Education, specifically in section 1071(a) which describes the responsibilities of the new bureau in the Office of Education, one word should be changed. On page 91 of the conference report, it says that the new bureau "shall be responsible for the administration of this title." The reference to "this title" is incorrect, as that would include administration of the new program for establishment and expansion of community colleges, which is not intended. The correct reference would be to "administration of part B of this title," which is the part dealing with occupational education.

The administration of part A of the title, dealing with the establishment and expansion of community colleges, is not intended to be a responsibility of the new Bureau of Occupational and Adult Education.

And Mr. Speaker, in providing general assistance grants it is understood that law students are to be included with graduate students under the definition of "pursuing a program of postbaccalaureate study."

My remarks covered the main thrust of the conference report. Other members of the conference committee will wish to take note of specific portions. The House should accept this conference report because the House conferees have brought back a report which carries out the will of the House. This is the most significant piece of higher education legislation ever presented to the Congress.

The conference report has the strong support of the most prestigious national associations—American Council on Education, American Association of Junior Colleges, American Association of State Colleges and Universities, Association of American Colleges, Association of American Universities, National Association of State Universities and Land Grant Colleges, National Council of Independent Colleges and Universities, and College Entrance Examination Board.

Numerous other organizations and associations have notified me of their support. In addition, I have received hundreds of letters and telegrams from colleges and universities endorsing the conference report. I should like to insert at this point selected excerpts from a number of these communications:

We want you to know that as associations whose memberships encompass virtually all accredited institutions of higher education in the United States, we support the conference report and urge its adoption by the Congress.

We take this opportunity to commend you and all of your colleagues on the Conference Committee on S. 659 for the time, effort, and thought you have devoted to resolving the many difficult issues that were before you. Rarely, in our experience, have so many dilemmas faced a group of conferees who, without exception, are devoted to the cause of education. You have our deepest thanks.

Sincerely yours,

Roger W. Heyns, American Council on Education; Allen W. Ostar, American Association of State Colleges and Universities; Charles V. Kidd, Association of American Universities; Arland F. Christ-Janer, College Entrance Examination Board; Richard E. Wilson, American Association of Junior Colleges; Ralph K. Huitt, National Association of State Universities and Land Grant Colleges; Frederic W. Ness, Association of American Colleges; Howard E. Holcomb, National Council of Independent Colleges and Universities.

On behalf of the 46 universities, which are members of the Association of American Universities, I want to thank you for your efforts toward producing a higher education bill which would provide substantial programs of much-needed aid to higher education.

On the basis of the fact that a majority of this association's individual members have expressed support for the bill, the Association of American Universities endorses passage of the Education Amendments of 1972 as reported out by your conference committee. While many members have serious reservations about the stringent anti-busing provisions included in the bill, most are actively and publicly supporting the compromise education proposals. The attached letters and telegrams provide a fair sample of their views. In the judgment of these presidents the proposed programs of student aid and the initial steps toward general federal institutional support represent significant advances. They also support the wide range of other higher education provisions embodied in the bill, while recognizing that the scope and complexity of the measure will necessitate amendments as experience is accumulated.

WILLIAM C. FRIDAY,
President, Association of American Universities, President, University of North Carolina.

ALABAMA

If it is possible to pass the Amendments that you outlined, Higher Education will be able to perform at a higher level than it did in 1971-72. With the new Amendments (or programs that are new) each institution that is considered will be in a position to improve its services.

M. C. CLEVELAND, JR.,
President, Selma University.

As requested in your letter of May 19, 1972, concerning the Conference Report on the Higher Education Amendments of 1972, my reactions are generally favorable. I think the scope of the program is good. I think the amounts are not sufficient to properly fund new and existing programs.

WILLIAM H. MCWHORTER,
President, Lurleen B. Wallace State Junior College.

ARIZONA

I have read over with great care highlights of the Conference Report on the Higher Education Amendments of 1972. While, of course, it is not all I would like, especially concerning institutional aid, I do think the Bill will be a great asset to the Thunderbird Graduate School of International Management and to higher education in general and to the students in higher education in the United States. . . . It is a milestone in the history of education and of the relationships of Congress to education in the history of the United States.

WILLIAM VORIS,
President, Thunderbird Graduate School of International Management.

Your affirmative vote on this conference committee's recommendation will help to obtain the funds that are so desperately needed in the community colleges in the nation today. As you may know the community colleges attract large numbers of disadvantaged and minority students who are of low socio-economic needs. If we are to provide the advantages of a general education or special vocational education for these students, we must have some way of motivating their attendance in school. The financial aids programs made possible by this bill will do just that. The community colleges are also attracting thousands of veterans, most of whom are in dire need of financial assistance to resume their education. . . . In view of the great needs that exist in our community colleges, I urge your affirmative vote on this bill—S. 659.

JOHN D. RIGGS,
Executive Dean, Mesa Community College.

I express strong support for the Conference Report on the Higher Education amendments of 1972 and urge early enactment by the Congress.

JOHN W. SCHWADA,
President, Arizona State University.

Greatly appreciate your efforts on behalf of the community colleges and our students. Your Conference Report is excellent and will really help.

GEORGE L. HALL,
President, Arizona Western College.

ARKANSAS

The State of Arkansas would benefit from all programs outlined in the Conference Report. I am especially pleased with the provisions of the bill which relate to the development of community junior colleges.

M. OLIN COOK,
Director, Department of Higher Education.

CALIFORNIA

Strongly urge immediate favorable vote without further debate on the long delayed omnibus Higher Education bill S. 659 as passed by the Senate yesterday.

HOMER H. GRANT,
President, Northrop Institute of Technology.

The University of Southern California strongly urges support of S. 659—Education Amendment of 1972.

JOHN R. HUBBARD,
President, University of Southern California.

Due to provisions concerning community colleges the Associated Student Body Cabinet of Cypress College unanimously endorses and supports Senate bill 659. Will await reply on status of bill.

STEVE CIFELLI,
Student Body President, Cypress College.

Just finished reviewing the Conference Report on the Higher Education Amendments of 1972. These are vital to higher education. I urge your continued support.

OMAR H. SCHEIDT,
President, Cypress College.

Reviewed communication on Conference Report. Urge your strong support. Approve sections on support for low income community college students. General student aid essential. Formula good. Must have loans, grants, work study financing. Urge your strong support.

WILLIAM B. TEMPLE,
Chairman, Mount San Antonio College Board of Trustees.

We urge your support for the Conference Report on the higher education bill, S. 659.

SISTER MARY AMBROSE DEEREUX,
President, Holy Name College.

We urge passage of Higher Education Amendments of 1972—as incorporated in SB 659 as essential to continuing services in community college.

WILLIAM P. NILAND,
President, Diablo Valley College.

The Purpose of this communication is to express my views, speaking for Cal-Tech, on the educational provisions of S. 659 as reported out by the conference committee. I believe that the higher education features of this bill are a very substantial step forward. These provisions support the national purpose of equality of educational opportunity and help institutions on the basis of how they serve this and other specific national purposes. Thus these higher education features of the bill are beneficial both to students and to institutions. Though I have a personal opinion about the busing provisions of the bill as reported by the conference committee, neither I nor my institution can speak with special expertise on this matter. Unfortunately it has not been possible to handle those features in separate legislation on its own merits. However, I want in any event to make known my view that the higher education provisions are clearly in the national interest.

Would you please VOTE YES ON this bill. San Joaquin Delta College—a community college, greatly needs the support which this bill provides in order to continue to help the hundreds of veterans and disadvantaged minorities. VOTE YES ON S659.

DR. NAOMI E. FITCH,
Registrar, San Joaquin Delta College.

I would like to commend the Committee and you for your long endeavors and ask for continued support and, hopefully, passage of the amendments.

GIBB R. MADSEN,
Superintendent-President, Hartnell College.

It is unfortunate that the busing amendments were attached to the bill as they certainly cloud the basic issue of Higher Education. However, the over-all recommendations on the Higher Education amendments are very good.

HARRY X. FORD,
President, California College of Arts and Crafts.

We appreciate the opportunity to comment on the Higher Education Act. The provisions will help many students to take advantage of the community college programs. The extension of eligibility to part-time students reaches a particularly deserving group since many of these students must work and cannot attend full time. The institutional aid which accompanies grants and work study will be a godsend to colleges which are in serious financial distress. We would prefer the general aid provisions originally in the bill, but at least it's a step in the right direction. In a period when unemployment is particularly acute among the 17-25 year age bracket, Congress has shown real statesmanship in providing viable options for the young person who is cut off from the employment market. I applaud your continued leadership in behalf of education.

ROBERT E. SWENSON,
District Superintendent and President, Cabrillo College.

This legislation is needed desperately at this time and particularly by the students in the community colleges of the United States. It is gratifying to note recognition of the purpose and the potential of the community college in the conference report. It is my urgent hope that the compromises on busing in the legislation are sufficiently acceptable that the legislation can be approved, and we can get on with the work that must be done to make higher education responsive to the needs of our people.

GLENN G. GOODER,
Superintendent-President, Santa Barbara Community College District.

COLORADO

I have just read the Conference Report on the Higher Education of 1972 and have discussed it with other members of our administration. We believe that in general it is very good and would urge its adoption. The amounts given for the minimum levels of support for E.O.G., Work Study, and Direct Loans appear to us to be absolute minimums for meeting the national needs of students in higher education. Again, we strongly support the Conference Report and stress the necessity of these concepts.

RICHARD R. BOND,
President, University of Northern Colorado.

I have reviewed the Conference Report on The Higher Education Amendments of 1972 very carefully and urge immediate passage.

JOHN P. TURANO,
Acting President, Adams State College.

CONNECTICUT

I am very enthusiastic about the higher education provisions of the bill. The busing rider bothers me, but I am not qualified to judge how it appears in the light of alternatives. However I did want you to know my view that the provisions relating to student and institutional support would go a long way toward helping all universities without imposing a heavy hand of uniformity on higher education. Best of all, the bill will mean real help to the students—and their parents—who need it most, while still allowing them to choose the institutions they most want to attend. The conferees had a most difficult task. I think they have done it remarkably well.

KINGMAN BREWSTER, JR.,
Yale University.

Your letter of May 19 carries with it some great news for institutions like Post Junior College. We, as a small and struggling private junior college, need all the support that we can receive from the United States Government. We are urging our own senators and congressmen to vote in favor of the Higher Education bill, S. 659.

DAVID J. LONERGAN,
Financial Aid Officer, Post Junior College.

DELAWARE

As President of a new and developing community college system, I urge support of the Higher Education Amendments of 1972 as described in the Conference Report.

PAUL K. WEATHERLY,
President, Delaware Technical and Community College.

FLORIDA

This is to express appreciation for your leadership and to support passage of the conference report on S–659. This is a very positive bill for community colleges. It will enable us to meet our responsibilities in many critical areas of operation and provide expanded higher educational opportunities for all.

HUGH ADAMS,
President, Broward Community College.

The University of Miami, an institution private and independent in character and international in scope, endorses with reservations the final conference committee version of the higher education bill of 1972. We are both troubled and disappointed that the irrelevant issue of bussing is attended in this bill, for we are convinced that singular attention to the needs of both college students and institutions of higher education is mandated in this time of financial crisis. But we underscore our support for the continuance and expansion of federal commitments to needy students toward the end of equal access through higher education for all those who can benefit from it. Further, we endorse the establishment of the principle of direct federal aid to institutions as a dimension critical to the fiscal salvation of many. We regret that full funding of all programs is not now assured, for the attainment of no less a goal than this is required if higher education is to continue to realize its full potential for leadership in meeting the needs of society. We offer both our gratitude and our compliments to the members of the conference committee for their devoted efforts in behalf of the needs of higher education.

HENRY KING STANFORD,
President, University of Miami.

House, Senate conference version of S–659 is an act of educational statesmanship. Proposed funds are badly needed for community college program. Strongly urge your support.

DR. AMBROSE GARNER,
Vice President, Miami Dade Junior College.

It is with great interest that I have read the highlights of the Conference Report on the Higher Education Amendments of 1972. I am totally in favor of all programs as presented in your report. I would hope for a speedy passage of the amendments. Thank you for all that you and your Committee are doing for Higher Education and College Students.

TIMOTHY H. CZERNIEC,
Director of Financial Aid, Barry College.

Initially, let me compliment you and those who have worked on the Conference Report for an excellent job. Although I will comment specifically on a number of items, I find the Conference Report to be overall excellent. Higher educational institutions, in my opinion, can not only live with the ideas as related but will find most to them quite exciting. It occurs to me that many of the changes that have been suggested will better assure optimum utilization of existing facilities and the continuation of private higher education as a strong force in this country.

JACK B. CRITCHFIELD,
President, Rollins College.

I have received the highlights you so kindly sent me of the Conference Report on the Higher Education Amendments of 1972. This extremely important legislation will be of immense benefit to all higher education in this country, including Florida's 28 community colleges. I have, today, wired the entire Florida House delegation urging their support for this bill.

THOMAS W. FRYER, JR.,
President, Florida Association of Community Colleges.

To better serve our community and its students we need quick, positive action on the Higher Education Act. S–659 would help meet the needs of our college as our student population increases at 16% per year.

DONALD E. RUTLEDGE,
Financial Aids Advisor, Valencia Community College.

Upon examining the highlights of the Conference Report on the Higher Education Act of 1972, I find it very favorable toward the community college. Even though the community college is the least expensive form of higher education more than 50% of our students need some type of financial aid to complete college. I emphasize this high need percertage with the fact that one of the main purposes of the community colleges is to help educate underprivileged, economically deprived, and vocational-technical program oriented students. S–659 helps in all of these areas. Having some 900 veterans enrolled in our college we also appreciate S–659's $300 payment to the college per full time veteran. I also support the supplemental EOG funds, the Basic Grant Program, and the matching community college grants for expanding and building. To better serve our community and its students we need quick positive action on the Higher Education Act. S–659 would help meet the needs of our college as our student population increases at 16% per year."

JAMES S. KELLERMAN,
Dean of Student Affairs, Valencia Community College.

Thank you very much for sending us a copy of the highlights of the Conference Report on the Higher Education Act of 1972. We have reviewed it with care, and we find ourselves in general agreement with the provisions. We are particularly strong in our support fo the parts providing for community colleges and for programs of occupational education. We urge that the conference committee's report be brought to the floor and be passed. With our appreciation to you for your leadership in the field of education in the Congress, and with very best wishes, I am.

MYRON R. BLEE,
Executive Director, Associated Consultants in Education.

The administrative staff of Daytona Beach Community College has followed the progress of the Higher Education Amendments of 1972 with great interest. We are most pleased with the Conference Report and the recent action of the Senate. We urge you, members of your committee, and members of the House of Representatives to support the Conference Report.

ROY F. BERGENGREN, JR.,
President, Daytona Beach Community College.

GEORGIA

Delighted Conference Report Higher Education Amendment 1972. Urge immediate passage.

J. R. BURGESS, JR.,
President, Rhinehardt College.

As an experienced financial aid officer, my reaction to the amendments is that these should make the final bill, even with the inevitable compromises, a landmark in the history of Federal Support for Higher Education and our students. I particularly want to commend the Committee for the amendment requiring the educational institutions to recommend the amount of a subsidized loan to the lender. The creation of a Student Loan Marketing Association should also have a beneficial impact on the availability of such loans. May I take this opportunity to thank the Committee members; not only as a student financial aid administrator, but also as a citizen and taxpayer; for their labors in this field. It appears that the final bill should be a long step down the road to our mutual goal of removing economic barriers to the opportunity for post secondary education so that every qualified young person will have the education he wants and can absorb."

C. DEAN DALTON,
Director of Student Financial Aid, Georgia State University.

You and your committee are to be highly commended for the concern and action you are directing toward improving the status of higher education. In general, I agree with the provisions of your amendment.

EDWARD A. TARRATUS, JR.,
Dean of Instruction, Albany Junior College.

IDAHO

Deeply concerned regarding passage of Higher Education Compromise bill. Want you to know we appreciate past support and request your continued efforts toward passage of compromise.

DAVID BLACKWELL,
Director, Financial Aid, Idaho State University.

The purpose of this telegram is to express our appreciation for your efforts on your committee work of the Higher Education Amendments of 1972. It is very satisfying to see how you have expanded all of the programs for student financial assistance including those programs for the veterans. We in the field of student financial assistance community certainly appreciate the efforts of you and your committee and we can support the Higher Education Amendments of 1972.

DAVID PERKINS,
Director of Student Financial Aid, College of Southern Idaho.

Urge passage of S569. Vital that student be funded thru 1975. Your help very much appreciated.

EARL A. LOOMIS,
Director of Financial Aid, Lewis-Clark State College.

ILLINOIS

Our college and students will profit greatly from passage of S659, the Higher Education Act. We are asking our congressmen to support it. Your leadership in this area is appreciated.

ELTISS HENSON.

Springfield College in Illinois and its students greatly need the support which the Higher Education Act, S. 659, provides. We urge you to do all that you can to see that this is passed.

SISTER MARY PATRICK O'BRIEN, O.S.U.,
President, Springfield College.

We urge your support of the Conference version of S659.

FORREST D. ETHERIDGE,
President, Waubonsee Community College.

Kennedy King College completely agrees with Senate Bill 659 and we urge your support for this measure. Our faculty and students all ask for your help in passing this important bill.

MACEO T. BOWIE,
President, Kennedy King College.

The community colleges in the state of Illinois would greatly benefit from the passage of Senate bill 659. Every facet of the bill would accommodate Spoon River College in meeting a large number of student needs. The recipients either work or repay these monies at a later date. I personally like this aspect of the bill. I trust that you will support Senate bill 659 without hesitation. It will help us.

HEARL C. BISHOP,
President, Spoon River College.

Overall I am encouraged by this finalized version. Emphasis on occupational development programs, veterans, institutional development and facilities is needed.

WALTER F. BLOCK,
Director of Institutional Research, Illinois Benedictine College.

Lake Land College and Board of Trustees unanimously support Senate bill 659 as agreed upon by the conferees. Junior colleges are in dire need of this kind of support. Your interest in good legislation is appreciated.

VIRGIL H. JUDGE,
President, Lake Land College.

My immediate response is one of *strong* support for the principles exemplified by this report. I would like to see you continue with your diligent efforts to get a compromise bill passed and signed by the President. I fully recognized that any bill will be considered deficient in some way by the various sectors affected. However, at this time you do have in hand proposed legislation which is deserving of passage. Future refinements can be instituted as experience dictates. You and the other conference committee members are to be congratulated for your major accomplishment in this extremely difficult task.

JOHN T. BERNHARD,
President, Western Illinois University.

I support the conference report. However, I am disappointed that the conference committee rejected the broad principle that the Federal Government should provide general support to all institutions on the basis of the number of students educated. I am, also, troubled by the fact that the anti-busing provisions were a part of the consideration. They should have been a separate issue. Nevertheless I would not want the Higher Education Amendments of 1972 lost because of these issues, so I reluctantly accept these provisions in the amendments.

IVAN E. FRICK,
President Elmhurst College.

I recommend support for the compromise higher education bill S659 as reported by the conference committee. I do not agree with all provisions of this bill but recognize that it represents a compromise which on balance will provide needed assistance for higher education.

ROLF A. WEIL.

We respectfully urge your support of Senate bill 659, as amended by the conference committees. This legislation will mean that Joliet Junior College can provide educational service to many disadvantaged and veteran students that otherwise simply will not be served. As you are well aware, colleges are facing a financial crisis in this nation. We face this crisis, knowing full well we have to expand our services to serve that disadvantaged element of our youth. It is an investment in human potential that must be realized for our future survival. Without your help and this bill, that investment will never be realized. We thank you for your support of this legislation.

H. D. MCANINCH,
President, Joliet Junior College.

The educational community is pleased with this legislation. We feel that this bill deserves

our support, because it affirmatively has responded to virtually all the points that educational leaders brought to the attention of the House and Senate Conference on Higher Education earlier this year. We sincerely urge your continued support in the passage of this legislation so vital to the well being of American Education.

J. RICHARD STOLTZ,
President, Lincoln College.

In short, I feel that S. 659 clearly addresses itself to the needs that exist in community colleges. In this light, it is my intent to do all I can to encourage the passage of this bill by both the House and Senate.

DWIGHT E. DAVIS,
Associate Dean Curriculum, Development, Joliet Junior College.

INDIANA

The House should pass it as an initial step in an improved Higher Education Act.

LOUIS C. GATTO,
President, Marion College.

We have examined the provisions of the conference committee version of S. 659 which was passed by the Senate on May 17. The bill in its present form is a bipartisan product and would provide substantial support for the Indiana institutions we represent, particularly in student financial assistance and in institutional grants. We urge you to vote for this measure. We know that the bill has undergone many changes in the months of consideration by both houses of Congress and the Conference Committee. Nevertheless, we believe the result—present Conference Committee Report—will provide essential support of the higher education needs of Indiana and the nation.

PRESIDENT ISAAC K. BECKES,
Vincennes University,
PRESIDENT ARTHUR HANSEN,
Purdue University,
PRESIDENT JOHN PRUIS,
Ball State University,
PRESIDENT ALAN RANKIN,
Indiana University,
PRESIDENT JOHN RYAN,
Indiana University.

IOWA

I am not totally satisfied with the bill but it certainly seems to me to be an essentially good bill for higher education. I am confident that it will be very helpful to us as a small private college. We desperately need help and we need it now.

PAUL D. MORK,
President, Waldorf College.

After careful study I strongly urge the passage of the Higher Education Act (S. 659). Our College and our students need the support provided by this bill.

DEAN F. TRAVIS,
Dean of the College,
Clinton Community College.

KANSAS

As president elect of Colby Community College I wish to extend my sincere support of the Higher Education Act Senate bill No. 659: The passage of this bill would provide our institution with support that would enable us to better serve the people of this rural area in North West Kansas. I appreciate your concern for higher education and urge your endorsement of Senate Bill No. 659. Its passage would have a tremendous impact not only for us but nationwide.

DR. JAMES H. TANGEMAN,
President, Colby Community College.

I believe that they represent the best possible compromise which can be reached at this time on most of the major issues and, therefore, I strongly support an early adoption of the report.

JOHN E. VISSER,
President,
Kansas State Teachers College,

I find myself in substantial agreement with the various elements particularly as they relate to Student Aid in its various forms, the suggested formulae for institutional aid, the emphasis on cost of Instruction Payments for Veterans and grants to existing community colleges to help expand enrollments and modify programs to meet the needs of the community.

Continuation and expansion of Community Service and Continuing Education programs, and Titles II, III, and VI of the Higher Education Act are also of direct interest to us.

I feel that the transference of the Higher Educational Facilities Act to become Title VII of Higher Education Act will be of some help administratively as well as the strengthening and expansion of its various programs. We have been beneficiaries of its provisions in our new campus construction which we are beginning to occupy this week.

JACK M. FLINT

We would like to ask your support of S. Bill 659, the Higher Education Act. With a particular emphasis on the needs within Student Financial Aids and Occupational Education Programs. Both of these categories support those students who are in dire need of assistance to function within and assist the total economy of this country. Without assistance of the type that could come from S. Bill 659, many of these people will remain uneducated and unemployed. It is imperative that this assistance be provided if they are to be served.

VERNON V. MAI,
Dean of Student Services,
Dodge City Community College.

KENTUCKY

Urgently request your support of Legislation related to S. 659.

DR. WILLIAM JAMES,
President, Kentucky Wesleyan College.

All 15 staff members and all 250 adult students at Ashland Kentucky Business College urge you to support strongly the Conference Report on Higher Education which has just been reported out of committee. This is a fair bill for all America.

PRESIDENT LEO BLACKBURN,
Ashland Kentucky Business Coll.,
MICHAEL HIGHES,
Student Council President.

We heartily commend the efforts you and your colleagues have made to come up with a workable and liveable bill. It contains provisions that will benefit us at Bellarmine and our sister private institutions of higher education.

REV. MSGR. RAYMOND J. TREECE,
Acting President, Bellarmine College.

I do hope that this legislation can be successfully passed through both chambers of the Congress this year. It has the possibility of stimulating new emphasis in higher education finance which can ultimately save money to the tax payers while perpetuating the strength of a strong mixed system of public-independent higher education.

THOMAS A. SPRAGENS,
President, Centre College of Kentucky.

My response to these highlights is quite favorable. I feel that the community colleges for the Commonwealth of Kentucky and the students that attend them will benefit greatly.

ROSCOE D. KELLEY,
Director, Somerset Community College.

Please be assured of full support from the education community in your efforts to push this bill through to successful passage.

TROY R. ESLINGER,
President, Lees Junior College.

We would be grateful for anything you can do to accelerate the passage of the Bill.

H. M. SPARKS,
President, Murray State University.

The Higher Education Bill S. 659 which you have brought through the Subcommittees, full Committees, and now the Joint Conference—is a splendid Bill, with great promise for the American people who are served by higher education including the independent and public two year colleges.

WILLIAM S. HAYES,
President, Alice Lloyd College

I am writing in support of your strong and long standing position on important educational legislation and trust this letter to serve as part of the substantiation needed to urge the House of Representatives to support and pass the Higher Education Bill. This legislation is very important to the community college movement in this country and I am sure you are aware of its value to the Community College System in Kentucky. I am sure of your support and have confidence in our leadership in bringing this bill to a successful passage. Thank you for your continued efforts and be assured of the vital and critical importance to community colleges which hinges on its success.

MARSHALL ARNOLD,
Director,
Henderson Community College.

LOUISIANA

The Conference Committee ironed out the questions at issue to a considerable degree and, in our judgment, this legislation now authorizes both the continuation of proven programs and the establishment of promising new approaches to the support of both individuals and institutions.

The legislation has been referred to as one of the most important pieces of legislation relating to the Federal Government to the institutions of higher education. I believe that it will be proven in the future to just that.

HERBERT E. LONGENECKER,
President, Tulane University.

The highlights of the Conference Report on the Higher Education Amendments of 1972 have been received by this office. After careful study and deliberation, we are elated over the possibility of these Amendments becoming a reality.

ROBERT L. MCNEESE,
Supervisor of Student Financial Aid, Louisiana State University in Shreveport.

On behalf of the President of St. Mary's Dominican College, we wish to congratulate the Committee on the difficult task they have just completed and urge that the bill be passed. The future of higher education, more especially of private higher education, is critical and believe that a great contribution to our country would be lost if such institutions would cease to exist. We believe that the Committee has made a step in the right direction.

SISTER MARY JUDENE, O.P.,
Treasurer,
St. Mary's Dominican College.

MAINE

I want you to know that I, as Chancellor of the University of Maine, wholeheartedly support the passage of this bill.

DONALD R. MCNEIL,
Chancellor, University of Maine.

MARYLAND

The Board of Education of Montgomery County (MD) supports the report of the House/Senate Conferees on S. 659—the Education Amendments of 1972. Your support for enactment of this legislation is urgently requested.

WILLIAM G. COLMAN,
President,
Montgomery County Board of Education.

This letter is in support of the Conference Report on the Higher Education Amendments of 1972.

LUTHER G. SHAW,
President, Garret Community College.

Now that the House-Senate conferees have completed work on S. 659, the Higher Education Act, I should like to inform you of Harford Community College's strong desire for this bill to pass, even as it now reads in the Conference Report. We ask for your support of this bill in the halls and on the floor of the House.

EDMUND H. SCHWANKE,
President, Harford Community College.

MASSACHUSETTS

Form of Higher Education Bill is excellent.

F. ROY CARLSON,
President, Mount Ida Junior College.

We urge your support in the passing of the Higher Education Act Bill, S. 659.

VERY REV. W. J. DUFAULT, A.A.,
Acting President, Assumption College.

We support the Higher Education Act.

WILBERT E. LOCKLIN,
President, Springfield College.

We have the profoundest hopes that S659, the Higher Education Act, will become law in the next few weeks. It would be a great boon for the thousands of students who will be knocking at our doors in the years ahead.

THOMAS E. O'CONNELL,
President,
Berkshire Community College.

I am very much interested in the passage of the higher education amendments of 1972 which you are presently considering. The program shows vision and is a step forward in meeting today's education needs.

MARJORIE HENSLEY, ED. D.,
Educational Manager, Essex Agriculture and Technical Institute.

MICHIGAN

As Chairman in behalf of Presidents representing 13 public colleges and universities in Michigan, I convey to you our collective strong endorsement of the Conference Report on the Higher Education Amendments of 1972.

HAROLD E. SPONBERG,
President,
Eastern Michigan University.

Urge your support for S659. Our community and students need support this bill provides. As a new community college these priorities conform to ours.

JUSTICE D. SUNDERNANN,
President,
Glenn Oaks Community College.

Provisions of Conference Report on the Higher Education Amendments of 1972. Student Aid and Institutional Aid are of vital importance to our students and our institutions as we continue to provide high quality educational services to our community. Much is at stake. Your support is urgently and respectfully requested and needed.

DALE B. LAKE,
President,
Kalamazoo Valley Community College.

Urgent support needed on S. 659 Higher Education Act. Community College students and the Colleges themselves need additional funds to continue offering basic programs. Financing becoming extremely difficult. Your help needed now.

DR. JAMES D. PERRY,
President,
Gogebic Community College.

Understand the House-Senate Conferees have completed their work on S. 659, the Higher Education Act. This bill provides support for our college and its students including many returning Vietnam Veterans. I would urge your support and passage of this important piece of legislation.

RICHARD J. NORRIS,
President,
St. Clair County Community College.

As Chairman of the Board of Trustees of Kalamazoo Valley Community College. I want to urge your support of the provisions of the Conference Report of the Higher Education Amendments of 1972. The provisions for student aid and institutional aid are of great importance and have tremendous bearing on this institution.

B. A. THUNMAN,
Chairman, Board of Trustees,
Kalamazoo Valley Community College..

Bay de Noc Community College is a small developing institution in the upper Peninsula of Michigan. We serve a sparsely populated area and one in which financial resources are extremely limited. It is my opinion that the components of the Higher Education Act as amended by committee would be of great assistance to our institution and to the people we serve.

EDWIN E. WUEHLE,
President,
Bay de Noc Community College.

There is now pending before the House after approval by the Senate, S. 659, 'the Higher Education Amendments of 1972.'

The busing provisions of the bill have been and are controversial. Nevertheless, to allow that particular amendment about which both the Congress and the American people are in wide disagreement to control the higher education bill does a very doubtful service to anyone. At the University of Michigan for instance we desperately need financial aid to students including increasing numbers of minority students to whom we are committed. Without Federal aid our whole program will suffer a severe setback.

We had frankly hoped for a better overall bill. It is apparent for instance that the present bill is not adequately funded. Thus it may arouse expectations which cannot be fulfilled. Nevertheless, the bill does at least take some steps in the right direction.

Despite our reservations, we believe that on balance the bill should be approved and I would hope that you would find it possible to vote for it.

R. W. FLEMING,
President, University of Michigan.

MINNESOTA

This bill will help to meet the needs of those thousands of students who are presently standing outside the educational mainstream because of financial difficulties and racial discrimination. The Higher Education bill will help colleges such as this one meet those needs.

DAVID SWEET,
President,
Minnesota Metropolitan State College.

I support immediate passage of the Higher Education bill. Delay will serve to cause additional jeopardy to the welfare of the students of the Nation.

HOWARD BELLOWS,
President,
Southwest Minnesota State College.

Colleges throughout nation in urgent need of provisions asked in Higher Education bill currently before your committee. I respectfully urge your support of this bill.

R. D. DECKER,
President, Bemidji State College.

I urge your support for passage of Conference Report on Higher Education Act S659. The urgent need and general merit of the bill for our colleges and universities offset the anti-busing provisions and warrant your favorable vote.

JAMES F. NICKERSON,
President, Mankato State College.

I am writing a brief note to urge your support for Conference Report on S659, which, I understand, has now been reported out and will be coming to the House floor for action shortly. While there may be some differences of opinion among various segments of higher education about specific provisions of this bill, I believe we are generally united in feeling that it's a major step forward.

Your support for this legislation will be greatly appreciated. It will be a helpful step for St. Cloud State College and for thousands of young people in central Minnesota.

CHARLES J. GRAHAM,
President, Saint Cloud State College.

We believe this bill is of enormous importance for needy college students, universities and colleges, and have written to our representatives from Minnesota to encourage the passing of this bill.

BERNT C. OPSAL,
President.

We at St. Thomas—like all of higher education—are pleased with the news in today's paper, that the Senate has passed the Higher Education Bill. The conference committee has kept provisions for EOG, Work-Study, and NDSL in its report and this may rescue an otherwise gloomy current aid picture in those areas. Other parts of the Bill, when and if passed, will provide valuable aid to higher education at this crucial point in history. . . . While such a compromise, omnibus bill has departed from some provisions I would have preferred, the Bill in general deserves our support and therefore I willingly give it, and I urge you to do the same. The Nation cannot afford *not* to have this Bill passed. Whatever may be the deficiencies of this Bill, including matters of busing, it is infinitely better than no bill this year. The present situation, if not remedied, will be disastrous for this and other colleges.

REV. MSGR. TERRENCE J. MURPHY,
President, College of St. Thomas.

I join my colleagues in urging your strong support for adoption of the conference report.

R. A. DUFRESNE,
President, Winona State College.

MISSISSIPPI

The entire Mary Holmes College community urges your support of S. 659, the Higher Education Act. As a community oriented, two-year college, those served by Mary Holmes since 1892 badly need the support and assistance promised by the adoption of S. 659.

JOHN W. WALTON,
President, Mary Holmes College.

MISSOURI

It is essential to the future maintenance and growth of the junior colleges of Missouri that you support passage of the Higher Edu-

cation Act, S. 659. Your help is desperately needed and we would sincerely appreciate any aid that you can give.

RALPH H. LEE,
President,
Forest Park Community College.

Passage of Senate Bill 659, in my judgment, essential to the continued development of higher education in America. I have wired all members of the Missouri delegation to urge their support respectively.

JOSEPH W. FORDYCE,
St. Louis Junior College District.

Please support the Higher Education Bill.

RAYMOND J. STITH,
President,
Florissant Valley Community College.

Respectfully request your support of Senate Bill 659, Higher Education Act of 1972 when voted on in the House. Benefits derived are of great importance to the students, the college, and the community."

R. S. WALKER,
Acting President,
Meramec Community College.

I commend the conference committee on the creative results of its efforts and as a private college President concur in the various aspects of this report. I trust that it will be approved by the two houses of Congress and will be made operative in the near future.

The emphasis on assisting students and then helping colleges that provided an education for these students seems to be the appropriate way of meeting both the needs of the youth of our country and of the colleges which are faced with many problems in meeting the cost of this education."

FRED HELSABECK,
President, Culver-Stockton College.

Thank you for forwarding the summary highlights of the Conference Report on Higher Education Amendments of 1972. The action taken by the Senate on these amendments represents a major step toward financing the education of our nation's low income students. The same action by the House is crucial if higher education, and particularly the community college, is to meet the pressing needs of our urban society. I therefore urge you and your fellow representatives to give even stronger support for these amendments than has been indicated in the past by your fine legislative record.

LESLIE KOLTAI,
Chancellor,
Metropolitan Junior College District.

I have read the highlights of the Conference Report on the Higher Education Amendments of 1972 and I am in general agreement with the provisions of the Conference Report.

There are some items that I would have preferred other provisions for, however, as a compromise, I feel the Conference Report is quite satisfactory.

RICHARD CASTER,
President, Mineral Area College.

This Report conveys a giant step forward for financing the education of American youth.

Although I do not fully understand the minute detail of all the provisions, I do discern that there is significant provision for student aid and institutional aid so desperately needed by so many colleges including Crowder College.

DELL REED,
President, Crowder College.

The House-Senate conference committee on S. 659 is to be commended for its farsighted provisions for the two-year college. The recognition of the service of community and junior colleges to the achievement of national goals has been conspicuous by its absence at the federal level.

The provisions of the conference version of S. 659 will provide much needed assistance to two-year institutions which have begun their development in the last five years; to complete the development will require funds from as many sources as possible.

I strongly urge you to support S. 659 which will assist Maple Woods Community College in completing its development and which will assist many students in participating in post-secondary education.

DR. JOHN M. GADZA,
President,
Maple Woods Community College.

Speaking for the total college community, your support is urgently requested for the conference report on Senate Bill 659, the Higher Education Act.

This college and the residents of the junior college district will be unable to meet the education needs in the areas of occupational programs, student financial aids, and veterans education if this bill is not approved and made law of the land.

DONALD D. SHOOK,
President,
East Central Junior College.

NEBRASKA

I have followed this with a great deal of interest and concern, and even though there are specific provisions which I wish could be changed, nonetheless, the general tenor of the proposed legislation is such that I hope it will be enacted by the Congress.

Specifically, we are anxious that this step be taken and that you give the necessary leadership and influence in the House of Representatives, hopefully anticipating that it will be passed. We support the Report for adoption.

VANCE D. ROGERS,
President, Nebraska Wesleyan University.

NEVADA

The provisions and programs contained within the Higher Education Amendments of 1972 are needed now by Western Nevada Community College. Our students, faculty, and administration give you and your committee our full support in finalizing this desperately needed legislation.

LEON H. VAN DOREN,
Executive Vice President,
Western Nevada Community College.

We strongly support the amendments and if they are passed by the Congress they would provide much needed assistance for the community colleges in Nevada. We have three community colleges in the state, two of which are in their initial year of operation and the Higher Education Bill would aid all of them immensely in providing occupational programs for students in Nevada currently not being served.

The student aid provisions will be especially helpful in assisting students in starting a college education. We feel that the apportionment formula could make the difference between the success and the failure in our colleges.

DR. CHARLES DONNELLY,
President, Community College Division, University of Nevada System.

NEW HAMPSHIRE

Dartmouth College supports conference version of Higher Education Amendments of 1972. Believe general recognition of institutional aid principle and value of other programs outweigh some unfortunate features of aid formula and regrettable anti-busing provisions which should never have been included in this bill.

DR. JOHN G. KEMENY,
President, Dartmouth College.

We at White Pines College wish to express our complete agreement with the report forwarded to us regarding the Conference Report on the Higher Education Amendments of 1972.

MARY ANN POWERS,
Financial Officer, White Pines College.

NEW JERSEY

I urge you to support the joint Conference Report on Senate Bill 659, the Omnibus Higher Education Bill. It is imperative that the Nation's two and four year colleges receive the institutional and programmed support included in this bill. The student aid formulas provided for in this legislation are urgently needed. All of the citizens of New Jersey will greatly benefit from the passage of S659.

DR. N. DEAN EVANS,
Chairman, Association of County Community College Presidents of New Jersey.

I favor passage of the Conference Report on the Higher Education Amendments of 1972. Conferees did an excellent job. I had problems with the Anti-busing amendments and the formula for institutional aid. The bill is too important to go down in defeat on these two points. As president of St. Peters College in Jersey City, I favor adoption by the House and the Senate of your Conference Report.

REVEREND VICTOR R. YANITELLI, S.J.
President, St. Peters College.

We are pleased that the Conference Committee has supported the principles of basic grants to students and institutional aid as well as continuation of the three major student aid programs. We urge continued Congressional effort to pass this bill, and to support the appropriations that must be approved to make it effective. The combination of rising college costs and inadequate aid funds, especially in the initial EOG program, will make next year and subsequent years very difficult without increasing funding. The bill has raised the hopes of students that increased aid will become available to them. Please continue to do all you can to see that these hopes are realized.

CLARE DAVIES,
Director of Financial Aid,
Newark State College.

I urge the adoption and implementation of the Conference Report of the Higher Education Amendments of 1972.

J. P. WORTHINGTON,
President, Luther College.

I find the main thrust of the Amendments to be in the interests of higher education and, therefore, urge the passage of the Higher Education Bill as revised by the Joint Conference Committee.

RICHARD K. GREENFIELD,

Now that the House-Senate conferees have completed their work, I feel that moment of truth has arrived. As in the past, I am steadfast in my assurance that the community college movement, a movement that has made remarkable strides in recent years, is in serious need of the financial support provided under S. 659. Therefore, I reaffirm my resolute support of S. 659 and urge your continued support and direction for its speedy passage into law.

FRANK M. CHAMBERS,
President, Middlesex County College.

As you know, I favor across the board increases for colleges as advanced to the pattern outlined in the House. However, I believe that the financial crisis plight of private colleges, as well as public higher education, is serious enough to warrant passage of the Higher Education Bill.

Again, I appreciate all of the help that you have given to higher education. The passage of this Bill will be of great help to Trenton State College.

CLAYTON R. BROWER,
President, Trenton State College.

NORTH CAROLINA

We further encourage your continued support on Senate Bill 659. Our Technical Institute and students greatly need the support which this bill provides for veteran education.

JOHN A. PRICE,
President, McDowell Technical Institute.

Your support of the Higher Education bill currently in conference is urgently requested. Those sections dealing with student aid, veterans, the occupational education and continuing education programs, and Titles II, III, and VI are especially vital to the successful operation of small post-secondary technical institutes such as ours in the economically depressed Appalachia region.

DONALD N. IRWIN,
Dean of Instruction,
Southwestern Technical Institute.

I would like to say that our school finds this bi lis a most important bill and agree in principle with all of its parts. We feel it is not necessary for part-time students to be eligble for student assistance programs.

It is very important that this bill be passed immediately so that we will be able to notify our new students of the possibility of receiving a National Defense Student Loan for the school year 1972–73. We also ask your strong support to raising the authorization for college work study and initial EOG funds for the year 1972–73.

ELIZABETH BOULUS,
Financial Aid Director,
Sacred Heart College.

We appreciate your giving us this opportunity to respond, and we want to assure you that this University administration is wholeheartedly supporting the legislation. We understand that the Senate has acted favorably. We urge the House to do likewise without delay. We very much regret that the busing issue has become entangled in this bill.

BANKS C. TALLEY, JR.,
Dean, North Carolina State University.

I want to urge every member of the House Committee on Education and Labor to give their wholehearted support to the Conference Committee Report on Senate Bill 659, the Higher Education Act, because I sincerely believe this bill will enhance the course of higher education in this country.

I sincerely urge support of this report and its passage.

AUBREY R. FLYNT, JR.,
Director of Student Personnel Services, Bladen Technical Institute.

In reference to S. 659, the Higher Education Act, the support which the bill provides is greatly needed by our students. I am sure the same applies to students at other institutions.

R. BRUCE FREEMAN,
Financial Aid Director,
Randolph Technical Institute.

NEW YORK

Urge support and favorable vote on 1972 omnibus Higher Education Bill as presented in Senate 659 Conference Report. Legislation vital to higher education in city and state.

LEON M. GOLDSTEIN,
President, Kingsboro Community College.

Urban Colleges desperately need the support written into S. 659. I urge you and your colleagues to support the higher education act as submitted by House/Senate Conferees.

DR. JAMES A. COLSTON,
President, Bronx Community College.

As a parent of 2 college students, I urge your support of S. 659 Higher Education Amendment. Funds are vital to educational programs in Western New York.

MYLES N. FOX.

Students, Faculty and Administration of State University Agricultural and Technical College, Alfred, New York, enthusiatically support Conference Report on Higher Education Amendment of 1972. We urge full adoption by the Congress.

DAVID HUNTINGTON,
President, State University Agricultural and Technical College.

My analysis of the higher education bill indicates it deserves support which I earnestly solicit.

DR. NEAL ROBBINS,
President, Genessee Community College.

Disappointed in some aspects of the higher education bill but recognize problems faced by the Committee and therefore on balance urge its passage.

JOHN F. WHITE,
President, Cooper Union College.

Although disappointed over extraneous busing issues and somewhat complicated institutional aid provisions, I do endorse the omnibus Higher Education Bill S. 659, and ask for support of Conference Report. Many thanks for your thoughtful consideration.

BROTHER GREGORY NUGENT,
President, Manhattan College.

I believe it is good legislation, and I hope that the Conference Report will be approved by both houses promptly and then funded at the highest level.

MELVIN A. EGGERS,
Chancellor, Syracuse University.

I have received a summary of the Conference Report on the Higher Education Amendments of 1972 and I wish to indicate my support for the passage of such a Bill.

ROBERT D. LARSSON,
President, Schenectady County Community College.

I have reservations about the Bill because the Congress has seen fit to tie the future of higher education to the busing issue. But the Bill does make reasonable provision for student aid and embodies the principle of institutional aid. Thus I feel obligated to endorse the Bill and urge you to vote for it.

JOHN W. GRAHAM, JR.,
Chancellor,
Clarkson College of Technology.

North Country Community College in Saranac Lake, New York, is 100 per cent behind the Conference Report.

LAWRENCE H. POOLE,
Associate Dean of the College,
North Country Community College.

I should like to express my support of the Conference Report and urge that the Senators and Congressmen pass the resulting legislation.

SISTER MARIE GENEVIEVE LOVE, Ed. E.
Provost, Mount Saint Mary College.

As we reviewed our programs during the past four months, we realize that Rensselaer faces, for the first time, a deficit in its operations during the 1972–73 academic year. The provision for institutional aid as we understand S. 659, in its present form, would enable us to continue and improve our quality educational offerings. We estimate our total annual institutional grant, according to the complex formula, could initially be in the $500,000 for Rensselaer, depending on funds actually appropriated. This would go a long way towards balancing our budget.

We urge you to vote in favor of passage of S. 659 reported out by the Senate-House Conference.

RICHARD J. GROSH,
President, Rensselaer Polytechnic Institute.

As an educator and administrator of a small but needed community college in a very economically and culturally deprived area of Northeastern New York State, I urge your favorable support of the Conference Report S. 659.

ALFRED B. LIGHT,
President, Clinton Community College.

The compromises worked out by the Conference Committee of the House of Representatives and Senate appear in the best public interest, and we urge positive action toward moving these to final legislative action as rapidly as possible.

S. V. MARTORANA,
Vice Chancellor, State University of New York.

From my point of view the basic principle which you and your colleagues have helped to establish in this legislation is more crucial than the details. By making initial provisions for direct grants to academic institutions and by increasing the availability of funds to students, you are recognizing the fact that Higher Education is a national resource which crosses some of our traditional political boundaries and which is serving an ever larger percentage of our population.

The positive advantages the bill holds nonetheless compel me to support it. Not only disadvantaged students but nearly every other facet of higher education also stands to benefit, including community colleges, occupational education, and graduate education.

DALE R. CORSON,
President, Cornell University.

OHIO

Wright State University supports the Conference Report on the Higher Education Amendments of 1972. Please work hard to insure House passage. Thank you.

JOEL R. COHAN,
Director of Financial Aid,
Wright State University.

This is valuable legislation for higher education in America and Ohio. We hope for its success in the House.

L. A. TOEPFER,
President, Case Western Reserve University.

Urge passage of conference version of higher education amendments for 1972.

EVERETT CATTELL,
President, Malone College.

The hopes of many Ohio young people will be riding on the House vote on S. 659. The hopes of all Ohio higher education institutions for significant financial assistance are also at stake. And for some of our smaller private colleges in Ohio, the passage of S. 659 may well mean survival.

NOVICE G. FAWCETT,
President, Ohio State University.

Though I regret the inclusion of matters extraneous to higher education, I join what I'm sure will be the great majority of my brother presidents in both the private and public sectors in the fervent hope that S. 659 will be enacted by the Congress and approved by the President.

FRANK E. DUDDY, JR.
President, Marietta College.

It seems to me that the Conference Committee is to be congratulated in maintaining many of the vital elements of the original bills, and I am particularly pleased to see that financial assistance will be available to part-time students, even though they must be "half-time." It is particularly important to community colleges to have the Federal government taking first steps in institutional support because the real estate tax, on which most of us must rely substantially, does not increase automatically with increasing enrollments and voted increases are most difficult to achieve each passing year.

Ms. THOMAS H. HAM,
Member, Board of Trustees,
Cuyahoga Community College.

OKLAHOMA

As President of a new community college which will open its doors to some 2,000 students in the Fall of 1972, the passage of this legislation is of tremendous interest. For your information, I am sending a copy of the Educational Master Plan which sets forth some of the approaches we are taking in an effort to maximize the effectiveness of our educational programs.

JOHN E. CLEEK,
President,
South Oklahoma City Junior College.

We at Murray State College are pleased with the results of your Committee on Higher Education and Labor in regard to the assistance given institutions of higher learning for the purpose of making education available to the youth of our nation. It is our hope that you may use your influence to see that this is enacted by Congress and funded to become available as scheduled by your conference report.

CLYDE R. KINDELL,
President, Murray State College.

PENNSYLVANIA

We support the Conference Report on the Higher Education Amendments and trust you will also.

RAY HOSTETER,
President, Messiah College.

As a member of the American Association of State Colleges and Universities I want to express my appreciation to you for the support you are giving to the Higher Education bill.

CHESTER T. MCNERNEY,
President, Edinboro State College.

Be assured of my pleasure in the improvements which are shown in these proposed amendments.

FREDERICK P. SAMPLE,
President, Lebanon Valley College.

I write to indicate my support of the Conference Report on the Higher Education Amendments of 1972.—While certain provisions are of course less than ideal from the colleges' point of view, I recognize the overall benefit we shall gain—which in these critical times will be welcome indeed.

SISTER MARY SCHMIDT,
President, Seton Hill College.

My immediate reaction to the highlights of the Conference Report on Higher Education Amendments of 1972 was one of complete accord in regard to all of the provisions for Higher Education as contained in these amendments.

KENNETH E. CARL,
President, The Williamsport Area Community College.

It is our earnest hope that the House will act on this legislation promptly. In some way or another, it affects every college student in the nation. Its implications are far-reaching and will improve the life prospects of college-age young people indefinitely into the future, and consequently the course of our nation. Only through education will men and women realize their full potential, and the occupational programs offered by the community colleges are particularly urgent for a sizable segment of our population. For these reasons, as well as others, we hope that you would urge Congress to pass this legislation, and to do so as soon as possible so that programs can be developed and students enrolled in them.

JAMES L. EVANKO, *Acting President;*
JAMES R. SPENCE, *Dean of Students;*
Allegheny Campus, Community College of Allegheny County.

SOUTH CAROLINA

We hope you will support the Higher Education Act S. 659. Our institution and students greatly need the support which this bill provides.

ORANGEBURG CALHOUN TECH.

Higher Education urgently needs the programs and funding to be provided under S. 659 as finalized by House-Senate conferees. Any action you can take to secure passage of this vital legislation well be deeply appreciated.

LEX D. WALTERS,
Piedmont Tech.

Conference Report acceptable—but I deplore anti-busing provisions. Transportation working well in South Carolina—my own children included!

PAUL HARDIN,
President, Wofford College.

Conference Report on the Higher Education Amendment of 1972 was most encouraging. Early passage of the amendments and adequate appropriations will enable more students, capable and desirous of further training, to enroll in institutions best suited to their needs.

MARC C. WEERSING,
President, Presbyterian College.

Overall, I would say that this seems to be a very excellent report with much thought being given to it with true concern for our fellow Americans."

R. L. GRISBY,
Executive Director,
Midlands Technical Education Center.

Considering the tremendous task before the Conference Committee, I think an outstanding job has been done in bringing about acceptable compromises and agreements in so many areas."

ALAN S. KRECH,
Planning Officer, South Carolina Commission on Higher Education.

SOUTH DAKOTA

I feel that these amendments are improvements on the original bill and I do trust that Congress sees fit to accept and vote favorably on the conference report.

H. M. BRIGGS,
President,
South Dakota State University.

TENNESSEE

Bill S.659, the Higher Education Act, should certainly be passed for the welfare of vocational and technical education.

LEON G. HARDISON,
Head, Division of Related Studies,
State Technical Institute at Memphis.

While the Bill in several aspects, particularly that portion having to do with institutional support which is based on the level of Federal expenditures at institutions for federally aided students, is not my first choice, I do heartily recommend the approval by the House of Representatives of the Conference Committee Report. There are a number of substantial improvements in the Federal program which are authorized by this Report. For that reason I do recommend its approval. I am a great believer in the trueism that democracy is the art of the possible. It seems to me that the Bill which resulted from the long weeks of deliberations by the Conference Committee represents the best possible Bill which can be adopted during the current fiscal year."

J. JEFFERSON BENNETT,
Office of the Vice-Chancellor and President, The University of the South.

We have reviewed each of the areas discussed in the Highlights of the Conference Report and wish to commend you and the other committee members for the manner with which you have treated Higher Education.

D. F. ADKISSON,
President,
Cleveland State Community College.

This will assure you that you have our endorsement of the recommendations of this Committee and to express our sincere gratitude to those who have worked so faithfully in support of these programs.

B. D. BENTON,
Executive Director
of Development, Hiwassee College.

My immediate reaction is very favorable. I am certainly relieved to see that past programs in Student Aid have been continued and that funding has been extended. Without them, students' ability to attend college would have been very limited.

JOHN J. BRANNON,
Department Head of Student Aid and Veterans, State Technical Institute at Memphis.

We at Tennessee State University believe that Student Aid section of the Conference Report on the Higher Education Amendments of 1972 will be very helpful to our nation's commitment to full opportunity of higher education.

A. P. TORRENCE,
President, Tennessee State University.

TEXAS

In my opinion, if the amendments stated in your report become law and are fully funded, a bright new day will come in higher education. It will allow no student to be turned away for lack of financial resources. It will give the institutions which handle the task of higher education a broad financial base and will sustain a dual system of education within our country. It will also give the financial support needed to raise the academic standards required by a maturing nation which must advance or decay. This is a bill which recognizes the needs of higher education and applies the greatest amount of funds to the area of the greatest need. The alternative to such a bill is very bleak indeed. Private schools are closing while state supported schools take up the slack in some measure at a much higher ratio of cost to the taxpayer. The broad base of academic flexibility afforded by private institutions is the very foundation of our democracy. Our way of life would be in jeopardy if we were to continue the present erosion of private education because of lack of adequate financing. I believe that your conference committee has taken the best of the House and Senate bills and reduced them to a very workable bill which can be justifiably funded.

———,
———.

I support the conference version of the bill and hope that my colleagues in higher

education generally will give you the same response.

JACK K. WILLIAMS,
President, Texas A & M University.

I think this is a great bill in many ways.

AL G. LANGFORD,
President, Midland College.

In response to your request for immediate reaction to The Conference Report on the Higher Education Amendments of 1972, I am pleased to offer the following comments, some of which might be amended after the full text is studied. The bill is indeed of landmark quality.—P.S. I am President of the private college organization in Texas, and I believe I am speaking to some extent for them.

J. M. MOUDY,
Chancellor,
Texas Christian University.

I am in favor of and impressed by the Conference Report on the Higher Education Amendments for 1972. Although I perhaps do not know as much as I should on some of the specific amounts, all that I can find indicates that these will be generally adequate to continue the very necessary programs that are now in operation. I am particularly pleased with the Student Loan Marketing Association as I think it will eliminate some very severe problems that have been found in some areas. In addition, I think that the increase in maximum amounts might be valuable to some of our students as they transfer to distant senior colleges. I feel that the section on community colleges is good, particularly the grants for planning, developing, etc. new colleges. In Texas at least, we find that perhaps new colleges could be started if there were a little "seed money" to get them off the ground.

PHILIP T. SPEEGLE,
President, Odessa College.

We should like to express to you and the members of the Committee on Education and Labor our sincere appreciation for the excellent work which has been done on the Higher Education Act, S. 659. We feel that provisions of this bill which greatly increase the range of federal aid to higher education are excellent.

JACK W. HUDGINS,
President, Angelina College.

We, the educators, administrators and students of the El Paso Community College, are very strongly in favor of this bill.

BEN BOTELLO, JR.,
Veterans Affairs Coordinator,
El Paso Community College.

My general reaction to the program is favorable. The general provisions are certainly ones which we would be happy to accept.

JOHNNY S. PAYNE,
Vice-President,
Temple Junior College.

UTAH

You are to be complimented on the leadership you have given Vocational Education and the monies provided for community colleges in the amendments. We hope that this bill passes.

WILSON W. SORENSEN,
President, Utah Technical College.

VERMONT

We urge your support of S659 Higher Education Act. Austere Vermont appropriations forced increased charges to students each of last four years. 68% of our students are on financial aid. S659 mandatory to keep our occupational education alive.

PIERRE KIEFFER,
President, Vermont Technical College.

As immediate past president of the National Council of Independent Junior Colleges and a former member of the Commission on Legislation of the American Association of Junior Colleges I urge you to support the Higher Education Act, S659 as recommended by the House-Senate conferees and approved by the Senate 63 to 15 on May 24, 1972.

WILLIAM L. IRVINE,
President, Vermont College.

VIRGINIA

Responding to Higher Education Amendments of 1972—urge passing on omnibus higher education bill. Student aid portions particularly significant to us for students from lower income group.

ROY E. MCTARNAGHAN,
Director, State Council of Higher Education for Virginia.

I am writing to ask your support for S. 659, the Higher Education Act, which I understand will be presented for House action next week. An an administrator at Northern Virginia Community College, I am properly concerned that the educational opportunities which are offered to the citizens of Northern Virginia are not only maintained but increased. These opportunities, which are available not only to the recent high school graduate but to the more mature citizen whose education has been interrupted or requires additional education for a career advancement, are dependent to a significant degree on the support afforded by such acts as the Higher Education Act.

DONALD L. BISDORF,
Provost, Eastern Campus,
Northern Virginia Community College.

I encourage support of S. 659, the Higher Education Act, and the Cranston Veterans' amendment to provide additional assistance for veterans.

EDWIN L. WALKER,
Coordinator, Admissions and Records,
Northern Virginia Community College.

As a newly developing institution, it is most urgent for us that the Amendments be enacted in order that appropriations action be initiated prior to Fall term of this academic year.

HAROLD J. MCGEE,
President,
Piedmont Virginia Community College.

I write to say how much I hope that you will vote for the Omnibus Education Bill of 1972, which is scheduled to come to the floor of the House next week and has passed the Senate with the support of both of Virginia's Senators. This bill is of signal importance to the future vitality and strength of higher education upon which the economic, social and cultural capacity of the nation depends to such a large extent. The educational provisions of the bill are so essential at this time that I trust their merits will not be subordinated to the amendments concerning school busing, which is a matter extraneous to the activities and goals of higher education.

EDGAR F. SHANNON, JR.,
President, University of Virginia.

WASHINGTON

On behalf of Yakima Valley College I urge your support of Higher Education Bill S659.

DR. THOMAS DEEM,
President, Yakima Valley College.

We urge your support of the passage of the Higher Education Student Assistance Bill, S. 659, on June 5th. We have reviewed both the Senate and House bills prior to conference and have studied the compromise bill reported out of conference May 16. We feel that this is a good bill having long term ramifications of benefits to students who otherwise would not have access to higher education. This is a bill which assists not only the disadvantaged low income students but also the middle income sector whose income hasn't kept pace with rising educational costs.

SUZANNE C. FEENEY,
Director of Financial Aid,
University of Washington.

I understand that conference work has been completed on S. 659, the Higher Education Act, and I wish to urge the adoption of this act.

DAVID B. STOBY,
President,
Lower Columbia College.

In sum, we regard the passage of the Amendments as desirable, and commend the conference members for their hard work. The Amendments reflect attention to concerns in the field.

BOYD C. MILLS,
Director, Community College Program,
Eastern Washington State College.

I would like to make one point. S. 659 not only affords the *opportunity for all* in higher education (academic and vocational), but offers direct aid to institutions to support these students. Both students from low-income and middle class families will be aided. On behalf of our students and future students, I am urging you to vote affirmatively on this measure.

MARION O. OPPELT,
President,
DONALD N. NOBLE,
Financial Aid and Placement Officer,
Fort Steilacoom Community College.

WASHINGTON, D.C.

Mount Vernon College of Washington, D.C., urges your favorable action on S. 659. The passage of S. 659 is of vital importance to two year college students throughout the nation and we need your support and endorsement. We will gratefully appreciate your vote of "yes."

PETER D. PELHAM,
President, Mount Vernon College.

I hope you will continue to use your powerful influence with other members of the House to accept the bill as reported out of Conference, recognizing it for the steps it does take in the right direction.

GEORGE H. WILLIAMS,
President, The American University.

WEST VIRGINIA

This correspondence is sent to register my strong support of the conference report developed by members of the Senate and House of Representatives on the Higher Education Amendments of 1972. I trust Congress will respond quickly and favorably to the report.

JAMES L. CHAPMAN,
President,
———.

WISCONSIN

I urge your ardent support of the conference report, and I pray for swift action so that the universities will have time to make award adjustments prior to the beginning of the fall semester.

PHILIP C. GEORGE,
Director of Student Financial Aids,
Wisconsin State University.

Higher education compromise bill not ideal but urgency of our financial crisis demands passage of this bill with hope of formula changes later. Private colleges must

survive for their value to education and for economy of all taxpayers. Urge support of you and your colleagues.

ROBERT CHRISTIN,
President, Saint Norbert College.

Mount Senario College, along with all of higher education, has a vital interest in the passage of the higher educational bill as it has come from the Joint Committee of the House and Senate.

BRUCE A. HARRISON,
Mount Senario College.

In my view the committee has done an outstanding piece of work in arriving at reasonable solutions to the current problems of student and institutional aid.

T. N. SAVIDES,
Dean, The University of Wisconsin.

I would lend my hearty endorsement of all provisions, particularly those that affect student assistance programs in the form of direct loans and college work-study. I also feel that the proposed payments for Veterans cost of instruction to institutions and the Community Service and Continuing Education programs would be of particular benefit to the communities served by our institution. I therefore strongly urge support of these proposals.

HARRY J. MAXWELL,
Dean, The University of Wisconsin.

At a conference on legislation convened here in Washington June 6, 1972, by the National Federation of Licensed Practical Nurses, nearly 150 delegates from 35 states adopted the following resolution unanimously: Be it resolved that the delegates to this conference go on record in support of the report on the Education Amendments of 1972. The Delegates to NFLPN Conference are Presidents, Executive Directors, and Legislation Chairmen in their respective states.

MRS. MARY B. RUNNELS,
President, National Federation of Licensed Practical Nurses.

The SPEAKER. The time of the gentleman from Kentucky has expired.

POINT OF ORDER

Mr. TEAGUE of Texas. Mr. Speaker, I desire to make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TEAGUE of Texas. Mr. Speaker, the rules of the House limit the number of staff members who are allowed on the floor in a situation like this and I make the point of order that this committee has violated that rule of the House.

Mr. Speaker, the reason I make this point of order is to point up the fact that if the debate concerning this conference report requires 10 or 15 staff members to be on the floor to tell them what to say or what to do, then for sure they must not know what is in the bill.

The SPEAKER. The gentleman has made a point of order that the committee has violated the rules of the House in bringing an excessive number of committee staff members to the floor. The rule which governs situations of this kind is rule 32 which lists those who do have the privileges of the floor, and contains the clause: "and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule."

This rule was adopted before the Reorganization Act of 1947 which provided for four professional staff members for each committee. The Chair must hold under the rule that no committee is entitled under the rules of the House—because the Chair cannot waive the rule—to more than four professional staff members and the clerk, a total of five.

Mr. TEAGUE of Texas. Mr. Speaker, would the Speaker request the staff beyond that number to leave the floor?

Mr. PERKINS. Mr. Speaker, let me say something, I certainly want to comply with the rules of the House, but the ranking members of the subcommittee requested the staff and that has always been the custom. And I certainly hope in the future that all committees will abide by the rules of the House, because it would be the purpose of the Committee on Education and Labor to abide by the rules of the House in the future.

I regret that the gentleman from Texas who opposes the bill has made the point of order of this kind, because it certainly would never have been done by the gentleman from Kentucky.

The SPEAKER. The Chair would like to add further that the rule explicitly prohibits the Chair from making an exception to the rules. If however procedures have changed to the point where every subcommittee wishes to be represented, then the rules of the House should be changed so that the Chair can keep within the rules of the House and to permit other members of the staff to come on the floor in excess of this present number.

For what purpose does the gentleman from Texas (Mr. TEAGUE) rise?

Mr. TEAGUE of Texas. Mr. Speaker, the gentleman from Texas was merely trying to make the point that nobody on this floor knows what is in this bill—and it took six pages to explain the conference report.

The SPEAKER. For what purpose does the gentleman from Louisiana (Mr. WAGGONNER) rise?

Mr. WAGGONNER. Mr. Speaker, has all time expired?

The SPEAKER. No, it has not. Let the Chair state that the gentleman from Minnesota has 4 minutes remaining and the gentleman from Kentucky has 3½ minutes remaining.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I know that on both sides of this issue this afternoon there are many Members who are greatly troubled. They find Members with irreconcilable views coming to the same conclusion. That would indicate that probably the easy vote here today would be a "no" vote because if one voted "no," one could say that he was pleasing both sides on this highly emotional and difficult issue.

I wonder though if that is the reasonable and logical thing to do here this afternoon.

This bill extends the five vital existing higher education programs for an additional 3 years.

In addition to that, it creates at least five new programs which are the result of many years of study and effort. They are:

The so-called new basic educational opportunity grants.

The program of direct general assistance to the colleges.

The basic grants to the students.

A new program designed to help the States design postsecondary education programs.

The new program for community colleges.

The new National Institute of Education.

These are vital to the continuation of higher education in this country.

But the vote here today comes not on the basic issue but on the hope of rejecting the conference report and passing a preferential motion to extend the existing programs and substitute different language for the busing provision.

Mr. Speaker, I just do not think that that can come to pass. To begin with, the other body by a lopsided vote—I think there were only 13 votes in the negative—the other body has already adopted this conference report.

I cannot believe at this late stage that the Senate would go back to another conference. That would mean that our only recourse would be new legislation.

Mr. Speaker, the education conference report on which the House will vote today is one of the most significant pieces of legislation to come before this Congress.

The report extends, for an additional 3 years, programs that have proven their worth in helping to build the American system of higher education, including:

The national defense education loan program, under which over 5 million students have obtained low-interest loans over the past 13 years.

The Higher Education Facilities Act, which since its inception has played a major role in the great expansion of college and university facilities over the past decade.

The educational opportunity grant and college work-study programs, which provide financial assistance to needy students for whom a college education would otherwise be out of reach.

The guaranteed student loan program, under which last year alone, 1,080,739 million students obtained more than $1 billion in loans from banks and other lending institutions under the auspices of a Federal guarantee of the principal and interest; and

The so-called categorical aid programs, under which Federal funds are made available to colleges and universities for specific purpose activities, including library support, teacher training, and facilities renovation, as well as language and area studies and other specific categories of academic pursuit.

Mr. Speaker, these programs have served our Nation well and deserve to be continued.

But there are other, new programs that will be established under the provisions of the conference report, which will make it a landmark in Federal support for higher education.

Two of these programs are particularly significant:

A new system of "Basic Educational Opportunity Grants," will be established, under which every American college student, from middle-income as well as low-income families, will be entitled to receive an annual grant of $1,400, less that amount his or her family can reasonably be expected to contribute to his or her education.

The new program of direct, general assistance to colleges and universities will be inaugurated, under which each institution will receive a payment based on the number of federally assisted undergraduate students it enrolls, the amount of aid they receive, and the number of graduate students it enrolls. These payments may be used by each college and university as it sees fit—no Federal "strings," other than a requirement that the money not be used for sectarian purposes, are attached.

These two innovations—basic grants and direct assistance to colleges and universities—constitute the major new programs established under the conference report, but there are several other innovations agreed to by the conferees that also deserve mention:

A new program to help the States design, establish, and operate postsecondary occupational education programs is created that will answer a long neglected need in our system of postsecondary education—the vocational training of the young man and woman who does not desire to pursue an academic degree;

A new program of startup and expansion grants for community colleges, the fastest growing segment of our higher education system, in terms of both size and popularity; and

The establishment of a National Institute of Education, patterned after the National Institutes of Health, which will conduct, support, and disseminate the products of research at all levels of education, from preschool through the graduate school.

In the list of programs I have mentioned there may be found proposals of this administration as well as the previous one, of the House as well as the Senate, of Republican as well as the Democratic Party.

The measure before us thus constitutes not only a rational and comprehensive response to the needs of American higher education, but a bipartisan one as well.

Mr. Speaker, this legislation should command the support of every Member of the House.

It is the product of 2 years work in this as well as the other body.

Our 6 million college students and the institutions they attend can wait no longer for Congress to take action in this important area.

Let us examine that question of new legislation for a moment. Here we are in the second week of June. We are a month away from the first great national political convention and 2 months away from the second great political convention. We have about 6 active legislative weeks between now and that second national convention.

And then the fall campaign will be here—therefore, I say to you—I say to all of you—if you want an education bill, I hope you will think a long time before you vote "No" on this conference report.

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as we come to the end of this debate, I imagine that most of you now know what is in the legislation. It has been around for a long time. The House passed its version last November 4, 1971, and it has been out of conference now for 3 weeks.

Mr. Speaker, I am extremely proud of this bill. I do not think the Congress has ever passed a better piece of postsecondary education legislation. I think it is one of the most thoroughly researched and discussed education bills that our committee has reported out. We have put 2½ years into its development.

All of our colleges—let me repeat—all of our colleges and millions of our constituents will benefit directly from this legislation.

A simple extension or preferential motion, which was spoken of, just will not do the job. Going that route would not provide several provisions now in this legislation:

First. We would not provide relief for hundreds of thousands of middle-income and needier students.

Second. We would not have a secondary market for guaranteed loans.

Third. We would not have the long-sought-after general assistance to institutions of higher education.

Fourth. We would not have this great general assistance for institutions of higher education. It is the best formula, providing the most money for private colleges of any formula that has been considered so far.

Fifth. We would not have the National Institute for Education to launch new research in teaching and learning.

Sixth. No new authority for innovation grants in postsecondary education.

Seventh. And if the preferential motion were to be enacted into law—and I am certain it would not because the Senate would never approve it—we would not have this major new advancement in support of vocational and occupational education, which is desperately needed.

These probably are not the issues for most of you. The issue undoubtedly is busing. That seems to be on most people's minds. Many have talked about the excesses of the courts on the question of busing. This bill provides an opportunity for the Congress to act in a meaningful way. And let me remind you of the adage that "A bird in hand is worth two in the bush."

I believe this 18-month moratorium on the implementation of court orders and the limitations on the use of Federal funds for busing spells "results." For those who have exhausted their appeals and others who face massive financial hurdles to carry out the process of desegregation this bill authorizes $2 billion. And that spells "results."

I intend to push for further legislation in this regard in our Committee on Education and Labor. But I do not think anyone can have confidence that legislation to put limits on the courts is going to be enacted into law in this Congress. If this bill does not pass, you lose the opportunity to put some limit on the courts.

I talk to those of you who, 2 to 1, voted to instruct the conferees. This is your last opportunity to enact these busing limitations. You can limit the Federal agencies all you want to on appropriation bills, but here you have something that is excellent for higher education, the best we could produce, and you can make some headway on a limitation on the courts. What more can you ask now?

I urge you to support the conference report and pass and enact this landmark piece of legislation.

Mr. CELLER. Mr. Speaker, I cannot in all good conscience vote for this conference report. Unquestionably, the educational provisions of the higher education bill are desirable and merit support and I would do so without hesitation were it not coupled with provisions inimicable to civil rights. To vote for this conference report would, for me, spell the abandonment of my lifelong held commitment to constitutionally secured civil rights and an equal abhorrence of unwarranted interference with judicial process.

The educational goals of the conference report are admittedly of high benefit. But to have coupled desirable goals with undesirable ones places me in the position of having to say not that I loved Rome less but that I loved honor more.

A defeat of the conference report will not mean that the educational provisions will be lost. They can and should be separated from the segregationist provisions and Congress has the machinery to do so.

Let the choices be clear and clean cut. I, for one, cannot steer a boat between Scylla and Charybdis.

Mr. ANDERSON of Illinois. Mr. Speaker, it is in my judgment highly unfortunate that under the parliamentary procedures that prevail today it is not possible to divide the question in such a manner that separate votes can be had on the portions of this bill which deal with higher education, and those which have the effect of plunging us still further into the troubled waters of the highly emotional and divisive subject of school busing for primary and secondary school students. However, as is frequently the case, Members of the House will be required by their vote here today to accept or reject a far-reaching and multifaceted piece of legislation, and in doing so to make a determination whether on balance there is more good than bad contained in this omnibus bill. As one who voted against instructing House conferees on the subject of busing on both of the occasions when that question was before the House, I have the most serious reservations both with respect to the constitutionality and the wisdom of injecting the nongermane question of busing into a bill which deals primarily with the significant problems of higher education.

I should like in the brief time that I have to direct myself to the question of the so-called Broomfield amendment that would delay for up to 19 months, pending all appeals, any Federal court orders requiring the transfer of transportation

of students for the purposes of achieving a balance with respect to race, sex, religion, or socioeconomic status.

I have carefully read the decision in the Swann case which clearly states that there is no constitutional requirement to achieve racial balance in the classroom. As I understand that decision, the court did not feel that the affirmative duty to desegregate dual school systems that was imposed upon local educational agencies by the court in the Brown case could be so extended. I take, therefore, the view that since the Supreme Court has already ruled in that fashion that the amendment that comes back to us as a part of the conference report is actually quite meaningless because although it contains provisions for mandatory stay on district court orders which would prescribe racial balance, it does not pretend to go so far as to decree a stay with respect to court orders that mandate desegregation. The latter would clearly be impermissible from a constitutional point of view.

I also believe that the conferees have altered the Ashbrook amendment which would have completely prohibited the use of Federal funds for busing to overcome racial imbalance in a very fundamental way with the incorporation of the proviso "except on the express written voluntary request of appropriate local school officials." Likewise the conferees have significantly altered the legal import of the so-called Green amendment which would have prohibited Federal officials from requiring or urging schools to use their own funds for busing when the words "unless constitutionally required" were added.

Having said all this, I recognize that there is still significant opposition to the inclusion of even the modified language of the Green, Ashbrook, and Broomfield amendments on the basis that it represents a step backward in the effort to promote desegregation and equality of educational opportunity in our country. In the case of Alexander against Holmes County which was decided in 1969, the Supreme Court indicated clearly that as a matter of constitutional principle it would brook no delay in the elimination of de jure segregation. However, in reliance upon my belief that the wording of the Broomfield amendment as it finally was incorporated in the conference report does not attempt to interfere with desegregation, but only with those situations where a court has erroneously mandated racial balance, I believe that this provision might pass the test of constitutionality.

I also believe that some of those who are adamant in opposition to the conference report because of the language that I have discussed above should bear in mind that this bill will make it possible over the next 2 fiscal years to distribute $2 billion in Federal funds for the purpose of promoting and assisting desegregation efforts in our Nation's schools. The defeat of this conference report would mean that for a further indefinite period these funds would not be made available.

I think we must also realize that one consequence of the defeat of this conference report would be to possibly doom for some years to come the enactment of some extremely worthwhile programs in the field of student financial aid and assistance that are designed expressly to help the disadvantaged student, many of whom are also members of minority groups. We must also be cognizant of the fact that the Carnegie Commission Report on Higher Education which to my knowledge has never been seriously challenged with respect to the accuracy of its conclusion, indicates very clearly that prompt Federal enactment of some form of institutional aid is the only thing that stands between many smaller colleges and universities and complete financial disaster.

I have frankly some great reservations about other portions of this bill than those that deal with the question of civil rights. The formula that has been enacted for dispensing institutional aid is almost unbelievably complex. I find it very difficult to see how colleges and universities can do the intelligent forward-planning required for a wise and judicious use of these funds when the amount of aid that they will be receiving is subject to so many contingencies with regard to the level of funding by Congress of the various student aid programs.

However, the plight of many of these institutions has become so desperate that I fear that at this point it is almost a question of something being better than nothing. However, I would take this opportunity to express the hope and, indeed, the convictions that it will be both desirable and necessary for the Education and Labor Committee to go back to the drawing boards and come up with a more workable formula. Having been critical of various aspects of this legislation I want to make it clear that I think that in many respects it richly deserves the distinction of being truly historic and landmark legislation. The establishment of a national institute of education, the funding of community colleges, the development of new programs of postsecondary vocational training and education, and the development of a mechanism for the secondary financing of student loans are all excellent provisions.

Therefore, I have after a great deal of thought decided that on balance this conference report should have my support. Finally, I would express the hope that in the weeks ahead Congress can act responsibly on the nettlesome question of providing proper guidelines for the judiciary which will have the effect of settling the question of school desegregation in a constitutional and responsible manner so that in the future we do not find it necessary to encumber otherwise worthwhile legislation with nongermane provisions of the type that were attached to this bill.

Mr. GOODLING. Mr. Speaker, I am strongly opposed to S. 659, the higher education bill, because I firmly believe that this legislation will not obtain the end product of the dynamic higher educational system it purports to achieve.

For one thing, this bill is clouded by having in its content antibusing provisions that have no place in educational legislation, either from a practical standpoint or from a recognition of appropriateness. Antibusing legislation, as recommended to the Congress by President Nixon, should be acted upon separately and expeditiously by this legislative body.

For another thing, the institutional aid formula of this legislation is highly complicated in nature, and it is inequitable in nature, both for many educational institutions and many students.

It should not be the role of Congress to use economic coercion, as is provided through this bill, to persuade colleges and universities to provide compensatory education. To me it is wrong for the Federal Government to try to force educational institutions into a mold on selecting students.

In addition to this, an institution of education, in order to be eligible for institutional aid, would have to increase its veteran enrollment by 10 percent each year. From a practical standpoint, if private 2- and 4-year colleges were to receive money under this program, they would be forced to duplicate many of the services now being performed by the Veterans Administration.

I would like to say here that I stand in strong support of educational programs for veterans. Perhaps there is a need for some reform in our educational benefits for veterans law, but if there is, this legislation should not be the place to effect such reform.

It should be noted that the institutional aid of this legislation is tied not to the need, worth, or contributions of educational establishments but to federal assistance to needy students. In our society, however, education should be made available for all qualified individuals and not for a select group. The bill before us appears to focus completely on needy students who are receiving Federal assistance. It ignores needy students who, on their own initiative, are providing aid for themselves by such means as working their way through college and obtaining scholarships from sources other than Government money.

This legislation has, because of the diversity of views expressed on it, divided the higher educational community. I feel we should seek some legislation that promotes harmony in this community, for after all, that's the subject of the legislation.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report on the Education Amendment of 1972, the 92d Congress most significant achievement in the field of education. Indeed, it is no exaggeration to call it the most important legislation affecting higher education since the Congress approved aid to land-grant colleges over 100 years ago.

The conferees labored hard and long on this bill and I applaud them for their dedication and their stamina. With the more than 250 differences that had to be resolved in the House and Senate versions, there were bound to be some dissatisfactions with the agreements that were reached. I need remind no one here, however, that compromise and accommodation are an important and often necessary part of the legislative process.

It was just 15 years ago that the launching of sputnik signaled a new era of competition in education and weaponry. Hopefully the historic accords reached last month between the United States and the Soviet Union will halt the frenzied arms buildup which has plagued us over the past decade. However our struggle on the educational front must continue and be intensified.

Human history has aptly been described as a race between education and catastrophe. Unfortunately education has been falling behind in that race. It is imperative that we seize the opportunity afforded by the arms accord to direct a greater amount of resources to the country's educational system—certainly the largest and most important activity that this Nation is engaged in. This education bill provides us with a worthy vehicle for that goal.

Throughout my 22 years in public life, I have been deeply committed to improving educational opportunities for our Nation's young people. I know that my colleagues here share that same sense of commitment.

As a member of the Labor-HEW Appropriations Subcommittee, I pledge my continuing support in this crucial effort and I urge my colleagues to approve this conference report.

Thank you, Mr. Speaker.

Mr. MIZELL. Mr. Speaker, when the House of Representatives first considered the higher education bill some time ago, I was happy to support it, because I believed the bill included some responsible provisions for improving the Nation's higher education system.

An additional incentive for supporting the original bill was the strong language of three amendments which placed effective restrictions on court-ordered busing for racial balance.

One of those amendments forbade the use of Federal funds for forced busing; another prohibited Federal agencies from encouraging local officials to use local funds for busing; and the third would have stayed all busing orders until all appeals were made through the courts.

As my colleagues know, I have been seeking a legislative remedy to the busing situation ever since coming to Congress 3½ years ago. I introduced my own nondiscriminatory education act in 1969, which would have preserved the neighborhood school concept, and in 1971, I was the first Member of Congress to propose a constitutional amendment prohibiting the assignment of students to schools on the basis of race.

I supported the antibusing amendments to the House higher education bill, believing them to be important initial steps toward the goal of prohibiting busing solely for the purpose of achieving some arbitrarily contrived quota of racial balance in our schools.

I joined the overwhelming majority of my colleagues in voting to instruct our conferees not to compromise these amendments when they met with the Senate conferees to resolve differences between the House and Senate versions of the higher education bill.

This instructing motion was passed not just once, but twice, and both times by sizable majorities. The intent of the House as far as busing was concerned could not have been made more plain, nor more forcefully demonstrated.

But despite all this, the Ashbrook, Green, and Broomfield amendments were all bargained away in the conference committee, and we are left today with a mere shadow of the substantive measures we had originally approved.

The moratorium proposed in this legislation today is not a solution to anything. Its only real effect will be to thwart the will of the American people, to make a mockery of previous House actions, and to remove the pressure for a solution which the people have rightly brought to bear on the Congress.

This moratorium offers no relief to the busing situation in my district. It is at best a temporary holding action and at worst a deliberate effort to spare Northern school districts the heavy financial and social burdens which busing has forced on school districts in the South.

It has been my personal feeling all along that higher education and busing are two matters of such great importance that they should have been considered separately.

Still, I was enthusiastic about the original House bill, with its generous provisions for higher education and its meaningful restrictions on busing.

My enthusiasm for that bill, though, cannot be extended to the legislation before us today. While it contains some much needed assistance to our beleaguered colleges and universities, it dooms several hundred primary and secondary schools to more chaos and more wasted resources as a result of unreasonable busing plans already in effect and not subject to appeal.

I am committed to the principle that every American child, no matter what his race, no matter what his age, deserves the best possible education he can receive, in elementary school, in junior high and high school, in vocational training centers, and in our colleges.

That commitment will not allow me to sacrifice a young child's opportunity for a quality education on the busing altar for the sake of his college-bound brother or sister. Quality education in America need not be an "either or" situation.

I want to see this Congress enact the best higher education legislation possible, with the most generous assistance we can responsibly provide. America's colleges and universities, the students who attend them, and the parents who pay most of the bills, deserve nothing less.

But there is no good reason why we should pay the cost of continued forced busing as the price for higher education legislation.

I call upon my colleagues to join me in voting down this conference report, and make new legislation on higher education and more effective prohibitions against busing our highest and most immediate priorities.

Mr. MINSHALL. Mr. Speaker, I congratulate and thank conferees for retaining the ethnic heritage studies provision in the higher education conference report.

I strongly believe in this program. The Senate has written its provision carefully and well, providing for substantial but not extravagant funding. It dispels for me the misgivings many of us felt last fall when we defeated the House version in a 200–159 recorded teller vote.

My own vote was cast most reluctantly last November 4, for I recognized the inherent value of ethnic heritage studies. But I also realized that the very ethnic groups I have the privilege of representing are solid, frugal, hard-working citizens, the last people I know who would want this sort of costly adventuring into unknown territory with their tax money.

The House version called for an initial $50 million for ethnic heritage studies, and I found no one, including proponents who came to Washington to lobby for this money, able to give a satisfactory outline of a program justifying expenditure of such an enormous sum of money. To the thinking of a majority of us in the House, there was a lack of substance in the request. The Senate version calls for an initial outlay of $15 million, a reduction of $35 million, and details the activities much more satisfactorily.

Very briefly, the Senate version, which I support, gives to the Office of Education the responsibility for making grants or contracts and promulgating regulations and guidelines for the ethnic heritage programs. Applicants must be nonprofit, public and private educational agencies, institutions and organizations, from grade school through college level.

Programs receiving aid under this legislation will develop and distribute curriculum materials for use in these schools relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned, and the contributions of that ethnic group or groups to the American heritage. At the same time, these programs will provide training for persons using or preparing to use these curriculum materials.

Each ethnic heritage program will cooperate with persons and organizations with a special interest in ethnic groups with which the program is concerned to help them in promoting, developing, and producing programs or other activities relating to the history, culture, and traditions of the nationality or nationalities involved.

An application can be approved only after it has been determined that the program has been planned and will be carried out in consultation with an advisory council representative of the group concerned, and when it has been established that there is cooperation and coordination of efforts among the programs to include the exchange of materials or information and joint programs where applicable.

In order to facilitate these programs, the Commissioner of Education will arrange to use the research facilities of our colleges and universities, the special knowledge of ethnic groups in local communities and of foreign students attending schools in this country, the expertise of teachers at all grade levels, and the talents of other groups such as foundations, civic groups and fraternal organizations.

The legislation also establishes a National Advisory Council on Ethnic Herit-

age Studies consisting of 15 members appointed by the Secretary of Health, Education, and Labor.

This seems a very clear-cut proposal, a firm foundation for a program which can be of inestimable value and enrichment to all Americans.

My own life and the community life of Greater Cleveland have been inestimably enriched by our many and varied nationalities. Cleveland ranks among the top 10 of all cities in this country in citizens of foreign birth and foreign stock. We are fortunate in having an exceptionally large number of major nationality groups, nine of which contain more than 30,000 persons each and 19 others with more than 10,000 each. What is so unique is that no single group has a dominant number. We are not an Irish city like Boston, a German city like Cincinnati, nor a Mexican city like San Antonio. Cleveland is truly cosmopolitan.

We boast Poles, Hungarians, Germans, Italians, Slovaks, Czechs, Slovenes, Jews, Irish, Ukrainians, Russians, Croatians, Greeks, Lebanese and Syrian, Lithuanian, Romanians, Puerto Ricans, Serbs, Cubans, Byelorussians, Mexicans, Chinese, Filipinos, Egyptians, Albanians, Estonian, Latvian—a marvelous assortment of wonderful Americans, each of whom has a precious heritage from the Old World which must be preserved for the pride and knowledge of future generations. The ethnic heritage studies program will help inculcate that pride, knowledge and self-awareness. It will also, I am certain, lead to greater understanding and rapport among all Americans as they learn the fascinating differences and strong bonds of similarity, existing in our varied heritages.

I owe a great debt of gratitude to the counseling of my many friends who are members of nationality groups. Their understanding of my position on the House version of ethnic heritage studies was, indeed, heartwarming, and I was gratified that so many of them agreed with me that we must be cautious about plunging headlong into vast expenditures for new programs that are still in the experimental stage. I am proud to have their backing. They know of my lifelong record of complete support of their goals and aspirations for a free world, and of my efforts in behalf of captive nations. They are aware that I have never and shall never let them down.

One of the finest statements I have heard recently on the subject of national heritages was an address given on May 13 by my good friend, the Hon. Anthony J. Celebrezze, speaking at the National Conference on Ethnicity at Cleveland State University. I submit it now to the RECORD, joining with Tony Celebrezze in the sentiments he expressed so eloquently in his closing remarks:

> Our pride in our heritage can and should enable us to make sacrifices for what we know to be the common good without the fear of weakness which would give pause to those who do not understand their own worth. . . . It is my prayer that such activities, as they recognize and value our differences, can also bring us closer together to form a common bond, to perpetuate this nation, dedicated to the proposition that all men are created equal.

The address follows:

ADDRESS BY THE HON. ANTHONY J. CELEBREZZE AT THE NATIONAL CONFERENCE ON ETHNICITY

Ours is a nation which must be uniquely aware of that quality which has come to be called ethnicity.

Ours is not a land populated by people who have lived and worked and played together for many centuries. Some of the American people have indeed been here for thousands of years, but they have been joined by other, more recent immigrants to the North American shores.

The passage of time has brought to our shores people whose roots can be traced to every corner of the Earth.

Northern Europeans came in great numbers in the sixteenth, seventeenth and eighteenth centuries in the wake of the great explorers' voyages to the new world.

Blacks were carried to our shores during that same period to fulfill the needs of an underpopulated expanse.

The Nineteenth and early Twentieth Centuries saw wave upon wave of central and southern Europeans reach this Nation.

And at various times throughout these centuries groups of Asians added their numbers to the growing population of America.

For many years it was fashionable to speak of a melting pot—in which the individual cultures immigrants brought with them would be boiled—and presumably sanitized thereby—and from which could be distilled a new American culture.

In the last few years it has been recognized by many Americans—frequently the children and grandchildren of immigrants—that the melting pot metaphor is an unfortunate one.

It suggests a belief that the proper way to treat ethnic cultures is to destroy them; this is not acceptable. It has been recognized too that the image of the melting pot never comported with reality in any event. Whatever emphasis was placed on homogeneity and adoption of a common outlook and culture, persistent elements of individual ethnic cultures remained with groups of Americans. Now most Americans have come to recognize that the cultural heritages which make each ethnic group unique are not properly sources of embarrassment, but should be sources of intense pride.

Ethnic pride is necessary. It allows a man or woman to give his or her best effort, to surmount by accomplishment and diligence the barriers presented by discrimination and prejudice. It allows a person to face any other as an equal secure in the conviction that no accident of birth makes him inferior, knowing that any man who willingly gives in to the weakness of bigotry and prejudice acts not from strength and knowledge but from weakness and ignorance.

Ethnic pride allows men and women to exert themselves to their fullest capacities, to strive and to achieve, convinced that they need apologize to no man for their forbears.

Ethnic pride has its potential dangers, as well, of course. If narrowly understood such pride can be a source of further fragmentation in a country which can ill afford additional division.

Today America bleeds from wounds inflicted by both those who condemn her and those who would defend her.

She suffers as black is frequently pitted against white. She groans as violent demonstrations protesting government policy course through her streets and she groans when others reply to such violence with violence of their own.

America is wounded when liberals and conservatives refuse to listen to one another, but believe that each has a monopoly on truth. She suffers when one seer announces the cure for all America's problems is a return to the lawless state from which we emerged centuries ago, while another urges that the answer to the national problems can be found in the police state tactics adopted by nations against whom we fought World War II.

Conceivably ethnic pride can magnify these problems, add new dimensions to the divisions which plague our nation.

Ethnic pride can open new wounds in the body of American unity.

It can encourage bigotry and discrimination, it can pit man against man simply because the roots of each can be traced to different corners of the earth.

Or—the ethnic's interest in his own origins, his love for the culture of his ancestors, can help us bind up our national wounds and can aid in the struggle to attain the long sought after goal of national unity and understanding.

Properly understood, I believe the new found interest in ethnicity has such potential.

Anyone who has come to love a culture must, if he is at all sensitive come to understand that others may have a similar feeling for the heritage which they call their own. As an individual compares the culture of his ancestors with the culture of his neighbors he must begin to realize that for all the substantial differences which set those cultures apart the needs and drives which men seek to deal with in their stay upon this earth are remarkably similar.

Any honest examination of our ethnic heritages must convince us that there is much we have contributed to America—and much that is good about our country that has been given to it by others.

It would seem that such understanding is the first step toward a solution of the disunity which plagues us.

From such understanding can result a breakdown of alienation, and ultimately the maintenance of a pluralistic society with a diversity of attitude but with some consensus about basic values and common national goals.

With these insights into our fellow man—and perhaps more importantly into ourselves and those who are most like us—we can begin anew the task of bringing unity to our nation.

The challenge which faces us all is to ensure that the values of ethnicity are not perverted by those who misunderstand its importance. We must not allow the pride which allows each of us to stand up as an equal to any other become confused with the arrogance which makes us believe that an accident of birth can make us superior to another.

Our pride in our heritage can and should enable us to make sacrifices for what we know to be the common good without the fear of weakness which would give pause to those who do not understand their own worth.

This conference on ethnicity and meetings like it can serve a great cause. They can enable us to better understand and appreciate ourselves, our ethnic group and hopefully, the common good to which we must all dedicate ourselves. It is my prayer that such activities, as they recognize and value our differences, can also bring us closer together to form a common bond, to perpetuate this nation, dedicated to the proposition that all men are created equal.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join in the position expressed by the gentlewoman from Oregon, Mrs. EDITH GREEN, who is the chairman of the Special Subcommittee on Education and the principle author of H.R. 7248, the House version of the Higher Education Act. During the deliberations on H.R. 7248 last November in the House of Representatives, I supported the gentlewoman from Oregon and voted for the Higher Education Act.

During my 8-year record in the Congress, I have consistently voted in support of legislation to provide better educational programs and facilities for America's schoolchildren, and especially, to improve the quality of education for all our children. Among the bills I have supported are the Elementary and Secondary Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, the Health Professions Education Assistance Amendments of 1965, the Higher Education Act of 1965, the Veterans Readjustment Benefits Act of 1966, the Library Services and Construction Act Amendments of 1966, the International Education Act of 1966, the Adult Education Act of 1966, the National Foundation on the Arts and Humanities Act, the Education Professions Development Act of 1967, the Public Broadcasting Act of 1967, the Elementary and Secondary Education Act Amendments of 1967, the National Foundation on the Arts and Humanities Amendments of 1968, the Handicapped Children's Early Education Assistance Act of 1968, the Higher Education Act Amendments of 1968, the Vocational Education Amendments of 1968, the National Center on Educational Media and Materials for the Handicapped Act of 1969, the Emergency Insured Student Loan Act of 1969, the Elementary and Secondary Education Act Amendments of 1970, the Environmental Quality Education Act of 1970, the Drug Abuse Education Act of 1970, and the Health Manpower Act.

As I have stated, I supported H.R. 7248, and at the time that votes were being taken on amendments to this bill, I supported the Pucinski amendment—not now included in the House conference report—which added title 21 to the higher education bill and contained an antibusing amendment and a definition of neighborhood schools.

Then, on March 8, 1972, I voted to instruct the House conferees to insist on the House antibusing amendments. These amendments, as originally adopted by the House of Representatives, would have stayed all court busing orders until all appeals were exhausted, would have forbidden the use of Federal funds for busing on account of race, and would have prohibited Federal agencies from ordering busing as a condition of receiving Federal aid.

On May 11, when another vote was taken on the busing issue, I again voted to instruct the House conferees on the higher education bill not to forego the House position on busing in the bill. This was an unprecedented action on the part of the House of Representatives, yet the majority of the House Members felt it was necessary—indeed imperative—to reinstruct their conferees to hold their position on this vital issue.

I am sadly disappointed that the House conferees, despite the mandate of the House of Representatives, compromised the House position on this issue. Because the position of the House has been compromised, I have no choice but to vote against the conference report.

Specifically, the conference committee added a termination date, January 1, 1974, to the Broomfield amendment—section 803—thus curtailing its effectiveness. The Broomfield amendment, as originally passed by the House, would have postponed forced busing until all appeals have been exhausted and the Supreme Court had acted.

On the Green amendment, which forbids Federal employees from encouraging local governments or local agencies to use their money for busing, the conference committee added "unless constitutionally required," thus nullifying the Green amendment—section 802(b). The Ashbrook amendment section 802 (a), which basically prohibited the use of funds for busing of students or teachers to overcome racial imbalance, was altered when the Senate added the exception, "on the express written voluntary request" of local school officials. Since a request for Federal funds of a school official under a court order to bus students would qualify as a "voluntary request"—the net effect would be to authorize money for busing.

Furthermore, title VII of the Higher Education Act—emergency school aid—would expend $2 billion over a 2-year period, would establish standard metropolitan statistical areas, and would permit, among other things, expenditure of funds for "establishing and maintaining integrated schools." This essentially would result in a busing program—with the exception of the antibusing provisions of title VIII—and the will of the House has been expressed over and over against forced busing.

We must put a stop to this large-scale forced busing once and for all before it destroys our public school system and makes higher education legislation superfluous. And forced busing is going to destroy our public school system.

For the last year or so there has been an ever-swelling number of parents rejecting this method of desegregation. The results at the polls in the last month make it crystal clear that the mothers and fathers of this Nation, both black and white, do not want their children bused all over the countryside in an attempt to balance the races in each school.

And they will not allow their children to be used as pawns. They will find other means and places to educate them and withdraw their support from the public schools. This would be tragic and have a cumulative effect of undermining the whole system.

These desegregation plans which involve such massive busing are intended to insure equality of educational opportunity and equal protection of the law but how can there be any educational opportunity if the schools are allowed to deteriorate from lack of support.

In 1962, 1963, 1964, 1965, and 1966 the percentage of elections approving school bonds was about 72 percent; this percentage dropped to the sixties in 1967 and 1968; and to 53 percent in 1970. These are funds needed for schools but the local communities are less and less willing or able to produce the money. Add to this the desertion by those who feel their child's education suffers under long-range, forced busing and you have a threatened total breakdown of our educational system. Everyone will suffer if that should occur.

But beyond the very real possibilities that as a result of massive forced busing we are threatened with a breakdown in our educational system and a total deterioration in the high quality of education all of us want for our children, and beyond the fact that the House conferees have compromised the House position on busing, there are other issues to consider.

I want to point out that the inclusion of veterans' benefits in the Higher Education Act duplicates the work of the Veterans' Administration and increases the operating costs of the colleges by requiring the establishment of a veterans' office, the hiring of a veterans' officer, and the spending of half of the funds allocated for veterans' benefits for counseling, recruiting, and operation of such an office. Not only is this a duplication of currently existing education benefits programs for veterans administered by the Veterans' Administration, but it is quite apparently wasting tax dollars when money is spent to operate an office rather than to educate the individual.

I also want to point out that although we now have the educational opportunity grant program, the National Defense Education Act program, the guaranteed student loan program, and the college-work-study program, the Higher Education Act as approved by the conferees, establishes a totally new program—the basic educational opportunity grant program. Yet, if sufficient funds are provided for the EOG, the NDEA, the GSL, and the CWS, it is not necessary to begin the new program provided by this act—the BOG program.

The duplication of Federal programs already in existence is causing a tremendous waste of the taxpayers' money. The time has come for Congress to more closely oversee the programs it authorizes, to cut the fat out of these programs, and if necessary, to eliminate altogether the programs that are not working and that are not contributing to the general good of our people and our country.

Almost everybody will agree that disadvantaged people clearly need help—and I have supported help for them—but higher education is for all students, and not just needy students. It is not reasonable, therefore, to base allocation of aid on a formula that tends to ignore and perhaps destroy institutions which do not already have a substantial number of students on Federal aid programs.

Again, I must emphasize that we are wasting taxpayers' dollars at a time when the taxpayers of America are already overburdened and are demanding relief. This bill sets no dollar figure on the amount of institutional aid, but authorizes such sums as may be necessary. Since no one knows exactly how much will be spent for institutional aid, no one can accurately gage the total cost of the Higher Education Act. Estimates have varied from $18.5 billion to as high as $24 billion.

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This can only be regarded as fiscal irresponsibility, particularly when it is viewed in light of the fact that during the last 4 years we have spent $100 billion more than we have collected in taxes, and the taxpayers will simply not stand for their elected representatives to write a blank check—regardless of the worthiness of the cause. Evidently some of those serving in this Congress are not hearing the cries of the American people—stop spending, stop duplicating, stop wasting—and the bill before us today is full of duplication and waste of the taxpayers' dollars.

As my voting record indicates, I am no Johnny-come-lately to the cause of better education. As a former schoolteacher in the Chicago public schools—at the Carl Shurz High School on Milwaukee Avenue and other neighborhood schools in Chicago—I cannot stand idly by and watch one of the most outstanding systems of free education in existence in the world today being completely destroyed in order to serve the philosophical idiosyncrasies of a few who are so far removed from the people that they cannot see the forest because of the trees.

If the conference report is defeated today, it will not mean an end to the higher education bill. Within the next year, the House will once again have an opportunity to pass a higher education bill hopefully more responsive to the needs of the people, and I will support such a bill wholeheartedly at that time.

In the meantime, for the reasons I have cited, I am opposing the conference report on higher education and urge its defeat.

Mr. HORTON. Mr. Speaker, I rise in support of the conference report on S. 659, the higher education bill. I will vote for this measure, though my decision to do so was one of the most difficult I have ever made and I am sure this is the case for a great many of my colleagues. We have before us a good bill for higher education, in fact a landmark piece of legislation. But the bill also includes antibusing provisions which go beyond those I have supported in the past and beyond what I had hoped our conferees would present us for a final vote. Some of the antibusing language has even gone beyond the strong antibusing amendments which were adopted with my support last November.

Standing out among the proposals of this omnibus bill are the provisions establishing basic educational opportunity grants, a new program to provide postsecondary education to students who would otherwise be denied such opportunity because they lacked the funds. Under the grant system, any student admitted to an accredited institution of higher education would be entitled to a Federal grant based solely on need. The grant would be equal to $1,400, less the expected family contribution but not to exceed 60 percent of what the student needed to meet his educational costs for any one year. The far-reaching effect of this program was best summarized in a Washington Post editorial of May 21:

> For the first time the Federal Government would be saying loud and clear to all young people: "If you can meet the academic qualifications for education beyond high school you will not be denied the opportunity because your family is poor."

In addition, the bill provides colleges with flexible support by offering general financial aid without strict limitations on its use, a welcome departure from Federal assistance programs of the past. The bill offers special help to smaller institutions and community colleges and emergency grants to institutions facing severe fiscal problems. Student loan programs, which have helped so many middle-income families, are continued; a new system of veterans cost-of-instruction grants is established; and Federal assistance to students in vocational schools is provided.

Mr. Speaker, I deeply regret that the issue of busing primary, elementary, and secondary school children became attached to and, in fact, threatened the survival of the higher education bill. Busing has become an issue because both the Congress and the executive branch have consistently failed to put our money where our mouth is where educating poor children is concerned. In the absence of congressional and Presidential direction, the Federal courts were left the sole responsibility of providing equal educational opportunity for poor children of all races. The most controversial tool of the courts has been forced busing, an artificial means of achieving racial integration which leaves untouched the root problems of segregated housing patterns and deplorably inadequate urban schools.

The provisions of the House-Senate compromise on the higher education bill would stay court-ordered busing until all appeal rights are exhausted. While I am gratified that the final bill sets an expiration date of January 1, 1974, for this provision, I regret this period extends beyond the President's proposed moratorium by 6 months. Moreover, the President's plan dealt only with court-ordered student transportation while the bill under consideration applies to both the transportation of students and the transfer of students where no busing is involved.

I have serious reservations about these aspects of the busing provisions, though I am also mindful that many of my colleagues do not feel they are strong enough. The fact that everyone is not completely satisfied with the bill is being interpreted as a sign of genuine compromise. But as I have said today and on many other occasions, busing is an artificial solution that does not really get at the heart of the education problem in America. Likewise, the busing provisions of this bill in no way solve the problem, for we have not faced the hard questions of open housing and other alternatives to busing as a desegregation method, nor have we provided adequate Federal funds to upgrade the education of disadvantaged youngsters.

Mr. Speaker, if this bill passes, and I am confident it will, we will have achieved an historic advance in Federal support for higher education. If, at the same time, we step in to relieve temporarily the understandable dissatisfaction with inconsistent court busing rulings, then we have a duty to follow through by providing the alternatives and the moneys which will realistically replace busing as a solution to unequal educational opportunity and racial isolation. In this regard, I call on each of my colleagues to support legislation I have introduced to provide an immediate supplemental appropriation of $2.5 billion for title I of the Elementary and Secondary Education Act, our prime vehicle for improving educational opportunity for the disadvantaged.

Mr. MITCHELL. Mr. Speaker, the conference report on the higher education bill that is before the House today contains several provisions which would significantly increase the opportunities for disadvantaged Americans to receive a college education. The bill would also enhance the quality of learning for all students at the postsecondary level.

In reversing the trend of decreasing Federal assistance for higher education, this legislation strongly commits the National Government to the principle that every qualified high school graduate is entitled to further education and that such additional schooling should not be denied him for financial reasons. Complementing the assistance provided to individual students, $1 billion would also be extended annually in direct aid to colleges and universities, both public and private. Educational opportunity centers would be established under the bill to provide guidance to low-income students on the type of postsecondary education they should pursue. The newly created National Institute of Education would provide a vital initiative for greatly needed innovation and creativity in higher education. These admirable and far-reaching provisions make this bill a landmark piece of legislation in the area of higher education. The future of postsecondary education in this country is, indeed, made brighter by these provisions.

But the colleges and universities assisted by this bill represent only the pinnacle of our educational system. While helping to assure that no one will be denied a college education due to a lack of financial resources, this higher education bill guarantees that countless American children will be deprived of the educational resources they need to qualify for admission to college. Although this legislation is forward looking in its approach to postsecondary education, the antibusing amendment that remains in this conference report marks a patently unconstitutional attempt to turn back the clock to the era of separate and unequal. It is for this reason that I must speak against the adoption of this conference report.

In its momentous decision in the case of Brown against the Board of Education in 1954, the Supreme Court declared—

> It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

When the Court ordered the desegregation of schools to proceed "with all deliberate speed," it was departing from the normal standard which holds the deprivation of constitutional rights should be remedied immediately and

totally. Eight years ago, the Supreme Court first stated that the time for mere "deliberate speed" had run out; the Court has repeated that assertion on several subsequent occasions. The Brookfield amendent contained in this legislation would prohibit the implementation of district court orders involving the busing or transfer of students until the appeals process has been exhausted, or until July 1, 1974—over 20 years after segregated schooling was struck down in the Brown case. This amendment is far more than an effort to sanction the continued maintenance of segregation for an additional 24 months.

The constitutional rights of black children and of all disadvantaged American youth will not simply be suspended over this period, they will be forgotten. We cannot look upon this amendment as a palliative that will satisfy the desires of those who remain opposed to equal educational opportunities for all our citizens. They will not be satisfied by this amendment alone, but will seek additional legislation to curtail the rights of blacks and others. We cannot justify support of this amendment on the grounds that it may later be ruled unconstitutional by the courts. Our obligation to uphold the Constitution is as great as that of the judicial branch and cannot be sacrificed on the altar of political expediency. Any freeze on school desegregation would run counter to a 57-year string of Supreme Court decisions and would also constitute the first congressional retreat from the outlawing of discrimination in public education embodied in the Civil Rights Act of 1964.

In its statement on the conference report on the higher education bill, the Congressional Black Caucus termed busing "a necessary tool which, in part, accomplishes our aims of providing quality education for black children and abolishing inferior school programs for the poor and the black." The proposed moratorium on busing, the Caucus went on, "legitimizes inferior schools for the black and the poor." We are not merely dealing in this instance with a question of accepting one offensive provision in a bill so that we can also obtain the benefits of the praiseworthy aspects of the legislation. Rather we are confronted with an attempt to subvert the Constitution itself. If we allow the principles upon which this Nation and Government are based to be disregarded in this instance, it will become that much easier to follow a similar course of expediency in the future.

Mr. VEYSEY. Mr. Speaker, if Congressmen were permitted to vote "yes but" on bills before the House we would never be faced with the necessity of voting against good parts of a bill in order to prevent the enactment of other parts. Since we are denied that luxury, I want to explain why I have made the difficult decision to oppose this conference report.

I agree with the objectives of Federal participation in the support of higher education, and especially with the objective of a program that will make it possible for every qualified student to get a college education, regardless of financial disability. I also firmly support aid to community colleges and vocational training. However, my concern over a number of other aspects of this bill forces me to vote no.

First, I do not think the provisions in this bill provide nearly enough assurance that the massive funding will be spent effectively. The only way to be sure that our efforts to upgrade the availability of a quality education will succeed is to require rigorous evaluation of all programs as they proceed. Otherwise the money authorized here may as well be spent paving the ocean for all the good it will do.

The bill recommended by the conference contains some ineffectual sops to the principle of accountability and evaluation in education, but it provides no guidelines and no funds at all to carry them out. The GAO is only authorized to evaluate programs on a piecemeal basis at the request of committees or, if manpower is available, at the request of individual Members.

There is a justified feeling of frustration in this country over the meager results we have to show for our massive investment in education. Only a systematic program of testing all programs for effectiveness and the modeling of new ones after the ones that have succeeded will end this. Today's bill fails to make that possible.

Second, I am also concerned over the little-noticed precedent that this bill establishes by creating a separate Bureau and Deputy Commissioner of Education for one particular ethnic group. After extensive field hearings all across the country it was clear that Indians and their organizations are not very enthusiastic over the prospect of having to deal with a whole new department for their education. But even more important is the likelihood of other ethnic groups immediately wanting their own legitimate and special problems recognized by a separate bureau and deputy commissioner as the Indians will have here. The Department of Health, Education, and Welfare is vigorously opposed to this precedent and I think it bodes ill for the future of the Office of Education as an effective or even credible organization.

But Mr. Speaker, my principal objection, like that of a large number of my colleagues, is to the substance of the bill's provisions relating to busing. What we see here is a breakdown of the legislative branch of Government. The Congress as a whole is refusing to face the necessity of pounding out the guidelines necessary to resolve the busing dilemma.

There is a broad national consensus on the desirability of becoming a single, integrated society and of providing a quality education to all our people regardless of race. But in a democracy there is no way to avoid the necessity of the elected representatives of the people sitting down and working out some plan acceptable to the voters to carry this out. No one can force unpopular solutions to tough social issues like busing down the throats of voters in a democracy. They just will not stand for it. If they have to they will punch an amendment into our Constitution to prevent it.

When the House-passed antibusing language was qualified by the expression "unless constitutionally required" the legislative branch was shirking its responsibility and shifting the job of finding constitutional solutions to the courts. The people will be forced to bring suits to find out what is or is not "constitutionally required," and those who decide will not be responsible to the voters. This mocks the whole theory of representative government and will not work.

The bill also defies the House's express instruction to its conferees on the question of requesting assistance for the costs of a busing program. The bill allows "local school officials" to ask for such funds, but does not say which officials. It may mean elected schools boards. Past history indicates it more likely will be tenure-protected school administrators who reflect the views of the education establishment rather than the community. Will they be able to initiate busing programs under this provision? A new spate of litigation will inevitably follow. This is another ruse to avoid the necessity of getting the consent of the people. It will not work either.

Mr. Speaker, if this body goes along with the Senate's insistence on delegating issues like these to the courts, we will have only ourselves to thank when the judiciary is no longer a respected and useful institution and when the voters go over our heads to clutter the Constitution with short-term, tactical amendments.

I cannot support this abandonment of our responsibility.

Mr. DRINAN. Mr. Speaker, the vote I cast today against the higher education conference report is the most difficult and personally painful vote I have ever cast in Congress.

I have spent most of my working life as an educator. I know the financial needs of our universities and colleges and their students. I know how acutely the $18.5 billion in funds provided by this bill are needed—funds to extend student aid programs, funds to establish a new program of substantial grants of assistance directly to institutions of higher learning, and funds to stimulate the granting of student loans.

But this bill as reported by the conference committee also contains provisions which would frustrate and in many cases make impossible the integration of our school systems as required by the Constitution and laws of the United States. These provisions if enacted would make a sham of 18 years of Supreme Court cases—from Brown against Board of Education onward—and would insure that thousands of black and other minority children in the United States never get an equal educational opportunity.

This bill not only prohibits court-ordered transportation of students, but also any "transfer" of students for purposes of desegregation. Not only is busing prohibited, but also outlawed are many other proven and accepted means of integration, including pairing of schools, for example.

Apart from the abridgments of the civil rights of students in this bill, I believe that the suspension by Congress of the

effectiveness of Federal court orders under these circumstances is unconstitutional.

Thus, while this vote is a painful one for me, it is one as to which I am free from doubt. We cannot pass this bill consistent with the mandates of the 14th amendment and the constitutional doctrine of separation of powers.

On March 8 and March 22, 1972, in House debate, I set out at length my views on the constitutional and policy implications of the busing issue. I continue to believe that the antibusing provisions of this bill which suspend court orders and sanction separate education for blacks and whites are unconstitutional. I will not repeat here the analyses I made in March, but I affirm them again today.

When I came to Congress the oath of office I took required my "true faith and allegiance" to the Constitution. I am persuaded that to vote for this bill would not be consistent with allegience to the Constitution.

I wish to insert in the RECORD at this point, Mr. Speaker, three of the many letters I have received in opposition to this bill. They are from the AFL–CIO, the American Civil Liberties Union, and the National Council of the Churches of Christ. I agree with their views:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Washington, D.C., June 6, 1972.

Hon. ROBERT F. DRINAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: Since the start of the American trade union movement, organized labor consistently has supported legislative efforts to improve our country's educational system. We are proud of this role. The AFL–CIO, therefore, does not take lightly its decision to oppose the Higher Education Conference Report.

The AFL–CIO takes this position, not because of the proposals dealing with higher education, but because of the inclusion of the Broomfield Amendment in the conference report.

Members of the House should understand clearly that this is not simply an anti-busing amendment. According to the author of the amendment (Congressional Record, March 8, 1972, p. 7555), it applies equally to desegregation cases generally as well as to busing cases. As such, the amendment would bring a halt to court-ordered desegregation.

The Broomfield amendment prohibits both the *transportation* and the *transfer* of students. Thus, even when busing is not allowed as a tool for desegregation, other tools also are prohibited—such as: school consolidation, closing of inadequate schools, redrawing of attendance zones (within walking distance), school pairing, new school construction, etc. Put bluntly, there is no way a court can order effective desegregation without some transfer of students.

Eighteen years ago, organized labor hailed the Supreme Court's *Brown* decision as historic. The AFL–CIO never has veered from its view that "separate but equal" is inherently unequal and a denial of constitutional rights. In 1969, in *Alexander vs Holmes County*, the Supreme Court declared that dual school systems must be terminated "at once."

The Broomfield Amendment clearly violates the constitutional principles established by the Supreme Court. While some have suggested that—for these reasons—the Broomfield Amendment will be found unconstitutional, no House member should vote for the conference report hoping that the Court will reject this amendment. The oath taken by House members to preserve the integrity of the Constitution gives them the same responsibility as federal judges.

Regardless of the merits of the remainder of the Higher Education Conference Report, Congress must not endorse a halt in the desegregation of our schools. Such an endorsement would be a cruel blow to millions of Americans who still seek quality education and equality of educational opportunity.

Since the House must act—up or down—on the conference report, the AFL–CIO urges you to vote "No," and thereby voice your opposition to an amendment that seeks to turn back the clock on court-ordered desegregation.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

WASHINGTON OFFICE,
AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., June 2, 1972.

DEAR CONGRESSMAN: Sometime within the next few days you will be voting on the Conference Report on the Higher Education Act.

As you know, amendments have been added to the Act which allegedly deal with school busing. The truth is, the amendments reported out by the Conference Committee deal only peripherally with busing.

The amendments in question forbid not only court-ordered transportation, but any transfer of students for purposes of desegregation. This would eliminate solutions such as redistricting, rezoning, pairing, educational parks, magnet schools and all other means of overcoming unequal educational opportunity.

The plain fact is this: if the Higher Education Act passes, it will mark the first time in some 20 years that the Congress of the United States has chosen to enact legislation that is effectively anti-civil rights.

In view of the agony this nation has already suffered due to segregation, it is hard to believe the Congress may now be about to turn away from its commitment to equal opportunity, and from its obligation to say "no" to segregation in any guise.

Some say the Act must be passed because of the important aid it would offer our colleges and universities. But the overriding fact is that the damage from the so-called busing amendments will be irreparable, while any harm to higher education can surely be quickly remedied by a concerned Congress.

Unfortunately, we cannot keep the good in this bill and eliminate the bad. As Senator Lowell Weicker so aptly stated, we are faced with an indivisible package of excellence and muck.

This legislation would sacrifice the rights of minority children with what amounts to a bribe—the bribe being urgently needed funds for higher education.

Yet some Congressmen seek to justify the bill by saying the so-called busing amendment will be declared unconstitutional. This is an amazing rationale. Every Congressman takes a sworn oath to support the constitution. If you believe the "busing" amendment is unconstitutional, it is your obligation to vote no.

Furthermore, even if you should somehow overcome the constitutional question, it is no excuse to say the courts will remedy the wrong. By the time any court action could be completed, one or two full school years will have been lost. Thousands more children will have been cheated of their rights.

It has long since been acknowledged that separate schools are not equal. All-white schools have a marvelous way of finding themselves with the best facilities.

How ironic, then, that in the name of "higher education," this legislation would freeze underprivileged children into separate and inferior facilities. What good will better colleges be for those who need them most, if their early schooling does not equip them for any college at all?

The contradictions in this legislation are so great that they amount to trying to build a skyscraper on a foundation of sand. A skyscraper can't be built on sand. Nor can a decent nation be built on the sand of segregation.

Again, the salient fact of this legislation is that it is not "anti-busing". It is anti-transfer, and thus pro-segregation. Its passage would mark a tragic about-face in America's quest for equal opportunity for all citizens.

I hope this will not be the Congress to abandon that quest. I urge you to be guided by your conscience.

When you vote on the Conference Report on the Higher Education Act, I urge you to vote no.

With best regards.

ARLIE SCHARDT,
National Legislative Director.

THE WASHINGTON OFFICE, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.

Washington, D.C., June 6, 1972.

DEAR CONGRESSMAN DRINAN: I write to urge you to reject the Conference Report on the Higher Education Bill. I do so with sorrow because the legislation authorizes badly needed assistance for colleges and universities. I do so understanding the dilemma which this legislation poses for many members of Congress, and the fact that compromise and accommodation are an important and often necessary part of the legislative process.

However, in this instance, in our opinion, the price is too high. The Conference Report represents the greatest threat to orderly school desegregation since that process began with the 1954 Supreme Court decision. It is not just anti-busing but anti-integration. By blocking both the transportation *and transfer* of students, it could bring court-ordered desegregation to a halt for 18 months.

The Conference Report represents compromise of a kind we hope you will not accept. Our society cannot afford to compromise the constitutional rights of any of its citizens, the independence of its judiciary, nor our goal of becoming one nation, indivisible.

Sincerely yours,

CYNTHIA C. WEDEL
Mrs. THEODORE O. WEDEL.

Mr. EDWARDS of California. Mr. Speaker, today on the floor of the House is the conference report on an historic higher education bill, an $18.5 billion bill, which not only extends existing programs but creates exciting and long-needed new ones.

For the first time, the bill commits the Federal Government to the principle that every qualified high school student graduate, regardless of his family income, is entitled to higher education, whether in community colleges, vocational institutes or the traditional 4-year college or university. This is a concept I heartily endorse.

Another commendable concept is contained in the legislation. That is, that there should be direct assistance to institutions of postsecondary education based in part on the number of students receiving the basic grant provided for in the bill, the amount of Federal student assistance at each school and graduate education. Again, this is a concept which I endorse.

Additionally, a new student loan marketing association is established which

would expand the availability of credit and thereby expand the number of student loans. Again, this is a program with which I have no quarrel.

Yet despite all of these fine and innovative features and despite the general thrust of the entire bill in terms of higher education, I must sadly vote against it. Not because I have not been a vigorous supporter of federal aid to education, not because I want to deny to students from low-income families the opportunity to further their education, not because I do not recognize the desperate financial straits our higher education institutions find themselves in today, but because my commitment to the United States Constitution must exceed my commitment to any particular piece of legislation that would endanger or encroach on the constitutional rights of any citizens of the United States.

And the latter is what I believe this bill, encumbered as it is with antibusing amendments, will do if it is enacted into law.

Voting for the conference report would signal to minority groups in this country—too long the most powerless people in this Nation—that despite the 1954 Supreme Court decision, that despite the numerous civil rights bills enacted by the Congress over the last 12 years, that despite this country's verbal commitment to equal rights for everyone, the Congress of the United States is willing to sacrifice 14th amendment guarantees of equal educational opportunity for the sake of pacifying some groups in this country that have more power and more visibility.

The President of the United States has already opted for expediency over moral leadership in this whole area of equal educational opportunity. Is the Congress of the United States going to uphold the President's position and reaffirm his stand that the long-sought goal of equal education is not attainable in America or at the least cannot be espoused by those seeking public office? If this is the case, to whom do these millions of Americans look for redress when public officials, sworn to uphold the Constitution, wink at their oath on an occasion like today?

Those of us who have long supported civil rights goals in this country must not be tempted to slough them off today when the vote comes. We must be willing to unequivocally stand up today and tomorrow and whenever the occasion arises to continue to reaffirm our belief in the Constitution and in equal opportunities for everyone in this country.

Only by taking a public stand of firmness in these troubled times can we ever hope to rally millions of decent Americans—honestly confused and bewildered by the emotional atmosphere whipped up by so many public figures in this country—to the continuing struggle for equal rights and the hopefully temporary need for business to help achieve this goal.

The price we must pay today for refusing to equivocate on civil rights is regrettably the $18.5 billion higher education bill. While it is a large price to pay, it is certainly far less than the invaluable cost of sacrificing constitutional guarantees. Surely it is easier to legislate higher education programs than to attempt to restore constitutional rights.

Should this conference report be recommitted, it seems to me that there is every reason to believe that a massive lobbying effort could be launched by every college and university president, professors, students, and everyone else vitally concerned about the status of higher education in this country to see that a higher education bill, free of any attempts to erode constitutional rights, comes back before the Congress. Lobbying attempts like that have been made in the past and have proved highly successful. That is the American way and there is no reason to think it would not succeed.

On the other hand, how does a group of citizens lobby for a restoration of constitutional rights if both the executive and legislative branches in this country lead the way to an erosion of those rights and the Congress, at the urging of the President, seeks to prevent the third branch of Government from reaffirming those rights? Then the question we must all ask ourselves is, where does one go from there?

Mr. KOCH. Mr. Speaker, I regret that I must vote against final passage of the higher education bill before the House this afternoon. It is an important piece of legislation for our colleges and universities and there are many such institutions in my Congressional District. However, I cannot in good conscience vote for a bill which would, in effect, halt all desegregation of our public schools. Important as the higher education provisions are, they cannot justify the suspension of the historic 1954 Brown decision. Voting on most bills involves the weighing of equities, few votes are matters of conscience, but this one is.

Furthermore, I believe the Broomfield amendment is unconstitutional on its face and I have the obligation, believing as I do in the separation of powers on which our form of government rests, to vote against a measure that undermines that separation and our Constitution.

Since coming to Congress I have voted against every appropriation bill containing funds for the further prosecution of the Vietnam war. I have done this knowing full well that my total opposition to the war required me to vote against bills containing legitimate defense expenditures. Today I can do no less in supporting our Constitution and the courts of this country from this blatant denial of the rights of all children in our country to a decent education. The higher education provisions are not only legitimate but praiseworthy measures. But, I have no other recourse under these most unfortunate circumstances confronting me today.

I sincerely hope that a straight 1-year extension of existing education programs or a continuing resolution for 1 year at the 1972 level of funding can be passed soon as a temporary measure.

Mr. SCHWENGEL. Mr. Speaker, the importance of the conference report on the Higher Education Act cannot be overemphasized. This bill establishes the principle of institutional aid to our colleges and universities. In view of the financial crisis faced by the higher education community, the legislation has a sense of urgency.

One segment of the higher education community which has been particularly hard-hit is the community college. Iowa Community College enrollment ranks seventh nationwide. I have found that students in our community colleges have different characteristics from those in typical 4-year institutions. They tend to be older—50 percent of the vocational-technical students are over the age of 20; and more frequently hold some type of part-time job while attending college; 49.6 percent of the students at Kirkwood Community College in Iowa, receive financial aid. The high percentage of veterans attending our community colleges is an especially important factor. We need to provide educational opportunities to those individuals who have served their country and would appreciate some help in return. In the seven-county area served by Kirkwood Community College, veterans are returning at the rate of 200 each 6 weeks.

All of this emphasizes that the community college is serving that huge segment of our area population which was not previously served by our traditional 4-year institutions. Consequently, there is a great need for funding which would permit additional planning and expansion of opportunities provided by our community colleges.

In Iowa, Kirkwood Community College offers an example of the type and extent of aid that our community colleges have been receiving. In the initial year of the educational opportunity grant program, Kirkwood was approved by the regional panel for $90,000 in Federal moneys. They received $9,480. In college work-study, they were approved by the regional panel for $132,400. They received $34,561. In the NDSL program, panel action approved $123,174. If the program is extended, estimated receipts will reach $64,953. This situation has forced the institution into a position of accepting no new applications for financial aid for the coming academic year. In turn, many prospective enrollees have no alternative but to forgo enrollment.

My further support for this bill is based on the following national statistics: Currently, U.S. community colleges enroll 33 percent of all students in higher education and enroll 62 percent of all handicapped students who are enrolled in higher education, but receive only 9 percent of Federal funds expended for higher education. We cannot neglect people who have too long been denied opportunities in our scheme of higher education.

A particularly significant provision of this bill results from an amendment I proposed, was adopted on the House floor and agreed to by the conferees. It authorizes the waiver of maintenance of effort requirements for student assistance programs in certain cases. This could be applied to a situation where an institution's income was decreased, for example, by a decline in enrollment. This provision would allow the Commissioner of Education to waive minimum require-

ments for continuance of the program based upon higher enrollment figures. This type of situation is faced by many of our private schools at the present time.

I cannot overstate the importance of higher education in our society. This bill helps supply the needs of our higher educational system; for these reasons, it is receiving my support. The formula for basing institutional aid upon the number of federally aided students enrolled at any individual school is a sound one. The extension of student aid programs is vital to the maintenance of equal educational opportunities for all.

Mr. RANGEL. Mr. Speaker, I am straining to find something good in the advice given me by those of my liberal colleagues concerning their support of the higher education conference report which includes the antibusing provisions.

But I am driven to the conclusion that my friends are deserting me and the black community in what could mark the beginning of one of the saddest chapters in American history. Today could begin a concentrated effort, unintentionally supported by liberals, to reinforce well-entrenched patterns of housing segregation by locking in children to certain schools. For the first time since the famous Brown against Board of Education decision some 18 years ago, Congress is about to overtly array itself on the side of bigotry.

There is not really anything extremist about busing. It is merely an interim method for eliminating from our public schools some of the vestiges of deliberately fostered racial discrimination. When I observe my otherwise progressive friends compromising away the meager step that busing represents toward eliminating the inexcusable injustices on our people that have festered for generations, I begin to wonder whether my liberal colleagues are really only sunshine patriots.

To my conservative colleagues, I would say that you may believe that the Supreme Court will go along meekly with whatever Congress orders, but I have hopes that even Mr. Nixon's most conservative appointees will see through this meat-cleaver attack on the judicial branch.

Many of you say you are really for equality but are concerned about the safety of the children and the costs of busing. If you are really so motivated, where were you during the decades and decades that black children were bused past white schools in apartheid fashion. Justice delayed has been justice forever denied to millions of children who finished their entire public schooling without getting one scintilla of judicial relief. Now when it comes to busing white children, suddenly you find it essential to legislate away a so-called crisis. It is not the distance nor the safety that's the crisis but it is what happens after you get off the bus. As you know, every day over 18 million schoolchildren—40 percent of all schoolchildren—go to and from school by bus and their parents do not complain about inconvenience. The uproar is about desegregation not busing.

History will show that the only busing that was halted by enactment of this legislation today was that carrying black children toward a reasonable chance to secure what is really their birthright.

Let me now turn to the specific provisions in the legislation itself. Even if we give the sponsors of these amendments the most egalitarian of intentions, there are overwhelming flaws in their proposals.

The Broomfield amendment, section 803 of the bill, prohibits the implementation of district court orders involving either busing or the transfer of students for the purposes of achieving a balance among students with respect to race—until the appeals process has been exhausted or until January 1, 1974.

It seeks to hinder the capacity of the courts to provide speedy relief to those children whose constitutional right to a desegregated education has been violated.

It seeks to legislate away the rulings in *Alexander* v. *Holmes County*, 269 U.S. 19 (1969) and *Carter* v. *West Feliciana School Parish*, 396 U.S. 226 (1970) where the court ordered school boards to integrate now and litigate later, to implement the court ordered plans immediately pending appeal instead of waiting until they had exhausted their frivolous or foot-dragging appeals.

Further, this amendment affects not only transportation of pupils but transfer of pupils as well. Unless Federal district court judges can figure out some way to get around this product of sloppy drafting—perhaps by intepreting the term racial balance—even the traditional tools for desegregation other than busing will be affected. Other means such as school consolidation, zoning, pairing, construction of new schools and other measures all involving the transfer of students would be delayed. Put bluntly, there is simply no way a court can begin doing its constitutional duty to desegregate the schools unless it orders the transfer of pupils.

The Ashbrook amendment, section 802(a) of the bill, prohibits the use of Federal education funds for transportation of pupils or teachers to overcome racial imbalance or to achieve desegregation, except on the express written consent of local school officials. No such funds could be made available for transporation if the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process, or would result in children being assigned to a school substantially inferior to the one he or she would be attending under a nondiscriminatory geographic zone assignment.

When courts continue to order the desegregation of schools by transporting pupils, there can be no rational basis for putting the entire financing on State and local funds rather than Federal.

This represents a half-hearted futile legislative effort to undermine the courts and the school boards and to roll back the clock in hopes that the problem will disappear rather than become aggravated.

The Green amendment, section 802(b) of the bill, prohibits Federal officials from urging, persuading, inducing or requiring the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation, or to condition a grant of Federal funds on such transportation "unless constitutionally required."

Fortunately, the agreement reached by the conference included the words constitutionally required. Thus, HEW's officers are still allowed to make such suggestions where constitutionally required. Hopefully, then, this limitation on HEW will be interpreted to be a meaningless one since HEW has not generally in the past suggested or required the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation unless constitutionally required.

Taking the higher education bill as a whole, my colleagues today are asking me to sacrifice the constitutional rights of black children for a bag of goodies that everyone agrees is the most significant advance in Federal support for higher education since the passage of the Land Grant College Act over a century ago. This is something I cannot in good conscience do. Our children should not be required to continue to wait for their rights nor should their chances for an equal opportunity be burdened by further recalcitrance such as that openly displayed in the proposals on the floor today. I call now for strong moral leadership rather than defiance and backtracking.

For if today's legislation passes with the support of my liberal colleagues, the black community will be forced to bitterly conclude that the laws and court decisions that had begun—just begun—to generate hope and faith in this Nation's commitment to justice and equality were never a really true commitment but only a scheme devised to still the voices of frustration and discontent.

Mr. HARRINGTON. Mr. Speaker, I think that the vote I am going to cast today is one of the most difficult I have made since I came to the House in late 1969.

On the one hand the bill before us contains $18.5 billion for the extension of present higher education programs and the creation of new ones. The new programs include one to provide about $1 billion annually in general aid to colleges and universities, and another one providing basic grants to needy students.

The Basic Educational Opportunity Grants program, established by this act, is a new program under which students at colleges and universities would be entitled to basic grants of assistance up to $1,400 per year, minus what the family could be expected to contribute. No grant can exceed 60 percent of what a student needs to attend a particular institution for 1 year. These grants will help to alleviate the shortage of funds to needy students and allow them to plan on higher education free of the fear.

The bill also authorizes $40 million in emergency grants to institutions in severe financial distress, authorizes grants to institutions for $300 per veteran enrolled, and an additional $150 for each veteran participating in a special remedial veterans program.

In addition, it prohibits discrimination on the basis of sex in all federally assisted education programs, exempting only undergraduate admissions to private institutions, public institutions with a traditional policy of admitting only students of one sex and military academies.

The Higher Education Act is a good bill. It has taken 2 years to work out these provisions and the result is its much needed provisions of assistance to American students and universities.

Yet, attached to the legislation is an amendment which I find abhorrent. This amendment prohibits the implementation of district court orders involving either busing or the transfer of students for the purposes of achieving a balance among students with respect to race—until the appeals process has been exhausted or until January 1, 1974, which ever is earlier. The bill also prohibits the use of Federal education funds for transportation of students or teachers to overcome racial imbalance or to achieve desegregation, except on the express written consent of local school officials.

No such funds could be made available for transportation if the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process, or would result in children being assigned to a school substantially inferior to the one he or she would be attending under a nondiscriminatory geographic zone assignment plan.

The amendment also prohibits Federal officials from urging, persuading, or requiring the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation, or to condition a grant of Federal funds on such transportation unless constitutionally required.

Mr. Speaker, I realize that this conference is going to pass the House. But I must vote against it. The amendment is totally wrong, and since the rules of the House require me to vote yes or no on the entire conference report rather than for the Higher Education Act and against the amendment, as I would like to do, I am forced with regret to vote "no."

This amendment will effectively prohibit not only the transportation of students but also the transfer of students. As a result no tools may be used for desegregation including school consolidation, closing of inadequate schools, redrawing of attendance zones within walking distance, school pairing, new school construction, et cetera. By stopping the transfer through this amendment, we effectively preclude the courts from ordering any effective desegregation.

This policy will continue the hatred and disharmony which exists between blacks and whites. No amount of money can repair the future social damage which will result from separating our children for the arbitrary reason of color. By passing this amendment we will continue to perpetuate a segregated lifestyle which is stifling to all concerned and is certainly abhorrent to any sense of social justice.

Busing is not the total answer to racial problems. But it is a step—a step ordered by our courts and a step which is logical and necessary at this time. The Supreme Court has made a very limited ruling on busing. The Court specifically said that busing was not required to create racial balance where residential patterns had produced imbalance. What the Court did say was that in those cases where a schoolboard or other Government agency has previously taken official action which resulted in segregated schools, a reasonable amount of busing could be used to correct this past segregation.

Even in this limited class of cases, however, the Supreme Court did not say that busing was the primary, or even the most desirable tool in correcting past government errors. The Court cited a long list of measures that could be taken and busing was only one of these.

It is true that tens of millions of schoolchildren ride buses daily to school. But only a tiny fraction of these children ride buses because of integration orders. In fact, it is probably still true today that more pupils are being bused in ways that perpeturate segregation than in ways that end it. In Massachusetts, for instance, a witness before the State legislature on the racial imbalance bill said that the State currently spends about $400 million annually on pupil transportation, of which only $300,000 is for race-related purposes.

These amendments lead one to believe that vast amounts of massive crossbusing schemes were being promulgated by courts across the country. There may be individual instances where particular lower federal court judges have exceeded the Supreme Court's guidelines. But if there are, they can be remedied easily by appeal to the Supreme Court itself.

Important as the Higher Education provisions are, they cannot justify suspension of the historic 1954 Brown decision. To quote the Brown decision:

> Separate educational facilities are inherently unequal.

History has shown that concessions to anti-civil rights forces merely increase their appetites for more.

Mr. MEEDS. Mr. Speaker, I rise in support of the conference report on S. 659. It was difficult to resolve all the issues contained in both bills and thus satisfy the desires of all Members in the House and Senate. But I feel this conference report and legislation embodies the most significant advances made since the passage of the Morrill Act of 1862. This is not only a significant bill; it is a bill embracing many aspects of education. While we tend to get caught up in the issues of busing, institutional aid, and student aid, there are far-reaching contributions to education contained in this bill. I should like to direct my remarks to just three of them: First, community and junior colleges; second, vocational and occupational education; and third, Indian education.

Mr. Speaker, the community, junior, and 2-year colleges of this Nation are important to the post-secondary educational experience in a far greater degree than is shown in the funding which we presently make available to them. These institutions are serving one-fourth of the post-secondary students in this Nation. They are providing terminal post-secondary academic education, initial post-secondary academic education, and vocational, technical, and occupational education.

This legislation would provide $50 million in fiscal 1973, $75 million in fiscal 1974, and $150 million in fiscal 1975 for planning statewide community college systems, for developing new community colleges, and for expansion of existing community and junior college facilities.

For years the role of these institutions has been consistently underfinanced, undervalued, and misunderstood. This legislation recognizes their importance and provides the funds and impetus to correct years of neglect.

Mr. Speaker, despite the strides achieved under the 1963 Vocational Education Act and the 1968 amendments thereto, vocational education is still the poor cousin of our educational family. By providing $850 million over a 3-year period for preparation for post-secondary occupational education and for improving the quality of post-secondary occupational education, this legislation recognizes the role and responsibility of vocational and occupational education more realistically.

One of the major reasons for the lack of attention and failure to give vocational education its proper place lies within the academically oriented U.S. Office of Education. For years some of us have been attempting to induce the Office of Education to upgrade the status of vocational and occupational education. Under this legislation we have, by creating a Bureau of Occupational and Adult Education, made clear our intent that this shall be done. An Assistant Commissioner for Occupational and Adult Education will have the responsibility for all vocational, occupational, and adult education. This should create within the Office of Education the visibility for vocational and occupational education which is essential to move it from its poor cousin status.

Mr. Speaker, without doubt the most disadvantaged youngsters are the first Americans—the American Indian. Lack of adequate education is one of the major reasons. They begin school late and leave early. The dropout rate of Indian youth across this Nation is twice the national average. During our subcommittee hearings on this legislation, I visited areas in New Mexico, Arizona, and Alaska where the dropout rate ran as high as 85 percent. We know many of the reasons for failure of our educational system to retain Indian children. In many instances they have language barriers. In almost all instances there are substantial cultural barriers. Perhaps most importantly, Indians have not been involved in their own and their children's educational process.

We have not only the responsibility but the capability to drastically improve educational opportunities for Indian children. This legislation will authorize $300 million over a 3-year period for special education programs serving Indian children.

Additionally, it provides $25 million in fiscal 1973, $30 million in fiscal 1974, and $30 million in fiscal 1975 for pilot dem-

onstration and evaluation of special Indian education programs. Also, $5 million is authorized in fiscal 1973, $8 million in fiscal 1974, and $8 million in fiscal 1974 for Adult Indian Education programs.

And perhaps most importantly, Mr. Speaker, it provides for the creation of a Bureau of Indian Education within the Office of Education and a Deputy Commission. This, combined with the National Advisory Council on Indian Education, will begin the extremely important task of involvement of Indian people in their own and their children's education.

These are just three of the many benefits to be derived by education from this legislation. It is landmark legislation. Higher education in this country is in deep financial difficulty. If we are to attain the advantage of highly educated citizenry we must act now to relieve those difficulties.

Mr. SIKES. Mr. Speaker, I recognize the need for a higher education assistance bill. I had hoped the conference report now pending would provide a proper vehicle for this objective but it does not. It brings to the House as a result of conference action a new bill—far different from the House bill—a bill which has in it serious weaknesses and a number of objectionable features.

I believe the proposal now before us is damaging to educational processes; that it will actually perpetuate forced busing and that it will result in lowered standards of education at institutions of higher learning. If I read the bill correctly, it will set up a new welfare program for education patterned after the aid to dependent children program. In that program if the man of the house leaves home, the family gets welfare and food stamps. In the new college welfare program, if the student abandons his home ties, he gets $1,400 per year plus food stamps. This can provide a hippie haven of boundless proportions.

A matter of principal concern to the House has been those sections of the higher education bill dealing with the forced busing of students. Although the conference report purports to carry out the will of the people as expressed in the House bill by halting forced busing until all appeals have been taken, the fact is that this legislation actually guarantees forced busing in some circumstances.

It allows Federal employees—workers for HEW and other agencies—to do whatever they can to encourage or initiate local school officials to engage in forced busing plans if such busing plans are "constitutionally required."

I do not know who is to place the interpretation on that awesome phrase. There has been no Supreme Court decision on this matter. Are we to assume the HEW guideline drafters are to be entrusted to make such an interpretation? Farfetched as this may seem, they have been doing it for a long time and it clearly was the original intent of this legislation to stop that practice. But the conference report now gives HEW carte blanche to resume the practices on forced busing which have been so objectionable throughout our Nation.

The confusing conference report seems to envision the establishment of two sets of rules for the country. The Senate nas inserted language in the bill which specifically excludes some States from certain guidelines and criteria established by Federal agencies. Once again we find that the vague and, in this modern society, nonexistant differences between de facto and de jure actions being used as a tool to force a handful of States to do that which the majority of States apparently are exempted from doing.

The truth of the matter seems to be that forced busing very definitely is not prohibited under this bill and that the efforts of the House to stop this abominable practice have become a farce. As a matter of fact, this bill authorizes $100 million which can be used by Federal agencies as a slush fund to establish local atmosphere or conditions conducive to the purposes of forced busing. This fund could be used to prevent court decisions such as that just rendered to overrule the infamous Richmond ruling.

There are other serious weaknesses. I have mentioned the welfare feature of the bill.

In my part of the country, we hold to the idea that colleges and universities should be open to anyone, of any economic bracket, just so long as the student has the desire and the ability to accomplish the work required. We tried to help provide the financial means where this is necessary. We strive to continually increase the standards of college entrance and graduation.

Those who can afford to pay their own way do so. Deserving students who cannot afford to foot the bill are helped, if help is available, through work programs or scholarships. Active efforts are made to assist any student, of any economic station, if that student has the ability and desire to meet the standards for obtaining a college education.

If I interpret the conference report correctly, it places stress on only one standard which is to be met if a college or university is to benefit from Federal dollars. That standard is; how many people are enrolled. The program of benefits starting at $1,400 per pupil per year would establish something resembling an educational welfare program.

This is not the way to run a higher educational system, Mr. Speaker. This proposal would result in a mad scramble by colleges to seek out—not brilliant students and deserving students—but economically deprived students. Academic standards would go out the window. Entrance requirements would rest largely on whether or not bodies are available. Certainly there would be no premium on ability of the student or on high standards for the institution.

This is wrong, and it must not be enacted into law.

This bill gets into the question of veterans benefits in a completely unrealistic manner, setting up a new veterans aid program for schools. It, too, is based on the school's ability to recruit not on its ability to educate.

The Nation's leading educators have clearly expressed their mistrust to the bill. In my State only one person has contacted me in support of the conference report. He represents a community college, but this category of schools gets special benefits under the bill and he was frank in stating that is his interest. He did not know that the bill contains dangerous and objectionable features.

There is a need for a higher education bill but this is not the kind of bill which those interested in sound educational standards can reasonably support. Surely the Congress can design sound legislation with which to meet today's needs in higher education. The conference report should be rejected. The House should insist that the House conferees at long last respect the mandate of the House by rejecting the conference report forthwith and by insisting on sound language along the lines of the House-passed bill.

Mr. FRASER. Mr. Speaker, I wish that it would have been possible for me to support the conference report before us today. If this legislation had been only what its title implies—a bill to support higher education—there would have been no question about my vote.

But S. 659 is more than economic opportunity grants and institutional aid for colleges. It also represents a major congressional retreat from a commitment to the elimination of racial segregation in public education. It is not an overstatement to say that this bill moves us toward repeal of Brown against Board of Education.

The most objectionable feature of the bill, as far as I am concerned, is the House provision originally identified as the Broomfield amendment and later modified somewhat by the conferees. The intent of this amendment is to postpone implementation of all court orders in all cases involving either transfer or transportation of schoolchildren to achieve desegregation.

Many people see in Broomfield only a ban on busing but they are misreading the amendment. All desegregation—even the redrawing of attendance zones—involve the transfer of students from one school to another. It is quite possible that a student can find that he lives closer to his new school after the desegregation order than he did to his old school. But under the revised Broomfield amendment, these transfers as well as more extensive transportation plans are suspended for 18 months, pending appeal.

We have made great progress as a nation since 1954 in ridding our public education systems of the last vestiges of legally sanctioned racial segregation. Many courageous school boards in the South as well as the North have gone farther than the courts required and have attempted to bring about genuine integration on the local level.

If we adopt S. 659 today, we will seriously undercut these efforts to break down the barriers of racial separation. And we will be telling the American people that the U.S. Congress lacks faith in our Federal court system to enforce the 14th amendment thoughtfully and fairly.

I cast my vote against the higher education amendment with great sadness knowing that I am also voting against a measure which strengthens Indian education, combats sex discrimination, and

provides needed financial aid for many colleges and universities dangerously close to the edge of bankruptcy.

But I cannot turn away while efforts are being made to undo so many years of progress in the field of civil rights. I urge, therefore, that S. 659 be defeated.

Mr. CULVER. Mr. Speaker, the vote today on the adoption of the conference report on the Higher Education Act of 1972 places many of us in a painful dilemma. Unquestionably in its basic content, this is one of the most significant and far-reaching proposals on which we have acted during my 8 years in this House. Moreover, it is the product of the most genuine and painstaking legislative craftsmanship and effort. Its potential benefit, not only for our many colleges and institutions of higher learning, but also for neglected areas such as Indian education, is immense. By any reckoning this bill deserves support.

However, we cannot be oblivious to the one major defect in the bill before us—the insertion of an extraneous amendment which dilutes or at least calls into question our resolve to achieve nondiscrimination in public education. The antibusing amendment may be unconstitutional; it may turn out to have only slight legal effect; it may sink in its own ambiguities. But the fact that the amendment may ultimately be of small consequence does not justify our trivializing it or neglecting the change of attitude and commitment which it conveys to both members of minority groups and the country as a whole. It is a large blemish which the Nation, hopefully, will soon have the capacity and compassion to erase.

I have carefully pondered my vote, and on balance, I shall support the conference report. There is too much basic worth in the legislation, which has been the culmination of years of effort to bring our Federal programs into line with the contemporary need in post-secondary education as well as in specialized training and research. This is not a bill which can quickly be reconstructed and brought back to the floor. The busing issue cannot be stamped out by defeating this conference report. I have been persuaded that defeating the Higher Education Act of 1972 would neither advance the cause of education nor subsequently prevent even more lacerating blows to the cause of equal rights.

Mr. Speaker, I vote for this bill with the hope that it will bring new vigor to American higher education, that it will expand the horizons of opportunity for many young Americans, that it will alleviate the heavy economic pressures on many students, parents, as well as institutions, that it will help to maintain a proper balance and diversity among our institutions of public and private education. We can, I think, be confiident that this bill at its true core embodies an act of legislative statesmanship and creative achievement.

Mr. BADILLO. Mr. Speaker, it has become almost a cliche to describe as "historic" the education amendments before the House today. Unfortunately, this is so in both the positive sense and the negative sense.

Without doubt, the higher education assistance provisions represent a major achievement and deserve our enthusiastic support. They include a new program of basic educational opportunity grants to assure that no qualified student will be denied the resources necessary to attend a college or university.

This legislation also includes a desperately needed program of aid to institutions of higher education, to help them meet soaring costs which cannot be met through tuition alone. Particularly significant is the formula under which this aid is to be allocated, which emphasize assistance to institutions with high proportions of disadvantaged students. Having had a hand in working out this formula when the higher education bill was still in committee. I want to point out that this allocation was necessary to assure a fair apportionment of funds to developing institutions and those with high percentages of minority and disadvantaged students. These institutions are perhaps the most in need and without this formula, would have been among the lowest in funding priorities.

These amendments also include the Emergency School Aid Act, a $2 billion program to assist school districts desegregating as a matter of local choice or under court order, in providing quality, integrated education to all students. This bill was before the General Subcommittee on Education, on which I serve, for many months and I am gratified that the final version includes the special set-aside for bilingual education programs which I succeeded in having incorporated in the House version of this bill.

Another very significant provision establishes the National Institute of Education, modeled on the National Institutes of Health, to provide the coordinated educational research and development so long absent from our national education effort. It is heartbreaking to see millions of American children still receiving inadequate educations, despite the tremendous increase in expenditures at every level and despite the many new techniques and procedures which have been developed in recent years. It is to be hoped that the National Institute of Education will undertake the broad research and demonstration program needed to assure that our education dollars are being spent effectively and that those who still are denied the benefits of our progress will be guaranteed the quality education so essential to a decent life.

Other highly significant provisions of this conference report include expansion of existing aid programs for postsecondary education, bars to discrimination on the basis of sex in education programs, establishment of a National Student Loan Marketing Association to support the guranteed student loan program and creation for the first time of an ethnic heritage studies program.

It is fair to say this is the single most important education measure ever before the Congress. And it is tragic that it comes to us mortally encumbered with three amendments designed to cripple the capacity of the Federal courts and agencies to remedy racially discriminatory school segregation. These amendments, and primarily the Broomfield amendment, make it impossible for me to support the conference report for they represent a retreat from the national commitment to nondiscrimination embodied in the Civil Rights Act of 1964 and a serious threat to the authority of the courts.

The intent of the Broomfield amendment seems quite clear. It is designed to postpone all orders, in all cases involving transportation of children to achieve school desegregation. If this intent is given effect, the amendment will halt 14th amendment enforcement for up to 18 months—6 months longer than President Nixon's proposed moratorium.

It is a tragic irony that we are taking this legislation up just after the 18th anniversary of the historic Brown against Board of Education decision which ruled that "separate but equal" is not at all equal. The Broomfield amendment attacks the principles behind that decision and the mandate established in the 1969 Alexander against Holmes County, in which the Supreme Court declared that dual school systems must be terminated at once.

It has been suggested repeatedly that the Broomfield amendment is so poorly drafted and so clearly in opposition to the trend of court rulings that it will be found unconstitutional, and that, therefore, we should vote for the conference report to salvage all that is good in the bill. I think it would be dangerous and mistaken for any Member to vote for this conference report hoping that the Court will bail us out. In the first place, it would be foolhardy to attempt to anticipate the Supreme Court, particularly in view of recent changes in membership and the ideological shift which apparently has taken place. And in the second place, we all have taken an oath of office to preserve the integrity of the Constitution.

I think the distinguished Senator from Minnesota (Mr. MONDALE) put the issue in its proper perspective during Senate debate on this conference report when he said:

> I think most of us would agree that if someone offered us a bargain—to reduce our freedom of speech, our right to assemble, or our right to practice our religion in exchange for another 10 miles of super highways—we would all say, "we cannot exchange our freedoms for such considerations." The freedoms found in the Constitution, the freedoms fundamental to American life, are in a real sense noncompromisable. They are on a different level, a different plateau, and bear a different value from other disputes.

Mr. Speaker, I urge rejection of the conference report. There is still time to provide assistance to higher education, but we should not do so under the blackmail threat which attacks so basic a principle of our society and our system of laws.

Mr. DONOHUE. Mr. Speaker, from the continued debate here, it is rather obvious that practically every Member of this House is approaching the legislative

determination of this conference report on S. 659, the Education Amendments of 1972, with mixed and troubled emotions.

It is equally clear, whatever misgivings many of us may have about any particular section of the report, that the educational benefit essence of the bill has been hailed and endorsed by an impressive array of professional organizations and authorities as comprising perhaps the most important single educational advance ever placed before the Congress.

In summary, among many other projections, the measure contains an urgently needed program of aid to institutions of higher education to help overcome the accelerating costs of post secondary education that cannot be met by tuition payments alone; it establishes a new program of basic educational opportunity grants in order to try and insure that no qualified student shall be deprived of his ambition to attend a higher education institution; it provides the Emergency School Aid Act, a $2 billion program to assist school districts, desegregating as a matter of local choice or under legal requirement, in offering high quality integrated education to all students; and, it creates a National Institute of Education, modeled after the National Institutes for Health, to initiate the coordinated educational research and development activity that is so urgently needed to stimulate creativity in modern higher education.

There are also, within the bill, provisions to expand existing programs of assistance to post secondary education, to establish protection against discrimination in education programs on the basis of sex, to set up a National Student Loan Marketing Association to strengthen the guaranteed student loan program and to initiate, for the first time, ethnic heritage study centers in local communities.

Mr. Speaker, all of the educational improvements and benefits embodied in and projected by this bill, involving some $18.5 billion in authorizations, truly represent the most impressive and most promising higher educational progress ever considered by the Congress. Undoubtedly our higher education structure is in nearly desperate need for the timely and sustaining support that is contained in this bill. While there are some aspects, as in most every other measure, that many of us might wish were not included in it, that may well have no legal effect whatsoever, but which we can not, under the procedure being followed, separate from the bill, I am impelled, on overall balance, to accept the unique educational substance of this proposal, in the national interest.

Mr. DERWINSKI. Mr. Speaker, it is unfortunate that this higher education bill was subject to the further complications inherent in the question of court-ordered busing. My position is based on the failure of the conferees to produce language which, in my judgment, would effectively terminate court-ordered busing for racial quota purposes. Of special concern to me is the fact that a number of school districts in my congressional district, who are affected by either court-ordered or administrative busing plans, would not have their problems alleviated by the language presented to us today.

This is a classic case of a major legislative proposal encountering unnecessary problems with the injection of a dominant issue. I believe that we should, as legislators, avoid situations like this where a bill becomes hostage to or, unfortunately, complicated by what should be a separate issue.

Mrs. ABZUG. Mr. Speaker, today the House is in a most regrettable position, we have before us the feast of the higher education conference report (S. 659) and the feast has been laced with poison. We are asked to alleviate the financial plight of our colleges and universities and to take the initial step in eradicating the rampant discrimination against women in higher education at the expense of quality integrated education. The price is too high. I will vote against the conference report because it would be neither moral or, in the long run, beneficial to barter the future of our children and our commitment to equal rights for all for the benefits which the higher education bill would provide.

The legislation before us today is known as the "higher education bill." To the extent that it relates to higher education, it is a good bill and a bill worthy of our approval. But there are aspects of this bill which do not deal with higher education, rather they deal with the denial of the right of small children to quality integrated education. The provisions known as the "antibusing provisions" demean and besmirch the high purpose of providing financial assistance for students and colleges and universities and the initial legislation precluding sex discrimination in higher education, which as you know, has been rampant. While this bill would not assure women full equality in admission to higher educational institutions, in that it does not apply to the admissions policies of private undergraduate institutions, it does represent a substantial advance for women. But I cannot believe that the women in higher education would seek to gain their rights at the expense of the public schoolchildren of this country.

The antibusing provisions in this bill represent an effort to turn back the clock to the time when racial segregation in the public school was accepted in this country and an effort to deny to black children their constitutional right to an equal education. It is incredible to me that nearly two decades after the Supreme Court held that separate facilities for different races were inherently unequal and therefore a violation of the equal protection clause of the 14th amendment to the Constitution, the Congress of the United States is still fighting to prevent the enforcement of that decision.

In addition, it is interesting to note how readily a Congress which lacks the courage to carry out its constitutional responsibilities in the fields of military and foreign policy by cutting off funds for the war in Indochina and setting a date for total American withdrawal is prepared to interfere with the constitutional responsibilities of the courts in an effort to deny the constitutional rights of black citizens.

Let us make no mistake about it. Opposition to "forced busing" is opposition to quality integrated education and defiance of the Constitution. Busing is not the only means for achieving quality integrated education, but is an acceptable means and should be used where necessary. The antibusing provisions in this bill are contrary to the principles on which this country is built, and I cannot support them no matter how attractive a higher education assistance package goes with them. I urge the rejection of the conference report.

Mr. BINGHAM. Mr. Speaker, I rise in support of S. 659, the higher education conference report. Few bills have had as stormy a journey through the 92d Congress and few offer so difficult a voting choice for Members concerned about the future of American education. Clearly, on their own merits, the substantive Higher Education proposals offer a progressive vision for American education. The extension of student aid programs and creation of new forms of financial assistance promises to expand educational opportunities for all Americans.

Further, the revolutionary institutional aid programs, which I wholeheartedly support, would greatly diminish the pressure on our financially hard-pressed colleges. I am particularly pleased that a new program to aid our communities colleges is incorporated in S. 659. I have sought such assistance for many years and am also happy to note that James A. Colston, president of Bronx Community College, is one of many of our leading educators who has urged adoption of S. 659. It is evident that the conferees did a remarkable job in balancing the varied interests in educational programs and while the conference report may not give all institutions what they sought, it does make the single greatest leap forward for higher education reform in this century. Thus, it deservedly has the support of most of the major college and university organizations.

It is against this background that I confront the busing amendment. Many persons and groups whose judgment I continuously solicit and rely upon urge defeat of the entire education bill because of the antibusing provisions. However, I do not believe the provision is a fatal flaw in the bill. In this regard, I was impressed by the following New York Times editorial of May 19, 1972:

THE BUSING SIDESHOW

The agreement reached by Senate-House conferees on the so-called public school antibusing amendment should remove the most serious obstacle to enactment of the historic higher education aid bill. It is a compromise that has already drawn fire from Southern segregationists, who wanted to ram an anti-integration rider down the conference committee's throat, and from some civil rights groups, who consider any restriction on busing unacceptable.

Unquestionably any amendment that attempts to use the higher education bill as a means of interfering with the totally unrelated issue of public school integration has an element of shoddiness about it. But given the hysteria that surrounds the busing issue, the conferees are entitled to credit for producing a compromise that extracts the segregationist teeth from the dreadful provision presented to them by the House.

The amendment would delay for up to nineteen months, pending all appeals, any Federal court orders requiring busing to achieve racial balance. On that basis, it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the lower courts to order busing to achieve integration but not to create racial balance.

Far from bowing to the House order to prohibit the use of Federal desegregation aid to pay for busing, the amendment allows the expenditure of such funds for busing if local communities request them. It does not prevent Federal civil rights enforcement agencies from ordering such expenditure provided they are "constitutionally required."

The anti-busing debate is a red herring politically magnified by Governor Wallace and given bogus respectability by President Nixon. The conference compromise, which closely resembles the earlier Scott-Mansfield amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather it is a shield for saving the college campuses without actively sabotaging school integration.

It should also be noted that the most vociferous opponents of school busing are all urging a "no" vote on the conference report.

On balance, I believe the importance of the bill for higher education is overriding.

Mr. FUQUA. Mr. Speaker, I cannot remember a legislative proposal that has elicited from me more ambivalent feelings than has the Higher Educational Act of 1972. Even the higher education community is unable to take more than an ambiguous stand on this legislation as there are a number of unsatisfactory provisions in this sweeping measure.

One of the more odious provisions of the measure sent to us from conference is the formula tying institutional aid to the amount of Federal dollars going to needy students. I feel strongly that all qualified students should be able to obtain a postsecondary education through Federal assistance if otherwise unable to do so. But where does the student from the middle income group fit into the broad picture of higher education? We are confronted once again with a situation where the poor and the rich benefit at the expense of the middle and lower income taxpayer. The funding formula developed under the able leadership of Mrs. GREEN rejected the concept of institutional aid based on a particular class of students and this concept has my support. The provision for general assistance to institutions of higher education as contained in the conference report gives me much concern.

Another area of great concern to me is that of school busing. The House was most explicit in its version of the Higher Education Act about prohibiting the forced busing of our schoolchildren. I reject the inference that antibusing language is superfluous to higher education legislation. Forced busing is one of the most pressing social concerns of this day and I feel strongly that the question should be addressed with strong proscriptions against compulsory busing. In this regard, I supported and still support the language as contained in the House version. I voted for the Broomfield amendment because I felt that all appeals should be heard before court-ordered busing plans are enforced. Yet, and contrary to House instructions, the conference added a termination date for these appeals. I reject the inclusion of this termination date as the congested state of our courts will often require judicial action after the January 1, 1974, date.

Similarly, I voted in favor of the Green amendment because I feel strongly that Federal employers must be prohibited from encouraging local governments or local agencies to use their money for busing. Unfortunately, the conference added "unless constitutionally required." Any layman can recognize that the inclusion of this phrase effectively diminishes the impact of the Green amendment and renders the language meaningless.

The House version also stated that no funds will be appropriated for the purpose of carrying out any applicable program used for the transportation of students or teachers or for the purchase of equipment for such transportation in order to carry out a plan of racial desegregation. Yet the conferees send us a provision which would prohibit such appropriations unless instructed in writing by local school officials. This is poppycock in light of the fact that the House said these funds would not be expended to carry out busing plans.

Finally, the House was steadfast in requiring that all guidelines and criteria established regarding the transportation of schoolchildren shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools without regard to the origin or cause of such segregation. Once again the conference lessened the strong and sound purpose of this provision.

If we are to address the question of school busing we must meet it headon. I see little to be gained by this one step forward, two steps backward approach to busing proscriptions. Time and time again the House expresses its distaste of forced busing only to have the language watered down. Regardless whether the conference report meets with success or failure the Congress must face up to the fact that forced busing is patently unpopular, unsuccessful in bringing about quality education, and is socially divisive.

However, even though the language of the conference report is not as strong as I would like for it to be, I do not feel that we can afford to sacrifice what is essentially a sound education bill. The House Education and Labor Committee is considering legislation that would provide funds for alternative means of school desegregation without the burden of forced busing. In addition, the House Judiciary Committee is considering legislation calling for a moratorium on all forced busing of schoolchildren. Finally, the House Judiciary Committee is considering a constitutional amendment prohibiting forced busing and I have signed the discharge petition to bring this amendment to the House floor. These measures as well as next year's elementary and secondary education bill will provide useful opportunities to eliminate the social ills concomitant with forced busing. I must repeat, however, that I strongly reject the watering down of the House language and several other provisions of the conference report.

But what are our alternatives? Higher education has had to wait over two years for an omnibus bill. Here we are at the 11th hour and still we are unable to present legislation that will remedy some serious shortcomings in programs of Federal assistance to higher education. We are now, however, out of options and I feel that I must support the conference report in spite of the objections I have just mentioned.

No legislation is going to be perfectly satisfactory to all concerned. I wish that the conference report could have been closer to the measure which was passed by the House and which received my support. In considering this measure I have attempted to balance the objectionable provisions against those which will assist our educational system. In addition, the long delay in getting an omnibus bill to the floor is a factor to consider in voting for or against the conference report. After a careful analysis of the measure, I feel that I must support the conference report although I have strong reservations about the measure. Certainly, this bill cannot be considered as if in a vacuum. The appropriations process will play an important role in determining whether the ultimate programs will provide the kind of assistance needed by our higher education institutions.

The new basic education opportunity grants appear excessive and I would prefer greater support of existing programs which have met the test of time. Fortunately, or unfortunately, the conference report requires that funding of present programs must reach a high level of funding each year before any appropriations may be made for the new basic education opportunity grant program. Supplemental education opportunity grants must receive over $130 million; the college work study program must be funded at over $237 million; NDEA direct loan program must be funded at over $286 million before funds are appropriated for the basic education opportunity grant program. I am most hopeful that these programs can be funded at a higher level and much less emphasis being given to the new program.

Notwithstanding the provisions to which I have just expressed my concern, this higher education bill will provide new and innovative answers to complex educational problems. One of the most exciting provisions of this measure is the creation of a Student Loan Marketing Association to help insure adequate funds for guaranteed student loans. The association would sell stock and buy up student loan notes from private lenders. I was the author of a very similar provision which would have, like the SMLA, created a secondary market for student loan notes. Consistent with the establishment of SMLA the legislation extends the current guaranteed student loan program, increasing the amount a student may borrow each year from $1,500 to $2,500. The bill places a limit of $7,500

on the total amount undergraduates can borrow and a total of $10,000 on the amount graduate students can borrow, including their undergraduate loans.

Another essential provision of the bill extends the national defense student loan program and authorizes annual appropriations of $400 million through fiscal 1975 and limits to $2,500 the total a student may receive during his first 2 years in college. The bill allows an undergraduate to receive a total of $5,000 in such loans and a graduate student $10,000, including his undergraduate loans.

One of the most essential provisions of the bill authorizes $275 million through fiscal 1975 for a program of matching grants to assist in planning, establishing and expanding community colleges. Many community college educators, their professional State associations, the American Association of Junior Colleges, and the Carnegie Commission on Higher Education have advocated the expansion of the very successful community college programs.

Graduate education receives increased assistance and the conference report recognizes the scientific and technological offshoots of graduate education and the prominent role it plays in maintaining our leadership in world technology and trade. The bill establishes a new section consolidating graduate aid. It authorizes a program for improvement of graduate facilities and programs with authorizations of $30 million for fiscal 1973, $40 million for fiscal 1974, and $50 million for fiscal 1975. The bill authorizes a program of graduate fellowships, similar to the current national defense graduate fellowships, for persons teaching in institutions of higher education. In addition, it authorizes a program of public service fellowships and extends the current program of language and area studies.

A total of $80 million through 1975 is authorized to develop curriculums for consumers' education and provides training for teachers and public service personnel. Another important provision authorizes funds for college library programs.

For these and other beneficial programs I do not feel that we can afford to defeat the conference report. Higher education contributes greatly to maintaining our position as a world leader. This is not to say that it is desirable to encourage every young person to obtain formal education beyond the high school level. Certainly there are young people who prefer for one reason or another to enter the trades and they can benefit greatly by vocational and occupational training. This bill provides incentives and opportunities for training of this nature and the development of sound vocational education programs must be encouraged.

It comes then, to a matter of balancing the merits and demerits of the bill. While I have outlined my objections to certain provisions of this measure, I do not feel that we can discard over 2 years of concentrated committee work and long hours of hearings by defeating the conference report. For this reason, I will vote in favor of the conference report, though reluctantly, so that we can move ahead with much needed educational programs. It is important to realize that the authorization of virtually all of the higher education programs will otherwise expire on June 30, 1972. If the House rejects the conference report we are confronted with a possibility of throwing the baby out with the bathwater. I encourage my colleagues to join me in support of this legislation.

Mr. PICKLE. Mr. Speaker, although I support this bill for passage I have some definite reservations on the merits and substance of the provisions on institutional aid to higher education.

This bill has recently been called by the Washington Post what "may be the most far-reaching legislation to come to a final vote in this Congress" and a bill which the New York Times states "can affect the fate of American higher education for generations to come." I agree in general with these descriptions and that is why I want the record to show several concerns I have about the bill.

The bill as reported out by a conference committee and accepted by the Senate contains many very fine provisions, including the extension of many excellent Federal aid programs, the addition of new student assistance programs, and new authorization levels for funding. However, the provisions for aid to institutions under title X, it seems to me, focus almost exclusively upon aid to needy students. Such institutional aid as may become available under title X of the bill is almost exclusively dependent upon the extent to which recipient institutions are obtaining and providing Federal aid to economically needy students. The provisions of title X ignore first the many purposes of higher education other than aid to the needy students which need to be supported, and second the efforts of the States, institutions, and private donors to provide assistance to needy students.

This is not to say that in any way I oppose more aid to needy students. I would point out that in my State of Texas, higher education has always been made more readily available to the economically disadvantaged students through low tuition charges. For example, a Texas student may complete a year's work of 30 credit hours for a tuition charge of $120. The voters of Texas in two separate elections approved bonds of $285 million for loans to students, a program which has provided to date 245,900 loans to 79,200 students for $91.6 million. Texas institutions have combined millions of dollars with millions in Federal aid to construct facilities to accommodate more students. New schools have been authorized and funded to provide more convenient geographic accessibility and increased educational opportunity for students. And our Texas institutions have availed themselves of the excellent and beneficient Federal aid programs for students.

However, Texas has pursued other objectives in higher education such as diversity of programs and purposes, and admissions standards within and among our colleges and universities. Our institutions have also sought to attain and protect quality in our offerings and performance. In addition, our State has attempted to maintain institutional autonomy from outside control or from bowing to financial inducements which may compromise these and other goals and objectives. Further, our institutions have sought to maintain financial stability and to carry out long-range planning based on the budgeting of predictable sources of income.

Title X provides a Federal system of reward for those institutions which make the greatest efforts to obtain Federal aid for economically disadvantaged students while ignoring the needs of the institutions for support for other programs and functions. I am concerned that this may provide a strong incentive for institutions to become more alike and will threaten their autonomy as they seek institutional aid in the only form in which they can receive it. In order to obtain the money we promise, they may do what we, the Congress, believe they should do rather than what it is best that they should do. In addition, the bill provides this incentive program in a form that could make the income under the program highly unpredictable and, therefore, could place all recipient institutions in the position of heavy reliance upon Federal support. I will come back to this point in a moment since it is of major importance.

My point here is that the need for increased assistance for students cannot be denied, but institutions have major social purposes to fulfill other than admitting federally aided students. To carry out these other functions, colleges and universities throughout the country are in great need of general institutional aid from the Federal Government, but title X may not provide general aid. It seems to me it provides funds to institutions only if they choose to emphasize what Congress by this bill would define as a worthy objective exclusive of all others.

I am encouraged by the statements of the gentleman from Indiana (Mr. BRADEMAS) that it is not the intent to penalize institutions by appropriations only for, or primarily for, needy students. If the committee does indeed intend to give more general institutional aid, it should make that known. Moreover, we should make plans to change that part of the bill at an early date. Meanwhile, I am pleased to hear from the committee members that the present limitations will not deprive our schools from receiving considerable institutional aid.

However, it is conceivable that institutions may be assisted to some extent under this bill as submitted, and consequently I believe it is worth trying out. But we should all be aware of what I call trap door clauses in this bill that can make a major portion of the institutional aid provisions totally inoperative. In total, these trap door clauses require that a minimum of $900,000,000 must be appropriated before a portion of the institutional aid program will become effective.

If we are promising the institutions direct aid with one hand, I do not believe we should be planning with the other to withhold it. Specifically, these trap door clauses provide:

First. That no basic opportunity grants to students may be made until annual appropriations are made at the following minimum levels in each of the three programs:

BOG	$130,000,000
Work-Study	237,400,000
Student Loans	286,000,000
Total	653,400,000

Second. That no institutional aid based on the basic opportunity grants to students will be made until the BOG program receives appropriations for at least 50 percent of such student grant entitlements, that is, until an appropriation of an estimated $250,000,000 is appropriated for the BOG program.

Third. That after appropriations reach the minimum of 50 percent, the funds to meet the institutional grant entitlements related to the BOG grants may not exceed the percentage equal to the level at which the BOG program needs are funded; that is, for example, if the BOG needs are met at 65 percent, the institutional grants may not exceed 65 percent of the entitlement.

I have addressed these topics concerning this bill for several reasons. First, I believe we should all be aware that we are probably not providing an adequate general aid program for higher education in this bill. Second, we should be aware that to trip the lever that would place the proposed institutional aid program in full operation, we are committing ourselves to appropriations for student aid and institutional aid in excess of $1 billion. And third, if we put this program into full effect in 1 year, we cannot easily withdraw from it in a subsequent year since institutions will immediately become dependent upon the continued income under the institutional aid program.

On the matter of busing, the bill postpones the effectiveness of orders issued by a U.S. district court—or on appeal—when such order requires "the transfer or transportation of any student or students to achieve a balance among students." Such orders are postponed until all appeals have been exhausted. In effect, the bill attempts to postpone all court decisions until all appeals have been exhausted—or until January 1, 1974—a period of some 18 months. It also keeps the so-called Ashbrook amendment in the bill that prohibits the use of any Federal funds for transportation of students or teachers in order to carry out a plan of racial desegregation—except on the express written voluntary request of appropriate local school officials.

I make mention of one other item in the bill—youth camp safety. I am glad the conferees agreed to proceed with provisions requiring a full survey of all youth camps in the country by the Secretary of HEW, and to present to Congress within a year such recommendations as the Secretary thinks best to carry out requirement for safe camps throughout the United States.

Mr. Speaker, good education should come first in our consideration. Although many of us are troubled by some sections of the bill, I believe the general advancement of higher education is better achieved by passage of the bill than by voting our doubts. Also, I think the provisions of the bill that will help further develop our technical and vocational programs both on the secondary and post-secondary level lend substantial weight to the need to approve this conference report.

Mr. STOKES. Mr. Speaker, I rise to declare my opposition to the conference report on the Higher Education Act. My decision is based upon a total commitment to equality in education.

For much too long the Congress and the Nation has been engaged in an emotional, irrational argument over school busing. Other far more vital issues have been obscured and ignored. I have opposed antibusing measures each time they have arisen. It has always been clear to me that attempts to eliminate busing as a means of desegregating schools would be followed by other, more direct attacks on the desegregation process. This is best illustrated by the administration's so-called busing proposals. That legislation goes far beyond busing to restrict other desegregation methods. It would also open long settled desegregation plans to new court tests. Busing has been used because, in many cases, it is the most immediate and effective method of accomplishing desegregation. Its elimination will be the first in a series of attempts to roll back the progress which has been made.

Some people say that the antibusing provision in this conference report is moderate. I cannot accept that view. The principles it represents are radical, not moderate. It interferes with the judicial process by declaring a busing moratorium pending appeal. Even more important, it represents a retreat from the Federal Government's commitment to equality in education.

I firmly believe in the critical importance of meaningful education for our young people. I cannot, however forsake the necessity for desegregation of elementary and secondary education in exchange for improved funding and other benefits for higher education.

Provisions of this bill such as expanded aid to college and college students, aid to vocational and Indian education, elimination of sex discrimination in higher education, and financial aid to desegregating school districts are vitally needed. Let us defeat this bill and halt the erosion of civil rights. We can then get on with the business of making real improvements in education at all levels.

Mr. RAILSBACK. Mr. Speaker, Clark Kerr, the noted educator who is now chairman of the Carnegie Commission on Higher Education, has referred to the Education Amendments of 1972 as the most important piece of legislation for higher education since the Morrill Act of 1862—the law which created land-grant State colleges such as the University of Illinois. More than 2 years of bipartisan effort have been devoted to the evolution of this bill, which will provide authorization for $18.5 billion in aid to higher education.

Unfortunately, the focus of public attention in regard to this legislation has not been on the aid to higher education—which was its original and still primary intention—but rather on the various amendments attached to it concerning the peripheral, yet highly emotional, issue of busing. It is ironic that this should happen, and it will become tragic if the controversy over these amendments result in the bill's rejection.

Passage of the Education Amendments of 1972 will be of significant benefit to the State of Illinois. Illinois ranks fifth among the 50 States in terms of Federal funds received under current programs. In fiscal year 1970, Illinois institutions of higher education received a total of $151,674,000 in Federal funds.

Numerous college educators have contacted me, explaining it now is necessary to provide increased assistance to the institutions of higher education in view of increased costs. The following chart will show how instructional costs have jumped over the past few years:

INSTRUCTIONAL COST PER FULL-TIME EQUIVALENT STUDENT (ACTUAL EXPENDITURES)

School	1966–67	1967–68	1968–69	1969—70
Chicago State	$1,136	$1,287	$1,511	$1,554
Eastern Illinois	1,256	1,239	1,362	1,531
Illinois State	1,201	1,325	1,348	1,465
Northern Illinois	1,195	1,307	1,434	1,550
Northeastern Illinois	1,020	1,111	1,217	1,462
SIU—Carbondale	1,486	1,587	1,547	1,701
SIU—Edwardsville	1,709	1,465	1,583	1,545
U. of Illinois at Chicago Circle	1,672	1,736	1,860	1,982
U. of Illinois at Urbana	1,777	1,857	1,874	2,064
Western Illinois	1,084	1,197	1,350	1,389
Averages	1,460	1,523	1,585	1,706

I am convinced the legislation we are considering today will dramatically help our institutions of higher learning.

It is estimated that approximately 200 independent colleges in the United States will close out their final year because of money problems. The Education Amendments of 1972 will direct the Commissioner of Education to distribute $40 million to institutions in such severe financial distress.

The legislation will also authorize a new program of aid distribution to colleges, and a new program of basic educational opportunity grants for students. In addition, there are important provisions regarding education for the handicapped, community services, ethnic studies, and consumers' education. Sex bias is banned in all graduate admissions and in undergraduate admissions to coeducational public colleges. Further, an education division is created in the Department of Health, Education, and Welfare to include the Office of Education and a newly-created National Institute of Education.

The Education Amendments of 1972 is of broad and enormous importance to the future of our higher education system. I urge the House to pass the conference report on this legislation without delay.

Mr. SMITH of Iowa. Mr. Speaker, I find the reasons for voting for and against this bill to be rather overwhelming on both sides. I do not recall a bill in recent times where I have had as much difficulty making up my mind whether the arguments on one side outweigh the arguments on the other.

I do not like the bill among other things for the following reasons:

First. It holds out several false promises which are subject to conditions precedent or practical appropriation limitations which are not readily apparent to people reading the summary of the bill. Institutions will not receive the amount of institutional aid they think they will get in many cases and most students will not receive a basic grant as many had been led to believe.

Second. Institutional aid is tied to Federal student aid and I think this represents an unnecessary interference in the operation of the institutions and, in effect, penalizes those which do not, through increasing tuition rates and other methods, find ways to increase the number and amount of federally assisted student aid.

Third. The emergency school aid portion of the bill contains provisions that leave something to be desired. They overlap considerably with the objectives of title I of the Elementary and Secondary Education Act but are not tied as closely to a formula which is based upon the number of children from needy families and therefore upon the ability to secure funds from local taxes or the ability of a local school district to support itself in overcoming school aid problems.

Fourth. One of the general provisions of the bill interferes with the operation of the courts and assures opponents of court orders that they can secure substantial relief merely by filing an appeal no matter how nonmeritorious it may be. In meritorious cases, there are legal ways of getting relief in a hurry by showing that irreparable harm will result from a delay, but in this case, substantial delays would be available even without such a showing and some delay would be guaranteed by just waiting to see if appeals are filed.

On the other hand, there are some provisions in this bill which are badly needed. For the past year, we have been appropriating money under a simple 1-year extension of previously enacted programs and without any updating of these programs. I serve on the subcommittee which recommends appropriations and we have been unable to include any recommendation in the bill which will come before the House next week for higher education because a new extension and guidelines have not been passed or authorized. The institutions of higher education need to know soon how much money they will have available for the semester starting in September and they need some time to plan for it. Some of the institutions are in very dire need of some of the new program provisions in the bill.

I realize that it is almost impossible in this Congress to secure the passage of legislation which would have overwhelming support. This is only partially because a busing argument has developed but it is also because there is a substantial difference of opinion as to the emphasis to be placed upon various kinds of student aid and institutional aid.

There are those who say that defeat of this bill will result in the adoption of better legislation. If I were sure of this, I would have no hesitation in voting against the bill and immediately support bringing forth some new legislation but I am having difficulty believing that this can be assured in this Congress. Perhaps we can correct some of the deficiencies that I mentioned above through the appropriations process during the coming year and I hope that the next Congress will be able to pass some amendments clearing up other negative aspects to this bill.

I regret that we will not have the opportunity to vote today on a bill which I could more enthusiastically support; but, as in the case with all bills, we eventually have to vote either "yes" or "no." But both those who vote "yes" and those who vote "no" should resolve to take further action to try to improve the provisions of this bill and remove some of the objections that I have referred to in this statement.

Mr. SATTERFIELD. Mr. Speaker, I rise in opposition to the conference report. Although I am opposed to it for several reasons, I will confine my remarks to title 7 of the bill.

I do so because I am deeply concerned about the effect this title will have in areas like Richmond, Va., which I represent, where the question of merger of school districts for the purpose of achieving a given racial balance in public schools has been very much in the news.

I am concerned about how the passage of this title might affect the recent decision in the Richmond case by the United States Court of Appeals for the Fourth Circuit when it is considered in the U.S. Supreme Court.

I am concerned about how it will affect other areas which are now or will in the future be confronted with similar problems and cases growing out of those problems.

Let me invite your attention to section 709 of the measure we are considering.

One hundred million dollars are available for three things under section 709. First, for grants and contracts with local educational agencies to assist them in establishing and maintaining integrated schools; second, grants to local educational agencies to pay all or a part of the cost of planning and constructing integrated education parks; and last, what I consider most offensive, is a provision to provide grants to groups of local educational agencies located in standard metropolitan statistical areas for the joint development of a plan to reduce or eliminate minority group isolation to the maximum extent possible.

The plan in question must provide that by a date certain before July 1, 1983, the percentage of minority group children in each school shall be equal to at least 50 percent of the overall percentage of all such minority children in the standard metropolitan statistical area involved.

There is a further requirement that before the grant can be made, two-thirds of the local educational agencies must approve the grant application and that the educational agencies so approving that application represent two-thirds of the total number of students in the local standard metropolitan statistical area.

One thing which every Member of this body will want to know is to whom will the provisions of this section apply. For the answer to that question, I refer you to the definition of a standard metropolitan statistical area as contained in section 720 of this title. It defines a standard metropolitan statistical area as an area in and around a city of 50,000 inhabitants or more, the boundaries of which are defined by the Office of Management and Budget and I am sure that this is intended to include redefinition of such areas from time to time by the Office of Management and Budget.

I find these provisions deeply disturbing for several reasons.

I have reviewed this measure and fail to find any prohibition which will preclude the Director of the Office of Management and Budget from including within a standard metropolitan statistical area land or school districts or political subdivisions which lie in more than one State. It is more than obvious that any city of 50,000 inhabitants or more located close to a State boundary could find itself at some time in the future confronted with a merger of an area including a portion of the adjacent State. This could clearly be the case in cities like Detroit, Mich.; Memphis, Tenn.; and the District of Columbia, to mention a few.

Every Member of this House should be concerned about the fact that if this measure is passed Congress will say, for the first time, that it endorses the concept of merging public schools of separate political entities in metropolitan areas for the purpose of reordering the racial balance of the pupils in each elementary and secondary school in such area. So long as the Supreme Court insists upon its decision that busing is a legitimate tool to help establish a unitary school system, Congress, if it passes this measure, will be approving the use of busing to achieve the required integration in the schools in these standard metropolitan statistical areas.

By approving this section, the House of Representatives will also be saying that it endorses the principle that a merger of such school districts may be involuntarily imposed upon school districts controlled and administered by local school agencies in the area involved. Clearly under the language of section 709, two local school boards in a standard metropolitan statistical area can combine to force a third to participate in such a plan against its will.

By approving this section, the House will be saying also that such a merger may occur in the absence of any action by the local electorate involved. In my home State of Virginia, for example, this is precisely what will happen because school boards are appointed and not elected. I am certain that a similar situation exists in many of our sister States.

I represent the city of Richmond and the adjacent counties of Henrico and Chesterfield in the State of Virginia. This area is not unlike many other areas across our land. The city of Richmond has been under a forced busing order for 2 school years. The district court ordered a merger of the public schools in two separate adjacent political subdivisions with that of Richmond to establish one master school district to accommodate a master busing plan. Earlier this week, the United States Circuit Court of Appeals for the Fourth Circuit ruled that the Federal judge in this case had exceeded his authority and reversed his decision. This decision has been discussed at length by the Members of this body. However, let me remind you that the decision in question applies only to the facts as they existed in Virginia and does not affect any other area.

Let me remind you also that if we approve this measure today, we will establish through title VII a basis upon which another court might very well determine has created and conferred the authority which the Fourth Circuit Court found lacking in the Richmond case.

If we vote for this bill we will be directing the Federal Government to exert its weight and to expend its funds to achieve in any standard metropolitan statistical area, including Richmond, to achieve the kind of merger which was the subject of the Fourth Circuit Court's ruling.

And let me remind you further that by passing this bill we may very well establish a condition where these mergers can be forced to occur. I use the word forced advisedly because I know and you know from bitter experience how the threatened use or nonuse of Federal funds, whether such use or nonuse is right or wrong, has been employed in the past to bring a local school agency to its knees and to agree to things which it would not otherwise have accepted.

Mr. Speaker, the provisions of title VII alone establish ample justification for a vote against this conference report. I urge my colleagues who are interested in further information with respect to this title to read the editorial from the Richmond Times-Dispatch, which I inserted in the CONGRESSIONAL RECORD on Tuesday, June 6, at page 19875.

This conference report should be defeated and I urge my colleagues to vote against it.

Mr. HOGAN. Mr. Speaker, today I must decide on a vote which is one of the hardest decisions I have had to make since my election to Congress. In fact, I can remember only once or twice before in the 3½ years that I have served in this body that a legislative vote has been as difficult as my decision today to vote against this higher education bill.

Before coming to Congress I served on the faculty of the University of Maryland and since I have been in Congress I have been a staunch supporter of education, but this bill before us today does not deserve my support.

I am sure many of my colleagues who have previously supported education bills are in a similar position, and I am sure there will be criticism whichever way we vote. Because of the complexities of this mammoth piece of legislation, we have been placed into a "damned-if-you-do, damned-if-you-don't" situation. Depending on your point of view, either the higher education provisions or the busing provisions color your perspective.

As the Representative of Maryland's Fifth Congressional District, which includes Prince Georges County which has been the target of HEW-conceived busing schemes, obviously my primary view of this bill is influenced by the busing provisions which the conferees' compromise have rendered meaningless. After a review of titles VII and VIII of this legislation, I am convinced that a vote for this bill is a vote for busing.

As so many newspaper headlines pointed out on the morning that the conference was concluded, the conferees did yield on the all-important antibusing provisions so as to render them worthless.

What makes this compromise all the more appalling, however, is the number of times that the House has gone on record in opposition precisely to the compromise language included in this conference report. On this bill alone, the House voted for three different antibusing amendments last November:

The Ashbrook amendment—which stated that no funds appropriated for the purpose of carrying out any applicable program can be used for the transportation of students or teachers or for the purchase of equipment for such transportation in order to carry out a plan of racial desegregation of any school or school system.

The Green amendment—which forbade Federal employees from encouraging local governments or local agencies to use their money for busing.

And the Broomfield amendment—which required that all appeals must be heard before court orders are enforced.

But perhaps even more important than these three votes was the unprecedented step taken by the House to twice instruct House conferees to insist on our recorded House position. The conferees completely ignored the House instructions and sold us out on busing. It is not often that we have five votes on a single issue in a single piece of legislation, with an overwhelming vote margin in each instance. The House's view left no room for doubt as to where we stand on busing.

Of course, even before those five votes for the antibusing provisions in the House bill, this body had gone on record numerous times in the past on this issue.

I have only served in the Congress since the start of the 91st Congress in January 1969. In that time, I cast my vote against busing on at least five occasions prior to the five votes I just mentioned. Those five votes were as follows:

First. On December 18, 1969, I voted against the Senate amendments to the Labor-HEW appropriations measure which added the words "except as required by the Constitution" to language in the bill prohibiting funds from being used to force busing of students, abolishment of any school, or assignment of any elementary or secondary school student against the student's or parent's choice, and forbidding busing of students to a particular school as a condition precedent to obtaining Federal funds.

Second. On February 19, 1970, this body passed the Labor-HEW appropriations—a new bill reported after the President vetoed the December 18 measure—by a vote of 315 to 81. This bill included the same antibusing provision as the earlier bill without the Senate amendments. It also included a freedom of choice provision to the effect that no funds contained in the act be used to provide, carry out, or implement any plan that would deny any student the right of attending any public school of his choice as selected by parent or guardian.

Third. On March 3, 1970, two votes were taken on the conference report on the Labor-HEW appropriations. The first vote on a motion to table the motion to accept the watered-down Senate antibusing and freedom of choice amendment was defeated 164 to 222. The second vote to agree to the Senate language to modify the antibusing provisions "except as required by the Constitution" passed by a vote of 231 to 152.

Fourth. On June 30, 1970, this body clearly voted to table a motion to instruct conferees on the Office of Education appropriations to agree to Senate amendments to strike out provisions prohibiting use of funds appropriated under the bill for forced busing and designed to protect freedom of choice school plans.

Fifth. On November 4, 1971, this body failed to suspend the rules and pass H.R. 2266, the Emergency School Aid Act by a vote of 135 to 222, thereby expressing disapproval of Federal funding of massive busing programs.

Furthermore, I think it must be pointed out that in this conference report which we have before us, the House conferees agreed to the Senate provision to set aside 5 percent of the title VII funds—5 percent of $2 billion—for the Commissioner of Education to draw up a plan for a metropolitan school district.

The Senate conferees argued it is voluntary because two-thirds of the school districts—involving two-thirds of the children—would have to approve of such a plan. What about one-third of the school boards and parents who might oppose such a cross-school-lines desegregation plan?

I can envision the District of Columbia School Board and the Prince Georges County School Board getting together and agreeing to a plan to bus students in and out of the District of Columbia.

Does Congress have sufficient information to put its congressional stamp of approval on a $100 million authorization for the Commissioner to plan a metropolitan school district?

This cannot be defended as sound educational policy and certainly a metropolitan school district—such as the court ordered in Detroit or Richmond, Va.—cannot operate without tranporting children from one school district to another.

Furthermore—if Congress were to approve this $100 million plan for a metropolitan school district, I believe we would invite further court orders similar to

those handed down in Detroit and Richmond. Some judges might well conclude that the legislative branch has indeed given its approval to a desegregation plan involving city and suburban school districts with cross-jurisdictional busing.

It would seem that my opposition to the busing compromise would be reason enough to vote against this bill and, therefore, a decision would be relatively easy. But such is not the case because, despite the reprehensible provisions of titles VII and VIII, there are eight other titles providing approximately $18 billion in various forms of financial assistance to postsecondary students and educational institutions.

I have always been a firm supporter of increased assistance for the education of our young people and I am a firm believer in the long-range benefits to a nation derived from a well-educated citizenry. I have been a particularly enthusiastic supporter of community colleges.

Educational appropriations measures have always received a high priority with me. It always seems possible to justify the need for increased funds to aid in education. I have consistently voted for provisions to increase educational opportunities for all Americans. Among those votes:

A 2-year extension of aid to elementary and secondary education programs at $5.3 billion per year.

An amendment adding $894.5 million to the fiscal year 1970 education appropriation.

For incentive payments up to 3 percent to lenders making guaranteed student loans at 7 percent.

For a $5.146 billion appropriations bill for the Office of Education and related agencies.

But despite the hard work of our colleagues on the Education and Labor Committee and the especially grueling work of the members of the conference committee, I have come to the conclusion that this time the members have just not done enough homework. The committee is offering us a piece of legislation which essentially continues many existing funding programs for postsecondary education, and the cost to the Federal Government is astronomical.

Obviously, at this time of year when commencement speeches occupy a good deal of our time, we are impressed with the thousands and thousands of bright young minds that have been enriched with 4, 5, and 6 years of higher education and who, in future months, hopefully will be enriching our society.

But, as we propound truths about the blessings of a liberal arts education, are we also giving any thought to those same young people a few months from now. Then their outlook and their attitudes would not be quite so promising or hopeful. Many of them will have found that their lofty job goals would not be realized anytime soon. What do we tell the young woman with a B.A., M.A., or Ph. D. in English or philosophy who is discouraged because potential employers are only interested in her typing and shorthand speed? And what do we tell the Ph. D. in engineering or the sciences when he is told over and over again that technological jobs have dried up? The only answer we have is that the market for the highly educated is glutted while the market for less lofty and more practical types of employment is plentiful with no one qualified or willing to fill these jobs.

What the answer to this dilemma is should have been the preoccupation of the Education and Labor Committee rather than the blanket extension of existing programs which S. 659 offers us. Obviously, higher education is big business and dependence on Federal aid is making it more so. In conjunction with this effort to make higher education available to everyone, most colleges and universities have been forced to lower their standards in order to admit greater numbers. This practice results in a great disservice to those young people who are underqualified for college work. Peer pressure causes them to make the valiant attempt to complete their course work and graduate, only to find that they end up on the bottom of the employment ladder.

While this bill takes note of the need for vocational and occupational institutions for these young people whose skills lie in areas other than strict academic learning, the funding for these programs is miniscule compared with the multimillion dollar expenditures for liberal arts colleges. The bill also will result in colleges scrambling to recruit as many low-income students as possible to garner more Federal dollars.

Further, the bill completely bypasses the needs of middle-income students and could well spell the destruction of small private colleges, as so many educators from these institutions have warned us. The distribution formula works almost entirely to the advantage of large and prestigious institutions which can actively recruit disadvantaged students, creating a situation where the rich schools would get richer and the poor schools would get poorer. Further, 90 percent of the funds provided in the bill will go to only 100 colleges.

While concentrating on funds to aid disadvantaged students, whom we all agree must be helped, the bill ignores the plight of middle-class, moderate-income families who are finding it increasingly difficult to finance college educations for their children.

The vast amounts of money this bill would make available for disadvantaged students and remedial instruction offer active encouragement for our 4-year colleges to lower their standards of excellence, cheapen their system of instruction and enroll students who are not equipped to meet the demands of higher education. That is a disservice to the student, the university, higher education and this Nation.

The bill further seeks to thrust upon our 4-year colleges a role of remedial education which appropriately should be handled in other educational institutions, not our colleges.

Finally, Mr. Speaker, while I certainly sympathize with the conferees on the endless hours of negotiation they have undergone to produce this mammoth legislation and I recognize the need for the orderly continuance of some of the programs, such as college work-study and educational opportunity grants, I cannot help but feel that the committee has overlooked some less costly alternative measures which are just languishing on the committee docket. I refer specifically to such measures as H.R. 14595, a bill which I have cosponsored to give a tax credit for the costs of higher education. Since this bill, and numerous other similar measures, have not been given any committee consideration we have no way of judging whether S. 659 is really the best solution to this country's higher education problems. My feeling is that it is not and I feel obliged, therefore, to cast my vote reluctantly in opposition to this conference report on the higher education amendments.

Mr. RANDALL. Mr. Speaker, I support the conference report on the higher education bill, which comes back to the House identified as S. 659.

It should be clear at the outset that the easy vote on this conference report would be a "no" vote, because there are so many organized groups opposing this, all the way from certain Catholic organizations to the Leadership Conference on Civil Rights, which seems to be an umbrella organization of several different civil rights groups. By voting "no" on this conference report, I suppose a Member could please and satisfy such diverse groups ranging all the way from the League of Women Voters, to the AFL–CIO, Common Cause, the Auto Workers, and even the Americans for Democratic Action. Is a "no" vote in the interest of the future of higher education in America?

To a non-Member or anyone who has not literally lived with the course of this report and studied every line of every paragraph, the debate this afternoon must have been difficult to understand and even rather confusing as to why some Members who would be expected to support an education bill were against it, and even other Members who in the past have been cool toward Federal aid to education were today in support of this conference report. I can never recall such strange coalitions on the floor of the House as happened during the discussion of this conference report.

After listening to the debate, an observer would be justified to wonder whether or not this was really a conference report on a higher education bill, as all of the titles describe it to be, or a protracted debate over the issue of busing.

Some opponents of the report have argued that title VII will prevent integration of such public facilities as parks and recreation areas, and would constitute a throwback of as much as 35 years in interracial relationships. Equally as convinced are those who contend that this same section would allow unlimited or unrestricted busing of students. The rest of us should remember that this is debate over interpretation of exactly the same language in the very same section of the same conference report by men who should be equally well informed, and all fair-minded men who are presumed to be making their interpretations in a spirit of good faith.

One way to describe the alinement of opposition to this report would be to say that all of the opponents are out on each edge of the spectrum, so to speak. Opponents consist of extreme liberals who believe that all civil rights will hereafter somehow be impaired or infringed, and on the other end of the spectrum there are those who are so conservative as to believe that this measure goes so far in terms of social legislation in the removal of lingering racial imbalance in the schools, that the legislation exceeds the mandate of any of the court decisions.

That leaves the proponents of the bill, I suppose, as being the true moderates or in this instance, occupying the high ground in the middle of the road. Let us do more work on busing in another bill after we pass this education bill.

I support the conference report on S. 659 because it extends several existing and very vital higher education programs, and also because it creates several new programs which seem to many to be meritorious and acceptable. The important point, as I see it, is that this may be our last chance for a bill on higher education this session.

The other body has already adopted this conference report and it is doubtful that they would easily return to another conference. Perhaps the only recourse would be new legislation. If we are to be practical, we have only a limited amount of legislative time left in this session after we take out the times for the two conventions, and if we expect to adjourn some time in the latter part of September or early October of this year.

I am inclined to agree that this may be one of the better post-secondary education bills that we have ever had in one package. All colleges, even those who may be opposing this bill, will benefit from it, and millions and millions of our young constituents will benefit from this bill. The vocational and occupational sections of this conference report are badly needed.

The true issue is education, not busing. There is an 18-month moratorium on busing, and that allows time for interim action both by those who believe that this bill has not gone far enough, and those who may be inclined to think it has gone too far in the prohibition of busing.

On the issue of busing, I have signed the discharge petition for a constitutional amendment against forcing attendance of any students at other than their neighborhood schools. There is nothing to stop a vigorous push for further busing limitations in other legislation, but if we do not act on this bill now there very likely will not be another higher education bill this year.

We can restrict the Federal agencies in their zeal to continue busing. We can reach these zealous bureaucrats by putting limitations on their Federal agencies in appropriations bills, but I repeat again, we may not have another chance to pass such landmark legislation on higher education.

There has been more than one conference on this higher education bill. Our body of the Congress cannot expect to succeed in getting everything that it wants. We must keep in mind that there were only 13 votes in the other body against this conference report. How can we expect that they would budge much away from their previous position when it was so pronounced?

The important thing to remember is that school will start in about 10 or 11 weeks, and there is not time enough to start all over again on a new bill. We need this legislation. We need it now.

Finally, Mr. Speaker, I suppose the real issue for those who support this bill is the recognition of what this conference report is all about. The question proponents must decide is whether they are for or against the help this report will provide to our institutions of higher learning, all the way from the small private colleges to the smaller State-supported colleges, and on down to the newer category of community colleges.

Proponents have a lighter burden to bear because they have only to reach the conclusion that they are for some assistance to these institutions of higher learning, and for some assistance to students who could not otherwise attend these institutions of learning, except for the provisions of this bill. Mr. Speaker, I support this conference report because it is a great step forward for higher education. I recognize that it is not perfect, but let us all remember that it is an education bill, and we cannot cure all the social ills of this country in a higher education bill.

Mr. THOMPSON of New Jersey. Mr. Speaker, I would like to say a word about the community college unit which is created by the higher education bill, S. 659.

It is certainly my understanding of the intent of the Senate committee, as well as of the House and Senate conferees, that this office should develop for the community colleges the clout and involvement in HEW and USOE programs consistent with their tremendous contribution and potential in education.

We have mandated for this office a Director at the level of GS–17, or the equivalent of an Associate Commissioner of Education, with the intent that the Director shall have support staff necessary to give the community colleges a strong advocate and watchdog in the affairs of the Department and USOE.

I expect this unit to play a strong role in both the planning and programing of both the Bureau of Higher Education and the new Bureau of Adult and Occupational Programs, also established in this legislation. The community college unit should also encourage and cultivate community college participation in programs outside the Office of Education, such as the programs dealing with allied health, nursing, delinquency prevention, and the aging, and also in programs even outside HEW such as small business training, law enforcement education, and various Federal services for which the community colleges are a very promising delivery system.

We did not attach the unit to the Bureau of Higher Education, or to the Division of Adult, Vocational, and Technical Programs—or its successor—since neither of these sections of USOE has been nearly as responsive to community college development as they should have been. Community colleges have been consistently shortchanged in both the staffing and support distributions of both the Bureau of Higher Education and the Division of Adult, Vocational, and Technical Programs.

It was very much my intent that the community college office should work closely with the Commissioner himself. If he chooses to structure it into the Bureau of Higher Education, then he should provide strong assurances to the Congress that the unit has the strength and mobility to have an impact on resources and programs outside the Bureau itself, and that it will not be subverted and manipulated by senior institution influences which dominate the Bureau's leadership. The fastest growing segment of higher education, which now serves some 3 million full-time and part-time students, should and must command this level and scope of the Commissioner's attention.

This section of the bill, whose importance is further underscored by the rare action of the Congress in actually specifying the grade level at which it will function, is in part a reaction to the glaring fact that the Bureau of Higher Education has been so slow to respond to community college needs and contributions. Hopefully, that response is about to change sharply.

If the Commissioner needs a mandate to work for the fair and balanced participation of community colleges in the Bureau of Higher Education, the new Bureau of Adult and Occupational Programs, and for a strong community college unit, then this legislation certainly is, in my view, that mandate.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I do want to point out that we have most important provisions affecting the Vocational Educational Act of 1963. Certain of those programs will expire unless the conference report is adopted.

Mr. Speaker, I move the previous question.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman's parliamentary inquiry relate to the previous question?

Mr. WAGGONNER. Mr. Speaker, it does not relate to the vote on the previous question.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

PARLIAMENTARY INQUIRIES

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Is it correct to assume that if the House rejected the conference report on S. 659, the bill would then be restored to the status it occupied when the House asked for a conference on March 8, 1972?

XUM

The SPEAKER. The last amendment of the Senate would then be pending.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Am I correct, then, that in the event the House votes its disagreement with the conference report, the status of the bill would be that it would then be restored to the position it occupied before a conference was requested?

The SPEAKER. The Senate amendment to the House amendment would be before the House for further consideration.

Mr. WAGGONNER. Would the Speaker please clarify that? Is it the Senate amendment which would be before the House, or the House amendment?

The SPEAKER. The last action would be before the House, which is the Senate amendment.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Under the circumstance, a motion would then be immediately in order, would it not, to send it to conference with or without instructions?

The SPEAKER. The Chair will pass on that when the situation arises.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, in the event the conference report is rejected, would it then be in order to offer a preferential motion to further amend the Senate amendment in the nature of a substitute to the House amendment in the nature of a substitute to S. 659?

The SPEAKER. The Chair will pass on that matter when it is before the House.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

SEVERAL MEMBERS. Regular order.

The SPEAKER. Regular order has been demanded.

The question is on the conference report.

Mr. WAGGONNER. Mr. Speaker, this is regular order.

The SPEAKER. That is completely within the discretion of the Chair.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, in the event that a preferential motion does become in order, who would the Chair recognize to offer that preferential motion?

The SPEAKER. That is a matter completely within the discretion of the Chair, and the Chair will pass on that matter when it is before the Chair.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it, and this will be the last parliamentary inquiry the Chair will recognize.

Mr. WAGGONNER. Mr. Speaker, does not a preferential motion, if we reach that point in time, supersede other instructions?

The SPEAKER. The Chair cannot pass on that, because the Chair at this time cannot anticipate what motions may be made.

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will not recognize for further parliamentary inquiries.

The question is on the conference report.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 218, nays 180, not voting 34, as follows:

[Roll No. 195]

YEAS—218

Abourezk	Hanley	Pettis
Adams	Hanna	Peyser
Addabbo	Hansen, Idaho	Pickle
Anderson, Calif.	Hansen, Wash.	Pike
Anderson, Ill.	Harsha	Podell
Andrews, N. Dak.	Harvey	Preyer, N.C.
Ashley	Hastings	Pucinski
Aspin	Hathaway	Quie
Aspinall	Hechler, W. Va.	Quillen
Barrett	Heckler, Mass.	Railsback
Begich	Heinz	Randall
Bell	Helstoski	Rees
Bergland	Hicks, Mass.	Reid
Biaggi	Hicks, Wash.	Riegle
Biester	Horton	Robison, N.Y.
Bingham	Hosmer	Rodino
Blatnik	Howard	Roe
Boggs	Hungate	Roncalio
Boland	Hutchinson	Rooney, Pa.
Brademas	Ichord	Rostenkowski
Brasco	Jacobs	Roush
Brooks	Johnson, Calif.	Roy
Broomfield	Johnson, Pa.	Roybal
Brotzman	Jones, Ala.	Ruppe
Brown, Mich.	Karth	St Germain
Brown, Ohio	Kazen	Sarbanes
Buchanan	Keating	Scherle
Burke, Mass.	Kee	Scheuer
Burlison, Mo.	Keith	Schneebeli
Byrne, Pa.	Kemp	Schwengel
Carey, N.Y.	Kluczynski	Sebelius
Carter	Kuykendall	Selberling
Cederberg	Kyl	Shoup
Chamberlain	Kyros	Shriver
Clausen, Don H.	Latta	Skubitz
Conover	Leggett	Smith, Iowa
Conte	Lent	Smith, N.Y.
Cotter	Link	Staggers
Coughlin	Lloyd	Stanton, J. William
Culver	Long, Md.	Stanton, James V.
Curlin	McCloskey	Steed
Daniels, N.J.	McClure	Steele
de la Garza	McCormack	Steiger, Wis.
Dellenback	McFall	Stephens
Dent	McKay	Stratton
Dingell	McKinney	Symington
Donohue	Macdonald, Mass.	Talcott
Dorn	Mailliard	Teague, Calif.
du Pont	Mallary	Thompson, N.J.
Dwyer	Matsunaga	Thomson, Wis.
Edmondson	Mazzoli	Thone
Eilberg	Meeds	Tiernan
Erlenborn	Melcher	Udall
Esch	Miller, Ohio	Van Deerlin
Evans, Colo.	Minish	Vanik
Fascell	Mink	Vigorito
Fish	Minshall	Ware
Flood	Mollohan	White
Foley	Monagan	Widnall
Ford, William D.	Moorhead	Wiggins
Forsythe	Morgan	Williams
Frelinghuysen	Mosher	Winn
Frenzel	Murphy, Ill.	Wolff
Fuqua	Murphy, N.Y.	Wright
Gaydos	Myers	Wylie
Gonzalez	Nedzi	Yates
Grasso	Nelsen	Young, Fla.
Gray	Nix	Zablocki
Green, Pa.	Obey	Zion
Gubser	O'Hara	Zwach
Hamilton	O'Konski	
Hammer-schmidt	O'Neill	
	Patten	
	Pelly	
	Pepper	
	Perkins	

NAYS—180

Abbitt	Eckhardt	Mills, Md.
Abzug	Edwards, Ala.	Mitchell
Alexander	Edwards, Calif.	Mizell
Anderson, Tenn.	Evins, Tenn.	Montgomery
Andrews, Ala.	Findley	Natcher
Annunzio	Fisher	Nichols
Archer	Flowers	Patman
Arends	Flynt	Pirnie
Ashbrook	Ford, Gerald R.	Poage
Badillo	Fountain	Poff
Baker	Fraser	Powell
Baring	Frey	Price, Ill.
Belcher	Fulton	Purcell
Bennett	Gallfianakis	Rangel
Betts	Garmatz	Rarick
Bevill	Gettys	Reuss
Blackburn	Giaimo	Rhodes
Blanton	Gibbons	Roberts
Bolling	Goldwater	Robinson, Va.
Bow	Goodling	Rogers
Bray	Green, Oreg.	Rosenthal
Brinkley	Griffin	Rousselot
Broyhill, N.C.	Gross	Runnels
Broyhill, Va.	Grover	Ruth
Burke, Fla.	Hagan	Ryan
Burleson, Tex.	Haley	Sandman
Byrnes, Wis.	Hall	Satterfield
Byron	Harrington	Saylor
Cabell	Hawkins	Schmitz
Caffery	Hays	Scott
Camp	Hébert	Shipley
Carlson	Henderson	Sikes
Casey, Tex.	Hillis	Sisk
Celler	Hogan	Slack
Chisholm	Hull	Smith, Calif.
Clancy	Hunt	Snyder
Clay	Jarman	Spence
Cleveland	Jonas	Steiger, Ariz.
Collier	Jones, N.C.	Stokes
Collins, Ill.	Jones, Tenn.	Stubblefield
Collins, Tex.	Kastenmeier	Stuckey
Colmer	King	Sullivan
Conable	Koch	Taylor
Conyers	Landgrebe	Teague, Tex.
Corman	Landrum	Thompson, Ga.
Crane	Lennon	Ullman
Daniel, Va.	Long, La.	Vander Jagt
Davis, Ga.	McCollister	Veysey
Davis, S.C.	McCulloch	Waggonner
Davis, Wis.	McDade	Waldie
Delaney	McDonald, Mich.	Wampler
Dellums	McKevitt	Whalen
Dennis	Madden	Whalley
Devine	Mahon	Whitehurst
Dickinson	Mann	Whitten
Dow	Mathias, Calif.	Wilson, Charles H.
Downing	Mathis, Ga.	Wyatt
Drinan	Mayne	Wydler
Dulski	Michel	Wyman
Duncan	Mills, Ark.	Young, Tex.

NOT VOTING—34

Abernethy	Gallagher	Miller, Calif.
Burton	Griffiths	Moss
Carney	Gude	Passman
Chappell	Halpern	Price, Tex.
Clark	Holifield	Pryor, Ark.
Clawson, Del	Lujan	Rooney, N.Y.
Danielson	McClory	Springer
Denholm	McEwen	Terry
Derwinski	McMillan	Wilson, Bob
Diggs	Martin	Yatron
Dowdy	Metcalfe	
Eshleman	Mikva	

So the conference report was agreed to.

The clerk announced the following pairs:

On this vote:

Mr. Yatron for, with Mr. Abernethy against.
Mr. Denholm for, with Mr. Diggs against.
Mr. Holifield for, with Mr. Passman against.
Mr. Clark for, with Mr. Rooney of New York against.
Mr. Pryor or Arkansas for, with Mr. Price of Texas against.
Mrs. Griffiths for, with Mr. Derwinski against.
Mr. Gude for, with Mr. Martin against.
Mr. McClory for, with Mr. McEwen against.
Mr. Eshleman for, with Mr. Halpern against.
Mr. Gallagher for, with Mr. Mikva against.
Mr. Carney for, with Mr. Metcalfe against.
Mr. Danielson for, with Mr. Chappell against.
Mr. Moss for, with Mr. Terry against.
Mr. Miller of California for, with Mr. Dowdy against.

Until further notice:

Mr. Burton with Mr. Bob Wilson.
Mr. McMillan with Mr. Springer.
Mr. Lujan with Mr. Del Clawson.

Messrs. KYL, SMITH of Iowa, SCHERLE, and BIAGGI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 798 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 798

Resolved, That effective January 3, 1972, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 27 by the Committee on the District of Columbia, acting as a whole or by subcommittee, not to exceed $30,000 including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 4. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the District of Columbia shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 5. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire as to whether or not this resolution has met the requirements of having been printed and in the hands of Members for the requisite number of days?

I am happy to yield to the gentleman from New Jersey for a reply.

Mr. THOMPSON of New Jersey. Mr. Speaker, this particular resolution was printed in the RECORD approximately 2 weeks ago.

Mr. HALL. Mr. Speaker, my inquiry does not go to whether or not it was printed in the RECORD, but whether the resolution was printed, filed, and available for the Members for the requisite 3 days.

Mr. THOMPSON of New Jersey. Yes, sir.

Mr. HALL. May I ask the distinguished gentleman further if this represents a reduction in the funding of the committee work for this year?

Mr. THOMPSON of New Jersey. I did not hear the gentleman's question.

Mr. HALL. Mr. Speaker, to rephrase my question, Is the $30,000 allowed here the total amount that was requested by the committee?

Mr. THOMPSON of New Jersey. Yes. May I respond to the earlier question?

Mr. HALL. Yes.

Mr. THOMPSON of New Jersey. This represents for this Congress approximately $42,000 less than this committee had in the preceding Congress.

Mr. HALL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 839 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 839

Resolved, That the further expenses of the investigations and studies to be conducted pursuant to H. Res. 21 by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed $277,500, including expenditures for the employment of investigators, attorneys, individual consultants, or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from New Jersey if all of these resolutions for funding of committees have been cleared with the minority?

Mr. THOMPSON of New Jersey. Every one of them.

Mr. HALL. Did they come out of the committee by unanimous consent?

Mr. THOMPSON of New Jersey. All by unanimous votes.

Mr. HALL. May I ask again, since this particular resolution was discussed yesterday, whether or not there has been a reduction in the total request for funding?

Mr. THOMPSON of New Jersey. I might say to the gentleman that there was a reduction from $277,500 to $227,500.

Mr. HALL. In other words, a reduction of $50,000?

Mr. THOMPSON of New Jersey. Yes, a reduction of $50,000.

Mr. HALL. I notice this is not carried forward in the report. May I inquire of the gentleman as to whether or not there was an error in printing or whether the reduction as stated on the floor yesterday and now repeated today is verified?

Mr. THOMPSON of New Jersey. It is verified. There was an error in printing.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 4, strike out "$277,500" and insert in lieu thereof "$227,500".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 948 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 948

Resolved, That effective January 3, 1972, expenses incurred by the Select Committee

on the House Restaurant, pursuant to H. Res. 317 not to exceed $29,500 including expenditures for the employment of clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1964 (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The chairman of the Select Committee on the House Restaurant shall furnish the Committee on House Administration information with respect to the activities of the select committee intended to be financed from the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON PUBLIC WORKS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 1000 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1000

Resolved, That, effective from January 3, 1972, the expenses of the investigations and studies to be conducted pursuant to H. Res. 142, by the Committee on Public Works acting as a whole or by subcommittee, not to exceed $798,690, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)) shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PEACE CORPS ACT AMENDMENTS OF 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1011 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1011

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may use, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 1011 provides an open rule with 1 hour of general debate for consideration of H.R. 14149, Peace Corps Act Amendments of 1972.

The main purpose of H.R. 14149 is to authorize appropriations for the Peace Corps for fiscal year 1973.

The bill authorizes $88,027,000 for fiscal year 1973—$72.2 million for international programs, $14,828,000 for support programs, and an adjustment of $999,000 because of the pay raise effective January 1 of this year.

Not more than $350,000 of the authorized funds may be used in any fiscal year for the encouragement of voluntary service programs. These funds may be contributed to educational institutions, private voluntary organizations, and so forth, to pay a proportionate share of costs to encourage the development of and participation in international voluntary programs.

The Peace Corps National Advisory Council is abolished effective 90 days after enactment of legislation establishing a National Advisory Council for ACTION, or enactment of this legislation, whichever is later.

There is expected to be a high turnover in personnel this year because of the "5-year rule," which was enacted in 1965 limiting service to 5 years unless the Director approves a 1-year extension under special circumstances.

At the end of last year there were 6,985 volunteers and 720 programs in 57 foreign countries.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my understanding of House Resolution 1011 permitting the consideration of H.R. 14149 is in accordance with the statement made by the gentleman from Massachusetts (Mr. O'NEILL) and I urge the adoption of the resolution.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14149, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 14149, the Peace Corps Act Amendments of 1972.

H.R. 14149 is a short bill and a simple bill. Its primary purpose is to authorize an appropriation of $88,027,000 to finance the operations of the Peace Corps for fiscal year 1973. This is the full amount sought by the administration for international operations of Action, that is, the Peace Corps. The breakdown is as follows:

International programs	$72,200,000
Support programs	14,828,000
Adjustment to reflect Federal pay raise, effective January 1972	999,000
Total	88,027,000

It should be noted that the executive request was for a continuing authorization of appropriations for the Peace Corps, which did not actually specify a dollar amount or time limitation. Our committee disapproved that request in the belief that an annual review of Peace Corps programs and activities via the regular authorization process is essential, particularly during this period when the Agency is undergoing major organizational changes and a redirection of many of its overseas programs. Instead, we authorized the amount the administration indicated was needed for one year—that is fiscal year 1973.

Additionally, the Committee on Foreign Affairs disallowed the administration's request for authority to shift up to

10 percent of appropriated funds within Action—that is from domestic to international operations and vice versa—to meet emergency situations. It was felt that the grant of such broad authority would constitute an unwarranted impairment of the committee's legitimate oversight responsibilities.

H.R. 14149 also provides an authorization of not more than $350,000 in any fiscal year in support of international voluntary service programs and activities. Lastly, the bill before us contains the requested authority to abolish the Peace Corps National Advisory Council, effective 90 days after the enactment of legislation establishing a National Advisory Council for Action—or enactment of this bill, whichever is later.

I might point out, Mr. Chairman, that almost $3.5 million of the current Peace Corps budget for fiscal year 1973 represents expenses which should have been incurred in fiscal year 1972, but for which sufficient funds were not available. This includes about $3.2 million in training costs and an additional $300,000 in deferred separation travel for volunteers completing their normal 2-year tours. Another almost $1 million—$999,000 to be exact—represents increased costs directly attributable to a Federal pay raise, effective in January of this year.

As many Members are aware, the Peace Corps has undergone a financial crisis during the last 6 months of the current fiscal year and a word or two of explanation may be in order: From July 1, 1971, until last December, the Peace Corps had been operating on a continuing resolution, approved on a month-to-month basis—pending definitive action on its appropriation request by the Congress. This meant that until December 1971 they were spending at the rate of, first, $82 million and subsequently, $77 million per year. Beginning in December, however, the Peace Corps was cut back to a rate of $72 million per year.

In February 1972, when House-Senate conferees finally agreed to an appropriation of $72 million, it became clear that a drastic reduction in current operating expenses would have to be made for the balance of this fiscal year. At one point, in fact, cables were prepared for transmission to the field which would have called for the immediate return of some 2,313 volunteers before their contractual 2-year assignments had been completed. The necessity for such a move was eventually obviated by the transfer of $2.6 million to the Action agency from the Agency for International Development. I should add that this emergency action was taken in consultation with and with the full approval of the distinguished chairman of the Appropriations Subcommittee on Foreign Operations (Mr. PASSMAN.) Although the premature return of volunteers from overseas was thus avoided, much of the savings took the form of deferred expenditures—that is, by delaying volunteer travel past July 1, 1972, and by deferring payments for training of volunteers. Since these are fixed costs—the bill must be paid eventually. Hence the inclusion of these amounts in the current Peace Corps budget.

As a result of these cuts in appropriated funds, Action officials have instituted rather drastic economies in the agency's international operations. These include the elimination of 60 overseas staff positions—from 330 to 270—and the termination of 130 administrative and program staff, both in Washington and abroad.

Although from the standpoint of legislative review, certain jurisdictional problems have inevitably arisen as a consequence of the year-old merger of the Peace Corps with a number of domestic voluntary action programs into a single agency called Action, it appears that certain economies in administrative and program support costs have been achieved through this consolidation. At the same time, I want to emphasize—as I did last year—that this reorganization made absolutely no change in the Peace Corps Act. The Peace Corps is still governed by the same provisions of law that were in effect before the administration's Reorganization Plan No. 1 of 1971 went into effect. Except for the minor modifications contained in H.R. 14149, as amended by our committee, these provisions will continue to apply in the forthcoming fiscal year.

Mr. Chairman, although the basic legislation is not changed by this bill, the Peace Corps itself has undergone a considerable qualitative transformation during the past several years. The Peace Corps is now recruiting people with technical skills which are needed in the less developed countries, such as mechanics, farmers, and specialists in watershed management and soil conservation. Even in the field of education, the emphasis has shifted away from direct classroom teaching in the primary and secondary schools to vocational and teacher training and the development of curriculum. Under this redirection of the program, the Peace Corps is sending overseas fewer liberal arts graduates just out of college.

By the end of 1971, 6,985 Peace Corps volunteers were participating in 720 distinct programs abroad in 57 countries. This represents a modest reversal of the steady decline in overall Peace Corps strength from 12,313 in calendar year 1966 to 6,900 in calendar year 1970. Last July, I might add, the Peace Corps predicted a total strength of only 6,200 in calendar year 1971 and 6,690 in calendar year 1972. This increase in the number of new recruits during 1971 is based, at least in part on the willingness of the Peace Corps to send an increasing number of volunteer families abroad and a simultaneous lessening of the earlier emphasis on youth. Obviously, the new volunteers are both more experienced and more mature.

Perhaps as a partial consequence of this fact, the Peace Corps has experienced no major disciplinary problems over the past year—involving either the volunteers or the staff. To the best of my knowledge, there have been no instances of volunteers becoming involved in political activity or demonstrations of any kind. And the Peace Corps has not been kicked out of any country since I last stood before this body in defense of the Peace Corps authorization bill of last year. I mention this point because I know it has traditionally been of considerable interest to a number of my distinguished colleagues.

I might add that the new programs over the past couple of years—in such countries as Zaire—formerly the Congo—Morocco and Mauritius—have been welcomed by the host governments concerned. In fact, during the recent budget crisis, two governments even volunteered to increase their contributions—either in cash or in kind—to insure the continuation of Peace Corps operations in their respective countries.

Mr. Chairman, the Peace Corps has rendered an important service to the people of the less-developed countries. Moreover, the volunteers are providing a variety of skills and increasingly important services for a fraction of their real value—that is, at bargain rates for the U.S. taxpayer. We should not forget, however, that the Peace Corps has also rendered a great service to the people of the United States. I believe that the vast majority of returned volunteers—and there are presently 51,000 in this category—have benefited from their foreign assignments and that most of them are better citizens because of this experience. I also believe that all of us benefit from their presence among us.

Mr. Chairman, it is important that the Peace Corps continue to operate and operate effectively. H.R. 14149, as amended, will fulfill this objective and I urge its adoption.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from California.

Mr. CHARLES H. WILSON. I have been a supporter of this program since its inception and I have felt it has been a worthwhile program. However, I have talked to the parents of young people who have returned from serving in the program in recent years and have found a great disenchantment with it. They have reported that their offsprings have come back drug addicts. They have become misfits. They have been unable to situate themselves in society upon their return.

The gentleman has mentioned certain areas in which the program is working and they sound worthwhile, but I am wondering if the gentleman can tell us how it is really helping our country and whether we are making a contribution which is worthwhile to the United States of America.

Mr. MORGAN. As the gentleman knows, the program has been in effect since 1961. There are now about 51,000 returned volunteers who have returned to private life in this country. I am sure there is a small minority of that number, the same as we have returning from Vietnam and other places, who have become addicted to drugs. But I think the number of such individual is very few and constitutes a small minority of the 51,000. Most of the volunteers who have returned to this country are engaged in productive work such as education, com-

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munity activities, as well as private industry. They are doing an excellent job.

I feel the service that they have rendered overseas in the Peace Corps has been very valuable. I realize that some young men, the same as in our military in Vietnam, have gotten into serious trouble overseas.

Mr. CHARLES H. WILSON. As the gentleman is aware, once a program is started, it is very difficult to discontinue it, and that is why I asked the gentleman whether he could assure me that the program is actually making a contribution toward our Nation's efforts to get along in the world and is a worthwhile contribution, and not merely a continuation of an old program that we feel we must continue just to keep it going. If so, perhaps I will support it, but I am inclined right now to feel that we have no further need for it.

Mr. MORGAN. I might point out to the gentleman, as an example, that a new medical center called the John Kennedy Center has been built, which our highly skilled medical people are operating with physicians, nurses, and technicians. They are training many specialists and technicians. The Peace Corps has come a long way from the first days the gentleman from California and myself first supported it.

Mr. CHARLES H. WILSON. I thank the gentleman very much.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MAILLIARD. Mr. Chairman, I rise in strong support of this bill, which would authorize funds for the operation of the Peace Corps in fiscal year 1973.

Our distinguished chairman has reviewed in some detail the current status of the Peace Corps, and has described what is contained in the recommendation of the committee as an authorization of $88,027,000, asking that it be approved by the House. I certainly do not want to go over the same ground, and I have only a few comments I would like to make.

I would like to emphasize today that the funds recommended for authorization are needed both for a slightly expanded program in the year ahead and to pick up certain training and other expenses which were deferred because of the financial crunch that the Chairman described that the Peace Corps faced last year. This situation came about because of the drastically reduced appropriation, finally agreed to in February of this year, after the Peace Corps had been spending under a continuing resolution at a higher rate for the previous part of the fiscal year. The delay on the part of Congress made it extremely difficult for the Peace Corps to conduct its operation in an efficient manner.

Nevertheless, I believe that the leadership of the Corps deserves our commendation for a very effective operation. Administrative overhead has been cut to the bone.

In addition to a reduction in administrative staff of over 12 percent from fiscal year 1969 to fiscal year 1971, 60 overseas staff positions were eliminated, and 130 administrative and program staff personnel were terminated for economy reasons during fiscal year 1972.

I think they also deserve credit from us for their efforts to redirect the program so that it effectively meets the needs of the host countries for more volunteers with practical experience and technical skills. In addition, the pilot program for sending families abroad has been highly successful. These new directions in Peace Corps programing have stimulated much interest and in 1971 reversed a 4-year downward trend in applications to participate in the program. This renewed interest is now being sustained, and I am advised that this year applications to date already equal the number for the entire year of 1970.

It is worth noting, I believe, that the caliber of the applicants is at a very high level, which is enabling the Peace Corps to be very selective in those it chooses for overseas service. The great experience and maturity of the volunteers being selected appears to have had beneficial effects overseas. In the past year in the Peace Corps, as the chairman explained, there have been none of the problems that did plague the Peace Corps in prior years, and I, for one, feel that the program is going very well and deserves the full support of the House.

Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I join the chairman and the distinguished ranking minority member and other members of our committee in strong support of this legislation. I would call to the attention of the committee the supplemental views submitted with the report by our colleague, the gentleman from Illinois (Mr. DERWINSKI) in which he says:

The Peace Corps represents an important national asset, which merits the full support of the Congress.

Joseph Blatchford deserves the congratulations of the Congress and the people for the significant changes which have been made in recent years in the Peace Corps. The higher level and broader range of skill and the greater degree of maturity and experience represented in Peace Corps Volunteers have made a good idea in foreign policy even better. It is ironic that last year the Peace Corps should have had funding difficulties created by the Congress when it continued to enjoy a very high level of public support. In recent polls 80 percent of the American people reflected their support of the Peace Corps. I believe it enpoys that support on the part of the Congress as well. Our failure to authorize and appropriate sufficient funds for last fiscal year, however, created a crisis for the Peace Corps at the very time when host country requests for Peace Corps volunteers were at an all-time high and many more high-caliber people were volunteering for service than the Peace Corps could employ and support even if its full request had been honored by the Congress.

This same situation prevails in an even more marked degree at present concerning host country requests and a surplus of high-quality applicants. It is therefore, my profound hope that the Congress will both authorize and appropriate the full amount requested to carry on this vital aspect of our Nation's foreign policy.

The entire Peace Corps request is but a tiny drop in the ocean of Federal expenditures. Yet it sustains what has proven itself to be an important national asset which does much good for our country and in the world.

Mr. Chairman, this legislation deserves our full support. I urge my colleagues to both authorize and appropriate these needed funds for the Peace Corps operations.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peace Corps Act Amendments of 1972".

SEC. 2. The first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), ending with a colon, is amended to read:

"(b) There are authorized to be appropriated to the President such sums as may be necessary to carry out the purposes of this Act:".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On the first page, strike out line 5 and all that follows down through page 2, line 3, and insert in lieu thereof the following:

SEC. 2. Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended by striking out "1972" and "$77,200,000" and inserting in lieu thereof "1973" and "$88,027,000", respectively.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, not to exceed 10 per centum of the sums appropriated or otherwise fixed by law to Action for a fiscal year to carry out any activity or function vested in that agency may be transferred and used by the Director for the purpose of carrying out any other such activity or function."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 4, strike out all of section 3.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Paragraph 2 of subsection (b) of section 301 of the Peace Corps Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by deleting "$300,000" and substituting therefor "$350,000" and deleting "1971" and inserting before the word "fiscal" the word "any".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 13, strike out "SEC. 4" and insert "SEC. 3".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Section 12 of the Peace Corps Act (22 U.S.C. 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective ninety days after the enactment of legislation establishing a National Advisory Council for Action, or the enactment of this bill, whichever is later.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 19, strike out "SEC. 5" and insert "SEC. 4".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes, pursuant to House Resolution 1011, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrosed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to authorize appropriations for the Peace Corps, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 14734, AUTHORIZING APPROPRIATIONS FOR DEPARTMENT OF STATE AND FOR U.S. INFORMATION AGENCY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FOUNTAIN, FASCELL, MAILLIARD, FRELINGHUYSEN, BROOMFIELD, and THOMSON of Wisconsin.

EXEMPTING THE MANAGERS ON THE PART OF THE HOUSE ON H.R. 14734 FROM CERTAIN RESTRICTIONS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House appointed on the bill H.R. 14734 not be bound by the restrictions of clause 3, rule XX.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have an explanation of what this exemption is, please?

Mr. MORGAN. Will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. MORGAN. Mr. Speaker, the Senate has combined in a single bill three authorizations which passed the House as separate bills:

H.R. 13336, the authorization for the Arms Control and Disarmament Agency, passed the House April 12, 1972;

H.R. 14734, the authorizations for the Department of State and the United States Information Agency, passed the House May 17, 1972; and

The House this afternoon has passed H.R. 14149, the Peace Corps authorization.

All of these authorizations are included in the bill passed by the Senate May 31.

The Senate took H.R. 14734, the State Department and U.S. Information Agency authorizations, struck out all after the enacting clause and inserted the text of their omnibus bill, including the authorizations for the Arms Control and Disarmament Agency and the Peace Corps, and asked for a conference.

Technically, these two authorizations might be considered nongermane to the House bill which authorizes funds only for the Department of State and the U.S. Information Agency. I have requested that the House conferees not be bound by the rule on germaneness.

The problem is getting all three of the authorizations which have passed the House and passed the Senate to conference.

The purpose of my unanimous-consent request is merely to make it possible for us to take the three House bills to conference so that we can consider them and the omnibus Senate bill at the same time.

I believe this will conserve the time of the House and expedite the completion of our work.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF JUNE 12

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the request of the distinguished minority leader, we have completed the legislative business for this week, and I intend to ask to go over to Monday.

Monday is District day, but there are no bills from the District Committee. We have scheduled H.R. 10792, the SBA loan ceiling, which will be called up under an open rule with 1 hour of debate.

Also H.R. 12846, the Armed Forces drug treatment program, with an open rule and 1 hour of debate.

On Tuesday and the balance of the week H.R. 14370, State and Local Fiscal Assistance Act, with a closed rule and 8 hours of debate. That is the revenue-sharing bill.

Also the Labor-HEW appropriation for fiscal year 1973 and the Interior appropriation for fiscal year 1973.

On Wednesday we will observe Flag Day, which is customary, and on Thursday the President of Mexico will address a joint meeting of the House and Senate here.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman from Louisiana tell the House, is there a distinct possibility or not for a session next Friday?

Mr. BOGGS. Well, I would say there is a possibility. I do not want to rule out a session next Friday. If both appropriation bills are not considered, there would not be a session next Friday, but the plan is to call up both of them so at this time I just do not know.

Mr. GERALD R. FORD. Next Friday is a third Friday.

Mr. BOGGS. That is correct. It is an eligible Friday.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the report of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent the business in order on Calendar Wednesday next week may be dispensed with.

The SPEAKER. Is there objection to

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the request of the gentleman from Louisiana?

There was no objection.

SUGGESTED USE OF POW'S AS SHIELDS IS REPREHENSIBLE AND MISCHIEVOUS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, in a post-California primary interview over NBC, one of our colleagues suggested that General Giap of the Government of North Vietnam take 700 of our POW's and place one each in 700 city squares throughout North Vietnam—and that this tactic would certainly force us to stop our bombing of North Vietnam.

Because the gentleman from California (Mr. MCCLOSKEY) is a personal friend and once served in a military capacity, I do not want to believe what I have heard and seen.

This is a horrendous suggestion by a public official of the United States or of any civilized nation. The rationale is specious as well as mischievous.

Our military personnel now incarcerated by the North Vietnamese Government have never been considered or treated as prisoners of war under any international treaty, agreement, or understanding. They have been treated simply as hostages. At best, their treatment has been wretched and nefarious.

No nation has ever waged a more vicious war of terror and aggression against another people than North Vietnam is waging against the people of South Vietnam, Laos, and Cambodia. No military authority has ever treated captured military personnel more inhumanely. The Nazis baked political prisoners in ovens and made lampshades from human skins, but they complied with international rules of warfare respecting captured military personnel. They never suggested using POW's as hostages or shields.

The commanding general of the North Vietnamese military needs no suggestion from a Member of the Congress on how to mistreat captured military personnel or cause agony and worry to their families and loved ones at home.

I strongly wish that a mutual ceasefire could be adopted, that the fighting, bombing, shooting, and killing could stop, the war ended, and peace prevail. This will require the initiative, resolve and action of both sides. Perhaps it can be achieved soon; but in the meantime the suggestion that POW's be used as shields is barbarous.

Actually our POW's would be safer in the city squares than in camps or prisons near military targets. Placing POW's near military facilities would be an heinous and explicit violation of the Geneva conventions.

We as Members of the Congress and human beings interested in the humanitarian treatment of other human beings should be urging compliance rather than violations of the Geneva conventions.

The wives and families of our POW's and our MIA's have every reason to be shocked and angered by this suggestion. I trust the gentleman will retract his suggestion. I am confident he never intended the barbarous implication of his remarks.

Let us urge both sides to mutually cease fire and negotiate a peace so that all killing, terror, apprehension, and agony of servicemen, civilians, and their families can be ended so that all peoples can live in true peace with freedom.

The President's proposal for peace seems to be the best and most generous proposal yet offered.

Using prisoners of war in such a diabolic way would violate every rule of law and international agreement. This use of prisoners would violate every tenent of humanitarian treatment of human beings.

His premise is a mischievous misrepresentation of the purpose, policy, and practice of our present bombing in North Vietnam. The targets are military, not city squares. Cities are not being bombed. Although accidents and mistakes can and do occur, especially during war, we are scrupulously avoiding strictly civilian structures and civilian personnel.

Our targets have military value—surface-to-air missile sites; ammunition and fuel storage dumps; transportation and logistics systems; powerplants; marshaling yards for tanks, weapons, and trucks; and concentrations of troops and fuel supplies.

We have taken extraordinary precautions to warn their government, their people, and their suppliers of our objectives and targets. We have been extraordinarily successful. We all know that if our bombing was hitting civilian structures or injuring civilian personnel that the North Vietnamese Government would supply the world media with plenty of documentary photographs and I am confident they would find some newspaper or television network to publish the photos for all of America and the world to see. But this has not happened. And although I wish that the bombing, mining, shooting, and killing were not occurring, I am grateful that our objectives are military and not civilian. I wish also that the objectives, policies, and practices of the North Vietnamese were the same.

HIGHER EDUCATION ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. MCDONALD) is recognized for 10 minutes.

Mr. MCDONALD of Michigan. Mr. Speaker, I am taking this special order today, because there was not sufficient time allotted during the debate on the Higher Education Act conference report.

If time had been allotted to me today to make my remarks they would have been basically in agreement with those made by our distinguished minority leader, GERALD FORD.

I voted against the conference report because the so-called antibusing amendment would have no positive effect on the busing problem within my congressional district, and as was pointed out by Congressman FORD, experts have suggested that it may have no effect on busing whatsoever.

Mr. Speaker, at this time I quote an article and editorial of May 18 and 19 of the New York Times:

The Amendment (Broomfield) would delay for up to nineteen months, pending all appeals, any Federal Court orders requiring busing to *achieve racial balance*. On that basis, it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the Lower Courts to order busing to achieve integration but not to create racial balance.

The Broomfield amendment was also changed in conference so that it applies only through 1973.

The full impact of conference committee changes in the House antibusing amendments is described in the article in the May 18 New York Times:

The compromise would also permit Federal money to be used for busing if this was sought by local officials, and it would allow Federal officials to encourage busing under the Civil Rights Act of 1964.

The conferees basically accepted the Senate language outlawing busing only if it endangered the health of pupils or required them to be sent to inferior schools.

The liberal New York Times editorial described the conference action as follows:

The Conference compromise, which closely resembles the earlier Scott-Mansfield Amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather, it is a shield for saving the college campuses without actively sabotaging school integration.

For all of the above reasons stated, I opposed the conference report.

PART III—CHILDREN'S ALLOWANCES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I insert the third and final excerpt of the study on the various children's allowances proposals all over the world. The charge that these programs spur the birth rate is one which I believe to be groundless, based on Canada's experiences. I submit your special attention to the section entitled "Impact on Birth Rates" in this study:

IMPACT OF BIRTH RATES

OTHER MEASURES

Table 3 provides a comparison of the expenditures for children's allowances in terms of both total social security expenditures and the GNP in each of the five countries under consideration. The definitions set forth in a 1967 study[15] by the International Labor Organization (ILO) were used to update the expenditures for 1966, 1967, and 1968 as far as possible.

Footnotes at end of article.

TABLE 3.—EXPENDITURES FOR CHILDREN'S ALLOWANCES AS A PERCENT OF TOTAL SOCIAL SECURITY EXPENDITURES AND OF GROSS NATIONAL PRODUCT. FIVE COUNTRIES, 1966–68

Country	Expenditures for children's allowances: As percent of total social security expenditures[1]			As percent of gross national product		
	1966	1967	1968	1966	1967	1968
Canada[2]	12.7	11.2	9.3	1.0	1.0	0.9
France	25.3	24.5	24.5	3.7	3.6	3.6
Sweden[3]	9.2	8.2	6.8	1.3	1.3	1.2
United Kingdom	3.7	3.6	5.9	.4	.4	.7
West Germany	4.3	3.5	3.2	.7	.6	.6

[1] Social security expenditures include administrative expenditures but generally exclude those for government employee programs, industrial occupational pension plans, and benefits under private medical care insurance plans. The data used here, except as otherwise noted, are defined as in "The Cost of Social Security" (International Labor Organization), 1967.

[2] Children's allowances include family allowances and youth allowances but exclude the schooling allowances of the Province of Quebec. Social security expenditures exclude housing, education, and agricultural price support programs.

[3] Children's allowances for 1967 estimated.

Source: Data for children's allowances: Canada—Department of National Health and Welfare, Annual Report, Fiscal Year Ending March 31, 1968, pp. 127–128; France—Ministere de l'Economie et des Finances, Statistiques et Etudes Financieres, pp. 406–417; Sweden—1966 from Social Security in the Nordic Countries, 1966 (Statistical Reports of the Nordic Countries, No. 16, Copenhagen, 1969), and 1968 from the Swedish Embassy, Washington, D.C.; United Kingdom—Annual Abstract of Statistics, 1969; West Germany—Der Bundesminister fur Arbeit und Sozialordnung, Arbeits und Sozialstatistische Mitteilungen, July 1969, pp. 209–211. Data for social security expenditures: Canada—Department of National Health and Welfare, Social Security in Canada, 1968, p. 77; France—same as children's allowances; Sweden—1966 and 1967 from Social-Nytt, No. 5, 1969, p. 17, and 1968 from the Swedish Embassy in Washington, D.C.; United Kingdom—Annual Abstract of Statistics, 1969; West Germany—same as children's allowances. Data for gross national product: International Monetary Fund, International Financial Statistics, March 1970.

In 1968, the results relate favorably to the data in table 2. France is well ahead of the other countries with about one-fourth of all social security outlays going to children's allowances. Except for Canada, the other countries rank in the same order as they did in relation to average earnings: Sweden, the United Kingdom, and West Germany.

For Canada, the proportion of total social security expenditures directed toward children's allowances—9.3 percent—indicates relatively low total expenditures rather than high children's allowances. This point is borne out by the GNP figure, which is considerably lower for Canada than for the other countries. Still, expenditures have risen substantially with the maturing of the Canada and Quebec pension plans and the lowering of the retirement age year by year.

Except for the United Kingdom, national outlays for children's allowances account for a declining proportion of total social security expenditures as defined and calculated by the ILO. These allowances have been increasing at a slower rate than other social security expenditures. With the ad hoc method of adjustment, the allowances have tended to remain at a given benefit level longer than other social security benefits, which are often tied to a consumer price index or an earnings ratio.[16] And rapid expansion in other social security programs may have adversely affected the availability of funds for children's allowances. In recent years, the United Kingdom's renewed interest in child welfare caused a notable reversal in its spending share for children's allowances. In 1968, payments of children's allowances as a percentage of total social security expenditures rose markedly, reflecting the first benefit increase in such allowances since 1956.

As table 4 shows, the consumer price index outpaced the benefit rate index throughout the entire period in both Canada and France, before 1964 in West Germany, and before 1967 in the United Kingdom. Only in Sweden has the rate index been well ahead of the consumer price index since the early days of the program.

If the trend for this group of countries is indicative of developments in other countries with children's allowances, benefit levels in most programs have trailed the consumer price index despite periodic adjustments. Relating children's allowances to earnings would reveal an even more unfavorable picture, since in most of the advanced countries wages have increased more rapidly than prices.

TABLE 4.—CHANGES IN CHILDREN'S ALLOWANCES RATES AND THE CONSUMER PRICE INDEX, 5 COUNTRIES, BY YEAR OF CHANGE

County and coverage	Year of change	Index of allowance rates	Consumer price index[1]
Canada:			
All children	1945	100	100
Children under age 6	1957	120	163
Children aged 6–9[2]	1957	100	163
Children aged 10–12	1957	114	163
Children aged 13–17[2]	1957	100	163
	1970	(*)	223
France: All covered children	1946	100	100
	1948	214	239
	1951	308	361
	1957	321	404
	1958	339	484
	1961	418	550
	1962	434	576
	1963	494	604
	1967	560	675
	1968	645	706
	1969	674	751
	1970	674	781
Sweden: All covered children	1949	100	100
	1952	212	126
	1964	269	181
	1966	346	202
	1971	462	251
United Kingdom:			
2d child	1946	100	100
	1952	160	136
	1956	160	206
	1967	300	284
	1970	360	334
3d and additional children	1946	100	100
	1952	100	136
	1956	200	206
	1967	340	284
	1970	400	334
West Germany:			
All covered children	1954	100	100
2d child	1964	100	124
3d child	1964	125	124
4th child	1964	150	124
5th and additional children	1964	175	124
	1970	(*)	145

[1] Indexes have been recomputed to conform to base years.

[2] No change for any children.

FINANCING AND TAX POLICIES

Financing

As a rule, children's allowances programs encompassing the entire population are financed by the national government—that is, they are noncontributory.[17] Programs covering specific groups of the population, on the other hand, are commonly contributory. France provides a third method of financing—that is, in some instances, contributions from one group finance the coverage of another (the agricultural fund is subsidized by the general fund). No country has a contributory children's allowances program that covers the entire population. Where these programs exist, they cover only certain groups and tend to be fragmented with respect to both financing and administration. One advantage of general revenue financing is simplified administration. Furthermore, the cost of the program is more easily predictable through demographic projections. These considerations undoubtedly contributed to the adoption of general revenue financing by many Western countries since World War II.

These patterns are evident for the countries under consideration. Children's allowances programs in Canada, Sweden, and the United Kingdom are universal and financed through the national budget. West Germany has separate programs for public employees and for all other residents, but both programs are similarly financed through general revenue.[18]

In France, programs covering the employed and the self-employed are separate. Benefits for wage earners derive from employer contributions exclusively. Contributions by the self-employed are applied only toward the benefits to which this group is entitled. In 1968, employer contributions amounted to 13.5 percent of payroll. The self-employed contribute approximately 4 percent of income, according to an occupational scale. Maximum earnings for contribution purposes were 1,2000F a month. By comparison, average earnings in manufacturing amounted to approximately 855F a month.[19]

France has, in addition, separate occupational programs that cover the agricultural sector, public utilities, and civil servants. Under the law, the State and public authorities are considered as employers and bear the cost of family benefits for their employees.[20] The agricultural sector, usually associated with low incomes and large families, has historically been unable to provide sufficient funds to support its family allowances program and has relied on subsidies by the national government.

Tax deductions

Tax exemptions for children are sometimes considered a form of children's allowances because they either add to available income for rearing a family by reducing the income tax or, for low earners with large families, eliminate any tax liability. This factor perhaps influenced the Swedish decision to eliminate tax exemptions for children when children's allowances were introduced in 1948. In the other four countries studied here children's allowances and tax exemptions exist side by side.

France uses a somewhat indirect method of tax deduction. The taxable income may be divided between all members of the family (with two children counted as one adult). The tax is then computed for each individual share and added in computing the total tax liability of the family. Since tax rates are progressive, taxes presumably become smaller as the individual share diminishes, and the result is smaller total tax payments for the family.

The Canadian law provides for a deduction of $300 for each child.[21] For a family with three children this would be equivalent to pay of an average worker in manufacturing for 7½ weeks.

The West German tax schedule has a deduction of 1,200DM for the first child, 1,680 DM for the second, and 1,800DM for the third and each subsequent child, subject to the age limits for granting children's allowances.[22] The deduction for three children would represent the pay of the average worker in manufacturing for about 18 weeks.

In the United Kingdom, the tax deduction varies with the child's age: £115 for each child under 11, £140 from 11 through 16, and £165 for a child undergoing full-time education. This deduction can be claimed even when the student receives a full-cost maintenance grant from the government.[23] The deduction for a family with three children would equal about 15 weeks' pay for the average worker in manufacturing. Thus, for the average middle-class family, the value of tax deductions is considerably higher than the value of the children's allowances. In the United Kingdom alone, among the four countries studied, children's allowances are treated as taxable income. A part of the allowance is thereby recovered through the tax system.

Footnotes at end of article.

IMPACT ON BIRTH RATES

There is no agreement among social scientists or policymakers as to whether children's allowances programs have any effect on birth rates. The available evidence shows no clear relationship.

Chart 1 traces birth rates during 1948–69 in the five countries studied and the United States. Two general characteristics may be noted. One is the similarity in the development of birth rates in Canada and the United States despite the absence of children's allowances in the latter country. The other is the contrast between these two countries as a group and the European countries considered collectively.

In both Canada and the United States, increased birth rates in the late 1940's and early 1950's were followed by slight declines during the next 5 years and by sharper declines during the 1960 decade. A three-point spread maintained through the 1950's started to narrow after 1960 as the Canadian rate decreased more rapidly. By 1960 the two rates had converged.

In the European countries, all rates were falling during the early 1950's. Between 1955 and 1960, however, this trend reversed itself in West Germany and the United Kingdom. The upward movement continued into the early 1960's. Then the Swedish rate also turned up, and the French rate leveled off. Since 1965, rates for all four countries have been declining.

In analyzing the data for the individual countries, one is struck by a steep increase in the Canadian birth rate during 1945–47 that might easily be attributed to the introduction of children's allowances in 1945. Closer examination reveals that the rate had been increasing since the late 1930's. A more satisfactory explanation is that the 1945–47 increases were the continuation of a prevailing trend, buoyed by the military demobilization and high postwar expectations.

Similarly, an increase in the allowance rates in 1957 had no apparent effect on a gentle downtrend at the time.

As noted earlier, children's allowances were introduced in Sweden in 1948 and increased in 1952. During this period, as chart 1 (not reproduced) indicates, the birth rate was falling continuously. When the allowances were again increased in 1964, the birth rate had already shown an uptrend for 4 years. Still another increase in the late 1960's did not visibly influence an already declining birth rate.

A similar pattern is found in the United Kingdom. The advent of children's allowances in 1946, followed by rate increases in 1952 and 1967, had no measurable effect on a declining birth rate.

The introduction of children's allowances in West Germany in 1954 had no identifiable and immediate effect on the birth rate; it held steady the following year and increased gently during the next 5 years. During the 1960's a peak was reached in 1963 and the rate then declined slowly year by year. The 1964 increase in the rate of allowances apparently did not affect this process.

In France, there is little statistical support to link children's allowances and the birth rate. A steady decline was evident throughout the 1930's—interrupted neither by the introduction of compulsory children's allowances for wage earners in industry in 1932 nor by the generalization of allowances through the Family Code in 1939. The bottom was reached in 1941 during World War II with a rate of 13.1 per 1,000.[24] A subsequent postwar high of 21.3 was reached in 1947 (as it was in Canada). Since then, the decline has been slow but steady. After higher allowances were established in 1953, the birth rate held firm the following year but later resumed its downtrend. It is still too early to assess the effect of the 1969 increase in allowances.

CONCLUSION

In retrospect, perhaps the most striking development in children's allowances has been the recent acceptance of general revenue financing in the Western World—and thus implicit support of the theory that the responsibility for bringing up children must be shared by all.

Among the 60-odd national programs currently in existence, about one-fourth are government financed, chiefly in Western Europe.

FOOTNOTES

[15] International Labor Organization, *The Cost of Social Security*, Geneva, 1967.

[16] In Canada, Sweden, the United Kingdom, and West Germany, the rates of children's allowances are determined by legislation.

[17] The programs of Finland, Luxembourg, and the Netherlands are among the exceptions to this rule. The employer also contributes to the allowances in these countries. See *Social Security Programs Throughout the World, 1971*, Research Report No. 40, Office of research and Statistics, Social Security Administration, 1972.

[18] The public employee program provides for 50DM per child a month when other income in support of one or more children does not exceed 125DM per month. See footnote 9 for rates under the regular children's allowances program, where a special provision allows 25DM a month for the second child when monthly family earnings are below 650DM.

[19] In early 1971, employers contributed 10.5 percent of payroll up to 1,500F a month per employee.

[20] ILO, *Legislative Series*, France 10 (Part I, section 4, and Part IV, section 29).

[21] *The Department of National Health and Welfare in Relation to Poverty*, Ottawa, 1970, pages 31–32.

[22] These data were provided by the Embassy of the Federal Republic of Germany, Washington, D.C.

[23] Tony Lynes, "Family Allowances in Great Britain," in *Children's Allowances and the Economic Welfare of Children*, Citizen's Committee for Children of New York, Inc., 1968, pages 94–95.

[24] *Annuaire Statistique de la France*, 1966, p. 73.

FEDERAL TAX RELIEF FOR EDUCATIONAL LOAN REPAYMENT EXPENSES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today, I am introducing a proposal which would permit a new Federal income tax deduction for the entire amount of educational loan repayments.

Presently, taxpayers repaying loans may deduct only the amount paid out as interest. Under my proposal, the entire amount of the debt repayment—the principal as well as the interest—would be considered "as interest" and therefore would be deductible. The proposal would aid, in particular, low- and middle-income students and their families by reducing the crushing burden of loan repayments. Also, the proposal would help our financially hard-pressed parochial and private schools and public and private colleges by encouraging greater utilization of loan opportunities which would bring more funds into the schools.

Furthermore, recent HEW figures disclose that 85 percent of the students in the federally guaranteed student loan program come from families earning less than $15,000 a year, and 50 percent of those receiving national defense student loans come from families with income under $6,000 a year. These figures reveal the heavy reliance of families of moderate means on educational loans. Most frequently, these students and their families must begin to repay the loan shortly after graduation. For many this is a heavy financial burden. I believe the Federal Government should continue to help these families by reducing the repayment cost.

Additionally, it has been known for some time that low-income families are underrepresented in our institutions of higher learning, despite existing loan opportunities. The poorer a child's family, the less likely he or she will enroll in college. I believe the Congress must act now to provide additional economic incentives, such as a new income tax deduction, to help these families and expand educational opportunities for all.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, during the past several weeks I was absent from the House due to pressing matters in my congressional district. Had I been present, I would have voted "aye" on the following rollcall numbers: 115, 116, 121, 124, 127, 129, 130–133, 139–142, 151, 152, 162–164, 167, 169–171, 182, 183; and "no" on the following rollcall numbers: 114, 119, 128, 138, 166, 173, 177–181.

PRESIDENTIAL ELECTIONS ACT

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, today I am introducing the Presidential Elections Act. I feel that this legislation corrects many of the existing flaws in the circus that now exists in what we call an elections system.

In the first place this bill provides for the direct election of the President and Vice President, a step which should have been taken long ago.

Second, the bill establishes a system for national primaries to select the party candidates for President and Vice President. In addition, there is adequate protection for the establishment of third or Independent Party candidates.

To guard against someone winning either the nomination of the general election with only a small portion of the vote I have inserted a section making a 40 percent plurality mandatory for victory in either race with a provision for a runoff if no one receives the necessary plurality.

Finally, in what I consider to be one of the strongest and most needed aspects of the legislation, the bill places a restriction on candidate advertising before 30 days prior to the primary and 45 days prior to the general election. I feel that this is more than enough time for the candidates to put their views before the public.

I feel that this bill in conjunction with the recently enacted campaign spending legislation will assure the American people of true electoral reform. The type of reform which is badly needed and, until now, which very little has been done about.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOUP) and to revise and extend their remarks and include extraneous matter:)

Mr. TALCOTT, for 10 minutes, today.

Mr. MCDONALD of Michigan, for 10 minutes, today.

(The following Members (at the request of Mr. MCKAY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL.

Mr. BROOMFIELD to revise and extend his remarks on the higher educational bill today.

Mr. QUIE to revise and extend his remarks immediately after the remarks of Mr. DELLENBACK during general debate on the higher education conference report today.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. HALL.

Mr. HUTCHINSON.

Mr. ANDERSON of Illinois in two instances.

Mr. WYMAN in two instances.

Mr. WHALEN.

Mr. DELLENBACK.

Mr. MICHEL in two instances.

Mr. RIEGLE.

Mr. RAILSBACK in two instances.

Mr. MINSHALL.

Mr. COLLIER in five instances.

Mr. HEINZ.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. FRASER in five instances.

Mr. ST GERMAIN.

Mr. BADILLO.

Mr. GONZALEZ in three instances.

Mr. HAGAN in three instances.

Mr. RARICK in five instances.

Mr. ROGERS in five instances.

Mr. HUNGATE in three instances.

Mr. PUCINSKI in six instances.

Mr. MACDONALD of Massachusetts.

Mr. STOKES in two instances.

Mr. BRINKLEY.

Mr. MOORHEAD in five instances.

Mr. JACOBS.

Mr. ADDABBO.

Mr. RANGEL in two instances.

Mr. MURPHY of Illinois.

Mr. BINGHAM in four instances.

Mr. RONCALIO in two instances.

Mr. DINGELL.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1198. An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. 3442. An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 206. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1736. An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, June 12, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 13853. A bill to amend title VII of the Housing and Urban Development Act of 1965; with amendments (Rept No. 92–1117). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 15417. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1118). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 15418. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1119). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG (for herself, Mr. BADILLO, Mr. COLLINS of Illinois, Mr. FRASER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. KOCH, Mr. LENT, Mr. MITCHELL, Mr. O'HARA, and Mr. RIEGLE):

H.R. 15389. A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection; to the Committee on Banking and Currency.

By Mr. MILLS of Arkansas (for himself and Mr. BYRNES of Wisconsin):

H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. BADILLO, Mr. COLLINS of Illinois, Mr. FRASER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. KOCH, Mr. LENT, Mr. MITCHELL, Mr. O'HARA, and Mr. RIEGLE):

H.R. 15391. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 15392. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

By Mr. ANDERSON of Illinois:

H.R. 15393. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 15394. A bill to amend the Internal Revenue Code of 1954 to provide that principal repayments on educational loans shall be allowed as a deduction in the same manner as interest; to the Committee on Ways and Means.

By Mr. BLANTON:

H.R. 15395. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

By Mr. CONTE (for himself and Mr. BERGLAND, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CLEVELAND, Mr. DONOHUE, Mr. DRINAN, Mr. GIAIMO, Mrs. GRASSO, Mr. HARRINGTON, Mr. HATHAWAY, Mrs. HICKS of Massachusetts, Mr. KEITH, Mr. KYROS, Mr. MACDONALD of Massachusetts, Mr. MALLARY, Mr. OBEY, Mr. O'NEILL, Mr. REUSS, Mr. ST GERMAIN, Mr. STEIGER of Wisconsin, Mr. TIERNAN, Mr. WALDIE, Mr. MCKINNEY, and Mr. O'KONSKI):

H.R. 15396. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. DEVINE (for himself and Mr. CLANCY):

H.R. 15397. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next-of-kin may only be made by officers; to the Committee on Armed Services.

By Mr. EDMONDSON:

H.R. 15398. A bill to amend title 38 of the United States Code in order to provide more efficient job counseling and employment services for veterans; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 15399. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 15400. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 15401. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

H.R. 15402. A bill to amend title XVIII of the Social Security Act to increase from 60 to 120 the number of "lifetime reserve" days for which inpatient hospital benefits may be paid under the medicare program, to reduce the coinsurance payment required of the beneficiary with respect to those days, and to provide a similar 60-day lifetime reserve for posthospital extended care benefits; to the Committee on Ways and Means.

H.R. 15403. A bill to amend title II of the Social Security Act to permit the computation of the benefits payable to a married couple (or to the surviving widow or widower) to be made on the basis of their combined earnings; to the Committee on Ways and Means.

By Mr. McCLURE (for himself and Mr. HANSEN of Idaho):

H.R. 15404. A bill to provide for a comprehensive analysis of the means for providing public use and enjoyment of the outstanding recreation and scenic values of the public lands adjacent to the Middle Snake River to assure the preservation of these values until analyses are completed, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 15405. A bill to provide that time spent by all American civilians in enemy prisoner-of-war camps shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs; to the Commfttee on the Judiciary.

H.R. 15406. A bill to amend title II of the Social Security Act to provide that where a person in good faith went through a marriage ceremony with an insured individual, but (because of a legal impediment) such marriage was invalid, such person (if living with such individual at the time of his death or of application for benefits) shall be considered the wife, husband, widow, or widower of such insured individual for benefit purposes notwithstanding the existence of another person who is the legal wife, husband, widow, of widower of such individual; to the Committee on Ways and Means.

H.R. 15407. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable only to blind individuals at that age; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 15408. A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks; to the Committee on Interstate and Foreign Commerce.

H.R. 15409. A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 15410. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REID:

H.R. 15411. A bill to amend the Economic Stabilization Act to prevent excessive rent increases; to the Committee on Banking and Currency.

By Mr. WAMPLER:

H.R. 15412. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOLFF:

H.R. 15413. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 15417. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

By Mrs. HANSEN of Washington:

H.R. 15418. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. BADILLO (for himself, Mr. BLANTON, Mr. HALPERN, Mrs. ABZUG, Mr. ROSENTHAL, Mr. RYAN, Mr. BURTON, Mr. PEPPER, Mrs. CHISHOLM, Mr. SYMINGTON, Mr. WOLFF, Mr. HANLEY, Mr. EDWARDS of California, Mr. MITCHELL, Mr. DOW, Mr. SCHEUER, Mr. RIEGLE, Mr. KOCH, Mr. KYROS, and Mr. BOLAND):

H.J. Res. 1222. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. BADILLO (for himself, Mr. RANGEL, Mr. METCALFE, Mr. BINGHAM, Mr. ADDABBO, Mrs. HICKS of Massachusetts, Mr. HELSTOSKI, Mr. REID, Mr. CELLER, Mr. PODELL, Mrs. MINK, Mr. NIX, Mr. HATHAWAY, Mr. SEIBERLING, Mr. WINN, Mr. PETTIS, and Mr. RODINO):

H.J. Res. 1223. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H.J. Res. 1224. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. BADILLO (for himself, Mr. BLANTON, Mr. HALPERN, Mrs. ABZUG, Mr. RANGEL, Mr. ROSENTHAL, Mr. RYAN, Mr. BURTON, Mr. PEPPER, Mrs. CHISHOLM, Mr. SYMINGTON, Mr. WOLFF, Mr. HANLEY, Mr. EDWARDS of California, Mr. MITCHELL, Mr. DOW, Mr. SCHEUER, Mr. METCALFE, Mr. BINGHAM, and Mr. ADDABBO):

H. Con. Res. 629. Concurrent resolution to protect airline passengers; to the Committee on Foreign Affairs.

By Mr. BADILLO (for himself, Mrs. HICKS of Massachusetts, Mr. HELSTOSKI, Mr. REID, Mr. PODELL, Mrs. MINK, Mr. NIX, and Mr. RODINO):

H. Con. Res. 630. Concurrent resolution to protect airline passengers; to the Committee on Foreign Affairs.

By Mr. GRAY:

H. Res. 1013. Resolution relative to a transnational lunar expedition; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 15414. A bill for the relief of Raymond L. Wells; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 15415. A bill for the relief of Johnson S. Jardiniano; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 15416. A bill for the relief of Anastacia Romero Cabansag; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EVERYONE INVITED TO PITTSBURGH FOR JAZZ WEEK

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, Governor Shapp has proclaimed June 12–18, Jazz Week in Pennsylvania.

Several very industrious Pittsburghers have put their civic zeal and pride together to bring back to our town some of the famous jazz musicians who were born in Pittsburgh.

Pittsburghers and their friends will, at various times and places during the week, be entertained by such Pittsburgh-born greats as Errol Garner, Billy Eckstein, Roy Eldredge, Ahmad Jamal, and many others.

Several more of the biggest names in the jazz world will visit and perform in Pittsburgh on June 17–18, when the festival committee sponsors two jazz concerts at the Pittsburgh Civic Arena.

Performing those nights will be such stars as: the Buddy Rich Orchestra, Cannonball Adderley, Carmen McRae, Herbie Mann, Dizzy Gillespie, and many more.

Local jazz star Walt Harper and Roy Kohler, of Gulf Oil's Community Relations division, have made immeasurable contributions to our city's jazz extravaganza. I hope that my colleagues and their families will travel to Pittsburgh for some great music and good fun, when Pittsburgh celebrates Jazz Week, June 12–18.

I insert into the RECORD at this time an article from the New Pittsburgh Courier telling of the activities planned for Pittsburgh next week.

The article follows:

TOP STARS TO PERFORM AT PITTSBURGH JAZZ FESTIVAL JUNE 17–18 AT CIVIC ARENA

Jazz lovers in the Pittsburgh area will jump for joy June 17–18 when the Pittsburgh Jazz Festival takes place at the Civic Arena.

Some of the top stars in the country will perform during the two nights of festivities which will get underway at 8 p.m. each night.

Billy Taylor, who has come into millions of homes via television's "David Frost Show" for which he, Taylor, serves as musical director, will emcee both nights. He will also perform with his well-known jazz trio on Saturday, the opening night.

Others slated to share the bill that night include: the great Buddy Rich Orchestra, everyone's favorite jazz singer, Carmen McRae; the Cannonball (Mercy, Mercy, Mercy) Adderley Trio and a popular local group called the Silhouettes.

An equally impressive group of artists will perform on Saturday night. B. B. King, otherwise known as "Mr. Blues" will be one of the headliners. Sharing the bill with him will perform on Sunday night. B. B. King, Mann, his flute and band; ever popular Dizzy Gillespie, Roy "Little Jazz" Eldridge, and the Walt Harper Quintet. Walt is director of the festival.

Governor Milton J. Shapp has declared the week of June 12 to June 18 as "Jazz Festival Week in Pennsylvania." He is encouraging all Pennsylvanians to turn their attention during the week to Pittsburgh's first Jazz Festival.

In a recent proclamation, Governor Shapp stated that Pittsburgh, the home of such jazz greats as Erroll Garner, Billy Eckstine, Ahmad Jamal, Mary Lou Williams, Henry Mancini and Roy Eldridge, should be commended for initiating a Jazz Festival.

Programs including concerts, art exhibits, special events for schools, college and youth groups, will bring national focus to Pittsburgh and to the Commonwealth of Pennsylvania and will honor one of the jazz greats of all time, Roy Eldridge.

One of the highlights will be two nights of Jazz at the Civic Arena on June 17 and 18.

The governor praised Carnegie Institute and the A. W. Mellon Educational and Charitable Trust for sponsoring the event. Proceeds from the festival will go to the Selma Burke Art Center, which draws students from nearby neighborhoods for instruction in the Arts.

LIMITATION OF TENURE OF MEMBERS OF THE JUDICIARY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 8, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on April 15, the Bar Association of Parma, Ohio, adopted a resolution in favor of limiting the tenure of members of the Federal judiciary.

The Subcommittee on Constitutional Amendments of the Judiciary Committee on May 19 held a hearing on my proposed amendment to the Constitution, Senate Joint Resolution 196, which would require reconfirmation of Federal judges by the Senate every 8 years.

The Parma Bar Association resolution is one of many expressions of dissatisfaction with actions by some Federal judges that go beyond interpreting the laws and into the realm of making new laws.

The bar association resolution recommends a term of 6 years for Federal judges, as opposed to 8 in my proposal, but the fundamental reason for the action of the bar association is the same as my own reason for introducing a constitutional amendment. Basically, the goal is to bring a degree of accountability to Federal judges. They are appointed for life and accountable to no one.

Why should any public official in a democracy have life tenure?

I ask unanmous consent that the text of the resolution of the Parma Bar Association be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE PARMA BAR ASSOCIATION

Whereas, the founding fathers sought to preserve our democratic republic by a system of governmental checks and balances and acknowledged, as stated in the Declaration of Independence, that governments derive their just powers from the consent of the governed; and

Whereas, the United States Supreme Court has received criticism in recent years from knowledgeable citizens, constitutional lawyers, and even associate justices of the Court for its alleged assumption of powers beyond Constitutional limitations; and

Whereas, at present the federal judiciary, once appointed, are thereafter no longer answerable directly or indirectly to the people, and in this respect are unique among the three branches of government; and

Whereas, such foresighted exponents of American democracy as Thomas Jefferson warned against allowing too much power to, and of the dangers inherent in and advocated eliminating the virtual life tenure of, the federal judiciary;

Now therefore, be it resolved, that the Parma Bar Association urges the amendment of Article III, § 1 of the United States Comstitution to read:

"The Judges both of the supreme and inferior Courts shall hold their offices for a term of six years."

Be it further resolved, that this Association urges consideration of new methods of selecting such judges, either by direct election by the people of each circuit and district, by nominating commissions, by judges of the various states, or other proposed changes in the present appointive system.

Adopted this 15th day of April, 1969.

MAKE POLICE SLAYING A FEDERAL CRIME

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last Thursday in the CONGRESSIONAL RECORD I called the attention of my colleagues to the tragic shooting death of a Rockford, Ill., policeman, Patrolman Charles J. Williams. That same day, I introduced H.R. 15265 which would provide a $50,000 Federal payment to the survivors of policemen, firemen, and corrections officers killed or totally disabled in the line of duty. The previous week this proposal received the endorsement of the administration in the testimony of LEAA Administrator Jerris Leonard before the House Judiciary Committee.

Today I am introducing another bill related to this same subject, a bill which would make it a Federal crime to use interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman in the line of duty. The tragic spiral in police slayings over the last few years must be halted and reversed. These senseless acts of violence have reached national proportions. Last year, 126 policemen were murdered, a 46-percent increase over 1969 when 86 were slain. Since 1961, 759 law enforcement officers were killed on duty. It is no longer enough for us in the Federal Government to say we stand behind our local public safety officers; the time has come for us to get out front with the Federal shield and let these insane assassins know we mean business.

The bill which I am introducing today would make it possible for the FBI to assist State and local law enforcement officers in apprehending these killers almost immediately after the crime has been committed. I think this will serve as a deterrent to such heinous crimes and as a means to insure the swift apprehension of those who commit them.

Under this bill, a person alleged to have committed such an offense shall be presumed to have taken flight in interstate or foreign commerce to avoid prosecution if he is not apprehended and taken into custody within 24 hours. At that time, the resources and manpower of the Federal Government would be made available to assist State and local officials in the apprehension. I would emphasize that nothing in this bill is to be construed as preventing States from exercising jurisdiction over offenses for which they now have jurisdiction. The principal thrust of this legislation is to provide local law enforcement arms with this extra Federal tool immediately if they need it.

Mr. Speaker, similar bills have been introduced in this and the other body by other Members of Congress, the notable leader in this field being the gentleman from New York (Mr. BIAGGI). I wish to join with them in urging the appropriate committees of Congress to give serious attention and consideration to this legislation.

FOOD PRICES DECREASE BETWEEN FEBRUARY AND APRIL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RAILSBACK. Mr. Speaker, this year we have heard that food prices are rising and there are no bounds in sight. Newspapers and magazines have all dramatically told of the plight of the American consumer, and every congressional office has been flooded with letters from concerned constituents.

Because of the alarm, the administration promised to consider action to halt

the rise in food prices. Officials met with grocery store executives from 12 major food chains in March, and a decrease in food prices was promised "through natural market forces." Immediately thereafter, six chains announced voluntary freezes or reductions.

Also of encouragement is the April Consumer Index which showed that prices for grocery store purchases dropped 0.2 percent, the first decrease in this component since October of last year. Beef and veal prices were lower, and pork prices were reduced substantially. The prices for fresh vegetables declined sharply also, as did prices for eggs and poultry.

A further encouragement were some specific price decreases between February and April which officials at the Labor Department made available to me. They are as follows:

Percent down between February and April

Product:	
Flour	0.5
Round steak	2.3
Sirloin steak	.9
Rump roast	1.4
Chuck roast	1.4
Pork chops	6.7
Pork roast	4.6
Frying chicken	1.6
Butter	.1
Oranges	3.9
Potatoes	1.0
Carrots	9.7
Celery	27.2
Lettuce	24.3
Tomatoes	7.2
Salad oil	.8
Canned chicken soup	.3
Instant coffee	.4

The American consumer should be relieved by this trend. I am hopeful that such decreases in food costs continue.

TELEPHONE PRIVACY—XXIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the telephone privacy bill with 49 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion politakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 21st sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

STANFORD, CALIF.,
June 2, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: This is to say how keenly I support your effort to regulate the abuse of telephone privacy. I would appreciate receiving a copy of the bill HR 13267, and other information on its legislative status.

This is not a peripheral issue of minor personal irritation. The telephone system is central to the whole network of inter-personal communication in our culture. We will see many further technical advances that will doubtless reduce its costs—and make it ever more attractive to unsolicited intrusions. It is insufferable that this instrument of personal conversation should be abused to the extent it already has; and if unchecked, this trend will surely become ever worse. Even unlisted numbers are not a sure protection. And before long, telephone salesmen will have recourse to computer-mechanized dialing, which can automatically scan through every possible telephone number, whether in the directory or not, in the search for sales prospects.

I may have some technical comments, if I may have the opportunity to peruse your bill; but I have no doubt of being an enthusiastic supporter of your initiative.

Sincerely yours,

———.

MINNEAPOLIS, NINN.,
May 27, 1972.

DEAR REP. ASPIN: This clipping was a joy to read. I haven't any more about this legislation but I sincerely hope you did introduce such. As a college teacher I am home during parts of the day and get bombarded with these obnoxious calls.

Onward!

———.

CONGRESSMAN WOULD CURB PHONE SOLICITORS

WASHINGTON, D.C.—Rep. Les Aspin, D-Wis., proposed Sunday that individuals be allowed to place "No Solicitors" signs on their telephones.

Aspin said he plans to introduce legislation in Congress today that would give persons the right to indicate to the telephone company if they do not want to be commercially solicited over the phone.

OXON HILL, MD., *May 19, 1972.*

DEAR SIR: Re your Unsolicited Phone Call Bill. I am behind you 100 percent. God or Congress protect us from the real estate and phony charity calls. Good luck.

The phone company is 90 percent to blame for selling our names.

Yours truly,

———.

COMMONWEALTH OF VIRGINIA SENATE,
May 23, 1972.

Congressman LES ASPIN,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I understand that you have recently introduced a bill which would limit telephone solicitations by requiring phone companies to indicate in their directories which subscribers do not wish to get calls from salesmen, etc.

My wife and I get many of these nuisance calls, and I want to commend you and wish you good luck in obtaining passage of this bill. Perhaps I should put in a similar bill at the State level.

Sincerely yours,

P.S.—Would you be kind enough to send me a copy of your bill?

———.

IDAHO FALLS, IDAHO,
May 6, 1972.

Hon. LES ASPIN,
United States House of Reprsentatives,
Washington, D.C.

SIR: You can insert this letter into the record with my name attached.

I am not pestered greatly by advertisers but this magazine salesman calls me all the time when I am busy. Once this girl called me and talked for ten minutes before I got a word in, I should have hurry up, but I get amused easily.

I wish you luck in this vital legislation.

———.

INDIANAPOLIS, IND.,
May 18, 1972.

Congressman ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I am writing to you to express my strong approval of H.R. 13267 as originally written.

An informal survey taken among my friends and neighbors shows an overwhelming percentage of us, living in suburban Indianapolis, receive an average of one unsolicited telephone call per day. I, and they, feel this is abusing our rights of privacy. Knowing that you and others in favor of this Act will receive a lot of pressure from those groups using the telephone as a sales tool, I felt compelled to write to you indicating, that at least among my acquaintances, we favor enactment of this bill at the earliest possible moment.

Sincerely,

———.

SPRINGFIELD, VA.,
May 15, 1972.

Hon. LES ASPIN,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: In the past year or so I have become increasingly bothered by home telephone solicitations. I do not have the time for these calls and consider them an invasion of my privacy and a great inconvenience. I had thought there was no hope, but now I have heard about your bill to require the phone company to place an asterisk or other symbol next to a name in the phone book if the person does not wish to be bothered by solicitation calls. I am heartily in favor of this and every other measure to curtail this most annonying practice.

Also, please let me know if there are some interim measures that I can take when these people call. Presently I let the phone drop into the cradle from a height of about 12" or I just slam it down as hard as I can.

Thank you.

Sincerely,

———.

THE JEANNE BUSSARD TRAINING WORKSHOP

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BYRON. Mr. Speaker, Mr. and Mrs. C. Lease Bussard and Director Helen Nussear have made the Jeanne Bussard Training Workshop in Frederick, Md., a shining example of local initiative. Recently, Paul A. Haley, associate editor of the Frederick Post wrote an article on the workshop and its achievements. He described the beginnings of the project and the methods used to train retarded children.

After death of their daughter, Jeanne, in 1957, the Bussards organized the workshop. Since its inception the Jeanne Bussard Training Workshop has trained and found jobs for more than 250 retarded people. The workshop started with six students in the old South Street Elementary School, and presently has over 100 in its work force. The young retarded workers come not only from Frederick County but from Montgomery, Carroll, and Washington Counties as well as from Loudoun County, Va.

The workshop is about 37 percent self supporting. The rest of the funding comes from the Frederick County Commissioners and HEW, but additional funds are needed if the workshop is to continue serving the community to the fullest extent. The achievements of the Jeanne Bussard Training Workshop can best be summarized by this quotation from Mr. Haley's article:

. . . For the past few years the workshop has averaged an annual 50 percent graduating class who as a result of the skills taught them there, are today living happy, normal and fruitfully productive lives as workers in the business and industrial economy of Frederick and adjacent counties.

I would like to congratulate Mrs. Bussard and Helen Nussear and all those connected with the workshop for their outstanding service to the community.

McGOVERN HAD INSIDE TRACK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MICHEL. Mr. Speaker, the leading candidate for the Democratic presidential nomination, Senator MCGOVERN, has been quite vocal in the past on the issue of "conflicts of interest," but as an editorial appearing in the June 5, 1972, edition of the Peoria Journal Star points out, it would appear that he is involved in a "conflict of interest" of his own.

The editorial clears some of the "mystery" as to why Senator MCGOVERN has done so well by describing what a terrific advantage the Senator was given when he was assigned the task of "reforming" the structure of the Democratic Party and also writing the rules for this year's convention. He then proceeded to build a rule structure that would be most advantageous to himself and that was also quite intricate.

I insert the text of the editorial in the RECORD and recommend its message to any of my colleagues who may have ambitions for higher office:

MCGOVERN HAD INSIDE TRACK

At this point, the primary campaigns of 1972 begin to look oddly like the primary campaign of the "out" party in 1964.

In both cases we goofed—and so did much of the "professional observers" in the early going.

In 1964, we didn't really believe that Senator Goldwater was a serious candidate until about a month before the convention, and many people couldn't believe it right up to the roll call vote.

In 1972, we simply never really thought that Senator McGovern could be regarded as a bona fide, serious candidate—and many people are going to have trouble believing it regardless.

What we overlooked in 1964 was the extent of home-work and preparation Senator Goldwater made so that his opponents discovered that by the time they "got going," it was already too late.

That happened largley because nobody believed the party could really launch Goldwater as the nominee—and they were jockeying for position. Much the same thing is true of the Democrats of 1972 as was the case of the GOP in 1964.

What slipped by us—and obviously slipped by the party leadership—was the unique opportunity given Sen. George McGovern when he was put in charge of "reforming" the party structure and writing the rules for this year's convention.

He was clearly given that task as a sop to the "radicals" by the party leadership, who thought they needed a gesture in the convention and wanted to avoid the kind of "moral" charges that the left-wing flung about so freely in 1968.

Obviously they intended to give the rule-making task to McGovern—and that was all the crumbs from the table he was expected to get.

Instead McGovern built a rule-structure that would be most advantageous to himself, and that was very intricate indeed.

It projected more states than ever before into primary elections. However, what was overlooked was that it still left half the states using a "caucus system" and other complications imposed on the older caucus system.

McGovern emerged from that task, without question, as the one man who knew most intimately the mechanics of choosing delegates in every State in the Union, and even more significantly how they had changed from previous habits.

This was graphically demonstrated in Texas, for example, where young McGovern people early in the game took the standard party leadership completely by surprise, reversed the time-honored (or dishonored) political gimmickry of the caucus system, and rushed in from nowhere to "pack" caucus after caucus—excluding many of the politicians of the party—and choosing McGovern delegates.

Those delegates may not even come close to representing the political sentiments of the majority of Texas Democrats—but they are there.

McGovern has clearly played his advance knowledge of the new systems, and quietly prepared people in many areas, to "get the jump" on others by a number of devices.

This is largely how Goldwater so quietly "sewed up" the convention of the other party in 1964. He did most of it while the other fellows were sleeping.

McGovern's heading the convention-planner commission enabled him to combine the "convention rules" control for the convention itself with his own aspirations to become the nominee of that convention.

One doubts if ever before a candidate, not sitting as incumbent president, ever had the chance to "set up" the rules for the game in which he was about to become one of the main contestants.

We should have taken notice of that unique situation.

Talk about a "conflict of interest!" Wow!

Our only excuse is that the party leaders were presumed to know what they were doing—and that isn't much of an excuse. They obviously didn't know what they were doing, and that shouldn't be so surprising.

Everybody missed, it seems, the significance of this dual-role of candidate and rule-maker McGovern in relation to the same convention.

We don't know if he will cut it or not. One disadvantage he has is the memory of everybody as to what happened to an "extremist" candidate who performed a similarly ingenious pre-convention preparation in 1964.

But we were innocent and naive—after all these years—in not thinking a man with such a radical program was a genuine possibility as his party's nominee.

It has happened.

It could happen again.

After it happens, of course, it creates a very odd political situation in the final election indeed.

But that remains to be seen.

HOMOSEXUAL TEACHERS LEGALIZED FOR DISTRICT OF COLUMBIA CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RARICK. Mr. Speaker, the District of Columbia government filed a stipulation in the U.S. District Court on May 31, 1972, agreeing that the District of Columbia sodomy statute "does not apply and can not be applied to private consensual sexual acts involving adults." I called the attention of our colleagues to this action in earlier remarks, page 19407.

Perhaps the District of Columbia city fathers felt this action necessary to bring the city government in line with the policy of the District School Board adopted on May 23, 1972, extending more job protection to homosexuals employed in the school system to teach the children. Board Chairman Marion Barry is quoted as saying that the resolution:

Reaffirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life.

The news article follow:

[From the Washington Evening Star, May 24, 1972]

DISTRICT OF COLUMBIA SCHOOLS ADOPT GAY RIGHTS POLICY

(By Lynn Dunson)

The District Board of Education last night approved what is believed to be the nation's first nondiscrimination policy which would extend more job protection to homosexuals employed in the system.

Franklin E. Kameny, the gay activist who ran for D.C. nonvoting delegate last year, was jubilant over the board's decision. "I feel it was the only action the board could have taken that would have been consistent with fundamental American principles," Kameny said.

By a vote of 3 to 4, a majority of the board present over-rode Supt. Hugh J. Scott's recommendation that the action was "unnecessary" since homosexuals are covered by the same equal employment and "affirmative action" policies that cover all employes in the school system.

Discussion of the resolution was brief, but sharply divided.

Strongly opposed to adoption of the resolution, Mattie G. Taylor, called the proposal

"almost absurd" and expressed fear that it would place the schools in an "advocacy role."

"At no time has there been any allegation, charge or finding of fact of any discrimination . . . based solely on the sexual orientation of an employe," she asserted.

But Hilda Mason reflected, "After my long struggle for the liberation of my (black) people, I cannot sit and deny any person his constitutional rights. When you deny a person the right to a job, you deny him the right to live."

There have been no reported cases of dismissal solely because of homosexuality.

Board Chairman Marion S. Barry said the resolution "re-affirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life."

Voting for the measure were Martha S. Swaim, Mrs. Mason, Kemp and Barry. Voting against were Mrs. Taylor, Evie Washington and Bardyl R. Tirana.

In other business adopted a report showing that all elementary schools were in compliance with the Wright equalization degree as of May 2.

LEGISLATION TO END TERRORISM AGAINST AIR PASSENGERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BADILLO. Mr. Speaker, I am introducing today, with cosponsors, legislation designed to end, or at the very least, alleviate the alarming threat of terrorist attacks against airline passengers. This legislation was drafted in the aftermath of last week's massacre at Lod International Airport at Tel Aviv, Israel and I am pleased that it has attracted the active, bipartisan support of more than 30 of our colleagues.

Last week's assault made it abundantly clear that the unending reign of terror against airline passengers, primarily by Arab terrorists, demands the sternest possible measures by the United States and the community of nations.

It demands concerted and coordinated efforts by all nations because of the tremendous variances in the degree of care taken by governments, airlines and airport operators to assure safety. In the case of last week's massacre, it is clear that incredible laxity bordering on criminal negligence by Air France and Rome airport authorities, made the attack possible. Strict uniform standards for all airports and airlines are needed to prevent future assaults.

That is the purpose of the House Joint Resolution I am introducing with 35 cosponsors. This resolution directs the President to seek, through the United Nations, the International Civil Aviation Organization or other suitable body, a conference of nations for the purpose of establishing uniform, stringent standards of security for the protection of human lives in and around aircraft and airports.

This step is long overdue. Aircraft hijacking and attacks on passengers are no recent phenomenon. Had the nations of the world been concerned enough to get together and develop a coordinated policy, the 26 lives lost at Tel Aviv last week might well have been saved.

The United States can and must take unilateral action, as well. We cannot justify continued foreign aid to any government which permits innocent civilians, or in some cases, openly encourage these barbarians. And so the second measure I am introducing, with 26 cosponsors, establishes the sense of Congress that the President "shall immediately curtail all forms of economic and military assistance to any nation which either fails to take or fails to require its air carriers and airport operators to take adequate measures to protect passengers and their property from terrorist attacks" and also "shall immediately curtail all forms of economic and military assistance to any nation which encourages, harbors, protects, assists, supplies or fails to take appropriate action against any revolutionary, anarchist or terrorist organization."

I want to make clear that this latter provision is not by any stretch of the imagination aimed at groups which might be termed "revolutionary" in the political sense but which do not engage in acts of violence or terrorism against innocent civilians.

I present for inclusion in the RECORD the text of the two resolutions and the list of their cosponsors. Our efforts to see that these measures are passed without delay could be the most fitting and lasting memorial to those who lost their lives at Lod International Airport.

The resolutions follow:

H.J. RES. 1222

Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities

Whereas, political warfare through terror in the air against civilian carriers and passengers cannot be tolerated, and

Whereas, violence and murder in the air have proven to be so contagious as to constitute a world problem which, unless checked, will threaten the very fiber of communications between nations and the orderly transport of peoples and goods, and

Whereas, governments and airlines have it in their power to take the long overdue steps necessary to guarantee the safety of the international traveling community, on the ground and in the air: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, and through the United Nations, International Civil Aviation Organization or other suitable international body, a conference of nations for the purpose of establishing uniform, stringent standards of security for the protection of human lives in and around aircraft and airports.

Cosponsors of the House Joint Resolution: Ray Blanton (D-Tenn.); Seymour Halpern (R-N.Y.); Bella Abzug (D-N.Y.); Benjamin S. Rosenthal (D-N.Y.); William F. Ryan (D-N.Y.); Phillip Burton (D-Calif.); Claude Pepper (D-Fla.); Shirley Chisholm (D-N.Y.); James W. Symington (D-Mo.); Lester L. Wolff (D-N.Y.); James M. Hanley (D-N.Y.); Don Edwards (D-Calif.); Parren J. Mitchell (D-Md.); John G. Dow (D-N.Y.); James H. Scheuer (D-N.Y.); Donald W. Riegle, Jr. (R-Mich.); Edward I. Koch (D-N.Y.); Peter N. Kyros (D-Maine); Edward P. Boland (D-Mass.); Charles B. Rangel (D-N.Y.); Ralph H. Metcalfe (D-Ill.); Jonathan B. Bingham (D-N.Y.); Joseph P. Addabbo (D-N.Y.); Louise Day Hicks (D-Mass.); Henry Helstoski (D-N.J.); Ogden R. Reid (D-N.Y.); Emanuel Celler (D-N.Y.); Bertram L. Podell (D-N.Y.); Patsy T. Mink (D-Hawaii); Robert C. Nix (D-Pa.); William D. Hathaway (D-Maine); John F. Seiberling (D-Ohio); Jerry L. Pettis (R-Calif.); Peter W. Rodino, Jr. (D-N.J.); Larry Winn, Jr. (R-Kans.)

H. CON. RES. 629

Whereas certain basic security measures must be taken to adequately protect the lives, property and general well being of national and international travelers; and

Whereas numerous countries have clearly failed to require their national airlines and airport operators to take adequate and effective measures to protect passengers from terrorist attacks, bombings, hijackings and air piracy and similar untoward acts representing serioua threats to lives and property; and

Whereas various revolutionary, terrorist and anarchist groups dedicated to the willful and indiscriminate destruction of lives and property for their own ends, are freely operating within the boundaries of several independent nations; and

Whereas the continued activities and existence of such revolutionary, terrorist and anarchist organizations represent a clear and present threat to the maintenance of international peace and security and prompt and effective measures are warranted to end such ill-conceived and mindless acts of terrorism:

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congresa that:

(1) the President shall immediately curtail all forms of economic and military assistance to any nation which either fails to take or fails to require its air carriers and airport operators to take adequate measures to protect passengers and their property from terrorist attacks or similar actions; and

(2) the President shall immedately curtail all forms of economic and military assistance to any nation which encourages, harbors, protects, assists, supplies or fails to take appropriate action against any revolutionary, anarchist or terrorist organization.

Cosponsors of the House Concurrent Resolution: Ray Blanton (D-Tenn); Seymour Halpern (R-N.Y.); Bella Abzug (D-N.Y.); Charles B. Rangel (D-N.Y.); Benjamin S. Rosenthal (D-N.Y.); William F. Ryan (D-N.Y.); Phillip Burton (D-Calif.); Claude Pepper (D-Fla.); Shirley Chisholm (D-N.Y.); James W. Symington (D-Mo.); Lester L. Wolff (D-N.Y.); James M. Hanley (D-N.Y.); Don Edwards (D-Calif.); Parren J. Mitchell (D-Md.); John G. Dow (D-N.Y.); James H. Scheuer (D-N.Y.); Ralph H. Metcalfe (D-Ill.); Jonathan B. Bingham (D-N.Y.); Joseph P. Addabbo (D-N.Y.); Louise Day Hicks (D-Mass.); Henry Helstoski (D-N.J.); Ogden R. Reid (D-N.Y.); Bertram L. Podell (D-N.Y.); Patsy T. Mink (D-Hawaii); Robert C. Nix (D-Pa.); Peter W. Rodino, Jr. (D-N.J.)

MEMORIAL DAY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BRINKLEY. Mr. Speaker, Memorial Day is a day of remembering for all of us. On May 30 Mr. Foy Evans, publisher of the Daily Sun in Warner Robins, Ga., wrote in his daily column an especially poignant account of the deep personal meaning that Memorial Day holds for him. I commend Mr. Evans' sentimental and touching story to our colleagues.

The column reads:

Today is Memorial Day as far as I am concerned.

Congress may have changed our holidays around for the benefit of everyone who likes long weekends, but it seems that in doing so the real meaning of many holidays is lost.

Memorial Day has special meaning for me, anyway. It is my mother's birthday.

Not many days go by that I do not have occasion to recall some of the things she said or did, though she has been dead more than eight years.

I can recall some of the happiness I gave to her life and every instance that I caused her to shed a tear.

My father became ill and died before I became a teenager.

It fell on my mother's shoulders to provide for and mold the lives of three youngsters.

Looking back, I can see how bad it was not to have a father in my most impressionable years . . . it left memories and scars that never will go away.

Yet, looking at it objectively, I know that while fathers are important, children are better off in the hands of their mother, if destiny decrees that only one of them should survive.

I cringe when I hear young people . . . and sometimes older ones . . . speak unkindly to their mothers.

They really cannot know what they are doing.

Perhaps it does not bother them now.

But the time certainly will come when it does. Perhaps she will be gone then, and it will be too late to let her know.

I was very close to my mother until she died. Yet I wondered after she was gone if I really got across to her how much I appreciated her. There is a tendency not to put into words such things, and for those whose mothers still live I would recommend that they spend some time on this important message.

I doubt that any child can ever comprehend what a mother goes through, what she gives to her offspring, until that child is grown and has a family of his or her own.

This realization may come early or late in life. But surely it must come sometime to all except the most cold hearted.

These thoughts come to mind often . . . and especially on Memorial Day.

Few of us leave anything in this world physical to remind anyone that we have been here.

The living memory of someone who inspires you to succeed, overlooks your shortcoming and gives love without expecting anything in return is something all of us can cherish.

FACTUAL EVIDENCE THAT EDUCATION PAYS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HAGAN. Mr. Speaker, many claims have been made about how education and training pay good dividends. Few have doubted these claims, but often we have lacked concrete evidence.

The U.S. Census figures serve a helpful purpose in many matters, especially in determining incomes and living standards in different areas of the country.

A study made of two census tracts in the Augusta, Ga., area reveals the tremendous difference that more scholastic preparation makes in family income and living standard. These facts stand out as indisputable evidence of the need for our Nation to push forward its educational efforts with all possible energy.

The Augusta Chronicle in an editorial quoted in the Savannah News of May 24, 1972, reviews the census figures, as follows:

MORE TRAINING PAYS

If any youngster is contemplating dropping out from further education at the end of the school term, a glance at just-announced U.S. Census figures should help him make a more realistic decision.

Take two census tracts here: Tract 101, just north of the city of Augusta, has a population with median school years completed being 12.7; while tract 3, on the Savannah River in the center of the city, has a median education level of 7.7 years completed.

It is more than a coincidence that the area with more scholastic preparation had an average family income in 1969 of $1,689; average value of owner-occupied dwellings of $19,400; median contracts rents paid of $120; and only 44 out of 2,779 housing units without basic plumbing facilities.

Tract 3 with the lower educational level, had average family income of $5,932; average value of owner-occupied homes was $7,000; median contract rents paid was $43; and basic plumbing facilities were absent in 99 of 1,248 living units.

The benefits of education, of course, extend into areas of life that cannot be counted financially. Even if one's vision is limited to the materialistic, however, it is dramatically clear that more training means more money.

AMERICAN POSITION AT STOCKHOLM CONFERENCE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. VANIK. Mr. Speaker, the Stockholm Conference on the Human Environment which will be meeting during the next few weeks, presents the world community with not only a great opportunity to study world environmental problems but the chance to begin to reverse our planet's deteriorating environment.

If this international effort is to be successful it must meet six requirements.

First, uniform standards to preserve the environment must be determined and observed worldwide.

Second, because of the particular economic situation of the lesser developed countries special compensation would have to be provided to enable them to comply with environmental standards.

Third, global monitoring of environmental conditions must be provided.

Fourth, an adequate and equitable means of enforcing these standards to assure their effectiveness must be developed.

Fifth, the coordination and financing of all these measures under the auspices of the United Nations is essential.

Sixth, the strengthening of the International Court of Justice to provide it with compulsory jurisdiction over environmental disputes is a necessity.

The present draft proposals of the U.S. delegation to the Stockholm Conference are disappointing. They call for principally the creation of three new U.N. entities: an Administrator of United Nations environmental programs, a commission for the Environment, and an Environmental Coordinating Board.

In essence, the United States recommends an enlarged United Nations bureaucracy without seeking an agreement on standards, without offering a workable solution to lesser developed countries, and without suggesting any means for enforcing subsequent agreements.

We cannot expect to accomplish in one conference all that is needed to meet the crisis, but the present U.S. position on the world environment is shortsighted. The urgency of the international environmental crisis demands immediate action as well as long-range comprehensive goals, to be met.

The U.S. delegation to Stockholm must begin to lay the groundwork for efficient and effective international environmental arrangements.

First, by working for the immediate establishment of standards. Preliminary guidelines may not be as comprehensive as necessary, but as scientific knowledge on pollution develops more adequate standards must be adopted. The acceptance of standards provides us with a more precise definition of pollution problems and a definite idea of the environmental quality we wish to maintain. With this "international understanding" on standards, "environmental aggression" would be defined and outlawed multilaterally.

Also, uniform standards would help prevent unfair trade advantages that will occur as countries with lenient pollution regulations compete with countries which are attempting to eliminate their pollutants.

Secondly, the U.S. delegation should work for the establishment of an international régime to govern the high seas which lie beyond the various national jurisdictions. Such a proposal can be suggested by the United States at Stockholm as a solution to controlling pollution on the high seas. Later, at the 1973 Geneva Convention on the Law of the Sea, the United States can work out the details and support the creation of such an institution under the authority of the United Nations.

With the authority of the United Nations extended over international waters, environmental standards could be equitably enforced. Licenses could be issued requiring those nations exploiting the seabed, to take all the guards necessary for the protection of the environment. Accords should be reached governing the shipping of dangerous pollutants on the high seas. Standards for oil tanker construction and operation should be developed; the practice of permitting the discharge of oily bilge wastes into the oceans must be stopped. New ship construction should be reviewed to determine whether it is environmentally sound. For example, the Japanese have developed new iron-ore carriers in which the ore is loaded as

a waiting slurry and then the excess water is pumped out as the ship departs—leaving a "red sea" of unnatural contaminents behind. In short, the United Nations would thus be required to maintain a global monitoring network of environmental conditions.

Such an international system would operate under the principle of equal benefits and burdens to be borne by all participating states. This would mean, for example, the sharing of all proceeds derived from submarine exploitation. Several formulas for dividing up the proceeds among member states have already been developed by the United Nations. The key feature of this arrangement would be the distribution of proceeds on a basis weighted to the advantage of lesser developed countries. Direct distribution to governments, for instance, could be based on each country's percentage share of world population, adjusted to favor LDC's according to levels of per capita income. Funds, made available to developing nations in this manner, could be used to help lesser developed countries finance pollution controls without hindering the economic development these nations so desperately need if they are to provide for the stable, progressive, and democratic government of their impoverished people.

Eventually, as subsea exploitation progresses, this international system would be able to deny either a share in the proceeds or permits for resource extraction to those nations violating established standards, whether by their practices on the high seas or by their negligence in allowing polluted effluent to reach the oceans.

Besides protection of the marine environment, an international oceans authority could supervise an orderly development of mineral resources, share technology with lesser developed countries and even grant them preferential access to raw materials to aid their development.

Third the United States should begin action to strengthen the International Court Justice by granting it compulsory jurisdiction over environmental disputes. Aided by scientific experts on the environment, the court could facilitate a just and rapid settlement of such disputes.

Mr. Speaker, I believe that dealing with the world environmental issue in the manner I prescribe is a comprehensive, efficient, and reasonable plan of action. Those of us who feel a sense of urgency about the environmental threat anticipate a disappointing level of agreement to come out of Stockholm. Therefore, I urge the United States to join in organizing a coalition of environmentally concerned nations to lead the world in meeting the environmental crisis. We are the world's most advanced technological society. We consume a vastly disproportionate share of the world's resources and energy reserves. Frankly, we have probably been the world's major polluting nation.

Now, at last, we have begun to see what our development has done to our air, our waterways, and coastal waters. We have begun to act to curb this pollution.

But the world is one world; it is one ecology. If we stop our pollution, but others continue theirs, in time we here in the United States will be no better off.

Perhaps the greatest contribution our Nation—the richest Nation in the world—can make to the rest of the world in the coming decades is assistance in providing the controlled, environmentally sound technology which will end human misery around the earth without destroying this, our only world.

We must, therefore, make a stronger commitment to the U.N. conferences and the problems of the earth's environment.

HYPOCRISY ON RHODESIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. FRASER. Mr. Speaker, the hypocrisy mentioned in the headline of the New York Times June 7 editorial "Hypocrisy on Rhodesia" is the Nixon administration's. The White House's apparent failure to marshal support for Senator GALE MCGEE's effort to end U.S. violations of the U.N. sanctions against the racist Rhodesian regime seems to deserve the Times' severe judgment.

June 13 and 15, the House Foreign Affairs Subcommittee on International Organizations and Movements will look at the effectiveness of sanctions as an international enforcement tool. As the Times editorial points out, the United States is an international lawbreaker and by its actions contributes to U.N. ineffectiveness. Our subcommittee is not prejudging the administration's role in this process, but there is a prima facie case against the administration and the Times has presented that case very well.

The editorial follows:

HYPOCRISY ON RHODESIA

Forty Senators—only two-fifths of the membership but a slim majority of those present and voting—have dealt another blow against the credibility of the United States and the prospects for building an effective United Nations. On the spurious arguments of Senator Harry F. Byrd and others, they have voted in effect to require this country to continue to breach the sanctions invoked with American support by the U.N. Security Council against the white racist rulers of Rhodesia.

This makes the United States an international lawbreaker, an offender not only against a Security Council decision but against the U.N. Charter itself. Such an action will help propel the United Nations down the road to extinction taken by the League of Nations after its failure to halt Fascist Italy's aggression against Ethiopia in 1935.

The 40-to-36 vote, rejecting an effort by Senator McGee of Wyoming to return the United States to the side of international law, reflected racism, pique at the U.N. for ousting Taiwan, and clever lobbying by the Rhodesian regime as well as by Union Carbide Corporation and the Foote Mineral Company, both importers of Rhodesian chrome.

Most of all, however, the Senate behavior reflects a double game by the Nixon Administration. It tried to placate liberals, blacks, U.N. backers and African governments with a State Department letter supporting Mr. McGee while refusing the minimal White House initiative that would have brought him victory.

The letter to Mr. McGee from Acting Secretary of State John N. Irwin refuted all the arguments advanced by Mr. Byrd for breaking the sanctions to permit chrome imports: there is no shortage of chrome but 2.2 million tons of excess in the strategic stockpile; the Government hopes to sell off 1.3 million tons; the United States is not dependent on the Soviet Union for any of its chrome needs.

But especially in this Administration the lawmakers pay scant heed to the State Department; a White House follow-through was plainly required. Prior to the vote, Senator McGee telephoned Presidential assistant John D. Ehrlichman to report that six Senators in doubt on the issue had promised to support his amendment if asked to do so by the White House. But an Ehrlichman assistant later called back to say Mr. McGee could expect no further help in the matter.

After his amendment lost by four votes, Mr. McGee told the Senate of this exchange and warned of the high cost for America of a hypocritical stance on such matters of principle. "The time has come when the African nations no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs," he said. "Either we believe in their aspirations or we don't. Either we believe in the United Nations or we don't. We cannot have it both ways."

It would be comforting to be able to believe that these words had impact on forty Senators who had just voted to tarnish the honor of the United States for a supply of excess chrome and the preservation of white minority rule in Rhodesia.

PLOWSHARE PAYOFF?

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RONCALIO. Mr. Speaker, in yesterday's AEC debates the gentleman from California (Mr. HOSMER) and others, debated at length the role of oil shale vis-a-viz the nuclear blasting of gas wells to increase production.

By a pleasant coincidence this morning's Wall Street Journal carried an excellent article on the present status of the art of plowshare and its effect on oil shale.

I believe this will be of immense interest in view of the current energy posture of this Nation and I know my colleagues will want to read it in full:

"PLOWSHARE" PAYOFF?: THE NUCLEAR BLASTING OF GAS WELLS APPEARS NEAR COMMERCIAL USE

(By Herbert G. Lawson)

Residents of the resort community of Aspen, Colo., and 17 other nearby towns soon may have a singular (some will say dubious) distinction: They could be the first to heat their homes and cook with slightly radioactive gas produced by a nuclear underground blast.

This pioneering consumer role now is being discussed by companies that hope to conclude the first commercial contract for sale of gas produced under the Plowshare program. Plowshare is the joint industry-federal effort to harness nuclear explosives for peaceful purposes.

The contract, it has been learned, is being discussed by the sponsors of the second and most recent nuclear test to stimulate gas production, Austral Oil Co. and Colorado Interstate Corp. The prospective buyer is a small gas distributor, Rocky Mountain Natural Gas Co. The parties hope to bring a contract, or at least an informal agreement, to the Atomic Energy Commission and other federal agencies such as the Environmental Protection Agency in order to force hearings and rule-making. "This will be a test case to prove you can market such gas under reasonable regulation," says Miles Reynolds, vice president of Austral in Houston.

The manuevering under way on the gas contract is the most dramatic evidence to date that Plowshare's gas-stimulation plans are moving forward. Meanwhile, a third gas-well blast, a Colorado shot termed Rio Blanco that is far bigger than the earlier tests, could be detonated in December unless a legal challenge delays it. The first Plowshare tests, called Gasbuggy and Rulison, successfully released huge volumes of gas without dangerous accompanying radiation, the AEC and industry advocates claim.

"RUNNING SCARED"

The Plowshare program remains mired in controversy, however. "The AEC still is running awfully scared," says one industry source. Plans to use nuclear explosives for canal-building, excavation, carving of underground reservoirs and mining of everything from copper to shale oil have been quietly shelved or abandoned in recent years. Most companies say pressure from environmental critics and meager budgeting for Plowshare in the AEC are the chief problems.

But Plowshare's gas program, buoyed by an asserted nationwide gas shortage, has doggedly gone ahead, although at a slow pace. The AEC's Plowshare spending this fiscal year is only an estimated $6.9 million, down from $7.4 million last year. Next year, however, the Joint Committee on Atomic Energy is pushing to raise spending to $10.5 million, largely for gas projects.

The natural-gas program seeks to prove that nuclear explosions can safely and economically jar loose the gas trapped in relatively impermeable rock. Most of the gas is in remote areas of Colorado, Wyoming, Utah and New Mexico. The Interior Department has estimated that nuclear fracturing could recover 317 trillion cubic feet of gas now beyond reach with conventional techniques. That's more than all proved U.S. gas reserves and could provide the nation with gas for 15 years at present rates of consumption.

"EXCEEDINGLY HOPEFUL"

There's no provision now in AEC rules for the sale of gas released in Plowshare tests. Thus, the negotiations that could bring such gas to the Aspen area, though affecting only 12,000 residential, commercial and industrial customers, "would be a milestone, a trial case," says H. H. Aronson, vice president of CER Geonuclear Corp. of Las Vegas, project manager for the Rulison test that would supply the gas. CER Geonuclear, which specializes in industrial uses of nuclear explosives, is largely owned by Continental Oil Co. and EG&G Inc.

Rocky Mountain Natural Gas is optimistic it can win government and customer acceptance for the gas sale. "We are exceedingly hopeful that the program will develop to the point where permission will be granted by the AEC," says William A. Newton, chairman and president. "All data indicate the gas is safe and marketable." But he figures it will be a year or more before any AEC approval is forthcoming.

Many AEC scientists are convinced that gas from nuclear-stimulated wells can be provided to consumers nearly free of radioactivity. For one thing, they argue such gas would be diluted heavily with gas from conventional wells; also, they say a new thermonuclear device especially designed for gas wells produces far less radiation than previous devices that were actually off-the-shelf "bombs" from the AEC inventory.

The new nuclear device, tested last year and called "Miniata," leads AEC scientists to predict that a 90-kiloton blast would result now in less than 3,000 curies of residual tritium in the blast cavity. (Tritium, an isotope of hydrogen, is the most worrisome by-product of gas-well explosions; the tritium unites easily with gas or water and remains dangerous a long time, losing half its radioactivity only every 12 years. A curie is the amount of radiation emitted by one gram of radium.) The 3,000 curies compares with 10,000 curies from the far smaller Rulison blast. "With twice the (blast) yield, we can get less than one-third the tritium," says Richard Pastore, head of Plowshare's field operations for the AEC in Nevada.

IS THE RADIATION HARMFUL?

Researchers at the AEC's Lawrence Radiation Laboratory of the University of California calculate that, in a metropolis such as Los Angeles where Plowshare gas would be diluted and come from wells stimulated by the "clean" Miniata device, the average gas consumer would get only one-half of a millirem yearly of extra radiation. The millirem (one-thousandth of a rem) is a standard unit for measuring body exposure to radiation.

This dose is indeed small, though some scientists argue that any amount of radiation must be considered harmful and capable of causing cancer and other disorders. The one-half millirem compares with the three to five millirems received merely by flying coast-to-coast on a jet and the 50 millirems received from living in a brick or stone house (which is more radioactive than wood). The Federal Radiation Council has set 170 millirems yearly as the recommended maximum exposure from all sources for the general population.

Many environmental critics have shifted their attack from the alleged hazards of gas piped from nuclear wells to the alleged dangers of massive seismic shocks and groundwater contamination that might follow Plowshare explosions.

David Evans, a geological engineer at the Colorado School of Mines and spokesman for the Colorado Open Space Council, a private environmental group, criticizes the AEC's claims about the proposed Rio Blanco blast. The commission asserts that most radioactivity would be confined to rocks deep underground in the blast area. Mr. Evans notes that, in the Cannikin blast in Alaska recently, the AEC admitted ground water would enter the blast cavity and carry away radioactive particles. "It is hard to see how the same organization could have written the Rio Blanco statement," he testified at a hearing on Rio Blanco.

He insists that the dangers must be viewed in the context of the countless explosions that nuclear proponents are urging. The Rocky Mountain gas-field area, he notes, covers the underground circulating waters of the Upper Colorado river basin. "Who will inspect the tens of thousands of nuclear gas wells 20 to 50 years from now when the gas is produced and the wells are abandoned?" he asks. "When corroded casings begin to leak radioactive water, some time during the next 400 years, who will stop these poisonous springs? The answer is no one. Nothing man can do will keep the radioactivity out of the Colorado River."

CONCERN ABOUT SHOCKS

Ranchers and other residents near the proposed Rio Blanco test site are more concerned about the shock of the blast than about radiation. Rio Blanco, sponsored by CER Geonuclear and Equity Oil Co., would involve detonation of three 30-kiloton explosives simultaneously in a single well shaft. The devices would be placed at different levels roughly a mile below ground, creating three connected underground cavities.

After extensive hearings, AEC officials and industry proponents have concluded that the population near the sparsely settled Rio Blanco County site 52 miles north of Grand Junction is willing to accept the risks of the initial test. But development of the full field is another question.

"Most people here will go along with this first shot and then evaluate its effects," says rancher William Brennan, a county commissioner whose home on a 640-acre spread is only five miles from the proposed test well. "The biggest concern is over seismic effects. Everyone realizes there's going to be some."

While ground damage is likely to be limited (it totaled over $100,000 in claims paid after Rullson but is forecast at only $50,000 for Rio Blanco), critics of the Plowshare program say the gas industry has just begun to shake the earth. One rancher near the proposed test site, J. O. Welland, remarks, "I don't mind a single shot, but if they knock the house down 200 or 300 times, that gets kind of old."

Mr. Evans of the Colorado School of Mines visualizes over 13,000 nuclear wells, eventually, each using up to four or five "bombs" to liberate the total estimated reserves of 317 trillion cubic feet. This, he says, would require four blasts every working day for over 12 years. The alternative, he argues, would be a series of "nuclear stimulation days" when hundreds of blasts would be coordinated. "It would be a nightmare," he asserts.

ROLE OF OIL SHALE

The people who most vividly foresee such a nightmare aren't environmentalists but rather are the men who hope to mine the fabled shale-oil riches of the Rocky Mountain region. "Our biggest opponent," says Mr. Aronson of CER Geonuclear, "is the Oil Shale Corp.," or TOSCO.

TOSCO officials claim that tremors caused by Rio Blanco and subsequent blasts would damage tunnels and surface facilities, making it impossible to mine shale from which many companies hope to extract oil. The shale beds lie close to the surface and above the sandstone formations where natural gas is trapped. "We have conservatively calculated the value of the recoverable oil shale alone to be 100 times greater than the value of the gas which the Rio Blanco projects seeks to produce," says Louis H. Yardumian, TOSCO vice president. "When the associated minerals of nahcolite and dawsonite are included, the risk of damage is even larger."

"We're considering some legal action" to block the Rio Blanco test, says Mr. Yardumian, though no suit has been filed yet. He says TOSCO and its partners are on the verge of deciding whether to build the nation's first full-scale commercial plant to process oil from shale. It would be a 50,000-barrel-a-day facility that could be working by 1976.

AEC studies assert that the nuclear explosions wouldn't damage shale mines or interfere with shale-oil extraction. Some of TOSCO's partners take a middle position. Atlantic Richfield Co., a 30% partner with TOSCO and two other companies in the shale-oil venture, hasn't publicly opposed Rio Blanco. "I have a number of geophysicists available to me and, unfortunately, they don't agree as to the danger (from the nuclear blast) to the oil shale," says H. E. Bond, manager of synthetic crude and mineral operations for Atlantic Richfield.

OTHER RESEARCH

Meanwhile, research near Las Vegas at the AEC's test facility may be the key to rapid commercial development of nuclear explosives. Scientists there are working on Project Yacht, an effort to fire two or more nuclear devices in the same well but a few minutes apart. Such "sequential" firing is essential

if industry is to develop gas fields requiring hundreds of wells.

The reason involves the hazards of ground shock. An average well in the field might require 300 kilotons of explosives to exploit the gas around it. Fired all at once, such a blast could easily set up a damaging ground shock. But three devices of 100 kilotons each five minutes apart would set up three smaller ground shocks, each of which might be acceptable risks.

The problem is that protective casings and firing mechanisms to withstand the pressure of the sequential blast aren't available yet. But El Paso Natural Gas Co. and the AEC are so confident the technology can be developed that El Paso is planning a mighty 500-kiloton test shot in Sublette County, Wyo., called Project Wagon Wheel. It would use sequential firing of several devices.

DR. RICHARD M. CYERT NAMED PRESIDENT OF CARNEGIE-MELLON UNIVERSITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, the Carnegie-Mellon University of Pittsburgh recently appointed a new president. He is Dr. Richard M. Cyert, who currently is dean of the CMU Graduate School of Industrial Administration.

I would like to congratulate Dr. Cyert on his appointment and include in the RECORD at this time the news release from the university announcing his new post:

PITTSBURGH, PA., May 10, 1972.—Dr. Richard M. Cyert, internationally known economist and behavioral scientist, and currently dean of the Graduate School of Industrial Administration at Carnegie-Mellon University, has been named as sixth president of the Pittsburgh institution.

Dr. Cyert succeeds Dr. H. Guyford Stever, who left the CMU presidency on February 1 to assume new duties as director of the National Science Foundation.

The announcement of the appointment, which will become effective on July 1, was made by CMU board chairman Fred C. Foy after a specially convened meeting of the CMU Board of Trustees approved the selection last night.

In announcing Dr. Cyert's selection, Mr. Foy said, "Search committees representing the faculty, students, administration, alumni, and trustees were closely involved in a joint and correlated search process. A list of more than 100 names was considered carefully and narrowed to a small number, some from outside the campus, and some from within. As the search evolved, it became apparent that Dean Cyert, because of his demonstrated management expertise and scholarly achievements, his knowledge of Carnegie-Mellon, and his own personal aspirations for the continued growth in the already high quality of education, research, and community service present at Carnegie-Mellon, was the best person to head the University."

At the same time, Dr. Cyert and Mr. Foy announced that Mr. Foy, as board chairman, will devote time to assisting the president in such matters as he may request during the transitional period. Mr. Foy has been on the CMU Board since 1958 and was elected chairman last year. He is retired chairman of the board of Koppers Company, Inc.

Dean Cyert, 50, was born in Winona, Minnesota. He joined the CMU faculty in 1949 after having served on the faculties at the University of Minnesota and the City University of New York. The next CMU president received his B.S. degree from the University of Minnesota and his Ph.D. from Columbia University.

At Carnegie-Mellon, he was assistant professor of economics and industrial administration until 1955, associate professor and head of the department of industrial management until 1960, professor from 1960 to 1962, and has been dean of the Graduate School of Industrial Administration for the past ten years.

Dean Cyert has gained an international reputation in economics, behavioral science, and management. He currently serves as president of the Institute of Management Sciences, an international organization devoted to incorporating the techniques of science into the field of management. As a consultant to the Ford Foundation, he has played a major role in programs aimed at increasing international cooperation in management practices and business education, conducted with the U.S.S.R., countries of Western Europe, and Japan among others. He is scientific director for the European Institute for Advanced Studies in Management in Brussels, Belgium, and is on the advisory council of the International Institute of Management in West Berlin. Dean Cyert was instrumental in starting both schools. In 1970 he served as chairman of a committee of enquiry on graduate management education for the Australian government.

He is the co-author of four books and has contributed more than fifty articles in the fields of accounting, behavioral science, economics, and management to professional journals. In 1959–60, Dr. Cyert was the recipient of a Ford Foundation Faculty Research Fellowship. In 1967–68, he received a John Simon Guggenheim Memorial Foundation Fellowship. In that capacity he spent a year in England as a visiting fellow at Gonville and Caius College at Cambridge University and served as university lecturer in the department of economics.

The new Carnegie-Mellon president is a director of the Pittsburgh Branch of the Federal Reserve Bank of Cleveland, Gemini Computer Systems, Inc., and Koppers Company, Inc. He is a consultant to the Ford Foundation's Office for Higher Education and Research. Dr. Cyert serves as chairman of the Research Advisory Committee of the National Planning Association's study of national goals and is a member of the Research Advisory Committee of the Brookings Institution's study on government regulation. He is also a member of a committee formed recently by the American Institute of Certified Public Accountants to study and reformulate the objectives of financial statements.

Dr. Cyert holds memberships in the American Economic Association, the American Statistical Association, and the Econometric Society.

He is married to Margaret Shadick Cyert and the couple has three children, Lynn Cyert Aikin, Lucinda Carol, and Martha Sue. The Cyerts currently reside at 35 Chapel Ridge Road, Pittsburgh, 15238.

PRESIDENTIAL PRIMARY SYSTEM NEEDS OVERHAULING

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MURPHY of Illinois. Mr. Speaker, as we near the end of the presidential primary trail, a course we travel every 4 years, I believe it is important to analyze this cumbersome system with the hope it can be overhauled and made more responsive to the voters.

A great deal of time, money, and energy is expended during the individual State primaries with the result that some delegates attend party conventions committed while others are uncommitted.

This system tends only to confuse the selection process and at the same time is not a true picture of how the voters feel about a specific candidate.

It was recently pointed out by Mayor Richard Daley of Chicago that a system of regional primaries, held on the same day by both parties, would be a viable solution to the problem.

Mr. Daley added that convention delegates would be apportioned among the candidates according to the percentage of the vote they receive.

This, he said, would eliminate situations such as the California primary where a candidate received all 271 convention delegates although he received only 45 percent of the popular vote.

I think my colleagues would have to agree that a regional primary system would give candidates the opportunity to speak more on national issues so they in return could judge the voters' feelings about those issues.

As it is now, a candidate tends to speak on more localized items and while this may satisfy some voters, there are more extensive matters with which a President must concern himself.

I ask my colleagues to consider some of these comments and to also consider the possibility of changing the current primary system as soon as the opportunity presents itself.

CARNIVALS AGAINST DYSTROPHY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. WHALEN. Mr. Speaker, summertime is vacation time for schoolchildren throughout the Nation, a time for fun. But in my congressional district each summer, as in many American cities, children combine fun with a serious endeavor: raising money for the fight against muscular dystrophy by holding carnivals against dystrophy.

Last year, Dayton was among the 15 leading cities in raising money for the Muscular Dystrophy Association of America. Three hundred carnivals produced $7,700.

The children plan and conduct the carnivals themselves, expressing their concern for less fortunate youngsters through their fundraising efforts. The kids do it all—or almost all. One adult in the Dayton area has been integral to the success of the carnivals against dystrophy campaign—Malcolm MacLeod, the host of the "Clubhouse" program on WKEF–TV.

On his television show, Mr. MacLeod invites viewers to write for free carnival kits, and he encourages the children to participate. Each year the children respond with hundreds of carnivals against dystrophy.

The importance of Mr. MacLeod's promotion of the carnivals campaign is obvious: dollars are raised which are necessary to provide assistance to muscular dystrophy patients. However, the importance of Mr. MacLeod's work extends beyond the money raised for the battle against neuromuscular diseases. Children who watch Mr. MacLeod's "Clubhouse" program receive so much more than entertainment—they are encouraged to understand the problems of others, and to act on that concern by helping others. Mr. MacLeod is performing a public service for the Dayton area, and the citizens of the third district are justly proud of his work.

NATIONAL DEFENSE A PRIORITY

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. COLLIER. Mr. Speaker, during the last few years we have heard and read a great deal about reordering our priorities by cutting defense expenditures and diverting the savings to such items as health, education, welfare, housing, and transportation. I for one am certainly in favor of cutting defense expenditures whenever and wherever the reductions can be made without jeopardizing the independence and security of our country.

I must, however, part company with those of my colleagues in this body who want to earmark the savings for more and greater spending on welfare and related programs. It would be much better, in my opinion, to curtail unnecessary spending, reduce the national debt, and cut Federal taxes.

When it comes to reordering priorities, the most extremist position is the one advocated by the leading candidate of the right to oppose President Nixon in November. According to this aspirant for the Democratic nomination, $31 billion could be carved out of the Federal budget and reapportioned for other matters. He includes a billion dollars in allocations for supersonic transport and things like antiballistic missiles. Inasmuch as the SST was promoted primarly for civilian use, his total could be lowered somewhat, but the reductions he has proposed still total over $30 billion.

State and local governments and private individuals and organizations can do a much better job when it comes to spending money for hospitals, schools, homes, mass transit, et cetera. Those who advocate the intrusion of the National Government into practically every phase of our lives are the same ones who are constantly discovering new constitutional rights. I wish these people would occasionally read and study our Constitution instead of merely talking about it. It would also improve their minds if they would read the great governmental classic that was written by James Madison, Alexander Hamilton, and John Jay—"The Federalist."

Mr. Speaker, excerpts from three of the papers that make up this monumental work show that one of the principle reasons for establishing the Union of the 13 original States was to provide for the common defense. The arguments put forth for this priority by Hamilton and Madison are logical, coherent, consistent, and unanswerable.

The excerpts follow:

The principle purposes to be answered by Union are these—The common defence of the members—the preservation of the public peace as well against internal convulsions as external attacks—the regulation of commerce with other nations and between the States—the superintendence of our intercourse, political and commercial, with foreign countries.

The authorities essential to the care of the common defence are these—to raise armies—to build and equip fleets—to prescribe rules for the government of both—to direct their operations—to provide for their support. These powers ought to exist without limitation: *Because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent & variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils, which are appointed to preside over the common defence.

This is one of those truths, which to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot be made plained by argument or reasoning. It rests upon axioms as simple as they are universal. The *means* ought to be proportioned to the *end;* the persons, from whose agency the attainment of any *end* is expected, ought to possess the *means* by which it is to be attained.

Whether there ought to be a Federal Government intrusted with the care of the common defence, is a question in the first instance open to discussion; but the moment it is decided in the affirmative, it will follow, that the government ought to be clothed with all the powers requisite to the complete execution of its trust. And unless it can be shown, that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority, which is to provide for the defence and protection of the community, in any matter essential to its efficacy; that is, in any matter essential to the *formation, direction,* or *support* of the national forces.

* * * * * *

. . . The Union ought to be invested with full power to levy troops; to build and equip fleets; and to raise the revenues, which will be required for the formation and support of an army and navy, in the customary and ordinary modes practiced in other governments.

. . . Shall the Union be constituted the guardian of the common safety? Are fleets and armies and revenues necessary to this purpose? The government of the Union must be empowered to pass all laws, and to make all regulations which have relation to them. . . . (No. 23, by Alexander Hamilton.)

If . . . it should be resolved to extend the prohibition to the raising of armies in time of peace, the United States would then exhibit the most extraordinary spectacle, which the world has yet seen—that of a nation incapacitated by its constitution to prepare for defence, before it was actually invaded. As the ceremony of a formal denunciation of war has of late fallen into disuse, the presence of an enemy within our territories must be waited for as the legal warrant to the government to begin its levies of men for the protection of the State. We must receive the blow before we could even prepare to return it. All that kind of policy by which nations anticipate distant danger, and meet the gathering storm, must be abstained from, as contrary to the genuine maxims of a free government. We must expose our property and liberty to the mercy of foreign invaders, and invite them, by our weakness, to seize the naked and defenceless prey, because we are afraid that rulers, created by our choice—dependent on our will—might endanger that liberty, by an abuse of the means necessary to its preservation. No. 25, by Alexander Hamilton. (The word *denunciation* meant *anouncement* when *The Federalist* was written.)

The several powers conferred on the Government of the Union . . . may be reduced into different classes as they relate to the following different objects;—1. security against foreign danger—2. regulation of the intercourse with foreign nations—3. maintenance of harmony and proper intercourse among the States—4. certain miscellaneous objects of general utility—5. restraint of the States from certain injurious act—6. provisions for giving due efficacy to all these powers.

The powers falling within the first class, are those of declaring war, and granting letters of marque; of providing armies and fleets; of regulating and calling forth the militia; of levying and borrowing money.

Security against foreign danger is one of the primitive objects of civil society. It is an avowed and essential object of the American Union. The powers requisite for attaining it must be effectually confided to the federal councils.

Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous therefore to enter into a proof of the affirmative. The existing confederation establishes this power in the most ample form.

Is the power of raising armies, and equipping fleets necessary? This is involved in the foregoing power. It is involved in the power of self-defence.

But was it necessary to give an Indefinite Power of raising Troops, as well as providing fleets; and of maintaining both in Peace, as well as in War?

The answer indeed seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defence, be limited by those who cannot limit the force of offence? If a Federal Constitution could chain the ambition, or set bounds to the exertions of all other nations: then indeed might it prudently chain the discretion of its own Government, and set bounds to the exertions for its own safety.

How could a readiness for war in time of peace be safely prohibited, unless we could prohibit in like manner the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will in fact be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain; because it plants in the Constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions. If one nation maintains constantly a disciplined army ready for the service of ambition or revenge, it obliges the most pacific nations, who may be within

the reach of its enterprises, to take corresponding precautions. . . . (No. 41, by James Madison.)

(Emphasis in all three papers in originals.)

ATILLA THE TOURIST

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HAGAN. Mr. Speaker, now that the touring season is beginning to come into full summer flower, Americans who still regard some things, especially historical, as sacred, may well begin to cringe as acts of desecration begin to take place. Much has been said about the lack of regard for irreplaceable historical artifacts which are sometimes stolen or damaged by overzealous tourists, but the practice continues.

If, inded, these tourists did these things because of genuine love for historical things, that would be one thing, but usually these people could not care less about the real historical values and have heard somebody talk about the objects as being valuable and simply want their share of the spoils.

Providing guards at every important place is expensive, and even with guards atrocities continue, as was proved by the hammering of Michelangelo's Pieta recently in the Vatican.

Saddest aspect of all is the fact that in many instances parents either assist their children, or permit them, to disturb priceless mementos. As long as this continues there can be no end to these mentally warped indulgers.

The Savannah Press of May 30, 1972, comments helpfully on this problem in an editorial entitled "Atilla the Tourist", as follows:

ATILLA THE TOURIST

The strange species known as Tourist Americanus "may be less dangerous to the civilized world than Atilla, but not much."

The charge is made by author John Keats, writing in Travel & Leisure magazine. In an article called "The Great American Vandal," he ticks off a list of tourist crimes committed by Americans. The samples include:

Partial destruction of the new John F. Kennedy Center for the Performing Arts shortly after its opening in the nation's capital, where tourists dismantled the chandeliers, pried the faucets off bathroom basins, stole the silverware from the restaurants, paintings from the walls and cut swatches out of carpet and draperies for souvenirs and in all did some $1.5 million worth of damage.

The irretrievable loss of several geysers and the Morning Glory Pool in Yellowstone Park because tourists could not resist the temptation to clog the vents with coins, stones and logs.

Graffiti at the Grand Canyon, where one ranger caught a family spraying their names on the rocks and was told, "We thought this was what everybody did. The rocks are for everybody, aren't they?"

In addition to our national parks, our historic sites and museums are particular targets of our touring barbarians, which accounts, says Keats, "for the fact that so much of our heritage is behind velvet ropes and iron bars or in glass cases and is only seen through a screen of uniformed guards."

It is bad enough that American tourists "foul their own nests," he says. "But worse, thanks to the creation of cheap jet travel, that our affluent barbarians now commit their nuisances on a worldwide scale."

He admits that American tourists are not the only ones who can be indicted: "The German yields to no one when it comes to oafishness, nor is the Belgian far behind."

The British Lord Elgin, it will be remembered, sent home whole shiploads of marbles which once adorned the Acropolis in Athens.

But Americans are the worst of all, claims Keats, if only because there are so many of them.

FOREST HILLS RALLY FOR SOVIET JEWRY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ADDABBO. Mr. Speaker, on a warm Sunday afternoon more than 5,000 people gathered in Forest Hills tennis stadium to express their support for Soviet Jews. This outpouring of sympathy for the plight of Soviet Jews was a great tribute to the bond we in the United States should feel for oppressed people in other nations.

The June 4, 1972, rally was sponsored by the National Council of Young Israel and its purpose was to raise approximately $100,000 to help those Soviet Jews who are able to emigrate to Israel. The funds will be used for religious and spiritual aid for refugees, to purchase prayer books and to support religious schools and houses of worship in Israel.

Mr. Speaker, the rally was entitled the "Miracle of Return" and spotlighted the refusal of the Soviet Government to recognize the basic international human right of emigration. There can be no freedom without the freedom to leave or move and that is the tragedy of the oppression of the Soviet Jews.

I am pleased to place in the RECORD at this point the program of the Miracle of Return Rally in Forest Hills and to commend the more than 5,000 persons who took part in that impressive expression of support for Soviet Jews:

MIRACLE OF RETURN—TO SUPPORT THE RELIGIOUS NEEDS OF OUR RUSSIAN BRETHREN

Sponsored by National Council of Young Israel.

Nash Kestenbaum, *President;* Rabbi Ephraim Sturn, *Exec. Vice Pres.*

Endorsed by U.O.J.C., R.C.A., SSSJ, Center for Russian Jewry.

YOUNG ISRAEL

ISRAEL PROJECTS COMMITTEE

Rabbi Marvin Luban, Chairman.

SOVIET JEWRY COMMITTEE

Dr. Moshe Tendler, Dr. Samuel Korman, Co-Chairmen.

MIRACLE OF RETURN COMMITTEE

Alex Friedman, Chairman.
Heshie Baron, Assoc. Chairman.
Rabbi Zevulun Charlop, Program Chairman.
Gil Polinsky, Legal Chairman.
Herman Klein, Publicity Chairman.
David Lewin, Ticket Chairman.
Herbert Willig, Coordinator, Yershiva participation.
David Wachtel, Pre-Collegiate Chairman.
Alan J. Gerber, Collegiate Chairman.
David Willig, Public Relations.
Alan A. Manheim, Administrative Coordinator.
The Star Spangled Banner, Hatikvah.
Rabbi Yaakov Pollak, M.C.
Rabbi Marvin Luban.
Message from Gadol Hador, Rav Moshe Feinstein by Dr. Moshe Tendler.
Ciel Zemer Associates.
Rabbi Aaron Soloveitchik.
Rabbi Steven Riskin.
Professor Ishai Branover.
Cantor Sherwood Goffin.
Nash Kestenbaum.
Hon. Menachem Begin, M.K.
Jo Amar.
Or Hakesef Band.

PETROLEUM: THE MOST POLITICAL OF ALL COMMODITIES

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPINALL. Mr. Speaker, Under Secretary of State John Irwin warned the House Interior and Insular Affairs Committee that petroleum "is the most political of all commodities." The recent Iraqi takeover of a major Western oil company underlines the importance of his warning.

The following articles from the Washington Post and the New York Times summarize current developments in the Middle East and the implications of these events for the United States. As Mr. Victor Zorza writes in his perceptive column:

In a world in which the importance of nuclear and military power is going to be greatly reduced, as it is almost certain to be by the middle 80's, the balance of power is going to be measured in economic terms. The physical and the commercial control of the oil supplies will come to constitute the greatest source of power.

The articles follow:

[From the New York Times, June 6, 1972]

OIL POWER REVERSED SINCE 1967 WAR

(By William D. Smith)

The six-day Arab-Israeli War, which began five years ago yesterday, set in motion forces that have sharply changed the international oil industry.

The changes are still occurring, as last week's nationalization of the Western-owned oil consortium by Iraqi's Government shows. In the last five years the oil industry has lost some of its physical strength as well as emotional drive.

The most significant change has been a swing in the balance of power from the industralized nations to the oil-producing states.

In 1967 the Arabs accused most of the Western nations of siding with Israel. During the war the Arab nations cut off supplies to Western oil companies. They quickly decided that this was counter-productive because the Arab cause needed money at least as much as the industrialized countries needed oil.

SUEZ CANAL CLOSED

Nonetheless, there remained a substantial residue of ill will toward the Western companies.

The war closed the Suez Canal, tightening the world's oil supply lines. Europe began counting more and more on Libya, just across the Mediterranean in North Africa, which now supplies almost 40 per cent of its oil.

A break in the Trans-Arabian pipelines in Syria further tightened oil supply lines, and the cost of tankers to carry oil rose sharply.

In the meantime, a 29-year-old militant Colonel, Muammar el-Qaddafi, had overthrown the monarchy in Libya.

He used the situation to ask for higher payments for Libyan oil, now vitally important to Europe. The oil companies initially responded with an offer he said was insulting. The revolutionary demanded sharply higher posted prices and tax payments.

The oil executives looked at the world supply situation and suddenly realized they were holding a weak hand. Colonel Qaddafi was just as surprised to discover that he, not the Western companies, held the trumps.

BIG GAINS ACHIEVED

The Libyans obtained a sharp increase in the posted price as well as an increase in the tax rate to 55 per cent from 50 per cent.

These gains did not go unnoticed by other oil-producing nations. Within months the other 10 members of the Organization of Petroleum Exporting Countries had negotiated similar agreements.

The oil companies, even though they banded together to face the O.P.E.C. demands, submitted almost entirely to the demands of the producing nations. The once powerful international oil industry was virtually helpless in the face of what amounted to a cartel of oil-producing nations.

"The oil trade became a seller's market for the first time in its modern peacetime history." Prof. Henry Adelman of M.I.T. commented.

FINANCIAL POWER

The price increase will amount to almost $10 billion for the oil-producing nations by 1975, when the present agreements were scheduled to run out. This money gives the producing nations considerable financial power, which is likely to increase as the years go by.

The contracts failed to survive one year. The O.P.E.C. demanded compensation for the devaluation of the dollar. It also called for 20 per cent participation by the producing nations in existing concessions.

[From the Washington Post, June 7, 1972]

SOVIET OIL MOVES THREATEN WEST

(By Victor Zorza)

The Kremlin's control of the life-lines that supply oil to the West, so often raised in the past as a remote specter, has once again become an issue.

The seizure of the western-owned Iraq Petroleum Company (IPC) by the government of Iraq may not be of great importance by itself. But if it shows to other Middle East governments that nationalization works, as the Kremlin has been telling them it does, the seizure of the IPC could change the balance of world power as effectively as some of the more spectacular achievements of summitry.

The encouragement given by the Soviet Union to Iraq is not in doubt. The question is whether the Russians, who have their own lupe of fields, can help the Arabs get rid of their own oil. It used to be said that "the Arabs cannot drink it," and that they therefore had to accept the arrangements dictated by Western oil companies. Nor can the Russians drink it. But their own need for oil is rising rapidly, and so is the cost of production in inaccessible Siberian regions.

By 1980 the Soviet Union, which is now increasing its output by about 30 million tons a year, may be about 100 million tons short. The Russians are not the only ones who have to look ahead. The United States, which has relied largely on its own oil in the past, may have to import half of it by 1980–85. Moscow Radio says pointedly that up to a third of this "will be carried from the Middle East to the United States—but the scale of the national liberation movement of the peoples of Asia and the Middle East is inflicting blows on the predatory plans of the American monopolists."

The implied threat has not been ignored in Washington. Already, the Navy is using it as an argument for a "new" role for the U.S. fleet. Adm. Elmo R. Zumwalt, chief of naval operations, has asked for more money this year than either the Air Force or the Army. He says that he needs it to build the ships to protect the 1,000 tankers that will be transporting oil to the United States by the mid-80s.

"The potential for coercion of the U.S., with or without allies, inherent in this situation, is ominous," Zumwalt says. Washington officials also argue for an increased U.S. presence in the Indian Ocean in order to be able to protect the flow of oil to Japan and other U.S. allies in Asia.

The Soviet press discusses the Middle East's stranglehold on the West in articles which point out that, without oil, economic life would come to a stop. Oil and oil products, it says, account for more than half of world trade in physical volume, and tankers already make up a third of the tonnage of world merchant shipping. Without oil, "all the arms accumulated by the motorized armies of NATO would be reduced to heaps of rusting metal."

What the Russians are saying to the Arabs is that those who control the supply of oil can also control the policies of the West. In urging the nationalization of the oil industries, the Russians are suggesting that the Arabs should use it as a weapon against the West for its support of Israel. They are also telling the Arabs that the West is not entitled to the huge profits it is making from Arab oil.

What is emerging more and more clearly is that the Russians would like a share in these profits. They see no reason why the West should have a monopoly of Middle Eastern oil. In a world in which the importance of nuclear and military power is going to be greatly reduced, as it is almost certain to be by the middle 80's, the balance of power is going to be measured in economic terms. The physical and the commercial control of the oil supplies will come to constitute the greatest source of power.

If the Kremlin can induce the Arabs to push the Western oil companies out of the Middle East, and to call in the Russians to redress the balance, it will have achieved more than it can do through military penetration. This is precisely what it is doing in Iraq, where it has already taken over some of the functions performed by Western companies. The nationalization of the IPC could be the thin end of the wedge.

EIGHTY-EIGHT FOURTH GRADERS PLEA FOR PEACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MIKVA. Mr. Speaker, more and more people are expressing their deep concern about the President's continuing policy of escalating the level of American involvement in Southeast Asia, most recently by mining Haiphong Harbor.

The American people have turned against the war. They elected the Rresident on his pledge to bring peace to the American and Vietnamese people. Yet Mr. Nixon continues to pursue a policy of war, not peace.

In an effort to express their opposition to the mining of Haiphong Harbor and their fear over the consequences of such actions, three 9-year-old children in my congressional district—Rebecca Singer, Naomi Tzor, and Linda Hiniker—organized a petition drive among their fellow fourth graders. Their petition reads as follows:

We think Nixon should not mine Haiphong. If it is not stopped it might cause a world crisis.

Eighty-eight other children who share their convictions joined them in signing this petition.

Mr. Speaker, when a policy is so wrong that it brings fear to the hearts of our children, then that policy must be repudiated. I hope and pray that the President will listen to the words of our children, words informed by the purity of their hearts.

SERVICE, EMPLOYMENT, REDEVELOPMENT

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DE LA GARZA. Mr. Speaker, one of our greatest natural resources is the potential of the Nation's untrained manpower and womanpower.

Ever since I came to Congress in 1965, I have been working to develop this potential, particularly among the Spanish-speaking populations of approximately 11 million. I have worked with two outstanding Texas-based organizations, the American GI Forum and the League of United Latin American Organizations, on a program to make the fullest possible use of our manpower resources.

This program is designated as SER.

SER is both an acronym and a Spanish word of great significance. The acronym stands for service, employment, redevelopment. The meaning of the Spanish word is "to be"—and that precisely expresses the aspirations and hopes and ambitions of America's second largest minority. They want to be better.

Fortunately, at the time we embarked on this program, President Lyndon B. Johnson was in the White House. He had a great understanding of the problems of the Spanish-speaking population. As a very young school teacher he had come in close contact with the Mexican-American youngsters of Texas. As a Member of this House and as a U.S. Senator, he worked hard for their interests. As President of the United States, he gave his personal approval to efforts to upgrade the provisions in the Government of this important minority. He instructed the Federal departments and agencies to hire more people from this group and to give them training for better jobs. President Johnson gave his personal approval to SER.

In my own south Texas area where we have many first, second, and third generation citizens whose origins were in the neighboring country of Mexico, we are seeing the fine results of the programs that have been developed in recent years.

Operation SER is giving direct service to people who need it most. The training they receive is qualifying them for better jobs and for more meaningful lives as Americans. Significantly, these job placements, almost without exception, are in semiskilled, skilled, or highly skilled occupations. The people involved are getting the kinds of jobs they want and for which their training has qualified them. Those who head SER are able.

conscientious, capable leaders of their own.

Local employers in my area, and elsewhere in the United States, are extending magnificent support to the program. They understand the value of having highly motivated employees, people who do not shy away from work ethic which made this Nation great and which, sad to say, is now held up to scorn in some quarters.

Mr. Speaker, whatever manpower legislation may be enacted during this session of Congress should and must take full cognizant of the SER program and its basic premise that a person who wants help to better himself has a right to expect that help. SER has a place, and an important place, in any manpower training program. It is my privilege to commend it to the attention of this august body as an organization which needs our support. To be self sufficient is every American's right and we in this House can rightly help this important segment of our Nation to achieve that goal.

GRASS IS THE BACKBONE OF BEEF OPERATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HUNGATE. Mr. Speaker, to those who may think that making money in the cattle business simply involves buying cattle, waiting for them to grow and telling the buyers to bring a check, the following article on the skills and management involved in successful cattle operations will be of interest.

[From the Missouri Ruralist, May 13, 1972]

GRASS IS THE BACKBONE OF BEEF OPERATION

(By Larry Harper)

"Yearling country" is the term Bill Sidwell uses to describe grasslands in the Green Hills area of Schuyler County in extreme North Central Missouri.

Sidwell, who now serves as president of the Missouri Cattlemen's Association, has fitted his beef operation to the environment. He runs yearlings, but not in the traditional sense. His beef herd consists of young heifers grown out and bred for sale as replacement stock.

In Sidwell's area, around Queen City, the land varies from gently rolling prairie to steep brush-covered hills. Winter temperatures and snowfall often are the most severe recorded in the state. These two factors combined make yearling cattle a more practical enterprise. Cattle can be grazed in the hills during warm months, gathered and brought closer to home for winter feeding. With a yearling operation there is no problem with calving in the brush or moving young calves in hot weather. Yearlings, including replacement heifers, can be fed in closer quarters during extremely cold and wet months.

The decision to specialize in heifer replacements is perhaps a refinement of the "thinking" Sidwell has had since he began ranching after World War II. He always has been specialized. While most producers in his area had diversified farms Sidwell stayed with cattle. Before switching to a heifer operation four years ago he had a cow herd. For several years he managed a large cow herd for the Oppenheimer Corporation, plus some of his own. His heifers now are grown out on the 1,500-acre home ranch, which is mostly open land, plus about 4,000 acres of rough hill land which is leased.

While specializing in heifers, Sidwell has some built-in flexibility. He has three ways to go with heifers. Depending on market conditions or other factors, the heifers can be sold in August as feeder cattle. By December they will be ready for the bred heifer market. A third alternative is holding the heifers and calving them out.

Young heifers weighing around 500 pounds are bought during the fall and winter. Sidwell buys the stock himself, and "buys the best calves that walk in the ring." Most of the calves comes from the Nebraska Sandhills, and all are Horned Herefords.

When the heifers arrive at the Sidwell ranch they are branded, dehorned, vaccinated for lepto, blackleg and wormed.

During the winter they receive a ration of whole corn and supplement that keeps them gaining at 1½ to 2 pounds a day. By spring they are in the "right" condition to go on grass which Sidwell says is the "backbone" of his operation. He aims for the cheapest gains without getting the heifers too fat. For this reason cattle are not fed on grass because they tend to stand around the feed bunks instead of utilizing the forage.

By the first of May the heifers go into the hill pastures where they run with Angus bulls during the summer. Sidwell uses yearling and two-year-old Angus bulls because they are the right size and weight for breeding heifers. And he watches his bull power closely. Yearling bulls are used at the rate of 18 heifers per bull, while two-year-old bulls may run with 22 to 24 heifers.

It is in this area of management that Sidwell believes many ranchers run into problems. They don't have enough bull power. He says most farmers carry a spare tire for their car, but won't invest in a spare bull. Even for small operations he suggests keeping a young bull for emergencies.

Another reason Sidwell leans toward heifers is plain economics. He can carry three heifers to one cow-calf pair. Because grass is his "backbone" he allows five acres per animal. With a heifer operation, he doesn't want to run short of grass during July and August when heifers are in the peak breeding season.

These summer months also call for careful attention to facefly control. Cattle are sprayed before they go on summer pasture, and those that can be gathered in a "trap" are sprayed once during the summer. All cattle are sprayed again after the fall gathering. Also, cattle have access to high phosphorous mineral with Vitamin A, and backrubbers are scattered around the pastures.

Presently Sidwell is growing out 700 heifers. He has found a ready market for bred heifers, especially among Iowa farmers looking for cattle as a supplemental enterprise.

Bill Sidwell of Queen City, in Schuyler County in my congressional district, the president of the Missouri Cattlemen's Association, has considerable experience in this field, and is a leader in seeing that America has a sufficient supply of good beef.

BOOK ON BLACK PROBLEMS IN INDUSTRY HAILED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. FAUNTROY. Mr. Speaker, a new book has come to my attention which gives practical and constructive insights into healing the racial split that separates Americans from each other. This book, entitled "Blacks in the Industrial World, Issues for the Manager," co-authored by Theodore V. Purcell and Gerald F. Cavanagh, examines one of our major social problems, the employment situation for blacks at all levels of industry.

The essential idea behind this valuable work is the concept of corporate social responsibility. Business managers are being asked to hire black workers, not for the sake of more efficient business operations—although that may be the ultimate result—but as a deliberate effort to change the forces that are dividing the country along racial lines. This new concern has led to the identity crisis of the corporation and a new rhetoric of "corporate social responsibility." The book attempts to advance the understanding of corporate social responsibility not so much by theorizing as by exploring the application of this responsibility to minority manpower policies and practices.

"Blacks in the Industrial World" is most interesting and informative reading as well as an important commentary on the hopes and problems of the black blue-collar worker.

WOBURN STUDENTS SUGGEST CONSTITUTIONAL AMENDMENT

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, all of us get petitions and all of us receive correspondence from young people in our districts. However, last month I was sent a petition signed by 168 young people who are students at Joyce Junior High School in Woburn, Mass. This was a special piece of correspondence for it was obviously the result of much effort and hard work on the part of these students.

They were petitioning me as their elected representative to remedy what they felt to be an inequity in the United States Constitution. They referred to article II, section I, clause 5 which reads in part:

No person except a natural born Citizen, or a Citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President. . . .

The concern which they voiced in their letter to me was that this provision prevents a naturalized citizen, who has all the other privileges of a natural born citizen, from running for President.

A check of the judicial and legislative history of this provision shows that it has been construed strictly to mean literally what it says and that it does seem to preclude a naturalized citizen from holding the Office of President of the United States.

I would point out to my colleagues that no similar prohibition exists with regard to the offices of Representative or Senator. Thus, naturalized citizens, being barred from the Office of President, are declared to be less than natural or native born citizens, and are denied the privilege of serving their adopted country in the highest office it holds open to native born citizens.

To demonstrate the extent of this injustice, it is helpful to look at the number of naturalized citizens who live in the United States. While the 1970 census statistics are not yet final, the Immigration and Naturalization Office of the Justice Department has supplied me with some of the figures.

Since 1907 there have been over 8.8 million persons who have become naturalized citizens. Of these, nearly two million were naturalized within the past decade. In the last 2 years alone, 219,000 persons have been naturalized.

I feel that the students of Joyce Junior High School, in their studies of the Constitution, have uncovered a real inequity, and I hope that it can be changed. We should not allow artificial barriers to make naturalized citizenship in any way second-class citizenship. And we should not prevent a naturalized American from holding the Office of President and serving his country if he is the choice of the majority of citizens in the United States.

Consequently, I am today introducing a resolution which calls for an amendment to the Constitution and which would allow an individual who has become a naturalized citizen to be eligible for the Office of President if he has been both a citizen of and resident in the United States for 12 years.

I hope that the Congress and the necessary three-fourths of the States will take action on this measure, and I thank the students at Joyce Junior High School for their concern and for helping to bring this matter to the attention of the Congress.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a United States' citizen for at least twelve years and a resident within the United States for fourteen years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"Article —

"A citizen of the United States shall not be ineligible to the Office of President by reason of not being native born if he has been a United States' citizen for at least twelve years on the date of election for such Office and if he has been fourteen years a resident within the United States on such date."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SECRETARY RICHARDSON'S REMARKS ON THE HIGHER EDUCATION CONFERENCE REPORT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. DELLENBACK. Mr. Speaker, as of this time the White House has not commented publicly on the conference report to S. 659, the Education Amendments of 1972. I personally feel that the President can take credit for many of the substantive provisions in this bill. President Nixon proposed some of the provisions and the administration has endorsed several others. Last Friday the Secretary of Health, Education, and Welfare, Elliot Richardson, spoke for the independent colleges of southern California in Los Angeles. He spoke in part as follows:

As I speak to you today, the Congress is in the final stages of deliberating major new legislation for higher education that would have an historic impact on the roles our colleges and universities will play in the last critical years of the 20th Century.

Passage of this legislation would provide an affirmative answer to one vital question: Can the Federal government contribute significantly to helping our institutions of higher learning become more effective and more responsive, without at the same time imposing unwarranted Federal control over the higher education process?

The bill passed by the Senate and now before the House is—and let there be no doubt about it—a major achievement. It is legislation which, in the finest traditions of American politics, members of both parties worked very hard to produce. Anyone involved in the two-year effort it took to get this legislation to its present stage learned something about the flexibility, the tolerance, the root strength of our legislative process.

The Secretary did raise some personal reservations about the busing amendments, explaining his feeling that the conference report falls short of the goals of the President's proposed Equal Educational Opportunities Act

Of course, Mr. Speaker, the conference committee, of which I was a member, did not have before it the provisions of the President's most recent proposals on busing and, therefore, could not include them in the conference report.

But the Secretary continued in his speech to comment positively about the educational provisions of the conference report. The following is a further excerpt from his speech:

But, these reservations aside, I believe the legislation is truly a landmark in the history of higher education—and this Administration would welcome ultimate enactment of the higher education provisions. We must not fail to take this first, necessary step toward a new Federal role in aiding American higher education to prepare for a new age.

The bill embodies the heart of President Nixon's higher education initiatives, including his proposals for aiding students and institutions; his call for a National Institute of Education; his request for authority to fund innovation and reform in post-secondary education; his plans to create a secondary market for student loan paper, and to provide mortgage insurance for private college construction; and the President's proposed ban on discrimination against women in higher education.

The bill, in essence, would broaden access to higher education for every young man and woman in this nation; it would establish a workable framework for encouraging institutional self-study and reform; and it would, for the first time in history, provide institutional support to our colleges and universities.

Passage of this legislation would mean Congressional acceptance of the principle, enunciated by President Nixon, that opportunities for higher education shall be extended to all young people regardless of their financial position. As the President said, in his 1970 Higher Education Message to the Congress:

"No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now."

To meet that goal, the bill would authorize a new basic educational opportunity grant program providing substantially increased benefits to students from families with annual incomes of up to $12,000. This new aid would be in addition to all existing student aid programs in effect providing a new minimum floor of benefits to students whose families cannot afford to send them to college.

For the first time, a financially disadvantaged student would be able to determine clearly what kind and how much aid would be available. The new grant would be equal to $1,400 a year, minus what his family reasonably could be expected to contribute—and would relate to the on-going grants, loan and work-study programs already on the books.

Obviously, this has many implications for private institutions. Such a student aid concept would improve opportunities for students to attend colleges of their choice—and thus widen access to a diversity of educational offerings.

The bill also would create a secondary market for student loans, thereby substantially increasing the availability of low-interest, guaranteed funds for students entering college. This program would particularly ease the burdens of middle-income students enrolled in the private colleges.

State legislatures and higher education boards and councils will play an important role in the application of this new legislation which, in essence, will work as major incentives to help higher education become self-sufficient. The bill contains a new program of Federal incentive grants to encourage the States to put more money into State scholarship programs—programs like those your organization has so strongly supported—and programs which have traditionally provided a means for students to attend the private college of their choice.

In addition, the bill would provide a new program of Federal insurance for private college expansion to help these institutions prepare for anticipated enrollment increases. This provision should have the effect of significantly lowering interest rates on construction loans, and make these loans much easier to maintain.

The institutional aid provisions of the legislation comply with four guidelines set forth by the Administration. First, additional aid would be related to the effort institutions themselves are making to fulfill

recognized national goals—such as equalizing opportunity, stimulating reform and innovation, and sponsoring research.

Second, additional aid would most benefit those institutions and categories of institutions experiencing the greatest financial distress.

Third, additional aid would *not* produce major reallocations of responsibility among the supporters of higher education—the Federal government, other levels of government, and private donors.

And fourth, the additional aid would *not* impose upon institutions a uniform Federal bias as to how higher education should be provided. It would not, in short, impose unwarranted Federal controls over the higher education process.

The concept of the Federal government granting unearmarked funds to institutions means simply this: If the government is to encourage more students to go to college by expanding its aid to students, it must help these institutions meet the additional costs related to greater enrollment—and help institutions meet the costs of additional special programs geared to meet the needs of students coming in from disadvantaged backgrounds.

In a broader sense, direct institutional aid would help institutions of higher learning become more responsive to the existing and developing needs of the public it serves.

Related to this latter goal is the emphasis the bill places on education research as well as reform and innovation in higher education.

It would, for example, create a National Institute of Education, to be modeled along lines of the National Institutes of Health, the world's pre-eminent biomedical research center.

The purpose of the NIE, as set forth by President Nixon, "would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal."

Operating across the entire spectrum of our educational system, from kindergarten through graduate school, the Institute would concern itself with providing a research base for restructuring and improving the system for greater effectiveness: It would serve as a vital resource in the search for new ways to increase access to education; to broaden the age range of learning; to increse the relevance of learning; to design learning programs tailored to the specific needs of individuals; and to increase the range of resources available for learning.

The Administration's emphasis on reform and innovation also is carried out by language in the legislation authorizing the HEW Secretary to make grants to improve postsecondary education. This language would provide the Department with essentially the same authority to promote reform and innovation as the Administration had proposed for a National Foundation for Higher Education. And since private colleges traditionally have been the leaders in promoting higher education reform, I feel certain they would be major beneficiaries of this new program.

In large measure, this legislation attests to this Administration's belief that the best way to assure that higher education will respond to the developing needs of the public is to provide the means directly to higher education institutions themselves.

As I reflect on this legislation—and on its potential impact on higher education—it seems to me our feelings, in the event it is passed, should be not unlike those of a senior attending his college commencement.

The first thing to be done is to celebrate the achievement of what already has been accomplished. And graduating a bill from this Congress—let alone *this* bill—would indeed be cause for celebration.

MIRACLES COST MONEY—POWER IS A MIRACLE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HALL. Mr. Speaker, serious problems face this Nation with the increasing demand for electrical power. All across the country more and more homes and businesses depend on the energy generated by electrical powerplants to run the innumerable machines and appliances now regarded as necessities by industry and consumer alike. However, the miracle of electricity involves costs.

Joseph W. Rittenhouse, group vice president for electrical products of the Joslyn Manufacturing and Supply Co., is a competent and forceful spokesman for the power industry. My lifelong friend, Mr. Rittenhouse recently spoke before an engineering foundation conference and outlined the costs to the Nation for increased power production to meet the expanding use of electricity. Rittenhouse believes that the costs to the United States in producing more electrical power may involve more pollution and more expenditures. In order to better inform the public and the Congress of the possible costs to the Nation of increased power production, I insert the following speech on this important subject in the RECORD:

MIRACLES COST MONEY—POWER IS A MIRACLE

(By Joseph W. Rittenhouse)

I'm sorry that I wasn't around when the first commercial installation of a power generator was accomplished nearly 90 years ago.

I wish I had been. I would have witnessed the birth of a miracle, a miracle that has spawned the greatest society in all of history, the American Way of Life.

Wouldn't you think that we would treat a 90 year old miracle with some respect? Wouldn't you think that we would recognize with appropriate accolades the amazing accomplishments of this industry?

At first I think we did, but the blush was barely off the first kilowatt hour before we began to demand more. The industry had to work like a Trojan to keep up with the demands. And the demands were directly related to the creature comforts of our people. By 1968, their residential needs had reached the fantastic levels shown in Table I:

TABLE I: *Residential electrical appliances found in American homes—1968*

Type of appliance:	*Percent of homes containing appliances*
Refrigerators	99.7
Radios	99.5
Black and White Television	98.1
Washing Machines	94.3
Vacuum Cleaners	92.1
Coffeemakers	79.6
Electric Ranges	47.0
Electric Blankets	42.3
Room Air Conditioners	36.7
Clothes Dryers	34.6
Freezers	27.2
Color Television	26.2
Water Heaters	26.1
Dishwashers	18.1
Food Waste Disposers	18.0

As a future bench mark for comparison with 1968 it has been estimated that by 1980, 85% of all residences will be fully air conditioned. This will not come about because some nasty, conniving, scheming capitalistic, profit monger will cram it down the throats of a reluctant populace. It will come in direct response to the demands of you the people.

Epitomizing the insatiability of our thirst for the good life is the fact that mankind has consumed more energy in the past 30 years than in all of history before 1940. In the next 30 years, he will use far more than between 1940 and 1970.

More relevant to today's meeting is the fact that with only 6% of the world's population, we in the United States consume 32% of the total world's energy production.

It is a direct result of the unrelenting demands of a power-hungry society that our industry has swelled from a single generator 89 years ago to what may well be our largest producer of jobs, payer of taxes, investor of capital and server of the nation. Table II reveals a few of the facts for 1969 and 1970.

Table II: Electric utility contributions to our economy

1969

Investor owned utilities payroll, $2.5 billion.

Investor owned utilities employees, 372,500.

Investor owned utilities investment in plant and equipment, $94 billion.

Total utility industry number of generating plants, 3,490.

1970

Investor owned utility annual investments in plant (this is 12.5% of total for all of American industry) $10 billion.

Investor owned utility tax bill (this is 19¢ out of each revenue dollar), $3.51 billion.

Total energy delivered, 1.5 trillion KWH.

The raw statistics are, of themselves, most impressive. They assume an even more magnificent dimension when it is added that a kilowatt hour which cost about 2.09¢ in 1970 would have cost 11.2¢ in 1906 when Edison was shocking the world with the first trickle of the miracle that was to follow.

This accomplishment of more energy for less cost may well be history's most outstanding bootstrap operation; a miracle of self-improvement through technological advance. In no country in the world has the service of the electric utility matched the service in these United States.

With residential usage of electricity expected to more than quadruple between 1960 and 1965, and with industrial usage expected to double within the next decade, it has been projected that about $350 billion will be required to finance new plants and equipment between now and 1990. Approximately one million megawatts of new capacity must be installed.

While these figures may seem astronomical, they are the price of progress, and unless you want to advocate retrogression through stagnation somebody is going to have to pay.

Contrary to the apparent view of many "do-gooders", there is no bottomless pit of diamonds and rubies down in Washington into which we can repeatedly dip to finance every crackpot idea that might glean a few votes. The American Way has always been, and God grant that it shall always be, that real progress is financed from return on investment, and the beneficiary pays.

The user of the electricity is the beneficiary; so in the greatest American tradition, either he must pay or the benefits must cease or never become available.

With existing technology there is no way to meet the growing demands of an electric energy hungry society without some pollution, and the irresponsible headline seeker who screams that anyone who pollutes must pay for pollution control would be well advised to consider carefully his logic.

He frequently is the one who finds a special enchantment in feeding at the federal trough of sponsored research. He may be one whose perpetual search for the federal dole has blinded him to the implications of the question: "Is the polluter the one who flips the light switch, or is he the one who supplies the electricity that makes the light switch work?"

There is no way of getting around it. In the final analysis, the culprit is Mr. John Q. Public, yet he is a most contradictory animal.

If we turn on his lights he screams about our stack plumes; if we turn them off, he belches fury at our lack of reliability.

It is ironic that his demands for comfort, convenience and the good life have simultaneously led to the giant that is American industry and all of the pollution thereunto appertaining. It does not seem incongruous, then, that it is he who must pay whatever the cost attached to both.

It is little short of miraculous that the electric power industry has carried its fantastic growth burden with so little inconvenience to you the consumer. Yet with all the ruckus over blackouts, brownouts, and ecology, it has been made to seem that the lights rarely come on when the householder flips a switch, or that if they do come on the resulting light is lost in a flood of scalding water saturated with dead fish and fly ash.

If you are interested in the facts, it would be most revealing for each of you to do a statistical analysis of the number of times that your household calls for electricity and fails to get it. I'll wager that the percentage of failures would defy the accuracy of all but the most capable calculators.

These comments on reliability are made with complete knowledge, from personal experience, of the implications of both a 15% and a 100% reduction of voltage. I have encountered them on both our coasts and in the midwest and I would not for an instant want to be interpreted as condoning either.

I simply insist that by comparison with all of the other systems that human beings are hooked on, I doubt that any can match the superb percent-defective performance of the electric power industry, and I think it's high time somebody challenged the voluminous contrary insinuations of the recent past.

It is astounding that the public which has been served so well has been so thoroughly aroused by the screams of the headline seekers and the vote hunters. The present furor over pollution would defy the imagination if our national history were not such a series of tempestuous situations.

One of the strangest of enigmas is the spectacle of perhaps our greatest industry striving desperately to disguise itself: making substations look like houses, transmission towers like modern sculptures, insulators and transformers like patches of sky and generating stations like almost anything that they are not. All this masquerading totally ignores the pragmatism that just as yesterday's beauty is today's congestion; so will today's be tomorrow's.

Nevertheless, we go on and on dissipating, in appeasement of the vote seeker and headline hunter, energy which unequivocally could otherwise hasten such real contributions as fast breeder reactors.

We have already spent a billion dollars for precipitators and another two billion is planned. We're working toward removing 5.6 million tons per year of fly ash, and 20 million tons per year of sulphur oxides from the air, and I have yet to be assured that we have unanimity on what is good or bad in either area.

Whatever the standards become, though, it is interesting that the U.S. Public Health Servce tells us that our industry can't hold a candle to John Q. Public when it comes to air pollution.

John, by his use of the motor vehicle causes about 60.6% of the problem; our total industry contributes around 14.1% and the rest of industry all together contributes about 16.7%.

By my reckoning, John's demands have put more than 100 million cars, taxies, buses and trucks on the road today, along with 2 million motorcycles, 30,000 railroad diesel engines, 120,000 aircraft and nearly 5 million farm tractors. This noisy congregation makes up the greatest portion of the 72 million tons of carbon monoxide which the U.S. Public Health Service rates as our principal air pollutant slightly more than half of the total pollutants emitted into the air each year.

Which of you will volunteer to walk or take a bicycle to fight pollution?

There is ample evidence to support a contention that our industry has always done and plans to do far and away more than its fair share of the work of cleaning up the havoc that people have wrought in this country. It is imperative though that it have more help than it has heretofore had in evaluating and defining acceptable pollution, and surely no self-respecting engineer will insist on zero pollution from our power plants as the only acceptable level.

Do the fish like the water hot or don't they? If they do, how hot is hot to a fish? Do our power plants make the water too hot, or don't they? There are areas where there are as many answers to such questions as there are regulatory entities having local jurisdiction. Yet in spite of such ambiguities the next five years will see some 30 billion dollars spent on water pollution control. That's not far from the size of our total federal budget in the 1940's.

The heritage of the electric utility industry is rich in the lore of the success of capitalism. From a smattering of tiny splinters remotely scattered throughout this vast land, it has risen like a gigantic monument to the creativity of man in the free enterprise system. Where it goes from here hinges greatly on what we allow our legislators to do to shackle it and on how we react to the do-gooders who would cripple it in the blindness of their intolerance for the success of a capitalistic institution.

Tragic will be the day if a Naderian type influence bent on protecting the "stupid" buyer so fills the kilowatt hour with regulatory seat belts and air bags that there is no longer room in the seat for the rider.

In some way we must free ourselves from the phobia that the universal ignorance of our people demands that each package on the grocery shelf be the same size, color, and price per pound. We must accept that Washington cannot protect each of us from everything. We do have common sense and all corporations are not out to cheat us.

Until we come back to the basic principles upon which this great nation was founded there will always be fertile soil on which the manipulators can drop their seeds of distrust. The big lie supported by inference and innuendo will continue to inflame the populace to rally to the polls for the slick-tongued orator, and rule by passion will replace the rule of reason that has been so beneficial to the endurance of our society.

Relative to the theme of this conference I believe our industry is reliable. About 99.98% would be my estimate of the overall process average.

Of course, we have some areas in which we must improve; a prolonged succession of northeast blackouts would indeed be intolerable. I doubt though that we need the help of a sanctimonious press to alert us to the mandatory necessity for excising such a performance from our normal regimen.

We are not helpless idiots!

We who operate businesses based on the principles of profit and loss know far better than any specious journalist or idle bystander that people will not buy what they cannot depend upon. We therefore have a far greater stake in putting our house in order than does any harbinger of doom whose future hinges on the size of the headlines he can generate.

With respect to regulation, I have little doubt as to our most dominant future need. Unfortunately, I cannot evoke a wildly enthusiastic optimism relative to the ease of satisfying that need.

We must find some way to enact legislation which is based on the long range best interest of the nation rather than on what will at the moment have the greatest transient appeal to the voters.

The spectacle of automobiles being designed by our legislators may seem far fetched and irrelevant to today's meeting. It certainly cannot be denied though that their legislation set the stage for all of the paternalistic trash which is now going into automobiles under the guise of protecting the public from itself.

We must somehow learn that we cannot pass enough laws, or if we could we couldn't enforce them, to protect every idiot from every potentiality.

I have little question of our ability to find conscientious and dedicated people to serve on our regulatory bodies, interpret with great wisdom the laws that are given to them, and judge carefully the facts that are presented to them. I wish I had equal confidence in our ability to guarantee wise legislation.

In the realm of research I have some optimism that a new era may be approaching. I was party to the first and second "Grinter" reports and I suffered many of the agonies of the more recent "Goals Study". I have an intimate appreciation of the experimentation that perpetually permeates the campus.

I believe it is from an enlightened vantage point that I see increasing evidence that the market for products of curricula of the past decade is not over taxing the college productive capacity. I cautiously express the hope that academicians will interpret this as a signal requesting increased pragmatism on the college campus.

Perhaps we have been so concerned with writing the proposal and getting the research contract that we have overlooked a basic principle: no matter how thick the volume, no matter how elegant its partial differential equations, no matter how lofty its title and no matter how prestigious its audience, a research report is worth just exactly what it can generate in net, after taxes, income.

It may rest on the loftiest shelves of the most elegant libraries in all the world, but until somebody removes it from its shelf and finds a way to convert it to profit it is pure waste.

Last year a publication of the Division of Engineering of the National Science Foundation listed 21 million dollars worth of grants and contracts awarded in fiscal 1970. A scanning of this list is a most revealing exercise. It reveals a $186,000 grant for a work entitled "Heterogeneous Catalysis by Transition Metals", a $125,000 grant for studying "Thermodynamic and Transport Properties of Non-Polar Compounds and Their Mixtures", a $300,000 grant for "Plasma Dynamics", a $147,000 grant for studying "Neutron Multiplying and Moderating Systems", a $185,000 grant for studying "Large Continental Droughts", a $156,000 grant for "Moire and Holographic Techniques for Experimental Stress Analysis", a $160,000 grant for "Engineering Applications of Stochastics", a $146,000 grant for "Coherent System Research", and so on and on and on to a grand total of $21,000,000.

I am far from competent to judge the value of all these programs. In fact, I'm not even sure that I pronounced all the words correctly. With great authority, though, I can attest that $21,000,000 is an awesome amount of money. I hope that at least a piece of it will shed some light on how to get rid of tin cans and beer bottles.

Research is an essential requisite to the healthy growth of a dynamic society, and I vigorously recommend that we do every penny's worth of it that we can afford. I hope though that we are not entrusting too many dollars to hands with too little of the hard experience of profit and loss.

Not for an instant would I challenge the fascination of "Limit Analysis of Cylindrical Shells with Mixed Boundary Conditions", even at a price of $16,000, but, gentlemen, we don't even know how, economically, to get rid of the pickle liquor from our steel mills and galvanizing plants.

Senator Jennings Randolph (D-W. Va.) has expressed our industry's problem as follows:

"In the next 20 years, we must triple our national power capacity to meet projected population and industrial demands. This may require 250 new power plant sites with an estimated capital need of as much as $350 billion. Such an expansion will require approximately eight million acres of land and may require over half a million miles of transmission lines."

What the senator does not say is that this growth will be precipitated by the demands of a population that will reach about 265 million by 1990. We must find some way to do a better job of educating that population than we have done with previous ones.

I'm afraid that the average man, John Q. Public, is totally ignorant of the relationship between the stack plume and flipping the light switch. He thinks the electricity comes out of the wall. He doesn't understand that every time he turns on his air conditioner, each time he toasts a piece of bread, or irons a shirt, someplace some fuel must be burned.

Perhaps we should print in a prominent place on our routine electric bills how many equivalent pounds of coal were burned in order to supply the customers' electricity.

In summary, the challenge of the 70's is well defined. If we meet it we will have performed another miracle. Fortunately, we are blessed in our effort by a power industry which, contrary to a few reporters, is not some nebulous ogre exhaling noxious fumes and spouting fire and corruption; it is composed of the same concerned citizens that make up the rest of society. Its interest in the future of man and his planet is heightened by the services that it renders.

Given legislators who will legislate objectively and researchers who will be guided by the pragmatism of profit making business the miracle will occur.

The miracle will cost a lot of money, but with wise legislation and a successful job of educating the public, the beneficiaries will be happy to pay.

COST OVERRUN IN FORWARD AIR DEFENSE SYSTEM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, the General Accounting Office has uncovered $377.6 million cost overrun in our forward air defense system. The portions of the GAO study which are unclassified provide a detailed examination of the problem.

The study follows:

CHAPARRAL/VULCAN AIR DEFENSE SYSTEM

SYSTEM DESCRIPTION AND STATUS

The Chaparral/Vulcan Air Defense System (CVADS) consists of the Chaparral missile, the Vulcan gun and the Forward Area Alerting Radar (FAAR). The Chaparral is a self-propelled, self-contained missile launcher and control system adapted to a modified, tracker cargo carrier. The Vulcan is a 20-millimeter, six-barrel, Gatling-type gun and a fire control system. The FAAR is a light weight, mobile aircraft detection and alerting radar system. (Unclassified.)

COMING EVENTS

The Vulcan gun is scheduled for Standard A classification (acceptable for Army use) during the first quarter of calendar year 1972. (Unclassified.)

The system has experienced cost growth of $690.2 million from a planning estimate of $58.2 million to a current estimate of $748.4 million. The latter amount includes the current program acquisition cost and additional procurement cost of $660.3 million and $88.1 million respectively. Department of Defense officials have attributed this growth primarily to a change in program concept from an interim limited deployment system to a world-wide system which, among other things, substantially increased the quantities to be procured. Other reasons for the cost growth include environmental qualification of components and assemblies, redesign, modification, support changes, estimating changes, engineering changes, schedule changes and inflation. Funds appropriated for research, development, test and evaluation, (RDT&E), and for procurement as of June 30, 1971, amount to $579.2 million. (Unclassified.)

CONTRACT DATA

Four contracts were identified as applicable to the Chaparral/Vulcan program. For the four contracts, there was a total of 45 definitized changes, costing $12.4 million. In addition, there was a total of 7 undefinitized changes costing $7.6 million. Contractor progress reporting systems for the Chaparral/Vulcan had not been validated to the requirements of DOD Instruction 7000.2. (Unclassified.)

RELATIONSHIP TO OTHER SYSTEMS

The CVADS is part of a family of Army air defense systems including the Hercules and Hawk missiles which have already been deployed. The CVADS was needed because the Hercules and Hawk for tactical reasons are located back from the forward edge of battle areas and also have low-level limitations imposed by the curvature of the earth. (Unclassified.)

See Appendix I for photographs of the CVADS and the relative areas of coverage provided by various air defense systems. (Unclassified.)

SELECTED ACQUISITION REPORTING

The CVADS is not included in the SAR system because it was in the final stages of the acquisition process when the SAR systems was initiated. (Unclassified.)

AGENCY REVIEW

A draft of this staff study was reviewed by Army officials associated with the management of this program and comments were coordinated at the Headquarters level. The Army's comments are incorporated as appropriate. As far as we know there are no residual differences in fact. (Unclassified.)

CHAPTER 1. INTRODUCTION

The General Accounting Office, as part of its continuing evaluation of Department of Defense weapon system acquisition procedures, has reviewed the CVADS to evaluate the System Status Report issued as of June 30, 1971, and actions that have been taken since our previous review. (Unclassified.)

System history

In November 1964 the Secretary of Defense approved development of the CVADS (the Vulcan gun was selected in December 1965 based on tests of several guns) to provide, in combinations with the Hawk missile system, an interim capability for defending against aircraft in forward battle areas, pending availability of a more optimum air defense system. The CVADS evolved because preceding development programs had failed to provide an air defense system for forward battle areas—for which the need was recognized by 1948—and the more optimum Mauler system was under development and not available to meet the immediate requirements. (Unclassified.)

The CVADS concept was based on the assumptions that (1) Hawk units would be located to provide all-weather coverage for the area to be defended, (2) Vulcan would be located to provide point protection for front line infantry and high priority targets, and Chaparral would be located away from the front line but sufficiently forward to take advantage of its tail-chase capability with particular attention to areas that cannot be covered by the Hawk because of terrain radar masking. (Unclassified.)

In 1965, replacement of CVADS with a more optimum system was planned for accomplishment in 1975. The Army now estimates that replacement will not be accomplished until the mid-1980's, because the replacement system has not reached concept formulation. (Unclassified.)

CHAPTER 2. WEAPON SYSTEM STATUS

We have reviewed the first System Status Report on the CVADS which was issued by the Department of the Army as of June 30, 1971. Our objectives were to (1) verify historical data to source documents on a selected basis, and (2) ascertain the basic reasons for significant variances between the planning estimate, development estimate, and current estimates of cost, schedule and performance. (Unclassified.)

Each element of the System Status Report is discussed separately and is subdivided by the three main components of the CVADS—Chaparral, Vulcan, and FAAR. (Unclassified.)

System cost experience

The Chaparral/Vulcan System Status Report showed program acquisition cost and procurement quantities for the planning, development, and current estimates. The current estimate showed additional procurement cost which includes Chaparral modifications only. The cost information is divided into the planning, development, and current estimates which are discussed separately. (Unclassified.)

Planning estimate

The planning estimate shows program acquisition cost of $58.2 million. These cost figures were taken from the Department of the Army study—Program for Air Defense—Field Army, dated September 30, 1964. We found no discrepancies in the cost and procurement quantity data shown for the planning estimate. (Unclassified.)

Development estimate

The program acquisition cost shown on the development estimate was $438.4 million. The U.S. Army Combat Development Command Tactical Mid-Range Air Defense Program Study dated August 1965 and Summary dated September 1965 were used to support the development estimate. We found one minor discrepancy in the cost and procurement quantity data shown for the development estimate. However, this was explained by Army officials and did not change the total cost for the development estimate. (Unclassified.)

Current estimate

The current estimate of Chaparral/Vulcan program acquisition cost and additional procurement cost is $660.3 million and $80.8 million respectively. The additional procurement cost of $80.8 million was verified to the Five Year Defense Program Procurement Annex dated June 25, 1971. This figure included only Chaparral modifications that had been approved for programing purposes by the Department of the Army. Department of Defense Instruction 7000.3—Selected Acquisition Reports—states that additional procurement cost should include, among other items, PEMA replenishment spares. CVADS Repair Parts Provisioning Schedule included replenishment spares of $7.325 million, but this was not included in the additional procurement costs as shown in the Status Report. We believe that replenishment spares should have been included in the additional procurement cost and the total shown as $88.1 million. (Unclassified.)

Vulcan

There were no significant differences between the data shown in the System Status Report and the source documents used by the Project Office for the three Vulcan estimates. Slippages in the milestones between the planning, development, and current estimates are discussed below. (Unclassified.)

By the time the development estimate milestone schedule was published, two of the five selected milestones had slipped significantly: completion of a test program (19 months delay) and equipping the first unit with the Vulcan gun (7 months delay). These slippages were due to the delay in selecting the Vulcan and the change in project concept. (Unclassified.)

Development Estimate to Current Estimate

In the current estimate, three milestones for the self-propelled Vulcan slipped, the estimated date for Standard A classification and the two which had slipped from the planning estimate. (Unclassified.)

Milestones slipped an additional 10 months to August 1968 for equipping the first unit and 11 additional months to May 1969 for completing the testing program (less environmental testing). On December 15, 1966, an Army Materiel Command Official stated in a letter to the Department of the Army that the original program called for bolting together existing components followed by limited testing and a concurrent industrial program. The objective was to provide early fielding of some air defense battalions as a short-lived interim air defense system. Approval of the TAMIRAD and a qualitative materiel requirement appreciably expanded the program, service life, environmental requirements, and refinements of the weapon. (Unclassified.)

A Department of the Army review of the status of the system in December 1966 indicated that the testing program had to be rescheduled due to the late availability of prototype, missiles, and ammunition. The December 15, 1966, letter also requested a delay of 1 year in the activation schedule. (Unclassified.)

Chaparral

There were no significant differences between the data shown on the Systems Status Report and the source documents used by the Project Office for the three estimates. Slippages in the milestones between the planning, development and current estimates are discussed below. (Unclassified.)

Planning estimate to development estimate

Development began on the CHAPARRAL fire unit in January 1965. However, this phase culminated in the delivery of one prototype fire unit which was technically unacceptable. A second development contract was awarded in January 1966 which is considered the beginning of full-scale development. (Unclassified.)

Faar

In tracing the milestones included in the System Status Report to the source documents used by the Project Office, several discrepancies were found, particularly in the current estimate. Project Office officials said that they had shown the dates that the testing program and production resumed rather than the original dates. Testing and production had been halted due to technical problems encountered. (Unclassified.)

Planning estimate to development estimate

Two milestones slipped significantly from the planning estimate. A development contract for prototype was to be awarded in July 1965 and a testing program was to be completed in April 1967. However, the development estimate showed delays of 10 months and 14 months, respectively in these milestones. (Unclassified.)

These delays were attributed to the Department of the Army's desire to issue bids on a world-wide basis for the development contract. The administrative process delayed the award of a contract until May 1966 which caused the development estimate milestone for the test program to slip until June 1968. (Unclassified.)

However, an in-process-review in April 1968 showed that some qualitative materiel requirements would not be met and that several requirements had not been tested or demonstrated. Even though these problems were recognized, the Army Materiel Command directed that a production contract be awarded by November 1968 because of an urgent need for the FAAR. (Unclassified.)

The testing program which began in early 1968 was halted in early 1969 because of major system deficiencies, but was resumed in January 1971. Also, a production stop-order was issued in July 1969 and production did not resume until April 1971. (Unclassified.)

The development problems of the FAAR component was the basic reason for the slippage in all FAAR milestones between the development and current estimates. (Unclassified.)

CHAPTER 3. MANAGEMENT ACTIONS TO IMPROVE THE CHAPARRAL/VULCAN SYSTEM

We made a review to determine what management improvements had been taken to upgrade the acquisition process, and to evaluate the degree of application of acquisition criteria as it applies to the CVADS. Our efforts included a follow-up on problems identified through previous work as well as other technical and management problems which arose in the interim. (Unclassified.)

Technical Status

We reported in our staff study of March 1971 that the CHAPARRAL and VULCAN were produced and deployed without the FAAR and with significant deficiencies and shortcomings that required improvement. The Army approved limited production of the CHAPARRAL, VULCAN, and FAAR, on the basis of urgency before completing all tests necessary for determining that the components would satisfy requirements for an interim air defense system. The Army intended to field the system with known limitations in the scheduled time and to engineer the necessary improvements as retro-fit kits or other changes which could be made in the field. (Unclassified.)

There were some serious questions raised as to the sufficiency of testing completed at that time, which was for the purpose of determining the adequacy of corrections that had been made. Therefore, the Army was in the position of stopping production until the tests were completed, at a cost which they estimate at $3.2 million, or resuming production on the basis of the information they then had with the risk that subsequent tests might prove the equipment was inadequate. The Army chose the latter route, and production resumed on April 4, 1971. The Army believes that the test results support their decision. These test reports are summarized below and leave some serious doubt in our mind as to the adequacy of the FAAR at this time. (Unclassified.)

Engineering Tests (ET) were conducted during the period January through September 1971. Three deficiencies were reported as a result of these tests. The Test and Evaluation Command reevaluated and consolidated the engineering tests and service tests, and concluded that six deficiencies remained. (Unclassified.)

Production was restarted under conditions of some known risk which the Army believed was acceptable under the circumstances, and which they believe has subsequently proved justified. However, we believe that the results of the most recent tests leave serious doubt as to the suitability of the FAAR. (Unclassified.)

SILENT PRAYER IN PUBLIC SCHOOLS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ST GERMAIN. Mr. Speaker, it is my privilege to speak in behalf of House Joint Resolution 981, and to urge that this House give favorable consideration to it. I hardly need emphasize the fact that growing numbers of our people are concerned—and deeply concerned—at the erosion of moral and religious values which have been the mainstay of our heritage throughout our national history. These are troubled times through which we are moving, times in which the values and ideals of our Judaeo-Christian tradition are subject to severe challenge. Because of this, millions of Americans have supported various proposals to restore public prayer to our schools.

Unfortunately, these proposals, conceived with the noblest intent, have only served to rouse controversy regarding the legal, practical, and religious aspects of the whole question of authorized prayer in public schools.

The immense difficulty of formulating a "neutral" or undenominational prayer acceptable to all, the problem of reconciling our tradition of religious freedom with any officially prescribed devotional rite—these, and similar dilemmas, have led many to consider alternative possibilities which might commend themselves generally to all Americans by respecting the objections of those who in good conscience cannot support any form of State-authorized prayer.

House Joint Resolution 981, which would recognize and safeguard the practice of silent prayer in our public schools, is more than a compromise between contending views. Rather, it represents an ideal which is based firmly upon the fact of our religious pluralism and the diverse paths by which men seek communion with God. Silent prayer would mark official homage to the Divine Power who sustains both life and liberty, while respecting both the conscience of individual believers of every faith and creed as well as of those whose religious beliefs may be deeply personal and perhaps unorthodox. It provides for not the "lowest common denominator" characteristic of so-called nonsectarian prayer, but rather the highest common factor—the inner encounter and dialog of the soul with God, the fundamental reality of all high religion.

Even the nonbeliever may find in a moment of common silence that opportunity for meditation and reflection

which is essential to a meaningful life. Believers may rejoice in the opportunity to pray the prayers of their respective tradition without hindrance and without offense against the conscience of others. Moreover, House Joint Resolution 981 avoids that entanglement of State and prayer which so often in history has been unhappy in its consequences for freedom of worship and conscience.

Finally, silent prayer is very much in the spirit of the Bible, sacred to Jews and Christians alike.

A time of silent prayer at the beginning of the day can be a meaningful affirmation of the presence and providence of God within the life of every child and in the life of our Nation.

PUBLIC OPINION POLL RESULTS

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HUTCHINSON. Mr. Speaker, since 1965 I have sent an annual questionnaire to all postal patrons in the Fourth Congressional District in Michigan asking for opinions on leading issues. The 1972 questionnaire was mailed in May and I have just received the tabulated results. More than 12,000 of the questionnaires were returned to my office. Because the form afforded space for husbands, wives, and 18- to 21-year-olds to respond, I received opinions from nearly 24,000 of my constituents. As in past years, the results were tabulated by an independent concern in the Washington area. Complete results of the survey follow:

1972 SURVEY RESULTS

[In percent]

	Yes	No	No opinion
1. Do you approve of President Nixon's efforts to improve relations with mainland China?	79.19	17.60	3.21
2. Do you feel we should expand agricultural and nonstrategic trade with the Communist nations?	60.09	34.74	5.17
3. Would you favor the "value added" tax, in effect a national sales tax, as a method to reduce property taxes?	35.20	56.29	8.51
4. Do you feel busing is a legitimate means to achieve racial balance in the public schools?	8.58	88.61	2.81
5. Do you think enough emphasis is now being placed on environmental protection by the Federal Government?	33.39	60.90	5.70
6. Do you approve of the President's efforts to end the war in Vietnam?	68.48	26.42	5.07

	Yes	No	No opinion
7. Do you favor amnesty for Vietnam draft evaders?			5.36
(a) Now	7.70		
(b) After alternate service	30.44		
(c) After the fighting stops	4.36		
(d) Never	52.14		
8. Do you support a national health insurance program?			24.94
(a) Operated by the Government, providing care for all U.S. residents and financed by payroll and income taxes	23.87		
(b) That would require all employers to provide private health insurance financed by contributions of both the employer and employee	51.16		
9. How do you feel about the way wage-price controls are working?			9.27
(a) Satisfied	23.66		
(b) Dissatisfied	67.06		

CONGRESSMAN RAILSBACK SUPPORTS COMMUNITY CORRECTIONS CENTERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, over the last few years, my State of Illinois has been engaged in a comprehensive program of corrections reform under the dynamic leadership of Gov. Richard Ogilvie and Department of Corrections Director Peter Bensinger, and with the bipartisan support of the General Assembly. Most recently the Department of Corrections has been taking testimony around the State on the proposed next phase of the program—the establishment of several small, community based correctional facilities.

One of the most eloquent and persuasive statements in support of this concept was submitted by my good friend and colleague, Congressman TOM RAILSBACK, who has been investigating correctional systems first hand in connection with his responsibilities on the House Judiciary Committee. To quote from his statement:

> The consequence of large, often overcrowded facilities is that we practice custody, not corrections, and are preoccupied with security rather than treatment. What is needed is individualized treatment in smaller facilities which are structured with rehabilitation in mind.

At this point in the RECORD I include the full text of Congressman RAILSBACK'S testimony, and commend it to the reading of my colleagues:

STATEMENT OF HON. TOM RAILSBACK, 19TH DISTRICT, ILLINOIS, BEFORE THE COMMUNITY CORRECTIONS CENTERS PUBLIC HEARING BOARD, ILLINOIS DEPARTMENT OF CORRECTIONS

Director Bensinger, Members of the Board, and residents of the Quad Cities area: I am pleased to submit the following statement, commenting on proposals by the Illinois State Department of Corrections to develop a system of smaller, regional prisons to be located in metropolitan communities. I sincerely regret that legislative matters pending in Washington prevent my personal appearance before this distinguished panel.

I would like to begin by commending the State Department of Corrections for holding its series of public hearings on community based correctional facilities. It reflects a significant understanding of the role the public must have if our prison system is to be an effective means for reducing crime. It is also another indication of the fine work being done in Illinois corrections under the dynamic leadership of Peter Bensinger—modern thinking and management coupled with decisive action in improving manpower, facilities, and programs.

I appear before this Board with views that are based on personal study. During the past year, my subcommittee of the House Judiciary Committee has been investigating correctional systems and is presently considering a series of bills which could have a significant impact on the Federal prison system. In the course of our study, we have visited the prison systems of Illinois, California, Massachusetts, Pennsylvania, Wisconsin, and the District of Columbia, and have spoken to numerous correctional and police officials, inmates, lawyers, and other individuals with experience in the area of corrections. I would like to explain why I believe the proposal for community based correctional facilities deserves the support of the public.

Traditionally, the incarceration of offenders in correctional institutions has been based on the presumptions that confinement as one form of punishment acts as a deterrent and that these institutions, by whatever methods—punishment, penitence, education, therapy—are thought to have a rehabilitative effect leading to social and occupational improvement. These presumptions are open to some serious questions. There is increasing evidence that lengthy imprisonment does not deter crime or recidivism. In fact, reducing incarceration time has been found to result in no significant increase in recidivism, and oftentimes has been associated with a decrease in future offending.

It is also becoming increasingly clear that overcrowded and isolated total confinement institutions are ill-suited to accomplish the objective of rehabilitation. Recidivism rates are the clearest proof of the failure of the present facilities. Corrections rarely correct. In fact, I am convinced that often times the impact of the institution upon the individual may be more destructive than rehabilitative. Life at many institutions is at best barren and futile and at worst incredibly brutal and degrading. The conditions in which offenders are incarcerated are often the poorest possible preparation for their successful re-entry into society. There is overwhelming agreement among lawyers, judges, correctional officials, and government authorities as to the failure of the system and its own contribution to the growing crime rate.

In part this failure stems from the inadequate, obsolete and decrepit physical structures in which many prisoners are housed. The design of such facilities is inconsistent with the stated purposes of corrections. It is impossible to mass produce law-abiding citizens out of criminal raw material, and nothing but mass production is possible in one thousand to two thousand inmate penitentiaries. The consequence of large, often overcrowded facilities is that we practice custody, not corrections, and are preoccupied with security rather than treatment. What is needed is individualized treatment in smaller facilities which are structured with rehabilitation in mind. Such facilities are less costly to build and require fewer personnel in terms of custody supervision.

The failure is also due in part to the segregation of the institution from the community. In my opinion, the nation's penologists are correct in urging that correctional facilities be located in or near metropolitan areas.

It is naive to believe that once the offender is out of sight behind a high wall many miles away that we have solved any problems. Nineteen out of every twenty offenders incarcerated eventually are released to return to society. The very moment the offender returns he is as much a part of the community as any other person and if his experience in the prison system has not been of a nature that will contribute to his success in this community, the syatem has clearly failed, and society's interest has not been served after all.

If this line of reasoning is to be accepted, the goal of the correctional system should be the preparation for resumption of normal social and occupational activity. As the President's Commission on Law Enforcement and Administration stated:

> "The task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life—restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society."

One of the most promising alternatives to the traditional expensive and overcrowded prisons is the type of community based facility under consideration by this board which stresses the goals of reintegration, resocialization and rehabilitation.

The arguments favoring this proposal are persuasive:

1. Since incarceration provides only short-term protection at best, ultimate community protection is conditioned upon change on the part of the offender, which in turn is contingent upon his complete and successful reintegration into that community. It is only in the community that the offender can build the ties to job, family, and neighborhood and acquire the skills, habits, education, and independence that will make him law-abiding on his own initiative.

2. The process of reintegration will not result in the detrimental effects of the overcrowded and isolated institution on the personality. It will in fact maximize the building of sound social ties between the offender, his family and his community and permit the offender to demonstrate his ability and trustworthiness, to gain community acceptance and become a contributing member of society.

3. It is economically advantageous—both in capital expenditures and reducing the high cost of crime—to place facilities in metropolitan communities, because the resources of the community are available for utilization in the rehabilitative effort. A facility situated in a metropolitan area is able to draw upon the medical, social work, psychiatric, educational, and employment resources of that community and can involve community residents and family members in the corrections process.

Critical factors in the development of a public acceptance of community based correctional facilities will be citizen understanding and involvement. The public needs to know that present concepts of institutionalization are not working and in fact often times have the counter effect of contributing to increased crime. The community must be aware and have confidence that the community based facility offers a better way to serve the dual purpose of protecting society and rehabilitating the offender. I am convinced that it does and hope that these hearings will serve to communicate this message to the general public.

RESULTS OF QUESTIONNAIRE PUBLISHED IN NEWSLETTER

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HEINZ. Mr. Speaker, I recently mailed my first questionnaire to the 18th District of Pennsylvania which I represent. Over 35,000 of my constituents took the time to respond to this questionnaire.

The tabulation of these responses has now been completed and published in a newsletter to constituents. In the hopes that this information might be as beneficial to my colleagues as I am sure it will be to me, my June newsletter is herewith reprinted:

DEAR FRIEND: I want to thank the more than 35,000 constituents who took the time to respond to my first questionnaire. My staff, aided by volunteers, have computed the results which appear below. Many of you extended your answers into intelligent and helpful letters which analyzed major problems facing all of us today. Having this information helps me to serve you better.

YOUR ANSWERS TO THE QUESTIONS

(Answers in percent)

1. Would you support a "value added" (national sales) tax if the revenue would cut property taxes dollar for dollar? Yes 61; No 39.

2. In principle, do you favor some form of national health insurance? Yes 62; No 38.

3. Are you willing to spend as much as $20 billion, as proposed, to improve the quality of the nation's water? Yes 59; No 41.

4. Do you favor limiting imports even if it results in higher prices for some American-made goods? Yes 45; No 55.

5. Do you favor my proposal to extend Medicare coverage to include federal payment for most of the cost of prescription drugs? Yes 57; No 43.

6. The defense budget for the coming year is $79 billion. Which of the following would you prefer:

Increase	8
Leave the same	18
Cut 2 percent	9
Cut 5 percent	14
Cut more than 5 percent	51

7. Do you feel aid to higher education ($6 billion this year) should be:

Increased	28
Stay the same	38
Reduced	19
Eliminated	15

8. Which policy should we follow in Vietnam:

Escalate	2
Continue to withdraw	19
Get out on return of POW's	57
Pull out now	22

9. A 5% increase in Social Security benefits plus automatic cost of living increases is under consideration. Which do you prefer:

The above	47
Greater than above	29
No increase in benefits	24

10. Your rating of President Nixon's performance in the following areas:

[In percent]

	Inflation	Jobs	Vietnam	Crime	Environment	Foreign policy	Spending	Drugs
Excellent	2	3	7	2	6	11	2	3
Good	6	7	12	12	10	21	16	16
Fair	52	59	49	42	60	62	42	42
Poor	40	31	32	34	24	6	34	39

In brief, the questionnaire responses show that most of my constituents are suspicious of any new tax, regardless of what's promised along with it. You show a real concern about improving the quality of life, through your approval of continuing aid to higher education, cleaning up our water, and your support of a national health insurance plan. You are also obviously concerned about your tax bill and inflation, as shown by your "vote" to cut defense spending and your reluctance to increase Social Security benefits. An overwhelming majority (79%) of you want to see our involvement in Vietnam ended, either contingent on the release of our POW's or without conditions. Again, many thanks for your responses.

SPECIAL REPORT ON HEARINGS IN OUR DISTRICT

Because I am concerned about the problems facing Allegheny County's more than 175,000 citizens over 65 years of age, and because I particularly wanted to listen to the ideas of the aging and those who work with them, I requested Congressional hearings in Allegheny County. For two days, April 14 and 15, the Special Studies Subcommittee of the House Government Operations Committee, on which I serve, took testimony from local citizens at high schools in Avalon and Natrona Heights.

The hearings were the first held by a House Committee in our area in recent memory, and I am pleased to tell you that they produced important information which will guide me in working for passage of legislation in the areas where the aging want help. I, along with subcommittee chairman Rep. William J. Randall (D.-Mo.) and top staff aides heard testimony from representatives of the Allegheny County Labor Council, Visiting Nurses Association, Public Housing Authority, Southwest Pennsylvania Regional Planning Commission, religious leaders, senior citizens themselves, and others.

Our findings revealed four major areas of exceptional concern among the aging:

Housing is expensive, the average rental unit in Allegheny County costs $85 a month. Since the average aged income is $154, that doesn't leave much for senior citizens to lead lives of independence and dignity. The situation becomes even more burdensome when the retiree struggles to maintain his own home in the face of steadily-rising property taxes and other costs that eat into a fixed income.

Medical care is often not conveniently available to the aging, and in many cases, our elderly cannot afford the drugs they need or the cost of a nursing home. I have already introduced legislation to provide prescription drugs, at nominal cost, under Medicare.

Social Security benefit increases are needed immediately so that our aging can be self-sufficient and meet increased costs. Many of you, in responding to my questionnaire, indicated you opposed increasing such benefits, probably because you feared a tax rise. Our investigations show that because of a surplus in the Social Security fund, these benefits can be raised without raising taxes. A 5 percent increase has already passed the House but has been stalled too long by the Senate. I will support an even larger increase.

Senior citizen recreation and rehabilitation centers are badly needed. I tried to stimulate these through my bill, H.R. 13220, which provides financial aid for construction of such centers to give our older citizens a place for companionship, relaxation, and activities they enjoy.

TAX RELIEF AND REVENUE SHARING

As I write, we are about to consider the State and Local Fiscal Assistance Act of 1972 which will provide Pennsylvania and individual communities within the Commonwealth with $300.9 million during its first fiscal year of operation. Local government units in Allegheny County will get $32.2 million, disbursed under a formula which will return between $7 and $10 for each man, woman and child. For example, Bellevue will get some $177,152; Carnegie, $173,329, and Tarentum, $124,752.

Hopefully, this return of revenue to local governments will relieve them of some of the cost of providing such necessary services as police, sewers, water and transportation. I strongly favor federal revenue sharing because it can permit reduction of your local property taxes. To make this happen, you must insist that your local government economize effectively so that any savings realized actually result in a reduction of your millage. Also, we must work to insure Senate passage of the bill.

RECENT LEGISLATIVE ACTIONS IN YOUR INTEREST

I have taken the following actions in Congress to better serve you:

Supported the House-passed bill to increase the minimum wage over the next few years.

Voted to strengthen and pass the Federal Water Pollution Control Act of 1972.

Introduced a bill to provide for federal demonstration projects to help local communities answer the question of potholes and highway maintenance.

Introduced legislation to prevent the sale of personal mailing lists to commercial concerns for the purpose of solicitation and mailing of pornographic materials.

CRACKS IN HUD SECRET POLICIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, hearings on the operation of the Freedom of Information Act begun by the House Foreign Operations and Government Information Subcommittee in early March, have produced a number of highly significant breakthroughs in broadening information policies by the executive branch to more nearly comply with the spirit of the act.

Among the changes are those forced on a reluctant bureaucracy within the Department of Housing and Urban Development by Federal courts in successful cases involving the Freedom of Information Act filed by the Nashville Tennessean and the Philadelphia Inquirer.

Mr. Speaker, I would like to call attention to an excellent article by the distinguished journalist, Mr. Clark Mollenhoff, bureau chief of the Des Moines Register of June 4 in which he describes the court rulings and their effect in helping to force Federal agencies such as HUD to comply with the information law.

The article follows:

[From the Des Moines Register, June 4, 1972]

CRACKS IN HUD SECRET POLICIES

(By Clark Mollenhoff)

WASHINGTON, D.C.—George Romney's broad secrecy policies at the Department of Housing and Urban Development (HUD) have been largely nullified by three federal court decisions.

Romney, the former Michigan governor who is now the HUD secretary, had given his personal endorsement of secrecy policies.

Romney didn't initiate the policies, which blocked disclosure of audit reports paid for with tax money and the names of "fee appraisers" employed by the Federal Housing Administration (FHA). Romney did, however, sign a letter on Nov. 11, 1971, in which he said he would take personal blame for any questionable appraisals and wouldn't allow disclosure of names of fee appraisers who made valuations of individual pieces of property.

THREE RULINGS

In all, three recent court rulings have forced HUD to revise drastically its secrecy policies. The general counsel for HUD has gone before a House government operations subcommittee and laid out in some details the changes in regulations that are being put into effect to end what is now ruled as illegal secrecy.

The court rulings will not be appealed, Romney said. Those rulings involved housing projects in Tennessee and eastern Pennsylvania.

New housing scandals seem to be emerging across the country with public disclosures in Detroit, New York City, Brooklyn, Camden, N.J., St. Louis, Chicago, and Washington, D.C.

The secrecy decisions of the federal courts and the record of the House subcommittee hearing on the same subject stand as lessons for all heads of governmental departments and agencies on the problems of excessive secrecy.

It was not as if Romney wasn't warned about the dangers of unwarranted secrecy. In July, 1971, a Tennessee newspaper filed court action under the Freedom of Information Act seeking the name of the FHA "fee appraiser" who had appraised a home that was sold to a blind couple for $10,850. Two separate independent appraisers had set the value of the home at $4,000 and $4,500.

THE TACTICS

The federal court trial demonstrated the extent of obstructionist tactics of FHA and HUD in barring the Nashville Tennessean newspaper investigators and the homeowners from the name of the appraisers.

U.S. District Judge L. Clure Morton ruled that the appraisal report was a "public record" under the Freedom of Information Act, but that "no possible purpose would be served by releasing the identity of the appraiser and, based upon equitable consideration, the court decrees that the identity of the appraiser be withheld."

On May 5, 1972, the Sixth Circuit Court of Appeals said:

"The appraisal in this case is an analysis of facts involving a professional opinion. The name of the author is a relevant and necessary part of that opinion. One of the reasons for the First Amendment (freedom of the press), as well as the Freedom of Information Act, is to promote honesty of government by seeing to it that public business functions under the hard light of full public scrutiny. The very name of an appraiser could be sufficient to establish a motivation sufficient to trigger an investigation."

Romney, in his Nov. 11, 1971, letter, had said he was willing to take the blame for everything found wrong in the appraisals of HUD on theory that "appraisals . . . prepared in the first instance by individuals, were adopted by HUD and became action of HUD.

"Therefore, if any appraisals are wrong, it is appropriate to criticize HUD and HUD's executives, including me. But, it is neither relevant nor appropriate to criticize the individuals who made them," Romney wrote . . . "The press does not need to know those names in order to criticize HUD's actions."

"POISONOUS PRECEDENT"

Representative John Moss (Dem., Calif.), one of the authors of The Freedom of Information Act, charged Romney with adopting and spreading "a poisonous secrecy precedent."

Major federal housing scandals were uncovered in the Philadelphia area despite the obstructions of the HUD policies. Two U.S. district courts in that area slapped down HUD by quoting from a Supreme Court decision written by Chief Justice Charles E. Hughes that is probably more applicable to the operations of a $200 billion-a-year government today than when it was written in 1931:

"The administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied. Crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and officials' neglect, emphasizes the primary need of a vigilant and courageous press, especially in great cities."

What should be clear to Romney and other high government officials at this stage of that housing programs and other federal and local programs designed to aid the poor can be subject to parasitic money grabs by speculators.

Illegal schemes are one of the constant hazards to social programs. The corruption not only robs the poor and the blind, as well as the federal taxpayers, but causes the public to have an attitude that can jeopardize entire programs.

THE REAL LESSON

As HUD's recent experience shows, the department heads can't keep the programs clean from Washington, although they may be run by experienced men with the best intentions.

That is the real lesson of Secretary Romney's experience with secrecy at HUD and the corruption it has hidden in cities from coast to coast.

TWO TALES FROM THE SAME CITY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city.

Indianapolis Star editorial, October 15, 1955:

J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1972:

The decision of Jane Hart, wife of Senator PHILIP A. HART (D-Mich), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

CHALLENGING FEDERAL COLOSSUS

The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.

Mrs. Manuel Miller of Bethel, Vt., also broke a law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.

A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security system was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.

Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 per cent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.

Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.

Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.

We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our only recourse most of the time. Let's hope the law gets a chance to work this time.

LIBERAL DEATH-WISH

The decision of Jane Hart, wife of Senator Phillip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The first reaction of anyone who does not not share Mrs. Hart's dovish outlook on the war is likely to be:

"Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revolutionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double-crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."

In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.

She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to reverse as "the democratic process."

But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.

The loss of Mrs. Hart's approximately $25,000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.

Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.

And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.

What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. Many liberals seem to think so. They are willing to stake lives—usually other people's—on this delusion whose falsity is written in the blood of millions.

But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

SECRETARY LAIRD ADDRESSES U.S. NAVAL ACADEMY CLASS OF 1972

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MINSHALL. Mr. Speaker, yesterday I had the privilege of attending the very impressive graduation ceremonies at the U.S. Naval Academy at Annapolis.

It was a memorable occasion, made doubly so for me by the fact that the honor man, Brian Christian Haagensen of Fairview Park, Ohio, was one of my appointees, and by the fact that the principal address was given by my very good friend and former colleague, the distinguished Secretary of Defense, Melvin R. Laird. I am very proud of these two exemplary Americans and of the two other young men I appointed who also received their commissions yesterday, Ens. Ralph R. Michalske, Rocky River, Ohio, and Ens. Thomas C. Goudy, formerly of Chagrin Falls, Ohio, and now of Oconomowoc, Wis.

I would like to share with all my colleagues in Congress Secretary Laird's thought-filled and inspiring address, as well as an article from the Plain Dealer telling of Ensign Haagensen's achievements at this point:

ADDRESS BY HON. MELVIN R. LAIRD

It is an honor for me both as a former Lieutenant, junior grade, and as Secretary of Defense to speak to you graduates of the U.S. Naval Academy Class of 1972.

You receive your commissions today in an international security environment that none of you could have foreseen when you entered Annapolis as plebes in 1968.

What has occurred in the intervening years is that President Nixon, our Commander-in-Chief, acting from a position of strength, has brought us to a point where it is possible for us to do more than merely chart a new course. We are also in the process of drafting some new and exciting charts in foreign and national security affairs.

Implementation of the Nixon Doctrine began and the President's trips to Peking and Moscow concluded the first steps in laying a solid foundation for profound changes in the conduct of our foreign and national security policies.

Your graduation is marked by change. Your Superintendent, Vice Admiral James Calvert, leaves Annapolis for an important command at sea. Vice Admiral William P. Mack, is here from brilliant service as Commander of the Seventh Fleet in the Pacific to succeed him.

And today, some of you are going to make another profound change—from bachelors into bridegrooms, and I want all of you to make it to the church on time. That is why I am going to change things by not just promising, as most graduation speakers do, that I will be brief. I intend to deliver on that promise.

You become commissioned officers at a time of profound change and a time of rising hope for a better future for mankind. The winds of peace are stirring. They hold out the hope that better ways than fighting will be found to resolve—or to live with—differences among nations.

This year, for the first time in history, an American President has journeyed to Peking and to Moscow. He has returned from potentially hostile countries with understandings and agreements that reduce tension in the world and heighten the prospects that our future relations with these countries will be peaceful. He has gone behind the Iron Curtain and entered the countries of Eastern Europe to be welcomed as a friend and recognized as a pilgrim for peace.

At Moscow, President Nixon concluded a number of historic agreements with the leaders of the Soviet Union, some providing for cooperative action by the two nations in fields in which mankind's common interest is very strong. Expansion of the frontiers of knowledge and the conquest of dread diseases are examples.

Other agreements reached in Moscow deal directly with some of the causes and symptoms of tension among nations, such as the reduction of incidents at sea. The man chiefly responsible for this accomplishment is Secretary of the Navy, John Warner, who demonstrated the highest order of skill, persistence, and diplomacy in the extended negotiations which resulted in the signing of the accord last week in the Kremlin.

The agreements which deservedly have received most attention are those dealing with limitations on anti-ballistic missiles and on offensive land and sea-based missile systems. These accords, fixing quantitative limits on the missile systems to which they

apply, are the result of three years of difficult negotiations. Another man with strong Navy ties played an important role in these negotiations—former Secretary of the Navy, Paul H. Nitze.

It is highly important that the American people have a clear understanding of how these agreements came about. These encouraging first steps to restrain the growth of strategic weapons systems have been agreed on because our country maintained its military strength and because our President was firm and resolute in three years of negotiations.

The way to achieve lasting peace is through hard, tough, meaningful negotiations. The way to negotiate successfully is to maintain adequate strength as the foundation for negotiations.

As a consequence of maintaining our strength and of hard bargaining, we have succeeded in reaching an agreement that applies the brakes to the momentum of the ongoing Soviet missile buildup.

The President, the Joint Chiefs, and I fully recognize that these agreements cannot protect us against grave risk if we fail to maintain the quality and the realism of our deterrent strength in the years ahead.

If we are to continue to make progress in negotiation to reduce threats to peace, we must remain strong. Only a strong nation can negotiate with confidence and with a minimum of risk.

When you graduate today and receive your commissions you become an active part of that strength—and, I might add, a part of the single most important factor, the military men and women who serve our country in uniform.

More than any other nations, the United States and the Soviet Union have the power to turn the world away from war and toward peace. We have reason to hope that both nations are conscious of the great responsibility they bear and of their common interest in promoting peace in the world.

This is not to say that all of our interests converge. It is not to say that we will cease to be adversaries. I believe great nations can be peaceful adversaries and competitors. They need not be belligerent antagonists.

There are profound differences and disagreements between us and the Soviet Union which cannot simply be ascribed to historical accidents on misunderstandings. They are rooted in different conceptions of the rights and responsibilities of men and of governments. They are rooted in different approaches in dealing with other nations. They manifest themselves in conflicting interests in different regions of the world.

We cannot eliminate overnight these profound differences. It we continue to recognize these strategic and political realities as the starting point for our efforts toward peace, we enhance the chances to achieve peace and decrease the risks to our own basic interests.

When you leave you will become important members of our total force devoted to bringing about and keeping peace. It's not an easy path you have chosen but I think you will find that it's exciting and stimulating. And, of course, the opportunity is there for you to make your mark in the changing international security area.

You of the 1972 graduating class at Annapolis will have the opportunity to take a responsible part in the exciting work of keeping peace in a world which will never be free from tension, threat, and turmoil. Your profession as part of the Nixon Doctrine peacetime deterrent forces is one in which you will find strong challenge and deep satisfaction. You will be working toward the fulfillment of the greatest need and the highest aspiration of people everywhere—a generation of peace.

As you leave Annapolis today, may God go with you, your proud families and friends.

FAIRVIEW PARK MAN RANKS NO. 1 IN NAVAL ACADEMY'S CLASS OF '72

(By Roy W. Adams)

The top academic student in this year's graduating class of the U.S. Naval Academy, Annapolis, Md., is Brian Christian Haagensen of Fairview Park.

Midshipman Haagensen, 21, son of Mr. and Mrs. Ronald S. Haagensen, 4570 W. 212th Street, next Wednesday will be "Honor Man" for the class of 1972. He will be first in his class of 925.

On June 10 he will wed his high school sweetheart, Valerie Jean Swank, daughter of Mr. and Mrs. Wilbur F. Swank, 4109 W. 219th Street, Fairview Park.

When told he had achieved top academic honors, Haagensen, now at home, said, "I can't believe it."

He plans a career in nuclear submarines.

Haagensen was born in Lakewood, Aug. 4, 1950. His father, an engineering officer aboard aircraft carriers and other warships of the Royal Navy in World War II, came here from England after the war.

Today the elder Haagensen is the principal surveyor on the Great Lakes for London-based Lloyd's Register of Shipping.

Brian is the oldest of four Haagensen children. He was graduated from Fairview Park High School in 1968. He became an Eagle Scout, was a member of the National Honor Society and student council and lettered in varsity tennis for three years.

U.S. Rep. William E. Minshall, R-23, appointed him to Annapolis for entry in June 1968.

In physics Haagensen achieved a perfect grade, 4.0, every semester except his first. That was a 3.8.

After his marriage and a short leave Haagensen will report to the Navy's postgraduate school at Monterey, Calif., where he will work for a master's degree in nuclear physics.

That will be followed by a six-month course at the Navy's Nuclear Power School at Mare Island Navy Base, Calif., six months at a Navy nuclear submarine prototype school and then the start of his duties at sea.

SCHOOLBUS SAFETY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, the Kenosha News, one of the fine daily newspapers in my district, reported on June 5 a near-fatal schoolbus accident that occurred in Glenview, Ill., a city not far from my congressional district.

This incredible accident, in which the wheel of the schoolbus simply fell off, is the latest compelling example of why new schoolbus safety legislation is so desperately needed.

As you know, 79 Members of the House have joined me in cosponsoring the Schoolbus Safety Act of 1972 (H.R. 13999). I hope that it will not take many more of these terrifying schoolbus accidents before Congress passes this legislation.

I urge my colleagues to carefully read this important article in the Kenosha News, which follows:

SCHOOLBUS CRASHES

Thirty-five school children escaped injury Friday afternoon when a Glenview, Ill., schoolbus lost a wheel as it approached the west frontage road at I-94 while eastbound on Hy. 20.

Racine deputies reported that the wheel rolled onto the rear of a car driven by James M. Aleshire, Janesville, who had stopped for a stop sign at the frontage road.

The bus driver reported that the front wheels wobbled as he approached I-94, and when he applied the brakes, the wheel assembly came off. The bus narrowly missed a tanker truck before going into a ditch.

A cotter pin missing from the wheel assembly apparently caused the accident as the bus returned from a school trip, according to deputies.

PENDING WELFARE LEGISLATION COMPLETELY INADEQUATE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. STOKES. Mr. Speaker, on June 6, 1972 an important article appeared in the Washington Post. It concerned the pending welfare legislation, was entitled "A Crucial Stage for Welfare Legislation," and was written by Mr. Nick Kotz.

To refresh some memories, Mr. Kotz was the gentleman who stirred America's conscience, temporarily, over the problem of hunger in this country. His Let Them Eat Promises was a searing examination of the Federal Government's successful attempts to ignore those who cannot even afford to eat.

Nick Kotz has done it again. His article focused upon the so-called liberals who are about the betray millions of poor Americans in the name of welfare reform.

Mr. Kotz approached the betrayal via an 8-step drama which ended with ratification of welfare reform legislation. The curtain comes down on this scene:

About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children.

I call special attention to Mr. Kotz' delineation of three simple truths about welfare recipients, truths which "do not register on the minds of people who want to believe something else":

1. There are no more welfare chiselers than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

I urge my colleagues to read Mr. Kotz' excellent article, and to reject any welfare reform legislation which ignores the needs of the 25 million poor and 15 million hungry American citizens.

Mr. Kotz' article follows:

A CRUCIAL STAGE FOR WELFARE LEGISLATION

(By Nick Kotz)

As the political rhetoric heats up in a presidential election year, candidates once again are promising they will stamp out welfare loafers who are living it up at taxpayers' expense, Governor Wallace would put an end to the welfare bonanza created by liberal "pointy heads." Senator Humphrey, even though he has co-sponsored a generous welfare bill, has adopted a campaign tone hostile to welfare recipients. President Nixon has been asserting that emptying bedpans at $1.20 an hour is just as rewarding a job as being President.

It is in this atmosphere that Congress reaches a crucial stage in its three-year consideration of so-called "welfare reform" legislation. At this time, it is awfully hard to find anyone who is speaking for and to the human needs of those 12 million children, old people, and disabled who comprise more than 85 per cent of the welfare "deadbeats." Their case deserves to be stated in a country that still prides itself with concern over the helpless, the powerless, and the child.

Ironically some of the welfare poor are just as worried today about protection from their "friends" (liberals in Congress and newspapers like The Washington Post and the New York Times) as they are sickened by their enemies. They thoroughly understand the intentions and motivations of Senator Russell Long (D-La.), the Finance Committee chairman, who is openly preoccupied with the present shortage of women willing to wash his shirts for poverty wages. Long and a majority of his committee and the House Ways and Means Committee traditionally have approached welfare with a keen interest in maintaining a cheap, helpless labor supply in the South and elsewhere.

But members of the National Welfare Rights Organization composed of poor people who must exist on welfare, and their allies in the National Council of Churches, are far more perplexed, but no less worried about the liberal legislative strategists who keep pushing this year's welfare reform bill toward the White House.

Advocates for the welfare poor, such as NWRO and the Council of Churches are convinced that Congress is now virtually locked into a legislative course that almost certainly will leave present welfare recipients worse off than they are today. Yet this legislative drive is being kept alive by liberals flying under the banner of welfare reform and an interest in helping the poor, but unmindful of the likely outcome.

This is the legislative scenario that is envisioned by these spokesmen for the welfare poor:

1. The House has already passed a Nixon administration welfare bill, which could result in a loss of legal rights and benefits for 90 per cent of the recipients now on welfare. The poor in only four or five states might end up better off. Food stamp aid, now amounting to $2½ billion annually to 12 million poor, would be eliminated. Numerous hard-won legal rights are stripped from the poor. A family of four would be guaranteed only $2,400 a year, which is about one-third of what the Labor Department says it takes to live on a low-level budget in a typical American city. The reform in the bills is that the working poor will get benefits for the first time.

2. The Senate Finance Committee will report out a bill, that will make even the most regressive features of the administration's House-passed bill look generous by comparison. If that bill contains subtle measures to control the poor, the Long bill openly punishes welfare children and their mothers.

3. The White House will then negotiate a compromise bill with a single senator, Abraham Ribicoff (D.-Conn.). The White House needs Ribicoff and liberal Democrats because the administration can't find a half dozen Republicans to support its own House-passed bill. Ribicoff needs help from the White House because his own proposal, which helps rather than punishes the poor, also probably cannot pass the Senate.

So the President and Ribicoff strike a compromise restoring a few of the local rights which other proposals snatch from the poor, and offering at least a better guarantee that millions of poor people won't have their already inadequate benefits cut still further. (To Ribicoff's credit, he is the one liberal senator to have designed and worked hard on a practical, generous welfare plan.)

4. The Senate, depending on how many liberals have deserted the floor for presidential and other campaigning, will probably approve some form of Nixon-Ribicoff compromise. The quality of the compromise will depend on the mood of the White House, which has swung to a punitive attitude on welfare, and of Senator Ribicoff, whose volatile views about the poor have varied from punitive to humane understanding.

At best, the Senate will pass a bill that improves somewhat on the House version and guarantees that current welfare and food stamp recipients aren't left worse off than before. Such a guarantee would require ironclad provisions that state benefits above the minimum are maintained, that food stamps are retained or replaced dollar-for-dollar with cash, and that welfare recipients are not denied their civil liberties and legal rights.

5. A Senate-House conference committee will then convene to consider the different House and Senate versions of welfare reform. The committee will probably consist of the senior members of Long's Finance Committee and Rep. Wilbur Mills' Ways and Means Committee. Based on past voting records, there is not among these senior men a single one who will support decent living standards for the welfare poor.

The conference committee will reach a compromise. If the Senate conferees make any pretense of supporting the Senate-passed bill (which they violently opposed), then the compromise probably will be no worse than opening the way for 80 percent of the poor to suffer reduced benefits.

6. The conference bill will be reported back to the House and Senate floors, just as Congress is about to adjourn and political demagoging of welfare has reached election year fever pitch.

The House will approve the conference report overwhelmingly, over the protest of the Black Caucus and a few dozen others.

The Senate also will pass the bill by a wide margin after first hearing the belated protests of a few liberal senators that the bill should be defeated because it takes bread out of the mouths of already undernourished children.

It will be a good vote for most members of Congress. It will be considered a good political vote not only against welfare loafers but for social security increases. (Social security and welfare are considered in a single package.) Few congressmen would consider endangering a social security hike in an election year.

7. President Nixon will sign the bill, announcing his greatest legislative achievement—which will put an end to the welfare mess.

8. About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children. Senator George McGovern and others who fought for the last six years to end hunger in America will sadly discover that the hungry are right back where they started, without the principal food program that was starting to help them.

The legislative scenario described here doesn't have to be acted out. It can be short-circuited in several ways.

A Senate majority of liberals and moderates could conceivably exercise a collective profile in courage. But this would require action now. These senators would have to pledge, starting this week, that they will kill any legislation that hurts poor people. Ribicoff hasn't made that pledge. They will have to decide that the fate of millions of poor Americans should not be decided in private negotiations between a single Democratic senator and the White House, nor by two ultra-conservative finance committees whose members have hard hearts when it comes to poor people. These senators will have to forswear the political luxury of casting one vote for poor people, and then resignedly voting for a final bill that punishes the poor.

These senators will have to decide, as have NWRO and the National Council of Churches, that there is a price that is too high to pay for a few elements of structural reform.

The price is too high when it includes increased suffering for innocent children. The price is too high when it strips poor Americans of the rights they have won the last 10 years in the U.S. Supreme Court. The price for establishing the principle of aid to the working poor is too high when it includes increased misery for 15 million already miserable people.

The welfare bill also could be killed by a coalition of senators who refuse to hurt the present welfare poor, and conservatives who disapprove of aid to the working poor.

Noticeably absent from the entire debate are a few facts about welfare.

1. There are no more welfare cheaters than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

Many of the women are needed at home to care for small children. Many do work—at poverty wages. Many more want to work but can't find jobs that would pay them enough to support their families. Many can't find jobs at all. Many are not qualified for jobs.

But these kinds of facts do not register on the minds of people who want to believe something else. The welfare recipient becomes a convenient scapegoat for a troubled society.

So the genuine representatives of poor people watch with dismay while their self-appointed liberal champions keep the welfare legislation rolling, without attention to legislative realities that could end disastrously for the poor. The poor still look for the champions who will say "no" to legislation that could mean less food for 8 million children and millions of elderly who already can't afford an adequate diet.

MOORHEAD ANNOUNCES HEARINGS ON LEGISLATION TO CURB SALE OF MAILING LISTS BY GOVERNMENT AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee will hold hearings next week on a number of bills that would amend the Freedom of Information Act (5 U.S.C. 552) to limit the sale of mailing lists by Federal agencies for

commercial purposes. There are several dozen cosponsors of such legislation, including H.R. 327, H.R. 7564, H.R. 8903, H.R. 9738, and H.R. 10020.

Members and others interested in testifying on this legislation or submitting statements for the hearing record should contact the subcommittee office—225–3741. We have set aside Tuesday, June 13, for Members' testimony. Executive department witnesses and others will be heard on June 16. Written statements for inclusion in the record should be sent to room B–371B, Rayburn House Office Building.

ELDERLY CITIZENS' DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mrs. GRASSO. Mr. Speaker, June 9 is Elderly Citizens' Day—a time to pay tribute to those people whose industry and energy have built our Nation.

Every American should have the opportunity to face his later years in tranquillity and peace. Unfortunately, for many of our older Americans, later years are filled with anguish and suffering.

Many of our elderly citizens are faced with a problem which, essentially, stems from a rising cost of living and a fixed income. Inflation and inadequate benefits savagely rob older people of their buying power and turn hard earned dollars into shrunken dimes. The costs of food, medicine, and other vital necessities remain relative to other goods. These items become luxuries for citizens who receive small pension or benefit checks.

I believe that many of these problems can be overcome through modifications of our present social security system. Since entering the Congress I have consistently supported legislation which would provide for additional social security benefits and facilitate the payment of existing benefits. I worked hard for the passage of legislation establishing a nutritional program for the elderly which in March of this year was enacted into law. Legislation providing for a 20-percent across-the-board increase in social security benefits has my complete support. Nevertheless, gaps remain in the present system of providing social security benefits. Today I am introducing three bills to correct some present inadequacies in the social security and medicare programs.

One bill provides a minimum monthly social security benefit at age 72 to all uninsured individuals. This is an important piece of legislation. Most important, it would provide minimum benefits to the many people who have contributed to the economy in some way, but do not qualify for social security benefits under the present system.

The second bill would permit the computation of benefits payable to a married couple—or the survivor—on the basis of their combined earnings. Under the present law, it is possible for the wife to contribute part of her salary in social security taxes and yet receive no additional benefits upon retirement. This legislation would rectify this discriminatory situation.

The third bill doubles the number of lifetime reserve days for inpatient hospital benefits under medicare from 60 to 120. Because of their age, elderly Americans are faced with increasing medical costs. Serious illnesses may drain their medicare benefits and still leave them with a continued need for hospitalization.

The three bills I have introduced today will not eliminate the poverty facing so many of our 20.5 million elderly citizens. However, if enacted, they represent an important step—along with social security benefit increases and the new elderly nutrition program I helped draft—toward providing a better life for older Americans.

TRIBUTE TO WILLIAM BLACKIE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MICHEL. Mr. Speaker, 1 week ago today one of the most remarkable careers in the history of the American industrial community came to an end with the retirement of Mr. William Blackie, chairman of the board of Caterpillar Tractor Co. which has its world headquarters in my hometown of Peoria, Ill.

While I would not want to embarrass my friend by referring to him as a "giant of industry," I must say that the policies which he conceived and administered so skillfully during his 10 years as president and then chairman of the board and chief executive officer have had a gigantic impact, not only in the Peoria area where employment rose by 7,000 from 1962 to 1971 but also in other parts of the world where an additional 21,500 jobs were created by the construction and acquisition of 11 new Caterpillar factories.

As Mr. Bill Franklin, the new Caterpillar board chairman says:

Mr. Blackie's genius is in organization.

But I also have no doubt that his frugal Scottish background has stood him in good stead during his career. I can say without fear of contradiction that we could use those qualities here in the Congress especially when we consider the funding of all these Government programs which are running into billions of dollars.

BLACKIE'S LEGACY: 28,500 NEW JOBS AROUND WORLD

(By Tom Pugh)

This Wednesday Caterpillar Chairman William Blackie will take a last, quick inventory of his undecorated office in the company's seventh-floor executive suite and retire to a director's office on the sixth floor.

The walls of the 66-year-old Scots-American's office have always been bare—even though it is now five years since Caterpillar's new headquarters opened in downtown Peoria.

Why did Blackie, who has personally transformed the public corridors of the seventh floor into a striking gallery of world art, put not a thing on his own walls?

"We just haven't got around to it," is his answer.

Blackie did, however, "get around to" a number of other things in the decade he has spent as president and now chairman of the board and chief executive officer of Caterpillar.

While he denies personal credit—when he says "we" he really seems to mean Caterpillar people and not himself—for anything much beyond buying most of those paintings on the seventh floor, it is easy to see the important thing he has done.

That monumental building in downtown Peoria with all those foreign flags fluttering in front represents Blackie's legacy—28,500 new Caterpillar jobs around the world.

It was his organizational "genius"—that word keeps recurring when people talk about him—which transformed Caterpillar from a huge factory strangling East Peoria with traffic into a unique successful multi-national manufacturer.

That Blackie did it—putting into operation 11 foreign factories which now employ 12,000 people—while Peoria area employment was boosted by 7,000 people and employment in other parts of Illinois and America rose by another 13,000 people is amazing.

Almost nobody thought that would have been possible ten years ago when Blackie and his boss, now retired Chairman Harmon S. Eberhard, insisted that Caterpillar had to "undertake production in foreign markets" in order to compete.

That they succeeded cannot be questioned. Sales grew from $743 million to $2.175 billion. Profit went from $55.8 million to $128.3 million—and last year was not even as good as the two previous years.

The more important measure here in Central Illinois, however, is shown in this list of year-end Caterpillar employment figures in the Peoria area:

1962	19,240
1963	21,191
1964	23,893
1965	24,993
1966	26,401
1967	26,369
1968	26,422
1969	27,597
1970	26,829
1971	26,713

The vital thing in those figures is the employment stability Blackie produced here. Steady jobs.

While this month's Fortune magazine warns of competitive trouble ahead for Caterpillar and concludes "life may be a lot less serene in Peoria," Peorians who recall the three massive layoffs in the the 50s—6,000 in 1952, 7,000 in 1956, and 5,000 in 1959—have had reason to be serene in Blackie's decade.

Over those ten years, Caterpillar also lifted much of the crush of its concentration in East Peoria by building new facilities in Mossville, Morton, Mapleton and Peoria. In so doing, the company became a bigger taxpayer in Peoria county ($2.4 million last year) than it was in Tazewell county ($2.3 million).

How did Blackie do it? For one thing he does "get around." He personally helped choose the sites for Caterpillar's plants in his native Glasgow; in Newcastle and Leicester, England; in Sao Paulo, Brazil; in Grenoble, France; in Gosselies, Belgium; in Melbourne, Australia; and in Tokyo.

But the people who know him say it is not so much where he travels but how he does it.

They say Blackie never stops moving and never thinks much about himself.

"Watch him play tennis," former Caterpillar chairman Louis Neumiller said. "He's never down. He wants to win right up to the last ball that's in play."

"I've never seen him walk except at double quick time—and he's always going somewhere. There's nothing aimless about Bill."

I asked Mrs. Helen Williams, Blackie's secretary for 24 years, to dig out of a storeroom all of the plaques and certificates which Blackie had received over the years and did not hang on his office walls. She came across a sterling silver one from Tiffany's which was engraved:

"DUN'S to William Blackie, Chairman, Caterpillar Tractor Company: 'One of America's Ten Best Managed Companies.'"

"Mr. Blackie waited for this one to come," she said. "He wanted to hang it up downstairs where everybody could be proud of it. But when it came in, it had his name on it—not just Caterpillar's—so he just had me file it in the morgue."

William Franklin, who will succeed Blackie as chairman Thursday and who like Blackie is a certified public accountant, says Blackie's genius is in organization. (Blackie, incidently, says Franklin's genius is in finance.)

"Bill was the architect of the company. He evolved its organization over the years and it took final form a number of years ago," Franklin said. "Its biggest characteristic is the fact that we have staff vice-presidents in charge of functions who have responsibility worldwide. We don't have an international and a domestic division as most other firms do."

Blackie says that "organization is only a tool for a purpose. It's a good tool if it works. If it doesn't work, it should be changed."

One Caterpillar executive perhaps made it plain what Blackie meant when he said the company has a chart of organization but everybody put it away in a drawer and forgot it. We don't much hold to "going through channels.'"

Blackie says the company structure is "purposely loose" but that it aims "as far as possible to have decisions made at the lowest possible level—with ideas and recommendations flowing both ways."

Perhaps most important is Blackie's idea of how a boss ought to fuction. "Authority is a tool not a title" to him and he will have some words to say on the subject when he speaks at the Monmouth College commencement next Saturday.

Generally, Blackie stresses that top leadership and decision-development must be carried out by more than one person, although final responsibility still has to be pinned on somebody.

The four men who share the executive wing with Blackie—Franklin and Executive Vice Presidents L. L. Morgan, W. L. Naumann and V.V. Grant—seem to perform with complete independence but somehow (in a way that probably only they understand) they function as extensions of Blackie himself.

It is interesting that Neumiller, who retired ten years ago, looks back upon Blackie, who was his executive vice president, as the man who "decided" to put the new company headquarters in Peoria rather than in Mossville.

Both Neumiller and Franklin say Blackie is the man who got Caterpillar to make its manufacturing investments abroad in the face of a lot of arguments to the contrary.

Why did Blackie think his overseas manufacturing scheme would work? Part of the reason has to lie in his near-religious faith in the new "multi-national corporations" which are adding worldwide manufacturing plants to their earlier-established international sales systems.

In a speech Blackie once called the multinational corporation "the most constructive agency for the propagation of material good ever known." He can make a convincing argument that he was not exaggerating a bit.

Beginning with the premise that incorporated firms everywhere are chartered "not to make profits but to produce goods and services," Blackie contends that successful corporations serve more people more efficiently than any other agency he knows about and that a corporation which goes beyond national boundaries in all of its endeavors is bound to end up serving more people.

This thesis inevitably conflicts with Communist or socialist thinking on the same subject, and Blackie makes this conclusive accounting:

"By comparison with the success of our system, theirs is a poor second."

Does he think the Communist nations are beginning to realize this?

"Yes, I think so. I know that for nearly ten years now, Russia and the socialist nations of eastern Europe have been modifying their economic systems to incorporate more of the principles of free capitalist enterprise.

"They are introducing interest as a factor in determining where capital should be employed. They are determining profit as a measure of comparative performance. They are paying incentives to those who are more productive than others."

"The one basic tenet which they adhere to is state ownership of the means of production, transportation, and finance.

And on that basic tenet, Blackie reminds us that most of the nations which Americans consider to be free agree to some extent with the socialist thinking. "I think we are perhaps the only country in the world today that doesn't already own its major railroads and utilities," Blackie said. "Virtually everywhere else they are generally owned by either national or local governments."

While Blackie will talk at length about the value of multi-national corporations generally—keep in mind that all of them are not American firms—he prefers to talk specifically about his own corporation.

"Caterpillar is not a conglomerate (a bunch of unrelated companies stuck together under one management) because we don't want to be a conglomerate," he said.

"We don't wish to be one because we don't want undue dilution of our main objective—and that's to be tops in our own field."

Caterpillar is already there and everybody knows it. The vice president of a competing manufacturer put it this way recently:

"Caterpillar has always been No. 1, but today there isn't even any No. 2 or No. 3 or No. 4."

Blackie smiled upon hearing that and tried to respond to my question as to who really was No. 2.

"In crawler tractors, it would be Komatsu in Japan," Blackie said. 'In rubber-tired tractors and equipment it would now probably be TEREX. In front-end loaders—on tracks and wheels—I'm not sure. Maybe International Harvester."

At that point Blackie gave up and said that somebody else once said that "Caterpillar doesn't fit in an industry—it is one."

Then he leaned back and said, "You know, things can work in this company that won't work in other companies because of the kind of people we have."

Asked if he really believed that, he shot back, "Absolutely!" Then he said he based his belief on what other corporate executives have told him about the people who worked for them and what they told him about the people who work for him.

Blackie has worked hard over the years seeing to it that the kind of people Caterpillar has are taught how to do the jobs they do. About a generation ago when he was a vice president he wrote a booklet (without a byline) entitled "Building an Effective Work Force." Among other things he wrote:

"The major test of industrial worth must, of course, always be individual performance . . . It can never be a supervisor's 'alibi' that his failure to accomplish his task is attributable to subordinates who fail . . ."

By his own measurement or anybody else's, William Blackie's "industrial worth" has met the test.

Last month Caterpillar's profits, in total amount and per share of stock reached an all-time record for any month in the company's history; and this month the price of its stock hit an all-time high on the New York Stock Exchange.

As Blackie said: "For a time to bow out, it's not all bad."

A COUPLE OF GRIPES

Employes in Caterpillar's downtown headquarters, although they are the best-paid people in town, have two gripes.

They don't like a rule which puts the automatic coffee machines throughout the building off-limits for a couple hours a day, and they kid about the odds of being killed on the escalators, which move almost as fast as Bill Blackie does.

The coffee rule, which says stay away from the machines before 9 a.m. and between 1 and 2 p.m., was put out in a memo from company Persident Williiam Franklin shortly after the new building opened, but some wags say it was really Blackie who was bugged by the sight of a non-productive gang-up around the machines every morning and afternoon.

The escalator speed, however, is completely blamed on Blackie. Everybody believes that speeding them up is just the thing he would do.

Actually, according to Franklin, the escalators run faster than Carson's or Bergner's because the stores slow theirs down so customers can look at the merchandise.

As to whether the coffee rule is really his or Blackie's, Franklin will only say, "It's a company rule."

On Thursday Franklin will be running the company.

GOING HOME

William Blackie and his wife, Florence, will go back to their native Scotland, which he left in 1930, after he retires—but just for a vacation.

After business meetings in the United Kingdom, they plan to get together in Scotland with their son, the Rev. Bruce L. Blackie of First Presbyterian Chuhch in Akron, his wife and the three grandchildren, Heather, 9, Holly, 7, and Heidi, 3.

Blackie has for a long time played tennis at the Country Club of Peoria virtually every summer weekend and in recent years during the winter a couple times a week at the Central Illinois Racquet Club. In the past, he usually golfed with his wife. Now he'll have more time to play with the men. Last week he started looking over his fishing tackle. And he probably will work more in his yard on High Point Drive.

He is thinking a little about doing some writing—something he has done a lot of during his years at Caterpillar. He plans to help the American Red Cross raise some money and to work with the Smithsonian Institution in an effort to bring its treasures to more of the people, perhaps by having a traveling exhibition come to Peoria.

But mostly he will probably keep going downtown to his sixth floor director's office, trying to help Caterpillar without getting in the way of Chairman Bill Franklin.

XUM

THE SACB AND THE NEW INTERNAL SECURITY PROGRAM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASHBROOK. Mr. Speaker, next week, I understand, an attempt will be made in the Senate to eliminate the appropriation for the coming fiscal year of the Subversive Activities Control Board, SACB, which, under legislation overwhelmingly passed by the House on May 30, would serve as the heart of a new internal security program, painstakingly devised through the joint efforts of the executive branch and the House over a period of several years. The new program, which would combine and continue as one program, two long successful existing programs, permit actions against the Communist Party U.S.A.; Maoist, Trotskyite and domestic brands of communism, groups attempting to deprive others of their constitutional rights by unlawful means; and organizations which violate laws pertaining to treason, rebellion, insurrection, riots or civil disorders, sedition, conspiracy, among others. By means of the program the American public would be alerted to the nature of such organizations and the Federal Government would be assisted in its hiring or retention of people unsuitable for Federal employment.

The older of the two existing programs dates back to 1943 when President Roosevelt issued an Executive order under which Attorney General Francis Biddle cited almost 50 groups as subversive. The Executive order was based on the President's recognition that totalitarians of various kinds—Communist, Nazi, and Fascist—whose aim was the destruction of our constitutional form of government were seeking or had obtained Government employment to assist in achieving their aims.

It also was based on the President's determination that such persons were unfit for employment and, if and when uncovered, should be eliminated from the Federal service. This was the beginning of the Attorney General's list as it is known today and was advisory to Government officials who had to resolve problems relating to loyalty of Federal employees. President Truman in 1947 issued Executive Order 9835 which expanded the program and in 1953 President Eisenhower revised the program with Executive Order 10450 which, among other things, retained President Truman's requirement for an advisory listing of totalitarian, Fascist, Communist, subversive, et cetera, groups and directed that sympathetic associations with them be one of the factors considered in determining an employee's or applicant's fitness for Federal service. Executive Order 10450 was continued under Presidents Kennedy, Johnson, and under President Nixon until he issued Executive Order 11605 on July 2, 1971, amending the previous order.

The second existing program in the area of internal security came into being with the Subversive Activities Control Act of 1950 which established the SACB. This act was enacted after years of hearings and much deliberation, to expose the Communist Party USA with its members, as a Communist-action organization controlled by the Soviet Union or the world Communist movement and dedicated to the subversion and overthrow of the United States. The act also provided for the exposure of the "fronts" of the party; that is, organizations not ostensibly connected with the party but controlled or dominated by the party.

Both programs developed shortcomings which have been corrected by President Nixon's Executive Order 11605 and H.R. 9669 which passed the House on May 30.

In the case of the Attorney General's list, the designation of organizations by the Attorney General was a nonadversary closed administrative procedure. In the early 1950's a series of judicial decisions indicated the need for open adversary proceedings with the trappings of due process. As the executive branch lacks the authority to confer such powers as that of subpena and a right to judicial appeal, there have been no designations since 1955 and the list is sorely in need of updating. Nevertheless, in extensive hearings before the House Internal Security Committee, all of the Government witnesses who testified before the committee stated, in effect, that the program had been and is effective and that only the list of organizations needs modernizing. Therefore, groups such as the Black Panthers, Students for a Democratic Society, or the Progressive Labor Party, all organizations of an extremist and radical nature, have never been added to the Attorney General's list because of their recent vintage. To further complicate matters, the SACB, because it handles only organizations which are Soviet oriented, cannot review the three above-cited organizations, all of which are outside the SACB's jurisdiction.

To improve the situation, President Nixon promulgated Executive Order 11605 which transferred to the SACB the function of designating organizations which had previously been that of the Attorney General. The Attorney General's much broader jurisdiction would enable the SACB to handle the three cases cited above. In addition, as the SACB is a quasi-judicial body, with the right of cross-examination and examination of evidence afforded those involved, the objection to the Attorney General's list concerning open adversary hearings is eliminated. Executive Order 11605 requires, for the first time, that only "knowing" association with any of the six classifications of groups on the list be considered in weighing a person's security status. It thus provides greater protection for the individual. Also, the order defines precisely what is meant by the six type: of organizations that may be placed on the list. President Roosevelt's order had merely referred to "subversive" activities without definition whereas the Truman order used the classifications of "Communist," "Fascist," "totalitarian," and "subversive" without defining these terms precisely.

Finally, rounding out the program is the administration's bill, H.R. 9669, which passed the House on May 30 by a lopsided vote of 226 to 105. This proposal would first change the name of the SACB to the Federal Internal Security Board. Next, in response to the contention of some that the President lacks authority to assign additional duties to the Board, this bill would expressly authorize the President to delegate such duties to the Board. Lastly, the bill makes applicable to such designation hearings, the due process procedures that have been provided for proceedings under the Subversive Activities Control Act.

As mentioned above, much time and effort has been expended in formulating this new internal security program. I understand the need for an additional Executive order was first considered in the Johnson administration, was revised and refined under the present administration and finally promulgated on July 2, 1971. The House Internal Security Committee began its extensive hearings on the administration of the Subversive Activities Control Act of 1950 and the Federal civilian employee loyalty-security program on September 30, 1970. Later additional hearings were held by the committee on various legislative proposals with H.R. 9669 receiving committee approval, resulting in House passage on May 30.

In view of the great effort expended in formulating this new internal security program and the key role delegated to the SACB, it would seem that the move to eliminate the SACB appropriation would be imprudent, if not dangerous. The above information conveys briefly the vast effort and experience which have gone into the internal security program dating back to the President Roosevelt order of 1943. The ingredients of the present program have been devised and tested over a long period of time and with the involvement of all three branches, the Executive, Congress and the courts.

To illustrate who would gain from the elimination of the SACB, two recent items from the Daily World, the Communist Party organ, should be perused. The first from the May 31 issue reports on the passage of H.R. 9669 and conveys the concern with which the Communist Party views this legislation. The second item, from the Daily World of June 6, tells about the upcoming Senate attempt to eliminate the SACB. Incidentally, in another article in the Daily World's May 31 issue there appears this excerpt which is cited as a goal of the CPUSA:

Abolish the FBI and end political frame-ups, eavesdropping and wiretapping. Abolish the Subversive Control Board, the House and Senate Internal Security Committees and repeal all repressive laws. End police brutality. Disarm all police. Forbid use of police, National Guard or the Army to suppress labor and peoples' struggles.

I insert at this point the two items mentioned above:

CONGRESS MEMBERS FIGHT WITCHHUNT BILL

(By Tim Wheeler)

WASHINGTON, May 30.—A group of Congressmen, including Rep. Bella Abzug (D-N.Y.) and Ronald Dellums (D-Calif.), fought today to block passage of a bill which would vastly expand the witchhunt powers of the Subversive Activities Control Board. They urged, instead, the abolition of the board which has had "nothing to do" since the Supreme Court struck down key sections of the McCarran Act.

During two hours of debate, anti-SACB Congressmen urged defeat of HR 9669 which would give the SACB a new name—the Federal Internal Security Board—and would amend the Walter-McCarran "Subversive Activities Control Act of 1950."

The expansion of the SACB powers was approved late today by 226 to 105.

The amendments would authorize the President to delegate to the board authority to conduct witchhunt hearings for the purpose of barring "subversives" from Civil Service jobs on "loyalty and security grounds."

The amendment also gives the SACB authority to "conduct hearings and make findings as to the character of organizations" for the purpose of updating the notorious Attorney General's list of "subversive" organizations.

NIXON PRODUCT

Rep. Richard Ichord (D-Missouri), chairman of the House Internal Security Committee, told the House members that the bill is a Nixon Administration product, written by the Justice Department and introduced for President Nixon by ultra-rightist John Ashbrook (R–Ohio).

Ichord said the bill is designed to eliminate Constitutional objections to the Walter McCarran Act raised by the U.S. Supreme Court in the cases of Eugent Robel and Herbert Aptheker.

Robel, a Seattle shipyard worker won his Supreme Court Appeal against attempts by the Federal government to have him fired for his militant trade-union activities.

Aptheker, the renowned Marxist historian, similarly defeated efforts by the Federal government to deprive him of his passport.

The court ruled that the McCarran Act was too "sweeping" and was "excessively vague."

FORCE TESTIMONY

The legislation would reaffirm the SACB's powers of subpena and would assure "the assistance of Federal courts to enforce that power."

It would thwart fifth Amendment rights by empowering the SACB to force a citizen to bear witness against himself while offering so-called "immunity for testimony compelled over self-incrimination claims."

The bill also provides for "penal sanctions for acts of misbehavior in the presence of the board."

BIG PAYROLL FOR IDLENESS

Ichord said the measure is necessary in order to give the SACB something to do.

Since the Supreme Court struck down sections of the McCarran Act, the nine members of the SACB have been drawing their $36,000 per year salaries while doing little more than occupy their plush office a few blocks from the White House.

Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, was in the public galleries during the debate today. She told the Daily World that the HISC rushed HR 9669 to the floor in an attempt to catch the opposition off guard.

Many Representatives are still absent following the Memorial Day holiday, including Rep. Robert Drinan (D-Mass), a member of the House committee, who voted against the measure in the committee.

Drinan is on a visit to Israel.

FIGHT ON WITCHHUNT AGENCY DUE THIS WEEK

WASHINGTON, June 5.—Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, told the Daily News today that a measure will be introduced in the Senate this week to cut off all funds for the witchhunting Subversive Activities Control Board.

A "Dear Colleague" letter, she said, has been sent to all U.S. Senators by Senators Sam Ervin (D-NC), William Proxmire (D-Wis) and Allen Ellender (D-La) urging them to vote for an amendment they will introduce eliminating all funds for the SACB.

Tuesday, the House approved a measure, HR 9669, expanding the powers of the SACB. The measure has been sent to the Senate Judiciary Committee. She said this makes all the more urgent support for the efforts of the senators to cut off funds for the committee.

Additionally, Sen. Ervin has attached to the appropriation bill which contains the funds for the SACB a rider which stipulates that none of the funds appropriated to SACB may be used for implementing Pres. Nixon's executive order of last year expanding the SACB's powers.

Mrs. Allen described this measure as a "fall-back" position for the senators if they are defeated in their efforts to eliminate funds for the SACB altogether.

If the Senate passes measures to abolish or curb SACB, then a House-Senate Conference Committee will be convened to resolve the differencea between the two bodies on the fate of SACB.

This makes it important, Mrs. Allen said, for the Senate conferees to be "instructed" to abide by the vote in the Senate against SACB and not yield to pressures to compromise on the measure.

HOUSE OF REPRESENTATIVES—*Monday, June 12, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is spirit: and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God and Father of us all, we wait upon Thee for the uplift of Thy spirit which clarifies our minds, strengthens our hearts, and leads us in the ways of truth and love. Quicken within us every noble impulse that we may walk uprightly with hearts free from malice and filled with good will.

Bless our country with Thy favor and guide our people in the paths of peace. Be with all who serve under the banner of our Government, particularly our Armed Forces, and prisoners of war. Strengthen them in times of temptation and give comfort to those who mourn the victims of violence.

Give us faith to see beyond the troubles of this day the working of Thy providence in the affairs of men and may we ever strive to walk in Thy way.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on June 6, 1972, the President approved and signed bills of the House of the following titles:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes; and

H.R. 13361. An act to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin.

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States Dwight D. Eisenhower.

AMERICA'S SHAME IN VIETNAM

(Mr. DOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOW. Mr. Speaker, I am severely disturbed by an article in the New York Times of June 10, 1972 which is headed, "Military Waging War as They Want." This shows very clearly that the generals and the admirals in charge of the air war in Indochina have the fullest freedom to range up and down Vietnam and elsewhere, pounding the Vietnamese "into the Stone Age," as one general once put it.

Evidently, our air forces are doing the same thing in Laos, with even less accountability to the American public. A former education adviser in Laos, Mr. Fred Branfman calls our action there, "America's Secret War" and tells how the beautiful Plain of Jars in Laos has been systematically destroyed by automated warfare.

Does the balance of peace among the superpowers mean that men, women, and children in a small nation which happens to be in the path of some superpower, must endure the scourge of napalm and white phosphorus at the whim of push-button generals?

I regret the hypocrisy uttered regularly by the highest figures in our Government that the cruel war we are waging in Indochina is the way to peace for future generations.

If I were a member of the military called on to serve as an instrumentality of the present American war machine, I would find my patriotism seriously challenged by my conscience.

ONE WAY TO CURE AIRLINE PIRACY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is a disturbing increase in armed extortion through airplane piracy. It is obvious that not enough is being done to stop this reprehensible practice. Both airlines and Government point a finger at each other for failing to take adequate steps to stop hijacking and extortion. Very probably both are right. The airline owners and operators contend that crime prevention and criminal apprehensions are functions of government. Yet, the governmental agencies tell me the airlines are reluctant to cooperate in the measures necessary for proper preventive and control measures. The situation is worsened by the fact that only 23 countries have ratified an agreement signed by 71 nations at the Hague Convention on Air Piracy in October 1971. In other words, over three-fourths of the nations of the world have been unwilling to agree to extradite or punish hijackers.

We need, of course, an antipiracy law modeled after the Lindbergh law. There should be a law making it illegal to pay ransom to armed criminals. There should be rewards for those who prevent piracy or who subdue or apprehend hijackers. Unless there is an armed Federal agent aboard, there should be at least one member of each aircraft crew who is deputized, armed, and trained to deal with hijackers.

From the standpoint of new laws, neither the Congress nor the Government has shown sufficient interest in overcoming the problem of hijacking. We in Government, the airlines, and the American people simply tolerate the practice and it is growing worse.

Today, I am introducing a bill which will probably fare as have all others dealing with this subject. Perhaps, however, it will help to needle those who could do more about the problem. It is a bill to provide that payments made by airlines to aircraft hijackers should not be deductible for tax purposes. At present, I am advised by Internal Revenue Service that such payments can be deducted as losses or a business expense. They have nothing to lose. At least, let us close this one loophole.

FLOOD AND DISASTER AT RAPID CITY, S. DAK.

(Mr. DENHOLM asked and was given permission to address the House for 1 minute and to extend and revise his remarks.)

Mr. DENHOLM. Mr. Speaker, tears, terror, tragedy, and thanks followed the devastating walls of water that boiled out of the canyon and into the city of the valley as sleeping residents sensed the horror of flood waters in the night time.

The death toll in the most deadly flood of the Nation in 44 years has passed 200 and 500 or more are still missing in and near Rapid City at the foot of the eastern slopes of the Black Hills in South Dakota.

It began in the darkness of night when a wave crashed through an earthen dam at rain-swollen Canyon Lake on the western edge of the city.

The roaring waters swept cars through the city, crushed trees, and demolished homes.

Terror stricken survivors peered through tears at death—debris everywhere. The serenity and tranquillity in the shadow of the beautiful Black Hills was no more—and in the dawn of the 10th day of June there was a stillness and stench of death and disaster where but hours before children played and tourists tarried. The crunch of disaster laid naked in the valley as the crest of the roaring waters disappeared. Survivors in prayer and in shock gave thanks. Many with no more than life alone survived—and hundreds remain missing in the wake of the tragedy that gutted the valleys of the city as the floods rolled on.

There is little now left in the aftermath of the pathways of those roaring waters except grateful hearts among all in sorrow for the help of all in rescue of loved ones that are no more.

I commend Donald V. Barnett, mayor, the Honorable Richard F. Kneip, Governor, and the President of the United States, for the exceptional manner and dispatch of duty in the protection of lives and property against the devastation of disaster.

I respectfully request the reasonable consideration of all Members of the House for whatever emergency and essential relief may be necessary to comfort the homeless and to restore the tragic losses sustained by the people and victims of the flood at Rapid City, S. Dak. Thank you very much.

TRIBUTE TO THE LATE JOHN PAUL VANN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am sure many of my colleagues will join with me in mourning the death of John Paul Vann. At the time of his tragic accident, John Vann was our senior adviser to the South Vietnamese in the central highlands.

I met John 5 years ago when I made my first inspection trip to South Vietnam. He impressed me greatly with his knowledge of the war. And his estimate of the situation has been proven correct over and over. I visited with him several times over the last few years and it was always evident that he never lost his enthusiasm for the South Vietnamese people and his belief that Vietnamization and pacification would be successful.

John Vann was a very outspoken man. Furthermore he was fearless in fulfilling his responsibilities as an American adviser. The American people have lost a splendid warrior and a defender of freedom with the death of John Paul Vann.

CONGRESS SHOULD REFLECT ON SOURCE OF PRESSURE ON REVENUE SHARING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, now that revenue sharing has been postponed again, and perhaps will not be considered this week, I think it is time for the House to calmly reflect upon the source of all of the pressure and lobbying that we have been getting on this subject. I know that lobbying is part of the democratic process, and I do not object to it, but perhaps it may be time for the Congress to look at the source of this and say, is this a legitimate kind of lobbying?

I am referring to the lobbying that is going on by the National Association of County Officers, and the U.S. Conference of Mayors, and the National League of Cities, the Governors' Conference, and the Council of State Governments, and the International County Management Associations. These are all people who by and large, I think, Mr. Speaker, are using tax funds to lobby us to get more money so that there will be just more and more to spend.

I think it is time that we looked at the source of the pressure that is coming on the revenue sharing program. Perhaps it is time for an appropriate committee of the Congress to take a look into this type of lobbying.

Mr. Speaker, at this point in the RECORD, I want to include an editorial from the June 2 issue of the County News, which apparently is published by the National Association of County Officers.

This editorial describes the nature of the lobbying campaign that has been launched against Congress in behalf of revenue sharing and names those tax-supported organizations that are propagandizing us.

Mr. Speaker, I think it is time that this kind of waste of taxpayers' money is exposed and within the next few days I intend to introduce a resolution requesting an investigation into the tax-supported activities of these associations.

WRITE ON

In the next two weeks the House of Representatives will act on General Revenue Sharing. If the measure survives this test, it starts the legislative process on the Senate side. There will be hearings before the Senate Finance Committee; and finally the vote on the Senate floor.

Now is the time to be heard. Now is the time for every county commission, every city council, and every state legislature to memorialize their representatives and senators and urge the prompt passage of this desperately needed legislation.

We fear that maybe as a National Association we have "come to the well too often" in our request for the members to contact their congressmen. The battle has lasted much longer than any of us dreamed it would, having been going on now for more than 2½ years.

This has discouraged many state and local officials in the past. Now that prospects are so much brighter we are getting a strong response.

We were at a meeting yesterday with Rep. Wilbur Mills (D.-Ark.) Chairman of the House Ways and Means Committee who will be the floor strategist for the legislation. He reported very heavy volumes of county, city and state officials communicating directly with him or directly with their representatives.

The message to our Representatives should be very simple. We want our Representatives to follow the lead of Chairman Wilbur Mills as he steers this legislation through the complexity of parliamentary maneuvers. He is wholeheartedly in favor of this legislation. He'll fight like a tiger to get it passed.

On the Senate side, Sen. Russell B. Long (D.-La.), Chairman of the Senate Finance Committee, is very much in favor of this legislation. There are, however, 99 other senators. It is important to constantly remind these Senators that we need the legislation.

We have two immediate problems. The first setback we may get in the House of Representatives. This is a move to have the present bill amended to provide for annual appropriations. This could be very damaging indeed. We know that the House Appropriations Committee is hostile to this legislation. To have to go through this complex legislative process each year would destroy the whole idea behind a predictable amount of money coming into the cities, counties and states. We need a five year appropriations as provided in the present bill as approved by the House Ways and Means Committee.

The second point of controversy is the question of retroactivity. The House bill provides that payments to states and localities would be retroactive to January 1, 1972. There is some sentiment (in view of the large federal deficit) to make the effective date July 1, 1972 or even January 1, 1973. This again could be extremely damaging to many of our hard pressed cities, counties and states.

The message then is write, telephone, visit, whatever you have to do to make your United States Representative and United States Senators understand the plight of your community and the need for prompt passage of this legislation.

Similar campaigns are also underway now in our sister organizations, the U.S. Conference of Mayors, the National League of Cities, the Governors Conference, and Council of State Governments and the International County Management Association.

Now's the time to dig in and fight.

SCHEDULING OF PROPOSED REVENUE SHARING LEGISLATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, if I may have the attention of the gentleman from Florida (Mr. GIBBONS), I want to commend him for his remarks to the House.

Can it be possible that we are embarking upon an off-again on-again gone-again treatment with respect to so-called revenue sharing?

Mr. GIBBONS. I do not know what we are involved in. I would say the longer it is delayed, the better off the country is, and if it is never enacted, the country will be a great deal better off.

Mr. GROSS. I am sure of that, but I think the House ought to have some notice, if we are not going to take up that bill. I think we should be notified promptly and given the reason why it is not being taken up. I wonder if we are getting into a situation in the House where we may be in violation of the Federal Corrupt Practices Act in scheduling legislation, when out of a clear blue sky, we find we are not going to be able to take up the legislation on the program for some unknown reason.

Mr. GIBBONS. I do not know what the reason is, I will say to the gentleman from Iowa, but all I can say is if we never take it up, we will be a great deal better off.

ANNUAL REPORTS OF THE FIVE RIVER BASIN COMMISSIONS ESTABLISHED UNDER WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–310)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit herewith the annual reports of the five river basin commissions established under the Water Resources Planning Act of 1965. These reports are from commissions that have been set up in the Pacific Northwest River Basins, the Souris-Red-Rainy River Basins, the Great Lakes Basin, the New England River Basins, and the Ohio River Basin and reflect the accomplishments of each commission during Fiscal Year 1971.

The primary responsibility of each commission is to develop plans for the best use of its water and related land resources, and to recommend priorities for implementing its plans. These commissions, though comprised of State and Federal members, are established at the initiation of the Governors of the States involved within the commission areas. They are unique in that they are neither wholly Federal nor State, but rather jointly financed partnerships working to develop the resources of their respective regions.

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.

RICHARD NIXON.

THE WHITE HOUSE, *June 12, 1972.*

CHANGE OF LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that the so-called revenue sharing bill will not be considered this week, but it will be considered on Wednesday and Thursday of next week.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman state why it will not be considered this week? Some of us have made plans for the week following.

Mr. BOGGS. The gentleman knows program matters are always subject to change. The chairman of the committee desires to postpone consideration of the bill until next week.

Mr. GROSS. There must be a reason for these changes.

Mr. BOGGS. There are always reasons. There were reasons why we could not take it up this week.

(Mr. SHOUP asked and was given permission to address the House for 1 minute.)

Mr. SHOUP. Mr. Speaker, I should like to request further information from the majority leader on the program.

What will be our business, in place of the revenue sharing measure?

Mr. BOGGS. We will have one of the appropriation bills, the Interior bill, up tomorrow.

Mr. SHOUP. Followed by the Labor-HEW bill?

Mr. BOGGS. Exactly.

Mr. SHOUP. I thank the gentleman.

PROVIDING FOR CONSIDERATION OF H.R. 10792, INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1010 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1010

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Bank-

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ing and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment, and all points of order against said substitute are hereby waived for failure to comply with the provisions of clause 7, rule XVI. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3166, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10792 as passed by the House.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1010 provides an open rule with 1 hour of general debate for consideration of H.R. 10792, the purpose of which is to increase the outstanding loan ceiling of the Small Business Administration. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and points of order are waived for failure to comply with the provisions of clause 7 of rule XVI because section 2 of the committee amendment would not be germane. After passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from further consideration of S. 3166 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 10792 does not provide or appropriate any funds for the Small Business Administration. It merely increases the outstanding loan ceilings in order to allow the agency to continue its operations.

At the present time, the ceiling on loans in all SBA loan programs, except disaster loans which are not subject to ceiling, is $3.1 billion. As amended, the bill increases this ceiling to $4.3 billion, which will enable the agency to operate through the end of fiscal year 1973.

In addition, there are subceilings in specific loan categories. The amount of loans which can be outstanding in the Small Business Investment Company, program is increased from $450 million to $500 million. The amount of loans which can be outstanding in the economic opportunity loan program is increased from $300 million to $350 million and the maximum amount of each such loan is increased from $25,000 to $50,000.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 10792 may be considered.

Mr. HALL. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement. I am not at all convinced, as far as that portion of the bill that this rule would make in order is concerned, that with a 50-percent failure rate we ought to double the amount of the loan capital allowable under the Office of Economic Opportunity; but I rise—and I appreciate the gentleman yielding—to discuss the waiver of points of order, because of clause 7 of rule XVI.

The gentleman explained it in detail. It is a matter of germaneness or substantiveness of additions to another subject, and such amendments not being divisible; but will the gentleman, before we accept this by unanimous consent or by vote, tell us who asked for this waiver of points of order? Was it the Committee on Rules that engendered it, the Parliamentarian, or the chairman of the committee?

Mr. MADDEN. In answer to the gentleman from Missouri I will say that the chairman of the Committee on Banking and Currency asked for it.

Mr. HALL. That just amazes me, Mr. Speaker. I remember arm waving and great oratorical effort and even shouting, less than 2 weeks ago about waivers of points of order taking away the rights of individually elected Members from the various districts across the length and breadth of this land, and about the question of appropriations under the parent Committee on Ways and Means. Although I will yield to no one in opposition to giving or returning something which we do not have to those from whom we take it away, I cannot imagine how the self-same and self-styled rugged individualists who I thought had joined "our party" as being against waivers of points of order, would ask for it in a simple bill like this. The record will show that at the time I welcomed them to the club.

Certainly, at a time like this with natural and manmade disasters throughout the Nation, one could not be opposed to the main purport of this bill. But, to waive points of order in order to get something through after decrying and denigrating others who would do the same thing is just not understandable to me.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman, obviously, is referring to me and I desire to make comment about his remarks.

Mr. HALL. The gentleman from Texas has reached his own conclusion, because I did not refer to the gentleman.

Mr. PATMAN. I can accept it. One can read the gentleman's mind pretty well any way. But, I notice he is charging me with inconsistency. It is not inconsistent at all. I always have been against closed rules and I am against closed rules now. If this is inconsistent, I am following out what has been pretty well laid down as a pattern of inconsistency for a long period of time.

Of course, the gentleman states he is not going to run any more, and that would end the rule of inconsistency. He has been an official objector to object to bills which were not brought up in the regular way. But I notice that there are a lot of bills that he lets go through and to which he has not objected.

I know of bills that have gone through under unanimous consent changing the tax laws, and the gentleman from Missouri did not object to them. These bills did a great disservice to the people of the Nation and to the taxpayers in particular. However, they were brought in here under conditions of just a simple unanimous consent—in other words, asked unanimous consent that the bill be considered, and the chairman of the committee would get up and say that all 25 of the committee members from the Ways and Means Committee—15 Democrats and 10 Republicans—have agreed to this particular bill; they said they have looked into it; they think it is good; they think it is fine; they think it should be passed—all 25 members agreed to do it, but they have no reports, they had no hearings on the bill, and there is no way for anyone else to find out whether it should be passed or not. They should certainly have some witness or person who could speak with some knowledge and information and officially, with expertise. The Members of the House should have access to hearings and should know how much these bills will cost the Government or the taxpayers in lost tax revenues.

Therefore, I think the gentleman has remained very inconsistent in his attitude of letting bills go through that would just absolutely ruin the Treasury. There are 77 bills of this nature in recent years, just like I said recently, and if you will get a report from the Treasury on how much those bills have cost, the gentleman will be amazed.

Let it be understood, however, that I am not criticizing the gentleman for objecting to anything. I appreciate the fact that he does. I appreciate the fact that the gentleman from Iowa is always on the alert and looking for irregularities and objecting to them. I think both of the gentlemen ought to be commended for it.

But on these bills that affect the revenue so much, I think there should be great caution used on measures which are sought, if there is no regular hearing, and when we have not been satisfied that the bill is all right and that it will not cost anything—or whatever it will cost, to indicate that amount.

So Members will have some knowledge and information to go on.

But to just let them pass, like the 77 I just mentioned—and you are going to see some of them pretty soon—those 77 bills will cost this country many millions of dollars. It is a continuing amount and everyone of us is guilty because we let them go through here and everyone of them could have been stopped with one single objection. The gentleman from Missouri could have stopped the whole package, one at a time. The gentleman from Texas could have done the same thing. But we have not been on our toes and we have not done the job. Every Member is very busy on matters directly affecting him, or the business before the committees he is on, or for other reasons.

Therefore, I would again say it has cost us, and we should realize we are falling down in the performance of our duty.

We are not doing our duty in a responsible and meaningful and effective way. From now on we should resolve that that be done.

I appreciate the fact that the gentleman from Missouri called our attention to this. But in this particular case the waiver of the point of order is insignificant, as I shall point out later.

So I think instead of spending our time in useless and meaningless points of order, we should go ahead and do something like stopping those bills that cost the Treasury billions of dollars and letting them go through here without a single objection from anybody.

So I say, in my opinion the gentleman's point is not well taken and that the gentleman from Missouri remains consistently inconsistent.

TAX LEGISLATION—SHOULD BE CONSIDERED UNDER A REGULAR RULE WITH EXPERT WITNESSES, HEARINGS AND A COMMITTEE REPORT INDICATING TAX LOSSES OR REVENUES

Mr. PATMAN. Mr. Speaker, during the consideration of House Resolution 1010, the rule making it in order to consider a bill to amend the Small Business Act, H.R. 10792, I was engaged in a colloquy with my distinguished colleague from Missouri, Hon. DURWOOD HALL. My good friend was concerned with the waiving of points of order pertaining to a Committee amendment to the bill. However, I believe that Mr. HALL is confusing the waiving of points of order to the committee amendment with much more serious attempts to circumvent a free and open discussion that is presented by certain other committees who fail to hold hearings and submit proper reports on important legislation. I assure by friend that this was not the intention of the Committee on Banking and Currency today. Hearings were held on this bill and all interested parties were given an opportunity to be heard. An open rule was requested with the intention of giving the House an opportunity to work its will. The procedure presented by the Rules Committee was not an attempt to stifle debate but an effort to bring about the expeditious consideration of this most important bill.

Mr. Speaker, I believe my continuing efforts to object to legislation which fails to give the House an opportunity for full discussion, that is, public hearings, detailed reports and open debate is well-known to my colleagues. As recently as February 28 of this year I objected to a number of bills which were brought up by the Ways and Means Committee. The reasons for my objections were that even though some of them had wide-ranging policy implications, many causing a substantial loss of revenue, there was no record of public hearings for any of the 22 bills which were scheduled for consideration that day.

Some of these bills had policy implications which were of great concern to the Banking and Currency Committee. One bill, H.R. 11197, which was not on the calendar that day but had been reported unanimously by the Ways and Means Committee without public hearings, would have reduced the minimum payout for charitable purposes required of private foundations. Studies indicate that charities would have lost at least $300 million annually had this bill become law.

Another bill, H.R. 7025, would have encouraged the maintenance of common trust funds among banks affiliated in a holding company, obviously enhancing bank holding companies and encouraging more banks to enter into such affiliations. The committee's reports on each of these and the other bills carried a notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection.

Mr. Speaker, because of my concern over such procedures, I wrote Secretary of the Treasury, John Connally, on March 8 expressing this concern and requesting that the Banking and Currency Committee be given as much notice as possible when Treasury announces a position on these bills which involve broad policy questions in banking and other financial fields. Since I have not yet received a reply to this letter due to the resignation of the Secretary, I am writing again to the newly confirmed Secretary of the Treasury, Mr. George Shultz, requesting the same courtesy.

I am also writing Senator RUSSELL LONG, chairman of the Joint Committee on Internal Revenue Taxation, to see if he can assist us in this matter.

Since so many of these bills have a direct or indirect effect on the country's revenues, I also wrote Secretary Connally on March 10 of this year requesting that the Treasury Department furnish the estimated gain or loss on each of 50 bills which passed the Congress under the same procedures—without hearings—during the 91st Congress. A reply has not yet been received for this letter, and I am writing Secretary Shultz for this information.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 8, 1972.

Hon. JOHN CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: As you know, there has been discussion in the House of Representatives in recent days concerning tax legislation which is reported from the Ways and Means Committee without hearings and for which unanimous consent is sought for passage on the Floor. The reports accompanying much of this legislation, which has gone through in recent years, bear the notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection to passage.

One of the bills reported unanimously from the Ways and Means Committee on January 27 deals with the question of privately-owned foundations and their treatment under the 1969 Tax Reform Act. As you know, I have spent many years conducting investigations and studies of these foundations and I was gratified that we were able to include a provision dealing with these institutions in the 1969 Act.

Now I discover that H.R. 11197—sponsored by Representative Herman T. Schneebeli of Pennsylvania—would dismantle part of this section of the Reform Act. The report which accompanied this legislation bears this statement:

"The bill has been reported unanimously by your Committee, and the Treasury Department supports its enactment."

Mr. Secretary, I realize that such a recommendaton would have properly come forth from the Internal Revenue Service and not directly from your office, however, as Secretary of the Treasury I hope that you will make it your responsibility to determine the rationale behind this recommendation to destroy part of the Tax Reform Act as it relates to foundations. I would appreciate a full report on the position of your department concerning this legislation.

Apparently, this recommendation, bearing the imprint of the Treasury Department, was sent to Capitol Hill without public notice. The jurisdiction over foundations has recently been shifted from the Subcommittee which I headed in the Small Business Committee to the Banking and Currency Committee. Since this Committee now has the jurisdiction in this area, I would appreciate being informed in advance of any changes in the Treasury's position, particularly when the matter is as fundamental as H.R. 11197.

H.R. 11197 does not deal directly with tax matters, but rather with the pay-out required of foundations for charitable purposes. Estimates which my staff has made would indicate that charities would lose at least $300 million should the provisions of H.R. 11197 be adopted by the Congress. The Tax Reform Act requires private foundations to contribute to charity all of their annual net income, excluding capital gains, or 6 per cent of the value of the foundation's investment assets, whichever is greater. The act contains a transitional provision for foundations organized before May 27, 1969. The mandatory contribution percentage would be 4½% for the current taxable year (1972); 5% for 1973; 5½% for 1974 and 6% for 1975 and thereafter.

In contrast, H.R. 11197—the Schneebeli Bill—would reduce the final percentage of pay-out from 6% to 5% and extend the transitional period so that private foundations organized before May 26, 1969 would contribute 3½% of their investment assets in 1972 and 1973; 4% in 1974 and 1975; 4½% in 1976 and 1977, and 5% in 1978.

The following table demonstrates the vast difference between existing law and the weakening proposals of H.R. 11197:

[In percent]

	1972	1973	1974	1975	1976	1977	1978
Existing law	4.5	5.0	5.5	6	6.0	6.0	6
H.R. 11197	3.5	3.5	4.0	4	4.5	4.5	5

A quick glance makes it very clear that charities would suffer great losses in donations each year under the Schneebeli bill and that the foundations would be able to retain higher percentages of their assets. Under existing law, those foundations with low-yielding investments must sell off part of their assets to meet the minimum charitable contribution requirements. The provisions of this law no longer encourage the foundations to put their money in low-yield, in-house investments—investments which often have been designed to enhance and continue control of major corporations.

The W. K. Kellogg Foundation Trust of Battle Creek, Michigan, is a good example. According to a report issued by the Domestic Finance Subcommittee of the Banking and Currency Committee on July 15, 1971, the rate of return on the assets of this foundation was 3.6%. The report said that the Kellogg Foundation owned 50% of the Kellogg Company and that this stock had a market value of slightly less than $389 mil-

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lion. The total assets of this foundation were listed at about $436 million. It is obvious from this that virtually all of the assets are tied up in the Kellogg Company.

The Pew Memorial Trust of Pennsylvania owns 21% of the stock of Sun Oil Company with a market value of $431 million. This investment, according to the report of the Subcommittee, had a yield of 1.3% to the foundation. This same foundation was listed as owning 100% of the stock of the Minerals Development Company worth nearly $109 million. This investment brought the foundation a return of .9%. Overall, the Pew return of 1.2% on its investments. The total assets of this foundation were listed by the Subcommittee as $541,342,369. Its investments in Sun Oil Company and the Minerals Development Company totalled just under $540 million. So virtually every dime of the assets of this foundation are tied up in two corporations and, in both instances, the yields on the investments are very low.

It is obvious that these two foundations would benefit from a weaker provision on pay-outs to charity. Undoubtedly, there are other similar situations and I sincerely hope that the Treasury Department is not behind any effort to weaken the provisions of the Tax Reform Act as it relates to foundations. In fact, Mr. Secretary, the provisions adopted in 1969 were a compromise and less than I proposed in my testimony. To further weaken an already watered-down section of the Tax Reform Act would be disastrous in my opinion.

Again, Mr. Secretary, I would appreciate forewarning of any changes in the Treasury Department's approach to foundations. I would like to make the same request on tax issues which affect financial institutions under the jurisdiction of the Banking and Currency Committee. As you know, many of these tax bills involve broad policy questions in banking and other financial fields and these issues often have an important impact on substantive legislation before the Banking and Currency Committee. We would like as much notice as possible in advance of the Treasury's announcement of new positions on these questions.

With very best regards, I am

Sincerely,

WRIGHT PATMAN.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., March 10, 1972.

Hon. JOHN B. CONNALLY,
Secretary, Department of the Treasury, Washington, D.C.

DEAR JOHN: A large number of bills are passed during each Congress which have a direct or indirect effect upon the country's revenues. It is my understanding that the Treasury Department is usually invited to comment on these bills before they are considered by Congress.

Enclosed is a list of fifty of these bills which were considered in the 91st Congress. A copy of the public law is enclosed for each of the 43 bills which became law. A copy of the Committee report is enclosed for those bills which did not become law. Please furnish me with what the Treasury Department estimated the gain or loss either directly or indirectly on each of these bills would be.

Your prompt attention to this request will be appreciated.

Thanking you for your cooperation, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

WAYS AND MEANS COMMITTEE BILLS—91ST CONGRESS

H.R. 322—Wagering Tax Amendments of 1970.

H.R. 2716—Extension of Temporary Duty Suspension on Certain Classifications of Yarn of Silk (P.L. 91-28).

H.R. 4229—Extension of Temporary Duty Suspension on Heptanoic Acid (P.L. 91-36).

H.R. 4239—Elimination of Multiple Customs Duties on Horses Temporarily Exported for Use in Racing (P.L. 91-570).

H.R. 4605—Articles Intended for Preventing Conception (P.L. 91-662).

H.R. 5833—Temporary Suspension of Duty on Certain Copying Shoe Lathes (P.L. 91-56).

H.R. 6049—Temporary Suspension of Duty on Certain Manganese Ores (P.L. 91-613).

H.R. 6562—Certain Provisions of the Internal Revenue Code of 1954 Relating to Beer (P.L. 91-673).

H.R. 6742—Certain Regulated Investment Companies.

H.R. 7311—Duty on Parts of Stethoscopes (P.L. 91-655).

H.R. 7626—Tariff Classification of Certain Sugars, Sirups, and Molasses (P.L. 91-674).

H.R. 8512—Suspension of Duty on L-Dopa P.L. (91-309).

H.R. 8644—Elimination of Duty on Crude Chicory Roots (P.L. 91-41).

H.R. 8654—Tax Treatment of Individuals Serving on U.S.S. *"Pueblo"* (P.L. 91-235).

H.R. 9183—Duty Free Entry of Articles Reimported for Failure To Meet Sample or Specifications (P.L. 91-615).

H.R. 10015—Extension of Temporary Duty Suspension on Electrodes for Use in Producing Aluminum (P.L. 91-26).

H.R. 10016—Temporary Suspension of Duties on Metal Scrap (P.L. 91-221).

H.R. 10107—Extension of Temporary Duty Suspension on Certain Istle (P.L. 91-65).

H.R. 10875—Eliminaton of Duty on Upholstery Regulators and Upholsterers' Regulating Needles and Pins.

H.R. 13079—Act Temporarily Continuing Interest Equalization Tax (P.L. 91-50).

H.R. 14020—Amendment of the Second Liberty Bond Act To Increase the Maximum Interest Rate Permitted on U.S. Savings Bonds (P.L. 91-130).

H.R. 14720—Suspension of Duties on Manganese Ore (P.L. 91-306).

H.R. 14956—Continuation of Duty-Free Status of Certain Dyeing and Tanning Materials (P.L. 91-388).

H.R. 15071—Duty-Free Status of Certain Gifts from Servicemen in Combat Zones (P.L. 91-180).

H.R. 16199—Working Capital Fund, Department of the Treasury (P.L. 91-614).

H.R. 16506—Cemetery Corporations (P.L. 91-618).

H.R. 16745—Elimination of Duty on Repairs Made Abroad to American Shrimp Vessels (P.L. 91-654).

H.R. 16940—Suspension of Duty on Certain Electrodes (P.L. 91-635).

H.R. 17241—Suspension of Duties on Certain Forms of Copper (P.L. 91-298).

H.R. 17473—Manufacturers Claims for Floor Stocks Refunds (P.L. 91-642).

H.R. 17658—Floor Stock Refunds for Cement Mixers (P.L. 91-678).

H.R. 17917—Transition Rule for Moving Expenses (P.L. 91-691).

H.R. 17984—Amending Section 905 of the Tax Reform Act of 1969 (P.L. 91-675).

H.R. 17988—Application of Investment Credit Recapture Rule to Leased Aircraft (P.L. 91-676).

H.R. 18251—Refunds in the Case of Certain Uses of Tread Rubber.

H.R. 18693—Certain Cuban Expropriation Losses (P.L. 91-677).

H.R. 19242—Capitalization of Costs of Planting Almond Groves (P.L. 91-680).

H.R. 19369—Section 165(g) of the 1954 Code (P.L. 91-687).

H.R. 19391—Protest of Customs Decisions by Transferees of Warehouse Merchandise (P.L. 91-685).

H.R. 19470—Reasonable Approval of Rural Hospitals for Medicare Purposes (P.L. 91-690).

H.R. 19526—Elimination of Duty on Certain Natural Rubber.

H.R. 19562—Tax Treatment of Certain Statutory Mergers (P.L. 91-693).

H.R. 19566—Interest Rates under the Renegotiation Act of 1951.

H.R. 19627—Certain Passive Income of Subchapter S Corporations (P.L. 91-683).

H.R. 19670—Suspension of Duty on Certain Bicycle Parts (P.L. 91-689).

H.R. 19686—Tax Treatment of Certain Transfers of Property to Foreign Corporations (P.L. 91-681).

H.R. 19774—Joint Income Tax Liability of Innocent Spouses (P.L. 91-679).

H.R. 19790—Income Tax Treatment of Certain Sales by a Corporation of Real Property Held More Than 25 Years (P.L. 91-686).

H.R. 19881—Computation of Policyholders' Share of Investment Yield on Life Insurance Company Tax Returns (P.L. 91-688).

H.R. 10517—Distilled Spirits.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Is this in regard to the answer?

Mr. HALL. It has to do with the closed rule.

I submit, Mr. Speaker, that we did not get an answer. The gentleman yielded for an answer and only got the old Texas refrain, which we have heard so often, and I say, "Welcome to our club." Obviously, in deference to anyone who would read the RECORD about this paragon of virtue who believes in no obstructionism, and that "objection" to unanimous consent requests and "Calendars" should only be used in order to expedite the business of the House, while protecting it from folly, the record is clear as to who has voted for or against "closed rules" or "waivers of points of order." I appreciate the gentleman's yielding. It obviously might be entitled "The Old Refrain From Texas," and it all depends on "whose ox is being gored."

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am in accord with the statement made by the gentleman from Indiana on House Resolution 1010 and associate myself with his remarks—with one exception, I believe.

Section 2 was brought to the attention of the Rules Committee by the Parliamentarian because it was not in the original bill and the bill reported out as a substitute would have to be made in order. So section 2 would not be germane to the substitute bill because there is no such language or provision in the original bill.

After it was brought to our attention before the Committee on Rules, we told the gentleman from Texas (Mr. PATMAN) about it, and he then said, "OK, if that is what you have to do, go ahead and do it." So we did it.

One thing that does confuse me a little bit, or it may be my own misunderstanding of this, is the disaster money. On Friday, I tried to find out about the disaster money. I remember years ago when we raised the amount for the Small Business Administration loans, we insisted on language that such money for that fund be in another fund because it had been used for conventional loans. We had disasters in Alaska and, I believe, in Louisiana and Texas, and I think in Oklahoma and Nebraska and some of those places. It seems that sufficient money was not available.

Last year there was damage from the serious earthquake in California. My understanding is that they are out of money for these loans and many people who suffered damage and are entitled to help, are not now getting it.

Over the weekend we had a very serious situation in South Dakota. I do not know whether we have any disaster money available, but I would certainly hope that the committee which has such matters within its jurisdiction—I do not know whether it is the Public Works Committee or whether it comes under a perpetual authorization, the Appropriations Committee, or what—but I would certainly hope, Mr. Speaker, that there is money in that fund so that these serious disasters can be taken care of. Certainly those people in Rapid City, S. Dak., are entitled to help at this time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. PATMAN. I will say to the gentleman that I am glad he brought up that question. I know that the disaster in South Dakota should have immediate attention. Under a bill which was sponsored by our committee and was passed by the House, we took the ceiling off disaster loans some time ago, and right now the Appropriations Committee could come in here and ask for a direct appropriation under that law. It has already been taken care of. There is no reason why any other committee should have to meet and authorize such an appropriation. The Appropriations Committee can make the direct appropriation right now.

Furthermore, I will state to the gentleman from California—and I am glad he raised this point because there are other cases that come up and he has always been alert in interrogating members of our committee about the situation because he was disturbed in view of the fact that it affected California in such a devastating way—but now the truth is, I will state to the gentleman from California, that there is about $70 million right now with the SBA, that the SBA has, and that they can use right now for the disaster in South Dakota. They do not have to wait for the Appropriations Committee to use that much. But, obviously, more money than that will be needed, and we might just as well make arrangements to present an appropriation bill to the House and pass it quickly. It can be done today. It could be done in 30 minutes if the Appropriations Committee wanted to do it.

So our committee has not been unaware of this situation, and we have certainly taken care of it.

Mr. SMITH of California. Mr. Speaker, I want the gentleman to know that I was not criticizing his committee. I also want it perfectly clear that I am not in any way criticizing Mr. Kleppe, the Administrator of the SBA, because I think he has been the best Administrator we have had in many years.

Mr. PATMAN. I share the gentleman's views.

Mr. SMITH of California. I called this to your attention in the Rules Committee hearing, at which time the information so knowledgeably given to me here today was not in the gentleman's possession.

I am happy the gentleman from Texas has brought it to our attention today. I hope we will get money for these disasters. The people need help. I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12846, ARMED FORCES DRUG TREATMENT PROGRAM

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 995 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 995

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the armed forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 995 provides an open rule with 1 hour of general debate for consideration of H.R. 12846, the purpose of which is to authorize a program of treatment and rehabilitation for drug dependents in the armed services, including the Coast Guard.

Each member of the armed services on active duty would be required to take an examination to determine drug dependency. Treatment and rehabilitation would be required up to 30 days after expiration of service and services therefor would be provided.

Pay would not be forfeited for the period of undergoing treatment and persons being treated would not be counted toward service ceiling personnel strength if they are retained on active duty beyond the end of their term of service or date of separation for the purpose of receiving treatment.

Members of the armed services would be exempt from disciplinary action or other than honorable discharge solely on the basis of drug addiction.

The estimated cost of the program, which is included in the overall defense program, is, for fiscal year 1972, $67.4 million; for fiscal year 1973 through fiscal year 1976, it is $90.5 million each year.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 12846 may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana has explained, House Resolution 995 provides for an open rule and 1 hour of debate on H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces, and for other purposes.

The gentleman from Indiana has adequately explained the bill. It came out of the Armed Services Committee unanimously and cleared the Rules Committee unanimously.

Mr. Speaker, I support the rule and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 0, not voting 129, as follows:

[Roll No. 196]

YEAS—303

Abourezk	Camp	Evans, Colo.
Adams	Carlson	Evins, Tenn.
Addabbo	Carney	Fascell
Anderson, Calif.	Carter	Findley
Anderson, Ill.	Cederberg	Fisher
Andrews, Ala.	Clancy	Flood
Arends	Clausen, Don H.	Foley
Ashbrook	Cleveland	Ford, Gerald R.
Ashley	Colmer	Ford, William D.
Aspin	Conable	Forsythe
Aspinall	Conover	Fountain
Baker	Conte	Frelinghuysen
Baring	Corman	Frenzel
Barrett	Cotter	Fulton
Begich	Coughlin	Fuqua
Belcher	Culver	Galifianakis
Bennett	Curlin	Garmatz
Bergland	Daniel, Va.	Gaydos
Betts	Danielson	Giaimo
Bevill	Davis, Ga.	Gibbons
Biaggi	Davis, Wis.	Gonzalez
Biester	de la Garza	Goodling
Boggs	Dellenback	Grasso
Boland	Dellums	Gray
Bow	Denholm	Green, Oreg.
Brademas	Dennis	Green, Pa.
Bray	Dent	Griffin
Brinkley	Derwinski	Griffiths
Brooks	Devine	Gross
Broomfield	Dickinson	Grover
Brotzman	Donohue	Gubser
Brown, Mich.	Dorn	Gude
Brown, Ohio	Dow	Hagan
Broyhill, Va.	Downing	Haley
Buchanan	Drinan	Hall
Burke, Fla.	Dulski	Hamilton
Burke, Mass.	Duncan	Hammer-schmidt
Burlison, Mo.	du Pont	Hanley
Burton	Edwards, Ala.	Hansen, Idaho
Byrne, Pa.	Edwards, Calif.	Hansen, Wash.
Byrnes, Wis.	Eilberg	Harrington
Byron	Erlenborn	Harvey
Cabell	Esch	

Hastings	Miller, Ohio	Schwengel
Hathaway	Mills, Ark.	Scott
Hawkins	Mills, Md.	Sebelius
Hays	Minish	Selberling
Hébert	Mink	Shipley
Hechler, W. Va.	Mitchell	Shoup
Heinz	Mizell	Shriver
Henderson	Mollohan	Sikes
Hicks, Mass.	Montgomery	Sisk
Hicks, Wash.	Morgan	Skubitz
Hogan	Mosher	Slack
Holifield	Moss	Smith, Calif.
Horton	Murphy, Ill.	Smith, Iowa
Hull	Murphy, N.Y.	Smith, N.Y.
Hungate	Myers	Snyder
Hunt	Natcher	Spence
Ichord	Nedzi	Stanton, J. William
Jacobs	Nichols	Steed
Jarman	Nix	Steele
Johnson, Calif.	Obey	Stephens
Johnson, Pa.	O'Konski	Stubblefield
Jonas	O'Neill	Sullivan
Jones, Ala.	Patman	Symington
Jones, N.C.	Patten	Talcott
Karth	Pelly	Taylor
Kastenmeier	Pettis	Teague, Calif.
Kazen	Peyser	Teague, Tex.
Kee	Pike	Terry
Keith	Pirnie	Thomson, Wis.
Kemp	Poage	Thone
King	Poff	Tiernan
Koch	Preyer, N.C.	Udall
Kuykendall	Price, Ill.	Ullman
Kyl	Quie	Van Deerlin
Landgrebe	Railsback	Vanik
Landrum	Randall	Veysey
Latta	Rees	Vigorito
Leggett	Reuss	Waggonner
Lennon	Roberts	Waldie
Lent	Rodino	Wampler
Link	Roe	Ware
Lloyd	Rogers	White
Long, Md.	Roncalio	Whitehurst
Lujan	Rooney, Pa.	Widnall
McClure	Rosenthal	Wiggins
McCollister	Rostenkowski	Williams
McCulloch	Roush	Winn
McFall	Rousselot	Wolff
McKay	Roy	Wyatt
Madden	Roybal	Wydler
Mahon	Ruppe	Wylie
Mann	Ryan	Wyman
Martin	Sandman	Yates
Mathias, Calif.	Sarbanes	Yatron
Matsunaga	Satterfield	Zablocki
Mazzoli	Saylor	Zion
Meeds	Scherle	Zwach
Metcalfe	Schmitz	
Mikva	Schneebeli	

NAYS—0

NOT VOTING—129

Abbitt	Diggs	McMillan
Abernethy	Dingell	Macdonald, Mass.
Abzug	Dowdy	Mailliard
Alexander	Dwyer	Mallary
Anderson, Tenn.	Eckhardt	Mathis, Ga.
Andrews, N. Dak.	Edmondson	Mayne
Annunzio	Eshleman	Melcher
Archer	Fish	Michel
Badillo	Flowers	Miller, Calif.
Bell	Flynt	Minshall
Bingham	Fraser	Monagan
Blackburn	Frey	Moorhead
Blanton	Gallagher	Nelsen
Blatnik	Gettys	O'Hara
Boiling	Goldwater	Passman
Brasco	Halpern	Pepper
Broyhill, N.C.	Hanna	Perkins
Burleson, Tex.	Harsha	Pickle
Caffery	Heckler, Mass.	Podell
Carey, N.Y.	Helstoski	Powell
Casey, Tex.	Hillis	Price, Tex.
Celler	Hosmer	Pryor, Ark.
Chamberlain	Howard	Pucinski
Chappell	Hutchinson	Purcell
Chisholm	Jones, Tenn.	Quillen
Clark	Keating	Rangel
Clawson, Del	Kluczynski	Rarick
Clay	Kyros	Reid
Collier	Long, La.	Rhodes
Collins, Ill.	McClory	Riegle
Collins, Tex.	McCloskey	Robinson, Va.
Conyers	McCormack	Robison, N.Y.
Crane	McDade	Rooney, N.Y.
Daniels, N.J.	McDonald, Mich.	Runnels
Davis, S.C.	McEwen	Ruth
Delaney	McKevitt	St Germain
	McKinney	Scheuer
		Springer
		Staggers
		Stanton, James V.
		Steiger, Ariz.
		Steiger, Wis.
		Stokes
		Stratton
		Stuckey
		Thompson, Ga.
		Thompson, N.J.
		Vander Jagt
		Whalen
		Whalley
		Whitten
		Wilson, Bob
		Wilson, Charles H.
		Wright
		Young, Fla.
		Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Macdonald of Massachusetts with Mrs. Heckler of Massachusetts.
Mr. Kluczynski with Mr. Crane.
Mr. Pepper with Mr. Young of Florida.
Mr. Rooney of New York with Mr. Fish.
Mr. Edmondson with Mr. Steiger of Arizona.
Mr. Clark with Mr. Eshleman.
Mr. Caffery with Mr. Ruth.
Mr. Hanna with Mr. Del Clawson.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Young of Texas with Mr. Price of Texas.
Mrs. Chisholm with Mr. Fraser.
Mr. Scheuer with Mr. Stokes.
Mr. Pucinski with Mr. Diggs.
Mr. Staggers with Mr. Mallary.
Mr. Wright with Mr. Springer.
Mr. Annunzio with Mr. Collier.
Mr. Collins of Illinois with Mr. Badillo.
Mr. Delaney with Mr. Rhodes.
Mr. Flowers with Mr. Thompson of Georgia.
Mr. Podell with Mr. Halpern.
Mr. Reid with Mr. Whalen.
Mr. Monagan with Mr. McKinney.
Mr. Melcher with Mr. Bell.
Mr. Howard with Mr. Chamberlain.
Mr. Celler with Mr. McEwen.
Mr. Conyers with Mrs. Abzug.
Mr. Helstoski with Mr. Clay.
Mr. Rangel with Mr. Eckhardt.
Mr. McCormack with Mr. Hutchinson.
Mr. O'Hara with Mr. Harsha.
Mr. St Germain with Mr. Steiger of Wisconsin.
Mr. Dingell with Mr. Riegle.
Mr. Chappell with Mr. Frey.
Mr. Burleson of Texas with Mr. Collins of Texas.
Mr. Brasco with Mr. Robison of New York.
Mr. Stratton with Mr. McCloskey.
Mr. Blanton with Mr. Andrews of North Dakota.
Mr. Whitten with Mr. Goldwater.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Runnels with Mr. Vander Jagt.
Mr. Jones of Tennessee with Mr. Quillen.
Mr. Miller of California with Mr. Mailliard.
Mr. Moorhead with Mr. McDade.
Mr. Passman with Mr. Blackburn.
Mr. Pickle with Mr. Archer.
Mr. Perkins with Mr. Minshall.
Mr. Gettys with Mr. Broyhill of North Carolina.
Mr. James V. Stanton with Mr. Hosmer.
Mr. Stuckey with Mr. Michel.
Mr. McMillan with Mr. Robinson of Virginia.
Mr. Bingham with Mr. McClory.
Mr. Anderson of Tennessee with Mr. Keating.
Mr. Carey of New York with Mr. McKevitt.
Mr. Long of Louisiana with Mr. Hillis.
Mr. Blatnik with Mr. McDonald of Michigan.
Mr. Mathis of Georgia with Mr. Mayne.
Mr. Pryor of Arkansas with Mr. Nelsen.
Mr. Casey of Texas with Mr. Powell.
Mr. Rarick with Mr. Whalley.
Mr. Abbitt with Mr. Flynt.
Mr. Abernethy with Mr. Davis of South Carolina.
Mr. Daniels of New Jersey with Mr. Kyros.
Mr. Purcell with Mr. Gallagher.
Mr. Alexander with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10792, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before going into the merits of H.R. 10792, let us make it clear that this bill does not provide nor appropriate any funds for the Small Business Administration. It merely allows the agency to spend funds that are obtained through the appropriation process or through the loan repayments.

Mention was made this morning about the terrible devastation that occurred in Rapid City, S. Dak. That certainly is a major tragedy. We are all in sympathy with those who have suffered so much, and I know the Congress will stand ready and willing to help in any way we can do so.

It happens we have already passed a bill taking the ceiling off the disaster loans. Therefore, there is no necessity to come before the Banking Committee and ask for an authorization of funds in order that the Appropriations Committee may appropriate funds. As it is now, the Appropriations Committee can come to the House and ask for a certain amount to be set aside and appropriated immediately for this disaster, and if the House appropriates that, and it goes to the Senate, and the Senate appropriates it, and it goes to the President, and he signs it, the money is immediately available and can be used for that purpose.

In addition to taking off the lid on the ceiling for disaster loans—and taking off the lid does not apply to anything else except disaster loans—the Small Business Administration has about $70 million now that could be made immediately available to use to help the people who have suffered from disasters. So the situation at hand is in good condition, but

we will have to have more money, and I am sure those who are close to the disaster and looking at the interests of the people there will bring in proposals that will enable the Congress to work its will and make plenty of money available for this disaster.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I missed the first part of the gentleman's talk, but did the gentleman say there was $70 million available for disaster loans?

Mr. PATMAN. Yes, it is available now.

Mr. ABOUREZK. They were found over the weekend?

Mr. PATMAN. They are in the funds the agency has. This money, in view of the fact that there is no ceiling limitation on this money, can be used for that purpose.

Mr. ABOUREZK. I see. Has the SBA notified the chairman?

Mr. PATMAN. I have not been in contact with the Administrator, Mr. Kleppe—from North Dakota, incidentally—but I have been in touch with the people who have to do with this in the agency, and I am informed they have at least $70 million, approximately, immediately available and they could start right now to use the funds.

Mr. ABOUREZK. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, at the present time the Small Business Administration can have outstanding in all of its loan programs, except disaster loans which are not subject to ceiling, $3.1 billion. It is estimated that by the end of this month SBA will reach that figure. Therefore, your committee has increased the amount to $4.3 billion, an increase sufficient to carry the agency through the end of the next fiscal year. In addition to an overall ceiling on SBA loans, there are subceilings which limit the amount of funds that can be outstanding in specific loan categories. This H.R. 10792 would increase from $450 million to $500 million the amount of loans that can be outstanding in the Small Business Investment Co. program and from $300 million to $350 million loans that can be outstanding in the Economic Opportunity loan program. It also raises the maxmium amount of each Economic Opportunity loan from $25,000 to $50,000.

SBA had asked the committee to provide for a 2-year ceiling extension. But your committee felt that it would be better to limit the increases to 1 year so that Congress would have an opportunity to take a look at the programs again next year.

HISTORY OF SBA CEILING INCREASES

When the Small Business Administration was formed in the early 1950's, it had separate loan ceilings for each category of loans without an overall ceiling. In 1965 an overall ceiling was set, including disaster loans. In May of 1966 legislation was enacted—Public Law 89-409—that set up two separate revolving funds—one for disaster loans and one for all other SBA loans. There is no limitation on the amount of funds that may be outstanding in the disaster loan pool. Since the enactment of that legislation, the following shows the increases granted to the business loan and investment fund ceiling:

May 1966—Fund started at $1.4 billion.

October 1967—Fund increased from $1.4 billion to $1.9 billion.

December 1970—Fund increased from $1.9 billion to $2.2 billion.

May 1971—Fund increased from $2.2 billion to $3.1 billion.

June 1971—Legislation to increase from $3.1 billion to $4.3 billion.

In H.R. 10792 as originally introduced, there was a provision that would have increased the ceiling on State and local development company loans from $500 million to $700 million. This increase would have been for a 2-year period. SBA officials informed the committee that the $500 million ceiling would be adequate through the end of the next fiscal year and, therefore, the present bill does not contain any provision for increasing State and local development company loan ceilings.

Your committee also considered a proposal that would have raised from $350,000 to $500,000 the highest amount of an individual regular business loan that could be made. Administrator Kleppe rejected such a proposal and in answer to a question posed by a member of the subcommittee Mr. Kleppe said in regard to the increase:

> I have a hard time believing that anybody who is in business that can borrow over $350,000 is really in small business.

He added later that:

> If such a provision were in the bill, I would just say to you that as long as I'm down there, if this provision is included I probably would be prone to institute administrative measures to closely scrutinize loans that run that high.

Mr. Kleppe did support the increase in the economic opportunity loan ceiling from $25,000 to $50,000. He said:

> I see more merit in raising that from $25,000 to $50,000 because we have had experience with EOL applicants for whom $25,000 was an injustice because it might undercapitalize them, whereas another $10,000 or $15,000 might have given them a better chance.

Let me take just a moment to discuss the reason why this provision is in the bill and might be subject to a point of order. Even though the economic opportunity loans were established under the Economic Opportunity Act, the distribution, regulation, and supervision of these loans falls within the Small Business Administration. Since the Banking and Currency Committee has legislative jurisdiction and oversight over the Small Business Administration, it is extremely fitting and proper that the Banking and Currency Committee should consider legislation affecting economic opportunity loans, especially when we are also raising the maximum ceiling on loans that can be outstanding under the economic opportunity loan program.

Before concluding, let me turn to the subject of disaster loans, which has come in for a great deal of attention lately, particularly in the State of California. It is my understanding that there are a number of people in California who have applied for disaster loans as a result of the tragic earthquake but who have not been able to obtain these loans.

As I pointed out earlier, in 1966 legislation was enacted that removed the ceiling on the amount of loans that could be outstanding in the disaster loan program. That means that the agency is not restricted except by appropriation in the amount of money that it can spend on disaster loans. In fact, last year the agency made more than 96,000 disaster loans totaling more than $384 million.

One of the problems in connection with disaster loans is that the agency cannot adequately forecast its needs for such funds. For instance, while it made more than 96,000 disaster loans in 1971, it made only some 31,000 in 1970, or less than one-third as many as last year. In the event that the agency runs out of disaster funds, the agency should apply for a supplemental appropriation to handle the situation. It is my understanding that there has been one supplemental appropriation granted for the California disaster but that, when these funds ran out, no additional supplemental appropriation has been requested by the Administration.

What all this means is that nothing can be done in this legislation today to provide money for disaster victims in California or, for that matter, in any other area. If there is a need for further disaster funds, the Administration should request a supplemental appropriation. One final note on the disaster loan program—much has been said about the $2,500 forgiveness feature in the disaster loan program. There have been many charges made that some disaster victims had borrowed money for repair or replacement of property that was not damaged in the disaster and then used the $2,500 forgiveness feature to avoid paying back the loan.

I want to make it clear that the forgiveness feature was not placed in the law by the Banking and Currency Committee. However, when Administrator Kleppe appeared before the committee last month, he recommended that that section of the law, which comes under the jurisdiction of another committee, should be repealed.

In closing, let me remind Members that unless we enact this legislation immediately, there is every indication that at the end of this month the Small Business Administration will have to cease its lending and guaranteeing activities, which means that the immediate future of thousands of small businessmen across America is in the hands of this body today.

SMALL BUSINESS ADMINISTRATION LOAN AND GUARANTY ACTIVITY FOR 1970-71

Program	Total loan approvals 1971 Number	1971 Amount (thousands)	1970 Number	1970 Amount (thousands)
Business (7a):				
Direct	686	$25,617	36	$3,688
Participation	1,233	71,926	1,898	103,860
Guaranty	14,321	988,796	8,630	580,535
Total	16,240	1,085,338	10,564	688,083
Economic opportunity:				
Direct	5,159	66,136	4,266	56,749
Participation	50	755	92	1,521
Guaranty	1,869	27,340	1,699	24,194
Total	7,078	94,231	6,057	82,464
Displaced business:				
Direct	310	$34,631	321	$33,091
Participation	68	9,767	45	4,672
Guaranty	4	71	2	25
Total	382	44,470	368	37,788
Local Development Co.:				
Direct	378	36,000	297	33,737
Participation	66	8,401	20	3,850
Guaranty	142	22,629	119	18,438
Total	586	67,029	436	56,024
Total	24,286	1,291,068	17,425	864,358
Disaster	96,072	384,418	31,754	220,497
Total, all loans	120,358	1,675,486	49,179	1,084,855

Note: Total loan portfolio at Dec. 31, 1970: 126,073—$2,464,000,000. Total loan portfolio at Dec. 31, 1971: 210,292—$2,787,000,000. Source: SBA Annual Report 1971.

COMPARISON OF H.R. 10792, S. 3166 (AS PASSED BY THE SENATE) AND BILL AS RECOMMENDED BY COMMITTEE

	Present ceiling	H.R. 10792 as introduced	Senate-passed version	Bill as recommended by committee
Overall ceiling (all programs except disaster loans)	$3,100,000,000	$5,800,000,000	$4,100,000,000	$4,300,000,000.
SBIC's	450,000,000	650,000,000	$500,000,000	$500,000,000.
State and local development companies	500,000,000	700,000,000	No increase (estimate that present ceiling is adequate for one additional year).	No increase.
Economic opportunity loans	300,000,000	450,000,000	$350,000,000	$350,000,000.
7(a) Regular business loans	[1] 350,000	(2)	Increase to $500,000 per loan	(2).
Economic opportunity loans	[1] 25,000	(2)	Increase to $50,000 per loan	Increase to $50,000 per loan.

[1] Per loan. [2] No provision.

And, may I state, before I conclude, that this bill was referred to the Subcommittee on Small Business of the Committee on Banking and Currency of which Mr. ROBERT STEPHENS of Georgia is chairman. He held hearings and did a good job in reporting this bill and I commend him for the fine work he has done.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. Mr. Chairman, I yield myself 1 additional minute.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. In connection with the raising of the limit on equal opportunity loans, did the committee have hearings on that provision of the bill?

Mr. PATMAN. Yes. The testimony included that. We have had hearings on small business matters on numerous occasions.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, what information was developed with respect to the default rate on these loans?

Mr. PATMAN. Well, the default rate on some of the loans is rather high. However, that is understandable. The default rate on the normal, ordinary loans is very low—about 2 percent, but, generally, it is satisfactory.

Mr. GROSS. Well, it is much higher than that, is it not, on a total basis?

Mr. PATMAN. Yes. On special-type loans it is as high as 20 percent, but no one is complaining about it because it has helped the small businessmen, it has helped their communities and helped small businessmen to stay in business.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, all of us are familiar with our American heritage of the courageous, westward-moving pioneers that built this country from the Atlantic to the Pacific and made it great. Following on the heels of these brave settlers was a different kind of pioneer, the ancestor of today's small businessman. The trading posts and cabins of America's first small entrepreneurs developed into the commercial centers of this Nation.

Today, there are 8 million small businesses in the United States. They provide jobs for 35 million Americans, 44 percent of our total work force. Last year they produced $385 billion in goods and services, 37 percent of our gross national product.

Currently we are considering legislation, H.R. 10792, that would increase the amount of financing to small firms that the U.S. Small Business Administration may have outstanding at any one time. Since its inception in 1953, this dynamic Agency has worked diligently as the main advocate of small business in the halls of Government. To small firms, SBA has provided well-deserved assistance in six major areas: financial, procurement, investment, management, minority enterprise, and disaster recovery.

Each of us knows many small businessmen in our districts. We are aware of the vitality they continually inject into our local economies. I'm sure that many of us started our own careers as small businessmen.

In recent years, America's small businessman has been faced with increasing pressures and problems. A tax system that favors large concerns, costs, competition, and the growing number of safety and environmental laws are discouraging him and compounding his troubles. When you consider the constant difficulty of obtaining adequate financing, you should understand why I believe passage of H.R. 10792 is critical to the future of our national economy.

SBA is small business' main funding source in the public sector. In 1971 alone, this small Agency stimulated $1.3 billion in loans to small firms. This was largely done through SBA's loan guaranty program. The Agency has achieved a significant increase in its lending programs, but it is approaching its congressionally designated limit of simultaneous outstanding obligations.

Immediate affirmation of H.R. 10792 will insure the continuation of SBA's lending achievements. More importantly, our constituent small businessmen will be able to obtain the financing they need for growth and expansion.

Free enterprise built the United States and made it a strong and wealthy nation. Small business was the genesis and is now the essence of American free enterprise.

I strongly urge my colleagues to join me in prompt enactment of H.R. 10792.

Mr. WIDNALL. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, the bill brought to the House today by the Committee on Banking and Currency is one which I sponsored along with Chairman PATMAN, Mr. STEPHENS, chairman of the Subcommittee on Small Business, and Mr. J. WILLIAM STANTON, the ranking minority member of that subcommittee.

The bill received full and complete consideration, and I feel that the version reported to the House reflects the wisdom of the members of the full committee as well as those of the subcommittee. With regard to the specific provisions of the reported bill, I would commend to my colleagues the committee report. I do not wish to belabor the point, but I would like to review briefly the significance of each of the four increases in SBA's authority which would be effected by this legislation.

The SBA's overall ceiling on outstanding commitments, including direct, immediate participation, and guaranteed loans is presently fixed at $3.1 billion. Administrator Kleppe estimates that this inclusive limit will be reached by the end of this month, based upon recent experience in SBA activities. The proposed increase to $4.3 billion is designed to carry the SBA for approximately 1 year, that is, to the end of fiscal 1973.

Within that overall ceiling, two subceilings would be raised by the bill as reported by the committee. Small Business Investment Company outstanding loans would be allowed to increase from $450 million to $500 million, an amount calculated to provide enough authority for one additional year's operations. I would point out that no increases are proposed in ceilings on State and local development company loans, as SBA operations do not indicate such a need during the next year.

Economic opportunity loans would be allowed to increase from $300 million to $350 million in the aggregate, also providing 1 year's additional loans, given present conditions. Within this subceiling, the limit on individual loans would be increased from $25,000 to $50,000. This last modification is particularly necessary, according to Mr. Kleppe, in order to meet the practical needs of small businessmen trying to get started under the economic opportunity loan program.

Essentially, there is no question as to the amounts involved—the increases proposed in H.R. 10792 would allow the Small Business Administration to continue its assistance to the small business community for 1 more year. Last year, the SBA was responsible for lending $1.3 billion to small businessmen throughout the country, primarily through the Agency's bank guaranty loan program. This constitutes one of the major sources of financing for the small businessman.

According to SBA statistics, there are over 8 million small businesses in the country today, and these firms provide over 35 million jobs. In fact, 44 percent of the Nation's workforce is employed by small businesses. Small businesses provide some $385 billion worth of goods and services annually and contribute 37 percent of our gross national product.

At the same time, the small business community is in a vulnerable position today. Overhead, taxes, environmental concerns, and Federal regulations are all increasing, making it more difficult for small businesses to survive. SBA through its financing programs is attempting to see that inadequate financing does not add to these burdens.

The provisions of this bill will help insure the continued contribution of small business to the Nation's economy. Administrator Kleppe and the SBA have proven that SBA lending programs can provide small businesses with adequate financing. The interest in the program and the significant participation by the private sector prove that there is a greater need than ever for the expansion of this program.

The record of testimony before the subcommittee by Administrator Kleppe, as well as representatives of small business and SBIC associations, shows that all levels within the small business community are prepared to work in concert to continue the successes of these SBA programs.

Again, I would note that there is substantial agreement within the committee, as the favorable vote on final passage of 21 to 1 indicates.

I can recommend H.R. 10792 for your favorable consideration without reservation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, as the chairman of the Small Business Subcommittee of the House Banking and Currency Committee, I would like to take a few minutes to discuss the provisions of H.R. 10792, a bill which I strongly support.

As Chairman PATMAN has pointed out, this bill does not appropriate any additional funds for the Small Business Administration but merely complies with the technical aspect of the law which places certain restrictions on SBA lending programs.

The Small Business Act provides that all loan programs administered by the Agency other than the disaster loan program shall be subject to certain ceilings—that is, that the Agency may only have a certain dollar amount of loans outstanding at any one time. When that ceiling is reached, the Agency must discontinue its lending or guaranteeing operations until the ceiling is either raised or there are sufficient repayments in a revolving fund to reduce the amount of outstanding loans.

Members of the House will recall that last year, because of an unexpected loan demand, we were forced to raise the ceiling on an emergency basis from $2.2 billion to $3.1 billion. At that time the committee instructed the Small Business Administration to let the committee know well in advance when it expected to reach its new ceiling and to submit appropriate legislation. H.R. 10792 as introduced by Chairman PATMAN and me, Mr. WIDNALL, and Mr. J. WILLIAM STANTON, would have increased the present ceiling from $3.1 billion to $5.8 billion. This would have provided the Agency with enough lending and guaranteeing authority to operate through the end of fiscal year 1974. In addition to its overall lending ceiling, SBA also has various subceilings which are placed on individual programs. H.R. 10792 as introduced would have raised the ceiling on Small Business Investment Co. loans that could be outstanding from $450 million to $650 million. The State and local development company loan ceiling would have been increased from $500 million to $700 million, and economic opportunity loan ceiling would have been increased from $300 million to $450 million. It should be pointed out that all of these increases represent enough leeway to allow the agency to operate for a 2-year period.

However, after listening to the witnesses, the subcommittee felt that a 1-year increase in the SBA ceilings would be adequate for the agency and would provide the committee with a chance to review the ceilings once again next year, thus providing an automatic oversight function. In addition, the 1-year increases come closest to duplicating the legislation that has already been passed in the other body and thus may forestall the possibility of going to conference. I must point out at this point that we do have only a very short time before the ceiling authorization expires, and that is why we are taking this bill up today. With the 1-year figure in mind, the full committee increased the overall ceiling from $3.1 billion to $4.3 billion. It raised the SBIC ceiling from $450 million to $500 million and the economic opportunity loan ceiling from $300 million to $350 million. It did not increase the ceiling on State and local development company loans since the present limitation is estimated to be adequate enough to provide for 1 additional year.

In addition, the committee increased from $25,000 to $50,000 the maximum amount of an individual loan or guarantee that can be made under an economic opportunity loan. The committee feels, as does Administrator Kleppe, that the $50,000 figure is more realistic than the present limitation. The committee also considered but rejected without a vote a proposal to increase the maximum amount of assistance to a small businessman from $350,000 to $500,000. Since SBA by administrative decision has limited the amount of a direct loan that it will make to $100,000 and most small businessmen find it difficult to find outside money in amounts as great as $350,000 to which SBA could apply a guarantee, the committee did not feel that there was any need at this time to increase the maximum loan limit to $500,000. This was the same view expressed by Administrator Kleppe and by many of the witnesses before the subcommittee.

I feel that we ought to approve this legislation, and I hope that we will do so shortly.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in strong support of H.R. 10792. This legislation has had considerable hearings not only before our full committee but before our subcommittee. In that regard I certainly want to pay my respects and compliments to the chairman of the subcommittee, the gentleman from Georgia (Mr. STEPHENS) who first brought this to the attention of the subcommittee, and thank publicly

for the adequate and full hearings we have had on this legislation.

Mr. Chairman, this legislation, as the previous speakers have said, is really vital to the continuing operation of the Small Business Administration. It assures their operation through fiscal year 1973. It faces up to the growing needs of the small businessmen in our country.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I am happy to yield to the gentleman from Georgia, the chairman of the subcommittee.

Mr. STEPHENS. I thank the gentleman for his kind words. I do wish to point out to the House that this bill has come out in accord with the views of Mr. J. WILLIAM STANTON, who is the ranking minority member of the subcommittee. The fact that we have it in its present form is due to his cooperation and his amendment to the original bill, which is a good amendment.

Mr. J. WILLIAM STANTON. I thank the gentleman.

Mr. Chairman, we have before us H.R. 10792, which will permit the Small Business Administration further to help the small businessmen of our Nation. The bill is critical to the well-being of America's small business community. I believe it merits our serious consideration and our quick action.

Last year, under the dynamic leadership of Administrator Thomas S. Kleppe, SBA stimulated $1.3 billion in loans to small businesses. The majority of these loans were obtained from banking institutions through the SBA loan guaranty program.

We are all familiar with the difficulties of starting and running a small business in our complex economy. Small businesses are an important element in every one of our districts. They are at the very heart of the American economic system. They account for 95 percent of all businesses in America; they employ 44 percent of the work force; they contribute 37 percent of the gross national product.

However, at this time, the lack of available financing, new legislation for safety and environmental controls, and mounds of paperwork are compounding the generally difficult job the small businessman faces. Even though Administrator Kleppe has been able to obtain significant bank participation, the need for loans to small businesses is so great that SBA is rapidly closing in on the limit imposed by Congress on the obligations SBA may have outstanding to small firms at one time.

Passage of H.R. 10792 is vital in order to enable SBA to continue and improve the job it has done in assisting the small business community. I would emphasize that there is no additional cost involved in this legislation. It truly provides for an investment in the future of our economy.

I urge prompt passage of this bill, to assure the continuation of SBA's valuable activities for the coming year.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I want to express my appreciation to my colleague, the gentleman from Georgia (Mr. STEPHENS), the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency for bringing this fine piece of legislation to the floor.

There are now more than 8 million small businesses in this country. An unprecedented 287,000 new companies were incorporated in the last year alone. Nineteen out of every 20 firms in this country are considered to be small businesses, but their contribution is large indeed. They provide more than 35 million jobs, and generate more than $370 billion of the gross national product.

From the very earliest days of this country it has been small business which has continuously provided us with initiative, innovation, and economic growth. The result has been vast economic strength, and a competitive atmosphere where each individual can reach heights limited only by his own ambition and determination.

The growth of our economy has created the highest standards of living in the history of the world and we see the promise of a future with almost limitless opportunities.

Nineteen years ago the Congress of the United States acted to insure the continued growth and prosperity of our small business community within this country. The Small Business Administration was established to guarantee the future of the free enterprise system which is central to our American ideal of open competition in the marketplace. By helping the small businessman to maintain free competition the Congress knew that they would also be strengthening the overall economy of this Nation.

Most of you here today know that the SBA offers a wide range of services to the small business community, and I am sure that a number of you have actively participated in one or more of the available programs.

In an effort to reach the broadest possible number of independent small businessmen there are very few restrictions on eligibility for participation in the SBA programs. In fact, the only categorical restrictions are gambling or speculative firms, newspapers, and radio and television stations.

Under the economic opportunity loan program the SBA can make it possible for the disadvantaged who have the capability and the desire to own their own businesses to become a part of the economic life of our Nation. Both prospective and established small businessmen may receive assistance under this program. Management assistance is available at any time and financial assistance is offered to a maximum of $25,000 for up to 15 years. H.R. 10792 increases the ceiling of economic opportunity loans to $50,000 so they can be adequately capitalized.

The SBA also helps the small businessman in the acquisition of land, construction, conversion or expansion of buildings, and the purchase of machinery and equipment, through loans to State and local development companies.

In the case of disasters, such as the one in Rapid City, S. Dak., the agency makes loans at low interest available to the victims. One program was established to repair the physical damage, a second is to overcome economic injury. Disaster loans can be made in participation with banks or entirely by the agency, and can be for as long as 30 years. Whenever natural disaster strikes, the SBA moves in quickly to help victims restore or replace their property. The agency makes loans to individuals, business concerns of any size, and to nonprofit organizations so they can repair or replace damaged structures, lost or damaged furnishings business machinery, equipment, and inventory.

Many small businessmen would like to become a supplier to the Government, but are confused by the complexities involved. Generally, bidders' lists of suppliers of items or services are the basis for Government purchases. The only usual exceptions to this method are new or sophisticated products, such as some research and development projects or other special projects.

The small business that wants to sell to the Government should make sure that its name is on all appropriate bidders' lists. Before this can be done, however, the company must know which agencies will normally purchase the product it sells. This is where the SBA can be of great help. The agency maintains lists of prospective military and civilian customers, and there is continual contact between Government procurement agents and the SBA in an effort to find small business suppliers for governmental needs.

Mr. Chairman, it is for all these reasons that I urge my colleagues to vote for H.R. 10792, which continues and increases the SBA loan ceiling at no cost to the taxpayer.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman for yielding.

The gentleman mentioned gambling loans.

In the form in which it was finally passed, does it make illegal these lotteries that are organized in some of the States now for the purpose of raising money for schools, and other good purposes like that?

Mr. WILLIAMS. Actually, what I said was the only categorical restrictions on the SBA for making loans to anyone are on gambling, speculative firms, et cetera. The lotteries which the gentleman is talking about, presently being conducted by States such as New York, New Jersey, and Pennsylvania, are conducted by the States themselves, which have no loans from the SBA. I cannot imagine the SBA under any condition making a loan to a State.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. I yield further.

Mr. PATMAN. I know that with respect to the Reconstruction Finance Corporation, under the leadership of the Honorable Jesse Jones, they never would permit newspapers or any means of dissemination of knowledge or information to have loans made to them for that purpose, nor would they permit them for the sale of alcoholic beverages or for gambling. I assume that most of those provisions are in the existing Small Business Administration law.

Mr. WILLIAMS. They are in the existing legislation; that is correct. Newspapers, radio and television stations are definitely covered.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Georgia.

Mr. STEPHENS. I want to thank the gentleman for his cooperative work on our subcommittee, and to compliment him on the knowledge of the SBA work we are doing. I look forward to working with the gentleman through many years.

Mr. WILLIAMS. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. CURLIN).

Mr. CURLIN. Mr. Chairman, the problems of the 8 million small businesses in America are increasing. Environmental and safety concern, taxes, paperwork, and Government regulations are threatening the existence of many small firms. Add to this the difficulty of the small businessman obtaining adequate financing and you have a picture of the dilemma of small business in America today.

The U.S. Small Business Administration has been able to help. In 1971, SBA assisted small business with a record total of 24,286 loans for $1.3 billion. SBA was able to do this by obtaining greater private sector participation than ever.

The Small Business Administration is to be commended for this outstanding performance. The progress it has made, however, is in danger. SBA is rapidly approaching the limit Congress has set on SBA's outstanding obligations.

We have before us today a bill that would allow SBA to continue the growth of its loan programs to small business concerns.

I urge my colleagues to join me in the speedy enactment of H.R. 10792.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10792 which authorizes an increase in the outstanding loan ceiling of the Small Business Administration. Specifically, the bill raises the present overall loan ceiling from $3.1 billion to $4.3 billion, which is expected to carry the SBA through fiscal 1973. The ceiling on outstanding Small Business Investment Company loans is raised from $450 million to $500 million, and for economic opportunity loans from $300 million to $350 million. In addition, the ceiling on individual loans has been raised from $25,000 to $50,000.

Mr. Chairman, this measure is a rather routine and noncontroversial matter, having been reported from the Banking and Currency Committee by a vote of 21 to 1. It has the support of the Administration, and does not authorize the appropriation of any new funds to the SBA. The Administration's position was presented by our former colleague, now SBA Administrator, Tom Kleppe, whom I think most will agree has been doing an outstanding job with the Small Business Administration.

Mr. Chairman, before I relinquish my time, I wish to call the attention of my colleagues to a related matter which I raised with the chairman of the Banking and Currency Committee (Mr. PATMAN) when he appeared before the Rules Committee on this bill. At that time, I asked the chairman whether any action was contemplated in this session on the Administration's proposed Minority Enterprise Small Business Investment Act of 1972, a bill which would restructure SBA financing of Minority Enterprise Small Business Investment Companies—MESBIC's—so that they can operate on a fiscally sound basis.

You will recall that in 1969, the Office of Minority Business Enterprise—OMBE—joined with the SBA in launching a national network of MESBIC's with SBA licensing and regulation. A MESBIC is a specialized SBIC in that it limits its investment to minority enterprises, is supported by financially sturdy institutional sponsors, and is underwritten in large part by its sponsors. Today there are 47 MESBIC's operating throughout the country with private funds totaling in excess of $14 million. Since every private dollar investment has the potential of freeing $15 for investment in minority enterprises, some $210 million is currently available through this program at relatively low cost to the Government.

Nevertheless, as the President pointed out in his "Minority Enterprise" message to the Congress on March 20 of this year, MESBIC "labors under burdens which endanger further development." The administration's proposed Minority Enterprise Small Business Investment Act is designed to lift those burdens and thereby make further development of MESBIC possible. It would do so by making it possible for a MESBIC to organize as a nonprofit corporation, thus facilitating foundation investments and tax-deductible gifts. The legislation would also reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; it would provide increased equity to MESBIC's in the form of preferred stock to be purchased by SBA in place of part of the debt instrument's purchased by SBA from MESBIC's under current law; and it would lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury during the first 5 years of the loan.

Mr. Chairman, I think this legislation, which would greatly expand minority business opportunities, deserves the serious consideration of this Congress, and I was therefore pleased in the Rules Committee when Chairman PATMAN assured me that hearings on this bill would be held in this session.

Mr. FRENZEL. Mr. Chairman, until the last few years, the impression of the Small Business Administration among small businessmen was dismal. Endless redtape, loan officers with 19th century ideas about lending, and the expectation of the whole process culminating in a negative response was a typical impression. The banking community's attitude was no better, and many loans were flatly turned down rather than bear the agony of SBA loan guarantee procedures and reporting requirements.

Under the direction of Administrator Thomas Kleppe, the opinion is rapidly changing. The SBA has significantly improved its application procedures, and has become friend rather than foe of the small business community. A further indication of the SBA's changing attitude is the recently adopted position as ombudsman for the small businessman when dealing with the Federal Government. Small businesses have desperately needed a Federal agency to provide both the loan funds and the new assistance which the SBA now offers.

I am sure that most of the Members agree as to the worthiness of a loan program to aid the small businessman. Most of us have fielded complaints regarding the procedures, or the decisions of the SBA. But we can also point to several examples of businesses which either started, or were kept alive with SBA assistance, when no other help was available.

The recent accomplishments under Tom Kleppe have been impressive, and I urge the passage of H.R. 10792.

In my judgment the committee erred in extending the loan limit for 1 rather than 2 years. Congressional review of this program is important, but with a constant and predictable rate of growth, a 1-year extension seems unnecessarily short.

Mr. ADDABBO. Mr. Chairman, I want to take this opportunity to heartily endorse and strongly urge the adoption of H.R. 10792.

This is an extremely worthy bill.

The adoption of these amendments to both the Small Business Act and the Economic Opportunity Act of 1964, will, necessarily, increase the authorization ceilings as provided in the funds established in the Treasury to support the Small Business Administration programs which are both valuable and necessary, and, at the same time, increase the loan limits to economic opportunity loans from $25,000 to $50,000.

The provision of section 2 of this bill which increases the amount of loans that may be made to one small business under the economic opportunity loan program, as it is serviced by the Small Business Administration, is both necessary and urgent to provide a viable program.

I strongly favor this action for many valid and vital reasons.

The Banking and Currency Committee of the House of Representatives should be congratulated for the expeditious handling of a bill which will enhance the economy of the small business community of our country. The economy of the small business community is the backbone of the American economy.

The limiting feature of the authorization of only increasing the ceiling estimated to carry the agency through fiscal year 1973, or a 1-year increase in the ceilings, provides Congress for an automatic review of the agency's operations.

This limiting feature will enable this Congress to make certain that the agency is meeting its commitment to the small business community.

As chairman of the Subcommittee on Minority Enterprise Business of the House Committee on Small Business, I am extremely pleased with the amendments in this bill, and, particularly, the amendment to section 402(a) of the Economic Opportunity Act of 1964.

During recent hearings held by my subcommittee, the raising of the loan limit from $25,000 to $50,000 was strongly urged by Government and industry witnesses. The members of the committee in their questioning and colloquy with witnesses strongly urged and endorsed the adoption of an increase to the loan limit on these types of loans. The low figure prior to this amendment proved to be unsatisfactory, insufficient, and uneconomical.

It is because of the vital importance to the small business community and the immeasurable assistance these amendments will offer to the small business arena, that I firmly urge the Members of the House to adopt H.R. 10792.

Mr. ANNUNZIO. Mr. Chairman, I wish to call the attention of my colleagues in the House to a matter of critical importance to the small businessmen of this Nation. It is a matter which I believe deserves our very serious consideration and our action.

We have before us a bill, H.R. 10792, to increase the amount of financing the U.S. Small Business Administration may have outstanding at any one time to small business concerns.

All of us know personally small businessmen and women in our districts and know of the contribution their firms make to the strength and vitality of our local economies.

Nationally there are approximately 8 million small firms and they provide jobs for 35 million Americans, 44 percent of our total work force.

Last year, they produced $385 billion of goods and services, 37 percent of our gross national product.

The pressures of costs, competition, a tax system that favors large firms, a burgeoning of Federal standards and controls for safety and environmental purposes, all are compounding small firms' problems.

Add to this the constant pressure of the lack of availability of adequate financing and you can readily see why I say that the matter of acting on H.R. 10792 is critical.

The SBA is a major source of funding for small concerns and in the last calendar year stimulated $1.3 billion in loans to small firms largely through its loan guaranty program. As a result of the significant increase in SBA lending programs, the SBA is nearing the limit that Congress has imposed on the obligations that the SBA may have outstanding to small firms.

Prompt action on H.R. 10792 will assure that the momentum SBA has achieved in lending activities can continue and small firms in our local communities will be able to obtain the funds needed for growth and expansion which in turn contributes to increased business activity and employment.

I urge that my colleagues join me in prompt enactment of H.R. 10792.

Mr. DELLENBACK. Mr. Chairman, I rise in strong support of H.R. 10792.

The SBA program has proven of great value—both in various specific instances in my congressional district in Oregon and in general throughout the Nation.

The present Administrator of the SBA—our former colleague, Tom Kleppe—is in my opinion both an exceptionally fine and able man and also the best Administrator that this program has had. In his relatively short term in office he has made tremendous strides in improving the administration of this vital productive agency. I hope he will consent to remain in office for a long time.

The increases asked for are reasonable. The bill should be approved, and I urge my colleagues to join me in voting "aye."

Mrs. HECKLER of Massachusetts. Mr. Chairman, in an age of "doing your own thing" as an antidote to assembly lines, institutional anonymity, and the general treadmill, small business ownership best fills the bill.

It is not only doing your own thing with a vengeance, it is also an act of faith in the American free enterprise system and an individual act of courage. Successful establishment and maintenance of a small business may be one of the last frontiers to challenge the average man.

This Nation has been built on small business as the producer of goods and services, jobs and income. It has always been and is now more than ever a way for minority Americans to enter the country's economic mainstream and carve for themselves "a piece of the action."

Small business, Mr. Chairman, is in the national interest.

Therefore, as an advocate of any effort to assist and encourage small business, I strongly support H.R. 10792 which increases the funds that may be made available in small business loans.

By raising the overall loan ceiling and the maximum amount on individual loans, the bill will simply serve to strengthen the ability of this Government to extend help to those courageous and hopeful enough to cross this last frontier.

As a member of the committee, I am proud to urge the passage of this bill.

Mr. J. WILLIAM STANTON. Mr. Chairman, we have no further requests for time.

Mr. PATMAN. Mr. Chairman, we have no further requests for time. I ask that the Clerk read.

The CHAIRMAN. The clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$5,800,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$650,000,000";

(3) by striking out "$500,000,000" and inserting in lieu thereof "$700,000,000"; and

(4) by striking out "$300,000,000" and inserting in lieu thereof "$450,000,000".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment, page 2, after line 10, insert the following:

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10792) to amend the Small Business Act, pursuant to House Resolution 1010, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WIDNALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 320, nays 0, not voting 112, as follows:

[Roll No. 197]

YEAS—320

Abourezk	Aspin	Betts
Adams	Aspinall	Bevill
Addabbo	Baker	Biaggi
Anderson, Calif.	Baring	Biester
Anderson, Ill.	Barrett	Blatnik
Arends	Begich	Boggs
Ashbrook	Belcher	Boland
Ashley	Bennett	Bow
	Bergland	Brademas

Bray	Hamilton	Pike
Brinkley	Hammer-schmidt	Pirnie
Broomfield	Hanley	Poage
Brotzman	Hansen, Idaho	Poff
Brown, Mich.	Hansen, Wash.	Preyer, N.C.
Brown, Ohio	Harrington	Price, Ill.
Broyhill, Va.	Harvey	Purcell
Buchanan	Hastings	Railsback
Burke, Fla.	Hathaway	Randall
Burke, Mass.	Hawkins	Rees
Burlison, Mo.	Hays	Reuss
Burton	Hechler, W. Va.	Rhodes
Byrne, Pa.	Heckler, Mass.	Roberts
Byrnes, Wis.	Heinz	Robinson, Va.
Byron	Henderson	Rodino
Cabell	Hicks, Mass.	Roe
Camp	Hicks, Wash.	Rogers
Carlson	Hogan	Roncalio
Carney	Hollifield	Rooney, Pa.
Carter	Horton	Rosenthal
Cederberg	Hull	Rostenkowski
Chamberlain	Hungate	Roush
Clancy	Hunt	Rousselot
Clausen, Don H.	Ichord	Roy
Cleveland	Jacobs	Roybal
Collier	Jarman	Runnels
Colmer	Johnson, Calif.	Ruppe
Conable	Johnson, Pa.	Ruth
Conover	Jonas	Ryan
Conte	Jones, Ala.	Sandman
Corman	Jones, N.C.	Sarbanes
Cotter	Jones, Tenn.	Satterfield
Coughlin	Karth	Saylor
Crane	Kastenmeier	Scherle
Culver	Kazen	Schmitz
Curlin	Kee	Schneebeli
Daniel, Va.	Keith	Schwengel
Danielson	Kemp	Scott
Davis, Ga.	King	Sebelius
Davis, Wis.	Koch	Seiberling
de la Garza	Kuykendall	Shipley
Dellenback	Kyl	Shoup
Dellums	Landgrebe.	Shriver
Denholm	Landrum	Sikes
Dennis	Latta	Sisk
Dent	Leggett	Skubitz
Derwinski	Lennon	Slack
Devine	Lent	Smith, Calif.
Dickinson	Link	Smith, Iowa
Donohue	Lloyd	Smith, N.Y.
Dow	Long, Md.	Snyder
Downing	Lujan	Spence
Drinan	McClure	Staggers
Dulski	McCollister	Stanton, J. William
Duncan	McCulloch	Steed
du Pont	McFall	Steele
Edwards, Ala.	McKay	Steiger, Ariz.
Edwards, Calif.	Macdonald, Mass.	Stephens
Eilberg	Madden	Stubblefield
Erlenborn	Mahon	Sullivan
Esch	Mann	Symington
Evans, Colo.	Martin	Talcott
Evins, Tenn.	Mathias, Calif.	Taylor
Fascell	Matsunaga	Teague, Calif.
Findley	Mayne	Teague, Tex.
Fisher	Mazzoli	Terry
Flood	Meeds	Thomson, Wis.
Flowers	Metcalfe	Thone
Foley	Mikva	Tiernan
Ford, Gerald R.	Miller, Ohio	Udall
Ford, William D.	Mills, Ark.	Ullman
Forsythe	Mills, Md.	Van Deerlin
Fountain	Minish	Vander Jagt
Fraser	Mink	Vanik
Frelinghuysen	Mitchell	Veysey
Frenzel	Mizell	Vigorito
Fulton	Mollohan	Waggonner
Fuqua	Montgomery	Waldie
Galifianakis	Morgan	Wampler
Garmatz	Mosher	Ware
Gaydos	Moss	White
Giaimo	Murphy, Ill.	Whitehurst
Gibbons	Murphy, N.Y.	Whitten
Gonzalez	Myers	Widnall
Goodling	Natcher	Wiggins
Grasso	Nedzi	Williams
Gray	Nelsen	Winn
Green, Oreg.	Nichols	Wolff
Green, Pa.	Nix	Wyatt
Griffin	Obey	Wydler
Griffiths	O'Konski	Wylie
Gross	O'Neill	Wyman
Grover	Passman	Yates
Gubser	Patman	Yatron
Gude	Patten	Young, Fla.
Hagan	Pelly	Zablocki
Haley	Pettis	Zion
Hall	Peyser	Zwach

NAYS—0

NOT VOTING—112

Abbitt	Abzug	Anderson, Tenn.
Abernethy	Alexander	
Andrews, Ala.	Eshleman	Monagan
Andrews, N. Dak.	Fish	Moorhead
Annunzio	Flynt	O'Hara
Archer	Frey	Pepper
Badillo	Gallagher	Perkins
Bell	Gettys	Pickle
Bingham	Goldwater	Podell
Blackburn	Halpern	Powell
Blanton	Hanna	Price, Tex.
Bolling	Harsha	Pryor, Ark.
Brasco	Hébert	Pucinski
Brooks	Helstoski	Quie
Broyhill, N.C.	Hillis	Quillen
Burleson, Tex.	Hosmer	Rangel
Caffery	Howard	Rarick
Carey, N.Y.	Hutchinson	Reid
Casey, Tex.	Keating	Riegle
Celler	Kluczynski	Robison, N.Y.
Chappell	Kyros	Rooney, N.Y.
Chisholm	Long, La.	St Germain
Clark	McClory	Scheuer
Clawson, Del	McCloskey	Springer
Clay	McCormack	Stanton, James V.
Collins, Ill.	McDade	Steiger, Wis.
Collins, Tex.	McDonald, Mich.	Stokes
Conyers	McEwen	Stratton
Daniels, N.J.	McKevitt	Stuckey
Davis, S.C.	McKinney	Thompson, Ga.
Delaney	McMillan	Thompson, N.J.
Diggs	Mailliard	Whalen
Dingell	Mallary	Whalley
Dorn	Mathis, Ga.	Wilson, Bob
Dowdy	Melcher	Wilson, Charles H.
Dwyer	Michel	Wright
Eckhardt	Miller, Calif.	Young, Tex.
Edmondson	Minshall	

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. Kluczynski with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Hébert with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Annunzio with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Reid with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Daniels of New Jersey with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Chappell with Mr. Keating.

Mr. Carey of New York with Mr. Harsha.

Mr. Moorhead with Mr. Minshall.

Mr. Stratton with Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Monagan with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. McDade.

Mr. Alexander with Mr. Broyhill of North Carolina.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Kyros with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Dorn with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis of Georgia with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhard with Mr. Stuckey.

Mrs. Andrews of Alabama with Mr. Casey of Texas.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1010, the Committee on Banking and Currency is discharged from the further consideration of the bill (S. 3166) to amend the Small Business Act.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of the bill S. 3166 and insert in lieu thereof the provisions of H.R. 10792, as passed, as follows:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10792) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to inform the Members of the House that the program for tomorrow will be the appropriation for the Department of the Interior, and on Wednesday, aside from the observance of Flag Day, the appropriation for the Department of Health, Education, and Welfare. That latter bill could go over to Thursday.

ARMED FORCES DRUG TREATMENT PROGRAM

Mr. HAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12846, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. HAGAN) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. HALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a distinct pleasure for me, as chairman of the Special House Armed Services Subcommittee on Drug Abuse in the armed services, to rise in support of H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

On March 21, an act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse was enacted into law.

My colleagues will recall that legislation in its original form as H.R. 12089 and S. 2097.

The measure before you today represents the basic statutory authority requested by the Secretary of Defense and recommended by our committee to form the basis for the overall drug treatment and rehabilitation programs in the military.

Thus, it would clarify and strengthen the authority of the Secretary of Defense and the Secretary of Transportation for the Coast Guard, to implement drug treatment and rehabilitation programs.

In effect, this is the military aspect of the overall national action directed at drug abuse, and therefore it reaches you separately as an amendment to title 10, United States Code.

We have been looking into this serious problem continuously since August of 1970. At that time, a Special Subcommittee on Alleged Drug Abuse in the armed services conducted an extensive probe of the drug problem among our military members and held hearings in the United States and Southeast Asia.

This action was taken in the face of numerous reports that the military drug problem was assuming the same serious proportions as the drug problem in civilian society. The hearings, consisting of some 1,051 pages, were printed and a detailed report was published on April 23, 1971, including some 65 findings, conclusions, and recommendations.

The special subcommittee was reappointed by the chairman on July 27, 1971, to examine legislation designed to augment the service efforts to cope with drug abuse.

The subcommittee opened its hearings with a consideration of H.R. 9503, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

After conducting 12 hearings involving some 26 witnesses, and visits to military installations by individual members, a clean bill was introduced as H.R. 12846, the bill which is before you today.

Mr. Chairman, during the course of our deliberations on that measure, in addition to H.R. 9503, we examined the principal features of some 50 similar bills introduced by some 190 Members of the House of Representatives.

As we all know, the drug abuse problem in the civilian sector, as well as in the military, has caused considerable public debate and many recommended solutions have come from concerned citizens from all levels of society and a variety of political persuasions. Inevitably, the committee was exposed to many of those recommendations.

In our deliberations, including expert guidance and counsel from our member who is a medical doctor, it is our committee's considered judgment that the bill now before you is the proper vehicle for the military attack on drug abuse.

Following are the principal provisions:

The Secretary of Defense may require every member of the Armed Forces on active duty to be examined to determine whether he is drug dependent;

The Armed Forces shall provide treatment and rehabilitation services to members who are determined by the military to be drug dependent and such treatment and rehabilitation services can be provided without his consent;

There is authorization for the Secretary of Defense—or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy—to make agreements with the heads of other agencies to provide such treatment and rehabilitation services, thereby expanding the facilities available to the Armed Forces;

The Secretary of Defense may retain a drug dependent member on active duty without his consent for a period of not more than 30 days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

The purpose of authorizing the retention of such persons for a 30-day period is to insure that the members are detoxified and provided treatment and initial rehabilitation services designed to assist in eliminating their psychic dependency on drugs;

The Secretary of Defense is required to prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily;

A member may not be subject to disciplinary action under the Uniform Code of Military Justice or be discharged under other than honorable conditions solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services. However, such a member shall otherwise remain subject to the laws and regulations governing the conduct of members of the Armed Forces;

The Secretary of Defense in his discretion may provide that time spent in treatment need not be counted as time lost under the provisions of title 10, United States Code. Likewise, the Secretary is authorized to exempt such a member from forfeiture of pay for that lost time; and

Finally, there is a provision which would allow persons on extended service and undergoing drug treatment not to be counted in the computation of military strengths under statutory limitations.

Mr. Chairman, we are encouraged by the progress already made by the services in moving ahead against drug abuse. The beginnings were slow and agonizing and many miscalculations and mistakes were made. It was in this milieu that many far-reaching measures which reflected this condition were introduced into the Congress in an earnest attempt to reverse the process and to aid those troubled with drug problems.

Earlier, there was much misunderstanding in the military about drug abuse and what should be done about it—yes, there was some willingness in the services—and in high places there, to kick the problem under the rug and make believe it did not exist.

I am completely confident those illusions and delusions are well behind us and long gone. But, a large task remains now to help those with the drug dependency problem, and to continue to educate others against becoming involved.

As I mentioned, there are good signs that programs are taking hold. The scientific urine testing program is giving us more reliable figures over a much broader spectrum of our forces. Indeed, recent results of those tests indicate that our original estimate of drug use may have been too high.

But, on the more sober side, we realize also that there is much to be done in caring for those who show continuing positive results and are affected with drug dependency.

A good, fresh start has been made in the service education programs. They are developing cadres of specially trained people to conduct these programs—people who have acquired their skills through inservice training—some at the college level—and some through their own personal exposure to drug abuse.

In that connection, I was pleased to read in the press recently that a West Coast university is giving graduate and undergraduate credit for a drug education course sponsored by Army Headquarters.

Mr. Chairman, I realize this subject of drug abuse is charged with understandable emotion and has captured the imagination of citizens in all walks of life up and down and across this Nation.

We have attempted to approach this bill with an understanding of those sentiments but also with a consideration of all the practical factors as well.

With the start that the services have made, I respectfully repeat, Mr. Chairman, that this measure is the proper vehicle for us to get on with an enhanced attack on drug abuse in the military.

This bill is essentially what the professionals say they need—from the top military doctor to many of those working with the problem in the individual services.

The House Armed Services Committee reported the bill to this Floor unanimously with only a minor amendment. Thus, we recommend strongly its passage today so the DOD may move forward in its drug program with enhanced vigor at the earliest possible date.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HAGAN. I yield to the gentleman from Texas.

Mr. KAZEN. Is the committee satisfied that under the provisions of the bill the mere fact that a member of the armed services may be addicted to drugs, that he will not be discharged solely for that reason?

Mr. HAGAN. Yes, we are under the amnesty program.

Mr. KAZEN. He may be discharged for peddling or doing whatever other illegal thing he may do with narcotics, and properly so, but I am worried about the man who does turn himself in and says, "Look, I am addicted," or after examination he is found to be addicted, that he might then be either court-martialed or discharged otherwise.

Mr. HAGAN. Not at all. If he turns himself in voluntarily under the amnesty program, he will be taken care of without that fear.

Mr. KAZEN. The committee is satisfied on that point?

Mr. HAGAN. That is correct.

Mr. KAZEN. I thank the gentleman.

Mr. HAGAN. I thank the gentleman from Texas.

Mr. HALL. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from New Jersey (Mr. HUNT), a member of the subcommittee.

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 12846. I am convinced that this measure will do much to enhance the ongoing military programs which have made such a good start in attacking the plague of drug abuse. I only wish it was possible to be as encouraged about our attack on the problem in the civilian communities across this land.

I am particularly impressed with the scientific drug detection program which has been in effect for about a year now.

Our earlier study of the extent of the drug abuse in the military resulted in varied—and often very frustrating—conclusions because the results depended almost solely on the subjective numbers game.

That is, when one goes among the known drug users, some of whom are addicts, and asks questions, he is likely to get answers which may vary from denial of the fact he is taking a drug, which throws statistics off, to a vast overstatement of how many other people are behaving the same way he is.

Indeed, in arriving at our own estimate in January 1971 that upward to 10 percent of the men in Vietnam could be using heroin, we were undoubtedly the victim of exaggerated onsite reports, and our recent observations support that conclusion.

For the first time, commencing in June 1971, a program for scientific testing of urine samples for morphine content was established in Vietnam and provided more reliable figures and more modest appraisals of the degree of drug use in that country. Initially, the only members tested were those rotating to the United States. At the present time, the screening has been enlarged to include also those going on leave, rest and recreation, and those arriving incountry. Also, random, in-house screening was established to reach each member three times during a tour of duty. Most recently, the entire program was commenced worldwide, but on a step-by-step basis as machinery, technicians, and laboratory facilities become available.

In October 1971 approximately 5 percent of the servicemen being sent home from Vietnam showed a positive on the original test. With the two additional tests, the percentage was reduced to 3.7 percent. In January 1972 the latter figure shrunk to 2.3 percent, utilizing better machinery and technicians and a vastly superior processing program to prevent errors.

The figures from March are most impressive. Some 27,500 men returning home were tested and 360, or 1.3 percent were tested clinically positive for drug abuse.

And the totals since June 1971 show that 258,256 men were tested and 7,696, or 3 percent, showed clinically positive for drug abuse. Finally an unannounced test in March among some 30,000 men showed 4.7 percent as testing clinically positive. So, even the surprise tests show a figure remarkably below our earlier estimates which were based solely on questioning people.

I am encouraged by the results and feel strongly that the statutory support this bill supplies will go far to enhance the credibility of every facet of the programs now in effect. I urge your enthusiastic support of this bill.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I rise to join my colleagues in committee in support of H.R. 12846 to authorize by law a treatment and rehabilitation program for drug abuse in the services. I was most impressed with the testimony from those in the medical profession who urged upon us the adoption of the terms of this legislation. So, too, those who have been working with the problem in the military were impressive with their views that the exemption, or so-called amnesty features were a necessary and vital adjunct to the legislation.

The wrongful possession and use of drugs is a violation of law under the Uniform Code of Military Justice. Thus, many of the drug abuse bills considered involved some form of exemption or amnesty from punitive or administrative disciplinary action arising from drug possession and use.

We have seen the development of this type provision through experimentation, optional administrative authority, and now through generally standard procedure throughout the services. In essence, what the subcommittee is recommending for legislative action is a provision for a program exempting a military member from punitive action as the result of drug dependency uncovered through examination or because he volunteered for treatment.

Also, any discharge would be under honorable conditions. As a part of the same package, the bill makes it possible for the member not to lose time or pay as otherwise required by statute when the cause of the lost time is due to drug ingestion.

If the service member is in need of care, the Army has 33 treatment centers across the United States where the patients may be sent. In addition, the Army maintains five treatment centers in Vietnam for those who test positive and have some time to go on their tour of duty incountry.

The Navy and Marine Corps utilize facilities newly designated for the purpose at Miramar, Calif., and Jacksonville, Fla. The Air Force has its multiphase center at Lackland Air Force Base devoted to the treatment and rehabilitation of personnel with drug abuse problems. These facilities interface the handling of all their inservice cases whether they originate in Vietnam, Fort Bragg, Camp Pendleton, or whatever.

The Veterans' Administration told us that the VA working with the Department of Defense can make a significant contribution to the solution of the military drug problem, particularly since the VA claims to have been in the forefront in this highly specialized medical treatment and rehabilitation area.

The VA also informed us that they have been taking care of veterans with a drug abuse problem for years. At the time of the hearings, 32 centers had been opened for drug treatment with an annual capacity of 6,000 patients.

Mr. Chairman, I mention these matters to show that good starts have been made in the military and this bill will give the Department of Defense the statutory lift necessary to strengthen and further promote these programs now in being.

Mr. HALL. Mr. Chairman, I have no further requests for time, except my own, and would prefer that the majority yield time.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. I thank the gentleman.

Mr. Chairman, first I want to compliment the chairman of the committee for the diligence and persistence with which he has followed the nefarious drug conditions in this country.

This committee was created at a time when the use of drugs was on the rise.

Chairman Mendel Rivers, constituted this subcommittee, and it did go to Southeast Asia to study the problem. It was my privilege to join the subcommittee on this study. Later I had the opportunity to study the drug problem in Europe.

It is apparent that the Army, at the time the committee was constituted, did take the bull by the horns, more or less, and developed a program which has succeeded in great measure. In its initial stages the programs carried various names, including the amnesty program.

The committee has looked into the problem of the matter of forcing military personnel to be treated, and to retain them in the military for rehabilitation. It was finally decided it would be wise to develop this treatment in the way the bill provides, a retention for 30 days. I personally would like to have some provision for treatment and control over the military personnel after discharge, but our committee did not have this jurisdiction. We did not have jurisdiction to go beyond the time the man was in the military service. We did everything I feel we could at the time.

I hope the Members of the House will favorably consider and pass this bill. It is a much needed bill. It does give the facility for the military forces to directly approach the problem which I hope is now on the wane.

Thank you very much.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. I thank the gentleman for yielding, I, too, want to compliment the gentleman on the diligent manner in which he has pursued the drug question in the military forces.

I rise also in support of H.R. 12846 for I am sure that this measure will do much to strengthen the ongoing military drug abuse prevention and treatment programs.

Last year I had the privilege of joining with the subcommittee and spending over 2 weeks in Southeast Asia—and particularly in South Vietnam—investigating the drug abuse problem. At that time we were most concerned over the extent of drug abuse in Southeast Asia and returned home with a rather sober report on the task that was ahead of the Department of Defense in coping with this problem.

Again I visited South Vietnam in January of this year and was pleased to note the improvement that had resulted, obviously from the various programs now in effect. I have particular reference to the so-called amnesty program, the scientific drug detection program and particularly the education programs that appear to be effective. This year I left much encouraged and with the distinct impression that drug use was no longer the "in" thing to do. I observed also that soldiers were no longer reluctant to notify authorities when they came upon a drug problem and I learned that many of the investigations were indeed initiated by the men themselves to assist in blotting out illicit drug use in the military.

Mr. Chairman, after 2 years of active participation in committee investigations on this subject, I am convinced that the bill before us today is the most appropriate and effective vehicle for waging a continuing war on the drug problem in the armed services and I urge my colleagues to give this measure their unanimous support.

Mr. HAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, we will now be discussing one of the most important pieces of legislation to come before this body concerning America's servicemen. I refer, of course, to those tens of thousands of youths in our Nation's Armed Forces who have fallen prey to the drug pushers of the world.

The most severe aspect of the problem has been in Vietnam, where a combination of 2½ million rotating troops confronted with fear, anxiety, boredom, and uncertainty, and a supply of every known drug produced by nature and man's chemical genius was readily available in great quantities for a pittance.

And while our most explosive and visible problem has been Vietnam, the disease of drug addiction spread throughout military bases in the United States, through our far-flung outposts spread round the world, and even on our ships at sea.

But the bulk of these men are not the criminal addicts that we knew in the past.

The public has reacted sympathetically to them and the Congress should do likewise.

They deserve enmity from no one.

I speak today on behalf of the 20,000-plus drug abusing servicemen who will be dealt with this year. If we utilize the treatment approach contained in H.R. 12846, we will, I am certain, fall far short of our goal of returning our addicted troops to civilian life able to function normally.

I do not intend to call for the elimination of the bill reported by the Armed Services Committee. I simply ask that we expand through the amendments I will offer, the program promised by its title, "a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces," so that we may, with a higher degree of efficiency, retrieve our drug abusing GI's, sailors, and airmen.

I urge that the members of the committee who worked so diligently on this legislation deny no serviceman the opportunity for regaining his health because of any feelings of pride of authorship.

The shortcomings in our current approach to the military drug problem have been pointed out not only by myself, but the very people who operate the present system.

In brief, H.R. 12846 falls far short on many counts despite many of the things we have learned about military drug addicts over the past 10 months.

They include such concepts as quarantine.

Dr. Jerome Jaffe, the Director of the White House Special Action Office for Drug Abuse Prevention, now admits that addicts must be isolated for a period of time to prevent the spread of addiction and to facilitate their treatment. Quarantine—we now know—must be necessary for certain types of addicts. We cannot allow them to roam freely in the community infecting others, usually young people. The officials of Odyssey House, a major drug treatment facility in New York told me of a case where one Vietnam GI addict initiated 50 teenage boys and girls into the heroin habit. We cannot let these latter day "Typhoid Marys" loose on the streets to spread their infection until we have cured their physical and psychological cravings for the extract of the poppy.

H.R. 12846 will not handle this aspect of the drug problem.

VOLUNTARY VERSUS COMPULSORY TREATMENT

Experts in the field of drug addict rehabilitation agree that the mere offering of drug treatment or the simple referral to treatment of an addict borders on the absurd. The addict is in no condition physically or mentally to carry through on this kind of proposition. There must be an element of coercion or compulsion—at least in the initial phase—of any treatment program. Dr. Jaffe's own figures show that out of the first 4,440 GI's referred to the VA for voluntary treatment in July, August, and September of 1971, only 23 took advantage of it. And while recent figures show larger numbers of addicts going to the VA for help it can be attributed to drug related problems such as hepatitis, to the fact that 15 percent are repeaters and 25 percent were on active duty. And methadone maintenance—giving them more dope—is still the major treatment modality given to veterans.

H.R. 12846 is based on the voluntary treatment concept and its only reference to compulsory treatment is without adequate foundation, explanation, or implementation in the bill. Section (b) of paragraph 1062 of H.R. 12846 reads:

> The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the Armed Forces without his consent.

I feel this is far too great an authority to give to the Secretary without proper delineation by the Congress.

In any event, the thrust of all of the treatment will be conducted by the military, in the military, or in a military setting.

I call to the attention of Members two reports contracted for by the Department of Defense from the Human Resources Research Organization entitled, "Analyses of Selected Drug-Related Topics: Findings From Interviews at Four Armed Service Locations," and "Preliminary Findings From the 1971 DOD Survey of Drug Use." The Department of Defense's own report states of the concept of voluntary treatment for true drug addicts, that hard core drug users were not willing to volunteer for drug treatment or rehabilitation in the service. The report also concluded:

> Men who both used drugs and admitted to a need for help with their drug problem preferred civilian drug counselors/confidants, in constrast to military personnel.

The HUMRRO report concluded that voluntary programs or programs involving military personnel as counselors were contrary to the preferences of those drug users most in need of assistance.

LENGTH OF TREATMENT

As presently in operation, military "in bed" drug treatment programs both in the services—and subsequent to discharge in the VA—are limited in time usually at the 30-day level. This is the most objectionable part of the current treatment of military addicts. The fact that this is only a fraction of the time needed to adequately handle a heroin addict is recognized by everyone even remotely connected with these programs. The recent ruling of the VA reducing hospitalization to a 30-day period has resulted, for example, in the District of Columbia, in a complete demoralization of not only the patients but the treatment staff in the hospital.

The administration bill also calls for a 30-day extension beyond normal service periods to allow for treatment for addiction. And while I am not calling for the deletion of this provision, I point out to members that the Humrro report states:

> The DOD has recently requested authority from Congress to extend the length of service of drugs users, either on a voluntary or an involuntary basis, in order to make Veterans' Administration rehabilitation treatment available. If the results of the present study generalize to the population of men with drug problems, a program of voluntary extension seems likely to have only limited success, and the cooperation in rehabilitation of men extended on an involuntary basis could be minimal.

Of those drug using troops interviewed in answer to the question concerning an extension of military service for treatment, 71 percent of the opiate users and 59 percent of the abusers of psychedelic drugs responded negatively to such a proposition.

The administration bill emphasizes the use of VA treatment facilities. Rather than using military connected treatment program, the Humrro report stated:

> Men in need of help with a drug problem tended to prefer to talk about their drug problems with civilian instead of service representatives. They were particularly partial to civilian physicians or civilian friends as counselors. There was a significant lack of preference on the part of addicts in the report for talking to military doctors or chaplains.

Of great consequence to the legislation before us, it would take a total revamping of the VA drug program to adequately handle the military addiction problem based on current indications.

As of last week there was a 21 percent backlog of addicted veterans in the outpatient drug program of the Veterans' Administration waiting to enter already full VA hospital beds.

And the number who wait is increasing by the month.

Senior VA planners admit that the VA's drug treatment program cannot accommodate the more than 20,000 servicemen, both active duty and veterans, that they expect to receive this year with "the kind of care we want to provide."

Additionally, because of budgetary considerations, the Veterans' Administration has cut back its drug treatment expansion program by 25 percent.

Let us look at the record of the Veterans' Administration in my own city of New York which contains over half of the addicts, GI or otherwise, in the United States.

I have spent a great deal of time going over the history of efforts to obtain VA treatment for New York's addict veterans. There were the usual horror stories—one deathly sick addict turned up at the addiction services agency on a Friday afternoon last month and the staff made an emergency call to the VA drug facility. They were told the following Tuesday was intake day—bring him in then.

Or the numerous times a judge is forced to put a decorated Vietnam veteran in the Tombs because the VA doesn't accept patients after 4:30 p.m.

But this is just the tip of the iceberg. The real problem lies in the fact that there may be as many as 30 to 40,000 veterans not in treatment in New York City. Yet, in a letter to me dated May 12, 1972, Veteran Program Coordinator Roger Hurley told me the three Veterans' Administration hospitals in New York had in treatment a total of only 444 veterans for addiction as of 2 weeks ago. the VA in New York City offers only methadone maintenance. This is clearly not appropriate for many young veterans who have had a habit of only a short duration. nor is it appropriate for many veterans who desire a drug free program of rehabilitation.

And this situation with the veterans hospitals is not unique to New York City. I have had recent conversations with persons interested in the disintegration of the VA drug program in Washington, D.C., which was supposed to be a model for the Nation. I saw a one-half hour video tape of the veterans in the District of Columbia program who were told in April that a new VA policy limited their inpatient treatment to 30 days. Not only were the patients demolished, the treatment staff reacted vehemently. Some resigned. The patients have since left to fend for themselves. Many are back on drugs.

Perhaps this is in keeping with Dr. Jaffe's public pronouncement to the addiction services agency in New York that veterans would receive absolutely no priority relative to the civilian population in terms of drug treatment.

I personally oppose this position.

They are not criminal addicts.

They are men who served their country—most of them honorably and many with distinction.

Most might not have become addicted were it not for the unique qualities of the Vietnam war.

I think they deserve better than a quick window-dressing treatment of 30 days by people not trained or equipped to handle addicts and/or a discharge into society—cut loose from whatever hold we might have on them—with absolutely no priority.

Mr. Chairman, as I said at the beginning, I do not want to eliminate H.R. 12846, I want to augment it to guarantee a successful solution to the problem of the addicted serviceman.

I propose to offer amendments to accomplish this.

My amendments will provide quarantine where necessary to prevent the infection of thousands of America's youth by servicemen returning home with the disease of drug addiction.

My amendments will provide the mechanism for compulsory treatment where necessary through a system of civil commitment to the type of civilian oriented program that the Defense Department's own research indicates is warranted.

In this context, I refer to a June 8, 1972, letter to me supporting my position from Dr. Judianne Densen-Gerber, the executive director of New York's Odyssey House Drug Treatment Center. She said:

> The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

My amendment provides for realistic treatment periods ranging from 6 to 42 months. In reference to the Defense Department's position on this issue, Dr. Densen-Gerber said:

> We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental" but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to society as a fully-functioning individual.

My amendment will provide for adequate after-care, also with compulsion where necessary.

It would offer treatment by people trained in the field of narcotic addiction by putting the servicemen under the already existing Federal narcotic addict rehabilitation program.

Unlike the VA which provides, in the main, methadone maintenance, my amendment would provide psychiatric and social service counseling, day care, half way houses, methadone maintenance to abstinence, ambulatory therapeutic processing, residential therapeutic communities and methadone maintenance.

Lastly, one of the major obstacles to the rehabilitation of veteran addicts has been the dishonorable and other than honorable discharges given to drug using servicemen in the past. I have visited drug treatment centers throughout the Nation and found that many veteran addicts who are in a position to move out into the community in a useful position suffer severe setbacks because they cannot obtain employment as a result of bad conduct discharges.

One of my amendments would resolve this inequity by calling for a review of such discharges with a view toward eliminating them as an obstacle to ultimate rehabilitation.

Mr. Chairman, I plan to offer three amendments, and I plan to go into them in greater detail as each is brought up.

I include the letters of May 12 and

June 8, 1972, referred to in my statement to be printed at this point in the RECORD.

THE CITY OF NEW YORK,
ADDICTION SERVICES AGENCY,
New York, N.Y., May 12, 1972.

Hon. JOHN MURPHY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: As I indicated to you in our conversation, I am greatly distressed at the unwillingness of the Veterans Administration to assume responsibility for men wounded in the service of their country—namely, addicted Vietnam era veterans.

There are approximately 300,000 Vietnam era veterans currently residing in New York City. This figure is expanded by 2,500 men per month who are discharged to the New York City area.

The Addiction Services Agency estimates that of the Vietnam era veterans in New York City there are 10,000 men who are addicted or abusing drugs not in treatment. I would estimate that this figure may be as high as 30,000 or 40,000 veterans not in treatment currently living in New York City.

Presently, local programs in New York City treat in excess of 3500 veterans in drug free programs as well as methadone maintenance. Additionally there are an estimated 2,000 veterans on the waiting list for the New York City methadone maintenance program. To this date the VA response to the crisis of addiction among veterans in New York City has been completely insufficient. In the three VA hospitals here 444 men are involved in long term treatment for addiction which does not include those personnel who are currently being detoxified. That is, local programs in New York City have over eight times the population of veterans in long term treatment than the VA does and on the basis of figures from the VA, January 1, 1972, the City and State of New York have more veterans in long term treatment than the VA does for the whole nation.

In New York City the VA has three relatively isolated hospitals and no community based facilities. They have a negligible program of outreach. To this date, May 12th, no New York City VA hospitals have a completely ambulatory methadone maintenance program—the kind of program run by the City of New York which treats 2,700 veterans. The New York City VA has no therapeutic communities which is one of the major modalities of addiction treatment and which in many ways is particularly suited to the needs of Vietnam era veterans.

We at the Addiction Services Agency have attempted over the last year to work with the VA on both the local and national level to expand the availability of help for addicted veterans. The results have been negligible. We developed a Plan to Rehabilitate Addicted Veterans in New York City, forwarded it to senior Federal officials in all relevant agencies six months ago and there has not even been a technical discussion of the merits of the plan. We sent a copy to your office at that time and I enclose an additional one for your consideration.

Recently there has been some evidence that the VA will initiate ambulatory methadone maintenance programs in New York City. We applaud this first, small step towards a comprehensive effort needed in this crisis situation. ASA is prepared to do everything possible to make the VA efforts successful.

I must add, however, that the VA must make available drug free programs as well as methadone maintenance and that a whole series of other efforts should be initiated, as outlined in our plan, if we are going to be successful in helping the largest number of veterans in need.

Yours truly,

RODGER L. HURLEY,
Coordinator, Veterans Programs.

ODYSSEY HOUSE,
New York City, N.Y., June 8, 1972.

Congressman JOHN MURPHY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: I am delighted that you are taking the lead in bringing to the public's attention the crisis concerning addicted servicemen. The New York Times article of June 7 on this subject raises important issues about which I would like to comment personally.

As you know, Odyssey House has been working on the problem of military addiction since December of 1970. At that time we presented a proposal to the Department of Defense for the treatment of 1,000 addicted servicemen. The proposal was based upon our experience in the field since 1966. From this experience, we have developed a highly sophisticated treatment modality, much of which is incompatible with the so-called "new programs" described in the Times article.

The program presently supported by the Department of Defense is an excellent example. We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental," but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to a society as a fully-functioning individual.

My staff and I have recently considered the possibility of a short-term, six month treatment program for servicemen, but have yet to receive a response from the Department of Defense. Unfortunately, too few of our nation's leaders understand the reasons for investing time and money in such an extensive treatment process. Explanation is difficult because figures are often misrepresented There is, of course, a great difference in cost between methadone maintenance and a drug-free therapeutic community. But long-term methadone maintenance over ten years at $1,200 a year already doubles the cost of a one-year rehabilitation process whose goal is an individual who will remain drug-free for a lifetime. The therapeutic community concept is also less expensive than hospitalization or prison because everyone works. Hospital programs often find their costs approaching $100 per patient per day because the patients sit around all day watching television, while paid employees clean and cook. At Oddyssey House daily resident costs are $18 per day, which includes food, clothing, medical and psychiatric care, schooling or vocational training, and counseling. Unless we use this information to institute a more viable program of rehabilitation, we will see 50,000 addicted servicemen returning to this country only to proselytize and infect, in turn, hundreds of thousands of our youth across the nation. As the article I sent you shows, it only takes one serviceman to turn on fifty children within his first year home. It staggers the imagination as to what the effect will be when all our servicemen come home.

During our first few years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. *This is not true.* We have discovered that our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all), enrolling in a methadone program or going through a 21-day detoxification program. The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizeable habit to one which, after three weeks, can be more easily supported.

There simply are too many choices available to the addict. We must begin to limit these choices by providing only two alterpatives—either rehabilitation or incarceration. The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

I am disturbed that we continually cater to the *wants* of a group whose disease is so potentially devastating to this nation. We should rather concentrate on their needs which, at this time, are a series of very firm mandates. Lack of understanding is no excuse for providing ineffective rehabilitation programs. There is certainly enough information, both statistical and scientific, on the nature of addiction to boggle the mind of any interested inquirer for many, many years. But rather than becoming entrenched in all the scientific studies and papers, we should look at the problem before us and realize that we have no choices. Therefore, the addict can have no choices.

What I am suggesting is that we concern ourselves less with the rights of drug abusers and more with isolating and treating a serious problem. To spend so much time arguing the pros and cons of dishonorable discharge, or parietal privileges, or mandatory universal urinalysis is a sad waste if all around us our nation is becoming narcotized.

On the basis of the study by the Human Resources Research Organization alone, I urge that the Department of Defense admit that a serious problem exists and begin to contract to private rehabilitation centers so that our servicemen can be treated and eventually returned to society. I wholeheartedly support your efforts and look forward to working with you further on this project.

Sincerely,

JUDIANNE DENSEN-GERBER, J.D., M.D.,
Executive Director.

Mr. HUNT. Mr. Chairman, will the gentleman yield for the purpose of answering a few questions?

Mr. MURPHY of New York. I would be happy to yield to the gentleman from New Jersey in order to respond to the gentleman's questions.

Mr. HUNT. I would like to ask the gentleman a few questions with regard to his statement you mentioned the GI addict affecting 50 teenagers.

How does the act affect anybody—this is not contagious?

Mr. MURPHY of New York. By pushing drugs at a high school—this individual addicted 50 high school boys and girls within a few months in Menlo Park, Calif.

Mr. HUNT. The city of New York, as I understand it, for many, many years has been the main cesspool of drug addiction in these United States.

If the program the gentleman has referred to would be so successful, why have you not brought this into the city of New York where we have so much difficulty, especially around Times Square from 42d Street to 47th Street. There they addict more than 50 every day.

Mr. MURPHY of New York. I can answer my colleague this way.

One-half of the known addicts in the United States are in New York City.

Mr. HUNT. Right.

Mr. MURPHY of New York. There are somewhere between 300,000 and 350,000 of these addicts in New York and many of them come from New Jersey, Iowa, Missouri, and Pennsylvania. They come in and I have the statistics to prove it. These addicts come into New York for a number of reasons.

The No. 1 reason is that New York happens to be one of the drug capitals of the world. It has high-quality heroin and the availability of the heroin there is so great they come to New York to get it and use it.

Mr. Chairman, we do have a great deal of expertise in the treatment of addicts.

At the present time we have 3,500 veterans in the Addiction Services Agency undergoing treatment.

Mr. HUNT. I will say to the gentleman that the people who are in New York are not addicts from other States. They go from other States to the city of New York for the purpose of obtaining illegal drugs. You are so right. In 1955 New York State showed a registration of 37,210 known addicts in the State of New York.

That is in 1955 and we are now in 1972—17 years later. If your plan is so good, why is it something that is not done in the State of New York to implement this program?

Mr. HAGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, the gentleman from New York is not exactly consistent on this matter of compulsion.

I would like to quote from the CONGRESSIONAL RECORD of June 30, 1971, from a statement inserted by the gentleman from New York. He says:

> Under the old law we provided that a related individual could sign a petition and civilly commit a person who is addicted. A father could turn in his son. A wife could turn in her husband, and so forth. Experience under title III of NARA has shown that this provision has not met the expectations of its advocates. If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially if he is committed or has not been arrested for any crime.
>
> Officials at NIMH who run the NARA program have told the National Institute of Mental Health of case after case of failure with this type of commitment because the addict was intractable and simply did not want treatment. . . .

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I yield to the gentleman.

Mr. MURPHY of New York. The gentleman brings up a very, very serious point—and a point that needs consideration by the Committee on the Judiciary.

I used the very arguments that you stated on the floor in relation to this bill when I asked the Judiciary Committee to take the Narcotics Addict Rehabilitation Act and do away with the third-party commitment.

Mr. HICKS of Washington. The gentleman understands that these are his remarks.

Mr. MURPHY of New York. I understand those are my remarks, but what I want to do is put it in the proper perspective in relation to the Narcotic Addict Rehabilitation Act. For the gentleman's information, I was talking about title III, civil commitment of persons not charged with any criminal offense by a relative or spouse.

Mr. HICKS of Washington. That is exactly what you are talking about in your amendment; is it not?

Mr. MURPHY of New York. Of course not. The military service is to be the party that executes the commitment. This is a far cry from a husband, a father, or a brother committing a close relative. We found a great resentment by the addict against the individual who made that kind of personal commitment which hindered his treatment. But where the courts made the commitment we had much better results. And where the service will make the commitment, we will not have that personal resentment. I have documents and figures to show where NARA has been a flaming success, including those with felony convictions, involving persons who were committed under compulsion.

Mr. HICKS of Washington. I understand that an argument could be made that way. The gentleman did not make his argument that way, nor did he make it again wher. he inserted the same remarks in the RECORD on May 1, 1972, but was talking strictly about commitment and not the man coming in voluntarily. Dr. Lee of the Veterans' Administration made the same argument before our committee that the gentleman did, that unless the man comes in voluntarily, unless he understands what he is doing and is not forced into it, their experience is the same as you have mentioned in here, that the treatment is no good. It is the involuntary part of the thing that makes it invalid and not the fact that the third party has done it.

Mr. MURPHY of New York. That is not true. In the Bureau of Prisons study, to which I refer, of the 414 addicts who were committed under NARA, and then released to aftercare, 72 percent had abstained from drugs with 28 percent abscending or relapsing. But that was a high degree of success in that Bureau of Prisons study for the most difficult kind of addict who was forced into treatment. If I could have completed my statement in the general debate period, I think I would have clarified the argument for using this NARA approach and having the individual under some sort of compulsion.

I am not talking about using this program on every GI drug user. I am talking about the truly addicted individual, the individual who is so physically and psychologically habituated, he cannot control himself.

I refer again to the Odyssey House experience as explained by Dr. Densen-Gerber who wrote:

> During our first fews years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. That is not true. We have discovered that our greatest successes occur with those patients who are referred to us by the courts.

Mr. HICKS of Washington. May I call the gentleman's attention to his remarks in which he said that 7 percent were committed by police officers and probation officers, and that—

> The head of the entire California Narcotic Addiction Program explained that the addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

For that reason I think we should go along with the committee bill. It is the voluntariness that is going to make the treatment successful.

Mr. HAGAN. Mr. Chairman, I yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, inasmuch as the gentleman from New York (Mr. MURPHY) mentioned the hearings that were held before the Judiciary Committee, I would like to point out that, yes, Subcommittee No. 4 has held many hours of hearings on this particular subject, on amendments to NARA, and have, I think, quite generally come to the same conclusion that the gentleman from Washington (Mr. HICKS) came to. And I might say that practically all the testimony was to the effect that voluntary programs are the only way we are ever going to get anywhere.

The problem in this country today is that we have thousands upon thousands of heroin addicts who are seeking treatment, but the facilities are not available. In the city of New York a few months ago when I checked you had to wait 6 months if you were a narcotic addict to get on their waiting list, and then you were just on the waiting list.

Mr. MURPHY of New York. That is true where you are a junkie coming off the street. But if you are a serviceman, going to one of these voluntary programs or one of the other programs, they take you right in with no wait, because this House is voting $90 million for those programs. I have a list of $37 million that the HEW has already put in this program. The serviceman will go into this program. It is not a question of his waiting 6 or 8 months. Our program is something less than a flaming success in getting to the problem. We have gotten only to the addict.

If you know and have had experience with dope fiends, people hooked on heroin, you know they are not voluntarily going in, and there is no reason to permit dope addicts going out into the civilian stream and infecting the community.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is obvious from the colloquy that has gone before that these questions need to be put in perspective and that the Committee of the Whole on the State of the Union needs information—not scareheads; needs true results; and needs the professional opinion of those who have worked for years on this tremendous and vexing problem. Statements have been made of "military personnel by the tens of thousands who have become addicted." Some of us who have treated narcotic addictions since we were interns in Government hospitals, to say nothing of working with the Commissioner of Narcotics

during World War II and Korea, know the problems that are involved, and, of course, we know that the military derives from the militia and the civilian ranks of the United States.

However, just for the record, of all troops leaving Vietnam from June 1971 to January 15, 1972—6 months and 15 days—198,348, for example, were tested from all services. Only 6,720 were found positive. There are false positives among these groups.

Further, Mr. Chairman, reference has been made to the HUMRRO—that is, the Human Relations Research Organization—and its indication that the Department of Defense's voluntary treatment programs are ineffective or that the request for authority for a short-term extension of personnel whose term of service has expired should be denied. The HUMRRO report was conducted in late 1971, shortly after the Defense Department initiated its treatment and rehabilitation programs. The purpose of the study was to provide information upon which the Department can make improvements in its drug abuse program. I stipulate that it has done just that.

I believe it is necessary to place in perspective the statistics relating to accuracy of the civilian contract laboratories, and to do this we should go back to June 1971 when the Department of Defense first began its treatment analysis screening program for members of the Armed Forces returning from Vietnam. Never before had there been an attempt to screen large numbers of personnel for drug usage. The Department of Defense decided on this innovative approach to meet a serious drug problem, recognized among our service personnel in a theater of operations, or, indeed, in a combat zone. Some of the equipment they had used in this screening process had just been developed and had never been tested in field use prior to this time.

On a crash basis, the Department of Defense personnel, establishing laboratory facilities, began to test all military personnel departing Vietnam for rest and recuperation or returning home. By the Department's own admission there had been difficulties in accuracy during the first month of these tests, but quality controls procedures had been so well organized, these difficulties were quickly ironed out and testing continued with an extremely high degree of accuracy.

So in considering this bill today, which is the second giant step up to date, by the Department of Defense, that is the armed services attack on this problem, I rise in support of all of our committee goals, our subcommittee chairman, and what he has so skillfully said in support of his revised and clean bill as presented here. I favor it.

I do not favor those who would grab headlines or the harbingers of doom or the self-appointed people who override the jurisdiction of this committee that has worked so long and so hard, and now has issued this second report.

It should be known that after a difficult start with a most difficult problem, the Department of Defense has responded well to the challenge of the inservice drug problem; and it has done this, commendably, through proper in-house channels; that is it has done it within the military. Our subcommittee chairman, the gentleman from Georgia (Mr. HAGAN) mentioned that progress, in education, in training, professional quality, and quantity medical care, rehabilitation—and of significant importance—through an effective, on-going scientific drug detection program, part of the professional work, has wrought good results.

I would reemphasize the comments made by my colleague concerning the role of the military services in the drug treatment and rehabilitation program. The preponderance of the evidence that I have heard—and I have attended all of the meetings of the subcommittee and of the committee—indicates that all possible quality care should be accorded the members of the armed services bothered with drug problems. Those of us who have treated them for years know the three stages of drug abuse full well; of testing and experimentation, of physical addiction, and of utter dependency. We should be terrifically exercised that they receive the maximum benefit of hospital care and treatment and detoxification within their own services and returned to their principal duties depending on how effective they can be on the line of military combat.

Now, here lies the big difference—the difference in the mission of the armed services and the difference in the mission of civilian organizations to treat, detoxify and finally effect a cure on those who have experimented, those who have become addicted, or those who have become dependent.

Where extended care is necessary, the member of the armed services should be retired or relieved from active duty and transferred to a Veterans' Administration or similar facility for treatment and rehabilitation, in the same fashion as we would transfer a seriously wounded soldier, or a mentally ill patient, after maximum quality care has been furnished by the Services.

This House, Mr. Chairman, passed upon Public Law 29–255, which set up the service care has been rendered, and it has increased greatly in the past year.

This House, Mr. Chairman, passed upon Public Law 29–255, which set up the President's Special Action Office for Drug Abuse Prevention. As I understand it, that Office will be directly responsible for seeing to it that adequate facilities become available in the civilian community to treat veterans, among others, in the civilian sector.

So far as in-service maximum care and benefits are concerned, we were particularly impressed to hear from the senior military physician, the Assistant Secretary of Defense for Health and Environment, that the problem is being reversed in Vietnam, and that our people there are becoming to an increasing extent "anti-drug." It is not the "in" thing to experiment anymore.

These are encouraging signs of a positive reaction to the service programs which are devoted to the drug problem, from amnesty to final treatment, and I am proud of those results.

Certainly this bill that we have before us today is a good way to go, to which all the professionals in the military programs agree. But with the existing efforts and the provisions of this bill, I firmly believe we can entrust the overall program to the services. Indeed, we have heard recently that the President's Special Action Office is pleased with the progress in the Defense Department and may apply what has been learned there in drug programs to the awesome tasks that lie ahead in the civilian sector—yes, even in the area of greater New York.

Mr. Chairman, I believe strongly that this bill will give the Department of Defense that strength necessary to press forward with its efforts and we trust to provide a good foundation for collateral efforts in our civilian programs across the land.

Now, I recognize the large number of separate measures that have been introduced by my colleagues in this Chamber with a variety of remedies that I know have been put forward honestly and with intent to do something about the awesome problem that was reportedly infecting all of the military services a year ago. Much of this action was taken at a time when the problem was new—new to the services and new to the Congress and new to the committee and new to the Nation. There were false starts. There was exaggeration. And there was minimizing.

There was exaggeration of the extent of the problem by some who officially or unofficially visited and reported on the drug situation in Vietnam.

On the other hand, some in the military tended to minimize the impact of drug abuse, which further frustrated efforts to establish the facts. At any rate, you know now as well as we members of the committee do, that through scientific testing programs we are arriving at the degree of positive drug identification far below some of the early estimates based upon polls and sheer speculation. Through all of this, key command and dedicated leadership in the services have been working diligently, as we heard today, and as we heard from the chairman of the subcommittee, and as you can read in the report. We need not turn the primary military medical missions into a vast drug rehabilitation program. That is one job that the Veterans' Administration has. We need not attempt to force treatment over an extended period of time through military regulations or perverted conscription.

This body has already seen enough of the Military Services Training Act and individual replacements being used instead of Ready Reserves and Guard units. This body already acted on that facet of drug treatment and rehabilitation in creating the President's Special Action Office and in passing unanimously the bill out of the Veterans' Affairs Committee, H.R. 9265 pertaining to that portion of the treatment which belongs to them.

Again, let me emphasize, Mr. Chairman, not only as a colleague of yours, but as a member of the medical profession, I can assure you that all the fine professional evidence we examined was most convincing in support of this measure, and I urge its passage.

Mr. HAGAN. Mr. Chairman, will the gentleman yield 2 minutes to me?

Mr. HALL. I will be glad to yield 2 minutes to the chairman of the subcommittee.

Mr. HAGAN. Mr. Chairman, I just want to say to this House, as we wind up this bill on drug abuse, that never in my 12 years in the Congress have I worked with a more dedicated, able, hard-working group of men than I have on this Special Committee on Drug Abuse in the Military. I want to thank the gentleman from Missouri (Mr. HALL), for the fine work, as our doctor member of the committee, that he has done. I appreciate his remarks here this afternoon.

At this time I want to pay tribute to our members, Messrs. HICKS, WHITE, NICHOLS, HALL, HUNT, YOUNG and our counsel, Mr. HOGAN. No men could have had a harder working group of men with them on any subcommittee than we have had on this committee. I thank you very much.

Mr. HALL. Mr. Chairman, if I had known what the chairman was going to say I would not have yielded him so much time. On behalf of the entire committee and staff I express sincere appreciation to the chairman.

I now yield to the gentleman from Connecticut (Mr. STEELE) 2 minutes.

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 12846, which authorizes an identification, treatment, rehabilitation, and prevention program for drug dependent members of the Armed Forces.

This legislation provides legislative authority for the major drug identification, treatment, rehabilitation, and prevention program launched by the Armed Forces in June of 1971.

Of the first 86,000 servicemen given urinalysis tests in Vietnam, 5.15 percent were shown to have used opiates, within 24 to 72 hours of being tested. In addition, Dr. Jerome Jaffe, the Director of the new Special Action Office of Drug Abuse Prevention, estimated that another 10 percent of the 86,000 men tested used heroin intermittently, thus confirming the seriousness of the drug epidemic in Vietnam at that time.

Since June 1971, the VA has opened 32 new drug treatment centers and the Armed Forces and the VA together have provided basic drug treatment and rehabilitation services to over 30,000 men.

Urinalysis testing and the provision of basic treatment to every identified drug abuser have combined with the continued troop withdrawal from Vietnam, tighter military security against drug pushers, and improved education programs to significantly reduce the hard drug problem within the military.

Mr. Chairman, the armed services have made major progress against the drug problem within the military through an innovative, crash program. The civilian community has much to learn from the military, especially in the area of identification and commitment providing treatment and rehabilitation services to all identified drug abusers.

A major remaining weakness in the existing military drug program is the lack of adequate linkage between inservice and civilian drug treatment and rehabilitation programs. I continue to believe involuntary commitment is a partial answer to this problem for certain categories of drug abusers. However, with or without involuntary commitment, it is essential that a sharply increased effort be made to insure that military drug abusers in need of further help are effectively referred to and enrolled in VA or other civilian drug treatment and rehabilitation programs for continuing care after discharge.

I have discussed this problem at length with the Defense Department and believe the Department of Defense is attempting to take corrective action. I believe it is essential that the subcommittee give the most careful continuing scrutiny and surveillance to the Defense Department's efforts to solve this problem.

Mr. MURPHY of Illinois. Mr. Chairman, I rise now to offer my support to H.R. 12846, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972. While I applaud the committee's thoroughness and timeliness, I take issue with committee members who charge that the first reported estimates of drug addiction among American servicemen were grossly exaggerated.

Dr. Jaffe admitted that the results of the first urinalysis tests administered to returning GI's showed that 5 percent of those tested were hard drug users. He further noted that at least an additional 10 percent were occasional users of drugs.

I regret that certain committee members fool themselves and attempt to fool others by playing the percentage game with figures. Further, I suggest that the Special Subcommittee on Alleged Drug Abuse change its title to the Special Subcommittee on Drug Abuse, for no one in his right mind can deny that drug abuse exists today in the armed services.

We must be sure that no alternatives are overlooked in our search to help the men who are addicted. Last year more than 12,000 addicts were helped under the terms of the 1966 Narcotics Rehabilitation Act and the average treatment of these patients was 8 months. We cannot overlook our responsibility to these men and we cannot allow half-hearted attempts to sentence these men to a life of drug addiction. We must not be afraid to recognize the seriousness of the problem and to act boldly.

The heroin addict is somewhat like an alcoholic in that they are both suffering from a disease. We should recognize that fact and act accordingly. We should provide the necessary facilities to help addicts beat the habit and rejoin society as useful and productive citizens.

I trust the committee will continue to monitor the programs initiated by this legislation and that the Defense Department will continue to acknowledge the problem of drug addiction in the services and work closely with the Congress to promote new approaches for the rehabilitation of addicts.

Again, I commend the committee for its work, but am appalled by certain committee members who use the term "scarehead" to refer to House Members who first brought this problem of drug addiction to the attention of the American people. The sooner they realize the problems of Vietnam are different from those we faced in World War II and Korea, the sooner we can begin to work together toward viable solutions to these problems.

Mr. EDWARDS of California. Mr. Chairman, I rise to express my strong opposition to the amendment that will be offered by the gentleman from New York (Mr. MURPHY).

As chairman of the subcommittee of the House Judiciary Committee that currently has jurisdiction over the Narcotics Addict Rehabilitation Act, I am strongly convinced that the amendment is totally inconsistent with both the proper medical principles for the treatment of narcotics addicts and with basic concepts for civil liberties. In that regard, I would like to emphasize that the amendment is not only opposed by the administration, but is also strongly opposed by the American Civil Liberties Union.

Extensive hearings held by my subcommittee, as well as comprehensive investigations of drug treatment programs conducted by the General Accounting Office, have, I believe, conclusively demonstrated that the extension of civil commitment is not the answer to the treatment needs of addicted veterans. In fact, the evidence indicates that civil commitment is a failure and should be restricted rather than expanded.

Civil commitment has led to the inefficient use of resources because of its dismally poor record of success in the treatment of narcotics addiction. Civil commitment, of course, is not itself a method of treatment. It is only a process intended to provide motivation for those addicts who would otherwise not enter into or remain in a treatment program. The large question is whether motivation can be externally imposed. Most of the expert testimony my subcommittee received answered that question with a resounding "No."

Mr. Chairman, the amendment is based on the false assumption that addicted veterans do not want treatment. The long waiting list for voluntary treatment programs indicates a great unmet desire on the part of addicts for treatment. We have received much testimony that throughout the country voluntary programs have become so popular that as soon as a new multimodality clinic opens, a new waiting list is created from addicts who voluntarily seek treatment. At the present time there is neither sufficient staff nor funding to meet the demand for voluntary treatment programs. It is, therefore, a mistake, in my opinion, to expend further Federal resources on civil commitment programs, as the amendment would do, when voluntary programs do not have sufficient space to meet the existing demand.

The civil liberties questions raised in regard to civil commitment dovetail with the questions raised by treatment professionals about the efficiency of civil commitment as a means of forcing an unwilling addict into a treatment program.

Civil commitment is constitutionally valid only if the commitment results in effective treatment for the condition which justifies the commitment. If confinement in an institution through civil commitment does not result in effective treatment, the addict's position becomes indistinguishable from that which was held unconstitutional as cruel and un-

usual punishment in *Robinson* v. *California*, 370 U.S. 660 (1962). Unless the addict is being treated, he is merely being kept under confinement—he is being punished, and, therefore, his civil commitment has no constitutional validity.

Mr. Chairman, I believe the proposed amendment arises from legitimate frustration with the failure of the Department of Defense and the Veterans' Administration to adequately provide for the treatment of the addicted veteran. But it is wrong to meet this problem by proposing a massive new civil commitment effort which will compel the addicted veteran to be treated, even against his will. We should closely examine the wisdom of extending the Federal Government's power of compulsory confinement over addicted veterans who have committed no Federal crime.

Mr. Chairman, we should reject the amendment because it will not work. Civil commitment has not worked in the past and there is no reason to believe it will provide the means of achieving effective treatment for the addicted veteran. Compulsory treatment through civil commitment has the appearance of an easy answer to the national crisis of the addicted veteran. We should go slowly, however, lest in our zeal to help the addicted veteran we repeat the mistakes of the past and create a legal framework which will be as counterproductive to effective treatment as was incarceration under the old narcotics criminal statutes.

Mr. DERWINSKI. Mr. Chairman, I am especially interested in H.R. 12846 since I am a cosponor of H.R. 9230, which was introduced on June 17, 1971.

We must provide programs for military addicts which will give them a chance for recovery; therefore, I am supporting the three amendments being offered today which are consistent with the bill I previously cosponsored.

Mr. PODELL. Mr. Chairman, I want to express my support of the amendments offered by my distinguished colleague (Mr. MURPHY) to H.R. 12846, a bill to establish a program for drug dependent members of the Armed Forces.

Unfortunately, H.R. 12846, the administration's bill, would just reinforce the inadequate and outdated narcotics rehabilitation procedures currently used by the military. These procedures have failed us in the past and will fail us in the future.

On the other hand, the amendments would work because they follow the course of enlightened rehabilitation programs that I have fought for and we have enacted for civilian addicts. Passage of these amendments would begin a military equivalent of the narcotics addict rehabilitation programs. By so doing, we would treat the 19-year-old drug addict who for some reason did not serve in our Armed Forces.

Indeed, the administration bill is deficient in several respects.

The Nixon bill provides only a very short time for treatment. It treats only those few addicts who volunteer for treatment. It provides treatment to military addicts, but still forces them to take part in military operations. It continues the lifetime criminal stigma that many veterans have had—namely a dishonorable discharge.

Mr. MURPHY's amendments would treat hard core military drug addicts under the civilian Narcotics Addict Rehabilitation Act—NARA—and let the military handle those men who just experiment with drugs. The military addicts would be given a physical disability discharge—not a dishonorable discharge. Both current and past addicts would be recognized as having medical, not criminal, problems.

The shortsightedness and voluntariness of the Nixon program would be replaced by long term, compulsory treatment.

Finally, the military justice system would be brought into line with civilian law. The military addict would not be punished more severely than the civilian addict.

Mr. Chairman, as a result of the tragic activities in Indochina, 5 million young men—many inductees—have been exposed not only to the horrors of war, but to an unlimited supply of drugs. Many of these men became addicts. As part of our withdrawal from Indochina, we should make sure that these casualties of the war are properly treated and rehabilitated.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today in support of my distinguished colleague JOHN MURPHY's amendment package to H.R. 12846, a bill to establish a drug abuse treatment program for servicemen.

The Murphy amendments have three main objectives; first, to provide a physical disability discharge and mandatory civil committment under the Narcotic Addict Rehabilitation Act; second, to allow review and revision of past dishonorable discharges based on the use or possession of narcotics; and, third, to bring military penalties for drug-related criminal offenses in line with civilian penalties.

At this time, Mr. Chairman, I would also like to commend my colleagues and friend, Hon. MORGAN MURPHY of Illinois for his deep concern for the veteran drug addict. In 1971 MORGAN MURPHY introduced several bills, chiefly H.R. 9060, to institute rehabilitation assistance on both the VA level and the civil level for the addicted veteran. Legislation similar to H.R. 9060 is incorporated in the amendments before the House today.

Mr. Chairman, drug addiction is a symptom. It is a symptom of a serious psychological disability—a mental disease. It is a means of escape. It is a latent or sometimes overt attempt to commit suicide.

There are no quick cures for the drug addict. And, certainly, there are no quick cures for our national drug problems. We, as legislators, must provide programs for addicts that best fit the disease. Voluntary programs simply do not work. We have seen ample evidence of this. It is part of the addict's disease to reject treatment. He is our responsibility, particularly if he is a member of the Armed Forces. We must be sure that he receives treatment, if for no other reason than to curtail the spread of drug addiction in the United States.

We must also make the punishment fit the "crime." I repeat, drug addiction is a disease. By dishonorably discharging the veteran for his addiction we do nothing but put him out on the street. In a sense, we deliver him to the civilian drug culture.

We have a rare opportunity with the veteran addict. It is a relatively simple procedure to discover his addiction and to commit him for treatment. If we do not realize our full responsibility to addicted veterans we are committing a crime no less lethal than his own.

Mr. Chairman, the Murphy amendments are vital to the success of this veteran drug abuse legislation. I strongly urge all of my distinguished colleagues to support these amendments.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 12846, a bill to authorize treatment and rehabilitation programs for drug addicted members of the Armed Forces. This legislation amends title 10 of the U.S. Code to provide the authorization needed by the Department of Defense to establish new programs to control addicts.

This legislation is of particular interest to me because of my past efforts to strengthen programs in this area. As a Member of the Defense Appropriations Subcommittee I have been concerned with the growing problem of drug addicts among servicemen. On June 29, 1971, I chaired hearings on the subject of drug addiction among returning Vietnam veterans and heard testimony from various veterans groups, including the United Veterans, the Disabled American Veterans, the Catholic War Veterans, the Jewish War Veterans, the Veterans of Foreign Wars and the American Legion and from Government officials. (See note.) During these hearings and in preparation for them, I worked closely with Queens County District Attorney Thomas Mackell who have been a leader in efforts to expand new and local programs for addicts. District Attorney Mackell has proposed use of surplus naval vessels for veterans drug treatment centers and I have supported his proposal.

The authority given to the Department of Defense under H.R. 12846 include authority to establish testing programs for drug dependency. In addition, the legislation authorizes the Department to require treatment of drug-dependent servicemen up to 30 days beyond their termination of service. Most important, the legislation exempts those drug-dependent servicemen from dishonorable discharge.

I also plan to support an amendment to be offered to H.R. 12846 by my colleague from New York, Mr. JOHN MURPHY, which would expand this past provision to allow review of previous dishonorable discharges based on the use of narcotics. I believe this legislation is an important part of our national commitment to curb drug abuse and I urge my colleagues in the House to vote for H.R. 12846.

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 12846. The thrust of this bill is to strengthen drug-oriented discovery and rehabilitation programs within our armed services. This is a laudable effort and one which I fully support.

NOTE.—Figures made available by the Veterans' Administration indicate that 907 drug patients have been treated, with an additional 101 others undergoing inpatient care.

However, I believe that a review of military drug codes would result in a significant improvement in our policies toward drug abuse. The military code presently does not cover a number of the substances, including LSD, frequently used and abused by our servicemen. The code differs significantly from the civilian penalties which this Congress approved in 1970. I believe that the penalty system should be made compatible with the civilian regulations contained in the Comprehensive Drug Abuse Prevention and Control Acts.

Mr. MONAGAN. Mr. Chairman, it was over a year ago that the problem of drug abuse in the military first came to light, and triggered an outburst of concern by the Nation for GI addicts and for the communities to which they would return after discharge. Citizens and legislators alike declared the problem to be "urgent," and proposed various treatment programs to deal with the new and deadly enemy, narcotics. The press wrote weeks of front page stories, television produced special reports, and letters poured in asking for immediate action.

Ironically, now when a military drug treatment has finally come to the House floor, this sense of urgency has disappeared. The general population have moved on to other problems, and are no longer interested in GI drug statistics. The media have also dropped the subject, and provide only minimal, or sometimes no coverage of the latest developments in this area. The House itself has postponed action on this legislation for many weeks to take up more "important" legislation. The plain fact is that the great immediacy of the drug crisis, which all once shared, no longer exists in the Nation's consciousness.

Unfortunately, the problem of drug abuse in the Armed Forces still exists. It exists in the persons of the thousands of GI's who have already been discharged into civilian society without proper treatment; it exists with the GI drug users still in the service but who will not be rehabilitated before discharge, and it exists in those veterans who previously received less-than-honorable discharges for drug abuse.

I would not deny that the armed services have made considerable progress in the war against drug abuse. Initially the military would not even admit that a drug problem existed. Today, the services have extensive urine screening procedures, improved treatment programs, and a new attitude toward the drug user, and they deserve our commendation for these steps.

At the same time, nagging questions remain unanswered. For example, the urinalysis test, which is the military's sole criterion of success, has often been challenged by expert civilian toxologists on its validity as a means of drug detection. Similarly, while the number of clinically confirmed positives on announced urinalysis tests has dropped steadily, the number of positives for unannounced tests has moved consistently higher. What these statistics suggest is that GI drug users having "dried out" to pass the urinalysis screening, are returned to civilian life as potential civilian users. How many of these soldiers actually surface on the other side as addicts is impossible to say. Nevertheless, the number who slip by without proper treatment could be significant. One can legitimately raise the question of whether the heroin epidemic has actually been turned around in Vietnam, or is merely being transferred to the civilian sector.

The fate of GI drug users who are detected, or who turn themselves in under the amnesty program, also relates to this question. Under present policy, the GI receives up to 30 days of treatment prior to his discharge, and he is then "put in touch" with a civilian program for treatment on a voluntary basis. For those GI's who are not heavily dependent on narcotics, and who are lucky, this brief period of treatment will be enough. Back in a normal environment, with family, and away from Vietnam, these men might never look for another fix.

For the more frequent user, however, the story can and often does end quite differently. For this man, a once-over-lightly treatment program will cure neither his physical nor psychological dependence on heroin, but will serve only as a drying out period. This GI will receive a discharge which makes him eligible for Veterans' Administration or other civilian treatment. However, he cannot now be required to enter these programs. He must enter treatment voluntarily.

Both commonsense and experience tell us that this approach is unrealistic. The hard-core addict does not look for the first Veterans' Administration hospital; he looks for a fix. He does not seek a doctor, but a pusher. During 1971, the number of administrative discharges solely for drug abuse totaled around 9,500, and was an increase in every branch of the service over the previous year. Again the inference is that the military may not actually have reversed the drug epidemic, but may merely have transferred the burden of drug abuse to the civilian sector.

One need only look at the experience which the Army itself has had with the voluntary approach to realize its inherent deficiencies. When the drug problem first came to light, the Army made help available to drug users on a voluntary basis. However, of the 4,440 soldiers found using hard drugs between July 1 and September 10 of last year, only 23 volunteered even for short treatment. Because of this failure, Dr. Jerome H. Jaffe, Director of the Special Action Office of Drug Abuse Prevention, was forced to announce in late September that the Army would now require narcotics users to take mandatory treatment prior to discharge.

Because H.R. 12846, the bill before us today, also relies on the concept of voluntarism, it will merely perpetuate the inadequacies of the present approach. Unless any law is stronger and includes some form of compulsory treatment, I will be unable to support the committee bill.

H.R. 12846 does give the Armed Forces the authority to retain GI drug users for 30 days of mandatory treatment beyond their scheduled discharge. Once again, however, this is an unreasonably short time for effective treatment. Those addicts who represent the greatest potential burden to society will not be cured in this short period. They will be released with no legal control over them.

The answer to this problem is, of course, compulsory treatment. On May 10 of last year, I introduced a program of compulsory treatment, which I believe would be far superior to the approach of H.R. 12846.

In brief, my bill, H.R. 8216, would:

First. Establish a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitation.

Second. Prohibit any person from being tried for a narcotics offense if he voluntarily agreed to undergo treatment recommended by the Drug Corps.

Third. Prevent the discharge of addicted servicemen until judged "free of habitual dependence" by competent medical authorities.

By placing full responsibility for treatment of drug abuse on the military services themselves, this proposal would terminate the current policy of sending addicts back into society to become a greater burden upon themselves and their fellow citizens. Servicemen would be treated in the service itself, where addiction is more easily identifiable, and where the addict can be kept under legal control. The heavy user would not be allowed to take home an expensive habit, to be caught in the unending cycle of drug and crime. He would be treated mandatorily, through a retention which in itself might prove to be sufficient inducement for self-rehabilitation. I recommend that the House adopt this, or some other form of compulsory treatment.

One other area which H.R. 12846 neglects is that of past less-than-honorable discharges given for drug abuse. Since the military drug problem first came to light, the Armed Forces have slowly come to the attitude that drug abuse is to a great degree an illness rather than a crime. Accordingly, the services no longer give undesirable and dishonorable discharges for drug abuse. However, before this policy was instituted, thousands of GI drug users were separated under less-than-honorable conditions. Today, they suffer the consequences, and will continue to suffer unless their discharges are reviewed and updated in line with today's more progressive attitudes.

It was to remedy this situation that last July I introduced legislation establishing a Military Drug Abuse Review Board to review and possibly upgrade all less-than-honorable discharges received for drug-related reasons. Since that time, Secretary of Defense Melvin Laird, has issued two directives which in effect carry out the purposes of my legislation. Under these directives the Department of Defense now permits appeals of all less-than-honorable discharges for drug use and possession. These appeals will be reviewed through the established review procedures, and will permit upgrading of discharge status where warranted.

In carrying out the provisions of my

discharge review legislation, these directives represent a vital corrective step forward for those men who are now suffering under a discharge policy which has long since been discarded. I commend DOD for these actions which will allow many men to again lead normal lives.

At the same time, I would suggest that review of these cases by DOD be automatic rather than on the basis of an appeal by each individual serviceman who is affected by the new orders. Many of those affected will learn of the new directive through the news media or from veterans organizations. However, others will not hear of the new directive, and will continue to go through life with the stigma of a dishonorable drug discharge, unaware that they can now appeal the ruling.

This problem can be overcome through an automatic review of all discharges which fall under this new order, regardless of whether the veteran himself applies. Because the committee bill is silent on this subject, I am hopeful that the House will amend the bill to require these reviews. Only in this way shall we assure that all those eligible under the new order get a fair review and upgrading.

Mr. RANGEL. Mr. Speaker, it is not a moment too soon that Congress is now responding with needed legislation to treat the continuing drug problem in the Armed Forces. When I speak of the military drug problem, I refer not to the hashish problem in Germany, but the far more dangerous heroin epidemic not only in Vietnam, but also Thailand, the Philippines, and Okinawa.

As you may be aware, between 700 and 1,000 metric tons of illicit opium—over one-half of all illicit opium produced in the world today—is produced each year in Southeast Asia. The overwhelming bulk of this opium poppy is cultivated in the Golden Triangle, the border regions where Thailand, Burma, and Laos meet. Burma alone harvests over 400 metric tons annually. Although heroin is plentiful in Saigon, the opium poppy from which it is derived, is not grown in South Vietnam. Heroin, and morphine base, is instead regularly smuggled in from Laos and Thailand. Among our soldiers is is a common practice to mix a quarter gram of this 96 percent pure heroin with the tobacco from a regular cigarette and to smoke it as a so-called "skag joint," passing it around the way a marijuana joint is passed around in the United States.

Just how many of our soldiers are drug dependent is not really known. One earlier congressional study estimated that between 10 and 15 percent of all our troops in South Vietnam were addicted to heroin. The House Armed Services Committee, reflecting the efforts of the Pentagon to deflate the scope and depth of the problem, suggests that the January 1972 tests showing only 2.3 percent of the soldiers as drug dependent, is more accurate. This figure is probably too low. It is common knowledge that about 30 to 60 days before our men are ready to come home, they get off drugs so they can pass the tests and not be delayed. Then, too, often it is known ahead of time when a check is coming up. Thus, when there was no advance warning, the Pentagon has admitted that some 5.2 percent of those tested showed positive on the urine test. But regardless of whether it is 5 percent or 15 percent, the fact remains that suitable treatment and rehabilitation programs are desperately needed in the military.

Suitable programs are already underway for treating the less serious active-duty drug abuser, but the serious psychologically disturbed abuser is still given band-aid type treatment with no meaningful effect or is summarily transferred or discharged. The military refuses to address itself to the real problem and that is that our men feel that we have fought for 10 years in Vietnam and sacrificed over 50,000 men when the average South Vietnamese villager only wants a water buffalo and some rice paddies. The ordinary peasant does not care whether he gets it from us or from the Communists. Our men, then, lack a sense of value concerning the worth of the job they are called upon to perform. Frequently, they are also just plain bored. Drugs make job dissatisfaction go away and make the time pass more quickly. Of course, it is not realistic to expect that Congress by a stroke of the pen can legislate away the problem.

Today's legislation makes some attempt at least to cope with the problem. Briefly, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972 requires each member of the Armed Forces on active duty to take a urine test for determining drug dependency.

Under section 1062(a)(2), it leaves with the Secretary of Defense the responsibility of prescribing policies for each branch of the Armed Forces to encourage drug dependent soldiers to voluntarily come forth and seek treatment. Section 1062(b) requires persons to undergo treatment and care if they are found to be drug dependent. If the drug dependency is found to exist by a test given near the time of separation, section 1062(b) gives the military the authority to hold the man 30 days beyond his term of service for the purpose of treatment. Sections 1063(b) and 1063 (c) provide that time spent while undergoing treatment would not generally be counted as time lost and that pay for that period would not ordinarily be forfeited. Finally, under section 1063(a), the bill exempts from disciplinary action or discharge except under honorable conditions any soldier who turns himself in or is found to be drug dependent by the urine test.

Actually, this legislation codifies what the Pentagon has already started doing. The Pentagon's efforts have largely come as a result of public prodding after the news media exposed the extent of drug dependency among our Vietnam veterans and after two task forces, earlier convened, were not able to make much headway.

While this legislation is good, it is not enough. There are several vital omissions. I am hopeful that the Armed Services Committee in the Senate will consider the following provisions which were contained in my bill, H.R. 10868, but which the House Committee failed to include:

SECTION 1065. CONFIDENTIALITY OF CERTAIN INFORMATION.

No member of the armed forces on active duty who is drug dependent may be subjected to disciplinary or other punitive action under chapter 47 of this title as a result of information given by him in seeking or receiving treatment and rehabilitation services under section 1062 of this title and no such information divulged by him in medical confidence may be admitted into evidence against him, without his consent, in any disciplinary or punitive proceeding under such chapter. Absolute medical confidentiality shall be preserved with respect to such information unless medical authority determines that the member is a danger to himself or to others. When a specialized job classification or the pay advantages directly related to such classification have been withdrawn from a member who has sought assistance for his drug dependence because medical authority has determined that in the performance of the responsibilities of the job the member will constitute a danger to himself or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and his treatment and rehabilitation progress. Any member of the armed forces who is drug dependent and seeks treatment and rehabilitation services for that dependence shall be afforded every opportunity to be restored to useful military service.

The purpose of this provision is to fill the gap left by section 1062(a)(2) of the committee bill which merely leaves the matter to the discretion of the Secretary of Defense.

Under current military practice, there is no guarantee that doctor-patient communications be privileged. The Pentagon's official position is that it is far more important that they have a complete idea of the mental and physical condition of the soldiers than to encourage drug users to seek treatment. As a result, the fear of prosecution on the basis of information the drug user divulges to the doctor has not really been overcome by the guarantee of amnesty established in current military programs, nor is it likely to be overcome by the assurances under section 1063(a) or section 1062(a)(2) of the bill.

My provision, had it been adopted by the House Committee, would have relieved the drug dependent member of the Armed Forces of his fear of prosecution and yet at the same time would not have prevented the information he divulges from being used to temporarily suspend him from a status such as flying status where he would be a danger to himself or to others.

Today's legislation is also inadequate because, while it deals with those drug users who voluntarily seek help, it omits any consideration of offenders who are caught but who need the same rehabilitation.

It is unfortunate that the House Armed Services Committee failed to include in its bill the following provision:

SECTION 1066. SUSPENSION OF CERTAIN COURT MARTIAL PROCEEDINGS.

(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) shall establish a program under which any member of the armed forces on active duty who has been charged with the commission of any offense under chapter 47 of this title involving the use or possession of a controlled substance shall be accepted for treatment and rehabilitation under section 1062 of this title.

(b) In the case of any member who is accepted for such treatment and rehabilitation, the prosecution of such member for any offense referred to in subsection (a) of this section shall be suspended upon his being so accepted and for so long as he complies with the conditions of such treatment and rehabilitation. Upon the certification of medical authority that (1) such member has completed his treatment and rehabilitation under section 1062 of this title, or (2) such member is satisfactorily participating in such treatment and rehabilitation at the end of his term of service or immediately before his separation, all charges with respect to any such offense against him shall be dismissed. If any member to whom this section applies fails to comply satisfactorily with the conditions of treatment and rehabilitation prescribed for him, he shall be released from such treatment and rehabilitation and the prosecution of any charge against him shall be resumed.

(c) The Secretary of Defense shall take such action as may be necessary to insure that the provisions of this section, and any regulations prescribed to carry out any such provisions, are uniformly applied, and strictly complied with, throughout the armed forces.

My provision would have, then, postponed the trial or disciplinary proceeding, suspended the sentence, or authorized other devices commonly used in civilian courts as alternatives or in lieu of prosecution of drug users.

I suggest that these are the minimum additions which must be made to make the legislation a valuable and necessary first step in meeting the urgency, the magnitude, and the pervasiveness of the drug epidemic among our men in uniform.

Mr. HALL. Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972".

SEC. 2. Title 10, United States Code, is amended as follows:

(1) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are each amended by inserting the following new item:

"54. Drug Dependency Treatment and Rehabilitation Program..... 1061".

(2) Part II of subtitle A is amended by adding the following new chapter after 53:

"Chapter 54.—DRUG DEPENDENCY TREATMENT AND REHABILITATION PROGRAM

"Sec.
"1061. Definitions.
"1062. Identification and treatment of drug dependent members.
"1063. Exemption from disciplinary and other legal consequences.
"1064. Strength accounting for drug dependent members.

"§ 1061. Definitions

"For purposes of this chapter, 'drug dependent' means a state of physical or psychic dependency, or both, arising from the use of a controlled substance (as defined in section 802(6) of title 21).

"§ 1062. Identification and treatment of drug dependent members

"(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy)—

"(1) may prescribe regulations requiring each member of the Armed Forces on active duty to be examined to determine whether that member is drug dependent; and

"(2) shall prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily.

Treatment and rehabilitation services may include assignment to and treatment in a hospital or other facility equipped for the accommodation of drug dependent persons; inpatient and outpatient health services; educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services. Subject to subsection (b), the armed forces may provide treatment and rehabilitataion services to members who are determined by medical authority to be drug dependent. Such treatment and rehabilitation services may be administered either by the Department of Defense, or by one or more of the following: the Department of Health, Education, and Welfare; the Veterans' Administration; or other responsible agencies; under such agreements as the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) and the heads of those agencies may make.

"(b) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the armed forces without his consent. Notwithstanding any other law, the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may retain a drug dependent member on active duty without his consent, for a period of not more than thirty days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

"§ 1063. Exemption from disciplinary and other legal consequences

"(a) A member of the armed forces is not subject to disciplinary action under chapter 47 of this title (Uniform Code of Military Justice) or discharge under other than honorable conditions, solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services under section 1062 of this title. Such a member, however, shall remain subject to the laws and regulations governing the conduct of members of the armed forces.

"(b) Whether time spent by a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title should be counted as time lost under section 972 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"(c) Whether section 802 of title 37 concerning forfeiture of pay should be applied to a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"§ 1064. Strength accounting for drug dependent members

"Under regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy), a member of the armed forces on active duty who is receiving treatment and rehabilitation services as a drug-dependent person under section 1062 of this title shall be excluded in computing the authorized strength of his armed force.

Mr. HAGAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 13. after the word "is" add "retained on active duty beyond the end of his term of service or the date of separation for the purpose of"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, after the word "under" add "subsection (b) of."

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I have an amendment at the Clerk's desk together with conforming amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Murphy of New York on page 4, between lines 5 and 6, insert the following:

"§ 1063. Disability separation for drug dependent members; civil commitment

"(a) As used in this section—

"(1) The term 'hospital of the Public Health Service' means any hospital or other facility of the Public Health Service especially equipped for the accommodation of drug dependent persons, and any other appropriate public or private hospital or other facility available to the Secretary of Health, Education, and Welfare for the care and treatment of drug dependent persons. The Secretary of Health, Education, and Welfare is authorized to contract with the Administrator of Veterans' Affairs, under such terms as may be mutually agreeable, to make Veterans' Administration facilities available for the treatment of persons committed under this section.

"(2) The term 'treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the drug dependent person by correcting his antisocial tendencies and ending his dependence on any controlled substance (as defined in section 802(6) of

title 21) and his susceptibility to dependence on any such substance.

"(b) If the Secretary concerned determines that a member of the armed forces on active duty is unfit to perform the duties of his office, grade, rank, or rating because he is drug dependent, the Secretary is authorized to retire, discharge, or separate, as appropriate, such member from active military service on the basis of physical disability.

"(c). Not less than 30 days prior to the date on which any member is to be retired, discharged, or separated from active military service pursuant to subsection (a) of this section, the Secretary concerned shall file a petition with the United States attorney for the district in which such member will be separated from active military service, or with the United States attorney for the district within which the permanent home of record of such member is located, requesting that such member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. The Secretary shall not file a petition with respect to any member if the Secretary determines that such member has voluntarily filed, or will file, within the 30-day period before his expected date of separation from active military service, a petition with the appropriate United States attorney requesting that the member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. Any petition filed by the Secretary concerned or a member under this section shall set forth the name and address of the member with respect to whom the petition is filed, the scheduled date of his separation from active military service, and the facts or other data on which the Secretary bases the separation of such member from active military service by reason of drug dependence.

"(d) The provisions of sections 302(b) and 302(c), sections 303 through 316, and title IV, of the Narcotic Addict Rehabilitation Act of 1966, shall apply in the case of any person with respect to whom a petition is filed under subsection (c) of this section in the same manner and to the same extent as if such petition had been filed by a narcotic addict or a related individual under section 302(a) of such Act, except that the term 'narcotic addict' as used in such provisions of such Act shall for purposes of consideration of, and commitment and treatment pursuant to, petitions filed under subsection (c) of this section be deemed to mean a person who is drug dependent within the meaning of section 1061 of this title.

"(e) If the Secretary concerned determines, on the basis of medical and other relevant information available to him, that any member of the armed forces on active duty who—

"(1) is drug dependent; and

"(2) either—

"(A) has been charged with,

"(B) is being tried for, or

"(C) is serving a sentence imposed for, the commission of any offense under the Uniform Code of Military Justice involving his personal use or possession of any controlled substance,

would benefit more from treatment pursuant to subsection (d) of this section than from imprisonment; the Secretary may suspend all criminal proceedings against such member or his term of imprisonment, as the case may be, and take appropriate action to discharge and commit such member under such subsection (d) for treatment. No discharge for disability may be finalized under subsection (a) of this section, however, before and unless such member is accepted for such commitment and treatment. In any case in which a former member successfully completes a program of treatment pursuant to subsection (d) of this section, the Secretary shall take such action as may be appropriate to expunge from all official military records all data relating to his arrest, charge, trial, conviction, sentencing, and imprisonment with respect to such offense.

"(f) Notwithstanding any other provision of law, the retirement, discharge, or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

And on page 1, between lines 4 and 5, strike out

"1063. Exemption from disciplinary and other legal consequences.

"1064. Strength accounting for drug dependent members."

and insert the following:

"1063. Disability separation for drug dependent members; civil commitment.

"1064. Exemption from disciplinary and other legal consequences.

"1065. Strength accounting for drug dependent members."

And on page 4, line 6, strike out "§ 1063." and inserting "§ 2064.".

And on page 5, line 8, strike out "§ 1064." and insert "§ 1065.".

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendments be dispensed with, since it is merely a recitation of conforming amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WIGGINS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California (Mr. WIGGINS) reserves a point of order.

The gentleman from New York (Mr. MURPHY) is recognized in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, unfortunately during the colloquy I did not have the time to read a statement by one of the really successful drug rehabilitation programs that is located in my city, and I am quoting from a letter sent to me by Dr. Judianne Densen-Gerber. To bring emphasis to the amendment that I have offered, I wish to point out that, in reference to working with drug addicts, she said:

During our first years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself, this is not true. We have discovered our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict, he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all) enrolling in a methadone program, or going through a 21-day detoxification program.

The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizable habit, to one which, after three weeks, can be more easily supported.

This amendment, gentlemen, is directed at the hard-core heroin addict and is not concerned with the entire range of drug-addicted servicemen.

In the debate we had great eulogy poured on the military services for their approach to work in the drug rehabilitation field. I visited 13 military bases in the United States. I visited Dix House, which is the half-way house at Fort Dix. I visited Fort Meade's half-way house and Fort Bragg's half-way house, and the Navy-wide center at Miramar, San Diego. I visited the Air Force-wide center at Lackland Air Force Base in Texas. We found the full range of military addicts in those programs, but none of these programs addressed themselves to the treatment of the hard-core addict, to which my amendment addresses itself. We found this type of addict—the hard-core addict—in the Dix half-way house, in the Fort Meade half-way house, and in the other military programs we inspected. This type of addict became interested in going into the treatment for many reasons—because the CID was on his trail, because he was pushing, because he wanted to "deadbeat" his military duty, or just because he was an addict and he wanted to get away from things and actually get some help.

In every one of those houses we found a free flow of narcotics. That is one of the main problems of the service approach to treating a heroin addict.

The services cannot treat heroin addicts. The commander of the First Army said to me that the heroin addict is a "cancer that must be removed from the military services," and I say the military has no place in the rehabilitation of a drug addict. Get him out of the service, but do not just throw him on the streets of my city or your city or your town or community. Put him in a program, trigger him into a program, where he can receive proper treatment. My amendment offers the triggering mechanism that will put him into an effective program.

The GI addict today will not go voluntarily to the Veterans' Administration. We have 447 veterans at our three VA Hospitals in New York City under treatment today. Why only 447 veterans out of an estimated 40,000? Because they will not go to the VA. When I asked a Vietnam veteran, a Silver Star winner, why he would not go to the VA, he told me:

The VA is not responsive to me. The VA is a bureaucracy. The VA is made up of middle-aged men. They are all over 50 years of age, and when we go in to get some help, they are not able to help us.

You will find black servicemen going into the VA for treatment. They do not believe them.

In my earlier remarks I said the addict is more likely to respond to a civilian program, but he will not go into a program which has a military structure such as the VA or the other military programs. The First Army Commander said to me, "We do not have the military psychiatrists to deal with this problem, and yet the service still gives it to me."

I finally got one general's attention when I brought an addict into his office myself and I said, "Tell your story."

This young draftee had his hand broken by a sergeant because he was an addict and he had repeatedly gone AWOL from the service. I took him into the general's office, and when he heard his story the general almost had tears in his eyes. I said, "General, I am giving him to you to rehabilitate."

I said to the young man, "Tell the general how much Government property you stole keeping your addiction alive." He told the general who was duly flabbergasted.

Mr. Chairman, we found at Fort Bragg, N.C., that a half million dollars worth of military property was stolen in the first 6 months of last year. The CID was so good it often got the property back before the military even knew it had been taken.

There is no place in the military for the addict. That same young man who told his story to the general at Fort Dix was offered everything the military had at its disposal for his treatment. Upon my request they put him in the hospital for detoxification. They then sent him to Dix House for treatment. But he was a.w.o.l. before they knew it and every time he was brought back he went a.w.o.l. again.

Finally, the third time he came to my office for help, I sent him to a civilian program in the Bronx where he was finally rehabilitated. And then we had to face the problem of his discharge.

I said to the general, "How will you handle his discharge?" The general did not know. The service did not know. This young man was rehabilitated in a civilian program he went into because I put him into it. I said to him, "You are going in or you are going back into the service." And he went and he conquered his problem.

This is a form of third party commitment. I think the military has a responsibility to the civilian community of America not to put an addicted heroin user back on the streets to push drugs in that community.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. WIGGINS. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against the pending amendment on the ground that it deals with a subject matter which is not within the jurisdiction of the Committee on Armed Services in two particulars.

The bill under consideration, Mr. Chairman, amends title 10 of the United States Code, and provides for a comprehensive scheme of treatment and rehabilitation of those on active duty in the armed services. It is confined to those on active duty in the armed services. The amendment now pending, Mr. Chairman, on the contrary, provides for the involuntary commitment of people who have been discharged from the armed services. It is true that the petition must be filed within 30 days of separation, but if the petition be granted, then that individual as a civilian is subjected to up to 42 months of involuntary commitment in a Public Health Service hospital. Legislation in this field, Mr. Chairman, as it deals with veterans, should properly be before the Committee on Veterans' Affairs.

A second ground of nongermaneness, Mr. Chairman, is that the amendment of the gentleman from New York amends by necessary implication the Narcotic Addict Rehabilitation Act which is a subject properly before the Committee on the Judiciary. That act provides that petitions may be filed either by an individual for himself or by certain related individuals. This amendment, however, provides that a new class of petitioner be authorized, namely the Secretary of Defense. That is an important and significant departure from the act and constitutes an amendment by necessary implication of a piece of legislation not properly before the Committee on Armed Services.

Mr. Chairman, I urge that the point of order be sustained.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. I do, Mr. Chairman.

A point of order has been raised on the germaneness of my amendment No. 1 to H.R. 12846. I object strongly to this procedure for many reasons.

H.R. 12846 promises to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces. Through careful research and documentation, submitted to the Armed Services Committee and the Judiciary Committee, I have shown that the program as outlined by the administration will not meet the goals set forth in the legislative intent of the bill.

For those who have been involved with the treatment of drug addicts and drug-dependent persons, it is a hard fact that there is more to rehabilitation than a skimpy 30 days in a hospital and a tablespoon of methadone a day. For a seriously addicted GI, treatment and rehabilitation sometimes involves confinement and certainly involves the expertise of psychitarists, psychologists, physicians, social workers' and others over a period that exceeds 30, 60, or even 90 days. It takes 15 months—on the average—for a hard-core addict to even be released into society. A comprehensive program of treatment certainly requires supervised aftercare in the community and should include educational, social, psychological and vocational services, and corrective and preventive guidance and training. The administration bill does not provide this kind of service although they promise to "rehabilitate" the addict.

My amendment does all of these things.

I offer this amendment as an expansion of the administration's program.

No one should argue that drug addiction is a physical disability. This concept is not new to the U.S. Congress. In 1961 the U.S. Supreme Court came to that conclusion in the case of Robinson against California when it decided that it was "cruel and unusual punishment" in the sense of the eighth amendment to treat as a criminal a person who is a drug addict. In 1966 when Congress passed the Narcotic Addict Rehabilitation Act, we put into law the concept of the drug addict as a person who is sick and who is in need of treatment rather than criminal incarceration. My point in mentioning this is that the Congress has for 6 years treated the drug addict as a sick person. The courts have come to that conclusion, and it is time that the military came to the same conclusion, offering the addict the care and treatment he deserves. Through the mechanism of defining the drug addicted serviceman as physically disabled we are able to provide him the care he needs through the already established network of Federal programs that can be made available to him.

Through this mechanism we can remove the lifelong stain on his record, which now prevents him from obtaining meaningful employment and acceptance in his community.

I do not think that these ideas deviate from the concepts set forth in the administration bill. That bill goes in the same direction. Section 1063(a) of the administration bill takes that same approach when it says that a member of the Armed Forces is not subject to disciplinary action or discharge under other than honorable conditions, solely on the basis that he is determined to be drug dependent. I believe that this terminology is correct and in keeping with the overall objectives of both the bill as reported and my amendment.

Section (e) of my amendment No. 1 is an extension of the overall attempt by this legislation to offer humane, realistic and successful rehabilitation to drug dependent servicemen. This section is not mandatory. It offers an alternative that leaves the way open to the Secretary of the service concerned to device that if a young man who has committed a drug offense would benefit more from treatment than incarceration, it is there for him to offer it. Certainly in some cases our society would benefit from this type of an approach. And in the final analysis, the purpose of this bill is to offer treatment and rehabilitation for drug dependent members of the Armed Forces.

Finally, I reiterate—I am not taking anything away from the administration bill. I am offering a change to make this piece of legislation more workable. And I am offering the chance to bring into being what the administration bill offers, but cannot deliver in its present configuration.

Furthermore, I had asked that the bill be taken off suspension for the purpose of offering these amendments. My testimony before the Rules Committee when they granted a 1-hour rule for consideration of the bill here today had the intent of these amendments in that testimony.

For those reasons, I believe that the amendment is germane.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. HALL. Mr. Chairman, I should like to be heard on the point of order.

Mr. Chairman, I would support the point of order under rule XVI, section 796, which states in part under (b):

A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And continues elsewhere:

Thus, the following are not germane: . . . to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law other than those dealt with by the bill . . .

I submit, Mr. Chairman, that this amendment by our friend from New York also violates rule XI, section 722, not only insofar as it violates the jurisdiction of committees of the Congress and adds additional duties thereunto but also with respect to overlapping jurisdiction of at least four and possibly five of the Cabi-

net departments downtown; particularly the jurisdiction not only of the Committee on Veterans' Affairs in the House and in the other body, but also of the Veterans' Administration itself; and it prescribes new duties on the Secretary of the Department of Health, Education, and Welfare; on the Surgeon General of the United States of the U.S. Public Health Service, including the commissioned corps; on the Department of Justice; on the White House; and NARA or the Narcotics Addict Relief Agency therein.

On page 7863 of the hearings there is an interesting colloquy to which anyone may refer in support of the jurisdiction of the Committee on Veterans' Affairs.

I hope that the Chair will sustain the point of order because of the simple intent of this bill as the second stride in inservice care of those who are experimenters, addicts, or "hooked" on narcotics as well as the experimental drugs.

The CHAIRMAN (Mr. HENDERSON). The Chair is prepared to rule.

The gentleman from California makes the point of order that the amendment offered by the gentleman from New York (Mr. MURPHY) is not germane to the bill H.R. 12846. H.R. 12846 would authorize the Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard, to: First, require each member of the Armed Forces on active duty to be examined for drug dependency; second, provide treatment and rehabilitation services either in a military facility or in another facility run by a Federal agency such as the Public Health Service or Veterans' Administration, upon referral of those members on active duty; and third, require active duty members to undergo treatment for drug dependency, including 30 days beyond term of service.

The amendment offered by the gentleman from New York would provide, in addition to the treatment program in the committee bill, an alternative program under which the Secretary would be authorized to discharge or separate, drug dependent members from the service, and then to petition the appropriate U.S. attorney to seek admission of such discharged member in a Public Health Service hospital. The provisions of the Narcotic Addict Rehabilitation Act regarding involuntary commitment of narcotic addicts would apply to such discharged members. The facilities for the treatment of such committed persons are the same facilities as those referred to under the referral procedure in the committee bill.

On December 15, 1937, Chairman McCormack ruled that to a proposition to accomplish a certain result by one method—through the use of a governmental agency—an amendment proposing to accomplish that result by another closely related—through the use of another governmental agency—was germane (RECORD, page 1572–89).

The Chair feels that in the instant case, the purpose of both the committee bill and the amendment is the same, namely, to provide a program of treatment for drug dependent persons in the Armed Forces. The committee bill suggests two basic methods for accomplishing that purpose, either treatment in a military facility or referral to another Federal facility. The amendment, while providing a separate commitment procedure for placing drug dependent persons in a Federal facility, nevertheless would require the use of the same facilities suggested in the committee bill, and would provide a third method of treatment to the two approaches carried in the committee bill.

For these reasons, the Chair holds that the amendment is germane and overrules the point of order.

Mr. HICKS of Washington. Mr. Chairman, I rise in opposition to the amendment for the same reason that occurred a moment ago in the general debate.

At the time that H.R. 9305, which subsequently became the bill that we have before us today, was brought before the committee, it was a part of a package. You may recall that the President gave his message on July 17, 1971, regarding drug abuse, and H.R. 9264, the bill creating the Special Action Office for Drug Abuse, was immediately brought to the Committee on Interstate and Foreign Commerce. At the same time the bill we are considering here today was also taken to the Defense Department. The Committee on Veterans' Affairs considered and passed H.R. 9265, the Serviceman's, Veterans', and Ex-Serviceman's Rehabilitation and Drug Treatment Act, and the same now languishes in the other body. All of them taken together have been made a part of the system of treating the veterans or the servicemen for drug abuse. The gentleman from New York (Mr. MURPHY) has certainly made a diligent study, and I have checked many of the things he has done in this field. He is to be admired and commended. Nonetheless I feel he is in error in forcing or attempting to push his amendment to force involuntary treatment. That is thought so by most of our officials. Dr. Jaffe heads the Special Drug Abuse office. He has a letter on this matter which you may find in the hearings saying that the involuntary commitment method should not be used.

Dr. Wilbur, the Assistant Secretary of Defense for Health and Welfare, also sent this letter dated June 7, 1972, to our subcommittee chairman which says in part:

> Notwithstanding our deferral to the Director of the Special Action Office in this matter, we would expect that civil commitment procedures would have an effect on our Department of Defense programs for treating drug abusers. The majority of our drug abusers are identified in one of two ways. They either turn themselves in for assistance or they are detected through our urinalysis screening program. The individuals whom we identify vary from the experimenter to the casual user to the frequent user. Rarely do we find a serviceman who has reached the stage of acute addiction that is frequently encountered in the civilian sector. Our entire program is based upon early identification. If our service members believed that identification as a drug abuser could lead to long-term civilian commitment after separation, we could expect few to voluntarily identify themselves and we could also expect that most drug abusers would go to great lengths to avoid detection through our urinalysis screening program.

And, he goes on for a couple of more sentences.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield to me at that point?

Mr. HICKS of Washington. I shall yield to the gentleman when I have completed my statement.

Dr. Lyndon E. Lee, Jr., Assistant Chief Medical Director for Professional Services and Director of Medicine and Surgery of the Veterans' Administration, in the colloquy with the gentleman from Texas (Mr. WHITE) in the committee hearings stated as follows:

> You are implying, sir, what we should do is force that man to remain in the hospital for therapy. Prior to the time you came in, we indicated that our experience over the years has proved this to be an inadequate and unsuccessful means of treating people. They need a voluntary approach, rather than an involuntary servitude, as you stated here.

Further, Dr. Lee, in response to another question stated as follows:

> Those who would submit themselves to treatment voluntarily, we would have some hope for. Those who are there under one or another type of restriction, either military or civilian commitment, I think are in large measure, as has been proven before, a lost cause before we start under that circumstance.

The gentleman from New York in the material that he inserted in the CONGRESSIONAL RECORD both on June 30, 1971, and in May of this year quotes figures from the State of California where it says that only 4 percent of the addicts were turned in by relatives while 7 percent were committed by probation or police officers. While California has experienced little success with the commitments made by relatives, it has experienced even less success with those turned in by police or probation officers. In the latter instance addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

Therefore, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, (at the request of Mr. MURPHY of New York) Mr. HICKS of Washington was allowed to proceed for 2 additional minutes.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I yield to the gentleman from New York.

Mr. MURPHY of New York. How does the bill which the gentleman is supporting handle this case? For example, the man is in the military service and he is shooting heroin in order to get out. He becomes addicted in order to get out of the service. What do you do with him?

Mr. HICKS of Washington. The bill, as is provided, and as the gentleman from New York knows, provides that the military can do one of several things. However, one of the things they can do if they feel that a man is shooting just to get out of the service, they can treat him as a criminal or they can treat him with help. I assume what we are going to do from now on is to treat him with help.

Mr. MURPHY of New York. What kind of help is he going to be treated with? Is he going to be put out in 30 days and told to go into a voluntary program?

Mr. HICKS of Washington. As Dr. Lee says, they will keep him for 30 days and try to dry him out, and if the man can be persuaded that it is in his best interest and if the service becomes convinced that he is responding to treatment, the man can stay on. If they do not become so convinced, the man will not stay in the military service. The same thing will occur as occurs in civilian life and the sort of thing that is happening in New York, and the sort of thing which the gentleman from New Jersey (Mr. HUNT) talked about where they are not having success.

Mr. MURPHY of New York. This bill is going to create the "needle draft dodger." In other words he is going to get out of service because he is "shooting up." We had better put some muscle into this bill and the amendment which I have proposed would isolate not only that voluntary "shooter upper" but it would also isolate the heroin addict and he would have to go into a rehabilitation program as a result of the adoption of this amendment, and it will stop this type of draft dodging.

Mr. HICKS of Washington. Why did the doctors oppose the amendment?

Dr. Jaffe, Director of the Special Action Office for Drug Abuse Prevention;

Dr. Wilbur, Assistant Secretary of Defense—Health and Environment;

Dr. Lee, Assistant Chief Medical Director of the Veterans' Administration.

All these men with their years of expertise opposed involuntary commitment beyond 30 days.

The gentleman's amendment should be rejected.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. HUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the discussion between the two gentlemen who have just preceded me, I might point out to the gentleman from New York that the Uniform Code of Military Justice will handle those persons who do this sort of thing willfully in an effort to escape military service.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield for a question?

Mr. HUNT. I shall yield to the gentleman when I have completed my statement.

As I understand it, the gentleman from New York is telling the members of the committee that he would propose an amendment to this bill. The amendment, as I understand it, is not an amendment at all, but a new bill, an entirely new bill, that should have been introduced as such and not as an amendment for the voluntary or involuntary commitment of a military member, similar to that provided in NARA.

If I read the CONGRESSIONAL RECORD correctly, the same gentleman from New York told us that the involuntary commitment and drug treatment programs are really a failure and that he would propose certain amendments to existing law that would do away with involuntary commitment.

That is a matter of record in the CONGRESSIONAL RECORD.

Indeed, the gentleman quoted certain individuals, supposed experts in the area, who universally condemn involuntary commitment.

We are talking of voluntary commitment, as the gentleman knows. H.R. 9265, the Veterans' Administration bill, also covers that matter. It has already passed this House. Unfortunately for us it and many other vital issues languish over there in the other body.

I spent most of my adult life in the field of narcotics detection and prevention. I know a little bit about narcotics—and not from what I read in books—and not from the sob sisters—but from actual experience.

It has been my experience that men and women who seek drugs and who become involved in drug addiction are persons who, at the most adverse times—when small things begin to bother them and when they become too weak to cope with what they have on hand or when something disturbs them or when they seek enjoyment, or for other factors—resort to the use of drugs as a means of escape.

Drugs come in several categories: The nonaddictive or non-habit-forming drug or the addictive type of drug.

In my entire career—and I handled a narcotics squad in the southern part of the State of New Jersey for the State police for a number of years and worked very closely with the Bureau of Narcotics and Dangerous Drugs—we conducted many raids. I have talked with more drug addicts than anybody in this House. I have never yet found one addict who addicted himself to heroin because he wanted to escape from the military service. I doubt that such a situation as this will ever occur.

Another thing that disturbs me about the gentleman's amendment is that the benefits that this man can get might be the same as those a man who lost a leg in the service might receive. He might be geting some benefits from his self-induced habit.

The amendment in my estimation should be defeated today because it encroaches upon a good bill that we have worked very hard for. It overlaps into the jurisdiction of several departments and imposes an intolerable burden on the Veterans' Administration.

I am quite sure that the members have worked on this committee so very diligently and, as was pointed out by the chairman, the gentleman from Georgia (Mr. HAGAN), know quite a little bit about what they are talking about insofar as the armed services are concerned.

I do not know of any way that the Army can commit a man to an institution for treatment after he has been discharged from the service. If there is a way, will someone kindly tell me? We have before us today a bill that simply prolongs the existing service commitment only 30 days for the purpose of detoxification—and the gentleman from New York by his own admission knows that 25 days is the required time for detoxification. Anybody who is in the narcotics field knows that detoxification is not always the answer, but it can get them back to a normal state. If they have still a need for heroin, if they cannot keep away from heroin, which is the most highly addictive drug the world has ever seen, none can do it for them.

I do not care what you say—if you put a man in incarceration and keep him there and say, "We are going to keep you here until you are cured of the drugs." This is a ridiculous assertion and will never bear fruit.

(By unanimous consent, at the request of Mr. MURPHY of New York, Mr. HUNT was granted 1 additional minute.)

Mr. MURPHY of New York. I would like to refer to the statement which the gentleman made concerning one of these addicted veterans receiving any remuneration from the services. From this statement and in fact everything he has just said, I can only assume he did not read the amendment and is unfamiliar with the history of NARA and all of the studies and documents I have referred to in support of my amendment.

Paragraph (f) of this amendment states, and I quote:

> Notwithstanding any other provision of law, the retirement, discharge or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

So we do not give him any monetary benefit if he is a GI addict. What we do offer is treatment for his addiction and a chance to be returned to society the same way the Government found him, drug free. But I would like to say this about detoxification because the gentleman did not bring it up.

It takes 21 days.

Mr. HUNT. Twenty-five days, sir.

Mr. MURPHY of New York. Twenty-one days or 25 days—in that area. In these days many addicts will say, "Thanks for detoxifying me because now I can go back to a cheaper habit and get the same high for less money."

Mr. HUNT. You are so right. Whether he is committed voluntarily or involuntarily, when a man of that type does not stay off, he is going to wind up in a pine box.

Mr. WHITE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. WHITE. Mr. Chairman, I am a member of this subcommittee. It worried me throughout our discourse that we did not have some hold on these men after they were discharged. It is apparent that the Army does not have the facilities to do this job of treating the addict other than the holding of them for 30 days in order to detoxify them. I personally feel it is important to place these men who are discharged in some civilian community, institution or facility in order to give them further treatment. Otherwise they are going out on the street and they are going to rob and commit other crimes in order to support their habit.

Therefore, Mr. Chairman, I will support the amendment in order to hold those men in the hope that we can remove them from this habit and restore them to productive life.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Iowa.

Mr. GROSS. How long do you propose to hold them?

Mr. WHITE. I think that would be up to the doctors who are examining these men or following the course of their treatment and recovery.

Mr. GROSS. And where would you hold them? In Veterans' Hospitals?

Mr. WHITE. I suppose. I think this does provide——

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. MURPHY of New York. I think the gentleman is exactly correct. These persons, after a hearing, after all of their rights are protected, would be referred to a treatment center, depending upon the type of drug addiction or dependency they had, because they fall into different categories. They then would go in, and in the period of time they are in this treatment program, the psychiatrists involved would evaluate them. If after 4 months in the opinion of the psychiatrists they can be discharged, or if they believe in 6 months they can be discharged, they can then be discharged. If they need longer therapy, they are kept in longer, but this gets to the problem that the gentleman from New Jersey brought up. You can rehabilitate an addict but it may take time, and the time varies depending upon the addict.

Just this morning I had a man who spent 14 months in Vietnam call on me. He had been decorated and had been wounded on the battlefield. He was in my office a.w.o.l. again because he is an addict. What do I do with him? Let us do something to help that veteran.

Mr. GROSS. How did he become an addict? Who made him an addict?

Mr. WHITE. Let me say this in my available time. The fact is this man is sick. Like any other sick person, he needs treatment. If you discharge him after 30 days, he will go out on the streets and commit crime. I think we owe it to these people to restore them back to citizenship.

Mr. GROSS. Is this the only illness of which that can be said?

Mr. WHITE. This is the kind of illness that leads to crime.

Mr. GROSS. What is that?

Mr. WHITE. This is a craving type of illness that leads to crime.

Mr. GROSS. Let me ask another question. What is all this indefinite, undetermined program going to cost the taxpayers of this country? When you start the operation of a program of this kind, you are talking about a great deal of money.

Mr. WHITE. It will cost the taxpayers a great deal less than it would otherwise for the damage to individual citizens who are robbed and whose property is destroyed and damaged, and even the murder of some.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Thirty-seven million dollars is being spent in these programs right now.

Mr. GROSS. How much more do you want to increase it?

Mr. MURPHY of New York. Here is a list. The University of Missouri is getting $745,662 in this program where we are taking addicts and rehabilitating them. I think I could properly pull out a reference to the University of Iowa, where there are Government-related programs. There are programs in Georgia. I can find many programs in California, as the gentleman knows. I have Illinois all over the place. I have Connecticut. Here is the Missouri Office of Mental Health, another $277,000. These are the programs that they should be triggered into, and not in the VA, where they will not go voluntarily.

As I said, 23 out of 4,400 in 3 months went voluntarily to the VA.

Do not put these heroin addicts on the streets when they come from the military service, whether they obtained their heroin addiction in the service or whether it predated that service. I am talking only about a portion of the military drug abusers. The rest of the people can take care of a significant number, but do not put an addict back on the streets of our towns.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, I have the privilege of having served as a member of the Special Subcommittee on Drug Abuse in the Military, and as a member I have had an opportunity to visit with and listen to a number of people concerned about this problem.

I would like to compliment the gentleman from New York for I know there is sincerity in his effort, but I question the validity and the effect of his effort.

As I see it, the thrust of the amendment is to provide for involuntary commitment of military members who are drug dependent using the Narcotic Addict Rehabilitation Act of 1966 as a vehicle.

During the course of almost 2 years of committee inquiry into the military drug problem, we have made various inquiries and heard a great deal of testimony concerning commitment for treatment. Almost universally—and particularly from qualified professional physicians—we have been told that unless the person wants to be rehabilitated, the task is next to impossible. Such is the opinion, for instance, of the Assistant Secretary of Defense for Health and Environment, Dr. Wilbur—a medical doctor; such is the opinion of Dr. Jerome Jaffe, chief of the President's Action Office—a highly qualified medical doctor with much experience in the treatment of drug problems. Similar opinions come from Dr. Lee of the Veterans' Administration, and many others.

Mr. Chairman, I hope our colleagues will pay close attention to the following quotations:

> If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially—
>
> Now hear this—
>
> If he is committed or has not been arrested for any crime.

Another quotation, Mr. Chairman, is:

> Civil commitments by a relative or a third party constitute "the most difficult cases to handle in treatment." . . . because they are put in against their will. . . .

Then we have this quotation:

> Total experience in the United States with civil commitment by a relative or third party has not been successful. . . .

Mr. Chairman, the interesting feature of the latter quotations I have just stated is that they come from Representative JOHN MURPHY, of New York, published in the CONGRESSIONAL RECORD on May 1, 1972. In fact, the gentleman from New York felt so strongly about it that this is a repetition of the same material which appeared in the CONGRESSIONAL RECORD on June 30, 1971.

Mr. Chairman, this amendment is before the House today sponsored by a Member who tells us that involuntary commitment under NARA is unsuccessful, but nevertheless we should foist it upon the Department of Defense.

The long and the short of it all, in my opinion, Mr. Chairman, is that we must listen to the professionals in deciding what legislation is best for the members of our military. With all due respect, I believe the Members will agree there is no room in this program for the prescriptions of amateur physicians or psychiatrists.

I urge upon this committee the rejection of the amendment and passage of the committee bill as introduced.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, the remarks the gentleman referred to were my remarks before the Judiciary Committee where we dealt with third party commitment by relatives or close friends in a civilian setting. We have found there was tremendous resentment on the part of the addict for those close relatives or friends who committed them which hinders efforts at treatment. Where the commitment is by an authority such as the court or a State agency, there is a detached commitment, the resentment is not there, and the hinderance to treatment is absent. That was the type of involuntary commitment we were talking about in that context. It is not related to the point of the amendment here today.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman in the case of the addict who is committed, whether he is committed by a third party or by a court, or whether by the military, in his mind he has been involuntarily committed, and I believe the gentleman's earlier statements are true, that it is anything but helpful and beneficial to his rehabilitation.

Mr. MURPHY of New York. Where the court commits him, he is going to go either to the penal institution or to the drug rehabilitation program.

Mr. YOUNG of Florida. I understand that, but I am saying in his mind he has been committed against his will. I do not think the addict pays too much attention to why he was committed against his will, or who was responsible for it. He is in there against his will, and that is creating the situation the gentleman mentioned.

Mr. MURPHY of New York. There is simply no comparison between a wife committing her husband and the Secretary of the Army binding over an addicted soldier to the Departments of Justice and Health, Education, and Welfare after days of physical and psychological study. To say that the addict pays no attention to who committed him or why, is not within the framework of today's knowledge of the affliction of drug addiction.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. MURPHY of New York, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. Go to Lexington, Ky., or to Fort Worth. Fort Worth was really a drug rehabilitation center. Come up to the incarceration factories we have in New York and New Jersey. Go into those factories and find out who the addicts are. Fifty percent of them are veterans.

How did they get there? They went out and committed crimes to get there. They did not go there on a civil commitment provision. They went in because the courts put them there.

That is what is involved when I say we should do something today, and if we do not take care of the veterans we will throw them out on the streets where they will be picked up for the commission of crimes and their lives further ruined. We have an obligation to do something about those "hooked" GI heroin addicts who are being put back on the streets.

Mr. YOUNG of Florida. I suggest there is nothing in this bill, or in favor of the amendment or in opposition to the amendment, which would throw veterans out on the street against their will.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New Jersey.

Mr. HUNT. In response to the remarks about Lexington, Lexington was a voluntary commission hospital. The people were not committed to Lexington behind bars.

In New Jersey, we have many places where people are being rehabilitated. An examination of the records in New Jersey will not indicate the fact that these men contracted the drug habit while in the armed services.

We have many cases of addicts in the United States starting at age 12. I am quite sure that nobody ever entered the armed services at age 12.

We have so many today who are being treated, in that teenage problem of drug abuse.

If the gentleman can show me boys and girls, young ladies of 14 or 15 or 16 years of age, who could have contracted a drug abuse problem in the armed services, then I will agree with the gentleman from New York.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. WIGGINS. I wish to associate myself with the remarks of the gentleman in the well. His points are all well taken. This amendment should be defeated, Mr. Chairman.

Mr. Chairman, I oppose the amendment offered by the gentleman from New York (Mr. MURPHY) on several grounds.

Using a "back door" approach, this proposal would make fundamental changes in the operation of title III of the Narcotic Addict Rehabilitation Act of 1966, involving significant modification of the underlying philosophy of that act, which is the principal Federal statute in the area of rehabilitation of narcotic addicts.

For the first time, someone other than the patient himself or a close family member would be authorized to initiate civil commitment proceedings under title III, thus redirecting the thrust of that title from a voluntary treatment program to an involuntary one. Also for the first time, the scope of title III would be expanded from treatment of narcotic addicts only, to treatment of persons with any type of drug dependence problem.

Neither of these steps should be taken without a thorough inquiry into its likely consequences, in terms of the actual benefit or detriment to the patients who are supposedly to be rehabilitated.

Subcommittee No. 4 of the Committee on the Judiciary began just such a study last June concerning the effectiveness of various methods of treating narcotic addiction and other drug dependence problems, whether or not the patient happens to be a serviceman. The testimony which we have received from many acknowledged experts in the field of drug abuse treatment, from both in and out of the Government, casts considerable doubt on the actual utility of involuntary civil commitment as a treatment modality for most addicts or drug dependent persons.

This amendment, then, may very well have the unintended effect of pushing the Federal effort to rehabilitate drug-dependent servicemen in precisely the wrong direction, notwithstanding the sincerity and commendable motivations of its proponents.

It should be noted that Dr. Jerome H. Jaffe, Director of the President's Special Action Office for Drug Abuse Prevention, has conveyed to our subcommittee his own opposition to the proposed amendment.

Mr. Chairman, while these matters are still undergoing rigorous scrutiny by our subcommittee, including consideration of all relevant factors applicable to servicemen and nonservicemen alike, the House should not act precipitously and prematurely by chartering the particular course set forth in this amendment for the rehabilitation of addicted and drug-dependent servicemen.

I urge my colleagues to vote the amendment down.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there have been some remarks made which I certainly do not intend to let pass, which imply that nothing is being done in the veterans hospitals in the drug field.

We have 36 centers in our VA hospitals. This Congress put in, I believe, $14 million or $16 million to implement those centers.

The President called a group in privately and pointed out there were nine different agencies working on drugs.

Up here in the Congress there are four or five committees working on drugs.

Mr. Jaffe, the so-called czar of the drug program, has been a part of placing a stop, a wet blanket, on the veterans program. We are not entirely satisfied with the veterans program, but that is not the fault of the Veterans' Administration.

It is a voluntary program. There are some ways of involuntary commitment. But if there could be a better place to work in treating veterans than in the VA hospitals, I do not know where it could be, and there is plenty going on in the VA hospitals today.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. I wanted to bring this up, Mr. Chairman, because I know of your intense interest in veterans and in the Veterans' Administration and the whole range of programs which have been set up for the veterans I envision the use of the VA in my amendment when there are good programs available. But let me point out a few things. After spending a lot of time in going over the history of the efforts to obtain VA treatment for the New York addicts, there were the usual horror stories. There was one deathly sick addict who turned up at the Addict Services Agency on a Friday afternoon, and the staff made an emergency call to the VA drug facility. They were told that the following Tuesday was intake day, to bring him in then. In New York judges are many times forced to put a decorated veteran in the Tombs because the VA does not accept patients after 4:30 p.m.

I went to the VA in Baltimore, to go over the program there. The director of the hospital asked me not to come to the hospital. I asked "Why?" and he said, "Because we are not ready to show you anything. We are in no shape to do anything."

But in the Baltimore VA outpatient program, the "Jaffe program," what do we have? It is methadone. And I agree with my distinguished colleague that Dr. Jaffe has given our addicted servicemen a low priority.

I talked with a veteran who has been on methadone for 2½ years. He said to me, "Congressman, where do I go from

here?" He does not go anywhere from methadone.

My amendment offers programs that the administration bill does not have access to, which can treat and rehabilitate the veterans. We had, as I pointed out, 447 veterans in the VA program in New York.

Yet we have an estimated 40,000 "hooked" veteran GI addicts in New York. The VA cannot take them. They will not voluntarily go to the VA.

That is why the approach in my amendment is necessary.

Mr. TEAGUE of Texas. Mr. Chairman, the gentleman from New York without question has done much work on this bill traveling the whole country. I have done it too. In the last few months I have been to the hospital in Walla Walla, Wash., to the hospital in Salt Lake City, Utah, Denver, Colo., and Texas. I think our program is working fairly well, and it gets back to the point of involuntary versus voluntary. In 90 percent of the cases it is a voluntary program, but I certainly do not want the House to get the impression that nothing has happened in this bill because there is a lot happening.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. MURPHY of New York. I do not mean to imply that the Veterans' Administration is not doing everything it can, given the way it is structured, to do something for veteran addicts. My concern is that the voluntary aspect of the administration approach dooms it. You are not going to cure a heroin addict who has been put out of the service and simply referred to the Veterans' Administration. He just will not go there. And I do not think Congress should pass legislation throwing him out into society.

Mr. HALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. I think it has become increasingly obvious that the committee itself has traveled indeed around the world, and visited posts, camps, and stations in all branches of the military service—to say naught of extended hearings—in arriving at this bill, which is the second of its reports in over 3 years. I do not believe in unsubmitted amendments by self-appointed instant or declared experts. The present results in the services indicate significant progress is being made in the drug abuse prevention and treatment field and, indeed, the rehabilitation field. The Army now has 33 treatment centers across the United States where patients may be sent. In addition to that, the Navy and Marine Corps have facilities and the Air Force at Lackland Air Force Base has facilities. In addition to what the distinguished gentleman from Texas (Mr. TEAGUE) said, the Veterans' Administration has been in the forefront of this highly publicized medical treatment and rehabilitation area. At the time of the subcommittee hearings 32 centers were open for drug treatment with an annual capacity of over 6,000 patients. Maybe it is not enough to take care of the situation of hard core addicts in New York or the greater metropolitan area of megalopolis here on the northeast coast, but I submit that they did not all derive from the military service. Quite the reverse. I know of no taxpayers' obligation to commit these people on an involuntary and probably an unconstitutional basis, and adding on conscriptions for additional service. We have had many red herrings run across the table here. We have had the question of disability separation brought up. The heroin addict who might shoot his main line in order to be discharged. We have people who shoot themselves in the calf or the foot so they can get disability discharges. There is an existing adequate military code of conduct and a code of military justice for handling these kinds of cases, and these will derive as a function of command.

As I said in my statement in general debate, the command is taking care of this situation, and indeed the noncommissioned officers and men in the squad room are doing the same.

Mr. Chairman, the major thrust of this bill is to make it possible for the military to assure the civilian population, no man who is actively using drugs within a 30-day period will be sent back to civilian life to become a burden on the civilian community. This is the second giant stride in that direction. Of course, 30 days is an arbitrary period of time. In 3 weeks they begin to approach some degree of saying that the man has an option. It is his rationale, and thinking. By the time you get to 4 weeks, or 30 days, you have the general feeling at least the people who have returned to civilian life have an option as to whether or not they want to continue drug use, or lead a more sociably acceptable life. We do not intend to discharge until they are detoxified and wrung out. The committee assured itself of the maximum benefit of inservice hospital quality care in this regard.

DISABILITY SEPARATION

Was considered and just do not believe we go so far as to provide for disability separation for a self-induced condition. Now, if a concurrent psychiatric problem exists, then under present law, the person may be eligible for consideration for disability separation by reason of any neuropsychotic condition contained in the rating schedules. There are many, many other worthy cases that should be considered also if drugs are to create an exception to the rules relative to line of duty—misconduct considerations where discharge for physical disability is concerned.

DO NOT DISCHARGE UNTIL "CURED"

Whatever the illness or other physical problem, there comes a time when the maximum available inservice care is reached, and then the prudent course is to transfer to V.A. or other similar facility. This is what is done with all military members who may have a requirement for long time treatment, and one who is drug dependent should be no exception. In effect we are saying that we should give this man the same opportunity as the seriously wounded soldier, the paraplegic or the mentally disturbed: Maximum inservice medical care then transfer to the veterans administration or similar agency for prolonged care.

I believe that the Defense Department's record of significant accomplishment in a short time period is a testimony to their willingness to carry out the concepts embodied in the President's overall program. At the present time, we have the full cooperation of the military. What we now need is the support of the Congress to obtain the full legislative authority of H.R. 9503—H.R. 12846—and H.R. 9264.

When I asked Dr. Lyndon B. Lee, Jr., the assistant chief medical director for professional services, Department of Medicine, and Surgery, Veterans' Administration during our hearings if he was confident that with H.R. 12846 and H.R. 9264, we will have all the mechanism we need to insure needed treatment to the individual, including holding for the requisite number of days for continued rehabilitation and adjustment, he responded as follows:

I am paid to be a rational skeptic, so my answer is "yes," with reservations. I think we need these bills, and that is the thrust of our testimony, in order to do what we now know is best, or think is best for these people, while we very carefully evaluate what we are doing to see whether the answer to your question is we need additional latitude, support, or other things.

But as we look at the circumstances now, we are confident that these will give us what we think we need now.

You, Dr. Hall, are well aware, I am sure, but perhaps it is necessary to remind some of the others that addiction is made up of at least three different components. One is a simple habit of taking something periodically, and that is not addiction. The second item is tolerance to whatever it is the man is habitually taking, and some few—none of us here—have on occasion taken a drink of alcohol. When we did it first, it had quite an effect, and then our tolerance developed, and now it takes two or three to get the same effect, and that is habituation, with tolerance, and of course neither of these constitute addiction.

It takes a third aspect, and that is so-called dependence, physiologic need in the body for a particular substance. Addiction, then is made up of habituation, tolerance, and dependence.

Now, we are in the position in the detoxification period of decreasing so-called dependence, and bringing these men down to where habits and tolerance still exist, but at least it is manageable in a further psychotherapeutic approach to the man, and if the military can detoxify these men, which takes approximately 7 days—maybe a little more—perhaps a little less, depending on the degree of their habit and the techniques by which you do it, then we can carry on in the psychosocial rehabilitation. That takes a long time, and that is the major thrust and the major need, sir.

This represents only a small portion of the preponderance of testimony by experts before our subcommittee that supported our bill.

Our subcommittee carefully considered a longer period of time—to include up to 60 days—but after careful consultation with the executive branch decided on the 30-day period. There is, of course, a real constitutional question of involuntary servitude or impress into service.

The proposed amendment would appear to require a service member to be involuntarily committed in the civilian sector for treatment and rehabilitation.

I think it is most important, Mr. Chairman, that we do what is necessary to remind others that addiction is made up of at least three different components; that is, of the experimenters, of the addiction, and then of dependency. This is not greatly different from the alcohol abuse problem. But we must also point out that the House has passed H.R. 9265, that we have passed a general narcotics act, and we have provided for civil commitment of any veteran or ex-serviceman under the jurisdiction of the Administrator of the Veterans' Administration. These proceedings would be available in the inservice Narcotic Addiction Rehabilitation Act of 1966.

In summary, Mr. Chairman, we should get on with the business of the committee and pass H.R. 12846, without amendment, because it is the vehicle for improving the present military programs addressed to the addict problem.

Mr. METCALFE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the pending amendment.

I think we had better be a little more calm in our deliberations about this terrible problem of drug addiction.

I do not want to get into a debate as to what bills we have passed and what programs we have in existence today, because I would, by the same token, ask for the results of those programs and to ask a question—do we have fewer addicts today than we had a year ago, 2 years ago, or 5 years ago?

I think we all know what the answer would be. But, rather, I think it is incumbent upon us as Members of this highly deliberative body to work in every area that we can in order to bring about the elimination and, certainly, the reduction of drug addiction.

We talk about 30 days as an arbitrary figure but 30 days does not register in a positive tone in my voice because I am looking at the veteran, and I am addressing myself to the veterans because if it is so prevalent among veterans when they return they then create a climate and market for the youngster to follow. This is a grave problem.

However, what I feel strongly about is that we have taken our fine young men out of our society. They have been willing to be drafted or they have volunteered and submitted themselves to the armed services, but in the process we, the public and, perhaps, the Congress and, certainly, the Armed Forces are the guilty ones for being so negligent as to make it possible for these veterans to acquire this drug, and created the conditions, namely, the war, that caused him to want to use drugs.

I think we owe it to that veteran, to that young man that we took out of society, to return him to the same society that he came from in the same manner, not as a drug addict, not as a potential criminal, not as a person who is hooked for life, and not as a person who will be endangering the lives of others as well as his own.

I think these are the important things that we must recognize—that we have been derelict in our handling of the problem, that we have submitted these men, under trying circumstances as members of the Armed Forces, and, therefore, that we ought to keep the control and supervision of these men and do all that we can for them until they are free of the addiction.

Mr. Chairman, as I know addicts, no one voluntarily goes into a rehabilitation program. If so, the percentage is very small. It is those of us who have the strength to encourage them who must set up guidelines and protective devices so they can rid themselves of this dread disease. I see no other way.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. METCALFE. I yield to the gentleman.

Mr. MURPHY of New York. In response to the gentleman from Missouri, my staff 2 weeks ago spoke to a commander of one of the most highly touted military drug programs on the west coast, the Navy-Marine program at Miramar, San Diego, Calif. He described how these hard-core addicts "ruined his program."

Although he was highly enthusiastic over the success of the program with the experimenters, he said, "what are we going to do with these hardcore so and so's—should we leave them in the program to infect the others (and potentially destroy what little success we do have) or should we just get rid of them?"

He was asked, "Would you return these untreatable hard core addicts back to duty since you have no success with them?" He replied. "certainly not, we work with them for 30 days as best we can and then discharge them. We give them a reference to a VA hospital or local treament center." He was asked, "based on your experience with this type of addict, do you believe they seek help after being discharged?" He answered, "probably not for a year or so—if ever."

That is an analysis of the inservice treatment program from a man who runs the Navy-Marine Rehabilitation Center in California.

Mr. METCALFE. Mr. Chairman, I know that my colleagues here in the House of Representatives know the tragedy of drug addiction, whether its victims are civilians or military personnel.

There are, however, a few points about drug addiction which I feel could appropriately be enumerated at this time, since we are now engaged in a debate on the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972, providing for 30 days of treatment for military addicts, followed by a voluntary program run by the Veterans' Administration.

The first point that I would like to make is that it is totally unrealistic to assume that an addict can properly be treated and cured of his addiction in 30 days. Most experts in the area of drug rehabilitation agree that no program for drug rehabilitation is complete unless it contains some psychiatric and social service counseling—services which certainly cannot be effectively carried out in a short 30-day period.

The second point to be made is the complete inability of the so-called hard-core addict to be rational enough to submit to a voluntary drug rehabilitation program. What must be clearly pointed out is that the addicted person is both emotionally and physically ill; his one objective is to satisfy his craving for the drug to which he is addicted. Once that has happened, he is generally content to merely to sit back and enjoy his satisfaction. We must realize that drug addiction is a powerful deterrent to rationality.

The lack of rationality by persons addicted to, or under the influence of narcotics, also makes it unrealistic to assume that he can carry out his duties as a military personnel, even while he is being treated.

For these reasons I, therefore, support the Murphy amendments which will first, provide a physical disability discharge to addicted servicemen; second, allow review and revision of past dishonorable discharges based on the use of possession of narcotics; and third, bring military penalties for drug-related criminal offenses in line with civilian penalties.

I feel very strongly that these amendments must be passed in order to make H.R. 12846 an effective piece of legislation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. MURPHY).

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, pursuant to House Resolution 995, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HAGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 1, not voting 109, as follows:

[Roll No. 198]

YEAS—322

Abourezk	Flowers	Mazzoli
Adams	Foley	Meeds
Addabbo	Ford, Gerald R.	Metcalfe
Anderson, Calif.	Ford, William D.	Mikva
Anderson, Ill.	Forsythe	Miller, Ohio
Andrews, Ala.	Fountain	Mills, Ark.
Annunzio	Fraser	Mills, Md.
Arends	Frelinghuysen	Minish
Ashbrook	Frenzel	Minshall
Ashley	Fulton	Mitchell
Aspin	Fuqua	Mizell
Aspinall	Gallifianakis	Mollohan
Baker	Garmatz	Montgomery
Baring	Gaydos	Morgan
Barrett	Giaimo	Mosher
Begich	Gibbons	Moss
Belcher	Gonzalez	Murphy, Ill.
Bennett	Goodling	Murphy, N.Y.
Bergland	Grasso	Myers
Bevill	Gray	Natcher
Biaggi	Green, Oreg.	Nedzi
Blatnik	Green, Pa.	Nelsen
Boggs	Griffin	Nichols
Boland	Griffiths	Nix
Bolling	Gross	Obey
Bow	Grover	O'Konski
Brademas	Gubser	O'Neill
Bray	Gude	Passman
Brinkley	Hagan	Patman
Broomfield	Haley	Patten
Brotzman	Hall	Pelly
Brown, Mich.	Hamilton	Pettis
Brown, Ohio	Hammer-schmidt	Peyser
Broyhill, N.C.	Hanley	Pike
Broyhill, Va.	Hansen, Wash.	Pirnie
Buchanan	Harrington	Poage
Burke, Fla.	Harvey	Poff
Burke, Mass.	Hastings	Preyer, N.C.
Burlison, Mo.	Hathaway	Price, Ill.
Burton	Hays	Purcell
Byrne, Pa.	Hébert	Randall
Byrnes, Wis.	Hechler, W. Va.	Rees
Byron	Heckler, Mass.	Reid
Cabell	Heinz	Reuss
Camp	Henderson	Rhodes
Carey, N.Y.	Hicks, Mass.	Roberts
Carlson	Hicks, Wash.	Robinson, Va.
Carney	Hogan	Rodino
Carter	Hollifield	Roe
Cederberg	Horton	Rogers
Chamberlain	Hull	Roncalio
Chappell	Hungate	Rooney, Pa.
Clancy	Hunt	Rosenthal
Clausen, Don H.	Ichord	Rostenkowski
Cleveland	Jacobs	Roush
Collier	Jarman	Rousselot
Colmer	Johnson, Calif.	Roy
Conable	Johnson, Pa.	Roybal
Conover	Jonas	Runnels
Conte	Jones, Ala.	Ruppe
Corman	Jones, N.C.	Ruth
Cotter	Jones, Tenn.	Ryan
Crane	Karth	Sarbanes
Culver	Kastenmeier	Satterfield
Curlin	Kazen	Saylor
Daniel, Va.	Keith	Scherle
Daniels, N.J.	Kemp	Schmitz
Danielson	King	Schneebeli
Davis, Ga.	Kluczynski	Schwengel
Davis, Wis.	Koch	Scott
Dellenback	Kuykendall	Sebelius
Dellums	Kyl	Seiberling
Denholm	Landgrebe	Shipley
Dennis	Landrum	Shoup
Dent	Latta	Shriver
Derwinski	Lennon	Sikes
Devine	Lent	Sisk
Dickinson	Link	Skubitz
Donohue	Lloyd	Slack
Dorn	Long, Md.	Smith, Calif.
Dow	Lujan	Smith, Iowa
Downing	McClure	Smith, N.Y.
Drinan	McCollister	Snyder
Dulski	McCulloch	Spence
Duncan	McDade	Staggers
du Pont	McFall	Stanton, J. William
Edwards, Ala.	McKay	Steed
Edwards, Calif.	Macdonald, Mass.	Steele
Eilberg	Madden	Steiger, Ariz.
Erlenborn	Mahon	Stephens
Esch	Mann	Stratton
Evans, Colo.	Martin	Stubblefield
Fascell	Mathias, Calif.	Sullivan
Findley	Matsunaga	Symington
Fisher	Mayne	Talcott
Flood	Teague, Calif.	Taylor
	Teague, Tex.	Thomson, Wis.
	Terry	Tiernan
	Udall	Ullman
	Van Deerlin	Vander Jagt
	Vanik	Veysey
	Vigorito	Waggonner
	Waldie	Wampler
	Ware	White
	Whitehurst	Whitten
	Widnall	Wiggins
	Williams	Winn
	Wolff	Wyatt
	Wydler	Wylie
	Wyman	Yates
	Yatron	Young, Fla.
	Zablocki	Zion
	Zwach	

NAYS—1

Monagan

NOT VOTING—109

Abbitt	Edmondson	Miller, Calif.
Abernethy	Eshleman	Moorhead
Abzug	Evins, Tenn.	O'Hara
Alexander	Fish	Pepper
Anderson, Tenn.	Flynt	Perkins
Andrews, N. Dak.	Frey	Pickle
Archer	Gallagher	Podell
Badillo	Gettys	Powell
Bell	Goldwater	Price, Tex.
Betts	Halpern	Pryor, Ark.
Biester	Hanna	Pucinski
Bingham	Hansen, Idaho	Quie
Blackburn	Harsha	Quillen
Blanton	Hawkins	Railsback
Brasco	Helstoski	Rangel
Brooks	Hillis	Rarick
Burleson, Tex.	Hosmer	Riegle
Caffery	Howard	Robison, N.Y.
Casey, Tex.	Hutchinson	Rooney, N.Y.
Celler	Keating	St Germain
Chisholm	Kee	Sandman
Clark	Kyros	Scheuer
Clawson, Del	Leggett	Springer
Clay	Long, La.	Stanton, James V.
Collins, Ill.	McClory	Steiger, Wis.
Collins, Tex.	McCloskey	Stokes
Conyers	McCormack	Stuckey
Coughlin	McDonald, Mich.	Thompson, Ga.
Davis, S.C.	McEwen	Thompson, N.J.
de la Garza	McKevitt	Thone
Delaney	McKinney	Whalen
Diggs	McMillan	Whalley
Dingell	Mailliard	Wilson, Bob
Dowdy	Mallary	Wilson, Charles H.
Dwyer	Mathis, Ga.	Wright
Eckhardt	Melcher	Young, Tex.
	Michel	

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. de la Garza with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Evins of Tennessee with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Kee with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Coughlin with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Thone with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Sandman with Mr. Keating.

Mr. Moorhead with Mr. Harsha.

Mr. Leggett with Mr. Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Betts with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. Biester.

Mr. Alexander with Mr. Hansen of Idaho.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Hawkins with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Railsback with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhardt with Mr. Stuckey.

Mr. Kyros with Mr. Casey.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9580, DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS

Mr. CABELL submitted the following conference report and statement on the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles:

CONFERENCE REPORT (H. REPT. No. 92-1123)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5-316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

SEC. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcements of its laws relating to traffic (including parking violations).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, JR.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The text of both the House bill and the Senate amendment was identical except with respect to two provisions. The House bill and the Senate amendment authorized the Commissioner of the District of Columbia to enter into an interstate agreement with the Commonwealth of Virginia and the State of Maryland relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself. The Senate amendment required the Commissioner to obtain the approval of the District of Columbia Council. The House bill did not require such approval. The Conference substitute eliminates the requirement of such approval.

The Senate amendment contained a provision which authorized the Commissioner of the District of Columbia, with the approval of the District of Columbia Council, to enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations). The House bill contained no such provision. The Conference substitute contains the language of the Senate provision other than the requirement of approval by the District of Columbia Council.

The conferees wish to emphasize that the authority given to the Commissioner of the District of Columbia to enter into interstate agreements under the Conference substitute is discretionary. The word "may" was used advisedly so as to indicate that it is solely in the discretion of the Commissioner to decide whether he enters into the interstate agreements.

It is the belief of the conferees that the Commissioner should enter into the interstate agreement relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself only if, at the same time, he enters into the interstate agreement authorized by the Conference substitute relating to the provision of mutual assistance in the enforcement of laws relating to traffic (including parking violations). In the opinion of the conferees, if such action is taken, it should result in a net revenue gain to the District of Columbia rather than a revenue loss.

The conferees accepted, as a conforming amendment, the Senate amendment to the title of the House bill.

JOHN L. MCMILLIAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, JR.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

THE TRAGIC DEATH OF JOHN MARTIN EDMONDSON, SON OF HON. ED EDMONDSON

Mr. ALBERT. Mr. Speaker, I cannot begin to tell my colleagues how shocked and saddened I was at the news of the tragic death, in a motorcycle accident, this past Friday, of John Martin Edmondson, son of our distinguished colleague and friend, ED EDMONDSON.

Tad, as he was affectionately known to his many friends and those of us in the Oklahoma Congressional Delegation who watched him grow to manhood, had graduated from Northeastern Oklahoma State College, Tahlequah, Okla., just last year and was to be married on June 23. After graduation, he worked with the Oklahoma State Department of Institutions, Social and Rehabilitative Services helping disadvantaged children. His death is the second personal loss for the Edmondson family in recent months. His uncle, former Oklahoma Governor and U.S. Senator J. Howard Edmondson, died unexpectedly last November.

Tad will be dearly missed by those of us who knew and loved him, and Mrs. Albert and I join in extending deepest sympathies to ED, his wife June, and their children, Jim, Drew, June, and Brian. They have lost a wonderful son and brother. It does not seem real that such a fine young man should have been snatched away so early in life.

Because of Tad's interest in children, I think it is very appropriate that the family has asked that in lieu of flowers, contributions to his memory be made to the Children's benefit fund, care of John Hannah, First National Bank, Muskogee, Okla. 74401.

Mr. STEED. Mr. Speaker, I want to join in expressing the most heartfelt sympathy to our friend Congressman ED EDMONDSON and his family in the tragic loss they have sustained.

John Martin "Tad" Edmondson, the 22-year-old son of the Congressman and Mrs. Edmondson, lost his life Friday in a motorcycle accident near Muskogee, Okla.

"Tad" Edmondson was a young man of great promise and public spirit whom many of us have known for his entire life. Only recently he had graduated from Northeastern State College in Oklahoma, and he had been actively taking part in his father's campaign for the Senate. His fiance, Miss Verna Elizabeth Winburn of Muskogee, was seriously injured in the same accident.

A tragedy of this kind is beyond understanding. Our thoughts and prayers are with ED and June Edmondson and their four surviving children.

Mr. JARMAN. Mr. Speaker, I join in expressing deepest sympathy to our friend and colleague ED EDMONDSON and his family. We are all saddened by the death of his son Tad.

Tad was a fine young man with the promise of a bright future. His death is a tragic loss to all who knew him. Our thoughts and prayers are with June and ED and the EDMONDSON family.

Mr. CAMP. Mr. Speaker, our hearts are with our colleague, Mr. EDMONDSON, today as he attends the funeral and burial of his son, John Martin Edmondson.

Many of us here had the pleasure of knowing John Edmondson. Most of us knew him by his nickname, Tad. He was 22 years old and just beginning a promising and productive life when a tragic accident ended his life early Friday morning.

Tad was a graduate of Muskogee High School and Northeastern State College at Tahlequah, Okla. He had worked helping people as an employee of the Oklahoma State Department of Welfare and, upon his death was working full time in his father's campaign for the U.S. Senate.

Tad was engaged to Verna Winburn, a Muskogee elementary schoolteacher who was also a graduate of Northeastern State College. Invitations had already been mailed out for a garden wedding on June 23.

Mr. Speaker, this Nation has lost a fine young man and Mr. EDMONDSON has lost a loving son. Let us pray for ED and June and their family and wish them strength to bear this sorrow.

Mr. MATSUNAGA. Mr. Speaker, it has been said by sages of yore that a man never knoweth real pain until he has lost his son. It has also been said that any loss is greatest felt when it cometh at a time wholly unexpected. Being struck by a combination of these truths, our dear friend ED and Mrs. Edmondson must be numb with inner pain upon the accidential loss of their son John.

While I realize that no words or acts of any mortal being can possibly assuage the grief with which they must be overcome, I wish to join my colleagues in expressing my heartfelt condolences to my distinguished friend from Oklahoma, ED EDMONDSON, and his bereaved family. I pray that the Good Lord may grant unto them some acceptable meaning to their tragic loss, so that they may look with new hope into the future.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD on this tragic happening.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, on behalf of the chairman of the committee, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill—H.R. 12846—just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MALDISTRIBUTION OF FEDERAL SCHOOL FUNDS BY THE INDIANA STATE ADMINISTRATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I noticed that the so-called revenue sharing plan legislation, sponsored by the administration, and reported out of the House Rules Committee 2 weeks ago, has again been removed from the House agenda for this week. This makes the second postponement of this highly controversial legislation.

One of the unfortunate features of the revenue sharing experiment is that Federal tax dollars will be allocated to the States to be distributed under the control and jurisdiction of the Governors.

No doubt other States have undergone the same regrettable experience that exists in Indiana where a most highly congested part of the State—the Calumet industrial region—located 160 miles from the State capital has in the past, in similar distribution tax programs, been the neglected "orphan boy."

Often the areas in the most need for the distribution of tax dollars on various Federal and State programs are the recipients of the least. No doubt the same neglect and weakness of these programs will exist under the revenue sharing as exists under other programs and particularly the distribution of school funds.

Nick Angel, treasurer of Lake County, Ind., in the highly industrial area of Indiana and one of the leaders in expansion of college school facilities, makes a similar complaint on the neglect by the State government of colleges and schools now being centered on branch colleges in industrial Lake County in northwest Indiana.

Mr. Speaker, I ask unanimous consent to include with my remarks the following letter I received from Nick Angel, Lake County Treasurer, setting out the maldistribution of school funds in Indiana.

TREASURER LAKE COUNTY,
Crown Point, Ind., May 25, 1972.

The Honorable RAY J. MADDEN,
House of Representatives,
Washington, D.C.

DEAR RAY: Once again, while our colleagues in Indianapolis continue to play favorites with the disbursement of federal grants, needed programs in Lake County and Northwest Indiana face extinction from inadequate and discriminatory funding. The six colleges in our area have, for the past several years, sought the ways and means of extending their resources to meet the growing needs of our area. Due to funding limitations from the General Assembly and selfish competition from the downstate campuses, it was difficult for our campuses to move meaningfully into the areas of Community Service and Continuing Education. Finally in 1970, with the help of Title I grant under the Higher Education Act of 1965, the campuses of Purdue University Calumet, Purdue University Westville, Indiana University Northwest, St. Joseph's Calumet College, St. Joseph's College, and Valparaiso University formed an association for community service called the Northwest Consortium.

As you know, the purpose of this grant program is to provide a vehicle for the university faculty expertise to move out of the "ivory tower" and help in finding solutions to pressing community problems. The Northwest Consortium, since its inception two years ago, has more than fulfilled the mandates of Congress implicit in this legislation.

The Consortium, having been funded for the past two years, and after having put a great deal of effort into developing an ongoing program, found its funds unexpectedly discontinued this year.

A Title I Advisory Committee was appointed by the Indiana Higher Education Commission to review proposals and to select those worthy of funding. This committee included five representatives from Indiana colleges including Ball State, Indiana University, Bloomington, Evansville College, Purdue Lafayette and Indiana State, and two public representatives from Indianapolis. Strangely, all the money went to institutions with representation on the committee, with the exception of Vincennes which received a small grant, and I believe possible conflict of interest should be investigated.

I have enclosed some documentation of the program and accomplishments of the Consortium. I would appreciate your guidance in seeking ways to continue this sorely needed and worthwhile project.

What I am trying to say is that Federal Funds administered by self-serving State agencies do not find their way to where the need and the urban problems are the greatest.

Sincerely yours,

NICK ANGEL,
Treasurer of Lake County.

THE RAPID CITY, S. DAK., FLOOD

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABOUREZK. Mr. Speaker and Members of the House, I returned last night from 2 days in Rapid City, S. Dak., which is my home, observing the flood disaster there.

I have lived in South Dakota all of my life and have never seen a disaster of that magnitude, including a flood I witnessed in Japan while I was serving in the Navy there during the Korean war period.

There are about 1,500 people unaccounted for at the present time. Well over 200 bodies have been found. Friends and relatives have been searching the bodies that have been found. So many are unable to find who they are looking for that I fear the death toll will rise well above 500.

The damage to private and public property in the Rapid City area has been so extensive that I believe the estimated figures of $100 million in damage is far too low and may well run as high as $200 million.

When I arrived in Rapid City Saturday morning the situation was one of almost total confusion, numbness, and shock. However, the magnificent efforts of the city officials, National Guard, Air Force personnel and civil defense volunteers brought a degree of organization to the disaster that has resulted in a well organized search, rescue, and relief effort. The people of the Black Hills area have demonstrated their resilience, their toughness of character, and their willingness to remain united in the face of a horrible tragedy.

I saw with my own eyes people digging out their own homes without tears and without panic, people who had seen their own children, friends and neighbors swept away by the water. Some of those bodies have appeared on the list of confirmed dead.

The stories of heroism and tragedy add to the shock, such as the National Guardsman who managed to hold on to the arm of a 12-year-old girl with one hand and his truck with the other until the force of the water swept both of them away to their death or of the policeman who single-handedly made his way to a nursing home to successfully evacuate some 75 elderly people who would have been helpless in the face of the water only a few minutes later. Three of those elderly did lose their lives. And the horrifying screams of a woman, a tourist, who was evacuated to Mount Rushmore, but who had lost all of her children in the flood waters.

But the recovery operation is continuing in spite of the trauma and it is for that reason that I am making this report to my colleagues. Water purification is not working, no sanitation facilities. The people of the Rapid City area desperately need the help of the U.S. Congress and as soon as I am able to determine where the gaps in Federal assistance are, I intend to ask this Congress for that help. The Office of Emergency Preparedness has authority and funding to rebuild public facilities. But the existing loan programs I believe are insufficient. Providing a loan to someone whose business, job an dhome is totally wiped out is simply not enough. The multiplier effect of unpaid mortgages on homes that no longer exist as it is applied to banks and savings and loan institutions make economic disaster almost a certainty for the entire area. Add to that the loss of business in general and, of course, what is worse, the loss of one's family and friends and there can be no question but that the Congress should assist those innocent people who must go on living now that the immediate tragedy is past.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on May 22 I was in New York City attending a United Nations seminar and missed two rollcall votes.

On rollcall No. 166 on H.R. 6788, to establish mining and mineral research centers, I would have voted "yea." On rollcall No. 167 on H.R. 11627, to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, I would have voted "yea."

On May 30 I was in my district on official business and missed rollcall No. 173 on H.R. 9669, to amend the Subversive Activities Control Act of 1950. Had I been present I would have voted "yea."

On June 1, rollcall No. 182 on H.R. 13018, the Public Broadcasting Act of 1972, I would have voted "nay." On rollcalls No. 181 and 180, on an amendment to H.R. 13018 that sought to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972, I would have voted "yea." On rollcall No. 179, on an amendment to H.R. 13018 that would prohibit the corporation from conducting voter polls or public opinion surveys pertaining to Federal, State, or local elections, I would have voted "yea." On rollcall No. 177, on an amendment to H.R. 13018 that would prohibit the corporation from making grants and entering into contracts with any corporation or institution who pays their officers, employees, or performers over $42,500 per year, I would have voted "yea." On an amendment to H.R. 13018 that sought to reduce the authorization to $40 million for fiscal year 1973 and delete the authorization for fiscal year 1974, rollcall No. 178, I would have voted "yea."

Also on June 1 on rollcall No. 183 on H. Res. 965, authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva, I would have voted "yea."

POLICE MANPOWER ACT OF 1972 INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 60 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing the Police Manpower Act of 1972, a proposal which creates a totally new role for the Federal Government in the fight against crime. Crime continues to be a problem of staggering proportions because we have failed to realize that there must be a balanced effort in all areas of the criminal justice system. We have concentrated on the long-range objectives of eliminating the disorders and inequities which breed crime, while much of our short-range effort has resulted in little more than the squandering of large amounts of money on unnecessarily sophisticated machinery and gimmickry. The evidence, however, is overwhelming that the Federal Government should be spending its funds on increasing the number of policemen in high-crime areas, for the single most important short-range factor is the police officer, and the best and most basic way of doing something about the crime problem is to put more policemen on the beat.

The bill I am introducing today is designed to do that. It would authorize $2 billion per year for 6 years to provide assistance to local law enforcement agencies to underwrite the costs of recruitment, training, and salary for a total of 140,000 additional police officers, a figure which would represent a national increase of about 40 percent in police manpower levels.

Briefly, the bill calls for a program in which individual communities would be offered, in order of severity of crime problems, a federally financed analysis of the local crime problems and law enforcement needs. The Law Enforcement Assistance Administration of the Justice Department shall award Federal funds in accordance with, and contingent upon adherence to, the findings and recommendations of these studies. The objective shall be the optimization of the employment of existing local law enforcement resources, with the provision of Federal assistance to meet local deficiencies. Such an approach is the best way to significantly reduce crime in the shortest period of time, ensuring the maximum return on both local and Federal crime-fighting expenditures. A more detailed presentation of this proposal follows:

DETAILED EXPLANATION OF THE POLICE MANPOWER ACT

Crime is one of our Nation's fastest growing industries. Between 1960 and 1970 the U.S. population increased by 13 percent. Crime, as defined by the Federal Bureau of Investigation, soared by 176 percent. In economic terms, the magnitude of the problem is indicated by a recent estimate that the cost of the crime burden now exceeds 5 percent of the gross national product. The total annual cost of crime—both losses due to criminal activity and the costs of fighting crime—now matches the combined 1970 sales of our three largest corporations, General Motors, Standard Oil of New Jersey, and Ford Motor Co. The annual cost of crime exceeds the combined Federal per capita expenditures for fiscal year 1972 for all of the following functions and purposes: housing, and urban development, education, health, agriculture, and rural development, and natural resources and environment.

But such figures and comparisons provide a very crude yardstick at best. We can tabulate the business and property losses, the medical and insurance expenses, and we can estimate such tangible costs for the crime that goes undetected and unreported, but we cannot measure the very significant intangible costs of criminal activity. We cannot measure the costs of suffering, fear, and the loss of faith in our social and governmental systems. Yet these costs are very real.

I am introducing today the Police Manpower Act of 1972. The purpose of this legislation is to dramatically increase the number of police officers throughout the country as quickly and nonbureaucratically as possible. The legislation would provide $2 billion to pay, train, and equip an additional 140,000 policemen, a number which represents a national increase of approximately 40 percent in police manpower levels. The program established by this bill would be administered by the Law Enforcement Assistance Administration of the Justice Department. Briefly, the procedure would be as follows: Starting with those cities with the highest crime rate, LEAA will ask all communities with a population of at least 10,000 whether they wish to qualify for funding, under this program. Upon local acceptance the LEAA would arrange for a team of consultants to perform a complete and exhaustive analysis of the crime, the law enforcement efforts, and related factors within the particular community. To be determined by such investigation would not only be those areas in which there exists deficiencies to be alleviated by Federal assistance, but also recommendations for the optimization of the employment of existing local resources.

The completed studies would be reviewed by the LEAA and Federal funds provided in accordance with, and contingent upon adherence by the community and its law enforcement agency to, the recommendations and findings of the analyses. For example Federal funds could be tied to the rearrangement of existing local law enforcement resources such as the consolidation of local programs, the redeployment of patrols in accordance with crime patterns, the adoption of more efficient administrative procedures, or any other measures which would maximize the return on both the local and Federal expenditures. No local funding of the studies and programs will be required; however, beyond compliance with the recommendations of the studies, participating communities will be required to maintain both their levels of contribution toward law enforcement and their standards of operation. This program is to be a supplement to, rather than a replacement for, local crime fighting efforts. The initial authorization for the program will be 6 years during which the LEAA wil continue to maintain close liaison with the involved communities to provide continuing assistance in implementation and coordination, and to permit reevaluation as needed.

Obviously, the success of this program is to a large degree predicated on the quality of the studies to be performed. Great care has been taken in the provisions of this legislation to insure that the resulting reports shall be of high caliber. The areas and factors to be considered and evaluated have been carefully spelled out to provide the LEAA with a detailed format for its teams of analysts in order to yield a thorough and accurate picture of the problems and needs of the communities studied.

From the bill, the organization and details of these studies are as follows:

First, the planning studies shall consist of:

Identification of deficiencies and proposal of solutions including recommenda-

tions for optimization of allocation of existing resources;

Determination of the extent of assistance required; and

Development of a time and budgetary schedule for the needed implementation.

Second, the methodology of the planning study shall include the following:

Extensive interviews and discussions with members of the law enforcement agency, and consultation outside of the agency with citizen groups, community government personnel, and other governmental agencies, to include those State, regional, and local agencies affected by and contributing to law enforcement within the community;

Inspection of facilities and equipment;

Review of recorded data and documents; and

Actual field observation of the agency.

Third, the following analytical method shall be utilized:

Examination of present practices;

Examination of past practices where applicable to existing operation and administrative situations;

Consideration of outstanding contemporary practices conducted elsewhere;

Consideration of alternatives and constraints; and

Development of specific implementation programs, to include rankings by priority.

Fourth, the planning study shall include the following:

Examination of crime and police problems in the community, police manpower and material resources, and community attitudes and resources, including contribution and inputs by agencies of the State and other units of general local government where applicable;

Evaluation of the existing organizational structure;

In-depth review of existing administrative and managerial procedures, including planning operations, direction, and supervision, internal inspections and control techniques and devices, fiscal management operations, and community relations;

Analysis and evaluation of allocation and distribution of line, staff, and administrative personnel by time, function, and area;

Examination of existing personnel management systems and procedures including recruiting and selection practices, promotion procedures, performance training and education activities, evaluation practices, training and education activities, salary structures, working conditions, employee relations, and disciplinary procedures;

Examination of existing operational procedures including analysis and evaluation of patrol, traffic, investigative, and vice control operations;

Analysis and evaluation of the agency's technical communications system, to include radio, telephone, teletype, and complaint recording and dispatching;

Analysis and evaluation of records management activities including investigative, identification, arrest and administrative records-keeping practices, report processing, and information retrieval and storage;

Analysis of service functions including custody of persons and property, building space utilization, and adequacy and maintenance of equipment;

Any other matters relating to the efficient administration of law enforcement within the jurisdiction;

Analysis of adequacy of the local funding of law enforcement; and

Analysis of local manpower resources and the projected effects of this program.

This format is modeled after that employed by the International Association of Chiefs of Police, a public service organization which has often conducted detailed studies of crime problems and law-enforcement needs for individual cities, and whose studies enjoy wide respect for their comprehensiveness and quality.

This program would be administered by the LEAA of the Justice Department; it would, however, be distinct from that agency's other programs and projects and would have, under the provisions of my bill, a supervisory/appellate council consisting of representatives from various public interest groups. The functions of this Police Manpower Assistance Council would be to certify the consultants who are to perform the studies, and to exercise general oversight, as well as to arbitrate and resolve any disagreements which may arise between the participating communities and the LEAA.

No one will disagree that crime is a problem of staggering proportions. The need for relief is of the utmost urgency. The American people are afraid and angry. In November of 1970 a Harris survey reported that:

> The number of Americans who are apprehensive over rising crime rates in their own home areas has increased in three years from 46 to 62 percent. By a lopsided 82 to 12 percent margin most people in the country do not believe that the law enforcement system really discourages crime.

Thus we see an erosion of faith in the mechanism which is supposed to protect our citizens; this faith is a critical element in the success of any effort to combat criminal activity. A 1970 study of crime in Oakland, Calif., argued;

> It can be authoritatively stated that the amount of reported crime is strongly influenced by the citizen's trust in the effectiveness of the local police agency.

Another Harris survey in July 1971, indicated that 55 percent of the people were more worried about violence and safety than they had been in the previous year. Unless we take quick and effective action to restore the credibility of our law-enforcement system we shall face the growing crisis of a public alienated from the very criminal justice system which is supposed to provide protection and safety, a public which feels increasingly pressured to engage in potentially disastrous efforts of private protection through personal firearms and vigilante activity.

In May of 1970 a Gallup poll determined that Americans view crime as the No. 1 domestic issue, ahead of pollution, unemployment, and poverty. When Life magazine polled its readers in January of this year on the problem of crime, it received 43,000 responses, the summary of which should shock as well as enlighten—78 percent sometimes feel unsafe in their own homes; 80 percent in big cities are afraid in the streets at night; 43 percent of families were crime victims last year; 41 percent say their police protection is inadequate; and 70 percent indicated that they would pay higher taxes for better protection.

But it is not necessary to increase taxes to fund this $2 billion police manpower proposal. Through tax reform or by eliminating waste in other Government programs, such as defense spending, we could easily pay for this vital program. The need and demand for decisive action cannot be denied; there is a clear public mandate, a responsibility which must be met.

There may be some who would challenge the logic of combating criminal activity through increases in police manpower. But it is not difficult to demonstrate that if existing resources are optimally employed, an increase in the number of officers will reduce criminal activity and provide significantly better protection for citizens. Properly administered, this legislation will provide safeguards against wasteful expenditures. In fact, it is quite possible that the problems in some communities can be met primarily through a redistribution of existing law enforcement resources without the need for large Federal supplements.

Often, one hears talk of two general approaches to the problem of crime reduction; the first emphasizes prevention of crime through the correction of the social and economic disorders believed to be the underlying factors in criminal activity, the second stresses control through a larger and more efficient criminal justice system. Unfortunately, these broad strategies are often confused as diametrically opposing alternatives. Rational examination of the problem reveals that these strategies must be taken together as complementary components of any successful effort to reduce crime. To call for increased police manpower is not to contradict the theories and evidence supporting the argument for greater efforts to reduce the disorders and inequities which breed crime. But it must be realized that such effort are of necessity long-term in scope, for these underlying causes of crime cannot be eliminated overnight. It is obvious therefore that short-run strategies must be developed and supported. We cannot ask our citizens to passively endure the rising crime burden while we wait for the achievement of our long term objectives.

The rationale of the bill I am introducing today rests on the presumption that the most important factor in the short-run battle against crime is police manpower. When we turn to examination of individual communities we find that there is strong evidence that increased police manpower will lead to a significant reduction in crime.

New York City, for example, has performed numerous experiments to determine the nature of the relationship between police presence and the level of criminal activity. A pioneer effort in 1954 in their 25th Precinct saw a 55.6 percent decrease in felonies. This was accomplished in an area with an extremely high-crime rate by an approximate tripling of police patrol presence. A more recent effort reported by the New York Times in November of last year saw "a drop in reported street crime such as robbery and auto theft" resulting from a "40 percent increase in the number of patrolmen assigned experimentally to a Westside Manhattan precinct—the 20th."

Oakland, Calif., reversed a long trend of annual increases of better than 10 percent in their crime index and posted a 6 percent decrease for 1970 through increased police manpower. Police Chief C. R. Gain stated that:

> A definite correlation between police manpower levels and crime has been observed in Oakland.

In Sacramento, the rate of increase in serious crimes fell from 21 to 3 percent over a year—1970–71—in which there was a 10-percent increase in police manpower. Chief William J. Kinney reported that:

> This added manpower appears to have had an effect on both the crime rate and on felony arrests.

In Alexandria, Va., an experiment was performed in February of 1969 to determine the effects of police presence on the frequency of serious crime. The results, provided by Capt. Carl Dutzman, showed a citywide decrease in serious crimes of 8 percent, with burglaries down 13 percent, and robberies decreasing an impressive 57 percent. The cost of this program was approximately 700 manhours, or $2,755. The report concludes that:

> The only factor to which the changes could be attributed was that of additional manpower deployed in high crime areas during those times when certain offenses were most likely to occur.

In April of 1971 the New York Times reported that:

> A survey of cities where serious crimes declined last year shows that the reduction generally was achieved through a substantial increase in the police force and through new social and anticrime efforts.

The Department of Justice has recently released a summary of crime trends for cities over 100,000 in population. The LEAA data reveals that the 20 largest cities posting significant decreases in crime—3 to 13.5 percent, average 6.5 percent—in 1970 and 1971, increased the number of police protection employees in 1970 over 1969 by an average of 7.4 percent. The six cities showing 1971 over 1970 crime decreases of greater than 10.0 percent—range 10.3 to 13.5 percent, average 11.8 percent—increased their police protection employees by an average of 10.1 percent. The police departments of a sampling of those cities posting decreases were contacted to verify the above computations. The results were substantiated, and the police chiefs unanimously stated that all of them had employed efforts to increase the level of police patrol presence as a central element of their crime fighting strategy.

To the surveys and statistics should be added the professional opinions of those who must deal with crime on a day-to-day basis. My staff made inquiries of the police chiefs and commissioners of a representative sampling of our major metropolitan areas, soliciting their comments and ideas on the general problem of law enforcement and the specific issue of police manpower. Their uniform response was that their most critical need was for resources to increase their police patrol activities.

For instance, Raymond L. Hoobler, chief of police for the city of San Diego, replied:

> We are presently studying the possibility of a direct correlation of police manpower and the crime rate. Preliminary indications are that the increased presence of patrolmen has a deterrent effect on certain "preventable" crimes; that is, residential and commercial burglaries, and crimes against persons in public places. The calls for police services are increasing at a higher rate than the population and the numbers of police officers are not keeping pace with the population. It is becoming increasingly difficult for the local tax base to provide needed public services including law enforcement and justice administration.

Bernard L. Garmire, chief of police for the city of Miami, stated:

> There are few, if any, municipal police departments in this country that have sufficient personnel. Many departments enjoyed a degree of temporary success in coping with the crime situation by implementing impact programs; programs designed to reduce certain kinds of crime at certain times. Unfortunately because of lack of manpower, these cannot be sustained for any length of time and their long range effect may be worse than had there been no such effort.

Our Nation's Capital merits special attention. Washington has long suffered under the reputation of having a particularly bad crime problem, but the last few years have provided significant evidence that this trend has been reversed. FBI statistics show that Washington enjoyed a 13.3-percent decrease in crimes in 1971 over 1970, and a 18.5-percent decrease over 1969. Since late 1969 the monthly average of crime index offenses has fallen from almost 6,000 to slightly over 4,000. During this same time period the number of police officers has risen from under 4,000 to approximately 5,000, a 25-percent increase. While pointing out that there were numerous factors involved in this decrease in criminal activity, Chief Jerry Wilson stated that:

> There is, undoubtedly a correlation between police strength and the incidence of crime—crime did decline once the police strength increased above a certain plateau.

If no one is to attack crime through the variable of police manpower, one must first derive a reasonable and workable framework for the distribution of resources. One of the most important aspects of the proposed program is its capability of delivering these resources, Federal assistance, to those areas in greatest need, with a minimum of redtape. In the past, Federal funds for local law enforcement have been allotted on the basis of crime indices or by a simple per capita approach. Both methods can result in a potentially disastrous waste of resources. The former provides no guarantee that the funds will be applied optimally for the programs most needed, and the latter simply scatters the money in a shotgun manner with no guarantee that it will be applied in the areas most in need. Similarly, the bloc grant approach, regardless of its formula basis, has demonstrated that it provides no assurance that the Federal assistance will reach those areas with the greatest crime problems, nor that the types of assistance transmitted will be compatible with the particular needs and existing systems of these communities.

Indeed, the bloc grant has yielded a serious disadvantage unforeseen by the architects of the LEAA. As pointed out by the Advisory Commission on Intergovernmental Relations, the bloc grant:

> Has created tensions between federal officials and state planners over the appropriate amount of federal authority in administration of—such a—program. Although the goals of the bloc grants include simplification of intergovernmental relations and reduction of federal dominance, the law enforcement program is complex because each of the major participants strive to gain or maintain control over the allocation of funds.

Such tensions are not confined to the Federal-State arena. As B. Douglas Harman of the American University argues:

> One of the most important political dimensions of this bloc grant program is the cross pressures generated by State and local public interest groups.

Obviously, all of these proliferating interest groups and agencies share the common objective of providing greater citizen protection, but the end result has been a formidable labyrinth of superfluous bodies thwarting the flow of requests and funds, and greatly dulling the impact of the general program. We cannot ask the public to be patient with its burden while such factions squabble over jealously guarded prerogatives.

The structure of the proposed system in the bill I am introducing today, through its exhaustive studies of the individual communities, would insure that assistance would be focused on the areas of greatest need and that such assistance would be tailored to the particular requirements of the communities involved. And, most importantly, it would insure that such assistance would be provided with a minimum of delay.

The program is also designed to avoid another pitfall which has plagued past efforts by Federal agencies to aid local law enforcement; namely, the attempts to "formulize" the process of manpower determination. The classic approaches to manpower determination are comparisons of police per population ratios, and comparisons of crime rates. Both methods have serious disadvantages. In a paper prepared for the Department of Justice, John E. Agnell of Michigan State University points out that determination of required police manpower levels by comparison of police per population ratios: First, ignores community differences such as social and economic conditions, geographic and population characteristics, culture and customs of the people, and the characteristics of the courts and other agencies involved in the processes of criminal justice; second, assumes equal competency on the part of the officers of the departments being compared; third, assumes equal organizational and ad-

ministrative efforts; and fourth, accepts the implication that the average ratio, or the ratio of another city, is sufficient for the department under consideration. On the other hand, Mr. Angell continues, to base manpower determination on comparison of crime rates is to: First, overlook other aspects of police duties, such as service functions; second, overlook the fact that crime statistics can be manipulated even without the user being dishonest or in violation of procedures; and third, taken as a single variable, manpower cannot be said to have a constant, predictable rate of return in terms of effect on crime.

The report concludes that, before any efforts are made to determine the need for additional manpower, those making policy decisions must reassure themselves that men, money, and material are presently being used in a manner that makes the maximum contribution to the attainment of the objectives of the law enforcement agencies. Only after this is established can the leadership make a realistic, objective assessment of the proper amount of manpower required.

By carefully investigating not only the deficiencies but the employment of existing resources as well, with a view toward the optimization of such, my proposed program will avoid the problems outlined above.

The second point is related to the first. Under my bill the lines of communication between the LEAA and the local communities would be significantly improved. Having responded to the initiative by the LEAA, the community would remain in constant and direct communication with that agency through a team of consultants. Past programs have had their impact dulled by their organization, which called for communication through intermediate levels of bureaucracy. It is not disputed that such an arrangement has some coordinative advantages, but it has also yielded very significant disadvantages in terms of delay and distortion, through modification, both of requests and funds as they work their way up and down the bureaucratic hierarchy.

It should be pointed out that such criticism does not represent a denigration of the objectives and basic philosophy of the LEAA. The Federal Government can and must play an active and vital role in the campaign against crime. What I am challenging is the wisdom and efficacy of the LEAA mechanism as it has evolved over the last several years. No other Government agency has grown so rapidly in terms of appropriated funds. If such measures serve as an adequate barometer of congressional concern, no one can doubt the sincerity of our commitment to the fight against crime. Yet the return on this investment has been appallingly meager. The level of criminal activity continues to rise, matched only by the rising public indignation at our failure to provide relief.

LEAA appropriations have risen from $60 million in its first year to over $675 million for the current fiscal year. Yet a recent investigation by the Legal and Monetary Affairs Subcommittee has shown that the LEAA has "had no visible impact on the incidence of crime in the United States," and found that the agency's programs "have been characterized by inefficiency, waste, maladministration, and, in some cases, corruption." The central issue is the apparent inability of the current system to deliver appropriated funds to the local crime fighting agencies, and to use those funds for the purposes specified within the programs. "Considerably less than 25 percent of the action grant funds dispursed to subgrantees has been spent to fight crime." Speaking on this problem last November, our distinguished colleague, JAMES V. STANTON of Ohio, stated:

> The LEAA program has not worked . . . The pipeline for Federal assistance funds is so clogged with redtape that much of the money is stuck there, and in fact has been stuck in the pipeline for a year or two or even more. If money leaving Washington is intercepted at the State capitals, becoming unspeakably tardy in reaching the cities where most of the crimes are being committed, then what good is the money? . . . Much of the money is not being channeled, even when it finally does reach the end of the pipeline, to the areas most afflicted by crime. The fact is that the Law Enforcement Assistance Administration—a new bureaucratic structure that was needed—has in turn spawned hundreds of new intrastate "regional" bureaucracies that definitely are not needed—a whole new layer of government interposed in many States between crime-ridden metropolitan areas and the State governments that have the responsibility for pushing Federal funds into the cities.

A streamlining of communication would not contradict past philosophy, for the Comptroller General has ruled that:

> There is ample authority in the Safe Streets Act for the LEAA to dispatch discretionary funds directly to the cities.

This discussion should not be construed to mean that regional and State agencies should have no role in the local effort to fight crime. On the contrary, such agencies provide considerable inputs to local law enforcement, and such factors must be considered in the evaluation of the local problems and requirements. The proposed program would simply insure that the communities would receive assistance in the form needed as quickly as possible.

The final point is of a slightly different nature. An average increase of 40 percent in police manpower levels represents an increase in demand which will have profound effects on the market for police officers. Simple economics tell us that such a change in demand could bring either a reduction in quality or an increase in price. This legislation contains provisions to safeguard against possible erosion of the standards of police appointments. One would expect then that the impact will be felt through a generally rising level of police salaries. In July 1970 Time reported that the average patrolman's maximum weekly pay is only about $149. Beyond the very credible arguments that the current wage levels for these public servants are insufficient remuneration for the services provided and the hardships endured, one should recognize that very real public benefits will result from higher police salaries. Such increases will yield both an improvement in police morale, and an increase in the general respect for the profession of law enforcement, factors which will facilitate the recruitment of qualified officers. Such effects can only have a beneficial impact on the problem of crime reduction.

If one is unmoved by the current price tag of $50 billion for criminal activity, let me remind him that there is ample evidence that this figure will continue to grow at a staggering rate. The final report of the National Commission on the Causes and Prevention of Violence reported that of the 9 million serious crimes recorded by the FBI in 1968, only 12 percent resulted in the apprehension of a suspect, and a mere 6 percent resulted in conviction. If one takes the very conservative estimate that recorded crime represents only one-half of the total level of criminal activity, the arrest and conviction rates shrink to more frightening lows. Why is crime such a large and growing industry? Simply because it pays, and pays very well. As economist Gary Becker points out, the criminal by and large is not a moral deviate; he is an individual who rationally weighs the costs and benefits of his activity, and we have done very little to dissuade him. To fight crime we must raise the price of such activity. This, of course, means a concerted effort in all areas of the criminal justice system. But what good are tougher laws, more efficient courts, and better corrections if the rate of apprehension stands at 12 percent or less?

The front line in our fight against crime is the patrolman on his beat. Time and again it has been shown that these men are the crucial factor not only in the successful apprehension of criminals, but in the area of prevention, of discouraging would-be criminals from undertaking such action. In a report for the Brookings Institute, Charles B. Saunders observed that:

> The number of police have, in fact, grown steadily in recent years, but only as fast as the general population. Over the past decade, the ratio has remained at 1.7 officers for every 1,000 persons. However, the continued growth of urban populations, mounting crime rates, and social unrest will require an increase in the ratio of police to citizens.

Commenting on the rising governmental interest in law enforcement, he continues:

> Because the crime control act of 1968 reflected the traditional faith in equipment and technology as the means to affect crime statistics, it could create unrealistic expectations and actually divert attention from the central problem of police personnel. On the other hand, federal initiative to improve police manpower . . . could usher in a new era for law enforcement. It will not be easy to face up to the personnel deficiencies . . . but the time is at hand for the national administration to do so if it is to deal responsibly with the mounting public concern over law and order.

Concern over crime is, of course, not new. We have heard the rhetoric and the slogans such as "the war on crime." But no amount of "get tough" rhetoric and carefully manipulated statistics can hide the fact that "the war on crime" is not being won. We can take little comfort in the fact that last year serious crime increased by only 6 percent. And glowing reports of "cautious optimism" do not camouflage the frustration and fear which continues to mount for our private citizens.

The President said in a message a year ago last March that:

> I think it is clear that LEAA has assumed a vital and effective role—but I believe it can and must be made more effective.

While we may challenge the President on the actual effectiveness of the current program, we all agree that more must be done. And we, as Members of Congress, can wait no longer for leadership on this problem. We must take the initiative, for crime cannot be fought with patience and rhetoric.

We should not look upon the policeman as a panacea for our social ills. But he is an effective weapon in the fight against crime, and the need is definitely there. One may question the size of the proposed commitment; $2 billion per year is a very large sum of money. It would represent a rough 25-percent increase in total public expenditures to fight crime. But in light of the current $50 billion total cost of the crime burden, the proposed sum is modest. If the program succesfully restores the credibility of our criminal justice system and the faith of our citizens in their government, it is a bargain.

The legislation I am introducing today is designed to accurately determine the needs and requirements of our individual communities, and to provide relief in the quickest and most efficient manner. This legislation represents a tremendous step forward in clearing away the obstructions which have hampered past efforts and focuses our attention on one of the most important factors in the fight against crime.

We all look forward to the day when the principles of equality and justice have become fact and when our society has been purged of the ills and inequities which breed crime. More policemen will not, of themselves, eliminate these problems, but they will serve to break the vicious circle in which crime and social ills reinforce one another, moving upward in a costly spiral.

A STABILIZATION TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, 5 years ago, I proposed for the first time in our country, that we create in this country a new device to control inflation and deal with recession. I called this device the National Economic Stabilization Trust. Just a few days ago, the Chairman of the Federal Reserve Board advanced an idea that was strikingly similar to my proposal.

I suggested that a special trust fund be created which would be used solely for the purpose of economic stabilization. It would be readily available to dampen the fires of inflation and it would also be available to shore up the economy in the event of recession. It would be a device which might enable us to have full employment without inflation, and which should enable us to avoid recession as well. I simply do not believe that throwing millions of people out of work, or imposing economic controls, is the only way to fight inflation. Nor do I believe that combating inflation can be done only through tax gimmicks or ad hoc spending plans.

I think that we need a new economic tool—the national economic stabilization trust.

My proposal is simple, understandable, and practical.

The idea is to have a standby taxing authority. In times when the economic indices indicate the threat of inflation, the taxing authority would be activated. The amounts collected through this tax would be credited against the accounts of taxpayers, and they would receive a fair rate of interest on these deposits. It is a forced savings plan, which would be activated only when the economy shows danger of overheating. When the danger has passed, the Treasury would be authorized to return the deposits to the taxpayers together with the earned interest that has accumulated. These returns could be arranged so that no sudden surge of money became available, and thus avoid the threat of new inflationary pressures. Alternatively, if recession threatened, the Treasury could release all or a substantial part of the trust so that the economy would receive a powerful stimulus.

My plan would not only soak up excess demand, as would any anti-inflation tax, but it would also be a powerful deterrent to the development of the so-called inflationary psychology. The plan would set forth in law the triggering points—either inflationary or recessionary signals—which would either activate the tax or release the trust funds. Finally, people would get their money back in any case; the Treasury would hold no contribution beyond a predetermined number of years.

It is time to look at this idea seriously.

Chairman Burns is correctly concerned that the sudden release next year of the immense amounts of overwithheld income tax, at a time when he expects the economy to be expanding rapidly anyway, will create an enormous surge of inflationary pressure. He believes that to combat this the Treasury ought to offer special, high interest bonds to taxpayers who are due refunds, in the hope that people will elect to make this investment rather than take their money and spend it.

At this point, his idea may be the only tool available. However, I think that it is much more practical to establish a fiscal tool that would be made specifically for the purpose of creating economic stabilization. There is no need to resort to ad hoc tax or spend schemes, which in any case might be activated too late to do any good. There is a need to develop a coordinate fiscal and monetary system so that economic strategies can be freely developed and implemented at the optimum time.

My plan would allow economic policy to be conducted on a continuous, coordinated basis, with both fiscal and monetary tools readily at hand. People would know what the danger signals are, and would know what policies will be used to meet economic dangers. There would be less reason to expect inflation and less reason to fear recession.

I commend Chairman Burns for his foresight and concern. I earnestly suggest that his thoughts be examined, and that my proposal be considered as a readily acceptable, fully workable, and much needed plan to develop the kind of economic stabilization program that we really need—a program that does not depend on tax and spend gimmicks, does not require resort to stifling, unfair controls, and does not leave the whole economic strategy to chance. My plan fulfills a badly needed national requirement. Now, after years of frustration and failure, I believe it is time to give it a chance.

I first proposed this in a letter, detailed and setting forth the basic structure of my suggestion in 1967 after President Lyndon Johnson had recommended tax legislation to the Congress. But Chairman WILBUR MILLS and his committee were adamant in not even being willing to have hearings on this Presidential tax recommendation. I felt then that this was almost irresponsible on the part of Congress and that we had the responsibility of acting. I then wrote the chairman and every member of the committee. But, unfortunately, I met the same fate as the President.

No serious consideration was ever given to any but the eventual mess the committee and Congress finally approved in 1968—the celebrated surtax. The rest is history.

My plan, I am convinced, was needed and was workable in 1967—and it is needed and workable today. I hope some serious consideration is given—though, frankly, this is an election year and I know what this means.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON BANK SUPERVISION AND INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, I would like to announce today that on June 19, 20, and, if necessary, the 21st, the Bank Supervision and Insurance Subcommittee of the Committee on Banking and Currency will hold hearings on proposed legislation. It is my hope that the subcommittee can begin markup on the legislation immediately upon the conclusion of the hearings.

If any Member is interested in either providing a statement to the subcommittee concerning his or her position on the legislation, or testifying during our hearings, it would be appreciated if you would make your interest known at your earliest convenience.

At this time, the proposed legislation is in the form of committee prints, the text of the legislation is a section-by-section explanation of the provisions of the legislation.

H.R. ——

A bill to provide for State taxation of insured banks, to provide full deposit insurance for public units, to amend title IV of the National Housing Act concerning the ninety-day decision period with respect to acquisitions in connection with savings and loan holding companies, and to amend title IV of the National Housing Act with respect to third party loans made by subsidiary insured institutions of savings and loan holding companies

Be it enacted by the Senate and House of Representatives of the United Staates of America in Congress assembled,

TITLE I—STATE TAXATION OF INSURED BANKS

SHORT TITLE

SEC. 101. This title may be cited as the "State Taxation of Insured Banks Act".

DECLARATION OF POLICY

SEC. 102. Recognizing that the several States should be allowed the greatest degree of autonomy in formulating their tax policies, the Congress finds that the national goals of fostering an efficient banking system and the free flow of commerce among the States will be furthered by clarifying the principles governing State taxation of federally insured commercial banks. While protection should be provided against taxes on intangibles or other taxation that would discriminate unfairly against such banks generally or against out-of-State banks, national banks should be subject to taxation on the same basis as those that are State chartered. Application of taxes measured by income or receipts, or other "doing business" taxes, in States outside the home State should be deferred until such time as uniform and equitable methods may be developed for determining jurisdiction to tax and for dividing the tax base among States.

AUTHORITY FOR STATES TO TAX NATIONAL BANKS

SEC. 103. For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.

TAXATION BY STATE WHERE PRINCIPAL OFFICE IS LOCATED

SEC. 104. A state or political subdivision thereof may impose on any insured commercial bank having its principal office within the State any tax that is imposed generally on a nondiscriminatory basis throughout the jurisdiction of the taxing authority, except that no tax may be imposed on intangible personal property owned by any such bank. The prohibition against taxation of intangible property shall not apply to taxation of the beneficial owner of property held by such a bank in a fiduciary capacity. Interest on obligations of the United States may be included in determining the income of any such bank for purposes of taxation authorized by this section.

TAXATION BY OTHER STATES

SEC. 105. The legislature of a State may impose, and may authorize any political subdivision thereof to impose, the following taxes on any insured commercial bank not having its principal office within such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

(1) sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

(2) taxes on real property or on the occupancy of real property located within such jurisdiction.

(3) taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

(4) taxes on tangible personal property located within such jurisdiction.

(5) license, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

(6) payroll taxes based on persons employed in such jurisdiction.

DEFINITIONS

SEC. 106. For the purposes of this title—

(1) The term "insured commercial bank" means any bank the deposits in which are insured under the Federal Deposit Insurance Act other than a savings bank or mutual savings bank as defined in that Act.

(2) The term "intangible personal property" includes any mortgage, bond, note, share of stock, warrant, currency, coin, check, credit card, credit card account, deposit, contract, account receivable, judgment, or other evidence of a claim on another.

(3) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

REPEALER

SEC. 107. Section 5219 of the Revised Statutes (12 U.S.C. 548) is repealed.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

SEC. 201. (a) The Federal Deposit Insurance Act is amended—

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (1) of section 7 (12 U.S.C. 1817(1)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2)(A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured for the full aggregate amount of such deposit.

"(B) The Corporation may limit the aggregate amount of funds that may be deposited in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its assets."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724(b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured members referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d))" and

(3) by adding at the end of section 405 (12 U.S.C. 1728), the following new subsection:

"(d)(1) Notwithstanding any limitation in this subchapter or in any other provisions of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured for the full aggregate amount of such account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets."

(c) Subsection (c) of section 207 of the Federal Credit Union Act (12 U.S.C. 1787) is amended by—

(1) inserting "(1) after "(e)",

(2) striking out "For the purposes of this subsection," and inserting in lieu thereof the following "Subject to the provisions of paragraph (2), for the purposes of this subsection,", and

(3) adding at the end thereof the following:

"(2)(A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available for the account of any one depositor or member, in the case of a depositor or member who is—

"(1) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Panama Canal Zone, or of any territory or possession, of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the Commonwealth of Puerto Rico, the Panama Canal Zone, or any such territory or possession, respectively;

his account shall be insured for the full aggregate amount of such account.

"(B) The Administrator may limit the aggregate amount of funds that may be invested or deposited in any credit union insured in accordance with this title by any depositor or member referred to in subparagraph (A) on the basis of the size of any such credit union in terms of its assets."

TITLE III—NINETY-ONE-DAY DECISION PERIOD WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

ACQUISITIONS

SEC. 301. (a) Section 408(e)(1)(B) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(1)(B)) is amended by adding at the end thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

(b) Section 408(e)(2) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(2)) is amended by inserting immediately after the second sentence thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

TITLE IV—THIRD PARTY LOANS

THIRD PARTY LOANS

SEC. 401. Section 408(d)(4) of title IV of the National Housing Act (12 U.S.C. 1730a(d)(4)) is amended—

(1) in the proviso thereof by striking out "a wholly owned" and inserting in lieu thereof "an", and by inserting "wholly owned by such insured institution or by such insured institution and any other insured institutions" immediately after "affiliate service corporation"; and

(2) by striking out "would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof" and inserting in lieu thereof the following: "if such property on the security of which such loan, discount, or extension of credit is made has not been at any time owned, legally or beneficially, by the savings and loan holding company which controls such insured institution or by any affiliate of such holding company (other than such service corporation)".

H.R. 15437

A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no insured bank, insured institution, or insured credit union shall—

(1) refuse to honor any check drawn upon the Treasury of the United States, or upon any State, any political subdivision of any State, or the District of Columbia, upon presentation of such check by the payee, together with adequate identification, on the ground that such payee does not maintain an account with such bank, institution, or credit union; or

(2) make any charge to such payee for the honoring of such check.

SEC. 2. The Secretary of the Treasury shall prescribe regulations necessary or appropriate to effectuate this Act.

SEC. 3. For the purposes of this Act, the term—

(1) "insured bank" shall have the same meaning as is applied to such term in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

(2) "insured institution" shall have the same meaning as is applied to such term in section 401(a) of the National Housing Act (12 U.S.C. 1724(a)).

(3) "insured credit union" shall refer to any credit union which is insured under title II of the Federal Credit Union Act (12 U.S.C. 1751 and following).

SEC. 4. The provisions of this Act shall take effect on the thirtieth day after the date of its enactment.

SECTION-BY-SECTION EXPLANATION

Following is an explanation of the matters on which the Subcommittee on Bank Supervision and Insurance will hold hearings:

TITLE I—STATE TAXATION OF INSURED BANKS

This provision clarifies the principles relating to State taxation of Federally insured banks.

The proposed legislation provides that national banks should be taxed on the same basis as State-chartered banks, except that protection is provided against (1) taxes on intangible personal property (i.e. mortgages, bonds, notes, stock, currency, checks, deposits, accounts receivable, etc.), (2) taxes that would discriminate unfairly against insured commercial banks generally or against out-of-State insured commercial banks, and (3) taxes on out-of-State insured commercial banks measured by income or receipts, or other "doing business" taxes. The legislation provides in detail for the kinds of taxes that can be applied to out-of-State insured commercial banks.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

Federal law provides up to $20,000 insurance for each deposit maintained in Federally insured banks, savings and loan institutions, and credit unions. This provision would provide full insurance (i.e. up to the full amount of the deposit even though in excess of $20,000) where the depositor is the United States, a State, or a political subdivision of a State.

In each case, however, the provision would permit administrative limitation on the aggregate amount of funds that may be deposited by any one depositor in any such financial institution.

TITLE III—NINETY-ONE DAY DECISIONS PERION WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

Existing law relating to savings and loan holding companies provides that, in certain circumstances, before a savings and loan holding company, or any other company can acquire an insured savings and loan institution or another holding company, it must first obtain approval from the Federal Home Loan Bank Board. Moreover, the law provides that the Board should make its decision on any such acquisition within 90 days.

This proposed title would provide that Board approval for any such acquisition will be deemed to have been granted in any case where the Board fails to act on the application within the 90-day period.

TITLE IV—THIRD PARTY LOANS

Existing provisions of law relating to savings and loan holding companies permit a subsidiary insured savings and loan institution to make a loan, under certain limited circumstances, to a third party on the security of property which has been acquired by such third party from the institution's service corporation. Such loan is permitted, however, only if, in addition to other limitations, the property has not been purchased by the service corporation from one of its affiliates or otherwise purchased or acquired from any outside savings and loan holding company or affiliate thereof.

This title would amend the law to permit the financing of property which has been purchased by the service corporation from an outside savings and loan holding company or affiliate thereof. However, it would not permit financing in the case of property which has been in any way acquired (i.e. purchase or donated) by the service corporation from one of its affiliates.

BILL TO REQUIRE INSURED FINANCIAL INSTITUTIONS TO HONOR CHECKS DRAWN UPON FEDERAL, STATE, AND LOCAL GOVERNMENTS

This legislation would provide that no insured bank, insured savings and loan institution, or insured credit union shall refuse to honor any Federal, State or local government check on the ground that the payee does not maintain an account with such bank, if the payee can present proper identification. In addition, the legislation would prohibit the charging of a fee for cashing any such check. Finally, the legislation requires the Secretary of the Treasury to prescribe regulations to carry out the purpose of the Act.

LAWSUIT ASSISTANCE TO POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, it has recently come to my attention that law enforcement agencies are becoming increasingly concerned over the growing number of lawsuits filed against police officers for actions occurring while performing their official duties. It is my understanding that in many instances officers have been forced to rely upon their own resources in defending suits of this nature, and in many cases the proceedings have turned out to be nothing more than "nuisance" suits.

As a legislator both in the Michigan State Senate and here in the U.S. Congress I have always vigorously supported legislation designed to assist law enforcement officers in performing their difficult and often dangerous jobs more effectively. I have been observing these recent developments with growing concern, and have arrived at the conclusion that some type of aid must be made available to police officers who are forced to rely on their own resources to defend frivolous lawsuits.

For this reason, Mr. Speaker, today I am introducing legislation which authorizes the Attorney General of the United States to make grants to any law enforcement official who is a defendant in any civil action which arises out of the officer's performance of his official duties, to reimburse the officer for the reasonable costs of defending himself if he prevails in the civil action.

Mr. Speaker, I am joined in offering this legislation by my distinguished colleagues from Michigan, Mr. DINGELL, Mr. NEDZI, and Mr. O'HARA. At this point

I would like to insert the text of this bill into the RECORD:

H.R. 15427

A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized to make grants to each law enforcement officer who is a defendant in any civil action, arising out of the performance by such officer of his official duties, if such law enforcement officer should prevail in that civil action, to reimburse such officer for the reasonable costs of investigation and legal fees incident to such civil action.

SEC. 2. As used in this Act, the term "law enforcement officer" includes attorneys general, prosecuting attorneys, chiefs of police, sheriffs, constables, and their subordinates.

SALUTE TO EDUCATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, in most of our Nation, the school year has ended. Recognition that public education is perhaps one of America's greatest legacies to her young citizens, and indeed to her own future, of course should not and does not end with the summer recess of classes. If anything, the recess and this month's salute to education program being sponsored by the National Education Association offer us the opportunity to reflect on what has been accomplished in the pursuit of learning in 1971–72.

This past school year, the number of students in America's public school systems rose almost 341,000 from 1970–71 levels to a combined elementary-secondary total of just over 48.2 million. Meeting this student increase was the jump in the number of classroom teachers, particularly in our secondary institutions where instructors' ranks swelled by an additional 19,000 from the year before. Also showing a marked increase was the number of men entering teaching at the public elementary and secondary levels.

Total expenditures for public secondary and elementary education rose by slightly more than $3 billion in 1971–72. True, part of this increase is accounted for by the rising costs of education, the higher average salaries deserved by and paid to teachers—such salary increase for instructional staffs averaged only 4.6 percent—and the often inflationary financial pressures from other sources bearing upon school budgets. Part of the increase, however, also stems from real improvements in education techniques, expansion in educational facilities and staffs, and adoption of programs stressing the greater development of our youth, particularly those from educationally deprived backgrounds.

Yes, I believe promising strides are being taken in the field of American public education, and I take this opportunity to both salute and exhort those contributing to the progressive education effort: Take pride in the past for those great things you have accomplished; take foresight and forbearance into the future for your even greater accomplishments to come.

PROUD OF OUTSTANDING RECORD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the biography carried in the Congressional Directory about our distinguished colleague from Florida, the Honorable JAMES A. HALEY, is the shortest of any among the 12 Members of the House from our State. It shows that he was first elected to Congress in 1952 and that he has been consistently reelected since that time. It does not reveal the fact that his election as a Democrat always has demonstrated the great confidence of his constituents in his work despite the fact that he lives in a district with strongly Republican registration. JIM HALEY'S constituents know the value of his serivces and this they wisely place above party label. His friends in the House know the importance of his work also. Congressman HALEY is recognized and appreciated on both sides of the aisle for his ability, and his sage counsel is sought by the leadership as well as the rank and file of the House Members.

We who are Members of the House have the opportunity to observe his work in the House. We know that he is a very busy man and a very effective Member of the House. Possibly there are few elsewhere who realize that as chairman of the Indian Affairs Subcommittee for almost 18 years, JIM HALEY has been one of the most active legislators in the House of Representatives. In the 92d Congress alone his subcommittee has been responsible for almost one-half of the total number of bills to be reported out of the Interior and Insular Affairs Committee. And, while most of our subcommittees have had on the average of two to three of their bills enacted during this Congress, JIM HALEY'S subcommittee has already had 14 of its bills signed into law.

My good friend and House colleague, who has represented Florida's 7th District since it was created in 1953, followed former Congressman J. Hardin Peterson from Lakeland in taking on the assignment from our delegation to the House Interior Committee. His work in that assignment over the years has gained national recognition and has provided significant benefits to his fine district and to Florida. He is one of the most highly respected Members of the House and I am indeed pleased to serve in Congress with this very distinguished Floridan. The Florida delegation and the people of our State are proud of his outstanding record.

RURAL JOB DEVELOPMENT ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a needed and important measure which has not yet received congressional action is the Rural Job Development Act. One hundred and fifty-three Members of the House have cosponsored this bill. It is disappointing to recount the fact that it is still pending before the House Ways and Means Committee with no hearings scheduled. I am confident that the House wants action on this measure and I sincerely hope it will be possible for this to be obtained during the present session.

Recently, an excellent statement was made on this and other features of significance to the small town and rural America. It is the testimony of James A. Gavin, legislative director of the National Federation of Independent Business. It was delivered on May 2, 1972, before the House Select Committee on Small Business. It tells also of the outstanding work of the National Federation of Independent Business with 310,000 member firms across the country. It is well worth the consideration of the membership and I submit a condensed version for reprinting in the CONGRESSIONAL RECORD:

TESTIMONY OF JAMES A. GAVIN

THE RURAL CRISIS: ITS IMPACT ON SMALL BUSINESS

The economic pressures created by rural outmigration, a shrinking tax base, growing poverty and the decline of the family farm pose a serious threat to the viability of rural and small town independent business. They have created a customer drain, causing many small firms to close their doors forever. It is no quirk of fate that nearly 73% of all the business failures in the United States during 1970 occurred outside the nation's metropolitan areas.

This situation is dramatized by an NFIB member from rural Texas, who writes:

"Our area where we now live is in need of some kind of industry. I know for a fact from talking to the great majority of business people here that they are willing to work and cooperate in every possible way to bring any kind of industry into the area. . . . This rural area town needs this badly, if something is not done soon, in the next decade, I'm afraid it will not be able to survive."

In every section of the country concerned businessmen, like those in this small Texas town, are trying desperately to find a solution to the same problem. As more and more people leave the land, the economic base shrinks, forcing local businesses to tighten their belts. Margins are cut and payrolls reduced, adding the final link to the vicious cycle of decline.

Businessmen realize that their communities must change their economic base to survive, but this is easier said than done, because the same factors that caused the problem make it even more difficult to solve. Executives of corporations sometimes practice philanthropy, but they are extremely reluctant to locate new plants in depressed rural areas. Lack of transportation, an inadequate supply of trained labor and many other disabilities simply make such a move *poor business.*

SOLUTIONS: THE NEGATIVE APPROACH

The National Federation of Independent Business is, and has been for some time, deeply concerned about the plight of rural America. Over the years we have invested a good deal of time, money and effort in the search for a viable solution to this dilemma, yet, even during periods of complete frustration, we never gave up hope in the ultimate success of our cause. Because of this, we find the recent negative approach espoused by the Commission on Population Growth and the American Future totally unacceptable.

The Commission's recommendation, contained in Part III of its Report, *Population and the American Future,* is as follows:

"In chronically depressed areas, it may sometimes be true that the prudent course is to make the process of decline more orderly and less costly—for those who decide to remain in such areas as well as for those who leave. . . . In that event, the purpose of the future investment in such area should be to make the decline easier to bear rather than to reverse it."

Although the Commission's Report qualifies this position by establishing the feasibility of economic development as a criterion, it is defeatist in attitude and extremely depressing. It makes several suggestions aimed at improving the lot of those who are forced to move to find work, which is good, but, in the same breadth, it accepts rural outmigration as an unalterable fact, which means that it has found no solution for the problem. Instead, it is content to offer halfway measures to ease the impact of dislocation, a stand that does nothing to head off the growing crisis.

Only once, when it states that, "a superior approach may be to create new jobs nearer to or within the declining rural areas," does the Report come anywhere near recognizing the heart of the problem. But, then it turns right around and suggests that this expanded employment should be concentrated, "in urban places located within or near declining areas," and that these centers should have, "a demonstrated potential for future growth," a policy which it admits, "could inadvertently produce overurbanization." "Overurbanization" is already a serious problem in the United States, so why even suggest a policy that could eventually make it insolvable?

In the Federation's estimation the Report of The Commission on Population Growth and the American Future leaves a great deal to be desired in its analysis of the rural crisis. Not only does it fail to address itself to the proper questions, but its suggestions are negative in nature and, in many instances, self-defeating. In addition, it offers absolutely no hope at all to those rural inhabitants who wish to remain on the land where they were born and raised.

POSITIVE APPROACHES

During the last few sessions of Congress, many members of both the House and the Senate have introduced bills aimed at correcting the problems of rural America. All of these proposals, from rural revenue sharing to a rural development bank, are positive in their approach and, as such, are commendable. But, all of these, without exception, simply don't go far enough. They deal with the visible symptoms of the disease, rather than with the disease itself.

A good example of this is the recently passed Rural Development Act. Its primary goal is to reduce the impact of inadequate community and social services in declining rural areas by increased funding of tested Federal programs. While this is needed to ease the hardship of rural living, it does little to attack the cause of these inequities—an insufficient and continually shrinking tax base.

The only way to accomplish this is to first, halt, and then, reverse the flow of outmigration. While this will not be an easy task, it is not impossible, and it behooves us to realize that we cannot expect an overnight change in a situation that we have allowed to develop uncontested for more than a century.

The economic base of rural America must be altered and strengthened, and we must actively seek the balanced development that is needed to make this a reality. As a first step in this direction, we must dedicate the nation's resources to the creation of steady, well-paying, jobs in our nonmetropolitan areas.

Jobs are the key. Without them, millions of young, rural Americans will be forced to move to our cities to find satisfactory employment. If we do not provide them with jobs, we will not have to worry about improving rural housing, sewerage, transportation, education and medical care, because, eventually, there will be very few residents left to take advantage of these benefits.

The creation of employment opportunities in these economically depressed areas is a difficult challenge, simply because knowledgeable businessmen are extremely reluctant to take the enormous risks involved in this type of a venture. In other words, they have to have some reasonable assurance that their efforts will stand at least a 50–50 chance of success.

Yet, even though they are presently faced with many trying obstacles, established firms are seriously considering moving to rural locations. A prime example of this trend is an electronics firm from New Jersey, employing 225 persons.

The impact of a company this size relocating in a rural town would probably mean the difference between continued decline and survival. It would create 391 new jobs, 252 new households and enough business for nine new retail establishments. Population would increase by 666, personal income by $1,341,000, bank deposits by $607,000 and retail sales by $810,000. In addition, the community's economic base and tax structure would be significantly changed, enabling it to provide more services for its residents.

The means for achieving this goal, the Rural Job Incentive or Development Act (H.R. 5190 and H.R. 5063, respectively), has been before Congress for a number of years. Its chief sponsors are Congressman Keith G. Sebelius, of Kansas, and the esteemed Chairman of this Committee, Congressman Joe L. Evins, of Tennessee.

Basically, this legislation attempts to give a new enterprise locating in rural America a reasonable chance for success. It balances the heavy risks involved in this decision with tax incentives designed to assist it through those first few critical years—a period that usually makes or breaks a new business. The logic behind its approach is based on a proven principle—that tax policy does, in fact, influence the course of business investment. With this in mind, it seem to provide a judicious blend of private initiative and public responsibility.

This approach also has the added attraction of being negligible in cost. It requires no new massive outlays of Federal tax dollars. Instead, the available evidence strongly indicates that these new businesses, along with the jobs they would create, will provide the United States Treasury with a net revenue gain. Granted, those firms that are eligible will take advantage of these tax incentives, but this should not place a drain on the Treasury, because they are now nonexistent. The Treasury cannot lose what it never had.

The bill, as now written, also provides safeguards for urban jobs. It clearly states that no company can qualify for these tax incentives if it diminishes operation or employment in an existing location by opening a branch or building a new facility in rural America.

Although this worthwhile legislation has been before the Congress for several sessions, it has just recently received the attention it merits. Almost a year ago the Federation with great succesa, mounted a campaign aimed at increasing Congressional awareness of the bill. To date, it has attracted the support of 198 Members of the House and 58 Senators, but, unfortunately, the Committee on Ways and Means has not held hearings as yet. We hope they will be able to do so in the near future.

NFIB, its member firms, and the small business community have long supported and shown a strong preference for the tax incentive approach to rural development, and a recent survey of the Federation's Advisory Council enforces this stand. The tabulation shows that 95% of the respondents support this legislation. In addition, 96% of them state that they would not object to the new competition created by the bill as long as new jobs came into their area. The questionnaire also explains that additional employment would probably mean higher taxes to pay for expanded community services, and, somewhat surprisingly, almost 81% answered that they felt this would be acceptable.

Mr. Chairman, we submit that America's rural businessmen are deeply concerned with the economic plight of their communities—concerned enough to willingly shoulder their share of the cost of revitalizing them. But they cannot do it alone, so we strongly urge you to recommend to your colleagues immediate consideration and passage of the Evins-Sebelius bill.

POLISH-AMERICAN CONGRESS OBSERVANCE OF MAY 3, 1791, FREEDOM CONSTITUTION

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on April 30 of this year in East Chicago, Ind., the Indiana Division of the Polish-American Congress sponsored a religious memorial observance of the 1791 Polish Constitution anniversary.

I was present at this massive gathering of Polish citizens and their friends which was addressed by Mr. Aloysius A. Mazewski, president of the Polish-American Congress and Polish National Alliance. I incorporate with my remarks the message delivered by President Mazewski on this memorable occasion:

SPEECH OF ALOYSIUS A. MAZEWSKI, PRESIDENT, POLISH AMERICAN CONGRESS AND POLISH NATIONAL ALLIANCE

I feel it would be redundant to describe to you events and persons that made the May 3rd, 1791 Constitution of the old Royal Republic of Poland possible. As an intelligent audience, you know the Polish history, and you have heard and appraised its highlights on many other occasions in the past.

Suffice it to remind us at this time, that cumulative effect of the work of the Great Diet of Four Year Duration, or "Wielki Sejm Czteroletni", and its leaders headed by the Speaker of the Diet, Malachowski, electrified the entire continent of Europe, and its call for social justice, civic wisdom and responsibility, reverberated in America.

The May 3rd Constitution of Poland was the first legislation of this progressive and far reaching kind in Europe. It has been warmly received and highly praised in the French and British Parliaments, and strongly appealed to our own Thomas Paine, the prototype of American citizen and patriot.

May 3rd Constitution was a great act of legislative, judicial and administrative reforms of Poland, which at that time teetered on the brink of chaos and moral decay.

By instituting urgently needed reforms, by giving the nation new sense of direction, by wakening the sense of responsibility that was forgotten during the Saxon misrule, the May 3rd Constitution gave Poland a new lease on life, a lease so enduring that after one century of partition and persecution, Poland emerged from world war one ruins as unified nation fully aware of its destiny.

This renovation of national spirit, the reawakening of the sense of responsibility toward the state, the seeding of democratic ideals and principles for future development—are the hallmark of the May 3rd Constitution.

And we are justly proud of this noble legacy.

It is, however, not sufficient for our historical values and directions, to merely commemorate the event that gave Poland the May 3rd Constitution.

We pay homage to the authors of this great and noble document by praising the nobility of their pursuits and purposes, their sense of justice, their deep and abiding feeling for Poland's destiny.

And, noble, as these sentiments are, they are not, in themselves, a sufficient homage to those great men. I do not think they expected our praise. But I firmly believe that they expected the generations of Poles that followed them to be faithful, even onto the death, to the ideals they incorporated in the May 3rd Constitution.

It is proper and fitting that we revere their names.

But to pay really meaningful and substantive tribute to their greatness, we must apply the enduring relevancy of their work to the problems and challenges of our times.

In this context and this frame of reference, the May 3rd Constitution has a deep meaning and vital message not only to Poles. It has a universal appeal to all men who know the meaning and value of freedom and dignity of man.

It has an extraordinary relevancy to the problems and crisis of the United States of today.

It has a great lesson for the present generations of Americans.

And having these attributes, the May 3rd Constitution is truly a universal document in the annals of mankind.

It is one of the great contributions Poland made to the inception, growth and development of political and civic precepts of the Western man.

What, then is the May 3rd Constitution relevancy to our contemporary America?

Appraising it from the distance of almost two hundred years, and from the American point of view, we discover one inescapable fact, unique in the history of man.

Namely—that the May 3rd Constitution was a revolutionary document, but it embodies a revolution in reverse.

All other revolutions in the history of man were revolutions against individual tyrannies of kings and magnates, against brutal injustices, against dehumanization of the common man.

Poland's revolution was of an entirely different type.

The 18th Century Poland was the most liberal state in Europe.

While, for instance, in England at that time only about four percent of the population enjoyed enfranchisement, in Poland more than twelve percent of the population had the right to legislate at Sejmiki, at the Sejm, and the right to elect the King.

In addition to that, the spirit of tolerance was prevalent.

As a matter of fact, Poland was enjoying too much freedom for the political atmosphere and customs of the past centuries.

Thus, May 3rd Constitution, putting restrictions on freedom grown wild and irresponsible, was a revolution in reverse.

It was a revolution against too much permissiveness, too much irresponsibility in civic matters, too much demand upon the state without commensurate contributions to the welfare and viability of the state.

A situation similar to that which afflicted the 18th Century Poland, is prevailing in the United States today. It has modern trappings, but essentially does not differ from the freedom gone wild, the permissiveness, the disregard for public good that brought Poland, once the most powerful state in Europe, to the brink of dissolution and anarchy.

The ill-fated Polish Liberum Veto, the political irresponsibility of the gentry, its frivolous statements that Poland stands on misrule—"Polska nierzadem stoi",—all these national afflictions and sin find their equivalent in our America of today.

Excessive permissiveness is bring chaos to our moral precepts and rules. Irresponsibility toward the state is evident in anti-war demonstrations, in draft card burning, in insecurity on our streets, in devaluation of American spirit in our universities and colleges where teaching and scientific discipline is being replaced by the absurdity of students' demands and the meek accession to these demands by the faculty.

The vast cultural wasteland named television is distracting our mental and intellectual from real problems to showing of presentations more fitted for circuses than for enlightened public.

Hedonism, the fanatical pursuits of personal pleasures and satisfactions has its reflection in the pre-May 3rd Poland, where such platitudes as "az króla Sassa, jedz, pij i popuszczaj pasa" were the gist of social sensibilities.

Poland paid dearly for these mistakes. The renascence of the May 3rd Constitution came too late to save the 18th century generations of Poles.

Poland paid for these sins with blood and sweat, sacrifices, heroism and exiles of her best sons.

And those who died during the Kosciuszko Resurrection, during the Napoleonic wars, during the November January uprisings in two world wars,—they made both the expiation and the down payment for the future of Poland. That future in freedom, justice and self determination is not yet in sight for our generations of Poles.

But the knowledge of the May 3rd Constitution, and its message emblazoned in the hearts of whole generations of Poles, not only sustain us in these times of trials and tributions, but instill in our hearts unshakeable conviction that some day Poland will take its rightful place among the free and independent nations of the world.

And what is the message of May 3rd Constitution to us, as Poles living in the United States and as Americans of Polish origin and ancestry?

Directly to us, the May 3rd Constitution speaks that the fullness of life lies primarily in patriotic living.

To understand our land and the needs and aspirations of our people;

To participate in the solution of crisis and responses to challenges;

To observe the law of the land as the safeguard of peace, security and viable society;

And to instill in the hearts and minds of our children both the love for our land and respect for its institutions of freedom, together with a deeply ingrained sense of social and national responsibilities,—

These are the duties and obligations which the meaning of May 3rd Constitution places upon us.

And when we leave this place and this program with renewed determination and commitment to a more patriotic living, then our observance will be blessed, indeed.

And the May 3rd Constitution Observance each year will enrich the substance of our lives as Poles and Americans of Polish heritage.

PROPOSED REGULATION OF RADIO AND TELEVISION NETWORKS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to regulate our radio and television networks. I will say at once that my real concern is the state of American television, which I think has fallen far short of its responsibility to serve the public interest as most of us here conceive it. For the sake of completeness, however, the bill has been extended to cover radio broadcasting as well.

In introducing a bill for the regulation of the networks, I am fully aware that, in the last analysis, it is those who have been licensed by the Federal Communications Commission to operate the Nation's television stations who must bear the ultimate responsibility for the violence and triviality that today dominate American television. Under the Communications Act of 1934, each licensee is charged with the duty of determining what programs he will present, and each must be held to account if the programs he selects are tasteless and debase the values and attitudes of the millions of young people who watch television daily.

At the same time we all know that it is the three major networks—CBS, NBC, and ABC—that now provide the American viewing public with most of its television programing during the evening hours, which is the time when most Americans are watching their home screens. The networks have come to dominate programing simply by virtue of economics. The creation and production of programs has become so expensive that most commercial television stations look to one or another of them. The networks provide the link between the individual stations scattered throughout the Nation and the advertisers who are seeking a large national audience. If the networks did not exist, we would have to invent them, at least in our system of advertiser-supported television.

And what have the networks given the American viewer? A steady diet of violence, brutality, and sadism—to the detriment of America's youth.

I have spoken out against TV violence many times. I have introduced resolutions deploring the crime and brutality viewed by millions of children. And I have introduced bills calling on the Federal Communications Commission to put a halt to television's headlong plunge into gore. On Tuesday, March 21, I testified before the Senate Communications Subcommittee on television violence and its effects on the youth of our country. The Surgeon General followed me to the stand and confirmed what those of us in Congress knew from previous scientific research, that TV violence is harmful to children and has caused aggressive antisocial behavior on the part of large numbers of American youth. The Surgeon General announced that it is time for immediate action and that the Government should do everything in its power to make TV broadcasters stop the daily diet of crime, violence, and brutality which is fed to TV viewers including millions upon millions of children and teenagers. But he felt he was not competent to decide how

to accomplish this—he deferred to the Congress.

While this was a welcome statement by the Surgeon General, it fell far short of what is needed to stop the purveyors of TV violence. Past experience has shown that it will be a long time—perhaps never—before the TV broadcasters eliminate violence from TV. That is, unless there is a vigorous move by the Government to force them to stop. But the members of the Senate Communications Committee themselves professed frustration when it came to recommending a solution to TV violence because of first amendment considerations.

So we are faced with the same dilemma as previous Congresses. The only difference is that we now have abundant scientific evidence that violence-saturated TV causes violent juvenile behavior.

But the Surgeon General—the chief health officer of the United States—has no concrete "next step" to offer other than to try to "persuade" the networks to do better.

The powerful Senate Communications Committee has no concrete plan—legislative or otherwise—to reduce TV mayhem, other than to make a plea to the TV networks to do something.

And while all this was going on, the very TV officers who piously and sometimes tentatively offered to "do better" were locking in their schedules for next fall that are saturated with crime shows.

As I pointed out to the Senate committee, previous attempts at eliminating TV violence by relying on the "good faith" of the TV industry by several House and Senate committees, the Federal Communications Commission, and the President's Commission on Violence have been marked by failure. Failure because these groups all deplored violence on television; with varying degrees of sophistication they pointed to TV violence as a negative influence on human behavior; and, they were lulled into inaction with promises from the TV industry that there would be a diminishment of violence if the industry were allowed to "clean up its own house."

And, as of May 1972, the net result of all of this has been a lamentable cipher.

Over and above the question of whether TV violence is harmful, the networks have, for the past 18 years, assiduously violated their own codes of ethics and standards of broadcasting. In the face of an 18-year history of failure at self control, I feel it is safe to conclude that we cannot depend on the TV industry to clean its own house of TV violence. They obviously will not.

The networks are infatuated with violence for two reasons.

The portrayal of violence is one of the easiest ways to attract an audience and most important of all, it sells soap.

And as long as we in Congress give them the option of "doing better" or making money, I am afraid they will choose the latter course.

So I have decided to introduce legislation to give the FCC the authority to regulate the networks in the area of prime time programing. The recent antitrust suits by the Justice Department would divest the networks of their production of these shows altogether.

I am against such drastic action.

As I pointed out, given our system, the networks, and only the networks, have the capability to product quality television on a sustained basis. We need them. My bill would not take this function away from them—it would only make them produce programs more in the public interest.

The reason the networks became involved in the production and control of programs in the first place was in part due to the independent production companies, who, free from network control, gave America the quiz scandals and the constant complaint of mediocrity epitomized by the phrase, "the vast wasteland."

The Justice Department action would give prime time programing back to the people who gave us Charles Van Dooren and the three stooges. My approach would give the Government the needed authority to motivate the TV corporate officers to operate in the public interest and give the American people the quality programing they deserve and which the networks are capable of producing.

Mr. Speaker, since I began to work on this bill to eliminate TV violence we have witnessed another calamitous political assassination attempt. Had I arisen in this body 10 years ago and predicted such an event because of the permeation of TV violence and the impact of that media on our TV generation I would have found little support.

Today, in the wake of the Wallace shooting editorials and newspaper accounts across the land have pointed to the stunning impact on the minds of young and impressionable people of repetitive television violence.

The Washington Star, in a major Sunday editorial, said:

> We do not at this time favor any form of censorship to control the level of violence on television. But the networks must recognize that they have a social responsibility to monitor this aspect of their product. If enough people complain—and switch to another channel—when the gore flows too frequently, explicitly and deeply, the networks will get the massage.

While this is one example of the recognition being given to the destructive effects of TV violence on our society, the solution of simply "switching to another channel" will not solve the problem—because the other channel usually contains just as much violence.

And while I, too, am against censorship I do feel that there is a mechanism by which we can reduce the level of network TV violence utilizing the concept of program balance as now applied to broadcast licensees by the FCC. If a broadcaster's performance does not meet his promise of programing in the public interest on application to the FCC, his license is subject to revocation. Under my bill, if the networks do not meet their promises of balanced programing, they are subject to heavy penalties.

If TV violence is harmful to America's emotional health, as now appears to be the case, then certainly the broadcasting of excessive violence is contrary to the public good. And if a television broadcast license is issued with the concept of serving the public interest, then the broadcasting of excessive violence is counter to the rules and regulations under which a broadcaster maintains his license to operate.

There is no reason why these same rules and regulations should not apply to the television networks.

They are responsible for what the vast majority of Americans see every night and every day.

They are responsible for the constant flow of violence that is fed to our viewing population.

They are responsible, in part, for the violence that permeates the American culture.

They should, therefore, be held responsible for their actions and that is what I propose in my bill.

The networks will respond to what I have just said by pointing to their rating services and by saying that they are only giving the American public what it wants. I leave any quarrel there may be with the statistical sampling techniques of these rating services to the statisticians, but it seems to me that ratings are a very limited guide to what the public wants. First, they are purely quantitative. They tell you only the number of people tuned in to a particular program. They do not tell you whether viewers liked or disliked the programs they watched, or were enthralled or disgusted by them. They do not tell you whether the program was even watched or was simply background, say, to a game of bridge. Second, they can only measure against a given supply. If at a given hour all three networks are providing action-adventure programs, the meaningless or ratings as a clue to what the public really wants becomes obvious. I do not think it necessarily follows from the fact that these programs are what the public wants. The rapid growth and prominence of such groups as "Action for Children's Television"—ACT—who have campaigned to eliminate violence from children's TV programing is evidence that the opposite may be true.

But even if ratings are a fair indication of the demand of the American public in television programing, can this justify the excesses to which the networks have resorted? Can this justify all the television beatings, whippings, and murders that have assaulted our senses over the past 10 or 15 years? The answer is obvious—it cannot. I am drawn inexorably to the conclusion that the leaders of our networks have shut out imagination, variety, and creativity in television, and have given us action-adventure programs of a stultifying vulgarity instead, only out of a hunger for high ratings.

The Government obviously cannot dictate to the networks and to those who are licensed to operate broadcast stations what they shall show or what they may not show. Any such dictation would be anathema to our fundamental principle of freedom of speech. Must we then resign ourselves to these excesses? Or is there a valid legislative way to help bring

about better television programing? I myself think there is a valid way—and that is to make it possible for new program sources to become viable and to compete for the broadcast time of stations. But to obtain this sort of competition, there must be regulation of the television networks. And it with this approach in mind that I am submitting to the House a bill that would authorize the Federal Communications Commission to impose rules and regulations on the networks.

In capsule form, the bill seeks to improve television programing by enabling the FCC to foster competition among program sources and the growth of new program suppliers, and to strike at practices which restrict the general availability of programs. I want to emphasize that the bill is no more than a grant of authority to the FCC; it does not itself spell out the limitations that should be imposed upon the networks. I think we must leave it to the FCC to determine how far it shall exercise its powers under the bill. The FCC has the familiarity with the broadcasting industry and the expertise that is necessary for detailed regulation, and it has the administrative flexibility that the legislative process lacks to change rules and regulations with changing circumstances.

I am aware that the chain broadcasting rules issued by the FCC by directly binding the station licensees, indirectly bind the networks. I am also aware that a U.S. court of appeals has held that the FCC's 1970 rules on networks syndication practices and the networks' financial interest in TV programs were valid even though these rules regulated certain network activities directly. It has been argued from all this that the FCC already has sufficient power to regulate the networks. To my mind the argument is specious. For the FCC can never be sure, until a new rule is tested in the courts how far its power to regulate the networks really extends. Moreover, no scheme of regulation is meaningful without enforcement powers, and at the present time the FCC has no power to issue cease-and-desist orders or to apply the administrative fine provisions of the Communications Act against the networks. Finally, as between the networks and independent program sources, it is the networks which have the stronger economic power, and there is no way to curb this power short of taking the networks to the courts.

The Department of Justice has now done just this under the antitrust laws of the United States. I do not want to comment on the case except to say that it does not obviate my bill. For one thing, it may take years to bring the suit to a conclusion, and we do not know with what result. For another, we must recognize that in the nature of things an antitrust suit is negative in spirit. I said earlier that if the networks did not exist, we would probably have to invent them. But if we need the networks, we need them to do a better job. In the end, what it comes down to is that we must strike a balance between incentive and obligation, between reward and duty. And I think that striking such a balance—which will require the delicate restructuring of the relationships between the networks and all the other elements of the television industry—can best be carried out through the administrative process.

The bill I am introducing today would widen the range of programs available to station licensees in a number of ways, some of which are already familiar to us from the rules that have already been imposed by the FCC to limit the number of program hours which a network may provide an individual station each day or week—thereby making station time available to other, and hopefully new, program suppliers; to limit the financial or other beneficial interest of the networks in the programs they supply to station licensees; to deal with network practices which restrict the autonomy of the individual station and thereby limit its ability to operate in the public interest; and to deal with practices which have the effect of limiting the general availability of programs in any given area of the Nation. I think all these things will stimulate a beneficial competition among those who supply, or aspire to supply, television programs.

I have heard some critics of American television say that competition is the present source of our television evils—that when ABC entered the picture as a third network, it fed the American public a steady diet of action-adventure programs in order to attract large audiences; and that ABC's resulting success forced NBC and CBS to resort to the same low level of programing.

For myself, I think these critics are wrong when they condemn the principle of competition on the basis of the consequences that flowed from the establishment of ABC. In the end, the view we take on the question of having the widest possible competition among program sources must reflect the view we take of the American mass audience. True competition among program sources will mean that diverse types of programs will be offered, and diversity can only mean improvement in tastes and standards. We can only reject this diversity, and the possibility of improvement that it offers, if we take the view that the American mass audience is irremediably debased in its tastes and standards, that it is incapable of enjoying anything except the cheapest melodrama and the most vicious forms of brutality. But it seems to be the view of the networks, to judge by their regular schedules of the last 10 years.

While I have many hard things to say about the networks, I do not wish to imply that station licensees are all blameless. On the contrary, I am convinced that some of them flout, and without a twinge, the duty to act in the public interest that is part and parcel of every license. The bill I am introducing, by enabling more program sources to compete for station time, will provide station licensees with a fresh opportunity to choose among better and more diversified programs than are now available. If they do not, they can and should be held accountable when they seek renewal of their licenses.

Before I close, I want to reemphasize that this bill for the regulation of the networks will give the FCC no control over the content of network programs. I think the bill will permit the FCC to bring about a better balance in the program offerings of station licensees. But this is not interference with free speech; it is simply an extension of the authority the FCC has now to consider the program balance being promised when the FCC chooses between competing applicants for a station license, or to compare a station's promises and performance when the FCC passes upon an application for the renewal of a station license. On the subject of program content, the Communications Act states that the FCC shall issue no regulation which interferes with the right of free speech. That mandate—and the mandate of the first amendment—will govern the FCC in the issuance of regulations under the bill I am proposing.

Mr. Speaker, I believe strongly that the time has come for the Congress to reaffirm that the FCC must strike at network practices that restrict competition among program sources and that interfere with the duty or ability of station licensees to fulfill their statutory duty to operate in the public interest. Positive legislation of the sort I am proposing will provide this reaffirmation.

Mr. Speaker, I include a copy of the bill summary and the text of the bill at the conclusion of my remarks:

H.R. —

A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communciations Act of 1934 is amended by inserting at the end thereof the following:

"(gg) 'Network' means any person engaged in the business of supplying more than ten hours of programing per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2. Part I of title III of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"RULES AND REGULATIONS FOR NETWORKS

"SEC. 331. (a) The Commission shall from time to time, as in its judgment the public interest, convenience, and necessity may require, issue such rules and regulations with respect to networks as the Commission may determine to be necessary or appropriate to prevent or prohibit policies, practices, and activities of such networks which may have the effect of substantially lessening competition with respect to the supplying of programs to broadcast stations, or to assure that policies, practices, and activities of such networks shall not adversely affect the duty or ability of broadcast licensees to operate their stations in the public interest, convenience, and necessity. In the exercise of the foregoing and of its authority to issue rules and regulations with respect to station licensees the Commission shall have the specific authority to—

* * * * *

broadcast, and the geographical area, if any, within which the network may agree or undertake not to make said program available for broadcast by any other licensee; (C) the extent to which the licensee shall reserve the right to reject any program offered by the network for broadcast, or to cancel any program of the network after acceptance for broadcast; (D) the extent, if any, to which the network may base the compensation to be paid to the licensee for the broadcast of a program or the broadcast or acceptance for broadcast by the licensee of any additional program or programs which are supplied or are to be supplied by said networks; (E) the extent, if any, to which the network may, directly or indirectly, limit the rates or other consideration charged by the licensee to any person placing advertising or other matter with the licensee through a source other than said networks; and (F) the extent, if any, to which the network may, directly or indirectly, limit the subject matter or content of any program or advertising to be broadcast by the licensee which is not supplied by said network;

"(2) specify the extent to which a network shall make a program available for purchase by a licensee or licensees in competition with a licensee to which said program has previously been offered by the network, where the latter licensee (A) has not exercised any right of first refusal of said program that may be granted by the Commission pursuant to paragraph 1(B) of this section within such time as may be prescribed by the Commission pursuant to said paragraph, or (B) has rejected said program, or (C) has canceled said program after acceptance for broadcast;

"(3) specify the extent, if any, to which a network may have an agreement, contract, arrangement, or understanding, express or implied, with a licensee which prevents or hinders the licensee from scheduling programs for any time period before the network notifies the licensee of the network's intention with respect to supplying programs for said time period, or which requires the licensee to make available to the network time already scheduled for another program when the network notifies the licensee of the network's intention to supply programs for said time period;

"(4) specify the extent, if any, to which a network may, directly or indirectly, have a financial or other beneficial interest in any program which the network supplies to a licensee for broadcast;

"(5) specify the maximum cumulative duration, by day or week, of the programs which a network may supply to a licensee for broadcast during each segment of the broadcast day, as determined by the Commission, with the allowance (A) that the licensee may, under rules and regulations prescribed by the Commission, be enabled to broadcast on a continuous basis programs of the network which cover or present news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special programs of the network where the Commission determines, upon application to it for such determination, that broadcast would be in the public interest.

"(6) specify the number of broadcast stations of which a network may be the licensee, or in which a network may, directly or indirectly, have a financial or other beneficial interest; and

"(7) specify the extent, if any, to which a network may represent a licensee in the sale of broadcast time for or in connection with any program not supplied by the network.

"(b) The Commission may classify each network with due consideration to (1) the type of broadcast service involved, whether AM, FM, television, or other, (2) the number and type or types of programs supplied, (3) the number of licensees to whom programs are supplied, and (4) the size and character of the area served by the licensees to which programs are supplied; and the Commission may prescribe pursuant to subsection (a) differing rules and regulations for each class of network.

"ENFORCEMENT PROVISIONS

"SEC. 332. (a) Where any network has violated or failed to observe any of the provisions of this Act or of any rule or regulation of the Commission authorized by this Act, the Commission may issue to any such network an affirmative order, or an order to cease and desist, to compel compliance by such network with this Act or with any rule or regulation issued thereunder.

"(b) Before issuing an affirmative order or a cease and desist order pursuant to subsection (a), the Commission shall serve upon the network involved an order to show cause why an affirmative order or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said network to appear before the Commission at a time and place stated in the order, but in no event less than thirty days after the receipt of such order, and give evidence upon the matters specified therein. If after a hearing, or a waiver thereof, the Commission determines that an affirmative order or a cease and desist order should issue, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons therefor and specify the effective date of the order, and shall cause the same to be served on said network.

"(c) In any case where a hearing is conducted pursuant to the provisions of this section, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission."

Sec. 3. Subsection (b) of section 402 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(9) By any network upon whom an affirmative order or an order to cease and desist has been served under section 332 of this Act."

Sec. 4. Section 503 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(c)(1) Any network which (A) willfully or repeatedly fails to observe any of the provisions of this Act or of any rule or regulation of the Commission prescribed under authority of this Act, or (B) fails to observe any final affirmative or cease and desist order issued by the Commission pursuant to section 332 of this Act, shall forfeit to the United States a sum not to exceed $10,000. Each day during which such violation occurs shall constitute a separate offense. Such forfeiture shall be in addition to any other penalty provided by this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (c) shall attach unless a written notice of apparent liability shall have been issued by the Commission and such notice has been received by the network involved or the Commission shall have sent such notice by registered or certified mail to the last known address of said network. A network so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulations prescribe, why it should not be held liable. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts, and nature of the act or omission with which the network is charged and specifically identifies the particular provision or provisions of the law, rule, or regulation or the affirmative or cease and desist order involved.

"(3) No forfeiture liability under paragraph (1) of this subsection (c) shall attach for any violation occurring more than one year prior to the date of issuance of the notice of apparent liability, and in no event shall the total forfeiture under this subsection (c) for the same act or omission occurring on successive days exceed $500,000."

SEC. 5. Sec. 504(b) of the Communications Act of 1934 is amended by striking out the words "sections 503(b) and 507" and inserting in lieu thereof the words "sections 503(b), 503(c), and 507."

SUMMARY OF THE MURPHY BILL FOR THE FCC REGULATION OF NETWORKS

The bill amends the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the networks.

Sec. 1 of the bill amends the Communications Act by inserting a new definition—that for "network" (until now never defined by the Act). A "network" is defined as any person engaged in the business of supplying more than ten hours of programming per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2 of the bill adds a new sec. 331 to the Communications Act. Subsection (a) of sec. 331 begins with a general grant of power to the FCC to issue rules and regulations with respect to networks to prevent or prohibit network policies, practices, and activities which may have the effect of substantially lessening competition in the supplying of programs to stations, or to assure that network policies, practices, and activities will not adversely affect the duty or ability of licensees to operate their stations in the public interest, convenience, and necessity. Sec. 331 (a) then goes on to enumerate certain specific powers that the FCC shall have with respect to both networks and licensees:

(1) The FCC shall have the authority to specify for all agreements between a network and a licensee (A) the maximum duration of the agreement; (B) the extent to which the network may grant the licensee a right of first refusal of network programs; and, where the granting of any such right is allowed, the maximum time for licensee acceptance of network programs, and the extent of the geographical area within which the network may agree not to make its programs available to another licensee; (C) the extent of the licensee's right to reject or cancel a network program after acceptance; (D) the extent to which the network may base the licensee's compensation for a program on the broadcast of additional network programs by the licensee; (E) the extent to which the network may control the rates charged by the licensee for non-network programs or advertising; and (F) the extent to which the network may control the subject matter or content of any non-network program or advertising.

(2) The FCC shall have the authority to specify the extent to which a network shall make a program available to licensees in competition with a licensee to whom the program has previously been offered, where the latter licensee has not exercised a right of first refusal, if allowed, has rejected the program, or has canceled the program after acceptance for broadcast.

(3) The FCC shall have the authority to specify the extent to which a licensee may option the broadcast time of its station to a network.

(4) The FCC shall have the authority to specify the extent to which a network may have a financial or other beneficial interest in the programs supplied to licensees by the network.

(5) The FCC shall have the authority to specify the maximum weekly duration of the programs that a network may furnish to a licensee during each segment of the broadcast day, with due allowance (A) that the licensee may, under FCC regulations, be enabled to broadcast on a continuous basis network programs on news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special network programs where the Commission, upon application to it, determines that broadcast would be in the public interest.

(6) The FCC shall have the authority to specify the number of stations of which a network may be the licensee, or in which it may have a financial or other beneficial interest.

(7) The FCC shall have the power to specify the extent to which a network may represent a station in the sale of broadcast time for non-network programs.

Subsection (b) of sec. 331 authorizes the FCC to classify each network, with due consideration to (1) the type of broadcast service involved, (2) the number and types of programs supplied, (3) the number of licensees served, and (4) the size and character of the area served by the licensees to which programs are supplied. The FCC may prescribe differing rules and regulations under subsection (a) for each class of network.

The last part of sec. 2 of the bill adds a new sec. 332 to the Communications Act. Sec. 332 authorizes the FCC to issue affirmative or cease and desist orders to compel networks to comply with the Act or with regulations issued thereunder. Cease and desist order provisions for licensees are already set forth in sec. 312 of the Act.

Sec. 3 of the bill amends sec. 402 of the Communications Act by adding a new paragraph to permit judicial appeals by networks from affirmative or cease and desist orders issued by the FCC under the proposed sec. 332.

Sec. 4 of the bill adds a new subsection (c) to sec. 503 of the Communications Act. Subsection (c) permits the FCC to impose administrative fines on networks (1) which willfully or repeatedly fail to observe the provisions of the Act or of regulations issued thereunder, or (2) which fail to observe final affirmative or cease and desist orders issued by the FCC under the proposed sec. 332. The amount of the fine is not to exceed $10,000 for each day of violation, with the total cumulative amount not to exceed $500,000. Administrative fine provisions for licensees are already set forth in sec. 503(b) of the Communications Act.

Sec. 5 of the bill amends sec. 504(b) of the Communications Act, which deals with the remission or mitigation of administrative fines, or include administrative fines levied under the proposed sec. 503(c).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. BOGGS) for today on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. O'NEILL) for today through June 26 on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD) for today and the balance of the week on account of continued recuperation.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD) for today and tomorrow on account of official business.

Mr. DINGELL for June 12 through June 20, 1972, on account of official business.

Mr. ALEXANDER (at the request of Mr. BOGGS) for today, Monday, June 12 and Tuesday, June 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOUP) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. BROWN of Ohio, for 30 minutes, on June 15.

Mr. VEYSEY, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. BEGICH, for 5 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 10 minutes, today.

Mr. FULTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALBERT (at the request of Mr. STEED), to extend his remarks immediately preceding Mr. STEED's remarks on the death of John Martin Edmondson.

Mr. JARMAN, Mr. BELCHER, and Mr. CAMP (at the request of Mr. STEED), to extend their remarks on the same subject.

Mr. MURPHY of New York to revise and extend his remarks during debate on H.R. 12846 and to include extraneous matter.

Mr. MURPHY of New York to extend his remarks in the body of the RECORD notwithstanding an estimated cost of $525.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. FINDLEY.

Mr. HASTINGS.

Mr. SCHWENGEL.

Mr. BURKE of Florida in two instances.

Mr. DERWINSKI in three instances.

Mr. BROYHILL of Virginia.

Mr. WYMAN in two instances.

Mr. TEAGUE of California.

Mr. ANDERSON of Illinois.

Mr. WYLIE.

Mr. GUDE.

Mr. HANSEN.

Mr. BROOMFIELD in two instances.

Mr. SCHMITZ in two instances.

Mr. KEITH in three instances.

Mr. PRICE of Texas.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. KASTENMEIER in two instances.

Mr. WOLFF in four instances.

Mr. SYMINGTON.

Mr. ALEXANDER in six instances.

Mr. EVINS of Tennessee.

Mr. GONZALEZ in three instances.

Mr. RARICK in six instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. MURPHY of New York in three instances.

Mr. PUCINSKI in six instances.

Mr. FOUNTAIN in three instances.

Mr. BEGICH in two instances.

Mr. REES in three instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. HARRINGTON in three instances.

Mr. EDWARDS of California.

Mr. RANGEL in three instances.

Mr. FULTON.

Mr. BOGGS in two instances.

Mr. O'NEILL in three instances.

Mr. WALDIE in six instances.

Mr. METCALFE in two instances.

Mr. EILBERG in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin; to the Committee of Interior and Insular Affairs; and

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower; to the Committee on Appropriations.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related Acts, and for other purposes.

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 13, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2072. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a quarterly report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the period ended March 31, 1972, pursuant to section 720 of the Department of Defense Appropriation Act, 1972; to the Committee on Appropriations.

2073. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the East Greenacres unit, Prairie Division, Rathdrum Prairie project, Idaho, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 83–172; to the Committee on Appropriations.

2074. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a revised report on the total amount of assistance-related expenditures for Laos for the first two quarters of fiscal year 1972 and the expenditure figures for the third quarter, pursuant to section 505(f) of Public Law 92–156; to the Committee on Armed Services.

2075. A letter from the Assistant Secretaries of the Interior for Rural Development and Conservation and Public Land Management, transmitting a proposed combined Bureau of Land Management and Forest Service plan for the development, operation, and management of that segment of the Rogue River under the administration of the BLS and FS in Oregon which is part of the national wild and scenic river system; to the Committee on Interior and Insular Affairs.

2076. A letter from the Chairman National Transportation Safety Board, Department of Transportation, transmitting the 1971 annual report of the Board, pursuant to 49 U.S.C. 1654(g); to the Commitee on Interstate and Foreign Commerce.

2077. A letter from the Acting Administrator of General Services, transmitting prospectuses for various Federal office buildings, pursuant to 73 Stat. 480; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2078. A letter from the Comptroller General of the United States, transmitting a report on efforts by the United States to obtain agreement on the value of improvements on properties returned to the Federal Republic of Germany; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15048. A bill to amend the Merchant Marine Act of 1970 (Rept. No 92–1122). Referred to the Committee of the Whole House on the State of the Union.

Mr. CABELL: Committee of conference. Conference report on H.R. 9580 (Rept. No. 92–1123). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENNIS: Committee on the Judiciary. H.R. 10713. A bill for the relief of Wilma Jugulion Koch; with amendments (Rept. No. 92–1120). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 9256. A bill for the relief of Kyong Ok Goodwin (Nee Won); with an amendment (Rept. No. 92–1121). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama (for herself and Mr. NICHOLS):

H.R. 15419. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER:

H.R. 15420. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 15421. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 15422. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

H.R. 15423. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mrs. HECKLER of Massachusetts):

H.R. 15424. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 15425. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 15426. A bill to amend the Federal Aid Highway Act, 23 U.S.C. 110 and 138 to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid; to the Committee on Public Works.

By Mr. WILLIAM D. FORD (for himself, Mr. DINGELL, Mr. NEDZI, and Mr. O'HARA):

H.R. 15427. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 15428. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY (for himself and Mr. KYROS):

H.R. 15429. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine; to the Committee on the Judiciary.

By Mr. MCCLORY:

H.R. 15430. A bill to amend chapter 44 of title 18 of the United States Code to provide for the systematic registration of handguns; to the Committee on the Judiciary.

By Mr. MCCLURE:

H.R. 15431. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee in Interstate and Foreign Commerce.

By Mr. MOSS (by request):

H.R. 15432. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 15433. A bill to amend section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483) to provide for beach erosion control and hurricane protection, Bal Harbour Village, Dade County, Fla.; to the Committee on Public Works.

By Mr. ROE:

H.R. 15434. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15435. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

H.R. 15436. A bill to extend the emergency unemployment compensation program for an additional 6 months, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 15437. A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government; to the Committee on Banking and Currency.

By Mr. STEIGER of Arizona:

H.R. 15438. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. TEAGUE of California, Mr. DORN, Mr. ROBERTS, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. SAYLOR, Mr. SCOTT, Mr. BARING, Mr. CARNEY, Mr. DANIELSON, Mr. DULSKI, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALEY, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HILLIS, Mr. PUCINSKI, Mr. RUTH, Mr. SATTERFIELD, Mr. WINN, Mr. WYLIE, and Mr. ZWACH):

H.R. 15439. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 15440. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. ASPIN:

H.R. 15441. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15442. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MILLS of Arkansas, Mrs. HECKLER of Massachusetts, Mr. RODINO, Mr. HATHAWAY, Mr. DANIELS of New Jersey, Mr. MINISH, Mr. CONTE, Mr. BIAGGI, Mr. ROSENTHAL, Mr. ADAMS, Mr. HICKS of Washington, Mr. BYRNE of Pennsylvania, Mr. BLATNIK, Mr. CAREY of New York, Mrs. GRASSO, Mr. CORMAN, Mr. KARTH, Mrs. GRIFFITHS, Mr. WILLIAM D. FORD, Mr. MCFALL, Mr. GIAIMO, Mr. DONOHUE, and Mr. MOSS):

H.R. 15443. A bill to amend section 203(e)(2) of the Federal-State Extended Unem-

ployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MURPHY of New York, Mrs. HICKS of Massachusetts, Mr. DANIELSON, Mr. BURTON, Mr. HARRINGTON, Mr. DRINAN, Mr. WALDIE, Mr. MIKVA, Mr. BOLAND, Mr. O'NEILL, Mr. ST GERMAIN, and Mr. TIERNAN):

H.R. 15444. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MILLS of Arkansas, Mr. RODINO, Mrs. HECKLER of Massachusetts, Mr. HATHAWAY, Mr. DANIELS of New Jersey, Mr. CONTE, Mr. MINISH, Mr. BIAGGI, Mr. ROSENTHAL, Mr. ADAMS, Mr. HICKS of Washington, Mr. BYRNES of Pennsylvania, Mr. BLATNIK, Mr. CAREY of New York, Mrs. GRASSO, Mr. CORMAN, Mr. KARTH, Mrs. GRIFFITHS, Mr. WILLIAM D. FORD, Mr. MCFALL, Mr. GIAIMO, Mr. DONOHUE, Mr. MOSS, and Mr. FRASER):

H.R. 15445. A bill to provide for a 6-month extension of the emergency unemployment compensation programs; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MURPHY of New York, Mrs. HICKS of Massachusetts, Mr. DANIELSON, Mr. BURTON, Mr. HARRINGTON, Mr. DRINAN, Mr. WALDIE, Mr. MIKVA, Mr. BOLAND, Mr. O'NEILL, Mr. ST GERMAIN, and Mr. TIERNAN):

H.R. 15446. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 15447. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, and Mr. SCHNEEBELI):

H.R. 15448. A bill to amend section 101(1)(3) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 15449. A bill to amend the Internal Revenue Code of 1954 to provide that payments made by airlines to aircraft hijackers shall not be deductible; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.J. Res. 1225. Joint resolution to provide for the termination of hostilities in Indochina, subject to the release of all American prisoners of war and the safe withdrawal of the remaining U.S. forces from Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H.J. Res. 1226. Joint resolution providing for the designation of the second week of June 1972 as "Plumbing and Piping Industry Week"; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Con. Res. 631. Concurrent resolution expressing the sense of the Congress with respect to the establishment of peace in Indochina; to the Committee on Foreign Affairs.

By Mr. WINN:

H. Con. Res. 632. Concurrent resolution expressing the sense of the Congress that an Asian peace conference should be established under the auspices of the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 1014. Resolution calling upon Radio Free Europe to initiate radio broadcasts to the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mr. BEGICH, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DANIEL of Virginia, Mr. DONOHUE, Mr. DRINAN, Mr. EILBERG, Mr. HARRINGTON, Mr. HATHAWAY, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. O'NEILL, Mr. ST GERMAIN, Mr. SANDMAN, and Mr. WYMAN):

H. Res. 1015. Resolution urging the President to impose export controls on cattle hides; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

398. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the massacre at Lod Airport, Israel, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 15450. A bill for the relief of Chiu Wong (aka Roberto Sing); to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 15451. A bill for the relief of Romano Lohar; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15452. A bill for the relief of Dedrick A. Maanum; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 15453. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. MILLS of Arkansas:

H.R. 15454. A bill for the relief of Joseph P. Connolly, master sergeant, U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 15455. A bill for the relief of Donald C. Talkington; to the Committee on the Judiciary.

SENATE—*Monday, June 12, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Gracious Father, who hast brought us to this time and place, give us a true purpose for the new world men dream about. Give us a renewed hope for the moral and spiritual renewal of the world Thou hast created. We ask not to be delivered from responsibility but to labor more responsibly and with higher wisdom for justice and peace everywhere. And for this purpose anoint Thy servants here with a full measure of Thy grace.

O Lord, look upon this good land which Thou hast given us for our heritage. Relieve and comfort those who suffer from floods or disasters of nature, and bring us all closer to one another in compassion and sympathy. May our human striving lead us to the shrine of Thine eternal love and the plan Thou hast for Thy coming kingdom.

We pray in the Redeemer's name. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 8, 1972, the following reports of a committee were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes (Rept. No. 92-842).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 7130. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes (Rept. No. 92-843).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 8, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

UNITED NATIONS FUND FOR THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Concurrent Resolution 82, Calendar No. 803.

The PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

(S. Con. Res. 82) to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 5, after the word "Environment", strike out "to consist of a first year budget of" and insert "in"; in line 6, after the word "of", where it appears the second time, insert "$100,000,000"; in the same line, after the amendment just above stated, strike out "$50,000,000 and to increase the annual budget for the Fund by the same amount each year for the next two years,"; in line 9, after the word "to", strike out "pay its" and insert "contribute such"; in line 10, after the word "of", insert "that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs."; and, in line 12, after the amendment just above stated, strike out "such annual budget."; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment in the amount of $100,000,000, and the United States Government should agree to contribute such fair share of that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble reads as follows:

S. CON. RES. 82

Whereas the peoples of the world have from time immemorial sought to improve their general well-being to the common detriment of the environment;

Whereas this degradation of the environment has resulted in deteriorating air and water and depleted natural resources;

Whereas the lack of collective action on the behalf of the environment has resulted in a challenge to all nations for human survival;

Whereas nations of the world have accepted that challenge and agreed to meet in Stockholm, Sweden, June 5–16, 1972, for the first United Nations Conference on the Human Environment;

Whereas the success of this historic conference will be determined primarily by the institutions agreed upon to deal effectively with the problems of the environment which transcend national jurisdictions;

Whereas an international environmental institution within the United Nations, created to deal with all problems of the international environment, will require adequate funding for its first year and additional funding for subsequent years; and

Whereas the United States share of such a fund should reflect this Nation's commitment to global environmental quality as a leading consumer of resources: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment in the amount of $100,000,000, and the United States Government should agree to contribute such fair share of that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs.

THREE COMMENCEMENT ADDRESSES—1972

Mr. MANSFIELD. Mr. President, during the past 2 weeks, I have been privileged to address the graduating class at Rocky Mountain College, Billings, Mont.; Foxcroft School, Middleburg, Va.; and Montana State University, Brozeman, Mont.

In these addresses, I have tried to relate my thoughts and feelings in the field of foreign policy with what I hoped were the thoughts and feelings of these young men and women going out into the world. As an overall group, they will have much to say, to do and, perhaps, to re-do and reenact. Whether or not I have succeeded in expressing my views to them in such a manner as to give them something to think about today and tomorrow remains to be seen.

May I say that I was impressed with all three student bodies. I have great faith and confidence in this new generation. They can be expected, at least in part, to undo the errors and the mistakes of the past, even as they may make some of their own, as they build upon the realities of today and deal with the problems of tomorrow.

Mr. President, I ask unanimous consent to have printed in the RECORD the commencement address at Rocky Mountain College, Billings, Mont., on May 29, 1972, entitled "China: A New Relationship"; the commencement address at the Foxcroft School, Middleburg, Va., June 9, 1972, entitled "China: Myths and Realities"; and the commencement address given at the Montana State University, in Bozeman, Mont., on June 10, 1972, entitled "Toward a Foreign Policy of Mutuality."

There being no objection, the commencement addresses were ordered to be printed in the RECORD, as follows:

CHINA: A NEW RELATIONSHIP

I would like to share with you on this day which is of great importance to you some thoughts of world affairs. One aspect of this subject, in particular, begs for your understanding and attention. That is the relationship between the United States and China. It is uppermost in my mind, at this time, because I have only this month returned from a journey to Peking. The impressions of the visit to that capital and several other Chinese cities are still very vivid. So, too, are my discussions with leaders of the People's Republic.

This is a notable year in U.S.-China relations. The first significant steps in 25 years have been taken towards a general revision of dealings with China. The initiative was long overdue and, hence the backlog of unfinished business is very heavy.

Almost a quarter of a century ago, we cut ourselves off, as a matter of deliberate policy, from all normal relations with the largest nation on earth. We did so by misreading or distorting, in an official sense, the implications of the Chinese revolution which brought a new government to Peking in 1949. Thereafter, we acted on the legal pretense that the People's Republic of China did not exist. Even as we pretended it was not there, we invested heavily in an elaborate system of costly constraints to curtail that government.

The price of this detachment from reality was not trivial. Quite apart from billions spent for counterpoises to China throughout Asia, our present involvement in Viet Nam can be considered, in large measure, to be part of the price of this constraint. So, too, was our earlier involvement in Korea.

These and other military actions were undertaken in the name of a policy called "containment" which was based on a set of assumptions about the nature of events in China, as we guessed or persuaded ourselves to believe them to be. These assumptions were made in a vacuum because of our isolation from the Chinese mainland. Not surprisingly, many of them turned out to be highly inaccurate.

The tragic cost of the miscalculations can be stated in terms of the lives lost, the bodies maimed and the resources squandered all around the rimlands of Asia, particularly in Korea and Indochina. To be sure, we cannot estimate what the alternative costs might have been had we acted on more accurate assumptions, or had we taken no action at all. Simply on the basis of what did happen, however, history may well record these miscalculations regarding China, as among the most costly of all time.

I might say, parenthetically, that we are at a crucial point, at the present time, in determining whether we will persist in this mistaken course. I refer to events in Viet Nam during the past few weeks. The new U.S. air and sea actions are vestigial responses which arise from the old, not the new China policy which was signaled by the

President's visit to Peking. Whatever the success of these new war measures, they will not alter in any way the overwhelming need of this nation to disengage completely from the Indochina conflict. We need to do so, not to satisfy Hanoi or Peking or Moscow, but in order to serve our own national interests. If we have learned anything to date from this conflict, it is that we have no national stake in that conflict except an end to further casualties and the return of the prisoners of war and the missing in action. The course of action best calculated to serve these national needs remains to negotiate the best political solution without further recourse to arms and to get out of Indochina, lock, stock and barrel.

But, to return to the central theme of my remarks, it is revealing to ask ourselves how we became involved in Viet Nam in the first place. How did we permit ourselves to make such faulty commitments with such disastrous consequences? We get some clues, I think, when we review the spectrum of our relationship with China over the last two centuries.

More than with other nations, our relationship with China has been subject to the ebb and flow of popular myth. We have tended to oscillate from the one oversimplified view of China to another. For almost two centuries, China has been viewed, alternately, as benign or virulent, friendly or hostile, wise or foolish.

Like the "yin" and "yang" of Chinese cosmology which holds that life is the product of a dualism of opposites, our image of China has gone from one extreme to the other. On the one hand, there has been the image of the China of wisdom, intelligence, industry, piety, stoicism and strength. That is the benign China of Marco Polo and Pearl S. Buck; it is the China of the Charlie Chan movies and of the stories of heroic resistance to Japan in the 1930's.

On the other hand, there has been the image of the China of cruelty, barbarism, violence, and faceless hordes. This is the China of drum-head trials, opium dens, bandits, summary executions, Fu Manchu, and the Boxer Rebellion.

In the late 18th century, we looked up to China as an ancient civilizaton—superior in many aspects of technology, culture, and social order and surrounded by an air of splendid and imperial mystery. In that period, the China trade was sought eagerly by the Clipper ships and Chinese produce was highly valued notably along the Eastern Seaboard and in Europe.

Respect turned to contempt, however, with China's quick defeat in the Opium War of 1840. There followed acts of humiliation of China such as our participation in extraterritorial treaty rights and the Chinese Exclusion Act of the last half of the 19tb century.

In the early 20th century, attitudes shifted again to benevolence. American missionaries of many faiths made China a favored field for proselytizing and education. In this period, the Chinese became, for this nation, a guided, guarded, and adored people.

Chinese resistance to the Japanese invasion in 1937 produced another shift from benevolence to admiration. At the end of the Second World War, admiration was displaced by disappointment and frustration, as the wartime truce between Nationalist and Communist forces collapsed in internal strife. This nation became profoundly disenchanted with China, a disenchantment which was replaced abruptly in 1949 by hostility. U.S. Secretaries of State turned their backs on Chinese leaders and spoke of the menace of "Chinese hordes" as predecessors had spoken with similar revulsion of the "yellow peril."

The hostility was largely a reaction, of course, to the coming to power of a Communist regime on the Chinese mainland. We were not only dismayed by this development, we saw it almost as a national affront. Peking was viewed as a treacherous extension of the Soviet steamroller which had reduced Eastern and Central Europe to subservience at the end of World War II. China became in our eyes the Eastern puppet of world communism, to be manipulated by strings pulled in Moscow.

After Chinese forces intervened in the war in Korea where, incidentally, Mao Tse-tung lost his eldest son, U.S. policy was cast anew on the premise that the government on the Chinese mainland was an aggressor. It was seen as ready to use force to impose international Communism anywhere in Asia. Conversely, it was assumed that if the endorsement of the free nations were withheld, this regime which was said to be "alien" to the Chinese people would wither and collapse.

On this premise, it was rationalized that recognition must not be extended to Peking. Instead, the official American view was that the Chinese National Government, which had retreated to the island of Taiwan, continued to speak for all of China. We cut off trade with the Chinese mainland and did whatever could be done to encourage other countries to follow suit. In a similar fashion, a diplomatic campaign was conducted year after year against the seating of the Chinese People's Republic in the United Nations.

We drew an arc of military alliances on the seaward side of China and undergirded them with the deployment of massive U.S. military power in bases throughout the Western Pacific. Tens of billions of dollars were expended in this process. Much of this immense outpouring of effort and money seems incredible now in the light of the President's recent visits to Peking and to Moscow. Yet, it has continued for 20 years and, of course, is still going on, notably, in Indochina.

As has been suggested, this last quarter century of China policy has been characterized by delusion and miscalculation. We assumed, for example, that the Chinese Communists would be unable to govern. We assumed that the Peking government would be an extension of Soviet Communism and a willing accomplice to Soviet purpose and design. And we assumed that the Chinese government would be bent on territorial aggrandizement.

All of these assumptions have proved to be erroneous. In the first place, of the numerous divisions which have arisen within the Communist world, the differences between Moscow and Peking have been the most significant. They so remain today although the rasping edges of the conflict appear somewhat tempered by the periodic flare-ups of the war in Viet Nam.

At the same time, the government of the People's Republic has not only survived, it has provided the Chinese people with effective leadership. Chinese society has achieved a considerable degree of economic, scientific and social progress. A modern technology has been developed which is sophisticated enough to turn out products ranging from needles and hand-tools to thermonuclear devices, earth satellites and the rockets to place them in orbit. A powerful national momentum has been generated which is proving sufficient to supply an enormous population with the wherewithal of decent survival and an improving livelihood.

Notwithstanding assumptions to the contrary, the Chinese government has not shown any great eagerness to use its own armed forces to spread its control abroad. Where Chinese armies have been employed they have been used to assert traditional territorial claims, or in expression of concern for the safety of China's borders. China has not become enmeshed in foreign military adventures. In Viet Nam, for example, the Chinese military involvement has been peripheral. There is Chinese equipment in South Viet Nam but there are no Chinese battalions. In North Viet Nam reports have indicated the presence, from time to time, not of Chinese combat units, but of labor troops engaged in repairing bomb damage to roads, railroads, bridges and the like.

Chinese actions in Tibet, and along the Himalayan frontier with India, are often cited as examples of militant Communist aggression. Nevertheless, for centuries, Tibet has been universally regarded as falling within China's over-all boundaries. If the Peking government claims that Tibet belongs to China, so, too, does the Chinese National Government on Taiwan. India also acknowledges such to be the case and American policy has never officially recognized Tibet as other than Chinese territory.

Even in Korea, the direct Chinese military involvement did not begin until United Nations forces approached China's borders. In any event, the last Chinese batallions left North Korea years ago.

Looking ahead, it would seem to me that Chinese energies and resources are going to be so preempted by internal needs over the next two decades that there is little likelihood that China could post a serious military danger to the United States even if that were the inclination.

The evidence, in short, is ample to dispel some of the most alarming assumptions on which our past policies have been based. Of course, there is an immense potential danger in China. There is also an immense potential danger in every other powerful nation in a world which has not yet learned how to maintain civilized survival in a nuclear age except on the razor's edge. Insofar as China is concerned, the fundamental question for us is not so much whether it is a danger, but whether our policies will act to alleviate or to exacerbate the danger.

In my judgment, these policies can alleviate the danger only to the extent that they are based on premises that correspond more nearly to realities than has been the case in the past. It will serve no useful purpose to flail at windmills. Now that we have, in 1972, at last penetrated the shroud of obscurity surrounding China, there is reason to hope that our judgments and actions regarding China and Asia, henceforth, will be better informed.

In this new phase of our relations with China, we must beware, of course, that the old pendulum of myth does not now swing to the other extreme, thereby creating a new image of China which is as unreal as the old. We must guard against becoming too enamoured of the splendors of a newly revived amity. Banquets and toasts and shark's fin soup do not of themselves assure a new order of world affairs.

To keep the pendulum in equilibrium in our current approach to China, it would be well to heed a rule laid down by Lord Palmerston, the prime Minister of Great Britain in the 1860's, who declared:

"We have no eternal allies, and we have no perpetual enemies. . . ."

Our experiences in postwar World War II relations with Germany and Japan underscore this observation.

We have not always been very astute about defining where our real interests lie. We have often tended to confuse them with fleeting and transitory images of friendliness or animosity. This is all too true in the case of China where, for 25 years, we have been obsessed with the assumed threat of a peripheral enemy. In fact, we might well have avoided the untold misery and loss of life and resources of the peripheral war in Indochina, had we forgone the *poses of power* and, instead, taken a harder view of our national interests.

While we cannot identify national interests with exactitude, we do have it within our means to determine much more clearly where it is that they do *not* lie. The President has shown the way in this connection. Even before his visit to Peking, he had laid the groundwork for reestablishing more normal contact with the People's Republic of China by the removal of discriminatory restrictions on travel of Americans to the Chinese mainland and by ending the embargo on trade with China. The embargo had been imposed during the Korean War and was of a design so tight as to exclude even chop-sticks. The fact is, however, that for two decades, it had had no economic impact in China and had served only to injure our own traders. By ending the boycott on the eve of his visit to China, the President removed what was, at most, an irritant to China but which would have hampered his efforts to bring about the beginnings of a reconciliation.

As it was, President Nixon was able to lay the groundwork for the growth of contact between the two nations. The chances are good that the months and years ahead will see a gradual increase in exchanges between China and the United States in medicine and health, science, journalism, athletics, the arts and other pursuits.

An increase in trade is also to be anticipated. The Chinese are in an excellent position to move forward in this connection. It has been their practice to keep imports and exports, worldwide, in rough balance. They have neither external nor internal debt. They have ample exchange reserves. Their international reputation for integrity and reliability in commercial transactions is already very good. A great range of Chinese products is available for sale in the world markets and the Chinese also have a substantial shopping list for imports which will help to speed their own development and strengthen their economic self-reliance.

Exchanges can take place, in my judgment, even though the issue of Taiwan's remains finally, to be resolved. President Nixon has acknowledged as valid, Peking's claim that the island is part of China. That claim, incidentally, is sustained by the Chinese government on Taiwan. With the assurance that the United States will not pursue a two-China policy, Peking is prepared to go ahead in reestablishing contact with this nation while exploring in its own fashion the road to reunification of the island with the mainland.

Beyond exchanges between China and the United States, there loom larger questions of peace and security in the Western Pacific. Even as we meet here today, we await the consequences of the latest escalation of the U.S. involvement in Viet Nam as well as the full import of the President's discussions in Moscow. One can only hope that we have seen the last resort to retaliation in Indochina, the final burst of this wasting conflict and that progress can now be expected toward a genuine political settlement.

In all candor, the record of this tragic war provides little grounds for optimism in this respect. The invasion of Cambodia did not produce peace. Nor did the invasion of Laos. Nor did the earlier bombing enterprises over North Viet Nam.

Peace was the promise attached, in turn, to each of these escalations of the U.S. involvement. Each, in turn, led *not* to the promised peace but to more killed and maimed, more prisoners of war, more missing in action, more and more billions in expenditures to produce more and more devastation throughout Indochina.

The end of this war has yet to come and it is not clear yet when it will come. We would do well, nevertheless, to begin to examine the possibilities of a new security system, based on the realities of the '70's. These realities urge us to seek, in my judgment, an equilibrium of this nation's interests with those of China, Japan, the Soviet Union and the smaller nations of the Western Pacific. All have a stake in the peace of the region.

The restoration of contact with China furthers the possibility that at some time tripartite discussions might be held between China, Japan, and the United States, if not quadripartite talks, which would also include the Soviet Union. A development of this kind could do much to allay unfounded mutual fears and to begin to come to grips with the question of adjustment of valid national interests. It could provide insights into such vital questions as the intentions of the various powers in the Western Pacific and how they relate to one another, the economic needs of the Asian nations, and the prospects for curbing nuclear conflict. Most important, such discussions might provide a vehicle for general stabilization of the Indochina peninsula and Southeast Asia in the post-war era.

Adjustments of this kind require fresh perspectives. We need to see the situation as it is today, not as it appeared 20 years ago in the cataclysmic upheaval of the Chinese revolution. We need to see the situation not through the fog of an old and stagnant hostility but in the light of the enduring interests of the United States in the Western Pacific which are no less than a peace of equality and mutuality which will permit a flowering of relations with all Asian nations. Nor, may I add, are they any more.

I see great relevance in young men and women thinking deeply of the issues which divide China and the United States to determine how they can be recast in new and uncluttered molds. Unlike my generation, you have already learned much about Asia. You have a greater awareness of its importance to this nation and to the world. Furthermore, you have not had the experience of national trauma in moving abruptly from an era marked by an almost fawning benevolence toward China to one of thorough disenchantment. You were spared the fierce hostilities which rent this nation internally, as a sense of warmth, sympathy, and security regarding China gave way to feelings of revulsion, hatred and insecurity.

You young Americans and your counterparts in China will live your adult years in an era in which much of the world's history will be written in the Pacific. What you do, how you relate to one another—Chinese and Americans—will have much to do with whether or not that history is written in terms of peace and civilized human survival.

I have seen China off and on since I served there in the Marines in the 1920's. I have seen you, your parents and your grandparents much closer up and for a much longer period of time.

I am confident about a future that belongs to your generation, both in China and in this country of ours. This Republic is worthy of your best efforts not only in terms of developing Chinese and U.S. relations, but with regard to the entire world. You can do no more than try to achieve mutual understanding and a peace with all peoples. You can and should do no less.

China: Myths and Realities

Whenever I talk with people of your age, I am struck by your candor and honesty. You raise questions as to the values of our society, the integrity of our public affairs and the wisdom with which government is being run. This is as it should be. Only through constant reexamination will our policies and our system be shaped to meet the ever-changing needs of the nation.

There is a human tendency to cling to the ways of the past. It is desirable in that it gives continuity to our national life. If carried too far, however, it can be a straightjacket. Persons in public life, perhaps, tend to be very susceptible to this tendency. Hence, the mistakes or irrelevancies of the past may be over-reflected in current policies. Until very recently, for example, your government's position on China seems to have been based largely on inadequate or erroneous assumptions of what was going on inside that nation of 800 million. Now that the President has visited Peking, the fictions about China are falling away. We are beginning, at last, to see what really confronts us in the great nation on the other side of the globe.

I would like to talk to you, therefore, about myths and realities regarding China. I do so because what happens in our relations with that nation will have profound meaning to you throughout your adult lives. A few weeks ago, I had the experience of spending 16 days traveling in China. It was not my first visit but it was in 1946 that I had last been there. So for a quarter of a century, that vast land has been to me as it has been to almost all Americans, as remote as the moon. In fact, since the space program began, we have spent more time and energy—and much more of the federal treasury—thousands of times more—in attempting to fathom the moon's secrets than in trying to learn the truth about China.

Since 1949, our concepts of China have been compounded of ignorance, half truth and untruth. This concoction produced a U.S. policy which was designed on the basis of a China seen as a malignant dragon breathing fire and lashing out aggressively at the world.

Before most of you who are graduating were born, your government had already begun to erect a Great Wall of isolation against this presumed menace. A ring of military treaties was established in Asia to choke off what were thought to be China's imperial ambitions. To nail these treaties into place, moreover, U.S. bases were established all over that region. U.S. troops were sent to man the bases. Tens of billions of dollars in military aid were distributed among foreign governments who did not have to do much more to obtain such aid than to give us assurances of their hostility to Communism.

While we were seeing China as a reckless, belligerent and powerful ally of Communist Russia, China was struggling to build on the ruins of World War II and a great revolution, a political and economic system which would serve the needs of the Chinese people. If we sought to contain China, in turn, the Chinese sought to keep us from interfering in their affairs. The Chinese view of U.S. policy in those days was that it was a logical extension of the over-all Western effort to dominate and exploit their country which had persisted for 150 years. They saw us as implacable enemies.

If the Chinese did not read our intentions correctly, we did not read theirs any more accurately. The fact is that China did not engage in aggressive seizures of neighboring nations. Whatever territorial changes they have sought, with the Soviet Union, Burma and India, had also previously been those pursued by predecessor Chinese governments, notably the government of Chiang Kai-shek on Taiwan.

In retrospect, U.S. policy with regard to China since 1949 has been ill-informed and misguided. I say that not as a Monday morning quarter-back. All of us who lived through those years share, to some degree, the writing of this unfortunate chapter in U.S.-Chinese relations. The fact is that we let our fears get the best of us. In looking at China for the past two decades, we saw much that was not there.

It is still difficult even now to form impressions of China free of these past distortions. Nevertheless, the distortions can be tempered by perspective in the sense that a bottle can be judged as half full or as half empty. If China is measured by some of our common yardsticks, whether they be highway mileage, the number of cars, television sets, kitchen gadgets, political parties, or newspaper editors—the bottle will be seen as half empty. If China is viewed in the light of its own past, the bottle is half full and rapidly filling.

That is the way the Chinese people look at their situation. They are not comparing their way of life with ours or with India's or

even Taiwan's. They are looking inward at where they were yesterday, where they are today and where they will be tomorrow. It is no wonder, then, that there are many signs of popular acceptance of the new China and very little to indicate popular discontent. The fact is that the contrast of the new China with the old is nothing short of extraordinary.

If the new China is a closely controlled society, it is also true that political freedom was not a preeminant characteristic of the old China. Yet, there are sharp contrasts between the old and the new. Unlike the past, the current political controls have resulted in a China free of the ever-present threat of famine, pestilence, flood and other calamities. It is also a China largely free of exploitation, free of political corruption and free of indifferent government.

By comparison with the past, there is every visible indication that the Chinese people, today, live in a well-fed, adequately clothed and housed, and reasonably healthy society. The cities are clean, orderly and safe. The shops are well stocked with food, clothing and modest consumer items. Crime, begging, drug addiction, alcoholism, delinquency are conspicuous in their absence.

Personal integrity is scrupulous to an extreme. In Canton, for example, I saw a display case for lost and found articles in the lobby of the People's Hotel. It contained, among other things, a half-empty package of cigarettes and a pencil!

Today's China is an effectively organized, hard-working, early-to-bed, early-to-rise society. In both urban and rural areas, the people appear to be well motivated and cooperative. Women and men work side by side for equal pay. There is no visible distinction of rank on the farms, in the factories, in the armed services or government offices. A casual sense of freedom and mutual tolerance pervades personal relationships. There is an air of easy egalitarianism. There is now bowing down or kowtowing, not even to the highest officials.

The accent in China is on today and tomorrow, but a new interest is also evidenced in China's rich past. Everywhere there are striking restorations of cultural shrines even as the search continues for more of the ancient heritage. Excavations of the historic sites are underway throughout China and the archeological finds, to date, have been very impressive.

Conservation of natural resources has also received great emphasis. So many trees have been planted in and around Peking, for example, that the local weather has been altered for the better. Throughout China a new productivity is being developed by the reclamation of wastelands and by massive water control projects.

Only a few years ago, no medical care to speak of was available to the great preponderance of China's people. Now, along with regular physicians, so-called "barefoot" doctors who, in the tens of thousands, constitute a kind of basic civilian medical corps, are active in every region of China. The help which they give is often based on a limited medical knowledge but it is sustained by an unlimited enthusiasm to serve the sick.

Along with modern medicine, the Chinese are also using traditional herb treatment and accupuncture techniques. The latter is a Chinese healing practice which is over three thousand years old. It has been revived as a highly effective anathesia in surgery and is also being put to widespread experimental use as a treatment for many ailments.

Intestinal and other epidemic diseases—the terrors of old China—have been drastically reduced or eliminated. The heavy accent which has been placed on personal cleanliness and order has been a major factor in this achievement. In addition, there have been repeated mobilizations of the population in mass campaigns to eradicate disease-carrying snails, flies and mosquites. Not only in health but in every aspect of society there is evidence of a China being rebuilt. The Chinese people have swept away much of the inequity, the ineffectiveness and the despair of the past.

Notwithstanding reports to the contrary, the family remains as the basic social unit of China. It is a unit, however, which is no longer permitted to function on the sole basis of family interests, indifferent to the fate of the community and the nation. In short, the Chinese are fashioning a modern society, with a way of life which is rooted in the past but meets the needs of the present, and seems to offer hope for the future.

While these vast changes have been taking place in China, we have gone on fighting a war in Indochina. Our involvement in that war is derived in large part from the policies towards China which were adopted in 1949. As a former President put it some years ago: "Over this war (in Indochina), and all Asia is another reality: The deepening shadow of Communist China." To say it another way, we had engaged ourselves in Indochina, in major part, to block an aggressive China. For all practical purposes, President Nixon no longer sees the situation that way. On his visit he found a China not turned outward for aggressive ends but a China intent on solving its many internal problems. He initiated further contact on the basis of this finding.

The fact is that the Chinese, themselves, reject the status of "super-power" and insist that their system does not permit them to impose their views on others by force. Their armed forces are maintained inside China's borders and there are no appeals for military crusades abroad. They have no military outposts or bases in Korea, Southeast Asia or anywhere else on the Asian continent.

In a book written after a recent visit to China, Ross Terrill summed up the Chinese view of the world in these words:

"Here is a superior people . . . but whose sense of their superiority is rooted in contentment with their own mountains and rivers—not an active sense of superiority which pants to convert the world to its excellence. A passive sense of superiority, which basks, inward-turned, within its own possessed excellence."

There is little reason to expect a radical change in the basic direction of China's present course. Mao Tse-tung has already become a living legend in China and his writings are likely to illuminate the psth of China's social, political, and economic development for the foreseeable future. What is to be anticipated, I believe is more rapid progress in building China's economy, with continued emphasis on production. China's resources are so diverse, its population so vast, and its needs so great that the emphasis could continue to be placed on internal development for many years to come.

I would anticipate that there will be an expansion of contacts between China and the rest of the world, including the United States. So far as I can see, the steps taken thus far by the President and the Chinese Premier to normalize relations are irreversible provided, I repeat, *provided* that this nation's course out of Viet Nam is also irreversible. Without peace in Indochina, there is little likelihood of a significant expansion of peaceful contact with China.

As for future relations between the Chinese and ourselves, I believe that we can dissolve the fears of the past by an honest exchange of viewpoints, mutual consideration, and decent restraints in dealing with one another. The differences which exist and will continue to exist need not lead to conflict. On the contrary, they can be adjusted to mutual gain.

We are a young national culture relative to China, hundreds of years compared with thousands of years. There is much to be learned and gained on both sides, in agriculture, industry, pollution control, health, education and many other fields.

There are human values to be examined and weighed. The mutual educative process has begun anew. The process must be maintained on the basis of equality of treatment and respect. The days of the one-sided relationship which once existed with China—of teacher-pupil, master-servant, benefactor and dependent, and so on back into the 19th Century's "enlightened and heathen," are gone and it is hard to see who in contemporary China or in this nation will mourn their passing.

Chou En-lai noted that it had taken "100 years since the Opium Wars for the Chinese people to stand up." Today, they are standing up. Self-reliance is their watchword and on that basis they are building a new China. In the years ahead, you will also be building, as each generation does, a new nation here in the United States. I would hope that it will remain rooted in the soil of the past even as it is redesigned for living in the present and to provide hope and confidence for the future.

I regret to say that the legacy which has been left to you with regard to our relations with China contains a high percentage of distortion which, in turn, has helped to distort relations with other parts of the globe. It is no accident, for example, that we have spent and are continuing to spend the lives of tens of thousands of Americans in Indochina and tens of billions of dollars in that tragic conflict. These sacrifices are a part of the price of two decades of distortion in China policy and the sooner we face up to this underlying cause of the Indochina war the better.

You, who are not saddled with the myths of the past, can play a large role in clearing away this debris. On the heels of the President's initiative, the reality of China is beginning to trickle into the consciousness of government. The enlightenment of your generation can speed that process. I am confident that you will not be fettered with the fears of the past, that you will look at the world around you with fresh clarity and find the courage to think your own thoughts. To think your own thoughts is the well-spring of freedom. May you draw deeply on it to help shape a better relationship between this nation and China and with all nations.

TOWARDS A FOREIGN POLICY OF MUTUALITY

I come here today to convey a word of optimism regarding the nation's foreign relations. Optimism in this connection is long overdue; still, I hope my reference to it at this time is not premature. Whatever the case, my expectation is that history may well record 1972 as the year in which a corner was turned for peace. There are indications that the world is headed back towards constructive human purpose in its major international relationships. A water-shed appears to have been reached after a quarter century of dangerous dallying in the murky detours of the Cold War.

Insofar as the government of this nation is concerned, except in the case of Indochina, I believe the President is responding in a new fashion to international circumstances. He is projecting not as adversary but as conciliator. In so doing, he is paying heed to the legitimate claims of a public sentiment grown impatient with the words of peace, sung to the cadence of war.

So, I address a word of hope especially to you men and women of this graduating class. Your generation can take a great deal of credit for bringing about this change. Your manifest disenchantment with the foreign policies of the past and with the tragic travesty in the name of peace in Indochina has been impressed on Washington. You have underscored the point that government is itself governed, in the final analysis, by

the depth and degree of public support which can be commanded for its policies.

You have helped to inject balance into official channels and, hopefully, to assure that government will not soon again indulge in meaningless adventures abroad, largely at the expense of young life. If we are, in fact, going through the last Viet Nam, if we are, in fact, getting out at last, as I devoutly hope, you have done your share to that end.

To be sure, the millenium has not yet arrived. Doomsday missiles in the United States point at doomsday missiles several thousand miles and a few minutes away. We still have vast garrisons on the mainland of Southeast Asia. Planes are still engaged in raining terror out of the Indochina skies. Ships sow the instruments of destruction in the waters south of China. Indeed, the Secretary of Defense has just told us that the spread of conflict, by sea and air, once again into North Viet Nam—this latest episode in the continuing agony of the Indochina War, will cost the people of the nation an additional $5 billion this year, not to speak of more lives, more prisoners-of-war, and more missing in action.

Nor should we overlook, in any note of optimism, the social and economic overload which arises at home from these and other wasting demands abroad; the capacities of the nation are great but they are not unlimited. The strain of serving, for a quarter-of-a-century as the world's leading policeman, banker, pioneer in space and what-not shows in the prices that are paid in every store in the nation. It shows, too, in the neglect of the environment, in the decay of cities and in the rise of crime, drug addiction and other barometers of social breakdown within our society.

Before we can speak of any real light at the end of the tunnel, we must face up to the immediate problems of the transition from the exertions of war to the work of peace. That the adjustments can be difficult and painful has been brought home to us by the President's announcement that the ABM site at Malmstrom will become inoperative under the terms of the Nixon-Brezhnev treaty. In this case, as in many others, we must find—the federal government has an obligation to assist in finding—constructive alternatives.

These qualifications aside, however, the fact is that the world has come a long distance towards sanity and order in the short space of a few months. That is why, in my judgment, the class of 1972 can look with some confidence to the future. There is a chance that the evil genies which have plagued us for a quarter century can be put back securely in the bottle.

Consider what has been achieved by the diplomacy of the past year. What comes to mind most vividly, of course, is the President's just completed journey to Moscow. The accords which were concluded there were highly significant in themselves. Yet, the most important result of the Moscow summit may be found not in specific achievements. Rather, it may emerge from the changes of national attitude on both sides which were reflected in the meetings.

The results of the Nixon-Brezhnev talks indicated a clear acceptance of mutual self-interest as the basis for the future relationship between the Soviet Union and the United States. We have not always been very prompt in the past to recognize national self-interest as a basis for a policy of peace. To be sure, we have sometimes *over*-assumed a national interest, as in Viet Nam and on that basis, spent the lives of tens of thousands of Americans and permitted over $130 billion dollars to be sucked up by the destructive sponge of that conflict. Now, after years of this deadly wastage we have at last discovered that our only valid national concern is to get back the prisoners of war and the recoverable missing in action. We have come at last to realize that our *only* national interest is to get out of the Indochina involvement, lock, stock and barrel.

If on some occasions we have over-assumed national interests, on others, we have ignored them almost as though they were not fitting to a great power. So, we have hesitated to define our bona fide concerns and pursued, instead, the will o' the wisp of ideological conflict. We have done so on the basis of such slogans as "Make the World Safe for Democracy," and most recently the "Battle for the Minds of Men" or the "Containment of Communism." The pursuit of ideological struggle has not led us to any victories. Rather, it has projected us into a hodge-podge of foreign aid, military alliances and into overseas propaganda and other dubious manipulative operations. The warm human concern of Americans for other peoples has been distorted by ideological warfare and we have plunged, without warrant, into the internal political and social affairs of other nations everywhere in the world. For two decades this costly exercise has become a way of life for hundreds of thousands of Americans, some of whom have scarcely set foot in the United States for many years. If there is a new light of hope, it is in large part because this random flailing appears to be coming to an end. In place of the cacophony of the Cold War, the recent Moscow conference spoke softly of "Basic Principles of Mutual Relations between the United States and the U.S.S.R." In these principles, the two nations recognized that there is no feasible answer in a nuclear age to the prospect of mutual annihilation other than mutual collaboration.

The two powers have begun, now, to move toward what President Nixon has called a position of "mutually agreed restraint" in armaments. To that end, a treaty has been negotiated by President Nixon to limit offensive and defensive strategic nuclear weapons on both sides. As I have already indicated, this treaty has a special meaning for Montana because it is expected that Malmstrom will not be developed now as an ABM site. In the circumstances, what I told the Senate in opposing the ABM program three years ago bears repeating today. On April 1, 1969, I said: "If this proposed ABM missile system . . . is right for the nation, it will be right for Montana. If it is wrong for the nation, however, the location of one site at Malmstrom cannot make it right.

"What economic benefit to a Montana community will equal the additional tax burdens and the new inflation which will weigh on all the people of Montana . . .? If the system becomes an insatiable maw for the consumption of public resources, who will pay for the neglect of other urgent needs, if not all the people of the nation including Montanans?"

That was my position on the ABM three years ago. It remains my position. I will support the President in regard to the Nixon-Brezhnev Treaty because I think it is a step on the road to peace—a goal devoutly hoped for by all mankind.

The diplomacy by which the treaty was negotiated is similar to that which led the President to take the first steps in breaking down the barriers of isolation and separation with the People's Republic of China. To digress for a moment for a personal note, let me say that on March 29, 1968, I gave the first lecture sponsored by the Mike and Maureen Mansfield Foundation at the University. The subject was "China: Retrospect and Prospect." My remarks, four years ago, contained this statement:

"It ought to be made unequivocal that we are prepared at all times to meet with Chinese representatives—formally or informally—in order to consider differences between China and the United States over Viet Nam or any other question of common concern."

The President's visit to Peking early this year which was followed by the journey of the Senate Minority Leader and myself a few weeks ago, has now made unequivocal the readiness of this nation to meet with China to the end that difficulties may be dissolved and civil contact restored between the two peoples. Four years is a long time. It is a long delay—but it is a beginning. The Great Wall of separation has commenced to crumble and the way to a stable peace in Asia is opening at last.

What the President has done with regard to the Chinese People's Republic is to remove a self-imposed straight-jacket on the foreign policies of the nation. Following World War II, for example, rather than face the great upheaval which had taken place in China, we chose not to recognize but to quarantine it. We cut ourselves off from contact with these monumental changes, thinking all the while that by so doing we somehow could exercise political control over them. In retrospect, it is clear that we had little or no effect over the course of events.

The fact is that there was a viable and independent government in control in China for many years before we chose to acknowledge that such was the case. It availed us nothing to ignore and isolate ourselves from that government. Yet, we continued to do so long after this policy had lost the last shred of a rationale.

Now that myths have begun to be replaced by realities, we can proceed to explore with the People's Republic of China, as the President has started to do with the Soviet Union, the possibilities of mutual accommodation. The change comes very late. Already, as I have indicated, the economy of the nation reveals the stresses imposed by unrealistic and excessively costly foreign-defense policies. Last year, for example, it was necessary to devalue the dollar, to raise import duties and to impose domestic controls to prevent a catastrophic breakdown in the nation's financial grid. The process of adjustment had been delayed too long to make a graceful and painless transition and it will be prudent to anticipate still other shocks in the future.

Nevertheless, we are now moving in the direction of mutuality, of a sharing of responsibilities and leadership with other nations. In part, this process depends on negotiations. In part, however, it is possible to take unilateral actions. It is not always necessary to await the pleasure of others in order to lighten our self-imposed burdens. I have, for example, not hesitated to urge unilateral action at various times with regard to Viet Nam in an effort to bring the involvement to a more rapid conclusion. I have done so because the ending of this mistaken and tragic adventure is our problem and our problem alone. Every day that the involvement persists adds to the burdens of the people of this nation, to the list of dead and wounded and to the devastation of the hapless people of Indochina. Others may have an interest in our withdrawal from this conflict. But none has a more vital interest than this nation in getting out without delay.

I have also urged unilateral action to bring about a substantial reduction of U.S. forces in Europe. There is no rhyme or reason, in my judgment, to keep more than half-million U.S. military personnel and dependents in Western Europe a quarter of a century after World War II at the expense of the people of the United States. Whatever purposes of foreign policy the U.S. garrison in Europe may still serve, the same purposes can be met by a far smaller contingent. As it is now, this enormous deployment is a drain on U.S. revenues; it is fuel for inflation in the United States and it is a major source of the weakness of the dollar in relation to the currencies of other nations.

I have stressed this issue time and again against the resistance of the Executive Branch under the Administrations of three Presidents. Insofar as I am concerned, it will continue to be stressed, notwithstanding the Moscow agreements which call for negotiation of mutual and balanced reductions of forces in Europe. The fact is that the Soviet Union does not pay for this antiquated and largely irrelevant U.S. deployment. The Europeans do not pay for it. The people of this nation pay the cost in their taxes. I see no particular virtue in prolonged negotiations with the Russians to bring about a reduction of U.S. forces which should have been done years ago in our own interest. I am appalled to think of the billions which have already been wasted in this long waiting game.

There was a time within the clear remembrance of many of us here today, when the rhetoric of Cold War was part and parcel of policy. That was a time when there did not appear to be any mutuality of interests between East and West and when it would have been futile to urge unilateral steps to reduce tensions. Those were the days when each nation was what George Washington so correctly described as the "slave of its own animosity."

The essential fact in precipitating the Cold War was that two powerful new forces—ideology and technology—came together at the close of World War II. This fusion vastly complicated the whole interplay of international affairs. The technological problem was awesome in its simplicity. With the great flood of scientific and engineering advances, governments came into possession of the power of instant and worldwide destruction. In consequence, the processes of statecraft were compressed in time and altered radically in conduct.

In this country there was a Constitutional fall-out from these technological developments. The power of the Executive Branch in foreign affairs increased drastically even as the power of the national legislature, the Congress and especially the Senate, shrank in proportion. In crises, so it was reasoned, there would not be time to make political decisions, much less debate the issues. At the same time, the new technology of war, by its scope and complexity, became more than ever a partner of government, with a vested interest in its own perpetuity and a high potential for distorting public decisions about war and peace.

The other aspect of the Cold War—the ideological problem—arose from the fact that two of the victors in World War II—the Soviet Union and the People's Republic of China—were revolutionary states committed to a system of social and economic organization which was anathema to this nation. The conspiratorial aspect of Communism posed a particularly painful problem for the United States, breeding suspicion, distrust and division in government. It became difficult to separate valid threats to national security from the bombast of the power-seekers. Enlightened public debate became constrained and as a result public policy was not always subjected as fully as it should have been to the purgative of critical challenge. So the political paroxysms of the '50's led to the rigid policies of the '60's.

History may well record that we pursued the correct foreign policies into the early 1960's; that we bought time, through containment and counterforce, to permit the gradual moderation of Communist power, thereby reducing the Marxist states to the political dimensions of other nations. However that may be, it has been apparent for some time that we persisted in these policies too long. We were blind to changes elsewhere and to the possibilities of adjusting to mutual interest. In the end, we came to the disaster of Viet Nam. It is part of the price which has been exacted for the obstinate pursuit of the obsolete in foreign policy.

How can it be prevented from happening again? Quite possibly the world will not soon see a repetition of the particular confluence of historical forces—ideology and technology—which produced the rigidities of the Cold War. Possibly, the awareness of our own electorate may now be such that prolonged periods of national self-delusion will no longer be countenanced. Perhaps, more effective techniques will be found in the art of government which will act to limber the dead weight of massive bureaucracy and so bring about a greater responsiveness to changing circumstances both at home and aboard. Perhaps, the addition of the under-21-voters to the electorate which I consider the highlight of my career—will revitalize the entire political process. In any event, it is doubtful that your generation—seared as it has been by the folly and outrage of Viet Nam—will long suffer in silence a foreign policy which is based on the outdated.

In the final analysis it comes down to the degree to which an enlightened and vigorous electorate will probe and test and call to account the policies of its own government. President Brewster of Yale has put it in these words:

"Exposure, questioning, reappraisal are often painful, even agonizing; their price is nothing, however, compared to the resentment aroused by a feeling of manipulated ignorance."

Your generation has some reason to feel, I'm sure, that it has paid the high price of "manipulated ignorance." At least you have the advantage of knowing clearly what your generation must avoid. I am confident that you can and will not only akirt the pitfalls of the past, but being thus spared the old burdens, you will be free to explore the vast possibilities of mutual accommodation with all peoples in a world which is now beginning to be liberated from its obsolete fears.

You can do no more. You should do no less.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for not to exceed 15 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARTKE). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized as in the morning hour, pending arrival of the distinguished Senator from California (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, permit me to ask that the time for the quorum call, just had, be taken out of my time under the order, and I shall yield to the distinguished majority leader such time as he may require from my time under the order.

The PRESIDING OFFICER. Without objection, it is so ordered and the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I appreciate the usual courtesy and graciousness of the distinguished deputy majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

THE SECURITY ASSISTANCE PROGRAM

Mr. MANSFIELD. Mr. President, over the weekend, I received a letter from the President of the United States. As long as there has been some reference to it in the press, I think it should be read in open session at this time.

It is my understanding that the same letter was addressed to the distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT).

The letter is dated June 9, 1972, and it reads:

DEAR MIKE: In my special report to the joint session of the Congress on June 1, the evening of my return from the summit discussions in Moscow, I said that the door to the agreements that we reached there had been opened because the United States had maintained the strength it needed to protect its interests. A vital and indispensable element of that strength has been our continuing security assistance program.

The Foreign Assistance Authorization bill for fiscal year 1973, a significant portion of which is devoted to security assistance, is of direct and fundamental importance to the continued maintenance of our strength and the protection of our interests. As you know, the Senate will soon begin consideration of this bill, S. 3390.

Mr. President, S. 3390 is the unfinished business of the Senate and will be taken up shortly.

At Guam in 1969, I made clear that the United States would look increasingly to its friends and allies to play a greater role in providing for their own defense. Since that time we have moved forward steadily toward that objective with full recognition that our own security depends importantly upon the independence, the progress and the stability of our friends. But if we are to reach that goal, we must help others to develop the ability to defend themselves. My Foreign Assistance program requests for fiscal year 1973 are based on these imperatives.

The severe cuts in my fiscal year 1972 requests, and the restrictive amendments which were imposed, significantly limited our ability to move toward the basic objectives of the program—the maintenance of the strength necessary to secure a lasting peace.

When I forwarded my fiscal year 1973 requests on March 10, 1972, I reported that the foreign assistance appropriations for fiscal year 1972 were below the minimum level required to attain our foreign policy and national security goals. Such reductions and restrictions, if imposed by the Congress again in 1973, will call into serious question the firmness of our commitments abroad. Such Congressional action could have a destabilizing effect at a time when confidence in our support and perseverance will be critically needed.

In recent months we have taken bold and decisive steps in our continuing search for peace. I believe that through these efforts we have done much to enhance America's security and that of the entire world, primarily by diminishing the likelihood of direct confrontation with the Soviet Union and the Peoples Republic of China. Though we are making every effort to expand on these initial and significant steps, the process of building the structure of lasting peace will be long and arduous.

I share with you the desire to withdraw our remaining forces from Indochina in a timely and honorable manner. But Congressional amendments which can be misconstrued by our adversaries to be hostile to my peace proposals of May 8 do not serve this objective. As I have reported to you and to the people of the United States, we are continuing to pursue every possible avenue toward peace in Southeast Asia. I have made clear to the North Vietnamese that we are fully prepared to participate in meaningful negotiations to achieve a settlement and I am hopeful that they will be convinced that such negotiations are in the best interests of all parties.

I am firmly convinced that the amendment of our purposes—in Vietnam and elsewhere—will be far more likely if this bill is passed in substantially the form in which I submitted it. As brought to the floor, however, the bill is incompatible with these objectives.

I have always appreciated the assistance you have given me in formulating programs to ensure this nation's welfare and security. We seek the same ends—the maintenance of our strength and will, a lessening of tensions and an amelioration of the plight of the less privileged. I am confident that I can count on your firm support in further pursuit of the goals.

Sincerely,

RICHARD NIXON.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia was to be recognized for a period of not to exceed 15 minutes. Nine minutes of that time has been yielded to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer. I ask unanimous consent that the remaining 6 minutes of my time be allotted to the Senator from California.

The PRESIDING OFFICER. Without objection, it is to ordered.

Mr. TUNNEY. Mr. President, I thank the able and distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from California previously had an order for 15 minutes. The Senator from California now has 21 minutes.

THE BANK SECRECY ACT

Mr. TUNNEY. Mr. President, on October 26, 1970, Public Law 91-508 was approved by the President. A portion of that law, which has been referred to euphemistically by some as the "Bank Secrecy Act," requires the maintenance of certain bank records and the creation and rendering of certain reports where such reports or records have a "high degree of usefulness in criminal, tax or regulatory investigations or proceedings." Except for articulating the "high degree of usefulness" standard as the one to be applied, the Congress gave the Secretary of the Treasury extremely wide latitude in his power to promulgate regulations implementing the law. I am fearful, Mr. President, that the Congress may have made a great mistake in delegating such sweeping powers.

On April 5 of this year, the regulations were promulgated in final form and are scheduled to take effect July 1, 1972. In my view, these regulations as written, appear to be so sweeping that the privacy of millions of Americans may be subject to invasion.

The Senate report on the bill said that the purpose of the law was to reduce the incidence of white-collar crime and was particularly directed to obtaining more information on the use of secret foreign bank accounts by U.S. citizens or residents. The law, says the report, was also to facilitate the enforcement of the U.S. security laws, trading-in-gold laws and tax laws.

Although some of the regulations accomplish this task, others seem to have little to do with stopping crime.

One of the regulations in particular disturbs me. It requires banks to keep for 5 years copies of both sides of every check, money order, and draft, payable by the bank. There are certain exceptions not pertinent to most ordinary people, such as payroll checks, insurance claims, medical benefits, checking accounts which average over 100 checks per month and the like. But there is no limitation as to a maximum or a minimum amount of money involved in a transaction the records of which are to be maintained.

I fail to comprehend how a person's $5 per month newspaper subscription, milk bill, liquor purchases, subscriptions to journals, or financial contributions to organizations will be useful in any degree to a criminal tax or regulatory investigation or proceeding much less to a high degree of usefulness. This regulation might, however, pave the way for massively indiscriminate fishing expeditions of incredible dimensions.

The Senate report says "the legislation in no way authorizes unlimited fishing expeditions into bank records on the part of law enforcement officials" and that access to such records would "be only pursuant to subpena or other lawful process as is presently the case." However, there have been reported instances where branch banks, apparently in an effort to maintain good relations with Federal agencies such as the FBI, willingly turn over bank information to such agencies without the benefit of a subpena or court order and without notice to the bank customer whose account is to be scrutinized.

I was made aware of this alarming fact in April this year by an article in the Marin County Independent Journal. It told a frightening tale of a Californian, a financial supporter of "radical" causes—which it is his constitutional right to be so long as no laws are violated—who found out that his monthly bank statement was being scrutinized by the FBI before it was mailed to him. It was brought to his attention one month when he opened his envelope and found an interdepartmental memo wrapped around his checks. The memo said, "this memo is to authorize you to read checks to the FBI before sending this statement to the customer."

In his "Washington Merry-Go-Round" column dated May 12, 1972, in the Washington Post, Jack Anderson published a story on the monitoring of movie actress Jane Fonda's bank account without a subpena or court order. According to Anderson, the FBI file on Miss Fonda took cognizance of the law only by noting that the information already obtained by the Bureau should not be made public until after a subpena directed to the bank was issued and served upon the bank.

I am alarmed by the fact that this sort of Government snooping goes on without the benefit of a subpena or court order.

The sweep of these regulations only exacerbates the situation because much more information will be made available to the Government for purposes other than "criminal, tax, or regulatory" cases.

In our world of today, a person's personal, political and business life may be scrutinized in detail by examining his bank account. Most Americans do not wish their every expenditure known or scrutinized. Most Americans have nothing to hide, but they resent this looking over their shoulder, this surveillance ostensibly to assure that they are not criminals, or tax evaders.

For people who may financially support politically unpopular causes or organizations or subscribe to unpopular publications, the apprehension that their affairs may not remain private cannot help but have a chilling effect on their constitutional right freely to associate.

It seems to me that Americans simply are not protected from unlimited fishing expeditions if banks comply with Federal agency requests in the absence of notice to the affected person and if no subpena or court process is undergone prior to obtaining those records. If there are to be any safeguards to protect America's banking privacy. The treasury regulations do not say so.

Mr. President, I am puzzled by another of the new regulations. That one requires the filing of a report by a financial institution whenever a person deposits, withdraws, exchanges or transfers more than $10,000.

There is a very interesting loophole in this regulations, namely, that no report is required of those persons who maintain accounts with balances which the bank determines do not exceed amounts "commensurate with the customary conduct of the business—or profession of the customer concerned."

Although this regulation is presumably to assist in the investigation of suspected criminals, with this loophole, a big-time criminal who regularly has large banking transactions will sail through this regulation like a gust of wind.

The reports on persons whose banking transactions in excess of $10,000 will be available for scrutiny by agencies other than the Treasury Department.

The regulations provide that any other Federal agency or department may obtain such information upon request when it relates to some criminal tax or regulatory investigation or proceeding. It would appear that under this arrangement, any Federal agency may begin its "investigation" by fishing through all those reports to see if something "sus-

picious" is found. There is nothing in the regulations which safeguard the reports from further dissemination once it is in the hands of any other Federal agency or department. Who knows where the information may wind up.

Mr. President, because of the importance of these matters, on June 7, 1972, I sent a letter to the Secretary of the Treasury asking some questions with regard to current practices and the new regulations.

I hope that other Senators will join with me in carefully scrutinizing this recent Treasury effort prior to its effective date.

I ask unanimous consent to have a copy of that letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 7, 1972.

Hon. JOHN B. CONNALLY, JR.,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Since the promulgation on April 5, 1972, of the Regulations on Financial Record Keeping and Reporting of Currency in Foreign Transactions, which are presumably designed to implement Public Law 91-508 and are scheduled to become effective July 1, 1972, I have been besieged by complaints from California citizens who feel that their right to confidential and private banking affairs has been seriously breached by the Department of the Treasury.

Although I support the stated purpose of the statute to require the maintainence and creation of records which are highly useful in criminal, tax or regulatory investigations or proceedings, I am very fearful that the new regulations are overbroad and may have the concomitant effect of invidiously invading the privacy of millions of Americans. This effect might be avoidable if the regulations were more narrowly drawn. I am deeply concerned with both the regulations as written as well as current practices in connection with federal access to bank information. It is for those reasons that I write you today.

Within a week following the promulgation of those regulations, an article appeared in the *Marin County Independent Journal* outlining a story of the FBI's being allowed access to bank records of a Californian without a court order and without notice to the person whose account was being scrutinized. I enclose a copy of that article herein.

I have outlined below some very specific questions with regard to current practices and the new regulations to which I should greatly appreciate some detailed responses in the order the questions are raised. I should also appreciate your including in your response the steps you intend to take to safeguard the privacy of our citizens from being grossly violated by what appears to be "big brother" government tactics described in that article.

1. (a) The statute authorizes retention and reports of records which are found to have "*a high degree of usefulness* in criminal, tax or regulatory investigations or proceedings." (Emphasis added.) By what criteria did you determine that this test was met in drawing up regulations section 103.34(b)(2)k, (3), (4), (10), and why did you not distinguish between the amount or size of the transactions involved? Please respond with particularity to each subsection I have mentioned.

(b) What are the reasons for the exemptions in section 103.34(b)(3), and how do the exemptions fulfill the above-stated test?

2. (a) Will reports required under title II Chapter 2 be accepted by the Secretary if both the domestic institutions and at least one party to the transaction have not signed it?

(b) How many parties to the transaction will be required to sign a report? Will the parties and the banks be permitted or required to submit separate reports?

(c) What requirements exist or are contemplated for notifying bank customers of the submission of such reports to the Secretary about his or her account.

(d) If no notification is contemplated or required, (1) what is the reason for such non-notification and, (2) what protection does a bank customer have against errors contained in such reports?

3. With reference to regulation section 103.43:

(a) What do you mean by the words "proceeding" and "investigation"?

(b) What is your understanding of the term "fishing expedition", and how do you distinguish an "investigation" of a person from a "fishing expedition" in connection with such a person?

(c) Do you contemplate notifying any person as to whom a report is requested by a federal agency at the time such a request is complied with? (1) If so, what procedures will be followed? (2) If not, what are your reasons for not doing so?

(d) What limits if any, will be placed upon the varying types of information made available to other federal agencies?

(e) What limits, if any, will be placed upon the use made by other agencies of such information?

(f) What limits, if any, will be placed upon subsequent dissemination of such information by such agencies?

(g) Is it contemplated that any non-federal agency or organization will have access to such information? (1) If so, under what circumstances? (2) What safeguards have been established or are contemplated to guarantee against non-dissemination?

(h) Under what circumstances, if any, will the existence of the reports themselves be disclosed to other federal agencies in the absence of a specific request? (1) If no such disclosure is contemplated, how is it to be expected that any other federal agency will be aware of the fact that there is information to be requested?

4. With reference to regulation section 103.34:

(a) What is the reason it does not apply to transactions in connection with bank accounts established prior to June 30, 1972, thereby rendering all future transactions immune from regulation with respect to existing bank accounts?

(b) (1) What procedure does the Treasury Department use to obtain access to records currently maintained by financial institutions?

(2) Is the Department contemplating any different procedure for obtaining any information required to be maintained under Section 103.34? If so, how will it differ and for what reason?

(3) What is the present procedure for the issuance of subpoenas by the FBI, the IRS, or any other federal department wishing to obtain copies of records presently maintained by financial institutions?

a. Can IRS agents issue their own subpoenas without undergoing a court procedure? Can FBI agents do so?

b. Does there exist or is there contemplated a practice of going before a judge or undergoing a court procedure prior to the issuance of subpoenas?

(4) Are you aware of any practice on the part of any federal department or agency of requesting information from banks on specific accounts without use of a subpoena? If so, please give all pertinent details of such practice.

(5) Is there any provision for notice to an affected person whose records are to be scrutinized pursuant to subpoena or otherwise by the Treasury Department or any other federal department or agency under current or prospective procedures?

(6) What is your understanding of bank practices in connection with notifying bank customers prior to divulging any bank information or records to any federal department or agency?

5. With reference to regulation section 103.45:

(a) Does the Secretary contemplate publishing in advance in the Federal Register any proposed exceptions, exemptions, or modifications prior to implementation of same?

(b) What sort of "particular persons" or "classes of persons" are contemplated by the regulation?

(c) Will requests for such singling out made by other federal agencies be honored as a matter of course, or will a procedure be devised for honoring such requests? Please describe the mechanics of any such procedure.

6. With respect to regulation section 103.22 (b)(3), will not a hypothetical criminal who has been conducting large scale banking regularly in the past be able to continue his illegal activities undetected through this exemption?

7. How will prospective and current customers of all affected financial institutions be notified of the impact of the regulations prior to their implementation?

8. Finally, would you be kind enough to provide me with a copy of all forms you have prepared for use in implementing the regulations?

Thank you very much for your prompt consideration of the questions raised herein.

Very truly yours,

JOHN V. TUNNEY,
U.S. Senator.

FBI PROBES ACCOUNTS IN SAN ANSELMO BANK

Revelation that the checking account of a Corte Madera man was exposed by his bank to scrutiny by the Federal Bureau of Investigation today brought announcement that starting July 1, all banks will be doing the same thing to clients.

Richard Stark, 29, an artist and patron of radical causes discovered recently that his checking account at the San Anselmo branch of the Wells Fargo Bank had been reviewed by FBI agents.

He opened the envelope with his monthly statement and found an inter-department memo wrapped around his checks. The memo, which bank officials said was included in the envelope by mistake read: "This memo is to authorize you to read checks to the FBI before sending the statement to the customer."

Lawrence Hoge, a spokesman for Wells Fargo Bank, explained, "Sometimes if a guy flashes a badge, they'll come right through here. No employee is going to run to those thick memos to see if they can talk with him."

The bank spokesman said that as of July 1, all bank transactions exceeding $10,000 will be recorded on microfilm and forwarded to the Internal Revenue Service, in compliance with recently issued Treasury Department regulations.

"I presume these records will be made available to the FBI," Hoge said.

The Treasury Department regulations were received at Wells Fargo Bank last week, according to Hoge, confirming a report published in the Independent-Journal on March 1 that checking account surveillance was underway.

Stark, who lives at 122 Willow Avenue, Corte Madera, is the beneficiary of a trust fund set up years ago by his mother. He has conferred with his lawyer about a possible lawsuit against Wells Fargo bank for breach of contract and invasion of privacy.

When Stark first discovered the misplaced memo, he was glad to find out, said his roommate, Richard Schwartz: "He was overjoyed. A lot of people, who aren't aware that the FBI does things like this, can now be aware it."

Stark has been funding radical organizations and causes since 1964. Most recently, he sponsored the White Panther Party in Marin County and gave his home as its headquarters.

As a result, it came as no great surprise to him to learn that he was being watched.

In reaction to the disclosure, Wells Fargo Bank has circulated a staff memo to all its branches reminding its employees not to release financial information to government agents until July 1 unless there is a court order.

The bank has also notified the FBI, according to Orion A. Hill, chief auditor, that it will not monitor accounts in the future without a subpoena or a valid written order.

(The remarks of Mr. TUNNEY on the submission of Senate Resolutions 15, 16, and 17, dealing with the situation in Burundi are printed in the RECORD under Submission of Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, which will not exceed 30 minutes, with statements therein limited to 3 minutes.

MRS. CONSUELO NORTHROP BAILEY, OF SOUTH BURLINGTON, VT.

Mr. STAFFORD. Mr. President, during this present period of highly organized and highly publicized efforts by the women of America to achieve true equality, it is easy to overlook the fact that our Nation's history has been highlighted by the accomplishments of many remarkable women.

One such woman is a Vermonter, Mrs. Consuelo Northrop Bailey, of South Burlington. Mrs. Bailey has achieved success in many careers: as a wife, a teacher, a lawyer, and in politics and public service.

A former State prosecutor, Speaker of the Vermont House of Representatives, and Lieutenant Governor of Vermont, Mrs. Bailey continues to serve with distinction as Vermont's Republican National Committeewoman and as an official of the Republican National Committee.

In this Chamber of political achievement, may I point out just two of her many accomplishments in the field of politics, as evidence of her remarkable talents. She is widely acknowledged as the most successful fundraiser of the Vermont Republican Party, and she ran 22 times for political office without a single defeat.

A newspaper article dealing with the achievements of Mrs. Bailey was published recently in the Springfield, Vt., Times-Reporter.

I believe this article is of interest to Members of this body and to all Americans, particularly to those concerned with the talents of the women of this Nation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST WOMAN LIEUTENANT GOVERNOR: CONSUELO WAS LIBERATED BEFORE THE SUBJECT CAME UP

(By Cora Cheney)

SOUTH BURLINGTON.—When the subject of liberated women arises, Vermont's Consuelo Northrup Bailey comes to mind.

Long before the term "Women's Lib" was coined, an intrepid young girl from Fairfield, decided that she would become a lawyer and a politician.

And she did, eventually becoming the nation's only woman lieutenant governor.

Consuelo Northrup was born in Fairfield in 1899 into an old family. Her father's people had come to Vermont from Connecticut in 1790. After finishing at St. Albans High School in 1917 she graduated, a Phi Beta Kappa, from UVM with a Ph. B. the year the women were first allowed to vote.

ARGUMENTATIVE

She was a talkative little girl, brash and argumentive. She learned to read very early, she can't recall just when or how, but at any rate she could spell a few words long before she started to school.

One day she visited the local school with a cousin on the day of a spelling match. Little preschooler Consuelo, to the wretched embarrassment of the cousin, insisted on joining the contestants and shouting out the words she could spell.

"The teacher was very patient with me," smiles Mrs. Bailey, thinking back nearly 70 years. Probably the teacher recognized some of the qualities that were to take Consuelo to national and international fame.

Now working on her autobiography in her luxurious South Burlington home overlooking Lake Champlain she looks much younger than the record shows. That record, telling her steps from one public success to another does not give a clue to her lively sense of humor, her flair for decorating (she loves her Chinese rugs), her interest in art and music, and her passion for collecting charming antiques and family treasures that strike one on entering her house and prescence.

CAGE OF MICE

A cage of mice in the living room—"I'm keeping them for my minister's daughter"—and her old farm dog named Rover indicate yet another side of her character.

Her life reads like a specialized political history of early to mid twentieth century Vermont.

She likes to tell that she was born, the middle child of three girls, the day that Admiral George Dewey came back to Vermont after the Spanish American War. Ed C. Smith was governor, and he and Dewey captured all the headlines when they visited Shelburne for a well publicized gala.

The men on the cracker barrels at Fairfield's general store talked about the famous Dewey and noted in passing that there was "another girl up to Northrups", and it was generally agreed that it was a pity that it was not a boy. Now Dewey's and Consuelo's portraits hang not far apart in the State House.

DAIRY FARMER

Consuelo (her name came for out of nowhere and was given her by her mother) was close to her father in her childhood. Her father, a prosperous dairy farmer, had studied law at Columbia.

Although he never became a lawyer, he was a member of the Legislature. Her father called her "Bob", and one day when she was nine, and probably arguing, he said to her mother, "Bob really ought to be a lawyer."

The idea stuck with her so that when she finished college she taught a year and saved her monthly for law schooling. She earned $1000 and saved $700 of it.

She tells the story of the first day of her school teaching when the occasion should have been cheerful and positive: the school principal opened the day by having the children sing "When You and I were Young, Maggie", complete with all the verses about being old and gray, Maggie. She had to work hard not to break out laughing as the children dragged on with the dreary song. She thinks schools have improved immeasurably.

LAW SCHOOL

She had no trouble being admitted to the Boston University Law School. In fact, she got a $75 scholarship, quite a boon in those days. It took three years to complete the course, and the 15 women in the school were treated as equals with the men.

Mrs. Bailey has a penchant for dates and details. She drops them off without a moment of hesitation. This must have served her well in her case studies.

After graduation in 1925 she studied in the office of Alfred L. Sherman in Burlington to fulfill the requirements for admission to the Vermont Bar. Almost immediately she was appointed a City Grand Juror, and in 1926 she became the first woman to be States Attorney in Chittendon County and Vermont.

There was some opposition and grumbling about this. One reluctant supporter "Thought she'd be all right. At least she hadn't bobbed her hair." Another complained that she was too young and that was no place for a woman, but she got the job.

STATE'S ATTORNEY

During her years as State's Attorney she became the first Vermont women to prosecute a murder.

Strong, energetic, and determined she went after suspected criminals, especially bootleggers, with a vengeance.

Once she walked miles through a blizzard on Lake Champlain poking sticks in muskrat traps investigating a case while the defense attorney, a young man stuck close to his office stove saying it was unfit weather.

Following her father's footsteps into the Legislature she successfully ran for the Vermont Senate in 1930. Following this term she went to Washington in the early 30's to be Administrative Assistant to E. W. Gibson in the U.S. Senate.

REPUBLICAN

From the start she felt a keen interest in Republican Party affairs. In 1936 she became the Vermont Republican National Committee woman and has held the office since that date.

She pulled the astonishing and unparalleled feat of raising $100,000 for the Republican Party in a series of 13 dinners. In point of service she is the oldest member of the National Committee.

In 1940 Consuelo Northrup married Henry Bailey a Burlington lawyer. They went into practice together but shortly afterward with the beginning of World War II Mr. Bailey, a reserve Captain in the Army JAG Corps, was called into active duty. A physical examination showed that he was ill so he did not serve further. He died in 1961. During his years of illness he was an encouraging and loyal supporter of his wife who continued to move from one honor to another.

In 1952 Mrs. Bailey decided to run for the House of Representatives. How did she campaign?

THOUSANDS DOORBELLS

"Why I rang 1000 doorbells in the town of South Burlington. Successful politics means a meeting of minds and facts. To get elected you have to let the people know you, and to be a good representative you have to know the people."

In the House she sat in Seat 46, now at the Vermont Historical Society, used by her father in 1900. In 1953 her sister Fredricka

(Mrs. Winiston Sargent) sat in the same seat when Consuelo was Speaker of the House.

In 1953 Vermont led the nation in the number and proportion of women in the Legislature with a delegation of 52 women. Consuelo Bailey ran for the Speaker of the House and won, having the support of most of the women. This was widely noted in the national press including a Life Magazine article on Vermont's stalwart women.

"I think I was elected as a person, not just railroaded through because I was a woman. I never had any feeling of being treated better or worse because I was a woman. There were always flowers for me on the Speaker's table. Somebody, different people, put them there each day, and there was never a day without them. I love flowers. But the first day I brought the gavel down for order I brought it down so hard that there was never a doubt that I meant business," said Mrs. Bailey.

GREAT SPEAKER

"She was a great speaker," said veterans of the House at that period. Mrs. Mildred Hayden of Berlin served under her as did Mrs. Gertrude Mallary of Fairlee, both of whom praised her performance. The taste of success was sweet in her mouth. Mrs. Bailey liked that gavel, and she liked firsts. Why not be the first woman lieutenant governor? She could wield the gavel in the Senate. In 1954 she ran for the office.

"I visited 244 towns. I made hundreds of speeches. I met people wherever I could find them," she said.

During this period the late Miss Edna Winship was Town Representative for Windham. While barnstorming Southern Vermont Consuelo Bailey stopped to spend a night with her friend Edna. A church service was scheduled at the beautiful Congregational Church there on the hill in Windham.

"Connie," said Edna, "you ought to go to Church and shake a few hands. I can't come this time, but you go and make yourself at home."

"So I thought I had better not miss the chance," said Mrs. Bailey. "I slipped in a little late and sat in a back pew. The minister to my surprise recognized me, and he paused to announce that there was a famous visitor in the congregation. Of course this was great for me, and after church I shook all the hands and someone whispered to me that I should go to the service down in Jamaica which would begin in a few minutes.

"So I drove off to Jamaica just in time to slip in the back pew again. And behold, it was the same minister. Once again he introduced the famous visitor and I looked at how many hands there were to shake. About that time the preacher's wife tapped me on the shoulder and whispered. He's going to preach the same sermon. Don't you want to leave?

SAME SERMON

"But no, the good politician has to suffer, even through the same sermon twice, and I wanted to meet those people. When I got back to Edna's house for dinner the thought suddenly hit me: why not stay for the evening service too? Both of us had a good laugh over that but there was no evening service."

As Lt. Gov., Consuelo Bailey reached the highest political office ever held by a woman in Vermont. She conducted the Senate with dignity and brilliance. No other woman in history has been lieutenant governor.

Today she still practices law and is still the National Republican Committeewoman, primed for the trip to Miami in August. She is just back from Paris where she represented President Nixon at the UNESCO conference on the preservation of historic, cultural and national sites in the world. In 1970 she was the US delegate to the UN Status of Women Conference in Switzerland.

Her telephone rings incessantly, but somehow she is finding time to write her memoirs and to play the organ and enjoy her antiques, especially her splendid collection of Bennington parian ware.

Eleanor Roosevelt paid tribute to Consuelo in her book Ladies of Courage. Her study wall shows autographed pictures of several Presidents. Her honors continue to grow. She ran 22 times for office and was never defeated. She was awarded an honorary degree from UVM.

Consuelo Bailey smiles when asked about Women's Lib.

"Women have to learn to deserve the respect of all people, not just men. You don't need to legislate equality. I never found a door closed to me for being a woman."

Over her study door is a small painted motto: "I'm not denying that women are foolish, but God Almighty made them to match men."

He must have been thinking of Consuelo.

The PRESIDING OFFICER. Is there further morning business?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON VALUE OF PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrat, for the quarter ended March 31, 1972; to the Committee on Appropriations.

REPORT ON REVISED ESTIMATES OF LAOS EXPENDITURES

A letter from the Assistant Secretary for Congressional Relations, transmitting, pursuant to law, a report on revised estimates of Laos Expenditures (with an accompanying report); to the Committee on Armed Services.

REPORT ON NATIONAL TRANSPORTATION SAFETY BOARD

A letter from the Chairman, National Transportation Safety Board, Department of Transportation, transmitting, pursuant to law, a report of that Board, for the year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT ON EFFORTS BY THE UNITED STATES TO OBTAIN AGREEMENT ON THE VALUE OF IMPROVEMENTS ON PROPERTIES RETURNED TO THE FEDERAL REPUBLIC OF GERMANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on Efforts by the United States to obtain Agreement on the Value of Improvements on Properties Returned to the Federal Republic of Germany (with an accompanying report); to the Committee on Government Operations.

PROPOSED COMBINED BUREAU OF LAND MANAGEMENT AND FOREST SERVICE PLAN

A letter from the Assistant Secretary, Rural Development and Conservation, and the Assistant Secretary, Public Land Management, transmitting a proposed combined Bureau of Land Management and Forest Service plan (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON SOIL SURVEYS AND LAND CLASSIFICATION OF CERTAIN LANDS

A letter from the Assistant Secretary of the Interior, certifying, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the East Greenacres Unit, Prairie Division, Rathdrum Prairie Project, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROSPECTUSES FOR CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for the construction of certain Federal buildings (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION No. 16

"Relative to furtherance of family planning research and services

"Whereas, The health and well-being of the residents of the State of California and of the United States are of vital importance to this Legislature; and

"Whereas, The adoption of public policies to voluntarily reduce the birth rate in a manner consistent with human rights, human dignity, and individual conscience is the most moral and democratic way to insure that population stabilization is not forced upon us by higher death rates, social catastrophies, or legislated fertility control; and

"Whereas, The Legislature of the State of California has recognized the need for comprehensive, realistic, confidential and well-publicized birth prevention programs; and

"Whereas, In recognition of the fact that the State of California and the government of the United States should play a leading role in the fight for human rights and population stabilization; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give immediate and favorable attention to the funding, implementation and continuation of U.S. Public Law 91-572 entitled 'The Family Planning Services and Population Research Act of 1970' which is an act 'to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the federal government, and for other purposes'; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the President pro Tem of the Senate, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CERTAIN OTHER PUBLIC OFFICIALS TO PUBLICLY CONDEMN AND TO TAKE CERTAIN OTHER ACTIONS RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

"Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups; and

"Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financially, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

"Resolved, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldheim to take the following steps:

"(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

"(2) To condemn all acts of terrorism.

"(3) To privately and publicly urge each Arab government to abandon its support to Palestinian terrorist groups.

"(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

"*Resolved,* That engrossed copies of these resolutions be forwarded by the Secretary of Commonwealth to President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations Kurt Waldheim, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution adopted by the West Allis-West Milwaukee Democratic Unit, West Allis, Wisconsin, inquiring into the facts relating to the Indo-China conflict; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-844).

By Mr. HARTKE, from the Committee on Veterans' Affairs, with an amendment:

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes (Rept. No. 92-845).

By Mr. ROBERT C. BYRD, for Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 473. A bill to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States (Rept. No. 92-850).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3080. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes (Rept. No. 92-852).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes (Rept. No. 92-849).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

S. 3104. A bill to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports (Rept. No. 92-848).

By Mr. CHILES, for Mr. MCGOVERN, from the Committee on Agriculture and Forestry, without amendment:

S. Res. 232. Resolution expressing the sense of the Senate that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program (Rept. No. 92-847).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. 3645. A bill to further amend the United States Information and Educational Exchange Act of 1948 (Rept. No. 92-851).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 3001. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (Rept. No. 92-853) (together with minority views).

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably, with an amendment, the bill (S. 3001) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with minority views.

The PRESIDING OFFICER. (Mr. STAFFORD). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 9, 1972, he presented to the President of the United States the enrolled bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

ORDER FOR STAR PRINT OF S. 3688

Mr. STAFFORD. Mr. President, on June 8, the Senator from Colorado (Mr. ALLOTT) stated that he was introducing S. 3688, a bill to donate to certain Indian tribes certain submarginal lands, and to make such lands parts of the reservations involved, on behalf of himself and Senators JORDAN of Idaho, FANNIN, HANSEN, HATFIELD, BELLMON, and BUCKLEY.

Subsequently the Senator from Montana (Mr. METCALF) requested that he be added as a cosponsor. The printed bill has omitted the names of some of the original sponsors.

On behalf of the Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that there be a star print of S. 3688 in order to show all of the original sponsors who have just been named.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 3693. A bill for the relief of Ingrid Fernandez O'Campo. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 3694. A bill for relief of Alfonso Stefano Fiorilli, his wife, Maria Giordana Fiorilli, and their children, Michele Fiorilli and Donatella Fiorilli. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself and Mrs. SMITH):

S. 3695. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 3696. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine. Referred to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 3697. A bill to provide for the assignment of unused laboratory space and facilities to unemployed scientists. Referred to the Committee on Lsbor and Public Welfare.

By Mr. PEARSON:

S. 3698. A bill to foster commercial intercourse with foreign nations by promoting the development of an export trade among small businesses not now engaged extensively in exporting. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE (for himself and Mrs. SMITH):

S. 3695. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine. Referred to the Committee on the Judiciary.

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, with Senator SMITH, a private bill to insure that no statute of limitations found in section 2415 of title 28, United States Code, shall prohibit the United States from initiating an action on behalf of the Passamaquoddy Indian Tribe, within 10 years after July 18, 1966.

At the present time, the Departments of Interior and Justice have under consideration a lawsuit on behalf of the Passamaquoddy Tribe against the State of Maine. The Passamaquoddy have made some very serious allegations concerning the mishandling of their lands and funds held in trust for them. These allegations deserve a full hearing by our courts. However, the Departments of Interior and Justice have not yet acted on the Passamaquoddy request that the United States represent them in seeking appropriate relief, and, because the relevant statute of limitations in 28 U.S.C. section 2415 runs out on July 18, 1972, the time left for making such a decision is growing short. I believe that it would be most unfortunate if a negative decision by the Department of Justice and Inte-

rior at the 12th hour would deprive the Passamaquoddy of an opportunity to have their claim, now fully developed, heard in court. Gov. Kenneth M. Curtis of Maine agrees with this position.

I must add that the private bill which Senator SMITH and I introduce today would be unnecessary if Congress were to act promptly on S. 3377, a bill now before the Committee on Interior and Insular Affairs. This legislation would provide a general extension of the statute of limitations found in 28 U.S.C. 2415 with respect to the commencement of an action by the United States on behalf of an Indian tribe for trespass on trust or restricted Indian lands. As Senator FANNIN pointed out when he introduced this legislation on March 20, 1972, the passage of the statute of limitations legislation in 1966 was accompanied by scant recognition of its impact on Indian claims which the United States would litigate on their behalf. Senator FANNIN noted that the legislation was handled in the Judiciary Committee and escaped notice by those concerned about Indian legal rights, primarily because the titles of the legislation gave no indication that any claims other than those of the United States were involved. It was not until as late as December of 1971 that many Indian tribes recognized that the 6-year statute of limitations found in 28 U.S.C. 2415 applied to the power of the United States to sue on behalf of the Indian tribes as their trustee. As a result, many potentially legitimate claims for the misuse of Indian lands will be barred if the statute of limitations is not extended. The Penobscot Tribe of Maine is one of those tribes that is just beginning to develop its claims, and it would be most unfortunate if their opportunity to pursue this development was barred by the statute of limitations.

I, therefore, hope that this private legislation which Senator SMITH and I introduce today will be rendered unnecessary by passage of S. 3377, extending the statute of limitations generally. However, if this does not happen, I believe it would be particularly unjust if the Passamaquoddy claim, now fully developed and pending before the Department of Interior since February of this year, does not have an opportunity to be fully aired in court. This private bill represents an effort to avoid that injustice.

By Mr. SCHWEIKER:

S. 3696. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine. Referred to the Committee on Labor and Public Welfare.

NUTRITIONAL MEDICAL EDUCATION ACT OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine.

The Nutritional Medical Education Act of 1972 will provide Federal grants from the Department of Health, Education, and Welfare to schools of medicine to permit them to plan, develop, and implement programs of nutrition education within their curriculum.

As a member of the Senate Select Committee on Nutrition and Human Needs, I have become very much aware of the urgent need for more and better practical education in nutrition for our doctors. Although medical schools do have courses in biochemistry, physiology, and pharmacology which deal with various aspects of nutrition, most medical schools do not have courses in nutrition which deal with the basic relationship between good nutrition and good health.

It is important to point out that problems of inadequate nutrition are not confined simply to poor people in our society. Testimony before the Select Committee on Nutrition and Human Needs on many occasions has indicated that people at the middle- and upper-income levels often also suffer from poor nutrition. The primary reasons appear to be lack of knowledge about proper nutrition, and lack of interest in it. The advice of family doctors carries a great deal of weight with most people, but unfortunately many doctors simply do not receive sufficient training in nutrition while they are at medical school to enable them to give sound advice on nutrition.

It is entirely clear that many diseases are related either directly or indirectly to nutritional factors. In a followup report to the White House Conference on Food, Nutrition, and Health, the panel on Advanaced Academic Teaching of Nutrition pointed out that—

> Atherosclerosis (including coronary heart disease), obesity, diabetes mellitus, hypertension, and osteoporosis are representative of many disorders in which nutritional factors are either of principal or contributory importance. In addition, new trends in food processing and environmental concerns require a great expansion of research in the area of trace minerals, "secondary vitamins," pollutants, and involuntary and voluntary food additives. Much of the research directed toward these problems must be conducted by individuals who have received (or should receive) advanced academic training in nutrition.

I think it is also important to point out that sound nutritional practices are vital to the maintenance of health and prevention of medical disorders. In other words, it is vitally important that doctors have enough knowledge of the relationship between nutrition and health to prevent medical problems from occurring. As ranking minority member of the Health Subcommittee of the Senate Labor and Public Welfare Committee, I am very conscious of the need for more emphasis on the maintenance of good health, as opposed to the curing of medical problems after they have already become serious.

Beyond that, however, many doctors today have not been given sufficient knowledge of nutrition to deal with the nutritional aspects of diseases patients already have. In that regard, the White House Panel said:

> The effectiveness of physicians in providing optimal care for the many patients who have diseases with an important nutritional component is dependent in considerable part on the kind of nutrition teaching offered them at medical school and thereafter. At the present time, nutrition teaching in medical schools and in teaching hospitals is woefully inadequate.

When should nutrition be taught? I believe the fundamentals of nutrition should be taught early in the medical school educational program, with followup courses later which are more detailed and sophisticated.

Interestingly, a study by one medical school indicated that in general, the physicians questioned were more knowledgeable of the theoretical aspects of nutrition than of the applied aspects. The study indicated that younger doctors do not know as much about nutrition as they should and that they want to know more. In contrast, many older doctors did not know much about nutrition, but did not particularly feel the need for more education in this area.

Food faddism and "folk medicine" are becoming more and more popular today. Many people are turning away from physicians to obtain information about nutrition. I believe part of the problem is that many doctors simply are not in the position of being able to provide their patients with the kind of nutrition information patients need and desire for the maintenance of good health. We urgently need more scientific information about nutrition and health. We need more and better nutrition research. We will not get it unless our medical schools are able to provide the kind of training needed.

Only a few medical schools have separate divisions or departments of nutrition. Special courses in nutrition are rare, particularly in applied nutrition as opposed to the biochemical aspects of nutrition. There is a significant shortage of trained people in this field, and grants to stimulate the teaching of nutrition education in medical schools will help to develop an adequate supply of competent people.

The White House Conference Panel on Advanced Academic Teaching of Nutrition made the following recommendation:

> In each of the professional schools in a university such as medicine, dentistry and dental hygiene, nursing, public health, food science and technology, or applied health sciences, an individual or committee should be assigned responsibility for the surveillance of nutrition teaching in that school.
>
> In some professional schools, it will be desirable to teach nutrition in a designated course dealing with basic scientific principles of nutrition and their application to human health. In many schools, nutrition teaching will be incorporated in courses such as biochemistry, physiology and certain clinical specialties. Regardless of the plan of instruction, basic nutrition should be part of the required or core curriculum.
>
> In schools where trained nutrition personnel are not available because of financial restrictions, grants should be established to support nutrition for teaching in the categories listed above.

The legislation I am introducing will make a significant start toward meeting that goal. The Nutritional Medical Education Act of 1972 will provide $5 million for each of the next 5 fiscal years for grants by the Secretary of HEW to public or nonprofit private schools of medicine to plan, develop, and implement a program of nutrition education within their curriculum. These grants should be structured by HEW to assure that properly trained staff members are available.

The purpose of this program is to provide a single focus on applied nutrition education in our medical schools.

The Comprehensive Health Manpower Training Act of 1971 provides general authority for grants for training and research in nutrition. My bill, however, would set up a special grant program to fund the teaching of nutrition in medical schools.

Mr. President, I believe this program will save the American public many times what it will cost. This is really a program of preventive medicine. Our people need to know more about nutrition, and they should be able to rely on their doctors to give them sound advice. Most doctors and medical schools recognize the need for more training in applied nutrition. This legislation will help our doctors keep our people healthy, and I hope the Senate will act swiftly on it.

Mr. President, I ask unanimous consent that the text of the Nutritional Medical Educational Act of 1972 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Nutritional Medical Education Act of 1972.

SEC. 2. Section 769B of the Public Health Service Act is amended by redesignating such section as "769C" and by inserting after section 769A the following new section:

"GRANTS FOR NUTRITION EDUCATION

"SEC. 769B. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each of the next succeeding 4 years, for grants by the Secretary to public or non-profit private schools of medicine to plan, develop, and implement a program of nutrition education within their curriculum."

SEC. 3. (a) Subsection (a) of section 769C, as amended by this Act, is further amended by striking "and" in the first sentence, and inserting after "769A" ", and 769B".

(b) Subsection (c) of such section is amended by striking "or" in the first sentence and inserting after "769A" ", or 769".

By Mr. BROOKE:

S. 3697. A bill to provide for the assignment of unused laboratory space and facilities to unemployed scientists. Referred to the Committee on Labor and Public Welfare.

SCIENTIFIC MANPOWER ACT

Mr. BROOKE. Mr. President, I have introduced today legislation to provide many unemployed scientists the opportunity to work in unused laboratory facilities.

Under this legislation, an Officer of Scientific Manpower would be established in the Department of Labor. This office would maintain a file of all unfilled and available laboratory space. The Office would also supervise the establishment of listings of each scientist who is unemployed or in involuntary early retirement, and who meets all of the membership requirements for the professional society representing his specialty.

The Director of the Office would be authorized to assign a scientist to a participating laboratory, subject to acceptance of his research project by the agency in charge of that laboratory. The scientist would be paid a maximum stipend of $700 per month, determined on the basis of his needs and experience.

The legislation is designed to permit flexibility in research programs, in order to encourage applicants to work on their own projects to the maximum extent possible. The program would also allow scientists participating in the program an adequate opportunity to continue to seek permanent employment.

The unusually high rate of unemployment in the scientific and research communities has created a double problem: Unemployment is one side of the coin; the loss of valuable knowledge is the other. This bill represents a sound approach to continuing important research projects and providing satisfying employment.

I urge the Senate to give this proposal its prompt attention.

By Mr. PEARSON:

S. 3698. A bill to foster commercial intercourse with foreign nations by promoting the development of an export trade among small businesses not now engaged extensively in exporting. Referred to the Committee on Foreign Relations.

Mr. PEARSON. Mr. President, it is most discouraging to note that our balance of payments position continues to deteriorate. Our balance-of-payments deficit in 1971 amounted to over $9 billion. Last quarter, we registered the single greatest quarterly trade deficit in our history. Last year, Germany surpassed the United States as the leading exporter of manufactures. Even with continued strong agricultural exports, we have had to devaluate our dollar in response to balance-of-payments pressures—and still the picture has not improved substantially.

I believe, Mr. President, that we must seek positive solutions to our balance-of-payments problems and seek them promptly. We cannot fall back on the ancient practices of tariffs and protectionism. We must search for programs which will enable American firms to gain a greater share of the world markets so that we can overcome our balance-of-payments difficulties with expanded trade, not tariffs.

The legislation I introduce today provides a way to increase our exports by involving small and medium sized American firms in the competition for overseas markets. It would help such companies in every State of the Union to organize themselves for international trade. And it would do so at little cost to the American taxpayer.

Mr. President, at this time, only 4 percent of American companies export their products. These 4 percent tend to be the corporate giants, the great multinational corporations who often sell primarily to their own foreign subsidiaries. The remaining 96 percent of American firms—large, medium, and small—battle each other and foreign competitors for domestic sales, but continue to operate, for all practical purposes, in total isolation from potentially lucrative markets in the developed and developing nations.

The objective of the legislation I introduce today is to bring together small and medium sized companies for the purpose of undertaking export operations. To help them help themselves. To identify new products for export, create new jobs, and improve our balance-of-payments position in the bargain.

This bill would provide the incentive for smaller firms to overcome the initial obstacles for entry into international markets. It rests on the principle that a wider distribution of foreign trade among American firms will benefit not only the companies and their employees, but also the communities in which their production facilities are located and the Nation itself.

From statistics provided by the Census Bureau, we can estimate that as many as 230,000 new employment opportunities would be created in this country if new export sales brought only a 5-percent increase in the receipts of existing small and medium sized companies. Because of their size, these firms include minority-owned enterprises located in inner cities and a large number of enterprises in rural America. The new job opportunities created in connection with production for export by these firms would serve directly the cause of achieving balanced economic growth in our Nation.

Small- and medium-sized American companies face a number of problems in seeking foreign markets. They must overcome barriers of language, currency, export regulations, financing, import regulations, shipping requirements, foreign commercial traditions, lack of marketing data, and many others. The list is long. Probably the most formidable barrier arises from their size alone. With small personal resources and limited capital, these companies find it extremely difficult to "go it alone" in the export market.

This bill provides a means for them to assist each other in their efforts to secure a share of foreign sales, and to benefit from Federal tax and other incentives designed to stimulate exports, on an equal basis with the large multinational corporations.

To date, Federal assistance to American exporters has been aimed primarily at large firms whose sales constitute the bulk of American exports. This policy has resulted not only from the presumption that large companies can do the most for export expansion, but also from the simple fact that these major corporations are already equipped to take advantage of this assistance.

At this time, with continuing unfavorable trade balances, it is clear that our efforts have not been adequate. We must expand our export assistance into new areas if we are to close the balance-of-payments deficits, restore the dollar to a position of strength, and create new jobs for American workers.

It is also clear that large numbers of smaller corporations are taking an interest in exports. State economic development agencies, including the one in my own State of Kansas, have begun to explore new export markets for commodities and manufactured items produced by small independent firms in their States.

A recent survey of small company heads showed 70 percent responded "yes" when asked if they are interested in further exploring their export potential.

The same survey—and the staff investigations which went into preparation of this bill—also reveal that small company officials feel their lack of adequate information about exporting is the single most difficult problem inhibiting steps toward foreign markets.

We should understand that the export problems of small businesses do not result primarily from a lack of capital. Rather, they relate to the difficulties of "breaking the ice" of international marketing. As we seek to overcome this problem for smaller American firms, government can play a critical role. We must create a program in which private enterprise is not smothered by a friendly, but unwieldly, Federal bureaucracy. Rather, we must create a program which will draw out the best resources of private enterprise itself.

These requirements suggest the structure of the legislation I introduce today. I offer it in the knowledge that it is only one phase of a multifaceted effort to restore this Nation to its proper position in international trade. But I also offer it with the conviction that it is a highly necessary and useful contribution to building a strong and productive economy for the future.

This bill would establish an independent agency, the U.S. Joint Export Agency. It would be a small agency, for it is only a leader, a catalyst in a task that is essentially a matter for private enterprise.

It is independent so that the officials of small corporations it brings together for export cooperation will not be overwhelmed and tangled up in vast bureaucracies. And it is staffed with a small group of experts experienced in their fields so that businessmen can obtain knowledgeable assistance in solving complex export problems without an endless round of consultations and studies.

The agency has a range of functions, as explained in detail below, but primary among them is that of helping small companies initiate cooperation for export. In this regard, it is useful to take a brief look at the European experience where foreign trade is a way of life. A review of European trade associations shows the importance of overcoming inertia to begin export cooperation. Isolated from overseas commerce—yet faced with rising import competition in many cases—the management of small firms are often reluctant to approach their colleagues in other firms with proposals for joint export cooperation. Independent and proud of their own product, these small businessmen may feel they will suffer loss of prestige if they take the initiative and call for export cooperation.

Here in the United States this problem of inertia is exacerbated by our preoccupation with our own huge domestic market. To overcome it, a catalytic agent is required to bring small and medium sized companies together to begin export cooperation.

The primary task of the USJEA is to foster the formation and development of private joint export organizations made up of small or medium sized businesses not actively engaged in substantial export sales, but which have a potential for developing export operations. Such an organization would be comprised of at least five but not more than 20 small- to medium-sized American companies whose complementary products and services lend themselves to cooperation in export marketing. The USJEA would contact firms who could benefit from membership in such a cooperative marketing arrangement, and assist each organization to identify products and markets for export.

To limit the size of the firms eligible for membership, a ceiling of $60 million in average annual sales—based on last 5 years—has been established. This limit was arrived at after a survey of firms with greatest export potential and in the conviction that larger firms have the financial and other capabilities to develop their own export markets.

Each of these joint export groups, as proposed in this bill, would be organized as a Domestic International Sales Corporation under provisions of the Internal Revenue Code. In addition to the export tax advantages accruing to a DISC, the group would hire adequate staff and management personnel to provide its members with international trade services including the identification of products for export, identification of foreign markets, promotion of members' goods and services in foreign markets, and assistance to members in the technical aspects of exporting, including licenses, financing and export guarantees. For its principal source of guidance and information in the early stages—perhaps the first 2 years—the group would rely on the guidance of the USJEA.

A principal function of the joint export group would be to establish broad product lines among companies which offer related goods or services. These product lines would take shape according to the demands of export markets. By joining an export group, member companies could take the first step into overseas markets on a sound basis, without prejudice to their on-going operation in the domestic market. But because the cooperation exists only for export purposes, and would extend only to export operations, it does not conflict with the spirit or the letter of antitrust legislation in this country.

These joint export groups would be funded primarily with private capital. But Federal support would be available in the form of technical assistance matching grants and loans repayable with interest as determined by the USJEA. This Federal financial assistance is provided to assist in overcoming the difficulties of start-up during an expected period of initial losses. It could be used to provide services required to train and orient management in subjects directly related to overseas marketing of their companies' products.

The grant assistance would only be available after those companies desiring to become members of a joint export group have established an escrow account into which each has paid not less than $500. The amount of a grant could not exceed the total amount of the common escrow account, or $25,000, whichever is less.

Loans for any joint export group would not exceed the total amount of capital paid in by its members for the employment of personnel to staff the group's operations and represent member companies abroad. In short, these would be loans on a matching basis not to exceed 50 percent.

In addition, member companies of joint export groups would be allowed under the bill to deduct as a regular business expense their pro rata share of net operating loss incurred by the group itself. This share, of course, could not exceed the member's stock in and indebtedness to the association.

This is a special incentive for small- and medium-sized firms, one which is not available under the DISC to larger corporations. It is intended to assist the small businessman who wants to export but cannot afford the initial losses associated with becoming established in a foreign market. Because the benefits of DISC only accrue after goods or services begin to move through export channels, this added benefit as an incentive to the smaller firm is necessary.

The appropriations for this new Agency, from which loan and grant funds would come, would not in any year exceed 25 percent the amount of the net earnings of the Export Import Bank during the previous year. In fiscal 1971 terms, this upper limit would be $29 million. In a sense, then, we would be using profit levels from our export credit institution to guide the amount we as a nation can afford to devote to the promotion of exports from the small business sector of our economy. This makes sound business sense.

Mr. President, the time is long past when we can stand by wringing our hands over the mounting balance-of-payments problems in our country. We must make concerted efforts on every front to improve our trade position and to reach our full export potential as a nation. I believe this legislation provides a positive method of promoting exports of American firms which have not reached their full export potential. This is a sound investment for the workers and for their communities and for the country.

I urge prompt consideration of this legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. MONDALE, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 5, the Full Opportunity and National Goals and Priorities Act.

S. 32

At the request of Mr. KENNEDY, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 938

At the request of Mr. ROBERT C. BYRD, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 936, a bill to provide prescription drugs to the elderly under medicare.

S. 3083

At the request of Mr. ROBERT C. BYRD for Mr. MUSKIE, the Senator from Wisconsin (Mr. NELSON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 3063, a bill to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3442

At the request of Mr. KENNEDY, the Senator from Georgia (Mr. GAMBRELL) and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3442, the Communicable Disease Control Amendments of 1972.

S. 3475

At the request of Mr. ERVIN, the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Carolina (Mr. JORDAN), were added as cosponsors of S. 3475, a bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements.

S. 3495

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3495, a bill to provide reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 3511

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3511, the National Science Foundation Authorization Act of 1973.

S. 3528

At the request of Mr. STEVENSON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 3528, the Federal Handgun Registration and Licensing Act of 1972.

S. 3538 and S. 3539

At the request of Mr. BAYH the Senator from Texas (Mr. TOWER), was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and, S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 236

At the request of Mr. HRUSKA, the Senator from Colorado (Mr. ALLOTT) and the Senator from Maryland (Mr. BEALL) were added as cosponsors of Senate Joint Resolution 236, a joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week."

SENATE RESOLUTION 315, SENATE RESOLUTION 316, SENATE RESOLUTION 317—SUBMISSION OF RESOLUTIONS REGARDING THE SITUATION IN BURUNDI

(Referred to the Committee on Foreign Relations.)

THE TRAGEDY IN BURUNDI

Mr. TUNNEY. Mr. President, I have been appalled over the past several weeks by the situation that exists in Burundi. I have noticed that very little public comment has been made in the United States about a very desperate situation which some might equate to genocide that is taking place in that small country. I feel strongly that the facts should be brought to the attention of the Senate.

Mr. President, for the past 6 weeks, the small land-locked country of Burundi, which is relatively hidden in the center of the massive African Continent, has added a new dimension of horror to the short history of independent Africa.

It has been reported that over 100,000 people have been killed in Burundi within the past 60 days; that an entire population of educated people has been ruthlessly slaughtered; that the murder in Burundi has been systematic, pervasive, and terrifying; and that next to Burundi, the terror that once plagued the Congo pales by comparison.

Today's confrontation between the ruling minority tribe, the Tutsis or Watutsis, and the ruled majority tribe, the Hutus or Bahutus, arises out of centuries of conflict between them, conflict which was aggravated by many decades of colonial rule. It is important to set forth some of that history. Burundi, previously a part of German East Africa, became after World War I a portion of trust territory administered by Belgium, and achieved independence 10 years ago, in 1962.

The Tutsis comprise less than 15 percent of the 3.5 million people of Burundi. They have ruled the country and its predominantly Hutu peoples in a feudal manner for hundreds of years. A successful revolt by the Hutus against the Tutsis which occurred in 1962 in Burundi's northern neighbor, Rwanda, resulted in the tragic massacre of the Tutsis and further inflamed the conflict in Burundi. Many Tutsis have feared full revolt by the Hutus against the chance—treat them as viciously in Burundi as they were treated in Rwanda.

Those fears have been aggravated by attempted Hutu coups in 1965 and again in 1969. Neither of the coups attempts even approached a successful seizure of power, but the Tutsis ruthlessly suppressed them both.

On April 29, 1972, another coup was attempted—and this time the Tutsis apparently feared that power might be wrested from their control. Thousands of Hutus appear to have been involved in the latest coup attempt, including some who were living in neighboring countries. Apparently, thousands of Tutsis were murdered.

The Tutsis feared a repeat of the tragedy in Rwanda. Extremist Tutsis struggled with moderate Tutsis in an effort to determine the appropriate response to the 1972 coup attempt.

The extremists prevailed. Not only did the Tutsis succeed in controlling the attempted coup. They also proceeded to embark upon a vicious, cruel, and bloody reign of terror.

According to independent reports emanating from Central Africa, the Tutsis began systematically "wiping out" the intellectual class of the Hutus. Burundian refugees fleeing to Zaire report that the massacres are continuing in many parts of the country and that "an Hutu who can write his name is considered an intellectual and a threat to the government."

According to authoritative sources in Zaire, some 120,000 people have been killed in the Burundi conflict. This directly contradicts Burundi Government claims that some 50,000 Tutsis and non-Tutsis have been killed by foreign-trained rebels who have launched the massacres in the name of the Hutus.

The ghosts of Biafra have been brought to life again, with the nonsensical killing of tens of thousands of people. It appears that within the past 60 days, the intellectual elite of an entire people has been systematically slaughtered; a generation of leadership has been eliminated in this bloodbath. No longer are the events in Burundi part of an internal political power struggle.

Even if the struggle in Burundi is essentially a "domestic" matter, one which the Burundi Government might claim falls within the protection of the United Nations famous article 2, section 7, the international community cannot escape its moral responsibility to act.

Regardless of the merits of the strife, regardless of the issues raised either by the Tutsis or the Hutus, murder must be condemned and stopped.

Slaughter—of innocent persons by anyone—violates the Universal Declaration of Human Rights, threatens to involve countries beyond the site of the slaughter, and might become a situation "likely to endanger the maintenance of international peace and security" within chapters I and VII of the U.N. Charter. Slaughter means death, terror, suffering, and refugees. It has no justification. It must be resisted.

The humanitarian spirit in all men must cry out against such wanton disregard for human life. That cry is clearly evidenced by the Pope's denunciation a week ago of this "organized massacre of innocent people" in Burundi.

The United States also must act. Accordingly, I am suggesting today a four part program.

First, because of our desperate need to know the details of the slaughter in Burundi, I propose that the Senate's Subcommittee on Refugees attempt to ascertain: First, the extent of the killing; second, whether it is continuing; third, the number and location of refugees; and, fourth, what assistance the United States can provide, through multilateral or international organizations.

Second, because the problem in Burundi is essentially an African problem, the United States should, first, request a report from the Organization of African

Unity as to the nature and extent of the strife in Burundi; and, second, offer to assist the OAU in meeting the urgent needs of the people in Burundi.

Third, because the United Nations High Commissioner for Refugees has already been informed that Burundi refugees are in Zaire, and because refugees might also be in Tanzania and Rwanda, our Government should request the U.N. Secretary-General to instruct the High Commissioner for Refugees to conduct a thorough investigation of problems facing refugees as a result of the Burundi matter.

Fourth, because the suffering is primarily within the country of Burundi itself, the U.S. Government should request the Secretary-General of the United Nations to conduct a separate and thorough inquiry of the tragedy and report back to the United Nations as to how individual nations, such as the United States, might assist the United Nations in providing assistance to the people of Burundi.

I am submitting three resolutions today which would incorporate my final three suggestions, calling upon the OAU, the U.N. High Commissioner for Refugees, and the U.N. Secretary-General to act and offering appropriate American assistance.

Mr. President, the U.S. Government and Senate have a moral obligation to do all that it can to resist killing. I do not suggest that we intervene in an African dispute. I do not suggest that we interpose ourselves in this continent, which is fully capable of governing itself. But, regardless of the parties involved or the location of the dispute, murder is murder.

I am pleased that our Government was the first to respond with humanitarian assistance. Even in crisis on other continents, the American response should be generous and immediate. The American Government and the American people can neither be unmoved nor unconcerned about terror and death. The slaughter of an entire generation of the educated part of any population deserves more attention than several columns in our Nation's newspapers.

I fear, Mr. President, that the American people are being conditioned by international events to accept human suffering. I fear that the tragedies which occur daily in Indochina tend to have the effect of dulling our consciences, hardening our sensitivities, and distorting our perspectives. We have the inclination at times to close our eyes or turn our faces when confronted with pain; to wish away misery; to immunize ourselves somehow to death and terror.

Nothing could be more dangerous. Nothing could more directly threaten our values, our spirit, our sense of dignity than this semiconscious denial of human pain. We cannot afford, Mr. President, to allow our national conscience to be dulled or our sensitivities to be muted. Where there is suffering and slaughter—whether in Africa or in Asia, in Washington, or in Watts—the spirit of this Nation demands that we protest and that we respond, to alleviate the tragedy.

We should not intervene unilaterally in the affairs of another nation. But we should make our resources available to assist any human beings who are confronted with disaster. We should use our moral suasion to bring about an end to the slaughter.

That type of assistance, administered and distributed through international or multilateral institutions, deserves the support and commitment of us all.

I, therefore, urge my colleagues to support the three resolutions and the four programs I have proposed in an effort to expose the tragedy and to provide some helpful assistance in its wake.

Mr. President, a variety of news stories have mentioned to a greater or lesser degree the crisis in Burundi. None of them describes the tragedy better than yesterday's front page stories in the New York Times and the Washington Post. Accordingly, I would ask the unanimous consent of my colleagues that those stories be inserted in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the three resolutions I have introduced be inserted in the RECORD at this point.

There being no objection, the resolutions and articles were ordered to be printed in the Record, as follows:

SENATE RESOLUTION 315

Resolved, That it is the sense of the Senate that the United States Government should request the Secretary General of the United Nations to instruct the High Commissioner for Refugees to conduct a thorough investigation of the civil strife which has occurred in Burundi since April, 1972.

SENATE RESOLUTION 316

Resolved, That it is the sense of the Senate that the United States Government should (1) request an investigation by, and report from, the Organization of African Unity on the nature and extent of the civil strife which has occurred in Burundi since April, 1972, and (2) offer to assist the Organization of African Unity in meeting the urgent needs of the people in Burundi resulting from such civil strife.

SENATE RESOLUTION 317

Resolved, That it is the sense of the Senate that the United States Government should request the Secretary General of the United Nations to conduct a thorough investigation of the civil strife which has occurred in Burundi since April, 1972.

[From the Washington Post, June 11, 1972]

DOUBLE GENOCIDE TEARS BURUNDI APART: WITNESSES TELL OF ORGY OF KILLING AFTER ABORTIVE HUTU COUP

(NOTE: *The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly the Belgian Congo.*)

(By Jonathan C. Randal)

BUJUMBURA, BURUNDI, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who makeup 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the forseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michel Micombero showa little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that have been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant mutton-chop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tattoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disemboweled and the children's heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign, seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life.

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikanna, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission of Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accussed Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have thought that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country, conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayonetted to death by the army at the Buriri mission.

As one source put it, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Hutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu studenta have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school, a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in

the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report that 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

BURUNDI: LAND OF TRIBAL PASSIONS

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsi, 15 per cent of the population in Burundi and 9 per cent in Rwanda, are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero in turn deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganyika in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

[From the New York Times, June 11, 1972]

SLAUGHTER IN BURUNDI: HOW ETHNIC CONFLICT ERUPTED

(By Marvine Howe)

BUJUMBURA, BURUNDI, June 9.—This nation is just beginning to realize the extent of the slaughter that has taken place here over the last six weeks in struggles between the country's two major ethnic groups.

The complete story of an attempted coup at the end of April, and the counteroffensive that followed, cannot be told since only official sources can be quoted and they are clearly biased. Other sources, as well as foreigners, are still generally terrorized and reluctant to jeopardize lives of friends or risk expulsion. However, a six-day visit to Burundi has produced a plausible account of the catastrophe out of a web of rumors, lies and contradictions.

Clear statistics on the extent of the massacres are hard to come by. Information is limited because movement has been severely curtailed by official barricades and curfews. Foreigners must have travel permits and these are very difficult to obtain. Above all, most people are terrorized and reluctant to talk.

Nevertheless, authoritative sources on the scene estimate that about 2,000 people were killed in the initial rebellion, mostly members of the ruling Tutsi tribe, a numerical minority. The reprisals are said to have cost the lives of 2,000 more Tutsis and about 100,000 members of the Hutu, the majority tribe, mainly in the Bururi Province and the area of Bujumbura.

The President of Burundi, Lieut. Col. Michel Micombero, acknowledges that 50,000 to 100,000 people have been killed in the last six weeks, while many foreign residents estimate the number of victims at closer to 150,000.

The basic struggle involves an attempt by the Hutu majority to overthrow the ruling Tutsi aristocracy, as the Hutus in neighboring Rwanda in 1959. Here the attempted coup has failed, at a terrible price, particularly among the Hutus.

"We have won a reprieve but the final showdown is irreversible," a member of the Tutsi minority said. The dominant Tutsi account for only 15 per cent of the 3.5 million inhabitants of this country, which is about 10,750 square miles in area, roughly equivalent to the state of Maryland.

Colonel Micombero still speaks of his "program of national unity," but most people believe that the progress that had been made toward integration has now largely been erased by the violence.

PROVINCE DEVASTATED

Bururi Province in the south, where the main part of the Hutu rebellion took place, is now a scene of devastation. The population has almost disappeared from a once densely inhabited area in a 40-mile stretch along Lake Tanganyika.

Some people, estimated to number 10,000 have fled to neighboring Tanzania, and 15,000 have escaped across the lake to Zaire, the former Republic of the Congo, leaving 175,000 unaccounted for. Many of these people are known to have taken refuge in the bush and marshes but many more are believed to be dead.

Only recently a small trickle of human life has begun to return to Rumonge, the lakeside fishing center of Bururi, the inland farming center, and some of the hill towns. In the Bururi region alone, 2,000 grassroof huts have been burned. Some 5,000 women and children have taken refuge in the Bururi missions.

The reprisals, on the other hand, have taken a heavy toll not only in the south but in Bujumbura and towns throughout the country. The Hutu elite has been decimated in the government administration, in the commercial world, in the church and in schools down to the secondary school level.

LOCAL OFFICIALS CRITICIZED

There have been excesses and atrocities during both the rebellion and the subsequent repression, according to foreign testimony. The burden of private criticism, however, has been directed against the local authorities for neglecting to curb reprisals.

"It is natural to demand greater moral restraint from the established authority than from drugged rebels," a churchman declared.

Foreign diplomats and other residents have generally followed the events in impotent silence, fearing that any intervention would bring grave repercussions for the foreign community of Burundi. The 6,000 or so missionaries, technicians, school teachers and businessmen and their families are considered hostages.

Until now, foreigners have not been the target of either the rebels or the repressors. The only foreigner to be killed was a Belgian technician who lost his life by accident when he went out to the street to observe the first assault at Bujumbura.

The explosion of ethnic antagonism is regarded by many missionaries as evidence of a failure of the Western church, both Roman Catholic and Protestant.

"The church has been humiliated and must start again from zero," a priest said. "Both those who provoked the rebellion and those who carried out the repression were Christians," he noted.

Representatives of seven missionary institutions broke their silence on May 20, with a strong letter to their superiors, and aimed at the Burundi Government, condemning persons responsible for the rebellion as well as the "systematic repression" of the Hutus.

The letter also protested against arbitrary arrests and the ban on priests' visits to the prisons. The only response to the letter seems to have been increased difficulties for missionaries who seek to obtain travel permits.

At the end of last month, a group of diplomats, led by the papal nuncio, applauded the president for starting his pacification program and pledged support for "all victims" of the violence. Even this action brought no direct response.

PROTEST BY PRIESTS

Troubled by the continued repression and the official silence around it, three Italian priests and one Spanish priest in the north spoke severely about arbitrary punishment. They were promptly called to Bujumbura for interrogation by the police. Accused of political activity, the four young priests have been put under surveillance.

These protests, however timid and belated, coupled with strong criticism in the international press, seem to have spurred the authorities to move to halt the repression. "Or maybe it's merely that there are no more Hutus who can lift their heads," a churchman observed.

The Burundi Government has publicly blamed "foreign influences for the ethnic war," but has not specifically attacked any country. Diplomatic speculation about this accusation run from China and North Korea to the Vatican and the United States Central Intelligence Agency.

President Micombero cleared Belgium, which until 1962 exercised a colonial mandate here, of the charges. However, the colonel did accuse Belgian Christian trade unions and former trusteeship administrators "of sowing division among us." There were no Hutus or Tutsis, but a united people, before the colonial period, he said.

Burundi's ethnic troubles are considered to have been inevitable by scholars who have followed the evolution of this area of Central Africa. The problem can be attributed above all to a rapid breaking up of the feudal structures.

More than three centuries ago, the tall handsome Tutsis came with their flocks from the high plateaus in East Africa to settle on the gentle hills of what are now Rwanda and Burundi. The local kings accepted them as colonizers and married the Tutsi women, establishing a royal line of mixed Tutsi and Hutu blood. A feudal hierarchy was established with the Tutsis as lords and the Hutus their serfs.

FOREIGNERS BRING CHANGES

This feudal harmony was disturbed by the arrival of European colonizers and by the teachings of the Catholic Church. The area became part of German East Africa in 1899 and after World War I was ruled by the Belgians for 40 years under a League of Nations mandate, followed by United Nations trusteeship. The outside forces brought basic education and new ideas to the Hutus, such as the injustice of slavery.

In neighboring Rwanda, the Hutus carried out their revolution in the presence of the Belgian administration—and probably with some Belgian complicity. The king there was overthrown in 1959 and the Hutus won control of the Government through elections held under sponsorship of the United Nations.

Some 20,000 Tutsis were killed in the revolt and 300,000 were forced into exile—about 100,000 of them to Burundi.

The Belgians, who granted both territories independence in 1962, generally felt that the transition could be smoother in Burundi, where there were many Hutu-Tutsi marriages and a Hutu middle class was gradually emerging.

Two Hutu risings, in 1965 and 1969, however, were evidence of a growing dissatisfaction within the majority and ambition for more than token responsibilities.

The attempted coup of April 29 this year, to all appearances, follows in the same line of rebellions but was organized on a much broader and more violent scale. It was also complicated by the involvement of some monarchist Tutsis as well as opposition elements in Zaire. But independent sources generally agree that essentially this was another attempt by the Hutus to assume what they consider their rightful place as the majority in Burundi.

The fullest account of the initial attack was given this week by President Micombero in an informal interview by a small group of newsmen. The 31-year-old leader, who ousted young King Ntare V in 1965 to proclaim a republic, discussed for the first time the role of the former King in the recent events.

Ntare was duped by the Hutu plotters, according to President Micombero who said the former King's name had been used to get as wide backing as possible for the uprising. Ntare returned to Burundi after "they convinced him that my regime was very unpopular and that it was now or never to make a comeback," Colonel Micombero said.

The President acknowledged that he had given assurances that the former King would be protected on his return. But he stressed that since Ntare was "trying to trap me," he could not be allowed to move about freely and had been put under house arrest.

After the former King's return, preparations for the plot were intensified, the President said. The army was put on alert two weeks before the rising occurred.

Colonel Micombero declined to link the dissolution of his Government on the morning of April 29 with the attack that came that evening. The timing, he said, was a matter of "providence."

Monarchists and rebels acted together on the night of the rebellion, the President said. He disclosed for the first time that the former King was immediately tried and executed on the night of the attack. Earlier, official reports said that Ntare had been killed in the fighting when his supporters tried to free him.

The initial rising, according to the first official account broadcast over the Burundi radio on May 29, took place on the night of April 29 between 7 and 8:30 P.M. Some 10,000 utus and a number of "Mulelelists," followers of the late Congolese revolutionary leader Pierre Mulele, carried out nearly simultaneous attacks in four areas of the country. In most of the places, military balls had been organized by Hutu officers involved in the plot.

The rebels were said to have come mainly from a training base in the words of northern Tanzania. They were reportedly armed with poisoned machetes, clubs, a few automatic weapons and gasoline bombs.

At Bujumbura, fewer than 100 persons took part in the attack, which was aimed principally at the radio station, near the military camp.

An argument at a service station over payment for the fuel for the gasoline bombs is said to have alerted the army camp. Two officers who came out to investigate the incident were killed before the rebels were dispersed. Another group of rebels clashed with troops in front of the cathedral and a third band attacked private vehicles at an intersection near the military camp, burning a dozen cars and killing about a dozen persons.

The main attack took place in the south in an area along the main highway between Rumonge and Nyanza-Lac. It was said that 4,600 rebels took part in a systematic slaughter of Tutsis in the region. Local Hutus were ordered to join in the hunt and shared the Tutsis' fate if they refused.

Another group of 3,000 rebels attacked in the Bururi region, and homeland of the President and most of the present Tutsi rulers. Nearly every army officer is said to have lost some member of his family in the attack. President Micombero said his brother-in-law had been slain.

Forty of the chief administrators were also killed, including the district commissioner, the attorney general and his assistants, doctors and accountants, as well as many of their wives and children.

At the same time, about 100 attackers from Tanzania assaulted the military post of Cankuzo in the east, where a large number of Tutsi refugees from Rwanda had settled. However, this band was rapidly "cut into pieces" by the defending forces, the Bujumbura radio said.

A fourth attack was said to have taken place at Kitega, where the former King was being held. However, although the town was beseiged by rebels according to the official report: residents of Kitega said they had heard no fighting.

Eyewitnesses at Bururi confirmed official reports that the assailants were mainly Hutus, using Mulelist tactics. They were said to have smoked hashish, to have worn white saucepans stained with blood as helmets, and to have had their bodies tatooed with magic signs as immunity against attack.

The rebels, fired with drugs, were said to have killed all the Tutsis they could find, generally cutting them to pieces with their machetes.

Normally Burundi people are not drug users, but witchdoctors played an important role in this attack, according to Colonel Micombero. He said that the Mulelist trainers would shoot blank bullets at a man to show his immunity and then shoot a dog or cat with real bullets to show that the animal had died because it did not cry out the words that conferred protection.

"We have tangible proof that Mulelists from Zaire participated in the rising," President Micombero said. He charged that the Zairian oppositionists wanted to use Burundi as a base to attack the regime of President Mobutu Sese Seko. He asserted that Martin Kasongo, a well-known Mulelist, had taken part in the Burundi rising, had stolen four million francs at Nyanza-Lac and had disappeared.

"I want his head," said Colonel Micombero, declaring that Mr. Kasogo deserved the death sentence for having organized the massacre.

Asked how long the repression would last, the President snapped: "They're still tracking down the persons reponsible for the genocide of Jews in World War II and that's more than 20 years ago. You can easily understand that we are still taking action against criminals six weeks after the genocide here."

The initial slaughter took place in a period of 24 hours, but isolated attacks lasted for two weeks. At Martyazo, in the Bururi region, the rebels set up a "people's republic" and remained entrenched for nearly two weeks before they were routed out, the President said.

The army, gendarmes and youth brigades rapidly put the rebellion down in most areas of the south, according to available information. However, some 100 rebels are believed to be still hiding in the bush, coming out at night to steal food.

The repression that followed the attack has been extreme, according to all independent sources. The authorities announced that they had uncovered a secret "organization for genocide and coup d'tat" and said they had proof that the aggressors not only wanted "to overthrow the republican institutions but also had a highly detailed organized plan for the systematic extermination of the whole Tutsi race."

The President said that "thousands" of Hutu names were on the lists of persons paying dues to the rebel organization.

Large-scale arrests started with the four Hutu members of the Government. Pascal Bubiriza, Minister of Telecommunications, was said to have confessed that the massacre were aimed at the Tutsis.

On May 7, it was announced that "a good number" of Hutus had been found guilty of taking part in the plot and had been executed.

The Revolutionary Youth brigades took the lead in what is widely described as arbitrary arrests and killings. These were aggravated by personal being denounced as plotters because of disputes over land or a cow.

"It was barbaric, unbelievably inhuman," said a foreign resident who had seen a man clubbed to death in front of the Bujumbura post office by a gang of Revolutionary Youths.

"They picked up almost all the Hutu intellectuals above secondary level," a Tutsi professor said.

The university was severely affected. Students were seen assaulting Hutus in the university grounds, beating them to death with rocks and clubs. In the beginning, soldiers came into the lecture halls, called Hutus out by name, threw them into trucks and took them away. Most of the those have never returned.

In the first week of repression at Dujumbura, witnesses said Hutus were piled up in trucks and taken off for burial at a mass grave at the airport. "I used to see the trucks almost every evening at around 9, after the curfew, going down Avenue Lumumba in front of the cathedral and sometimes I could hear people screaming inside," one resident said.

The churches have been particularly hard hit. Twelve Hutu priests are said to have been killed and thousands of Protestant pastors, school directors and teachers. In the Bujumbura hospitals, six doctors, and eight nurses were arrested and are believed to be dead.

In its "truth broadcasts," the Burundi radio has said almost nothing about the repression that has followed the rebellion. The rebels were given "the punishment they deserved" and "only the guilty Hutus" were arrested, it has said. "One cannot even speak of repression but legitimate defense because our country is at war," the state radio emphasized.

Most independent observers are inclined to accept the official position that there was a Hutu plot. However, the origin of the name lists, the evidence of guilt and the severity of the punishment are widely questioned.

It is also increasingly asked why the authorities did not act to prevent the initial outbreak, since there had been reports of unusual movements in the south six weeks before the rising. Some church sources wonder whether the attack was allowed to happen so as to provide justification for broad repression.

The slaughter has been a serious blow to

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the economy. In the south, the missions are trying to get refugees out of the bush to harvest the cotton, bananas and coffee, but it seems that much of the crops will be lost.

Foreign observers generally question whether reconciliation can ever be possible after so much killing. In the city areas here where Hutus and Tutsis live side by side, the two tribes are terrified of each other, and word has spread that all Tutsi families should get rid of Hutu houseboys for fear of poison or some other form of retaliation.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1219

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1220

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

AMENDMENT NO. 1222

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, on behalf of myself and the distinguished Senator from Kentucky (Mr. COOPER), I am submitting an amendment to S. 3390, the Foreign Assistance Act of 1961, to increase the amount of American assistance to Bangladesh by $50 million—to bring the total to $100 million, the amount proposed by the Agency for International Development.

The unprecedented tragedy that swept the land and people of Bangladesh last year has rightly brought an unprecedented humanitarian response from the American people and Congress. Despite the slowness of our Government to react, the American people and the Congress have seen the birth of Bangladesh as a saga of human courage and tragedy rarely witnessed in modern times—a saga deserving of our concern and our help. Last year millions of Bengalis perished in the violence of the Pakistan Army's repression, while millions more sought refuge in India, and countless thousands died of disease and malnutrition in the refugee camps. Today, because of this violence and dislocation, more millions face severe food shortages and homeless nights.

Never has there been so massive a shift in population, in as short a span of time, as the flow of nearly 10 million refugees into India last year, and their spontaneous return this year to a free and independent Bangladesh. It is, and will likely remain, one of the greatest human migrations of the 20th century.

Last year the Congress voted $200 million to help return and rehabilitate these refugees who fled famine and war, and to help rebuild their lives and lands devastated by both manmade and natural disasters. This year, we must continue this help.

I fully appreciate the Foreign Relations Committee report and why it did not recommend the full $100 million authorization for refugee relief assistance in Bangladesh, as requested by the administration. At the time of the report there was no public announcement as to how the administration planned to use the additional funds. In addition, the committee expressed its concern that the United States might get itself into the position of assuming the primary responsibility for the relief program in Bangladesh.

The committee's concerns are legitimate, and I commend its insistence upon proof from the administration of the capacity to program the funds in accordance with sound management standards and consideration for the contribution of other donor nations. However, as chairman of the Subcommittee on Refugees—from my own close observation of this problem, both here and during my visit to Dacca in February of this year—I believe that the full $100 million is not only justified but is absolutely essential to permit the United States to continue to play the leadership role on which the entire international humanitarian effort depends.

Although the administration refused to recognize Bangladesh and was unconscionably lethargic in providing the emergency assistance which was needed last January and February, nonetheless AID has now signed a $90 million agreement with the Government of Bangladesh. The agreement brings the total amount obligated out of the $200 million, to $168 million. Additional requests from the Bangladesh Government and from American voluntary agencies working in Bangladesh amount to an additional $65 million and will be programed this month.

Important among these voluntary agency programs are the special efforts of Catholic relief services and church world service, the housing programs of CARE, the special training programs being undertaken by the international rescue committee, and many other outstanding programs of American and other international voluntary organizations. These programs deserve our support because they are effective, and because the people and government of Bangladesh have welcomed the return of voluntary agencies which have a long history of useful work, and who have responded so generously on their own to the humanitarian needs of the Bengali people.

Mr. President, the recent $90 million bilateral agreement with Bangladesh represents an important achievement for which I commend AID. Members of the Refugee Subcommittee staff who have studied AID's plans, report that this bilateral agreement reflects carefully thought out projects, mutually agreed upon by both Governments. Moreover, as I look down the list of projects that American funds will support—a list of some of them I will introduce at the conclusion of my remarks—I am convinced that we are providing the kind of assistance Bangladesh requires at this time. During my visit to the area, I was impressed by the courage and resilience of the people of Bangladesh. Despite the suffering and disruption to which they have been subjected over the past year, most are now energetically at work rebuilding their lives and country. In fact, because of their industry and courage, preliminary reports suggest that agricultural production in Bangladesh may be greater than might have been expected.

What the people of Bangladesh need today and over the next few months is the wherewithal to rehabilitate their own country.

They need materials to repair coastal embankments badly damaged during the 1970 cyclone and in the war.

They need engineering services and parts to repair damaged electric powerplants and transmission lines.

They need materials to rebuild roads and bridges.

They need the resources to rebuild schools and to buy textbooks.

And they need assistance to reconstruct houses, water supply and sewage systems.

The people of Bangladesh will provide the most important resource of all—their manpower. But what they ask of us is to help provide the material resources to help them put it to work.

Although, as the committee report suggests, more Public Law 480 commodities will undoubtedly be required in fiscal year 1973, the need for food will be eclipsed by the need for other materials as Bangladesh moves from the relief stage, to the rehabilitation stage. Our relief assistance this year, along with that or other donor nations, will help Bangladesh become a strong member of the family of developing nations rather than an orphan forever dependent on other nations for survival.

Finally, Mr. President, in an authorization bill otherwise devoted almost exclusively to security assistance, I urge the Senate not to cut corners on our humanitarian responsibility—to support this amendment to authorize the full $100 million request for relief and rehabilitation assistance for Bangladesh.

I ask unanimous consent that a list prepared by AID of some of the uses of American relief funds in Bangladesh, as well as a discussion of current needs, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Proposed uses of the $90 million AID rehabilitation grant

Commodity imports:	*Millions*
Cotton (100,000 bales)	$15.6
Tallow (20,000 tons)	4.8
Fertilizer—Urea (80,000 tons)	10.0
Fertilizer—TSP (35,000 tons)	4.0
	34.4

PROJECTS

Coastal embankments — 16.0

This activity encompasses the completion of Phase I of the Coastal Embankments project including repair of facilities damaged in the 1970 cyclone and the war. The grant will finance consultant services, equipment and materials (floating craft, vehicles, cement, steel road) and local costs. This project will have a significant relief effect by employing 160,000 laborers.

Groundwater survey — .5

This high-priority project will finance one full year's cost of USGS staff services, equipment (drill rig, vehicles, scientific equipment, etc.) and local costs required to accelerate tubewell irrigation and rapidly expand agricultural production.

Power rehabilitation —

a. Siddhirganj Thermal Power Section—This AID-financed power plant was damaged during the war and, because of the war, is long overdue for its first annual inspection and overhaul. We will finance engineering services, spare parts, local costs, and additional training in plant maintenance, if required.

b. Two Transmission Lines (Comilla—Noahkali Feni—Almost all project equipment is on hand and only one construction season is required to complete the lines. The government has assigned a high priority to bring power to the areas involved as a stimulus to development. The project will finance the cost of engineering services, replacement of lost items of equipment and local costs to complete construction of the transmission.

c. Rehabilitation of Transmission and Distribution Systems—Considerable damage was done to the power system during the war and further deterioration because of a lack of maintenance. Under this activity repairs will be made, jerry-rigged arrangements replaced and normal maintenance operations reactivated. At least one major repair job, a large sub-station near Dacca, will be undertaken. We will finance the equipment required for immediate work as well as for the rebuilding of normal stocks, engineering and procurement assistance and local construction costs.

Mongla-Ghasiakhali Canal — $3.0

This project, which will shorten inland water routes significantly, can be completed in two years with minimal expatriate supervision. The largest cost item will be for dredging the canal.

Education — 6.4

a. Textbooks and reference books will be provided for the six universities in Bangladesh. Local printing costs of primary, secondary and college textbooks will also be underwritten.

b. School Reconstruction—The government is now reviewing the need for and cost of rebuilding of schools damaged in the war.

Roads and bridges — 12.7

a. Dacca-Aricha Road—With the exception of two major bridges, all project components can be finished in one to two years. The project will fund the cost of engineering consultants and construction firms for this work. The contractors are also expected to undertake other work on the highway system.

b. Other roads and bridges—Under this activity imported construction materials and the local costs for bridge and road rebuilding being done by local contractors and the roads and highway department's own forces will be financed.

OTHER PROGRAMS UNDER REVIEW FOR FUTURE BILATERAL GRANTS

Rural housing (imports of cement and roofing).

Low-lift pumps and spare parts.

Construction of tugs and barges in Bangladesh public and private shipyards.

Rebuilding and resupplying rural health centers.

Construction and equipping repair shops for trucks.

Rehabilitation and expansion of the river dredging fleet.

Repair and emergency extension of town water supply and sewage systems.

Industrial credit through intermediate credit institutions.

Rehabilitation of natural gas facilities for industrial uses. — 17.0

Additional short-staple cotton (if available).

Additional fertilizer for CY 1973 crops.

Granular pesticides.

AMENDMENT NO. 1223

(Ordered to be printed and to lie on the table.)

Mr. SPARKMAN, for himself, Mr. TOWER, and Mr. MUSKIE, submitted an amendment intended to be proposed by them jointly to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the Medicare, Medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes. — $3.0

ANNOUNCEMENT OF HEARINGS ON LAND-GRANT COLLEGES

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, I announce hearings on the role of land-grant colleges in meeting the needs of farmworkers and others in rural America. The hearings will be held in Washington on June 19 and 20.

For the past year, the subcommittee has been analyzing the vast change that has taken place in rural America, a change marked by the displacement of farmworkers by new technology, the replacement of the independent farmer by giant corporations and conglomerates, and the continued outmigration from rural to urban America. One of the questions the subcommittee has been considering is whether the U.S. Department of Agriculture is living up to its self-declared "moral and legal responsibility to farmers and farmworkers," or whether its programs have contributed to the impoverishment of farmworkers and their families and the displacement of farmers.

Our hearings in Washington and California have so far shown that public policies—farm subsidies, tax breaks, wage laws, and land reclamation programs—often work to the special advantage of giant corporate and conglomerate farms.

Many witnesses have charged that the policies and activities of federally assisted land-grant colleges have also served to subsidize big business in its takeover of much of rural America.

Most recently, a report by the agribusiness accountability project, "Hard Tomatoes, Hard Times," made a number of specific charges which the subcommittee will examine during the hearings.

We are especially interested in determining:

First. To what extent has the land-grant college system assumed responsibility and developed programs to assist farmworkers and farmers and others in rural America who have been displaced or affected by the development of new agriculture technology?

Second. What are the land-grant colleges doing to assist the farmworker and family farmer adjust to changing conditions in rural America and maintain their economic viability? Are we satisfied that existing efforts are adequate? If not, what additional steps can be taken to assure that land-grant colleges are responding to all the people of rural America?

Third. What is the appropriate future role of the colleges of 1980, the so-called black land grant colleges?

Fourth. Who are the current beneficiaries of the research and other efforts of the land grant colleges, and is the current allocation of institutional resources and distribution of benefits equitable?

Fifth. What mechanisms are needed, if any, to make the land grant college system accountable to the public interest? Are changes needed in the composition of advisory committees at either the national level or on individual campuses? Is it desirable to have more public disclosure regarding research projects, administrative operations, foundation activities, fiscal policies, patent and licensing practices, industry contributions, and potential faculty conflicts of interest?

Secretary of Agriculture Earl Butz, officials and faculty of land-grant colleges, and representatives of farmworkers, farmers, and consumer interests and others have been invited to testify.

Persons desiring more information about the hearings may call Mr. Boren Chartkov, Counsel to the subcommittee at (202) 225-4538, or write him at room 201-Annex, U.S. Senate, Washington, D.C. 20510.

NOTICE OF HEARINGS ON REFORM OF THE PRESIDENTIAL PRIMARY SYSTEM

Mr. BAYH. Mr. President, for some time now the Subcommittee on Constitutional Amendments has been deeply involved in the study of various proposals to reform the process by which we choose our President and Vice President. The subcommittee is now about to start another series of hearings on this issue; this time we will be dealing with various aspects of the nomination process, with

most of our attention to be devoted to the presidential primaries.

The subcommittee's hearings will focus on three proposed constitutional amendments now pending before the subcommittee—Senate Joint Resolution 97, introduced by Senator HATFIELD, Senate Joint Resolution 214, introduced by Senator SMITH, and Senate Joint Resolution 215, introduced by Senator MANSFIELD. Each of these measures proposes the adoption of a single nationwide primary in place of the present State-by-State system of primaries and conventions.

We expect to have testimony from Senators, Congressmen, political scientists, and other experts in this field. Because we firmly believe that the Constitution should never be amended unless we are sure that the proposed change is absolutely necessary and the best possible remedy, we will also be interested in hearing about other proposals—whether they are other constitutional amendments, Federal legislation, or model statutes for the States to enact—which our witnesses think relevant to this inquiry.

The hearings will be held on June 21, 1972, at 10:30 a.m. in room 1114, New Senate Office Building; on June 22 at 10 a.m. in room 6226, New Senate Office Building; and on June 29 at 10 a.m. in room 318, Old Senate Office Building.

Any person who wishes to submit a written statement for the record, or who has further questions about these hearings, should contact Peter W. Coogan, assistant chief counsel of the subcommittee at 225–3018, or at room 300, Old Senate Office Building, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent that four of these winning essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

(By Ron Berggern)

A mirage of lights glowing in the night; an irrigation pump pumping at the press of a button; and automatic washer tumbling the clothes while dinner cooks on a shiny range. Here is electricity at work in my rural community. Here too, is a modern miracle at work. Sparked by an endless flow of invisible electrical current, a rural revolution has created a new life of production and convenience.

Electricity is a form of energy. We know what it is by what it does. It gives us light, heat, and power. While the time required for these developments has been short, the effort and investments have been great.

Nebraska has a unique public power arrangement. All electrical facilities—from giant generators to meters—are owned by the people. Every power user is automatically a stockholder in this vast enterprise, and every voter has a voice in its management. Backing it are elected farmers who serve as directors of the Nebraska Public Power District.

With an increasing use of computers in the system, it enables the District to further broaden its computer programming to cover the District needs. The nuclear reactor and computer add to the complexity of the system, and this leads to higher levels of performance and the upgrading of employees.

The Rural Electrification Administration (REA), as well as much of the public power plan in Nebraska, was due to the work of Senator George Norris from Nebraska. In 1950, about 78% of Nebraska farms had electricity as opposed to only 5.8% in 1929. The whole process of rural electrification in Nebraska started in 1936.

In the home there are numerous uses of electricity. Electric irons, dishwashers, washing machines, driers, vacuum cleaners, and lawn mowers save hours of labor. Mothers prepare meals quickly and easily with electric stoves, ovens, toasters, grills, and blenders. Refrigerators and freezers keep food fresh while fans and air conditioners cool homes in summer. Electric heat, which can provide thermostatic comfort to each room, also helps balance the peak summertime energy load caused by irrigation and air conditioners.

Today's industry could not exist without electricity. The electric motor is the basic source of motion for the many machines on our farms, in our homes and in our businesses. Flip a switch and the smoothly running electric motor goes to work immediately. It can operate for hours, days, and years without the filling of fuel tanks, cleaning of valves, grease jobs, and the usual maintenance problems that gasoline engines require. There is no smoke or smelly exhaust, and it runs so quietly that you are hardly aware of it.

On our farms, electricity lights homes and barns. Electric pumps supply water from wells. Electric milking machines are used by dairy farmers. Livestock farmers use electric fences and heaters. Electric timers are used for grain dryers, fans and automated feeding operations. The use of electricity continues to increase, due to further acceptance of many labor-saving devices.

An increasing population and ever expanding standard of living have produced an industrial growth exceeding all expectations. Industry can be located in this area because we have available a source of low-cost electricity. We are in the midst of an electric "highway" for importing and exporting blocks of electricity due to generator plants and transmission lines.

RURAL POWER AND ECOLOGY

(By Debra Miller)

Ecology, which has been described as "the most intelligent use of our natural resources", is an integral part of our rural electric system. Electricity makes it possible to use our resources in a multitude of ways that would be impossible without it.

To illustrate this, let us look at the example of irrigation, which depends heavily upon electricity. Without the miracle of irrigation, our dry Nebraska soil would bear only a fraction of its current harvest. In fact, this constructive use of our natural resources is perhaps the most important to those of us living in rural areas.

Irrigation, bringing vegetation to fields that were once allowed to lie fallow and unprotected because of lack of water, is also helpful in curtailing much erosion of valuable soil. That the erosion of soil is an important ecological problem to be considered, may easily be proved by looking back to the Dust Bowl years, in the '30s. The isolation and hardships suffered by farmers during that dreadful period in history may have prompted President Roosevelt to create REA in 1935. It is valuable to note that the Rural Electrification Act, continuing the REA, was sponsored by two statesmen from the erosion-stricken Great Plains, Senator George Norris of Nebraska, and Representative Sam Rayburn of Texas.

As an aid to a more healthful atmosphere, electricity has many advantages. Since it is an extremely clean source of power, there is no air pollution, as with the previous wood and coal burning devices. Living in an area as we do, with only a low grade of coal available, and not an excess of trees, the dependence upon these inefficient fuels as sources of power not only caused a polluting influence with its annoying smoke, but was a drain upon our natural resources, as well. Today, living in a world of safe, clean, automatic electric living, it is difficult to imagine rural communities as they must have been before electricity came.

Today the generation of electricity is often in the news. The demand for electricity has become a matter of grave ecological concern. Sometimes the articles are about some of the problems of generating electricity, such as thermal pollution. Yet even now, research is being done to determine ways of leashing the heat produced, using it in a constructive way.

One very interesting idea that seems to have special interest for those in rural areas is the plan which would utilize solid animal wastes by using it as a fuel to generate power. This plan has been used in some European cities, for example, Paris, Rotterdam and Dusseldorf, where it gained approval because it used the disposal of wastes for a useful purpose, and also because it substituted wastes for the high-sulfur coal which polluted the atmosphere. Closer to us, in Chicago solid animal wastes from the stockyards (in themselves an ecological menace), have been used to generate power.

There are many ecological problems concerning the rural need for power—most of these are being carefully researched in an attempt to turn the disadvantages into advantages. Even with these faults, however, the ecological benefits that rural electrification have given us many times outweigh any disadvantages that might occur.

Electric power, in addition to the multitude of everyday uses that we are accustomed to, also aids us in our fight for ecology, in which we endeavor to use our natural resources in the most intelligent way possible.

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Roxanne Wicke)

Who appreciates the value of time more than a farmer and his family? Rural electrification enables this self-employed person to effectively utilize his precious time. From the home and surrounding buildings to the far-flung fields and pastures, rural electrification conserves the energy and time a farmer so desperately needs.

Before 1935, the life of farming was strenuous and depressing. The washboard and plowshare consumed so much time that people were already migrating to cities in search of an easier life. When Franklin Delano Roosevelt signed the Executive Order creating the Rural Electrification Administration (REA) the clock of electrical progress began to tick. Since then cooperatives, the REA, and the National Rural Electrification Cooperative Association (NRECA)) have been organized. These provide the farmer with devices and methods which smooth the ruts of his life.

Daily farm life begins in the home. The electric water pump and hot water heater furnish a refreshing shower. The olive green electric stove, refrigerator, freezer and the varied appliances help the wife prepare a quick, but delicious and nutritious meal. Throughout the day the services of a dishwasher, vacuum cleaner and chromium washer and dryer free her for other family and social duties. Television sets, radios, and phonographs provide instant entertainment. Not to be forgotten are the modified electric heating and air-conditioning system and the elaborate wiring furnishing clean air and bountiful light.

Around and within the surrounding buildings electricity is widely used in many variations in eliminating the darkness, odors and uncleanliness of a farm. Barns are equipped with automatic milking machines to accomplish this task sanitarily and quickly. Barn lights are helpful in bringing forth new lambs, calves and piglets. Security lamps provide the welcome sight of instant and continuous light. The brooder house is furnished with heat lamps while the shop and garage have electric drills, saws and other carpentry tools. Also automated by electricity are silos, grain elevators and other methods of feeding.

In the hidden recesses of a verdant pasture, a pump jack, unlike the wind, provides a faithful flow of clear, cool and sparking water. Surrounding the pasture is a fence invigorated by an electric fence charger, which has a two-fold purpose. The straying of stock is prevented and also the prowling of predatory animals is hindered.

The fields of golden, rustling grain and other crops also benefit from rural electrification. Irrigation wells run by electricity produce doubled, or even tripled, outputs. Irrigation is beneficial not only in eliminating the worry of drought, but also in utilizing formerly barren land which now increases the income for the grower of crops and furnishes mankind with needed food.

These examples of electricity on the farm are only a few of the numerous time-saving aids. Many more are forthcoming from the development room of Willie Wirehand and other corporate researchers.

The benefits of rural electrification not only exist on the farm but also extend to the community, state, nation and world. The community is served by the offering of jobs, opportunities for leadership, and sponsorship of clubs and projects. Money saved from low rates is spent and invested and thus the state's and county's economies are stabilized. Also apparent throughout the United States are the numerous lakes created by dams needed for generation of electricity. These picturesque bodies of water offer fishing, boating, ice skating, swimming, or just sunbathing. Individuals benefit from reading the supply of literature. Thrillingly, the unique formation of the cooperatives preserves the democratic way of life for all mankind.

Thus, since 1935, rural electrification has made possible the innovation of machines and methods which save time for the farmer and his family. This conservation of time is applied in the home and surrounding buildings and in the pastures and fields. The cooperatives, REA, and NRECA also furnish benefits for the farmer and his world. This welcome time and these benefits demonstrate that rural electrification is essential in giving the farmer a life of fruitful work and contentment.

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Russell Gohl)

"Go Big Red", Nebraskans have cheered their football team on to be No. 1. Electricity has also become No. 1 in rural homes and farms. Each yard gained on the football field, the fumbles, the intercepted passes, and the tireless work of coaches make it possible to win each game to become No. 1 in the nation.

It was largely due to the hard work of George W. Norris and Sam Rayburn, who introduced the REA bill in the Senate and House of Representatives, that Congress passed the bill which was signed by President Franklin D. Roosevelt, May 20, 1936. Since this time the "team" has been making yardage. It has had fumbles, interceptions, and troubles, but has won each game to become first in almost every home and farm.

The many hours of planning and hard work, the cheering on of many people has brought an impact upon rural America far beyond the dreams of its early pioneers. It changed everything it touched from the time the first light was turned on. Those huge poles and miles of wire linked rural America with modern civilization.

Motor, electric tools, fans, welders, coolers, automatic feeders and waterers and the many other automated systems have made production of livestock not only easier but more profitable. Electrically equipped shops have saved many a farmer a trip to town to make a minor repair to machinery which would have normally taken several hours off his day's work. Also crop irrigation with electrically pumped water can make the difference between success and failure for many large-scale farm operations.

While electricity was becoming No. 1 in the farm yard it was also making a big play in the rural home too. With the coming of electricity, the farmer's wife switched to electric equipment and appliances as fast as family finances would permit. Today modern rural homes have every convenience of city homes. Such as, automatic washers and dryers, electric ranges, air conditioning, and electric heat.

For the generation that is growing up today, rural electrification will be an exciting challenge. Unlike their forbears, these young people will not be plodding through the mud to a one-room schoolhouse to learn how to get "lights in their homes." Instead, they will look to scientists in industry, Government and the agricultural colleges to find new and better ways of employing electric power in their homes, on their farms and in their rural businesses.

The rural America is a wonderful way of life, and although each yard gained and each game played takes constant planning, electricity will always be No. 1 for rural America.

RETIREE COUPLE BUDGET: FRESH EVIDENCE FOR SOCIAL SECURITY RISE

Mr. CHURCH. Mr. President, recently the Bureau of Labor Statistics updated to autumn 1971 its three budgets for retired couples living in urban areas.

The new budgets range from $3,319 a year at a lower level to $7,443 at a higher level. And the intermediate budget amounts to $4,776.

However, even these relatively modest budgets are well beyond the means of millions of older Americans.

More than 4.7 million fall below the poverty line. If the hidden poor are counted, their numbers swell to 6.3 million.

Equally significant, these updated budgets provide powerful and compelling evidence for major improvements in social security.

Today social security benefits for the typical retired couple amount to about $2,664, or only about 56 percent of the BLS intermediate budget.

And the proposed 5-percent increase in H.R. 1 is certainly not going to help much. In fact, it will not even keep pace with the rise in the cost-of-living since the effective date of the last social security boost.

Quite clearly, a more substantial increase is needed if our Nation is really serious about solving the deepening retirement income crisis effecting millions of older Americans.

For these reasons, I am sponsoring a 20-percent boost in social security benefits. A companion measure, H.R. 13320, has been introduced by Representative WILBUR MILLS, the chairman of the House Committee on Ways and Means.

For the typical retired worker, my proposal would increase monthly social security benefits from $133 to $162. For the average elderly couple, monthly payments would rise from $222 to $269.

On the other hand, H.R. 1 would raise benefits to $141 for the retired single worker and to $234 for the aged couple.

In terms of dollars and cents, a 20-percent increase would provide a single retired worker $250 a year more than under H.R. 1. And for an elderly couple, this would mean an additional $420 in badly needed income to pay for rising property taxes, food costs, medical care, and other expenditures.

Equally significant—and I want to stress this point—this proposal would in no way jeopardize the soundness of the social security trust funds.

Actuarial assumptions recommended by the prestigious 1971 Social Security Advisory Council indicate that it would be possible to finance this increase with a modest rise in the payroll tax and still maintain the overall integrity of the trust funds. In fact, the proposed tax rates under this measure will be lower over a longer period of time throughout this century than under H.R. 1.

As of this date, I am pleased to report that 60 Members of the Senate have joined me in sponsoring this proposal. Four others have also indicated that they will vote for this measure—making a total of 64 Members of the Senate who support a 20-percent increase.

Mr. President, I ask unanimous consent that the names of the cosponsors of my proposal—Amendment No. 999—be listed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF AMENDMENT NO. 999

Frank Church, Harrison A. Williams, Walter F. Mondale, Vance Hartke, Claiborne Pell, Thomas F. Eagleton, Edward M. Kennedy, John V. Tunney, Philip A. Hart, Harold E. Hughes, Hubert H. Humphrey, Mike Mansfield, George McGovern, Birch Bayh, Henry M. Jackson, Warren G. Magnuson, John Tower, Charles H. Percy, Howard H. Baker, B. Everett Jordan.

Frank E. Moss, Alan Cranston, Robert C. Byrd, Thomas J. McIntyre, Adlai E. Stevenson, Joseph M. Montoya, John O. Pastore, Fred R. Harris, Gale W. McGee, Howard W. Cannon, Mike Gravel, Lee Metcalf, Daniel K. Inouye, Ernest F. Hollings, Alan Bible, Edmund S. Muskie, David H. Gambrell, Quentin N. Burdick, Gordon Allott, James B. Allen.

Mark O. Hatfield, Edward W. Brooke, Gaylord Nelson, Clifford P. Case, Jennings Randolph, Bob Packwood, John Sparkman, John L. McClellan, Margaret Chase Smith, J. Caleb Boggs, Abraham Ribicoff, Jacob K. Javits, James O. Eastland, Richard S. Schweiker, Strom Thurmond, Charles Mathias, James B.

Pearson, William Proxmire, Lawton Chiles, Ted Stevens, Edward Gurney.

THE ADMINISTRATION'S URBAN GROWTH REPORT

Mr. STEVENSON. Mr. President, the President has recently submitted to Congress its first report on urban growth as mandated by title VII of the Housing and Urban Development Act of 1970. I do not think it unfair to say that the report has met mostly with unfavorable reviews.

Much of the criticism appears justifiable. I am particularly concerned that the report ignores the clearly expressed will of Congress. Title VII declares that there shall be a national urban growth policy and directs the President to make recommendations in his urban growth report for programs and policies to develop and carry out such a policy. Instead, the report questions the advisability of a comprehensive national urban growth policy and presents recommendations which are no more than a listing of President Nixon's legislative program for the previous year: general and special revenue sharing, Government reorganization, welfare reform, and so forth. Surely this listing does not constitute a coordinated national urban growth policy.

The American Institute of Planners, an organization which has long recognized the importance of structuring a coherent growth policy for our urban areas, has taken a position on the administration's report based on a thoughtful critique. I ask unanimous consent that the critique be printed in the RECORD.

There being no objection, the critique was ordered to be printed in the RECORD, as follows:

POSITION STATEMENT

The Board of Governors of the American Institute of Planners endorses the concept mandated by Congress of accountability by the Executive Branch for the continuing formulation and implementation of urban growth policies. Reports issued by the Executive Branch must show evidence of positive leadership in the defining of unified comprehensive policy.

Unfortunately, the President's first official response to the Congressional mandate, his *Report on National Growth 1972*, rejects a concern with the urban dimension in favor of excessive concern for rural growth; rejects a philosophy of planning in favor of an executive approach; and, in the opinion of this Board, fails to be responsive to the Congressional mandate.

Report on National Growth 1972 is no more than a survey of problems and a commitment to two obvious goals of growth policy: first, to the idea of "balance" between the nation's urban and rural environments; and second, to the idea of "orderly" correction of existing problems. The *Report*, however, fails to examine the implications of the giving up of federal categorical programs in favor of state-local priorities and procedures, fails to explain how affirmative federal policies will be made to work, fails to state what resources will be made available and whether such resources will be adequate for the stated purposes, and fails to establish mechanisms by which the citizens of the United States can become involved in the process.

The *Report* shows the Administration's confusing approach to the process within the Executive Branch. As one example, it seems to us that land use controls under recent and proposed federal legislation should be included in the group of activities recommended for the proposed Department of Community Development rather than put under a Department of Natural Resources. Moreover, we are concerned that the resources for any federal program be matched with the locus of authority, as is manifestly not the case with the maintenance of the Highway Trust Fund beyond the reach of the proposed Department of Community Development.

The *Report* contains a number of contradictory assertions and assumptions about the federal role vis-a-vis the states and the private sector, an example being the Administration's abandonment of responsibility by advocating revenue sharing without sanctions, combined with its willingness to abandon existing programs addressing themselves to city and urban problems in favor of a vague hope that the states will turn to planning at the metropolitan level. We believe the federal government has a responsibility to implement its policies in a direct rather than an indirect fashion in accordance with the recommendations below.

Lastly, we view with great concern the Report's summary of Administration attitudes concerning the process of planning in a democratic society. We criticize especially its claim that not "even a single coordinated set of policies can remedy or even significantly ameliorate all of our ills" and its drastic misuse of the term "planning" as an activity only to be supported within the office of an elected official, as part of the administrative and budgetary process. We do believe that a set of coordinated policies is both feasible and necessary and can be produced with due regard for the democratic process.

In light of the foregoing, and taking into account the considerations presented in the critique of the President's Report (also published here) the Board of Governors of the American Institute of Planners:

1. Urges that National Growth Policy (or National Urban Growth Policy as mandated by Congress) address, purposefully and in a coordinated manner, the following basic and interrelated issues:

(a) settlement patterns, including the quality and efficiency of settlement;

(b) human opportunity and welfare;

(c) capacity and fiscal vitality of government;

(d) quality of environment and management of natural resources.

2. Affirms that equity in the formulation and application of National Growth Policy requires the participation of all segments of society in that effort and the allocation of adequate resources consistent with policy direction and priorities, both of which are necessary to assure access in the definition of policy and effective utilization of resources in the disposition of the issues involved.

3. Reaffirms that planning can and should make an essential contribution to defining appropriate roles for all levels of government and private institutions in the formulation and implementation of unified policies that will reflect and respond to the considerations enumerated above with full respect for diversity and pluralism.

The Board of Governors further recognizes and deplores a condition when no policy becomes the policy and fosters the fragmented deliberations now proceeding, prolonging the long history of unrelated or conflicting programs, projects and actions which have led to the present national condition. Congress has mandated a National Growth Policy to deal with this condition. The expression of the recommendations herewith adopted are vital to the successful fulfillment of that mandate.

Following is a detailed critique of the Report on Urban Growth 1972 prepared for the Task Force by its member Alan Rabinowitz and submitted to the AIP Board as a support document to the above policy statement. This critique attempts to provide the AIP membership with an evaluation of how the simplistic statements in the Report fit into the context of urban growth policy as it might and should be defined. This critique is not adopted Board policy, and additional comments on the report are welcome. Copies of Report on National Growth 1972 are available from the Government Printing Office, Washington, D.C. 20402, for 45¢ each. Ask for publication number 1770–0156.

NATURE OF THE PRESIDENT'S REPOAT

For many years, thoughtful analysts of the nation's urban programs have been documenting the extent to which various federal activities either complemented or vitiated the efforts of other parts of the federal establishment and of public and private agencies involved in planning and implementation at the local level. In recent years, the demand for cohesion in policy-making at the federal level has increased, and both the executive and legislative branches have broadened the scope of their efforts to obtain comprehensive, balanced, policies concerning housing, land use, transportation, economic development, pollution control and other components of urban and rural life. Much of the intellectual leadership for this movement has come from the U.S. Advisory Commission for Intergovernmental Relations and related committees in the Congress.

In the Urban Growth and New Community Act of 1970, Congress declared it in the national interest to: . . . provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use or conservation of our natural resources; to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive environments.

The President was instructed to use the powers of his office to collect, analyze, and evaluate information about urban problems and programs and make a biennial report, with recommendations, to the Congress, with the first such report due in February 1972.

THE ADMINISTRATION'S RESPONSE

Accordingly, The Domestic Council produced for the President for transmission to Congress the *Report on National Growth 1972*, a 74-page pamphlet that is an explicit and systematic avoidance of the Congressional mandate for evaluation of new and existing policies.

The introduction indicates the key sentiments that control the Nixon Administration's thinking. Congress' mandate for a report on national *urban* growth policy is rejected as "too narrow," and the focus is shifted away from "the urban crisis" to the need for restoring balance between the nation's rural and urban populations, primarily in the context of the Department of Housing and Urban Development. In addition, after finding that "the longstanding issues concerning the growth of our nation are much too complex to be resolved in any dogmatic fashion," the President defines his responsibility to "assist in the development of" rather than "enunciate" a master plan or a single comprehensive national growth policy and declarea that—

"No single policy, nor even a single coordinated set of policies, can remedy or even significantly ameliorate all of our ills.

As our problems are many and varied and changing, so our solutions must be multiple and diversified and flexible."

The structure of the *Report* itself then follows the chapter headings provided by Congress. In the next section, these chapters are analyzed in that same order.

A CRITIQUE OF THE SUBSTANTIVE IDEAS

Chapter 1—Population growth and distribution

To "understand the forces that are shaping the communities in which we live and work," the *Report* devotes its first chapter to a standard description of population trends from 1790 to 1970.

The text covers demographic trends, immigration, the westward movement, the migration of blacks from the South, the impact of technology on agriculture and the migration from rural to urban areas, the growth of metropolitan areas, and the changing racial and economic composition of central city and suburban populations.

No attempt is made to analyze the impact of such forces as the relation between higher personal incomes and changing family characteristics, the impact of the automobile and other technologies on the location of industry and housing, the role of the Federal Housing Administration in suburbanization, or the nature of other national policies that might have shaped these population trends. The Domestic Council, however, does conclude that "for some time our urban areas have been spreading out faster than population growth alone would justify."

Chapter 2—The challenge of balanced and orderly growth

To "articulate some of the challenges that must be confronted as the Nation responds to the challenges of growth," the *Report* notes that growth has been characterized by rapid economic expansion and greater mobility for automobile owners but has been accompanied by some problems. The Administration looks for policies to insure that future growth is both "orderly," meaning correction of existing problems, and "balanced" between rural and urban growth.

The problems seen associated with past growth include the depopulation of rural areas and small towns, the hard times befalling central cities, the concentration of the poor and the black in the inner city, environmental damage and traffic congestion, and the rising cost of land in housing.

The challenge specified in the *Report* is limited to a federal responsibility to assure balanced and orderly growth, and the reader is left to supply his own reasons therefor, for the *Report* does not discuss the Administration's objectives in terms of welfare economics, economic efficiency, the distribution of wealth, or social equity.

The Domestic Council does, however, advance some further ideas concerning the obstacles in formulating a single comprehensive strategy to deal with the forces of growth, citing an unpublished study about the difficulty of getting agreement about the causes, externalities, and interdependence of problems. Two aspects of our national culture are basic in their thinking: first, a high value set upon freedom in the private sector and democratic choice in the public; and, second, an appreciation of the sharing of powers with the states in the governing of a country of vast size and diversity. The Domestic Council does not feel it is feasible for the highest level of government to design policies for development that can operate successfully in all parts of the nation. It does believe, however, that a useful distinction can be made between national responsibility for such items as fiscal and monetary policy and the solution of water and pollution problems and local responsibility for such problems as street lighting.

Chapter 3—Recent State and local actions to influence growth

To "identify major actions of the federal government undertaken to deal with the problems of growth," the *Report* describes in considerable detail a familiar list of state-level activities: establishing the nature and financing of local governments, creating departments of urban affairs, housing finance agencies and urban development corporations, beginning to be concerned with environmental and land use controls, encouraging new communities and other housing programs, creating planning and development districts, and reviewing the organization and financing of local governments, transportation agencies, and education departments.

The federal role envisaged by the Domestic Council is described in a number of ways. The assertion is made that "the nature of growth in America in the years ahead will depend primarily upon the scope and nature of actions taken by state and local governments and upon the countless decisions made by tens of thousands of individuals and business enterprises, large and small;" and rarely is it suggested that a national growth policy should tell the states what to do. The use of federal grants as both carrots and sticks is barely mentioned, except in reference to the implementation of the requirements of Circular A–95 under the Intergovernmental Cooperation Act of 1968.

While the *Report* sees state policies as "the basic building blocks of national policy," there is no suggestion of how the federal government might deal with a state that did not wish to be a building block and did not address itself to the problems of its local governments. A somewhat more direct federal role is seen in connection with problems involving the cooperation of several states, but such agencies as Appalachian and river basin commissions are seen primarily as "devices for rationalizing federal investments in a region rather than full-scale federal-state cooperative ventures." One may infer that the introduction of revenue sharing would diminish further the federal role deemed appropriate by the present Administration.

Chapter 4—Administration actions to deal with the challengees of growth

This chapter is a short review of past involvements, covering the New Deal days, the passage of housing and full-employment legislation, and, under President Eisenhower, the beginnings of the urban renewal and interstate highway programs, and of current initiatives by the Nixon Administration. In the catalogue of recent activities are found the attempts to reorganize and decentralize the federal establishment and to improve interagency cooperation (especially in transportation planning), to develop programs related to rural areas, mass transportation, environmental protection, housing and new communities, to install "planned variation" procedures in the Model Cities program and "annual arrangements" in the housing programs, and to encourage widespread reform of the property tax and systems of school finance.

The Report declares that "the need to make federal programs more responsive to the people and their locally elected officials, both in terms of the goals they seek to achieve and the way they deliver federal assistance," is "an extremely important feature of the President's policy toward growth." There is, however, no discussion of how the enumerated activities by the Administration relate to the Administration's decisions in fiscal and monetary policy and to programs in other departments of the federal establishment, nor is there any evaluation as requested by Congress of the effectiveness of federal efforts to carry out the national urban growth policy.

Chapter 5—Administration recommendations to the Congress

The *Report* ends with a call for speedy passage of Administration legislative proposals for government reorganization, revenue sharing, expanded rural credits, planning and management assistance, a national land use policy, a powerplant siting act, a tax policy to conserve coastal wetlands and historic buildings and welfare reforms.

The Domestic Council begins this chapter by minimizing the influence that the federal government can have on local governmental and private decisions and by expressing its determination to get rid of "planner's blight," the consequence of a plethora of federal categorical programs. Where the Administration might have concluded that the solution might lie in better formulation and consolidation of categorical programs in wiser administration of them at higher levels of interagency cooperation, and in better planning at the state-local level, it has chosen instead to ask for a limited form of governmental reorganization and for a giving up of responsibility through revenue sharing.

Planners should note that the proposed Department of Community Development will merge the Department of Housing and Urban Development with Agriculture's Farmers Home Administration and Rural Electrification Administration, Commerce's Economic Development Administration, Transportation's Federal Highway Program and Urban Mass Transportation Program, and OEO's Community Action Program. Unfortunately, the proposal for special revenue sharing in the transportation field does not include the monies in the Highway Trust Fund.

Reliance upon passage of federal revenue sharing is a key aspect of the Administration's program, allowing the Domestic Council to pass on to the states the full responsibility of spending the proceeds, to avoid addressing the questions of the adequacy of state tax efforts and the equitable distribution of funds among state and local agencies and to sidestep the issue of the adequacy of budgeted federal funds to compensate for neglect of domestic needs over the past few years of inflation and high military outlays.

The legislative package proposed by the Administration contains some curious inconsistencies. One example is the request for a new categorical program for rural credit to be administered by the Department of Agriculture while urban categorical programs are being phased out. Another example is the intention to employ sanctions on states under the national land use policy (concerning shorelands, scenic and historic districts, airports, highway interchanges, and parks) while specifically refraining from sanctions in the fields of community development, governmental reorganization, and education. Still another is the Administration's willingness to impose a long-range planning requirement on the nation's electric utilities (concerning powerpalnt sitings) but not on other private corporations instinct with a public interest.

The Administration's concern for the planning and management function at the state and local level extends to information processors and budgeteers for certain types of elected officials but does not seem to extend to the needs of either legislators and their committees or planning agencies working directly with citizens and businessmen on the many forms of community planning.

QUESTIONS FOR FUTURE REPORTS

Policies for Resource Allocation

One of the major deficiencies of this first report is not only its avoidance of the idea of a national urban growth policy in favor of a more general concept of urban-rural balance, but its ommission of an evaluation of those policies now being administered at the federal level. At issue is any Administration's willingness to analyze the nature and

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scope of federal allocations of its resources. Certain questions need to be asked in the next report along these lines; a few examples follow:

(a) How does fiscal policy fit into the national urban growth policy? Should tax credits be used instead of revenue sharing? Would a negative income tax be better than housing supplements?

(b) What are the costs and benefits from programs for urban and rural development. How should the federal government (Congress and the executive) decide to spend a dollar in rural areas instead of a dollar in urban areas? Is a dollar for highway building more or less justified than a dollar for housing?

(c) How does monetary policy fit in? Should federal funds for the state-local sector be cut back in times of inflation and increased in times of recession?

(d) Are the nation's resources being properly allocated between the public and private sectors? Should the nation increase the share of the national income going into education, manpower development, social welfare, community development, and environmental programs? Should federal resources be used to compensate for lack of responsibility on the part of private firms, state and local govments, and individual citizens?

(e) What timetables should be built into a national urban growth policy?

PUTTING THE FEDERAL HOUSE IN ORDER

Another set of questions need to be framed and answered in future reports. All of them have to do with the way in which the mechanisms for planning, programming, and budgeting are performed within the federal establishment and among federal agencies and other public and private agencies.

(a) To what extent are Congress and the Administration working together in the context of a national urban growth policy?

(b) What are current problems in obtaining cooperation between federal agencies at both departmental and regional levels and in reconciling decisions of regulatory bodies (such as the Interstate Commerce Commission) with the departmental programs affecting national urban growth (including, for example, distribution of contracts by the Department of Defense)?

(c) What are the problems in using the Office of Management and Budget, the Domestic Council, and the other Executive Office bodies (such as the Council on Environmental Quality) as moderators of national comprehensive policies? What are their relations with such useful agencies as the U.S. Advisory Commission on Intergovernmental Relations?

(d) What are the current problems in administering federal programs, for example, of assuring that housing funds produce good housing rather than speculative profits and unsound structures?

CONFRONTING THE INTERGOVERNMENTAL ISSUES

Given the nature of the partnership between the federal government and the states, who bear the Constitutional responsibility for establishing local governments, a national urban growth policy requires that certain federal funds be disbursed by the States. A wise man will inquire about the stewardship of his partners, and it is incumbent upon the federal government to evaluate each state's progress in supporting the objectives of national policy. The next National Urban Growth Report, therefore, should contain an evaluation, state by state, of the extent to which funds have been made available to local communities, the extent of reorganization of state fiscal and administrative systems, and the extent to which state and local agencies are planning together for the amelioration of social-economic-and-physical problems in both metropolitan and rural areas. An important part of the evaluation should be a consideration of the relative merit of categorical and revenue-sharing programs.

THE ROLE OF PLANNING IN THE REPORT

The words "planning" and "planners" are given a rather special meaning in National Growth Policy 1972, as the examples below indicate:

The Administration will not rely upon "some master plan for directing the multitude of public and private decisions," but "our plans for national growth must rather seek to help individual Americans develop their unique potentials and achieve their personal goals." However, some states provide planning and technical assistance to local units of government; the New York State Urban Development Corporation is authorized to initiate the planning and construction of needed public facilities; California recently adopted the preliminary plan of the Tahoe regional planning agency; the American Law Institute is preparing a model land development code that would involve State agencies in planning and controlling the use of land; California has provided for planning and land assembly by redevelopment agencies in support of new communities; states have been estabishing planning and development districts whose principal responsibilities are comprehensive and functional planning, coordination of planning done by units of local government and other organizations within the area, technical assistance to local governments in planning and administration, and review and coordination of certain federally assisted projects; the Appalachian Regional Commission is involved in "a comprehensive developmental planning process rising up from the grassroots," the Metropolitan Council of Minneapolis-St. Paul performs planning and other coordination service functions; the "A-95" review process covers federal grants for highway and airport planning, among other programs, and is designed to assure that major federal programs in a given jurisdiction are consistent with and will not disrupt well-considered development plans for the area; the National Resources Board and its two successors represented a unique attempt at national planning before the effort was terminated in 1943; the "planned variation" approach will broaden the citywide Model Cities program into a truly comprehensive method for the city's chief executive to use in approaching the community development problems of the city; the "annual arrangements" approach seeks to demonstrate that, given a realistic forecast of Federal funding, communities will plan for community development in an effective manner; "'planner's blight,' often a feature of urban renewal, provides a good example of the kind of unanticipated and undesirable consequences that can result from well-intentioned federal [categorical] programs;" Urban Community Development revenue sharing would enable communities to plan and implement longer term programs dealing with growth and development; one important element in the proper planning of new urban development is the protection of natural and historic values; and:

Planning and Management Assistance: Money is not the only resource needed to meet the challenges of growth. Effective governmental institutions staffed with capable officials are needed to put this money to effective use. The President, therefore, has proposed a new planning and management program designed to help state and local elected officials manage their resources to achieve local—as well as certain national—objectives. This program significanty complements all the revenue sharing initiatives of this Administration. Planning and management assistance would strengthen the ability of state and local governments to make decisions and to implement those decisions successfully. It would also provide new opportunities for elected chief executives at all levels of government to improve management and evaluation techniques. And it would enable states to coordinate all aspects of urban and rural development.

The planning and management proposal would offer financial assistance, without any matching requirement, to governors, mayors, and country executives to aid them in further developing their executive management capabilities. Examples of the activities that would be assisted include the development of better budgetary procedures, administrative reorganization programs, modern information systems, improved personnel recruiting techniques, and other activities that will help state and local officials better handle their executive responsibilities.

While the members of AIP assume that planners are involved with policy determination and direct participation in dealing with the economic, fiscal, political, social, physical, environmental, and administrative issues at all levels of the public and private sectors, the scope of planning in the President's *Report* is more limited. Planning appears there as a managerial function encouraged by the federal government primarily for state and region agencies, as a method of carrying out projects such as airports, and as an activity that suffers if there are too many variables (as in "planner's blight").

The field of "planning" is sure to suffer from this interpretation, and vigorous efforts by those who prefer a broader context will be required to provide support for contemporary planners. Without such support, how will planners be able to work on problems of community participation and community organization, on problems requiring research and analysis of social, economic, and environmental conditions, on the questions of powers and resources involving decentralization of public functions simultaneously with rationalization of public services on an areawide basis, on the problem of bringing an understanding of local problems into state legislatures and agencies and of state problems into Congress and the federal agencies, and on the problem of improving instruction on urban affairs in colleges and universities?

In short, America's planners must be part of the Administration's planning and management scene, encouraging proper use of information systems and computer models as tools of administration, but diligent in their efforts to make government at all levels (local, state, and federal) and all branches (legislative, judicial, as well as executive) sensitive to the subtle combination of political, psychological and technological forces that make planning an art as well as one of the policy sciences.

CANCELED CAREERS FOR OLDER FEDERAL EMPLOYEES

Mr. CHURCH. Mr. President, one of our most serious problems today is the unacceptably high level of unemployment.

Approximately 5 million Americans have lost their jobs. Millions more are underemployed. There is also a substantial amount of hidden unemployment, particularly among older workers who have "dropped out" of the work force after prolonged periods of fruitless searching for a job.

Yet, the Federal Government, which ought to be a model employer, may actually be contributing to our painful unemployment problem.

The number of involuntary early retirements has soared during the past 3 years. Early retirements for fiscal 1971 were 2½ times as great as in 1970 and six times the level in 1969. For the current fiscal year, these revealing statistics are similar to the monthly averages for 1971.

These disturbing findings were recently presented to the Committee on Aging in an exploratory report prepared by Elizabeth M. Heidbreder, an economist for the National Council on the Aging.

This report provides striking evidence of the injustice and harsh economic impact of the present involuntary retirement policies on middle-aged and older Federal employees.

Many now find themselves in impossible situations. They are usually the first to be fired, but the last to be hired. Their Federal pensions are often insufficient to meet their financial responsibilities.

A few days ago the three daily newspapers in the District of Columbia gave extensive coverage to this report and the impact of a canceled career for an older Federal employee and his family.

Mr. President, I commend these articles—by John Cramer of the Washington Daily News, Joseph Young of the Evening Star, and Mike Causey of the Washington Post—to the Members of the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 26, 1972]

REPORT FLAYS PRESSURE TO RETIRE EARLY

(By John Cramer)

A new report to the Senate's Special Committee on Aging charges that government lay-off policies produce large injustices and "cancelled careers" for many older federal employes.

It especially criticizes:

Government policy of encouraging—and pressuring—middle-age workers to retire early.

Questionable administration of reduction-in-force rules, with Civil Service Commission acquiescence, to nullify the protections supposedly provided by veterans preference and seniority—and thereby give agencies freedom to handpick older workers for layoff.

The report, prepared by an economist for the National Council on the Aging, is certain to spur the growing clamor against the way CSC administers the rules.

It prompted Committee Chairman Frank Church, D-Ida. and Sens. Jennings Randolph, D-W. Va., and Walter F. Mondale, D.-Minn., to say in a preface:

"Even tho early retirement and second careers may often be desirable, employes should be free to decide if they wish to retire early.

"Unfortunately, there is very disturbing evidence to suggest that the federal government—which it seems clear, ought to be a model employer—may be a leading offender in applying pressure tactics to coerce older employes to retire early.

"We are mindful that a system which provides overly protected job tenure can lead to one extreme: bureaucratic entrenchment. This, of course, is not only inefficient but also unresponsive to the needs of its citizens.

"But if management in government is allowed to take arbitrary actions which, in effect, cause 'cancelled careers,' it may pose a serious threat to well-trained and conscientious employes—and to the entire civil service system.

"Such capricious action can only cause our nation to lose some of our most experienced, dedicated and knowledgeable personnel in government. Even more fundamental, it can only serve to undermine the deep and personal commitment which many career civil servants have towards their jobs."

'SCAPEGOAT CLASS'

Older workers, the Senators said, rapidly are becoming a "scapegoat class" in the federal service.

By law, employes personally caught in layoffs are entitled to retire on immediate annuities (reduced 2 per cent for each year they're under 55) if they have 20 years of service and are at least 50, or if they have 25 years regardless of age.

By regulation, almost certainly illegal, CSC has given agencies in layoff situations the right to "request"—but not require—the retirement of those who meet these age-service standards.

By widely acepted custom, the "requests" become a form of pressure to retire.

RETIREMENTS SOAR

The report said this caused 1971 early retirements to soar 250 per cent over 1970 and 600 per cent over 1969. And for most of the early retirees, it said, annuity income was less than half of salary—as against a maximum of 80 per cent for those permitted to work full careers.

It said:

"The effect on middle-aged employes who must decide before a RIF whether or not to retire early is to present them with an important career decision before knowing what will happen in the impending RIF and often before they have time to seriously consider retirement.

"While some may welcome the opportunity to retire early, others may find it difficult to start a second career or to live on a reduced income."

But even if they resist early retirement, the report said, older workers find themselves vulnerable to layoff because of CSC's interpretation of layoff rules.

DUCKING THE LAW

By law, employes doing like work are supposed to be assigned to the same competitive level—and, within any level, veterans and senior non-veterans are supposed to be the last to be laid off.

Agencies get around this by declaring like jobs unlike . . . doing their damndest to put each employee in a level all by himself.

The Space Agency, as reported here before, recently achieved the absolute ultimate: At Kennedy Space Center, it assigned 46 GS-6 secretaries to 46 individual levels, thereby rendering seniority and preference 100 per cent meaningless.

The report recommended:

"The General Accounting Office or a similar independent agency should evaluate the present regulations and practices concerning competitive areas in RIFs in order to determine if employe rights are being infringed upon."

[From the Washington Star, May 26, 1972]

THE FEDERAL SPOTLIGHT: INVOLUNTARY RETIREMENT

(By Joseph Young)

The number of "involuntary" early retirements among federal employes has increased sixfold since 1969, according to a report issued by the Senate Special Committee on Aging.

The report declared that not only employes over 60, but many in their fifties and even late forties are being pressured by their agencies to retire as a result of Nixon administration policies to cut jobs and grades. This often results in cutting their income by more than half at a time when their financial responsibilities are the greatest.

It also said that employes in government over age 45 or even 35 are often denied the opportunity of training and thus are placed at a disadvantage with younger employes in competing for better positions.

"Involuntary" retirement in government were 2½ times greater in 1971 than in 1970, and six times that of the total in 1969. So far, figures for 1972 are similar to the 1971 monthly averages.

The increases occurred as a result of Civil Service Commission rules which allow agencies facing a reduction-in-force to request voluntary resignation of eligible employes before the cutbacks take place. Under this type of arrangement, employes may retire at age 50 with 20 years service or at any age with 25 years service.

The report was prepared for the Senate committee by Elizabeth J. Heidbreder, economist and research associate with the Institute of Industrial Gerontology, National Council on the Aging.

The report recommended immediate steps to forestall continued emphasis on early retirement as a primary tool to reduce the federal work force, including having appropriate congressional committees investigate the power given agencies by the CSC to use the "involuntary" retirement provisions to pressure workers to retire.

It also called for a General Accounting Office study to see if employes' rights are being infringed upon in such cases and also a study on the impact of such retirements on the federal service.

In addition, the report proposed that the provision of the Middle-Aged and Older Workers Employment Act which offers special services to persons caught in mass layoffs be extended to federal workers. Also, federally assisted training programs should be extended to training programs within the federal civil service, the report stated.

Accompanying the report was a statement by Sens. Frank Church, D-Idaho, the committee chairman; Jennings Randolph, D-W. Va., chairman of the subcommittee on employment and retirement income; and Walter Mondale, D-Minn., chairman of the subcommittee on retirement and the individual.

Their statement said the committee has sought in the past to encourage the federal government to serve as a model employer. "But now, fundamental questions are being raised about its determination to act as a model employer, especially when pressures to economize continue to intensify. . . . Perhaps even more fundamental, existing federal employment and retirement practices may lead to the creation of a 'scapegoat class' in the civil service."

The senators said "such capricious actions can only cause our nation to lose some of our most experienced, dedicated and knowledgeable personnel in government."

[From the Washington Post, May 26, 1972]

THE FEDERAL DIARY: BIAS AGAINST OVER-40 WORKERS NOTED

(By Mike Causey)

The government discriminates against older people in hiring, training, promotion and even firing and the federal definition of "old" people apparently is getting younger all the time.

Those are the conclusions of the Senate's Special Committee on Aging whose members say they are shocked at the adverse impact recent federal economy moves have had on the 40 plus set. The Committee is chaired by Sen. Frank Church (D-Idaho), where youthful appearance is offset only by his dependence on bifocals.

A special report due today, called "Cancelled Careers," discusses the growing trend of federal agencies to depend on older workers to retire before they are ready as a way of reducing average grade levels and save jobs for younger people in the system.

Backbone of the report is a special study on recent federal layoff policies as they apply to middle-aged workers. It was prepared by Elizabeth M. Heidbreder, an economist with the National Council on the Aging.

She says that widespread reports of pressure on older workers indicate that although the government "has a policy of nondiscrimination toward older workers, and enforces the Aging Discrimination Act which covers private industry, it may be guilty of letting the aged factor by itself influence personnel decisions when employee cuts must be made."

What she and the Committee are talking about are letters of encouragement" from federal agencies telling employees they should retire for the good of the service, and the stepped up use of involuntary retirements. Under that system, the government can push a worker out before normal age and service time for retirement are met and the worker's pension is then reduced because he or she quit early.

The Senate report mentions practices in a dozen agencies, but singles out the Defense Department for setting "minimum age" requirements for attendance at blue-ribbon training sessions that usually lead to promotions.

It says that the National War College, Army War College and Industrial College of the Armed Forces limit students to age 45; and Princeton's mid-career federal program to age 40, "however, an applicant at GS 15 in his early 40s may be considered, in unusual circumstances."

Some top Defense training programs, the report says, are limited to students with top ages of 37, and it concludes that since Defense represents over half the civilian government, such age discrimination is "probably fairly typical" of other federal training programs.

The Committee proposed that government agencies reexamine their official and unofficial policies toward older workers during layoff and cutback situations, and that Congress and the General Accounting Office make continual reviews of agency practices.

CADET COLONEL FREDERICK H. OELSCHIG, SAVANNAH, GA., MOST OUTSTANDING ARMY ROTC CADET IN NATION

Mr. TALMADGE. Mr. President, I am pleased to invite the attention of the Senate to the fact that Cadet Colonel Frederick H. Oelschig of Savannah, Ga., has been selected the most outstanding Army ROTC cadet in the Nation.

Selection of the most outstanding cadet is made on the basis of leadership potential, advanced camp performance, ROTC grade and participation in ROTC activities and sports, qualities of discipline, courtesy, personality, and character, and excellence in academic grades.

Mr. Oelschig excels in each of these areas. He is currently cadet colonel and brigade commander at the University of Georgia. A senior agriculture major with a 4.0 average out of a possible 4.0, Cadet Colonel Oelschig is first in his class of 800 students. He has received many honors, including the American Legion Scholastic Excellence Award, Sons of the American Revolution Award, and is a member of Blue Key honorary society. Other activities include the Horticultural Club at the University of Georgia, as well as being president of the Southern Region Branch of the American Society for Horticultural Science. He also has received six different scholarships, which attests to his outstanding scholarship leadership.

I had the privilege of having lunch with this outstanding young man when he was recently in Washington. At that time, the Department of the Army Commendation was presented to him by General Westmoreland in a special ceremony at the Pentagon.

The State of Georgia is indeed proud of Cadet Colonel Oelschig's achievements, and honored at the credit he has brought to himself, his family, his State, and his country. This is indeed one of the highest honors a young man can receive in this country and we laud him for his spirit and determination.

THE IMPERFECT CIRCLE OF NIXON-KISSINGER

Mr. CHURCH. Mr. President, while Nixon-Kissinger diplomacy toward China and Russia deserves plaudits, the most serious and damaging diplomatic problem facing the United States remains unsolved—ending America's part in the Indochina war.

Anthony Lewis, of the New York Times, recently visited Hanoi to see the war from that angle, and came back to write:

That the North Vietnamese will accept total destruction of the works of man in this country if that is the price of the war.

But the United States appears to believe we can bomb the North Vietnamese into submission. Mr. Lewis warns:

If American bombers turn Hanoi into rubble, as they can, Americans will be the victims as well; their children will have to live with it. And that suggests that the whole Kissinger vision may be wrong: Vietnam is not a bump on an otherwise perfect circle. It is the issue on which the United States will be judged, by the world and by itself.

I ask unanimous consent that Mr. Anthony Lewis' article of June 5, entitled "The Imperfect Circle," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IMPERFECT CIRCLE

(By Anthony Lewis)

LONDON, June 4.—The success of the Moscow summit is a particular triumph for Henry Kissinger's world view. He has argued that great powers can balance their mutual interests on a planetary scale, transcending local or ideological differences. In Moscow, as in Peking, President Nixon boldly followed that approach.

The question that remains is how the global vision can solve the little local difficulty of Vietnam. Mr. Kissinger would doubtless accept that it is not begrudging the triumph of Moscow for those concerned about Vietnam to ask.

In the Kissinger view, American policy—Presidential policy—should be a circle in which all elements fit together. Bangladesh, the Middle East: Everything must be related to the effort to create a structure of great power accommodation. In those terms Vietnam is an annoyance. It is "one small country," as Mr. Kissinger recently called North Vietnam in evident frustration, that will not fit the pattern. It is a bump on an otherwise perfect circle.

American policy is to squeeze that bump, to make it conform. The evident fear is that to compromise our political objectives in South Vietnam in any meaningful way would weaken our power and credibility everywhere: would threaten the entire circle.

That is the theory underlying the tremendous increase in American firepower applied to Vietnam in the last two months: The intensified bombing of the North, the new shelling from ships offshore, the approval of new strategic targets, the mining of harbors. And the prospect is for more escalation: more B-52's, more ships, a new air base in Thailand.

One who has just been in North Vietnam would never underestimate the destructive force of those bombs and shells. American bombing has clearly wounded the transportation system and made life more difficult It has also destroyed many civilian facilities—schools and homes and hospitals—and taken many lives.

The utilitarian question is whether the destruction will work politically: Will it make the North Vietnamese negotiate on American terms in Paris, as Mr. Kissinger has long hoped?

When I tried to explore that question in Hanoi, several persons referred to the testament of Ho Chi Minh, written a few months before his death in 1969. It includes a two-line verse;

> Our mountains will always be,
> our rivers will always be,
> our people will always be;
> The American invaders defeated,
> we will rebuild our land ten
> times more beautiful.

The implication is that the North Vietnamese will accept total destruction of the works of man in their country if that is the price of the war. It is a difficult thought to believe in its fanaticism, but there it is.

If in fact the present level of American air and naval activity does not make them come to terms, what follows? In Hanoi, many foreigners thought the logic of American policy was to go on up the path of escalation, hoping that each step would at last bring political results. Some thought the next logical step would be the destruction of Hanoi.

There is no real sign now of any internal check to such a policy. Protest in America is at a low level. People are weary, without hope. Congress is ineffectual. Few seem to care how many Vietnamese are killed in order to make the circle perfect.

But history will care. If American bombers turn Hanoi into rubble, as they can, Americans will be the victims as well; their children will have to live with it. And that suggests that the whole Kissinger vision may be wrong: Vietman is not a bump on an otherwise perfect circle. It is the issue on which the United States will be judged, by the world and by itself.

To apply some force to preserve an indigenous independence in South Vietnam would be one thing. To use staggering destructive power for the sake of preserving Nguyen Van Thieu in office is another. As André Fontaine said recently in Le Monde, it is an obsession, the self-destroying pursuit of a white whale.

In all this Henry Kissinger has a particular responsibility. Not only because of his position—the power remains the President's—but because of his life and ideas.

He saw for himself the terrible results of an ideology of force. He taught hundreds of students the necessity for analysis, for detachment, in weighing values and making political choices. To forget all that now, to provide the intellectual rationale for the obsessive pursuit of an abstraction, would indeed be *la trahison des professeurs*. Henry Kissinger must know better.

JOBFARE FOR H.R. 1

Mr. HARTKE. Mr. President, Pierre Rinfret, the noted economist, recently commented on my Full Employment Act of 1972. Although a bit charry of public sector employment, Rinfret praises this effort to update the existing Full Employment Act and to eliminate long term unemployment in the United States.

Since I introduced by bill in February of this year, the level of unemployment has refused to recede. This administration has relied on rhetoric rather than hard policy to meet the rising tide of economic disaster. The first ray of light from the administration came last month when Andrew Brimmer, a member of the Board of Governors of the Federal Reserve Bank, announced that his economic studies showed that public service employment had a greater impact on the level of unemployment than any other single economic policy.

Nor has the administration shown any imagination in dealing with our national welfare crisis. I have long advocated guaranteed jobs in place of guaranteed welfare. The Committee on Finance has recently taken a hesitant step in this direction. Although definitely a move in the right direction, this workfare scheme provides only for temporary public service employment at a wage rate of $1.20 an hour. What I want and what this country needs is a job for every able-bodied citizen that wants one, at a wage that will provide a decent living. This is the American dream. It should be the American reality.

To offer the Finance Committee and all Senators an alternative to workfare, I have submitted an amendment to H.R. 1 that incorporates all the provisions of my Full Employment Act.

Because of its bearing on a matter central to the national welfare, I ask unanimous consent that Mr. Rinfret's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FULL EMPLOYMENT ACT OF 1972

(By Pierre André Rinfret)

In 1946, the United States passed an economic milestone. It passed a law called the Employment Act of 1946. For the first time in the history of the United States, we dedicated ourselves to creating full employment, maintaining maximum economic prosperity, and achieving economic growth. All, of course, trying to do it without inflation. This law has been a landmark, and it is fair to say that over the 25 years that have occurred since 1946, the American economy basically has had full employment. That law changed the course of the United States.

Senator Vance Hartke from Indiana has now proposed a new law. The new law is called the Full Employment Act of 1972. Senator Vance Hartke says that if the private sector cannot generate employment, then the Government should be the employer of last resort.

I don't happen to agree with that position, but that's not the point I want to make. I think Senator Vance Hartke has done us a public service in reminding us that our Employment Act of 1946 is out-of-date. We need a new Employment Act. We need to realize certain basic facts:

1. That just because there's full employment in the United States doesn't mean that the blacks are at work.

2. Just because we have full employment, it doesn't mean we have full employment in all States.

3. We can have full employment and still have major occupations with substantial unemployment.

Senator Vance Hartke's idea is up-to-date. He wants to modernize the law, he wants to, in fact, create a new version of the Full Employment Act. And I applaud it. I hope that the Congress this year, in an election year, will see fit not only to consider this law but to have hearings on the need for modernizing our concepts of full employment.

COST OF CLEANUP

Mr. CHURCH. Mr. President, at this moment, the United Nations Conference on the Human Environment is meeting in Stockholm, Sweden. The gathering of representatives of more than 100 nations is itself a welcome portent that there is growing concern about environmental conditions on the spaceship earth.

Not that the battles have been won. Here at home there are unreconstructed holdouts who remain unpersuaded as to the menace of environmental deterioration. In effect, they seem to be saying that there is no hazard, or no substantive one, and, even if there is, we cannot afford to act because of the economic cost. Fortunately, most of us believe we cannot afford not to act.

In this connection, the New York Times correspondent, Gladwin Hill, wrote an interpretative column discussing the cost of environmental cleanup. In it, Mr. Hill undertakes to explode the myth that "current pollution-abatement regulations are crippling substantial segments of American industry." Indeed, Mr. Hill quotes two economists who suggest that actually pollution is unprofitable in the long run.

Mr. President, this is a constructive, informative article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST OF CLEANUP: OR, A MYTH OF FACTORY CLOSINGS IS EXPLODED

(By Gladwin Hill)

LOS ANGELES—A prominent industrialist told a large Western college audience a few weeks ago: "U.S. Department of Commerce figures show that 219 plants last year were forced to shut down primarily because of environmental pressures."

His words, which were untrue, were part of a rising clamor that one Federal official remarked had been taking on the proportions of "a national myth": the idea that current pollution-abatement regulations are crippling substantial segments of American industry.

Another industrialist said recently that environmental controls "need to be placed back in perspective before the country is faced with economic ruin."

Headlines such as "Pollution Laws Closing Plants by the Hundreds" and "A Drive to Find Jobs for Victims of the Pollution War" have appeared in both business and lay periodicals. A Department of Commerce publication said recently, "More plant closings are being reported daily from countless small communities throughout the nation."

However, a nationwide check by The New York Times, corroborated by Government reports, provides little substantiation for such assertions and apprehensions.

To the contrary, the survey yielded indications—supported by a number of officials, economists and other observers—that the costs of pollution control, while they may be causing dislocations in a few specialized situations, could also be a constructive element in terms of plant modernization and increased efficiency.

Highlights of the findings were the following:

Among the more than 10,000 business enterprises in the United States that fail every year, in only a few cases have pollution-control requirements been a major factor.

Plant closings in which pollution-control costs did figure almost invariably involved marginal facilities, some of them a century or more old.

Repeatedly pollution regulations have been blamed for industrial shutdowns when the basic reasons were otherwise.

Unemployment caused by such shutdowns, according to the latest Federal data, has aggregated fewer than 1,500 jobs.

Recent studies made by independent consulting organizations for Federal agencies indicate that the cost impact of present pollution-control standards in the years immediately ahead will be small on both industry and the economy as a whole.

Nearly all the states now have water-quality regulations approved by the Federal Government. The Federal Environmental Protection Agency has promulgated general air-quality standards relating to the major air pollutants. In addition, the states have just submitted to the Federal Government "implementation plans" for regulating their particular pollution sources.

The Council on Environmental Quality in its last annual report projected the total national outlay to meet existing air, water and solid-waste pollution-control standards at $105-billion for the period 1970-75. Of this total, industry's share as distinct from governmental and private expenditures, was placed at $26-billion, an annual average of less than $4.7-billion.

Annual sales of all American industrial concerns total about $750-billion, and 127 companies have sales of more than $1-billion each.

Industry's outlay in 1970 of $2.5-billion for new pollution-control facilities, the council said, was only 3.1 per cent of its over-all expenditures for new plants and equipment.

"The cumulative expenditures over the six-year period," the council's chairman, Russell E. Train, has said, "are expected to be less than 1 per cent of gross national product (the nation's total output of goods and services in one year). Industry air and water pollution-control expenditures will generally be less than 1 per cent of the value of shipments."

Nevertheless, the thrust of many expressions from industrial and financial quarters has been that existing regulations impose inordinate economic burdens.

The Chamber of Commerce of the United States, a business group, last September said of pollution-control costs: "All existing firms will be adversely affected, but in some cases the economic impact will be severe."

C. Howard Hardesty, vice president of the Continental Oil Company, said the nation's pollution-control bills were going to be "staggering."

Maurice H. Stans, recently Secretary of Commerce and industry's foremost exponent of the "go slow" attitude on pollution control, said abatement costs might "throw thousands of people out of work" and cause "whole communities to be run through the economic wringer."

Lewis F. Foy, president of the Bethlehem Steel Corporation, said 18 months ago: "We have just about reached the end of the line as far as spending large sums for pollution control is concerned."

And the National Industrial Pollution Control Council said early in 1971: "Increasing public concern with the pollution consequences of our society has inspired responses at some levels of government which are incompatible with the economic health of our society."

Contradictory views have been equally emphatic.

"The environment pretext," said Ralph Nader, the consumer advocate, "promises to become a convenient scapegoat for some of the 10,000 businesses that go under each

year at the hands of the marketplace or predatory corporate practices."

And I. W. Abel, president of the United Steelworkers of America, said last August:

"We are increasingly being confronted by claims from industry that the demands made on it by citizens and government will not control pollution but rather will bring complete stoppage of plant operations.

"This is a throwback to the antiquated escape route of 'smoke means jobs.' It is environmental blackmail of the worst sort. Many obsolete plants use environment control as a convenient public-relations tool to justify a production decision to terminate operation and rationalize facilities."

Leonard Woodcock, president of the United Auto Workers calld it "corporate irresponsibility" before a Senate hearing.

The latest Federal survey on the pollution-control impact came out in March under a newly established "early warning" system. In this the Environmental Protection Agency advises the Department of Labor every three months of situations where pollution requirements may have adverse economic effects. The survey deals only with operations with more than 25 workers.

This initial report, which went back to 1970, said that throughout the country only eight plant closings had been observed "where environmental regulations were a factor."

(A spokesman for the Department of Commerce said it had never issued any such figures as the "219 forced shutdowns" cited by the anonymous industrialist. A departmental inquiry indicated the speaker had gotten the number from a Washington business-news syndicate that had misconstrued figures from a Federal study that did not relate to actual plant closings.)

The eight closed establishments listed in the Federal survey were a woolen mill in South Grafton, Mass.; a chemical plant at Saltville, Va.; a vegetable oil concern in Durant, Okla.; smelters in Superior, Ariz.; a pulp mill at Coos Bay, Oreg., and lumber mill a Philomath, Oreg.

Thirty-eight more "threatened" closings or production curtailments were reported, but in only 18 cases did Federal investigators assess these eventualities as "highly probable."

Of the 38 plants, 13 were in the pulp and paper industry, seven were in the metals industry, six were sugar mills and the rest scattered among various fields. The plants were in 16 states.

A canvass by The New York Times of 20 states, from Maine to Hawaii, produced a scattering of additional cases of actual or threatened plant closings. But generally there was no evidence of any great impact.

In each state, officials and industrial associations were asked to specify any plant shutdowns in which pollution-control costs were a major factor. Few such instances could be cited and, in most of these, pollution abatement proved on inquiry to be a second factor.

The New York Department of Environmental Conservation, for instance, noted four plants that had closed with pollution-control costs cited but said that in each case other economic factors appeared to be the real determinant.

In New Jersey, the State Department of Environmental Protection reported that three small chemical plants had shut down in 1970 after receiving orders to stop polluting the Raritan River, but officials said the abatement cost was not a clear-cut determinant

In Montana, where there has been much controversy over smelter fume-emission standards, the chairman of the State Board of Health, Mrs. John C. Sheehy, said, "Pollution controls have not cost a single job."

These and many similar reports conformed with the findings of a detailed study of the prospective impact of pollution controls on 14 major industries between 1972 and 1976 recently made for the Council on Environmental Quality, the Environmental Protection Agency and the Department of Commerce by 11 independent consulting firms.

Of 12,000 plants in the 14 industries, the study report said, about 800 would close "in the normal course of business" between 1972 and 1976 anyway. Pollution abatement requirements, it was estimated, might cause an additional 200 to 300 to close, but many of these would be economically weak units that would probably close anyway in a few more years.

These possible environmental closings, it was said, might involve a theoretical loss of 50,000 to 125,000 jobs—1 to 4 per cent of the employment in the industries involved.

Mr. Train and others have also noted that national pollution-abatement cost projections are seldom balanced against the existing costs of pollution itself—at least $16-billion a year for air pollution, by Federal estimate, and $13-billion a year for water pollution.

Other factors that tend to make industrial pollution-control cost figures larger are:

Such outlays are not an all-at-once expense, but can be spread over 20 years or more—the lifetime of the facilities—even though their depreciation can be compressed for income-tax advantages to as little as five years.

In many cases pollution-control-equipment expenditures are accorded other Federal and state tax advantages. Facilities can often be financed through tax-exempt bond issues sponsored by public agencies, affording industries lower financing rates than on ordinary construction.

Joseph Kivel, an officer of the E.P.A.'s planning and evaluation division, said: "I think almost all the plants affected by pollution-control regulations so far are marginal. They're not making much money or they aren't making any. I don't think any industry that is healthy will be closed down as a result of pollution legislation."

The idea that pollution control is unduly costly to industry was challenged recently by two economists—Joseph H. Bragdon, Jr. of H. C. Wainwright & Co. and John A. Marlin of the City University of New York—who studied the financial records from 1965 to 1970 of 17 pulp and paper companies covered in a recent pollution analysis by the Council on Economic Priorities.

"The evidence," they said, "suggests not only that this hypothesis [of undue expense] is entirely untenable but also that the reverse—pollution is unprofitable—is the case in the long run. The earnings performers during the 1965–70 period seem to include a disproportionate number of companies with strong records in the areas of pollution control." They suggested these concerns had good management that was conducive to both low pollution and high profits.

"In some cases," William D. Ruckelshaus, head of the Environmental Protection Agency, said recently, "it happens that by prodding industry to clean up we're encouraging modernization and development of more efficient plant facilities, which is a net benefit to our general economy."

HYPOCRISY OF FORCED SCHOOL BUSING TO ACHIEVE RACIAL BALANCE

Mr. TALMADGE. Mr. President, I have spoken many times on the floor of the Senate about the hypocrisy which surrounds the issue of forced school busing to achieve a racial balance. To some, it might seem to be an unnecessary repetition to do so again. But a strange story appeared Sunday, on the front page of no less liberal a newspaper than the Washington Post, and I invite the attention of Senators to it.

Some 3 weeks ago, David J. Armor, an associate professor of sociology at Harvard University, made public a 64-page study which showed that desegregation by busing does not benefit black children.

These results fly in the face of what our liberal probusing friends have been telling us for years. But I do not want to discuss the study today, although its importance in this area is clear. What I do want to discuss is the reaction to the study in liberal circles.

We all know that the liberal is a tolerant man. His hallmark is the fact that he willingly listens to all sides of an issue and, after carefully weighing the merits of the arguments, he comes to a decision in a rational, unemotional way. Above all, the true liberal will absolutely not tolerate the suppression of an idea.

But strange things are happening, as reflected by this story in the Post. The article says:

Several professors have praised the report privately, but refuse to be quoted by name. "Only a damn fool would talk," one said; "I don't want to pay the price."

Mr. President, this sounds like a line spoken out of "The Godfather," and not words heard in a free country. When we consider the sorry respect of a college professor who refuses to be named in a newsstory, because of possible repercussions, we could hardly be talking about Harvard University—the shrine of all liberal thought. Such things happen only in totalitarian countries.

But let us read on. Armor's office was broken into over Memorial Day weekend, and all the research records used in the study were stolen. I was always led to believe that the liberal way to resolve issues is through the enlightened exchange of ideas. But here is a plain, unvarnished case of destroying an idea which does not happen to agree with your own. The liberal thinkers who walked Harvard's lawns in past years must be turning over in their graves.

An unidentified leader of a busing project in Boston accused the Boston Globe of an act of, "pure racism" for even publishing the story. A colleague of Armor's Thomas Pettigrew, said that Armor had done "incomparable harm by making the report public."

Mr. President, what has happened to the right of the public to know, which was much discussed during the Daniel Ellsberg case?

There, Pulitzer Prizes were awarded, and ringing speeches were made applauding the vindication of this right, which is so sacred to all Americans.

But apparently, the public's right to know extends only to matters like military secrets. The public, apparently, is not ready to be told the truth about forced busing. These truths must be reserved for those who know, better than the public, what is good for the public.

Well, I have news for these hypocrites. The public is learning the truth about forced school busing. The large votes rolled up by Gov. George C. Wallace show that. And the politicians are getting the message. Compare the campaign speeches given on this issue 4 years ago with those being given today.

The only people who cannot see the truth are these ivory tower sociologists who are so far from reality that they just float along in a dream world. They have created the remedy of forced busing, and they simply cannot bear the thought that it might be wrong. So when contradictory facts are published, they cry out like hysterical children, saying that these facts should be suppressed.

If these people were truly interested in helping black Americans, they would welcome any information which might shed some light on what would be the best way to attain equality of educational opportunity for every American. But here we have information which threatens the moral superiority which has always been theirs, because they were "right." So they cry out against its publication.

Mr. President, I hope that these are the last wails we will hear from these people who have used the southern school children for so long as laboratory specimens. In their shrill outburst against the publication of this study, they have revealed their true colors, and I dismiss them with contempt.

We do have a problem, Mr. President. We are working on it, and we are making progress. Rational men, who are seeking a workable solution, are the answer. Ivory tower social planners, who are obsessed only with being proved right, are not.

In closing, I might say that the conduct I have described is typical of militant liberalism that has taken hold in our country in recent years.

We have seen it in mobs and demonstrations in the Nation's Capital and all across the country. We have seen it on college campuses. We have seen it result in violence and destruction, and even in the tragic loss of life.

According to this doctrine, if there is an idea with which one does not agree, he sets out to destroy it. If there is a speaker who says something you do not like, you shout him down or shut him up. But if you subscribe to militant liberalism, you never admit that there might be some merit to ideas other than your own.

Militant liberals are quick to pin a label of prejudice on people who disagree with them.

I submit that any attempt to stifle the free flow of ideas and opinions is the worst kind of prejudice. It is an evil that Americans can do without in these most difficult times.

LAIRD'S ARMS OFFENSIVE

Mr. CHURCH. Mr. President, Secretary Laird has sprung his spring offensive to counter any moves in Congress to lower military spending. According to Mr. Laird, we need more armament, not less, after the Moscow arms accords to limit nuclear weaponry; more armament, not less, as the President withdraws more of our troops from Vietnam.

Columnist Joseph Kraft sees the Secretary's offensive for new funds as the Pentagon's price for granting "President Nixon's keen desire to win military backing for the arms control treaty, and right wing backing for his reelection."

Mr. Kraft writes that the President believes he lost his bid for the governorship of California in 1962 "because the right wing of the Republican Party sat on its hands." Therefore, Nixon "is now going all out on military spending, even when it is made less necessary by the arms accord, in order to assure that the right wing stays with him in the election this fall."

I ask unanimous consent that Joseph Kraft's column of June 11 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAIRD'S ARMS OFFENSIVE

(By Joseph Kraft)

Simpletons figured the new arms control treaty with Russia would permit a decrease in military spending. But of course that's not the way it works at all.

Secretary of Defense Melvin Laird has indicated there will have to be a considerable increase in defense appropriations for this year. And despite a certain effort by the White House to divorce itself, it is clear that the secretary is only acting on President Nixon's keen desire to win military backing for the arms control treaty, and right-wing backing for his reelection.

Laird made known his intention to seek an increase in military spending at a press conference held after an appearance before the House Armed Services Committee. In his press statement, Laird said the Pentagon would need an additional $3 billion to $5 billion to cover expenses of the Vietnam war.

He also said that in the aftermath of the arms control treaty there was more urgent pressure to go ahead with the new Trident submarine, budgeted at about $1 billion for fiscal 1973, and the new B–1 bomber, for which he is asking $445 million this year. On top of that he talked about getting additional funds to develop a new long-range missile to be fired from submarines, and to speed up a program for making B–52 bombers less vulnerable to enemy attack.

Some officials at the White House gave the clear impression that Laird was acting on his own. They even expressed some wonder about what he was up to.

Well, the facts are about like this: The Pentagon now has up for consideration by the armed services committees of the Congress a budget request for $83.2 billion. There has been a good deal of sentiment in the Congress for trimming that figure. Part of the sentiment comes from disgust with the Vietnam war and part from the feeling that the recent treaty with the Russians should mean the end of the arms race.

Laird's move last week was a counteroffensive on the military spending issue. He picked a moment when the war was going relatively well. He claimed the extra $3 billion to $5 billion is necessary to pay for gas and bombs connected with the new air and naval operations the President has had in effect for the past month.

He rolled the programs for new submarines and bombers and missiles into the same package. That makes it very hard for the Congress to do any serious cutting. It will look as though arms are being denied to American soldiers in the midst of a military mission that is going pretty well.

But why is the administration so keen on advertising extra military spending at this point? Why not wait, as the Johnson administration used to, until the end of the year and smuggle the additional appropriations through as a supplemental request?

The answer has to do with winning the support of the Joint Chiefs for the arms control treaty. It is now clear that the President and Laird have virtually promised the Chiefs that in exchange for their support of the Moscow agreement, the military can have carte blanche on the offensive weapons not covered in the agreement—namely, the new submarine and the new bomber.

In keeping with that accord, Laird is now visibly knocking himself out to get full funding of the submarines and the bombers. As a gauge of his super support for the military, he is even asking for a little more in the way of a new missile.

The desire for support from the military chiefs is understandable. President Kennedy made concessions to win their backing for the 1963 agreement limiting bomb testing.

But Mr. Nixon clearly did not have to pay nearly so high a price. He surely could have had the support of some of the Chiefs without going so hard on the submarines and the bombers. Indeed, given his own strong anti-Communist record, and the truly good quality of the treaty, he could have won a very substantial majority in the Senate even without the backing of the military chiefs.

What Mr. Nixon has in mind is his defeat in the race for governor of California back in 1962. He believes he lost that race because the right wing of the Republican Party sat on its hands. He is now going all out on military spending, even when it is made clearly unnecessary by a supreme arms accord, in order to assure that the right wing stays with him in the election this fall.

JOHN PAUL VANN

Mr. McGEE. Mr. President, the news this weekend that John Paul Vann had been killed in a helicopter crash in Vietnam came as a shock to those of us who were fortunate to know him and to gain an appreciation of his many valuable capabilities.

Yesterday's—Sunday, June 11—Washington Post contains an editorial which succinctly portrays John Vann's significant contributions in a war none of us wanted, but were nevertheless forced to accept.

John Paul Vann's death is a great loss to this country.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN PAUL VANN

John Paul Vann believed passionately in the Vietnam war long after others—who had once shared his passion—had given up on it. He believed it could be won for, and ultimately by, the Vietnamese in the sense that they could have acquired, some years and many thousands of casualties ago, a capacity to defend themselves if properly led and wisely trained and advised and inspired. And he may well have been right. We will never know for sure because his particular concepts, which always sounded so sensible and logical when he expounded them, were never adopted at the time that he was putting them forth. The military establishment, which he loved because it was his career, and which first feared him and mistrusted him and eventually drove him to resign his commission, was so slow to listen and even slower to learn.

That is the tragedy of his life, which ended—some would say predictably—in a helicopter crash last week. The triumph was that he never stopped trying and that he lived long enough to see a large part of his program, his tactics and his sense of the proper American role in the war actually put into effect, however, late in the day. When John Vann was a lieutenant colonel,

before his resignation in 1963, they were not listening, and they still weren't listening in late 1967 when General Westmoreland had his forces lunging around the countryside searching and destroying, taking the war to the enemy, taking the play away from the South Vietnamese and absorbing heavy casualties in an effort to "attrit" the enemy, to kill North Vietnamese and Vietcong in such numbers that they would quit. John Vann believed profoundly that this could not work, that the enemy should be forced to attack our side rather than the other way around, that Hanoi would never run out of manpower, that the South Vietnamese would never learn to defend themselves if we did it for them, that firepower by itself was not enough, that killing civilians was almost indefensible, that air power wouldn't be decisive either, that carrying the war to the sanctuaries outside Vietnam would only invite the enemy to find new sanctuaries. Then came Tet and a new administration and slowly, painfully, a considerable part of what John Paul Vann believed in was adopted, not so much by choice as by necessity because the American public would not continue with the war effort the way it was.

John Vann died believing that we are now on the right track, not in every respect but in the important respects and whether he was right about that is less important than the fact that he had the courage and the determination, against the most forbidding odds, to risk his life on a daily basis for his beliefs. There are many who believe he was the ablest and most effective American ever to serve in Vietnam, and while that may be an extravagant statement, he was a great soldier who, ironically, may have rendered his greatest service to the Army he loved after leaving it.

It was not necessary always to have agreed with John Vann's belief in the Vietnam struggle to know that he was in Indo China doing what he could to bring rationality to our war effort and to minimize the awful cost of the war to the Vietnamese themselves, and to know, too, that his loss is a heavy blow.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, the continuing failures of our foreign trade and investment policies are all around us. Unemployment remains at a disturbingly high rate of 5.9 percent; inflation continues unabated; and our trade is now running at an anual rate of around $6 billion. What was once the greatest trading nation in the world is now caught in a quagmire of muddled thinking and foolish policies. But the reality principle may finally be coming home to the administration. I was much encouraged by some recent remarks of Mr. William D. Eberle, the President's Special Representative for Trade Negotiations.

For the first time in several years, an administration figure in the area of foreign trade has spoken of the importance of achieving full employment in the United States; of drastic labor market entry problems posed for millions of young Americans; and of the devastating loss of pensions that comes with closing factories and a faltering economy. Mr. Eberle went on to speak of the trade impact of the heavy defense burden this Nation carries and the need for a way to keep environmental costs from being a burden on world trade.

Mr. President, because Mr. Eberle's speech before the Steuben-Schurz-Gesellschaft in Dusseldorf, Germany, may portend a new awakening of thought in the current administration, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INFLATION, SOCIAL POLICIES, AND THE COMING TRADE NEGOTIATIONS

I strongly suspect that the questions uppermost in your minds today are questions I cannot answer. You probably want to know what the role of the dollar will be as a reserve currency in the future. You probably want to know if and when some sort of convertibility between the dollar and other reserve assets will be restored.

Now that the Bretton Woods system is part of history, you want to know when a suitable substitute will be devised to lessen the uncertainty you now face in concluding an export contract today at a price that will be paid a year or more from now.

I cannot answer those questions. There is no simple answer. Secretary Connally, in his characteristically straight-forward manner, stated the position of the United States last month in New York when he said:

"We have not yet put forward an 'American Plan' for the future shape of the international monetary structure. We shall not do so until we have fully wrestled with the complexities of this most complicated subject. Nor do we intend to make our decisions until such time as our internal discussions and debates are fully complete and our thinking can be tested against the thinking of others . . .

"Reform of the world's trade and payments structure," Secretary Connally went on to say, "will not be achieved quickly or easily. Behind the facade of technicalities, basic issues of national policy must be faced and basic differences must be reconciled. We need to fit the reform in a longer vision of a world economic and trading order."

Because the international monetary system provides the lubricant necessary to permit the engine of world trade to run smoothly and to carry an even bigger load, I am as anxious for progress as you are. But what Secretary Connally says should be plain to all by now: we are not faced with the need for a series of patchwork remedies, each one of which can be taken up by itself. We are confronted with the need to fashion a new world economic and trading order to replace one that was passing into history even before the famous Nixon shocks of last August 15.

Bretton Woods created what one American economist has called a "stability of expectations". The system served the world very well for more than a decade. Resting as it did on the assumption that the parity of the dollar would never change and that the exchange rates of other currencies would remain fixed, despite occasional changes, the system provided the world with the liquidity to support a vast expansion in trade and investment. The major source of liquidity was the U.S. economy, where the money supply could be allowed to grow without undue concern for balance of payments constraints.

It is possible that to be a bit nostalgic about the Bretton Woods world, now that it has passed. But it is useful to recall that some of the most bitter criticisms came from Europe. They called the American deficit "the deficit without tears," or, as General de Gaulle put it, "an exorbitant privilege" that allegedly permitted the United States to buy up large tracts of the European industrial countryside with cheap dollars, printed to cover its deficits.

Thus not everybody was happy with some of the underlying incentives that the Bretton Woods system created. But I'll wager most would like that stability of expectations back now that there is uncertainty about what will be created to take the place of the old.

I am happy to say that the need for negotiating new arrangements has been mutually recognized. This past winter the European Community governments, the United States and Japan agreed to launch in 1973 a sustained, multilateral negotiating program to create the new world economic and trading order of which Secretary Connally spoke. This year, 1972, is to be the year of preparation. It is my privilege to represent President Nixon in this period of preparation insofar as trade matters are concerned. It is a difficult job, for there is as yet no agreed, clear-cut goal, nor even an agreed procedure of consultations for concerting our efforts and designing a common goal. The government trade representatives, who have been meeting together off-and-on bilaterally at OECD, GATT, and elsewhere, are like a mountain-climbing party at the foot of a very steep mountain whose summit is still shrouded in clouds. We are at the stage of asking ourselves if we really have the will to climb together.

There is even an uncomfortable discrepancy in the perception that each of us has of the other's role. Since the EEC is now the world's largest trading entity and soon to become even larger, we Americans expect the EEC to act as a bloc with a high degree of political cohesion. We tend to mistake the Treaty of Rome for a European constitution, rather than simply a preliminary to what may become some day articles of confederation. (In our own history, of course, the process was reversed: the American states started out with articles of confederation and only later adopted a constitution.)

Our perception of Japan's role is similarly flawed. We impute a new political role suitable to Japan's impressive economic power, failing to appreciate sometimes that Japan is going through a painful period of political adjustment as the politicians who came to power in the years of defeat and occupation are replaced with a post-war generation, brought up in rapidly increasing prosperity, but also in rapidly changing domestic and international priorities.

But if we have to learn, so do our European and Japanese colleagues, I think. Japan and the EEC together still perceive themsives in much weaker terms, both economically and politically, than is the reality. They tend to feel they are still locked in uncomfortable intimacy with an American elephant. They have accepted much too long the post-war image of American economic predominance—and they have relied too long—on the post-war political consensus that dominated American foreign policy until the beginning of the 1960's when that concensus broke down in a divisive war and a decade of troubles at home.

The way to correct our flawed perceptions, I think, is not to rake over the coals of the past nor to protest self-righteously our separate resolves to serve the common good and world peace, but rather to talk frankly about some of the problems we share in common. The problems that divide us are, in fact, nothing in comparison to the problems we share in common. I will mention three today: first, the problem of managing inflation; second, the problem of accommodating the new social demands of our peoples; and finally, the problem of getting a mandate from our peoples that will permit us to start the hard climb together towards a new world economic and trading order.

If we can agree that we share these three problems in common, then maybe our perceptions of each other's role will be less flawed, and we will be able to devise a common strategy and a common set of tactics. It will not surprise you, I'm sure, that I have chosen three problems, all of which would be less difficult if trade among us, and the rest of the world, is allowed to grow with as few obstacles in the way as possible.

When it comes to managing inflation, I say Europe, Japan and the United States are all in the same boat. We all recognize inflation as the major domestic economic malady we face, but none of the classical patent medicines for treating it is fully effective any more. The frequency with which modern economies are said to be afflicted with "stagnation" attests to the inadequacy of conventional remedies. On this we can all agree. The inflationary pressures in our societies reflect the expectations our people have about the future. I am struck by the fact that in all our countries those expectations are more or less alike.

In all our countries today prolonged periods of historically high rates of economic growth have led to a very palpable "revolution of rising expectations" among our peoples. In every country the price system is signalling impatience, not only for the better material life for individuals that growth has come to promise, almost as a basic human right, but also for a more just and satisfactory distribution of the fruits of economic growth, whether to lift up the poorest families in society or to improve the quality of our environment. Finally, and often overlooked, the "revolution of rising expectations" also contains the expectation of prompt and adequate compensation for those in society who are forced to change their habits and attitudes towards life and work as a result of technological absolescence or of the increasing specialization and subdivision of labor that growth brings with it.

If inflation is not managed, it breeds not just doubt, but cynicism about the ability of duly-elected authorities to make good on some of the many promises of growth. And as doubt and cynicism grow with inflation, more and more groups in society organize to take the law into their own hands to make sure they get what they want whatever the cost to the others. I say this is the major domestic political problem in all of our countries, and who knows better than you here in Germany?

In Europe you have been experimenting with various forms of incomes policies for many years, primarily in a search for better ways to manage inflation. We are doing the same thing in the United States now, though the debate in public is perhaps less sophisticated than it is here. What you have learned, and what we are learning, is that there is no one simple anti-inflationary mechanism or incomes policy that will ever work for very long. Just as our economies are dynamic, so our political approaches to managing inflation must be dynamic too.

Our separate approaches to the common problem of managing inflation will shift and change with the times. I do suggest, however, that there is one common element we all can and should accept: that is that the flow of imports provides us with one of the few, continuing checks on inflation. As a check on our own costs and price systems, there simply is no substitute for the continuing discipline of competition through trade.

Can we not agree, then, for a start, that in our common concern with managing inflation in our separate ways, we must accept the discipline of imports as a necessity? If we could do that, we might be breaking some new ground.

Could we perhaps expand this area of agreement a bit by bringing into it recognition of the fact that men and women displaced in the process of growth are bound in these times of inflationary pressures to demand prompt and adequate compensation? And is this not a cost each nation should bear for itself, not ask others to bear for it?

Could we go one step further and apply the principle of each nation bearing the costs of all its social policies itself, rather than trying to export the costs of those policies through various restrictions and subsidies involving foreign trade? I have in mind here policies designed to alter the relative economic position of an industry or region to improve the quality of the environment and agricultural policies, as well as other policy for assiating adjustment.

Again, I don't want to get embroiled in technical debates. I recognize the vast array of technical difficulties on the terrain of negotiations before us, but before we can start to climb our mountain together we have to have an agreed set of goals. I have suggested the goal of accepting the flow of imports as necessary accomplices to any anti-inflation policy. I now suggest we accept the general principle that the costs of our separate social policies should be borne by the governments instituting those policies, except perhaps where international agreements can be framed to permit some sharing of costs.

A glaring example of where this principle is not being honored now is, I think the EEC's Common Agricultural policy. That Europeans should tax their consumers to subsidize their farmers is something no American could object to on principle. But that Europeans should create a common mechanism to tax and regulate agricultural imports and to subsidize and manipulate agricultural exports as a means of exporting some of the costs of their social policies in this field is something else again.

You are today exporting the costs of your domestic agricultural policies, on to all the other nations of the world, so that farmers in other countries have to bear costs of aiding your farmers. This is something we in the United States must continually oppose.

It is true that there will be no useful international cooperation if one nation seeks to impose its ideas of proper social policies on another, and agricultural policy in Europe as in the United States is deeply rooted in social, as well as economic, considerations. But it is futile, if not dangerous, in my opinion to envision a new world economic and trading order where countries are expected to agree to take in the costs of each other's social policies, the way my wife might take in the neighbor's laundry. Certainly there will be exceptions where small countries have special problems. Certainly there will be many exceptions for the poor countries of the world who somehow must be integrated into the world economy if half the human race is to have any expectation of engineering an escape from their poverty. But nations with the economic power of Japan or the United States or the countries of the EEC should be willing to absorb themselves the cost of their social policies. It is a principle on which we all should be able to agree, for like managing inflation, it is a problem—or rather a set of problems—we all share in common.

How can we make out of these two principles material for a mandate to negotiate, agreed to by our respective governments and parliaments? This is, perhaps, the most difficult question of all.

Many Europeans tend to think that it is only in America, where there is a formal division of powers between the executive and legislature, that there is a problem of getting a mandate to negotiate. There certainly is a problem. I, for one, believe that in the United States we must find a way to mount negotiating efforts which involve both the Congress and the Executive for the coming period of negotiation.

But may I ask you who is to speak for Europe and what authority will they have? Will they be politically competent representatives or will they be technicians? Will the technicians be supported, or disowned by the national governments?

If we are going to work in concert, effectively the negotiations will have to be made up of politically competent teams from Europe, Japan and the United States—men and women capable of negotiating the difficult political as well as economic issues we must cope with. It is time we started to think out loud about this problem. Can we, for instance, fashion a single mandate or comparable mandate, with broad authority so that each of our political bodies is permitted to move in a common direction?

Is not now the time for our governments to start talking about the basis for such a common Congressional authority and a European Community Council mandate. Such a mandate could serve as the diplomatic equivalent of a jet-assisted take-off.

The Kennedy Round of tariff negotiations was much simpler to deal with in this regard. It is not just that tariffs may not be the all-important subject in the coming negotiations that they were in the past.

It is not just that discussions of non-tariff barriers and agricultural policy inevitably involve domestic social and economic policies as much as, if not more than, external economic policies. We need a more politically responsive negotiating team and a more politically responsive negotiating mandate now, both because we will be talking about a much greater volume of trade than was discussed in the Kennedy Round, and because the whole exercise depends for its success on fashioning in advance a set of agreed, political goals.

And those goals will not, as they have in the past, rest primarily on a perception of a common external threat, but rather on a perception of some common domestic problems and of the stability of expectations in the world economic and trading system that is needed to live constructively with those problems. How new it is to envision an international negotiation based primarily on a sense of common domestic purpose, rather than on a sense of common defense against an external threat! Yet this is in large measure the task before us. The cloud will only disappear from the summit of that mountain we face and reveal to us a common objective if we can agree in advance that the problems we share in common at home are really more important than the problems that divide us in our foreign policies.

I have only suggested two problems: the problem of managing inflation and the problem of implementing the social policies our people are demanding without beggaring our international neighbors in the process. I have suggested two principles: that we all accept the flow of imports as necessary accomplices to any anti-inflation policy and that we agree to absorb the costs ourselves of our social policies and not try to export those costs on to others. These are some personal ideas that have come to me in my first six months in this job. There are no doubt more and better ones that can be used to get from our peoples the mandate to negotiate that we must have by next year.

But the time has come, I think in Europe, in Japan and in the United States, to take discussion of our preparations out of the closets where our respective technicians are at work and invite business, labor and consumers in our countries to participate in formulating the new principles on which any new mandate to negotiate must rest.

I started this talk on a note of uncertainty, the uncertainty I know you all feel as a result of the end of the Bretton Woods system. We are going to have to live with much more uncertainty in the years ahead, just as we are going to have to live with a degree of impatience, reflected in inflationary pressure, as a result of the expectations of our peoples.

But uncertainty needn't lead to anxiety. That will only happen if we fail to work together and try to achieve our national end without regard to the implications for the international system. In fact, uncertainty can be a powerful incentive to develop a collective political imagination—one which makes out of the problems we share in common an adventure that puts into the shadow the problems that divide us. We can, if we want, begin the kind of constructive dialogue that will keep our peoples so busy realizing some of their expectations that they won't have time to get cynical about our ability to make that kind of busy-ness possible.

I leave these questions and these thoughts with you in the earnest hope that you will debate them among yourselves, and come up with some better ideas, so that we may develop through international exchange of ideas the outlines of a better world economic system. Remember: you have an assignment in the coming negotiations just as surely as I do, because if we are to have a mandate to negotiate, it must have broad-based and enthusiastic support.

CHINA'S DIPLOMATIC THRUST INTO AFRICA

Mr. McGEE. Mr. President, the Washington Post of Sunday, June 11, contains an article devoted to an analysis of China's new diplomatic thrust into Africa.

The article, written by Jim Hoagland, comes at a particularly critical moment in our relations with black African nations. It comes at a moment when the U.S. Senate has once again refused to reverse action taken last fall which allowed this country to violate United Nations sanctions against Rhodesia. It comes at a moment when our image among the black African nations is suffering, because of our seemingly insensitivity to the aspirations of these nations.

Africa represents the world's third largest continent; yet, this Nation has chosen to relegate Africa to a low priority status. This is evidenced by our apparent attitude that our interests in black Africa go no further than the commercial exploitation of that continent.

Sooner or later the United States is going to have to pay for the attitude of indifference which marks our relations with black African nations. When that time comes, we will be in for a rude awakening.

I believe Jim Hoagland's article to be highly informative as to the Chinese role in Africa. It would behoove all of us in this body, and in the White House, as well, to give close scrutiny to the article.

We can no longer afford to be double-dealing in our relations with black Africa. Should a drastic change occur in our relations on that continent, the United States will have only herself to blame should the events go against us.

I ask unanimous consent that Mr. Hoagland's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHINESE THRUST INTO AFRICA

(By Jim Hoagland)

ADDIS ABABA.—China's new diplomatic thrust into Africa, which has intensified since its admission to the United Nations, is being interpreted by many on this continent as the first important step in Peking's predicted drive for the leadership of the Third World.

What Peking intends to do with such leadership is the subject of sharp debate among the governments of the region, which now appears to be China's primary diplomatic target area. The rapidly increasing economic and military aid flowing from Peking to tropical Africa provokes both strong suspicion and grateful enthusiasm from Africa.

The suspicion is seen in Mozambique, where African guerrillas trained and armed by the Chinese are fighting to end Portuguese colonial rule.

Portugal's psychological warfare department has plastered the country with posters that show a Chinese figure in pointed red hat greedily encircling Africa with its arms. Bloodstained fingers grasp for the colonies of Mozambique and Angola. Other posters play on the idea that China wants to control Africa and dump its surplus population there.

North of Mozambique, the 13,000 Chinese engineers and laborers who give rise to that Portuguese propaganda theme are busily building bridges and laying rails for 1,100-mile railway that will link Tanzania and Zambia.

Julius K. Nyerere, Tanzania's president, expresses Africa's enthusiasm for the Chinese, who are advancing more than $400 million for the railway's construction. The project will help transform his poverty-striken country and will help black Africa in the economic struggle against the white powers of the south, Nyerere says.

Nyerere evidently feels that Chinese aid for Africa comes with few if any strings attached, in contrast to similar Western help. He has replaced British and Canadian military advisers with Chinese, who now total about 250. Economically, Tanzania's total annual trade with Peking has climbed from $1,400 in 1960 to $55 million today.

But African reaction to the new Chinese diplomatic offensive does not fall along completely predictable political lines. Here in Ethiopia, long considered one of America's two or three most reliable allies in Africa, officials are frantically seeking projects to absorb $80 million of interest-free loans offered by China last year.

"Some countries would be happy to pay twice as much money for half the influence the United States has obtained here," an Ethiopian official pointedly boasted. He has recently hung a large portrait of Mao Tse-tung in his office to replace one of John F. Kennedy.

The United States has spent more than $400 million on military and economic aid for Ethiopia over the past two decades.

Other pro-Western African governments continue to refuse Chinese aid and diplomatic contacts. President Felix Houphouet-Boigny of the Ivory Coast calls Chinese penetration the greater danger facing Africa.

This sentiment is echoed by South Africa's prime minister, John Vorster, who says the Chinese may someday ride down the Tanzam Railway to attack white rule in the south.

A LONGER VIEW

These varied reactions reflect a central theme of China's post-Cultural Revolution approach to Africa: It has become more diverse and sophisticated, as Peking seems to be taking a longer view of the prospects for revolutionary change in Africa.

Throughout Africa, China is showing a new willingness to work with conservative governments that a few years ago were accusing Peking of supporting moves to overthrow them.

The biggest portion of Chinese aid commitments to Africa, which are believed to have totaled more than $700 million since 1960, is tied to one massive project, the Tanzam Railway. But recent Chinese offers to Africa are spread across a wide spectrum. In addition to the large Ethiopian loan, they include:

Building a 1,000-mile-long road across Somalia, where Soviet influence has been paramount since a 1969 coup.

Providing $20 million worth of new port facilities for Mauritania. This and other projects may boost the total of Chinese technicians in that sparsely populated West African country to more than 1,000.

A pair of $40 million loans to the Sudan despite last July's bloody anti-Communist purge there. The Sudan had also been a major Soviet aid client. One Chinese-aided project there is to be exploration for minerals.

Sending through the Chinese Red Cross large relief donations for cholera victims in Chad, although China had no formal relations with the pro-French government in Fort Lamy, and for drought victims in Kenya, with which Peking has had strained relations since 1966.

In all, China is thought to have 18,000 to 20,000 technicians, laborers, soldiers and diplomats stationed in sub-Sahara Africa.

"THE EASIEST COURSE"

The United States, Japan and India have all recently paid implicit tribute to the developing Chinese drive in Africa by assigning senior diplomats who have made their careers in China-watching to embassies in Dar-es-Salaam, the Tanzanian capital and focal point of China's presence in Africa.

The Soviet Union—which China apparently considers its most dangerous rival in long-term competition for influence in Africa—is assumed to have also assigned China specialists to African posts, Western diplomats say.

Some diplomats in East Africa interpret the Chinese quest for influence there as a logical product of Peking's revolutionary theory.

"In Maoist thought, Africa is a key area for the struggle of the 'world countryside,'" said a British diplomat, referring to the doctrine that the poor countries of Africa, Asia and Latin America will eventually subdue the industrialized nations of Europe and North America.

A senior American analyst, partly in agreement with that view, said: "The Chinese are concentrating on Africa first because it represents the easiest course for them. Their aid can come in the form of semi-skilled and skilled labor, rather than large capital investment. They can usefully transfer simple technology into Africa's small economies. And militarily, the guerrilla tactics they can teach are probably more valuable now to the Africans than donations of highly sophisticated weapons."

The help of African votes in gaining a United Nations seat for Peking on its own terms has also undoubtedly been an attraction. The African continent provided 26 votes for Peking's admission. China now has diplomatic links with 21 African countries, a figure that may rise now that Taiwan has little to gain by continuing the small but effective technical aid programs that helped hold countries like Senegal and Sierra Leone in its camp.

Unlike Taiwan, which sought until the end to maintain its legitimacy within the United Nations by playing its role as a member of the big-power club, Peking is seeking to identify itself with the have-not nations, a posture that is likely in the long run to have more appeal to Africa.

THE RACIAL ISSUE

A still uncertain factor in China's campaign is its identification as a nonwhite power in the racial struggle in southern Africa. It is still far from clear that China is calculating its interests in terms of race war against the white South Africans, Portuguese and Rhodesians. Some China-watchers dispute the idea that the Chinese would identify racially with Africa. Peking is, however, the only power to have clearly established itself in recent years as a reliable patron of black forces in southern Africa.

This may stem at least partly from the parallel that Chinese theoreticians have drawn between their own revolutionary experience and conditions in Africa. Those parallels have contributed not only to Chinese interest in Africa, but also to the early miscalculations that marked Peking's often-clumsy diplomacy in Africa in the past decade.

At the beginning of the 1960s, Chinese statements on Africa's march to independence stressed the common background of poor peasant masses, the colonial past and what was seen as the inevitable fall of foreign-supported local governments put in place by colonial powers.

In his 1964 visit, one of three he has made to Africa, Premier Chou En-lai echoed this analysis by proclaiming that revolutionary prospects were excellent in Africa—a view that was immediately and intensely resented by many African governments, which felt that Chou was calling for their overthrow.

The turmoil of the Cultural Revolution may have offered Peking a convenient moment to overhaul its faltering diplomatic campaign in Africa, some analysts feel. After concentrating most of its activity in that period on Tanzania and Congo-Brazzaville, two states committed to building socialist societies, Peking openly began to widen its circle of influence in sub-Sahara Africa in 1969.

"Perhaps as we did the Chinese discovered that Africa is more complex than it looked at the beginning of the last decade," an American diplomat in central Africa said. "The national African governments proved to be much sturdier than expected. Now the Chinese are trying to build a real third bloc by working with governments rather than overthrowing them, at least right away."

Chinese economic aid is attractive because the loans routinely carry little or no interest and 20-to-30-year repayment periods, with lengthy delays granted in beginning repayment. American and Soviet loans carry interest ranging from 2.5 to 6 percent with shorter repayment periods.

Ethiopia has used only about $25 million of $100 million the Soviet Union offered in economic credits in 1960, partly because of Russian refusal to lower the interest rates.

THE SIMPLE LIFE

The Chinese have won praise from other African countries for their ability to live simply while completing aid projects, and for leaving promptly when they have finished.

"Local workers comment that as far as they know they have never seen a Chinese who leaves work immediately after the end of his shift," Tanzania's government press service reported recently in describing work on the Tanzam rail line. "They are said to continue into 'the second man's job' until they are sent away!"

"The Chinese technicians do not need big cars, air conditioners and huge salaries to come to our country and help us," a Tanzanian official said even more pointedly. "They set a good example for our own workers with their dedication and simple living."

According to a number of reports from different sources in Dar-es-Salaam, the 13,000 Chinese workers of the rail line keep pretty much to themselves in their own separate camps after the workday is finished.

Most are thought to be either members or veterans of the Chinese People's Liberation Army railway corps and engineering corps. Each camp has men assigned to conduct political training, but there have been no reports of significant attempts to indoctrinate the 35,000 Tanzanians working with the Chinese on the railway.

Tanzanian officials often say that the Chinese surprised them by completing their first important aid project, the $10 million Friendship Textile Mill in Dar-es-Salaam, and "packing up to leave right away. We had to beg them to stay around and show us how to run it. They were very eager not to give the impression of staying a minute longer than necessary," one official said.

The Chinese do make some of the same kinds of mistakes in aid projects as their Western counterparts. The first Chinese manager of the Friendship Textile Mill ran off 5 million yards of "light cotton patterns that would have sold well in Burma, I guess," said a government official. "But we couldn't do anything with them here. It was an economic disaster." The mill lost $500,000 that year.

Textile mills, match factories and other plants that turn out low-cost goods that African countries have been forced to import in the past are favorite aid projects for the Chinese.

ARMS AND TRADE

Military aid has been channeled to three countries that support guerrilla movements opposing the white governments, and to the Indian Ocean island of Zanzibar.

Guinea, which supports anti-Portuguese guerrillas, also receives Chinese help. And Sudanese officials have recently disclosed to Arab newspapers that China has given the Sudan eight Mig-17s and a brigade of tanks. A senior Sudanese defense official quoted by the Beirut newspaper Al Hawadith said the Chinese had immediately supplied complete sets of spare parts for the weapons, in contrast to the Russians, who had used spare parts as "a pressuring tool" against the government.

China's increased activity has brought rising trade with Africa. Tanzania and Zambia have agreed to a complex scheme for repaying the local costs on the Tanzam Railway, which is not only China's largest single foreign aid project, but also the largest such effort in modern African history.

Chinese goods are being imported by Tanzania and Zambia, which have traditionally been British markets, and sold for a profit, which is used to reimburse the Chinese for local costs. This is a major factor in the large jump in trade among the three countries, and it may be a forerunner of Chinese agreements with other nations.

But a leading Western expert on Chinese foreign policy says that China's economic interest in Africa is comparatively minor.

"What can China sell to Africa? Textiles, ballpoint pens, tires? In short, just the things the Africans are beginning to produce themselves. And Peking's own industries are not particularly geared to use the minerals tropical Africa produces.

"China's interest in Africa is overwhelmingly political, not economic or strategic in any conventional sense. Africa will add to the rising force of the poor as the world is increasingly polarized, in the Chinese view. Their goals remain the same, they have just projected them over a longer period of time."

THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1972

Mr. MONDALE. Mr. President, I am much pleased to cosponsor S. 3644, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1972, which the distinguished Senator from Iowa (Mr. HUGHES) recently introduced.

Since its creation in the spring of 1969, it has been my honor and privilege to serve side by side with Senator HUGHES on the Subcommittee on Alcoholism and Narcotics, which he chairs.

Senator HUGHES has a unique and lifetime concern with the problem of alcoholism in our society. He brought to his job as chairman of the subcommittee the unwavering energy, dedication, persistence, imagination and initiative which, combined with his great knowledge and experience in the field of alcoholism, awakened the conscience not only of the U.S. Congress, but of the entire Nation.

I participated with Senator HUGHES in his 2 years of intensive investigation and hearings on the problems of alcoholism. Those hearings resulted in the introduction of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, which I also cosponsored. Its passage gave the Department of Health, Education, and Welfare, for the first time, the tools and resources needed to begin an attack on this major health problem.

In its recent report to the Congress entitled "Alcohol and Health"—a report mandated by the act—the Department of Health, Education, and Welfare reported that—

Alcohol is the most abused drug in the United States . . .

An estimated 7 percent of the adult population in the United States manifest the behaviors of alcohol abuse and alcoholism . . . about 9 million men and women are alcohol abusers and alcoholic individuals . . .

Alcohol plays a major role in half the highway fatalities in the United States and cost 28,000 lives in one recent year.

Alcohol abuse and alcoholism drain the economy of an estimated $15 billion a year.

Alcoholism is not a crime. It is an illness or disease which requires rehabilitation through a broad range of health and social services tailored to persons at different stages of alcohol abuse and alcoholism.

While the landmark legislation in 1970 provided new hope to the millions of Americans who suffer from this disease, it was only a beginning. The programs and moneys authorized by the 1970 act extended for only 3 years. The authorizations for those years were purposefully kept low, and the appropriations have been even lower, so that the National Institute on Alcohol Abuse and Alcoholism

could start slowly and prepare itself to wisely adminster the amounts necessary to control this disease.

The time has come to extend and increase the authorities under this act. That is what the amendments contained in S. 3644 are designed to do.

The amendments would:

First. Extend the authority of the Act for an additional 3 years and authorize $480 million in formula grants and $420 million in project grants over the 3-year period.

Second. Provide for additional personnel for the National Institute on Alcohol Abuse and Alcoholism.

Third. Require that all hospitals receiving Federal funds treat alcoholics on a nonprejudicial basis.

Fourth. Transfer the alcoholism project grant authorities administered by the National Institute on Alcohol Abuse and Alcoholism from the Community Mental Health Centers Act to Public Law 91-616—the Alcoholism Act.

Fifth. Identify the National Institute on Alcohol Abuse and Alcoholism as "in the Department of Health, Education, and Welfare" rather than "in the National Institute of Mental Health" in order to give the Secretary the flexibility needed to give the Institute more visibility should that become desirable.

Mr. President, it is with great satisfaction that I once more join with the distinguished Senator from Iowa in his effort to bring necessary Federal attention to this long-neglected disease.

GARY CITY COUNCIL VOTES FOR PEACE

Mr. HARTKE. Mr. President, the American people's demand for an end to the war in Indochina can sometimes be temporarily deflected, but it cannot be stilled. While the administration moves from one public relations extravaganza to another, hoping against hope that it can buy enough time to get through November without being called to account for its failure to bring peace, the public's impatience is translated increasingly into despair over the lack of responsiveness of our institutions.

President Nixon continues to talk as if what is most deeply at issue in Indochina is America's honor. But the people have long since seen through that subterfuge. They recognize that what is really at stake for the Nixon administration is political profit, and what is really at stake for the Nation is an end to a nightmare.

Nowhere has this understanding been put more clearly or more forcefully than in a resolution passed by the council of the city of Gary, Ind., shortly before the latest Nixon escalation. Recent events have only added greater urgency to the resolution's demand.

I ask unanimous consent that the resolution and a letter of commendation from the very distinguished mayor of Gary, the Honorable Richard Gordon Hatcher, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 1201

Resolution of the Council of the City of Gary, Indiana to the Congress of the United States asking for an immediate end to American military involvement in Southeast Asia

Whereas: Two years ago, on April 7, 1970, the Council of the City of Gary, deeply concerned about what was happening to this country and its people by the prolongation of the war in Indo-China, in a petition to the President of the United States, called for an immediate withdrawal of all United States forces and material from Southeast Asia, and was thereby the first such elective body in a major American city to take such action; and

Whereas: As a result of the national protest of which that action was a part, a withdrawal of American ground troops is proceeding, but regrettably no pledge has yet been made that all are to be withdrawn—on the contrary young Americans are still being drafted as replacements—; and regrettably, under a policy of "Let Asians Fight Asians" or "Yellow the Bodies," American air support is being given for new and terrible onslaughts, in computerized warfare; and

Whereas: The war is not only being carried on in South Vietnam, but since 1970, has been extended to Laos and Cambodia, with Thailand being used as a base for American bombing missions; and in recent weeks, *the bombing of North Vietnam, halted in* response to worldwide protest, has been resumed at unprecedented levels; and

Whereas: No proposals have yet been put forward by the United States government that we would end our backing for those forces that are standing in the way of the freedom and independence of the Indo-Chinese people; and

Whereas: American intervention has brought, and is still bringing great suffering to the people of those stricken countries: [1]

In South Vietnam, a million young soldiers killed, injured or maimed; a million civilians dead; and a third of the population homeless; and

In Cambodia, a million people driven from their homes; and

In Laos, as is only now becoming known to the American people, bombing on a scale never before experienced, with casualties the highest per capita ever suffered; and

Whereas: To that terrible toll must be added our own casualties—53,000 young men dead; a quarter of a million wounded or maimed; and uncountable numbers broken in health, mind, and spirit; and

Whereas: In pursuit of an ever more elusive military victory there, the American people (not without protest) funded and accepted as instruments of national policy:

(1) Waiver of a declaration of war by Congress.

(2) The calculated and planned use of political assassination.

(3) The use of bombing to destroy civilian populations.

(4) The establishment of "free fire zones" in which any living creature can be exterminated without restriction, resulting in massacres such as took place at My Lai.

(5) The use of defoliation and starvation as instruments of war.

(6) The forced emigration of rural peasants to cities by means of saturation bombing and evacuation at gunpoint.[2]

The price being paid for acquiescence in these crimes against humanity is everywhere evident in the dissension that is tearing this country apart, and nowhere is the revulsion more evident than in the refusal of so many young men to serve in the armed forces, at the price of their imprisonment or exile; and

Whereas: Prolongation of this immoral and illegal war has brought the country to near bankruptcy: It has cost the nation $123 billion since 1965, and that figure does not include the indirect costs, such as war-generated inflation: Vietnam veteran's benefits; rehabilitation of drug-addicted troops; nor does it include the further cost that must be paid as interest on the burgeoning national debt, which is about 80 per cent war-created [3] and

Whereas: Continuance of this costly intervention is placing an intolerable tax burden on the people, at the same time money is not available in adequate amounts for the most elementary of public services, as we in Gary well know—schools, health and welfare programs; housing; mass transportation, etc.; nor will money be available as long as "64 cents out of every Federal tax dollar (not including Social Security and other trust funds) goes for military and military-related spending, leaving only 16 cents for health and welfare," [4] and

Whereas: *The Congress of the United States alone, under the Constitution, has the power to declare and wage war, and therefore must accept responsibility for its continuance,*

Be it therefore resolved: That the Council of the City of Gary, *fully cognizant of the seriousness of this action at this time, nevertheless* implores the Congress, through its members from this area, to demand an immediate end to the bombing of North Vietnam, and an immediate end to American air and other logistic support for carrying on the war in South Vietnam, Cambodia and Laos, and

Be it further resolved: That Congress demand an immediate end to all other United States military intervention anywhere in Southeast Asia, and that a definite date for such a complete withdrawal be proclaimed; and

Be it further resolved: That copies of this Resolution be sent immediately not only to the appropriate members of Congress, but also to the President, the Secretary of State and the Secretary of Defense; and likewise to the Governor of Indiana and to the State Legislature; and

Be it further resolved: That copies of this Resolution be sent to the Conference of Mayors, with the expressed hope that similar action by other municipal bodies will be encouraged as the most direct means now available to bring the people's demand for an immediate end to the war to the Congress; and finally

Be it still further resolved: That the Council of the City of Gary calls upon all citizens, as individuals and through their organizations, to join this protest.

Adopted by the Common Council of the City of Gary, Indiana, this 18th day of April, 1972.

CLEO WESSON,
Presiding Officer.

STATEMENT OF MAYOR RICHARD GORDON HATCHER

I commend the efforts of councilman Allison and the Women's International League for Peace and Freedom for bringing the issue of the war in Southeast Asia to our council for deliberation. I think it is of the utmost importance that we keep up an unrelenting barrage of letters, resolutions and peace actions so that the President and the Congress will have no doubt as to our commitment to a speedy peace.

[1] These statistics are from Indo-China: 1971, a White Paper published by the American Friends Service Committee.

[2] Likewise from the American Friends Service Committee's White Paper.

[3] These figures are from a study of the costs of the war by Senator Mark Hatfield (R.-Ore.), 1971.

[4] Senator Hatfield's study.

It is especially urgent that we register opposition to our Government's murderous foreign policy now when, contrary to recent assertions that "the war is winding down," it is very obviously doing just the opposite. The cost of this war in human life is appalling. The cost in human suffering is immeasurable.

Some of the costs, however, can be measured. They show how the war effort is impoverishing our society. They indicate the insanity of our priorities when we choose to spend our national treasure for arms and then claim we are too poor to spend for the health, housing and education of our people.

Today, 61% of your tax dollar goes to cover the costs of war, and only 17 percent for human resources. Seventeen army machine guns cost $9,000—the same $9,000 which we could spend for an elementary teacher's annual salary—if we get out of Southeast Asia. One B-1 bomber costs $25 million—we could spend that $25 million to construct 15 hospitals with 50 beds each—if we get out of Southeast Asia. One aircraft carrier costs one billion dollars. That one billion would build 67,000 low cost housing units—if we get out of Southeast Asia.

This resolution, if it is passed here tonight, cannot help but have positive impact on those congressional and national forces striving to end our involvement in Southeast Asia. Perhaps its greatest significance, however, will be the impetus it gives members of the U.S. Conference of Mayors to initiate similar measures in their cities.

We must end this bitter chapter in our country's history. There can no longer be any doubt that every day we delay carries us further into the morass. I fully support your resolution, and urge all the citizens of Gary to likewise support it by letters, calls and telegrams to President Nixon, our Senators and Congressmen, expressing their anger at the current escalation and their urgent wish for peace.

RAIL COMMUTER SERVICE FOR THE WASHINGTON AREA

Mr. ALLOTT. Mr. President, a recent statement by Jeffrey G. Mora, transportation projects manager of Urban Mass Transportation Administration, U.S. Department of Transportation, touches on some very excellent points regarding rail commuter service for the Washington area.

I have long felt that while the core subway system in Washington is definitely needed, there is a definite need for rail commuter service to and from certain Washington suburbs.

The Washington Metropolitan Area Transportation Authority—WMATA—has long registered suggestions that existing rail lines be used as a part of an overall transportation method. As Mr. Mora concludes however, "the subject has been studied enough; it is time for action." I support his call for the activation of a National Capital Commuter Rail Authority and I note with interest that my 2 colleagues from Maryland, Senators MATHIAS and BEALL, are taking an active interest in commuter rail service for Washington.

The distinguished junior Senator from Nebraska, Mr. CURTIS, and I have been urging that this kind of approach be taken for the past 5 years.

Mr. President, Mr. Mora is one of the most respected and studious transportation technicians in the Office of Research Development and Demonstrations at UMTA; because his paper deserves the thoughtful attention of all Senators I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE IMPACT OF A COMMUTER RAIL SYSTEM ON DOWNTOWN WASHINGTON, D.C.

(By Jeffrey G. Mora)

Ladies and Gentlemen: An adequate discussion of the impact of commuter rail service on downtown Washington would take far more time than we can spend at a session like this. Therefore, I can only talk briefly about several important areas. These areas include: First, a brief review of several studies on commuter rail service in the Washington area; second, the existing commuter service, and finally the future and how the existing service might be restructured and expanded. Let me also add that the views I am expressing are mine and not those of the Department of Transportation. I would like to emphasize that unless something is done soon, the limited existing commuter rail service will disappear and we won't have to worry about its impact on downtown D.C.!

Let me review some earlier reports on the subject of commuter rail in Washington. A series of reports was prepared by Louis T. Klauder and Associates in 1962 for the National Capital Transportation Agency, predecessor to the Washington Metropolitan Area Transit Authority, WMATA. These reports set forth five alternative plans for establishing commuter rail service between Rockville, Laurel and Washington on the Baltimore and Ohio; Bowie and Washington on the Penn-Central; Franconia and Washington on the Richmond, Fredericksburg and Potomac Railroad, and Fairfax and Washington on the Southern Railroad. A second Klauder Report in 1962 reduced alternatives to two: one, a revised commuter rail plan, and the other a combination commuter rail-rapid transit plan.

Late in 1962 NCTA submitted the two option plan to the President. In relation to commuter rail service NCTA would have contracted with the railroads involved and the Washington Terminal Company. Public subsidy would have supported expected deficits. This proposal resembles similar commuter rail operations in Boston, Philadelphia and New York.

In 1963 NCTA submitted its transportation plans to Congress, but the commuter rail alternatives slipped to minor importance with only a Penn-Central service between Washington and Bowie recommended.

The Washington Metropolitan Area Transit Authority, WMATA, which by 1967 had replaced NCTA, presented its final plan to Congress in 1967 with but one alternative to utilize rail commuter service. However, revenue/cost figures strongly favored automated rapid transit trains rather than the previously proposed contracts-with-the-railroads approach. WMATA then quietly shelved any real interest in commuter rail service as part of its involvement in solving Washington's transportation problems.

Once again, in 1969 WMATA took a brief look at commuter rail service in a staff study. The study concluded that the most advantageous commuter rail system from WMATA's viewpoint would be one which complemented the rapid transit system, then in the planning stages. The four proposed routes included first, Quantico to Alexandria, Virginia on the RF&P with a transfer to the Metro system at King Street; second, Manassas, to King Street via the Southern RR; third, Brunswick, Maryland to Silver Spring on the B&O, and fourth, Baltimore to Washington on the Penn-Central. The plan recommended terminating B&O and RF&P railroad service at the outer ends of METRO where transfer would be made to the rapid transit system. As METRO expanded outward, the commuter rail service would be cut back. For example, B&O service would be cut back from Silver Spring to Rockville. Service duplicating METRO would be strictly avoided. The study took no position on who should fund or operate the service.

There were two rationale's for not providing through service via Union Station linking Virginia with Maryland: (1) Avoidance of terminal charges for each car entering the station, and (2) ensuring that ridership within the DC boundaries be served by METRO and not by a commuter rail system.

WMATA takes a somewhat similar position today in that it would probably oppose any plan that appears competitive in terms of service area or would jeopardize its funding from suburban Washington jurisdictions.

The Senate Public Works Committee contracted with the joint venture consultants of Day and Zimmerman and Louis C. Kingscott and Associates to prepare a comprehensive plan for commuter rail service in the Washington area. An abridged version of the full study was published in 1968 titled *Metropolitan Area Pilot Transportation Study*. The study focused on better utilization of existing railroad rights-of-way as a viable alternative to additional road and highway construction. The study recommended that commuter rail service be instituted on a through-routing basis between Germantown, Maryland and Manassas, Virginia and between Baltimore and Quantico, Virginia. The trains would provide access to downtown D.C. through stops at Union Station and one or two new stations between the 14th Street Bridge and South Capitol Street to serve the rapidly growing Southwest Mall area. A feeder bus network utilizing a combination of existing and new bus service would be established to interface with rail service at the stations. The system would be financed through a combination of Federal and local government funds and farebox revenues on the basis of—

(a) Federal moneys provided for all capital investment except station facilities which would be the responsibility of the appropriate local jurisdiction (or jurisdictions) serviced.

(b) The net of operating expenses over passenger revenues to be subsidized in participation shares of one-third from the Federal Government, the balance to be shared by local governments in Maryland and Virginia proportionate to the seatmiles of service provided.

Operating and administrative control would be placed in a special commuter rail division of WMATA. The consultants estimated an annual operating deficit of between $3.5 million and $4.0 million dollars with 8,000 daily round trips on weekdays only.

Finally, we have the *Washington Metropolitan Area Rail Commuter Feasibility Study* prepared by Carl R. Englund, Jr. for the Department of Transportation's Urban Mass Transportation Administration. The Englund Study released in 1971, was designed to update the 1968 Senate Public Works Committee report in which Mr. Englund was a participant. It is important to review the salient points in the Englund Report. The Englund Study modified the Senate document in several ways. The basic element of through-routing trains between Northern Virginia and Maryland was maintained. However, service on the Southern Railroad was found not feasible for economic and operational reasons. For example, Southern's service would compete with the Shirley Highway Express buses which tap a similar market area, and railroad station locations are not well suited for ease of road access or parking potential. The basic system out-

lined by Englund includes the existing Penn-Central Baltimore-Washington service supplemented by future electrification of the tunnel under First Street so that trains could operate through Southwest Washington to the Crystal City area. The B&O service would be interlined or through-routed from Gaithersburg, Maryland to Quantico, Virginia on the Richmond, Fredericksburg and Potomac Railroad. He also recommended that one round trip be operated West of Gaithersburg to Martinsburg, West Virginia approximately 73 miles from D.C. Englund estimates, quite conservatively, that 12–14,000 weekday trips would be handled on the whole system during the first year. The first year operational deficit is estimated to be $500,000, decreasing to approximately $300,000 over a three year period as ridership increased. Recommendations for management of the commuter service included, Metropolitan Washington Council of Government (COG), a special authority created by Congress or WMATA.

Englund specifically stated that the rail commuter operation should not attempt to handle transit-type ridership from close-in areas to the CBD. The service would be designed to expedite trips to and from communities outside the current bus dominated zones. The rail service is designed to act as a long-haul feeder to the METRO for local distribution. How can this system succeed? Success is predicated on high equipment and crew utilization, elimination of some currently little-used stops, and renegotiated Washington Union Terminal charges. In comparison with the Senate Public Works Committee Report the deficit for the Englund proposal is 75% less and the ridership 100% greater than the 1968 report estimated. It should be noted that the rail mileage recommended by Englund is less because service is not provided on the Southern Railroad or B&O Baltimore Branch. I have only highlighted the Englund report and recommend that you read it, if you have not already done so.

Now, let's talk about the existing commuter service, its impact on D.C. and what might happen in the future. Not many persons in the Washington Metropolitan area know about the existing commuter rail service except the approximately 1300 persons who use it daily, but the Penn-Central and Baltimore and Ohio Railroads operate limited weekday only commuter service into Washington Union Station. Penn-Central operates 2 round trips daily that make local stops between Baltimore and Washington. The stations, for the most part, are unmarked except for a crude ground level slab or gravel serving as a platform. The cars used were built as steam locomotive hauled coaches between 1910 and 1920. They were electrified in the 1930's, and are not air-conditioned.

The B&O operates services on two lines into Washington. Three round-trips operate on the Baltimore-Washington line via Laurel. Not included is one reverse commutation train that runs to Baltimore in the morning and in to D.C. in the evening. There are two round trips operated on the line from Brunswick, Maryland to D.C. via Germantown, Gaithersburg, Rockville and Silver Spring. An additional round trip operates from Martinsburg, West Virginia to D.C. and back.

The combined ridership of approximately 1300 one-way riders amounts to about ½% of the total journey-to-work movement to the District, and some 1.3% of mass transit patronage. Approximately 60% of rush hour travel is accomplished by private automobile with public transportation providing the balance. There are several deterrents to expanding or even maximizing the limited existing commuter rail service. First, the less than desirable location of Washington Union Station coupled with a poor distribution system to work locations; second, lack of rail service to many large or growing suburban residential areas; third, lack of additional rail equipment that could be added to existing trains, and finally a "Catch 22" situation—The railroads are not eager to add more cars even if they were available to accommodate present extreme overcrowding on certain trains because of an approximately $40 per car charge levied on each car entering *and* leaving Washington Union Station. This charge is assessed to pay the high station operating expenses. Thus, adding one car at $80 a day adds 45c to the cost of each seat sold, without the addition of increased railroad crew costs. Adding more cars, assuming they were available, would possibly solve the standee problem, but would drive the current deficits even higher, an untenable position for the railroads.

Lack of a comprehensive rail commuter system has contributed to a highly dispersed pattern of land use, particularly residential, in the Metropolitan area. This dispersed pattern is sharply contrasted to the development corridors that have grown along railroad rights-of-way in Chicago, New York and Philadelphia where extensive commuter service has been provided for many years. The typical Washington scatter pattern inhibits somewhat the requirement for a sizable volume of riders having relatively common origins and destinations. Nevertheless, I believe that a commuter rail system providing for a minimum of 12–14,000 trips daily at a modest deficit with potential for expansion at minimal capital investment would more than justify its existence.

The major capital investment has already been made in the railroad rights-of-way and fixed facilities. The Englund plan requires $15 to $20 million to provide 142 route miles of commuter rail service. This $15–$20 million would buy 1800 additional parking spaces, minimal new station facilities consisting principally of modern protected shelters with infra-red lights for winter heating, minor changes necessary to the railroad's physical plant, 7 new diesel locomotives and 48 air-conditioned coaches some equipped with cabs for push-pull operation. The same $15 to $20 million would build perhaps one mile of rapid transit subway or urban highway!

Now, the most obvious question is why isn't anything happening? Why don't we have an expanded commuter rail system in the Washington area? The problems or the reasons are not technological, but are institutional in nature. Washington is a particularly difficult area to accomplish projects encompassing more than one political jurisdiction. In the case of commuter rail there are several public agencies that could conceivably take-over and operate such a service. WMATA is the first that comes to mind. However, WMATA is not particularly interested in any projects which might detract from building a subway. Moreover, its jurisdiction does not extend as far as Baltimore, Gaithersburg, or Quantico. Nor does WMATA have the legal authority to operate anything, even the subway system. It was chartered only to build the system. WMATA's enabling legislation would have to be amended to include operating a commuter rail system beyond its present boundaries. WMATA probably would be eligible to receive a two-thirds capital assistance grant from the Urban Mass Transportation Administration to help fund costs of new commuter cars, and other physical changes necessary to implement service. The Washington Metropolitan Area Council of Governments is also an eligible public body to receive Federal assistance. However, COG is primarily a planning agency, and would have to augment its staff considerably in order to acquire capability to operate a transit system.

Another approach to an operating agency with regional jurisdiction is for Congress to create one. Activation of a National Capital Commuter Rail Authority would go a long way toward solving the major barrier toward implementing the Englund plan. This new agency would probably be eligible to receive Federal capital assistance, would administer and operate or contract with the railroads to operate the service, and would receive subsidy payments from Virginia, Maryland and D.C. offset deficits. However, before legislation could be brought to the floor of Congress an interstate compact between Maryland, Virginia, and the District of Columbia would have to be worked out, a rather unlikely or at least time-consuming prospect. I should also add that creation of this agency is merely a first step. Other major obstacles remain to be overcome, specifically negotiations regarding Union Station terminal charges, railroad work rules, etc.

Probably the most feasible method of taking the first step is for the states involved to takeover, contract for, or subsidize the existing service. Maryland is the logical state to make the first move in view of the fact that 90% of the existing service is between Maryland points and the District. Perhaps after Maryland has assumed responsibility for service North of the District, agreement can be reached with the State of Virginia in order to implement through service South of D.C. into the Northern Virginia suburbs. The first step is of course the hardest to take. Unquestionably it is only a matter of time if nothing is done before the Railroads apply to the ICC to discontinue the existing service.

I will conclude with a brief discussion on the specific topic of today's meeting: the impact of commuter rail service on downtown Washington. What are the origin zones of suburban commuters? The majority of eixsting and potential rail commuters from outside the District borders live within 7 to 15 miles radius of their place of employment. Prior studies made in Boston, Philadelphia and Chicago determined that for distances of approximately 15 miles from the CBD, the commuter rail market is confined to relatively narrow corridors. Within these corridors, the envelope of attraction is limited to approximately two miles distance from the rail line. However, it was also found that rail prone commuters will drive relatively long distances to reach a rail line than will deliver them close to place of work. Rail use for commutation tapered off almost completely for trips destined to points more than ten minutes away from the terminal point, either by walking or by transit.

There are four deterents to maximizing current rail commutation: (1) the poor location of Union Station relative to major employment centers, (a) lack of adequate feeder bus service to and from Union Station, (3) lack of additional railroad commuter cars, and (4) the long amount of time it takes for existing buses serving Union Station to reach downtown Washington. However, assuming a revitalized and restructured commuter system is established the latter problems can be resolved in order to correct the deficient Union Station location. The Washington Metro's first revenue service line will serve Union Station downtown Washington and the growing Connecticut Avenue area via Judiciary Square, Gallery Place (7th and G Streets), 12th and G Streets, Farragut Square and DuPont Circle.

Therefore, a perfect distributor system to Washington's CBD and adjacent employment centers will exist in 1974 if all goes according to schedule. One of the most significant work population centers located in a relatively small area, Southwest Mall, is not now directly served by bus service in the peak rush hours. Southwest workers arriving at Union Station must use taxis or two buses. This situation is all the more ludicrous because the D.C. Transit M–1 Union Station/State Department bus which links Southwest with the Station currently operates in non-rush hours only! It is also one of D.C. Transit's best kept secrets since it haa not been publicized for a considerable period of time. Should commuter rail service be extended through the First Street tunnel into Southwest, shuttle bus service could operate from the Southwest Station to various buildings in that area. Assuming the Englund commuter plan is implemented, or even a modified version of it, there is no reason why a large and growing ridership won't be attracted to modern, efficient, virtually pollution-free mass transportation. Ease of access to downtown D.C. at reasonable cost will immeasurably benefit that area.

In summary, commuter rail service is complementary to Metro, not competitive to it; many rail commuters will undoubtedly use Metro for short distances as a distributor to place of work. Commuter rail service is consistent with the metropolitan goal of reducing the increasingly burdensome fraction factor in the journey-to-work. It makes sense because the capital investment needed to serve 15,000 to 20,000 person trips daily is infinitesmal in relation to the cost of more highways. Commuter rail service will make downtown Washington an even more pleasant place in which to work and shop. Implementation of commuter rail service may stimulate the development and redevelopment of the area surrounding Union Station. It could possibly assist in reshaping current suburban land-use patterns on a more rational basis. In short, the subject has been studied enough; it is time for action.

MISS ANN S. RAMSEY CHOSEN AS ONE OF WHITE HOUSE FELLOWS

Mrs. SMITH. Mr. President, as one of the original members of the Commission on White House Fellows, I am very grateful that Miss Ann S. Ramsay, daughter of Mr. and Mrs. Donald A. Ramsay, Portland, Maine, has been chosen as one of the 17 1972–73 White House Fellows.

She was chosen from a field of 1,509 candidates.

I am proud of her for more than one reason. As I am the only woman in the Senate, she is the only woman in the 1972–73 group. As I am a nondegree holder—earned degree—she is the first nondegree holder to receive the fellowship.

However, Miss Ramsay was graduated from Deering High School in Portland, Maine in 1961 and attended Skidmore College, the University of Vermont, and Hunter College for a total period of 5 years. Her field of specialty is mental health in which she is an outstanding leader.

I salute Ann Ramsay of whom Maine is very proud in this great achievement of hers.

THE VALUE OF A HIGH SCHOOL EDUCATION

Mr. MONDALE. Mr. President, this month, as commencement ceremonies are conducted throughout the Nation, it is especially appropriate to reflect on the value of an American high school education to those who receive it.

We should reflect as well on the very great cost of failure to graduate—both to those who fail and to society as a whole. And more than a million students will fail to graduate with their class this spring.

I invite the attention of Senators to a recent editorial entitled "High School Days Golden for Many," published in the Duluth, Minn., Herald of May 16. The editorial's thoughtful comments concerning the report "The Costs to the Nation of Inadequate Education," recently issued by the Select Committee on Equal Educational Opportunity, on which I serve as chairman, should be of interest to all those concerned with public education in this country. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HIGH SCHOOL DAYS GOLDEN FOR MANY

Sen. Mondale, D-Minn., chairman of a Select Committee on Equal Educational Opportunity, performs a timely service. He calls attention to a report, released by his committee, on the money lost to Americans and their government through noncompletion of high school.

Prof. Henry Levin of Stanford University has made calculations on the basis of 3.18 million American men who did not graduate from high school. They are in the 25-34 age group. This lack of education will cost them $237 billion in lost income. That means a $75 billion tax loss for our various layers of government.

Like other shocking sums, these statistics seem like conservative estimates. Accompanying estimates of added welfare costs and costs for crimes committed by the undereducated seem more "iffy." A conjecture at the cost of providing high school opportunity is also hard to follow. We all know some who would have cost the community almost nothing if they had used existing facilities and space which was there.

But the main point is beyond dispute: Time in high school will bring good returns for almost everyone, even though these must be shared with the alert and hungry governments which surround us.

It might be worth while to commission Prof. Levin to add a hypothetical supplement. What have we lost, in earnings and tax-paying power alone, by the decline of many high school standards in this century? In some departments those early high schools compared with many college departments of today. A dilution of requirements and a more genial atmosphere probably kept a higher proportion of students in school, but it surely alienated some and turned others away from habits of serious study.

Educational inflation can affect courses and grades and erode a diploma's value. The parallel with money inflation does not end there. If people were better taught, and remembered their lessons, there would be more resistance to both kinds of inflation. Also, there was a kind of sturdiness in surviving the grim examinations of an old-time high school that few Americans now alive ever had the chance to acquire.

BILL BOWERMAN: 1972 OLYMPIC TRACK AND FIELD COACH

Mr. HATFIELD. Mr. President, I have commented before in the Senate about the choice by the U.S. Olympic Committee of a good friend of mine, Mr. Bill Bowerman, to serve as the coach of the U.S. track and field team next fall in Munich. I doubt whether one could find an Oregonian with anything but lavish praise for the choice of a coach. Bill Bowerman's fans throughout our State are legion, and his successes over the years in developing fine young men, who happen to be track athletes, stands by itself. I have known many of the world-class athletes who have attended the University of Oregon and have fallen under the "Bowerman spell," and they are outstanding young men in all facets of their lives, as well as being superior athletes.

Recently, the Portland Oregonian, on June 4, 1972, published a long story on Bill Bowerman, written by Leo Davis, who I believe covers track and field for the Oregonian.

The article touches on facets of Bill's personality that I am well aware of. If there ever was a redtape hater, it is Bill Bowerman. If there ever was a coach to ignore a potential athlete's past press clippings and look instead at his character, it is Bill Bowerman.

I ask unanimous consent that the article, written by Leo Davis, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE'S NOT JUST PLAIN BILL

(By Leo Davis)

Examined in context, William J. Bowerman was the only logical choice to shepherd our Olympians in Munich.

Long before the brass hats came to terms with conscience and voted accordingly, the University of Oregon coach had won his colleagues' respect and admiration for 30 years of service that produced NCAA champions, Olympic medalists and world record holders.

Election was inevitable. So was his reaction.

"To be named head of an Olympic track and field team is the greatest honor a coach can receive," pronounced Bowerman. And permitted himself to be dragged, figuratively, to his date with destiny.

Since Bill subscribes without reservation to the sentiment expressed in that acceptance, it is natural to assume his appointment was a calculated reward for a job well done. A consumation of the marriage between talent and goal-pace philosophy.

Not so, he protested. "It was never my intention to become an Olympic coach. I've already accomplished a good deal more than I ever thought I would. I like to work with athletes but I hate red tape and I didn't give a damn about the position."

Bill was persuaded to campaign for the job by a "couple of guys who said I owed it to the people of Oregon."

Record supports his nomination but not his reluctance. To come to grips with that un-Bowermanlike failing, look beyond the record.

The Oregon coach needs Munich like Munich needs another brewery, he has left little undone. But in the doing he created a complex character difficult to portray, harder to predict.

He has been damned as a tyrant and applauded as a genius. He might be neither, he could be both.

Bowerman has coached more sub-four milers than any man in history. Detractors insist his proteges run from not for him.

He pioneered better shoes, lighter uniforms, faster tracks and been accused of gimmickry.

He has written books, lectured abroad, fought bitterly at home against power monopolies. And been censured for ego trips.

Which Bowerman is Munich bent? The one who planted a charge of low grade dynamite at his mailbox to discourage a bullying truck driver? Major Bowerman of the 10th Mountain Ski Troops who cut through Army red tape with a bullet? Or Bill Bowerman who shops through the valley for a used house trailer so his asthmatic miler can stay a step ahead of the pollen count?

When a capricious truck driver persisted in knocking down his mailbox, Bill planted explosives to protest the invasion of privacy. And when his mules got away in Italy and the platoon brought back one too many, Bill balanced the Army's books as befits a man who hates anything in triplicate except four-minute milers.

Name droppers get short shrift from William J., but he has unlimited time and energy for worthwhile causes. It has Bowerman, in 1968 at South Lake Tahoe, who gave the fight against sickle cell anemia some early impetus. It is Bowerman who takes time from his 26-hour days to help wage war against asthma.

At the pinnacle now, after 30 years, he says, "don't ever call me coach." Yet that's all he ever really wanted to be.

After graduation (Oregon, class of 1935), Bill moved to Portland and accepted a teaching job at Franklin High. It was, he said, said, intended as a stopgap. Medicine was his goal and he meant to finance the study by teaching a couple of years. "I was too dumb and too proud to accept help from my Dad."

He wasn't too proud to serve without pay as assistant track coach, though, nor too dumb to recognize opportunity when Medford made him an offer. He accepted and the world lost a fine doctor.

In nine seasons at Medford Bowerman's football teams had a 64–8–3 record and won three state championships. "I think I was a good football coach. In fact Oregon asked me to apply when it hired Jim Aiken but I never had any intention of making that my profession."

Track and field caught his fancy. Under him, Medford won three state titles and Colonel Bill Hayward, then at Oregon, loaned a persuasive voice to influence the final decision.

The Bowerman philosophy is now 30 years in the making and still undergoing constant change. Track and field men spend most of their competitive lives alone. They are thinkers as well as doers; they know themselves. And Bill Bowerman has borrowed freely of that knowledge.

Pete Mundle taught him an early lesson. "Pete wasn't much of a runner," Bill said. "In fact I told him that since he was a pretty good golfer he should concentrate there.

"But Pete was determined to run the mile for Oregon. He took a bunch of material I'd collected on running, condensed it into a paper and in the process made himself a miler. He set the Oregon record (since broken) and learned a lesson."

Bowerman, on a state department tour in 1956, borrowed from an indigent but industrious Pakastani and brought back a technique which he implemented to improve his hurdlers.

Tired of waiting for somebody to produce a better track shoe, he attacked the problem himself. "What I wanted was better fit, lightness and durability' At that time the American shoe weighed eight to ten ounces—figure out how much poundage that is in a mile race.

"So I went to a shoemaker and asked how do I make a shoe? He said 'you can't.' But if I could how would I start? He told me to get a last and I did."

Buck Knight wore the first Bowerman shoes. "Otis Davis borrowed them one day and liked them so much he wouldn't give them back. Otis wore my shoes when he won the gold medal and set a world record for 400 meters in the 1960 Olympics in Rome."

Bill Dellinger, now Bowerman's assistant at Oregon, was wearing them in Tokyo when he won a bronze in the 5,000 meters and Bill's proteges, Jim Grelle and Dave Edstrom, were similarly shod in their Olympic bids.

Ducks still wear them. Current models weigh maybe four ounces, still short of Bill's ideal, but serviceable. He's working on a spikeless shoe at the moment and it shows promise. "They're fine for long races but have a tendency to slip in the sprints."

Also in the works is a football shoe for use on artificial surfaces. Bowerman is reluctant to talk, says only he ran into a snag when "I ruined my wife's waffle iron and had to move the laboratory to the garage."

It was Bowerman who recycled old tires to experiment with rubber runways and it was Bowerman who tried his hand at tailoring because track and field uniforms didn't suit him.

Past Olympians, in his words, have "looked good but the uniform isn't worth a damn for competition." This year the United States Olympic Committee may follow a trail Bill blazed years ago and put the team in something serviceable as well as spectacular.

For lay purposes Bowerman outlines his coaching theories in terms of goal pace. "If I want a man to reach the moon he must shoot for it." With goal in mind he charts a pace, based on potential. "I don't tell him to run this fast or win that race, I just ask him to deliver on his promise."

Once the trials in Eugene are concluded and the United States team chosen, everybody will share a common goal pace and for all practical purposes William J. Bowerman will cease to coach. The team he takes to Munich will have proven itself in the toughest kind of competition imaginable and his role will be more a counselor.

He harbors no illusions about his part. "When a man is this far along in his development there is no reason to force coaching on him. We aren't about to change something someone has found successful."

Nor does Bowerman entertain any illusions about his responsibility. "Our joh is to expedite. Our position will be to look after the athletes."

At that point he begins to have reservations about the "greatest honor a coach can receive." At South Lake Tahoe in 1968 where he supervised high altitude testing and training, Bill ran the full gamut of red tape. He wound up a keeper of the peace, a trouble shooter, a buffer. He has as much patience with that role as he had with the truck driver and the extra mule.

Some observers foresee an American disaster in Munich, citing the results of the 1971 European championships as evidence the world has caught and maybe overtaken the United States. Bowerman would be last to deny the challenge. He says "it will be a dog fight." Says the United States will send its best team ever and faces its toughest fight ever.

He does not, however, anticipate disaster. "I've coached for 30 years and regardless of the team, if the spirit is there and the communication good there's almost no way this team can fail."

Communication will be good, depend on it. Bill weathered boycott threats and minor mutinies at Tahoe. He has a way of making himself understood.

Gone is Bowerman's reluctance. He complains about red tape, resents the intrusion of countless details, is pressed for time to do his jogging. But the XXth Olympiad is a worthy challenge and his commitment is without reservation.

Depending on their knowledge, people will interpret his appointment as a triumph of talent, or honesty is the best policy, or of where there's a will there's a way. Or occasionally as dumb luck.

But it's best said by paraphrasing an English statesman.

"A man has no permanent friends and no permanent enemies, just permanent interests."

Reluctance was no match for Bill's permanent interests.

SALT TREATY SHOULD BE OPPOSED UNLESS IT REDUCES MILITARY SPENDING

Mr. PROXMIRE. Mr. President, the Strategic Arms Limitation Treaty entered into between the United States and the Soviet Union is obviously of great significance. I welcome this agreement as a harbinger of better relations between the Russians and ourselves. More importantly, the treaty can have far-reaching effects and, if it is ratified by the Senate and implemented on both sides, could be a real step toward world peace.

But there are many questions to be answered about this agreement and the recent statements by the Secretary of Defense with regard to the Pentagon's plans for new weapons systems and qualitative improvements on existing weapons have caused me great concern.

I am not prepared to support the Moscow treaty until I know how much it will cost the taxpayer.

I will withhold my support of the arms limitation agreement until the administration discloses the full impact it will have on future defense spending.

For SALT to be worth its salt, it should produce the results that proponents have always claimed for mutual arms limitation agreements.

The Nixon administration ought to be able to demonstrate that the Moscow agreement will slow down the arms race and reduce the heavy burden of defense spending.

Statements by Defense Secretary Laird and other Pentagon spokesmen have so far shown that there will be little, if any, immediate savings from SALT and that defense spending might go up while the agreement is in effect.

The Pentagon's estimates of the impact of SALT on defense needs are illogical and unreasonable.

The Moscow treaty should not be seen as an excuse to abandon rational defense planning or as a club to force congressional approval for new and accelerated weapons programs.

Since the treaty was signed, we have been told that the two ABM sites agreed upon in the summit talks will cost more than the 12-site program originally planned, that large sums will be requested to develop a successor to the current ABM program, that the acceleration of the Trident submarine and the B–1 bomber will go forward, that part of the money saved by cutting back on the ABM will be used to work on a new submarine-based missile, and that the costs of the Vietnam war may rise by $5 billion because of the increased activities there.

The funds for the new requests, on top of an already swollen defense budget, can only be obtained by cutting back on vital domestic programs, increasing taxes, or running up a larger deficit.

The administration may be guilty of a major miscalculation if it believes Congress and the public will buy SALT "at any price."

The President cannot have it both ways. He cannot present himself as a "peace" man from the White House while his Defense Secretary pushes war spending on Capitol Hill.

Defense spending ought to be reduced as a result of the Moscow treaty and the savings passed on to the taxpayer.

One of the best analyses I have seen so far of the effects that SALT can have on future defense spending is contained in an article by Alton H. Quanbeck and Barry M. Blechman that appeared in the Washington Post June 4, 1972.

In addition to showing the projected strategic balance in mid-1977, at the expiration of the new 5-year agreement on offensive weapons, the authors have constructed a most useful table showing the potential savings that could result if the spirit of the Moscow treaty is lived up to. The article suggests a net potential annual savings of $4.3 billion as a result of SALT. These savings could occur if we do not deploy an ABM system for Washington, D.C., if the development of Trident is slowed down, and if we limit our air defense system to a surveillance role.

Mr. President, I ask unanimous consent that the article entitled "The Arms Accords: Everyone Gains" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMS ACCORDS: EVERYONE GAINS

(By Alton H. Quanbeck and Barry M. Blechman)

The strategic arms limitation agreements signed in Moscow a week ago are landmark accords, symbolizing a marked reduction of U.S.-Soviet rivalry in strategic armaments and formalizing the mutual acceptance of overall nuclear parity. While the specific limits on weapons systems incorporated in the agreements are important in their own right and will result in greater security and substantial economies for both nations, the significance of the agreements, as stated by Henry Kissinger, "transcends the importance of individual restrictions." Most importantly, by explicitly agreeing to forego nationwide population defenses, the signatories have removed the greatest threat to each other's deterrent. In themselves, therefore, these accords are major steps toward stabilizing the strategic relationship.

Two agreements have been concluded: One, a formal treaty of unlimited duration, limits the development of anti-ballistic missile systems (ABM); the second, a five-year executive agreement, limits offensive missiles.

It is unfortunate that in the domestic debate over the advisability of these agreements, the overall sufficiency of U.S. strategic forces and our technological superiority will be largely ignored. The fact is that we have sufficient forces to deter potential enemies, singly or in combination. The large number of U.S. nuclear weapons carried by diverse delivery systems assures that even in retaliation to a preemptive first strike, enough weapons would survive to destroy the attacker's population and industrial base. Our technology lead insures that this will be the case for the indefinite future.

Critics of the agreement will argue, based on simple comparisons of numbers of launchers, that the United States is frozen into a position of inferiority. In fact, however, the United States is better off, by any measure, with the agreements than without them.

The table appearing on page B4 projects the strategic balance for mid-1977, both with and without an agreement. If the momentum of the Soviet missile building program had not been stopped, the U.S.S.R. by that time would have almost twice as many missiles as would the United States. To counter this buildup, the United States could have chosen to launch a new building program of its own, at great expense and with no assurance of greater security. The Moscow accords offer a much more favorable outcome.

Although the Soviets will still have 2,300 launchers compared to 1,700 for the United States, the ongoing U.S. MIRV program will ensure a substantial margin of missile-deliverable warheads in favor of the United States. Number of warheads together with equivalent megatons (EMT, an index of nuclear weapon destructive potential) provide much better measures of deterrent capability than number of missiles alone. The restraints provided by the agreements on projected Soviet capabilities are particularly apparent in the projected EMT index.

There is no possibility that the Soviets can reverse the U.S. advantage in number of warheads over the course of this decade. Although the Moscow agreements do not prevent the Soviets from replacing their present warheads with MIRVs, both their submarine-launched missiles and SS–11 land-based missiles are too small for effective conversions. Any Soviet MIRV program is likely to be restricted to the approximately 300 large SS–9 missiles, the unidentified missile for some new silos under construction, or a follow-on to current sea-based systems. In any case, U.S. defense officials indicate the U.S.S.R. is unlikely to achieve the requisite technology before 1980, long after the duration of the present agreements.

Furthermore, the United States has a larger more modern and more survivable bomber force than do the Soviets. These forces are not limited by the Moscow agreements. Soviet strategic bombers, which entered service in 1956, are comparable to aircraft that were phased out by the United States many years ago. In addition, the late model U.S. B–52 strategic bombers are now being equipped with up to 20 short-range attack missiles (SRAM). The Soviets have not demonstrated any comparable capability.

MOSCOW'S TRADEOFF

In a more general context, the agreements provide substantial benefits for both countries.

From the Soviet perspective, the accords establish the U.S.S.R. as a great power second to none, and the strategic equal of the United States. The agreements and other documents issued during the summit represent formal recognition of this status by the United States, and our acceptance of nuclear parity. Such recognition has long been an important objective in Soviet foreign policy.

Second, the agreement terminates the U.S. deployment of the Safeguard ABM, a system which the Soviets may see as potentially negating the advantages of their offensive missile buildup. Third, the agreements give the Soviets numerical superiority in both land and sea-based offensive missile launchers, an advantage which they may believe will yield political dividends.

To obtain these advantages the U.S.S.R. has made considerable concessions. The Soviets had to accept the United States technological lead; our advantage in warheads, for example, will continue to grow. It has not been able to restrict our great advantage in strategic bombers, nor limit our deployment of forward-based systems (land- and sea-based tactical aircraft capable of carrying nuclear weapons to the Soviet Union due to their deployment in Europe and elsewhere). The latter, especially, provided considerable delay in the negotiations, reflecting its importance to the U.S.S.R.

The advantages of the agreements from the United States' perspective stem from two sources. First, they will result in considerable dollar savings. Much more importantly, however, the agreements effectively constrain the momentum of the strategic arms buildup which has been underway in the Soviet Union since 1965. Since that year, the U.S.S.R. has deployed more than 1,200 ICBMs and 25 modern strategic submarines (Yankee class). An additional 17–18 Yankee subs are under construction.

The buildup had reached such alarming proportions that some were beginning to fear the Soviets' quantitative superiority would overwhelm the United States' technological advantages and gain for Moscow substantial political, if not military, advantages. Even though the agreements permit the Soviets to deploy up to 62 missile-firing submarines, they terminate this buildup below potential uncontrolled levels, and are a more effective counter than similar deployments by this nation. This is particularly true since new U.S. strategic systems such as Trident and B–1 would not be deployed before the late 1970s, even under the accelerated schedules announced by the administration this past winter.

More importantly, both nations benefit by the change in attitudes reflected in the agreement. The superpowers have clearly indicated their determination to reduce the risk of nuclear war and, as stated in the joint communique issued at the end of the President's visit, "to contribute to the relaxation of international tension and the strengthening of confidence between states."

NEW OPTIONS FOR U.S.

The Moscow accords directly curtail the Safeguard system to two sites, one at a Minuteman site (now under construction at Grand Forks AFB, N.D.), the other around Washington. Beyond that, the achievement of these agreements should cause reconsideration of some of the major strategic programs presently planned.

On the one hand, we will want to continue certain programs in order to hedge against the unexpected and to modernize or replace existing systems. The Minuteman II and Poseidon MIRV programs are likely to fall into this group. Additionally, there probably will be increased spending on basic research for strategic systems as well as for increased strategic reconnaissance.

On the other hand, because of new explicit constraints on Soviet deployments and because of our improved understanding of Soviet intentions, it may be desirable to modify or redirect other major programs. Some possibilities are:

Since it is no longer necessary to accelerate the development of Trident (a new submarine system incorporating a long-range missile) as a bargaining chip, or to match the Soviets in seabased missiles, should the program revert to its earlier slower schedule? Furthermore, should we reconsider the characteristics of the new submarines?

Is it necessary or desirable to plan to defend Washington with ABMs, even though it is permitted under the agreement? The survivability of our national leadership now depends on airborne command posts together with an extensive and redundant communications net.

Since both sides now have agreed to forego nationwide defenses of their population against missiles, there is little point in trying to protect cities against Soviet bombers. Should we reduce our objectives for air defenses to a surveillance role against unauthorized penetration of U.S. air space and defense against light attack?

While answers to these questions are only partly dependent upon the agreements, a new element has been introduced into the strategic calculation which requires careful evaluation. Potential savings realizable from these measures are estimated in the table below, expressed in terms of average annual savings from fiscal 1973 to fiscal 1979, in billions of fiscal 1973 dollars:

Direct result:	*Savings*
Limit ABM deployment to two sites	$1.4
Other possible actions:	
Do not deploy ABM defense for D.C.	.2
Slow down Trident development	1.0
Limit air defense to surveillance role	2.2
Gross potential annual savings	4.8
Incremental Spending for Additional Surveillance and Research	.5
Net potential annual savings	4.3

AGENDA FOR SALT II

Negotiations on further arms limitations are likely to be prolonged and difficult. The prominent issues remaining are complicated and involve forces and concepts that are hard to define and isolate.

Topics likely to be discussed at future SALT meetings include possible limits on forward-based systems, bombers, land-mobile ICBMs, air defenses, anti-submarine warfare forces, and intermediate range missiles. Additionally, one would expect that the two sides will eventually discuss mutual force reductions in strategic systems already limited.

One of the problems most likely to be resolved in the follow-on negotiations concerns the mutual vulnerability of both sides' land-based missiles. Conceivably, improvements in missile accuracy and warhead proliferation could still lead to the attainment of a counterforce capability against the land-based component in either the U.S. or Soviet strategic force. Such a development could be destabilizing.

Two forms of limitations would ameliorate these problems: reductions in the number of deployed warheads, and mutual agreement to shift land-based missiles to sea, or simply to phase them out altogether. In this sense, the provision in the present agreement permitting the shift of older land-based missiles to sea is an important precedent.

While these subjects are made difficult by problems of definition, verification and the interrelationship of strategic and general purpose forces the atmosphere of cooperation engendered by the Moscow agreements and the summit in general should help ease these difficulties. In any case, independent of any future agreements, the measures agreed upon in Moscow are major steps in assuring the security of this nation.

The following table estimates the projected strategic balance in mid-1977, at the expiration of the new 5-year agreement on offensive weapons, based on administration statements about present U.S. planning and on observed deployment rates for Soviet systems:

	Without Moscow agreement		Under Moscow agreement	
	U.S.S.R.	U.S.	U.S.S.R.	U.S.
Land-based missiles	1,900	1,054	1,330	1,000
Sea-based missiles	1,200	656	950	710
Heavy bombers	140	500	140	500
Deployed strategic warheads	3,400	11,000	2,600	11,000
Equivalent megatonnage	5,500	4,550	4,000	4,450

Note: Weapons characteristics based on the International Institute for Strategic Studies' "The Military Balance, 1971-72."

THE DECLINING SUPPLY OF U.S. MINERAL RESOURCES

Mr. ALLOTT. Mr. President, at the recent meeting of the American Iron & Steel Institute, a presentation was made which vividly illustrates our declining supply of mineral resources. In this speech, Mr. E. F. Andrews, vice president of Allegheny Ludlum Industries emphasizes the need for a comprehensive national mineral resources policy, stressing Government cooperation with mining and basic production industries. His views deserve the consideration of the Senate. For that reason I ask unanimous consent that Mr. Andrews' presentation be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICA—FROM HAVE TO HAVE NOT

(By E. F. Andrews, Chairman, Committee on Critical Materials Supply, Vice President, Purchases, Allegheny Ludlum Industries, Inc.)

When our forefathers established this Republic 200 years ago, the word undoubtedly went throughout the world that the "land of plenty" had been found. For many years, this, in fact, was true. We took a land where one million Indians were virtually starving to death and created a situation where 200 million people have as a major problem the storing of their surpluses. It is the first nation in history with more people dying from obesity than from starvation, the first nation with more school teachers than farmers, the nation with the largest percentage of the world's goods, with an economy three times larger than all the countries of South America added together. And, except for a brief period during World War I, we were a net exporter of minerals. America—the land of plenty.

However, during World War II and the Korean conflict, this country began to get its first taste of material shortages. As we entered the decade of the '60's, this industry could foresee developing material problems and established the Critical Materials Supply Committee of the Institute, with the express purpose of forecasting raw material supply problems and, insofar as possible, avoiding them.

Historically, the manufacture of iron and steel has required the mining, transporting, storing, and consuming of raw materials in volumes triple that of the molten metals derived. Since steel is not a single homogenous substance, the long-term supply of needed raw materials and the problems relating to their availability are matters of considerable importance to this industry.

During the 1960's, in spite of the fact that we were *not* prosecuting a war of the magnitude of World War II, a very large number of the items essential to the making of our products were, at some time or another during the decade, in short supply. Among these were molybdenum, vanadium fluorspar, nickel, chrome, copper, coal, tin, zinc. The causes of these shortages stem from defense needs, labor problems, international actions, changes in technology, and environmental quality control programs (use of metallurgical coal by utilities).

As we enter the '70's, a period of relative ease is being enjoyed. Unfortunately, this period of ease is primarily caused by a general world-wide economic slowdown. However, a very quick review of the immediate situation is in order.

Your Critical Materials Supply Committee members report that, except for three items, there is no immediate problem insofar as availability is concerned. Three items are worthy of note.

The first is nickel. This item remained a critical material throughout a very large part of the last decade. Due primarily to an economic slowdown in our industry, producer and consumer inventories are as large as they have ever been in history and a substantial share of established productive capacity is shut down. However, a large share of the world's productive capacity will have labor contracts expiring at midyear. Thus, while no problem is anticipated, protective inventory policy is advised.

The second item worth note is zinc. In the past three years, the domestic zinc industry has closed productive capacities for slab zinc amounting to 400,000 tons/year. When and if the Great Falls, Montana, facility closes in July of this year, domestic capacities will be reduced to 730,000 N.T./year. Production cost increases, cost of pollution control equipment, and labor problems are blamed. The domestic demand for slab zinc is estimated to be about 1,300,000 N.T. Thus, a shortage of about 570,000 N.T./year is possible.

During the period from late February through March, a nearby shortage developed because of the confusion created among the domestic producers by the Canadian producers raising the price of prime western zinc by 1 cent per pound to 18 cents per pound. The domestic producers were under Phase II of the President's Economic Program. One producer filed its request with the Commission late in January and received permission to raise prices by 1 cent per pound March 15, 1972. In the meantime, domestic producers were requesting that the Price Commission declare zinc as an international commodity which action would have exempted zinc from Price Commission control. The Cost of Living Council ruled against this request which then meant the other major producer had to file for Price Commission approval.

Until approvals to raise prices were received, zinc was held off of the market by several domestic producers because they could not legally sell their product at the Metals Week average, which is standard practice. This action developed a nearby shortage of zinc. Hopefully, this manufactured shortage will be small when taken into consideration with total 1972 activities.

Although the domestic shortage on a yearly basis will be 570,000 N.T., it is expected that it will be made up in part by metal from

Japan, Canada, and the balance of the Free World, wherein production collectively is estimated to exceed consumption by 462,000 N.T./year. In addition, Congress has just recently freed an additional 515,000 N.T. of zinc from the stockpile. Although much of this metal will have to be upgraded, the stockpile metal, together with the available foreign metal should be sufficient to meet our needs through 1974 based on the following assumptions:

1. 4% yearly increase in demand.
2. No further deterioration in domestic capacity from July, 1972.
3. The estimated Free World excess metal can continue to come into the United States.

Obviously, the above forecast sounds reasonably good; but it is based on the best of everything happening, including the building of new foreign smelters which, reports indicate, are being currently planned. At this moment, zinc is a semi-critical metal and could easily move into the critical stage. Therefore, it will bear constant watching by all concerned.

Also, we would be remiss if we did not take a moment to mention the general critical problem of energy.

There has been no shortage of speeches, testimony, opinions, statements and debate about the energy crisis. But there remains a very real shortage of energy supplies and a lack of concerted effort to provide direction for avoiding crisis. There is doubt the American public is really aware of the problem, and we still have not formulated a national energy policy which is aimed toward workable solutions. There are many government departments and agencies involved with energy policy, often working at cross purposes in the interests of consumers, industry groups or conservationists.

The problem of inadequate energy supplies will be with us for many years. Nuclear power probably cannot make a significant contribution until the 1980's when breeder reactors are expected to come into use. It appears that, during the next ten years, the traditional fossil fuels—oil, natural gas, and coal will carry the burden of providing our energy needs.

A serious shortage of natural gas already exists with widespread curtailments in service to industrial consumers in the immediate future. The utilization of coal is being limited by ecological considerations. Commercial coal gasification operation is probably ten years away; is expensive; and can make only a modest contribution to demand. Large additional supplies of oil will be required to fill the expanding needs.

To obtain these increased supplies of fuels, it will be necessary to go offshore. It is anticipated that one-half of our oil requirements will be imported by the mid-1980's and will be supplemented by high-cost, imported liquid natural gas. This solution raises obvious problems, such as dependence on possibly unreliable foreign sources, shortages in ocean transportation, and balance of payments.

Continuing pressures to protect the environment have delayed many proposed programs. For example, Alaskan gas and oil cannot be expected to reach the lower 48 states before 1975, and this may be optimistic. The nation is faced with possible brown outs this summer, in part due to conservationist groups and government regulations delaying nuclear plants from coming on stream as well as holding up construction permits on proposed new plants.

It is to be regretted that environmental overreacting has resulted in the establishment by various government agencies of regulations that, in many instances, cannot be met based on present technical knowledge. This is resulting in the massive shifting of utility fuel from coal, of which we have abundant reserves, to foreign oil and gas at higher cost.

It is urgent in the energy crisis that we start making decisions. It is imperative that our government establish a national energy policy that will incorporate, but not be limited to, the following:

(a) Provide additional financing for research and development of a liquid metal fast breeder reactor.

(b) Provide expanded programs to convert coal into a clean gaseous fuel and provide financial support for projects to develop an economical means, if possible, of recovering sulphur oxide from stack gases.

(c) Accelerate oil and gas lease sales on the outer continental shelf.

(d) Set up a leasing program and financial support for the recovery of oil from our vast oil shale resources.

(e) Develop long-range planning of electric power plant sites and establish acceptable locations for transmission of gas and oil line routes.

As you can see, with the exception of energy, our immediate situation is relatively good; and it is during times of relative ease that it is wise to address ourselves to the long-term problems. Here, the picture is not nearly as rosy.

For the recent White House Conference on the Future of Business, the Industrial Conference Board was asked to provide an economic forecast for the next eighteen years. If we can assume that this forecast is reasonably accurate, insofar as the growth in the economy is concerned, it presents to this industry some major supply problems. The uncertainties are influenced by such things as new resource discoveries; new technology; changes in the costs and prices of things people buy; shifts in needs, in tastes, in life styles. In spite of this, the requirements of a growing economy for raw materials can be portrayed in their overall dimension with tolerable limits of accuracy.

Metals present the greatest problems of future adequacy, for domestic ore reserves of the major metals are much smaller in relation to growth and anticipated domestic demand than is the case for fuels. The Department of Commerce notes that the demand for imported mineral raw materials will continue at an increasing rate. These rising imports and their impact on the balance of trade and the balance of payments is evident.

But our growing dependency upon imported raw materials is of immediate and primary concern to this industry. The United States is 100% dependent upon foreign sources for its chromite, columbium, mica, rutile, and tin—all essential, strategic materials. We are dependent upon foreign nations for 99% of our manganese; 98% of our platinum; 94% of our antimony; 93% of our cobalt; 91% of our bauxite; 87% of our nickel; 83% of our asbestos; 78% of our fluorspar; 58% of our zinc; 53% of our cadmium; 51% of our beryllium; 38% of our lead; 38% of our mercury; and 35% of our iron ore.

All of the above are essential items. According to the Department of Commerce, the United States may be dependent on foreign sources for up to 50% of its total mineral requirements. In 1970, we imported $9 billion in minerals and exported $5 billion. If the trend of the past 20 years continues, we will require mineral imports of $60 billion by the year 2000. The trend toward our future dependence upon foreign sources is certainly cause for immediate concern.

Thus, the primary objective of this paper is to emphasize that the United States is no longer a surplus nation with regard to critical material supplies. This calls for a reordering of our priorities in this industry and in our government. In general, we believe that the material policies of the government in the past have been too heavily influenced by political and social considerations and should be altered in order to give equal recognition to economic factors.

The cold facts are that the resource base of the United States has been, and is, declining. There are only a few ways to improve it. New resources could possibly be discovered; or new processes and techniques could be developed, permitting reduction in the need for primary materials. Presently under heavy study is an increase in the recycling of materials. Finally, there could be development of substitute materials. As you can see, all of these offer rather limited "sure fire" total answers to our problem. Let us examine five basic areas of concern.

INTERNATIONAL

It is recommended that an in-depth review of our national posture should be made to make certain that, as mentioned before, the economic considerations are weighted at least equally with political and social considerations when dealing with the developing nations, which contain great stores of raw materials. Certainly, the recent events involving chrome from Rhodesia, nickel from Cuba, tungsten from China, tin from Bolivia, cobalt from the Congo, and iron ore and copper from Chile are causes for re-examination.

International law lacks effective application in many such instances. The Court of International Justice does not take jurisdiction over disputes between governments and business corporations. Must the operation of American multinational enterprises continue to be restricted by the conflicts of national laws and the absence of international laws, or can we introduce parallel legislation into the national laws of groups of countries supporting the creation of a common code?

In other words, can the growing needs for multinationalism, so necessary for the private enterprise system and its material supply problems, be reconciled with the forces of nationalism in newly developing nations? The seriousness of our problem of future supply is compounded by the fact that demand for minerals is rising at a faster rate in many of these countries than in the United States. As a result, nations of the world are beginning to compete seriously for a rising share of a lessening world supply; and less developed countries are more aggressively promoting their own industrialization and are, therefore, increasingly more sensitive to "exploitation." It is true that many of these countries lack the technology to discover, extract, and market their resources; but they also mistrust and fear the business corporations that have such capital and management skills. Business and government must join hands immediately to solve this problem.

A review and study should be made with respect to our national posture on international cartels or agreements, such as the international tin agreement which impinges on world supplies. In this connection, it should be noted that the United States has lent considerable support to the Tin Agreement, even though not a participating member of the Agreement. Through its policy of withholding sales of surplus stockpile tin to domestic consumers, our Government has indirectly, but effectively, made us a virtual participant in the Agreement. Once a decision has been made, based on sound economic reasons, that it is to our best national interest not to join in an agreement, no agency of Government should have the unilateral power to impose that agreement on industry by such indirect methods, particularly on an item for which we are totally dependent on offshore sources.

Further on the international front, we feel that a complete review should be made to

examine the degree of our growing dependency for our raw materials on "unfriendly" nations. The Russians have been gaining an increasing share of our market in chrome and nickel. Now that the bamboo curtain has been penetrated, we are reminded that China is the large supplier of tungsten. Even though these materials may enter our markets in increasing quantities, one cannot help but be apprehensive about the increasing dependency upon these sources and its effect should some future international crises develop. And yet, Government actions in the last few years seem to be almost designed to push us in the direction of unfriendly sources.

GOVERNMENT AND BUSINESS RELATIONS

It seems to us that a foremost question that arises within most nations has to be the matter of relationship between government and business. The affiliation appears in various forms, ranging from nationally owned corporations in many European countries to the intertwined system in Japan, sometimes referred to as Japan, Inc. Whether it is necessary to move toward more formal arrangements, or whether merely holding hands at arms length is sufficient, needs serious restudy.

Recognition by government of industry's resource problems is essential. The Japanese Ministry of International Trade and Industry has just issued a white paper entitled, "The Outlook on Japan's Resource Problems." This paper states that their problem of obtaining a stable and adequate supply of raw materials of desirable quality, competitive with world conditions, is one of the most important issues facing Japan's economic development in the next decade and, thus becomes of the highest priority to the Japanese government. At a time when conditions cry out for more and more government concern about the health of business, we seem to be getting less and less. We do look forward with great hope to the National Materials Policy Commission's report, but are mindful that a report and action on a report are two different things. (We should note here that subsequent to the filing of this paper, this Commission's interim report has been released. It is a good start at setting forth the shortages that fact us and adds weight and urgency to what is said here.)

The Federal government has supported certain research and development programs in extractive metallurgy, use of secondary materials, etc., but Federal efforts must expand in scope. Consideration must be given to joint or cooperative programs to develop processes for utilizing off-grade or poor-grade minerals. This country *does* have some low-grade, unused chrome, vanadium, tungsten, manganese, and fluorspar. Making these economically feasible is an expensive but perhaps necessary venture. We should not confine such programs to our own country, but we should review the possibility of government and industry supporting each other throughout the world—as our international competitors are doing so successfully.

Should not the American government and industry move together as the Japanese government and industry recently did with regard to Turkish chromium? Here is a case where government and industry, acting in unison, developed a special assistance agreement, including financial and technical assistance to Turkey for establishing a ferrochrome alloy plant. In return, Japan will receive, among other things, one million tons of chrome ore. The United States has been for many years Turkey's principal customer for this product. We have been assured that we will continue to receive some material. Perhaps, in this instance, we have been protected. We may not fare so well the next time, particularly if it becomes necessary to deal with less sophisticated governments.

Closer communication between industry and government is needed on legislative measures which may adversely affect the production of raw materials so urgently needed. Recent legislation on safety laws, ecology requirements, depletion allowance and beautification, some though highly desirable, has had, and is having, a serious impact and is retarding our efforts to improve our resource base. Too rapid or improper application of these measures will be counterproductive to our long-range interest. It is essential that our national goals on ecology, for example, be properly balanced against our national economic well-being.

We certainly agree with the recent statement by Assistant Secretary of Commerce, Harold Scott, when he said, "The economic cost to the minerals industry of maintaining and expanding production while giving full attention to environmental protection will, of course, affect our efforts to assure adequate supplies of minerals and energy. Some substantial mineral resources will remain unexploited unless we find environmental solutions at reasonable economic cost. In like manner, on the currently operating mineral processing operations, the impact will be huge if companies attempt to meet every stringent standard quickly; but given a proper length of time to install appropriate controls and given emission standards consistent with regional standards, the cost can be cut sharply and the efficiency improved. In the environmental area, in most cases we would do well to act only after we understand the economic impact of costs and alternatives of the proposed actions, appropriate the time needed to carry out such actions, and develop feasible long-range plans. We should determine how necssary actions are best financed and see that similar situations are treated similarly."

Also, it may become necessary to revise the whole body of legislation governing American business so as to enable private enterprise to operate more effectively while assuring pursuit of conomic matters in the public interest. It is particularly obvious that American business is at considerable disadvantage with foreign corporations that do not labor under the same types of restrictive policies and laws.

The laws, regulations, antitrust restrictions, and other governmental practices that choke off our resource base and render American firms uncompetitive cry out for review.

STOCKPILE POLICY

Any paper dealing with critical materials supply would be remiss if it did not speak of our national stockpile policies. Very honest questions as to the rate of disposal and who is eligible to receive stockpile materials immediately come to mind. As long as domestic production run behind domestic consumption in the material under consideration, it is our feeling that the rate of disposal should be no greater than the shortfall between domestic production and domestic consumption and that sales should be limited to domestic firms that are customarily involved in the distribution and consumption of such material. To be in the position of selling to traders for international markets those items that we must reach to foreign lands to replace cannot be in the best interest of this country.

In like manner, pricing policies of stockpile materials deserve comment. Should the stockpile be used to bring economic gain to the government by running a bidding match, substantially increasing the costs to domestic industries, or should pricing policy take into consideration stabilizing prices and curtailing inflation?

The law provides that the stockpile is essentially for the purpose of security and/or defense. Have we not reached the point where, as other industrial nations, we must now admit the fact that the government's stockpile does have a place and can serve economic purposes as well as strategic and defense? Examine the activities in and out of the stockpile over the past decade. Economic and political considerations were, in fact, served, although done so in the guise of defense needs. Has not the time come for us to acknowledge this fact, work with the Government to establish appropriate policies, and fix guidelines so that we can take some of the economic whiplash out of material shortages when necessary, as our competitor nations now do?

IMPORT–EXPORT POLICIES

Since a large share of the critical materials are imported, a word about tariffs is appropriate. Through the Trade Agreements Program, or by specific Congressional action, our tariffs on raw materials have become progressively lower, and a long list of items now enters this country virtually unimpeded. At the same time, certain other raw materials which are produced in this country continue to have tariff protections so as to preserve the industrial capability of this country and for national security reasons.

We are fully aware that, here again, choosing between two desirable alternatives is necessary. We feel that duties should be removed on items for which this country depends upon foreign sources and for which there is little or no hope of increasing domestic supply through expanded capacity technological development, or discovery of new resources. Where the figures show that we are to remain an increasingly negative nation, to impose trade barriers is against our national interest. Of course, if there is evidence that by some protection we can stimulate exploration at home with an honest hope of increased supplies at competitive costs, then this must take priority.

With regard to export policy, a very real question can be asked. Should the United States permit the unlimited export of elements in which it has virtually zero production without conversion to a higher value when it must reach outside its borders to replace such materials? We are the only industrial nation that permits such a thing to happen. Selected materials for which past production in this country has been in excess of past apparent requirements also need examination. For example, is it in the best national interest to expand foreign markets for bituminous coal when most studies indicate that the United States will have to rely heavily on coal to meet our growing energy demand?

However, my purpose today is not to philosophize on export policy, but rather to make a specific recommendation toward implementing what we believe was the intent of Congress in enacting Public Law 91–84, "The Export Administration Act of 1969."

Section 3, Paragraph (2) of the Act says in part:

"It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand. . . ."

Whereas, the intent of Congress seems clear, many interpretations have arisen regarding the degree of authority given to the Secretary of Commerce to implement the intent. Past experience of the Steel Industry in seeking limitations on exports of critical steelmaking materials under the 1969 Act indicates that the Department of Commerce believes it can take no action until after

abnormally high exports have occurred over a substantial period of time, and it has a full measure of statistical evidence that the exports in question are causing short-supply and inflationary conditions in the domestic economy.

A procedure so inflexible as this has caused serious problems and hardships to the domestic industry being injured, and, in fact, has negated the protection which the law is supposed to provide. The time period between placement of the export order, actual exportation of the material, gathering of export statistics, gathering of domestic statistics, analysis of the degree of injury caused by the export, and deciding to establish or not establish controls may extend over many quarters or even years. The domestic user of the material suffers serious damage, irrespective of whether or not controls are finally put into effect.

Two relatively recent case histories will help to illustrate the inadequacy of the present procedure for establishing controls. The first one involves the exportation of stainless steep scrap, an important source of chrome and nickel in the manufacture of stainless steel. Exports rose from 45,000 net tons in 1966 to 138,000 net tons in 1967 and 130,000 net tons in 1968. The abnormal foreign demand reduced dealer inventories in this country to minimal levels and caused the domestic price of stainless steel scrap to rise from $250 a ton at the end of 1966 to $325 a ton in late 1967, and over $500 a ton by mid-1969. The added cost to the industry has been estimated at $100 million.

The second example relates to exports of ferrous scrap from an annual average of 6.7 million net tons in 1966–1968 period to 9.1 million net tons in 1969 and 10.3 million net tons in 1970. The abnormal foreign demand in this period brought about a short-supply condition in this country which raised the average price of scrap purchased by the Steel Industry from $27.68 in January, 1969, to $37.36 in January, 1970, and to an average of $41.19 a gross ton for the year 1970. The inflation in domestic scrap prices during the two years of high exports added $250 million to steelmaking costs, excluding additional millions of dollars spent in substituting lower grades of scrap for higher grades in short supply.

We believe that preliminary actions can be taken to limit abnormally high exports which will have a disruptive effect on the domestic economy prior to the final availability of hard, statistical evidence. For example, the Japan Ministry of Trade, the European Economic Community, and others generally announce their intentions of increasing their purchases of materials from this country. Trade sources in this country often make similar announcements. The probable impact of the heavier foreign requirements on the domestic demand-supply situation can, therefore, be measured well in advance.

We therefore recommend that the proposed new legislation be expanded to specifically authorize the Secretary of Commerce to take early prospective action to regulate exports of a given material in those instances where there is ample evidence to indicate:

(1) that an abnormal foreign demand for the material already exists or will soon occur, and

(2) that such foreign demand will bring about a level of U.S. exports which will be sufficiently high to cause an excessive drain of scarce materials from the U.S. economy or produce a serious inflationary impact.

In other words, surely there must be a way of locking the door before the horse gets out.

SECONDARY MATERIALS POLICY

While we have been taking the government to task for permitting excessive exporting of critical materials, this industry is not without some responsibility. The Scrap Industry has accused us in past years of refusing to purchase material when it was at very low cost and in plentiful supply due to low operating rates in our industry. It is only natural that, as materials backed up in substantial quantities in processors' yards, they turned to the inviting foreign markets. A restudy and reordering of our industry's investment policies may be needed. In this way, perhaps we can make a contribution to the reduction in the rate of outflow of critical materials and in a lessening in the economic swings, price-wise, on such materials.

While we are dealing with the subject of scrap and waste, we cannot ignore the wide attention given to recycling. The importance of recycling is such that it does warrant strong consideration for providing for financial, tax, and regulatory incentives to increase the use of such materials resources. We will know that new scrap is recycled quite efficiently. The vast reservoir, however, of obsolete material is far less utilized. To the extent that we can expand our capacity to recycle material, our dependence upon foreign sources will, of course, lessen. Many of the corporations represented in this room have made, and are making, substantial contributions in this direction. However, all is not sweetness and light. As we struggle to compete in the world market place, we know that we must offer the consumers of our products higher quality material, meeting tougher specs, at lower costs. This, of course, means higher quality *raw material* going into the heat, faster processing lines, higher yields, and less residual buildup in our revert. One can easily see that this demand is at the opposite end of the pole which encourages us to use lesser quality material available in the obsolete or recycled market.

The Scrap Industry has recognized this gap and has forthrightly informed its members that they must provide a greater technological service to their customers, expend their economic research, improve their price stability, improve the collecting, assembling and transporting of the material they offer. While we agree that the interrelationship will require a concerted and cooperative effort on the part of our industry, the government, and the scrap processing industry in order to solve this problem, the fact remains, consumers will and must make their decisions on economic opreating practices and quality considerations if we are to stay in business.

And finally, a complete study must be made to improve the quality and promptness of raw material data. Improved information on projected requirements, productive capacity, prices, availability, etc., is essentail. Early warning systems are needed so that we can signal shortages and problem areas far in advance of their occurring and take proper corrective steps.

For raw materials, the broad objective for the next decade will be to obtain reasonable supplies efficiently and at low cost. The direction must be toward cheaper, more plentiful, more reliable, more available raw materials. The struggle between American companies and foreign competitors, with strong support of their governments, for a share of the world's dwindling supplies could be the most critical problem facing this country in the next decade.

We must move quickly and wisely or be shut out from vital mineral resources essential to our very economic existence. This issue must be faced at a time when quality environment, for example, will be receiving increasing priority. Obtaining adequate supply of low-cost raw materials will present industry and government with the difficult problem of finding new and viable trade-offs between economic health, jobs for our people, and protecting the environment. Sometimes, the trade-off between social, political, and economic considerations will be agonizing; but if we are to survive as a competitive nation in the world market place, government, labor, and industry had better join hands and realistically face and answer the critical materials supply problems that lie ahead.

The rules, the policies, and the thinking that served us well as a "have" nation will not serve us as a "have not" nation.

THE MISLEADING INDICATORS: ECONOMIC PROSPERITY NOT AT ALL CLEAR

Mr. PROXMIRE. Mr. President, during the past 2 weeks several of our leading newspapers and magazines have carried prominent stories hailing the strength of the Commerce Department's index of leading economic indicators. This index, which is supposed to foretell future movements in the economy, has now been rising steadily and rapidly for 18 months. If this index were indeed a reliable portent of things to come, would we not by now have witnessed a significant drop in the unemployment rate? As we all know, there has been no drop in unemployment. The unemployment rate remains stuck at the same deadly 6-percent level.

FORMULA TOO MECHANICAL

The fact is that, for all the attention it gets, the index of leading indicators is not a reliable forecasting tool. The individual components are indeed vitally useful pieces of information for the economic analyst, but averaged together in a mechanical fashion, they lose most of their utility. Our economy is far too complex to be reduced to any single mechanical formula.

From early 1971 to early 1972 the index of leading indicators rose 13 percent. Does this mean that the recovery is now strengthening and that unemployment will fall rapidly in the months ahead? We all hope so, but before we get carried away with euphoria, let me point out some history. From early 1961 to early 1962, the leading indicators rose 14 percent. What happened during the next 12 months? Unemployment actually rose from 5.6 percent in the first quarter of 1962 to 5.8 percent in the first quarter of 1963. It was not until additional fiscal stimulus was applied in 1964 that the recovery became strong enough to produce further reductions in unemployment. The leading indicators were, in fact, misleading in 1961.

We can all agree that the economy is recovering today. Real output is rising, not falling. It is rising slightly more rapidly than our long-term potential growth rate. The significant question is whether output growth is sufficient to outpace the growth of the labor force and of productivity, so as to bring down unemployment. While we all hope that the answer to this question is yes, we cannot learn the answer, one way or the other, from the leading indicators.

WEAKNESS OF LEADING INDICATORS

Let me mention two of the specific weaknesses of the index of leading indicators:

First, important components of the index are entered only with a substantial time lag. Official estimates of corporate profits, for example, are available only quarterly, and then only long after the quarter is over. They are virtually the last major item to be entered into the national income accounts each quarter. Preliminary estimates of first quarter corporate profits were not entered into the index of leading indicators until late May—long after most of us had become aware that profits would show a spectacular rise in the first quarter.

I questioned Commissioner Moore of the Bureau of Labor Statistics about this at a hearing Friday June 2. Commissioner Moore is a leading business cycle analyst. I asked him about the value of this long-delayed data on corporate profits as a leading indicator. He replied, "It is not as good a leading indicator as if we had it more promptly." Yet it goes into this index.

Another example: The discouraging decline in the average work week last month was shown in the BLS employment release Friday, June 2, but it would not show up in the leading indicators until the end of this month. What competent economist would wait an unnecessary 3 weeks to incorporate this valuable statistic into his analysis.

A second difficulty with the leading indicators is that at least three of them are directly affected by the price-wage control program. These three are: sensitive commodity prices, the ratio of price to unit labor cost in manufacturing, and corporate profits.

I asked Commissioner Moore on Friday, June 2, whether the control program might not distort the index of leading indicators. This is what he replied regarding the index of commodity prices:

Its recent behavior, I must say, does not suggest that it is very firmly under control. It has been rising at a very rapid rate.

IS INFLATION A GOOD OMEN?

I certainly agree with Commissioner Moore that commodity prices are not very firmly under control. They have risen at a 36-percent rate over the past 4 months. But how can we crow about this and call it good news at a time when inflation continues to be such a serious problem? When I pressed Commissioner Moore further by asking whether the control program does not make it hard to know whether or not the leading indicators are telling us something useful, he replied:

I think that is certainly true. You have to interpret all of these data with a view to what is happening both within the economy and outside the economy and make the best judgment one can about it.

Again, I agree with Commissioner Moore. We must gather all the available information and make the best judgments we can. Mechanically contrived indexes are not substitutes for good judgment. We must ask hard questions. Not just "Is the economy recovering," but "Is the economy recovering rapidly enough to significantly and quickly reduce unemployment?" So far, the answer seems to be that it is not. Effective new policies to provide additional jobs continue to be needed, and needed urgently.

BURUNDI MASSACRE

Mr. KENNEDY. Mr. President, reports from East Africa tell of a heavy toll paid by civilians as a result of an attempted coup d'etat in the small nation of Burundi late last April. In recent days journalists and others have pieced together a story of bloody civil strife between two tribal groups in Burundi over the last 6 weeks. It is a story of massacre, the execution of leadership elements on both sides, and the suffering and dying of tens of thousands of civilians. It is a story of thousands of refugees in need—within Burundi and across the borders in Zaire and Tanzania and Rwanda.

I do not rise today to blame or condemn, or to offer any magic solution for meeting the political and humanitarian problems in Burundi. But, as chairman of the Judiciary Subcommittee on Refugees, I do rise to express a deep personal concern over the plight of the people caught in the latest link in a chain of war-ravaged populations stretching around the world in recent years.

I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world, the Burundi issue is a complex matter for diplomats and humanitarians alike. Inevitably, it has been labeled an internal affair of Burundi. But when people are being slaughtered at a rate of nearly 3,000 per day, should not there also be some international concern? Should not governments condemn the killing? Should not more concerted efforts be made by regional organizations or the United Nations to offer their good offices to end the strife and human suffering?

Reports suggest that the civil war has ended in Burundi. Reports also suggest that in its aftermath thousands of people are injured and homeless. The full extent of humanitarian need is unknown at this time. But I can report that the United Nations High Commissioner for Refugees—UNHCR—has representatives in the area, and is prepared to undertake a relief effort among the refugees in cooperation with the International Committee of the Red Cross and other bodies. I understand that at least two of the countries that have received Burundi refugees have appealed for aid. I am hopeful these requests for aid will be expedited by the UNHCR, and that if additional funds are needed to carry out a relief effort in the area, the international community will generously respond. I am also hopeful that the Burundi Government will cooperate with and facilitate this international humanitarian effort.

Mr. President, I ask unanimous consent to include at this point in the RECORD several news stories relating to recent events in Burundi.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 10, 1972]

THE QUESTION OF BURUNDI

In the small east African country of Burundi, a great number of people have been killed, mostly by machete and spear, in what was partly a power struggle between factions of the ruling Tutsi minority and partly a rebellion or civil war involving Tutsis and the Hutu majority. The government acknowledging this week that tribal warfare had cost some 50,000 lives, stated that "peace has been restored."

Not the least sobering aspect of this human tragedy is the international community's indifference. To be sure, Burundi is tiny and remote; a former Belgian colony, it is little known to Americans and little covered by the English-language press. As usual, the Organization of African Unity, many of whose members are vulnerable to like tribal frictions, passed the massacre off as Burundi's internal affair and looked the other way. Nor was there any claim made of Russian or American involvement to catch the world's eye.

Burundi's agonies are, as far as is known, of its own making and its own suffering. But this does not dispose of the question. In the international community at large, the attitude seems to be similar to the attitude which once marked local officials' performance in American ghettos: disputes involving only blacks can be ignored. Among American blacks, especially those interested in Africa, the attitude is that the African black states' internal conflicts, however bloody, are their own affair; anyway, who's ever heard of Burundi. About the only misfortunes of Africans that concern American blacks are those which can be laid to white minority governments in Portugal's colonies and in Rhodesia and South Africa, places where the normal prerogatives of national sovereignty are expected to yield to the imperatives of black liberation. This is so even though in terms of sheer "body count," the numbers of Africans killed and uprooted by non-white hands—in Burundi, Sudan and Nigeria, for example—are larger than the numbers similarly persecuted by Africa's white regimes.

A decade ago, optimists hoped the United Nations would undertake to nurse new-born nations in Africa and elsewhere towards stability and economic self-sufficiency. The Congo crisis, and much else, ended such hopes. Now, in the name of national sovereignty and black power, thousands of Africans perish and no one does anything to stop it. Does white precedent require blanket sanction for black barbarism? Could not the United Nations draw a deep breath and resolve that whenever reports were made of large-scale political violence, a commission would be sent at least to see what's going on?

[From the Washington Post, June 11, 1972]

DOUBLE GENOCIDE TEARS BURUNDI APART: WITNESSES TELL OF ORGY OF KILLING AFTER ABORTIVE HUTU COUP

(By Jonathan C. Randal)

The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly the Belgian Congo).

BUJUMBURA, BURUNDI, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the forseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michel Micombero shows little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that has been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant mutton-chop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tatoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disembowled and the childrens' heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life.

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikana, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission at Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accused Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have though that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country, conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught, and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumuba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayonetted to death by the army at the Buriri mission.

As one source put it, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Mutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu students have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school, a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report that 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

BURUNDI: LAND OF TRIBAL PASSIONS

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsis, 15 per cent of the population in Burundi and 9 per cent in Rwanda, are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero, in turn, deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganyika in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

[From the New York Times, June 11, 1972]

SLAUGHTER IN BURUNDI: HOW ETHNIC CONFLICT ERUPTED

(By Marvine Howe)

BUJUMBURA, BURUNDI, June 9.—This nation is just beginning to realize the extent of the slaughter that has taken place here over the last six weeks in struggles between the country's two major ethnic groups.

The complete story of an attempted coup at the end of April, and the counteroffensive that followed, cannot be told since only official sources can be quoted and they are clearly biased. Other sources, as well as foreigners, are still generally terrorized and reluctant to jeopardize lives of friends or risk expulsion. However, a six-day visit to Burundi has produced a plausible account of the catastrophe out of a web of rumors, lies and contradictions.

Clear statistics on the extent of the massacres are hard to come by. Information is limited because movement has been severely curtailed by official barricades and curfews. Foreigners must have travel permits and these are very difficult to obtain. Above all, most people are terrorized and reluctant to talk.

Nevertheless, authoritative sources on the scene estimate that about 2,000 people were killed in the initial rebellion, mostly members of the ruling Tutsi tribe, a numerical minority. The reprisals are said to have cost the lives of 2,000 more Tutsis and about 100,000 members of the Hutu, the majority tribe, mainly in the Bururi Province and the area of Bujumbura.

The President of Burundi, Lieut. Col. Michel Micombero, acknowledges that 50,000 to 100,000 people have been killed in the last six weeks, while many foreign residents, estimate the number of victims at closer to 150,000.

The basic struggle involves an attempt by the Hutu majority to overthrow the ruling Tutsi aristocracy, as the Hutus in neighboring Rwanda in 1959. Here the attempted coup has failed, at a terrible price, particularly among the Hutus.

"We have won a reprieve but the final showdown is irreversible," a member of the Tutsi minority said. The dominant Tutsi account for only 15 per cent of the 3.5 million inhabitants of this country, which is about 10,750 square miles in area, roughly equivalent to the state of Maryland.

Colonel Micombero still speaks of his "program of national unity," but most people believe that the progress that had been made toward integration has now largely been erased by the violence.

PROVIDENCE DEVASTATED

Bururi Province in the south, where the main part of the Hutu rebellion took place, is now a scene of devastation. The population has almost disappeared from a once densely inhabited area in a 40-mile stretch along Lake Tanganyika.

Some people, estimated to number 10,000 have fled to neighboring Tanzania, and 15,000 have escaped across the lake to Zaire, the former Republic of the Congo, leaving 175,000 unaccounted for. Many of these people are known to have taken refuge in the bush and marshes but many more are believed to be dead.

Only recently a small trickle of human life has begun to return to Rumonge, the lakeside fishing center of Bururi, the inland farming center, and some of the hill towns.

in the Bururi region alone, 2,000 grassroof huts have been burned. Some 5,000 women and children have taken refuge in the Bururi missions.

The reprisals, on the other hand, have taken a heavy toll not only in the south but in Bujumbura and towns throughout the country. The Hutu elite has been decimated in the government administration, in the commercial world, in the church nad in schools down to the secondary school level.

LOCAL OFFICIALS CRITICIZED

There have been excesses and atrocities during both the rebellion and the subsequent repression, according to foreign testimony. The burden of private criticism, however, has been directed against the local authorities for neglecting to curb reprisals.

"It is natural to demand greater moral restraint from the established authority than from drugged rebels," a churchman declared.

Foreign diplomats and other residents have generally followed the events in impotent silence, fearing that any intervention would bring grave repercussions for the foreign community of Burundi. The 6,000 or so missionaries, technicians, school teachers and businessmen and their families are considered hostages.

Until now, foreigners have not been the target of either the rebels or the repressors. The only foreigner to be killed was a Belgian technician who lost his life by accident when he went out to the street to observe the first assault at Bujumbura.

The explosion of ethnic antagonism is regarded by many missionaries as evidence of a failure of the Western church, both Roman Catholic and Protestant.

"The church has been humiliated and must start again from zero," a priest said. "Both those who provoked the rebellion and those who carried out the repression were Christians," he noted.

Representatives of seven missionary institutions broke their silence on May 20, with a strong letter to their superiors, and aimed at the Burundi Government, condemning persons responsible for the rebellion as well as the "systematic repression" of the Hutus.

The letter also protested against arbitrary arrests and the ban on priests' visits to the prisons. The only response to the letter seems to have been increased difficulties for missionaries who seek to obtain travel permits.

At the end of last month, a group of diplomats, led by the papal nuncio, applauded the president for starting his pacification program and pledged support for "all victims" of the violence. Even this action brought no direct reponse.

PROTEST BY PRIESTS

Troubled by the continued repression and the official silence around it, three Italian priests and one Spanish priest in the north spoke severely about arbitrary punishment. They were promptly called to Bujumbura for interrogation by the police. Accused of political activity, the four young priests have been put under surveillance.

These protests, however timid and belated, coupled with strong criticism in the international press, seem to have spurred the authorities to move to halt the repression. "Or maybe it's merely that there are no more Hutus who can lift their heads," a churchman observed.

The Burundi Government has publicly blamed "foreign influences for the ethnic war," but has not specifically attacked any country. Diplomatic speculation about this accusation run from China and North Korea to the Vatican and the United States Central Intelligence Agency.

President Micombero cleared Belgium, which until 1962 exercised a colonial mandate here, of the charges. However, the colonel did accuse Belgian Christian trade unions and former trusteeship administrators "of sowing division among us." There were no Hutus or Tutsis, but a united people, before the colonial period, he said.

Burundi's ethnic troubles are considered to have been inevitable by scholars who have followed the evolution of this area of Central Africa. The problem can be attributed above all to a rapid breaking up of the federal structures.

More than three centuries ago, the tall handsome Tutsis came with their flocks from the high plateaus in East Africa to settle on the gentle hills of what are now Rwanda and Burundi. The local kings accepted them as colonizers and married the Tutsi women, establishing a royal line of mixed Tutsi and Hutu blood. A feudal hierarchy was established with the Tutsis as lords and the Hutus their serfs.

FOREIGNERS BRING CHANGES

This feudal harmony was disturbed by the arrival of European colonizers and by the teachings of the Catholic Church. The area became part of German East Africa in 1899 and after World War I was ruled by the Belgians for 40 years under a League of Nations mandate, followed by the United Nations trusteeship. The outside forces brought basic education and new ideas to the Hutus, such as the injustice of slavery.

In neighboring Rwanda, the Hutus carried out their revolution in the presence of the Belgian administration—and probably with some Belgian complicity. The king there was overthrown in 1959 and the Hutus won control of the Government through elections held under sponsorship of the United Nations.

Some 20,000 Tutsis were killed in the revolt and 300,000 were forced into exile—about 100,000 of them to Burundi.

The Belgians, who granted both territories independence in 1962, generally felt that the transition could be smoother in Burundi, where there were many Hutu-Tutsi marriages and a Hutu middle class was gradually emerging.

Two Hutu risings, in 1965 and 1969, however, were evidence of a growing dissatisfaction within the majority and ambition for more than token responsibilities.

The attempted coup of April 29 this year, to all appearances, follows the same line of rebellions but was organized on a much broader and more violent scale. It was also complicated by the involvement of some monarchist Tutsis as well as opposition elements in Zaire. But independent sources generally agree that essentially this was another attempt by the Hutus to assume what they consider their rightful place as the majority in Burundi.

The fullest account of the initial attack was given this week by President Micombero in an informal interview by a small group of newsmen. The 31-year-old leader, who ousted young King Ntare V in 1965 to proclaim a republic, discussed for the first time the role of the former King in the recent events.

Ntare was duped by the Hutu plotters, according to President Micombero who said the former King's name had been used to get as wide backing as possible for the uprising. Ntare returned to Burundi after "they convinced him that my regime was very unpopular and that it was now or never to make a comeback," Colonel Micombero said.

The President acknowledged that he had given assurances that the former King would be protected on his return. But he stressed that since Ntare was "trying to trap me," he could not be allowed to move about freely and had been put under house arrest.

After the former King's return, preparations for the plot were intensified, the President said. The army was put on alert two weeks before the rising occurred.

Colonel Micombero declined to link the dissolution of his Government on the morning of April 29 with the attack that came that evening. The timing, he said, was a matter of "providence."

Monarchists and rebels acted together on the night of the rebellion, the President said. He disclosed for the first time that the former King was immediately tried and executed on the night of the attack. Earlier, official reports said that Ntare had been killed in the fighting when his supporters tried to free him.

The initial rising, according to the first official account broadcast over the Burundi radio on May 29, took place on the night of April 29 between 7 and 8:30 P.M. Some 10,000 Hutus and a number of "Mulelelists," followers of the late Congolese revolutionary leader Pierre Mulele, carried out nearly simultaneous attacks in four areas of the country. In most of the places, military balls had been organized by Hutu officers involved in the plot.

The rebels were said to have come mainly from a training base in the woods of northern Tanzania. They were reportedly armed with poisoned machetes, clubs, a few automatic weapons and gasoline bombs.

At Bujumbura, fewer than 100 persons took part in the attack, which was aimed principally at the radio station, near the military camp.

An argument at a service station over payment for the fuel for the gasoline bombs is said to have altered the army camp. Two officers who came out to investigate the incident were killed before the rebels were dispersed. Another group of rebels clashed with troops in front of the cathedral and a third band attacked private vehicles at an intersection near the military camp, burning a dozen cars and killing about a dozen persons.

The main attack took place in the south in an area along the main highway between Rumonge and Nyanza-Lac. It was said that 4,600 rebels took part in a systematic slaughter of Tutsis in the region. Local Hutus were ordered to join in the hunt and shared the Tutsis' fate if they refused.

Another group of 3,000 rebels attacked in the Bururi region, the homeland of the President and most of the present Tutsi rulers. Nearly every army officer is said to have lost some member of his family in the attack. President Micombero said his brother-in-law had been slain.

Forty of the chief administrators were also killed, including the district commissioner, the attorney general and his assistants, doctors and accountants, as well as many of their wives and children.

At the same time, about 100 attackers from Tanzania assaulted the military post of Cankuzo in the east, where a large number of Tutsi refugees from Rwanda had settled. However, this band was rapidly "cut into pieces" by the defending forces, the Bujumbura radio said.

A fourth attack was said to have taken place at Kitega, where the former King was being held. However, although the town was beseiged by rebels according to the official report: residents of Kitega said they had heard no fighting.

Eyewitnesses at Bururi confirmed official reports that the assailants were mainly Hutus, using Muleist tactics. They were said to have smoked hashish, to have worn white saucepans stained with blood as helmets, and to have had their bodies tatooed with magic signs as immunity against attack.

The rebels, fired with drugs, were said to have killed all the Tutsis they could find, generally cutting them to pieces with their machetes.

Normally Burundi people are not drug users, but witch-doctors played an important role in this attack, according to Colonel Micombero. He said that the Muleist trainers would shoot blank bullets at a man to

show his immunity and then shoot a dog or cat with real bullets to show that the animal had died because it did not cry out the words that conferred protection.

"We have tangible proof that Mulelats from Zaire participated in the rising," President Micombero said. He charged that the Zairian oppositionists wanted to use Burundi as a base to attack the regime of President Mobutu Sese Seko. He asserted that Martin Kasongo, a well-known Mulelist, had taken part in the Burundi rising, had stolen four million francs at Nyanza-Lac and had disappeared.

"I want his head," said Colonel Micombero, declaring that Mr. Kasogo deserved the death sentence for having organized the massacre.

Asked how long the repression would last, the President snapped: "They're still tracking down the persons responsible for the genocide of Jews in World War II and that's more than 20 years ago. You can easily understand that we are still taking action against criminals six weeks after the genocide here."

The initial slaughter took place in a period of 24 hours, but isolated attacks lasted for two weeks. At Martyazo, in the Bururi region, the rebels set up a "people's republic" and remained entrenched for nearly two weeks before they were routed out, the President said.

The army, gendarmes and youth brigades rapidly put the rebellion down in most areas of the south, according to available information. However, some 100 rebels are believed to be still hiding in the bush, coming out at night to steal food.

The repression that followed the attack has been extreme, according to all independent sources. The authorities announced that they had uncovered a secret "organization for genocide and coup d'etat" and said they had proof that the aggressors not only wanted "to overthrow the republican institutions but also had a highly detailed organized plan for the systematic extermination of the whole Tutsi race."

The President said that "thousands" of Hutu names were on the lists of persons paying dues to the rebel organization.

Large-scale arrests started with the four Hutu members of the Government. Pascal Bubiriza, Minister of Telecommunications, was said to have confessed that the massacre were aimed at the Tutsis.

On May 7, it was announced that "a good number" of Hutus had been found guilty of taking part in the plot and had been executed.

The Revolutionary Youth brigades took the lead in what is widely described as arbitrary arrests and killings. These were aggravated by personal acts of revenge with people being denounced as plotters because of disputes over land or a cow.

"It was barbaric, unbelievably inhuman," said a foreign resident who had seen a man clubbed to death in front of the Bujumbura post office by a gang of Revolutionary Youth.

"They picked up almost all the Hutu intellectuals above secondary level," a Tutsi professor said.

The university was severely affected. Students were seen assaulting Hutus in the university grounds, beating them to death with rocks and clubs. In the beginning, soldiers came into the lecture halls, called Hutus out by name, threw them into trucks and took them away. Most of those have never returned.

In the first week of repression at Dujumbura, witnesses said Hutus were piled up in trucks and taken off for burial at a mass grave at the airport. "I used to see the trucks almost every evening at around 9, after the curfew, going down Avenue Lumumba in front of the cathedral and sometimes I could hear people screaming inside," one resident said.

The churches have been particularly hard hit. Twelve Hutu priests are said to have been killed and thousands of Protestant pastors, school directors and teachers. In the Bujumbura hospitals, six doctors and eight nurses were arrested and are believed to be dead.

In its "truth broadcasts," the Burundi radio has said almost nothing about the repression that has followed the rebellion. The rebels were given "the punishment they deserved" and "only the guilty Hutus" were arrested, it was said. "One cannot even speak of repression but legitimate defense because our country is at war," the state radio emphasized.

Most independent observers are inclined to accept the official position that there was a Hutu plot. However the origin of the name lists, the evidence of guilt and the severity of the punishment are widely questioned.

It is also increasingly asked why the authorities did not act to prevent the initial outbreak, since there had been reports of unusual movements in the south six weeks before the rising. Some church sources wonder whether the attack was allowed to happen so as to provide justification for broad repression.

The slaughter has been a serious blow to the economy. In the south, the missions are trying to get refugees out of the bush to harvest the cotton, bananas and coffee, but it seems that much of the crops will be lost.

Foreign observers generally question whether reconciliation can ever be possible after so much killing. In the city area here where Hutus and Tutsis live side by side, the two tribes are terrified of each other, and word has spread that all Tutsi families should get rid of Hutu houseboys for fear of poison or some other form of retaliation.

[From The Christian Science Monitor, June 12, 1972]

A Tragic Tribal Divide

The world has been extraordinarily slow in waking up to the tragedy that has hit the small central African state of Burundi, where tens of thousands of people have died in an intertribal massacre. The Burundi Government itself puts the death toll at 50,000. Other sources say it is over 100,000.

Tribally, Burundi is divided between the ruling Tutsis, who represent only 15 percent of the country's 3,500,000 population, and the Hutus, who account for the other 85 percent. Traditionally the Hutus have been the subservient group despite their vast numercial superiority.

The Burundi upheaval involved an uprising by part of the Hutus against their Tutsi overlords, and thousands of Tutsis were massacred. Then came massive reprisals by the Tutsis. In this counteraction the Hutu educated class—the civil servants, teachers, and other trained personnel—is said to have been virtually eliminated.

President Micombero of Burundi now says that the conflict is over, but other sources report that sporadic fighting is still going on in the southern part of the country near the Tanzanian border.

The Hutu revolt began at the end of April, but it is only now that we are beginning to learn the full extent of the massacre. Could the outside world have done anything to stop it? Officially it was an internal conflict, as were the Nigerian and Sudanese civil wars. This left outside powers and the United Nations little leverage. The most likely channel of intervention would have been the Organization of African Unity, whose headquarters are in Addis Ababa. But little if anything appears to have been done by that source.

Some West European countries, and particularly Belgium, which give Burundi financial and technical aid, tried to bring pressure to bear on President Micombero to call off the reprisals. It is difficult to say whether this has had any effect. (Burundi is a former German colony and Belgium took over its administration after World War I under a League of Nations mandate. There are 4,000 Belgians in the country now, including some military personnel helping train the Burundi Army, but the tribal war has not involved the Europeans in any way.)

Belgium threatened to "review" its aid program unless the reprisals stopped. But the Belgian Government is unlikely to cut off its aid altogether. Burundi now will need help more than ever to heal its wounds.

Burundi is one of the poorest countries in Africa, but one of the most densely populated. Some sources say the loss of trained personnel in the past month's mad slaughter will set it back 10 to 15 years.

The long-term solution must be the elimination of Burundi's tribal divide and of the deep hatreds it has engendered. Unfortunately the tragedy of recent weeks has served only to deepen that divide.

OFFICE OF EDUCATION PASSES THE BUCK AT TAXPAYER'S EXPENSE

Mr. PROXMIRE. Mr. President, section 503b of the Higher Education Act of 1965 requires that—

> The Commissioner of Education shall prepare and publish annually a report on the education professions, in which he shall present in detail his views on the state of the education professions and the trends which he discerns. . . . The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title . . .

Yet Commerce Business Daily for April 19, 1972, carried an invitation for—

> Proposals from individuals or organizations for professional assistance to the Commissioner in preparation of the Commissioner's Fourth Annual Report called for under section 503b. . . . The successful recipient of this contract will (1) review the educational personnel program activities of the U.S. Office of Education, (2) develop a detailed outline of the report, (3) assess the level of statistical support for the program, and (4) prepare first drafts of chapters and "annexes" and prepare a draft of the full report.

The Office of Education pays $96,142,000 to 114,338 persons, yet apparently finds it necessary for outsiders to prepare this report. This is a deplorable waste of Federal funds. I question the usefulness of a report which is not prepared by those who administer the Higher Education Act, but rather by outside consultants.

Mr. President, I ask unanimous consent that an editorial commentary on this absurd situation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

It Is Your Business

(By John Lewis)

Through the kindness of your hearts, each April 15th or thereabouts, money comes pouring into the coffers of your great and good government. Many are the demands on these funds. Every department, bureau, agency, commission, etc., has worked diligently for the preceding year to formulate a budget to put these monies to their beneficial use beginning with the new fiscal year—commencing each July 1.

Old programs seldom die, and always new programs are begun. The financial outpourings of the American taxpayer are returned to him in the form of more reports, more studies, more deeply entrenched bureaucrats, and at last but not least, a new revised tax form for the next year.

However, before many of the abovementioned dividends from your taxes are brought to the surface, contracts often must be let to provide you with these services of government. To do this, the Department of Commerce gathers requests for bids and publishes a daily list of procurement invitations in their "Commerce Business Daily"—available from the Government Printing Office at $25 per year. This notifies all who are interested that certain items, types of specialized work, services, etc., are required by some segment of your federal government. The rational individual would surmise that if the government is extending procurement invitations it has neither the personnel, the capacity, nor the capability to do the job itself. Don't be fooled by logic and reason. Such isn't the case.

On page 3 of issue No. PSA–5553, April 19, 1972 of "Commerce Business Daily," there appeared the following invitation:

> "Drafting of the Commissioner of Education's Fourth Annual Report on the Education Professions. The U.S. Office of Education will solicit proposals from individuals or organizations for professional assistance to the Commissioner in preparation of the Commissioner's Fourth Annual Report called for under section 503b of the Education Professions Development Act of 1967."

The successful recipient of this contract will (1) review the educational personnel program activities of the U.S. Office of Education, (2) develop a detailed outline of the report, (3) assess the level of statistical support for the program, and (4) prepare first drafts of chapters and "annexes" and prepare a draft of the full report.

According to the report of the Joint Committee on Reduction of Federal Expenditures of January this year, there were 114,338 persons employed in the Department of Health, Education and Welfare. They are paid a total of $96,142,000. The U.S. Office of Education, which is a part of the Department, had 3,180 full and part time employees in February 1972.

On the surface it seems quite reasonable that within 114,338 total employees in the Department including the 3,180 people in the Office of Education, and the Commissioner himself, there should be someone qualified in his day-to-day work to write the Commissioner's report for him. For $96,142,000 one would think so.

This is just one more example of dissipation of the taxpayer's monies. All the more reason to keep in touch with your Representative and Senator to have him, along with you, keep a close eye on what government does with your money. It's your business!

JUSTICE HARLAN: "THE FULL MEASURE OF THE MAN"

Mr. HATFIELD. Mr. President, all of us in this body are familiar with the immense legal knowledge embodied in the late U.S. Supreme Court Justice John Marshall Harlan. In this month's American Bar Association Journal, one of his former law clerks, Nathan Lewin, discusses the human aspects of Justice Harlan's life. In introducing the article, the ABA Journal editors note that the law was but one measure of the man, saying "What truly set him apart was his character, his spirit, and his human decency."

Justice Harlan's opinions will stand as a record of his superior legal mind. I ask unanimous consent that this fine article by Mr. Lewin appear at this point in the RECORD, so we might be remembering that his contributions went beyond his legal writings.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Justice Harlan: "The Full Measure of the Man"

(By Nathan Lewin)

(NOTE.—Justice Harlan's remarkable legal career, which led him to the front rank of the New York Bar and ultimately to the United States Supreme Court, was but one measure of the man. What truly set him apart was his character, his spirit and his human decency. That he was blessed with an extraordinary intellect used for the benefit of humanity may overshadow his greater legacy—that he was a "patrician of the spirit".)

It came as no surprise to those who had known Justice John Marshall Harlan in the full vigor of life to learn that in his last few months, while he lingered in severe pain in a Washington hospital bed, he was most cheered when visiting colleagues from the Supreme Court described pending business or his former law clerks spun out—in what to others seemed tedious detail—the minutae of cases in which they were involved or legal problems with which they were grappling as professors of law. For John Harlan was, to his very last breath, totally enraptured by the law and its processes. And so long as his mind was clear—which it remained almost to the very end—it lost none of the zest it always had for legal intricacies and for lawyers' subtle points.

Nor did it surprise those who had known him in health to hear that even in crippling illness he was more concerned with others than with himself. He despised imposing on those who came to call the anguish of seeing him in pain, and he wanted to hear only of the good that visitors could report about themselves, their families and their professional lives. While John Harlan had every earned right to more than the average citizen's share of vanity, he was, in fact, the humblest and gentlest of souls. With ceaseless patience and enduring good humor, he suffered the foolish and the petty. His abiding faith was in reason and in its capacity to withstand temporary turbulence and emerge whole in the quiet that followed.

Although his career as a judge and as a private and government lawyer often placed him in the eye of the storm, Justice Harlan was essentially a calm and reflective man. In this, he was quite different from Felix Frankfurter, his closest colleague on the Court, who has been described as Harlan's mentor. Their *modi operandi* as Justices were totally different.

Justice Frankfurter was an active proselytizer and overwhelmed uncertain brethren by force of his personality. He seized every face-to-face opportunity to persuade, cajole, wheedle, provoke and bewitch the other Justices in order to win them to his side. Justice Harlan did not enjoy this kind of bustle, nor did he politick the way Frankfurter did. His forte was the carefully reasoned memordandum, circulated "to the conference", aimed at winning over those who were ready to reflect calmly on legal issues and digest carefully what he had to say.

Harlan Maintained His Measured, Deliberate Stance

Even on the bench—where Frankfurter was a performer during oral argument and during the Court's announcement of opinions—Harlan maintained his measured and deliberate stance. He confided to his law clerks that he was reluctant to ask questions in notorious cases because that would prompt unseemly newspaper speculation as to how he might vote. His questions during argument were never pedagogical or argumentative. They would probe an advocate's legal argument, but not solely—or even partially—to test his mettle or to score a point. He might, to be sure, rescue a floundering attorney who was unable to keep on track, but Justice Harlan never succumbed to the temptation, which Frankfurter refined to an art, to use the lawyer as a backboard for barbs aimed at the other Justices.

Nor were his oral announcements viewed as opportunities for ripostes of this kind. In the last decade of his career on the Court, Justice Harlan's oral deliveries of opinions were *tours de force*. Because of a degenerative eye condition, he was, by then, able to read only by pressing his face directly onto the printed page and using an extremely high-powered lens on one eye. Yet he recited decisions, without the slightest aid to memory, in more detail and with clearer comprehension of the issues than his brethren were able to command with written opinions and notes before them.

Last Opinion Supported His Deep Convictions

In a sense it is fitting, therefore, that Justice Harlan's last opinion was his dissent filed on June 30 last year in the *Pentagon Papers Cases*, 403 U.S. 713, which would have upheld the Government's right to prevent publication of the notorious study of a notorious war. One can quarrel with his result, but the reasons he stated were vintage Harlan and truly embodied his views of courts, their place in our system and the conditions under which they must operate. His lament that the Court was deciding the case "under the pressure engendered by the torrent of publicity that has attended these litigations from their inceptions," his description of the history of the lawsuits as a "frenzied train of events" and his uncharacteristically sharp charge that the Court was "irresponsibly feverish in dealing with these cases" were no false facades to justify a pro-Government bias. They were, rather, expressions of Justice Harlan's deepest convictions regarding the Supreme Court and the judicial process. And it was typical of the judge and the man that his opinion—alone of the nine separate statements filed in the cases—ticked off the central legal and factual issues, most of which the Court had ignored, even though some, such as the standing of the United States to bring the suits, might defeat the Government's position.

It is a striking tribute to Justice Harlan that when his terminal illness forced him to retire at about the same time that Justice Hugo Black's health compelled Black to leave the Court, equal anguish was expressed by the liberal segment of the Bar over Harlan's departure as over Black's. To be sure, Justice Black's votes in his last years were no longer predictably liberal, and many may have feared (with reason, as matters turned out) that whovever would replace Justice Harlan would be more conservative than he. But above and beyond these pragmatic evaluations, one could sense that activiste as well as advocates of judicial restraint recognized in Justice Harlan the intellectual integrity, the moral rectitude and the devotion to judicial independence that are the last and best hope for individual liberties.

No biography of Justice Harlan, no matter how brief, fails to mention his grandfather, who was on the Supreme Court from 1877 to 1911, and whose dissent from the separate-but-equal ruling in *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), left him with a somewhat undeserved modern reputation for progressivism. The grandson was respectful of his grandfather and of the family tradition; relics such as the senior Harlan's watch and chair were in evidence. But with the usual twinkle in his eye, he would concede that his grandfather was given to overstatement and to ponderous Olympian opinions. And he chuckled over the Japanese dignitary who visited the chambers and, on being told by the Justice who the gentleman was whose

large photograph adorned the wall, responded respectfully, "I did not realize, Justice Harlan, that the post was hereditary."

Justice David Brewer, who sat on the Supreme Court with the senior Harlan for twenty years, said of his colleague that he "goes to bed every night with one hand on the Constitution and the other on the Bible, and so sleeps the sweet sleep of justice and righteousness". The grandson was not given to such certitude, and neither the words of the Constitution nor the letter of Holy Scripture made his sleep less troubled. Skepticism and open-mindedness were his characteristics, and they fit in well with his philosophy of the judiciary and with his own innate modesty. In this, he stood in sharp contrast to Justice Black, to whom right was right and wrong was wrong, and the Constitution could be counted on to mark the difference.

Yet, in the twilight of their careers, Justices Harlan and Black grew so fond of one another and so respectful of each other's views that both were saved excessive grief by their almost simultaneous illnesses and departures from the Court. For in the last years Justice Harlan was given to telling his former law clerks at the annual reunion held each spring that Justice Black was, in his view, the most important of the Court's members and that he gratefully saw no reason to think Justice Black would not go on forever.

It probably was the association with Emory Buckner, whom he really viewed as his mentor, and with Felix Frankfurter that accounted for Justice Harlan's lifelong attachment to the Harvard Law School. In fact, he received only one year's worth of formal legal training in the United States, and that from the New York Law School. When he arrived at the office of Root, Clark, Buckner & Howland in New York in 1923 straight from three years at Oxford, where he had initially come as a Rhodes Scholar and stayed two extra years to study law, Buckner, the guiding partner in the firm, sent him off to law school in the afternoons. Less than a year after his legal education was completed, John Harlan followed Emory Buckner into public service. In March, 1925, Buckner became United States Attorney for the Southern District of New York and took his bright young associate on as an assistant.

EARL CARROLL TRIAL HIGHLIGHTS HARLAN'S CAREER

The highlight of a two-year career, during most of which Harlan was chief of the Prohibition section of the United States attorney's office, was the trial of Earl Carroll, producer of *Earl Carroll's Vanities*, for perjury. Newspapers had reported that Carroll had thrown a party at his theater during which a nude girl had taken a champagne bath. Carroll denied under oath before a federal grand jury that there was champagne in the tub; he claimed it was ginger ale. His publicized trial on a six-count perjury indictment was conducted largely by Harlan, who won a conviction that was affirmed on appeal.

One of the stories associated with the trial that the Justice enjoyed telling proved to him that jurors were totally unpredictable. One man sitting in the front row of the jury box, he said, looked to him shortly after the trial began like a determined opponent of Prohibition. As the trial progressed (with the justice would note, a new array of fetching *Vanities* girls gracing the front row of the spectator section each day), the prosecution team became increasingly convinced that the juror would never vote for conviction in a liquor case. So they resigned themselves to a hung jury. After the surprising verdict came in, Harlan made it his business to seek out the juror and test his impression. "I'd never convict anyone of violating any damfool Prohibition law", the juror said. "But when a guy goes out and lies about it under oath, well, now, that's something else again."

In April of 1927, after having prosecuted two trials of former Attorney General Harry Daugherty, Buckner returned to private practice and took Harlan with him. The future Justice was then under thirty, and he was told that he looked too young for some of his important responsibilities. A news report of the Earl Carroll trial describes him as "faintly stooped"—a habit he later said he fell into to overcome his youthful appearance.

HARLAN EARNED RESPECT OF BUCKNER EARLY

While working for Buckner in the United States attorney's office and later, Harlan turned his hand as well to appellate matters. One of his products was a 150-page brief in a case which premises had been padlocked by Prohibition agents. When Buckner rose to argue in the Second Circuit, Judge Learned Hand scowled at him and announced that he would not read the brief because it was too long. Buckner responded that it would be the court's loss, because the brief was a good one. "My assistant wrote it, and I put my name on it." Hand's response was to growl and hurl the massive document onto counsel table. Harlan recalled, however, that Hand told him after the case was decided that Buckner was right; it had been a good brief.

In late 1927 Buckner was asked by Governor Smith of New York to investigate graft charges against Maurice E. Connolly. Borough President of Queens. Buckner appointed John Harlan to head a staff of five, which included—among other future luminaries—J. Edward Lumbard (later to become United States attorney and Chief Judge of the Court of Appeals for the Second Circuit). In Judge Lumbard's words, "John Harlan's thorough and imaginative conduct of the investigation disclosed Connolly's approval of contracts at grossly exorbitant prices." Connolly was indicted. Buckner acted as special prosecutor (against Max Steuer for the defense) and erected a four-by thirty-foot sign in the courtroom on which the contract prices were chalked as they were testified to. He won a conviction, and John Harlan wrote the brief that preserved the conviction on appeal.

In the decade that followed, Harlan advanced rapidly to a position of leadership at the New York Bar. Because of Buckner's ill health, Harlan (assisted by future Chief Judge Henry J. Friendly, another bright young recruit to the firm) took over the defense of the $40 million estate of Ella von Echtzel Wendel, a recluse whose death spontaneously generated more than 2,000 self-declared relatives who sought a share of her fortune. The charities that had retained Root Clark to protect the estate against false scavengers were well-served; a contemporary report of the final proceedings in which the most accomplished of the claimants testified and was cross-examined by Harlan says simply that the young attorney "tore the claim to shreds".

John Wood, himself a leader of the New York Bar who joined Root Clark in 1929 and advanced to the status of name partner, recently noted that "by the early 1930's Harlan was in fact the leading trial lawyer in the firm and one to whom all of us working on litigation looked for inspiration and direction. This position he filled, with an interruption for military service during World War II, until his appointment to the Second Circuit in 1954." Judge Lumbard recalls that Harlan "was recognized as one of the leaders of the trial bar by the time he was forty."

The range of his litigation practice was formidable. It spread from the bizarre Wendel litigation to complex questions of railroad accounting and corporate dividend policy to Supreme Court advocacy on the appealability of interlocutory orders and even to a defense of Bertrand Russell, whom critics at the time of Harlan's confirmation hearing for the Supreme Court called a "well-known leftist". The Russell litigation was an unsuccessful effort by Harlan, representing members of the New York City Board of Higher Education, to overturn a lower court order which had required the board to cancel Russell's contract to teach at City College.

ANTITRUST LITIGATION BECAME HIS SPECIALTY

Major antitrust litigation became his specialty. He represented the du Ponts, among others, in antitrust proceedings brought by the Government and was heartened to see in the prosecution of those cases the same rectitude that he had admired in Buckner and would always practice himself while in public service. One incident he often recalled was an early meeting he had with the attorney representing the Department of Justice in the du Pont-General Motors case. The suit was filed in Chicago, and the huge team, which included many of the country's leading law firms, descended on the city and, with supporting personnel, took between two and three floors of a leading hotel. After the first day of the proceedings, Harlan wanted to discuss some housekeeping matters with the lawyer who, singlehandedly, was representing the Government's interests against the phalanx of leaders of the Bar.

He was informed that Government counsel was in the same hotel, and he made his way to the room. "There he was", Harlan recounted, "in a little basement room of the hotel, with every inch of space on the beds, chairs, tables and floors covered with mounds of documents. I asked him whether he was comfortable, and he said yes. I asked whether he mightn't prefer a larger room, and he said he couldn't on his government *per diem*. I felt sorry for him because he barely had room to sleep, and I offered to let him use some of our space, or any other facilities. But", Justice Harlan later reported admiringly, "he politely but flatly refused."

A public figure's real self is disclosed by the company he keeps on his office walls. Many succumb to the temptation to display photographs of themselves beside a President or other distinguished personality, or plaques received from national organizations. Justice Harlan would have none of that. Over the fireplace in his office, surrounded by other family pictures, was a large photograph of the lanky Justice looking way down with a judicial grin at his grandchildren crawling on the floor at his feet. Behind his desk was a double row of photographs of his law clerks, each with its own banal inscription inadequately reflecting how all the clerks felt toward the man. On the wall facing him was an old photograph of Emory Buckner, a formal Second Circuit photograph (of later vintage tha when he was on that court) and the succession of formal Supreme Court photographs since he had joined the Court.

The least comprehensible of all, however, were shots of bombers releasing their payload over some unrecognizable territory. They were mementos of his World War II experience when he accepted a colonel's commission to study operational problems involved in daylight bombing raids on Germany. In keeping with the lessons he had learned from Buckner and from his own career as a lawyer, he insisted on firsthand familiarity with the problems and went along on a hazardous mission, where he sat as a tail gunner and he reported, almost shot down one of our own planes.

The seat on the Second Circuit to which Harlan was appointed by President Eisenhower in January, 1954, was that of Augustus Hand. While Learned Hand was more renowned than his cousin and surely showed more flair in his opinions, the Second Circuit Bar had come to respect Gus Hand's judgment at least as much as Learned's. District judges in the Southern District of New York, it was said, adhered to the motto, "Quote Learned, but follow Gus." It was fitting that Harlan succeeded to this seat, because the same could be said of the roles Justices Frankfurter and Harlan occupied on the Supreme Court—Frankfurter was the more quotable, but lower court judges viewed Harlan as sounder.

A Learned Hand story illustrates the point. Judge Calvert Magruder of the First Circuit occasionally visited in New York and sat with the Second Circuit after he retired as an active judge. One admiralty case he heard in New York produced a characteristically short opinion by him for a unanimous panel affirming the dismissal of a seaman's complaint. The Supreme Court, about a year later, reversed the Second Circuit. Magruder, in one of his visits to New York about the time of the reversal, reported to the aging but witty "Old Chief" that he had just been upended by the Supreme Court. Hand replied with one of his customarily candid and unflattering characterizations of the Court. "What's more," Magruder continued, "Felix dissented and would have affirmed my opinion." "Well, that's pretty good authority on your side," Hand responded, "but who wrote for the majority?" Magruder answered that Harlan had. "Then you were wrong", Hand replied, ending the discussion.

APPOINTMENT TO THE BENCH AFFECTED LIFE STYLE

With his appointment to the bench, Harlan's life took on a certain austere quality. He viewed the obligations of a federal judge to avoid embroilment in anything other than judicial issues coming before him as seriously as had Justice Brandeis. He began returning gifts that were sent to him for the holidays and refused to vote in any elections. And with the withdrawal from the bustle of an active law practice came a closing of the circle of friends and associates. His work as a judge occupied him fully, and those with whom he worked—his brethren on the court of appeals and, later, on the Supreme Court and the law clerks on whom he relied—became a second family to him.

Harlan's appointment to the Supreme Court to replace Justice Jackson in November of 1954 was applauded by the press, with one magazine reporting enthusiastically that its reporter had "never seen a man fitter to be on the Supreme Court". Confirmation hearings dragged on, however, because Southern Senators feared how the grandson of the *Plessy* v. *Ferguson* dissenter might vote in school desegregation matters. Wild allegations were made by right-wing organizations as to his participation in the Bertrand Russell litigation and alleged membership in left-wing international organizations. Through it all, Justice Harlan kept his cool and, unlike later nominees, refused on principle to discuss any views that might ultimately touch on litigation before the Court.

He was finally confirmed and took his seat in March, 1955. Substantive evaluation of his decisions over the following period of more than sixteen years is not within the limited writ of this article, but one proposition as to which there can only be total agreement is that craftsmanship marked all his work. Those who were fortunate enough to be chosen as his clerks learned soon that in the Harlan chambers argumentativeness was encouraged, imagination was stimulated, humor was appreciated—but sloppiness was never tolerated.

CONCRETENESS, SPECIFICITY CHARACTERIZED HIS STYLE

Justice Harlan's style within the Court was always one of concreteness and specificity. If he could not agree with what had been written in a draft majority opinion or dissent circulated for concurrences, he would compose his own statement and send it around as a separate opinion. Often the author of the original draft would modify his opinion, and Harlan might then withdraw his separate statement and join the proposed majority or dissent. (This was, in fact, how the original school prayer decision, *Engel* v. *Vitale*, 370 U.S. 421 (1962), came to be narrowly drawn and to have the famous footnote distinguishing "patriotic or ceremonial occasions" expressing faith in a Supreme Being from "the unquestioned religious exercise" of an official prayer). If no change were made, Justice Harlan felt it his duty to state his own reasons for reaching his result. It did not take long, therefore, for him to become among the most prolific of the Court's opinion writers. In his second, third and fourth full terms on the Court he ranked second, first and second, respectively, in the total number of opinions written.

His style was lucid and always understandable to lawyers. He was never given to question begging or evasion of "gut issues", although one early law clerk's anecdote demonstrates that, even as a judge, he could not entirely cast away the advocate's cunning. The clerk reports that a draft opinion worked over by the Justice in a significant case closed one section of its discussion with the conclusion that rejection of the petitioner's position "was clear". The law clerk protested, insisting, for reasons he elaborated at length, that it was not clear at all. Maybe so, said the Justice, nodding sagely. Down went his pencil to the paper, slashing in the word "manifestly" to modify "clear".

Working for Justice Harlan was a delight, and there is no law clerk of the approximately forty he had who felt differently. He ran his chambers like a first-class law firm, and his clerks were, like Emory Buckner's "Boy Scouts", junior partners in the adventure. The Justice was gracious, but never stuffy; courteous, but never stiff. He was demanding and serious in the Court's business but always ready to laugh and even, at times, to join in the law clerks' foolish pranks. He insisted on discretion from his clerks but reported fully and frankly to them what had happened in the Friday conferences attended only by the Justices.

Justice Harlan's work habits were hit hard by the eye ailment he began to suffer in 1963. To the very end, he insisted on writing opinions by hand; efforts to use recorders and dictating machines were abandoned after several unsuccessful tries. He could no longer read petitions and briefs, however, and the clerks would read these documents, as well as circulated opinions, to him. But he hated to appear handicapped, and it took a while before he was ready to use his heavy lens and try to read a document while on the bench in public sessions.

His products never slackened, and a historian of the Court who judges it purely by the opinions of the Justices twenty years from now will be unable to tell that Harlan, J., was almost totally blind in the last six years of his tenure on the Court. They were years of change, in which many of precedents he thought important were being overturned. During all this time, notwithstanding his own illness and his wife's, he conducted business as usual and did what he could to keep the Court (if one may borrow one of his favorite phrases) "on an even keel".

When John Harlan died, Justice Potter Stewart, who was of those remaining on the Court probably the closest to him, issued a short statement which eloquently captured the man. After noting Justice Harlan's "intellect, learning and diligence", he said, "to remember him simply as a fine legal scholar is to miss the full measure of the man. What truly set him apart was his character, not his scholarship. His generous and gallant spirit, his selfless courage, his freedom from all guile, his total decency. . . . He was a human being of great worth."

Justice Harlan came of noble lineage, and he measured up to his ancestry. He was blessed with extraordinary intellect, and he utilized that blessing for the benefit of humanity. But what was more important to him and those who knew him—but will, unfortunately, be lost to history—is that he was a patrician of the spirit.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have objected to the fact that the treaty and its implementing legislation would make genocide a Federal offense. In the absence of a treaty, they argue, Congress would have no power to outlaw genocide. Thus, it is said, if a Federal law against genocide is passed in fulfillment of a treaty, the treaty has enlarged Federal power and at least strained the spirit of the Constitution.

This argument is misleading. Many authorities in constitutional law have pointed out that a Federal law against genocide would be similar to recent civil rights legislation upheld under the commerce clause and the 14th amendment. Even without reference to those provisions, however, article I, section 8 of the Constitution quite clearly permits a Federal law against genocide—with or without a treaty.

The 10th clause of article I, section 8 gives Congress authority:

> To define and punish Piracies and Felonies committed on the high seas, and Offenses against the Law of Nations;

Since genocide has been outlawed by 75 nations, it is obviously in some sense an "offense against the law of nations." And since Congress also has the power to "define" these offenses, a law against genocide seems an eminently reasonable exercise of congressional authority. But to assure that this power of "definition" is not being stretched by the Genocide Convention, we need only examine the explanation of the purpose of this section of the Constitution provided by James Madison in the Federalist, No. 42. Madison notes that this provision was missing from the articles of Confederation:

> The power to define and punish piracies and felonies committed on the high seas and offenses against the law of nations belongs with equal propriety to the general government, and is a still greater improvement on the Articles of Confederation. These articles contain no provision for the case of offenses against the law of nations; and consequently leave it in the power of any indiscreet member to embroil the Confederacy with foreign nations.

Thus the purpose of this provision is to give Congress authority to outlaw acts which would threaten our Nation's peaceful relations with foreign countries. Surely acts of piracy committed by Americans have no more adverse effect on our foreign relations than would acts of genocide committed by Americans. Genocide is an act with serious international consequences; such acts are properly outlawed not only by international

treaties, but also by a Federal Government with responsibility for our Nation's foreign policy.

Mr. President, there can be no doubt that the Genocide Convention and implementing legislation are well within the constitutional powers of the Federal Government. This is not just a happy accident; the Genocide Convention is directed against "offenses against the law of nations" which threaten peace—and the framers of the Constitution intended precisely that Congress have authority to outlaw those offenses. I ask the Senate to proceed without delay to ratify the Genocide Convention.

MILITARY JUSTICE REFORM

Mr. BAYH. Mr. President, for some time now I have been acutely aware of the desperate need to reform our system of military justice. Nearly 9 years ago I introduced a comprehensive reform bill—the Military Justice Act of 1971—in the hopes of spurring this much-needed reform, and finally eliminating the problem of command influence which plagues our military courts. Unfortunately, the Committee on Armed Services has yet to hold hearings on this or any of the other military justice reform bills which have been introduced. I am hopeful, however, that in the near future they will be able to find the time to deal with this most important subject. We simply cannot afford to accord to our military men a second-class system of military justice.

I would like to share with the Senate just one example of the many articles I have seen recently which call for the type of military justice reform which I have proposed. This article, "Let's Improve Military Justice" appeared in the May 1972 issue of the American Bar Association Journal. I think that this fine article, which calls for the elimination of command influence and the increased independence of military judges, deserves the full attention of every Senator. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

LET US IMPROVE MILITARY JUSTICE

Vietnam unquestionably is responsible in large measure for the current interest in the interest in the administration of justice in the Armed Forces. Although much of the attention given to military justice has focused on the trials of Lieutenant Calley, Captain Medina and Colonel Henderson, as well as the curious cases of the "Green Berets", Lieutenant Howe, Captain Levy, and Lieutenant Colonel Herbert, considerable interest also has been generated as to the system of military justice itself. With the possibility of an all volunteer force within the near future, lawyers should seriously reexamine the administration of justice in the military services and actively support needed changes.

To some, military justice is in a deplorable state and in need of drastic revision, while to others it is "roughly as fair as the criminal justice dispensed in most states" and without need of radical change. Although a sizable portion of the career military and the public regards the Department of Defense and the courts as to permissive with respect to servicemen's rights, almost everyone appears to have rejected the once popular notion the the Bill of Rights has no application to servicemen.

Regrettably for the legal profession as well as the military, the Armed Forces have not committed themselves fully to the concept of an adversary system. The Military Justice Act of 1968 and policies instituted within the services have served to insulate the military judiciary from command influence, and the Air Force and the Army have instituted on an experimental basis the utilization of "trail command", which in effect put judges and defense counsel in a chain of command separate from that of the convening authority, but in my judgment these largely internal changes do not go far enough. Further legislation is necessary.

The current system of military justice based on the Uniform Code of Military Justice is chiefly the product of the late Professor Morgan's thinking. The code does contain express provisions designed to ensure impartiality and to eliminate command influence, but it is the practical operation of the system that prevents a commitment to an adversary system.

Within the services, career lawyers (unlike physicians, optometrists and dentists) are almost completely dependent on local commanders for their efficiency reports. These reports are in turn reviewed and promotions made not upon the determination of fellow lawyers but upon the determination of promotion boards weighted heavily in favor of the nonlegal branches. As a result, officers with little or no legal education determine the success of a lawyer's career in the service. The code also allows the local commander, or convening authority, as he is referred to in this respect, to determine what charges are brought to trial and the severity or type of court martial to which the case is referred, and to select the personnel to comprise the court, that is, the jury. All this necessarily has a chilling effect on the adversary system and permits both career lawyers and commanders in the Armed Forces to operate the system without the degree of fairness and impartiality most lawyers would feel is essential for the successful administration of justice.

The system understandably is viewed with skepticism by servicemen in general as well as the civilian Bar. Lawyers who have served temporarily in the military in a legal capacity generally are surprised to find that the Uniform Code functions as well as it does. In a large measure this is because the commanders and their staff judge advocates act in good faith and with intelligence. It is the controversial case, a case in which the commander's judgment is questioned or in which the values of the military are questioned, that exposes the inherent weaknesses of the code. In the controversial case the local commander, who is both commander and convening authority, rightfully gives precedence to what he believes is in the best interest of his command. It is not humanly possible for a good commander in this situation, no matter how laudable his intentions, to be faithful to his command and also to serve in an impartial capacity in administering justice. Forcing the local commander and hence his staff judge advocate, who values his relationship with the commander, to have divided loyalties is unfair both to the commander and the accused.

I believe that a better system could be devised from both the standpoint both of an effective military organization as well as the preservation of the necessary degree of impartiality. As a minimum, the Uniform Code should be revised as follows:

1. Elimination of the two-thirds vote requirement for conviction and sentence in favor of the widely accepted unanimous requirement.

2. Military judges should be given complete authority in all noncapital cases to determine the sentence imposed, and their sentencing powers should be enlarged to permit the granting of probation.

3. The power to authorize searches and issue arrest warrants, except where a military necessity or emergency demands otherwise, should be given solely to military judges.

4. Military judges should receive special pay and retirement provisions so as to ensure that they are of a high caliber and are not forced to retire in their late forties and early fifties.

5. Defense counsel should be assigned by military judges much as lawyers are now assigned under the provisions of the Criminal Justice Act in the federal courts. Defense counsel should in no respect be under the control of promotion authority of local commanders and should be authorized at all times without prior approval to seek any collateral relief available to their client in the federal courts.

6. Random selection of court members, *i.e.*, jury selection, should be instituted with no requirement as to rank for eligibility for the array.

7. Local staff judge advocates should be the direct equivalent of district attorneys. Local commanders, on the advice of their staff judge advocate, should exercise no other function in the administration of justice than determining what charges are brought to trial after an investigation has been completed.

8. The present intermediate appelate courts, known as courts of military review and entirely composed of military personnel, should be abolished. The Court of Military Appeals should be enlarged and have authorization to sit in panels of three members.

9. Lawyers who serve in a legal capacity in the Armed Forces should be afforded treatment similar to that now afforded members of the metdical branches. All lawyers in the legal branches should be given credit for promotion and pay purposes for their years attending the law school. Separate and accelerated promotion lists and boards should be authorized.

These proposals have merit regardless of the future success in implementing the all volunteer concept of military service. In fact, without these improvements, it is hard to imagine that the Armed Forces will have significant success in attracting the caliber or number of servicemen the military feels is necessary for an effective organization. Lawyers should support legislation to accomplish them. After all, there are many arguments in favor of the adversary system that apply with equal force in the military and civilian environments.

THE MIAMI CONVENTION AND AMERICA'S HISPANOS

Mr. MONTOYA. Mr. President, for decade after decade the minorities in America's melting pot were allowed minimal participation in our national political process. Lipservice was paid them by national political leaders, without their realizing the actual substance of significant participation. Token participation was always available to mollify a given group at a given time. More than this, however, was begrudged and denied. Here is a fact of American history.

Now this is changing with a vengeance. The "melting pot" concept has been held out to them as an ideal, and as they grasped for it, it has been yanked away in reality. This is especially true of our millions of Spanish-speaking Americans. Now they are affirming their existence within the American framework of reference. This complements rather than hurts our American dream.

Today such groups are surging forward in the political arena, reveling in their uniqueness, seeking from political parties recognition in a formal sense of their power and maturity. Only the Democratic Party is prepared to grant full political participation to all such groups.

The Republican Party, still wedded to a concept of tokenism, selects but few members from each group willing to parrot the party line, and frantically shoves them forward to conceal the reality of the narrowness of the Republican Party's popular base. While they welcome the rich and privileged WASP, they only open their door a crack to ethnic minorities. The very political ethic of this administration and the Republican Party could not allow full minority participation for fear of upsetting an existing imbalance in favor of special interests. Opportunity for the dispossessed means less for the powerful few. So it is only to the Democrats that such minorities may turn with any hope of a hearing and opportunity.

The Democratic Party has made a commitment to the Black Congressional Caucus that black delegates to our national convention in Miami would number 20 percent of all delegates. Here is indisputable evidence that we are prepared to back up rhetoric with performance.

Now it is the turn of Spanish-speaking Americans to step forth, announce their own arrival at full political maturity and claim their rightful share of place at our national gathering in Miami.

Hispano-Americans of Mexican, Puerto Rican, Cuban, and Dominican descent have truly been the silent people, excluded on every level from full participation in American life. Such status is today completely unacceptable to the approximately 12 to 15 million Americans of Latin background. They deserve a voice in selecting persons who will carry the standard of the Democratic Party and who will lead our Nation in turbulent times to come.

I believe a similar guarantee can and should be made to Hispano-Americans of our Nation by the Democratic Party. Such a commitment is especially vital at this time, for the President is putting on a Hispano road show rivaling the Wizard of Oz in puffery and meaninglessness.

From the wings troop forward a group of high-visibility Hispano appointees; people who do not reflect the makeup of our community. They are token appointees, acting as icing on a cake made of paper mache. Across broad levels of American economic and political life, this administration has closed rather than opened doors to the mass of our people. All the more reason for a true commitment now by the Democratic Party to Hispano Americans.

Such a sign of recognition by the Democratic Party can and should serve as a clearly visible, unmistakable sign to our people that full participation by Hispanos is welcomed and sought by the Democratic Party.

It is a step forward in the further opening of our American democratic political process. It is a tangible advance in the struggle to broaden the base of popular political participation by our people. Such an expansion can only serve the cause of popular government and democracy. Such a series of internal reforms in the long run will continue to establish the primacy of the Democratic Party's claim to be the only party of the people in this land.

Mr. President, last week a delegation of Spanish-speaking Americans who serve as Democratic Members of the 92d Congress visited with Mr. Larry O'Brien to discuss such recognition by the Democratic Party of the Nation's Hispanos. We stressed to Chairman O'Brien the fact that America's Hispanos vote overwhelmingly in favor of the Democratic Party. We sought his aid in insuring that they received proper recognition at the Miami convention.

Mr. O'Brien, true to his heritage and position, lent us a sympathetic and compassionate ear. While his recommendations are not binding upon the party at Miami, we all know how much respect and credibility he possesses with the Democratic Party's leadership. He assured us that he would make a series of recommendations to insure such recognition. Here are the agreed-upon recommendations:

First. Receive a commitment of at least 10 percent Spanish-speaking delegates at the convention;

Second. Receive a commitment of proportionate representation of Spanish-speaking persons on the three standing committees—rules, credentials, and platform;

Third. Receive a commitment of the use of Spanish-speaking convention personnel at all levels—arrangements, support services, reception, parliamentarians and legal staffs, press, et cetera;

Fourth. The use of Spanish-speaking publications for advertisements and full accreditation for Spanish-speaking media;

Fifth. A prominence of minorities, including Spanish speaking, on the convention platform;

Sixth. Full Spanish-speaking representation at regional platform hearings;

Seventh. The past and future role of the Spanish speaking in the DNC Policy Council;

Eighth. Spanish-speaking representation in the final writing and editing of the platform document on all issues;

Ninth. A commitment from the DNC that provisions will be made for low-cost housing, transportation and food for delegates unable to pay the astronomical Miami Beach prices;

Tenth. An explanation of the steps to be taken to include the Spanish speaking on the DNC's executive committee;

Eleventh. An explanation of the steps to be taken to assure that the Spanish speaking and other minorities will be properly represented in the "draft proposal of a new charter for the Democratic Party" in the O'Hara-Fraser reforms;

Twelfth. The role of the Spanish speaking in the permanent staffing of the DNC.

Mr. President, I believe that the overwhelming majority of these recommendations will receive sympathetic, positive attention by the Democratic Party and its convention. There is no doubt in my mind that a successful effort will be made to open the infrastructure of our party to this, the second largest minority group in the Nation. We can do no less. Certainly, significant gains are to be expected.

THE SOVIET FLEET IS NO MATCH FOR THE U.S. FLEET—REPLY TO ADMIRAL ZUMWALT'S LETTER OF JUNE 2, 1972

Mr. PROXMIRE. Mr. President, on May 19, I wrote the Chief of Naval Operations, Adm. Elmo R. Zumwalt, asserting that the Department of Defense has been systematically distorting the size and threat of the Soviet navy. I requested that he address himself to a number of points I made in that letter by Wednesday the 24th in order that I could include it in a speech I gave in the Senate on May 25.

The admiral answered but said he did not have enough time to reply—even though he had many more days and man hours than it required of my staff to work on the letter and my speech. On May 25 I gave the speech and a full breakdown comparing United States and U.S.S.R. as well as allied naval forces.

Finally, on June 2, we received a substantive reply from Admiral Zumwalt, the Chief of Naval Operations.

Looking over his letter, I am struck by several points.

First, even though the admiral claims that my information is conceptually flawed, he agrees with me on a wide range of points.

Second, there is an equally large incidence of specific points he does not address or dispute thereby suggesting that my previous analysis was accurate.

Third, I find a certain number of his arguments misleading in that they give only partial answers.

Fourth, I want to recognize that some aspects of the admiral's discussion are well made and I will take them into consideration.

Before I begin a point-by-point comparison of his material, let me restate that my conclusions remain firm. Based solely on U.S. Navy data, including the recent exchange of correspondence, it remains clear that the U.S. Fleet is far more powerful in almost every aspect than the Soviet Fleet and that of all its allies. What is so hard to understand is why our Navy and our Defense Department keep downgrading the U.S. Navy and U.S. military strength when we are clearly No. 1 and will remain so.

Our Navy is bigger, better, more powerful, more sophisticated, and far better trained than the Soviet Navy. Why do not our admirals start to stand up for the United States?

Now for the details.

THE ADMIRAL'S SELECTIVE PERCEPTION

Admiral Zumwalt claims that my information and that of the Defense Monitor from the newly formed Center for Defense Information, is "biased and conceptually flawed." He cites my acknowledged decision to speak only of major combatants as a case in point. I deliberately left out small gunboats of less than 1,000 tons from the calculations of force strength for both the United States and the U.S.S.R. I did that for an obvious reason. By including the 970 small Soviet patrol boats, which admittedly can operate only in low sea states and protected bodies of water, the total numbers in an overall comparison become distorted. It is like comparing 1,000 ants to a dozen hungry anteaters. Number do not mean everything.

The use of such inflated figures in the past, counting every minor Soviet patrol boat as equivalent to a U.S. destroyer, is one of the biggest reasons why there has been such a distortion of the size and power of the Soviet fleet.

Furthermore, the admiral commits the very error he warns against. He does not include either the 130 major U.S. Coast Guard vessels or the countless hundreds of similar ships in navies allied with the United States around the world. What is this if not selective perception? The large number of small Soviet ships reflects the fact that she has a large land mass, a defensive posture, and a heavy commitment to minesweeping operations.

The admiral also mentions Soviet land-based naval aircraft, some of which are equipped with anti-ship missiles. This is a good point, one that was not in my previous speech because basically I was comparing ships. But even so, it is not adequate to compare these 900 Soviet planes with the 292 P3 ASW aircraft of the United States. One must also consider the 8,500 sea-based aircraft at our disposal. In this light, the 900 Soviet aircraft do not look quite so threatening, especially since their land-based air coverage is not as mobile as our sea-based planes. They have a limited geographic coverage.

In his criticism of the Defense Monitor, the CNO states that a certain chart is misleading because it does not differentiate between vessels under construction and those deployed. I sense that the admiral is stretching our credibility here. That chart as well as all others in the Defense Monitor are clearly marked with the status of the vessel, operational or under construction, so noted as well as tonnage, class, and date of operation. There was no comparison of future force strengths. If there are more Soviet ships under construction, then their types and numbers should be made public.

In certain instances, Admiral Zumwalt updates my data which was taken, by the way, from testimony of Admiral Rickover which I clearly stated in my speech was as of February 1972. Thus, the Soviets now have 28 rather than 25 cruisers. When it comes to comparing these with U.S. cruisers, however, the admiral makes some distinctly misleading statements. He claims that all U.S. cruisers are as old as the four Soviet cruisers being retired. He fails to state that all but one of the U.S. cruisers has been extensively modernized and are now equipped with missiles.

When speaking of the two Soviet helicopter carriers, the *Moskva* and *Leningrad*, Admiral Zumwalt points out that these are not cruisers. True, they are not cruisers, but they have cruiser type hulls not unsimilar in concept to the first U.S. fleet aircraft carrier, the *Lexington* in 1927. In no way can they be compared to modern U.S. attack aircraft carriers.

IRONIC CRITICISMS

Returning for a moment to the charge of flawed analysis, I note the admiral's ironic criticism of my ship by ship comparison. But our Navy does this day in and day out. If the admiral really believes this, then the U.S. Navy should stop releasing total force level figures to the media which include so many small Soviet ships that the overall significance of any comparison becomes meaningless. The admiral states:

> This simplistic and outmoded approach to the complex process of "net assessment" was abandoned as inadequate by competent specialists in the field many years ago.

This ironic admission of inadequacy points to the Navy itself. Why do they keep doing it? And if the Navy is doing "net assessment" then this should be supplied to Congress instead of the simple approach the admiral himself criticizes.

When the admiral speaks of building programs, I find clear areas of disagreement. He states that the U.S.S.R. has built 89 missile configured surface ships and nuclear submarines between 1967 and 1971 while the United States produced 42. That is accurate. But it is a very selective figure for a very short period of time. It certainly does not prove that the Soviet Navy is building faster than we are. It is, in fact, misleading.

My figures show that since 1960 the United States has built 304 ships of over 1,000 tons in size to the Soviets' 203. Furthermore I stand by my construction data which show that Soviet naval programs did not receive their primary impetus from the 1962 Cuban missile crisis but from military and political decisions taken before that time.

AREAS OF SUBSTANTIAL AGREEMENT

But what is clear is that the admiral has, in fact, agreed with a substantial part of my analysis. Let me provide some examples of where we share the same conclusions. Here are some of the things we both say:

First. The U.S. Navy has a unique superiority in aircraft carriers.

Second. The primary role of the U.S. Navy is offensive as opposed to the primary defensive role of the Soviet Navy.

Third. Many Soviet ships have less endurance and sea capability than U.S. ships.

Fourth. The air power of the U.S. fleet is overpowering.

Fifth. The Soviet Navy suffers from geographic operating constraints.

Sixth. We both agree that what the United States needs is an "adequate naval capability." I certainly agree that we need a good strong Navy, a Navy which is No. 1.

Seventh. The Soviets do not have any aircraft carriers and only a modest amphibious force.

Eighth. The U.S. Navy has nuclear powered combat ships while the Soviets do not.

Ninth. The United States has a significant lead in helicopter carriers.

Tenth. Soviet cruisers are smaller than their Western counterparts.

Eleventh. The United States is continuing to build a mix of large and small destroyers and destroyer escorts and will equip many of our ships with the Harpoon surface-to-surface missile.

Twelfth. Our most recent nuclear attack submarines are superior to their Soviet counterparts.

Thirteenth. Allied forces must be considered in any force comparisons.

Fourteenth. The U.S. submarine fleet, though smaller than the U.S.S.R., has specific qualitative advantages.

Fifteenth. That the U.S. Navy has far more aircraft than has Soviet naval aviation—8,500 to 1,100.

POINTS NOT ADDRESSED

What is even more amazing is that Admiral Zumwalt does not even address himself to a number of vital points in my speech. In general these are specific areas where the United States has a commanding lead over the Soviet Union. But in the entire 27 pages he sent in reply, he failed even to talk about or dispute or argue about many of these matters. Let me point out the most obvious ones. Here is what he left out:

First. That the United States has a lead in major combatants.

Second. That 10 Soviet cruisers are actually smaller than U.S. nuclear destroyers.

Third. That the United States enjoys a commanding numerical lead in destroyers and patrol escorts—PE's.

Fourth. That U.S. building programs in destroyers, PE's, and attack submarines will keep us in the lead for the foreseeable future.

Fifth. That U.S. submarines are entirely more sophisticated in speed, quietness, and operating techniques than the Soviets.

Sixth. That due to the U.S. MIRV program, our sea-based strategic capability is imposing.

Seventh. That major NATO combatants number 767 compared to 583 for the Warsaw Pact.

Eighth. That in the Mediterranean either the French or Italian Fleet is numerically, at last, the equal of the Soviet Mediterranean Fleet.

Ninth. That we must also consider the four British Polaris ballistic missile submarines with 16 tubes and the A–3 triple warhead and the single French ballistic missile submarine with 16 tubes in comparing strengths.

Tenth. That the United States has an overwhelming advantage in overseas bases.

Eleventh. That U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

Twelfth. That we have a significant lead in the critical area of strategic and tactical antisubmarine warfare—ASW.

Thirteenth. That the Soviet Fleet is no match for the U.S. Navy which is a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

THE QUESTION OF MISSIONS

It is quite apparent both from my original speech and the Zumwalt reply that the two navies are dramatically different. In large measure, this is due to varying missions and responsibilities. Thus, as Admiral Zumwalt correctly points out, it is difficult to compare the fleets on a ship-by-ship basis. But when our Navy uses such statistics to justify new U.S. Navy spending programs, it is not only time to examine the specific facts involved, but to rethink basic missions.

Our aircraft carrier force is designed to project U.S. power overseas. What does this mean? The answer should be obvious. The United States now has six or seven aircraft carrires stationed off Vietnam. This is how we project U.S. power overseas. We could use this power in the same way in Central America, South America, Africa, or elsewhere is the Far East. Is this why we need a new billion dollar aircraft carrier, the CVN–70? If it is, we need to reconsider seriously our national goals and our role in a world filled with day-to-day crises and long term problems of population, pollution and food.

The cold facts are that the U.S. Navy has enough building programs already underway to fulfill any reasonable mission in today's or tomorrow's world. We do not need a massive new building program. Nor should we be pushed into buying expensive ships because the Soviet Union is selectively modernizing its fleet.

Fear is a powerful weapon. Let us not use it against our own people.

Mr. President I ask unanimous consent that my speech of May 25, my letter of May 19, Admiral Zumwalt's May 23 acknowledgement, Admiral Zumwalt's reply, my May 26 letter, and Admiral Zumwalt's detailed reply of June 2, 1972, to my speech plus his accompanying analysis be placed in the RECORD at the end of my remarks.

Let me also state that after I had prepared this statement and a release—which I had originally intended to give on Friday, June 9, 1972—Admiral Zumwalt sent me a further 12-page statement.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE U.S. NAVY'S EMPHATIC SUPERIORTY OVER THE SOVIET NAVY

MR. PROXMIRE. Mr. President, all too often when it comes to the complex questions of national security there are insufficient facts available to make sound judgments. Sometimes this is due to our system of classification. Sometimes it is because the issues are terribly sophisticated and technical in nature. And sometimes it is simply a case of being supplied with partial or incomplete data.

The size of the Soviet Navy is just such a case.

We have heard that the Soviet Navy is growing dramatically, challenging the United States in every ocean, and that unless we meet this challenge by abruptly increasing expenditures on our own Navy, we will no longer be able to defend the Nation's interests.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has recently told the Senate Armed Services Committee:

The continuing growth of Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Oceans, the Mediterranean and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores.

Inevitably, comparisons are drawn between the United States and U.S.S.R. naval forces. This is a very difficult business. If comparisons are to be accurate, they must range along a number of lines, not only in numbers, but tonnage, sophistication, and effectiveness. But this has not been done. We have had too many half-truths. The Pentagon has artificially made it appear that the Soviet Navy is a massive, modern force that directly threatens the United States. Now what are the facts? Who has the naval power? The answer, the United States leads the Soviet Union in almost every major naval category and current building programs will keep us on top.

My information shows that a number of significant variables have been overlooked thereby giving the impression that the Soviet and Warsaw Pact nations are enormously more powerful than they are in fact.

Let us look at some of these comparisons, based on Navy data as of February 1972.

TOTAL NUMBERS AND CAPABILITIES

In terms of overall numbers of ships, we should talk about major combatants or ships of about 1,000 tons or over. This leaves out small vessels used in coastal areas that might distort the total numbers. The United States has 246 surface major combatants compared to 222 for the U.S.S.R.

The capabilities of the U.S. fleet, however, are far superior. For example:

The United States has four nuclear powered surface ships and is building seven more. The Soviets have none.

The United States has 14 attack aircraft carriers with up to 95 aircraft each and nuclear weapons. The Soviets have none.

The United States has two antisubmarine carriers. The Soviets have none.

The United States has seven amphibious assault helicopter carriers and is building five more up to 35,000 tons. The Soviets have two cruisers of 15,000 tons with helicopter pads for this category. The Soviets have a large ship under construction in the Black Sea that has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

The United States intends to add a fourth nuclear carrier, the CVN–70, and a fleet of eight follow-on small carriers called Sea Control ships.

In short, our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is absolute.

CRUISERS

There is considerable confusion about modern day definitions of cruisers. The United States is not building any more traditional cruisers. Instead, we are producing various destroyers, some of which are larger than traditional World War II cruisers. The Soviets, on the other hand, are emphasizing cruisers, but these turn out to be smaller than some U.S. destroyers.

Nevertheless, the Soviet Union has 25 cruisers, but 14 of them are without missile capability. Four of the 25 cruisers are so old that they probably are being deactivated. Ten others are actually smaller—4,800 to 6,000 tons—than the U.S. nuclear destroyers—7,800 to 9,000 tons. The U.S.S.R. also has three converted and three new cruisers of 12,000 to 15,000 tons under construction.

The United States has eight conventional cruisers and one nuclear cruiser. All but one of the U.S. cruisers carry missiles. In addition, the United States is planning to build a number of 10,000–ton cruiser-size, surface-effects ships.

DESTROYERS

In terms of destroyers, the United States has 65 missile-equipped destroyers to the Soviet's 40. Two U.S. destroyers are nuclear and five more under construction. No Soviet destroyers have nuclear propulsion. The Soviets have about 155 older nonmissile destroyers and they are building a new sophisticated class called the *Krivak*, two of which are already operational. The United States has some 115 additional nonmissile destroyers and is building 16 modern DD963—*Spruance*—class vessels and 14 *Knox* class destroyer escorts. The first procurement request for 50 3,400-ton patrol frigates—PE's—is in this year's U.S. budget. The PE's will be larger than most Soviet destroyers By mid to late 1970's, the United States will have an advanced surface-to-surface missile called the Harpoon onboard all our major combatants and some of the patrol boats How about submarines?

SUBMARINES—ATTACK AND CRUISE MISSILE

During World War II, Stalin decided to build 1,200 submarines. This plan was never carried out. However, the submarine remains the major offensive weapon of the Soviet fleet. They currently have 343 submarines, a number that is decreasing yearly as the World War II vintage submarine becomes obsolete. Of the 343, 190 are old diesel attack submarines of limited operational capabilities and are being retired. They also have 65 nuclear attack submarines of which 40 are cruise missile equipped and they have 28 older diesel attack submarines equipped with cruise missiles.

The United States has at least 56 nuclear attack submarines, none with cruise missiles, and 41 older diesel attack submarines without missiles which are being retired. We are building 21 new SSN–688 class and SSN–637 class nuclear attack submarines. The SSN–688 will be the most modern, sophisticated attack submarine in the world. Plans are even being made to produce a follow-on to the SSN–688 which will have a long-range cruise missile capability.

Overall, the Soviet Union retains numerical superiority in submarines, but the speed, quietness, sophistication, and operational techniques of U.S. attack submarines are entirely higher quality. U.S. submarines get much better tactical training and have better equipment.

STRATEGIC SUBMARINES

The figures for ballistic missile submarines show a disparity in strength favoring the United States. U.S. seabased strategic capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2,500 nautical miles. The Poseidon version carries 16 missiles with about 10 multiple independently targeted reentry vehicles—MIRV's—each. By fiscal year 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus 10 older Polaris boats of 16 launchers, each with three multiple reentry vehicles—MRV's.

The Soviets have about 25 Y-class ballistic missile submarines and 17 more under construction, but their missile range is 1,200 nautical miles less than Poseidon, they have neither MRV's nor MIRV's, they have less accuracy, their boats are noiser and thus are more susceptible to ASW techniques. They do not have as long on-station time as U.S. boats, and they suffer from restricted geo-

graphic operating conditions. Older versions, the Hotel and Golf classes are smaller, with even more restricted missile range and operating conditions. Of the entire operational Soviet ballistic missile fleet of 60—roughly 25 Y, 25 Golf, 10 Hotel classes—only 8 to 10 of their ships or 16 percent are on station at any one time. The United States has 32 operational Polaris/Poseidon boats with about 16 or 50 percent on station. A new long-range naval missile, the SS–NX–8 has been tested by the Soviets and may be retrofitted into their Y-class submarine or alternately, placed aboard a new class of submarines.

ALLIED FORCES

A simple point-by-point comparison between United States and U.S.S.R. navies is a seriously incomplete picture, however. Allied combatants ships must also be included. Major NATO combatants number 757 compared to 583 for the Warsaw Pact. This case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and their allied—Egypt, Yugoslavia, Albania—major combatants in the Mediterranean ranges from 43 to 54. The counterpart NATO and our allied forces—one-half French fleet, Spain, Israel—total is 164 or almost four times as many.

In fact, either the French or Italian Mediterranean forces is numerically, at least, the equal of the Soviet Mediterranean fleet.

We must not overlook the British and French strategic forces. The British have four Polaris ballistic missile submarines which carry the A–3 triple MRV. The French have one ballistic missile submarine with 16 tubes and have four more under construction.

ADDITIONAL ADVANTAGES

Let me mention a few other areas in which the U.S. Navy has a decided advantage. We do not operate under the restricted geographic conditions that hamper the Soviet fleet. They must face iced-in ports and narrow transit waters where they can be detected and even bottled in during wartime. We have numerous overseas bases for replenishment, crew liberty, and repairs. Advanced bases also provide for quick reaction time.

The U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

We also have a significant lead in the strategically important area of anti-submarines warfare—ASW. The U.S. Navy confidently states that no U.S. Polaris-type submarines are being detected or followed by Soviet submarines. On the other hand, U.S. listening devices and attack submarines do detect, identify, and track Soviet submarines. No one questions our superiority in this field. U.S. capability in tactical ASW is likewise far superior and this moderates, to some degree, the heavy Soviet emphasis on submarines. The 5nm ASROC and 35nm SUBROC, for example, are ASW innovations used exclusively by the United States.

So far I have pinpointed a number of distinctions between the United States and U.S.S.R. fleets. I think it is apparent that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. I have also shown that in terms of some types of submarines, and possibly surface-to-surface missiles, Soviets lead at present.

MODERNIZATION AND CONSTRUCTION

But what about modernization and construction rates? Are not the Soviets gaining on us rapidly?

The answer: "No." It is true that since the Soviets have decided to modernize some of their fleet and replace older vessels and then show these ships in some new areas of the world, they have attracted a lot of attention. It must be noted, however, that they have had limited open ocean experience, nothing comparable to the U.S. fleet. The decision to enter new waters was political, not the result of an increasing number of ships. The Soviet fleet still is defensive in character as opposed to the primary offensive capability of the U.S. Fleet. They have held only one major worldwide ocean exercise, OKEAN, in April of 1970. Since then they have only modestly increased their training exercises in foreign waters.

Now for the facts on modernization. Between 1960 and 1969, and according to the U.S. Navy's own data, the U.S. shipbuilding program has exceeded the Soviet's in every type of ship except the surface-to-surface missile ship. During that period we completed:

Five attack carriers—the Soviets none;

Six helicopter carriers—the Soviets two;

No surface-to-surface missile ships—the Soviets 14;

Fifty-five surface-to-air missile ships—the Soviets 15; and

Eighteen antisubmarine warfare ships—the Soviets none.

The U.S.S.R. has expanded shipyard capacity particularly for Y-class submarines, to accommodate their modernization program but there was Soviet naval buildup as a result of the Cuban missile crisis of 1962.

The Soviets have some good weapons, particularly their anti-ship cruise missiles which directly threaten our aircraft carriers. And they have been modernizing their fleet selectively including the use of more efficient gas turbines. But there has been no crash program. There has not even been a buildup in numbers. They do not belong in the same category with the U.S. Navy, a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

WELL-KNOWN TECHNIQUE

The Pentagon's buildup of the Soviet Navy is a strange but well-known technique. Clearly, if the Soviet Navy is suddenly that much of a threat, our own Navy has not been wisely using its funds, even though they get more money from Congress than the other two services.

It is more likely that the Pentagon is again crying "wolf" in the hope of stampeding Congress into buying the new billion dollar aircraft carrier, the CVN–70, and the multi-billion-dollar Underseas Long-range missile System—ULMS. The Navy has conducted a skillful and extensive lobbying campaign in Congress but we must not be swayed by their incomplete data.

This kind of exaggeration drives the defense budget up every year. But even worse, it is a misstatement of the facts. We are No. 1 militarily, and we should not be afraid to say so.

FACTS IN LETTER UNANSWERED

I have written Admiral Zumwalt, the Chief of Naval Operations, challenging the Pentagon to give the full story about the Soviet Navy—a net assessment as this administration prefers to call it.

The admiral has replied but he has not offered a rebuttal to any of the facts. The point is that while he has written that he disagrees he offered not one single specific fact in rebuttal—not one.

Thus, while he states that he believes that many of the assessments in my letter are incorrect, he offers only to "brief me."

I am writing back and insisting that he reply to my facts in writing. I was briefed by Admiral Zumwalt on the F–14. First of all, he brought a flotilla of admirals, captains, and commanders to my office. There was so much gold braid that I calculated that almost half the funds for Navy pay and allowances must go to these gentlemen.

GOLD-BRAIDED BRIEFINGS

Then he gave me a "selected" briefing. He justified that biggest lemon of all lemons, the F–14 fighter plane, which will cost at least $16 million a copy. The way he did it was to take some relatively unimportant factors to try to show that it was superior to the F–4 in those single facets.

It reminded me of the way baseball records are kept. They now talk about the record for left-handed catchers who hit singles in the fourth inning of the fifth game of a seven-game World Series against a rookie left-hander.

It was that kind of "selected" information the briefing used to justify the F–14.

I am, therefore, refusing a briefing which, if like the last one, never would produce any solid answers and which was largely a gold-braided snow job.

I am insisting that the admiral answer me in writing and put it down on paper where we can see it, analyze it, and not be overwhelmed by uniforms and charts.

The main thrust of my remarks should now be clear. Why should we sharply increase the spending for our Navy when we are so emphatically superior to the Soviets in so many ways? The facts dictate otherwise. Let us be prudent in our fiscal judgments and not overreact to inflated threats.

I ask unanimous consent that the exchange of correspondence with Admiral Zumwalt be placed in the RECORD at this point. I also ask that the May issue of the Defense Monitor, which contains a breakdown of United States-Soviet naval forces be inserted in the RECORD. The Defense Monitor is published by the newly formed Center for Defense Information, headed by Rear Adm. Gene R. LaRocque, U.S. Navy, retired who, I think, is going to make a tremendously useful contribution to our understanding of the real facts on defense.

U.S. SENATE,
Washington, D.C., May 19, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations,
The Pentagon,
Washington, D.C.

DEAR ADMIRAL ZUMWALT. I do not believe that the Department of Defense has presented Congress and the public with a full and complete comparison of the naval programs of the NATO countries and the Warsaw Pact. My research shows that a number of significant variables have been overlooked, thereby giving the impression that the Warsaw Pact nations are enormously more powerful than they are in fact.

I intend to make a full presentation to the Senate on this subject May 25th, demonstrating that the present balance of naval forces is dramatically weighted on the side of the U.S. and NATO countries. I invite you to comment on the following points which I will make, and I will submit your reply to the Senate at the same time so that comparison can be drawn. It is imperative that you respond no later than noon Wednesday, May 24th.

Our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. Even though we have 246 major surface combatments and the Soviets have 222, the capabilities of the U.S. vessels are far superior.

For example, the U.S. has four nuclear powered surface ships and is building seven more. The Soviets have none. The U.S. has 14 attack aircraft carriers with up to 90 aircraft each. The Soviets have none. The U.S. has two anti-submarine carriers. The Soviets have none. The U.S. has seven helicopter carriers and is building five more up to 35,000 tons. The Soviets have two converted cruisers of 15,000 tons with helicopter pads. A large new Soviet ship under construction in the Black Sea has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

A numerical comparison of cruisers points up further misleading statements. The Soviets have 25 to our 9 but only one large Soviet cruiser has any missile capability while all but one of the U.S. cruisers carries missiles. Four of these Soviet cruisers are so old that they probably are being deactivated. Ten Soviet cruisers are smaller in size than many U.S. destroyers.

Considering destroyers, Soviet ships are less numerous (65 to 40) and much smaller in size.

The figures for submarines also show a disparity in strength favoring the United States. U.S. ballistic missile capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2500 n.m. The Poseidon version carries 16 launchers with about ten Multiple Independently-targeted Reentry Vehicles (MIRVS) each. By 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus ten older Polaris boats equipped with triplet multiple reentry vehicles (MRVS). The Soviets have about 25 Y-class ballistic submarines and 17 more under construction, but their missile range is 1300 n.m. less than Poseidon, they have neither MRVs or MIRVs, they have less accuracy, their boats are noisier and thus susceptible to ASW techniques, they do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions of Soviet submarines, the Hotel II and the Golf II classes are smaller with even more restricted missile ranges and operating conditions.

It must be noted that the Soviets do possess some 68 cruise missile submarines which present a threat to U.S. surface craft. They also have a large but quickly obsolescing number (190) of diesel attack submarines of greatly limited capabilities. The U.S. has 56 nuclear attack submarines, more than twice the Soviet's 25. Furthermore, U.S. models are of across-the-board better quality and we are building a more modern submarine class (SSN–688) at a fast pace.

In view of these specific facts, the United States has a clear naval advantage over the Soviet Union in tonnage, conventional fire power, bases, modernization and nuclear warheads. If you dispute this apparent advantage in any respect, please give me your detailed rebuttal.

A simple point-by-point comparison between U.S. and Soviet navies is a seriously incomplete picture however. Allied combatant ships must also be included. Major NATO combatants number 767 compared to 583 for the Warsaw Pact. The case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and Allied major combatants in the Mediterranean ranges from about 43 to 54. The counterpart NATO and Allied forces total is 164 or almost four times as many. In fact, the French and Italian Mediterranean forces are at least, individually, the equal of the Soviet Mediterranean fleet!

Just as present comparisons greatly favor NATO forces, long-term projections also show that this dominance is likely to prevail. The U.S. has 63 major new combatants authorized and under construction ranging from nuclear aircraft carriers to the ill-fated DE–1052 Knox class escorts. This is not to mention the $1 billion new nuclear aircraft carrier or $942 million as a down payment on a $11.9 billion ULMS fleet the Department of Defense is requesting in the Fiscal Year 1973 budget.

I am enclosing a table prepared by the Center for Defense Information on which I base some of my conclusions.

Please give whatever evidence you have to contradict this table and the conclusion that the present U.S. Navy building programs are more than enough to keep the U.S. far ahead of the Soviets Union in significant categories of naval warfare for the foreseeable future.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

CHIEF OF NAVAL OPERATIONS,
Washington, D.C., May 23, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of May 19, 1972 giving me the opportunity to comment on the points you propose to make in your presentation to the Senate on May 25th.

I am sure you recognize that I am in substantial disagreement with many of the statements in your letter. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, the Secretary of the Navy, other Navy witnesses and I have presented all the facts we know concerning the relative naval posture of the United States and our allies and potential adversaries to the Senate Armed Services and Appropriations Committees in executive session. This testimony is in the process of security review and the unclassified portions will be published by the cognizant committees in conjunction with their reporting out the military procurement authorizations and appropriations bills.

I regret that the time available from receipt of your letter to the deadline you have set for receipt of my reply is not sufficient for me to address adequately the issues you have raised. Further, since the President is at this moment in Moscow engaging in a series of extremely serious discussions on a number of sensitive subjects, it would be inappropriate for me at this time to engage in correspondence concerning the issues raised in your letter.

Let me assure you that I am perfectly willing to discuss the issues with you after the President returns. In order to do so, it will be necessary to assemble in one presentation the pertinent facts. Therefore, I will be happy to discuss these issues with you and ahswer any questions you may have.

Since I believe that many of the assessments in your letter of May 19 are incorrect, I would suggest that you avail yourself of this briefing before making the presentation to the Senate. Should you decide, however, to proceed with your presentation without this briefing, I would appreciate your including this reply with your presentation to the Senate.

E. R. ZUMWALT, JR.,
Admiral, U.S. Navy.

[From the Defense Monitor, May 1972]

THE SOVIET NAVAL THREAT: REALITY AND ILLUSION

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has told Congress that "a major shift in the naval balance between the United States and the Soviet Union" is taking place.

"Unless we accelerate the modernization of our fleet," he told the Senate Armed Services Committee on February 15, 1972, "the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

On the basis of these arguments, the Defense Department has asked Congress for $9.7 billion in new Navy procurement funds for fiscal 1973, about $1 billion more than in 1972, which was in turn about $1 billion more than in 1971. These funds are part of a Navy "modernization" program: 42 major combat ships and 21 submarines now under construction or authorized by Congress and more than 60 major surface ships and a new fleet of ballistic missile submarines contemplated (see tables 4 and 5).

The Center for Defense Information has made its own study of the naval balance and has reached the following conclusions:

The balance is heavily in favor of the United States.

The Soviet Union is doing little which would significantly change the balance in the next few years.

There is little evidence to support the request for a large increase in money for ships designed to protect US power overseas and to greatly expand US strategic weapons capability.

A LOOK AT THE BALANCE

Defense Department testimony to Congress on the Soviet naval threat stresses such trends as an increase in the number of Soviet major combat surface ships in the last five years (from 185 to 215, including two new helicopter carriers, seven new missile cruisers, 18 new missile destroyers and 36 new escorts). It stresses Russia's numerical advantage in submarines (about 343 Soviet to 138 US), new Soviet anti-ship missiles, and increases in Soviet naval operations in the world's oceans.

But these presentations fail to give a fair picture of the relative strengths of these two navies. The diagrams and data on the following pages give a fair picture. They show that:

1. The Soviet Union has no nuclear-powered combat surface ships and is not reported to be building any. The United States has four and is building seven more.

2. The United States has 14 attack aircraft carriers which carry from 40 to 90 jet aircraft each, used for striking land or sea targets. Two nuclear carriers are under construction. The Soviet Union has no attack carriers and no sea-based fixed-wing aircraft. The Defense Department has asked for funds in 1973 to start building the power plant for a fourth nuclear attack carrier. It also has asked for funds to design a new fleet of at least eight smaller follow-on carriers to be called Sea Control Ships.

3. The United States has two anti-submarine carriers which carry helicopters and fixed-wing anti-submarine aircraft. The Soviets have two anti-submarine carriers which are actually cruisers with large helicopter landing decks. One 35,000-ton ship is under construction in the Soviet Union which may be a carrier or some other type of ship.

4. The United States has seven "assault" helicopter carriers designed to move marines ashore. Five more, twice the size of the existing ones, are under construction. The Soviet Union has no comparable ships.

5. The United States has nine cruisers. The Soviets have 25. But four of the Soviet cruisers are pre-World War Two and are probably being retired. Ten of the Soviet cruisers are smaller than many US destroyers. The US Navy wants to build two 2200-ton prototypes of what would eventually be a cruiser-size hovercraft called a "surface effects ship."

6. Soviet missile-firing destroyers are fewer and smaller than their US counterparts. Congress has already authorized 30 new destroyers (DD963 Spruance Class), which are larger than any destroyers of the Soviet Union. The US Navy is asking for funds for 50 new "patrol frigates" which will be larger than most Soviet destroyers. By the late 1970s all US destroyers and patrol frigates are to be equipped with the new Harpoon surface-to-surface missile.

7. The present US fleet of 41 strategic ballistic missile submarines has 2800 separately

targetable warheads.[1] Russia's ballistic missile submarines have about 500 warheads (see Table 1). Also, a greater percentage of the US ballistic missile submarines are on station at a given time than is the case with the Soviet submarines. By 1976, the number of separately targetable US submarine-launched warheads will increase to almost 7000. This figure does not reflect the proposed new ULMS ballistic missile submarine system which will be the subject of a subsequent edition of *The Defense Monitor*.

8. The Soviets have a fleet of 68 submarines armed with anti-shipping "cruise" missiles. The United States decided in the 1950s not to develop a capability in this area and abandoned its Regulus missile program. Recently, the Pentagon decided to go ahead with development of a new cruise missile for a new attack submarine.

9. The US has more than twice the number of nuclear-powered attack submarines as the Soviet Union. The Russians have 190 diesel attack submarines as compared to 41 for the US, but these are being phased out of both navies. The total number of Soviet attack submarines has decreased from 430 in 1960 to 283 in 1972, and Admiral Moorer states that he expects this number will continue to decline as newer submarines are introduced at a slower rate than older units are withdrawn. The US is building a new class of nuclear attack submarines (SSN 688 Los Angeles Class).

CONSTRUCTION

Admiral Moorer told Congress: "The rate of modernization in the Soviet surface fleet is expected to accelerate during the next few years."

The Russians are building mainly light cruisers and destroyers. These include Kesta II cruisers, and Krivak and Kashin destroyers. Recently these have been built at a rate of about one per year in each class. Defense Department reports have suggested another "possible" cruiser construction program and a "possible" carrier.

But in view of the U.S. construction program already in progress, Soviet "acceleration" would have to be enormous to make a significant difference in the overall balance.

REGIONAL BALANCES

When talking about a shifting balance, Defense Department witnesses limit themselves to comparing the US and Soviet navies. Yet, many NATO allies have modern effective navies that must be taken into account. When NATO and Warsaw Pact forces are compared the balance clearly favors NATO (see Table 2).

The balance is even more striking when naval forces in the Mediterranean, for example, are examined alone (see Table 3). (Not shown in the table are the more than 50 small patrol boats armed with anti-ship missiles which the Soviet Union has given many of her allies in the area. These boats normally operate relatively near shore.)

OTHER FACTORS

The map on page seven shows that Soviet fleets suffer geographic and climatic handicaps—limitations not faced by the US Navy. Some fleets are partially iced-in during winter. Others can be bottled up in home waters because of narrow passages through which they must travel. These "choke points" also facilitate NATO's monitoring of Soviet fleet movements.

In discussing the US–USSR naval balance, Defense Department witnesses neglect to consider the US Coast Guard—a force which possesses over 50 ocean-going cutters of naval destroyer size, armed with guns and anti-submarine weapons.

CONCLUSIONS

The overall balance favors the United States. The Soviet Union is not likely to change this status in the near future.

The naval "balance" argument does not, therefore, justify, by itself, the kind of naval buildup which the Defense Department has under way now or plans in the future. However, Defense Department testimony makes clear that the Navy has other purposes in mind. Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, told Congress that the Navy's four "capabilities" are:

"Assured second strike" (This refers to the Polaris-Poseidon fleet retaliating with strategic missiles after a Soviet nuclear attack on the United States.)

"Control of sealines and areas"

"Projection of power ashore"

"Overseas presence"

The first "capability" is defensive. In view of the overwhelming second strike capability which the U.S. possesses, the new ULMS program is not needed at this time. The American public deserves a much clearer definition of the other Navy "capabilites": What kind and degree of "control of the seas" has the U.S. decided to pursue? Under what conditions and in what areas of the world will it "project power ashore"? What portion of the present Navy and what portion of the "modernization" program is designed for overseas presence? These are questions which must be publicly asked and answered before additional programs are approved by Congress.

"Every addition to defense expenditure does not automatically increase military security. Because security is based upon moral and economic, as well as purely military strength, a point can be reached at which additional funds for arms, far from bolstering security, weaken it."—President Eisenhower.

[1] To put in context with overall U.S. strategic capability, Secretary Laird gave these comparative figures for nuclear weapons for mid 1972:

Total offensive strategic nuclear weapons (warheads):

U.S	5,700
U.S.S.R	2,500

TABLE 1.—CURRENT BALLISTIC MISSILE SUBMARINE COMPARISON

Type	Number of submarines	Missile type	Missile range	Number of launchers per submarine	Total number of launchers	Number of independent warheads per submarine	Total number of warheads
U.S.[1]:							
Poseidon	12	Poseidon	2,500 nautical miles	16	192	192	2,304
Polaris	21	A-3	2,500 nautical miles	16	336	16	336
Polaris	8	A-2	1,500 nautical miles	16	128	16	128
Total	41				656		2,768
U.S.S.R.[2]:							
Yankee	26	SS-N-6 (Sawfly)	1,300 nautical miles	16	416	16	416
Hotel II	9	SS-N-5 (Serb)	650 nautical miles	3	27	3	27
Golf II	25	SS-N-5 (Serb)	650 nautical miles	3	75	3	75
Total	60				518		518
							8

Figures as of June 1972.

[2] Figures of February 1972.

TABLE 2.—MAJOR NAVAL COMBATANT COMPARISON

[Figures as of February 1972]

NATO

	Total	United States	United Kingdom	France	Canada	Denmark	Netherlands	Italy	Norway	Portugal	Greece	Turkey	West Germany
Attack and ASW carriers	20	16	2	2	0	0	0	0	0	0	0	0	0
Helicopter carriers	12	7	3	2	0	0	0	0	0	0	0	0	0
Cruisers	16	9	3	2	0	0	2	0	0	0	0	0	0
Destroyers and escorts	460	214	76	48	20	2	18	24	5	11	12	10	20
Submarines	259	138	34	20	4	6	5	10	15	4	2	10	11
Total	767	384	118	74	24	8	25	34	20	15	14	20	31

WARSAW PACT

	Totals	U.S.S.R.	Bulgaria	Czechoslovakia	East Germany	Hungary	Poland	Rumania
Attack and ASW carriers	0	0	0	0	0	0	0	0
Helicopter carriers	2	2	0	0	0	0	0	0
Cruisers	25	25	0	0	0	0	0	0
Destroyers and escorts	206	196	2	4	3	0	2	0
Submarines	350	343	2	0	0	0	5	0
Total	583	565	4	4	3	0	7	0

TABLE 3.—MAJOR NAVAL COMBATANTS IN MEDITERRANEAN AREA

	NATO and U.S. allies					Warsaw Pact and U.S.S.R. allies					
	Total	NATO[1]	Spain[2]	Israel	Morocco	Total	Warsaw Pact (U.S.S.R.)[3]	Egypt	Yugoslavia[4]	Albania[4]	Others[5]
Attack and ASW carriers	5	4	1	0	0	0–0	0–0	0	0	0	0
Helicopter carriers	3	3	0	0	0	0–1	0–1	0	0	0	0
Cruisers	3	2	1	0	0	2–4	2–4	0	0	0	0
Destroyers and escorts	106	86	17	2	1	14–17	5–8	7	2	0	0
Attack Submarines	47	41	3	3	0	27–32	7–12	12	5	3	0
Total	164	136	22	5	1	43–54	14–25	19	7	3	0

[1] NATO includes U.S. 6th Fleet; United Kingdom forces normally in the area; one-half of the French Navy; and the naval forces of Italy, Greece, and Turkey.

[2] One-half of the Spanish Navy.

[3] U.S.S.R. totals are normal and highest observed.

[4] Yugoslavia and Albania are included though the political situation with the U.S.S.R. may be strained at the moment.

[5] Others include Syria, Libya, Algeria, Tunisia, and Lebanon.

TABLE 4.—*Summary of major US Combatant ships authorized or presently under construction.*

	United States	U.S.S.R.
Surface:		
Aircraft carriers	16	0
Helicopter carriers)	7	2
Cruisers (with missiles)	8	11
Cruisers (without missiles)	1	14
Destroyers and escorts (with missiles)	65	40
Destroyers and escorts (without missiles)	149	155
Surface total	246	222
Submarines:		
Nuclear submarines (with ballistic missiles)	41	[1] 35
Diesel submarines (with ballistic missiles)	0	25
Nuclear attack submarines (with cruise missiles)	0	[1] 40
Diesel attack submarines (with cruise missiles)	0	28
Nuclear attack submarines (without missiles)	56	25
Diesel attack submarines (without missiles)	41	190
Submarine total	138	343
Major naval combatant total	384	565

[1] Estimated.

2—Nuclear Attack Carriers.

5—Large Amphibious Helicopter Assault Carriers.

5—Large Nuclear Guided Missile Destroyer Leaders.

16—Large All-Purpose Destroyers (DD963 Spruance Class).

14—Large Escorts (DE 1052 Knox Class).

12—Large Nuclear Attack Submarines (SSN688 Los Angeles Class).

9—Medium Nuclear Attack Submarines (SSN637 Sturgeon Class).

TABLE 5.—*Summary of major US combatant ships, fiscal year 1973 requested.*

$299 million for long lead items for one additional nuclear attack carrier (CVN–70). (Eventual total program will cost an estimated $951 million.)

$10 million for contract design for a "first buy" of eight new follow-on carriers called Sea Control Ships (SCS). (Eventual total program will cost an estimated $1 billion.)

$50 million for two 2200-ton prototypes of a new major surface combatant called Surface Effect Ship (SES), which will be a large hovercraft. (Eventual total program cost is not available.)

$945 million for advanced development of a new strategic-missile nuclear submarine called Undersea Long-Range Missile System (ULMS). (Eventual total program will cost an estimated $11.2 billion as "presently constituted.")

$612 million for procurement of seven additional all-purpose destroyers of the DD963 Spruance Class. (Eventual total program will cost an estimated $2.7 billion.)

$192 million for the lead ship of a new fifty ship class called Patrol Frigate (PF). (Eventual total program cost is estimated at $2.4 billion.)

$1.05 billion for procurement of six additional nuclear attack submarines of the SSN688 Los Angeles Class. (Eventual total program will cost an estimated $6.8 billion.)

(All total program cost estimates are based on Department of Defense figures.)

THE CENTER FOR DEFENSE INFORMATION

The enormous size and complexity of the military effort in this country has outrun the institutions established for citizen understanding and control of public policy. An informed public opinion on national defense and foreign commitments is lacking in our society.

For these reasons the Center for Defense Information has been established. The Fund for Peace has encouraged and made possible the initiation of this Center. Further funding will be provided by private foundations and interested individuals. The Center will be under absolutely no financial or other obligation to any government, military, industrial or individual special interest.

The Center will concentrate exclusively on analyzing and circulating public information on matters of national defense and overseas commitments, as well as scrutinizing our national defense program on a day-to-day basis. Its appraisals will challenge existing assumptions about national defense and provide the basis for rational alternative policies and budgets to be measured against those of the Department of Defense.

The Center will disseminate its research and information to the broadest public possible through position papers; a journal, *The Defense Monitor*, of which this is the first edition; and material designed for the news and other media. In addition, the Center will respond to requests for information on defense matters. Future editions of *The Defense Monitor* will include analysis of the defense budget, ULMS (Underwater Long-range Missile System), the B–1 Bomber, technological superiority, the proposed attack carrier, U.S. forces overseas and military commitments to foreign nations, as well as other topics of vital national and military concern.

The Center and its rapidly developing inventory of information will be a reliable and non-partisan resource for all individuals and groups, insisting upon a military that will genuinely defend and strengthen American society, not weaken it by overcommitments and waste of resources.

MAY 26, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations, The Pentagon, Washington, D.C.

DEAR ADMIRAL ZUMWALT: I appreciate having your "reply" to my letter which I have placed in the CONGRESSIONAL RECORD. But I note that while you disagree with me you do not cite a single "fact" in support of your position.

I noted your complaint about not having sufficient time to answer my letter. May I say that working with me on my material were two aides, each devoting only part time to this matter. And they organized the material in far less than five days in which I asked you to reply to my letter. With the entire Navy Department at your disposal and with the massive work that has already gone into your and other Navy testimony, I see no reason why you could not have given a detailed reply to my statements in the five-day period.

You offer to "brief" me, but for reasons I mentioned in my speech, what I want is your answer in writing so that we can see the facts, analyze them, and not be overwhelmed by uniforms and charts.

XUM

Would you therefore reply to my Senate speech, which is based on public data as of February 1972, and answer these questions?

Is it not true that our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is virtually absolute? If not, what specific facts deny that?

Are any of the facts in my statement concerning cruisers and destroyers incorrect in any substantial way? Is it not true that many of our destroyers are in fact bigger than some Soviet cruisers, and that the 3,400 ton patrol frigates will be larger than some Soviet destroyers?

Are not my facts with respect to Soviet attack and strategic submarines correct?

Is it not correct that while the Soviets retain some numerical superiority in diesel attack submarines, that the speed, quietness, sophistication, and operation techniques of the U.S. attack submarines are of entirely higher quality than the Soviet's?

Does the U.S. not have a 2 to 1 lead in nuclear attack subs?

Is it not true that while both we and the Soviets have about the same number of strategic ballistic missile submarines, that the disparity in overall strength favoring the U.S. is imposing?

Is it not true that the Soviet SLBM's have a missile range of at least 1,200 nautical miles less than ours, that they have neither MRV's or MIRV's, that their missiles are less accurate, and that their boats are noisier and far more susceptible to ASW techniques? Is it not true that they do not have as long on-station time and suffer from limited geographic operating conditions including iced-in ports and bottleneck transit points?

Is it not true that major NATO combatants number 767 compared to 583 for the Warsaw Pact?

Is it not true that either the French or Italian Mediterranean force is numerically at least the equal of the Soviet Mediterranean fleet?

Is it not also true that we have a decided advantage over the Soviet fleet because of its restricted geographic limitation, our advanced overseas bases, our far superior surveillance and communications system and superiority in our ASW techniques?

Do you deny the facts I inserted in the Record on the shipbuilding programs between 1960 and 1969 which show that we have exceeded the Soviets in every type of ship except surface to surface missile ships?

Is it not true that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts?

Is it not true that the Soviet fleet does not belong in the same category with the U.S. Navy which is a world-wide balanced open-ocean force with advanced bases, sea knowledge, staying power, and air coverage?

Is it not true that our Navy is Number One? Is it not true that under present plans and programs we will continue to be Number One for the forseeable future?

I am enclosing the text of my Senate speech so that you can reply to the additional details contained there.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

CHIEF OF NAVAL OPERATIONS,
June 2, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: As you know, the diplomatic situation made it inappropriate for me to respond fully on 23 May to your letter questioning official assessments of relative U.S.-Soviet naval capabilities. Now that the President has returned, I welcome the opportunity to do so, because this subject is central to our plans for meeting the Navy's assigned responsibilities.

As you requested, I have had a detailed reply prepared to the points you have raised. In addition, my staff has prepared, in both conceptual and tubular form, a comparison of the navies of the United States and the Soviet Union. Both statements are encloseed. They present a far more complete and correct comparison and inventory of the two navies than does Table Seven of the May, 1972, *Defense Monitor* which you sent me, indicating that it provided the basis for some of your conclusions, and which you specifically asked me to respond to. This table does not appear in the copy of the *Defense Monitor* which you inserted in the *Congressional Record* with your remarks.

The Navy and other agencies are continuously collecting and refining information and examining its implications for the relative capabilities of the U.S. and the Soviet Union. We strive constantly to improve the methods by which these complex and difficult assessments are made. That is why I was dismayed at the dubious quality of the analytical work on which some of your condemnation of the Defense Department was apparently based.

DEFECTS IN ANALYSIS

Simply put, the analysis given you by the Center for Defense Information is biased and conceptually flawed.

First, the data has been qualified or selected in such a way as to be misleading. Important elements of Soviet naval capability are ignored or improperly compared. Some of these are so well known by every competent analyst who is concerned with the subject that exclusion of them raises serious questions about the competence of the work as a whole.

Second, I believe that this research is tainted by so basic a conceptual flaw that, even if the study had been competently and accurately carried out and contained no serious bias, intentional or otherwise, it would not support the firm conclusions you have drawn.

BIAS

My first concern deals with several biases in the research provided you. Elements important to a fair comparison are simply omitted. For instance, the large segment of Soviet naval capability that consists of smaller combatants was disregarded. These units play an important role in Soviet naval planning and have significant combat capabilities in such enclosed seas as the Mediterranean, the Persian Gulf, and the Caribbean.

The Soviets have 970 of these vessels; 150 of them are equipped with anti-ship missiles similar to the ones that sank the Israeli destroyer EILAT in 1967.

The Soviets have:

150 missile patrol boats (Osa, Komar, and Nanuchka), armed with surface-to-surface cruise missiles
250 fast patrol boats
250 coastal escorts and submarine chasers
195 fleet minesweepers
125 coastal minesweepers

In contrast to these 970 vessels, the U.S. has 31 ocean minesweepers and 16 patrol gunboats in a similar category; two of the patrol gunboats have undergone trials with missiles.

The Soviets have some 900 land-based naval aircraft, over 300 of which are equipped with long-range, sophisticated, anti-ship missiles. The only comparable U.S. airplanes are our 292 P3 ASW aircraft. Our aircraft, however, do not have a long-range anti-ship missile capability. In addition, a significant portion of the Soviets' counterpart to our Strategic Air Command, their Long Range Aviation—strategic aircraft, armed with cruise missiles—is now assigned against our Navy. This reassignment of mission has been made possible by the growth of the Soviet land and sea-based strategic missile forces. Again no mention of these capabilities is made in your statement.

In addition to these omissions, the numerical comparisons you provided are biased. Table Seven of the May 1972 *Defense Monitor*, which you enclosed in your letter as the basis for some of your conclusions for instance, overstates U.S. forces by including 127 ships that are under construction or have been requested for the future. For the Soviets, however, it lists only two ships under construction. In actuality, we know that the Soviets have been building ships at a faster rate than the U.S. and that, over the past decade, have increased their shipbuilding capacity enormously.

The statistics you have cited, therefore, compare a whole U.S. Navy that we would like to have in the 1980's, some of it not even yet approved by the Congress, with a portion of the Soviet fleet of today.

The Soviets have 28, not 25, cruisers, 14 of which—one "large" and 13 smaller—are missile equipped. Moreover, the smaller cruisers have impressive armament, including both surface-to-surface missiles (not one of our ships has any) and surface-to-air missiles, as well as anti-submarine weapons and guns. There are about 100 missile rails on these 13 ships.

You declare that four Russian cruisers are so old that they are "probably" being deactivated. You do not add that all of the U.S. cruisers, except for LONG BEACH, are of the same vintage as these four "old" Soviet ships.

Another error of detail deserves mention at this point: The Soviets' helicopter carriers are not the cruisers you term them. They represent an important new capability, designed and built from the keel up, as new, highly specialized ships, with excellent anti-submarine sensors and a long-range anti-submarine rocket system.

I would note here that you have cited our unique superiority in aircraft carriers over the Soviet fleet. In the total calculation of general purpose naval forces, it is, in fact, the only clear margin of superiority we now have. It is for this reason that I have stated a strong case, supported by the Secretary of Defense and the President, for inclusion of CVN–70 in this year's budget. Our oldest attack carriers, built in the mid-40's, are fast approaching the end of their service life. It is essential that we maintain a modern and effective carrier force if we are to sustain this vital margin of superiority.

FUNDAMENTAL FLAW

Your statement points out that comparisons of forces, to be valid, must include "not only numbers, but tonnage, sophisication, and effectiveness." I would add that these simplistic force comparisons do not begin to come to grips with an overall assessment of capabilities to implement either national security or military strategy. The total force concept is designed to do this. However, since you opened our exchange with a comparison of specific forces—navies—I will discuss the subject of the two navies, and a comparison of these forces. Let me point out, though, that any comparison, to be valid, must first determine *what it is the individual forces are intended to do.* This crucial element is missing entirely from the study you have cited.

Both navies are designed, in part, for nuclear deterrence. To that extent, our tasks are similar. Beyond that point, however, U.S. Naval forces are designed to support distant U.S. forces overseas, and, under the Nixon Doctrine, when required, the indigenous armies of our allies, necessitating forward defense, sea control, and the ability to project power ashore. Accordingly, the U.S. Navy has substantial components of tactical air and Marine forces, whose primary missions, while essential to our defense posture, are not directed solely at deterrence of the Soviet Navy through a direct capability to defeat that navy. We have, in addition, a logistic defense requirement of vast proportions.

The Soviet Navy, by contrast, as a Navy in support of a nation whose vital interests are those of a land power, is designed largely to prevent the U.S. Navy from carrying out its missions. At the same time, we see increasing evidence of the growing use of the Soviet Navy to further the political designs of the USSR. The Soviet Naval units have been optimized in design for strong initial striking power, with relatively limited reload and endurance and hence less tonnage per unit and little need for nuclear propulsion. Except for their submarine force, the Soviets' naval forces are expected to operate closer to home, to be brought to bear against our Eurasian allies, and hence to require less endurance than our forces.

These differences in mission must be taken into account when the two navies are compared.

The relative adequacy of the two navies has been strongly affected by geography, as you point out. For many years we designed our forces to be able to contain the Soviet Navy, if required to do so, by exploiting the geographic barriers that constrict its access to the open sea. But we can no longer count on this strategy. The extended and rising levels of distant, continuing deployments by Soviet forces have nullified it.

Other effects of relative geography, which your statement does not mention, operate to make our task far more difficult than theirs. For instance, geography permits the Soviets to use land-based aircraft; we are forced to rely on sea-based air. Geography forces us to use the seas to communicate with our allies; the Soviets can reach almost all of their allies by land.

Finally, the same geography that used to bottle up the Soviets now imposes on our sea-based offensive forces a need for strategic missiles of longer range. The Soviets, by contrast, with two major oceans washing the shores of the U.S., are enabled by geography to make much better use of shorter range SLBM's than we are.

In summary, as these few examples show, direct comparison of force levels or unit-tonnage can lead to clearly erroneous conclusions regarding the relative capabilities of the two sides. This simplistic and outmoded approach to the complex process of "net assessment" was abandoned as inadequate by competent specialists in the field many years ago.

TRENDS

For these reasons, I do not believe that the analyses that have been provided you are adequate grounds for concluding that the U.S. is "far superior" to the Soviets in naval strength. On the contrary, the examples I have cited reflect general trends that are running against the U.S., trends that are of deep concern to me. Some of the evidence of these trends appeared in the unclassified version of my testimony before Congress, several months ago. In fact, similar concern has been expressed by Department of Defense spokesmen for a number of years.

The ships of the U.S. Navy are 16 years old, on the average; in the Soviet Navy, the average age of ships is 9 years.

The Soviets operate only 4 major surface ships built before 1952; we are operating 132.

The greater obsolescence of our Navy is a direct consequence of construction rates in the two countries. The Soviets built 89 missile configured surface ships and nuclear submarines between 1967 and 1971; the U.S. produced 42.

CONCLUSIONS

The most important conclusions which can be drawn from a comparison of force levels and mix are: (1) that the two navies are structured differently—as attested to by type comparisons—which is indicative of their differing missions; and (2) that the Soviets pose a serious challenge to our previous superiority at sea.

In his unclassified testimony before the Congress this year, the Chairman of the Joint Chiefs of Staff stated the problem as follows:

"The Soviets still cannot match our capabilities to project sea power and control the sea lines of communication. However, they already have a formidable capacity, particularly in their large and varied antiship missile forces, to attack our sea power projection forces and to sever our sea lines of communication.

The problems we face with the continuing growth in Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Ocean, the Mediterranean, and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

In my unclassified testimony before the Congress, I came to the logical conclusion following Admiral Moorer's statement on the Soviet capacity to attack our sea power projection forces and to sever our sea lines of communication, and said, "We are in a period in our history in which we face grave risks from circumstances over which we may have little control. Our Navy can be a decisive factor in such circumstances. As an island nation, we cannot rationally engage in commerce, honor treaties or deploy forces overseas without the protection of a strong Navy. Without adequate naval capability we cannot deter conventional war, let alone win it."

I hope you find this assessment helpful. I am, of course, ready to provide you with any additional information you may require, either in person or in writing. In the meantime, I trust you will feel free to include this letter and its enclosures, as a whole, in the record.

Sincerely,

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

P.S. I am also enclosing a copy of a speech by Admiral Rivero on the occasion of the change of command of Commander Allied Forces. Southern Europe on 31 May 1972. Please note the deep concern over the growing Soviet naval threat expressed by one of our elder statesmen with extensive first-hand knowledge of the situation.

Your letter of May 26th arrived just before I left for Naples. After I had prepared their response to your letter of May 19th I will reply to your latest specific questions in a few days.

COMPARING THE U.S. AND SOVIET NAVIES

Comparison of the U.S. and Soviet navies requires an understanding of their different missions.

MISSIONS

The United States has traditionally been a maritime nation, dependent on the sea for its livelihood. In contrast, the Soviet Union, despite its historical aspirations to maritime preeminence, has traditionally been a Continental land power.

The United States requires extensive sea lines of communication for peacetime trade and to be able to support allied and U.S. forces overseas. Our European and Asian allies are separated from us by vast expanses of ocean. Our interests are world-wide in scope. Our fleet has been developed to support these interests to assure free use of the seas. Our naval forces have been charged with a strategic second strike mission, with protecting our vital sea lines of communications, with projecting power, through sea-based air and amphibious forces, wherever necessary in support of U.S. and allied forces and with maintaining an American presence in distant areas.

As a result of assiduous efforts over a half century, on the other hand, the Soviet Union is self-sufficient economically. The United States clearly is not. Soviet economic lines of communication are largely confined to land routes and to coastal shipping. The USSR's principal allies are contiguous to its borders. The evolution of the Soviet Navy has reflected these factors. The Soviet Navy shares with its U.S. counterpart a strategic attack mission and the task of maintaining a naval presence commensurate with the Soviet Union's great-power status. But direct comparisons end with these missions. The Soviet Navy's other missions are not to guard sea lines of communication nor, curently, to project power ashore, but to keep Western forces from doing so—i.e., to prevent, in wartime, the functioning of the free world maritime alliances, economically and militarily.

They are tasked with countering Western naval forces and with disrupting our sea lines of communication.

Because the two navies differ in mission, they differ in composition. There are disparities in force structure, hardware, and operations. Because of the requirement in support of U.S. interests to be able to project power, the U.S. Navy relies on carriers, carrier-based attack and fighter aircraft, and amphibious ships.

Because of the need to protect all shipping, we have built surface ships including carriers, attack submarines, and aircraft with an antisubmarine warfare and antiaircraft capability. Further, since our forces must operate worldwide, we need large service forces to sustain them, with their own requirements for escorts.

Since the Soviet Navy, in its present stage of evaluation, does not have the same missions, it does not require the same forces. Consequently, the Soviet Navy does not yet have aircraft carriers, has only a modest amphibious force, and is only beginning to develop a sizeable at-sea logistic capability. Instead, the Soviets have built up a variety of general purpose forces, designed to keep us from carrying out our missions.

The Soviets have the world's largest submarine force. They have long range reconnaissance aircraft, medium bombers equipped with anti-ship missiles, and multi-purpose surface ships with anti-ship cruise missiles.

Thus, a direct comparison of the two fleets, unless heavily footnoted, cannot mean very much. Nor is a direct comparison of platforms useful. With very few exceptions, U.S. ships are not designed to fight Soviet ships of similar classes. Therefore, it is of little value to contrast the characteristics of, say, a Soviet Kresta-class cruiser with a U.S. missile cruiser, or a Kashin-class frigate with the DD 963. What is important is how well the platform, or the fleet, can carry out its assigned tasks. A recent quotation from the Soviet Chief of Naval Operations, Admiral S. G. Gorshkov, indicates that he has come to a similar conclusion:

"The qualitative transformation which has taken place in naval forces has also changed the approach to evaluating the relative might of navies and their combat grouping: We have had to cease comparing the number of warships of one type or another, and their total displacement (or the number of guns in salvo or the weight of this salvo) and turn to a more complex, but also more correct appraisal of the striking and defensive power of ships based on a mathematical analysis of their capabilities and qualitative characteristics".

SOVIET NAVAL EVOLUTION

The Cuban missile crisis was very definitely a turning point in the development of the Soviet Navy. However, to appropriately un-

derstand the significant growth trends requires consideration of qualitative and capability factors as the process is too complicated to be reflected in a purely numerical comparison. For example, we consider 1947 to 1957 as the quantitative buildup period for the Soviet Navy. This program, in less than a decade, delivered about 20 cruisers, over 100 destroyers, over 1,000 coastal patrol ships, hundreds of minesweepers and nearly 350 submarines. But the force that resulted was only capable of World War II type operations, short-range defense of the maritime approaches to the USSR, and interdiction of merchant shipping in the northeast Atlantic and Western Pacific.

Thus, the Cuban missile crisis of 1962 found a Soviet Navy with very limited capabilities to conduct distant operations. Moscow's basic concern—military operations on the Eurasian landmass—had guided conventional weapons procurement and force deployments. The Soviet Navy was large but ill-equipped for distant operations: it lacked experience, the armament of Soviet ships offered little protection against aircraft, and logistic support ships were not available. Tactical air and naval infantry units were also equipped and trained for continental warfare: tactical aircraft were short-ranged, and the naval infantry was structured for shore-to-shore operations in support of the army.

Lift capabilities to transport forces to distant areas by air or sea were negligible. Amphibious assault shipping was suitable only for shore-to-shore operations in calm seas. The Soviet merchant fleet was small, totalling only 600 ships; only a few were suited for the needs of a military sealift, as the Soviet program for procurring large hatch ships was just beginning in the early 1960s.

Since the Cuban missile crisis, Soviet forces and capabilities for distant operations have grown significantly, primarily through the introduction of a wide variety of antiship and antiair missile systems and Soviet achievements in nuclear propulsion techniques. New multipurpose naval ships, better suited to distant operations, have entered the Soviet Navy. Naval Infantry and amphibious shipping have doubled in size; the Soviet Merchant Marine has tripled its tonnage, and now includes nearly 400 ships suited to the needs of military sealift.

This growth has been magnified as a result of a Soviet policy of more forward deployments of its naval forces. In the last decade Soviet naval ship days outside of the areas close to the USSR have grown tenfold, and port calls by Soviet naval ships in foreign ports have grown a hundredfold. This has included the gaining of access to port and/or airfield facilities in many strategic areas; i.e., the Mediterranean, Caribbean, Southeast Atlantic and Indian Ocean. In addition, the Soviets are making overtures to several nations and access to those facilities would provide additional valuable links.

The following table compares Soviet open-ocean unit construction for the five year period before the Cuban missile crisis (1958–62) with the last five years (1967–71), the period that witnessed the fruit of the Soviet decision to accelerate naval expansion after the 1962 missile crisis.

SOVIET NAVAL CONSTRUCTION

	1958–62	1967–71
Helicopter ships	0	2
SAM missile ships	0	18
SSM/SAM missile ships	1	10
Nuclear powered attack submarines	10	17
Nuclear powered cruise missile submarines	7	12
Nuclear powered ballistic missile submarines	9	30
Total	27	89

Even these figures, however, must be qualified, as the 89 ships and submarines built during the last five years are considered second generation and far superior to the 27 built in the pre-Cuban period. To further complicate a purely numerical comparison, all of the time-consuming efforts, i.e., shipyard modernization, redesign, retooling etc., are now well along and the leaderships of a considerable number of new classes have entered the operational inventory. However, series production for the majority of these new classes is just now getting underway. Thus, we now have only the first few units of many new classes in the order-of-battle and production rates are now expected to accelerate. This is based not only on the commencement of series production, but the fact that the Soviets are expanding construction capabilities at a large number of their shipyards—in some cases doubling construction facilities.

The important point is that this spurt of growth is not just an overall numerical growth but a growth in capabilities based on a combination of qualitative and numerical factors. This process has converted a navy designed to dominate the water contiguous to the Eurasian landmass into a true Blue Water Navy; one capable of projecting Soviet influence into distant areas and of challenging the U.S. Navy anywhere on the high seas.

DISCUSSION OF FORCES

(1) *Conventional versus nuclear power.* While it is true that the U.S. Navy has nuclear-powered combat ships and the Soviets do not, the reason is that the U.S. must operate surface combatants for protracted periods in distant areas—the Soviets need not. This is one of the reasons why we are building more nuclear-powered surface ships—to reduce the reaction time needed to get to combat zones at great distances and to increase our capability to sustain combat when we get there.

While packing a great deal of firepower into relatively small hulls, the Soviets have pioneered in development of new propulsion techniques. For example, their 4,500 ton KASHIN-class guided missile frigate is the world's largest naval ship that is powered by gas turbines. Moreover, as Soviet surface forces deploy to distant areas for protracted periods, we foresee the day when they will introduce nuclear powered surface ships. They already have nuclear powered ice breakers; and a new class in the planning phase. With research development, and operational testing completed, introduction of nuclear power into the surface fleet will be a relatively easy matter.

(2) *Aircraft carriers.* As pointed out earlier, the missions of the two navies differ. The U.S. requires carriers to protect the sea lines of communication to our allies and to project power ashore when they require our support. During the past few years, we have sharply decreased our carrier force levels. Building programs for carriers beyond CVN–70 are not yet firm. We hope that the Sea Control Ship Program will be approved. This will provide a ship with some capability to operate aircraft in support of the sea lines of communication. The Soviets have not until now, found it necessary to take tactical aircraft to sea. They have relied entirely on submarines and land-based jet bombers equipped with air-to-surface missiles. Because their Navy's mission has been to attack our surface ships rather than to project power ashore, the Soviets are able politically to acquire increasing access to airfields in other nations and thus, without aircraft carriers, have the ability to disrupt U.S. sealines of communication across both the Atlantic and Pacific Oceans. Nevertheless, we now have evidence that the Soviet Navy, in light of its newly assigned mission of projecting Soviet influence into distant areas, is reevaluating its requirements and is planning to take tactical aircraft to sea. We project that the Soviet's first carrier will, in fact, appear within the next few years—a small carrier by current U.S. standards, possibly carrying vertical take off and landing aircraft, but, like an ESSEX class carrier, an important first step.

(3) *Helicopter Carriers.* The U.S. Navy has traditionally been assigned the mission of deploying, and landing against opposition if necessary Marine and Army ground forces in areas distant from the United States. The evolution of amphibious assault forces has resulted in the concept of vertical envelopment, which employs shipbased helicopters. Our LPH and LHA amphibious assault ships give us this capability. The Soviet Navy, however, does not require vertical envelopment capability. The primary mission of the Soviet Naval Infantry (the counterpart to the U.S. Marine Corps) is to support land campaigns probably along the flanks of the Eurasian landmass, or possibly to assist in seizing the Scandinavian peninsula, driving a wedge across the Baltic Sea to separate the northern and central tiers of Europe, and to seize the Turkish Straits in the event of war in Europe.

The Soviets have introduced two MOSKVA-class guided missile helicopter carriers, ships of 20,000-ton displacement, designed and built from keel up as antisubmarine warfare task force command ships. They carry surface-to-air missiles, antisubmarine rockets, torpedoes, about 20 specially designed ASW helicopters, a new generation of ASW sensors, and an entirely new and sophisticated electronic suit. These ships are somewhat analagous to the two ASW Support Carriers (CVS) in the U.S. fleet. We also plan to operate ASW helicopters and fixedwing aircraft from our larger carriers (CV) for strike and Sea Control operations in a multi-threat environment.

(4) *Cruisers.* The Soviet Navy has the most modern and capable cruiser force in the world. There are 28 cruisers in the inventory, of which 13 are equipped with both surface-to-surface and surface-to-air missiles and one with surface-to-air missiles only; eight of the nine U.S. cruisers have air defense missile systems and rely on conventional guns or accompanying aircraft for defense against Soviet surface ships. Here, too, the Soviets are not content. Having developed the KYNDA, KRESTA-I and KRESTA-II multi-purpose guided missile cruisers, they are developing another new class in the Black Sea; this ship, we estimate, will be larger and even more powerfully armed than its predecessors. The Soviet cruiser force is the newest in the world. Of their 28 active cruisers, only four were completed before 1950, and these are reserved for training or heavy shore bombardment. Eight of the nine U.S. cruisers are of World War II vintage. It is true that Soviet cruisers are smaller than their Western counterparts, but they are generally classified as cruisers under a multi-factor formula that includes firepower, rather than tonnage alone.

(5) *Destroyers and Destroyer Escorts.* The Soviets have 193 ships in this category. Some 81 are destroyers and 112 are destroyer escorts. There are 41 missile equipped destroyers. Of these 41, about one-third carry surface-to-surface anti-ship missiles, for which there is no U.S. counterpart. These units, like Soviet cruisers, are smaller than their Western counterparts, but the newer classes are faster, more seaworthy, and have greater firepower than U.S. destroyers. The newest class—the KRIVAK—has been described by a NATO naval officer as "ton-for-ton the most powerful warship ever built". Displacing approximately 3,500 tons the KRIVAK is equipped with a surface-to-surface missile launcher that carries four missiles, as well as two retractable surface-to-air missile launchers, conventional guns, ASW rockets, torpedoes, mine rails, and new generation sensors and electronics. This multi-purpose destroyer is now under series production; we expect the Soviets to build many.

The United States has 215 destroyer and destroyer escorts. Of these, 62 are equipped with surface-to-air missile systems. None yet carry a surface-to-surface missile comparable to the Soviet SSMD. The U.S. Navy has built and will continue to build a mix of large and small ships in these categories. The large ship programs—nuclear powered ships and the DD–963 program—are designed to provide ships with the capability to run with the carriers and to protect them in the very severe environment created by the Soviet missile and submarine threat. The smaller ship program—DE–1052 and the PF—are designed for less demanding roles. The Harpoon program now underway is designed to give our surface ships a specially designed surface-to-surface missile system.

(6) *Ballistic missile submarines.* The U.S. presently enjoys a margin of advantage in submarine launched ballistic missiles (SLBMs), but this lead is rapidly diminishing. In addition to the accelerated construction of Y-class nuclear powered ballistic missile submarines (SSBNs), which carry the 1300 mile SS–N–6, the Soviets are actively testing an extended range SLBM (about twice the range of the SS–N–6). We believe that a construction program of a follow-on class to the Y-class SSBN to carry the new extended-range SLBM, is a logical and likely development. Thus, what may be described as 'he Soviet "ULMS (or TRIDENT)" is more than mere concept; in the near future it could enter their operational inventory. The recently signed SALT agreement permits the Soviets to have 950 ballistic missile launchers on 62 modern submarines, compared to 710 launchers on 44 submarines for the U.S.

It must be borne in mind that the U.S. is geographically smaller than the Soviet Union; a 3000 mile SLBM will allow Soviet SSBNs to target all of the United States while remaining some 1500 miles at sea. We do not have similar coverage of Soviet territory.

(7) *Attack Submarines.* Having optimized against the U.S. fleet, the Soviets now possess an attack submarine force which surpasses ours in many respects. They have about 290 anti-shipping submarines; 65 of these are nuclear powered and the remainder are diesel craft of post-1951 vintage. Of the 290 submarines, 65 are equipped with advanced anti-shipping cruise missiles, which introduce an entirely new aspect to submarine warfare at a time when the latest U.S. submarine continues to carry torpedoes as its primary anti-ship weapon system. Considering on-station time and geographical limitations, there is no evidence that Soviet submarine patrols are of short duration or that Soviet submarines or crews suffer from extended deployments. Geography works against only those units which remain in port after hostilities break out; these disadvantages are compensated for by a high state of readiness, which permits "surge" deployment in periods of greater tension. In this regard, both the Northern Fleet and the Pacific Fleet, where the vast majority of Soviet submarines are homeported, have year-around, unimpeded, ice free transit lanes to the North Atlantic and Pacific Oceans.

The U.S. attack submarine force consists of 55 nuclear-powered and 41 diesel-electric ships. None are armed with cruise missile. Qualitatively, we believe our late-model nuclear attack submarines are today superior to their Soviet counterparts, athough the aggressive Soviet submarine construction program threatens to nullify this advantage.

(8) *Allies:* The proposition has been put forward that a point by point comparison between the navies of the U.S. and USSR yields a seriously incomplete picture—that the combined navies of all our allies should be counted in the balance against the navy of the Soviet Union, the only maritime power in the Warsaw Pact. As has been pointed out, the concept of counting navies to evaluate the naval balance is erroneous. On the other hand, it is true that a proper evaluation of opposing naval capabilities must consider the contribution of allies on both sides. But, this is possible only in situations where their allies can be expected to participate. The historical fact is that the U.S. has some interests that are not shared by our allies. The U.S. and the Soviet may oppose each other in situations in which the allies of neither are involved.

COMPARISON

With these facts in mind, we can make some observations about the effectiveness of the two largest navies in the world.

Both are capable, professional forces, the Soviet Navy has more major surface combatant ships and submarines than the U.S.—about 568 to our 378. Our forces normally operate in large task organizations, our ships supporting each other to fulfill the overall mission. Soviet surface combatants usually operate in small groups, often integrated with submarines and aircraft equipped with anti-ship missiles.

The Soviet submarine force is some 2½ times as large as ours, but the U.S. underseas fleet, has specific qualitative advantages.

The U.S. Navy has far more aircraft than has Soviet Naval Aviation—8,500 to 1,100. Here again, a purely numerical comparison is meaningless because of differing missions. Our carrier-based aircraft are intended primarily to attack targets ashore in defense of U.S. or allied forces and to protect our fleet; the primary mission of the Soviet aircraft is to attack Western navy forces. Therefore our naval air arm has small, versatile, attack aircraft for delivering both conventional and nuclear weapons, and fast, maneuverable fighters for fleet defense. The Soviets h .ve no naval fighters and have instead concentrated on medium and heavy bombers with superior range capabilities and stand-off missiles for use against ships. .

The Soviet Fleet, on the average, is far newer than ours. The average age of the Soviet Fleet is 9 years; ours is 16. More important, the Soviet Navy has only 4 major ships that are more than 20 years old; we have 132. Age is not necessarily the measure of fighting ability, but these figures do serve to underscore one important point: the Soviets are striving hard to modernize their fleet in an era when the United States is struggling to overcome the obsolescence of many of its principal ships.

As for overall effectiveness: Both fleets are capable. Neither can be confident about the outcome of a large-scale engagement at sea. Just a few years ago, the U.S. Navy could have been highly confident of the outcome. The Soviets have been good at exploiting some of our weak points; we hope that we have identified some of their shortcomings and are turning them to our advantage. The Soviets have a formidable anti-ship missile capability—a capability against which we have been hardpressed to provide defense. We have seen the need for such missiles and missile defenses and are working on them. We are already ahead in anti-submarine warfare, though—numerically, at least the threat we face is greater.

In the past five years alone, about ten new and advanced classes of major surface combatants and submarines have entered the Soviet's operational inventory.

Since the sinking of the Israeli destroyer *Eilat* in late 1967, we have been striving toward attainment of an effective counter to the Soviet SS–N–2 (STYX) and other anti-ship missiles. The Soviets, however, have continued their accelerated research and development program and have moved even further ahead by introducing five entirely new and different cruise missile systems into their fleet.

The table, attached, compares the two navies numerically, as of 1 April 1972, without projections for either side.

CONCLUSION

The most important conclusions that can be drawn from a comparison of force levels and mix are: (1) that the two navies are structured differently—as attested to by type comparisons—which is indicative of their differing missions; and (2) the increased commitment the Soviets have displayed by having become one of the world's two most powerful maritime nations poses a serious challenge to our previous superiority, and (3) unless we continue a dedicated and determined naval modernization program, expanding Soviet naval capabilities could in the not too distant future, put the Soviet Union in a position to disrupt our use of the seas in pursuing our national interests at home and abroad.

COMPARISON OF U.S. AND U.S.S.R. NAVAL COMBATANTS

[Active April 1972]

U.S.				U.S.S.R.		
Class	Number of active units	Tonnage	Operational date	Class	Number of active units	Tonnage	Operational date
NUCLEAR AIRCRAFT CARRIERS							
Enterprise	1	89,600	1961	None.			
Total	1						

CONVENTIONAL AIRCRAFT CARRIERS

[Active April 1972]

Class	U.S. Number of active units	U.S. Tonnage	U.S. Operational date	Class	U.S.S.R. Number of active units	U.S.S.R. Tonnage	U.S.S.R. Operational date
Kitty Hawk	4	80,800	1961	None.			
Forrestal	4	78,000	1955				
Midway	3	64,000	1945				
Hancock	2	44,700	1944				
Intrepid	2	42,000	1943				
Yorktown	1	40,600	1943				
Total	16						

HELICOPTER CARRIERS

Iwo Jima	7	18,000	1961	Moskva	2	20,000	1967
Total	7				2		

NUCLEAR CRUISERS

Long Beach	1	17,331	1961	None.			
Total	1						

CONVENTIONAL GUN CRUISERS

Salem	1	20,950	1949	Sverdlov		19,200	1951
				Chapayev		15,000	1941
				Kirov		11,500	1938
Total	1			Total	14		

GUIDED MISSILE CRUISERS (SURFACE-TO-AIR)

Albany	3	19,000	1945	Sverdlov		19,200	1951
Galveston	2	15,200	1944				
Providence	2	15,192	1944				
Total	7			Total	1		

GUIDED MISSILE CRUISERS (SURFACE-TO-SURFACE AND SURFACE-TO-AIR)

None.				Kresta I		6,500	1967
				Kresta II		7,500	1969
				Kynda		6,000	1962
				Undesig		Unknown	Unknown
				Total	13		

NUCLEAR DESTROYERS (SURFACE-TO-AIR)

Truxton	1	8,659	1967	None.			
Bainbridge	1	8,590	1962				
Total	2						

GUIDED MISSILE DESTROYERS (SURFACE-TO-AIR)

Adams	23	4,480	1960	Kashin		5,200	1962
Decatur	4	4,088	1956	Kanin		4,600	1967
Mitscher	2	5,281	1953	Kotlin		3,900	1969
Farragut	9	5,800	1960				
Leahy	7	7,903	1962				
Belknap	9	7,940	1964				
Total	54			Total	30		

GUIDED MISSILE DESTROYERS (SURFACE-TO-SURFACE) (SURFACE-TO-AIR)

None.				Krupnyy		4,600	1958
				KPLdin		4,000	1957
				Krivak		3,500	1971
				Total	11		

CONVENTIONAL DESTROYERS

Fram I and II	80	3,203–3,520	1944	Kotlin		3,800	1954
Sherman	14	4,090–4,200	1955	Tallinn		4,300	1953
				Skoryy		3,500	1949
Total	94			Total	40		

GUIDED MISSILE DESTROYER ESCORTS (SURFACE-TO-AIR)

Brooke	6	3,476	1966	None.			
Total	6						

CONVENTIONAL DESTROYER ESCORTS

Class	U.S. Number of active units	U.S. Tonnage	U.S. Operational date	Class	U.S.S.R. Number of active units	U.S.S.R. Tonnage	U.S.S.R. Operational date
Dealey	3	1,940	1954	Riga		1,600	1952
Courtney	6	1,892	1956	Kola		1,900	1951
Jones	4	1,873	1959	Mirka		1,100	1964
Bronstein	2	2,629	1963	Petya–I		1,150	1960
Garcia	10	3,403	1964	Petya–II		1,150	1960
Knox	31	4,100	1969				
Savage (Der)	3	1,740	1943				
Total	59			Total	112		

BALLISTIC MISSILE SUBMARINES (NUCLEAR)

Washington	5	6,019	1959	Yankee		7,300	1969
Ethan Allen	5	6,955	1961	Hotel		3,500	1960
Lafayette	9	7,250	1963				
Madison	10	7,300	1964				
Franklin	12	7,320	1965				
Total	41			Total about	35		

BALLISTIC MISSILE SUBMARINES (DIESEL)

None.				Golf		2,700	1958
				Zulu		2,000	1956
				Total	20		

CRUISE MISSILE SUBMARINES (DIESEL)

None.				Juliett		2,800	1962
				Whiskey		1,300	1956
				Total	28		

MISSILE PATROL BOATS (SURFACE-TO-SURFACE)

None.				Osa		100	1959
				Komar		100	1960
				Nanuchka		700	1971
				Total	150		

MOTOR TORPEDO/GUN BOATS

Asheville	16	240	1966	Various		80–150	1951–1963
Total	16			Total	250		

SUBMARINE CHASERS

None.				Various		250	1945–1971
				Total	250		

FLEET MINESWEEPS

Agile	1	755	1956	Various		600	1948–1965
Agressive	26	775	1954				
Acme	2	750	1957				
Ability	2	934	1958				
Total	31			Total	195		

COASTAL MINESWEEPS

None.				Various		250	1946–1956
				Total	125		

CRUISE MISSILE SUBMARINES (NUCLEAR)

None.				Echo		4,500	1962
				Charlie		4,800	1969
				Total (about)	37		

TORPEDO ATTACK SUBMARINES (NUCLEAR)

Nautilus	1	3,764	1955	November		3,500	1958
Seawolf	1	3,765	1957	Victor		4,000	1960
Skate	4	2,570	1957	Undesignated		Unknown	Unknown
Skipjack	5	3,075	1959				
Halibut	1	3,840	1960				
Permit	13	3,700	1962				
Tullibee	1	2,317	1960				
Sturgeon	28	3,640	1967				
Narwhal	1	4,450	1969				
Total	55			Total (about)	28		

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TORPEDO ATTACK SUBMARINES (DIESEL)

[Active April 1972]

Class	U.S. Number of active units	U.S. Tonnage	U.S. Operational date	Class	U.S.S.R. Number of active units	U.S.S.R. Tonnage	U.S.S.R. Operational date
Tang	12	2,108	1951	Foxtrot		1,700	1956
Blackfin	2	1,816	1944	Zulu		1,900	1951
Extemedor	9	2,058	1943	Bravo		Unknown	1969
Dogfish	9	2,093	1945	Whiskey		1,100	1956
Clamagore	9	2,074	1945	Quabec		650	1954
				Romeo		1,100	1958
Total	41			Total	197		

TEXT OF ADDRESS GIVEN BY ADMIRAL HORACIO RIVERO, USN, ON THE OCCASION OF THE CHANGE OF COMMAND OF COMMANDER-IN-CHIEF—ALLIED FORCES SOUTHERN EUROPE, AND HIS RETIREMENT ON 31 MAY 72

Mr. Minister, General Goodpaster, Admiral Zumwalt, Your Excellencies, distinguished guests, officers and other ratings of Allied Forces Southern Europe, first let me acknowledge with deep appreciation the very kind remarks of Minister Salizzoni, General Goodpaster, and Admiral Zumwalt, and the great honor bestowed upon me by the Government of the United States. I am greatly moved by the presence here of so many with whom I have worked closely: leaders of government, professional military colleagues of all services, members of the diplomatic service, and so many good friends who honor me and my successor by coming to these ceremonies. Some of you have come from very far, and I doubly appreciate this generous gesture of friendship and esteem. I have been privileged to serve as commander, Allied Forces Southern Europe for four and a quarter years, years that have seen the unfolding of momentous events in this area which throughout history has been at the center of the world events. I have seen the omnious growth of the Soviets' power and influence in this Mediterranean basin as they have taken advantage of every opportunity to improve their strategic and tactical positions in relation to the west. Our peaceful peoples look with apprehension at the presence of the powerful Soviet Mediterranean fleet, with a sizeable submarine component whose only valid wartime mission would be to attack our naval forces and to disrupt those sea lines of communication which are so very vital to the survival of our three peninsular countries in the allinace. They view with concern the constant increase in Soviet military expenditures, the feverish pace of their armaments programs, the pressures they apply to neutral and non-committed countries on the periphery of the alliance. It is clear that the Soviets have one aim, and that aim is to achieve such an overwhelming degree of superiority in all aspects of military strength that our countries could be intimidated and could be forced to submit to their political demands.

I hope that the peoples of all our NATO countries, heeding the lessons of their history, will continue to recognize the dangers and will make the necessary sacrifices to improve our defenses, and to present a solid front to any aggression in accordance with the principle of collective security which underlies the NATO alliance. It has been highly satisfying to me to observe the substantial progress that has been made improving our defensive posture in the southern region during the past four years, not only in the equipment of our forces, but also in their training as members of a fully integrated NATO team.

Even more importantly it has been gratifying to see the growth of that genuine solidarity which is the hallmark of the most effective and durable peacetime alliance the world has ever seen. But our material improvements, substantial as they have been, have not matched the efforts made by the potential aggressors, and our forces still suffer from serious material deficiencies which continue to place them at serious disadvantage in event of attack. I ask the leaders of our southern region countries not to slacken in their defense efforts and I enjoin the more prosperous members of the alliance to continue to extend needed help to those of our developing countries such as Greece and Turkey whose economies are strained by the magnificent efforts they are making to provide for their own defense within the limits of their resources.

Western Europe, for the first time in its history, has been blessed by a generation of peace, a peace that has made possible an unprecedented era of economic growth and prosperity. This attests to the success of the NATO alliance. Yet this success, and this extended period of tranquility have brought with them a disturbing euphoria which threatens to undermine the very foundations of this mighty edifice that was built by over twenty years of sacrifices.

We have had a quarter century of peace in western Europe. A new generation has grown up who have been blessed by the absence of the sound of guns, who have been privileged to grow up in an atmosphere of relative internal tranquility and international peace, who have enjoyed the blessings of ever increasing material prosperity. This younger generation will soon take in their hands the destinies of our countries, and their actions will determine that fate of generations yet unborn. I appeal to this younger generation to heed the lessons of history, to reflect on the events of the past twenty-five years, to look on the other side of the Iron Curtain and see what can happen when brute force and a godless, ruthless and unprincipled ideology is allowed to hold sway over freedom-loving people, because these people lacked either the will or the means to provide for their defense. Let them ponder over the fate of the once independent Baltic States, of the courageous people of Poland, of Hungary and of Czechoslovakia.

I have great faith in our youth. The flower of this youth mans our defensive ramparts on land, at sea, and in the air. They are the future, but they bear a heavy responsibility to the many generations before them that have sacrificed their blood in the cause of peace and liberty. Let them remember that the price of liberty is eternal vigilance.

I bequeath to my successor, not only the honor of commanding the NATO forces of southern Europe, but also the burden of improving on the efforts of the past to the end that the peoples of this region may continue to be sheltered from the fury of war. The southern region is fortunate indeed to see installed as its new commander a distinguished officer whose qualifications for this challenging assignment are unexcelled. I know of no officer more worthy to assume the heavy responsibilities of the NATO defense of Italy, Greece and Turkey than Admiral Richard G. Colbert. I turn over to him a command and a staff of which I am supremely proud and for whose dedication and support I will be forever grateful. I am confident that he will receive the same devoted loyalty and cooperation that were my great privilege to have during my tenure. And I know that he and Mrs. Colbert will cherish, as Mrs. Rivero and I do, the warmth, the hospitality, and the sincere friendship extended to us not only in Naples, our true home for over four years, but also by the wonderful people of the rest of Italy, of Greece and of Turkey. This is my last day on active duty, the end of a career that has been both challenging and satisfying. I am humbly grateful that it has been my good fortune to serve in my last duty this great alliance and the peoples of Italy, Greece and Turkey. And now, as I lay aside my sword, I want to pay tribute to my wife, whose love, understanding, loyalty and devotion encouraged and sustained me throughout the years. Whatever I have accomplished in my career I owe to her.

Thank you again for being here, all of you who came from near and far, and thank you especially, our Neapolitan friends who took us to your hearts and made us feel as yours.

ADMIRAL ZUMWALT'S FURTHER REPLY—COMMENTS ON HIS LETTER OF JUNE 8, 1972

Mr. PROXMIRE. Mr. President, on June 8 I received a reply from Adm. R. Zumwalt regarding my letter to him of May 26. In that letter, I asked a number of specific questions comparing United States and Soviet naval forces that were left unanswered by our previous correspondence. I ask unanimous consent that a copy of my letter of May 26, 1972, be printed at this point in the RECORD.

Before dealing with his reply, I have several general observations.

THE RUSSIANS ARE COMING

Admiral Zumwalt goes to great lengths to keep from saying that the U.S. Navy is No. 1 in the world. It is a strange, even melancholy, attitude. There once was a day when a U.S. military officer was proud of his service and his Nation. It was a source of pride to say that we were on top. Now all we hear is "The Russians are coming, the Russians are coming."

Let us reflect a minute about why a senior naval officer would systematically make it appear that the U.S. Navy is a second-class power. What psychology is involved here? What forces a man to build up the potential enemy while decrying our own position?

One might think it would be a little embarrassing. After all, if the admiral's facts are accurate, and the Soviets are running us out of the Pacific, Atlantic, Mediterranean, Indian Ocean, and the Caribbean, if they are outbuilding us yearly, if they have surface-to-surface weapons superior to anything we have, if their ships have more firepower, if we do not have an advantage in our sea-based deterrent or any other aspect of our fleet except aircraft carriers—if all these things are true—then the U.S. Navy is guilty of the greatest squandering of funds in the history of the world.

WHERE DID $188 BILLION GO?

The last 10 years, U.S. Navy has spent $188 billion. Where has the money gone? Has it evaporated into thin air?

The Brookings Institution has recently stated:

Contrary to popular impressions, there has not been a major recent expansion in the size of the Soviet navy, although its quality has improved. Since 1958, . . . manpower in the Soviet navy has been cut by more than ⅓, Naval Aviation by ⅔, and the attack submarine fleet has been considerably reduced.

We have been told that the Soviets have either gained on us or surpassed us in all the categories Admiral Zumwalt mentions and that they have done this while reducing their forces by the percentages I just cited. Either the Soviets are the world's most efficient, most technologically advanced nation or, the U.S. Navy has dramatically wasted its funds.

The admiral cannot have it both ways. He cannot argue that the Soviets, with a smaller economy and a smaller naval budget are outproducing the U.S. Navy without the admission that our Navy has not been doing its job.

What is really going on? There is an answer to why these inflated threat figures have shown up on the pages of national magazines and leading newspapers. It has a lot to do with timing and money.

Simply put, the more the U.S. Navy inflates the Soviet threat, the more money they can squeeze from Congress. Admiral Zumwalt has carried on an extensive lobbying campaign in the Halls of Congress, seeking to add to a Navy budget already much larger than either of its sister services. The fact that it comes at this time of the year is no accident for it is now that the military budget is under review in the Armed Services and Appropriations Committees.

BIG NAVY PUSH

Having explored some of the underlying reasons related to the big Navy push for increased appropriations, let me now comment on the specifics of Admiral Zumwalt's most recent reply.

Regarding the 2-to-1 lead in nuclear attack submarines, I chose to place Soviet nuclear cruise missile attack submarines in a separate, distinct category to emphasize that the United States did not have any such weapon. I understand that we once had such a program but gave it up and now we are going back to it. The combined totals, however, for both United States and U.S.S.R. attack submarines are clearly stated in my May 25 Senate speech and I notice that the admiral has substantially agreed with these figures. If the admiral had read that speech he must have noticed that I singled out the Soviet cruise missile capability in all my figures and also that I mentioned that these same cruise missiles make purchase of the CVN-70 most unwise. The most that can be said is that he and I differ by one ship in the figures we have used.

In reference to shipbuilding between 1960 and 1969, I stand by my figures in the May 25 speech which demonstrated that the United States leads in every major surface building program except surface-to-surface missile ships.

ADMIRAL ZUMWALT AGREES WITH PROXMIRE ANALYSES

We now come to a series of questions where Admiral Zumwalt actually agrees with my position. For example:

That Soviet submarine on station time "is less—than ours—due to longer transits." He qualifies this statement by saying that their situation will improve if they ever acquire overseas bases. This lack of bases was another of my major points.

That the U.S. Navy has superior surveillance, communications, and ASW techniques. If the admiral in any way can document where the Soviets lead in these areas, I request him to do so.

That "United States ASW capabilities are the best in the world."

That "the total Italian Navy is numerically larger—than the average Soviet Mediterranean force" I specifically said numerically because we have heard so often how large the Soviet Fleet is in the Mediterranean. Admiral Zumwalt notes Soviet superiority in combat capability over the Italians, however, he errs in saying that the Italians have no surface-to-surface missile capability. The Italians have two operational systems, the Sea Killer I and II.

That the Soviet submarine "sensors are not considered as sophisticated as ours."

That "qualitatively, we believe that our late model nuclear attack submarines are today superior to their Soviet counterparts."

That the Soviet SS–N–6 has a more limited range than Poseiden and "is somewhat less accurate than ours."

That the Soviets have neither MRV's or MIRV's and that the United States will retain a lead in nuclear warheads at sea.

I note that in other areas, Admiral Zumwalt disagrees with some of the data I have presented. I have taken his comments into consideration and find that some of them have merit. In fact, I want to thank Admiral Zumwalt for taking the time to give me as complete a reply as he did, even though as I have mentioned, some questions remained unanswered. There is a useful service in airing both sides to these difficult questions.

Again and again in the data coming from the Navy Department we hear that the Soviet navy is increasing in size, while ours is being reduced. Admiral Zumwalt made exactly this point in his last letter. That simply is not true. Both navies are decreasing in size. Both navies are modernizing. Both Navies are different in composition and mission. But the two navies are not equal. The mix of U.S. naval forces is such that it will allow for far more flexibility and levels of reaction than the Soviet Fleet. We are far stronger.

All I ask for is a balanced point of view.

I ask unanimous consent that Admiral Zumwalt's letter of June 8, 1972, which is in reply to my letter of May 26 and my speech of May 25, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHIEF OF NAVAL OPERATIONS,
June 8, 1972.

DEAR SENATOR PROXMIRE: I am pleased to be able to respond fully to your letter of 26 May. My views on many of the questions you raise were contained in my 2 June letter response on the subject of your remarks on the Senate floor 25 May. Nevertheless, at the risk of some necessary duplication I will attempt to provide herein a complete response to your inquiries.

As previously noted, the fundamental shortcoming of the information that has been supplied you and which appears in your letters to me is that it is conceptually flawed. In assessing the relative capabilities of the two navies, simple comparisons of force levels—ship-type by ship-type—are inadequate unless they are evaluated within the larger context of the missions the ships are designed to perform and the opposition they must overcome.

Moreover, the material that was provided to you was very selective and, hence, suggested an unbalanced set of questions. By way of example, one could use the same approach and produce a set of questions which convey an entirely different impression:

Is it not true that the Soviet Navy's superiority in anti-ship missiles is virtually absolute?

Is it not true that the Soviet Navy has an absolute advantage in cruise-missile launching submarines?

Is it not true that the Soviet Union has an absolute advantage in long-range land-based anti-shipping missile-armed aircraft?

Is it not true that the Soviet Union has three times as many submarines designed to attack surface ships as the U.S.?

Is it not true that the Soviet Union possesses in a single facility a submarine construction capacity that exceeds the entire submarine building capacity of this country?

As you no doubt know this format for investigating these serious and complex matters is not efficient, revealing, or relevant.

The questions you raise fall into 4 groups: (1) those which publicly available information shows to be factually inaccurate; (2) those which are affected by the recent SALT agreement; (3) those which are in reality appropriate starting points for analysis rather than useful conclusions; and (4) those which represent general assessments of the relative capabilities of the two navies. I will address them under these hearings.

FACTUAL INACCURACIES

Question: Does the U.S. not have a 2 to 1 lead in nuclear attack submarines?

Response: No. The total number of nuclear attack submarines possessed by the Soviets is 65; the U.S. has 55. Of the Soviets' total 37 are also armed with antiship cruise missiles. In addition, the Soviets have 225 *conventional* attack submarines—28 of which are equipped with anti-ship missiles—to our 41 armed only with torpedoes, a 5 to 1 Soviet advantage. I do not understand why the data provided to you eliminated Soviet cruise missile-armed nuclear attack submarines from the comparison. It could not be because they cannot attack surface ships, they can; nor because they are not intended to do so, they are; nor even because they don't carry torpedoes as well as missiles, they do. In fact,

they are more capable of attacking surface ships than torpedo-only submarines.

Question: Do you deny the facts I inserted in the actual Record on the shipbuilding programs between 1960 and 1969 which show that we have exceeded the Soviets in every type of ship except surface-to-surface missile ships?

Response: Yes, I deny your alleged facts. The facts show that the Soviets have outbuilt us. The table enclosed with this letter summarizes information provided to the Subcommittee on Seapower of the House Armed Services Committee in 1969. Inspection of the table does not support your statement. The table shows that the Soviets have outbuilt us in 6 of the 7 categories normally used to categorize naval vessels. What the table also shows is the striking difference in the navies which derives from the differing missions and purposes. For example, they have built cruise missile armed submarines and surface ships designed to combat our fleet. We have built carriers in order to be able to control the sea lines of communication as well as to project tactical air power overseas from flexible, mobile, air bases in support of U.S. and other forces of the free world maritime alliance.

Question: Is it not true that they (Soviet strategic submarines) do not have as long on-station time (as the U.S.) and suffer from limited geographic operating conditions including iced ports and bottleneck transits?

Response: There is no evidence that Soviet submarine patrols are of short duration or that either Soviet submarines or crews suffer during extended deployments. To the contrary, patrols in excess of 60 days have been observed and the Soviets maintain ballistic missile submarines continuously on station off both the east and west coasts of the United States. The on-station time of their submarines is less due to longer transits; however transits will be shorter, and on-station time longer, if they should acquire bases or facilities overseas. Deployability of Soviet SSBs or SSBNs is not limited by ice conditions during any time of the year. A principal source of our concern regarding the Soviet Navy, in both its strategic and general purpose force components, is that it is now, through peacetime overseas deployments, nullifying our earlier strategies of exploiting geographic bottlenecks to contain it.

Question: Is it not true that we have a decided advantage over the Soviet fleet because of its restricted geographical limitation, our advanced overseas bases, our far superior surveillance and communication systems and our superiority in ASW techniques?

Response: The advantage to us of Soviet geographic restrictions has largely been dissipated because of greatly increased Soviet current deployments. Concomitantly these deployments pose an increasing challenge to our access to the seas; access which is essential in view of our position as an essentially island nation and one at the center of a maritime alliance. It should also be remembered that the geographic configuration and position of our nation, stretching 3000 miles and washed by the Atlantic and Pacific oceans, provides a strategic advantage for the Soviet sea-based missile system. We do not enjoy a similar advantage since the vital areas of the vast Soviet homeland are buffered by land mass virtually on all sides.

These geographic differences have resulted in the different force structures, different missions, and different tactical and strategic options that have been the subject of our exchange of views. It has also resulted in our need for advanced overseas bases, and for superior surveillance, communications and ASW techniques. Regrettably Soviet surveillance and communication systems are in many respects superior to ours.

U.S. ASW capabilities are the best in the world. The point is that they must remain so since the Soviets have a much larger and increasingly more sophisticated submarine force, and we have an essential requirement to defend our sea lines of communication from this force.

Question: Is it not true that either the French or Italian Mediterranean force is numerically at least the equal of the Soviet Mediterranean fleet?

Response: Simple numerical comparisons of forces do not indicate relative naval capabilities. Using simple numerical comparison, we cannot estimate whether the French or Italian navies would prevail in an actual conflict.

Table 3 accompanying your remarks of 25 May indicates that the USSR deploys the following force levels into the Mediterranean.

	Average	Highest observed
Helicopter carriers	0	1
Cruisers	2	4
Destroyers and escorts	5	8
Attack submarines	7	12

More accurate figures for table 3 are:

	Average	Highest observed
Helicopter carriers	0	2
Cruisers	2	6
Destroyers and escorts	5	17
Attack submarines (including 2-3 nuclear powered)	9	22

The total Italian Navy is numerically larger (22 major surface combatants including ships in overhaul) than the average Soviet Mediterranean force, but it is not a match in combat capability for even the routine Soviet Mediterranean force. It is deficient in submarines (10 conventional units and it has no sea-based air or surface-to-surface missile capability. The French navy's standard force, stationed in the Mediterranean is composed of one light aircraft carrier with no attack air capability, 18 destroyers, and 10 conventional submarines. These forces are not designed to deal with the Soviet Mediterranean fleet on their own.

Question: Is it not correct that while the Soviets retain some numerical superiority in diesel attack submarines, that the speed, quietness, sophistication and operation techniques of the U.S. attack submarines are of entirely higher quality than the Soviets?

Response: The Soviets have more than "some numerical superiority," they continue to retain a *very marked* numerical superiority in diesel attack submarines, some 225 to our 41, a 5 to 1 superiority. Moreover, theirs are newer than ours; most of ours were built during World War II. In addition, the Soviets have been unique in the development of submarine-launched antiship cruise missiles and a series of complementing systems are now deployed aboard a number of different classes. They have introduced a submerged-launch capability which greatly complicates our antisubmarine effort and adds a new dimension to submarine warfare. The new Soviet nuclear submarines are relatively quieter than their predecessors. Their sensors are not considered as sophisticated as ours. Qualitatively, we believe that our late-model nuclear attack submarines are today superior, to their Soviet counterparts. In recent years, the Soviets have developed six new classes of submarines. Not only is the quantity of design effort being expended remarkable, but so too is the quality of what they are doing. Their new design efforts demonstrated the need for a high speed U.S. nuclear attack submarine to offset the gains by the Soviets in this area.

ISSUES AFFECTED BY THE SALT AGREEMENT

Question: Is it not true that while both we and the Soviets have about the same number of strategic ballistic missile submarines, that the disparity in overall strength favoring the U.S. is imposing?

Response: While it is true that the Soviets now have operational, and under construction, about as many ballistic missile nuclear powered submarines as we have Polaris/Poseidon submarines, they have in addition approximately 30 older submarines carrying on the order of 100 strategic ballistic missiles. Moreover, they are permitted by the SALT agreements to have, eventually, 950 ballistic missile launchers on 62 modern submarines as compared to the 44 modern ballistic missile submarines and the 710 missiles allocated to the United States. Under the completed Poseidon program, the U.S. is expected to maintain more nuclear warheads at sea than the Soviets.

Question: Is it not true that the Soviet SLBM's have a missile range of at least 1,200 nautical miles less than ours, that they have neither MRV's or MIRV's, that their missiles are less accurate, and that their boats are noisier and far more susceptible to ASW techniques?

Response: Geography gives the Soviets an advantage in relation to SLBM ranges in that major segments of the U.S. command and control structure, the National Command Authority, and most of our urban-industrial complex are within a few hundred miles of the sea. This is not true of the Soviet Union. The primary SLBM now employed by the Soviets is the SS–N–6 with a range of 1300 nautical miles. Although it is believed that this missile is somewhat less accurate than ours, it is clearly within necessary accuracy parameters. The Soviets, however, have been actively testing an extended range SLBM with a range in excess of 3,000 nautical miles. This missile coupled with their modern nuclear submarines gives them a marked increase in future operating flexibility. We do not believe that they have MRV's or MIRV's at sea at this time.

ASW techniques would not necessarily be effective against Soviet ballistic missile submarines on station within range of continental U.S. targets since the submarines could launch all their missiles prior to being destroyed by U.S. forces.

ISSUES WHICH ARE STARTING POINTS FOR ANALYSIS

Question: Is it not true that our superiority in aircraft carriers, sea-based air operations, and nuclear surface ships is virtually absolute?

Response: If by virtually absolute superiority you mean that at this time we have aircraft carriers and the Soviets do not, you are correct. If you mean that consequently we have sea based air operations and the Soviets do not, you are correct. If you mean that we have nuclear powered surface warships and they do not, you are correct. If, however, you mean to imply that the Soviet Navy does not pose a serious challenge to the interests of the United States you are incorrect. I have previously referred in my letter of 2 June to the differing missions of the two navies. We have attempted to optimize our forces and systems to fulfill our missions.

The Soviet Navy has a principal role in the thwarting of those interests and has optimized accordingly. It is not germane to argue that we have no cause for concern since they don't have what we have. They do have the forces to significantly counter what we have and what we are tasked to do. And since we cannot survive as a viable nation, nor can our allies, without the ability to use the seas, whereas the Soviets can, their significant capability to counter our Navy ought to be of serious concern.

Question: Are any of the facts in my statement concerning cruisers and destroyers incorrect in any substantial way? Is it not true that many of our destroyers are in fact bigger than some Soviet cruisers, and that our 3400-ton patrol frigates will be larger than some Soviet destroyers?

Response: The Soviets have three times as many cruisers as the U.S. (28 to 9) and about the same number of destroyers of all types (U.S. 215 and USSR 193). Four of the Soviet cruisers are quite old as you point out, but all U.S. cruisers except Long Beach are of equally ancient vintage, which you did not point out. With regard to the size and nomenclature of naval ships, they reflect the missions they are designed to perform. Gross tonnage alone is an incomplete measure of combat capability. The primary reason our ships are larger than some Soviet ships with the same nomenclature is that our ships are designed to have the endurance and range necessary to carry out their assigned missions (in support of our essentially island nation and its overseas sources of supply, and its allies) which involve relatively greater distances. The modern Soviet cruiser acquired its nomenclature—in both the U.S. and abroad—in recognition of its high firepower, light armor, and high speed. Soviet ship designers have traditionally traded range and staying power for high initial striking power to give the Soviet land power a significant capability to sever our sea lines of communication closer to the Eurasian Continent where our principal allies and sources of supply are located.

Question: Are not my facts with respect to Soviet attack and strategic submarines correct?

Response: The facts lead to the conclusion, that the Soviet Union has the largest submarine force in the world. I have commented on many of your facts about submarines elsewhere in this letter. The Soviets now operate 197 diesel torpedo attack submarines, about ⅓ of these were built during the 1960's and would not be "old diesel attack submarines of limited operational capabilities" as you assert. You imply they are World War II submarines. In fact, the Soviets have not operated World War II submarines in at least the last 5 years. Most U.S. diesel submarines were built during World War II. The table provided in my earlier letter provides our estimate of Soviet submarine numbers. My earlier testimony to the Congress points out that the total Soviet submarine inventory has declined as they have substituted more capable nuclear submarines for their conventional submarines. Your statement describes our highly publicized building programs and plans. It fails to mention their much larger submarine building capacity or the new submarine classes they have developed and deployed during the past few years.

Question: Is it not true that major NATO combatants number 767 compared to 583 for the Warsaw Pact?

Response: A simple and selective numerical comparison of this sort reflects the two shortcomings mentioned with regard to the U.S.-USSR comparisons. It ignores the differences in mission. Moreover, it ignores important elements of the total forces; for example, it ignores about 1800 Soviet and Warsaw Pact small combatants. NATO has less than 600 ships in this category. These small craft would play an important role in conflicts around the periphery of Europe, where they would be used to assist in cutting our sea lines of communication to our principal sources of supply and to our allies.

Table 2 of your remarks of 25 May indicates:

Total ships:

NATO	767
Warsaw Pact	583
United States	384
U.S.S.R.	565

If total numbers of ships were an adequate measure of relative combat capability, we ought to be even more concerned about the 565 to 384 advantage which the U.S.S.R. possesses over the U.S., according to table 2, above, since there are many contingencies wherein we would not have major allies to assist us against the Soviets. Aggregative ship counts, however, are not an adequate measure. The more fundamental point is that the U.S. Navy should be prepared to deal with the Soviet Navy in conflict situations where the allies of neither are involved. The size and composition of our Navy have been determined by the missions which have been assigned to it in support of our national policies. For some, but not all policies, this involves integrated planning with our allies.

GENERAL ASSESSMENTS

The three questions with which you close your letter deal with general assessments of the relative capabilities of the two navies.

Question: Is it not true that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterpart?

Response: No, it is not true. The fact that this and the two following questions have been asked in the manner they have, indicates the weakness of the purported study you have used as your basis for comparisons. My letter of 2 June and the subsequent points advanced earlier in this letter have pointed out these weaknesses. In short, you have chosen to rely upon outdated "gun for gun and ship tonnage for ship tonnage" methods rather than recognizing that the proper basis for comparison takes into consideration the fundamental question of what each navy is designed to accomplish. We can no more compare the U.S. and Soviet navies ship-to-ship or inventory-to-inventory than we can compare the U.S. and Soviet economies without considering their structural difference.

Question: Is it not true that the Soviet fleet does not belong in the same category with the U.S. Navy which is a worldwide balanced open-ocean force with advanced bases, sea knowledge, staying power, and air coverage?

Response: Again your question, and the purported study which raises it, misses the point. The question as asked is, or course, rhetorical, but the answer is not. As a force designed to deny us control of our vital sea lines of communications, the Soviet Navy is a powerful, viable one increasing in size and capability at the very time when, because of cuts that have been made below the President's defense budgets, we are reducing ours.

Question: Is it not true that our Navy is Number One? Is it not true that under present plans and programs we will continue to be Number One for the foreseeable future?

Response: An examination of the record will show that I have not asserted that *total* Soviet naval inventories have been growing in number. Rather, I have asserted that the essential composition and employment policies of the Soviet Navy have been changing in ways which make it a significantly more capable and challenging force. I cited the growth of its nuclear submarine forces and its cruise-missile capabilities from air, surface, and subsurface platforms as the central features of this change in capabilities. Its long-range, steady-state deployments have imposed the requirement for new strategies and programs on our Navy. It is my considered judgment that the *trends* in the net capabilities of the two navies have been running rapidly against the U.S. The President's budget is, as Mr. Laird has pointed out, the baseline from which to build.

If I were sure that we would be permitted to move forward with our plans and programs, as your question suggests, there would be no doubt in my mind that we would be able to have superiority at sea against the Soviet Navy. However, the entire thrust of your correspondence and the purported study your questions are based upon, clearly provides no justification for such an optimistic supposition.

Sincerely,

E. R. ZUMWALT,
Admiral, U.S. Navy.

U.S. AND U.S.S.R. SHIP AND SUBMARINE DELIVERIES 1960–69 [1]

	Jan. 1, 1969 [1] U.S.	U.S.S.R.
Major combatants	77	102
Attack aircraft carrier, nuclear	1	0
Attack aircraft carrier	4	0
Guided missile:		
Helicopter ship	0	1
Cruiser, nuclear	1	0
Cruiser (mixed battery)	0	8
Frigate, nuclear	2	0
Frigate	27	15
Destroyer	23	3
Destroyer (surface-to-surface)	0	10
Destroyers	0	0
Guided missile escort ship	6	0
Escort ship [2]	13	65
Minor combatants	9	475
Patrol gunboat	7	0
Patrol craft/submarine chaser	0	175
Guided missile patrol craft/large guided missile patrol craft	0	150
Mine warfare	2	150
Amphibious ships, total	16	40
Auxiliary ships, total	17	140
Nuclear attack submarines	30	50
Submarine, nuclear	30	20
Guided missile submarine nuclear	0	30
Conventional attack submarines	0	75
Submarine	0	60
Guided missile submarine	0	15
Ballistic missile submarines	40	35
Fleet ballistic missile submarines, nuclear	40	15
Fleet ballistic missile submarine	0	20
Total	189	917

[1] Status of naval ships; report by the Seapower Subcommittee of the House Committee on Armed Services, 91st Cong., 1st Sess.; Mar. 19, 1969, pp. 416–418. Soviet deliveries have been derived by adding inventories in the age categories 0–4 years and 5–9 years in the cited table. Actual Soviet deliveries in some categories may have been larger than indicated since Soviet inventories have been reduced as a result of retirements and transfers to other nations. U.S. data has been revised to correct errors in the printed table appearing in the cited record.

[2] Includes Soviet patrol escort ships which are employed in roles comparable to U.S. destroyer escorts.

S. 3442—THE COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972

Mr. CRANSTON. Mr. President, S. 3442 was passed by the Senate last week, and

as the Senator from Massachusetts (Mr. KENNEDY), the distinguished chairman of the Subcommittee on Health of the Labor and Public Welfare Committee, stated at that time, I have some comments I would like to make on this bill at this time.

Mr. President, S. 3442, the proposed "Communicable Disease Control Amendments Act of 1972," will enable the Nation to maintain a concentrated and continuing effort against the far-reaching consequences of communicable disease. These diseases include tuberculosis, rubella, venereal disease, measles, polio, Rh disease, diphtheria, tetanus, and whooping cough, among others. While we have made tremendous advances in our ability to conquer these diseases, we have also tended to sit back and rest on our laurels, thinking that the ability to conquer them alone will be sufficient to stop the diseases from appearing or spreading. Unfortunately, these are very stubborn diseases. If we should stop our preventive measures we would again be faced with the strong possibility of epidemics such as we faced in previous decades.

To prevent this occurrence, S. 3442 will authorize the funding of programs specifically geared to support States and local communities in fighting these diseases, and will authorize grants and contracts for special programs to educate and inform the public of the nature and the consequences of communicable diseases. Only by continuing vigilance on the part of our local health authorities can we be assured of success in controlling these diseases. The provisions of title I of S. 3442 will provide those local authorities with the means to protect the communities from the serious and tragic consequences of these diseases.

VENEREAL DISEASE PREVENTION AND CONTROL

A communicable disease which has reached a dangerous potential recently is venereal disease. Because of the very serious statistics on the incidence of venereal diseases, the bill incorporates in title II a comprehensive program aimed at fighting them. Title II includes the National Venereal Disease Prevention and Control Act, which had been sponsored principally as a separate bill, by Senator WILLIAMS, Senator JAVITS, Senator KENNEDY, Senator DOMINICK, and myself.

Mr. President, the Nation faces a very serious crisis today in the increasing incidence of venereal disease. The rate of increase is so great that the American Social Health Association has labeled it a pandemic—which is a disease affecting an exceptionally high proportion of the population over a wide geographic area. There was a 15.6-percent increase in reported cases of primary and secondary syphilis during fiscal year 1971, and this has been followed by a further increase of 6.1 percent during the first half of fiscal year 1972.

The increase in reported cases of gonorrhea is even more staggering. This disease is the most frequently reported of all communicable diseases; the number reported in fiscal year 1971 was 624,371, almost a 9-percent increase over the previous year. The incidence of this disease has continued to expand in the current year with reported cases showing a further increase of 8.9 percent over the previous year.

In my State of California the epidemic has already reached tragic proportions. In 1970, for the first time in California's history, reported cases of syphilis and gonorrhea exceeded 100,000 in a single year; the incidence increased again in 1971 when 110,114 cases were reported. This is part of a continuing upward spiral, for the number of reported cases of gonorrhea in California has increased 132 percent over the past 6 years. California today is 13th in the Nation in rates of syphilis and third in the Nation in rates of gonorrhea. As a result, one in every five high school students there will contract a venereal disease before graduation.

A chart prepared by the Center for Disease Control indicates the rapidly growing numbers of reported cases nationwide since 1967 with comparable figures for California I regret that a look at these statistics indicates that California has almost 13 percent of the cases of syphilis in the Nation, and over 15 percent of the cases of gonorrhea.

I ask unanimous consent, Mr. President, that the table be set forth at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VENEREAL DISEASE CASES AND CASE RATES, PER 100,000 POPULATION

	Syphilis					
	All stages		Primary and secondary		Gonorrhea	
	Cases	Rates	Cases	Rates	Cases	Rates
United States:						
1967	103,546	53.2	21,090	10.8	375,606	193.0
1968	98,195	49.9	20,182	10.3	431,380	219.2
1969	96,679	48.1	18,679	9.3	494,227	245.9
1970	87,934	43.8	20,186	10.0	573,200	285.2
1971	94,383	46.5	23,336	11.5	624,371	307.5
California:						
1967	11,557	62.4	1,666	9.0	49,547	267.4
1968	10,515	56.0	1,543	8.2	63,783	339.4
1969	9,835	52.2	1,654	8.8	77,372	410.7
1970	10,298	54.0	2,009	10.5	95,334	500.3
1971	12,264	62.7	2,751	14.1	97,850	500.3

Mr. CRANSTON. Mr. President, if the trend revealed in this table continues, venereal disease will infect more Californians yearly than virtually all other communicable diseases combined. At present, only the common cold has a higher incidence of infection.

Cases of venereal disease are for the most part concentrated in large cities. A chart based on statistics compiled by the American Social Health Association shows the rate of cases per 100,000 population in some of the major cities of California. While the national average is a distressing 10 per 100,000 for syphilis and 285.2 for gonorrhea, the rate of disease in some of our California cities is far greater.

I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REPORTED VENEREAL DISEASE CASE RATES FOR CALIFORNIA CITIES, 1970

[Per 100,000]

City	Syphilis	Gonorrhea
San Mateo, Calif	2.3	265.1
San Bernadino	2.9	231.1
San Jose	3.0	280.0
Martinez	3.9	448.1
Long Beach	4.4	552.0
Riverside	4.4	201.6
Sacramento	5.7	459.1
Stockton	5.9	377.4
Ventura	5.9	111.3
San Diego	6.0	240.7
Visalia	6.1	130.4
Santa Ana	6.2	287.7
Vallejo	6.3	258.0
Bakersfield	7.9	323.0
Oakland	9.1	533.7
Santa Barbara	9.8	216.1
Fresno	10.6	302.9
Pasadena	11.9	1015.1
Los Angeles	14.3	589.0
Salinas	14.5	268.7
Berkeley	18.1	1490.5
San Francisco	56.5	2499.1

Mr. CRANSTON. Mr. President, still far more horrible than these statistics is the fact that they represent only the reported cases of venereal disease. It is estimated that four cases are treated for every case reported to public health authorities; and this figure covers only those individuals who recognize the symptoms of the disease and seek treatment.

It has been estimated that as many as 4 million individuals contracted venereal disease last year and that one-half a million have cases of syphilis which have never been diagnosed.

One aspect of this epidemic that is particularly tragic is that the victims for the most part are young adults and teenagers. More than half the reported cases represent individuals under 25 years of age. The incidence of the disease knows no social or economic bounds; it is all pervasive striking families of all economic and social groups indiscriminately.

The Venereal Disease Task Force of the California State Board of Public Health reports that if not found and treated, one in 25 persons infected with syphilis will become crippled or incapacitated; one in 200 will become blind; one in 13 will develop syphilitic heart disease; and one in 44 will develop paresis or syphilitic insanity. The personal toll in human suffering from gonorrhea includes urethritis, prostatitis, pelvic inflammatory disease, sterility, eye infections of new born children and at times even death. This is the personal tragedy.

The other side of the story is the effect it has on the taxpaying public. To the taxpayer it means millions and millions of tax dollars spent each year just to treat the latent cases of this disease. Millions more dollars are required to provide hospital and institutional care for those incapacitated by the disease. Yet lack of effective treatment now will only cause us to have to spend even more in the future to resolve a problem that we failed to cope with today.

To date, the cost to the taxpayer within the last two decades alone for syphilitic induced paralysis in tax-supported institutions has been more than a billion dollars nationally and $100 million in California. The California taxpayer must contribute close to $2½ million to care for the syphilitic blind. In addition, a conservative estimate for the treatment costs of acute gonorrhea in California is between $5 and $7 million annually, and these treatment costs are expected to triple by 1978. Finally, 1 year costs for the treatment of VD by public agencies is $11 million.

MEANS OF AVERTING THE CONTINUING INCREASE IN THE VD RATE

There are four major aspects of a program to control venereal disease. These are prevention, education, treatment, and research.

PREVENTION

At the basis of any preventive system is the effectiveness of the casefinding mechanism. The spread of the disease is caused to a large extent by those who are totally unaware that they are infected. Casefinding can be greatly simplified by the cooperation of the patient in notifying those whom he may have infected or been infected by.

EDUCATION

Closely related to prevention as a means of controlling VD is a strong educational program. This program should be aimed at those who are already infected, so they can recognize the symptoms and the necessity of seeking prompt medical treatment to prevent serious medical complications personally and to prevent the spread of the disease to others.

It should also be aimed at youth generally who represent too great a proportion of those suffering from venereal disease today. Only 30 to 40 percent of the school systems in the United States are estimated to have some venereal disease education. Much needs to be done in terms of educating teachers on how to present the material effectively as well as in developing means of self instruction for the students.

The need for public health-oriented education in venereal disease is not limited to the public; it is also needed by the medical community. New knowledge of the diagnosis and treatment methods of venereal diseases needs to be brought to the attention of the physicians. Paraprofessionals need to be trained in diagnostic and counseling procedures.

TREATMENT

Modern medicine has triumphed in finding effective treatment for venereal diseases. Syphilis can be successfully treated with penicillin and other antibiotics if treatment is begun in the early stages of the disease. Gonorrhea, however, has become more and more resistant to penicillin, raising the specter of an uncontrollable epidemic unless more effective preventive measures are taken and a new treatment developed.

One of the problems involved in effective treatment is the inaccessibility of appropriate medical care. The California Venereal Disease Task Force in its 1971 report stressed the importance of accessible VD treatment programs. The task force recommended that every county in California provide convenient treatment clinics for venereal disease and suggested they could be operated either by the local health department, by private physicians, or by the State health department, and that services be provided at no cost to the patient. It further recommended a strong orientation toward patient convenience with the facilities open to all and at hours when the patient population can most easily get to the clinic. Many clinics are closed in the evenings or on weekends when it would be most convenient for the individuals most susceptible to venereal disease to seek medical treatment. The task force recommended all-day and all-night clinics in major metropolitan areas, and further recommended that every effort be made to streamline clinic procedures to provide the population with a quick, practical method of examination to avoid discouragingly long periods of waiting for medical attention.

The very effective programs of California's free clinics in reaching out to young people and in gaining their trust was cited by the task force along with a recommendation that local health departments cooperate with these free clinics in providing them with appropriate guidance, training, and equipment to carry out venereal disease programs.

RESEARCH

Although venereal disease can be controlled through prevention, education, and treatment, much of the success of utilizing these three approaches is lessened by the difficulties of finding every infected individual, by the increasing resistance of gonorrhea to penicillin, and by the lack of a convenient preventive approach. Diagnostic tests need to be improved. One particularly difficult problem with gonorrhea is that it is asymptomatic in the female, defying self-diagnosis as well as professional diagnosis. Blood tests are imprecise at times in the case of syphilis. Thus, there is need for new medical techniques and developments to detect and treat venereal diseases. With the proportions of the incidence of venereal disease, research and available funds must be devoted to the development of a vaccine.

Venereal disease cannot be eradicated through medical efforts alone, however. It will take the full social, governmental, and educational resources of the Nation.

NEED FOR NATIONAL VD EFFORT

In the decade of the 1950's, the Nation established an effective program to fight venereal disease. However, we were deluded by our success. Because the incidence of disease dropped substantially we diverted our resources and our attention to other matters. The result was a loss of the gains we had made and a restoration in the 1960's of the incidence rates experienced in the 1940's. A concerted effort was made again to stop this tide, and we had a measure of success until the level of financial support stabilized in the mid-1960's without taking into account rising costs caused by inflation. The result has been the tragic figures I cited earlier.

Thus, past experience has shown that we cannot, we dare not, turn our backs on this serious health issue. We must again establish a strong campaign and commit ourselves to maintaining it—with increases to cover inflation in costs—at the level needed to be effective.

I believe the bill we are reporting will give us the tools to do this. For that reason, I was pleased to join with the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS), chairman and ranking minority member, respectively, of the Committee on Labor and Public Welfare, as well as with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER), the chairman and the ranking minority member, respectively, of the Subcommittee on Health as well as with other members of that committee in introducing S. 3187, the proposed National Venereal Disease Prevention and Control Act, which is now incorporated in title II of S. 3442.

This title of the bill would provide several important steps toward the effective control and treatment of venereal disease. First, it will provide an authorization of appropriations of $15 million annually for research, demonstration, or training programs in venereal disease prevention and control. To establish these programs technical assistance and grants would be made available to universities, hospitals, and other public or private nonprofit entities, such as free clinics.

Second, the bill would provide for the establishment of comprehensive State venereal disease diagnosis and treatment programs, for which formula grants in the amount of $30 million annually would be authorized. I am delighted that the committee accepted my amendment to raise the authorization from $25 to $30 million each year. This allocation, with a minimum of $75,000 per State, would be based upon the incidence of venereal disease in the State and its population; each State would be required to submit

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a plan for the establishment and maintenance of adequate public health programs to counter venereal disease.

Third, it would provide project grants of $30 million annually, to States and political subdivisions for venereal disease prevention and control programs which must include disease-surveillance activities, including reporting, screening case finding and followup activities; and professional and public venereal disease education activities.

An issue to which I and other members of the committee gave a great deal of attention is that of preserving the confidentiality of patient records. Clinics are faced with the very difficult alternative, in effectively eradicating venereal disease, of discouraging infected patients from seeking treatment if they rigorously follow local regulations and report each individual by name to the local health authorities, or of encouraging these individuals and their friends to seek treatment with the assurance that their names will not be placed on a ledger book and their right to privacy will be respected, although this generally means failing to comply with many State public health laws.

We determined that the rights of the individual to confidential treatment were paramount and adopted language which would protect this right. The bill provides that, State laws to the contrary notwithstanding, any information obtained by personnel of a treatment facility shall be held confidential and shall not be divulged without the individual patient's consent except as may be necessary to provide him service. The bill specifies, however, the information may be disclosed in summary, statistical, or other form for clinical and research purposes in a way which does not identify individual patients, either directly or indirectly.

I believe the provisions of this bill will enable our State and local health authorities, in coordination with the medical community and an educated citizenry, to organize an effective campaign to eradicate these destructive diseases. Our failure to act in past years has resulted each time in a sharp upturn in the incidence of these diseases. We must not make the same mistake again. The introduction of the proposed National Venereal Disease Prevention and Control Act in both Houses of Congress with strong bipartisan support, and now the adoption of the provisions of that bill in the Senate is an indication of the determination of the legislative branch of Government to halt the incidence of venereal disease now and prevent its reoccurrence in the future.

ADMINISTRATION REQUESTS

At the time the committee was considering S. 3442, the administration presented a legislative request for increased authorities for appropriations for both section 314(e) of the Public Health Service Act special project grants for comprehensive health services and for section 1001(c) project grants and contracts for family planning services. The committee acquiesced in the administration's request in each case and included increased authorizations in this bill.

The authorized appropriations for 314 (e) grants was increased to the level requested by the administration—$179 million—with the caveat that these funds should not be utilized for communicable disease control or vaccination assistance programs except where such programs are a subpart of other activities primarily concerned with the provision of health services for other purposes. For the past several years, Congress has authorized specific amounts for these purposes under the authorities of section 317 of the Public Health Services Act. However, the administration has refused to utilize these funds and instead has utilized the 314(e) authorities—at a minimal level—for control of communicable diseases. The result has been a serious underfunding of communicable disease programs and a reduction in the level of support of other important health programs having national significance.

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

In response to the administration's request for increased appropriations authorizations of $21.5 million for project grants and contracts for family planning services, the committee adopted my amendment to increase authorities for this purpose by $37.5 million, from the currently authorized level of $90 million to $127,300,000 for fiscal year 1973.

The Special Subcommittee on Human Resources, which I am privileged to chair, held a full day of hearings—April 17, 1972—on the administration's suggested increase and received testimony from the administration, from representatives of organizations coordinating family planning service programs on a nationwide basis as well as directors of programs in specific communities in Illinois and Ohio. These hearings demonstrated that the administration's suggested $21.5 million increase for PHS Act title X authority project grants was offset almost entirely by an $18 million reduction below fiscal year 1972 spending for Social Security Act title V—maternal child health project—grants—minus $9 million—and OEO family planning projects—minus $9 million. Information provided at those hearings presented convincing documentation of the need for and HEW's ability to utilize effectively the amount included in the committee bill.

The committee determined that the administration request for an increase of $21.5 million to a total authorization of $111.5 million was insufficient to keep the Federal programs on target to meet the announced Federal goal of providing family planning services by 1975 to the approximately 6.5 million women wanting them but not able to afford them. In order to reach this goal—established in the Department of Health, Education, and Welfare's 5-year plan for family planning services and population research—submitted on October 12, 1971—it is estimated that the number of women reached must increase each year by approximately 800,000. Specifically, the administration's requested increase would have authorized sufficient funds to provide services to only an additional 500,000 women rather than the 763,000 projected in the 5-year plan.

The $127,300,000 authorization which the committee has adopted instead will enable the administration to reach this goal. The Department of Health, Education, and Welfare estimates the Federal share of providing family planning services to each individual at approximately $60. The additional $15.8 million added to the administration's request by the committee bill will enable family planning service programs to provide services to an additional 263,000 women.

CONCLUSION

Mr. President, I believe the provisions of S. 3442 are vitally important to providing the means of protecting the American public from the threat of communicable diseases and particularly venereal diseases. I was gratified to join with Senator WILLIAMS, and Senator JAVITS, the chairman and the ranking minority member of the committee, as well as with Senator KENNEDY and Senator SCHWEIKER, the chairman and the ranking minority member of the Subcommittee on Health, all of whom provided significant leadership in development of the bill in committee, and with Senators DOMINICK, EAGLETON, HUGHES, MONDALE, PELL, RANDOLPH, and STEVENSON in sponsoring this legislation and perfecting it in committee.

I urge the full support of the Senate for this badly needed legislation.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Under a subsequent order the Senate will convene at 10:30 a.m. tomorrow.)

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS FOLLOWING MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. HARTKE). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORTS ON RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I am pleased to transmit herewith the annual reports of the five river basin commissions established under the Water Resources Planning Act of 1965. These reports are from commissions that have been set up in the Pacific Northwest River Basins, the Souris-Red-Rainy River Basins, the Great Lakes Basin, the New England River Basins, and the Ohio River Basin and reflect the accomplishments of each commission during Fiscal Year 1971.

The primary responsibility of each commission is to develop plans for the best use of its water and related land resources, and to recommend priorities for implementing its plans. These commissions, though comprised of State and Federal members, are established at the initiation of the Governors of the States involved within the commission areas. They are unique in that they are neither wholly Federal nor State, but rather jointly financed partnerships working to develop the resources of their respective regions.

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.

RICHARD NIXON.

THE WHITE HOUSE, *June 12, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the PRESIDING OFFICER (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 14149) to authorize appropriations for the Peace Corps, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Post-secondary Education and a National Institute of Education), the Elementary and Secondary Education of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes;

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 14149) to authorize appropriations for the Peace Corps, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. SPARKMAN. Mr. President, the basic purpose of S. 3390 is to authorize the appropriation of $1.65 billion for some military assistance and related programs for the 1973 fiscal year. It would also authorize additional economic assistance to Bangladesh. General economic assistance programs were authorized for 2 years in the Foreign Assistance Act of 1971. The specific amounts recommended by the committee for the various programs in this bill are as follows:

First. Grant military assistance, $600 million.

Second. Foreign military credit sales, $400 million, $300 million of the $550 million credit ceiling approved is earmarked for Israel.

Third. Supporting assistance, $650 million, of which $50 million is earmarked for Israel.

Fourth. Assistance to Bangladesh, $50 million.

The total recommended by the committee is a reduction of $551 million in the Executive branch request of $2.251 billion.

I wish to make it clear, however, that the $1.65 billion in military assistance in this bill is only about one-third of the total military assistance package proposed for the next fiscal year. It does not include, for example, over $2 billion in military aid for South Vietnam, Laos, and the Korean forces in Vietnam; ship loans of $39.6 million; $450 million in excess military equipment at acquisition cost; or most of the costs of supporting the 47 U.S. military missions abroad. When Government cash sales and commerical sales are included, the estimated total flow of arms and supplies abroad in the coming fiscal year adds up to $7.6 billion, more than four and one-half times the appropriations to be authorized by this bill.

Mr. President, I will not take the Senate's time to describe in detail the various military programs to be authorized by this bill since they are covered fully in the committee report. However, I ask unanimous consent to have printed in the RECORD following my remarks several tables giving country-by-country data on these and other elements in the foreign assistance program.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. In addition to the authorizations I have listed, the bill contains a number of significant substantive provisions. Let me summarize them briefly:

First. It prohibits use of funds for maintenance of U.S. forces in South Vietnam after August 31, 1972, without condition, and participation of U.S. forces in hostilities in or over Indochina after reaching an agreement for a cease-fire, release of American prisoners of war, and an accounting for Americans missing in action.

Second. It requires that certain future agreements relating to overseas military installations or the storage of nuclear weapons abroad be submitted to the Senate for its advice and consent.

Third. It prohibits obligation or expenditure of funds to carry out military base agreements with Portugal and Bahrain until the agreements have been submitted to the Senate in treaty form.

Fourth. It imposes a $275 million ceiling for fiscal year 1973 on U.S. obligations in, for, or on behalf of Cambodia, excluding the cost of U.S. air operations and South Vietnamese operations in Cambodia.

Fifth. It returns funding of military aid to Laos and South Vietnam to the regular foreign military assistance program beginning in fiscal year 1974.

Sixth. It requires specific authorization for the financing of foreign forces operating in Laos, Thailand, or North Vietnam.

Seventh. It prohibits U.S. Government military assistance or sales to the nations of South Asia.

Eighth. It prohibits transfer of Agency for International Development development assistance or disaster relief funds for use for military or supporting assistance purposes.

Ninth. It prohibits transfers of foreign assistance funds to other agencies except as reimbursement for services rendered.

Mr. President, the committee gave strong endorsement to the section of this bill designed to end our involvement in the war and secure the release of the prisoners which was initiated by the distinguished majority leader. Last year the Senate went on record three times in favor of complete withdrawal of all U.S. forces from Indochina within a time certain, conditioned only on the release of American prisoners of war. It approved the Mansfield amendment as an amendment to the Draft Extension Act by a vote of 61 to 28, as an amendment to the Defense Authorization Act by a vote of 57 to 38, and as a provision in the foreign assistance bill. The House of Representatives was never permitted to have a straight up-or-down vote last year on the proposal.

This new provision, if enacted, for the first time provides a legislative mandate that without preconditions assures the total extrication of all U.S. military forces from South Vietnam by August 31, 1972. The participation of U.S. forces in the air and naval action in Indochina could continue from outside South Vietnam until agreement had been reached between the United States and enemy forces for a cease-fire, which would be followed by release of U.S. prisoners and an accounting for the U.S. missing that are known to the enemy. The cease-fire would involve only United States and enemy forces; it would not be subject to veto by the South Vietnamese. The Mansfield amendment, for the first time, treats as separate questions the withdrawal of U.S. ground forces from South Vietnam and the participation of U.S. forces in air and naval warfare.

As of May 20, 1972, the war in Indochina has cost our Nation 55,934 dead, 303,031 wounded, and incalculable sums of tax dollars. But the costs of the war cannot be measured in blood and money alone. They represent only a small measurable part of the overall cost. There is no way to calculate in mathematical terms the damage this war has caused to our society, our democratic institutions, our sense of values as human beings, or the tragic consequences for the people of Indochina whose land has been the cockpit of conflict for over a quarter century.

Perhaps the war will continue indefinitely after U.S. forces leave. No one can foresee the final military or political outcome in the area. But a substantial number of the members of the committee are convinced that the continued presence of our forces works to prevent the operation of natural political factors that might result in a settlement between the parties and assures the continued imprisonment of captured Americans. There is much evidence that the overwhelming sentiment of the American people is for total withdrawal as soon as possible. The committee believes that enactment of the Mansfield amendment will end the stalemate, effect the return of our fighting men, the return of our prisoners, and, hopefully, set the stage for the rebuilding process that is needed for the American spirit.

I wish to describe briefly two other significant provisions in this bill which were initiated by the Senator from New Jersey (Mr. CASE). Section 13 provides that 30 days after enactment no funds shall be obligated or expended to carry out the agreements with Portugal and Bahrain, relating to United States base rights in the Azores and Bahrain respectively, until the agreements have been submitted to the Senate as a treaty for its advice and consent.

Although I have reservations personally about this provision, a majority of the members of the Committee on Foreign Relations believes that the two executive agreements raise important foreign policy questions and should be subject to the advice and consent of the Senate.

The second provision relating to executive agreements, also initiated by Senator CASE, would prohibit the obligation or expenditure of funds to carry out any agreement, entered into after this bill becomes law, between the United States and a foreign government which:

First, provides for the establishment of a military installation in that country at which U.S. combat units are to be assigned to duty;

Second, revises or extends any such agreement; or

Third, provides for the storage of nuclear weapons or the renewal of existing agreements relating to storage of nuclear weapons, unless the Senate has given its advice and consent to the agreement involved. This provision is intended to apply generally the principle involved in section 13, which relates only to the Azores and Bahrain agreements.

Both of these areas involve highly sensitive foreign policy questions which can entangle our country in obligations and commitments that ultimately lead to war. During 1969 and 1970 the Subcommittee on U.S. Security Agreements and Commitments Abroad, chaired by Senator SYMINGTON, made an exhaustive study of the foreign policy implications of U.S. military installations abroad. The report of that subcommittee stressed the sensitive nature of the bases problem. It said:

> Overseas bases, the presence of elements of United States Armed Forces, joint planning, joint exercises, or extensive military assistance programs represent to host governments more valid assurances of United States commitment than any treaty or agreement. Furthermore, any or all of the above instances of United States military presence all but guarantee some involvement by the United States in the internal affairs of the host government.

As to the storage of nuclear weapons abroad, the subcommittee reached these conclusions:

> The stationing of nuclear weapons in foreign countries represents a special kind of commitment between the United States and the host country.
>
> . . . we should recognize the political implications involved in placing nuclear weapons in other countries, along with the need for continuous re-examination of such a policy.

The provision approved by the committee is prospective only. It does not effect current agreements relating to foreign bases or the storage of nuclear weapons. However, it will require submission to the Senate of any agreements to renew or revise existing agreements.

Congress cannot compel the executive branch to submit base rights, nuclear storage or other such agreements with foreign governments as treaties. But Congress does not have to provide the money to carry them out. This provision, a proper exercise of Congress' power of the purse, will help to restore the Senate's constitutional role in the making of foreign policy.

Mr. President, every foreign aid bill is controversial. This one is no exception. The committee has reduced the amounts requested by the administration to a more realistic level and has added significant policy provisions. These two actions resulted in a bill which was recommended to the Senate by the committee members by a vote of 11 to 3. This large majority of the committee members believes that the programs to be authorized in this bill and the policy changes recommended, are in the national interest.

I hope that the Senate will make some changes that I shall join in presenting and in supporting and that such an improved bill will be approved.

EXHIBIT 1

TABLE I.—*Military and related assistance and arms sales, fiscal year 1973—executive branch estimates*

	Amount
Military assistance grants	$819,700,000
Foreign military credit sales	629,000,000
Excess defense articles	[1] 245,000,000
Ship loans	39,600,000
Security supporting assistance	879,418,000
Foreign military cash sales (DOD)	2,200,000,000
Commercial sales	722,598,000
Military assistance, DOD funded	2,055,000,000
Total military and related assistance and sales	7,610,316,000

[1] Valued at one-third acquisition cost.

TABLE II.—SECURITY ASSISTANCE—SUMMARY OF PROGRAMS, BY AREA AND COUNTRY, FOR FISCAL YEAR 1973

[In thousands of dollars]

	Total	Grant military assistance	Foreign military credit sales	Security supporting assistance	Contingency fund and other
East Asia and Pacific:					
Cambodia	299,985	224,985		75,000	
China	69,968	14,968	55,000		
Indonesia	29,933	29,933			
Korea	259,982	234,982	25,000		
Laos	49,800			49,800	
Malaysia	181	[1] 181			
Philippines	21,968	21,968			
Thailand	85,554	59,954		25,600	
Vietnam	585,000			585,000	
Regional	21,275	375	12,500	8,400	
Total, East Asia	1,423,646	587,346	92,500	743,800	
Near East and South Asia:					
Afghanistan	215	[2] 215			
Ceylon	15	[2] 15			
Greece	72,966	14,966	58,000		
India	234	[2] 234			
Iran	492	[1] 492			
Israel	(3)		(3)	50,000	
Jordan	(3)	(3)	(3)	40,000	
Lebanon	(3)	(3)	(3)		
Nepal	29	[1] 29			
Pakistan	243	[2] 243			
Saudi Arabia	(3)	(3)	(3)		
Turkey	114,963	99,963	15,000		
Regional	99	99			
Total, Near East and South Asia	694,960	161,960	443,000	90,000	
Africa:					
Ethiopia	12,799	12,799			
Ghana	55	[2] 55			
Liberia	517	517			
Mali	50	[2] 50			
Morocco	(3)	(3)	(3)		
Senegal	25	[2] 25			
Tunisia	(3)	(3)			
Zaire	3,955	[1] 455	3,500		
Regional	93	93			
Total, Africa	37,483	18,983	18,500		
Latin America:					
Argentina	15,550	[1] 550	15,000		
Bolivia	8,873	4,873	4,000		
Brazil	15,988	[1] 988	15,000		
Chile	6,114	1,114	5,000		
Colombia	10,778	[1] 778	10,000		
Dominican Republic	1,435	1,435			
Ecuador	1,000	1,000			
El Salvador	805	805			
Guatemala	3,736	1,736	2,000		
Honduras	734	734			
Mexico	2,087	[1] 87	2,000		
Nicaragua	1,045	1,045			
Panama	527	527			
Paraguay	791	791			
Peru	5,820	[1] 820	5,000		
Uruguay	3,460	1,460	2,000		
Venezuela	15,870	870	15,000		
Regional	687	687			
Total, Latin America	95,300	20,300	75,000		
Europe:					
Austria	24	[2] 24			
Malta	9,500			9,500	
Portugal	991	991			
Spain	12,987	9,987		3,000	
Regional	109	109			
Total, Europe	23,611	11,111		12,500	
Nonregional costs:					
Administrative expenses	24,775	20,000			4,775
Contingency requirements	30,300				30,300
U.N. forces, Cyprus (UNFICYP)	4,800			4,800	
Other	23,400			23,400	
Total, nonregional	83,275	20,000		28,200	35,075
Total obligational authority	2,358,275	819,700	629,000	874,500	35,075
Less:					
Recoupments/recoveries	−60,132	−30,000		−29,832	−300
Reimbursements	−6,545	−4,700		−1,845	
Transfers	−3,832	−5,000		1,177	
Net private credit	−102,000		−102,000		
Net obligational authority	2,185,775	780,000	527,000	844,000	34,775

[1] U.S. and overseas training only.
[2] U.S. training only.
[3] Classified

TABLE III.—MILITARY GRANT ASSISTANCE

[In thousands of dollars]

Countries	Grant aid program		
	Fiscal year 1971	Estimated, fiscal year 1972	Proposed, fiscal year 1973
East Asia and Pacific:			
Burma	50		
Cambodia	182,967	179,719	209,541
China	20,012	10,931	7,642
Indonesia	16,822	18,000	28,745
Korea	288,233	150,000	215,710
Malaysia	228	134	[1] 181
Philippines	16,999	14,043	20,780
Thailand			59,954
Regional program	92	79	375
Regional total	525,403	372,906	542,928
Near East and South Asia:			
Afghanistan	204	250	215
Ceylon	3,000		[2] 15
Greece	19,999	9,883	9,554
India	167	300	[2] 234
Iran	2,310	935	[1] 492
Israel			
Jordan	30,164	(3)	(3)
Lebanon	5,071	(3)	(3)
Nepal	12	26	[2] 29
Pakistan	174	85	[2] 243
Saudi Arabia	672	510	([3])
Turkey	99,616	60,000	88,611
Regional program	19	19	99
Regional total	161,408	110,228	142,952
Europe:			
Austria		13	[2] 24
Portugal	1,035	1,010	905
Spain	25,001	11,190	9,261
Regional program	99	171	109
Regional total	26,135	12,384	10,299

Countries	Grant aid program		
	Fiscal year 1971	Estimated, fiscal year 1972	Proposed, fiscal year 1973
Africa:			
Ethiopia	12,031	9,000	12,139
Ghana	53	48	[2] 55
Liberia	513	316	499
Mali	1	52	[2] 50
Morocco	804	(3)	([1] [2])
Nigeria	213	107	
Senegal		25	[2] 25
Tunisia	4,481	(3)	(3)
Zaire	429	457	455
Regional program	48	100	93
Regional total	18,573	12,807	17,975
Latin America:			
Argentina	532	798	[1] 550
Bolivia	1,774	3,352	4,873
Brazil	929	895	[1] 988
Chile	754	856	1,114
Colombia	924	738	[1] 778
Dominican Republic	1,258	828	1,435
Ecuador	441	527	1,000
El Salvador	413	302	805
Guatemala	2,613	1,449	1,736
Honduras	579	550	734
Mexico	90	117	[1] 87
Nicaragua	887	761	1,045
Panama	541	462	527
Paraguay	951	834	791
Peru	558	879	[1] 820
Uruguay	1,186	767	1,460
Venezuela	986	722	[1] 870
Regional program	295	231	687
Regional total	15,711	15,068	20,300
General costs	22,382	21,607	85,246
Excess defense articles reserve	18,400		
Worldwide total (TOA)	788,012	545,000	819,700

[1] United States and overseas training only.
[2] United States training only.
[3] Classified.

TABLE IV.—FOREIGN MILITARY CREDIT SALES PROGRAM

[In thousands of dollars]

Countries	FMS credit sales: Fiscal year 1971	Estimated, fiscal year 1972	Proposed, fiscal year 1973
East Asia and Pacific:			
China	41,000	45,000	55,000
Korea	15,000	15,000	25,000
Malaysia	2,200		
Regional program		8,000	12,500
Regional total	58,200	58,000	92,500
Near East and South Asia:			
Greece	18,000	45,000	55,000
Israel	(1)	(1)	(1)
Jordan	(1)	(1)	(1)
Lebanon		(1)	(1)
Saud Arabia	(1)	(1)	(1)
Turkey		15,000	15,000
Regional program			3,000
Regional total	606,200	402,000	443,000
Africa:			
Morocco	(1)	(1)	(1)
Zaire	13,200	2,000	3,500
Regional total	28,200	17,000	18,500
Latin America:			
Argentina	16,000	15,000	15,000
Bolivia			4,000
Brazil	9,400	20,000	15,000
Chile	5,000	5,000	5,000
Colombia	5,000	6,000	10,000
Guatemala	4,000		2,000
Mexico			2,000
Peru			5,000
Uruguay	4,000	2,000	2,000
Venezuela	7,400	10,000	15,000
Regional program		5,000	
Regional total	50,800	63,000	75,000
General costs			
Excess defense articles reserve			
Worldwide total (TOA)	743,400	550,000	629,000

[1] Classified.

TABLE V.—SECURITY SUPPORTING ASSISTANCE—SUMMARY OF PROGRAMS BY AREA AND COUNTRY, FISCAL YEARS 1971, 1972, AND 1973

[In thousands of dollars]

	Fiscal year 1971 actual supporting assistance	Fiscal year 1972 estimated supporting assistance	Fiscal year 1973 proposed supporting assistance
Summary, all programs	572,971	483,100	874,500
Asia, total	510,318	564,400	833,800
Cambodia	70,000	37,100	75,000
Israel		50,000	50,000
Jordan	5,000	30,000	40,000
Laos	41,450	47,000	49,800
Thailand	16,996	15,000	25,600
Vietnam [1]	376,656	385,000	585,000
East Asia regional programs	216	300	8,400
Africa, total	18,383	3,700	
Nigeria	18,163	3,400	
Southern Africa regional	220	300	
Europe, total			12,500
Malta			9,500
Spain			3,000
Latin America, total	2,827		
Guatemala	45		
Haiti	2,782		
Nonregional programs	41,443	15,000	28,200
U.N. force in Cyprus	4,800	2,400	4,800
U.N. relief and Works Agency	13,300		
Program support and interregional activities	23,343	12,600	23,400

[1] Excludes administrative and program support costs resulting from the expanded Vietnam program.

TABLE VI.—EXCESS DEFENSE ARTICLES PROGRAM

(Dollars in thousands) [1]

Country/region	Actual fiscal year 1971	Undelivered balance, 1971	Estimate, fiscal year 1972	Estimate fiscal year June 30, 1973
East Asia and Pacific:				
Burma		$13		
Cambodia	$7,075	3,941	$15,000	$15,500
China	21,454	14,039	44,500	46,500
Indonesia	987	689	3,500	4,500
Korea	16,375	7,232	30,000	33,600
Laos			2,500	2,000
Philippines	394	208	3,000	3,000
Thailand			4,500	4,500
Vietnam	NA	NA	NA	53,400
Total, East Asia and Pacific	46,285	26,122	103,000	163,000
Near East and South Asia:				
Greece	20,557	14,727	25,500	25,500
Iran				
Jordan	(2)	(2)	(2)	(2)
Saudi Arabia	(2)			
Turkey	38,514	23,216	40,000	40,000
Total, Near East and South Asia	59,379	37,946	68,000	68,000
Europe:				
Portugal			2,000	2,000
Spain	125	2,206	6,000	6,000
Total, Europe	125	2,206	8,000	8,000
Africa:				
Ethiopia	355	258	1,000	1,000
Liberia	40	38	500	500
Tunisia	1,052	1,175	(2)	(2)
Zaire		8		
Total, Africa	1,455	1,471	3,500	3,500
Latin America:				
Bolivia	196	69	800	500
Chile				200
Colombia	256	35		100
Dominican Republic	34	4	100	100
Ecuador	52	51		300
El Salvador	32			100
Guatemala	232	144	300	200
Honduras	112	56		100
Nicaragua	154	107	100	100
Panama			200	100
Paraguay	905	762	300	200
Uruguay	518	310	700	500
Total, Latin America	2,491	1,538	2,500	2,500
DOD undistributed	8,665	8,665		
Worldwide total	118,400	77,948	185,000	245,000

[1] In legal value, i.e., ⅓ acquisition value.

[2] Classified.

TABLE VII.—MILITARY SALES DATA, FMS-DEVELOPED VERSUS LESS DEVELOPED COUNTRIES

[In thousands of dollars]

Distribution	Fiscal year— 1967	1968	1969	1970	1971	1967 through 1971	Fiscal year, estimated — 1972	1973
Developed countries: [1]								
FMS cash	707,554	572,657	1,000,685	668,787	1,003,202	3,952,885	2,023,700	1,845,000
FMS credit	246,400	130,021	104,260		13,211	493,892	22,000	45,000
DOD direct	46,742	37,000	75,000			158,742		
DOD guarantee	199,658	93,021	29,260		13,211	335,150		
Total	953,954	702,678	1,104,945	668,787	1,016,413	4,446,777	2,045,700	1,890,000
Less developed countries:								
FMS cash	70,692	169,575	104,497	133,641	307,777	786,182	238,400	336,800
FMS credit	76,843	133,312	176,900	70,000	730,201	1,187,256	528,000	584,000
DOD direct	41,445	67,307	150,900	70,000	687,833	1,017,485		
DOD guarantee	35,398	66,005	26,000		42,368	169,771		
Total	147,535	302,887	281,397	203,641	1,037,978	1,973,438	766,400	920,800
International organizations:								
FMS cash	30,107	19,931	23,033	41,501	18,460	133,032	17,900	18,200
FMS credit, DOD direct		52				52		
Total	30,107	19,983	23,033	41,501	18,460	133,084	17,900	18,200
Worldwide:								
FMS cash	808,353	762,163	1,128,215	843,929	1,329,439	4,872,099	2,280,000	2,200,000
FMS credit	323,243	263,385	281,160	70,000	743,412	1,681,200	550,000	629,000
DOD direct	88,187	104,359	225,900	70,000	687,833	1,176,279		
DOD guarantee	235,056	159,026	55,260		55,579	504,921		
Total	1,131,596	1,025,548	1,409,375	913,929	2,072,851	6,553,299	2,830,000	2,829,000

[1] As listed by Executive order for interest equalization tax purposes.

TABLE VIII.—MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM REGIONAL SUMMARY

[In thousands of dollars]

	Security programs: Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security
Summary, all programs	819,700	629,000	245,000	2,055,000	39,600	3,798,300	879,418	4,667,718
LA	2,300	75,000	2,500		900	98,700		98,700
AFR	17,975	18,500	3,500			39,975		39,975
EUR	10,299		8,000		18,200	36,499	12,500	48,999
NESA	142,952	443,000	68,000		11,000	664,952	90,000	754,952
EA and PAC	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728
Other	85,246					85,246	28,200	113,446
Administrative and other expenses, State							4,918	4,918

	Developed and humanitarian economic programs: Agency for International Development: Development/humanitarian assistance [2]	Contingency fund and international narcotics control [3]	AID development and humanitarian total	Peace Corps	Public Law 480	International financial institutions [4]	Total economic	Total military and economic, fiscal year— 1973	1972
Summary, all programs	1,598,976	72,800	1,671,776	72,200	1,099,789	920,000	3,763,765	8,431,483	7,439,099
LA	389,416		389,416	18,913	106,559		514,888	613,588	528,870
AFR	173,209		173,209	23,149	134,310		330,668	370,643	352,838
EUR				10	850		860	49,859	78,247
NESA	347,204	15,000	362,204	7,400	390,976		760,580	1,515,532	1,292,250
EA and PAC	188,857	2,200	191,057	12,352	445,494		648,903	4,255,631	4,036,862
Other	[5] 500,290	55,600	555,890	10,376	21,600	920,000	1,507,866	1,621,312	1,145,470
Administrative and other expenses, State								4,918	4,462

Footnotes on page S 9206.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs: Military programs: Military assistance grants	Foreign military credit sales	Excess defense articles	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security
Latin America	20,300	75,000	2,500		900	98,700		98,700
Argentina	550	15,000				15,550		15,550
Bolivia	4,873	4,000	500			9,373		9,373
Brazil	988	15,000				15,988		15,988

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MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs							
		Military programs						
	Military assistance grants	Foreign military credit sales	Excess defense articles	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
Chile	1,114	5,000	200		900	7,214		7,214
Colombia	778	10,000	100			10,878		10,878
Costa Rica								
Dominican Republic	1,435		100			1,535		1,535
Ecuador	1,000		300			1,300		1,300
El Salvador	805		100			905		905
Guatemala	1,736	2,000	200			3,936		3,936
Guyana								
Haiti								
Honduras	734		100			834		834
Inter-American programs								
Jamaica								
Mexico	87	2,000				2,087		2,087
Nicaragua	1,045		100			1,145		1,145
Panama	527		100			627		627
Paraguay	791		200			991		991
Peru	820	5,000				5,820		5,820
ROCAP								
Trinidad and Tobago								
Uruguay	1,460	2,000	500			3,960		3,960
Venezuela	870	15,000				15,870		15,870
Caribbean regional								
Economic regional programs								
Regional military costs	687					687		687
Near East and South Asia	142,952	443,000	68,000		11,000	664,952	90,000	754,952
Afghanistan	215					215		215
Ceylon	15					15		15
Cyprus								
Greece	9,554	55,000	25,500		5,900	95,954		95,954
India	234					234		232
Iran	492					492		490
Israel		(2)					50,000	50,000
Jordan	(3)	(2)	(3)				40,000	40,000
Lebanon	(3)	(2)						
Nepal	29					29		29
Pakistan	243					243		243
Saudi Arabia	(3)	(2)						
Southern Yemen								
Syria								
Turkey	88,611	15,000	40,000		5,100	148,711		148,711
Yemen								
Economic regional programs/CENTO								
Regional military costs[2]	43,559	373,000	2,500			419,059		419,059
Unallocated								

Footnotes at end of table.

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Chile								
Colombia								
Costa Rica								
Dominican Republic								
Ecuador								
El Salvador								
Guatemala								
Guyana								
Haiti								
Honduras								
Inter-American programs								
Jamaica								
Mexico								
Nicaragua								
Panama								
Paraguay								
Peru								
ROCAP								
Trinidad and Tobago								
Uruguay								
Venezuela								
Caribbean regional								
Economic regional programs								
Regional military costs								
Latin America	389,416		389,416	18,913	106,559	514,888	613,588	528,970
Argentina	18,214		18,214		9,700	27,914	15,550	16,047
Bolivia	8,300		8,300	2,625	21,870	32,795	37,287	50,051
Brazil	850		850	418	4,860	6,128	48,783	38,073
Chile	78,600		78,600	1,898	21,730	102,228	13,342	13,384
Colombia	1,060		1,060	765	1,026	2,851	113,106	122,061
Costa Rica	11,600		11,600	500	17,705	29,805	2,851	3,336
Dominican Republic	14,543		14,543	1,135	4,889	20,567	31,340	27,115
Ecuador	14,150		14,150	483	900	15,533	21,867	11,364
El Salvador	24,350		24,350	765	2,637	27,752	16,438	10,869
Guatemala	10,100		10,100		1,780	11,880	31,688	18,607
Guyana	6,000		6,000		1,251	7,251	11,880	14,072
Haiti	18,242		18,242	964	972	20,178	7,251	4,211
Honduras	16,880		16,880			16,880	21,012	7,689
Inter-American programs	10,849		10,849	838	450	12,137	16,880	14,691
Jamaica							12,137	6,202
Mexico							2,087	750
Nicaragua	7,500		7,500	516	328	8,344	9,489	14,070
Panama	22,295		22,295		1,080	23,375	24,002	17,581
Paraguay	7,094		7,094	418	2,712	10,224	11,215	11,645
Peru	13,747		13,747	1,766	8,460	23,973	29,793	38,315
ROCAP	27,700		27,700	203	153	28,056	28,056	13,417
Trinidad and Tobago					90	90	90	90
Uruguay	24,500		24,500	92	3,540	28,132	32,092	5,387
Venezuela	500		500	1,580		2,080	17,950	18,198
Caribbean regional	20,350		20,350	1,012	426	21,788	21,788	11,342
Economic regional programs	31,992		31,992	2,934		34,927	34,927	35,002
Regional military costs							687	5,231
Near East and South Asia	347,204	15,000	362,204	7,400	390,976	760,580	1,515,532	1,292,250

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY—Continued

[In thousands of dollars]

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Afghanistan	6,720		6,720	1,499	24,100	32,319	32,534	58,293
Ceylon					14,157	14,157	14,172	20,130
Cyprus					3,960	3,960	3,960	3,960
Greece	99,590		99,590	3,211	172,330	275,131	95,954	81,350
India				1,300	1,044	2,344	275,365	197,220
Iran					45,342	45,342	2,836	7,325
Israel	1,200		1,200		3,042	4,242	95,342	105,342
Jordan					5,305	5,305	44,242	48,592
Lebanon	1,883		1,883	1,191	630	3,704	5,305	14,505
Nepal	79,800		79,800		105,358	185,158	3,733	4,208
Pakistan							185,401	160,615
Saudi Arabia					90	90	90	90
Southern Yemen					216	216	216	216
Syria	43,000	15,000	58,000		13,014	71,014	219,725	199,440
Turkey					1,026	1,026	1,026	1,026
Yemen	5,011		5,011	199	1,362	6,572	6,572	6,689
Economic regional programs/CENTO							419,059	383,249
Regional military costs[2]	110,000		110,000			100,000	110,000	
Unallocated								

	Security programs							
		Military programs						
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
East Asia and Pacific	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728
Burma	209,541		15,500			225,041	75,000	300,041
Cambodia	7,642	55,000	46,500			109,142		109,142
China (Taiwan)								
Hong Kong	28,745		4,500			33,245		33,245
Indonesia	215,710	25,000	33,600	133,500	5,700	413,510		413,510
Korea			2,000	360,000		362,000	49,800	411,800
Laos	181					181		181
Malaysia	20,780		3,000		3,800	27,580		27,580
Philippines								
Singapore								
Thailand	59,954		4,500			64,454	25,600	90,054
Vietnam			53,400	1,561,500		1,614,900	585,000	2,199,900
Western Samoa							8,400	8,400
Economic regional programs	375	12,500				12,875		12,875
Regional military costs								
Africa	17,975	18,500	3,500			39,975		39,975
Botswana								
Burundi								
Cameroon								
Central African Republic								
Chad								
Congo (Brazzaville)								
Dahomey	12,139		1,000			13,139		13,139
Ethiopia								
Gabon								
Gambia	55					55		55
Ghana								
Guinea								
Ivory Coast								
Kenya								
Leosotho	499		500			999		999
Liberia								
Malagasy								
Malawi	50					50		50
Mali								
Mauritania								
Mauritius								
Morocco	(4)	(4)						
Niger								
Nigeria								
Rwanda	25					25		25
Senegal								
Seychelles								
Sierra Leone								
Somali Republic								
Sudan								
Swaziland								
Tanzania								
Togo								
Tunisia	(4)		(4)					
Uganda								
Upper Volta								
Zaire	455	3,500				3,955		3,955
Zambia								
Economic regional programs:								
Central West Africa								
East Africa								
Southern Africa								
Africa regional	4,752	15,000	2,000			21,752		21,752
Regional military costs[2]								
Self-help projects								
Europe	10,299		8,000		18,200	36,499	12,500	48,999

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MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY—Continued

[In thousands of dollars]

	Security programs							
	Military programs							
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
Austria	24					24		24
Iceland					2,600	2,600		2,600
Italy							9,500	9,500
Malta								2,905
Portugal	995		2,000			2,905		
Spain	9,261		6,000		15,600	30,861	3,000	33,861
United Kingdom								
Regional military costs	109					109		109

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
East Asia and Pacific	188,857	2,200	191,057	12,352	445,494	648,903	4,255,631	4,036,862
Burma					621	621	621	621
Cambodia					30,018	30,018	330,059	246,437
China (Taiwan)							109,142	100,762
Hong Kong					126	126	126	126
Indonesia	123,200		123,200		87,920	211,120	244,365	239,967
Korea	28,600		28,600	2,194	142,500	173,294	586,803	585,369
Laos	870	700	1,570		3,429	4,999	416,799	294,996
Malaysia				2,908	958	3,866	4,047	4,214
Philippines	20,565		20,565	1,971	33,800	56,336	83,916	83,629
Singapore					45	45	45	670
Thailand	2,145	1,000	3,145	1,568	15,657	20,370	110,424	105,599
Vietnam	346	500	846		130,420	131,266	2,331,166	2,352,412
Western Samoa				525		525	525	449
Economic regional programs	13,131		13,131	3,186		16,317	24,717	13,532
Regional military costs							12,875	8,079
Africa	173,209		173,209	23,149	134,310	330,668	370,643	352,838
Botswana					9,450	10,142	10,142	10,042
Burundi	(2)		(2)	692	920	920	920	920
Cameroon	(2)		(2)		380	1,080	1,080	979
Central African Republic	(2)		(2)	700	210	210	210	210
Chad	(2)		(2)		110	591	591	522
Congo (Brazzaville)	(2)		(2)	481	1,800	1,800	1,800	1,800
Dahomey					390	839	839	775
Ethiopia	(2)		(2)	449	1,134	18,988	32,127	32,099
Gabon	16,550		16,550	1,304				
Gambia	(2)		(2)		980	1,363	1,363	1,307
Ghana			(2)	383	13,260	47,975	48,030	30,896
Guinea	32,370		32,370	2,345	4,970	4,970	4,970	4,984
Ivory Coast	(2)		(2)		1,350	2,176	2,176	2,057
Kenya				826	810	5,996	5,996	5,343
Leosotho	2,835		2,835	2,351	1,773	2,072	2,072	1,606
Liberia	(2)		(2)	299	2,390	3,543	9,542	10,408
Malagasy	3,709		3,709	2,444	510	510	510	510
Malawi					180	655	655	656
Mali	(2)		(2)	475	1,580	1,820	1,870	2,418
Mauritania	(2)		(2)	240	1,170	1,170	1,170	1,170
Mauritius	(2)		(2)		1,305	1,460	1,460	1,602
Morocco	(2)		(2)	155	42,000	60,111	60,111	49,299
Niger	17,055		17,055	1,056	1,575	2,204	2,204	2,119
Nigeria	(2)		(2)	629	630	24,500	24,500	25,797
Rwanda	23,870		23,870		360	360	360	360
Senegal	(2)		(2)		1,683	2,404	2,429	2,310
Seychelles	(2)		(2)	721	60	60	60	60
Sierra Leone	(2)		(2)		1,740	3,423	3,423	3,281
Somali Republic	(2)		(2)	1,683	450	450	450	450
Sudan					180	180	180	45
Swaziland						479	479	410
Tanzania	(2)		(2)	479	1,370	7,700	7,770	3,270
Togo	6,400		6,400		550	1,254	1,254	1,153
Tunisia	(2)		(2)	704	32,140	36,013	36,013	46,969
Uganda	3,150		3,150	723	180	31,51	3,151	5,913
Upper Volta	2,530		2,530	441	3,200	3,703	3,708	3,635
Zaire	(2)		(2)	508	3,200	11,162	15,117	7,903
Zambia	6,950		6,950	1,012	320	320	320	320
Economic regional programs:	(2)		(2)					
Central West Africa								
East Africa	24,085		24,085			24,085	24,085	29,900
Southern Africa	1,600		1,600			1,600	1,600	5,805
Africa regional	8,200		8,200			8,200	8,200	14,435
Regional military costs[7]	21,855		21,855	2,049		23,904	23,604	16,998
Self-help projects							21,752	19,802
	2,050		2,050			2,050	2,050	1,700
Europe				10	850	860	49,859	78,247
Austria							24	13
Iceland							650	800
Italy					650	650	2,600	
Malta							9,710	9,709
Portugal				10	200	210	2,905	35,177
Spain							33,861	32,374
United Kingdom								3
Regional military costs							109	171

[1] In legal value—at ⅓ average class acquisition costs.
[2] Includes AID administrative expenses.
[3] Includes contingency fund and international narcotics control funds.
[4] Includes International Development Association, Inter-American Development Bank and Asian Development Bank.
[5] Classified.
[6] Self-Help funds only.
[7] Includes classified countries.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. FULBRIGHT. In terms of the amount, how does this bill compare with last year's?

Mr. SPARKMAN. I have the figures here.

Mr. FULBRIGHT. This bill provides more than what was appropriated last year for security assistance; does it not?

Mr. SPARKMAN. Yes. Last year there was appropriated $1.480 billion. This bill carries an amount of $1.650 billion.

Mr. FULBRIGHT. The only point I wished to make is that while the authorized amount is below the request of the administration, it is substantially more than what was appropriated last year.

Mr. SPARKMAN. Yes. Last year a total of $1.680 billion was appropriated for the programs carried in this bill. The amount provided in this bill is $1.7 billion.

These figures include relief money to Bangladesh. But for security assistance programs only last year we had $1.480 billion appropriated. This year it is $1.650 billion. So the amount this year is $170 million more for these programs.

Mr. FULBRIGHT. The only point I wished to emphasize was that while it appears that this bill provides an amount substantially below the amount requested, it is substantially above the amount actually appropriated for the same purpose last year.

Mr. SPARKMAN. That is true. Of course, the Senator knows that so often the appropriation is less than the authorization. I do not have the authorization figure, but I am sure the Senator knows that the appropriation again could be below the authorization.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. SPARKMAN. I yield.

Mr. SYMINGTON. The Senator would agree, would he not, that hundreds of millions of dollars for foreign aid are not included in this bill?

Mr. SPARKMAN. Yes. That was pointed out.

Mr. SYMINGTON. For example, Laos.

Mr. SPARKMAN. Yes. I gave the figures on those different amounts in my statement.

Mr. SYMINGTON. I thank the Senator.

Mr. SPARKMAN. Mr. President, as I said, every foreign aid bill is controversial. This one is no exception. The committee has reduced the amounts requested by the administration to a more realistic level and has added significant policy provisions. These two actions resulted in a bill which was recommended to the Senate by the committee members by a vote of 11 to 3. This large majority of the committee members believes that the programs to be authorized in this bill and the policy changes recommended are in the national interest.

I hope the Senate will approve the bill. It says in the statement I have that I should say I hope that the Senate will approve of the committee's recommendations. As a matter of fact, as I stated a few minutes ago, I do have reservations with reference to some of the matters in the bill. In fact, some of them I would not have voted for had I been present. I was not present when the bill was marked up, and it will be my purpose to support some amendments making modifications to the bill as approved by the committee. I explained this to the chairman when he asked me if I would manage the bill. I told him that I had objections to parts of the bill and that I would support amendments to make modifications.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a comment?

Mr. SPARKMAN. I yield.

Mr. FULBRIGHT. I appreciate very much that the distinguished Senator from Alabama consented to manage the bill. He says he has reservations to part of it. I have a lot more reservations about this bill than does the Senator from Alabama. Therefore, it was a great favor to me, and I think to the bill, for the Senator from Alabama to manage the bill. This is an area in which I think we have spent entirely too much money. Therefore, I am very unsympathetic to the bill. I felt it would be much better for the bill and for the committee if the next ranking member of the committee were to handle it. I appreciate his agreeing to take on this burden.

The Senator has said he has some reservations about some items. I am sure one involves the Export-Import Bank, relating to an amendment offered by the Senator from New Jersey (Mr. CASE). I can understand how the Senator from Alabama, who is chairman of the Committee on Banking, Housing and Urban Affairs, feels about this because he has a special legislative responsibility for the Export-Import Bank. Just as a matter of clarification—and I supported that item in the committee—I do not believe it is intended as a restriction on the Export-Import Bank as such. The thrust of the Case amendment on the Azores and Bahrain is to require that 30 days after enactment no funds shall be obligated or expended to carry out the agreements with Portugal and Bahrain concerning these bases until the agreements have been submitted to the Senate as treaties for its advice and consent. The executive agreements as they now stand involve substantial amounts, both grants and concessional loans—and an Export-Import Bank loan is a concessional loan. It is below what the market price is. I am quite sure I could support the Export-Import Bank loans as such. The only question is, should these matters be approved by the Senate? The committee was not saying these loans should not be made; I am not making that kind of judgment. They were saying if we were going to make this kind of agreement, either with Bahrain or with Portugal, that they should be submitted to the Senate for its advice and consent. That was all, or at least that was all I had in mind as one Member of the Senate.

Putting the merits of the agreement aside, I think that the agreement itself, which has long-term implications involving either a great deal of money or the stationing of troops, sailors, or military people, should be subject to the advice and consent of the Senate. I just wanted to make my position clear on that. In other words, our committee, and I as chairman, are not seeking to infringe on the jurisdiction of the Committee on Banking, Housing, and Urban Affairs over the affairs of the Export-Import Bank. The bank's involvement was only incidental in the committee's consideration of the Case amendment. I do not want to challenge the jurisdiction of the banking committee over the Export-Import Bank. But it seems to me we are all, as Senators, regardless of our committee jurisdictions, interested in the fundamental issue raised by the Case amendment. Again, I appreciate the efforts of the Senator from Alabama in connection with this bill.

Mr. SPARKMAN. I am glad that the Senator has made that statement. As he knows, I did have some reluctance in managing the bill because of some things in it to which I do object. That Senator knows I wrote him a letter, as chairman of the Committee on Banking, Housing and Urban Affairs, objecting to the effect of this particular amendment on the Export-Import Bank.

The Export-Import Bank, of course, makes loans to assist American exporters and American business people to do business overseas wherever it may be. It does have the effect of helping us in our balance of payments, and I may say, too, I felt rather strongly that since we had enacted general legislation providing for the operations of the Export-Import Bank, and since there was nothing involved in dealing with Portugal that could not be used in any foreign country in which it could operate, that while I realize it does have foreign policy implications, so does an operation in any country. Therefore, I felt that this was a matter that should have been left to the consideration of our committee, rather than the Committee on Foreign Relations.

Mr. FULBRIGHT. With all deference——

Mr. SPARKMAN. And I wrote the chairman a letter to that effect.

Mr. FULBRIGHT. The Senator did, and I appreciate that. But in addition to this loan—and it is not just an ordinary loan to help American exporters—there is involved a military base that we have occupied for many years, since World War II. I have been there. It has a wonderful officers' club and a beautiful climate, and it is a lovely place. My only thought is, can we afford the continued support of these types of bases?

In addition to the loan of the Export-Import Bank there are a series of grants, about $10 million, I believe, all of which is a consideration to Portugal for giving us the base.

It means we will keep 2,000 or 3,000 or 4,000 officials and their families there, with the cost an additional drain upon our Government's resources. This was the aspect I was interested in, and not in the Export-Import Bank as such.

If Portugal, like any other country, can appeal to the Export-Import Bank to get this kind of loan, I would have nothing to say about it, but I do not think Portugal could get such a loan from the Export-Import Bank just on commercial grounds. It amounts to $400 mil-

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lion, as I understand the agreement. The Bank has turned down a lot of these loans on political grounds, as I believe in the case of Chile.

Mr. SPARKMAN. Let me talk about the case of Chile for a moment. As the Senator knows, that was a situation that was studied very carefully. They did not turn it down on the basis of the political climate in Chile; they turned it down because Chile had actually expropriated American businesses which, at that time, had not been compensated for their losses. Under the law, the Export-Import Bank is charged with the responsibility of making certain—as certain as they can, reasonably certain—that the loans will be repaid. As I recall, and I gather this only from newspaper accounts that came out at the time, the decision was based upon the fact that they could not consider with certainty that any loans made there would be repaid, and that was the reason for the refusal.

Let me say this: It is true that I pointed out to the chairman the matter of the Export-Import Bank, but I did that purely on the basis of what I considered an invasion—I do not know whether I should use that harsh a term or not—or the taking over, to some extent, of jurisdiction of a matter that is wholly within the jurisdiction of the Committee on Banking, Housing and Urban Affairs—that is, the Export-Import Bank. Goodness knows, I am sure the Export-Import Bank makes loans for the purpose of aiding American businessmen to export or to do contract work for countries other than Portugal.

I did not intend to discuss this now, but later on, I understand, and in fact I am sure, there will be an amendment offered to strike that entire section from the bill, and at that time undoubtedly there will be a full discussion of all these matters.

Mr. FULBRIGHT. Yes. I must apologize to the Senator; I did not mean to go into all of the various apects of the issue. I just wanted to make it clear that I, for one, did not intend, and I do not think the committee intended, to invade the jurisdiction of another committee, because it was the foreign policy aspects, especially the continued maintenance and occupation of military bases on foreign soil, that inspired the committee to recommend the case amendment to the Senate. The Senators will have to agree that those matters are not within the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. No, I have not contended that.

Mr. FULBRIGHT. Yet the Senator has objected.

Mr. SPARKMAN. The only thing I mentioned was the Export-Import Bank.

Mr. FULBRIGHT. I would hope, if the Senator is going to offer the amendment, that it would be confined solely, then, to the Export-Import Bank.

Mr. SPARKMAN. No, I did not say that it would be the only item deleted.

Mr. FULBRIGHT. The rest of it will be subject to the case limit, if that is all that bothers the Senator.

Mr. SPARKMAN. No, I say the only thing I had taken up by letter with the chairman was this one thing.

No, as a matter of fact, I think section 13 is unwise as a part of this measure, and it would be my purpose to support an amendment, and in fact I assume to join in sponsoring it, that would seek to strike the entire section.

Mr. FULBRIGHT. The Senator is not saying it is just the Export-Import Bank?

Mr. SPARKMAN. No, not at all.

Mr. FULBRIGHT. Is he also opposed to it on other grounds?

Mr. SPARKMAN. I am. I am merely saying the only part I took up with the chairman by letter was the Export-Import Bank, because I felt that was an invasion of the jurisdiction of our committee.

Mr. FULBRIGHT. I appreciate that. I did not mean to bother the Senator. I only wish to say one word about Chile. About the same time that they turned down the request at the Export-Import Bank, they sold Chile, as I recall it, about $5 million worth of military equipment.

Mr. SPARKMAN. I do not believe the Export-Import Bank did.

Mr. FULBRIGHT. No; the Defense Department did.

Mr. SPARKMAN. I was speaking of the responsibility of the Export-Import Bank.

Mr. FULBRIGHT. At the time, they did not say outright, "We will not give it to you." They just declined to move and delayed the decision on the Export-Import Bank. At that time the settlement of the American costs was still up in the air. That matter is still pending and has not been determined.

Mr. SPARKMAN. I hope it will be worked out.

I am not antagonistic to doing business with any of those countries. As a matter of fact, I think the chairman knows that I made the point in committee that we ought to be greatly interested at all times in helping particularly the Latin American countries.

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. With the exception of Canada, I believe they are our best trading partners.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. SPARKMAN. I yield to the Senator from Missouri.

Mr. SYMINGTON. The Senator kindly let me know about his opposition to these two treaty specifications in the Case amendment. I think he mentioned there were some other amendments he also planned to offer.

Mr. SPARKMAN. No, not that I planned to offer. I said that I would join in sponsoring an amendment to strike section 13 from the bill.

Mr. SYMINGTON. Then that is the only one?

Mr. SPARKMAN. That is the only one I have in mind to join in sponsoring. I would not say that there would not be others I would support. I do not know. I am not aware of what amendments might be offered.

I did say to the chairman, when he asked me if I would handle the bill for the committee, that I was reluctant to do so; and I told him that I do have objections to parts of it. He told me, as he said here, that he had more objections to the bill than I had. I certainly believe that we all have a duty to see that legislation that the majority of the committee votes out is presented fairly and objectively to the Members of the Senate, in order that they can make up their minds.

Mr. SYMINGTON. I thought the Senator said there would be further amendments.

Mr. SPARKMAN. I said I had reservations.

Mr. SYMINGTON. Does the able Senator plan to offer further amendments?

Mr. SPARKMAN. So far as I know now, that will be the only amendment that I will join in sponsoring. If there should be a separate amendment relating to the Export-Import Bank—and I would not think there would be, certainly not if the amendment to strike section 13 prevails, because that is where the Export-Import Bank is affected—I would support that amendment.

Mr. SYMINGTON. I know of no such planned amendment.

One further question: Does the able Senator think there will be voting on any amendments today?

Mr. SPARKMAN. I refer that question to the majority leader.

Mr. MANSFIELD. Mr. President, if the Senator will yield, so far as the Senator from Montana is concerned, he would hope that there would be votes on amendments today. I would hope that there would be a time limitation on any or all amendments. But, in all frankness, with three votes coming up on treaties, I am not at all certain that there will be votes today; and very likely we ought to devote the first day to as much debate as possible.

Mr. SYMINGTON. I thank the Senator.

Mr. SPARKMAN. So far as I am concerned—I believe the Senator knows this—I never take much time in handling a bill, any more than I think may be necessary. I believe in a fair presentation of all matters, but I believe we ought to act as expeditiously as we can. I would have no objection to voting on any of the amendments at any time they may be offered. I do not control that. Time has not been fixed. As a matter of fact, I thought it would be better to have some general discussion before we tried to work that out.

Mr. SYMINGTON. I am trying to adjust my schedule, because we are marking up bills in other committees.

Mr. SPARKMAN. I refer those matters to the majority leader. If I can assist, I believe the able Senator knows that I will.

Mr. SYMINGTON. I thank the Senator for his courtesy.

Mr. SPARKMAN. Mr. President, if, when, and as these amendments are presented, I hope to discuss them more and to explain my position. I do find it a little embarrassing to be presenting a bill with which I do not agree in large part.

But, as I have said, the will of the majority of the committee is entitled to be presented to the Senate.

I suppose that if I had been present when the bill was reported, I would have voted to report it to the Senate floor, even though it contained provisions with which I did not agree. It is almost impossible to find a bill with which one agrees a hundred percent. At its best, legislation is always a compromise.

I believe that there are important features of this bill that ought to be considered and ought to be acted on. That is the reason why I agreed, upon the urgent request of the chairman, to undertake the management of the bill on the floor of the Senate.

Mr. AIKEN. Mr. President, I think the Senator from Alabama has made a very able presentation of the bill.

As it is now, the bill before the Senate for action contains a great many changes which I am sure the administration would not like to have in a bill which would pass both Houses and be sent to the President. I am quite sure that the administration would disapprove of the nine special provisions which are included in this bill and probably would disapprove of all the reductions in the amounts of the appropriations.

I disagreed with many of the amendments which were put in this bill in the committee room; but I felt, as I think most of the committee did, that time was of the essence. We are getting on toward the end of our fiscal year. We are going to have two big occasions going on down in Miami this summer, provided the first one gets through in time to have the second one take place. I do not know about that, because I am not used to that kind of entertainment. But time is of the essence, and we want to get the decision of Congress as soon as we can.

So when a proposal was made for an amendment, instead of wrangling for hours about that proposal—and if it appeared that there might be a 7-to-6 vote or a 9-to-4 vote, or something of that kind in the committee—we simply said, "The Senate itself has to pass on this. Whatever we do here, someone will move to change it on the floor. So why not save time and send it to the Senate floor to be acted upon?" That is what we have done with many of the amendments attached to this bill. I insist that it has saved a great deal of time for Congress.

For example, we had this bill last week on which we had three executive sessions set for Wednesday, Thursday, and Friday. We completed the bill on Wednesday and saved 2 days' time.

I might say that we are becoming very time conscious in this committee. We know that a great many amendments—possibly 12 or 15 amendments—will be offered to the pending legislation. I know—and I think the other members of the committee who are in the Chamber know—that the policy of the Committee on Foreign Relations now, which had been interpreted in some quarters as representing disagreement or hostility, really represents cooperation in trying to save time in enacting legislation. Certainly, there is no real hostility within the committee that I have seen. I think our chairman has done an excellent job. I felt that I had to disagree with him once in a while. But, on the whole, the country owes him a great deal for the work which he has done as chairman of the committee, just as the country owes a great deal to Senators MANSFIELD, SPARKMAN, and the other members of the committee.

We have this legislation before us. It could have been delayed for 2 or 3 weeks more. It was not. Out of it I have faith to believe a good bill will come, a bill that will go to the President that certainly will not contain all the provisions he would like. I do not think it will, anyway, but then it will not have all the provisions in it that the chairman of the committee would like, or that I would like to see in it—I am pretty sure of that.

Furthermore, it will go to conference with the House, and when it comes out of the conference, it will not be exactly what the House would have liked or what the Senate would have liked; but it will be a good consensus of opinions as to what we should include in the bill. That will be due to our making proper use of the legislative processes. I think this is a splendid example, regardless of how pleased or displeased that any of us individually may be with it, that when it finally goes down to the White House it will represent a good example of how the legislative processes can be used and should be used.

Mr. President, I have nothing more to say now, and I believe that I will not have much more to say later.

Mr. SPARKMAN. Mr. President, I should like to make a few remarks based largely on what the distinguished Senator from Vermont has just said.

I have been a member of the Committee on Foreign Relations since January of 1951. I have been very proud to be a member of that committee. I have enjoyed its work. I have felt rather strongly about some of the things that have been said about the committee's being torn apart, the bitterness, the strife, and so forth.

I am very glad that the able Senator from Vermont has made the remarks he has.

The Committee on Foreign Relations works together harmoniously. We may differ and we do differ from time to time with some of the provisions, suggestions, and so forth which are offered by members of the committee. But, that is what a committee is for, to sift out all of the ideas and suggestions, so that we may come as nearly to a consensus of the views expressed by the majority and the minority as possible. Nevertheless, it represents what the majority of the committee believe should be reported to the floor of the Senate. I should think it would be rather seldom that every provision in a bill would please every member of the committee.

I was not at the meeting when this bill was voted out. I do not know how the chairman voted. I am just informed that he voted against reporting it. Nevertheless, I am sure there were members that did vote to report the bill out who held reservations, just as the Senator from Vermont did. But, I know many times that we will be divided on a bill, or will have a difficult time to get the correct wording of a bill so that it will express all the opinions we want to express. Many times members will say, "Well, we have done the best we can here and we believe that this should be presented to the Senate as a whole and let them express themselves on it."

That is the way the regular legislative process works. That is the way it should be.

Mr. AIKEN. That is correct.

Mr. SPARKMAN. That is true with reference to this bill.

Mr. AIKEN. I was simply trying to make clear that there is no wrangling going on in the committee——

Mr. SPARKMAN. That is right.

Mr. AIKEN. Nor is there any hostility within the committee. We are not trying to downgrade the chairman when we differ with him on something he proposes. We are merely trying to get legislation enacted as it should be enacted when we send a bill to the Senate for action, and then to the conference committee for further action, instead of taking day after day to wrangle over it in the committee itself. It is just good commonsense. It has already proved to be a timesaver in our legislative work.

I am satisfied with the operation of the committee, even though I have been in the minority sometimes. We have not had too many record votes, in fact. In many a proposal made, we have simply said, "Let us get this matter to the floor of the Senate right away on a voice vote, where it will have to go anyway."

If there is a narrow vote in the committee, we can be dead sure that the Senate will go all through it again on the floor and, possibly, if the Senate approves what the majority of the committee wanted, then we will take it to the conference committee and meet with the House. I think, under the leadership of the chairman, we have done good legislating this year, even though I may not approve or agree with everything that is proposed.

Mr. SPARKMAN. May I ask the distinguished Senator: Is it not true, as he pointed out, that we do not have any wrangling, as many press reports would have the people believe——

Mr. AIKEN. No.

Mr. SPARKMAN. We do not tear at each other——

Mr. AIKEN. Not at all.

Mr. SPARKMAN. May I ask the Senator: Is it not also true, and has it not been his experience, as I feel it has been mine and I daresay that of the distinguished majority leader as well, that our committee has acted on as nearly a nonpartisan basis as any committee could.

Mr. AIKEN. That is right. It has.

Mr. SPARKMAN. I cannot recall, offhand, any measure that ever came up in the committee and was acted on in purely partisan fashion.

Mr. AIKEN. I might say that the Republican executive branch of Government owes a vote of appreciation to the senior Democratic Senator from Alabama for the manner in which he has dealt so objectively and fairly with proposals which have come before us. I

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know that he does not agree with all the things that come up from the White House. When he thinks a proposal is for the good of the country, he supports that proposal, but if he thinks it is not for the good of the country, then he opposes it. That is as it should be.

Mr. SPARKMAN. I appreciate what the Senator has just said.

Mr. AIKEN. I might also say that——

Mr. SPARKMAN. I try to act that way. By the way, I happened to think: Are all Senators getting a copy of the computerized study which has just been made by the University of South Dakota?

Mr. AIKEN. Yes.

Mr. SPARKMAN. I find that very interesting. I was interested in comparing my voting record. I notice one line there on "Nixon"—I do not know how they measure it, but I presume it is based on measures which the President presents—and I notice that I have a 75-percent record of voting with him, based on that study.

I have teased some of my Republican friends, sometimes, by telling them that I have supported President Nixon much more than some of them have. I have not measured all of these items in the study, but I do find that rather interesting because, just as the Senator said, I always try to pick out and make sure in my own mind what is good for the Nation and also for Alabama, and vote that way.

Mr. AIKEN. I do not believe that the Senator from Alabama votes out of admiration for the President every time, but when he thinks it is in the interest of our country.

Mr. SPARKMAN. I do not consider that. I did not consider that when we had a Democratic President. Of course, I have always said that I believe I resolved my doubts in favor of the administration.

THE MANSFIELD AMENDMENT TO END AMERICAN MILITARY INVOLVEMENT IN INDOCHINA

Mr. MANSFIELD. Mr. President, the Foreign Relations Committee has approved an amendment which I offered to the pending legislation that is designed to speed the end of American military involvement in Indochina. This is the same amendment I originally offered to S. 3526, the foreign relations authorization bill when it was on the floor. As I stated when I introduced that amendment:

> It will place no conditions on the continuation of the removal of U.S. ground forces from South Vietnam; in fact, it will require their total extrication by August 31, 1972. It will separately require an agreement for the return of all POWs and recoverable MIAs and a cease-fire only—and I repeat the word "only"—between U.S. forces and those arrayed against our forces—that is, the National Liberation Front and its allies, as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina.

Section 12 of the present bill contains the amendment. When it was offered earlier this month, I stated then that it was intended to underscore what is the apparent policy of the administration; namely, the total extrication of all U.S. troops from South Vietnam. To meet that objective, this provision, as it appears in the bill now before the Senate, would require the absolute removal of all American military personnel from South Vietnam by August 31, 1972. There are no preconditions. There are no ifs, ands, or buts. Every last serviceman on the ground in Vietnam will be out by August 31, whether he plays a combat or a supporting role.

The second section of section 12 is a separate and distinct proposition. When enacted, it will require the termination of all American participation in the hostilities in, over and around Indochina subject only to the following conditions which follow in sequence and are a part of the whole:

First. That a cease-fire be agreed upon between the United States and the National Liberation Front and those allied with them;

Second. That the release of American POW's has been provided for by agreement; and

Third. That provision has also been made for the release of recoverable American MIA's.

What is envisioned by this second subsection is the complete cessation of American participation and involvement in hostilities in the air and on the sea, as well as on the land and, not only in South Vietnam, but in all the countries of Indochina.

It is most important that these conditions upon which rests the total termination of our involvement be understood in the order in which they are set forth. A cease-fire, a release of American POW's, an accounting for the MIA's—these are the elements. It is for a definite purpose that they appear in this sequence. The cease-fire between the United States alone and the NLF and those allied with them must first be agreed upon as the umbrella under which the POW and MIA issues will be resolved.

The most significant aspect, to repeat, is to reach first the agreement for the cease-fire—a cease-fire negotiated by the United States and the NLF and its allies without veto power granted to any other source or government. Once this most essential step is taken and a cease-fire is agreed to, efforts to meet the remaining conditions can be undertaken immediately. It is that first step—the agreement or the umbrella, so to speak—that is the most critical step. With it will come the beginning of the end, the close of a chapter that should not have been opened in the first place.

Mr. President, in the committee there was some difference in interpretation concerning the intent of the second part of the amendment. I hope that this statement will clear up any uncertainty. While the last of our forces on the ground in South Vietnam are being withdrawn under the requirement of subsection (a), negotiations would proceed between the United States and the National Liberation Front and its allies for an agreement for a cease-fire, which would end the hostilities insofar as our forces were involved and provide for the release of American prisoners and an accounting for those missing in action.

No one can predict when a political settlement can be reached between the peoples of Indochina or the killing of brother by brother brought to an end. There has been a cease-fire in Korea for 19 years—and a state of hostilities still exists. But we got the American prisoners back after a cease-fire was agreed to. We cannot expect to get the prisoners back until our part in the killing stops. To suggest otherwise is callously unfair to these men and their relatives. My amendment couples the two problems in such a way that the release of the prisoners will be related to the agreement for a cease-fire.

Mr. President, I offer this in explanation of the amendment. Before voting, the Senate should be fully apprised of the intent of this provision insofar as an agreement for a cease-fire is involved and its effect upon the return of the POW's and the accounting for the MIA's. It is on the basis of the verified cease-fire agreement and the followup POW and MIA arrangements that it is hoped we will be able to lay to rest once and for all this Nation's direct involvement in any capacity in the hostilities in Indochina.

Mr. President, American military participation in this war has gone on officially for 11 years now. And it has cost us up to May 27, 1972, 55,954 dead Americans. It has cost us 303,066 wounded Americans. It has cost us overall in total casualties 359,020 Americans. The toll for the unfortunate people of Indochina, North and South, is incalculable.

The public wants, not more speeches, but the termination of the involvement in this travesty. Insofar as it rests with the Senate to contribute constitutionally to that end, the amendment in my opinion points the way to action.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 12, 1972, he presented to the President of the United States the following enrolled bills:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Provision for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes; and

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

RECESS TO 2:15 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Thereupon, at 1:22 p.m., the Senate took a recess until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STAFFORD).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STAFFORD). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—THE INTERNATIONAL PLANT PROTECTION CONVENTION

The PRESIDING OFFICER. The hour of 2:30 having arrived, the Senate, under previous order, will go into executive session to vote on the treaties Nos. 20, 21, and 22 on the Executive Calendar. The resolutions of ratification having already been reported, the question is: Will the Senate advise and consent to the resolution of ratification on Calendar No. 20, Executive D, 84th Congress, second session. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Kentucky (Mr. COOK) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 201 Ex.]

YEAS—74

Aiken	Eagleton	Montoya
Allen	Eastland	Muskie
Allott	Ellender	Nelson
Anderson	Ervin	Packwood
Bayh	Fannin	Pastore
Beall	Fong	Pearson
Bennett	Gurney	Percy
Bentsen	Hartke	Proxmire
Bible	Hatfield	Randolph
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Burdick	Inouye	Scott
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Jordan, N.C.	Sparkman
Cannon	Kennedy	Spong
Case	Long	Stafford
Chiles	Magnuson	Stennis
Church	Mansfield	Stevens
Cooper	Mathias	Stevenson
Cotton	McGee	Symington
Cranston	McIntyre	Talmadge
Curtis	Metcalf	Thurmond
Dole	Miller	Tunney
	Mondale	Young

NAYS—0

NOT VOTING—26

Baker	Griffin	Moss
Bellmon	Hansen	Mundt
Buckley	Harris	Pell
Cook	Hart	Ribicoff
Dominick	Humphrey	Taft
Fulbright	Javits	Tower
Gambrell	Jordan, Idaho	Weicker
Goldwater	McClellan	Williams
Gravel	McGovern	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, after discussing the matter with the manager of the bill, the ranking Republican member of the committee, and the leadership on the other side, I ask unanimous consent that each of the next two votes be concluded in a 10-minute period, rather than the usual 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION TO PREVENT AND PUNISH ACTS OF TERRORISM

The PRESIDING OFFICER. The resolution of ratification on Executive D (92d Congress, 1st Session), a convention to prevent and punish acts of terrorism, having already been reported, the question is, Will the Senate advise and consent to the resolution of ratification?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

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I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

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The Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 202 Ex.]

YEAS—74

Aiken	Eagleton	Montoya
Allen	Eastland	Muskie
Allott	Ellender	Nelson
Anderson	Ervin	Packwood
Bayh	Fannin	Pastore
Beall	Fong	Pearson
Bennett	Fulbright	Percy
Bentsen	Gurney	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Roth
Brock	Hollings	Saxbe
Brooke	Hruska	Schweiker
Burdick	Hughes	Scott
Byrd, Harry F., Jr.	Inouye	Smith
Byrd, Robert C.	Jackson	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Kennedy	Stafford
Chiles	Long	Stennis
Church	Magnuson	Stevens
Cooper	Mansfield	Stevenson
Cotton	Mathias	Symington
Cranston	McGee	Talmadge
Curtis	McIntyre	Thurmond
Dole	Metcalf	Tunney
	Miller	Young
	Mondale	

NAYS—0

NOT VOTING—26

Baker	Cook	Goldwater
Bellmon	Dominick	Gravel
Buckley	Gambrell	Griffin

XUM

Hansen	Jordan, Idaho	Ribicoff
Harris	McClellan	Taft
Hart	McGovern	Tower
Humphrey	Moss	Weicker
Inouye	Mundt	Williams
Javits	Pell	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH HONDURAS ON THE SWAN ISLANDS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on Executive H, 2d session, 92d Congress, the treaty with Honduras on the Swan Islands.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Kentucky (Mr. COOK) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 203 Ex.]

YEAS—74

Aiken	Eagleton	Montoya
Allen	Eastland	Muskie
Allott	Ellender	Nelson
Anderson	Ervin	Packwood
Bayh	Fannin	Pastore
Beall	Fong	Pearson
Bennett	Fulbright	Percy
Bentsen	Gurney	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Roth
Brock	Hollings	Saxbe
Brooke	Hruska	Schweiker
Burdick	Hughes	Scott
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Jordan, N.C.	Sparkman
Cannon	Kennedy	Spong
Case	Long	Stafford
Chiles	Magnuson	Stennis
Church	Mansfield	Stevens
Cooper	Mathias	Stevenson
Cotton	McGee	Symington
Cranston	McIntyre	Talmadge
Curtis	Metcalf	Thurmond
Dole	Miller	Tunney
	Mondale	Young

NAYS—0

NOT VOTING—26

Baker	Hansen	Moss
Bellmon	Harris	Mundt
Buckley	Hart	Pell
Cook	Humphrey	Ribicoff
Dominick	Inouye	Taft
Gambrell	Javits	Tower
Goldwater	Jordan, Idaho	Weicker
Gravel	McClellan	Williams
Griffin	McGovern	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Montana will state it.

Mr. MANSFIELD. Has an order been entered into for the convening of the Senate tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. I thank the Presiding Officer.

ORDER FOR CONVENING OF THE SENATE ON WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate meets on Wednesday, Thursday and Friday of this week, it convene at 10 a.m.

NOTICE OF LONG AND POSSIBLY SATURDAY SESSIONS

Mr. MANSFIELD. Mr. President, the Senate should bear in mind that only a little over 2 weeks are left before the Democratic National Convention and that the Senate has a lot of appropriation bills still to consider.

There is a possibility—a possibility, I reiterate—that beginning this week, we may start to meet on Saturdays.

Thus, I believe the Senate should be on notice that we intend to come in early and stay fairly late, and operate on a two-track schedule beginning tomorrow, with possibly meeting on Saturdays depending on the situation which exists as the week comes to a close.

SENATE RESOLUTION 318—RELATING TO A SUBPENA DUCES TECUM DIRECTED TO THE FINANCIAL CLERK OR HIS AGENT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 318, relating to a subpena duces tecum directed to the Financial Clerk or his agent.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, this resolution is in its usual form as presented in a case of this sort.

The resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 318

Resolution relating to a subpoena duces tecum directed to the Financial Clerk or his agent

Whereas a subpoena duces tecum issued on application of the United States of America addressed to the Financial Clerk or his agent, United States Senate Disbursing Office, and served upon the Financial Clerk, directs him to appear in the city of the District of Columbia, before the Criminal Branch of the Superior Court of the District of Columbia on the nineteenth day of June 1972, at 9:00 o'clock ante meridian, and to bring with him certain records in the possession and under the control of the Senate: Now, therefore, be it

Resolved, That by the privilege of the Senate no evidence of a documentary character under the control and in the possession of the Senate can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the Senate is needed for use in any court of justice, before any judge, legal officer, or grand jury, for the promotion of justice, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That William A. Ridgely, Financial Clerk of the Senate, or his designee, be authorized to appear at the place and before the court named in the subpoena duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in the possession of the Financial Clerk of the Senate; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the records called for in the subpoena duces tecum to the proceeding before the court, the said court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding at a place under the orders and control of the Senate, to take at such place copies of such records in possession or control of said Financial Clerk as the court has found to be material and relevant, and to take at such place such evidence of witnesses in respect to such records as the courts or other proper officer thereof shall desire, except that (1) the possession of such records by the said Financial Clerk shall not be disturbed and such records shall not be removed from their file or custody under said Financial Clerk, and (2) no minutes or transcripts of any executive ssesion or any evidence of witnesses with rsepect thereto may be disclosed or copied; be it further

Resolved, That subject to the limitations hereinbefore stated, said Financial Clerk is authorized to supply certified copies of such records as the court has found to be material and relevant to the proceeding before the court; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpoena aforementioned.

DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. (Mr. STAFFORD). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT (S. REPT. NO. 92–846)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commisioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

SEC. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, JR.
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The text of both the House bill and the Senate amendment was identical except with respect to two provisions. The House bill and the Senate amendment authorized the Commissioner of the District of Columbia to enter into an interstate agreement with the Commonwealth of Virginia and the State of Maryland relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself. The Senate amendment required the Commissioner to obtain the approval of the District of Columbia Council. The House bill did not require such approval. The Conference substitute eliminates the requirement of such approval.

The Senate amendment contained a provision which authorized the Commissioner of the District of Columbia, with the approval of the District of Columbia Council, to enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations). The House bill contained no such provision. The Conference substitute contains the language of the Senate provision other than the requirement of approval by the District of Columbia Council.

The conferees wish to emphasize that the authority given to the Commissioner of the District of Columbia to enter into interstate agreements under the Conference substitute is discretionary. The word "may" was used advisedly so as to indicate that it is solely in the discretion of the Commissioner to decide whether he enters into the interstate agreements.

It is the belief of the conferees that the Commissioner should enter into the interstate agreement relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself only if, at the same time, he enters into the interstate agreement authorized by the Conference substitute relating to the provision of mutual assistance in the enforcement of laws relating to traffic (including parking violations). In the opinion of the conferees, if such action is taken, it should result in a revenue gain to the District of Columbia rather than a net revenue loss.

The conferees accepted, as a conforming amendment, the Senate amendment to the title of the House bill.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, JR.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. EAGLETON. Mr. President, I am pleased to yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from Missouri, the chairman of the District of Columbia Committee, for yielding to me for just a very brief comment on the conference report.

One of the greatest burdens on the life of the average citizen today is the political boundaries which divide great metropolitan areas and which obstruct desirable reforms in the ordinary ways of doing business—sometimes to the extent that it is impossible even to find cooperative means of allowing people in their daily pursuits to trade across these political boundaries.

I think by this act we are achieving a useful purpose. We are making it possible to keep up to date. We are making it possible to be more efficient and more economical in our operations. We are making it possible to deal with metropolitan areas as large communities.

The conference report is really aimed at doing just that in the Washington metropolitan area, authorizing a joining together for certain purposes of the communities of Virginia, Maryland, and the District of Columbia—separate political entities which in metropolitan Washington actually form one area socially, economically and commercially, and one community.

I am happy to support the conference report, and I am pleased that the chairman of the committee brought the conference report to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report. (Putting the question.)

The conference report was agreed to.

XUM

QUORUM CALL

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1221

Mr. STENNIS. Mr. President, I send to the desk an amendment to the pending measure and ask that it be read.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, it is proposed to delete lines 24 and 25.

On page 7, it is proposed to delete lines 1 through 9.

The language proposed to be stricken is as follows:

(3) In section 513, relating to military assistance authorizations for Thailand—

(A) insert in the section caption immediately after "Thailand", a comma and the following: "Laos, and South Vietnam"; and

(B) add at the end thereof the following new sentence: "After June 30, 1973, no military assistance shall be furnished by the United States to Laos or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

Mr. STENNIS. Mr. President, I now call up my amendment for formal consideration; but first, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Is there any time limitation on amendments?

The PRESIDING OFFICER. There is no pending time limitation.

Mr. STENNIS. Mr. President, for the time being, I shall content myself, without going into a formal discussion of the amendment with so few Senators present, by stating the purpose of the amendment. I shall give a broad outline of the nature of my amendment, what it proposes, and what will be the situation if it is adopted.

The amendment relates to the military assistance bill, which we have had before us for many years as a matter of policy, in which we appropriated funds for military assistance to the various friendly nations of the world. That measure had been handled as a policy matter by the Committee on Foreign Relations.

However, in 1966, when the war in Vietnam took on such large proportions, it got to the point where the amount of money we were spending in support of the army of South Vietnam and in support of the South Korean Army that was in South Vietnam, and for related matters in Laos and Cambodia, became so great that it was no longer military aid in the sense that that term is used, but really became aid for allies in the war in which we were then becoming the principal participant. Under those circumstances, it was agreed between the Committee on Foreign Relations and the Committee on Armed Services that there would be a transfer of jurisdiction to the Committee on Armed Services, to use a simple word, in the handling of funds for Indochina.

I remember that former Secretary of Defense McNamara testified that the matter was so involved because of the day-to-day and month-to-month changes in the war situation that the handling of funds could not be delineated or taken care of under the system we were using for spending in the military assistance program. He said he needed something that was more geared to war, which is what we were engaged in.

So it was determined then that we would authorize so much of the money each year to be spent for the nonmilitary operations of the South Vietnamese Army, the Korean Army in South Vietnam, and of other countries, but that we would permit a certain amount of the money that would be appropriated for military forces in that area to be spent on our allied forces in that area. So that is the way it has been handled ever since.

When I became chairman of the Armed Services Committee in 1969, the authorization request was $2.5 billion for that purpose. We went into that and reduced it, as I recall, to $2.25 billion. We have been going into it each year, including the current budget we are considering. We have it all out on the table, and we started a mockup of it. Then they came with this request for more money. So we have had to stop that part of the mockup and take up this additional request.

The bill would provide that after fiscal 1973 this jurisdiction would transfer back to the Foreign Relations Committee. I have no objection to its going back to the Foreign Relations Committee. In fact, it is a headache for us, and will be for anyone, as long as this war is going on. I think, in the name of commonsense and logic, we will have to use the present system, as I see it, until this war can be terminated in some way.

So my amendment merely strikes this provision in the proposed bill and will let the arrangement I have just described continue as it is now until there is a settlement or an end or a disposition of the present situation in that part of the world, which we hope will be soon.

I think that explains the amendment's primary purpose.

I am willing to make an agreement now for controlled time on this amendment. I think the issue is highly important, but I think it is fairly simple to understand. The facts are not complicated—not very much, anyway—and I would agree to a limitation of time, if the leader wants to propose it, to an hour on each side.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, if I may respond to the distinguished Senator, I have discussed this matter with him and with the Republican leader and with other Senators, and I therefore propose that there be a time limitation on the amendment offered by Mr. STENNIS, the time to begin running tomorrow at 10:30 a.m., lasting for 2 hours, to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT), and that the vote on the amendment occur at 12:30 p.m. tomorrow.

Mr. STENNIS. Mr. President, if the Senator will yield for a question, I understood the tentative time agreeable was that the debate would start at 12:45 or 12:30, and 2 hours would run it until 2:30, and we would have a rollcall vote then.

Mr. ROBERT C. BYRD. The Senator is correct, and I would have discussed the proposed time change with him had I had an opportunity to do so, but inasmuch as he had the floor, and he mentioned the possibility of a time agreement, I thought I would suggest this in view of the fact that it would allow us to have the vote at 12:30 rather than at 2:45. But if the Senator would prefer for the vote to come at the latter time, we will shift the time accordingly.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I revise my unanimous-consent request to read as follows: that the time on the amendment begin running tomorrow at 11 o'clock a.m. and run until 12:30 p.m., to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT); that beginning at 2 o'clock p.m. tomorrow, the time again be controlled on the amendment, divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT); and that a vote occur on the amendment at 2:45 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—that is entirely agreeable to the Senator from Mississippi. I hope we can have a good attendance here so Senators can get the facts. I thank the Senator for his leadership in arranging at this time for this planned-for vote.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, the request is agreed to.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Mississippi.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the well be cleared.

The PRESIDING OFFICER. The well will be cleared.

TIME LIMITATION ON CONSIDERATION OF DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 15259, the bill making appropriations for the District of Columbia, is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Hawaii (Mr. INOUYE) and the distinguished Senator from Oregon (Mr. HATFIELD); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE), unless the manager of the bill supports such, in which case, time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, provided further that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON VOTES ON THREE TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on each of the three votes with respect to the treaties tomorrow, there be a time limitation of 10 minutes for each rollcall vote, with the warning bell to be sounded midway.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE HUD APPROPRIATION BILL ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Wednesday, June 14, 1972, at 3 p.m. the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of H.R. 15093, making appropriations for the Department of Housing and Urban Development, and that the unfinished business remain in a temporarily laid-aside status until H.R. 15093 is disposed of, or until the close of business on Wednesday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 9092 AND STATE-JUSTICE APPROPRIATION BILL ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, June 15, 1972, at 3 p.m., the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of H.R. 9092, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government, and that upon disposition of H.R. 9092, the Senate proceed to the consideration of H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the Judiciary and related agencies, and that the unfinished business remain in a temporarily laid-aside status until disposition of H.R. 9092 and H.R. 14989, or until the close of business on Thursday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF RESOLUTION DEALING WITH QUESTIONS RELATED TO SECRET DOCUMENTS ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 1 p.m. on Friday next, June 16, 1972, if the unfinished business has not been acted on by that time, it be temporarily laid aside and that the Senate proceed to the consideration of Senate Resolution 299, to establish a select committee to study questions related to secret and confidential Government documents, and that the unfinished business remain in a temporarily laid-aside status until the final disposition of Senate Resolution 299, or the close of business on Friday next, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF DISTRICT OF COLUMBIA APPROPRIATIONS BILL WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, upon the disposition of H.R. 15093, the unfinished business remain in a temporarily laid-aside status; that the Senate proceed at that time to the consideration of H.R. 15259, a bill making appropriations for the District of Columbia; and that the unfinished business remain in a temporarily laid-aside status until the appropriations bill for the District of Columbia is disposed of or until the close of business on Wednesday, which is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

(At this point Mr. STAFFORD took the chair as Presiding Officer.)

ORDER FOR ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRIS, FOR ROUTINE BUSINESS, AND FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order on tomorrow, the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements limited therein to 3 minutes, at the conclusion of which the Presiding Officer lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Oklahoma will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

At 11 a.m. the Chair will lay before the Senate the unfinished business, S. 3390. The pending question at that time will be on agreement to the amendment of the distinguished Senator from Missis-

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sippi (Mr. STENNIS), amendment No. 1221. There is a time limitation on that amendment. Debate will continue thereon until 12:30 p.m.

At 2 p.m. tomorrow, the controlled time on that amendment will be resumed, with a yea-and-nay vote to occur on the amendment at 2:45 p.m.

Beginning at 3 p.m. tomorrow, the Senate will go into executive session and the Senate will proceed to vote on the following treaties:

Executive A (92d Congress, second session), a Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Executive Calendar No. 23.

Executive F (92d Congress, second session), a Treaty of Extradition with Argentina, Executive Calendar No. 24.

Executive E (92d Congress, second session), a Partial Revision of the Radio Regulations Relating to Space Telecommunications, Executive Calendar No. 25.

The rollcall votes on each of the three treaties will be limited to 10 minutes. As I have already indicated, there will, therefore, be four back-to-back rollcall votes beginning at 2:45.

Mr. President, may we have the well cleared while the program for tomorrow is being given?

The PRESIDING OFFICER. The well will be cleared.

The Senator may proceed.

Mr. ROBERT C. BYRD. To repeat, Mr. President, there will be four rollcall votes tomorrow, back-to-back, beginning at 2:45 p.m.

Following the four rollcall votes, the Senate will resume consideration of the unfinished business, and it is expected that amendments will be called up on which there will be rollcall votes.

Therefore, tomorrow there will be not only at least four yea and nay votes, but also it is quite possible the Senate will be in session until a reasonably late hour and there may be additional rollcall votes on amendments tomorrow after 3:30 p.m.

On Wednesday, following a period for the transaction of routine morning business the Senate will resume its consideration of amendments to the unfinished business, S. 3390. At the hour of 3 p.m., the Senate will proceed to operate on a second track, with the bill making appropriations for the Department of Housing and Urban Development, H.R. 15093, being called up and made the pending business. Undoubtedly there will be rollcall votes on that bill.

After that bill has been disposed of on Wednesday, the Senate will proceed to consider the bill making appropriations for the District of Columbia, H.R. 15259. Undoubtedly there will be at least one rollcall vote on the final passage of that bill on Wednesday afternoon, the Senate staying in until a reasonably late hour.

Then, on Thursday the Senate will resume consideration of the unfinished business. At the hour of 3 p.m., Thursday the Senate will lay aside the unfinished business and proceed to a second track, with H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, as the business before the Senate.

After that bill has been disposed of on Thursday, the Senate will proceed to the consideration of H.R. 14989, an act making appropriations for the Departments of State, Justice, and Commerce. There will be a rollcall vote—or rollcall votes—on that bill during Thursday afternoon. The Senate will likely be in late in order to complete the bill.

On Friday, the Senate will resume its consideration of the unfinished business, S. 3390. At 1 p.m. on Friday, the Senate will proceed to consider—in terms of the second track—Senate Resolution 299, a resolution to establish a select committee to study questions related to secret and confidential Government documents.

Senators are reminded that the Senate will begin operating on a two-track system on Wednesday of this week. The Senate will be in session until a reasonbly late hour tomorrow, and certainly on Wednesday and on Thursday and Friday. There will be rollcall votes tomorrow, Wednesday, and Thursday, and, in all probability, on Friday.

The majority leader has indicated earlier today, and I repeat now, that Senators may be alerted to the possibility of a session on Saturday of this week.

I might add the postscript that the possibility for Saturday sessions will increase as we move toward that date of June 30. At the close of business on June 30, the Senate will adjourn through the Fourth of July holiday and the Democratic Convention.

Much remains to be done. Several bills are on the Calendar and more will be added daily. In order to transact as much business as can be transacted prior to the close of business on June 30, the Senate will have to be in session for long days and possibly on Saturdays. Senators may wish to arrange their schedules accordingly while there is yet time.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 4:26 p.m. the Senate adjourned until tomorrow, Tuesday, June 13, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 1972:

DEPARTMENT OF JUSTICE

Thomas E. Kauper, of Michigan, to be an Assistant Attorney General, vice Richard W. McLaren, resigned.

A William Olson, Jr., of California, to be an Assistant Attorney General, vice Robert C. Mardian, resigned.

Harlington Wood, Jr., of Illinois, to be an Assistant Attorney General, vice Louis Patrick Gray III, resigned.

IN THE COAST GUARD

The following-named Reserve officers to be permanent commissioned officers in the regular Coast Guard in the grades indicated:

Lieutenant commander

George F. Martin

Lieutenant

Gordon T. Kampert — George T. Jones
Terry D. Beacham — Robert F. Powers
Thomas O. Preston — Vernon K. Carlson

The following-licensed officer of the U.S. merchant marine to be a permanent commissioned officer in the regular Coast Guard in the grade of lieutenant (junior grade):

Thomas H. Walsh

The following-named officer to be a permanent commissioned warrant officer in the Coast Guard in the grade of chief warrant officer, W2, having been found fit for duty while on the temporary disability retired list:

Paul J. Balzer

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To Be Brigadier General

Col. Robert S. Corbett, Sr., 250-10-9224FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., 254-28-0574FG, Georgia Air National Guard.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Abbott, John R., 504-16-0712.
Abrams, Carl R., 234-36-1565.
Acker, Jack E., 552-26-4680.
Adcock, Walter M., 412-20-6912.
Agnew, Malcolm J., 568-22-9956.
Ainslie, Robert E., 504-10-6767.
Albers, Edgar H., Jr., 338-18-4874.
Albert, John G., 071-18-4399.
Alderson, Jerry D., Jr., 467-24-5687.
Alexander, Thomas D., 309-20-8937.
Allshouse, Herman D., 192-18-9064.
Altemose, Lawrence J., 169-18-9981.
Andersen, Arne, 380-12-8355.
Andersen, Howard J., 067-18-6015.
Anderson, Charles R., 192-14-6690.
Anderson, Charles W., Jr., 460-64-4622.
Anderson, Earl W., 243-20-3663.
Anderson, James C., 248-28-1879.
Anderson, William C., 503-10-4489.
Arantz, Carl F., Jr., 424-12-5120.
Archer, Earl J., Jr., 294-22-0131.
Armstrong, John W., 449-30-6236.
Arneson, Milton A., 475-28-2848.
Arnold, David L., 578-36-5356.
Arnold, Tom M., Jr., 253-46-2101.
Asire, Donald H., 336-18-4570.
Atkinson, James W., 432-32-5915.
Atkinson, Richard H., 567-07-5567.
Axelsen, Max M., 478-16-9411.
Babcock, Dan E., 507-20-5841.
Back, Doyle R., 445-22-6803.
Backes, Ralph G., 054-18-3620.
Bahr, Lester M., 507-30-6493.
Bailey, Frank D., 576-12-6009.

Baker, Alfred C., Jr., 420-12-9633.
Banister, Arthur W., 497-24-2488.
Barnes, Frank G., 412-14-0769.
Barnes, Willard A., 597-14-6045.
Barnett, Charles W., 548-01-0893.
Barrett, Francis E., 469-20-9209.
Barrow, Sterling E., 461-12-0766.
Becker, Marion C., 429-74-3567.
Beebe, Frederick A., 514-20-6074.
Benagh, Thomas M., 410-30-5956.
Bennett, Mortimer F., 304-20-3993.
Bennett, George F., 235-24-1446.
Berg, Robert L., 472-16-1054.
Berg, Robert S., 342-22-1595.
Berge, Truman K., 473-44-6463.
Bergerot, Paul A., 552-34-2266.
Berner, Benjamin P., 046-18-4277.
Besam, William J., 384-12-6494.
Billington, Robert J., 061-12-7892.
Billups, Rufus L., 418-22-2533.
Binder, Edwin M., 189-12-6489.
Blackwell, Ralph C., 256-30-3595.
Blake, Thomas F., Jr., 560-28-3802.
Blankinship, William J., 405-28-7541.
Blauw, Robert E., 494-14-9270.
Bocquin, Victor E., 512-14-3314.
Bodager, Bill W., 277-20-6198.
Bonner, M. M., 317-18-0106.
Bonney, Charles A., Jr., 004-20-4319.
Bottom, Richard D., 093-20-7438.
Bowen, Myron A., 058-14-7605.
Bowman, Richard C., 336-20-0042.
Brady, Eugene L., 501-14-9890.
Branan, William C., 267-16-4342.
Briggs, Charles C., Jr., 230-22-0229.
Brockett, David H., 438-10-2199.
Brooke, John E., 438-24-2969.
Brookshier, Dan A., 430-32-4033.
Brower, James M., 567-07-4827.
Brown, Richard S., 194-16-8511.
Brown, Robert S., Jr., 242-36-3570.
Brown, William, 471-18-1093.
Brundage, Lew D., 517-03-9466.
Brunette, William T., 464-10-9629.
Brunhart, Roy C., 397-18-4580.
Buck, Vincent K., Jr., 262-32-0283.
Burns, Richard F., 041-20-9330.
Burns, Robert, 260-38-0547.
Bush, William J., 179-18-2328.
Bushong, Richard B., 268-18-1185.
Butcher, James T., 458-24-8663.
Butler, Barry R., 300-10-3414.
Buzbee, Jack A., 321-20-1470.
Calafato, Eugene F., 063-22-8349.
Cameron, William G., 011-16-6508.
Campbell, Edward J., 037-26-0774.
Canham, Harry G., 331-18-5545.
Carnell, Ben H., 722-10-4688.
Carr, Charles C., 349-12-6582.
Carroll, Norman F., 119-03-5494.
Carter, Wallace H., 493-32-2968.
Cash, Melvin G., 226-12-5422.
Castanedo, Wesley J., Jr., 428-05-0006.
Catlin, Howard R., 564-03-5648.
Cecil, Charlea P., Jr., 245-60-7637.
Chadeayne, Robert F., 281-22-6416.
Chambers, William H., Jr., 258-28-2356.
Chaney, R. L., 542-22-0983.
Chealander, Jerry L., 545-24-7445.
Chenault, William I., 293-12-8087.
Cheney, Laverne L., 387-18-1041.
Cleveland, Charles G., 121-18-3678.
Cline, Wilmer F., 220-14-1192.
Cobb, Tommy, 455-44-7501.
Coffee, Harold B., 579-01-0101.
Coleman, David B., Jr., 430-16-6921.
Coleman, William T., Jr., 267-12-3072.
Collens, John W., III., 438-30-2713.
Conner, Jerry E., 256-40-6430.
Contestable, Frank W., 064-14-2905.
Cook, William L., 428-03-8665.
Cook, William, Jr., 426-28-5559.
Cordingly, William E., 033-20-2552.
Corgill, James N., Jr., 554-24-9094.
Cornette, Earl M., 405-16-7284.
Cotters, John F., 122-16-2220.
Cottle, Joe I., 509-18-1988.
Couture, Albert R., 046-16-4333.
Cox, Frank E., 292-14-0522.
Cox, Hannibal M., Jr., 348-16-0743.
Craigwell, Ernest, Jr., 062-20-2445.
Crane, Jean M., 342-16-4039.
Crawford, Thom M., Jr., 574-07-2839.
Creech, Wilbur L., 481-24-3515.
Cristiani, Augustine B., 078-03-8960.
Cronin, John H., Jr., 261-36-7360.
Crouch, Robert K., 274-14-1411.
Culen, Frank A., 085-16-3539.
Cvitanovich, Anthony, 427-20-8059.
Dahl, Perry J., 539-26-6201.
Daniel, Walter F., 446-12-3899.
Davis, Donald M., 473-26-3689.
Davis, Forrest L., 514-14-0391.
Davis, Homer A., Jr., 119-14-2961.
Davis, James R., 260-22-2946.
Davis, Sidney L., 412-34-4540.
Davis, William E., 568-24-9090.
Demuro, Theodore F., 149-14-3932.
Delaney, Harry C. Jr., 266-22-6041.
Detling, Harold C., 567-14-1969.
Detour, Jack L., 543-16-8713.
Dettmer, Franz H., 535-05-9876.
Dickson, Enos J., 515-14-8958.
Dillard, William N., 249-20-2292.
Dinwiddie, James F., 229-14-0825.
Disanto, Alexander J., 100-22-4736.
Dixey, Joseph R., 189-16-0204.
Dodds, Joseph B., 540-22-7823.
Dodgen, Clyde L., 421-12-6558.
Doerty, Walter L. Jr., 566-22-6815.
Dollard, John T. Jr., 560-26-8982.
Dooley, George W. Jr., 224-52-5390.
Dougherty, Charles R., 137-14-6448.
Douglas, Jackie R., 446-16-6968.
Dowling, John M., 081-20-5138.
Drake, Norman S., 094-16-2185.
Dugan, Obadiah A., 251-22-0051.
Dunagan, Lewis H., 519-12-0777.
Dunn, Henry J. Jr., 418-18-7714.
Dunn, John C., 020-20-6177.
Dupras, Robert W., 720-14-4755.
Eaton, Norman D., 442-20-0891.
Edwards, Thomas P. Jr., 428-24-7789.
Eisemann, Ewald F. W., 277-14-2032.
Elder, Wayne T., 410-22-7903.
Ellis, Atlee R., 512-16-6592.
Emery, Morley L., 352-14-6118.
Ennis, Robert B., 419-52-9708.
Erich, Theodore E., 562-26-0279.
Essing, Earl B., 457-20-4907.
Estes, Charles E. Jr., 546-18-6048.
Evans, Donald L., 560-26-3615.
Evans, Frank T., 303-24-2745.
Eydenberg, Monte Jr., 014-12-7477.
Falls, Johnie W., 460-28-4030.
Farlow, Allan W., 487-18-6459.
Farmer, Howard L. Jr., 259-12-6089.
Faughn, John H., 371-12-6873.
Faulk, John D., 457-38-1809.
Fay, John H., 330-16-0348.
Feltham, Kenneth W. F., 418-20-5301.
Feuerriegel, Karl T., 526-07-7803.
Fiden, Thomas J., 111-14-7372.
Finlay, John S. III, 485-12-0982.
Finnegan, Robert J., 126-03-7660.
Finney, Arthur T., 403-32-8569.
Fippen, John W., 330-14-3482.
Fischer, Harold E., 483-48-3503.
Flannery, Darrell N., 524-12-5980.
Flood, Donald L., 293-24-6333.
Ford, Donald F., 483-16-1528.
Ford, Thomas S., 437-26-2819.
Foss, Warren, 470-24-7362.
Franklin, Bobby G., 454-34-9484.
Frederick, Calvin L., 270-20-5184.
Friedrich, Paul S., Jr., 579-30-0672.
Furlong, Raymond B., 178-20-8867.
Gallagher, Kenneth H., 557-18-4350.
Gardina, Verne D., 570-36-7430.
Gatewood, Jack E., 262-28-2517.
Gearhart, James J., 187-14-4679.
George, William G., 309-12-7684.
Gibbs, James C., 172-20-9224.
Gibson, Boyd E., 542-22-3265.
Gillard, James H., 230-36-8159.
Gillette, Jack W., 245-20-3513.
Ginn, William H., Jr., 151-16-9442.
Girard, William C., 266-07-5263.
Goodwin, Jack E., 308-05-9991.
Graham, Harry O., 552-20-6710.
Grande, Walter, 016-18-3732.
Grant, Carl W., 505-28-8239.
Greenleaf, Abbott C., 117-18-0310.
Griffin, Laverne H., 397-24-5121.
Griffith, Robert B., 560-26-2100.
Groves, Everett G., 330-18-4619.
Guthrie, Joseph A., Jr., 271-20-7175.
Guyton, Daniel, 426-78-6397.
Guzak, Frank S., 181-18-3555.
Hagauer, Richard W., 137-20-9483.
Hagen, Carl J., 538-16-6989.
Halliwell, George R., 182-12-5088.
Hamilton, Robert L., 233-34-1654.
Hamlin, Rose E., 022-16-2486.
Harden, Ernest R., III, 227-16-5492.
Harrawood, Donald E., 340-18-0524.
Harrington, John H., Jr., 561-54-8675.
Harris, Arthur F., 189-12-0613.
Harris, John C., 429-44-8427.
Harris, Louis M., 416-30-0001.
Harston, David G., 561-28-3074.
Hart, Harlow D., Sr., 199-10-8904.
Hartinger, James V., 298-12-6337.
Hartung, Don M., 265-26-1456.
Hauer, Thomas L., 291-16-9953.
Haught, James S., 235-20-8624.
Haupt, Raymond L., 493-26-8381.
Heany, Harold M., 538-07-2216.
Heard, Robert J., Jr., 525-40-5057.
Hebert, William F., 067-22-1837.
Hegerle, Matthew J., 567-20-4387.
Hendrix, George D., 560-26-4625.
Henry, Joseph R., 159-16-0851.
Henry, Richard C., 306-26-8290.
Herr, Leonard C., 216-22-0190.
Hezlep, William H., Jr., 174-12-5258.
Hilliding, Edward, 376-18-3613.
Hinds, John W., 187-12-3525.
Hoag, Earl A., 370-12-9702.
Hobbs, Donald W., 565-09-9827.
Hodges, Walter G., 265-30-4414.
Hoffman, Robert W., 484-18-6419.
Holcombe, Bondy H., 252-24-4002.
Holt, Carl H., 181-12-1703.
Hoopes, Rex M., 495-20-6955.
Hoover, Jack D., 452-24-0763.
Horning, Robert M., 517-18-0469.
Howe, John P., 541-26-8794.
Howell, Phillip R., 543-28-3414.
Howerton, Glenn F., 547-07-9277.
Hudson, Will M., 414-05-3937.
Hunter, Jack W., 243-18-9923.
Hustad, Eugene E., 503-20-0217.
Huxley, William J., 307-22-2446.
Hyre, Charles C., Jr., 234-32-0869.
Ironmonger, John G., 231-26-0761.
Jamison, Lewis M., 579-30-6592.
Jeff, John L., 420-16-9366.
Jeffreys, Alfred R., 427-05-0634.
Jenista, Charles O., Jr., 720-14-8646.
Jenne, Theron L., 365-26-4544.
Johnson, Edward R., 299-18-2985.
Johnson, George H., 333-14-2903.
Johnson, Norman J., 527-05-1038.
Johnson, Robert E., Jr., 414-18-3288.
Jones, Thomas J., 179-20-2067.
Jones, Whitcomb O., 459-24-8148.
Joseph, Charles W., Jr., 414-34-5819.
Joska, James S., 495-18-8989.
Kachel, Stanley A., 331-18-0920.
Kaler, Charles S., 302-09-0526.
Kasdan, Neil, 485-16-2315.
Katz, Norman F., 054-20-0470.
Kavanaugh, Dudley G., 557-22-6662.
Kees, Elwood A., Jr., 430-38-5382.
Kellam, Dale L., 312-14-3080.
Keller, Richard M., 234-36-6089.
Kellogg, Burton M., 481-28-9925.
Kelly, John L., II, 141-16-8495.
Keltz, Bruce G., 194-14-7511.
Kenny, Edward W., Jr., 382-12-8628.
Kevan, William E., 518-12-2180.
Killion, Thomas J., Jr., 024-14-6189.
Killpack, Larry M., 529-18-4475.
Kingdon, Reubin L., Jr., 394-18-3835.
Klein, Donald D., 243-32-3438.
Kleinman, Robert B., 072-18-5066.
Knowles, William S., 516-10-9881.
Knudson, Charles B., 520-20-4741.
Koch, Olin F., 328-07-2162.
Kratt, Jacob, Jr., 397-18-1645.
Kuehn, Robert J., 391-05-0092.
Kuritzky, Clarence S., 210-18-9326.

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Labeau, Howard L., Jr., 549-32-2122.
Ladou, Edward M., 548-32-2196.
Lambert, William R., 296-18-7562.
Lamont, Maximilian, 226-36-9430.
Landess, Malcolm L., 458-12-3637.
Landis, William H., 372-05-0105.
Lang, Alfred E., Jr., 144-20-3215.
Langdon, Leonard C., Jr., 526-24-8073.
Larson, Gordon A., 468-24-7551.
Lewis, Clarence W., Jr., 242-28-6203.
Liddicoet, William B., 573-20-0837.
Lillethun, James R., 517-26-5159.
Linkous, Russell E., 415-12-6713.
Little, Richard E., 480-26-6666.
Livernash, Joseph H., Jr., 572-22-5107.
Long, William E., 091-20-1892.
Lowry, Joseph R., 508-20-4471.
Lynch, Donald T., 049-16-6323.
Magnotti, Ralph A., 166-24-9232.
Marden, Robert W., 437-20-5645.
Marsh, Otto L., 315-12-6618.
Marsh, Robert T., 312-18-4136.
Martin, Abner B., 251-30-1478.
Martin, Dexter E., 571-22-8415.
Martinich, Louis, Jr., 394-16-9293.
Marzullo, Raymond J., 085-18-1077.
Mash, John D., 528-22-6615.
Mason, Robert C., 530-05-8652.
Mason, Thomas M., 303-22-8392.
Matecko, George, 192-12-7871.
Matthews, Fred R., 533-18-7359.
Maurer, Calvin R., 528-26-5217.
McAdory, Louis M., 416-14-7443.
McClung, Elbert L., 402-22-4327.
McClure, Joseh A., 260-34-6351.
McClure, Richard M., 237-18-4123.
McClurkin, Sampel P., 424-01-7509.
McCluskey, Robert D., 440-05-1248.
McCormick, Robert S., 397-22-7231.
McCrary, Leon W., 492-30-1000.
McCullough, James R., 336-18-4038.
McDonald, Edward M., 174-14-3664.
McDonald, Ned D., Jr., 227-22-7854.
McEwen, Milton E., 483-16-3014.
McGoogan, Leon, 431-24-3537.
McGrath, James H., 385-20-2727.
McKay, Gerald L., 542-16-6093.
McKee, Thomas M., Jr., 188-16-2495.
McMullen, Philip C., 515-16-6569.
Davis, Forrest L., 514-14-0391.
McVay, William D., 324-26-1108.
McVicar, Daniel J., 065-05-4482.
Meahl, Starling, Jr., 413-22-0512.
Mercer, Harold E., 169-28-4465.
Mercer, Roger N., 348-18-3818.
Merritt, Walter A., 257-20-8821.
Messerli, Charles E., 491-22-4585.
Metzker, Donald J., 564-20-8401.
Meurlin, Neil F., 088-16-2213.
Miles, Kenneth P., 579-30-4900.
Miles, William J., 537-05-8628.
Miller, Donald E., 091-12-6206.
Miller, John T., 117-18-1188.
Miller, Noble A., 447-16-0885.
Mims, Forrest M., Jr., 450-26-7695.
Minor, William T., 444-10-5515.
Minter, Billy M., 443-20-2212.
Mitchell, Hugh, Jr., 002-30-3274.
Mudica, Edward S., 147-18-4865.
Monge, Raymond A., 330-14-9399.
Montgomery, Clarence L., Jr., 435-36-6241.
Montgomery, Jack E., 512-16-7155.
Montrose, James H., 559-26-4163.
Monts, Rufus M., III, 250-46-7088.
Moore, Edward D., 529-26-9420.
Moore, Hilleary D., 483-22-4716.
Moore, Stephen E., 454-36-3941.
Morris, Herbert R., Jr., 463-12-7834.
Moss, Raymond, 371-24-0342.
Mulrhead, Cecil N., Jr., 129-16-9023.
Mullen, Maurice L., 508-18-8079.
Mulligan, James L., 328-16-4466.
Mullins, James P., 012-24-1664.
Murray, John R., 030-14-6691.
Myers, Edward J., 527-10-9309.
Myller, Allen L., 476-22-7782.
Nash, Merle W., 561-26-1468.
Neal, Gordon G., 519-20-9993.
Neale, James M., 499-14-1350.
Nelson, William R., 311-20-5281.
Nichols, Charles B., 306-24-6016.
Nolan, John D., 255-20-3231.
Nolen, Cregg P., Jr., 464-22-4328.
Norby, Wayne A., 470-24-8293.
Norris, Harold S., 141-18-2503.
Norris, William C., 123-16-8359.
O'Brien, Russell C., 529-16-4562.
O'Leary, Richard J., 466-30-8271.
Oliver, Charles W., 140-22-2597.
Olshefski, Joseph F., 178-22-3824.
O'Neal, Howard F., 413-26-6643.
Orr, Lemuel R., 447-05-6894.
Owens, Harold B., 398-16-4215.
Pafe, Basil, 242-32-5724.
Paladino, John L., 432-03-1404.
Palmer, Samuel S., 169-14-4801.
Paluch, Walter P., Jr., 345-20-6354.
Parker, Armand J., 577-32-7616.
Parker, Charles W., 464-18-2931.
Parrish, C. T., 264-20-8738.
Parrish, Davis P., 449-30-0196.
Partin, Benton K., 246-20-2366.
Peel, Herschel D., 267-12-9391.
Perselay, Gerald, 140-22-2091.
Petefish, Wilson M., 524-28-3695.
Peterburs, Joseph A., 387-20-6453.
Peterson, Carl D., 560-26-1261.
Peterson, Robert D., 431-18-6921.
Peyrot, Mario E., 570-24-1203.
Pfeiffer, Robert M., 302-12-5901.
Phillips, William J., 054-16-9295.
Pickavance, William W., 451-28-1861.
Pickett, Donald E., 088-18-2963.
Pine, Walter W., 570-16-4604.
Pleasant, Bernice E., 466-05-8715.
Poehlein, Robert L., 706-18-4951.
Pool, Lawrence W., 463-18-2469.
Poor, Allen J., 289-18-0125.
Poore, James E., 251-64-5119.
Porter, Leroy C., Jr., 543-12-5623.
Puspisil, Joseph L., 712-12-7202.
Preciado, Robert A., 568-32-7176.
Price, J. Alan, 528-26-3379.
Price, Joseph L., Jr., 264-22-2053.
Pride, Fleetwood, Jr., 007-18-4823.
Pugh, Robert F., Jr., 514-14-3765.
Pugh, Wilbur R., 225-12-6369.
Pursley, Robert E., 305-24-7457.
Quinn, William J., 101-18-1994.
Robey, Duncan W., Jr., 253-20-7205.
Ramsey, William H., 462-07-9892.
Randle, Allan C., 529-07-7463.
Rauscher, Merle R., 206-16-3505.
Rawers, James W., 284-22-7406.
Redding, Harry W., 168-18-4827.
Reed, Harley L., 042-16-9414.
Reed, John C., 208-14-1492.
Reeder, Herbert B., 359-05-4661.
Reeder, Richard C., 550-36-1164.
Reeves, Donald A., 116-16-1682.
Reid, Robert R., Jr., 503-16-2432.
Renfro, Walter R., 442-14-1721.
Rettig, William O., 373-22-0757.
Rew, Thomas F., 052-14-8635.
Reynolds, Doyle F., 455-22-2371.
Rice, William H., Jr., 411-26-5254.
Rice, William C., 107-24-1707.
Roberts, Guy L., Jr., 414-16-9665.
Roberts, Harley P., 537-20-1261.
Roberts, Stanley L., 521-32-1822.
Roberts, William H., 320-20-9270.
Robinson, George A., 362-12-4821.
Robison, William C., 553-30-5515.
Roche, William L., 400-12-1571.
Rochester, Virgil M., 247-32-5022.
Rodenbach, William T., 046-12-8881.
Roehling, Arthur J., 085-14-8783.
Rosanbalm, John W., 497-26-6091.
Routt, Clyde B., 359-12-9236.
Rowe, Berry W., 530-10-4660.
Rubenstein, Morris B., 248-36-3686.
Ruddock, William O., 245-16-7628.
Rumney, Richard G., 168-20-7905.
Rutherford, William W., 461-34-0059.
Saavedra, Joaquin A., 355-14-2629.
Sadler, Thomas M., 417-26-5127.
Salmeier, Dean E., 519-16-9117.
Sawyer, Julian D., 424-28-5686.
Sayre, Robert H., 236-34-4693.
Scharmen, Merrill E., 363-20-2395.
Schlosser, William L., 389-20-6360.
Schmitt, Edward J., 267-20-8936.
Schmitt, John G., 312-20-1045.
Schneider, Carl G., 451-40-5477.
Schoeneman, Richard H., 008-14-9277.
Scholtz, John C., Jr., 300-14-9143.
Schoning, William M., 532-14-3545.
Schurr, Harry W., 175-20-6036.
Schutt, Carlton E., 114-16-1551.
Scurlock, Robert, 556-32-4920.
Senio, Walter P., 179-16-1474.
Serangeli, Giuseppe, 357-03-6914.
Sharp, Homer W., 453-24-0431.
Shaulis, Elwood M., 198-20-6813.
Shepherd, William F., Jr., 409-28-9245.
Sherrill, Guy J., 437-30-5124.
Siglin, Paul F., 479-16-4564.
Simpson, Edgar H., 243-30-3143.
Simpson, Henry E., Jr., 431-24-1921.
Slizeski, Robert S., 520-16-9645.
Smith, Bobbie L., 514-16-6023.
Smith, Edmund G., 431-38-9936.
Smith, Eugene G., 543-24-2975.
Smith, Harding E., Sr., 560-22-7886.
Smith, Henry R., 414-01-0334.
Smith, John R., 561-28-2445.
Smith, John R., 381-18-1064.
Smith, Russell H., 017-20-8871.
Smith, William F., III, 228-20-6333.
Smith, William R., 282-12-2533.
Smittle, Ray T., Jr., 440-24-4984.
Spalding, John H., 262-01-6612.
Sperry, Edward G., 539-14-9147.
Spillers, Willum H., Jr., 250-20-1375.
Spragins, Stewart V., 434-62-0961.
Stanley, Ellis E., 423-28-5122.
Stanley, Russell A., 512-28-3695.
Stansberry, James W., 106-20-0475.
Stark, John T., Jr., 189-12-1258.
Stefanik, Robert A., 022-14-2201.
Steger, Michael J., 389-22-5333.
Steiner, Harold A., 438-18-8973.
Stephens, Edward W., 571-16-1442.
Stokes, Quentin C., 518-05-9180.
Stone, Robert J., 475-10-9690.
Strong, Curtis T., Jr., 450-42-4687.
Strube, Delbert H., 449-42-5364.
Sullivan, Marvin B., 338-18-6758.
Sumner, Thomas M., 400-22-4849.
Sunderman, James F., 300-05-5559.
Svendsen, Leroy W., Jr., 361-16-9390.
Swindle, Norris R., 353-16-1105.
Sylvester, George H., 114-18-3812.
Taylor, Chester D., Jr., 468-28-3189.
Taylor, Harry W., Jr., 083-16-9141.
Taylor, Julius H., 219-16-3843.
Taylor, Robert W., 223-26-9865.
Terrell, William B., Jr., 245-30-0426.
Tetrick, Jacques K., 514-07-5408.
Thomas, Clyde M., 257-16-8354.
Timmermans, Anthony J. G., Jr., 568-28-2386.
Titus, Robert F., 228-20-0461.
Totten, Jess R., 458-34-2081.
Touby, Robert H., 272-18-5119.
Treyz, Fred A., 096-16-0589.
Tuck, George R., 444-18-8501.
Turner, Arthur R., 568-03-2343.
Turner, Claude H., Jr., 257-32-3653.
Turner, William S., 491-20-0260.
Tye, Joe B., Jr., 485-14-4936.
Vanbrussel, Peter B., Jr., 355-12-0325.
Vandelune, Gerrit R., 555-07-9414.
Vanderkarr, Donald I., 333-20-8049.
Vandervoort, John M., Jr., 460-50-1571.
Vannoppen, Vern F., 365-28-0457.
Vanreenen, Neil D., 357-20-0232.
Viall, Harold S., 548-32-8481.
Vonwiedenfield, Paul W., 572-22-6473.
Vrastil, Robert C., 338-16-2511.
Wade, Charles H., Jr., 298-12-2105.
Wakefield, Victor R., 465-28-9795.
Walker, Charles E., 514-14-0267.
Walker, Henry L., 452-42-8380.
Wall, Orlando A., 468-24-6421.
Wallace, Jay R., 558-24-5386.
Wallace, John T., 095-20-2333.
Walter, Alonzo J., Jr., 439-40-8122.
Walter, John A., III, 420-52-8579.
Ward, Morris J., 482-16-5103.
Wason, Charles P., 350-26-8094.
Waters, Jack W., 532-22-5814.
Weart, Douglas S., 021-20-4092.

Weber, Louis W., 390-12-4652.
Weedman, Freeman J., 447-12-1363.
Weimer, Franklin E., 562-54-2744.
Weinberg, Sidney, 049-18-6259.
Wentsch, George M., 565-26-2803.
Werner, Paul D., 532-16-5076.
Westfall, Fredrick R., 296-14-1590.
Wheat, James W., 466-34-1064.
White, Donald S., 421-26-6040.
White, Ralph W., 451-30-8787.
Whitlock, Thomas W., 267-22-7346.
Williams, Richard L., 566-22-2051.
Wilson, Charles L., 456-28-0247.
Wilson, Talmadge A., 453-28-8934.
Wise, John Q., 262-32-1664.
Woford, Charles B., 448-07-8276.
Wolter, John E., 345-22-6304.
Wood, Robert S., 226-20-6802.
Woods, Donald R., 444-40-8783.
Word, Charles E., 417-22-1376.
Workinger, William C. Jr., 577-32-1184.
Worrell, William C., 226-22-5846.
Wynne, Hugh, 561-24-2041.
Young, Braxton L., 237-26-9953.
Zimmer, Arnold E., 089-09-9031.

CHAPLAINS

Denehy, John F., 026-01-9074.
Drone, Raphael E., 488-20-9586.
Haney, Paul S., 317-14-7742.
Holler, Adlai C. Jr., 247-30-9633.
Israel, Kenneth R., 487-14-5858.
Johnson, Mervin R., 505-22-7761.
King, William J., 416-14-2309.
Monsen, Ralph R., 549-22-2551.
Powell, Omer T., 401-20-5285.

DENTAL CORPS

Brest, Harold C., 172-10-3942.
Fleming, Lamoyne H., 020-22-2155.
Gusselin, Carlton F., 119-14-8934.
Greenwood, Vern R., 528-24-1002.
Loper, Clifford E., 441-20-4575.
Muns, Herman R., 447-09-3652.
Rhoades, John C., 125-12-7910.

MEDICAL CORPS

Amdall, Robert O., 446-22-1331.
Antonelli, John H., 457-32-3135.
Dean, Robert M., 400-36-10004.
Haerle, Henry S., 512-18-7121.
Haycraft, Rexford G., 521-34-8315.
Holt, Clinton L., 291-28-4353.
Houle, Dudley B., 391-24-0847.
Kent, James R., 475-20-6239.
Livermore, David I., 543-03-9329.
McGuire, Terence F., 507-26-7184.
McIver, Robert G., 466-22-7110.
Michels, Max I., 281-22-5780.
Morrissey, Robert W., 087-14-9261.
Ohern, Thomas M., 494-20-6918.
Smith, Robert E., 497-34-4605.
Sparks, John C., 342-24-3428.
Stagg, Paul A., 437-24-0677.
Taylor, Ellis R., 400-30-6491.
Vandenbos, Kermit Q., 504-14-9583.
Williams, Marion J., 454-36-1270.

NURSE CORPS

Garrecht, Claire M., 168-28-9307.
Goddard, Mary A., 104-14-9793.
Masten Billye, 455-24-2735.

MEDICAL SERVICE CORPS

Frentress, Marvin I., 479-07-7278.
McHugh, Walter P., 322-16-8865.

VETERINARY CORPS

Collins, Warren E., 505-30-4829.
Shuler, James M., 250-16-7388.

BIOMEDICAL SCIENCES CORPS

Kislin, Benjamin, 100-14-1435.
Moore, Carl B., 355-10-7972.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, with dates of rank to be determined by the Secretary of the Air Force:

TO BE MAJOR (MEDICAL)

Chong Vernon, 563-44-8468.

TO BE CAPTAIN (DENTAL)

Abrahamsen, Thomas C., 356-36-671.
Gound, Tom G., 483-50-8534.

TO BE FIRST LIEUTENANT (DENTAL)

Korkosz, John A., 090-36-5903.

The following Air Force officer for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, Title 10, United States Code:

LINE OF THE AIR FORCE

To be lieutenant colonel

Kleinhelter, Robert W., 306-16-4858.

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3284 and 3305:

MEDICAL CORPS

To be colonel

Sherwood, Robert W. 537-05-9355.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3284 and 3299:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Ferguson, Lindsay E., 229-20-4506.

ARMY PROMOTION LIST

To be major

Blatter, Erwin W., II, 320-28-2510.
Bradley, Lee M., 458-56-4464.
Charpentier, Charles M., 012-26-9698.
Clifford, Peter L., 437-46-6874.
Hensley, James R., 258-48-3378.
Merrill, Bruce W., 146-30-9447.
Miller, William R., 441-30-7222.
Nelson, Maynard L., 504-24-4568.
Pearsall, Max G., 485-32-7422.
Peterson, Henry, 267-48-9659.
Roark, Billy R., 437-50-2434.
Washington, Bernard, 223-40-8247.
Waterman, William R., 214-34-5962.

MEDICAL CORPS

To be major

Turnbull, Gottlieb, 436-48-3344.

DENTAL CORPS

To be major

Christman, Peter D., 517-24-3030.
High, Roy S., 239-54-9371.
Tsaknis, Peter J., 292-30-0068.

MEDICAL SERVICE CORPS

To be major

Kane, Thomas M., Jr., 376-32-7822.

ARMY MEDICAL SPECIALIST CORPS

To be major

Bigley, Angela R., 116-28-3501.
Mount, Dorothy M., 264-52-8413.

ARMY PROMOTION LIST

To be captain

Acton, Michael R., 478-48-1863.
Adams, Bertram E., Jr., 222-28-4625.
Adams, Melville W., 418-60-0663.
Agnew, Eugene W., Jr., 094-36-8330.
Akers, Frank H., Jr., 424-56-9239.
Akos, William J., 298-34-9686.
Albright, Robert H., 531-40-8674.
Aleva, Robert J., 166-32-8563.
Alexander, Duane R., 514-34-4022.
Alexander, George M., 045-34-3083.
Alexander, James P., 199-34-9668.
Alicut, Gregory L., 352-36-3836.
Allen, Cary D., 424-56-7883.
Allen, Jon J., 251-58-2557.
Allen, Richard D., 523-48-4526.
Allison, Robert C., 207-34-0472.
Almojuña, Thomas N., 537-40-2929.
Amatulli, Richard P., 127-32-3612.
Amick, David B., 521-48-7499.
Anderson, Ben L., Jr., 513-42-7468.
Anderson, Dale R., 374-40-2432.
Anderson, David M., 425-90-5783.
Anderson, Edward G., 537-42-2536.
Anderson, John D., 499-46-8389.
Anderson, Kenneth R., 542-46-6607.
Anderson, Leslie H., 527-56-6027.
Anderson, Louie H., 415-62-4519.
Anderson, Melvyn L., 159-34-9630.
Andrews, Edward L., 210-32-9895.
Andrie, John C., 341-34-8432.
Angel, Philip N., 225-52-3207.
Angell, Raymond S., 189-34-2657.
Antoine, Lawrence V., 360-34-6910.
Anzalone, Russell J., 334-32-5419.
Aquino, Paschal A., 075-34-6822.
Arko, Anthony, 273-38-73J1.
Armijo, Gabriel C., 451-66-8226.
Armstrong, Curtis L., 267-58-2809.
Arrants, William M., 248-70-7231.
Arrowood, John R., 239-54-3670.
Arthur, David W., 046-34-8944.
Ashbaugh, Brian W., 294-38-7733.
Ashby, Richard E., 181-30-4150.
Ashjian, John P., 039-28-6333.
Asiello, Robert M., 123-34-2181.
Atchison, Jere L., Jr., 254-62-3520.
Atkins, Edsel R., 285-40-2933.
Atkinson, James R., 274-38-9418.
Audlbert, Reginald, 005-38-0929.
Augsburger, Grayson, 345-34-3412.
Aux, George W., Jr., 089-36-0100.
Avant, Jack B., 421-52-3337.
Azuma, Eric K., 575-42-6282.
Backlin, Charles R., 474-42-1566.
Baer, Barry S., 575-44-4751.
Baer, Fred H., 193-34-2278.
Bailey, Bobby H., 493-40-7510.
Bailey, Charles M., 094-36-8333.
Baird, Thomas F., 362-46-9633.
Baker, Hugh M., Jr., 223-50-3301.
Baker, James L., 574-14-7853.
Baker, Robert M., 502-46-8101.
Bambini, Adrian P., 263-68-5700.
Barbee, William R., 248-58-4161.
Barber, Louis P., Jr., 437-60-1857.
Barefoot, Allen, Jr., 245-66-3442.
Barnaby, Richard J., 338-36-0406.
Barnes, Darvin E., 526-54-7009.
Barnes, Fred W., 574-14-6360.
Barnes, James H., 487-46-8810.
Barrington, John E., 386-40-3556.
Barry, Russell W., 181-32-9443.
Barry, William A., 034-30-5284.
Barry, William F., 037-28-4544.
Battcher, John A., 265-58-3646.
Bauer, Stephen M., 451-70-3879.
Bausch, James M., 506-56-1528.
Bayer, William C., 458-66-8256.
Beach, John W., 205-34-8600.
Beard, Otis R., 521-52-9841.
Behnke, Arthur R., 391-34-2162.
Behnke, Douglas J., 068-36-8644.
Belch, Peter P., 171-36-5285.
Bell, Hubert J., Jr., 252-62-4120.
Belz, George D., 215-42-5565.
Benefield, Johnie H., 429-80-1055.
Bengtson, Richard L., 520-48-5265.
Benham, Philip O., Jr., 015-34-8207.
Benoit, Edmond J., 038-24-5089.
Bergeron, Alfred J., 437-66-4491.
Bergman, William K., 098-34-3920.
Bergson, Paul C., 219-42-4718.
Berkey, Richard O., 204-34-6913.
Berkman, Davis S., 094-36-8278.
Bernard, Joseph P., 265-70-2055.
Berry, Gerald J., 226-54-3651.
Berry, Page E., 225-56-3542.
Berry, Steven D., 574-14-5616.
Bertagnolli, Joseph, 529-58-0560.
Besecker, Franklin, 267-64-9612.
Bhalla, Arun K., 303-44-2300.
Bifgen, William K., 085-36-1325.
Bijold, Gerald P., 456-66-5280.
Billings, Darryl R., 450-58-6798.
Blades, Jon W., III, 026-30-5756.
Blaine, Jerome M., Jr., 057-36-8821.
Blanchard, Randall, 238-60-2102.

XUM

Blanchard, Sherman, 478–44–8703.
Blanchette, Joel G., 005–38–9014.
Blaylock, Norman R., 416–56–2151.
Bloyd, John R., 562–56–3666.
Bludau, Colin E., 463–70–4371.
Blue, Thomas J., 385–40–1502.
Blumenfeld, Charles, 161–32–5749.
Bock, William P., 065–36–0203.
Bodelson, Patrick J., 501–46–8105.
Bohuslar, John W., 454–68–2261.
Bolick, Miles A., Jr., 432–72–8477.
Bolt, Andrew W., 416–56–4293.
Bonifas, Arthur G., 505–54–7724.
Bonn, Larry L., 277–34–4189.
Borek, Theodore B., 094–36–8298
Bounds, Gary L., 441–42–3080.
Bowders, Frank W., 171–30–5938.
Bowdoin, Charles D., 257–68–8699.
Bowers, John E., 424–48–7155.
Bowser, Larry H., 218–38–2428.
Boyd, John H., III, 094–36–8321.
Boyd, Michael F., 492–48–6041.
Boyer, Harry R., 193–28–0879.
Boyer, Robert F., 036–26–3236.
Brackett, Thomas R., 223–48–7350.
Braze, David J., 346–32–3012.
Brede, Lawrence, Jr., 576–42–2039.
Breeden, Kenneth R., 233–54–2392.
Breman, Stephen L., 414–66–8555.
Brennan, Michael W., 398–42–5499.
Brennan, Thomas J., 103–32–7017.
Brickman, James F., 492–44–8803.
Bridges, Franklin G., 493–46–6996.
Brinker, Walter E., 442–44–0945.
Brisbine, Glen E., 541–50–3060.
Brittingham, Michael, 263–72–9934.
Britton, James, 459–68–5439.
Broadhurst, Carl R., 492–44–7217.
Brock, Thomas S., 063–34–1821.
Brodie, Michael A., 167–34–4486.
Broscha, Donald E., 546–62–8292.
Brown, Clark C., 110–34–7578.
Brown, Danny L., 516–44–0727.
Brown, Donald F., 422–50–9131.
Brown, Floyd L., 374–38–0643.
Brown, Jerry A., 266–56–6718.
Brown, Joseph E., 285–36–7264.
Brown, Michael J., 466–66–1645.
Brown, Michael J., Jr., 518–52–4833.
Brown, Phillip L., 401–60–5151.
Brown, Robert J., 170–32–3518.
Brown, Robert M., Jr., 228–58–6945.
Brown, Wayne K., Jr., 234–68–9233.
Bruegger, Robert D., 560–60–6610.
Brundage, Richard W., 516–42–5376.
Brunnhoefer, Gilbert, 401–60–4235.
Bryan, Peter K., 457–70–7258.
Bryant, John T., III, 402–54–7238.
Bryson, Gene K., 225–58–8654.
Buchan, James C., 295–38–4716.
Buckley, Daniel J., 555–60–7328.
Buczacki, John B., 054–34–4773.
Budzyna, Fred K., 028–28–7851.
Buffti, Anthony J., 094–36–6327.
Bumanglag, Carlos J., 575–42–3143.
Bundons, Albert R., 147–32–2810.
Burbidge, John M., 528–56–5760.
Burch, William C., 143–32–8753.
Burdge, Lloyd H., 441–48–5160.
Burres, Stephen W., 303–46–2536.
Burton, Hugh A., 551–56–4621.
Busch, Brian J., Jr., 336–14–3950.
Busch, Robert J., 112–34–8983.
Bush, Charles D., 442–42–7920.
Butler, John C., 259–56–3880.
Butler, Penneth L., 530–26–6536.
Cabanillas, Claude, 434–60–6764.
Cain, Joel M., 549–52–7160.
Caine, Bruce T., 104–34–3878.
Calek, Joseph R., 505–56–0460.
Callahan, Francis R., 499–46–3270.
Calloway, Charles T., 013–34–2946.
Cameron, Tom O., 429–80–5745.
Camia, Dante A., 151–32–5425.
Campbell, Donald, 575–46–3065.
Campbell, John D., 414–66–1198.
Campbell, Robert T., 499–46–4323.
Campbell, Robert W., 416–54–7545.
Campbell, Vernon A., 006–42–1730.
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Wisneski, Larry E., 187-34-1433.
Wissinger, Dennis O., 220-40-3939.
Witczak, Chester W., 340-34-2149.
Wolfe, Jack W., 185-30-6692.
Wolfe, James B., 424-58-0789.
Wolfe, Walter M., Jr., 414-70-9342.
Woltersdorf, John W., 416-52-7230.
Wood, Piers M., 448-40-3582.
Woods, John G., 167-30-9115.
Woodward, Richard D., 551-60-9731.
Wotkyns, Anthony L., 568-52-5315.
Wright, Adrian R., 440-44-9360.
Wright, Cooper L., 143-36-1198.
Wright, Donald A., 546-56-8929.
Wright, Edgar, 533-40-0051.
Wright, James E., Jr., 412-68-5144.
Wright, Robert D., 212-42-3975.
Wright, Walter G., 230-56-2883.
Wrightson, Samuel H., 513-42-8875.
Wyite, Alexander C., 024-30-1328.
Yacovelli, Phillip, 142-32-2089.
Yanchar, Joseph J., 473-46-2526.
Yates, Theodore W., 417-50-8248.
Yenrick, Philip C., 270-36-5093.
Youmans, Tommy B., 253-62-9079.
Young, Earl W., Jr., 430-82-6987.
Young, Roger A., 447-38-3738.
Young, Thomas J., Jr., 188-34-2222
Yudesis, Benjamin M., 457-58-2482.
Zakaluk, Stephen C., 062-34-4776.
Zamory, David A., 054-30-3669.
Zeller, Richard H., 524-54-6750.
Zifrdt, John G., Jr., 422-52-4923.
Zink, Gale R., Jr., 550-58-4200.

CHAPLAIN CORPS

To be captain

Herbster, Kenneth J., 145-26-5571.
Williams, James A., 146-28-7858.

WOMEN'S ARMY CORPS

To be captain

Carney, Marilyn M., 472-46-7773.
Davis, Rosemary L., 287-34-1563.
Devlin, Barbara, 137-30-1898.
Evankovich, Genevieve, 172-34-2357.
Jurgevich, Nancy, J., 170-30-1551.
Malone, Wiletta, 467-64-1988.
Seidemann, Constance, 056-32-2689.
Smith, Mary J., 423-56-0675.
Stripling, Marla J., 258-68-1225.

MEDICAL CORPS

To be captain

Berliner, Daniel S., 336-36-8682.
Carpenter, John L., 433-68-7079.
Cavanaugh, Daniel G., 510-36-6247.
Dalton, Bruce A., 246-64-6602.
Davis, Geoffrey V., 265-68-8932.
Doelle, John C., 364-46-9658.
Hartong, John M., 351-34-1645.
Head, Harold D., 229-62-8395.
Kramer, Kenyon K., 146-36-2069.
Krfutzmann, Robert, 389-40-7093.
Krupa, Lawrence T., 540-42-6860.
Watson, Richard A., 155-30-7731.
Wessels, James V., 479-52-4589.

DENTAL CORPS

To be captain

Ahlers, Robert C., 359-34-4643.
Allen, Michael D., 445-42-6357.
Ficara, Anthony J., 102-36-9834.
Kuen, John B., 092-34-5744.
Todd, Maylon J., 559-58-7631.

VETERINARY CORPS

To be captain

Allshouse, Harvel F., 524-52-0082.
Balk, Melvin W., 350-34-4476.
Carlisle, Eddie L., 422-46-2725.
Deen, Wallace A., 438-64-0452.
Marrs, Glen E., Jr., 455-68-0759.
McKinley, Edmund R., 375-44-1391.
Rafio, Charles P., 291-36-8773.
Ridder, William E., 283-38-6304.
Scharding, John H., 412-74-5208.
Vogel, Lyle P., 468-46-9594.
Wood, Larry D., 303-44-3467.

MEDICAL SERVICE CORPS

To be captain

Anderson, Kenneth W., 547-58-3182.
Anderson, Robert M., 430-88-9344.
Arnt, Stpehen W., 419-44-4702.
Radgett, Arthur L., 523-56-8752.
Bailey, Ray H., 420-42-7051.
Barker, Franklin T., 464-62-4883.
Bell, William H., Jr., 018-34-0080.
Blackwell, Russell, 424-54-0667.
Bodenbender, David, 292-36-7247.
Bogue, Ronald A., 533-40-7033.
Borzotra, Winslow F., 229-50-8020.
Boyd, Willie H., 424-58-5223.
Brown, Bruce J., 398-38-9278.
Bunch, James S., 569-50-8424.
Byrne, Terrence R., 394-32-3416.
Caskey, William A., 270-40-9905.
Catanzaro, Thomas E., 334-36-1936.
Chappell, George B., 227-56-4985.
Charlton, William T., 188-26-0748.
Christman, Laurence, 263-60-6753.
Church, Zaidos N., 381-42-3906.
Cigal, Paul A., 017-32-8875.
Clark, Philip E., Jr., 458-64-3728.
Clegg, Thomas A., 242-66-7995.
Coldren, Lawrence E., 267-54-1591.
Collins, Michael H., 521-54-0910.
Collopy, Eugene A., 096-32-3874.
Cooper, Clarence C., 552-52-8302.
Coventry, John A., 411-72-0361.
Damato, James J., 145-34-4287.
Davis, Richard C., Jr., 454-70-7741.
Deponville, Robert, 019-28-2257.
Dohany, Alexander L., 261-64-0336.
Doty, Richard D., 569-60-5359.
Ferinde, John, 147-32-3283.
Foust, Jerome V., 445-42-0882.
Fraser. Robert E., 457-50-1436.
Galenes, Alexander, 261-64-3213.
Gilkey, John H., 409-60-1518.
Goodman, Roy B., 246-54-8993.
Grigg, Donald E., 446-32-9641.
Hamilton, John, 261-54-4033.
Hammond, Sterling D., 001-32-0032
Harding, Richard A., 492-46-1657.
Harvey, William L., 411-72-1294.
Hinton, Samuel M., 223-56-7919.
Hohmann, James G., 165-34-3404.
Holberton, Roger E., 078-30-6637.
Hooker, Scottie T., 247-72-6459.
Horrell, Ronald L., 542-50-8693.
Howard, John R., 232-56-2272.
Howell, James L., 443-42-3925.
Hoxie, Ferman C., 456-66-4773.
Hunt, William C., 213-44-7044.
Inazu, William M., 149-34-6877.
Jacobs, Gerald D., 465-50-1872.
James, Charles H., 464-66-5880.
Jenna, Russell W., Jr., 223-60-7916.
Johnson, Barry J., 544-40-2393.
Jones, Thomas C., 429-78-0869.
Jordan, Charles F., 232-66-6035.
Juchau, Simmeon V., 519-38-5725.
Keel, Hugh N., III., 419-54-4155.
Kinane, Thomas J., 131-32-7428.
Krupka, Thaddeus A., 114-34-9730.
Lackey, George R., 448-40-2792.
Langhorne, Webster, 230-52-6762.
Lea, Mebane T., Jr., 229-58-6501.
Leplanc, Robby J., 439-72-8314.
Lenz, Ernest J., 073-30-6447.
Lull, Robert W., 522-52-0231.
Lyon, Wendell K., 519-38-6473.
Lyons, Joseph F., 176-34-6153.
Madkins, Lawrence H., 451-70-8788.
Makarevich, Robert, 190-30-0367.
Maloney, Alfred S., 265-66-8055.
Manning, Randolph, 255-56-9579.
Manoil, Robert, 553-48-8315.
Markey, Keith L., 317-44-2782.
Markle, Brian C., 297-36-3635.
McAdams, Spurgeon A., 266-60-9320.
McAleer, Charles F., 576-44-3144.
McMasters, Bernard, 300-38-1798.
Miles, Ronald D., 458-66-2734.
Miller, Allan R., 061-32-8981.
Mohn, John R., 267-62-1677.
Moody, Hershell, L., 417-56-0940.
Moon, James F., 422-56-6999.
Moore, Robert T., 298-34-4944.
Morris, Arnold E., 007-40-2542.
Morrison, James L., 036-28-6447.
Mote, Edgar F., 256-58-4626.
Nebill, John L., 216-42-7484.
Obrien, Robert M., 388-40-2700.
Odum, David J., 262-64-3017.
Ostrander, James H., 504-52-1240.
Owen, John T., 139-38-4268.
Palmer, Jesse E., 262-62-1238.
Paxton, Robert C., 545-52-9286.
Peake, James B., 220-42-1525.
Peters, Curtis A., 447-42-7316.
Piskun, Walter S., 058-34-0910.
Plank, Gordon H., 165-32-1619.
Quinn Frank X., 181-30-8800.
Rawlings, James S., 226-56-5619.
Redden, Jimmy D., 457-54-2753.
Redmond, John III, 551-64-6731.
Reed, Podge M. Jr., 437-60-7228.
Reid, Willis A. Jr., 238-64-3100.
Ross, Edwin S. VI, 079-34-1061.
Salander, James M., 009-30-0537.
Salko, Joseph E., 157-32-9226.
Sawallesh, Robert F., 230-48-7832.
Schmierer, Alan F., 013-32-9839.
Schneider, Richard, 479-48-5290.
Scott, James A., 212-34-4090.
Sierra, Albert J., Jr., 265-62-7438.
Slifer, William E., 374-38-1630.
Smith, Clarence W., Jr., 234-66-9080.
Smithee, Robert W., 466-68-7106.
Sorensen, Wayne B., 469-44-0821.
Stalker, William H., 311-44-1116.
Steenken, Wehland G., 450-54-1742.
Stephens, Robert B., 420-48-6731.
Thomas, Buddy G., 257-60-9892.
Tonniges, Gary L., 505-48-4893.
Turk, John D., 388-36-5391.
Turman, Robert R., 412-62-8934.
Tysor, Kenneth E., 534-40-1939.
Usry, Robert T., 424-48-3904.
Valdes, Victor M., 580-52-7437.
Vatne, Clarence G., 502-48-0176.
Vaughn, David E., 258-62-6682.
Washington, Curtis, 168-30-4622.
Wheeler, Leigh F., Jr., 214-42-6308.
Willis, Herman F., Jr., 463-70-0351.
Wilson, Edward B., 243-64-3977.
Wilson, Lynnford S., 223-60-7067.
Wilson, Torrence M., 252-62-9561.
Wisdom, Harry A., Jr., 502-32-9968.
Workman, Dale H., 547-50-2931.

ARMY NURSE CORPS

To be captain

Accardo, Wilbert J., 062-36-4227.
Allanach, Bruce C., 028-34-9485.
Anundson, William D., 502-30-7008.
Arndt, Georgene E., 469-40-5470.
Ashley, Nancy R., 240-52-3548.
Barsh, John E., 208-32-1425.
Baysinger, Douglas, 370-36-4163.
Bryan, Gareth D., 510-42-9373.
Clark, Dorothy J., 416-54-1426.
Cochran, Ronald L., 524-52-0853.
Copenhaver, Dianne, 212-42-4065.
Duke, Terrance M., 354-24-5741.
Ellis, Wayne E., 195-34-2233.
Eubanks, Lonnie H., Jr., 427-70-1959.
Firman, Terrence G., 067-34-8712.
Fox, Judith L., 250-62-4826.
Grenon, David K., 015-28-9459.
Guida, Robert A., 168-36-4889.
Gurney, Peter L., 016-32-4162.
Hopkins, Roger N., 334-34-1168.
Howard, Duane L., 303-42-9527.
Hudock, John M., Jr., 168-32-0515.
Huntington, Theodore, 392-40-5276.
Hutchinson, Judith, 393-36-0543.
Jones, James E., Jr., 423-54-7119.
Jones, Mary M., 500-48-5067.
King, Kenneth E., 205-32-8580.
Knepper, Glenn B., 300-32-1356.
Kosik, Janet A., 172-34-2610.
Lackovich, Sophie M., 198-32-1332.

Leavell, Ronald E., 319-34-4585.
Lebel, Leo A., 001-32-3811.
Leonard, Lawrence C., 299-34-7818.
Leonard, John F., 335-36-7075.
Long, Jerry D., 232-58-1954.
Maloney, Joseph P., 168-32-0435.
McElwee, Thomas P., Jr., 203-32-6700.
McEntire, Jackie J., 349-32-7049.
Misener, Terry R., 481-50-6055.
Murrin, Barbara J., 264-72-2674.
O'Connor, Stephen, J., 514-42-4309.
Olson, Thomas J., 469-44-6498.
Pang, Sandra J., 496-46-7820.
Patnode, Louis G., 056-36-8242.
Queen, Henry J., Jr., 222-26-3238.
Riedman, John A., 055-34-9018.
Sanford, Dan M., 534-36-7936.
Sapolis, Richard J., 185-36-2729.
Schanding, Donald W., 401-46-9654.
Showman, Lonnie J., 414-64-1453.
Slotter, Sandra L., 178-34-6122.
Stamper, Roy R., 319-34-3797.
Vartigian, Helen A., 050-34-9390.
Wagner, Jimmie R., 264-60-9418.
Wimett, Joan J., 097-34-1126.
Wimett, William J., 108-32-3709.
Woldt, Gerald D., 387-42-1399.
Zeiner, Sharon A., 312-42-0324.

ARMY MEDICAL SPECIALIST CORPS

To be captain

Bajema Sheldon L., 532-34-5546.
Clausen, Juanita, 424-56-0920.
Cronin, Martha A., 024-32-9990.
Ellsworth, Paul D., 263-60-0304.
Harper, John A., 328-32-8665.
Havlick, David A., 042-34-5313.
Hughes, Everett A., 183-34-7052.
Ingeman, Peter L., 330-32-8528.
Kersey, Douglas A., 234-62-9088.
Maize, Roy S., II, 208-34-3503.
Olszewski, Valerie, 196-34-7489.
Palm, Leah, 515-36-0963.
Sater, Derrol H., 533-40-1732.
Sweeney, Bonnie E., 228-58-8224.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Aamodt, Ludvig J., 468-38-4733.
Abbuhl, Willmott, 115-28-7654.
Abel, Kenneth B., 271-26-6473.
Abernathy, Eugene B., 411-52-0219.
Abrahamson, James L., 344-28-8171.
Adams, Charles M., III, 559-50-1921.
Adams, Hugh W. H., 543-36-4279.
Adams, James W. R., 534-32-1071.
Adams, Melvin M., 247-68-6252.
Adamson, Henry K., III, 006-34-1518.
Adkins, Thomas J., Jr., 415-52-7691.
Aidle, Thomas H., 382-28-1359.
Akers, Jimmy D., 431-58-5567.
Akin, Robert B., 458-44-3558.
Aleksiunas, Robert, 046-24-4462.
Alexander, Richard, 253-56-9902.
Aihouse, Robert D., 106-26-0494.
Allanson, Will B., 563-40-1475.
Allen, Jerry P., 463-52-7944.
Allen, Richard H., 222-22-9644.
Allen, Sydna B., Jr., 414-42-7267.
Allen, Teddy G., 244-54-5182.
Alley, Frank M., Jr., 524-44-6162.
Allison, James K., 410-64-1065.
Allred, Raymond S., 464-34-5658.
Alt, Richard M., 315-32-3718.
Altom, Gilbert J., 461-46-7424.
Amend, William B., 445-30-3167.
Amlong, William E., 521-40-7171.
Ammons, David C., 421-46-6809.
Amos, John O., 429-60-4098.
Andre, David H., 299-28-9064.
Andrew, John K., 150-26-3717.
Andrews, John D., 294-30-0363.
Angolia, John R., 577-46-3702.
Appel, Cyril W., 561-40-2170.
Appleton, Forrest W., 453-58-5819.
Apruzzese, Vincent, 041-28-2372.
Arndt, Terrence L., 506-42-1537.
Arrisgado, Maurice, 576-34-4256.
Arwood, Thomas B., 283-30-0658.
Atkeson, Thomas L., 223-40-1005.
Atwood, John B., 467-38-5405.
Ault, John W., Jr., 420-42-6105.
Auyong Stephen K., 575-34-8988.
Bacon, Donald D., 025-30-9977.
Badger, William W., 418-40-4498.
Baer, William V., Jr., 141-26-3032.
Bagdonas, Edward, 033-28-4429.
Bahniuk, Edward M., 299-28-4339.
Bair, Arthur H., Jr., 204-28-3668.
Baker, David G., 436-50-6950.
Baker, Robert W., 505-44-7511.
Balaguer, Melchor C., 058-30-9654.
Balberde, Alexander, 575-34-5637.
Baldwin, Ronald C., 241-48-2075.
Baldwin, Roy G., 435-50-3923.
Balkovetz, Fred W., 516-34-1594.
Banks, John W., Jr., 070-28-5848.
Banning, Robert D., 488-40-5437.
Barbe, Charles D., 233-50-3528.
Barkett, John S., 267-58-0613.
Barkley, William A., 163-30-3566.
Barksdale, Lewis B., 218-32-6204.
Barmore, Frederick, 180-30-1437.
Barnes, Jimmie E., 447-30-6794.
Barnes, William R., 239-56-6969.
Barnwell, Isaiah E., 247-52-7864.
Barnwell, Marion L., 247-52-3972.
Barratt, Richard H., 520-42-5024.
Barrett, Peter J., 051-30-8710.
Barrett, Richard J., 119-28-7051.
Barrett, Thomas E., 410-60-6043.
Barrett, William M., 422-52-3412.
Barrington, David O., 014-28-8148.
Barros, John J., 014-28-9793.
Barrow, John P., 160-30-1733.
Barrus, Rollin L., 520-30-4735.
Barton, Charles D., 411-50-7926.
Basha, Robert T., 248-56-8370.
Basham, Harold R., 234-56-2536.
Batcheler, George E., 450-54-8123.
Baugh, Raymond C., 182-26-4639.
Baxter, Thomas R., 145-28-9693.
Beach, David R., 540-36-0269.
Beachem, Paul J., 226-42-9085.
Beard, Louin L., 542-38-3885.
Beasley, John D., III, 515-32-7114.
Beasley, Rodney S., 466-46-8827.
Beaty, William E., 259-38-6529.
Beaumont, Marion E., 426-66-6880.
Beck, Buddy G., 499-38-2467.
Beck, John A., 540-40-2312.
Becker, Ronald C., 193-28-9042.
Beckett, Jack A., 232-54-8356.
Beckworth, Hancel A., 248-60-7350.
Beech, Gary D., 511-30-5864.
Behnke, James E., 495-34-1963.
Beld, Thomas W., 573-38-4275.
Belinsky, Howard M., 045-28-4465.
Belisle, Aldorlen E., 004-30-8750.
Benagh, William E., Jr., 374-32-9568.
Bennett, Eugene W., 172-28-6230.
Bennett, Richard C., 313-36-5532.
Bennett, Roger M., 510-32-3771.
Benson, Frederick S., 155-28-5668.
Bentley, Robert G., 076-30-6895.
Berkley, Nathan R., 006-34-2527.
Berman, Leo, 124-28-7822.
Bernard, Richard A., 012-26-2377.
Berta, Thomas L., 182-28-9442.
Bertils, Bertel R., 539-34-0879.
Besson, Frank S. III, 224-40-7039.
Beurket, Raymond T., 216-34-5917.
Beyer, Alfred H., 073-28-3459.
Beyer, Harry C., 281-30-9111.
Beyer, Lawrence F., 375-34-9271.
Beyer, Robert J., 498-32-7942.
Bias, William K., 234-50-2350.
Bibbins, George L., 226-54-2874.
Bice, Burton C., 387-34-5562.
Bihn, Marvin A., 282-32-4167.
Birrane, John H., 219-26-1813.
Biscomb, Gordon L., 366-36-0522.
Bishop, Edward L., 132-28-0790.
Bishop, John C., 520-40-5855.
Bishop, Robert L., 232-54-4804.
Biskup, Robert L., 460-46-3622.
Blakely, Clyde H., 459-48-6379.
Blanchard, Robert D., 525-74-9527.
Blankensnip, Malcolm, 561-48-3818.
Blasco, Andrew P., 215-34-7819.
Bliss, Richard A., 369-36-8917.
Boes, Richard W., 270-28-6964.
Bogenrife, Richard, 290-32-5305.
Bohman, Jack E., 025-28-0494.
Boles, John L., 458-48-4588.
Boles, Wayne T., 458-48-4589.
Bollaris, Daniel F., 361-28-8698.
Boller, Richard R., 350-26-0173.
Bond, John A., 027-26-8395.
Boothe, Robert S., 426-62-5273.
Bopp, James E., 421-44-4114.
Borgman, John D., 332-24-2506.
Borgmann, Wayne A., 477-40-5204.
Borlund, Thomas V., 103-30-7514.
Borstorff, Allan R., 176-30-8687.
Bosking, William H., 507-42-8976.
Boss, Jerry L., 304-36-9475.
Boston, Louis J., 217-34-3338.
Boulware, Jefferson, 249-52-1932.
Bourque, Archille, 045-24-5375.
Bowdan, Melvin R., Jr., 573-48-3035.
Bowers, Robert F., 366-34-8865.
Bowser, William H., 530-16-8247.
Boyd, James R., 296-28-6623.
Boyd, Robert C., 493-36-2878.
Boyd, Thomas G., 525-68-0146.
Boyd, Thomas J., 200-28-5348.
Boyd, William J., 465-50-4988.
Boyle, Russell T., Jr., 230-42-2381.
Boylston, Graves L., 251-52-1714.
Boysen, John H., 466-50-6286.
Bradin, James W., IV, 258-48-2742.
Bradley, Holley D., 444-34-3543.
Braithwaite, David, 369-34-3420.
Branagan, Brian J., 083-28-8277.
Brandt, Harold H., 215-38-8254.
Brashear, Hollis N., 457-40-8421.
Brasher, Thurman W., 459-52-7387.
Brass, Ronald W., 060-30-8124.
Bratisax, Roland J., 080-30-6883.
Breedlove, Joe J., 256-52-5304.
Breen, William W., 203-28-5839.
Brehaut, Joseph W., 019-26-3089.
Brem, Homer L., Jr., 458-46-3486.
Brenner, Donald R., 311-34-6127.
Bresette, Allen A., 366-32-1390.
Breslin, Frederick, 124-28-8860.
Brett, William J., 135-26-8080.
Brewer, Robert R., 427-68-2348.
Briggs, Harold L., Jr., 217-32-0547.
Broadhurst, Donald, 098-26-6506.
Broksieck, Don E., 503-44-4513.
Broocke, Nathan I., 525-72-3114.
Brooke, Arthur L., II, 424-42-7201.
Brookshire, George, 254-44-4475.
Brothwell, Richard, 041-26-4153.
Brown, Donn W., 405-46-2340.
Brown, Joseph E., 259-60-6047.
Brown, Larry D., 483-40-4986.
Brown, Patty E., 411-60-4107.
Brown, Richard L., 232-56-8701.
Brown, Roy E., 259-50-2758.
Brown, Walter T., Jr., 293-32-3297.
Brownfield, Boyd J., 261-50-0757.
Browning, David B. J., 242-60-1758.
Brugger, Karl A., 176-32-3199.
Brunelle, Pierre V., 012-26-8263.
Brunkow, Richard O., 506-34-2258.
Bruschette, Jerome, 031-24-6764.
Buchanan, William, 540-38-3609.
Buckman, Leroy R., 042-28-9915.
Buckner, James L., 431-64-2775.
Buczek, Richard C., 194-28-0954.
Buell, William C, V., 263-60-4095.
Buffaloe, Laurence, 227-42-6723.
Bullard, Monte R., 560-44-4198.
Bunij, Edwin W., 353-30-9076.
Buntyn, James R., Jr., 426-66-7371.
Buono, Daniel P., 233-50-7048.
Burba, Edwin H., Jr., 224-52-4942.
Burchell, Larry E., 227-44-0096.
Burdin, J. D., 408-50-9054.
Burleson, Grady L., 261-50-5593.
Burleson, Willard M., 212-38-8303.
Burley, Earl B., 382-34-0686.
Burns, Walter L., 022-26-5803.
Burrell, Raymond E., 265-60-0068.
Butts, Orville N., 540-36-8910.

XUM

Butts, William T., 436-52-3148.
Byars, Harold W., 449-64-2203.
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Sauvageot, Jean A., 289–30–8061.
Scanlan, William H., 185–20–1756.
Schafer, Lawrence H., 539–30–4759.
Scheiner, Herbert L., 025–28–1198.
Schiano, Louis J., 139–28–5297.
Schiermeier, John J., 492–36–3401.
Schlapak, Benjamin, 023–28–1146.
Schlieper, David P., 309–40–4356.
Schloesser, Robert, 150–26–4626.
Schlossberg, Arnold, 228–38–1787.
Schmacker, Bruce E., 278–30–1474.
Schmid, Karl F., 094–28–3146
Schmid, Thomas W., 272–32–6420.
Schmidt, Peter B., 398–30–4341.
Schneebeck, Gene A., 524–38–0914.
Schooner, Murray J., 021–26–5706.
Schor, Stephen H., 296–34–9634.
Schott, Joseph D., 457–52–0439.
Schow, Robert A., Jr., 420–52–5743.
Schroder, Romayne E., 306–36–0673.
Schroeder, Louis J., 280–32–3759.
Schuette, Ronald W., 187–26–5168.
Schuetze, Raymond A., 451–48–8603.
Schwab, Don A., 344–28–9911.
Schwartz, Paul R., 388–34–3345.
Schwartz, William L., 131–28–1679.
Scillian, Billie H., 308–34–8372.
Scott, James M., 157–26–2122.
Scott, John O., 256–46–1119.
Scott, Walter J., 074–30–2313.
Scott, William A., 095–30–2200.
Scovel, Dennis A., 340–30–1396.
Seaver, Charles W., 228–46–9065.
Sechtman, Paul L., 073–28–3418.
Seitz, John A., III, 494–42–9353.
Seybold, Thomas K., 291–32–5362.
Shackelford, William, 391–30–3587.
Shaffer, Malcolm S., 464–42–6215.
Shain, Robert G., 479–32–7979.
Shanahan, Edward J., 569–42–6360.
Sharp, John B., 491–32–5480.
Sharp, Richard H., 490–34–4873.
Shaw, Terrence L., 128–28–7742.
Sheaffer, Phillip G., 144–28–8801.
Shelton, Hal T., 720–05–9961.
Shepard, George T., 381–36–2026.
Sherard, Phillip G., 381–36–2029.
Sherrell, Wilson J., 418–46–7072.
Shilling, Jack C., 463–46–1390.
Shouse, Delbert F., 403–48–8150.
Shriver, Louis M., Jr., 076–32–8664.
Shunk, Peter, 488–32–2661.
Shunk, William A., 313–36–2920.
Silva, Warren R., 019–26–2073.

Simmons, Jerry W., 525–76–8637.
Simpson, John D., 359–28–1541.
Simpson, Robert M., 509–28–6913.
Sims, John R., 541–38–6241.
Sinclair, Bobby H., 519–34–3119.
Singer, Lawrence A., 164–28–5144.
Singleton, Richard, 248–54–7465.
Sisson, Brooks H., 421–44–1853.
Sisterman, Lawrence, 474–38–2179.
Sitten, John R., Jr., 424–42–8241.
Sivert, William D., Jr., 014–26–1520.
Skidmore, John D., 455–46–2399.
Skowronek, Richard, 364–34–4425.
Slagle, James V., 402–46–3638.
Slater, Paul A., 441–32–9693.
Slifer, Richard D., 510–34–5513.
Smart, Donald L., 480–40–4550.
Smart, Lee D., 570–46–6106.
Smith, Allen D., 515–36–4653.
Smith, Billy V., 479–36–9349.
Smith, Byrd, 251–56–8578.
Smith, Charles E., 412–56–3007.
Smith, David C., 465–48–7805.
Smith, Duane N., 459–56–4368.
Smith, Edward C., Jr., 021–26–7093.
Smith, Glenn A., II, 226–42–9621.
Smith, Harvey A., Jr., 431–52–4677.
Smith, Jack C., 462–46–6259.
Smith, Lee C., Jr., 251–50–1408.
Smith, Robert A., 307–38–4798.
Smith, Robert B., 564–40–9561.
Smith, Robert D., 461–60–3456.
Smith, Robert T., Jr., 449–50–6742.
Smith, Sam G., 409–48–5255.
Smith, Stanley L., Jr., 208–26–4411.
Smith, Warren S., 578–44–7804.
Smith, William G., 092–28–4957.
Smitherman, Joe V., 453–54–5702.
Snead, Robert S., 436–44–6702.
Snell, Douglas H., 417–40–2119.
Snell, Robert A., 451–52–3512.
Snyder, Thomas E., 390–30–4209.
Socks, Hugh J., Jr., 081–32–5821.
Solomon, Irwin E., 150–24–9718.
Solomon, William V., 186–28–6072.
Sonnier, Robby J., 436–48–1014.
Soriano, Feliciano, 575–30–0065.
Sovine, Leroy K., 236–54–1621.
Sowell, Mark S., Jr., 424–44–8021.
Spanjers, Leonard J., 504–30–4415.
Spearman, David L., 247–56–9868.
Spears, Tom C., 460–58–2578.
Spekhardt, Michael, 152–28–8788.
Spence, James, 411–58–0420.
Spera, Francis P., 064–30–4484.
Spinner, Charles R., 056–28–6515.
Springfield, Bruce, 100–30–0130.
Sprowls, Leigh R., 479–38–0508.
Squire, John H., 250–48–1741.
Stadler, Gerald P., 367–38–6939.
Stalker, Paul R., 490–34–3302.
Stallings, Jimmie L., 429–66–7971.
Stamant, Joseph P., 438–56–8765.
Standridge, Lanny, 409–54–4467.
Stanley, Charles M., 460–64–4823.
Stanley, Frederick, 249–52–3427.
Stansell, Ernest L., 247–50–6105.
Starley, Vernon B., 529–52–8578.
Stead, Robert W., 219–32–8888.
Steakley, David L., 263–56–9230.
Stebbins, Allen F., 009–22–8446.
Stebbins, Ronald S., 397–32–4873.
Steedly, Ronald E., 248–58–9973.
Steele, Merrill F., Jr., 495–26–0430.
Stein, Philip A., 394–28–8184.
Steinhilper, Edgar, 518–34–2335.
Stephens, Donald L., 513–26–7205.
Stephens, Glen C., 423–38–4710.
Stevens, Eulin L., 525–68–1529.
Stewart, Alexander, 531–34–9685.
Stewart, Robert G., 421–40–9595.
Stiles, Howard J., 081–32–5577.
Stivison, James R., 204–26–0311.
St. John, John E., 006–34–4552.
Stokke, Edward T., 477–30–5890.
Storey, Thomas P., 373–34–1120.
Stoy, Thomas A., 208–22–2313.
Straeb, Robert G., 499–34–8821.
Streeter, William F., 017–30–6305.
Stroh, George C., 522–50–1416.
Stromberg, Peter L., 466–50–2851.
Stroud, Lamar A., Jr., 228–46–3533.
Stuart, James E., 060–30–6491.
Stults, Claude L., Jr., 416–60–1799.
Sturdivant, Thurman, 255–48–9071.
Subrown, James C., 013–26–3360.
Sullenberger, Louis, 444–40–6618.
Sundt, Richard S., 577–50–1290.
Suszynski, Joseph F., 024–26–1692.
Sutton, James C., 232–56–4763.
Sutton, William M., 261–52–7565.
Svendsen, Don F., 323–30–9007.
Swain, Richard C., 049–26–0700.
Swan, Sinclair D., 142–28–4129.
Sweeney, Robert F., 149–28–7895.
Swift, Frederick W., 056–26–2560.
Swindells, John E., 457–54–7819.
Swinson, Benjamin L., 577–46–3581.
Szustak, Frank G., 184–26–7821.
Takacs, Steve P., Jr., 299–30–1029.
Talbolt, Ralph, IV, 451–52–9034.
Talkington, Thomas, 539–30–1304.
Tamer, Robert S., 398–30–9899.
Tannenbaum, David L., 265–58–3498.
Taurke, Erwin A., 554–46–6590.
Taylor, Harry, Jr., 045–28–5016.
Taylor, James R., 453–58–8810.
Taylor, Paul W., 486–34–7140.
Taylor, Ralph W., 441–38–4623.
Taylor, William D., 428–52–6798.
Teller, Albert A., 044–28–5852.
Temple, William E., 260–60–1960.
Tennant, Charles E., 536–34–2679.
Tennis, Gayland L., 373–36–3010.
Terry, Robert L., 512–28–2384.
Terseck, Richard J., 048–28–3036.
Theuer, Paul J., 143–38–7416.
Thibodeau, Charles, 006–32–0625.
Thiessen, Derek J., 567–40–0585.
Thomas, Bruce A., 031–26–7840.
Thomas, Charles R., 509–34–7588.
Thomas, Golden L., 229–48–1329.
Thomas, Joel F., 446–34–7132.
Thomas, John F., 131–26–5652.
Thomas, Kenneth E., 577–46–5238.
Thomas, Marvin L., Jr., 222–20–6495.
Thomas, Phillip J., 212–34–3093.
Thomas, Ronald E., 537–30–9711.
Thomas, William S., III, 415–54–9561.
Thompson, Billie F., 446–32–1542.
Thompson, James P., Jr., 242–50–5883.
Thompson, John T., Jr., 376–34–6929.
Thompson, Paul F., II, 343–30–1653.
Thompson, Robert A., 238–50–3295.
Thompson, Thomas M., 400–44–6349.
Thompson, Vernon D., 500–36–4958.
Thornton, Tommy W., 496–42–4761.
Thudium, Christian, 330–30–6979.
Tillar, Donaldson P., 244–48–6975.
Tipka, John W., 286–30–9843.
Tippin, Garold L., 508–34–3544.
Tiptou, Carl W., 429–60–6581.
Tison, William C., 267–44–4573.
Tobin, Ernest H., 105–28–9415.
Todaro, Joseph E., 198–28–6773.
Todd, Alan R., 453–50–8759.
Toicher, James A., 269–32–6994.
Tomberlin, John R., 264–46–7962.
Tomei, Giancarlo A., 113–24–1912.
Tomiczek, Paul W., Jr., 172–30–7272.
Tompson, John C., 495–34–9939.
Toner, Richard M., 144–26–2787.
Torretto, Richard J., 341–26–2473.
Toskey, William M., 536–32–7730.
Townley, Robert R., 433–50–3533.
Tozier, Robert E., 286–32–6990.
Treacy, John T., 422–48–8857.
Tredinnick, Richard, 206–28–6408.
Trevino, Francisco, 457–52–0961.
Tritz, James W., 503–34–1460.
Tucker, Everette L., 463–46–9306.
Tucker, John D., 248–54–3416.
Turgeon, Gareth M., 171–28–7673.
Turner, Edwin H., 008–22–2745.
Turner, Rex M., Jr., 254–54–0201.
Turner, Robert A., 460–54–8840.
Turpin, Robert P., 074–26–2297.
Tyler, Erven S., 231–42–6605.
Uhlrich, Theodore W., 509–32–6558.
Ulzheimer, Robert, 135–28–8902.
Unger, Curtis G., 409–56–9652.
Urciuoli, George R., 127–26–9405.
Valandry, David D., 503–36–4787.
Vallmont, Benjamin, 386–34–0732.
Vandevender, Edward, 425–70–1012.
Vanhooser, David P., 403–46–8603.
Vanlandingham, Robert, 444–32–0383.
Vanlobensels, James, 551–42–6892.
Vansteenbergen, Albert 020–24–2147.
Vanzandt, Homer R., 458–52–9330.
Varley, William L., 077–26–8346.
Venden, Roger D., 368–40–0543.
Venzke, Gene A., 388–32–0493.
Vermette, Robert E., 036–24–5046.
Vinett, Peter A., 070–30–6259.
Vogel, Glenn A., 288–32–2491.
Vogl, Raymond E., 513–30–9490.
Volpe, Michael, 129–28–2839.
Waddell, Robert R., 259–54–9699.
Wagner, Edward H., 561–42–5404.
Wagner, Robert C., 508–40–9667.
Wainwright, Oliver, 220–32–1740.
Wait, William M., 267–52–6944.
Waite, Grimble J., 256–48–7379.
Wakelin, John D., 553–44–5281.
Walker, Clifford M., 517–44–0411.
Walker, Emmett L., 063–28–0523.
Wall, Kenneth L., 409–58–0657.
Wall, William J., Jr., 531–38–6838.
Wallace, Malcom K., 140–30–4782.
Wallace, Richard C., 268–34–4592.
Walsh, James E., Jr., 571–40–1076.
Walsh, Richard J., 073–28–5099.
Walters, Charles C., 174–30–2830.
Walters, James P., 466–54–6383.
Walton, Joseph A., 180–30–1773.
Walton, Leroy, 145–24–5369.
Walton, Ronald A., 375–34–1732.
Walton, Warren J., 268–54–0883.
Warmath, Julius G., 411–64–9860.
Warren, Warren J., 513–30–2106.
Warvi, Martin M., 504–30–6993.
Wasson, James V., 211–30–3774.
Watson, Charles W., 575–34–3030.
Watson, Kermith G., 253–56–8797.
Watts, Thurman, 234–54–7144.
Weatherly, Emory D., 262–52–9537.
Weaver, Carl A., Jr., 579–46–6550.
Webb, Daniel J., 182–28–4992.
Webb, Earl E., 027–26–6460.
Webb, James R., 510–28–7927.
Webb, Waldo R., 579–50–7582.
Weber, Ralph P., 551–44–5065.
Weber, William J., 193–30–9478.
Weekley, Robert M., 524–44–7406.
Weeks, Joseph P., 226–48–4993.
Weeks, William J., Jr., 249–58–0476.
Weiss, James J., 329–30–4151.
Welch, Elliot J., 294–28–4583.
Welch, Jack L., 429–60–7472.
Welch, Richard D., Jr., 262–50–6873.
Welker, John J., 566–42–9789.
Wells, Theodore D., 081–32–5581.
Welsh, Richard W., 373–32–4794.
Wessel, James R., 168–28–8867.
Westgard, William C., 142–30–3129.
Wheeler, Albin G., 236–50–2073.
Wheeler, Joseph W., Jr., 321–28–5131.
Wheeler, Robert A., 479–38–3638.
Wheeler, Rock C., Jr., 023–28–4931.
White, Willington E., 248–48–5075.
White, Zinerva, Jr., 261–56–6971.
Whitehead, Dorsey M., 237–50–4265.
Whiteside, Jerry E., 257–56–9689.
Whitmarsh, Donald B., 432–62–7058.
Whorton, Billy L., 523–36–9850.
Wicker, Raymond K., 248–40–3131.
Wickstrom, Charles, 209–28–4219.
Wieduwilt, Leslie R., 338–28–7306.
Wigner, Larry R., 368–32–7247.
Wilbanks, Ronald H., 255–48–3490.
Wiley, Larry N., 278–36–2589.
Wilfong, John F., 430–58–5500.
Wilhite, James A., 266–50–1252.
Wilkerson, Edwin A., 236–58–0710.
Wilkinson, Coleman, 248–60–2457.
Wilkinson, Tary D., 444–34–7730.
Williams, Billy D., 164–28–2052.
Williams, Donald B., 516–40–2789.
Williams, Donald R., 443–30–7545.
Williams, Jimmie L., 252–46–0854.
Williams, Joe E., 430–64–5171.
Williams, Joshua O., 219–32–9377.

Williams, Phillip J., 008–24–6593.
Williams, Robert S., 237–56–8485.
Williams, Russell L., 337–24–2448.
Williams, Stuart H., 362–32–8437.
Williamson, Alan R., 532–34–1899.
Willis, Edward C., Jr., 451–48–6961.
Willoughby, Kenneth, 255–54–7444.
Wilmoth, Frederick, 341–26–7671.
Wilson, Carroll R., 432–56–0137.
Wilson, Douglas B., Jr., 022–28–2898.
Wilson, Gifford D., 431–64–7189.
Wilson, John S., 515–32–8262.
Wilson, Martin L., 444–34–1792.
Wilson, Sanford H., 309–30–8647.
Windham, William J., 423–42–3311.
Winebarger, Marion, 411–54–6376.
Wingo, Franklin J., 525–64–2566.
Winslow, Robert A., 390–34–0788.
Winter, Maurice G., 568–44–3601.
Wise, George W., 269–28–0980.
Wise, Ronald T., 257–40–4190.
Withington, Robert, 041–28–4880.
Witter, Lee F., 399–30–8273.
Wolfe, June E., Jr., 244–60–3280.
Wolfe, Rodney D., 506–34–7117.
Wollard, Clifford L., 168–30–0593.
Womack, Daniel, Jr., 241–50–1809.
Wood, John L., 216–34–3825.
Wood, Leroy A., 549–42–4993.
Wood, Robert D., 349–30–0302.
Woodall, Jack D., 265–50–0929.
Woodhouse, Donald L., 520–30–5633.
Woodmansee, Harry T., 430–48–5998.
Woods, Roy S., Jr., 429–64–2411.
Worthington, Wayne, 188–28–9186.
Wosicki, Walter J., 569–48–3175.
Wright, Dean W., 468–32–5622.
Wright, Willie F., 229–44–7044.
Yateman, Sidney H., 262–52–6220.
Yawn, Malcolm T., 428–52–4951.
Yeats Philip L., 550–46–4357.
Yelton, James M., Jr., 240–46–2560.
Yelverton, Rush S., 425–64–9980.
Yoder, Kenneth E., 321–30–4809.
Yon, Frank E., 267–58–7887.
Young, Leon A., 536–32–4103.
Young, Richard B., 056–28–5128.
Young, Troy R., 425–62–6142.
Youree, James F., 411–56–5109.
Zachary, James L., 560–44–0965.
Zagalak, Stanley J., 200–26–9756.
Zahn, Kenneth C., 527–44–0866.
Zajac, Stephen G., 169–28–6999.
Zaldo, William T., III, 452–54–5367.
Zeitman, Ronald W., 114–28–2047.
Zierak, Robert A., 107–24–1431.
Zierdt, William H., III, 194–28–9052.
Zimbrick, Duane E., 532–34–2764.
Zukowski, Albin T., 357–26–3394.
Zumbro, Harold D., 441–38–0367.

CHAPLAIN CORPS

To be major

Alexander, George W., 406–46–7419.
Alexander, Harold L., 412–50–3633.
Allen, Eugene E., 263–42–6366.
Baasen, Wesley, A. G., 453–40–4654.
Banton, Huston J., II, 016–28–2545.
Beckers, Robert G., 503–22–6246.
Borson, Bernard K., 330–22–8159.
Brough, Alfred E., 167–24–5537.
Cooley, Virgil T., 418–38–2279.
Courtney, Ocie I., Jr., 455–30–4544.
Desantis, Michael M., 102–20–4668.
Deveaux, John A., Jr., 261–46–9492.
Esco, Hugh R., Jr., 417–34–7109.
Flippen, Edward A., 224–36–4277.
Foreman, William E., 161–30–7284.
Hagood, Monroe J., 226–42–3164.
Hansen, James E., 329–24–3061.
Hoh, David W., 395–26–0217.
Lembke, Paul W., 287–26–2874.
Libby, Billy W., 457–42–5049.
Linderman, James R., 452–48–9292.
Moore, Bobby D., 261–38–8691.
Ness, Leroy T., 503–30–6521.
Peacock, William L., 254–38–7263.
Pember, Marion D., 510–40–1072.
Peterson, Wilbur G., 383–20–1400.
Roque, Francis X., 039–12–4892.
Saunders, Robert E., 410–50–2932.
Scott, John C., 038–16–5818.
Strawser, Ray A., 185–24–5539.
Swim, Vernon G., 511–30–8804.
Thompson, James G., 410–50–7535.
Ude, Donald E., 563–40–8220.
Vanderburgh, Daryl, 475–34–3794.
Vanmeter, James W., Jr., 289–30–2883.
Walker, Conrad N., 331–26–0574.
Walker, Norman G., Jr., 428–26–1211.
Webb, Arthur M., 410–66–6260.
Wilk, Max W., 398–30–4979.
Workman, Ralph C., 218–24–6895.

WOMEN'S ARMY CORPS

To be major

Carroll, Sallie L., 561–44–3211.
Gibson, Gwen, 423–54–7010.
Heffren, Monica A., 060–30–5555.
Jorge, Marlene M., 575–30–9920.
Kelly, Jacquelin J., 140–24–2311.
Merrill, Pauline D., 543–34–2822.
Phillips, Charlotte, 009–20–7826.
Pomeroy, Mae E., 544–34–1171.

MEDICAL CORPS

To be major

Alexander, Byron B., 525–78–2304.
Allison, Howard H., 182–30–3724.
Barclay, William A., 170–30–2181.
Barreca, Nicholas E., 104–30–6670.
Beaver, Harry C., 185–26–2540.
Bell, Randall W., 124–28–7790.
Blumhardt, Ralph, 151–30–4307.
Buck, Alfred S., 120–28–3948.
Buck, Edward G., Jr., 536–36–9380.
Callan, Thomas W., 048–28–1677.
Cardell, Jose E., 045–34–0052.
Carolan, Patrick J., 049–28–9361.
Carter Gordon C., 215–34–8223.
Cavanagh, Richard C., 149–28–1432.
Clarke, John S., 278–32–1119.
Dunker, Richard B., 484–36–6606.
Eberhard, Edward J., 293–32–6997.
Everett, Elwood D., 442–40–1584.
Eversmann, William, 182–28–1383.
Fauver, Howard E., Jr., 223–50–3902.
Foy, Gerald W., 054–32–6891.
Garciavergne, Manuel, 581–34–4319.
Gardner, William R., 261–52–2584.
Gernon, William H., 356–30–8428.
Gibbons, Robert B., 529–44–0629
Gober, Lowman E., 452–58–4816.
Grosshans, James T., 320–36–6634.
Gryczko, Gerald A., 189–30–7086.
Gum, Ronald A., 457–56–4817.
Hammond, James B., 232–40–9913.
Handley, George J., 137–28–7935.
Harris, Hugh G., 498–38–9607.
Hobson, Robert W., II, 223–50–5838.
Hofeldt, Fred D., Jr., 519–40–0433.
Hovey, Leslie M., 558–48–1100.
Howard, Freeman, I, 400–54–1899.
Humbert, Paul V., Jr., 357–30–3020.
Hunter, John D., Jr., 436–52–7841.
Johnson, Lawrence F., 224–50–2629.
Kearney, John J., 112–28–0836.
Knepshield, James H., 062–32–0144.
Lehman, Richard H., 533–38–8847.
Linares, Rafael, 578–52–1316.
Linden, David A., 266–32–6882.
Lindstrom, Eric E., 359–32–8212.
Liptak, Richard A., 144–22–1664.
Llewellyn, Craig H., 179–30–6343.
McConnell, Michael, 122–36–5673.
McDonald, Edward G., 202–28–1269.
McDonald, Herbert L., 533–30–1245.
Miura, Calvin M., 575–34–7409.
Morgenstern, Larry, 513–34–5095.
Nelson, James W., 531–44–6625.
Noguera-Fuentes, Pablo J., 583–01–9842.
Peck, Morgan S., 103–30–6612.
Price, Herman L., 126–26–1590.
Rock, Nicholas L., 174–26–4266.
Sawhill, David L., 209–28–1234.
Schneider, Robert L., 474–44–3858.
Schuchmann, George, 484–42–9023.
Schweers, Carl A., Jr., 454–58–4576.
Shock, John P. Jr., 235–50–7095.
Slaughter, John C., 505–38–2520.
Smith, Donald R., 435–52–3021.
Spicer, Melvin J., 118–30–7577.
Stark, Fred R., 345–30–9877.
Strum, Donald H., 535–32–4059.
Taber, David O., 014–30–1003.
Taylor, John F., 414–58–6909.
Teneyck, James R., 543–34–9068.
Thomas, Stephen R., 520–34–7938.
Thomason, Phillip R., 430–66–7546.
Treanor, John J., 051–24–3441.
Vest, Charles R., 575–36–9590.
Walker, Olyn M., 247–68–5188.
Watring, Watson G., 233–64–6927.
Williams, Charles E., 437–56–8990.
Yelland, Graham, 010–30–6023.
Zuck, Thomas F., 290–28–6739.

DENTAL CORPS

To be major

Baggs, Gary A., 526–46–1529.
Balserak, Robert J., 176–30–3093.
Beasley, Joe D., III, 412–58–9698.
Bent, Jerry P., 451–54–6244.
Bernier, William E., 368–38–8336.
Berringer, Ray D., 444–34–6289.
Blaho, Daniel M., Jr., 152–28–7102.
Blubaugh, Edward C., 442–32–1574.
Boyce, William A., 518–38–9260.
Braun, Edward S., 203–28–6110.
Brown, George D., 389–38–9037.
Cremer, Jerry L., 456–46–5832.
Crutchfield, David, 448–30–3185.
Cuperd, Hamil M., 437–50–7994.
Edington, Ernest M., 410–58–8263.
Eichel, Thomas F., 392–28–4529.
Ellis, Herman B., 429–66–5501.
Fagouri, Edward L., 105–28–7461.
Goldberg, Stuart E., 007–30–2239.
Hammer, Henry S., 131–28–7724.
Hatch, Edward A., 404–50–2292.
Henry, Samuel W., 451–54–3922.
Holden, Richard C., 569–34–3914.
Ishimura, Samuel M., 575–34–2111.
Johnson, Timothy M., 065–30–8590.
Kempf, Kenneth K., 505–44–5696.
Kirchoff, Rodney M., 458–58–6753.
Larr, Edwin T., Jr., 248–60–2083.
Leahy, Robert E., 096–30–8668.
Marshall, Keith J., 529–40–1814.
Matich, Joseph A., 539–32–2951.
McDonald, Frederick, 432–62–9470.
Merten, Robert L., 511–30–8858.
Moyer, John H., 271–30–7335.
O'Connor, Randolph, 418–40–0203.
Olive, Kenneth A., 426–62–8961.
Pagan, William J., 580–46–8182.
Provant, Delbert R., 519–36–3979.
Roth, Neal A., 178–30–1298.
Salvo, Joseph A., 011–28–0768.
Schreck, Gerald G., 435–26–7468.
Shultz, Rudane E., 172–28–6084.
Temple, Thomas R., 523–46–2995.
Tortorelli, Alfred, 095–30–5823.
Welsh, Stephen L., Jr., 409–50–6466.
Woody, Ronald D., 385–34–1927.
Zulaski, John F., 046–24–2912.

VETERINARY CORPS

To be major

Barck, John C., 282–22–7056.
Bixby, Howard R., 511–30–8008.
Carraway, Claude W., 249–46–1781.
Depaoli, Alexander, 139–28–1906.
Ebertz, Peter E., 097–28–3677.
Freel, Marvin E., 506–32–3904.
Godzik, Joseph R., 183–28–4824.
Gustin, Philip N., 275–36–7995.
Hilmas, Duane E., 474–34–0408.
Huxsoll, David L., 307–42–8653.
Johnsen, Dennis O., 549–48–8900.
Keefe, Thomas J., 040–30–6375.
Nix, Marvin S., Jr., 258–46–9931.
Ottenberg, John C., 506–40–5685.
Riddell, John R., 353–28–3195.
Robinson, David M., 268–36–0331.
Sims, William M., Jr., 259–52–1517.
Stanton, Jack S., 458–42–1814.
Stephenson, Edward, 460–56–0802.
Vanzytvel, William, 380–28–2025.
Via, Robert E., Jr., 235–54–9318.
Vosdingh, Ralph A., 450–52–2560.
Walker, Jerry S., 375–40–4856.

XUM

MEDICAL SERVICE CORPS

To be major

Bardill, Donald R., 412-56-3034.
Beck, Wilbur L., Jr., 230-46-1094.
Beckley, Leander K., 576-24-3039.
Bonner, Harry E., 184-28-9936.
Boston, Lester E., Jr., 571-56-6343.
Boyd, William M., Jr., 224-36-5752.
Brady, Patrick H., 535-30-4962.
Brewer, Jerry R., 455-48-7633.
Brown, Perry W., 432-30-4766.
Burton, Nelson L., 246-42-3371.
Carter, William A., 430-54-7397.
Cobbs, John R., 195-30-0162.
Cohen, Meyer W., 505-38-7914.
Corn, Poe R., 525-68-6033.
Covell, Bruce W., Jr., 363-30-5574.
Crow, Kenneth E., Sr., 425-72-6951.
Cygan, Herbert E., 320-28-5388.
Diffie, Dale P., 429-48-0565.
Dix, Richard A., 283-30-0951.
Dryden, David D., 505-36-8168.
Duffy, Paul F., 017-22-5822.
Dupuy, Lloyd C., 439-49-8851.
Fain, Ronald A., 300-22-3626.
Fechner, Ruben F., Jr., 455-52-0459.
Gilchrist, Alexander, 235-48-9783.
Giroux, Arthur R., 077-26-5789.
Good, Roger S., 025-26-1836.
Grodt, Robert G., 554-46-7266.
Gutin, Howard D., 142-24-2286.
Habeck, Edgar J., 391-28-9061.
Hanson, Robert L., 482-36-6115.
Harris, Leonard G., 233-50-8523.
Hatfield, Earl P., 517-28-1575.
Hayes, John D., 281-30-5703.
Helgeson, James G., 394-34-7545.
Heller, Kyle M., 393-32-5930.
Heiser, Carl W., 366-36-2479.
Higgs, Richard H., 298-32-0484.
Hill, William R., 251-58-6021.
Hoke, Mark L., 216-30-2947.
Hubbart, James A., 331-28-0692.
Jackson, Thomas C., 277-30-6775.
Jenkins, William N., 484-34-1535.
Johnson, Harry D., 242-50-4478.
Jones, John P., Jr., 449-42-0356.
Keim, Walter H., 042-28-8964.
Kelling, George H., 497-42-7571.
Kennan, James S., 229-46-7320.
Kielman, Roger W., 504-30-1722.
Lamport, James E., 183-26-7525.
Lander, Robert J., 168-26-9849.
Lanier, Daniel, Jr., 240-44-7076.
Lavalley, John W., 101-24-1631.
Leach, William O., 404-44-7162.
Madden, John T., Jr., 523-38-4684.
McLeod, William R., 473-34-2070.
Milske, Thomas R., 471-40-4676.
Moore, Douglas E., 429-60-6892.
Murphy, Robert J., 525-64-5438.
Odonnell, Frank P., 350-28-7053.
Osborne, Harold S., 412-50-8187.
Paul, C. Peter, 390-34-3644.
Payne, John C., 391-34-4972.
Picha, Norbert O., 387-30-1386.
Pittman, Thurman M., 237-54-0856.
Proe, John D., 135-28-4698.
Roberts, John E., 074-28-2542.
Rockwell, John H., 192-26-9323.
Roles, Robert H., 224-38-9075.
Rumley, Richard E., 249-48-8883.
Schiefer, Donald D., 501-28-2407.
Short, Edward ..., 432-64-7473.
Simpson, Calbrieth, 257-48-9318.
Sites, William G., 201-24-8210.
Slyman, George L., 448-30-3962.
Sobocinski, Philip, 010-28-3749.
Summary, Robert J., 353-26-5342.
Taylor, Edward J., Jr., 115-28-5967.
Tuten, William R., III, 263-44-0276.
Walker, Marvin E., 289-30-9811.
Wilson, Jack R., II., 232-54-4415.
Wilson, Robert G., 021-26-9996.
Woods, William B., 523-44-8847.
Wunder, William H., 512-26-9512.

ARMY NURSE CORPS

To be major

Allen, Nina R., 525-76-3602.
Baker, Gertrude E., 090-30-1739.
Balkema, Sarah A., 384-34-4024.
Berry, Dorothy M., 037-20-9946.
Bradley, George P., 113-26-0777.
Brown, John E., 226-46-3312.
Campman, Keith L., 188-22-8178.
Fore, Curtis W., 447-30-5911.
Girvan, John B., 121-24-4632.
Goldsmith, Marie L., 154-30-4201.
Gonzales, Luis J., 522-30-1804.
Gosling, Bernandine, 086-30-7655.
Hawkins, Roberta W., 369-36-8292.
Hill, Perry J., 522-46-2356.
Hines, Eugene D., 433-40-8815.
Huber, James O., 516-32-6620.
Kamensky, Richard J., 015-28-9177.
Kelley, Joan M., 026-26-7598.
Martin, Melvin M., 073-24-8479.
Matthews, Charles D., 274-30-0442.
McLeod, Darlene K., 353-30-3045.
Nakama, Shizuko, 575-26-5187.
Pavlakovic, Dorothy, 305-32-6915.
Petro, Andrew P., Jr., 172-30-6632.
Rando, Joseph T., 082-28-3267.
Rasmussen, Doris S., 508-40-9844.
Rausch, Francis M., 474-34-2904.
Reddy, Charles J., 071-28-9361.
Scheerer, Marjorie, 261-36-5696.
Segura, Maria, 140-32-9107.
Seufert, Helen J., 006-34-0083.
Sinclair, Janie A., 472-44-6302.
Soltys, Anthony W., 020-28-6403.
Vancamp, Maryanne, 160-24-9883.
West, Nina, 419-46-7736.
Whitmire, Betty A., 192-28-7592.

ARMY MEDICAL SPECIALIST CORPS

To be major

Brady, Barbara R., 376-34-5499.
Carmona, Louis S., 119-24-1218.
Cover, Joseph D., 567-88-6581.
Hamai, Fay S., 575-32-6964.
Hummel, Robert A., 503-32-4908.
Johnson, James E., 531-20-0110.
Pavlis, Patricia M., 320-26-3885.
Walker, Hilda L., 237-54-5300.

CONFIRMATION

Executive nomination confirmed by the Senate June 12, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

EXTENSIONS OF REMARKS

SALUTE TO EDUCATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, we are celebrating on June 21 a Salute to Education sponsored by the National Education Association, and as my contribution to that Salute, I wish to describe briefly the tremendous impact that several dedicated individuals in the teaching profession have had on my particular life. It would be difficult to mention all teachers during my career in public education that had a meaningful impact upon the direction my life has taken because there were many. As a matter of fact, I suppose there was no period of time in my life where more people contributed more in assisting me in selecting the course that my future life would take than was the period of public education that began for me in Antioch, Calif., continued through the elementary and secondary schools in Antioch, and after a brief interruption for service in World War II, resumed at Santa Rosa Junior College and then the University of California at Berkeley, and culminated in my receiving my L.L.B. degree at the University of California School of Law, Boalt Hall.

But, during that long period of time, I believe the most important impressions upon me as an individual were those contacts that I had with some deeply dedicated teachers in the elementary and secondary system in Antioch.

Among those were Betsy Lull, a high school teacher brought out of retirement to teach in the Antioch school system and whom I had for world history and Latin. I acquired a love of history from Miss Lull that has not diminished since that time.

Jack Danilovich, my high school coach, and his ultimate bride, Alice Walsh, my junior high school teacher, were two individuals that have had an enormous impact upon my attitudes toward life in general and who have, in addition, remained close personal friends offering me continuous direction and assistance in any of my endeavors.

Normally you would not expect a typing teacher to contribute much towards attitudes or philosophy, but that certainly was not the case with Marion Beede, my typing teacher in high school. Mrs. Beede did much to shape my views on a variety of attitudes toward life in general, both while I was in her class in high school as well as during the many years that have passed subsequent to those days.

Mrs. Arch Roberts was a third grade teacher of mine and inculcated in me, even at that early age, a respect for education and teachers that I possessed throughout the rest of my school days and that I possess even now as a result thereof.

Wayne Hawkins, the Dean of Boys at Antioch High School, and Mr. Swenson, my chemistry teacher, were two of the few male teachers in the public school system of those days, and their direction has meant much to me to this very day.

I do not mean to exclude by this brief list the very many other teachers and professors with whom I came in contact during my time pursuing an education, and who contributed so much to me, but there were so many that it would be awkward to attempt to list them all.

In short, Mr. Speaker, what I am attempting to say is that aside from my parents, no group of people had greater impact upon my life and the directions it has taken and will take in the future than those dedicated teachers who attempted with varying degrees of success to impart to me their values.

Our system of public education is indeed a valuable and important institution that has done much to hold this Nation together as one nation with common ideals and objectives and at the same time has recognized and is beginning to recognize even more clearly that diversity of backgrounds and cultures in no way diminishes the unity that we possess in America as one nation of diverse peoples.

What we are as a nation is largely attributable in terms of its positive aspects to what we as individuals learned about ourselves and our neighbors in the public education system. What we will be as a nation and what we can be as a nation will be largely dependent upon the successful continuation of that responsibility by the dedicated and committed teachers of this country who man the most important posts in the institution of public education.

WHERE "LIVIN" IS EASY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HAGAN. Mr. Speaker, the cost of living is on every one's mind these days. Some people have even looked into the places in this country where living costs are the lowest, hoping at the first opportunity to move to one of them.

Some interesting recent living cost figures were released after a study by the U.S. Department of Labor. The details of the study reveal the marked advantages of Southern living, amounting to annual savings of $425 to $2,500.

This saving is substantial enough to encourage people to think about the South when work opportunities appear, or retirement age rolls around.

The Savannah News of May 15, 1972, quoted an editorial from the Augusta Chronicle-Herald, entitled "Where Livin' is Easy," as follows:

WHERE "LIVIN" IS EASY

Readers who glanced at a recent wire news service story on the trends in average family living costs, may have been impressed only by the extent of the upward shift from spring 1970 to fall 1971.

Getting one's teeth into the details of the U.S. Department of Labor study, however, can provide far more food for thought. Those details demonstrate dramatically the marked advantages of Southern living. They offer tangible evidence, as well, of the flimsy nature of the labor bosses' drive to force the same wage-scale in a Georgia city as in ice-bound Minneapolis, and of professional welfarists' efforts to compel payment of the same number of dollars to the South Carolina rural welfare family with orchard and garden plots at hand, as to the family living in a New York City slum.

In studying 38 mainland American metropolitan areas, it was found that the typical medium level of a four-member family budget in Atlanta ranked 36th in size (the austere budget there ranking 35th, and the more opulent budget 37th). It was found also that in non-metropolitan areas, the averages in the South were well below the national averages, being for the low, middle and high standards as follows: $6,694, $6,267; $9,805; $9,180; $13,657; $12,742.

As for Southern cities comparable to Atlanta, the respective finding for the national metropolitan averages and Atlanta (in low, middle and high brackets for families of four) offer similar contrasts: $7,330, $6,681, $11,232, $9,813; $16,408; $13,883.

Certainly, the cost of living is up. In Atlanta during the time covered, it rose approximately 5.5 per cent. The fact is documented, however, that you live in the South on comparable standards, at anywhere from about $425 to about $2,500 less money.

This accounts, in part, for the present migration of population to many parts of the South.

MEMORIAL DAY TRIBUTE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, Jim McCarthy, Washington bureau manager for CBS radio, delivered on Memorial Day, May 29, a most thoughtful and moving address honoring the memory of those who helped make possible American freedom.

Mr. McCarthy's tribute to those who died in defense of freedom is worthy of the attention of every Member of the House.

I trust, Mr. Speaker, that they take here the opportunity to read it.

The tribute follows:

MEMORIAL DAY TRIBUTE

This is Memorial Day, or Decoration Day as it was called for many years—and for those too young to know its history and origin, I'd like to tell its story.

Memorial Day started in the mid-1800's when wives and mothers of Southern servicemen who died in the War Between the States laid garlands of flowers across the graves of their husbands and sons in remembrance. Early in May of 1865, the adjutant general of the Grand Army of the Republic, an organization of Union veterans, had witnessed this ceremony in several of the Southern States, and recommended to the GAR's Commander-in-Chief, General John Logan, that their organization make arrangements to similarly decorate the graves of Union soldiers throughout the United States on a uniform date. General Logan approved the plan ordering all GAR posts to "strew flowers and otherwise decorate the graves of their departed comrades on May 30th" . . . an order generally obeyed, especially in the smaller communities.

Memorial Day was not a legal holiday in any of the states until veterans of New York state succeeded in persuading their legislators to pass an act in 1873, designating the thirtieth day of May, to be known as Decoration Day, as "one of the public holidays for all purposes whatsoever." Other states quickly followed New York; and in the course of time, the Congress established holidays should be three-day weekends, so Memorial Day falls on the 29th this year.

At the National Cemetaries in Gettysburg, Pennsylvania, and Arlington, Virginia, the ceremonies have come to be a celebration of national unity. Five presidents have spoken on the Gettysburg battlefield on Memorial Day since President Lincoln delivered his Gettysburg address November 19, 1863. The first was Rutherford B. Hayes; the last was Franklin Delano Roosevelt.

In his 1934 address at Gettysburg, President Franklin Delano Roosevelt used the words of our first president, George Washington, in his plea for national unity . . . "The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any other appelation derived from local discrimination" . . . and he closed with the words . . . "My brethren, if we know one another, we will love one another" . . . words appropos for this time and day.

This day, established to honor the memory of those who died in the Civil War, has come to be observed in memory of the dead from succeeding wars . . . the World Wars, Korea and now Vietnam. And as taps echo over the rolling hills of our national cemetaries on this Memorial Day, let us pause for a moment to pay tribute to those who have died that we might continue to live in freedom.

In my son's bedroom there hangs a motto dedicated to those we honor on Memorial Day. I'd like to share it with you. "If their deaths have provided anything beyond question, they assured us freedom. Other people don't have it in many parts of the world, but we do . . . and we have it only because we were willing to fight to preserve it. However, we have no God-given first mortgage on liberty. Whatever liberty we have ever had we had to fight to maintain . . . and there is no assurance that we won't be tested again. To those who gave their lives that we might live free from tyranny, we may only pledge that we will hand that freedom on to their posterity . . . a freedom for which they died and a freedom they placed trustingly in the hands of those of us who lived."

THE SPIRIT OF AMERICA: REMARKS OF HON. LESTER WOLFF

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. O'NEILL. Mr. Speaker, on Sunday, June 4, Congressman LESTER WOLFF addressed the Jewish members of the graduating class at the U.S. Military Academy at West Point, N.Y. His remarks are extremely poignant and directed to a subject of great current concern, the role of the professional military man in American society today. It was delivered in the Academy's chapel and was well received by over 100 cadets who were in attendance. I believe that it behooves all Members to read the remarks of my friend and colleague, the Honorable LESTER WOLFF of New York.

The address follows:

THE SPIRIT OF AMERICA

Let me begin by saying that I am honored to be here and to have been asked to share these few, but significant, moments with you in final preparation for a great event—your graduation.

I know of no other academic institution in America that symbolizes excellence more than West Point or none possessing a greater tradition.

I want to spend a few moments today talking with you about the "Spirit of America," and what that means to the defense of this Nation.

It was Pericles who said:

"If Athens shall appear great to you, consider then that her glories were purchased by valiant men who learned their duty."

XUM

It is a single honor to graduate from West Point and to join so great an array of alumni—Lee, Grant, Pershing, MacArthur, Patton, Eisenhower—whose careers crowned America with greatness and glory.

The world facing you is vastly different from the one faced by those celebrated graduates of yesterday who went from these plains high above the Hudson to serve their country, secure in the knowledge that there was no higher task they could undertake then to become a professional soldier. But today no West Point graduate can expect what was pro forma before—gratitude from America. Indeed, in some quarters you will confront the greatest contempt, representing as you do a professional military elite—the object now of so much scorn and abuse.

The road ahead of you is an uncertain one, filled with an extraordinary void as to what Americans want from the military as an institution or what it expects from those of you who will one day be chosen to lead the Army of the United States. This uncertainty is by no means confined to the military alone, but affects much of American society.

In this difficult and troubled time, Americans are asking questions that in a simpler past they took for granted. Our institutions are under attack and our values are being challenged. People want to know what has gone wrong with America? They wonder whether the burden of world leadership is worth our bearing any longer? Mistrust is everywhere and we doubt today what we once believed. Change is rampant, much of it unprecedented, and no institution is safe from its reach—most certainly not the military.

As a public figure I know something about change because I was first elected to Congress on the theme that change was needed and that time had passed my opponent by. He argued for the status quo, but that wasn't good enough, and he lost. But even I did not anticipate the measure of change that was coming or the swiftness of its arrival. But change is here and many of our institutions—and more than a few politicians—are badly shaken by it.

My purpose, however, is not to talk about change in the abstract. But rather to discuss its effect upon the military and more importantly—its effect upon you.

The great demand for military change has been occasioned by one principal, overriding concern—the war in Vietnam.

The low state of military morale in America has been brought about by this hopelessly protracted conflict wherein no clear, consistent definition of purpose has ever emerged.

Our reasons for being in Vietnam are as changing as the tides of American public opinion. It has been a war fought for political purposes, governed by political decisions, enforced by Presidents who were and are unsure why we are there or what it is we are fighting for. They have spoken of "peace with honor," but we have neither "peace" nor "honor." They have promised "light at the end of the tunnel," but there is only unending darkness. Everyone from Spiro Agnew to Bob Hope has said the "end is near," but a disbelieving American public has repeatedly found the opposite true.

But I did not come here today to this citadel of military excellence to catalogue once more the evils of the Vietnam war: To cite again what it has cost this country; to remind you of the divisions it has produced; to call attention to the cynicism it has spawned; nor have I come as one more Congressman to tell you that I told you so.

I am not here to castigate the military, to heap coals of fire upon your heads, to warn you of the dangerous consequences ahead because of the folly of Vietnam. Far be it for me or anyone else to hold the Army of the United States up to ridicule or to blame the American military for this Nation's failure in Southeast Asia. The failure of Vietnam may not be laid at the doorstep of the military, but rather the blame must be placed where it belongs—with those who bear the ultimate responsibility for deciding when and where and under what circumstances America goes to war. In short, we politicians are to blame.

It has become very camp to blame the military for the Vietnam quagmire, to accuse this general or that, to make the Joint Chiefs of Staff appear as some select group of fools.

How easy for the President, any President, to say, "My generals misled me." Generals were never meant to make policy, their duty is but to enforce those decisions made by the executive—for that is both the genius and glory of our system.

I am not suggesting that generals do not make mistakes, for they as a group are no less infallible than other men, but they cannot be accused of having lead us into Vietnam, for that decision was never theirs to make in the first place. We cannot blame Westmoreland because of Lyndon Johnson, nor Abrams because of Richard Nixon. No, the generals and their armies are not to blame.

There is another myth that needs putting down: To be anti-Vietnam does not mean that one is therefore anti-military or to believe Vietnam to be folly is not to believe the military foolish. No greater myth comes out of Vietnam than the myth of duplicity on the part of the military for getting us in or leading us on. How wrong then to say, "the military is to blame."

I will tell you when the tide of American public opinion turned against the war: It was when President Johnson said that "we are not trying to win a military victory." Americans said if we are not trying to win, then what are we fighting for?

When President Johnson made that statement the moral pretext of our involvement in Vietnam was forever stripped away. Americans understand fighting to win. But they neither understand or support policies that send our soldiers half a world away to fight and die for a cause that has already been decreed as not worth winning.

Here then is the moral bankruptcy of American policy in Vietnam: The Government of the United States conscripts young men to wage war, to confront the possibility of death, while being unwilling for political reasons to give a similar commitment.

What kind of people do our leaders think we are that we should support a policy that engages in such moral double-dealing while they wrap it in the flag and remind us of our duty to be patriotic.

Any time any nation finds that it must remind its citizens to be loyal, to hold up the flag, to be patriotic, it has already lost whatever right it had to expect such displays of patriotism. George Washington warned to "guard against the impostures of pretended patriotism." And one might add: To guard against those who call for patriotism to support immoral policies.

Was Lincoln forced to remind the Army of the Potomac to be patriotic? Was Churchill called upon to instruct British soldiers on their duty to England? Were pleas needed by Stalin to turn back Hitler at the gates of the Kremlin? Does Golda Meir find it necessary to admonish the Israeli Army of its responsibilities? Did MacArthur have to urge his men to retake the Philippines?

The answer to all of these questions is the same and you know it as well as I do. It is no! For the difference between America today and those other nations—both past and present—is singular in nature and yet overwhelming in its consequences—a clear definition of purpose.

The military in America needs to be reassured of the fundamental rightness of those objectives they are assigned to accomplish. No such fundamental rightness has ever been evident in Vietnam. All of us, every American and every American institution, has suffered grievously as a result of this failure to define our goal. We failed because we did not know what our purpose was in the beginning and we do not know today—so long after the fact. The military has been forced to bear much of the blame and out of this unjust assignment of responsibility has come the demands for change. Committing the Armed Forces of a democracy such as ours to limited wars that are essentially no-win by definition, but then demanding a military victory is a serious dichotomy of purpose contributing mightily to the virtual collapse of spirit within our Armed Forces.

This loss of spirit is a greater threat to America and freedom than all the combined might of all the potential foes in the world. It is this more than any other single thing the American military needs to regain, for the spirit of America to soar again is more important than for the latest advance weapon system to be funded by the Congress. Surely the men and women of our Armed Forces understand this and equally understand their own dependence upon it.

I said that I wanted to talk to you about change and its relationship to you and the Army. The change that I refer to is not the fear of change, but that which masks itself as change when in fact it is nothing less than a destructive force. That which seeks to undermine confidence in our Armed Forces and tries to create the impression that the military tiger must be leashed. The military has been blamed for failures that belong more readily with those who wish to escape responsibility for the disaster of Vietnam—and we understand why they wish to avoid responsibility.

But the Armed Forces of this Nation has been blamed too long for too much at the hands of too few. No national purpose is served by damning the military. The future of America cannot be safe if those who wear the colors of this Nation are made objects of ridicule and contempt.

The change that we welcome, the change that you must welcome, is that which builds a better America, that strengthens rather than weakens America. This change will not come through ridicule or contempt, it will not be realized by creating straw men or the false assignment of blame.

Your duty, the duty that Pericles spoke of, is that of a devoted public servant—in the best tradition of those great military figures who held themselves above ambition, either personally or parochially. The good of America must be paramount in your desires and the interest of this Nation must be placed above that of your service. You must seek only to serve your fellow citizens. To work for the commonweal. You know, finally, what your duty is—for there is where your glory lies. It is our responsibility, our charge, to define that duty for you—and I pledge to you that we shall.

I wish to conclude with these lines from William James and hope that you will not think him inappropriate to such an occasion:

"Democracy is still upon its trial, the civic genius of our people is its only bulwark, and neither laws nor monuments, neither battleships nor public libraries, nor great newspapers, nor booming stocks; neither mechanical inventions nor political adroitness, nor churches, nor universities can save us from degeneration if the inner mystery be lost. That mystery, at once our secret and our glory, consists in nothing but two common habits . . . one of them is the habit of trained and disciplined good temper towards the opposite party when it fairly wins its inning. The other is that of fierce and merciless resentment towards every man or set of men who breaks the public peace."

THE FOODMAKERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ROSENTHAL. Mr. Speaker, the next time the leaders of the food industry convene, do not be surprised if they pay only brief lipservice to nutrition and then turn their full attention to that overriding concern, profit.

Perhaps they will even toast their treasuries with a concoction of fumaric acid, sugar, monosodium phosphate, ascorbic acid, propylene glycol, artificial flavor and color, calcium carbonate, and dioctyl sodium sulfosuccinate. Sound strange? Like the formula of some mad Karloffian chemist? Perhaps you know it best by another name—Kool-Aid.

Profit is the name of the game in the $125-billion-a-year food industry. Not nutrition. And it is played with a combination of some 3,900 chemical additives, a majority of which are of little or no nutritional value to those who consume them—often unknowingly because of lax labeling laws—and some of which may even be very harmful.

The story is told in a pamphlet by two associates of the Center for Science in the Public Interest, Dr. Michael Jacobson and Rita Poretsky. It points up not only the need for full disclosure of ingredients, but also of the need for better nutritional information about the food we eat and thorough testing of all chemical additives. I am inserting their report in the RECORD at this point.

The report follows:

THE FOODMAKERS

(By Michael Jacobson and Rita Poretsky)

The American people are fed by a $125 billion a year food industry. The components of this industry range in size from the Mom n' Pop store on the corner to the billion dollar a year giants like Swift, General Foods, and ITT-Continental Baking.

The Foodmakers are run by men (few women) who are concerned primarily with profits, not nutrition. If nutritious foods happen to be profitable, fine; if non-nutritious foods are more profitable, these will be sold. General Foods has an official "nutrition policy" that begins: "General Foods recognizes its responsibility for the nutrient content of the food products it produces," but it manufactures and advertises such junk as Kool-Aid,[1] Jello-O,[2] and Cool Whip Swiggle.[3] The companies which provide us with our daily nutrients have the general policy that all their foods will be nutritious, except for those that aren't.

Foods these days are frequently developed by food scientists rather than grown by farmers. And it is these scientists who bear a good deal of responsibility for the nutritional catastrophes that line the supermarket shelves. Food scientists, after studying nutrition and biochemistry for several years at universities, trade their ideas to the Foodmakers in return for security and salary. Their independence and influence within the corporate framework is nil: if they are told by the marketing people to produce Swiggle, they produce Swiggle . . . or it's good-by. And if Swiggle does nothing for the dietary needs of the millions of Americans who are nutritionally and financially impoverished, too bad.

While food scientists share the blame for unwholesome or non-nutritious foods, they do not share greatly in the profits made on these foods. Many food executives make more money in one year than a scientist (let alone a production worker or secretary) will earn in his or her entire lifetime. Donald M. Kendall, for instance, the chairman PepsiCo (Pepsi Cola, Fritos, etc.) and a close friend of Richard Nixon, had a salary in 1971 of $199,200 plus a $99,700 bonus; in addition he raked in two million dollars in the past five years on stock option deals. How much Kendall collects from real estate, dividends, stock sales, etc., is anyone's guess.

Because foods like Kaboom and Cool n' Creamy do not serve a real need, Foodmakers must create a need in order to reap profits. This, of course, is done through advertising. The advertising drives up food costs, making food even more expensive for those who need it most. At a time when our cities are decaying, our environment disintegrating, and millions of people ill-housed and ill-fed, the Foodmakers spend an astonishing $2 billion a year on advertising—a large fraction on non-nutritious "fun" foods. Coca Cola and PepsiCo each spend $37 million a year to promote their cariogenic products; in 1971 General Foods spent $4 million to promote Jell-O. Compounding the problem is the fact that much of this advertising is directed at children, who are seen as easy prey by those whose line of business is "brand indoctrination." General Foods spent as much on advertising as the whole state of Nevada spent on all its public schools. General Mills' 1971 advertising budget was millions bigger than the budget of FDA's Bureau of Foods. (Amazingly, despite fat advertising budgets and market research, 9 out of 10 new products are flops; the costs of these failures are, of course, borne by the consumer.)

The nutritional quality of foods mentioned on the following pages cannot be summarized. Some foods are wholesome and nutritious; others are non-nutritive at best, health hazards at worst. Probably the worst foods are the soft drinks, with their sugar or saccharin, artificial coloring, brominated oils, acids, and total lack of vitamins, minerals, and protein. Some foods that are advertised as being highly nutritious—such as fortified breakfast cereals and some snack foods—are not wholesome. Many of them are essentially vitamin-coated, artificially-colored and flavored sugar pills, and ought to be avoided. Such foods, despite their nutrients, are conducive to tooth decay, obesity, heart disease, and cancer.

This, then, is a brief overview of America's Foodmakers.

Bon Appetit!

P.S.—What should you eat, you ask? Try fresh or frozen fruits, vegetables, fish, and meat; brown rice and whole wheat bread; cheese and skim milk. Note how little these healthy foods are advertised. Avoid anything with lots of sugar, artificial coloring, BHA or BHT, sodium nitrite. Soft drinks and processed meats are probably the two worst foods.

SUNDAY FACTS AND FIGURES

Total food industry sales: $125 billion per year.

Total health-organic-natural food sales: $100-400 million.

Total sales of pudding and gelatin desserts: $250 million per year.

Expected family income during an entire lifetime: $380,000.

America's annual dental bill: $5 billion.

FDA 1972 budget: total $103 million.

Bureau of Foods: $43.8 million.

Total number of food additives: 3,900.

Permissible levels of food contamination:

Up to one rodent pellet per pint of wheat.

Up to 100 insect fragments or 8 rodent hairs per ounce (actually 25 gms.) of curry powder.

Up to 10 fruit fly eggs or 2 larvae per 100 gms. (3 ounces) of tomato juice.

Annual soft drink sales: $6 billion.

Annual beer sales: $6.5 billion.

Food allotment in the nation's 2nd wealthiest county (Mont. Co., Md.) for welfare recipients: $0.16 per person per meal.

[1] Kool-Aid ingredients: fumaric acid, sugar, mono-sodium phosphate, ascorbic acid, propylene glycol, artificial flavor and color, calcium carbonate, dioctyl sodium sulfosuccinate.

[2] Jell-O: sugar, gelatin, adipic acid, sodium citrate, fumaric acid, artificial flavor and color, natural flavor, BHA.

[3] Cool Whip Swiggle: water, hydrogenated oils, sugar, vanilla, sodium caseinate, dextrose, polysorbate 60, sorbitan monostearate, gar gum, artificial color and flavor.

VITAL DATA ON AMERICA'S MAJOR FOODMAKERS

Name of company	1971 ad budget [1]	Rank as advertiser [1]	Top executives [2]	Compensation [2]	Products
American Home Products	$95,972,200	4	W. Laporte, chairman	$290,000	Chef Boy-Ar-Dee, Jiffy Pop popcorn, Gulden mustard, spaghetti dinners, ravioli, drugs, and household products.
				[2] (2,680)	
			H. Blades, executive vice president	150,000	
				[2] (1,625)	
Borden, Inc.	10,801,400	90	A Marusi, chairman	192,000	Dairy products, Cracker Jack, Campfire marshmallows, Wise potato chips, Cremora nondairy creamer, frozen meats and seafood, chemicals, cosmetics.
				[2] (3,496)	
			W. Olmstead, vice president	112,400	
				[2] (1,687)	
			E. Sullivan, vice president	112,400	
				[2] (1,687)	
Campbell Soup Co.	31,691,000	30			Soups, Franco-American spaghetti and macaroni, V-8 juice, Swanson frozen dinners, Pepperidge Farm bread.
Carnation Co.	21,599,700	48	E. Stuart, chairman	85,000	Instant breakfasts, powdered and evaporated milk, coffee-mate, hot cocoa mix, fresh dairy products, canned meat combinations.
			H. Olson, president	173,699	
Coca Cola Co.	37,134,600	21	J. Austin, chairman	250,000	Coca Cola, Fresca, Sprite, Tab, Fanta, Santiba coffee, tea, Minute Maid, Snow Crop, Hi-C.
			C. Duncan, executive vice president	161,720	
CPC Internat. Inc.	17,842,600	63	H. Harder, chairman	200,000	Products from corn refining, cornstarch, ready-to-eat meals, Hellmann's mayonnaise, Mazola corn oil, Skippy peanut butter, Rit fabric dyes, Niagara laundry starch, Nu-Soft fabric softener, Shinola shoe polish, chemicals, drugs.
				[2] (1,236)	
			J. McKee, president	170,833	
				[2] (.232)	

Footnotes at end of article.

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VITAL DATA ON AMERICA'S MAJOR FOODMAKERS—Continued

Name of company	1971 ad budget[1]	Rank as advertiser[1]	Top executives[2]	Compensation[2]	Products
Del Monte Corp.[4]	$9,599,100	98	Eames	$138,162	Canned fruits and vegetables, dried prunes, raisins, snack foods frozen gourmet foods.
			Landis	85,800	
			Yerby	103,458	
General Foods Corp.	104,793,700	2	C. Cook, chairman	292,000	Post, Birds-Eye, Jello, Alpha-Bits, Post Toasties, Fortified Oat Flakes, Frosted Rice Krinkles, Tang, Kool-Aid, Awake, Orange Plus, Cool-Whip, Dream-Whip topping mix, Burger Chef restaurants, Pet Foods (Gravy Train, Gainesburgers, etc.).
			A. Larkin, president	212,000	
General Mills, Inc.	54,000,000	13	McFarland, president	250,087	Total, Wheaties, Kaboom, Frankenberry, Count Chocula, Cheerios, Kix, Trix, Lucky Charms, luncheon meats, frozen convenience doughs, prepared baking mixes.
			Summer, ex-vice president	175,900	
			Kinney, ex-vice president	146,606	
Heinz Co.[4]	12,640,000	81	Gookin, president	262,060	Soups, catsup, frozen potato products: Ore-Ida, Tater-Tots, Golden Fries, Golden Crinkles; baby foods, Starkist tuna, beans, pickles, Nine Lives Cat Food.
			Allen, senior vice president	126,760	
			Bogdanovich, president	126,924	
ITT Corp.	27,702,600	35	Geneen, director	812,494	Continental Baking Co., Wonder bread, Hostess snacks, Morton frozen foods, Smithfield ham, Sheraton hotels, Hartford insurance etc.
			Dunleavy	342,060	
			Bennett	296,800	
Kellogg[4]	36,035,500	24	Roll, chairman	227,767	Corn Flakes, Rice Krispies, Frosted Flakes, Raisin Bran, Sugar Smacks, Special K, Cocoa Krispies, Salada foods, puddings, pie fillings, etc.
			Harley, executive vice president	128,083	
			Leaver, vice chairman	123,098	
Kraftco Co.	41,511,900	16	G. Edwards, chairman	318,616	Kraft cheese, Sealtest, Breyers, Breakstone, oils and shortenings, food bases, ind. chems. derived from fats.
			W. Beers, president	251,462	
McDonalds Corp.[4]	26,411,800	37	Kroc, chairman	175,000	Drive-in restaurants.
			Turner	114,188	
Nabisco Inc.	40,218,200	18	L. Bickmore, chairman	264,061	Lorna Doone, Oreo-Creme, Premium Saltines, Ritz, Nabisco, Shredded Wheat, Wheat and Rice Honeys, Chuckles.
			R. Schaeberle, president	140,661	
Nestle	25,782,400	38			Milk products.
Norton-Simon[4]	30,269,990	33	Mahoney, chairman	287,500	Hunt's tomato sauce, Canada Dry, Wesson oil, Reddi-Whip, Snack Pak, Sloppy Joe sandwiches, Big John's Beans 'n Fixin's.
			Burnside, director	175,500	
			Gelsthorpe, director	165,000	
Pepsi Co. Inc.	36,726,100	23	A. Pearson, president	258,900	Pepsi-Cola, Diet Pepsi, Teem, Patio, Mountain Dew, Fritos Ruffles, Chee-Tos, catsup, dips, Wilson sporting goods.
			D. Kendall, chairman	298,900	
Pillsbury[4]	16,723,700	64	Keith, chairman	162,825	Baking mixes, Funny Face drink mix, poultry, restaurants, cookbooks.
			Hanold, president	135,687	
			McLamore	103,785	
Procter & Gamble[4]	197,832,800	1	Morgens, president	486,495	Mainly a detergent and soap manufacturer (Tide, Ivory, Dash, Cheer, Crest, Gleam, Prell, Spic 'n Span), but also makes Crisco, Jif peanut butter, Duncan Hines baking mixes, Folger's coffee, and paper products Charmin, Pampers.
			Snow, vice president	278,974	
			McElroy, chairman	309,640	
Quaker Oats[4]	22,522,600	43	Stuart, president	288,011	Quaker Oats, Captain Crunch, Flako, Aunt Jemima, Ken-L-Ration, Puss 'n Boots, candies, toys, chemicals.
			D'Arcy, vice president	203,358	
			Schell, vice president	181,413	
Ralston Purina Co.	35,856,300	25	R. Dean, chairman	235,000	Feeds for livestock and poultry, Wheat Chex, Rice Chex, Freakies, Instant Ralston, Purina Chow, Jack-in-Box restaurants, Chicken of the Sea, processed soybeans.
				[3](3,400)	
			W. Shapleigh, vice president	123,000	
Royal Crown Cola	9,686,600	96	Durkee, president	123,704	Royal Crown Cola, Nehi, Diet-Rite, Gatorade.
			Crowley, vice president	86,125	
Seven Up Co.	14,789,000	72	Wells, president	145,700	7-Up, Diet 7-Up, Like.
			Ridgway, vice president	126,447	
Squibb Co.	11,404,100	87			Primarily drug manufacturing but also makes Beech-Nut babyfoods, Life-Savers, Tetley tea, Sweeta sweetener, and perfumes: My Sin, Arpege.
Standard Brands	16,016,400	69	H. Weigl, president	191,667	Chase and Sanborn coffee, Tender Leaf tea, Royal desserts, Planter nuts, Fleischmann's and Blue Bonnet margarine.
			O. Applegate, vice president	113,750	
William Wrigley Co.	22,525,000	42	Wrigley, president	172,920	Wrigley Spearmint, Doublemint, Juicy Fruit chewing gum.
			Harland, executive vice president	80,881	

[1] Advertising Age, Apr. 24, 1972; national advertising in radio, TV, magazines, newspapers, and billboards.
[2] Business Week, May 6, 1972 and proxy statements.
[3] Shares of stock. The number given does not include insurance policies, loans, stock options, free houses, promissory notes, free ocean cruises, or consulting fees.
[4] 1970 salary data.

On women—Is she really astute enough to recognize both products provide approximately the same number of calories per unit weight but that a larger proportion of calories come from fat in Brand X and that Brand Y provides slightly more protein? Of course not!

Hartley W. Howard, Technical Director, Borden Inc.

On women—The women of America, who are the major patrons of our supermarkets and grocery stores, are smart beyond words, are rarely if ever deceived, and are perhaps the keenest buyers that we have in this land of ours.

Exec. V. P. of Scott Paper Co., Senate FPLA hearing.

QUALITY OF DIETS, 1955–65
[In percent]

Year	Good	Fair	Poor
1955	60	25	15
1965	50	29	21

Source: U.S. Department of Agriculture food consumption surveys.

PRESIDENT VISITS POLAND

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DULSKI. Mr. Speaker, the President concluded his recent visit to Europe with a stop at Warsaw, Poland, where he was received warmly both on the official and the civilian levels.

There is reason to hope that the visit indicates prospect of improved relations between the two countries.

As part of my remarks, I include an editorial from the Buffalo, N.Y., Evening News for June 3:

BOLSTERING U.S. TIES WITH POLAND

The American and Polish peoples have always felt a warm tie—based on the invisible bonds of kinship and fostered by periodic visits. Even during the chilly days of the cold war, in 1959, the people of Warsaw showed Vice President Nixon their interest in everything American with a reception exceeded in warmth only by his recent return visit as President.

This time, the welcome was warm at both the unofficial and official level. In spite of the lack of advance publicity, some 300,000 Poles lined the streets for Mr. Nixon and almost went out of control when Mr. Nixon left his car to shake hands—a practice, incidentally, that unnecessarily exposes the President on such foreign tours.

At the government level, Mr. Nixon reached accord with the Communist leaders on increased trade, a consular exchange, new air links, and tourism. The three top Polish leaders, like their counterparts in Moscow, accepted invitations to visit the U.S.

Unfortunately, the agreement on trade was less than complete. Last year, former Commerce Secretary Stans envisioned a big potential for industrial cooperation between the U.S. and Poland and favored the granting of Export-Import Bank credits to Warsaw. Such financing, which would have facilitated new export business from the Niagara Frontier, did not materialize, possibly because of the failure to negotiate similar terms earlier at the summit in Moscow. The problem can, however, be studied by the joint trade commission set up by the U.S. and Poland.

The two governments also hailed the new spirit of co-existence as expressed in the highly significant German-Polish treaty, the plans for a European security conference and the possibility of mutual troop cutbacks. The President's visit raises hopes that, within the limits of Poland's status as a Soviet satellite, the relationship between the two countries will be increasingly friendly and mutually beneficial.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AN OUTSTANDING PUBLIC OFFICIAL

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BOGGS. Mr. Speaker, we in New Orleans are fortunate to have as our mayor an outstanding public official, totally committed to meeting the challenge of the urban crisis.

As mayor of our city and as a member of the legislative committee of the U.S. Conference of Mayors, Moon Landrieu is earning a national reputation as the kind of leader we must have in municipal government if we are to rescue our urban centers.

Mayor Landrieu testified last Friday in the Southeastern regional hearings of the Democratic National Platform Committee. His topic was the urban crisis and legislation now pending before the Congress to rush financial aid to State and local governments.

Mayor Landrieu's testimony sets forth the case for revenue sharing, and I am inserting it in the RECORD and calling it to the attention of my colleagues:

STATEMENT OF MAYOR MOON LANDRIEU

I come to you with a simple message: America cannot afford to abandon her cities. In the history of Western Civilization the one period when the cities were abandoned is called the Dark Ages. It could happen again. Our cities could die not from being incinerated in a nuclear holocaust or from being infiltrated by foreign ideologies. They could die from neglect and abandonment. Some of them are dying now.

The NLC and USCM, whose spokesman I am this morning, would like to see it made clear in the Democratic platform that the Democratic Party views the crisis of the cities as the number one issue of 1972.

The crisis of the cities is a crisis of authority and a crisis of resources.

To deal with the crisis of authority there will have to be a restructuring of the American federal system. City governments must become full partners with the State and National Governments.

The genius of our federal system has been its flexibility. Our only dogma has been that democratic government must be organized to meet the needs of the people.

The issues for us then is not whether our federal system will change, but how it will change and who will change it.

My fellow Democrats, you now have an unparalleled opportunity to help change that system by the way you frame the Democratic platform for the next 4 years.

So you will understand more about why that system needs changing, let me tell you a little about the kinds of problems I face as the mayor of New Orleans.

When I took office in 1970, my city, like every other major city in the country, was facing a serious financial crisis. Funds for bond retirement were so scarce that we could project a five year capital program of only $25 million. Inflation had so eaten away at our operating budget that we were faced with the closing down of the public libraries and recreational programs. A desperately needed program of additions to our levees for hurricane protection was going to be curtailed, not because we couldn't fund the whole project but because we could not come up with the ⅓ match for Federal funding. City government, the school board, the levee board, the sewerage and water board, and the domed stadium district were all faced by the probability of being unable to market their bonds because of a 6 percent interest limitation imposed by the State constitution.

The mayor of New Orleans could recognize problems of his city, but he was powerless to act. The city council knew the situation well, but it was powerless to change it. The people of New Orleans could see what was happening, but they were not empowered to decide what to do about it. In some cases, the State legislature could give us relief, but in most instances, solutions to these entirely local problems required the full process of State constitutional amendment: we needed a ⅔ affirmative vote of the State legislature and a majority vote in a State-wide referendum.

The need for constitutional reform and administrative reorganization have been recognized in my State. A new Democratic Governor and a hard driving new legislature are grappling with the tasks of restructuring State government and its relationships with the National Government and with cities.

In drafting your platform, I hope you will keep in mind the need to articulate a *national* commitment to making the disjointed federal system work as it should. The approach of the National League of Cities and the United States Conference of Mayors is to vest more authority and discretion in the hands of local elected officials, and to accept municipal government as a full partner in the federal system.

Necessary as it is to grant more authority to local officials, it is also imperative to give them the material resources to get the job done. Because we think the fiscal problems of our cities are so critically urgent, please bear with me now as I quote extensively from the section on fiscal support in our national platform statement which we are submitting to you today:

America's cities today are caught in a four-way vise: Costs are rising. Demands for services are rising. Debt is rising. Resources are dwindling.

On the cost side:

Total city expenditures rose $12 billion during the most recent five-year period for which figures are available.

Payroll alone accounts for nearly half of the increase in expense of running local government.

Rising costs are a problem for all cities, in all regions of the Nation. Between 1957 and 1970, municipal expenditures per capita rose 180 percent in Rochester, New York; 210 percent in Kansas City, Missouri; 225 percent in the Tampa-Saint Petersburg area of Florida; and 232 percent in the Seattle-Everett area of Washington.

Part of the reason for the rising cost of local government is the increasing demand for municipal services. According to Census Bureau figures cited by the Brookings Institution, between 1962 and 1970, per capita local government expenditures in 41 large cities (and their school districts) went up:

109 percent for education.

264 percent for public welfare.

101 percent for health and hospitals.

The Brookings report, Setting National Priorities—The 1973 Budget, points to "proliferation in the number and kinds of services provided by urban governments. For example, local programs for pollution control, consumer protection, drug rehabilitation, family planning, day care, and community colleges were almost nonexistent a decade ago. Many such innovations have been spurred by federal legislation . . . (such as) Model Cities . . . compensatory education . . . Medicare and Medicaid . . .

At the same time, providing the traditional municipal services costs ever-increasing amounts of money. Between 1966 and 1970, outlays by America's cities for:

Sanitation went up $319 million.

Parks and recreation went up $474 million.

Fire protection went up $551 million.

Police services went up $1,100 million.

To meet their needs, State and local governments have had to go into debt—and at a much faster rate than either the Federal government or the private sector. Between 1953 and 1970:

Federal government debt rose 33 percent.

Private sector debt rose 320 percent.

State and local government debt rose 367 percent.

Total city debt, now $44 billion, is rising at an increasing rate. Over the most recent five-year period for which figures are available, city debt rose $10.1 billion. More than a third of that sum—$3.8 billion—was incurred in the last of those five years.

Collectively, the largest cities and the smallest cities are going into debt in the greatest amounts.

Cities over 500,000 population accounted for a fourth of last year's overall city debt increase.

Cities under 50,000 population accounted for half of that increase.

To meet the rising costs of personnel, services, and borrowing, cities are taxing themselves in greater amounts. In 5 years, cities have increased their taxes, user charges, and utility rates by $6.7 billion.

But city governments still can't keep up with the demands within their own fiscal resources. As the Brookings report points out, "In a few older cities, such as Newark and Trenton, New Jersey, the aggregate value of taxable property has actually begun to decline."

Faced with a property and sales tax base that is not growing as fast as demand, or is actually contracting, local urban governments must turn to other sources to provide the human, physical, and environmental services required by their people—which are 70 percent of all the American people.

There has been a dramatic increase in Federal aid to State and local governments in the past decade. Some 656 major Federal programs providing aid for urban areas are now on the books, and several more are in the congressional pipeline. The dollar figures on Federal aid to State and local governments, while increasing at a dramatic rate, are misleading, however. Federal figures imply that U.S. aid to State and local governments as recently as 1970 totaled $24 billion. In fact, only one-third of that amount went to city governments. The rest went to individuals living in urban areas (in the form of Medicare, income security payments, etc.); support for schools, social services, and health care, which are managed primarily by counties rather than cities; and for use by the Departments of Defense, Agriculture and Transportation for programs that do not directly assist city governments.

What is really needed?

By far the most promising concept of fiscal support for local government is general revenue sharing. Legislation now under consideration in Congress would provide for the next five years an annual Federal sharing of $5.3 billion ($3.5 billion to general purpose local government and $1.8 billion to State government). Each unit of government's share would be based on its population and its need. All civil rights protections now required by other Federal grants would extend to revenue sharing.

As significant as general revenue sharing is in the development of Federal aid to local governments, both in amount and in concept, it does not constitute a total or permanent solution to the fiscal needs of cities. Indeed, it would provide only five to ten percent of a city's annual budget and amount to no more than the equivalent of

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one year's growth in locally-generated tax revenues.

Revenue sharing certainly deserves the full support of both major political parties and the American people as a whole. But the search for ways to help cities meet the profound needs of their citizens should not end there.

City governments are emphatically on record that general revenue sharing should not be a substitute for categorical grant programs. Indeed, the categorical programs need to be expanded as well as consolidated.

In our platform statement, we discuss certain Federal categorical programs—manpower, criminal justice, housing, community development, transportation, environmental protection, etc. (My colleague Nayor Henry Bishop will present our recommendations concerning many of these programs.) While the details of the particular programs vary, as do specific suggestions for improving their effectiveness and expanding their scope, certain common themes emerge. In reviewing Federal aid programs, we conclude that:

Funding must be significantly expanded.

Funding must be adequate for planning, construction, operation, and evaluation.

The flow-down of funds from the U.S. Treasury to City Hall must be even, sustained, dependable, and long-term:

In scope, projects must serve the geographic area and the population in need over a time sufficient to accomplish the desired results.

Programs must be subject to the approval and influence of local elected officials so the results will be responsive to local need.

Programs must be planned, coordinated, and managed with maximum flexibility so as to take full account of local, metropolitan, and state circumstances and relationships.

Programs must be balanced among the often conflicting considerations of the area covered, the function provided, and the beneficiary served.

Timing, insofar as possible, should dovetail with local budgetary and decision-making cycles.

Among the many vexing problems facing local governments are the failure of Congress to fully fund critical urban programs and the refusal of the President to spend some of the money that Congress had made available for them.

The Interstate Highway Program has been fully funded, thanks to the Highway Trust Fund. And over the last three years, Congress has appropriated 97 percent of the sum it authorized for the National Aeronautics and Space Administration (NASA) and 93 percent of the amount it authorized for military purposes. By contrast, over the same period, Congress actually appropriated only 75 percent of what it had authorized for urban renewal and a meager 46 percent of funds for poor school children under Title I of the Elementary and Secondary Education Act (ESEA).

Even after Congressional approval of some appropriations, both Democratic and Republican Presidents have chosen to impound some of those funds. Urban programs have been particularly hard hit by Presidential impoundments in recent years. This year the Administration impounded a total of $680 million that Congress had appropriated for rehabilitation loans and basic water and sewer grants for community development, as well as for public housing.

We recognize the legitimate right of the President to exercise emergency measures to control the Federal budget, but that does not justify thwarting the will of Congress expressed through both authorizations and appropriations.

In discussions of urban programs, much has been said about the need for "innovation" and "demonstration projects." We submit that the most needed innovation now is for Congress to fully fund, and the President to wholly spend, the money necessary to effect the already tested innovative programs that have proved out in demonstration projects. Such programs include, but are not limited to, urban renewal, Head Start, Title I of ESEA, Public Service Employment, and income maintenance.

Where will the money for meeting all the needs of all the cities come from?

Perhaps the answer lies in recent Federal personal and corporate income tax cuts. The cumulative impact of the Revenue Act of 1969 is a loss of $75.5 billion in 1970 to 1973, inclusive. Of that sum, corporate tax cuts will have cost the Treasury $9.4 billion, and personal income tax reductions will have cost $66.1 billion.

During that same three-year period, city tax increases will total at least $6.7 billion.

And so, we think it fair to ask: Which level of government should be prepared now to shoulder more of the burden of helping the cities to meet their critical fiscal needs?

Thank you, ladies and gentlemen, for your attention.

PRAYER FOR LITHUANIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. COLLIER. Mr. Speaker, Thursday will be the anniversary of the annexation of Lithuania by the Soviet Union, which took place on June 15, 1940. Almost a third of a century has not been sufficient to brainwash the people of that unhappy land into acceptance of the loss of their independence as a nation and their freedom as individuals.

Neither have 2 million Americans of Lithuanian stock accepted the obliteration of Lithuania from the map of Europe and its absorption by the Soviet Empire. Indeed, the United States of America has never recognized the seizure of Lithuania and its sister Baltic republics, Estonia and Latvia.

Vytautas Volertas, president of the National Executive Committee of the Lithuanian-American Community of the U.S.A., Inc., has proposed that Thursday, June 15, be observed as a national day of mourning and prayer for Americans of Lithuanian background. Mr. Volertas believes that this would be a most effective way of demonstrating the support of the United States for Lithuania's efforts to establish religious and political freedom.

Mr. Speaker, I heartily indorse the proposal that has been advanced by Mr. Volertas on behalf of the great organization for which he is an able and eloquent spokesman. All of us who believe in political freedom for all nations and freedom of worship for all men should unite in prayer on June 15. Let us send our petitions to the Almighty and ask that Lithuania and the other nations behind the Iron Curtain may soon be released from bondage and that its people and their fellow sufferers in other lands, be they Christian or Jews, Moslems or Buddhists, be permitted to worship God without further persecution.

MASSACRE AT LOD AIRPORT, ISRAEL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HARRINGTON. Mr. Speaker, few individual incidents have horrified the civilized world as dramatically as the brutal murder of dozens of innocent people at Lod Airport in Israel. This inhuman act, perpetrated by political terrorists supported by so-called Arab Liberation groups, must be totally condemned by world opinion, and strong international action must be taken to root out and isolate those responsible. Nor should those governments which have hailed this criminal action escape censure. It is an error of the gravest moral and intellectual proportions for any government to condone this kind of activity, and we must do all we can to drive this message home.

At this point, as an illustration of the outrage that has been generated by this brutality, I insert in the RECORD a resolution on the subject adopted by the House of Representatives of the Commonwealth of Massachusetts:

RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CERTAIN OTHER PUBLIC OFFICIALS TO PUBLICLY CONDEMN AND TO TAKE CERTAIN OTHER ACTIONS RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups: and

Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financially, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

Resolved, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldhaim to take the following steps:

(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

(2) To condemn all acts of terrorism.

(3) To privately and publicly urge each Arab government to abandon its support of Palestinian terrorist groups.

(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

Resolved, That engrossed copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations Kurt Waldheim, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

BRAVE, YOUNG BOY LOST BATTLE WITH LEUKEMIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, 2 weeks ago a brave young boy in Fairfax, Va., lost a 3-year battle with leukemia. His tragic loss might have been prevented had we moved more quickly in our efforts to find a cure for this dread disease, and his story should serve as an inspiration to those now engaged in cancer research to redouble their efforts toward this end.

As I believe the story of Steve Cox's brief but full life should be known to all who are concerned about protecting our children from their second greatest killer, I insert an article concerning him from the Washington Daily News at this point in the RECORD:

"IF YOU ACCEPT LIVING, YOU ACCEPT DYING"

(By Louise Lague)

The room where Steve Cox lies dying is packed with souvenirs of 12 full years. There are Boy Scout awards, his clarinet and drums, science books and the calico cat that will only sleep on the bed when Steve is in it too, and not off at the hospital.

His mother stood in the doorway watching him sleep and said Steve had asked her if maybe it wasn't better to live really well for 12 years instead of passively for a long time.

Steve, the son of Mr. and Mrs. James Cox, 9610 Commonwealth Boulevard, Fairfax, has leukemia, a fatal cancer of the blood. It is apparently caused by a virus that can hit even the strongest children, but nobody knows much more about it than that. It is the second greatest killer of children up to age 15, right after accidents.

Steve found out about his disease three years ago when a baseball bruise failed to heal. The doctors tested him and told him something about red cells and white cells. Steve, who was already at junior high level in science, told his mother it must be leukemia, and it was.

Three weeks after the baseball accident, Steve fell ill and the doctors gave him five days to live. But he bounced back and played baseball for another year, visiting the outpatient clinic at Children's Hospital every month for treatment.

Six months after the diagnosis, Steve asked if he could look up leukemia in the encyclopedia. "We knew if he didn't do it at home, he'd do it at school," Mrs. Cox said. "So we let him. The last line said 'always fatal.'

"Steve said he should probably make a will so that his little sisters would get all his stuff, and I told him the state would probably take most of it in taxes anyway. We try to keep a good face and not be morbid."

The Coxes have been frank with Steve and his sisters, friends, and neighbors about the disease. "The girls were upset, but we told them that Steve would die, and they would die, and we would die. Everybody just spends a different amount of time on earth. If you accept living, you've got to accept dying."

In January, 1971, Steve started having relapses—periods of illness that would keep him in the hospital or at home from school for days at a time. Even so, in May, his fellow students at Laurel Ridge Elementary elected him president of the Student Cooperative Association, the student council.

The radiation treatments were making his hair fall out, and one night, Steve and his father went out and bought a short blond wig, just for the fun of it.

"He wore it to school and the kids loved it," said Mrs. Cox. "The next day half the boys at Laurel Ridge wanted wigs."

As Steve's health failed, his parents grew strong and adamant about the lack of research on cancer. They found a group called The Candlelighters, composed of parents of children dying of leukemia. It is both a lobbying group to get more funds for research and a therapeutic group where parents can talk realistically about a problem which arouses only pity in the parents of healthy children.

"At first," Mrs. Cox said, "I walked my legs off from office to office all over Capitol Hill. Some congressmen were sympathetic, but one threw us out of his office, saying people were in there begging for money all the time. Nobody seemed to care. More Americans die of cancer each year than were killed in both world wars, but nobody seemed to care."

Things are looking up now. Last Dec. 23, President Nixon signed a bill which allots $530 million to cancer research in 1972 as opposed to $180 million in 1970.

Also, the Russian-American health pact signed last week provides hope for children with leukemia. For a year now, it has been known that Russian doctors have isolated the virus that causes leukemia. If it were brought back here, it could be made into an anti-leukemia vaccine. The president's visit to Russia may provide that opportunity.

The Coxes have been in touch with John Nidecker, a Nixon aide who is interested in Steve's case, encouraging him to cut thru the possible red tape and get the virus back right away.

"If it comes in six months, it will be too late for an awful lot of children," said Mr. Cox. "And even if it comes next week, it will probably be too late for Steve."

Since the beginning of his relapses, Steve has been thru all the possible leukemia treatments known in America and is in worse shape right now than ever. He has stayed alive this long, Mrs. Cox said, because he is emotionally and physically strong and because "we never pretend we were going to give up. Even now, I just know a miracle will happen."

Still, Steve is the only one in the family who doesn't break down and cry now and then. One night last week as the family gathered to pray around his bed, Steve prayed: "God, I'd like to get well, but if I don't I'll understand."

"Of course," Mrs. Cox said, "we all started to cry at once. But Valerie—she's 11—she just swallowed hard and said 'Oh, Steve, we got your bed wet.' "

CRIME CHECK

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, when the people of the United States more actively support and aid our law enforcement agencies, there can be a major breakthrough in the fight against crime. The first duty of government, as Thomas Hobbes observed in the 17th century, is to provide that protection which is the root of freedom and security.

Because all Members of Congress support the fight against crime, I call to your attention a new television series entitled "Crime Check," produced by Film Finance, Inc., of Beverly Hills as a dramatic and effective weapon to reach and motivate the vast TV viewing audience and to play an important role in the renaissance of law and order in our streets, our homes, and our communities.

"Crime Check" will present a documented depiction of true unsolved crimes, presenting all the known facts, giving the concerned law enforcement agencies an opportunity to enlist the public at large in the effort to bring the perpetrators of these crimes to justice. The host of the program—to be a figure of national prominence—will invite anyone in the audience who has information concerning the depicted crime to dial "Crime Check's" toll-free number. If the information received aids in the prosecution and conviction of the perpetrators of the crime, the concerned citizen will receive a substantial reward.

I understand this series is being developed in cooperation with Metro-Goldwyn-Mayer Studios, as well as with legal and sociological authorities of recognized stature. To Mr. Derek Jones and all those associated with Film Finance, Inc., I wish every success.

TEMPLE SINAI RESOLUTION REGARDING INDOCHINA WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, with the recent intensification of the war in Vietnam, more and more Americans are speaking out against the continued escalation of hostilities in Southeast Asia, and are calling for an end to American involvement.

Temple Sinai, in Roslyn Heights, N.Y., held a special congregational meeting to discuss the serious consequences Vietnam continues to have on the fabric of our society.

I commend the following resolution to my colleagues, which Temple Sinai adopted as an expression of their concern:

RESOLUTION OF TEMPLE SINAI OF ROSLYN

We believe that the United States has achieved its greatest stature in world history when it has led the causes of freedom, justice and peace. Such occasions have been frequent and have served to honor us.

We believe that the present course of our Government in conducting the War in Indo-China fails to serve the causes of freedom, justice and peace.

Deaths of Indo-Chinese people are no more acceptable to us than are deaths of Americans.

Although we recognize the many difficulties, and, despite the intransigence of the North Vietnamese, we believe that the interests of the United States and Indo-China, as well as the rest of the world, will be best served by our Government's immediate declaration that the United States will cease

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all military action and immediately withdraw all of its military forces from Indo-China.

We believe that the suggested action will best protect the American men now in Indo-China, speed the release of American prisoners of war and permit the people of Indo-China to pursue their lives as they see fit.

We believe that it will require great courage for our Government to do what we ask but it will earn the honor and gratitude of the entire world.

SPINAL CORD INJURY TREATMENT IN OUR VA HOSPITALS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. TEAGUE of California. Mr. Speaker, treatment of those veterans who have suffered spinal cord injuries, either in service or in civilian life after military service, has improved tremendously in Veterans' Administration hospitals in recent years. Funding is at an all-time high and President Nixon and Congress have directed that special attention to this kind of care be given priority throughout the VA hospital system.

A story in a recent edition of the National Observer newspaper carried a number of references to the excellence of VA spinal cord injury treatment but, in the view of many who are familiar with the program, erred in a number of points and gave an adverse view of the treatment by the way the story was headlined and illustrated.

Administrator of Veterans' Affairs Donald E. Johnson has written to the publication seeking to clear up some of the items in the story. Mr. Johnson's letter is informative, both for the points it makes relating to the article and for his description of some of the efforts VA is making to progress in this important field of treatment. In the interest of providing full information, I am pleased to submit Administrator Johnson's letter for publication in the RECORD:

VETERANS' ADMINISTRATION,
Washington, D.C., May 15, 1972.

Mr. JOHN F. BRIDGE,
Managing Editor,
The National Observer,
Silver Spring, Md.

DEAR MR. BRIDGE: Although the excellence of spinal cord injury care in Veterans Administration hospitals is reflected in obscure paragraphs of August Gribbin's story in your May 20 issue, the story and layout are designed to convey the exact opposite impression.

With its screaming headline, "Neglected Heroes—Paralyzed Vets Blast VA Care," and its highlighting of questionable negatives, the story reaches only the most careful reader with such buried truths as:

"Hospitalized vets almost invariably praise VA doctors and hard working nurses and paramedical staff." Further down in the story is the description of the miraculous recovery of veteran Harry Purvis about which the writer concedes, "His recovery exemplifies the kind of rehabilitation the VA can and often does give veterans."

After the impact of a front page treatment replete with sensational heads, depressing sketches and editorial generalizations, The Observer itself brings into question the validity of all the many complaints the paper nonetheless printed. Under the sub-head "Just Moody Griping?," the article notes:

"The injured (patients) themselves explain that they go through periods of 'mourning' and bitterness at their anatomical losses. During those bleak moods, they say, they tend to abuse even the best (hospital) aides."

Doctors and spinal cord injury patients agree that the disabling and traumatic nature of spinal cord injuries do make these patients more complaint-prone. This is completely understandable, and in no manner diminishes VA's determination to resolve all justifiable complaints.

As to the many specific items and instances of complaint listed in the article, VA is checking these out at the individual spinal cord injury (SCI) centers, and will certainly take corrective action where the facts warrant.

Although all of the checking is not completed, we do have some information on the very first two patients and hospitals mentioned in the article. At West Roxbury, for example, the patient reported as complaining about the height of the water fountains was actually used as one of three wheelchair models by installing engineers to ensure that fountains placed in the SCI area were the right height. As to the request for a special handle for one door, this was installed some 10 years ago by hospital workmen, and the VA—not the patient—defrayed the minor cost.

The records indicate that the patient who complained of verbal intimidation by an aide at the Hines VA Hospital, has not been a patient at that hospital within the past three years, and there is no indication that the incident was reported prior to that time either at Hines or the hospital to which he was transferred.

In fact, preoccupation with the past seems to be a hallmark of much of the article. The reporter dredges up Senate hearings and a magazine article of two years ago, and VA took vehement issue at that time with many of the allegations aired via these two forums.

What is far more disturbing, however, is the fact that the reporter never bothered to tell your readers about these simple—and readily available—facts concerning the tremendous progress made in recent years in the VA spinal cord injury program.

(1) In the current fiscal year (1972), an *additional* 485 full-time employees and an *extra* $4.5-million have been set aside specifically for VA spinal cord injury services.

(2) For the fiscal year beginning next July 1, the President has asked Congress for still more money and employees. In his budget for the new fiscal year, the President is requesting 298 *more* full-time employees, and an additional $3.4 million.

(3) What these added resources mean is reflected in the ratio of staff employees to patients in the (SCI) centers.

In F.Y. 1969 the ratio was 1.11 employees to each one patient. The current fiscal year shows a 53-per cent gain . . . 1.7 employees for each patient. The President's request for F.Y. 1973 will bring the ratio to two employees for each patient . . . an 81-per cent gain over 1969.

(4) Since 1969, in excess of $20-million has been earmarked for expanding and modernization of SCI treatment space. This includes construction projects already accomplished, now underway or programmed for the near future.

(5) In November 1970, VA prevailed on the Civil Service Commission to upgrade the job standards for VA nursing assistants or aides on the basis of higher responsibility requirements. This, in turn, has permitted higher pay, and the recruitment and retention of better qualified and motivated employees for SCI and other VA hospital patients.

(6) Since 1969, the number of SCI treatment centers has been expanded by VA from 10 to 14 . . . and by the summer of 1974 VA will have 18 such centers.

(7) The special needs of SCI patients have been recognized in other innovative ways. For instance:

Social workers and psychologists have been assigned to assist SCI program planners at the VA in Washington in regard to these special needs. The entire Washington team works closely with paraplegic advisors who are VA employees or representatives of veterans organizations, including the Paralyzed Veterans of America.

Employees in SCI treatment centers are receiving psychosocial training to help them recognize the patient's emotional and social needs as well as his physical needs.

Two hospitals are developing pilot home care programs. The hospitals send medical teams on calls to the homes of discharged SCI patients to assist the patient and his family or home attendant in the rehabilitation process.

In addition to the considerably beefed up VA employee staffs, SCI patients share the compassionate and understanding assistance of volunteers from the community who serve in every VA hospital. Each month, nearly 112,000 of these devoted volunteers give their time and services to hospitalized veterans the Nation over, and each year they donate nearly 10 million hours of volunteer time.

Other VA benefits are available to SCI veterans outside the hospital setting. For instance, veterans who suffered their SCI while in military service are eligible for "wheelchair home" grants. These specially constructed homes tailored to the requirements of the service-connected disability are financed by VA grants up to 50 per cent of the home cost with a grant maximum of $12,500. The balance due on the home may be handled with VA assistance in the form of a G.I. loan.

If they can use them, SCI service-connected veterans are also eligible for VA payments up to $2,800 toward the purchase of a car. Special adaptive equipment for the cars is maintained or replaced by VA.

SCI veterans whose disabilities were incurred in military service are eligible, too, for VA disability compensation payments that can run as much as $1,120.00-per-month (for a single veteran with no dependents) when he is not hospitalized, or $784.00-per-month while he is a VA patient.

Veterans whose SCI disability was incurred in civilian life after they left military service may be eligible for VA pension payments. For a single veteran these monthly payments can amount to as much as $240.00, depending on outside income.

Of the 1,081 total SCI patients in VA hospitals as of the end of last month, 261 were service-connected for disabilities sustained in military service, and 820 were non-service-connected.

One last comment on the article, which notes that VA's medical expenditure for each hospitalized SCI patient amounts to nearly $21,000 a year. The story indicates the hospital discharge of these patients "is cheaper for the VA," and that "VA's budget clearly benefits."

This implication of economy at the expense of the veteran is just not true. SCI hospital discharges are aimed at one objective only—to further the patient's maximum rehabilitation and to restore him as nearly as possible to normal living. It should be obvious that the $21,000 hospital cost continues in the budget as new patients replace those who have been discharged.

I realize that I have written at length, but I do feel strongly that your readers are entitled to this added perspective on the Gribbin article.

Sincerely,

DONALD E. JOHNSON,
Administrator.

MELROSE CIVITAN CLUB "CITIZEN OF THE YEAR" AWARD WINNERS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. FULTON. Mr. Speaker, this Wednesday I am going to have the privilege of welcoming to our Nation's Capital a group of very outstanding students from Metropolitan Nashville-Davidson County, Tenn.

They are the winners of the Citizen of the Year Award which is given each year by the Melrose Civitan Club of Nashville to 15 outstanding ninth graders chosen from our city's 29 junior high schools.

Mr. Speaker, this is a citizenship project. It is designed to promote and recognize good citizenship.

The program is directed specifically at these students at the junior high school level for two reasons. First, it is felt there is a great need for recognition at this age level and, second, it is believed that the recognition and award received by these young persons from the Melrose Civitan Club will provide emphasis and incentive for "good citizenship during the implementation of the program and will have a continuing or carryover effect for the students through their school life."

To earn a Citizen of the Year Award is no easy task. First, each junior high school's ninth graders vote to select five outstanding students. The ninth graders and the school principal select a finalist from the five outstanding students.

Each of the 29 finalists then must write a statement, "Good Citizenship Is."

Last month the Melrose Civitan Club Evaluation Committee interviewed each of the 29 finalists and chose the 15 students for the Citizen of the Year Award.

At each step from the initial voting by the classmates to final selection by the evaluation committee, each candidate was evaluated on loyalty to school, concern for others, service or contributions to school, service or contributions to community, participation in home, church, community activities, participation in school activities, leadership, and appreciation of heritage.

It is evident that requirements were strict and the standards high.

In addition to recognizing each of the winners in his own school, the Melrose Civitan Club will provide each a 5-day, all-expense-paid trip to Washington, D.C. They will arrive here this evening and begin their tour of our Nation's Capital tomorrow.

The winners making the trip this year as well as their chaperones and sponsors are:

STUDENT AND SCHOOL

Kerry Bradley, McMurray Jr. High.
Virginia Lynn French, Goodlettsville High.
Karen Reyonolds, Hillwood High.
Jane White, Linton Jr. High.
Tammy Webb, Cumberland Jr. High.
Kathleen Cleary, St. Cecilia Academy.
Linda Bennett, Tenn. Preparatory School.
Vikki Vaughan, Rose Park.
Timothy Keough, Father Ryan.
Yvette Woodard, Ewing Park.
Keith Boswell, Apollo Jr. High.
Carole Smith, Cameron Jr. High.
Cynthia Lynn Massey, Goodpasture Christian School.
Rebecca Carter, DuPont Jr. High.
Gayle Briley, Highland Heights.
Mrs. Billie Ruth Frey, Goodlettesville High. (chaperone)
Miss Catherine Gardner, McMurray Jr. High (chaperone)
Dr. O. H. Rutherford, Jr., President Melrose Civitan Club.
Karen Rutherford, daughter of Dr. Rutherford.
Pat Kent, McMurray Jr. High.
Chris Kent, McMurray Jr. High.
Mr. and Mrs. Carl Parker, Civitan Club.
Leland Parker, son of Mr. and Mrs. Parker.
Mark Dillingham, nephew of Mr. and Mrs. Parker.
Kenneth Anderson, Civitan Project Chairman.

Mr. Speaker, I want to welcome these young men and women to Washington. They are a credit to their families, their schools, and to the youth of all America.

DEEPWATER PORT FACILITY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. EILBERG. Mr. Speaker, since colonial times Philadelphia has been one of the great seaports of the world.

The city is famous for its ability to handle large and unusual cargoes and it is also well known for its ability to adapt to the changing needs of shippers.

Another example of this ability to meet challenges is the proposal to build a deepwater port facility which will be able to handle the largest commercial ships afloat.

At this time I enter into the RECORD an outline of that proposal:

DEEPWATER PORT FACILITY

The Corps of Engineers was told today that Philadelphia is strongly in favor of establishing a deepwater port facility in the Delaware Bay area.

Director of Commerce Harry R. Belinger outlined the city's position in a statement submitted to Col. Carroll D. Strider, District Engineer, at a public hearing held in the Free Library, 20th and Benjamin Franklin Parkway.

In his prepared statement, Belinger said the location of a deepwater facility 90 miles south of Philadelphia would induce the construction of new oil refining capacity throughout the Delaware Valley. He noted that Philadelphia already is the major East Coast port for bulk petroleum shipments.

The increasing size of oil tankers since 1956 and the future dependence upon imported fuel make the deepwater port a necessity, he added, noting that the United States is the world's only large industrial nation without a port capable of handling vessels of more than 150,000 tons dead weight.

Recent studies indicate that approximately 15 million tons of oil per day will have to be imported by 1985, of which about one-third will be needed in the Northeast.

"The importance of the Philadelphia port can best be visualized against its central location in an $80 billion market containing a population of about 60 million residents," Belinger said. "By 1985 the 1971 employment picture will more than double, as will wages." With a deepwater port in the Delaware Bay area, Philadelphia, as well as New Jersey and Delaware, can foresee major economic benefits.

Belinger said it was too early to determine the effects the deep-water facility in the Delaware Bay area would have on Philadelphia's water front activity.

"However," he added, "with modern container facilities at Packer and Tioga Terminals, Philadelphia will continue to make its contribution not only to the economy of our City, but to development of the Region and the Nation."

JOHN PAUL VANN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SCHWENGEL. Mr. Speaker, last week the United States lost an outstanding American. The untimely death of John Paul Vann was tragic. Few men relished life as he did. Few men were as devoted to a cause or their work as was John Paul Vann.

When I led a team of volunteers to Vietnam in 1970, at non-Government expense, we were privileged to be able to spend a day with John Paul Vann, who at that time was in the Mekong Delta. He impressed us, as he did others, as the most outstanding individual we encountered in Vietnam. But he would have been outstanding anywhere.

John Paul Vann was a perceptive man. He grasped the nature of the war in Vietnam well in advance of others, particularly the Military Establishment. He recognized that an insurgency could not be overcome with guns alone.

His dynamic leadership will be sorely missed. People like John Paul Vann can never be replaced. But his life stands as an example and an inspiration to us all. It is my hope that John Paul has a successor who will pick up where he was cut off so that his contention and understanding of the real problem there will not be ignored. All of us in leadership must realize more than we do that political, social, and economic problems plague places like Vietnam with a gun or with an army.

Mr. Speaker, the Washington Post carried an editorial in tribute to John Paul Vann. That is fitting and proper. I invite my colleagues to read it:

JOHN PAUL VANN.

John Paul Vann believed passionately in the Vietnam war long after others—who had once shared his passion—had given up on it. He believed it could be won for, and ultimately by, the Vietnamese in the sense that they could have acquired, some years and many thousands of casualties ago, a capacity to defend themselves if properly led and wisely trained and advised and inspired. And he may well have been right. We will never know for sure because his particular concepts, which always sounded so sensible and logical when he expounded them, were never adopted at the time that he was putting them forth. The military establishment, which he loved because it was his career, and which first feared him and mistrusted him and eventually drove him to resign his commission, was so slow to listen and even slower to learn.

That is the tragedy of his life, which

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ended—some would say predictably—in a helicopter crash last week. The triumph was that he never stopped trying and that he lived long enough to see a large part of his program, his tactics and his sense of the proper American role in the war actually put into effect, however late in the day. When John Vann has a lieutenant colonel, before his resignation in 1963, they were not listening, and they still weren't listening in late 1967 when General Westmoreland had his forces lunging around the countryside searching and destroying, taking the war to the enemy, taking the play away from the South Vietnamese and absorbing heavy casualties in an effort to "attrit" the enemy, to kill North Vietnamese and Vietcong in such numbers that they would quit. John Vann believed profoundly that this could not work, that the enemy should be forced to attack our side rather than the other way around, that Hanoi would never run out of manpower, that the South Vietnamese would never learn to defend themselves if we did it for them, that firepower by itself was not enough, that killing civilians was almost indefensible, that air power wouldn't be decisive either, that carrying the war to the sanctuaries outside Vietnam would only invite the enemy to find new sanctuaries. Then came Tet and a new administration and slowly, painfully, a considerable part of what John Paul Vann believed in was adopted, not so much by choice as by necessity because the American public would not continue with the war effort the way it was.

John Vann died believing that we are now on the right track, not in every respect but in the important respects and whether he was right about that is less important than the fact that he had the courage and the determination, against the most forbidding odds, to risk his life on a daily basis for his beliefs. There are many who believe he was the ablest and most effective American ever to serve in Vietnam, and while that may be an extravagant statement, he was a great soldier who, ironically, may have rendered his greatest service to the Army he loved after leaving it.

It was not necessary always to have agreed with John Vann's belief in the Vietnam struggle to know that he was in Indo China doing what he could to bring rationality to our war effort and to minimize the awful cost of the war to the Vietnamese themselves, and to know, too, that his loss is a heavy blow.

CONGRESSMAN FINDLEY PRAISES PIKE COUNTY PORK PRODUCERS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. FINDLEY. Mr. Speaker, it is with great pride I call attention to a list of the Nation's top 400 hog counties, based on the 1969 farm census, that appears in the June issue of National Hog Farmer.

Pike County, Ill., my home county, has advanced to the No. 2 position, moving up from third place.

In 1969, Pike County farmers marketed 485,958 hogs and pigs. Pike County's population in the 1970 census is only 19,185. This means that over 25 hogs were marketed for every man, woman, and child in the county.

I would also like to congratulate our colleague, Congressman THOMAS RAILSBACK of Illinois' 19th Congressional District. Henry County, located within his district, holds the No. 1 position with a total of 554,834 hog sales in 1969.

Paraphrasing the immortal baseball pitcher, Satchel Page, I would like to warn Mr. RAILSBACK and Henry County farmers. Do not look back; someone is gaining. The people of Pike County say, like the company that also found itself in second place, "We try harder."

Pittsfield, Ill., Pike County seat, and my hometown, truly deserves its title of "Hog Capital of the World."

And along with all pork lovers in the world, Pittsfield and Pike County residents proudly cheer—Hogs are Beautiful.

VON BRAUN WILL LEAVE NASA FOR JOB IN AEROSPACE INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Harold M. Schmeck, Jr., in the New York Times of May 27, 1972, provides a capsule summary of the numerous contributions of Dr. Wernher von Braun to our national space program. Few men in our history have so captured the imagination and support of the American public as Dr. Von Braun has for our national space effort. His name has and continues to be synonymous with excellence and achievement, setting the highest example for not only our Nation, but those dedicated people throughout the world who believe in accomplishing something worthwhile and who have the tenacity, skill, and dedication to accomplish it. I offer Mr. Schmeck's article as another small accolade to the many that he has and will receive:

VON BRAUN WILL LEAVE NASA FOR JOB IN AEROSPACE INDUSTRY

(By Harold M. Schmeck, Jr.)

WASHINGTON, May 26.—Dr. Wernher von Braun, one of the chief architects of man's first landing on the moon, is retiring from the National Aeronautics and Space Administration.

The German-born rocket expert, who has worked for the United States Government since the end of World War II, will leave the space agency July 1 to become corporate vice president for engineering and development of Fairchild Industries, a major aerospace company.

"Dr. von Braun's decision to retire from NASA is a source of great regret to all of us at the agency," said Dr. James C. Fletcher, NASA's administrator.

"For more than a quarter of a century, he has served the United States as the leader in space rocket development," Dr. Fletcher said in the announcement. "His efforts first put the United States in space with Explorer I. As director of the Marshall Space Flight Center for over 10 years, he directed the development of the world's most powerful rocket, the Saturn V—which has taken 10 American astronauts to the surface of the moon."

Two of those astronauts, Neil A. Armstrong, the first man to set foot on the moon, and Edwin E. Aldrin Jr., his companion on the historic Apollo 11 moon landing, Capt. Edgar D. Mitchell of Apollo 14 and Lieut. Col. James B. Irwin of Apollo 15, plan to retire July 1. The moon exploration program comes to an end, for the time being, in December when Apollo 17 is scheduled to complete the series.

Explorer 1, the first successful United States satellite was launched in January, 1958, by a rocket system developed under Dr. von Braun's direction. His group was given the job after the Soviet success with Sputnik in October, 1957.

Dr. von Braun's leading role in American space rocket development continued until early 1970, when he left the Marshall space Flight Center in Huntsville, Ala., to come to Washington as deputy associate administrator for planning at the space agency.

In announcing that move, Dr. Thomas O. Paine, who was then NASA's administrator, said Dr. von Braun "has an unmatched record of looking to the future to choose the most promising avenues of technical advance."

In a comment released today by the space agency, the 60-year-old Dr. von Braun said he was "leaving with the knowledge that NASA has enough well-thought out plans to keeping it moving ahead for many years to come, even though some of these may have to be deferred because of budget constraints."

"I would like to devote my time now to help implement some space projects I feel are of particular importance," he said. "I think I can do this best in private industry where the tools of progress are being made."

Dr. von Braun was one of the early and most persistent advocates of manned space flight. He was active in rocketry since 1930 and was one of the pioneers in that field in Germany.

In 1937, after five years as chief of a small rocket development station near Berlin, he became director of the Peenemunde rocket center, where German experts developed the V–2 missile that bombarded London during the closing months of World War II.

When the war ended, Dr. von Braun and about 100 other German rocket specialists surrendered to the Western powers. He and his group came to the United States in September 1945, under contract to the Army.

They are credited with major contributions to United States rocket development for the military and for NASA.

Said Dr. von Braun in the announcement of his retirement:

"I leave NASA with a deep feeling of gratitude for the wonderful and unique opportunities the agency has given me during the last 12 years."

THE WILBUR D. MILLS STORY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ALEXANDER. Mr. Speaker, the March 1972 issue of the Arkansas Lawyer, the official publication of the Arkansas Bar Association, paid tribute to the Honorable WILBUR D. MILLS, chairman of the House Ways and Means Committee.

Joe Purcell, chairman of the Arkansas Democratic Party, wrote the cover story, "The Wilbur D. Mills Story." It is an excellent biographical synopsis of the chairman's distinguished career, and I would like to insert the article into the RECORD so that my colleagues might share it with me:

THE WILBUR D. MILLS STORY

(By Joe Purcell)

". . . The persuasiveness of a Franklin D. Roosevelt . . . the courage of a Harry Truman . . . and the personality of an Alben Barkley." This is how Congressman James A. Burke (D-Mass.) describes the man he and many others would like to see President of the United States and the lawyer that the "Arkansas Lawyer" honors this month—Wilbur Daigh Mills.

It is a long way from Kensett, Arkansas (as it is from any city) to the nation's capitol and a position of influence in the halls of Congress where the power lines converge and the waves of influence originate. One hundred Senators and 435 Representatives make the journey successfully during each session of Congress. Wilbur Mills made it in almost record time, arriving as a freshman Congressman in Washington in 1939 at age 29.

Today after 33 years of hard work, a sense of timing, a brilliant memory and a thorough knowledge of fiscal affairs, Mills stands as the single most influential committee chairman on Capitol Hill. A man whom many call the second most powerful man in America.

A product of Grass-Roots America, Mills was born 62 years ago in the White County railroad intersection town of Kensett (pop. 1,444). He attended the public schools of Kensett and graduated from Searcy High School. He then enrolled in Hendrix College where he was the recipient of many honors.

The 1930 Hendrix Troubadour had this to say about Mills, "High above the common rabble Wilbur towers, undisturbed by life's ups and downs. Something fine within him prompts his gay outlook on life. His splendid grades are indicative of much 'gray matter'. Wilbur walks life's straight paths and is a boon companion for anyone who is 'down and out' . . ."

A classmate of Mills of Hendrix says, "He was always interested in government and frankly, from the very beginning, in the tax structures of the county, of the state and of the federal government. Things came fairly easily to him but he applied himself . . . his powers of concentration were just far beyond the ordinary."

Mills returned to Kensett during the depression in 1933 with a Harvard law degree. He went to work as a cashier in his father's bank while building his law practice. In 1934, he married the post-mistress of Kensett, his childhood sweetheart, Clarine (Polly) Billingsley. Since both were employed, their wedding trip was brief—one night in the Albert Pike Hotel in Little Rock and back to Kensett early the next morning to their jobs. They have two daughters, Mrs. Richard Yates and Mrs. Jack Dixon and four grandchildren.

Mills' father, a Kensett banker and businessman, was a White County rural political leader. Listening to the political talk of his father and friends, Mills became politically oriented and at an early age decided on a career in politics. His hero was the Second District's Congressman, the Honorable William A. Oldfield, a member of the Committee on Ways and Means.

According to Mills, "Congressman Oldfield lived in another county. He would come to town by train and visit my father. He would spend the night in Kensett at the hotel and would invite 20 to 25 men to have supper with him and he would tell them what went on in Washington. This was the only way they got to know him."

Just one year out of law school, newly married and aged 25, Mills in 1934 challenged and defeated the incumbent County and Probate Judge of White County, becoming the youngest County Judge in Arkansas history. A Mills campaigner in 1934 says, "He opposed a Judge who was very popular, who had been in office 16 years. Wilbur was just out of Harvard Law School but he had the small town political leaders with him. With their help, Mills was unbeatable."

His four years as White County Probate and County Judge were invaluable in acquainting Mills first hand with the problems and responsibilities of local government. This has been of great benefit throughout his political career.

His ambition to serve in the House of Representatives of the United States Congress, and on the Ways and Means Committee, never wavered and during his second term as County Judge, opportunity knocked. Second District Congressman, the Honorable John Miller, was elected to fill a United States Senate seat made vacant by the death of Senator Joe T. Robinson, the Democratic Party's nominee for Vice-President in 1928. Mills won the Democratic nomination for the Second District's congressional seat in the Democratic primaries of 1938 and was not opposed in the general election. He has served continuously in Congress since 1939 and is the top ranking member of the Arkansas delegation in continuous service. He has never been opposed in a general election and has had primary opposition only twice since 1938—in 1942 and in 1966.

Mills, as a freshman Congressman, was assigned to the House Banking and Currency Committee but in 1943, with the help of his friend Sam Rayburn, he moved to the prestigious Committee on Ways and Means. Ways and Means is the oldest of present House committees; established by the First Congress on July 24, 1780. A good many of its members, including James K. Polk, Millard Filmore, William McKinley and Andrew Jackson, achieved top ranking positions in American history.

The United States Constitution provides that all revenue bills must originate in the House. By House rules, all legislation concerning taxes, Social Security, tariffs and foreign trade, medicare, interest rates, the federal budget and in short, the means of revenue for maintaining the republic, is assigned to the Committee on Ways and Means.

Congress works through committees and only the Appropriations and Rules Committees are considered in the same league with Ways and Means. The three constitute the so-called "control committees" and are involved to some extent in almost everything that happens in Congress.

The popular congressional sport of committee switching does not carry over to Ways and Means. During the past 20 years, aside from death, retirement or defeat at the polls, only five Congressmen have left Ways and Means while 44 have been promoted to it.

Assignment to Ways and Means is particularly good for a Democrat, since in 1911 the Party made its members on Ways and Means its "Committee on Committees", with the power of assignment of Democrats to all the other twenty standing committees.

With the death of the previous committee chairman in 1958, Mills, having climbed the ladder of seniority, assumed the chairmanship of Ways and Means, becoming the youngest chairman in its history. As Chairman, he has been a strong advocate of the "consensus approach" to legislation. He judges the attitude of members of the Ways and Means Committee before marking up any bill and reports a bill only when his careful reading of the mood of the House assures him the bill will pass. Because most bills reported by Ways and Means are considered under a "closed rule" on the floor—not subject to amendment—Mills and his staff are meticulous in their preparation of committee legislation. In Mills' 14 years as Chairman, only three bills reported out of Ways and Means have been rejected by the House.

Walter Little, documentary clerk for Ways and Means and probably with Mills as much as any political associate, says that Mills' hobby is his work. Possessed with a detailed familiarity of federal tax laws, Mills frequently quotes, without notes, lengthy passages from statutes during debates and hearings.

One colleague remarked, "In all the years I have been in Washington I don't suppose I've seen Wilbur at more than a half dozen evening gatherings around town." When a new administration enters the White House, Mills' office quietly requests that they strike his name from the social invitation list. Mills has stated, "My father always impressed upon me that you couldn't do a day's work and stay out all night at parties."

Despite the rarity of social appearances, Mills is not a loner. To the contrary, he has a deep and compassionate interest in people, is very cordial and friendly. One of his colleagues remarked, "Wilbur is just wise. Washington's social life can be disastrous. The longer you stay here the more you realize you can't go out every night and be an effective legislator the next day."

Politically, Mills is a heavyweight—a Potomac political giant. His strength of character, wisdom, integrity, common sense and fair play have won the respect of his colleagues on both sides of the aisle. Former HEW Secretary, Robert H. Finch, speaking for President Nixon at Hendrix College on April 28, 1970, described Mills as "Easily one of the ten outstanding legislators in the history of the republic."

Twelve years ago, James Reston wrote "The first question for President Kennedy on the new year is not whether he can get along with Chairman Nikita Khrushchev but whether he can co-exist with Chairman Wilbur Mills."

Mills has served in the Congress under six administrations and as Chairman of Ways and Means under four. He has worked closely and effectively with all administrations, although upon occasions he has had to say "no", even to Presidents. Mills and President Kennedy were close friends and great admirers of each other. When Mills wanted President Kennedy to dedicate Greers Ferry Dam at Heber Springs, Kennedy not only obliged but told the crowd, "The only significant reason I'm here is because of your distinguished Congressman. If he had asked me to sing 'Down by the Old Mill Stream' I would have been delighted."

In 1971, a Draft Mills For President campaign was launched, directed by Congressman Burke. The movement spread rapidly in Washington and by midsummer more than 35 Congressmen, geographically representing all sections of the United States, had publicly endorsed Mills for President. Never before had a candidate (or non-candidate), except an incumbent, had such strong congressional support for the presidential nomination. Although Mills denied publicly that he was a candidate, he did say that if he received the nomination he would accept it, and would be the most active, the hardest working nominee the Democratic Party ever had.

On August 26, 1971, the largest appreciation rally ever extended to any individual of this state was held in Barton Colliseum honoring Congressman Mills. Attending the rally were industrialists, business leaders, bankers, leaders of organized labor and 34 United States Congressmen coming from as far away as Oregon, Michigan and Massachusetts. The Colliseum was filled to overflow capacity with more than 12,000 Mills supporters, and thousands more gathered outside, unable to get in. The closing of the gates 30 minutes before Mills party arrived created mammoth problems for the fire marshalls and the police who were holding back a swarming crowd. The situation forced state legislators, public officials, and many well known Arkansans, to crash the gates through back entrances. On the speakers' platform were Governor Bumpers, the other constitutional officers, the Congressional delegation, and many other out-of-state dignitaries.

Miss Mary Lou Burg, Vice-Chairman of the Democratic National Committee, de-

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scribed Mills as "A legend in his own life time."

Leonard Woodcock, President of the United Automobile Workers said, "Few men are more skilled in making this nation work than Wilbur Mills."

Representative Carl Albert (D-Okla.), Speaker of the House, said of Mills. "He is big enough, he is firm enough, he is intelligent enough to hold, with outstanding distinction, any public office in the United States of America."

When the program began at 7:30, approximately 10,000 persons were gathered outside the Coliseum gates unable to get in. As each speaker finished his part on the program he was escorted outside where he again delivered his remarks to the crowd there.

Although Mills consistently denied in 1971 that he was a candidate, during the late spring of 1971 he appeared in more than 15 states on a three-month speaking tour, and addressed joint sessions of eight state legislatures. During the summer of 1971 he appeared on three nationwide television programs, and in the fall continued his speaking tour, visiting the Western and New England States.

In the Fall of 1971 a National "Draft Mills for President Headquarters" was opened in Washington under the direction of Charles Ward, campaign coordinator. Ward states that the Draft Mills for President Campaign is mushrooming and that great progress is being made, especially in the grass roots area. The Arkansas Delegation to the 1972 Democratic National Convention is expected to place Mills' name in nomination for President of the United States.

On February 11, 1972, Mills advised the Secretaries of State of Wisconsin and Nebraska that he could not in good conscience sign the affidavits required to take his name off the primary ballots in those states because this would require him to say, "He is not now and does not intend to be a candidate for President." Mills' name, without his encouragement or endorsement, will appear in the New Hampshire primaries on March 7 as a write-in candidate.

Mills is recognized in Washington by persons in all branches of government as possessing the talents, the ability and the integrity to make America an effective and responsible President. Will he get the nomination? Time will tell!

But, with the persuasiveness of a Franklin D. Roosevelt . . . the courage of a Harry Truman . . . and the personality of an Alben Barkley, Congressman Wilbur Daigh Mills may well become in July 1972 the first Democratic nominee for the Office of President from the State of Arkansas.

SUPPORT ON HIGHER EDUCATION BILL

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, during the debate on the higher education bill, S. 659, I remarked that I had received a call from Father Ryan, the executive vice president of St. Peter's College in New Jersey. My statement can be construed as indicating that Father Ryan was calling to express the support of St. Peter's College for the bill.

Father Ryan's call was on behalf of the Association of Independent Colleges and Universities in New Jersey of which he is president. He reported to me that the 16 member colleges of this association, which includes St. Peter's, had unanimously reaffirmed their support for S. 659.

Father Ryan was not speaking for St. Peter's College when he spoke to me on June 8. However, included in a memorandum of June 6 from Chairman PERKINS of the Education and Labor Committee and the ranking minority member of the committee, Mr. QUIE, was an excerpt from a letter of support for the bill from Father Yanitelli, the president of St. Peter's College. Thus St. Peter's College was among the supporters of the bill. I apologize for any embarrassment or misunderstanding that my remarks may have caused.

NEWSPAPER CARRIERS—PRIDE OF OUR YOUTH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BURKE of Florida. Mr. Speaker, recently two of the outstanding newspapers in Florida, the Fort Lauderdale News and Sun-Sentinel held a contest for its carriers who received the greatest amount of new subscriptions for their papers. The contest was one of those typically-American methods for inspiring the competitive spirit in our youth and, it was a very exciting and noteworthy effort for those boys who tried their best to win one of the top prizes.

At this time when some of our youth have obviously "lost" their way and seem unable to cope with the demands which our society imposes, I am glad to see that the help our media is giving to the young people, not only to help them to find part-time jobs, but also to help them through that very important period in a boy's life just prior to his achieving adulthood.

I am sure that most of us can look back, as I can, to the time when; we delivered newspapers either in our hands, in baskets on our bicycles, or the small wagons we had; when our mothers got us up from bed earlier than we wished in the morning, and no doubt "went" with us in spirit, as we trodded in rain or sunshine from one home porch to another. I am sure you remember the first "payday" and what we earned for our efforts. How we suddenly felt matured and grown up and proud with the feeling of responsibility—because this was our first job.

Mr. Speaker, I remember my own paperboy route well, and also the sense of accomplishment that I felt each time the task of delivering was done. I can empathize with the parents of today's young whose children are experiencing a similar feeling but their efforts and that of their children will be more than worth the effort.

I include some of the letters which these parents wrote to the News & Sentinel circulation promotion manager, Mr. John J. Gorry, in the RECORD along with the material on the contest. I also heartily congratulate all the contestants—those who won, as well as those who tried their best and will, perhaps, win next time, but in any event no matter, win or lose, may God bless them all.

The material follows:

FT. LAUDERDALE NEWS.

DEAR MR. GORRY: Please express my thanks and appreciation to the News and everyone responsible for the wonderful opportunity given my son.

He has gained the confidence he needs to be independent, and after earning the Europe trip, he knows anything is possible if you work for it.

This has been a good year for him. He was inducted into the national honor society at school, and April 8, while in Europe he will be 18, suddenly a man. A man not by age alone, but due to the guidance from station managers, and the influence and opportunities offered by the News, he is truly a man in character and spirit.

I will be forever grateful.

Very truly yours,

MRS. HELEN LAHTI.

Mr. JOHN GORRY,
Circulation Manager, Fort Lauderdale News & Sentinel, Fort Lauderdale, Fla.

DEAR MR. GORRY: We are very pleased and thankful that you and your fellow workers have selected Shawn as a winner of the "Young Columbus" subscription contest. We know that he has spent many hours soliciting for new subscribers to the "News" besides his school studies and varsity sports participation. He has shown much persistence in all of the "Papers" circulation contests and has usually finished very high in all of them. If we seem to sound proud of his many accomplishments please don't feel that we are being overly so.

We also know that without the impetous and extra push that was provided by "Mike," Mr. Kelly and yourself the results would be different.

Shawn is a natural born fighter but needs to be prodded at times and shown the merits of good hard work. He is like any other boy his age and does have his shortcomings to say anything else would be to color the truth or "color the bush."

We as parents are indeed proud and once again wish to thank you all for affording our son this "once-in-a-life-time" opportunity.

We hope that his relations with the paper and as a representative of the other carriers for the "News" will reflect very favorably wherever he goes.

Thank you again from the bottoms of our hearts.

God's grace surely covers us all—we say this not because of a material gain but more because of a good and healthy family.

Sincerely,

Mr. and Mrs. JOSEPH P. O'CONNOR.

THE LAW AND ORDER POLITICIAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, it has often struck me that those who argue longest and loudest about "law and order" and the need for increased public protection many times are the same persons who voice outrage when police and firemen engage in rightful protest in their efforts to gain proper wages and fringe benefits.

This would seem to be a rather paradoxical situation for such a person.

I have long held that public employees should have the rights to collective bargaining that other members of the working force of this Nation enjoy as long as the public safety is not endangered.

I would include the right to political activity as one of these rights.

Granted that political activity in uniform, or on duty, would seem to be contrary to good policy, the fact remains that public employees, including policemen, presently are being denied the tools to achieve wage and fringe benefit equity.

In the May issue of the San Francisco Police Officers' Notebook, Association President Jerry D'Arcy eloquently told of his views on this very issue.

I think that it is an important and meaningful article and I would like at this time to have it included in the RECORD.

The article follows:

PRESIDENT'S CORNER—THE LAW AND ORDER POLITICIAN

(By Jerry D'Arcy)

Last month I appeared before the Labor Relations Committee of the California State Assembly. We were there to testify on A.B. 206, a bill which would make it mandatory that all cities in California set up a system whereby Police Officers could bargain for wages, hours and working conditions with representatives of their City government. To us in San Francisco it would mean that many of the various working conditions that we have been trying to get for years through Charter Amendments would be subject to negotiations with local representatives in City Government. In other words a San Francisco Police Officer would finally reach the level of other employees and be granted the right to bargain collectively regardless of the provisions of the City Charter which has been holding us back for many years. The sponsor of this bill was Assemblyman John Burton (Democrat S.F.)

Two weeks later I was in Washington, D.C. lobbying as Vice President from the International Conference of Police Associations for a bill that was introduced by Congressman Mario Biaggi, (Democrat, N.Y.) which would provide for the following:

(1) The right of a Police Officer to engage in political activity during his off-duty time.

(2) Guarantee Police Officers the same civil rights enjoyed by all other citizens.

(3) Set up a grievance panel to hear the grievances of Police Officers who claim their Civil rights had been violated.

(4) Would deny L.E.A.A. funds to any community that did not conform to the provisions of this bill locally.

Now what is the point of telling you all this? What is so very strange about this is that legislators who have gone on record as supporting these beneficial bills, which incidentally, are benefits for the rank & file cop—not the Administration, are some of the most liberal legislators in Government.

Let me give you an example—

In Sacramento: one of the Assemblymen on the Committee who voted against A.B. 206 was a guy who wears a big American Flag pin in his lapel and a "support your local police" bumper sticker on his auto. This guy goes around crying about how much he supports law and order, and it is strange that all four law and order candidates on this Committee voted against a bill which would give the Cops on the street basic collective bargaining rights. These are the same men who would go into hysterics if they thought a Cop would even think of going on strike or consider it unprofessional for a Cop to consider a "job-action" of any kind in order to gain vital bread and butter issues.

Each and every one of the "liberals" on this Committee voted YES which enabled the bill to get out on to the floor for a vote.

Again while in Washington, D.C. representatives from the I.C.P.A. visited with Congressmen in order to get a recommendation from legislators on the Judiciary Committee to get H.R. 7332 on the floor for a vote. The Bill of Rights now has over 125 cosponsors and would have an excellent chance for passage if it could get out of committee, on the floor of the House. But again—who are the men bogging it down? For the most part, the great Law & Order Candidates—

In working for the passage of bills vital to the benefit of our Brothers in Law Enforcement it has become increasingly clear that we are continually being sold down the river by candidates who profess to support the banner of law and order.

It's about time we started taking note of the voting records of these legislators and let our Brothers, in their voting districts, know what they really stand for. This is the only way people, who are truly concerned about men who do the day to day job of law enforcement, can know who to support at election time.

The next time one of these "law and order" candidates stands up and takes credit for being a supporter of the Cop—the working Cop—that is; ask him how he voted or intends to vote on the issue of granting the same rights to the Police Officers as he does to the Administrators of Police Departments, and big business.

"ART IN THE COURTROOM SERIES": A FIRST FOR TENNESSEE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. JONES of Tennessee. Mr. Speaker, the first one-man show in the "Art for the Courtroom Series" at Jackson, Tenn., opened June 1 at the Municipal Court Building on North Church Street. The month long exhibition, which is part of a continuing project, features the paintings and watercolors of Jackson artist Don Carmichael, who has just been named to "Who's Who in American Art," 1973 revised edition, and is a member of the visual arts advisory panel for the Tennessee Arts Commission.

According to Robert Michie, public information director for the city of Jackson, who originated the project, the idea of using the courtroom as an art gallery is unique.

Mr. Michie said:

With this art series, Jackson becomes the first city in Tennessee, and possibly in the Nation, to use the otherwise bare walls of the courtroom for displaying art. The art series will be a good education program for a cross section of the public, exposing some who would never take time to go to an art exhibit.

The adaptation of courtroom into art gallery was accomplished by the installation of an inexpensive picture rail. Local government leaders who encouraged the project were Mayor Bob Conger and Municipal and Juvenile Court Judge Walter Baker Harris.

This initiative is another indication of the community spirit and civic pride which make the city of Jackson a model to the entire Nation.

HIGHER EDUCATION CONFERENCE REPORT

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. METCALFE. Mr. Speaker, during the past few weeks I have had to spend a great deal of my time in my own First Congressional District of Illinois, because of my commitment to the struggle being carried out in Chicago by the Concerned Citizens for Police Reforms, to eradicate police brutality, harassment, and insults to innocent minority citizens in the city of Chicago.

Of course police harassment in Chicago against innocent citizens just because they are black or brown is nothing new. Excessive police harassment to any citizen is completely unwarranted. What is new in Chicago now, is that I, and other members of both the black and brown, and other communities of Chicago, have engaged in an all-out, unified effort to put an end to the harassment now. I feel very strongly that this can only be brought about through a complete overhauling of the Chicago Police Department. I am committed to this change and I have decided to devote as much of my time as possible to our efforts in Chicago.

My present involvement in Chicago, however, caused me to be absent last week when the very important Higher Education Conference Report was debated and voted upon.

I know the financial needs of our universities and colleges. I have taught on the college level myself. Education has long been one of my priorities and I know that the educational needs of our young people are not being met.

Because of the importance that I place on the Higher Education Act and because I was absent on the day that it was voted upon, I would like to express to you my position on this bill.

As is generally conceded, nothing is ever all good or all bad. This at least, seems to be the case with the conference report. The basic good is primarily that the bill provided $18.5 billion for the extension of present higher education programs and the creation of new ones. However, it is essentially bad, at least in a philosophical sense, because it turns back the clock on school integration.

As I see it, the strongest argument made against the antibusing provisions of the conference report is the question of their constitutionality. The equal protection clause of the 14th amendment has been consistently upheld in school desegregation suits since Brown against Topeka. In that decision, the court held that it was inherently unequal if schools were separately maintained for both black and white students. Again in

the case of Swann against the Charlotte-Mecklenburg Board of Education (1971), Nixon Supreme Court appointee, Chief Justice Burger, stated:

We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

In practice and in legal philosophy, busing has been established as a legitimate and practical means of desegregating the Nation's schools. The purpose of the antibusing provisions, as submitted by Nixon, is to prevent the Supreme Court and the lower courts for a time from enforcing, as they deem necessary, the constitutional right of blacks and other minorities to nonsegregated schools under the equal protection clause.

I am also opposed to this legislation because I believe the issues of school aid should not be combined with the desegregation problems. Indeed, they should be settled on their own merits and the issues should not be clouded by overlapping arguments.

It is for these reasons that I could not—would not, have voted in favor of the conference report had I been present. Important as the higher education provisions are, they cannot, in my opinion, justify suspension of the historic 1954 Brown decision.

ANNIVERSARY ON RUSSIAN INVASION OF THE BALTIC STATES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BROOMFIELD. Mr. Speaker, yesterday marked the 32d anniversary of the invasion and subjugation of the free Republics of Estonia, Latvia, and Lithuania by the U.S.S.R. During the weeks and months which followed that fateful day in June of 1940 literally hundreds of thousands of these brave people were arrested and deported to slave camps in Siberia.

Today, I suggest that it is appropriate that we pause to remember the death and suffering of so many innocent people at the hands of a brutal dictatorship. History tells us of suffering, it relates the loss of liberty in the Baltic Nations but it fails to convey even in the smallest way the strength and the determination of these brave people to be free once again.

Mr. Speaker, there are many more eloquent than I who have told the story of the forceable occupation of Estonia, Latvia, and Lithuania. They have chronicled and have given witness to the slaughter and to the sorrow and pity of three nations which were robbed of their freedom. One such group is the Baltic Nations Committee of Detroit. In commemorating the anniversary of the Russian invasion of their homelands, they have served to remind all free people that our own freedom is in a sense only as strong and safe as the liberty of those who live under the heel of tyranny.

Mr. Speaker, I include in the RECORD, the resolution which this dedicated group recently passed on the occasion of the 32d anniversary of the invasion and incorporation of the Baltic States into the U.S.S.R. In the text which follows, I would like to call to particular attention of my colleagues the suggestion that Radio Free Europe broadcast cultural language programs to the people of the Baltic States. I feel strongly that this is a commendable and important idea. I, therefore, intend to introduce a resolution to bring about that very end and invite my colleagues to give this measure their consideration and support.

THE BALTIC NATIONS COMMITTEE OF DETROIT, INC.

We, the Americans of Estonian, Latvian and Lithuanian origin living in the metropolitan area of Greater Detroit, County of Wayne, in the State of Michigan gathered at Mercy College, 6200 West Outer Drive, Detroit, Michigan to commemorate the 32nd year of the forcible occupation of the Baltic Republics by the Soviet Union and the 31st anniversary of the mass deportations of hundreds of thousands of the Baltic people to slave labor camps in Russia, at a Commemorative Concert sponsored by the Baltic Nations Committee of Detroit, Inc., hereby firmly resolve to reaffirm our belief in the democratic principles of our government and pledge our unstinting support to our President and the Congress of the United States to attain lasting peace, freedom and justice throughout the world.

We further resolve to urge the Congress and the Administration to continue its position of maintaining that Soviet rule of the Baltic Republics is unlawful and at the same time demand that the Soviet Union practice what it preaches regarding colonialism by immediately withdrawing all Soviet troops, ruling apparatus and colonists from Estonia, Latvia and Lithuania and that our government insist that this liberation be the basic condition for any further treaty negotiations with the Soviet Union.

We appeal to the President, the Secretary of State and the Congress of the United States to promote in all diplomatic dealings with the Soviet Union as well as in the assembly of the United Nations and other international bodies, the restoration of the freedom and independence of Estonia, Latvia and Lithuania.

We request the Congress of the United States to appropriate funds for the initiation of cultural radio language broadcasts over Radio Free Europe to the peoples of Estonia, Latvia and Lithuania.

We, who are free, assure the Estonian, Latvian and Lithuanian people presently under the Soviet occupation of our unswerving determination to spare no efforts and sacrifices for the attainment of the sacred goal—total freedom and independence.

We also urge that this resolution be sent to the President of the United States, the Secretary of State, to the Senators and Congressmen representing Michigan in the United States Congress, to members of the Foreign Relations Committee in the United States Senate and the House of Representatives.

Unanimously accepted and adopted at Detroit, Michigan, this 11th day of June, in the year of our Lord, 1972.

RESULTS OF QUESTIONNAIRES IN 14TH CONGESSIONAL DISTRICT OF OHIO

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SEIBERLING. Mr. Speaker, earlier this year I sent a questionnaire to every postal patron in the 14th District of Ohio asking for his or her opinion on important issues before the Congress. I received 10,000 completed questionnaires, representing the views of 17,500 individuals when husband and wife opinions are counted separately. This is a significant number of views and I thought that my questionnaire results should be brought to the attention of the House of Representatives.

I would especially like to note that 62 percent of the respondents favored a withdrawal of U.S. troops from Vietnam by June 1972, contingent upon the release of U.S. prisoners. Ending the war in Vietnam remains the national issue of most concern to the residents of the 14th Congressional District.

At this time, I include the complete results of my questionnaire in the RECORD:

RESULTS OF QUESTIONNAIRES

1. Do you think Congress is meeting the basic needs of the country such as housing, health care, jobs, and stable prices?

Total yes---------- 11
Total no---------- 81
Men, yes: 12; women, yes: 9.

2. Do you favor restricting the power of the President to carry on military actions against other countries without specific Congressional approval?

Total yes---------- 70
Total no---------- 26

3. Do you favor stricter federal laws to control pollution even if it means higher prices for some products or possibly shutting down some manufacturing plants.

Total yes---------- 69
Total no---------- 21

4. Do you favor a Federal law strictly controlling the sale and possession of handguns?

Total yes---------- 65
Total no---------- 30
Men, yes: 61; women, yes: 71.

5. Do you believe the Federal Government attempts to keep more information secret than it should?

Total yes---------- 68
Total no---------- 23

6. Would you favor giving the Congress, rather than the Executive Branch, the final say in deciding whether classified information should be kept secret?

Total yes---------- 45
Total no---------- 40

7. Do you favor increased use of the United Nations by the United States in solving international problems?

Total yes---------- 68
Total no---------- 24

8. Would you favor a Federal law prohibiting all stripmining of coal?

Total yes---------- 48
Total no---------- 33
Men, yes: 46; women, yes: 51.

9. Do you think the military—the Army, Navy, and Air Force—have too much power in determining U.S. policy and where our money is spent?

Total yes---------- 66
Total no---------- 23

10. How well do you think Phase II of the President's Wage and Price Control Program is working? (Check the statement that comes closest to your viewpoint):

Not very well---------- 40
Fairly well, but there are still some serious problems---------- 30
Too early to tell---------- 15
We would be better off without it---------- 9
Very well---------- 2

11. To help us compete more effectively with foreign industry, which of the following do you approve? (Check the two you favor most.)

Increase productivity of U.S. industry---- 51
Hold down wages and prices with tougher controls---------- 47
Reduce U.S. trade barriers if other foreign countries will do the same for U.S. products---------- 37
Set tougher restrictions on imports even if it causes foreign governments to do the same thing to our exports---------- 30

12. What policy do you favor on the Vietnam War? (Check only one.)

Announce that all U.S. servicemen will be withdrawn by June, 1972, provided that all U.S. prisoners of war are returned... 62
Continue Nixon policy of gradual withdrawal (but no deadline)---------- 20
Keep some American troops in Vietnam until we are sure that the South Vietnamese government can stand alone... 6
Escalate as much as possible for a military victory---------- 4
Undecided---------- 6
Breakdown by sex: Withdrawal by June, '72. Men, 59; women, 65.

13. If it is necessary to raise additional revenue to support the basic needs of the country, which would you prefer:

Reform of the federal income tax system to eliminate special subsidies such as the oil depletion allowance---------- 81
A national sales tax ("value added" tax) on everything you buy---------- 7
An increase in the federal income tax rates---------- 4

14. Which of the following statements is closest to your views on the need for a national health insurance program paid for by the Federal government. (Check one.)

A program should be established covering all medical expenses---------- 39
A program should be established covering only major expenses---------- 36
No program should be established---------- 22

15. What is your position on the present level of military spending? (Check one.)

Too much---------- 70
About right---------- 13
Too little---------- 6
Undecided---------- 11
Breakdown by sex: Present level of military spending is too much. Men, 67; women, 73.

16. What do you think our nation's priorities should be? (Please check the three items that you believe are the most urgent.)

	Percent
1. End Vietnam war	40
2. Reduce unemployment	32
3. Control inflation	31
4. Control crime	26
5. Control pollution	25
6. Tax reform	17
7. Reduce military spending	16
8. Eliminate poverty and slums	15
9. Control drug abuse	15
10. Aid senior citizens	12
11. Reduce cost of health care	9
12. Halt nuclear arms race	9
13. Improve consumer protection	7
14. Explore outer space	2

(NOTE.—For questions 1 through 9, when total yes and total no are added to percentage of undecided and no response answers, the sum total is 100 percent for each question.

(For question 11, the difference between the sum and 200 percent represents the number of non-responses.

(For question 16, the difference between the sum total and 300 percent indicates the number of non-responses.)

RAY McHUGH VISITS ZAIRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DERWINSKI. Mr. Speaker, the respected Washington bureau chief of the Copley Press, Ray McHugh, visited Zaire to take a good look at this huge, potentially great but still struggling nation on June 1. His articles were carried in the Aurora, Ill., Beacon News, and I believe they are of such widespread interest that I am putting them into the RECORD.

The articles follow:

ZAIRE

Change is a watchword in this city that used to be called Leopoldville in the country that used to be called the Congo.

Naked children still play along dusty roadsides on Kinshasa's outskirt, mothers carry their babies in colorful cloth papooses, clerks struggle with basic arithmetic, wooden hoes scratch the lush equatorial soil, straw skirts are still in vogue and crocodiles, lions and leopards still claim human victims in the interior, but these are part of a past that Zaire is leaving behind.

A hundred miles away on the narrow Atlantic coast oil rigs are probing for black gold. At Inga on the lower Zaire (Congo) River a hydroelectric dam is nearing completion that will dwarf Hoover and Grand Coulee. Model farms, factories, luxury hotels are beginning to dot the sun-drenched hilltops around Kinshasa. A $400 million international copper operation—the biggest in the world—is taking shape in the southern Shaba province that used to be known as Katanga. (Standard Oil of Indiana is the key company in the consortium.) A 2,000-kilometer electric power line, the longest in the world, is under construction to bring Inga's energy to the Shaba copper fields.

This country, the size of the United States east of the Mississippi River, has become a special kind of black African testing ground and showplace. In the sixties it represented the worst. In the seventies, President Mobutu hopes, it may represent the best. The orderly charm that France still visits on the ivory coast or the starched British influence still felt in Kenya is missing here. Nor is there any of the dulling mediocrity that Socialist-Communist experiments have brought to Tanzania and Guinea.

Given political stability by Mobutu after the strife-torn sixties, Zaire has set out in search of its own identity or "authenticity" as the President calls it.

If it succeeds, Zaire can be the keystone of American policy among fledgling sub-Sahara nations. Only English-speaking Nigeria to the north overshadows it in size and resources.

Since its birth in 1960, Zaire has been a focal point of U.S. attention in Africa. While world opinion stormed over the Congo civil war and the United Nations struggled with jungle savagery and the obvious ambitions of the Soviet Union and some west European nations, four American presidents persisted in efforts to help the country find itself. The United States provided the major financial support for U.N. operations despite often sparse popular support at home.

For a time it appeared that the Congo would fall into Moscow's lap. The late President Patrice Lumumba even made full-dress trips to the Kremlin. At another moment it appeared that European mercenaries would succeed in partitioning the old Belgian colony, setting up copper-rich Katanga as some kind of fief.

For a decade this huge land wallowed like a sick whale, unable to influence conditions inside its own borders, much less beyond.

For Washington the survival of Zaire is at once a reward and a challenge. In one respect there is a U.S. commitment here to black America whose leaders identified fiercely with the Congo-Zaire story.

President Nixon has successfully held back those who would capitalize on U.S. political successes to establish an American beachhead. Instead, an intelligent, experienced career ambassador from Minnesota, Sheldon Vance, has pursued a policy he calls "helpful patience."

The tall angular, good-natured Ambassador has toured Zaire repeatedly in the last three years, emphasizing American willingness to help, but carefully avoiding any suggestion of interference or dictate.

"Sometimes it has been a narrow line," Vance admitted in an interview in his air-conditioned Kinshasa office. "But I think Mobutu and his government are satisfied that we are honestly interested in their success and their independence."

American blacks who attended the recent first Congress of Mobutu's popular revolutionary movement (MPR) admitted their surprise.

"Our black militants have criticized Mobutu for being too orthodox, too 'establishment'," said one. "We should be proud that Washington has helped him get this far."

Ethel Payne, prominent columnist for a chain of black American newspapers, sees Zaire as a potential link between U.S. blacks and their African heritage.

Working with the World Bank and U.S. companies, Vance is now helping steer a public-private investment program designed to strengthen the Zairian economy.

In the past year:

A.I.D. has provided $10 million toward a $37 million transport repair program that is vital to revive Zairian agricultural exports.

A 50-man Peace Corps contingent made up of skilled workers—not students—has been committed to the transport program. (Fifty other Peace corpsmen work in other sectors.)

Gulf Oil has drilled four offshore wells in the Atlantic and is near a decision on full-scale production.

XUM

Mobil Oil has drilled on-shore wells in the same area.

Pan American World Airways has joined the Zaire government to build a 10-story luxury intercontinental hotel in Kinshasa that has become a commercial magnet despite prices that would make a New York or Paris visitor turn pale. Pan Am also provides technical assistance to operate the state airline Air Zaire.

Kaiser Aluminum is negotiated on a 1.5 million smelting plant that would be geared to Inga's cheap power. The talks have dragged on, but if concluded Kaiser will bring enriched bauxite from Jamaica to Inga for processing.

Goodyear Tire and Rubber Co. has begun tire production at a new plant that utilizes native rubber and promises to monopolize the market in this part of Africa.

General Motors has completed studies for an automobile assembly plant in Kinshasa.

Ford Motor Co. has received a contract for a similar project.

ITT has established a satellite communications system that has helped guide U.S. astronauts and which also puts Kinshasa within seconds of offices all over the world.

City Bank of New York has established a Kinshasa branch to help the country's financial operations.

"It's only a beginning," says Vance. "This country has enormous potential."

Projected American investment figures will begin to rival those of Belgium, the nation that for 75 years dictated every economic decision in this huge area and which still jealously guards its residual interests.

In 1969 the private U.S. investment in Zaire totaled less than $25 million. Today the commitment is approaching the half-billion-dollar mark. It may soon represent 50 per cent of the total foreign involvement.

"The change came in 1970 when President Nixon received Mobutu in Washington," Vance said. "The President went out of his way to point out Zairian investment potential. The White House even helped arrange meetings between Mobutu and U.S. executives. It was a master stroke."

What now?

By all yardsticks Mobutu can be president of Zaire as long as he likes. He's only 41. His course, he insists, is "neither left, nor right, but African."

If he succeeds, Zaire could become a classic vindication of U.S. policy in Africa.

President Nixon has surprising support in this black African capital for his "get tough" tactics against North Vietnam.

Local editors do not hesitate to point out the links between Hanoi and Moscow.

The leading government daily "Salongo" (work) says "the nerve of the war belongs to the Kremlin."

"The North Vietnamese are in a habit of getting everywhere but in their country (so) where is the aggressor?" It asks.

A second editorial warns Africans against Communist propaganda that creates "a world of distorting mirrors, a conditioned world that imposes upon us a certain way of seeing reality, so that we become so docile that one day we accept the indoctrination. . . ."

There are no illegitimate children in this Central African Nation.

President Mobutu says so.

In a state of the nation speech to the congress of his ruling popular revolutionary movement Mobutu attacked the "stigmatization" of children born out of wedlock as an unwanted import of European colonialists and missionaries.

Mobutu declared that all infants, regardless of their state of their parents, will be considered "Children of Zaire."

"No one will be without a father," he said.

With a noticeable nod to the powerful Catholic church, however, Mobutu added that Zaire would not return to polygamy. The custom, he said, is no longer practical in a country that is moving away from primitive village agriculture.

PRESIDENT MOBUTU

President Mobutu has reached a perilous crossroad in the African heartland that used to be known as the Congo.

Buoyed by seven years of success in leading one of the world's most important black nations onto the highway to peace and progress, Mobutu is now struggling with emotions that every black African leader must feel.

On one side is the tug of technology, engineering and science and the honest urged to build a modern nation, to bring 20 million Zairions into an organized 20th century society.

On the other is the xenophobic pull to establish the black African's place in a world that has denied him equal status for much of a thousand years.

On the first score Mobutu has made a remarkable beginning. He has stabilized a country that knew only war and privation during its first seven years of independence from Belgium. Even the casual visitor exclaims at Zaire's physical progress in the last year or two.

Mobutu's record on nationalization or national identification is still to be judged. He has embarked on a campaign to re-establish an "authentic" identity for his people who he claims were saddled with unwanted European traditions and standards during colonial rule. He promises that this will be accomplished without closing Zaire's doors to foreigners, foreign ideas, products and capital. But he has set in motion powerful African forces.

At the congress here of his popular revolutionary movement (MPR) his Africanization program won resounding endorsement not only from the 1,500 delegates of his own political party, but from seven visiting African chiefs of state, two vice presidents and a leader of the Angolan resistance.

The speeches all reflected a common African hunger for history, tradition and national pride. (In toasts, a Zairian pours a few drops of wine on the ground before drinking, a salute to his ancestors.)

Significantly, Zaire and all the other African states represented at the congress are one-party "democracies," ruled by military or political figures who seized power after chaotic experiments in multi-party government.

"I'm convinced that the 'strong-man' approach is the only that can work in these new African nations," said black Mayor Robert Blackwell of Highland Park, Mich., of the official U.S. delegates to the congress. "They simply can't afford the luxury of political debate. But it puts a helluva lot of pressure on the top man to resist corruption and temptation."

Two other black American delegates, State Sen. Colemen Young of Michigan and State Sen. Bob Dalton of Maryland, were less convinced.

"I see too many of the trappings of a dictatorship," complained Dalton, pointing to the constant glorification of Mobutu.

"I can't judge his administration," said Young, "but Mobutu's organized and that's the key to political success in any country."

The African trend to one-party rule is not without danger for men like Mobutu. Even as his congress met in this new planned "party city" 30 miles from Kinshasa, the African state of Malagsy was torn by strife. Confronted by angry students who demanded a switch from French language and culture to native forms, President Philibert Tsiranana turned over executive powers to an army general named Ramanantson.

Even a return to native forms holds dangers.

Reports from tiny Burundi to the east tell of a savage outbreak of a 400-year-old feud between the Watusi and Hulu tribes. Hundreds, perhaps thousands, of natives have been killed, according to press reports.

So far Mobutu has withstood fairly well the pressures and the critics.

When a group of university students demanded political reforms last year, he swept 2,000 of them into the army for two years. When 50 students at another school protested that they, too, were "guilty," Mobutu put them in uniform but ruled that they were "volunteers" and therefore would serve a full seven-year hitch.

He now appears to be riding a wave of genuine respect and popularity. No opposition is in sight. At the congress his MPR followers pleaded that he declare himself "president for life," Mobutu sidestepped the temptation, pointed out that his current term runs to 1978 and promised to stand for reelection "as long as I can serve."

A member of Mobutu's 15-man "politburo" or advisory council says the president is well aware that a life term would provoke questions and suspicion in the United States and Europe where some eyebrows are already arched over his personal living habits that include a sumptuous chateau near Geneva, Switzerland.

The West, the advisor adds, must learn to appreciate the African tradition of tribal and village chiefs who often are elected for life.

"There is comfort in the knowledge that chiefs, or father figures, will remain in power for life, particularly when they achieve such remarkable success as Mobutu," the advisor added.

Now 41, the orphan son of a farmer servant, Mobutu was a sergeant in Belgium's colonial army, turned journalist in 1958 and became an instant colonel with independence in 1960; a prime minister in 1965 and president in 1971.

With massive help from the United States and the United Nations, Zaire weathered the ordeal of civil war, European mercenaries, Soviet infiltration and vengeful tribal politics.

Men like Patrice Lumumba, Moishe Tshombe and President Kasavubu fell by the wayside, but Mobutu survived and grew.

In the seventies he is obviously determined that Zaire will take a leading place among nations. He has personally visited Washington, Paris, Bonn, Athens, Tokyo, Taipei and virtually all the black and Arab capitals of Africa. He has entertained Vice President Spiro Agnew, King Baudouin of Belgium, President Ceaucescu of Communist Romania and other world figures.

In a cadenced, unemotional "state of the nation" speech to his colorful MPR Congress, he insisted he will veer neither to the Communist or capitalist spheres of influence.

"These are foreign systems," he told the cheering delegates. "Ours is an African system."

Despite his rhetoric, he has shown a definite preference for western, particularly American, assistance. President Nixon played a key role in interesting private U.S. investors in Mobutu's "under-equipped" country. (He prefers that term to "underdeveloped" or "developing.")

American A.I.D. experts play a pivotal part in Mobutu's No. 1 priority project—the restoration of Zaire's war-wracked and neglected internal transportation system. Belgian-built roads, railways and river systems must be reestablished if Zaire's rich agriculture is to be revived.

Before 1960, agriculture and copper each represented half of the area's exports, by 1970, the ratio had fallen to 20–80 as the farm-to-market transport system collapsed.

The copper fields of Katanga, now called Shaba, remain Zaire's most important single resource, but the economic pattern is slowly changing.

Nationalist Chinese and American agriculture teams are demonstrating the region's dramatic potential. The Chinese are building poultry, livestock and rice programs that can become models for all Africa. Americans have introduced pineapple and other exportable fruit crops and hybrid grains that can thrive in the equatorial lowlands and the cooler highlands of the interior.

Pineapple fields outside N'sele along the Zaire River (formerly the Congo) have become a Hawaii-like showplace, complete with a modern cannery.

Taipen's Ambassador to Kinshasa was a central figure at the MPR Congress—evidence that Mobutu is not joining the African rush to recognize Peking.

"Mobutu has always emphasized his loyalty to friends," explained one American diplomat. "The Nationalist Chinese have made a major contribution here when President Nixon was in Peking in February, Mobutu was paying a state visit to Generalissimo Chiang Kai-shek in Taipeh."

Despite pockets of progress like N'sele, however, Zaire remains a nation with most of its "solango" or work ahead of it. Public services sputter in Kinshasa, still straining to bridge the chasm left by the Belgian withdrawal a dozen years ago. Villages a few miles distant appear almost untouched by progress. The installation of a one-inch water line and communal spigot is still a major accomplishment.

The enormity of Mobutu's task raises obvious questions about any detour towards African "authenticity." Anything that threatens to disperse national energies inevitably alarms some foreign investors.

The President's order changing the name of the country from the Democratic Republic of the Congo to Zaire, his insistence on the removal of all reminders of colonial rule, even the famous statues of explorer-journalist Henry Stanley and King Leopold, his demand that Zairians drop their Christian forenames in favor of tribal names, and his own emphasis on native life forms and styles has caused some to hesitate.

The Catholic church became alarmed when Mobutu ordered the elimination of Christian names. (He changed his own from Joseph Desire Mobutu to Mobutu Sees Seko. Roughly translated, it means "Brave Earth.")

The church-state differences were perhaps magnified when Cardinal Joseph-Albert Malula, Archbishop of Kinshasa, criticized Mobutu in a letter to priests. Mobutu retaliated by banning the Catholic weekly newspaper. The Cardinal left the country, presumably to avoid a personal confrontation with the President.

About one-third of Zaire's citizens are Catholic and the church is the most cohesive social element in the country. The stage was set for a test of wills. Vatican diplomats, however, interceded. They acknowledged precedents in many parts of the world that permit Catholics to be baptized with local names. In return Mobutu permitted Cardinal Malula's return.

The near-confrontation apparently served as a caution signal. Although Mobutu continues to stress "authenticity," he has not tried to dictate a return to African dress or language. He wore a western cut suit and spoke French in his appearances at the MPR Congress.

Language is a special concern to U.S. and European businessmen. The widespread use of French is one of Zaire's most important bridges to the West.

In states like Guinea and Tanzania where radical leftist leaders have tried to beat out every vestige of the European colonial past, the price has been stagnation and restless accommodations with Moscow and/or Peking.

Africanization, however, can be a powerful local issue. If Mobutu is able to balance its application with continued modernization, he could emerge as the leader of a substantial bloc of black nations. At the MPR Congress the chiefs of state from Togo, Mauretauia, Zambia, Gabon, Upper Volta, Chad, the Cameroon and Equatorial Guinea all appeared ready to follow his lead.

The Congress also offered Mobutu a chance to counter claims that he has been less than enthusiastic in opposing white rule in the Portuguese colonies, Rhodesia and South Africa.

Roberto Holden, self-described leader of one of Angola's exile revolutionary groups, shared the platform with African chiefs of state and praised Zaire's support. Mobutu, in turn, applauded President Kenneth Kaluanda of Zambia pledged black rule over Rhodesia and promised a bloc of allied "Z" nations in Central Africa—Zambia, Zaire and Zimbambwe (the African name for Rhodesia).

The impression persists, however, that ouster of white rule is not Mobutu's top concern. He again rejected any dialogue between Zaire and South Africa, but he pointedly offered to assist if any talks develop between South Africa's white leaders and its black population.

In sum, Mobutu's Congress was a political show of the first order. No American political convention or pro football halftime could rival the leopard skin hats on the delegates, the impressive array of diplomats from 48 countries, the bongo drums, native dancers in grass skirts, Israeli-trained paratroopers in blood red berets, moaning spirituals and gay chanting cheerleaders.

To paraphrase Stalin, in Zaire politics Mobutu-style is a kind of "opiate" to the people. So long as they're kept inside his MPR, they look like fun.

And what politician at any convention wouldn't be delighted to hear his followers chant:

"We gave him five years, he did well;
"We gave him seven more.
"Now we want him for 100 years.
"He put an end to the palavers.
"Mobutu, Mobutu, Mobutu!"

HEALTH APPROPRIATIONS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HASTINGS. Mr. Speaker, the matter of health appropriations has received a great amount of attention by the Appropriations Subcommittee on Labor-HEW in recent weeks. With the leadership of its chairman, DANIEL J. FLOOD, and the ranking minority member, ROBERT H. MICHEL, the subcommittee has given thorough consideration to many health spending proposals. Over 150 witnesses appeared before the subcommittee in its recent hearings.

The levels of health appropriations established by the subcommittee are responsive to the national goals and national need. As a member of the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, I am most pleased to learn of the increased health appropriations.

The proposals of Mr. FLOOD and the subcommittee should receive close attention from every Member of the House. The subcommittee deserves our praise and thanks for its diligent efforts this year. I am glad to give mine.

DRS. ISABELLE AND EARL DIBLE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, in 1970 the Times of India reported that a 7-week science workshop for more than 500,000 children of municipal schools in Bombay marked "one of the more remarkable crustbreaking achievements in recent years." The science worshop was conducted by two of my constituents, Dr. (Mrs.) Isabelle Dible and Dr. Earl Dible, consultants for the National Science Foundation.

I commend the efforts that have been made to encourage new interest in science and technology in India, and include the following editorials from the Times of India in the RECORD:

SEVEN-WEEK WORKSHOP IN SCIENCE FOR 500,000 CHILDREN

More than 500,000 children of municipal schools in Bombay will complete this weekend a seven-week workshop in general science.

The workshop is conducted by Dr. (Mrs.) Isabel Dible and Dr. Earl Dible, consultants for the National Science Foundation. The foundation is affiliated to the U.S. Agency for International Development and the programme is sponsored in co-operation with the National Council for Science Education in India.

Further, a revised science curriculum for schools has been prepared by officials of 22 Bombay schools and the new courses will be tried out this school year in several primary schools.

Further changes will be incorporated based on the trial period in the classrooms. Prior to this, staff in selected schools will receive intensive in-service training.

The revised curriculum will establish six themes—energy, matter, earth, universe, living things and personal health and safety.

SCIENCE WORKSHOP

There is no surer way to foster the spirit of science than directly exposing the very young to its methods and wonders. That is why the science workshop conducted in Bombay by two consultants of the U.S. National Science Foundation must be considered one of the more remarkable crust-breaking achievements of recent years. Thanks to this enterprise, a half million municipal school children will soon complete a seven-week workshop in general science. Equally heartening is the revised curriculum for schools prepared by a group of teachers. The new courses based on six themes—energy, matter, earth, the universe, living things, and personal health and safety—are to be tried out this year in many primary schools. Excellent; these are the first stirrings of a revolution. There have been a few tentative and sometimes successful attempts at creating a new interest in science and technology. Science fairs are organised in schools and colleges in which several scores of youths enthusiastically participate. But there are far too few science clubs in the country. A start can be made in this field by some energetic visionary undertaking to form clubs modelled on the famous Molecule Club of London, which invites large groups of school children and lets them find out things for themselves and also have fun.

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WHO PUT "CLOUD" ON KLEINDIENST? BEN COLE SETS THE RECORD STRAIGHT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BRAY. Mr. Speaker, after the sound and fury over the President's nomination of Richard Kleindienst to the Attorney General abated, the U.S. Senate confirmed him by the sizable majority of 64 to 19, after having rejected, by 63 to 20, a move to send his nomination back to the Senate Committee on the Judiciary.

I suggest these votes show that the sound and fury belonged, very much so, in the category Shakespeare put them:

A tale told by an idiot . . . signifying nothing.

Ben Cole, Washington correspondent for the Indianapolis Star, turned the harsh and glaring—and uncomfortable—light of truth and accuracy on the whole sordid performance that marked the opposition to Mr. Kleindienst's nomination. His column from the June 7, 1972, Indianapolis Star follows:

WHO PUT CLOUD ON KLEINDIENST?

Just pretend for a moment that Richard G. Kleindienst is a flaming Democratic liberal and his senatorial critics are right-wingers cast in the image of the late Joseph R. McCarthy.

There would be heart's blood running all over the place, and the editorial columns of the left-wing press would be brimming with acrimony.

Kleindienst, alas, is a moderately conservative Republican who ran Barry Goldwater's 1964 campa'gn and helped elect President Nixon four years later. He also offended liberals in another way—he directed the safe keeping of the nation's capital a year ago when it was overrun by peace kooks bent on destroying public and private property while attempting to stop the operation of the United States government.

And instead of latter day Joe McCarthys, the senators baying over his nomination to be attorney-general are three musketeers of liberalism—Senator John Tunney of California, Senator Birch Bayh of Indiana and Senator Edward M. Kennedy of Massachusetts.

Tunney, it turns out, recently used a little of his senatorial clout to keep his old buddy, singer Frank Sinatra, from being subpenaed before the Pepper Crime Committee. Representative Claude Pepper (D-Fla.) wants to ask Sinatra if it's true he is "fronting" for a Mafia don in the ownership of a Florida hotel and a Las Vegas casino.

Bayh, also, has employed a little of his prestige to help out friends. His intervention figured in a Potomac River land-fill scheme at Alexandria, Va., where promoters were eager to turn a buck by lousing up the ecology with the lawmaker's help.

And of course there is Teddy Kennedy, the chap from Chappaquiddick.

Their song is, "Send the Nomination Back to the Committee," and they drone it over and over, accompanying themselves by harping that the seven weeks of hearings in Kleindienst weren't enough to dispel a "cloud" over the nomination.

Evidently the "cloud", such as it was, disappeared sufficiently for an overwhelming majority of the Judiciary Committee to vote to reaffirm their previous recommendation that Kleindienst be confirmed.

The truth of the matter is that the "cloud" was manufactured by the pious threesome themselves as they smirkingly warped and twisted and contorted every shred of testimony they heard. Now they raise their eyes to Heaven and reiterate that it was Kleindienst, not they, who asked for those hearings.

Indeed, Kleindienst did request a chance to be heard on allegations made against him by Columnist Jack Anderson whose interpretation of a few disjointed facts produced the ITT controversy for which the liberals so dearly longed. Kleindienst expected, as he had a right to expect, to be given a respectful hearing and that the rules of fair play would apply despite the political nature of the proceedings.

Other witnesses were heard, too—Former Attorney-General John N. Mitchell, Former Assistant Attorney-General Richard W. McLaren and a whole parade of people whose answers were supposed to shed light in the situation. The President even allowed one of his aides, Peter Flanigan, to testify on points the senators insisted they needed to have "cleared up." But Flanigan's appearance failed to satisfy the trio, for they sought to range outside the limits of executive privilege set by the White House and this was the excuse for further expansion of the "cloud."

When Allen Drury wrote his great novel about the Senate, "Advise and Consent," he had in mind demonstrating that liberals employing the same tactics they found so reprehensible in Joe McCarthy would be equally censurable. Events have shown his point was well taken.

REPORT ON U.N. LAW OF THE SEA CONFERENCE—SECTION ONE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. KEITH. Mr. Speaker, the forthcoming Law of the Sea Conference involves issues of immense significance to the future of the United States and the world.

These issues affect our national defense, our economy, and our relations with many nations. Their solution will have a profound effect upon the future of our fishing industry, our energy resources, and our environmental balance.

As a congressional adviser to the U.S. delegation to that Conference, I feel it is important that I report the progress of the Seabed Committee's deliberations to you, to the Congress, and through the Congress to the country.

First, if I may, let me present a bit of background. Over the past half-dozen years, an effort to review and enlarge upon existing concepts of the law of the sea has gained momentum in the international community. The roots of this effort are many and diverse, including:

Widespread dissatisfaction with the results of the 1958 and 1960 Geneva Conferences on the Law of the Sea;

Intensified commercial fishing throughout the world which has accelerated the decline of many important species of fish; and

Growing interest of developing nations in the sharing of the resources of the sea.

These trends were encouraged by a doctrine first enunciated by Ambassador Pardo of Malta in the now-famous "Malta Resolution." His philosophy was that the world's oceans should be treated as the common heritage of mankind, and his speech prompted the U.N. to establish several working groups to explore the implications of this concept.

These working groups reported favorably, and their reports led to the creation of the Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction.

During the past few years, the more traditional law of the sea concepts agreed upon during the 1958 to 1960 period have been seriously questioned. The contested concepts include the limits of coastal State jurisdiction over fisheries; conservation of fish resources; the breadth of territorial seas; and the so-called right of innocent passage through international straits.

All these questions and concerns led to the broadening of the seabed's committee's U.N. mandate to prepare for a law of the sea conference.

The committee's broadened jurisdiction was accompanied by a substantial expansion of the committee's membership, from 47 to 91 nations.

This enlarged Seabed Committee met in New York and Geneva in 1971. Its work, however, continued to center around the seabed regime, gaining momentum from the U.S. initiative of 1970 when the United States first draft convention was introduced as a working paper.

It was my privilege to attend a number of the sessions of the committee held in New York this past March. I was able to participate in many fruitful discussions with members of the U.S. delegation and advisers to the delegation from various segments of industry.

From this experience, I have, I believe, developed a much better appreciation of the United States' position in the many different aspects of our law of the sea posture.

In my view our position not only protects our own citizens whose well-being is so dependent upon the sea and its continued productivity, but, in my view, it also takes into account the legitimate interests of the developing nations of the world.

Our position with respect to fisheries, for example, as enunciated by Ambassador Don McKernan at this session, is one that deserves strong support.

Mr. McKernan proposes that jurisdiction over those coastal species dependent upon the relatively shallow waters of the Continental Shelf be delegated to the contiguous coastal state, and that foreign fishermen wishing to utilize these stocks contribute financially to the conservation efforts of the coastal nation having jurisdiction.

He likewise proposed that jurisdiction over anadromous species such as salmon be vested in the nation whose inland fresh waters provide the breeding grounds for these stocks.

The pelagic species, such as tuna, which spend their entire life in the high seas and migrate vast distances in international waters, do not lend themselves to conservation by any one nation. Therefore the United States has proposed that these species be the subject of internataional conservation measures.

The Seabed Committee, composed of 91 members of the United Nations, reflects a multiplicity of outlooks and concepts. Its progress has indeed been slow, as might well be expected when so many complex issues are presented to such a broad forum. While thinking with respect to the seabed regime has crystallized to a significant extent, I regret to report that up to now, agreement with respect to fisheries is barely perceptible.

Pressures are building in the American fishing industry to forgo the complex international negotiation route in favor of a simple, nationalistic declaration of a 200-mile limit. It is this understandable feeling of frustration which causes America's fishermen to support this 200-mile limit. They have seen one species after another "fished out" by foreign fishing fleets; they have seen other nations' vessels fishing in restricted areas without punishment, while they pay the penalty for doing the same thing. They have heard talk of international agreements for years and years—and have found that the only agreements made are too little and too late.

The American fisherman is angry—and he has a right to be. He has a right to expect now that the United States will assert itself in the upcoming Geneva Conference. He has a right to believe that the discussions which take place will be substantive. He has a right to feel that his vision will be understood and supported by our State Department and negotiators. He was not happy with what took place in New York last March.

We cannot afford to let opportunity go by again. The sea can be a barrier between nations or a bridge. The results of the Law of the Sea Conference will, in all likelihood, determine which it shall be in the decades ahead. These deliberations are too little known and understood within the United States. It is the responsibility of all of us who understand the importance of the law of the sea, as it is now evolving, to keep the Nation informed. When international agreement comes—as we hope and believe it eventually will—our people should be prepared to understand and welcome these innovation in the relationships among coastal states.

Mr. Speaker, as part of this effort, I would like to conclude my remarks by appending—in three installments—a statement by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee.

It reflects his views as they relate to the current position of the United States as we approach this final preparatory meeting in Geneva. The conference will be held from this coming July 17 to August 18.

His statement deserves the widest possible dissemination, and I commend it to the attention of all who share an interest in the sea and the wise utilization of its resources.

The first part of the statement covers the background on the crisis we face in the Law of the Sea; the second covers the current U.S. oceans policy; and the third covers the details concerning the preparations in the U.N. Seabed Committee for the 1973 Law of the Sea Conference. I will submit the second and third installments in Tuesday's and Wednesday's RECORD.

The first part of Mr. Stevenson's statement before the Subcommittee on International Organizations and movements of the Committee on Foreign Affairs, House of Representatives April 10, 1972, follows:

I welcome the opportunity to appear before this Committee today to discuss preparations for the Law of the Sea Conference.

BACKGROUND

Mr. Chairman, the nations of the world are now facing a crisis in the Law of the Sea. Basic principles that have governed the activities of men and nations on the seas for centuries are being challenged, and international procedures for adapting these principles to modern conditions are under severe strain. While we should not minimize the implications of this situation for specific uses of the seas, I believe there are also broader implications for the international community that should not be overlooked.

First, the Law of the Sea lies at the heart of modern international law as it emerged in the 17th century. Should it collapse under the weight of conflicting unilateral actions based almost exclusively on immediate national interests, the result will be a severe blow to the prospects for the rule of law not only in the oceans, but in the international community generally.

Second, the Law of the Sea governs the activities of States on, under, and over two-thirds of this planet. The importance of the oceans to the security and well-being of all mankind is increasing at an extraordinary rate. It is clear that as the magnitude of interests in the seas increases, the danger of conflict—and hence the need for law—increases as well.

The United States is a party to the four Conventions on the Law of the Sea adopted at the 1958 Conference on the Law of the Sea. While these Conventions represent a very significant codification of the Law of the Sea, there are several problems with them. The 1958 Conference, as well as a subsequent 1960 Conference specifically called for this purpose, were unable to resolve the question of the maximum breadth of the territorial sea and coastal State fisheries jurisdiction. Moreover, there was no agreement on a precise seaward limit for coastal State sovereign rights over seabed resources of the continental shelf. The issue of an international regime for the seabeds beyond this limit was considered premature at the time. The dangers of pollution were not yet fully appreciated.

At the same time, many technological changes have occurred. Offshore oil and gas production is becoming a very significant source of energy. Technology is being developed looking to extraction on a commercial basis of hard minerals from manganese modules on the deep ocean floor. Nuclear submarines and super tankers have become important users of the oceans. Sophisticated methods of fishing have developed that increase the danger of overfishing and economic dislocation. Scientific research in the oceans is growing in importance not only to our understanding of the oceans, but to our total understanding of our planet and its environment, including the weather.

During the period since 1958, coastal State claims over the oceans have proliferated. While the United States adheres to the traditional 3-mile limit for the territorial sea, a plurality of States now claim 12-miles. Some even claim more than 12-miles, and up to 200. Others have limited the substance of their claim to seabed resources and fisheries, but have also asserted such limited claims as far as 200 miles or more. Needless to say, should this trend continue unchecked, what would result is a partition of the oceans by coastal States. I should point out that a universal 200-mile limit would in itself embrace over 30% of the oceans—Soviet geographers calculate that it might be as much as 50%. This expansionist trend in maritime jurisdiction is also intensifying the nature of disputes regarding sovereignty over small islands and other land areas that would otherwise be of little significance, but that might be used to calculate extensive maritime jurisdiction.

For all these reasons, the 1973 Law of the Sea Conference acquires particular importance. The essential questions are whether we as a world community can adapt to technological change and act quickly enough to assure that such change benefits all of us, and whether we can outpace the trend in unilateral claims that will render negotiation far more difficult, if not impossible.

President Nixon clearly indicated our assessment of the seriousness of this situation at the start of his Statement on United States Oceans Policy of May 23, 1970:

"The nations of the world are now facing decisions of momentous importance to man's use of the oceans for decades ahead. At issue is whether the oceans will be used rationally and equitably and for the benefit of mankind or whether they will become an arena of unrestrained exploitation and conflicting jurisdictional claims in which even the most advantaged states will be losers."

The issue arises now—and with urgency—because nations have grown increasingly conscious of the wealth to be exploited from the seabeds and throughout the waters above, and because they are also becoming apprehensive about ecological hazards of unregulated use of the oceans and seabeds. The stark fact is that the law of the sea is inadequate to meet the needs of modern technology and the concerns of the international community. If it is not modernized multilaterally, unilateral action and international conflict are inevitable.

This is the time, then, for all nations to set about resolving the basic issues of the future regime for the oceans—and to resolve it in a way that redounds to the general benefit in the era of intensive exploitation that lies ahead. The United States as a major maritime power and a leader in ocean technology to unlock the riches of the ocean has a special responsibility to move this effort forward.

A MASSACHUSETTS HOUSE RESOLUTION RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. O'NEILL. Mr. Speaker, I am submitting for the RECORD today a resolution passed by the Massachusetts House of Representatives, memorializing the President of the United States and certain other public officials to publicly condemn and to take certain other actions relative to the massacre at Lod Airport, Israel.

This resolution expressing outrage and indignation at the heinous crimes committed on innocent travelers highlights the need for imposing sanctions on those

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governments who harbor international criminals.

I want to express my appreciation to the author of the resolution, Representative Jon Rotenberg, of Brookline, for introducing this timely measure. Representative Rotenberg has brought this deplorable incident to the fore, and I am sure that both those in the Commonwealth and those here in the Massachusetts delegation are deeply grateful.

The resolution follows:

RESOLUTIONS

Resolutions memorializing the President of the United States and certain other Public Officials to publicly Condemn and to take certain other actions relative to the Massacre at Lod Airport, Israel.

Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups; and

Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financally, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

Resolved, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldheim to take the following steps:

(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

(2) To condemn all acts of terrorism.

(3) To privately and publicly urge each Arab government to abandon its support of Palestinian terrorist groups.

(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

Resolved, That engrossed copies of these resolutions be forwarded by the Secretary of the Commonwealth to President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations, Kurt Waldheim, and to all the members of Congress from this Commonwealth.

AMERICA, THE WARRIOR STATE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. KASTENMEIER. Mr. Speaker, I would like to direct the attention of my colleagues to a review by Ronald Steel of a recent book, "Roots of War," written by Richard Barnet.

As Mr. Steel, in the New York Times Book Review of June 11, points out, Dick Barnet has presented a provocative, yet cogent, analysis of the formulation and conduct of U.S. foreign policy during the past 30 years, and it is not pleasant history. There will be those, particularly in the foreign policy and Military Establishment who will take exception to Barnet's central thesis that the external business of the United States since 1940 has been war and the preparation of war. Yet, it is precisely this bureaucratic structure which has been responsible for the promotion of a militaristic definition of our national security which, in the process, has turned America into a warrior state. For others, however, who want to free America from the militarist control of national security and foreign policy, the "Roots of War" is essential reading.

Mr. Speaker, the review by Mr. Steel follows:

"ROOTS OF WAR"—By Richard J. Barnet

(By Ronald Steel)

For the past three decades one President after another has been telling us that we must make the world safe for America. F.D.R. preached the Four Freedoms, Harry Truman dropped the atomic bomb, Ike and Dulles set up a global system of bases, J.F.K. told us we were the "watchmen on the walls" of freedom, L.B.J. warned us that others wanted what we have, and Nixon seeks respect for his office by B–52 raids on small Asian states. Security through terror, peace through war, truth through lies: this has been the model for United States foreign policy for nearly two generations.

Richard Barnet argues in this provocative and disturbing study of the Thirty Years' War waged in the name of peace that instead of trying to make the world safe for Americans we should be looking for a way to make America safe for the world. It is not our enemies, he maintains, but we ourselves who are the greatest threat to world peace, pursuing what we insist is our national interest by "spreading death, terror, and destruction," and behaving in a way that America is "surpassed by none in the fear and hatred it has inspired around the world."

Since 1940, Barnet argues, the external business of the United States has been war and preparation for war. We have the world's most powerful military force, maintain some 400 major overseas installations, have waged two land wars in Korea and Vietnam, and have intervened either through the C.I.A. or with our own troops from Guatemala and Cuba to Lebanon and Laos. Until Vietnam we assumed that the feeding of a permanent war machine was the price we had to pay for living in a threatening world.

"We are the Number One nation," Lyndon Johnson said as he was devastating Vietnam, "and we are going to stay the Number One nation." But the price of being the world's Number One military interventionist is getting to be more than the country can support. Inflation is rampant, unemployment is persistent, the balance of payments is disastrous, the vaults at Fort Knox are emptying, and the public mood is turning from disenchantment to confusion and even to an ugly search for authoritarian order. The world is not going the way we want it to, and—judging from President Nixon's kiss-and-make-up visits to Peking and Moscow—maybe the menace is not so terrible as we were told it was all these years. If not, what is the purpose of murder in Indochina and the most gargantuan war machine the world has ever seen?

This is the question that many are beginning to ask, but few have approached it with the incisiveness and originality shown by Richard Barnet. Drawing on his experience in government and his work at the Institute for Policy Studies, which he founded in Washington 10 years ago with Marcus Raskin and has helped transform into a brains trust of the radical left, he has looked at foreign policy from the inside. Instead of asking how we responded to external threats, he tries to find out what it is about our society that led us to create situations that would justify the wars of intervention, why for three decades we have been organized for war.

Barnet is not the first to view foreign policy as an outgrowth of domestic policy. But the special value of his book lies in his examination of the domestic political, economic, and social forces that determine that amorphous thing we call the national interest. For the élite who have evolved our foreign policy, that national interest demands war, the threat of war and the preparation for war. "War is primarily the product of domestic social and economic institutions," Barnet insists, and those who control these institutions decide which threats are important enough to justify war.

In Barnet's scheme the roots of war are three-fold: the concentration of power in a national security bureaucracy that plays by rules of its own making and is largely self-perpetuating; the capitalist economy and the business creed that sustains it; and the vulnerability of the public to manipulation on national security issues. To sever the roots of war means more than just a change of leaders or of policy. It means sweeping institutional changes within the society: shrinking and controlling the bureaucracy, eschewing the growth mystique that feeds economic expansion and military interventions, and making the public aware of how it is directly affected by the decisions of the élite. Only in this way, he believes, can the United States "renounce militarism and war as primary instruments of policy and accommodate its fears and appetites to the postimperial world."

The centerpiece of Barnet's argument is his dissection of the national security bureaucracy, an organization that permits individuals to "get medals, promotions and honors by committing the same acts for the state for which they would be hanged or imprisoned in any other circumstance." These men are able to commit what he calls "bureaucratic homicide "because their official roles insulate them from personal responsibility for their actions. They direct the "Green Machine," as the G.I.s call the war juggernaut in Vietnam, and decide from their desks and push buttons which governments shall be overthrown and which nations destroyed. They do so in the name of the national interest, which they are solemnly pledged to uphold and defend.

These men are not monsters, nor do they see themselves operating as oppressors and aggressors. They are, Barnet holds, deeply moral men who are convinced that what they are doing is best for the nation and, by extension, best for the world. They are always saying so, and there is no reason to believe that they do not mean it, however much those they are subverting and bombing may disagree. These men are talented and intelligent, the "brightest and the best" by every standard American society holds dear. They have been to the right schools, hold the right jobs in finance, law and business, belong to the proper clubs and organizations, and succeed one another in all the important governmental posts—regardless of which political party is in power.

Barnet shows how between 1940 and 1967 all the first- and second-level posts in the national security bureaucracy were held by fewer than 400 individuals. Of the 91 people who held the very top jobs—the Secretaries of Defense and State, and of the three services, the chairman of the Atomic Energy Commission, and the director of the C.I.A.—70 have been businessmen, lawyers for business, and investment bankers. Not only do they all know one another, lunch together, and attend the same meetings at the Council on Foreign Relations, but they succeed one another in the same jobs.

This does not mean that there is a Wall Street-Ivy League conspiracy, or that the élite is closed to outsiders. Indeed, the Establishment is always open to talent, so long as bright newcomers share the government assumptions and rules of conduct. But the élite is cohesive, remarkably small, and vigorously self-perpetuating. As in any élite, the highest virtue is loyalty to the team, even when the ship is on a disaster course. Criticisms are made from within; linen is never washed in public. As we know, not a single high official of the Johnson Administration resigned in protest over the Vietnam war, even though many criticized it privately. The most damning indictment made by the élite against Daniel Elisberg and Senator Gravel is not that they gave away Government secrets, but that they broke the unofficial rules of the club.

Barnet argues that this élite is dangerous because it is cut off from the mainstream of American society and from the aspirations of the world's dispossessed, because it is enamored of a technology that institutionalizes and depersonalizes violence. "The basic characteristics of our institutional structures," Barnet declares, "the rewards and incentives that operate on men when they become national security managers, and the elaborate private language and ideology that has been developed to absolve men from personal responsibility for bureaucratic homicide all reinforce each other. The actors in the Vietnam tragedy by and large did what they were trained to do, and, under happier circumstances, would have been praised for doing. In short, they were following the rules of governing an empire."

If the national security bureaucracy is the first root of war, the second is the creed of economic expansion. "Many of the nation's leading industrialists and bankers," Barnet maintains, "are convinced that the projection of American power and influence abroad is rooted in economic necessity, in the needs of an expanding economy for new markets and new resources unavailable at home." This leads them to support military and political interventions, and helps create an identity of interest between the national security bureaucracy and the business community.

However, this is not the same thing as saying that the military machine is the servant of big business. In fact, Barnet shows how the ambitions of the nation-state are increasingly at odds with the interests of the giant corporations which are organizing globally. In its quest for power the nation-state threatens economic stability, imperils the international monetary structure, and impedes the rationalization of the world economy. It has become an anachronistic institution, launching uneconomic wars, imperiling its own population, and getting in the way of the international development process that is the goal of the multinational corporation.

Barnet clearly is not an economic determinist and rejects the easy argument that capitalism is the cause of imperialism. He realizes that socialist states can be equally imperialistic, and even has qualified words of praise for the anti-chauvinist multinational corporations. This, however, leaves him without any clear alternative to the current system of unequal distribution and exploitation—other than the hopeful wish that we will turn away from our obsession with growth and thereby refrain from the more "egregious imperialist practices of the past." The sympathetic skeptic may well question whether such an act of self-abnegation will occur unless it is imposed from the outside.

Barnet's analysis of the third root of war—manipulation of public opinion by the national security bureaucracy—reinforces skepticism about the ability of the society to change along the lines he desires. Like most critics of foreign policy, Barnet is stronger on attack than on solution. While this doesn't detract from the importance of his critique, it leaves a good many unanswered questions. One wonders whether his cure—trimming the bureaucracy, curbing economic growth, arousing the public—is feasible, or even likely to work. Will a smaller, more responsive bureaucracy view the world differently? Is it possible to run a complex society without some form of "governing class," and has our national security bureaucracy behaved more irresponsibly than any likely alternative group? Is the "growth game" and dependence on foreign raw materials really a root of war? How much more agitated over foreign policy can we reasonably expect the public to be?

One of the problems is that nations with unlimited power tend to use whatever means are required to maintain that power. It is the job of government officials to pursue this goal and find eloquent phrases to rationalize actions they sincerely believe are just. They used to call it making the "world safe for democracy." Now they call it exercising our "world responsibilities," or more pretentiously, insuring the "rule of law." The quest for empire is likely to go on so long as others allow us to get away with the unilateral exercise of these self-assumed "responsibilities." The emergence of a four-power world and the decline of American power may be what will save us from ourselves.

Barnet has not answered all the questions, and it would be unfair to expect him to do so. What he has done is to pose with great insight some of the questions we should have been asking all along. He has once again, as in his earlier book, "Intervention and Revolution," shown himself to be one of our most perceptive younger political analysis. "Roots of War" is an eloquent, important, and timely study that breaks new ground. It clarifies the issues, stimulates the mind, and enriches the debate it is certain to trigger.

DR. JEAN MAYER SUPPORTS TRUTH IN FOOD LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ROSENTHAL. Mr. Speaker, the longer we delay in providing the American people the proper protection of a safe food supply, the more we risk illness and even death.

The case of 10-year-old Michael Grzybinski is a good example. Michael was allergic to peanuts, and from the age of 3 had learned to ask what the ingredients of candy or cake was before eating them. On April 17, 1972, he ate some ice cream which did not list the contents on the container. The ice cream had peanut butter in it, and Michael died within a few minutes.

This tragic, needless death could have been avoided if the manufacturer had simply listed the ingredients in his product. There is no justifiable reason why food producers and packers should conceal from the American people the knowledge of what is in the food they eat.

Millions of Americans have food allergies and other reasons which make knowing ingredients of what they eat an absolute necessity. The callous disregard of industry for their welfare is unpardonable.

But it is not just the allergic who care about what is in the food they eat. There is a growing concern throughout the Nation. Slowly, all too slowly, a few manufacturers are beginning to recognize this and label their products accordingly. But that is not enough. Voluntary industry action has been a flimsy excuse for no action at all. That is why I have introduced legislation, with more than 30 cosponsors, to require full disclosure of ingredients on food labels. That bill is H.R. 8670, the Truth in Food Labeling Act.

I am inserting in the RECORD at this point the tragic story of young Michael Grzybinski as reported in a recent column by the noted nutritionist, Dr. Jean Mayer of Harvard University. The column follows:

BETTER LABELING LAWS ARE NEEDED

(By Dr. Jean Mayer)

Over the years, some of us have insisted that the public has a right to know what they eat, and the only way to be sure of this—when it comes to processed food—is better labeling. This means labeling that informs you of the caloric content of common portions of processed foods, the proportion of your needs of protein, vitamins and minerals it provides, and exactly what ingredients it contains.

We think food manufacturers should no more be allowed to hide behind "the need to protect recipe secrets" than drug manufacturers are. In both cases, lack of information can be not only unhealthy, but even deadly.

For lack of such labeling, 10-year-old Michael Grzybinski died. That's right, died. If anyone thinks that I am exaggerating the urgency of improved labeling, read this letter I recently received from Dedham, Mass.

Dear Sir: On Monday, April 17, 1972, my 10-year-old son Michael, passed away from natural causes due to glottic edema and anaphylactic reaction due to ingested peanuts. This was caused by eating ice cream that had peanut butter whipped into it, made by a Boston ice cream company and called "Butterfinger."

My son had an allergy to peanuts all of his life and, even at the age of three years, would not eat candy bars or cakes unless someone told him what the ingredients were. As he got older, he would read the ingredients himself before eating.

On the day this accident happened, he was playing ball with some friends of his, who invited him to have some ice cream at their house. The friend asked him if the ice cream was okay to eat, as there was only a picture of a Butterfinger candy bar, and no ingredients on the plastic cover. So he said he guessed it was okay to eat since it did not say anything about containing peanuts.

Shortly later, he came home and the allergy reaction had already started. We sent across to the friends house to see what he had eaten, and were told of this ice cream. In a very few minutes my son was dead.

The reason I am writing this letter to your office . . . is my wife's and my hope that this tragedy does not happen again to other people who have this allergy, and that the container would be marked with the contents spelled out instead of only the picture of a candy bar.

We intend no legal action against this ice cream company, but only wish that they can see their way clear to change the container cover and indentify the contents.—Yours truly, Chester J. Grzybinski.

Michael's parents, with great courage, have allowed me to make this letter public in the hope that, as a result, other parents would not be faced with the tragedy that has struck them.

Meanwhile, what is happening to the proposals for universal ingredients labeling? Some industries oppose labeling vigorously—ostensibly because the public would "be con-

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fused." This might apply to full chemical names of certain ingredients, but hardly to the natural contents of ice cream, or soft drinks for example.

Government agencies have been curiously unwilling to enter the arena. The Food and Drug Administration and the U.S. Department of Agriculture argue that they haven't the legal power to require full ingredient labeling. The FDA at least agrees it would be useful to have such power, and has had a bill introduced into Congress.

But the bill is woefully weak. And the FDA has been unmoved by the challenge of a group of young lawyers banded together as LABEL, Inc , who claim that there's nothing in the law to prevent the FDA from taking action right now.

In desperation, a number of congressmen—chief among them Rep. Benjamin S. Rosenthal (D-N.Y.)—have introduced bills into the House and Senate. All of the bills have gone to the Interstate and Foreign Commerce Committee.

If any action is to result, vigorous pressure by aroused citizens is needed to get these bills out of committee—favorably. Only if the legislators know that the voters are deeply concerned, even angry, will we get the laws that will make us nutritionally better informed and, hopefully, guarantee there will be no more needless deaths of 10-year-olds.

THE 195TH ANNIVERSARY OF FLAG DAY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BOGGS. Mr. Speaker, on Wednesday, June 14, we in the House of Representatives and our fellow citizens throughout our country will commemorate the 195th anniversary of Flag Day.

I have received an interesting and timely letter from my good friend, Comdr. Robert W. Collins, regarding Flag Day and the proper way to observe it. Commander Collins is a devoted student of the American flag, and he makes a compelling case for publishing a chart, depicting the history and development of Old Glory.

Because we are approaching Flag Day, 1972, and because we are nearing the bicentennial of our Nation, I am inserting Commander Collins' letter in the RECORD and calling it to the attention of my colleagues.

To the Members of the House from all the States of our Union:

14 June is Flag Day. On 14 June the House will mark the 195th anniversary of Flag Day. For many years the House has had proper observations commemorating the Resolution of the Continental Congress of 14 June 1777 which gave us our first national flag and ensign known as The Stars and Stripes.

Congress has enacted only two statutes regulating our national flag and ensign: the flag law of 8 January 1794 effective 1 May 1795 and our permanent flag law of 4 April 1818 effective 4 July 1818. It is still in effect and has given our Nation the design for all of our flags and ensigns since the 20-star flag and ensign of 4 July 1818 to our present flag and ensign of 50 stars and 13 stripes of 4 July 1960 to date.

At this time permit me to urge the Members of the House from all our States to direct their attention to the laws on the design of our flags and ensigns, the symbols of our great Nation. Herewith is a compilation of those laws which I call Our Flag Laws—A Chronology.

No illustrated chart of the flags and ensigns of the United States of America authorized by law is to be found anywhere. The time has come for such a chart. What this country needs is an illustrated chart portraying the authorized flags and ensigns of our great Nation. Our Bi-Centennial is near at hand. Accordingly, the premises considered, the Members of the House from all the States are urged to enact a Resolution authorizing and directing the Public Printer to produce a chart portraying the Grand Union Flag which General Washington hoisted over his headquarters at Cambridge, Massachusetts on 1 January 1778 and the 27 National Flags and Ensigns authorized by the Continental Congress and the Congress from 1794 to date.

Respectfully submitted,

ROBERT W. COLLINS,
Commander, U.S. Naval Reserve (Retired).

BASEBALL IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BEGICH. Mr. Speaker, I would imagine that few of my colleagues realize that Alaska is one of the most enthusiastic baseball States in the country. In the past few years, the Anchorage Glacier Pilots have captured the national championship of the American Baseball Congress on two occasions, and the Fairbanks Goldpanners have been one of the most consistently fine teams nationally for years. In addition to this, the Little League program throughout Alaska is enthusiastically supported and participated in by great numbers of youngsters.

To call attention to this enthusiasm for baseball in Alaska and to show commitment to the participation of youth in this fine sport, Governor Egan has recently declared June 11th as the beginning of Little League Baseball League in Alaska. I am glad to have this opportunity to call this event and the enthusiasm for baseball in Alaska to the attention of my colleageus. The resolution follows:

PROCLAMATION

LITTLE LEAGUE BASEBALL WEEK

Little League Baseball is symbolic of America and the highest concepts of democracy, citizenship and teamwork. This great movement embraces more than two million boys under 12 years of age who are helped to become responsible Americans of the future.

Thousands of adult volunteers whose only motive is to cultivate a wholesome, beneficial climate of formative training give unstintingly of their time and energies to this end. The Little League Foundation has become an important keystone of the future and the cornerstone of permanency for this great movement in the broad area of our country's youth.

I, William A. Egan, Governor of Alaska, do hereby proclaim the week beginning June 11 as the period for observance of "Little League Baseball Week." in Alaska, and urge all Alaskans to recognize and give support to the program of Little League Baseball.

Dated this 30th day of May, 1972.

WILLIAM A. EGAN,
Governor.

OLIVER S. TWIST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. EILBERG. Mr. Speaker, a distinguished son of Philadelphia, Oliver S. Twist, is to again be honored by a grateful community. On Thursday evening, June 15, 1972, the Oxford Circle Realty Board will hold a testimonial dinner in tribute to Mr. Twist, whose unique career spans a half century in the banking and real estate professions.

It is with pleasure that I call to the attention of my colleagues the notable achievements of this fine gentleman, whom I am privileged to call my friend, by including the following article from the June 8, 1972 edition of the Northeast and Feltonville Weekly, and other Philadelphia newspapers:

TWIST CITED FOR DEVOTED NE COMMUNITY SERVICE

A milestone in the history of the Greater Northeast Philadelphia-Lower Bucks County area will be observed this month (June) when Oliver S. Twist, President of Frankford Trust Company, marks his fiftieth year in the banking and real estate professions.

Widely recognized for his prominent role in the development and growth of the area, the veteran executive is also regarded as one of the community's foremost citizens.

Twist will be cited for his outstanding contributions to the community at a testimonial dinner sponsored by the Oxord Circle Realty Board on Thursday, June 15, at Valle's Steak House on Roosevelt Blvd.

In announcing the tribute dinner, Morris S. Smallow, President of the Oxford Circle Realty Board, stated:

"For fifty years, Oliver S. Twist has served his chosen profession and community with honor and distinction. His distinguished career has been marked by many achievements, all of which played a vital role in the growth and development of Greater Northeast Philadelphia. In grateful appreciation of and tribute to the man and his outstanding contributions to the community, the Oxford Circle Realty Board tenders this testimonial."

Serving as chairman for the event is Ray Richman, head of his own real estate firm, with Irvin Buck as co-chairman. J. Walter Eppehimer, vice presendent of Frankford Trust, is ticket chairman. The committee and honorary committee for the dinner is composed of leading realtors, bankers, businessmen and representatives of civil organizations in the Northeast-Lower Bucks area.

Oliver Twist was born in South Fork, Pa., but has been associated with the Greater Northeast community since, as a boy, his family moved to Philadelphia. He attended Frankford High School, where he immediately became an outstanding student and activities leader. In 1969, he received the school's Ninth Alumni Pioneer Achievement Award.

Following graduation in 1922, he was employed by Frankford Trust Company, rising rapidly through the ranks as Assistant Title Officer, Assistant Secretary, Secretary, Title Officer, and Vice President. He was elected President in 1967, climaxing a colorful career during which Frankford Trust Company has grown steadily and played a key role in the financial affairs of the Northeast.

In both business and community activities, Mr. Twist has earned the admiration and respect of people everywhere. His professional associations include posts with the Banking Board of the Commonwealth of Pennsylvania; Director, Home Unity Savings and Loan Association; Director, Commonwealth Land Title Insurance Company; and Director, Life Assurance Company of Pennsylvania, among many others.

His civic and philanthropic activities over the years include leadership roles with many of the area's foremost organizations. Among them are the Loyal Order of Moose, Shriner's Hospital, Cancer Society, Frankford Hospital, National Jewish Hospital, Police Athletic League, and Lighthouse of the Blind.

In recognition of these activities, he has been the recipient of many honors and awards from such groups as Greater Northeast Business Men, Bright Hope Baptist Church, Jewish War Veterans, American Legion, Half-Century Square Club, the State of Israel, and others.

Reservations for the June 15 testimonial dinner are being accepted by Mr. Eppehimer at JE 3-4400.

SPECIAL ACTION REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing effort to keep my constituents informed about the issues facing the Congress and my endeavors to represent them, I include in the RECORD at this time the contents of my "Special Action Report" which is being prepared for imminent distribution:

SPECIAL ACTION REPORT FROM CONGRESSMAN BOB PRICE

CONSERVATIVE VS. LIBERAL VOTING RECORDS PUBLISHED

The so-called "watchdogs" of the Senate and the House are the recognized associations and groups which give a rating to the voting record of each Member of Congress. These ratings are published for the public to see how their particular congressman performs. The following chart shows the most popular ratings with a foot-note of who publishes the ratings:

[In percent]

Congressman	N.A.B.	A.C.A.	A.D.A.	AFL-CIO C.O.P.E.
Archer	(1)	100	(1)	(1)
Brooks	18.2	12	33	83
Burleson	83.3	75	0	23
Cabell	60.0	57	11	24
Casey	58.3	64	11	33
Collins	90.9	92	0	8
de la Garza	37.5	30	28	66
Dowdy	63.6	84	0	13
Eckhardt	0.0	4	89	100
Fisher	80.0	80	11	11
Gonzalez	8.3	8	67	98
Kazen	25.0	20	17	84
Mahon	66.7	48	11	35
Patman	20.0	18	17	73
Pickle	72.7	37	11	62
Poage	63.6	49	6	43
Price	88.9	90	6	0
Purcell	50.0	42	11	47
Roberts	54.5	57	11	37
Teague	50.0	57	0	28
White	41.7	48	33	46
Wright	18.2	21	22	68
Young	18.2	20	17	69

[1] Indicates Member not in office at time of rating.

N.A.B.—National Associated Businessmen's Economy Voting Record 1969–1970; A.C.A. Americans for Constitutional Action—cumulative rating through 1971; A.D.A.—Americans for Democratic Action—Liberal Quotient 1969–70; C.O.P.E.—AFL-CIO Committee on Political Education—cumulative rating through 1970.

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

I have introduced a Constitutional Amendment which would require Members of Congress to be recorded on at least 70% of all roll call votes during a session of Congress or lose their jobs.

The American people have a right to expect that the men they elect to Congress are going to do their job—and that is to be present and voting an important legislation involving the spending of billions of taxpayers' dollars and affecting their constituents.

While there are certain times when a Member of Congress must be necessarily absent, and my bill provides for absences due to illness or official business, nevertheless, the attendance record of all too many Congressmen is shamefully bad. In fact, if many of these Members had the same rate of absenteeism in private industry as they do in Congress, they would be fired from their jobs. My own overall attendance record since coming to Congress stands at over 90% as indicated by chart at right, and it is my belief that every American citizen has a right to full time representation in the Congress of the United States.

Attendance records *

Congressman:	*Percent*
Archer	97.0
Brooks	79.2
Burleson	89.8
Cabell	80.6
Casey	86.9
Collins	88.5
de la Garza	82.8
Dowdy	73.2
Eckhardt	85.6
Fisher	82.4
Gonzalez	99.8
Kazen	96.8
Mahon	98.2
Patman	72.2
Pickle	85.0
Poage	83.6
Price	90.4
Purcell	68.8
Roberts	87.2
Teague	67.8
White	95.0
Wright	76.6
Young	86.8

* Attendance record percentages for Texas Congressional delegation based on composite of yearly attendance averages for recorded "yea" and "nay" votes for period 1967–71.

Source: Congressional Quarterly.

PRICE NAMED RANKING REPUBLICAN MEMBER OF SPACE SCIENCE AND APPLICATION SUBCOMMITTEE

The Subcommittee on Space Science and Applications is responsible for directing NASA unmanned space programs. The unmanned space programs are aimed at eliminating air and water pollution, reducing urban congestion, improving transportation systems, solving critical energy problems, and developing more efficient techniques for food production.

Having been appointed to this important Subcommittee, I intend to press for greater emphasis in fields where the American taxpayer will see an immediate return on his investment, especially in the four areas of agriculture, geology, oceanography, and hydrology. To manage the water resources of the earth more intelligently, we must have more information about the surface and subsurface flows of water. My other important Science and Astronautic Subcommittee assignments concern Manned Space Flight and International Cooperation in Science and Space.

TEST-FLIGHT EVALUATION OF SR–71 RECONNAISSANCE AIRCRAFT PREPARED FOR SECRETARY OF THE AIR FORCE

As one of two or three qualified jet pilots presently serving in the Congress, I recently accepted an invitation by the Secretary of the Air Force to test fly and evaluate the capabilities of the highly sophisticated SR–71 reconnaissance aircraft. Because of the large annual expenditure for defense purposes, I believe it is important for the Congress to have a first-hand look at where the money is going, and I am presently drafting a report based upon my test flight to be submitted to the House Armed Service Committee and the Secretary of the Air Force.

PRICE INTRODUCES BILL TO AMEND OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

Thanks to the many letters and comments from concerned area citizens, I have recently introduced legislation to relieve small business firms and farms from hardships and unnecessary problems brought about by the Occupational Safety and Health Act of 1970. Among its many provisions my bill will exempt from the law employers with fewer than 25 employees, both agricultural and non-agricultural, and will assist employers in numerous ways in familiarizing them with the requirements of the law and aiding them in meeting compliance requirements.

ADMINISTRATION OFFICIALS INCLUDE TWO PRICE PROPOSALS IN RURAL DEVELOPMENT PROGRAM

Recent House passage of the Rural Development Act of 1972 was a step in the right direction toward the encouragement of business and industrial development in rural areas. As a co-sponsor of this measure, I am pleased that two of my bills to increase the size of operating farm loans from $35,000 to $50,000 and convert from farm operating and farm ownership loans from an appropriated funding to an insured loan basis were incorporated into this significant piece of legislation.

WEST TEXANS EXCHANGE VIEWS

Frequent appearances before college and high school groups provide me with the opportunity to visit with students, to listen and learn from them, and to share views on the many important issues of today. It is my firm belief that good government is the responsibility of every citizen, and I welcome hearing from all constituents, young and old, concerning problems and issues affecting the Federal Government. In addition to my Washington office, I maintain two fixed District offices, a traveling assistant who calls on communities throughout the District, and schedule as many public "town hall meetings" as possible so that I can personally keep in close touch with the thinking and concerns of the citizens of Northwest Texas.

DISTRICT CORRESPONDENCE AT ALL-TIME HIGH

One of the primary functions of the staff in a congressional office is the handling and sorting of mail. Currently the rate of letters flowing into my office has reached an all-time high level. I don't want to discourage anyone from writing to me; I do want to apologize for what may seem like a long time in replying in some cases. By the time I have read a letter, had a staff member gather information when necessary, it sometimes takes several weeks to answer. Emergency correspondence that requires immediate attention is first separated from the stacks of mail by my staff. Such letters receive my personal attention and are given first priority. Recently we mailed a series of brief questionnaires into several areas and received over 25,000 responses—this is democracy in action.

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NEW CONGRESSIONAL DISTRICT

New boundaries for congressional districts have been drawn and the 18th and the 13th Congressional Districts have been merged into a new 13th Congressional District. I will continue to represent the people in the 6 counties not included in the new district until January, 1973. The map gives a better picture of the new 13th district. I am looking forward to traveling throughout the entire 35 county area and to meeting you and obtaining the benefit of your views on the issues affecting your community, Texas, and the Nation; we all have much in common and by working together we can expect to accomplish much for our area of Texas.

LETTER FROM POW'S

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HARRINGTON. Mr. Speaker, the case for a prompt and total withdrawal of all American land, sea, and air forces from combat in Indochina grows stronger every day. Last week Secretary Laird came to Congress to ask for increased funds for the proxy part of the war; it is clear now that the overall expenditure for the war this year will be billions more than we were told it would be a few months ago.

No one in or out of the administration is capable of presenting any rationale whatever for our continued involvement. The President and his spokesmen do little more than to propound the theory that errors should be prolonged; that having made a terrible mistake, we are somehow obligated to remake it and readmit it for the indefinite future.

This morning I received two letters: one from Prof. George Wald, a Nobel Prize winner who has devoted much of his time in recent years to expressing the brutal senselessness of our policy; and a second forwarded by him, from eight prisoners of war.

Professor Wald's personal endorsement of the validity of this letter entitles it to a good deal of weight. It makes clear what almost all of us outside the Pentagon and White House now realize—that the POW's are among the main victims of the President's stubborn insistence on pursuing a futile war.

I urge all Members of the House and Senate to read these letters, and to weigh their well-argued positions against the feeble justifications for continuing to lay waste to four countries in an alleged effort to save them.

The letters follow:

HARVARD UNIVERSITY,
Cambridge, Mass., June 8, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: The enclosed letter was recently received from eight U.S. Prisoners of War in Hanoi. We received it via the Committee of Liaison with Families of Servicemen Detained in North Vietnam, in New York.

It has, as you see, an important message for the people of our country and the Congress.

I have no doubt that this letter is authentic, since I interviewed two of these men, Wilbur and Hoffman, in Hanoi last February, and what they told me was much like what is said here.

Apart from the central message, two points are interesting: the POW's are in Hanoi, and when we bomb Hanoi we bomb them. The other point is a little more remote. It is that these bombings come for some strange reason on Sunday mornings. It is curious that though only about one tenth of the Vietnamese are Christians, mainly Roman Catholics, the government of North Vietnam observes Christmas as a national holiday. When I was in North Vietnam last February, I was taken to visit a hospital outside Thanh Hca, bombed on Sunday morning, December 26, the morning after Christmas. As the letter here says, the first bombing of Hanoi and Haiphong was on a Sunday morning, April 16.

You have a few remaining weeks to take advantage of your power over the purse as members of Congress. The only way to bring these men home is to cut off funding of the war and of the present government of South Vietnam. Then, and only then, can families of POW's be reunited with their loved ones.

With all good wishes,

Sincerely,

GEORGE WALD.

TEXT OF LETTER FROM EIGHT U.S. PILOTS DETAINED IN NORTH VIETNAM

MAY, 1972.

To: The People of the United States and the Congress of the United States.

From: American pilots captured in North Vietnam.

Despite the bombing halt announcement of 1968 the President ordered the resumption and authorised the continuation of the bombing of North Vietnam and a variety of excuses to justify the raids. On Sunday morning April 16, 1972 the peace of Hanoi and Haiphong were shattered by American bombs. Many innocent people died a totally needless and senseless death.

We, the detained Americans in Hanoi cannot help but be struck by the futility of such actions. We have come to know the Vietnamese people and we know that no bombing or threat of death is going to still the spirit that lives in them. We believe that widespread bombing of North Vietnam serves only to turn world opinion more strongly against the U.S. and risk the death and capture of many more Americans, as well as endangering the lives of those already held captive.

No bombing of Hanoi and Haiphong will cause the PRG of South Vietnam or the Government of North Vietnam to come begging for peace for while they truly desire peace it will not be a peace short of freedom and independence. No bombing of North Vietnam serves to make the withdrawal of American forces any safer. It only make it more likely that they cannot be withdrawn at all, and serves only as an admission of the failure of Vietnamization policy.

We appeal to the American people to exercise your rights and responsibilities to demand an end to the war now. We appeal to the Congress to take firm positive action to go with the words already spoken against the war. The resumption of the Paris peace conference and serious negotiations based on the seven point proposal of the Provisional Revolutionary Government are obvious first steps. We require these steps and much more. Americans, the hope of the world is in your hands. Bring us home now.

Very Respectfully,

Walter E. Wilber, Commander US Navy, Captured June 1968; David Hoffman, Lt. Commander US Navy, Captured Dec. 1971, USS Coral Sea; Kenneth J. Fraser, Capt. US Navy, Captured Feb. 1972, Korat, Thailand; Lynn E. Gunther, Capt. US Air Force, Captured Dec. 1971, Nakoon Phanom, Thailand; Edison W. Miller, Lt. Col. Marine Corps, Captured Oct. 1967, Korat, Thailand; James D. Cutter, Capt. US Air Force, Captured Feb. 1972, Korat, Thailand; Edwin A. Hawley, Jr., Capt. US Air Force, Captured Feb. 1972, Udorn, Thailand; Norris A. Charles, Jr., Lt. jg, US Navy, Captured Dec. 1971, USS Coral Sea.

HOPE NEEDS EMPHASIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DERWINSKI. Mr. Speaker, a very searching and stimulating editorial in the Desplaines Valley News of June 8th by that publications veteran editor, Harry Sklenar, placed a very positive emphasis on the attitude which we should maintain toward the future.

This profound commentary should, I believe, receive widespread attention and, therefore, I insert it into the RECORD trusting it will receive the attention it merits:

HOPE NEEDS EMPHASIS

(By Harry Sklenar)

An evaluation of student literary efforts as expressed in their annual publication, "Showcase," for the past two years discloses a widespread attitude toward morbid topics, especially that of death.

As the writers are teen-agers and there is necessity in developing creative thought, this editorial is no more than a discussion of the attitude, rather than criticism of the writing itself.

Perhaps the news stories and national policy toward war have influenced youthful thought to such an extent that a majority seek expression in writing morbid themes.

However, the current involvement in Vietnam cannot be the total answer as the United States and its people have faced disaster or threats of one manner or another since the land was first settled. First, there was the Indian worry, then the Revolutionary War, then the Civil War, plus the Mexican War, the Spanish War, and the many South American Revolutions, plus the battles in Canada, Ireland, and Africa.

It can be surmised that concern with sudden death is a topic of concern to the teenager. However, past literary efforts of youth elsewhere reveal a spark of hope in the future.

New approaches require a certain amount of courage at the outset. Courage to do new things, think in new ways, entertain new ideas, some of which may be startling. The teen-ager requires confidence in the value of his goal, and has the inherent ability to plunge into unfamiliar territory when testing his ability to grasp new concepts or presenting new viewpoints.

There are infirm and incurable persons that have a great relish for living and hold no morbid fear of death. They find it rather satisfying to be alive. Each day is another adventure in accomplishment.

There are famed men that did their best work well after the age regarded as "senile." Take Michaelangelo, Goethe, Rembrandt, Victor Hugo, Titian, Emmanuel Kant, Rabelais, and Benjamin Franklin who proved that one should seize opportunities missed when they were youths.

It is not possible for anyone to place a limit on the age in which one can do their best work. Opportunity to change things occurs often. Rather than to accept the attitude that there is nothing one can do to switch attitudes of others, we should all look forward to the challenges of changes in concepts, for new and interesting things will be happening forever.

The idea of being panicky with the dismal thought of death while still young is one that should be left to pastors and those knowledgeable in religion. Even there, hope seems to be the attitude expressed, not that of despair and finality.

Our question then is this, is this sort of dismal attitude toward death something that youths everywhere possess at the high school level or only within our Argo High school area? If the attitude is only present within our high school district, perhaps some thought should be given to changing the attitude toward hope. Gloom surely is not an attitude to enter middle age. Life never quiets down. The attitude of gloom is merely a maladjustment to life.

The secret of hope lies not so much in "willing" as in "wanting." Why not switch the attitude of wanting hope rather than wasting energy on morbid topics.

It is necessary to develop the habit of controlling one's self and the life one lives instead of allowing one to be controlled and pushed around by outside forces. As life goes on, energy can and does increase. The solution is in a positive attitude of mind.

PLUMBING AND PIPING INDUSTRY WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, I should like to call to the attention of my colleagues my introduction of a resolution today which designates the second week of June as "Plumbing and Piping Industry Week."

We take for granted what the plumbing and piping industry provides to us in our daily lives, but actually it holds a major responsibility for the protection of public health and the advancement of living standards, and has contributed immeasurably to the quality of life in the United States.

Does the average person know that plumbing and piping are ancient professions that have provided sanitation and fresh water since man began to gather in communities? It seems to me that recognition should be given to America's leadership in building construction, public works, industrial development, chemical manufacturing, education, medical advancement, and national defense, all of which are greatly enhanced by the work of America's plumbing and mechanical contractors and their women's auxiliaries.

My resolution recognizes that the citizens of America and the world are aware of their reliance on the plumbing and piping profession for its skills and devotion to high principles and active participation in State and National programs for community betterment. What better way can there be to get this recognition than requesting the President to issue a proclamation designating the second week of June as "Plumbing and Piping Industry Week," and calling upon the people of the United States to observe such a week with appropriate ceremonies and activities?

I ask my colleagues to support my request.

MINORITIES ALSO OPPOSE BUSING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HAGAN. Mr. Speaker, an unusual citizens rally to oppose busing was held in Augusta, Ga., on Sunday, May 21. Two of the three speakers belong to minority groups, the blacks and the Chinese.

Clay Smothers, a former Dallas, Tex., black newsman, declared:

We must stop racism and work together against this thing.

Instead of busing, Smothers said:

The judge should have ordered quality education.

"Together, victory will be ours," said James Wong of Chinatown, San Francisco, Calif. Wong was instrumental in beginning "freedom schools" after Federal orders to bus children out of Chinatown were handed down. He said:

We're a minority and we feel the minority is being used.

Mrs. Irene McCabe, who walked from Detroit to Washington to protest busing, said:

We must have all sections—North, South, East, West—working together.

The busing issue is still one of the most acute problems in the Nation. It will not go away as long as the unwise orders from Federal judges that have been issued are hanging over the heads of the people like the sword of Damocles. The pressure from the people is for relief and their desires will be felt at the polls this fall.

The news account of the most recent Augusta rally was carried in the Augusta Chronicle on May 22, 1972, as follows:

ANTIBUSING TRIO URGES UNITED EFFORT

(By Don Ferrell)

Three national anti-busing leaders told a Citizens for Neighborhood Schools rally at Richmond Academy Sunday that the fight against forced school busing must be a united national effort to be effective.

"Together, victory will be ours," said James Wong, of Chinatown in San Francisco, Calif.

"We must have all sections—North, South, East and West—working together," said Pontiac Michigan's marching mother, Mrs. Irene McCabe.

"We must stop racism and work together against this thing," said Clay Smothers, a former Dallas, Tex., Black newsman.

During the rally, which was moved from the Richmond Academy stadium to the gymnasium because of a downpour, Mrs. McCabe urged Richmond Countians to stop paying property taxes, stage a one-day shutdown of everything in the county—with the exception of necessary services—and raise money through foundations who "give thousands to every militant group" in the country.

C. Dan Cook, CNS chairman, said following the rally that the CNS will meet—possibly today—to consider the protest moves outlined by the Michigan mother.

Smothers, a former Dallas radio station news director, renewed his attack on the NAACP.

Smothers charged that the NAACP is getting involved in the school situation when they should be trying to help the black community.

"Little black children are in the most crime-ridden section of our cities," the tall black man in the white suit said. "When is the NAACP going to start worrying about their homes instead of their schools?"

Smothers further charged that a black Augusta businessman has been involved in the statutory rape of a 12-year-old black girl.

"Let's see if the NAACP is going to spend some legal fees to see that this black man is prosecuted and put in jail," Smothers said.

Turning back to the busing situation, Smothers said he does not believe that racially balanced schools guarantee quality education.

Instead of busing, Smothers said, the "judge should have ordered quality education."

In charging those at the rally to work for their beliefs, Smothers said, "don't you sit down because they call you a racist. I've been called white folks house nigger for my stand."

Wong, who was instrumental in beginning "freedom schools" after federal orders to bus children out of Chinatown were handed down, said, "we're a minority and we feel the minority is being used."

RESOLUTION OPPOSING ESCALATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, the Greater Democratic Club of Roslyn, N.Y., in its meeting of May 31 adopted a resolution in opposition to the President's escalation of the war in Southeast Asia.

The members of the Roslyn Club specifically asked that the United States take whatever measures necessary to bring an end to the mining and bombing of North Vietnam.

I think, Mr. Speaker, that their resolution, representing as it does the considered opinion of many Americans, deserves to be widely read and the RECORD helps to serve that purpose.

The resolution follows:

RESOLUTION

The mining of Haiphong and other North Vietnam harbors is an act which demeans the most powerful nation of the world. When considered alongside the increased Naval and Air personnel around Vietnam and the massive increase in the bombing of South Vietnam, we must conclude that the Nixon Administration has violated its own promise to end the war and has, in fact, escalated the conflict.

The mining of the harbors in particular is an act which by any interpretation is in violation of International Law. We deplore the fact that the Nixon Administration has placed the United States in this "out law" position.

We express our support for the position taken by Senator J. William Fulbright and the majority of the Senate Foreign Relations Committee.

We call for an immediate end of the mining, an end to the bombing and a total with-

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drawal of our land, Naval and Air forces from South East Asia.

We see this as the only way to achieve the return of our prisoners and to end the horror and tragedy in South East Asia.

A HARVARD STUDENT SUPPORTS PRESIDENT NIXON'S VIETNAM POLICY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WYLIE. Mr. Speaker, Mr. Bruce E. Johnson, a constituent of mine and a junior at Harvard University, has written a most interesting letter expressing his views concerning the conflict in Vietnam. It seemed to me that Bruce had given the matter considerable thought and that he makes some valid points which deserve public dissemination through the CONGRESSIONAL RECORD.

The letter follows:

HARVARD UNIVERSITY,
Cambridge, Mass., May 11, 1972.

Hon. CHALMERS WYLIE,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am a resident of Columbus, Ohio and currently a junior at Harvard College. As you probably realize this campus is not exactly in lock step with political attitudes back home in Columbus. For nearly three full school years I have listened to the overwhelming majority of people I have met here condemn Richard Nixon's policies in South East Asia in unequivocal terms. I try to read the Washington Post or the New York Times daily, and they too are neither Nixon nor Viet Nam enthusiasts in the least.

As you can see I have listened to all that these people say. For the most part I believe in their sincerity and their dedication to what they believe is right.

But as I listened to them, somehow, somewhere, I have come to opposite conclusions about Viet Nam. Three years ago I supported President Nixon's policy of gradual withdrawal as a good way to extract ourselves from a war we should have tried to avoid. Now that it seems that the North Vietnamese are dedicated to winning the war militarily and spurning any sort of compromise, negotiated, settlement, it is time to rethink again our policies concerning Viet Nam. If this nation is committed to the cause of self-determination and freedom, which I believe has been shown in this case by our previous proposals for a negotiated political settlement, if this is our goal, then we cannot avoid this conflict now and we must—with all the force necessary short of nuclear weapons—stop the North Vietnamese invasion.

Arguments have been presented by many which are based on the assumption that the conflict was a civil war in the south. Certainly, the clear character of the conflict is now one of North Vietnam invading the South. But still some go on and argue that the war is still only a civil war since the Vietnamese are all one people and were once one nation. Those who say this must ask themselves how they would react to a North Korean invasion of South Korea, an East German invasion of West Germany, a mainland Chinese invasion of Taiwan. Through the course of history nations have been born, existed, and have vanished. National boundaries have changed and changed again. A nation is a nation not by any law of God but by mutual agreement among all men concerned—including foreign powers. South Viet Nam is undeniably a nation being attacked by another nation.

The next question to consider: Should the United States oppose the use of military force by one government in a dispute with the government of a neighboring state? The question answers itself does it not? World peace depends on the use of peaceful negotiations instead of military force in disagreements among nations. The United States must insist on this rule to maintain world order.

But yet another question remains: Should the United States do more than verbally protest the military conquest of one nation by another? Some argue that the military conquest of South Viet Nam will not irreparably damage our national interest and our role as the primary military power in the Western world. I believe this to be untrue. If North Viet Nam were to be successful in militarily conquering a neighboring country in the absence of firm American support, other South East Asian nations may not be directly invaded later but certainly they will be forced to come to terms diplomatically, militarily, and economically with the North Vietnamese, the Russians, or the Chinese. Europe is already doubting our ability to support her militarily, diplomatically, and economically. The nations of Western Europe will certainly check the United States off as unreliable in difficult moments, and she too will have to come to terms with the Soviet Union and her Eastern European allies. The United States must show the determination and strength to oppose successfully the North Vietnamese use of military force.

If the United States is not to be relied upon as a counter weight to the two other great superpowers, who shall take our place? Western Europe? I don't believe anyone seriously believes that within the foreseeable future Western Europe will be united to a sufficient degree to counterbalance the Soviet Union without significant American support. Japan? She is now a great power economically but Japan and the rest of the world show great reluctance to build that nation into a military power of sufficient strength to replace the United States in the Pacific.

There is no such thing as a power vacuum in world politics. If the United States does not show the will to continue being a great power in this moment of crisis then we may as well call the whole game off and retreat into our "Fortress America" just as we did in the 1930's.

It might be remarked that Harvard students were at that time one of the more vocal groups opposing American involvement in the European conflict. History proved the folly of their views then and I believe history will likewise show them to be wrong again.

People here are fond of speaking about being committed, about acting on your principles, about trying to influence the government to make the right decisions. So far I have been silent. Now I feel that I must speak out to those who are to make the decisions. I lend my voice to the support of President Nixon's decision to oppose the North Vietnamese invasion with all the force necessary short of nuclear weapons. I urge other Americans to support him also.

Sincerely,

BRUCE E. JOHNSON.

THOMAS STARR KING—"THE PREACHER WHO SAVED CALIFORNIA'S SOUL"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, one of the two distinguished Californians who are honored by having their statues in the Capitol of the United States is Thomas Starr King. The Unitarian minister was perhaps the deciding factor in keeping California in the Union during the Civil War.

Recently, William Wingfield, California author, wrote an article, "Thomas Starr King—The Preacher Who Saved California's Soul," for Real West magazine. I would like to have the article printed in the CONGRESSIONAL RECORD.

The article follows:

THOMAS STARR KING—THE PREACHER WHO SAVED CALIFORNIA'S SOUL

(By William Wingfield)

When he first walked to the pulpit of the San Francisco Unitarian Church, the eyes of the congregation turned on the frail, delicate little man.

Many asked, "Could this slender, youthful young man with his beardless, boyish face be the celebrated preacher, Thomas Starr King?"

King laughed in reply, "Though I weigh only 120 pounds, when I am mad, I weigh a ton."

To be "mad" was going to be King's stock-in-trade during his years in California from 1860 to 1864. President Abraham Lincoln finally believed that it was the Rev. Thomas Starr King alone who kept California from seceding from the Union during the dark early days of the Civil War.

King's reputation had led the San Francisco church to rather wistfully ask him to become its minister. During his 11 years as minister of the Hollis Street Unitarian Church in Boston, he had increased its congregation to five times its original size and gotten it out of bankruptcy.

After hearing one of King's sermons, Ralph Waldo Emerson, considered the wisest man in America of his time, commented, "That is preaching!"

As a lecturer on scholarly subjects, King had traveled as far west as St. Louis.

Both Chicago and Brooklyn churches had sought him as their minister, but the popular Boston pastor rejected them, feeling that San Francisco out in the raw west offered the greatest challenge.

He was right. At that moment, California was heading into a crisis. The showdown between the free and slave states was at hand. The governor and most members of the California Legislature were sympathetic to the Confederacy. The only effective voice in California against slavery, Sen. David C. Broderick was killed in a duel only the year before.

Leadership of the forces of the Union was a vacuum that was only to be filled by Thomas Starr King.

The initial sense of disappointment by San Franciscans at his slender and boyish appearance quickly gave way to wonder and then to delight as his rich, golden voice poured forth.

Those present the first day recalled that sermon decades later. They said he literally had the audience in his hands. Not only was his reputation as an orator and preacher established that very first Sunday in San Francisco, but it soon spread statewide. Many worshippers even came from places as far away as Stockton and Sacramento.

Less than a month after King arrived in San Francisco, the Republican National Convention met in Chicago and nominated Abraham Lincoln as its candidate for President.

In the ensuing election, Lincoln carried California by a mere 711 votes, receiving only 28 per cent of the votes cast. The only reason Lincoln carried California was because the Democratic Party was split in two, with Sen. Stephen A. Douglas and Vice President John Cabell Breckinridge each claiming to be the Democratic nominee.

Following Lincoln's election, one by one, the stars in the American flag began to blink out. Even before Lincoln was inaugurated, the Southern states began dropping out of the Union. The crucial question was if California would join them, delivering its immense gold resources into Jefferson Davis' hands.

A majority of citizens of Los Angeles were known to have favored California seceding and joining the Confederacy. Indeed, on the Fourth of July in 1861, it was the Confederate Flag rather than the American Flag that flew over the Plaza in Los Angeles.

King wrote a friend in Boston about touring the Sacramento Valley "You see in glaring capitals 'Texas Saloon,' 'Mississippi Shoe Shop,' 'Alabama Emporium.' Very rarely do you see any Northern state thus signalized."

Congress was so convinced of a secessionist plot in California that it required easterners to secure passports before they could go to California. To justify Congress's fears, a secret paramilitary secessionist organization called the Knights Of The Golden Circle had a minimum of 16,000 members.

In February 1861, when Lincoln still had not yet been inaugurated, King fired his opening salvo toward saving California for the Union.

On Washington's Birthday, 1861, he spoke for 2½ hours to an auditorium holding over 1,000 people on how people should remember George Washington preserving the Union that Washington created.

Afterwards, King recalled, "Mrs. (John C.) Fremont was out and told me she hadn't been so stirred in years. A son of old Vanderbilt, a lieutenant in the army, stayed to be introduced and tell me his joy, I pitched into Secession, Concession and Calhoun, right and left, and made the Southerners applaud.

"I pledged California to a Northern Republic and to a 'flag that should have no treacherous threads of cotton in its warp,' and the audience came down in thunder. At the close it was announced that I would repeat it the next night, and they gave me three rounds of cheers."

On March 10, he spoke to the Masons on "Washington and the Union." King was a Mason himself, and the Masons were especially moved and delighted since George Washington is the Masons' chief hero.

His most powerful talk was "Webster and the Union." Sen. Daniel Webster had been his hero in Massachusetts, and he had conducted the memorial service at his church on Webster's death. His talk emphasized Webster's most moving phrase—"Liberty and Union, Now and Forever, One and Inseparable!" King insisted that Webster's call was more meaningful than when it was made.

King cried out, "Rebellion sins against the Mississippi; it sins against the coast line; it sins against the ballot box; it sins against oaths of allegiance; it sins against public and beneficent peace; and it sins, worse of all, against the cornerstone of American progress and history and hope—the worth of the laborer and the rights of man. It strikes for barbarism against civilization!"

He thundered against Jefferson Davis, "He is a representative to my soul and conscience of a force of evil. His cause is a pollution and a horror. His banner is a black flag. I could pray for him as one man, a brother man, in his private affectional and spiritual relations with heaven. But as president of the seceding states, head of the brigand forces, organic representative of the powers of destruction within our country—pray for him? As soon as for Anti-Christ! Never!"

Speaking up and down the state, he visited the rough and rugged mining camps, and said he never knew the exhilaration of public speaking until he faced a front row of men armed with Bowie knives and revolvers.

His friend Edward Everett Hale, who made a similar contribution to saving the Union through his moving story, "The Man Without A Country," declared, "Starr King was an orator no one could silence and no one could answer."

When he delivered his sermons at church, his pulpit was covered with the American Flag, and he compared the Rebels with the Fallen Angels and with Judas. He ended all of his sermons, "God bless the President of the United States and all who serve with him the cause of a common country."

His culmination came at a mass rally in San Francisco where 40,000 people turned out.

His appeals were so effective that a group of Americans living in Victoria, British Columbia, sent him $1,000 to carry on his work toward preserving the Union.

By now, his effectiveness was not lost on his enemies. They realized that he was beginning to turn the tide against them.

For example, in Sonora, one of the mining towns, the newspaper editor called King "a fair representative of the rabid, fanatical, Godless school of Boston political preachers. Their cry is now nigger, nigger, blood, blood!"

At a prayer meeting, a man got up in the midst of prayers and said that God had just summoned him to kill Thomas Starr King. Nothing daunted, King shrugged it off and said the man was only a harmless lunatic who probably really meant him no harm.

During the 1861 state elections, he threw himself into the gubernatorial campaign of his parishioner, Leland Stanford, the Republican nominee. Frequently Mrs. John C. Fremont and the budding author Bret Harte accompanied him and Stanford on speaking tours.

The result was an overwhelming election for Stanford, and a sigh of relief for King.

"The state is safe from Southern tampering," King wrote.

"What a privilege it is to be an American!" he exulted. "What a year to live in! Worth all other times ever known in our history or any other!"

The battle to save California for the Union won at last, King now turned to the needs and concerns of the soldiers themselves.

The Union Army had been thrown together so hastily in the time of crisis that it was ill provisioned and medical care didn't exist. There were few trained doctors or nurses or medical attendants. Much of the food was rotting because war profiteers saw an excellent opportunity to get rich by dumping spoiled food off onto the Army. There were not even sheets or blankets. Disease took a greater toll of soldiers' lives than Confederate bullets.

To remedy this tragedy, the Rev. H. W. Bellows of New York organized the U.S. Sanitary Commission, the forerunner of the American National Red Cross. Star King immediately pitched in to help.

Fitz-Hugh Ludlow, secretary and historian of the Sanitary Commission, later recorded, "Starr King was the Sanitary Commission in California."

In fact, he came near being the whole Sanitary Commission. Out of $4.8 million raised by the Commission in the entire United States during the war, $1.25 million was raised by King in California. King's contribution was over one-fourth of that raised in the entire country.

The $1,000 sent to him by the Americans in Victoria to help in his fight to save the Union was turned over to the Sanitary Commission. After he wrote the people in Vancouver to thank them and tell them what he had done, they turned around and sent him another $300 to be used for the Sanitary Commission.

King used their bank draft as an example and inducement for individuals and civic groups in San Francisco to chip in and do likewise. He was able to parlay the $300 into another $1,000.

On Jan. 10, 1864, San Francisco gave the fund $200,000.

His efforts were even more impressive because during those years, California was hit by a series of natural disasters. One of the worst floods in California history hit and converted the whole Sacramento-San Joaquin Valley into a vast lake as big as Lake Ontario. The following year, an immense drought wiped out the Valley's wheat crops.

As well as working for the Sanitary Commission, King now found himself raising funds for flood and drought relief. As a Mason, he was also active in fund raising for the Masonic Relief Board.

In addition, he found time to work for the rights and betterment of the Negroes and Chinese in San Francisco when these two were very despised minority groups.

Edward Everett Hale observed, "We know that here is a heart as large as the world, so that you can not make it understand that it should hold back from any service to be rendered to any human being."

Because of his success at patriotic and charitable services, a strong movement arose to run him for the U.S. Senate. However, King steadfastly refused to even be considered for the honor. He said he feared it might lead him into political compromises and impair his ability and liberty to speak forthrightly on subjects he felt strongly about.

He said, "I would swim to Australia before taking a political post."

What relaxation he had came from exploring the mountains. At the time, except for the mining districts, the mountains were largely unexplored.

He was one of the first 100 persons to visit Lake Tahoe, and said the blueness of the lake and the greenness of the pines surrounding it seemed to him in harmony with the deepest religion of The Bible.

Yosemite Valley and Yosemite's big trees were a special delight to him. He wrote the Boston Transcript that each time he saw one that amazed him by its size and height, he saw another beyond it that was even larger. The trees, he said, made him think what it would have been like if the Bunker Hill Monument had grown from a single seed of granite.

On entering Yosemite Valley, he exclaimed, "The Ninth Symphony (Beethoven's) is the Yosemite of music! Great is granite and the Yosemite is its prophet!"

He climbed above Nevada Falls and Vernal Falls, and was attracted by one magnificent dome or turret of granite that towered over the valley. It rose 13,600 feet. Today, it is named Mt. Starr King.

In letters to the Transcript about mining towns, he gave colorful descriptions that might have done credit to his friend, protege and parishioner, Bret Harte. He depicted both the color and the dreariness of the cabins, saloons, billiard halls, stage coaches, and the miners at work.

Back in New England, he had enjoyed climbing and exploring the White Hills of New Hampshire. He wrote a book about them, The White Hills—Their legend, Landscape and Poetry, which, when published in 1859, was far more popular than Henry David Thoreau's now classic Walden.

King hoped to write a similar book some day about the Sierras.

Throughout his many endeavors, his church still had first call. When he arrived in 1860, the church had a $30,000 debt. By Christmas, he had done such a good job of paying off the debt that the church members gave him a set of silver in appreciation.

Indeed, he had become such a successful minister in such a short time that the existing Unitarian church soon was much too small for its fast growing congregation.

He set about in October, 1862, to raise $80,000 toward construction of a new church. As one of the means, he gave lectures on the contemporary New England poets. He asked each of them to send a new poem to be read at the conclusion of the talk.

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The cornerstone of the church was laid on Dec. 3, 1862.

John Greenleaf Whittier sent a special poem for the dedication services on Jan. 10, 1864.

King, himself, donated the organ.

When the new church was dedicated, King estimated that the income of his church was $25,000 per year, contrasted to $30,000 per year that Henry Ward Beecher raised in his famous Brooklyn church, and Beecher's church was twice as large as King's. King said that based on membership, his church was the number one church financially in America.

Any one of his labors would have been enough for one man, much less the outstanding success of all of them combined.

With a new and prosperous church, the Sanitary Commission on a solid and functioning basis, and Union victories at Gettysburg and Vicksburg sealing the doom of the South, he had every reason to sit back and relax.

He was now also financially secure personally. Still another of his parishioners, William C. Ralston, the great financier of the Comstock Lode, had given him solid advice on investments in Nevada silver mines.

He was due a sabbatical. He could now look forward to rest, travel, and writing his book on the Sierras.

Yet, as his congregation had deduced on the very first day, his health was never good. Only devotion to what he considered God's will and "being mad" kept him going as long as they did. Now the Herculean labors began to take their toll.

All along, there were indications he was driving himself too hard for his weak little body.

Indeed, in 1861, he collapsed after speaking to the thunderous applause of 3,000 persons at a major Republican rally with Leland Stanford.

When Bret Harte found him almost passed out on a sofa in the dressing room while the applause continued, Harte asked, "What a triumph! How did you manage to get through the long last sentence?"

King feebly responded, "I hardly know. I seemed quite unconscious of my surroundings. My imagination beheld the scenes, my mind worked out the sentences moments before I uttered them."

Frequently his friends urged him to ease up.

Yet, now that he had the chance and every right to take it easy, disaster struck.

On Feb. 28, 1864, he was hit by diphtheria soon complicated by pneumonia. For two days, he clung tenuously to life.

Then a second attack of pneumonia struck.

A doctor was summoned. The doctor told him that he now had only a half hour to live.

King glanced at the calendar.

"Today is the fourth of March," he sighed. "Sad news will go over the wires today."

Next, he dictated his will.

Then he turned to his wife, "Do not weep for me. I know it is all right. I wish I could make you feel so. I wish I could describe my feelings. It is strange. I see all the privileges and greatness of the future. It already looks grand, beautiful. Tell them that I went lovingly, trustfully, peacefully."

One by one across San Francisco the American flags dropped to half mast. The city hall and all the state and federal offices immediately closed. Soon the foreign consulates and foreign ships in San Francisco harbor joined in dropping their flags to half mast.

The State Legislature in Sacramento adjourned for three days in mourning after passing a resolution that "he had been a tower of strength to the cause of his country."

A military honor guard was posted at his casket. His body lay wrapped in the American flag in front of the altar of his church.

Mrs. Fremont placed violets on his chest.

As King lay in state, some 20,000 people came to pay tribute. Many broke into tears as they passed the coffin. Some kissed the flag that was his shroud.

In the bay at Fort Alcatraz, in Union Square in downtown San Francisco, and at other federal military installations, the cannons boomed in memorial tribute.

Bret Harte composed the eulogy, "Relieving Guard."

"A Star? There's nothing strange in that," "No, nothing; but above the thicket Somehow it seemed to me that God Somewhere had just relieved a picket."

Such a mammoth outpouring of emotion and sorrow was not equaled on a national level until 99 years later with the murder of President John F. Kennedy.

Services were conducted by the Masons, with ministers of the Methodists and Presbyterian Churches joining in the rites.

His body was buried in the front lawn of the church he had just completed building.

It still lies in a crypt in front of the church today at the corner of Franklin and Starr King streets. In the early 1960's, the state designated Starr King's church and tomb to be a historical monument.

In 1913, the State Legislature voted Starr King and the great Catholic missionary Father Junipero Serra to be the state's two greatest heroes. It appropriated $10,000 to erect a bust in King's memory in the U.S. Capitol to stand with those of George Washington and Robert E. Lee for Virginia.

The statue was unveiled on March 1, 1931, by King's grandson, U.S. Navy Lt. Comdr. Thomas Starr King.

In addition to the giant granite mountain in Yosemite National Park, one of the great trees that he admired in Yosemite is also named for him. There is another mountain in the White Hills of New Hampshire also named Mt. Starr King.

California has many public schools and Masonic Lodges bearing his name. In Long Beach, there is even a Starr King Presbyterian Church.

The Unitarians have named their major seminary the Starr King School of Theology.

However, like his compatriot and admirer, Abraham Lincoln, his greatest monument is the dream he labored for, "One nation, under God, indivisible, with liberty and justice for all."

SENATE—*Tuesday, June 13, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. GALE W. MCGEE, a Senator from the State of Wyoming.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose mercies are new every morning, we raise to Thee our grateful praise.

For the glory of sunrise and sunset, for shelter and raiment and daily bread, for work to do and good colleagues with whom to do it, for the blessings of family life and good neighbors and friends, we give Thee thanks.

For joys that hearten and refresh us, for afflictions that bring new insights, for better understanding and compassion for trials whereby we are tested and for the power to triumph over disaster, we give Thee thanks.

Above all, we thank Thee for Thyself, O Thou whose faithfulness is unto all generations. For the love which endures despite our neglect and ingratitude, for Thy guiding hand upon us and Thy watchful care over us, we give Thee thanks.

Now accept the service which we offer here in Thy name that it may enhance the welfare of the Nation and advance Thy kingdom on earth.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. MCGEE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Monday, June 12, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESCISSION OF ORDER TO RECOGNIZE SENATOR HARRIS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Oklahoma (Mr. HARRIS) today be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio desire to be heard under the standing order?

Mr. SAXBE. No, Mr. President.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements of individual Senators, and the business of the morning hour will not be extended beyond the hour of 11 o'clock.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the votes on the three treaties scheduled for today and the Senate's return to the transaction of legislative business by the Senate, the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for the purpose of offering an amendment to S. 3390, the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks that Senator AIKEN made at this point on the introduction of S. 3699, dealing with the establishment of certain recreation areas within the national forest system, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

RESCISSION OF ORDER FOR CONSIDERATION ON FRIDAY OF SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order providing for the consideration on Friday of Senate Resolution 299 at the hour of 1 o'clock be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972—TIME LIMITATION ON KENNEDY AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the amendment to be offered today by the senior Senator from Massachusetts (Mr. KENNEDY) be limited to 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. KENNEDY) and the distinguished manager of the bill (Mr. SPARKMAN), with time on any amendment to the amendment, debatable motion, or appeal to be limited to 10 minutes, equally divided between the mover of such and the manager of the bill (Mr. SPARKMAN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME LIMITATION ON SAXBE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately upon the disposition of the amendment by Mr. KENNEDY this afternoon, the Senate proceed to the consideration of amendment No. 1220, to be proposed by Mr. SAXBE; that there be a time limitation on the amendment of 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. SAXBE) and the distinguished manager of the bill (Mr. SPARKMAN); that time on any amendment to the amendment, debatable motion, or appeal be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENT, ETC.

The ACTING PRESIDENT pro tempore (Mr. MCGEE) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CLAIM

A report certified by the Chief Commissioner, United States Court of Claims, relating to Congressional Reference Case No. 3-69, filed June 9, 1972, Robert D. Bechtel and Lawanda Bechtel, his wife; H. Wayne Sprawls and Audrey Sprawls, his wife; and Wide River Farms, Inc., an Arizona Corporation against the United States; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2699. A bill to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes (Rept. No. 92-854);

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3414. A bill for the relief of Alexandria Nicholson (Rept. No. 92-855).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 3105. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes (Rept. No. 92-856); and

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes (Rept. No. 92-857).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Res. 304. A resolution authorizing expenditures by the Special Committee on the Termination of the National Emergency (Rept. 92-858). Referred to the Committee on Rules and Administration.

AUTHORITY FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO PRINT THE REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. SPARKMAN. Mr. President, during the consideration of legislation to clarify the liability of national banks for certain taxes, the committee required in section 4 of Public Law 91-156 appendix December 24, 1969, that:

The Board of Governors of the Federal Reserve System shall make a study to determine the probable impact on the banking systems and other economic effects of the changes in existing law to be made by section 2 of this act governing income taxes, intangible property taxes, so-called doing business taxes, and any other similar taxes which are or may be imposed on banks.

Parts I and II of the report from the Board of Governors was received in May 1971 and were subsequently printed as a committee print by our committee. Later in December 1971, part III was received from the Board of Governors and it was also printed as a committee print by the committee.

In December 1971, the President approved a Joint Resolution of the Congress postponing for 1 year or until January 1, 1973, the effective date for certain changes in laws relating to State and local authority to tax national banks. In the committee report, Senate Report 92-254, which accompanied the extending resolution, the committee required additional information from the Board of Governors of the Federal Reserve System concerning this entire matter. That additional report has now been submitted to the committee.

Mr. President, this subject matter has

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caused a good deal of interest not only in the banking industry but also in State and local governments whose authority to tax national banks would be affected. The supply of our committee prints covering parts I, II, and III have been exhausted. Since we now have the additional report from the Board of Governors which we requested last December, I ask unanimous consent that the committee be allowed to reprint parts I, II, and III along with a new report from the Board of Governors of the Federal Reserve System as one volume.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Robert Lewis Sanson, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 3699. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF:

S. 3700. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finauce.

By Mr. BAYH (for himself and Mr. RANDOLPH):

S. 3701. A bill to extend and improve the Federal Highway Safety Program, and for other purposes. Referred to the Committee on Public Works.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3702. A bill to expand the Boulder Canyon Project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 3703. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S.J. Res. 241. A joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics. Referred to the Committee on Foreign Relations.

By Mr. MANSFIELD and Mr. SCOTT:

S.J. Res. 242. A joint resolution approving the acceptance by the President for the United States of the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms. Referred to the Committee on Foreign Relations.

By Mr. MATHIAS:

S.J. Res. 243. A joint resolution relating to United States support of United Nations measures to provide and coordinate disaster relief. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 3699. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, the distinguished senior Senator from Georgia (Mr. TALMADGE) and I are today introducing a bill to authorize the establishment of a system of primitive-type recreation areas in the Eastern United States within the national forest system.

I am especially gratified to have the senior Senator from Georgia, who is chairman of the Committee on Agriculture and Forestry, join in sponsoring the bill.

It is strictly nonpartisan.

The need for this legislation has been apparent for some time.

Citizens in heavily populated centers east of the Mississippi River need access to areas where they can enjoy the unique experience of solitude that only wilderness can provide.

At present, nearly all of the major wilderness areas, defined as areas unspoiled by man that are at least 5,000 acres in size, are in the West far from Eastern population centers.

But in the national forests of the East, there are numerous areas of lesser size that are reverting to primitive conditions following abandonment by man.

While these areas do not meet the strict criteria of the Wilderness Act of 1964, they do contain physical and scenic features that would enable outdoor-minded people to enjoy experiences which the wilderness provides.

In order for these areas to be protected, maintained, and managed for wilderness-type recreation it is desirable to identify and designate them formally in a wild areas system.

This is the purpose of the proposal offered today for consideration of the Senate.

This bill, which Senator TALMADGE and I are offering would—

First. Provide present and future generations with primitive recreation opportunities in a spacious, scenic, natural, and wild setting removed from the activities of man;

Second. Create a system of wild areas designated by Congress within national forests east of the 100th meridian to be administered by the Secretary of Agriculture as a part of the national forest system;

Third. Authorize public use consistent with the ability of the area to support such use;

Fourth. Limit developments to those necessary for the health, safety, and well-being of the visiting public;

Fifth. Limit use of motorized equipment to that necessary for administration, protection, health, and safety;

Sixth. Prohibit commercial harvesting of timber;

Seventh. Authorize Federal acquisition of private inholdings by donation, purchase, gift, exchange or condemnation;

Eighth. Withdraw federally owned lands from all forms of appropriation under the mining laws, except for existing valid claims;

Ninth. Permit hunting, fishing, and trapping in accordance with Federal and State laws;

Tenth. Authorize the Secretary of Agriculture to make such rules and regulations as he deems necessary to carry out the purposes of the act.

Mr. President, the bill Senator TALMADGE and I are introducing today is companion legislation to H.R. 14392, which was introduced in the House on April 17 by Mr. KYL of Iowa.

I am glad to note that the other body is giving this problem serious attention and I should also point out, as part of the record, that earlier this year the administration requested the establishment of additional wilderness areas in the Eastern United States.

In line with this request, the President directed that a study be made to determine potential wilderness areas in the East.

Mr. President, I ask unanimous consent that the attached report from the Forest Service on alternatives for preserving and managing our wild lands in the East be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ALTERNATIVES FOR PRESERVING AND MANAGING NATIONAL FOREST WILD LAND VALUES IN THE EAST

In his February 8, 1972, message on the environment, the President directed that the Secretaries of Agriculture and Interior accelerate the identification of areas in the eastern United States having Wilderness potential. In response to that direction, the Forest Service is inviting interested individuals and organizations to consider possible alternatives and offer advice which will answer this question: "How can the National Forest System in the East and South meet those needs of people which are answered in the West by National Forest Wilderness?"

The need for the kind of solitude and spiritual refreshment found in primitive, scenic surroundings is most acute in the populous southern and eastern States. Opportunities for meeting this need are very limited in this part of the country because the impact of civilization has drastically altered the original ecosystem of two centuries ago. While many affected areas have recovered some appearance of undisturbed nature, it is questionable whether these lands are comparable to those set aside as Wilderness in the West. In any event, opportunities for restoring and preserving primitive values east of the 100th meridian are not abundant, and they will diminish unless positive action is taken.

Public lands also are relatively limited in the East and South. The National Forests are the most extensive of these, and contain some of the best remaining opportunities for the preservation and management of wild land values. The Forest Service is striving to find the most workable alternative for realizing these opportunities.

Although the criteria of the Wilderness Act do not appear to fit eastern conditions because of the obvious evidence of past land use by man, some proposals have been made that the classification of wild lands could be achieved under the Wilderness Act.

Several other alternatives are available. Some were suggested even before the 1971 Forest Service invitation to the public for discussion of possible solutions. These alternatives can form the basis now for discussion and an ultimate decision.

One array of alternatives deals with action through legislation:

An amendment or supplement to the Wilderness Act to define a new category of wild lands in the South and East could achieve the purposes of new basic legislation and at the same time bring eastern units into the Wilderness System. Provisions for acquiring mineral rights and land could be made, but other amendments are possible once the subject is opened.

New basic legislation to establish a system of wild lands managed to restore their natural values is another possibility. It could authorize acquisition of lands and mineral rights to establish viable units for preservation. Time might be consumed in the legislative process, possibly delaying full protection.

Individual legislative actions to establish units meriting management to preserve primitive values could achieve the same result as new basic legislation. However, there is the possibility that these Acts could establish diverse management conditions and the legislative process could be lengthy.

Before the Wilderness Act became effective, the Forest Service established Wild and Wilderness Areas through administrative action. Several alternatives are still available through this procedure. All share the advantage of providing protection early because legislation is not required. On the other hand, they do not solve problems of land and mineral ownership. There is also a concern that administrative actions can be too easily reversed in the future.

Forest Service multiple use plan units can be established under existing authorities with the approval of Regional Foresters.

Classification by the Secretary of Agriculture or the Chief of the Forest Service would assure higher level consideration and public involvement at the national level.

Executive Order classification represents the highest level of administrative action. It has been an effective device in the case of many National Monuments which have been long and effectively protected under these Presidential directives.

Additional alternatives or modifications of those listed should be considered as they are identified.

The ultimate solution should be that which best meets the needs of the American people which recognizes all of the resource values of the National Forests and which best overcomes some basic obstacles, such as the following:

Ownership patterns are fragmented. Only about one-half of the land surface within the boundaries of the eastern National Forests is in Federal ownership.

Of lands where surface rights have been acquired, the Government holds only 50 percent of the mineral rights.

Most waterways and water surfaces are not owned or controlled by the Federal Government, even within the National Forests.

The Forest Service is seeking public involvement in considering the alternatives. Individuals and organizations are urged to assist in these considerations.

Mr. TALMADGE. Mr. President, I am pleased to join the distinguished Senator from Vermont to introduce the National Forest Wild Areas Act of 1972, a bill to establish natural and wild areas within the economic means and commuting distance of the population of the Eastern United States.

It is no secret that despite efforts by some communities to limit their growth, we are paving a wall-to-wall city from Maine to Norfolk, Va., and beyond, and another one around the southern rim of the Great Lakes from Minneapolis-St. Paul to New York City.

Our lives are seemingly governed by series of flat, green signs along an Interstate Highway System that moves us at a steadily slower pace from one urban sprawl to another, telling travelers the monotonous tale of how our Nation has compressed its people—without any planning at all—into a bone-hard catacomb of steel and asphalt that only leads people to want to escape.

It is an amazing commentary on the content of this modern civilization that it has become more perilous and tense for today's Americans to drive to work in the morning than it was for the pioneers to troop out in their covered wagons from St. Louis to settle the West.

Dimly we perceive that there is something all wrong with the way we have put our resources together. Now along that Interstate System a new kind of vehicle can be seen lumbering along. People call them campers, but they are really an escape device—the means by which hundreds of thousands of people are fleeing big city and suburban living for the sake of their sanity.

Each weekend the newspapers urge the residents of our eastern cities to buy "a little bit of heaven" in the countryside. And the people are buying—seeking a place to hide from the pressures of what we unfortunately have to call everyday living.

These little bits of heaven, which thousands of people are buying, are in a way an ominous sign. In aggregate they amount to a big chunk of heaven that is being withdrawn from the last remaining natural areas in the Eastern portion of our Nation.

Beautiful, forested areas are being divided into lots. Top soil and trees are often stripped from the earth to make way for get-away-from-it-all dream homes. Not all of this development is bad, but much of it is, making no provisions for maintaining the natural features of the land, and often making no provisions for sewage and pollution control.

Meanwhile, the suburbs continue to expand in a menacing proliferation of fancy-named subdivisions, shoving their bland, treeless parkways up to what was once lush wilderness.

Clearly it is time to take action to save the wild and natural areas remaining east of the Mississippi River for the generations of children—100 million of them—who will be with us in America in the 30 or 40 years to come.

Our highways may be filled with campers, and the developers may be pleased with their profitable land sales, but there are hundreds of thousands of our people who do not have the financial means to use these forms of escape.

More than half of the people in this country live in the Eastern portion of America, but only 2 percent of the land designated as wilderness area is in this part of the Nation.

Under the regulations established for the wilderness system, most natural Eastern areas do not qualify, because at one time or another they have been logged or cultivated or mined. But there are thousands of acres threatened by development, which have grown back to nearly their natural state, and they should be preserved for the careful use of the middle-class American who needs to take his family and get away from the tensions of urban living.

Just as we need to move a higher percentage of economic development and growth to our rural areas to balance up our population distribution, so also do we need to provide the opportunity for both rural and nonrural people to visit and commune with our land in its natural state.

If this Nation is to survive, I am convinced we need to spread out our population over our country through rural development, and to provide areas for the re-creation of mind, spirit, and body that comes by getting surcease from the crowded streets and teeming activity that accompanies modern life.

The establishment of wild areas such as those proposed in the bill we are introducing today will provide that release from modern strains by utilizing lands within our Eastern States that are well suited to the wilderness-type experience, and are neither needed nor desirable for other forms of rural commuity development. In fact, the provision of these proposed wild and natural areas within commuting distance of the millions of people living in the large cities of the East will itself have a beneficial effect upon the economic prosperity of our rural communities—raising business activity, local incomes, and the local tax base by more than the possible cost.

Conservation leaders have long recognized a need in the Eastern United States for primitive recreation opportunities in a specious, scenic, and wild setting, removed from activities and highly developed works of man.

The need for such primitive recreation opportunities in the East is so great because most of the people of the United States live in the East and most of the wilderness areas are in the Western States. We need to balance this situation if most of the residents of the Eastern States are to have an opportunity to benefit directly.

Many areas in the Eastern national forests—although not having the qualifications for inclusion in the National Wilderness Preservation System, have been or are being restored through nature's healing processes. Through further protection, these areas can offer the atmosphere, solitude, and recreation opportunities that approximates that of a true wilderness and is so urgently needed by the people of the East.

The bill Senator AIKEN and I are introducing today represents one means to provide for the establishment and protection of the needed Eastern wild areas. In fact, it would provide stronger, more complete protection than would the Wilderness Act in many ways. For instance, subject to existing valid claims, the areas would be withdrawn from pos-

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sible mineral exploitation. The bill would provide condemnation authority to protect these Eastern areas from nonconforming, adverse interior development, and attendant access requirements. Significant as it is, the Wilderness Act of 1964 falls short in a few areas of providing absolute protection. Our bill would, for the wild areas of the East and South, correct these shortcomings and give land managers the adequate tools they need to carry out their task of preserving and restoring these priceless lands.

The National Forest Wild Areas Act will, as would several of the other alternatives in varying degrees, recognize the special qualities of some of the lands within the eastern national forests and will provide the special mangement measures to maintain, restore or protect such areas for present and future generations of Americans.

Mr. Joe Penfold, conservation director of the Izaak Walton League of America, recently wrote "Wilderness East—a Dilemma" for American Forests. I ask that this be inserted into the RECORD at this point in my remarks as a scholarly discussion of the philosophy of wild land preservation and its potential implementation in the East and South.

Senators will note that the bill we are introducing today provides for extensive and careful base touching with all interested groups, including the people who will use it, before a proposed wild area could be established. Not only would the Forest Service be required to hold public hearings on each proposed addition to the wild area system, but the bill also specifies careful and extensive prior notification concerning details of the proposal.

Our bill makes specific provision for detailed intergovernmental coordination—involving not only the Governors and State government but also the counties, towns, municipalities, and the relatively new multijurisdictional general purpose planning and development districts and environmental councils.

We do not consider the bill we are introducing as the final word in any sense. We want to hear what those most directly affected have to say. We also wish to hear the advice of experts in outdoor recreation, and land management, in rural development and in urban affairs.

Everyone in the Eastern and Southern United States will be affected by this proposal and by how it is implemented.

I want to hear what the people of Atlanta want done about this; and I want to hear what our rural counties and development districts and their residents think of the idea and their advice of how to put the proposal into operation with the greatest advantage to the rural community.

We have made many mistakes in settling this great land of ours and building our crowded cities. Some of these our parents and grandparents have already paid for with bankruptcies and heartaches. But the children of some of these people are still paying in drugs and crime and degradation.

Our bodies and minds were formed and nutured in a relatively simple rural environment. Today many of us are subjected to the traffic jams and noise, air, and water pollution and mental and emotional strains pressed upon us by an increasingly technological high-speed society. As a people we can take just so much of this without cracking up.

To relieve the pressure we need to make more room in the country—more room to live, work and play. And we need to provide relaxation and escape for those who cannot benefit from full-time rural living. We need to systematically provide land areas where people can get off by themselves, away from the pressures of civilization and its mechanics.

The sponsors of this bill feel it is designed to meet some of these needs.

But we need to find how many other people would be interested in utilizing these wild areas, if they are provided. Before passing the legislation we need to determine what kind of land management practices are compatible with the wilderness experience that people—city people as well as rural residents—desire and will use. We need to study carefully the availability of land in our various States for this wilderness-type use.

By extensive hearings and careful consideration by the committee on this proposal we can draft proposed legislation that will provide a positive impetus to both rural development and to a higher quality of life for both city and rural people.

Despite the many ravages of men, there are still vast areas east of the Mississippi River where cathedrals of trees protect the moist green ground cover from the rays of the summer sun. There are still unpolluted streams that trickle quietly past proud stands of hardwood that tenuously cling to life under the pressure of the Nation's growing demand for more lumber.

These sylvan settings must be maintained and protected for the millions of Americans in the eastern part of America who have not got the money for a down payment on their own little bit of heaven. They must be maintained to preserve a semblance of the ecological system that was here before our forefathers arrived. They must be protected and maintained as an investment in a greener, less hurried future for this land we all love so well.

I ask unanimous consent that an article written by Mr. J. W. Penfold, conservation director of the Izaak Walton League of America, be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILD AREAS

(By J. W. Penfold)

The Wilderness Act of 1964 provided the administrative-legislative mechanism by which Primitive Areas of the national forests can be brought within a system to be protected, preserved and managed as wilderness in perpetuity. The Act became law roughly a half century after the wilderness concept first took meaningful form in the minds of a handful of visionaries—the Arthur Carharts, the Aldo Leopolds. The concept became firmly rooted in 1924 by designation of the first Wilderness area, the Gila in New Mexico and shortly thereafter by action to set aside for special protection and management the roadless areas of the canoe waters along the Minnesota-Canadian boundary. During the 1930's under the stimulus of Robert Marshall, many more wild and wilderness areas were created by executive action of the Chief of the Forest Service and the Secretary of Agriculture respectively.

The Wilderness Act (which also provided for wilderness in the National Park and National Wildlife Refuge systems) came about for two principal reasons—to obtain the protection and permanence offered by positive Congressional action, rather than leaving wilderness preservation solely to administrative discretion and determination, and, to establish the high standards and criteria in which wilderness would be established and managed. A crucial point is that every effort made by conservationists in the half century leading to the Wilderness Act was premised on obtaining recognition and acceptance of wilderness as a natural ecosystem, untrammeled by man *in the past* and permitted to continue untrammeled and undisturbed by man's activities *in the future*. The Act established such standards and criteria, though, perhaps less strict than needed.

But, the Wilderness Act, as it applies to national forests, has other shortcomings—geographic and demographic. The great bulk of national forest primitive areas eligible for inclusion in the wilderness system are located in the western states, while the bulk of the American population lives east of the Mississippi. Curiously, in retrospect, this was used as a major argument against the Act by most of its principal opponents.

The Wilderness Act, in addition to blanketing into the system those areas already restudied and designated "primitive" by Executive action, provided for the detailed study of the remaining areas previously designated. If they are found to meet the standards and criteria of the Act, they are presented to Congress for specific inclusion in the system by legislation. A period of 10 years was provided during which the operation was to be completed. As of this writing, Congress has taken action on 7, another 8 are awaiting Congressional action, 9 are in the final reporting and recommendation stage, and 11 are in the study and field hearing pipeline.

The Wilderness Act also provided authority to the Forest Service and Department of Agriculture to nominate additional areas, not having been designated before but meeting the standards and criteria of wilderness as provided in the Act. The number and location of such "de facto" areas are uncertain. Some have been identified by the Forest Service and/or citizen wilderness groups and some have received preliminary reconnaissance study. One of these, the Scape Goat, awaits Congressional action. The Forest Service has been subject to extensive criticism from some quarters, however, for not moving more aggressively and quickly to study, recommend and get "de facto" areas into the wilderness designation pipeline. Understandably, the Forest Service (and other federal agencies involved in definitive studies under the Act) has necessarily given first priority to the primitive areas specified for study under the Act.

Meanwhile, citizen wilderness interests have also pushed hard for early inclusion in the wilderness system many other prime areas which retain a high degree of wilderness character and offer the atmosphere and recreation opportunities of a near wilderness environment. Such areas, many of which are located in eastern national forests, may bear to a greater or lesser extent the heavy imprint of man's activities—logged, farmed, roaded, developed—but have been abandoned and to a substantial degree have recovered or on the road to recovery, through natural processes. It is argued by some that such areas reversing to wilderness should be eligible for inclusion in the wilderness system. They argue that the criteria and standards of wilderness established by the Act are sufficiently flexible now to embrace such areas; or, that the Wilderness Act should be amended to provide such flexibility. Others, including the writer, feel just as strongly that lowering wilderness standards by amendment of the Act or by its more liberal interpretation, in the long run, can only threaten the integrity of all designated wilderness. Even if the line can be held rigorously against the invasion by commercial development—and pressures for such are unrelenting—there still remains the growing and nearly irresistible pressure of recreationists themselves who, with snowmobile, outboard, ATV and other gadgetry, or sheer numbers lean their weight against every wilderness boundary.

But, the wilderness preservation advocates are profoundly correct that there is need for more wilderness to meet the requirements of a growing population of outdoor minded citizens who have the right as well as the desire for the unique experience which only wilderness can provide. And, especially are such areas essential east of the Mississippi close to burgeoning metropolitan areas, where opportunities for classic wilderness are least.

The question to be answered and the dilemma to be resolved are thus found to be rather simply stated: how can wilderness value and experience be provided close to populations living in the midwest, east and south without lowering Wilderness Act criteria and standards. The Forest Service itself, tormented by the question and harassed by constant and sometimes hypercritical demands, took a major step. At the 12th Biennial Wilderness Conference staged by the Sierra Club and Wilderness Society, the Forest Service invited the forces for Wilderness to sit down with them to discuss the issues and find the answer. Implicit in the invitation was the thought, among other alternatives, that the mechanism for accomplishing the objective might be creation of another system. Such areas would possess to a substantial degree the prime characteristics of wilderness, in spite of man's past activities, from which they are recovering, but which do not measure up to the strict criteria and standards required by the Wilderness Act. For lack of a better name, we've called it a system of "wild" areas.

Follow-up discussions were initiated by wilderness interested organizations. A consensus has not yet developed, however alternative courses of action quickly became apparent:

1. Create a system of "Wild Areas" by statutory or executive designation.

2. Amend the Wilderness Act so that eastern areas that do not meet the present stiff requirements of the Wilderness Act can be included under that Act.

Have Congress reinterpret the Wilderness Act to the extent that reconstituted or recoverable wilderness can be included in the National Wilderness Preservation System.

There appears to be agreement, if alternative one is chosen, that the "wild" area system should be established by Act of Congress and individual areas be brought into the system by Act of Congress. This procedure would parallel that provided by the Wilderness Act for bringing areas into the Wilderness System. The regulations on management and use of "wild" areas would parallel those required for wilderness. Additionally, they should be withdrawn from all forms of appropriation under the mining laws and from disposition under leasing or disposition of mineral materials. Moreover, because of complex ownership patterns prevalent in eastern forests, acquisition of inholdings could be made by condemnation where necessary. In these two latter respects the "wild" area system would offer greater protection than does the Wilderness Act itself and the present 5,000 acre limitation need not be inhibiting.

Establishment of a system of "wild" areas would not mitigate against consideration of eastern areas for designation under the Wilderness Act. Areas which meet the criteria and standards of the Wilderness Act would continue to be eligible for wilderness designation. However, if they do not meet those stiff requirements because of man's past activities, but nonetheless offer high potentials for wilderness values and experience, they could be eligible for designation under the "wild" area system and their wilderness characteristics be preserved into the future.

Adoption of the "wild" area system approach would provide another category of federal areas at no additional administrative or management cost. It would parallel the Wilderness System. It would be consistent with the several category approach provided in the Wild and Scenic River Systems already established by Congress. It would assure the preservation of prime national forest areas in the east to provide wilderness recreation and other values for the millions of citizens residing far from our great western Wilderness areas. Moreover, it would accomplish this without threatening the integrity of the wilderness principle or wilderness system and without opening the Wilderness Act to weakening amendments by those interests which would gladly scuttle the whole wilderness concept.

Following the same Executive-Legislative procedures as provided in the Wilderness Act the public could be assured that actions taken under a "wild" system act would be consistent with overall national forest objectives and purposes as specified in the Multiple Use Act of 1960. Finally, there would be full opportunity for citizen input all along the line.

As it stands now, the need for action is apparent. All options for action are open. A working consensus on the best course of action to be followed could get this important job accomplished.

By Mr. RIBICOFF:

S. 3700. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

TUITION TAX CREDITS FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, I am today introducing legislation allowing tax credits for tuition to nonpublic elementary and secondary schools. Emotional and legal controversy surrounds the question of aid to private or parochial schools and the fate of these schools is an issue which everyone concerned with the future of our entire education system must consider.

If the Nation's 21,800 nonpublic schools were thriving institutions, Government assistance would not be needed. But that is not the case.

The President's Panel on Nonpublic Education has reported that non-public-school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In the 20 largest cities, nearly two out of five schoolchildren are enrolled in nonpublic schools. The public school systems in New York City would have to expand to accommodate over 358,000 new students if private schools closed. In Chicago, 208,000 students would be added and in Philadelphia 146,000.

My own State of Connecticut faces a similar potential burden. Over 100,000 students, 14 percent of all students, now attend parochial and private schools. Twelve of these schools closed in 1971 and more may close this year. We all have a stake in this problem.

Some critics of aid to nonpublic schools argue that public assistance will weaken support of our public school system. They point out that less than half of the public school bond issues were ratified last year.

We cannot ignore, however, the enormous costs involved in transferring nonpublic students into the public schools. It has been estimated that collapse of our nonpublic schools would cost local taxpayers an additional $5 billion a year. Taxes would have to increase or more public schools close to meet this expense. The American public should not be forced to assume this additional tax burden unless it is absolutely necessary.

In addition, proposals for aiding nonpublic education at the levels generally discussed will not encourage expansion of the system, but will only serve to stem their decline. The difficulty arises in what form that aid should take.

In the past cities and States have been most ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurzman, summarized the cumulative criteria it had developed. First, the program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe that tax credits meet these tests. First, the program's purpose is to lower the expense of education to the students' parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

The formula I am proposing is similar to that used in S. 1111, my bill to provide tax credits for higher education expenses. A parent would be allowed a maximum credit of $475 for each student's tuition. The credit would be com-

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puted on the basis of 100 percent of the first $200 for tuition; 50 percent of the next $300; and 25 percent of the subsequent $500.

Unless some governmental aid is forthcoming, most of our nonpublic schools will eventually disappear. Those that survive will do so by requiring exorbitant tuitions which only the very wealthy can afford. The result will be that private and parochial schools, rather than being educational options open to all, will be sanctuaries for the rich.

My proposal would avoid these problems. By allowing middle- and lower-income families the ability to send their chilren to nonpublic schools, it will guarantee the continued existence of these schools plus a well balanced student body.

I ask unanimous consent that the text of S. 3700 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42.

TUITION PAID FOR ELEMENTARY OR SECONDARY EDUCATION

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount determined under subsection (b), for tuition paid by him to any qualified private non-profit elementary or secondary school during the taxable year for the elementary or secondary education of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151(e).

"(b) LIMITATIONS.—

"(1) AMOUNT PER DEPENDENT.—The credit allowable under subsection (a) with respect to any dependent shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200,

"(B) 50 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 25 percent of so much of such expenses as exceeds $500 but does not exceed $1,000.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a qualified private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, extracurricular activities, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) QUALIFIED PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational institution—

"(A) which is described in sections 501(c)(3) and 503(b)(2) and which is exempt from tax under section 501 (a),

"(B) which regularly offers education at the elementary or secondary level,

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws, and

"(D) which does not discriminate, through its tuition or scholarship policies, or otherwise, in the admission of students, in the hiring of personnel, or in any other activity, on the basis or race, color, or national origin.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include education at a level beyond the 12th grade.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.

"Sec. 43. Overpayment of Tax.".

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

By Mr. BAYH (for himself and Mr. Randolph):

S. 3701. A bill to extend and improve the Federal Highway Safety Program, and for other purposes. Referred to the Committee on Public Works.

THE HIGHWAY SAFETY ACT OF 1972

Mr. BAYH. Mr. President, I am pleased today to introduce for appropriate reference "The Highway Safety Act of 1972" on behalf of the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) and myself. This bill and others pending before the Subcommittee on Roads, which I am privileged to serve as chairman, will be considered at highway safety hearings scheduled for Thursday, June 15.

In the words of Howard Pyle, president of the National Safety Council, automobile accidents "remain the largest violent threat to life in the United States." In 1970 there were 54,800 fatalities on our Nation's streets and highways, and 2,735,122 nonfatal injuries. Even more people died and were injured in 1971. Carnage on the highway is a reality, not a slogan Mr. President, and we have to do something about it.

Of course the States and the Federal Government have long been concerned about highway safety, and a considerable amount of progress has been made in this field. But much, more remains to be done. The bill I introduce today will help us reach our goal of safe and sane highways in five ways: first, by removing from the road drivers who are under the influence of alcohol or narcotic drugs; second, by improving our existing roads and bridges; third, by providing emergency medical care to victims of highway accidents; fourth, by authorizing sharply increased funding for Federal highway safety programs and grants to the States; and finally by providing a financial incentive for States to bring their safety programs into compliance with Federal standards. Let me discuss these aspects of the bill in more detail.

First, an attack on the intoxicated driver. The National Highway Traffic Safety Administration has stated that—

The use of alcohol by drivers on the highways, particularly the continued, excessive use of alcohol by problem drinkers, is the single most important highway safety issue today.

And there is growing concern that the use of drugs by drivers also contributes significantly to accidents. The Highway Safety Act of 1972 deals with these problems. It encourages all the States to bring their safety programs into compliance with Federal standards on alcohol in relation to highway safety by requiring the Secretary of Transportation to cut off 10 percent of Federal-aid highway funds to States which do not meet those Federal standards by July 1, 1974. It directs the Secretary to prepare a new safety standard requiring the States to have laws against driving while under the influence of alcohol or drugs, to enforce these laws effectively, and to provide meaningful penalties for the violation of these laws and, where appropriate, medical treatment for violators. It provides for a special research program into the relationship between drug use and highway safety, and it directs the Secretary to prepare highway safety standards on this topic. As chairman of the Senate Juvenile Delinquency Subcommittee, I have seen firsthand the results of the use and abuse of drugs. Persons under their influence, even properly so, should not be on our highways.

Second, a program to improve the safety of our existing streets and highways. The bill establishes a special program to assist States in eliminating roadway dangers, including high accident locations and roadside obstacles. For this program, $200,000,000 a year is authorized. The bill also creates a new, special pavement marking program for all roads other than those on the Interstate System, with preference to be given to rural areas—where badly marked roads often produce terrible accidents. For this program $100,000,000 is authorized. Finally, a new authorization of $250,000,000 is included for the bridge replacement program.

Third, a way to provide emergency medical care to victims of highway accidents. This is a crucial new program. If "accidents will happen," then we must help those who are hurt, to prevent needless complications, even death. But too often today we do not. Arthur Freese in an article in the Saturday Review recently asserted that:

Experts returning from Korea and Vietnam • • • have openly declared that, in case of injury, chances for survival would be better in the zone of combat than on the average city street.

Perhaps this is just a tribute to our servicemen overseas. But why should not the emergency medical care available to

highway accident victims here in the United States be as good? The bill I introduce today provides funds to assist States in preparing comprehensive plans for the provision of emergency medical care, and, after approval of the plans, provides funds to help implement them. Whether it is more equipment, like ambulances or helicopters, or better training for personnel involved, this part of the bill will make Federal funds available where they are deeply needed.

Fourth, a sharp increase in highway safety funding. In addition to the authorizations I have already mentioned, the bill authorizes $270 million for Federal highway safety programs and grants to the States under existing law, more than twice the amount authorized at present. In addition, $175 million is authorized for highway safety research, again a substantial increase over existing levels. This is a lot of money, Mr. President, I know, but it is needed, and it can be used effectively. There are, after all, more than 50,000 lives at stake. I should also point out, Mr. President, that all of the money authorized by the bill will come from the highway trust fund. This is a change from existing law, and a desirable one: for what could possibly be more highway related than highway safety?

Fifth, and finally, the Highway Safety Act of 1972 creates two new incentive programs designed to encourage States to comply with Federal highway safety standards. This is a "carrot" rather than a "stick" approach. Under one new section, the Secretary will distribute $10 million to those States which have obtained above average results in the highway safety area. Under another section, the Secretary will distribute $10 million to those States which have made the most significant improvements in highway safety. The money will be used by the States to further their efforts in this field.

Mr. President, highway accidents cost the Nation over 50,000 lives and an estimated $14.3 billion in 1971. This extravagant waste of national treasure must be curbed. We must once again have safe streets—safe to drive on, safe to ride on, safe to walk by. That will be the goal of the Roads Subcommittee when we consider highway safety legislation.

I ask unanimous consent that the text of the bill, a summary of the Highway Safety Act of 1972, and the article to which I referred by Arthur Freese be printed in the RECORD.

There being no objection, the bill, summary, and article were ordered to be printed in the RECORD, as follows:

S. 3701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highway Safety Act of 1972".

PENALTIES FOR DRIVING WHILE INTOXICATED

SEC. 2. Subsection (a) of section 402 of title 23 of the United States Code is amended by inserting after the fifth sentence the following: "Effective as soon as practicable after the date of enactment of the Highway Safety Act of 1972 such standards shall also include provisions requiring (1) laws prohibiting persons from operating motor vehicles while under the influence of intoxicating liquors or any narcotic or drug which impairs their ability to operate a motor vehicle properly and safely, (2) procedures for effective enforcement of such laws, (3) penalties for violation of such laws which provide a meaningful deterrent to their violation, and, where appropriate, adequate medical treatment for persons violating such laws who are in need of treatment.".

COMPLIANCE WITH ALCOHOL SAFETY STANDARD

SEC. 3. Subsection (c) of section 402 of title 23 of the United States Code is amended by inserting before the period at the end of the penultimate sentence thereof a comma and the following: "*Provided however,* That the provisions of this sentence shall not apply in the case of any State which has not prior to July 1, 1974, properly implemented the Secretary's Highway Safety Program Standard Numbered 8 (relating to alcohol in relation to highway safety) or any modification or addition to such standard prior to such date."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

SEC. 4. (a) Subsection (c) of section 402 of title 23 of the United States Code is amended by adding immediately after the penultimate sentence thereof the following: "Whenever the Secretary suspends the application of the sixth sentence of this subsection, he shall report within ten days the reasons for such suspension and the period of such suspension to the Committees of the Senate and House of Representatives on Public Works, Commerce, and Interstate and Foreign Commerce, and shall publish such report in the Federal Register, and shall notify the State or States involved of such suspension, the reasons therfor and the period thereof, and warn them of the penalty involved.".

(b) Section 402 of title 23 of the United States Code is amended by adding a new subsection (l), as follows:

"(l)(1) The Secretary shall award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b)(1), (2), and (3) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No States shall receive in excess of $500,000 in any fiscal year pursuant to the provisions of this paragraph."

ELIMINATION OF ROADWAY DANGERS

SEC. 5. (a) Chapter 4 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 405. Assistance for the Elimination of Roadway Dangers.

"(a)(1) Each State, in accordance with regulations to be issued by the Secretary, shall conduct a survey of all expressways, major streets and highways, and through streets to identify locations of significant danger to road users (including, but not limited to, identification of sections of roads which have high accident experience or high accident potential, and identification of roadside obstacles which may constitute a hazard to out-of-control vehicles), and assign priorities and establish and implement a schedule for elimination of such dangers.

"(2) The schedule for the elimination of such dangers referred to in subsection (a)(1) shall provide for the replacement to the extent appropriate of existing sign and light supports which are not designed to yield or break away upon impact; and yielding or break away sign and light supports shall be used, to the extent appropriate, on all new construction or reconstruction carried out pursuant to this section.

"(b)(1) Upon application, the Secretary shall approve a State's schedule for elimination of roadway dangers which is in compliance with his regulations, and shall make grants to the States for implementation of approved schedules. Such grants shall be for 70 per centum of the cost of implementing such approved schedule.

"(2) Commencing in 1974, the Secretary shall, in the report to Congress required to be submitted by section 202 of the Highway Safety Act of 1966 (80 Stat. 731; Public Law 89-564), include an analysis and evaluation of the progress made by the several States during the proceeding calendar year in eliminating highway dangers.

"(c) Funds appropriated to carry out the purposes of this section shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal Aid Highway Act of 1970. Sums apportioned to any State under this subsection shall continue to be available to that State for a period of two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall be reapportioned to the other States in accordance with the applicable provisions of law.".

(b) The analysis of Chapter 4 of title 23 of the United States Code, is amended by adding at the end thereof the following:

"405. Assistance for the elimination of roadway dangers.".

DRUG USE AND HIGHWAY SAFETY

SEC. 6. (a) Section 403 of title 23 of the United States Code is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsection:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles. As soon as practicable, the Secretary shall promulgate a highway safety program standard with respect to drug use in relation to highway safety. The research authorized by this subsection may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

EMERGENCY MEDICAL CARE FOR VICTIMS OF HIGHWAY ACCIDENTS

SEC. 7. (a) Chapter 4 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 406. Assistance for Emergency Medical Care for Vicitims of Highway Accidents.

"(a) The Secretary is authorized to make grants to the States to assist in developing comprehensive plans for providing improved emergency medical care for victims of high-

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way accidents. Such grants shall cover 70 percentum of the cost of developing such plans, except that no State shall receive in excess of a total of $100,000 pursuant to this section.

"(b) The Secretary is authorized to approve State plans submitted to him and to make grants to the States for the implementation of approved plans for improved emergency medical care for victims of highway accidents. Such grants shall cover 70 per centum of the cost of implementing such approved plans to the extent such cost exceeds the average amount spent by the State on provision of emergency medical care to victims of highway accidents in the three years preceding the enactment of this bill, as determined in accordance with regulations issued by the Secretary. Funds authorized to be appropriated for the purpose of carrying out the provisions of this section shall be apportioned to the States in the same manner as is provided in subsection (b)(2) of section 104 of this title.

"(c) The Secretary shall not approve such plan under this section which does not:

"(1) comply with Highway Safety Program Standard No. 11 (relating to emergency medical services); and

"(2) comply with regulations established by the Secretary with respect to (A) the availability of necessary equipment (including, but not limited to ambulances and, where appropriate, helicopters), (B) the training of medical, paramedical and other personnel, (C) the utilization to the maximum extent feasible of existing emergency medical care equipment which meets the standards and regulations the Secretary establishes, and (D) such other regulations as he deems necessary to assure that adequate medical care is available to victims of highway accidents throughout the State.".

(b) The analysis of Chapter 4 of title 23 of the United States Code is amended by adding at the end thereof the following:

"§ 406. Assistance for Emergency Medical Care for Victims of Highway Accidents.".

PAVEMENT MARKING PROGRAM

SEC. 8. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new sections:

"§ 145. Special Pavement Marking Program.

"(a) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or approved by the Secretary.

"(b) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(c) The federal share of projects approved under subsection (a) of this section shall be 70 per centum of the cost thereof and shall be paid from sums authorized to carry out this section. Funds authorized to be appropriated for the purpose of carrying out the provisions of this section shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title. Sums apportioned to any State under this subsection shall continue to be available to that State for a period of two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall be reapportioned to the other States in accordance with the applicable provisions of law.

"(d) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section.".

AUTHORIZATIONS

SEC. 9. There is authorized to be appropriated—

(a) $240 million out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and each of the succeeding two fiscal years for carrying out section 402 of title 23 of the United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, of which $10,000,000 in each such year shall be for the purposes of section 402(1)(1), and $10,000,000 for section 402(1)(2).

(b) $50,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and each of the succeeding two fiscal years, for carrying out such section 402 by the Federal Highway Administration.

(c) $175,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out section 403 of such title (relating to highway safety research and development) by the National Highway Traffic Safety Administration, of which $25,000,000 in each such year shall be for subsection (b).

(d) $25,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out such section 403 by the Federal Highway Administration.

(e) $200,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out section 405 of title 23 of the United States Code (relating to elimination of roadway dangers).

(f) $5,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974 for carrying out section 406(a) of title 23 of the United States Code (relating to emergency medical care), to remain available until expended; $25,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1975, for carrying out section 406(b) of such title.

(g) $250,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and for the succeeding fiscal year, for carrying out section 144 of title 23 of the United States Code (relating to the special bridge replacement program).

(h) $100,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and for the succeeding fiscal year, for carrying out section 145 of title 23 of the United States Code (relating to pavement markings).

SUMMARY OF THE HIGHWAY SAFETY ACT OF 1972

Section 1. Title. Provides that the Act may be cited as "The Highway Safety Act of 1972."

Section 2. Penalties for Driving While Intoxicated. Directs the Secretary of Transportation to develop highway safety standards which require the States to have laws against driving while under the influence of alcohol or drugs, to enforce these laws effectively, and to provide meaningful penalties for the violation of these laws and, where appropriate medical treatment for violators of these laws.

Section 3. Compliance With the Alcohol Safety Standard. Requires the Secretary to cut off ten percent of a State's Federal-Aid Highway money if that State is not in compliance with the Alcohol Safety Standard by July 1, 1974.

Section 4. Incentives For Compliance With Highway Safety Standards. Creates a new incentive program to encourage the States to comply with the Highway Safety Standards. The Secretary will award $10,000,000 a year to those States which he determines "have obtained above average results "in the highway safety area. He will award another $10,000,000 to those States which "have made the most significant improvements" in their efforts. The money will be used by the States in their highway safety programs. This section also requires the Secretary to report to the Congress whenever he decides not to withhold Federal-Aid Highway funds from States which are not in compliance with the Highway Safety Standards.

Section 5. Elimination of Roadway Dangers. Adds a new section to the Highway Safety Act which provides funds for States to eliminate dangerous locations and roadside obstacles on all roads. The States will inventory their roads, set priorities, and establish a schedule for elimination of such dangers. The Secretary, after approving the scehdules, will award the State 70 percent of the cost of the projects. Sign and light supports replaced or built pursuant to this section will, to the extent appropriate, be designed to yield or break away upon impact. ($200,000,000 is authorized for each of the next two fiscal years for this program.)

Section 6. Drug Use and Highway Safety. Authorizes the Secretary "to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety," and directs him as soon as practicable to issue highway safety standards relating to drug use and highway safety. ($25,000,000 is authorized for each of the next two fisacl years for this program.)

Section 7. Emergency Medical Care for Victims of Highway Accidents. Creates a new program to help the States provide emergency medical care to victims of highway accidents. The States are to develop comprehensive plans for such care, with the federal government paying 70 percent of the planning costs. After approval of the plans, the federal share of the new implementation costs will also be 70 percent. ($5 million is authorized for planning grants, and $25 million is authorized for the first year of implementation grants.)

Section 8. Pavement Marking Program. Creates a new, special pavement marking program for all roads, other than the Interstate system. Rural areas are to get preferences for funds under this section. The federal share of the pavement marking projects is 70 percent. ($100,000,000 is authorized for each of the next two fiscal years for this program.)

Section 9. Authorizations. All Highway Safety Programs will be funded entirely out of the Highway Trust Fund. In addition to the authorizations already mentioned, the bill provides: $270,000,000 for each of the next two fiscal years for carrying out federal highway safety programs; $175,000,000 for each of the next two fiscal years for carrying out federal highway safety research; $250,000,000 for each of the next two fiscal years for carrying out the bridge replacement program.

[From the Saturday Review, May 13, 1972]

TRAUMA: THE NEGLECTED EPIDEMIC

(By Arthur S. Freese)

A twenty-two-year-old motorist overturned his car thirty miles southeast of Atlanta this winter. Pulled from the wreckage by the ambulance attendants, he was loaded into their vehicle and rushed to a hospital. There the examining physician found the young man paralyzed from the waist down—due, the doctor said, to mishandling by the ambulance personnel. It seemed that no one had bothered to teach these attendants, employees of a local undertaker, how to handle accident victims with spinal injuries.

According to physicians who specialize in trauma (medically defined as accidental injury), this tragic episode is far from unique; such incidents probably occur somewhere in America every day. Experts returning from Korea and Vietnam, for example, have openly declared that, in case of injury, chances for survival would be better in the zone of combat than on the average city street.

Dr. John M. Howard, professor of surgery at Philadelphia's Hahnemann College of Medicine, recently described an incident that took place in his city: A man in his mid-twenties was the victim of an automobile accident. The police came promptly to the scene, but were trained neither to examine the victim nor to evaluate his injuries. They merely loaded the young man into an ambulance and rushed him to the nearest hospital.

X-rays revealed that the victim was suffering from a broken leg, which the doctors splinted. They then packed the young man back into the ambulance and sent him on to another hospital, as theirs was already overcrowded. At the second hospital doctors found that the blood supply to the broken leg was blocked off, and, twelve hours after the initial injury, they performed arterial surgery to restore blood flow. The attempt was unsuccessful. Gas gangrene had set in, and the doctors were forced to amputate the leg. Nevertheless, the young man died.

In discussing this tragedy, Dr. Howard sadly summarized the causes: "Every facet of the system was at fault. Inadequate hospital evaluation and inadequate early care—a preventable death because our capabilities had not been effectively mobilized."

The "system"—emergency medical care—actually has two phases. The first stretches from the time of the accident to the time the victim enters the hospital; the second spans the time the victim spends in the hospital emergency room (now called the Emergency Department or ED). Failures in both phases afflict trauma care all over the country.

The National Research Council of the National Academy of Sciences, in its classic little volume *Accidental Death and Disability*, describes trauma as "the neglected epidemic of modern society . . . the nation's most important environmental health problem . . . a public health problem second only to the ravages of ancient plagues or world wars." Actually, trauma is what happens to every one of us: the child injured in a bad spill; the elderly person who falls and breaks a hip; the victim of a knife or gunshot wound; the person who falls from a stool or several-story window; the victim of an auto accident; the person with a slight burn or one that leaves a good part of the body's skin destroyed. Trauma may require no more than careful bandaging, or it may require teams of surgeons working for a dozen hours on end. It also may put its victims beyond help in a matter of seconds.

The figures are enough to boggle the mind. According to the U.S. Public Health Service and the National Safety Council, each day trauma kills 310 Americans, injures 137,000, confines 32,000 to bed, leaves 1,100 with some degree of impairment, and costs our nation some $58-million. In 1971 trauma left 114,000 dead, more than 50 million injured (one out of every four Americans), and 500,000 permanently impaired—all at a cost of some $21-billion.

Trauma is a problem of evenings and nights, holidays and weekends, one that wipes out its victims' most productive years; it is the leading cause of death among Americans of both sexes, from ages one to forty-five. And tragically, much of its toll is unnecessary. Experts say that up to a third of the death and much of the disability could be prevented with adequate emergency medical care. Yet for many years the American College of Surgeons' Trauma Committee was virtually alone in its war on this epidemic. Only recently, thanks to a series of studies that reveal the shocking facts, has trauma treatment begun to attract attention.

In a study of highway fatalities in California, for example, Dr. Julian A. Waller found that four times as many deaths occurred in rural accidents as in urban, even though injuries in the former were "inherently more survivable." The figures, Waller says, evidence a failure of both the ambulance and hospital phases of rural emergency medical systems. University of Michigan surgeon Dr. Charles Frey headed a similar study of 159 highway fatalities in Michigan. He concluded that twenty-eight of these people (nearly one-fifth) would have been saved and, more significantly, restored to health as good as that before the accidents, had they received the proper emergency treatment. Another nine also might have survived. In other words, one-quarter of the victims would have lived with proper care. Frey attributed almost all the unnecessary deaths to inadequately trained ambulance personnel.

Dr. William T. Fitts, Jr., professor of surgery at the University of Pennsylvania and editor of the *Journal of Trauma*, studied all of the 950 trauma deaths reported in a single calendar year in Philadelphia and concluded that fifty-one (51 per cent) of these deaths were avoidable. The fatal mistakes he found were virtually all made by doctors in the hospital. They involved lack of proper patient care, wrong diagnosis, or both.

The situation has many people troubled. Physcians themselves display little confidence in their own system. Dr. Robert H. Kennedy, who for twelve years directed the Trauma Committee of the American College of Surgeons, recently admitted: "I don't feel that if I'm in an accident on a trip, I can be sure of just getting to the hospital alive."

Another well-known trauma surgeon, who recently carried out a survey of the emergency departments in one of our largest cities, commented, "There's not an emergency department in this city where I'd feel comfortable having a severely injured member of my family treated." And Howard Pyle, president of the National Safety Council, summing up the problem in Traffic Safety Magazine, remarked: "The state of emergency medical services in the nation today is, in a word, grim."

The Second World War was the watershed of emergency medical care. Before the war interns rode ambulances and staffed emergency rooms and, with the limited medical expertise then available, provided emergency care adequate to the times. But with the war came an explosion in medical know-how and technology, and also the beginning of specialization. The effect of all this was critical to emergency care. Captain John Waters, former chief of the U.S. Coast Guard Rescue and Research, points out: "The massive trend toward specialization resulted in doctors retreating into their hospitals and clinics, where they waited with sophisticated equipment and training for the dead and dying to be brought to them—hopefully in a viable condition." The burden of the first phase of trauma care, therefore, fell on the shoulders of the ambulance personnel—not doctors, but technicians.

Today's properly trained ambulance attendant, however, can perform far more life-saving procedures than the pre-World War II physician ever dreamed of. Dr. Henry C. Huntley, director of the U.S. Public Health Services, emphasizes that "We can save lives with adequately equipped ambulances and properly trained personnel. It may be 50,000 or 75,000, but a figure of 60,000 is in the right ball park."

Many stories about ambulance operations are shocking. They tell of ambulance services run by undertakers making little effort to save the living because funerals are more profitable; employees of these services arguing over dead bodies while the living injured go unattended; ambulances, in a race to the scene of an accident, colliding with each other; ambulance personnel maiming victims not only by carelessness and inadequacy, but, some say, sadistic handling. More than one physician has described the majority of our ambulance attendants as nothing more than "freight handlers."

Exaggerations? Perhaps. But the stories, unfortunately, are founded in hard facts. A recent University of Iowa study found that some 60 per cent of the state's ambulance services were run by undertakers. Only half required their attendants to have even simple first-aid training. Almost half administered no first aid in severe injuries, and nearly two-thirds carried no splints. Less than half bothered to clean their equipment after it was used.

The most recent U.S. Public Health figures on emergency services show that nearly half the nation's ambulances are operated by undertakers, a quarter by volunteers, and the rest by commercial agencies and fire or police departments. Hospitals run only 3 per cent. The setup, however, varies according to region: In the Northeast volunteers make up a large percentage; in the South undertakers provide the bulk of service; in the Midwest commercial companies are plentiful; in states west of the Mississippi hospital-owned ambulances are common.

The vehicles used as ambulances are indicative of the state of these services. Slightly over a third of the ambulances in the country are custom-designed, and less than one-tenth are rescue vehicles, and even among these only a very small percentage meet the criteria set by the National Academy of Sciences or carry the advised equipment. Hearses still make up nearly a quarter, station wagons another fourth, and panel trucks or vans comprise a tenth of the total.

Not exactly model vehicles. Ideally, an ambulance should be high enough to allow attendants to stand erect so they can work efficiently and wide enough to hold a litter on each side with working room in between. It should carry every needed type of splint, bandage, and backboard (for spinal injuries), an obstetrics kit, oxygen and ventilation units, drug and intravenous fluid outfits, a portable electrocardiograph (EKG), and a defibrillator to shock a stopped heart back into action. It also should carry equipment to broadcast an EKG to the hospital for instant diagnosis, a blood pressure measuring device, and a stethoscope. In short, an ambulance should be a mobile emergency room. Moreover, it should carry shovels, power jacks, fire axes, and hacksaws—whatever is needed for the safe extrication of victims from a wreck.

Another essential of good ambulance service is a two-way voice communication system so that the ambulance can converse with its dispatcher and its hospitals to obtain medical advice on the handling of an emergency. With vehicles so equipped, doctors in the hospital can give tentative diagnoses and advice for treatment, and also direct the ambulance to a specific hospital for specialized care—and away from those too crowded to handle the case. The chosen hospital can then be alerted so that it can prepare for the victims. Yet, vital as such communication is, Dr. Huntley finds that only half the ambulances now in service can communicate with their dispatchers, only one in seventeen with their hospital.

How many of our ambulances are adequate

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for proper emergency treatment? At the National Symposium on Emergency Medical Services held last May in Philadelphia, Dr. Vernon E. Wilson, administrator of the U.S. Health Services and Mental Health Administration, noted: "Of the 25,000 ambulances used in the United States today for transporting medical emergencies, not more than 1,000 meet the recommended standards for design and equipment."

All of this equipment is virtually worthless, however, unless ambulances are staffed with what one trauma expert described as "a professional, a career man, trained, equipped, and licensed to render essential life support." Such an individual is now called an Emergency Medical Technician—Ambulance or EMT, but one can be found in only a few top ambulance services.

Most states do not have realistic requirements for training or licensing ambulance personnel. It's a sad commentary, for example, that while Pennsylvania requires barbers to attend barber college for 1,500 hours (50 of which must be anatomy and physiology) and manicurists to take 200 hours at a school of beauty culture, the state has *no requirements for ambulance personnel*. There are, of course, a few communities such as Jacksonville, Louisville, Baltimore, and Miami where ambulance personnel are properly trained. But the total is a mere handful.

The training of EMTs may soon reach the point of a two-year college program. But even now they are taught to check a victim's vital signs (heart rate, blood pressure, respiration), take a quick medical history, and observe and evaluate the victim's condition. In an emergency situation EMTs first establish and maintain an airway (after four minutes without air a victim will either die or be paralyzed for life) and administer cardiopulmonary resuscitation (CPR), mouth-to-mouth breathing, and closed chest massage. CPR has maintained innumerable Americans who, although clinically dead (without a pulse or respiration), were kept alive until medical action could restart the heart. Once the airway is restored, the EMT stops any bleeding, splints a broken back or neck, administers intravenous fluids, gives drugs, uses a stethoscope, takes an EKG, extricates a victim from a wreck, treats a bad burn, delivers a baby—you name it.

The value of properly organized and equipped ambulance services employing EMTs can actually be measured in lives; for example, more than 100 lives a year are said to be saved by the ambulance services of Jacksonville, Florida, in auto accidents alone. The Jacksonville Rescue Squad is often cited as the best in the country, and John Waters, now executive assistant to the mayor, is usually held responsible for its excellence. Waters, who in addition to his work with the Coast Guard has directed rescue for the Federal Highway Administration, notes: "In 1967, before we started our rescue service, we had 139 killed in roughly 15,000 auto accidents. In 1971 we had only 118 killed, despite a rise in these accidents to around 24,000."

There are a number of ways to bring good ambulance service to any community. Police and fire departments are especially successful at running these operations because they already have the communications, the availability, and often a good part of the know-how. The model ambulance services of Jacksonville, Baltimore, and Louisville all use this approach. But volunteer companies also have done top-notch lifesaving jobs. Where these are not feasible solutions, experts suggest franchising private companies to operate as public utility monopolies supervised by the government. In sparsely settled areas ambulance services have been successfully based at hospitals with attendants doubling as hospital technicians when not out on runs.

A more glamorous approach to emergency service is the ambulance helicopter, which has attracted interest because of its space-age appeal. But most individuals involved in emergency care don't consider "choppers" a viable solution to the present problems; they are simply too expensive to operate. The money would be better spent on improving ordinary ambulance service and personnel, and the hospital emergency departments. Waters, however, suggests utilizing the helicopters of the military, police, and Coast Guard for emergencies. The Jacksonville Rescue Squad, for example, has arranged to call upon helicopters stationed at a local air base in case of an emergency requiring air lift.

Another way to improve emergency care would be to standardize victim-hospital communications. In other words, the toll-free 911 emergency number should become national in scope. The 911 operator should have a direct connection to a central dispatcher who can recognize the medical problem, order the appropriate ambulance, and then direct the ambulance to the proper hospital. Like the EMT, the dispatcher should be a professional and should receive a salary commensurate with the training he has. There are only 125 communities in the United States that have the 911 system in operation. We have a long way to go.

For many experts the problem boils down to a matter of economics and the public's sense of values. As Waters sees it, "We typically pay $30 per capita for police protection in an urban area and $24 for fire—yet we won't pay $1.50 for good emergency medical care outside the hospital." He went on to say, "Thirty thousand trauma victims will needlessly die this year in their homes and on the streets, wasted due to lack of emergency medical care; Americans will die valuing their hair and fingernails more than their lives!"

But the trauma victim must survive more than just the immediate care on the scene and the ambulance ride; he must also face the hospital.

One of the biggest problems, for example, is where to take a trauma victim. Any nurse can clean and bandage a child's knee, but what about a serious burn or extensive injuries from an auto accident? This dilemma has led to a growing movement among experts in emergency medical care. Many now call for categorization, a system classifying hospitals and their EDs according to the severity of trauma they are equipped and staffed to handle. For example, Category I would include the best medical centers, capable of dealing with cases requiring highly intensive and specialized treatment. Category II would include the better general hospitals—those able to handle all but the most highly specialized trauma cases. But would have round-the-clock physicians in their EDs. Category III would be more limited: an ED staffed by a registered nurse with a physician on call within the hospital. The victim would be resuscitated and stabilized in the ED, then passed on up the line. And Category IV would be, in effect, a glorified first-aid station with a nurse on call in the hospital and a physician (perhaps in his own office) available within a few minutes. Except for very minor problems, EDs in this category would be able to give no more than temporary aid.

The disgraceful weaknesses of our present EDs stand out starkly against these proposed categories. According to Dr. Huntley's U.S. Public Health figures, only one out of seven hospitals have EDs that could be classified in Categories I, II, and III. Of our 7,000 hospitals, as many as 3,000 would not even qualify for Category IV. Less than half of our EDs have written policies and procedures ("Indefensible," Huntley says); only one out of six have twenty-four-hour coverage by physicians, and only half have routine staff training. Other surveys reveal equally deplorable conditions: Barely one in six hospitals had X-ray and laboratory facilities available round-the-clock; only one in seven hospital administrators felt their own EDs were adequate in space, traffic flow, or location.

One of the major difficulties in emergency departments is physician coverage. Traditionally the responsibility of the intern, the ED needs the best qualified and the most experienced professionals, not the least, if lives are to be saved. Although a variety of new approaches have been tried in recent years, most have proved inadequate.

Rotation of hospital staff doctors, for example, has failed because a psychiatrist or a dermatologist can not necessarily perform a tracheotomy, deal with a gunshot wound, or use a defibrillator. Attempts to hire doctors specifically for the ED proved no better: These doctors invariably were either new practitioners trying to get started (they would quit when their situations improved), retired physicians no longer able to practice, or doctors whose personal problems, such as alcoholism, prevented them from maintaining their own private practice.

Today, successful solutions seem to depend on the institutions involved. In major hospitals, teaching institutions, and medical centers, residents (often supervised by a staff doctor) are commonly found in the EDs, with backup specialists always available; smaller hospitals use physicians specializing in emergency medicine—doctors making a career of staffing the EDs.

But politics itself infects the business of saving lives. "One of the greatest follies I've seen in some of our metropolitan areas is this business of political boundaries," Waters complains. "A fire engine or ambulance will roll up to a city line with its lights and siren going, and then refuse to cross into the adjacent city or county to render help. When human lives are at stake we've got to forget the parochialism of political entities."

Most experts agree that the regionalization of emergency medical systems is a necessity. In terms of both money and manpower, the wasteful duplication of facilities—for example, hospitals across the street from each other that offer the same highly specialized facilities, such as a burn center—simply cannot be afforded. "The pattern of the future," says Waters, "is very clear; large cities with sophisticated communications, transportation facilities, and major hospitals must provide help to the surrounding rural areas. In Jacksonville we're working on a medical evacuation proposal encompassing a twenty-two-county area of northeast Florida and southeast Georgia. We promise to offer our sophisticated Fire Control Center as the emergency medical communications nerve center for the area. A call to the center can bring a military helicopter or a special intensive-care ambulance to effect a transfer—each with our trained medical technicians."

But even if the finest emergency-care systems could be augmented nationwide, trauma would still be a serious problem. For example, one out of every ten trauma patients entering a hospital dies within a few hours, and doctors often don't know why. After forty years in the battle for better emergency care, Dr. Kennedy admits, "We still don't know what happens in trauma, and you can't lick a problem until you know what the problem is." Why does the vigorous person succumb to injuries that an older, less athletic person survives? Why do some of the body organs break down or stress ulcers appear? Why do burn victims on their way to recovery succumb to kidney failure? Why does pneumonia occur? Nobody really knows.

Until a year or so ago, only seven institutions in the country were being funded by the Institute of General Medical Sciences for trauma research. At the head of one of these, the Trauma Research Center of New York City's Columbia Presbyterian Hospital, is Dr. John M. Kinney, professor of surgery. Says Kinney, "We're just beginning to learn more about the function of vital organs—that you don't need certain tissues in your body to function on a minute-to-minute basis for survival."

The lack of research on trauma is particularly frustrating because success in its treatment could be total. Unlike the seriously ill person, whose body organs are hopelessly destroyed and who must lead a restricted life, the victim of trauma, if kept alive, usually will recover completely. As Kinney explains, "If you can get the patient past the life-threatening period, he will be up and around, a functioning member of society once more."

Federal money is needed for this research and for improvement in our emergency services. This will require, however, that the government agree to provide funds for a relatively unglamorous form of research.

As Pennsylvania's Secretary of Health Dr. J. Finton Speller said at a recent national symposium, "President Nixon's war on cancer is a gamble in two respects: Ultimate success rests on the hope that we will discover scientific principles now unknown; and there is no way of guessing how many lives may eventually be saved." But, as Speller goes on to say, "To declare war on unnecessary death in the ditch, in the ambulance, and in the emergency department is no gamble at all."

Indeed, the tragedy of our national emergency care programs is clearly pinpointed by Dr. Fitts: "In the treatment of accidental injury, the gap between what can be done and what is being done is wider than for any other disease." The story of another trauma victim clearly illustrates the immense potential that is now being wasted.

At 11:00 p.m. on March 29, 1969, a thirty-eight-year-old professor at MIT was in a two-car head-on collision on Route 2 in Arlington, just outside Boston. At the nearby community hospital, a doctor shook his head as he examined the badly broken body. There seemed little hope of saving the professor's life, and restoring him to anything approximating normality seemed too remote even to consider. Nevertheless, two hours later the victim was in the Massachusetts General Hospital emergency ward. His skull was fractured, as were bones in his right lower leg and left forearm; his nose and most facial bones were crushed; his left hip and shoulder were dislocated as well as broken; his chest had collapsed, he had three broken ribs, and as a result he was having trouble breathing; his right eye was beyond repair and his left one questionable. Later, with tubes in his windpipe and chest, he developing pneumonia, a heart infection, and a fever of 106 degrees. A ruptured spleen necessitated more emergency surgery; one eye was removed and, for a while, he lost the sight in the other. He continually slipped in and out of mental clarity. All told there were seven major operations along with a few dozen other complications.

But on July 22, just four months after his accident, the professor *walked* out of the hospital! At least thirteen specialists had been involved in his medical care, not counting nurses, therapists, and social workers. Six weeks after leaving the hospital, he returned to his MIT duties, and the following summer he was mountain climbing.

How can we reduce the terrible toll of trauma? Dr. Kennedy points out that "It's the public that'a got to do it; you can't do it by law." Toward this goal an infant movement called the Community Council on Emergency Medical Services, comprising representatives from all phases of our emergency system, has begun agitating for improved emergency treatment.

In Dr. Fitts' words, "The tools are available. There are enough men and women for the job in the population, but they must be recruited and trained. Coordination, cooperation, and leadership are needed for the Seventies."

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3702. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for proper reference a bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam.

Since at least 1967, a serious traffic situation has existed at the crossing of the Colorado River in the vicinity of Hoover Dam on U.S. Highway 93–466, in both Nevada and Arizona. The excessive traffic over this narrow and dangerous facility resulted in a request by Senator CANNON and myself to request an alternative traffic crossing to relieve the existing congestion and hazards present in the continuation of the highway across the crest of Hoover Dam.

In December of 1970, the Bureau of Reclamation awarded a contract to make a study of improvements in the accommodations for visitors at Hoover Dam. The report submitted in April 1971, included consideration of the impact that construction of the proposed bridge might have on visitor attendance, traffic congestion, parking, and existing facilities at the dam. The recommendations, relative to the bypass bridge crossing the Colorado River below Hoover Dam, are "that plans for the planning, design, and execution of the highway bypass be started as soon as possible." It concludes saying that by 1975, without a bypass, through-traffic will have to be diverted or else traffic in, around, and through the project area will be unmanageable, with restrictions on visitation at the dam.

We urge early committee consideration of this very critical proposal.

By Mr. BIBLE:

S. 3703. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, I introduce for proper reference a bill to grant the consent and approval of Congress to the California-Nevada Interstate Compact.

This legislation is being introduced at the request of the Nevada members of the California-Nevada Interstate Compact Commission as set out in a letter signed by Mr. Roland D. Westergard, the chairman of the Nevada delegation.

On March 17, 1971, a similar bill was introduced in the House of Representatives by Congressman HAROLD JOHNSON of California, who represents that portion of California covered by the proposed water compact. Since that time, numerous meetings have been held between the administration and representatives of the States to try to resolve some of the differences that apparently existed between them.

Since little progress has been made in these negotiations, I have been requested to submit the proposal on the Senate side. In accordance with the request, I am submitting the bill today.

By Mr. FULBRIGHT:

S.J. Res. 241. A joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I send to the desk a joint resolution approving the interim agreement between the United States and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, with an accompanying protocol, hereafter referred to as the Interim Agreement.

The letter from the Secretary of State to the President, which is included in the documents submitted today to the Senate, points out that the Interim Agreement can, by its terms, enter into force only upon the exchange of written notices of acceptance by both countries and only when and if the ABM Treaty is brought into force.

In view of the fact that the Committee on Foreign Relations will begin hearings in the near future on the treaty and this Interim Agreement, I thought it would be helpful to have a specific joint resolution referring to the Interim Agreement before the committee.

By Mr. MANSFIELD and Mr. SCOTT:

S.J. Res. 242: A joint resolution approving the acceptance by the President of the United States of the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms. Referred to the Committee on Foreign Relations.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader (Mr. SCOTT) and myself, I send to the desk a joint resolution and ask that it be read and referred to the appropriate committee.

The PRESIDING OFFICER. The joint resolution will be read by the Clerk.

The legislative clerk read the joint resolution by title, as follows:

A joint resolution approving the acceptance by the President of the interim agreement between the United States and the Union of Soviet Socialist Republics on certain measures with respect to a limitation of strategic offensive arms.

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred.

By Mr. MATHIAS:

S.J. Res. 243. A joint resolution relating to U.S. support of United Nations measures to provide and coordinate disaster relief. Referred to the Committee on Foreign Relations.

Mr. MATHIAS. Mr. President, in past years we have witnessed natural and other human disasters in many parts of the world. These misfortunates have brought unequalled misery and despair to millions of men, women, children and elderly people whose only offense was

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to be in the wrong place at the wrong time—in the path of cyclones and civil disturbances, of earthquakes and political upheaval. This country has a proud tradition of response to the appeals for aid and relief from the weak and defenseless. But as the tragedies in Peru, Turkey, and Yugoslavia have shown us in recent years, no single nation's resources and determination to help another are sufficient in times of major catastrophe.

Such problems are better dealt with by international mechanisms which distribute humanitarian burden-sharing among those who are best able to help. As we have seen in cases of Biafra and Bangladesh, although disaster may grow out of political conflicts, especially in secessionist movements in developing countries, the consequences for innocent people caught in the path of advancing armies and campaigns of guerilla warfare are almost always duplication of the disasters wrought by nature—hunger, famine, pestilence and urgent shortages of food and medical facilities. The same kinds of reconstruction and rehabilitation efforts are needed in tragedy's aftermath. But because of complex foreign policy considerations, individual nations are not always able to respond to human needs with the speed which a single sense of humanity would otherwise dictate. In such cases, as in cases of earthquakes, drought, cyclones, tidal waves epidemics and hurricanes, there is an international alternative to bilateral relief efforts. The organizational potential exists awaiting only the standing agreements which will make it possible to move into such situations with the necessary speed.

I refer to the United Nations and its Office of Disaster Relief Coordination. This Office, established early this year, holds great potential for dealing with future natural and other disasters. Given the proper support from the member nations of the U.N., it could move quickly to prevent the human misery, mass starvation, malnutrition and death which we have seen on a previously unprecedented scale in recent years.

But if we truly want to improve and strengthen the U.N.'s potential for alleviating human misery and want, we will be much better served by constructive efforts such as those proposed in the legislation I introduce today than by petulant actions taken in the heat of anger and disappointment.

In January of this year, the Secretary-General of the United Nations appointed a distinguished international public servant, Mr. Faruk N. Berkol of Turkey, as the first United Nations Disaster Relief Coordinator. This position was authorized by the 26th General Assembly in response to the kinds of needs I have discussed earlier. His new office will be responsible for directing international relief efforts in cases of natural or other disaster, promoting the prevention and prediction of natural disasters, providing advice to governments on predisaster planning and disseminating information relevant to disaster relief.

This is a good beginning but the Office does not yet have the authority to deal with the most pressing problems which arise in the aftermath of disaster situations. It does not have the human or financial resources to conduct rehabilitation and reconstruction programs.

Today I submit a resolution that urges the President to express through our delegation at the U.N. a commitment to share in providing such material support for this disaster relief office. More importantly, the resolution urges for an unqualified American offer to provide a unit of 1,000 technical and noncombatant personnel from the Department of Defense to serve as a permanent standby unit subject to call by the U.N. This unit should serve as a symbol of America's faith in the United Nations and its principles.

This preparedness is crucial to the success of relief operations. I strongly believe that the American Government's capacity to act quickly and with a single voice in such situations requires a greater degree of organization within our own executive branch with established lines of authority and direction, than we have seen in the past.

It is a service neither to the recipients nor to the American taxpayer who pays for these worthy activities, that time and money be wasted while the bureaucracies of Federal agencies on the one hand and of national and international private and public relief agencies on the other dispute who is to provide what to whom. The fundamental value of this office at the U.N., provided that it receives the clout it requires, is that such wasteful delays would be a great deal less likely to occur. This new program merits U.S. support and participation. My resolution would help to advance that worthy objective.

Mr. President, my resolution would: First, establish within the Department of Defense a permanent unit of 1,000 technical and noncombatant personnel of the Department who shall answer any call for assistance issued by the U.N. Disaster Relief Coordinator and who shall be known as the First Brigade—Forces for International Relief on Standby; second, have the President instruct our United Nations delegation to offer further assistance to the U.N. Office of Disaster Relief in concert with other nations; and third, set forth a series of objectives which we believe this Office should seek to achieve, including: First, the prevention, prediction, and control of disasters; second, predisaster planning and preparedness, including stockpiling, training, and assistance from abroad; third, contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature; fourth rehabilitation and reconstruction; fifth, international organizational arrangements necessary to effect appropriate relief; and sixth, financial arrangements necessary to effect such relief.

Mr. President, I submit the text of this joint resolution and ask unanimous consent that it be printed at the conclusion of my remarks along with the summary and conclusions of a comprehensive report of the Secretary-General of the United Nations, entitled, "Assistance in Cases of Natural Disaster."

This afternoon we will be asked to restore $50 million to the full authorization of $100 million for relief assistance to Bangladesh for the coming year. While I support this move, I think that in the future more and more of this aid should be channeled through international relief efforts such as that I have outlined here today.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S.J. RES. 243

Whereas, recent experience with disasters in Turkey, Peru, Yugoslavia, Nigeria and Bangladesh demonstrate an urgent need for coordinated international efforts in such cases; and

Whereas the United Nations recently established a permanent Office of Disaster Relief Coordination, to provide and coordinate disaster relief, which office can be an important instrument in maintaining international stability: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress urges the President to instruct the United States delegation to the United Nations to prepare and submit to the United Nations General Assembly an offer to furnish, in concert with other members of the General Assembly, support to the United Nations Office of Disaster Relief Coordination which was established to provide and coordinate disaster relief to any country or region of the world which has been affected by a disaster and solicits such relief.

(b) Such offer should include support to the Office so that the Office may achieve the following objectives—

(1) the prevention, prediction, and control of disasters;

(2) pre-disaster planning and preparedness, including stockpiling, training, and assistance from abroad;

(3) contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature;

(4) rehabilitation and reconstruction;

(5) international organizational arrangements necessary to effect appropriate relief; and

(6) financial arrangements necessary to effect such relief.

SEC. 2. (a) In affirming the belief of the United States that providing and coordinating disaster relief through the United Nations Office of Disaster Relief Coordination is an essential element in any workable plan for world peace, there is established within the Department of Defense a permanent unit of 1,000 technical and noncombatant personnel of the Department. Such unit shall be known as the FIRST Brigade—Forces for International Relief on Standby. Upon a call of the United Nations Disaster Relief Coordinator, the FIRST Brigade or such members thereof as are called for by the Coordinator, shall be detailed to the Office unless the President determines that detailing the FIRST Brigade or members thereof, as the case may be, would endanger the security of the United States or determines that the disaster region is within an area of ongoing military conflict or civil disturbance. Members of the FIRST Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

(b) In submitting to the United Nations General Assembly the offer referred in the first section of this Act, the United States delegation to the United Nations should also communicate to the General Assembly that the United States has established the FIRST Brigade as evidence of its support of the Office and of its faith in the United Nations and its principles.

ASSISTANCE IN CASES OF NATURAL DISASTER—COMPREHENSIVE REPORT OF THE SECRETARY-GENERAL

International Bank for Reconstruction and Development (IBRD) and the International Monetary Fund (IMF) might be of particular value to those involved in such negotiations.

VII. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

100. An attempt has been made in this report to outline some of the ways in which international assistance in connexion with natural disasters might be strengthened. It has identified four main areas to which such increased assistance might be directed: prevention, control and prediction; planning and preparedness; the better organization of relief action when the emergency occurs; rehabilitation and reconstruction. While a Government should be able to count on the help of the international community, provided through Governments, the League of Red Cross Societies and other voluntary agencies or the United Nations organizations, in its preparations against or its efforts to meet such emergencies, the primary responsibility for protecting the life, health and property of people within its frontiers and for maintaining the essential public services rests with that Government. International assistance can only supplement, and will depend very largely for its effectiveness on, the efforts of the country itself through its Government or through such organizations as its national Red Cross society.

101. It is to be hoped that apart from particular defensive or preventive measures required to meet recurrent catastrophes, disaster-prone countries will take steps, where necessary, to:

(a) Establish a pre-disaster plan (or improve an existing plan) specifying, *inter alia*, the organizational arrangements in case of disaster (including areas of ultimate responsibility and chains of command), the available national resources and sources from which other emergency needs can be met;

(b) Strengthen the national Red Cross society or similar body;

(c) Train officials and others for action in disaster situations and to execute particular aspects of the plan, and strengthen the administrative infrastructure in general; establish stockpiles of non-perishable emergency supplies and, where possible, cash reserves as well as, in certain cases, stockpiles of food;

(d) Take legislative or other steps to facilitate the receipt of aid (covering import duties and restrictions, visas, overflight and landing rights and the like as well as special conditions in respect of relief units);

(e) Endeavour to improve national warning systems, where necessary, and arrangements for ensuring that the warnings reach the public;

(f) Ensure by legislation where relevant, that the minimum risk is run by people living (and housed) in disaster-prone areas;

(g) Consider including in their country programmes projects relating to the study, prevention or mitigation of natural disasters.

102. It is hoped that for their part the Governments of countries which expect to give aid will:

(a) Increase the volume and scope of the aid they are prepared to provide, including (i) special equipment and logistical support (vehicles, aircraft including helicopters, hovercraft and other vessels, specifying as far as possible the nature and extent of this aid, with details regarding their type, capacity, range, crews, maintenance and accessory equipment of the vehicles and aircraft); (ii) Relief units, with information concerning the equipment these expect to bring and the timing of their contribution;

(b) Assist, where possible, in establishing appropriate stockpiles (in co-operation with the Red Cross or otherwise);

(c) Take steps to arrange for the co-ordination of their assistance and that of national voluntary organizations and encourage co-ordination among the latter;

(d) Endeavour to co-ordinate their own contribution with that of other donor Governments;

(e) Co-operate with the United Nations permanent office, keeping it advised of the available resources, and informing it immediately of their deployment after a disaster.

103. The League of Red Cross Societies and other international voluntary organizations should be encouraged to develop their traditional activities, not least in

(a) Strengthening national Red Cross societies and similar bodies;

(b) Helping in the preparation or strengthening of national pre-disaster plans, the basic elements of which have been recommended in the Red Cross Disaster Relief Handbook of the League of Red Cross Societies;

(c) Assisting in the establishment of appropriate stockpiles at the subregional and national levels;

(d) Assisting in training programmes and seminars;

(e) Strengthening cooperation among themselves and with their Governments and contributing to the over-all coordination of assistance through close cooperation with the United Nations in the field (in particular between Red Cross delegates and resident representatives) and generally through constant and full exchange of information.

104. Individual United Nations organizations should continue to act promptly in the cases of disaster in accordance with their resources and constitutional obligations. Over the years, they have built up a considerable capacity for assisting Governments at such times, and for contributing to the control or mitigation of the effects of disasters. Among recent developments one may note with satisfaction that the UNICEF emergency reserve has just been increased; that UNDP is now able to speed its assistance to disaster-stricken countries as well as supporting project related to the study, prevention or mitigation of natural disasters; and that IBRD has likewise given greater assistance to countries in connexion with the long-term effects of disasters.

105. Many areas of activity will, on the other hand, require strengthening if the United Nations system (in cooperation with donor Governments, the League of Red Cross Societies and other voluntary agencies) is to play the larger role expected of it. In addition to information services and training programmes, these areas include:

(a) UNESCO activities in scientific research relating to natural phenomena (especially earthquakes, volcanic eruptions, avalanches and the like), including the extension of reconnaissance missions to flood and avalanche disasters;

(b) WMO activities in scientific research relating to natural phenomena (especially wind storms), in association with United Nations regional economic commissions, where geographically relevant, with a view to improving

(i) Preventive/protective measures;

(ii) Predictive and warning systems;

(c) United Nations activities in developing improved methods of building and planning to mitigate or prevent the disastrous effects of natural phenomena and in developing the United Nations communications network;

(d) WHO action in emergency situations and in pursuit of its basic long-term objectives, including activities both before and after the occurrence of a disaster, for the improvement of health infrastructure, in continued collaboration with other organizations in the United Nations system and with the League of Red Cross Societies;

(e) FAO/WFP provision for potential increase in resources to meet needs in years when a large number of emergencies occur;

(f) ITU interest in developing the availability of transmitters and equipment for use in emergencies;

(g) WMO interest in exploring the possibility of having mobile meteorological stations for use when existing facilities have been destroyed or disrupted by a disaster;

(h) ICAO research and rescue service, which might be applied in certain natural disaster situations; also arrangements for special overflying, refueling and landing rights.

106. To stimulate further action in the various areas in question and to help in ensuring that international assistance is as effective and well co-ordinated as possible, will call for a concerted effort among the organizations of the United Nations system. The role of the competent organs of the United Nations—including that of the Secretary-General himself—in ensuring co-ordination will be of particular importance. As regards the specific actions envisaged at the national level, the resident representatives of UNDP, aided by the technical expertise of the agency and UNICEF representatives, should play a major part in their respective countries of assignment, while the central responsibility will fall on the permanent office in the United Nations envisaged in General Assembly resolution 2717 (XXV). The nature and extent of the functions of that office have already been outlined in detail. Here it may suffice to say that:

(a) the office must maintain continuing contacts with the Governments of potential recipient and donor countries, as well as countries of transit; with the United Nations aid-giving agencies and programmes which will be expected to maintain close contact with the office and keep it advised of all relevant activities, as well as with the League of Red Cross Societies and other major voluntary agencies; and with the resident representatives, to whom it must be in a position to provide the support of experienced staff in time of emergency;

(b) it must be able to arrange assistance to disaster-prone countries in pre-disaster planning and disaster-preparedness arrangements;

(c) it must collect, digest, keep up to date and disseminate to those concerned the mass of detailed information concerning the affected country and its resources which is essential for the effective organization of assistance, as well as concerning available aid from within and outside the United Nations system;

(d) top level meetings should take place as necessary between the head of the office and the executive heads of relevant United Nations organizations, and furthermore the operation of the office as well as the programmes of individual United Nations organizations, should be kept under the constant review of the Administrative Committee on Co-ordination;

(e) while the office, at least at the outset, can be quite small, it would in the Secretary-General's view be better not to increase United Nations involvement in the area of assistance in connection with natural disasters if the funds necessary for the modest staffing and other costs required (including facilities for rapid communications) cannot be guaranteed. The risk must be avoided of raising hopes that cannot be fulfilled.

107. The important questions of the location and the over-all direction of the proposed office are left open pending expression of the views of Member States, particularly as regards the precise nature and extent of responsibilities Member States would wish the office to assume.

108. It is recommended that a modest financial provision be made by the United

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Nations in respect of assistance requested by disaster-prone countries in pre-disaster planning and preparedness. Stress is also laid on the need for a substantial increase in the funds available to individual Governments, national Red Cross societies and the League of Red Cross Societies for immediate use in case of emergency. More generally, if the objectives of the General Assembly resolutions are to be adequately met, there will be need in the coming years for increased—and in some fields greatly increased—contributions from Governments, voluntary organizations and intergovernmental organizations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3291

At the request of Mr. PACKWOOD, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3291, a bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish nets and netting.

S. 3339

At the request of Mr. SAXBE for Mr. SCHWEIKER, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3339, a bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

S. 3536

At the request of Mr. TAFT, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 3536, a bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

S. 3616

At the request of Mr. MCINTYRE, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 3616, a bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes.

SENATE RESOLUTION 319—SUBMISSION OF A RESOLUTION TO CREATE A SELECT COMMITTEE ON THE COORDINATION OF THE ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

(Referred to the Committee on the Judiciary.)

FBI OVERSIGHT COMMITTEE

Mr. HARRIS. Mr. President, I am submitting today with the junior Senator from Montana (Mr. METCALF) a resolution to establish an FBI congressional oversight committee. According to the provisions of this bill, the majority leader of the Senate would select three Senators, no more than two from a single party, to serve on the oversight committee. Similarly, the Speaker of the House of Representatives would select three Congressmen. The members of the committee would select their chairman by secret ballot at the beginning of each session of Congress.

Now is an opportune time, in my opinion, for the Congress to adopt this legislation. For more than 50 years there has been no congressional investigation of the FBI's work. This is a clear failure on the part of Congress to perform its function. But, ironically in view of the controversy which surrounded Mr. Hoover, so long as he remained Director, both friends and critics of the FBI may have been somewhat less concerned about Congress' failure to act. With Mr. Hoover as the FBI's head, there was some certainty about the use to which the Bureau would put its massive power. There was, in short, a pattern of behavior, whether we agreed with it or not, which was predictable. There was some assurance that no administration would be able to any great extent to use the FBI's resources for narrow partisan purpose.

This may be the reason for Congress' lack of vigilance; nonetheless, the record is shameful. No committee of the Congress has probed the operations of the FBI since a brief investigation of the Palmer raids by the Senate Judiciary Committee in 1921. Since that date, the only congressional review has taken place during the annual requests for appropriations. But because of Mr. Hoover's unique position in American life, hearings on the FBI's activities have been completely perfunctory. FBI budget requests have been seldom questioned and never reduced. Rather they have increased year after year. In fiscal year 1971, for example, the Bureau operated on a budget of $335,000,000 and employed 8,482 agents. And it is worth stressing, Mr. President, that like the CIA, the FBI remains free from examination by the General Accounting Office.

Given this past record, today we are in the position of not really knowing what the scope of the FBI's work really is. In fact, only on two occasions has the veil which shrouds the FBI been lifted. In 1949, in the trial of Judith Coplon for espionage, the Government was forced to produce 28 Bureau reports dealing with national security matters. These took up approximately 800 typewritten pages of the record. Then, in 1971 a group calling itself the Citizens' Commission to Investigate the FBI, entered the Bureau's office in Media, Pa., and carried off all of a large proportion of its files, some 800 altogether. Some of these files subsequently were made available to newspapers and others.

The picture which emerged from these sources of information suggests that the FBI predictably considers its function primarily as constituting the first line of defense, and the major bulwark, against threats to the national security. But these documents also suggest that the concepts of "loyalty and subversive" activity, as developed by the Bureau, carry it very far in the direction of viewing all militant or racial dissent as a threat to the national security. These two sources of information—the Coplon reports and the Media documents—identify the following examples of FBI actions in the political arena: First. Because the actor Frederic March and his wife, Florence Eldridge, were reported to have participated in the activities of various organizations associated with the Henry Wallace movement, a dossier was prepared on their actions. Second. A music student was investigated because he visited the New Jersey headquarters of the Communist Party and talked with his mother there. Third. Another person came under surveillance because he "was connected with some pro-Israel organization which was sending representatives to various parts of the world." Fourth. The Media documents established that:

> The FBI ordered discreet preliminary inquiries . . . into all BSU's (Black Student Unions) and similar organizations organized to project the demands of black students, which are not presently under investigation.

Fifth. A watch was kept on other black organizations including CORE, SCLC, the Black Coalition, National Black Economic Conference, and a settlement house.

Other isolated cases of FBI actions in the political arena which have come to light include the following: First. In April 1971 Senator EDMUND S. MUSKIE revealed that the Bureau had conducted a "widespread surveillance of antipollution rallies held on Earth Day, including one in which the Senator himself had been a speaker. Second. In 1958 the FBI informed agents in the FBI Bulletin that:

> All Americans should view with serious concern the announced intentions and threats by a political candidate, if elected, to take over and revamp the FBI to suit his own personal whims and desires.

This statement was believed to be directed against the candidacy of Senator Eugene McCarthy. Third. On another occasion GEORGE MCGOVERN was running for the Senate against Senator KARL MUNDT in South Dakota. The FBI made public a letter praising Senator MUNDT's anti-Communist activities.

Many Americans would question the propriety of such clearly political actions as we have cited originating from the chief police organ of the Federal Government. Even more troubling, however, is the possibility that the enormous amount of sensitive information gathered by the FBI about the private lives of millions of individuals may find its way into the public domain and undermine the constitutional rights of American citizens.

In 1971, the FBI had an estimated 200 million fingerprint cards in its files, and nearly 6 million investigative files. The proportion of Bureau resources devoted to national security matters is not precisely known, but it has been estimated that the Bureau has 2,000 agents investigating political activities. Other evidence on this point comes from a breakdown of the documents stolen from the Media office. Of over 800 files taken, 40 percent involved political surveillance.

Although charges that the FBI under Hoover evolved into a "Gestapo" are farfetched, there have been cases of this sensitive information being used for partisan purposes. In 1954 Attorney General Brownell read material from Bureau files in making an attack on the previous Democratic administration for continuing Harry Dexter White in Government service. President Truman followed a general policy of refusing to disclose Bureau files, but in some cases was guilty of allowing individual Congressmen to see them at the White House.

President Eisenhower adhered to the general policy of nondisclosure, but conceded that summaries and factual information about Bureau files had been turned over to congressional committees. Vice President Nixon, in October 1954, disclosed extensive material from Bureau files in an attack upon Representative Robert L. Condon of California.

Senator Joseph McCarthy's Permanent Subcommittee on Investigations obtained substantial amounts of material from Bureau sources, apparently by way of military intelligence. Likewise in the Senate debate over the confirmation of Charles E. Bohlen to be Ambassador to the Soviet Union, Senator Gillette described several items of information which had come from the Bureau by way of Secretary of State Dulles.

Perhaps the most alarming example of a leak of information was reported by the New York Times. In a September 7, 1971, report, the Times disclosed that a former major general by the name of Ralph H. Van Deman—one time head of Army Intelligence—and his wife maintained after Mr. Van Deman's retirement a private collection of files on 125,000 alleged "subversive" persons and organizations. Said the Times:

> The heart of the Van Deman files, according to military sources who have seen them, comprises confidential intelligence reports that General Van Deman obtained regularly from Army and Navy intelligence and from the Federal Bureau of Investigation.

I cite these examples not in order to condemn the FBI but to point to the danger of uncontrolled power. Given the total lack of interest by the Congress in the FBI's activities over the years, the astonishing fact is not that such abuses took place but that their extent is not greater than it is. Indeed, the parties guilty of releasing sensitive information in many of these cases is not an official of the FBI but a political figure with access to FBI files.

The question now, however, is whether the Bureau's record in the field of civil liberties will deteriorate or can be improved. A February 8, 1971, article in the Nation quotes a former FBI agent on this point:

> I have always been terrified of what might happen after (Hoover) leaves. There is enough data in those files to make them the damndest Gestapo outfit this country has ever seen.

We do not have to accept the alarmist tone of this view to understand that with the departure of Mr. Hoover—a man who ran the FBI with an iron hand—the Nation faces some special problems. There is an immediate need to establish orderly and established procedures for overseeing the important work which the FBI carries out. There is an urgent necessity to prevent any occupant of the White House, from whatever party, from abusing the enormous power which any man he appoints as FBI Director will gain. There is a clear requirement that the Congress play a more active role in protecting the constitutional rights of all Americans from abuse as the FBI carries out its studies in the field of counterespionage.

It is with these points in mind that I am submitting my proposal for an oversight committee. The committee which my bill would establish should, in my opinion, immediately undertake a thorough study of the FBI under the new conditions which will be created by the passing of Mr. Hoover. It might give consideration to such questions as the following: Limiting through legislation the term of office of the new Director. One need not be dogmatic about the actual length; the important point would be the principle. The New York Times in 1971 suggested a period of 4 or 5 years. The 1968 Omnibus Crime Control and Safe Streets Act originally had a clause, which was defeated, providing for a 15-year term.

Bureaucratic relationship between the Attorney General and the FBI Director. The late Robert Kennedy appears to have been the first Attorney General in years to visit FBI district offices and to issue an order to agents. This is unfortunate and steps should be taken to make the FBI an integral part of the Justice Department.

Legal authority for counterespionage of the FBI. When Mr. Hoover was promoted to Director in 1924, Attorney General Harlan Fisk Stone cut back the FBI's operations to strictly law enforcement activities. But in 1936 President Roosevelt called Mr. Hoover to the White House and directed him to "have investigation made of subversive activities in this country." This was the beginning of the rapid expansion of the FBI into the arena of counterespionage. Clearly with the passage of so many years, the responsibilities of the FBI in this field require full congressional investigation. This review might also study the statutory authority of the FBI to conduct work in criminal cases since there are now some 257 laws and Executive orders empowering the FBI to take action in various fields. There is need for a systematic investigation of all these laws and orders.

Periodic review and evaluation of Bureau operations by an independent body. This might take the form of a distinguished presidential commission. This would be in addition to the committee's own review. Both the committee and the commission definitely should study procedures for eliminating false and irrelevant information from the files on private citizens.

Mr. President, long ago Edmund Burke noted that the greater the powers, the more dangerous the abuse. So long as nations exist, espionage remains a probability and the development of counterespionage techniques is a necessity. But this reality does not relieve the Congress of its obligation to the citizens of this country to protect their constitutional rights.

Now is the time, not 10 months from now, for the Congress to assume its responsibilities. If the Congress does not act before the next election to establish an oversight committee, then any subsequent action of this nature will be seen as a personal rebuke to the future Director of the FBI. This fact will only make it more difficult for the Congress to take the steps required. The Congress should therefore do today what it should have done long ago.

Mr. President, I ask unanimous consent that the text of my resolution be printed at this point in the RECORD. I urge the support of my fellow Senators on this important piece of legislation.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 319

Whereas it is the responsibility of the Congress to exercise general oversight with respect to the activities of U.S. Government agencies; and

Whereas the Federal Bureau of Investigation is charged with the responsibility of protecting the internal security of the United States and collecting sensitive information pertaining to political crime, espionage and civil disorders; and

Whereas the Federal Bureau of Investigations in carrying out this duty, is also charged with the responsibility of protecting the Constitutional rights of American citizens; and

Whereas there has been no Congressional Investigation of the Federal Bureau of Investigation since the brief investigations of the Palmer raids by the Judiciary Committee in 1921; and

Whereas many of the activities of the Federal Bureau of Investigation are not suitable for public debate yet should be subject to impartial Congressional oversight: Therefore be it

Resolved, That there is hereby created, effective at the beginning of the Ninety-third Congress, a select committee to be known as the Select Committee on the Coordination of the activities of the Federal Bureau of Investigation to consist of three Senators and three Congressmen of whom the Senators shall be appointed by the Majority Leader of the Senate, and the Congressmen shall be appointed by the Speaker of the House of Representatives. No more than two of either House shall be from the same political party. The chairmanship of the select committee shall alternate at the beginning of each new session of the Congress between a member of the House and a member of the Senate. The select committee shall select the chairman at the beginning of each session by secret ballot.

SEC. 2. (a) It shall be the function of the select committee to oversee the coordination of all activities of the Federal Bureau of Investigation including its responsibilities pertaining to political crime, espionage and civil disorders. In carrying out its functions under this resolution, the select committee shall keep itself fully and currently informed of all such activities.

(b) The select committee shall meet at least once a month while the Congress is in session and at such other times as the select committee shall determine.

SEC. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate and the House; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Congress; (4) to employ personnel; (5) to subpoena witnesses and documents; (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency; (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Congress may procure such services and provide such assistance under

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section 202 (i) and (j), respectively, of the Legislative Reorganization Act of 1946; (8) to interview employees of the Federal, State and local governments and other individuals; and (9) to take depositions and other testimony.

(b) The select committee shall have a professional staff of at least three members appointed by agreement of the senior House and Senate member of the select committee from the majority party and the senior House and Senate member of the select committee from the minority party.

(c) Subpoenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the select committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. The select committee shall take special care to safeguard information affecting the Constitutional rights of U.S. citizens and the national security.

SEC. 6. The expenses of the select committee under this resolution, which shall not exceed $250,000 through February 28, 1973, shall be paid from the contingent fund of the Congress upon vouchers approved by the chairman of the select committee.

EXTENSION OF SERVICEMEN'S GROUP LIFE INSURANCE—AMENDMENT

AMENDMENT NO. 1224

(Ordered to be printed and referred to the committee on Veterans' Affairs.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H.R. 14742) to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1225

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1229

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1226

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for himself and Mr. ERVIN) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

LEAD-BASED PAINT POISONING PREVENTION ACT—AMENDMENT

AMENDMENT NO. 1227

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER. Mr. President, I introduce an amendment to S. 3080, a bill to amend the Lead-Based Paint Poisoning Act, and for other purposes.

I have discussed this amendment with members of the Labor and Public Welfare Committee, which considered S. 3080 and on which I serve, and the chairman and members of the committee have indicated their support for my amendment. The amendment has also been brought to the attention of the Senate Banking, Housing, and Urban Affairs Committee, since it pertains to federally insured housing, and the chairman has indicated to me that he believes this amendment would be acceptable to his committee.

Lead-based paint for interior household use which contained very high percentages of lead compounds, at least 50 percent in several cases, was in fairly wide use during the years before 1950. As a consequence, much housing in existence today which was constructed prior to 1950 is likely to contain paint with these very high levels of lead compounds. My amendment would require the Secretary of Housing and Urban Development to establish procedures to minimize the hazards of lead-based paint poisoning when inspecting residential housing constructed prior to 1950 for which an application for mortgage insurance or housing assistance payments has been made.

Before approving such a mortgage or initiating a subsidized program, HUD is currently inspecting such property to determine compliance with code enforcement and the value of the property for mortgage purposes. Therefore, these procedures would not present an additional burden to HUD. The amendment would require the Secretary to establish procedures to eliminate the hazard when paint in housing constructed prior to 1950 is found to be cracking, scaling, peeling, or loose. This is the condition in which it can most easily be eaten by small children who are subject to the disease of pica, an appetite for nonfood items.

The amendment would also require the Secretary to give to the buyers of such housing assured written notification of the hazards of lead-based paint, as well as a description of the symptoms and treatment of lead-based paint poisoning together with information concerning the importance of the removal of such hazards and techniques currently available to do so.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. We should use every means available, and my amendment would incorporate into an existing HUD procedure the means to warn the buyer of the hazard of lead-based paint and remove the immediate danger before he moves into the house.

S. 3080, the bill which we consider today to extend and expand the Lead-Based Paint Poisoning Prevention Act, would provide a major vehicle for ending for all time this tragic disease by providing additional resources to aid communities in detection and treatment of lead-based paint poisoning as well as assisting them in identifying problem areas where lead-based paint presents a high risk. My amendment to this bill will further increase the ability of the Federal Government to attack this tragic and totally preventable disease.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1227

At the end of the bill add the following:

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.) is amended—

(1) by adding at the end thereof the following:

"FHA REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FHA REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of 90 days following the date of enactment of this Act.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1228

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, I am introducing today an amendment that would change the method of financing the special minimum benefit approved recently by the Finance Committee.

The committee's provision provides a special minimum of $10 per year for each year of covered employment in excess of 10 years. This benefit would be paid as an alternative to the regular benefit if a higher payment would result.

This provision would only benefit people with 18 or more years of employment; for a worker with 13 years of covered employment, the special minimum benefit would exceed the regular minimum—$80 as compared with the minimum benefit of $70.40 under present law—or $74 in H.R. 1 as passed by the House.

Under the committee's provision, a worker with 20 years of employment under social security would receive a minimum benefit of $100; one with 30 years would receive $200. The minimum benefits for people with various years of covered employment are as follows:

Years of covered employment	Special minimum benefit
17	[1] $74
18	80
19	90
20	100
21	110
22	120
23	130
24	140
25	150
26	160
27	170
28	180
29	190
30 or more	200

[1] The regular minimum benefit as provided by the House-passed version of H.R. 1. For years of employment less than 18, the regular minimum benefit would be higher than this special minimum.

Without question, the committee's provision serves an important social goal: to provide a recent retirement income for people who have worked for many years in covered jobs at low wages. Under the present system it is possible to work in covered employment for 30 years and still receive a retirement benefit that is well below the poverty level. The committee's amendment would change that.

But the committee's provision has one major shortcoming. It finances benefits out of the payroll tax that should properly be financed out of general revenues. This amendment would remedy the defect by financing the new minimum from the general fund.

Obviously, the new minimum would represent a sharp departure from the principle that benefits should be actuarially related to past contributions. No doubt, in this case, the departure serves a desirable social objective. But for this very reason, the new minimum should be paid for by all of society, not just by wage earners.

Shifting the financing of the new minimum benefit to general revenues is also desirable from the standpoint of our total tax system. On three separate occasions over the last 8 years, we have reduced one or the other of our two progressive taxes—the personal income tax and the corporate profits tax. Meanwhile, regressive taxes like the social security tax have been increasing dramatically. In the period 1961–72, it is estimated that the percentage of national income raised by the payroll tax rose from 3.9 percent to 6 percent.

The overall result is a tax system that places a greater burden on those who can least afford it, and a lesser burden on those who can.

It is estimated that the new minimum provision would cost $300 million and increase benefits for 1.3 million people in the first year—this assumes a 10-percent increase in social security benefits. If a larger increase is approved, the cost and the coverage of the new minimum benefit would be less—on a long-term basis, the cost would be $1.3 billion a year.

In future years, the annual cost would rise up to and above $1.3 billion, as the retired population comes to include a greater proportion of people who have been in covered employment for many years. Subsequently the cost would decline as benefit levels rise, and fewer and fewer people have benefits below $200. Eventually, the new minimum benefit would phase out.

Of course, this is not the first proposal to introduce general revenues into the Social Security System. The idea was recommended by the Committee on Economic Security, whose work led to the Social Security Act of 1935. This recommendation was reiterated by the Advisory Councils on Social Security of 1938 and 1948. The labor movement has for some time supported a plan to finance one-third of the system from general revenues.

But this proposal is much more modest. Only the additional cost of providing the new minimum benefit—of helping a specific group of long-term workers—would come from general revenues. And the drain on the Treasury would be temporary, ending when the new minimum benefit phases out over time.

Mr. President, I ask unanimous consent that two letters endorsing this amendment from Dean Wilbur Cohen of the Michigan University Graduate School of Education and from Mr. Andrew Biemiller of the AFL–CIO, along with the text of the amendment itself be printed in the RECORD at this point.

There being no objection, the amendment and letters were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1228

On page 134, between lines 15 and 16, insert the following new section:

GENERAL REVENUE FINANCING FOR SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 144. In addition to any other sums authorized to be appropriated, for any fiscal year, to the Federal Old-Age and Survivors Insurance Trust Fund or to the Federal Disability Insurance Trust Fund, there is hereby authorized to be appropriated to each of such Funds, for each fiscal year, such sums as may be necessary to place each of such Funds in the same financial position at the end of such fiscal year as the financial position which such Fund would have been in at the end of such year, if section 103 of the Social Security Amendments of 1972 had not been enacted.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., May 23, 1972.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: This is in response to your request for my views on your amendment to H.R. 1 to provide that the cost of the special minimum benefit in the Old Age, Survivors and Disability Insurance Program (as approved by the Senate Finance Committee) should be financed out of general revenues.

I strongly support such an amendment.

In a very significant article published in June 1938, the then Actuary of the Metropolitan Life Insurance Company, Mr. Reinhard Hohaus, pointed out that a social insurance program aims at providing both equity and adequacy. The equity objective in the Federal Old Age, Survivors and Disability Insurance Program (OASDI), as I see it, attempts to relate benefits in some relation to previous earnings. The adequacy objective on the other hand attempts to provide benefits in some relation to social responsibilities and goals.

In my opinion, it is entirely consistent with sound social insurance objectives for the cost of benefits based on the equity principle to be financed out of contributions related to earnings while the cost of part or all of the benefits related to meeting a minimum level of adequacy be financed out of general revenues.

For those persons in business, industry, and commercial insurance who favor making a sharp distinction between the attributes of private insurance and social insurance, your amendment to finance the special minimum from general revenues, should meet with their philosophical support if they wish to reinforce the distinction.

I should like to point out that any across-the-board increase in social security benefits would serve to decrease the cost of the special minimum. I strongly favor at least a twenty-percent across-the-board increase at this time in addition to other improvements in the social security system.

Sincerely,

WILBUR J. COHEN, *Dean.*

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 8, 1972.

Hon. GAYLORD NELSON,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: It is our understanding that at this time the Committee on Finance has tentatively voted a substantial increase in minimum benefits to social security beneficiaries with long attachment to covered employment.

The AFL–CIO recognizes the very serious problem to persons with many years of attachment to employment covered by social security but who qualify for only a minimum benefit amount. We believe that, when benefits are increased at the minimum levels with the result that the benefits are no longer actuarially related to past earnings and contributions, it is desirable that they should be financed from general revenues rather than solely financed from the social security tax.

We urge support of your approach to finance the increase in minimum benefits.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1231

(Ordered to be printed and to lie on the table.)

Mr. JAVITS. Mr. President, tomorrow I shall move, in an amendment joined in by myself and the Senator from Massachusetts (Mr. KENNEDY), to increase the appropriation for section 236 supplements to mortgage interest from $150 million to $225 million.

As this measure came over from the

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other body, it provided $25 million for this item, because the House of Representatives had taken no action on authorizing legislation. In the Senate, the Appropriations Committee has provided $150 million the budget amount. Since we have passed S. 3248, the housing bill, which authorized $225 million for this program, the amendment of Senator KENNEDY and myself would raise the appropriation to that authorized amount.

For the purpose of permitting Senators to think about it overnight, let me say that there is no single program which would stimulate more housing in New York and other major core cities and metropolitan areas than section 236. For practical purposes, we can do hardly anything about middle-income housing and moderate-income housing except with adequate 236 funds. These are the scarcest funds of all, and as they are so stimulative in terms of adding to the housing stock, and are absolutely indispensable to so many projects, we really have to consider very seriously at least getting the authorized amount, rather than the budget estimate.

This is our priority; and I shall undertake, Mr. President, to demonstrate tomorrow that it is an absolutely indispensable priority if we really want to build housing and rehabilitate housing for the moderate- and middle-income groups. We certainly do, and this is the grease for the squeaky wheel as well as the wheel that is not turning.

So, Mr. President, I hope very much that Senators will seriously think about this amendment, which can properly be dubbed "the amendment of experience."

I ask unanimous consent that the text of the amendment be printed in the RECORD, and that the amendment be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table, and, without objection, in accordance with the Senator's request, the amendment will be printed in the RECORD.

AMENDMENT NO. 1231

On page 2, line 26, deleted the figure $150,000,000 and substitute in lieu thereof the figure $225,000,000.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child-health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

STATUS OF COMPETITION AND ROLE OF SMALL BUSINESS IN GOVERNMENT PROCUREMENT OF DRUGS—NOTICE OF HEARING

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on competitive problems, role of small business, the efficiency and economy of Federal agencies and departments in the procurement and use of drugs.

The hearings will be held on June 20 in room 4221 of the New Senate Office Building and on June 21 in room 318, Caucus Room, of the Old Senate Office Building starting at 10 a.m. each day.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years, from October 22, 1970, vice Sidney Freidberg.

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978. Mr. Sigler is now serving in this position under an appointment which expires September 30, 1972.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, June 20, 1972, any representations of objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON HOUSING

Mr. SPARKMAN. Mr. President, on May 31, 1972, I announced that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, would hold hearings on S. 3373, a bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and S. 3654, a bill to delete the Davis-Bacon provision from the National Housing Act and the U.S. Housing Act of 1937 relating to FHA-insured housing and public housing programs.

These hearings have been postponed and will now be held on June 20, 21, 22, and 23 in room 5302, New Senate Office Building, commencing at 10 a.m. each morning.

ADDITIONAL STATEMENTS

CRITICISM OF CONGRESS

Mr. SAXBE. Mr. President, David S. Broder, one of the foremost political analysts in the United States, has written a most interesting criticism of the Congress of the United States in this morning's Washington Post. Mr. Broder is seen on many of the Sunday interview shows and has recently written a book entitled "The Party Is Over," which has received rave reviews.

In an article entitled "A Fallow Congress," David Broder scores the "meager catalog" of Congress, "compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party."

Broder continues by saying:

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

LAST WEEK Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally pased last January, a carryover from the previous year, though not many voters will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these areas, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibilities.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

MASS SLAUGHTER IN BURUNDI

Mr. McGEE. Mr. President, the Washington Post of June 11 contains an in-depth report on the alleged mass slaughter occurring in the tiny African nation of Burundi. The international community has been both shocked and saddened by these incidents which are receiving increasing attention in the media.

In February 1971, I headed an Appropriations Committee-sponsored study mission to Central and East Africa. The study mission visited Burundi and became the first U.S. Senators to visit that nation. My colleagues on the study mission were the Senator from Utah (Mr. MOSS) and the Senator from Hawaii (Mr. FONG).

It was my observation at that time that the potential for massive violence in Burundi was very great and it would take a very little spark to touch off a conflagration.

In the study mission report to the Appropriations Committee, I observed:

The delicate balance currently containing the contrary interests within the country is constantly up against the outside political pressures from contiguous areas where neighboring governments, for assorted reasons, seek to exploit both the geography and the politics of tiny Burundi. It is our assessment that the present stability in the country will require careful nurturing by its government and people.

It is a human tragedy that this delicate stability has not been maintained.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOUBLE GENOCIDE TEARS BURUNDI APART: WITNESSES TELL OF ORGY OF KILLING AFTER ABORTIVE HUTU COUP

(NOTE.—The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly of the Belgian Congo).)

(By Jonathan C. Randal)

BUJUMBURA, BURUNDI, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the foreseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michael Micombero shows little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that has been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant muttonchop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tatoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south, northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disemboweled and the childrens' heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory

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parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign, seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life.

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikana, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission at Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accused Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have thought that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumuba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayoneted to death by the army at the Buriri mission.

As one source put, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Mutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu students have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report the 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

BURUNDI: LAND OF TRIBAL PASSIONS

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsis, 15 per cent of the population in Burundi and 9 per cent in Rwanda are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero, in turn, deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganiyka in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

THE DECIMATION OF LAOS

Mr. CHURCH. Mr. President, the tiny kingdom of Laos is being destroyed in order that it might be saved. I ask unanimous consent that Joseph R. L. Sterne's dispatch from Vientiane be printed in the RECORD so that Senators may have an opportunity to read an exceptional first-hand report about "a hapless land caught in Indochina's web of violence."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 12, 1971]

LAOS: A MUCH BUFFETED BUFFER

(By Joseph R. L. Sterne)

VIENTIANE.—The doctrine of letting Asians fight Asians has developed a macabre twist in Laos, a hapless land caught in Indochina's web of violence. After more than two decades of war, opposing Lao forces are so tired and decimated that the ground fighting is being taken over more and more by other Asian troops.

This is especially true on the Communist side, where Pathet Lao forces totaling an estimated 30,000 fairly ineffective troops were outnumbered two to one last January by their tough North Vietnamese allies. The imbalance has leveled somewhat with the withdrawal of most of the 312th North Vietnamese division to home bases for the current offensive in South Vietnam. But the 316th division remains in the Plain of Jars and several battalions are on the offensive in the south near Pakse.

On the government side, an undisclosed number of Thai "volunteers" (estimates range from 6,000 to 15,000) have been brought in to help a worn but dogged army of 60,000 Royal regulars plus 30,000 of General Vang Pao's assorted irregulars. Loyalist reserves are so depleted that 13-year-old boys are being put into uniform, a measure the enemy has avoided, and the manpower pool is virtually nil.

These Thai "volunteers," who are paid perhaps ten times more than Lao soldiers, are financed by the United States. Washington also provides indispensable air cover support from bases just across the border in Thailand. Near Long Tieng, a government stronghold in the rugged "Skyline Ridge" north of Vientiane, mountain tops are dotted with the craters of American bombs dropped during heavy fighting from December to March.

As for the village of Long Tieng itself, it is a deserted cluster of dilapidated huts bobby-trapped by their occupants against looters. The villagers of Long Tieng are among the 250,000 people—about one tenth of the nation's population—who have been uprooted by current fighting and are living in camps while depending on food and seed provided by the American government. At a refugee center like Bon Xon, halfway from Vientiane to the Long Tieng outpost, charter planes in amazing variety swoop in and out bearing all manner of supplies.

The United States effort to maintain Laos costs approximately $350 milion per year, of which only $50 million is spent on economic and budget aid and the rest on military pay, supplies and ammunition. Although U.S. aid was tending to escalate until Senator Stuart Symington pushed through a congressional ceiling, the military situation in Laos has been steadily deteriorating, year by year.

The Communists now control 75 per cent of the country's 91,000 square miles. And while more than 80 per cent of the people have chosen to live in areas where the government still prevails, both American and Laos officials freely admit that North Vietnam could overrun everything if it were so inclined.

That Hanoi has chosen not to do so is a decision reflecting many factors. One is the fear of provoking China, which already has staked out northwest Laos as its own sphere of influence by the classic Peking tactic of building a road. Another is fear of annoying the Soviet Union, a signatory of the 1962 Geneva accords which supposedly were to provide Laos with a coalition government of rightists, neutralists and leftists.

Still another is the calculation that this would draw retaliation from Thailand at a time when North Vietnam has enough on its hands.

As a result, North Vietnam has limited itself to a takeover of the eastern part of Laos. On the north, one of its purposes evidently was to deny U.S. government-supported forces a base from which to counterattack against North Vietnam itself and to sustain pressure on Vientiane province. On the south, the high-priority goal has been to secure a wide area for development of the Ho Chi Minh trail system into South Vietnam.

Analysts are divided in assessing Hanoi's ultimate intentions. Some anticipate that if North Vietnam can impose a government to its liking in Saigon it will try to integrate all of Vietnam and then place Laos and Cambodia in tributory, status as part of a single Indochina federation or confederation. Others believe China would prefer several weak states in Indochina and will see to it (with U.S. help) that Laos and Cambodia remain at least nominally independent.

It is on the basis of this latter interpretation that some analysts conclude that when and if an Indochina settlement approaches, North Vietnam will make sure it controls the bulk of Lao territory. This would bolster the position of the Pathet Lao in negotiations.

It is most unlikely that the Pathet Lao would be willing to settle in the 'Seventies for the share of power meted to them a decade ago. But, Prince Souvanna Phouma, the wily neutralist premier once opposed and now supported by Washington, has been careful not to fill the seats in his Cabinet that had been allotted to the boycotting Pathet Lao. Instead, he has kept channels open to Prince Souphanouvong, his half brother and head of the Pathet Lao, in the hopes of creating what one diplomat describes as "the kind of Laos that is 'minimally acceptable' to the contesting elements." For his part, Prince Souphanouvong has abstained from proclaiming a rival government.

Out of the years of fighting it has become fairly clear that outside forces—North Vietnamese and Americans, Chinese and Thais—can pretty well operate on the territory of Laos as they choose. Not only has this brought misery and dislocation to thousands of peasants with no comprehension of these power rivalries but it has raised doubts whether the nation, a French-created artificiality, can endure.

There are, after all, more ethnic Lao in Thailand than in Laos, many of whom are now rebelling under Communist auspices against Thai power in Bangkok. And in Laos itself, about half that population is composed of non-Lao mountain tribesmen who long have been the main source of Pathet Lao strength.

Whether Laos is to remain as a much-buffeted buffer state or is to be carved or gobbled up by its neighbors is a question for the future. What is quite certain is that the decision will not be made in this indolent capital on the Mekong.

DRAFT RESISTERS

Mr. TAFT. Mr. President, as the debate continues as to the means for ending the war in Vietnam, we should not forget the problems associated with draft resisters who are now fugitives or in exile. It would be a mistake for us to forget these young men, and it would equally be a mistake for them to forget the obligation which they have to American society. My proposal has been that those interested should be allowed to earn amnesty by 3 years of low pay service.

On June 4, the Los Angeles Times published an article entitled "Proposals to Bring the Outcasts Home Without Punishment." The article was written by Steve Harvey, an opinion staff writer for the Los Angeles Times. In that same issue was published "A List of Amnesties in American history."

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROPOSALS TO BRING THE OUTCASTS HOME WITHOUT PUNISHMENT

(By Steve Harvey)

An estimated 70,000 young Americans have switched countries rather than fight in Indochina. Draft resisters and deserters, they have found sanctuary mostly in Canada but in other areas of the world as well.

Once, the outcasts would have been objects of revulsion at home. Ever since winning its independence on the battlefield, the United States has taken a special pride in its fighting man.

But the Indochina war has torn apart the nation as no conflict had before. In one poll, 65% of those quizzed termed the war immoral. Even President Nixon has stated that the U.S. involvement was a mistake.

While some view the exiles as traitors or cowards—and point to the more than 50,000 U.S. troops who have died in Indochina—others have come to see them as a unique variety of "prisoner of war." Unable in good conscience to participate in a war they feel unjust, they have made a separate peace.

And, at home, a movement has begun to

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enable them to return home without being punished.

Sen. Robert Taft Jr. of Ohio gave the drive a large measure of legitimacy by introducing an amnesty bill late last year.

Taft proposed that draft resisters be pardoned if they agree, in return, to serve for three years in the armed forces or in some alternate form of public service. The offer would remain in effect one year from the date of the bill's passage.

"America is big enough and strong enough to give these young men a chance to come home and play a positive role in a life of their own country," said the former World War II naval officer. "It would be a serious mistake for us to foreclose this road to them forever."

Deserters, however, would be excluded, for Taft believes that to pardon them would greatly damage the fabric of the armed services.

In the House, Rep. Edward I. Koch (D–N.Y.) has introduced a proposal similar to Taft's except that it would require two years of service rather than three.

Neither measure has yet been acted upon.

Other developments have provided further evidence of a change in the public's attitude.

The nation's Roman Catholic bishops have issued a statement urging consideration of amnesty for "those who have been imprisoned as selective conscientious objectors, and giving those who have emigrated an opportunity to return to the country to show that they are sincere objectors." Other religious groups such as the United Presbyterians, the United Church of Christ and the American Baptist Convention also support some kind of amnesty.

Former Rep. Charles Porter (D.-Ore.) has founded an organization called Amnesty Now, which is proposing unconditional amnesty for draft resisters and deserters. Amnesty Now plans to press both political parties to insert its proposal into their planks at the conventions this year.

President Nixon has altered his stand on amnesty. In November, when he was asked whether he would consider granting amnesty, Mr. Nixon's reply was one word: "No." But two months later, he told an interviewer who asked the same question, "We always, under our system, provide amnesty . . . I for one would be very liberal with regard to amnesty."

However, the President added that before he could consider any proposal, America's fighting role in South Vietnam must end and all American prisoners of war must be released. (More than 1,600 men are listed by the Defense Department as captured or missing in action.)

Amnesty has also been a lively issue on the campaign trail. Sen. George McGovern (D.-S.D.) has called for a general amnesty (as has Sen. Edward M. Kennedy (D.-Mass.)). Former Sen. Eugene J. McCarthy first suggested the possibility during his 1968 presidential campaign.

Sen. Edmund S. Muskie (D.-Me.) believes amnesty must be delayed until "the war is over and the fighting is ended." Sen. Hubert H. Humphrey (D.-Minn.) has adopted a similar stance.

Taft has reported some unfavorable reaction to his bill, including a telegram from Florida offering to buy him a ticket to Canada. But the American public appears to be cautiously favorable to amnesty. A recent Gallup poll showed that 63% favored pardoning the exiles—if they agree to perform national service. But only 7% favored unconditional amnesty, while 22% were totally opposed to any form of amnesty and 7% were unsure.

An important—and sometimes forgotten—aspect of the whole question is the attitude of the exiles themselves.

Many have expressed opposition to any offer short of unconditional amnesty, taking the position that it is the government that should be seeking forgiveness, not them.

"I don't feel guilty about anything," 26-year-old John Toler of Chico, Calif., told an interviewer in Stockholm recently. "And so I don't see why I should have to accept a punishment as a condition."

"It's all a campaign issue," said George Meals, 26, of Atlanta, Ga. "It's not reality and it's not going to happen."

Toler and Meals are two of about 600 war resisters—mostly deserters—who have fled to Sweden. About 450 are still there.

Jack Colhoun, now living in Canada, recently published an open letter to Rep. Koch denouncing the alternative service aspect of both the Koch and Taft proposals.

"We left the States because we did not want to become criminals of the heart and now feel that a government which has the stain of Indochina on its conscience has no business passing judgment on our 'crimes' and meting out punishment no matter how seemingly tolerant and liberal it may be dressed up," Colhoun wrote.

A separate panel of resisters in Canada also issued a statement shortly after Taft's legislation was introduced, demanding "totally nonpunitive restoration of civil rights."

Sweden and Canada have been helpful to the war resisters. The Swedish government gives the American exiles free rent and about $27 a week in welfare until they get settled and find jobs. Free language lessons and grants to attend school are also available.

Canada, which encourages immigration, asks no question about a newcomer's draft status at home and offers counseling service for jobs. For the immigrant with some higher education, it is reasonably easy to attain the status of "landed immigrant"—entitling him to almost all the privileges of Canadian citizenship, including unemployment and health benefits.

The U.S. extradition agreements with the two countries do not cover offenses such as draft evasion or military desertion.

It is, of course, impossible to calculate how many exiled war resisters would return to the United States given the opportunity. But for now, amnesty . . . conditional or otherwise . . . does not seem near. In the meantime, an estimated 70,000 Americans can't go home again.

A List of Amnesties in American History

The amnesties in American history, including date, issued by, persons affected, and nature of action:

July 19, 1795, Washington, Whiskey Insurrectionists (several hundred). General pardon to all who agreed to thereafter obey the law.

May 21, 1800, Adams, Pennsylvania Insurrectionists. Prosecution of participants ended. Pardon not extended to those indicted or convicted.

October 15, 1807, Jefferson, Deserters given full pardon if they surrendered within 4 months.

Feb. 7, 1812, Oct. 8, 1812, June 14, 1814, Madison, Deserters—3 proclamations. Given full pardon if they surrendered within 4 months.

Feb. 6, 1815, Madison, Pirates who fought in War of 1812 pardoned of all previous acts of piracy for which any suits, indictments or prosecutions were initiated.

June 1, 1830, Jackson (War Department), Deserters, with provisions: (1) those in confinement returned to duty, (2) those at large under sentence of death discharged, never again to be enlisted.

Feb. 14, 1862, Lincoln (War Department), Political prisoners paroled.

July 17, 1862 (Confiscation Act), Congress, President authorized to extend pardon and amnesty to rebels.

March 10, 1863, Lincoln, Deserters restored to regiments without punishment, except forfeiture of pay during absence.

Dec. 8, 1863, Lincoln, Full pardon to all implicated in or participating in the "existing rebellion" with exceptions and subject to oath.

Feb. 26, 1864, Lincoln (War Department), Deserters' sentences mitigated, some restored to duty.

March 26, 1864, Lincoln, Certain rebels (clarification of Dec. 8, 1863 proclamation).

March 3, 1865, Congress, Desertion punished by forfeiture of citizenship; President to pardon all who return within 60 days.

March 11, 1865, Lincoln, Deserters who return to post in 60 days, as required by Congress.

May 29, 1865, Johnson, Certain rebels of Confederate States (qualified).

July 3, 1866, Johnson (War Department), Deserters returned to duty without punishment except forfeiture of pay.

Jan. 21, 1867, Congress, Section 13 of Confiscation Act (authority of President to grant pardon and amnesty) repealed.

Sept. 7, 1867, Johnson, Rebels—additional amnesty including all but certain officers of the Confederacy on condition of an oath.

July 4, 1868, Johnson, Full pardon to all participants in "the late rebellion" except those indicted for treason or felony.

Dec. 25, 1868, Johnson, All rebels of Confederate States (universal and unconditional).

May 23, 1872, Congress, General amnesty law reenfranchised many thousands of former rebels.

May 24, 1884, Congress, Lifted restrictions on former rebels to allow jury duty and civil office.

Jan. 4, 1893, Harrison, Mormons—liability for polygamy amnestied.

Sept. 25, 1894, Cleveland, Mormons—in accord with above.

March, 1896, Congress, Lifted restrictions on former rebels to allow appointment to military commissions.

June 6, 1898, Congress, Universal Amnesty Act removed all disabilities against all former rebels.

July 4, 1902, T. Roosevelt, Phillipine insurrectionists. Full pardon and amnesty to all who took an oath recognizing "the supreme authority of the United States of America in the Phillipine Islands."

June 14, 1917, Wilson, 5,000 persons under suspended sentence because of change in law (not war-related).

Aug. 21, 1917, Wilson, Clarification of June 14, 1917, proclamation.

March 5, 1924, Coolidge, more than 100 deserters—as to loss of citizenship for those deserting since WW I armistice.

Dec. 24, 1945, Truman, several thousand ex-convicts who had served in WW II for at least one year.

Dec. 23, 1947, Truman, 1,523 individual pardons for draft evasion in WW II based on recommendations of President's Amnesty Board.

Dec. 24, 1952, Truman, Ex-convicts who served in armed forces not less than 1 year after June 25, 1950.

Dec. 24, 1952, Truman, All persons convicted for having deserted between August 15, 1945, and June 25, 1950.

DEATH OF SAUL ALINSKY

Mr. FULBRIGHT. Mr. President, it was with sorrow that I read in the morning newspaper of the death of Saul Alinsky. I have known him for many years and considered him a good friend. He was one of the most energetic and imaginactive persons I have ever known. He devoted his life in seeking the improvement of the poor people of our country and he succeeded in many of his endeavors. He was a fine citizen and our people are deeply in his debt.

I ask unanimous consent that the article by Mr. David Boldt, published in the Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Saul Alinsky, 63, Organized the Powerless in America

(By David R. Boldt)

Saul Alinsky, 63, who spent a lifetime organizing the powerless to achieve power through the radical concept of what he called "pure democracy," died yesterday after an apparent heart attack in Carmel, Calif.

Mr. Alinsky's career was a succession of generalships over mass movements of the oppressed in America. It began with battling for dissident mine workers and continued in his native Chicago where he organized white slum-dwellers in the "Back-of-the-Yards" section.

He organized blacks in the ghettos of a dozen cities, including Chicago, Rochester, N.Y., Kansas City and Buffalo. In the end, he sought redress for an increasingly alienated—and powerless—American middle class, while also trying to teach his organizing methods to others.

If his assaults and threats goaded the conservative establishment to rage, he also preserved a distance from liberals "who walk out of the room when an argument becomes a fight," and drew fire from radicals who found him ideologically impure.

He once said of ideologies. "When you have one you suffer from the delusion that you know all the answers. I certainly don't." His chroniclers, including close confidants such as editor T. George Harris said that his ideology actually was that of the "founding fathers of the American nation."

Time magazine, in its profile of Mr. Alinsky, cited James Madison's warning in the "Federalist Papers" against allowing any class or faction to obtain too much power as perhaps the best statement of Alinskyism.

In explaining how he conceived his tactics, which included sending black pickets to the white suburban homes of slumlords, depositing dead rats and garbage on the steps of city hall, Mr. Alinsky sometimes seemed to have the difficulty that comes to anyone who obtains a great talent as a natural gift.

"All I know is what every good organizer knows," he once said in an interview for Harper's magazine, "You react to all the action with a reflex."

Mr. Alinsky began developing his reflexes in Chicago, where he was born the son of a Jewish tailor who had emigrated from Russia, and where he experienced many of the same frustrations that later embittered the city's blacks.

He attended the University of Chicago, where he studied archaeology, and during one summer worked with the dissident miners who were battling against John L. Lewis' United Mine Workers. Out of the battle, oddly, developed a long and close relationship between Mr. Alinsky and Mr. Lewis. Mr. Alinsky later wrote a biography of the union leader.

As a graduate student in criminology, Mr. Alinsky studied the organization of the Capone gang, and also began his own organizing efforts in the Back-of-the-Yards area. He brought about better economic conditions for the impoverished white immigrants who lived in the area by putting pressure on their employers—the meat packing companies—through boycotts and sitdowns.

After the Back-of-the-Yards effort made him widely known, Mr. Alinsky founded the Industrial Areas Foundation, which worked closely with the Catholic urban programs of Samuel Cardinal Stritch. Mr. Alinsky lectured young priests that they "would have to choose between becoming a bishop and being priests."

In the early 1960s, Mr. Alinsky's IAF organized blacks in a ghetto area of Chicago into the Woodlawn Organization, which used picketing and garbage deposits at city hall to make effective its demands for better housing and municipal services.

From there, he brought efforts to 'other cities. Constantly seeking ways that the poor could achieve real power beyond the power to outrage and inconvenience, Mr. Alinsky sought to use stockholder power to force Kodak to hire more blacks in Rochester He urged church and other groups that held blocs of the company's stock to demand changes in hiring policies.

Mr. Alinsky frankly admitted to a split personality. A vociferous and demanding radical in public, he was a quiet and charming conversationalist in private. He also confessed to sometimes being less sure of his righteousness than he sounded.

Since 1967. Mr. Alinsky had devoted himself mainly to teaching at the institute he founded in Chicago, and in keeping in touch with such proteges as Cesar Chavez, the organizer of the California farm workers, and Nicholas Von Hoffman, a columnist for the Washington Post, both of whom worked for Mr. Alinsky.

Mr. Alinsky's life was often touched by personal tragedy. His first wife drowned. His second wife, Jean, has been incapacitated by multiple sclerosis for many years, and lives in Carmel. Friends said that Mr. Alinsky was in Carmel to visit her. He had divorced her two years ago and remarried.

He is survived by his present wife, Irene, his mother, and by a son and daughter of his first marriage.

AMERICAN HEALTH CARE: PROBLEMS AND POTENTIAL

Mr. SAXBE. Mr. President, at a time when a current social debate has reached a peak and yet prior to the enactment of any major corrective legislation, I want to explore the problems and potential of our American health care system.

How can the wealthiest nation on earth permit a sizable segment of its society to go without any health care at all? Why is it that we can spend $70 or $80 billion in 1 year alone on health costs and still have literally millions of people who cannot find, or cannot afford, basic medical care?

Why? Because of the delivery system through which Americans receive their health care. The system itself is inadequate, not the components. Most attacks on our system of medical care have not been on the quality of individual care, but on the collective performance of the entire health care system.

Take the availability of care—the fact that certain people in certain places simply cannot find a doctor. Whether this is due to poor geographic distribution of medical personnel or the overspecialization of physicians is not the issue. The point is clear—some people in this country go without medical care, and that is intolerable.

Medical care is a basic right of the people—their right to life. It is wrong when a man's ability to obtain that medical care depends on his color or his ability to pay; on where he lives, or who he knows.

This problem of access is compounded by another—the escalating cost of health care. These costs have risen to such an extent that medical care has become a luxury, rather than a necessity. Some people, even with insurance, cannot afford to pay the exhorbitant medical bills of today—and thus, cannot afford the care they rightfully deserve as citizens of this wealthy Nation.

And then, we see the inefficiency and waste in our system. Highly trained physicians perform tasks that could be handled by physician assistants. Patients occupy expensive hospital beds for testing that could be done on an outpatient basis. Many hospitals have duplication of expensive equipment, and others have costly equipment which is rarely used. It is, therefore, not the quality of individual medical care, but the inefficient functioning of a total system that has brought on a crisis in health care.

This crisis must be met, and changes must be made. The public is unhappy with the status quo, and they are demanding that the inefficiencies and inequities be dealt with. I think the public is entitled to these changes, but they should be made gradually with caution and constant evaluation. Otherwise, we might launch broad new programs that would compound our problems, rather than correct them.

How do we change the system? Where do we begin? I think one place to begin is to develop some real cooperation and coordination among the various groups that make up the health care industry—the doctors, hospitals, and insurors. Our system has been a fragmented one, with all parts operating independently, carefully guarding their own special interests. I hope that we can reverse this trend and begin a new attitude—one of coordination and teamwork with the central aim of providing improved health care for everyone.

Once this stage is set, once the basic cooperation is present, then any number of innovative changes could be developed. In some areas, hospitals could merge or consolidate to avoid duplication of expensive equipment. In other areas, affiliation agreements among hospitals or medical centers might be feasible through which services could be shared at reduced costs. Doctors could organize in group settings and could use paramedical personnel to greater advantage. Prepaid group practices, with their characteristic emphasis on efficiency and economy, could be set up in areas lacking health services. Insurors could work with providers in devising methods for covering outpatient services. The list is endless.

The important thing is that change is essential; and if the health care industry refuses to initiate these necessary changes, then government is going to move in and occupy the field. When the private sector fails to provide, government is sure to act. I do not want socialized medicine. I do not want a federally owned and operated medical system.

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Therefore, I believe the active participation on the part of the medical profession is vital. I believe that the ultimate solution lies in a true cooperative effort between the public and the private sector. Government can and must make an accommodation with the medical profession in order to make health care legislation work. And equally so, the profession must recognize that there are problems and must not resent or resist the efforts of government. All participants must realize that change is inevitable and should look to the good of the total system, not to the protection of private interests. Only in this way will we have a workable system, uniquely American, where quality health care can be made available to all.

A NEW COALITION

Mr. CHURCH. Mr. President, on Sunday, June 11, the Washington Post published a very good article by Neal Peirce on the new coalition emerging in American politics for change and reform.

Mr. Peirce makes a fundamental point in his analysis:

> Neither political party, and no leader, has been able to give effective expression to the hopes and fears of the American people.

But at the same time, he notes, the message of the presidential primaries to date is that "the ice has begun to break."

Mr. Peirce outlines the basis for a new coalition in American politics and points out that the candidate most identified with this trend is Senator GEORGE MCGOVERN.

Mr. President, I commend Mr. Peirce's column to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEHIND THE WINNER: A NEW COALITION?

(By Neal Peirce)

(NOTE.—The writer, author of "The Megastates of America: People, Politics and Power in the Ten Great States," is a contributing editor of the National Journal and presently a fellow of the Woodrow Wilson International Center for Scholars.)

Now that the 1972 presidential primary season is largely behind us, the time has come to take stock, to see what these elections mean for the country. My own conclusion is that the Democratic primary contests, from New Hampshire to California, mark a portentous turn in American politics.

For at least a decade, American politics—and that means American government—has been like a river clogged by a massive ice jam. The point is not original—seasoned analysts like David Broder have made it time and again—but it bears repeating: Neither political party, and no leader, has been able to give effective expression to the hopes and fears of the American people. Racial discord and lawlessness have stalked the land. We have had the unique experience of high unemployment fused with inflation. There has been a breakdown in our systems of education, of law enforcement, of transportation. The voters, looking to government for solutions, have seen instead political stalemate followed by inaction.

Thus American politics, as John Saloma and Frederick Sontag write in their book "Parties," "has been gripped by a sense of frustration and helplessness." At the same time, they note, there is "a mood of anticipation in the country, an expectancy, a restless searching, even a deep yearning for some issue, some leader, some catalyst that will effect a new synthesis, a new reality in political and governmental performance."

The message of the primaries in this: The ice has begun to break.

REJECTING THEMES OF THE PAST

First, we have seen an almost unprecedented willingness of the voters to reject the classic old political themes of votes for past favors and loyalty to safe, centrist candidates. Hubert Humphrey's record of legislative achievements failed to make him a frontrunner; Edmund Muskie's centrism failed to fire the voters' imagination. Instead, we saw heavy votes for two highly unconventional politicians, George Wallace and George McGovern. Some would say that the voters in the Democratic primaries have been disproportionately the activists and the angry—but the fact is that they have rarely, if ever, turned out in such numbers, and with such effectiveness, in earlier years.

Second, we are witnessing an early twilight to the era of the media-groomed candidate. Both Wallace and McGovern cut images that would make Madison Avenue shudder. McGovern, despite the cool, confident demeanor he has developed, is essentially a quiet, nonflamboyant man who might well win a prize as the "anti-media" candidate of 1972. But that would be by past standards; what the voters now seem to want in candidates is credibility, a willingness to take clear-cut and even highly controversial stands, to suggest that *real* change can take place in this country.

Third, the primaries have shown us startling weakness in the time-honored organs of the old politics—within the Democratic Party, for instance, the traditional bosses and their organizations, and the labor unions. In almost every test, their candidates have lost, or run much more poorly than anticipated. The reason is not that political organizations and labor unions are obsolete. It is that they have failed to catch the rebellious mood of the people, and have lost touch with their followers.

Fourth, there has been a remarkable transformation in the politics of youth, from protest and confrontation into a powerful weapon of a new politics. The demonstrations of the young have largely disappeared from the streets and campuses, only to resurface, in a quiet and highly effective form, in McGovern's phenomenally successful canvassing operations—and in the voting booths. Whether one agres with McGovern's policies or not, the channeling of youthful protest into the legitimate areas of elective politics is good news we could scarcely have hoped for four or even two years ago.

Is the outpouring of citizen action in politics, exemplified by youth, a temporary phenomenon, likely to fade away if McGovern loses the nomination or the election? I think not. The cork can't be put back in the bottle. The activists have seen what power they can wield; it is in their bloodstream and they are likely to be in the thick of campaigns throughout this decade, no matter who wins in November.

By opening their party to these new activists, who alo include large segments of women, minorites and intellectuals, consumer-advocates, environmentalists and anti-war agitators, the Democrats have taken a risk of great internal divisions (as the protechnics at next month's convention may well demonstrate). But they have brought dynamic elements into their party, a piece of political missionary work that the Republicans may one day have good reason to envy.

It is on the basis of the dramatic "opening up" of the Democratic Party, which had its roots in the reform mandate laid down by the 1968 Democratic convention, that we can move on to a corollary of immense importance; the outlines of a possible new political alliance, at this moment in the process of creation, that could update and even replace the Democratic coalition created under Franklin D. Roosevelt four decades ago.

Who might be included in a new coalition?

The newly enfranchised youth, of course. It has been popular to say that the young won't count for much because of their traditionally low turnout at the polls. Yet on the Democratic side of last Tuesday's California primary, the turnout of 18-to-24-year-olds (18 per cent) was not far from their share of the voting-age population (21 per cent). According to a CBS News survey, they went for McGovern over Humphrey, 70 to 20 per cent. Without them, McGovern might well have lost the primary. All surveys point to a heavy Democratic edge among the new voters across the country. If they register and turn out in substantial numbers next autumn, and the presidential election is as close as it was in 1968, they could easily tip the scales to the Democrats.

A second element of a new coalition would consist of liberal-minded suburbanites, who make up part of the most highly educated segment of the populace. These are people who feel economically secure enough to indulge their interests in "good government," reform and social welfare issues.

A third and less secure element would be a portion of the low- and middle-income voters, including many blue-collar workers, who chafe under high taxes, find government too unresponsive, and look to any leader who can offer them a change and a better deal—whether it be a Kennedy, a Wallace, or a McGovern. When voters in this group are preoccupied with a race-connected issue such as busing that seems personally threatening to them, they may stray from any new Democratic coalition; when not, they are prime candidates for it.

Last, as McGovern was able to demonstrate in California, a new coalition can include the blacks and Mexican Americans—generally speaking America's dispossessed. (The McGovern vote among blacks has advanced steadily in the primaries, from a nadir of 1 per cent in Florida to about 44 per cent, six points ahead of Humphrey, in California. McGovern also took about 60 per cent of the Chicano vote in California.)

A FLUID ALLIANCE

One can predict that such a coalition will have no staying power, that the interest of its constituent parts are simply too diverse. Without organized labor's enthusiastic support, any Democratic coalition will be hard pressed to win in a general election. Yet the McGovern movement is deeply threatening to big labor's heavy role in the Democratic hierarchy; some labor chiefs might prefer another four years of Nixon, during which they could reestablish their hold on the Democratic Party. As far as youth and the ticket-splitting suburbanites are concerned, they look much too independent to fit into any stable, lasting party organization or voting coalition.

Thus the new coalition may prove very fluid, appearing for some issues and candidates, disappearing for others. But since it is a coalition forming within the largest political party in the country, it is not to be taken lightly.

On an immediate basis, the new coalition cannot elect McGovern president unless his campaign can reach out more effectively than President Nixon's to appeal to the independent, moderate voters of the country. To begin with, McGovern will have to make overtures to the South. And he already faces the politically perilous task of modifying his stands to assuage the fears of millions of centrist, moderate voters—without alienating his ideologically committed volunteers in the process.

It must be remembered, too, that President Nixon and the Republicans are also in the business of coalition building, appealing on the one hand to blue-collar America with stands like anti-busing and to sophisticated suburbanites with new and creative overtures to the Soviet Union and China. The Republicans believe they have an excellent target in McGovern's "radicalism."

But the Republicans' efforts to build a new majority faltered badly in the 1970 mid-term elections. The potential Republican majority has conflicts as serious as those facing the Democrats. An appeal to the conservative and blue-collar Catholics, for instance, can backfire and alienate the Republicans' traditional base among white-collar Protestants.

In November, moreover, the President will bear the burden—from a quarter century in the limelight of partisan politics—of virtually symbolizing the politics of stalemate and rhetoric that has frustrated the country. Fairly or not, McGovern seems fresh and direct by contrast.

In June, we cannot know if a new Democratic coalition of the type McGovern envisages can carry the day in November. But we do know that a new and powerful brand of citizen politics has been born. And for the first time since the 1930s, one senses at least the potential of a vital new grouping of American voters, one likely to significantly influence the remainder of the 1970s and the 1980s, even if it fails to win a majority in 1972.

THE MINIMUM WAGE LAW—A CRUEL HOAX

Mr. FANNIN. Mr. President, the minimum wage law is one of the cruelest hoaxes perpetrated on the poor of America.

By raising the minimum wage we simply will be cutting off employment opportunities for thousands of workers who hold marginal jobs. On the other end of the scale, we will be touching off a chain reaction of wage increases that will feed inflation without benefiting anyone.

These points were stated succinctly in a letter written by Jonathan Marshall to the Publishers' Auxiliary. The letter was published on May 25, 1972.

Mr. President, I ask unanimous consent that the letter, by one of Arizona's leading newspapermen, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ON MINIMUM WAGES

EDITOR:

Your April 25 issue suggests that newspapers support the Anderson-amendment limiting the increase in the minimum wage so that it only be increased to $1.80 the first year instead of $2.00, as proposed in S1861. I suggest that such a compromise is really a cop out.

If this country is serious about fighting inflation, the minimum wage should be held at $1.60 per hour. If it is allowed to go up, the country will find that its balance of trade will be worse than during the past year because we will not be able to compete with other countries which have cheaper labor. This will mean that our American companies will close plants or assembly lines and unemployment will continue to rise.

The trouble is, we can't have our cake and eat it too. If we want to compete on the world market, reduce unemployment and hold down inflation, we have to start at the bottom, as well as the top. In other words, raising the minimum wage will set off a chain reaction in the total economy and everyone will suffer. For these reasons, I suggest that our members contact their congressional delegations and urge them to hold the line.

JONATHAN MARSHALL,
Publisher.

GENOCIDE IS NOT A THING OF THE PAST

Mr. PROXMIRE. Mr. President, some people see the Genocide Convention as a gesture of no importance, with no other purpose than the further vilification of already-condemned crimes of past decades. Genocide, it is said, is a thing of the past, and we cannot change history with treaties 30 years after the fact.

But this hopeful view of the future resembles the hopefulness which preceded the genocidal policies of the Nazi regime. The growth of democratic enlightenment in the 18th and 19th centuries presumably had ushered in a time when systematic mass murder would be unthinkable. This naive optimism was rudely shocked by the growth of fascism.

Those who think genocide is no longer a subject of concern would do well to study last Sunday's editions, June 11, of the Washington Post and New York Times. Each newspaper features a front page article on the tragic conflict in Burundi between the ruling minority Tutsis and the majority Hutus. At least 100,000 people, and possibly many more, have been killed in Burundi in the last 6 weeks. The report by Jonathan C. Randal in the Washington Post says, in part:

> By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.
>
> The continuing repression is seemingly dictated by the Tutsis' equal determination to cow the Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the foreseeable future.
>
> What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa.

The Organization of African Unity has refused even to investigate the Burundi situation on the grounds that its charter forbids interference in its members' internal affairs. What the Genocide Convention does is proclaim that systematic extermination of racial, ethnic, cultural, and religious groups is not a matter of only internal concern, but that it violates international law. The convention allows the United Nations to consider cases of genocide, and determine what action is necessary.

The United States has for too long blithely ignored the issue of genocide. Evidence that genocide is going on in the 1970's should shake our complacency. I urge the Senate to immediately take up and ratify the Genocide Convention.

THE NATION'S LABOR LAWS AND UNION LEADERSHIP

Mr. TAFT. Mr. President, prior to the passage of the Wagner Act, it was difficult for American workers to organize unions and bargain collectively. The Wagner Act was an attempt to give the workingmen and women of the Nation sufficient bargaining power with their employers in order to advance their economic well-being. As years passed, however, it became evident that the Wagner Act contributed to new problems and failed to touch others which Congress attempted to rectify through the passage of Taft-Hartley and Landrum-Griffin.

Recently, I have received a summary of public opinion attitudes, as developed by Opinion Research Corp. of Princeton, N.J. This public opinion survey, taken late in 1971, is significant with respect to the attitudes of the general public on our Nation's labor laws and union leadership. Because of the importance of this subject, I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

JANUARY 19, 1972.

SUMMARY OF LATEST TRENDS IN ATTITUDES ON LABOR UNIONS AND LABOR LAWS

A PERSPECTIVE

1971 was a year in which there was a significant shift in the mood of the American public. For the first time since 1958, concern about the state of the economy topped all other "problems confronting the country," including the war in Vietnam.

Today, President Nixon has the backing of the majority of the American people for his new economic program. Twice as many among the general public agree with Mr. Nixon as agree with Mr. Meany about recent economic decisions.

Concern over high prices and unemployment undoubtedly colors people's attitudes towards labor unions and labor union leadership. When labor spokesmen criticize President Nixon's economic policies or push for inflationary wage settlements, they jeopardize their position in the eyes of the public at large as well as their influence as spokesmen for rank and file union members.

The public is critical of union leadership on such points as:

Meeting their responsibilities to the public as well as to their own members—64% of the public feel that union leadership is doing only a fair or poor job in this area. In the recent debate over government economic policies, 52% of the public felt that, in opposing these policies, union leaders were not truly reflecting the views of their own members.

Opposition to the President's policies—only 29% say that union leaders were right in opposing the President's plans, and a clear majority say they were wrong.

Even among union families, there is disenchantment with recent labor leader conduct.

A minority of union families—29%—believes that top labor leaders represent the average member when they speak out on the wage freeze and price controls. A scant 13% approve the discourteous treatment accorded the President at the AFL–CIO convention in Bal Harbour, Florida. And an impressive 86% of union members say that Mr. Meany was wrong in accepting his 28.6% ($20,000) annual salary increase.

ATTITUDES TOWARD UNIONS

Concern over inflation (among union members as well as the public at large) has played a role in undermining confidence in union leadership. Over the past year, the general attitude climate for labor unions has deteriorated due to strikes, and particularly the threat of major strikes that characterized the year 1971.

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Some of the main findings in this survey:

There is a growing feeling since November, 1970, that strikes and labor trouble have seriously hurt the country as a whole (union members 53% to 61%, public 64% to 68%).

A majority of union members as well as the public believe that union demands will cause higher prices (union members 57%, general public 68%).

Criticism of union leadership is on the rise in terms of their not being responsive to the public's interests (union members 53% to 59%, public 60% to 64%).

Union members are no less aware than the general public that we are in an inflationary period (union members 95%, public 91%).

Increasing awareness exists among a majority of the public that high wages in this country make it difficult for the U.S. to compete with other countries, both at home and abroad. And a clear majority of union members feel the same way today.

LEGISLATIVE ISSUES

On a number of specific legislative issues, there is solid public support which comes as much, if not more, from union members themselves as from the rest of the public as a whole. These tend to be issues which involve the due democratic process in union affairs.

LATEST SURVEY RESULTS DECEMBER, 1971

	Total public (percent)	Union members (percent)	Points difference
Favor a law to:			
Give unions and management equal rights to communicate with employees	78	89	+11
Require a secret ballot after 30-day strike	77	81	+4
Guarantee union members right to criticize their leaders	74	85	+11
Allow companies and unions to decide whether or not to bargain on things not included in union contracts	67	73	+6
Require secret ballot in representation elections	65	71	+6
Allow companies and unions to decide whether or not to engage in coalition-type bargaining	56	63	+7

On certain other more technical issues, such as common situs picketing, jurisdictional disputes, and so forth, the public's and union members' support is somewhat lower and the gap between union members and the public tends to be smaller.

This study has been updated regularly since 1966. And there have been significant gains in support for specific labor reforms among the public, and in some cases, among union members as well. For example:

[In percent]

	Total public		Union members	
Favor a law to—	1966	Latest survey	1966	Latest survey
Guarantee union members' right to criticize their leaders	64	74	72	85
Require a secret ballot in representation elections	57	65	77	71
Permit management to discipline employees who commit violence in connection with a labor dispute	52	62	58	58
Forbid strikes caused by union rivalry	44	51	37	52

Most of these gains were recorded in years prior to 1971. The results for this year would suggest that support for legislative changes has begun to stabilize, but at relatively high levels. The main changes since the 1970 survey are those dealing with the general climate for labor (reported on page 2).

The findings in this survey indicate that the impact of 25 million new young voters will *not* significantly affect the drive for labor law reform. On most questions posed, the views of 18 to 24 year olds do not differ widely from those of the rest of the public.

In sum, the level of support for labor law reform has been maintained, and in some cases, significantly increased.

Of interest: There has been a small drop, on the borderline of statistical significance, in the proportion of the public which believes that we are now in a period of inflation. At the time interviewing for the current survey was done, Phase II controls had been in effect for some weeks. While it is too early to say with any assurance, it is quite possible that this drop may reflect a feeling on the part of the public that the wage-price program can achieve the desired result of putting brakes on the inflationary process.

A CITIZEN'S VIEW OF VIETNAM

Mr. TUNNEY. Mr. President, one of my constituents, Mr. David Lippman, has forwarded to my attention a persuasive and compelling letter written by Mrs. Ruth Henning to the Los Angeles Times.

I am pleased to call Mr. Lippman's letter to me and Mrs. Henney's letter to the Times to the attention of the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONDAY, MAY 22, 1972.

Senator JOHN TUNNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: I've enclosed a Beautiful letter by Ruth Henning, Taluca Lake, printed in the Los Angeles Times May 20, 1972.

Ruth Henning's letter should be read to the Senate and placed in the Congressional record.

I take my Hat off to Ruth.

Keep up the good work John.

Sincerely yours

DAVID LIPPMAN.

LETTERS TO THE TIMES—"PERSONAL RESPONSES" TO THE BLOCKADE DECISION

(By Ruth Henning)

I read your editorial pages every day and it has always seemed to me that the different opinions expressed are more or less in balance. I have been encouraged that you have spoken out against the war and pray you will continue to do so.

When I read the article (May 12) by Emerson D. Moran and the prominence you gave it, I felt inspired to give you my response to the President's action, which represents an opposing view.

I am a wife and mother with three grown children and a recently acquired college education—San Fernando Valley State, 1968. This is my first letter to The Times.

After watching the President on television, I felt sick, frightened and angry. I have waited to write this because I did not want to strike out while under the influence of such intense emotions. Now, a week later, I am still filled with fear, anger and revulsion. I neither approve nor support this decision, and I am frankly amazed at the number of Americans who do.

It's too bad the President didn't make his cease-fire-total-withdrawal offer long ago when it might have been believed and accepted. I do not in any way support the Hanoi government, but in all honesty, I cannot blame them for being super-cautious about any "carrot" dangled in front of them by our government whose past actions have included saturation bombing, antipersonnel weapons, napalm, defoliation, systematic destruction of their country and its population, and stubborn support for the unpopular, repressive Thieu regime.

It seemed obvious to me, an ordinary citizen, that Vietnamization was only another name for continued military action, and that it would never work without our continued military support. It also seems obvious that our prisoners of war will never be released until we get out of Vietnam. Our present activities are, far from freeing our prisoners, only creating many, many more.

"We can't just turn tail and run like cowards," say the superhawks. For a decade, we have been there pouring out our life's blood and the major portion of our tax dollars for reasons which none of us can understand or support, if indeed they were ever valid. The President himself admits we were wrong to start the whole thing, but he now seems frozen in the posture that right or wrong, we must win. Win what? A tiny, war-devastated country halfway around the world that will never stay "won" without permanent troops of occupation and permanent financial outlay. We would show far more courage to admit our mistake than to go on doggedly, desperately getting in deeper and deeper.

"There will be a bloodbath if we leave!" agonize others. In the name of heaven, what is going on there now? If we care so much about the Saigon government, we could get them out along with our own people at far less expense.

"We will lose our credibility if we suffer a military defeat!" shout the ardent nationalists. I submit that we have already lost our credibility by our futile, inhumane actions. Does anyone seriously believe the world doubts the strength and power of the United States? Judgment perhaps—but never power.

"We will no longer be Number One!" cry the Flag-wavers. This is such a shallow, childish, arrogant argument it hardly seems worth answering. The world knows we are the richest country, that our technology, our industrial capacity, our national will and strength are second to none when our cause is just—that we have the nuclear capacity to destroy the whole world many times over.

If our national aim is to triumph over communism, it is my belief that we will succeed only by making ourselves once again the shining example of democracy that works, of democracy that feeds its hungry people, takes care of its sick, provides jobs for its unemployed, cleans up its environment; that makes itself responsive to and responsible for all its people, not just the special interests; a democracy that encourages and pays for education, medical advances, cultural development, and the protection of its beauty and natural resources; a democracy that puts the emphasis on the quality of its life rather than the quality of its gross national product; a democracy that, from its plenty, exports help for human needs with no strings attached. We must do what's right for us, and admit with all humility that we may not always know what's right for someone else. If we are true to our own ideals, we will then—and only then—be Number One. This is the kind of supremacy I want for the country I love—for the United States of America!

THE UNITED NATIONS AND THE ATTAINMENT OF PEACE

Mr. PERCY. Mr. President, I invite the attention of Senators to a speech by United Nations Secretary-General Kurt Waldheim explaining the participation of the U.N. in world affairs and particularly its attempts to achieve global peace.

Mr. Waldheim spoke before a gathering of American business and labor leaders at the New York Hilton on May 25, 1972, when President Nixon was visiting Moscow to conclude with the Soviet Union several far-reaching agreements. Mr. Waldheim applauds this sort of accommodation among the world powers which would include, of course, the President's trip to the Peoples Republic of China.

I ask unanimous consent that Secretary-General Waldheim's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SECRETARY-GENERAL KURT WALDHEIM

I am glad to be here today among so many distinguished businessmen, labor leaders and other great American personalities brought together by the United States Association for the United Nations. I cannot be grateful enough for the support we receive from the Association here in New York and in many other cities of the United States. I knew already of its activities when I was a Permanent Representative of my country in New York, but since my appointment as Secretary-General I have had many more occasions to judge its numerous and valuable contributions to our work. I wish to thank you all for having come here tonight, thus showing your interest in what the United Nations is trying to do.

There have been rather considerable changes in the world scene during the last two years. Several hopes which had been expressed in the United Nations have been fulfilled. One hope was that the heads of state of the Great Powers, including the People's Republic of China, would meet from time to time to end their confrontations and divisions and begin building together a peaceful and better world.

Well, the President of your country has visited China and at this very moment he is in Moscow. In all human affairs, to speak to each other is the first simple but essential step to better understanding, co-operation and ultimately friendship. A fundamental change has thus intervened in world affairs. Cold shoulders have been replaced by face-to-face meetings of men who bear great responsibilities towards humanity in the name of their powerful countries.

The People's Republic of China, the most populous country on earth, in the absence of which the United Nations lacked realism, is now occupying its seat in the world organization and in the Specialized Agencies. Another important event has taken place a few days ago; the German treaties were ratified, opening a new phase of East-West relations in Europe.

Some may like or dislike these developments, but a Secretary-General of the United Nations can only like them because they mean progress towards peace and accommodation amongst the Great Powers. For anyone to wait and hope that one of these powers would disappear or collapse would be tantamount to hoping for world war. There is no other choice. The equilibrium of atomic terror means also equilibrium of an understanding and co-operation between the tenants of power.

Two years ago, I had just finishing writing a book on Austria's foreign policy in which I had concluded that it could be taken as axiomatic that the big powers did not want war and that a period of detente had been initiated by President Eisenhower and Premier Krushchev. Austria was the first beneficiary of this change: It regained its independence and was free of Four-Power occupation. There have been several severe crises and strains in East-West relations since then, but none of them, neither the U–2 incident nor the Cuban Missile Crisis, interrupted the process of detente. There have been two further serious crises recently: Bangladesh and the escalation in Viet-Nam, but again none of them interrupted the trend. We must therefore be aware of a deep current of change in world political relations.

To the men fighting and to the people suffering in Viet-Nam, North or South, Vietnamese or foreign, this is of course no consolation. Death obliterates for them any hope or any vision about a future humanity at peace. The fact that there has been no world war for twenty-seven years in the most populous and more rapidly changing human society the world has ever seen can be no damper on our impatience and concern with bleeding and unsolved conflicts. While welcoming the smiles we must also eliminate the tears.

My readiness and efforts regarding Viet-Nam are known to you through the news media. They reflect not only my own personal human concern but also the fact that the community of nations cannot much longer stand by and wait for the possible but uncertain end of that conflict as a result of efforts among the parties concerned. The Paris negotiations have now lasted for four years and the situation today is not better than it was at that time.

The bloodshed in Viet-Nam does great harm to the United Nations in the eyes of the public which is asking itself: "Why is the United Nations not seized with the problem? Why is the United Nations not doing something about it?"

The United Nations has perhaps not performed miracles, but each conflict brought before it has been solved or has, at least, been stopped. However regrettable protracted unsolved conflicts like Cyprus and the Middle East may be, an armistice is definitely better than an active conflict. I have placed my concern and views before the Security Council in a memorandum to its President. It is my duty to do so in the interest of peace. I have also offered my good offices in order to be helpful in finding a solution to this conflict but it is also evident that we can succeed only if we have the co-operation of the parties concerned.

The community of nations must aim at removing urgently once and for all the various sources of bleeding and irritation which poison international relations from Cyprus to Korea, passing through the Middle East and South-East Asia. During World War II, at Teheran and Yalta, the leaders of the Allied Powers were able to meet, to talk to each other, to review their problems and to come to accommodations and agreements. Why can we not try to do the same today on the whole string of unsettled problems which divide and retard us?

Does it require a new holocaust to do the simple things which any man in the street in any country of the world would recommend to be done: to meet among all concerned, to negotiate, to accommodate and to give, at long last, to the tired inhabitants of this planet lasting peace? The benefits would be enormous for all. In this task we need not only the good will of the big powers but also that of the medium and smaller powers involved. They too must bring their contribution to the common objective of peace and understanding. We had no United Nations at the time of Theran and Yalta. Well, we have it now. The United Nations would therefore be the obvious meeting place for such an effort.

I hope that with the ratification of the German treaties we will soon see both Germanys represented at the United Nations, bringing the world organization close to universality.

I urge that this world organization created for peace and global needs be used, supported and strengthened. We know the objectives: They are inscribed in the Charter. We have the instrument which is now almost universal and in which the big powers have been given big privileges. In our highly complex and interdependent world, multilateral co-operation is an absolute must.

The billions of people deprived of atomic power, of satellites and of scientific superiority have also a right on this planet: The right to live in peace, to strive towards their progress and to build together an orderly and peaceful world. Lest we create the bonds of solidarity today among all countries there will be other big powers tomorrow pursuing the same obsolete dreams of today. We hear nowadays several lists of big powers; two, three, four or five. Never does one hear mentioned in such lists the name of the United Nations. This is wrong and short-sighted, for by disregarding and underestimating the world organization, one belittles the many poor of this world who have also a nationhood, a pride, a value and a culture. One deprives the community of nations of the strength, were it only the moral strength, which resides in their union. It is high time that in our deeply interdependent world, we discover the simple laws and immense benefits of unity. We must give its collective instruments the first place it deserves.

The process of accommodation among the big powers and the acceptance of the idea that we might be able after all to live together in peace and friendship on the same planet must be accompanied by a greater willingness to learn from each other and to exchange experience. Not everything is bad in one country, one system, one continent, one race or one culture and perfect in another. There is good and bad everywhere. We must strive together to foster what is good and to eradicate what is bad. It was not so difficult to lay down in the Charter our common objectives of peace, security, non-recourse to violence, economic progress, social justice, racial equality and the protection of the individual's human rights. We must work more intensely and more speedily towards them, leaving aside claims of superiority of any sort, be they ideological, national or material.

We must be more impatient and less complacent on the political side. Vast new problems are in the making or are already amidst us, from which no nation will be immune or able to escape, whatever its wealth, power or size may be. The names of these new problems are: the population explosion, the endangered environment, the consumption and urban explosions. It is not significant that the first agreement signed in Moscow between the two heads of state should deal with the environment? But, here again, the problem is world-wide. Our attention is beginning to be diverted from purely national concerns to preoccupations relating to the planet as a whole. There are immense tasks awaiting humanity. They must be tackled in our common interest. They will provide the employment needed as a result of diminished armaments and the eradication of built-in obsolescence and wasteful consumption.

You will ask me: "How adequate for these tasks do you find the instrument of which you are now the Chief executive officer?"

I would not hesitate to answer this: It is an excellent instrument. It is now almost universal. It provides, together with its specialized agencies, international co-operation on

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practically every subject on earth, from the atom to outer space, from population to the environment, from hunger and health and development to drugs and crime. It constitutes the most potent world observatory and warning system of global events and changes on this planet. Its knowledge and thinking reach well in the future. Some of the finest men and women from all countries, all beliefs, all races, all cultures and all systems work for it. It is a unique meeting ground for statesmen of practically all countries on earth during the General Assembly. It has prevented untold conflicts and has paid a thousand times its cost which is less than that of the Fire Department of New York City or the budget of many companies.

Of course, like any human institution and perhaps more than any other institution, the United Nations is in need of constant change, correction, improvement, self-criticism, modernization and streamlining. I will apply myself to these tasks with all my strength.

There are however three major defects with which I have become concerned since my appointment: the reluctance or hesitation of governments to use fully the organization they have created; the ignorance and lack of understanding of the public and of the mass media regarding its achievements and its built-in limitations; and the financial obstacles constantly placed in its way and which begin to be frankly intolerable. An organization and its Chief Executive Officer, which are expected to deal with peace, security and practically every ill and global problem on earth, should be given the peace of solvency and a minimum of financial elbowroom. We are wasting too much time in trying to meet each month's payroll. This situation, furthermore, does not help the morale of the people who have assembled from so many countries, including so many from the United States, to work together in the United Nations. To have good workers for peace, development, the environment and so on, nothing is more important than a good moral.

May I therefore appeal to you to help me correct these short-comings? There is need for more honest down-to-earth learning about it, and there is need for putting an end to its financial impediments.

I have been greatly encouraged in all my talks with heads of government in recent months. All of them place renewed confidence in the United Nations and have promised me their full support. Every where there is hope, great hope and a large part of it is placed in the United Nations.

Ladies and gentlemen, may I repeat what I said recently in the General Assembly and assure you that I will fight for peace to the utmost of my strength. But I need your help. We, if we all work together, if we all help each other, then we shall achieve what we all want to achieve, peace—peace for us, peace for our children, peace for our generation and peace for generations to come.

OSHA AND SMALL BUSINESS—OVERWHELMING REDTAPE

Mr. McINTYRE. Mr. President, the flood of Government paperwork forms imposed on the American businessman today is credited by some as their single biggest problem in their constant competitive effort to stay in business. As chairman of the Subcommittee on Regulation of the Small Business Committee, I have undertaken an indepth examination into this area which I choose to call "Federal form pollution"—a burden that costs the Nation's businessmen $18 billion every year.

I invite the attention of Senators to a thought-provoking column written by James J. Kilpatrick and published in the Washington Sunday Star of May 11, 1972, citing how small employers are protesting bitterly against another example of federally imposed recordkeeping; namely, that required by the Department of Labor under its interpretations of the Occupational Safety and Health Act. As Mr. Kilpatrick so aptly puts it, and as our subcommittee is finding more and more of a truism as we delve into the businessman's paperwork burden, "statistics to the bureaucrat are like cud to the cow."

Certainly, the intent and purpose of the Occupational Safety and Health Act to protect the American working man and woman is most commendable, but why good laws passed by Congress must become enmeshed by the Federal bureaucracy in hard and irrelevant rules and regulations for the businessman, I just cannot understand.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRIAL SAFETY ACT OVERBURDENS EMPLOYERS

(By James J. Kilpatrick)

Industrial safety is one of those things, politically speaking, that no prudent politician can oppose and every prudent politician must support. It stands in a class with clean air, clean water, pure food, and non-flammable nighties for little girls.

Thus, it was, 17 months ago, that the Senate voted 83–3 and the House 309–60 for the Occupational Safety and Health Act of 1970. The act went into effect April 28, 1971. American employers and employees now have been struggling with its provisions for a little more than a year. It will be another year before even tentative conclusions can be drawn on the law's effectiveness.

Meanwhile, the verdict seems to be mixed. There is some reason to believe that the law's impact is like the little boy's book report on a 600-page volume dealing with penguins: "This book told me more about penguins than I really wanted to know." With its sweeping and detailed regulations, the act of 1970 may have imposed upon industry more safety than really is required.

One hesitates to venture such a judgment. The figures (excluding mining casualties, which are compiled separately and are covered by another law) offer a sobering picture of conditions in need of correction: In 1970, some 14,500 persons died and 2.2 million suffered disabling injuries in industrial accidents. An estimated 250 million man-days of work were lost. Beyond dispute, many employers have been negligent, and many workers have been careless.

Granted all that, an impression is growing that the 1970 act is developing, just as its critics have protested all along, into a lawyer's dream and an engineer's nightmare. In their eager-beaver zeal to make an impressive splash, safety inspectors from the Department of Labor have made more than 22,000 inspections in their first nine months of enforcement. They have recommended penalties in a startling 40 percent of their investigations—penalties adding up to nearly $1.5 million in fines.

If the penalties were imposed only for serious infractions of safety rules, employer protests would have a hollow ring. But in thousands of instances, it appears, elaborate citations are drawn up for the most trivial offenses: An electric extension cord is not precisely secure, a hardhat is not precisely the approved weight, a toilet seat is not exactly so many inches off the floor, an appropriate receptacle has not been provided for used paper cups at the water container.

Employers complain that the system leaves them virtually at the mercy of two groups—their own workers, and the Labor Department inspectors. Under the law, the burden of maintaining safe conditions falls entirely upon management; if an inspector finds a laborer bare-headed, when he should be wearing a hardhat, the employer is penalized—even though he may have pleaded repeatedly with his workers to observe the rule.

Small employers are protesting bitterly, with apparent justice, at the heavy burden of record-keeping demanded by the act. Statistics to the bureaucrat are like cud to the cow. It is understandable that the Department of Labor wants to feed its computers all kinds of lovely figures. But the forms are demanding; the records are tedious; and compliance takes endless time.

Admittedly, accidents cost money; but so does safety. Last week the U.S. Chamber of Commerce heard from a menufacturer of earth-moving machines. Between 1969 and 1975, some 350,000 such machines will have been built. Under the law, each must carry $2,000 in new roll-over protection. That represents an added cost of $700 million which must be recaptured somehow.

Employers undeniably have an obligation to provide safe and sanitary conditions for their workers. Who could quarrel with that? But some noise, and some dust, and some hazards are inescapably part of the world of manufacturing and building. If the administrators of the act get excessively finicky, they will succeed only in driving costs up, and cooperation down.

CONCERN IN ACTION

Mr. PACKWOOD. Mr. President, in this day of worldwide environmental concern, I think most of us realize that it will take a concentrated dedication on all our parts if we are to achieve our goal of preserving and protecting our environmental quality. But the true test of our concern lies in the decisive question "What am I willing to do?"

Oregonians, I believe, are leaders in this field for they are doers, not just talkers. In a recent environmental contest conducted by KXL–AM radio in Portland, responses to the question "What am I doing to improve the environment?" exemplify the concern and individual work Oregonians exert in their day-to-day lives. Some of the entries were in the form of letters, others were poems and essays, and all were constructive.

The credit for this timely and meaningful contest goes to the staff on KXL radio. The staff thought up the idea of devoting an entire month of public affairs programing in March, and in April put their ideas to work.

KXL broadcast 10, 60-second contest promotion announcements per day beginning April 3 and continuing through April 29, for a total of 270 announcements. The announcements ranged from noise pollution to solid waste disposal and covered all phases of pollution problems.

Mr. President, because of the importance of this subject to each of us, I ask unanimous consent that four of the top entries submitted to KXL radio in the environmental contest be printed in the RECORD.

There being no objection, the entries were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL AWARDS CONTEST, KXL RADIO, PORTLAND, OREG.

(By Mrs. Dorothy M. Carl)

Heredity determines the color of our eyes but environment lights them up and, in the area of environmental improvement, we can no longer go on just being a good egg—we must hatch or go rotten.

This game of Ecology starts at home plate and we are all players—no spectators. Litter is our grossest national product—let's start a clean-up epidemic. If we improve one other person's habits by being a good example, we have improved 2 people!

Don't spell it "freeDUMB"—polluting habits shackle even the free. In a land where we can say anything we think (and if we can't think, we can say it anyway), fight noise pollution—if the mind goes blank, turn off the sound.

Buy only returnable or recyclable containers—and return or recycle them. Share magazines and papers. Bury or compost all clippings, grass, twigs and "soft" garbage. Instead of burning leaves, write poetry about the glories of autumn—and then bury them both!

Learn to gamble with a spade and some seeds, enlisting the aid of friendly insects and birds instead of sprays—and planting no more than your wife can weed.

Dig the dandelions—before they blow their tops.

Ride a bus—or walk—wherever possible.

Quit smoking—and refrain from telling others how you did it.

Stamp out those tiring smile buttons—substitute the real thing.

Help an unwed mother—take one of her kittens—and have it neutered.

Register and always vote, carefully studying candidates and their attitudes—aware that friends of environment are people whose feelings run ahead of their thinking.

Make friends of our mighty rivers, stapled with bridges and dammed for power—you will not despoil a friend.

Enjoy our glorious forests, deserts and open spaces, always leaving them as untouched as the first day of creation so that they will be there to return—and return—to.

Anything we can conceive, we can achieve—the most undeveloped territory in the world is under our scalps, and, I would that we have calluses on our minds but no bunions on our countryside!

ENTRY IN ENVIRONMENTAL AWARDS CONTEST

(By Marcia Lieurance)

A number of years ago I stood on the edge of a cliff on a high mountain top in eastern Oregon listening to the quiet and observing the beauty unfolding in the panorama below.

As I contemplated this peaceful time and scene—wondering how it had looked in years past—and wondering how it would look in the future—I asked myself "What can we do as individuals to reverse some of the trends that threaten our environment today?" Trends that could destroy such places and scenic wonders that were giving me this pleasurable moment in time.

The answer was "Individual and voluntary assessment work" similar to the assessment work of gold and silver and other miners proving up on their mining claims.

Since that day on the mountain top our large family and our many outdoor loving friends do our "assessment work" each time we are on an outing whether it be at the ocean, parks, lakes or streams or at a remote and isolated picnic spot on the desert or mountains.

We religiously do "our assessment work" by not only cleaning up our own areas but by cleaning up everything within our capabilities that are left behind by careless people. Sometimes we also repair things damaged by vandals, remove rocks from the road, or just about anything that needs immediate, individual attention.

The small youngsters in our group of outdoor enthusiasts are as eager to help with the pre-cleanup that is prerequisite to our good times as are the teenagers, mom and dad.

"Voluntary assessment work" has become the small price we pay for the continuing pleasure we receive in our great outdoors.

"SWAP A DIRTY WORLD FOR A CLEAN ONE"

(By Milo Moys, president)

DEAR SIRS: I am president of an 11 month old club called S.W.A.P. which stand for "Stop Water and Air Pollution." We are very well organized and have done a lot in the Portland area. We began our club at our school with three members of the 7th grade and now have 18 members and operate without parental supervision except for advice here and there. We have cleaned up roadsides, distributed Solv material, collected material from all over the world to compile into our own material to pass out to the public. We have taken surveys, and are now building a recycling center in the Hillsboro area for glass and cans. In the next 2 months we hope to begin water test on the Willamette and Tualitan Rivers. We are all 13 years of age and work hard.

"TO THE WORLD"

(By Betty J. Newell)

In the beginning
A planet was born.
"Earth" became her name.
Time passed.
And Earth grew vibrant,
Strong and beautiful.
When she was ready,
Earth blossomed
By giving birth to us,
The "Earthlings."
Earthlings flourished
And were nourished
By Earth.

To each of us,
Earth gave
Food, water and fresh, clean air,
Mountains, deserts and starry nights,
Wildlife and forests—
Waterfalls and rivers,
Blue skies,
Fluffy, white clouds,
Rainbows,
Sunrises,
Sunsets,
And bright tomorrows.

Earthlings took Earth for granted.
Wantonly, recklessly, we
Sprayed chemicals over her food,
Poured fumes and gases into her "lungs,"
Dumped garbage on her face—
And jabbed junk into her sides,
Pumped refuse into river "arteries,"
And broke her heart
With desecrated forests
And slaughtered wildlife.
The eye-sores festered,
The poisons contaminated,
The beauty faded.

Today,
Earth cries murky tears
Through carbon-clouded skies.
Her vision is blurred.
Her pulse has slowed
Earth is sick.
She is seriously ill,
She may die—
And Earthlings don't care.
Do we?
If so, why don't we do something?
When a loved one becomes ill,
The Earthling consults a doctor.
Earth has a "team of specialists"—
Historians, scientists and analysts.
Their professional medical advice:
"Stop ravaging Earth.
Stop poisoning Earth.
Scrub her clean.
Then, recycle with large doses
Of tender, loving care,
Planning and Foresight."
Each Earthling has the ability and responsibility
To have that prescription filled.
With letters,
Order it from government representatives.
Request it of auto and industry leaders.
Urge it with rapid transit monorails between cities.
Purchase it with organically grown foods and non-polluting detergents.
Talk it to your neighbors.
And in the meantime,
Do it, personally, by example.
Do as much as you can
To ease the stress and strain—
To make Earth quiet,
Clean and comfortable.
Rediscover the great
Measure of pleasure
Derived from walking
And bicycling.
If you think the world of Earth,
Then join in wishing her
A Speedy Recovery
By taking action, today.
Be aware—
Show that you care!

THE INCIDENT AT LOD

Mr. TUNNEY. Mr. President, throughout the course of history, mankind has been confronted by many dangers and threats to its existence; capricious weather that destroys crops, floods that erase villages, fires that rage through forest and farm, disease and pestilence that sweep before them the weak and the strong alike. But of the enemies of mankind, none seem so wanton as the enemy among us, the terrorists and murderers who stalk the innocent and prey upon unwitting bystanders. The most recent example of insane terrorism at Lod Airport in Israel on May 30, 1972, convincingly demonstrated the depths of depravity to which these heinous members of the human family have reached. In one furious instance of savagery, three terrorists created an eternity of havoc and destruction, an eternity of injury and pain, an eternity of maimed and crippled bodies and minds, an eternity of death for 24 pilgrims and travelers who through chance were poised before the weapons of madness.

The incident at Lod assumed what today's commentators describe as "international repercussions." Air France flight 132 originated in Paris, stopped in Rome, and flew on to Israel with its passengers from Europe, Israel, Puerto Rico, and Japan. One of the terrorist organizations headquartered in Beirut took pleasure in announcing its sponsorship and support for the attack. Radio broadcasts originating in Cairo, Damascus, and Bagdad, representing the Palestine guerrilla groups but with the apparent support of the Arab governments, applauded the actions of the three gunmen with words such as "daring," "heroic," and "thrilling."

What can be "thrilling" about a surprise attack on innocent people in a crowded airport? What is "daring" about using machine guns and hand grenades against unprotected and unsuspecting religious pilgrims on a spiritual journey of faith? Did these "heroes" expect immediate transportation to some diabolical Valhalla for murders in the name of a dubious political cause? Can these means, the callous murder of innocents, in any way be justified by the ends they are intended to serve? I would suggest, and I am positive that every sane man, woman, and child will agree with me, that the terrorists cannot be justified, regardless of the injustices real and imagined of the past, regardless of the seemingly unreachable solutions to the wide-ranging problems which separate the Arabs and the Israelis, regardless of the causes, phrased in lofty and illogical rhetoric, to which these terrorists pledge their lives.

Our world has in recent time been subjected to a new reign of terror. We have seen leaders of nations shot down by unbalanced assassins, and watched neighbors settle their differences with the torch instead of debate. We read of the new horrors of massacres in Africa and the mounting statistics of death in Asia. Police and soldiers patrol the streets in Ireland and Cyprus, and armed terrorists kidnap diplomats in Turkey and Latin America. A feeble-mindde few threaten hundreds with bombs and guns on planes and ships for a reward of ransom money. But whether their reasons be political or monetary, the terrorists of the world threaten all.

Terror in the Middle East is not a modern innovation. In the long-standing controversy over Palestine, terror tactics have been used by the malcontents and lunatic fringe as their response to a failure to realize political gains—the murderous tantrums of the unstable. A legacy of 25 years of war, hate, and frustration is the foundation for the kidnapings, murders, bombings, hijackings, and arsons of recent days. There seems to be no end to the chain of terrorist acts, to the explosions at Hebrew University, the Tel Aviv bus station, the Western Wall, or the apartment building in Haifa. There seems to be no limits to how far afield the terrorists will carry their bombs and guns to threaten and involve a growing circle of peoples and nations—to the Athens office of El Al, the airport in Algiers, Dawson Field in Jordan, and now to Lod Airport in Israel by way of Paris, Rome, Tokyo, and San Juan.

For the responsible governments involved in the Arab-Israel dispute, the prospect of hijackers and kidnapers presents a serious and perplexing problem. The State of Israel instituted rigid and effective controls over its planes and airports, but Israel's efforts are negated by the laxity and apathy of other nations and airlines. The Government of Jordan has condemned terror tactics but was unable to act against the terrorists in September 1970 when hundreds of passengers and crewmembers were held at gunpoint at Dawson Field. The Lebanese Government has tried to control the movements of the terrorists along the Isreal border, but while there has been some success, the area remains a staging ground for attacks against Israel. After the massacre of May 30, leaders of Lebanon and Jordan again issued statements condemning terrorism and denouncing the actions of the three murders at Lod Airport. But are the statements enough? Does the condemnation by a Government leader constitute an effective brake on the actions of the terrorist organizations which are permitted to operate within the territories of Jordan and Lebanon? It seems to me that public statements are not enough, even though well intended and inspired by deep conviction. More must be done to stop the kidnapers, hijackers, and killers.

There are several alternatives open to the United States. We could sever diplomatic relations with those nations which encourage or harbor terrorists and forbid our citizens to travel to those countries or to use their airlines. We could ask for voluntary boycotts against states where the hijackers operate freely. We could seek stronger international controls over preventive surveillance of passengers and luggage. The course of action I propose combines features of each of these approaches and has the added advantage of providing an incentive for all the governments involved to insure that corrective measures are taken against international criminals. Nations which harbor terrorists, or which do not comply with acceptable standards of preventive surveillance, or which contribute to the terrorists' cause by allowing propaganda dissemination, recruiting, training, or headquartering within their boundaries, or which encourage other acts of violence by either applauding terrorist exploits or by not condemning them, should be denied the right of access to the world's international air facilities and should be denied service by the world's international airlines.

An international boycott of airlines and airports, maintained through existing international organizations, such as the International Federation of Airline Pilots' Associations, would deny to nations friendly to the terrorists the revenue from tourism and international air commerce. This action would produce an international expression of condemnation of the permissive governments, would encourage other governments and airlines to tighten their own security measures in order to avoid the boycott, and would inconvenience the nationals of boycotted nations to the extent that the people would demand more stringent controls over terrorists in order to relieve the boycott.

Some strong action of this nature is imperative. The lives of innocent people are more than ever at stake.

PROBLEMS OF WOMEN OBTAINING CREDIT

Mr. PERCY. Mr. President, the National Commission on Consumer Finance has recently been holding hearings on the problems women have in obtaining or maintaining credit ratings when their marital status changes.

One of the more interesting testimonies presented was that of Jorie Lueloff Friedman, of Chicago, on the credit problems she had when she got married to Richard Friedman, regional director of HEW in Chicago.

I think her testimony does point up biases in credit systems against women. I ask unanimous consent that her testimony before the National Commission on Consumer Finance be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF JORIE LUELOFF FRIEDMAN

My name is Jorie Lueloff Friedman, and I'm here to speak as an individual and not as a representative of any group or organization.

I would like to draw your attention to a situation you may be unaware of, just as I was until I had to contend with it personally.

The problem is this: Many stores require women with established credit to reapply for credit in their husband's name when they get married. This seems to be done as a matter of course even when there is no change in the women's financial status. The implication is that a woman has suddenly become a second class citizen or an irresponsible child who can't be trusted to pay her own bills—just because she got married.

This is what happened to me.

I've supported myself for the past nine years—first as a writer for the Associated Press and, currently, as a newscaster for NBC News in Chicago. I've had charge accounts at most major Chicago stores for more than six years. I've always paid my bills on time and I never had a credit problem—until I got married.

Shortly after my marriage I wrote all the stores where I had charge accounts and requested new credit cards with my new name and address. That's all that had changed—my name and address. Otherwise, I maintained the same status—the same job, the same salary, and, presumably the same credit rating. The response of stores was swift. One store closed my account immediately. All of them sent me application forms to open a new account—forms that asked for my husband's name, my husband's bank, my husband's employer. There was no longer any interest in me, my job, my bank, or my ability to pay my own bills.

I called some of the stores and asked why I had to open a new account. Without exception, they informed me that under Illinois law, my husband—not I—was now responsible for my bills. According to the Consumer Fraud Division of the Illinois Attorney General's Office, this simply isn't true. Furthermore, they report that under Illinois law the wife alone is responsible for her debts, and husband and wife are equally responsible for family expenses.

Nevertheless, in the interest of expediency, I dutifully filled out the credit application forms, listing my husband's employer and bank. The net result of all this activity is that my husband, who will probably never set foot inside a women's clothing store, now has charge accounts at most of the major women's stores in Chicago.

The problems with the stores were only a shadow of the trials that lay ahead with one of the major credit card organizations. I've held one of their credit cards for four years without any problems. When we married, I recommended that my husband get one of their cards. He applied for his own account—and eventually we each had our own credit card. But guess who got my bills! Not me—but my husband! For four months he paid his part of the bill, and with his check each month, he enclosed a note explaining that I—his wife—had paid fifteen dollars for the privilege of my own account and preferred to pay my own bills. We received no reply from the company, and they persisted in charging my husband for my bills. The whole thing came to a head one night two months ago when my husband was here in Washington on business. He returned to his hotel to find he'd been locked out of his room. The reason? Well, the hotel had called the credit organization and been informed that he had not paid his current bill and, therefore, was a bad credit risk. Being somewhat irritated by the incident, my husband got in touch with the company's credit manager in New York who investigated, apologized profusely and admitted the whole mess was their fault. So finally, after dozens of calls and letters I was permitted to pay my own bills. Now my account is finally in workable condition. But to this day the company persists in sending my husband notices that his account is "dangerously overdue" because he hasn't paid them the money I already paid them.

We've been married and consequently plagued by credit problems for a year. Out of that whole year one relatively small incident perhaps illustrates the problem best. When we got married, my husband had just lost the 1971 Chicago mayoral election and, consequently, was between jobs. At that time we applied for a charge account at one of the world's largest department stores. On the form it asked for the husband's employer. I told the credit clerk that my husband didn't have an employer at the moment, and I offered to supply the name of my company and my bank. "No," she said. "We don't care about the women—just the men." She certainly summed it up. In the eyes of a credit department, it seems, women cease to exist—and become non-persons—when they get married.

And so, a woman who has proved herself responsible by paying her own bills for years is suddenly treated like a child who can't be trusted any longer. It's not only unfair and demeaning, but ridiculous and unreasonable that a woman should have to forfeit her economic identity—simply because she changes her name. I would hope that you who can do something about it, would recommend that Congress develop and pass legal protections to guard against this discriminatory practice—legislation that would prohibit credit card issuers from requiring women to reapply for credit upon marriage, unless there is some reason to believe that their financial status has deteriorated.

UNAUTHORIZED RAIDS ON NORTH VIETNAM ORDERED BY GENERAL LAVELLE

Mr. FULBRIGHT. Mr. President, the juxtaposition of events and news stories in the press of last night and this morning suggests a problem which deserves attention of the Senate and of the people of the country.

A four-star Air Force general, Gen. John D. Lavelle, has acknowledged ordering U.S. Air Force units in Southeast Asia to make unauthorized raids against targets in North Vietnam and then reporting those raids as "protective-reaction" missions.

At the time this information comes to light, we have reports from Peking that U.S. air attacks in North Vietnam, but near the Chinese border, are viewed by the Chinese as threats to the security of China.

The last time units of the Armed Forces threatened to move near the border of mainland China, we ended up with a confrontation in Korea with the armed forces of China.

I am pleased that the administration has moved so quickly to remove General Lavelle from his post. That action suggests to me that high officials realize the danger implicit in the exercise of military power by overeager or irresponsible officers. At the same time, it is unfortunate that derelictions of duty of this kind must be called to public attention by a letter from a noncommissioned officer. One is reminded that it was a similar communication which brought to public attention the massacre at Mylai.

These events suggest to me that one of the problems that needs immediate attention is that of command and control in the Armed Forces—ranging from the Commander in Chief down to the ranks of enlisted men. Indeed, command and control should extend in an unbroken chain from Congress, to the President, to the Joint Chiefs of Staff, to the commanders in the field. Congress should provide policy guidance, the President should operate within the framework of that policy, and the commanders of the Armed Forces must operate under the guidance of the President.

When any part of that link is broken, representative government is threatened.

I ask unanimous consent that two articles from the New York Times be printed in the RECORD.

In addition, I ask unanimous consent that an article by Mr. Anthony Lewis about the destruction of the town of Phucloe by our air raids be printed in the RECORD.

It may be possible that the denial of these raids on civilian targets by our Air Force results from unauthorized air strikes and falsified reporting by those in command.

The indiscriminate slaughter of defenseless civilians in Vietnam—both North and South Vietnam—is a dreadful indictment of our country. This purposeless conflict should be ended.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GENERAL TESTIFIES HE MADE 20 RAIDS WITHOUT ORDERS

(By Seymour M. Hersh)

WASHINGTON, June 12.—Gen. John D. Lavelle acknowledged today that he was dismissed in March as commander of Air Force units in Southeast Asia after ordering his planes to make "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam and reporting them as "protective-reaction" missions.

"In certain instances," the general said at a House of Representatives committee hearing, "I made interpretations that were probably beyond the literal intention of the rules."

But General Lavelle, the only four-star general in modern United States military history to be demoted upon retirement, also insisted that his superior officers in the chain of command had been kept fully informed of his activities.

FOUR HOURS OF TESTIMONY

The reason for General Lavelle's dismissal was disclosed in The New York Times yesterday.

General Lavelle and the officer who dismissed him—Gen. John D. Ryan, the Air Force Chief of Staff—testified for two hours this morning before a House Armed Services investigating subcommittee headed by Representative F. Edward Hébert, Democrat of Louisiana.

The two generals returned in the afternoon for two more hours of testimony but this time behind closed doors. A subcommittee member said later that part of the secret session was devoted to tracing the extent of knowledge about the unauthorized raids at the highest American headquarters in Saigon, the Military Assistance Command, Vietnam, headed by Gen. Creighton W. Abrams.

REPORTS WERE ACCURATE

Asked about this during the morning's open session, General Lavelle said: "I had a lot of superiors, and I'm not saying that they all knew—by any stretch of the imagination." He added, however, that he had reported the raids to the Saigon headquarters and that "the reports were accurate."

"I think General Abrams knew what I was doing," General Lavelle said in response to questions. "But I'm positive that General Abrams had no idea what the reporting requirements were. He never worried about or sat down and debated our rules of engagement before we did it."

General Lavelle testified that he ordered the raids, aimed at targets in the southernmost areas of North Vietnam, between Nov. 8, 1971, and March 8 of this year. He took over as commander of the Seventh Air Force in July, 1971.

The targets, he said, included "airfields, radar sites, missile sites, missiles on transporters, equipment with the missiles and heavy guns." The strikes were 'very successful," he added.

CITES ENEMY BUILD-UP

The general said that he had authorized the attacks after failing to get authority to begin attacking what he said was a substantial build-up of North Vietnamese equipment such as tanks, aircraft and oil depots in an area 11 to 15 miles north of the demilitarized zone, which straddles the border between South Vietnam and North Vietnam.

The North Vietnamese offensive began late in March with an all-out assault across the eastern half of the DMZ at that point. In April President Nixon authorized the current bombing in North Vietnam.

General Ryan, in his testimony, said that he had removed General Lavelle from his command after an investigation—prompted by a letter from an Air Force sergeant—showed that "some missions had not been flown in accordance with the rules of engagement and there were irregularities in the operational reports."

THREE FALSIFIED REPORTS

General Ryan said the official Air Force investigation had concluded that there were 28 violations of the rules of engagement involving unauthorized strikes by 147 aircraft. In Air Force parlance, a mission can involve one or many individual attacks by aircraft.

The Air Force Chief of Staff also reported, under questioning, that three falsified after-action reports had been uncovered by the investigating team. The inquiry was completed on March 23, General Ryan testified, and General Lavelle was quickly ordered back to Washington. After being offered a chance to stay in the Air Force as a two-star general, General Lavelle retired.

"It was determined by my inspector general's team," General Ryan said, "that the impetus behind filing false statements came from General Lavelle."

QUESTIONED BY PIKE

General Lavelle was questioned closely by Representative Otis G. Pike, Democrat of Long Island, whose protests of what he termed a "cover-up" of the incident led to today's open hearings. Regarding the false statements, the General acknowledged that "I told my staff that we could not report "no enemy reaction" in the official statements filed by the pilots after the unauthorized missions.

XUM

In other words, the reports had to indicate that the assaults were made in response to enemy activities. Under the rules at the time, United States warplanes could respond to enemy artillery or missile fire and could even attack a missile site after the enemy's radar "locked on" a plane, indicating that a rocket would be fired.

General Ryan told the Congressmen that no disciplinary action had been taken against either the pilots or their immediate superiors for the falsification of records, most of which are classified.

General Lavelle said that he had taken full responsibility for the false reports. "I'm the Commander and the buck stops here," he said. He added that "in my opinion, these were low-level wonderful people" who were filing "what they thought we wanted."

The general insisted, however, that he had not known of the falsification until he was informed of them by representatives of the Air Force investigating team. As soon as the falsified documents were shown to him, General Lavelle testified, "I stopped all of those strikes."

"I WOULD DO IT AGAIN"

It was not made clear during the public testimony how General Lavelle could have ordered his subordinates to depict all strikes as "protective reaction" and yet still be unaware of the resulting falsified documents. At one point, the officer, now officially retired as a three-star general pending Senate confirmation, said: "If I had to do it over again, I would do it again, but look into the reporting system first."

He added that he didn't "think it was very smart" for his subordinates to fake combat reports, "but that's how it happened." "I believe somebody, someplace got overeager," he said.

After the official Air Force investigation and the resulting order to stop all unauthorized attacks, General Lavelle testified, "I assigned three men to find out how we could continue doing what we were doing but report it accurately." The general said he concluded after the study that we were "unable to do so."

CHINA CALLS RAIDS THREAT TO BORDER

PEKING, June 12.—China condemned American bombing of North Vietnam today and for the first time since the intensification of the attacks described them as a threat to her security.

A statement issued by the Foreign Ministry expressed support for Hanoi and said the raids were acts of aggression against the Vietnamese people and "grave provocations against the Chinese people."

The statement was the strongest against United States actions in Vietnam since President Nixon's visit to Peking in February.

[In Washington, Administration officials said there were precise limits on United States air operations over North Vietnam in the vicinity of the Chinese border. They looked upon the Chinese statement principally as politically motivated support for North Vietnam and said they continued to believe that Peking accepted United States assurances of last month that the air strikes were not meant as a threat to Chinese security.]

American strikes have included attacks against two rail lines running from the Chinese border to Hanoi that have taken United States planes close to the border.

The statement was noticeably more terse than one issued on May 11, three days after President Nixon ordered the mining of North Vietnamese ports and air strikes on North Vietnamese supply and communications lines.

It said that the United States had "steadily expanded the sphere of bombing up to areas close to the Sino-Vietnamese borders, threatening the security of China."

"These frenzied acts of aggression on the part of U.S. imperialism," it said, "are new war crimes committed against the Vietnamese people, and at the same time grave provocations against the Chinese people."

The mention of America's actions in Vietnam as a threat to China has been absent from Peking statements since the invitation to President Nixon to visit Peking was announced last July.

The statement was similar in tone to denunciations of the United States in the early stages of the Vietnam war. It carried a clear warning to the United States that China was firmly behind North Vietnam, whatever tactics were employed, "until complete victory is won."

The statement concluded: "U.S. imperialism should know that the heroic peoples of Vietnam and the other Indochinese countries are by no means alone in their struggle."

THE COST OF PHUCLOC

(By Anthony Lewis)

LONDON, June 11.—Several weeks ago in this space there was a report from the North Vietnamese village of Phucloc. It described the damage done when, as the villagers and North Vietnamese officials said, American planes bombed Phucloc at 2:20 on the morning of April 16. They said that of the population of 611, 63 were killed and 61 injured.

The Defense Department in Washington was asked to comment, to say how such a nonmilitary place could have been bombed. Phucloc is a village of mud huts, a small island in a sea of rice fields, about five miles south of Haiphong.

The Pentagon reply, received in due course, was a flat denial that American bombers had attacked Phucloc. A B–52 raid on Haiphong on April 16 had been announced shortly after it took place, an official said. But it was against Pentagon policy to bomb populated areas, he said, and there had been no raid on Phucloc.

There is an almost Alice-in-Wonderland logic to that Pentagon comment: We do not bomb civilian targets, so we could not have bombed Phucloc. In its blandness it really suggests that there was no bombing, that the whole affair was made up or a mirage.

The difficulty is that anyone who actually saw Phucloc after April 16 will believe otherwise. It would be extremely difficult to fake the bomb craters that I saw there with my own eyes. It would be a remarkable piece of theater to stage the screaming women in the rubble, and the people who spoke of their families being killed. And others have seen Phucloc.

It would be one thing for a Pentagon official to say that no such civilian village is an American bombing target but that a mistake could not be altogether excluded that close to Haiphong. It is another to imply that there was no bombing of Phucloc at all—especially when United States intelligence photographs could well have shown the damage.

The Pentagon comment thus unintentionally illuminates one grave cost of this war to Americans: the damage to our candor and humanity.

It is not only Phucloc, of course. A number of Western correspondents over many years have reported on bomb damage to civilian facilities in North Vietnam, to schools and houses and hospitals. But American official policy is evidently to ignore all such reports, to brush them aside, to deny that mistakes can have occurred.

The official announcements continue to speak of B–52's raiding gasoline dumps and bridges and electrical plants, and of ships offshore shelling "Communist military targets." It is as if there were no human beings involved at all. But common sense, like the eyewitness accounts, tells us that any large-scale bombing or shelling hits some innocent civilians. Why, then, does the United States Government ignore or deny it?

Some of those involved in the policy of heavy bombing and shelling must, unconsciously or otherwise, regard the Vietnamese as *untermenschen*, as creatures somehow not so human as us. Others, actually facing the truth about the human damage that American bombs and shells and chemicals have done, still think our political objectives are more important.

But many Americans, probably most, have simply tuned out. The continuing death and destruction in Vietnam are no longer in their consciousness.

That is why public opinion can be so inert when Seymour Hersh of The New York Times discloses secret findings that another massacre occurred on the same morning as Mylai in 1968. The official report speaks of "murder," and of "pretense" and "misrepresentation" in covering it up, but hardly anyone in Washington—in the military, in Congress or in the press—really seems to care deeply.

In a way, concealing the truth or not caring is worse than killing women and children at Mylai or bombing them by mistake at Phucloc. Nor does it help to say that the Communists have killed countless innocent people in Vietnam. Americans have to worry about their own souls.

RECENT ACTIONS OF PRESIDENT NIXON TO IMPROVE THE CONDITIONS OF ELDERLY AMERICANS

Mr. BENNETT. Mr. President, most of the attention in the past few months has been focused on the President's foreign policy program, and justifiably so, for President Nixon has brought America's role in the world to a level of unquestioned leadership in the movement to find a lasting peace. Nevertheless, our attention should not be wholly absorbed by events abroad for the President also made great strides here at home.

One of President Nixon's major concerns has been the welfare of 21 million Americans over age 65.

The President pledged at the White House Conference on Aging that 1972 will be a year of action on behalf of the aged. This action was begun in his message to Congress in March.

President Nixon's program for the aged is comprehensive—it contains five major points. First of all, the President has increased the income of elderly Americans: He recognized that a major problem of the aged is their low level of income—three out of every 10 persons 65 or older were living below the poverty level in 1966. However, under the Nixon administration, there has been a 26-percent increase in social security benefits since 1969.

Second, President Nixon has recognized that the quality of many nursing homes is substandard, and has endeavored to upgrade the quality of these nursing homes by announcing an eight-point plan in August 1971. Significant progress has been made since then in carrying out that plan: More State nursing home inspectors are being trained, Federal enforcement has been strengthened, and a coordinated set of guidelines for fire safety and safety standards is being put into effect.

The President's third course of action has been to increase the budget of the Administration on Aging to $200 million for 1973, thereby providing homemaker, transportation, nutrition, and community services.

President Nixon's fourth step is that of significantly expanding opportunities for older Americans to make meaningful contributions to all facets of society. The President has doubled funding for the foster grandparents program, and has tripled it for the retired senior volunteer program. The President will also propose legislation to broaden the coverage of the Age Discrimination in Employment Act to include State and local government. This way, as President Nixon has explained—

The country retains the benefit of their skills and wisdom; they in turn have the feeling of usefulness and participation which employment can provide.

Finally, Mr. Nixon has organized the executive branch to meet the needs of older Americans. He has formed the Domestic Council Cabinet-level Committee, and has appointed a Special Assistant on Aging as well as a Special Consultant on Aging.

By instituting these various aids for the aged, President Nixon has clearly shown that he is making good on his campaign promise to generate "thoughtful, workable, and effective solutions" to the problems of the elderly. The President has followed the advice submitted in the report of the Presidential Task Force on the Aging, that we "share the fruits of a future they helped create with citizens who have worked hard to insure for themselves an old age of dignity, security, and independence."

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, although we have staggered from one trade deficit to another, the current administration would have us believe that the dollar devaluation is a panacea for all our trade ills. In fact, this is another Nixonomic nostrum designed with an eye to quieting the electorate without impinging on the interests of the multinational firms.

Not only does this policy leave the underlying problems unresolved, but it ignores the realities of present-day trade practices. An April 19, 1972, article in the Wall Street Journal points out that exporters to the United States are not raising their prices and American exporters are not lowering theirs—preferring instead to increase profit.

Equally disturbing is a Journal of Commerce article detailing the necessity for the Japanese Ministry of International Trade and Industry to intervene directly to encourage a number of export firms to raise their prices. Although it remains to be seen if this move is anything more than trade propoganda, the fact that it had to be made at all belies the Nixon position that devaluation has set our foreign trade and investment house in order.

Mr. President, because of their important implications for our trading future, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TO AVOID TRADE FRICTION: JAPAN MOVES TO CURB EXPORTS TO UNITED STATES, EUROPE

(By A. E. Cullison)

TOKYO, April 18.—Japan's Minister of International Trade and Industry (MITI) today in a major move announced plans to begin enforcing regulations probably this month or early in May which would require Japanese manufacturers of tape recorders, electronic desktop computers and both black and white and color television sets to raise prices on exports to American and West European markets or to slash the volume of such exports.

Meanwhile members of the Japan Automobile Manufacturers Association Export Committee announced their decision in Tokyo today that the committee is working out means for controlling exports in a preventive move to avoid trade friction in American and West European markets.

NO COMPLAINTS YET

Committee members said so far they had not received any complaints but intended to anticipate such problems and thereby eliminate the likelihood that MITI might enforce regulations requiring even more stringent voluntary restrictions on the part of the auto industry.

Japan's car makers are particularly worried about British market disruption, for example.

Kakuei Tanaka, minister of international trade and industry, promised his ministry would enforce Japan's export-import transactions law to prevent recurring dumping charges against Japanese products in the United States, Britain and European Economic Community nations.

Although he limited initial price increases and volume curtailments to mainly electronic goods there were indications in MITI that the ministry also was considering similar measures of a restrictive nature for Japan's automobiles, chemicals, synthetic fibers and industrial ball bearings plus any other products which are threatening to upset orderly marketing abroad.

MARKET DISRUPTION

MITI Minister Tanaka admitted Japan cannot afford to face worldwide antidumping charges or to be accused of market disruption. Wherever MITI finds Japanese exports increasing too rapidly prices will be increased or export volumes slashed, he said, on a "voluntary" basis by Japan's manufacturers and trading houses.

Japan's orderly marketing effort will be on a goods and region basis and not across the board, however.

Officials of MITI and various industries and major corporations involved are now holding negotiations and already have reached basic agreement on limiting the number of desk top calculator exports and raising the price of color television sets destined for the U.S. market by 16.88 per cent which was the amount the yen was revalued upward last December.

Mr. Tanaka said MITI and industry leaders also have agreed upon increasing prices of tape recorders bound for British and Western European countries. MITI authorities have been seriously disturbed in recent months by overseas claims that Japanese products were being dumped at profitless prices merely because Japan's domestic economy is in a 21-month-long recession and export was the only way to relieve pressure on inventories.

MITI authorities admitted privately today that their latest unexpected move was given a final push by reports reaching Tokyo that Britain and the Benelux countries are seeking some sort of parley with Japanese industries with a view to preventing an increased inflow of Japanese products.

There were hints this afternoon that the Finance Minister was testing MITI opinion on imposition of a special export tax or export surcharge, but MITI authorities reportedly oppose such moves in favor of new program which would promote imports instead as a way of balancing trade with the U.S. which expected to be $3 billion in Japan's favor this year.

[From the Wall Street Journal, Apr. 19, 1972]

AFTER THE FALL: DESPITE DEVALUED DOLLAR, MANY FIRMS DO NOT GAIN ANY TRADE ADVANTAGES

Competitive pressures are undermining some of the price advantage that U.S. companies should be winning in international trade as a result of the devaluation of the dollar.

Importers of a variety of goods, ranging from TV sets to soft goods, have been slow to increase their American selling prices to reflect the new currency alignment agreed to in Washington last December.

And sellers of some American products overseas have been fudging on the price cuts that should be resulting from the dollar's cheaper worth.

That isn't what the world's monetary planners had in mind when they agreed to refigger the world's currencies at a meeting at the Smithsonian Institution last Dec. 18. Their theory was clear enough: A cheaper dollar was supposed to make American goods cheaper abroad and increase the price of imports in this country. All other things being equal, a Japanese radio that sold for $100 in the U.S. last summer should cost $116.88 now because the yen's worth was raised 16.88% against the dollar. An American-made medical instrument that cost $100 previously should sell in Japan for the yen equivalent of $85.56.

U.S. trade specialists reasoned that, within a year or two, such price changes, coupled with other trade agreements, would begin to alter buying patterns in international trade. The higher price tags would discourage imports into America while cheaper quotes would spur sales of American goods in foreign lands. The U.S., it was hoped, would then start seeing some improvement in its trade account with the rest of the world. That account sank into the red last year, for the first time since 1888; the deficit was $2.05 billion.

SOME REACT PREDICTABLY

Some manufacturers have reacted the way they were supposed to. Prices for imported cars have climbed almost dollar for dollar apace with the new currency rates. A four-door Toyota Corona was boosted 16.8% in price, almost precisely matching the yen's increased value, to $2,512. Then the repeal of the 7% excise tax on all new cars, both domestic and foreign, dropped the quote back to $2,385. And prices of foreign wines have also risen in line with parity changes, as have quotes for such widely divergent products as leather goods and sheet glass.

But for some importers battling to maintain market positions in the face of intense competition, price increases are luxuries that have had to be deferred, in part or in whole.

For instance, Fuji Photo Film Co., which must sell against the entrenched Eastman Kodak Co., has held prices for film unchanged. Rather than give Kodak the slightest price edge, Fuji has elected to bear the full brunt of the yen's increased valuation itself.

Honda Motor Co. officials say they have increased Japanese export prices on motorcycles to reflect the yen's increased valuation. But they lament they haven't been able to raise retail selling prices in the U.S. to the same degree. The result, says a company spokesman, has been shrinking profit margins at the company's U.S. sales subsidiary and at its American distributors.

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TV SETS AND BICYCLES.

Toshiba International, a unit of Toyko Shibaura Electric Co., says its wholesale prices were boosted the full 16.88%. But retail prices for its television sets, radios, tape recorders and some other consumer products have gone up only 6% to 7%. A spokesman at Noritake Co., the Japanese chinaware company, concedes it, too, hasn't been passing along the full revaluation. "We tried to absorb part of the increase by increasing sales somewhat and decreasing expenses," he explains.

A man at a Japanese bicycle producer says "so far" it has raised prices only 7% to 9% (though another Japanese competitor has lifted quotes "at least 20%").

Some American textile executives selling against foreign competitors say they haven't witnesed any price changes since revaluation. Meno Schoenback, president of the Fulton Cotton Mills unit of Allied Products Corp., says textiles from Asia aren't carrying higher price tags "and I'm not sure if they will."

In some industries, American retailers are being billed the full cost of revaluation, but they are picking up at least part of the increased tab. One shoe-company official, for instance, says the wholesale cost of imported footwear has risen 13% to 18%. But, for the most part, he says, "retailers are absorbing these increases and aren't passing them on to their customers."

Some retailers with clout have been able to soften the impact of revaluation on them. "It's a matter of give and take," says William Fine, president of Bonwit Teller Co., a subsidiary of Genesco Inc. Gardiner Dutton, executive vice president of Kenton Corp., estimates that 25% of the goods imported by the company's Mark Cross subsidiary "are selling for less than the revluation because of our negotiations wth the suppliers to get a lower price."

TOURS AND STEEL

In most instances, American concerns are reluctant to disclose publicly how the dollar's cheaper valuation is affecting their selling prices. But American Express took full-page newspaper ads recently to proclaim: "As the world's largest travel company, American Express has been able to freeze our tour prices." The company conceded that "as a result of devaluation, some costs inevitably will rise." But the company pledged that "American Express will not pass on these increases to the people who buy our tours."

On industrial products, price comparisons are muddled by long-term contracts, extended lead times between orders and deliveries and other factors. But here, too, some prices of foreign goods haven't increased as much as the revaluation.

In the steel industry, for instance, the foreign price advantage on such high-volume items as sheet products has been cut in half by the dollar's devaluation, to about 10% from 20%. But some analysts contend the price edge for foreign steel might be even slimmer if the impact of revaluation were passed on in full.

Chemical pricing varies widely. For some chemicals, "costs have risen in line with the realignment," an industry source relates. Du Pont Co., though, notes that quotes for organic chemicals, mostly dyestuffs, have been largely unaffected by the currency changes. "Perhaps 10% have changed, but the changes haven't been large in magnitude," says a spokesman in Wilmington. From Du Pont's view, "it appears that exporters from whom we buy (chemicals)—or their countries—are absorbing the devaluation impact: we expect future contracts to be affected, though not to a staggering degree."

WARNING FROM THE TREASURY

The Du Pont spokesman didn't elaborate on how foreign countries might be absorbing the devaluation impact. Last month, however, Magnavox Co. filed a complaint with the Treasury Department charging that the Japanese government was granting "substantial export subsidies" to Japanese makers of TV sets shipped to this country. Among other points, Magnavox said that the Japanese government was helping its exporters by undervaluing the yen and intervening on currency markets. Japanese producers denied the charges.

The Treasury has yet to act on the Magnavox allegation. But this month it issued a warning to foreign companies that they may be violating U.S. rules unless they adjust their prices to reflect the currency revaluations.

Yesterday Japan's Minister of International Trade and Industry, Kakuei Tanaka, said the Japanese government has obtained "broad agreement" from Japanese electronic manufacturers to voluntarily restrict exports. He said the companies will either reduce export volume or increase export prices. No date was given to indicate when the voluntary export curbs will be imposed.

Assistant Treasury Secretary Eugene T. Rossides said that last December's "appreciation of foreign currencies in relation to the dollar has effectively increased the adjusted home market" prices of foreign merchandise as expressed in dollars. "This raises the possibility that some of these home market prices may now exceed" the prices at which the goods are sold in the U.S., he said.

Unless the companies either reduce their home market prices or lift their export prices to reflect the realignment, the official stated, they may violate U.S. laws that prohibit the sale of foreign merchandise in the U.S. at lower prices than they sell for in home markets.

But it's a two-way ocean, and sellers of some U.S. goods are also ignoring the effects of revaluation in other countries, where a cheaper dollar should mean cheaper prices for American-made goods.

PPG Industries Inc. says it hasn't altered its export prices for glass. It evidently hopes that a higher dollar price for its products overseas will offset any reduction in export volume.

Eerkey Photo Inc., which exports the Omega photographic enlarger, says it is hoping to ultimately pass on the dollar's cheaper value in its overseas sales. "But first," a spokesman says, "we have to put pressure on our foreign agents and importers to make sure they don't pocket the difference."

SECRETARY PETERSON ON HARTKE-BURKE

Mr. PERCY. Mr. President, the Washington Evening Star of Sunday, May 21, contains an extensive excerpt of a speech that Secretary of Commerce Peter Peterson gave on "The Foreign Trade and Investment Act of 1972"—the so-called Hartke-Burke bill.

Secretary Peterson makes cogent arguments why this bill would be harmful to the American economy. It would, according to Secretary Peterson, raise prices, eliminate some vital imports needed by American industry, erode competition, lead to retaliation by other countries, and cost this country jobs.

Secretary Peterson does point out the need for changes in the international economy and in our international economic policy—such as more effective adjustment assistance—but he definitely opposes this piece of legislation. As Secretary Peterson says, this bill would "restrict our freedom of economic expansion still further," and "would freeze us into a pattern of protection and economic reaction." I agree.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BILL THAT WOULD SOAK THE CONSUMER

(By Peter G. Peterson)

It has often been said that this is the age of "consumerism," and that in the United States this trend has gone further than in other countries. And it is certainly true that Americans can choose freely, widely, handsomely and—I think—joyfully among an impressive array of consumer goods in virtually all product areas.

But an anomalous development is now taking place—an organized effort to raise our cost of living, to divert our human and industrial resources from the things we do well and efficiently to the things we do less well and at higher cost, which would raise unemployment and wreak havoc on overall U.S. foreign policy at the same time.

I am referring to the "Foreign Trade and Investment Act of 1972"—otherwise known as the Hartke-Burke bill.

What is behind this curious bill that would purport to make us richer by increasing inflation? That would increase unemployment in our most efficient industries? That would set us on a course of economic isolationism yet anticipate no countermeasures from our customers abroad? That would trigger bitter political conflict with our major allies around the world?

The Hartke-Burke bill represents a protest vote against imports—what is behind it?

The contemporary debate over imports and investments is amply endowed with catch phrases, the most familiar to us being the so-called "export of jobs" by U.S. investors—particularly the larger multinational firms. The U.S. is also said to be receiving a "flood" of imports, implying that imports are something bad and the country is in danger of drowning.

What does the bill do? The Hartke-Burke bill proposes that most items imported by the U.S. from foreign countries, be rolled back to the 1965–69 level. They could then increase only in proportion with rising U.S. production. This would mean a cutback of about $10.4 billion from our present level of imports, and more from future levels.

Now, many retailers have adopted the slogan, "Keep the Lid On" in cooperating with the President's wage-price program. The Hartke-Burke bill would "slap a lid" on imports at levels reflecting 1960's consumer demand and preferences but "take the lid off" a major restraint on inflation.

It is difficult to quantify precisely the overall price effects of these cutbacks. The Department of Commerce trade staff is trying to do that. We do know, however, that they would be very large.

Under the Hartke-Burke proposal, imports of capital goods needed by American manufacturers to stay abreast of foreign competition would be rolled back by 31 percent from 1971 levels.

Consumer goods would decline 34 percent, food 15 percent, and automotive vehicles a whopping 56 percent. Of course, certain imported items would be particularly hard hit. Imports of color television sets, for example, would be cut back by 64 percent ($131 million). Imports of new passenger cars would drop by 54 percent ($2.3 billion), and imports of 35 mm still cameras by 30 percent ($10 million). Some experts tell me it is probably safe to assume that the bill would raise the U.S. price level by at least $10-$15 billion, and probably much more.

Such a development would be tragic, both for our domestic economy and for our international competitive position. You are all well aware of the major effort launched by President Nixon last August to bring U.S. inflation under control. Phase II has as an interim goal reducing the rate of inflation by 1.5–2 percent, down to 2–3 percent by the end of the year. It is thus highly relevant to note that the Hartke-Burke quotas could raise prices by at least 1.5–2 percent—as much as Phase II will reduce them! In short, such legislation would seriously undermine the anti-inflationary effects of the President's wage-price program.

CAR IMPORTS WOULD FALL SHORT OF DEMAND

For example, more than 600,000 Americans currently demonstrating a desire to buy an imported subcompact would be prevented from doing so.

Would importers be content to simply sell half as many cars at the same price as before? They would have to lay off workers and cut expenses where they could, but their unit costs would also inevitably rise. Furthermore, they would find an oversupply of customers clamoring for each car allowed in. So they (and of course the manufacturer) could easily raise prices to minimize the reduction in their profits.

Finally, U.S. import quotas of this severity would go far toward permitting U.S. manufacturers to simply charge much higher prices than their own costs or the marketplace would dictate. Think with me of the effect of quotas which virtually guarantee the domestic producers a fixed share of the market.

How many of your suppliers have lowered prices as an offensive marketing weapon to hold on to their market share against foreign competition? I would guess a great many. What do you think would happen if that fear, or stimulus, were removed? They would have far less incentive to hold prices down.

In addition to lowering the level of imports, the quotas applied according to the bill's formula would freeze the product and country mix at the average ratios existing from 1965–1969. Think with me how often in your lifetimes demands or tastes have changed, and in turn the quality of foreign sources has changed.

For example, consumers have recently shown increasing preference for Japanese cars in relation to German cars. In 1971, four out of every 10 purchasers of foreign cars bought a Toyota or Datsun. Under the proposed quotas, only about half as many new foreign cars would be allowed into the country and only one in seven of those could be a Japanese car.

Those domestic price rises I talked about would also substantially erode the internal competitiveness of the U.S. economy. We know that the inflation of the mid and late 1960s had just such an effect. It made our dollar increasingly over-valued in the exchange markets, retarded our exports and stimulated imports. It required us to devalue the dollar late last year.

The devaluation should improve our trade balance by about $6 to $8 billion over the next few years, according to our own estimates, those of the international economic organizations, and those of leading academic economists. It will thus restore much of our earlier trade surplus. In the process, it should create at least half a million additional jobs for U.S. workers—precisely the number, incidentally, which the AFL-CIO claims were lost due to the changes in our trade balance in the late 1960s.

The recent devaluation, however, has only provided us with an opportunity. We could fritter it away if we fail to maintain the competitive improvement which it provides. I have already outlined how the Hartke-Burke bill would raise our prices, and thus reduce our competitiveness directly.

In addition, Hartke-Burke's sweeping import quotas would deny U.S. producers some of the vital imports they need to remain competitive, or at least raise substantially the costs of those imports. Our textile industry, for example, buys substantial amounts of European machinery in its drive to improve productivity.

Most importantly, however, a rigid regime of import quotas would affect the American competitive spirit. I don't even recall as a former businessman ever going to work thinking how *glad* I was to have competitors. I suspect none of us really enjoys our competition. And it is certainly easy to dislike foreign competition even more.

And yet, we all know that competition from abroad has increasingly provided the U.S. with a strong incentive to innovate, introduce new technology and to maximize quality and productivity.

There are a number of good illustrations of this traditional resilience of our system—when it is challenged. One is shown by the recent experience of U.S. electronic calculator manufacturers. Increased foreign competition and an eroding market share gave domestic producers a timely indication in the late 1960s that their technology was becoming outmoded.

On the basis of this import-precipitated "early warning," American manufacturers initiated an intensive R&D effort which is now paying sizeable dividends in terms of increased sales of U.S. calculators both at home and abroad. And one U.S. manufacturer is close to producing a mini-calculator for under $100—far under the price of similar Japanese versions.

What about the effect of Hartke-Burke on other countries? Can we expect others to acquiesce to quotas? Our major trading partners would stand to lose an average of nearly 30 percent of their exports to the U.S.

Imports from the European Economic Community would be cut back nearly 25 percent, or $1.8 billion.

Canada would be hit with a 30 percent loss in its exports or $3.6 billion—which would cut its entire Gross National Product by 4 percent!

The less developed countries, which literally depend on exports for their survival, would be dealt a further severe blow to their aspirations. And, tragically, those that are the newest of the developing countries (and these are usually those with even greater poverty), would be hit the hardest since their 1965–1969 imports to the United States would be at lower levels.

Suppose the European Community retaliated against the U.S. aircraft industry. Sales of most current model U.S. aircraft to European airlines could virtually cease, with an annual loss of export sales of about $400 million. Europe could not only supply most of its near-term needs for aircraft from its current or planned production, but its response to U.S. quotas would also threaten future generations of U.S. aircraft. New projects either would be precluded, as the EEC produced competitive aircraft, or would have to be priced to yield a break-even point at a much lower level of sales.

Economies of scale could not be realized as they have in the past. In turn, increased costs of future aircraft to U.S. airlines would be passed on to the consumer in higher air fares. Everyone would lose. The manufacturers would sell fewer airplanes. The airlines would pay higher prices for them. The consumer would get higher air fares. And many highly skilled, high paying jobs would be lost in the already troubled aerospace industry.

Despite the certainty of retaliation against our exports under the Hartke-Burke quotas, there are some who say "what of it?" They suggest that reducing both sides of our trade account by the same amount would provide a net increase in the number of jobs here at home. They assume that the job content of the domestic production which would replace imports is greater than the job content of our exported goods. This assumption is false.

Indeed, the reverse is true. When both direct and indirect labor requirements are considered—that is, the labor directly occupied in export and import-competing industries, and also the labor required to produce intermediate goods which support these industries—it turns out that our exported goods are actually more labor-intensive than our domestically produced goods which compete with imports.

But foreign trade, like all economic change, does cause real problems for certain individuals. Recognition that open and balanced trade helps the nation as a whole is no solace to the worker who does his job, or the firm which goes bankrupt, as a result of imports. We must have a clear and effective policy approach to deal with such problems.

Our economy must grow rapidly, to achieve full employment and induce rapid rise in productivity. We must effectively check inflation, to stay competitive both at home and abroad.

We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedure to govern the international monetary and trading systems.

NEED FOR AID TO THE VICTIMS

In addition, however, we must have an effective program which will provide assistance to those industries, firms and especially workers, injured by imports. Such an "adjustment assistance" program was adopted by the Congress in principle in 1962. But it has been ineffective in practice due to a combination of excessively tight legislative requirements, excessively tight legal interpretations of those requirements—indeed, a failure on all our parts to attract sufficient priority to this very economic but also very human problem.

An interagency group is hard at work devising a better adjustment assistance program. Access to adjustment help must be greatly eased. Assistance must become available much more quickly to those who need it; "early warning" must apply in this context as well. It must receive the highest priority from both the administration and the Congress.

In a sense, Americans need the stimulus of trade and international competition even more than most people. For us, expansion, innovation and competition have always been a way of life and we have benefited greatly from our willingness to compete on equal terms with all comers, anywhere in the world. Frederick Jackson Turner, the historian, wrote that Americans need an outlet for their energies. He saw the closing of the frontier as a crucial turning point for this society which had until the early part of this century given itself wholly to the great task of settling a continent.

In many ways we see evidence today of the wisdom of Turner's assessment. Increasingly, the dynamism of our society is giving way to lassitude and a certain purposeless timeserving which not only harms us economically, but does great social harm as well. Given this situation, can we sanction a bill which would restrict our freedom of economic expansion still further, that would freeze us into a pattern of protection and economic reaction?

This is an excerpt from a speech given recently by Secretary Peterson before the convention of the American Retail Federation here.

CUTBACKS BY NIXON ADMINISTRATION IN HIGHWAY FUNDS APPROPRIATED FOR NEVADA

Mr. CANNON. Mr. President, a startling bit of news concerning Nevada's

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highway construction program has prompted me to again point out how unauthorized budget cutters in the Office of Management and Budget are drastically altering the intent of Congress.

The Governor of Nevada has informed me the State will receive only about 75 percent of the $31.6 million in highway funds authorized for fiscal 1973. This means that although Congress, acting under its constitutional powers, saw fit to provide Nevada with $31.6 million for road construction, the Nixon administration, acting under nothing more than gall, decided that $23.4 million was enough.

Not only has the OMB drastically cut available funds; it has also dictated methods of allocating them that will mean millions more cannot be used. Under a new quarterly control system, the State would have to carry over funds from quarter to quarter to use them all. Unfortunately, this is tantamount to kissing the money goodbye, because, as the Governor says, OMB is in the habit of confiscating unobligated monthly balances.

Although this particular problem affects only Nevada, its implications reach every one of us here and in the House. If the dictates of Congress can be blithely ignored by the self-appointed money managers of this administration, what are we doing here? With the President launching invasions in Cambodia, signing arms agreements in Russia, and altering legislation here at home—all without consulting Congress—I fear we might soon become obsolete.

I repeat my call made a few weeks ago for all Senators to support the Senator from West Virginia (Mr. RANDOLPH) and the members of his Public Works Committee in their efforts to make the pending Federal-Aid Highway Act inviolate against administration raids. I also ask unanimous consent that the letter from the Governor of Nevada be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE STATE OF NEVADA,
Carson City, Nev., May 18, 1972.

Hon. HOWARD W. CANNON,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: The financing of our highway program is now reaching a state of chaos.

The Nevada State Highway Department recently received an Instructional Memorandum (copy attached) from the Federal Highway Administration which indicates that Nevada will receive only $23.4 million of the $31.6 million appropriation made by Congress for fiscal year 1973. With Nevada's present economy, we simply cannot absorb a blow of this magnitude.

This is a continuation of the diversion tactics we have experienced over the past several years. I will not justify this tactic by calling it an "impoundment" for the funds have *not* been impounded, but have actually been diverted for other uses which were not the intent of Congress.

The reduction in funds is bad enough. To make matters worse, the IM indicates that a quarterly control will be continued and an additional control by road system will apparently be initiated. Considering the size and magnitude of current projects, The Department cannot function under these restrictions. Under a quarterly control by system, the State would only be able to obligate the following amounts:

$1.05 million per quarter for the Primary System

$0.8 million per quarter or the Secondary System

$3.45 million per quarter for the Interstate System.

This would force the Department to carry funds over from quarter to quarter. Judging by what has happened in the past, when OMB has confiscated unobligated quarterly balances, I am, frankly, very dubious of attempting to develop any quarterly carryover.

There are two other points of interest I wish to bring to your attention:

1. At the rate now proposed for the Interstate program, we could anticipate completion of the system in about July, 1985 or 13 years from now. This indicates that, timewise, we are now just slightly over half finished with the Interstate System.

2. In 1956 we received approximately $7 million annually for the ABC system. For these same systems we are now receiving $8.5 million annually. Due to inflation, improved design and safety requirements, relocation assistance, etc. our purchasing power has been reduced to about 50 percent of its 1956 value. This isn't including the added costs involved in the administration of extra hearings, equal employment opportunity programs, on-the-job safety requirements, increased planning involvement and so forth.

It is my feeling that the time has arrived for Congress to challenge the authority of the Office of Management and Budget to manipulate the Highway Trust Fund to meet their own goals. This agency has apparently *assumed* the authority to develop their own program within the limits established by Congress. It is this premise that should be challenged, and if necessary, clarified by legislation.

I feel that we have now reached a point where we should seriously consider asking Congress to discontinue the collection of Federal revenue taxes that accrue to the Highway Trust Fund. It would seem appropriate that we only collect those revenues necessary to complete the Interstate System. This woud allow the States to increase their State tax revenue equal to the Federal reduction. This revenue could then be applied to their own particular problems. Upon completion of the Interstate System, these revenues would also become available for collection and distribution within each individual State. I do not feel that this would be the best course of action, for I do agree that the national highway system requires national coordination and involvement.

However, with the current control and cutback of funds, there seems to be no other recourse available to get the program flexibility so desperately needed to keep pace with our State's transportation needs.

I earnestly request your vigorous support in assuring that the intentions of Congress for the Trust Fund are strictly complied with and to suppress the effective legislative control the OMB has been allowed to exercise in the past several years.

In closing, I am sure that you are aware of our feelings regarding the President's proposal for reorganization. Our understanding at the present time is that H.R. 6962 has been reported out to the House. I cannot express too strongly our opposition to this bill and its intended purpose.

I also request your active opposition to the entire reorganization proposal.

Warmest personal regards.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

SENATOR SCOTT SUPPORTS EDUCATION

Mr. SCHWEIKER. Mr. President, the future welfare of the Nation depends to a large extent on the education its young people are receiving today. The senior Senator from Pennsylvania (Mr. SCOTT) has been a strong and consistent supporter of the Federal commitment to education. He has shown a particular concern for students attending nonpublic schools, in light of Supreme Court decisions overturning certain Pennsylvania laws, and has called for the adoption of limited tax credits to allow the continued existence of private education. The Senator has also urged a continued high level of Federal funding for elementary, secondary, and higher education programs.

I ask unanimous consent to place in the RECORD a statement of Senator SCOTT'S efforts to aid education.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

92D CONGRESS—LEGISLATION

S. 434—To establish a National Institute of Education.

S. 1062—To establish a National Foundation for Higher Education.

S. 1290—To provide for continuation of programs authorized under the Economic Opportunity Act.

S. 1669—To strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern.

S. 2153—To establish a National Historical Museum Park, to designate the study center authorized under section 2(a) of the act of August 30, 1961, as the Dwight D. Eisenhower Institute for Historical Research.

S. 2860—To amend the Internal Revenue Code of 1954 to allow a deferment of income taxes to individuals for certain higher education expenses.

S.J. Res. 34—Proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

S.J. Res. 199—To recognize Thomas Jefferson University, Philadelphia, Pennsylvania, as the first university in the U.S. to bear the full name of the third President of the U.S. Amdt. 55 to S. 1557 Financial Assistance to Local Educational Agencies. To provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children.

VOTES

Voted for financial assistance to better provide local educational opportunities for all children.

Voted for the Emergency School Aid and Quality Integrated Education Act of 1971.

Voted for increased education appropriations for fiscal year 1972.

Voted for the Education Amendments of 1971.

Recorded in favor of the Indian Education Act of 1971.

91ST CONGRESS: LEGISLATION

S. 1788—To assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefitting.

S. 2422—That the Secretary of HEW shall prescribe maximum rate of interest allowed for student loans.

S. 2579—To authorize Commissioner of Education to make Vocational Education Opportunity Grants.

S. 3418—To amend the Public Health Services Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice.

S. 3531—To establish a National Institute of Education.

S. 3850—To provide for emergency assistance to the Nation's medical and dental schools.

S. 4104—School Breakfast Act of 1970—To amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act.

S.J. Res. 192—Proposing a Constitutional amendment to permit voluntary prayer in public buildings and public schools.

VOTES

Voted for the Insured Student Loan Emergency Amendments of 1969.

Voted to increase school aid for federally impacted areas by $60 million.

Voted to increase funds for Teacher Corps to $40,800,000.

Voted to increase by $47.9 million funds for student loan programs and $28,050,000 in construction funds for institutions of higher education other than public community colleges and technical institutions.

Voted to provide $53,680,000 in impacted aid for children living in low-rent public housing projects.

Voted for Drug Abuse Education Act of 1970.

Voted to make public schoolchildren from households of four persons, the annual income of which is $4,000 or less, eligible for free lunches.

Voted for school lunch and nutrition amendments.

Voted for amendment to increase from $50 to $100 million funds for Neighborhood Youth Corps summer programs to be available until September 30, 1970.

Voted to add $59 million for Project Headstart bringing the appropriation to the authorized level.

90TH CONGRESS: LEGISLATION

S. 2871—To broaden and expand food service programs for children under the National School Lunch Act.

S. 1033—To provide assistance to States for development and construction of comprehensive community colleges.

VOTES

Voted to extend for 2 years: (1) the school disaster program, (2) authorization for school construction in federally impacted areas, and (3) the coverage of the Elementary and Secondary Education Act of 1965 for children attending Department of Defense schools and Indian children.

Voted to increase by $14.9 million funds for the Teacher Corps.

Voted for the Higher Education amendments of 1968.

Voted to authorize $50 million for Fiscal Year 1969 and 1970 for school lunch programs.

Voted for the Vocational Educational Amendments of 1968.

Voted to increase by $10 million funds for the school dropout prevention program under the Elementary and Secondary Education Act.

89TH CONGRESS: LEGISLATION

S. 2067—To increase educational assistance allowances to war orphans.

S. 2778—To provide financial assistance for the education of orphans and other children lacking parental support.

S. 2921—To provide a special school milk program for children.

S. 3405—To provide for sharing of Federal tax receipts with States for purposes of education.

VOTES

Voted to liberalize the formula providing financial assistance to local school agencies for children of low-income families.

Voted for the Elementary and Secondary Education Act of 1965.

Voted for the Higher Education Act of 1965.

Voted to improve $5.2 million for matching grants to the States for community development training programs.

Voted to propose a Constitutional amendment to allow voluntary prayer in public schools.

Voted for the Elementary and Secondary Education Amendments of 1966.

88TH CONGRESS: LEGISLATION

S. 259—To allow income tax deduction for certain amounts spent in providing a higher education for self, wife, dependents.

S. 1316—To establish a National Council on the Arts and a National Arts Foundation.

VOTES

Voted *not* to reduce vocational education authorizations and *not* to eliminate programs for residential vocational schools and work-study grants.

Voted for the National Defense Education Act.

Voted to allow church-owned, operated or controlled colleges and universities to be eligible for Federal loans and grants.

Voted for the Higher Education Facilities Act of 1963.

87TH CONGRESS: LEGISLATION

S. 3477—To provide program to assist States in general university extension education.

S.J. Res. 205—To propose amendment to U.S. Constitution permitting offering of prayer in public schools.

VOTES

Voted to expand the utilization of television transmission facilities in our public schools and colleges, and in adult training programs.

Voted to withhold authorized funds from any State or school because of segregation.

Voted for the Mutual Education and Cultural Exchange Act of 1961.

86TH CONGRESS: LEGISLATION

S. 924—To establish for educational purposes, priority in award of television channels.

S. 1016—To provide for a 5-year program of assistance to school districts in meeting debt service on loans for construction of urgently needed elementary or secondary public school facilities.

VOTES

Voted to authorize funds to pay principal and interest annually coming due on *school* construction obligations in the aggregate principal of $4 billion and allocating for each of the next 4 years $1 billion for school purposes.

Voted to increase authorized appropriations to $15 per school-age child.

Voted to authorize allocation of up to $600 million for school construction in each of the next 5 fiscal years.

ADDRESS BY SENATOR KENNEDY BEFORE KENTUCKY BAR ASSOCIATION

Mr. COOPER. Mr. President, on May 24, the distinguished Senator from Massachusetts (Mr. KENNEDY) delivered an address to the annual convention of the Kentucky Bar Association. I ask unanimous consent that his speech, which addresses the problem of bringing the North and South together on national issues, be printed in the RECORD at the conclusions of my remarks.

His theme, an appeal to unity in our country, is treated with reason and compassion. His speech ends with a note of optimism, asserting that we can build the kind of society which we all want. His closing words, I believe, deserve consideration:

America was built, Kentucky was built, by people who were poor in everything but hope and human spirit, by people who had a deep and lasting dedication to working for what they knew was right. That's the way it was before, and that's the way it can be again. North and South can move ahead together, if only we have the wisdom and inspiration to carry out the goals and dreams we share with all the people.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY TO THE ANNUAL CONVENTION OF THE KENTUCKY BAR ASSOCIATION

I am pleased and honored to be here with you this evening and to have the opportunity to address this annual convention of the Kentucky Bar Association.

Flying into Louisville this afternoon, seeing again the beautiful mountains and the magnificent rolling hills of Kentucky, it is easy to recall the famous lines of the Kentucky Irish poet James Mulligan, as he wrote many decades ago:

"The moonlight falls the softest, In Kentucky
The summer days come oftest, In Kentucky . . .
The bluegrass waves the bluest . . .
The songbirds are the sweetest . . .
The thoroughbreds are fleetest . . .
The landscape is the grandest,
And the politics the damnedest, In Kentucky."

Coming here tonight, it is also easy to recall the dramatic role that the people of Kentucky and their great leaders have played in the history of our nation.

Over the years, men of Kentucky and men of Massachusetts have often worked together. Indeed, one of the greatest moments in American history came more than a century and a quarter ago, when Henry Clay of Kentucky and Daniel Webster of Massachusetts stood together on the Senate floor in Washington, in a noble effort to preserve the Union.

Together, they forged the famous Compromise of 1850. Together, they stemmed the threatening tide of Civil War for a decade, longer than almost anyone, North or South, had thought humanly possible in that desperate period of darkening national crisis in 1850.

A century later, when President Kennedy was a member of the Senate, he served on a committee charged with the responsibility of selecting the five outstanding Senators in the history of the country. Their first and unanimous choice was Henry Clay of Kentucky, for the vision he had held of a strong and national Union, and for the power and wisdom he had used so well in helping to preserve it.

In recent years, the story has been the same. The people of Kentucky have always had distinguished leaders to carry on the proud tradition of your past.

You gave the nation one of our outstanding Vice Presidents in Alben Barkley, and one of its outstanding Chief Justices in Fred M. Vinson.

In my own years in Congress, there is no Senator for whom I have had higher affection or respect than John Sherman Cooper. For twenty years, he has served the nation and the people of Kentucky well, and his retirement this year means a heavy loss for all of us in Washington, whatever our state or political affiliation.

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In addition, I am proud to serve in Congress with so many other fine Kentucky leaders. Marlow Cook and I have worked together on the Judiciary Committee in the Senate, and we have many common interests in areas of direct concern to the Kentucky Bar Association and other Bar Associations throughout the country.

The other Senate Committee on which I serve is the Labor Committee. There, I come in frequent contact with Carl Perkins who is one of the most able and effective committee chairmen in the House, a man responsible for the continuing flow of some of the most vital and effective social legislation Congress has ever passed.

I also have great respect for the work of your fine young Congressman from Louisville, Ron Mazzoli, who has compiled a distinguished record as one of the most effective freshman members of the House. I'm especially honored to have the opportunity to visit Louisville again myself, and to join you at this centennial convention of the Kentucky Bar Association.

Under the able leadership of President O'Hara and men like Mike Mills, the past year has been one of important progress and accomplishments on many local fronts. The new client's indemnity fund, and the development of the first prepaid legal insurance program, are but some of the important signs of success and growth you have achieved. I know that President-elect Rummage will build on this fine record, and keep the Association at the forefront of the movement for change and progress and a decent life for all the people of the Commonwealth.

As lawyers, we share many common bonds. We have a long and fine tradition of service at every level of government—national, state, and local. One of the most distinguished members of your Association, Jim Wine, was picked by President Kennedy to serve as one of his most effective Ambassadors.

As lawyers, more than any other group in our society, we have it within our power to create the change we know must come. I come to Louisville tonight, believing deeply that what happens in the cities and communities of Kentucky is of enduring importance to our nation.

The state that gave Abraham Lincoln to the Union is also a state that proudly shares in many of the most enduring customs and enlightened traditions of the South.

And so today, as perhaps never before in your history, there are opportunities for innovation and leadership here. Kentucky can be a bridge between North and South, a model for progress in every corner of the nation. Perhaps no other state in America today has the heritage and capacity to build a bridge like that to our common future.

Coming to Kentucky this evening, I do not pretend to any special knowledge of this region, and I do not come as an expert on developments in the modern South that are now so widely discussed across the nation. But I have had the chance to work in Washington with many distinguished leaders from Kentucky and from the Southern States, and I have learned that there are many things the South can teach the North, if only we will listen.

It is not an easy thing to say, coming as I do from a Norhern State that has always had great pride in its leadership on race and many other areas. But I believe that if we are honest with ourselves in the America of 1972, we must be filled with pessimism over some of the directions the North may take, and we must look South to see the really hopeful steps.

In many parts of the Border Region and the Southern States, you have actually reached a point where you are moving past the North on the passionate issue of race. It is as though, by some new and cruel arithmetic, prejudice is declining in the South while resentment rises in the North.

The real tragedy for the nation in the Seventies would be for the North to repeat the racial agony of the South in the Fifties and Sixties. And it would be a double tragedy, because it would all be so unnecessary.

If Yankee ingenuity means anything, it means the ability to learn from history, from experience of others with problems like our own. And so it would take a peculiar blindness for us in the North to stumble into the sort of obsession with race that the South seems now to be leaving behind, thanks to the vision of your wisest leaders.

And race is not the only issue on which the South has something to offer. It doesn't take much travel around America, listening to the people, to realize that basic things are wrong with the nation in areas like inflation and unemployment, health and education, crime and poverty, transportation and pollution. These are issues that cut across all social and geographic lines. They affect North and South alike.

That is why President Kennedy liked to come to Kentucky. He liked to walk among the people, to visit them in their homes and farms, to hear about their problems, to learn about their dreams and aspirations. As today, he found that people everywhere are restless for change, and they are willing, as never before, to take leadership where they find it.

A few days ago, in thinking about these question and about what I would say here in Louisville tonight, I took the opportunity to look through the Inaugural Addresses and other speeches of the new Governors of the Southern and Border States. And I find that who they are and what they are saying and doing offer some of the clearest and most hopeful signs anywhere in the nation that we can really solve the common problems we face.

Here in Kentucky, the election campaign by Wendell Ford last year was an inspiration to the nation. At the State Capitol on Inauguration Day last December, he spoke of his compassion and concern for all the people of Kentucky, old and young, black and white, rich and poor.

"The test of a man in public life," he said, in words that I would make my own, "is not how well he campaigns. Rather, it is how effectively he meets the challenges and responsibilities of office.

"Man has gone from ox-carts to moon-buggies because of his determination.

"The gauging of government is not how popular it is with the powerful and the privileged few, but how honestly and fairly it deals with the many who depend upon it, whose lives are controlled by it.

"The only reason for the existence of government at any level," he said, "is to serve the people."

That's the sort of Administration we ought to have in Washington and every other state. Thanks to the effective leadership of men like Governor Ford, Kentucky, is making progress today on a variety of important State and local issues. The General Assembly has already redeemed the Governor's pledge to bring a greater measure of tax justice to the people. Already, you have begun the task of government reorganization, in order to bring government closer to the people.

It is not my purpose in coming here tonight to debate such issues. But I do admire the spirit of a State with vigorous leadership, as it boldly tests itself on so many major areas of importance to the people.

And it's not just Kentucky where events like this are happening. At many other State Inaugurations in the past two years, Governors like Holton of Virginia and Askew of Florida, Bumpers of Arkansas and West of South Carolina, have sounded the call for a progressive attitude on race, and have gone on to other urgent and pressing problems like those you face in Kentucky.

It isn't any accident that State Houses in this region are filling up with new and moderate young leaders. From Frankfort to Tallahassee, from Richmond to Jackson, from Columbia to Atlanta, the South is helping to lead the attack on our most important social problems.

And it isn't only the new Governors. Courageous urban mayors, men who have made their peace with race, are also marching to the drums of change out of the simple necessity of getting on with their city's sprawling problems. Indeed, this region is moving forward more rapidly today than at any time within my memory. It is far less reticent and insecure, and far more open to the possibilities of growth and new development than almost any other section of the country.

As you should, you bring a healthy skepticism to Northern models of development. That attitude does not mean the South is being defensive or parochial. It only means that you are more observant, that you are no longer swallowing the patent Yankee medicines, that you really hope to avoid the classic Northern errors of industrial blight and urban decay, the promiscuous proliferation of our motels and neon lights, and even our errors on human rights.

Perhaps, as the cynics say, the South today is no more "new" than any of the other New Souths that have been proclaimed so often since the Civil War. You know from past experience that dreams of peace and reconciliation are easily shattered when passions are aroused. You know from present experience that it is not easy to point with pride, when the Southern and Border States trail the nation in areas like infant mortality and health care, illiteracy and rural poverty, and regressive taxes on sales and property.

But you also know the feeling of satisfaction that progress always brings. You know the feeling of confidence and maturity that leadership bestows.

Today, you have men in public life who represent all the people, not just the special interests. You know the sort of opposition you have to overcome. You know that for their own narrow political or financial advantage, there are men in high places in Washington today who would like to see the South preoccupied with race, to the point where you are unable and unwilling to claim your rights in all the areas that really matter deeply, beginning with things like homes and health and schools and jobs.

But those who seek to inflame the passions of the people fail to understand the quiet forward revolution that is taking place in the South today. Time and again in recent years, events have shown that the people are ready to move ahead. All they ask is a man whose vision is clear enough to see the way, and who cares enough to try to lead them forward.

For the first time since Franklin Roosevelt, men and women are emerging in public life who understand the people's needs. The decent and ordinary people of America didn't make the world they live in, but they have the chance to change it. And they know that the only way for change to come is for them to get involved by electing leaders who truly represent their interests.

If in this new era we stand against the people, if we give them war instead of peace, if we stand with the oil industry against tax reform, with the insurance industry against health reform, with the auto industry against safe cars, with the highway lobby against urban transit, then we do not understand the direction of our country. We deny our heritage and our history.

To me, one of the most important areas in which North and South can work together is in the area of health reform. That is an area in which as lawyers and men and women in private life, we share a common interest. It is an area which holds enormous promise for the American people, and I am pleased to know that one of the major sessions of this centennial convention was devoted to an important issue in health reform—the problem of medical malpractice, an area where there is a compelling need for doctors and lawyers to work much more closely together.

As a member of both the Judiciary Committee and the Health Committee in the Senate, I share your view of the need for action on this growing problem. Indeed, one of my major goals in the present Congress is to end the friction that has developed between medicine and law, and to restore cooperation between these two desciplines whose efforts are so important for the future well-being of our nation.

As you know, America is engaged today in a growing national debate on health reform. Together in the Senate, John Sherman Cooper and I support a comprehensive proposal for national health insurance. In Kentucky, we have the strong support of Stanley Chauvin, the President of the Louisville Bar Association, and Dr. Harvey Sloan, of the Kentucky Public Health Association.

Our proposal is called the Health Security Act, and I believe that it contains the best answers that have been developed so far to end the health care crisis.

The Health Security Program I favor is grounded in a handful of vital principles that, I hope, will form the foundation of any legislation Congress passes. Those principles are simply stated, and I would like to share them here with you.

I want a health care system that is not just an expensive privilege for the few. We lead world in Nobel Prizes for medicine and research, but we are winning no Nobel Prizes for our ability to translate the promise of the laboratory into the reality of decent health care for all the people.

I want a health care system where you can call a doctor and not get just an answering service. When they rush you to the hospital in an emergency, I want them to meet you at the door and ask how sick you are, not just how much health insurance you have.

I want every man, woman and child in America to be covered at any time and for any illness by health insurance, available at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should be hounded by bill collectors to pay the cost of sickness. No American should have the tragedy of serious illness compounded by the tragedy of bankruptcy or serious financial burden.

I want every American to receive the same high quality of health care that anyone else receives. I want to provide decent care in the South End and West End of Louisville as they have today in the East End of the city. No American should be given second class health care because he is old or poor or black.

I want a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

I want a health care system that has enough doctors and facilities to meet the need. I want a system that encourages doctors to practice their profession in every community in America, not just in the high rise office buildings on Park Avenue or in Beverly Hills.

Those are the principles of the Health Security Act.

Not everyone agrees with them today. The A.M.A. does not agree. The Jefferson County Medical Society does not yet agree. The health insurance industry does not agree.

But I think that you and I and millions of ordinary men and women across the nation do agree. The opposing forces arrayed against us are powerful and organized, but I do not believe they have the strength to resist the overwhelming tide of the people's need for change. Perhaps we will not win the reform we want this year, but in the end the people will not be denied. Together, I am confident that we shall prevail, and succeed in bringing decent health care to all our citizens.

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As a member of both the Judiciary Committee the same strong need for change and innovation exists in the area of medical malpractice—an area that you have analyzed so effectively in your seminar yesterday and in the other proceedings of this convention.

The time has come when we can no longer afford to ignore the soaring burden that the problem of malpractice now imposes on doctors and hospitals throughout the nation.

When every new young graduate of every medical school calls his lawyer and insurance agent before he frames his medical diploma, you know something's wrong.

When doctors pay more each year for malpractice insurance than they pay for secretaries and office space, you know that something's wrong.

When every doctor begins to see his next appointment as a lawsuit and not a patient, you know that something's wrong.

When every doctor and hospital imposes painful and unnecessary treatments on their patients, or perhaps worse, refuses to give tests or procedures that might be of substantial benefit, simply because such actions will stand up better against a million dollar suit in court, you know that something's wrong.

We know the problem has been compounded by the enormous advances in medicine in recent years. But as lawyers, we also have to share the blame. The soaring costs of litigation and attorney fees have made the problem worse.

We have to find a better way to protect the patients when things go wrong in modern medicine. We have to find a better way to guarantee the quality of care. We have to find a better way to eliminate the incompetence of the very few, without distorting the professional standards of the entire profession of medicine, and without penalizing the hundreds of thousands of dedicated American physicians who are capable of providing the finest care available anywhere in the world, if only we will give them the opportunity.

We know the doctors do not benefit from the present system of litigation. We know the angry passions that have been aroused. We know the patients do not really benefit, when only ten or twenty cents out of every dollar in malpractice awards is all that ever filters down to even the most successful claimants.

Indeed, it is fair to say, the only ones who really stand to benefit from the present system are we, the lawyers. And we as lawyers have no right to enjoy such spoils, when our efforts are contributing so much to the gross distortion of the livelihood and practice of our professional colleagues in the field of medicine.

That is why I am pleased to learn of the progress you have made in dealing with this problem in Kentucky, and the effective way in which you have aired the question at this convention.

One of the most important aspects of the health legislation I have sponsored in the Senate would provide for arbitration of medical malpractice claims, and would establish a National Commission for Quality Health Care.

The arbitration procedure I envisage would be similar in many respects to the Screening Committee for Medical Malpractice discussed in your symposium. The Commission I have proposed would be an independent government agency, created especially to monitor health care systems and to develop new approaches to determining the quality of care. Under the system I favor, the parties would be free to choose the sort of procedures involving experts as well as laymen, in the manner they deem most suitable for deciding particular medical and legal issues in their community.

For too long, for want of imagination and a little professional cooperation, we have allowed a situation to develop that has helped to worsen the nation's health care crisis. Now, thanks to the leadership of organizations like your own, we are beginning to awaken to the magnitude of the problem, and I am confident that the States and Congress will respond. Together, we can cross the threshold into a new age of health care for North and South alike.

In many respects, that's why it is on all the other great challenges we face. We can build the kind of society we want, the kind President Kennedy worked for, the kind Robert Kennedy dreamed of when he asked us to seek a newer world.

We can end the war and bring our economy back to health. We can rebuild our cities and educate our children. We can preserve our environment and end the blight of crime. We can do all the other things we have to do to safeguard the future of our nation.

America was built, Kentucky was built, by people who were poor in everything but hope and human spirit, by people who had a deep and lasting dedication to working for what they knew was right. That's the way it was before, and that's the way it can be again. North and South can move ahead together, if only we have the wisdom and inspiration to carry out the goals and dreams we share with all the people.

WHY A CONSUMER PROTECTION AGENCY IS NEEDED

Mr. PERCY. Mr. President, recent experiences confirm that the regulatory agencies we have set up to protect the consumer—particularly in the most important area of health and safety—require a shot in the arm.

For example, I was disturbed to learn last December of a secret agreement in August 1971, between Food and Drug Administration officials and particular suppliers of leaded Christmas tree tinsel. FDA seems to have dealt away its obligation to inform the public of the hazard in return for the manufacturer's promise to discontinue manufacturing the leaded tinsel after Christmas 1971, and discontinue sales of the tinsel after Christmas 1972—that is, next December. One would have thought that the tragic deaths of so many infants in this country from eating paint containing lead would have been sufficient basis for the FDA to put a halt on the sale of leaded tinsel. But in the absence of full consideration of the consumer interest, FDA officials apparently saw it otherwise. Fortunately, however, the indiscretion was brought to the attention of the public through the outcries of Congressman JOHN MOSS, my own colleague, Senator JOSEPH MONTOYA, and a concerned news media. Now, as a result of my raising the issue again, directly with FDA Commissioner Charles Edwards upon his appearance before the Subcommittee on Executive Reorganization in connection with legislation to create a new safety agency, he has assured me by letter dated May 30, 1972, that appropriate measures are being taken to keep leaded Christmas tree tin-

sel from being sold in this country in the future. Commissioner Edwards says:

We have checked all known lead tinsel manufacturers and have been advised that there are no stocks available for retail distribution in this country. We have also contacted the firm that supplies uncut lead tinsel sheets and have been informed that no sales were made this year to domestic firms, and only about 20,000 pounds to Canada and Mexico. We will monitor the distribution channels to insure that no lead tinsel finds its way into the retail pipelines between now and Christmas 1973.

I was disturbed to read 3 months back that almost 1,250,000 chickens tainted with PCB—polychlorinated biphenyls—a DDT-like industrial chemical linked with skin irritation in humans—had been destroyed in Maine after discovery was made by Agriculture Department officials. Who, among the responsible Federal inspection officials, was sleeping on the job to have permitted so many chickens to have become contaminated without earlier discovery? This disclosure followed on the heels of a General Accounting Office report to Congress sharply criticizing the Department's inspection of poultry plants and citing such unsanitary conditions as:

Filthy and debris-strewn floors;

Greasy conveyor motors and rollers congested with fecal material, feathers, and dirt;

Dusty, cobwebbed ceilings and green algae on the walls of coolers; and

Rusty, dirty equipment, with heavy blood accumulations from previous slaughter.

I was shocked to learn that the chairman of the board of one of the largest crib firms in the country—upon being informed that the space between the bars of a wooden cradle he manufactured exceeded safety limits concurred in by experts, including the National Commission on Product Safety—cavalierly responded, "So what?," adding that he did not "have to justify anything." That brand of crib, and others exhibiting the same hazard, is still on the market while the Food and Drug Administration, which has jurisdiction, stands idly by.

I am appalled that, although Congress amended the Flammable Fabrics Act in 1967 to provide for more stringent standards for wearing apparel, standards for flame-retardant infant sleepwear were not announced by the Commerce Department until last year—4 years after enactment of the law—and these are not scheduled to take effect until mid-1973. Meanwhile, we are faced with an estimated annual toll of 175,000 clothing burn injuries and 4,000 deaths.

It was further distressing to learn recently of wholesale fraud and corruption in the operation of mortgage insurance housing programs in cities across the country occurring literally under the noses of Federal Housing Administration officials. Particularly in the area of section 235 home ownership programs and section 236 rental and cooperative housing programs, agency officials ignored unscrupulous operators and fast-buck artists who were bilking low-income families and defrauding the public treasury.

And, finally, I was astonished to receive from the Government Accounting Office 2 months ago a report which documented that the Division of Biologics Standards—DBS—in the National Institutes of Health was guilty of a callous disregard for public health and safety in permitting the sale of ineffective and potentially hazardous flu vaccines to the public. From 1966 through 1968, DBS indiscriminately approved subpotent dosages of influenza vaccine and thereby subjected Americans to more than 60 million doses of what may have been worthless prevention, or worse. The agency failed to turn down a single lot of flu vaccine, even though some contained as little as 1 percent of the required strength. Of 221 lots released during the period, 130 did not meet standards established by the agency itself. Inasmuch as the side effects of these inoculations—including extreme fever, rash, incapacitating diarrhea, and cramps—can be severe, I suspect that for thousands, if not millions, of Americans, their attempts to protect themselves from illness were actually much more harmful than no protection at all. The DBS blunder illustrates that the American public has been deceived into believing that, because an agency of the Federal Government has been set up to afford protection, the public is indeed being protected. But the tragic truth is: that just is not so.

We cannot be satisfied with predicting more of the same, and then retiring to the sidelines to bemoan its occurrence nor take satisfaction in the accuracy of our predictions.

Simply plying more money into existing agencies, or providing more staff, has proven over and again to be an unsatisfactory and unproductive effort.

On reading daily accounts such as these, and based on the overwhelming evidence compiled in 3 years of hearings before the Subcommittee on Executive Reorganization documenting bureaucratic lassitude, unconcern, and neglect so far as consumer interests are concerned, I can only conclude that an independent watchdog agency is necessary to change things around.

The Subcommittee on Executive Reorganization today, after extensive discussion, approved by bipartisan 7 to 0 vote and reported to the full Government Operations Committee on which I am the ranking minority member, a revised version of S. 1177. The new measure reflects literally months of intensive effort by Senators RIBICOFF, JAVITS, and myself, and the staff of the Executive Reorganization Subcommittee, to improve the original version, to clarify it, and to make sure that there would be no undue interference with legitimate business interests nor the orderly processes of Government. This draft refines and perfects the bill that passed the Senate in December 1970, by a margin of 74 to 4. At that time companion legislation was reported out of the House Government Operations Committee but was stalled in the last-minute legislative rush in the House Rules Committee.

The draft borrows from some of the best aspects of H.R. 10835, which was approved by the House in this session of Congress in October 1971, by a vote of 344 to 44, but it also benefits from the rather heated, and frequently confused, debate on the House floor over just what the measure was intended to cover.

The Nixon administration supports, and just yesterday reiterated to me its support of the concept of an independent agency to represent the interests of consumers in proceedings before Federal agencies and courts.

I look forward to prompt action by the full Government Operations Committee, notwithstanding an intensive lobbying campaign by some to stall, cripple, or kill the measure in this Congress.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the full text of the helpful letter from Commissioner Edwards to me relating to leaded tinsel, together with a perceptive front-page article written by Robert Hey entitled "Consumers to Get a Watchdog?" appearing in the Christian Science Monitor of May 27, 1972. Inasmuch as the article was written prior to the circulation of the subcommittee print of S. 1177, it contains some inferences which are not reflected in the actual language of the bill. I also request that an excellent piece appearing in yesterday's Washington Post by Morton Mintz—assisted by John Thorner— and entitled "Hill Panel to Act on Independent Consumer Body" also be reprinted.

There being no objection, the letter and the articles were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., May 30, 1972.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: During the course of the recent hearing of the Subcommittee on Executive Reorganization, on the subject of consumer safety legislation, you inquired about the activities of the Food and Drug Administration relating to lead icicles sold for Christmas decoration. I noted that, although we did not have medical or other technical data upon which to base a banning order, we had taken certain actions to promote the voluntary removal of this product from the marketplace.

In order that you may be fully informed, I am providing additional information on this subject.

As of Christmas 1971, all domestic lead tinsel manufacturers stopped production of lead tinsel. At the close of each Christmas season, supplies in retail channels are closed out of inventories at a reduced price as is the usual custom. Lead tinsel's bulky packaging and low cost make it uneconomical to hold quantities in retail inventory from one year to the next. Therefore, our concern is with the inventories that might be available in the various manufacturers' warehouses.

We have checked all known lead tinsel manufacturers and have been advised that there are no stocks available for retail distribution in this country. We have also contacted the firm that supplies uncut lead tinsel sheets and have been informed that no sales were made this year to domestic firms, and only about 20,000 pounds to Canada and Mexico. We will monitor the distribution channels to insure that no lead tinsel finds its way into the retail pipelines between now and Christmas 1973.

If we can be of further assistance, please let us know.

Sincerely yours,
CHARLES C. EDWARDS, M.D.,
Commissioner of Food and Drugs.

CONSUMERS TO GET WATCHDOG?

(By Robert P. Hey)

WASHINGTON.—Would you like to have a powerful consumer advocate in the middle of the discussion the next time Interstate Commerce Commission officials sit down with big moving companies to discuss the way they move people like you?

Or the next time the Federal Trade Commission discuss what to do about deceptive advertising with the advertiser?

Or when the Department of Transportation and automakers argue over auto safety standards the department must set?

Loads of consumers would—and this year it appears that they might.

Consumer groups have fought to get, in effect, such a consumer ombudsman for consumers in high circles of government—and to admit him to negotiations while decisions are being made.

Now Congress appears willing to establish a broad consumer agency, able to be the consumer's ombudsman in the formal and informal dealings of government agencies that concern consumers.

After much tricky negotiation behind the scenes—not quite completed—the way seems prepared for congressional passage this year of an intensely important consumer bill. It would establish an independent consumer agency in the federal government.

It has been learned that in approximately two weeks the Senate government reorganization subcommittee is to approve a consumer agency bill, which would strengthen in important ways one approved last year by the House. Consumer groups had sought this strengthening; some industry groups had opposed it.

CONSULTATIONS HELD

Further, several sources in and out of Congress confirm that there have been numerous consultations among various faction members of Congress who hold varying points of view on the agency and with representatives of the White House.

The aim of the secret consultations, now in their final stages, is to ensure that the bill approved by the subcommittee will be palatable for all concerned—the White House, the House of Representatives, the subcommittee's parent Government Operations Committee.

Those involved in the consultations are trying valiantly to prevent discussions from becoming personal—clashes of personality—the flaw substantially responsible for congressional defeat of a similar measure in 1970. So far they have succeeded.

While a last-minute snag could always develop, it now appears that agreement from all concerned is about reached.

PROVISIONS SKETCHED

The agency that the bill proposes would:

Be empowered to represent consumers' interests during the formal and many informal little meetings of government officials, sometimes with industry representatives, which affect consumers. These take place almost constantly.

The new agency thus would be able to represent the interests of American consumers in court proceedings before courts and federal regulatory agencies.

Keep a public record of consumer complaints.

Initiate programs to inform consumers, test products, and investigate consumer complaints.

Highly important to consumer groups—the new agency would be wholly independent of the White House, and would be established by federal law. The present top consumer representative in government is Mrs. Virginia H. Knauer, who as special assistant to the President is in a position established by the President, not by law.

Consumer groups have been critical of Mrs. Knauer on many issues. But more important, they say, is the concept that a government agency charged with representing consumers must be independent of all other government arms—including the White House—if it is to retain consumer confidence; and, some would add, if it is to be able to act independent of political pressure.

NIXON BACKS HOUSE MEASURE

President Nixon supported the measure passed by the House. Like the one expected to be approved by the Senate subcommittee, it established the Consumer Protection Agency, independent of the White House and of all other branches of the federal government.

But there were two important differences between the two bills.

The House bill says that the consumer agency would be empowered to participate in formal cases before government agencies in which consumer issues were at stake. The measure in the Senate subcommittee reads that the agency can participate also in informal meetings, such as those held so often between government agencies and industries or specific companies—meetings that frequently result in consent decisions or other government action.

Second, the House-approved version said that the proposed agency could intercede in procedures covered by the Administrative Procedure Act, i.e., rulemaking and formal kinds of government activities weren't mentioned.

OMISSIONS OR HAZINESS?

There was considerable question here whether these omissions in the House bill were intended specifically to exclude the consumer agency or whether the bill was not written clearly.

In any case, consumer groups wanted the bill clarified—and wanted to make certain that the agency could intervene broadly in any formal or informal government action involving consumers. Apparently they will be getting their way.

Yet even if the bill is passed by Congress this year and signed into law by the President, the effectiveness of the agency is not automatically assured.

Next year Congress would have to appropriate the money to run the agency. That's sometimes where the crunch comes in: Congress sets up a program or establishes an agency, then doesn't give it enough money to do its job.

Thus, consumer groups here remain wary. It will be important, they say, to be vigilant next year—to make certain that enough money is appropriated to give the prospective consumer agency a large enough staff to represent consumer interests effectively.

[From the Washington Post, June 12, 1972]

HILL PANEL TO ACT ON INDEPENDENT CONSUMER BODY

(By Morton Mintz)

A bill to establish an independent consumer protection agency, to advocate consumer interests before other federal agencies and the courts, comes before a Senate government operations subcommittee for action Tuesday after a widespread lobbying campaign to weaken or kill it.

Capitol Hill aides said that Washington representatives of about 150 major companies and trade associations set up a task force to draft weakening amendments but that other major companies—including General Motors, General Electric, Montgomery Ward and Sears, Roebuck—declined to join.

A subcommittee source named George W. Koch, president of the Grocery Manufacturers of America, Inc., as one of the leaders of the task force.

An aide to a Republican senator said that one major effort of lobbyists opposing the bill is to try to have it referred to the Judiciary Committee, a majority of which tends to oppose consumer legislation.

Another tactic being urged on senators is an amendment to create not a consumer advocate who could intervene with federal administrative agencies and courts, but one with an amicus, or friend-of-the-court status—and then only in formal procedures.

The Nixon administration despite reported divisions among its advisers has backed a less stringent version of the legislation enacted last October by the House, 344 to 44.

As of yesterday, the Senate bill was expected by subcommittee sources to be reported with only minor changes, in good part because of strong support from the two senior Republicans, Sens. Jacob K. Javits of New York and Charles H. Percy of Illinois. The chief sponsor is subcommittee chairman Abraham A. Ribicoff (D-Conn.).

The bill would give the consumer protection unit no regulatory mission. Instead, the administrator would be empowered to intervene as a party to an agency proceeding if he decided that action was necessary in order to represent consumers adequately. He could also petition an agency to initiate a proceeding in behalf of consumers.

He could not intervene in state and local proceedings unless invited.

Two key provisions in the Senate bill—not included in the House bill, whose chief sponsor was Rep. Chet Holifield (D-Calif.)—have been special targets of lobbying efforts.

One gives the administrator the right to intervene in any proceeding involving a possible fine, penalty or forfeiture. He could participate, for example, in a proceeding of the National Highway Traffic Safety Administration intended to determine whether an auto manufacturer had complied with a safety standard.

The other provision empowers the administrator to participate—again as a right—in informal proceedings. At the safety administration, for example, he could participate in the current investigation of the road-handling characteristics of the 1960 through 1963 Chevrolet Corvairs.

The absence of these provisions in the Holifield bill led its original sponsor, Rep. Benjamin S. Rosenthal (D-N.Y.), to end up opposing it in its final form. Ralph Nader, also embittered, charged the House bill had been gutted.

The Grocery Manufacturers' Koch, in a statement to The Washington Post, said his group favors a consumer protection unit "created to assist, not attack, other federal agencies that are directly responsible for the protection of consumers . . . We would favor the . . . initial role being something similar to that of an amicus curiae in court, without procedural power that could disrupt decision-making."

Both the Holifield and Ribicoff bills, Koch protested, would allow the unit "to intrude disruptively in the proceedings of federal agencies."

The lobbying campaign—much of it directed against the Holifield as well as the Ribicoff bill—has been not only extensive, but, in some ways unusual.

Last February, for example, the Consumer Federation of America, which represents almost 200 consumer groups at the state, regional and national levels, got hold of a 32-page "Business Responsiveness Kit" of undisclosed authorship. The kit calls the bill, "The most serious threat to free enterprise and orderly government ever to be proposed in government."

The kit suggests formation of a multi-business "central protest group" for each state, with emphasis on "being able to communicate on a personal basis with their U.S.

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Senators," and lays out specific additional techniques of opposition.

"There is nothing in this action program that should cause embarrassment," the kit says. But because the program can be "most effective if it is based upon strengthening relationships between state and local businessmen and those government officials in Washington who represent them," the kit cautions, "it is urged that you guard against publicity of your actions that might go beyond those who share your concerns."

In March, in a Senate speech, Percy, a former member of the Illinois Chamber of Commerce, accused that organization having done a "disservice" by misrepresenting the Senate and House bills with "a blunderbuss blast" that stimulated some 2,000 letters of complaint to him alone. The chamber had attacked the legislation in a letter to 9,000 Illinois businessmen.

In April, a subcommittee Democrat, Sen. Lee Metcalf of Montana said in a speech in Helena that "a lot of companies" opposed to the Ribicoff bill had launched "a massive . . . pervasive and misleading campaign against it."

In a reference to a former Capitol Hill lobbyist for the Kennedy White House, Mike Manatos, and J. Edward Day, who was Mr. Kennedy's Postmaster General, Metcalf said, "I get visits from the old New Frontiersmen who have been hired to help kill the bill or render it useless."

Metcalf also said that A. Miles Hughey, a Washington public relations man, had distributed material in Montana warning livestock raisers that one result of passage of the Ribicoff bill would be "eliminating drugs from animal feeds," and another would be, "meat and poultry plant inspection procedures will be investigated."

Hughey told a reporter that he always accompanied his materials with copies of the bill, but refused to identify his client. Asked if he would name other clients, he said, "I don't have any at this moment."

The director of government relations for General Mills, Graham T. T. Molitor, sent Ribicoff and Percy a copy of a letter to Catherine Bedell, chairman of the Tariff Commission, in which he sharply attacked the bill and said, "I would greatly appreciate comments from your legal counsel as to what Tariff Commission proceedings would be affected and how this proposal would affect future business relationships with the commission."

Mrs. Bedell told Washington Post researcher John Thorner that she has not replied to the letter, which was dated March 24. "We don't comment on policy impact or political impact," she added. She also said that Molitor "has a right" to send such a letter.

ADDRESS BY SENATOR SAXBE BEFORE ANNUAL CONVENTION OF OHIO AFL-CIO

Mr. KENNEDY. Mr. President, I invite attention to a speech given recently by the distinguished Senator from Ohio (Mr. SAXBE) at the annual convention of the Ohio AFL-CIO.

In his speech, Mr. SAXBE describes the state of health care in the Nation. He also comments on two major legislative proposals, the National Health Security Act and the Health Maintenance Resources Development Act. I commend the speech to the Senate as a valuable analysis of the American health care system and ask unanimous consent that it be printed in the RECORD.

Senator SAXBE has been a leading advocate of the Health Security Act. His long-established concern, as well as his broad understanding of the intricate issues raised by the health care crisis, made his observations particularly relevant and significant.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMERICAN HEALTH CARE SYSTEM

(Remarks of Senator WILLIAM B. SAXBE)

It is a pleasure to be here today and speak at the annual convention of the Ohio AFL-CIO. I am especially happy to have this opportunity to talk with you on a subject of real concern to me—the problems in our health care delivery system.

How can the wealthiest nation on earth permit a sizable segment of its society to go without any health care at all? Why is it that we can spend seventy or eighty billion dollars in one year alone on health costs and still have literally millions of people who can't find, or can't afford, basic medical care?

Why? Because of the delivery system through which Americans receive their health care. The system itself is inadequate, not the components. Most attacks on our system of medical care have not been on the quality of individual care, but on the collective performance of the entire health care system.

Take the availability of care—the fact that certain people in certain places simply cannot find a doctor. Whether this is due to poor geographic distribution of medical personnel or the over-specialization of physicians, is not the issue. The point is clear—some people in this country go without medical care—and that is intolerable.

Medical care is a basic right of the people—their right to life. It is wrong when a man's ability to obtain that medical care depends on his color or his ability to pay or where he lives or who he knows.

This problem of access is compounded by another—the escalating cost of health care. These costs have risen to such an extent that medical care has become a luxury, rather than a necessity. Some people, even with insurance, can't afford to pay the exorbitant medical bills of today—and thus, can't afford the care they rightfully deserve as citizens of this wealthy nation.

And then, we see the inefficiency and waste in our system. Highly trained physicians perform tasks that could be handled by physician assistants. Patients occupy expensive hospital beds for testing that could be done on an outpatient basis. Many hospitals have duplication of expensive equipment, and others have costly equipment which is rarely used. It is, therefore, not the quality of individual medical care, but the inefficient functioning of a total system that has brought on a crisis in health care.

This crisis must be met, and changes must be made. The public is unhappy with the status quo, and they are demanding that the inefficiencies and inequities be dealt with. I think the public is entitled to these changes—it is their right. After all, this nation is currently spending seventy-five billion dollars on health costs alone, and more than one-third of that expenditure is public money—Federal, State, and local tax dollars. The public has a right to demand that their taxes be spent in the most efficient and effective way.

But it is also important for the people to know that these changes must be made gradually, with caution, and constant evaluation. Otherwise, we might launch broad new programs that would compound the problems rather than correct them. We can't expect to change overnight what has taken centuries to develop.

How do we change our health care system? Where do we begin? I think a good beginning would be to rechannel and redirect our current expenditures—that seventy-five billion dollars—into new systems with a better net result. We should take Medicare, Medicaid, all insurance expenditures, and private costs, and redirect these vast sums to new comprehensive systems, so that people will have a better chance of getting their money's worth.

For the past three years, I have cosponsored S. 3, the Health Security Act. I sponsored this bill because it provides comprehensive quality health care to all Americans. It would provide full coverage of all health benefits—routine physical examinations, visits to doctors' offices, outpatient care of all kinds, and even dental care. The program would be financed in a most judicious manner, with half of the funds coming from Federal revenue and the other half through payroll taxes. In addition, this health security program contains cost and quality controls, as well as funds earmarked to improve the system. It is the most comprehensive bill, but also the most expensive.

Congress has not acted on this bill. It still remains in the House Ways and Means Committee and the Senate Finance Committee, and Chairman Mills has already announced that his committee will not report any health legislation this year. The bill has been met with much opposition, and it has been severely attacked on its high cost. Generally, Congress is reluctant to enact such an expensive program. However, in my opinion, the cost argument is a fallacious one. It simply doesn't hold water. According to recent HEW statistics, the Health Security Program, as outlined in S. 3, would not cost much more than the total health care expenditure which we now have without any program at all.

In Fiscal Year 1970, sixty-seven billion dollars was spent on health care, and HEW estimated that the Health Security Program would have cost seventy-three billion dollars in that same year. In light of the fact that we are currently spending seventy-five billion, I think a comprehensive national program providing full health care benefits would have been worth the extra six billion that it would have cost. Hopefully, the next Congress will take this into consideration and will take some action on this important measure.

In the meantime, the Senate is presently taking action on a most important health bill—the Health Maintenance Organization and Resources Development Act. The Health Subcommittee is going to report a bill which is expected to pass the Senate some time this year. It is important that this bill pass the Senate, even if it does not become law. This bill is the beginning of the first real major legislation reform in the health field. To get a major program past half the Congress sets a precedent for future action. This bill is like a miniature Health Security Act—it is a forerunner to the larger bill. It has the same goal of comprehensive and quality health care for all, and emphasizes system reform.

What is an HMO? How will this new bill work? A Health Maintenance Organization is a prepaid group practice which renders full coverage of all health benefits for a fixed fee. An HMO has a team of physicians and other medical personnel to cover all services—everything from an eye examination to complicated surgery, and hospital care would be provided as well.

An HMO functions on the principles of economy and efficiency characteristic of a prepaid system. There is a financial incentive for emphasizing preventive care—for keeping people healthy. This would switch the emphasis which is presently on acute hospital care, to a less expensive preventive care, and thereby reduce the total health care expenditure in this country.

An HMO also gives more for the money. The comprehensive range of benefits—any health service—can be obtained through a prepaid group practice for the same or less money than people presently spend for only partial coverage. Therefore, it gives greater benefits at lower costs. For example, in Ohio under the best Federal employee Blue Cross-Blue Shield plan, the cost per month for a family is $58.46. In contrast, a family can enroll in the prepaid Kaiser Community Health Foundation in Cleveland for $50.94 a month. The Blues' plan would cover all hospital and some acute care physician costs, but the Kaiser plan would provide everything.

You might ask, "If HMO's have a financial incentive to reduce costly services, what is to insure that necessary services would not be withheld or that all services would be of high quality?" The new Senate bill deals directly with this problem by establishing a Commission on Quality Health Care to protect the consumer and to monitor and regulate quality control mechanisms within the HMO. In addition, the bill sets up a trust fund to help finance portions of premiums that low-income workers couldn't afford, thereby insuring that they could enroll in the plan.

In conclusion, I would like to reiterate the need to change, and re-emphasize the fact that these changes are going to come about slowly. I firmly believe that the ultimate solution to this health care problem lies in a true cooperative effort between the public and the private sector. People should exercise patience. Government can and must make an accommodation with the medical profession in order to make health care legislation work. And equally so, the profession must recognize that there are problems and must not resent or resist the efforts of government. All participants must realize that change is inevitable and should look to the good of the total system, not to the protection of private interests. Only in this way will we have a workable system, uniquely American, where quality health care can be made available to all.

VETERANS OF FOREIGN WARS SUPPORT S. 2987 FOR MEMORIAL TO THE LATE PRESIDENT DWIGHT D. EISENHOWER

Mr. JAVITS. Mr. President, the Veterans of Foreign Wars of the United States, with the approval of their commander in chief, Joseph L. Vicites, representing more than 1,700,000 members has gone on record fully endorsing and strongly supporting S. 2987, introduced by me and cosponsored by my distinguished colleagues, Senator BARRY GOLDWATER and Senator PAUL J. FANNIN, of Arizona, and Senator JOHN O. PASTORE, of Rhode Island, which passed the Senate unanimously on June 8 last. This legislation would authorize a maximum of an anticipated $20 million for Eisenhower College, of Seneca Falls, N.Y., through the use of up to one-tenth of the moneys from the sale of "proof" Eisenhower silver dollars to perpetuate this living memorial.

In his statement to the Committee on Banking Housing and Urban Affairs, Francis W. Stover, legislative director of the VFW, stated that Dwight David Eisenhower symbolized the strength, integrity, character, and the nobility of this great Nation and that this unique method of funding will make possible a broad, grassroots participation by all Americans.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF FRANCIS W. STOVER

Mr. Chairman and members of the committee: Thank you for the privilege of presenting the position of the Veterans of Foreign Wars of the United States to this distinguished Committee with respect to S. 2987. This statement has the approval of our Commander-in-Chief, Joseph L. Vicites, and represents the intense interest of the more than 1,700,000 members of the Veterans of Foreign Wars of the United States in this most meritorious legislation.

No American is more closely identified with the membership of the Veterans of Foreign Wars than Dwight David Eisenhower. Many of our members served with General Eisenhower in his capacity of Supreme Allied Commander in Europe during World War II and organizer of the North Atlantic Treaty Organization Forces. He was one of us.

As the 34th President of the United States, he demonstrated that he was indeed a leader without peer in both war and peace. He fits every description and definition of a truly great American. Regardless of how we may honor him, President Eisenhower has earned his rightful place in history. His integrity, his compassion, his empathy for all Americans is legend. Probably more than any other American of his time, Dwight David Eisenhower symbolized the strength, integrity, character, and the nobility of this great nation.

To perpetuate the memory of this great man, there was established in September, 1965 Eisenhower College. As a former President of a leading American University—Columbia—this was most fitting and proper. Eisenhower expressed his wholehearted approval of this monument to him when at the ground-breaking ceremony, he stated: "This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man that a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education."

The obligation is now upon us to assure that this living monument in honor of Dwight David Eisenhower will continue, prosper, and be the lasting memorial and monument we intended. Before you is a bill which will provide a giant step in this direction. The Veterans of Foreign Wars extends its highest commendation to Senator Jacob Javits of New York and his distinguished colleagues, Senator Barry Goldwater and Senator Paul J. Fannin of Arizona, and Senator John Pastore of Rhode Island for introducing S. 2987, which will authorize and anticipates $20 million to assist Eisenhower College. This income will be realized in the form of one dollar from the proceeds received from the sale of each "proof" Eisenhower silver dollar, which will be sold for $10.00 to coin collectors. Further, this legislation will supplement Public Law 90-563, as approved in 1968, which provided $5 million for Eisenhower College on a matching basis.

This unique method of funding will make possible a broad, grass roots participation by all Americans, such as coin collectors and collectors of Eisenhower memorabilia. At the same time it will insure that this movement to this great American will endure.

One last comment, Mr. Chairman. The money contemplated in this bill for this monument to Dwight David Eisenhower will be far, far less than Federal funds which have been expended for monuments to other Presidents.

In summary, Mr. Chairman, the Veterans of Foreign Wars from our Commander-in-Chief Joseph L. Vicites on down fully endorses and strongly supports S. 2987. We urge the Comittee's favorable consideration and advancement of this legislation, and the Veterans of Foreign Wars will be working closely with your Senate colleagues to obtain full Senate approval of this legislation and its enactment into law.

BILL BROWNRIGG

Mr. FONG. Mr. President, I join Senators on this side of the aisle in expressing my deep appreciation of, and my high regard for, Bill Brownrigg, who retired recently as assistant secretary to the Senate minority.

Bill was here to aid me when I first arrived in the U.S. Senate nearly 13 years ago to represent the new State of Hawaii. His aid was invaluable to me then and continued to be so since.

I will always treasure my association and friendship with him.

Though I feel a loss with his absence, I join his many friends in wishing him well.

To Bill I say in the language of our native Hawaiians: Mahalo and Aloha.

"FIDDLER ON THE ROOF"

Mr. JAVITS. Mr. President, "Fiddler on the Roof" became Broadway's longest running production ever on the evening of June 17, 1972, with its 3,225th performance, beating "Life With Father," which played 3,224 performances, from November 8, 1939, through July 12, 1947.

Stars who have played Tevye in "Fiddler on the Roof" since it opened in New York at the Imperial Theater September 22, 1964, in chronological order: Zero Mostel, Luther Adler, Herschel Bernardi, Harry Goz, Jerry Jarrett, Paul Lipson, and Jan Peerce. The play is a triumph also for its director, composer, lyricist, choreographer, costumer, and author, and for its producer, Harold Prince, of New York.

Paul Lipson, who returned to his starring role May 2, 1972, has played more performances than any other actor, 1,806 as Tevye in New York and on tour with the National Co. His total performance in "Fiddler" as Tevye, Avram, the Bookseller—which he created—and Lazar Wolf, is 3,225 performances. It is the exact total of the New York run. But during the 6 months the National Co. appeared at Caesar's Palace in Las Vegas, Lipson totaled 14 performances per week as against the New York company's 8.

Overseas productions include: Finland, 15 separate productions more than any other country in Europe, and the first to present it in Europe Municipal Playhouse, Helsinki; Great Britain, London and British touring productions ran concurrently; Israel, Holland, Denmark, Sweden, Norway, Iceland, West Germany, East Germany, Japan, Spain, Czechoslovakia, Yugoslavia, Austria, France, Mexico, Turkey, Argentina, South Africa, Rhodesia, Switzerland, Brazil, Australia, and New Zealand. Upcoming will be productions next season in Hungary and Greece. In London, "Fiddler" ran for 5 years at Her Majesty's, where another Harold Prince production, "Company," is a big hit.

Music Theater International estimates that the subsidiary leasing in the United States and Canada will produce 1,015 separate productions in the first 16 months of release through June 1972.

A total of more than 2,500 performances were given by professional, community, and academic producers; and

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more parochial schools played "Fiddler" than other schools.

Total gross in the United States on Prince productions of "Fiddler" New York and national companies—$51,430,000, plus $12,935,000 for stock and other productions in the United States. Capitalized at $375,000, the musical had returned 98 percent profit to its investors and a matching sum to its producer. Total profits, which are divided between the producer and 147 investors is $7,402,500, so investment in theater sometimes pays off handsomely.

There have been 43 complete score record albums, plus 18 original cast albums in English, Dutch, German, Spanish, Hebrew, Yiddish, Norwegian, Swedish, French, Japanese, and others.

Estimate of theatergoers who have seen "Fiddler" in live productions around the world: 37,500,000.

Awards to "Fiddler on the Roof":

New York Drama Critics' Circle—Best Musical.

American Theatre Wing Tony Awards:
Best Musical.
Best Director—Jerome Robbins.
Best Choreographer—Jerome Robbins.
Best Score—Jerry Bock.
Best Lyrics—Shelton Harnick.
Best Actor—Zero Mostel.
Best Costumes—Patrician Zipprodt.
Best Featured Actress—Maria Karnilova.
Best Author—Musical—Joseph Stein.
Best Producer—Musical—Harold Prince.

National Catholic Theatre Conference—Best Musical.

New York Newspaper Guild—Page One Award.

THE SALT AGREEMENT

Mr. FANNIN. Mr. President, President Nixon in his quest for world peace has reached some historic agreements with the leaders in Moscow. It now is up to Congress to study carefully both the specifics and the implications of these agreements before voting to confirm them.

In considering the SALT agreement, I believe that we must understand the realities today both in our Nation and in the Soviet Union.

Ralph de Toledano in his syndicated column last Friday made some very interesting and meaningful points concerning the SALT agreement.

Mr. President, I ask unanimous consent that a portion of the column be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

What President Nixon and General Secretary Brezhnev negotiated and signed was the product of long and serious discussion between America's most knowledgeable experts and their Soviet counterparts. There were complex problems to solve, so complex that many thought a meeting of minds was impossible. To imply, therefore, that Mr. Nixon was grandstanding in Moscow is both unfair and uninformed.

In viewing the SALT agreement, what is important to consider boils down to the question: Where would the United States have stood without it? That question was patiently answered by Henry Kissinger to the White House press corps in Moscow—and by the President in his meetings with the House and Senate leadership. But facts often get lost in rhetoric. A look at the arithmetic shows that the United States held its own.

If the Kremlin had continued its vast construction program, as it obviously fully intended to do, it would have had by mid-1977 when the SALT agreement expires a nuclear megatonnage of 5,500, compared to a U.S. megatonnage of 4,550. But under SALT, the USSR will have a megatonnage of 4,000 in 1977, to America's 4,450.

In deployed strategic warheads, which is what really counts, the USSR would have had 3,400 without the SALT agreement, to a U.S. total of 11,000. Under the agreement, the USSR will have 2,600 and the U.S. 11,000. In heavy bombers, there will be no changes—USSR 140, the U.S. 500. The Soviets have more land-based missiles today, but they lack MIRV—our multiple reentry missiles—which is what gives us the great preponderance of deployed warheads. Without SALT, they would have had 1,900 in 1977, but now they will be restricted to 1,330. The U.S. would have had 1,054, but now it will have 1,000. Without SALT, the Soviets would have had 1,200 sea-based missiles in 1977 to our 656. Under SALT, they will reduce that number to 950, but we will increase ours to 710.

But the true significance of SALT is not found in those figures. It lies in the mutual decision to halt an arms race which offered neither side any real security and was draining both the Soviet and the American economies. As I write from Moscow, there is enough overkill in those figures and that nuclear weight for mutual obliteration. What worries some critics is that the Soviets may disregard the agreement and continue to build up their nuclear forces, particularly nuclear-armed submarines.

But the United States has adequate means of detection. After all the Soviets cannot build a submarine in a salt mine—no pun intended—or dig an ICBM silo in secret. We will know about it and can abrogate the agreement. The Kremlin knows this and, in fact, it was fully discussed at the SALT talks. But beyond this, it should be noted, there would be no practical reason for Soviet violations—and the men of the Kremlin are eminently practical. They would have much to lose and very little to gain.

The Kremlin made it very clear that its main objective is an increase in trade with the United States. The Soviet Union also wants technological assistance. And it will get them when such matters as Lend-Lease and interest on credits are worked out. Had there been more time, they would have been settled in Moscow. That the Kremlin should even have discussed payment of its Lend-Lease debts is an index of its strong desire to come to terms with the United States.

It is no longer a question of "softness" on the part of the United States but one of logic. For even if, in a year or so, the Kremlin goes back on its word, nothing will be lost. And the breakthrough in communication with the Soviet leadership made by Mr. Nixon during his careful preparation for the summit and at the meetings in the Kremlin will always remain as a positive achievement.

CONFERRAL OF HONORARY DOCTOR OF LAWS DEGREE UPON GERARD C. SMITH

Mr. COOPER. Mr. President, on June 4, Georgetown University conferred upon Gerard C. Smith an honorary doctor of laws degree. The honorary degree was presented in recognition of Ambassador Smith's "great contribution to peace" as Chairman of the U.S. delegation to the strategic arms limitation talks.

I cannot improve upon the citation and I ask uanimous consent that it be printed in the RECORD at the conclusion of my remarks. I shall read the last two paragraphs of the citation:

But perhaps his greatest contribution to peace has been realized in his role as Chairman of the United States Delegation to the Strategic Arms Limitation Talks. His patience and skill at the negotiating table have brought us at last within reach of a long-sought goal—a world free from the danger and burden of armaments. The agreements reached in Moscow in themselves can reverse the mad momentum of the arms race, and also can present the United States and the Soviet Union with a significant opportunity for the eventual reduction of the vast nuclear arsenals of our two nations.

For these outstanding contributions towards the universal goals of peace and sanity, the President and Directors of Georgetown University, by virtue of their charter from the Congress of the United States, proudly and respectfully proclaim the Honorable Gerard C. Smith Doctor of Laws, honoris causa.

Ambassador Gerard Smith has demonstrated the highest measure of diplomatic skill and deserves our respect and gratitude for his devoted service to the United States and the future of mankind.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

GERARD C. SMITH, B.A., LL.B.

(Director, U.S. Arms Control and Disarmament Agency; representative, U.S. Delegation, Strategic Arms Limitation Talks)

The President and Directors of Georgetown College, to all who shall view these presents: Greetings and peace in the Lord:

Tenacity of purpose, imagination in conception, and skill in execution characterize the man we honor today for his role in the pursuit of peace. He has faced the most important challenge of our times, and has been a consistent force behind this nation's efforts to promote world security through the control and reduction of armaments.

Lawyer, publisher, naval officer, diplomat, he has contributed his talents to his Government under the Administrations of five Presidents. He served as a Chief Adviser to the Eisenhower Administration for the Atoms for Peace Conference, and in 1958 played a major role in the shaping of U.S. proposals for a permanent United Nations Peace Force and regional arms control. In 1963, President Kennedy gave him credit for proposing the Washington-Moscow "Hot-Line"—an idea he first advanced as Assistant Secretary of State for Policy Planning in the late fifties.

In 1969, he became Director of the United States Arms Control and Disarmament Agency. Under his capable leadership, the United States has continued to add to the series of agreements with the Soviet Union to design to reduce the risks of nuclear war. He has also presided over two important multilateral arms control agreements: a treaty prohibiting the employment of nuclear weapons on the seabeds, and a convention prohibiting the development, production and stockpiling of biological weapons, thus effecting, for the first time in history, a ban over an entire class of deadly weapons.

But perhaps his greatest contribution to peace has been realized in his role as Chairman of the United States Delegation to the Strategic Arms Limitation Talks. His patience and skill at the negotiating table have brought us at last within reach of a long-sought goal—a world free from the danger and burden of armaments. The agreements reached in Moscow in themselves can reverse the mad momentum of the arms race, and also can present the United States and the Soviet Union with a significant opportunity for the eventual reduction of the vast nuclear arsenals of our two nations.

For these outstanding contributions towards the universal goals of peace and sanity, the President and Directors of Georgetown University, by virtue of their charter from the Congress of the United States, proudly and respectfully proclaim The Honorable Gerard C. Smith, *Doctor of Laws, honoris causa.*

In testimony whereof they have issued these formal letters patent, under their hand and the Great Seal of the University, at Georgetown in the District of Columbia, this fourth day of June, nineteen hundred and seventy-two.

ROBERT J. HENLE, S.J.,
President.
EDWIN A. QUAIN, S.J.,
Chairman, Board of Directors.
DANIEL J. ALTOBELLO,
Secretary.

THE PEOPLE OF POLAND AND THEIR COMMUNIST RULERS

Mr. FANNIN. Mr. President, Ralph de Toledano also wrote an excellent column last Wednesday regarding the people of Poland and their refusal to bow to their Communist rulers. I ask unanimous consent that this column, which contains a very worthwhile message for all of us, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLAND—TROUBLE SPOT IN COMMUNISTLAND?

(By Ralph de Toledano)

It is Corpus Christi, Poland's great Catholic holiday. Every shop in Warsaw is shut down, and no government business is transacted. At 8 a.m. altars are being set up on the city's main street. At the great cathedral in Old Town, destroyed by the Nazis and rebuilt by the Polish government with loving care, Mass is being said. People of all ages all seem to be moving towards the cathedral. Priests and nuns are everywhere to be seen. In the cathedral, late teenagers and young adults make up a substantial part of the worshippers. Many of them are on their knees for as much as fifteen minutes at a time.

Ten o'clock mass. The cathedral is packed to overflowing. Down the street are two huge open air masses. There are processions everywhere, one of them six blocks long. The streets are jammed. You see the little girls in white dresses, little boys in blue. Church song fills the air.

This is Warsaw, the capital of a Communist country. But at heart it is unshakably Catholic, unshakably tied to its old traditions. Even those whose faith has been eroded participate, as a political act. The Communist leaders do not like it, but they accept it. To do otherwise would be to court riot and revolution. Where religion is concerned, the state is powerless.

But this carries over to other aspects of life. The Polish people are open and friendly to visitors, particularly to Americans. They go out of their way to be friendly. If they speak English or French—or even German—they will stop you on the street, if only to say a few words of welcome. They find it reassuring that an American President is visiting their country, an indication that they have not been forgotten in a time of summitry and great power accommodation.

They still make their jokes about the gingerbread Palace of Culture which Stalin put up for them. They are not paralyzed by the voice of the Communist bureaucracy. They have been ruled by the Kremlin's satraps for 25 years, but they still feel that this condition is not permanent.

Is this a time bomb planted within the Communist empire? Warsaw exploded once, in the Fifties—and the Kremlin knows that Poland must be handled with care. The regime speaks correctly in terms approved by Moscow. But it, too, realizes the limitations of its power. The Polish people have never accepted communism, and they can be pushed just so far.

There is another factor involved in Soviet-Polish relations—a factor of considerable importance to the world as well. World War II is still very much a reality to the peoples of both countries. Warsaw, which was still a scene of devastation when Richard Nixon visited it in 1959, is being rapidly rebuilt. But the Poles have not forgotten the death and destruction. And neither have the Russians.

If the two peoples have one thing in common, it is the seemingly eradicable recollection of the horrors of war. In Moscow, you are constantly reminded by Intourist personnel, by multi-lingual newspapermen, almost by everyone you speak to, of what war did to their city, to their country. The signs are everywhere visible—and in Leningrad, the pattern of machine-gun fire is still visible on churches and public buildings. The statistics of blood spilled and property laid waste come quickly to the tongue of the people.

If the Communist leadership in the Kremlin still wants the fruits of imperial expansion, they want it without the costs of Armageddon. The Communists in Warsaw still want the fruits of power, but not at the cost of inviting revolution. The Polish people want independence, but they are not ready to invite a holocaust.

This, perhaps, is the message of the summit meeting. For what the President has demonstrated is that firmness and fortitude can prevail. There will be much debate over the question now being asked: Did Mr. Nixon give away more than he got in his meetings with the Soviet leaders? The answer to that is a complex one. But it is already clear that if American policy continues to be pragmatic and based on knowledge rather than pious wishes, the road begun in Moscow can have a far-reaching continuation and a return of rationality in world affairs.

The President is aware of this, as he told the Joint Session of Congress. Now it is up to the Congress to stand behind him.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. MCGEE). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment by the Senator from Mississippi (Mr. STENNIS), No. 1221, with the time for debate between 11 a.m. and 12:30 p.m. and 2 p.m. and 2:45 p.m. to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Arkansas (Mr. FULBRIGHT).

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

TIME LIMITATION ON CONSIDERATION OF SPARKMAN AMENDMENT ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next at the hour of 11 a.m. the Senate proceed to the consideration of an amendment to be proposed by the distinguished Senator from Alabama (Mr. SPARKMAN); that time on that amendment be limited to 2 hours, the time to be equally divided between the distinguished mover of the amendment, the Senator from Alabama (Mr. SPARKMAN), and the distinguished Senator from New Jersey (Mr. CASE); that time on any perfecting amendment in the first degree to the language proposed to be stricken by the Sparkman amendment be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN); that time on any perfecting amendment in the second degree, debatable motion, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN), unless the Senator from Alabama supports such perfecting amendment in the second degree, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

TIME LIMITATION ON SCOTT AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment to be proposed by Mr. SPARKMAN on Monday, the Senate proceed to the consideration of an amendment to be proposed by the distinguished Republican leader (Mr. SCOTT); that time on that amendment, time on perfecting amendments in the first degree, time on perfecting amendments in the second degree to the language proposed to be stricken, debatable motions and appeals be limited similarly to the respective times that have been agreed to in relation to the amendment to be offered by Mr. SPARKMAN on Monday; that Senators in control of such times will be the Senator from Pennsylvania (Mr. SCOTT), the mover of the amendment to strike, and the manager of the bill, the distinguished Senator from Alabama (Mr. SPARKMAN); that with respect to perfecting amendments in the first degree the time be under control of the mover of such and the distinguished Republican leader (Mr. SCOTT), and with respect to perfecting amendments in the second degree, debatable motions, or appeals, the time be under the control of the mover of such

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and the distinguished manager of the bill (Mr. SPARKMAN) or someone to be designated by Mr. SPARKMAN.

Mr. President, I offer a correction. I believe that the time in opposition to the amendment by Mr. SCOTT should be under the control of the Senator from New Jersey, Mr. CASE.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE ON YEA-AND-NAY VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, the respective cloak rooms should inform Senators on both sides of the aisle that there will be at least five or six rollcall votes today; that following the rollcall votes on the three treaties which will occur at 3 p.m., 3:10 p.m., and 3:20 p.m., today, there will be a rollcall vote on the amendment to be proposed by the Senator from Massachusetts (Mr. KENNEDY), and, very likely, on the amendment to be proposed by the Senator from Ohio (Mr. SAXBE).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE AT 10:30 A.M. ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Monday next, it convene at the hour of 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JUNE 19, 1972, AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Monday next under the standing order, there be a period for the transaction of routine morning business for not to extend beyond 11 a.m., with statements limited therein to 3 minutes, and that at the hour of 11 a.m., the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I thank the Presiding Officer, and I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator from West Virginia for his usual fine courtesies, for his real help in these activities, and for his very fine manner of transacting business.

Mr. ROBERT C. BYRD. I thank the able Senator.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STENNIS. Mr. President, my position is very simple and short on an amendment that is also simple and short.

This is not a contest or a disagreement, or anything of that kind, between two committees of the Senate. My attitude is just to try to keep the lines straight and keep the record straight with respect to the actual military operation, the fighting in Indochina.

The matter we have before us now, S. 3390, is the Foreign Assistance Act of 1961 and its continuation. This is an annual measure, and it includes our worldwide military assistance program, wherever it applies.

However, after we really got into the war in Vietnam on an appreciable scale and were paying the cost of the equipment, the weapons, and really the operation of the army of South Vietnam, plus the Koreans, who are also there, and also some other allies in a much smaller way, and after we were carrying that load, running into the millions of dollars for years, the machinery, the bookkeeping, the accounting of our military assistance program—ordinarily called MAP—proved inadequate and inefficient when it came to the handling of the vast sums.

MAP is a peace program. It is military aid for peace, and goes to a great many countries. It is administered by the State Department under a regular, prescribed system and distribution. Military aid to South Vietnam during the fighting of this war is really, as I have said, a war measure. It is war money and it involves taking care of a fighting army under battle conditions. So we just have to have a different system altogether.

Mr. McNamara, then Secretary of Defense, appeared before our committee and testified to the inadequacy of the ordinary MAP system in meeting this problem. He asked that the matter be transferred over to the Armed Services Committee—it was not a choice between committees— to let that committee authorize what they saw fit in the way of money for our own forces in that area, for U.S. forces. All that money for supplies and everything else was commingled, anyway, for our troops and their troops. That money would be kept track of and Congress would have control over it, but it would come from a different source. It would come from the Department of Defense. That was Mr. McNamara's recommendation, and the Foreign Relations Committee informally agreed to that. It has worked since 1966, and we have gotten along all right.

This had been gone into before. Since I have become chairman I have known about it, and our committee has gone into it very carefully. Our staff has worked on it. We have called on them for a complete accounting of that money and have called on them for an accounting of the amount of money the Department of Defense has spent in different countries. They have supplied the information. We put it out on the table when the bills were being marked up last year and the year before. We had plenty of discussion about it. The Senator from Missouri was very much interested in it and was very helpful in it. He and I had some difference of opinion about it, but one thing we did—we worked out an amendment that we finally agreed on. Anyway, the two of us did.

This year we have worked on it again. We did not quite reach an agreement. We did not quite get to that point. The pending bill provides that, after fiscal 1973, all this would go back to the Foreign Relations Committee. I am not suggesting the Foreign Relations Committee would not do a good job on it. I just say that if we put it back into MAP, we are going to have an inadequate system. We are going to have a source of money in the State Department to pay for the fighting that is being carried on by the military, and we will run into the same snags and the same unbearable burdens that existed previously.

My amendment is to strike that amendment in the bill and await events, and just as soon as the hostilities stop over there, or even as soon as we have a cease-fire agreement carried out with evidence of permanence, I would be willing to let the matter go back to the Foreign Relations Committee, or let the Senate do that.

As evidence of my willingness, we agreed last year that jurisdiction over funds for Thailand would be sent to the Foreign Relations Committee, because the fighting was not going on there. At least, the prospect was that there would not be any fighting there, and I agreed to let this jurisdiction go back to the Foreign Relations Committee.

I have the same attitude now toward South Vietnam, Laos, and the other countries, as I had last year toward Thailand. We were hoping last year the war would be over by now, but it is not, so we have to look realities in the face.

I urge the Senate, for the reasons I have assigned, to strike this part of the proposed bill, to await events. The matter can be considered at any time next year.

The Senator from Alabama (Mr. SPARKMAN) is familiar with this matter. I see him on his feet. I am glad to yield to the Senator.

Mr. SPARKMAN. Mr. President, I thank the Senator. Of course, I agree with what the Senator has said about what we might call more or less an understanding that we had. Last year, for example, the Foreign Relations Committee had this same provision in the bill, and here on the floor of the Senate, as the Senator has pointed out, all of that part relating to countries other than Thailand was stricken from the bill. Thailand was transferred to the MAP program. The Senator at that time made a statement somewhat along the lines of his remarks this morning. I will quote what he said last year on this issue. He said:

> I am willing that in the future jurisdiction with respect to Southeast Asia be returned to the Committee on Foreign Relations. I think that while we are there and our men are there and the activities are going on, we ought to keep it where it is because they have to be considered together.

As I understand, that is the same argument the Senator presents at this time.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Before we get to the fiscal year beginning July 1, 1973, undoubtedly we will be out of that war. In fact, the Mansfield amendment which is in this bill requires that——

Mr. SYMINGTON. Did the Senator say fiscal 1973?

Mr. SPARKMAN. No, I said the fiscal year beginning July 1, 1973. The Mansfield amendment which is in this bill requires that all forces be removed from South Vietnam by August 31 of this year. In other words, I think all of us will agree that it is a matter of a relatively short time until we are going to be out of that war.

Let me say something else. In past years, when we have had the military program and the economic program—we used to have them in two parts—I felt very strongly that we ought not to be called upon to handle the military program, but it was decided otherwise, and I think the decision was made both by the committee and by the Senate. So I do not find too much difficulty in going along with the Senator on this proposal, because it is just a matter of time; certainly, as the Senator says, next year it would be understood that it would revert back to the Committee on Foreign Relations under the regular MAP program; and if the Senator is willing, I would be willing to accept the amendment.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I thank the Senator from Alabama for his very timely remarks, and I am glad to yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am impressed with the argument made by the distinguished chairman of the Armed Services Committee. I would ask, is Thailand currently under the Foreign Relations Committee?

Mr. STENNIS. I believe it is for 1973.

Mr. SPARKMAN. Yes.

Mr. STENNIS. Yes, it is, that is correct, for 1973 it is under the Foreign Relations Committee.

Mr. SYMINGTON. And the Senator's amendment does not change Thailand; it just changes Vietnam and Laos?

Mr. STENNIS. That is correct. My amendment just strikes out the provisions of the bill that are relevant.

Mr. SYMINGTON. Mr. President, as a member of both these committees, based on the war that is going on, I would agree with the chairman, and am glad the distinguished Senator from Alabama (Mr. SPARKMAN) says he would accept this amendment. I would also support it.

Mr. STENNIS. I thank the Senator from Missouri very much. Again I emphasize that he has worked on this problem and is very familiar with it, having worked on it from year to year, and has really made a contribution.

Mr. President, I think we ought to be very clear that we all want this war to be over, and are hoping that it will be, as we were a year ago that it would be over by now. Certainly we hope that before this matter arises again it will be over. But I want to make it clear that until it is, as long as we have this situation of having to apply these sums of money, I think the jurisdiction of the Armed Services Committee ought to continue as it is under the present law.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. I am glad the Senator makes that clear.

Mr. STENNIS. Yes.

Mr. SPARKMAN. I said that on the ground that we were all confident that we will be out before that time.

Mr. STENNIS. Yes. That is all right. I thank the Senator.

Just a word here: I have been thinking a great deal. I have made very few prophesies about the extent of this war, and I do not make any prophesies now, but I am encouraged to say just a few words about the present situation as compared to what it was 60 days ago, or soon after the offensive started.

I feel encouraged by the developments of the last few weeks. Maybe I am on the gloomy side a little, or express myself when I am gloomy more than when feeling a little better. At any rate I have decided I would say just a few words today, in no way intended to give a rosy report—I have heard too many rosy reports on this matter for the last many years—but I think, Mr. President, that it is fair and accurate to say that in several important respects, things are looking somewhat better in this war, certainly better than they were soon after this recent offensive started.

First, the mining of the North Vietnam harbors and the renewed bombing of communications and other targets is apparently slowing down the delivery of the vital fuel, ammunition, and other supplies to the south.

Second, the bombing is, by all accounts, more accurate and effective than before. That impresses me. It seems to me—and I have not had the weekly special briefing on this; I missed the one today—but news accounts and what I pick up here and there impress me that this bombing is more accurate and effective, and it includes more vital targets, and that is encouraging to me.

Finally and most importantly, the North Vietnamese offensive, which was so devastating in its early phases, appears to have been greatly slowed, if not stalled, by the stiffening South Vietnamese, who have been greatly helped by our air support, of course.

I have sometimes discounted the ability of the South Vietnamese to hold under the vigorous determination of these seasoned soldiers from the north, but I have been very much pleased with the way the South Vietnamese have stiffened and have responded. I know they are greatly helped by our advisers, and I give the greatest credit to those advisers. I think this, even though not enough has happened yet to bring about any final decision.

Of course, the North Vietnamese always have the option of retreat, of going back into the bushes, going back to guerrilla warfare, and recouping, revitalizing, resupplying, and coming back to fight another day.

I really think that this evidence that we find now is encouraging. Just as an example, I mention the Kontum area, how it has held out successfully, and An Loc. I am advised that some 35 disabled tanks of the North Vietnamese that had been knocked out of operation have been discovered recently in a very small area.

So I have that word of encouragement, and I just decided last night that I would say these words today in this debate, for whatever they might be worth generally.

I want to make clear, now, that I am not predicting any great, overwhelming victory, but I do think conditions are about as I have outlined.

I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator, and came over to support the Senator on his amendment. On the conduct of the war, I would ask the able chairman, inasmuch as the United States has a gross national product of well over a trillion dollars, and the estimated gross national product of North Vietnam is $3 billion, less than one-third of 1 percent of the gross national product of the United States, does the Senator not believe that if we really do our best to destroy the forces attacking South Vietnam, in the long run we might well be successful?

Mr. STENNIS. Oh, I think so, if we really put forth the effort, and apparently we have given our military the green sign to go on this further than we have before.

Mr. SYMINGTON. Mr. President, I am not one who believes that the North Vietnamese will abandon their effort. We can give the South Vietnamese tanks, planes, and guns, but we cannot give them heart; and it becomes increasingly clear that only the use of massive U.S. airpower saved the Saigon Government.

What worries me is the consistent support of this Thieu Government by this administration; I, for one, do not believe that this war, which is costing us billions of dollars and, what is more important, thousands of American lives as well as the lives of hundreds of thousands of civilians over there—including women and children in South Vietnam as well as North Vietnam—is important to the security of the United States.

I know the able chairman said, in the beginning, that he did not want to get into this war and I would hope he would agree with me—especially as the terrible pictures of civilian casualties continue to come out as a matter of public record that the sooner we can get out of there, the better for all concerned.

Mr. STENNIS. I appreciate the Senator's remarks very much. He is very well versed in this subject. As he has said, he knows that my attitude is—that we are already in, and we have to do the best we can. I do not want us to have to tuck tail and be forced out. We would have to live with that for a century.

Mr. President, I have sent to the desk an amendment which would delete that

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provision in the foreign assistance bill which would transfer the authority for funding military aid for South Vietnam and Laos into the regular military aid program under the jurisdiction of the Foreign Relations Committee. I invite the attention of the Senate to the letter which is on each Senator's desk, since this spells out the reasons why such a shift is entirely inappropriate at this time.

The main reason why such funding must remain for the time being within the wartime funding pattern of the current methods is as follows:

Since a war is in progress in South Vietnam and Laos, it is simply impractical for funding to be handled under the normal peacetime provisions of the military assistance program. The military assistance program, properly under the jurisdiction of the Foreign Relations Committee, is designed for peacetime military aid. In peacetime we can make precise estimates of equipment needs. In peacetime we can order a specific number of rounds of ammunition and with precise levels of military grants or sales provide the stockpiles and modern weapons that our allies need.

But wartime is entirely different. During the Korean war a funding system was established which was very similar to that which we now use for South Vietnam and Laos. It essentially authorizes that funds appropriated for Department of Defense military functions may be used by other free world forces. That means that in the emergency conditions of a war, particularly when U.S. forces are involved, we can make expenditures for wartime needs for both U.S. and allied forces in a quick and flexible fashion. Often the logistic systems of the American and allied forces are integrated with one another.

It is simply impractical in the heat of battle to operate an accounting system which keeps track of whether a specific round of ammunition is going to be used by American or South Vietanamese forces. Not only the South Vietnamese Army, but also the South Vietnamese Navy and Air Force are supplied with American equipment. In peacetime, when U.S. forces are no longer fighting in that part of the world, it will be clear that replacements of equipment and ammunition needed by the South Vietnamese and Laotian Armies will be entirely separate from expenditures for U.S. forces. Thus I hope, and intend, that in the future the responsibility for military aid to these two nations can be returned to a normal peacetime basis and the jurisdiction for that aid can be returned to the Foreign Relations Committee. But it would be putting the cart before the horse to seek to return the funding for this aid to a peacetime basis before the conditions which would permit such a return actually exist.

I should point out that there is nothing new or different about this method of funding. As I have mentioned above, it was used during the Korean war for funding of American and Allied forces in that conflict. In 1966 and 1967 this method of funding—called military assistance service funded—was begun for South Vietnam and Laos because of the hostilities in these countries. Last year the Foreign Relations Committee included in the bill as reported a provision which would have returned responsibility for funding for South Vietnam, Laos, and Thailand to the normal peacetime military assistance program.

It was agreed at that time that the military assistance program for Thailand would be returned to the military assistance program under the jurisdiction of the Foreign Relations Committee but that the time was not yet appropriate for the change in the funding authority for South Vietnam and Laos. I believe that, and I still believe, that when the conditions permitting a normal and peacetime military assistance program—such as that which we now have for Korea—exist in South Vietnam, it will be appropriate for us to return to the normal peacetime system of handling the military assistance program. But these conditions do not yet exist and we do not yet know when they will come about.

We all hope it will be soon. But none of us can be sure. The request for military assistance for the free world forces in Southeast Asia will have to be increased for the current fiscal year from $2.5 to $2.7 billion we have been told by the Department of Defense. This is a result of the North Vietnamese offensive which has required the expenditure of large amounts of ammunition by the South Vietnamese, the replacement of equipment destroyed during the fighting, and so forth.

We all hope that these expenditures will be predictable and that there will be no unpleasant surprises during the months ahead. But we cannot be absolutely certain, and we should not write it into hard law that in exactly 12 months and 17 days from this moment the war and the need for wartime funding methods will be over. We must see what comes and we must match the funding methods to the needs of Southeast Asia, not the other way around.

I urge Senators to vote to adopt the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letter I have sent to each Senator.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 13, 1972.

DEAR COLLEAGUE: The amendment which I have proposed to the Foreign Assistance Act for FY 1973, on which we will vote today, deletes a provision in the bill which would transfer all funding for military assistance in South Vietnam and Laos into the annual military assistance program, under the jurisdiction of the Foreign Relations Committee.

As you are no doubt aware, military assistance for these two countries is now handled differently—it is authorized in the annual Department of Defense Procurement Authorization Bill, which comes under the jurisdiction of the Armed Services Committee. There is a good reason for this. Since there are hostilities currently in South Vietnam and Laos, it is simply impractical for military assistance to be funded under the normal peacetime procedures of the military assistance program. This was recognized back in 1966 when the authorization aid to these two countries was transferred to the military authorization bill, at the request of the Department of Defense. This is the only way it is practical to fund military assistance for countries which are involved in continuing hostilities which directly or indirectly involve American forces. The funding for our allies was handled this way during the Korean War.

I do not, by any means, believe that the funding authorization for military aid to South Vietnam and Laos should be perpetually kept in this status any more than aid to Korea was kept there. I am willing that, in the future, jurisdiction over the military aid to these two countries should be returned to the Committee on Foreign Relations. I made this point last year at the time we agreed to return jurisdiction over military assistance to Thailand to the Foreign Relations Committee.

The Committee on Armed Services thus does not seek or intend for the current funding procedures to become a permanent fixture. But as long as the war is being fought in South Vietnam and Laos, the funding requirements for this type of assistance are so different from the requirements or ordinary peacetime military assistance that the aid to these two countries must be in a different category.

The report accompanying the Foreign Assistance Act contends that returning this funding to the regular military aid program will "symbolize" the return of the responsibility for the war in Vietnam to the Vietnamese. I am afraid that it would do something far more damaging than that. By unnecessarily complicating the funding of our assistance to South Vietnam and Laos, such a shift in funding could seriously endanger the effectiveness of that return of responsibility to the Vietnamese.

I urge you to vote in favor of the amendment.

Sincerely,

JOHN C. STENNIS.

Mr. STENNIS. Mr. President, I am willing to have a voice vote on the amendment.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. There is a unanimous consent agreement to vote on the amendment at 2:45 p.m.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. And that we proceed to vote at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1220

Mr. SAXBE. Mr. President, I ask unanimous consent that the previous order to call up my amendment to S. 3390 at a later time this afternoon be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, I ask unanimous consent that such amendment be called up at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is the amendment at the desk?

Mr. SAXBE. The amendment is at the desk.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 10, line 16, strike out "$150,000,000" and insert in lieu thereof "$150,000,000 exclusive of excess defense articles ordered for grant to the Republic of Vietnam".

Mr. SAXBE. Mr. President, I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read the modification, as follows:

On page 10, line 12, immediately after "Sec. 11." insert "(a)"; in line 17, before the title "HOSTILITIES IN INDOCHINA", insert the following:

(b) section 8(e) of said act is amended by striking out the words 'prior to July 1, 1972'."

The PRESIDING OFFICER. The Chair inquires of the Senator from Ohio whether it is his intent to vacate the part of the agreement that related to a limitation on time as well as bringing up the amendment at another time.

Mr. SAXBE. Mr. President, I believe that we can dispose of this amendment in a very short time, and I therefore ask unanimous consent that the order for the time reservation also be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, this is a very short amendment and has to do with limitations on the excess military equipment. The amount is reduced from $185 million to $150 million. This is agreeable, although it is a 13-percent cutback. However, the modification that it would apply to all the countries, including South Vietnam, would deprive the other countries of the material that the President thinks is necessary for them to maintain their individual defense in the troubled world today. Therefore, I submit that this very short amendment, which would knock out the date prior to July 1, 1972, would accomplish what I believe is the intention of the Senate.

My amendment to the Foreign Assistance Act would eliminate the provision of excess defense articles to Vietnam from the $150 million ceiling on the provision of "no cost" excess defense articles to allied and friendly governments. Last year the $185 million ceiling for the provision of these "no cost" excess defense articles excluded the provision of these articles to South Vietnam. As presently drafted, section 11 of the Foreign Assistance Act includes Vietnam and reduces the ceiling to $150 million—$35 million below last year's figure.

Mr. President, the provision of excess defense articles to South Vietnam is a key element in our Vietnamization program. With this equipment the Vietnamese will be able to continue to make progress in beating back the North Vietnamese invasion and assuming more and more of the responsibility for their own defense.

The administration asked for a $245 million ceiling on "no charge" excess defense articles and within this ceiling had tentatively allocated $32.2 million for Vietnam. If the ceiling proposed by the Foreign Relations Committee is amended to exclude South Vietnam, the total amount available for other nations under this program will have been reduced by $62.8 million or over 13 percent when compared to the amount authorized in fiscal year 1972. This alone is a severe cut but one which the administration is prepared to live with if South Vietnam is excluded from this ceiling.

We must understand that the equipment is actually excess to the needs of our own Armed Forces. I have heard it said that the Department of Defense simply declares excess any equipment it wishes to give away to foreign countries. This is not true. Equipment is determined to be excess after careful calculations show that it no longer is needed for our own mobilization requirements and retention in stock would be uneconomical.

We should realize that this excess equipment was bought and paid for—usually many years ago—through the Defense budget. It has served the purpose for which purchased. For the most part, it is obsolescent or uneconomically repairable by U.S. standards. But to foreign countries that do not need the most sophisticated and latest models, and where materials are relatively scarce but labor is relatively plentiful and inexpensive, these are very useful items. If not used to meet bona fide military assistance requirements, it generally must be disposed of as scrap and valuable defense assets are wasted.

I am not prepared to say that, if we waste this equipment, the United States will have to purchase it at some later time for our foreign friends. But I do say that someone will have to buy it, and I suspect that the United States in one way or another will wind up footing a considerable part of that bill.

I also have heard it said that excess equipment is given to foreign countries simply because it is available—that there is no real requirement for it. This too is not true. It is given away only when available items match a preestablished requirement that has been validated by U.S. officials under a very rigid set of criteria. I think it significant to add here that only about 5 percent of the available excess is used for military assistance. The rest does not match a validated requirement or else is material that is not supplied under the program.

The purpose of my amendment is to give the Department of Defense reasonable leeway to make good use of excess equipment but, at the same time, prevent an unconstrained issue of this material to foreign countries. The Foreign Relations Committee insists upon exercising constraint and control in authorizing continuance of this program; I consider this to be entirely proper. But I am convinced that, at the figure proposed in the committee recommendation, it is overly constrained to a point that would be unnecessarily damaging to our own interests as well as those of our foreign friends.

If limited to $150 million, including equipment that might be needed by South Vietnam, a little more than $100 million will be available for other countries. I firmly believe that this is not enough and therefore am proposing that excess material given to South Vietnam not be counted under the authorization. This would eliminate any constraint on provision of excess material in support of the Vietnamization process and provide enough to meet the most pressing needs of other countries.

In concluding these remarks, I would like to underscore one final point. What I am proposing will cost the U.S. taxpayer nothing. To the contrary, it will inevitably save him money now or at some time in the future.

I support this amendment to eliminate South Vietnam from section 11 of the Foreign Assistance Act. Vietnam was not included under the ceiling on "no charge" excess defense articles last year because it was believed that Vietnam could not be looked upon as just another military aid recipient. Normal considerations simply do not apply in a shooting war.

This is as true this year as it was last year. The timely provision of excess defense articles to South Vietnam helps accelerate the pace of Vietnamization and the speed with which we can withdraw our troops there. So, while I can understand the desire of the Foreign Relations Committee to reduce the outward flow of arms to nations which are not involved in hostilities, I do not believe the same considerations apply in Vietnam. We should give the administration the legislative support which it needs to complete the Vietnamization program.

I hope very much that the distinguished manager of the bill will accept this amendment without forcing a vote on it.

Mr. SPARKMAN. Mr. President, I have discussed this matter with the Senator from Ohio. I think his amendment is entirely reasonable. Therefore, for myself, I am willing to accept the amendment.

Mr. SAXBE. I thank the Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Ohio.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

QUORUM CALL

Mr. SAXBE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPARKMAN. Mr. President, I ask for a vote on the tax be amended at this time.

The PRESIDING OFFICER. The amendment of the Senator from Ohio, as modified, has been agreed to.

Mr. SPARKMAN. Has it been agreed to on the RECORD?

The PRESIDING OFFICER. Yes.

Mr. SPARKMAN. Oh—well, I was not aware of that.

I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. SAXBE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3166) to amend the Small Business Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, was read twice by its title and referred to the Committee on Armed Forces.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The leigslative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY, EXECUTIVE L, 92D CONGRESS, SECOND SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on the Limitation of Antiballistic Missile Systems and the interim agreement on certain measures with respect to the limitation of offensive strategic arms signed in Moscow May 26, 1972—Executive L, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the treaty and interim agreement and associated protocol, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

I transmit herewith the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms signed in Moscow on May 26, 1972. Copies of these agreements are also being forwarded to the Speaker of the House of Representatives. I ask the Senate's advice and consent to ratification of the Treaty, and an expression of support from both Houses of the Congress for the Interim Agreement on Strategic Offensive Arms.

These agreements, the product of a major effort of this administration, are a significant step into a new era of mutually agreed restraint and arms limitation between the two principal nuclear powers.

The provisions of the agreements are explained in detail in the Report of the Secretary of State, which I attach. Their main effect is this: The ABM Treaty limits the deployment of anti-ballistic missile systems to two designated areas, and at a low level. The Interim Agreement limits the overall level of strategic offensive missile forces. Together the two agreements provide for a more stable strategic balance in the next several years than would be possible if strategic arms competition continued unchecked. This benefits not only the United States and the Soviet Union, but all the nations of the world.

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM Treaty and Interim Agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

Besides enhancing our national security, these agreements open the opportunity for a new and more constructive U.S.-Soviet relationship, characterized by negotiated settlement of differences, rather than by the hostility and confrontation of decades past.

These accords offer tangible evidence that mankind need not live forever in the dark shadow of nuclear war. They provide renewed hope that men and nations working together can succeed in building a lasting peace.

Because these agreements effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected—I strongly recommend that the Senate support them, and that its deliberations be conducted without delay.

RICHARD NIXON.

THE WHITE HOUSE, *June 13, 1972.*

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

TIME LIMITATION ON ALLEN AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 2 p.m., today, the distinguished Senator from Alabama (Mr. ALLEN) be recognized for the purpose of calling up an amendment to the unfinished business (S. 3390); that time on that amendment be limited to 45 minutes, to be divided as follows: 30 minutes to be under the control of the distinguished Senator from Alabama (Mr. ALLEN) and 15 minutes to be under the control of the distinguished Senator from Idaho (Mr. CHURCH); and that a vote on the amendment occur at the hour of 2:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, unless some Senator seeks recognition, I am about to move that the Senate stand in recess.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:45 p.m. today.

The motion was agreed to; and at 12:42 p.m. the Senate took recess until 1:45 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. ALLEN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

(The remarks that Mr. FULBRIGHT made at this point on the introduction of Senate Joint Resolution 241, dealing with limitation on strategic offensive arms, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Alabama is now recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. The vote on the amendment which the distinguished Senator from Alabama will call up will occur today at 2:45 p.m. Is it the distinguished Senator's intention to ask for the yeas and nays on that amendment?

Mr. ALLEN. Yes, it is my intention.

Mr. ROBERT C. BYRD. I thank the Senator. Then I would hope that the respective cloakrooms will send out messages to Senators on both sides of the aisle stating that there will be a roll-call vote at 2:45 p.m. today, and I express the further hope that sufficient Senators will be on hand prior thereto, in order to give the Senator from Alabama a sufficient second to his request for the yeas and nays.

Mr. ALLEN. I thank the distinguished Senator for his cooperation.

AMENDMENT NO. 1219

Mr. ALLEN. Mr. President, I call up my amendment now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, strike out line 3 and all that follows through and including line 14 to-wit:

PROHIBITION AGAINST FURNISHING ASSISTANCE

SEC. 7. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(x) No assistance may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Alabama has 30 minutes and the Senator from Idaho has 15 minutes.

Who yields time?

Mr. ALLEN. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 12 minutes.

Mr. ALLEN. Mr. President, the parliamentary situation is that there is pending before the Senate a committee amendment by the Committee on Foreign Relations in the nature of a substitute to the bill as introduced. That committee amendment in the nature of a substitute incorporated within its provisions certain amendments which were offered in the committee and which, from time to time, have been offered here on the floor.

One of those amendments was the amendment by the distinguished Senator from Idaho (Mr. CHURCH) which would have reinstated a ban against foreign military sales to or on behalf of the Governments of Pakistan, India, Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan. So that, in order to strike at the Church amendment, it is necessary to put in an amendment to the committee substitute inasmuch as the Church amendment has now become a part of the committee substitute.

So, this amendment which I have called up would, in effect, table or strike out the Church amendment calling for a ban on military assistance in South Asia, to the countries I have enumerated and which are set out in the language of the substitute.

Mr. President, according to the committee report, the following is a list of the military aid programs planned for countries in South Asia—this is South Asia and not Southeast Asia—for fiscal year 1973:

First. Ceylon—$15,000 in grant aid for training.

Second. India—$2 million in cash FMS sales and $234,000 in grant aid for training.

Third. Nepal—$1 million—the report says $1 million, and I will touch on that in a moment—in cash FMS sales and $29,000 in grant aid for training.

Fourth. Pakistan—$3,600,000 in cash FMS sales and $243,000 in grant aid for training.

Mr. President, there are several points to bear in mind in connection with the figures cited by the committee. The $2 million cash foreign military sales going to India is meaningless and the $3,600,000 cash foreign military sales is equally meaningless for Pakistan, for the simple reason that both India and Pakistan are under an embargo which prohibits military sales to these nations. I have been assured that there are no present plans to lift the embargo.

That would really make that a moot question—the $3,600,000 that Pakistan can buy in this country for cash and the $2 million that India could buy in this country for cash. I am going to point out in a moment that foreign military sales are not always machine guns, tanks, or planes, but they can be civilian equipment. They can be bulldozers. They can be electronic equipment and many other things besides rifles, guns, and tanks.

I have also been advised that the $1 million figure in cash military sales to Nepal is actually an error fed into a computer and that an errata sheet will be shortly issued by the Department of Defense to show that the figure of $10,000 was intended and not $1 million.

Consequently, what the committee is undertaking to do is to prevent grant aid for training military personnel for Ceylon in the amount of $15,000—for Nepal, $29,000—for India, $234,000—for Pakistan, $243,000. In addition, the committee by its recognition that the prohibitions do not prohibit commercial sales of either weapons, supplies, or trade by private industry would permit Nepal to purchase in cash $10,000 from commercial sources, even if the Church amendment is not knocked out in the substitute.

So, we are talking about a total sum of $521,000 grant aid for training—and later on I will comment on the training a little bit more—and $10,000 in cash sales.

That is all the amendment is really to accomplish, inasmuch as we already have an embargo on shipments from this country of military supplies from any source—the Department of Defense, or commercial—going to India and Pakistan.

Mr. President, the above is the total sum which may be spent for purchase of weapons, supplies and equipment from commercial sources or trading by private industry nations of south Asia.

According to the committee report, the committee approved these restrictions and I quote from the report:

In order to insure that the U.S. Government does not become any more deeply involved in the military affairs of the nations of south Asia.

It is worth bearing in mind that the

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total estimate of cash sales under the Foreign Military Sales Act amounts to only $5,610,000.

Mr. President, I point out that these are sales for cash that the Church amendment, the committee amendment, is seeking to ban—not credit sales, not grants-in-aid—but sales for cash and some half a million dollars for training in this country of civilian and military personnel from the countries mentioned. We are talking about cash sales and not credit sales. And we are talking about cash sales of only $10,000 when we exclude sales of equipment and supplies under the existing embargo. The result is that the committee has simply said that the United States shall not provide grants for military training of military personnel from any of the nations in south Asia.

So, in the main what the Church amendment, the committee amendment, would also seek to do would be to bar the expenditure of a half a million dollars, $521,000 to be exact, for training in this country of military personnel and some civilian personnel on electronic equipment and things of that sort. It would deprive us from the great benefits for this country of having these people from the countries of Southeast Asia in this country where they could obtain training from our military officers. And they have a very definite esprit de corps between them and our own military instructors and personnel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, that in the main, in view of the embargo imposed on shipments to these countries from any source, military or commercial, would be barred. To me, it simply says that the United States shall not provide grants for military training of military personnel for any of the nations in South Asia. And that in the judgment of the junior Senator from Alabama would be a very shortsighted policy indeed.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ALLEN. I yield 2 minutes to the distinguished Senator from Kentucky in order that he might propound an inquiry.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, I appreciate very much the Senator's explanation of his opposition to this section. I must confess that I was not in the committee at the time this amendment was adopted. I see the Senator from Idaho on the floor and as the author of the amendment, I know that he will explain it. However, as I recall the discussion prior to the adoption of the amendment, it was designed to cut off the possibility of a resumption of the supply of military equipment that had been furnished over the years and particularly to Pakistan. If the request has not been made, I ask consent that the Senator from Ohio Senator SAXBE and the Senator from South Carolina, Senator HOLLINGS, be made cosponsors of the amendment. Senator SAXBE has visited the area, and he and Senator HOLLINGS introduced the resolution expressing the sense of the Senate for reorganization of Bangladesh.

The Senator from Alabama (Mr. ALLEN) has pointed out—and, I think, very correctly because I am looking at tabulation No. 4 in the report—that the amounts represented here are approximately $500,000.

Mr. ALLEN. $521,000; the Senator is correct.

Mr. COOPER. The Senator has stated that these amounts to the various countries would be used only for military training.

Mr. ALLEN. As to the items for training. However, it does have the items of $2 million to India, and $3,600,000 to Pakistan, and $15,000, I believe, to Nepal. That is a projection by the committee based on information furnished by the Defense Department. However, the point the junior Senator from Alabama is making is that despite those figures, there is an embargo in force—and there has been for some time—preventing shipments of any sort, from military sources or from civilian sources, of military supplies to these countries.

Mr. COOPER. Mr. President, the Senator is correct but the purpose of the amendment is to prevent the resumption of military aid such as has occurred in the past.

If the Senator's amendment were to be adopted, it would not prevent the sale or grant of military equipment to these countries, provided the embargo is lifted. Is that a correct statement?

Mr. ALLEN. The Senator is correct. That is the sales for cash in the amounts stated in the report. I did point out that there was a computer error in the million dollar figure listed for Nepal. That figure is only $10,000. And I am so advised by the Department of Defense.

Mr. COOPER. Mr. President, I will take only a few minutes. I want to say that, from my experience in the area, I believe one of the causes of war and the troubles in the area can be attributed in some degree to our military aid.

These countries receive large supplies of military aid from other countries. India is almost entirely supplied today by the Soviet Union, and Pakistan receives military aid from the Peoples' Republic of China and from the Soviet Union. We should stay out of the competition. Mr. President, I will ask for time later.

Mr. ALLEN. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield myself such time as I might require within the limit.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the distinguished Senator from Alabama would strike section 7 from the committee bill. If this were to pass, we would end up without any congressional policy regarding the furnishing of arms to the countries of the Indian Subcontinent. The executive would then be free to proceed at its pleasure. It could lift the current embargo and reinstate the arms supply program for Pakistan or for India as well as transfer those materiels programed for Ceylon or Bangladesh unchecked by any legislative guidelines.

The Congress, having not spoken in this or in any other bill, would leave the executive free to proceed with it. That is the only way one could construe the amendment offered by the distinguished Senator from Alabama.

Mr. President, the Committee on Foreign Relations, in section 7 of the Foreign Assistance Act of 1972, has reported a provision prohibiting any further participation by the U.S. Government in supplying weaponry to the nations of South Asia.

The purpose of the provision, as already noted by the distinguished senior Senator from Kentucky, based upon long and bitter experience, is to insure that the United States not blunder again, severely disserving our national interest, as we did in the 1965 war between India and Pakistan and in the Pakistan-Bangladesh and Pakistan-Bangladesh-India wars in 1971.

If this provision were enacted into law, all federally financed armaments would be banned. Commercial sales, on the other hand, would become a direct matter between the South Asian governments and the private companies concerned.

Tensions that led to tragic and traumatic conflicts in South Asia continue to linger. For the United States to rearm Pakistan, or to arm Bangladesh, the newest nation, to counterbalance India, now the dominant power in the area, would only heat up the fires that still flicker on the subcontinent. For the United States to provide India with more military might would only make the adjacent nations more mistrustful of their colossal neighbor. As long as the U.S. Government offers arms and ammunition to any of these countries, as long as the Pentagon acts as the agreeable agent in procuring and purchasing military materiel, as long as our Government provides free military training to the competing officer corps, and as long as we intervene in the delicate military affairs of Bangladesh, Bhutan, Ceylon—now Sri Lanka—India—and Sikkim—Nepal, and Pakistan, we are only repeating our mistakes of the past.

In recent times, tangible progress has been made by the superpowers toward limiting the testing, deployment and transfer of nuclear weapons. I submit, it is also imperative to seek ways for reducing the massive international traffic in conventional arms. This amendment, then, serves as a first step toward controlling the flow of these arms into the most volatile region of the Asian continent. In turn, our noninterference would encourage South Asian governments to seek among themselves solutions of a more conciliatory nature. Hopefully, this process could begin with the Delhi summit at the end of this month.

Five advanced powers—the United States, the U.S.S.R., France, the United Kingdom, and China—have supplied nearly all the weaponry for the wars in South Asia since 1947.

Ironically enough, the opposing armies in these wars possessed pretty much the same weapons provided by the five aforementioned nations. This was the case in last year's cruel conflict between India, Bangladesh, and Pakistan. The Sherman tanks used by the Indian Army and the M–47 and M–48 tanks used by the Pakistan forces were all manufactured in the United States. The Soviet T–54 and T–55 tanks used by all combatants were manufactured in the Soviet Union. The Indian Air Force flew Soviet Mig–21 jets while Pakistan flew Soviet Mig–19s. And now Ceylon has joined the club of combatants, receiving arms aid from the major suppliers to control the numerous unemployed and unsatisfied youth in that country; the militant rebels have received their tools of violence indirectly from the same sources. Such completing-the-circle circumstances reach beyond the limits of evil into the realm of the ludicrous, as was recently pointed out in a French magazine. "Frenchmen can take comfort in the fact," the periodical noted—

> That, along with providing Mirage jet fighters to Pakistan, France is also exporting anti-aircraft missiles to India to shoot down the jets. This is somehow maintaining the balance.

Since the end of last year's war, however, the balance lies solely in the lap of just one nation, India. Any efforts to arm its neighbors as some kind of "even-handed" approach to the area would be both provocative and counterproductive, if not an act of the absurd. The fact is that India has emerged the dominant power in the Indian Ocean region. Only India can work out with its neighbors the course of peace and friendship in that area of the world. Certainly the United States cannot provide equilibrium on the Subcontinent. But the United States and the U.S.S.R. could stimulate further disruptions by supplying arms.

What the Committee on Foreign Relations is proposing here is not part of any retreat to Fortress America, but a policy that would allow the U.S. Government to behave in a realistic, restrained, and moral manner. For the first time in 25 years, federally financed arms would be totally banned from South Asia. For the first time in a generation, American-furnished arms would not be stimulating a regional arms race, or contributing to the outbreak or intensification of hostilities, or constituting an unnecessary diversion on the part of recipient countries of resources needed for vital internal growth. For the first time since 1954, when the United States began to arm Pakistan lavishly, we could conduct our relations in a neutral, friendly manner toward all the nations of the Subcontinent. Our national conscience would be free of the onus that our arms were a major factor in keeping India and Pakistan on the edge of war.

If the United States really has compassion for the peoples of South Asia, which I believe to be the case, then Congress will take our Government out of the arms aid-and-sales business insofar as these countries are concerned. Hopefully, other powers would follow our example, but only time would tell. The way to begin is for the United States to establish a clear and unambiguous policy, as the Senate Foreign Relations Committee has recommended, a policy of banning further U.S. military grants and sales to the nations of South Asia.

Mr. President, I do hope that the Senate will see fit to retain the Church amendment in the bill by rejecting the motion to strike of the Senator from Alabama.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished senior Senator from Kentucky.

Mr. COOPER. I spoke briefly on this matter a few moments ago. I appreciate the correct statement by the Senator from Alabama. He is always precise in his facts. But I believe to strike out the language adopted in committee would have the effect of placing our country in a situation that when the embargo is lifted—and the embargo could be lifted at any time—furnishing arms to these nations or those who wanted arms could be resumed.

I have followed this problem for a long time. I believe our activities in furnishing arms to Pakistan has been one of the causes of the great trouble we have had.

As I have said, India is being supplied almost wholly by the Soviet Union. China is providing some arms to Pakistan as is the Soviet Union. Perhaps the Soviet Union and China will provide arms to other countries of the area. I have never felt it helped the recipients or the United States. And in time the countries of the India subcontinent may dislike their reliance on their present suppliers of arms.

The Senator from Alabama pointed out very correctly that the money in this bill, with the exception of the $10,000, is for military training. Looking at pages 6 and 7 of the report, the footnote on page 6 and 7 shows these cases the aid is for "United States and overseas training only." With regard to India and Pakistan it is for U.S. training only. I think that is proper to keep such an association with those countries. It is not a matter of furnishing hardware for them; it is a matter for training.

I hope the Senator will amend the committee amendment in the bill, proposed to be stricken by the Allen amendment, by adding on page 9, line 11, in the bill after "defense services" the words "other than military training" or similar words he would prefer.

When I was last in India, there was some expression that this would be a proper link and aid between our country and their country, I do not say that my information came from the highest levels, but I think it is correct that it would be a proper link.

Mr. CHURCH. Mr. President, I have no objection to the alteration in the provision that the Senator recommends. I suggest to him, however, that it might be better if it came on line 9 of page 9.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may have 1 minute to complete this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I would propose that we insert the words "other than training" following the parentheses. That is the proper place for it to come, and it would have the same effect. I would be amenable to amending the provision in that respect.

Mr. COOPER. Will the Senator move to amend the committee amendment?

Mr. CHURCH. Yes.

Mr. President, I move that on line 9, page 9, the words "other than training" appear following the parentheses and comma. I move the adoption of that perfecting amendment.

The PRESIDING OFFICER. It would take unanimous consent for the Senator's proposal to be adopted at this time.

Mr. CHURCH. Mr. President, I ask unanimous consent.

The PRESIDING OFFICER. Would the Senator please send the language to the desk?

The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 9, line 9, after the word "part" and the closing parenthesis, insert the words "other than training".

The PRESIDING OFFICER. Is there objection to the amendment? Without objection, the committee language is so amended.

Mr. CHURCH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 13 minutes remaining.

Mr. ALLEN. Mr. President, the Senator from New Jersey (Mr. CASE), who does not feel as I do about the amendment, asked for 3 minutes' time. Is he here? I am prepared to yield to him.

In view of his absence, and since time is running, Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, the committee substitute singles out one section of the world for special treatment, ignoring many of the important and beneficial effects which our military assistance relationships have had in the past with the countries of the area. This indiscriminate prohibition on all forms of military assistance is its greatest weakness.

Over the years in all the countries of the region we have maintained modest but important military training programs, which vary in size from one of approximately $250,000 in India and Pakistan to one of less than $50,000 in the case of Nepal, and under the perfecting amendment that was agreed to, the training programs could still be carried on.

These programs have provided opportunities for personnel from all military services to come to this country and to learn something of American military technology and tactics and to understand more about the American way of life. These links with the military leadership in the countries of South Asia have pro-

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vided useful points of access and a basis of understanding and friendship which has been and could continue to be an important positive political factor for us. It is important that the United States be able to provide military training to a select number of military personnel when and as we determine it to be in our interest to do so.

I continue to speak about the training program because, if the Foreign Relations Committee saw fit to knock out the training program, and the proponents of the Church amendment now admit that it was in error in doing so, might they not be wrong also in preventing or banning military sales to those countries?

Mr President, will the Chair stop me when I have 3 minutes remaining, so that I may yield that time to the Senator from New Jersey?

Additional examples of the loss of flexibility which the amendment would impose on the conduct of our foreign relations can be seen in the examples of Nepal and Ceylon. Almost a decade ago when Nepal was faced with the need to equip its very small armed forces at a time of particular concern about the Chinese threat, we were able to institute a small assistance program under which we provided medical, communications, and transport equipment to the Nepalese army. We are continuing to sell very small quantities of spare parts to support this equipment even today, but the Church amendment embodied in the committee substitute would eliminate that type of sale

Similarly, we agreed in 1964 to join with the Government of India in building the East-West Highway across the southern plains of Nepal. Roadbuilding equipment for this highway was provided under our military assistance program.

As I stated in my earlier remarks, all military assistance does not consist of a rifle, or a tank, or a weapon. Civilian equipment and material can also be provided.

The highway has been a major cooperative program in Nepal with important positive impact on the economic development and national integration of Nepal. We would be unable to continue to support our contribution to this project if the pending amendment is not adopted.

Finally, in Ceylon, where in 1971 a Maoist insurgency broke out, we were able to move swiftly to meet requests for assistance from the Government of Ceylon. We provided helicopters and other equipment needed for the internal security of this friendly island in the Indian Ocean. Our support was an important contribution to the political stability and independence of Ceylon. Spare parts support will be required in the future if our interest in the independence of Ceylon is to have any visible credibility. If the amendment I have offered is not agreed to, we will not be able to provide such support.

Thus the committee substitute would do a serious disservice to the national interests of the United States. It would deny us needed flexibility in meeting emergent situations in the future; it would make it more difficult for the United States to build cooperative relationships with the countries of South Asia and to help them in the tasks of their own self-defense which is the fundamental assumption of the Nixon doctrine.

The next question that comes to mind is, Where will these nations turn for their future military requirements?

And the Senate should ponder that question well.

The equipment previously furnished by us will rapidly become useless without spare parts. If the nations involved intend to provide training for their military personnel in technical and specialized fields, where will they turn for such training?

Under the perfecting amendment, that is a moot question.

The answer is obvious. Communist Russia and Communist China are anxiously awaiting the opportunity to exclude all U.S. influence in South Asia. It is my sincere conviction that if the Senate does not vote to strike this section, we will have significantly contributed to the achievement of Communist goals in South Asia.

In conclusion, it is my contention that the minimal grants for training does not represent a deep involvement in military affairs of the nations of South Asia. I futher contend that to deny these nations the right to purchase for cash necessary spare parts and equipment previously furnished by the United States is a futile gesture, costly in good will, and can only provoke the nations involved into choosing alternative sources of assistance. The committee's purpose may be well intentioned, but, in my judgment, it is unwise, and I hope that the Senate will vote for the pending amendment striking out the language of the Church amendment embraced in the committee amendment.

I yield to the distinguished Senator from New Jersey, the remainder of my time.

PERSONAL STATEMENT

Mr. CASE. Mr. President, I thank the Senator from Alabama. I asked the junior Senator from Alabama if he would let me have the floor because at this time I do want to raise a question, while the senior Senator from Alabama (Mr. SPARKMAN) is present, as to a procedure followed this morning in which the senior Senator from Alabama was involved.

The Stennis amendment to strike subsection 3 of section 4 of the bill was to be voted on, according to the unanimous-consent agreement, at a quarter to 3 today. At about 10 minutes to 12, without a quorum call and without notification to me, though the Senator from Alabama knew that I had been the author of the language which would have been stricken by Senator STENNIS' amendment, he vacated the unanimous-consent agreement and accepted the Stennis amendment, and it was adopted by a voice vote.

I say this because I think it was most unfortunate, and that this kind of thing is contrary to the spirit in which the Senate operates and has to operate if we are to accomplish our business.

I would be glad if the Senator from Alabama would respond.

Mr. SPARKMAN. Mr. President, I will say to the Senator from New Jersey that I can see why he would feel this way. I do not blame him one bit. As a matter of fact, I did know that the Senator offered this language in the committee. I knew, and was reminded by all the references to the Case amendment, that he was greatly interested in an amendment that I had introduced yesterday afternoon and had printed, which was on the table today. I had been told that he would not be ready to consider that until Monday of next week, and I agreed to that.

I must say that I just was not thinking about this being something which he should be notified about. I fully agree with him that he should have been notified, and there should have been a quorum call in order that not only he, but all Senators, would know that this changed situation was about to take place.

I do not know anything further that I can say. I am sorry that it developed that way, but that is the way it was.

Mr. CASE. I appreciate the statement the Senator has made. I accept it, of course. I would only say that I think that all of us, when we are in a position of controlling any part of the action of the Senate, have got to be extremely sensitive—and this should go for our staffs as well—to the needs of people whenever we operate, as we almost always do, under unanimous consent. These practices, once established, tend to acquire a rather sacred quality, and unless notification of an agreed scheduled change is given to the specific individuals involved, we are going to have chaos here, and it will be difficult to operate.

I certainly understand that the Senator from Alabama would not have done this except by inadvertence, and I accept the apology.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROTH). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Michigan (Mr. HART), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS), are absent on official business.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The result was announced—yeas 41, nays 43, as follows:

[No. 204 Leg.]

YEAS—41

Aiken	Dole	McGee
Allen	Dominick	Miller
Allott	Eastland	Packwood
Anderson	Ervin	Saxbe
Beall	Fannin	Scott
Bellmon	Fong	Smith
Bennett	Griffin	Sparkman
Boggs	Gurney	Stafford
Brock	Hansen	Stennis
Cannon	Hollings	Talmadge
Chiles	Hruska	Thurmond
Cook	Jackson	Welcker
Cotton	Jordan, N.C.	Young
Curtis	Long	

NAYS—43

Bayh	Harris	Pastore
Bentsen	Hartke	Pearson
Bible	Hatfield	Percy
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Harry F., Jr.	Javits	Ribicoff
	Kennedy	Roth
Byrd, Robert C.	Magnuson	Schweiker
Case	Mansfield	Spong
Church	Mathias	Stevens
Cooper	McIntyre	Stevenson
Cranston	Metcalf	Symington
Eagleton	Mondale	Taft
Ellender	Montoya	Tunney
Fulbright	Nelson	

NOT VOTING—16

Baker	Humphrey	Muskie
Buckley	Jordan, Idaho	Pell
Gambrell	McClellan	Tower
Goldwater	McGovern	Williams
Gravel	Moss	
Hart	Mundt	

So Mr. ALLEN's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION—CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The PRESIDING OFFICER (Mr. ROTH). Under the unanimous consent agreement of Wednesday, June 7, 1972, the hour of 3 p.m. having arrived, the Senate will now go into executive session and will proceed to vote Executive Calendar Nos. 23, 24, and 25.

The resolution of ratification on all three treaties having been read, the Senate will now proceed to vote first on Calendar No. 23, Executive A (92d Cong., second sess.), the convention on the taking of evidence abroad in civil or commercial matters.

The yeas and nays have been ordered.

The question is, Will the Senate advise and consent to the resolution of ratification on Executive A (92d Cong., second sess.)?

The time for each rollcall vote will be 10 minutes instead of the regular 15 minutes.

The clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL) and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The yeas and nays resulted, yeas 84, nays 0, as follows:

[No. 205 Ex.]

YEAS—84

Aiken	Eastland	Montoya
Allen	Ellender	Nelson
Allott	Ervin	Packwood
Anderson	Fannin	Pastore
Bayh	Fong	Pearson
Beall	Fulbright	Percy
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Harris	Roth
Boggs	Hartke	Saxbe
Brock	Hatfield	Schweiker
Brooke	Hollings	Scott
Burdick	Hruska	Smith
Byrd, Harry F., Jr.	Hughes	Sparkman
	Inouye	Spong
Byrd, Robert C.	Jackson	Stafford
Cannon	Javits	Stennis
Case	Jordan, N.C.	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McGee	Tunney
Curtis	McIntyre	Welcker
Dole	Metcalf	Young
Dominick	Miller	
Eagleton	Mondale	

NAYS—0

NOT VOTING—16

Baker	Humphrey	Muskie
Buckley	Jordan, Idaho	Pell
Gambrell	McClellan	Tower
Goldwater	McGovern	Williams
Gravel	Moss	
Hart	Mundt	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TREATY OF EXTRADITION WITH ARGENTINA

The PRESIDING OFFICER. The Senate will now proceed to vote on Executive Calendar No. 24, Executive F (92d Cong., second sess.), a treaty of extradition with Argentina. The resolution of ratification having already been reported, the question is, will the Senate advise and consent to the resolution of ratification?

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The yeas and nays resulted—yeas 84, nays 0, as follows:

[No. 206 Ex.]

YEAS—84

Aiken	Eastland	Montoya
Allen	Ellender	Nelson
Allott	Ervin	Packwood
Anderson	Fannin	Pastore
Bayh	Fong	Pearson
Beall	Fulbright	Percy
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Harris	Roth
Boggs	Hartke	Saxbe
Brock	Hatfield	Schweiker
Brooke	Hollings	Scott
Burdick	Hruska	Smith
Byrd, Harry F., Jr.	Hughes	Sparkman
	Inouye	Spong
Byrd, Robert C.	Jackson	Stafford
Cannon	Javits	Stennis
Case	Jordan, N.C.	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McGee	Tunney
Curtis	McIntyre	Welcker
Dole	Metcalf	Young
Dominick	Miller	
Eagleton	Mondale	

NAYS—0

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NOT VOTING—16

Baker	Humphrey	Muskie
Buckley	Jordan, Idaho	Pell
Gambrell	McClellan	Tower
Goldwater	McGovern	Williams
Gravel	Moss	
Hart	Mundt	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

A PARTIAL REVISION OF THE RADIO REGULATIONS (1959) RELATING TO SPACE TELECOMMUNICATIONS

The PRESIDING OFFICER. The Senate will now proceed to vote on Executive E, Executive Calendar No. 25, A Partial Revision of the Radio Regulations Relating to Space Telecommunications.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The yeas and nays resulted—yeas 84, nays 0, as follows:

[No. 207 Ex.]

YEAS—84

Aiken	Cook	Hruska
Allen	Cooper	Hughes
Allott	Cotton	Inouye
Anderson	Cranston	Jackson
Bayh	Curtis	Javits
Beall	Dole	Jordan, N.C.
Bellmon	Dominick	Kennedy
Bennett	Eagleton	Long
Bentsen	Eastland	Magnuson
Bible	Ellender	Mansfield
Boggs	Ervin	Mathias
Brock	Fannin	McGee
Brooke	Fong	McIntyre
Burdick	Fulbright	Metcalf
Byrd, Harry F., Jr.	Griffin	Miller
Byrd, Robert C.	Gurney	Montoya
Cannon	Hansen	Mondale
Case	Harris	Nelson
Chiles	Hartke	Packwood
Church	Hatfield	Pastore
	Hollings	Pearson
Percy	Smith	Taft
Proxmire	Sparkman	Talmadge
Randolph	Spong	Thurmond
Ribicoff	Stafford	Tunney
Roth	Stennis	Weicker
Saxbe	Stevens	Young
Schweiker	Stevenson	
Scott	Symington	

NAYS—0

NOT VOTING—16

Baker	Humphrey	Muskie
Buckley	Jordan, Idaho	Pell
Gambrell	McClellan	Tower
Goldwater	McGovern	Williams
Gravel	Moss	
Hart	Mundt	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of legislative business.

AMENDMENT OF SMALL BUSINESS ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3166.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3166) to amend the Small Business Act, which was to strike out all after the enacting clause, and insert:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902 (a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The message also announced that the House insisted upon its amendments to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. MURPHY of New York, Mr. DEVINE, and Mr. HARVEY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MACDONALD of Massachusetts, Mr. VAN DEERLIN, Mr. SPRINGER, and Mr. KEITH were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. CLARK, Mr. LENNON, Mr. PELLY, and Mr. KEITH were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. MCGEE).

FOREIGN ASSISTANCE ACT OF 1972

The Senate resumed the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1222

Mr. KENNEDY. Mr. President, I understand there is a full hour on the amendment I am about to offer, the time to be divided evenly. Is that correct?

The PRESIDING OFFICER. That is correct?

Mr. KENNEDY. For the benefit of Senators, I will say I do not think we will need nearly all of that time. I am hopeful we can get to a vote within half an hour.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I call up my amendment, No. 1222, to the Foreign Assistance Act of 1961, as amended, submitted by myself and the distinguished Senator from Kentucky (Mr. COOPER), and Senators HUMPHREY, BAKER, MONDALE, CHURCH, SAXBE, STEVENSON, HOLLINGS, and CRANSTON.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment (No. 1222) as follows:

On page 6, line 13, strike "$50,000,000" and substitute in lieu thereof "$100,000,000".

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The purpose of this amendment is to restore the amount of aid and assistance to be made available to Bangladesh from some $50 to $100 million, which was initially requested by this administration.

If this amendment is successful, the funds would be used for the items which were included in the RECORD yesterday. They are basically humanitarian programs to try to help restore the lives, the well-being, and the homes of hundreds of thousands of citizens of Bangladesh who have suffered so grievously over the period of the last year.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts is making an important statement, and he has requested that the Senate be in order.

Mr. KENNEDY. Mr. President, probably no people in recent times have suffered more grievously than have the people of Bangladesh over the last 2 years. During the period of the last 2 years more than 1 million of them lost their lives in the cyclone that struck their southern coast, and then, shortly after that, they experienced some of the most dreadful violence that any have been subjected to in modern history—a violence that caused some 10 million of their own to flee from Bangladesh into India.

I had an opportunity to visit many of the refugee camps surrounding the borders of Bangladesh just about a year ago, and it was not extraordinary, during that time, to see hundreds of thousands of children less than 7 years of age dying from mass starvation. As a matter of fact, the best estimate was that there were some 10,000 or 12,000 children who died every day of malnutrition. That was about half the total number of such deaths during that period of time.

So the people of Bangladesh have suffered grievously from violence and terrorism in their struggle for freedom, in their desire to effectuate the independence which they had secured at the ballot box. Now that peace has come to Bangladesh, the 10 million refugees have returned from India to Bangladesh, with some help and assistance from India—for rather than being a people who were willing to languish in refugee camps, where they could be assured of some food and shelter, they returned to their homes in a strikingly short period of time, to rebuild their lives and their homes and to seek a new life in the country which they loved.

This effort by the United States of providing some $100 million, which would be the amount authorized if this amendment were successful, represents the U.S. share of participation in the humanitarian undertaking to permit those people to restore their lives and well-being. I think, quite frankly, it is a minimum figure. It represents a little less than a quarter of the total amount which has been estimated as necessary to restore Bangladesh to its 1970 economy. It would, I believe, provide the kind of restoration and rehabilitation in the most important and crucial areas of housing, and would provide some transportation, but most directly in efforts that would have the greatest impact on people's lives, health, and housing and their basic needs.

The resources which will be made available under this amendment will, to a large degree, be expended——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KENNEDY. I yield myself 3 more minutes—are partially being expended through the voluntary church agencies. The voluntary agencies, which represent all the great faiths and international service organizations, are perhaps some of the great unsung heroes in the field of humanitarian concern and relief. This aid program will work through the voluntary church agencies, composed of men and women who are selfless in their desire to help their fellow human beings. They are remarkably efficient in assuring that any tax dollar devoted to humanitarian relief actually gets into the field and the area of greatest need. So I believe, Mr. President, that this amendment for the restoration of $50 million, even recognizing some of the extraordinary needs we have here in this country, is completely in the tradition of U.S. humanitarian concern for the hundreds, thousands, and millions of homeless refugees, who have suffered so much and who are now attempting to restore their lives and well-being, and represents a strong arm of friendship to those people, to help them to help themselves.

Finally, Mr. President, I understand that there was some reluctance by the Committee on Foreign Relations to recommend the full amount requested by the administration, because some of the previously authorized funds had not been expended. I understand and appreciate that. But that was largely due, Mr. President, because we as a country had withheld our diplomatic recognition of Bangladesh until fairly recently, so it has only been recently that we have been able to involve ourselves in negotiations for the restoration of AID. In the past few weeks, the AID program has been announced, and I think it represents a very imaginative and well thought out program. There is considerable need for this kind of help and assistance, which we can provide with this amendment if it is agreed to, and I hope that it will be.

Mr. President, I ask unanimous consent that the text of my prepared remarks be printed at this point in the RECORD.

There being no objection, the text was ordered printed in the RECORD, as follows:

As I stated in introducing this amendment yesterday, the unprecedented tragedy that swept the land and people of Bangladesh last year has rightly brought an unprecedented humanitarian response from the American people and Congress. Despite the slowness of our Government to react, the American people and the Congress have seen the birth of Bangladesh as a saga of human courage and tragedy rarely witnessed in modern times—a saga deserving of our concern and our help.

After traveling to Bangladesh last February as chairman of the Judiciary Subcommittee on Refugees, I noted in my formal report to the Senate on April 5th, that "Tragedy and triumph were everywhere present." But, as I concluded then, "As evident as were the tragedies and challenges facing the people of Bangladesh, so, too, was the resilience and courage and determination of the Bengali people. They are far from the 'international basket case' some would have us believe."

Clearly, Bangladesh faces immense problems, and there can be little doubt that it is, and will likely be, a very poor nation for some years to come. But their resilience and courage which I observed is already at work in rebuilding their country and their lives. What the people of Bangladesh need today and over the next few months is the wherewithal to rehabilitate their nation. What they ask of us and the international community is to help provide the material resources to help them help themselves.

It is still premature to attempt to estimate the total costs of relief, rehabilitation, and reconstruction in Bangladesh, but there is little doubt that the need is great. In its initial assessment of the situation in Bangladesh, the United Nations outlined priority relief needs with a major emphasis on food and imported goods to get industry going again. But a follow-up survey released in April, a combined United Nations and world bank team identified the total cost of nonfood rehabilitation needs as ranging near $650 million through June 1973. The response to appeals for international assistance have been considerable, but the need remains great. These needs are discussed in some detail in a memorandum prepared for the subcommittee on refugees by the agency for international development, which I ask unanimous consent be printed at the conclusion of my remarks.

Last year the Congress voted $200 million to help return and rehabilitate the refugees who fled famine and war into India and those countless millions who remained in Bengal without food or shelter. This year, we must continue the relief work we have helped to begin.

Mr. President, I fully appreciate the rationale behind the Foreign Relations Committee's report on why it did not recommend the full $100 million authorization requested for Bangladesh by the administration. At the time of the committee's report there was no public announcement as to how the administration planned to use the funds. And as one who has been severely critical of the lethargy and inadequacy of the administration's response to the humanitarian needs of Bangladesh, I shared the committee's skepticism. The long, and totally inexcuseable, delay of our government's diplomatic recognition of Bangladesh, severally limited A.I.D.'s ability to proceed with the full range of American assistance programs. Without recognition we could not proceed with regular bilateral programs which, in the past, have been so very successful in Bengal. Without recognition, all American aid had to be channeled through the United Nations relief organization in Dacca, which served to push the percentage of the American contribution to the international effort far beyond that which either United Nations or U.S. officials desire.

But now, at last our Government has negotiated a bilateral agreement with the Government of Bangladesh. Despite the many difficulties we might have expected to face—after the famous "tilt"—in restoring American relations with Bangladesh, the government of Sheikh Mujibur Rahman has welcomed the return of American assistance and the presence of American voluntary agencies.

Important among these voluntary agency programs are the special efforts of Catholic relief services and church world service, the housing programs of CARE, the special training programs being undertaken by the international rescue committee, and many other American and international organizations. These programs deserve our support because they are effective, and because the

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people and Government of Bangladesh have seen that the voluntary agencies have had a long history of useful work, and that they have responded so generously on their own to the humanitarian needs of the Bengali people.

So this recent bilateral agreement with Bangladesh represents an important achievement for which I commend A.I.D. The refugee subcommittee has studied A.I.D.'s plans and we can report that this bilateral agreement reflects carefully thought out projects, mutually agreed upon by both governments. Moreover, as I introduced yesterday in the record; the list of projects that American funds will support are the kinds of assistance Bangladesh requires at this time.

Finally, Mr. President, let me say again that in an authorization bill otherwise devoted almost exclusively to security assistance, I urge the Senate not to cut corners on our humanitarian responsibility—to support this amendment to authorize the full $100 million request for relief and rehabilitation assistance for Bangladesh.

Mr. President, I ask also unanimous consent to have printed in the RECORD a memorandum prepared by AID to justify the amount requested, and a table entitled "Commitments to Bangladesh, January to December 1972."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM PREPARED BY AID FOR THE SUBCOMMITTEE ON REFUGEES

FISCAL YEAR 1973 $100 MILLION REQUEST FOR SOUTH ASIA RELIEF

Magnitude of current needs

In its initial assessment of the postwar situation in Bangladesh on February 9, 1972, the United Nations outlined priority relief needs with major emphasis on food. In a follow-up survey of Bangladesh released in April, a UN/World Bank team identified rehabilitation and reconstruction needs judged as a minimum necessary to restore the shattered economy to the pre-war standard attained in 1970. That team estimated a total need for approximately $650 million of non-food assistance through June 1973. Their cost estimate included agriculture and rural reconstruction, power and industry, transportation and health. UN assessments estimated food import needs through to the next major harvest in December 1972 to be about 2,300,000 tons. Some 1,300,000 tons of this amount has been pledged and is being delivered.

It is still premature to attempt to estimate the total costs of relief, rehabilitation, and reconstruction in Bangladesh. There is, however, little doubt that the overall magnitude of need is great and that Bangladesh must continue to receive substantial outside assistance if its people are to recover from the recent tragedy and restore their shattered economy.

Response to the international community

In response to appeals for assistance issued by the UN Secretary General and Government of Bagladesh, the world community has thus far donated or pledged approximately $678 million in aid of all types for Bangladesh as follows:

ESTIMATED TOTAL POSTWAR AID PLEDGES AND/OR DELIVERIES TO JUNE 1, 1972

[In millions of dollars]

	United States	Other	Total
Bilateral	99	340	430
Contributions in support of UN	118	51	169
Voluntary agencies	9	70	79
Other [1]	...	18	18
Total	217	479	696

[1] A recent $18 million commitment by the United Kingdom was not allocated between bilateral and multilateral activities.

International contributions to date have been substantial. Yet, unmet requirements are such that further assistance will be needed if the new nation of Bangladesh is to recover. The greatest hurdles lie ahead—not only in terms of monetary considerations—but in terms of the international community's will to finish a task it has only just begun. It should be noted that the UN Secretary General plans to issue a new appeal for funds in August.

Response of the U.S. Government

The United States has indicated its willingness to assume a fair share of the burden and since the end of the Indo-Pakistan war last December has contributed $140.5 million from the FY 1972 appropriation for relief activities in Bangladesh, including the recently signed $90 million bilateral grant agreement. Under the terms of that agreement, the United States will provide urgently required commodities such as fertilizer, cotton, and tallow, and will assist in high priority rehabilitation projects, primarily coastal embankments, restoration of power generation and distribution facilities, rebuilding of roads and bridges and repair and rehabilitation of facilities in the education sector.

Current status of the FY 1972 $200 million appropriation for U.S. assistance is outlined below:

Appropriated for FY 72: $200 million.

Prewar Obligations—(Prewar relief for Bangalee refugees in India and for relief within East Pakistan): $27.7 Million.

Postwar Obligations—($90 million bilateral grant; $50.5 million in grants to UN and voluntary agencies: $140.5 Million.

Planned Obligations During Remainder of FY 72—(Bangladesh has requested additional bilateral aid of $40 million covering such areas as housing and rehabilitation of medical facilities. Also, voluntary agencies have recently completed assessments indicating a need for approximately $15 million in added support for their programs in housing, feeding, etc.): $31.8 Million.

The United States has also agreed to provide from PL 480 sources a total of 550,000 metric tons of food grains and edible oil with a delivered world market value of approximately $76.5 million. Thus, food aid and dollar relief grants of U.S. postwar assistance to Bangladesh from all sources totals $217 million. This level of assistance represents approximately one-third of the total aid of all types pledged by other donors and is consistent with Congressional desires that the U.S. share not exceed 40 percent of the total from all other sources if reasonably possible.

FY 1973 Request for $100 Million Appropriation

As the needs of Bangladesh remain critical for the immediate future, and the world community continues to respond with new humanitarian assistance commitments, the $100 million request for FY 1973 will permit the United States to continue to participate in the international relief, rehabilitation, and reconstruction effort. The amount requested represents in our best judgment a proportionate share, roughly a third, of the anticipated worldwide contributions for Bangladesh in FY 1973. Any reduction below this amount or break in U.S. assistance would have serious consequences for the people of Bangladesh, who despite their best efforts, cannot yet make their way alone. The authorization and appropriation of $100 million for assistance to Bangladesh during FY 1973 is, therefore, essential.

In implementing the additional $100 million in assistance during the coming months, the United States will make its contributions on the basis of a continuing assessment of needs and the contributions of others. As in FY 1972, these funds will be used for substantial bilaterial activity as well as continued support of UN and voluntary agency programs. An A.I.D. team has already identified a number of additional rehabilitation needs which the United States could effectively support and which could be prepared for implementation in the next few months. These include: local manufacture of tugs and barges, reconstruction of town water and sewage systems and rehabilitation of related health facilities, dredging of inland waterways, and provision of materials for construction of basic housing. We would also want to be able to support the efforts of U.S. voluntary agencies which have also recently completed new assessments of programs they could effectively handle. We believe the United States should also be able to respond to the UN Secretary General's final appeal for the international relief effort in August as well as support an IBRD initiative in reconstruction.

COMMITMENTS TO BANGLADESH, JANUARY-DECEMBER 1972

[Expressed in million of U.S. dollars]

Country	Bilateral	Voluntary agencies		Multilateral			Total
		From Government	From private sources	UNROD	UNICEF	UNHCR	
Argentina				0.24			0.24
Australia	5.50						5.50
Canada	34.40	0.25		1.00	2.00		37.65
Denmark	3.50			1.00			4.50
France	.60	.30					.90
German (Federal Republic)		2.40					2.40
India	206.00						206.00
Ireland				.09	.09		.18
Italy	.10						.10
Japan				9.00			9.00
New Zealand	.50			.12			.62
Netherlands				5.50			5.50
Norway				.60			.60
Pakistan							
Sweden	22.40						22.40
Switzerland	2.00						2.00
United Arab Republic	1.00						1.00
United Kingdom	12.30			.50			12.30
United States	90.00			9.17			90.00
U.S.S.R.	51.60			.20			51.60
Other					65.30		
Total	429.90	13.42	65.30	149.57	13.40	6.30	696.09

[1] Includes $18,200,000 recently made available but not distributed between bilateral and multilateral activities.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield the Senator from Kansas such time he may require.

Mr. DOLE. Mr. President, I support the amendment offered by the distinguished Senator from Massachusetts to restore the additional $50 million requested by the administration. I ask unanimous consent, if the Senator has no objection, to become a cosponsor of the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I am very glad to cosponsor the amendment of the distinguished Senator from Massachusetts (Mr. KENNEDY), which would provide an additional $50 million for the relief of Bangladesh.

The PRESIDING OFFICER. Who is yielding time to the Senator from Kentucky?

Mr. KENNEDY. I yield the Senator 5 minutes.

Mr. COOPER. This additional $50 million would authorize a total of $100 million for the humanitarian relief of Bangladesh.

At the time this subject was considered in the Foreign Relations Committee, we did not have a full breakdown of the requirements for relief for Bangladesh. Such evidence has been provided to the committee and the Members of the Senate since that time.

The administration has indicated its willingness to assume a full share of the burden of relief activities for Bangladesh. The request for $100 million for the fiscal year 1973 was made by the administration. It would permit the United States to continue to participate in international relief, rehabilitation, and reconstruction efforts. The amount requested, added to other funds which have been made available, would constitute almost one-third of the amount which has been pledged or provided by other countries.

As I recall, there are 26 nations offered aid. India has already provided or will provide $206 million, in addition to the great burdens which she bore when the hundreds of thousands of Bangladesh people were in India. The United States would provide $217 million.

Mr. COOPER. Heretofore, our aid since the war has been provided through the United Nations and voluntary agencies, but now that the United States recognizes the Government of Bangladesh, there are no diplomatic obstacles to carrying out a bilateral program as well as assistance through the U.N. and voluntary assistance for the relief of the millions of victims of the natural disaster and the war of last year.

At this point, I would like to say that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Ohio (Mr. SAXBE), who introduced the resolution in the Senate asking that the United States recognize Bangladesh, have become cosponsors of this amendment.

This amount for humanitarian relief, in my view, represents a necessary contribution to Bangladesh, and it represents also the generous character of the American Government and people. There is a clear need for help, and the United States is fortunate to be able to render critical assistance in a time of great need. I think it is necessary that the United States, as a humanitarian matter and to carry out its long record of assistance to countries throughout the world, make available the full sum of $100 million. Although it may be too early to make such a prediction, it could be that this assistance will be a factor in leading in time toward restoration of better relations between our country and the countries of the Indian subcontinent.

Again, I commend the Senator from Massachusetts for his initiative. I am glad to join him. I hope very much that the Senate, with its knowledge of this situation, will vote for this amendment and provide for these millions of people some assistance in a very critical time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the senior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Kentucky (Mr. COOPER). I know that Senator COOPER always had his heart in the right place in wanting to help this country, but he also had his heart in what he thought were the proper procedures and that we recognize it in an orderly fashion through the administration.

I, on the other hand, thought I would bring it to a head at the time in introducing the resolution, because to me Bangladesh represented what had eluded us for many years in Vietnam; namely, the right of self-determination, of free government operating upon its own. That is the way I have always seen East Pakistan—now Bangladesh—as a nation. Having had that free election, I thought we should come to their side.

Be that as it may, the Senator from Massachusetts (Mr. KENNEDY) has gone to that country; and when we could not join officially, he gave that country hope. Now he follows through, together with Senator COOPER, in providing the material means to help them rebuild. I would hope that we would join in, to recoup the loss of face by the United States in Southeast Asia because of our lethargy and tardiness and failure at the appropriate time to recognize Bangladesh as the true expression of self-determination.

The other day, the administration asked for $5 billion additional. This is just 1 percent of the $5 billion requested for the military effort being made in Vietnam. We are asking here only 1 percent of that, or $50 million additional, to rebuild a far more populous nation and in that sense a far more influential nation in Southeast Asia. It is just 1 day's cost of the regular war over there—$50 million. I think we can do far more for the interests of the United States and for the interests of free people everywhere to go along with this increase.

Mr. President, for over a year and a half now, the administration has been dragging its feet on the problems of Bangladesh. During those bloody months while the brave people of East Pakistan struggled to win their independence, the Nixon administration callously ignored them, and instead gave aid and comfort and arms to the forces of tyranny and oppression. The fact that the East Pakistanis were seeking the same self-determination for which we were fighting in Vietnam made no impression on the policymakers of the executive branch. Our acquiescence in this policy of terror continued to the end, and in the end the people of Bangladesh won through to victory. The United States reaped the scorn of freedom-loving peoples everywhere for this policy. Our relationship with India, especially, was brutally damaged by this policy.

Since joining the ranks of nationhood, the people of Bangladesh have been struggling with the awesome tasks of reconstruction. Even today, their future is by no means assured. The road ahead will be long and hard.

It should be the policy of the United States to lend a helping hand—to assist in the reconstruction and further development of Bangladesh. Our approach should be to take initiatives, and to apply a little of that famed American ingenuity to the gigantic problems that new nation faces. Instead, we had to be pulled kicking and screaming into recognizing the new nation.

Now, once again, we have the opportunity to act. Given our record of the past 2 years, this is an unearned luxury—but act we can and act we must.

The Committee on Foreign Relations has recommended cutting the request for aid to Bangladesh for fiscal year 1973. We now know that there is every justification to go ahead with the full amount The amendment by my two distinguished colleagues, the Senator from Kentucky (Mr. COOPER) and the Senator from Massachusetts (Mr. KENNEDY), would restore our aid to the full amount. It would help shore up the economy of Bangladesh, insuring that that country would become no nation's pawn—be it Russia's or India's or anyone else's.

This action is the right action to take from every standpoint. It will be of invaluable help to the economy of Bangladesh. It will be to the diplomatic interest of the United States and to the stability of all of South Asia, and it will represent America's recogntion of the errors of the past. It is time that 2 years of folly be replaced by a moment of wisdom. In that vein, Mr. President, I am happy to be a cosponsor of the Cooper-Kennedy amendment.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of the time.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. COOPER. I understand that the Senator from Ohio (Mr. SAXBE) may be on his way to the Chamber. Could we have a quorum call for a few minutes?

Mr. KENNEDY. Yes; before suggesting the absence of a quorum, I should like again to commend the Senator from Kentucky (Mr. COOPER). He has served

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as Ambassador of this Nation to India, and, therefore, he has a particularly good understanding of the subcontinent. His views about American interests in that part of the world should weigh heavily on all of us.

I also commend the Senator from South Carolina and the Senator from Ohio, who, more than anyone else in the Senate, together stimulated the interest of the Members of the Senate in the whole process of recognition of Bangladesh. It is through the process of recognition that this bilateral avenue has been opened up for the United States to help in these humanitarian undertakings. I want to commend them for that at this time.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. COOPER. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am very happy to suport the efforts of the distinguished Senator from Kentucky and the distingiushed Senator from Massachusetts in bringing this amendment to the floor, and I intend to vote for it. I think it is an important expression of the intentions of the American people, in the position of great power and great wealth and great influence in the world which the United States has attained.

I do not think we ought to forget some of the important chapters in our own history. In the formative years of this Republic, when we were a revolutionary Nation, we were a young and struggling Nation and were very much dependent upon infusions of help of various kinds from other, better established, and then wealthier nations. This is a cycle through which nations go. It is an obligation of sorts upon civilization that, as new units are formed, those which have already attained success will help others to reach out for success. It is an important step in human development.

I think that the Senator from Kentucky and the Senator from Massachusetts have recognized this in this important amendment. It is a humanitarian amendment. It is one which I think expresses the basic goodwill and the basic good intention of the American people. But, more than that, I think it has an historic place in the history of Bangladesh and in the history of the United States. It recognizes that history, and I think that the Senate should support the amendment overwhelmingly.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from Ohio (Mr. SAXBE).

Mr. SAXBE. Mr. President, I support this amendment. I have been very much interested in the survival of Bangladesh. The sheer magnitude of the problem is almost more than one can comprehend. The number of people, the shortage of resources and other difficulties that face them, the very nature of their country, certainly qualifies them for humanitarian aid. That is what this amendment would help with. I cannot help feeling that only in this way can Bangladesh survive as a viable country.

Even though we have discovered in the past that humanitarian aid does not bind the recipients to us, nevertheless, I feel that this is a worthwhile and humanitarian effort that we should join in on both sides of the aisle to push through.

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

I want to say this at the beginning, that I think I have just as much feeling and sympathy towards the situation that prevails in Bangladesh as anyone. I think that we should help. I think—in fact, I know—that we have helped, but I hope that the Senate will not agree to this amendment that is offered by the able Senator from Massachusetts.

The committee believes the United States should do its fair share for Bangladesh, but no more. Congress appropriated $200 million for Bangladesh refugee relief for the 1972 fiscal year. To date $168.2 million of that has been committed—$90 million of it only a few days ago. There is $31.8 million left which has not been committed in any way and this money is available indefinitely. In addition, the United States has given $76.5 million in food aid under Public Law 480. Thus the total aid to Bangladesh relief work, so far, is $244.7 million.

It should be recognized that we are no longer dealing with a refugee relief problem—a disaster situation—as we were when Congress considered this last year. We are talking about development assistance primarily—how and how much are we going to provide to help make Bangladesh a viable country. Of the $90 million in aid the United States just pledged most will go for import of fertilizer, raw cotton, flood control, road and power projects—categories for which the regular development loan funds are normally used. The committee has recommended $50 million more in special grant relief funds. This, together with the carryover funds, makes available $81.8 million in dollar grant aid for the coming fiscal year. In addition, there is no limit on the food aid that can be provided under Public Law 480. And, if a case can be made for more, it can be provided through the regular development loan program or as grants through the technical assistance program. The effect of the Senator's amendment would be to free $50 million of regular aid funds to loan or give to countries other than Bangladesh. With the state of our Government's fiscal situation, I cannot support a $50 million increase in economic aid, particularly at this time.

I urge that the Senate reject the amendment.

Mr. COOPER. Mr. President, the Senator from Massachusetts (Mr. KENNEDY) is the chief sponsor of the amendment. He spent days in India and Bangladesh and saw conditions there.

I have always found the Senator from Alabama (Mr. SPARKMAN) to be a humane man, but he has the responsibility, as manager, of supporting the committee bill. I have read the report of AID and the need that exists in Bangladesh. It provided a description of the disposition of the $200 million authorized for fiscal year 1972. It is correct that $31.8 million of that remains to be obligated. But AID reported that this money is needed to cover such areas as housing, rehabilitation, and medical facilities. AID also makes the statement that money is needed and additional sums are needed for such purposes as fertilizer, cotton, and tallow and to assist in high priority rehabilitation projects. Such as restoration of river embankment—for prevention of floods—the restoration of power generators and distribution facilities, rebuilding roads and bridges, rehabilitation facilities, and in the field of education. These are all prime needs of Bangladesh for reconstruction and restoration.

In addition, as the Senator from Massachusetts said there, I am certain that grievous personal needs exists among the people of Bangladesh. The $50 million we ask, as the Senator from South Carolina has said, is such a small amount comparable to the money we make available for arms. Surely, at this point, we can provide an additional $50 million for a people who have been in turmoil and travail for a year or more.

By the adoption of the amendment, the Senate, the Congress, and the American people, can show their best side to the world.

I hope that the Senator from Massachusetts will make a final statement and then we can come to a vote.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand that 2 minutes are left and I yield myself 2 minutes and then am prepared to yield back my time.

Mr. President, we as a country are prepared to make extraordinary expenditures when it comes to the question of escalation of our military involvement in Southeast Asia. We do not hesitate to provide a greater percentage of our money for military aid to different countries throughout the world. When we think it is in our interest, we are prepared to make grants or loans in an amount of approximately $5 billion each year for military equipment. So, if we think that it is in our interest, then I believe, when we are expending so much in many areas of the world on military hardware, that we should also indicate what I believe is the most important sense of the American spirit, that is, to extend the hand of friendship and humanitarian concern, which is ingrained in our American character. It is appropriate that we do that, and that we express it, as the distinguished Senator from Maryland and the distinguished Senator from Kentucky have already pointed out so clearly today.

I would like to see the United States the No. 1 country in terms of humanitarian aid and assistance, because there are four or five different nations in the world already giving more per capita aid than the United States for humanitarian concerns in Bangladesh. I would like to see the United States No. 1 in that area, and perhaps fourth or fifth in military aid throughout the world.

So I hope that this amendment will be accepted. I think that it will indicate our concern for the people of Bangladesh, who have been struggling so hard for their lives and their existence over a period of the past year or so, and who have really achieved their independence through democratic means. As the Senator from South Carolina and the Senator from Ohio have pointed out, when they went to the polls to elect 167 out of 169 members to the General Assembly, and had free elections, in spite of that self-determination, those elections were repressed. Yet, they persevered and achieved their independence. They are now the eighth largest country in the world in terms of population. They want to spend only a pittance for military affairs. They want to devote all their resources for the benefit of their people. Accordingly, Mr. President, it seems to me that the United States should respond in a meaningful way, as I believe this amendment does, to the humanitarian needs of the people of Bangladesh.

Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Indiana (Mr. HARTKE), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from Oregon (Mr. PACKWOOD) are detained on official business.

The result was announced—yeas 50, nays 30, as follows:

[No. 208 Leg.]

YEAS—50

Aiken	Fong	Nelson
Bayh	Griffin	Pastore
Beall	Harris	Pearson
Bellmon	Hatfield	Percy
Bennett	Hollings	Proxmire
Boggs	Hughes	Ribicoff
Brooke	Inouye	Saxbe
Burdick	Jackson	Schweiker
Cannon	Javits	Scott
Case	Kennedy	Stafford
Chiles	Magnuson	Stevens
Cook	Mansfield	Stevenson
Cooper	Mathias	Symington
Cotton	McGee	Taft
Cranston	McIntyre	Tunney
Dole	Metcalf	Weicker
Eagleton	Mondale	

NAYS—30

Allen	Ellender	Randolph
Allott	Ervin	Roth
Anderson	Fannin	Smith
Bentsen	Fulbright	Sparkman
Bible	Gurney	Spong
Brock	Hansen	Stennis
Byrd, Harry F., Jr.	Hruska	Talmadge
Byrd, Robert C.	Jordan, N.C.	Thurmond
Curtis	Long	Young
Eastland	Miller	
	Montoya	

NOT VOTING—20

Baker	Hart	Mundt
Buckley	Hartke	Muskie
Church	Humphrey	Packwood
Dominick	Jordan, Idaho	Pell
Gambrell	McClellan	Tower
Goldwater	McGovern	Williams
Gravel	Moss	

So Mr. KENNEDY's amendment (No. 1222) was agreed to.

OIL IMPORT CARGO PREFERENCE AMENDMENT

Mr. COTTON. Mr. President, presently pending on the Senate Calendar of Business as order No. 804 is the bill, H.R. 13324. It carries the rather innocuous title in the Calendar of "An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce."

Mr. President, owing to amendments, and one in particular, made by the Committee on Commerce to H.R. 13324, it is no longer a harmless bill capable of producing no ill effects. The particular committee amendment to which I refer is to be found in section 3 of H.R. 13324. It would have the effect of requiring that at least 50 percent of "crude and unfinished oils and finished products, not including residual fuel oil to be used as fuel and No. 2 fuel oil," imported into the United States on "a quota basis, allocations of licenses" be carried on higher-costing tanker vessels of the United States. As pointed out by my distinguished colleague from Michigan (Mr. GRIFFIN) and myself in separate views in the committee report (No. 841), accompanying H.R. 13324, this amendment is "a blow against the consumers," since it is bound to have an adverse cost impact upon the oil and petro-chemical industries of our country resulting in increased consumer prices for such products throughout the entire Nation.

My colleague (Mr. GRIFFIN) and myself in our separate views therefore concluded in the following manner:

> We also should be mindful of the repeated warnings that any added delay in the construction and operation of bulk power plants—be it for environmental reasons or otherwise—can only give rise to increasing the grave danger of future "black-outs" or "brown-outs". Certainly, anything that might tend to slow up or restrict a needed fuel oil supply for such plants, like this oil cargo preference amendment to H.R. 13324, might very well contribute to worsen our ever-present power crisis.

That such an amendment could emanate from the Committee on Commerce, which long has championed the interest of the average consumer of our nation, is shocking and beyond belief. Certainly, the armor of this "golden knight" of consumer interest will be severely tarnished if this amendment on the importation of oil is allowed to remain in the bill, H.R. 13324.

Now, Mr. President, the committee report on H.R. 13324 goes to considerable length trying to explain and to justify this amendment concerning U.S.-flag carriage of certain oil imports under quota. As a matter of fact, only slightly more than nine pages of the report are devoted to explaining appropriation authorization for maritime programs of almost $556 million. Yet, slightly more than 22 pages of the committee report are devoted to justifying this onerous oil import cargo preference amendment. To quote from the bard of Avon, "The lady doth protest too much, me-thinks."

Mr. President, this oil import cargo preference amendment certainly is a controversial provision. I am aware, for example, that this amendment has generated a considerable number of letters and telegrams to my colleagues in the Senate. And, most conspicuous in my opinion, has been the lack of a clear-cut position on the part of the Department of Commerce in which the Maritime Administration functions and which would be required to administer this oil import cargo preference amendment. As a matter of fact, the lengthy portion of the Commerce Committee report seeking to justify this amendment places, I understand, considerable reliance upon answers of the Maritime Administration when responding to written questions submitted to it by the House Committee on Merchant Marine and Fisheries concerning a similar legislative proposal, H.R. 12324. Accordingly, on June 7, I wrote to the Secretary of Commerce, the Honorable Peter G. Peterson, asking "whether the position of the Department of Commerce is, in fact, in support of this oil import cargo preference amendment." Yesterday, June 12, I received a reply to my inquiry from Secretary of Commerce Peterson, and I shall ask unanimous consent for the full text of my letter to the Secretary and his reply to me to appear at the conclusion of my remarks. Secretary Peterson's letter should help my colleagues in the Senate in evaluating this controversial amendment to H.R. 13324 and in responding to

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the many communications which they have received concerning it.

Mr. President, the thrust of Secretary of Commerce Peterson's letter is to indicate that the administration is evaluating various initiatives to bring into being and to sustain an appropriate tanker fleet level. The letter also expresses the belief that the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet The Secretary of Commerce then goes on to conclude in the following manner:

The Department and the Administration believe it inappropriate to adopt oil import cargo preference at this time, and therefore would hope that congressional action on the authorization for Maritime appropriations could be pursued independently. (Emphasis supplied.)

Mr. President, the Secretary of Commerce's characterization of adoption of the oil import cargo preference amendas being "inappropriate" at this time is very accurate. One unfortunate aspect that attaches to this authorization bill is the fact that at a time when the Congress is pressing to conclude necessary business in order to recess for the upcoming Democratic convention, it is most inappropriate to attach such a far-reaching substantive amendment to an authorization bill which is needed if the appropriation process is to move forward in a timely fashion. Throughout this session of the 91st Congress, the distinguished Chairman of the Senate Appropriations Committee, Mr. ELLENDER, has constantly reminded Members of this body of the necessity for early enactment of needed appropriation authorization measures. As recently as last Wednesday, June 7, the distinguished Senator from Louisiana (Mr. ELLENDER) reported on the status of appropriation bills, noting that the Appropriations Committee has reported the bill making appropriations for such departments as that of Commerce. And that committee shortly will be reporting the bill for the Department of Transportation, each of which will be held on the Calendar and each of which will contain a general provision stipulating that the funds shall be available only upon enactment of authorizing legislation.

Mr. President, H.R. 13324 does provide for needed appropriation authorizations. It would authorize funds to be appropriated for construction-differential subsidy for needed construction and reconstruction of merchant vessels; the payment of obligations incurred for ship operation subsidies; maritime research and development activities; expenses of our national defense reserve fleet; and maritime training at the Merchant Marine Academy at Kings Point and the several State marine schools. I know of no one, Mr. President, who is opposed to such vital appropriation authorizations. Yet, Mr. President, owing to this most inappropriate committee amendment made to this authorization measure, H.R. 13324, which now needs only final action by the Senate, the appropriations necessary for us to move forward with our national maritime program are being placed in jeopardy.

Mr. President, I understand perfectly that there is a very natural and laudable pressure being exerted by many to get more and more of our commodities shipped in American-flag ships. We have all been in sympathy with that. But it is not so vital in this instance to provide that 50 percent of oil imported shall be in American bottoms, because in the letter I am about to insert in the RECORD the Department of Commerce indicates the recommendations and the specific legislation it intends to bring up to the Congress, and bring up not later than the coming September 15.

This, I hope, will receive the attention of Senators who will perhaps be impressed by maritime people, maritime workers, and union organizations, who want them to adopt the amendment at this time. Among the measures in the legislation that will be sent up by the Commerce Department will be one that includes a federally funded ship construction program permitting Government leasing of ships to private operators. I am talking about oil tanker ships.

Further construction incentives, such as loan guarantees and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset, in whole or in part, tax disadvantages on U.S.-flag operations as compared to foreign operations.

All of this is in the works, to get American-flag oil tankers operating. But instead of waiting for that—and the wait would be very brief—we have this highly controversial amendment attached to an authorization bill. This astounds me. One thing the Committee on Commerce has been identified with for not only this session and not only this Congress, but the last two Congresses, has been the protection of the consumer. If this amendment is adopted, in the haste that we must of necessity follow to get this authorization bill through for maritime appropriations, despite the exceptions involved, it will mean a higher cost for oil throughout this whole country, and particularly in the Northern States, where we have hard winters.

It will mean, for example, another threat and another handicap to our production of power, which may well hasten blackouts or brownouts. From an ecological viewpoint, in my State, for instance, at least one new powerplant is being constructed that will use crude oil for the production of the power, and it will cause the use of No. 2 oil in industrial plants, schools, large apartment houses, and elsewhere. It will mean greater scarcity of oil, and it will mean a higher price to the consumer, which is something that strikes very hard against our people, particularly in my section of New England, but to a certain extent throughout the country and to a very distinct extent in the Northern States, in cold climates.

Therefore, in conclusion, Mr. President, let me say that I strongly supported the Merchant Marine Act of 1970 enacted during the last Congress. I support the appropriation authorizations to move forward with the maritime program set forth in that act. But I cannot in all good conscience to my constituents and to the consumers of this country, support H.R. 13324 so long as section 3, providing as it does for an oil import cargo preference for U.S.-flag vessels, remains in this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Secretary of Commerce Peterson dated June 7, and the reply from the Secretary of Commerce to me dated June 12.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 7, 1972.

Hon. PETER G. PETERSON,
Secretary, Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: As you no doubt are aware, the Senate Committee on Commerce has ordered reported the bill, H.R. 13324, which would authorize appropriations for the fiscal year 1973 for certain maritime programs of your Department. However, in reporting this legislative measure the Committee also made some substantive amendments to the Merchant Marine Act of 1936, as amended. One of those substantive amendments to the 1936 Act would require that at least 50% of all oil imported into the United States on "a quota basis, allocations or licenses", excluding residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on board vessels of the United States. I opposed this oil import cargo preference amendment when it was considered in Executive Session of the Committee, and it is my intention to oppose it vigorously at such time as the bill, H.R. 13324, is considered by the Senate.

In this connection, although the Committee Report accompanying H.R. 13324 has not been filed as of this date, it will be shortly. And, it is my understanding that in justification of this oil import cargo preference amendment considerable reliance will be placed in that report upon the answers of the Maritime Administration when responding to written questions submitted to it by the House Commitee on Merchant Marine and Fisheries concerning the bill, H.R. 12324. These responses were submitted to the House Committee over the signature of Mr. Robert J. Blackwell, Acting Assistant Secretary for Maritime Affairs, and serve to raise a very strong inference that your Department supports such an oil import cargo preference amendment to the Merchant Marine Act of 1936, as amended.

In order that the record may be clear on this point, Mr. Secretary, I wish to know whether the position of the Department of Commerce is, in fact, in support of this oil import cargo preference amendment.

Your early reply to this request, and such additional comments as you may wish to make on this subject, will be appreciated.

With best wishes,

Sincerely,

NORRIS COTTON,
U.S. Senator.

JUNE 12, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 7, 1972, requesting the position of the Department of Commerce with respect to the oil import cargo preference amendment associated with the bill H.R. 13324.

The Departmental position remains as stated in our letter to Chairman Garmatz of the House Committee on Merchant Marine and Fisheries, dated April 28, 1972, and our letter to Chairman Magnuson of the Senate Commerce Committee, dated May 2, 1972. In those letters, this Department reaffirms its support of the goal of developing and maintaining a strong and vigorous U.S. tanker fleet but also states its view that the President's Maritime Program is the more appropriate vehicle for achieving this goal. We believe further information, set forth below, on the steps being taken by the Administration toward such a U.S. tanker fleet goal would be appropriate.

First of all, the Department, in cooperation with the Office of Emergency Preparedness and the Navy Department, is updating the analysis of the nature and size of the U.S. flag tanker fleet necessary to respond to our Nation's requirements. This study includes determination of the fleet necessary to respond to changes which may arise in national security requirements from increases in oil imports as a percentage of the national energy supply, and from any decline in the number of naval auxiliary tankers in operation.

Further, the Administration is evaluating various initiatives to bring into being and sustain an appropriate fleet level. As indicated in our aforementioned letters to the Chairmen, we believe the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet. However, our current analysis includes identification and evaluation of further legislative changes to that Act. We have already concluded that the restrictions on the ownership of foreign assets and on trading flexibility should be removed from the Merchant Marine Act. Moreover, we are also evaluating other initiatives including:

Federally-funded ship construction programs permitting government leasing of ships to private operators.

Further construction incentives such as loan guarantees and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset in whole or in part tax disadvantages of U.S. flag operation as compared to foreign operation.

We expect to make our findings and recommendations on these and other possible initiatives available to the interested Committees of both Houses not later than September 15, 1972. This report would also include a comparison of such initiatives with the proposal that commercial oil imports be reserved by law to U.S. flag tankers.

Accordingly, the Department and the Administration believe it inappropriate to adopt oil import cargo preference at this time, and therefore would hope that congressional action on the authorization for Maritime appropriations could be pursued independently.

Sincerely,

PETER G. PETERSON.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1230

Mr. BENNETT. Mr. President, I send to the desk an amendment, and ask that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, lines 5 and 6, insert the following:

(1) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

On page 10, line 6, strike out "(1)" and insert in lieu thereof "(2)".

On page 10, line 8, strike out "(2)" and insert in lieu thereof "(3)".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator from West Virginia.

ORDERS FOR CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at 11 a.m. tomorrow the Chair lay before the Senate the unfinished business, the pending question at that time will be on agreeing to the amendment of the distinguished Senator from Utah (Mr. BENNETT).

I ask unanimous consent that time on that amendment be limited to 30 minutes, to be equally divided between and controlled by the distinguished Senator from Utah (Mr. BENNETT) and the distinguished Senator from Alabama (Mr. SPARKMAN).

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, what about amendments to the amendment?

Mr. ROBERT C. BYRD. And that the time on any amendment to the amendment, debatable motion, or appeal be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON BILL TO AMEND THE LEAD-BASED PAINT POISONING PREVENTION ACT, S. 3080

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3080, a bill to amend the Lead-Based Paint Poisoning Prevention Act, is called up and made the pending business, there be a time limitation thereon of 30 minutes to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON ALLOTT AMENDMENT TO S. 3390

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on an amendment to be proposed by Mr. ALLOTT to the unfinished business, S. 3390, be limited to 1 hour, the time to be equally divided between the distinguished Senator from Colorado (Mr. ALLOTT) and the distinguished manager of the bill (Mr. SPARKMAN), with time on any amendment to the amendment, debatable motion or appeal limited to 20 minutes, to be equally divided between the mover of such and the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10:30 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF APPROPRIATION BILLS AND S. 3080 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by the Senator from Utah (Mr. BENNETT) to S. 3390, the unfinished business tomorrow, the unfinished business then be laid aside temporarily and the Senate proceed to the consideration of H.R. 15093, the bill making appropriations for the Department of Housing and Urban Development; that upon the disposition of H.R. 15093, the Senate proceed to the consideration of H.R. 15259, a bill making appropriations for the District of Columbia; that upon the disposition of H.R. 15259, the Senate proceed to the consideration of S. 3080; and that the unfinished business remain in a temporarily laid-aside status until the disposition of those three bills or the close of business tomorrow, whichever is the earliest.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

At the hour of 11 a.m., morning business will be closed and the Chair will lay before the Senate the unfinished business, S. 3390. At that time the question will be on agreeing to the amendment by the Senator from Utah (Mr. BENNETT), amendment No. 1230, on which there is a 30-minute limitation.

Upon disposition of the amendment No. 1230 by Mr. BENNETT the Senate will proceed to lay aside temporarily the unfinished business and take up H.R. 15093, the bill making appropriations for the Department of Housing and Urban Development, on which there is a time limitation. Upon the disposition of H.R. 15093, the Senate will proceed to consider H.R. 15259, the bill making appropriations for the District of Columbia. Upon disposition of the District of Columbia appropriations bill the Senate will proceed to consider S. 3080, the Lead-Based Paint Poisoning Prevention Act. Upon disposition of S. 3080, the Senate will return to the consideration of the unfinished business, S. 3390.

There will be rollcall votes tomorrow in connection with the bills making appropriations for HUD and the District of Columbia. There may or may not be a rollcall vote in connection with the Lead-Based Paint Poisoning Prevention Act. Whether or not there is a rollcall vote on the Bennett amendment remains to be seen.

After the Senate returns to the consideration of the unfinished business on tomorrow, if the hour is not too late, it is hoped that Senators who have amendments will be prepared to call them up and that the Senate may continue to make progress on the unfinished business, S. 3390, until the close of business tomorrow.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:31 p.m. the Senate adjourned until tomorrow, Wednesday, June 14, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1972:

U.S. DISTRICT COURTS

William B. Enright, of California, to be a U.S. district judge for the Southern District of California, vice J. Clifford Wallace.

IN THE ARMY

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Alexander, Joe A., 446–52–2543.
Amick, Ralph O., III, 421–70–1928.
Anderson, Roger B., 103–42–1413.
Applewhite, Michael P., 574–16–8745.
Ashe, Michael H., 387–44–6649.
Askins, David K., 462–68–8686.
Barlow, Michael J., 347–42–5942.
Bartley, James B., 225–76–9550.
Batchelor, Ronald E., 432–92–4608.
Beachy, Wilbert H., III, 167–38–3282.
Beattie, Homer J., Jr., 448–46–6243.
Beckett, Jack D., Jr., 253–76–8269.
Berry, Robert T., 487–54–3208.
Bierman, Gary R., 509–56–3015.
Bizon, Joseph K., 366–50–6805.
Bond, David L., 464–94–9268.
Booth, John P., 459–82–8933.
Botello, Benjamin, 462–92–4452.
Bowles, Larry A., 453–84–2777.
Bradford, Robert A., 446–54–7984.
Bragg, William G., 584–38–6206.
Brandt, Duane E., 482–64–1883.
Brannen, Mark A., 260–74–8676.
Braun, Mark E., 463–90–5613.
Breneman, Steven H., 498–54–1869.
Brieden, John A., III, 462–88–5668.
Brieske, Carl W., 270–44–4347.
Broadhurst, Walker C., 255–76–8925.
Brooks, Dale L., 330–46–5685.
Brown, Jerry R., 450–76–5085.
Brueland, Ray G., 585–42–5482.
Caldero, David E., 583–26–6726.
Campbell, Jonathan W., 416–72–1553.
Canavera, Clifford G., 390–50–5781.
Carey, William C., 300–44–7712.
Carlucci, Robert J., 096–38–6570.
Carmona, Waldemar E., 582–98–4594.
Carroll, James W., 193–36–1029.
Cartner, Kent A., 503–64–1640.
Chandler, James H., 251–82–7923.
Channing, Roger J., 194–40–6776.
Chewar, Mike J., 188–40–7083.
Cochran, Anthony L., 400–66–9764.
Coffaro, Jackie I., 393–54–0768.
Collins, Thomas P., 014–38–7987.
Conderman, Paul J., 511–50–0700.
Cooper, Joe K., 429–98–0442.
Cowart, Eric P., 255–80–6926.
Creel, Robert H., 421–64–9777.
Dahl, James L., 504–56–4849.
Danner, Stephen A., 531–46–7774.
Demberger, Richard S., 178–38–9580.
Doan, Micael G., 218–56–1968.
Domas, Ralph E., 434–80–9200.
Duffy, Glenn D., 585–26–7865.
Dungey, Clifford L., 343–42–0809.
Eads, George W., 306–50–7333.
Edmonds, Larry M., 497–50–3274.
Egnew, Thomas R., 517–54–5083.
Eiserman, Frederick A., 441–50–9453.
Esterbrook, Ronald L., 262–92–2402.
Evans, Gene A., 451–80–7357.
Fay, Cornelius R. III, 070–42–7376.
Fedenia, James N., 399–50–6348.
Fidler, Thomas K., 178–42–8884.
Fletcher, John R., 053–44–1772.
Fortunato, Anthony S., 111–40–1726.
Foulks, Charles J., 409–78–2905.
Foust, Daniel G., 183–40–9922.
French, James M., 484–60–2462.
Gafford, Ronald J., 457–80–2161.
Gallion, Charles L., Jr., 216–56–3599.
Gaspard, Camile P., 434–86–4077.
Genanious, Michael G., 355–42–1057.
George, Larry, 585–16–5712.
Gibson, James G., 573–62–6556.
Gordy, Larry D., 459–88–2704.
Goulding, Peter R., 022–38–9156.
Grabicki, Anthony E., 533–52–9466.
Gray, James S., 228–68–9771.
Greiling, George T., 399–44–4231.
Haas, Herbert N., 495–52–2705.
Hailey, Hal P., 523–70–3153.
Hammack, Michael L., 456–88–8281.
Hanke, Brett L., 500–50–7165.
Harmon, Michael C., 259–84–0886.
Harper, Lawrence O., 245–80–1501.
Harvey, Hugh W., 497–52–0473.
Hawkins, Steven R., 518–56–7697.
Helsey, John K., 167–42–1879.
Hendrix, Kenny W., 535–50–3110.
Hertzog, Frank A., 498–58–9392.
Hill, John R., 444–52–1925.
Holem, Bruce E., 558–76–8908.
Hooley, Michael L., 492–54–2532.
Hotchko, George J., Jr., 444–50–8771.
Huddleston, Louis D., 240–86–3400.
Huggins, Vernon M., 439–80–7972.
Hunter, Clarence T., 578–64–8179.
Jackson, Vashon C., 577–66–8086.
James, Arthur R., 430–96–3787.
Janak, Larry F., 452–76–3562.
Johnson, David R., 356–42–7849.
Johnson, Earl D., 434–82–6053.
Johnson, Vernon C., 387–46–5742.
Jones, Wesley L., 274–50–7988.
Judkins, Joe R., 409–82–9347.
Juncer, David J., 342–38–5890
Kenney, Robert F., Jr., 230–64–2757.
Kidd, Wayland G., 457–82–7314.
Kiehl, Wayne P., 450–84–4376.
Kilpatrick, Gary L., 467–86–8004.
Kimball, Alan M., 015–42–9535.
La Fave, Daniel R., 342–44–5314.
Lee, Daniel R., 430–86–6596.
Linebarger, William G., 408–80–5595.
Liska, Michael A., 467–88–2249.
Lopez, Antonio, 583–22–4456.
Lord, Paul A. U., 458–82–5283.
Loveless, William E., 462–80–7271.
Lugo, Jose R., 583–26–8025.
Lydman, Alvin M., 386–52–3863.
Lynch, James K., 388–52–8429.
Magoon, Howard J., Jr., 371–54–3564.
Maldonado, Martin F., 584–36–3096.
Marchiony, Peter A., 416–68–6070.
Martin, Edward T., 346–42–5075.
Martin, John H., 229–74–2872.
Marx, Christopher, G., 267–74–2220.
Matos, Eric E., 439–76–3984.
McCarty, Joseph P., 429–96–7424.
McCauley, Ronald J., 279–50–5893.
McCulloch, Herbert L., 225–72–0813.
McDavid, Gary M., 405–72–5105.
McGuire, Charles L. W., 456–78–3557.
McSweeney, Stephen C., 203–50–3353.
McWhorter, James B., Jr., 419–70–5927.
Michelson, Thomas C., 468–60–2948.
Miller, Daniel E., 503–56–8332.
Miller, Raymond C., Jr., 323–42–9648.
Moore, John T., 394–46–4112.
Morley, George P., 452–80–1148.
Moser, Gary L., 447–48–5780.
Musson, John R., 290–42–3891.
Myers, Charles L., Jr., 173–42–0485.
Neely, Harold M., Jr., 308–52–2635.
Obeirne, Richard C., 071–40–0941.
Paramore, Jerry S., 258–78–8863.
Parsons, James L., 547–74–1499.
Pence, Robert F., Sr., 462–94–6299.
Perrin, Dillard D., Jr., 248–96–5571.
Philipp, Eugene P., Jr., 388–52–5861.
Pico, Jose R., 584–24–9027.
Pinto, Ronald M., 287–48–4847.
Pool, Winston L., 445–54–0640.
Pope, Olie L., Jr., 216–48–1639.
Pratt, James R., 416–64–3333.
Pritchett, Barry M., 258–84–6296.
Raiford, Robert C., 457–78–1743.

Rauer, Michael A., 460–78–8697.
Raymond, John W., Jr., 223–60–3086.
Reeve, Stewart A., 337–46–3242.
Reynolds, Derek J., 397–52–1864.
Ricci, Joseph A., 268–46–1003.
Rickard, Larry P., 532–56–3301.
Rios, Antonio M., III., 453–92–9076.
Ritchie, William D. 462–60–3642.
Rodriguez, Pablo, 584–05–4646.
Rose, Alfred F., 039–32–9688.
Rossi, Robert D., 042–44–1561.
Roush, David L., 297–44–5641.
Sabo, Wayne J., 318–46–1429.
Santiago, Pablo E., 557–82–3648.
Santisi, John S., 276–46–2251.
Savoie, Thomas A., 036–32–5685.
Schaeffer, James L., 173–42–2258.
Schellman, Robert H., Jr., 576–54–5554.
Schlaak, Brian W., 392–50–1726.
Schwerin, Steven L., 504–54–9987.
Schworm, Rondal A.. 285–44–8204.
Scott, Glen L., 568–84–1356.
Scott, Rodger L., 455–84–8746.
Seibert, Lee M., 181–42–7748.
Sharkey, Paul D., 371–54–4842.
Shaw, Stephan B., 500–54–9024.
Shire, Bruce E., 406–64–6008.
Siems, Terry L., 504–62–9993.
Slack, Ronald E., 465–78–7187.
Smith, Peter T., 539–42–6152.
Smith, Richard A., 465–84–3655.
Smith, William V., 301–50–1955.
Snyder, Robert J., 224–72–4930.
Snyder, Ronald R., Sr., 559–60–3026.
Speer, Charles W., 500–54–1787.
Speer, William H., 432–94–9873.
Spencer, Sterling R., 546–68–9833.
Springer, Carl D., 248–94–9923.
Stein, Alan L., 526–80–0180.
Stewart, Gayle W., 376–48–1845.
Stewart, William T., 466–94–4762.
Strauss, John C., 375–54–7117.
Stroud, Gary B., 460–76–4132.
Struve, Donald W., 547–78–3170.
Sullivan, Steven T., 458–82–7247.
Switzer, Donald H., 224–72–4320.
Thompson, Michael A., 454–82–0162.
Thrasher, Alan W., 260–80–6690.
Thurman, Marty, 321–40–7973.
Timmons, Mitchell J., 433–74–4196.
Townsend, Larry W. A., 209–40–0895.
Triplett, Charles L., Jr., 430–98–7436.
Tritt, David W., 164–42–1815.
Troutman, Steve A., 444–52–3293.
Tyler, Marion J., 216–56–0914.
Velle, Jon H., 501–52–8655.
Venci, Robert W., 394–44–6259.
Verhaeghe, Gary A., 514–56–7443.
Vesely, Clarence D., 507–64–0008.
Vona, Lonnie D., 265–88–0657.
Von Kamecke, Thomas H., 260–86–4107.
Walker, James L., 464–76–2143.
Waller, Thomas M., 394–52–9025.
Waxmonsky, Gary R., 319–40–3896.
Weaver, Lonnie J., 481–90–1603.
Weber, James W., 461–88–2220.
Weimer, Curt F., 276–52–0119.
Wells, David M., 549–76–2359.
Wheeler, Courtney B., 228–76–2704.
Whitaker, Lowell D., 298–42–0603.
White, David W., 514–54–3258.
White, Paul E., 453–74–0318.
Wierzbicki, Boguslaw J., 152–44–9774.
Wilkerson, Philip P., 224–70–0897.
Williams, Andrew M., 178–42–8434.
Williams, Richrdo J., 214–56–6952.
Williams, Robert W., Jr., 430–92–6488.
Wiltse, Christopher A., 442–54–8039.
Wing, Timothy R., 041–40–1940.
Wisch, Alec J., 144–42–9070.
Young, Julius M., 402–74–9392.
Zagorski, Donald R., 391–54–9742.
Zedonek, Phillip L., 263–82–6740.
Zielinski, James D., 337–42–3485.

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Alverson, Larry L., 545–84–5004.
Barker, William T., 529–62–2235.
Barnhill, Danny R., 258–82–4447.
Bartley, Bruce Q., 287–44–7598.
Blackburn, Thomas, 249–92–4658.
Blackburn, Wilson, 249–92–4659.
Boden, John E., 573–82–2399.
Bowman, Richard M., Jr., 229–74–6776.
Brant, Bruce A., 457–94–6250.
Brauer, Albert G., II, 301–42–7136.
Buchmeier, Robert P., 539–52–5704.
Butler, Stephen E., 492–50–6673.
Caldwell, Samuel R., 229–64–5222.
Carlson, John D., 449–96–4148.
Carmony, Tod J., 288–42–9396.
Carroll, Raoul L., 214–66–1534.
Cary, Miles C., 233–84–5713.
Casey, Patrick W., 099–42–1859.
Clouse, Jeffery W., 286–48–6329.
Cockerill, Charles P., 570–76–0689.
Colon, Rolan, 583–40–7885.
Connell, Richard E., 210–40–0171.
Conrad, Robert W., 258–86–4743.
Courtney, William R., 531–50–6671.
Cox, Jesse W., Jr., 410–86–9093.
Cummings, Edward R., 214–56–9086.
Dipprey, Larry W., 458–78–5949.
Evans, Paul, 026–38–6333.
Finley, Robert L., 495–56–4804.
Fluke, Bryan C., 393–52–4086.
Galloway, Dwight, 551–68–5927.
Gatrell, Cloyd B., 521–62–9254.
Goux, Frederick W., 062–38–4231.
Graham, James W., Jr., 533–48–3950.
Hanson, Mark J., 223–74–5813.
Hardy, Dennis E., 533–48–6357.
Hollis, Harris W., Jr., 250–86–3602.
Howard, Phillip A., 504–54–5645.
Jimenez, Mario, 583–26–4281.
Hoyt, Richard A., 214–56–6465.
Jimenez, Rey E., 583–24–5039.
Jones, Robert E., 529–72–9664.
Kerivan, Richard P., 270–44–1675.
Kuchenbrod, William G., Jr., 152–44–1338.
Luxmore, Leslie L., 536–52–8937.
Martinez, Eduardo, 452–84–5007.
McFarland, Lester E., Jr., 267–88–9608.
McKiernan, David D., 225–76–8864.
Might, Thomas O., 256–86–8463.
Moore, Jack, Jr., 262–90–5958.
Morgan, Franklyn C., 226–74–2948.
Morgan, Philip S., Jr., 553–76–5269.
Medler, Robert W., 566–80–8349.
Newbanks, Lloyd L., 514–54–5677.
Norberg, Joseph M., 504–58–1793.
Peltier, Pierre D., Jr., 178–38–3772.
Phillips, Gary S., 569–76–3119.
Pierce, William L., Jr., 345–42–3765.
Ramirez, Hector, Jr., 424–70–1057.
Ramirez, Manuel F., 583–42–3397.
Ridenour, Robert V., Jr., 262–11–6848.
Roel, Eddie, M., Jr., 457–90–5951.
Schieke, Norman P., 503–56–8157.
Shreiner, Craig G., 172–42–6252.
Simons, Kenneth A., 101–38–3813.
Sparenga, James E., 269–50–4119.
Swanner, Stephen O., 449–96–0198.
Tatman, David A., 368–56–1105.
Tillman, Richard E., 149–40–1815.
Transom, George E., III, 090–42–2548.
Villarreal, Jesse, 457–90–0008.
Wanat, Frank B., 300–50–8134.
Wayt, Timothy P., 290–42–4701.
Wells, James R., 266–88–2603.
Whitehead, Myron E., 544–66–8167.

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

John H. Blake, Jr. Lewis G. Frasch.

Stanley W. Mathis (Navy enlisted scientific education program candidate) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Lowell F. Swartz (Navy enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the Line or Staff Corps of the Navy, in lieu of ensign as previously nominated and confirmed to correct grade.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

John R. Haserick Henry L. Vruwink
Theodore Starkey Mark A. Weiskopf

Roy F. Carlson (civilian college graduate) to be permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification as provided by law:

John C. Clark Harold L. Jones
Leroy D. Coleman David M. Malin
Dean L. Cook Edmund E. Mullins
Leo V. Crowley, Jr. Stephen S. Perry
Leonard G. Cuscianna Neal A. Schal
William J. Hayhurst Tom H. Shelly
William G. Henderickson

George M. Jervey (Naval officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

William E. Clayton, Jr. John W. Poundstone.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Alan R. Alexander Steven E. Liston
John G. Aronen Donald F. Lynch, Jr.
Gary R. Gibbons Cecily D. G. Ross
Jon J. Hanlon John R. Stolanoff
Loren G. Larsen

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Edward C. Clark
Lorenzo T. McCarthy
Marshall K. Steele III

Frederick A. Cravens (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Walter D. Craver (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Frederick L. Benoit
Reinhardt Bodenbender

Gino A. Curreri (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named (U.S. Navy officers) to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Romaine L. Bendixen Albert C. Price
George E. Griffin III Sam J. W. Romeo
David N. Holt

XUM

Thomas B. Lebherz, U.S. Navy (retired) to be reappointed from the temporary disability retired list as a permanent captain in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

HM1 Judith A. Benny, USN to be a permanent ensign in the Medical Service Corps (Health Care Administration) of the Navy, subject to the qualification therefor as provided by law:

The following-named enlisted candidates to be ensigns in the Medical Service Corps (Health Care Administration) for temporary service, subject to the qualification therefor as provided by law:

Gibson, George
Jones, Robert G.
Ward, Ernest D.
Cunningham, David W.
Harmon, Layton O.
Jones, Rudolph
Pate, George
Hargett, David A.
Dillard, James B., Jr.
Morris, Donald L.
Radmore, Kenneth J., Jr.
Peterson, John C.
Crank, Harold L.
Peters, Vernon M.
Farnham, Willard H.
Day, Charles S.
Lockhart, Ralph A.
Caton, Gene A.
Kunerth, Marshall G.
Brickeen, Jerry W.
Murphree, Garry W.
Brent, William H.
Briere, Gerald P.
Gervais, David R.
Smedley, Fulton J.
Tyson, Gary D.
Heitsley, John R.
Brown, Harold T., Jr.
Wheeler, David L.
Finn, Robert F.
Olson, Peter K.
Simas, Amance R.
Langston, Carl C.
Hazzard, Charles A.
Webb, John R., Jr.
Mohler, Dennis L.
Olson, Steven D.
Pierce, Charles R.
Eichelberg, Wallace R.
Cox, Tommy W.
Nunn, Thomas D., Jr.
Norris, Henry H., Jr.
Ghent, Ernest R.
Berube, Richard P.
Meskill, Gerard V.
Ruby, Perry M., Jr.
Ansley, Bobby G.
Willems, John P.
McGann, Dennis M.
Wright, Laban J.
Glans, Dale C., Jr.
Eyre, Jay M.
Kulcsar, Theron A.
Duncan, Carl F.
Ejling, Stephen R.
Brooks, David D.
Brocker, Fred L.
Haslam, Garth S.
Wilder, Thomas W.
Spencer, Charles A.
Soliday, James E.
McClerklin, Aaron
Jose, Lynn T.
Wolfe, Theodore E., III
Vaughn, Charles D.
Diamond, David
Parrish, Gerald E.
Fox, Francis R.
Littlejohn, Harold
Brodsky, Stephen M.
Moran, William J.
Brunelle, David M.
Glowacki, David A.
Bennett, Alan H.
Caldwell, Craig R.
Todd, Hamilton S., Jr.
Epps, Kenneth L.
Goodloe, Murriel E.
Rosciam, Charles J.
Randle, Kenneth R.
Miller, Stanley C.
Garrett, James M.
Newton, Gary
Hall, James R.
Edgmon, Bobby R.
Elmers, Orin K.
Anderson, Jerry T.
McGinn, Charles F.
Mitts, Estill D., Jr.
McCoy, Wendell T.
Davis, Joe E.
Brown, William G.
Rose, Donald C.
Perry, John M.
Johnson, Ronald A.
Fudge, Gerald D.

Thomas J. Harries (Naval enlisted scientific educational program candidate), to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Jeffrey B. Hagen (Naval Reserve officer), to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Harvey L. P. Resnick (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

CWO Robert J. Schoonover, USN, to be a lieutenant (junior grade) in the Navy with limited duty, for temporary service in the classification (photography) and as a permanent warrant officer and/or permanent and temporary warrant officer, subject to the qualification therefor as provided by law.

DIPLOMATIC AND FOREIGN SERVICE

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

U.S. DISTRICT COURTS

Marshall A. Neill, of Washington, to be a U.S. district judge for the eastern district of Washington, vice Charles L. Powell, retired.

HOUSE OF REPRESENTATIVES—*Tuesday, June 13, 1972*

The House met at 12 o'clock noon.

Rev. John Brennan O.S.F.S., Father Judge High School, Philadelphia, Pa., offered the following prayer:

Therefore I tell you, whatever you ask in prayer, believe that you receive it, and you will.—Mark 11:24.

God our Father, grant us a sense of Your presence as we stand before You in this moment of morning prayer.

Bless, we pray, our President and governmental leaders all over this land. Bless these men and women of the House of Representatives who bear the honor and responsibility of public trust.

Inspire them to create Your kingdom of justice on this earth, in which each man renders justice to his fellow man, each citizen to his government, and government to each citizen. Grant them the practical wisdom to resolve the difficult issues related to the education of all Your children.

Through their efforts, may this great Republic become evermore truly one nation, under You, our God, with liberty and justice for all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) entitled "An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 82. Concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share.

TRIBUTE TO REVEREND JOHN BRENNAN, O.S.F.S.

Mr. EILBERG. Mr. Speaker, I would like to thank Father Brennan for his most inspirational prayer. At the same time I want to point out that I invited Father Brennan to deliver the invocation today, because he is a most articulate spokesman for the movement to get Government aid for the private school systems of this country, particularly those in the great cities.

These schools provide an education for thousands of children who would otherwise place an additional burden on public school systems which are already failing.

Father Brennan is a teacher at Father Judge High School, which is a Roman Catholic high school in my district, which takes in all of northeast Philadelphia. He is also president of the Council of Religious Teachers which represents many of the nuns, priests, and brothers who teach in the Philadelphia archdiocesan school system.

Because of his experience as a teacher and the time he has spent studying the system during his term as president of the council, Father Brennan knows the problems and the needs of the big city private school system.

He knows that they must have massive Federal aid if they are to survive and if they are going to continue providing children with an excellent education.

SUPPORT FOR THE PRESIDENT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, I am happy to call to the attention of the House the action of the House Foreign Affairs Committee this morning in reporting out a resolution which it was my privilege to offer in committee in support of the President's position in Indochina.

I should particularly like to express my appreciation for the statesmanship displayed by Members on the other side, who stood on this critical issue in support of our President. This was in keeping with our committee's historic record of bipartisanship in matters of high national priority. I believe it was a blow for peace in Indochina and a blow for peace in our time.

WHERE IS THE REVENUE TO SHARE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we get ready to consider the so-called revenue sharing bill, I would like to ask—Where is the revenue to share?

As of June 8, the public debt subject to limit stood at $429,244,508,343.74—which is $30,074,502,107.90 greater than it was just a year ago on that date.

THE CIVILIAN CONSERVATION CORPS UPDATED

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing two bills to establish two National Environmental Services Corps. The first bill, H.R. 15467, would establish a corps to give unemployed young men and women an opportunity to work as conservation managers and foresters on public lands and Indian reservations. This bill is identical to S. 1595 introduced in the Senate by Senator HENRY JACKSON.

The second bill, H.R. 15468, of which I am the author, would establish a similar conservation corps for young men and women who are drug addicts. This Corps would be available as an alternative to prison to persons who have been convicted in Federal and State courts of drug possession and who the courts believe would benefit from work and rehabilitative treatment in such a corps. Time spent in this National Environment Services Corps would be credited against an offender's sentence. The bill requires that in establishing this Corps, the Attorney General and Secretary of Health, Education, and Welfare must provide treatment programs that will enhance the rehabilitation of Corps members and enable them to obtain permanent private or public employment upon leaving the Corps. H.R. 15468 also permits a drug addict to voluntarily seek admission to the Corps.

The National Services Corps for unemployed youths would accommodate up to 200,000 young men and women depending on the rates of unemployment in the country. The second bill, establishing the Corps for drug addicts, gives a flat authorization for 200,000 members.

Effectively, both of these bills create civilian corps comparable to the Civilian Conservation Corps established in the early years of the Franklin D. Roosevelt administration. The CCC permitted young men who could not find work in the cities during the depression to work for the Government in the forests and underdeveloped areas of our country. This was an uplifting experience for many in a very hard time—and a lasting contribution was made to the growth of our country.

Today, there is a backlog of work which must be done if the quality of our Nation's forests, parks, recreation areas, public lands, and Indian reservations are to be maintained and improved. At the same time we are going through a period of high unemployment when many skills that could be used for these purposes are not being utilized. Let us put these talents back to work and get on with the job of restoring our environment.

APPOINTMENT OF CONFEREES ON H.R. 13188, COAST GUARD AUTHORIZATION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the annual active duty personnel strength for the Coast Guard, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. GARMATZ, CLARK, LENNON, PELLY, and KEITH.

ATROCITIES OF NORTH VIETNAMESE SELDOM PUBLISHED

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, some segments of the electronic and other media have made a great point in the past of magnifying errors on the part of the United States in our involvement in North Vietnam. It is rather remarkable to me, however, that the thousands of atrocities committed by the North Vietnamese are seldom remarked upon.

It would seem that everyone is so anxious to get out of Vietnam that people have gotten mesmerized by the importance of fixing an arbitrary date. These same people for the most part show little or no concern for the blood bath that will follow if the North Vietnamese overrun South Vietnam.

When the city of Hue was retaken from the North Vietnamese after the 1968 Tet offensive, thousands of bodies were found in mass graves with their hands tied behind them. They had been systematically slaughtered and dropped in open pit graves and covered up. This is not at all unusual for the North Vietnamese. Another example of their callousness was on the wire services today. It reads as follows:

SAIGON.—Communist troops opened fire today on a ragged column of 1,000 refugees fleeing the provincial capital of An Loc and killed 12 civilians and wounded 30, field reports said.

Newsmen who reached the scene shortly after the attack said the communists fired a barrage of mortars onto Highway 13 while the refugees were trying to flee from An Loc, 60 miles north of Saigon.

A government relief force broke through to An Loc Monday and refugees who had been living there during the siege began streaming southward. They had escaped death by living in underground shelters while thousands of rounds of shells crashed overhead.

The reports said the refugees—mainly old men, women and children—ran down the highway as the mortars screamed into them and the chunks of shrapnel flew through the air.

One old woman, shrapnel cuts across her body, died in the arms of her young granddaughter, the reports said. They said a young boy, hit by shrapnel in his head, was cradled in the arms of his parents while the South Vietnamese medic tried to stop the bleeding.

Mr. Speaker, this, once again, emphasizes the attitude of the North Vietnamese toward the South Vietnamese, their callousness and vindictiveness, and I would hope that the media in this country would report this incident with the same prominence as they have pointed out American mistakes in the past.

APPOINTMENT OF CONFEREES ON S. 979, HIGH-SPEED GROUND TRANSPORTATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, MURPHY of New York, DEVINE, and HARVEY.

APPOINTMENT OF CONFEREES ON H.R. 5065, TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and KEITH.

CONFERENCE REPORT ON H.R. 11417, AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill

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(H.R. 11417) to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1972.)

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. STAGGERS. Mr. Speaker, we met with the Senate conferees just prior to the Memorial Day recess. Considering the numerous differences in substantive provisions between the House and Senate versions, we were fortunate to resolve the differences in one session, and I might say that we resolved them largely in line with the House version. I have a summary of the conference which I will include with these remarks. There were some 18 issues in the conference, and I will not undertake to recite them all. I will mention briefly the money differences:

Federal grants: House, $170 million; Senate, $270 million; and conference agreed to $225 million.

Senate authorized additional $15 million for experimental services. This was dropped.

Guarantee of loans:

House did not add any loan guarantees above the $100 million authorized in 1970.

Senate added $150 million to the original $100 million.

Conferees agreed on $50 million for 1973 and $50 million thereafter.

Urban corridor improvements:

House added no provision.

Senate authorized $50 million in direct loans.

House conferees prevailed.

All of these issues are covered in more detail in the conference report—House Report 92–1111.

I believe that we were successful in carrying out the intent of the House, and we will continue to watch closely the performance of Amtrak which will have to return to the committee again before July 1 of next year.

I urge adoption of the report.

AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT—AMTRAK CONFERENCE REPORT—H.R. 11417

SUMMARY OF CONFERENCE

Salary limitation

House.—$60,000 per year, unless larger salaries be derived from net profits.

Senate—$60,000 per year.

Conferees agreed on House version.

AMTRAK operations

No House provision.

Senate would require AMTRAK to operate service insofar as practicable.

Conferees agreed on Senate language.

Mail and express

House required AMTRAK to take steps to increase revenues from mail and express.

Senate provided for a study and report on the potential of mail and express.

Conferees agreed on the House version.

Free or reduced rate transportation for attendants for the blind

House authorized AMTRAK to provide free or reduced rate transportation to attendants for the blind.

No Senate provision.

Conferees agreed on the House version.

Government travel

House required Federal agencies to treat travel by train on the same basis as other modes.

No Senate provision.

Conferees agreed on the House version.

Freedom of information

House had no provision.

Senate provision subjected AMTRAK to Freedom of Information Act.

Conferees agreed on the Senate provision.

Reports

House required monthly reports with respect to revenues and expenses, etc. House also altered certain reporting dates and provided for a joint report by the Secretary and the Interstate Commerce Commission.

Senate likewise would require monthly report, but would not change report dates nor provide for the joint report.

Conferees agreed on the House version.

Amtrak's use of track and facilities

House had no provision.

Senate required the ICC to fix reasonable terms for the use of tracks and facilities.

Conferees agreed on the Senate language.

Emergency operations

House authorized ICC to require railroads to make tracks and facilities available to meet emergencies.

No Senate provision.

Conferees agreed on the House version.

Experimental services

No House provision.

Senate authorized experimental or expanded services.

Conferees agreed on the Senate language.

Labor protection

House had no provision.

The Senate added clarification to assure protection of employees transferred from railroads to Amtrak.

Conferees agreed on the Senate language.

Pass privileges

House added language to require Amtrak to assure to the maximum extent practicable that free or reduced rate transportation would be afforded to railroad employees (including retirees).

Senate version contains similar protection for such employees.

Conferees agreed on the Senate version.

Federal grants

House authorized $170 million.

Senate $270 million. Senate also authorized $15 million for experimental service. Each body authorized $2 million for international routes.

Conferees agreed on $225 million authorization and did not add the $15 million for experimental service.

Guarantee of loans

House did not add any amounts to the loan guarantee of $100 million authorized in 1970.

Senate increased the guarantee loan by $150 million.

Conferees agreed on a $50 million increase in 1973, and $50 million thereafter.

General Accounting Office audit

House provided for GAO audit of financial transactions of *any* railroad with which Amtrak has a contract.

Senate had similar but more limited language.

Conferees agreed on the Senate version.

Report by the Secretary of Transportation

House language required a comprehensive report by March 15, 1973, on the effectiveness of the Rail Passenger Service Act, and the effectiveness of Amtrak under that Act.

No Senate provision.

Conferees agreed on the House version.

Urban corridor improvements

No House provision.

Senate authorized $50 million for the purpose of making direct loans to AMTRAK for the development, improvement and construction of rights-of-way, terminals and vehicles for use within urban corridors.

Conferees agreed to omit the Senate provision.

Effective date

No House provision.

Senate provides amendments to existing law be effective upon enactment.

Conferees adopted the Senate language.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the distinguished gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I agree with the comments of my chairman.

I think the House prevailed primarily in its position with the conferees.

The only thing I would point out that perhaps, it is a little different in the way it was handled in the other body. Some of the conferees talk as if this authorization for appropriations brought a permanent basis to Amtrak as a permanent organization.

However, I think we should all recognize the fact that this is a tentative stage. This only provides funding for an additional fiscal year, and the House Committee on Appropriations has already provided in the supplemental appropriation bill the sum of $170 million.

So, Mr. Speaker, the provision providing for $55 million over the House position is really meaningless.

Mr. Speaker, I think the chairman should be commended for bringing this conference report to the House in the manner in which he has presented it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. As I understand it there is involved $350 million, $150 million before July 1, 1973, and not to exceed $200 million after June 30 of 1973; is that correct? I am looking at page 6 of the conference report.

Mr. STAGGERS. I do not quite understand what the gentleman is drivng at. Is the gentleman referring to the loan program?

Mr. GROSS. These are the loan guarantees.

Mr. STAGGERS. We had written $100 million in the original bill, but they could not use but $45 million. The other body had an additional $150 million in this item but we were able to hold it to $50 million between now and July 1973, and another $50 million thereafter. However, in 1973 we will have this matter up again for consideration in order to determine what should be done in the future.

Mr. GROSS. For fiscal year 1971, there is authorized to be appropriated $40 million?

Mr. STAGGERS. That is for grants.

Mr. GROSS. That is for grants?

Mr. STAGGERS. Now, in the bill that we have just passed we had an additional $170 million.

The Senate had $270 million in there and we reduced it to $225 million.

Mr. GROSS. $225 million in perpetuity, in grants?

Mr. STAGGERS. No, sir, this is until next year.

Mr. GROSS. Until when?

Mr. STAGGERS. Until the end of the next fiscal year.

Mr. GROSS. Until the end of the 1973 fiscal year?

Mr. STAGGERS. That is right.

Mr. GROSS. I thank the gentleman, but that is still too rich for my blood and I am opposed to the conference report.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. BOLAND. I understand that the conferees added $55 million to the $170 million authorization passed by the House and it was a compromise from the $270 million passed by the Senate.

My question is directed to the amendment offered on the floor of the Senate by the junior Senator from Massachusetts with respect to experimental rail services outside of the basic system.

This amendment was offered when there was an indication that factors such as population growth, economic need, difficulties in alternative modes of transportation, et cetera, appear to make such service justified in specific areas.

There are a number of areas in the United States that are not under the basic system, but Amtrak has permitted some lines and some routes within the system to be operated provided the State picks up, I think, two-thirds of the cost of the deficit.

My question here is whether or not the $15 million that was provided for—and I know that $15 million was not provided by the conferees—but my question is whether or not in addition to the $55 million that was provided by the conferees whether or not the Amtrak officials can use any part of that addition to provide for experimental or demonstration services outside of the basic system.

Mr. STAGGERS. Yes; they can.

Mr. BOLAND. Mr. Speaker, will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman.

Mr. BOLAND. I appreciate the gentleman yielding.

Mr. Speaker, this is a very important problem in my particular area. The Amtrak operation is from Boston to New York with only one train a day and at an inconvenient time for those who reside in this area.

And it is the hope of those in this area that there would be some provision to provide for more than one train that it be increased from one to three trains a day.

Again my suggestion is, and I am pleased with the answer by the distinguished chairman of the Committee on Interstate and Foreign Commerce—my suggestion now is that Amtrak use more of the moneys that have been provided for by the conferees to expand the inland route in Massachusetts and I would hope that this legislation would enable them to do just that.

Mr. STAGGERS. I thank the gentleman from Massachusetts.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR GOVERNMENT PROCUREMENT SUBCOMMITTEE OF SELECT COMMITTEE ON SMALL BUSINESS TO SIT TODAY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Government Procurement Subcommittee of the Select Committee on Small Business be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TREATY ON THE LIMITATION OF ANTIBALLISTIC MISSILE SYSTEMS—COMMUNCATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–311)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

THE WHITE HOUSE,
Washington, June 13, 1972.

Hon. CARL B. ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I transmit herewith copies of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms signed in Moscow on May 26, 1972. Copies of these agreements are also being forwarded to the President of the Senate. I am asking the Senate's advice and consent to ratification of the Treaty, and an expression of support from both Houses of the Congress for the Interim Agreement on Strategic Offensive Arms.

These agreements, the product of a major effort of this administration, are a significant step into a new era of mutually agreed restraint and arms limitation between the two principal nuclear powers.

The provisions of the agreements are explained in detail in the Report of the Secretary of State, which I attach. Their main effect is this: the ABM Treaty limits the deployment of anti-ballistic missile systems to two designated areas, and at a low level. The Interim Agreement limits the overall level of strategic offensive missile forces. Together the two agreements provide for a more stable strategic balance in the next several years than would be possible if strategic arms competition continued unchecked. This benefits not only the United States and the Soviet Union, but all the nations of the world.

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM Treaty and Interim Agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

Besides enhancing our national security, these agreements open the opportunity for a new and more constructive U.S.-Soviet relationship, characterized by negotiated settlement of differences, rather than by the hostility and confrontation of decades past.

These accords offer tangible evidence that mankind need not live forever in the dark shadow of nuclear war. They provide renewed hope that men and nations working together can succeed in building a lasting peace.

Because these agreements effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected—I strongly recommend that the House of Representatives support The Interim Agreement on Strategic Offensive Arms, and that its deliberations be conducted without delay.

Sincerely,

RICHARD NIXON.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDADE) and myself.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15418, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Washington (Mrs. HANSEN) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. MCDADE) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume. I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, today, again, I bring you the appropriations bill for the Department of the Interior and related agencies.

Prior to presenting the details of this bill, I would like to express my deepest appreciation to all the members of the subcommittee who have so faithfully participated in our committee activities. I particularly appreciate the opportunity of working with members from so many areas of this Nation who bring to us a wealth of knowledge from their own fields and localities. Congressman OBEY, Congressman YATES, and Congressman GALIFIANAKIS all come from diverse areas, and their work has been exceptional.

It has also been a great pleasure and privilege to work with our ranking minority member, Congressman JOSEPH MCDADE, of Pennsylvania. We have worked together on the committee for several years and his dedication and effort to understand, know, and solve our complex problems are outstanding. His unfailing courtesy is deeply appreciated.

With him is my very distinguished colleague and neighbor, Congressman WENDELL WYATT of Oregon. It is a joy to serve with him as it is with the very distinguished Congressman from California (Mr. DEL CLAWSON). To each and every one of these colleagues, again I express my appreciation. We may not always agree, but from our disagreements comes a better understanding of our great common denominator—America.

I would also like to express my appreciation to the very distinguished gentleman from Texas, the chairman of the full committee, who has been most cooperative, courteous, and helpful.

And, for probably the last time in the presentation of this bill, our beloved ranking minority member, the very distinguished gentleman from Ohio (Mr. Bow) is with us. I take particular pleasure in saluting him for his helpfulness. We do not always agree, but Mr. Bow is one of the great gentlemen I know and one of the most thoughtful and courteous Members I have ever worked with in public office. We shall miss you very much, Congressman Bow, and I particularly shall miss you in the many programs in which you have interested yourself and been of such assistance.

I also want to take this opportunity to thank the hard-working and excellent staff of our Appropriations Subcommittee, George Evans and Byron Nielson, and Mr. Paul Wilson of the full committee.

I would also like to thank and express my appreciation to each Member of the House who took the time and effort to appear at hearings before our subcommittee, who has talked with me and other Members of the committee relative to funding of items in this bill and the importance and impact of what that funding means to our total national environment, economy, land management, and human progress. I am only sorry that each request could not have been granted.

The committee does recommend to each and every Member of the House that he or she read our five volumes of hearings. Within these you will find detailed budgetary analyses and innumerable facts relative to the operation of the 27 departments and agencies which are funded here today. These hearings may help you to explain to many of your constituents exactly what problems our Government faces and some of the solutions through the budgetary system. Within these volumes you will find numerous detailed contracts relative to management of pertinent activities, some in extremely controversial areas.

Now as I present this bill, I will try to give you a short summary, as in other years, of where we have been, where we are, what we are trying to achieve through the funded activities and indeed perhaps enable you to have a compacted glimpse of that part of America owned by its people for the benefit of its people.

We do not spend the most but our significance is in the immensity of the land we serve and the people. The boundaries of this committee run from Micronesia to Maine, from Alaska to Florida. In the words of the folk song, it is truly a bill for "your land and my land." In this bill are management funds for the preservation and orderly development of our national resources, not in the sums that we wish but within budgetary constraints, for the enjoyment of recreation in the far-flung areas of our domain, for pollution abatement, the welfare and education of approximately 500,000 American Indians in the reservation world and 222,000 inhabitants of the Trust Territory of the Pacific Islands, Guam, and American Samoa.

There are programs here for the people in the cities through the arts and humanities, summer in the parks, urban Indians, urban Indian health, and there is a sizable proportion of this bill devoted to education. When you fish in some remote stream it may be well to remember that probably the fish which are in the stream came from one of the hatcheries funded here today. As you share the beauty and pleasure of a national park, or a national forest, or a bit of the desert, remember that these are funded in this bill today.

And, before we consider the details of this bill, I would like to point out one thing. Unlike most appropriations bills in this House where one can be a specialist and confine one's thoughts to a region or a piece of relevant knowledge, this bill requires great tolerance, the great breadth of understanding, and the least amount of regionalism. Many people are interested in the arts or the humanities. Others may have no use for either of these, but instead prefer to concentrate on parks, sport fish, or migratory fowl.

No member of our subcommittee could afford the luxury of such a narrow viewpoint. We had to take this great American Continent of ours with all its variety and diversity into consideration. We were not legislating for Illinois, or Washington, or Florida; we are appropriating for the United States, us, our America, and our interests abroad. Our land is wide and our people are divergent, and this may probably be the best definition of America there is—a dream and a country built of a multiplicity of strands.

The bill reflects to some degree the best of each of us and the understanding we try to give to build this Nation. There are many who cannot understand why anybody would spend an hour in an art gallery; there are many who cannot understand why you would stand on the bank of a fishing stream; and there are many who wonder why we bother with amusement, but that has been the great task of this subcommittee—to understand, to know, and to love each segment of the lives reflected here. People, programs, land, energy—you name it, it is here, and it is America.

A summary of the bill is as follows:

SUMMARY OF BILL

Item	Budget estimates, fiscal year 1973	Recommended in bill	Comparison
Title I, Department of the Interior: New budget (obligational) authority	$1,732,112,000	$1,726,716,500	−$5,395,500
Title II, Related Agencies: New budget (obligational) authority	$788,228,000	$802,841,700	+$14,613,700
Grand total, new budget (obligational) authority	2,520,340,000	2,529,558,200	+9,218,200

TOTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

In addition to the amounts in the accompanying bill, which are reflected in the table above, permanent legislation authorizes the continuation of certain Government activities without consideration by the Congress during the annual appropriations process.

Details of these activities are listed in appropriate tables appearing at the end of this report. In fiscal year 1972 these activities are estimated to total $700,108,780. The estimate for fiscal year 1973 is $473,245,500.

The following table reflects the total budget—obligational—authority contained both in this bill and in permanent appropriations for fiscal years 1972 and 1973:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES TOTAL BUDGET AUTHORITY FOR FISCAL YEARS 1972-73

	Fiscal year 1972	Fiscal year 1973	Change
Interior and related agencies appropriations bill	$2,432,825,035	$2,529,558,200	+$96,733,165
Permanent appropriations	565,010,128	359,623,500	−205,386,628
Trust funds	135,098,652	113,622,000	−21,476,652
Total, budget authority	3,132,933,815	3,002,803,700	−130,130,115

REVENUE GENERATED BY AGENCIES IN BILL

The following tabulation indicates total appropriations to date for fiscal years 1971 and 1972, and the amount recommended in the bill for fiscal year 1973. It compares receipts generated by activities in this bill on an actual basis for fiscal year 1971 and on an estimated basis for fiscal years 1972 and 1973.

Item	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
Appropriations	$2,031,010,973	$2,432,825,035	$2,529,558,200
RECEIPTS			
Department of the Interior	1,459,498,977	744,459,248	[1]4,024,951,515
Forest Service	236,189,049	352,605,000	373,780,000
Total	1,695,688,026	1,097,064,248	4,398,731,515

[1] Includes the following increases in Outer Continental Shelf receipts: bonus sales, $1,977,000,000; royalties $100,000,000, and release of escrow funds as a result of the Supreme Court's December 20, 1971, order $1,150,000,000, for a total increase in fiscal year 1973 of $3,227,000,000.

SUMMARY OF INCREASES AND DECREASES

Following is a summary by activity of the major increases and decreases in new obligational authority for the 1973 fiscal year, compared to fiscal year 1972:

Major increases:	
Education and welfare services and other assistance to American Indians	+$110,636,500
Smithsonian Institution and related activities	+51,254,000
Conservation and development of natural resources	+25,396,365
Conservation and development of mineral resources, including health and safety	+22,131,000
Arts and humanities	+20,428,000
Geologic surveys, investigations, and research	+18,950,000
Coal research	+11,680,000
Office of the Secretary and Solicitor, Interior	+5,073,000
Water resources research	+2,054,000
Fish and wildlife and parks	+1,003,500
Administration of territories	+696,000
Joint Federal-State land use planning commission for Alaska	+583,800
Subtotal, major increases	+269,886,165
Major decreases:	
Land and water conservation fund	−61,500,000
Forest fire conrtol	−61,280,000
Helium fund	−$45,300,000
Micronesian claims fund	−5,000,000
Subtotal, major decreases	−173,080,000
Other increases and decreases (net)	−73,000
Net total increase over fiscal year 1972	+96,733,165

EFFECT OF COMMITTEE ACTION ON PROJECTED BUDGET EXPENDITURES (OUTLAYS) IN FISCAL YEAR 1973

The budget estimates for bureaus and agencies funded in this bill projected new obligational authority of $2,520,340,000, and total expenditures of $2,530,047,000.

The committee has recommended total new budget—obligational—authority of $2,529,558,200, an increase of $9,218,200 over the budget estimate. Concurrent with its recommendation of an increase in new budget—obligational—authority, the committee has also recommended a reduction of $14,456,000 in appropriations to liquidate contract authority.

The net effect of committee action on expenditures for bureaus and agencies funded in this bill for fiscal year 1973 will be a reduction of $7,100,000.

EXTENT OF ACTIVITIES FUNDED IN BILL

There follows a listing of selected items which indicate the extent of activities funded in this bill:

Management of public lands (acres):	
Bureau of Land Management	451,043,353
U.S. Forest Service	186,912,210
Bureau of Indian Affairs	55,770,275
Bureau of Sport Fisheries and Wildlife	30,874,705
National Park Service	28,731,229
Total acres	753,331,772

	Current inventory	1973 construction
Road construction (miles):		
Bureau of Land Management	44,893	261
Bureau of Indian Affairs	21,664	758
National Park Service	10,066	44
Bureau of Sport Fisheries and Wildlife	6,022	
U.S. Forest Service	196,593	7,529
Total miles	279,238	8,592

	1971 actual	1973 estimate
Recreation visitations (millions):		
National Park Service	186	220
Bureau of Sport Fisheries and Wildlife	21	23
Bureau of Land Management	67	73
U.S. Forest Service	181.8	194.5
Total visitations (millions)	455.8	510.5

TIMBER PRODUCTION

Forest Service: An estimated harvest of 13.8 billion board feet is anticipated for 1973, with receipts from sales of approximately $350 million. This volume represents about one-fourth of the total timber and 30 percent of the softwood timber cut for industrial purposes annually, and is equivalent to the construction of about 1.3 million average-sized homes.

Bureau of Land Management: Administers the sale of over 1.3 billion board feet of timber annually. Timber receipts are estimated to be $73.6 million in 1973.

SOIL AND WATERSHED CONSERVATION

Forest Service: The national forests of the West—about 20 percent of the area—produce about 50 percent of the water, conservatively estimated at a value of over $1 billion annually.

Bureau of Land Management: Administers an active program of soil stabilization practices on 160 million acres of public lands covering about 1,300 watersheds. Practices are designed to conserve and develop public land soil and water resources and include construction of small water control structures, contouring and cultivation, revegetation, protective fencing, and water developments.

GRAZING

Bureau of Land Management: Administers grazing of approximately 9.1 million head of livestock and 2.4 million big game animals. Grazing receipts are estimated to be over $9.6 million in 1973.

Forest Service: Administers the grazing of 6.8 million head of livestock. This provides a continued and necessary source of grazing required by 18,000 family-type ranch units. In addition, an estimated 3.7 million big game animals graze on national forest lands.

INDIAN EDUCATION AND WELFARE

Indian children in Federal Day and Boarding Schools, 63,000.

Indian children in Public Schools, 87,000.

Indians provided with welfare guidance service, 90,000.

Operation and maintenance of 300 Indian irrigation systems.

MINERAL RESOURCES

Bureau of Land Management: Administers mining and mineral leasing on approximately 760 million acres of land in the continental United States and more than 544 million acres of submerged lands of the Outer Continental Shelf.

Geological Survey: Provides the basic scientific and engineering data concerning water, land, and mineral resources; and supervises the development and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $3.7 billion, with royalties accruing to the Government of $535 million. Bonuses

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from lease sales this fiscal year will approximate $101 million.

FISH AND WILDLIFE RESOURCES

Bureau of Sport Fisheries and Wildlife: Produces in excess of 5 million pounds of fish a year. The cumulative effect is estimated to support approximately 44 million fisherman-days annually. In addition, this Bureau's refuges accommodate about 1.6 billion waterfowl-use-days, not including Alaska. These refuges also support almost 5 million hunting and fishing-use-days.

ADMINISTRATION OF TERRITORIES

The Department of the Interior is responsible for the administration of the Trust Territory of the Pacific Islands (over 2,000 islands covering about 3 million square miles of the Western Pacific Ocean), American Samoa, and Guam. This involves the management of about 985 square miles of land with a total native population of approximately 222,000.

LIMITATION ON UNIT COST OF EMPLOYEE HOUSING

The limitation on the unit cost of employee housing (regardless of the source of financing) in the continental United States, Alaska, Hawaii, and the Territories shall be $29,000. This limitation includes engineering and design costs, but excludes provision of utilities to the lot line. Any exceptions to this monetary limitation shall be submitted to the Committee for its advance review and approval. Employee houses shall not exceed the standards outlined by the Committee in House Conference Report No. 2049, 87th Congress, second session.

As I close these summaries may I point out that all these natural resources of ours are bound together with unseverable threads. For example, we cannot serve or save our national revitalization without better housing, but better housing depends upon having the resources, and our forests are our one singularly renewable resource. Therefore, national forests must serve a wide variety of purposes. They must help the economy; they must assist in alleviating the problems of the underhoused; they must provide watersheds; a place to breathe and live with the majesty that alone is a tree; they must provide fishing and hunting days and they must in many ways meet the ever-rising problem of pollution.

And as we look at this housing supplied by our forests we must realize that it is also necessary to commit ourselves to the development of energy. Every house built requires heat and light. It is mandatory that we recognize that our energy use will not decline but will increase.

It is impossible to imagine women of this century returning to heating an iron on a stove where wood is used. In the first place, there is not that much wood available, and, in the second place, Mr. Ruckelshaus would have fits.

It is also necessary to remember that the elimination of crime is bound tightly into better street lighting; that it takes power to run pollution control plants; it takes power to run recycling plants; it takes power to clean up after Americans.

It is impossible, therefore, to shrug our shoulders and say calmly, "Cut the use of fuel." Let 10 people die in unlit surgical rooms some night and the wrath of America would descend on this Congress. Yet, in thinking in terms of our energy, we must also realize that the leadtime to produce much of our potential energy is between 7 and 10 years. Experimental gasification plants will not produce energy overnight. Pipelines, regardless of where they exist, will not deliver oil or gas without leadtime in construction and further leadtime in acknowledging the environmental problems before and during construction.

The committee has been deeply concerned for years about our knowledge bank of America's resources. For example, we have felt that we lacked the geological knowledge necessary to properly lease our offshore oil lands.

This committee has led the way to provide money correcting this deficiency. And so today, as you note various items where we are trying to supplement our information, please remember that this is the knowledge America must have before it makes answers "yes" or "no" on any given use of a given resource. And with our knowledge, we always face the democratic process that this knowledge must be freely and fully available for free and full public discussion so that we make up our minds in an area and an atmosphere of complete freedom.

Once the public has all the facts, I am confident the public makes the right judgment and I am confident the public will pay for what it feels is properly necessary to guarantee its security and its dominion over the future. But to operate without knowledge, without facts, is completely and utterly stupid.

We, a Nation who have sent men to the moon, don't know what lies under our lands; 345 million acres of Alaskan land are unsurveyed; 161 million acres in the lower 48 need survey attention. This is inexcusable and it often reminds me of the time in 1914 when Russia was going to mobilize her troops and Germany is reputed to have said, "Never mind; she does not even know how many she has."

Mr. Chairman, it is impossible for America to proceed without this knowledge. There is not a single day that passes when I don't pick up the paper and find an article on world economy and our position relative to resource use—who shuts down our oil; who will sell oil; who won't sell oil; whose ships will guard oil—that I do not realize it is mandatory that this country have a complete inventory of her resources; that we at all times have our options open and that we can say to the entire world, "We proceed upon the basis of our knowledge, not upon the basis of our ignorance."

Dr. Pecora, the distinguished Under Secretary, said in the evaluation of our energy problems that—

It is necessary the United States know and understand all the facts so that we can be free to exercise our options.

No nation can be free unless it has access to the basic truths and basic facts. I only regret that our limitations in funding are as curtailed as the agencies of war have made them.

For I strongly believe that in the people and in the land of the United States lies our greatest defense. It is the defense against weakness, insecurity, poverty, hunger, poor housing, joblessness and destruction of those qualities of the environment which give to man his ability to think clearly. The human soul is never separate from the earth, water and heavens around, under, and above us.

If you will put in context what we have spent to manage the more than 753 million acres of public domain and what we have expended upon other nations, including the war in Vietnam, you will soon see the American people have been shortchanged for years and years. Perhaps it is high time that we adopted a Marshall plan for the United States of America—help for our own lands, our own people, our own problems. I do not speak as an isolationist; I speak as a person dedicated to a nation strong enough to be helpful to our friends and resistant to our enemies. I speak as a person devoted to building our technology and environment and environmental knowledge to the greatest potentiality possible for helping the world in its international solutions of environmental problems.

The world is entitled to more than missile leadership. It is entitled to our participation in knowing how to salvage man's destroyed lands; to stop pollution and safeguard against further pollution and to provide an international dominion of security from the results of neglect, callousness, and, in many instances, greed.

The committee in its report has presented to you not only statistics but some national goals which I will discuss as they relate to the various phases of the appropriations before you.

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

Management of lands and resources

Appropriation, 1972	$88,654,000
Estimate, 1973	84,057,000
Recommended, 1973	77,980,000
Comparison:	
Appropriation, 1972	−10,674,000
Estimate, 1973	−6,077,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Resource management, conservation and protection	$61,787,000	+$3,894,000	−$1,250,000
Cadastral survey	8,020,000	+368,000	
Firefighting and rehabilitation	5,400,000	−15,000,000	−4,600,000
General administration	3,000,000	+291,000	
Increased pay costs		−227,000	−227,000
Total, management of lands and resources	77,980,000	−10,674,000	−6,077,000

The Bureau of Land Management is responsible for the conservation, management, and development of about 452 million acres of the Nation's public lands, including 278 million acres in Alaska.

In addition, the Bureau administers mining and mineral leasing on other federally owned lands, on former Federal lands where minerals have been reserved in public ownership, and on the submerged lands of the Outer Continental Shelf.

The net reduction of $6,077,000 below the budget estimate consists of an increase of $100,000 for the implementation of a wild horse and burro program; and the following decreases: $4,600,000, firefighting costs; $1,000,000 Alaska pipeline inspection; $350,000, Alaska land use plan, and $227,000, increased pay costs.

The $1,000,000 reduction recommended for Alaska pipeline inspection activities relates to work to be performed in connection with actual construction of the pipeline. Although the Secretary of the Interior has announced his intent to issue the pipeline permit, there are at least three suits now pending in the courts to enjoin construction, which may materially delay this project.

If the court enjoins construction of the pipeline, obviously the funds will not be needed at this time. Notwithstanding this reduction, the bill does provide $730,000 for necessary activities in connection with various ecological evaluations.

This entire pipeline project has been of deep and continuing interest to this subcommittee and the committee takes no small amount of credit for the fact that the committee's desire for environmental safeguards has been reflected in planning and spending.

When the first supplemental hearings were held more than 2 years ago on this entire project, probably the most thorough review of the environmental problems to be encountered because of seismic difficulties, arctic terrain, potential damage to forests, salmon-spawning streams and gravel terrain were discussed fully and at great length.

The entire problem of ocean pollution was reviewed and it was through the insistance of this committee that those environmental protective costs incurred in constructing the pipeline should be chargeable to the constructor. No matter where the pipeline goes, there are problems. For example, testimony revealed in our committee that where there would be less seismic disturbance in a trans-Canada route, however, there would be more perma-frost problems.

It is time in this country, I feel, that when we develop pipeline and energy supply sources that we put the same creative and imaginative thinking into safeguarding the environment as we have put into building planes, ships, tanks, and computers.

I cannot believe that we don't have the know-how to do it. No funds are contained in this bill for actual construction of the pipeline. Actual construction of the pipeline is the fiscal responsibility of the oil companies who will produce the oil. No Federal funds are provided for this purpose.

Construction of the pipeline, whichever route might be selected, imposes certain obligations on the Department of the Interior to supervise construction of the pipeline in order to adminster various regulations in effect in this connection and to adequately protect the environment. As I noted earlier, the committee received the first requests for funds in this connection when the pipeline was first planned. Seven accounts have been established by the Department of the Interior to record costs incurred due to its construction.

On the other hand, certain activities performed by the Department of the Interior relevant to construction of the pipeline provide information generally beneficial to the administration of Federal and State lands in Alaska and in many instances would eventually be performed regardless of the pipeline. I refer to the preparation of various maps, various geological analyses, and studies of fish and game which will enhance the fish and wildlife program in Alaska in any event.

The committee reduced the request of the Bureau of Land Management, which is responsible for the administration of the leases which might be let for the pipeline by $1,000,000. This action was in view of the fact that various court cases now pending would appear to have a delaying effect on the initial construction of the pipeline. Nothwithstanding this reduction, there is still $730,000 in the bill for the Bureau of Land Management to perform other services necessary in this connection. In addition, the bill provides $1,294,000 for geological analyses by the Geological Survey and $365,000 for the Bureau of Sport Fisheries and Wildlife to make necessary studies. I repeat, there are no funds in this bill for actual construction of the pipeline.

Currently, there is extended discussion on whether the pipeline should be built from Prudhoe Bay to Valdez or whether it would be preferable to construct a trans-Canadian pipeline to deliver the oil and gas from the North Slope directly to the Midwest. The committee is aware of the various contentions for each of these routes. The committee has no inclination to become engaged in this controversy. Certainly, this project has been under the closest scrutiny and supervision for several years. The Joint Economic Committee currently is conducting extensive hearings in this connection. Regardless of which route is ultimately chosen, the purpose of the funding in this bill is to adequately protect the general interests of the U.S. Government and to make certain that all necessary precautions are taken to adequately safeguard the environment.

However, problems of our Bureau of Land Management go far beyond the pipepline. These public lands of ours have problems of reforestation. They have problems of careful recreation management, and because the BLM is considered "Surveyor" of the United States domain, we should get on with the business of this survey.

Testimony has been presented to us many times on growth and recreation area use, and among these areas of new and growing use are desert areas. These in many instances are the hardest to maintain, for often the ecology is fragile and there is insufficient water. The American public is urged in the use of these public lands to be as careful and considerate of them as they are of their own front yard. Cleanup costs money but actual damage can be irreparable. A carelessly thrown match may ignite a tinderdry forest and destroy not only a forest but the brush which is part of the terrain's safeguard and homes adjacent.

Our range lands are particularly in need of improvements. We cannot possibly increase the production of food which could bring the cost of living down without more range improvements. All our agencies which share range lands—the BIA, the Forest Service, and the BLM, are confronted with identical problems.

In fact, in New Mexico, poverty-stricken Navajos trying to maintain a livelihood on under-improved rangeland can never raise their standard of living without improvement of lands. I urge the Office of Management and Budget to consider in the next Forest Service budget, the BLM budget, and the BIA budget, stepped-up range improvements.

Continuing on the importance of surveys, basically there is no peace among people when the borders of their lands are in dispute and as we get further into the Alaska Native Claims Settlement Act, the completion of surveys is mandatory.

Also, it is mandatory that our surveys be completed when we get to the highly complex questions of leasing lands for mineral resource development. It is also necessary to have them stepped up if we are going to have locations and land descriptions necessary for other agencies to use in building resource knowledge banks.

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Construction and maintenance

Appropriation, 1972	$4,827,000
Estimate, 1973	7,965,000
Recommended, 1973	7,965,000
Comparison:	
Appropriation, 1972	+3,138,000
Estimate, 1973	

The committee recommends an appropriation of $7,965,000, the budget estimate, for construction and maintenance of various facilities necessary for the proper administration of public lands under the jurisdiction of the Bureau of Land Management.

Public lands development roads and trails (Liquidation of contract authority)

Appropriation, 1972	$3,200,000
Estimate, 1973	3,265,000
Recommended, 1973	3,265,000
Comparison:	
Appropriation, 1972	+65,000
Estimate, 1973	

This appropriation is required to liquidate obligations incurred under contract authority provided in the Federal-Aid Highway Act for development of roads and trails on public lands.

Oregon and California grant lands (Indefinite appropriation of receipts)

The bill continues the indefinite appropriation of 25 percent of the gross receipts from sales of timber and other products, representing one-third of the 75 percent of revenues due the Oregon and California counties.

It is estimated that a total of $16,700,000 will be available during fiscal year 1973 for construction, acquisition, and operation and maintenance of access roads and improvements, and for forest protection and development on the revested lands and on other Federal lands in the Oregon and California land grant counties of Oregon.

Range improvements (Indefinite appropriation of receipts)

Appropriation, 1972	$2,523,000
Estimate, 1973	3,059,000
Recommended, 1973	2,800,000
Comparison:	
Appropriation, 1972	+$277,000
Estimate, 1973	−259,000

The committee recommends an indefinite appropriation of $2,800,000 to be derived from public lands and Bankhead-Jones Farm Tenant Act Lands grazing receipts for construction, purchase, and maintenance of range improvements.

The reduction of $259,000 below the budget estimate is based on revised information indicating reduced receipts available for this appropriation in fiscal year 1973.

BUREAU OF INDIAN AFFAIRS

Education and welfare services

Appropriation, 1972	$273,787,000
Estimate, 1973	298,127,000
Recommended, 1973	298,968,000
Comparison:	
Appropriation, 1972	+25,181,000
Estimate, 1973	+841,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Educational assistance, facilities, and services	$183,840,000	+$16,180,500	+$1,333,000
Welfare and guidance services	64,787,000	+5,690,600	
Employment assistance	42,427,000	+2,622,900	−140,000
Maintaining law and order	8,266,000	+1,039,000	
Increased pay costs		−$352,000	−$352,000
Total, education and welfare services	298,968,000	+25,181,000	+841,000

The net increase of $841,000 over the budget estimate consists of reductions of $140,000 for employment assistance (which amount has been added to the Forest Service appropriation for Indian work programs); and $352,000 for increased pay costs, with additional funds being recommended for the following projects: +$408,000, operation of Navajo Community College, Arizona; +$300,000, general scholarships; +$100,000, legal scholarships; +$50,000, Navaho scholarships; +$200,000, development of general policy and guidelines regarding the Bureau of Indian Affairs' responsibility to participate in the funding of public school construction in areas with high Indian enrollment; and +$275,000, participation by the Bureau of Indian Affairs in providing referral services to urban Indians needing social assistance.

Increasingly over the past few years the committee has been requested to provide funding for construction of public schools where Indian students are enrolled. The percentage of Indian students attending these schools varies from a low of about 5 percent upward to possibly 50 or 60 percent. In the majority of instances, the school boards of the local districts have testified that the Indian students have placed an additional burden on the local school districts and local officials have been unable to obtain other Federal funds for assistance. Many of these school districts are located in isolated or rural regions where the tax base is limited and the bonding authority of the local government is insufficient to provide the total public school facilities required without assistance from other sources.

Occasionally, the committee has approved funding for a few of these schools where the situation appeared to be critical. However, the problem has intensified each year and has now reached the point where the committee can no longer provide funds for construction of these schools in a hit-or-miss manner without increasing the appropriation far beyond all totals envisioned by those responsible for budgetary proposals.

Accordingly, the committee has provided $200,000 in the bill for the Bureau of Indian Affairs to make a complete study of the situation. Based on the findings of this study, the Bureau is expected to recommend legislation that will provide assistance to these schools on a realistic and uniform basis with appropriate guidelines.

Resources management

Appropriations, 1972	$75,764,000
Estimate, 1973	83,734,000
Recommended, 1973	84,316,000
Comparison:	
Appropriation, 1972	+8,552,000
Estimate, 1973	+582,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Forest and range lands	$8,152,000	+$439,927	−$100,000
Outdoor recreation	353,000	+353,000	
Fire suppression and emergency rehabilitation	800,000	−3,068,100	
Agricultural and industrial assistance	18,262,000	+3,885,036	−100,000
Soil and moisture conservation	9,731,000	+2,515,384	+940,000
Maintenance of roads	6,598,000	+461,112	
Development of Indian arts and crafts	663,000	+5,128	−4,000
Management of Indian trust property	12,414,000	+2,168,664	−130,000
Repair and maintenance of buildings and utilities	$24,883,000	+$757,984	+$100,000
Operation, repair, and maintenance of Indian irrigation systems	1,611,000	+184,865	−90,000
Environmental quality services	883,000	+883,000	
Increased pay costs	−34,000	−34,000	−34,000
Total, resources management	84,316,000	+8,552,000	+582,000

The net increase of $582,000 over the budget estimate includes reductions of $484,000 requested for increased program costs, and $34,000 for increased pay costs.

The amount provided in the bill includes increased funding of $100,000 for the Youth Work-Learn Program; and $1,000,000 for range forage improvement practices, water development and rehabilitation, and other conservation practices on the Papago Reservation.

Construction

Appropriation, 1972	$43,715,500
Estimate, 1973	48,092,000
Recommended, 1973	55,384,000
Comparison:	
Appropriation, 1972	+11,668,500
Estimate, 1973	+7,292,000

The amount provided in the bill includes reductions of $67,000 for increased pay costs; and $265,000 for planning and design of the Fort Totten High School on the Fort Totten Reservation, North Dakota. The following additional projects are recommended by the committee: +$1,470,000, Rough Rock High School, Arizona; +$1,420,000, gymnasium, Phoenix Indian School, Arizona; +$1,344,000, Colorado River Irrigation Project, Arizona; +$1,100,000, Construction and equipment, Navajo Community College, Arizona; +$950,000, Planning and design ($750,000) and water exploration ($200,000) for the Ramah Navajo School, New Mexico; +$750,000, Planning and design, Chemawa Indian School, Oregon; +$200,000, Preliminary planning, public schools with large Indian enrollment; +$135,000, Middle Gila Phreatophyte Control Project, San Carlos Indian Reservation, Arizona; +$100,000, Feasibility study for Indian school facilities at Fort Totten Reservation, North Dakota; +$85,000, Advance planning, Lodge Grass School, Montana; and +$70,000, Planning and design, Brockton High School, Montana.

The budget estimate provided $265,000 for planning and design of the Fort Totten High School on the Fort Totten Reservation, N. Dak. Information received by the committee indicates there is serious question as to whether construction of this school may be in the best interest of the Indian students from a long range standpoint. It is contended that it might be more propitious for these Indian students to mingle with other students at a public school. In order to arrive at a factual judgment of this situation, the committee has deleted the $265,000 requested for planning and design of the school, and has included $100,000 in the bill for a feasibility study to determine on a logical basis the merits of constructing an Indian high school versus the attendance of Indian students at a public school.

The committee has provided preliminary planning funds in the amount of $200,000 for public schools with large Indian enrollment. At the discretion of the Secretary of the Interior, these funds are available for use to relieve some of the critically urgent situations currently existing.

Road construction (liquidation of contract authority)

Appropriation, 1972	$33,600,000
Estimate, 1973	45,539,000
Recommended, 1973	45,539,000
Comparison:	
Appropriation, 1972	+11,939,000
Estimate, 1973	

This appropriation is required to liquidate obligations incurred for Indian road construction under contract authority provided in the Federal-Aid Highway Act.

Alaska Native fund

Appropriation, 1972	$12,500,000
Estimate, 1973	50,000,000
Recommended, 1973	50,000,000
Comparison:	
Appropriation, 1972	+37,500,000
Estimate, 1973	

Section 6 of the Alaska Native Claims Settlement Act (Public Law 92–203) provides for the establishment in the U.S. Treasury of an Alaska Native Fund into which $462,500,000 shall be deposited over a period of 11 years.

After completion of an Alaskan Native roll, all money in the Alaska Native Fund, except for certain fees as provided in section 20 of the act, will be distributed among the regional corporations (organized pursuant to section 7 of the act) for the benefit of Alaskan Natives.

The bill includes $50,000,000, the budget estimate, which is the amount specified in the authorizing legislation for deposit in the Alaska Native Fund in fiscal year 1973.

General administrative expenses

Appropriation, 1972	$6,161,000
Estimate, 1973	6,358,000
Recommended, 1973	6,200,000
Comparison:	
Appropriation, 1972	+39,000
Estimate, 1973	−158,000

The reduction of $158,000 below the budget estimate relates to the budget request for increased pay costs.

Tribal funds

Appropriation, 1972	$16,173,000
Estimate, 1973	16,505,000
Recommended, 1973	16,505,000
Comparison:	
Appropriation, 1972	+332,000
Estimate, 1973	

Funds held in trust for Indian tribes under the provisions of various acts are used for expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians.

You will note that this year in the education and welfare services, the committee has recommended $298,968,000. This is $25,181,000 above the 1972 budget. We are transferring $140,000 to a Forest Service Indian work program in Montana and we have made provision for additional funding as noted in the report.

Probably there has been no other area of the bill where we have had as many requests as we have had in the Indian field. In every phase of operation there seems to be an increasing desire to give the BIA more money for its operations. We would have been many millions of dollars above the budget request if we could have complied with all requests. However, many of them need policy review as the committee have noted in the field of school building. May I say that in 1960 the Bureau of Indian Affairs received $113,142,000. This year the total new obligational authority which does not include contract authority liquidation is $509,873,000.

A major new field in Indian management before us is that relative to urban Indians.

URBAN INDIANS

During the course of the hearings, the committee has received urgent requests to provide additional funds to the Bureau of Indian Affairs for general assistance to urban Indians. Sentiment for such action has been increasing during the past few years.

The predicament of the urban Indians has developed over a period of many years and is not the result of any particular phenomenon of recent date. The committee has been aware of and concerned with this situation for several years. In its report on the 1972 appropriations bill the committee urged the Bureau of Indian Affairs to cooperate to the fullest possible extent within existing policy and regulations in the mitigation of urban Indian problems.

There are those who feel that the appropriation of large sums of funds is a simple solution to this problem. A casual analysis of the situation might tend to lend credence to this belief. However, there are many ramifications for consideration, and in the opinion of the committee, any extensive action to cope with this situation must first be preceded by thorough and complete analysis of the objectives to be achieved and the manner in which this can best be accomplished.

Of primary importance is the fact that funds channeled through the Bureau of Indian Affairs for the benefit and welfare of Indians are not unlimited. The committee has received thoughtful and pertinent observations from Indian organizations representing Indians currently living on reservations raising questions as to what effect the expansion of Bureau of Indian Affairs services to urban Indians might have on services now being rendered to reservation Indians.

Another pertinent consideration is the fact that Indians living in urban areas are citizens of the United States, and, as such, are fully entitled to all benefits and assistance rendered generally to American citizens by the State, county, or Federal Government.

Under current policy, Bureau of Indian Affairs' assistance is limited, with few exceptions, to reservation Indians. The extent of this assistance can be specifically designated inasmuch as it relates back to terms and provisions of various treaties consummated by the Federal Government and the Indians. In the ex-

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tension of Bureau of Indian Affairs assistance to urban Indians there is the very important question of what guidelines will be followed in such action. Then, too, there are those who will raise the question as to why Indians should receive this special consideration if the same benefits are not also available to other minority groups of this country.

In view of the critical situation which exists with regard to urban Indians, the committee has included $275,000 in the bill to permit participation by the Bureau of Indian Affairs in providing referral services on a priority basis to urban Indians needing social assistance. It is anticipated that with these funds the Bureau of Indian Affairs can establish about five regional referral locations whose primary responsibility will be to assist urban Indians in making proper application for various social benefits available from Federal, State, and county governments. This admittedly is stop-gap procedure.

Concurrently, because of the urgency of the situation, the committee is of the strong opinion that in-depth hearings should be held by the respective legislative committees of the Congress with the view of determining the feasibility of extending the realm of the Bureau of Indian Affairs' responsibility relative to urban Indians. If as a result of these hearings additional action is indicated, specific legislation should be enacted setting forth definite guidelines as to the extent and type of such assistance; the qualifications for participation in the program; and possibly a limitation on funds to be made available, because undoubtedly such a program would require appropriations of material amounts.

Sometimes it appears we are not going anywhere with our Indian programs. The Bureau of Indian Affairs is not the most popular agency on earth and it does have an unusually large "Washington, D.C. reservation" of workers. However, in justice to the BIA, it could not be all as bad as it is portrayed or the Urban Indians would not be clamoring for their assistance and guidance in urban affairs. Progress is inevitable and I would hope that we can solve the problems of alcoholism, the problems of education, and begin broader-based employment in the reservation world.

Again I want to warn, however, against creating ghettos on their own reservations by hastily thought-out employment programs that do not work; industries that will be shortlived. Yet in the meantime a town will have been built which can turn into another ghetto. We need no more of this in the Indian world. We need a good agricultural policy, a good range improvement program, the wisest and best use of their resources, reforestation of their lands, improvement for their young people, a continuing program of better housing with sanitation. We need water, and we need to work with them to assist them in the preservation and upkeep of their new houses.

Some of the building programs have been sloppily supervised. Houses are poorly built. Maintenance is appalling, and I have seen examples of a new house with new floors and no sidewalks so that youngsters track in sand and dirt to destroy the floors almost immediately. I have also seen instances of new housing built before the debris of old housing, old cars and garbage was cleaned out. This is inexcusable stewardship on the part of either the housing agency or the BIA.

This Congress has provided the BIA with personnel spilling out of their ears and it should be used—used to build better schools, to build better houses, to plan community programs with the Indians, and to make sure that the Indian people have the best legal advice when contracting; that they have the best possible advice in planning new industries, and in planning the location of these industries.

We need more recreation for our young people in our Indian schools, and I am proud to say that the Cherokee school in North Carolina will be the first BIA school with a swimming pool. Each of these schools needs a swimming pool. They need tennis courts, basketball courts, and provision for group recreation in student center buildings.

I have visited in the Indian country from Alaska to Mississippi. All tribes are trying very hard to assume the leadership they deserve. Our job should be to supply the technical advice and know-how requested. We have been unstinting in that technical know-how and advice to lands across the sea. We certainly do not need to be any less unstinting with our own people—our first Americans.

But we have made progress, and if you will read testimony last year before our committee that in the so-called work-learn program, dropout rates were reduced. Students in this program had money in their pockets earned by their own efforts in village cleanup and in other constructive activities managed by themselves.

We do have summer programs and we should have more. In the educational field, we should spend a great deal more effort and energy in English and reading, and as much money as can possibly be found to provide libraries not only for children but for adults. We complain about a "culture break and culture lag." The Indians are proud of their culture and their inheritance and they bring it to us as a great contribution to America, but if we expect them to understand our textbooks and our world, which is theirs also, we must begin at an earlier age to assist families and children with the language barrier problem.

There is money this time to provide these programs and we are providing more kindergartens. Many remain to be built.

What are, however, some of our recent accomplishments?

First. There has been more involvement of local Indian education committees in the planning and monitoring of projects. All schools or school districts receiving Johnson-O'Malley assistance now have these Indian education committees.

Second. There has been a continuing increase in supplemental education programs, and the enrollment of Indian students in public schools receiving Johnson-O'Malley assistance was 86,780 in fiscal year 1972, an increase of 8,500 over the previous year.

Third. Approximately 800 individuals from local communities, most of them Indian, were working in public schools as teacher aides, home visitors, and counselors. They are available as cross-cultural contributors of behavior to teachers, children, and parents.

Fourth. During fiscal year 1972 more than 1,700 professionals and paraprofessionals working with Indian children in public schools were provided inter-service training and educational support through training programs and summer workshops.

Fifth. We have provided in this budget $1.4 million for prekindergarten pilot programs and in 1973, with the addition of 10 more kindergartens, we will have 160 kindergarten units enrolling 2,850 children. This has been done entirely in the past 5 years. Prior to that time there were no Indian children in kindergartens.

Sixth. The same is true with regard to our young people attending institutions of higher learning. This year, 1972, 350 young Indians graduate from our institutions of higher learning. We have increased scholarships and we will provide through this money for more than 10,500 young people to attend college. It is interesting also to note that their dropout rate from college is decreasing. I would also remind you that a few short years ago we had less than 500 young people attending college. In 1963 we had only 963. We have thousands of young people attending vocational schools.

In almost every field of activity our Indian people are interested in participation.

Later in the budget you will find an item of $200,000 for a program in the National Park Service for Indians. And this week I received an invitation from the National Park Service to ceremonies marking the dedication of the Indian Arts Museum at Grand Teton National Park. As time passes, there will be additional Indian Arts Museums and exhibits throughout the Nation. I urge every Member who has not had the opportunity, to visit some time the Santa Fe Indian Arts Institution in New Mexico. Here you will find some of the most challenging art ranging from sculpture to drama being created by young Indians.

In the Bureau of Sport Fisheries and Wildlife you will find hatchery construction moneys. And I think it is well to remember that fish hatcheries construction on Indian lands does not segregate these fish merely for the use of the Indians; it makes a contribution to fishermen everywhere, for the fish that go into the sea return in many areas.

In every field Indian participation in our total American life is increasing and this participation will make possible a better economy, a better environment, and a decrease in the poverty which has for so long confronted the Indian people.

In another field, may I call your attention to the sizable increase in road building. Finally and at last the BIA recognizes the fact that there are no solutions to our school and health problems and the Indian economy without carefully planned road programs. It is impossible to abolish Indian boarding schools without planning transportation to a day school. It is impossible to do the kind of health service necessary in the Indian world if there is no transportation to a hospital or clinic. I have seen Navahos walking down what passed for a road in that country in a blizzard on their way to a clinic several miles away.

Therefore, I welcome this increase, but I do want to say roads will require close and careful planning with Indian tribal groups so that their environment is protected and their desires satisfied. It should not be another clutter of elaborate highway engineering for the sake of a structure and not people.

The committee has increased in various areas Indian irrigation programs and the budget we received from OMB reflected sizable increases. May I urge that this spending continue to increase. It is imperative that these projects be completed so that the agricultural program of the Indians can be stepped up and improved.

One tribal witness appearing before us told of the immense possibilities that irrigation would provide not only in securing a better economy for them but in supplying the food market with fresh fruits and vegetables.

BUREAU OF OUTDOOR RECREATION

Salaries and expenses

Appropriation, 1972	$3,949,000
Estimate, 1973	4,203,000
Recommended, 1973	4,150,000
Comparison:	
Appropriation, 1972	+201,000
Estimate, 1973	−53,000

The Bureau of Outdoor Recreation serves as the focal point in the Federal Government for activities relating to outdoor recreation. In addition, a liaison is maintained with State and local governments and with the private sector with a view of developing and executing a nationwide coordinated effort in the provision of outdoor recreation opportunities.

The Bureau also administers a program of matching grants to States for recreation planning, for acquisition of land and water areas, and for the development of such areas.

The committee recommends an appropriation of $4,150,000, a reduction of $53,000 below the budget estimate. The reduction includes decreases of $5,000 for water resources-environmental statement reviews; $6,000 for preparation of environmental impact statements; $33,000 for surplus property aspects "Legacy of Parks"; and $9,000 for increased pay costs.

Land and water conservation fund

Appropriation, 1972	$361,500,000
Estimate, 1973	300,000,000
Recommended, 1973	300,000,000
Comparison:	
Appropriation, 1972	−61,500,000
Estimate, 1973	----------

The following table reflects the action recommended by the committee on the budget request:

Activity	Budget estimate	Committee bill, 1973	Change
Assistance to States	$196,500,000	$181,800,000	−$14,700,000
Federal land acquisition program:			
National Park Service:			
New areas:			
Assateague Island NS, Md.-Va.	3,420,735	3,420,735	----------
Bighorn Canyon NRA, Mont.-Wyo.	425,000	425,000	----------
Buffalo NR, Ark.	4,812,000	4,812,000	----------
C&O Canal NHP, Md.-W. Va.	9,485,000	9,485,000	----------
Gulf Islands NS, Fla.-Miss.[1]	1,272,265	1,272,265	----------
Minute Man NHP, Mass.[1]	3,860,000	3,860,000	----------
Ozark NSR, Mo.	3,311,000	3,311,000	----------
Sleeping Bear Dunes NL, Mich.[1]	11,785,000	11,785,000	----------
Voyageurs NP, Minn.	12,000,000	12,000,000	----------
Subtotal	50,371,000	50,371,000	----------
Inholdings:			
General	15,040,000	15,050,000	----------
Everglades NP, Fla.[1]	9,960,000	9,960,000	----------
Subtotal	25,000,000	25,000,000	----------
Deficiency awards	1,500,000	1,500,000	----------
Total, National Park Service	76,871,000	76,871,000	----------
Forest Service:			
New areas:			
National recreation areas:			
Whiskeytown-Shasta-Trinity NRA Calif.	1,250,000	1,250,000	----------
Flaming Gorge NRA, Utah-Wyo.	150,000	150,000	----------
Mount Rogers NRA, Va.	1,000,000	1,000,000	----------
Spruce Knob-Seneca Rocks NRA, W. Va.	1,000,000	1,000,000	----------
National Wild and Scenic Rivers	1,816,000	----------	−1,816,000
Appalachian Trail	$1,500,000	$1,500,000	----------
Wilderness and primitive areas	539,000	539,000	----------
Lake Tahoe Lands (Nevada)	1,200,000	1,200,000	----------
Recreation areas within boundaries of national forests	2,500,000	23,016,000	+$20,516,000
Total, Forest Service	10,955,000	29,655,000	+18,700,000
Bureau of Sport Fisheries and Wildlife:			
Endangered species areas	3,100,000	3,100,000	----------
Wilderness areas	100,000	100,000	----------
Critical Inholdings	4,000,000	----------	−4,000,000
Areas recently authorized by Congress	560,000	560,000	----------
Recreation mitigation sites	842,000	842,000	----------
Total, Bureau of Sport Fisheries and Wildlife	8,602,000	4,602,000	−4,000,000
Bureau of Land Management:			
King Range National Recreation Area, Calif.	1,225,000	1,225,000	----------
Rogue River, Oreg., Wild and Scenic River	516,000	516,000	----------
Rio Grande, New Mexico, Wild and Scenic River	75,000	75,000	----------
Pacific Crest Trail	13,000	13,000	----------
Total, Bureau of Land Management	1,829,000	1,829,000	----------
Total, Federal program	98,257,000	112,957,000	+14,700,000
Bureau of Outdoor Recreation: Administration	5,243,000	5,243,000	----------
Grand total, 1973	300,000,000	300,000,000	----------

[1] Completes authorized funding.

While the total appropriation recommended by the committee is the same as the budget estimate, the committee has made certain adjustments within the overall appropriation with regard to funding for each of the segments of this program.

The bill provides $181,800,000 for assistance to States. This is a reduction of $14,700,000 below the budget estimate. Information furnished the committee revealed that total unobligated balances available to the States as of March 31, 1972 amounted to $225,932,598.

The committee has also deleted the request of $4,000,000 submitted by the Bureau of Sport Fisheries and Wildlife for acquisition of critical inholdings. According to the interpretation of the authorizing committees, there is question regarding the availability of adequate legislative authority for the program included in the budget estimate. Until this question has been resolved, the committee is of the opinion that funding should not be provided.

An appropriation of $29,655,000 is recommended for the Forest Service, an increase of $18,700,000 over the budget estimate. This includes a reduction of $1,816,000 requested for national wild and scenic rivers for which legislative authority is not yet available; and an increase of $20,516,000 for recreation areas within boundaries of national forests.

The premise on which the 1973 budget estimate was submitted would permit Forest Service acquisition of land for national recreational areas; national wild and scenic rivers; the Appalachian Trail; wilderness and primitive areas; and Lake Tahoe lands in Nevada; but would restrict land acquisition in specially designated recreation areas within national forests to only $2,500,000.

The committee emphatically disagrees with this proposed policy especially in view of the fact that in the majority of instances, these additional recreation lands would be acquired in the eastern portion of the Nation where there are numerous areas of dense population. In addition, adherence to the proposed policy would drastically interfere with coordinated recreation plans of the Forest Service and the various States.

The provision of the additional funds for the Forest Service will enable the acquisition of major critical areas such as the Snake River area in Idaho-Oregon; the Dolly-Sods area in West Virginia; four major recreational areas in Texas; and various other areas brought to the attention of the committee.

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TERRITORIAL AFFAIRS

Administration of territories

Appropriation, 1972	$21,699,000
Estimate, 1973	22,375,000
Recommended, 1973	22,375,000
Comparison:	
Appropriation, 1972	+676,000
Estimate, 1973	----------

The Secretary of the Interior is charged with responsibility of promoting the economic and political development of those territories which are under the U.S. jurisdiction and within the responsibility of the Interior Department.

In addition to certain funds available to the Virgin Islands and Guam under permanent appropriations, this bill provides $6,345,000 for Guam rehabilitation, and $1,000,000 for the Guam Economic Development Fund.

The $15,030,000 included in the bill for American Samoa will provide for priority programs in education, public health, sewage facilities, and electric power.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Appropriation, 1972	$59,980,000
Estimate, 1973	60,000,000
Recommended, 1973	60,000,000
Comparison:	
Appropriation, 1972	+20,000
Estimate, 1973	----------

Funds provided under this appropriation account are for the continuation of the accelerated development program in the fields of education, health, public works, and resource management of the Trust Territory of the Pacific Islands.

On October 20, 1971, the Committee directed its Investigative Staff to perform a complete review and analysis of the administration of the construction program in the Trust Territory.

The investigative report which has been reviewed with officials of the Department of the Interior revealed numerous shortcomings and omissions which must be corrected at the earliest possible date in order to make the best possible use of available funds and provide a viable construction program to meet the needs of the Micronesian people.

The Committee is aware of the inherent problems associated with the construction projects in this area because of its location. Nonetheless, the Committee feels that major improvement can be achieved if concerted attention is given to the selection of projects that are practical, utilitarian, and in harmony with the environment peculiar to the Trust Territory. Special effort must be made to improve the coordination and supervision of construction projects.

The Interior Subcommittee on Appropriations has had the unique pleasure during the past 5 years of sharing our hearings with members of the Legislatures from Guam and Samoa and the Congress of Micronesia. As these very able spokesmen sat with us and participated in the discussions, they have been of immeasurable help in the committee's decisionmaking and in the committee's better understanding of the immensity of the problems in these American territories.

The committee wishes to thank these legislative bodies for their cooperation, interest, and knowledge so generously given to us.

MINERAL RESOURCES

GEOGRAPHICAL SURVEY

Surveys, investigations, and research

Appropriation, 1972	$131,050,000
Estimate, 1973	150,800,000
Recommended, 1973	150,000,000
Comparison:	
Appropriation, 1972	+18,950,000
Estimate, 1973	—800,000

The total amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Special resource and environmental projects	$3,753,000	+$2,443,000	----------
Alaska pipeline related investigations	1,339,000	—14,000	----------
Topographic surveys and mapping	33,959,000	—96,000	----------
Geologic and mineral resource surveys and mapping	43,265,000	+9,294,000	—$200,000
Minerals discovery loan program	272,000	—2,000	----------
Water resources investigations	$40,129,000	+$2,178,000	----------
Conservation of lands and minerals	14,259,000	+762,000	----------
Earth resources observation satellite	10,193,000	+4,440,000	—$600,000
General administration	2,831,000	—55,000	----------
Total, geological survey	150,000,000	+18,950,000	—800,000

The Geological Survey provides the basic scientific data concerning water, land, and mineral resources and supervises the prospecting, development, and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands.

The reduction of $800,000 below the budget estimate includes decreases of $200,000 for new methods of acquiring and presenting land-use and resource data; and $600,000 for the earth resources observation systems—EROS.

NATIONAL COAL POLICY

In its report on the 1970 appropriations bill—House report No. 91-361—this committee made extensive remarks on the conservation of our natural resources and described in particular the approaching crisis this Nation was facing with regard to the adequacy of our mineral resources.

Since that time, many other individuals and organizations have voiced similar opinions and it is now a well established consensus that this Nation must give immediate consideration to avoiding an energy crisis.

The committee joins with and applauds those individuals who are now demanding that we have a formal national energy policy. The sooner this is accomplished the better.

Of immediate concern to the committee is the dire necessity for a national coal policy. There is considerable discussion today regarding the extent to which strip mining should be limited. In fact, several bills are currently pending in the Congress which, if enacted into law, would greatly reduce the extent of strip mining activity in this country. It is to be remembered that about 35 percent of our coal is obtained by strip mining.

On the other hand, the committee is being requested to approve the appropriation of millions of dollars per year for research and development of coal utilization processes. Although the committee endorses adequate reclamation of strip mined areas, it is neither advocate nor antagonist with regard to strip mining per se. However, the committee does feel the question of whether it is practical to invest millions of dollars in various coal research programs if the source of supply for these programs is to be severely limited must be resolved at the earliest possible date.

Another important matter for consideration in this connection is the effect of various pollution control limitations that might be placed on the use of coal. If standards are so severe that the utilization of coal is priced out of the market, the cost-benefit ratio of various coal research programs now underway and anticipated will be most adverse.

It is the urgent hope of the committee that the Secretary of the Interior, in cooperation with the appropriate committees of the Congress, give immediate attention to the promulgation of a formal national coal policy.

In the Geological Survey hearings, if you will take the time to read, you will find a discussion of some of this Nation's major problems relative to finding and developing natural resources necessary to maintain our way of life without pollution of its rivers and landscape.

Mr. McKelvey, Director of the Geological Survey, said:

1. What are our resources? 2. Where are they? 3. In what concentration? 4. How accessible are they? 5. What are their characteristics? For example, with respect to coal deposits, what is the sulfur content? Where are the low sulfur coals?

He went on to state that this Nation not only needs to know the distribution, quality, and magnitude of our mineral, fuel, land, and water resources in identified and presently recoverable deposits, but it needs to know also where and how much we can expect to find and develop with further exploration and technologic advance.

He then points out the environmental problems, asking:

What are the natural forces and processes at work in the earth, the rivers, the oceans, and the atmosphere, which shape our earth, distribute its materials, and modify its features and form? How did these forces, processes, and materials interact with one another? And above all, how did they interact with man? The knowledge of the earth and its processes is essential to man's understanding of his interaction with his environment and his determination of a viable balance between environmental use and preservation.

Third, in the land-use problem, Mr. McKelvey said:

How do the characteristics and properties of the land surface and subsurface affect its use for various human purposes? To rectify deficiencies in the use of knowledge, the Geological Survey stated that they were making a concerted effort to translate basic data into terms readily understandable by a broad spectrum of users.

The fourth problem Mr. McKelvey pointed out was that of resource management. In the basic Geological Survey budget there is funding for some of the most relevant activities of the United States. On pages 154 through 181 of volume 1 there are detailed listings of revenues generated by the Geological Survey. These come from a variety of sources, including the royalties from leased mineral lands, the Outer Continental Shelf, Federal lands onshore, Indian lands, and the sale of publications.

This budget does include increased funding for land-resource analysis programs and earthquake-hazard studies, mineral fuels and acquisition and analysis of geophysical data, and systematic reconnaissance geologic mapping of the Continental Shelf, water-quality data, and investigations of subsurface waste storage.

BUREAU OF MINES

Conservation and development of mineral resources

Appropriation, 1972	$49,858,000
Estimate, 1973	55,291,000
Recommended, 1973	58,491,000
Comparison:	
Appropriation, 1972	+8,633,000
Estimate, 1973	+3,200,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Research:			
Coal	$13,914,000	+$4,680,000	+$200,000
Petroleum	3,218,000	+9,000	----------
Oil shale	2,629,000	—6,000	----------
Metallurgy	15,507,000	+1,076,000	----------
Mining	5,072,000	—45,000	----------
Explosives	734,000	----------	----------
Resource development:			
Statistics	$2,365,000	—$3,000	----------
Economic analysis	584,000	—1,000	----------
Bituminous coal	1,047,000	+3,000	----------
Anthracite	4,775,000	+1,945,000	+$2,000,000
Petroleum	947,000	+3,000	----------
Minerals	6,958,000	+972,000	+1,000,000
International activities	741,000	----------	----------
Total, conservation and development of mineral resources	58,491,000	+8,633,000	+3,200,000

The increase of $3,200,000 over the budget estimate includes the following: +$2,000,000, research and demonstration techniques for subsidence control and protection; and the consequent elimination of mine waste banks utilizing various sizes of crushed mine refuse; +$1,000,000, coal mine waste materials and storage program (inspection of dams constructed for water-silt impoundment of cleaning plant refuse material); and +$200,000, conversion of organic wastes to oil.

Health and safety

Appropriation, 1972	$81,851,000
Estimate, 1973	95,374,000
Recommended, 1973	95,374,000
Comparison:	
Appropriation, 1972	+13,523,000
Estimate, 1973	----------

The committee recommends an appropriation of $95,374,000, the budget estimate, for health and safety.

The amount recommended by the committee compared to the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Inspections, investigations, and rescue work:			
Inspection and enforcement—coal	$31,418,000	+$1,190,000	----------
Inspection and enforcement—metal and nonmetal	6,170,000	+248,000	----------
Technical support and accident analysis	6,950,000	+269,000	----------
Education and training	5,255,000	+10,000	----------
Grants—coal	1,000,000	+600,000	----------
Federal Mine Health and Safety Academy	13,000,000	+13,000,000	----------
Activity total	63,793,000	+15,317,000	----------
Control of fire in coal deposits	$229,000	----------	----------
Health and safety research:			
Health-related research in coal mines	5,034,000	—$2,396,000	----------
Safety research in coal mines	23,340,000	+664,000	----------
Metal and nonmetal mine research	2,978,000	—62,000	----------
Activity total	31,352,000	—1,794,000	----------
Total, health and safety	95,374,000	+13,523,000	----------

General administrative expenses

Appropriation, 1972	$2,013,000
Estimate, 1973	2,008,000
Recommended, 1973	2,000,000
Comparison:	
Appropriation, 1972	—13,000
Estimate, 1973	—8,000

The committee recommends an appropriation of $2 million, a reduction of $8,000 below the budget estimate. The reduction of $8,000 relates to increased pay costs requested in the budget estimate.

In commenting on the Bureau of Mines appropriation, may I say that the committee found the Bureau of Mines engaged in some of the most exciting and relevant research underway in this Nation. In essence, this boils down to how to reuse our waste and garbage through recycling. This waste and garbage is in a wide variety of fields.

And the Bureau of Mines also is challenged by problems resulting from yesterday's coal mining as well as planning for current and future mining, the prevention of mine fires, subsidence, pollution, and provisions for reclamation. These are all in their jurisdiction.

The committee has, we believe, wisely added a million dollars for the inspection of dams constructed for water silt impoundment, hopeful that careful inspection will forestall another Buffalo Creek.

OFFICE OF COAL RESEARCH

Salaries and expenses

Appropriation, 1972	$30,650,000
Estimate, 1973	45,330,000
Recommended, 1973	42,330,000
Comparison:	
Appropriation, 1972	+11,680,000
Estimate, 1973	—3,000,000

The Office of Coal Research contracts for research and development of new and more efficient methods of mining, preparing, and utilizing coal.

The bill provides a total of $42,330,000 for the coal research program, a reduction of $3,000,000 below the budget estimate of $45.330,000. While the committee has approved the 1973 program as submitted in the budget estimate, it has reduced the appropriation by $3,000,000 on the basis that $3,000,000 which was appropriated in fiscal year 1972 for the Cresap Plant in West Virginia is currently unobligated. It is the intent of the committee that these unobligated funds will be applied toward funding the 1973 program.

The committee still has reservations as to the wisdom of reactivating the Cresap Plant. At the time of the hearings, studies were being conducted to deter-

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mine the feasibility of plant modification to permit research on the liquefaction of coal. The committee directs that no action be taken in this connection until the committee has had an opportunity to review the evaluation report and has had discussion of the merits of the program in a hearing. In the event the committee is favorably impressed, funds can be appropriated at a later date for the program.

The 1973 program consists of the following:

Coal gasification pilot plant projects (to be matched by $12,520,000 of private contributions)	$25,160,000
Coal liquefaction pilot plant projects	9,357,000
Non-pilot plant projects	9,928,000
Administration	885,000

The committee granted the 1973 program for various experimental plans recognizing the needs of this Nation.

Supplementing our formal statement in the report, it should be plainly understood that the committee is deeply concerned about the reclamation of all strip mine areas. The committee has been advised that all public land contracts carry provisions for reclamation, and continuing surveillance of the adequacy of this reclamation should be pursued diligently.

OFFICE OF OIL AND GAS

Salaries and expenses

Appropriation, 1972	$1,570,000
Estimate, 1973	1,558,000
Recommended, 1973	1,558,000
Comparison:	
Appropriation, 1972	−12,000
Estimate, 1973	

The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government, and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas.

The bill provides $1,558,000, the budget estimate, for activities under this appropriation account.

Volume 1 of the committee's hearings this year reflects a reorganization of the committee's hearing procedures.

All details relative to our energy were placed in this single volume. The testimony is extremely interesting and the discussions extremely pertinent to the members of this committee and of this House, and to those Members interested in these areas the committee recommends this volume for your perusal.

In the departmental justifications, you will find beginning on page 750 a copy of the agreement between the U.S. Department of the Interior and the American Gas Association for the cooperative coal gasification research program in which there has been such developing interest and so many questions.

You will also find beginning on page 808 Solicitor Melich's opinion on the question of patent rights to inventions and data arising out of research with the Office of Coal Research of the Department of the Interior in cases where industries contribute a significant share of the funding. This issue was raised before our committee and thoroughly discussed. Therefore, the pages from 808 through 840 should be of major interest to many.

Also in this volume 1, you will find a lengthy discussion of problems related to the Trans-Alaska Pipeline and other routes. There are innumerable charts for your information. One of the most interesting of these is on page 364 where a 1971 study graphically indicates the sources of oil pollution to the oceans.

FISH AND WILDLIFE AND PARKS

BUREAU OF SPORT FISHERIES AND WILDLIFE

Management and investigations of resources

Appropriation, 1972	$66,883,000
Estimate, 1973	74,552,000
Recommended, 1973	73,529,500
Comparison:	
Appropriation, 1972	+6,646,500
Estimate, 1973	−1,022,500

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Fish hatcheries	$12,072,000	+$240,000	
Wildlife refuges	22,473,500	+1,962,500	−$22,500
Soil and moisture conservation	807,000	+12,000	
Management and enforcement	6,439,000	+729,000	+500,000
Fishery research	6,545,000	+995,000	
Wildlife research	10,460,000	+524,000	+115,000
Fishery services	3,567,000	+165,000	
Wildlife services	$3,960,000	−$441,000	−$615,000
River basin studies	6,258,000	+2,334,000	
Endangered species	1,948,000	+1,126,000	
Increased pay costs	−1,000,000	−1,000,000	−1,000,000
Total, management and investigations of resources	73,529,500	+6,646,500	−1,022,500

The proposed net reduction of $1,022,500 below the budget estimate includes decreases of $1,000,000 for increased pay costs; and $110,000 for the San Francisco Bay National Wildlife Refuge which is not authorized. The committee has approved increases of $12,500 for the Muscatatuck National Wildlife Refuge, Ind.; and $75,000 for the environmental education program conducted in cooperation with Minnesota Environmental Sciences Foundation, Inc.

In addition, the committee directs that funds requested in the budget estimate for wildlife services—animal damage control—be reduced by $615,000 and that funding for wildlife research—animal damage control—be increased by $115,000; and funds for management and enforcement be increased by $500,000.

With the additional funds provided for research in the area of predator control, the Bureau of Sport Fisheries and Wildlife shall give special emphasis to research in the determination of livestock losses caused by predators; the development and use of more specific and painless predator poisons; the development and use of nonpoisonous repellants which may be used to keep predators from livestock; and habits of predators and behavioral techniques which may be used to control them.

The committee urges the Department of the Interior to become more aggressive in carrying out the intent of the Endangered Species Conservation Act of 1969 by placing animals on the endangered species list, whether native to this country or not, when there is a reasonable amount of evidence to indicate they may be faced with extinction. In fulfilling this obligation, the Department shall enlist the active cooperation of foreign countries to the maximum extent possible.

Construction

Appropriation, 1972	$7,226,000
Estimate, 1973	6,258,000
Recommended, 1973	
Comparison:	
Appropriation, 1972	−7,226,000
Estimate, 1973	−6,258,000

This appropriation finances the construction of fish hatcheries and wildlife refuge facilities, and fishery and wildlife research facilities.

The committee recommends a 1973 construction program totaling $9,805,100. This consists of the budgeted projects in the amount of $6,258,000 plus additional projects approved by the committee in the amount of $3,547,100.

Although a 1973 construction program of $9,805,100 is approved by the committee, no additional funds are provided in the bill. Information developed during the hearings reveals that there is an inordinately high unobligated balance being carried in this account. Therefore, the committee directs that the 1973 construction program, as approved by the committee, be funded from unobligated balances available beginning July 1, 1972.

In addition to those projects included in the budget estimate, the committee has approved the following: +$1,000,000, Rehabilitation of facilities, nationwide; +$575,000, National Fishery Research Laboratory, La Crosse, Wis.; +$504,900, Wolf Creek National Fish Hatchery, Ky.; +$350,000, Makah National Fish Hatchery, Wash.; +$225,000, Northern Plains Fishery Station, Valentine, Nebr.; +$173,200, Muscatatuck National Wildlife Refuge, Ind.; +$170,000, St. Marks National Wildlife Refuge, Fla. (Otter Lake); +$200,000, Site selection, land

acquisition, and preliminary engineering, Northeast Fisheries Development Center, Pa.; +$100,000, Salton Sea Feasibility Study, Calif.; +$90,000, San Marcos National Fish Hatchery, Tex.; +$83,000, Horicon National Wildlife Refuge, Wis.; and +$76,000, Nashua National Fish Hatchery, N.H.

Migratory bird conservation account

Appropriation, 1972	$7,500,000
Estimate, 1973	7,100,000
Recommended, 1973	7,100,000
Comparison:	
Appropriation, 1972	−400,000
Estimate, 1973	

The recommended amount, together with an estimated $7,000,000 to be available in receipts from Federal migratory bird hunting stamps, will provide a total in the migratory bird conservation account of $14,100,000 for fiscal year 1973 to continue the expanded wetlands acquisition program.

Under the provisions of the wetlands legislation, the appropriation advances to the fund for acquisition of refugees are to be repaid from receipts beginning in fiscal year 1977.

Anadromous and Great Lakes fisheries conservation

Appropriation, 1972	$2,332,000
Estimate, 1973	2,333,000
Recommended, 1973	2,333,000
Comparison:	
Appropriation, 1972	+1,000
Estimate, 1973	

Funds provided under this appropriation are to carry out the provisions of Public Law 91–249, approved May 14, 1970. The purpose of this program is to preserve, develop, and enhance anadromous fishery resources within the several States and the Great Lakes.

General administrative expenses

Appropriation, 1972	$2,240,000
Estimate, 1973	2,332,000
Recommended, 1973	2,250,000
Comparison:	
Appropriation, 1972	+10,000
Estimate, 1973	−82,000

The reduction of $82,000 recommended by the committee relates to increased pay costs requested in the budget estimate.

I want to call particular attention to the committee's provision for the rehabilitation of refuge facilities nationwide. Additional funds should be added in subsequent years to restore and manage our facilities as increasing visitors make these one of our more popular outdoor areas. People come from every segment of American life, and for a wide variety of purposes, many just to enjoy an opportunity to see wildlife in its habitat, to photograph this wildlife, and in many instances to bring groups of schoolchildren to share this outdoor experience. As the years go by, I would guess that our refuge use would increase vastly more than we predict.

NATIONAL PARK SERVICE

Management and protection

Appropriation, 1972	$71,756,000
Estimate, 1973	89,937,000
Recommended, 1973	88,671,000
Comparison:	
Appropriation, 1972	+16,915,000
Estimate, 1973	−1,266,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Management of park and other areas	$79,384,000	+$16,006,700	+$86,000
Forestry and fire control	3,118,600	+69,300	
Park and recreation programs	7,810,400	+2,481,000	+290,000
Increased pay costs	−$1,642,000	−$1,642,000	−$1,642,000
Total, management and protection	88,671,000	+16,915,000	−1,266,000

The net reduction of $1,266,000 recommended by the committee consists of a decrease of $1,642,000 requested for increased pay costs, and the following increases: +$200,000, Indian assistance program; +$86,000, expanded use of facilities, Delaware Water Gap National Recreation Area; +$50,000, feasibility study, Honokohau National Historic Landmark, Hawaii; and +$40,000, feasibility study, Jean LaFitte Park, Louisiana.

Maintenance and rehabilitation of physical facilities

Appropriation, 1972	$57,557,000
Estimate, 1973	73,198,000
Recommended, 1973	73,312,000
Comparison:	
Appropriation, 1972	+15,755,000
Estimate, 1973	+114,000

The increase of $114,000 over the budget estimate is for expanded use of facilities at the Delaware Water Gap National Recreation Area.

Construction

Appropriation, 1972	$75,752,000
Estimate, 1973	42,233,000
Recommended, 1973	41,711,000
Comparison:	
Appropriation, 1972	−34,041,000
Estimate, 1973	−522,000

The net reduction of $522,000 below the budget estimate consists of the following decreases and increases:

Decreases: −$1,500,000, Constitution Gardens, National Capital Parks; −$600,000, completion of Ellipse Fountains, National Capital Parks; −$300,000, Fort Circle Parks, National Capital Parks; −$207,000, increased pay costs; and −$90,000, planning, Memorial Circle Fountain, Columbia Island.

Increases: +$875,000, development of facilities, Indiana Dunes National Lakeshore, Indiana; +$500,000, reconstruction of stockade walls, Fort Vancouver National Historic Site, Washington; +$325,000, project planning—$25,000—and restoration of buildings exteriors—$300,000—Fort Larned National Historic Site, Kansas; +$171,000, project planning, Gulf Islands National Seashore, Florida and Mississippi; +$151,000, project planning, Delaware Water Gap National Recreation Area; +$128,000, project development, Fort Scott National Historic Area, Kansas; and +$25,000, planning funds, Apostle Islands National Lakeshore, Wisconsin.

Parkway and road construction (liquidation of contract authority)

Appropriation, 1972	$24,188,000
Estimate, 1973	20,222,000
Recommended, 1973	5,766,000
Comparison:	
Appropriation, 1972	−18,422,000
Estimate, 1973	−14,456,000

This appropriation provides for liquidation of obligations incurred for construction of parkways and roads and trails by the National Park Service under contract authority provided in the Federal-Aid Highway Act.

Although the committee has approved a total road construction program of $20,766,000 for fiscal year 1973, the bill provides an appropriation of only $5,766,000.

Information developed during the hearings revealed that at the end of fiscal year 1973 the National Park Service would have unexpended cash slightly in excess of $17,000,000. In view of this program slippage, the committee has reduced the provision of additional cash to liquidate contract authority by $15,000,000 below the budget estimate.

In addition to the projects contained in the 1973 budget estimate, the committee has approved the following: +$302,000, development of facilities, Indiana Dunes National Lakeshore, Indiana; +$128,000, project planning, Gulf Islands National Seashore, Florida and Mississippi; +$60,000, planning funds, Apostle Islands National Lakeshore, Wisconsin; +$30,000, feasibility study, Lake Crescent By-Pass Road, Olympic National Park, Washington; and +$24,000, project planning, Delaware Water Gap National Recreation Area.

The committee also directs that within available funds $150,000 be utilized for a study of tramway systems for Mount Rushmore National Memorial, S. Dak.; and North Cascades, Washington.

Preservation of historic properties

Appropriation, 1972	$8,369,000
Estimate, 1973	10,124,000
Recommended, 1973	11,624,000
Comparison:	
Appropriation, 1972	+3,255,000
Estimate, 1973	+1,500,000

Funds provided in this appropriation are required to carry out the provisions of Public Law 89–665, approved October 15, 1966. This legislation was enacted to establish a program for the preservation of additional historic properties throughout the Nation. The increase of $1,500,000 over the budget estimate includes $1,300,000 for grants-in-aid; and $200,000 for salvage projects for sites threatened with destruction. The total amount provided includes:

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Grants-in-aid	$7,505,000
Maintenance of the National Register and administration of grants-in-aid program	858,400
Advisory Council on Historic Preservation Support	294,700
Historic Sites Survey	545,200
Historic American Buildings Survey	400,200
Historic American Engineering Record	209,600
Archeological Investigations and Salvage	1,810,900
Total	11,624,000

Of the $1,810,900 available for Archeological Investigations and Salvage, $135,000 shall be expended for the Ozette-Makah Archeological project, Washington.

General administrative expenses

Appropriation, 1972	$4,052,000
Estimate, 1973	4,175,000
Recommended, 1973	4,140,000
Comparison:	
Appropriation, 1972	+88,000
Estimate, 1973	−35,000

The reduction of $35,000 below the budget estimate relates to increased pay costs requested in the budget estimate.

Mr. Chairman, the committee and this Congress will be confronted for the next several years with many park problems. The main one is how do we protect these rather primitive lands from the excesses of the population explosion and its excesses of use? It is very difficult to contemplate the limitation of "how." Yet as we visit our national parks, and as we evaluate the escalation of use, the very term "love to death" is most appropriate.

The reason that I am cautious about the implications of reservations and limitations is that when the average American goes to a national park or a national monument and is turned away, I have heard him say, "I paid my taxes. Now what's this all about?" It is not enough to inform the public that they are overused, because every one of the 210 million Americans who own our national parks feel that they have the right to their use. It is impossible to draw a restriction and say, "These areas are for those who can afford to send a telegram or a wire and reserve space." America is not that kind of a country. The reserved space people are the very people that the average American distrusts and, as a matter of fact, that certain tax bills are aimed against. This is not the era of "rich for the rich."

Therefore, it would seem to me that the park service must develop some kind of system which will enable the most equitable use. Perhaps the best answer to the excess lies within transportation devices. I would personally urge that the park service ask all public transportation agencies to arrange trips with special rates providing access to our national parks. We may then, within the park boundaries use elephant trains, minibuses, et cetera to save on car mileage and to preserve areas rather than turning them into gigantic parking lots.

Two weeks ago I was in the Indiana Dunes area. I was so deeply impressed by the beauty there, but I was also deeply impressed by the problem of parking. There is limited lake space available and if all the land is to be occupied by parking lots, the use of the lake area will be curtailed. Perhaps the Indiana Dunes offers the park service its greatest challenge in parking and the solution to this parking may well mean answers for the rest of our national parks.

I would like to bring to the attention of Members of this House some items in the bill that I think they will find of importance. One is that portion of the bill providing Indian program development. Second, within the national historical preservation is about $300,000 to develop programs for the blacks. All of us are interested in developing identity and I would like to salute the black community for its desire to program places identifiable to the historical significance of the black contribution to the American heritage.

The third program that I think is extremely valuable to America is "Summer-in-the-Parks." Since this committee spent the first money on Summer-in-the-Parks, we are proud of its harvest. It has provided recreation, education, knowledge and plain fun not only for Washington, D.C., but in other urban areas in the United States.

I had the great good fortune of visiting New York last fall and going through many National Park Service areas. It seems to me that Ellis Island offers us an opportunity to review and recapitulate for Americans so many of our beginnings. Castle Clinton is another. Federal Hall, Grant's Tomb, Hamilton Grange, the Gateway area—all of these offer not only recreation and pleasure but they offer an identification with America's present, its past, and future. I am indeed proud today to present this national park program which envisions this particular kind of "put together."

I have a supplemental comment to make on historical property. Many urban areas are discarded as people go to the suburbs, yet some cities in the United States which have made the biggest defense against the suburban migrations are those which have rebuilt and preserved old urban areas. In an era of expensive housing, it seems to me mandatory that we make every effort to save what we have, redo, and rebuild. Perhaps the cheapest survival of our cities is in their historical preservation.

OFFICE OF SALINE WATER

Saline water conversion

Appropriation, 1972	$27,025,000
Estimate, 1973	27,021,000
Recommended, 1973	26,871,000
Comparison:	
Appropriation, 1972	−154,000
Estimate, 1973	−150,000

This program finances the research on and development of low-cost processes for converting saline water to fresh water in quality suitable for municipal, industrial, and agricultural uses as authorized by the Saline Water Conversion Act of 1971—Public Law 92–60.

The committee recommends an appropriation of $26,871,000, a reduction of $150,000 below the budget estimate. The decrease applies to the budget request of $150,000 for increased pay costs. Otherwise the appropriation would have exceeded the 1973 authorization by $150,000.

Notwithstanding, the committee has provided an additional $150,000 for administration and coordination costs offset by a reduction of $150,000 in the research and development phase of the program. The amounts recommended by the committee are as follows:

Research and development:	
Research	$5,350,000
Development	11,981,000
Design, construction, acquisition, modification, operation, and maintenance:	
Test beds and facilities	5,085,000
Modules	1,075,000
Administration and coordination	2,880,000
Total	26,871,000

OFFICE OF WATER RESOURCES RESEARCH

Salaries and expenses

Appropriation, 1972	$14,290,000
Estimate, 1973	14,304,000
Recommended, 1973	16,344,000
Comparison:	
Appropriation, 1972	+2,054,000
Estimate, 1973	+2,040,000

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and resources which affect water, in order to assist in assuring the Nation of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

The committee recommends an appropriation of $16,344,000, an increase of $2,040,000 over the budget estimate. The increase will provide an additional $40,000 per State for the 50 States and Puerto Rico—$140,000 per State—for assistance to States for institutes.

The amount included in the bill provides the following:

Assistance to States for institutes	$7,140,000
Matching grants to institutes	3,000,000
Water resources research to be performed by any qualified entity or individual as provided under Title II of the Act	4,300,000
Scientific information center	934,000
Administration	970,000
Total	16,344,000

OFFICE OF THE SOLICITOR

Salaries and expenses

Appropriation, 1972	$6,967,000
Estimate, 1973	7,031,000
Recommended, 1973	7,000,000
Comparison:	
Appropriation, 1972	+33,000
Estimate, 1973	−31,000

The committee recommends an appropriation of $7,000,000, a reduction of $31,000 below the budget estimate. The reduction applies to the increase requested in the budget estimate for nondiscretionary operating costs.

OFFICE OF THE SECRETARY

Salaries and expenses

Appropriation, 1972	$10,948,900
Estimate, 1973	16,412,000
Recommended, 1973	15,419,000
Comparison:	
Appropriation, 1972	+4,470,100
Estimate, 1973	−993,000

The reduction recommended by the committee includes decreases of $300,000 for current staff support; $133,000 for the bilateral cooperative program with Japan and Germany; $160,000 which is the estimated cost of establishing four

area management offices in Albuquerque, Atlanta, San Francisco, and Portland; $300,000 for the departmental management information system; and $100,000 for travel.

Departmental operations

Appropriation, 1972	$3,746,100
Estimate, 1973	4,066,000
Recommended, 1973	4,066,000
Comparison:	
Appropriation, 1972	+319,900
Estimate, 1973	----------

The bill provides $4,066,000, the budget estimate, for departmental operations. The amount provided includes $2,857,000 for the Office of Hearings and Appeals, and $1,209,000 for the Natural Resources Library.

Salaries and expenses (special foreign currency program)

Appropriation, 1972	$500,000
Estimate, 1973	1,000,000
Recommended, 1973	750,000
Comparison:	
Appropriation, 1972	+250,000
Estimate, 1973	−250,000

The committee recommends an appropriation of $750,000, a reduction of $250,000 below the budget estimate, for various research programs utilizing excess foreign currencies.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE—FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

The bill includes under this heading a total appropriation of $344,900,000, a decrease of $34,541,300 below the 1972 appropriation, and an increase of $13,113,000 above the budget estimate.

The following is a summary of action taken on the programs included under this appropriation:

Forest land management

Appropriation, 1972	$297,095,300
Estimate, 1973	246,749,000
Recommended, 1973	257,872,000
Comparison:	
Appropriation, 1972	−39,223,300
Estimate, 1973	+11,123,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
FOREST LAND MANAGEMENT			
National Forest protection and management:			
Timber resource management:			
Sales administration and management	$66,055,000	+$932,000	----------
Reforestation and stand improvement	33,921,000	+1,286,000	+$3,045,000
Recreation-public use	41,472,000	+309,700	+10,000
Wildlife habitat management	7,492,000	+1,178,000	+483,000
Range resource management:			
Management	6,987,000	−459,000	----------
Revegetation	3,525,000	+48,000	----------
Improvements	4,749,000	+29,000	+75,000
Soil and water management	9,734,000	+138,000	----------
Mineral claims, leases, and special uses	5,657,000	+99,000	----------
Land classification, adjustments, and surveys	8,038,000	+484,000	----------
Forest fire protection	32,107,000	−5,035,000	+10,000
Maintenance of improvements for fire and general purposes (including communications)	7,795,000	+111,000	----------
Forest advanced logging and conservation (FALCON)	$7,500,000	+$7,500,000	+$7,500,000
Payments to Employees' Compensation Fund	2,131,000	+509,000	----------
Subtotal	237,163,000	+7,129,700	+11,123,000
Amount advanced from Cooperative Range Improvements	−700,000	----------	----------
Subtotal, National Forest protection and management	236,463,000	+7,129,700	+11,123,000
Water resource development related activities	4,022,000	+33,000	----------
Fighting forest fires	4,275,000	−46,280,000	----------
Insect and disease control	10,585,000	−133,000	----------
Cooperative law enforcement program	2,527,000	+27,000	----------
Total, forest land management	257,872,000	−39,223,300	+11,123,000

The increase of $11,123,000 above the budget estimate includes the following: +$3,000,000, reforestation and timber stand improvement; +$7,500,000, Project FALCON; +$418,000, Wildlife habitat management, Clark and Mark Twain National Forests, Missouri; +$65,000, North Kings Deer Herd management, Sierra National Forest, California; and +$140,000, manpower training support, Montana.

Forest research

Appropriation, 1972	$54,587,000
Estimate, 1973	57,278,000
Recommended, 1973	59,268,000
Comparison:	
Appropriation, 1972	+4,681,000
Estimate, 1973	+1,990,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Forest research:			
Forest and range management research:			
Timber management research	$12,036,000	+$273,000	+$290,000
Watershed management research	6,566,000	+400,000	+300,000
Range management research	1,585,000	----------	----------
Wildlife habitat research	2,188,000	+300,000	+300,000
Forest recreation research	1,253,000	+189,000	+150,000
Subtotal, forest and range management research	23,628,000	+1,162,000	+1,040,000
Forest protection research:			
Fire and atmospheric sciences research	7,781,000	+2,600,000	+400,000
Forest insect research	6,117,000	+395,000	----------
Forest disease research	4,163,000	+445,000	+450,000
Subtotal, forest protection research	18,061,000	+3,440,000	+850,000
Forest products and engineering research:			
Forest products utilization research	$9,231,000	+$90,000	+$100,000
Forest engineering research	1,478,000	−1,000	----------
Subtotal, forest products and engineering research	10,709,000	+89,000	+100,000
Forest resource economics research:			
Forest survey	3,433,000	−5,000	----------
Forest products marketing research	2,030,000	−3,000	----------
Forest economics research	1,407,000	−2,000	----------
Subtotal, forest resource economics research	6,870,000	−10,000	----------
Total, forest research	59,268,000	+4,681,000	+1,990,000

The increase of $1,990,000 over the budget estimate includes the following: +$450,000; air pollution research, Delaware, Ohio; +$400,000, controlled burning fire research, Macon, Ga.; +$250,000, timber management research ($150,000) and wildlife habitat research ($100,000), Orono, Maine; +$150,000, strip mining research, Berea, Ky.; +$150,000, wildlife habitat research, Olympia, Wash.; +$150,000, forest recreation research, Seattle, Wash.; +$140,000, silviculture research, Bend, Oreg.; −$100,000, watershed management research, Durham, N.H.; +$100,000, forest residues research; +$50,000, wildlife habitat research, Fresno, Calif.; and +$50,000, strip mining research, Logan Utah.

State and private forestry cooperation

Appropriation, 1972	$27,759,000
Estimate, 1973	27,760,000
Recommended, 1973	27,760,000
Comparison:	
Appropriation, 1972	+1,000
Estimate, 1973	----------

This program, carried on in cooperation with the States, encourages private timber management.

Construction and land acquisition

Appropriation, 1972	$35,703,200
Estimate, 1973	37,980,000
Recommended, 1973	43,953,900
Comparison:	
Appropriation, 1972	+8,250,700
Estimate, 1973	+5,973,900

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

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Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Recreation-public use areas	$4,300,400	−$208,800	+$1,022,400
Water resources development construction	2,209,000	+324,000	+300,000
Fire, administration, and other purposes construction	2,316,500	−114,500	+293,500
Research construction	4,358,000	−679,000	+4,358,000
Pollution abatement	$29,470,000	+$8,929,000	
Land acquisition, Weeks act	1,300,000		
Total, construction and land acquisition	43,953,900	+8,250,700	+$5,973,900

The increase of $5,973,900 over the budget estimate includes the following projects:

+$1,500,000, laboratory construction, Corvallis, Oreg.; +$963,000, land exchange-purchase, Madison, Wisc.; +$800,000, construction of Redwoods laboratory, Arcata, Calif.; +$760,000, construction of shrub improvement laboratory, Provo, Utah; +$335,000, construction of headhouse-greenhouse, Rhinelander, Wisc.; +$200,000, boundary waters canoe area, work study program, Minnesota; +$293,500, La Croix ranger district, Minnesota; +$239,500, lava lands visitor center and Benham Falls Campground, Oreg.; +$300,000, water-related development construction, Allegheny National Forest, Pa.; +$250,000, development of recreation-public use areas, Robert S. Kerr Memorial Arboretum and Nature Center, Okla.; +$182,900, development of recreation-public use areas, North Cascades Highway, Wash.; and +$150,000, development of recreation-public use areas, Deschutes National Forest, Oreg.

Youth conservation corps

Appropriation, 1972	$3,500,000
Estimate, 1973	3,500,000
Recommended, 1973	3,500,000
Comparison:	
Appropriation, 1972	
Estimate, 1973	

The bill provides $3,500,000, the budget estimate for the Youth Conservation Corps.

The objectives of this program are to provide gainful employment to America's youth, ages 15 through 18, during the summer months in a healthful outdoor atmosphere; an opportunity for understanding and appreciation of the Nation's natural environment and heritage; and to further development and maintenance of the natural resources of the United States by the youth.

Forest roads and trails (liquidation of contract authority)

Appropriation, 1972	$3,500,000
Estimate, 1973	3,500,000
Recommended, 1973	158,840,000
Comparison:	
Appropriation, 1972	+10,100,000
Estimate, 1973	

These funds are required to liquidate obligations incurred under contract authority contained in the Federal-Aid Highway Act.

Acquisition of lands for national forests, special acts

Appropriation, 1972	$80,000
Estimate, 1973	80,000
Recommended, 1973	80,000
Comparison:	
Appropriation, 1972	
Estimate, 1973	

Congress has enacted several special laws which authorize appropriations from the receipts of specified national forests for the purchase of lands to minimize erosion and flood damage.

Cooperative range improvements (special fund, indefinite)

Appropriation, 1972	$700,000
Estimate, 1973	700,000
Recommended, 1973	700,000
Comparison:	
Appropriation, 1972	
Estimate, 1973	

Part of the grazing fees from the National Forests, when appropriated, are used for revegetation of depleted range lands, construction and maintenance of range improvements, rodent control, and eradication of poisonous plants and noxious weeds.

Assistance to States for tree planting

Appropriation, 1972	$1,028,000
Estimate, 1973	1,027,000
Recommended, 1973	1,020,000
Comparison:	
Appropriation, 1972	−8,000
Estimate, 1973	−7,000

These funds are used to provide advice, technical assistance, and financial contribution under section 401 of the Agricultural Act of 1956, to carry out increased tree planting and reforestation work on non-Federal forest lands.

Grants are matched by the States, and work is conducted in accordance with the plans submitted by the States, and approved by the Secretary of Agriculture.

The reduction of $7,000 below the budget estimate applies to the budget request for increased pay costs.

Other members of the committee will undoubtedly present a discussion of some of our forest activities. I do want to say though that it is the continuing policy of this committee to add funds for forest reforestation.

This year we have programed $3 million additional to that budgeted. Last year we programed an additional $4.4 million. Reforestation is continuing. However, it has been slow—121,114 acres were reforested in 1971 with our 1971 appropriations—130,300 acres were planted in 1972. You will note that we approved an increase in the budget for 1972. In 1973 the Forest Service plans to plant an estimated 131,480 acres.

In reforestation there are several factors to remember: First, seed and trees must be available; second, those lands being cut at the present time are being reforested. The backlog needing reforestation is land cut many years ago. This is true also in the Bureau of Indian Affairs; third, if we are going to have mature trees in the years immediately after the year 2000 they must be in the ground now.

You will note also that the committee has increased funds for wildlife habitat research and forest recreation research. These additions are in response to thousands of conservationists who are deeply concerned about the wildlife areas and better planned recreation use.

Further, you will note that we have made provision for additional funds for strip mine research reclamation in Berea, Ky., and in Logan, Utah. These are mandatory if we are going to have the answers to mining.

The committee was extremely disappointed that the Forest Service budget as sent to us was so low, for it did not even reflect the natural cost escalation. This is the reason that the committee felt it mandatory to increase the various categories.

I would call attention to some other items that are of major importance to conservationists. One is the air pollution research at Delaware, Ohio, and the other is the controlled burning fire research at Macon, Ga. These should start us toward the answers of what we do with the problems of pollution and the solutions which may be found by the use of trees. In controlled burning, answers must be found, and found as expeditiously as possible about the slash and cleanup fires.

Excellent testimony was presented to the committee by many outside witnesses in these areas and I would like to commend the American Forestry Association and conservation groups who joined hands to support a program of increased awareness and money for the forest needs.

We have also under Forest Land Management included a new item—$7,500,000 for Project Falcon. This is the beginning of a long program that should give us some answers on how to remove timber from remote areas without damaging the terrain and causing erosion through roadbuilding. Some private industries use it but the methods and techniques have not been available nationwide, nor are they refined. And if we are going to do the conservation job that must be done, Falcon is one of the ingredients.

You will notice that we have added funds in many areas of recreation. The overuse of land is one of the major problems of all public agencies and nowhere is this truer than in the U.S. Forest Service. National parks are full and the spillover goes into the forests.

At the same time we are spending money for recreation in the forests, it is my hope that schools, clubs and conservation groups will assist in a program of keeping our forests clean, preventing fire, and helping us to slow down the destruction of our facilities through pure vandalism. It is the American people's tax dollars that are being torn up every time a forest is destroyed.

It is also true that about $20 to $25 million is needed for cleanup. It is cleanup after messy people—our visitors. This money could be much better spent on recreation areas and wildlife habitat and on reforestation.

May I commend to the Members volume 4 of our hearings, and for those interested in a very thoughtful discussion of log exports, clearcutting and other highly controversial issues, the time you take to read these will give you a deeper insight into the complexity of all the problems.

POLICY ON CLEARCUTTING

As the committee stated in its report last year, the National Forests are a resource of diverse benefits—timber, watersheds, forage, wildlife habitat, and recreation. Each is important in its own way to our national well-being. The committee continues to urge that the Forest Service, in these times of conflicting demands, stress imaginative planning and administration which will provide maximum multiple use of the national forests.

This committee has taken notice of the policy guidelines included in the report on "Clearcutting on Federal Timberlands" issued by the Subcommittee on Public Lands to the Senate Committee on Interior and Insular Affairs and urges that the Forest Service, the Bureau of Indian Affairs, and the Bureau of Land Management follow these guidelines which this committee approves.

COMMISSION OF FINE ARTS

Salaries and expenses

Appropriation, 1972	$124,000
Estimate, 1973	135,000
Recommended, 1973	135,000
Comparison:	
Appropriation, 1972	+11,000
Estimate, 1973	

The Commission of Fine Arts is a permanent advisory agency created to give advice concerning aesthetic standards and matters of civic design involved in the orderly development of the city of Washington; and to furnish expert opinion on questions of art to the President, to the Congress and its committees, and to the heads of various departments and agencies of the Federal and District governments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Indian health services

Appropriation, 1972	$155,333,000
Estimate, 1973	166,540,000
Recommended, 1973	169,787,000
Comparison:	
Appropriation, 1972	+14,454,000
Estimate, 1973	+3,247,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Patient care	$115,906,000	+$7,763,000	+$1,900,000
Field health services	50,461,000	+5,816,000	+1,347,000
Administration	$3,420,000	+$875,000	
Total, Indian health services	169,787,000	+14,454,000	+$3,247,000

The increase of $3,247,000 over the budget estimate includes the following: +$1 million, additional funding for the contract health care program; +$1 million, implementation of three additional pilot urban health projects ($450,000); and $550,000 for expansion of services provided by the California Indian Rural Health Board; +$400,000, six additional positions and support costs for additional eye care; +$350,000, additional treatment of Otitis Media; +$250,000, 14 additional positions for dental services in the Aberdeen and Billings areas; and +$247,000, 50 additional community health representatives.

Indian health facilities

Appropriation, 1972	$30,442,000
Estimate, 1973	43,689,000
Recommended, 1973	44,099,000
Comparison:	
Appropriation, 1972	+13,657,000
Estimate, 1973	+410,000

The recommended increase of $410,000 over the budget estimate will provide $60,000 for preliminary planning, Gila River Hospital, Arizona; and $350,000 for planning and design, White River Apache Mountain Hospital, Arizona.

Mr. Chairman, it is with some pride that the committee calls the Members' attention to the stepped-up Indian Health program. In 1963 the Congress appropriated $66,171,000; this year we appropriated $213,886,000. We call to your attention the continuing accomplishments of the Indian Health Service. Between the years 1955 and 1968, the infant death rate was cut 51 percent; tuberculosis was cut 79 percent, an astronomical drop; congenital malformation death was cut 38 percent, and on page 443, of volume 2 of our hearings, Dr. Johnson, when asked to compare the death rates of black infants to the Indian child, said:

I think perhaps the infant death rate is one we could call attention to. As you notice, the infant death rate has dropped from 62.5 per 1,000 live births in 1955 to 30.9—51 percent decrease. The nonwhite category in 1955 was around 40; and by 1968, which is the data we have here, it had dropped to 34. So you can see that the Indian clearly had the highest infant mortality in 1955, that he has passed the nonwhite group and actually his infant mortality experience in 1968 was better than that of the other nonwhite population of the country.

One of the great problems that we have to solve is that of the Indian child born in a hospital with a good health record who returns to his home and within a year is in trouble. What is the answer? That, I believe, is in better home care and nutrition. We need to put an emphasis now on, first, preventative medicine, and second, home and community medicine so that we have child nutrition and health advisers sharing our programs throughout our villages and our tribes.

Also, and I am going to be very frank, we need to get busy and rebuild or build new community health facilities. We also need to provide enough personnel in the Indian Health Service so that people do not work longer hours than they can possibly survive or make impossible the kind of evaluations necessary for the survival of their patients.

We have added funds in these various categories. I urge Congress to adopt them, and I would urge that if the campaign to put people to work goes ahead, with every presidential candidate I know committed to updating facilities and providing jobs, that Indian health hospital and clinic construction be the major No. 1 construction item.

We have more than $165 million in hospitals and clinics as a backlog. Let us start right there and put our money where our mouths are.

INDIAN CLAIMS COMMISSION

Salaries and expenses

Appropriation, 1972	$1,045,000
Estimated, 1973	1,090,000
Recommended, 1973	1,090,000
Comparison:	
Appropriation, 1972	+45,000
Estimate, 1973	

The committee recommends an appropriation of $1,090,000, the budget estimate, for the Indian Claims Commission.

NATIONAL CAPITAL PLANNING COMMISSION

Salaries and expenses

Appropriation, 1972	$1,300,000
Estimate, 1973	1,428,000
Recommended, 1973	1,425,000
Comparison:	
Appropriation, 1972	+125,000
Estimate, 1973	−3,000

The bill provides $1,425,000, a reduction of $3,000 below the budget estimate.

The committee has approved $25,000 for the 1976 bicentennial exhibit rather than the $28,000 requested in the budget estimate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Salaries and expenses

Appropriation, 1972	$54,286,000
Estimate, 1973	76,314,000
Recommended, 1973	74,714,000
Comparison:	
Appropriation, 1972	+20,428,000
Estimate, 1973	−1,600,000

The bill provides a total appropriation of $74,714,000 for activities under this appropriation account. This is a reduction of $1,600,000 below the budget estimate.

The following tabulation reflects the distribution of funds as provided in the bill:

Activity	1972 appropriation	1973 budget estimate	Committee bill, 1973	Increase or decrease
National Endowment for the Arts:				
Grants-in-aid to groups or individuals	$20,750,000	$28,625,000	$28,025,000	−$600,000
Grants-in-aid to States	5,500,000	6,875,000	6,875,000	
National Endowment for the Humanities: Grants and loans to individuals and groups	$24,500,000	$35,500,000	$34,500,000	−$1,000,000
Administrative expenses	3,536,000	5,314,000	5,314,000	
Total	54,286,000	76,314,000	74,714,000	−1,600,000

Matching grants

Appropriation, 1972 ..... $7,000,000
Estimate, 1973 7,000,000
Recommended, 1973 7,000,000
Comparison:
Appropriation, 1972 .....
Estimate, 1973 .....

Funds provided under this appropriation account are available for matching in an amount equal to the total amount of gifts, bequests, and devises of money, and other property received by each endowment during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

Mr. Chairman, I have no apology for the funding we have recommended of the National Foundation on the Arts and the Humanities. We in this last third of the century, it seems to me, should evaluate ourselves and the first question is, "Are arts relevant to our life?", and, two, "Are humanities relevant?" My answer is affirmatively "yes," and I quote from the Argus of May 19, which says:

Far more is at stake than our personal pleasures in good acting or fine singing or masterpieces of painting or sculpture. The violence of our times has trust upon us a crisis in values, and the urgent need to act positively in behalf of those aspects of life that are vital to what we had been calling 'civilization'. It is too late for passive tolerance, or fringe frivolity with, the arts.

Unless positive values are pumped soon into the body politic—and great are carries on overtone of values—we have more trouble ahead than I care to contemplate."

In addition, I have a letter from the Seattle Symphony Orchestra, Inc., which says:

Within a six-day period, April 3 through 8, 1972, the Seattle Symphony Orchestra presented 33 concerts and 9 master classes in 17 cities, towns and villages of Alaska. During the first three days of the tour, Juneau, Anchorage and Fairbanks heard 7 full orchestra concerts and students of those cities participated, as well, in 9 master classes with Seattle Symphony musicians. During the last three days of the tour, the Orchesrta was divided into 7 ensembles that performed in Barrow (340 miles inside the Arctic Circle), Bethel, Haines, Homer, Kenai, Ketchikan, Kodiak, Kotzebue, Metlakatla, Nome, Petersburg, Seward, Sitka, and Wrangell.

All box office receipts generated by the tour remained in Alaska to encourage future performing arts presentations.

These remarkable facts were made possible by a grant from The National Endowment for the Arts with a near-ideal combination of matching support and/or services from the Alaska State Council on the Arts, The Charitable Foundation of Alaska (consisting of New England Fish Company, Sea-Land Service, Inc., Western Airlines, Whitney-Fidalgo Seafoods, Inc.), The Music Performance Trust Funds, through Seattle Local 76, A.F. of M., the National Park Service and ITT Corporation.

Further the Alaska project was made possible by a new contract between the Seattle Symphony and Seattle Local 76 in which musicians of the Orchestra voluntarily reduced their normal tour income, allowed division of the Orchestra into ensembles and lifted certain working and travel restrictions. This contract has received the personal commendation of President Nixon.

We are in the process of preparing a summary booklet on the Alaska venture, a copy of which we plan to send you. We respectfully urge that you give it your attention as evidence of the impact possible through cooperative efforts on the part of The National Endowment, industry and artistic labor.

Mr. Chairman, if you lived in far-off Alaska, would not you appreciate having the concerts which were given. I have the feeling that every time we offer for understanding and appreciation a ballet, a play, a painting, good music, we have done something for the restoration of our American soul. Ours is not a nation dedicated to blowing up the world. It is a nation really dedicated to helping people, to giving people an opportunity, and I think that probably the presentation of our arts and humanities program throughout the Nation for our young people, our middle-age, and our elderly, may mean the fulfillment of the American dream.

If art and the enjoyment of it is pushed beyond the financial ability of people to enjoy, can we actually point to ourselves as a democracy? It would seem to me that the greatest commentary we might make in America about Americans is that this is a land which provides the opportunity for all of us to enjoy the past, the present, the future, and the best.

Again, Mr. Chairman, I have no apologies for presenting this small share of our budget. I believe someone said it cost $16 million a day for Vietnam. This entire budget for the arts and humanities therefore would be less than 5 days and millions of Americans would participate in the life and breath of something that is infinitely immortal.

SMITHSONIAN INSTITUTION

Salaries and expenses

Appropriation, 1972 ..... $44,701,000
Estimate, 1973 54,683,000
Recommended, 1973 51,682,000
Comparison:
Appropriation, 1972 ..... +6,981,000
Estimate, 1973 ..... −3,001,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Science	$18,099,000	+$2,025,000	−$592,000
History and art	7,092,000	+1,402,000	−1,086,000
Public service	1,182,000	+235,000	−45,000
Special programs	3,818,000	+913,000	−490,000
Documentation and conservation	2,352,000	+568,000	−95,000
Administrative and central support	7,190,000	+564,000	−119,000
Buildings management department	$12,323,000	+$1,648,000	−$200,000
Within-grade pay increases	−200,000	−200,000	−200,000
Increased pay costs	−24,000	−24,000	−24,000
Travel	−150,000	−150,000	−150,000
Total, salaries and expenses	51,682,000	+6,981,000	−3,001,000

Museum programs and related research (Special Foreign Currency Program)

Appropriation, 1972 ..... $3,500,000
Estimate, 1973 6,000,000
Recommended, 1973 4,000,000
Comparison:
Appropriation, 1972 ..... +500,000
Estimate, 1973 ..... −2,000,000

This appropriation item is to provide for the special foreign currency program of awarding grants to American universities, museums, or other institutions of higher learning, interested in conducting research in foreign countries.

The reduction of $2,000,000 below the budget estimate includes decreases of $397,232 for Archeology and Related Disciplines; $1,397,768 for Systematic and Environmental Biology; and $205,000 for Museum Programs.

Science Information Exchange

Appropriation, 1972 ..... $1,600,000
Estimate, 1973 1,650,000
Recommended, 1973 1,600,000
Comparison:
Appropriation, 1972 .....
Estimate, 1973 ..... −50,000

The Science Information Exchange receives, organizes, and disseminates information about research in progress in the life, physical, and social sciences. Its mission is to assist the planning and management of research activities supported by Government and non-Government agencies and institutions by promoting the exchange of information that concerns subject matter, distribution, level of effort, and other data pertaining to current research in the pre-publication stage.

The reduction of $50,000 below the budget estimate relates to increased pay costs.

Construction and improvements, National Zoological Park

Appropriation, 1972 ..... $200,000
Estimate, 1973 675,000
Recommended, 1973 675,000
Comparison:
Appropriation, 1972 ..... +475,000
Estimate, 1973 .....

The amount recommended under the appropriation item is for the capital improvement program at the National Zoological Park.

Restoration and renovation of buildings

Appropriation, 1972 ..... $550,000
Estimate, 1973 5,409,000
Recommended, 1973 5,064,000
Comparison:
Appropriation, 1972 ..... +4,514,000
Estimate, 1973 ..... −345,000

The reduction of $345,000 consists of decreases of $145,000 for renovation of the Arts and Industries Building; $100,000 for planning a National Museum of History and Technology library addition; and $100,000 for feasibility studies on parking and the National Museum of Natural History Research Center.

Construction

Appropriation, 1972 ..... $1,900,000
Estimate, 1973 40,275,000
Recommended, 1973 13,000,000
Comparison:
Appropriation, 1972 ..... +11,100,000
Estimate, 1973 ..... −27,275,000

Contract authority

Appropriation, 1972 .....
Estimate, 1973 .....
Recommended, 1973 ..... $27,000,000
Comparison:
Appropriation, 1972 ..... +27,000,000
Estimate, 1973 ..... +27,000,000

The committee considered a total budget estimate of $40,275,000 for Construction. This included $275,000 for planning of the Bicentennial Park at Fort Foote, Maryland, and Jones Point, Virginia; and $40,000,000 for the National Air and Space Museum.

The committee has not approved $275,000 for planning of the Bicentennial Park in view of the fact that legislative authority for this project has not yet been enacted.

While the committee recommends construction of the National Air and Space Museum at a total cost of $40,000,000, the accompanying bill provides an appropriation of only $13,000,000 for this purpose. In addition, the committee has granted contract authority in the amount of $27,000,000. The committee will expect the additional cash requirements to be requested on a phased basis, thus giving the committee an opportunity to have reasonable overview of the construction of the museum as the work progresses.

The committee directs that before any funds are obligated for construction of this project, a thorough and intensive traffic study be performed under the aegis of the National Capital Planning Commission to determine the extent to which construction of the Air and Space Museum will further aggravate traffic congestion in this particular area of the Mall. The committee expects to receive a copy of the report. In the event the report should reveal reasonable probability of undue traffic congestion resulting from this project, construction of the Museum shall be delayed until adequate remedial provisions are provided.

NATIONAL GALLERY OF ART

Salaries and expenses

Appropriation, 1972 ..... $4,841,000
Estimate, 1973 5,420,000
Recommended, 1973 5,420,000
Comparison:
Appropriation, 1972 ..... +579,000
Estimate, 1973 .....

The bill provides $5,420,000, the budget estimate, for salaries and expenses of the National Gallery of Art.

The National Gallery of Art receives, holds, and administers works of art acquired for the Nation by the Gallery's Board of Trustees; maintains and administers the Gallery building so as to give maximum care and protection to art treasures and to enable these works of art to be exhibited regularly to the public without charge.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Salaries and expenses

Appropriation, 1972 ..... $695,000
Estimate, 1973 841,000
Recommended, 1973 800,000
Comparison:
Appropriation, 1972 ..... +105,000
Estimate, 1973 ..... −41,000

The Woodrow Wilson International Center for Scholars was authorized by Public Law 90–637, approved October 24, 1968, as the Nation's official living memorial to the 28th President. It sponsors a continuous advanced scholar, international fellowship program on various social and scientific subjects of special interest in the world of today.

The budget estimate requested $462,000 for the Fellowship program; the committee recommends $421,000 for this activity, a reduction of $41,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Appropriation, 1972 ..... $37,000
Estimate, 1973 38,000
Recommended, 1973 38,000
Comparison:
Appropriation, 1972 ..... +1,000
Estimate, 1973 .....

The committee recommends an appropriation of $38,000, the budget estimate, for the Franklin Delano Roosevelt Memorial Commission as authorized by Public Law 91–398, approved September 8, 1970. This appropriation will provide funds for the execution of preliminary plans to develop the approved site of the Memorial.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Salaries and expenses

Appropriation, 1972 ..... $275,000
Estimate, 1973 300,000
Recommended, 1973 290,000
Comparison:
Appropriation, 1972 ..... +15,000
Estimate, 1973 ..... −10,000

The bill provides $290,000, a reduction of $10,000 below the budget estimate, for the National Council on Indian Opportunity.

The function of the Council is to encourage full use of programs to benefit the Indian population.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Salaries and expenses

Appropriation, 1972 ..... $167,000
Estimate, 1973 167,000
Recommended, 1973 160,000
Comparison:
Appropriation, 1972 ..... −7,000
Estimate, 1973 ..... −7,000

The committee recommends an appropriation of $160,000, a reduction of $7,000 below the budget estimate, for the Federal Metal and Nonmetallic Mine Safety Board of Review which was established by Section 10 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

The adjudicative duties of the Board, in docketed cases, involve the hearing and determination of applications filed by mine operators seeking annulment or revision of, and temporary relief from, orders issued by the Secretary of the Interior under sections 8 and 9 of the act.

The Committee is informed that to date, no appeals have been made to the Board for hearing.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Salaries and expenses

Appropriation, 1972 ..... $125,000
Estimate, 1973 1,500,000
Recommended, 1973 708,800
Comparison:
Appropriation, 1972 ..... +583,800
Estimate, 1973 ..... −791,200

The Joint Federal-State Land Use Planning Commission for Alaska was established by the Alaska Native Claims Settlement Act (Public Law 92–203). Under the Act the Federal Government will pay 50 percent of the Commission's expenses and the State Government will pay 50 percent.

The committee recommends an appropriation of $708,800, a reduction of $791,200 below the budget estimate. Based on information furnished the Committee, the amount provided in the bill will be ample to match the funds which the State of Alaska proposes to furnish in fiscal year 1973.

BUDGET ESTIMATE FOR THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The budget estimate included funding for the American Revolution Bicentennial Commission. Existing legislation authorizing this activity expires June 30, 1972.

New legislation which would authorize the continuance of this activity in fiscal year 1973 has not yet been considered by either House.

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Hearings were held on the budget estimate, but in the absence of authorizing legislation for this activity in fiscal year 1973, the committee has decided to pass over this item without prejudice.

The 1972 appropriation enacted to date and the budget estimate for 1973, which for comparability are omitted from report totals, are as follows:

	1972 appropriation	Budget estimate, 1973
American Revolution Bicentennial Commission:		
Salaries and expenses	$1,434,000	$4,414,000
Grants-in-aid	2,400,000	2,400,000
Total, American Revolution Bicentennial Commission	3,834,000	6,814,000

In conclusion, Mr. Chairman, may I urge that the members of this committee support the bill that the Subcommittee on Interior and Related Agencies presents to you—and presents it with distinct affection for our Nation. May I also add as a final reminder, this money is for the care, management, and programing for survival of "your land and my land."

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1972	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR					
PUBLIC LAND MANAGEMENT					
Bureau of Land Management					
Management of lands and resources	$88,654,000	$84,057,000	$77,980,000	−$10,674,000	−$6,077,000
Construction and maintenance	4,827,000	7,965,000	7,965,000	+3,138,000	
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,200,000)	(3,265,000)	(3,265,000)	(+65,000)	
Oregon and California grant lands (indefinite, appropriation of receipts)	19,000,000	16,700,000	16,700,000	−2,300,000	
Range improvements (indefinite, appropriation of receipts)	2,523,000	3,059,000	2,800,000	+277,000	−258,000
Total, Bureau of Land Management	115,004,000	111,781,000	105,445,000	−9,559,000	−6,336,000
Bureau of Indian Affairs					
Education and welfare services	273,094,000	296,627,000	297,468,000	+24,374,000	
Education and welfare services (appropriation to liquidate contract authority)	(693,000)	(1,500,000)	(1,500,000)	(+807,000)	+841,000
Resources management	75,764,000	83,734,000	84,316,000	+8,552,000	
Construction	43,715,500	48,092,000	55,384,000	+11,668,500	+582,000
Road construction (appropriation to liquidate contract authority)	(33,600,000)	(45,539,000)	(45,539,000)	(+11,939,000)	+7,292,000
Alaska native fund	12,500,000	50,000,000	50,000,000	+37,500,000	
General administrative expenses	6,161,000	6,358,000	6,200,000	+39,000	
Tribal funds (definite)	3,000,000	3,000,000	3,000,000		−158,000
Tribal funds (indefinite)	13,173,000	13,505,000	13,505,000	+332,000	
Total, Bureau of Indian Affairs	427,407,500	501,316,000	509,873,000	+82,465,500	+8,557,000
Bureau of Outdoor Recreation					
Salaries and expenses	3,949,000	4,203,000	4,150,000	+201,000	−53,000
Land and Water Conservation Fund					
Appropriation of receipts (indefinite)	361,500,000	300,000,000	300,000,000	−61,500,000	
Territorial Affairs					
Administration of territories	21,699,000	22,375,000	22,375,000	+676,000	
Permanent appropriation (special fund)	(367,000)	(469,000)	(469,000)	(+102,000)	
Transferred from other accounts (special fund)	(458,360)	(470,000)	(470,000)	(+11,640)	
Trust Territory of the Pacific Islands	59,980,000	60,000,000	60,000,000	+20,000	
Micronesian claims fund	5,000,000			−5,000,000	
Total, Territorial Affairs	86,679,000	82,375,000	82,375,000	−4,304,000	
Total, Public Land Management	994,539,500	999,675,000	1,001,843,000	+7,303,500	+2,168,000
MINERAL RESOURCES					
Geological Survey					
Surveys, investigations, and research	131,050,000	150,800,000	150,000,000	+18,950,000	−800,000
Bureau of Mines					
Conservation and development of mineral resources	49,858,000	55,291,000	58,491,000	+8,633,000	+3,200,000
Health and safety	81,851,000	95,374,000	95,374,000	+13,523,000	
General administrative expenses	2,013,000	2,008,000	2,000,000	−13,000	−8,000
Helium fund (authorization to spend from public debt receipts)	45,300,000			−45,300,000	
Total, Bureau of Mines	179,022,000	152,673,000	155,865,000	−23,157,000	+3,192,000
Office of Coal Research					
Salaries and expenses	30,650,000	45,330,000	42,330,000	+11,680,000	−3,000,000
Office of Oil and Gas					
Salaries and expenses	1,570,000	1,558,000	1,558,000	−12,000	
Total, Mineral Resources	342,292,000	350,361,000	349,753,000	+7,461,000	−608,000
FISH AND WILDLIFE AND PARKS					
Bureau of Sport Fisheries and Wildlife					
Management and investigations of resources	66,883,000	74,552,000	73,529,500	+6,646,500	−1,022,500
Construction	7,226,000	6,258,000		−7,226,000	−6,258,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,100,000	7,100,000	−400,000	
Anadromous and Great Lakes fisheries conservation	2,332,000	2,333,000	2,333,000	+1,000	
General administrative services	2,240,000	2,332,000	2,250,000	+10,000	−82,000
Total, Bureau of Sport Fisheries and Wildlife	86,181,000	92,575,000	85,212,500	−968,500	−7,362,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973—Continued

[Note; All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1972	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR—Continued					
FISH AND WILDLIFE AND PARKS—Continued					
National Park Service					
Management and protection	$71,756,000	$89,937,000	$88,671,000	+$16,915,000	−$1,266,000
Maintenance and rehabilitation of physical facilities	57,557,000	73,198,000	73,312,000	+15,755,000	+114,000
Construction	75,752,000	42,233,000	41,711,000	−34,041,000	−522,000
Parkway and road construction (appropriation to liquidate contract authority)	(24,188,000)	(20,222,000)	(5,766,000)	(−18,422,000)	(−14,456,000)
Preservation of historic properties	8,369,000	10,124,000	11,624,000	+3,255,000	+1,500,000
General administrative expenses	4,052,000	4,175,000	4,140,000	+88,000	−35,000
Total, National Park Service	217,486,000	219,667,000	219,458,000	+1,972,000	−209,000
Total, Fish and Wildlife and Parks	303,667,000	312,242,000	304,670,500	+1,003,500	−7,571,500
OFFICE OF SALINE WATER					
Saline water conversion	27,025,000	27,021,000	26,871,000	−154,000	−150,000
OFFICE OF WATER RESOURCES RESEARCH					
Salaries and expenses	14,290,000	14,304,000	16,344,000	+2,054,000	+2,040,000
OFFICE OF THE SOLICITOR					
Salaries and expenses	6,967,000	7,031,000	7,000,000	+33,000	−31,000
OFFICE OF THE SECRETARY					
Salaries and expenses	[1] 10,948,900	16,412,000	15,419,000	+4,470,100	−993,000
Departmental operations	[2] 3,746,100	4,066,000	4,066,000	+319,900	
Salaries and expenses (special foreign currency program)	500,000	1,000,000	750,000	+250,000	−250,000
Total, Office of the Secretary	15,195,000	21,478,000	20,235,000	+5,040,000	−1,243,000
Total, new budget (obligational) authority, Department of the Interior	1,703,975,500	1,732,112,000	1,726,716,500	+22,741,000	−5,395,500
Consisting of—					
Appropriations	1,658,675,500	1,732,112,000	1,726,716,500	+68,041,000	−5,395,500
Definite appropriations	(1,262,479,500)	(1,398,848,000)	(1,393,711,500)	(+131,232,000)	(−5,136,500)
Indefinite appropriations	(396,196,000)	(333,264,000)	(333,005,000)	(−63,191,000)	(−259,000)
Authorization to spend from public debt receipts	45,300,000			−45,300,000	
Memoranda—					
Appropriations to liquidate contract authority	(61,681,000)	(70,526,000)	(56,070,000)	(−5,611,000)	(−14,456,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,765,656,500)	(1,802,638,000)	(1,782,786,500)	(+17,130,000)	(−19,851,500)
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest protection and utilization:					
Forest land management	297,095,300	246,749,000	257,872,000	−39,223,300	+11,123,000
Forest research	54,587,000	57,278,000	59,268,000	+4,681,000	+1,990,000
State and private forestry cooperation	27,759,000	27,760,000	27,760,000	+1,000	
Total, forest protection and utilization	379,441,300	331,787,600	344,900,000	−34,541,300	+13,113,000
Construction and land acquisition	35,703,200	37,980,000	43,953,900	+8,250,700	+5,973,900
Youth conservation corps	3,500,000	3,500,000	3,500,000		
Forest roads and trails (appropriation to liquidate contract authority)	(148,740,000)	(158,840,000)	(158,840,000)	(+10,100,000)	
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	80,000	80,000	80,000		
Acquisition of lands to complete land exchanges	26,035			−26,035	
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000		
Assistance to States for tree planting	1,028,000	1,027,000	1,020,000	−8,000	−7,000
Total, new budget (obligational) authority, Forest Service	420,478,535	375,074,000	394,153,900	−26,324,635	+19,079,900
COMMISSION OF FINE ARTS					
Salaries and expenses	124,000	135,000	135,000	+11,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services and Mental Health Administration					
Indian health services	155,333,000	166,540,000	169,787,000	+14,454,000	+3,247,000
Indian health facilities	30,442,000	43,689,000	44,099,000	+13,657,000	+410,000
Total, Health Services and Mental Health Administration	185,775,000	210,229,000	213,886,000	+28,111,000	+3,657,000
INDIAN CLAIMS COMMISSION					
Salaries and expenses	1,045,000	1,090,000	1,090,000	+45,000	
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	1,300,000	1,428,000	1,425,000	+125,000	−3,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
Salaries and Expenses					
Endowment for the arts	26,250,000	35,500,000	34,900,000	+8,650,000	−600,000
Endowment for the humanities	24,500,000	35,500,000	34,500,000	+10,000,000	−1,000,000
Administrative expenses	3,536,000	5,314,000	5,314,000	+1,778,000	
Subtotal, salaries and expenses	54,286,000	76,314,000	74,714,000	+20,428,000	−1,600,000
Matching Grants					
Endowment for the arts	3,500,000	3,500,000	3,500,000		
Endowment for the humanities	3,500,000	3,500,000	3,500,000		
Subtotal, matching grants	7,000,000	7,000,000	7,000,000		
Total, National Foundation on the Arts and the Humanities	61,286,000	83,314,000	81,714,000	+20,428,000	−1,600,000

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Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority fiscal year 1972	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
SMITHSONIAN INSTITUTION					
Salaries and expenses	$44,701,000	$54,683,000	$51,682,000	+$6,981,000	−$3,001,000
Museum programs and related research (special foreign currency program)	3,500,000	6,000,000	4,000,000	+500,000	−2,000,000
Science information exchange	1,600,000	1,650,000	1,600,000		−50,000
Construction and improvements, National Zoological Park	200,000	675,000	675,000	+475,000	
Restoration and renovation of buildings	550,000	5,409,000	5,064,000	+4,514,000	−345,000
Construction	1,900,000	40,275,000	13,000,000	+11,100,000	−27,275,000
Construction (new contract authority)			27,000,000	+27,000,000	+27,000,000
Construction (appropriation to liquidate contract authority)	(3,697,000)			(−3,697,000)	
Salaries and expenses, National Gallery of Art	4,841,000	5,420,000	5,420,000	+579,000	
Salaries and expenses, Woodrow Wilson International Center for Scholars	695,000	841,000	800,000	+105,000	−41,000
Total, Smithsonian Institution	57,987,000	114,953,000	109,241,000	+51,254,000	−5,712,000
HISTORICAL AND MEMORIAL COMMISSIONS					
Franklin Delano Roosevelt Memorial Commission	37,000	38,000	38,000	+1,000	
NATIONAL PARKS CENTENNIAL COMMISSION					
Salaries and expenses	250,000			−250,000	
NATIONAL COUNCIL ON INDIAN OPPORTUNITY					
Salaries and expenses	275,000	300,000	290,000	+15,000	−10,000
FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW					
Salaries and expenses	167,000	167,000	160,000	−7,000	−7,000
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA					
Salaries and expenses	125,000	1,500,000	708,800	+583,800	−791,200
Total, new budget (obligational) authority, Related Agencies	728,849,535	788,228,000	802,841,700	+73,992,165	+14,613,700
Consisting of—					
Appropriations	728,849,535	788,228,000	775,841,700	+46,992,165	−12,386,300
Definite appropriations	(728,069,535)	(787,448,000)	(775,061,700)	(+46,992,165)	(−12,386,300)
Indefinite appropriations	(780,000)	(780,000)	(780,000)		
New contract authority			27,000,000	+27,000,000	+27,000,000
Memorandums—					
Appropriations to liquidate contract authority	(152,437,000)	(158,840,000)	(158,840,000)	(+6,403,000)	
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(881,286,535)	(947,068,000)	(961,681,700)	(+80,395,165)	(+14,613,700
RECAPITULATION					
Grand total, new budget (obligational) authority, all titles	2,432,825,035	[2] 2,520,340,000	2,529,558,200	+96,733,165	+9,218,200
Consisting of—					
Appropriations	2,387,525,035	2,520,340,000	2,502,558,200	+115,033,165	−17,781,800
Definite appropriations	(1,990,549,035)	(2,186,296,000)	(2,168,773,200)	(+178,224,165)	(−17,522,800)
Indefinite appropriations	(396,976,000)	(334,044,000)	(333,785,000)	(−63,191,000)	(−259,000)
New contract authority			27,000,000	+27,000,000	+27,000,000
Authorization to spend from public debt receipts	45,300,000			−45,300,000	
Memorandums—					
Appropriations to liquidate contract authority	(214,118,000)	(229,366,000)	(214,910,000)	(+792,000)	(−14,456,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2,646,943,035)	(2,749,706,000)	(2,744,468,200)	(+97,525,165)	(−5,237,800)

[1] In addition, $3,746,100 reappropriated to "Departmental Operations" (Public Law 92-184).
[2] Reappropriated from "Office of the Secretary, Salaries and expenses" (Public Law 92-184).
[3] Includes budget estimates contained in H. Doc. 92-267 and H. Doc. 92-275.

Mr. VANIK. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. HANSEN of Washington. I would be glad to yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, at this point I would like to ask the distinguished chairman of the subcommittee whether or not there is anything in this bill that makes appropriations for the helium program. I see that it is not in the bill.

Mrs. HANSEN of Washington. I am pleased to respond to the gentleman from Ohio to the effect that there is no helium money in this bill.

Mr. VANIK. No appropriation at all?

Mrs. HANSEN of Washington. No appropriation for helium whatsoever.

Mr. VANIK. I wish to congratulate the distinguished gentlewoman, chairman of the subcommittee, and to applaud the subcommittee's action on this matter.

Mrs. HANSEN of Washington. I thank the gentleman for his comments.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. GROSS. I understand that this bill is $97,525,165 above the spending for similar purposes last year; is that correct?

Mrs. HANSEN of Washington. It is and I will tell you why it is.

We have had increasing problems in connection with the welfare and education of American Indians.

Welfare has increased on the reservations.

Over 50 percent of the Navahos are unemployed.

There have been increasing health problems.

We have Indian housing that needs sanitation.

The appropriations for the arts and humanities has been increased. The President sent us a budget request which the committee has not cut ruthlessly. We have found several of these arts and humanities programs are doing an excellent job of diminishing some of our current social problems.

I had a very distinguished corporation executive tell me recently, "Of all the programs designed to meet the problems of the youngsters who would be raising cain on the streets of San Francisco, the arts program was providing them the best chance to be creative and to participate."

Mr. GROSS. That would have been my next question of the gentlewoman. Since approximately one-fourth of the increase is to the Arts and Humanities Foundation, do they do great work with the Indians, too?

Mrs. HANSEN of Washington. You would be surprised at the work they do with the Indians.

Mr. GROSS. I would imagine that they do something——

Mrs. HANSEN of Washington. If the gentleman will permit me, I wish every member of this committee would take it upon himself or herself to visit one of the most spectacular institutions in the United States, the Santa Fe Arts Institute, where many young Indians who have problems, emotional and otherwise, are doing some of the most creative work in every field from sculpture, painting, and dance to drama. It is a very rewarding thing to see young people who could go the route to pot and jail actually creating beauty for their country.

Mr. GROSS. I do not see how you could spend $74 million without accomplishing a little good.

Mrs. HANSEN of Washington. A great deal has been accomplished.

Mr. McDADE. Mr. Chairman. I yield myself 15 minutes.

Mr. Chairman and members of the committee, it is a distinct privilege to have the opportunity to join in presenting this bill to the Members of the House today.

Before I make any comment about it, I do want the distinguished gentlewoman from Washington to know how deeply we on this side of the aisle appreciate how much she has done to help make this bill an important bill that is responsive to the needs of the Nation.

The same is true of each and every member of the subcommittee. Each in his own way has contributed to the final product that we bring to the floor today in the form of this appropriation bill. None of this would be possible without the dedicated, efficient, and effective staff assistance provided us by the members of the staff of the Appropriations Committee, who worked so long, so tirelessly, and so effectively in shaping this bill.

The gentlewoman in her remarks has made what I believe to be a thorough consideration of what is in this bill, and I shall not make any effort to duplicate the ground which she has covered. Suffice it to say that there are features of the bill which stamp it as unique. It is unique in that it produces substantial amounts of revenue to the Treasury of the United States. If Members will look at the report and notice the amounts that are listed therein on page 2, they can see that it is estimated in fiscal year 1973 that this bill is projected to produce in revenues to the Treasury almost $4.5 billion. It can be viewed, therefore, in a sense, as an investment in America, and that is really what this bill is. This is the bill that deals in largest degree with the resources that shape the fiber and the strengths of so much of what this Nation represents to so many people here at home and around the world.

If one stops to consider the scope of this bill, it seems to me you must begin by recognizing in some shape the total amount of territory that is administered by the departments and agencies represented in this bill.

The Bureau of Land Management is responsible, as the report shows, for 450 million acres of land; the Forest Service, 186 million acres; the Park Service, some 28 million acres; the Bureau of Sports Fisheries and Wildlife, some 38 million acres. Cumulatively we are talking about the administration in public trust of three-quarters of a billion acres of publicly held lands. And that in itself does not tell the whole story, because the Department of the Interior is responsible also for the administration of that enormously vast and potentially wealthy and important area known as the Outer Continental Shelf. That area approximates 500 million acres.

Put together, when we look at this bill, it is important, I believe, for all of us to recognize that what we are doing is managing over a billion acres of publicly held land in trust for the people of the United States.

One can look at this bill in another way, too, to make an effort to see exactly how it is that we are spending the taxpayer's dollar to meet this important responsibility.

The largest single item in this bill relates to the expenditure of funds involving the Bureau of Indian Affairs and the Department of Health, Education, and Welfare and its contribution to Indian health.

When we look at Indian activities, just that one account, we are talking about three-quarters of a billion dollars to try to provide the necessary health services and other services to the Indians of this Nation who find themselves in such difficult circumstances. I would like to take just a moment of time to pay tribute to some of those in the Department of Health, Education, and Welfare—much maligned, I am sure, and sometimes with good reason—in the Bureau of Indian Health, where such enormous strides have have been made in trying at least to place a floor under Indian health in this Nation.

Listen to the figures we get from the investment of this money in trying to do something about maintaining basic Indian health. During the last 7 years the infant death rate is down 51 percent; tuberculosis infection is down 79 percent; gastritis is down 60 percent; and influenza and pneumonia have been decreased by 45 percent.

Surely anyone in this Nation would agree that expenditures for such purposes, producing such outstanding results, are extremely well spent. All of us, I think, would agree that those responsible for administering this program deserve the highest accolades of this House and of our fellow citizens.

If one looks at this budget after leaving the expenditures for the Bureau of Indian Affairs and Indian Health, one notices the next single largest amount represents about $350 million to the United States for service, which produces about 25 percent of all of our lumber supply in the United States of America and through its multiple-purpose usage of our forest assets provides grazing land, protection and forage for wildlife, a huge recreational asset for the people of this Nation.

The Bureau of Outdoor Recreation, will have $300 million to try to let us keep up for future generations acquisitions of sufficient recreation areas and public areas so that we can be assured of reasonable access to lands and areas in the United States of America that will assure to them and to their children some opportunity to try to be able to enjoy life as some of us have known it on the public lands of the United States of America.

Then, $219 million will be expended during fiscal year 1973 by the Park Service. I think each of us can recognize the unique contribution made by the National Park Service. An idea originated in this centennial year of the Park Service right here in the United States to recognize the importance of national assets and to try to set them aside in trust once again for the public in order that each might have an opportunity to enjoy those areas.

We can find too between the U.S. Geological Survey and the U.S. Bureau of Mines expenditures again of approximately $300 million. When one looks at the responsibility the Geological Survey has over this enormous terrain of over a billion public acres, one can recognize the importance of $150 million for the Geological Survey in order that they can provide the Department and the various bureaus and agencies covered in this bill with the expertise to see that those public lands are well managed.

The same is true of the Bureau of Mines which has so many basic responsibilities. I would be remiss at this point if I did not point out the subcommittee has this year and every year since it has been before us voted every single dollar that was requested by the Bureau for health and safety.

I would be remiss too if I did not extend my commendations to the U.S. Bureau of Mines and to Dr. Osborn and particularly to members of his staff headed by Mr. Joseph Corgan for their initiative in trying to find ways and means to deal with some of the problems that exist in this country by virtue of the fact that we have had an extraction industry which has powered and built this Nation but has left in some places an unhappy legacy, whether it be because of underground or surface mining. We have estimates there are as many as 11 million acres of disturbed land in this Nation, about 3 million surface and about 8 million subsurface, which have been disturbed in some way by the extraction industry. I believe the Bureau of Mines and particularly Mr. Corgan, whom I mentioned, are to be commended for what they have done in trying to find in cooperation with members of this subcommittee new methods to try to deal with this problem and demonstrate how we can reclaim some of this land that has been ripped up.

Mr. Chairman, I have had extensive conversations with the Bureau of Mines urging them to get involved in the very important activity of restoring and reclaiming these mine-scarred lands. I have asked the Bureau to do this because they are the prime agency of Government entrusted with the responsibility of managing the Nation's coal resources. They have recognized this long-overdue responsibility and they are willing to participate in such a project. A site should be selected on publicly owned land con-

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taining unsightly environmental hazards and it should be made into usable attractive land suitable for public use.

In their budget for conservation and development, the Bureau of Mines should commit at least $1.2 million to demonstrate to the Nation how these mine-scarred lands can be revitalized and converted into parks or scenic areas. Such techniques include reclaiming lands on a slope, strip pit filling, vegetative cover, stream control and water holding ponds, mine slope stability, and the use of burned mine red ash as a medium for developing park pathways and related facilities such as large cleared spaces for baseball diamonds, parking, and picnic facilities that can materially benefit our people.

I shall, of course, maintain my intense interest in this most important effort and continue to urge the Department to complete it. I have every confidence that our able Director of the Bureau of Mines and his staff, particularly Mr. Joseph Corgan, will conceive and execute a demonstration project that will be a model for the entire Nation.

When we talk about just those few agencies we bring attention to the major accounts in this bill, although there yet remains a considerable amount of money for the Smithsonian Institution and for the Arts and Humanities Foundation and for other agencies and bureaus included within this bill.

I have mentioned that it is a revenue-producing bill. We ought to take cognizance of the fact that there is $300 million earmarked for the Bureau of Outdoor Recreation.

This is produced because of income from various recreational activities that take place in the United States, and with royalties from offshore oil.

As a matter of fact, in 1972, for the fiscal year ended then, two-thirds of that $300 million which was earmarked and put aside for future acquisitions of these recreation areas, come from royalties from offshore oil.

These recreation areas are visited regularly. The projection is that in the next fiscal year they will be visited by more than 500 million visitations during that year.

I do want to point out that there is an increase under the Park Service accounts for the Delaware Water Gap Recreation Area, an increase in the budget of about double, which is vitally needed. This, as Members know, is a new park area visited by about 6 million people in each year, and in my judgment it is not sufficiently staffed. I commend the Members of the subcommittee for their assistance in helping me to increase the amounts of money.

I should like to point out some of the kinds of problems that are being faced in our park areas today. It seems to me the Members of the House will recall that just a few years ago we were required to expend certain moneys to permit the Park Service to maintain a special police force, since we found ourselves being confronted with a certain element, a certain group in this Nation, who saw fit not just to demonstrate but to demonstrate in a way that would deface national shrines in this Nation. What motivation such people have is beyond my comprehension, but, nevertheless, there was that motivation to deface national shrines.

In the Delaware Water Gap National Recreation Area we just had such an action on the Sunday before Memorial Day, when someone saw fit by arson to burn down a church which had been acquired by the Federal Government as a part of the Delaware Water Gap Recreation Area, which had stood since 1860.

Other buildings were also incinerated in what was termed in an editorial—"The Millbrook Atrocity." I hope those responsible will speedily be brought to justice.

There are other actions which should be pursued.

Suffice it to say, I have brought this to the attention of the National Park Service, requesting them—indeed, imploring them—to provide additional protection in this area.

We recently had a Park Service ranger hit in the face with the butt of a gun, and, according to some of the press accounts which appeared, put in danger of his life. It seems to me this is a condition we cannot tolerate, especially on Federal land.

I have been in the area. I have talked with the people who live nearby. They are convinced, and I am convinced from my own inspection, that the Park Service has not provided sufficient personnel to permit the people responsible for administering that park to do so in a meaningful way.

So once again today I urge the Park Service to take a renewed interest in the problems that we face in the Delaware Water Gap Recreation Area and to try to do a better job in providing the broad range of public services which are necessary if we are going to accommodate in a meaningful way the 6 million people who visit this installation every year.

Mr. GROSS. Mr. Chairman, will the gentleman yield at that point?

Mr. McDADE. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman given thought to turning these people who are vandalizing the parks over to the tender mercies of the arts and humanities?

Mr. McDADE. In my view, if these people who vandalize the parks took some interest in the arts and the humanities they would not be vandalizing our parks.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McDADE. Yes, I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I want to commend the gentleman from Pennsylvania for the leadership that he has shown, along with the chairman of the subcommittee in the field of coal mine health and safety research.

However, I would simply ask this question: On page 19 of the report under "Health and safety inspection," it is indicated that there is $2,396,000 less than the 1972 appropriation included in the committee bill for "health-related research in coal mines."

The gentleman from Pennsylvania has been active, along with other Members of the House, in connection with the passage of the outstanding black lung compensation bill which the President signed just before he left for Moscow.

It would seem to me that in addition to making payments for compensation to those who suffer from pneumoconiosis, that there is an urgent need for additional activity by the Bureau of Mines to prevent black lung. We need more, and not less, money for health-related research in the coal mines.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McDADE. Mr. Chairman, I yield myself 1 additional minute.

Mr. HECHLER of West Virginia. There is an urgent need for additional activity by the Bureau of Mines to support research in reducing the dust level in coal mines. In Australia, where they are 20 years ahead of us in limiting the amount of respirable coal dust in the mines, the new cases of black lung are almost negligible.

I would like to ask the gentleman from Pennsylvania, or the chairman of the subcommittee, if there is any possibility of additional funding of health-related research in coal mines?

Mr. McDADE. I might indicate to the gentleman from West Virginia who has been such an important ally in trying to do as much as we can in these areas, that we have funded every penny for health and safety insofar as inspections are concerned and the actual on-the-scene men to try to make sure that the companies are complying with the health and safety laws.

I do not mean to imply that we have given them a blank check for everything, but when we get to the item of personnel, we have given them every single penny for personnel and, in fact, encouraged them to beef up their staff.

Mr. HECHLER of West Virginia. This has nothing to do with safety inspections. I have reference to health-related research. I sincerely hope that more aggressive efforts will be made to improve the health as well as the safety of all those who work in the coal mines.

Mr. McDADE. Mr. Chairman, the bill which we present today has been unanimously reported by our subcommittee. I commend its passage to my colleagues.

Mr. CHARLES H. WILSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 199]

Abbitt	Bell	Casey, Tex.
Abernethy	Biaggi	Celler
Abzug	Bingham	Chisholm
Addabbo	Blanton	Clark
Alexander	Blatnik	Clawson, Del
Anderson, Ill.	Boggs	Clay
Anderson, Tenn.	Boland	Collins, Tex.
Archer	Brasco	Corman
Badillo	Brown, Ohio	Daniels, N.J.
Baring	Burleson, Tex.	Davis, Ga.
Dingell	McCloskey	Rangel
Dowdy	McCormack	Rees
Dwyer	McDonald, Mich.	Rooney, N.Y.
Eckhardt	McEwen	Rooney, Pa.
Edmondson	McKevitt	Scheuer
Erlenborn	McMillan	Smith, Calif.
Esch	Mailliard	Springer
Eshleman	Miller, Calif.	Stanton, James V.
Fish	Moorhead	Steiger, Wis.
Frelinghuysen	Murphy, N.Y.	Stuckey
Gallagher	O'Neill	Symington
Halpern	Perkins	Thompson, N.J.
Harsha	Pickle	Widnall
Hébert	Pike	Wright
Hosmer	Podell	
Kyros	Price, Tex.	
Landgrebe	Pryor, Ark.	
Long, La.		

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15418, and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman and members of the committee, a fire started in the Sunshine Mine in Kellogg, Idaho, on May 2, 1972, and 91 miners lost their lives. The toll of lives would have been 93 if it had not been for the heroic effort of the rescue force assembled from those with the greatest knowledge and experience in what needs to be done in a mine disaster.

I know that you share with me the sadness and horror that such a disaster can happen. I also urge you to share my determination to do everything possible to prevent the recurrence of such a disaster. We must do everything possible to reduce the death, destruction, and suffering that may result when a disaster does occur.

I applaud the actions of the Secretary of the Interior, the Honorable Rogers C. B. Morton, which he announced on May 26, 1972, designed to avert a repetition of such a tragedy. He has started a broad and comprehensive plan to make safety a vital part of every decision made concerning a mine. His plan calls for an expanded mine inspection force, more stringent safety standards, intensified safety research, better training for miners, periodic fire drills including escape routes and plans, and strengthened technical support to assure application of most recent technology.

It is my understanding that the appropriation request that we are considering today was prepared before the horrible disaster at Kellogg on May 2, 1972, and did not include the necessary funds to carry out the comprehensive plan that Secretary Morton has proposed. The many worthwhile actions he has outlined require money for accomplishment and the objectives of his plan will be forestalled without adequate funding.

Lack of reasonable funds cannot be permitted to prevent or delay a program which holds great promise for improving the safety of miners and preventing recurrence of a disaster such as the one at the Sunshine Mine.

Secretary Morton has directed that additional mine inspectors be employed to enable the Bureau of Mines to make more frequent inspections of underground mines. I believe that action should be supported with necessary resources. He has called for strengthening of the technical support organization to assure that current technology is appropriately applied to the problems of mining. I believe that action should be sustained. He proposes to increase the number of instructors training miners how to work safely in the mines and how to survive in case of disaster. I believe this effort deserves full support. He has ordered expansion of the safety research effort to give the miner greater protection and survival capability. I believe that this action, too, should be sustained.

Because of the urgency and magnitude of the increased effort required to implement the Secretary's announced initiatives, I propose that the funds for Metal and Nonmetal Mine Health and Safety activities for fiscal year 1973 be increased by $11 million.

The additional cost estimated by the Interior Department to be $11 million is broken down as follows. If you look at the chart at the top of page 19 of the committee report, entitled Health and Safety, the $11 million would change those figures in the following fashion:

For inspection and enforcement—metal and nonmetal—an additional $4 million, for a total of $10,170,000;

For technical support and accident analysis—an additional $1 million for a total of $7,950,000;

For education and training—an additional $1 million, for a total of $6,255,000;

For metal and nonmetal mine research—an additional $5 million, for a total of $7,978,000.

I have had conversations with Mr. McDADE in regard to this matter and have also discussed possible reprograming of funds or a supplemental appropriation with the gentlelady from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I am happy to yield to the gentlewoman.

Mrs. HANSEN of Washington. Mr. Chairman, this matter of mine inspection should have a hearing. We have completed our hearings as of this time. My recommendation is that a request for a hearing should be made to the Senate committee which has not yet marked up the bill.

I would not be so insistent on hearings, but let me give you our experience with the Bureau of Mines. At the time they were testifying and justifying 54 positions in the Bureau of Mines Budget Estimate, RIF notices were already out to those 54 individuals for which the positions were being justified.

I can tell you that the committee was shocked at this performance. I think the ranking member on this subcommittee joins me in my feeling about this. I think there should be a detailed hearing so that adequate implementation of the program can be assured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDADE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mrs. HANSEN of Washington. In the meantime, I can assure the gentleman that the committee is very agreeable to the approval of reprograming requests assigning those inspectors to the mines right now.

The committee has never turned down a request from the Bureau of Mines for inspectors. We have never cut one dime from the inspection program.

Mr. McCLURE. Mr. Chairman, I thank the gentlewoman for her expressions of support and welcome the support we will get when, as, and if they come forward with a supplemental appropriation request.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, I simply want to take this time to express my commendation to the gentleman from Idaho for his diligence and persistence in this matter.

Certainly, all of us are aware of the tremendous tragedy that occurred at the Sunshine Mine and want to do what we can to rectify that situation.

I want to give my assurance to the gentleman in the well along with the gentlelady from Washington that we will look with the greatest possible favor on a request from the Bureau of Mines when it comes to us.

As you know, to date we have received no such request, but I am sure with the gentleman's prodding and our own, we will look forward to seeing such a request and doing what we can to assure that every single penny that is requested for inspections in our Nation's mines is granted.

Mr. McCLURE. I thank the gentleman for those assurances. I am sure that the people who do work underground will feel much better knowing that the committee is aware of the problem and with the pledge that they intend to respond, as the gentleman has stated.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Idaho yield?

Mr. McCLURE. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I should like to add my commendation for the remarks of the gentleman from Idaho. The Bureau of Mines now has only 156 inspectors under the Federal Metal and Non-Metallic Mine Safety Act of 1966, to cover all the operations in non-coal mines. This bill adds only 15 inspectors. The Bureau really needs double that number of inspectors in order to do this job properly. I certainly hope that not only reprograming can be done, but that additional funds can be provided to achieve the objectives which the gentleman from Idaho has outlined. The Bureau needs additional funds in

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order to accomplish these objectives and to get the necessary facilities to prevent a recurrence of the tragedy which occurred at the Sunshine Mine on May 2. We are derelict in our duty if we do not act to protect the lives and safety of those who labor beneath the earth in this hazardous occupation.

Mr. McCLURE. I thank the gentleman for his comments, and I would just conclude by calling the attention of the committee to part I of the hearing record, page 41, where it outlines the amount of money that the Bureau of Mines has had during the fiscal years 1967 to 1973, showing the increase from $11,299,000 in 1969 to $91,743,000 in this appropriation today. But when they come forward and say "We need a little bit more," I think they ought to have it to do the job.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES), a member of the committee.

Mr. YATES. Mr. Chairman, I want to pay my tribute to the distinguished chairman of our subcommittee (Mrs. HANSEN). A wonderful person and an outstanding legislator, this bill reflects in greatest measure the imprint of her work. She was thorough, she was fair, she was sympathetic and humane. She knew her bill thoroughly. That is the highest accolade which can be bestowed upon a member of the Appropriations Committee. Truly, she is a great legislator.

I have enjoyed working with my good friend from Pennsylvania, the ranking member of the committee (Mr. McDADE). He is most knowledgeable on all the programs that make up this bill. His friendly, cooperative traits helped make the hearings interesting and valuable.

Mr. Chairman, I want to devote my attention to two items in the bill. The first relates to the arts.

I listened to the comments of my good friend from Iowa (Mr. GROSS) and I know his feelings on the subject. My own view is to the contrary. I believe that under the distinguished chairmanship of Nancy Hanks, the National Foundation on the Arts has moved forward with determination and constructively. The programs that she has established throughout the country have been well founded. The country has responded very significantly. There is a real flourishing of the arts in all parts of the country. In this respect our distinguished chairman (Mrs. HANSEN) deserves an accolade because she has been a prime mover in making available funds in this field.

The second point I want to discuss relates to the trans-Alaska pipeline.

Secretary of the Interior Morton has announced his decision to approve construction of the trans-Alaska oil pipeline from Prudhoe Bay to Valdez. At the port of Valdez the oil will be loaded onto tankers for shipment to the West Coast of the United States, and it is said, too, that a substantial portion of that oil may be shipped to Japan.

The main reason given for the decision of the Secretary is the ever-increasing energy crisis and the need to develop the Prudhoe Bay fields as quickly as possible.

I am aware of the crisis. Every Member of the House is aware of the crisis. Yet I cannot escape the conclusion that the Secretary's decision was premature, that the Secretary had not fully explored the advantages of the trans-Canada route over trans-Alaska before he came to his decision. Three suits have been filed in court in an effort to enjoin the Secretary's decision, and I am quite sure that it is the sense of our committee that no funds should be expended by the department for the purpose of constructing the Alaska pipeline until all the suits which are now pending have been disposed of.

In the interim, during the pendency of such legal action, it seems reasonable to the committee—that every effort should be made to explore the alternatives, including the possible construction of a trans-Canadian pipeline.

I said that I believed that Secretary Morton has not given full consideration to the trans-Canadian alternative. I don't believe he was fully advised on the subject. I have been able to obtain a copy of a letter that was addressed to Secretary Morton by the Canadian Minister of Energy, Mines, and Resources, Macdonald, dated May 4, 1972, in which he wrote to the Secretary as follows:

MINISTER OF ENERGY
MINES AND RESOURCES,
Ottawa, Ontario, May 4, 1972.

HON. ROGERS C. MORTON,
Secretary, Department of the Interior, Department of Interior Building, Washington, D.C.

DEAR SECRETARY MORTON: I found most useful my meeting with you in your office in Washington on March 30th last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay. I undertook to write this letter to you to expand on our current position regarding a possible Canadian project and, in particular to comment on matters related to the environment, financing and timing.

There would be many advantages arising from the use of a Canadian pipeline route. We believe it would enhance the energy security of your country by providing an overland route for your Alaska oil production, thereby servicing the oil deficit areas of the mid-continent and also the Pacific North West. Although cost comparisons of the trans-Canadian and trans-Alaska routes are interesting, they will, of course, not in the strictest sense be subject to direct comparison since the Canadian costs provide for placing Alaska North Slope oil directly into the mid-continent and Puget Sound markets. Canada has an interest in the energy security of your country, and this land route for Alaska crude oil would enhance that security of supply to deficit areas in the United States. Furthermore, this security of supply could be further enhanced during the interim period of northern pipeline construction by extra Canadian crude, as I indicated in my remarks in the House of Commons on April 19th.

The Mackenzie route would, of course, be advantageous to Canada in that it would give access to our potential oil resources in the northern Yukon and Mackenzie River areas. Within Canada, also, there would be benefits to the economy of these northern regions from this new activity and opportunities for the employment and training of our Native peoples.

In reciting some of the advantages to the United States and Canada of a co-operative relationship between us in the construction of an oil pipeline across Canada, I am mindful, too, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influences in Canada-United States relations.

In considering the environmental impact of oil pipelining in northern Canada, it should not be overlooked that there are current proposals being studied by gas transmission and distribution companies for a gas pipeline from Alaska through Canada to the continental United States. If these proposals are successful, there will be environmental disturbance in any event.

The major environmental impact study which was released by your Department to the public on March 20, 1972, has been under review here since its receipt. The Report is an historic document in evaluation of the impact of pipelining on the social and biological environment. Your Department deserves congratulations for the breadth of the study.

As you are well aware, the comments made in the Report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from Departments of the Government of Canada in connection with the environmental aspects of this study. I brought to your attention during our meeting, and by way of a letter dated March 28, 1972, the substantial program of work in the environmental field which my Government has been undertaking with the commencement of the 1970 field season. In addition, we have recently made public and have provided to your State Department a list of the thirty environmental and social studies under way at this time and scheduled for completion later this year. Of course, our general work program was known to officials of your Department and has been a matter of considerable public information in Canada.

We are of the view that your consideration of the Canadian alternative could benefit substantially from a knowledge of the work which has been done by both industry and government and which is to be completed this year. A result of detailed consideration would lead, in our view, to an improved appreciation of the advantages in an environmental sense of the Canadian alternative. We would be prepared to hold meetings between officials of our two Governments at your early convenience.

The Prime Minister of Canada, in a statement on April 28th, indicated the decision of the Government to begin construction of an all-weather highway to link the communities of Fort Simpson and Inuvik in the Northwest Territories. When completed, this will provide a road from the northern boundary of the Province of Alberta to the Arctic Ocean on a route selected to be of use for oil or gas pipelines built along the Mackenzie Valley. Such a road will, in our judgment, substantially ease the construction of a pipeline. This decision is, I think, a significant new factor which affects the balance of advantage between alternative routes. I am sure it will be taken into account by any private entities that may be interested in building an oil or a gas pipeline, and I think it ought to be a factor in governmental assessment as well.

As to the timing for construction and completion of an oil pipeline, this is dependent on the assembly by the applicants of the technical information required, on the financial arrangements which are made and on other normal criteria for pipeline construction in Canada. These matters are subject to regulatory supervision under laws in Canada with which your officials have had a familiarity in connection with pipeline systems which now carry the bulk of Canada/United States oil and gas trade. I would confirm to you my comments in Washington on March 30th last that, in the opinion of our technical advisers, there should be no reason why regulatory and governmental consideration could not be given in an expeditious manner commencing with an application filed by the end of this year.

I would be grateful for your reaction to the suggestions put forward in this letter.

Yours sincerely,
DONALD S. MACDONALD.

I emphasize the point made on page 2 of the letter which says this:

As you are well aware, the comments made in the Report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from Departments of the Government of Canada in connection with the environmental aspects of this study.

That is the reason why I think it would be well, in this interim period when the trials are proceeding in the courts, it would be well for the Secretary to explore with the Government of Canada the question whether or not a pipeline across Canada should not be built rather than the one across Alaska.

In his speech to the Canadian Northern Pipeline Research Conference in Ottawa on February 2, the Honorable C. M. Drury, President of the Treasury Board, said this:

In the resource management of the North American land mass, all the alternatives need to be thoroughly investigated before any unilateral actions are taken. That much seems clear no matter what national strategies are to be pursued by Canada and the United States in satisfying their respective requirements for oil and gas.

I subscribe to that sentiment. I wish Secretary Morton would subscribe to it as well and try to work out with the Government of Canada an arrangement which would be to the best interests of both our countries.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I associate myself with the remarks of the gentleman from Illinois. I think it is obvious a cross-Canada route would cause much less serious environmental damage than would the present proposal in the light of the earthquakes and other environmental damage associated with the present route.

Mr. Chairman, the Interior Appropriation bill before the House today is a tribute to one of the hardest working and knowledgeable subcommittee chairmen in the House, the gentlewoman from Washington (Mrs. HANSEN), and to the ranking minority member of the subcommittee, the gentleman from Pennsylvania (JOSEPH M. McDADE), as well. The many changes from the administration budget found throughout the bill reflect both the wisdom and the compassion of the chairwoman.

I think it is important to point out, first, that this will undoubtedly be the only budget bill presented to the Congress this session in which more revenues are raised—$4.3 billion—than are spent—$2.5 billion.

Moreover, this is a budget which directly affects national policy in a number of significant areas.

For example, this bill deals with the energy crisis and ways to meet it, through coal gasification, the conversion of agricultural wastes into oil or the development of fuels on the Outer Continental Shelf.

It will affect the housing and construction industries, and will help to make sure that our future lumber needs will be met.

It has a direct bearing on the uses of our land resources—over three-quarters of a billion acres of land.

It supports wildlife protection and preservation, from the stocking of your favorite fishing hold to the protection of rare and endangered species.

It provides $3.5 million for summer jobs for our youth, those with the highest unemployment levels in the Nation.

And, for the hundreds of thousands of Indians in this Nation, both on and off reservations, this bill adds to administration requests more than $4 million for Indian health and education services and other types of assistance—in recognition of our long term responsibilities to America's first citizens.

This bill reflects an awareness of our responsibilities—as stewards of our public lands. It does not do enough in some areas, but given the budget limitations we had to work with, it is a respectable effort. These lands must be managed in the public interest.

This committee deals with that obligation in a number of ways.

We approve the clear-cutting guidelines included in the Senate Interior Committee's report on "Clear Cutting in Forest Timberland," guidelines which would, among others, prohibit clear cutting if it caused significant potential harm to the surrounding areas or if there was evidence that the area would not be productive again when reforestation attempts were made.

We increase the administration's budget for reforestation and timber stand improvement by $3 million, and $8 million more is added for other forest land management activities.

The proposed budget for the National Park Service for 1973 is $16.9 million larger than it was last year, and efforts are made to accommodate the ever-increasing number of persons who spend vacations and weekends in our parks, lakeshores, recreation, and historic areas.

This budget takes a major step to halt indiscriminate killing of wildlife by providing additional funds for research in predator control, including the development and use of more specific and painless predator poison, the development and use of nonpoisonous repellents which may be used to keep predators from livestock and the habit of predators and behavior techniques which may be used to control them.

We have directed the Secretary of the Interior to be more aggressive in protecting our endangered species by placing animals on the endangered species list when there is a reasonable amount of evidence to indicate they may be faced with extinction.

Lastly, as an individual member of this committee, let me say it is my profound hope that the Secretary of the Interior will give more attention to the construction of a trans-Canadian pipeline than he evidently has to date. While the environmental impact statement on the Alaskan pipeline was voluminous, I am not convinced we can equate bulk with depth of analysis. There are three lawsuits now pending to enjoin the construction of the trans-Alaskan pipeline. I would again urge the Secretary to use the time now available to him before any final legal decision on that pipeline is made, to meet again with Canadian authorities to see if and under what conditions a trans-Canadian pipeline could be constructed.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I want to commend the gentlewoman from Washington for the bill she has once again so successfully shepherded to the House floor. She is one of the most expert members of the appropriations committee and it is a pleasure to serve with her on that body.

An item of great importance to the New England delegation was not included in the administration's budget request and consequently did not find its way into the bill we are considering today. This is a $125,000 item for advance planning and land acquisition for a new Federal fish hatchery in Bethel, Vt.

I wholeheartedly support this item and I am pleased to have Mrs. HANSEN's assurance to the entire New England delegation that she will support it in conference should it be included in the Senate bill.

Inclusion of this money is vital to the success of the Atlantic Salmon Restoration program along the Connecticut river.

A combination of recent events has brought us closer to that goal:

We are finally making significant progress in cleaning up the water. Agreements have been reached with the owners of the dams on the main stem of the Connecticut to install the necessary fish ladders. Largely as a result of the tough action by the U.S. Congress, the Government of Denmark has agreed to phase out high seas fishing of the Atlantic salmon.

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Now, the limiting factor is the availability of smolts for stocking, in order to reestablish major runs of salmon. At the present time, all Federal fish hatcheries are operating at near capacity, and are unable to provide the needed salmon smolts for stocking the Connecticut River. State and Federal officials are in agreement that a new hatchery is needed. After thorough study, a site in Bethel, Vt. was selected.

The result of moving now on planning and land acquisition would be to speed up the whole restoration program. If we are able to move ahead on the hatchery, and no unexpected snags develop, it may be that by 1980 there will be significant runs of Atlantic salmon up the Connecticut River. Though it will be a few years later before the runs will be able to sustain any great amount of fishing, it is certainly important to start now to restore this great sport fish to New England waters.

I pledge my support in the effort and I again thank the gentlewoman from Washington for hers.

Thank you.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentlewoman from Washington.

Mrs. Hansen of Washington. Mr. Chairman, this request was received after our markup had been concluded. The committee certainly would have been happy to have recognized the request, which was signed, I believe, by each and every New England Member of the House. The committee will look on it with great favor if the other body puts it in the bill.

Mr. CONTE. Mr. Chairman, I thank the gentlewoman from Washington most kindly. We certainly appreciate the gentlewoman's cooperation. I hope if this becomes a reality some time the gentlewoman can find time in her busy schedule to be our guest up in that beautiful part of the world.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I thank my colleague, the gentlewoman from Washington, for yielding time to me even though I am not a member of the committee, so that I may cast some additional light on the pipeline issue which was brought to the floor of the House today by my colleague, the gentleman from Illinois.

There has been so much misinformation on the pipeline issue that for many days I did not feel it necessary to answer some of the charges and some of the misinformation. This is the most studied project of its kind in history. It has cost our Government $12.2 million to make this study. To really stun the Members with some of the facts behind this study, I will give a few examples.

The geological information we have obtained from 6,000 borings in the ground on the Alaska pipeline route now is printed in approximately 2 tons of printed material. It took two presses running 24 hours a day for a full week just to print the information on the pipeline.

There are 27 volumes to describe the project.

Nine summary volumes have been turned over to the court recently. They are the NEPA impact study, including six major volumes and three supplemental volumes which will take the court months and months to consider fully.

I repeat, this is the most studied project in the free world today. Already the pipeline project has been delayed for 2 years while these studies have been completed.

This country is in desperate need of oil. There is an energy crisis both in oil, and related natural gas. As of 1967, we became a deficit oil producing country.

We are facing a shortage on the west coast of almost a million barrels of oil a day, and a shortage of over 5 million barrels a day in this country. By 1985 there will be a shortage of approaching 15 million barrels of oil a day in this country.

I say the time to build the pipeline is now. Here is a pipeline 4 feet in diameter, that will go over a route which is already well studied and well researched, as compared to using a Canadian route that has not been studied.

I urge every Member to note that no proposal has ever been submitted for a Canadian route. Just in the past 6 months is Canada getting to the program. The Canadian route would delay the oil coming to this country for approximately 5 years, and the gas for as long, while we have to depend more and more on oil from the Mideast countries. Even then, Mideast oil is a high sulfur content oil, a real pollutant.

Alaskan oil contains less than 1 percent sulfur, compared to the Arabian oil with more than 2½-percent sulfur.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BEGICH. I yield to the gentleman from Washington.

Mr. PELLY. I should like to associate myself with the remarks of the gentleman and to commend him for his interest in the matter of the development of Alaska and providing for developing of the economy of the Pacific Northwest and particularly of providing oil that we need so badly on the west coast, where we have an oil deficit.

I should like to advise the gentleman that only this morning the Committee on Merchant Marine and Fisheries completed hearings on a bill which would provide legislation for construction specifications of tankers so as to protect not only the Canadian coast but also the ports of our own west coast against leakage or damage due to faulty construction of any tankers.

I thank my colleague for yielding.

Mr. BEGICH. I thank my colleague from Washington for those excellent words.

I think that this entire matter is, from time to time, oversimplified, and a reliance put on the assurances of Canada which is certainly unjustified. I wonder at the open support for a proposal which has not yet been studied. Are these Canadian route supporters so irretrievably committed that they would have to support this route even if proved after time-consuming study to be inferior.

If the Members will read the speech of Mr. Trudeau, Canadia's Prime Minister, on April 22, which I will include in the RECORD later today, they will see that he is talking about Canadian labor going to work, talking about developing northern Canada at our expense. That would be a natural position for Mr. Trudeau to take, because he represents his country, Canada.

I represent my State, and this country, the United States, where we cannot afford to have another $2 billion drain into Canada. We must put our own people to work, address our own energy crisis, and avoid dependency on the other nations.

There is a great deal more to say, but with the limitation of time, only a brief response to the gentleman from Illinois is possible. What I urge is that the Members see this issue in perspective, and as one requiring a balance of many issues. Energy needs, environment, States rights, international relationships, and a host of other crucial considerations must be made. I believe these factors, considered at great length under law this Congress made in the National Environmental Policy Act, support the conclusion reached by the Department of Interior to grant the Trans-Alaska pipeline permit.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BEGICH. Thank you. If I may add one final note. I would ask the Members to examine closely the nature of the Canadian proposal. First, it has never really been made, only suggested, and for this reason it has not and cannot be studied and evaluated.

Even now, in the 11th hour of decision on the Alaska route there is no concrete proposal; only vague assurances of expediting a Canadian pipeline. I question both the ability of Canada to deliver on this assurance, and I question what is intended by expediting this route.

This Congress has wrestled with the problem of the Native land claims of Alaska for 6 years. We finally resolved that problem here just about 4 or 5 months ago in a manner which was fair and just. It had to be done prior to a pipeline.

The Canadians are just beginning to solve their Native land claims problem. I believe Canada cannot and should not build 1 inch of pipeline until they solve their own Native land claims problems. Still, they promise to "expedite" the line.

Canadian officials also assure us that they will expedite the environmental considerations, yet they have not yet heard from Canadian environmentalists. I expect that serious issues will be raised. Even when they are raised, Canada has no law equivalent to NEPA so it is difficult to see where the environmental virtue will arise.

My question is whether the promise to "expedite" is no more than a promise to roll over the rights of Canadian Natives, and to ignore serious environmental issues. Our Government, and most of us here today, have refused to do these things prior to approving a trans-Alaska route. Surely, you should not lend your support to a nonexistent, nonconcrete proposal which may not be worthy of it.

I thank the gentlewoman from Washington for yielding me this time, and I attach the speech by Mr. Trudeau which I mentioned earlier.

NOTES FOR REMARKS BY THE PRIME MINISTER TO A PUBLIC MEETING, EDMONTON, ALBERTA, APRIL 28, 1972

As I flew into Edmonton, I was struck once again by the speed and the extent of the changes which have been made here. I have the impression that one need only blink his eyes in Edmonton and in that instant there springs up at least one new major building or factory plus a whole residential subdivision.

And as I sat entranced by the variety and talent of tonight's performers, I felt pride in those qualities of Canada that never change: the human traits of diversity and tolerance which are so distinctive.

Edmonton is a remarkable example of both change and constancy. Technological progress is evident everywhere in and around the city. Yet equally evident is the variety of cultural inheritance.

I have never doubted the wisdom of the multicultural policy introduced by the federal government last fall but I became increasingly proud of it when I am given the opportunity, as tonight, to share in the rich diversity which is Canada. The ability of Canadians to work together and to profit from their distinctions is as old as Canada itself, and far older than our formal political history. When the country's first transcontinental business enterprise was established more than two centuries ago, it was totally dependent upon the cooperative mix of skills and talents of persons of widely differing backgrounds. That enterprise that was then present.

In this age of the computer, the heart sings to realize that the language of Robert Service and the imagination of Hendsy and Thompson and Mackenzie still live here. It is sheer delight to encounter in this province such names as Golden Spike, Beaver Hill, Paddle River, Ghost Pine, and Little Smokey, and to realize that each of these places is a modern production center employing sophisticated equipment for the creation of raw energy.

"North" has a special meaning to Edmontonians; it is a relative concept. In the three or so decades that Canadian aviators have flown from this city, "north" has not been so much a direction as it has a challenge and an opportunity. Long before the era of roads, railways and pipelines in the north, bush pilots flying from Edmonton created a new transportation era. In 1929, when flying was still regarded in most places as a hazardous and undependable phenomenon of no long-term consequence, an Edmonton flyer, Punch Dickins, flew from Edmonton to Aklavik and return. In 1937 Grant McConachie, the late president of Canadian Pacific Arlines, began a charter airline service from here to Whitehorse. These men and their many flying comrades are best described as voyageurs of the air; employing wings rather than canoes.

The spaciousness and unpopulated wilderness which forms the bulk of Canada gives to this country a dimension unlike that of any other. It has moulded our character, our soul. There is hardly a major city in this country—and certainly not this city—which is more than an hour's drive distant from terrain virtually in the same state as first seen by the earliest explorers. This is partly so because the quest of Canadians has never been to dominate this vast land. Canada is too big, too wild, too beautiful even to consider it. Our challenge has been to live in harmony with our environment.

It is this challenge, the desire of Canadians to preserve their environment and to enhance the quality of life of their fellows, that now poses problems of equal magnitude to those of development. There is not the slightest doubt that we will soon be able to overcome all of the physical difficulties associated with the construction of all-weather highways and transmission lines for oil and natural gas from the Arctic slope to the centers of population of this continent. Before we build them, however, we must be equally certain that these facilities will not lead to ecological devastation or disregard for the life-style and the treaty claims of the original inhabitants of the north. The government's commitment is to balanced and controlled development.

Edmontonians will not be surprised that the first all-purpose northern transportation corridor will follow the Mackenzie Valley. Residents of this city have long been associated with that route both by water and by air. Much of the cargo that moves by barge each summer down the Mackenzie has either originated in Edmonton or passed through this city. The great bulk of northern air movements to such destinations as Yellowknife, Fort Simpson, Norman Wells, Arctic Red River, and Inuvik come from the airports of this city. And so, too, will much of the economic benefit of a Mackenzie River corridor find its way back into this province.

When I revealed recently that the total cost of a corridor served by pipelines and a highway would likely be in the neighbourhood of 10 billion dollars, questions were asked about the wisdom of such a project, about its feasibility, about the need. It was suggested that talk on that scale was visionary and impractical.

I was asked if the federal government would be prepared to invest large sums in the north as its share in this development. My reply was that the government is not about to begin investing. It has invested, and heavily, in both the Yukon and the Northwest Territories. And it will continue to do so.

In the past 5 years the government has spent more than 55 million dollars on the extension and improvement of communications facilities and services; more than 260 million dollars in the provision of transportation system components such as airfields, tugs and barges, and highways; more than 230 million in the provision of education, health care and housing; 18 million in the study of techniques to develop the north with minimum injury to the environment. Some of this work and these studies have been done in cooperation with private enterprise, some have been done by the federal government alone.

The government, on behalf of Canadians, is also in the oil business. It has committed 34 millions in Panarctic, for a 45% controlling interest. It is that company that has made the recent dramatic oil strikes on Ellesmere Island.

The north has relied to this date primarily on air and water transportation links. Some roads exist, as in the case of the Dempster Highway in the Yukon, but much more has to be done in order to meet the desires of the Indian population and to ensure the rational impact of development. The obvious primary need is for an all-weather highway along the full length of the Mackenzie Valley.

This road has been a dream until now. Its length—some 1,050 miles north of 60 degrees, and its cost—between 70 and 100 million dollars, have appeared as overwhelming obstacles. The benefits to be gained are now so obvious, however, and the prospects so encouraging, that I am able to announce tonight that the government will begin building this highway this summer in 1972.

Work will commence simultaneously at both the southern and northern ends—at Inuvik and Fort Simpson—and proceed toward the middle. Survey work to fix the whole route will get underway shortly, and be finished before the end of this year. When completed, this highway will stretch from the Alberta border north to the Arctic Ocean at Tuktoyaktuk. It will bring to an end the isolation for much of the year of the communities along the river and will meet the expressed desires of many of the Indian people who live there. It will improve the economic opportunities for the residents of these communities and will place them in a better position to benefit from other activity and developments.

The route will be carefully selected so that it will be of use should oil or gas pipelines be built along the Mackenzie Valley. It will be built ahead of any pipelines and will therefore offer considerable cost savings to them during the construction period. For this reason, the government intends to recover some of the highway construction costs from the pipeline companies.

Well within this decade, Edmontonians, who have long regarded this city as the southern terminal of the Alaska Highway, will be able to drive on an all-weather, all-Canadian highway from here to the Arctic Ocean, and to choose from two different routes.

The economic benefits of these transportation links can as yet only be imagined. That they will be immense, no one doubts. The roads will also assist Canadians to visit the majestic new national parks created earlier this year for the preservation of huge areas of northern splendour.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, the appropriations bill for the Department of the Interior and its related agencies takes on increasing importance with each passing year.

The protection of environmental values is rapidly gaining its due attention and the programs funded by this legislation are the most important we have to insure the protection of our natural assets.

The Interior Subcommittee of the House Appropriations Committee has developed a strong bill that accurately reflects our national needs and commitments as well as the necessity for realistic fiscal policies at a time when the economy is beginning to gather strength and momentum.

The distinguished gentlewoman from Washington (Mrs. HANSEN) is to be congratulated for her effective and intelligent leadership of the subcommittee. I deeply appreciate her sympathetic understanding and appreciation of the issues and requests I have discussed with her. She has once again demonstrated her fair and impartial responsiveness to requests that are vital to forest enhancement and timber productivity programs.

The bipartisan, knowledgeable approach the subcommittee takes to its work is enhanced by the distinguished gentleman from Pennsylvania (Mr. McDADE) and the distinguished gentleman from Oregon (Mr. WYATT). Their contributions can be seen in the bill we are considering today.

It is helpful for those of us who rep-

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resent major forestlands to have the gentlewoman from Washington and the gentleman from Oregon on the subcommittee. They represent forested areas and their expertise is great.

In addition, I am always pleased with the understanding the gentleman from Pennsylvania consistently demonstrates for problems that are essentially Western in nature such as the need for additional redwood research. This understanding clearly shows the gentleman's national outlook toward conservation and reforestation programs.

There are three specific line items in this bill which will provide the funding for projects I have been advancing for some time. The committee has agreed with their importance by providing the necessary money in the bill.

The first of these is $1.225 million for land acquisition at the King Range National Conservation Area in California. This money is needed primarily to assist to fund the differences in the values of land exchanges between the Federal Government and private land owners as we move toward consolidation of this land management unit that is now in public and private "checkerboard" ownership.

The King Range Area will be created primarily by means of land exchanges in order to minimize any erosion of the Mendocino County tax base and to maximize the benefits they obtain from each tax dollar.

When completed the King Range Conservation Area will be the third in a chain of four major public recreation areas along the north coast of California from San Francisco to the Oregon border.

These four nationally designated areas: King Range; the Redwood National Park; Point Reyes National Seashore, and the Golden Gate National Recreation Area; are the leading attractions in what is America's outstanding centers for outdoor, ecologically oriented activities. In addition we have authorized expansion of the John Muir Woods National Monument.

The four major areas are complemented by vast national forest lands, unmatchable aesthetic and recreational attractions, large State parks, pristine sandy and rocky beaches, camping grounds, centers of native American culture, and, of course, the Redwoods.

Work is proceeding on King Range and I am pleased the committee has recommended the full budget request which I sought.

In listing our Redwood Region attractions, it should be obvious that they are based upon forests and, in particular, Redwood forests.

Redwoods provide our area with its great scenic beauty, the raw materials for our forest products industry—which is the backbone of our economy—and the habitat for fish and wildlife and man in his leisure hours.

In order to continue and expand the research effort on the Redwoods, as a species, it is vital that modern science facilities be available and the committee therefore approved $800,000 for the construction of a Redwood research laboratory at California State University, Humboldt in Arcata. The laboratory headquarters will be located in the heart of the greatest Redwood producing area of the world.

Humboldt University has just recently been promoted to university status and the construction of this new facility is an appropriate and fitting recognition of Humboldt's new role.

More importantly, it is generally recognized Humboldt University is one of the leading schools of natural resources in the entire Nation. The school has leading programs in oceanography, wildlife management, forestry, and other related fields.

The Redwood Research Laboratory will improve the university's academic programs at the same time it contributes to increased understanding of our Redwood forests and their proper management.

I was delighted to note the committee's action in earmarking an additional $550,000 for expansion of the services provided by the California Rural Indian Health Board. While the amount is not all that we requested it is certainly understandable that not every program can have every dollar it would like, particularly in this year of great budget pressures.

CRIHB has provided a growing standard of medical and dental services to Indians throughout the State. Its successes are attested to by the rapid growth it has experienced and the strong support it is receiving from communities in California. That the committee has specifically recognized CRIHB with a budget increase and mention in the committee report is further testimony to the accomplishments of the organization.

I strongly support CRIHB's efforts because it is very much in the mold of a self-help organization run by Indians for Indians. Indian health needs were long ignored and CRIHB faces a virtually endless task in meeting an important need. I can assure this body today that I intend to continue to work in the Congress for adequate assistance to this organization.

I was disturbed to note in the committee report an apparent reduction of $15 million in funds for forest fire fighting programs.

However, I have checked this out with members of the subcommittee who have assured me that the seeming reduction represents only a budget processing change and not a reduction in our forest fire fighting capability.

There are a great number of additional items in the bill which I support. These include: funding for the Alaska Native fund pursuant to the Alaska Native Claims Act which has been enacted by Congress; land acquisition of a number of park and recreation areas through the land and water conservation fund and necessary development funds for these areas; $82 million for the economic and political development of territories under U.S. jurisdiction; natural resource investigations by the Geological Survey; an increase over the budget request for the preservation of historic properties in general and, particularly, the $1.8 million for archeological investigations and salvage for sites threatened with destruction; and, finally, continued work by the Office of Saline Water to explore municipal, industrial, and agricultural uses for sea water.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, here we go again, and I am glad to note the distinguished chairman of the Appropriations Committee (Mr. MAHON) on the floor. At a time when we ought to be doing something about the desperate financial straits of this country—here we go again with a $2,744,468,200 bill, which is $97,525,165 above the spending for the same general purposes last year.

I hope that someone someday gives us a clue as to when we will get a bill before the House of Representatives that carries a substantial cut in spending instead of the steady increases.

There is no way in the world that this country can be bailed out of the financial situation it is in when bill after bill is approved with millions upon millions above the spending level for the previous year. This is unconscionable.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I trust that the gentleman has read page 2 where there is reflected the revenues generated by the bill.

If I may point out, that revenue is a sizable amount of money, and I may say that you do not get some of this revenue in without expenditures.

Mr. GROSS. Well, we hear the story about all the revenue that is coming in through this bill. However, I happen to be on the Post Office and Civil Service Committee and Congress will appropriate more billions to the new Postal Corporation which collects billions in revenue.

The fact remains that we are going deeper in the hole of debt all the time, revenue or no revenue.

Mr. Chairman, the Smithsonian Institution continues to make its contribution to the cause of spending. As it did last year, it is doing its best to get rid of counterpart funds by authorizing all sorts of research projects, which is another way of saying junkets whereby professors and others undertake studies around the world such as the following:

The social history of urban planning and urbanization in Morocco.

A metric and morphological study of the evolution of the chin in Polish skeletal populations between 2000 B.C. and 1800 A.D.

I wonder if my personal physician, the distinguished gentleman from Missouri, Dr. HALL, could define for the House the meaning of the "metric and morphological study of the evolution of the chin in Polish skeletal populations"?

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I just believe that I can answer the question of my friend and sometimes patient—the gentleman in the well. A morphological study of any chin involves recession of same or prognathism, the latter is a nice word in medical circles for sticking your chin out. Surely my friend is familiar with this phenomenon, usually associated with determination, dynamism or pugnacity.

We, cultural and social investigative researchers need to know especially between the year 2000 B.C. and A.D. 1800, exactly how many Poles stuck their chins out and what they evolved into.

I repeat our friend well knows from observation and sheer experience those who have had their chins out on many occasions, but what he does not know is the prognathic function of the subcerebral exercise and the growth factor of the pineal gland and/or the hypophyseal gland—pituitary—of the brain.

Mr. GROSS. I am glad to know that it is not a receding chin or double chin but it is a jutting chin.

Speaking of Poland, you will recall that the Department of Transportation is giving extensive psychological tests to Polish truckdrivers. This means that it is a big year in Poland.

Then, there is the "Cultural, economic and social impact of rural road construction in Yugoslavia."

There is a study of "the changing structure of the family in Serbia."

You will recall that the Smithsonian expended $15,000 to study the relations of fishing boat crew members and how they relate to conflict groups in a peasant fishing town in Yugoslavia.

It is also getting to be a better year in Yugoslavia, is it not?

Moving on, we find American researchers crawling all over the map of India studying such things as the "ecology and behavior of Hoolock Gibbons," also "ecological and behavioral studies of rhesus monkeys."

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Could I have 2 minutes, may I ask the gentleman from Pennsylvania?

Mr. McDADE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Chairman, I thank the gentleman for his kindness.

And there is a study of the "comparative bioenergetics of the house sparrow."

I will wager that is a good one.

Last year, you will remember, the Smithsonian Institution spent the equivalent of $25,000 to study the "biological rhythms of the catfish in India." This year they have one called "systematic and behavioral studies of flatfishes." So we have progressed from catfish to flatfish.

Mr. Chairman, I truly regret that at this moment our late colleague and my good friend, the gentleman from Alabama (Mr. ANDREWS) is not here to tell us the difference between a flatfish and an Alabama catfish.

While this is going on, someone else is studying the "ecology and behavior of the one-horned rhinoceros in India."

Finally, someone from the University of Idaho is making a "survey of the remaining Indian tiger population." I hope the "remaining tigers" did not make a meal out of this individual, whoever he is.

There are others such as the "ecology and behavior of gazelles in Israel." That is continued from last year as is the "geographical and ecological study of the mammals of Morocco."

They are also still studying the wild boar in Pakistan and they are starting studies on the ecology of Tunisian sponge communities.

Finally, back in Yugoslavia again, there is a study of the "population dynamics of certain ducks."

I will leave the rest of the list for Members of the House, who vote for this spending, to mull over and admire their handiwork.

Mrs. HANSEN of Washington. In the meantime I yield 1 minute to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of this legislation and also for the purpose of commending the gentlewoman from Washington, the dean of our delegation, for her very fine work with regard to this legislation, and with regard to all the legislation that has come from her committee. Also, for the purpose of asking her a question.

Madam Chairman, you know both the gentleman from Minnesota (Mr. FRASER) and I have been very interested in the urban Indian centers.

I would like to know if it is true that the new urban Indian centers under the bill will serve Indians who have come to the cities on their own as well as those who have been relocated by the Bureau of Indian Affairs?

Mrs. HANSEN of Washington. Yes, that is the intention. Those Indians relocated by the Bureau of Indian Affairs are under the Bureau's jurisdiction and are provided services. They do have programs for housing, and so forth.

This provision in the bill is intended to assist those Indians who are in some of the worst ghettos in this land and to help them in a referral program as to the sources of services that are available. These services are available to all Americans.

Mr. MEEDS. Mr. Chairman, I thank the gentlewoman and I would again commend her not only for this section of the bill, but as to the entire bill.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, I think the subcommittee with the very able leadership by the gentlewoman from Washington and the gentleman from Pennsylvania has come up with an excellent bill.

I would like to direct my few remarks today to the renewable resources forestry provisions in the bill. This resource is a people-related resource in the truest sense of the word.

First, it is renewable year after year; and

Second, it does build houses and is used in the construction of things people use.

We have in the subcommittee this year added $3 million for purposes of reforestation to the administration's request of $18 million. This, in turn, was increased the year before from $12 million—in other words, by 50 percent—and this year again it is an appreciable increase.

Reforestation is something that environmentalists and people who are interested in all the purposes for which we manage the forests can all support enthusiastically.

We have 4½ million acres in national forest lands that today are capable of reforestation and that are not being reforested.

There is a total of nearly 70 million acres of land in the United States under all varieties of ownership that are capable of reforestation that are not being reforested.

This is a renewable resource. It is a crime that all this land is not being reforested at the present time. I would commend the committee for adding $4 million of additional funds allocated to the Forest Service from the land and water conservation use fund for purchasing land adjacent to the Snake River in Oregon and Idaho. There are priceless recreational lands which will be a real heritage for our children.

In addition, we have the $7.5 million added to the budget for the Falcon program, which is a new experimental program of environmentally advanced logging procedures—by helicopters, by balloons, and by other methods—which will do a minimum of damage to the environment.

We also have $1.5 million for the Forest Service's research laboratory. This is the third year in a row that money has been added for this facility at Corvallis, Oreg. Research is important to the forestry industry and to the process of reforestation, because until we conquer disease, until we conquer insects that devastate our forests, we are never really going to make total progress to make the best use of this renewable resource.

Again I commend the committee and thank them for the attention they have devoted to this particular portion of the bill.

Mrs. HANSEN of Washington. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I wish to thank the gentlewoman from Washington for this time.

As Members know, I have served notice that I intend to offer a motion to strike from this bill money for the Air Museum, but before I do so I want to discuss with the gentlewoman some of the language in the bill; so if I may have this opportunity to ask a few questions, I would appreciate it.

Mrs. HANSEN of Washington. I would be happy to answer them.

Mr. GIBBONS. I am directing my questions to the language on page 37, line 11, of the bill and page 36 and page 37 of the committee report, which deals with the Air Museum and, as I understand it, there are some preconditions that must be accomplished before construction of the museum can start.

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My first question is this: Is this to be a new and special study of traffic?

Mrs. HANSEN of Washington. It is to be a new and special study, taking in all the facets of the problem.

Mr. GIBBONS. I thank the gentlewoman.

Will construction on the museum start before a favorable report is made?

Mrs. HANSEN of Washington. No. It cannot start before a favorable report is made, a report which will cover the problem of traffic and the relationship of the traffic to construction.

Mr. GIBBONS. Will this new report consider the adequacy of offstreet parking in and around the museum?

Mrs. HANSEN of Washington. Not only should it consider the adequacy of parking facilities, but also the traffic flow in adjacent areas, particularly in the vicinity of the proposed metro station on the mall.

Mr. GIBBONS. I would assume the committee report means by the words "undue traffic congestion" a greater traffic congestion than we now have in that area.

Mrs. HANSEN of Washington. That is correct. The question of added traffic caused by the construction of any facility is an implied part of good planning and good organization before the final letting of any contracts.

Mr. GIBBONS. With that assurance of the gentlewoman from Washington, I shall not offer my amendment. I thank the gentlewoman very much.

Mrs. HANSEN of Washington. I thank the gentleman from Florida.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, as Members will realize, each time an appropriation bill has come up I have tried to keep them aware of the relationship of the appropriation measures to the budget request and the expected revenue of the Federal Government.

We do not seem to pay too much attention these days to where the money is coming from when we appropriate money, and in making that comment I am certainly not directing any criticism at this Appropriations Subcommittee, because in my view it has done its work very diligently. This bill is almost precisely in line with the budget request, representing just $9 million in excess. But unfortunately the budget is $25 billion out of balance with expected revenue, and I think it is well that as we go through the routine of appropriating money for the various Federal activities we keep firmly in mind where the money is coming from. I do this partly to focus the attention of Members on the need for better budget management on the part of this body.

On Thursday of this week, I am introducing with bipartisan support a resolution to amend the House rules. Under my proposal it would not be in order for the House to consider any appropriation bill until it has approved a resolution containing a comprehensive budget for the Federal Government for the ensuing fiscal year.

Mr. Chairman, if all appropriations for fiscal 1973 were held to a point 14 percent below the budget request, the result would be a balanced budget. I include the material I previously referred to at this point:

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION FOR FISCAL 1973

Budget request	$2, 520, 340, 000
Committee recommendation	2, 529, 558, 200
Committee added 0.3%	9, 218, 200
14% cut below budget request, necessary to bring appropriation to "balanced budget" level	352, 847, 600
Committee added 0.3%	9, 218, 200
"Red Ink" in bill 14.3%	362, 065, 800

Appropriation bill	Budget request	Balanced budget 14 percent cut	Amount approved by House	Red ink approved by House
Legislative	$433, 627, 004	$372, 919, 224	$427, 604, 764	$54, 685, 540
State, Justice, Commerce, Judiciary, Related Agencies	4, 687, 988, 600	4, 031, 670, 196	4, 587, 104, 350	555, 434, 154
HUD, Space, Science, Veterans, Independent Agencies	20, 173, 185, 000	17, 348, 939, 100	19, 718, 490, 000	2, 369, 550, 900
Transportation and Related Agencies	8, 426, 792, 000	7, 247, 041, 120	8, 316, 950, 000	1, 079, 908, 880
District of Columbia	343, 306, 000	295, 243, 160	332, 306, 000	37, 062, 840
Total				4, 076, 642, 314
Interior and Related Agencies	2, 520, 340, 000	2, 167, 492, 400	[1] 2, 529, 558, 200	[2] 362, 065, 800
Total				4, 448, 708, 114

[1] Recommended by committee.

[2] If committee recommendations approved.

Mr. Chairman, if we were appropriating money in line with expected revenues, this bill would have to be reduced by $362 million below its present level. That is another way of saying there is about $362 million of red ink in this appropriation bill.

This should be cause for all of us to think about where we are heading in our Federal budget management. This is the sixth appropriation bill that this body has considered so far. Up to now the appropriations have been well in line with the budget request. But when one considers the expected revenue as contrasted with the budget request, if this bill is passed without amendment, we will have spilled $4½ billion in red ink so far in providing for the fiscal 1973 budget.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I would like to point out to my friend, the gentleman from Illinois, that the $25 billion deficit is in essence modified by the substantial withholding, so that the foreseeable deficit will exceed, in fact, $30 billion conservatively, rather than the $25 billion to which the gentleman has alluded.

Mr. FINDLEY. Mr. Chairman, when this body later this week considers the appropriation bill for the Departments of Health, Education, and Welfare and Labor, I will offer the following amendment:

AMENDMENT TO BE OFFERED BY MR. FINDLEY

On page 40, after line 4, insert the following new section:

"SEC. 409. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extend that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 100 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215).

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to defend the Appropriations Committee to the extent of reminding this committee again that we have the lives and fortunes and well-being of the people of this Nation at stake. We might save $352 million in cash, but we may have more difficulties, illness, and problems. Very frankly, I do not hesitate to spend money to help the Indians and to avoid mine disasters. I would like to say that this appropriation is going into the constructive well-being of the American people. I have no apologies for offering a bill that is for people.

Yes, even under the foreign currency program, I find the Yale Laboratory, through this program, has discovered some virus problems and has answered that challenge.

The Yale Arborvirus Laboratory collaboration has demonstrated that, contrary to previous thought, migrating birds can transport infective viruses between continents. Some of these viruses, which can also cause fevers in man, are very serious health problems in temperate zones. Such fevers as West Nile, Kemerovo, and Sindbis have been identified in migrating birds captured by Smithsonian field teams in Egypt.

In closing, I would remind the distinguished gentleman from Illinois, there is revenue generated by this bill, and that revenue goes into the Treasury of the United States.

No, Mr. Chairman, I have no apologies for a bill that meets the health and welfare needs of the people of this great Nation.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, 1903 might best be described as the "Wright Turn of the Century." It was Orville Wright who launched us into the age of powered flight. Simple aviation evolved into specialized aeronautics and ultimately astronautics.

On October 4, 1957, the U.S.S.R. successfully orbited a manmade satellite, Sputnik I. America's Explorer I followed a year later, and the race into space began.

Sixty-six years after Orville Wright had lifted off the sands of Kitty Hawk, another pilot, Neil Armstrong, descended from a strange craft onto the soil of the lunar surface. Man was on the moon.

The promise of yesterday became the dramatic, unforgettable fact of today. Man had successfully probed beyond the constrictions of his own planet, and in the greatest of adventures reached out into space and found a sure foothold. It is this foothold and achievements I am asking my colleagues to preserve by supporting the work of this fine committee in providing funds for the construction of a separate Museum of Air and Space.

It is absolutely essential that the American public shall have a center for the portrayal of their Nation's history of outstanding accomplishments in flight and space; and what better location is there than here at the seat of their Government where so many visit and can see for themselves the marvelous visions and feats that have kept America in a position of leadership in the world. For there is probably no other part of America's history that has so marked the development of the unique genius of our people than our progress in the field of technology as applied to flight. Our explorations and pioneering efforts in aviation and space, as they will be displayed and explained at the new museum, represent the sum and total of the qualities which have brought America to its position of greatness in the world.

Surely our Nation, which holds the world's leadership in the field of aviation and space achievements, should have a place to present its accomplishments. But until the new museum is constructed, for which funds are sought in the budget before you, the United States will not even have a permanent home for its national collections. The national exhibits of the Smithsonian Institution are now displayed in a small tin hangar which is left over from World War I and in some borrowed space temporarily assigned for this purpose in the 90-year-old Arts and Industries Building.

In closing, Mr. Chairman, I wish to emphasize that the present air and space exhibits have been among the most popular attractions on the Smithsonian Mall. For the last 5 years or so, 3½ to 4½ million persons have visited the aerospace displays annually, nearly one-third of the Smithsonian's yearly visitors. In fact, public interest in aerospace history is so great that in 1968, 8 percent of all visitors to the Smithsonian Museums were found to have seen the air and space exhibits.

It would be an outrage to this enormous public interest and to our Nation's great role in aviation and space history if Congress should delay any further in providing the funds necessary for erecting this national museum at a place of honor on the Mall, which Congress assigned to it 14 years ago. President Nixon has totally endorsed the proposal for the opening of the new National Air and Space Museum by July of 1976 as a major element of the Smithsonian Institution's partnership in the observance of the American Bicentennial. I ask that we in Congress agree with the excellent joining of these two events by appropriating now the funds which will put this project on schedule and allow its deadline to be met.

Mr. HAMMERSCHMIDT. Mr. Chairman, earlier this year the Congress took a historic step toward preserving one of our Nation's great natural resources. In enacting legislation to establish the Buffalo River in Arkansas as a national river, the Congress has insured that this beautiful river will be maintained in its natural free-flowing state for the enjoyment of present and future generations of Americans.

Since the Buffalo River flows almost entirely within my congressional district, and having sponsored the national river legislation in the 90th and subsequent Congresses, this action was particularly gratifying to me.

The legislation being considered by the House today contains a provision which constitutes another step toward the realization of this significant conservation goal. Included in the fiscal 1973 appropriations for the Department of Interior are $4,812,000 for land acquisition by the National Park Service within the boundaries of the Buffalo National River.

The Buffalo National River legislation—now Public Law 92-237—set up a federally owned and supervised area along 132 miles of the river, comprised of 95,730 acres of land and water, to be administered by the Secretary of Interior as a unit of the national parks system. The land to be acquired is identified as to ownership as Federal Government 950 acres, State of Arkansas 3,950 acres, and more than 90,000 acres are privately owned.

About 10 percent of the area could continue in private ownership subject to certain easements. There is also a large zone, comprising some 78,000 acres, that would be acquired with options to bona fide tenants of life occupancy or 25 years. Finally, some 9,000 acres within the national river boundaries are to be acquired and developed rather rapidly for public use and access.

Public Law 92-237 authorized up to $16,115,000 for land acquisition. I am greatly pleased that the House Appropriations Committee has included $4,812,000 in the fiscal 1973 Department of Interior appropriations bill for such land acquisition in the Buffalo National River. I commend the committee for thus carrying out the intent of Public Law 92-237 and trust that its action will receive the approval of my colleagues in the House.

Mr. KASTENMEIER. Mr. Chairman, I would like to take just a moment to express my appreciation to the very capable chairman of the House Interior Appropriations Subcommittee—Congresswoman JULIA BUTLER HANSEN—and her subcommittee members for their diligence and efforts in reporting a very excellent fiscal year 1973 appropriations bill for the Department of Interior and related agencies.

I am expecially grateful for that funding which relates directly to the part of the Nation which I am privileged to represent. The subcommittee included $963,000 to consummate a land exchange between U.S. Forest Products Laboratory in Madison and the University of Wisconsin. This land exchange will facilitate development of a University of Wisconsin medical training and research center that will eventually lead to improved health care for citizens across this land. The bill also includes an additional $100,000 for the Forest Products Research Laboratory to develop new techniques and knowledge necessary to utilize the waste residues from present forest and lumber industry operations. Another $83,000 has been provided to initiate work on an observation and educational facility at the Horicon National Wildlife Refuge in my district, and funding for the Water Resources Centers operating in the various States has been increased.

Yet these very worthwhile projects which I have mentioned are only a small part of this very worthwhile bill—a bill that expresses this country's faith in its ability to protect, restore, and enhance man's surroundings. Projects funded by this appropriations bill stand in marked contrast to some appropriations bills where man's baser instincts are translated into projects of death and destruction. When we can begin to spend $80 billion-plus a year on projects to improve our world, and only $2.5 billion on war-making programs, then we will be in a better position to advance civilization once again.

Mr. MIKVA. Mr. Chairman, I would like to commend the Committee on Appropriations and, in particular, my distinguished colleague from Washington (Mrs. HANSEN) for their work on the Interior Department appropriations bill. Besides representing a great deal of knowledge and plain hard work, the bill reflects a deep concern for the natural resources of the country. It is a concern that not everyone shares—despite the conventional rhetoric these days about being committed to saving the environment.

I testified before Mrs. HANSEN's Appropriations Subcommittee in April and once again found them most informed on an issue that concerns me a great deal—saving and developing the Indiana Dunes National Lakeshore as a national park. The Park Department has a 5-year program for the development of the Dunes Park which calls for spending $2.5 million for development in the next fiscal year. The money would be used for picnic areas, roads and trails throughout the 6,000-acre park. It would mean that more people would be able to enjoy the park and its miles and miles of lakeshore, dunes and forests. Unfortunately, the administration did not appreciate the need to develop the park, and it requested less than half of the money the Park Service needed.

This is tragic. Congress approved the park in 1966 at the urging of then Senator Paul Douglas, but little has been done to develop it. The administration would

only delay that development more. Mrs. HANSEN's subcommittee was asked to consider restoring the full amount of development.

Given the size of the Department's total budget, it was not a large request. The subcommittee listened to the reasons for not reducing the funds, and they agreed that the development of the Indiana Dunes National Lakeshore could not wait any longer.

The subcommittee has my gratitude and the gratitude of the millions of families in the Chicago-Gary area who will be able to use this national park. The administration has talked about a program of "parks for the people," but Congress is doing something about it.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 15418 and I am very happy to see that the committee has included funds for the wildlife habitat management area project in the Clark and Mark Twain National Forests. The final objective of this project is to improve both timber and wildlife resources on national forests lands located in Missouri. It is a project in which I have long been interested.

The Clark and Mark Twain National Forests of Missouri are of vital importance to our Nation for the production of wood, water, forage, wildlife, and recreation. Our current programs seem out of balance to meet public needs for the environmental 1970's and we are receiving criticism from all sides. With the possibility of a shorter workweek, we will have many more citizens not only Missourians but from several other States, who will wish to use this land for recreation. We cannot wait until the crisis arrives to make our preparation. We must do it now—the most feasible time. I would like to point out that a public study made by environmental experts from the Department of the Interior listed the Missouri Ozarks as one of the six best areas ecologically in which to live in the United States. Needless to remind you that publicity and facts such as this will increase the population and traffic in Missouri.

Since 1970, the U.S. Forest Service and the Missouri Department of Conservation have been engaged in a joint study of wildlife habitat and management on the Clark and Mark Twain National Forests. At the same time, great consideration was given to the best way of utilizing the forest lands to serve the interest of the general public.

Tourism in Missouri has increased rapidly in recent years and in some areas it is the leading business. Our State parks are unable to adequately accommodate the summer vacationers, and it has become necessary to place a limit on the number of campers allowed overnight. Proper utilization of the Clark and Mark Twain National Forests area would help to alleviate some of the congestion at other recreational areas and would result in better use of the whole area.

The need for further development of the Clark and Mark Twain National Forests is indeed clear to me, and likewise on the part of the many agencies who have spent much time in survey and development of plans which seem to be in the best interest of our Nation.

The development of this program represents a high degree of cooperation between many agencies and government—the State government through its legislature and the department of conservation, and the public through the National Wildlife Federation, the Missouri Conservation Federation, the American Forestry Association, and the Wildlife Management Institute.

The plan envisaged is a culmination of this extensive study by the most qualified agencies. I have the utmost confidence in these agencies and being somewhat familiar with the area myself, I endorse the plan with a high degree of certainty that it will be successful.

It is impossible to give the exact number of people living in and around the area, however, the Greater St. Louis area alone has over 1½ million population, and is approximately 75 miles from the national forest land involved. It would definitely serve a large population and being only a few miles off Interstate 44, would be highly accessible to tourists traveling across the country.

I am firmly convinced that the use of this much needed recreation area by our citizens will more than justify the proposed expenditures. Not only will the proposed program provide needed recreational areas, but it will at the same time allow us to preserve a national forest of beauty, provide a wildlife habitat, and further enhance our environment.

Mr. HANSEN of Idaho. Mr. Chairman, it is with deep distress that I note the $600,000 reduction below the amount requested for the National Endowment for the Arts. I am gratified that it is a modest cut, and mention it only because the field is so deserving and the Endowment's programs so successful, particularly in reaching out across the country and in encouraging the Nation's creative talents. The Endowment has also proven, time and again, that Federal moneys in this area do indeed stimulate increased support from private as well as other governmental sources. I would hope that in the future, the Congress will wish to continue and increase its fine bipartisan support for the Endowment's programs, particularly as we look forward to the Nation's bicentennial.

The Endowment is accomplishing a great deal in so many areas of the Nation's cultural life. As just one example: people all over the world cried out over the damage done to the "Pieta." Yet every day in this country our national heritage, in museums large and small, is threatened by humidity, pollution, inadequate security or storage facilities. Responsive to this national problem, the endowment this year introduced a pilot effort in museum conservation and renovation, an effort endorsed by President Nixon on May 4. I wish to add my voice to the many which speak to the value of the Endowment's programs, and submit for the RECORD the President's recent statement:

THE WHITE HOUSE,
Washington, D.C., May 4, 1972.

The National Council on the Arts has shown imaginative leadership and creative foresight in calling public attention to the critical problems confronting the priceless collections in our nation's museums. I am pleased to join with the Council in urging action by the private and public sectors to safeguard our museum collections. Only by such action can we preserve our treasures for generations to come.

This is an important function of the overall activity of the National Endowment for the Arts; and a major partnership effort between the public and private sector to preserve our cultural heritage should be a priority goal of our national bicentennial celebration.

RICHARD NIXON.

Mr. McKAY. Mr. Chairman, once again our colleague from Washington and her subcommittee have demonstrated their sensitivity to the problems of our Western United States, and, indeed, to many of the environmental problems of our country. Environmental protection has become a major national goal. It is, unfortunately, a subject which can generate, on the one hand, extravagant projects and exaggerate criticisms, and on the other hand, can demonstrate the selfishness of certain special interests. Under these circumstances, it is especially reassuring to see a subcommittee of the Congress deal in a reasonable and constructive way with finding solutions to environmental problems. I am referring, in particular, to the recognition by Mrs. HANSEN and her committee of the need for research into the many problems which threaten the ecological balance on much of our public lands.

In forest research, for example, Mrs. HANSEN's bill proposes $1,990,000 more than the President's budget for research into the restoration of strip mined areas and wildlife habitat, watershed and timber resource management, and efforts to improve the variety and vitality of shrubs to refoliate overgrazed rangeland. Her bill not only funds current research but also provides for constructing and updating facilities needed in the years ahead. These proposals represent the balanced and constructive approach we must have if we are to reconcile our commitment to environmental protection with our other vital interests.

The fact that these items had to be added to the budget indicates the insensitivity of the administration to these problems. It is noteworthy, also, that the needed additions could be made while Mrs. HANSEN and her committee were reducing substantially the total budget authority of the agencies under her scrutiny.

Mr. Chairman, I congratulate Mrs. HANSEN and her subcommittee on their capacity to perceive problems and to deal with them constructively.

Mr. DELLENBACK. Mr. Chairman, I rise to comment on a particular item included in the Department of the Interior and related agencies appropriation bill for fiscal 1973 before us today. The item I refer to is the appropriation for the National Foundation on the Arts and Humanities.

Since its inception in 1965, I have followed closely the activities of the National Foundation. Its work has been a landmark in America. Before the Foundation in our country was almost unique in the Western World for providing little or no financial help for her own cultural heritage or cultural innovations. The work of the Foundation—and its two principal working arms, the National Endowment for the Arts and the National Endowment for the Humanities—has enriched our cultural heritage and provided much needed aid to struggling theater and dance groups, painters and sculpturers, musicians and poets, writers and architects, and a host of other groups and individuals contributing to the growth of artistic excellence in our Nation.

In troubled times characterized too often by divisiveness and violence, we all need outlets for renewing our spirit. I believe the enrichment provided by the programs funded by the National Foundation has done much to inspire us and renew our commitment to strive for a better society.

Although the appropriation for the National Foundation is below the President's budget request, I was pleased to note that the appropriation for fiscal 1973 is a much needed increase over that provided for fiscal 1972. In the years to come I hope and feel confident that the National Foundation will be funded at levels allowing it to expand its valuable and worthwhile efforts.

I take this opportunity to express my appreciation for the truly great work completed to date by the National Foundation and to pledge my future support for the enriching experience they are giving to so many Americans.

Mr. MAYNE. Mr. Chairman, I rise in support of the increased funding for the National Foundation on the Arts and the Humanities, and for the twin endowments under that Foundation, as has been recommended by the House Appropriations Committee in the bill before the House. I strongly urge approval by the House of at least the level of appropriations recommended by the Committee for this very worthwhile program.

The pending bill as reported would provide $81,714,000 total new obligational funding for fiscal year 1973 for the National Foundation on the Arts and the Humanities. This is $20,428,000 more than the total appropriated for that agency in the current fiscal year.

I would have preferred appropriating for salaries and expenses of the Foundation the full $80 million authorization, or at least the $76,314,000 requested by the administration's budget—the committee's report does not state why it provided only $74,714,000 for salaries and expenses, $1.6 million less than the budget request—but shall not quarrel since the committee has provided funding so close to the total requested, and I shall not further delay House action on this important legislation by seeking an amendment to supply the difference in funds. Hopefully the Senate Appropriations Committee and the Senate will consider and adopt an amendment providing the greater total funding, and I advocate such action.

The relatively little opposition voiced on and off the House floor to the increased funding for the National Foundation on the Arts and the Humanities, and for its twin endowments, certainly attests well to the remarkably high confidence and trust which the Congress, the administration and the public deservedly place in the present administrators of the Foundation, most particularly Mr. Paul P. Berman, Director of Administration for the National Foundation; Miss Nancy Hanks, Chairman of the National Endowment for the Arts; and Dr. Ronald Berman, Chairman of the National Endowment for the Humanities. These fine leaders have by selfless dedication and tireless work brought the Foundation and the Endowments through trying times, and they have fulfilled the high expectations placed in them by President Nixon. When they have made mistakes, they have admitted them and have learned from them. Under their leadership, the Foundation's administration and programing have improved so that this agency could well serve as an example to other Federal agencies administering grants in other fields.

Despite the relatively little seed money provided, compared to other grant programs such as those of HUD and HEW, we have witnessed a remarkable expansion of programs on behalf of the arts and the humanities throughout the United States.

Few today can doubt the worth of these Federal grant programs and of the State, local, and private programs fostered by them and blossoming so well. The comparatively few Federal dollars disseminated in these programs have fostered a nationwide revival of interest in the arts and in the humanities which deserves continued encouragement. It is truly an idea whose time has come.

As a long time supporter of the arts and of the humanities, harking back to my earlier days as president of the Sioux City Symphony and as patron of the Sioux City Art Center, I am particularly pleased with the many fine accomplishments of the Iowa Arts Council under such capable leaders as its chairman, Mrs. Julie McDonald, and its executive director, Jack Olds. Its fine programs could not have been developed without the boost in assistance received from the Foundation, from $24,608 in fiscal year 1967 to $75,377 in fiscal year 1971 and $101,320 by April 1 of this fiscal year.

As much as $127,250 may be allocated by the National Endowment for the Arts to the Iowa Arts Council in this coming fiscal year, under the funding provided the Endowment under the pending bill. This would be distributed in the area of the arts on a matching fund basis, approximately $9,000 from State funds and the remainder provided locally.

The Iowa Arts Council plans to distribute $8,000 of the Federal allocation it receives to 10 Iowa community symphony orchestras in a program to help subsidize discount admission tickets to concerts for students through colleges. I am pleased that symphonies from Sioux City and from Fort Dodge, both in my enlarged congressional district, are among those planning to participate in this worthwhile program.

Also, $8,000 would be distributed to the Old Creamery Theater Co. of Garrison, Iowa, a professional quality troupe for Iowans which tours elementary and high schools, college campuses and community theaters—this would nearly double the current year's assistance provided this group.

Another $6,000 would be budgeted for a series of television programs to be organized in cooperation with the Iowa Educational Broadcasting Network, programs which will introduce events in the arts to viewers of educational television. Tentative plans are to include television of an art festival, of a performance by the Stradivari Quartet of the University of Iowa—a group many Washingtonians have enjoyed through concerts at the Corcoran Art Gallery, a symphony concert, and other events.

Other activities under the auspices of the Iowa Arts Council will range from ballet and music projects to art exhibitions, theatrical productions, seminars and workshops in all art fields. Musical groups which will tour Iowa under the council's sponsorship in the coming fiscal year are the Morningside College Trio from Sioux City, the University of Iowa Brass Quintet, the University of Northern Iowa Music Theater, the Iowa State University Cardinal Keynotes, and the Stradivari String Quartet. Visual art programs tentatively will include artist demonstrations and workshops at Sioux City; a summer arts workshop at Harlan; adult pottery classes and art classes for children at Garrison; a Drake University distinguished artists series; an artist-in-residence program at Davenport; and a film festival in Marshalltown.

Provided the funds which this bill should make possible, the Iowa State Arts Council also tentatively plans tours of writers and poets to Iowa communities, campuses and schools; and Iowa Dance Council workshop; a program in dramatics at Eldora Community Theater; and an artist-choreographer in residence with the Des Moines Civic Ballet. Even with the funding provided by this bill, however, the demand throughout Iowa for programs to meet the growing thirst for such activities in the arts required the council to be highly selective, approving for tentative funding during this coming year only 64 programs of some 134 proposals submitted.

Iowans may well be proud of the Iowa State Arts Council, of its outstanding Executive Director Jack E. Olds and of the many citizen volunteers who have contributed their time and talents to the success of this growing effort on behalf of the arts. I am especially pleased that this success and the interest of increasing numbers of Iowans in these programs has now encouraged similar efforts in the humanities.

The National Endowment for the Humanities has from its beginning recognized that Iowa's university and college campuses, and so forth have leaders in the humanities who need take a back seat to no one. Our State has been well represented in direct grants for Humanist Fellowships awarded to our scholars.

Until very recently Iowa did not have a State planning agency for the humanities such as the Iowa State Arts Council for the Arts. Last fall, the National Endowment for the Humanities allocated $10,000 to the Iowa Committee for Public Programs in the Humanities, ably chaired by Dean Robert F. Ray of the

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State University of Iowa, for development of a State-wide program of informal adult education in the humanities. I am pleased that this committee included my good friend and well known patroness of the arts and the humanities Mrs. Robert Gleeson of Sioux City, and that the distinguished chairman of the division of humanities at Morningside College, Dr. Raymond S. Nelson has now been appointed to the enlarged Board. Encouraged by the excellent example of the Iowa State Arts Council, the Ray Committee has produced a fine State plan for Iowa programs in the humanities under the theme "Awareness of Human Needs on the Eve of American Century III." On May 30, 1972, the National Endowment for the Humanities approved this State plan and allocated $157,290 to the Iowa Board for Public Programs in the Humanities for its implementation. With the additional funding which the Iowa Board should receive under the increased appropriations provided to the National Endowment for the Humanities under the pending bill, we should soon witness a burgeoning of the humanities throughout Iowa paralleling the earlier remarkable expansion of the arts, well worth the relatively small investment of Federal funds.

I congratulate and commend the House Committee on Appropriations and most particularly the Subcommittee on the Interior Department and related agencies for their wisdom in recommending this increased funding for the National Foundation and the two endowments, and strongly urge speedy enactment of at least this level of funding by my colleagues in this House and in the Senate.

Mr. FRASER. Mr. Chairman, I am pleased to note that the committee has given special attention this year to the needs of urban American Indians.

Until recently, many of us failed to realize that the Indians in large numbers were living in cities. An Indian, almost by definition, was a native American who lived on land held in trust for him by the Federal Government. Once he left the reservation, we assumed that he somehow ceased being an Indian.

But Indian people, like other Americans, have been caught up in the urban migration. At this time, over 200,000 Indians live in urban areas. Many are struggling to maintain their Indian identity in a hostile, unfamiliar environment.

The Indians' difficulties with urban life is not unique. Other minority groups are faced with similar socioeconomic problems. But one factor sets the Indians apart. Their current situation is due in part to a deliberate attempt by the Federal Government to induce them to leave their home reservations.

While many Indians have benefited considerably from the BIA's relocation efforts, the fact remains that this Federal policy has not achieved its intended result. Thousands of Indians have found themselves stranded in the cities without adequate job skills after their temporary relocation benefits have expired.

The Appropriations Committee's recommendation that $275,000 be allocated for urban Indian referral centers represents a new acknowledgment that the Federal Government, through the Bureau of Indian Affairs, has a special responsibility to aid all urban Indians, whether or not they are enrolled in a BIA relocation program.

The committee action is in line with a recent request by 59 House Members to Interior Secretary Rogers Morton that certain Interior Department restrictions on BIA aid to urban Indians be eliminated. The Bureau, itself, proposed that these restrictions be ended in a new study of its eligibility policies.

While the urban Indian funds contained in this year's appropriations bill will only cover five pilot projects, the committee recommendation does represent an important beginning nonetheless. Additional funds could be used to support new Indian self-help efforts in scores of U.S. cities from Cleveland to Los Angeles. In my district, Minneapolis, I know that our new Indian community center is anxious to participate in this congressionally authorized urban centers program when fiscal year 1973 funds are allocated.

Mr. McDADE. Mr. Chairman, I have no further requests for time.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes, $58,491,000, of which $6,000,000 shall remain available until expended.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very pleased that the committee has included the language of the Hechler amendment adopted last year, on lines 6 through 8 on page 16:

No part of the funds appropriated by this act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

Mr. Chairman, as indicated on page 18 of the committee report on the pending bill, for the inspection of dams constructed for water-silt impoundment of cleaning plant refuse material, $1 million is included.

I commend the committee for including this item, as a direct outgrowth of the Buffalo Creek disaster of February 26, 1972, but if we are going to do the job I believe it ought to be done thoroughly.

Based on information received from the Director of the Bureau of Mines this morning, I question whether $1 million will be sufficient to complete the critical task which confronts the Bureau of Mines in this area, particularly in view of the dangerous impoundments in West Virginia, Ohio, and other Appalachian States.

The $1 million will be used for contract studies of surface and underground mine waste disposal. An additional $1 million is badly needed to do the following things, from information supplied to me just this morning by the Director of the Bureau of Mines: $235,000 for geologic and hydrologic studies of the physical properties of mine waste material; $365,000 for education, training, technical support, and regulation of mine waste disposal; $100,000 for assessment and improvement of coal washing plant practices.

I should like to direct a question to any member of the committee who would care to comment as to the possibility that additional funds in the future might be obtained and supported by the committee for completing these very critical studies, which the committee has so wisely voted initial funds for.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I am sure the gentleman is aware that the committee has always supported funds for mine safety.

I am somewhat surprised that the Bureau of Mines has been in communication with the gentleman from West Virginia and has not seen fit to tell the committee which appropriates the funds what is needed. They had every opportunity to submit a budget amendment. They failed to do this. The committee added $1 million over the budget estimate. The report has been available since Thursday, June 8, 1972, and the Bureau of Mines has never said "Boo" to the committee.

I believe I can say it is the intent of the committee to provide the maximum safety inspection, and we will indeed support the other body in any action it may take in this connection.

Mr. HECHLER of West Virginia. I appreciate the comment which the chairman of the subcommittee has made. There was no intention by the Bureau of Mines to slight the Appropriations Committee. Since Buffalo Creek is in my own congressional district, I asked the Bureau of Mines a number of questions in an effort to ascertain what needs to be done to avoid a repetition of this disaster.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I just want to say to the gentleman from West Virginia, as he and I have already discussed informally, the committee added $1 million to try to alleviate this problem. We certainly want to work with the residents of West Virginia and with the gentleman from West Virginia in trying to do what we can.

We have no request pending. This $1 million figure was added by our subcommittee, to try to alleviate this problem which causes death and hardship and suffering.

Certainly, in consultation with the Bureau of Mines, the gentleman from West Virginia and others we will look at another request with as much sympathy as we can. Certainly we want no repetition of what happened at Buffalo Creek in West Virginia.

Mr. HECHLER of West Virginia. I appreciate the comments of the gentleman from Pennsylvania and the gentlewoman from Washington, and I would like to indicate that the hearings were held at the time the Buffalo Creek Mine disaster occurrred. I simply asked a number of specific questions of the Director and members of the staff and elicited this information. It was not supplied to me in any short-circuiting of the committee.

Mrs. HANSEN of Washington. We were in the midst of our hearings when the Buffalo Creek disaster occurred.

Mr. HECHLER of West Virginia. That is correct.

Mrs. HANSEN of Washington. And, they could not decide who was supposed to inspect what.

However, I think if they want any money they have to make it plain and they have to come before the committee that supplies the money. I think they have got to keep us informed.

Mr. HECHLER of West Virginia. I agree with the gentlewoman from Washington.

I would like to raise one other question and that is with reference to the Federal Metallic and Nonmetallic Mine Safety Board of Review. It seems to me that this is a useless board. It has heard no appeals. In fact, the chairman, when asked during the hearings why there had been no appeals, responded at page 1054: "I refer to my colleagues, does anybody want to suggest a reason?" I just cannot understand this useless board and why it has any justification to continue.

Mrs. HANSEN of Washington. The committee was, frankly, somewhat startled at this situation. They had an organization, but no appeals had been filed. Actually, it was hoped that there would be appeals. This would be indicative of some action with reference to this whole matter of inspection and assessment and so forth.

Mr. HECHLER of West Virginia. The Federal Coal Mine Health and Safety Act of 1969 abolished the Board of Review for Coal Mines and I think we ought to have the same treatment as between metallic and nonmetallic mines and coal mines.

Therefore, I would hope that the authorizing committee would see fit to abolish this useless board, just as the Federal Coal Mine Health and Safety Board of Review has been abolished.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

I should like to ask someone on the subcommittee handling this bill whether any money is contained therein for the construction of an Oriental tea garden at the Hirshhorn Museum now being built on the Mall?

Mrs. HANSEN of Washington. I presented in my opening remarks a review of the items which we had in the bill and the gentleman will note that the "Japanese and Chinese oriental garden" vanished.

Mr. GROSS. It vanished?

Are there any funds in the bill for the National Park Service to provide janitorial, interpretive and other wet nursing services to the Cultural Center?

Mrs. HANSEN of Washington. There are none in this bill. However, I presume an amendment will be presented in the other body on that subject.

Mr. GROSS. Is there any money in the bill for a skating rink on the Mall, as well as sculpturing and one thing and another?

Mrs. HANSEN of Washington. No. If the gentleman will turn to the report, the gentleman will find precisely what is contained in this bill with reference to the National Park Service. The committee deleted funds for the completion of the various fountains as well as other items.

Mr. GROSS. Well, I assume that the money that puts the Park Service into the wet nursing business at the Cultural Center will come in a supplemental appropriation bill or some other bill?

Mrs. HANSEN of Washington. I do not know. It depends upon whether the Senate completes its hearings and whether or not they add this item to the bill. It is within their jurisdiction now. However, there is no money in this bill for that project at this time.

Mr. GROSS. I thank the gentlewoman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, $2,250,000.

Mr. HUNGATE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this legislation.

On April 12, I testified before the Interior Subcommittee on the need for funding the Clark and Mark Twain National Forests projects in Missouri. I am pleased that the subcommittee granted this request and included in the appropriations bill an additional $418,000 to carry out the programs developed for these National Forests. I extend my thanks to the committee and commend them on their action in this regard.

I would also like to reflect back to the Congress' passage of the National Environmental Policy Act. The purposes of the act were:

To declare a national policy which will encourage production and enjoyable harmony between man and his environment;

To promote efforts which will prevent or eliminate damage to the environment and biosphere and to stimulate the health and welfare of man;

To enrich the understanding of the ecological systems and natural resources important to the Nation; and

To establish a Council on Environmental Quality.

In keeping with the intent of the Act, the Forest Service has focused increased attention on environmental problems and is analyzing and studying the ecological consequences of its various activities more thoroughly.

As part of its environmental program, the Forest Service has helped chart a future course which reflects greater concern for the Nation's stewardship of forest and related lands. One of the most important objectives in this effort will be to improve the balance among the three major areas of Forest Service responsibility—national forest administration, forestry research and State and private land cooperative programs and the programs and activities within these major areas.

Forestry research meets the Forest Service's longstanding responsibility for producing the knowledge and technologies required to protect, manage, and utilize all forest resources. However, improved knowledge is needed to formulate sound national, regional, and local forestry policy and plans. Successful application of practices and programs designed to improve and protect the environment of all forest and related lands, as well as to meet human needs, depends on a strong and productive forestry research effort at the Federal level.

During the next decade, the Forest Service expects to move forward on several important fronts that relate to program administration. I am proud to see that Missourians and Missouri projects are in the forefront on this march. These fronts involve developmental work on and implementation of new methods of protection and management which will minimize adverse environmental effects; more sophisticated methods to display alternative combinations of resource uses and the consequences of each; and planning for national forest management in a way that will focus on specific units of land so that resource managers and citizens alike can visualize the issues involved and can better discuss and understand the implications of management alternatives.

I believe the Forest Service recognizes its responsibility to help bring about better public understanding of the problems and opportunities involved in natural resource management and use. A better understanding will lead to more meaningful public involvement which can help to produce improved Forest Service programs locally, regionally, and nationally—from which all of us can benefit.

I urge my colleagues to vote for and support the appropriations for the Department of the Interior in order that these important programs can be fully developed.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fis-

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cal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 3, not voting 62, as follows:

[Roll No. 200]

YEAS—367

Abbitt	Cleveland	Fuqua
Adams	Collier	Galifianakis
Anderson, Calif.	Collins, Ill.	Garmatz
Anderson, Ill.	Colmer	Gaydos
Andrews, Ala.	Conable	Gettys
Andrews, N. Dak.	Conte	Giaimo
Annunzio	Conyers	Gibbons
Arends	Corman	Goldwater
Ashbrook	Cotter	Gonzalez
Ashley	Coughlin	Goodling
Aspin	Crane	Grasso
Aspinall	Culver	Gray
Baker	Curlin	Green, Oreg.
Baring	Daniel, Va.	Green, Pa.
Barrett	Danielson	Griffin
Begich	Davis, Ga.	Griffiths
Belcher	Davis, S.C.	Grover
Bennett	Davis, Wis.	Gubser
Bergland	de la Garza	Gude
Betts	Dellenback	Haley
Bevill	Dellums	Hamilton
Biester	Denholm	Hammer-schmidt
Blackburn	Dennis	Hanley
Blatnik	Dent	Hanna
Boggs	Derwinski	Hansen, Idaho
Boland	Devine	Hansen, Wash.
Bolling	Dickinson	Harrington
Bow	Diggs	Harvey
Brademas	Donohue	Hastings
Bray	Dorn	Hathaway
Brinkley	Dow	Hawkins
Brooks	Downing	Hays
Broomfield	Drinan	Hébert
Brotzman	Dulski	Hechler, W. Va.
Brown, Mich.	Duncan	Heckler, Mass.
Broyhill, N.C.	du Pont	Heinz
Broyhill, Va.	Edwards, Ala.	Helstoski
Buchanan	Edwards, Calif.	Henderson
Burke, Fla.	Ellberg	Hicks, Mass.
Burke, Mass.	Erlenborn	Hicks, Wash.
Burlison, Mo.	Esch	Hillis
Burton	Evans, Colo.	Hogan
Byrne, Pa.	Evins, Tenn.	Holifield
Byrnes, Wis.	Fascell	Horton
Byron	Findley	Howard
Cabell	Fisher	Hull
Caffery	Flood	Hungate
Camp	Flowers	Hunt
Carey, N.Y.	Flynt	Hutchinson
Carlson	Foley	Ichord
Carney	Ford, Gerald R.	Jacobs
Carter	Ford, William D.	Jarman
Cederberg	Forsythe	Johnson, Calif.
Chamberlain	Fountain	Johnson, Pa.
Chappell	Fraser	Jonas
Clancy	Frelinghuysen	Jones, Ala.
Clausen, Don H.	Frenzel	Jones, N.C.
Clay	Frey	Jones, Tenn.
	Fulton	Karth
		Kastenmeier
Kazen	Nix	Smith, Calif.
Keating	Obey	Smith, Iowa
Kee	O'Hara	Smith, N.Y.
Keith	O'Konski	Snyder
Kemp	Passman	Spence
King	Patman	Staggers
Kluczynski	Patten	Stanton, J. William
Koch	Pelly	Stanton, James V.
Kuykendall	Pepper	Steed
Kyl	Pettis	Steele
Landrum	Peyser	Steiger, Ariz.
Latta	Pike	Stephens
Leggett	Pirnie	Stokes
Lennon	Poage	Stubblefield
Lent	Poff	Stuckey
Link	Powell	Sullivan
Lloyd	Preyer, N.C.	Symington
Long, Md.	Price, Ill.	Talcott
Lujan	Pucinski	Taylor
McClure	Purcell	Teague, Calif.
McCollister	Quie	Teague, Tex.
McCulloch	Quillen	Terry
McDade	Railsback	Thompson, Ga.
McFall	Randall	Thomson, Wis.
McKay	Rarick	Thone
McKinney	Rees	Tiernan
Macdonald, Mass.	Reid	Udall
Madden	Reuss	Ullman
Mahon	Rhodes	Van Deerlin
Mailliard	Riegle	Vander Jagt
Mallary	Roberts	Vanik
Mann	Robinson, Va.	Veysey
Martin	Robison, N.Y.	Vigorito
Mathias, Calif.	Rodino	Waggonner
Mathis, Ga.	Roe	Waldie
Matsunaga	Rogers	Wampler
Mayne	Roncalio	Ware
Mazzoli	Rooney, Pa.	Whalen
Meeds	Rosenthal	Whalley
Melcher	Rostenkowski	White
Metcalfe	Roush	Whitehurst
Michel	Rousselot	Whitten
Mikva	Roybal	Widnall
Miller, Ohio	Runnels	Wiggins
Mills, Ark.	Ruppe	Williams
Mills, Md.	Ruth	Wilson, Bob
Minish	Ryan	Wilson, Charles H.
Mink	St Germain	Winn
Minshall	Sandman	Wolff
Mitchell	Sarbanes	Wyatt
Mizell	Satterfield	Wydler
Mollohan	Saylor	Wylie
Monagan	Scherle	Wyman
Montgomery	Schneebeli	Yates
Moorhead	Schwengel	Yatron
Morgan	Scott	Young, Fla.
Mosher	Sebelius	Young, Tex.
Moss	Selberling	Zablocki
Murphy, Ill.	Shipley	Zion
Murphy, N.Y.	Shoup	Zwach
Myers	Shriver	
Natcher	Sikes	
Nedzi	Sisk	
Nelsen	Skubitz	
	Slack	

NAYS—3

Gross	Hall	Schmitz

NOT VOTING—62

Abernethy	Daniels, N.J.	McEwen
Abourezk	Delaney	McKevitt
Abzug	Dingell	McMillan
Addabbo	Dowdy	Miller, Calif.
Alexander	Dwyer	Nichols
Anderson, Tenn.	Eckhardt	O'Neill
Archer	Edmondson	Perkins
Badillo	Eshleman	Pickle
Bell	Fish	Podell
Biaggi	Gallagher	Price, Tex.
Bingham	Hagan	Pryor, Ark.
Blanton	Halpern	Rangel
Brasco	Harsha	Rooney, N.Y.
Brown, Ohio	Hosmer	Roy
Burleson, Tex.	Kyros	Scheuer
Casey, Tex.	Landgrebe	Springer
Celler	Long, La.	Steiger, Wis.
Chisholm	McClory	Stratton
Clark	McCloskey	Thompson, N.J.
Clawson, Del	McCormack	Wright
Collins, Tex.	McDonald, Mich.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Pickle with Mr. Price of Texas.
Mr. O'Neill with Mr. McClory.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Rooney of New York with Mr. Fish.
Mr. Delaney with Mr. McEwen.
Mrs. Abzug with Mr. Long of Louisiana.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Rangel with Mr. Gallagher.
Mr. Anderson of Tennessee with Mr. Springer.
Mr. Addabbo with Mr. Halpern.
Mr. Miller of California with Mr. Del Clawson.
Mr. Perkins with Mr. Brown of Ohio.
Mr. Stratton with Mr. McKevitt.
Mr. Thompson of New Jersey with Mr. Bell.
Mr. Biaggi with Mr. Harsha.
Mr. Celler with Mr. Steiger of Wisconsin.
Mr. Brasco with Mr. McCloskey.
Mr. Clark with Mr. Eshleman.
Mr. Dingell with Mr. McDonald of Michigan.
Mr. Podell with Mr. Collins of Texas.
Mr. Wright with Mr. Archer.
Mr. Burleson of Texas with Mr. Landgrebe.
Mr. Hosmer with Mr. Edmondson.
Mr. Abernethy with Mr. McMillan.
Mr. Abourezk with Mr. Scheuer.
Mr. Alexander with Mr. Nichols.
Mr. Hagan with Mr. Pryor of Arkansas.
Mr. Badillo with Mr. McCormack.
Mr. Bingham with Mr. Kyros.
Mr. Roy with Mr. Dowdy.
Mr. Casey of Texas with Mr. Blanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their remarks and include extraneous material in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

A SALUTE TO EDUCATION

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, June 21 has been designated Education Appreciation Day. I feel it would be rank ingratitude on my part if I failed to register my appreciation for what education has done for me personally, for my family, and for America as the foremost society in the known universe.

Probably few of us can remember the opening days of the year 1900. If there be any that can, it will be recalled that it was a period of unprecedented sprightliness and hope. We had just won a big war, and our confidence in ourselves knew no bounds. The war had persuaded us to burst the bonds of our oceanic boundaries and take a seat among the recognized world powers.

From the standpoint of education, however, we had little to boast about. An agricultural society seemed to feel that the ability to read and write simple language and to calculate in Arabic numerals was sufficient for the average citizen. Secondary schools were lacking exception in population centers. As for college education, there were only 238,000 students registered in degree courses in all the colleges and universities in the Nation. For leadership in higher education we looked to Europe.

The mental stir growing out of the war did wake up education, however. Secondary schools were opened even in rural surroundings. But we were still an agriculturally oriented people. The high schools were as much a matter of prestige as of practical necessity.

Suddenly came another war. In it we found out that modern wars cannot be fought with a fourth-grade education. And that is exactly where we stood educationally during our massive military tour of Europe.

Accordingly, after coming 20 years into the current century, we found we had made reasonable progress. Everybody was expected to finish elementary school. The more ambitious added a high school training. College enrollment had more than doubled, to 598,000. This progress was enough to set off the most expansive era in scientific and technological advance ever known to man.

It touched every field of human activity. Particularly, it lifted the burden off human muscles and transferred that burden to the machine. It cured many ills, social ills as well as bodily ills. It practically abolished the rural society, and transformed it into an urban society, whether actually domiciled in the country or in the crowded city.

This is the society which education has enabled us of the present active generation to build, and which we are transferring to the coming generation. It is a good society, a promising society. So long as our children use it properly, it will provide them with the mental and physical equipment to build more nobly and more grandly.

Today we find approximately one-fourth of our total population engaged in the process of teaching and learning. The numbers are too well publicized to need repetition here. Education is a major industry in the Nation. Every citizen is involved in it, either as a direct participant or as a financial supporter. As an industry, education assumes the responsibility for dealing with every form of human activity, mental or physical, that is approved by social authority. Nothing is too sophisticated on the one hand, or too trivial on the other, to escape the guiding influence of some training system.

And this is why I deem it an honor and a privilege to pay a tribute to the force of education in building a great republic, of which I am a grateful beneficiary.

I have one word more. Research and innovation have become the handmaidens of education, as they have of every other branch of industry. Will these be able to take the drudgery off the backs of the mind, as they have off the backs of the muscle? I do not know. Frankly, I am not sure that I hope they will. It might be unfortunate if our grandchildren came into a world soft mentally as it seems to soften physically from one generation to the next.

A TRIBUTE TO EDMUND WILSON, ONE OF AMERICA'S GREAT MEN OF LETTERS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to one of the outstanding men of letters produced by the United States, Edmund Wilson, who died yesterday in Talcottville, N.Y.

As one who long admired Mr. Wilson and the extraordinary contributions he made, through his wide range of studies of the literatures of many languages, I suggest that all those who seek to understand our own country will long be in the debt of Edmund Wilson. For few thinkers have so perceptively written about the American civilization as did he. Edmund Wilson helped us know ourselves.

Mr. Speaker, I ask unanimous consent to include at this point in the RECORD an article from the New York Times of June 13, 1972, reporting the death of Mr. Wilson, together with two essays about him, also from the New York Times of this date, by Alden Whitman and John Leonard:

EDMUND WILSON DIES

TALCOTTVILLE, N.Y., June 12.—Edmund Wilson, who read and wrote with encyclopedic thoroughness on literature, history, anthropology and economics, died here today in the 172-year-old stone house that served as the setting of his last published book: "Upstate, Records and Recollections of Northern New York." He was 77 years old.

Some have called Mr. Wilson the dean of American letters and the pre-eminent literary and social critic of our time. But his works, which included poems, short stories and a novel, shattered disciplines and made it hard to categorize him.

Mr. Wilson had suffered from a heart condition for the last two years. He is survived by his widow, Elena Thornton Wilson; their daughter, Helen; a son, Reuel, by his marriage to the author Mary McCarthy; and another daughter, Rosalind, by his marriage to Mary Blair. He had also been married to Margaret Canby, who died.

The family said that the body would be cremated and a memorial service would be held in Wellfleet, Mass.

ERUDITE AND PRODUCTIVE

(By Alden Whitman)

Celebrated primarily as a critic, Edmund Wilson was accounted by common consent the most erudite of them, the most omniscient, the most productive, the most finicky and the most dyspeptic. There was, inevitably, some question as to whether he was the most sagacious or the most perceptive; but there was no doubt, as the years passed, that he was the most didactic and probably the most influential.

For 50 years Mr. Wilson, who regarded literature as "a history of man's ideas and imaginings in the setting of the conditions which have shaped them," wrote elegantly, chiefly for the intellectually élite. Yet such was the force of his value-judgments that he conferred reputations on writers and fashioned as a result the reading tastes of millions, to whom he himself was but a shadowy figure.

Like Dr. Johnson and his own mentor, Hippolyte Taine, the 19th-century French historian and critic, and like Charles Sainte-Beuve, also a 19th-century French critic, Mr. Wilson was a man of letters in the broadest sense. Besides being a critic, he was a novelist, short-story writer, playwright, poet, historian, Bible authority, essayist, literary quarreler, self-interviewer and autobiographer. Having troubled as an adult to learn Hebrew, Russian and Hungarian and fluent from adolescence in Greek, French, Italian and German, he ranged effortlessly in Western literature and culture. And from a mind so well furnished he was able to draw apposite allusions and examples to illuminate his diverse writings, the bulk of which were essentially criticism.

"For me," he once remarked, "literary criticism has always meant narrative and drama as well as an establishing of comparative values.

"On the comparative side, my function has, I think, been to make an effort to see in relation to one another, to bring into the same cultural sphere, a number of literary fields which have been in some cases hardly aware of one another."

Four of Mr. Wilson's books represented direct attempts to apply his humanist and historical values to writers and the culture that nurtured them. These were "Axel's Castle" in 1931, "To the Finland Station" in 1940, "The Wound and the Bow" in 1941 and "Patriotic Gore" in 1962. The first analyzed the work of Yeats, Eliot, Pound and Joyce in terms of the French Symbolist movement; the second dealt with Vicso, Saint-Simon, Taine, Marx, Engels, Lenin and Trotsky in terms of the revolutionary tradition in Europe; the third concerned the dualism of Dickens, Kipling, Casanova, Edith Wharton, Hemingway and Joyce; and the fourth treated Harriet Beecher Stowe, Lincoln, Grant, Sherman and a number of others who left a record of their experiences leading up to or in the Civil War.

In other works the critic paid his respects to many of his contemporaries—Fitzgerald, Steinbeck, Faulkner, Aldous Huxley, Louis Bromfield, Katherine Anne Porter, Dorothy Parker, John O'Hara, Thornton Wilder, Malraux and Sartre, among others.

Contemplating O'Hara, Mr. Wilson found that his work derived from Hemingway and James M. Cain, but that "his writing really belongs to a different category of fiction."

"O'Hara," he declared, "is primarily a social commentator [who] subjects to a Proustian scrutiny the tight-knitted social web of a large Pennsylvania town, the potpourri of New York night life in the twenties, the nondescript fringes of Hollywood. In all this he has explored for the first time from his peculiar semisnobbish point of view a good deal of interesting territory."

Mr. Wilson bestowed his approval on Faulkner, but it was not unalloyed. Reviewing "Intruder in the Dust," he remarked bluntly that "it ought to be said that, from the point of view of the writing, this is one of the more snarled up of Faulkner's books."

But Mr. Wilson did not limit his criticism to the kind of writers usually discussed in literary journals. He wrote of Emily Post and her etiquette books and, in an essay entitled "Who Cares Who Killed Roger Ackroyd?", he reported his conclusion that detective stories were a waste of an intelligent reader's time after having worked his way, with characteristic thoroughness, through dozens of popular successes in that genre.

He would write of writers long forgotten and of others who had never been much known. The writing was always direct and pungent. He began an essay called "What Became of Louis Bromfield" in this way:

BOOK BANNED IN STATE

"In the days of 'The Green Tree' and 'The Strange Case of Miss Annie Spragg,' Mr. Louis Bromfield used to be spoken of as one of the younger writers of promise. By the time he had brought out 'Twenty Four Hours,' it was more or less generally said of him that he was definitely second rate. Since, then, by unremitting industry and a kind of stubborn integrity that seems to make it impossible for him to turn out his rubbish without thoroughly believing in it, he has gradually made his way into the fourth rank, where his place is now secure."

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These books of criticism brought Mr. Wilson his renown; a collection of six stories satirizing suburban manners and morals, "Memoirs of Hecate County," earned him notoriety. Published in 1946, the book was banned in New York State as obscene chiefly for one story, "The Princess With the Golden Hair." The story, told in the first person, contrasted the sex life of a suburban matron with that of a city working girl. Its love scenes, tame by today's standards, nonetheless shocked the Court of Special Sessions.

Reflecting a general attitude toward Mr. Wilson in the nineteen-sixties, when most of his work was behind him, Sherman Paul, also a critic, wrote:

"We think of Wilson, as he probably intended us to, when we read in 'Patriotic Gore' of the old Romans of the old America."

Professor Paul had in mind Mr. Wilson's reputation for incorruptibility; but he could also have been describing his physical appearance and his patrician attitudes. Of medium height and tending to paunchiness, his body was dominated by a massive head. His features—a high forehead, and a slightly jutting jaw—resembled those of a bulldog in repose.

He was, though, not so much pugnacious as he was disdainful or impatient with lesser intellects. Some of this was reflected in a letter he once sent to the British weekly The New Statesman. "I read your journal mostly with admiration," he wrote "but I do wish you would not so often confuse 'titillate' with 'titivate.'"

"INTERVIEW" OF HIMSELF

Another facet was thrown in a self-interview in The New Yorker in 1962 that dealt with a trip to Britain. It read in part:

"Interviewer: What brings you to England, Mr. Wilson?

"Wilson: I wanted to dine at the Cafe Royal. I have never been able to get any English friend to go there with me. They aways say that it isn't what it used to be. But I want to see it all the same. That's one reason, and another is that I want to get a set of Ackermann's 'London' at a somewhat cheaper price than they ask for it in the United States. I feel that when I've achieved these two objectives, I need never come to London again."

And later in the "interview," when Mr. Wilson was asking himself his opinions of various British writers, he wrote:

"Interviewer: And Anthony Powell [the novelist]—have you read him?

"Wilson: I don't see why you make so much fuss about him. He's just entertaining enough to read in bed late at night in summer, when his books usually reach me. If Evelyn Waugh is the Shakespeare of this school, Powell is the Middleton or Day. It's a pity he never dipped into Proust—and that goes for Durrell, too, though of course Durrell did more than dip, he saturated himself completely. Durrell is even better to read in bed."

Mr. Wilson was impartial with his hauteur, except with his close friends. For example, he customarily replied to requests of him with a printed card that read:

EDMUND WILSON REGRETS THAT IT IS IMPOSSIBLE FOR HIM TO:

Read manuscripts,
Write articles or books to order,
Write forewords or introductions,
Make statements for publicity purposes,
Do any kind or editorial work,
Judge literary contests,
Give interviews,
Conduct educational courses,
Deliver lectures,
Give talks or make speeches,
Broadcast or appear on television,
Take part in writers' congresses,
Answer questionnaires,
Contribute to or take part in symposiums or "panels" of any kind,
Contribute manuscripts for sales,
Donate copies of his books to libraries,
Autograph books for strangers,
Allow his name to be used on letterheads,
Supply personal information about himself,
Supply photographs of himself,
Supply opinions on literary or other subjects.

The critic's desire to be left in peace was understandable in view of the care and diligence with which he worked. He often called himself a journalist and, in fact, many of his essays appeared in their first form in such magazines as The New Republic, The New Yorker and New York Review of Books. These he expanded and burnished for his books, and this required enormous concentration. Partly, too, he disliked dealing with strangers because of his stutter and his absentmindedness.

Mr. Wilson accumulated a reputation for bad manners. In fact, Richard Chase, the critic, once wrote:

"People who write about Edmund Wilson are likely to include a note on how badly he acted when they saw him at a party. So I had better add that when I saw him at a party he was amenable enough.

"He made a point of sitting beside me like a benign if somewhat nettled uncle, and he asked me about Melville's poems, which he was reading at that time. The great man somewhat confounded me, and I forgot most of whatever I knew about Melville's poems.

"We talked about Whitman, and Wilson emphatically pronounced him the greatest of our classic writers ('The Scarlet Letter,' on the other hand, was a 'fraud').

"Wilson seemed rather baffled by me and soon retired to a corner with the host, who helped him puzzle out a Yiddish newspaper that had been sticking out of his pocket when he entered the house."

Professor Chase, however, did not catch Mr. Wilson at small parties he gave in his apartment or at his home on Cape Cod. On these occasions, Mr. Wilson delighted his guests with his skill at puppetry, especially Punch and Judy shows, and for his skill at Maskelyne's magic, which he picked up in Italy when he was a boy.

A command of culture came naturally to Edmund Wilson, for it was a world into which he was born and in which he was reared. The only child of Edmund and Helen Mather Kimball Wilson, he was born May 8, 1895, in Red Bank, N.J. His father, a success lawyer, served a term as Attorney General of New Jersey. His mother, also of professional background, put store by books and art as household equipment. And when the boy was 13 his parents took him to Europe for a thorough tour of the cultural sights of Italy, Austria, Germany, France and Britain.

A year later he was sent to the Hill School in Pottstown, Pa., where his first months were agonizing and rebellious. "My mother, with characteristic lack of tact, had called me 'Bunny' when she brought me on and, at a first get-together in my rooming-house, this was taken up by the boys," Edmund explained later with some asperity, adding:

"I tried to fight everybody who did this, but was outnumbered, and the house-master broke it up. I have been saddled with this nickname all my life. When I later asked my mother why she had called me that, she gave me the even more embarrassing explanation that she used to say about me as a baby that, with my black eyes, I 'looked just like a plumbun.'"

Throughout his life Mr. Wilson endured his nickname, but barely. Use of it to his face was a certain invitation to disfavor. "Bunny," though, was freely employed behind his back.

Edmund began to practice his métier at Hill with a story for the school magazine, of which he became editor. At Princeton, which from 1912 to 1916 followed Hill, the young man continued to display literary and critical abilities. On the staff of The Nassau Literary Magazine, he encouraged his friend and fellow student, F. Scott Fitzgerald, to write for it, and it was the start of a career as a novelist on which Mr. Wilson had an enduring influence.

The association of the two Princetonians lasted even beyond Fitzgerald's life. For two years after Fitzgerald died in 1940, Mr. Wilson edited his friend's autobiographical memoir, "The Crack-Up." For the dedication he wrote a poem that began:

"Scott, your last fragments
I arrange tonight,
Assigning commas, setting
accents right,
As once I punctuated,
spelled and trimmed,
When, passing in a Princeton
spring—how dimmed
By this damned quarter
century and more!—
You left your Shadow Laurels
at my door."

Majoring in literature, Mr. Wilson was stimulated by Prof. Christian Gauss and by the writings of H. L. Mencken, Shaw and James Gibbons Huneker, the American critic. He also traveled abroad in these years, soaking up more of Europe on each trip. His humanism and interest in European cultures, encouraged by Professor Gauss, were enhanced by a postgraduate summer at Columbia, where he studied sociology and economics; and by a stint as a reporter on The Evening Sun in New York.

After World War I, in which Mr. Wilson served, successfully, as a private, a hospital attendant in France and a member of the Intelligence Corps, he joined the staff of Vanity Fair and was its managing editor for 1920–21. Recalling him as an editor, Zelda Fitzgerald described him as "beautiful and bloodless." Her husband, Scott, was less cryptic, for he wrote of his friend as "walking briskly through the crowd [in New York] wearing a tan raincoat over his inevitable brown get-up," cane in hand, confident, "wrapped in his own toughts and looking straight ahead."

In those years Mr. Wilson also wrote essays on Fitzgerald, Willa Cather, Pound, Byron, Poe, O'Neill, Hemingway, Lardner, Stephen Crane and William James. In addition, he collaborated with John Peale Bishop, a Princeton friend, on "The Undertaker's Garland," a book of satiric verse and prose about death and funerals.

From 1926 to 1931 Mr. Wilson was associate editor and principal book reviewer for The New Republic. In addition to commenting on the literary scene and introducing, among many others, John Dos Passos as a gifted writer, he wrote "Discordant Encounters," which dealt with the antagonism between man and the machine, and "Poets Farewell!," a volume of lyrics and sketches, mostly satiric.

He also published, in 1929, his only novel, "I Thought of Daisy," a book about Greenwich Village that was based on a sensational murder trial of the era that he witnessed. He * * * 1967, and in his introduction to that edition he was at pains to disabuse those who saw the narrator of the first-person story as Mr. Wilson.

"Nothing annoys me more than to have the characters and incidents which figure in my works of fiction represented as descriptions of real people and events." he wrote. "In the case of a still living writer, such guesses are something of an impertinence."

Nonetheless, Mr. Wilson did transmute some of his experiences into stores, albeit rearranged and disguised.

Of his articles for The New Republic the most political was "An Appeal to Progressives," published in 1931, about a year after the onset of the Depression. In it Mr. Wilson attacked the myth of a prosperous American society and the hopes of liberals that it might be gradually reformed. "The present depression," he said in urging liberals to become concerned, "may be one of the turningpoints in our history, our first real crisis since the Civil War."

In suggesting a radical approach to the country's plight, he invited intellectuals to consider the American Communist party. He found its dogmas narrow, but said radicals "must take Communism away from the Communists and take it without ambiguities, asserting that their ultimate goal is the ownership by the Government of the means of production."

VIRTUAL CALL TO ARMS

And in an article the following year he issued a virtual call to arms, saying:

"So, American intelligentsia—scientists, philosophers, artists, engineers—who have been weltering so long in prostitutions and frustrations, that phase of human life is done. Stagger out of the big office, the big mill—look beyond your useless bankrupt fields and pastures!"

Finally, in the Presidential election of 1932, Mr. Wilson was one of a number of writers who supported the Communist ticket of William Z. Foster and James W. Ford. By this time he has already established himself with "Axel's Castle" as one of the nation's foremost critics; and and he added to that reputation with "American Jitters," a collection of articles with political overtones, issued in 1932.

In 1935 Mr. Wilson traveled and studied in the Soviet Union under a Guggenheim Fellowship. He never embraced Communism, but he wrote of his experiences and his meetings with the Russians with general approbation.

Out of the trip also came "To the Finland Station," his study of the revolutionary tradition in Europe. "With his customary scholarship he prepared himself for the book by seemingly reading not only all of Marx and Engels, but also all of such 19th-century socialists as Prudhomme, Friedrich LaSalle and Bakunin.

After tracing the development of this tradition, he concluded in the final paragraph of the book that it was unlikely that Marxist formulas would be able to lead to "a society in which the superior development of some is not paid for by the exploitation, that is, by the deliberate degradation of others."

Meantime, in 1938, Mr. Wilson, then 43, had married Mary McCarthy, the 25-year-old book critic for The Nation. He had been married twice previously. His first marriage, to Mary Blair, had ended in divorce; his second wife, Margaret Canby, had died in an accident.

The union with Miss McCarthy, which lasted seven years, tended to be troubled, at least in his wife's recollection. She found him domineering in his views, so that everything that came under his hand was shaped into "an authorized version."

She also reported that at one point Mr. Wilson said, "'I think you've got a talent for writing short stories.' So he put me off in one free room with a typewriter and shut the door."

The forties were fruitful years for Mr. Wilson. He published "The Boys in the Back Room" in 1941. "The Wound and the Bow" also in 1941, "Notebooks of Night" in 1942, "The Shock of Recognition" in 1943, "Memoirs of Hecate County" in 1946 and "Europe Without Baedeker" in 1947. His apparent slacking off after 1944 was illusory, for in that year he became book reviewer for The New Yorker. His almost weekly treatment of new books was demanding, long-range and scholarly, an attitude that irritated some readers accustomed to the more bland criticism of Clifton Fadiman, Mr. Wilson's predecessor.

Although Mr. Wilson ceased to be a regular contributor to the magazine in 1948, he continued for years to contribute book reviews and feature articles. For example, from his New Yorker articles emerged "The Scrolls From the Dead Sea" in 1955. This book, rationalist in tone, brought him into conflict with orthodox interpreters of the theological implications of the scrolls. It was, however, indisputably based on an enormous body of archeological information that he had amassed in visits to the Middle East.

INJUSTICE TO INDIANS

Also from his magazine article he shaped "Apologies to the Iroquois," issued in 1959, which was both an account of life among the Iroquois Indians in New York State and Ontario and a discussion of how to right the injustices done to them over the years.

The significant book of Mr. Wilson's later life was "Patriotic Gore," on which he worked off and on for 15 years. Critics rated it a masterly study of the literature of the Civil War, at once encyclopedic and profound.

In 1963, a year after publication of "Patriotic Gore," the writer underwent an experience that puzzled him deeply. He published a polemic, "The Cold War and the Income Tax," a detailed recital of his troubles with the Internal Revenue Service and an indictment of Federal spending for the war in Vietnam and for defense. "I have finally come to feel that this country, whether or not I live in it, is no longer any place for me," he wrote.

Almost simultaneously Mr. Wilson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. The citation acclaimed him as a "critic and historian [who] has converted criticism itself into a creative act, while setting for the nation a stern and uncompromising standard of independent judgment."

Mr. Wilson did not leave the United States. Instead he continued to live, as he had for many years, with Elena Thornton, his fourth wife, in virtual seclusion in Wellfleet on Cape Cod, in Talcottville in upstate New York and in the Caribbean.

In the years since 1963 Mr. Wilson got into at least two furious quarrels. One was with Vladimir Nabokov over the latter's translation of Pushkin from the Russian. The other was with the Modern Language Association over its scholarly editions of American authors. Mr. Wilson considered these editions overpedantic to the point of uselessness.

Only last month The Times Literary Supplement, in a cover essay on Mr. Wilson and his book "Upstate," praised the scope and scale of the author's interests. "Only the European panoptic scholars come near matching Wilson for learning, and for sheer range of critical occupation there is no modern man to match him."

The book is a personal and elegiac diary of a man growing old in the place where as a child, he had first learned he was capable of "imaginative activity and some sort of literary vocation.

Generous honors came to Mr. Wilson in the late sixties. He won the National Medal for Literature in 1966 and, with it, $5,000. The award, he said, was "all the more welcome for being, as I understand it, tax-free, so that not a penny of it will be demanded for the infamous war in Vietnam and for our staggering appropriations in the interest of so-called defense, which, when I last examined the budget in 1964, amounted, together with space programs and the cost of past wars, to 79 per cent of the total."

Two years later he received the Aspen Award for his contributions to the humanities. With it went $30,000, also tax-free.

At that time, in a rare public appearance, Mr. Wilson commented on his studies in Greek and Russian and on his examinations of the Dead Sea Scrolls and American Indian Lore.

"Now, I am a far from an authority on any of these subjects but, out of a volatile curiosity and an appetite for varied entertainment, I have done reading in all of them; and I have been working, as a practicing critic, to break down the conventional frames, to get away from academic canons, that always tend to keep literature provincial."

"ONE OF THE GREAT MEN OF LETTERS"

(By John Leonard)

In 1963 Edmund Wilson wrote: "The knowledge that death is not so far away, that my mind and emotions and vitality will soon disappear like a puff of smoke, has the effect of making earthly affairs seem unimportant and human beings more and more ignoble. It is harder to take human life seriously, including one's own efforts and achievements and passions." Harder, but not impossible. Even as he wrote those lines in his diary, he was working on "The Cold War and the Income Tax." He would go on to rediscover this continent's north in "O Canada," to publish a third volume of literary chronicles, "The Bit Between My Teeth," to write plays and a memoir, "Upstate," and to finish a book on Russian literature, "A Window on Russia," which will appear in August. He was, as The Times Literary Supplement noted last month in a front-page essay on "Upstate," "one of the great men of letters in our century"—the American Montaigne.

He was the chairman of no department at any university. What department could possibly take in his range of interests—the modernist writers he introduced to this country in "Axel's Castle," the history of Europe's revolutionary tradition, in "To the Finland Station," the neglected literature of our own beginnings in "The Shock of Recognition" and "Patriotic Gore," the Indians we had forgotten or never known in "Apologies to the Iroquois," the essays on the Holmes-Laski correspondence, the Modern Language Association and the Marquis de Sade? The only department large enough was his head. Like a python, he devoured whole literatures.

WRITERS' "ISOLATION" SEEN

"What we lack, then, in the United States," he wrote in 1928, "is not writers or even literary parties, but simply serious literary criticism . . . It is astonishing to observe, in America, in spite of our floods of literary journalism, to what extent the literary atmosphere is a nonconductor of criticism. What actually happens, in our literary world, is that each leader or group of leaders is allowed to intimidate his disciples, either ignoring all the other leaders or taking cognizance of their existence only by distant and contemptuous sneers. . . . It, furthermore, seems unfortunate that some of our most important writers—Sherwood Anderson and Eugene O'Neill, for example—should work, as they apparently do, in almost complete intellectual isolation, receiving from the outside but little intelligent criticism and developing, in their solitary labors, little capacity for supplying it themselves."

Inasmuch as the situation has changed in the intervening four decades, Mr. Wilson was responsible. He believed as much in the republic of letters as he believed in the republic of the American past. His tenure at The New Republic was itself a kind of adult education course that created intelligent opinions about literature and circulated them. There was no intimidation and very little sneering; there was simply the strong, plain prose that grew like elm branches out of the trunk of a rich intelligence. There was a continuity in his work analogous to the continuity he sought to define and sustain in his nation's perception of itself.

XUM

HOLDING TO OUR VALUES

Toward the end, his critics used words like "patrician," "elitist" and "crotchety" to describe him. And yet he made it his business, as "Upstate" makes clear, to leave the den and talk to people to regret unwelcome social changes while accepting their inevitability, to hold to his own values while listening to the rumors and the riots of new ones, even as he made it his business to talk to and understand the literatures of so many nations, to seek everywhere the civilizing impulse, the past that is in us and the future we fashion from it.

If there is an American civilization, Mr. Wilson helped us to find it and was himself an important aspect of it. A wise man, perhaps singular. His children, and all of us who care about literature and the Republic are his children, will miss him sorely.

AMERICANISM

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is often said today that "Americanism" has lost its virtue, that patriotism is no longer a quality to cherish. Indeed, this sentiment has been uttered from time to time throughout our history, but particularly during those periods when America has faced its most difficult moments either at home or abroad. Always, however, there have been Americans who have understood the full meaning of these noble qualities and who have defended and emulated the ideal of the true American patriot. It is these same Americans who have seen America through its troubled moments, who have preferred to correct the wrong and strengthen the good, believing in the ultimate virtue of this country, not wishing to see the dreams and hard-won accomplishments of our forefathers shattered by blind criticism or apathy. A century ago, an eminent American statesman captured the essence of true patriotism. In an address before the New England Society of New York in 1884, Henry Cabot Lodge remarked:

Of "Americanism" of the right sort we cannot have too much. Mere vaporism and boasting become a nation as little as a man. But honest, outspoken pride and faith in our country are infinitely to be respected.

Mr. Speaker, I have the distinct privilege of commending to my colleagues a woman whose compelling devotion and service to her country, in the true spirit of "Americanism," commands our infinite respect. I can only begin to describe the efforts and accomplishments of Mrs. William Pearsall, a friend, a constituent and a remarkable American. Grace Pearsall was recently nominated by the Port Washington, N.Y., Knights of Columbus Council 1227 for the State Deputy's Americanism Award for 1972. It is a high honor to receive this recognition, as an individual is nominated on the basis of outstanding and enduring service to his country above and beyond the call of duty. Gay Pearsall began serving her country many years ago; she is now 71, so you can imagine she has seen America marked by many changes, conflicts and accomplishments, and she has experienced a long lifetime of trying to extract the best from this Nation. During World War II, Grace Pearsall's efforts on the war bond drive in her hometown of Port Washington won her the acclaim of being made an honorary colonel. Also during the war, Mrs. Pearsall was one of the spearheads in raising funds for a Liberty P–T boat, and with the threat of aerial attack, she volunteered to man the towers on the Guggenheim estate on Long Island Sound to watch for airplanes.

In the American tradition of service both to one's country and to one's community, Grace Pearsall emerged years ago as one of the pillars of Port Washington. She has been active for years in the American Legion, serving as president of the Port Washington Auxiliary in 1944–45; she can be found leading the community in fundraising drives for worthwhile projects, such as churches, hospitals, and charities; she is a charter member of the Cow Neck Peninsula Historical Society; in fact, she is the Community's Town Crier, actively preserving the great traditions of our country. Mrs. Pearsall's interest and enthusiasm extends beyond her own community. The Seneca Indian Tribe of New York, for instance, has made her an adopted daughter, and she is an honorary member of the Atlantic Hook and Ladder Fire Co. Auxiliary. She is also greatly involved in the Senior Citizens Club, and her own active life offers encouragement to her fellow members.

Mr. Speaker, I take this time out to pay tribute to Grace Pearsall, because I believe such selfless devotion and service to one's country and to his fellowman as she embodies, deserves our recognition and praise. I, out of many, am honored to know Grace Pearsall and to share her goodness and achievements with my colleagues.

EXPENDITURES OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, tomorrow the House will consider the 1937 budget for the Departments of Labor and Health, Education, and Welfare. Both departments administer many programs of great value to the people of this country, programs which should be continued and strengthened.

What worries me most about the budgeting process is the steady enlargement of our appropriations and the diminution of our control over them. Some experts have estimated that the built in budget requirements for next year under our present programs will be more than our estimated tax revenues, even at "full employment."

Today we will consider the HEW budget. I would like to remind my colleagues only 12 percent of this massive budget is now subject to effective annual congressional control through the regular appropriations process. The other 88 percent is composed of uncontrollable charges which are tied to formulas committing our Federal dollars without regular congressional review.

Many critics of defense spending have pointed out that it is sometimes difficult for the Congress to prune excess costs from the military budget. But the simple fact is that 95 percent of the budget for the Department of Defense is controlled in the annual appropriations process—95 percent for defense compared to only 12 percent for HEW.

Overall, a recent budget analysis by economists Murray Weidenbaum and Dan Larkins points out that 54 percent of the proposed fiscal year 1973 budget, or $148 billion, is the form of uncontrollable charges such as money in trust funds and interest on the national debt.

I opposed being asked to write a blank check for any bureaucrat. But I am especially opposed to writing a blank check to pay for such bills as welfare and education which, in my experience in State and local government, can rise rapidly and unnecessarily without a constant outside review.

I would remind my colleagues that, in the coming year, expenditures for the Department of Health, Education, and Welfare are anticipated to exceed spending for national defense. It is appropriate for the Congress to insist upon improved methods of holding spenders in this bulging bureaucracy accountable for their budgets and to institute procedures that will reduce the amount of uncontrollable charges built into our increasingly uncontrollable Federal budget.

TEMPORARY APPOINTMENT TO FLAG DAY COMMITTEE

The SPEAKER. The Chair desires to state that the gentleman from Maine, Mr. PETER KYROS, a member of the Flag Day Committee, cannot be here tomorrow. The Chair temporarily appoints in his stead the gentleman from Georgia, Mr. JACK BRINKLEY.

THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS OF WAR AND MISSING IN ACTION WANT AN EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I have been requested by the National League of Families of American Prisoners and Missing in Southeast Asia, to ask my colleague, Mr. PAUL MCCLOSKEY, to retract statements he made last Wednesday on the NBC "Today Show."

While being interviewed by NBC's Frank McGee in regard to Mr. MCCLOSKEY's views on the Vietnam war, Mr. McCloskey said, and I quote him:

There's 700 prisoners over there. If I were General Giap, I think I'd be putting one of them in the town square of each of my 700 biggest towns.

At a later point in the interview, Mr. McCloskey said, and I quote him again:

And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

Mr. Speaker, Mr. MCCLOSKEY's remarks, which the league hopes will be retracted in behalf of all the families of American servicemen who are held captive or who are missing, is not an issue between critics or supporters of American policy in Vietnam.

What is at issue, in my judgment, is our colleague's unfortunate manner of expressing his opposition to bombing in such a way as to hand the North Vietamese what is, in effect, a tactical suggestion that our brave prisoners might be used as military shields.

I do not believe that was Mr. MCCLOSKEY's intent.

Without impugning the honor with which he has served his country, I believe he has a compelling responsibility to the families of the prisoners of war and missing to explain his potentially dangerous remarks.

Our POW's already are enduring captivity by an aggressor nation which has, and continues to disregard, even the most basic rules of humane treatment of prisoners as called for by the Geneva Convention.

All of those held prisoner or who are missing are a source of anxiety to wives, parents, and other loved ones and, indeed, a source of concern to the vast majority of Americans and others of conscience in the world, regardless of their other views on the tragic conflict in Southeast Asia.

In view of Hanoi's flagrant violations of the rights of those they hold captive and because of the already heavy burden carried by the families and friends of our prisoners and missing, I find Mr. MCCLOSKEY's references to the possibility of using American POW's as human targets as a display of insensitivity to the possible repercussions.

My colleague's statements also imply that it is U.S. policy to bomb nonmilitary targets.

In response to this implication, it must be pointed out that many American prisoners, particularly our airmen, are held captive and are characterized by the enemy as "war criminals" while enduring inhuman conditions precisely because they took great risks to avoid nonmilitary targets.

In response to Mr. MCCLOSKEY's remark that if he were General Giap, "I think I'd be putting one of them in the town square of each of my 700 biggest towns," I wholeheartedly agree with my distinguished colleague, Mr. BURT TALCOTT, who recently pointed out in this Chamber that "actually, our POW's would be safer in the city squares than in camps or prisons near military targets."

Mr. TALCOTT correctly observed, "would be a heinous and explicit violation of the Geneva Conventions."

Mr. Speaker, the United States has informed the North Vietnamese Government and the nations which supply them with weapons of aggression of our limited objectives of stemming the flow of these supplies so as to protect our remaining forces and to help stop the killing in South Vietnam.

I find it hard to understand how Mr. MCCLOSKEY, who has been outspoken on the subject of what he believes is moral and immoral about U.S. policy, to suggest what the North Vietnamese might do with our prisoners in violation of every standard of morality or international law.

Article 19 of section I of part III of the Geneva Convention relative to the treatment of POW's is explicit in regard to forbidding the possibility of using prisoners as hostages.

The article states:

POW's shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

And in section II, article 23 of part III, it states:

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Mr. Speaker, Mrs. Carole Hanson, who is the chairman of the National League of Families of American Prisoners and Missing in Southeast Asia and the wife of a Marine Corps officer who has been missing 5 years, has declared she has "never heard a more shocking statement" than that made by Mr. MCCLOSKEY.

"She has never," she said, "heard one more dangerous to my husband and 1,700 other prisoners and missing in Southeast Asia."

"Never," she said, "has a proposal, threat or suggestion like this been made from any side, not even from Hanoi."

On behalf of the National League of Families of American Prisoners and Missing in Southeast Asia, I ask Mr. MCCLOSKEY to retract or explain his statements. To do less may leave the North Vietnamese, colleagues in Congress, and millions of Americans with what I expect is a tragic misunderstanding of the intent of his alarming remarks on the "Today" show.

At this point, Mr. Speaker, I include the entire text of the June 7 interview with Mr. MCCLOSKEY on the "Today Show" followed by the prepared remarks of Mrs. Carole Hanson, chairman of the National League of Families of American Prisoners and Missing in Southeast Asia, presented on the "Today Show," Thursday, June 8.

[From the "Today Show," WRC–TV, NBC Network, Washington, D.C., June 7, 1972]

AN INTERVIEW WITH REPRESENTATIVE PAUL MCCLOSKEY

FRANK MCGEE. A question. Can a Republican Congressman challenge President Nixon on the war issue and still get reelected?

Well, liberal California Republican Congressman Paul McCloskey tried and won, but barely. In yesterday's primary Mr. McCloskey, who since 1957 has represented the state's 11th Congressional District, the peninsula country below San Francisco, beat two opponents who described themselves as conservatives. But his victory was only by a plurality, not a majority—this after running against Mr. Nixon in New Hampshire primary last March, taking 20 percent of that vote, and then formally dropping out of the presidential race but continuing to speak out against tht President's war policies.

Welcome back. It's nice to see you again, Congressman.

Congressman PAUL MCCLOSKEY. It's a long time since New Hampshire.

MCGEE. Beg pardon?

Congressman MCCLOSKEY. It's a long time since New Hampshire.

MCGEE. It certainly seems like it, doesn't it? You faced two opponents. They were both conservative. Had you faced only one of them you might have lost.

Congressman MCCLOSKEY. Well, I think I would have beaten either of them head to head. It's hard to say. Usually you pick up some and the other fellow picks up some if one man drops out.

MCGEE. But does your narrow victory suggest anything to you about your criticism of the President's war action?

Congressman MCCLOSKEY. Well, I—I think it—it indicates that you can disagree with the President and still get elected. We know that perhaps 80 percent of the Republicans support this bombing policy in South Vietnam and in North Vietnam. And to me that policy is a tragedy. I think Congress has the obligation to end it. I think we can in the next few weeks. I hope we will.

MCGEE. End the bombing or end the war?

MCCLOSKEY. End the bombing. I think that bombing the North Vietnam today there's a subtle distinction. We used to bomb to support American troops. Today we bomb and kill people to support American pride. America's never done this before. When we kill women and children in North Vietnam we do something that we can never take any great pride in. As long as this country does this we really can't attack the real problems that face us.

MCGEE. You said you thought Congress could. Did you say you thought Congress would?

Congressman MCCLOSKEY. I think we're within 20 or 30 votes of having enough votes in Congress to cut off the funds for this war or to pull all American troops out within the next two months. The only thing I regret is that in the two or three months before we do this a lot of people are going to get killed in North Vietnam by our B–52s.

MCGEE. Let's return more directly to the—to the primary here. What I'm really getting at is—is—well, are you going to—are you going to support President Nixon?

Congressman MCCLOSKEY. I can't support anybody that maintains this bombing policy where we kill people just for pride. To me that policy transcends party loyalty. It's the major issue in the United States.

We—we've lost the stomach to fight this war ourselves, yet we lash out and kill other people in a war we're no longer willing to die in. This country has never done this before. And I think—and I hope Congress will end it.

MCGEE. Well, then, would it be accurate to say that unless the President ends the bombing you will not support him in November?

Congressman MCCLOSKEY. That's—that's correct. I hope I can support him. There are many things the Nixon administration has done, the Moscow, the China trip, the mid-East policy, revenue sharing, welfare, tax reform—all of these things are worth supporting. But as long as we kill people in a war we're not willing to die in, I can't support the leader that calls that policy.

MCGEE. I think you've partially answered the next question that I'm going to ask, because it has been raised. Why don't you just become a Democrat?

Congressman MCCLOSKEY. You know, I first ran for Congress against Lyndon Johnson, who was conducting the same kind of policy, a bombing policy, in North Vietnam. There's nothing about the Democratic Party

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leadership, the Stennis's, the Eastlands that conduct this policy—it isn't a partisan matter. It doesn't make me want to become a Democrat merely because my party has become the party that wants to win this war.

McGEE. So you'll remain in your party. And I would suppose you'll continue to oppose the President and all others who favor the bombing. But let's get to what Congress can actually do. What form do you think this must take or will take in order for Congress to try to end the bombing?

Congressman McCLOSKEY. Well, there are two votes: the Mansfield Amendment, which would have all American troops out by August 31st—you can't bomb to support or to protect American lives when all Americans are out . . .

McGEE. But you've already said that that's no longer our justification for bombing.

Congressman McCLOSKEY. It isn't, but the American people—this is the thing that the vote—I suppose frustrates all of us, that we're unable to articulate to the American people that we're not bombing to preserve American lives today, we're bombing to preserve American pride. It takes the debate of a public political campaign to get this educational process across. It's happening; it's going to take us a few more months.

McGEE. Well, what I'm—what I'm getting at is even if the Mansfield approach carried, wouldn't it—wouldn't—and the bombing continue anyway?

Congressman McCLOSKEY. No, I don't think so, because even the President knows we've—we've withdrawn the Gulf of Tonkin authority to fight this war. The only authority he has is as Commander-in-Chief to protect American lives. And you pull American lives and he doesn't have that authority any longer.

And I think that something the American people might think about is that every time we send bombers over there, we may be killing our own prisoners of war. They're the only issue worth fighting for. Congress voted twice last year to get out of Vietnam if we could get the prisoners back. There's 700 prisoners over there. If I were General Giap I think I'd be putting one of them in the town square of each of my 700 biggest towns.

But when we bomb today—and we bomb with B–52s and cluster bombs and all of the weapons that make up this arsenal we use—we might very well be hitting our own POWs.

McGEE. But of course those camps—the location of those camps—are known. We even staged a raid in there to try to get some of the fellows out.

Congressman McCLOSKEY. I wouldn't bet on that. And they can move those prisoners at any time. And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

McGEE. Well, you were reaching another approach that Congress can take besides the Mansfield Amendment.

Congressman McCLOSKEY. Well, the other—the other approach is to cut the funds off for the war as of a date in October. This is the bill that's now coming out of the House Foreign Affairs Committee. There was sort of a tacit agreement it wouldn't come out until the President had been to Moscow and back. And this I hope my election will have some significance, that perhaps 20 or 30 Republicans may join in the vote to cut off the funds for this war.

McGEE. You say there—well, I only have a little time left—what would—what has happened that would make these 20 or 30 or 40 Republicans change their mind? They've had opportunities to vote on this before.

Congressman McCLOSKEY. Well, in this beautiful painful but effective political process of ours we all face reelection in November. And the public is beginning to understand that those that vote to continue this war also are running for election in November. My colleagues are beginning to understand that. I'm beginning to understand it. And I—I hope as that election date approaches you'll see Congressmen begin to shift as public opinion begins to exert its weight.

McGEE. Congressman, thank you again for being with us. As you say, it's been a long time since New Hampshire.

Congressman McCLOSKEY. Thank you.

REMARKS OF MRS. CAROLE HANSON, JUNE 8, 1972

Yesterday on this show, Congressman Paul McCloskey from my state said if he were General Giap of North Vietnam, he would put a prisoner of war in each of 700 town squares to halt the bombing.

In the long five years as a wife of a missing in action American, I have never heard a more shocking statement, nor one more dangerous to my husband and 1,700 other prisoners and missing men in Southeast Asia. Never has a proposal, threat or suggestion like this been made from any side, not even from Hanoi.

The most bitter of anti-war opponents have not suggested that prisoners be used as shields against bombs. Mr. McCloskey said it not once, but twice.

It must be noted that Mr. McCloskey is a Congressman of the United States of America and a former Marine Corps officer like my husband. For a man of his position and experience to suggest this most heinous violation of the Geneva Convention is stunning to all POW families, and I trust to all Americans. Whether or not the Congressman meant this as an actual proposal, is not the issue. The fact remains that this sort of serious discussion by American officials may seem to justify such actions to Hanoi.

I hope he will publicly wthdraw that statement on this program—and apologize to all POW families, and indeed to his fellow Americans in cages and cells throughout Southeast Asia. Otherwise, I would hope that his fellow representatives in Congress would consider a vote of censure.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wish to commend our colleague, the gentleman from New York, for taking this time to call these outrageous remarks of our colleague to the attention of the House. It seems to me all of us here in this House ought to express our outrage at a suggestion that our American prisoners or our American missing in action be used in that manner.

I congratulate the gentleman in the well. He is performing a notable service by calling this to the attention of the House.

Mr. KEMP. I appreciate the gentleman's remarks.

I want to make it clear to the gentleman from Illinois and to my colleagues that this morning I delivered to Mr. McCLOSKEY's attention the complete text of my remarks. In fact, I was going to speak out yesterday, but he was not here. He is unfortunately out of town for a week, but his office does know and has been advised.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank and commend the gentleman from New York for taking this time for this important purpose.

I cannot believe it to have been the intent of the gentleman from California to endorse such practices of inhumanity and brutality as those which he suggested on this program, nor can I believe it was his intent to endanger the lives of men who are prisoners of war, but this is the effect of his statement; and I would join the gentleman in urging him to retract or to clarify his remarks for his own sake, for his country's sake, and for the sake of these courageous men and their families.

Mr. KEMP. I thank the gentleman.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my colleague from New York.

Mr. KING. Mr. Speaker, I want to commend the gentleman from New York for the position that he has taken here today.

I notice that the gentleman from California (Mr. McCLOSKEY) has many, many times referred to the actions of Americans in Vietnam as being immoral.

Certainly, nothing could be more immoral than the suggestion he has made to place an American prisoner in a position where his life might be taken through an action as explained by the gentleman.

The next question is the fact that the gentleman from New York did notify Mr. McCLOSKEY's office that he was going to be here today and he was going to ask for an explanation of his statement.

Mr. Speaker, I commend the gentleman for making the statement which he has made.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I want to commend the gentleman from New York for his remarks and for his efforts to get a clarification from the gentleman from California as to whether he really indeed meant what he said on the Today show.

It has aroused a great deal of antagonism and concern in this country.

Today I received a telegram from Mrs. Mildred Pilkington, State coordinator of the Illinois Chapter of the National League of Families, POW/MIA, in which she states as follows:

In answer to question by Frank McGee on Today Show June 7, 1972, Representative McCloskey is quoted as saying that if he were General Giap he would stop the bombing in North Vietnam by putting prisoners of war in the courtyards of several hundred towns. As mother of MIA in North Vietnam since September 1966. I feel shaken and outraged at this cheap political ploy. Plight of our men imprisoned and accountability of the MIA is further exploited. Recommend and urge immediate censure. In no way should Mr. McCloskey be privileged to reap the praise of the enemy at home or abroad. As representative of nearly 50 Illinois men 86 families, I urge a definitive stand forthwith.

I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I do not suppose it is incumbent upon me to defend a member of the other party from attacks by members from his side, but since he is not here to speak for himself, I would like to say that it is perfectly obvious from what he said he was not advocating or even suggesting, but merely pointing out the fact that that is one of the possible consequences our Government should have weighed when it escalated its bombing of North Vietnam.

I do not think there is a single person who does not obviously want to avoid a husband or a loved one's life being placed in jeopardy by the bombings that have been instituted by the American Government.

The SPEAKER pro tempore (Mr. RANDALL). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield further, one B–52 strike lays down a path of destruction one-half mile wide and 3 miles long.

Mr. KEMP. Mr. Speaker, I refuse to yield further to the gentleman. I recognize the gentleman's statement, and I want to make clear for the record that this is not an issue between critics or supporters of American policy and that I do not impugn the honor with which the gentleman from California has served his country. I do not suggest that he was telling them that they should do this. But, I am concerned about whether he has raised in the minds of the families of our prisoners, as well as in the minds of some of us in the Congress, the very real concern that this might occur because of the suggestion by the gentleman from California.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. KEMP. I am not going to yield any further. I do not think I need to explain my statement of concern to the gentleman any further.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman from New York for yielding.

Mr. Speaker, I want to compliment the gentleman from New York, as have his colleagues who have preceded me, for taking this time to call to the attention of the Congress and the people of America the untimely and unfortunate comments which had been made by a colleague (Mr. McCLOSKEY) of California.

I would like to say, Mr. Speaker, that every day I receive a bulletin that contains intercepted messages put out by the Communist propaganda machine to North Vietnam, to South Vietnam, and other parts of Southeast Asia.

I would point out that it is comments like we are talking about right now made by Mr. McCLOSKEY and made by some other so-called leaders of this Congress and this Government which have appeared very prominently in the Hanoi information media.

Mr. Speaker, Hanoi's propaganda messages are designed to give aid and comfort to their troops, and if they did not, I submit they would not continuously repeat those statements which have been made by some of our colleagues.

Further, I would say that one of my main concerns is especially the safety of the Americans remaining in Southeast Asia as we withdraw, whether they are in South Vietnam, or whether they are held somewhere in North Vietnam or whether they are held as prisoners by the Vietcong.

I think their safe return must be the utmost priority in our consideration of this matter.

I think the time which has been taken by the gentleman from New York helps call attention to this great issue that is facing this country.

Mr. KEMP. Let me make it clear that we are hopeful that the gentleman from California might have an opportunity to clear up this tragic misunderstanding that is so disturbing to the families of our prisoners of war.

Mr. GUBSER. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. KEMP. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I ask unanimous consent that the gentleman be given an additional 10 minutes.

The SPEAKER pro tempore (Mr. RANDALL). Is there objection to the request of the gentleman from California?

Mr. WILLIAM D. FORD. Mr. Speaker, I object.

Mr. HUNT. Mr. Speaker, I move that the gentleman be given 10 minutes additional time.

The SPEAKER pro tempore (Mr. RANDALL). The Chair will have to state that a motion to that effect is not in order at this time. Other special orders have previously been granted, and the Chair will state that the motion is not in order.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. KEMP. Yes, I am glad to yield to the gentleman from New York.

Mr. TERRY. I thank the gentleman for yielding.

Mr. KEMP. Before the gentleman proceeds, let me make it clear to everyone on the floor at this time that I am going to ask unanimous consent for 5 legislative days so that all Members might extend their remarks on the subject of this special order.

Mr. TERRY. Mr. Speaker, as the father-in-law of a Marine Corps airman missing in action in Vietnam, I join my distinguished colleague from New York in his remarks concerning this atrocious statement.

I would like to hear our colleague from California's response for making a further response to this. But I do hope he will respond quickly, knowing he is away for a week, I hope it will not be a week before we hear what his explanation is for these most unsatisfactory and scurrilous remarks concerning our prisoners of war.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I commend the gentleman from New York again for calling this to the attention of the House and to the attention of the American people in general.

It has been noted in some circles that this remark was made. But again there are those people in the United States who have not heard this.

I am hopeful, as you are, that the remarks will be retracted, and retracted publicly, because I can think of nothing more barbarous than for someone even to intimate that we should stake out a prisoner in the square in one of the 700 cities of North Vietnam for the purpose of having that place deteriorated or wrecked by bombing and the killing of those innocent persons there being held.

I deplore the statement and would label this without any hesitation as a barbarous act.

I commend the gentleman for his action in calling this to the attention of the country.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the gentleman from New York be given 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. GUBSER. Mr. Speaker, I too would like to commend the gentleman from New York for bringing this very important matter to the attention of the House.

I, for one, do not say for one instance that any Member does not have the right and the obligation, if he feels that way, to oppose this war in Southeast Asia.

I have no objection to any person who seriously believes that it was a tactical error to resume the bombing of the North to voice that objection. But I do feel it is a mistake in judgment, to use the kindliest term that I can summon, to use sensationalism in order to back the point that bombing should not have been resumed—and to use it in such a way that it would even suggest that American prisoners of war who have endured suffering more than anyone of us can imagine, should be placed in an exposed place where their lives would be in danger.

I would think that suggestion was the very worst mistake in judgment. I do hope my colleague from California will see fit to clarify this.

I think when we oppose this war in Southeast Asia, it is certainly justified by any person who believes that way, but I do not think it is wise to dwell entirely upon the bombing of the North and acts of so-called aggression by the United States.

I was at Hue shortly after the offensive in 1968 and I saw those graves and those corpses and I smelled them and I saw people with their hands tied behind their backs with wires and I saw their nostrils in such a condition that indicated they were buried alive.

I would remind you when aggression from the North takes place not a single

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person turns around and goes back north. They all go south. Why? Because the aggression, if it is American aggression, is not unilateral—it is naked, cruel aggression by the North. I think some of these apologists ought to begin to recognize that is just what it is.

Mr. KEMP. Mr. Speaker, I think it should be stated also from the well today that I am going to include for the RECORD the entire text of this June interview with my colleague, the gentleman from California, on the "Today" show. I also will include the prepared remarks of Mrs. Carole Hanson, of the National League of Families of POW's and those missing, so that all will have both statements in complete context.

As I said earlier this is not personal; we are not challenging the integrity or the patriotism of our colleague, but we are very anxious for an explanation. I think it is time a little priority must be given to this.

Mrs. HICKS of Massachusetts. Mr. Speaker, I am horrified by the recent remarks of Mr. MCCLOSKEY concerning the American prisoners of war.

It is outrageous for a Member of Congress to be giving military advice to the enemy, particularly advice that threatens the lives and safety of our soldiers. It is a barbaric gesture.

Mr. MCCLOSKEY's suggestion would only add to North Vietnam's record of violations of the Geneva Convention on the Treatment of Prisoners of War.

The remark reflects the national confusion caused by this tragic conflict.

It is time for each of us to resolve no longer to use the POW's as political pawns. It is time to devote our efforts toward freeing them.

I call upon Mr. MCCLOSKEY to retract his recent remark.

Mr. SCHMITZ. Mr. Speaker, thanks to my colleague, the Honorable JACK F. KEMP of New York, I obtained a copy of the remarks that Mr. MCCLOSKEY of my home State of California made on the "Today Show" with regard to the American POW-MIA's held captive in North Vietnam. This is a war we are engaged in, whether the Congress has formalized it or not. Men of our Armed Forces are committed to doing battle and their lives are on the line. I therefore profoundly question the tactical suggestion offered to the enemy by Mr. MCCLOSKEY that—

If I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

My colleague from California knows full well that every man who is suffering in those dungeons in North Vietnam is there as a result of following orders from successive Commanders in Chief. To even suggest that the enemy so use these valiant men who followed orders should be immediately retracted as explained by my colleague from California. In this cause, we cannot afford not to stand as one. I therefore join with the Honorable JACK F. KEMP of New York in requesting Mr. MCCLOSKEY to immediately retract or explain his open tactical military suggestion to the enemy.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. RANDALL). Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION SITE VIOLENCE DOES VIOLENCE TO OUR SYSTEM OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 10 minutes.

Mr. COUGHLIN. Mr. Speaker, I want to comment about a critical situation that has developed in Montgomery County, Pa., now that a county court judge has issued a continuing injunction involving picketing of a major construction company.

I am certain that many of my colleagues read in their local newspapers about the assault by some 1,000 persons June 5, 1972, on the proposed Valley Forge Plaza, Upper Merion Township, a construction site only a few miles away from the hills where George Washington and his troops endured the terrible winter of 1777–78.

The attack there, I am afraid, assures the construction site of an inglorious chapter in the history of labor disputes in the Philadelphia area. Newspaper articles recount only too graphically that buses unloaded bat-wielding, bomb-throwing hordes which systematically wrecked the construction area. Police officers were stoned, security guards routed, 4,000 feet of chain link fence torn down, an office and heavy equipment firebombed, and other material vandalized.

The construction firm, Altemose Construction Co., of Center Square, Pa., is at odds with unions of the Building and Construction Trades Council of Philadelphia and vicinity, and Local 30, of the United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Union, over the issue of nonunion labor.

The merits of either side's position in the controversy have no bearing on the wanton destruction and lawlessness that took place. This inexcusable rampage followed a series of sporadic incidents of violence, destruction and suspected arson that for previous weeks had marked the course of the dispute between contractors and unions.

As a Federal legislator, I am charged with framing and voting on national legislation. I am presently researching the National Labor Relations Act. to determine if there are sufficient powers to enforce NLRB rulings. As a citizen and a Representative, I am personally concerned that the rights of every individual are protected to the full extent of the law. I have contacted local government and law enforcement agencies to add my support for protection of the rights of all involved in the dispute.

Now, I cannot adequately express my chagrin and revulsion over the events of June 5. Not only do I see violence done to individuals and their property, but moreover, I see violence done to our system of laws that has been evolved over the years to provide protection for the legitimate rights of unions and management.

Rhetoric that too often inflames management and labor disputes comes easy in the time of heated tempers and hot issues. Yet, I do not feel I exaggerate when I state that this flagrant, unnecessary, arrogant and indefensible orgy of violence has been one of the most shattering blows to the organized labor movement in the Philadelphia area in many years. I hope that the calm and intelligent forces within organized labor itself will rebel at this disastrous use of force by taking action to insure that unions never again will resort to such tactics under pain of penalty, not just from the law, but from their own peers.

I thought that by 1972 we had long left behind the taint of billyswinging company police and blacklists, labor terrorists and coercion by force. Perhaps, the public outrage, governmental concern, and effective judicial restraints are signals enough that such violence should not be repeated. I hope so.

Over the years there has been considerable law enacted to handle disputes such as the one that triggered this assault. I believe the laws on the books are good and satisfactory. But in this Nation the system of law demands a dual responsibility—a responsibility by people to abide by it and a responsibility by the authorities to enforce it. A failure by either tempts the introduction of further legislation.

In the instances, highlighted by the June 5 violence, where the law has been violated, I note that the widespread anger and indignation cuts across management-labor lines without regard to any particular group, class, or segment of population. I hope this will help convince those involved in acts of violence and any contemplating future action of the folly of such conduct. It is self-defeating. Americans will not tolerate it. And, in the county of my residence, it will not go unpunished.

I commend the Montgomery County Commissioners, the district attorney's office, the sheriff's department, and the other law enforcement officials who have acted to enforce the law.

In particular, I commend Judge Vincent A. Cirillo, of the Montgomery County Court, for his justness and courage in handling this inflammatory case, and for his difficult decision that can only be hailed by fairminded persons.

Because they so well express the sentiments of the community, I submit for insertion in the CONGRESSIONAL RECORD these two editorials published in Philadelphia newspapers on June 7, 1972.

The Philadelphia Inquirer editorial:

RAMPAGE AT KING OF PRUSSIA WAS AN ASSAULT ON LAW ITSELF

"It amounted to a total destruction of the building site. It was virtually a military assault," said Montgomery County Judge Vincent R. Cirillo. "This was arson, violence, malicious mischief and vandalism, a total disregard for the law."

It was also a gross, indefensible assault, by a rapacious mob, on public order and the process of law.

The scene was the construction site of the Valley Forge Plaza. The occasion was the rampage by some 1,000 people, at least some of them drawn from the picket lines set up by the AFL–CIO Building and Construction Trades Council of Philadelphia and Vicinity and by Local 30 of the United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Union.

The unions were—and continue to be—opposed to the employment of non-union laborers at the site, and to the pay and benefit scales paid by the contractor and subcontractors.

That dispute is covered, we believe, by an adequate, useful and equitable system of law. We are not judging the question of labor organization, picketing or the equities involved in such efforts in the King of Prussia case.

But we are judging—and harshly—those who put their own selfish interests above the law and above the public order.

The police in King of Prussia and Montgomery County should identify and arrest every possible participant. The guilty should be vigorously prosecuted and imprisoned. If the local authorities fail in that responsibility—as they failed to prevent or significantly diminish the anarchy itself—Gov. Shapp and Attorney General J. Shane Creamer would do well to fill the gap they leave.

It is difficult to believe that if the sparsely-manned local police had been alert they could not have brought in outside police help in time to stem the rampage before it reduced the building site to—in Judge Cirillo's words—"a war zone in the aftermath of a concentrated bombing attack in World War II."

Those responsible for the administration of law and order there have the opportunity and the responsibility now to make a case in their own defense. The leaders of the unions involved bear an even heavier burden.

The Philadelphia Evening Bulletin editorial:

HARD-HATTERS' RAMPAGE

The roughhouse, terrorist tactics aimed at intimidating nonunion employers and workers on the Valley Forge Plaza construction project Monday morning were shameful and intolerable.

As they typically do in instances of construction violence, officials of the Philadelphia Building and Construction Trades Council are disclaiming responsibility for the mayhem and wanton destruction that erupted at the King of Prussia building site.

But somebody organized this assault and organized it well. The seven buses that hauled the rioters to the melee were chartered by someone. When the pickets swarmed off the buses, they were carrying sticks, clubs and homemade firebombs. They were also carrying placards that cited grievances against the nonunion Altemose Construction Co.

Whoever sent the buses and their charged-up riders to the construction site knew they weren't headed for a picnic. Presumptive evidence of a planned, rather efficiently mobilized, riot appears abundantly at hand.

Although the actual outbreak occurred in Montgomery County, the buses were evidently chartered from a Philadelphia firm. These circumstances should not be lost either on Milton O. Moss, Montgomery County's district attorney, or on Arlen Specter, his Philidelphia colleague.

A joint investigation of all aspects of the Valley Forge free-for-all, with a view toward bringing criminal charges against those responsible for it, is urgently required.

Union building tradesmen have been among the staunchest defenders of law and order. They have been numbered among the most outspoken critics of members of other groups who take the law into their own hands and employ violence to their own ends.

Yet the Valley Forge fracas, which left the construction site looking like a devastated skirmish area, was not an isolated incident. There have been repeated instances over the past decade of bombing, burning and rough-housing as the Building Trades Council has stepped up its campaign against nonunion contractors in the Philadelphia suburbs.

The Valley Forge raid, and the defiance of a Montgomery County court injunction that followed it, has brought the union's coercive tactics to a despicable focus. The cause of law and order—and the interests of unions that adhere to accepted forms of picketing and organizing—require that a massive assault by club-swinging, rock-throwing bullies cannot be dismissed as merely a high-spirited foray by reckless labor militants.

Unless action is taken to identify and punish those responsible for so blatant a rampage, the hoodlum element in the building trades could well feel it can continue using such lawless tactics. No public prosecutor can permit so defiant an outlook to persist.

If it will take a grand jury investigation to get at the bottom of the Valley Forge riot, one should be convened. The inquiry should also consider whether local and state police were prepared to cope with so destructive, if unexpected, an emergency. The police on the scene endured rock throwing and violence that in other settings have been met with a much firmer response.

Montgomery County Judge Vincent A. Cirillo, in issuing an injunction against further mass picketing, has shown the sort of resolve that the Valley Forge conflict calls for. The district attorneys of Montgomery and Philadelphia counties should take over from there—or perhaps this is a task for Pennsylvania Attorney General J. Shane Creamer.

GOLD AT $68 AN OUNCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, during each of the first 4 days of last week, the price of gold rose to a new alltime peak on one or another of the various private markets of Europe. Profit-taking on Friday produced a break in prices. But earlier in the week, the private market value of gold rose to nearly $30 above the official level of $38 per ounce.

This price surge has apparently been triggered by a number of rumors circulating throughout Europe. First, the South Africans are withholding a portion of their current production and not selling it on the private market because that nation is now enjoying a balance-of-payments surplus. It consequently does not need to sell all of its gold output to meet foreign expenditures. The source of uncertainty, however, is just how much South Africa has cut its supplies to the market. Second, it has been reputed that Paul Volcker is about to resign as Under Secretary of the Treasury for Monetary Affairs. Finally, stories have been circulating of U.S. willingness to increase the price of gold further in return for concessions from the Soviet Union.

As I emphasized in my remarks on May 18—CONGRESSIONAL RECORD, page 18067—the International Monetary Fund Agreement—IMF—that continues to provide a tenuous link between South African supplies of gold and the size of the world's monetary gold stock should be terminated. It is this agreement that permits South African manipulation of the private gold market to cast doubt on the stability of the international monetary system. The other two rumors, as far as I know, have no basis in fact.

Although I have often disagreed with Under Secretary Volcker about the specifics of U.S. international monetary policies, I have never doubted his capabilities or his devotion to his responsibilities. He is intelligent and knowledgeable about international monetary affairs. He has always diligently worked to carry out the policies of the Treasury. I very much doubt the rumors that he is planning to leave his current post.

But even if Under Secretary Volcker did resign his Treasury responsibilities, U.S. policies regarding gold would not alter. Secretary of the Treasury-designate George Shultz strongly supports the administration position that the December 1971 realinement produced a tenable structure of exchange rates and that in time a substantial improvement in both the U.S. trade position and our balance of payments will occur. When Federal Reserve Board Chairman Arthur F. Burns made his recent speech in Montreal, some foreign observers interpreted his remarks on gold to mean that the administration's position was easing.

I do not accept that interpretation. Rather Chairman Burns meant that the United States would not insist upon immediately purging gold as a reserve asset from a reformed international monetary system and that he favored preserving and strengthening the March 1968 agreement which separated private and official gold markets.

To the self-serving rumor mongers who persist in circulating misinformation about the possibility of a United States-Soviet agreement to increase the price of gold, I would point out that the President has no authority to enter into any such deal. The Congress and only the Congress—as events since last August have amply demonstrated—has the authority to alter the official dollar price of gold.

The Congress has never increased the price of gold in order to bring windfall benefits to speculators or gold producers, and today remains as resolutely opposed as ever to any such action. No further devaluation of the dollar relative to other currencies is in order, and even if attempted, other countries would not accept a further decline in the exchange value of the dollar. Since no exchange rate changes are needed to facilitate balance-of-payments adjustments, the only effect of an increase in the dollar price of gold would be to bring windfall profits to speculators. The Congress will not consent to engineer any such windfall.

European speculators are conducting a war of nerves in the hope that sooner or later some fortuitous development will

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line their pockets. They are grievously mistaken.

But the Treasury can still take one further action to emphasize the futility of the speculators' game. The December 1969, IMF Agreement providing for purchases of gold from South Africa stipulates that "it shall be subject to review whenever this is requested because of a major change in circumstances." Circumstances have changed: the dollar is no longer convertible, exchange rates have been restructured, and the private market price of gold is soaring to new heights. Therefore, Treasury officials should promptly exercise their right to request immediate termination of the agreement that permits the International Monetary Fund to purchase gold from South Africa. No more gold should be added to the monetary reserve stocks of IMF members.

THE FAIR INTERNATIONAL TRADE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, today I introduce a bill that would amend the tariff and trade laws of the United States to guarantee U.S. businesses and workers a fair chance to compete with foreign producers and sellers in the U.S. market. For too long, our markets have been viewed as dumping grounds for foreign excess capacity. For too long, our domestic producers have been made the target of joint business-Government cooperation from abroad. For too long, domestic producers and sellers have been held to rigorous rules of fair and open competition at home while their foreign competitors are allowed to operate free of such restrictions.

The result is unfair international trade. Such trade has subjected many U.S. industries—companies and workers—to devastating injury. In my own district alone the roller chain, electronics, textile, and shoe industries have all suffered, possibly irreparably, from unfair foreign competition.

If our Nation is to retain its industrial might while continuing its essential full participation in international trade, we must make certain that international trade is fair trade.

And I do not say "fair" trade as a euphemism for protectionism.

My bill would streamline existing law regulating the dumping of foreign merchandise in our markets, make our countervailing duties law more effective, provide for greater tariff adjustment and adjustment assistance relief for U.S. businesses and workers injured by imports, and revitalize the opportunity for private treble damages action for injuries arising from international price discrimination.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit on a tentative "less than fair value"—LTFV—determination under the act by the Treasury Department is set at 6 months. Currently, Treasury has no statutory or official administrative timetable for reaching such a decision, and at present time it takes the Department a year or longer to make such a determination.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, my bill would bring the basic injury standard of the Antidumping Act—which deals in a real sense with international price discrimination—more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standards with reference to the quantum of injury required, the requisite causal link between LTFV imports and injury, and the showing necessary to justify a finding of likelihood of injury under the act.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, implementation of the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is often hampered by substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a "bounty or grant" within 12 months after the question is presented.

Second, the legislation would extend the potential coverage of the countervailing duty law to duty-free imports and imports subject to quotas or voluntary agreements.

Third, in an effort to strengthen the Tariff Commission and reduce the incidence of tie votes in trade proceedings, my bill would enlarge the Commission from six to seven members and increase the term from 6 to 7 years.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962—TEA:

First, my bill would provide a regular procedure whereby an interested party could lodge a complaint with the Tariff Commission against foreign restrictions or discrimination against U.S. exports that violate provisions of the TEA.

Second, the bill would liberalize the stringent standards for obtaining tariff adjustment of adjustment assistance currently faced by U.S. industries, independent firms, and groups of workers under TEA. In addition, the maximum level of adjustment assistance for workers unemployed as a result of imports would be increased by approximately 15 percent, to 75 percent of average weekly wages.

Third, my bill would significantly increase the Tariff Commission's authority to determine the nature and extent of relief granted under the escape clause by requiring the President to implement, in most cases, the specific tariff adjustments determined by the Commission to be necessary to eliminate the injury suffered by a U.S. industry.

Fourth, all proceedings and determinations are made subject to the APA, and judicial review from Commission determinations is made available to all parties.

Title IV amends the Revenue Act of 1916 in order to make private treble damages actions available to persons injured by the dumping of foreign products in the U.S. market. The purpose of these provisions, like many of the other provisions of my bill, is to provide an effective deterrent to international price discrimination by subjecting foreign corporations to essentially the same business rules that govern the conduct of domestic companies.

A full explanation of my bill—taken title by title, point by point—follows:

TITLE-BY-TITLE ANALYSIS OF THE FAIR INTERNATIONAL TRADE ACT OF 1972

Title I of the "Fair International Trade Act of 1972" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1972" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement. Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources. (p. 5)

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to insure a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious. (pp. 2, 4)

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made. (p. 6)

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review. (pp. 6–7)

II. AMENDMENTS TO THE TARIFF ACT OF 1930

Countervailing Duties. Chapter 1 of Title II of the "Fair International Trade Act of 1972" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented. (pp. 7–8)

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute. (pp. 8–11)

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States. (pp. 11–12)

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specifically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review (pp. 9–12)

Tariff Commission. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commission. (pp. 13–14)

III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter I of Title III of the "Fair International Trade Act of 1972" would enable persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The Trade Expansion Act of 1962 contains provisions that empower the President to take retaliatory measures against the exports of nations that unduly restrict and discriminate against United States exports. However, the Act contains no provisions for an orderly and timely procedure whereby parties in the U.S. who believe themselves injured by such foreign restrictive or discriminatory action can seek to invoke the statutory sanctions.

Chapter 1 would provide a complaint procedure for affected persons to bring to the President's attention evidence of such trade restrictions against U.S. exports. The procedure would be similar to that utilized in anti-dumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to these foreign restrictions. (pp. 15–16)

The "Escape Clause". Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these criteria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession and the increase in imports. (p. 18)

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards. (pp. 21–23, 25–29, 36)

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also significantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute. (pp. 19, 29–35)

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations. (pp. 18–19, 24–25)

IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1972" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not proved an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1972", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act. (pp. 38–39)

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy. (p. 39)

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards. (p. 40)

AN ASSESSMENT OF THE U.S. POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the U.S. Postal Service should not be expected to have complied fully with the congressional mandate in the Postal Reorganization Act of 1970 in the short period of time of its existence. I supported the Postal Reorganization Act, and I want to see the U.S. Postal Service succeed. I believe that we should allow the Service several years to achieve substantially its goals, but a review of its performance after 1 year in operation can shed some light as to whether or not the direction it has taken will lead eventually to success, that is, effective postal services for every citizen at fair and equitable costs.

Undoubtedly, the Postal Service began under extremely difficult circumstances. It was saddled with:

A history of 196 years of politics, resulting in postal rates rarely established to reflect the relation of the service provided to the cost therefor;

Poor labor-management relations;

Service goals which were oftentimes unrealistic and promulgated more often than not for political expediency;

Budget allocations and capital improvement programs relegated to low priorities because of overall Government-wide budgetary considerations;

Personnel appointments, perhaps politically sound but certainly not always in the best interests of the Post Office Department;

And myriad other directives which did little to add to the effectiveness of the postal service.

These obstacles hampered the efficiency of the Department, but it continued

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to exist. However, a continuation of the system without massive legislative surgery would have eventually led to a complete breakdown.

Hence postal reform was born followed by enactment of the Postal Reorganization Act of 1970, which granted to the Postal Service the powers necessary for it to extricate itself from the archaic system under which it had operated for nearly two centuries.

The success or failure of the U.S. Postal Service depends now on the ability of the Postmaster General and his appointees to implement the provisions of the Postal Reorganization Act. The law as enacted is virtually what was recommended. The minor variations will in no way hinder the efficiency which was promised.

Failure could only result from the inability of the Postal Service to fulfill its recommended statutory obligations or from having recommended this method of reform in the first place.

By the same token, success will have resulted from their understanding of the problems, the solutions it recommended and its ability to implement them.

I have divided this evaluation of the Postal Service into seven categories for purposes of discussion: First, service; second, modernization; third, labor-management relations; fourth, rates and revenues; fifth, appropriations; sixth, competition; and seventh, politics.

SERVICE

The single most critical area which the U.S. Postal Service must "sell" is service. If one believes that the volume of complaints concerning service indicates a deliberate policy of reducing service, without considering the congressional mandate for the Postal Service to pay its own way, is an injustice.

In order to understand the dilemma of the Postal Service this mandate and its relationship to the curtailment of services and rising costs must be reviewed.

The service previously promised, such as overnight delivery of first-class mail anywhere in the country, was realistic at that time since the Government was expected to subsidize it. However, the Congress chose a different route to follow with the passage of postal reform legislation. It decreed that no longer will the Treasury contribute to the system, but that each class must pay its own way. Less service and more costs, or a combination of both, must be the necessary result.

Even with massive subsidies, the cost to the public for providing postal services experienced dramatic increases in the 8 years before 1968. For instance, the cost of first-class mail remained constant from 1933 to 1959. From 1959 to 1968 the cost doubled from 3 to 6 cents, even at a time when the Government was picking up part of the tab.

Now under the mandate that the mail user must pay full costs, with few exceptions, for the service provided him, the Postal Service has only three choices: first, to maintain prepostal reform service goals and recover full costs therefor with massive rate increases; second, to establish new service goals, reducing service to bare minimums to the extent the present rate structure can support them, or third, reduce service goals to tolerable levels concurrent with less drastic rate increases to support that service.

It would appear that the first two alternatives are least desirable and that in choosing the third alternative, the U.S. Postal Service has chosen the correct course.

The decision of the U.S. Postal Service has resulted, and will necessarily continue to result, in the kinds of complaints that have been made, at least until the public becomes acclimated to the fact that the Post Office Department is a creature of the past and that the new order of things requires time for changes to be made. The public, of course, cannot be faulted. They are accustomed to better service at less cost—but they were not paying for it.

Reversion to the old system might eliminate some of these complaints, but it would also result in its own brand of complaints. Each solution gives birth to new problems.

MODERNIZATION

Prior to the passage of the Postal Reorganization Act, modernization and mechanization of postal facilities, to say the least, did not meet the needs of the Post Office Department. In fact, the Postal Service now finds itself in a most disadvantageous position since it must commence a crash program to rectify years of abuse while, at the same time, keeping pace with normal replacement requirements.

The failure in years past has been attributed to one major factor—lack of appropriations. When the Federal budget was to be cut, those with low priorities, such as the Post Office Department, felt the ax first. Construction of planned facilities awaited funds which more often than not were appropriated 5 to 10 years after the facilities were needed.

Since complaints on postal services were not as numerous then as they are now, it was erroneously believed that "bodies" could do the work and funds for mechanization could wait for another time. Hence, mechanization in major facilities and terminals was virtually nonexistent.

In addition, politics played havoc with mechanization and modernization. Political accommodations sometimes dictated priorities and as a result needs were sacrificed for favors.

The Postal Service, now armed with the authority to incur its own obligations not to exceed $10 billion, $1.5 billion in any 1 year for capital improvements, has the funding capacity to rectify years of neglect.

It has announced a $1.5 billion program to build 21 bulk mail facilities throughout the country by 1975. The first facility is located in New Jersey. This site, known as the "Secaucus project," is the subject of further discussion later in these remarks.

It has also earmarked some $40 million to remodel some existing post office facilities. Yet hundreds of others, which will be phased out over the next 5 to 10 years, will not be improved. The working conditions in these latter facilities are abhorrent and will deteriorate further.

The Postal Service also has been evaluating and improving a prototype in Cincinnati which it believes eventually will be the most modern and efficient automatic mail sorting equipment in the world. Similar equipment has been in operation in certain foreign countries for years.

Present plans call for the equipment to be installed in some 200 major centers around the country, some of which are not yet constructed. Yet, past deficiencies will necessitate a delay in the full implementation of this system until 1976.

There is no doubt that successful implementation will be of invaluable assistance in providing good and efficient mail service. In the meantime, however, temporary measures are needed to prevent further Postal Service deterioration in this area, and none are discernible.

The Postal Service recently completed its initial bond sale in the amount of $250 million, which is not earmarked for spending until 1974.

In view of the dire need for postal facilities and the present funding capacity of the U.S. Postal Service, one must question the projected progress of the modernization program, however. $470 million was budgeted for fiscal year 1972 and $492 million for fiscal year 1973. These amounts hardly seem enough to correct so many years of neglect.

LABOR-MANAGEMENT RELATIONS

With the enactment of postal reform the Congress was led to believe that a new era in labor-management relations was about to begin. No longer would the postal worker have to come before the Congress "begging" for a living wage, decent fringe benefits, and working conditions. No longer would the Postal Service be shackled by rules and procedures which prevented them from managing the work force.

Armed with what was termed a bold, revolutionary collective bargaining system for a large segment of the Federal work force, the problems of many years were to be solved by the parties themselves. Although one would expect certain problems which are inherent in any labor-management situation, the new era of collective bargaining, which, by the way, both parties wanted kept intact in the reform legislation, has yet to surface.

The Postal Service believes that the new system has worked. It states that the first agreement negotiated last year was accomplished without resorting to binding arbitration as provided for in the law. While this is fact, both sides to the agreement have been heard to say that to subject issues to arbitration the first time around would have been an admission that the parties could not bargain effectively and that the new system was, therefore, not all that it was claimed to be.

Assuming these admissions to be true, it is not surprising that the postal employee organizations are now seeking help from the Congress in certain legislation and that they want certain provisions of the Postal Reorganization Act amended.

On April 25, 1972, before the Subcommittee on Postal Service, the president of the National Association of Letter Carriers, while extolling certain aspects of collective bargaining, expressed doubts about its total effectiveness as presently provided for in the act, when he stated:

> Perhaps I should not conclude my testimony today without mentioning what I believe to be the only possible hope for the future unless there is a more realistic attitude in the minds of postal management. Certainly, final and binding arbitration cannot and will not change attitudes and cannot and will not produce good faith bargaining. Arbitration results can only mean awards and unfavorable decisions for both parties. Therefore, arbitration is not the desired Utopia so long as arbitration cannot provide proper attitudes. It is the type of attitude that has been described here today that is fomenting and forcing the demand for the right to strike.
>
> We have been advised by our many friends in the labor movement that arbitration is well and good and is certainly an excellent substitute for management-appointed judge and jury. It is by no means a satisfactory substitute for the right to withhold services when there has been an abuse or a flagrant violation of a contractual obligation. Therefore, our union today is solidly on record in seeking the right to strike not for the purpose of striking alone, but for the purpose of protection if collective bargaining in the Postal Establishment is to work.

On that same day, the American Postal Workers Union representatives testified in favor of first, the right to strike, second, the right to union security and to negotiate the union shop, and third, the right to political freedom. They testified on the right to strike as follows:

> A result of the 1969 strike in the Postal Service was the enactment of the Postal Reorganization Act. That Act sought to make the Postal Service an independent establishment and to create conditions for the postal employees on a parity with employees in the private sector of the economy. However, it continued in force and effect the repressive measures which deny the workers their most fundamental right, that is, the right to strike.
>
> The 750,000 employees of the Postal Service were told by Congress that they were going to be denied most of the protections of the Civil Service laws received by the other employees in the federal government and were going to be allowed to bargain collectively like private employees. However, on the other hand, they were denied the major tool—the absolutely essential weapon—possessed by private employees to use to attain their rightfully due benefits through collective bargaining.

Interestingly enough, the Postmaster General, in testimony before the committee on April 11, 1972, testified that he would not oppose granting the right to strike to postal employees. The same attitude has been confirmed by other U.S. Postal Service officials in informal conversations.

Although one cannot be certain whether the right to strike will solve all the problems, we are certain that the procedures presently established have not resolved them all.

On May 24 of this year, the American Postal Workers Union staged a rally in Washington, with union representatives from all over the Nation, in support of amendments to the Postal Reorganization Act, and also "to spotlight the failure of postal management to bargan locally in good faith." They claim a "breakdown in meaningful local negotiations which have already resulted in an estimated 100,000 impasses."

Another indication of the lack of effectiveness of the collective bargaining provisions is the fact that postal employee organizations are still lobbying Congress for certain fringe benefits.

They were successful in having an amendment added on the floor of the House, after failing in committee, to include postal employees in H.R. 12202, which would increase the Government's contribution for health benefits. On June 1, the committee voted against including postal employees under H.R. 12602, relating to the leave system for Federal employees.

RATES AND REVENUES

Under previous procedures, postal rates were established in an unscientific manner, to say the least. The relationship between the type of service provided and the recovery of costs therefor was based on inaccurate analyses, and in addition, the end product often reflected lobbying efforts of great magnitude.

Certain classes were heavily subsidized and now no longer enjoy the benefits of subsidy. These mail users are complaining the loudest, since obviously their postage rates will reflect the highest percentage increases. For instance, second-class publications, the "free press," are faced with a 142-percent increase. The claim is made now that these increased costs are intolerable, that they will force many publications to go out of business.

With very few exceptions during the debate for postal reform, the "free press" not only supported the concept of postal reform, including the requirement that each class pay its own way, but demanded it. It claimed that the Congress was the culprit since it refused to give up its stranglehold on the political Post Office Department, including its control over rates. Now with postal reform they have discovered that a prime offender and resultant beneficiary of the former rate-making process was their own industry.

The committee has received innumerable requests from publishers asking that special legislation be enacted to protect their interests. The same holds true for the service-type organizations and labor organizations which are claiming that the increased rates will adversely affect their respective publications and place such a burden on them that their effectiveness and philanthropic efforts will be substantially curtailed.

Interestingly enough, these people are not claiming that the rate is not justified as it relates to the type of service provided them—merely that they are a special class or group and therefore should enjoy special benefits.

This is what postal reform was all about: that preferential rate categories were to be eliminated. According to the policy of the Postal Reorganization Act, neither the Treasury nor other classes of mail would be required to subsidize any mail category.

Any attempt, at this time, to seek legislation giving preferential rates to any group, would be the beginning of a return to the old system.

Recently the new Postmaster General indicated that in fiscal year 1973 the Postal Service would require an additional $450 million postal rate increase. He stated further, that since he did not believe the public would stand for another rate increase, costs had to be reduced in order to eliminate the need for higher rates.

In addition to the recently announced 90-day hiring freeze, the Postmaster General on June 5 announced a new liberalized retirement policy, hoping to cut the work force further. These measures would aid in eliminating the necessity for increased rates. It is estimated that this liberalized retirement policy for this year could affect as many as 180,000 postal employees, should they choose to retire.

Although it is only conjecture on my part, these measures may only serve to delay an eventual rate increase. In the meantime, this type of personnel policy maneuvering can only adversely affect postal services.

One also cannot help but wonder whether or not there are any political implications in the decision not to seek a postal rate increase in this election year. An announcement of rate increases within a short time after November 7, 1927, would bolster this suspicion.

APPROPRIATIONS

During the debate for postal reform, the Post Office Department was adamant in its opposition to any subsidies, insisting that the new Postal Service should be completely self-supporting. Those provisions in the Postal Reorganization Act which provide for decreasing annual subsidies were enacted as a result of congressional insistence.

Interestingly enough, the initial Postal Service request for appropriations in fiscal year 1972 was cut by some $210 million by the Office of Management and Budget. Yet the Postal Service, which had insisted upon no subsidy, came to Congress asking that the amount cut be restored. In the second request for appropriations for fiscal year 1973, the same set of circumstances prevailed and the Postal Service again seeks to have the $216 million cut restored by the Congress.

The Postal Service received $1.5 billion in appropriations for fiscal year 1972 and $1.4 billion has been requested for fiscal year 1973.

With the furor over recent rate increases, and the attempt by the Postmaster General to cut costs this year to avoid an additional $450 million rate increase, there is no question that without the subsidy provided by Congress, the U.S. Postal Service would have been faced with a three-horned dilemma:

First, financial disaster with no rate increase;

Second, virtual rebellion on the part of the public, mail-users, and the Congress with a rate increase;

Third, intolerable additional service curtailments to avoid a rate increase.

Fortunately, the U.S. Postal Service will not be confronted with these alternatives, since the present rate of subsidy will continue through fiscal year 1979, and will only be reduced annually by 1 percent thereafter until it reaches 5 percent in 1984, and is authorized to remain at that level thereafter.

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COMPETITION

One of the factors upon which the Postal Service based its expected revenues was the growth in the volume of mail.

It is now projected that the percentage increase in volume of growth will be the lowest since 1930, and in fact this may be the first year that the volume of mail has not increased over the previous year.

One reason for this lack of growth is probably postal rate increases; another, poorer service. Although the Postal Service has a monopoly on first-class mail, it does not in the second-, third-, and fourth-classes. Private mail services such as the independent Postal Service of America, in some areas of the country, are offering better service at less cost. Some of the major mail users have turned to these private companies.

One of the biggest money makers for the Postal Service has been the so-called "junk mail." This class of mail has been turning to independent companies to deliver its advertising matter and the resultant loss in volume has hurt Postal Service projections. Since there is a substantial "profit" factor in this class of mail, the revenue lost has serious consequences.

Although the second-class publishers are talking about private delivery or other means of distributing their publications, the Postal Service probably is not too worried about this loss of mail, since it has never paid its way. Even with the 142-percent rate increase, revenue factors would still reflect red ink.

However, there has also been a substantial drop in first-class mail. Some insurance companies and utility companies are experimenting with delivering their own monthly bills. The "profit" factor here is favorable and loss of volume will hurt.

The United Parcel Service and others like it have drained a considerable amount of parcel post business from the Postal Service. In 1967, the Post Office Department delivered twice as many parcels as United Parcel Service. However, in 1971, United Parcel Service delivered more than the Postal Service. They offer better service at competitive rates and, most importantly, the rate of damage done by their organizations as opposed to the Postal Service is minimal.

In view of this, it is understandable why the Postal Service is embarking upon a $1.5 billion capital improvement program for parcel and bulk mail facilities. However, the completion date is some 4 or 5 years away and it would appear as though these long range plans will have little effect on current problems in this area.

Although the Postmaster General recently discussed the intolerable damage rate to parcels and has promised to correct this situation, it is difficult to understand how the Postal Service expects to recoup some of its lost business in the meantime, since it has substantially curtailed delivery services for parcel post.

POLITICS

One of the major aims of the Postal Reorganization Act was to free the Post Office Department from politics which had become such an integral part of the postal system and had contributed to the problems it faced.

The former Postmaster General took such a hard stand, often described as unnecessary and unreasonable, to insure this freedom that it caused an almost irreparable rupture of relations between the Congress and the U.S. Postal Service. The Postmaster General based his hard line on the belief that the slightest accommodation, harmless as it might be, would indicate weakness and a willingness to "deal"

One of the first directives issued by the Postal Service, in January 1971, reflected the intransigence of the Postmaster General in this regard and was the forerunner of the breakdown in its relationship with the Congress.

The directive prescribed the following:

First, forbade all direct contacts with Members, their staffs, and congressional committees on all Postal Service matters except through the Congressional Liaison Office of the Postal Service.

Second, the traditional formal dedication ceremonies of new postal facilities were discontinued.

Third, advance notice of Postal Service activities to congressional offices would be discontinued and only public announcements would be made concurrently to news media and the Congress.

Such an abrupt change in the "rules" was intolerable to the Congress, to say the least. The furor that arose persisted since the edict was announced, but has subsided since then, when the new Postmaster General "modified" the gag rule somewhat in testimony before our committee on April 11, 1972.

Although the latter two provisions of the directive caused some hardship and inconvenience to Members, the gag rule was unreasonable and unwise.

Prior to this time, and for years, constituent and employee problems relating to the Postal Service were handled by congressional offices. Under the new rules, this was impossible. Members were hard put to explain to people that they now had nothing to do with the Postal Service.

The major problem Members faced was that of the more than 200 million people in this country, only 535, the Members of Congress, plus their staffs, were denied direct contact with postal employees. Any other "politician" could help, but not the Congress.

Some people also believe that the brand of politics which had to be removed from the system has been replaced to some degree by a new brand—"business world politics."

Had the Postal Service taken as hard a line on this new facet as they had on the former, the charge would be absolutely unfounded. However, circumstances suggest that there may be some basis to these claims.

For instance, many of the personnel appointments in the upper echelon of the Postal Service were made from executives in the business world, as opposed to career postal executives. In addition, the ranks of "executives" in the Assistant Postmaster General class has been increased from less than ten to more than 30 positions. With very few exceptions, they are "industry" types.

The Subcommittee on Investigations conducted an extensive study of the job evaluation contract awarded to Westinghouse Corp. in 1971. It found that the contract was awarded to the highest bidder with the least amount of expertise in the field, that the contractor had in fact been preselected, and that the "bidding" procedures followed were more for appearance than for substance. Although a conflict of interest allegation could not be "proved or disproved," the postal executive who was in charge of this project worked directly under an Assistant Postmaster General who was a former Westinghouse employee.

The Subcommittee on Postal Service conducted an investigation on the initial bond issue of the U.S. Postal Service. It found that two of the underwriters ranked low on the selection criteria of the Postal Service, but that certain of their principals were heavy political contributors to the administration; and further that President Nixon's former law firm had been selected as bond counsel. The report indicated that the Postal Service bond system could cost additional tens of millions of dollars and that the initial issue had "been handled in such a way that strong appearance of impropriety has arisen."

In another matter concerning the construction of a bulk mail facility called the "Secaucus project," the consultant hired by the Postal Service to assist in the site selection had ties with railroad companies. The Postal Service purchased the land from the subsidiaries of two railroads. The final cost of land, including land-fill and site preparation, was in excess of $80,000.00 per acre.

It would appear that the Postal Service should take the same "hard line" against industrial type politics as it has against the Congress. Even if there were no politics involved, the mere possibility of it does little to allay the fears of those who believe that one bad system has been replaced with another bad one.

CONCLUSION

The public image of the U.S. Postal Service remains low, maybe even at an all time low.

This was best illustrated by the dialog in the cartoon "Tiger" by Bud Blake:

TIGER. I'm not going to mail a letter to Santa Claus this year.

FRIEND. Don't you believe in him?

TIGER. Sure. It's the Postal Service I don't believe in.

The number of complaints made either directly to the committee or referred by Members, and the demand for investigations have increased substantially. These complaints cover a wide range of activities and come from almost every sector in the country.

Not all of the complaints can be attributed solely to present operation of the Postal Service, since what they inherited demanded drastic changes which would not sit comfortably with the Congress, the mail users, or the public.

It was reported that the U.S. Postal Service has recently retained two advertising agencies, with a budget of $17.5 million, to help improve the public image of the Postal Service. It would seem that it is going to take a lot more than "Madison Avenue" to help sell the U.S. Postal Service.

However, the new Postmaster General has brought some hope. The insensitivity to Congress, apparent under the former Postmaster General, is disappearing. In each of his public pronouncements, the Postmaster General has stressed that service is the primary objective of the Postal Service.

It would appear that the new attitude displayed is that the Postal Service is not a business but a service to be conducted in a businesslike fashion. This approach should start the Postal Service toward the road to success.

The Congress should watch and wait, criticizing when necessary, praising when deserved, and hope, along with all Americans, that the Postal Service can do the job.

THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 5 minutes.

Mr. MIKVA. Mr. Speaker, I inadvertently seem to have stumbled on a necktie party that some of my colleagues on the other side were preparing for the distinguished gentleman from California (Mr. MCCLOSKEY). I appreciate the fact that he was invited to be present at his hanging, and I am sure he regrets that he was not able to be present. But I think it comes with ill grace to say some of the things I heard. I would hope that under the power to revise remarks, some of the things I think I heard will be revised; for example, I could have sworn that I heard one of the Members on the other side suggest that Mr. MCCLOSKEY gave aid and comfort to the enemy.

Everyone knows what those words mean. Notwithstanding all the protestations of the Member who took the special order, I cannot believe he or anyone else on that side would consciously have made the imputation that the gentleman from California might be something less than a patriotic citizen of this country.

I think everybody who heard what the gentleman from California said or who read what the gentleman from California said knows very will his meaning. A lot of us happen to think that the President's current policies are jeopardizing the lives of our prisoners of war and the lives of those who are missing in action. The gentleman from California is not alone in that view, and if he chooses certain words to say it, I do not think it comes with good grace from his own party, let alone from anyone else, to suggest that there is anything wrong with his patriotism or even his judgment. I hope that some of the things I heard will be revised out of the permanent RECORD.

Mr. Speaker, I yield back the balance of my time.

LET US CLEAN UP OUR THROWAWAY SOCIETY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one of the major factors contributing to the ruination of our natural beauty is littering. As a traveler on our Nation's roads and major highway systems I have seen the disgraceful effects of irresponsible citizens upon the landscapes of this Nation. The "additions" to our scenery consist of everything from beverage cans and newspapers to bathroom fixtures.

The multitude of throwaway items produced by our civilization has resulted in the American public's unwillingness to exert any effort to properly dispose of their garbage. Certainly, they throw it away, along the roads, over cliffs, and into vacant lots. However, all cannot be blamed on the consumer. Too often manufacturers, in their attempt to achieve a more marketable item, have overlooked the consequences of their throwaway products.

I am pleased to say that the Johnstown plant of Bethlehem Steel in Johnstown, Pa., a major employer in my district, has accepted the responsibility of giving the consumer a chance to conveniently discard used containers. The four collection centers established throughout the city accept cans made of steel or aluminum or a combination of the two. This effort is the beginning to halt the rising number of can collections along the area's highways. I offer my deepest appreciation to the management of Bethlehem Steel in this city for instituting such a program.

For those helpless citizens unable to assume the responsibility of keeping garbage where it belongs, fines and other penalties must be enforced to assure the elimination of the littering problem.

I urge industry and the general public to assume the duties, and take the necessary steps to clean up our throwaway society.

TRIBUTE TO TED PANKOWSKI, SR.

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, a remarkable Michigan man died a few days ago. His name was Ted Pankowski, Sr. He was only 62 years old.

Ted Pankowski was a strong, down-to-earth, hard-working man, the kind of man you would trust with your life, your fortune, your cause. His rough edges added to the distinctiveness of his character and enabled him to move easily in situations where others could not easily tread.

He was among those men and women who had the good fortune to have reached maturity, in terms of age and spirit of involvement, during the era of two remarkable men, Walter Reuther and G. Mennen Williams.

Reuther gave a special brand of guidance, vision, and political toughness to the United Automobile Workers. Williams rejuvenated the Democratic Party and was the leading figure in making Michigan a two-party State. Reuther and Williams succeeded because of their own character and ability and because they were supported by a remarkable core of "secondary leadership"—decent, tireless, unpublicized men. Ted Pankowski was foremost among them.

To use a Reuther phrase, Ted worked in the vineyards during the difficult early days of the UAW, when physical danger was a daily fact of life for union men and their families. Later, in the Williams era and beyond, he had no peer, in my opinion, as a COPE district coordinator working with the Democratic Party.

Those of us in politics know that frequently a precinct worker does not involve himself beyond his own precinct, or his own neighborhood. A few more have the capability to perceive an entire congressional district with its diverse elements. A district coordinator like Ted was not a narrow specialist. He knew how to reach people of different backgrounds, ages, races, and put them together in an effective combination, frequently despite themselves.

In his last years at the UAW, Ted left the turbulence of politics to work in the relatively new field of environment. He was in it well before it became a popular issue.

Early in 1971, Ted retired and took to his beloved woods of northern Michigan. It is a profound tragedy for his family and friends that his enjoyment of that retirement was cut short.

Ted was a pioneer in modern trade unionism and programmatic Democratic politics. I was lucky to have known him as a mentor, companion, friend. It is unlikely we shall ever see his like again.

NATIONAL DAY OF MOURNING AND PRAYER FOR AMERICANS OF LITHUANIAN BACKGROUND

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the president of the national executive committee of the Lithuanian-American Community, Mr. Vytautas Volertas, recently proposed a National Day of Mourning and Prayer for Americans of Lithuanian background. Mr. Volertas' proposal was made in response to recent developments in the Lithuanian city of Kaunas, where rioting has been underway over religious oppression and lack of political freedom.

A grave error it would be indeed, if in the wave of good feeling that has emanated from the spirit of Moscow we were to assume that all is right behind the Iron Curtain. As recent events in Lithuania attest, the struggle for religious and political freedom is continuous in the face of Soviet oppression. For example, this past March 17,000 Lithuanian Catholics signed a bitterly worded petition to Communist Party leaders demanding an end to religious suppression. This action is the most massive protest of its kind ever known to have emerged from Lithuania and the Soviet Union. This, and earlier appeals to ease religious persecution had gone unacknowledged except in the form of intensified repression. Also, within the last year priests have been imprisoned for preparing children for their first communion. At least two

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Lithuanian bishops have been sent to unlimited exile without trial, and most recently a young priest, Romas Talanta, publically burned himself to death for political reasons, setting off the series of riots.

I take this time to urge Lithuanian-Americans, and indeed all Americans who cherish the freedoms of our land, to observe June 15 as a National Day of Mourning and Prayer in commemoration of the current struggle in Lithuania. That date, certainly not one for celebration, marks the anniversary of the Soviet Union's forceful occupation of Lithuania in 1940.

Mr. Speaker, I urge the Members of this body to support the proposal in the same spirit with which they have supported the Captive Nations Weeks of past years. In the next month as we prepare again to take time out to remember the plight of the more than 27 captive nations, we must take special pains to voice our sympathy for, and encouragement to, the Lithuanian people. By our encouragement, we can afford them at least a measure of hope, for in the words of the Poet Matthew Arnold, "hope once crushed, is less quick to spring again." Free nations and captive nations everywhere will suffer unless hope is kept alive in Lithuania. Let us not deny them that.

NEW YORK STATE SPECIAL OLYMPICS FOR THE MENTALLY RETARDED

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on June 16, 17, and 18 more than 1,000 youngsters from all parts of New York State will be in Syracuse to participate in a track meet. They have earned the right to compete in the meet by winning local contests in which more than 13,000 children participated. From the Syracuse competition a team will be selected to test their skills against 2,000 other boys and girls from across the Nation in a meet in Los Angeles this August. All the young athletes involved in this program are mentally retarded.

The New York State Special Olympics for the Mentally Retarded and similar programs in all 50 States and the District of Columbia, have been made possible through the magnificent efforts of the Joseph P. Kennedy, Jr. Foundation under the leadership of Mrs. Eunice Kennedy Shriver.

The Syracuse meet has won the support of Syracuse University and the people of central New York, and I commend them all for their efforts in this most meaningful cause.

I would also like to pay a special tribute to the Joseph P. Kennedy, Jr., Foundation. The Special Olympics program has grown by more than 300 percent since 1968. Now, more than a quarter of a million mentally retarded boys and girls have the chance to know the thrill of competing against others of similar age and ability, and opportunity unavailable just a few short years ago.

The Special Olympics is a great boon to many mentally retarded children, giving them an opportunity to prove to the world that mental retardation need not come hand in hand with physical inferiority, a mistaken assumption made all too often.

I urge all in central New York to support the games, and once again commend the Joseph P. Kennedy, Jr. Foundation and Mrs. Shriver for their efforts in making the Special Olympics the nationwide success it has become.

CAPITOL PAGE SCHOOL GRADUATION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, last night it was my privilege to attend the commencement exercises of the Capitol Page School, which took place in the Ways and Means Committee room in the Longworth Building.

To the strains of the U.S. Navy Band, the 19 graduates marched solemnly to the rostrum. There was a full house—a large and very proud gathering of Members, friends, and relatives.

Among the graduates were two West Virginians—Michael Bruce Victorson, of 1531 Summit Drive, Charleston, W. Va.; and Daniel Glenn McGinn, of 1129 West 11th Street, Nitro, W. Va. That is a pretty good average for the State of West Virginia. But the average is even better when it is considered that six of the 19 page school graduates were named members of the National Honor Society, and two of the six are West Virginians—in other words, 100 percent of the West Virginia graduates are members of the National Honor Society. Victorson plans to study political science at West Virginia University, while McGinn will study political science at Washington and Lee University.

Additional honors came to the West Virginia pages who graduated last night. Daniel McGinn is vice president of the graduating class. Michael Victorson was honored by the presence of his grandfather, Rabbi Solomon Jacobson of Temple B'rith Achim, Petersburg, Va., who delivered the invocation and benediction.

Before being awarded their diplomas and a memorial plaque, the graduates were addressed by our colleague, the Honorable DANIEL J. FLOOD of Pennsylvania. It was a most impressive and moving address, delivered in the inimitable style for which Congressman FLOOD has become famous. The program and the text of Representative FLOOD's eloquent address follow:

COMMENCEMENT EXERCISES OF CAPITOL PAGE SCHOOL

HOUSE WAYS AND MEANS COMMITTEE ROOM,
Washington, D.C., June 12, 1972.

PROGRAM

Prelude—U.S. Navy Band, Chief Musician, Arthur Accardo.
Processional, "Pomp and Circumstances"—Elgar.
**Invocation*—Rabbi Solomon Jacobson, Rabbi, Temple B'rith Achim.
**Salute to the Flag*—Audience.
**Star Spangled Banner*—Audience.

*Audience Standing.

Welcome—Mr. John C. Hoffman.
Salutatorian—Michael Partridge.
Selection—U.S. Navy Band.
Greetings—Mr. John D. Koontz, Associate Superintendent D.C. Public Schools.
Address—Honorable Daniel J. Flood, Congressman, 11th District, Pennsylvania.
Valedictorian—Bruce J. Porter.
Announcement of Honors—Mr. Hoffman.
Presentation of Diplomas—Mr. John D. Koontz.
Selection—U.S. Navy Band.
Benediction—Rabbi Solomon Jacobson.
Recessional—U.S. Navy Band.

Graduates

Gary Lee Attman, Eugene A. Chapa, Jr., **H. Rodney Clark, Paulette Marie Desell, Thomas L. Gonzales, Gregory Leon Hartman, **Richard H. Kunkel, John James McCreary, III, **Daniel Glenn McGinn.

Mitchell Lee Mirigian, **Michael Anthony Partridge, **Bruce J. Porter, Julie Lynn Price, Albert Lawrence Raithel, III, James J. Rapone, Jr., Mario Sebastian Rivera, Mitchell Rodriguez, Bobby Earl Sullivan, **Michael Bruce Victorson.

Class Officers

Lawrence Raithel—President.
Daniel McGinn—Vice President.
Paulette Desell—Secretary-Treasurer.
John McCreary—Sergeant-at-Arms.

Scholarships

National Merit Scholarship (to Duke University)—Bruce Porter.
U.S. Army Military Academy—Bruce Porter.
U.S. Naval Academy—Larry Raithel.
Nazareth College—Paulette Desell.
Harvard University—Rodney Clark.
Washington and Lee University—Dan McGinn.
Temple University—James J. Rapone, Jr.

Ushers

Chris Shea, Head Usher, Atlee Valentina, Daniel Schwich, Robert Mathias, Scott McGeary.

Music by the United States Navy Band.
Decorations, U.S. Botanical Gardens.

TEXT OF REPRESENTATIVE DANIEL J. FLOOD

It is a great pleasure for me to be here with you tonight, and to share in your happiness on this occasion. I congratulate all who are graduating at this time, as well as your families, teachers, and friends who must feel a special sense of pride and satisfaction in your achievement. You are going forth from this place out into the world—or, at least, that is what commencement speakers traditionally say! In fact, of course, *you* are leaving a particular world, the world of capital hill, the world of political decision-making, for larger worlds, private and public, which will be the area of your future careers.

Having had a taste of this rather specialized world and the legislative experience which goes with it, you may very well find that you want to come back at a later time—who knows? Perhaps as a Member of that august body, the Congress of the United States. It may be my privilege tonight to be addressing—all unknown—future Representatives and Senators. If so, I wish you well!

In the last century a Senate page wrote an account of how he and his fellow pages would meet each day before the opening of the session and mimic the distinguished members of the Senate, each page taking the role of a famous Senator. The Senators themselves would quietly drift in at the back, watching with considerable interest the workings of this rump-session. I rather suspect something like that is still going on among the pages of both Houses.

I suppose you will carry with you for many years to come memories pleasant and unpleasant of snapping fingers and blinking lights.

**Members of National Honor Society.

And, of course, it may well be that you do *not* want to return—perhaps feeling that, as they say, enough is too much! Whatever the case may be • • • you have acquired some direct insight into the working of the Government and, I hope, some appreciation of the complexity of the issues which confront not only Members of Congress but all who must make and implement the decisions of government, in our troubled time.

You *are* graduating into a troubled time—a Nation and a world faced with grave and urgent problems, challenging man's knowledge and ability to the utmost. The call is for men and women who will be not only seekers of the good, the just, and the true, but pioneers, breaking new paths into the future, paths of peace and of knowledge, paths of understanding and good-will at home and abroad.

Something of that spirit of pioneering courage so much a part of our American heritage was recreated for us vividly this past season in the superb television account of the discovery of the Congo, the sage of Livingston and Stanley: many of you will have seen the series or perhaps read Allan Moorehead's accounts in *The White Nile* and *The Blue Nile*.

In all our racial memory and tradition, the river has always been counted as a thing of blessing. It was the river valley that was the cradle of civilization • • •

Egypt, you know, was the gift of the Nile. The ancient rivers of China were the places where civilization first came in those eastern lands.

The biblical tradition runs true to the same form; it was a river that went out from Eden to water the garden. All the way from those early chapters of "Genesis" to the last chapters in the book called "Revelation" where "He shewed me a pure river of water of life," it is always a glad cry: "There is a river!" "There is a river, the streams whereof make glad the city of God." The river of God is full of water," Or • • • as Ezekiel put it in his interesting vision of waters issuing from out the sanctuary of God, "Everything shall live whither the river cometh." "Everything shall live whither the river cometh." The river has that lifemaking gift of refreshment, of fertility, of power, of beauty.

The symbolism of the river is powerful and deep in our culture. Those of you who have read your T. S. Eliot will recall that the central theme of "The Wasteland" is the healing, lifegiving river and the effect of its absence in a time of drought. I suppose one of the most popular songs in American life is "Old Man River."

There are several very interesting things about rivers, which touch upon the character of human life as in a parable.

First—the river replenishes its own waters.

No river in the world has all its water from a single fountain! The river, literally, drinks of brook after brook by the way!

Think how a river not only replenishes its own water, but think how it straightens its own course. It is interesting even in the short space of human lifetime, to see how those ox-bows change in the great river, the inside of the curve always eating away from the force of the water ••• the outside of the curve always and forever building itself up so that as the ages go on, the river eliminates its ox-bows and takes its direct course.

So with the mighty waters of the Amazon and the Mississippi.

Think how a river not only replenishes its own waters and straightens its own course, but purifies itself as it flows along. Perhaps, you will call it chemical dissipation, perhaps you will call it aeration, the exposure to air and breezes and rain and sunlight—perhaps, you will call it evaporation! The river doesn't let itself stay soiled. Literally, as it goes it is cleansed! So, because a river does these things ••• a river has always come to be the symbol of peace. "Thy peace shall be as a river."

Peace is very much in our minds and hearts today as we confront a world still sorely troubled by wars and rumors of wars.

Peace, you know, means the possession of adequate resources—water, from many hillside, wild, vast catchment areas—water not only from this watershed, but from many another watersheds—underground rivers that break out in springs and rivulets—melting waters from many a snow field and many an ice field. Peace always depends on those deep resources.

So in the world and in our own Nation—the resources of peace must include arms, strength to preserve the peace, and something more—that deep will to peace in our hearts and minds, which can bridge hostility and overcome conflict.

Peace always comes with a unity of purpose. Nothing ever stops a river from its course. The river laughs at your dams as it would laughs at dams that the beavers have built. The river laughs at your stockades and your shorings because the river with its mighty patience is cutting through the mountain • • •

It is no figure of speech, you know, when you think of mountains being carried into the midst of the sea! That is exactly and precisely what the rivers are always and forever doing. And so, the rivers, as they run their course, are always a symbol of peace.

Just these qualities are foremost among those which you and I need if we are to lead meaningful and creative lives—the deep resources of mind and spirit, resources nourished by the many streams of knowledge and experience which flow into our lives, and some great central unity of purpose.

The secret of inner peace is to be found in that quiet integrity which can bring peace not only to our selves but to the world.

It was over a hundred years ago when David Livingstone came to Capetown; he came to explore all the heart, the unknown heart of the continent of Africa. Ten years later, he found himself by the bank of the Zambezi, flowing a mile wide by those native villages. The native people there had an interesting little canoe song, "The Zambezi—nobody knows whence it comes or whither it goes."

They sing it to the rhythm of the paddle in their canoes on that great river. Twenty years later, when Livingstone was dying, he found himself working northward along the shores of another and greater river. He never lived to see where that river flowed. The natives thought it very strange of him—why did he care anyway? "We never ask the river where it comes from or where it is going."

Most of us come to a point where we are very anxious to ask the river of life where it comes from and where it is going. It is a very usual thing, isn't it, to trace that river back—to feel that somehow if we understand enough biology, enough anthropology and modern psychology, then we will know all the secrets of life. Let's cast aside all camouflage and all whitewashing and go back to the hinterland, to the wild country, and find out the sources of our river! Very wild are those jungles and those thickets of the hinterland—jungles and thickets of the savage—jungles and thickets of the beast—jungles and thickets of animal reactions. So that is what life is.

There is the real answer put very simply, put in quite its lowest terms.

A number of recent books on animals and man (easily confusing the two!) might make you feel that life *is* like that.

But you know, there is another and a better way to understand the meaning of life than that. Instead of trying to follow the river to its sources, follow it to its mouth. It was William James, himself, who said, as a psychologist, that origins never prove anything. It is often brought up in debate that of course human nature can't change itself—given these things and given these origins, it is just bound to be this way and that is all there is to it!

Do you remember the answer also given in terms of psychology? This is the very essence of human nature to change itself! The pull of life is greater than the push of life—the plans and the hopes and the purposes of life always more meaningful, more significant, more true than the mere memories, the vestigial recollections of what must have been in the past. The real way to understand life is to follow through to the destination of life—to the possibilities and destinies of life.

That, of course, is the great hope and promise before you on the horizons of Life. As you go forth into the world, be not only seekers but path-breakers for your fellowmen and women.

After Livingstone died, Stanley felt that the task of Livingstone had come to him as a solemn trust and obligation. With thirty-six men, he proceeded to sail down this unknown river, and a sort of shore relief followed their little boat alongside the stream. Many of them were killed, many of them died. For fifteen-hundred miles they followed that river. Stanley had asked the native where it went—they said "North, north, north, and on foreover to the north." So, for awhile it seemed, and then the river began to turn north by west, and now it is flowing northwest and now with a great sweep almost west • • • now making a great circle southwest—fifteen hundred miles of that great river! Not the Nile, as Livingstone had guessed, not the Niger, but one of the world's greatest rivers! Stanley stood there looking over the seven-mile expanse where the mighty Congo flows into the ocean. And so, the native called Livingstone "the Seeker of the rivers," but they call Stanley "the Breaker of the path."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAGAN (at the request of Mr. BOGGS) for Tuesday, June 13, and Wednesday, June 14 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOUP) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 10 minutes, today.
Mr. COUGHLIN, for 10 minutes, today.
Mr. VEYSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 10 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. BOLAND, for 30 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. HAMILTON, for 10 minutes, today.
Mr. BURKE of Florida (at the request of Mr. SHOUP), for 15 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. MIKVA (at the request of Mr. MAZZOLI), for 5 minutes today, and to revise and extend his remarks and include extraneous matter.

XUM

Mr. ABBITT (at the request of Mr. MAZZOLI), for 30 minutes on June 14, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EVINS of Tennessee notwithstanding the estimated cost of $1,400.

Mr. BOLAND to revise and extend the remarks he made today on the conference report.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. LANDGREBE in five instances.
Mr. HEINZ.
Mr. DERWINSKI in three instances.
Mr. SCHWENGEL in two instances.
Mr. RIEGLE.
Mr. WYDLER in two instances.
Mr. SHOUP.
Mr. HORTON.
Mr. BOB WILSON.
Mr. WYMAN in two instances.
Mr. ZWACH.
Mr. BROTZMAN.
Mr. SCHNEEBELI.
Mr. VEYSEY.
Mr. RAILSBACK.
Mr. KEMP in two instances.
Mr. KEATING.
Mr. PELLY in two instances.
Mr. DICKINSON.
Mr. FORSYTHE.
Mr. STEIGER of Arizona.
Mr. DON H. CLAUSEN in two instances.
Mr. SHRIVER in two instances.
Mr. BURKE of Florida.
Mr. SCHMITZ in five instances.
Mr. RAILSBACK in two instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. EDWARDS of California in three instances.
Mr. RARICK in six instances.
Mr. GONZALEZ in three instances.
Mr. ROGERS in five instances.
Mr. HUNGATE in two instances.
Mr. HAGAN in three instances.
Mr. PUCINSKI in six instances.
Mr. DOW.
Mr. MONTGOMERY.
Mr. OBEY in four instances.
Mr. WILLIAM D. FORD.
Mr. BOLLING in two instances.
Mr. FLOOD in two instances.
Mr. BINGHAM in three instances.
Mr. JONES of Tennessee in two instances.
Mr. O'NEILL in three instances.
Mr. PODELL in two instances.
Mr. BADILLO.
Mr. WOLFF.
Mrs. HICKS of Massachusetts in two instances.
Mr. MURPHY of New York in two instances.
Mr. DENT.
Mr. HARRINGTON in two instances.
Mr. BENNETT.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 82. Concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 12, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 9096. To amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadet and midshipmen at the service academies of the Armed Forces.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2079. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting copies of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms, signed in Moscow on May 26, 1972 (H. Doc. 92–311); was taken from the Speaker's table, referred to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 14974. A bill to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; with amendments (Rept. No. 92–1124). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 15439 A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes (Rept. No. 92–1125). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. S. 3343. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; with amendments (Rept. No. 92–1126). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. CHARLES H. WILSON):

H.R. 15456. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 15457. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H.R. 15458. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 15459. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 15460. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest land owners, and for other purposes; to the Committee on Agriculture.

By Mr. FASCELL:

H.R. 15461. A bill to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes; to the Committee on Foreign Affairs.

H.R. 15462. A bill to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. Section of the International Boundary and Water Commission, United States and Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WILLIAM D. FORD (for himself and Mr. BIAGGI):

H.R. 15463. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD (for himself, Mr. DINGELL, Mrs. GRIFFITHS, Mr. NEDZI, and Mr. O'HARA):

H.R. 15464. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself and Mr. PELLY):

H.R. 15465. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRASSO:

H.R. 15466. A bill to extend and improve the Federal-State unemployment compensation program by amending the Employment Security Amendments of 1970; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 15467. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management, and for other purposes; to the Committee on Education and Labor.

H.R. 15468. A bill to establish a National Human Resources Conservation Corps to rehabilitate persons convicted of violating certain narcotic drug laws and persons who volunteer for membership in such corps and to improve the quality of environment; to the Committee on Education and Labor.

By Mr. SCHMITZ:

H.R. 15469. A bill to quitclaim the interest of the United States to certain land in Escondido, Calif.; to the Committee on Agriculture.

By Mr. WARE:

H.R. 15470. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of certain surplus property for court and law enforcement purposes; to the Committee on Government Operations.

By Mr. ABOUREZK:

H.R. 15471. A bill to reduce interest rates on SBA disaster loans; to the Committee on Banking and Currency.

By Mr. BETTS (for himself and Mr. WAGGONNER):

H.R. 15472. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committe on Ways and Means.

By Mr. FISHER:

H.R. 15473. A bill to amend title 10 of the United States Code to provide that certain additional amounts received by retired servicemen employed in the Junior Reserve Officers' Training Corps shall be treated as subsistence or uniform allowances or as amounts received as commutation of quarters; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mrs. GRASSO, Mr. ROGERS, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 15474. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of and research in Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 15475. A bill to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts (for herself, Mrs. ABZUG, Mr. BIAGGI, Mr. BRASCO, Mr. BRINKLEY, Mr. CLARK, Mr. EILBERG, Mr. FISH, Mr. FRASER, Mr. GONZALEZ, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KUYKENDALL, Mr. MAZZOLI, Mr. RYAN, Mr. WHITEHURST, and Mr. WINN):

H.R. 15476. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 15477. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 15478. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mr. STEELE:

H.R. 15479. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15480. A bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specialty adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. YATRON:

H.R. 15481. A bill to provide increases in railroad retirement benefits comparable to those provided by the Social Security Amendments of 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS (for himself and Mr. GERALD R. FORD):

H.J. Res. 1227. Joint resolution approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms; to the Committee on Foreign Affairs.

By Mr. SEIBERLING (for himself, Mr. DANIELSON, and Mr. CHARLES H. WILSON):

H.J. Res. 1228. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mr. QUIE, Mr. BELL, and Mrs. MINK):

H. Res. 1016. Resolution authorizing travel to the Third International Conference on Adult Education; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 15482. A bill for the relief of Stefan Wiedersperg; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 15483. A bill to provide for the striking of medals to commemorate the 500th anniversary of the birth of the Polish astronomer Nicholas Copernicus; to the Committee on Banking and Currency.

By Mr. SCHMITZ:

H.R. 15484. A bill providing for the extension of patents Nos. 2,710,876, 2,703,788, and 2,464,240; to the Committee on the Judiciary.

H.R. 15485. A bill for the relief of Olinda Bazen Garcia; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A VACATION IN AMERICA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHWENGEL. Mr. Speaker, summer is the time for a family vacation. At the risk of being labeled a travel agent. I would like to point out the virtues of relaxing in rural America.

I am enclosing an article about Keosauqua on the Des Moines River in the First District of Iowa. Hotel Manning and the natural beauty of the immediate area are examples of what can be found across the Nation. Certainly, one does not need to go far, or spend a great deal to enjoy a vacation.

The article follows:

[From the Iowa City Press-Citizen, June 7, 1972]

HISTORY, ANTIQUES, "IOWANA" STILL UNSPOILED BY COMMERCIALISM: VAN BUREN COUNTY—THE PLACE WHERE IOWA BEGAN

(By Lillian McLaughlin)

KEOSAUQUA, IOWA.—For a vacation in Iowa, where better to be than Van Buren County, the place where Iowa began?

A few miles south of Eldon on Iowa 16, you are in Van Burenland. It's a grand entrance along a smooth highway that plays tag with the Des Moines River and a single railroad track down to Iowa 1 into Keosauqua.

Home base is a landmark by the Keosauqua Bridge, Hotel Manning, built by "A Great Builder of Southeast Iowa," Edwin Manning, as a general store and bank in 1854, remodeled into a hotel in 1893.

Fondly known by its patrons as the old "steamboat hotel," it has withstood four floods. Its outside glass door panes etched with H. M. represents its three owners, Manning, Bertha Mayers and since 1944, Mabel Miller.

Guests rocking on the great second floor veranda no longer see steamboats pass, only recreational craft and an occasional fisherman along the shore.

Only a few of the rooms in the Hotel Manning have private baths, tucked into a corner of the great rooms. The telephone's in the lobby and the color TV in the "lounge," a big central hallway upstairs.

The furnishings are motley: a handsome highback old walnut bed in one room, three iron ones in another. A guest may hang his coat in that big painted wooden wardrobe or on a hat tree made from a small tree-trunk.

But the generous old rooms are kept spic and span. The ceilings are 15 feet high. There are a few great bay windows that are look-outs up and down the river.

On Sundays, Mabel Miller's staff serves up a superb buffet: ham, fried chicken, meat loaf, a delicate casserole of eggplant and corn, mashed potatoes and real cream chicken gravy, a dozen or so relishes and salads and who knows how many kinds of pie, all for $2.50.

In the lobby are rocking chairs, a fancy old-fashioned dining room table and high back chairs, hump back trunks and a mynah bird that wolf-whistles and appreciates a good joke about himself.

The mynah bird's name is Charlie, says Mrs. Miller.

"Not long ago some young people on a treasure hunt were told to 'meet Charlie Manning.' They came to the desk and asked if a Charlie Manning was at the hotel, and I told them 'yes, right in that cage over there.'"

Eavesdropping across the lobby, Charlie gave a rolling guttural laugh from his cage.

Charlie will greet you as you enter: "What's your name?" As you pass he will give his wolf-whistles. Sometimes, if there's nobody about, Charlie practices his repertoire of bird call imitations.

At 6:30 a.m., he greets each day with a rousing wolf whistle. He doesn't recognize daylight savings time.

By 7 a.m., early risers can be in Lacey-Keosauqua Park just across the bridge.

The largest of Iowa's state parks, Lacey-K is a beautifully wooded area along the bluffs of the river with miles of trails, a 30-acre lake, picnic, and camping facilities for 350 units, cabins, ancient Indian Mounds, a beach and even a nine-hole gold course.

History? Antiques? Iowana? These are everywhere in Van Buren County, still untouched, or at least unspoiled by commercial tourism.

Criss-cross the Des Moines River over the bridges of these little villages and towns.

Farmington: See the old limestone structure, once a manufacturing company that produced 350 wagons and buggies a year.

Bonaparte: The old Opera House (painted silver) and surmounted with Three Wise Men and a star left over from Christmas. Stop for dinner and, if you wish, drinks at Bonaparte's Retreat, an oasis Napoleon's poor shivering men would have embraced, as do natives and visitors for miles around, to taste Bennie John Hendrick's home-cut steaks and his wife's homemade salad dressings.

Bentonsport: Take a walking tour around this village; the Mason House, another old hotel that took care of the steamboat travelers, now a museum; the country store, rebuilt from timbers of old Bonaparte railroad station, the Presbyterian Church, built in 1855, standing on a hill behind an aisle of gaunt old cedar trees.

Douds-Leando: Take a turn through these twin villages and their common river bridge. Near Douds you're driving over a great limestone quarry.

This is beautiful country—in rain, in mist, in brilliant sun.

And may any who follow have the luck to see what this writer saw: A stupendous rainbow arching over the high hills of Van Buren County, to disappear beneath its pot of gold at the north end of the Bentonsport bridge.

MACOMB COUNTY VOTES AGAINST BUSING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, June 13, 1972

Mr. GRIFFIN. Mr. President, the volume of mail my office has received on the subject of forced busing far exceeds anything I have seen since coming to Congress 16 years ago.

The preponderance of opposition to forced busing, as reflected in my mail, is overwhelming. However, the electoral process should be a better barometer of public opinion than my mail bag.

On May 16, the citizens of Michigan's Macomb County cast their votes in an election on an advisory question that appeared on the ballot. The results:

In favor of cross-district busing, 8,917.

Against cross-district busing, 139,594.

Mr. President, I ask unanimous consent that a letter from the Macomb County Board of Commissioners reflecting the results of the vote be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MACOMB COUNTY BOARD OF COMMISSIONERS.

Mount Clemens, Mich., June 2, 1972.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRIFFIN: Increasing concern and much public attention has been focused on the issue of "cross-district bussing".

The Macomb County (Michigan) Board of Commissioners has acknowledged the deeply imbedded convictions of our local residents on this issue and was the first governmental entity within the State of Michigan to formally and publicly oppose the "cross-district bussing" concept as a means to achieve educational equality in our schols.

In order to more accurately evaluate our residents' reaction to this concept, and rather than recognize any specific organization or citizens' group which may have professed to "speak" for the majority, our County Board of Commissioners placed an advisory question on the Presidential Primary Ballot of May 16, 1972, throughout the County of Macomb.

The official voting results are self-explanatory: 8,917—in favor of cross-district bussing; 139,594—against cross-district bussing.

The Macomb County Board of Commissioners feel our residents and taxpayers' opinions should *not* fall along the wayside unheeded.

We urge you to do all within the power of your esteemed office to insure representation of the people on this emotional issue.

Sincerely,

STEPHEN W. DANE,
Chairman, Macomb County Board of Commissioners.

THE BEGINNING

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, last weekend I had the honor of sharing the speaking responsibilities at the Ukiah High School commencement ceremonies with three graduating seniors.

One of these speakers was Dave Dorsey, an honor student at this high school located in the heart of my congressional district. It was obvious from the attention that he received from his classmates, that Dave Dorsey had their respect and their admiration. It was also obvious from the enthusiastic response he received from the audience of classmates, parents, and loved ones that his remarks were timely and appropriate.

Having met Dave Dorsey personally and heard him speak so enthusiastically and forcefully about his convictions, I predict that this young man will have an extraordinary future in whatever career he embarks on.

Therefore, I take this means of bringing his speech to the attention of my colleagues because I believe it reflects the responsible and constructive image that is shared by a vast majority of American youth today.

The speech follows:

THE BEGINNING

(By Dave Dorsey)

Someone once said that "Today is the first day of the rest of your life". Well, this is it. High school graduation. For about 345 of us, tonight is a major turning point in our lives. After tonight the graduates of the class of 1972 will have reached the point where we must make the decisions which will determine our entire future. And then we will all go our separate ways, to make our mark on the world. The realization finally hits us, this is it. The age of preparation is over and now we will encounter success or failure, joy or sadness, whatever awaits us in this mysterious world we live in.

For many of us, graduation from high school signifies the end of our formal education. There are no more classes to suffer through, or tests to cram for, or report cards to worry about. But gone too are the dances, and carefree days we used to savor. Our learning experiences are only beginning however. The things we learn and the experiences we will have in the real world will teach us more than we ever dreamed possible. George Bernard Shaw once said "The only time my education was ever interrupted was when I was in school". The educational opportunities we will have in our jobs, in marriage, or even in the service are limitless.

Yes, we've only just begun. We have now reached the real beginning of our existence. Whatever the future holds in store for us, you can be sure that it will be like nothing we have ever experienced before.

Every generation in history has thought that it was special, that they're going to change the world. Mine is no exception. How we will change the world is the question. Let's see what we've got to work with.

We are the first generation to grow up in a world where our modern technology is taken for granted. It's no big deal that we can send a man off to the moon or that we can literally blow up the world at the push of a button. We have grown up to accept television, like the kitchen sink and the telephone as a fact of life. And through the wonders of TV; the war in Vietnam, the violence in America, and the destruction of the environment do not shock us anymore. It is all part of our world. And, if real life should get too depressing we can always turn the dial from the news and tune in some comforting soap opera.

This is the world we now face, with the added responsibility of facing it as adults. It's kind of scary isn't it, inheriting a world filled with assassinations and wars? But before we get too critical we must ask ourselves "How will we change it?" For the better?

"Just wait until we can vote", we used to say when we were younger. Well, now that we can vote, and we're old enough to attend rallies and knock on doors and wave placards, perhaps we can initiate a change. There was an election held earlier this week and 75% of the locally registered voters did. How many of you voted? How many of *you* voted? Perhaps there is hope for this country yet.

The world is going to be constantly changing. It's inevitable. But how it changes will be up to us, that is our responsibility. It will be the duty of each of us to be aware of the issues and problems which confront our Nation today. A democratic society such as we live in, while it does have its faults, can only be successful when its people are informed. There is a vast difference between a silent majority and an apathetic majority. It will be our privilege to be concerned about the things that affect us and to express our opinions in the voting booth. We must be careful that we don't judge too quickly though, that's just as bad as being apathetic.

I hope that when we all leave dear old Ukiah that we do not forget the things which we were so concerned about as students. Dress codes and the closing of the main seemed pretty important to us at the time. I hope it doesn't slip from memory. And how about that, we'll be the last class to have gone through high school in the main!

This year I had the privilege of serving as the first student advisor to the board of education, giving me the opportunity of seeing, firsthand, the educational process at work, from both a student and administrative point of view. If more people had a chance and took the time to see an issue from both sides of the fence maybe they wouldn't be so critical. There is a short little poem which I think expresses what I am trying to say very well. It's entitled "The Wise Old Owl."

The wise old owl
He sat in an oak
The more he saw,
The less he spoke.
The less he spoke,
The more he heard.
Why can't we be
Like the wise old bird?

Thank you very much.
National graduate week!
Hug a graduate!

FUNDS TO SAVE SALTON SEA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. VEYSEY. Mr. Speaker, included in the bill before the House today is a $100,000 line item for the final stage of the Salton Sea feasibility study.

The purpose of the study is to determine the most practical and economical way of preventing the largest lake in California from dying. Preserving the Salton Sea would be a badly needed shot in the arm for the economy of the whole southwestern corner of the United States. It would also permit development of a massive new recreation resource for millions of city-constrained people. Thirty of my congressional colleagues joined with me to recommend this project to the Secretary of the Interior last year. Five Bureaus within the Department are presently cooperating in the project, along with the State of California which has appropriated $47,500 to cover its share of the study.

Authorization of the feasibility study will be one more milestone in the 6-year effort to enhance the recreational potential of California's largest body of water.

In December 1965, as State assemblyman, I began meeting with the broad spectrum of groups interested in saving the sea. We met every 3 months to develop legislative solutions to the alarming increase in salinity and nutrients that is suffocating the sea. The result was State legislation which established the California Salton Sea Advisory Committee.

The committee, the State of California and the Federal Bureau of Reclamation conducted a major reconnaissance investigation to develop alternative plans to stablize the sea level, limit the salinity, and control the nutrient problem. They also developed engineering and financial data on the project.

The reconnaissance report documented for the first time the extent of the camping, fishing, swimming, and water skiing recreation presently enjoyed at the sea. It estimates that if the sea can be kept alive it will support 4,804,000 recreation man-days a year by the year 2000.

The report concluded that further studies are necessary to determine the specific measures required to formulate a plan, and to evaluate its engineering and economic feasibility.

I urge my colleagues to join with me in supporting this vital project.

RURAL MINNESOTA MANPOWER PROGRAM PRAISEWORTHY SUCCESS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BERGLAND. Mr. Speaker, at a time when our Nation is concerned about the high rate of unemployment and the increasing costs of welfare, it is indeed encouraging to know of successful efforts to provide jobs for those previously living in poverty. Enclosed are some facts presented to me by Emil W. Marotzke, director of the rural Minnesota concentrated employment program—a manpower program serving 11 counties in rural northwestern Minnesota.

I have nothing but praise for the efforts of Mr. Marotzke and the benefits this kind of a program is bringing to people who reside in Minnesota's Seventh Congressional District—the district which I am proud to represent. Members of Congress interested in manpower programs will find the following facts of interest:

First. All persons placed in the rural Minnesota concentrated employment program were disadvantaged by Manpower Administration poverty guidelines upon acceptance into this program. The average annual wage at the time of entrance for 1 year prior to entrance was $1,362.

Second. For the period covered—November 1970 through April 1972 inclusive—corresponds to 1971 fiscal year plus the first 6 months of current 1972 fiscal year—771 individuals have completed training and were placed in employment. Placement in the CEP project means 30 days with the same employer without any Federal or State assistance.

Third. The average placement wage per hour was $2.25 for an average yearly starting wage of $4,684. This is not as high a quality as Mr. Marotzke would wish, however, it is in any case above the poverty guidelines and he feels that these entry level positions do give these individuals an opportunity for upward mobility on their own.

Fourth. An average individual would spend approximately 7 to 9 months in training prior to placement.

Fifth. Last year's cost for placing a man in a full-time job was $2,830. This included all operation, administrative, and enrollee costs for the CEP.

Sixth. Our 60-day followup placement indicates a stick ratio varying between 85 and 90 percent.

COOLEY'S ANEMIA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. O'NEILL. Mr. Speaker, several diseases have received widespread public attention recently. Among these is Cooley's anemia, a tragic ailment affecting many Americans of Mediterranean origin. On June 8, 1972, the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce met in executive session and approved for full committee action a clean bill in lieu of H.R. 14016, to amend the Public Health Service Act to provide for the prevention of Cooley's anemia. The committee is to be applauded for its efforts in this area. Some months ago an intern working in my office conducted a research study of this dread disease. Because of the recent action taken by the committee in preparing this measure for consideration by the House, I am submitting for the RECORD the report completed on Cooley's anemia by my intern, Miss Susan Fine. I respectfully request that all interested Members read this account of the disease, so that they may be appraised of its character and more fully appreciate the great need to find a treatment and cure.

COOLEY'S ANEMIA

Cooley's Anemia refers to the most severe strain of thalassemia, a hereditary disease which affects the blood. It affects individuals of Mediterranean descent; Greek, Turkish, Northern African and Italian peoples are among those most susceptible to the disease. While the extent of the disease in the United States has never been precisely determined, the best available estimates are that 200,000 Americans carry the gene, and that, in addition, there exist 1,000 known cases of Cooley's Anemia in the New York City Area alone. A study conducted by Dr. Howard Pearson of Yale University showed that 20 per cent of the five hundred Italian Americans tested for the ailment, carried the gene for Cooley's Anemia. Increasing intermarriage between nationalities has caused the trait to become more widespread.

The disease is transmitted genetically according to Mendalian Laws. Thus, both parents must carry a trait in order for the child to inherit the disease. Statistically, 25 per cent of the affected parents' offspring should be normal; another 50 per cent will be car-

riers of the gene. The last 25 per cent would have Cooley's Anemia. Any hereditary situation, however, is valid in a statistical sense, and one family may very well go unaffected by the disease while in another, all children will develop the malady. In this way Cooley's Anemia is similar to Sickle Cell Anemia. However, whereas in Sickle Cell Anemia mutated cells interfere with normal cell production, in Cooley's Anemia too few blood cells are produced to meet the needs of the body.

The disease has two strains. One causes the child to be stillborn. In the other strain, the disease manifests itself soon after birth with the appearance of listlessness, loss of appetite, irritability, and pallor. Eventually, the spleen and the liver become enlarged and the skin appears jaundiced. Deformation of the bones, particularly those in the head cause the appearance of mongoloid features, distortion of the mouth, and teeth. The bones of the skull actually thicken, and the growth is stunted. Other marrow cavities become enlarged. Blood examinations usually reveal changes in the shape and numbers of the red blood cells and a variety of other alterations. Cardiac enlargements and cardiac failure explained by severe anemia and depositions of iron are the most frequent cause of death.

Several genetic defecta cause the anemia. First, the marrow produces fewer red blood cells than usual. Also, those cells produced live only one-third to one-half as long as normal cells—about ninety to one-hundred and twenty days. Other complications do develop such as an enlarged spleen and liver, and even gallstones.

At this stage, treatment is at a very basic level with transfusions the only successful technique. Frequent transfusion is not only expensive, but also brings the danger of huge iron buildings. Because no simple test exists to determine whether a person carries the Cooley's trait, parents cannot judge the risk involved in their mating, nor can accurate disease counts be constructed. At present, doctors have learned to reduce some of the symptoms, for example a splenectomy may reduce pain. As yet, there is no cure, and the affected patients usually die before adulthood. Presently, there is only scattered resources being directed to the treatment and cure of Cooley's Anemia.

The National Institutes of Health supports 12 research projects on Cooley's Anemia for a total expenditure of approximately $631,000, which comes out of the agencies general funds. In addition, various institutes of the NIH support eleven projects which are related to Cooley's Anemia, or in which Cooley's Anemia is a minor component. The total for this group is approximately $669,-000. Fields involved in this research include pathology, physiology, biochemistry, and physical chemistry, and range from studies on protein synthesis to the formation of Hemoglobin.

A newly formed organization, the Cooley's Anemia Foundation, was established to provide blood to victims and sponsor research. However, as Dr. Friedman, executive director of the Foundation, pointed out, the program's efforts are impeded due to dependence on funds from private sources. And as Dr. Lichtman, another researcher in the field stated to the House of Representatives, "basic research on the program of blood formation and destruction offers the only hope available to the sufferers."

Hundreds of hereditary diseases exist today in America; numerous ones in the same class as Cooley's Anemia probably afflict thousands of persons. Thalassmia is a disease of several varieties; heterozygous thalassmia produces an almost unnoticable anemia; alpha thalassmia is incompatible with life and causes fetal death after 30 days, and HB Bart disease is dangerous as well, for it produces a functionally in adequate anemia.

Cooley's Anemia is devastating in its affect on children afflicted and their parents. While no estimate of the exact number of people carrying the thalassma trait exists, probably several hundred thousand unknowingly have the gene. An all out attack is necessary if we are to conquer this little known, but very serious killer.

BOSWELL STEVENS—THE FARMERS' FARMER

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MONTGOMERY. Mr. Speaker, this coming November will mark the end of a long and distinguished career in helping better the plight of farmers in my home State of Mississippi and the Nation when Boswell Stevens retires as president of the Mississippi Farm Bureau Federation following 24 years of dedicated service. I am very proud to represent this outstanding American in the Congress and appreciate the very wise advice and counsel he has given me on farm legislation over the years. Mr. Speaker. I would like to share with my colleagues the following article which has appeared in newspapers throughout Mississippi giving details of Boswell Stevens' distinguished career.

BOSWELL STEVENS RETIRES AS FARM BUREAU PREXY

The longest tenure of any state Farm Bureau president in the nation will end this November as Boswell Stevens, president of the Mississippi Farm Bureau Federation, steps aside from a post he has held continuously since July, 1950.

The Macon, Mississippi, general farmer who literally became "Mr. Farm Bureau" in Mississippi and highly influential in national agricultural affairs, will clear the way for a younger man to take the helm of the 90,000 member organization when farmer delegates from all 82 counties converge on Jackson in November for their annual meeting.

In a news conference in Jackson, Stevens age 74, recalled his first involvement in Farm Bureau affairs in 1923 through the Noxubee County Farm Bureau. As the years passed he headed his county organization and became a state director of the federation. As a vice-president in 1950 upon the sudden death of the federation president, Ransom Aldrich of Michigan City, Stevens was suddenly thrust into a new position of leadership during an interim period. In July the voting delegates convened and elected Stevens to the presidency.

Although membership was at a low of only 16,000 farm families at the time, groundwork had been completed for new membership services in the mid-forties that were to help build farmer support of the organization as Stevens began the task of developing a staff, cooperation among agricultural agencies and enthusiasm in building a strong voice for Mississippi agriculture. The federation is non-governmental and is a voluntary dues-paying organization similar to a chamber of commerce for Mississippi agriculture.

Stevens solicited and got help from the crossgrain of Mississippi's agricultural community. A significant momentum of growth set in among the Farm Bureau affiliated life and auto insurance companies. Soon a fire insurance company was organized by the state federation. Today these companies are leaders in their field in Mississippi and the South.

With the Stevens shoulder actively put to the wheel of progress, the organization meshed its efforts to help generate other agri-business organizations such as Mississippi Livestock Producers Association, and the Jackson Association which was to evolve into Dairymen, Inc. Meanwhile, with sustained support, other Farm Bureau introduced enterprises such as Mississippi Chemical Corporation at Yazoo City, Mississippi Hospital and Medical Service and community hospitals came into the mainstream of the state's economic life. The nitrogen fertilizer manufacturing corporation was conceived in a board meeting of Farm Bureau leaders and was to set a new national concept in farmer-developed manufacturing enterprises. Farm Bureau had strongly advocated passage of a Hill-Burton Act in the national congress which was to enable rural communities in Mississippi to build modern hospital facilities with federal aid. And Farm Bureau had brought into Mississippi the Blue Cross-Blue Shield plan for prepaid hospital insurance.

For over two decades Stevens gave and took for Mississippi agriculture, testifying before Congressional committees in Jackson and Washington, arguing the Mississippi viewpoint before the executive committee and voting delegates of the American Farm Bureau convention, and sparring with occasional detractors.

His scars over the years have been minimal, for his genial and diplomatic nature has softened the blows. His manner usually has carried the day.

Others call it retirement. Boswell Stevens doesn't. But he doesn't bother to correct you when you do. With membership on a staggering number of important boards, Boswell Stevens remans in service as he steps from the presidency of the federation this November. But he's going back to Macon and get closer to the acres of black prairie soil that once engaged his full attention before he realized that prosperity for agriculture lay beyond the turn row.

UNCORKING A BATCH OF SOUR GRAPES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. HUNGATE. Mr. Speaker, while Harvard seeks "Veritas" and Yale strives for "Lux et Veritas," in Gasconade County, Mo., it is well established that "In Vino Veritas." Once again our banjo-picking, tuba-playing, sometime editor, Tom Warden, has brought us "Bacchus to the Bible.":

UNCORKING A BATCH OF SOUR GRAPES

(By Tom Warden)

When Missouri Attorney General John Danforth decreed that home wine-making is against the law, he undoubtedly uncorked the spirit of a law that is not only indefensible, but is also unenforcible.

With all due respect to General Danforth being a man of the cloth (and I've known a few of them to ferment their own juice), he is behaving like a man whose Sunday socks were used to strain out a batch of grape squeezings.

Now . . . I believe in the rule of law. I also believe that a bad law is worse than no law at all.

With one fell swoop of his ecclesiastical pen, General Danforth has made criminals out of a lot of people . . . perhaps a few clergymen, mothers, grandmothers, lawyers, newspapermen . . . the list is endless.

If this is General Danforth's interpretation of the law—and I can only wonder how the jurisprudence establishment has thus far overlooked this scurrilous practice—then the law needs to be changed, along with the man who made this assinine interpretation.

Little old ladies and well-meaning grandfathers have been making wine at home for decades, and somehow they have managed to elude the clutches of depravity while taking a daily sip of fermented finery.

I hardly believe that a basket of grapes, a saccharometer, jar, yeast and a cork are the devil's tools!

The General is trying to bring back Prohibition . . . not by legislation, but by some ridiculous interpretation of a law that is bad to start out with and impossible to enforce.

It is doubly strange that General Danforth can find nothing of greater importance to rule on than his edict making lawbreakers out of many of us.

With all the open and obvious bendings of the law in Jefferson City by legislators who put themselves above the law, and with political shysterism in St. Louis that is making a mockery out of the law, it seems the attorney general could have preoccupied his mind with more important crusades than that of cutting down grape arbors.

He is trying to unravel the fabric that has held up individual freedom in this country. It really takes a great legal mind to imagine that someone making wine at home for his own consumption is breaking the law and contributing to the increasing crime rate.

And while this modern-day Elliot Ness is going around hacking holes in basement barrels of wine, crooked politicians, the Mafia and the underworld in general is thriving right under the noses of these law-and-order apostles.

It is time, I think, for John Danforth to come down out of his pulpit and be an attorney general. He's not preaching to his flock when he renders such edicts as this wine-making farce.

I mean ill to no man, John Danforth, but I hope your next batch of wine turns to vinegar! Your latest judicial edict has certainly gone sour.

ADDRESS BY MR. GEORGE MEANY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PODELL. Mr. Speaker, on May 21, the Jewish Daily Forward celebrated its 75th anniversary at Philharmonic Hall in New York City. On that occasion, Mr. George Meany, president of the AFL-CIO, gave an eloquent speech commending the Forward's role as the chronicle of the activities of the American labor movement.

I am sure this address will be of interest to our colleagues. The text follows:

What do you say on the occasion of the 75th anniversary of a newspaper—the Jewish Daily Forward? It's more than a newspaper. Foreign language newspaper? Yes. But more than a foreign language newspaper. Really, the 75th anniversary of a great institution, and, to be specific, an American institution.

When you look back—and we in the labor movement have a saying that we don't like to look back, certainly not with any feeling of satisfaction, and certainly not with any feeling of complacency, because it seems to be the way of life in the labor movement that something is always going to happen tomorrow. But I think there is some satisfaction in looking back over the last 75 years—the years of this great labor newspaper.

Because, in the final analysis, it may be a foreign language newspaper; it may be a daily newspaper for the city of New York; it may even be an international paper. And it really is an institution. But to us, it is a labor paper.

From the very beginning, the Forward was truly a labor paper. Of course, it was a source of support in the struggles of the Jewish workers going back many years—the Waistmakers in 1909; the so-called Cloak and Suiters Revolution of 1910.

But over the years, the Forward has given generous support—financial and moral support—to all unions engaged in the struggle for better life. Coal miners, steel workers, and others.

Sixty years ago, it may surprise you to know, the records of the American Federation of Labor show that this was the only daily labor paper in America. And, as far as I know, it is still the only daily labor paper in America.

So, we're celebrating 75 years in the life of a living, fighting institution dedicated to making life in America more rewarding to millions of new citizens and at the same time making our democratic society more vital for American citizens as well as for foreign born.

We're celebrating the anniversary of the Jewish Daily Forward at a most timely and appropriate moment in our nation's history. When I think of the devisive and destructive forces now preaching hatred for America—its traditions as well as its free institutions—with the ostensible purpose of a better life for all; when I look at those who would eliminate the achievements of democracy in the name of progress, I more fully appreciate the part played by the Jewish Daily Forward in the last 75 years in helping the growth of the American free trade union movement and other democratic institutions in our nation.

Nor can we forget the tireless efforts of Abraham Cahan and his associates in helping to make good American citizens of the improverished and persecuted, who came to our shores seeking freedom from tyranny, as well as an opportunity to live and grow as free men and women. Yes, as responsible American citizens, who could and did in turn make their contribution to a better society here in America.

The beginnings of the Jewish Daily Forward were anything but auspicious. It was established in opposition to the leadership of the Socialist Labor Party of that time to which practically all of the founders of the Forward were affiliated. The perspective clientele of the new publication was very, very unimpressive. Immigrants who had come to America from agricultural areas such as the Russian empire, where they had been denied the right to buy and own land, and had in effect been driven by adverse circumstances to emigrate. And they found themselves in a new land without resources, without homes, and in many cases without any skills by which they could earn a living. Poverty was common to all of these people.

But so was ambition. Ambition to use the opportunities that America afforded for education and improvement. A new Jewish culture came into being in those early days and the nerve center of that blossoming culture was the Jewish Daily Forward.

We in the American labor movement can not forget how much the development of the Forward was tied up with and inseparable from the struggles and successes of trade unionism—particularly, though not only, among the garment workers in our country.

Need I remind you that at one time the Jewish Daily Forward had to borrow the head of the ILG to become the business manager of the paper. Nor can we in the trade union movement ever forget the part played by the Forward during the 20's and 30's when American labor fought for its life against the basic evil of Communism—its attempts to infiltrate, to dominate, to take over American labor. The Forward never wavered; never compromised and never ceased its struggle against the forces of evil until the Communist threat to our movement was eliminated.

It has been said—and rightly—that America is a nation of nations. Our nation has been formed by many peoples and many cultures. The men and women of various tongues, races and creeds, who came to our shores, have made distinct contributions without destroying their own cultural and traditional values. And this was a great contribution to the enrichment of the American nation. Pride in the achievement of their forefathers did not weaken their patriotism. The high faith in themselves, in their national origin, in each particular institution they respected, actually provided a strong foundation for their new allegiance to the country to which they emigrated. That is why some people say that they were Americans before they got to America.

I think this is well to keep in mind today when we see some self-styled ideologists insisting on splintering and dividing our nation.

We of the trade union movement are practical people. And we see the benefits of a unified American citizen. The columns of the Jewish Daily Forward recount the days when winning a $1 increase a week or shortening the week from 60 to 54 hours was considered a great victory.

We see a different picture today and we've learned from experience how to stave off disastrous defeat and to insure continuing progress. Even the moments of darkest despair are fleeting when one has dedication to an ideal, devotion to a good cause and determination to translate aspirations into achievements.

We in the American trade union movement have not surrendered our hopes or our ideals for a society without determination just because progress is not as rapid as we would like it to be.

Those who preach separatism and division in our land, those who talk of white power, black power, pink power, or red power are not serving or promoting the cause of justice or equality. In reality, they are undermining the fight for a better and fuller life for all.

Some of these dividers and separators call themselves the "new left," but, in reality, they are neither new or left. There is nothing new in that old poisoned weed of anti-semitism which they peddle in the name of so-called Arab liberation, or push in the name of black power. Anti-semitism is contemptible and reactionary, no matter who preaches it or when or where it is pushed or peddled.

The politics of hate and hypocrisy do at times make strange bedfellows. I say to the angry and mostly disturbed they could benefit much from the wisdom of Abraham Cahan who once said: "One should learn to shake off European prejudices towards the idea of being an American."

And in the columns of the Forward 50 years ago Abraham Cahan said: "We have to be Americans. We shall help to build America. We shall accomplish in the new world more than we could in the old world."

Well, we in the AFL-CIO are working today and we'll continue to work for a better America and a better world—an America and a world free from poverty, ignorance, racial discrimination and prejudice of all kind, free from dictatorship and war.

In the spirit of the highest aspirations and tireless activities of those who founded this great institution, I say to the Forward on this occasion:

We in the trade union movement appreciate to the fullest the contribution you have made to the American worker and to the welfare of all Americans. This is a better nation today because of the splendid work on behalf of a better America performed over the years by Abraham Cahan and those of his fellows who were associated with him in the early days of this great institution.

We welcome our continued services in the present and we wish you many happy returns in the service of human decency, freedom, social justice and peace in the years to come.

Thank you.

EDNA B. HILL

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. STEIGER of Arizona. Mr. Speaker, on May 21 a remarkable life ended in Phoenix, Ariz.—that of Edna B. Hill, 84, a retired U.S. Public Health Service nurse who spent her life carrying comfort and hope to Indian people. Mr. Ben Vance of the Arizona Republic in Phoenix, told the story of this well-spent life in an interesting and tastefully written article which follows:

EDNA B. HILL, 84, NURSE TO ILL INDIANS

The life of a lady who spent most of it nursing and caring for others inside and outside of Arizona Indian hospitals ended Sunday after eight years of near-abandonment in Valley welfare facilities.

Edna B. Hill, 84, a retired U.S. Public Health Service nurse who was given scrolls for outstanding service during her decades with the Indian Service, died Sunday in a Phoenix nursing home. She was a ward of the county. Her retirement pay couldn't match nursing home prices.

Miss Hill retired in 1951 and came to Phoenix after serving in various parts of the state including the Whiteriver-Cibecue agency in Navajo County.

She was known throughout her long Arizona career and earlier in Missouri for spending most of her free time and salary with impoverished patients, buying handcrafted articles and aiding in the education of their families.

It was Miss Hill's hope to retire to Carmel, Calif., until she found there was not enough to build a house after paying $6,000 for a lot.

About 1952 her retirement home was a wood and canvas structure at 4946 E. Sheridan. Here she cared for an elderly nurse friend through the throes of death and devotedly selected a grave for her under a solitary shade tree in a Tempe cemetery.

In 1964 Miss Hill became tangled in a leash on one of the stray dogs she adopted and snapped her leg in a fall. Mercifully the memory of her recent past also snapped in her mind and made it easier for her few friends to sell her home, get her out of debt and find homes for her dogs.

When a newspaper ad offered a free registered German Shepherd, dawn found the lawn of Miss Hill's guardian full of people exclaiming how friendly they could be to dogs. More persons showed up that one day than the total number of visitors Miss Hill had while she was in hospitals. She would have been proud to know her dog, an offspring of Rin Tin Tin, was wanted by so many people.

Miss Hill vividly remembered incidents 20 years ago or longer. The staff of Maricopa County Hospital were instructed to get appointments when attending to her in the multi-bed ward. She said that the doctors over at Whiteriver would read her X-rays when they visited Ribecue. She recalled Middlesboro, Ky., as her birthplace near the historic Cumberland Gap.

When her guardian first visited, Miss Hill said, "You look like a sensible person and I'm sure I have met you somewhere before." After the county hospital stay, Miss Hill was placed in various nursing homes as her meager funds declined.

A Catholic priest will conduct a service for Miss Hill at 9 a.m. tomorrow in Whitney and Murphy Arcadia Chapel, 4800 E. Indian School. Burial will follow beneath that shade tree in Double Butte Cemetery, Tempe.

JAMES HOFFA LISTS 26 PRISON REFORMS NECESSARY TO HELP REHABILITATE PRISONERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PUCINSKI. Mr. Speaker, Mr. James Hoffa, former president of the Teamsters Union, has made a most significant contribution to prison reform when he testified before the other body and listed 26 specific recommendations to help rehabilitate the Nation's prisons.

The Washington Star carried an extensive report of Mr. Hoffa's testimony and I recommend it to my colleagues.

Mr. Hoffa is spearheading the drive for prison reform. There are a number of proposals now pending before Congress and more will follow. But, it is my belief that most of the recommendations proposed by Mr. Hoffa can be effectuated without additional legislation.

Authorities now have sufficient latitude to carry out these reforms.

I wish to commend Mr. Hoffa for the leadership and initiative he is providing to this serious problem facing our prisons.

Jimmy Hoffa has always been a leader and he is again demonstrating this leadership in the fight for prison reform.

This Nation owes him a debt of gratitude for taking on this thankless job.

The Washington Star article follows:

HOFFA LISTS 26 PRISON REFORMS

After four years and nine months in a federal prison, former Teamsters President Jimmy Hoffa has told Congress 26 ways he believes federal penitentiaries should be improved.

Without elaborating in his testimony prepared for delivery today to the Senate Judiciary subcommittee, Hoffa said:

"I have seen useless destruction of property, maiming of human beings, loss of self-respect, and inhumane treatment.

"The causes are not one-sided, but much of this can be cured by proper planning and education on the part of the prisoners and the officials of the institution."

Prisons are overcrowded and have an average age of 75 years, he said, and the antiquated ones should be torn down and new ones built that are smaller and more comfortable.

Job training is out of line with reality, he added, with "license plate and mop-bucket manufacturing" two examples "that bear little relation to potential jobs in private industry."

"It is not for humanitarian reasons alone that we must reform our corrections system," he said. "It is for our own safety. We have never faced up to the facts that most convicts will someday be released from the hellholes we call correctional institutions.

"They come out, as we have seen, more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in."

Hoffa said he realized that budget money for prisons did not enjoy the highest priority, but he called for:

New prisons holding no more than 350 persons each, with individual cells "to retain some sort of dignity."

Adequate, comprehensive medical and dental care, libraries and recreational space.

Movies with more general appeal "rather than . . . sex movies, and crime movies, which create nothing but problems for a majority of the prisoners."

Better guard training, sufficient counseling and case workers, and prisoner grievance boards.

Visiting hours that are not restricted by number of visits per week, with a proper place, with seats, for a prisoner's visiting family.

Unrestricted mail and telephone privileges, providing the prisoners pay for their calls.

Hoffa said prisoners also should have the freedom to wear their hair the way they want, within limits, and be able to buy and wear clothes they choose after prison authorities put identifying tags on the clothing.

Prisoners should receive a minimum wage for prison work, with an active job procurement program to secure work for them when they get out, he said.

Hoffa served at Lewisburg, for mail fraud and jury tampering was commuted by President Nixon Dec. 23.

COMMIES STILL BREAK PROMISES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DERWINSKI. Mr. Speaker, while I respect the very profound approach to foreign affairs which has marked the President's trip to Peking and Moscow, I still believe that, in the light of history, we should be very careful of agreements reached with Communist governments.

This point is very well made in a column by Dumitru Danielopol, the distinguished international correspondent for the Copley Press, which appeared in the San Diego Union of May 5.

As the major power of the free world, we have a special responsibility to ourselves and our allies to maintain vigilance, keep our defenses strong, and provide the leadership the free world needs in the face of whatever moves the Communist powers might make in violation of their commitments.

The article follows:

COMMIES STILL BREAK PROMISES

(By Dumitru Danielopol)

WASHINGTON.—After a half a century we still are shocked when Communists break their "commitments."

Why?

We've just witnessed official indignation again over Hanoi's invasion of South Vietnam in violation of an understanding with President Johnson five days before the 1968 elections.

The deal, a desperate attempt to put Hubert Humphrey in the White House, involved a U.S. promise not to bomb North Vietnam.

Many observers at the time, including this correspondent, raised eyebrows.

Now the air raids ordered by President Nixon have reopened the issue.

The Nixon administration accuses Hanoi of violating the 1968 commitment with its invasion. Hanoi rejects the existence of any commitment.

Clarification is in order even if only for the sake of historic truth.

Let's look back four years.

Soon after the Republican Miami Beach convention the British press said Mr. Nixon appeared unbeatable. The only chance for Hubert Humphrey was "a spectacular success at the Paris talks . . ."

The Humphrey campaign sputtered into October and it was evident that something drastic was in order. In some states Humphrey was not only far behind Richard Nixon, but George Wallace, too.

Hints began to drift from the White House of a possible "breakthrough" in Paris.

Sen. Strom Thurmond, R-S.C., warned that the administration "may try to 'mislead' the American people."

"Any peace move so late in the campaign must be suspect," said Sen. George Murphy, R-Calif. Sen. Everett Dirksen, R-Ill., warned about "a gimmick." South Vietnam Vice President Nguyen Cao Ky said Johnson "would stop the bombing to insure Humphrey's success."

In an article on 28 Oct. 1968 this correspondent warned that "a smoke screen of optimism" could be used by the Johnson administration to justify a bombing halt that would help Humphrey.

The order came five days before elections.

Was there a real "break through" or was it a "gimmick" to help Humphrey?

We still don't know.

Humphrey got the predictable boost but it wasn't good enough to put him in the White House.

What went wrong?

One of the people most involved in the "breakthrough," Ambassador W. Averell Harriman, then U.S. negotiator in Paris, blames the Saigon regime for dragging its feet. Had they rushed to Paris, he says, things would be different.

"Some believe," Harriman wrote later, "that if we had started actual negotiations during the week before election day, it might have made a small but vital difference in the elections."

Obviously, election day was on the minds of the men in Paris.

Russia, it is said, played a big role in the bid to defeat Nixon. Moscow pushed the North Vietnamese towards an imagined "settlement."

Today that issue is academic. What we face now has nothing to do with events in 1968. South Vietnam has been invaded by organized North Vietnamese divisions. The "civil war" masquerade has ended. This is no longer a "people's war," by even the most twisted logic. It is a typical Communist grab for power, made easier because the west continues to delude itself that agreements are possible with such an enemy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A DEMOCRATIC CONGRESS VERSUS A REPUBLICAN PRESIDENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WYMAN. Mr. Speaker, the present Congress is in the control of the Democratic Party by a margin of nearly 2 to 1 in the Senate and better than 5 to 4 in the House.

This means the Speaker of the House and every single chairman of every single standing and special committee, and every subcommittee, is a Democrat. This, in turn, means that no bill can come to a hearing in committee, or to the floor for a vote unless the Democrats decide it shall.

The result in this Congress is darn little action for America. Why? Because President Nixon has proposed about 90 different programs to the Congress for action—most of them constructive, yet apparently this Democratically controlled Congress is darned if it is going to approve anything President Nixon originates in a national election year whether it is good for the country or not.

This is unfortunate for the people of the United States as able Columnist David Broder points out so well in this morning's Washington Post. It is also very likely, as Mr. Broder concludes, that the American voting public will remember this obstructionism and procrastination by the Democrats in this Congress, in choosing a new Congress this fall.

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year, though not many voters will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "creditibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these areas, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibilities.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

"CHET" ASHCRAFT, A DISTINGUISHED CITIZEN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SHRIVER. Mr. Speaker, C. P. "Chet" Ashcraft, of Hillsboro, Kans., a loyal friend and outstanding citizen, re-

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cently passed away in the town he loved. He will be sorely missed because he was so much involved in many aspects of community life for so many years. He had distinguished himself as civil defense director of Marion County, Kans. Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Ashcraft and her family upon their great loss.

Kenneth Bruce, editor of the Hillsboro, Kans., Star-Journal, who succeeded "Chet" Ashcraft as editor of the community newspaper, has written an excellent editorial eulogizing Mr. Ashcraft. Under leave to extend my remarks in the RECORD, I include the editorial:

[From the Hillsboro Star-Journal, June 1, 1972]

WE WILL MISS CHET

It's always difficult to write appropriately adequate words when the community loses an outstanding citizen, and even harder when he is also a dear friend.

It has been almost 18 years ago that we purchased the Star-Journal from Mr. and Mrs. C. P. Ashcraft. During the years since then we have been associated with them in many ways and have always considered them very special people.

Not many weeks have gone by that Chet hasn't dropped into our office just to say "hello" or visit. We always enjoyed having a cup with the former editor who usually had a yarn or two to spin. And, if it got to be about noon, his "well, I'd better go home to mama and see what the neighbors brought in for dinner" always brought a smile.

Chet was a good community worker. He served many years as president and manager of the Marion County Fair, an event he sincerely promoted. He was also active in the Chamber of Commerce and in other civic affairs. He could tell about his experiences in helping form a German smoked sausage company; about his various political experiences in the city, county and state; about the great livestock and dairy industry of this area; or about the best places to fish . . . and made it all interesting . . . and often humorous.

A firm believer in the basic principles of life, Chet devoted many hours to his church and to the Masonic Lodge and he was a great family man.

Chet usually spoke his mind and it didn't take long to find out how he felt on a given subject . . . you always knew where he stood. Agreed or not, we knew he loved this community and his contributions to its betterment were many.

We, and so many others, will miss Chet Ashcraft.

QUESTIONNAIRE RESULTS CONGRESSMAN WYDLER'S 1972

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WYDLER. Mr. Speaker, it has become a tradition in my congressional district to send reports of my activities to constituents and to ask each year for their views on important current national issues, by means of a questionnaire. The questionnaire is now in its 9th consecutive year.

I send the questionnaire to every household in my congressional district, regardless of the occupants' political affiliation. In this way, I can trully test the prevailing opinions on the great national issues.

Once again, thousands and thousands of people of the congressional district have answered the questionnaire. The results have been carefully tabulated, and I am still busy answering the many special comments that have been made on the questionnaire returns. The enthusiastic response proves that people do care about their Government and want to be part of it.

I am now sending a copy of the questionnaire results to each home in my congressional district.

There is no better measure of the real feelings in my district than these questionnaire results. They are the voice of the people.

The following comments are my personal interpretation on these results:

The people in my district believe that network television does not fairly present both sides of most issues.

Then, these same people agreed most strongly—89.24 percent—that Congress should have a standard procedure for Federal intervention in prolonged strikes which damage the public's interest.

There are 86.94 percent who oppose school busing; and 80.85 percent favored President Nixon's visit to mainland China.

The closest issue was over legislation to promote day care centers and nursery schools: 43.53 percent favored it, but 46.20 percent opposed and 10.27 percent were undecided.

One item that I have proposed for years, tax relief for parents supporting college students, received a strong vote of approval—68.57 percent, with 26.27 percent opposed and 5.16 percent undecided.

The complete results are as follows:

1972 QUESTIONNAIRE AND OPINION POLL

	Yes	No	Undecided
1. Broadcasting—Do you feel that network television fairly presents both sides of most issues?	33.21	54.81	11.98
2. China—Do you favor President Nixon's visit to mainland China?	80.85	11.67	7.48
3. Crime—Do you favor stricter gun controls at the Federal level?	74.40	21.05	4.55
4. Economy—Do you favor increasing the minimum wage to $2 per hour?	66.88	26.70	6.42
5. Do you favor a lower minimum wage for teenagers who work?	42.42	50.10	7.48
6. Education—Do you favor legislation to promote the establishment of daycare centers and nursery schools?	43.53	46.20	10.27
7. Do you favor allowing college students to register and vote in the towns where they attend school, including local elections?	29.61	65.06	5.33
8. Granting that busing is inconvenient for everyone, do you see busing as a legitimate means to achieve quality education for all?	9.44	86.94	3.62
9. Do you favor tax relief for parents supporting college students?	68.57	26.27	5.15
10. Environmental protection—Would you favor Federal programs to curb pollution even if it meant higher taxes?	65.63	24.26	10.11
11. Health—Do you favor a national health insurance program to cover catastrophic or prolonged illnesses?	77.24	15.46	7.30
12. Insurance—Would you favor a program of no fault automobile insurance on a national level?	67.35	16.86	15.79
13. Strikes—Do you feel that Congress should have a standard procedure for Federal intervention in prolonged strikes which damage the public's interest?	89.24	6.97	3.79

PRESSING HEALTH PROBLEMS

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DAVIS of Georgia. Mr. Speaker, as our society becomes more affluent, and as we strive to better the common good, foremost of our concerns is the solution of many of our pressing health problems. In the past few years, we have made some strides in combating heart disease and we have embarked on new frontiers in the battle against cancer. More recently, we have become attuned to certain health problems which afflict societal or racial groups, such as lead paint poisoning and sickle cell anemia. All of these efforts are indeed commendable and should be continued and expanded.

There is, however, one health problem which has not received the attention that its magnitude demands.

I am speaking of kidney disease which claims some 58,000 lives each year, and afflicts over 8 million American men, women and children. In fact, the highly touted fatality figures for automobile accidents are less each year than those for sufferers of terminal kidney ailments. Kidney disease is now the fourth major health problem in the United States, according to the National Kidney Foundation, but it is a problem which has fallen behind some less pervasive afflictions in appealing to the public conscience and the national pocketbook.

Not only is kidney disease a very serious threat to those who are unfortunate enough to be gravely ill, it also poses an economic hardship upon those who are stricken, their families and their employers. Among women, kidney disease is the No. 1 cause of absenteeism from the job, among men under 25, the second leading cause, and among men over 25, the fourth cause. Additionally, every year some 4,000 little children between the ages of 1 and 6, are stricken with childhood nephrosis.

As with all disease, we will never lay kidney disease to rest until we have committed ourselves to a total approach—of prevention, treatment, and cure. Much of the success of this total approach will lie with the conscience of the American people. Money for research is, of course, vitally important. This year, research fellowship grants for kidney studies totaled over a half a million dollars—a considerable sum except when compared to the scope of the problem. It is clear that additional monetary commitments will have to be made, both in the public and the private sectors.

Professional education is also of key importance. The National Kidney Foundation presently performs the service of providing doctors, medical societies, and social work personnel with up-to-date information on the latest advances in kidney research. Additionally, the Foundation provides information for television, radio, newspaper, and other public service formats so that the individual citizen may also keep apprised of the many facets of kidney disease and the progress in its prevention, treatment, and cure.

I briefly mentioned the public commitment which must be made if we are to stop the ravages of kidney afflictions. For just a moment, Mr. Speaker, I would like to tell my colleagues of an achievement of a number of citizens in my district and in the State of Georgia toward this end. The members of the Mariette Council of the Dixie Chapter of the Telephone Pioneers, a voluntary organization of the Southern Bell Telephone System, began a campaign nearly 1 year ago to collect enough trading stamps and cash to have an at-home artificial kidney machine contributed for present use in Cobb County. This is the first machine of its type to be based in Cobb County, which has a population of over 200,000 persons. As a part of the Atlanta metropolitan area, Cobb County citizens were able to utilize the artificial kidney machines available at Grady Memorial Hospital in Atlanta. But this hospital is the only facility in the Atlanta area which has such machines, and it must serve an extremely large metro population. Clearly, this was a big triumph for Cobb County citizens to receive a kidney machine for use in the county. It was a big triumph for those who worked so long and so hard to make their success a reality. It is obviously a big triumph for those who will now have the benefits of this machine in the privacy of their own homes.

But, in another light, Mr. Speaker, Cobb County's individual triumph points up the insufficiency of our commitment to this Nation's health and welfare. These dedicated people were able to procure one artificial kidney machine to serve a population of over 200,000 people, and throughout the State of Georgia, other chapters procured three more machines to serve their populations. But, with one out of every 25 Cobb Countians conceivably being kidney victims, some of them seriously, one machine is lamentable indeed. We simply cannot afford to rely upon the generous and unselfish efforts of groups like the Pioneers to provide all the necessary equipment for those who are afflicted with kidney disease. These persons are purely a volunteer group. It is wrong to expect that they should provide a major part of our first line of defense against kidney fatalities, when they have other responsibilities, which must come first. And, it is naive to expect that they will be able to meet the rising demand for such equipment without the Government and other institutions making commensurate contributions. What the Pioneers have done, more than anything, is to point up the grave need for strong commitments on the parts of Government, business, and academia toward ending kidney disease. The Pioneers have done much more than to donate a kidney machine. They have donated their time, effort, and money where we have not, and they have shown us the fallacy of our supposed national commitment to this Nation's health and well-being. I take great pride in their contribution of themselves, and I hope that other groups throughout the country will learn from their example. But, I also hope that those of us who are in a position to do much more, and have not, will also take a lesson. In the future, I hope that the Pioneers will no longer retain their distinction of being the only group to have provided an artificial kidney machine for use in Cobb County, and I hope that the Congress will soon concern itself with this important matter.

SHOULD WE TRY HEROIN MAINTENANCE?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EDWARDS of California. Mr. Speaker, in the New York Times of June 5, 1972, there appeared an article by John A. Hamilton entitled "Free Fix for Addicts?" This article sets forth the concern of narcotics treatment professionals over recent proposals to introduce heroin maintenance as an acceptable method for the treatment of heroin addiction in the United States.

The advisability of heroin maintenance is a subject which demands close scrutiny and informed debate. Too often in the past has the public dialog on narcotics addiction and the treatment of addiction been tinged with emotion. The Hamilton article makes a significant contribution to the debate on heroin maintenance and I commend it to the attention of my colleagues:

FREE FIX FOR ADDICTS?

(By John A. Hamilton)

A free fix for junkies? An experimental program that gives heroin to heroin addicts under the label of "research"?

Community leaders in New York City, where a scaled-down proposal along this line is receiving renewed interest from the Lindsay administration, have denounced the idea as "a cruel hoax" and as "colonialist-type thinking." The nation's leading drug experts are also strongly opposed to the whole concept.

Dr. Vincent Dole of Rockefeller University, who developed the use of methadone in the treatment of heroin addiction, calls the thought of dispensing heroin itself "insanity." Dr. Jerome Jaffe, head of President Nixon's Special Action Office for Drug Abuse Prevention, notes the need to supply addicts with as many as five shots of heroin daily and concludes that any heroin-dispensing program would prove "a logistical nightmare."

One of the founders of the British system for treating narcotics addicts, Dr. Richard Phillipson, shares these views. The British system rests on the treatment of addiction as an illness rather than as a crime and, for a while, this treatment consisted mostly of dispensing heroin to heroin addicts. Dr. Phillipson, who is now with the National Institute of Mental Health in Washington, warns against this nation's trying slavishly to follow his original model. He points out that while some heroin is still dispensed in Britain, the British system recently has been moving toward an increased use of methadone.

Nonetheless, despite all this, there are those who persist in advocating a heroin-dispensing program for New York City. The Vera Institute of Justice has presented a formal proposal to Mayor Lindsay's Narcotics Control Council and some members of this council are urging its implementation, linking the drug problem with the crime problem and arguing that if addicts received free heroin they would no longer rob to maintain their habits.

Such an argument may now have special appeal to Mayor Lindsay. Out flat emotionally after his futile Presidential foray, badly bruised in budgetary scuffles with both the City Council and the Board of Estimate, the Mayor is reported interested in launching new programs in problem areas that would at least give the appearance of innovation and activity.

But the fear of crime, as real as it is, and the need for a mayoral initiative are hardly persuasive reasons for launching a heroin program in the face of community and medical opposition. The proposal has serious flaws. It is said that heroin is essential to "lure" street addicts into treatment programs, but the truth of the situation in New York City is more the reverse. There are long waiting lists of addicts unable to gain entrance into existing treatment programs, especially the more successful methadone programs. There is less a need for a "lure" than for expansion of these programs. At Rikers Island and at the Tombs, the Manhattan House of Detention, men behind bars plead with medical visitors.

"Hey, man," one said to Dr. Dole recently, "I'm in here now. I've been in here before. I'll be in here again. I need to get into a drug program."

Dr. Dole told him that most programs were now full.

The methadone programs that Dr. Dole runs require funds. Any experimental heroin program would drain away funds. Where methadone can be administered once a day and addicts can be stabilized to hold jobs, heroin would have to be administered more often and addicts would continue to suffer the "highs" and "lows" that go with such addiction. The staffing of a heroin program would have to be double or triple or more that of a methadone program. Again, a drain on scarce funds.

Dr. Phillipson's "grave reservations" about giving addicts a free heroin fix find support in the most recent figures made available by the British Home Office. As of the end of 1970, these figures show that Britain had only 1,430 narcotics addicts, compared to the estimated 150,000 now in New York City. Of these addicts, the Home Office figures show that only 183 were being maintained on heroin. Another 254 were receiving a combination of heroin and methadone, while the bulk some 738, were receiving methadone alone. A remaining group of 255 were listed as "therapeutic" addicts, having acquired their addictions from drugs taken during illnesses or operations; these were receiving a variety of other drugs.

Thus, the free fix that the British now give addicts is not usually a free heroin fix, as some advocates of a heroin program here seem to imply; on the contrary, the British are moving away from the use of heroin and toward the use of methadone. The Vera Institute's proposal for a heroin experiment has a section devoted to a discussion of the British system, but it somehow neglects to mention either Dr. Phillipson or the figures from the Home Office.

MAN WITH A MISSION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RAILSBACK. Mr. Speaker, for the past several months, I have had the privilege to serve on the Republican Task Force on National Health. Under the fine leadership of Chairman TIM LEE CARTER, the task force has been attempting to determine how to provide quality medical care to all citizens at a cost they can afford.

Recently an article about Congressman CARTER appeared in the Review, the official publication of the Federation of American Hospitals. This is a well-deserved tribute to an able and dedicated man, and I commend it to all my colleagues:

MAN WITH A MISSION

Congressman Tim Lee Carter (R-Ky) is a man with a mission.

He is chairman of a Republican Task Force on National Health.

The mission, he says, is to find the ingredients to incorporate into a health care program that will provide "adequate health services to all people at the lowest possible cost and, at the same time, preserve the principle of private enterprise."

The 16-member Task Force is investigating the status of health care services and exploring the feasibility of several proposed legislative courses of action in the health field.

Special attention is being given to: comprehensive National Health Insurance; catastrophic health insurance; creation of Health Maintenance Organizations (HMO's); development of medical services in rural areas; medical manpower problems and the use of para-medics; health education and the prevention of illness.

CONCERN OVER COSTS

Congressman Carter, who is a physician, said: "We are endeavoring to study all the major health problems which control persons in America today. Of primary concern, of course, is the mounting cost of health care in our hospitals, clinics and physicians' offices. It is important, therefore, that we search for a means by which proper medical care can best be provided to all groups and all levels of our society without working an undue hardship on any group."

Other members of the Republican Task Force include: Congressmen Donald G. Brotzman (Colo), Clarence Brown (Ohio), Pierre duPont (Del), Edwin B. Forsythe (NJ), Durward G. Hall (Mo); William J. Keating (Ohio), Manuel Lujan, Jr. (NM), Joseph M. McDade (Pa), Stewart B. McKinney (Conn), Jerry L. Pettis (Calif), Tom Railsback (Ill), J. William Stanton (Ohio), Fred Schwengel (Ia), John Ware (Pa), and H. John Heinz III (Pa).

Congressman Carter said members of the Task Force had been interviewing representatives of all interested groups—including hospital personnel, physicians and consumers—in an effort to try to find solutions "to our health problems."

The 61-year-old congressman from Tompkinsville, Kentucky, was elected to Congress in 1964 and re-elected three times. He is a graduate of Western Kentucky State College and the University of Tennessee School of Medicine where he obtained his medical degree in 1937. He was an Army combat medic during World War II. Until his election to Congress, he practiced medicine at Tompkinsville.

In addition to his Task Force and committee assignments, he is a member of the President's Commission on Marijuana and Drug Abuse.

Congressman Carter made these comments in a recent interview with the FAH Review Magazine:

Question. What have been some of the findings of the Republican Task Force on National Health to date?

Congressman CARTER. We, of course, have learned many things about our health problems. One of the most striking conditions is the escalating cost of health services, particularly in hospitals. Also, we have noticed that there is an increase particularly in hospitals associated with educational institutions—medical schools.

Question. In your opinion, what can be done to slow these escalating costs?

Congressman CARTER. We must streamline our medical practice in some way in order to cut out unnecessary tests and reduce the time of stay in hospitals, for example. There are many factors which enter into this.

Question. Will the findings of the Health Task Force be presented to the National Republican Party's Platform Committee?

Congressman CARTER. Yes. In fact, we expect to formulate legislation to implement our findings.

Question. What will be some of your major recommendations?

Congressman CARTER. It is a little early to say just what our recommendations will be. We have some experienced medical people who are assisting us. I thing that HMO's—Health Maintenance Organizations—will be included. However, we want to preserve the right of private physicians to build HMO's if they so desire. There would be, of course, federal financing—loans to groups that wanted to establish HMO's and perhaps grants in the ghetto areas and areas where there is an inadequate supply of medical services, particularly isolated rural areas.

Question. Do you believe that for-profit HMO's should be provided guaranteed federal loans?

Congressman CARTER. If they are for-profit HMO's, I think it should be possible for them to get fair bank loans. But I wouldn't think they should be guaranteed. I believe that grants and guaranteed loans should go to the non-profit organizations.

Question. What type of loans do you feel for-profit HMO's should receive?

Congressman CARTER. Well, they should be provided such loans as they could get from private institutions and perhaps from the federal government, as Hill-Burton gives loans at the present time. Actually, in Hill-Burton hospitals, the hospitals themselves are usually non-profit institutions but the physicians work for profit. I think that this idea can be carried over to the HMO's—that is, loans can be made to an HMO but the physicians would work there, obtaining money for each patient which they have on a fee basis, as they do at the present time.

Question. Do you foresee passage of any HMO legislation this year?

Congressman CARTER. It is possible. But I am not sure legislation will be passed. We have an HMO bill before us at the present time. It was introduced by Congressman Roy of Kansas.

Question. What role do you foresee for HMO's in the future of health care delivery?

Congressman CARTER. I think that HMO's will have a large role. We have had several HMO's throughout the country which have proved to be successful, it seems. HMO's will be able to provide a broad coverage of services—from birth throughout life. Of course, we envision an HMO as being capable of performing all complicated laboratory tests and having within it all types of specialties so that people can get a thorough physical evaluation—diagnosis can be made—and then the patients can receive adequate treatment.

Question. In your opinion, what role will the health care issue have in the 1972 election campaigns?

Congressman CARTER. I believe it will play a part. However, it won't be as decisive a part as other problems because everyone is for health, and each candidate for the presidency, for example, has his own health legislative proposals.

Question. Do you foresee approval of a National Health Insurance bill this year?

Congressman CARTER. No, sir. I do not. I haven't talked with any leader in the House or Senate who thinks that a comprehensive health insurance bill will be passed this year.

Question. Do you favor any particular National Health Insurance proposal that has been introduced thus far?

Congressman CARTER. Many of them have good features. The Republican Task Force on Health will take the better parts of each bill and develop legislation which will be helpful to the American people and, at the same time, cost them as little as possible.

Question. How do you feel about President Nixon's National Health Insurance Plan?

Congressman CARTER. I have been a sponsor of President Nixon's bill, but there are parts of it that I don't agree with. For instance, there is a slight limitation on private enterprise to which I object. While I am for loans and grants to non-profit institutions in certain instances, I want to point out that we have private physicians who want to form their groups, their clinics, their HMO's. I am all for them having the right to do so. I think the more competition we have in the health field, the better our people will be served.

Question. How do you feel about the profit motive in the health care field?

Congressman CARTER. It is just as simple as this. In any profession, you find some dedicated individuals who will work without thought of profit. But a profession such as medicine is different. It is often necessary for a physician to work night after night and on Sundays. The extra pay is an incentive. Sickness doesn't take a holiday.

A physician's work is not like that of a man on an assembly line who works eight hours and goes home. Because of the nature of sickness, a physician cannot be limited to eight hours day. Therefore, he must be paid for the increased amount of work he does.

Anyone who thinks that there should not be a profit motive in health—or in medicine and delivery of health services—would have to feel, then, that a man who works overtime on the assembly line should not receive overtime pay. Many people just haven't rationalized their thinking on this matter. Many are moved by altruistic ideals that would be good if no one would work for money or fame, but each would work for the joy of working—as Kipling has said. But, actually, in real life, it just doesn't work that way. We must have added incentive for extra work whether it is on the assembly line—on the farm—or in the duties of a nurse or a physician.

Question. In your opinion, what is the general attitude of the people toward health care delivery at this point in time?

Congressman CARTER. Well, our country wants adequate health care at a reasonable price. I don't feel the pressure at the present time to be nearly as great for a health bill as it was in 1965 when Medicare was approved. The people do, of course, want adequate health care, and they are certainly willing to pay for it. But, here again, they want it at as reasonable a price as they can get.

Question. As a physician and as a congressman, how do you fel about Medicare and Medicaid?

Congressman CARTER. I feel that Medicare has been a great help to people throughout the country. I think Medicaid serves a useful purpose. One thing I do want people to realize is that we are going to pay for what we get. So many people feel that when they receive health services from the federal government, they're not paying for them. But, they are paying for these services—they will pay for them in increased taxes. There is no other way.

Comprehensive health insurance might be written up or publicized as not costing the people anything. Well, this is the fartherest thing from the truth. They are going to pay for it. It is going to come out of their payrolls. It is going to be reflected in the added cost of manufactured articles.

Under the administration's NHI bill, the manufacturer, for example, would pay 65 per cent of the cost of medical care for his employees for the first two and a half years, and after that he would pay 75 per cent of the cost. All of these things would be reflected in higher cost of goods. Then, there is the worker himself who would pay 35 per cent and then 25 per cent.

So, we have to pay for all of these things, either through increased taxes or through the increased cost of consumer goods. It is really a matter of where we want the cost to be borne.

Another big problem, of course, is to see that everyone receives adequate care.

Question. What do you think can be done to alleviate the health manpower shortage?

Congressman CARTER. We are trying to do something about it in Congress by increasing the number of scholarships and loans for medical institutions and institutions for allied health professions. We have passed a bill that will increase the amount of money authorized for medical schools, nursing institutions, pharmacy, dentistry, podiatry and veterinary medicine. These bills—the Comprehensive Health Training Act and the Comprehensive Nurse Training Act—will provide more funds for the schools and more grants and scholarships for people who want to go to school. I feel that we will have adequate health personnel within the next few years.

NAVY COVERUP

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. ASPIN. Mr. Speaker, the Navy is covering up more than $100 million in cost overruns for sophisticated electronic equipment on 30 new DD–963 destroyers.

The cost of providing the DD–963 with complex electronic decoys and radar equipment has skyrocketed from $75 million to nearly $200 million, according to Adm. I. C. Kidd in response to my questioning before a recent hearing of the House Armed Services Committee.

Rather than calculate the real cost, the Navy continues to stick to its original estimate of $75 million for radars and decoys known as the electronic warfare suit. The real cost of the DD–963 with all its needed electronic equipment will be approximately $95 million per ship, not the Navy's current estimate of $90.5 million per ship.

It is also my belief, Mr. Speaker, that before the first DD–963 joins our fleet, the price tag will be in excess of $100 million for one destroyer.

This latest development is just one more sign that the Navy's massive shipbuilding program with Litton Industries is in deep trouble.

As many of my colleagues may know, Litton currently holds Navy contracts to build five LHA amphibious assault ships and 30 DD–963 destroyers. According to official Navy estimates the destroyers are expected to cost $2.7 billion, or approximately $90.5 million per ship.

In addition, reports in the press have indicated that Litton is seeking an additional $400 million in bailout money on the five LHA amphibious assault ships in addition to the current estimated price tag for the five ships of $960 million.

Between the DD–963 and the LHA program, the Navy is well on its way to producing its own version of the C–5A.

It is my hope that the House Armed Services Committee will give serious consideration to making changes in the Navy's request for $610 million for seven new DD–963's in the 1973 fiscal year budget.

U.N. LAW OF SEA REPORT: SECTION II

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEITH. Mr. Speaker, as part of my report to the Congress on the U.N. Law of the Sea Conference, I yesterday submitted for the RECORD remarks by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee, concerning the background on the crisis we face in the Law of the Sea. The second section, concerning the current U.S. Oceans Policy, follows:

U.N. LAW OF SEA REPORT: SECTION II

U.S. OCEANS POLICY

What emerged from the President's statement, was a new United States oceans policy designed to accommodate a wide variety of domestic and international interests. Particularly with respect to maritime limits questions—which are among the most controversial—we sought to understand the major broad limits and of narrow limits. It is our conviction that these interests can be harmonized or accommodated to a large degree in a general international settlement, if they are addressed by dealing with the real problems involved. Such an accommodation should be of greater value and duration than an arbitrary compromise.

The territorial sea and straits

The United States has recognized that the only practical possibility for agreement on the breadth of the territorial sea lies in acceptance of a 12-mile maximum limit. After careful study of our own reasons for adhering to the 3-mile limit, we decided that it would be possible to accept a 12-mile limit if it were broadly agreed, rather than unilaterally asserted, and if it were accompanied by agreement on free transit through and over international straits, that is straits used for international navigation.

The reason why the United States is insisting on this guarantee of free transit through and over straits used for international navigation is that with the move from a three to a twelve mile territorial sea, international straits between six and twenty-four miles would become overlapped by territorial seas. While the right of innocent passage through the territorial sea in straits may not be suspended, innocent passage does not include submerged transit or overflight. Moreover, some coastal States have interpreted innocent passage subjectively, arguing for example that the flag, cargo, or destination of a vessel is a relevant consideration. The absence of clear guarantees of free transit through international straits would create a number of critical pressure points around the world where the potential for conflict could dramatically increase. We saw one such situation develop prior to the 1967 war in the Middle East.

Just as the question of navigation and overflight in straits within 12-miles of the coast is one key aspect of the territorial sea issue, the rights of coastal States over resources beyond a 12-mile territorial sea are another vital aspect of this issue.

Fisheries

With respect to fisheries, there is no doubt that a settlement cannot be reached that does not protect the regulatory interests of coastal States in fisheries well beyond 12-miles. The economic and social problems caused by highly mobile distant water fishing fleets using advanced methods are not unique to developing countries; our own coastal fishermen have the same problems. In order to resolve this problem, we have proposed delegating regulatory authority to coastal States with respect to two types of fish that comprise over 75% of the world's fish catch: coastal species, that is species that normally reside off the coast, and anadromous species, that is species such as salmon that spawn in fresh water, then migrate far out to sea, and finally return to their streams of origin. The authority delegated to the coastal State would be subject to international standards, such as those designed to assure conservation and maximum utilization of fisheries and an agreed formula for historic fishing rights. We regard compulsory settlement of disputes as an essential aspect of any such settlement.

On the other hand, we do not believe there can be effective coastal State management of highly migratory oceanic species such as tuna, which appear off the coast of any one nation for only a short period of time. Accordingly, we propose that such species be managed by international and regional organizations.

SEABEDS

With respect to seabed resources beyond the territorial sea, coastal States already enjoy sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources. As I indicated earlier, a precise limit for the exercise of such rights was not agreed in 1958, although it is clear that such rights extend at least to where the water reaches a depth of 200 meters (about 600 feet).

This limit would determine not only the extent of the seabed area subject to coastal State sovereign rights over resources, but also the size of the international seabed area that would be subject to a new international regime to be established by the Law of the Sea Conference pursuant to the Declaration of Principles adopted by the General Assembly of the United Nations in 1970. With respect to the international area, the United States has proposed a new international organization to regulate and license exploration and exploitation and to collect revenues from such activities primarily for the benefit of developing countries.

In the context of considering alternative seabed limits, the narrowest limit on which agreement could conceivably be reached would be 200 meters depth. Although the distance from shore of the 200 meter depth varies from several miles to several hundred miles, an average would be less than 50 miles. Many developing coastal States have urged much broader limits for coastal State jurisdiction, such as 200 miles or the entire continental margin.

We have proposed an intermediate zone as a means of resolving this problem. The inter-

mediate zone would begin at the 200-meter depth. We proposed that it continue seaward to embrace the continental margin, but have also indicated our willingness to consider several criteria, including a mileage distance from shore, for the outer limit of the intermediate zone. Within the intermediate zone, coastal States would regulate exploration and exploitation, but there would also be international standards and compulsory dispute settlement designed, for example, to assure protection of other uses of the area, global protection of the marine environment from seabeds pollution, and some sharing of revenues with the international community.

Scientific research

In our view, scientific research in the oceans is, and should be, beneficial to all. The United States supports both maximum freedom of scientific research and maximum efforts to ensure dissemination of the results of such research. There is no inherent contradiction between the exercise of resource jurisdiction by coastal States and the protection of free and open scientific research. On the contrary, such research can enhance the ability of coastal States to derive maximum benefits from resources under their jurisdiction. Thus, one important aspect of the intermediate zone proposal for the seabeds is that coastal State control over exploration and exploitation of resources would not restrict other uses of the area such as scientific research.

Pollution

The United States is vigorously seeking to bring ocean pollution under effective international regulation in a number of different forums. IMCO has produced several Conventions on pollution from ships, and is continuing this work. Also significant are IMCO's attempts to lessen the chances of collisions at sea through such measures as traffic separation. The U.S. has worked for a Convention on ocean dumping, an environmental monitoring system, an international fund for research, as well as other measures in the context of the 1972 Stockholm Conference on the Human Environment. The U.S. draft seabed treaty proposes that the international seabed organization to be established by the Law of the Sea Conference be given broad regulatory and emergency powers in order to prevent pollution arising from exploration and exploitation, and all deep drilling, in the international seabed area. Also, one essential advantage of an intermediate zone on the seabeds is that minimum environmental standards can be fixed internationally, thus better assuring protection of the ocean environment as a whole, assuring coastal States that they will not suffer competitive economic disadvantage by applying such standards, and assuring coastal States not only the right to apply higher standards if they choose, but the right to seek technical assistance from the international authority in doing so.

A SALUTE TO EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BADILLO. Mr. Speaker, with the education amendments passed last week and the Labor-HEW appropriations scheduled for action in the House tomorrow, it is appropriate that we recognize the vital role of education in our society and pay tribute to those who have made America's educational system what it is today.

With our understandable preoccupation over events on the battlefields of Vietnam we may have a tendency to overlook the battles being waged within our own society—the battle for understanding and tolerance, the battle for equal opportunity, the battle for the right to share in America's affluence.

In the front lines of those battles are the more than 2 million classroom teachers in our elementary and secondary schools. Particularly in the disadvantaged communities of our central cities, these men and women are waging a valiant struggle to provide hope and opportunity to children whose lives have been devoid of both.

The internal strength of our Nation is dependent on the products of our schools. The seeds of whatever greatness lies ahead for this country are being sown today in the classroom. To those who bear that responsibility, we must say, "Thank you, keep up the good work."

ESTABLISHING A NATIONAL DYSAUTONOMIA INSTITUTE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

STATEMENT BY LOUISE DAY HICKS INTRODUCING LEGISLATION FOR NATIONAL DYSAUTONOMIA INSTITUTE

Mr. Speaker, I am here today to bring to the attention of this House the existence of a little-known yet devastating disease; a disease which not only kills its young victims, but first leads them through a life of tragic and bizarre symptoms.

It is called "dysautonomia," meaning disturbance of the autonomic nervous system. This familial disease of childhood occurs almost exclusively in descendants of Ashkenazic Jews, from which more than 98 percent of the American Jews are descended.

Dysautonomic children are usually undersized, and have a special facial appearance marked by pallor, a rather fixed stare, unusually high forehead, and an apprehensive, somewhat frozen expression. Characteristic symptoms of dysautonomia include vomiting, poor motor coordination, and difficulty in feeding and swallowing. But the tragically distinctive and indentifying feature of dysautonomic children is that they can cry, but are unable to shed tears. A major problem associated with this defect is that any foreign object in the eye, because there are no tears to wash it out, can often cause corneal ulcers. These ulcers may become so severe that the child's eyelids must be sewn together to heal the damage.

Characteristically, a dysautonomic child is also unable to feel pain or to distinguish between hot and cold. This dangerous insensitivity to pain can make the child oblivious to burns and broken bones, leaving many children scarred and crippled for life.

Scoliosis, the bending of the spine to one side, is another symptom which worsens as the child grows older. Also, vomiting is chronic sometimes going on for days at a time.

About 25 percent of all dysautonomic children die by the age of 10. After that the death rate mounts steadily; about 50 percent have died by the age of 20, usually from pulmonary infections.

The disease is inherited through an autosomal recessive gene. This means that when the diseased gene is paired with a normal gene, its harmful action is blocked, but the person becomes a "carrier" of dysautonomia. The disease, which may skip several generations, occurs when two people who are carriers marry and have children. In such a case, the chances are one out of four that the child will be born with dysautonomia. Today it is estimated that one out of every 100 American Jews is a carrier of dysautonomia.

What can be done for these victims today? Although the disorder was discovered in 1948 by Drs. Riley and Day (and therefore frequently termed the Riley-Day syndrome) today there is only palliative treatment for the disease consisting of using tranquilizers to help control the intense vomiting that occurs. There is no cure for the disorder itself.

Research holds the only hope for these victims. And so I am here today to introduce a bill to establish in the Public Health Service an institute for research on dysautonomia.

The establishment of a National Dysautonomia Institute would enable our country to wage an effective battle against this terrible disease. Through such an institute research programs could be conducted and fostered relating to the cause, prevention, and treatment of dysautonomia. Through this institute, our country would be able to search out undiagnosed victims who can be helped, would be able to find ways to identify carriers and prevent the disease in unborn children, and would be able to find a way of reversing the disease in its present victims.

Moreover, an understanding of dysautonomia would provide not only a better understanding of the workings of the normal nervous system, but would also provide a key to a further understanding of multiple sclerosis, Parkinson's disease, high blood pressure, heart problems, and diseases connected with all the body system affected by the autonomic nervous system.

I urge your support and approval of this bill so that we may begin to make a concentrated and an effective attack on these diseases which threaten our nation.

MAJORITY OF PEOPLE CANNOT HANDLE EFFECTS OF MARIHUANA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BOB WILSON. Mr. Speaker, in the current debate over marihuana, the point is often made by those supporting its legalization, that the use of marihuana does not lead to experimentation with more dangerous drugs. Police and narcotics officials with whom I have discussed this question disagree strongly. I recently received a very moving letter from a concerned mother whose daughter progressed to addictive use of amphetamines from initial contact with marihuana. This mother, understandably, is deeply concerned over any effort to legalize the use of marihuana and I ask my congressional colleagues to reflect carefully on her experiences.

The letter follows:

DEAR CONGRESSMAN WILSON: I am accepting your invitation to write you concerning my views. I received your pamphlet in the mail yesterday and it was the answer I had been looking for. Where to begin in my own small way to do what I could to prevent the legalization of marajuana.

I have just gone through the horrendous experience of having my 15 year old daughter placed under arrest at her High School for the possession of drugs (including a marajuana cigarette) and possession for sale. She was detained in juvenile hall for her own protection. My daughter had become addicted to amphetamines. Fortunately the suppliers were apprehended at the same time. She is now safe and getting the help she needs.

I am adamant about the marajuana, because I know this is where it started for her. Four years ago when she passed through the gates of Junior High School, she found the pressures too much and turned to marajuana for escape. She has told me that it was readily available then and of course it still is. From there it was easy to pop (as she puts it) a few pills now and then.

This is of course not all the story, but it is the basis. I have read all the articles pro and con on this legalizing, and have discussed it with Juvenile Detectives. I just cannot for one minute believe that anything that affects the mind as this drug does, can be beneficial to our society. Many people may be able to handle the effects and walk away, but I truly believe that the majority cannot. I am particularly concerned about our young people. Growing up has always been problematic but it is even more so today. The availability of the various drugs is bad enough in itself, legalizing any one of them is terrifying.

I would very much appreciate your advice as to who else I can write to about this issue.

I appreciate your pamphlet and commend you on the fine job you are doing as our representative.

Yours sincerely,

——— ———.

TRIBUTE TO MR. FARMER PASCHAL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. JONES of Tennessee. Mr. Speaker, Mr. Farmer Paschal, a close personal friend of mine, whom I deeply admire and respect, of Ripley, Tenn., is retiring after 44 years in the agricultural extension farm program, 33 of these spent as Lauderdale County extension agent. Mr. Paschal has distinguished himself as an outstanding agent and has always been a friend of the farmers in this area. His presence will be sorely missed. The Lauderdale Enterprise, a weekly newspaper, has printed an article on Mr. Paschal which I would like to have inserted at this point:

FARMER PASCHAL

Farmer Paschal, Lauderdale County Extension Agent since 1939, is retiring at the end of this month, to be succeeded by his assistant county agent, Charles Peal, who in turn will be replaced by Dan T. Brown, of Cookeville, a Viet Nam veteran who has previously done Extension work in Selmer.

Friends are invited to greet Mr. Paschal in a reception being arranged by his colleagues from 2:30 to 4 p.m. Sunday, June 25th, in Ripley High School.

Mr. Paschal, oldest of five sons and three daughters of his parents, grew up on a tobacco, wheat, and hay farm in the Cottage Grove community of Henry County.

"My father wanted me to be a lawyer," he says, "and my pastor wanted me to be a preacher. I didn't think I was good enough to be a preacher nor smart enough to be a lawyer, but it took me two years to decide to become a county agent.

"We got a good county agent in Henry County in 1918, and I began to see as a 4–H boy how a county agent could help farm families. Farmers then had no impartial sources of information, and they needed them so much.

"I taught school from 1920 until 1923, spent two years in college, taught school another year, and finished college. On March 16, 1928, I took my last college exams, bought a new car, married Laura Davis, and was hired as a county agent, all in one day.

"I worked as county agent in Decatur County until 1934 and in Chester County until 1939, when I came to Ripley. (J. L. Burns and E. L. Vaughan were on the committee that recommended me to the Lauderdale County Court.)

"I worked with 4–H clubs for almost 18 years, until Lauderdale County acquired an assistant county agent to take over this work.

"In 1939, I began taking 4–Hers to the Mid-South Fair in Memphis, and this grew until we couldn't get enough busses. The school board then agreed to provide busses if we would pay the drivers and provide adult supervisors. We used as many as 21 busses to transport 950 4–Hers to the fair.

"Rat control campaigns we began in Ripley spread to Halls, Gates, and Henning and have been conducted annually for 23 years.

"In Decatur County, in 1931, I helped farmers incorporate a cooperative marketing association for green-wrap tomatoes. Lauderdale Countians have applied this co-operative idea to many projects during my years here.

"Our Soil Conservation District was organized the year I came here, and the Forked Deer Electric Co-operative, serving 6,000 families with 1,000 miles of line, was begun with 171 miles and a loan of $335,000.

"From 1939 to 1942, we supervised a Farm Program to inform farmers about ways to increase efficiency. P. M. Parker, W. C. Viar, Jim Jaynes, and William Hall were committee members.

"In 1941–42, we carried out a mattress project, making 8,200 double 50-lb. cotton mattresses to use surplus cotton.

"In 1944, the Lauderdale Farmers Co-Operative was organized, after the Farm Bureau had shown the way with co-operative sales of $50,000 to $90,000 a year from 1940 to 1944. The Co-Op sold $135,000 worth of supplies the first year, rose rapidly to half a million dollars annually, and served as a model for other counties.

"In 1948, we formed the Lauderdale Truck Growers to market strawberries. It operated successfully for 13 years.

"In 1951, we began chemical weed control work, which was being used on 600 acres by 1960 and today is used on 150,000.

"We worked out procedures for distributing surplus commodities under the County Court's direction in 1957 and 1958.

"We began work in 1958 to rid this area of brucellosis, and the county was declared brucellosis-free a year later.

"We began a farm management school in 1962, meeting with 45 farmers two hours weekly for ten weeks.

"I was called upon to work closely with the Cane Creek Watershed program, which received $3,000,000 in federal money to greatly benefit parts of the country.

"Just last year, Lauderdale County set the pace again with the state's first cotton scouting program, on 1,550 acres—a program being expanded this year and copied elsewhere.

"My 44 years in this work have seen enormous changes, but all of our Extension work boils down to one thing—getting information out to farmers; when they understand, they will respond, and all of us benefit—farm people or otherwise—when we have a strong farm economy."

Paschal won the Distinguished Service Award of the National Association of County Agricultural Agents in 1944.

Through careful planning, preparation, organization, patience, and perserverance, he made the county agent's work look easy to those not familiar with the many demands upon his office and the long hours, including night meetings, often involved.

Records show that for the last 26 years, he made an average of 235 farm visits, talked to 1,350 farmers in his office and 1,573 by phone, made 275 5-minute radio broadcasts, held 102 meetings of 8,305 farmers, distributed 1,924 bulletins, and prepared 150 news articles each year.

Mr. Paschal has used newspapers and radio extensively to inform farmers. He wrote for the Herald and the Parsons News Leader in Decatur County and the Chester County Independent in Henderson. Th Halls Graphic and The Enterprise have carried a regular weekly column by Paschal, much of which has been used also in The Jackson Sun, with Memphis and Nashville papers carrying many items. He has had a regular farm broadcast on WTRB in Ripley.

After the death of Mrs. Laura Paschal, Mr. Paschal married the former Mrs. Emma Lou Roberts, of Double Bridges. They will continue to reside in Ripley as the veteran Extension agent "takes on a few projects I haven't had time for up to now."

ECONOMY CONTINUES TO PLAGUE OUR NATION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. LANDGREBE. Mr. Speaker, problems with the economy continue to plague our Nation, and citizens from throughout the country are concerned with it. Of special note is a letter I received from Mr. John R. Montgomery III, president of the Lakeside Bank of Chicago. I insert his remarks along with remarks that I made recently in my weekly newspaper column for my constituents. I ask my colleagues in the House to take heed of these evaluations:

MAY 1, 1972.

HON. EARL F. LANDGREBE,
Longworth House Office Building,
Washington, D.C.

DEAR MR. LANDGREBE: The Federal Reserve Board in its annual report for the year 1971 stated that economic recovery "will depend importantly on a strengthening in consumer demands". We are told that personal income is at an all time high and yet consumer savings continues at an historically high rate. How likely is it that the consumer will spend more money and incur more debt in 1972 to spur an economic recovery?

I thought you might be interested in the results of a study we initiated recently in our bank. We have 47 employees. Except for promotional raises (2), no officer or employee received more than a 5% increase in pay in 1972. After adjustment for these promotional raises and terminated employees, our average raise from December 1971 to January 1972 was 4.14% on a comparable basis, well within the Federal guidelines. With the expiration of the surtax, 1972 federal income tax rates are less than the 1971 rates. There has also been an increase in the personal exemption. These will have an impact on taxes payable in 1973. However, as a result of insufficient withholding last year, many people have an

unusually large out-of-pocket liability to meet by April 15 this year. To prevent a recurrence of this situation, tax withholding rates were increased in 1972. In our bank, without considering F.I.C.A. taxes, federal income tax withholding increased from December 1971 to January 1972 by 17%. *Thus, not only do many people have significant cash tax liabilities to meet this April, but the effect of increased withholding is to limit the raise for my average employee to only 0.8%.*

Now we are told by leading economists across the country that inflation is to abate in 1972 and the rate of inflation will approximate 2½% to 3½%. *Well, the employee whose average salary increase was 0.8%, if the rate of inflation is 3%, will actually be making 2.2% less this year than he did last year.*

Our bank hosted its Sixth Annual Business Forecast Luncheon in February. At that time we distributed questionnaires to our guests so they could prognosticate what sales, profits, demand for loans, etc. might be during the coming year. We had about 100 local businessmen in attendance. *The composite guess on the rate of inflation for 1972 was 5.3%!* This, of course, seems high until we read that in February the wholesale price index went up (adjusted for seasonal variations) 0.7%. Should this monthly increase in prices continue at the same rate during 1972, the annual rate would be 8.4%!! Naturally, we hope this will not happen, but it does seem apparent that the annual rate of inflation in 1972 will exceed the 2½% to 3½% forecast earlier. *If the increase is 5.3%, which does not now seem at all unrealistic, my average employee will face a loss of spending power of 4½% in 1972!* Facing the prospect of higher Federal income taxes (or a value added tax) in 1973, increased Social Security taxes, higher real estate taxes, probable further devaluation of the dollar which will have the effect of increasing domestic prices, together with continued and possibly more pervasive economic controls, can the consumer be expected to trigger an economic recovery? Or, given the uncertainty the future holds, is he likely to continue his high rate of savings and shy away from increased debt?

With this continued increase in prices, it is apparent that controls are "not working". Since Congress has shown no historic propensity for self-incrimination I am sure it will feel that the obvious answer is to make controls more pervasive and more mandatory. But how can controls possibly work when it is Congressional spending itself which continues to create these gigantic inflationary pressures?

We ran a $25 billion deficit on top of a full employment economy in 1968. In 1971, we ran a $23 billion deficit. In 1972, it looks like $40 billion. Budgeted for 1973 already is $25.5 billion!! We are being asked to pay the price for government excess. Who is controlling the government?

If, in fact, we have a concern for minorities, for the poor, the aged or persons otherwise handicapped, we must stop this excessive government spending. *No amount of government spending for the very groups we say we care most about can replace the purchasing power lost through deficit-created inflation.*

Is there some way we, as bankers, while still remaining responsible to our stockholders can help you return a measure of sanity to our monetary affairs? I am concerned for the welfare of my family, my employees, my customers and my country.

Cordially yours,

JOHN MONTGOMERY,
President.

THIS WEEK IN WASHINGTON

(By Congressman EARL F. LANDGREBE)

WASHINGTON, D.C.—The Chase Manhattan Bank reports, "If inflation is not effectively restrained over the next few years, periods of interrupted growth and high unemployment will be inevitable—and probably frequent. Future inflation would also pose persistent questions about the position of the American dollar, with consequent disruption of international trade and monetary relationships."

Inflation must be controlled over the long run. Wage-Price freezes and other such controls are merely stop-gap measures. They retard inflation for a short time, while attempting to maintain an acceptable rate of growth. However, they are not effective in slowing down the combined effect of inflation over the period of several years.

However, the Congress constantly faces increasing pressure to spend federal money to solve social problems. I agree with the report that "control will indeed be lost if the future implications of all Federal spending programs are not fully understood." Programs are enacted which cost little at the start, but whose cost rapidly escalate as time goes by. It would be simple to raise taxes, but also stupid to do so. I think insufficient effort is made to keep spending at a level that matches incomes

I have refused to vote for proposals that continue to represent this ridiculous system. On March 15, I voted against infusing another $170 million into Amtrak. In 1970, it was sold to the Congress as an experiment. In 1972, it comes back to the Congress requesting more money to operate. Unfortunately, the bill was approved in the House 312 to 63.

On March 15, I also voted against an additional $911.6 million for federal unemployment compensation in excess of originally anticipated levels. However, this measure passed the House also.

I have opposed a college subsidy that would guarantee a flat sum to each full-time student in attendance at every institution. To expect the federal government to pick up the tab for everyone's college education is foolhardy and costly.

Too many of these have already been approved by our liberal-controlled Congress. Thus, as federal expenditures have soared to new heights, so also has the federal debt. As a result, another increase in the debt limit, in the amount of 30 billion dollars, was approved this week, bringing our National Debt Limit up to a startling 450 billion. Of course I opposed this increase. Remember, the interest on our debt is now costing the taxpayers of this country $43,000 per minute.

Statistics indicate that unemployment is dropping. As the country heads toward full employment, economists warn that the increases in federal spending will make longer inflationary deficits inevitable. Such things as these attack the fiscal sanity of this great nation.

Should the President establish more rigid controls? I say "No!" Not only can controls be counterproductive to normal adjustment of the economy, but more important, they violate our free enterprise system!

We must take a long range look at the country's spending and budgetary process. We must combat deficits and inflation by examining the total picture, not only isolated parts. Government common sense should diminish, rather than increase, interference in this free enterprise system.

THE STARS IN OUR EYES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BURKE of Florida. Mr. Speaker, in 1777, the Continental Congress declared the Stars and Stripes to be our country's national flag. There have been many stars added to our flag over the years, and, I am proud that I can join with my colleagues and those in our country who recognize the many great things that our Nation's flag stands for, in this tribute on Flag Day.

There are many in our country, however, who would not only destroy our flag but the Nation which it symbolizes as well. Unfortunately these few who have burned and desecrated our flag, and those who teach and practice revolution for destruction's sake, know little by personal experience of conditions in other countries. Those who have suffered as citizens of other countries less free than ours know the greatness of our country. To them the stars in our flag are symbolic of a heaven-sent blessing.

The price of freedom is vigilance and the willingness of our people to make sacrifices for God and country. We could lose our freedoms by taking them too much for granted. We should take time to remind ourselves that ours is a nation under God despite the propaganda by the desecrators of our flag who would like to make us believe otherwise.

Recently, on June 2, 1972, Yolanda Maurer, a reporter for the Fort Lauderdale News, one of the newspapers in my congressional district, wrote a very thought provoking article which reveals her feelings as one who immigrated to our country and became a citizen with respect to her anger at the recent desecration of the American flag by some last Memorial Day. I commend this article to all patriots and nonpatriots because it is worth thinking about.

TORTURE OFFENDERS: FLARE UP OVER FLAGS

(By Yolanda Maurer)

I'm angry.

In fact, I'm boiling mad.

I've been mad and shaken with helpless anger ever since the news of the desecration of the flags on Memorial Day by local vandals came out in the paper.

Normally, I don't take too kindly to flag-wavers and patriotic speech makers.

I figure that love for your country is as natural as love for your family: you don't have to talk about it all the time to convince yourself or others of it.

Besides, I've seen too many dictators in my days use narrow nationalism in guise of patriotism not to be afraid by certain ways of waving the flag . . .

But for anyone to abuse the American flag—and on the graves of soldiers besides is too much.

If whoever did it is found, I think that fines or even prison would be ridiculous.

I think we should re-instate the good old torture system of the medieval days—and let them have a little of it at a time . . . for each soldier who died for that flag.

This may seem like a pretty violent reaction to you.

So maybe it is.

Maybe it is because I remember how I saw the American flag close-up for the first time.

It was through the bars of a military prison in North Africa, where the Germans had imprisoned a group of hostages. I was one of them.

We had been there for a few weeks, and we knew that our only chance of not being shot was if the Americans made it on time.

There had been the sound of battle raging outside all that night, and, at dawn, from inside the jail, we didn't know who had finally won . . .

Suddenly, there were shouts outside, trucks driving up, men getting off . . . men running through the corridors, doors banging open all the way down the halls . . . and suddenly, they were there!

The Americans were there . . . tall, handsome, dirty, smiling, grinning, kissing, looking to us like the Angels from Heaven themselves . . .

And behind them, in the bright sunlight of the courtyard, a sun we hadn't seen for many a day, there was a beautiful flag waving gently in the sun, a flag full of stars and stripes, the flag of America.

We had waited four long years of shame, frustration and anger to see this flag fly freely—with all that stands behind it.

Nothing since, except the sight of a loved face—has ever looked as beautiful to me.

This is perhaps why I take the desecration of the flag as a personal injury.

I am not American-born.

America is my country by adoption, by choice, so to speak.

Sometimes, people love their adopted children even more than their natural ones.

Because they didn't just happen to be born.

They were chosen, selected, desired, and wanted eagerly.

You have some of these same feelings when you "choose" a country and renounce the one of your birth.

You can't stand to see it abused, debased or vilified.

This doesn't mean that you are blind and deaf to its shortcomings and its failures.

Which would be a form of stupidity.

Its just that, with all the things wrong with America—and believe me, I know them all—I still can see all the things right with it.

America—and the flag for which it stands—has fed half the earth in times of need, has spanned the cosmos to walk on the Moon, has built more courtrooms to keep its people free, and more classrooms to educate them than any one else, has made the world safe from disease, and continues to do so, has been the first to come to the rescue of every country in the world struck by a natural calamity.

America, rebuffed by other ideologies, forgetting that it is the mightiest of them all, still tries with good faith and humility to build a bridge to live with others in understanding and peace.

Its President, putting pride aside, takes the first steps and covers the world in search of that peace and understanding.

What other country could you pick to "adopt" that would make you prouder?

And, when hippie-like, I say: "Keep the faith, baby", the kind of faith I mean is in America—and the flag which stands for it.

Those who have forsaken even this faith must know inside, the darkness of Hell.

EDUCATIONAL TELEVISION

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEATING. Mr. Speaker, on June 1 the House-passed legislation expanding the Nation's public television program. In light of this action and expected Senate consideration of the House-passed bill, I would like to bring to my colleagues' attention a project that my office participated in with the cooperation of educational television in Cincinnati.

My office, in conjunction with the Cincinnati Chamber of Commerce, and Congressman DONALD CLANCY sponsored a congressional intern program which made it possible for select Cincinnati area high school students to visit Washington. The program was recorded by Cincinnati educational television, WCET.

Two WCET staff members accompanied the students on their trip to Washington. Gene Walz, manager of special projects, filmed and directed the program; and Thomas Brumley, coordinator of school services, produced "The First Congressional Scholarship Tour." The script for the program was written by A. James McAdams III, who was one of the student participants in the program. The program, which has been shown in several classrooms, is a two-part series documenting the congressional tour. On Sunday, June 18, the two programs will be shown together from 6 p.m. to 7 p.m. Marjorie McKinney, director, Department of Instruction, at WCET, said that:

The programs demonstrate the tremendous creative potential that can be used in educational television.

The program shows the activities of the 50 students as they heard speakers that ranged from Congressman ROBERT DRINAN, Democrat of Massachusetts, to Special Assistant to the President Clark McGregor.

Justice Potter Stewart of the U.S. Supreme Court discussed the role of the judiciary.

The students had discussions on the role of the House with Speaker CARL ALBERT and Minority Leader GERALD FORD. They also heard from Congressman JOHN ANDERSON, Republican of Illinois. Both Congressmen ANDERSON and DRINAN discussed the need for congressional reform and the role played by the House Rules Committee.

Two national reporters from Scripps-Howard discussed the role of the press in Washington.

Ohio Senators TAFT and SAXBE talked to the students about the role of the Senate in the legislative process. Senator TAFT discussed his work on the Senate Labor Committee and Senator SAXBE spoke of the confusion that often arises in the legislative process and appropriations.

To study the role of the committee in the legislative process the students sat in on a hearing on the rights of Spanish-speaking peoples before the Judiciary Subcommittee on civil rights oversight. They were addressed by committee Chairman DON EDWARDS and ranking Republican CHARLES WIGGINS. Then Mr. Jerold Zeifman, counsel for the committee, talked to the students on the history of the equal rights amendment which had gone through this subcommittee.

The program shows the students participating in a panel discussion with congressional staff members from both Republican and Democratic offices.

Tom Brumley, who produced the two programs, stated that the goal was to allow students who did not travel to Washington to share some of the insights into how Government operates. He added:

This program demonstrates the potential of education/public television to make the learning process more interesting.

THE CIVILIZING ROLE OF OUR NATIONAL PARKS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, in honor of the hundredth anniversary of the signing of the act creating Yellowstone National Park, the first national park, President Nixon has proclaimed 1972 the National Parks Centennial Year. The celebration of this centennial has been marked by an outpouring of affection and concern for the parks on the part of press and public.

On May 28 the Sunday Star published a thoughtful contribution to the national dialog. Titled, "The Civilizing Role of Our National Parks," the article presents in graphic terms the significance of the National Park System and the challenges to it posed by the Nation's expanding need for recreation resources.

The Congress bears primary responsibility for establishment of the policies and provision of the funds which will define and sustain the development of the system during the coming decades. Believing my colleagues will find the Star article most informative, I present it for inclusion in the RECORD:

THE CIVILIZING ROLE OF OUR NATIONAL PARKS

Every weekend from now until late summer that string of camper pickups headed out of the city, to the mountain parks and national seashores, will be getting thicker and thicker. There will be thousands more than there were at the same time last year. For disillusioned though they may be with many visions and enterprises, Americans are enjoying a resurgent love affair with the dream of the American wilderness.

The intensity of that seizure is indicated in a recent study report for which the government contracted. In this 100th year of the national parks system, an independent survey group proposed that a cool $100 billion be spent in the years ahead on the purchase and development of parklands. That would add 52 million acres of parks of all kinds, and a national bond issue is the recommended financing device.

Preposterous? So it seems at first glance, and the idea probably is much larger than anyone's hope of attainment. The country is, after all, caught in a painful squeeze of priorities, and cannot possibly afford the ideal solutions to all its problems. But the reports which the National Park Service recently received from several study task forces afford some valuable views of what ought to evolve in the American outdoors. They raise provocative questions about alternatives in the uses of the remaining open spaces, urge the creation of national parks within urban areas and warn of the penalties of failure to enlarge the public preserves. Some of those penalties are becoming clearer all along in the explosion of outdoor recreation.

No one expects that boom to abate. Perhaps more than ever before Americans have come to realize that the parklands and other unspoiled retreats are vital, beyond calculation, as civilizers of a people whose nerves are becoming ever more frazzled. Urbanization and industrial civilization, which were to give security through the conquest of nature, have produced their own shattering insecurities. This was foreseen long ago by the naturalist John Muir, who helped create Yosemite National Park. "Thousands of tired, nerve-shaken, over-civilized people," he

wrote, "are beginning to find that going to the mountains is going home, that wilderness is a necessity, that mountain parks and reservations are . . . fountains of life."

The problem today is that the fountains are clogging up, because Muir's thousands have turned into surging millions. More than 200 million individual visits were recorded at the national parks last year, and the estimate for this year is 212 million. City-dwellers are streaming out in ever-increasing numbers to seek the therapy of nature, and will continue to, as urbanization continues. But what they're finding, all too often, is the same congestion they left behind—bumper-to-bumper traffic, overflowing campgrounds, noise and air pollution.

All recent studies on the subject come to the same conclusion: The national parks system is seriously underfinanced, and a good many of the parks are overrun by hordes of people and their vehicles. As the crush has intensified, one would suppose that the Park Service has been enlarged, at least moderately, to face the challenge. But no, its personnel actually have been cut by 5 percent, and it operates under a reduced and severe manpower ceiling. This austerity prevails while park rangers take on extra duties of traffic-policing, and chasing vandals who now inflict upwards of $1 million a year in damage on the parks. Though the rangers work countless hours of overtime, out of dedication to their jobs, they never catch up.

If Congress wants the parks to serve the public adequately, and not be trampled by under-regulated crowds, it must come up with considerably more money. While President Nixon has proposed the largest increase in history for parks management and operations, his budget request still leaves a gap of $18 million below the estimated needs for the next fiscal year. The lawmakers would do well to increase the funding so the Park Service can do more than desperately hold its own.

If it does only that, the pressures for expansion will keep building up and ultimately, we suppose, something will have to give. And there are many well-conceived plans for relief when the administration and Congress decide to embark on larger designs. Many older parks need to be made much larger, and new ones should be created, especially in the more populous sections. Park Service Director George B. Hartzog Jr. has some exciting ideas for bringing parks to the urban areas, where they are needed more than anywhere else.

He envisions, for example, the "recycling" of large acreages that have been blighted or neglected in the industrial onrush. Lands ravaged by strip mining and assorted industrial pollutions could be included in such a program, and eventually turned into models of natural beauty. They would be cheap to acquire and generally close to large cities, and Hartzog suggests the purchase of large chunks as "national park reserves." It is a most appealing conception, now under study by an Interior Department committee.

But the pressing need, right now, is for the purchase of much parkland of both high and low quality. This is far more important than park developments because, as the wiseacre realtors say, nobody is making any more land these days. What's left is being consumed at a phenomenal rate, and much of it is property that should be in the parks of the future. Congress has been too parsimonious in funding land purchases for new parks and additions to the older ones. As it hesitates, the real estate prices keep rising and hence the task of acquisition becomes ever more difficult.

By far the most critical aspect is the matter of privately owned lands within national park areas, which should be purchased to prevent commercial degradation of the parks. These add up to almost a quarter of a million acres and could be bought for about $300 million—certainly not an exorbitant amount. Hartzog regularly has sought $25 million a year for such purchases, but never has gotten much more than $10 million. So business ventures—even new towns—may be springing up on lands in park areas that the government should have owned a long time ago.

Beyond this lies the primary problem: The better national parks are too far apart and too far from the main concentrations of people—the city folk most in need of escapes to nature. Some major new parks, and smaller ones too, should be developed in the Boston-to-Richmond urban corridor, and in several other rapid-growth strips.

This year, though, the parks people are just hoping to cope with the vehicular onslaught. And in some places they're using transmitters that broadcast to the radios of visitors' cars, even as helicopters are used to advise rush-hour commuters in the cities.

Further, the Park Service is threshing about in a role conflict. Many environmentalists contend that its dual functions of preservation and recreation are incompatible—that mass recreation is inherently offensive. It seems to us, however, that the country is fully capable of preserving larger and larger natural areas, and at the same time providing more public recreation in high-density sectors. There is still enough land for full, parallel accommodation of both of these values, if the government will only acquire it. Until that acquisition begins on a much larger scale, however, preservation must be given top priority, even if that finally means setting entrance quotas at some parks.

Just to bring the existing park system up to standard, Hartzog says, more than $2 billion should be spent for land and development. A lot of money, but Congress should begin thinking in terms of some large instalments. For the parks, we can see now, are literally springs of life, and Americans will be needing them more in the years ahead.

NEED TO REFORM EDUCATION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. HEINZ. Mr. Speaker, we have made a tremendous investment in the youth of this Nation through our support and passage of the conference report of the Higher Education Act Amendments of 1972.

For the first time, every high school graduate may pursue a college or related higher education, with no requirement that he or his family be wealthy.

Though not entirely perfect, there are many good features in this legislation, especially the amount of per student grants, the fact that veterans may benefit greatly from the program, and that the student is given freedom of choice as to his school of higher learning, since the grant is made directly to the recipient. I am particularly pleased that for the first time, the amount of any grant is based on the need of the student, taking into account factors other than just income.

I would add that although I am encouraged by this badly needed step forward, and recognize the potential impact of this major national investment, I would urge my colleagues to work to guarantee that we get our money's worth.

There are far too many high school students today who are turned off by the education we afford them before any opportunity to pursue higher education is theirs. Even as early as elementary school, the system beyond their control has made these young men and women a poor educational investment risk. I believe, therefore, that we must pursue the reform of our elementary and secondary education to better prepare our young people for both the challenges and satisfaction of a post secondary or higher education. In fact, I am convinced that in many cases, it would be valuable to begin earlier and with a more thoughtful approach, as proposed at various times to this Congress within the last 6 months, by means of child development services not just restricted to compulsory education, but also to meet minimum health care and nutrition requirements as well.

These are vitally needed by many disadvantaged children so often found today in our urban school systems. Indeed, if we are to maintain the health and viability of public education for one and all, we must bring about meaningful change in our ability to deliver on the promise of equal educational opportunities.

We must work to create an educational system, both in the city and suburbs, that helps students more, rather than hinders them, that provides better trained educators and administrators, and that develops better teaching methods.

Only then will we realize a genuine return from the investment we have made, through our recent vote, in the Higher Education Act Amendments of 1972.

FARM PRICES AND FOOD PRICES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. ZWACH. Mr. Speaker, water lays on the land in much of our Minnesota Sixth Congressional District. One of the wettest springs in history has kept our producers out of the fields; so much of our corn is still unplanted. What is now planted may never mature, because of our short growing season.

This is an added burden in addition to those the producer already carries.

There was an interesting column in the West Central Daily Tribune at Willmar by Ann Bosch, Kandiyohi County extension home economist which I would like to share with my colleagues by inserting it in the RECORD.

She relates some facts and figures in regard to farm and food prices which all of us could well bear in mind:

FARM PRICES AND FOOD PRICES

Some interesting facts and figures about the American farmer, the food he produces for the American consumer, and why they cost what they do:

In the last 20 years—

Wholesale food prices have gone up 20 percent.

Retail food prices have gone up 43 percent.

Farm prices for food products have gone up only 6 percent.

Retail food prices have not advanced as much as other main categories in the cost-of-living index.

Twenty years ago people paid 23 percent of their take-home pay for food.

Last year they spent 16 percent of their take-home pay for food.

This year they are expected to spend less than 16 percent.

Twenty years ago the farmer received 49 cents of the dollar spent by consumers for farm-raised food. Farmers are now receiving only about 38 cents of that dollar.

In the last 20 years, while output per man hour in the manufacturing industries has multiplied by 1.6, output per man hour on farms is up by 3.3 times, or more than twice as much as in industry.

Twenty years ago one farm worker supplied 16 people with food. Now he produces enough for 51 people, an increase of more than three times.

While the American consumer was spending a decreasing amount of his take-home pay for food, that food was increasing in quality and quantity:

Farmers produced and marketed 21.9 billion pounds of beef in 1971.

Twenty years ago, they produced and marketed only 8.8 billion pounds.

Last year beef consumption per person averaged 114.3 pounds.

Twenty years ago the average consumption per person was 56.1 pounds.

Twenty years ago, only a third of the beef produced was of Choice grade.

Now 60 percent of beef production is graded Choice.

Beef and veal imported from other countries to help feed the American consumer have increased 3.7 times in the last 20 years.

The increase in food prices is primarily because of higher wages:

Average wage rates per hour of production workers in manufacturing are 2.3 times higher than 20 years ago. They were $1.56 per hour in 1951 and $3.57 in 1971.

The average hourly earnings of food marketing employees is 2.5 times higher than 20 years ago. They were $1.31 in 1951 and $3.24 in 1971.

The largest increases in the cost of food are for food eaten away from home, where labor and services are the main ingredients of food cost. Total food expenditures away from home have risen 79 percent in the last 10 years and the price index for food eaten away from home has increased more than 50 percent in the last 10 years.

CORRECTIONAL SYSTEMS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RAILSBACK. Mr. Speaker, rehabilitation and the preparation of the offender for resumption of normal social and occupational activity should be the major purpose of the correctional institution. Recent turmoil at prisons, reformatories, and jails, as well as high recidivism rates, provide a basis for questioning our current system of criminal confinement and rehabilitation. My own conclusions, based on study and investigations as a member of the Judiciary Subcommittee charged with inquiry into our correctional systems, are that rehabilitation of the incarcerated is in most instances a theory rather than a practice. Corrections rarely correct; the system does not prepare the offender for his return to society—and 19 of every 20 incarcerated do return.

One of the most concerned and knowledgeable individuals in this area is my distinguished colleague from Illinois, the Honorable ABNER J. MIKVA. The following remarks by Congressman MIKVA were made at a public hearing in connection with the plans of the State of Illinois to construct four new, small, community-based adult correctional facilities in or near major metropolitan areas. As an alternative to traditional confinement, such facilities offer a bold, imaginative step in the direction of reducing the high crime rate. I am pleased to insert my colleague's remarks and to share them with the membership:

TESTIMONY OF CONGRESSMAN ABNER J. MIKVA

Mr. Chairman, it is a privilege to be here this morning to testify in support of the plans for a community based correctional center in Cook County. Under the direction of Peter Bensinger, Illinois' Department of Corrections has established itself as a leader in prison reform. It is one of the most progressive states in the country in this area, and these hearings today represent another example of that leadership. The hearings are especially important because, right now, the state and the Department of Corrections are at a critical point in their efforts to reform the prison system. It would not be an exaggeration to say that the rest of the country is watching to see what happens.

It is fashionable now to talk about prison reform. Most public officials and political candidates all have positions on it and, like the flag, they are all in favor of it. Doing something about the problem—really reforming the correctional system—takes more than rhetoric. It demands courage and vision and diligence. The Department of Corrections has those qualities and, for once, the state legislature has given the Department some of the money to put the courage and vision into practice. But one more ingredient is necessary, and that is why the Department is holding these hearings. The ingredient is public support, and without it, there won't be any prison reform.

The state in effect has left the matter in our hands now, the hands of the people who live in Cook County. We are being asked to put up or shut up, to support prison reform or stop making hypocritical statements about it. We are being asked to support the Department's plan for a community based correctional center in Cook County. More is at stake than just that though. The rising crime rate in this country is a national crisis. It is not an "urban" problem or a "black" problem or a problem just for poor people. My neighbors in Evanston are concerned about it, just as Director Bensinger's neighbors in Chicago are concerned about it. Most people recognize the urgency of the crisis, and there are constant demands on government and law enforcement to "get tough" with the crime problem. By proposing a community based correctional center, the Department of Corrections is attacking the crime problem head on, and it is asking us to help by supporting the plan.

THE NEED FOR COMMUNITY-BASED CORRECTIONAL CENTERS

For the last 150 years, the prison system in this country has been a dismal failure. It just has not worked, and the steadily rising crime rate is evidence enough of that failure. The crime rate will not go down as long as most of the people we send to jail return to crime when they are released. It is a particularly vicious circle. The present system almost encourages men and women with a "record" to return to crime, and the police end up catching the same criminals over and over again.

A good part of the problem lies with the very philosophy behind prisons in this country. Traditionally, society has responded to crime with punishment—vengeance and retribution. People convicted of a crime are taken away from their families, their jobs, and their communities and they are locked up. They are kept behind high walls and barred windows and, sometimes, they are thrown into pits and denied meals or showers as additional punishment. The theory is that this will teach them a lesson. It is supposed to be such an awful experience that no one would ever take the risk of committing another crime.

That is the theory. And, for the last 150 years, we have been learning that the theory did not work well in practice. Even with the intolerable conditions that exist in many jails and prisons today, that threat simply does not prevent people from committing crimes. It is not a deterrent. Some criminals think they will not be caught and, unfortunately, many of them are not. Even more important though, many people today live with such desperation and futility that the risk of imprisonment is not much worse than the prospect of continuing their day-to-day existence.

We have a difficult time understanding how they think and react, but it must be a terrible feeling to be shut out by society. It must be a desperate feeling to know you are undereducated, unemployed and unemployable—to know that you have virtually no chance of sharing the American dream. With that feeling, a person is likely to strike out in desperation. Punishment will not prevent it, nor will it correct that feeling.

There is another theory of penology—rehabilitation. It is nothing new, but we have been having trouble making it work. One reason is that, as a nation, we have been unwilling to commit enough resources to do the job. After all, it is easier to lock people up than to try to correct them. That unwillingness surfaced again in Congress recently when several of my colleagues suggested that we cut the appropriations for prison teachers and psychiatrists and counselors. It is a curious attitude for an enlightened nation, because rehabilitation can work and does work. We have had enough success with it to know that—so have other countries, especially in Scandinavia. When it comes to "correcting" a criminal offender—job training, education, personal counseling works a thousand times better than throwing the man into the "hole."

Rehabilitation has not worked well because our prisons often try to rehabilitate and punish at the same time. Rehabilitation won't work in a setting characterized by force and violence and intolerance—or an atmosphere of coercion. If rehabilitation is forced, if it is used as a ritual or a ticket to release, it will not work. A man must want help before he can be given help. Now, no one is talking about "coddling" prisoners or giving them "country club living," but one thing is certain we can never rehabilitate men and women if we try to do it in the fortresses and dungeons that we call "prisons." There is a need for a dual correctional system—one kind of place to send people to punish them and keep them away from the rest of society (some people may never be able to be rehabilitated)—and another kind of place where people can get help after they have been punished or instead of being punished.

THE VIENNA EXPERIENCE

There are a great many places in Illinois where we can send people to punish them. But there is only one place in the state that is designed for rehabilitation. It may be unique in this country, and it certainly is the most progressive correctional institution we have.

That place is in Vienna, Illinois; the Vienna Correctional Center. It is a community-based correctional institution, and it works.

Unlike our prisons, Vienna is not a human warehouse. There are no stone walls, or guard towers bristling with rifles and machineguns. The prisoners there have rooms, not cells, and they wear name tags instead of numbers. A man who goes to Vienna comes out with a skill that he can use to get a decent job. He comes out with some hope, and an attitude that will lead him away from, not towards, a life of crime. He has a chance to make it on the outside and make it on society's terms. It is community-based despite the fact most inmates do not come from the Vienna area. It is community-based because of the facilities in the community—from the junior college to the employers.

The Department of Corrections wants to build another Vienna in Cook County. After visiting Vienna earlier this year as chairman of a House Subcommittee on prison reform, I find the Department's proposal refreshing and encouraging. It is a major step in the right direction.

SOME QUESTIONS AND ANSWERS

No one expects the idea of a community-based correctional center to be without opposition. Some people will ask why we should provide all this "special" help for criminals when there are many, many other people, just as impoverished or uneducated but who are law-abiding citizens. The answer is that we must somehow help both. We have an obligation to the "law-abiding" citizens because it is the right thing to do. We have an obligation to rehabilitate criminals in society, not just because it is right, but because it is practical. We need prison reform, not just for the prisoners' sake, but for the sake of our society. The crime rate is not going anywhere but up unless we stop making our prisons graduate schools for crime.

Other people will be concerned about the "threat of crime" raised by housing several hundred convicted criminals in Cook County with nothing between them and the people but an open door.

This is an understandable fear—given the image that the mass media and movies have given us of escaped convicts—but I think that it is an unfounded fear. Vienna has not been terrorized by criminals. A few men have escaped, but men escape from Cook County Jail and Stateville as well. Most importantly, the furlough program at Vienna, which lets men visit their families and look for jobs, has been 100 per cent successful. Every man who has walked out of Vienna on furlough has walked back in again.

NOT A PERFECT SOLUTION

A community based correctional center in Cook County will not solve all of our crime problems. It will not be a perfect solution, but such a center will provide the right circumstances for rehabilitation. The correction of criminals should take place in the community because that is the only way they will be able to learn a skill and learn to readjust their lives. In some cases, there will be disadvantages involved in placing a man or woman near the community where they first became involved in crime. It may be necessary to consider restricting an offenders "furlough" to keep him from his old associates and his old neighborhood. There is a good example of the problem on Chicago's west side. A half-way house there, St. Leonard's, is trying to help ex-offenders succeed, and they are doing an excellent job. But they have to work under the handicap of being in what may be the geographical drug center of the city. St. Leonard's would have greater success if it were located in a place with fewer temptations. When I visited St. Leonard's one man told me, "If a guy can make it here, he can make it anywhere." That probably is true, but we shouldn't make the challenge so great. The important thing is that a community-based correctional center will provide an alternative to that old atmosphere—a source of a new job and new friends. The Department of Corrections might also want to consider exchanges of prisoners between community-based correctional centers. In any event, the theme is the same: put the offender in a place where he wants to be rehabilitated and can be rehabilitated.

A community-based correctional center for Cook County has my support, and it should have the support of everyone in this area who really wants to do something about stopping crime. This kind of "prison reform" works, and that is the best reason for expanding its use. By proposing such correctional centers, the Department of Corrections is offering to live up to its responsibility. It is our job as citizens to support the idea and live up to our responsibility as well.

FEDERAL ROLE IN SCHOOL FINANCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EILBERG. Mr. Speaker, today at my invitation Father John Brennan delivered the invocation before the Members of the House of Representatives. He is the president of the Council of Religious Teachers and an instructor at Father Judge High School in Philadelphia.

Because of his experiences as a teacher and with the council, he knows that large urban private school systems must have massive Federal aid if they are to continue providing children with an excellent education.

Recently Msgr. Francis B. Schulte, the superintendent of schools for the Philadelphia Archdiocese, testified before the U.S. Office of Education Public Forum on the Federal role in school finance. It is my pleasure to introduce his insight on this matter into the RECORD:

TESTIMONY OF MSGR. FRANCIS B. SCHULTE

My name is Monsignor Francis B. Schulte, and I am the Superintendent of Schools for the Archdiocese of Philadelphia. Under the general supervision of this office are 279 parish elementary schools, plus 5 special schools, and 31 diocesan high schools, educating altogether 223,000 students. The territory of the Archdiocese includes the City of Philadelphia and the four surrounding counties—Bucks, Chester, Montgomery, and Delaware. Almost 60% of these students are in Philadelphia schools. About 15% of the city students are from minority groups, and more than 20% of these are non-Catholics.

We recognize that the special concern of this panel is the urban problem, but we observe a relationship of cities with their surrounding suburbs which suggests the value of some attention to this larger context. My remarks, therefore, will be directed to a brief description of the impact of present legislation on the schools in all five counties, and to certain legislative possibilities which are important to parents both in the city and in the suburbs.

I do want to make it clear, however, that our most pressing financial strains are in the city, and it is there that our impact on the vitality of the community is most critical.

In our experience, the most significant federal impact, at least in the cities, has resulted from the Elementary and Secondary Education Act of 1965. General speaking, we would suggest that guidelines and directives issued by the Office of Education should reflect Commissioner Marland's public commitment to fair non-public school participation. Thus the greatest liberty consistent with the law should be fostered to achieve creative cooperation.

Our observation has been that Title II has been rather uniformly beneficial to non-public schools. However, it has suffered from inadequate funding and the absence of provisions for supplementary personnel adequate to insure the most effective use of the materials made available under this Title.

Title I and the more limited Title III provisions have probably been a greater catalyst for change in Philadelphia than almost anywhere in the nation. Our judgment is that such success depends upon the commitment of public and non-public schools to cooperation—cooperation in every area that affects children. Such a commitment exists in Philadelphia. At the national level, the Airlie House Conference was a serious Office of Education initiative to achieve such understanding and cooperation. The initiative must be pursued. Realistically, however, such conferences are more likely to be effective when attendance is limited to superintendents from school districts with significant numbers of non-public school students.

In general, until non-public schools sit at the table when the question "What needs to be done?" is being asked, they will always be instead the object of another question: "How do we fit the non-public schools into this finished program?" Again, Philadelphia has done more than any school district in our experience to achieve such a partnership from the beginning of the planning process.

The needs of urban children are manifold, but we would like to note in particular one serious concern. In cities like this, a growing number of Spanish-speaking people are settling. Tied with this urban growth is an influx in rural areas of migrant workers with similar needs. Catholic schools are natural allies for any governmental agency intent on meeting this important priority. But again, there is a need for adequately financed programs in which non-public schools can function effectively. Title VII is simply not funded sufficiently.

Valuable as ESEA and other laws have been, they do not address the basic survival questions of urban schools. In this regard, we plead not only for ourselves, but for our public school children as well. It is all very well to say that none of us are sailing the urban education ship as well as we might. But so long as so much of our energy is devoted to plugging leaks and bailing out the boat. America Cup performance will be difficult to attain. For our part, we are determined to remain in the core of the city so long as we have money and personnel to continue. But we need help. A citizens' committee of 31 members, chaired by Mr. John T. Gurash, Chairman of INA Corporation, is presently at work on an independent, intensive study of our financial records and prospects. While this report will not be completed for a few weeks, preliminary indications are that we may anticipate the need for more than 50 million dollars of new money in the next three years. At the same time, the staggering impact of immediate or even gradual closing of these schools on the public area will be delineated in the report.

Faced with this crisis, we specifically endorse the proposals of the President's Panel on Non-public Education. Several of these are particularly crucial to the urban poor. Singly or in combination, vouchers, supplemental income allowances for tuitions for welfare recipients and the working poor must become available. The concept of urban renewal must be extended in some effective fashion to include antiquated schools, both public and non-public, whether through matching grants or low-interest loans.

And of course, there must be a sensitivity to the needs of middleclass citizens who have remained in the cities, at least in part because of an allegiance to a non-public school now available to their children, but increasingly threatened by rising costs which lead to rising tuitions. We need stability in our cities. The demise of non-public schools would be one more reason for people to leave. To meet this cost squeeze, a tax credit on tuition would enable them to continue to send their children to the non-public school of their choice.

The signs of the times are clear: financial pressures are pricing parents of non-public schools out of any real ability to choose the school they prefer. Where poverty is greatest, the threat of such a loss of freedom is most immediate. In the cities, perhaps more than anywhere else, the disappearance of non-public schools would be a catastrophe. We urge that administrators and legislators not tarry in finding answers, for the best solution will be useless if we have dissipated another of our national resources—the non-public school.

Let me add a postscript in closing. It has come to my attention that there is increasing pressure in some federal programs to limit the number of children served and to increase the amount of service being provided to the individual child. Let me hasten to assure you that I accept the notion that there must be a concentration of service to have a significant effect on the child who is seriously disadvantaged educationally. I would hope, though, that there will be sufficient flexibility to accept the notion that success for some children may mean extra help at critical points in his educational life. Thus, a well-designed readiness program can limit the likelihood that compensatory programs will later be needed by certain children. The same reasoning would apply to the child who has special difficulty in an area like speech and who can function quite well if he or she gets help in this one area. The fact is that children seldom fit totally into set categories or rigid generalizations.

In essence, I am agreeing with the general notion of concentrated service, but asking that this approach be reasonably flexible in application.

JOB PROBLEMS THREATEN SUCCESSFUL ADDICT REHABILITATION

HON. DON EDWARDS

OF CALIFOANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EDWARDS of California. Mr. Speaker, there is an active debate underway over the best means of treating narcotics addiction. As chairman of Subcommittee No. 4 of the Committee on the Judiciary, which has jurisdiction over the Narcotic Addict Rehabilitation Act, I have heard much testimony over the past year and a half from adherents of many different types of treatment methods and philosophies. I have also, in the course of the subcommittee's work, visited many treatment programs both here and abroad and observed the application of numerous treatment modalities to heroin addiction.

I have no firm conclusions regarding which particular form of treatment is best. In fact, I am increasingly convinced that no one form of treatment can be defined as being best for all addicts. Heroin addicts are people, and differ from each other as much as any other group of people differ with regard to their needs. It therefore seems clear that different types of treatment modalities should coexist and that additional treatment methods should be developed to reach the addicts not now being served successfully by existing treatment programs.

There are, however, standards which should be applied to judge the effectiveness of heroin addiction treatment programs. The primary standard for judgment should be the success of the program in returning the addict to full, self-fulfilling participation in society. Thus almost all treatment programs that I have observed measure their success in terms of the turning away by their clients from the addict lifestyle toward a functioning in an employment or educational setting. When the way to employment is blocked for addicts in treatment, the chances are that the likelihood of success for rehabilitation are diminished. Those of us concerned with the development of more successful treatment and rehabilitation programs for narcotics addicts must also concern ourselves with the receptivity of the larger society to those addicts who need a job to support their efforts to rehabilitate themselves.

An article by James M. Markham which appeared in the New York Times on Monday, June 5, 1972, highlights the problems encountered by addicts who seek employment. It deserves the attention of all Members of this body.

The article follows:

EX-DRUG ABUSERS ARE PLAGUED BY JOB PROBLEMS

(By James M. Markham)

A youthful drug abuser sees he is getting into trouble, voluntarily joins a rehabilitation program, completes the program, rejoins society and gets a job he likes. His problems are over, right?

Wrong, if you ask Stan Oppenheim, Tom Major and many others who have been tangled in one of the toughest links of the rehabilitation chain: getting and holding a job in the straight world.

Stan Oppenheim is a husky, 28-year-old, decorated Vietnam veteran who runs a small, but prospering burglar alarm company in Brooklyn. Tom Mayor is a 21-year-old former "garbage head"—a street expression for someone who will try any drug.

After spending half a year in a upstate treatment program, Mr. Major went to Mr. Oppenheim 14 months ago and asked him for a job with his company, Griffin Security Services, Inc.

"All my life I spewed liberal thinking," Mr. Oppenheim recalled the other day. "But this put me on the spot."

"He told me that before speaking to me he wanted to inform me of his past," Mr. Oppenheim said, referring to the bearded youth's deep experimentation with many drugs, excluding heroin. "He was very straight-forward about it."

Mr. Major got the job, as an installer of alarm systems. "It was the best thing I ever did," Mr. Oppenheim said. "He's trustworthy, dependable. The customers love him."

The State Department of Motor Vehicles was somewhat less compassionate about Mr. Major's bootstrapping efforts. The young man had lost his driver's license for driving under the influence of drugs, and in his new job he had to drive a minitruck.

It took Mr. Oppenheim from March, 1971, to November, 1971, to obtain a driver's license for his new employe. During that period, another employe trove Mr. Major on his rounds—"and needless to say, during that period, we lost money on him," Mr. Oppenheimer said.

Mr. Oppenheim cajoled officials in New York and Albany, hired a lawyer, waited, obtained with some difficulty an "obligatory" certificate that turned out to be unnecessary and, finally, got the license for Mr. Major.

"The thought that was going through my mind was not Tom, but other people like him—there must be thousands of them—and how difficult it must be for them, how hopeless if they tried to do it alone," Mr. Oppenheim said. "One state agency will spend millions to reform them, and then another will go out of its way to hinder them."

Mr. Major drove faultlessly on his new job for 14 months. Then a few weeks ago, Mr. Oppenheim's insurance company, the Fireman's Fund, which in February had renewed the Griffin automobile insurance policy, announced that it was canceling it.

PREMIUM IS DOUBLED

A routine insurance check on the seven Griffin drivers had turned up Mr. Major's cluttered record from his period of drug abuse, including an entry for driving under the influence of "alcohol"—kindly judge's euphemism—and another for driving under the influence of drugs. The last entry was from November, 1970—just before Mr. Major's entry into the treatment program.

Mr. Oppenheim appealed the cancellation, stressing that Mr. Major's personal rehabilitation was well under way—and at stake. The Fireman's Fund refused to alter its decision.

Mr. Oppenheim's automobile policy will now be thrown into a high-risk pool, resulting in a doubling of his premium to $3,000. The Fireman's Fund also has informed him that it is canceling his workmen's compensation policy as well.

"This particular case was not passed off lightly," said Richard Griebel, public relations manager for the Fireman's Fund. He said the cancellation of the policies had "nothing whatsoever to do with Mr. Major's use of drugs" and resulted solely from his driving record.

Mr. Oppenheim says he will continue to keep Mr. Major on the payroll, even though it will cost him a good deal of money.

Mr. Major's story is not unusual. Almost any drug treatment program can produce a handful of similar cases.

The following are examples:

Russ McGrotty worked for an insurance company in Queens as a claims adjuster for five years—three while he was on heroin and two while on methadone maintenance. When the company learned he was on methadone, it dismissed him.

A former addict was trained as a butcher while imprisoned on Rikers Island. Released, he got a job in a supermarket, where he worked two years. When the supermarket obtained a license to sell beer in six packs, the youth was dismissed, since the market was not permitted by state law to employ a former convict if it sold alcohol.

TRAPPED IN WELFARE

In another case, Allan, a 24-year-old former heroin addict, has been participating in a state-run methadone program for two years. Last winter he was offered a job as a tow-truck driver. He applied for a tow-truck driver's license from the New York City Police License Division.

Although Allan has a hard-to-come-by "certificate of relief from disability" to cover a drug-related misdemeanor conviction, he has not been issued his license. The licensing regulations bar anyone who is addicted to alcohol or drugs, and Allan's request is with the chief surgeon's office.

Allan's widowed mother wrote Mayor Lindsay last year, appealing for a reconsideration of her son's license application. "How long can a 24-year-old man live on welfare at $17 a week?" she asked. "How long before someone really cares about my son and others like him?"

Although the Mayor's office never answered Allan's mother's letter, it was reproduced, passed among city officials and contributed to a city personnel policy statement that was released on March 22.

POLICY AGAINST BIAS

"The human suffering and social and economic loss caused by rising drug addiction are matters of deep concern to the Mayor," the statement said, spelling out that henceforth there should be no discrimination against hiring former addicts for city jobs, excluding the uniformed services.

It is too early to measure the impact of the decision, but an initial survey of city agencies that might hire former addicts turned up 58 possible openings.

Polly Feingold, director of the Coalition Action Council of the New York Urban League, has been lobbying in Albany for legislation that would lift the many restrictions on employment opportunities for ex-convicts, many of them former addicts.

State licensing practices, Miss Feingold points out, often prevent former addicts with prison records from getting jobs in establishments that sell liquor, private detective agencies, billiard parlors, banks, insurance adjustor's offices or agencies connected with boxing, wrestling or horse racing.

FORD COSPONSORS LEGISLATION TO AID LAW ENFORCEMENT OFFICIALS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, one of the most difficult and oftentimes thankless jobs in today's society is that performed by our law enforcement officers. Police officers normally work extra long hours for relatively low salaries and often work under dangerous conditions. Yet many of us take their services for granted, and we very rarely express our appreciation to these public servants for the essential services they perform.

For this reason I would like to express my personal appreciation today to the law enforcement officers throughout our Nation, and I would especially like to commend the officers of the following departments in my own State of Michigan:

Allen Park, Ash Township, Belleville, Brownstown Township, Canton Township, Carleton, Dearborn Heights, Flat Rock.

Garden City, Gibraltar, Huron Township, Inkster, Lincoln Park, Livonia, Melvindale, Rockwood, Romulus.

Southgate, Sumpter Township, Taylor, Van Buren Township, Wayne, Westland, Woodhaven, Wayne County Sheriff's Office, Michigan State Police.

Mr. Speaker, as a legislator both in the Michigan State Senate and here in the U.S. Congress I have consistently supported legislation designed to assist law enforcement officers in performing their difficult and often dangerous jobs more effectively.

There are presently two proposals of special significance to law enforcement officers pending before Congress, which I am proud to say that I sponsored. One bill which I drafted would authorize the Attorney General of the United States to reimburse any law enforcement official, who is a defendant in a civil action arising out of the performance of his official duties, for the costs of defending himself if he prevails in that action.

The other legislation of particular significance is the Law Enforcement Officer's Bill of Rights which I have joined in cosponsoring with my friend and colleague, the distinguished gentleman from New York (Mr. BIAGGI), himself a former police officer, and over 100 of my colleagues here in the House.

Both of these bills are now pending before the House Judiciary Committee and it is my hope that they will soon receive the prompt and favorable consideration which they deserve. At this point I would like to insert the text of my bill and a summary of provisions of the Law Enforcement Officer's Bill of Rights in the RECORD.

H.R. 15463

A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized to make grants to each law enforcement officer who is a defendant in any civil action arising out of the performance by such officer of his official duties, if such law enforcement officer should prevail in that civil action, to reimburse such officer for the reasonable costs of investigation and legal fees incident to such civil action.

SEC. 2. As used in this Act, the term "law enforcement officer" includes attorneys general, prosecuting attorneys, chiefs of police, sheriffs, constables, and their subordinates.

SUMMARY OF "LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS" LEGISLATION

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by requiring, beginning one year after enactment, two additional provisions to be incorporated by States in their Comprehensive Plans before the plans are approved for granta. These are:

1. Provide a system for the receipt, investigation and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local govt. and public agencies;

2. Provide for the formulation of a "Law Enforcement Officers' Bill of Rights" which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all local law enforcement officers of the State, units of general local govts. and public agencies operating in the State.

I. The Bill of Rights shall provide, but shall not be limited to

a. Law Enforcement officers shall not be prohibited from engaging in or refusing to engage in political activity while off duty.

b. Rights of law enforcement officers under investigation are specified, such as: time and place of interrogation; nature of complaint and names of complainants; complaints sworn to; interrogations of reasonable duration; no intimidations or threats; interrogations to be recorded; officers to be informed of legal rights; at officer's request, he shall be represented by counsel or other representative of his choosing during interrogation.

c. Whenever complaint review boards are established containing other than police officers in their membership, a proportionate number of police representatives shall be included in the membership.

d. Officers' right to bring civil suit against others for damages or abridgement of civil rights arising out of official duties, and shall be given assistance when requested to bring such suits.

e. Disclosures of officers' personal finances not required for purposes of assignment or other personnel actions, unless conflict of interest is indicated or for tax collecting purposes and then only under proper legal procedures.

f. Officers to be notified and given reasons for personnel actions considered to be punitive prior to effective date of action.

g. No adverse action to be taken against a police officer for exercising rights under Law Enforcement Officers' Bill of Rights.

II. *A Law Enforcement Officers' Grievance Commission* to be established in each State or unit of general local government composed of a tripartite representation of police, government and the public. Shall have the authority and duty to receive, investigate and determine complaints and grievances submitted by police officers arising out of claimed infringements of rights. Certified police representational organizations may represent officers or may initiate complaints on behalf of members. Complaints filed by officers may be against any person, group of persons organizations or their heads; officials of his department, or other local, state or federal unit operating in the State. The Commission shall be empowered to hold hearings, take testimony under oath, issue subpoenas, issue cease and desist orders and institute actions in State courts in cases of noncompliance.

MAN DONATES 96TH PINT OF BLOOD; WIFE ONE BEHIND

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mrs. GRASSO. Mr. Speaker, those who donate blood perform an invaluable service which is often a gift of life to people in need.

Special tribute should be paid to Mr. and Mrs. Herbert Sagendorf of Thomaston, Conn., the reigning U.S. Championship donor team. Mr. Sagendorf recently gave his 96th pint of blood and is now one pint ahead of his wife. The Sagendorfs, who have been donating blood since World War II, are just shy of the celebrated 24 gallon mark. Last year in New York, they were deservedly honored as the Nation's top donor couple.

Generosity of people like the Sagendorfs is a splendid example of how each of us—in our own way—can serve our fellowman. For the interest of my colleagues, articles which resently appeared in the Thomaston Express and the Waterbury Republican regarding the Sagendorfs' feat follow:

WIFE ONE BEHIND—MAN DONATES 96TH PINT

THOMASTON.—Pulses pounded and corpuscles raced at the Red Cross Bloodmobile here Tuesday as onlookers awaited for one-half of the U.S. Championship donor team to come and shed his 96th pint.

Everything was set at Congregational Church Hall as the time approached for Thomaston's own 60-year-old Herbert Sagendorf to pump out the liquid that would make him a Blood Bank immortal.

A cake had been just baked for him and a banner citing his expected accomplishment was furled and ready. Mrs. Sagendorf, whose total donations dating back to World War II also come to 95 pints, was standing by as Bloodmobile Captain-of-the-Day.

One question was uppermost in every mind: Would Sagendorf pass the physical all donors must undergo?

Finally, he arrived, in the van of several young donor-recruits led by Sagendorf's nephew, Harry Waterhouse, 18.

The medics did their thing. Temperature? O.K. Pulse? Check. Blood pressure? Good!

They unfurled the banner. And for the 96th time, Harry Sagendorf entered the lonely world where man meets needle—eye to eye.

The Sagendorfs, now just a pint shy of a connubial 24 gallons, were honored by the American Association of Blood Banks in New York last year as the nation's top donor couple. Mrs. Sagendorf, now a pint behind her spouse, says she plans to catch up next time around.

Mrs. Winfield Wight, Thomaston blood chairman, said Sagendorf and his recruits helped the unit exceed its 200-pint quota for the visit by 11 pints.

A number of aspirants to duplicate the Sagendorf saga got special recognition after Tuesday's donations. They were led by Robert Henderson, who gave his fifth gallon; Ralph Humphrey, William Gill Jr. and Harold Morton, who reached the four-gallon level.

BLOOD DONORS GIVE OVER 200 PINTS

THOMASTON.—Over 200 pints of blood were collected at a very successful Bloodmobile visit in Thomaston April 25. Some 218 people were registered, but 7 were rejected for health reasons, and 24 non-scheduled donors, many in the teen age group, showed the spirit of the community.

The excitement of the afternoon came when Herbert Sagendorf was awarded his 12-gallon pin for the 96 pints he had donated from Sept. 1950 to the present. After he passed the medical history requirements, a banner created by Mrs. Daniel Samson, was unfurled showing the 12 gallon in the canteen, he was presented a specially decorated cake by Nancy Scott, Harry Waterhouse of Northfield, an 18-year-old, accompanied his Uncle, Herbert Sagendorf, and brought four additional friends with him as first-time donors.

A Five Gallon Award was given to Robert Henderson, four gallon Awards went to William Gill, Jr., and Ralph Humphrey, three gallon Awards to Harold Morton, Joseph B. Kelley and Donald Yurtin, two gallon Awards to Raymond Baldwin, Stacia Cocca, Rickard Darm, Horst Getschmann, John Reardon and Muriel Rowland.

The Future Nurses of Thomaston High School wore Red Cross arm bands made by Girl Scouts of Cadetts Troop 4050, under the supervision of Mrs. John Cianciolo. General Time led the industries with 37 employees recruited by Lucille DeCastro, R.N.

Sincere appreciation is extended by Mrs. Winfield E. Wight, Thomaston Red Cross Blood Donor Chairman, to the management of local industries for the 94 persons who were scheduled on factory time, to the donors and the dedicated workers who served during the afternoon, for their cooperation and assistance. Appreciation for a successful visit is also extended to the Senior Citizens for directing traffic, and to Chester Dusak for the use of his parking facilities which adjoin the Auditorium.

MARINE SCIENCES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MURPHY of New York. Mr. Speaker, the gentleman from New York (Mr. BIAGGI) has been a leading supporter of this Nation's State maritime academies. In recent years, he has fought for increased support for these vital institutions in the face of administration pressure to deemphasize the Merchant Marine training program.

Last week, he was the principal commencement speaker at the New York State Maritime College at Fort Schuyler, the oldest academy of its kind in the United States. In his address, the gentleman from New York points out a new and serious threat to the international leadership of this country—what he terms the sea gap. He points cut the urgent need to expand this country's support of research and development in the marine sciences. He sees the State maritime academies as the institutions best designed to fulfill this role.

Mr. Speaker, so that my colleagues will have the benefit of the gentleman's views, I am including the full text of his remarks at this point in the RECORD:

BIAGGI WARNS OF U.S. LAG IN MARINE SCIENCES TECHNOLOGY

Men . . . the country doesn't need you anymore. I don't know what you plan to do when you leave here, but we have enough merchant marine officers; the Navy is overstaffed; and frankly, we ought to close down Fort Schuyler and the other state maritime schools.

How many times have you heard those words? How many times has this institution been threatened with extinction? In recent years, the voices of opposition to the state maritime academies have grown in strength. Last year, the administration drastically reduced its support for the state schools arguing that Kings Point alone could take care of the need for merchant marine officers in the Seventies.

Again, last year, opposition came from yet another quarter. The Selective Service System took exception to defering cadets at the state schools. Despite wide support for a 1-D deferment and despite strong congressional interest and despite the pleadings of the Navy and Commerce Departments, the Selective Service System still said NO.

I then introduced legislation that would mandate equal recognition with Kings Point for the state academies.

I pledge to you today that I will continue my efforts to get this bill to the floor of the House before the end of this Congress—despite the Selective Service System's opposition.

What does all this trouble and heartache mean? Why must the state maritime schools fight a continual uphill battle for survival?

The state schools have long been the bastard children of the federal maritime establishment. Born of the States these schools were taken under the wing of the Maritime Administration which provides student and operating subsidies. While their existence is recognized, many in the federal government would prefer not being reminded annually of their presence.

But what many in the federal government have lost sight of is the potential those schools offer in other areas of the maritime field. Our Nation committed billions of dollars to explore the outer reaches of space—yet we have spent virtually nothing to explore the unknown reaches of the oceans which cover three-quarters of the world's surface.

The vast resources of the ocean are just beginning to be exploited. Government control and international cooperation on the exploration and exploitation will be necessary and manpower trained in these sciences will be needed.

Our sources of food and water—which are now found primarily on the land—are being rapidly exhausted. As population grows in the third world countries new approaches to feeding the masses will be sought. The ocean and its wealth of food must be harvested in the future. Manpower skilled in the yet unsolved mysteries of the ocean will be needed.

Pollution of the ocean poses a serious threat to its potential. While we are beginning to realize the vast resources of the seas and the need to utilize them, we are destroying them by using the oceans as a dumping ground for the wastes of mankind.

Men capable of saving the seas by applying oceanographic skills will be needed in increasing numbers.

More importantly, men skilled not only in the marine sciences, but men instilled with a love of the ocean and an ability to master its mysteries will be needed.

I say to you today, it is here that the new mission of the state maritime academies lies and men like you will be the leaders of this mission.

True, the vast majority of you will not find yourselves at the helm of a merchant ship or a Navy vessel. But you will find yourself applying the skills learned here, and your knowledge of the seas, in maritime-related fields. A great many of you will be working with the Federal Government in such agencies as the National Oceanographic and Atmospheric Administration and the Maritime Administration.

Many more of you will be working for the ports and harbors of this country. For the exporters of the produce of this land. For the shippers. For the middlemen and merchants whose living is derived from trade on the seas. The communion with the sea you have enjoyed all your life will stay with you in your future professions. And as we expand our reliance on the ocean for survival, more and more doors will be opened to you.

What form will this new mission take. The old mission was one of primarily commanding ships. Of being ready to serve this Nation in time of war as members of the merchant marine. That aspect of your mission will still be there—in fact, it is the heart of your future—always ready to serve this country in time of national emergency.

But as peace returns to the world, we must broaden the scope of this mission to include the peacetime activities in the maritime field. We must train men skilled to operate in war and peace.

Later this summer i will introduce another bill expanding the scope at the state academies and providing the additional funds necessary to encourage the states to develop the New Mission at these schools.

You may ask why I am talking about a new role for the state schools to you who are leaving—who will not be around to participate in any expanded role at the academies.

I am sure, however, as you join the ranks of the alumni you realize the need to foster the growth and the development of the merchant marine and the maritime industry of this Nation. If you have looked for jobs, you have found them scarce. Other nations—particularly the Soviet Union—have surpassed us in the exploration and the use of the ocean.

In recent weeks we have heard a great deal of talk about the missile gap and the submarine gap and the defense gaps. I would like

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to see more concern from the present administration for what I call the Sea Gap.

While Nixon's summit and the SALT talks received the headlines, a small newspaper article in the back pages of the Times described this Sea Gap.

Oh, the Times didn't call it that, but there it was. A startling oceanographic breakthrough was discovered by a Soviet Union ocean research team. Over the last few years, breakthrough after breakthrough in the exploration of the ocean's mysteries have been accredited to the Soviets.

This Nation has turned its back on the horizons just off our shores.

We have turned our back on our oceans. I call on you today to join with me in fighting for a new mission for the state maritime academies—a new mission to explore the depths of the seas and the breadth of the oceans.

A new mission to close the sea gap.

Fort Schuyler and those who will follow you here will benefit. The other state academies and their cadets will benefit. The Nation will benefit. And you will benefit. Thousands of jobs will be created and many of the needs of this Nation will be met by a look toward the new horizons across our shores.

If we fail in this effort to develop new strength in the maritime industry of this country, we will fail ourselves as a Nation. We will have turned our backs on the last frontier on Earth. We will have abandoned our tradition of leaving no task undone—no challenge unmet.

I want you men to leave this academy with the commitment to meet this challenge. To get the job done. Fort Schuyler has instilled in you the ability to do it. Don't fail her and don't fail yourselves. America does need you—now more than ever.

REVENUE SHARING: "AN IDEA WHOSE TIME HAS GONE"

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHNEEBELI. Mr. Speaker, the Wall Street Journal this morning contained an editorial on revenue sharing which I think would be of great interest to my colleagues:

AN IDEA WHOSE TIME HAS GONE

After three years of discussion, President Nixon's proposal for general revenue sharing will soon be debated, possibly next week, on the floor of the House of Representatives. All signs point to House adoption of some form of the measure. But we're still hoping that Congress will find a way to deny Mr. Nixon a victory he would come to regret. The justifications for this legislation may have been barely plausible when it was conceived, but they have now dwindled to the vanishing point.

The idea of sharing the federal bonanza with the states and cities, you may recall, was conceived eight years ago at a time when the notion of a "fiscal dividend" was in vogue. We were told that the economy, and with it federal tax revenues, would be expanding so rapidly in forthcoming years that Washington would have an annual, delightful problem of what to do with the cash.

The 89th Congress, 1965–66, was thrilled with the theory, and not only enacted a host of Great Society programs, but also structured them so their costs would expand to annually chew up the fiscal dividend. At the same time, President Johnson decided to fight a war without raising taxes. The fiscal dividend would take care of everything.

When Mr. Nixon took office, state and local governments were slipping into a "fiscal crisis." Much of it was brought on by expansion of services to match the pace of the federal effort. Much, by wage demands of municipal employees and teachers, scrambling to catch up with the inflation-swollen pay increases in private industry.

Mr. Nixon embarked on a plan to cool the economy and inflation, a plan that halfway worked, i.e., the economy cooled, but inflation didn't. State and local government costs continued to rise while the onset of recession bit into their revenue sources. By the end of Mr. Nixon's first year, the notion had taken hold that local governments had exhausted revenue sources and only the federal government had the means to pay for rising costs. This was referred to as "the fiscal imbalance."

Thus, Mr. Nixon's proposal to correct the imbalance by sharing federal revenues with local governments. What money? The "peace dividend," of course. By winding down the war in Vietnam, billions would be freed for revenue sharing. As fast as Vietnam savings showed up, though, Congress dealt them out in tax cuts (1969 and 1971) and in continued expansion of domestic programs. Concurrently, the recession took enormous chunks out of federal revenues.

Throughout this period, mayors and governors lusted for the promised federal cash, but meanwhile had to meet the bills by raising state and local taxes. Last year alone, states put more than $5 billion in new or higher taxes on the books, a 10% increase in collections.

Then, the recession ends. The economy begins expanding, and with it, state and local revenues. The cost of unemployment benefits and welfare payments levels off. Wage demands by municipal employes and teachers, having reached a parity with private workers, become more reasonable. Except for a few selected cities with special problems, New York, Newark, E. St. Louis, Detroit, the nationwide "fiscal crisis" in local and state government abates.

Disappearing altogether is the "fiscal dividend" and the "peace dividend." The "fiscal imbalance" is still with us, but it has flip-flopped. As a result of the higher tax rates enacted at local levels in the past three years, the Tax Foundation now projects that state and local governments, which in 1970 raised $130.76 billion in taxes, by 1980 will raise $323.55 billion. That will be more than enough, says the Tax Foundation to meet spending needs.

But, on the other hand, the federal government now faces a dismal horizon. According to the recent Brookings Institution report, even if the economy is at full employment by 1975, federal revenues will fall $17 billion short of balancing the budget.

It would seem, then, that the idea of general sharing of federal revenues is an idea whose time has come, and gone. When the House of Representatives begins its debate, it might consider the witlessness of pursuing the matter. Suddenly, it makes more sense for the state and local governments to be sharing their revenues, their "fiscal dividends," with Uncle Sam.

EDUCATION IN BEST VALUES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BENNETT. Mr. Speaker, in the June 3 edition of the New York Times, I read with great interest the following excellent article by Prof. Reo M. Christenson of Miami University, Oxford, Ohio. He is professor of political science there.

But first, I would like to set out here the provisions of a bill which I have introduced as follows:

H.R. 11956

A Bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

SEC. 2. Section 422 of the General Education Provisions Act is amended by inserting after "the Elementary and Secondary Education Act of 1970" the following: "(other than section 810)".

The article by Professor Christenson reads as follows:

May I offer a suggestion that will horrify many of your readers? This is it: One of the greatest needs of American education is a commitment and a program to develop character.

Every healthy society needs a common core of accepted values to give it cohesion and minimal stability. Unless such a core exists and a society is prepared to indoctrinate its children with them, that society is headed for trouble. While such a body of values does exist in America—values that have solid validity despite the giddy pace of change—millions of our young people are not exposed to them (in church, school or home) in any systematic or effective way. Meanwhile, a growing harvest of public and private crime, irresponsibility, incivility, vandalism, shoddy work and lack of personal discipline is at least partly attributable to our failure in this field.

What values do I have in mind? Here are some:

Honesty and truthfulness. What could be more important? No principles are very meaningful unless illustrated, and students should read about persons returning accidental overpayments at the cashier's counter, rejecting the urge to shoplift, resisting the temptation to cheat on exams, and so forth. They should learn that it is as wrong to steal from corporations or the government as from individuals.

Trustworthiness. The longer we live, the more we appreciate those who live up to their word and carry out their responsibilities despite distractions and difficulties.

Work well done. We have seen the spread of careless workmanship in recent years and been victimized by its prevalence. Students should be taught that it is a matter of self-respect, of pride, of personal satisfaction to do a job well.

Kindness and compassion. The importance of kindness not only to friends but to all whom we meet—the humble, the poor, the aged—yes, even those whom we do not like very well.

The courage to admit mistakes. Children should be taught to express regret when they have wronged another. They should learn that it is a mark of courage, honesty, emotional health and grownupness to acknowledge mistakes and ask forgiveness.

Racial tolerance.

Respect for law. Children should learn that obedience to law in a democratic state is an obligation of citizenship. They should learn that respect for law-enforcement officers, when the latter are doing their duty, is one of the indispensable prerequisites for living together peaceably, without fear.

Nonviolence in pursuit of one's goals. Youngsters should recognize that violence begets violence; that its fruits are hatred, fear and the desire for revenge; that the employment of violence degrades its practitioners; that it takes more maturity and courage to seek redress of grievances by peaceable persistence than by throwing rocks or bricks or pulling a trigger.

Respect for democratic rights. They should learn to respect the right of all to freedom of speech—including those whose views they detest—to freedom of assembly and religion, equality before the law and the right of every man to a fair trial.

How should these values be taught? Primarily by textbooks and other readings which, by story and by historical example, illustrate the moral lessons all children should learn. These materials can be written with skill, judgment and taste—and prove absorbing, too. Children hunger to know right from wrong and thirst for models who personify those qualities which appeal to the best within us. The dramatic possibilities for conveying these qualities and personalities are limitless. There are writers on hand if the schools show an interest in this work.

Of course, there will be strenuous objections, from certain quarters, to the "indoctrination of middle-class values" into students. But many middle-class values (often shared by lower-class persons moving up the ladder) are sound and wholesome: in addition to those cited above, we might add cleanliness, courtesy, punctuality, good work an emphasis upon education and self-improvement, paying bills on time, keeping the house painted and the yard free from debris, working with local volunteer agencies, and so forth.

As for those who deplore teaching black children "white middle-class values," they should be reminded that these are not "white" values—they are simply "middle-class values."

It would be naive to think that the schools can work miracles in arresting the degeneration of values in America. But major effort by the schools would bring the problem conspicuously before our people, direct our attention and energies upon it in a purposeful way and indirectly lead homes, churches, and other groups to help the cause along.

This proposal does not imply that character training should substitute for other public or private attempts to make ours a more just and humane society. It is a supplement, not a substitute.

Any society which does not have enough self-confidence in its fundamental values to instruct the young in them or enough common sense to do so is courting disaster.

ARMY AVIATION HAS BIRTHDAY PARTY TUESDAY; 30 YEARS OLD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DICKINSON. Mr. Speaker, last Tuesday, June 6, 1972, was an important date for the U.S. Army, for it marked the 30th anniversary of Army aviation.

June 6, 1942, was the beginning of light aviation as an organic part of the Army field artillery fire direction center.

Today aviation is an integral part of the Army's mission. Without organic air support, our Army could not have done the fine job it has done in South Vietnam. Those who doubt the value of such air support only need talk with the infantry soldier who has been in combat in Vietnam.

Mr. Speaker, Fort Rucker, Ala., is the home of Army aviation—in truth, it is the "West Point of the Air" for the U.S. Army. Fort Rucker celebrated the 30th anniversary of Army aviation appropriately, and I would like to insert in today's RECORD an article from the Daily Ledger, Enterprise, Ala., describing the events at Fort Rucker. I join in saluting Army aviation, Mr. Speaker, on its 30th birthday. As long as I remain in the Congress, and as a member of the House Armed Services Committee, I intend to do everything in my power to see that Army aviation continues to flourish.

The article follows:

ARMY AVIATION HAS BIRTHDAY PARTY TUESDAY; 30 YEARS OLD

FORT RUCKER, ALA.—On Tuesday, June 6, Army Aviation will be 30 years old. And at Ft. Rucker, the birthday will be observed with a cake-cutting, two fly-bys and a performance by the Silver Eagles.

The public is invited to join the celebration which begins at 3 p.m. at Guthrie Field.

Major General Allen M. Burdett, Jr., Ft. Rucker's commanding general, will cut the anniversary cake, followed by a fly-by of students who graduate from the Army Aviation School on June 13.

Next will be the Silver Eagles, the Army Aviation Precision Demonstration Team, with their intricate maneuvers in OH–6 and OH–58 helicopters.

The 45 minute program is scheduled to end with another fly-by, which will include 15 aircraft, two types of airplanes and three types of helicopters.

June 6, 1942 marked the beginning of light aviation as an organic part of the Army field artillery fire direction center. Organic Army light aviation consisted of "Piper Cub" type airplanes. Each artillery battalion was usually authorized two airplanes, two pilots and one mechanic to be used as an aerial observation post for adjustment of artillery fire.

In the fall of 1942 three L–4 (Piper Cubs) aircraft took off from the deck of the aircraft carrier "USS Ranger" 40 miles from the North African coast to provide aerial observation for the direction of artillery fire support of the North African invasion.

The Army quickly discovered that not only could the little airplanes provide an unequaled observation post, but that, due to their high maneuverability, losses were almost nonexistent. By the end of the war they were being used in all theaters of operations and were performing several other missions in addition to their original mission of directing artillery fire. The light aircraft were used to evacuate wounded, for courier service, for radio relay stations, and as command liaison vehicles. Thus Army Aviation became a part of the ground forces, but not yet a necessity.

Interest in the Army Aviation program decreased following World War II. The absolute necessity of having airborne observers directing artillery fire were not fully realized until the outbreak of the Korean War in 1950. The jagged, hilly terrain of Korea made ground observation almost impossible and presented numerous other problems.

Army aircraft were immediately sent into the front line area of Korea to adjust artillery fire. Within a matter of days it was obvious that the Army aircraft, with their ability to operate from small dirt strips, rice paddies which had been bulldozed flat, and other relatively flat ground, provided the only sure means of transportation. The few Army aviators in Korea during the first months were logging excessive amounts of flying time in performing missions of observation, wire laying, evacuation, radio relay, courier service, and movement of personnel and light equipment.

As the war in Korea progressed, Army aircraft were called upon for additional missions such as battlefield illumination and aerial photography. There were never enough Army aircraft or aviation personnel available for the rapidly expanding requirements. In many instances, even the Army airplanes were not able to evacuate wounded or move personnel since the terrain was too rugged to construct a short, 1,000 foot, rocky airstrip. However, a new type of aircraft, the helicopter, had reached a new technical stage of development which made its use by the field forces practical. The requirement for helicopters in Army had been established in 1947, and the Korean War provided the impetus needed to shift the helicopter program into high gear.

The rotary wing aircraft had the capability of an airplane, that is relatively high speed and the ability to pass over obstacles encountered by surface vehicles. But most important, it also had the capability to land in an area not much larger than its own dimensions. As quickly as the helicopters could be manufactured and personnel trained, they were sent to Army units in Korea. The first helcopters sent to Korea were the small two-and-three place craft, H–13 and H–23. They were immediately put into service evacuating wounded and providing transportation for division commanders. For the first time in history, a division commander could inspect his division in one day and direct combat engagements from the air.

As soon as they were available in 1952, larger, cargo-type helicopters, such as the H–19, were sent into Korea. While they did not carry guns, they were a formidable weapon. They provided means of saving thousands of lives in the fast evacuation of wounded from front line positions to rear area hospitals.

The helicopter, and with it Army Aviation, came of age in the Korean War. The 30th Medical Group alone, with 18 two-place helicopters, evacuated over 20,0000 casualties during the war. There were only two cargo helicopter companies available in Korea, the 6th and 13th, with 21 cargo helicopters each, and they proved themselves invaluable in evacuating wounded and supplying units in the front lines.

The Army emerged from the Korean War with the realization that Army Aviation possessed the capability of revolutionizing the techniques of employment of ground forces. In 1953, the 506th Transportation Company, later redesignated the 4th was assigned to the Infantry School at Fort Benning, Ga., to be used by the Infantry to develop techniques and doctrine for the tactical employment of transport helicopters. A year or so later the Army Aviation School at Ft. Rucker started conducting tests on helicopter armament, and the Artillery School at Ft. Sill, Okla., conducted tests on helicopter-borne artillery.

The period from 1955–1960 did not see a large expansion in Army Aviation, but it was a time for maturing and growing, and preparing for the future. In early 1961, the United States Army committed the first helicopter companies to the Republic of Vietnam as a means to improve the mobility of the RVN Army. The increased effectiveness of ground troops was so dramatic that plans for increases in aircraft and aviation organi-

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zations were integrated into all levels of U.S. Army planning.

The 11th Air Assault Division (Test) was born at Ft. Benning in 1962 to test these revolutionary ideas for the next two years. Not since Hannibal's historic use of elephants, or Hitler's blitzkreig in Europe has such a concept so captured the imagination of the military or the general public.

As the conflict in South Vietnam began to escalate, it became more and more evident that sizeable U.S. units must be committed. The 11th Air Assault Division, organized as a provisional unit, became a permanent U.S. Army division and was redesignated the 1st Cavalry Division (Air Mobile) and deployed to Vietnam. There it compiled an enviable record which has been branded into the pages of history.

During the period 1962–1967, the United States Army deployed to South Vietnam the 1st Cavalry Division; the 1st, 4th, 9th, and 25th infantry divisions; the 101st Airborne Division, and several separate brigades. All but the separate brigades had organic aircraft and aviation personnel assigned. Even so, to satisfy the air mobile requirements in country of exceedingly hostile terrain, additional Army aviation assets were needed. In June 1968 there was one Aviation brigade composed of four combat aviation groups, totaling more than 2,400 Army aircraft of all types and an excess of 20,000 personnel. They were involved in combat operations from the mountains and jungles near the demilitarized zone to the swamps and marshes of the Delta, an area over 450 miles long by 150 miles wide.

Even with the deescalation of American involvement in the Vietnam conflict, Army Aviation is still rapidly moving forward. The TRICAP Division located at Ft. Hood, Tex., is now undergoing tests which will last for the next several years. This Triple Capability Division consists of an armor brigade, an airmobile brigade and an air cavalry combat brigade. This unit will be assessing the combat lessons of Vietnam and the latest technological advances to develop fresh tactics to ensure the effectiveness of the Army ground team.

Army Aviation, with its rapidly developing heritage, will continue to provide Army commanders the best possible support. This assures the United States Army that it will continue to be the world's best.

WHITE MOTOR CO. DUCKS RESPONSIBILITY TO EMPLOYEES AND COMMUNITY—PENSION LAW NEEDED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. FRASER. Mr. Speaker, a distressing example of corporate neglect of its responsibilities has occurred in my State. It clearly requires action by Congress.

The White Motor Co., Inc., headed by S. E. Knudsen, chairman and chief executive officer since May 1971, has decided to abandon its Minneapolis-Moline plant in my district, leaving hundreds of workers out of jobs and terminating or drastically cutting pension benefits earned by the employees—many of whom have been with Minneapolis-Moline most of their working lives.

On June 3, Senator WALTER F. MONDALE conducted hearings which uncovered the plans of White Motor Co. to terminate its pension plan and reduce benefit checks far below what had been promised to the employees. Retirees receiving from $200 to $400 in monthly pension checks will be cut to $90 a month.

Senator MONDALE's hearings spotlighted weaknesses which no doubt exist in many other company pension plans in the Minneapolis area and throughout the country. Thousands of workers are in danger of losing their pension rights—even after they have retired.

To prevent other workers from suffering the fate of the Minneapolis-Moline workers, I have introduced H.R. 15367, a bill to safeguard employee pensions. When it is law, employees will be insured against loss of the benefits they have earned under their company retirement plan. After 8 years with one company a person would have a vested right to a pension. The law would permit transfer of pension rights from one company to another if a worker changed jobs.

Congress must take action to see that employees who are covered by private retirement plans actually get the pension benefits that are coming to them.

The bill I have introduced is the Senate Williams-Javits bill. One summary of the provisions of this bill follows. Another more detailed summary appeared in the CONGRESSIONAL RECORD of May 11, 1972, at page S7605:

OUTLINE OF MAJOR PROVISIONS OF WILLIAMS-JAVITS PENSION REFORM BILL—RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

The following are the major provisions of the Williams-Javits Pension Reform Bill:

1. Establishes within the Department of Labor, under the supervision and responsibility of the Secretary of Labor, an Office of Pension and Welfare Plan Administration, to be headed by an Assistant Secretary of Labor appointed by the President, with Senate advice and consent, which will be responsible for promotion, establishment, and administration and operation of employee benefit plans and enforcement of Act.

2. Prescribes minimum vesting requirements whereby an emplbyee, after eight years of service, will acquire a vested nonforfeitable right to 30% of pension benefits, and, thereafter, each year will vest an additional 10% until, at the end of 15 years, he will have vested rights of 100%. Each existing pension plan would be given the option to elect to divide itself into a "new plan" and an "old plan." New employees would be covered only under the "new plan" and old employees would be permitted to elect coverage under either plan. The "old plan" would not be required to comply with the Act's vesting standards but would be required to comply with all other provisions of the Act. The "new plan" would be required to comply with all provisions of the Act.

3. Establishes minimum funding standards of pension plans which will insure that all pension liabilities incurred by the plan after the effective date of the Act will be funded over 40-year period.

4. Authorizes the Secretary to grant variances from funding requirements for qualifying plans under certain circumstances.

5. Establishes a voluntary program for portability through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another.

A VOICE OF EXPERIENCE

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DOW. Mr. Speaker, all America recalls that Mr. Marriner S. Eccles, a distinguished cabinet leader in other years, has many times demonstrated his wisdom in statecraft.

Particularly he has been one of the American leaders who has not hesitated to condemn the grievous mistake we have made in Vietnam.

We have again from Mr. Eccles a word of admonition, indicating that it would be an illusion to suppose that the mining of the Haiphong Harbor and the bombing of railroads have achieved success for us. Mr. Eccles is particularly concerned about the escalating war and expenses, and the alarming balance of payments. I detect, too, that he is aware of the mounting deficit in our Federal budget, going on to many millions of dollars in the last 3 years.

Mr. Eccles puts it in a nutshell when he states;

The war is destroying the American system.

His remarks are appended below:

AN ADDRESS BY MARRINER S. ECCLES

We all recognize that these are unusual and tragic times for anyone to be accepting an award for furthering the cause of world peace and world trade, since we have very little of either. I assure you, I would be much less hesitant about accepting an award if I could feel that I had accomplished something toward these ends. For most of my life, I have been working for those issues which seem to me basic for a stable and prosperous society at home and a respected position abroad. Whether it was the population dilemma, fiscal and monetary matters, or world affairs, a lifetime of pressing for change is actually all I can claim credit for.

The dilemmas we find ourselves in today were quite apparent on the horizon as long as ten years ago. And through two administrations, we have taken the wrong road every time we had a chance to alter our course. Through these years, our record for unwise and reckless action is bad. We are now—in the present world crisis—confronted with the sum total of our mistakes.

We have completely ignored our domestic needs so that we have a frustrated and angry society. Explosive and dangerous rebellion simmers just below the surface.

We have overestimated our wealth and our power and spread ourselves too thin around the world. We are just now realizing that we cannot dominate the world militarily and take care of our domestic needs as well.

We took no steps to reverse the balance of payments deficiency—but just watched the dollar depreciate. Now it is a floating currency of indeterminate value.

We have never faced up to the monopoly of labor, the favoritism toward big business, and the inequities in the tax structure. These and other developments have made the control of inflation impossible.

We have allowed the military to become blown up into such a force that it is now our master instead of our servant. Far from being a department of defense—which we do need—it has become a political arm of the President and the delineator of our foreign policy. As a result, we have wrecked our credibility in the world to such an extent that we are neither believed nor trusted. The sleight-of-hand and secret conduct of our foreign affairs has cost us our friends and made us new enemies. The Vietnamese debacle is the best "proof of that pudding."

Nearly seven years ago, I said in a widely publicized statement, "Under no circumstances should we escalate the war in Vietnam; our position there is indefensible. Contrary to our government's propaganda, we were not invited by, and we have no commitment to, any representative or responsible government in South Vietnam. We are there as an aggressor in violation of our treaty obligations under the U.N. Charter." Under our Constitution, Congress alone has the power to declare war. Johnson ignored this fact when we invaded Vietnam, and Nixon supported that invasion and expanded it by invading Cambodia and Laos. We have been in a fighting war in Asia for nearly eight years. We are now deeply involved there, and I believe will find it more difficult to sever our connection with Southeast Asia than at any other time.

The war is destroying the American system. It is drawing upon resources which need to be put to work solving increasingly critical social and economic problems facing the nation. Crime, delinquency, drug addiction, poverty, alcoholism, mental illness, war and defense have drawn an estimated $314 billion from our economy the past year. These problems are all increasing faster than our population. Crime in our country has increased 148% in ten years, while the population has increased only 13%. The number of homicides in the U.S. is five times as great as in any other country. Violence has become an accepted way of life in the United States. The sights and sounds of war have become familiar, and our people are hardened to brutality and violent death. According to the President's Commission on Violence: "The American is four times more likely to be a victim of violence than the European."

Our annual defense budget has increased from $49 billion in 1965 to approximately $80 billion at the present time. This is almost entirely due to the war in Southeast Asia which has cost about $150 billion. The federal deficit during the period was approximately $90 billion. Without Vietnam there would be a budgetary surplus of around $60 billion. The U.S. has already spent well over a trillion dollars on the military since 1946. The accumulated deficiency in our international balance of payments through 1972 was approximately $73 billion. We had a deficiency last year in our trade balance for the first time in 77 years of more than $2 billion, with an increasing deficiency this year. Previously, for a number of years this country had a trade balance surplus averaging about $5 billion.

Adding to the inflationary effects of the heavy deficit financing (approximately $30 billion this year) and the deficiency in our international balance of payments, are the exorbitant demands made by, and the settlements given to, organized labor. The unions represent only 25% of the labor force. Their wages and fringe benefits are from two to four times that of other industrial countries. Thus, organized labor not only draws from the economy benefits in excess of inflation and increased productivity, but undermines our ability to compete in world as well as domestic markets.

Reduced individual and corporate taxes, investment credit, accelerated depreciation, and the elimination of the auto sales tax, all contribute to the federal deficit. This, in turn, adds to the inflationary pressures and further weakens the dollar. It is important that tax loopholes be closed, as a matter of equity.

If we expect to strengthen the dollar, we must correct the causes of its weakness.

The problems of deficiencies in our international balance of payments and in our trade balance, as well as the increasingly large federal debt and the increasing cost of labor, have brought about a growing inflation in our country and made our dollar increasingly less desirable as a world currency. Since the International Monetary Fund was created at Bretton Woods after the war, the dollar based on gold at $35.00 an ounce has been the world currency. All other currencies were related to it. In the summer of '71, it was inevitable that the 27-year-old Bretton Woods system of fixed international exchange rates, all pegged to the U.S. dollar, would collapse. On August 15, when Nixon was forced to cut the dollar loose from gold, the old currency system died, and the dollar was left to float. Some of the other countries acted previously and others followed the dollar in letting their currencies float. Since that time, there has been no stability in the world currencies.

The important currencies have increased in value in relation to the dollar on the basis of the exchange market. The dollar, on the other hand, has become the least desirable currency, piling up in foreign central banks and other financial institutions much faster than foreign currencies in the U.S. This results in a continuing decline of confidence in the U.S. dollar, and a rush by foreigners to turn dollars into other currencies or American securities. It is undergoing a staggering decline in the black markets of the Communist world—from 30% to 60%—where it once was treasured and hoarded. To meet the crisis, Nixon imposed a 90-day 10% import tax and froze wages and prices. At the end of this Phase I period, Phase II went into effect permitting some adjustments. There is no indication when Phase II, which has not been successful, will be discontinued. Until the U.S. gets its monetary house in order and a new reserve currency can be established, we will continue to lose prestige and power, and it will be increasingly difficult for the U.S. to develop and maintain foreign trade.

In a financial sense, a war is never over since the cost of war does not end with the cessation of hostilities. During the war period since '65, there have been over 50,000 boys killed, and more than 250,000 wounded or missing. We are spending approximately $11 billion a year for veterans' benefits, and nearly $2½ billion for veterans' hospitals and medical expenses. The annual interest on the public debt is about $20 billion. This debt and high taxes are entirely due to the present and past wars. These problems cannot be brought under control until our national defense expenditures are reduced by at least $20 billion to the pre-Vietnam war level of $50 billion. This makes the ending of our stupid involvement in Southeast Asia imperative.

We have become great in world affairs because of economic strength, and not because of military strength; but we have allowed the defense establishment to overwhelm with military might. By mid '72, the U.S. will have more than 5,000 long-range nuclear weapons; the Soviet Union 2,500. Each one can destroy a city, and yet the U.S. is now proposing to substantially increase its nuclear arsenal. When is enough enough? American bombs since 1965 have produced 21 million craters in South Vietnam. In this period, we used 26 billion pounds of explosives; that is twice what the United States used in all of World War II. Of this 26 billion pounds, 21 billion were exploded in South Vietnam. In that small country—one we are supposedly to save—we have employed explosives with the energy of 36 Hiroshima nuclear bombs—all of these rained down on a country the size of Missouri.

Military muscle has never been able to preserve any world power, and it never will. If we have to depend on the military/industrial complex for our prosperity, it is a profound indictment of our capitalistic democracy.

A World War II general observes that, "We are turning into a military state, and the demoralization will eat up this country's abundance as surely and irrevocably as silkworms eat mulberry leaves."

President Eisenhower, in his farewell address in 1961, said, "In the councils of government, we must guard against the acquisition of unwarranted influence whether sought or unsought by the military/industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or our democratic processes."

No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our Republic. We must leave the politics of Asia to the Asians.

I don't think we can win the war in the classic sense. Russia and China have publicly announced that they would continue to give the military and economic aid necessary to North Vietnam in order to defeat the U.S. aggressors. This, however, is all the help the North Vietnamese have received from Russia and China. We, on the other land, have not only provided all military equipment and other supplies, but have taken charge of the war. We have sent in our Army, Navy, and Air Force, done the bombing, and most of the fighting. We have made a civil war between the Communists and the non-Communists, our war. As a result, we have aligned against us these two powerful countries, as well as the rest of the Communist world, with practically no support from any other country. Win or lose, I doubt if we will ever be free of Indochina. If we win, we will have to rehabilitate the country which will cost us billions of dollars. If we lose, we are still morally responsible to make amends as best we can.

Look at us in Korea. As reward for victory, consider the billions we have sunk in South Korea and our situation there after twenty years. Also, consider the 250,000 troops in West Germany after twenty-five years. Germany and Japan, who were almost destroyed during the war, today are the two most prosperous countries in the world, and their currencies are the strongest. They have kept out of military commitments and have spent practically nothing for arms. This should be a lesson to us in economics.

To have world trade, you have to have a climate of peace. You have to have a stable currency—and perform responsibly on the world scene. You can't have 2,300 military bases around the world. You can't ring China and Russia with nuclear installations as we have done.. World trade and world friendship go hand in hand. Neither self-isolation nor aggression can solve the acute problems that each nation shares with the rest of the world. It is one world—or no world. The raw materials of the world belong to the people of the world and must be shared through international trade and finance.

Mr. Nixon was elected in 1968 on the strength of his claim that he had a plan to get us out of Vietnam. After more than three years in office, we are still heavily involved there with intensification of the fighting on many fronts. We hear much about the troop withdrawals but nothing about the heavy escalation of the air war, and now the huge addition of Naval power.

In looking at Mr. Nixon's record, I find it hard to believe that he is willing to get out short of victory. In 1968, a national magazine

quoted Mr. Nixon as follows: "There is no alternative to the war's going on. We have to stop it with victory, or it will start all over again in a few years."

The President has also said repeatedly, "I will not be the first President to lose a war."

Based on everything Nixon says, in my opinion he has never had, and has not now, any intention of giving up the idea of a non-Communist Saigon government. And just a few weeks ago, in his statement to the nation, he again reaffirmed support of the Saigon government. Except for this issue (the political future of Saigon), this war could have been settled years ago.

We want our prisoners back and our troops returned, but the fact is—the Saigon government and victory seem to have first priority with the President, despite his protestations to the contrary. What is more, as long as the war continues, we are adding to the prisoners and more of our boys are being killed.

We are told we have to have a victory in Vietnam or there will be a "blood bath." What do you consider over 700,000 Vietnamese troops killed by us and our ally—not to mention the appalling civilian toll? Isn't that a "blood bath?" A parallel situation in the U.S. would figure out to about 6½ million young men dead. What do you think that would be called in the U.S.?

So—we have to face it! There already is a "blood bath"—and it is our doing. We are guilty. And no amount of rhetoric about a "generation of peace" will make it go away. It will never be forgotten—or forgiven. Nor should it be.

What we have now actually done in our mining of the Haiphong harbor and bombing of the railroads is to tell Russia and China and the rest of the world that *they* cannot send anything to Vietnam, but *we can*. Win or lose this immediate challenge, we have demonstrated to the Communist World, Russia and China, with whom we are hoping to trade and establish good relations, that we are dictatorial and inflexible, and that we must win at all costs. What permanent confidence and trust can we expect to establish in our future relations with them by this recent action?

I am sure the irony of the situation is lost on no one—when it is to Russia we must turn for restraint, cool-headedness, and responsibility in world affairs. If this confrontation with Russia, which we have precipitated, does not result in a global conflict, it will be because of the wisdom, judgment, and restraint of the Communists whom we hold in such scorn. If a settlement of some sort in Vietnam results from the President's trip to Moscow, it will be because Russia, in its own interest, saw fit to "pull our chestnuts out of the fire." They can demand concessions for this as they hold the cards. We have been out-maneuvered, as we have had to ask for their help. It could very well be a Cuba in reverse.

One thing is certain, we have learned some important truths about ourselves in these difficult years. We have learned that we can be influenced erroneously; that our judgment and fairness can be overwhelmed. We can be fooled and confused and made uncertain.

It looks as though there never would come a time when the country could not be whipped into a frenzy of fear over Communists even though they are 10,000 miles away.

We are pathetically at the mercy of our political leadership—which determines the image we project in the world. No king or dictator in modern times has anything remotely like the power of an American President.

Deep down in our hearts we know we have strayed far afield from the ideals on which this country was founded. We know that killing and carnage do not bring us honor. We know the quiet of a shattered country is not peace. We know that the prestige of the Presidency and the honor of our country are enhanced in the world by integrity and stability, and we are appalled at the savagery we have unleashed on a small Asian country which has in no way offended us.

Oddly enough, it was a military man who has most tellingly put into words the folly and tragedy of war. It was General Eisenhower who said: "This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is this: A modern brick school in more than 30 cities; it is two electrical power plants, each serving a town of 60,000 population; it is two fine, fully-equipped hospitals. We pay for a single fighter plane with ½ million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people."

And, finally, from my beloved countryman, Robert Burns, a closing thought that seems to me to fit our moment in history:

"Oh wad some Power the giftie gie us
To see oursels as others see us!
It wad frae monie a blunder free us,
An' foolish notion."

ADAM CLAYTON POWELL—"HE KEPT THE FAITH"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. CLAY. Mr. Speaker, April 4, 1972, marked the close of an era for black people in this Nation. Adam Clayton Powell—Congressman, Minister, civil rights leader—was dead. The people came 100,000 strong to say goodbye and to reminisce about the man, and his life.

A St. Louis policeman, Lt. Frederick Grimes, in a letter to Congressman Powell's son, Adam Clayton Powell III, expressed eloquently the sense of the man and the meaning of his life to black Americans. With your permission, I would like to share this letter with my colleagues:

METROPOLITAN POLICE DEPARTMENT,
CITY OF ST. LOUIS,
St. Louis, Mo., April 24, 1972.

Mr. ADAM CLAYTON POWELL, III,
Washington, D.C.

DEAR SKIPPER: This letter is to belatedly express the deep anguish that I too, feel in the loss of your dear Father. Please accept this message of sympathy with the genuine words of sympathy that you may cherish in the times ahead for you.

Uncle Jerome drove through St. Louis last week enroute to New York for the final rites and I wanted to accompany him on the trip, but unfortunately I was unable to be granted leave of absence for trip, therefore, I must offer my tribute in writing.

The volumes of rhetoric written and spoken on the life of Adam Clayton Powell, Jr., cannot adequately describe him as you knew him, nor as each of us knew him and the effects that he had on the lives of those whom he chose to love or befriend. Adam, truly wrote his own epitaph each day of his active life.

During the 1956 and 1960 Presidential Campaigns, your Father worked the St. Louis area and I was his police escort and we shared a mutual admiration and respect. At the Kennedy Inaugural in January 1961, I was one of only two black police officers from the entire nation assigned to Washington. This was solely by the insistent efforts of Congressman Powell, who demanded my presence—this is the man Powell that I knew.

Although the human image of Adam Powell is no longer with us, his contributions and memories are immortal and will live with pride in the soul of every black American yet unborn because he truly "kept the faith"—his inspirational teachings will most certainly create other black leaders. It was best expressed by President Kennedy, in his inaugural speech—"the torch has passed" which implies that you or someone like you must continue what was started by Adam C. Powell, Jr.

In the future should you have the need of my services and friendship, please be assured that you have a friend here in St. Louis.

With every good wish for your future,
Until we overcome,
Lt. FREDERICK J. GRIMES.

JOHN PAUL VANN

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BROTZMAN. Mr. Speaker, the Nation, and the district which I represent in Congress, lost an outstanding citizen last weekend. He was John Paul Vann, the senior U.S. adviser in the Central Highlands sector of South Vietnam.

John Vann was a resident of Jefferson County, Colo., but had spent 9 out of the past 11 years in a series of sensitive assignments for the United States in Vietnam.

During 1963 and 1964 he was an executive with the Martin Marietta Corp., Littleton, Colo., and it was during this period that I first met him.

He was an unusually intense person, one who characteristically applied himself night and day to the problem at hand. His intensity made him controversial, both in civilian and military life, but it was a quality which enabled him to get things done under the most trying of circumstances.

John Vann served this Nation's interests in Vietnam with the same intensity, and last Friday night it cost him his life. His hard-driving, take-charge attitude caused him, again and again, to expose himself to the greatest of risks. John Vann, I am told, never asked another man to face the hazards that he, himself, had not faced. During the current North Vietnamese offensive he was a pillar of strength for the remaining American forces and the military commanders of South Vietnam.

Many tributes are being paid John Paul Vann by the leaders of this Nation and the free peoples of Southeast Asia. His name already has become legendary in a part of the world which so much needed his strength and personal testament to democracy and the high price which sometimes must be paid to achieve and sustain it.

In my opinion, the finest tribute which can be paid John Paul Vann is to remember that he, perhaps more than any other American, has made the withdrawal of our forces feasible. When he came to Vietnam he worked with a people whose leadership had been methodically destroyed and whose ability to defend themselves had all but vanished. Today, it appears just possible that South Vietnam is developing a viable self-defense force.

This was the cause for which John Paul Vann fought for 9 years—and one for which he sacrificed his life.

WAGE-HOUR VIOLATIONS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DENT. Mr. Speaker, I commend to my colleagues the following radio interview with Mr. Rudy Oswald, an economist with the AFL–CIO Department of Research. The subject matter discussed is the widespread violation of the Federal wage and hour law.

As the subcommittee chairman whose panel has jurisdiction over this law, I hope to schedule oversight hearings soon after the Senate completes action on the pending amendments to the Fair Labor Standards Act.

Mr. Oswald's interview follows:

LABOR NEWS CONFERENCE, MUTUAL BROADCASTING SYSTEM

Subject: Wage-Hour Violations.

Guest: Rudolph Oswald, an economist in the AFL–CIO's Department of Research.

Reporters: Robert Levey, staff writer for the Washington Post and Tom Joyce, labor correspondent for Newsweek magazine.

Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Rudolph Oswald, an economist in the AFL–CIO's Department of Research.

Since 1938, federal law has set a floor under the wages employers must pay their workers and a ceiling on the number of hours worked, after which a penalty rate, or overtime, must be paid. Yet year after year, hundreds of thousands of some of the nation's lowest-paid workers are shortchanged wages their employers are required by federal law to pay them. Worse yet, less than one-third of those underpayments are ever recovered. Here to question Mr. Oswald about continuing violations of the federal wage and hour law, why those violations persist and prospects that they will ever be ended, are Robert Levey, staff writer for the Washington Post, and Tom Joyce, labor correspondent for Newsweek magazine. Your moderator, Frank Harden.

And now, Mr. Joyce, I believe you have the first question?

JOYCE. Mr. Oswald, the AFL–CIO claims that hundreds of thousands of workers are being shortchanged under the minimum wage law. What solid evidence do you have that is occurring?

OSWALD. Mr. Joyce, the Labor Department makes inspections of various places of work to determine whether or not they are complying with the minimum wage requirements.

So far this year—in the first nine months of fiscal '72—they have found that some 370,000 workers have been underpaid nearly $75 million. At that rate, that's about half-a-million workers underpaid $100 million over the full year. We know from the past Labor Department studies of compliance levels that their inspection find only one-third of the violations.

So, we could say that about 1.5 million workers today are not being paid the appropriate minimum wage or overtime rates, as required by the Fair Labor Standards Act—with some $300 million of underpayments.

JOYCE. Who are these workers, and why don't we hear more about them?

OSWALD. Mr. Joyce, they are a variety of workers, and many of them are afraid to bring to the government's attention the fact that they are being underpaid.

With high unemployment, they are fearful that their employer will fire them because they have complained to the government about the underpayments, even though the law prohibits employers from taking any sort of repressive action against such employees.

In most cases, they are fearful.

In some cases, they are people who don't speak English—they're Mexican-Americans, Puerto Ricans and others—often they are not familiar with the laws and requirements of this country, and they are taken advantage of.

LEVEY. Mr. Oswald, isn't a large part of the problem part-time workers and teenagers entering the labor force for the first time?

OSWALD. No, Mr. Levey—that's the impression that many people have, but in many cases, they are adult workers—often heads of families—they are victimized by employers—sometimes large employers, sometimes small employers.

We find that violations exist where children are underpaid.

But, most of the violations involve underpayments to adult workers.

LEVEY. Are there any seasonal variations of this phenomenon, or variations according to the section of the country?

OSWALD. There are variations—by industry, by area of the country, and, on occasion, seasonal variations, because of the type of industry.

There are very high violations in agriculture, which, of course, is seasonal.

There are more violations in the South, where wages tend, as a whole, to be lower.

And there are more violations involving minorities—and in some of the ghettoes of the large cities—where these workers are taken advantage of.

JOYCE. Mr. Oswald, what kind of industries are we talking about? Are we talking about mostly "Mom and Pop" operations? Are we talking about things a lot bigger than that?

OSWALD. It sometimes involves chain operations—sometimes very large establishments—and in other cases, fairly small establishments.

Small "Mom and Pop" operations are not covered by the Fair Labor Standards Act. It covers industries that are interstate commerce—most manufacturing and larger retail and service establishments—as well as schools, hospitals and other major industries in this country.

JOYCE. Would it be correct to assume that more young people are likely to be underpaid than adults?

OSWALD. No, Mr. Joyce, we find that more adults are underpaid than young people—most of the violations do involve adults.

What we do find, in terms of young people, though, is other types of violations. The Fair Labor Standards Act, when it was first written in 1938, also tried to do away with what is called "abusive child labor." It prohibited employment of children under the age of 16 during school hours, or working—when school is in session—more than three hours a day or 18 hours a week.

We find that there are many violations of these child labor regulations.

We find, for example, children under the age of 9 employed.

Some 19,000 children under age 15 were employed last year during school hours, or in industries that are hazardous according to the investigations of the Labor Department.

Obviously, that is only a small part of the total number of such violations.

LEVEY. Mr. Oswald, we've had a minimum wage law now since 1938, and, of course, during that time, we've had national administrations of both parties. Do things seem better now—under the Nixon Administration—than before, in terms of numbers?

OSWALD. Mr. Levey, the number of violations are as high as it has been for the past decade.

However, it seems that the current Administration's emphasis is no longer on discovering violations. It has de-emphasized completely the enforcement of the Fair Labor Standards Act.

The Assistant Secretary of Labor for Employment Standards has indicated that the priority should be on voluntary compliance, rather than on enforcement and uncovering underpayments.

As a result, the emphasis is no longer to make sure that employers abide by the minimum wage and child labor requirements, but rather that, in a vague sense, employers should abide by the standards as enunciated in the Act—as people said, in 1900 before passage of the Act.

But, we saw all the abuses that occurred under that attitude—and they led to enactment of the Fair Labor Standards Act in 1938.

LEVEY. Let me ask about the AFL–CIO's role in this. There's now pending on Capitol Hill a bill that would increase the minimum wage. The AFL–CIO has favored that. But, why would the AFL–CIO favor it, if people are having a tough time collecting minimum wage as it is now?

OSWALD. Yes, we favor the increase of the minimum wage—we feel that an increase is absolutely necessary for workers who are at the mercy of their employers—whose wages are so very low that they can not provide for their families.

At $1.60 an hour—which is the current minimum wage—a worker with a full-time, year-round job would only earn $3,200 a year. That's below the $4,000 poverty standard.

Yet the Nixon Administration isn't even supporting the immediate increase of the minimum wage to $2.

We feel that is the very least that is necessary—make the improvement in the minimum wage effective immediately.

The AFL–CIO, at its last convention called for an increase in the minimum wage to $2.50 an hour. We say that $2.50 is absolutely necessary, because if a worker doesn't receive more for working full-time, year-round than the minimum poverty level, you must say that our system doesn't really allow a worker to escape from poverty.

We believe that if the American industrial system is to function properly, someone who works full-time, year-round, should at least be able to support the typical family of four at a modest standard in our society—by working full-time, year-round.

The only way to accomplish that is by increasing the minimum wage.

JOYCE. Mr. Oswald, in line with what you just said—that the AFL–CIO is advocating $2.50 an hour—the AFL–CIO, if I am correct, is supporting the bill that would only increase it to $2.00 an hour, which brings the weekly wage just up to about the poverty line. How do you explain this?

OSWALD. Mr. Joyce, the AFL–CIO supported, in the House of Representatives, the Dent bill (D-Pa.) which would have raised the minimum wage—immediately—to $2 an hour.

We supported the Dent bill in the face of onslaughts by the Administration to delay

even that modest increase of the minimum wage.

The Senate Labor and Public Welfare Committee has reported out a bill, which will come before the full Senate shortly, which would raise the minimum wage to $2 immediately, and a year thereafter, to $2.20.

We believe that bill would be an important step in the right direction. Our position, however, remains that a $2.50 an hour minimum wage is necessary for the country today. It is the only means to assure that workers will have enough to support a family.

JOYCE. Well, you still seem to be saying that the $2.20, or whatever, is only perpetuating a group of working poor.

OSWALD. We do not believe that the $2.20 provision, a year after the increase to $2 an hour, is sufficient to provide for the needs of our country, so that workers who are so employed will be able to have enough income to escape from poverty.

LEVEY. Mr. Oswald, of course, it's not simply a matter of getting the poor caught up a little bit—it's also a matter, isn't it, of establishing a floor for the AFL–CIO to negotiate its contracts above? Is this in any way part of the AFL–CIO's backing of the $2.50 minimum?

OSWALD. Well, Mr. Levey, most of the contracts negotiated by AFL–CIO unions—and, as you know, there are 120 unions affiliated with the AFL–CIO—most of those contracts provide wages far in excess of $2.50 an hour.

So, for most of these unions, an improved minimum wage—whether it is $2, or $2.20 or $2.50—will not have any impact on their negotiations.

We feel that the improvement is an absolute necessity, in terms of basic justice—that someone who is working earns enough to be able to support his family. Look at the record—at the expenses of working. The government's own defined poverty line—$4,500 a year—at $2.50, working full-time, year-round, he would earn just $5,000 a year.

That's barely enough to pay for his working expenses—and still have slightly more than the basic poverty-level existence.

LEVEY. Talking again about the bill that would raise the minimum to $2.00—as I make it, that's a 25% increase in the minimum. Has any thought been given—or any flap raised—concerning the fact that that's far and away above the 5.5% guideline that the Pay Board has established?

OSWALD. Mr. Levey, Mr. Rumsfeld has indicated that this is above the 5.5%.

However, the last time Congress acted to raise the minimum wage was in 1966. At that time, they raised the minimum wage to $1.60 an hour.

In the period since 1966, prices have gone up 25%—as much as the immediate increase of $2.

So, all that would happen is that these workers would be made whole today—catch up for the deterioration of their conditions over the last five years. Unless they're raised immediately to $2 an hour, they would be forced to bear fully the burdens of the current inflation.

A management consultant firm that recently studied the salaries of top officials of large corporations found that the salaries of presidents of these large corporations increased an average of 15% last year.

We're talking about an increase of the minimum wage for the first time since 1966—a period in which inflation has eroded completely the buying power.

We found during World War II, for example, when there were step-ups in the minimum wage, that even in that very tight period of wartime wage controls, the War Labor Board allowed the full minimum wage increase of 33% that had been legislated.

JOYCE. Mr. Oswald, a few minutes ago, you were talking about the child labor. If I'm correct, there are a number of advocates—both in Congress and in the business community—who are advocating a sub-standard minimum wage rate for teenagers, on the theory that this would not take jobs away from adults. Can you address yourself to that proposal for a moment?

OSWALD. The AFL–CIO is adamantly opposed to any sub-minimum wages paid to anyone, Mr. Joyce.

We believe that the Fair Labor Standards Act is a basic floor under wages—under all wages.

If two people are doing the same work, they should be paid the same wage—not a different or lesser wage that is based on the worker's age, or the color of his skin, or on sex, or on the language that he speaks. Workers should be paid a minimum wage based on a national floor that is a floor under all wages.

JOYCE. What about the argument that a uniform minimum wage—one that made no provisions for teenagers—would deprive adults of jobs?

OSWALD. If there is a sub-minimum wage established for youth—as the Administration proposes—there's no reason why any employer should increase the wage that he's now paying an employee—from $1.60 an hour, for example, to $2 an hour.

He might just as well substitute a teenager for that adult.

The whole purpose of the minimum wage law is to provide a floor under wages—and the purpose of the increase in the minimum is to raise the floor, not to pave the way for substitution of teenager workers for adult workers.

LEVEY. Mr. Oswald, a double-barreled question, if I may. How much of the underpaid wages is ever actually paid at a later time to the people who are cheated—number one. And number two—what are the mechanisms for these people to collect?

OSWALD. Mr. Levey, there are really two ways that the workers can collect back wages, but currently, only about one-third of the wrongfully withheld wages is actually ever paid to the workers.

One way the worker can collect is to bring suit himself for the wages due him, plus an equal amount in damages, in a federal district court.

Or, he can ask the Secretary of Labor to take his case, and recover the amount due.

Under the bill that is currently being considered by the Senate, there would also be a provision that some penalty be allowed in those cases where the Secretary himself brings the court suit. Otherwise, all that the employer is required to pay is the amount he should have paid in the first place. Basically, that means that no penalty is imposed for violating the law.

JOYCE. Mr. Oswald, another two-part question, if you will. One, what do you think are the chances on the Hill for this legislation? And two, why isn't there more interest in the proposal? We hear very little about it.

OSWALD. The House, Mr. Joyce, passed the Fair Labor Standards Act amendments in early May, and the Senate will be taking up the amendments, most likely, in mid-June.

A report of the Senate committee will be ready for the Senate floor very shortly, and the Senate might be able to take up legislation any time thereafter.

I think the reason that we're not hearing more about it is because the Nixon Administration is not particularly interested in publicizing the plight of people whose wages are below $2 an hour—people who work full-time, year-round—or part-time—and still don't have enough to even modestly support their families.

LEVEY. Mr. Oswald, of course it's not just a matter of interest on the Hill, it's a matter of interest also among the aggrieved people. Is the lack of interest among them that we seem to see here—they aren't collecting their money—do you think that's related to the fact that they are among our less-vocal citizens?

OSWALD. Precisely, Mr. Levey, these are the people who don't write letters—who don't have secretaries to whom they can dictate a letter to their Congressman or Senator—who do not have access to the mass media.

They are the quiet people—the down-trodden. Many have difficulty composing a letter.

Their dismal conditions, as voiced a year ago, are "forgotten Americans"—those who are working full-time and are still in poverty.

They're not heard in the streets.

They put in a full day's work, without a minimum wage, or at a wage that doesn't allow them to escape from poverty.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Rudolph Oswald, an economist in the AFL–CIO's Department of Research. Representing the press were Tom Joyce, labor correspondent for Newsweek magazine, and Robert Levey, staff writer for the Washington Post. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

NEITHER WOULD GUN LAWS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SHRIVER. Mr. Speaker, since the assassination attempt last month upon Gov. George Wallace, there have been renewed appeals for gun control legislation.

The Wichita, Kans., Eagle recently published an editorial which refers to a discussion by Dr. John Burton of Pontiac, Mich., concerning the folly of attempts to ban the sale of firearms by legislation.

Under leave to extend my remarks in the RECORD, I include the Eagle editorial:

NEITHER WOULD GUN LAWS

Whenever there's a tragic incident in the country—such as the shooting of Governor Wallace—there is an emotional reaction against guns, and a renewal of the effort either to ban their sale or attempt to recall those already in the hands of the citizenry.

A man who is something of an expert on the subject, a forensic pathologist by the name of Dr. John Burton of Pontiac, Mich., explained the folly of such attempts to a Wichita audience the other day.

The American public feels a need to keep guns for protection and "the good guys" simply would not turn in their guns because they know there are "bad guys" out there who would refuse, said Dr. Burton.

He's right. And it is also true that making guns harder to get would handicap only the man who wanted a gun for legal uses. A criminal or a lunatic who wanted a gun would find one by illegal methods. If he couldn't, he might resort to a homemade bomb, which might kill not only his intended victim but a lot of other people as well.

As Dr. Burton pointed out, violence is nothing new. Before guns were as available as they are today, people still were killing other people. But in those days they used knives or hammers or something else. Laws already exist, of course, against committing acts of violence, but these do not deter the deranged or the impassioned.

Neither would gun laws.

DOUBLE STANDARD ON RHODESIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. CRANE. Mr. Speaker, the double standard urged by many opponents of trade with Rhodesia is an interesting one. Such trade, these critics declare, assists a regime which does not share our own views concerning human dignity and the rights of the individual.

These same observers, however, are in the forefront of urging increased trade with Communist China and the Soviet Union. In those instances where they are willing to agree that these Communist governments are in fact dictatorships which deprive their people of elementary rights, they argue that trade will help to open these closed societies.

Thus given two forms of government different from our own, Rhodesia, on the one hand, and Communist governments, on the other, they urge a boycott of Rhodesia and an end to all restrictions with regard to Communist states.

What they forget, of course, is that the two cases are not comparable. The Soviet Union, for example, is challenging us in the Middle East, in the Indian Ocean, and in the North Atlantic. Trade with a government whose goal is world domination affects our own interests in a far different way from trade with a self-contained government such as that of Rhodesia.

Discussing this double standard, editor Robert Bleiberg of Barron's notes that:

While boycotting Rhodesia . . . the U.S. is briskly extending the hand of friendship, not to mention offers of tangible financial aid, to two of the bloodiest tyrannies in the history of mankind. You can't do business with Smith but you can subsidize Kosygin, Brezhnev and Mao.

By boycotting Rhodesian chrome in the past, the United States has been forced to pay exorbitant prices to the only other major producer, the Soviet Union. Mr. Bleiberg points out that:

After the imposition of U.N. sanctions, the price of imported chromite soared from $33 a ton to $72, to the pleasure and profit of the Kremlin . . . sanctions cost U.S. consumers of stainless steel an estimated $100 million per annum.

The Department of State argues that sanctions were imposed upon Rhodesia because:

American policy rests on the basic principles of self-determination and majority rule.

Mr. Bleiberg responds that:

The explanation must have impressed billions of disenfranchised, hopeless people throughout Latin America, Asia, and Africa, not to mention the Soviet Union . . . What a shame!

I wish to share this editorial, which appeared in Barron's of May 29, 1972, with my colleagues, and insert it into the RECORD at this time:

DOUBLE STANDARD—FOGGY BOTTOM IS ACTING SHAMEFULLY TOWARD RHODESIA

(By Robert M. Bleiberg)

Annual meeting time has come and nearly gone, bringing its customary quota of criticism from the floor and leaving its fair share of bruised executive egos. In sharp contrast to last year or the one before, this season in the main has been a relatively tranquil affair, with confrontations few and far between, riot and civil commotion conspicuously absent. Here and there, however, estimates of sales and earnings, no matter how rosy, have taken second place to angry protests. Thus, at the annual meeting of Union Carbide Corp., Chairman F. Perry Wilson disclosed that profits in the first quarter had increased 14%, and voiced confidence that the company "will make solid progress in 1972." Nonetheless, dissident stockholders took management to task for "corporate offenses ranging from its activities in southern Africa to executive campaign contributions," while "a group of about 30 chanting demonstrators marched in front of company headquarters, protesting Union Carbide's recent importation of 26,000 tons of Rhodesian chrome." Mr. Wilson got off easier than his opposite number at Foote Mineral Co., whose annual meeting at the Barclay Hotel in Philadelphia drew a contingent of 50 pickets, which, in between denunciations of the company for dealing with white supremacists, "danced and sang to the sound of African bongo drums."

On Capitol Hill, which usually marches to a different drum, both Congressmen and Senators lately have taken up the beat. Negro members of the House of Representatives, organized into a so-called Black Caucus, have publicly called for the destruction of American property in Rhodesia and South Africa and the violent overthrow of their racist regimes. Pending that happy outcome, Reps. Shirley Chisholm (D., N.Y.), John Conyers Jr. (D., Mich.), Ronald Dellums (D., Calif.), Charles Diggs (D., Mich.), Charles Rangel (D., N.Y.) and Louis Stokes (D., Ohio)—together with various church groups and the outlawed Zimbabwe African National Union—have brought suit in U.S. District Court seeking an injunction against the use of chrome ore shipped from Rhodesia to these shores by Foote Mineral and Union Carbide. Meanwhile, in the upper chamber, Senators Gale McGee (D., Wyo.) and Edward Kennedy (D., Mass.), with the blessings of the State Department, are pushing the repeal of last year's Byrd Amendment, which made such imports legal.

Fanaticism, said George Santayana, is redoubling one's effort while losing sight of one's aim, but the radical left is something else. For nearly half a century, despite compelling evidence to the contrary, it has proclaimed the innocence of Sacco and Vanzetti, anarchists and convicted killers, and, with equally ruthless disregard of proven fact, has launched a campaign to whitewash the Rosenbergs and Alger Hiss. By the same token, the fanatical war on Rhodesia is longer on ideology than on respect for truth. By trading with Rhodesia, charged the leader of the demonstration against Foote Mineral, the U.S. "has saved Ian Smith's government from economic disaster." In truth, thanks to the widespread flouting of United Nations' sanctions, notably by neighboring Zambia and other black African states, Rhodesia for the past half-decade has flourished. More to the point, by repealing the Byrd Amendment, Congress would deliberately reimpose a financial burden on both producers and consumers of stainless steel (which requires chrome) and once again make this country heavily dependent upon the Soviet Union for a vital raw material. Finally, while boycotting Rhodesia—only strategic products are free of the general ban—for its repugnant form of government (which, in U.N. eyes, at any rate, constitutes a "threat to peace"), the U.S. is briskly extending the hand of friendship, not to mention offers of tangible financial aid, to two of the bloodiest tyrannies in the history of mankind. You can't do business with Smith, but you can subsidize Kosygin, Brezhnev and Mao.

Armed with this double standard, the U.S. for years has been waging economic warfare on Rhodesia. Pursuant to a resolution of the U.N. Security Council in December 1966 (reaffirmed and strengthened in May 1968), President Lyndon Johnson by Executive Order imposed sanctions on that country, violations of which are punishable by fines of $10,000 and prison sentences up to ten years. (In the first case of the kind, five defendants recently pleaded guilty to violating the embargo by supplying ammonia to a Rhodesian fertilizer plant—some crime against humanity!) Under the Nixon Administration, things continued in the same ugly vein until last fall, when Senator Harry F. Byrd Jr. (D. Va.) succeeded in amending the military procurement authorization bill, to permit, in effect, the importation of Rhodesian chrome and other "strategic and critical raw materials." Since then, to the outrage of the Black Caucus and corporate pickets, shipments totaling fifty thousand tons have landed in the U.S., and efforts to repeal the Byrd Amendment have redoubled. Last week's collapse of the tentative agreement between Her Majesty's Government and Salisbury, based on findings that the black majority disapproved of its terms, doubtless will intensify the drive.

As an economic weapon—here Santayana's definition applies—the international embargo has been a joke. Since Rhodesia's Declaration of Independence in 1965, production and trade have risen by 10% per year. This is how Salisbury looked a few months ago to Ray Vicker, chief European correspondent of The Wall Street Journal: "Japanese, French, German and Italian businessmen are encountered in hotel lobbies here. Hertz' Rhodesian outlets offer Japanese-made Toyotas for rent, while Avis competes with German-made BMWs. Liquor stores carry stocks of British gin and choice Scotch. Italian shoes are popular with Rhodesian women, while French wines are found at top hostelries. . . . Rhodesia's manufacturing industries have expanded to provide many products that were formerly imported. Manufacturing expanded 12.5% in 1970 from 1969, and probably will show an increase of around 8% this year. 'We can continue to get by indefinitely, if we have to,' says one Rhodesian sanctions buster, who travels the world negotiating agreements for Rhodesian exports and imports."

Until last fall, moreover, the joke was on this country, which wound up paying an exorbitant price for chrome mined in the Soviet Union (or, there is reason to suspect, merely transshipped via Moscow from Rhodesian mines). After the imposition of U.N. sanctions, the price of imported chromite soared from $33 a ton to $72, to the pleasure and profit of the Kremlin, which, like the most rapacious capitalist, charged whatever the traffic would bear. Hence according to the American Iron and Steel Institute, sanctions cost U.S. consumers of stainless steel an estimated $100 million per annum and domestic producers, faced with mounting competition from foreign industry which enjoyed access to cheaper raw materials, a large chunk of their market. (Since the embargo was lifted, by the way, Russian ore prices have dropped sharply.) To add insult to injury, some of the "legal" Russiah chrome—to judge by results of sophisticated chemical analysis performed by Crucible Steel, which found that the titanium content of ore from the Soviet Union differed markedly from that of Rhodesia—probably had its origins in racist mines. According to one State Department spokesman: "Occasionally we have heard of Russian ships docked in Africa to pick up Rhodesian chromite, but verification has proved this not to be the case." Trust Foggy Bottom to try to prove a negative.

So much for the dollars and sense. As to the legality of the Byrd Amendment, the controversy, as noted, has landed in the courts,

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where a U.S. District Court judge has refused to issue a preliminary injunction against Foote Mineral and Union Carbide. Plaintiffs doubtless will appeal to higher authority. However, at least one eminent lawyer, the late Dean Acheson, had no doubts as to the illegality of the embargo. In a memorable address before the American Bar Association in 1968, he stated: "It would surprise some of our fellow citizens, though hardly anyone here, to learn that the United States is engaged in an international conspiracy, instigated by Britain and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one . . . (this is) barefaced aggression, unprovoked and unjustified by a single legal or moral principle." Why was Rhodesia, alone among nations, singled out as a threat to world peace? The State Department in 1969 offered a reason: "American policy on Rhodesia rests on the basic principles of self-determination and majority rule." The explanation must have impressed billions of disenfranchised, hopeless people throughout Latin America, Asia and Africa, not to mention the Soviet Union, upon which the Nixon Administration is eagerly preparing to lavish most-favored-nation treatment and subsidized credits. What a shame!

WEST POINT DURING THE ERA OF LINCOLN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHWENGEL. Mr. Speaker, it is not unusual that I get invited to places where we talk about Abraham Lincoln and I did get invited to hear Maj. Gen. Roland Gleszer who spoke to the Lincoln Group of the District of Columbia on May 18.

His remarks are informative and worthwhile for all who are interested in Lincoln and especially for those who are interested in American history and I am glad to have this opportunity to place them in the RECORD where they may be read by all who receive the CONGRESSIONAL RECORD.

Major General Gleszer's remarks follow:

WEST POINT DURING THE ERA OF LINCOLN

At the outset, I should admit to you my anxiety when I first began to assemble my notes for these remarks today. It is difficult to find a topic which has direct bearing on the Lincoln era, yet one which also has impact upon the affairs of today. This problem was compounded by the divergence of opinion that exists about Lincoln and the Civil War times.

After my research, I am sure that there must be more historians of the Civil War than there were generals fighting in it. And of these two groups, the historians are undoubtedly the more belligerent. In defending their favorite heroes, they occupy positions as resolutely as ever did General Grant, and in developing their cases, they fight with a gusto reminiscent of George Custer. Because of this, I feel compelled not to deal with personalities per se, but rather with institutions, specifically, those that were present during the time of Lincoln and have existed through the present.

There are two institutions about which I can lay some claim to expertise. The first, is the institution of marriage; but, I make it a habit to leave all comments about that institution to my wife. The second, by background and experience, is the U.S. Military Academy at West Point, an institution whose role during the Civil War and after has been an important one, both to the Army and to this country.

So both by elimination and inclination, I developed my topic for today—West Point during the era of Lincoln.

Over the years, I have seen the United States Military Acadamy from many perspectives . . . as a cadet, as a colonel commanding a cadet regiment and as a father of a West Pointer. From this exposure, I have drawn one vivid and significant impression, that being this: For many years, the academy has enjoyed an unparalleled respect and support from the American people. Regardless of the political climate at any given time, the grassroots popular faith in the dignity and worth of West Point has remained high, and virtually unshakeable.

As a cadet, I was often told that, in terms of popular image, cadets ranked with generals. As an officer, I quickly learned the validity of this comment. Going from cadet to officer was, in a paradoxical sense, both a demotion in image and a promotion in rank.

Now . . . what is the genesis of this emotional and what might be considered an irrational popularity? What were the factors that generated such support? Exactly where did it begin?

It developed as a direct result of the American civil war experience . . .

With the aid of history and with your indulgence, it is this thesis that I will expand today.

Things had not always been good for the academy. The 1830's and 1840's, especially, were not good years.

During this period as a result of the historical American reliance upon militia forces and a corresponding traditional distrust of standing armies, West Point had come under repeated attack. The Jacksonians assaulted the academy on both philosophical and financial grounds, claiming that its very existence was contrary to democratic concepts. Within the public mind, a very real doubt existed about the wisdom of having an academy.

With the election of Van Buren, the academy enjoyed a brief respite. But, the situation still remained "touch and go" for West Point and its survival as a national institution. In fact, the academy was very nearly disestablished in 1845.

But on the horizon loomed a confrontation which would alter the nation's attitude toward the academy. After skirmishing broke out along the Rio Grande, President Polk, on 11 May 1846, demanded a declaration of war against Mexico. After 30 years of peace, years in which West Point had graduated more than 1,000 officers, the academy got its first real test—that of the battlefield.

The war and the accomplishments of its graduates brought West Point, in the 1850's, a decade of development. The faculty was excellent. The academy was the foremost engineering school in the nation. Robert E. Lee became the school's ninth superintendent. Jefferson Davis, a West Point graduate, was the secretary of war in the cabinet of President Franklin Pierce.

But still there was no great ground swell of popular grassroots enthusiasm for the Academy. *It would take the Civil War to develop West Point as a living legend.*

The Civil War was a West Pointer's fight. In 55 of the 60 biggest battles, West Point graduates commanded both armies, in the remaining 5, a West Pointer commanded one of the opposing armies. These men knew how to train and administer troops, and as a rule they were highly intelligent. But, most importantly, they possessed the vital strengths of leadership and integrity, strengths forged by the environment of West Point.

It should be emphasized, that before 1861 few had had any actual experience in managing large numbers of troops. Not one had controlled a unit as large as a brigade and only a few had ever handled a regiment. Except for a few men who had visited Europe, the men who would lead the opposing armies in the Civil War had never seen a force larger than the 14,000 men of Winfield Scott in the Mexican War. And, this group had been only captains and lieutenants. In the Civil War, however, they were called upon to serve in the highest positions of command. In fact, Sherman confessed that his first studies of large unit tactics were made for the first time in the days prior to Bull Run.

Yet, learn they did. They proved their ability to both apply their lessons and extrapolate from their knowledge. And, as in many other wars that have been fought, the battlefield proved to be a demanding school.

The war, in addition to placing the Academy's graduates in difficult situations, also, forced the Academy as an institution into an awkward and precarious position.

As a result of the secession, a total of 286 West Pointers, including 65 cadets, had opted for the Confederacy. Although the total was by no means overwhelming, Southerners had long dominated the critical posts within the army and a loss of so many key officers panicked the civilian leaders in Washington.

This anxiety developed into an attack upon the Academy itself. In a report that was issued the first of January 1861, Secretary of War Cameron, stated "the large disaffection has excited the most profound astonishment and naturally provokes inquiry as to its cause."

President Lincoln himself, echoed similar sentiments in a message given on the 4th of July 1861: "It is worthy of note that in this Government's hour of trial, large numbers of those in the Army and Navy who have been favored as officers have resigned and proved false to the hand which had pampered them."

These early comments of the President have been attributed by many to his personal experience as a Militia captain during the Blackhawk War. But regardless of origin, the impact of his comments was felt. The dismay of many West Pointers was compounded by the fact that the critics seemed ignorant of the fact that many southern born graduates had remained loyal to the Union.

But . . . as the war progressed, Lincoln's respect for the Academy and for the quality of the men it produced grew. As Commander in Chief, he could see the necessity and worth of having a corps of trained professionals upon whom the burden of the war could be placed. To Lincoln the politician, the value of having a professional and fundamentally nonpolitical military during a time of crisis was also evident.

Another factor that Lincoln admired in the men of West Point, both of the North and the South . . . was, their inherent sense of brotherhood, a feeling that Lincoln himself hoped to maintain within the Nation as a whole, despite the divisions of war.

I would like to recount a few incidents, drawn from Fleming's "The Men and Times of West Point," that are indicative of the spirit that existed between men of both sides, especially those entrusted with responsibilities of high level command. They are symbolic of the sense of humanity and the recognition of common ties that existed.

One such story concerns General Custer and his old friend Col. Tom Rosser. In his reckless daring, Custer found himself charging the Confederate cavalry commanded by Rosser. One day in the full view of the northern sharpshooters, Rosser threw back his red lined cape and boldly reconnoitered the enemy lines. Custer, riding up and down his line, hastily ordered everyone to hold their fire. The next day, under a flag of truce, Custer sent Rosser this message: "Tom, do not expose yourself so. Yesterday I could have killed you."

Even Grant, the relentless pursuer, never forgot that he was fighting men who had been his classmates and friends. The story is recounted of the evening when Grant sent scouts forward to determine why the men of George Pickett's division were burning so many campfires. When the scouts returned and informed Grant that the fires were in honor of Pickett's newborn son, Grant ordered answering bonfires to be made. A few days later under a flag of truce, a baby's silver service was delivered to Gen. Pickett, engraved: "To George Pickett, Jr., from his father's friend, Ulysses S. Grant."

The ultimate example of this appreciation of comradeship is engrained in the humanitarian terms of surrender dictated at Appomattox. When Walt Whitman heard the conditions of this surrender he declared: "Affection shall solve the problems of freedom yet." Without a doubt, his tribute had been earned in part by West Pointers, both of the North and the South.

In some respects, this spirit of Appomattox died with Lincoln. The Nation began the long and bitter road of reconstruction—a time in which wounds did not heal, and a time in which bitterness remained. But among West Pointers, reconciliation remained not only a hope but a reality. Grant entertained Longstreet in his home, and in one of his first official acts as President, granted Longstreet a position as surveyor of customs in New Orleans. It was this desire for reconciliation that prompted several West Pointers to form an association of graduates, an organization which launched an all out effort to recruit southerners back into the Armed Forces of the Nation. As early as 1868, young men from the Southern States were once again admitted to the Military Academy.

IF ALIVE LINCOLN WOULD HAVE APPROVED

In summary, the Lincoln era was a time of challenge and testing for West Point. The academy had survived the attacks of the Jacksonian years. It had shown itself equal to the tasks of the Mexican War, and it had emerged as a corps of young and professional officers upon whom the Nation could count. The Academy had been a place where men could grow and dream, but when the dreams were shattered by the advent of war, the sense of brotherhood remained, adding humanity to the conflict and a hope of reconciliation in the years that followed.

But more important than any other factor, the Academy had come of age and had proved itself in the eyes of the Nation. By their accomplishments, its graduates had forged a tradition of sacrifice, and a reputation for integrity upon which the Academy draws to this day. It found a lasting place in the hearts and minds of the American people.

Thank you.

DEATH OF JOHN PAUL VANN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RHODES. Mr. Speaker, the death of John Paul Vann is a tragic loss for the United States and Vietnam. No one could have been more dedicated to the program with which he was charged than Mr. Vann—he devoted his every effort and hour to providing all possible avenues for the security and self-determination of the Vietnamese people, for whom he had deep affection. However, his chief motivation came from the fact that he was a deeply patriotic American who was convinced of the importance to us and to the world of the great effort we were making in Southeast Asia.

I will always be glad that I had the privilege of knowing John Paul Vann—when I was in Vietnam in 1970, he was working primarily in the Delta area. Nothing was too difficult or too dangerous for him to undertake, and at that time that particular area was the "hot spot" of the country. The success of the Vietnamization program there now is notable, and it is largely due to his tireless and fearless efforts.

He believed utterly and completely in the importance and necessity of his job, which he did with a single-minded purpose which resulted in concrete achievements. Certainly, the phrase, "Well done, thou good and faithful servant" could not be more deserved by or better fitted to any man than to John Paul Vann.

FOREIGN AFFAIRS COMMITTEE REPORT SHOWS SOVIET UNION SYSTEMATICALLY VIOLATED 45 PRIOR AGREEMENTS AND INTERNATIONAL TREATIES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EVINS of Tennessee. Mr. Speaker, certainly we are all hopeful that the recent disarmament treaty signed by the United States and Russia will mark a real beginning of disarmament. However, a review of various international agreements and treaties with the Communist Government of the Soviet Union points to a history of flagrant violations and breaches of faith.

A report of the House Foreign Affairs Committee dated September 27, 1961, is one of the most startling documents citing the "grim record of the—Soviet Union" in international relations. The report cites 45 specific Soviet violations of international treaties and agreements.

This study is very timely in the light of the recent negotiations and agreements between the United States and U.S.S.R. While we all support the efforts of the President in this area, it is our earnest prayer that history does not again repeat itself. But, upon the record, one's faith is shattered.

Because of the interest of the Congress and the American people in this subject, I insert this report in the RECORD:

BACKGROUND INFORMATION ON THE SOVIET UNION IN INTERNATIONAL RELATIONS

I. SOVIET VIOLATIONS OF INTERNATIONAL TREATIES AND AGREEMENTS

In war never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength. . . . The history of war shows as clearly as clear can be that the signing of a treaty after defeat is a means of gaining strength. . . . Yes, of course, we are violating the [Brest-Litovsk] treaty; we have violated it thirty or forty times.—Lenin, *Selected Works*, Vol. VII, pp. 301, 309.

A diplomat's words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood.—Stalin, *Works*, Vol. II, p. 277.

A. Germany

The Soviet Union has systematically and flagrantly violated the wartime and postwar agreements concluded by the Allies to govern the administration of the occupation and rehabilitation of Germany. In addition to violating those parts of the agreements which were designed to ensure the peaceful, democratic, and balanced economic development of all Germany, the USSR has persistently sought to terminate unilaterally the rights of the Western Allies which resulted from the victory over Nazi Germany and which were formalized in numerous agreements concluded with the Soviet Government.

1. Democracy

The Potsdam Protocol of August 1, 1945 and subsequent decisions by the Allied Control Council guaranteed certain fundamental personal and political freedoms to the German people.

a. "The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion." (Potsdam Protocol, II, 8)

b. "Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted." (Potsdam Protocol, II, 10)

These basic human freedoms have been consistently and flagrantly violated by the Soviet Union. The legal system was put on a political basis and thousands of people in the Soviet Zone were arrested and deported to the USSR or sent to concentration camps.

There is no freedom of speech or of the press in the Soviet Zone, and freedom of religion has been greatly limited, as in the USSR. Education has been subordinated to communist aims and principles. Soviet military forces cooperated with the East German regime in putting down the uprisings and strikes which occurred in June 1953. Until it was stopped by force, the flow of refugees escaping from the Eastern Zone gave evidence of the continuing denial of basic human freedoms to the people of East Germany.

c. "So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany." (Potsdam Protocol, II, 2)

The Soviet-controlled East German authorities in June 1952 began an extensive program aimed at the complete isolation of the East German population from contact with the West and particularly with the population of West Germany. Soviet actions included closure of the interzonal frontier and prohibitions of visits of West Germans to the Soviet Zone except by special permits. The USSR created a 5-kilometer blocked zone along the frontier from which a substantial portion of the population, including entire villages, was forcibly evacuated. In Berlin carefully controlled traffic from the Soviet sector to the Western sectors continued until August, 1961, when the East German regime closed the Berlin sector border as tightly as the interzonal frontier.

d. Free exchange of printed matter and films was authorized in all occupation zones of Germany and Berlin. (Control Council Directive No. 55, June 25, 1947)

Soviet authorities have repeatedly barred from the Soviet Zone or Soviet sector of Berlin such materials originating in other zones.

e. "Local self-government shall be restored throughout Germany on democratic principles . . ." (Potsdam Protocol, II, 9, 1)

f. "All democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany." (Potsdam Protocol, II, 9, ii)

g. "The purposes of the occupation of Germany . . . are to prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany." (Potsdam Protocol, II, 3, iv)

In April 1946 the Soviet authorities forced the merger of the Socialist Party of Germany with the Communist Party of Germany, forming the SED or Socialist Unity Party, with the aim of "capturing" the Socialist voters of Berlin and the East Zone. In June 1947 the Soviets "vetoed" the election of Ernst Reuter as Governing Mayor of Berlin and installed their representatives in the police who, operating under Soviet orders, openly defied the legally-elected Berlin government. On June 23, 1948, the Soviets ordered the SED to carry out riots around the City Hall of Berlin and brought the demonstrators to the scene in Russian Army trucks.

In East Germany the so-called German Democratic Republic was established in October 1949 by Soviet order, without prior discussion or free elections. The regime's first elections were held in 1950 under the "bloc-party" system and the National Front, a communist cover organization. In 1952, the USSR refused to grant entry into East Berlin and East Germany of a UN commission to investigate whether there were conditions conducive to free elections.

2. Economic Question

The Potsdam Protocol of August 1, 1945 provided for the treatment of Germany as a single economic unit, envisaged the equitable distribution of essential commodities between the various zones and limited excessive reparations.

a. "During the period of occupation Germany shall be treated as a single economic unit." (Potsdam Protocol, II, 14)

b. "To this end common policies shall be established in regard to . . . import and export programs for Germany as a whole . . . reparation and removal of industrial war potential, transportation and communications." (Potsdam Protocol, II, 14)

c. "Allied controls shall be imposed upon the German economy but only to the extent necessary . . . to ensure in the manner determined by the Control Council equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports." (Potsdam Protocol, II, 15)

On April 5, 1946, in the Allied Control Council's Economic Directorate, the Soviet Union stated that each zone should be responsible for its own trade. The USSR thereafter consistently refused to make a common import-export plan workable by submitting a plan for its own zone, even though the Control Council, on September 20, 1945, had approved the establishment of a common program.

d. "Payment of reparations should leave enough resources to enable the German people to subsist without external assistance." (Potsdam Protocol, II, 19)

e. ". . . industrial capital equipment . . . should be removed from the Western Zones of Germany in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon." (Potsdam Protocol, III, 4, a)

The USSR exploited and drained German resources in a manner not authorized by the Potsdam Protocol, took large amounts of reparations from current production, and absorbed a substantial part of German industry in the Soviet Zone into Soviet state-owned concerns. Although the United States had made 11,100 tons of reparations equipment available to the USSR by August 1, 1946, the Soviet Union did not live up to its agreement to ship goods in return to the Western zones of Germany.

The result of the Soviet violations of the agreement on reparations and the USSR's refusal to treat Germany as an economic unit was that the United States and the United Kingdom were obliged to give financial support to their zones in Germany to maintain a minimum economy. In effect, the United States, in shipping reparations to the Soviet Union while supporting its own zone to make up deficiencies caused by Soviet violations of the Potsdam Protocol, was permitting the USSR to collect reparations from the United States itself, rather than from Germany.

f. German external assets in Finland, Eastern Austria, Hungary, Bulgaria and Rumania were to be vested in the German External Property Commission. (Control Council Law No. 5, October 30, 1945)

The USSR directly appropriated German external assets in these countries without unvesting and assignment by the German External Property Commission.

g. In conformity with Paragraph 14 of the Potsdam Protocol, quadripartite legislation was enacted to provide tax uniformity and stabilization of wages in all zones. (Control Council Laws Nos. 12, February 11, 1946, and 61, December 19, 1947; Control Council Directive No. 14, October 12, 1945)

Soviet authorities permitted the *Land* governments of Brandenburg and Saxony-Anhalt to grant partial tax exemptions to large groups of wage and salary earners in violation of this legislation. This move was intended to stop the exodus of skilled workers to the western zones, to encourage qualified workers to take jobs in Soviet-owned factories, and to make propaganda claims about improved living standards of Soviet Zone workers.

3. Demilitarization

On repeated occasions during and after the war, the USSR agreed the demilitarization of Germany should be one of the cardinal aims of the occupation.

a. "The purposes of the occupation of Germany . . . are the complete disarmament and demilitarization of Germany . . ." (Potsdam Protocol, II, 3)

b. "All armed forces of Germany or under German control . . . shall be completely disarmed. . . . Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives." (Declaration Regarding Defeat of Germany, June 5, 1945, Art. 2)

c. "All forms of military training, military propaganda and military activities of whatever nature, on the part of the German people are prohibited, as well as the formation of any organization initiated to further any aspect of military training and the formation of war veterans' organizations or other groups which might develop military characteristic or which are designed to carry on the German military tradition, whether such organizations or groups purport to be political, educational, religious, social, athletic or recreational or of any other nature." (Four Power Agreement on Additional Requirements to be Imposed on Germany, September 20, 1945, Section I, Paragraph 2)

In 1948 Soviet authorities began building up a sizable "police force" in the Soviet Zone. On May 23, 1950, the United States protested to the USSR against the remilitarization of the Soviet Zone, calling attention to the fact that some 40,000 to 50,000 men in so-called "Police Alert Units" were receiving basic infantry, artillery and armored training, and were equipped with Soviet military weapons.

By the end of 1953 the Soviet Zone had a "police force" of 100,000 men, supplemented by an additional 140,200 military personnel, including three mechanized divisions and an air force. By June 1959 East German military and paramilitary forces totaled more than 700,000 men.

In violation of the four-power occupation status of Berlin the USSR has allowed the presence of East German paramilitary units and armament factories in East Berlin. Military parades have taken place annually on May Day in East Berlin. These violations were carried out during a period when the USSR itself still acknowledged the continuation of the four-power occupation status of Berlin. Until August 1961, the USSR had denied the existence of the four-power status of Berlin only during three brief periods in 1948, 1952, and 1958. Each time it reversed its position in response to strong western objections. Finally on August 13, 1961, East German armed forces, in flagrant violation of the quadripartite status of Berlin, entered Berlin and participated in the illegal closing of the border between the Soviet and Western sectors of the city.

4. Allied Occupation of Germany

In violation of wartime and postwar agreements, the Soviet Union has sought to destroy the organs established for the occupation of Germany and to deny to the Western Allies their rights stemming from the military conquest of Germany.

a. ". . . supreme authority in Germany will be exercised, on instructions from their Governments, by the Soviet, British, United States, and French Commanders-in-Chief, each in his own zone of occupation, and also jointly in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council." (Four Power statement on control machinery in Germany, June 5, 1945, Paragraph 1)

On March 20, 1948, the Soviet commander unilaterally adjourned a meeting of the Council and abruptly walked out, thereby precipitating a rupture of its operations.

b. "The administration of the 'Greater Berlin' area will be directed by an Inter-Allied Governing Authority, which will operate under the general direction of the Control Council and will consist of four Commandants, each of whom will serve in rotation as Chief Commandant." (Four Power Statement on Control Machinery in Germany, June 5, 1945, Paragraph 7)

On June 16, 1948, the Soviet representative walked out of a meeting of the Inter-Allied Governing Authority (*Kommandatura*). On July 1, 1948, Soviet authorities announced that they would no longer participate in any meetings. These acts finally destroyed the quadripartite control machinery of Berlin.

c. [Occupation of Berlin will be carried out] . . . in accordance with arrangements between the respective commanders, including in these arrangements simultaneous movement of the national garrisons into Greater Berlin and provision of free access by air, road, and rail from Frankfurt and Bremen to Berlin for United States forces." (Letter of the President of the United States to Soviet Premier Stalin of June 14, 1945, to which Stalin replied on June 18, 1945: "On our part all necessary measures will be taken in Germany and Austria in accordance with the above stated plan".)

The Soviets imposed rail and road restrictions on Allied traffic to Berlin from the Western zones on April 1, 1948. The Allies inaugurated a "little airlift" which was expanded to a full airlift on June 26, 1948, two days after the Soviets imposed a total blockade. On July 1, 1948, the Soviet Chief of Staff of the USSR delegation to the Inter-Allied Governing Authority told his British, French, and American counterparts that four-power administration of Berlin no longer existed.

d. "All the restrictions imposed since March 1, 1948, by the Government of the Union of Soviet Socialist Republics on communications, transportation, and trade between Berlin and the Western zones of Germany and between the Eastern zone and the Western zones will be removed on May 12, 1949." (Quadripartite Agreement, New York, May 4, 1949, Paragraph 1)

e. ". . . in order to improve and supplement this and other arrangements and agreements as regards the movement of persons and goods and communications between the Eastern zone and the Western zone and between the zones and Berlin and also in regard to transit, the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to insure the normal functioning and utilization of rail, water, and road transport for such movement of persons and goods and such communications by post, telephone, and telegraph." (Council of Foreign Ministers Communique, Paris, June 20, 1949, Paragraph 5)

On September 20, 1955, the USSR transferred to the East German regime control over road, railroad and air traffic in and out of Berlin in violation of the 1949 agreement. In December 1955, the Soviets threatened to interrupt the Berlin barge service, and higher tolls were levied on barges bound for Berlin in May 1958. Since January 13, 1950, the Soviet authorities have intermittently interfered with traffic between Berlin and Western Germany. On August 13, 1961 East German authorities put into effect several measures which had the effect of limiting, to a degree approaching complete prohibition, passage from the Soviet sector to the Western sectors of the city. These measures accompanied the closing of the sector boundary by a sizable deployment of police forces and by military detachments brought into Berlin for this purpose. This was a flagrant, and particularly serious, violation of the quadripartite status of Berlin and freedom of movement within that city guaranteed by the Quadripartite Agreement of New York of May 4, 1949 and by the decisions taken at Paris on June 20, 1949 by the Foreign Ministers of the Four Powers.

5. Prisoners of War

a. "German prisoners of war located in the territory of the Allied Powers and in all other territories will be returned to Germany on December 31, 1947." (Report of the Council of Foreign Ministers, April 23, 1947)

The Soviet Union reaffirmed this obligation in submitting its plan for repatriation on June 30, 1947. On January 3, 1949, the United States protested to the Soviet Union for its failure to furnish information on repatriation of war prisoners, noting that only 447,367 prisoners were known to have been repatriated out of the 890,532 war prisoners which Soviet Foreign Minister Molotov announced on March 12, 1947 were still in Soviet custody.

b. ". . . repatriation of war prisoners will be completed during 1949." (Soviet note of January 24, 1949.)

On May 5, 1952, the Soviet news agency TASS announced that the last group of German prisoners of war, numbering 17,538, had been repatriated. It added that 9,717 prisoners were still being held because they had been convicted of grave crimes and that in addition 3,815 were still being investigated. At this time it was estimated that the Soviet Government held more than 100,000 German prisoners, most of whom had been convicted on various pretexts to hard labor and were therefore no longer considered war prisoners. During the period from May 1950 to August 1955, some 11,000 German prisoners were released by the USSR, and following a special plea by the West German Government during the negotiations leading to the exchange of diplomatic rpresentatives in September 1955, the Soviets released 11,000 additional prisoners. The Soviet Government has also refused to repatriate more than 100,000 German civilians deported during and after the war from East Germany and Eastern Europe. The United Nations Ad Hoc Commission on Prisoners of War reported in September 1957 that the Soviet Government had not even replied to a request to discuss further the prisoner-of-war issue.

6. Eastern Frontiers

Both the Yalta Agreement and the Potsdam Protocol stipulated that final delimitation of the German-Polish frontier should await a peace settlement with Germany.

a. ". . . the final delimitation of the Western frontier of Poland should thereafter await the Peace Conference." (Yalta Agreement, VII)

b. "The three Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement." (Potsdam Protocol, VIII, B)

Immediately after this pledge was made, the USSR in effect recognized the Oder-Neisse line as the German-Polish frontier, allowing the Soviet-controlled Lublin Polish Government to occupy the land and evacuate the Germans who had been living there. On July 6, 1950, the Soviet-controlled governments of Poland and East Germany signed an agreement recognizing the Oder-Neisse line, in violation of the Yalta and Potsdam Agreements.

B. The Baltic States[1]

In direct violation of a series of treaties stretching over the entire interwar period from 1920 to 1939, the Soviet Union seized the Baltic countries of Lithuania, Latvia, and Estonia in the summer of 1940 and annexed them to the USSR.

1. The Peace Treaties

In 1920 the RSFSR[2] signed peace treaties with the Baltic states, recognizing their independence and defining the joint boundaries.

a. ". . . Russia unreservedly recognizes the independence and autonomy of the State of Estonia, and renounces voluntarily and forever all rights of sovereignty formerly held by Russia over the Estonian people. . . ." (Estonia-RSFSR Treaty of Peace, Tartu, February 2, 1920, Art. II)

b. ". . . Russia recognizes without reservation the sovereign rights and independence of the Lithuanian state, with all the juridical consequences arising from such recognition, and voluntarily and for all time abandons all the sovereign rights of Russia over the Lithuanian people and their territory." (Lithuania-RSFSR Treaty of Peace, Moscow, July 12, 1920, Art. I)

c. ". . . Russia unreservedly recognizes the independence and sovereignty of the Latvian state and voluntarily and irrevocably renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia. . . ." (Latvia-RSFSR Treaty of Peace, Riga, August 11, 1920, Art. II)

2. Nonaggression Pacts

All the Baltic States signed nonaggression pacts with the Soviet Union, which were renewed periodically up until 1939.

a. "The Lithuanian Republic and the Union of Soviet Socialist Republics mutually pledge themselves to respect, in all circumstances, the sovereignty and territorial integrity and inviolability of each other. Each of the Contracting Parties pledges itself to abstain from any aggressive actions whatsoever against the other Party." (Lithuania-USSR Treaty of Nonaggression, Moscow, September 28, 1926, Arts. II, III)

By virtue of additional protocols signed May 6, 1931 and April 4, 1934, the life of this treaty was extended until December 31, 1945. It was flagrantly violated by the secret protocol concluded by the USSR with Nazi Germany on September 28, 1939 which stipulated that the territory of Lithuania fell within the Soviet sphere of influence and allowed the USSR to "take special measures on Lithuanian territory to protect its interests."

b. "Each of the High Contracting Parties undertakes to refrain from any act of aggression directed against the other and also from any acts of violence directed against the territorial integrity and inviolability or the political independence of the other Contracting Party. . . . Each of the High Contracting Parties undertakes not to be a party to any military or political treaties, conventions or agreements directed against the independence, territorial integrity or political security of the other Party. . . ." (Latvia-USSR Treaty of Nonaggression, Riga, February 5, 1932, Arts. II, III)

An additional protocol signed in Moscow on April 4, 1934 extended the life of this treaty until December 31, 1945. A secret protocol of the Nazi-Soviet Pact of August 23, 1939 stipulated that Latvia was to be considered within the Soviet sphere of interest, in direct violation of the Soviet-Latvian nonaggression treaty.

c. "Both High Contracting Parties mutually guarantee the inviolability of the frontiers existing between them and established in the Treaty of Peace signed on February 2, 1920, and undertake to refrain from any act of aggression against each other . . . Each of the High Contracting Parties undertakes not to participate in any political agreements manifestly directed against the other Party in the sense of aggression . . . ." (Estonia-USSR Treaty of Nonaggression, Moscow, May 4, 1932, Arts I, II)

An additional protocol signed in Moscow on April 4, 1934 extended the life of this treaty until December 31, 1945. A secret protocol of the Nazi-Soviet Pack of August 23, 1939 stipulated that Estonia was to be considered within the Soviet sphere of interest, in direct violation of the Soviet-Estonian nonaggression treaty.

3. Renewed Soviet guarantees

On September 28, 1939, the Soviet Union compelled Estonia to sign a Treaty of Mutual Assistance. Latvia and Lithuania signed similar treaties on October 5 and 10, respectively. By the terms of these pacts, the USSR received leases on military bases and port installations and the right to maintain armed forces on the territories of the states concerned. At the same time, the Soviet Union guaranteed in these treaties the sovereignty of the Baltic States.

a. "The entry into force of this Pact shall in no way infringe upon the sovereign rights of the Contracting Parties, particularly their economic system and political structure." (Estonia-USSR Pact of Mutual Assistance, Moscow, September 28, 1939, Art. V)

b. "The entry into force of the present Pact must in no way affect the sovereign rights of the Contracting Parties, in particular their political structure, their economic and social system, and their military measures." (Latvia-USSR Pact of Mutual Assistance, Moscow, October 5, 1939, Art. V)

c. "Entry into force of this Pact shall not affect to any extent the sovereign rights of the Contracting Parties, in particular their state organization, economic and social systems, military measures and, in general, the principle of non-intervention in internal affairs." Lithuania-USSR Treaty of Mutual Assistance, Moscow, October 10, 1939, Art. VII)

4. The Molotov Pledge

In a speech to the USSR Supreme Soviet on October 31, 1939, Soviet Foreign Minister Molotov again guaranteed the sovereignty of the Baltic countries.

"We stand for the scrupulous and punctilious observance of the pacts on the basis of complete reciprocity and we declare that all the nonsensical talk about the Sovietization of the Baltic countries is only to the interest of our common enemies." (*Pravda*, November 1, 1939)

On June 15 and 16, 1940, Soviet troops

[1] See also sec. IV. A, pt. 3, p. 84.

[2] The RSFSR (Russian Socialist Federal Soviet Republic) was superseded by the USSR on December 30, 1922.

occupied Estonia, Latvia, and Lithuania. On July 21, the USSR forced the resignation of the governments of the three Baltic States and incorporated their territory into the USSR.

C. Finland

In direct violation of treaty obligations, the Soviet Union invaded Finland on November 30, 1939 without a declaration of war and attempted to establish a Soviet-controlled communist government in Finland, headed by former Comintern secretary Otto Kuusinen.

1. The Peace Treaty

By the Peace Treaty concluded on October 14, 1920, the Soviet Government recognized the independence and sovereignty of Finland.

"Whereas Finland declared its independence in 1917, and Russia has recognized the independence and the sovereignty of Finland within the frontiers of the Grand Duchy of Finland . . . the two powers shall mutually undertake to maintain, for the future, an attitude of peace and goodwill towards one another." (Finland-RSFSR Treaty of Peace, Dorpat, October 14, 1920, Preamble, Art. I)

2. The Nonaggression Treaty

The Nonaggression Treaty concluded on January 21, 1932 guaranteed the inviolability of Finnish territory.

"The High Contracting Parties mutually guarantee the inviolability of the frontiers existing between the Union of Soviet Socialist Republics and the Republic of Finland . . . and reciprocally undertake to refrain from any act of aggression directed against each other. Any act of violence attacking the integrity and inviolability of the territory or the political independence of the other High Contracting Party shall be regarded as an act of aggression, even if it is committed without declaration of war and avoids warlike manifestations." (Finland-USSR Treaty of Nonaggression, Helsinki, January 21, 1932, Arts. I, II)

By the Soviet-Finnish Protocol of April 7, 1934, this treaty was renewed until December 31, 1945. In October 1939, the Soviet Government presented to Finland a series of demands, including cession of territory and disarming of zones along the Finnish-Soviet border. The Finns were disinclined to accede to the Soviet "proposals" and negotiations reached a deadlock. On November 28, 1939, the USSR unilaterally abrogated the nonaggression pact and two days later invaded Finland without a declaration of war. Thirty Red Army divisions crossed the frontier. After heroic resistance against overwhelming odds, Finland capitulated and signed the Treaty of Peace of March 12, 1940. By its terms the USSR annexed the Karelian Isthmus and other Finnish territory.

D. Poland

In violation of Soviet treaty pledges of Polish sovereignty and territorial inviolability, Soviet troops invaded Poland in September 1939 in concert with German forces. The Soviet Union, in agreement with Nazi Germany, carried out the fourth partition of Poland. The pledges contained in the Yalta and Potsdam Protocols to establish a representative and democratic government in Poland after World War II were not adhered to by the USSR, which forced the Polish population to accept without free elections the Soviet-backed Lublin government.

1. Prewar Guarantees of Polish Sovereignty

The Soviet Union guaranteed Polish sovereignty and territorial inviolability in the Peace Treaty of 1921 and the Nonaggression Pact of 1932.

a. "Russia and the Ukraine abandon all rights and claims to the territories situated to the west of the frontier laid down by Article II of the present treaty. Each of the Contracting Parties mutually undertakes to respect in every way the political sovereignty of the other Party, to abstain from interference in its internal affairs, and particularly to refrain from all agitation, propaganda or interference of any kind, and not to encourage any such movement." (Poland-RSFSR Treaty of Peace, Riga, March 18, 1921, Arts. III, V)

b. "The two Contracting Parties . . . undertake to refrain from taking any aggressive action against or invading the territory of the other Party, either alone or in conjunction with other powers. . . . Each of the Contracting Parties undertakes not to be a party to any agreement openly hostile to the other Party from the point of view of aggression." (Poland-USSR Pact of Nonaggression, Moscow, July 25, 1932, Arts. I, III)

By virtue of an additional protocol signed on May 5, 1934, the Nonaggression Pact was extended to December 31, 1945. An additional joint statement of November 26, 1938 reaffirmed adherence to the Nonaggression Pact. Despite these assurances, on September 17, 1939, the USSR invaded Poland and on September 29, 1939 the Soviet Union concluded a treaty with Nazi Germany partitioning Poland. Polish territory was incorporated into the USSR. The Soviet Government cynically explained its aggression in the following words: "The Polish State and its Government have virtually ceased to exist. Treaties concluded between the Union of Soviet Socialist Republics and Poland have thereby lost their validity." On October 31, 1939, Soviet Foreign Minister Molotov, speaking to the Supreme Soviet of the USSR, in reporting the partition of Poland, bragged that, "a quick blow against Poland, first by the German Army and then by the Red Army, sufficed to leave nothing remaining of the ugly offspring of the Versailles Treaty."

2. Wartime Agreements

In 1941 the USSR signed agreements of mutual assistance with the Polish Government-in-Exile.

a. "The Government of the Union of Soviet Socialist Republics recognizes the Soviet-German Treaties of 1939 as to territorial changes in Poland as having lost their validity. The two Governments mutually agree to render one another aid and support of all kinds in the present war against Hitlerite Germany." (Poland-USSR Agreement on War Cooperation, London, July 30, 1941, Preamble, Art. III)

In December 1941 the USSR organized a Moscow-dominated Polish Government in the Soviet Union, known later as the Polish Committee of National Liberation or the Lublin Government. On April 25, 1943, the USSR severed relations with the Polish Government-in-Exile, and on July 26, 1944, the USSR established diplomatic relations with the Lublin Government.

b. "Soldiers serving in the Polish army on the territory of the Union of Soviet Socialist Republics shall be subject to Polish military laws and regulations."

"The armament, equipment, clothing, mechanical transport, etc. for the army shall as far as possible be furnished: (a) by the Government of the Union of Soviet Socialist Republics from its own stocks, (b) by the Government of the Polish Republic from supplies borrowed on the basis of the 'Lease and Lend' Bill. In this latter case the Government of the Union of Soviet Socialist Republics shall afford such help as is possible in the matter of transport. (Polish-Soviet Military Agreement, London, August 14, 1941)

The Soviets refused to give the promised rations and equipment to the Polish Army in the Soviet Union. The Polish troops under General Anders were finally evacuated to Iran. One of the most serious difficulties in forming the Polish Army resulted from the disappearance of 14,000–15,000 Polish officers known to have been in Soviet prisoner of war camps during the period of the Nazi-Soviet alliance. The bodies of 4,143 were found by the Nazis in 1943 in mass graves outside Katyn, where they had been massacred by the Soviet NKVD.

3. Agreements on Postwar Status of Poland

In complete violation of the Yalta and Potsdam Agreements, which called for the creation of a broadly-based representative government sanctioned by free elections, the USSR proceeded to force the pro-Soviet, Moscow-directed Lublin Government on the Polish people.

a. "The Provisional Government which is now functioning in Poland should therefore be reorganized as a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. The Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates." (Yalta Protocol, VII)

That the Soviet Union had little intention of observing this agreement became evident almost immediately, when on April 21, 1945, it concluded a formal treaty of alliance with the Lublin Government. The USSR did everything it could to hinder the participation of non-communist Polish leaders in the discussions in Moscow which were intended to reorganize the provisional Polish government. Sixteen prominent Polish leaders were arrested and imprisoned when they attempted to attend these sessions.

b. "The Three Powers note that the Polish Provisional Government of National Unity, in accordance with the decisions of the Crimea Conference, has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot in which all democratic and anti-Nazi parties shall have the right to take part and put forward candidates. . . ." (Potsdam Protocol, VIII, A)

The Polish Provisional Government was nominally a coalition, but in fact its key positions were occupied by pro-Soviet communists, who had established themselves during the period of "liberation" by the Red Army. Elections were postponed until January 19, 1947, in order to terrorize and eliminate the opposition. Of the 444 deputies elected to the Parliament in the elections, the Polish Peasant Party, which reportedly represented a large majority of the population, received only 28 seats. On January 5, 1947, the United States and the United Kingdom Governments requested the Soviet Government to join in approaching the Polish Government concerning the pledge of free elections contained in the Yalta and Potsdam Agreements. The Soviets refused. On January 28, 1947, the Department of State issued a press release stating that reports received from our Embassy in Poland immediately before and after the elections, based upon the observations of American officials, confirmed the fears of the United States Government that the elections would not be free.

E. Hungary

In violation of the Armistice Agreement, the Yalta and Potsdam Protocols, and the Peace Treaty with Hungary, the USSR refused to cooperate with the Allies in the rehabilitation of Hungary and installed a pro-Soviet government against the will of the Hungarian people and despite the protests of the Western Allies.

1. Occupation Arrangements

The Armistice Agreement and the Yalta and Potsdam Protocols provided for Allied cooperation in the establishment of democratic government in Hungary, sanctioned by free elections.

a. "For the whole period of the armistice there will be established in Hungary an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States." (Armistice with Hungary, Moscow, January 20, 1945, Art. 18)

The Soviet representative on the ACC (Allied Control Commission) for Hungary consistently acted unilaterally in the name of the ACC without consultation or notice to his American and British colleagues, thus denying them any semblance of effective participation in the work of the ACC.

b. "The Premier of the Union of Soviet Socialistic Republics, the Prime Minister of the United Kingdom and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems. . . . The three governments will jointly assist the people in any European liberated state . . . to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people . . ." (Declaration on Liberated Europe, Yalta Agreement, II)

In violation of the agreement, the USSR, acting through the Hungarian Communist Party and its own agencies and armed forces in Hungary, established a totalitarian regime contrary to the desires of the population. In June 1946 General Sviridov, Deputy Soviet Chairman of the ACC, without consulting the United States and United Kingdom ACC representatives, dissolved Catholic youth organizations. The Soviet Government rejected repeated United States proposals to join in tripartite examination of Hungary's economic problems and unilaterally imposed discriminatory economic agreements, including the establishment of joint Soviet-Hungarian companies. In February 1947 Soviet military police arrested Bela Kovacs, member of Parliament and former secretary general of the Smallholders Party. In May–June 1947 General Sviridov precipitated a political crisis enabling the Communist minority to force the resignation of Prime Minister Nagy.

c. "The three Governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would now be undertaken, taking into account the interests and responsibilities of the three Governments which together presented the terms of armistice to the respective countries, and accepting as a basis, in respect of all three countries, the Soviet Government's proposals for Hungary as annexed hereto." (Potsdam Protocol, XI)

"During the period up to the conclusion of peace with Hungary the President (or Vice President) of the Allied Control Commission will regularly call conferences with the British and American representatives for the purpose of discussing the most important questions relating to the work of the Allied Control Commission. . . . Free movement by the American and British representatives in the country will be permitted. . . ." (Potsdam Protocol, Annex I, 1, 3)

Despite repeated requests, the USSR declined to discuss the revision of procedures for the Control Commissions as agreed at Potsdam. Instead, it continued to act unilaterally in the name of the Commissions in matters of substance without consultation with, or notice to, the United States and United Kingdom members. For example:

(a) Instructions were issued by the Soviet High Command regarding the size of the Hungarian Army without consulting the British or United States representatives.

(b) Without the knowledge of the United States, the Soviet deputy chairman of the ACC ordered the Hungarian Government to disband certain Catholic youth organizations in June–July 1946. He also recommended dismissal of certain government officials.

(c) In the fall of 1946 and without consulting the Americans or British, the Soviet element of the ACC gave permission to form the Hungarian Freedom Party.

(d) Early in 1947 the Hungarian police were ordered by the Soviet chairman in the name of the Allied Control Commission to suppress the publication of Count Ciano's diary.

(e) In early 1947 the Soviet chairman stated he had personally given approval to the Hungarian Government to resume diplomatic relations with certain countries in the name of the Allied Control Commission and without prior discussion with the British or Americans.

(f) In May 1947 the ACC chairman refused the United States permission to visit Hungarian Army units.

(g) Soviet authorities refused to permit free movement of the American element of the Allied Control Commission (also applicable to Bulgaria).

(h) The Soviets refused to transmit to the American representative data on the arrest of Bela Kovacs by the Soviet Army.

2. The Peace Treaty

By the terms of the Hungarian Peace Treaty, disputes over the execution of the treaty not settled by diplomatic negotiations were to be referred to the heads of the United States, United Kingdom, and Soviet diplomatic missions in Budapest.

"Excepting those instances covered by a special procedure stipulated in the present Treaty, any dispute concerning the interpretation or execution of this Treaty which is not settled by diplomatic negotiations shall be referred to the Three Heads of Mission. . . ." (Hungarian Peace Treaty, February 10, 1947, Art. 40)

On May 31, 1949, the United States requested the United Kingdom and the USSR to hold a meeting of the three heads of mission in Budapest to settle the dispute over Hungarian noncompliance with article 2 of the treaty—the so-called human-rights clause. The Soviet Union, in its note of June 11, 1949, refused to participate in the meeting. A second United States note, delivered on June 30, 1949, expressed regret over the Soviet Union's disregard of the provisions of the treaty and asserted that the existence of a dispute between the United States and Hungary could not be questioned. In a memorandum dated July 19, 1949, the Soviet Union reaffirmed its contention that no basis existed for a meeting of the three heads of mission. Since that time the Soviet Union has consistently refused to participate in such a meeting.

3. The Hungarian Uprising

Proof of the anti-popular nature of the regime installed in Hungary by the USSR in violation of the Declaration on Liberated Europe (Yalta Protocol) was furnished by the anti-government revolt of October–November, 1956. The Soviet intervention and kidnaping of Hungarian Premier Imre Nagy violated the Charter of the United Nations, the Soviet Government pledge of October 30, 1956, and the assurances of safe conduct given to Nagy by the Kadar regime.

a. "We the peoples of the United Nations, determined . . . to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of economic and social advancement of all peoples, have resolved to combine our efforts to accomplish these aims." (Charter of the United Nations, Preamble, ratified by the USSR on October 24, 1945)

b. "Having in mind that the further presence of Soviet military units in Hungary could serve as an excuse for further aggravation of the situation, the Soviet Government has given its military command instructions to withdraw the Soviet military units from the city of Budapest as soon as this is considered necessary by the Hungarian Government." (*Pravda*, October 31, 1956)

On November 4, 1956, Soviet troops entered Budapest and brutally put down the rebellion of the Hungarian people against Soviet domination and Soviet communism. On September 14, 1957, the United Nations General Assembly adopted a resolution which endorsed the report of the Special Committee on the Problem of Hungary. The report confirmed that: "(a) the Union of Soviet Socialist Republics, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights; (b) the present Hungarian regime has been imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics; (c) the Union of Soviet Socialist Republics has carried out mass deportations of Hungarian citizens to the Union of Soviet Socialist Republics; (d) the Union of Soviet Socialist Republics has violated its obligations under the Geneva Conventions of 1949; (e) the present authorities in Hungary have violated the human rights and freedoms guaranteed by the Treaty of Peace with Hungary." The resolution then called upon "the Union of Soviet Socialist Republics and the present authorities in Hungary, in view of evidence contained in the report, to desist from repressive measures against the Hungarian people, to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms, and to ensure the return to Hungary of those Hungarian citizens who have been deported to the Union of Soviet Socialist Republics. . . ."

On November 22, 1956, deposed Premier Nagy was seized by Soviet authorities after leaving the Yugoslav Embassy in Budapest. This was done in violation of an agreement concluded on November 21 between Yugoslav officials and the Soviet-sponsored Kadar regime in Hungary. The Yugoslavs protested the abduction in notes to the Kadar government and the Soviet Union on November 24. As late as December 12, 1959, the General Assembly of the United Nations adopted another resolution in which it deplored the continued refusal of the USSR and the regime in Hungary to cooperate with it to achieve the objectives of the United Nations in accordance with its resolutions in regard to Hungary; deplored the continuing repression of the fundamental rights of the Hungarian people and their lack of freedom of political expression under the continuing presence of the Soviet armed forces; denounced the execution of Imre Nagy, Gen. Pal Maleter, and other Hungarian patriots; and condemned the continued defiance of the resolutions of the General Assembly of the United Nations of which the USSR and Hungary are members. It also called upon the USSR and the present Hungarian government to desist from repressive measures against the Hungarian people and to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms.

F. Rumania

During the period of the Nazi-Soviet alliance, the USSR annexed parts of Rumania. After World War II the USSR violated the Armistice Agreement, the Yalta and Potsdam Protocols, the Foreign Ministers Agreement of December, 1945, and the Peace Treaty with Rumania in refusing to cooperate with the Allies in the democratic rehabilitation of Rumania.

1. Prewar Guarantee of Sovereignty

Upon establishment of diplomatic relations, the USSR guaranteed full respect for Rumanian sovereignty.

"The Governments of our countries mutually, fully and integrally guarantee to respect the sovereignty of both countries and to abstain from any direct or indirect interference in the internal affairs and development of one another and especially from any kinds of agitation, propaganda, intervention or support of them." (Exchange of Notes, Rumania-USSR, Geneva, June 9, 1934)

In agreement with Nazi Germany, the USSR, on June 26, 1940, invaded Rumanian territory. Soviet forces occupied Bessarabia and Northern Bukovina and annexed them to the USSR.

2. Occupation Arrangements

The Armistice Agreements, the Yalta and Potsdam Protocols, and the Foreign Ministers Agreement of December 1945 provided for Allied cooperation in the establishment of democratic governments in Rumania, sanctioned by free elections.

a. "An Allied Control Commission will be established which will undertake until the conclusion of peace the regulation of and control over the execution of the present terms under the general direction and orders of the Allied (Soviet) High Command." (Armistice with Rumania, September 12, 1944, Art. 18)

The Soviet general who was Chairman of the Allied Control Commission in Bucharest failed to consult the United States and British representatives in issuing orders in the name of the ACC.

b. "The Three Powers . . . jointly declare their mutual agreement to concern during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems." (Declaration on Liberated Europe, Yalta Agreement, II)

c. "The three Governments take note that the Rumanian Government thus reorganized should declare that free and unfettered elections will be held as soon as possible on the basis of universal and secret ballot. All democratic and anti-fascist parties should have the right to take part in these elections and to put forward candidates. The reorganized Government should give assurances concerning the grant of freedom of the press, speech, religion and association." (Foreign Ministers Agreement, December 24, 1945, V)

In February 1945 Soviet Deputy Foreign Minister Vyshinsky arrived in Bucharest to dictate the dismissal of the Radescu Government and the imposition of the communist-dominated Groza regime. Soviet authorities again directly interfered during the Rumanian elections of November 1946. Soviet troops were used to break up meetings of the opposition and disrupt orderly election procedures. In December 1946, the USSR refused to accept a proposal by the United States and United Kingdom to establish a joint commission to study the economic situation in Rumania. Meanwhile, the Soviets continued to treat Rumania as a colony of the USSR by use of Soviet-controlled joint companies, excessive reparations exactions and one-sided commercial agreements.

d. "The three Governments agreed that the revision of the procedures of the Allied Control Commission in these countries would now be undertaken taking into account the interests and responsibilities of the three Governments which together presented the terms of armistice to respective countries. . . ." (Potsdam Protocol, XI)

Despite repeated requests, the USSR refused to consult on the procedural revision of the ACC and continued unilaterally throughout the armistice period to refuse participation in ACC operations to the United States and the United Kingdom. The Soviet ACC representative issued directives to Rumanian authorities without the agreement of United States and United Kingdom representatives, sometimes in the face of United States and United Kingdom protests, and often without notification or discussion. The Soviets also obstructed the entrance of official United States personnel and aircraft into Rumania.

3. The Peace Treaty

By the terms of the Rumanian Peace Treaty, disputes over the execution of the treaty not settled by diplomatic negotiations were to be referred to the heads of the United States, the United Kingdom, and Soviet diplomatic missions in Bucharest. Soviet troops were allowed to remain only to safeguard communication line to occupation forces in Austria.

a. "Heads of the Diplomatic Missions in Bucharest of the Soviet Union, the United Kingdom, and the United States of America, acting in concert, will represent the Allied and Associated Powers in dealing with the Rumanian Government in all matters concerning the execution and interpretation of the present treaty. . . . Any dispute concerning the interpretation or execution of the treaty which is not settled by diplomatic negotiations shall be referred to the three heads of the mission." (Rumanian Peace Treaty, February 10, 1947, Arts. 37, 38)

Contrary to these provisions, the Soviet Government has consistently refused to cooperate with the American and British chiefs of mission in Bucharest and has in consequence reduced the treaty, repeatedly violated by the Rumanian Government, to a dead letter.

On May 4, 1948, the American Minister to Bucharest requested that an early meeting of the heads of the diplomatic missions in Bucharest be arranged to consider the implementation of the military clauses of the Treaty of Peace with Rumania. Both the Soviet and British chiefs of mission agreed to the meeting, which was scheduled for May 18, 1948. However, the Soviet Ambassador canceled the scheduled meeting, saying he was indisposed. On May 26, 1948, he informed the American Minister that there was no necessity for the proposed meeting and no grounds for putting the proposal into effect.

b. "Upon entry into force of this present Treaty all allied forces are to leave Rumania in 90 days, while the Soviet Union retains the right to keep such armed forces on Rumanian territory as are necessary to maintain lines of communication of the Soviet Army with the Soviet zone of occupation in Austria." (Rumanian Peace Treaty, February 10, 1947, Art. 21)

Soviet troops remained in Rumania after signature of the Austrian Peace Treaty and withdrawal of occupation forces from Austria. On April 15, 1957 the USSR and Rumania reached a new agreement sanctioning the stationing of Soviet troops in Rumania.

G. Bulgaria

The USSR violated the Armistice Agreement, the Yalta and Potsdam Protocols, the Foreign Ministers Agreement of December 1945, and the Peace Treaty with Bulgaria in refusing to cooperate with the Allies in the democratic rehabilitation of Bulgaria.

1. Occupation Arrangements

The Armistice Agreement, the Yalta and Potsdam Protocols, and the Foreign Ministers Agreement of December 1945 provided for Allied cooperation in the establishment of democratic government in Bulgaria, sanctioned by free elections.

a. "For the whole period of the armistice there will be established in Bulgaria an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command, and with the participation of representatives of the United States and the United Kingdom." (Armistice with Bulgaria, October 28, 1944, Art. 18)

The Soviet chairman of the ACC repeatedly took unilateral action in the name of the ACC and without consultation with his United States or United Kingdom colleagues, thus effectively negating United States and United Kingdom participation.

b. "The Government of Bulgaria will restore all property of the United Nations and their nationals, including Greek and Yugoslav, as may be determined later. The Government of Bulgaria will restore all rights and interests of the United Nations and their nationals in Bulgaria." (Armistice with Bulgaria, October 28, 1944, Arts. 9, 10)

The USSR has aided and abetted the Bulgarian Government's failure, in varying degrees, to fulfill these provisions of the armistice. The Soviets have refused to consider with the United States and United Kingdom Bulgaria's obligation to restore and restitute United Nations property and interests. While deliveries of foodstuffs were made to the Yugoslavs unilaterally, the USSR blocked three-power consideration of amounts to be shipped to Greece. None was shipped to that country.

c. "The Three Powers . . . jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems." (Declaration on Liberated Europe, Yalta Agreement, II)

d. "It is understood by the three Governments that the Soviet Government takes upon itself the mission of giving friendly advice to the Bulgarian Government with regard to the desirability of the inclusion in the Bulgarian Government of the Fatherland Front, now being formed, of an additional two representatives of other democratic groups, who (a) are truly representative of the groups of the parties which are not participating in the Government and (b) are really suitable and will work loyally with the Government." (Foreign Ministers Agreement, December 27, 1945, VI)

The Soviet Government, through the Bulgarian Communist Party, unilaterally subverted representative democratic processes in Bulgaria and assisted in denying the Bulgarian people the exercise of fundamental freedoms. In February 1945 the Soviet head of the Allied Control Commission in Sofia openly interfered in the internal affairs of Bulgaria's largest political party by demanding and obtaining the replacement of Dr. G. M. Dimitrov as Secretary General of the Agrarian Union. Soviet authorities in Bulgaria did not honor the Foreign Ministers Agreement and prevented the broadening of the Bulgarian Government.

e. "The three governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would not be undertaken, taking into account the interests and responsibilities of the three governments which together presented the terms of armistice to the respective countries . . ." (Potsdam Protocol, XI)

The Soviet Government refused repeated United States and United Kingdom requests to consult as agreed. It continued to operate the Allied Control Commissions unilaterally without effective participation of or even, on occasion, knowledge of the United States and United Kingdom members.

2. The Peace Treaty

The Bulgarian peace treaty provided that disputes on the interpretation or execution of the treaty not settled by direct diplomatic negotiations should be referred to the three heads of mission in Sofia.

"Excepting those instances covered by a special procedure stipulated in the present Treaty, any dispute concerning the interpretation or execution of this Treaty which is not settled by diplomatic negotiations shall be referred to the Three Heads of Mission. . . . " (Bulgarian Peace Treaty, February 10, 1947, Art. 36)

On May 31, 1949, the United States requested the United Kingdom and the USSR to convene a meeting of the three heads of missions in Sofia to settle the dispute over Bulgarian noncompliance with article 2 of the peace treaty. The Soviet Union, in its note of June 11, 1949, refused to convene the three heads of mission with the excuse that it "did not see any grounds for convening." The USSR in the same note declared that "not only are the measures [of the Bulgarian Government] concerning which the United States of America has expressed its dissatisfaction not a violation of the peace treaty, but on the contrary are directed toward the fulfillment of the said treaties which obligate the said countries to combat organizations of the fascist type." The United States note of June 30, 1949, confirmed the existence of a dispute between Bulgaria and the United States over the peace treaty. The Soviet memorandum of July 19, 1949, reaffirmed the Soviet contention that no basis for a meeting existed. The Soviet Union has consistently maintained its obduracy on this matter.

H. Czechoslovakia

The USSR violated the 1935 Pact of Mutual Assistance, the Atlantic Charter, and the 1943 Agreement with the Czechoslovakia Government-in-Exile by collaborating with the German Nazi regime during the 1939–41 period, by annexing Czechoslovak territory in 1945, and by intervening in Czechoslovak domestic politics to institute a pro-Soviet communist government in the early postwar period.

1. The 1935 Pact of Mutual Assistance

By the terms of this pact, the USSR pledged not to aid or enter agreements with countries committing aggression against Czechoslovakia.

". . . it is stipulated that should either of the High Contracting Parties become the object of an aggression on the part of one or more third powers in conditions not giving ground for aid or assistance within the meaning of the present Treaty, the other High Contracting Party undertakes not to lend, for the duration of the conflict, aid or assistance, either directly or indirectly, to the aggressor or aggressors. Each High Contracting Party further declares that it is not bound by any other agreement for assistance which is incompatible with the present undertaking." (Czechoslovakia—USSR Treaty of Mutual Assistance, Moscow, June 5, 1935, Art. IV)

Subsequent to the signing of the Nazi-Soviet Pact on August 23, 1939, which recognized the Nazi conquest of Czechoslovakia, the USSR provided economic assistance to Nazi Germany and directed the Czechoslovak Communist Party to agitate against the legal government of Czechoslovakia.

2. The Atlantic Charter

Soviet adherence to the Atlantic Charter pledged the USSR not to seek territorial aggrandizement.

". . . their countries seek no aggrandizement, territorial or other; they desire to see not territorial changes that do not accord with the freely expressed wishes of the peoples concerned." (Atlantic Charter, August 14, 1941, Soviet adherence September 24, 1941)

In the July 1945 Treaty of Moscow, the USSR forced the Czechoslovak Government to agree to the Soviet annexation of the Carpatho-Ukraine, which was then incorporated into the Ukrainian Soviet Republic.

3. Friendship Agreement

By the terms of a friendship agreement concluded with the Czechoslovak Government-in-Exile in 1943, the USSR pledged postwar collaboration, guaranteed Czechoslovak sovereignty, and promised not to intervene in Czechoslovak internal affairs.

"The High Contracting Parties, considering the interests of the security of each of them, agree to maintain close and friendly collaboration in the period after the re-establishment of peace and to act in conformity with the principles of mutual respect for their sovereignty as well as of non-intervention in internal affairs of the other state." (Treaty of Friendship, Mutual Assistance and Post-War Collaboration, December 12, 1943, Art. 4)

During the immediate postwar period the Soviet Union did intervene in Czechoslovak internal politics to secure the establishment of a pro-Soviet communist government. The USSR actively aided the communist minority and Soviet agents worked clandestinely in the Czechoslovak Ministry of Interior under the guise of Czechoslovak communists. During the February 1948 crisis, Soviet troops surrounded four-fifths of the Czechoslovak frontiers and Soviet agents participated in meetings and demonstrations and were among the armed militia in the streets of Prague. Soviet Deputy Foreign Minister Zorin was in Prague to direct the communist takeover.

I. Iran

In direct violation of numerous prewar and wartime treaties, the USSR, in 1945, promoted rebellion in the northern area of Iran occupied by Soviet troops. By delaying the withdrawal of Soviet troops and by arming the rebels, the USSR attempted to establish Azerbaijan and Kurdish republics in Iran, which could be absorbed into the USSR.

1. Prewar Agreements

Treaties signed in 1921 and 1927 pledged Soviet respect for Iranian sovereignty and territorial integrity.

a. "In consideration of the fact that each nation has the right to determine freely its political destiny, each of the two contracting parties formally expresses its desire to abstain from any intervention in the internal affairs of the other." (Soviet-Iranian Treaty of Friendship, February 26, 1921, Art. IV)

b. "Each of the High Contracting Parties undertakes to refrain from any aggression and from any hostile acts directed against the other party, and not to introduce its military forces into the territory of the other party. . . . [They undertake] not to encourage or to allow in their respective territories the formation or activities of: (1) organizations or groups of any description whatever, whose object is to overthrow the Government of the other contracting party by means of violence, insurrection or outrage: (2) organizations or groups usurping the office of the Government of the other country or of part of its territory, also having as their object the subversion of the Government of the other contracting party by the above mentioned means, a breach of its peace and security, or an infringement of its territorial integrity." (Soviet-Iranian Treaty of Non-aggression and Neutrality, October 1, 1927, Arts. II, IV)

2. Wartime Agreements

By the terms of the Tripartite Treaty of 1942 and the Declaration of Tehran, Soviet troops were to be withdrawn from Iran not later than six months after the defeat of Nazi Germany and the USSR guaranteed once more Iranian sovereignty and territorial integrity.

a. "The forces of the Allied Powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the Allied Powers and Germany and her associates have been suspended by the conclusion of an armistice or armistices or on the conclusion of a peace treaty between them, whichever date is the earlier." (Treaty of Alliance Between the United Kingdom, the Soviet Union, and Iran, January 29, 1942, Art. V)

b. "The Goverments of the United States, the Union of Soviet Socialist Republics and the United Kingdom are at one with the Government of Iran in their desire for the maintenance of the independence, sovereignty, and territorial integrity of Iran." (Declaration of Tehran, December 1, 1943)

c. "As regards the complete withdrawal of Soviet troops from Iran, the Soviet Government, as you are aware, takes the view that this withdrawal of troops should be effected within the period laid down in the Anglo-Soviet-Iranian Treaty." (Letters of Soviet Foreign Minister Molotov, September 20, 1945)

In direct violation of this long series of agreements, the Soviet Union began to promote a rebellion in the northern area of Iran occupied by Soviet troops in the fall of 1945. In the Iranian province of Azerbaijan rebels were equipped with Soviet arms, led by the Iranian communist Pishevari and aided by Soviet agents who crossed into Iran. On December 12, 1945, the rebels proclaimed the Autonomous Republic of Azerbaijan. Red Army troops provided full protection and prevented Iranian troops from reaching the scene. Shortly afterwards rebels in the neighboring Kurdish province, carrying Soviet arms and wearing Soviet uniforms, proclaimed an independent Kurdish republic In Azerbaijan, Pishevari broadcast his thanks to the Red Army for its assistance. In spite of an appeal by the Iranian Government to the United Nations, the rebels remained in control and Soviet troops failed to leave by the agreed date of March 2, 1946.

Red Army forces were withdrawn from Iran only after Iranian Premier Qavam had gone to Moscow and, under duress, had agreed to the withdrawal of the Iranian complaint before the United Nations, to the admission of three communists to his cabinet, and to the establishment of a joint Soviet-Iranian oil company (the USSR holding 51 percent of the stock) for exploitation of oil in northern Iran. Although the Iranian Premier was subsequently able to dismiss the communists from his cabinet, cancel the joint oil agreement, and send Iranian troops to put down the rebels in the North, Soviet interference in Iranian internal affairs and pressure on the government has continued. Soviet broadcasts to Iran have repeatedly attacked the Iranian Government, incited the Iranian people to violent action against it, and supported the illegal pro-Soviet Tudeh Party. The Soviet military attaché, General Rodionov, was implicated in the Tudeh conspiracy in the Iranian army and air force that was uncovered in August and September 1954.

J. Turkey

In violation of prewar agreements, the USSR attempted to obtain territorial concessions from Turkey in the early postwar period and intervened in Turkish internal affairs in efforts to intimidate and weaken the Turkish Government.

XUM

1. Treaty of Friendship

The Soviet-Turkish Treaty of Friendship of 1921 restored Turkish sovereignty over the territory of Kars and Ardahan.

"The northeast frontier of Turkey . . . follows the former northern administrative frontiers of the sanjaks of Ardahan and Kars . . ." (RSFSR [3] Turkey Treaty of Friendship, Kars, October 13, 1921, Art. IV).

2. Nonaggression Pact

The USSR pledged to abstain from aggression and not to participate in any hostile acts directed against Turkey.

"Each Contracting Party undertakes to abstain from any aggression against the other. . . . Furthermore, each of the two Contracting Parties undertakes not to participate in any hostile act by one or more other powers directed against the other Contracting Party." (Treaty of Friendship and Neutrality, Paris, December 17, 1925, Art. II)

This treaty was renewed on December 17, 1929 and again on November 7, 1935. It was unilaterally denounced by the USSR on on March 19, 1945. In June 1945, Soviet Foreign Minister Molotov demanded that Turkey cede to the Soviet Union a base on the Black Sea Straits and the districts of Kars and Ardahan. This demand was echoed by two Georgian historians in December 1945 in an open letter in which they argued that Kars, Ardahan, and other East Turkish districts had belonged to Georgia in the Middle Ages. In a vigorous note of August 8, 1946, Soviet Foreign Minister Molotov charged the Turkish Government with violations of the Montreaux Convention and demanded concessions which would establish Soviet control of the Straits at the expense of the Turks. The Turkish Government was able to resist Soviet pressure only by the intervention of the Western Allies and by the declaration of the Truman Doctrine on March 12, 1947.

K. Afghanistan

In violation of prewar treatics of neutrality and nonaggression, the USSR forced Afghanistan to cede territory and intervened in the internal affairs of Afghanistan during the postwar period.

a. "Each of the Contracting Parties undertakes to abstain from all kinds of aggression against the other. . . ." (Afghanistan-USSR Treaty of Neutrality and Non aggression, August 31, 1926, Art. II)

b. "The High Contracting Parties, having recognized each other's sovereignty, undertake to abstain from any armed or unarmed intervention in the internal affairs of the other Contracting Party. . . ." (Treaty of Neutrality and Nonaggression, June 24, 1931, Art. III)

The treaty of 1931 was renewed by the Protocol of March 29, 1936. In March 1946, Afghan officials uncovered a Soviet plot led by Soviet agents to incite the Tajik minority to open rebellion and eventual union with the USSR. That the Soviet Union eventually hoped to turn Afghanistan into a protectorate was shown by its repeated violent objections to United Nations and Western aid to Afghanistan during the immediate postwar period and by its demands that Afghanistan grant the USSR a special place in economic developmental schemes and trade.

L. China

In direct violation of the 1924 Sino-Soviet Agreement on General Principles, the Kellogg-Briand Pact and the 1937 Nonaggression Pact, the USSR repeatedly intervened in Chinese affairs prior to World War II and recognized Japanese violations of Chinese sovereignty in Manchuria. The USSR also violated wartime agreements of cooperation with Nationalist China to the advantage of the Chinese Communists.

[3] The RSFSR (Russian Socialist Federal Soviet Republic) was superseded by the USSR on Dec. 30, 1922.

1. Prewar Agreements

The 1924 and 1937 Sino-Soviet Pacts provided for Soviet respect of Chinese sovereignty and territory integrity. By adhering to the Kellogg-Briand Pact, the USSR formally pledged to renounce force in the settlement of disputes.

a. "The Governments of the two Contracting Parties mutually pledge themselves not to permit, within their respective territories, the existence and/or activities of any organization or groups whose aim is to struggle by acts of violence against the Government of either Contracting Party. The Government of the Union of Soviet Socialist Republics agrees to renounce the special rights and privileges relating to all concessions in any part of China acquired by the Tsarist Government. . . ." (Sino-Soviet Agreement on General Principles, May 31, 1924, Arts VI, X)

b. "War should be renounced as an instrument of national policy, and the settlement of disputes should never be sought except by peaceful means." (Kellogg-Briand Pact, August 27, 1928, adhered to by the USSR September 27, 1928)

The USSR was the first major power to break its obligations under the Kellogg-Briand Pact. In October and November 1929, Soviet troops, supported by aircraft and gunboats, invaded Manchuria in order to seize control of the Chinese Eastern Railway. The Soviet Government rebuffed all Chinese attempts to settle the dispute over the railway by diplomatic means, preferring to employ its clearly superior military power to force a settlement on its own terms. Efforts by the United States and other Western powers to invoke the Kellogg-Briand Pact and to encourage a settlement by peaceful means were brusquely rejected by the Soviet Government.

c. "In the event that either of the High Contracting Parties should be subjected to aggression on the part of one or more third powers, the other Contracting Party obligates itself . . . to refrain from taking any action or entering into any agreement which may be used by the aggressor or aggressors to the disadvantage of the Parties subjected to aggression." (Sino-Soviet Treaty of Nonaggression, August 21, 1937, Art. I)

This agreement was violated by the Soviet signature of a "neutrality pact" with Japan on April 13, 1941.

2. Wartime Agreements

The Sino-Soviet Treaty of Friendship and Alliance of 1945 and related agreements provided for mutual political and economic cooperation and recognition of sovereignty.

a. "The High Contracting Parties, having regard to the interests and security and economic development of each of them, agree to work together in close and friendly collaboration after the coming of peace and to act according to the principles of mutual respect for their sovereignty and territorial integrity and of non-intervention in the internal affairs of the other Contracting Party. The High Contracting Parties agree to afford one another all possible economic assistance in the postwar period in order to facilitate and expedite the rehabilitation of both countries and to make their contribution to the prosperity of the world." (Sino-Soviet Treaty of Friendship and Alliance, August 14, 1945, Arts. V, VI)

b. ". . . the Government of the Union of Soviet Socialist Republics agrees to render to China moral support and aid in military supplies and other material resources, such support and aid to be entirely given to the National Government as the Central Government of China." (Report of Soviet Foreign Minister Molotov, August 14, 1945)

In its occupation of Manchuria, commencing in 1945, the Soviet authorities removed from Manchuria assets valued at $858,000,000 in the form of mining equipment, rolling stock, steel mills, electric power generators, and other equipment.

The Chinese Government failed to receive from the USSR the promised military supplies and other material resources called for by the treaty. When Soviet troops left Manchuria, they allowed the Chinese communists to take over substantial quantities of Japanese arms and assume control over the area. Chinese Government troops attempting to enter Manchuria subsequent to the Japanese surrender were denied the right to land at Dairen by the Soviet authorities there and were forced to use less advantageous landing points.

c. "The administration of Dairen shall belong to China." Agreement concerning Dairen, August 14, 1945).

Due in large part to Soviet obstructionism, China was unable to establish a government administration at Dairen.

M. Korea

The USSR violated the Cairo Declaration and subsequent Allied agreements on Korea by establishing a Soviet-controlled regime in North Korea, by refusing to cooperate with the Western Allies, and by supporting the North Korean invasion of South Korea in June 1950.

1. Wartime Agreements

The Cairo Declaration, reaffirmed by the Potsdam Protocol, pledged Allied cooperation for establishment of a free and independent Korea.

a. ". . . in due course Korea shall become free and independent." (Cairo Declaration, December 1, 1943, adhered to by the USSR, August 9, 1945)

b. "The terms of the Cairo Declaration shall be carried out. . . ." (Proclamation Defining Terms for Japanese Surrender, Potsdam Protocol, July 26, 1945)

2. Postwar Agreements

A series of postwar Allied agreements based on the Foreign Ministers Declaration of December 1945 sought to establish practical means for rehabilitating Korea on a democratic basis.

"In order to assist the formation of a provisional government and with a view to the preliminary elaboration of the appropriate measures, there shall be established a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea. In preparing their proposals the Commission shall consult with the Korean democratic parties and social organizations. . . . It shall be the task of the Joint Commission, with the participation of the provisional Korean democratic organization, to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea." (Report of Conference of Foreign Ministers, December 27, 1945)

The Soviet Union from the start thwarted the implementation of this agreement. Its representatives on the Joint Commission refused to recognize as "democratic" any parties and organizations not under Soviet control. The USSR used its occupation of Korea north of the 38th parallel to institute there a pro-Soviet communist regime which claimed jurisdiction over the entire country.

The Joint US-USSR Commission on Korea met 62 times. The first meeting was held on March 20, 1946; the last meeting was held on October 18, 1947. The first series of 24 meetings were concluded on May 8, 1946, when the Joint Commission adjourned *sine die*. The meetings were reconvened on May 21, 1947, and were finally suspended, after 38 meetings, on October 18, 1947.

In these 62 meetings, the Joint Commission failed to resolve the one issue which divided the Soviet and American delegations at the beginning of the talks, namely the issue of

what Korean groups should be consulted concerning the formation of a provisional Korean Government. The USSR took the position that only those Korean parties and social organizations which fully supported the provisions of the Moscow agreement on Korea should be consulted. The United States held that this policy would exclude from consultation a large majority of the Korean people and would place a communist minority, which had not openly opposed the Moscow agreement, in a predominant position in the consultations. After Joint Commission negotiations had broken down on this issue in 1946, an exchange of letters between Secretary of State Marshall and Soviet Foreign Minister Molotov in April and May 1947 gave the impression that the USSR was willing to modify its position on the problem of consultation with Korean groups, and the Commission reconvened on May 21, 1947. However, the Soviet delegation in July reverted to the position it had taken during the 1946 talks, and the meetings were finally suspended on October 18.

On June 25, 1950, the pro-Soviet communist regime of North Korea, armed and encouraged by the Soviet Union, attacked the Republic of Korea.

N. Japan

The Soviet Union has violated the Potsdam Protocol by refusing to return all Japanese prisoners held in the USSR. It has also unilaterally repudiated promises contained in the Joint Declaration of 1956 which established diplomatic relations between the USSR and Japan.

1. The Prisoner Issue

The Potsdam Protocol stipulated the immediate return of Japanese prisoners of war.

"The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives." (Proclamation Defining Terms for Japanese Surrender, Potsdam Protocol, July 26, 1945, Art. IX)

On April 22, 1950, TASS announced that the Soviet Government had completed the repatriation of Japanese "prisoners of war" from its territories, except for 2,467 men charged with war crimes or under medical treatment. However, Supreme Commander Allied Powers (SCAP) and Japanese Government figures show that as of that date 369,382 Japanese prisoners of war and civilians remained under Soviet control, still unrepatriated or unaccounted for.

2. The joint declaration

By the terms of the USSR-Japanese Joint Declaration of 1956, the Soviet Union pledged to refrain from interference in Japan's internal affairs and to return the islands of Habomai and Shikotan to Japan upon conclusion of a peace treaty.

". . . the Union of Soviet Socialist Republics . . . agrees to transfer the islands of Habomai and the island of Shikotan to Japan on the understanding, however, that the actual transfer of these islands to Japan will take place after the conclusion of a peace treaty between the Union of Soviet Socialist Republics and Japan. . . . The USSR and Japan mutually undertake to refrain from interfering, either directly or indirectly, in each other's internal affairs for any reasons of an economic, political or ideological character." (Joint Declaration of the USSR and Japan, October 19, 1956, Arts. III, IX)

The Soviet Union declared in a note of January 27, 1960, that the Habomai and Shikotan Islands would not be returned to Japan upon conclusion of a peace treaty if Western military forces remained in Japan. This was a clear repudiation of the Joint Agreement, which had placed no such conditions on the return of the islands.

The USSR has repeatedly and flagrantly interfered in Japanese internal affairs. During the weeks preceding the Japanese Diet elections of May 22, 1958, Soviet radio propaganda beamed at Japan violently opposed the re-election of Premier Kishi's Liberal Democratic Party. Soviet threats against the Japanese Government reached a high point during the renegotiation of the United States-Japan Security Treaty, threatening Japan with the danger of a nuclear war if the treaty were signed.

O. The United States

The USSR has frequently violated the terms of the Litvinov Agreements of 1933 and has failed to live up to its side of the wartime lend-lease agreements.

1. The Litvinov Agreements

The Litvinov Agreement stimulated that the USSR would not engage in subversive activities against the United States, that it would inform American authorities immediately of the whereabouts of American citizens held in the Soviet Union, and that it would not refuse visas to American citizens on the grounds of religion.

a. ". . . it will be the fixed policy of the Government of the Union of Soviet Socialist Republics to respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, . . . to refrain, and to restrain all persons . . . from any act tending to incite or encourage armed intervention or any agitation or propaganda having as an aim the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States. . . . not to permit the formation or residence on its territory of any organization or group . . . which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States. . . ." (Letter of Soviet Foreign Minister Litvinov to President Roosevelt, November 16, 1933)

The Soviet Foreign Minister's avowal produced no effect whatever on the activities of the Third International, or Comintern, which continued to carry out its role as the organizer and directing center of the world communist movement from its headquarters in Moscow. On November 21, 1933, five days after his pledge, Litvinov said that the activities of the Comintern would not be affected by the Agreement of November 16. Yet the avowed purpose of the Comintern, clearly defined in its statutes and theses, was "the struggle by all available means, including armed force, for the overthrow of the international bourgeoisie and the creation of an international Soviet Republic."

Although the Comintern was formally dissolved in 1943, Soviet-inspired communist activity in the United States continued unabated. Evidence of systematic violation of the Litvinov agreements after 1945 was brought to light by convictions under the Smith Act of 1940, which made it a criminal offense "to organize or help to organize any society, group or assembly of persons who teach, advocate or encourage the overthrow or destruction of any Government in the United States by force or violence."

The trial and conviction in 1949 in a United States Federal Court in New York of eleven communist leaders revealed that the American Communist Party, acting on orders of the Soviet Union issued by Dmitri Manuilisky, Comintern leader and in 1949 Foreign Minister of the Ukrainian Soviet Socialist Republic, had returned to a policy of violent revolution.

b. ". . . the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visas to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having ecclesiastical status. (Letter of Soviet Foreign Minister Litvinov to President Roosevelt, November 16, 1933).

In March 1955 the Soviet Government expelled the Reverend Georges Bissonette, one of a succession of clergymen who had resided in Moscow and ministered to the spiritual needs of American nationals of the Roman Catholic faith in Moscow. The Soviet Government refused entry to Father Louis Dion as successor to Father Bissonette on the grounds that the Litvinov-Roosevelt agreement provided for reciprocity in the admission of clergymen to the respective countries. Although the 1933 agreement contained no provision to this effect—of which the Soviet Union's failure to make any such claims in the intervening years was itself tacit admission—the Soviet Government continued to bar Father Dion for nearly four years. He was finally admitted in January 1959 after repeated representations by the United States to the Soviet Government.

2. Lend-lease Agreement

The Lend-Lease Agreement provided for wartime cooperation and exchange of information and stipulated that material shipped to the USSR should be returned upon the ending of hostilities.

a. "The Government of the Union of Soviet Socialist Republics will continue to contribute to the defense of the United States of America and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply." (Agreement on Mutual Assistance, June 11, 1942, Art. II)

There was almost complete lack of reciprocity in exchange of information. The frustrations experienced by the United States Military Mission in Moscow in attempting to achieve a semblance of cooperation with the Soviets were portrayed by General John R. Deane, the head of the Mission, in his book, *The Strange Alliance*.

b. "The Government of the Union of Soviet Socialist Republics will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this agreement as shall not have been destroyed, lost or consumed . . . ." (Agreement on Mutual Assistance, June 11, 1942, Art. V)

In the lend-lease settlement negotiations the United States expressed willingness to settle for "fair" value of articles remaining on the basis of usefulness to the Soviet peacetime economy. In January 1951, the United States offered to let the USSR settle its lend-lease account for a payment of $800,000—a small fraction of the value of goods retained by the Soviets. On February 4, 1960, the Soviet Embassy offered to reopen the lend-lease talks on the condition that a settlement be sought as part of a broad agreement on increased trade and long-term credit for the Soviet Union. The United States has insisted, however, that the USSR fulfill the terms of the 1942 agreement by settling its lend-lease account as a prior condition to other economic negotiations.

P. Great Britain

During the interwar period the USSR repeatedly violated pledges not to engage in subversive propaganda. In 1955, the Soviet Union unilaterally repudiated the 1942 Mutual Assistance Agreement.

1. Prewar Agreements

a. "This present Agreement is subject to the fulfillment of the following conditions, namely: (a) that each Party refrains from hostile action or undertakings against the other and from conducting outside of its own borders any official propaganda direct or indirect . . ." (RSFSR-United Kingdom Trade Agreement, March 16, 1921, Preamble)

On May 8, 1923 Great Britain delivered the "Curzon ultimatum" to the USSR, threaten-

ing to terminate the trade agreement unless impounded British fishing vessels were released and the Soviet Union disowned and recalled agents in India, Persia, and Afghanistan engaged in anti-British propaganda.

b. ". . . the Government of the Soviet Union declares that the abstention from interference with the internal affairs of the other country constitutes the necessary condition for mutual confidence and friendly relations between the two countries." (Soviet Note Regarding *De Jure* Recognition and Settlement of Outstanding Questions, February 8, 1924)

The British Government was forced to protest, on February 23, 1927, Soviet violations of its pledge to abstain from subversive propaganda. Evidence of hostile Soviet activities in Great Britain was published by the British Government in a White Paper and diplomatic relations were severed on May 26, 1927. Diplomatic relations were resumed on November 5, 1929.

2. The Mutual Assistance Pact

The British-Soviet Treaty of 1942 pledged mutual cooperation during the postwar period.

"The High Contracting Parties declare their desire to unite with other like-minded States in adopting proposals for common action to preserve peace and resist aggression in the postwar period." (United Kingdom-USSR Treaty of Alliance and Mutual Assistance, May 26, 1942, Art. III).

This treaty was unilaterally annuled on May 7, 1955 by the USSR. The action was one aspect of a Soviet campaign to prevent the ratification of the Paris agreements, which terminated the occupation of Western Germany and brought the newly formed Federal Republic into the North Atlantic Treaty Organization.

Q. Other agreements

1. The Soviet-French Treaty

On December 10, 1944, the USSR concluded a treaty of alliance and mutual aid which pledged mutual cooperation during the postwar period.

This treaty was unilaterally abrogated by the USSR on May 7, 1955, at the same time that the USSR abrogated its 1942 treaty with Great Britain.

2. The Soviet-Yugoslav Credit Agreement

On January 12, 1956, the Soviet Union and Yugoslavia concluded an agreement under which Yugoslavia was to receive Soviet credits for economic construction and expansion. Additional Soviet credits were offered to Yugoslavia in an agreement concluded August 3, 1956.

In the spring of 1958 the Soviet Union, which had become increasingly disgruntled with Yugoslavia's ideological independence, endeavored to use its credit agreement as a political weapon. *Pravda*, on May 9, 1958, noting that "ideological differences lead to differences on political issues," threatened in a thinly veiled fashion that economic assistance might be terminated if the Yugoslav ideological lines were not changed. On May 27, 1958, Foreign Minister Gromyko handed to the Yugioslav Ambassador a note announcing the unilateral suspension for five years of Soviet deliveries under the 1956 credit agreements.

3. The Israeli Oil Contract

On July 17, 1956, the Soviet state oil-exporting firm, *Soiuzneftesport*, concluded a contract with two Israeli companies to deliver oil to Israel.

On November 6, 1956, the Israeli companies were informed that the Soviet Ministry of Foreign Trade had canceled the export license under which the shipments were to be made. In announcing the unilateral cancellation of the contract, *Soiuzneftesport* justified its action by an interpretation of *force majeure* which was not even consistent with Soviet law. Israeli claims for damages were rejected out of hand by the decision of the Soviet Foreign Trade Arbitration Commission.

4. Freedom of Navigation on the Danube

On December 4, 1946, the USSR agreed at the fourth meeting of the Council of Foreign Ministers that a provision for freedom of navigation on the Danube would be included in the peace treaties with Rumania, Bulgaria and Hungary.

The USSR and its supporters, the East European satellites, at the Danube Conference in Belgrade (July 30 to August 18, 1948) pushed through virtually unchanged the Soviet draft for a new Danube convention. According to an official United States statement on August 18, the Soviet bloc "brushed aside" every amendment submitted by the Western powers. The United States, the United Kingdom and France refused to sign the Belgrade Convention and declare that they considered previous agreements on the Danube still in force. The USSR which was not a party to the 1921 convention, asserted on the other hand that Western failure to accept the new Soviet-imposed convention "will in no measure influence its coming into force."

Adoption of the Belgrade Convention provided pseudo-legal trappings for already existent Soviet domination over Danube affairs. The convention eliminated all Western countries from a new Danube Commission, which was to have representatives only from the riparian powers (annexation of Bessarabia made the USSR a riparian power). It denied the rights of Western countries under past agreements such as the 1921 convention. The new convention limited the powers of the projected commission by providing for a special Soviet-Rumanian administration on the maritime Danube, thus giving the USSR a strategic position for influencing Danube affairs. The effect of the convention was to perpetuate pro-Soviet discriminatory practices along the river.

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PRICE of Texas. Mr. Speaker, having read over my statement in the CONGRESSIONAL RECORD of June 12, I have discovered that the Government Printing Office made a typographical error in transcribing the congressional attendance chart as reported in my Special Action Report soon to be distributed to my constituents.

Therefore, I am today resubmitting that portion of my Special Action Report so that the RECORD can be corrected:

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

I have introduced a Constitutional Amendment which would require Members of Congress to be recorded on at least 70% of all roll call votes during a session of Congress or lose their jobs.

The American people have a right to expect that the men they elect to Congress are going to do their job—and that is to be present and voting on important legislation involving the spending of billions of taxpayers' dollars and affecting their constituents.

While there are certain time when a Member of Congress must be necessarily absent, and my bill provides for absences due to illness or official business, nevertheless, the attendance record of all too many Congressmen is shamefully bad. In fact, if many of these Members had the same rate of absenteeism in private industry as they do in Congress, they would be fired from their jobs. My own overall attendance record since coming to Congress stands at over 90% as indicated by chart at right, and it is my belief that every American citizen has a right to full time representation in the Congress of the United States.

ATTENDANCE RECORDS*

Congressman:	Percent
Archer	97.0
Brooks	79.2
Burleson	89.8
Cabell	80.6
Casey	86.9
Collins	88.5
de la Garza	82.8
Dowdy	73.2
Eckhardt	85.6
Fisher	82.4
Gonzalez	99.8
Kazen	96.8
Mahon	98.2
Patman	72.2
Pickle	85.0
Poage	83.6
Price	90.4
Purcell	69.8
Roberts	87.2
Teague	67.8
White	95.0
Wright	76.6
Young	86.8

*Attendance record percentages for Texas Congressional delegation based on composite of yearly attendance averages for recorded "yea" and "nay" votes for period 1967-71.

THE 1971 FUND ASSETS SHOW RESUMED GROWTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. OBEY. Mr. Speaker, at the end of 1971 private pension funds amounted to $151.8 billion and public funds held $135.5 billion in assets—a total of more than $287 billion.

I insert here an article from the June issue of Pension & Welfare News and three accompanying tables given preliminary estimates of the assets of these funds at the end of 1971 and showing their growth since 1960:

THE 1971 FUNDS ASSETS SHOW RESUMED GROWTH

Total assets of private noninsured pension funds at the end of 1971 were $106,400,000,000 (book value) and $125,000,000,000 (market value) according to preliminary estimates recently by the Securities and Exchange Commission. These data on private noninsured pension funds include funds of corporations, nonprofit institutions, and union and multiemployer funds.

Also included are profit sharing plans involving retirement benefits; excluded are health, welfare, and other types of employee benefit plans.

The growth in total assets (book value) during 1971 was $9,400,000,000, or almost 10 percent. This compares very favorably to the preceding years of 1969 and 1970, during which pension funds growth had slowed considerably.

From 1960 to 1968, assets of pension funds grew at a compounded growth rate of 12 percent; in 1969 and 1970 growth was measured at 9 percent and 7 percent respectively.

Table 1 details the book and market value of fund assets in the past decade. At year end 1971 market value of total assets was 17 percent higher than book value as compared to year end 1970 when market value was 8 percent above book value. The difference is largely attributable to the gain in stock values during 1971.

Common stock in pension fund portfolios, valued at market, amounted to $84,800,000,000 at the end of 1971; common stock thus accounted for 68 percent of pension fund assets. At book valuation, common stock made up less than 59 percent of pension fund portfolios.

Pension funds added $11,000,000,000 of common stock (book value) to their holdings during 1971, while total assets rose only $9,400,000,000. This was effected by pension funds liquidating other portfolio investments in order to purchase common stock in 1971.

Holdings of corporate bonds, mortgages, and United States government securities all decreased in 1971. In contrast, during 1970, pension funds allocated an unusually large amount of new funds to the bond market and relatively less to the stock market.

The quarterly growth and distribution of pension fund assets during 1971 is shown in Table 2. Quarterly information is also published every three months in the *SEC Statistical Bulletin*.

Over $287,000,000,000 were held by all types of pension funds at the end of 1971. This figure includes assets of private noninsured pension funds, insured pension reserves, state and local government retirement funds, and pension plans administered by the United States government.

As Table 3 indicates, private pension funds amounted to $151,800,000,000 and public funds held $135,500,000,000 in assets.

In the private sector, insured pension reserves (statement value) were estimated to be $45,400,000,000 at year end 1971; more than half the growth in insured pension funds was attributable to separate accounts set up by insurance companies to invest pension moneys. Separate accounts of insurance companies amounted to an estimated $7,200,000,000 at the end of 1971, compared to $4,900,000,000 in 1970.

Turning to the public sector, state and local retirement funds had $64,700,000,000 in assets at year end 1971, according to estimates made by the Federal Reserve Board. These pension funds grew by $6,800,000,000 or 11.7 percent during the year. Federal government pension funds held $70,800,000,000 in assets, invested almost entirely in United States government securities.

TABLE 1.—ASSETS OF PRIVATE NONINSURED PENSION FUNDS

[In millions of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Book value:											
Cash and deposits	660	710	770	890	940	900	1,320	1,590	1,620	1,800	1,640
U.S. Government securities	2,720	2,920	3,050	3,190	2,990	2,750	2,320	2,760	2,790	3,030	2,730
Corporate and other bonds	16,880	18,100	19,560	21,420	23,130	25,230	26,360	27,000	27,610	29,670	29,010
Preferred stock	760	750	710	650	750	790	980	1,330	1,760	1,740	1,770
Common stock	13,340	15,730	18,120	20,950	25,120	29,070	34,950	41,740	47,860	51,740	62,780
Mortgages	1,560	1,880	2,220	2,780	3,380	3,910	4,080	4,070	4,220	4,300	3,680
Other assets	1,590	1,800	2,120	2,540	2,870	3,520	4,230	4,580	4,720	4,730	4,800
Total assets	37,510	41,890	46,550	52,420	59,180	66,170	74,240	83,070	90,580	97,010	106,420
Market value:											
Cash and deposits	700	700	800	900	900	900	1,300	1,600	1,600	1,800	1,600
U.S. Government securities	2,700	2,900	3,000	3,200	2,900	2,700	2,200	2,600	2,600	3,000	2,800
Corporate and other bonds	15,900	17,500	18,800	20,700	21,900	22,500	22,600	22,400	21,300	24,900	26,100
Preferred stock	700	700	700	700	800	800	1,000	1,400	1,600	1,600	2,000
Common stock	22,100	21,200	27,000	33,000	40,000	38,700	50,100	60,100	59,800	65,500	84,800
Mortgages	1,600	1,900	2,200	2,800	3,400	3,800	4,000	3,600	3,500	3,600	3,200
Other assets	1,600	1,800	2,200	2,600	3,000	3,500	4,200	4,300	4,300	4,300	4,500
Total assets	45,300	46,700	54,600	63,900	72,900	72,800	85,500	96,000	94,600	104,700	125,000

Note: Figures may not add to totals because of roundings.

TABLE 2.—QUARTERLY PRIVATE NONINSURED PENSION FUND ASSETS

[In millions of dollars]

	1970, December	1971			
		March	June	September	December
Cash and deposits	1,800	1,990	1,600	1,780	1,640
U.S. Government securities	3,030	3,020	2,600	2,040	2,730
Corporate and other bonds	29,670	29,050	28,780	28,380	29,010
Preferred stock	1,740	1,740	1,720	1,730	1,770
Common stock	51,740	54,660	58,310	60,250	62,780
Mortgages	4,300	4,160	3,950	3,780	3,680
Other assets	4,730	4,940	4,800	4,880	4,800
Total assets	97,010	99,560	101,820	103,440	106,420

TABLE 3.—ASSETS OF ALL PRIVATE AND PUBLIC PENSION FUNDS

[Book value, in billions of dollars; figures may not add to totals due to rounding]

	1960	1965	1966	1967	1968	1969	1970	1971
Private	52.0	86.5	95.6	106.3	118.0	128.5	138.2	151.8
Insured pension reserves [1]	18.8	27.3	29.4	32.0	35.0	37.9	41.2	[5] 45.4
(Separate accounts, included above) [2]	.....	.3	.6	1.2	2.2	3.5	4.9	[5] 7.2
Noninsured pension funds [3]	33.1	59.2	66.2	74.2	83.1	90.6	[6] 97.0	106.4
Public	56.4	72.8	80.4	90.1	98.5	110.1	123.5	135.5
State and local	19.6	33.1	37.1	41.5	46.1	50.8	[6] 57.9	64.7
Federal:								
Federal old-age and survivors insurance	20.3	18.2	20.6	24.2	25.7	30.1	32.5	33.8
Federal disability insurance	2.3	1.6	1.7	2.0	3.0	4.1	5.6	6.6
Civil Service retirement and disability program [4]	10.4	15.9	17.0	18.1	19.4	20.8	23.1	26.1
Railroad retirement	3.7	3.9	4.1	4.2	4.2	4.3	4.4	4.3
Total private and public	108.4	159.3	176.1	196.4	216.6	238.6	261.7	287.3

[1] Statement value.
[2] Separate accounts of life insurance companies, set up for specific pension plans, allow greater investment latitude than is permissible under State laws for general life insurance assets.
[3] Includes funds of corporations, nonprofit organizations and multi-employer and uniform plans.
[4] Includes Foreign Service retirement and disability trust fund.
[5] Estimated.
[6] Revised.

PITTSBURGH AREA STUDENTS PARTICIPATE IN "YOU ARE THE FLAG" ESSAY CONTEST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MOORHEAD. Mr. Speaker, there are those among older Americans who are quick to criticize the young for what the elders term a "lack of patriotism."

I do not believe that this is the case. I think that today's youth holds the interest and well-being of their country just as high as many of us do and did when we were their age.

Today's youth happens to question more than some of us did and they may be a bit more skeptical of patriotic slogans, the meaning of which seem to get trampled or distorted in everyday application. But these qualities are strengths not weaknesses. A healthy skepticism leads to intelligent decisions.

Annually the Flag Plaza Foundation of Pittsburgh, an adjunct of the Boy Scouts of America, and the Duquesne Light Co., join to sponsor a "You Are the Flag" essay contest among Pittsburgh area students. There were 30,000 entries in the contest this year.

As in past years, the winners have presented their youthful patriotism in a number of unique written forms.

I would like to share them with my colleagues at this time.

In addition, I would like to include an article from the Mount Washington News about a constituent of mine, Marty O'Malley, who has been a grand finalist in the Flag Contest for the past 2 years.

The essays and news article follow:

AN UNPOLISHED MIRROR—THAT'S ME

(By Joseph Beggs)

Who me?? . . . The flag?? . . . You've got to be kidding. How can I be the flag, that great symbol of our country? I'm just a normal thirteen year old boy who likes exciting mystery books, sports, girls, my dog and cat, and I dislike school. Sure, I pledge my allegiance to the flag and raise the stars and stripes at home and at scout camp. But that doesn't make me a super patriot that you could call the flag. In fact, I don't even have a shirt that's red, white, and blue.

Now people like Betsy Ross, who is said to have made the first American flag: Patrick Henry, who cried out the ringing words, "Give me liberty, or give me death"; Thomas Jefferson, who wrote the Declaration of Independence, reflect the flag and all that it stands for. But, I don't reflect the rays of light that constantly penetrate . . . Rays come in the form of parents, teachers, Sunday School, books, and the examples of the patriots of today. Men like Armstrong and Aldron, our Presidents, and those willing to give their lives for our nation. Then there's me . . . that unpolished mirror.

Unpolished, yes . . . but at least I'm not broken. I wouldn't think of sewing the flag on my clothes or showing disrespect to the flag or mutilating it in any way. I'm proud and thankful that I'm a citizen of the United States. I want to do my part to help this country—one nation, under God, indivisible, with liberty and justice for all. Still, I am different from the patriots . . . or am I? How many of them were famous at the age of thirteen? In fact, they probably were the same as me. It was when they became polished that they reflected the flag. I'm still young, but I, too, can shine. After thinking about it, maybe I was wrong! I am the flag and I'm proud that I can begin to reflect our Nation.

I AM THE FLAG!!

(By Barbara Cline)

Dear Lord, you know I'm getting old, I can't deny it. In a few years I'll be 200. Yet the flow of life runs through me still. Yes, you know me, stubborn, enduring, still tossing and frolicking in the breeze, never resting, always striving onward. Perhaps the reason I never stop is because I've lead too many brave men into battles from which they never returned, or because I've witnessed so much hatred and bloodshed and agony. When I think of these things, I'm almost ready to retire.

I think and brood for awhile until, gradually, like the dawning of a new day, a fabulous, shining, glorious realization overcomes me with a radiant clarity that I can almost touch and see and smell. I have carried these courageous men into an oncoming battle for a purpose—to improve the lives of more people, to make certain that there will be less bloodshed, and to provide a new tomorrow for all the world's children! You call me Old Glory, but I'm young yet. Please God, don't let them turn their backs on me, or forsake me, oh please! . . . don't let them give up yet. I've still a lot to give. Yes, dear Lord, thank you for helping me find the goodness in what I do. It's true, I have lead men into battles but I've also lead them in exploration and discovery, from our early settling of the West, to our latest conquest of the moon. Come men, I'm ready to do what must be done.

YOU ARE THE FLAG

(By Amy Couch)

See the flag as it waves overhead?
See the tombstones of men who are dead.
These men died for justice, meant to be had,
For peace and for purity, not all so bad.
The flag was their symbol of freedom and life,
The men who were fighting in grief and in strife.
The flag was important to the brave and the true,
Who fought in the mist and the morning dew.
They wanted their freedom these men with such love,
The flag was their goal as it waved high above.
They were loyal and loving and courageous too,
They fought to save the many and few.
The flag with its stripes and its blue starry field,
Is justice and peace that never shall yield.
They needed the flag for the hopeful and brave,
And for this flag many were driven to a grave.
I hope I shall never face such great pain,
Or hardships and poverty or such a great strain.
I would be willing to fight for this flag,
But I would not tear it or make it a rag.
This flag means so much to us now and back then,
That we should be willing to fight over again.
To fight in the morning or in the night,
To fight with our love and also our might.
The flag overhead is a symbol of love,
Won by men who earned it with help from above.

AMERICA

(By Miles Early)

I think to live in America, you should do your share.

There are very few people that help America grow. Most sit around and complain. Take for example, air pollution. Who really does anything about it? Or water pollution? And how about that candy bar paper that you just threw anyplace outside. You don't do that in your house, do you?

When you listen to the news at night and hear about the black power and white power going against each other, it just doesn't make sense. No one is going to achieve anything except maybe kill each other. The power I think should exist is Red, White, and Blue power.

When our country began everyone worked and shared with one another. They had building power. The flag they chose for our country was not just one color, but three. It was the flag that showed red, white, and blue power. This power was for all the people of the United States. I think it is the power of peace, love and friendship. The best thing about red, white and blue power is that the more it is shared the stronger it gets.

If we can go thousands of miles to make friends with other countries like China, I think we should be able to go ten or fifteen feet to make friends with our neighbors even if they are a different color.

If I, a boy of thirteen, can see and understand why America is so great and how to make it even greater, why can't grown-ups much smarter and wiser than I understand?

YOU ARE THE FLAG

(By Beth Garrett)

It is a long day from sunrise to sunset, but that is my work day, every day, seven days a week, fifty-two weeks a year—for years stretching on for years. It is outdoor work which means I get wet when it rains, cold when it blows, and scorched by the summer sun. I'm not complaining because I love the work. It has been a steady job, and with God's help I pray that it will continue.

The job is hereditary. My father had it, and his father's, father's father had it. There have been moments of great despair and moments of glory. One of my forefathers fought with the Minute Men at Bunker Hill. Another marched to glory at Gettysburg. My own father rode with the tanks in Germany. My great, great grandfather heard the crying of a million slaves and cried too.

It is a difficult job because the world expects so much of me. I must always be honest and true. I must always be courageous and hold out a helping hand. My door must always be open, and I must bring the poor, the hopeless, and the downtrodden into my family. I must try always to act in truth and to fight for right.

I am the hope of mankind, and I sing a song of freedom. I preach equality and I shine like a great light. I am the American Flag.

WHAT THE FLAG MEANS TO ME

(By Robin Gibbons)

The Flag is a sacred symbol as it proudly waves above.
Conceived in the name of Freedom, born in a dream of love.
It flies above in time of peace; it flies in time of war;
It flies for weary wanderers that wait on a distant shore.
The right to pursue our happiness and find it if we can,
Of lofty aims, that we will find in the brotherhood of man.
It represents a land worth while, that God has surely blessed.
Symbolic of all that God made good, is imbedded in our flag;
To men who do not understand, it is just a colored rag.
They are evil men, violent men who curse and desecrate,
Who wish to overthrow this land, who tempt the hand of fate.
And yet they cry for justice when their pillaging is through,
And seek the flag's protection for the evil deeds they do.
The Flag shall never stand for greed, for evil or for hate;
It stands for love, and love it is that made our country great.
There can be no greater thrill on earth, that can ever come to you,
Than to see our flag flying in the breeze against the azure blue.
What is the meaning of our Flag? It means a guarantee
Of the right to love and believe in God.
That's what it means to me.

YOU ARE THE FLAG

(By Shawn Hetler)

You are the privilege of serving!

You are two brothers enlisting in the Navy and Air Force so that they may serve their country and thus honor their flag.

You are a father who left college also to enlist in World War II.

You are a Grandfather who enlisted in World War I.

You are a great great relative who worked to help form the Declaration of Independence.

This does not mean that any of these were war loving people, but it does mean that each one of these people felt that they shouldn't wait for the "other guy" to do the job but that they should pitch in and do it now and do it right.

You are the haven to the Irish, German, English, Scotch, Polish or Korean relatives who have fled their native lands to benefit and prosper under the shelter of your bright stars and broad stripes.

You are the Protestant, Catholic, or Jewish relative who have enjoyed your unquestioned freedom to enter the church of their choice and bend their knees, heart, and head in the prayer of their choice whether it be silent or aloud.

You are the glory floating over the school I take for granted I will be attending free for thirteen years.

You are the banner I carry dressed in my blue cub scout uniform or my green boy scout uniform.

You are my right to watch T.V., see a movie, play a record, listen to my radio, watch a ball game or play a ball game in any free time I may have and without dictation from a leader or a state.

You are my Red White and Blue security blanket that I can curl under as I say my goodnight prayer knowing that I sleep in safety and peace.

OUR COUNTRY—OUR FLAG

(By Susan Lower)

There's a flag rippling softly in the breeze. The red, white, and blue folds make it look as if it was especially made to lie against the soft clouds, surrounded by a clear, blue sky. The red, white, and blue exterior is what makes our flag a sight to behold. But to find its beautiful, hidden meaning, you must delve deep into the folds of its stars and stripes. Its meaning is there, and everybody, someday will discover just what that meaning is.

Perhaps its significance to me is that our flag stands for the big, important things in our country as well as the smaller things. The flag is all the different things that our land and our people are.

It signifies death as it's draped over a casket, but it means life as it honors a mother's new child.

It's the beautiful, green countryside, the fresh air, and a clear sky, yet it's also the crowded city, the big factories, and the dirty air.

It's the footsteps left by treading soldiers in 1775, and today it's new footsteps left on the moon.

It's a bright, sunny day dawning just over the eastern horizon, but it's that day's end as the sun lowers behind the mountains in the west.

Our flag is the rich man and the poor man; the loved and the hated. It's a smiling face and a tear-streaked face. It's the saint and the sinner; the good and the bad. It can be 20 million bright shining lights, or maybe just the flame of a single candle. Our flag is our land. It's our people. It's our past. It's our present. It's our country. But most important to me is that I'm part of all this; because I'm the flag.

YOU ARE THE FLAG

(By Scott Mehno)

The American flag is a symbol which we all cherish, but my deep and abiding love is not for the flag itself but for what it represents, the American people. Not only the great Americans who built our country into the strong nation it is today; not only the soldier at Bunker Hill or Viet Nam, there is another type in America that has contributed just as much but has received less recognition. They are the common people, the working forces who keep America moving. In a sense we are all common people striving for one goal in life, a freedom for all the people of our Nation. The flag represents this goal for all races of our country.

It also represents a dream, the American dream. It's a dream that people from all walks of life may live in freedom, and that there may be a world peace among men. Unlike other nations' great Amreicans have fulfilled some of these dreams. Others are still to be realized.

The flag represents our heritage also. It is a story in itself of every American and our struggle for liberty and justice. It portrays courage of people like Helen Keller who overcame her handicap and taught many other Americans to accept themselves for what they are. It is an emblem which depicts the power of the American people and our sacred freedom. Wherever it is flown today, on mountaintops, across American plains, on battlefields torn with bitterness, or waving freely before the White House, it commands respect from all of its observers. And though there will always be problems facing our flag and our great Nation, we will go on as the standard of liberty for the world.

MARTY O'MALLEY WINS IN FLAG ESSAY

A salute to a Mount youth for his inspiring essay on our Flag!

Marty O'Malley of 258 Republic St. is one of the grand prize winners in Duquesne Light Co.'s "You Are the Flag" essay contest.

Marty is the son of Marty and Gladys O'Malley and is an eighth grader at St. Mary of the Mount. An avid student of history, Marty's ambition is to become a lawyer.

The winners will be recognized at Flag Plaza on Flag Day, June 14. Following the award presentation they will leave on a three-day historical tour of Williamsburg, Jamestown and Yorktown, Va.—the "cradle of the colonies." Each of the winners also will receive a flag that has flown over the nation's capital for presentation to the winner's school.

Marty's essay "You Are the Flag" follows:

Who is the flag? Is it you, or me, or an idea? Please allow me, a piece of cloth with red and white stripes and 50 stars on a field of blue, to speak. Let me talk about how the flag was launched from a sewing room in Philadelphia all the way to the moon. Allow me to say some of the things I have seen along the way.

My colors were a symbol against tyranny and gave heart to those early Americans who wanted freedom and the right to pursue happiness. When I came on the scene I stirred those hearts to endure whatever was necessary to achieve our final goal. It took many years but I finally flew as the symbol of a new nation.

So many times I have flown with pride and glory. There were also times when my color seemed to fade. Not from the sun and rain but from my own tears. These tears were shed during our own Civil War when this nation was threatened to be torn apart from within. Tears were shed again when the red, white and blue was flown at half-mast due to the sudden and tragic loss of such men Abraham . . . Martin . . . and John.

Those colors blossomed again, as I think they always will, because of the desire of the people they represent. They shine bright with joy when they are aboard a ship loaded with food for the people of an underdeveloped nation. They glisten brightly on the side of an airplane carrying doctors, nurses and medical supplies to victims of an earthquake or some other disaster.

Who is the flag! Is it I or is it you? I think it's both of us. I am the symbol, but you are the people and the purpose!

ECONOMIC DATA AS A TOOL FOR POLICYMAKING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BOLLING. Mr. Speaker, James Knowles, who served with the Joint Economic Committee for 22½ years made an important speech entitled "Economic Data as a Tool for Policymaking" shortly before his retirement as Director of Research of the JEC on May 17. The speech was delivered at the Federal Statistics Users' Conference at which time the Board of Trustees honored Mr. Knowles with a resolution expressing "its grateful appreciation to James W. Knowles for his many years of service and outstanding contributions to the development and improvement of Federal statistics."

Following is the text of Mr. Knowles' speech:

ECONOMIC DATA AS A TOOL FOR POLICYMAKING

On January 16, 1950, I joined the staff of the Joint Economic Committee of Congress, with one of my prime duties to assist the Committee in applying quantative economic data to policymaking. It seems entirely appropriate, therefore, that as I approach the end of my service with the Committee, after 22½ years, I should spend part of this, my last day of active duty, with members of the Federal Statistics Users' Conference to discuss, in the light of experience, some conclusions and recommendations concerning the use of economic data as a tool for policymaking. This is also appropriate because for years I performed the same function for private business before I came to Government, and I expect to continue to do so in the future.

Experience brings me to three conclusions. First, a society can achieve and maintain a high degree of individual freedom only if it insures widespread opportunity for informed, independent decision-making. As a society grows more complex, individual and collective decisions can be intelligently made only if information, especially quantative data, is made available on an increasingly large scale and measures up to rising standards of accuracy, timeliness, and consistency. Though such information flows will not

insure wise solutions to our problems, it is a necessary pre-condition.

Second, enormous strides have been made in the collection, processing, analysis and publication of economic data over the last several decades. The policymakers on the Joint Economic Committee, together with their staff have been regular contributors to the improvement of statistical programs to enable them to better meet the needs of policymakers. Indeed, one of the first assignments the Committee gave the Committee staff was to produce a report on some current gaps in our statistical knowledge. The resulting report, published in 1948, became widely known under the title, "Statistical Gaps." It became the first in a long series. Nor have we seen the end of the Committee's interest in this subject.

But, after all of these years of experience, I have a most uneasy feeling that all is not well. Indeed, I confess that my impression is that there is too much heated emotionalism, bad data, and improper use of data to make one comfortable about the correctness of our decisionmaking—public or private. One might even speculate that some future historian of this period might borrow a phrase from William Jennings Bryan to accuse the public and private leaders of this era of having crucified mankind on a cross of ignorance.

Third, the data needs of policymakers are identical, whether they operate in the public or in the private sector. The distinctions sometimes drawn between the kind of issues facing each class of officials were never very significant and in recent decades have entirely disappeared. The nation needs a unified data system capable of serving these common requirements of the public and private sectors.

The cardinal requirement that data must meet for policymaking purposes is that it flow in a timely manner from a data system capable of producing not merely accurate and comprehensive data, but data that is internally consistent. Series must be consistent, not merely within themselves over time, but with each other. What do we have? Not a system, but a loose conglomeration of vaguely-related series, incomplete and with interfaces with each other that are somewhat hazy to producers and users, alike. For example, financial data comes from the Internal Revenue Service and via a quite different sample operated by the Federal Trade Commission. Related money and credit data flow through a variety of channels operated by different agencies. Orders, sales and inventories come from another sample run by still another agency. Capital expenditures come from two other sources with different samples from all the rest. Employment figures come from still other sources with still other sampling frames. One could go on at length. How much of what is reported about economic relationships really happened? How much is simply inconsistency or statistical noise? Who knows?

For decades we have known how to design a statistical system. Why don't we have one? Why is it still so difficult to use data from different agencies measuring different but related economic variables? We have for many years had the capability of making the accumulated statistical data instantly available by wire from a central computer library. I am not talking about what is sometimes called a "data bank" with its original records, but a machine-based library of readily available published data. Why isn't this service available?

Think of the great benefit to policymaking that would arise from adequate price statistics that were carefully coordinated with data about employment, output, productivity, costs, profits, etc. The Consumer Price Index is confined to one segment of consumers. Compilation of a complete system of industry-segmented price indexes remains for future accomplishment. We have long known how to compute weighted indexes and of their advantages over unweighted indexes, yet in the field of financial statistics, particularly the measurement of the money supply, the series are almost entirely of a primitive unweighted variety.

In view of the many explosions that have occurred in the political life of this nation over conflicts of interest, why are there no headlines about statistical programs? Almost all of what we know about the distribution of income is derived from data drawn from the records of tax returns filed with the IRS. This agency has a staff of great probity and ability, but it still remains true that taxes are collected so far as an average taxpayer is concerned, largely in total disregard of legal due process or the equal application of the law, as required by the Constitution. Indeed, this—so far as I know—is the only branch of law in which the citizen is considered guilty until he proves his innocence at his own expense! Here is an area of law in which the errors of a calculator enshrined in a print-out becomes *prima facie* evidence against a citizen, and the citizen is reduced to proving that the computer is in error, rather than having the Government prove that the computer was right.

Another major source of our financial and income data is the quarterly financial report which happens to be compiled by a regulatory agency which acts simultaneously as collector of statistics, investigator of economic wrongdoing, prosecutor, judge, jury and executioner. If this same condition was true in any other aspect of social life, wouldn't we be hearing an outcry about conflict of interest? Can we really rely on the integrity and professional skills of the staffs of these agencies as adequate protectors when we would not accept this condition elsewhere in society? Should not we remember that ancient prayer "lead us not into temptation?"

There are those who may take offense at my questioning of the status quo. But to those I reply simply with one question: How can we replace the heat of emotion with the cool and sane light of reasoned analysis of quantitative fact if statistical programing is not like Cesar's wife, above reproach or, more important, about the suspicion of reproach. We must not only assure the professional caliber and ethical standards of statistical staffs, we must also build an impenetrable barrier that assures the public that statistical data is isolated from any possible, even potential misuse or the improper revalation of individual records.

Again, though we have known for a long time most of the requirements for a complete system of economic reporting, there still are many gaps—some of which are listed in that early publication of the Joint Economic Committee back in 1948. What excuse can we offer for the fact that we have no independent check on the quality of available distribution of income information? We know how to remedy these shortcomings. What is required is a regular quarterly survey of income, expenditures and savings. This need has long been recognized. Yet it does not exist.

The shortcomings that I have once more referred to in these remarks are not reviewed here to make my colleagues feel bad about our lack of progress, for indeed we have made progress. Rather, it is to emphasize the challenge—these opportunities which lie ahead of us—to organize our mutual efforts so as to drag this nation into the second half of the 20th century so far as the collection and use of quantitative data is concerned.

If you have followed current policy debate very closely, you will notice that economic data are at the heart of many debates. There is almost as much debate about the facts of productivity, wages, profits and prices as there are over current stabilization policies. I wonder how many of those decisions by the regulatory agencies—now matters of current regret—would have occurred if our statistical system had been designed to provide ready and adequate tools for such program design and operation.

Although my experience indicates that failures of political calculations and forecasts have been far more important as causes for erroneous policies than errors of economic analysis and forecasting, yet I still maintain that there have been many important occasions when the outcome could have been significantly different if the contending parties in a decision-making situation had truly been enlightened by statistical data generally accepted as valid. We need not look further for proof than at the record of the monetary authorities whose mistakes and misdirected decision-making for over a half a century show how to be uncanny in almost never coming up with the right answers. I do not attribute this to the mere foibles of banker mentality or a lack of devotion to the doctrines of Milton Friedman. Nor can the fault be attributed to short-comings of personnel, for some of the outstanding talent of this century have served with great devotion and integrity in the monetary agencies. The dominant source of error is simply the deficiencies of our economic, and more particularly our monetary data, as guides to decision-making in the monetary policy field.

So far I have raised questions about the failure to raise the data system to the heights of our knowledge and of the dangers this is creating that policies may go astray. On the other hand, although it may be insulting to us as technicians, the fact is that the use of quantitative information as a tool in policymaking is still very rudimentary. As I have commented earlier, there is too much emotional heat and too little reasoned analysis of data. In addition, I might now add, there is too much abuse of statistical data.

We have much criticism these days of the tax system and demands for its reform. To what extent is this really based on analysis of objective data? How much of the argument is based on administrative data derived from the very tax system we criticize? Indeed, how much is based on myth or guesswork? If such analysis of impartial independent statistical information existed, would we have been engaged in one decade in twice enacting an investment tax credit? Would we now be engaged in a debate over the adoption of an excise tax, otherwise now known as the value-added tax? I wonder how many businessmen would support either of these two tax devices if there was an impartial analysis of their impact on rates of return on capital over a period of years. Do you really believe that businessmen are prepared to advocate increased instability for the economy as a whole and lower rates of return on capital?

Many a critic of the corporate income tax would be taking a different position if he had an impartial quantitative appraisal of the most probable outcome of the various alternatives. I wonder, too, what would be the stance of many of the present critics of the property tax, including some judges, if the difficulties of the property tax were made obvious?

I wonder what would happen under the present stabilization program if the regulators of prices and wages really had measurements showing what happens in businesses of different asset size. You will pardon me for suggesting that the popularity of Professor Galbraith's recommendation to concentrate on big firms might disappear with the speed of the Titanic going down?

Over these 22 years I have become increasingly aware that liberals and conservatives, Republicans and Democrats, businessmen and labor leaders might all be interchanging positions on important issues if the use of economic data in policymaking had reached the heights that our present knowledge and equipment makes possible.

I have asked a number of questions about why we are not making as much progress as we need to, and before I close these valedictory remarks, I would like to partially answer them. In brief, the answer can be seen from looking around this room at the people present. Here are many of the world's best experts in economic data collection and analysis. How many chief executives represent their organizations here today? Are there any? How many departments of the Government are represented by a cabinet officer? When hearings are held by Congressional Committees to consider statistical programs and their fundings, how many of the nation's leaders appear to testify in favor of an adequate organization and funding of an integrated statistical system?

We have allowed the pressures of daily decisionmaking to distract us from the vital task of creating data tools to make wise decisions possible. It is not enough for us, the technicians to be convinced of the need for an improved and integrated data system. The chief policymakers, public and private, must be convinced enough to change national priorities so as to make available the resources such a system requires. If the grand objectives set forth in Section 2 of the Employment Act of 1946 are to be realized, if we, as a nation, are to contribute to a prosperous, just and peaceful world, then all of us must re-dedicate ourselves to achievement of a truly modern and effective data system. We have the knowledge. We can eliminate the remaining pockets of ignorance and mythology that still produce mistaken economic and social decisions. I am confident that the Federal Statistics Users' Conference can and will play an outstanding role in the continuing crusade to create a just, prosperous and free society through advances in knowledge and in the application of data to policymaking, public and private.

RISING FOOD COSTS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. O'NEILL. Mr. Speaker, the problem of rising food costs has been a matter of great concern in recent months. The consumer is faced with continually rising prices on meat, vegetables, and many other products. In an economy the size of ours, it is often difficult to isolate the cause or source of such rampant inflation.

Accusations have been made that the retail food chains are responsible for spiralling food prices. I am submitting for the RECORD the remarks of Mr. Avram Goldberg, president of Stop and Shop Companies, which I hope will help balance the scales on this issue. I recommend this statement to every Member concerned about the cost of food, and the economic mechanisms behind those increases:

STATEMENT BY MR. AVRAM J. GOLDBERG

Dr. Grayson and ladies and gentlemen:

First may I introduce myself. My name is Avram Goldberg. I am president of the Stop & Shop Companies and we are headquartered here in Boston. We have been in business for 57 years starting as a small group of grocery stores. At the present time we operate 158 Stop & Shop supermarkets, 56 Bradlees self-service department stores, 19 Medi Mart super drug stores, 35 Perkins tobacco shops and 3 Funstop Toy and Leisure Time stores. We have stores in all of the New England States (except Vermont), in northern New Jersey, and a few stores in New York State, although none in the city of New York. Our individual divisions have a great degree of autonomy, but they are all part of the Stop & Shop Companies and under our total sales umbrella—thus, all are being controlled as a Tier I Company.

I appreciate very much the opportunity, as a retailer, within the time alloted to me, to present a few comments to you. It may be presumptuous of me, but I would like to compliment you for taking the time to travel around the country, and particularly to come here to Boston to listen to us. Frankly, when we first heard of this public meeting, coming so soon after the recent intensive press coverage given to the problem of food prices, we had mixed emotions about appearing. There is always the problem of words being misconstrued in what is an anxious and sometimes angry world. The open forum, however, is not only an American tradition, but particularly a New England one, and I am happy to be able to be part of it. Of course, I can in no way speak for the entire food industry or even for the New England sector of it. I am speaking only as an individual and on behalf of our own company.

I must admit that it is rather uncomfortable to be a retailer these days. For the first time, we have even been called "The Middleman". As Mr. James Cooke, president of the Super Market Institute and chairman of Penn Fruit Company of Philadelphia said in his remarks just recently at the Super Market Institute convention in Houston, "In reality, we are the endmen. We are the ones closest to the consumer, the ones who bring the bad news of rising prices. It is the retailer who receives the brunt of consumer resentment. Yet, to blame the retailer for rising prices is like blaming the thermometer for the temperature."

I thought it would be best to talk specifically about the food business because, frankly, today that seems to be the hot issue. Our position is an ironic one. There is no question that food prices have been rising. It is perfectly understandable that our customers are not happy and our role, which is both challenging and frustrating, is to be the point of communication for the customer. Yet the reality of the supermarket economic picture certainly cannot be classified as being "profiteering". I know that you undoubtedly have been deluged with statistics and I am not going to weigh you down with very many. But the figure of one cent of profit on a dollar's worth of sales has long been used as the classic symbol of our industry. Less well known is the trend, which, on a national basis, has been steadily downward for over five years. Consider these figures from a study published by the Cornell University Department of Agricultural Economics just this spring, for food chains which do one hundred million dollars per year or more. In 1964–65, those companies made an average of 1.25% net profit on sales. The next year, that figure dropped to .97%, then to .91%, and then to .45%. It rose slightly to .60% in 1968–69, declined to .45% in 1969–70 and in the 1970–71 year, it was down to .14%. So it is obvious that the runaway inflation, which we all experienced, was hurting us dramatically from a profit point of view at the same time it was hurting the consumer's pocketbook.

Now the picture in New England and particularly in Boston was even more dramatic. At the risk of being somewhat personal, it might be interesting to look at the March 27, 1972 issue of Supermarket News, admittedly a trade publication. On the front page there is a mock-up picture of two of our local retailers (one of whom happens to be myself) and the headline reads, "Boston's 'blood bath' ". I would like to read to you only the first paragraph as follows:

"In Boston, the words 'exhausting,' 'frustrating,' and 'impossible' don't call to mind consumerist demands or union bargaining. They seem to be reserved for the dizzying low priced competition that has dominated the field here off and on for years." Stop & Shop is part of that competitive picture. In 1965, we dropped trading stamps in all of our operating territories and introduced our concept of discount food merchandising, which we call "mini pricing." Since then we have done our best to maintain the lowest possible prices "across the board" in our stores. Almost exactly one year ago, in April 1971, due to an intensifying competitive picture, we actually reduced 3,500 grocery prices in all of our greater Boston stores. We took this step even though we were confronted with what we all now know was a constantly increasing number of rising wholesale prices, as well as operating costs.

Putting this entire picture together, the result was that when Phase I commenced in August of 1971, thousands of grocery items in our stores in the Boston area were priced well below their level on May 25, 1970.

Now, what has been our position in Phase II? As each regulation was issued, we did our best to insure quick and full compliance, as soon as humanly possible. All of our stores (Bradlees, Medi Mart and Stop & Shop) placed the base price list out where the customers could look at it. Despite the fact that Phase II commenced on November 14, and we began receiving wholesale price increases, we were not allowed to raise any retail price above that list until we had completed and filed all the new forms. We were instructed by the Government that we were to be controlled on the basis of our historical gross margins, broken down by our standard categories. So we filed the PC–1R form for our supermarkets, by geographical area—and by department; in other words, our grocery, meat, produce and florist departments—the way we have always historically measured our performance and the only way we can capture our true gross margin percentage through our cash registers. (We understand the difference between the food and department store industries, and for our Bradlees stores, for example, we filed gross margins for 67 departments).

At the time that we filed the PC–1R forms on December 9, 1971, we were then operating at margins well below our base periods. The regulations and the interpretation we received from Washington indicated it was up to us to run our business subject to two limitations. First, we could not exceed those base period gross margins. Secondly, we were limited to a maximum percent net profit to sales, based upon our own record of the previous three years. It might be of interest for you to know that we have recently completed our 1971 fiscal year. The pretax earnings of our company, unfortunately, were down from 1970. In 1970, we earned before taxes approximately ten million dollars, and in 1971, only 4½ million dollars. After Federal income taxes in 1971, we earned 3.561 million dollars, or .39% of sales. I would have been delighted with our so-called base period net to sales which, on a post tax basis, would have enabled us to earn over 10 million dollars.

Since the beginning of Phase II, we have received over 1,400 price increases from our grocery suppliers, while at the same time, the now well known dramatic increase in the wholesale cost of meat took place. As a result, when we filed our first quarterly report at the end of March, in each one of our departments our gross margins turned out to be below the maximums set by the regulations. I should also like to point out, of course, that those margins, stemming from the performance of the previous year, are much lower than they were back in 1967 and 1968. If we are frozen at this level for a prolonged period of time, we will be hard pressed to absorb rising operating costs, such

as labor, state and local taxes, insurance, utilities, maintenance costs and, incidentally, the costs of the administration of the Federal control system itself.

On March 9, 1972, the Price Commission published in the Federal Register a definition of a "low profit company", based upon return on capital. We unfortunately fall into that category, as well. Although we requested the appropriate relief under that regulation the same week, it has still not been granted.

There is another point of view being expressed by some of the governmental people with whom we deal. That is the current pressure for so-called item control rather than category control. The quandary in which we find ourselves, Dr. Grayson, is that we have, from the very beginning, made a great effort to comply promptly with the regulations, not only as we have received them in writing, but as they have been interpreted to us from Washington. We believe we are in complete compliance and, as a matter of fact, our gross margins and our net profit all fall below the standards that have been set. Merely to hold our own and to attempt to come close to our historic low gross margins, we have had to raise a number of prices. Carrying some 9,000 items in our supermarkets, some go up and some go down. On some that we have raised, we may be making a slightly higher percentage than we were a year ago. On others, due to the competitive nature of the food business, our margins have not improved, and in many cases have shrunk.

Pricing in the food business is simply not done on an item by item basis. The overall market is influenced by the particular mix of pressures of cost, and of competition. No simple formula can be used to price any item and what we in Stop & Shop, and indeed all food retailers are dealing with, is not the return or markup of any individual item, but the return on the market basket of goods that is rung up on our cash registers. Therefore, individual item prices do not have a constant relation to cost. Neither our system nor competition allows it and the controls set up under Phase II reflect the realities of the food business. In fact, in the meat department, an item by item control would be simply impossible. Shifting to an item by item basis might place an overpowering and costly burden on the supermarket industry; and thus not only is it inconsistent with the historic practice of food pricing, and the regulations as issued, but might well be a cause of additional costs to the consumer.

The problem is that our understanding is often not the same as the hard-pressed people who locally attempt to enforce the regulations, despite the fact that we have been told that our understanding is the same as that of the Price Commission.

I know that the Price Commission must be very concerned with the recent apparent surge of food prices, as reflected by the Consumer Price Index of February 1972. As we all know, the major spiraling factor was meat prices, and we were one of the 12 companies invited to Washington to the now famous meeting with Secretary Connally. I certainly don't want to get into a debate as to whether the ranchers simply "caught up" or whether the price of beef on the hoof rose too high. But I think everyone, including both Secretary Connally and Secretary Butz, agreed on the simple fact that the increase in the wholesale price of beef, which peaked in the middle of February, was a direct reflection of shortage of supply and the increasing beef demand in our country. Beef prices to us simply took off on a dramatic upwards spiral approximately the middle of November and from that time until March, our margins on beef shrank until at one point they were down approximately 25% (or 5 points) from their previous level. This was despite the fact that we were forced to raise the cost of meat at the retail case.

In periods of rising wholesale cost, *retail* price increases lag behind. When costs decline there is also a lag in retail reductions. First, there is the mechanical lag. It takes time to get product into and through our distribution system and into the case. Also, frankly, we try to recoup *somewhat* the losses we experience during the time of increasing wholesale costs, as well as to determine whether the cost reduction is apt to persist. All of this makes the consumer price index, which is six weeks behind in its reflection of the retail picture when it is announced, a rather unfair measuring stick. Incidentally, it is unfair for many other reasons with which I am sure this Commission is familiar. An example of the problem of timing and lag is that we had, in the Boston area, a major beef sale scheduled for the Monday following the meeting with Secretary Connally. Obviously, for a company of our size, that sale had to be planned weeks in advance, when there was the first indication that the wholesale market had peaked. In our smaller group of New Jersey stores (where reaction time can be shorter), beef was actually being promoted at the time of the meeting.

In summary, our position can be stated as follows:

1. We in the retail business, specifically in the retail food business, are the end men in a long chain of links in a distribution process. As each one of those links has its own cost increases, we finally receive them all, and are their point of communication to the consumer. As Mr. William Mitchell, president of Safeway Stores, said at a press conference on March 29th, "If we took all the net profit of all of the retail food chains, cooperatives and voluntary groups for a year, and distributed them back to the customers on a per capita basis, the average per capita distribution would be less than one cent per day. If we cut this industry so that it made no money at all, an average family of four would get back 28¢ at the end of the week."

2. As an industry we have an identity of interest with the consumer in arresting our national inflation. As I have tried to show, the impact of the inflationary process over the past decade has served only to weaken our low margin industry and to reduce our percentage of profit. A continuation of this trend would cripple our ability to introduce improvements, attract capital, and perhaps even to survive.

3. We have supported the control system from the beginning. We have been in compliance with both Phase I and Phase II, but our ability to comply is severely hampered by conflicting interpretations between the regulations issued by the Price Commission, and the efforts at lower levels, however well intentioned, to reinterpret and enforce them. This is particularly true in the specific areas of item vs. category control, and relief to the low profit companies.

4. A policy of either freezing retail food prices at the present level, or rolling them back and freezing them at the point they were at in August of 1971, would place an unfair burden on the retail end of the food distribution chain. It would merely perpetuate the squeeze in which we had been caught on an increasingly tight basis for several years, and make it impossible for us to absorb increasing operating costs. This would be particularly true in the competitive New England area.

5. Many union contracts negotiated during Phase II must be approved by the Pay Board. In these cases, agreed-upon increases have exceeded the guidelines set forth at the beginning of the control program. But union representatives, in their understandable zeal to protect their members, who are also our employees, have negotiated frequently as if there were no controls. The procedures of the Pay Board are so complex that it takes literally months of computer time to put together the material it requires before ruling. It would be most helpful if these procedures were simplified, for as yet we, for example, have been unable even to complete the material required for a contract negotiated in February. We will not know the total impact of the control systems upon us—and upon similar companies—until the Pay Board decisions issue. And if they are not consistent with the regulations of the Price Commission, then the cost-push squeeze will be even more intense than I have described.

I would like to thank you for the opportunity to present a point of view. We share with you the anxiety that destructive inflation must be curbed. We ask that present regulations be interpreted consistently and quickly. We strongly believe that the intensive competitiveness of the retail food business, as well as our own philosophy of maintaining high volume, low margin supermarkets will keep food prices as low as humanly possible.

I will be happy to answer to the best of my ability any questions you may have.

THE CASE FOR ECONOMIC CONVERSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SEIBERLING. Mr. Speaker, the problem of economic conversion has received an enormous amount of verbal attention in recent years.

Unfortunately, that is just about the only kind of attention it has received.

The principle behind economic conversion is startling simple: By redirecting a substantial portion of Federal spending away from military spending and toward long-range civilian needs, we can strengthen the economy, put the unemployed back to work, and meet our commitment to make this country a better place for all its people.

The implementation is, of course, not so easy.

Until recently, it has been possible to ignore the economically disruptive aspects of massive defense spending. But in recent years, the sight of engineers and scientists in the queues at the welfare offices has caused widespread shock. I hope it will at long last stimulate Government action.

In an article in the June issue of the Akron Business and Economic Review, I have discussed how we can move from dominance by the "military-industrial" complex to what I call the "peace-industrial" complex by changing the pattern of Government spending. I include the article in the RECORD at this point:

THE CASE FOR ECONOMIC CONVERSION

(By Congressman JOHN F. SEIBERLING)

In the volumes of words, written and spoken, devoted to the nation's unemployment crisis over the last several years, frequent mention has been made of the plight of unemployed scientists and engineers. Though relatively small in numbers (it was estimated in 1971 that engineers and scientists accounted for 65,000 to 100,000 of the country's 5 million unemployed), this group has been more visible to the general public and has had more impact on many public officials than the millions out of work in the nation's inner cities. Many people have come to view

the high unemployment rate of the urban poor as endemic, but the sight of formerly prosperous aerospace workers standing in unemployment lines and applying for food stamps has come as a distinct shock to the general public.

The cut-back in government aerospace spending over the past several years is often cited as the cause of growing unemployment among white-collar technical workers. But it is only a part of the cause. Scientists and engineers are on the streets today because when they are dropped from aerospace work, there is nowhere else for them to go. To put it another way, the reduction of the demand for their skills in the fields of space and defense technology has not been offset by increased demand for them in other sectors of the economy.

Some of us have been talking for years about the need for "economic conversion" planning, without any tangible response on the part of the government in Washington. There is some indication, however, that the widespread concern evoked by the sight of middle-class queues at the welfare offices will bring about some governmental program for economic conversion. So far, much of the discussion has focused on the current surplus of PhD's and skilled technicians and on ways of finding them jobs in fields other than aerospace. But the case for economics conversion extends much farther than the need to put this relatively small group of people back to work.

Our heavy rate of military and aerospace spending over the last decade has distorted our entire economy and led to neglect of our most pressing social problems. It is not only the unemployed aerospace engineer in Seattle or Long Beach who stands to benefit from conversion. The unemployed resident of the inner city, the harried urban planner trying to cope with crowding and pollution, the outdoorsman who finds his favorite stream choked with effluents, and the businessman who faces declining exports and growing competition from imports all have a vested interest in economic conversion.

Our annual military expenditures swelled from $44 billion at the beginning of the Sixties to nearly $80 billion at the start of the Seventies. The expansion of public outlays for military purposes has come at the expense of other social goals. A study conducted by the Library of Congress indicating that 61% of the Administration's fiscal '72 budget (excluding trust funds such as Social Security, over which Congress has no control) was allocated to military and related expenditures.[1] Of the remaining 39%, 17% was earmarked for human resources (education, manpower, health, and income security for the poor, 11% was channeled to physical resources (agriculture, rural development, environment, commerce, transportation, community development, and housing), and 11% went to cover all other government expenditures (including space, general government, and non-military pay increases).

Part of the impact of our massive military economic investment is obvious to all who care to look. The decline in the quality of our public services, the deterioration of our health care system, the precarious financial straits of our educational institutions, the decay of our major cities, the growing pollution of our environment—all of these problems have been to large extent exacerbated by the lack of public funds to deal with them. Money which could have been spent to cure these ills has for years been siphoned off to the military.

But the trillion dollars we have spent for military purposes since 1946 has had a more subtle, less visible, impact on our economy. Not only have relatively few government dollars been available for non-military social

Footnotes at end of table.

mercial industry to government-supported needs, but a large part of our scientific and technical talent has been diverted from comdefense projects.

There is a lot of talk about the need to increase U.S. productivity today. Public officials concerned about the sagging state of the economy and economic analysts noting our first trade deficit in postwar history point to our slow rate of productivity growth as one of the main villains in the story of our economic decline. In recent years, U.S. industrial productivity has been increasing at a slower rate than that of Japan and Western Europe.[2] This has in no small part contributed to the erosion of our international trade position. The failure of productivity to keep pace with rising wages has been a part of the cause of inflation at home and our weakened competitive position abroad.[3]

Productivity increase is both a function of capital investment and technological advance. Improved industrial technology is dependent on scientific research and development (R&D). The rapid growth of federally financed defense and space research in the postwar period has had serious implications for civilian R&D efforts, and, in turn, for the productivity of U.S. industry.

The large federal R&D effort fostered a rise in the overall cost of research and development, both to the government itself and to private industry. Government-generated demand created a "sellers' market" for scientific and technical personnel, bidding the cost of their services upward.[4] The rising cost of research personnel has been a major factor in growing expense of research and development.

Investment in research is always a gamble, and as research costs have risen, it is one which private industry—seeking to minimize risk—has, in many cases, been unable and unwilling to take. This, coupled with the fact that the "cream" of our scientific and technical talent has been attracted by lucrative salaries to defense and aerospace work, has meant that the growth of civilian research and development has been retarded in the U.S. in the postwar era.[5] The application of the fruits of civilian R&D to industrial production has been further retarded in this period by steadily rising interest rates, which have discouraged the capital investment needed to infuse new technology into the economy.

The situations in Western Europe and Japan, where government investment in defense has been a much smaller portion of GNP than in the United States, are a marked contrast. In eight European countries with a combined population comparable to ours, 30% to 35% more scientists, engineers, and technicians were engaged in civilian oriented research and development between 1959 and 1965 than in the United States. The Japanese as well as the eight European countries, spent a much larger portion of GNP for civilian R&D in the same period than we did.

The correlation between large defense spending, reduced civilian research and development, and a slower rate of increase in productivity in the United States and more limited defense expenditures, greater civilian R&D, and a faster productivity rise in Japan and Western Europe is hard to ignore. It is difficult to avoid the conclusion—particularly in view of our current trade deficit—that our tremendous national investment in weaponry and weapons research has been harmful to our civilian economy.

The freeing of funds to meet domestic social needs, and the revitalization of American industry depend on the successful conversion of a substantial portion of our scientific and technical resources from military to civilian pursuits. Aerospace workers in unemployment lines are just the tip of an iceberg which has been growing for a quarter of a century and which runs very, very deep. But policy-makers in Washington have concentrated their attention on the iceberg's tip, treating the symptoms rather than the causes of our economic malaise.[6]

The Department of Labor has established a series of job information, relocation, and training programs intended to help unemployed aerospace workers. These may help a limited number of persons find new jobs, but they will not redress the imbalance between civilian and military research. In fact, the Administration's budget for fiscal '73 would actually increase the imbalance in favor of military R&D.[7] If it is approved, many currently unemployed aerospace workers may be able to return to their jobs. This is no doubt politically expedient, but in view of recent history it is also economically unsound.

Congress' record on the question of conversion has not been much better than the Administration's. The Congress too has focussed on job training and asistance to individuals and firms who want to transfer their skills to the civilian economy. There is nothing wrong with assisting aerospace workers and firms in this manner. I cosponsored legislation last year to provide this kind of assistance. However, aid of this kind cannot be given in a vacuum. There must be jobs for "retrained" workers and new civilian markets for retooled firms. At present they barely exist, and we are doing little to create them.

Logically, it would seem that the opportunities for aerospace firms in the field of civilian technology are unlimited—if they can just take advantage of them. Today there is no end to the need for such things as improved mass-transit, better low-cost housing, pollution controls, improved health care delivery systems, and more efficient urban traffic control, to name a few items on the civilian shopping list. The question has been raised as to why the aerospace companies, with their experience with systems planning and their proven ability to marshal scientific technical talent to attack and solve complex problems, don't apply themselves to these needs. Why don't airframe manufacturers, for example, adapt their skills to the housing market? Why don't the communications firms which designed our space satellites and guided our astronauts to the moon develop computer systems to rationalize the traffic flow in downtown areas? The answer lies in the fact that these items are not things which can be demanded by individual consumers in the private market-place, any more than an Apollo space ship or a minuteman missile could be.

Without any indication that an effective demand exists, it is unreasonable to expect the aerospace industry to take the initiative in applying its technology to such social needs as mass-transit, low-cost housing, and pollution controls. Investment in research and development and the application of new technology to these fields will be made when the industry has assurance that there will be a return on it. Only the government can give that assurance, because only the government can create the market for these firms' products.

In weapons and space hardware, industry has shown that it can respond to government demand and move effectively into government-created markets. But there is no reason why the demand and the markets must always be for ABM's and lunar landers. If Congress appropriates funds, the government can also demand and create markets for such things as advanced pollution control technology and high speed surface transport.

It has become fashionable in recent years to speak disparagingly of the government-created "military-industrial complex". Yet there is no reason why the alliance between government and industry must be an unholy

one, destructive of our national well-being. By redressing the present imbalance between large military outlays and relatively small civilian expenditures, the government can create a new kind of alliance for public good—a "peace-industrial complex."

The creation of a new peace-industrial complex would have tremendous social and economic benefits. It would focus our extensive technological resources and talents on our most pressing social problems. It could mean a significant upgrading of civilian industrial technology and an improved competitive position for U.S. industry at home and abroad.[6] Finally, it would mean the creation of hundreds of thousands of new, socially productive jobs.

The new peace-industrial complex would have another, less direct, but no less beneficial effect. It would enable us to rationalize our defense policies.

As of 1969 7.5 million people were directly employed by the military or military industries. It was estimated that another 11 million persons were indirectly dependent on military, or military-related activities for their livelihoods. Taken together, this amounted to 20% and 25% of the country's total labor force. This is a large group of people and a potent voting-bloc. Its presence does much to explain the pressure for constantly increased military spending which is so much a part of our system today.

The creation of new civilian jobs through the peace-industrial complex would mean reduced dependency on military and military-related activities for millions of Americans. Political pressure for increased weapons spending would be eased, and Congress could begin to consider our military spending policies in terms of our real defense needs and priorities. In an atmosphere less emotionally charged with the issue of jobs—in an economy where there are civilian alternatives for aerospace workers and management—we might avoid embarking on such questionable programs as the B–1 bomber and the Cheyenne helicopter.

It will be most unfortunate if "economic conversion" becomes a code-phrase for short-run re-employment of scientists and engineers. It is much more than that. It involves more than job retraining programs and special assistance to individual firms—although these must be a part of any detailed national conversion plan. Economic conversion involves nothing less than changing the course of government spending. It means the redirection of a substantial portion of our considerable public energies and public financial resources from military to civilian pursuits. In the end, it means committing ourselves to making this country into something better than it is today—something we can be proud to pass on to our children.

While the reader may concede in principle the necessity for economic conversion, he may also wonder how it is to be implemented. In the past several years there has been a great deal of study, and a great deal written on the most effective means of carrying out a true economic conversion program. Informed counsel and imaginative answers to this complex question are in abundance; what has been lacking is the will to act.

Successive Congresses and administrations in the post-war era have failed to grasp the extent of the damage wreaked on our national economy by the over-concentration of government resources in space and defense. But the situation is changing; awareness of the economically disruptive aspects of massive defense spending is growing. When that awareness becomes widespread in Congress, and when the public comes to share it, the creation and implementation of a national economic conversion program will be relatively easy.

FOOTNOTES

[1] Of this, 44% was earmarked for current military expenditures, 6% for veterans' benefits, and 11% for interest on the national debt (most of it war-incurred).

[2] In the period 1965–70, U.S. productivity increased at the annual rate of 2.1%. In the same period productivity gains for Japan, France, Germany, Italy and Britain were 14.2%, 6.6%, 5.3%, 5.1% and 3.6% respectively.

[3] Between 1957 and 1970 output per manhour increased at an overall annual rate of 3.2%. Compensation per manhour increased in this period at the annual rate of 5.1%. Unit labor costs thus increased at a yealy rate of 1.9%. (This does not, however, account for all of our inflation. Pre-freeze prices were increasing between 4% and 5% per annum.)

[4] During the period of rapid expansion of governmentally supported R&D between 1950 and 1960, for example, the starting salaries for engineers with bachelor degrees rose from the 77th percentile in the rank of income of all people in the U.S. to about the 86th percentile.

[5] In spite of the fact that company-financed R&D expenditures have been steadily rising, the number of scientists and engineers per 1,000 employees in companies reporting R&D activity has remained fairly constant since the early Sixties.

[6] In all fairness, it should be noted that some of the most advanced military thinkers (still a minority, unfortunately) recognize that the weakening of our economy from a continued high level of military expenditures will inevitably have a disastrous effect on the nation's military posture. They make the point that not only is a nation's military strength a function of its economic strength but, as a result of the nuclear stalemate, the strategic competition between great powers is increasingly economic competition rather than military.

[7] For fiscal 1973, the Administration has proposed a record $83.5 billion defense budget. $6.5 billion of this is earmarked for weapons research and development, an increase of $837.8 million over last year. In contrast, government spending for civilian R&D will be increased by less than $100 million.

[8] There has been much talk of the economic "spin-off" of space and defense research, but government economists estimate that between only 5% and 10% of such R&D has a direct effect on the economy. 20% of all government R&D funds in Europe and Japan are expended for civilian purposes, as opposed to less than 6% in the United States. The higher rates of productivity increase in these countries and the rapidly improving competitive position of their goods on the world market strongly suggest that the "spin-off" from government supported civilian R&D is greater.

SENATOR BUCKLEY SPEAKS UP FOR THE PRESIDENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEMP. Mr. Speaker, the junior Senator from the State of New York, the Honorable JAMES L. BUCKLEY, has distinguished himself in 2 short years as a man of courage and independence, a pragmatic and objective statesman who has contributed much to the people of New York and to the Nation. His independence and pragmatism have found him at times in honest disagreement with the administration. However, it is that same independence and same practical wisdom which have, after careful consideration of the Nixon record, found Senator BUCKLEY, on June 7 before the Republican Luncheon Forum of Greater New York, endorsing, without hesitation and without misgivings, President Richard M. Nixon for reelection.

It is no small measure of the broad respect and eminent stature with which Richard Nixon is held, that the two distinguished Senators from New York, Senator JAVITS and Senator BUCKLEY, have concluded the reelection of Richard Nixon will best serve the people of New York and the Nation. To that goal, they have agreed to serve as cochairmen of the New York State Committee for the Reelection of the President. I join them in that goal and it is my distinct pleasure and personal honor to place in the RECORD, Senator BUCKLEY's eloquent speech endorsing the President's reelection:

SPEECH BY SENATOR JAMES L. BUCKLEY

Over one hundred years ago, in his first inaugural address, President Abraham Lincoln said: "Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?"

Lincoln's confidence in the ultimate justice of the American people was based on his understanding of their political maturity. He knew that the democratic process involves more than the right to choose among political alternatives; it involves the reasoned and thoughtful exercise of that right of choice. It is this which lies at the heart of responsible self-government.

Between now and November seventh, each American voter will be called upon to make such a choice in the Presidential election. It is a choice which I hope and pray will be made with the most thoughtful care because I believe that questions of fundamental importance to the future of our nation may hang in the balance.

Today I want to speak to you about my own choice. I know it is early in the political season to be doing so, but it is by no means premature. Thanks to the primary campaigns, the issues which will dominate the election and the thrust of the democratic argument can be clearly seen. There is little ambiguity, in short, as to the alternatives which will be presented to the American people on Election Day.

But I also want to speak out at this time because as one of the spokesmen for the conservative wing of the Republican Party, and as one who from time to time has taken issue with the administration on important points of difference, I feel a special responsibility to dispel any ambiguity as to where I stand.

Simply stated, I stand for the re-election of Richard Nixon. I intend to work as effectively as I can for his re-election and for the election of a Congress which will work with him to enact essential reforms in the years ahead. I state my support without hesitation and without misgivings. By the same token, I see no need to minimize those differences which I have had in the past or may have in the future with specific administration policies. But to acknowledge these differences in no way diminishes my personal commitment to his re-election.

My support is based on the following:

First, an assessment of the Nixon administration.

Second, the political situation in the United States as we approach the election.

Let us first look at the record, keeping in mind that political records are not made in a vacuum. What occurred before President Nixon took office and the problems he inherited must be included in any fair evaluation of his administration, for these provided the context within which so many of his decisions had to be made.

Nor can we ignore the fact that he has had to work with a Congress both Houses of which are controlled by the opposition party, for this has dictated the limits of his legislative options.

It has been said of Attila the Hun that where his horse once trod no grass would ever grow. It can be said, with only slight exaggeration, of the political philosophy that dominated the Kennedy-Johnson years, that where its touch was felt the only things that grew were taxes and inflation and discord and bureaucracy and an endless war.

Events have a way of moving so swiftly that we tend to forget precisely what the decisions and the indecisions of those years had done to our nation. But President Nixon was not given a chance to forget. From the moment he assumed office he was faced with the legacy of the errors of the Sixties. And what was that legacy?

Violence and vandalism had been allowed to become a way of life on our campuses and in our streets. Great universities and cities were paralyzed by rampaging mobs while those in authority either looked the other way or actively condoned the lawlessness of our new barbarians.

In cities and towns across the country, the rate of crime had risen to such heights that the average person no longer felt free to walk about his neighborhood at night.

The Supreme Court had spun out a series of decisions which have erected unprecedented roadblocks in the path of those charged with bringing criminals to justice.

Public frustrations had been brought to a new high, and public confidence in government to a new low, by the unredeemed promises of "Eden Now" which had been made so freely by the high priests of the New Frontier and the Great Society. Although their programs had been enacted and billions upon billions spent, there was little they could show for all this effort but a huge bureaucracy and inflationary forces which we have yet to bring under full control.

And then there was the war. The Kennedy and Johnson administrations had wandered, willy-nilly, into a land war in Asia without any clear idea as to how to bring it to a speedy and successful conclusion. It was a war whose very real justifications were never adequately explained to the American people. It was a "No Win" war fought in a manner designed to stiffen the determination of the enemy while undermining that of the American people. It was a war which was handed over to President Nixon under conditions which precluded the military options which might have brought it to a quick and successful end.

This, then, was the legacy of chaos which was inherited by Richard Nixon as he took the oath of office in January of 1969. It was a legacy of problems and dilemmas which resulted not in spite of what the Democrats had sought to accomplish, but because of what they had been able to accomplish.

It must be remembered that all the follies and miscalculation that marked the Kennedy and Johnson years grew out of the very best that the Democrats could offer. The New Frontier and the Great Society were not just slogans. They represented the incarnation of what the Democratic theologians had told us would bring us the good, the true and the beautiful. Their every program had been enacted and they were given free reign to do as they would with almost unlimited funds. Their tragedy was not that they failed to do their best but that they succeeded; and Richard Nixon was left to pick up the pieces as best he could.

His first and most urgent task was to formulate a policy for Viet Nam which would make the most of his limited options. The demonstrators were soon in action to try to force a precipitous retreat which would have brought disaster to the people of South Viet Nam, and which would have destroyed the credibility of American alliances around the globe. He stood his ground firmly against these and other pressures. At the same time he began to plan and execute a program for the methodical phasing out of American forces as fast as the South Vietnamese could be trained to take their place. This program is all but completed. While there were more than 550,000 Americans in South Viet Nam when he took office, fewer than 60,000 are stationed there today, almost none of them in the combat arms. It is one of the ironies of these topsy-turvy times that some of those who were most responsible for the build-up of our forces in Viet Nam are today among those who have been most abusive of the President for having failed to bring them home even faster. It is as if especially diligent termites were to scold the master carpenter.

But President Nixon has done far more than just plan our disengagement from the current conflict in Southeast Asia. In formulating the Nixon Doctrine, he has restructured our security arrangements in the Western Pacific.

This doctrine takes into account the growing political and economic capabilities of our allies as well as a realistic view of our own limitations. It will meet the future needs for regional security while avoiding the risk that we will again become engaged on the ground in local conflicts in Asia. It will do all this provided that the Congress will stop slashing the President's requests for the funds required to enable us to train and equip our allies so that they may assume the full responsibility for their own defense.

With respect to the Middle East, the President has done a superb job in his handling of one of the most volatile, dangerous situations in the world today. His quiet diplomacy and his steady pursuit of consistent policies have served to discourage a major confrontation and to keep an uneasy truce alive.

On the home front, President Nixon has achieved some impressive results despite the fact that a number of his most constructive proposals have been bottled up in Congressional Committees.

His most striking contribution has been the appointment to the Supreme Court of four highly able men who share the revolutionary view that their job is to apply the law, and not to formulate it. They have already changed the character of the Court in the most fundamental way, and they are beginning to minimize the damage which has been done by some of the more surrealistic decisions of the Warren Court. I believe we are well on our way to seeing a rebirth of public confidence in the Court as it once again exercises that judicial restraint on which the rule of law depends.

The Nixon Administration has moved vigorously to combat crime in our nation. In the field of crime prevention, $312 million will be spent, a ten-fold increase in federal funding since 1968. The Justice Department criminal division returned over two thousand indictments in organized crime cases in 1971, mainly through the use of strike forces in seventeen cities. In Washington, D.C., the only urban area under federal jurisdiction, there was an absolute drop of 13.3 per cent in the crime rate in 1971.

President Nixon has launched a comprehensive, well-coordinated national attack on the problem of drug abuse. Since he took office, the budget of the Bureau of Narcotics and Dangerous Drugs has been increased five-fold and the seizure of dangerous drugs and narcotics has been increased by four hundred per cent. Abroad, he has utilized our diplomatic muscle to help dry up important sources of the heroin which is smuggled into the United States. At the same time, complementary efforts are being made in the fields of education and rehabilitation and research which will help those already caught up in the curse of drug addiction and save others from the dangers of experimentation.

The administration has also set an example as to how not to be coerced or stampeded by the arrogance of organized mobs. Nowhere was the example better set than in Washington in May of 1971 with the tough, efficient, no-nonsense handling of the "Mayday" hordes who had threatened to shut down the city of Washington, to shut down the government itself.

Richard Nixon has brought to the job of handling complex problems an extraordinary capacity for comprehensive planning and analysis. I can think of no better example of this than his wide-ranging program for the protection of the environment. In the field of the environment, for the first time in our history, a President has committed his administration to a policy of ecological responsibility. He has created the machinery required to implement and enforce it. It is a policy which will prove its effectiveness not by turning its back on our technology, but by utilizing it to achieve our necessary environmental goals. The President has also demonstrated his understanding that there is a limit to what the federal government can do, his understanding that it has already grown too large, too powerful. In last year's State of the Union message, he declared that we must reverse the flow of power to Washington. To my mind, this was one of the most important, most refreshing statements to be made by any President since World War II.

He followed up his address with six Special Revenue Sharing Proposals. They would have the unprecedented effect of dismantling more than one hundred existing federal bureaucracies while transferring their responsibilities to state and local levels of government which are far better equipped to handle them. This is a bold, workable blueprint for cutting back the size and influence of the federal government. Yet, because the proposals do not bear the Democratic stamp, it is less than certain that they will be enacted by the present Congress.

In economic affairs he has achieved a realistic revaluation of the dollar, and has negotiated other adjustments in the international monetary field which will improve our competitive position in world markets and reduce our unfavorable balance of trade.

I would be less than candid, at this point, if I didn't touch on those areas in which I have been in disagreement with the Nixon administration.

While I believe it is necessary and desirable to establish effective channels of communication with any government which has effective control over significant populations or resources, I have had serious misgivings over some of the results of the President's recent summitry.

I refer, for example, to the ambiguity in the Shanghai Communique about the status of our commitment to the security of Taiwan. If it should be widely believed that we have undertaken to scuttle an old friend and ally in the interests of major power politics, then it is understandable that other old friends and allies around the globe will begin to question the reliability of our commitment to their security. And so we have unnecessarily jeopardized confidence in our alliances at a time when too many fear that America is withdrawing from her international responsibilities.

As I have recently indicated, I am also deeply concerned about some implications of the SALT agreements. There are a number of questions which I will need to have answered before I can make a final decision as to whether or not I will vote for their ratification.

On the domestic front, I believe that the administration's Family Assistance Program will not achieve welfare reform, but will

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only serve to make a bad situation worse in every significant respect at an enormous cost to the American public.

In the economic sphere, I have found myself at odds with the President on the matter of wage and price controls. I believe that the monetary measures which we had taken during the first two and a half years of his term in office were those best designed to control inflation and check unemployment, and that these measures were beginning to have their effect. If experience elsewhere on the globe is any guide, these controls will not work in the longer run; and, in the meantime, our excessive spending threatens to produce a new round of inflationary pressures.

This then is the broad outline of the Nixon record as I see it—a record which warrants my support.

I stated earlier that there was another factor on which I based my endorsement of Richard Nixon's bid for re-election. I speak of the political situation in the United States as we approach Election Day.

If it is suspected that there is any appreciable difference among the probable nominees of the Democratic Party, consider for a moment the records of Senators Humphrey, McGovern and Kennedy:

On the McGovern-Hatfield Amendment to cut off all funds for American operations in Indochina by December 31, 1971, they all voted "Aye." Had they had their way, South Viet Nam would have collapsed this spring under the weight of Hanoi's massive offensive and the Communist execution squads would now be going about their grisly business of liquidating hundreds of thousands of South Vietnamese, who had shown the courage to resist, just as they had liquidated more than 5,000 civilians in Hue during their ten-week occupation of the city in 1968.

On the McGovern Amendment to the Military Procurement Authorization, which would have cut defense expenditures by twenty per cent by imposing an arbitrary $60 billion ceiling, they all voted "Aye."

On the Rehnquist nomination to the Supreme Court, they all voted "Nay."

On the two bills which President Nixon had to veto last year because of their extravagance and unwarranted expansion of federal authority, they all voted to override the veto.

We as a nation simply cannot afford to go much further down the road which any probable Democratic candidate would want to take us.

This brings me, finally, to the responsibilities which I feel as one of the spokemen for the conservative wing of the Republican Party. The fact of conservative dissent has weighed heavily on my mind, and I have shared most if not all of the concerns to which it has given voice.

However, if we conservatives fail to choose, if we decide to "sit this one out," we will in effect be helping those whose programs would lead the United States into disaster. But if we will take charge of events, there is very much that we can do.

Consider for a moment that both in 1960 and 1968, Richard Nixon failed to carry New York State as the Presidential nominee of the Republican Party. But on the basis of my own election; on the basis of what I have learned since then during my extensive travels throughout New York State; on the basis of all this experience, I can say categorically that with the support of those who supported me in 1970, Richard Nixon can and will carry New York State in 1972.

The fate that will fall on America unless we act has been spelled out quite clearly in the programs offered by the candidates of the Democratic Party. However, if we will work together, we will avert that fate by re-electing a President and in the process bringing into the Congress more men and women who reflect our views. If we will do this, we will help to build a team in Washington which will work with greatest effort to preserve and protect an America which is prosperous, strong and free.

THE CLEAN AIR ACT AMENDMENTS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SYMINGTON. Mr. Speaker, as a member of the Public Health and Environment Subcommittee, I am cognizant of the fact that air pollution remains a persistent problem which threatens not only the ecology, but the lives and lungs of many Americans. To remedy this situation, the Public Health and Environment Subcommittee under the very able leadership of PAUL ROGERS developed the 1970 Clean Air Act Amendments, Public Law 91–604.

Despite that law, many cities including the St. Louis area have continued to have serious air pollution problems, in part because surrounding areas continue to pollute.

Fortunately, the Environmental Protection Agency is moving to check the sources of air pollution; for example, St. Louis was recently chosen by EPA as the site of a massive, 5-year multimillion study of air pollution. When the Public Health and Environment Subcommittee holds additional oversight hearings on EPA's efforts against air pollution, EDA's study of air pollution in the St. Louis area would be an excellent topic of discussion.

At this point I insert in the RECORD, material from EPA detailing the study and three articles from the St. Louis Post-Dispatch on the problem. Three articles were written by E. F. Porter, Jr., and appeared this April.

The articles follow:

SUMMARY: EPA REGIONAL AIR POLLUTION STUDY

In his January 1972 Statement on 1973 Budget, Mr. William D. Ruckelshaus indicated an increase in research funds, stating that "Air pollution regional studies to develop analytical models which will enable the States and metropolitan areas to select more effective and less costly standards—compliance abatement strategies—will be initiated at a level of $5 million."

To provide the information that will be needed for such model development, a regional air pollution study (RAPS) has been proposed and initial FY 1973 funding totaling $5 million has been approved by OMB and allocated from EPA resources. The initial project in St. Louis, is expected to take approximately five years to complete, and cost between $20 and $30 million overall. Responsibility for study management has been given to the National Environmental Research Triangle Park, N.C.

St. Louis was chosen as the initial study site, from some 33 metropolitan areas having populations over 400,000. Selection criteria included (1) isolation of the air pollution environment from that of other urban areas, (2) the presence of a variety of pollutants in a suitable "mix", (3) available land area on which to conduct studies, (4) the presence of a well-developed control program and background information, (5) the availability of historical meteorological and pollution information, and (6) relatively uncomplicated meteorology and a mild climate. Similar studies will be conducted in other urban areas following the St. Louis study.

The research plan includes studies of pollutant sources, meteorological factors affecting its transport, chemical and physical changes in pollutants as a result of atmospheric processes, exposure to sunlight, and mixing, biological processes, and human social, health, and economic factors. The information resulting from the study will be made available to state and local agencies nationwide as well as being available within EPA.

Most of the funds for RAPS will go into in-house EPA work on plans, experimental programs, studies of project data, and research grants. A major expenditure of nearly $4 million is anticipated for an air pollution measurement network extending over the St. Louis urban area and out to 60 miles or more in all directions. Some 40 stations will telemeter air quality and meteorological information to a central computer for storage and display. 20 to 30 additional stations will record selected parameters on site. The network will be designed and managed by a prime contractor, to be selected through the normal advertising and qualification process for a service-type contract. The network hardware will be purchased by EPA through a separate normal bidding and procurement action, according to current plans. Neither procurement has been advertised as of May 5, 1972.

CLEAN AIR

(By E. F. Porter, Jr.)

The St. Louis area is not going to meet the federal deadline of 1975 for cleaning its dirty air.

Nor, for that matter, are most of the nation's heavily populated, heavily industrialized urban centers.

In fact, some states, such as Arizona, Montana and Nebraska, are not even going to try. Nor are some industrial firms, such as Anaconda Copper Co., and the major automobile producers. These conclusions are drawn from interviews with air pollution authorities and an examination of the most recent literature on the subject.

The prospect facing the St. Louis area and much of the rest of the nation is that the noble design of an impatient Congress—to require the states and industries to clean the air by 1975—is doomed to failure.

Congress set the deadline in 1970 after previous attempts in 1963 and 1967, both undertaken without specific deadlines, had failed to produce appreciable results. The deadline was established in the form of amendments to the 1970 Clean Air Act.

Missouri and 18 other states already have conceded defeat on automotive pollutants, those that originate in the internal combustion engine. Eleven states have notified the Environmental Protection Agency in Washington that they will not be able to meet the deadlines for sulfur dioxide and particulates. These pollutants account for most of the dirt in the air over urban centers.

New York has told the agency it cannot possibly attain the air quality standards for sulfur dioxide in the New York City area until the Federal Power Commission allows Consolidated Edison, the city's electric utility, to bring in more natural gas to replace dirtier fuels such as coal and oil. Because of a nationwide gas shortage, the commission has so far been unwilling to grant pipeline permits for the sake of clean air.

Pennsylvania, Maryland, Ohio and New Jersey have admitted that they cannot meet the deadline in the areas around Pittsburgh, Philadelphia, Cleveland and Washington.

Hawaii has asked for at least two additional years to stop sugar growers from burning their fields after harvesting. Colorado has admitted it does not know how to control windblown dust in some of its arid regions.

Alaska has had a problem with smog ever since motorists discovered that the best antifreeze is an engine left running. The state has not even filed the pollution-control plan required by the law. Arizona submitted a plan. But at the last minute, the state deleted all rules applicable to copper smelters, the state's biggest polluters.

The Illinois plan is even more optimistic. It includes no demurrers for automotive pollutants, even though Illinois is no better equipped than Missouri to cut tailpipe emissions.

Moreover, Missouri adopted emission restrictions for industrial sources in 1967, putting itself four years ahead of Illinois.

Illinois admits that it has inadequate restrictions on particulates—dust, soot, flyash and the like—and none at all on sulfur dioxide, a contaminant resulting principally from the burning of sulfur-bearing coal.

New Illinois standards are in the formulative stage. They were scheduled for adoption this spring, but the entire rule-making process was halted two weeks ago when a group of Chicago coal dealers went to court to block the new rules.

Even if Illinois wins a quick court decision over the coal dealers and puts its rules into effect, it may be unrealistic to assume that the rules will achieve clean air by 1975, federal officials said. Air pollution control regulations are difficult to implement; they often require that an industry spend millions of dollars for equipment that may take years to design and install.

Actually, the air in the St. Louis area has gotten cleaner since 1967, despite the inaction of Illinois. The credit, according to Pecsok, belongs largely to the Missouri Air Conservation Commission and particularly to its former chairman, Lewis C. Green, Kirkwood, who fought successfully for comprehensive emission restrictions. Such restrictions subsequently were adopted by St. Louis and St. Louis County.

Sulfur dioxide levels in downtown St. Louis dropped from an annual average of 0.031 parts for every 1,000,000 parts of air (ppm) in 1968 to approximately 0.021 ppm in the first six months of last year. This drop brings sulfur dioxide levels within a whisker of the federal primary standard that Congress wants in effect by 1975.

(The so-called federal standard is defined as the maximum level of a pollutant before it becomes hazardous to health.)

(The secondary standard, which is stricter, is the maximum level of pollution that is safe for plants, animals and materials. Federal law requires the primary standards to be reached by 1975 but specifies only that the secondary levels must be reached within a reasonable perod.)

Missouri officials believe they have a good chance of achieving both the primary and the secondary standards for sulfur dioxide by 1975, if Illinois enforces its proposed rules. But they are less confident about particulates.

Like sulfur dioxide, particulate levels have been inching down through the years. But unlike sulfur dioxide, particulate standards remain substantially above the federal primary standards, which call for an annual average of no more than 75 micrograms of dirt for every cubic meter of air. The secondary standard is 60.

At South Broadway and Huerck Street, for example, the average level last year was 122, about the same as it was at the Municipal Courts Building at 1320 Market Street.

Even in relatively clean places such as the City Art Museum in Forest Park or the St. Louis County Hospital in Clayton, particulate levels are in the high 80s.

Pecsok and Harvey D. Shell, the acting executive secretary of the State Air Conservation Commission, said airborne particles were going to be hard to control.

"We may never get there," Pecsok said. "There are just too many small sources of particulates and too much dirt moving around in the area."

Michael A. D'Onofrio, an engineer from the Environmental Protection Agency who has been assigned to scrutinize the Missouri plan, and Charles M. Copley Jr., the St. Louis air pollution control commissioner, insist that it will be possible to achieve the particulate and sulfur dioxide standards in St. Louis by the deadline. But they acknowledged that doing so would depend on two factors:

(1) A crash program on the East Side.

(2) Rigorous enforcement of pollution restrictions on hitherto neglected small sources, such as small industries and commercial establishments in St. Louis, especially along the riverfront on the city's south side. "The city's approach has been to attack the big boys first," D'Onofrio said. "They're going to have to go after some of the foundries and warehouses."

If Illinois is still bogged down by July 31 D'Onofrio noted, federal law requirea Ruckelshaus to step in and issue the rules himself. There is no question that Ruckelshaus will do so, D'Onofrio said. In fact, he added, the rules are already being drafted.

WE NEED CLEAN AIR

(By E. F. Porter, Jr.)

The fact that the air in St. Louis—and in most of the rest of the nation's urban centers—is a little cleaner than it was several years ago does not mean there is less air pollution. It means only that it has been spread around more.

This is the criticism most often made of the current official federal and state air pollution control policy. It is policy that emphasizes making the outdoor—or "ambient"—air fit to breathe. It is not one of reducing or halting the total discharge of contaminants into the national, or global, envelope of air. It is a policy that at best postpones an inevitable day of reckoning, critics say.

A recent issue of Environment, the usually authoritative monthly publication of the Committee for Environmental Information, warned that the total burden of pollutants pumped into the air in the United States can be expected to increase, despite control efforts.

In the case of automobiles, for example, Environment said that even if emission controls were effective, the growth in the number of cars on the road would begin to cancel out the controls beginning in 1990. By the year 2000, the same will be true of sulfur dioxide emissions from electric power generating plants.

A close look at the St. Louis area situation tends to confirm this. In 1963, industries in the Missouri part of the metropolitan area pumped a total of about 250,000 tons of sulfur dioxide into the air. Last year, despite the ban on high sulfur fuel and other control efforts, the total amount of sulfur dioxide emitted was 339,000 tons, an increase of nearly 90,000 tons a year.

Particulate emissions showed a slight improvement over the same span: 65,061 tons poured into the sky in 1963, 57,813 tons last year.

The official federal philosophy, built into federal air pollution laws since 1963, has been that it does not really matter how much pollution goes into the air so long as it does not accumulate in one place. This view may have to be revised in the light of some recent incidents, such as acid rains in Sweden, reportedly resulting from sulfur dioxide emissions from coal burning on the British Isles, and pollution in Chicago traceable to industrial activity in Oklahoma.

The problem and the outlook for solution varies from pollutant to pollutant, all officials agree. Some are more difficult to control than others; for some control may be impossible. The situation at present:

AIRBORNE PARTICULATE MATTER

The term is generic, including smoke, dust, fly ash and all other forms of small particles light enough to stay suspended in the atmosphere. Because particulate matter has so long been recognized as a pollutant, the technology of control is better developed than for any other type. And because almost every human activity kicks up some dust or produces some smoke, particulates are one of the hardest pollutants to control on an area wide basis.

Moreover, Environment noted, the current official practice of measuring particulate pollution in terms of weight—micrograms, or pounds or tone—can be deceptive. The most dangerous of all particles, the ones that can invade the human system and lodge there, are those so small they weigh almost nothing. These tiny submicron particles are also the most effective in reducing visibility; they travel the greatest distance on the currents of the air and they defy most attempts to filter them out.

Thus, it has been estimated, strict control could reduce the total particulate emissions of all sources in the United States from the present 20,800,000 tons a year to 13,000,000 tons per year by 1980; but that industrial growth will nearly double the numbers of the submicron particles going into the air over the same period.

SULFUR DIOXIDE

Sulfur dioxide levels in the air in St. Louis have fallen in the last five years almost to the point where they rest within federally prescribed limits. But this is not because of air cleaning gadgetry.

Some improvement was brought about by a controversial Missouri rule (not yet adopted by Illinois) limiting the sulfur content of coal. Lacking technical know-how on scrubbing the sulfur dioxide out of exit gases, many small and medium-sized industries simply switched to natural gas, which is almost entirely sulfur-free.

But Union Electric Co., whose huge coal-fired power plant boilers discharge most of the area's sulfur dioxide, said it could not afford natural gas—and probably could not obtain enough, anyway.

Within the last few months, Union Electric abandoned, after three years of tinkering and outlays of at least $3,000,000, a system designed to take the sulfur dioxide out of emissions from one of the boilers at the company's Meramec plant in south St. Louis County. The system involved injection of pulverized limestone into the furnace, along with the fuel.

The Meramec plant experiment was the first of its kind in the world and drew international attention to both UE and UE's pollution control chief, John F. McLaughlin Jr. No pollution control official has expressed any doubts that McLaughlin made a conscientious effort to get the limestone process to work before tossing in sponge.

But the event comes as a blow, nevertheless, to federal and state pollution control engineers who claimed that the limestone process would prove feasible for all power plants.

It has been McLaughlin's contention for nine years that the solution to the sulfur dioxide problem could be achieved only by relocating generating capacity to outlying areas, and building tall smokestacks for dispersion.

Ironically, that is just about what has happened. Union Electric converted its older plants at Cahokia and Venice on the East Side and at Ashley Street in St. Louis to low sulfur fuel and threw the weight of its generating load on its new plants at Portage

des Sioux in St. Charles County and at Labadie in Franklin County.

A still newer plant is now being built at Rush Island in extreme southern Jefferson County. None of these plants has sulfur dioxide removal systems and there are no plans to install any.

Yet between them, the Labadie and Sioux power plants discharge far more sulfur than the older facilities ever did.

As matters now stand, there is no well-tested way to control sulfur oxide emissions from fuel burning. Regions that cannot obtain supplies of sulfur-free fuels must either scatter their power plants or live with sulfur dioxide.

CARBON MONOXIDE

This odorless, colorless and highly toxic gas, which kills by supplanting oxygen in the blood stream, is a product of the automobile. Missouri officials say the air quality standards can be attained by 1977 if the auto manufacturers comply with federal emission standards beginning with 1975. The Big Three auto makers have asked for an additional year, as provided in the federal law, but insist, nonetheless, that they cannot meet even a later deadline.

HYDROCARBONS AND PHOTOCHEMICAL OXIDANTS

These smog-causing components of auto exhaust will be rolled back to acceptable levels by 1974, Missouri officials estimated, even without proposed further exhaust control.

OXIDES OF NITROGEN

Nitrogen oxides, a poisonous component of smog, result from high temperature combustion, both in gasoline engines and in power plants. Auto makers say they cannot meet federal requirements for cars and power companies and pollution control officials agree that there is no known way to eliminate oxides of nitrogen from smokestack emissions, other than rebuilding boilers at astronomical cost.

Even the Environmental Protection Agency is about to capitulate on nitrogen oxides, a federal official admitted. "It's the pollutant we know the least about. I m sure we're going to get sued by industry over it."

The experience of Los Angeles in trying to control nitrogen oxides may have been prophetic. After controlling particulates by forcing the power companies to install air cleaning systems, and controlling sulfur dioxide by forcing them to shift to low sulfur fuel, the Los Angeles Air Pollution Control District found it still had a nitrogen oxides problem.

Because there was no feasible alternative, the agency banned all further power plant construction in the Los Angeles area.

But demand for electric power in Southern California continued to rise so the Western Energy Supply and Transmission Associates, a consortium of 23 power companies, put up a generating station in the Four Corners region of northwest New Mexico, convenient to vast deposits of coal on the Navajo Indian Reservation.

The Four Corners plant today is believed to be the largest single source of air pollution in the world with emissions roughly equal to those of the entire city of New York.

Its plume of fine particulates hazes the horizon for hundreds of miles. It is clearly visible from a space capsule in orbit.

UGLY AIR

(By E. F. Porter, Jr.)

The smoky heavy industries bordering the Mississippi River's edge on the East Side are out of sight and out of mind to many St. Louisans much of the time, but they are among the chief reasons pollutant levels throughout much of the region are still well above the level the Federal Government considers safe for human health.

The metropolitan atmosphere has been gradually getting cleaner since Missouri adopted tough rules in 1967, but even on a clear day, as air travelers can attest, St. Louis is often distinguishable at a distance only as a brownish purple blister of smog, swelling a thousand feet or more above the surrounding countryside.

Federal requirements now call for a rollback of pollution so that by 1975 they will be at a level where breathing would be no longer hazardous to your health.

For at least one contaminant, sulfur dioxide, that goal would already have been attained were it not for the heavy discharges of the East Side industries, Missouri officials maintain.

Now under the Federal gun, Illinois is hastening to catch up. The Illinois Pollution Control Board, which two years ago replaced the unaggressive Air Pollution Control Board, has adopted emission regulations, in some respects more restrictive than Missouri's. But many experts, including some Federal clean-air officials, harbor private doubts as to whether Illinois can move fast enough to meet the Federal deadline.

According to estimates calculated by a computer of the Argonne National Laboratory near Chicago, total daily discharges of flyash, soot and dust in Madison and St. Clair counties, which total 317 tons, must be cut 57 per cent.

Aggregate sulfur dioxide emissions now amounting to 659 tons a day, must be reduced to 412 tons a day.

Three years may not be enough time, the skeptics say, to design and install the costly equipment necessary to do the job. Furthermore, if industries resist and avail themselves of the law's delays with courtroom challenges and requests for variances, the attainment of the clean air goal will be harder still to attain.

Some experts seriously question whether acceptable air quality ever will be achieved, or whether, in fact, industrial growth will add new pollutants to the air faster than remedial measures can take them out.

For some pollutants the solution may be palliative and temporary; relocating industrial sources so as to spread out the problem or flushing captured pollutants into the sewer system, where they become water pollutants.

COMMEMORATIVE MEDAL FOR THE 500TH ANNIVERSARY MARKING THE BIRTH OF THE POLISH ASTRONOMER, NICHOLAS COPERNICUS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation which would authorize the Treasury Department to strike a commemorative medal honoring the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus.

I urge my colleagues to join in cosponsoring this legislation, which has been suggested by Mr. Aloysius Mazewski, president of the Polish National Alliance and the Polish American Congress.

Mr. Mazewski and his organizations are spearheading a worldwide observance in honor of this 500th anniversary marking the birth of Copernicus.

Mr. Mazewski and his fellow Americans of Polish descent are to be congratulated for this initiative.

Nicholas Copernicus is the father of modern science. His brilliant discoveries developed the theory of the solar system and provided the world with the first knowledge of the relationship between planets in the universe.

It was this brilliant research by Copernicus that has made it possible for the United States to develop theories and techniques leading to our successful placement of man on the moon.

This Polish astronomer has made an enormous contribution, and it is my hope the entire scientific community will join in honoring Copernicus during 1973.

I am pleased that in Chicago, Mr. Mitchell Kobelinski, president of the Illinois division of the Polish-American Congress, is spearheading the effort to honor Copernicus in Illinois during the 500th anniversary of his birth.

Included in Mr. Kobelinski's plans is the groundbreaking for a multimillion dollar Polish-American civic and cultural center to be named in honor of Nicholas Copernicus.

It is my hope that the appropriate committee will move expeditiously on my proposal for the minting of a special commemorative medal honoring Copernicus.

This will be a fitting addition to the many tributes being planned for the commemorative year.

Mr. Speaker, a copy of my bill appears at the conclusion of my remarks.

I am also including in the RECORD today a resolution adopted by the City Council of Chicago calling for a commemorative stamp to be issued in honor of Copernicus.

This action is being headed by Alderman Edwin P. Fifielski, a resident of my congressional district and a brilliant leader in his community.

I do hope that the proper authorities will take the necessary steps to issue a commemorative stamp in honor of Copernicus, as suggested by Alderman Fifielski.

H.R. 15483

A bill to provide for the striking of medals to commemorate the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall strike and furnish for the Polish American Congress, Inc. (hereinafter referred to as the "corporation"), a not-for-profit organization observing the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus, the father of modern science whose brilliant discoveries developed the theory of the solar system as we know it today and whose profound research of the universe gave civilization its first knowledge of the relationship between planets in the universe and this knowledge laid the foundation for America's ultimate success in placing man on the moon, national medals in communication of such anniversary.

SEC. 2. Such medals shall be of such sizes, materials, and designs, and shall be so inscribed, as the corporation may determine with the approval of the Secretary.

SEC. 3. Not more than one million of such medals may be produced. Production shall be in such quantities, not less than two thousand, as may be ordered by the corporation, but no work may be commenced on any order unless the Secretary has received security satisfactory to him for the payment of the cost of the production of such order. Such cost shall include labor, material, dies, use of machinery, and overhead expenses, as determined by the Secretary. No medals may be produced pursuant to this Act after December 1973.

SEC. 4. Upon receipt of payment for such medals in the amount of the cost thereof as determined pursuant to section 3, the Secretary shall deliver the medals as the corporation may request.

RESOLUTION TO HONOR POLISH GENIUS NICHOLAS COPERNICUS, "THE FATHER OF MODERN SCIENCE"

Adopted by the City Council of Chicago.

Whereas, we are approaching the 500th birthday anniversary of the great Polish scientist, Mikolaj Kopernik, known the world over as Nicholas Copernicus, the Father of Modern Science; and

Whereas, this extraordinary man of the world of enormous vision, Nicholas Copernicus developed the theory of the solar system as we know it today. Without benefit of the telescope, which he preceded by an entire century, and without the use of photography, which was not developed until 400 years after his death, Nicholas Copernicus conceived and proved that the earth and other planets revolve around the sun and that the theory of the earth's position as the center of this system, held to be true up to Copernicus' time, was definitely wrong; and

Whereas, Nicholas Copernicus was born in Torun, Poland, on February 19, 1473, and received the majority of his formal education at the University of Krakow, Poland, where he studied canon law; and

Whereas, Nicholas Copernicus reached adulthood at the time of the emergence from the so called "Dark Ages" and the development of the great Renaissance in Italy. He was a contemporary of Columbus, Michelangelo and da Vinci, among other great men, and so Nicholas Copernicus, always attracted to scientific concepts, was drawn to Italy, where he furthered his studies at the Universities of Bologna and Padua; and

Whereas, Copernicus undertook most of his studious accomplishments in the atmosphere of a world which had changed from flat to round, a world in which aesthetic values of art and beauty reigned supreme, a world in which science and other fields gained from revolutionary new thoughts and ideas, a world which saw the advent of the printed page to immortalize these new ideas; and

Whereas, Copernicus eventually concentrated all his thoughts and efforts on the design of our universe, and gathered data to support his revolutionary theory into a book which has become one of the most famous and far-reaching books ever printed: Concerning the Revolutions of the Heavenly Spheres; and

Whereas, Copernicus' book eventually revolutionized the world of science and formed a basis for all scientific thought during the ensuing four centuries, so that Nicholas Copernicus has justifiably received world recognition as "The Father of Modern Science"; and

Whereas, Mankind's ever-increasing knowledge of the moon, made a reality by the daring and resoundingly acclaimed explorations of the astronauts of these United States of America abetted by our valued scientists, would not have been possible without the foundations of these basic discoveries and theories of Nicholas Copernicus;

Now, therefore, be it resolved by the City Council of the City of Chicago that the Mayor and Members of the City Council do hereby acknowledge the approaching 500th birthday anniversary of Mikolaj Kopernik, the great Polish genius known as Nicholas Copernicus, "The Father of Modern Science," by setting aside February 19, 1973, as NICHOLAS COPERNICUS DAY in the City of Chicago.

Be it further resolved that the Congress of the United States and the U.S. Post Office Department be and are hereby memorialized to take whatever action is necessary to issue a Nicholas Copernicus commemorative stamp to honor the unique and undying contributions of this great Polish scientist.

LEGISLATION ON BEHALF OF POW'S/MIA'S

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEMP. Mr. Speaker, legislation which I introduced to enable the sons of POW's/MIA's to compete for additional presidential appointments to the service academies has been reported out of an Armed Services Subcommittee. Identical legislation sponsored by Senator JAMES BUCKLEY and cosponsored by 56 of his colleagues passed the Senate on December 10 on a voice vote. I wish to respectfully remind the Armed Services Committee of the widespread interest and support for this measure in both bodies and urge that it be given full committee approval in the very near future.

I insert in the RECORD at this point, Mr. Speaker, the full text of the testimony I presented to the Armed Services Subcommittee when hearings were held on this legislation:

TESTIMONY OF HON. JACK KEMP

Mr. Chairman: I am very pleased to appear here today to testify on behalf of legislation which I introduced to enable the sons of POWs and MIAs in the Vietnam conflict to compete for additional presidential appointments to the service academies. I want to thank the members of this committee for the speed with which this measure was brought up for consideration, and in addition, I would like to thank the 32 members of the House who joined me in cosponsoring the legislation and those who introduced similar bills.

Present law makes the sons of the members of the Armed Services who were totally disabled or killed in action eligible for one of 40 vacancies set aside for Presidential appointment. My bill would expand eligibility for Presidential appointments to include the sons of prisoners of war and others listed as missing in action and increase the number of these special appointments from 40 to 65.

This proposal, I feel, will in a small way show this Nation's gratitude for the sacrifice that these men and their families have been called upon to make. It will express our concern publicly for the agony and anguish which has resulted from the knowledge that the prisoners are being held as pawns in a political game being played by calculating men who have proven themselves to be impervious to the most elemental considerations of decency and humanity. By passing this measure we will acknowledge our appreciation for the courage and spirit shown by these wives and children, mothers and fathers, under the burden of exceptional hardships.

Whatever the divisions we may have over the origins of the Vietnam war, the desire for peace is unanimous as is our concern about the plight of our 1,600 brave countrymen who are missing or held prisoner by the enemy in Southeast Asia.

These men and their families have been denied the elemental rights and decencies which are the basic terms of the Geneva Convention. The enemy has not given us a complete listing of the men they hold prisoner. The North Vietnamese Communists have not allowed Red Cross teams to visit the internment camps to see that these prisoners are receiving humane treatment. They have not permitted release of the sick and injured. And they have not even exhibited a minimum of human decency and compassion.

We all pray that these brave men will soon be returned to their families; but even then, their lot will be quite different from that of prisoners taken in World War II and in the Korean War. As Senator James Buckley, who originated this legislation in the Senate, so eloquently commented:

"These men will be returning as the victims of a war which has lost that home base of public support which would make the memory of their sufferings easier to bear. This has become a war in which there are no heroes, no victory parades, no open-hearted expressions of public gratitude to those who have borne the brunt of battle."

I beseech this committee to pass this legislation quickly as a demonstration to our POWs/MIAs and their families that their sacrifices have not been forgotten by a grateful people.

SENATE—*Wednesday, June 14, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord God, who redeemeth our life from destruction and crowneth our life with loving kindness and tender mercies, may our service to the Nation and to the world be given in response to Thy love. Cover our mistakes with Thy forgiveness. Confirm us in every righteous endeavor and when evening comes grant us the peace of those whose hearts are in tune with Thee.

Guide this Nation in times of peril and adversity as well as in times of peace and prosperity. May the flag we honor today be a symbol of hope and peace in a Nation under God.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 14, 1972.

To the Senate:

Being temporarily absent from the Senate

on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Tuesday, June 13, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to consider executive business.

ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. The clerk will read the nomination.

The assistant legislative clerk read the nomination of Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate proceeded to consider legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar Order No. 810.

The PRESIDING OFFICER. Without objection, it is so ordered.

COTTON CROP REPORTS

The Senate proceeded to consider the bill (S. 3104) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 9, after the word "to", strike out "December" and insert "January"; on page 2, line 2, after the word "reports", strike out "to" and insert "of"; in line 5, after the word "day", strike out "following that" and insert "of the month"; in line 21, after "12th", insert "by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December" "; on page 3, line 9, after the word "day", strike out "following that on" and insert "of the month"; and, after line 10, insert a new section, as follows:

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 116, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12", by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton-growing States in which cotton has been ginned."

The amendments were agreed to.

The bill was ordererd to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–848), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED AND BACKGROUND

The need for this legislation and its background are set forth as follows in the statements of U.S. Department of Agriculture and U.S. Department of Commerce witnesses who appeared at the public hearings on H.R. 13169 before the House Committee on Agriculture.

STATEMENT OF BRUCE W. KELLY, DIRECTOR, AGRICULTURAL ESTIMATES DIVISION, STATISTICAL REPORTING SERVICE, U.S. DEPARTMENT OF AGRICULTURE, APRIL 12, 1972

Mr. Chairman and members of the Cotton Subcommittee, I have with me today, Mr. Donald M. Bay, Head of the Cotton and Special Crops Section to assist in answering committee questions.

I am pleased to have this opportunity to appear before this subcommittee to discuss H.R. 13169, a bill to amend existing statutes governing the date and time cotton crops reports are released. I will also mention briefly a related amendment prepared by the Department of Commerce which changes the timing of some of the cotton ginnings reports.

It is appropriate that both pieces of legislation be considered together because of the relationship established by law between the Department of Agriculture's "Cotton Crop Reports" and the Department of Commerce's "Cotton Ginners Reports."

First, I would like to discuss the bill which changes the existing statutea to permit the Secretary of Agriculture to issue Cotton Crop Reports simultaneously with the General Crop Reports. Under existing law, the cotton reports are issued at 11 a.m., Washington, D.C., time on the 8th of the month (or the next succeeding workday in case the 8th is a nonwork day). The General Crop Report is released at 3 p.m., Washington, D.C., time not later than the 12th of the month. Combining the two reports would eliminate the requirement for separate security lockups each month from August through January,

and would permit us to include cotton in the national and State releases with other crops, rather than issuing separate reports for cotton. We estimate that the savings gained through this change would be about $5,000 through a reduction in the number of releases and postage costs.

Issuing the cotton crop report simultaneously with the monthly crop report would also change the release hour from 11 a.m. to 3 p.m. The 11 a.m. release was originally established to coincide with the closing of the Liverpool Cotton Exchange. At present, trading on the New York Cotton Exchange is halted for 10 minutes following the release of the cotton crop report. However, many investors are not able to analyze the cotton crop report and adjust their position in the futures market in 10 minutes. Some investors may not have instant access to the reports. A release at 3 p.m., after the closing of the exchange, would give all investors more time for analysis before the market opens the next day. Releasing cotton with crop production reports would bring cotton in line with the other speculative commodities which are now released at 3 p.m., after the close of the Chicago and New York commodity markets.

In connection with the bill now under consideration by this committee, I would like to mention the amendment proposed by the Department of Commerce. This amendment, as I understood it, would substitute January and February ginnings reports for those now issued in mid-August and mid-September and change the release schedule of all ginnings reports to coincide with that of the Department of Agriculture for the combination of cotton and crop reports. All these changes are acceptable to the Department of Agriculture. The January 1 ginnings report is highly desirable for our utilization in making a January 1 cotton estimate.

Next, I would like to discuss the addition of a January 1 cotton crop report. The present schedule of cotton crop reports ends with ths December 1 report. This schedule was set in 1924. Since that date, shifts in major cotton producing areas, cultural practices, and machine harvesting have all tended to extend the length of the harvest season. In recent years, about one-sixth of the U.S. crop was ginned after December 1 compared with less than one-tenth during the period when this law was first enacted. This past year, harvest was very late in parts of Texas and Oklahoma. Nearly one-fourth of the cotton remained to be ginned after December 1. In Oklahoma and on the Texas High Plains, harvest was just getting underway by the first of December. A January 1 cotton report would have provided a reassessment of production, including any deterioration during December of the cotton still in the field.

The Department supports the addition of a January cotton crop report contingent on the approval of the Census amendment which adds a January 1 ginners report. The January 1 Census ginners report would provide much of the basic data upon which to base a January 1 cotton estimate. No additional funds are required to add this report as cost savings from combining the Cotton Crop report with the General Crop Report should offset the cost of making a January 1 report.

In summary, I would like to recommend the enactment of H.R. 13169, including the amendment offered by the Department of Commerce.

Thank you. Mr. Chairman and members of the subcommittee. We will be happy to try to answer any questions you may have.

STATEMENT OF DR. GEORGE H. BROWN, DIRECTOR, BUREAU OF THE CENSUS, SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, APRIL 12, 1972

Mr. Chairman, I appreciate the opportunity to appear before this subcommittee to discuss how the Department of Commerce will be affected by H.R. 13169 and the proposed amendment. The Department of Commerce is affected by this legislation because of the requirements in section 45 of title 13, United States Code, that "reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 11 o'clock antemeridian on the eighth day following that on which the respective reports relate."

If passed, H.R. 13169 will amend section 45 of title 13, United States Code, to permit issuance of the cotton crop reports with the regular monthly crop reports "to be issued from the same place at 3 o'clock postmeridian on or before the 12th day following that on which the respective reports relate."

The proposed amendment would amend existing legislation, section 42, title 13, United States Code, which requires "The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 16, November 1, November 14, December 1, December 13, January 16, and March 1; * * *."

Since a large proportion of the cotton is now ginned toward the end of the season, the Bureau had been requested by the Department of Agriculture, as well as the Cotton Council, to consider adding reports of cotton ginned prior to January 1 and February 1 in order that the statistics would provide better information on the size of the cotton crop prior to the final report on March 1. In order to avoid additional reporting requirements for the respondents and an increase in the cost of the program, we suggested the alternative of shifting some of the reporting dates from the earlier to the latter part of the season. Subsequently, it appeared feasible to shift the August 16 and September 16 reports to January 1 and February 1, as called for in the proposed amendment. At the same time, it appeared desirable to standardize the mid-month reporting date at the 15th of the month. The present mid-month dates vary between the 13th and the 16th without any objective reason for the variation.

A table showing the cotton ginned as of each reporting date for the past 5 years is available for the record.

The Department of Commerce favors enactment of H.R. 13169 and is fully in accord with the proposed amendment to section 42 of title 13, United States Code, to change the dates of two ginning reports and standardizing the reporting dates.

I have with me today, Mr. J. Thomas Breen, my staff member directly responsible for the statistics involved. We shall be glad to answer any questions which the committee may have.

COTTON GINNED TO EACH REPORTING DATE, 1967–68 THROUGH 1971–72 GINNING SEASONS

Report relates to	Ginning season— 1971–72		1970–71		1969–70		1968–69		1967–68	
	To date	During period	To date	During period	To date	During period	To date	During period	To date	During period
August:										
1	122,530	122,530	6,021	5,021	79,784	79,784	6,065	6,065	256,540	256,540
16	215,674	93,144	70,210	64,189	360,867	281,083	102,495	96,430	513,401	256,861
September:										
1	364,505	148,831	279,871	209,661	538,126	167,259	372,638	270,143	631,701	118,300
16	480,724	116,219	518,613	238,742	728,548	200,422	648,810	276,172	762,374	130,673
October:										
1	879,341	398,617	1,135,199	616,586	1,606,363	877,815	1,413,634	764,824	1,012,911	250,537
16	2,605,268	1,725,927	2,609,325	1,474,126	3,808,688	2,202,325	3,246,409	1,832,775	1,833,809	820,898
November:										
1	4,602,701	1,997,433	4,163,037	1,553,712	5,783,398	1,974,710	5,950,012	2,703,612	3,289,045	1,455,236
14	6,589,741	1,987,040	6,470,003	2,306,966	6,893,033	1,109,635	7,547,410	1,597,389	4,607,031	1,317,968
December:										
1	7,909,871	1,320,130	8,829,606	2,359,603	8,378,694	1,485,661	9,170,784	1,623,374	6,320,137	1,713,106
13	8,216,704	306,833	9,786,495	956,889	9,109,955	731,261	10,048,947	878,163	6,932,850	612,713
Jan. 16	9,726,590	1,509,886	10,036,610	250,115	9,815,018	705,063	10,834,021	785,074	7,263,594	330,744
Mar. 1	10,226,779	500,189	10,112,375	75,765	9,937,068	122,050	10,916,566	82,545	7,438,615	175,021

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the following cost estimate was submitted in a similar bill to the House Committee on Agriculture. The Senate Committee on Agriculture and Forestry agrees with this estimate except that by adding September 15 to the required ginning reports a slight additional cost of about $1,000 will result. No cost will be involved in fiscal year 1972.

LAND RELEASE IN ARKANSAS

The bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 92–849), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

This bill authorizes and directs the Secretary of Agriculture to release, on behalf of the United States, a condition in a conveyance of certain land in the State of Arkansas to the Arkansas State Game and Fish Commission which requires the land to be used for public purposes. The release would extend only to lands covered by an agreement or agreements providing that any lands acquired in exchange for the lands released must be used for public purposes and the proceeds from any sale or lease of lands covered by the agreement must be applied toward other lands which will be used for public purposes.

The bill also provides that on any of the lands released by the Secretary pursuant to an agreement, the State of Arkansas may apply to the Secretary of the Interior for the conveyance to the State of any undivided mineral interests held by the United States. Where there are determined to be no mineral values, the State would pay $1. Where there are determined to be mineral values, the State would pay the fair market value for the mineral rights.

The bill requires that for each application for the conveyance of minerals the State must make a nonrefundable deposit to cover administrative costs and defines such costs.

NEED FOR LEGISLATION

The Arkansas Game and Fish Commission, under the date of October 2, 1969, acquired from the Secretary of Agriculture a parcel of land in Prairie County, Ark., known as the Wattensaw Area. The parcel of land consisted of 15,034 acres for which the State paid the Federal Government $638,496. The original conveyance was authorized by the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012). The United States reserved the mineral rights and provided by a reversionary covenant that the lands must be used for public purposes.

Of immediate concern to the Arkansas Game and Fish Commission is approximately 40 acres located in the northeast and southeast quadrant of the Hazen Highway exchange. This exchange consists of the interchange where Highway 40 intersects Highway 11. Because of the interchange, and the heavy traffic involved, the land (approximately 20 acres on either side of the interchange) is made useless for the purpose for which it was originally conveyed. It does have a commercial value, however, and the State game and fish commission would like to sell the property and purchase other lands that would be suited to the purposes of the original acquisition, or exchange the approximately 40 acres for other lands.

The House Committee on Agriculture held hearings on this bill on September 15, 1971, and subsequently favorably reported the bill unanimously.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates that no additional costs are involved since the bill merely calls for the release of a condition on land already conveyed to the Arkansas State Game and Fish Commission. Any mineral rights will be assessed by the Secretary of the Interior, and fair market value for these rights obtained before the release of the condition. If no mineral rights of value exist, the Secretary will receive $1. No comparable estimate of costs was formally received by the committee from a Government agency.

AUTOMOBILE INFORMATION DISCLOSURE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That subsection 2(h) of the Automobile Information Disclosure Act (72 Stat. 325; 15 U.S.C. 1231) is amended by inserting at the end thereof the following new sentence: "New automobiles delivered to, or for further delivery to, ultimate purchasers within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, the Trust Territories of the Pacific, the Canal Zone, Wake Island, Midway Island, Kingman Reef, Johnson Island, or within any other place under the jurisdiction of the United States shall be deemed to have been 'distributed in commerce'."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–850), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 473, as amended, is to clarify the Congressional intent that the Automobile Information Disclosure Act of 1958 should apply to all new automobiles distributed in commerce within the United States, its territories, its possessions, and whatever else the United States exercises jurisdiction.

This objective is accomplished by inserting language into section 2(h) of the 1958 Act which clearly indicates that his Act applies throughout those areas under U.S. jurisdiction.

BACKGROUND

The Automobile Information Disclosure Act of 1958 made it clear that the Congress intended to apply the requirement for affixing a price disclosure label on new cars throughout the United States generally. However, question has arisen as to whether the 1958 Act does in fact apply to certain possessions of the United States, such as the Commonwealth of Puerto Rico, American Samoa and the Virgin Islands. In a letter of comment to the Committee on S. 473, dated August 3, 1971, the then Deputy Attorney General of the United States, Richard G. Kleindienst, indicated that the legislative history of the 1958 Act is silent with respect to these possessions. Furthermore, the legislature of Guam has requested that the Congress expressly extend the provisions of this Act to Guam and the Governors of the Commonwealth of Puerto Rico and the Virgin Islands have also expressed support of S. 473.

Although the legislative record on the 1958 Act does not indicate any intent whatever to limit its application within the United States, its territories and possessions, the Committee believes it would be desirable to establish clearly the intention of Congress that the labeling requirement of the Automobile Information Disclosure Act would apply to new automobiles delivered within the United States, the District of Columbia, all United States territories, possessions, or any other place subject to the jurisdiction of the United States.

Accordingly, S. 473, as reported by the Committee, would apply the provisions of this Act to new automobiles delivered to ultimate purchasers or for further delivery to such purchasers within any place under the jurisdiction of the United States including new automobiles delivered to U.S. bases throughout the world.

EXPLANATION OF COMMITTEE AMENDMENT

S. 473, as introduced by Senator Inouye, would have added a definition of the term "State" to the Automobile Information Disclosures Act. However, a more direct means of conveying the Congressional intent to apply the Automobile Information Disclosure Act as broadly as possible within the United States, its territories, its possessions, and wherever else the United States has jurisdiction is to simply define the meaning of the term "distributed in Commerce" as used throughout the Act.

The Committee amendment insures that there will be no misunderstanding of the Congressional intent as to the territorial applicability of this Act.

COMMITTEE ACTION

The committee considered this legislation in executive session on March 21, 1972, and ordered it reported with an amendment.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the Committee estimates that there will be no additional cost to the Government from the enactment of this legislation. The Committee is aware of no estimate by any Federal agency which differs from its own estimate in this regard.

INCREASE RATES OF COMPENSATION TO DISABLED VETERANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 808, S. 3338.

There being no objection, the Senate proceeded to consider the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu therof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$700";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 3. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator, under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who, because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The table of sections at the beginning of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 4. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title and subject to the limitations thereof."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable.".

SEC. 5. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Mr. TALMADGE. Mr. President, on behalf of the Committee on Veterans' Affairs, I urge prompt and favorable action on S. 3338, a bill which I introduced on March 14, 1972, to increase compensation payments to veterans whose disabilities are related to their military service, and for other purposes.

This is simple legislation. It has four simple, yet worthy, provisions.

First, the bill increases by 10 percent the compensation payments for all veterans with service-connected disabilities. This figure takes into account not only rises in the cost of living since July 1970, when disability compensation rates were last adjusted as a result of legislation which I introduced in the 91st Congress, but also prospective cost-of-living increases for calendar year 1972. It is estimated that between July 1, 1970, and December 31, 1972, the cost of living will have increased by 9.6 percent.

In this regard, I feel that it is worthy to note that during this same period, social security benefits will have been increased by at least 20 percent, the pay of Federal employees will have been increased by over 15 percent, the pay of military personnel will have been increased by more than 82 percent, the pension benefits of veterans with nonservice-connected disabilities will have been increased by 16 percent, and the average weekly take-home pay of workers in the manufacturing industries will have increased by at least 12 percent.

Second, the bill increases by 10 percent the additional payments to dependents of veterans whose service-connected disabilities are rated 50 percent or more by the Veterans' Administration.

Third, the bill establishes a $150 per year clothing allowance for veterans whose service-connected disabilities require that they wear or use prosthetic or orthopedic devices which cause unusual wear and tear on clothing. The committee specifically intends that veterans who are confined to wheelchairs or who must use crutches as a result of injuries sustained in service be eligible for this clothing allowance.

Fourth, the bill equalizes the rates of disability compensation payable to veterans of peacetime and wartime service. Under existing law, the monthly rates of compensation for disabilities incurred in military service during peacetime—and the amounts of additional compensation payable to dependents of veterans disabled by peacetime service—are 80 percent of those authorized for comparable wartime service. The committee bill removes this disparity and, thus, authorizes the same rates of compensation, and amounts of additional compensation, whether the disability of the veteran concerned was incurred during wartime or peacetime service.

Of course, to act in a responsible manner the Senate must consider the costs of the adjustments provided for in S. 3338. The 10-percent increase in disability compensation payments will affect 2,177,000 veterans and the additional cost during the first full year will be $245.8 million.

The 10-percent increase in additional payments to dependents of veterans who are 50-percent disabled or more will affect approximately 760,000 dependents and the additional cost during the first full year will be $14.2 million.

The establishment of a $150 annual clothing allowance will affect approximately 44,000 veterans and the cost during the first full year will be approximately $6.6 million.

Equalization of peacetime and wartime disability compensation rates will affect approximately 185,000 veterans. Equalization of additional compensation for dependents of severely disabled veterans will affect 21,000 persons. The cost of these provisions during the first full year will be approximately $54.1 million.

The Veterans' Administration estimates the total first year cost of S. 3338, as a package, will be $320.7 million, increasing gradually to $327.1 million in the fifth year.

Mr. President, it goes without saying that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. It is impossible to repay the disabled veteran for his pain and suffering, physical and mental, which a disability often brings. No one can place a price tag on a man's eyesight. No one can attach a dollar value to a man's ability to be a working, productive member of society.

We must, however, attempt to compensate disabled veterans as best we can, for his impaired earning capacity. That is the purpose of this bill.

I have said on many occasions that a nation owes no greater debt than that owed to its men and women who have sustained injuries in that nation's service. S. 3338 recognizes this debt and seeks to honor it. I hope the Senate will adopt this badly needed and extremely worthy legislation.

Mr. President, I ask unanimous consent that excerpts from the committee report on this measure be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND AND INTRODUCTION

The Subcommittee on Compensation and Pensions conducted hearings on March 29, 1972, on S. 3338 and other bills to increase disability compensation rates for veterans. Testimony and written statements were presented by representatives of the administration, veterans' groups, U.S. Senators and other interested parties. The subcommittee met in executive session on May 4, 1972 and unanimously ordered S. 3338 with amendments reported to the full committee. The full committee met in executive session on June 1, 1972, and unanimously ordered S. 3338 favorably reported with subcommittee and full committee amendments combined into a committee substitute amendment.

In summary, the provisions of this bill are as follows:

First, the bill provides for a 10-percent increase in the rate of compensation payable for service-connected disabilities.

Second, a similar 10-percent increase is provided for in monthly dependent's allowances payable for dependents of veterans rated at least 50 percent or more disabled.

Third, the bill contains a new clothing allowance of $150 per year for those veterans who must wear or use a prosthetic or orthopedic device which tends to wearout or tear the veterans' clothing.

Finally, the bill would provide for an equalization of the amount of compensation paid to identically rated veterans irrespective of whether the service-connected dis-

ability was acquired during time of peace or war.

INCREASE IN COMPENSATION RATES

The committee believes that a 10-percent increase in compensation rates provided for in section 1 of the bill is warranted for the some 2.1 million veterans who have service-connected disabilities. The rates were last adjusted by Public Law 91–376, effective July 1, 1970. Since that time the cost of living has risen 6.3 percent through April, 1972. Pertinent data on increases in the cost of living as shown by the Consumer Price Index are reflected in table 1:

TABLE 1.—U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS—CONSUMER PRICE INDEX

[1967=100]

	1968	1969	1970	1971	19722
January	102.0	106.7	113.8	119.2	123.2
February	102.3	107.1	113.9	119.4	123.8
March	102.8	108.0	114.5	119.8	124.0
April	103.1	108.7	115.2	120.2	124.3
May	103.4	109.0	115.7	120.8	
June	104.0	109.7	116.3	121.5	
July	104.5	110.2	116.7	121.8	
August	104.8	110.7	116.9	122.1	
September	105.1	111.2	117.5	122.2	
October	105.7	111.6	118.1	122.4	
November	106.1	112.2	118.5	122.6	
December	106.4	112.9	119.1	123.1	
Year average	104.2	109.8	116.3	121.3	

The committee is keenly aware that any cost of living increase will not replace lost purchasing power sustained during the past 2 years by disabled veterans who have continued to receive static compensation payments in the face of steady inflation. Second, the committee takes cognizance of the continuing rate of inflation which the country continues to experience. The President, in his Economic Report to Congress, spoke of a permissive interim objective of an inflationary growth of up to 3 percent by the end of 1972. Currently the rate is 3.3 percent. Third, the committee is aware that disability compensation is based in principle upon providing relief for impaired earning capacity of veterans disabled as a result of their military service. As such, it cannot disregard the fact that spendable annual wages of production workers from July 1970 to present have increased by about 11.8 percent. Taking the foregoing factors into account the committee believes that the modest 10 percent increase provided for in the bill would be more equitable than the 6 percent increase favored by the administration. In this connection it should be noted that income maintenance programs such as service-connected disability compensation are exempt from coverage under the economic stabilization program.

Under the bill, for example, a veteran with a 10 percent disability rating would receive a monthly increase of $3 or an additional $36 a year. At the other end of the scale a totally disabled veteran would receive an additional $45 a month or $540 a year. Compensation rates under present law and those proposed by the committee bill together with the number of veterans by disability rating are shown in the following table:

TABLE 2.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3338

Disability	Present law	S. 3338	Number of veterans
(a) Rated at 10 percent	$25	$28	846,834
(b) Rated at 20 percent	46	51	332,651
(c) Rated at 30 percent	70	77	307,508
(d) Rated at 40 percent	96	106	173,405
(e) Rated at 50 percent	135	149	110,399
(f) Rated at 60 percent	163	179	107,507
(g) Rated at 70 percent	193	212	65,512
(h) Rated at 80 percent	223	245	34,001
(i) Rated at 90 percent	250	275	11,634
(j) Rated at total	450	495	127,783
Limit for veterans receiving payments under (a) to (j) above			
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	560	616	5,867
(m) Anatomical loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	616	678	2,832
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	700	770	367
Limit for veterans receiving payments under (l) to (n) above			
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	$784	$862	
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	784	862	5,721
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	336	370	8,063
(s) Disability rated as total, plus additional independently ratable at 60 percent or over, or permanently housebound	504	554	6,969
Total number of cases affected			2,146,693

Subsection (b) of the first section also authorizes the Administrator to adjust administratively, consistent with the 10-percent-rate increases specified in subsection (a), the rate of disability compensation payable to veterans within the purview of section 10 of Public Law 85–857 who are receiving disability compensation under laws other than chapter 11 of title 38, United States Code. This provision which is similar to other provisions which have been included in prior disability compensation bills assures that there will be comparable rate increases for veterans whose disability compensation payments were authorized by earlier laws as saved by the aforementioned section 10. A history of wartime service-connected compensation increases from July 1, 1933 to present is reflected in table 3 which follows:

TABLE 3.—HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION INCREASES

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
(a)	10	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75			7.9
(b)	20	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50			4.8
(c)	30	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25			5.8
(d)	40	36	11.1	40	15	46.00		20	55.20	8.7	60	5	62.00			4.8
(e)	50	45	11.1	50	15	57.50		20	69.00 / 60.00	8.7	75	15	86.25			5.5
(f)	60	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50			5.0
(g)	70	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75			5.3
(h)	80	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00			5.2
(i)	90	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25			5.0
(j)	100	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50			4.9
Subpar. (s) (housebound cases—Public Law 86–663, effective Sept. 1, 1960																
(l)		150		33.3		$200		20	240.00					10.8	$266	4.9
(m)		175		34.3		235		20	282.00					11.0	313	5.1
(n)		200		32.5		265		20	318.00					11.0	353	5.1
(o)		250		20.0		300		20	360.00					11.1	400	5.0
(p)						300		20	360.00					11.1	400	5.0

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
Subpar. (r) "A and A" nonhospitalization, Public Law 85–782, effective Oct. 1, 1958																
(k)		25			40.0		35	20	42.00					11.9	47	
(q)															67	

Sec. 314, title 38, subpar.—	Public Law 695 83d Cong., Oct. 1, 1954	Plus percent increase equals—	Public Law 85–168, Oct. 1, 1957	Plus percent increase equals—	Public Law 87–645, Oct. 1, 1962	Plus percent increase equals—	Public Law 89–311, Oct. 31, 1965	Plus percent increase equals—	Public Law 90–493, Jan. 1, 1969	Plus percent increase equals—	Public Law 91–376, July 1, 1970	Plus percent increase equals—	S. 3338 92d Congress	Percent increase from Oct. 1, 1954
(a)	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	12.0	$28	64.7
(b)	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	10.8	51	54.5
(c)	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	10.0	77	54.0
(d)	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	10.4	106	60.6
(e)	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	10.3	149	60.3
(f)	190	10.1	120	6.7	128	6.3	136	8.1	147	10.9	163	9.8	179	60.4
(g)	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	9.8	312	60.6
(h)	145	10.3	160	6.3	170	9.4	186	8.1	201	10.9	223	9.9	245	60.8
(i)	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	10.0	275	60.8
(j)	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	10.0	495	173.4
Subpar. (s) (housebound cases) Public Law 86–663, effective Sept. 1, 1960			265	9.4	290	20.7	350	28.8	450	12.0	504	9.9	554	
(l)	279	10.8	309	10.0	340	17.6	400	25.2	500	12.0	560	10.0	616	120.7
(m)	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	10.1	678	106.7
(n)	371	8.1	401	9.7	440	19.3	525	18.2	625	12.0	700	10.0	770	107.4
(o)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
(p)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
Subpar. (r) "A and A" nonhospitalization, Public Law 85–782, effective Oct. 1, 1958			150	33.3	200	25.0	250	20.0	300	12.0	336	10.1	370	
(k)														
(q)														

INCREASES IN MONTHLY DEPENDENTS' ALLOWANCES

Under present law additional allowances are provided for dependents of veterans who are rated 50 percent or more disabled. Section 2 of the bill would provide for a corresponding 10 percent increase in these rates which would affect approximately 760,000 dependents. The additional compensation rates payable for dependents under present law and the committee bill together with a categorical breakdown of dependents affected are shown in the following tables:

TABLE 4.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50 TO 100 PERCENT DISABLED)

	Present law	S. 3338
Wife, no children	$28	$31
Wife and 1 child	48	53
Wife and 2 children	61	67
Wife and 3 children	75	83
Each additional child	14	15
No wife, 1 child	19	21
No wife, 2 children	33	36
No wife, 3 children	48	53
Each additional child	14	15
Mother or father, each	23	25

TABLE 5.—DEPENDENTS RECEIVING ALLOWANCES AS OF JUNE 30, 1971

Wives	309,810
Children	431,971
Mothers	14,720
Fathers	3,467
Total	759,968

CLOTHING ALLOWANCE

Section 3 of the bill creates a new section which provides for a clothing allowance of $150 a year to each veteran who because of a compensable disability, wears or uses a prosthetic or orthotic appliance or appliances which tends to wear out or tear his clothing.

The committee received extensive testimony as to the need for such legislation and the inadequacy of existing law. Current law authorizes the Administrator to furnish "special clothing" made necessary by the wearing of prosthetic appliances. It does not, however, authorize the furnishing or replacement of conventional clothing by reason of extraordinary wear and tear occasioned by the use of a prosthetic appliance. The Veterans' Administration has recognized that the use of certain types of prosthetic appliances unquestionably results in unusual wear and tear on ordinary clothing of the wearer. Accordingly, since 1948 VA field stations have been authorized to furnish repairs, reweaving and special protective linings to those areas of clothing where damage or excessive wear is or could be the result of wearing a prosthetic appliance. The regulations are, however, extremely limited and these services are approved only on the condition that the cost of any single repair, reweaving, lining or combination thereof does not exceed a total of $15 for any one garment or one-half the new or replacement value of the garment whichever is the lesser amount.

The net result is that such assistance has been extremely limited. In the past fiscal year, for example, only 220 veterans were aided with an average expenditure of $14.94. The problem, however, as brought to the committee's attention through testimony and many letters is much more extensive. The existing law also fails to recognize changes in the clothing industry since Veterans' Administration regulations were first adopted in 1948. The clothing industry has abandoned the general use of wools and other materials and has instituted the use of synthetic yarns and fabrics in the manufacture of men's wearing apparel. Repairing and reweaving of these fibers is almost impossible. Furthermore it is obvious that $15 two decades ago could purchase a far greater volume of goods and services than can be purchased today.

Enactment of this provision would give recognition to the value of military service and the difficulties these severely handicapped veterans must endure daily because of the special nature of their service-incurred disabilities. The Veterans' Administration while unable to formally support the provision has acknowledged in their testimony a "most sympathetic concern with the problems of persons disabled from service-connected causes to the extent that prosthetic appliances are necessary. . . ."

In light of the foregoing, the committee intends that the regulations which will be issued pursuant to enactment of this provision should provide for most liberal criteria as to whether a prosthetic or orthopedic device tends to wear out or tear the clothing of a veteran. Explicitly included in this new section are those veterans who are confined to wheelchairs. This section would also apply to veterans who require the constant or frequent use of crutches. The Veterans' Administration estimates that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first full year.

EQUALIZATION OF WARTIME AND PEACETIME RATES

Section 4 of the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of calendar period of service. Under existing law there is a distinction between wartime and peacetime rates with veterans of the latter receiving compensation at 80 percent of the rate of the former. Originally compensation did not differentiate between wartime and peacetime service. A distinction was created, however, with the establishment of a separate compensation program for veterans of World War I. Since then the distinction has been maintained in varying degrees in succeeding compensation programs apparently on the premise that a war veteran should be accorded preferential treatment. In 1933 the pacetime rate was set at 50 percent of the wartime rate. In 1939 this differ-

ential was narrowed to 75 percent; and in 1948 the peacetime rate was set at 80 percent of the wartime rate where it remains today.

Whatever logic this distinction once might have had with respect to compensation for service incurred injuries is no longer evident to the Commitee. By maintaining a distinction based solely on calendar period of service, a number of anomalous situations have developed. For example, a veteran who entered the service in 1965 and served his entire tour in a noncombatant status in the United States would be entitled to full compensation for injuries suffered falling down the stairs of his barracks. Conversely, a veteran who may have served in Vietnam as part of a military advisory group in the early 1960's where he faced hostile fire in his role as advisor and who subsequently suffered an identical injury in a stateside barracks would receive only 80 percent of the compensation received by the first veteran.

Of even greater importance to the committee, however, is the basic philosophy of compensation payments. Section 355 of title 38, United States Code provides in part:

• • • • • •

The ratings shall be based, as far as practicable, upon the average impairment of earning capacity resulting from such injury in civil occupations.

• • • • • •

As the Veterans' Administration noted in its request for equalization of compensation in 1965:

It seems quite apparent, however that a veteran who has suffered a disability as a result of peacetime military service has the *same* loss of earnings as the veteran who has suffered the identical disability (which is disabling to the same degree) during wartime service. It follows that we are unable to justify continuance of the differential in the rates of disability compensation on any basis which is consistent with the nature and purpose of that benefit.

The committee concurs with this view and is aware of no material change in circumstances since that time which would alter the views expressed by the Veterans' Administration in their request for equalization.

Finally it should be noted that other Veterans' Administration programs have abandoned a wartime/peacetime distinction. Following extensive study, Congress adopted a new program of dependency and indemnity compensation in the Servicemen's and Veterans' Service Benefits Act of 1956 in which no distinction is made between wartime and peacetime service for the payment of compensation for service-connected deaths. In Puhlic Law 91-101, Congress also voted to expand medical benefits to make any veteran—wartime or peacetime—over age 65 eligible for Veterans' Administration hospital care and related outpatient care for non-service-connected disabilities without having to show financial inability. Thus the equalization proposed in this bill would be consistent with recent legislation.

Approximately 185,000 veterans will be affected by the equalization. Equalization of additional compensation for dependents will affect another 28,000. Veterans affected by degree of disability are shown in the following table:

TABLE 6.—*Peacetime veterans by disability rating*

Rating (percent):	
10	75,749
20	27,808
30	26,747
40	12,088
50	7,165
60	8,729
70	5,375
80	2,172
90	607
100	12,261
k	321
k	(6,897)
l	876
m	563
n	114
o	-------
p	-------
q	2,750
r	1,317
s	853
Total	185,495

EFFECTIVE DATE

Section 5 of the act provides that the act shall take effect on the first day of the second calendar month which begins after the date of enactment.

COST

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the committee, based upon information supplied by the Veterans' Administration, estimates the first full year cost of the bill to be $320.7 million, increasing gradually to $327.1 million in the fifth year. An itemized breakdown of the cost of S. 3338 by section for the first and fifth years follows:

S. 3338

[In millions]

	1st year	5th year
Sec. 1	$245,841	$249,968
Sec. 2	14,187	14,447
Sec. 3	6,600	7,800
Sec. 4	54,105	54,913
Total	320,700	327,100

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, there were no tabulations of votes to report; the committee unanimously ordered the bill as reported from the Subcommittee (with the addition of an amendment in the nature of a new sec. 4), reported favorably.

Mr. THURMOND. Mr. President, S. 3338 would increase the rates of compensation for disabled veterans and their dependents. This bill would raise the compensation rates by approximately 10 percent across the board. Veterans who depend on compensation to live soon find that rising costs eat up any increase.

The rates of compensation have not been increased since July 1, 1970. The rates for nonservice-connected disability and death pension were raised this year, and it is only equitable that cost-of-living increases be provided for veterans' service-connected disability compensation.

Mr. President, many of these veterans are so disabled that they are totally reliant on relatives and friends for their day-to-day care. They are unable to carry out normal activities and are unemployable or underemployed because they have little or no mobility. These deserving men and women are unable to compete with the rest of society on an equal basis. We should certainly allow them the chance of maintaining a standard of living that is comparable to those without crippling disabilities.

S. 3338 also adopts a new approach for those who must use prosthetic or orthopedic appliances including wheel chairs. This bill provides a clothing allowance for abnormal wear due to these devices. These veterans have a much higher clothing bill because clothing which comes into contact with the prosthesis tends to tear or rip.

The life span of these disabled veterans is significantly shortened in a large number of cases. No group is more deserving than those veterans who were wounded or disabled while serving their country so conscientiously. These people deserve our highest consideration. I urge my colleagues to support this bill and allow these patriots a yearly income which is commensurate with their sacrifice.

Mr. BOGGS. Mr. President, I would like to take a few moments to express my strong support for S. 3338 of which I am a cosponsor. This bill provides for a 10-percent increase in compensation for disabled veterans. I can think of no single group to whom we have a greater obligation than these men who have sacrificed so much for their country.

Obviously, no amount of compensation can take the place of the loss of a hand, an arm, a leg, or an eye. Nor can it restore the use of paralyzed limbs. This compensation is intended to replace earnings lost as a result of service-connected disability. For this reason, it is vital that compensation keep pace with the rise in wages generally and with the cost of living.

Since the last adjustment in disability compensation in 1970, the cost of living has risen 9 percent. Social Security has increased 10 percent and Federal pay has risen by nearly 12 percent. It is therefore simple equity that we make comparable adjustments in benefits for our disabled veterans. I urge all Senators to support this worthy legislation.

Mr. HARTKE. Mr. President, no person in our country is more deserving of our unceasing attention and concern than the disabled veteran. It is a concern that continues to grow daily with the swelling lists of those who have been disabled in Vietnam. Currently 287,000 Vietnam era veterans are drawing disability compensation. In total, our Nation has over 2.1 million veterans who are receiving compensation payments for service-connected disabilities.

As chairman of the Committee on Veterans' Affairs, it has been my privilege to meet with many of these men whose courageous and uncomplaining acceptance of the sacrifices they made for their country serves as a continuing inspiration for all of us. It is particularly gratifying to me, therefore, that the Senate has passed S. 3338 which the committee unanimously recommended. It contains a number of provisions which I believe meet in small part our continuing obligation to them. First, the bill provides for a 10-percent increase in compensation rates to cover past and continuing increases in the cost of living. Since the rates were last adjusted, the cost of living has risen 6.3 percent through April 1972. At present the cost of living continues to increase at a current rate of 3.3 percent. The committee believes that the 10-percent increase provided for in S. 3338 is an equitable one which takes these factors into account. Under this bill a veteran with a 10-percent disability rating will receive a monthly increase of $3 or an additional $36 a year. A veteran rated as totally disabled will receive an additional $45 a month or $540 a year. The additional allowances provided for dependents of veterans who are rated 50 percent or more disabled has also been increased by 10 percent. Approximately 760,000 dependents will be affected by these increases.

Another very important feature of this bill is the creation of a new clothing allowance of up to $150 a year to each veteran who because of a compensable disability wears or uses a prosthetic or orthopedic appliance or appliances which tends to wear out or tear his clothing. The committee has had brought to its attention many cases where veterans with artificial limbs or braces are constantly confronted with a situation where their clothes are being torn or worn out at an abnormal rate. Explicitly included in the clothing allowance provision are those veterans confined to wheelchairs as well. The committee is aware of a number of problems occasioned by those who regularly use a wheelchair which results in unusual wear and stress on their clothing. The new section would also apply to veterans who require the constant or frequent use of crutches. It is estimated by the Veterans' Administration that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first year.

Finally, the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of whether that disability occurred during wartime or peacetime. At present, the peacetime rate is set at only 80 percent of the wartime rate. Whatever logic this distinction once might have had with respect to compensation for service-incurred injuries is no longer evident to the committee. Compensation ratings are based upon the principle of providing relief for the average impairment of earning capacity resulting from the service-incurred injury. Two veterans with identical injuries will suffer the same impairment of earnings regardless of when that injury was incurred.

Over 2.1 million veterans will benefit from this act which will cost $320.7 million for the first full year.

I want to particularly commend the chairman of the Subcommittee on Compensation and Pensions, the distinguished senior Senator from Georgia (Mr. TALMADGE) for his outstanding leadership in producing the fine bill that is before the Senate today. The unanimity exhibited by each member of this committee on this vital measure for veterans has also been heartening.

I know that the Committee on Veterans' Affairs in the House of Representatives, under the extremely able leadership of its chairman, OLIN "TIGER" TEAGUE is also proceeding rapidly on similar disability compensation legislation. I am most confident that whatever minor differences may exist between the Senate and House bills will be quickly resolved so this important legislation can be sent on to the President for signature.

AMERICANS WHO DESERVE HELP: THE DISABLED VETERAN

Mr. HANSEN. Mr. President, we consider legislation today for a group of Americans who deserve commendation as well as compensation. It is my hope it will have full support of the Senate.

There is no obligation that exceeds the debt owed by their fellow-Americans to those who gave their lives or to those who gave health and limbs for the United States in the uniform of this country. We can never repay the former, those who died, or their survivors, for that great sacrifice. Nor can we fully repay the latter—the veteran who is disabled. But we must do as much as we can as a nation to partly compensate the disabled American veteran—to help make his life a little nearer normal and his hardships somewhat easier to bear.

Our bill, S. 3338, which I was privileged to cosponsor and support in the Committee on Veterans' Affairs, will for the first time provide a clothing allowance for those veterans who necessarily must wear an orthopedic appliance or prosthetic appliance. These devices bring additional and unusual wear and tear on clothing and thus an additional expense to the veteran. The legislation provides $150 annually for clothing allowance to this category of veteran.

The bill also gives needed and deserved assistance to all disabled veterans, providing a 10 percent across-the-board increase in compensation. The Senate will have my commendation for its action in passing this legislation. I am pleased to report that similar legislation has been reported by the House committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized under the standing order.

Mr. GRIFFIN. I have nothing, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for not to exceed 15 minutes.

ANOTHER TONKIN GULF INCIDENT

Mr. HUGHES. Mr. President, the headline on a Washington television news program Monday evening declared that an Air Force general had admitted to a congressional subcommittee that he had "bombed North Vietnam on his own," in the words of the newscaster.

That may not be an entirely accurate characterization of the essence of the testimony given by Gen. John D. Lavelle in connection with his being relieved of command of the 7th Air Force in Southeast Asia.

But in all probability it reflects the puzzlement and uncertainty of the American people about a military command and control system that allows violations of very specific orders to the contrary from the highest military authorities of this Nation.

General Lavelle, ironically, commands a certain respect for his frank and open statement taking sole responsibility for the violations of command orders.

In addition, Secretary Laird, Air Force Secretary Seamans, and Gen. John D. Ryan, the Air Force chief of staff, are to be commended for acting swiftly and effectively to investigate the allegations and halt the violations.

But the gnawing uncertainty is: to what extent can the actions of a single combat commander, authorizing persistent violations of established orders over a period of 4 months, trigger a spiraling escalation of hostilities by both sides at a time when we are committed to winding down the intensity of the war and withdrawing?

Now, an even graver question has arisen: To what extent were unauthorized air strikes ordered by General Lavelle responsible for the total collapse of the Paris peace talks last November?

President Nixon, in his televised address on January 25, said:

> On October 25, the North Vietnamese agreed to meet and suggested November 20th. On November 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi. Two months have passed since they called off that meeting.

Mr. President, it is imperative to note that, 2 weeks after the North Vietnamese agreed to meet and 9 days before the meeting was canceled, American war planes carried out "protective reaction strikes," as they were called by the American command in Saigon, against three North Vietnamese airfields.

That was on November 8, the same day fixed as the beginning of the Air Force investigation into the unauthorized air strikes.

Mr. President, for several months I have followed the information on the bombing of North Vietnam with increasing concern. Last November 23, I told the Senate of the rapid escalation of attacks against North Vietnam which had been labeled "protective reaction strikes."

At that time, I cited some newspaper accounts of the progressive relaxation in the rules of engagement during 1971. One report said that pilots were told to take "more aggressive actions." Another quoted pilots who spoke of "beating the other guy to the draw."

Despite the repeated claims that the war was winding down, the evidence of air activity demonstrated clearly that it was actually heating up.

Most of the actual statistics on the air war continued to be classified by the Department of Defense. These figures have no bearing on the immediate safety of the Americans involved, and I intend to propose legislation which would require the declassification of this information after a reasonable amount of time.

The number of sorties by individual

planes over North Vietnam, for example, is classified. The only data regularly released to the press and public concerned the number of "strikes," which often include several planes rather than single sorties.

By these figures, the number of attacks on North Vietnam in 1971 was more than five times the number during 1970.

The Defense Department distinguishes three types of protective reaction strikes: first, protection of reconnaissance planes when they appear to be threatened; second, those against antiaircraft and missile sites which threaten military planes operating near the borders of North Vietnam; and third, those "limited duration" raids deemed necessary to counter buildups of enemy forces.

Although the public justifications for the attacks on North Vietnam always mention the threat to unarmed reconnaissance planes, which fly in formation with fighter-bombers, the Pentagon statistics show that in 1971 this category accounted for less than one-fourth of the protective reaction strikes.

Starting last November, the number of announced strikes increased rapidly, from an average of about one every 4 days to one every other day. By March of this year, the average was approaching two every day.

I might point out, Mr. President, that during this escalation the United States unilaterally broke off both the secret and public sessions of the Paris peace talks.

In other words, the United States was giving clear signals to Hanoi that it was no longer interested in the peace talks and would instead step up the war against North Vietnam. What followed, of course, was the North Vietnamese dry-season offensive, first into Laos and later into South Vietnam.

Of course, that offensive may have taken place even if the United States had not broken off the peace talks and had not escalated its air war. But the offensive which had been predicted for January, and then February, and then March did not, in fact, begin in earnest until Easter weekend, by which time there could be no doubt that the United States felt free to bomb North Vietnam almost at will.

Long before the offensive actually started, the United States took several steps to increase its military actions and capabilities in Indochina. From a low point of 47,315 tons of munitions dropped in October, the U.S. air war soared to 91,670 tons in April, the latest month for which figures are available. Between December and March, the United States tripled the number of B–52's available for action in Southeast Asia, doubled the number of other attack aircraft, doubled the number of naval personnel off the coast of Vietnam, and began the process of increasing personnel in Thailand by over 50 percent.

What justification was there for this American escalation? Of course, there was an enemy buildup, as there has been every dry season. But compared with previous dry seasons, the number of protective reaction strikes soared dramatically this year to six times the level of last year and 18 times the level 2 years ago.

Now we are beginning to learn that the justification for many of these stepped-up attacks was falsified, misleading the American people.

The Air Force Chief of Staff, Gen. John D. Ryan, testified before the House Armed Services Committee on Monday that there had been falsification of reports and violations of the rules of engagement concerning attacks on North Vietnam. Although the general tried to minimize the extent of violations by noting that only 147 sorties were involved compared to the 25,000 flown by the 7th Air Force, the violations were far more serious.

General Ryan's investigations revealed 28 violations between November 8, 1971, and March 8, 1972, in connection with protective reaction strikes. The relevant comparison, therefore, is the 121 total of such strikes announced by the U.S. command in Saigon during the same period.

In other words, nearly one strike in every four was in violation of the rules of engagement established by the President and Secretary of Defense and the Joint Chiefs of Staff.

These startling facts suggest parallels with the 1964 Gulf of Tonkin incident.

Once again, we have been misled as to what actually occurred. We were told of the North Vietnamese retaliation but not about the allied attacks which preceded it.

Once again, serious doubts have been raised as to the adequacy of our command and control structure in Indochina. In 1964 there were unauthorized attacks on North Vietnamese villages just prior to our naval encounter in the Gulf of Tonkin.

Once again, allegations of increased North Vietnamese activity have been used as the justification for the deployment of substantial additional military units.

I only hope, Mr. President, that we will not consumate the analogy by continuing the escalation of this endless war.

I am proud to say, Mr. President, that at least one American refused to remain silent when ordered to falsify reports.

In early March, I received a letter from an Air Force enlisted man who was an intelligence specialist for the Air Force.

The letter was directed to me perhaps because a member of my staff had visited Southeast Asia in January while surveying the extent of the air war for me.

In his letter, the airman wrote:

> I and other members of (an Air Force unit) have been falsifying classified reports for missions into North Viet Nam . . . reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not.

The significance of this allegation was obvious. After excising the name of the writer, I took a copy of the letter to Senator SYMINGTON, a former Secretary of the Air Force and a distinguished colleague on the Senate Armed Services Committee. We conferred about it, and I asked his advice.

Senator SYMINGTON transmitted the edited letter to General Ryan, the Air Force Chief of Staff, and shortly thereafter, Secretary of the Air Force Seamans requested the name of the enlisted man to assist in an investigation of the allegations. After receiving assurances that the airman's rights and well-being would be fully protected, I provided Secretary Seamans with the name.

Mr. President, I ask unanimous consent that an edited text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator HAROLD HUGHES,
Capitol Building,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am an intelligence specialist —— (for the Air Force) . . .

I and other members of —— have been falsifying classified reports for missions into North Viet Nam. That is, we have been reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not. We have also been falsifying targets struck and bomb damage assessments.

I have been informed by my immediate OIC, —— that authorization for this falsification of classified documents comes from secure telephone communications from the Deputy of Operations, 7th Air Force.

I do not know where the original authorization comes from and this is my major concern. This same (officer) quipped that the President probably doesn't even know about the situation.

I am writing this letter to inform you of what is happening and to find out if this falsification of classified documents is legal and proper.

Sincerely yours,

—— ——.

Mr. HUGHES. I also ask unanimous consent that various other statements and published articles relating to this matter be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HUGHES. According to General Ryan's testimony on Monday, an Air Force investigation began immediately and on March 23 confirmed the allegations in the letter. The commander of the 7th Air Force, General Lavelle, was summoned to Washington and subsequently relieved of his command.

Secretary Laird called me yesterday morning to explain the results of the investigation. It was the first report received by my office from Defense Department officials, though a previous briefing had been arranged which I could not attend.

Now General Lavelle's nomination to retire at the rank of lieutenant general is pending before the Senate Armed Services Committee. I have requested that action on his nomination be delayed pending completion of a committee inquiry and hearing into the events that culminated in this nomination.

Mr. President, a multitude of grave questions that fall within the prerogatives and responsibilities of the Senate have arisen in connection with this matter. In an effort to illuminate the facts and to assess their impact on world peace, I will ask General Ryan to give me a full briefing on this matter, and I intend to ask the distinguished chairman of the Senate Armed Services Committee (Mr. STENNIS) to hold comprehensive hearings into the relevant aspects of this case.

I do not know, Mr. President, where the blame for these violations of orders should be placed. I have no personal quarrel with General Lavelle or any other officer. But I am deeply disturbed by a system which permits these unauthorized attacks and then conceals them until a courageous airman writes to a Member of the U.S. Senate.

I am troubled also by some of the implications of General Lavelle's testimony on Monday. While conceding that he had responsibility as commander, he also said that "low-level, hardworking Air Force men made their interpretations of what we wanted." What did "we" want, Mr. President? How did these wishes filter down to these men? At what level were General Lavalle's admitted "liberal interpretations" of the rules of engagement known and decided upon? As the Air Force sergeant wondered, did President Nixon know about the situation?

These are important questions to be answered, Mr. President. If pilots are encouraged or permitted to deviate from their orders in these instances, how can we be sure that there have not been other violations? How many civilians have been killed or injured by such "liberal interpretations" of the rules?

Reports of our military activities in Indochina have long been shrouded in doubts about their credibility. Only last Monday, Anothony Lewis wrote in the New York Times about Pentagon denials of attacks on a North Vietnamese village which he had visited. The refusal to admit that an attack took place, or even to admit that there might have been a mistaken attack, "illuminates one grave cost of this war to Americans," says Mr. Lewis, "the damage to our candor and humanity."

That is the crux of the issue here, Mr. President. We must learn that military force is difficult to control precisely, that men in battle are under tremendous pressures which may lead them to make mistakes or even violate orders. But when such mistakes or violations occur, we must not disregard or deny them. On the contrary, we must strive to prevent recurrences.

Only in this way can our own people—and our adversaries—be sure of our purposes and conditions for continuing this war.

Mr. President, a vast range of questions have been raised by the testimony given by General Ryan and General Lavelle on Monday, as well as by a series of newspaper accounts of the events that led up to the hearing, which I have asked unanimous consent to have printed in the RECORD at the conclusion of my statement.

I think it is important, Mr. President, for us to realize the analogy of what has been taking place in the relationships between these bombings and the peace talks. Here is a chronology of the crucial events in this period.

October 25, 1971: United States and North Viet Nam agree to hold secret talks on November 20.

November 8: Three unauthorized attacks on North Vietnamese airfields.

November 11: United States suspends public talks for the holidays.

November 17: Hanoi says Le Duc Tho is ill, but Xuan Thuy could meet with Kissinger.

November 19: United States says "no point would be served by a meeting."

November 25: United States calls off public talks for Thanksgiving.

December 9: Ambassador Porter calls off public talks scheduled for December 15, sees no point in "another sterile session."

December 15: Porter calls off talks for 23d, offers 30th.

December 26 to 30—approximately: United States conducts 5 days of heavy "limited duration" PRS against North Vietnam.

December 28: Hanoi calls off 30th talks because of renewed bombing.

January 6, 1972: Public talks resume.

January 25: Nixon reveals secret talks, blames Hanoi for avoiding them.

March 23: Nixon suspends public talks.

Mr. President, the only "limited duration" raids between March 1971 and the December massive strikes were on one day in September, when oil storage areas were hit. Subsequent to the September raid, Hanoi did agree to further secret talks.

But the November 8 raids against airfields may have been seen as unprovoked and perhaps as an effort to separate the peace talks from U.S. freedom of military action.

By breaking off the talks in November and by continuing and increasing the PRS during November and later, the United States signaled Hanoi a lack of enthusiasm for reaching a settlement.

I point these things out in relation to the questions that are brought up by the matter of General Lavelle.

EXHIBIT 1

STATEMENT OF GENERAL RYAN, CHIEF OF STAFF, U.S. AIR FORCE, JUNE 9, 1972

I am General John D. Ryan, Chief of Staff, United States Air Force. I appreciate the opportunity to appear before this Committee.

I am informed that the Committee is interested in the facts and circumstances surrounding the return from Vietnam and retirement from the Air Force of General John D. Lavelle.

As you know, General Lavelle was Commander of the Seventh Air Force in Vietnam. He assumed that duty on 1 August 1971.

On 8 March 1972, I received a copy of a letter from an Air Force NCO alleging that the Rules of Engagement were being violated and that there were irregularities in the reports rendered.

I sent Lt. General Wilson, the Air Force Inspector General, on 9 March, to Southeast Asia to investigate this matter.

On 23 March the Inspector General confirmed the allegations. Some missions had not been flown in accordance with the Rules of Engagement and there were irregularities in the operational reports. General Lavelle admitted to the Inspector General that this had occurred.

I ascertained from the Chairman, JCS, the Secretary of Defense, and CINCPAC that authority to deviate from the Rules of Engagement had not been given General Lavelle.

On 23 March, I summoned General Lavelle to Washington and discussed the matter with him.

General Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction.

After discussing this with General Lavelle, I offered him the option of continued service—a new assignment—in the Air Force in his permanent grade. I told him an application for retirement would probably be accepted.

Concurrently, I discussed this case with the Secretary of the Air Force, the Chairman, JCS, and the Secretary of Defense, and informed them of my recommendations.

General Lavelle, who was receiving medical attention for severe arm pain, made up his mind to retire on 31 March and submitted a request to do so. He stated therein that this was for personal and health reasons. He cited his son's illnesa as preventing further family separation. He also indicated that he was under treatment and that he had been advised that it was likely that he was in disability status.

General Lavelle's retirement was accepted by the Air Force with separation date to be determined when his physical status was settled.

During the week of 1 to 7 April General Lavelle was processing for retirement—physical examination—determination of disability, and the like.

I issued orders transferring General Lavelle to patient status in Washington. He had been in Washington since 26 March and was in fact no longer directing Seventh Air Force Operations. This transfer was in preparation for his retirement.

On 6 April, General John Vogt was selected to replace General Lavelle. On 7 April, this was announced. On the same date, General Lavelle's retirement processing was completed and his retirement effective.

I would like to emphasize that I have avoided public discussion because I had no desire to add to General Lavelle's personal and health problems by publicizing other circumstances involved in this matter. He stated his reasons for requesting retirement and I considered them, then and now, highly personal and private business.

STATEMENT OF GEN. JOHN D. LAVELLE, USAF, RETIRED

Mr. Chairman, it is a pleasure to appear before your Subcommittee today, and to explain the circumstances surrounding my recent retirement. I was assigned as Commander of the Seventh Air Force on 1 August 1971, just shortly before the start of the build-up of the North Vietnamese forces and their massive infiltration into Laos and South Vietnam which eventually resulted in the heavy fighting and eventual overrun of the Plain of Jars in Laos and the more recent invasion of South Vietnam. When I first took over, it was in the middle of the rainy season; however, starting in late September, as the rains subsided and the roads started to dry out, there was increased activity as the North Vietnamese infiltrations began. From this time, the infiltration, accompanied with the increased aggressiveness of the North Vietnamese, was constantly on the build.

I believe this Committee has a good appreciation of the North Vietnamese increased aggressiveness this year, but to illustrate the point, I'd like to make some rough comparisons. Considering the air war only, from the start of the dry season, which began 1 November through the end of February of this year, a period of four months, incursions into Laos or northern South Vietnam by NVN MIGs increased by a factor of about 15 over the same period for the previous year. Surface to air missile firings by a factor of about 10. The North Vietnamese had added new radar sites in the southern part of North Vietnam and had netted these with their missile radars to form a most sophisticated and complex system. This meant that the ground control intercept type heavy radars were netted with their surface to air

missiles as an integrated system, therefore either the GCI radar or the missile radars could pass target information to the missile firing units. Another indication of the aggressiveness of the North Vietnamese was that on the day their ground forces launched their attacks in the Plain of Jars, a substantial number of enemy MIGs were airborne and several of them crossed into Laotian territory.

As you know, the air war in South Vietnam is very tightly controlled and operated under quite specific rules of engagement. These rules of engagement had not changed substantively since we ceased bombing North Vietnam in 1968. However, the environment over there had changed considerably. I don't think there were any missile sites or radar controlled heavy anti-aircraft artillery in the southern part of North Vietnam in 1968. In February of this year, in addition to the sophisticated air defense control system, there were many occupied surface to air missile sites, along with many radar controlled heavy anti-aircraft artillery.

The rules of engagement, although being fairly specific, also require some interpretation or judgment factor added. With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement. In certain instances, against high priority military targets I made interpretations that were probably beyond the literal intention of the rules. I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in General Ryan recalling me and questioning me on wht we were doing. From this viewponnt in Washington, I had exceeded my authority. I can sit here now and understand his position, but at that time as the Commander on the spot concerned with the safety of the crews and, at the same time trying to stop the build-up that was going on, I felt that these were justifiable actions.

I had previously let it be known to General Ryan that because of personal reasons, that if he did not have an assignment for me on the East Coast this year, I would probably retire. So when he recalled me and questioned me on my conduct of the air war and informed me he intended to replace me as Seventh Air Force Commander, which is certainly his right and his responsibility, I elected to retire.

I was retired with a physical disability because of a heart murmur, emphysema, and a disc problem that causes aggravated pains in my hips and legs, particularly after heavy exercise or if I sit for a long while.

[From the Washington Post]

BOMBING VIOLATION CONCEDED—GENERAL ADMITS FALSE DATA ON RAIDS IN NORTH

(By George C. Wilson)

The former commander of the U.S. Air Force in Vietnam admitted yesterday that he "probably" went beyond his authority in bombing targets in North Vietnam and inspired his staff to file false reports on the raids.

But retired Gen. John D. Lavelle told a House Armed Services Committee hearing that "if I had it to do over again, I would do the same thing" as far as stretching the rules on targets.

He did not try to jusify or disclaim responsibility for the filing of false reports. Lavelle said he had told his staff that reports could not show bombing raids unrelated to enemy firing at U.S. aircraft.

Thus, to hit what Lavelle considered the important targets in the north without admitting to breaking the standing rules of engagement, pilots and others would have to claim that their bombing was triggered by such enemy action as missile firings or being tracked by enemy anti-aircraft radar.

"The buck stops here," said Lavelle in accepting responsibility for the false reports.

The Nixon administration during most of the time Lavalle commanded the 7th Air Force—from Aug. 1, 1971, until his retirement on April 7—described the bulk of its raids as "protective reaction."

The House subcommittee hearing yesterday brought these other disclosures:

"Protective reaction" was not the reason for at least 28 missions—totaling 147 planes flying to the target and back—between Nov. 8, 1971, and March 8, 1972. Gen. John D. Ryan, Air Force chief of staff, said Lavelle exceeded his authority in ordering these missions and was thus relieved. Ryan said the reports on at least three of the raids analyzed were false and were enough to convince him of serious irregularities. (The 147 sorties were out of a total of 25,000 flown in that same period, Ryan said.)

Ryan said he gave Lavelle the choice of taking another Air Force post at two ranks down from his four-star billet or to retire. Lavelle chose to retire. His permanent rank is two-star general but he received the retirement pay of full general and has been nominated for permanent three-star rank.

Lavelle's pilots in the 7th Air Force reported a buildup of 55 to 60 tanks in January in the eastern section of North Vietnam's panhandle—the launching area for Hanoi's invasion across the DMZ on March 30—but were denied permission to bomb them.

Dep. Otis Pike (D-N.Y.), who conducted the investigation for the full House Armed Services Committee, said after hearing Lavelle testify, "If we had gone after" the enemy buildup when it was first spotted, "we could have prevented the invasion."

Gen. Creighton W. Abrams, U.S. field commander in Vietnam, knew "what I was doing" but not that reports were being falsified, Lavelle said. "He never sat down and debated what the rules of engagement are when we got a missile site or radar."

The Pentagon so far has refused to supply the House Armed Services Committee with a copy of the Rules of Engagement in force while Lavelle commanded the 7th Air Force. Pike called this refusal to supply rules since superseded "ridiculous."

Col. Phillip H. Stevens, information chief for the American military command in Saigon, stopped giving out detailed information on U.S. air raids against the North on March 8—the very same day a senator gave Ryan a letter complaining of unauthorized bombing and false reports.

An Air Force sergeant had sent the letter originally to Sen. Harold E. Hughes (D-Iowa) who in turn gave it to Sen. Stuart Symington (D-Mo.). Symington passed the letter on to Ryan, according to testimony. Ryan immediately ordered an investigation.

Stevens on March 8 in Saigon said the number of aircraft involved in raiding North Vietnam would no longer be revealed because "to continue to reveal the number of aircraft would be useful to the enemy and endanger the lives of U.S. pilots."

The hearing started off in an atmosphere of calm as Committee Chairman F. Edward Hebert (D-La.) told Ryan and Lavelle—sitting side by side at the witness table—that the objective was to find out "the nature of the alleged irregularities."

ADMITS CHARGES

Ryan read a three-page statement in which he declared he sent the Air Force Inspector General to Vietnam on March 9 to investigate the charges—the day after reading the noncommissioned officer's letter. Lavelle, Ryan said, admitted the charges when confronted with them by the Inspector General.

Two weeks later, Ryan and Lavelle had a face-to-face meeting in Washington to discuss deviations from the Rules of Engagement. "Gen. Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction," Ryan said.

Ryan said he discussed Lavelle's case with Defense Secretary Melvin R. Laird; Air Force Secretary Robert C. Seamans Jr., and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff. White House sources said President Nixon himself was highly disturbed about the disclosures and the apparent breakdown in the chain of command.

"I have avoided public discussion because I had no desire to add to Gen. Lavelle's personal and health problems by publicizing other circumstances involved in this matter," Ryan said.

HANOI'S BUILDUP

Lavelle, dressed in a blue civilian suit, stressed to the committee that he took over the command just before the buildup for the big invasion of South Vietnam.

He said the network of Hanoi's air defense had changed the situation in North Vietnam "considerably" but that the rules of engagement for attacking the complex "had not changed substantively" since the bombing halt of 1968.

"The rules of engagement, although being fairly specific," Lavelle said, "also require some interpretation or judgment factor added.

"With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement."

After being denied permission to expand the target list, Lavelle said, "In certain instances against high priority military targets, I made interpretations that were probably beyond the literal intention of the rules.

"OPTIMUM ENEMY DEFENSE"

"I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in Gen. Ryan recalling me and questioning me on what we were doing.

"I can sit here now and understand his position," Lavelle continued, "but at that time as the commander on the spot concerned with the safety of the crews and, at the same time trying to stop the buildup that was going on, I felt that these were justifiable actions."

The questioning of Lavelle was friendly. The majority of the House Armed Services Committee traditionally has championed the military, with its leadership often blaming Pentagon civilians for the woes of the uniformed services.

Rep. John E. Hunt (R-N.J.), for example, said, "What you did was attack the enemy with successful strikes." Lavelle termed the strikes "very" successful.

The day he ordered his command to stop filing false bombing reports, Lavelle said, "I assigned three men to find out how to continue what we were doing but to report it accurately." He said the reports required too many details to hide the real nature of the bombing raids.

The committee expressed no alarm, either in its public or closed session, about the military circumventing civilian control in picking out what to bomb in North Vietnam.

Committee sources said that Hébert has scheduled no further hearings on that subject nor any other subject involved in the Lavelle case.

After the hearing, Rep. Pike said he found it "impossible to believe that he (Lavelle) was doing what he was doing without anybody knowing it until Sen. Symington slipped a note to Gen. Ryan."

[From the New York Times, June 14, 1972]

BEHIND THE LAVELLE INCIDENT, WEAK LINKS IN THE CHAIN OF COMMAND

(By Craig B. Whitney)

SAIGON, SOUTH VIETNAM, June 13.—"The system is totally dependent on people being honest," a colonel at the military headquarters here said today in reaction to Gen. John D. Lavelle's testimony in Washington that he ordered unauthorized strikes against North Vietnam last winter. No special measures have been taken, according to command spokesmen here, to prevent a recurrence of what General Lavelle said he did about 20 times between November and March.

General Lavelle testified that he had reported the unauthorized raids as "protective reaction" missions—defensive strikes by pilots who determine that they are threatened by antiaircraft radar, missile and gun sites in North Vietnamese territory. During the pause in sustained bombing of North Vietnam between November, 1968, and April, 1972, such strikes were often reported in connection with the United States' continued program of reconnaissance flights.

REPORTS WIDELY DISTRIBUTED

To disguise regular bombing as "protective reaction," the reports would have to be falsified not only by an officer as high-ranking as General Lavelle but by their originators—in the case of the Air Force the wing commanders, who are colonels commanding three or more squadrons of 20 planes each. No wing commanders have been relieved of duty in connection with the investigation of General Lavelle's actions, according to Air Force spokesmen here. The spokesmen refused to discuss the specific charges made against and answered by General Lavelle in Washington yesterday.

The wing commanders' reports of missions are, in turn, compiled from individual pilot reports. These "operational reports" are sent not only to the Seventh Air Force headquarters in Saigon but also to intermediate headquarters at Udorn, in Thailand, and to Gen. Creighton W. Abram's Military Assistance Command in Saigon as well as the Pacific command in Hawaii, which sends them to the Pentagon.

Since the operational reports are sent to all those addresses simultaneously, an officer at the United States command said, "the only way they can be falsified is at the wing level."

"Once they get here there's no way anyone would question them," he added.

Officers in Saigon said they had no record of the attacks General Lavelle was referring to when he said he had, on his own authority, ordered strikes on targets in North Vietnam without approval from higher headquarters. Consequently, they said, they did not know which wings were involved.

The general's actions are a reminder, though on a much smaller scale, of what Gen. Douglas MacArthur did in Korea 21 years ago, when he was sacked by President Harry S. Truman for insubordination after having publicly advocated the bombing of Chinese bases.

Now, as then, the greatest check on a military commander's freedom of action and ability to exercise the power entrusted to him is not external but, rather, lies in his training, discipline, restraint and unquestioned obedience to orders.

It is at the highest levels—for example in the four-star post of commander of the Seventh Air Force in Saigon, which General Lavelle held until his relief in March—that an officer's internal qualities become most important, for there are fewer outside checks on such high-ranking positions.

It is not secret that President Lyndon B. Johnson's suspension of regular bombing of North Vietnam on Nov. 1, 1968, was unpopular among the military men here who command and fly the Air Force and Navy planes.

Many Air Force and Navy officers who disagreed with the political reasons for the action chafed because they could not strike back at enemy territory. The pause was interrupted more and more frequently in its last year by protective reaction strikes and less frequently, by "limited duration" strategic campaigns against airfields, supply buildups and surface-to air-missile sites.

Before the North Vietnamese began their current offensive south of the demilitarized zone at the end of March, the air officers lobbied hard for permission to strike at the build-up they could see just north of the zone—long-range artillery and record numbers of surface-to-air-missiles and movements of supply trucks.

Two such campaigns, involving a thousand strikes, were announced and carried out before the offensive—one for five days after Christmas and the second against North Vietnamese artillery positions in and just north of the demilitarized zone in February.

RECOMMENDED BY ABRAMS

Both campaigns were authorized by the White House after being recommended by General Abrams's headquarters, in which the commander of the Seventh Air Force is also deputy commander for air operations and supervises the activities of Navy jets from aircraft carriers at sea as well as those of the Air Force planes based in Vietnam and Thailand.

A degree of latitude was always given not only to General Lavelle and his subordinate commanders but also to individual pilots in deciding when to undertake protective reaction strikes on targets in North Vietnam—and there were many of them. Since the Nixon Administration resumed sustained bombing of the North on April 6, the term "protective reaction" has not been used.

At the end of the pause pilots were permitted to fire missiles at or drop bombs on North Vietnamese antiaircraft radar sites that took their planes under observation—a threat, in the eyes of military commanders here, even if the planes were not under fire—without asking Saigon for permission.

The difficulty that General Lavelle apparently got into was in conducting bombing of strategic targets outside the framework of the officially approved limited duration strikes and in reporting them as protective reactions.

RULES OF ENGAGEMENT

There is an extensive set of rules of engagement to instruct the American forces on the conditions under which they may take targets under attack. General Lavelle's actions once again call attention to the rules, which have been central to most of the scandals in which the Army has been involved in Vietnam over the years, most especially at Mylai four years ago.

Rules of engagement on when civilian targets may be bombed or shot at are very strict, generally requiring both advance warning to enable civilians to get out and extreme provocation from the enemy. The rules are also troublesome, and many officers and men have ignored or violated them because of weakness or because they thought the rules endangered their lives.

A Navy commando officer in the Mekong Delta said before his unit was withdrawn late last year, "The rules of engagement kept getting stricter and stricter, and I finally stopped all operations because you would have to disobey them to do anything."

Reports of violations are supposed to be investigated by military channels up the chain of command, but as General Lavelle's case shows, it is sometimes outside of channels that such reports have the best chance of being acted upon. It was a letter that disclosed what General Lavelle admitted in his testimony yesterday.

"REPORTS WERE ACCURATE"

Asked about this during the morning's open session, General Lavelle said: "I had a lot of superiors, and I'm not saying that they all knew—by any stretch of the imagination." He added, however, that he had reported the raids to the Saigon headquarters and that "the reports were accurate."

"I think General Abrams knew what I was doing," General Lavelle said in response to questions. "But I'm positive that General Abrams had no idea what the reporting requirements were. He never worried about or sat down and debated our rules of engagement before we did it."

General Lavelle testified that he ordered the raids, aimed at targets in the southernmost areas of North Vietnam, between Nov. 8, 1971, and March 8 of this year. He took over as commander of the Seventh Air Force in July, 1971.

The targets, he said, included "airfields, radar sites, missile sites, missiles on transporters, equipment with the missiles and heavy guns." The strikes were "very successful," he added.

CITES ENEMY BUILD-UP

The general said that he had authorized the attacks after failing to get authority to begin attacking what he said was a substantial build-up of North Vietnamese equipment such as tanks, aircraft and oil depots in an area 11 to 15 miles north of the demilitarized zone, which straddles the border between South Vietnam and North Vietnam.

The North Vietnamese offensive began late in March with an all-out assault across the eastern half of the DMZ at that point. In April President Nixon authorized the current bombing in North Vietnam.

General Ryan, in his testimony, said that he had removed General Lavelle from his command after an investigation—prompted by a letter from an Air Force sergeant—showed that "some missions had not been flown in accordance with the rules of engagement and there were irregularities in the operational reports."

THREE FALSIFIED REPORTS

General Ryan said the official Air Force investigation had concluded that there were 28 violations of the rules of engagement involving unauthorized strikes by 147 aircraft. In Air Force parlance, a mission can involve one or many individual attacks by aircraft.

The Air Force Chief of Staff also reported under questioning, that three falsified after-action reports had been uncovered by the investigating team. The inquiry was completed on March 23, General Ryan testified, and General Lavelle was quickly ordered back to Washington. After being offered a chance to stay in the Air Force as a two-star general, General Lavelle retired.

"It was determined by my inspector general's team," General Ryan said, "that the impetus behind filing false statements came from General Lavelle."

QUESTIONED BY PIKE

General Lavelle was questioned closely by Representative Otis G. Pike, Democrat of Long Island, whose protests of what he termed a "cover-up" of the incident led to today's open hearings. Regarding the false statements, the General acknowledged that "I told my staff that we could not report no enemy action' " in the official statements filed by the pilots after the unauthorized missions.

In other words, the reports had to indicate that the assaults were made in response to enemy activities. Under the rules at the time, United States warplanes could respond to enemy artillery or missile fire and could even attack a missile site after the enemy's

radar "locked on" a plane, indicating that a rocket would be fired.

General Ryan told the Congressman that no disciplinary action had been taken against either the pilots or their immediate superiors for the falsification of records, most of which are classified .

General Lavelle said that he had taken full responsibility for the false reports. "I'm the commander and the buck stops here," he said. He added that "in my opinion, these were low-level, wonderful people" who were filing "what they thought we wanted."

The general insisted, however, that he had not known of the falsifications until he was informed of them by representatives of the Air Force investigating team. As soon as the falsified documents were shown to him, General Lavelle testified, "I stopped all of those strikes."

"I WOULD DO IT AGAIN"

It was not made clear during the public testimony how General Lavelle could have ordered his subordinates to depict all strikes as "protective reaction" and yet still be unaware of the resulting falsified documents. At one point, the officer, now officially retired as a three-star general pending Senate confirmation, said: "If I had to do it over again, I would do it again, but look into the reporting system first."

He added that he didn't think it was very smart for his subordinates to fake combat reports, "but that's how it happened." "I believe somebody, someplace got overeager," he said.

After the official Air Force investigation and the resulting order to stop all unauthorized attacks, General Lavelle testified, "I assigned three men to find out how we could continue doing what we were doing but report it accurately." The general said he concluded after the study that we were "unable to do so."

ASKED BOMBING AUTHORITY

General Abram's name also came up in the open hearing when General Lavelle maintained that he had made repeated and futile requests to headquarters in Saigon for permission to attack the growing enemy buildup. He testified that he made the requests orally in December, January and February to General Abrams who then forwarded them to higher headquarters in Hawaii and Washington.

"I was told to develop a plan and be prepared to hit them when we got permission from higher headquarters," General Lavalle said.

In two occasions, in late December and mid-February, authority was given to stage heavy bombing raids for a limited time. Such raids were officially called "limited-duration protective-reaction raids."

Generals Ryan and Lavalle were the only witnesses during the hearings, although Representative Hébert announced that Secretary of Defense Melvin R. Laird was "standing by" to testify if needed. No further hearings were scheduled by the subcommittee.

[From the New York Times, June 12, 1972]

GENERAL TESTIFIES HE MADE 20 RAIDS WITHOUT ORDERS—OUSTED COMMANDER ADMITS STRIKES ON NORTH MAY HAVE EXCEEDED LITERAL RULES—SAYS SUPERIORS KNEW—LAVELLE, AT HOUSE HEARING, INSISTS HEADQUARTERS WAS KEPT FULLY INFORMED

(By Seymour M. Hersh)

WASHINGTON, June 12.—Gen. John D. Lavelle acknowledged today that he was dismissed in March as commander of Air Force units in Southeast Asia after ordering his planes to make "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam and reporting them as "protective-reaction" missions.

"In certain instances," the general said at a House of Representatives committee hearing, "I made interpretations that were probably beyond the literal intention of the rules."

But General Lavelle, the only four-star general in modern United States military history to be demoted upon retirement, also insisted that his superior officers in the chain of command had been kept fully informed of his activities.

FOUR HOURS OF TESTIMONY

The reason for General Lavelle's dismissal was disclosed in The New York Times yesterday.

General Lavelle and the officer who dismissed him—Gen. John D. Ryan, the Air Force Chief of Staff—testified for two hours this morning before a House Armed Services investigating subcommittee headed by Representative F. Edward Hébert, Democrat of Louisiana.

The two generals returned in the afternoon for two more hours of testimony but this time behind closed doors. A subcommittee member said later that part of the secret session was devoted to tracing the extent of knowledge about the unauthorized raids at the highest American headquarters in Saigon, the Military Assistance Command, Vietnam, headed by Gen. Creighton W. Abrams.

[From the Washington Star, June 13, 1972]

LAVELLE BOMBING: TALKS NEARED, RAIDS CAME

(By Orr Kelly)

American warplanes conducted unauthorized attacks on three North Vietnamese airfields on Nov. 8 while Henry Kissinger and Le Duc Tho were planning to resume their secret negotiations seeking an end to the Vietnam war.

The North Vietnamese called off the negotiations without explanation nine days after the raids and said Tho was ill.

The raids were the first in a series of 28 mission—involving 147 strikes by individual planes—over a period of four months carried out in violation of orders from Washington, according to testimony yesterday before the House Armed Services Investigating subcommittee.

The unusual public session of the hearing was called to consider the dismissal of Gen. John D. Lavelle as commander of the Seventh Air Force, the top Air Force command in Southeast Asia.

Both Lavelle and Gen. John D. Ryan, chief of staff of the Air Force, told the committee that Lavelle had been relieved because pilots under his command made attacks on targets in North Vietnam and reported them falsely as "protective reaction" strikes.

American pilots have long been permitted to return fire if they are fired upon. But in the cases cited to the committees, the American pilots hit missile sites, missiles on transporters, radar installations, petroleum stores and airfields even though they had not been fired upon first.

The violations of the rules of engagement, Ryan said, covered the period from Nov. 8 to Mar. 8—the day he learned of the violations following an enlisted man's letter to a U.S. senator and ordered them stopped.

On Nov. 8, the American command in Saigon reported three "protective reaction" raids on airfields at Dong Hai, Vinh and Quang Lang—apparently the beginning of the attempt of pilots under Lavelle's command to break up the North Vietnamese air defenses and disrupt their growing preparations for the offensive which began just before Easter.

At that time, secret negotiations were underway between the United States and North Vietnam.

In a televised address on Jan. 25, President Nixon said he sent a private communication to Hanoi on Oct. 11 proposing an urgent meeting on Nov. 1 between Kissinger, his adviser on national security affairs, and Tho, a member of the North Vietnamese politburo with whom Kissinger had met in previous negotiations.

"On Oct. 25," Nixon said in his address, "the North Vietnamese agreed to meet and suggested Nov. 20. On Nov. 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi.

"Two months have passed since they called off that meeting. The only reply to our plans has been an increase in troop infiltration from North Vietnam and Communist military offensives in Laos and Cambodia. Our proposal for peace was answered by a step-up in the war," Nixon said.

On Jan. 4, in a televised interview, Nixon talked about a five-day bombing attack against North Vietnam. He said the attack was justified in part, by the North Vietnamese violation of a 1968 "understanding" not to fire upon unarmed American reconnaissance planes.

It is not clear whether or not the unauthorized strikes had any effect on the unexpected failure of the North Vietnamese to turn up for the November meeting. Testimony in yesterday's open session gave no reason to believe that Lavelle knew of the White House's peace efforts or that the White House knew of Lavelle's bombing attacks.

Under questioning by committee members, Lavelle said he thought that Gen. Creighton W. Abrams knew what he was doing but that Abrams did not know reports were falsified.

Rep. Otis Pike, D–N.Y., who instigated yesterday's hearings by speeches asking the reasons for Lavelle's dismissal, said he did not think the bombing attacks had made any difference because the number was relatively small.

Ryan said the 147 unauthorized sorties against North Vietnamese targets were part of some 25,000 sorties carried out in Southeast Asia during that four-month period. However, the number of protective reaction strikes reported in the four-month period was only 123, or between 500 and 600 sorties. The unauthorized strikes thus represented about one-fourth of the total number of attacks on targets in the North in that period.

The hearing, ordered by Rep. F. Edward Hebért, D-La., the committee chairman, consisted of a two-hour open session in the morning and a two-hour closed session in the afternoon. Although the hearing was recessed subject to a call by Hébert, the indication was that the subject had been covered and a report could be expected in about two weeks.

Pike said he did not think the air attacks could have been carried out without other officials knowing about them. But apparently investigation will not be continued in an attempt to determine who else in the chain of command may have known about the strikes.

A major unanswered question, Pike added, is why authorities in Washington, after receiving a number of reports from Lavelle on the build-up of supplies in North Vietnam, refused him permission to strike them, sticking to their policy against bombing in the North. After the North Vietnamese began their invasion, Pentagon officials said a conscious decision had been made not to attack the forces building up in preparation for the attack.

THE DOUBLE STANDARD

(By James Reston)

WASHINGTON, June 13.—The Government of the United States is saying some odd things to the American people these days, and the case of Gen. John D. Lavelle and his private war on North Vietnam is only the latest chapter in a very strange story.

The Government is saying to young men of military age that they can be compelled to fight in the undeclared war in Vietnam against their will, or go to the brig, and threatening its deserters who jump the country that they will be incarcerated if they come home.

There is no freedom here for men who refuse to engage in the killing when so ordered, but General Lavelle, who admits to bombing and killing on his own authority, is quietly retired on a four-star general's salary of $2,250 a month.

The Government here is also saying that reporters like Seymour Hersh of The New York Times, who broke the Mylai and Lavelle stories, and Neil Sheehan, also of The Times, who dug out the Pentagon Papers, and Jack Anderson, who exposed the Administration's clumsy diplomacy in the Indo-Pakistan war, are troublemakers who embarrass the Government and give aid and comfort to the enemy.

Well, it is a curious time, and the surprising thing about it is not that these things happen but the reaction to them after they do happen.

The Congress was very gentle with General Lavelle, and some members of the House Armed Services Investigating Subcommittee were openly admiring. The general is a handsome and candid man. He admitted everything, or almost everything.

He was worried about the North Vietnamese military build-up along the DMZ and recommended timely and summary action to break it up, and when he didn't get authority to do so, as the general in charge of the U.S. Air Force in Southeast Asia, he went ahead anyway.

As General Lavelle saw it, the men under him were obliged to carry out his orders, but he felt free to defy or "interpret" the orders of the Commander in Chief, the President, and his other superiors, as he pleased—not knowing, incidentally, that precisely at the time he started the bombing, the President had Henry Kissinger trying to open up peace negotiations with Le Duc Tho of North Vietnam in Paris.

To be fair about all this, it would be wrong to suggest that Lavelle is typical of the American general officers of his generation. Many of them no doubt admire him but very few have followed his bold personal initiative. Outside of MacArthur in Korea, there has been very little Caesarism or defiance of civilian authority in the Armed Services of the United States. France had much more trouble with a defeated and humiliated officer corps after its troubles in Vietnam and Algeria.

So Lavelle is an exception but he is a very important exception, and how he is handled in an age of atomic weapons could be very important for the future of the armed services of the United States, trained to fight for "victory" and now living in a more difficult and complicated time when modern arms are too powerful to be used effectively for rational purposes.

Lavelle is only a symbol of a much larger problem. Maybe he defied his officers—though it is hard to believe he could bomb unauthorized taregts for three months without their knowledge; and if he could, there is obviously something wrong with the whole U.S. intelligence system.

But even so, he has been living in an atmosphere of political trickery about Vietnam for years. The whole Vietnam policy has been seething with deception since 1965 under Presidents Kennedy, Johnson and Nixon, and the astonishing thing is not that there has been some deception by generals on the battlefield, but that there have not been more Lavelles.

Still, there is a fundamental question of public policy here. The Government has been caught once more in an obvious deception, which it tried to cover up. And this may be the most important issue before the people of the United States today. Nobody in either party has the answer to all our problems, but it would be reassuring to feel that the Government was telling the truth, even if its policies were wrong.

[From the Washington Post, June 14, 1972]

THE CASE OF GENERAL LAVELLE

To their considerable credit, American military men have been generally obedient to orders of civilian authority in the Vietnam war, though many have chafed under the frustration and casualties of a "limited" war fought with limited means for limited ends and have felt they could win or at least reduce American losses if permitted to unleash their full power. Whether this was ever so is debatable but it is plain enough that the Pentagon's loyalty to civilian authority has by and large prevailed over its frustration—a frustration no doubt confounded by the fact that successive administrations have failed to explain adequately to them, or the American public, why they were waging a "limited" war, or what, indeed "limited" means. So it is that, partly as a result of *carrying out* difficult, controversial and seemingly inexplicable civilian orders, the military has too often been made a scapegoat for the nation's misfortunes in Vietnam.

This is one reason why the case of General John Lavelle, former Air Force commander in Vietnam, is so disturbing. By his own admission he stretched and sometimes ignored orders and conducted raids against unauthorized military targets in North Vietnam. He did it, he told Congress unapologetically on Monday, to serve the safety of his crews and to blunt North Vietnam buildups which he was unable to get higher permission to strike. That is to say, an experienced decorated four-star general—no green second-rate lieutenant—not only made up his own orders but ignored the crucial requirement of a limited war to let the civilian leadership calibrate the military pressure just as it calibrates the diplomatic pressure. He took matters into his own hands. He did this, moreover, at a moment in early 1972 when the administration was trying to engage Hanoi in secret negotiations to end the war—negotiations in which each side's estimate of the other's good faith was bound to be of the essence.

Scarcely less disturbing is the distinct impression left Monday that General Lavelle had at least implicit sanction from some of his military superiors. Official Air Force procedures were not sufficient to forestall the general's promiscuous bombing, let alone to stop them once they were discovered—and they could not have been easily concealed. Unofficial procedures did: a sergeant wrote Senator Hughes, who told Senator Symington, who queried Air Force Chief of Staff Ryan, who only then investigated and relieved General Lavelle. The general subsequently retired with loss of a star.

President Nixon is described as highly disturbed by the disclosures and the apparent breakdown in the chain of command—and understandably. For quite naturally, the episode raises the question of whether officers have similarly conspired in other instances and whether the locks on civilian control of the military are suitably tamper-proof. As commander in chief, Mr. Nixon is duty bound to get satisfactory answers, as delicate to the military's equilibrium and to his own political situation as further pursuit of the matter may be. Unfortunately, the House Armed Services Committee hearings Monday were so limply conducted as to make further inquiry essential. Surely, responsible Air Force officers would want to dispel genuine and justifiable anxieties and suspicions which are bound to be raised in the public by the Lavelle affair.

[From the New York Times, June 11, 1972]

GENERAL BOMBED NORTH BEFORE ORDER BY NIXON—LAVELLE RELIEVED OF AIR FORCE POSITION AFTER REPORTING STRIKES IN EARLY 1972 AS "PROTECTIVE REACTION"

(By Seymour Hersh)

WASHINGTON, June 10.—Gen. John D. Lavelle was relieved as commander of United States Air Force units in Southeast Asia in March and demoted after ordering repeated and unauthorized bombing attacks of military targets in North Vietnam.

He reported the raids to higher headquarters as officially sanctioned "protective-reaction" strikes, military and Congressional sources said in a series of interviews.

General Lavelle, who as head of the Seventh Air Force was responsible for all Air Force combat flights in Southeast Asia, was said by these sources to have ordered the bombing raids over a three-month period that began in early January.

During those months, these sources said, the targets included airfields, radar sites, missile sites and antiaircraft batteries throughout the southernmost panhandle region of North Vietnam.

The current bombing attacks on the North were approvd by President Nixon in April.

THOUGHT IT WAS IMPLIED

During the first three months of this year, Administration spokesmen repeatedly insisted that no bombing of military targets in North Vietnam—such as those struck by General Lavelle's aircraft—was being conducted except for those missions which were publicly announced as "protective-reaction" or "limited-duration" raids.

A high-ranking military source with close knowledge of the incident said that General Lavelle was known to have received no written orders authorizing the strikes but "thought it was implied in the instructions that were given him."

The source added that the strikes ordered by General Lavelle were aimed "only at targets that could hurt the enemy." In General Lavelle's eyes, the source added, he had the authority as a battlefield commander "to make a determination of how far you can stretch rules before going up through the chain of command."

Officials in the Pentagon, the military officer added, had a much different interpretation of how far the rules could be extended.

Other military and Congressional sources close to General Lavelle said that the rational for his repeated violations of orders was the heavy build-up of equipment and matériel in North Vietnam that was being reported by his pilots.

These sources also said that the general was consistently reporting the build-up to the Military Assistance Command—Vietnam, the headquarters superior to his in the chain of command, but became frustrated when his reports "weren't listened to" and when many targets remained on the banned-targets list of the Joint Chiefs of Staff.

In addition, General Lavelle, who is 55 years old, is known to believe that his superiors at headquarters in Saigon were aware of his bombing attacks but nonetheless accepted his reports of protective-reaction strikes at face value.

The four star general was relieved as commander of the Seventh Air Force in March by General John D. Ryan, Air Force Chief of Staff. An official Air Force announcement one month later said that the general had retired "for personal and health reasons."

Last month, more than eight weeks after he was ordered to return to the United States and retire. The White House nominated General Lavelle for retirement at the three-star rank of lieutenant general. It is believed to be the first time in modern military history that a four-star general or admiral has been nominated to retire at a lower rank.

Officials in the Air Force and at the Pentagon and the White House refused to comment on the dismissal of General Lavelle pending an open hearing on the matter beginning Monday by a special investigating subcommittee of the House Armed Services Committee. The hearing was called by Representative F. Edward Hébert, Louisiana Democrat, who is chairman of the committee. Mr. Hébert also refused to comment on the matter.

Committee sources said a prime mover of the hearings was Representative Otis G. Pike, New York Democrat and a former Marine pilot, who made two speeches on the House floor last month questioning the abruptness of General Lavelle's retirement.

After Mr. Pike's speeches, the Air Force issued a second statement stating that the general had been relieved "because of irregularities in the conduct of his command responsibilities."

Another Congressional source said that General Lavelle's apparent violation of orders began after the United States conducted large-scale bombing raids over North Vietnam late last December. "He just didn't stop," the Congressional source said of the general.

General Lavelle's repeated reports of heavy enemy build-ups contrasted sharply with the official position of the Nixon Administration early this year.

High officials in the Pentagon, including Secretary of Defense Melvin R. Laird, are known to have believed until April that North Vietnam was not capable of mounting a sustained offensive.

The term "protective reaction" has been used by the Nixon Administration to describe both offensive and defensive bombing missions over North Vietnam and Laos. The term can include the individual action by an aircraft in response to an attack by an antiaircraft battery or in response to electronic contact with radar controlling a surface-to-air missile site.

In 1971, according to Pentagon statistics, Air Force and Navy planes engaged in a total of 123 acts of protective reaction, 25 of them in December. There were 27 such missions last January, 40 in February, 35 March and 26 until mid-April, when such tabulations were dropped in the wake of the North Vietnamese offensive.

During the early months of this year, North Vietnam has consistently described what it said were United States bombing missions against military targets and populated areas. On March 8, for example, the North Vietnamese Government broadcast a statement accusing the United States of staging a total of 139 bombing missions in February, dropping more than 2,100 bombs and firing nearly 200 rockets, shells and missiles.

The statement added, "Together with the bombing and strafing of North Vietnam during the past months—which Washington termed 'self-protective reactions'—the recent attacks are extremely serious war acts."

United States spokesmen announced a two-day series of "limited-duration" raids in mid-February but said they were aimed only at North Vietnamese artillery positions near the DMZ.

General Lavelle, who took over his position with the Seventh Air Force in July, 1971, is said to have received hundreds of letters from former colleagues and subordinates in support of his actions in Southeast Asia. He is known to believe that his actions were taken in good faith and has told associates that he would "do it again."

General Lavelle, contacted at his home, refused to speak publicly about the matter. He is scheduled to testify before the House investigating subcommittee tomorrow. Secretary Laird and General Ryan, the chief of staff, also are scheduled to appear.

A number of serious questions were left unanswered by the account of General Lavelle's actions and dismissal.

If General Lavelle's superiors in Saigon or elsewhere knew that his planes were conducting bombing missions, as General Lavelle is known to contend, who authorized such missions? Authority for all attacks in North Vietnam at that time in the air war—before the offensive in April—were known to have been carefully controlled by the White House.

No responsible official is contending that White House officials knew of or planned the attacks and ordered them to be reported as protective reaction.

If General Lavelle was replaced in March because higher officials in Washington, Honolulu, Saigon and elsewhere did not know of his repeated bombing attacks, a grave issue of command and control is raised. Is it possible for a battlefield commander to grossly violate operational orders and not be detected for three months?

Qualified military sources insisted that General Lavelle was relieved solely because, as one officer put it, he "was hitting targets in North Vietnam and reporting them as protective-reaction strikes." The strikes conducted by General Lavelle's aircraft, which operated from bases in Thailand and South Vietnam, were said to have been extremely successful in terms of destroying North Vietnamese equipment and radar sites.

On the question why it took three months to detect the bombings and relieve the general of his command, one well-informed Air Force officer would say only, "There definitely are two sides to the story." He had been asked specifically about the statements that General Lavelle had implicit authorization for such attacks.

A Congressional source said during an interview that he believed that General Lavelle had been relieved on orders of someone in the White House or at the top of the military command in Saigon. But that high official may not have learned himself of the repeated violations until March, the Congressional source said, and then did not find out until "somebody squealed" on the general.

The impact of the unauthorized bombing raids on the Paris peace talks is impossible to assess. But one informed diplomat with experience in Paris, after being told of General Lavelle's unauthorized attacks, noted that the incident apparently began in the weeks after secret talks were broken off between Henry A. Kissinger, President Nixon's adviser for national security, and Le Duc Tho, North Vietnam's Politburo member who is often in Paris.

The heavy amount of bombing described as protective reaction would "reinforce the distrust of us by North Vietnam," the Government official said. "And to my mind, the main impediment to negotiations has always been that our credibility with them is very low and their credibility with us is very low."

A former high-ranking Government official, also asked for his reaction to the allegations against General Lavelle, said that the unauthorized bombing undermined the United States protests at the beginning of Hanoi's offensive. Those protests alleged that North Vietnam was violating the 1968 Paris accords that call—in the United States view—for a restriction on ground assaults in return for a bombing halt.

In May, two months after he was ordered to return to the United States and retire, the White House nominated General Lavelle for retirement at the three-star rank of Lieutenant General. It was believed to be the first time in modern military history that a four-star General or Admiral has been nominated to retire at a lower rank.

Along with his unprecedented demotion to lieutenant general, General Lavelle was however, permitted a 70 per cent disability because of emphysema, which means that 70 per cent of his retirement pay will be tax free. His retirement pay is about $2,100 a month.

The general had a distinguished and uncontroversial Air Force career. A native of Cleveland and a graduate of John Carroll University there, he entered the Air Force in 1939 and flew in Europe as a combat pilot.

[From the New York Times, June 12, 1972]

PIKE CHARGES A COVER-UP OVER GENERAL'S DISMISSAL

(By Seymour M. Hersh)

Representative Otis G. Pike, Democrat of New York yesterday accused the Air Force of "trying to sweep a scandal under the rug" by withholding information from Congress on the dismissal three months ago of Gen. John D. Lavelle as commander of the Seventh Air Force in Southeast Asia.

The Congressman, a member of a special House Armed Services investigating subcommittee that will hold a hearing today on the dismissal of General Lavelle, said that the incident involves "a grave question of civilian control of the military."

The Air Force relieved General Lavelle after aircraft under his command repeatedly bombed military targets in North Vietnam without authority. The attacks, which well-informed military and Congressional sources said took place over a three-month period beginning early in January of this year, were reported to higher authorities as officially sanctioned "protective-reaction" strikes.

The current bombing of North Vietnam was authorized by President Nixon in April.

"CURVES THROWN UP TO ME"

Mr. Pike, during a telephone interview from his home at Riverhead, L.I., said that he first learned of General Lavelle's dismissal and the reasons for it late in April.

"I've been trying for six weeks now just to get the facts officially confirmed by the Air Force and all I've gotten is curves thrown up to me," he said.

"I don't honestly know whether General Lavelle is a villain or a hero, but I do think that this is the kind of cover-up which makes the American people lose faith in the credibility of our military."

The Congressman, a former Marine pilot who has generally supported the Nixon Administration in its handling of the Vietnam war, described the issues behind General Lavelle's dismissal as "far more serious than the procurement scandals that we in Congress get so excited about; this involves the whole character of our military operation."

A source on the House Armed Services investigating subcommittee confirmed that the hearing today was being held at Mr. Pike's repeated urging.

General Lavelle and the officer who dismissed him, Gen. John D. Ryan, the Air Force Chief of Staff are both scheduled to testify. A spokesman for the subcommittee said that Secretary of Defense Melvin T. Laird, who was to have testified, would not be asked to appear unless more extensive hearings were held.

Along with being replaced, General Lavelle was officially retired by the White House last month at the rank of lieutenant general, a demotion of one grade. It is believed to be the first time in modern United States military history that a retiring four-star general or admiral suffered a loss of rank.

Mr. Pike said that a key question that he would attempt to resolve concerned the specific orders given to General Lavelle. The general received no authorization for the bombing missions in writing, but reportedly "thought it was implied" in the orders that were given him.

"I wasn't there," Mr. Pike said, "but I believe that General Lavelle did in fact become aware of targets which, in his judgment, should have been attacked as a matter of just plain good military tactics and he went ahead and attacked them." The Congressman said he had learned earlier of the specific reasons for General Lavelle's reassignment from sources "outside the Air Force," but he refused to elaborate.

The congressman added: "What I want to find out is what orders was he operating under? Were they written or oral? How were they changed to begin the bombing attacks of last December—were those written or oral?"

Mr. Pike was referring to the five days of heavy bombing of North Vietnam authorized by President Nixon at the end of last year. General Lavelle is believed by one well-placed Congressional source to have continued hitting the assigned target after the raids, which were hampered by bad weather, were ordered ended.

General Lavelle is known to believe that officers at the Military Assistance Command-Vietnam, the headquarters immediately superior to his in the chain of command, were aware of the real mission of his bombing attacks but accepted his reports of "protective reaction" without question.

"That's obviously true," said Mr. Pike. "If Lavelle's pilots were attacking unauthorized targets, obviously the men at higher headquarters knew about it. And the pilots get debriefings by operations officers, and the operations officers had to know about it."

The Congressman said that another important question focuses on intelligence estimates of North Vietnamese capabilities early this year. Another reason offered for General Lavelle's unauthorized attacks was that his pilots were describing a North Vietnamese build-up and the general was reported unable to convince higher authorities to permit him to attack the targets.

"Were we aware of the other side's build-up?" Mr. Pike asked. "And if our intelligence was not faulty, could we have prevented the offensive by hitting at their radars and missiles and stockpiles before the offensive took place? And if we could, why didn't we?"

The phrase "protective reaction" was initially coined in 1969 to describe a ground policy in South Vietnam in which field commanders were told to seek out and attack concentrations of North Vietnamese or Vietcong troops to prevent any possible offensive.

It later was extended to cover the air war and was used to justify bombing by American warplanes of missile or anti-aircraft sites that attacked the planes. Eventually, United States planes were given authority to attack such offensive emplacements if the enemy radars "locked on," indicating they were about to fire.

There were about 450 "protective reaction" strikes reported by the Saigon command between November 1968, and April 1972, when such statistics were no longer kept.

At least 17 of those missions were officially defined by the Pentagon as "limited-duration, protective-reaction" strikes involving upward of 200 assault planes attacking targets in North Vietnam from one to five days.

[From the Washington Post, Apr. 8, 1972]

UNITED STATES REPLACES ITS AIR CHIEF IN VIETNAM

The Pentagon yesterday announced the abrupt assignment of a new commander for the U.S. 7th Air Force in Vietnam, in charge of all Air Force strike in Southeast Asia.

The reason for the rapidity of the change—which comes at a time when the United States is rapidly building up its air power in Southeast Asia to oppose the Communist invasion of South Vietnam—was not given.

A Pentagon spokesman said Gen. John W. Vogt Jr., until Thursday scheduled to become chief of staff for Supreme Headquarters of Allied Powers in Europe, had instead been placed in charge of American air activity in Vietnam. He said the reassignment was effective immediately.

The spokesman said Vogt, 52, will replace Gen. John D. Lavelle, 55, "who is retiring for personal and health reasons." Lavelle has commanded the 7th Air Force since last July.

For the past two years Vogt has been director of the U.S. joint staff at the Pentagon, the organization that supports the activities of Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff.

Moorer pinned a fourth star on Vogt's shoulders in an evening ceremony at his office Thursday and presented him with the joint services commendation medal. Defense Secretary Melvin R. Laird awarded Vogt the Air Force Distinguished Service medal in a private ceremony in Laird's office yesterday morning.

Asked the reason of the change and when Vogt would be going to Vietnam, a Pentagon spokesman said, "I can't go beyond our (printed four-paragraph) statement." Informed sources, however, said Vogt would fly to Vietnam today.

Vogt, a native of Elizabeth, N.J., entered the Army Air Corps as an aviation cadet in 1941 and won his wings as a pilot and second lieutenant the next year.

Lavelle, born in Cleveland, joined the Army Air Corps in 1930 and won his wings and second lieutenant's commission in 1940.

[From the Washington Post, May 4, 1972]

AIR FORCE GENERAL TO RETIRE AT LOWER RANK

(By Michael Getler)

The four-star Air Force general who until early last month was commander of the U.S. Seventh Air Force in Vietnam has been nominated by the White House for retirement at the rank of a three-star general.

The action is believed to be the first time in modern U.S. military history that a four-star general or admiral has been nominated to retire at a lesser rank.

On April 7, just one week after the North Vietnamese invasion began across the demilitarized zone and in the midst of a massive U.S. build-up of air power in Southeast Asia, the Pentagon abruptly announced the assignment of a new commander for the Seventh Air Force, which directs all Air Force operations in the war zone.

The Pentagon announcement claimed that four-star Gen. John D. Lavelle, who had commanded the Seventh Air Force since July, 1971, was "retiring for personal and health reasons." Defense spokesmen would offer no further explanation for the action.

The unexpectedness of the move was also dramatized by the appointment on the same day of Air Force Gen. John W. Vogt to replace Lavelle. Vogt, until the previous day was slated to become chief of staff for allied headquarters in Europe.

The retirement of Lavelle has been handled in an unusual fashion since it was first announced.

Normally the announcement of retirement for high-ranking generals is accompanied by the White House nomination for retirement rank. In Lavelle's case, the nomination came several weeks later.

Technically, all active-duty three- and four-star generals at the instant of retirement revert to a permanent two-star rank, which is the highest allowed by law. But the President then nominates them, subject to Senate confirmation, to advancement to higher rank as retired officers.

Spokesmen for the Army and Navy say that to the best of their services' knowledge, no four-star general or admiral has ever been retired at a lesser grade. The Air Force declined to answer a similar query, but Defense Department officials say they also know of no precedent for the current situation.

[From the Washington Evening Star, May 16, 1972]

RYAN SAYS HE OUSTED 7TH AIR FORCE CHIEF

Gen. John D. Ryan, chief of staff of the Air Force, says he personally relieved Gen. John D. Lavelle as commander of the Seventh Air Force in Vietnam "because of irregularities in the conduct of his command responsibilities."

Lavelle, 55, retired on April 7 "for personal and health reasons." Ryan's statement yesterday was the first official acknowledgment of more serious problems between the two men.

The brief statement was handed to reporters at the Pentagon shortly after Rep. Otis Pike, D-N.Y., complained in a speech to the House about the failure of the Air Force to give a satisfactory explanation of the abrupt replacement of the service's top combat commander while his forces were being marshaled to meet a major enemy offensive.

HEARINGS TO BE EXPEDITED

Rep. H. Edward Hébert, D-La., chairman of the House Armed Services Committee, of which Pike is a member, said late yesterday that hearings by the committee's investigating subcommittee would be expedited.

Pike said in a telephone interview that he had "heard all sorts of rumors about the real reasons" for Lavelle's replacement and retirement. But, he said, despite efforts over the last several weeks he had not been able to learn the truth and did not know whether Lavelle is "a hero or a villain."

"But the truth is going to come out," he declared.

Informed sources said last week that the abrupt dismissal of Lavelle stemmed from a dispute with Ryan involving altitudes flown by pilots on combat missions. But other Pentagon sources said yesterday that there were even more important issues involved.

Lavelle, who had been in command of the Seventh Air Force in Saigon since last summer, was called back to Washington in late March—before the enemy offensive began—spent about 10 days in the Andrews Air Force Base hospital and retired on April 7. He reportedly received a 70 percent disability because of emphysema, a debilitating lung disease.

He was replaced by Gen. John A. Vogt Jr., 52, who had been scheduled to take a top Air Force command in Europe after service as director of the joint staff for the Joint Chiefs of Staff.

[From the New York Times, June 10, 1972]

MILITARY WAGING AIR WAR AS THEY WANT

(By Neil Sheehan)

WASHINGTON.—United States military leaders are being permitted to wage the air war as they want in Indochina—sealing off North Vietnam's coast and harbors with mines, followed by the systematic and relatively unrestricted destruction of military and industrial targets throughout the country.

President Nixon's two-month-old air war differs in major respects from the three-and-a-half-year bombing campaign waged by his predecessor, Lyndon B. Johnson. When Mr. Johnson was President, he and his senior advisers, in their phrase, "dribbled out" targets chosen at their Tuesday luncheon meetings.

In the current effort, as before, there are restricted zones at Hanoi and Haiphong as well as a so-called buffer zone along the China border that is about 25 miles deep. On the other hand, the military commanders are free to strike designated military targets in the restricted and buffer zones whenever they feel the need to do so. More important, they have been permitted to restrike these targets to maintain their destruction.

While most senior military leaders are optimistic, some of those interviewed on the bombing campaign are uncertain whether American air power can reduce the flow of supplies overland from China to the point where Hanoi can no longer effectively prosecute the war in the South.

The Joint Chiefs of Staff, it is understood, have made no promises to cripple North Vietnam's war-making capability within a given period. "There have been no specifics along this line," an officer familiar with their thinking said. "There are too many unpredictables."

Unlike the shifting objectives of President Johnson's campaign, which bore the code name Rolling Thunder, the goals of this air war are simple in concept.

Nixon Administration officials say they intend to deny North Vietnam any sea-borne goods that are essential to its long-term war effort. About 85 per cent of the 2.2 million tons it received last year from China, the Soviet Union and Eastern European countries arrived by sea, most through the now-mined port of Haiphong. American military leaders say the mining is reasonably effective.

ATTACK ON LAND ROUTES

Current plans also call for bombing by the Navy from aircraft carriers in the Gulf of Tonkin and by the Air Force to try to reduce the flow of weapons, ammunition, petroleum, food, clothing, medical supplies and other goods moving by alternate routes. The main routes from China consist of two railroads, the northeast line to Kwangsi Province and the northwest line to Yunnan, eight roads and the Red River waterway.

There are to be further attacks on those supplies as they are distributed throughout North Vietnam and moved toward the South through Laos and across the demilitarized zone.

In South Vietnam, meanwhile, a ferocious bombardment—on a par with the previous peak in 1968—is attempting to eliminate the 150,000 North Vietnamese troops there and to destroy what supplies they have stocked in battlefield areas.

American and South Vietnamese fighter-bombers are flying more than 15,000 sorties a month there (a sortie is a flight by a single aircraft) and the six-engine B–52 bombers, each of which carries up to 30 tons of bombs, are averaging about 75 strike sorties a day.

SUPPLIES AND MORALE

The goals are these:

A dearth of supplies will restrain Hanoi's onslaught in the South, particularly the advanced warfare with tanks and the lavish use of artillery and rockets that have prevailed since the offensive began at the end of March.

Sagging morale in the North caused by hunger and the hardships of constant bombing will force the North Vietnamese leadership to sue for peace in Paris on Mr. Nixon's terms.

The President, senior officers say, has given the military a reasonably free hand in the North to achieve those objectives.

Under the code named Operation Linebacker, in deference to Mr. Nixon's enthusiasm for football the air war got under way in three phases. It began with strikes throughout the North Vietnamese panhandle below the 20th parallel on April 6, moved into high gear with a spectacular raid by B–52's and fighter-bombers against petroleum tank farms in the Haiphong and Hanoi areas on April 16, and then settled into a sustained campaign with the President's announcement of the mining of the ports on May 8.

Military leaders say that just after the April 16 raid Mr. Nixon cleared to the Joint Chiefs a long list of targets throughout the North. The exact number is unavailable, but there are at least 200 in the bombing zones that cover the northeastern corner of North Vietnam, including Hanoi and Haiphong.

ANNOUNCED IN ADVANCE

The Joint Chiefs in turn, cleared the list to the Commander in Chief, Pacific, in Hawaii and thence to the commanders of the Seventh Fleet and the Seventh Air Force.

The subordinate commanders decide what targets they ought to strike to achieve the objectives of the campaign and simply report their intentions in advance.

The White House is apparently informed of strikes into the restricted zones by the advance warning to the Joint chiefs, but there have been no reports of interference with repeated raids.

The Longbien Bridge in Hanoi was attacked May 10 and 11. On May 18 a tank farm four miles northeast of the Hanoi center was bombed and Navy jets blasted away the center span of the Haiphong rail-highway bridge a mile from the city center on May 24.

The only military target in Haiphong to remain generally off limits is the dock area, where the foreign ships are trapped.

While precautions such as flying parallel to the border and keeping a close radar watch are being employed to avoid flights over China, two raids have been made within about 20 miles of, or less than a minute's flight time from, the frontier. The first occurred May 24 when Air Force Phantom jets knocked out six spans of the Langgiai rail bridge on the northeast line. Last Tuesday the Phantoms struck both a rail switching yard and a road bridge southwest of Langson, in the same area.

SILENCE ON CASUALTIES

To minimize civilian casualties, the listed targets are of a military or industrial nature. Pentagon spokesmen decline to answer questions about such casualties. There appears to be less concern with the civilians this time in view of the freedom given the air commanders and the attempt to cut off food, clothing and medical supplies.

The main tactical purpose of the bombing has been to keep the railroads from China cut and to destroy as much petroleum as possible. The power plants are being knocked out to impose hardship on the cities and impede the air-defense system.

If the North Vietnamese, as they are expected to, begin a full-fledged operation to truck supplies down the roads from China and to move material by barge along the waterways, the brunt of the bombing will fall on those, which are much more difficult to hit.

The advances in American technology since the 1965–68 campaign are encouraging military leaders. Such students of air power as Robert B. Hotz, editor in chief of Aviation Week and Space Technology, believe that Operation Linebacker is a case example of technological advances making possible a major foreign-policy decision by a President.

The most striking advance is the availability of laser-guided bombs of 500 to 3,000 pounds, which can be directed with a precision only dreamed of in the past.

Reconnaissance photographs of petroleum depots show only a few craters around the targets to indicate misses. The Thanhhoa rail and highway bridge about 85 miles south of Hanoi survived all efforts at destruction in the first air war, its western span was crumpled in a single strike by Phantoms on May 13. The Haiduong rail bridge below Thanhhoa, which took four raids to destroy in the previous air war, did not survive the first attack this time.

An 850-pound television-guided bomb called the Walleye, which was available during the earlier campaign, is being used with greater effect by the fighter-bombers as a result of experience. Furthermore, Navy pilots flying the new A–7E Corsair attack plane have almost doubled their bombing accuracy with a computerized display device.

Another notable advance has occurred in electronic countermeasures, which have reached a Buck Rogers stage of wizardry. During the April 16 raid, when 17 B–52's flew at a level 30,000 feet over Haiphong to bomb the petroleum depots there, a fleet of electronic-countermeasures aircraft virtually blinded the North Vietnamese defenses by jamming the radar of the Soviet-made missile batteries and conventional antiaircraft artillery.

SCORES OF SHOTS, NO HITS

Specially equipped F–105 Thunderchief fighter-bombers, called Wild Weasels, also homed in on the missile batteries and crippled their radar with Shrike missiles, which fly down a radar beam.

Without accurate radar direction, surface-to-air missiles are useless and conventional antiaircraft guns are severely hampered. The North Vietnamese fired scores of missiles at the B–52's on April 16 without making a hit.

As a result, the North Vietnamese defenses are not as effective against the smaller fighter-bombers as before and the B–52's, whose bomb load is the nearest approach to a tactical nuclear weapon, can be employed with acceptable risk.

The guesses as to how long it will take, using the mining of the ports May 8 as a starting point, for a successful campaign to seriously impede the North's war-making capability run from two to six months and up.

The weakest link in the supply system is believed to be petroleum because large amounts are necessary to keep the trucks rolling to fuel the Soviet-built tanks operating in the South.

Prior to the mining North Vietnam was importing 30,000 to 40,000 tons of petroleum a month. Senior officers guess that it may have stockpiled a two-month reserve.

The determination of the North Vietnamese and their willingness to take punishment have made the American military leaders cautious in their assessments. "The enemy has a lot of options that he can exercise to string things out, depending upon the price he is willing to pay," an officer said.

U.S. PERSONNEL STRAINED

Some officers believe that Mr. Nixon has pushed the air and naval build-up in Southeast Asia close to the limits in terms of strain on pilots and other personnel and close to what he can stand in the political repercussions from the economic costs.

On one day toward the end of May, for instance, the Navy had 13 of its 16 carriers at sea either in transit, on training assignment, with the Sixth Fleet in the Mediterranean or on missions in the Gulf of Tonkin.

Gen. John D. Ryan, Air Force Chief of Staff, distributed a special message to the men and their families on April 15 saying that he would try to bring them "home as soon as possible" because most of the pilots and ground crews had served war tours and some had only recently returned.

Secretary of Defense Melvin R. Laird's surprise announcement before the House Appropriations Committee Monday that war costs might double during the fiscal year beginning July 1—to $10-billion to $12-billion—is considered only a preliminary projection. Some Congressional observers think the figure may run higher.

The military effectiveness of further escalating the air war by dispatching more aircraft is questioned by some senior officers. They note that commanders already have authority to strike meaningful military targets and the aircraft to make the attacks.

SHIFT ON TARGETS POSSIBLE

They believe that if Mr. Nixon wants to escalate the war significantly in response to North Vietnamese ground initiatives in the South, he may have to begin attacking civilian targets—the cities and the flood control dikes in the northern edges of the Tonkin Delta. Moreover, if the present campaign fails to achieve results, some officers would not be surprised if Mr. Nixon, having "made his commitment," changed his mind on such targets, perhaps after adequate warning to the North Vietnamese.

The B–52 raid on the Haiphong petroleum area on April 16 is regarded by senior officers as having as much a psychological as a military objective. Mr. Nixon, they believe, was demonstrating the destructive force he can loose if Hanoi does not come to terms. Three B–52's in formation can obliterate an area more than half a mile wide and nearly two miles long.

In the meantime, the military leaders are conscious that the President has put the air weapon to a greater test than ever and that the reputation of air power rides on the outcome.

"The President is retreating on the ground and advancing in the air," a Congressional student of military affairs said. "He's told the Air Force and Navy to go ahead and do their stuff. They'll prove themselves one way or the other this time."

THE COST OF PHUCLOC

(By Anthony Lewis)

LONDON, June 11.—Several weeks ago in this space there was a report from the North Vietnamese village of Phucloc. It described the damage done when, as the villagers and North Vietnamese officials said, American planes bombed Phucloc at 2:20 on the morning of April 16. They said that of the population of 611, 63 were killed and 61 injured.

The Defense Department in Washington was asked to comment, to say how such a nonmilitary place could have been bombed. Phucloc is a village of mud huts, a small island in a sea of rice fields, about five miles south of Haiphong.

The Pentagon reply, received in due course, was a flat denial that American bombers had attacked Phucloc. A B–52 raid on Haiphong on April 16 had been announced shortly after it took place, an official said. But it was against Pentagon policy to bomb populated areas, he said, and there had been no raid on Phucloc.

There is an almost Alice-in-Wonderland logic to that Pentagon comment: We do not bomb civilian targets, so we could not have bombed Phucloc. In its blandness it really suggests that there was no bombing, that the whole affair was made up or a mirage.

The difficulty is that anyone who actually saw Phucloc after April 16 will believe otherwise. It would be extremely difficult to fake the bomb craters that I saw there with my own eyes. It would be a remarkable piece of theater to atage the screaming women in the rubble, and the people who spoke of their families being killed. And others have seen Phucloc.

It would be one thing for a Pentagon official to say that no such civilian village is an American bombing target but that a mistake could not be altogether excluded that close to Haiphong. It is another to imply that there was no bombing of Phucloc at all—especially when United States intelligence photographs could well have shown the damage.

The Pentagon comment thus unintentionally illuminates one grave cost of this war to Americans: the damage to our candor and humanity.

It is not only Phucloc, of course. A number of Western correspondents over many years have reported on bomb damage to civilian facilities in North Vietnam, to schools and houses and hospitals. But American official policy is evidently to ignore all such reports, to brush them aside, to deny that mistakes can have occurred.

The official announcements continue to speak of B–52's raiding gasoline dumps and bridges and electrical plants, and of ships offshore shelling "Communist military targets." It is as if there were no human beings involved at all. But common sense, like the eyewitness accounts, tells us that any large-scale bombing or shelling hits some innocent civilians. Why, then, does the United States Government ignore or deny it?

Some of those involved in the policy of heavy bombing and shelling must, unconsciously or otherwise, regard the Vietnamese as *untermenschen*, as creatures somehow not so human as us. Others, actually facing the truth about the human damage that American bombs and shells and chemicals have done, still think our political objectives are more important.

But many Americans, probably most, have simply tuned out. The continuing death and destruction in Vietnam are no longer in their consciousness.

That is why public opinion can be so inert when Seymour Hersh of The New York Times discloses secret findings that another massacre occurred on the same morning as Mylai in 1968. The official report speaks of "murder," and of "pretense" and "misrepresentation" in covering it up, but hardly anyone in Washington—in the military, in Congress or in the press—really seems to care deeply.

In a way, concealing the truth or not caring is worse than killing women and children at Mylai or bombing them by mistake at Phucloc. Nor does it help to say that the Communists have killed countless innocent people in Vietnam. Americans have to worry about their own souls.

[From the New York Times, June 10, 1972]

WITH AIR WAR WIDENING, U.S. AIR POWER SURGES

WASHINGTON.—President Nixon has nearly doubled Air Force fighter-bomber strength in Southeast Asia and tripled the number of aircraft carriers, and he is quadrupling the force of B–52 Stratofortresses there.

The Air Force's 16-plane F–4 Phantom squadrons at bases in Thailand and at Danang, in northern South Vietnam, have gone to 21 from 11.

The attack aircraft carriers in the Gulf of Tonkin have increased from two to six, with an average of 65 fighter-bombers to a carrier. A seventh, the antisubmarine carrier Ticonderoga, is on patrol duty. More than 40 destroyers and cruisers, the largest such task force in recent memory, are protecting the carriers and hurling shells at enemy positions along the coasts.

Two more attack carriers, the America and the Oriskany, have sailed for the Gulf of Tonkin, although it is still undetermined whether they will relieve carriers on station.

The B–52 force has climbed from 45 planes stationed in southern Thailand at the beginning of the year to about 145 there and on Guam. More are being added and the figure is expected to reach 190—almost half the B–52's in the Air Force—by mid-June.

The number of men involved is unavailable, but it is estimated at 40,000 to 60,000 if support personnel at bases on Okinawa and in the Philippines are included.

About two-thirds of the attack sorties against the North are being flown by Navy planes because of the heavy commitment of the Air Force to the battlefields in the South.

In April about 1,900 sorties were launched by both services against northern targets. By the end of May the number was 5,400, but the rate is not at peak reached in 1967, when an average of 8,000 sorties a month were flown.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. SYMINGTON. Mr. President, let me congratulate the able Senator from Iowa for again bringing this matter to the attention of the Senate, something he first attempted many weeks ago. As a distinguished combat infantryman of World War II, he cannot be criticized by those who have some kind of euphoria with respect to the military, therefore do not attempt to find out just how the organization that annually takes so many billion dollars of the taxpayers' money is actually functioning.

A small matter, so as to correct the record: After the able Senator sent me the letter in question from this enlisted man, I took it up promptly by letter with the Secretary of the Air Force, not with the Chief of Staff. But I was assured later by the Chief of Staff that the matter was going to be handled, and handled promptly; and I was also so assured by the Secretary of Defense. This whole situation is most unfortunate, and to me just another illustration of the many tragedies involved in this unfortunate war. Ironically, the proper removal of this general for violating his instruction involved a degree of bombing not remotely commensurate with the degree of bombing currently going on at the direction of this administration.

Again let me respectfully commend the Senator for bringing this matter to the attention of the Senate.

Mr. HUGHES. I thank the distinguished Senator from Missouri.

Mr. MANSFIELD. Mr. President, I want to express to the distinguished Senator from Iowa my commendation for the temperate tone in which he has called this matter to the attention of the Senate.

I am disturbed by a number of factors connected with what has recently been brought to light and would not have seen the light of day had not the distinguished Senator from Iowa received a letter from a sergeant in Thailand who happened to be one of his constituents.

What disturbs me is the position in which it places the President, as the civilian Commander in Chief, under the Constitution. What disturbs me is the effect it might have had on the secret negotiations being carried out by the President's agent, Dr. Henry Kissinger with Le Duc Tho, Hanoi's chief delegate at just about that time.

The juxtaposition of time does raise questions. Frankly, I knew nothing about the secret meetings between Dr. Kissinger and Le Duc Tho in Paris until the President announced them. It appears to me that the diplomatic illness of Le Duc Tho after agreeing to the last meeting, which was never consumated, fits into a pattern which might be tied up with what happened around this particular time.

I would hope that this war in some way could be settled, because it has been a cancer on the body of this Nation. Not only has it caused 55,000 Americans to die and 303,000 Americans to be wounded; it also has cost this country more than $130 billion in expenditures, going back to 1961.

Furthermore, so far as the bombing is concerned, it is my understanding that we have used in Indochina approxi-

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mately three times the tonnage that was used in the Pacific and European theaters during all of World War II. It is my further understanding that, on the basis of this accelerated bombing, the Secretary of Defense is going to request an additional $3 billion in the defense appropriation bill—that is through September; and if it lasts through the end of the year, $5 billion. So it is costing us a great deal in many ways, and I have not even begun to list the disasters which have resulted in this country because of our tragic and mistaken involvement in this war, in which we have no business, in which our vital interests are not concerned, in Southeast Asia.

But, for the time being, I am concerned about the position of the President in relation to this matter, in his constitutional capacity as civilian Commander in Chief. I am concerned because of the effect this action may have had on the possibility of successful negotiations between Dr. Kissinger and Le Duc Tho at that time and the reasons why that particular meeting was cancelled between the emissaries of the United States and the North Vietnamese Governments.

So I wanted to express my views on the matter and to commend the distinguished Senator from Iowa. Once again I want to say that I appreciate the temperate way in which he has discussed this most serious problem. It goes far beyond one man; it encompasses the constitutional processes of a democratic system and perhaps the future of this Nation as well. I commend the Senator.

Mr. HUGHES. I thank the Senator from Montana.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 3 minutes.

CRUDE OIL SHORTAGE ON WEST COAST

Mr. STEVENS. Mr. President, I would like to call the attention of my colleagues, particularly those from Far Western States, to the crude oil shortage that is overtaking the west coast and to the two alternative solutions to that problem.

Historically, the west coast has supplied its crude oil from the oilfields of California and those of southern Alaska. This ready availability of oil has been a most beneficial factor in the development of the Far West. Now, however, trends are changing rapidly. The west coast is using more oil every day, while every day its own oilfields are producing less and less crude oil.

By the year 1980 the west coast will only be able to produce half the oil it will be consuming by then. The remainder must be obtained elsewhere, either from foreign countries or, more likely, from the newly discovered North Slope reserves in Alaska.

Ecological considerations are attracting ever more attention on the west coast. Consequently, the alternative of importing foreign oil in fleets of foreign tankers manned by foreign crews has alarmed some leaders. If Alaskan oil is permitted to come to market in California, the outside half of the west coast's oil supply will be American oil, shipped in modern, American-built, American-flag tankers manned by American officers and crews.

The plan for tanker operations takes into account prudent limitations on the size of vessels serving various ports. The Valdez terminal, deep, broad, sheltered, and ice free would be able to handle tankers ranging in size from 30,000 to 250,000 deadweight tons. By far the most prevalent size of ship would be those in the 70,000- to 120,000-ton category. Vessels up to 120,000 tons will carry crude oil from Valdez to Long Beach, Calif., and to terminals in Puget Sound. Tankers serving San Francisco Bay, however, will be limited in size to 80,000-tonners.

I have been asked whether the tanker traffic to Puget Sound points would not cause congestion in those waterways. Tanker operations to the sound from Valdez would have increased by no more than one arrival per week by 1980.

It is interesting to note in this regard that the Marine Exchange of the Seattle Chamber of Commerce has calculated today's Puget Sound tanker traffic to be only half of what it was 10 years ago. It is also noteworthy that a review of 50 years of marine activity in Puget Sound does not reveal one serious collision. Nor have tanker movements there ever caused a major oil spill.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Secretary of Defense, transmitting, pursuant to law, reports on overobligations of certain obligations (with accompanying reports); to the Committee on Appropriations.

FEDERAL PLAN FOR MARINE ENVIRONMENTAL PREDICTION

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Federal plan for marine environmental prediction for fiscal year 1973 (with an accompanying document); to the Committee on Commerce.

NOTICE RELATING TO CHILDREN'S SLEEPWEAR

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, a notice to be published in the Federal Register relating to children's sleepwear (with an accompanying paper); to the Committee on Commerce.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Commerce.

PROPOSED AMENDMENT OF INTERNAL REVENUE CODE OF 1954

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses (with an accompanying paper); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Survey of the Application of the Government's Policy on Self-Insurance", dated June 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 32

"A concurrent resolution to urge and request the Louisiana Public Service Commission and the Interstate Commerce Commission to take any and all actions necessary to reject and/or disapprove any requests or other application by the Southern Pacific Transportation Company to abandon the Lake Charles-DeRidder branch line of the Southern Pacific Railroad

"Whereas, it has come to the attention of the members of the Louisiana Legislature that officials of the Southern Pacific Transportation Company have informed its customers in the DeRidder area of its intention to abandon the branch line between DeRidder and Lake Charles; and

"Whereas, any such discontinuance in the operation of said branch line will effect irreparable injury to the citizens of Louisiana residing in the parishes of Calcasieu and Beauregard in that said discontinuance will cause the businesses which use the services of the branch line to relocate in areas where such services are available; and

"Whereas, representatives of the governing bodies of the communities affected, numerous officials and concerned businessmen and citizens have urged and requested the administration of the Southern Pacific Transportation Company that the operation and maintenance of the branch line as described hereinabove be not discontinued by said railroad company in that same would effect an unbearable and costly burden and economic strain on the businessmen and citizens of the areas in which said line passes.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring therein, that the Louisiana Public Service Commission and the Interstate Commerce Commission are hereby strenuously urged and requested to take any and all action necessary to reject and/or disapprove any application or request by the Southern Pacific Transportation Company which would effect the discontinuance of the operation and maintenance of the branch line railroad above cited for the reasons expressed herein.

"Be it further resolved that copies of this Resolution be immediately forwarded to the following: the Chairman of the Louisiana Public Service Commission, the Chairman of the Interstate Commerce Commission, the Governor of the state of Louisiana, the President of the Southern Pacific Transportation Company and the members of Louisiana's delegation in the Congress of the United States."

Joint resolutions of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION GG

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

"'ARTICLE —

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'Section 3. This amendment shall take effect two years after the date of ratification.'"

"Therefore, in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve and assent to the proposed amendment to the Constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

"HOUSE JOINT RESOLUTION LLL

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

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"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on Commerce, without amendment:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge (Rept. No. 92–859).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

Michael A. Gammino, Jr., of Rhode Island, Joseph D. Hughes, of Pennsylvania, Gloria L. Anderson, of Georgia, Theodore W. Braun, of California, and Neal Blackwell Freeman, of New York, to be members of the Board of Directors of the Corporation for Public Broadcasting.

Mr. PASTORE. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

George F. Martin, and sundry other Reserve officers, to be permanent commissioned officers in the regular Coast Guard; and

Paul J. Balzer, to be a permanent commissioned warrant officer in the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. JAVITS, and Mr. CASE):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill calling for a 6-month extension of the Emergency Unemployment Compensation Act of 1971 and a bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

In light of the continued high rate of unemployment in the Nation, I feel the Congress has a duty to assist the people hardest hit by recent economic conditions. By enacting these measures, Congress will provide relief in the States where unemployment has had the most severe impact. In my own State, 87,430 workers have qualified for benefits under the so-called "Magnuson Extension." I believe that without this program, the economic hardships faced by thousands in my State would have been even more severe. Nationally, over 700,000 workers had received benefits during the 3-month period ending April 29, 1972, according to the Department of Labor statistics. These workers received an average benefit of $54.69 per week.

The second bill provides the States with an opportunity to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

S.J. Res. 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. CASE, and Mr. JAVITS):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill calling for a 6-month extension of the Emergency Unemployment Compensation Act of 1971 and a bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

In light of the continued high rate of unemployment in the Nation, I feel the Congress has a duty to assist the people hardest hit by recent economic conditions. By enacting these measures, Congress will provide relief in the States where unemployment has had the most severe impact. In my own State, 87,430 workers have qualified for benefits under the so-called "Magnuson Extension." I believe that without this program, the economic hardships faced by thousands in my State would have been even more severe. Nationally, over 700,000 workers had received benefits during the 3-month period ending April 29, 1972, according to the Department of Labor statistics. These workers received an average benefit of $54.69 per week.

The second bill provides the States with an opportunity to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

This bill allows for the suspension of a provision of the 1970 act which unfairly discriminates against States with persistently high rates of unemployment. For example, Washington State has had a very high rate of unemployment over the last 2 years. Because the rate is not 120 percent of what it was during the previous 2 years, Washington State has triggered out of the Federal-State Extended Unemployment Compensation Program. Unless a national trigger goes "on," the unemployed in our State will no longer be able to receive Federal-State extended benefits. The Emergency Unemployment Compensation Act expires on June 30, 1972; thus, after June 30 the long-term unemployed in Washington State will only receive regular State benefits. The same situation exists in a number of other States and such an inequity can be corrected if this bill passes.

I am disturbed that as of today no substantive recommendations have been made to the Congress on what the administration believes should be done on this vital question. Public Law 92–224 required the Secretary of Labor to make substantive recommendations by May 1, 1972. As of today, Congress has received only a factual report, not a substantive report on what should be done for the long-term unemployed. I am concerned that this delaying tactic is intended to kill any chance for congressional action. As the Department of Labor should recall, Congress acted in a 10-day period during the Christmas season last year in order to aid the long-term unemployed. I hope that Congress is again willing to act. I noted with great pleasure that Congressman BURKE of Massachusetts has introduced similar legislation on the House side and has been joined by a large group of cosponsors, including the powerful chairman of the Ways and Means Committee, Congressman WILBUR MILLS of Arkansas.

Last December, Chairman MILLS provided immense support when he skillfully guided the original act through a very difficult conference and through last minute House floor action. Obviously, his cosponsorship and leadership are vital in this effort. I, of course, would be remiss if I did not mention the equally significant effort of the distinguished chairman of the Senate Finance Committee, Senator RUSSELL LONG. Without his support and leadership, the Emergency Unemployment Compensation Act of 1971 could not have happened. The Finance Committee, at his urging, reported a bill (H.R. 6065) late last December and this bill provided a vehicle for attaching the so-called Magnuson amendment.

Thus today, I am pleased to introduce these two bills which will provide badly needed financial support for the hardest hit of the long-term unemployed. Of course, I realize that without positive House action and a favorable report from the Nixon administration, this will certainly be an uphill battle.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters and articles on this question, along with a press release issued by the Senator from New Jersey (Mr. CASE).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 1, 1972.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am transmitting herewith a report on this Department's study and review of the program established by the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, Title II).

Section 206 of the Act which directed me to conduct such a study and review and to submit the report on or before May 1, 1972, also specified that the report shall cover the period ending March 31, 1972. In view of the time required to obtain and analyze reports from the participating States on claims filed and benefits paid, it has been necessary to limit the coverage of this report to the period ending March 25, 1972.

The first week for which benefits could be paid under the terms of the Act was the week of January 30-February 5, 1972. The data available concerning the program for our study and review was limited to eight weeks' experience which is not enough experience upon which to act. For this reason I recommend that no action with regard to continuance of the program be taken at this time.

The report I am now submitting shows the results of our study and review of the limited benefit payment experience under the program, projections of benefit payments which will be payable under the program after March 25, 1972, and the funding of the benefits payable under the program.

I plan to submit to the Congress another report on the program as soon as we receive and analyze data on the operations for the month of April, which should be in early June.

Respectfully submitted.

J. D. HODGSON,
Secretary of Labor.

MAY 31, 1972.

HON. JAMES D. HODGSON,
Secretary, Department of Labor, Department of Labor Building, Washington, D.C.

DEAR SECRETARY HODGSON: I have thoroughly reviewed the report you transmitted to Congress on May 2, 1972 regarding the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, Title II).

Your cover letter indicated that you were recommending "that no action with regard to continuance of the program be taken at this time." I understand that one additional month's data will be critical in any evaluation made by the Department of Labor.

As the author of the Emergency Unemployment Compensation Act of 1971, I believe that this measure has been worthwhile and has aided hundreds-of-thousands of long-term unemployed workers in states experiencing the highest rates of unemployment. As you recall, my original proposal called for a 26-week emergency program. I still believe that a program of that duration is needed. Therefore, I am very hopeful that your "substantive recommendations" will include at least a 13-week extension of Title II of P.L. 92–224. I also hope that those recommendations will be received in the next few days in order to give Congress a week or two to consider your recommendations before Title II of P.L. 92–224 expires.

As Chairman of the Labor, Health, Education, Welfare and Related Agencies Appropriations Subcommittee, I am deeply concerned, as are the members of my Subcommittee, about the economic dilemma facing the long-term unemployed worker. I hope that your report will reflect positive interest in providing aid for these workers.

Your cooperation and prompt reply will be deeply appreciated by me.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

JOBLESS PAY ACT TO BE CONSIDERED

Further extension of the Emergency Unemployment Compensation Act of 1971 will be considered by the House Ways and Means Committee, Sen. Warren Magnuson announced yesterday.

Magnuson authored the Act, which passed Congress last December.

Benefits under the Magnuson Bill ran out in early May for those who qualified for the 13-week maximum starting last Jan. 31.

Those who exhausted other regular and extended state and federal jobless benefits and entered the "Magnuson" program, with full qualification, later in the year, can continue to collect weekly unemployment compensation checks through September.

About 87,500 Washington State citizens have received benefits totaling nearly $35 million in the last four months.

"I am very pleased that the House Ways and Means Committee is taking up this question. In light of the continued high rate of unemployment—5.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action," Magnuson said.

Magnuson urged a six-month extension of emergency benefits in a strongly-worded letter to Secretary of Labor James Hodgson on May 31. He said:

"The Administration has consistently opposed my efforts to aid the long-term unemployed. The Administration, under law, was supposed to make its substantive recommendations by May 1, 1972, but delayed filing a report with Congress because of an alleged lack of facts."

JOBLESS ACTION SOUGHT

Democratic members of the ad hoc Legislative Tax Reform Committee will ask today that a special legislative session consider the problems of economic recovery and unemployment, along with tax reform.

A resolution calling for expansion of the session will be considered by the committee. It says 60,000 workers have exhausted all unemployment compensation.

Pushed by Rep. Bill Chatalas, House Democratic caucus chairman, the resolution says 30,000 to 40,000 additional workers will have run out of unemployment benefits within the next several months.

Gov. Dan Evans has said he'll call a special legislative session if two-thirds of the legislators can agree on a tax reform package.

Chatalas also announced yesterday that the Unemployed Workers' Organizing Committee has more than 6,000 signatures on a petition calling for another . . .

CONGRESS WILL REVIEW JOBLESS PAY

Because of continuing unemployment in some areas, Congress will take a new look at another round of jobless-pay benefits. Senator Warren G. Magnuson said yesterday in Washington.

Meanwhile, in the state, a group of Democrats again urged Gov. Dan Evans to call a special session of the Legislature to take some state action on unemployment.

They suggested a new extension of the state jobless-pay program and a broader eligibility.

That is unlikely. Evans frequently has said he doesn't think the state fund can afford another extension.

Magnuson said he was pleased that the House Ways and Means Committee will consider an extension of the Emergency Unemployment Compensation Act of 1971.

Magnuson was author of that act.

Approved by Congress last December, it has allowed qualified workers in high-unemployment areas to receive 13 extra weekly checks.

Magnuson had tried to get 26 weeks of benefits. But the original program was cut in half in a congressional compromise.

About 84,000 citizens in this state have received $36 million in benefits during the past four months, Magnuson said.

DAVIS WANTS LEGISLATURE TO EXTEND BENEFITS

Joe Davis, president of the State Labor Council, called on Gov. Dan Evans to call a special session of Legislature to provide an extension of unemployment compensation benefits.

In the past three weeks Davis said, 50,000 Washington workers have exhausted all unemployment compensation benefits. He said more are exhausting the benefits each week and indicated that by the end of the year up to 100,000 will have exhausted all benefits.

"This is a more substantive issue and more pressing than the tax issue," Davis said.

Evans had said he will call a special session on the question of tax reform if Republicans and Democrats reached agreement prior to the session.

Davis said interest-free Federal funds are available to pay unemployment benefits. "I think it would be foolish not to take advantage of these funds," he said.

"It's money that's costing nothing. Simple economic analysis shows that when you can borrow money at a zero rate of interest to sustain the state's economy, it is a wise thing to do," he said.

Figuring on inflation, Davis said the debt alone would would be repaid with 90 cents on the dollar borrowed.

Davis said the state must establish a mechanism that will permit an automatic extension of unemployment compensation benefits if unemployment is at a certain level. The present extended-benefits formula requires the rate of unemployment to increase each year, no matter how high it was at the starting point.

"But," be added, "in light of the continued high rate of unemployment—6.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action."

The Democratic senator criticized the administration for, as he said, opposing "my efforts to aid the long-term unemployed."

He said the administration was required to make new recommendations to Congress May 1 but hasn't so far "because of an alleged lack of facts."

Representative Wilbur Mills' committee will take up the issue despite the lack of a report from the administration, Magnuson said.

A 6-per cent jobless rate during the past year and a half "is enough evidence" that something more should be done for the long-term jobless, Magnuson added.

State Representative William Chatalas, Seattle Democrat and chairman of his party's caucus in the state House, appeared at a news conference yesterday with representatives of the Unemployed Workers Organizing Committee.

They said a petition being circulated by that group asking for a state extension of 13 weeks of unemployment pay—has gathered more than 6,000 signatures.

Their statement said "employed or unemployed, all working people pay for the economic crisis through lower wages, higher taxes and fewer jobs. . .

"We, the citizens of the state, demand another 13-week benefit extension . . .

More than 60,000 workers in this state have exhausted regular or extended benefits, the U.W.O.C. spokesmen said, "Within the next several months, another 30,000 to 40,000 jobless will run out of benefits.

"Clearly a total reform of the unemployment-compensation system is urgently needed," it added.

The committee also urged that state law be changed to allow compensation for workers idled by a labor dispute and to raise minimum benefits (now $17 a week) to the equivalent of minimum wage for a 40-hour week—about $66.

Chatalas suggested that the unemployment-compensation issue be taken up at a special session of the Legislature, whether or not agreement is reached on a tax-reform package.

The governor said he would call a special session if there is bipartisan House and Senate agreement beforehand on tax reform.

A task force of legislators was meeting today to seek such agreement.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91–373 Extended Benefits, and sec. 617.11–12 of Temporary Compensation Regulations for Public Law 92–224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91–373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 20, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT.

	Public Law 91–373 extended benefit				Public Law 92–224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks[1]	Public Law 91–373 IUR	Prior 2 years	Exhaustion	Public Law 92–224 UR (cols. 4 + 6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Alabama	Jan. 2, 1972	20	4.00	120	0.79	4.79		
Alaska			14.03	107	1.98	16.01	Jan. 30, 1972	16
Arizona			2.82	107	.58	3.40		
Arkansas			3.84	88	.84	4.68		
California			5.71	88	1.54	7.25	Jan. 30, 1972	16
Colorado			1.48	90	.24	1.72		
Connecticut	Oct. 11, 1970	84	7.46	119	(2)	(2)	Jan. 30, 1972	16
Delaware			2.73	108	.59	3.32		
District of Columbia			2.02	113	.43	2.45		
Florida			2.39	115	.63	3.02		
Georgia			1.52	83	.58	2.10		
Hawaii	Oct. 10, 1971	32	5.02	177	.90	5.92		
Idaho			5.23	102	.90	6.13	Apr. 9, 1972	6
Illinois	Jan. 2, 1972	20	4.04	129	(2)	(2)		
Indiana		(2)	3.28	114	.91	4.19		
Iowa	Jan. 2, 1972	20	(2)	(2)	.76	(2)		
Kansas			3.06	63	.95	4.01		
Kentucky			3.89	99	.71	4.59		
Louisiana			4.22	97	1.08	5.30		
Maine	Mar. 21, 1971	61	8.14	122	1.97	10.11	Jan. 30, 1972	16
Maryland	Jan. 2, 1972	20	4.33	145	.72	5.05		
Massachusetts	Oct. 11, 1970	84	6.71	121	1.42	8.13	Jan. 30, 1972	16
Michigan			(2)	(2)	(2)	(2)	do	16
Minnesota	Jan. 2, 1972	20	5.10	127	.93	6.03	Apr. 9, 1972	6
Mississippi			2.36	74	.44	2.80		
Missouri			3.98	97	.78	4.76		
Montana			5.78	105	1.03	6.81	Feb. 20, 1972	13
Nebraska			2.50	115	.60	3.10		
Nevada	Mar. 21, 1971	61	6.53	142	1.49	8.02	Jan. 30, 1972	16
New Hampshire			(2)	(2)	.32	(2)		
New Jersey	Jan. 3, 1971	72	INA	INA	(2)	(2)	Jan. 30, 1972	16
New Mexico			(2)	(2)	(2)	(2)		
New York	Jan. 10, 1971	71	5.58	122	.96	6.54	Jan. 30, 1972	16
North Carolina			2.13	80	.40	2.53		
North Dakota			6.30	120	(2)	(2)	Feb. 27, 1972	12
Ohio		(1)	3.36	115	.59	3.95		
Oklahoma	Jan. 2, 1972	20	4.41	122	1.07	5.48		
Oregon			5.77	87	.87	6.64	Jan. 30, 1972	16
Pennsylvania	Jan. 31, 1971	68	5.02	134	.61	5.63		
Puerto Rico	Jan. 2, 1972	20	14.35	161	3.59	17.94	Mar. 12, 1972	10
Rhode Island			6.28	102	1.70	7.98	Jan. 30, 1972	16
South Carolina			2.29	81	.68	2.97		
South Dakota			3.11	119	.45	3.56		
Tennessee			2.94	75	.72	3.69		
Texas			1.88	111	.50	2.38		
Utah			4.08	101	.75	4.83		
Vermont	Jan. 3, 1971	72	7.84	135	1.12	8.96	Jan. 30, 1972	16
Virginia			1.34	93	.28	1.62		
Washington			8.76	78	2.75	11.51	Jan. 30, 1972	16
West Virginia	Jan. 2, 1972	20	5.09	125	.54	5.63	Mar. 19, 1972	9
Wisconsin			4.28	110	.65	4.93		
Wyoming			2.47	103	.31	2.78		

[1] Elapsed weeks of nonpayment from last extended benefit period is 7 for all States unless otherwise noted in parentheses.

[2] INA.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91–373 Extended Benefits, and sec. 617.11–12 of Temporary Compensation Regulations for Public Law 92–224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 6, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT

	Public Law 91–373 extended benefit				Public Law 92–224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks[1]	Public Law 91–373 IUR	Prior 2 years	Exhaustion	Public Law 92–224 IUR (cols. 4 + 6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Alabama	Jan. 2, 1972	18	4.17	124	0.80	4.97		
Alaska			14.77	109	2.06	16.83	Jan. 30, 1972	14
Arizona			3.07	113	.61	3.68		
Arkansas			4.21	91	.87	5.08		
California			6.04	92	1.57	7.61	Jan. 30, 1972	14
Colorado			1.60	93	.25	1.85		
Connecticut	Oct. 11, 1970	82	7.77	123	(2)	(2)	Jan. 30, 1972	14
Delaware			3.36	122	.62	3.98		
District of Columbia			2.08	111	.43	2.51		
Florida			2.58	123	.65	3.23		
Georgia			1.58	84	.61	2.19		
Hawaii	Oct. 10, 1971	30	5.20	179	.88	6.08		
Idaho			5.77	104	.94	6.71	Apr. 9, 1972	4
Illinois	Jan. 2, 1972	18	4.30	135	.75	5.05		
Indiana		(0)	3.63	118	.89	4.52		
Iowa	Jan. 2, 1972	18	3.80	123	.77	4.57		
Kansas			3.47	70	1.08	4.55		
Kentucky	Mar. 5, 1972	9	4.16	99	.72	4.88		
Louisiana			4.47	102	1.09	5.56		
Maine	Mar. 21, 1971	59	8.62	127	1.96	10.58	Jan. 30, 1972	14
Maryland	Jan. 2, 1972	18	4.59	146	.71	5.30		
Massachusetts	Oct. 11, 1970	82	6.95	121	1.42	8.37	Jan. 30, 1972	14
Michigan			5.98	97	1.27	7.25	do	14
Minnesota	Jan. 2, 1972	18	5.43	129	.95	6.38	Apr. 9, 1972	4
Mississippi			2.56	77	.46	3.02		
Missouri			4.41	104	.79	5.20		
Montana			6.50	108	1.06	7.56	Feb. 20, 1972	11
Nebraska			2.89	119	.62	3.51		
Nevada	Mar. 21, 1971	59	6.91	147	1.45	8.36	Jan. 30, 1972	14
New Hampshire			3.58	108	.33	3.91		
New Jersey	Jan. 3, 1971	70	7.22	121	1.27	8.49	Jan. 30, 1972	14
New Mexico			4.37	93	.69	5.06		
New York	Jan. 10, 1971	69	5.79	123	.96	6.75	Jan. 30, 1972	14
North Carolina			2.27	82	.42	2.69		
North Dakota			6.98	119	.59	7.57	Feb. 27, 1972	10
Ohio	Jan. 2, 1972	18	3.69	120	.60	4.29		
Oklahoma	do	18	4.62	125	1.08	5.70		
Oregon			6.24	90	.90	7.14	Jan. 30, 1972	14
Pennsylvania	Jan. 31, 1971	66	5.26	136	.62	5.88		
Puerto Rico	Jan. 2, 1972	18	14.66	163	3.50	18.16	Mar. 12, 1972	8
Rhode Island			6.76	107	1.70	8.46	Jan. 30, 1972	14
South Carolina			2.42	83	.71	3.13		
South Dakota			3.52	119	.48	4.00		
Tennessee			3.17	76	.75	3.92		
Texas			1.92	112	.52	2.44		
Utah			4.49	105	.77	5.26		
Vermont	Jan. 3, 1971	70	8.14	135	1.11	9.25	Jan. 30, 1972	14
Virginia			1.45	94	.29	1.74		
Washington			9.62	84	2.88	12.50	Jan. 30, 1972	14
West Virginia	Jan. 2, 1972	18	5.55	126	.53	6.08	Mar. 19, 1972	7
Wisconsin			4.71	114	.64	5.35		

[1] Elapsed weeks of nonpayment from last extended benefit period is (7) for all States unless otherwise noted in parentheses. [2] INA.

SENATOR CASE CALLS FOR EXTENSION OF FEDERALLY FINANCED EMERGENCY UNEMPLOYMENT COMPENSATION BENEFITS—RELEASES JOINT REPUBLICAN LETTER TO SECRETARY OF LABOR

Citing the forthcoming exhaustion of emergency unemployment benefits affecting thousands of jobless workers in 18 states and Puerto Rico, Senator Clifford P. Case in a letter released today urged Secretary of Labor James D. Hodgson to support the extension of the Emergency Unemployment Compensation Act of 1972.

Joining Senator Case in the letter to Secretary Hodgson were the following Republican Senators from states affected by the June 30 expiration of this emergency legislation: Lowell P. Weicker, Jr. (Connecticut); Jacob K. Javits (New York); Edward W. Brooke (Massachusetts); Len B. Jordan (Idaho); Mark O. Hatfield (Oregon); Robert T. Stafford (Vermont); Margaret Chase Smith (Maine); Robert W. Packwood (Oregon); George D. Aiken (Vermont); Robert P. Griffin (Michigan); Ted Stevens (Alaska); Milton R. Young (North Dakota).

Senator Case emphasized that in New Jersey alone upwards of 3,000 jobless workers per week exhaust their regular unemployment benefits and have become entitled to the further 13 week extension authorized by this law. Senator Case said that the total of 53,000 workers in New Jersey who have received $31 million under the terms of this program since January of this year would have had no other recourse if the emergency legislation had not been in force.

The text of Senator Case's letter follows:

Hon. JAMES D. HODGSON,
Secretary of Labor,
Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Within the next few days you will be submitting to the Congress your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972.

Unless this act is extended—and your recommendations will be of critical importance to its prospects in the Congress—thousands of unemployed workers in 18 states and Puerto Rico will face an early exhaustion of their benefits and have no other recourse but to seek relief from already hard-pressed state and local governments. As of May, these included: Alaska, California, Connecticut, Idaho, Michigan, Maine, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, Washington, and West Virginia.

In the lesa than three month period ending April 29, according to your department's statistics, 700,000 workers received average benefits of $54.69 per week which they would not have received had this emergency 13 week extension not been in effect.

While we expect that the national employment picture will continue to improve over the course of the next year, many states with higher-than-average rates of unemployment will take longer to catch up with the average improvement taking place nation-wide.

The unevenness of the unemployment picture underlines a fundamental fact we believe you should consider in arriving at your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972—that is, to the extent that the economic plight in these especially hard-hit states is not eased, overall national recovery will be hindered and slowed.

As you know, 18 states and Puerto Rico have over 6.5 percent unemployment which entitles them to benefits under the soon-to-expire 1972 act. Another six states (Alabama, Hawaii, Illinois, Maryland, Oklahoma and Pennsylvania) qualify for a 13 week extension under the terms of 1970 legislation.

If unemployment continues at a plateau, even though at relatively high levels, 1970 act entitlements could in addition be sharply reduced. Alaska, West Virginia, Oregon, Washington, Michigan, California and Rhode Island did in fact lose such entitlements since late last year.

The bleak outlook is that expiration of the Emergency Unemployment Compensation Act of 1972, combined with a leveling off of unemployment at relatively high rates, could leave thousands of workers in half of the states in the union with no benefits beyond the normal 26 weeks of unemployment compensation routinely available during the least difficult of times.

We urge you to give full weight to these special circumstances and solicit your support for the extension of the Emergency Unemployment Compensation Act of 1972.

Mr. RIBICOFF. Mr. President, today Senator MAGNUSON and I, along with other Senators, are introducing legislation to extend the Magnuson-Ribicoff Emergency Unemployment Compensation Act of 1971 for 6 months.

This legislation, which was enacted last December, expires at the end of June 1972. The law extended unemployment compensation for an additional 13 weeks to workers whose other unemployment benefit had been exhausted. The law was triggered into effect once a State's rate of unemployment reached 6.5 percent for a 13-week period.

Connecticut and 17 other States whose unemployment rate exceeds the 6.5-percent figure have been able to benefit substantially from this program.

Since the program took effect, 637,000 unemployed workers across the country have received benefits averaging $55 a week, which they would not have received without this law.

In Connecticut by March 25 almost 25,000 workers had applied for benefits, and total benefits paid to Connecticut beneficiaries during the first 8 weeks of the program amounted to $6.6 million. The weekly average benefits paid in Connecticut under the Magnuson-Ribicoff law was $59.52.

It is crucial for unemployed workers in Connecticut and elsewhere that the Emergency Unemployment Compensation Act of 1971 be extended for 6 months.

Unemployment continues to plague Connecticut. Annual average total unemployment more than doubled in the State from 51,700 in 1969 to 122,700 in 1971. Substantial declines in durable goods manufacturing as well as decreases in machinery, fabricated metals, transportation equipment, and military prime contracts awards have kept Connecticut's unemployment rate at a disastrously high rate.

While I have introduced long term adjustment assistance legislation to aid economically depressed industries, assist in conversion to a peacetime economy, and slow the outmigration of industry from Connecticut, Connecticut workers must be given immediate help now.

I am also introducing legislation to waive certain provisions of the extended unemployment compensation benefits program to assure Connecticut's continued participation.

Under the provisions of that law, recipients could receive 13 weeks of benefits in addition to the basic 26 weeks of coverage. States remained eligible for this program only if their unemployment rate exceeded 120 percent of the rate for the 2 previous years. For 84 weeks—since October 11, 1970—Connecticut was eligible for this program.

Unfortunately, as of May 26, Connecticut triggered out of the program because, although its unemployment rate is very high, its "trigger" rate was only 119 percent of the 2 preceding years—1 percent short of the requirement. The additional measure I am introducing would waive the 120-percent requirement. Due to the Federal-State nature of this program, however, it will be necessary for State legislatures to waive the 120-percent requirement in State law.

I urge Congress to take immediate action to extend this vitally needed legislation for at least 6 months.

Mr. TUNNEY. Mr. President, the Emergency Unemployment Compensation Act of 1971 has been of very great benefit to hundreds of thousands of long-term unemployed workers in the many States experiencing prolonged and abnormally high rates of employment.

By providing an extra 13 weeks of benefits for those who have exhausted their initial entitlements, it has helped alleviate some of the deep human distress caused by the dismal condition of the national economy.

It has made it possible for many families to make ends meet—buy the food, pay the rent—at a time of financial crisis for them.

It is a program prompted by and responding to need. It makes absolutely no sense that it should be cut off preemptorily on June 30, when the need will be just as great as at the time of enactment.

Unemployment rates in many States will still be distressingly high. People will still be out of jobs. The food will still have to be bought, and the rent paid.

The need will still exist—there can be no dispute about that—and the assistance must be continued.

My settled opposition to writing an arbitrary cutoff date into the legislation has been based on the conviction that genuine concern for those who have been put out of work for a long time should not be expressed in hit-and-run action. To have more than haphazard meaning, there must be a consistent approach, a constant resource for those with difficulties to fall back on, whenever those difficulties might occur.

Such arbitrary cutoffs of support are without justification in general, and particularly at this time in the face of the continued and pressing needs of hundreds of thousands of families who have been deprived of the opportunity to earn their own living.

Given the fact, however, that such a cutoff was written into the law, I consider it of the utmost importance that it should be extended.

Of the two bills which we are joining Senator MAGNUSON in introducing today, the first seeks to have these emergency compensation benefits extended for a further 6 months, until December 31 of this year. Last week, Senators from both parties wrote to the Secretary of Labor seeking vigorous administration support for extension. I find it hard to comprehend why there has been such a lack of response to such urgent and clearly identified need.

The sorry state of the national economy which has caused the distress is the responsibility of the National Government. There can be no excuse for failure to shoulder the parallel responsibility of protecting the victims from its consequences.

It would be my earnest hope that the 6-month extension we seek today will be enough to see us through the worst of our present situation. If it is not, I shall—and I am sure my distinguished colleagues who are supporting this legislation will also—press for further extension.

Failure to extend this act will mean that the unemployed in California, 17 other States, and Puerto Rico will be left without the support this program was intended to bring to people in precisely their position.

The situation of the unemployed in California and six other States—Alaska, Washington, West Virginia, Oregon, Michigan, and Rhode Island—is aggravated by the loss of their entitlement to the basic extended benefits provided under the Federal-State Unemployment Compensation Act of 1970.

This is not a reflection, as one might expect, of a considerable improvement in the unemployment situation in these States, or of a considerable lessening of the identifiable need of their out-of-work families.

In fact, it is quite the reverse. By a perversity of the eligibility formula in this act, it is the continuation of their troubles which has disqualified them from access to benefits.

For a State to qualify, its unemployment rate must have reached 4 percent, and at the same time be at least 120 percent of the rate obtaining in the corresponding period of the previous 2 years.

In January 1971, for example, California's insured unemployment rate was 5.84 percent, which was 160 percent of the rate in the corresponding period for the preceding 2 years. Thus, the State qualified and its unemployed workers were entitled to a further 13 weeks compensation when their initial entitlements ran out.

In the week ending May 13 this year, however, the rate was 5.87 percent, slightly higher than for January 1971. Yet by this time the State had been triggered out of the program and its unemployed were denied those extended benefits.

The need in terms of people out of work was obviously no less. But because the unemployment rate in the intervening period had been uniformly high, this 5.87 percent represented only about 90 percent of the rate in the corresponding periods for the previous 2 years. The unemployed in California were pushed aside by a mathematical quirk.

The eligibility formula has thus been shown to be seriously deficient in responding to a situation of extended recession. The longer the recession lasts and the more people who are out of work, the more difficult it makes it for assist-

ance to be delivered to those who need it.

Mr. President, we must not allow a mathematical quirk to stand in the way of the urgent needs of hard-pressed families. They need help. We have a program which could deliver it. We must see that it is delivered.

The second of the bills we are introducing today permits States to suspend the operation of the 120-percent rule which has caused the cutoff in these seven States, with retroactivity to April 1 to restore continuity.

These extensions of support which we seek are the least that must be done to alleviate the plight of the long-term unemployed. I urge Senators to act quickly and support them fully.

Mr. CASE. Mr. President, I am delighted to join Senator MAGNUSON today in introducing legislation to provide emergency unemployment compensation payments for those thousands of jobless workers who have exhausted or will soon exhaust their regular State benefits.

The first of these bills—to renew the Emergency Unemployment Compensation Act of 1971 for a period of 6 months—would authorize the continuation of the 13-week federally financed extension for workers in New Jersey and 17 other States.

Less than 2 weeks ago, every Republican Senator in the 18 States affected joined me in a letter to Secretary of Labor Hodgson urging his support for renewal of this legislation. Thereafter, 20 Democratic Senators joined in a similar letter to the Secretary. With such strong bipartisan backing, the bill will, I hope, move expeditiously through the legislative process.

In this connection, it is encouraging that Chairman WILBUR MILLS of the Ways and Means Committee has cosponsored identical legislation in the House.

The second bill which I have today joined Senator MAGNUSON in introducing would authorize the States to suspend the "120 percent" requirement for the 13-week extension of emergency benefits payable under the Federal-State Extended Unemployment Compensation Act of 1970. Until now, States have been required to suspend these payments if the unemployment rate falls below 120 percent of the rate of the preceding quarter.

As I indicated in my June 5 letter to the Secretary of Labor, the 1970 act as now written is geared only to handle sharp or rapid surges in employment. Seven States where unemployment has continued on a plateau—even though at a high level—have lost these entitlements since late last year. New Jersey itself could soon face a similar prospect: even though unemployment is at 7.3 percent—far above the Nation's average—it has leveled off at 122 percent of the previous quarter, or within 2 percentage points of the mandated cut-off. New Jersey is, therefore, in jeopardy of losing entitlement to both these benefits as well as those contained in the 1971 act which expires this month.

I believe it would be unconscionable, both in terms of the human hardships involved and in view of the already severe claims upon the resources of State and local governments, to permit these federally financed emergency programs to lapse or become suspended at this time.

I hope that Congress will act speedily on these two bills.

Mr. KENNEDY. Mr. President, I am pleased to join Senator MAGNUSON, Senator RIBICOFF, and a number of other Senators in sponsoring the bills introduced today to extend the existing emergency unemployment compensation legislation for another 6 months, and to suspend the overly restrictive trigger for extended unemployment benefits. Congressman JAMES BURKE of Massachusetts has introduced similar legislation in the House, also with broad support, and I am hopeful that Congress will move promptly to enact these needed measures.

Month after month, we have seen the same dismal story of serious unemployment across the Nation. Perhaps the greatest single failure of our current economic policy is the failure to alleviate the crushing burden of unemployment. Ten days ago, we heard that unemployment for May had remained constant at 5.9 percent—5 million Americans out of work throughout the Nation. Unemployment reached that level in November 1970, and in the 18 months that have elapsed since then, it has hovered constantly between 5.7 and 6.2 percent—a continuing reminder of the daily hardship we are inflicting on millions of our citizens.

The hardship is even greater in my own State of Massachusetts, where unemployment stood at 7.9 percent in April—more than 200,000 men and women out of work, our highest unemployment rate for any month since 1958. And the rate is even higher in many cities in the Commonwealth—it is over 8 percent in Worcester. It is over 9 percent in Springfield, in Brockton, and New Bedford, in Fall River and Lawrence. And it is over 11 percent in Lowell.

In the face of these grim statistics and continuing human hardship, I believe that Congress can do more, much more, to alleviate the plight of those who have lost their jobs, especially those who have suffered the burden of unemployment for extended periods.

The bills we are introducing today will help to meet the problem in two important ways. First, by extending for 6 additional months the Emergency Unemployment Compensation Act, which expires on June 30, we will continue to make available 13 extra weeks of unemployment compensation to workers whose other unemployment benefits have run out. This program has been of enormous value to many workers unable to find employment in the depressed conditions of today's labor market, and Senator WARREN MAGNUSON of Washington deserves great credit for the effective way in which he conceived and implemented this legislation last year. According to Labor Department figures, approximately 700,000 workers across the country, 45,000 of them in Massachusetts, have received benefits averaging about $55 a week under this emergency legislation. In the first 8 weeks of the program, more than $12 billion was paid out to workers in Massachusetts. Given the established success of the legislation, it would be unconscionable for Congress to cut the program off this month, at a time when there has been no perceptible improvement in the Nation's employment situation. Clearly, at a time of long-term unemployment, we can do no less for the long-term unemployed.

The second bill will suspend the so-called 120 percent "off" trigger contained in the Federal-State Extended Unemployment Compensation Act of 1970, which provides 13 weeks of further unemployment compensation in addition to the basic 26 weeks. Under the trigger in the present law, the extension program is suspended in States where the level of current unemployment is less than 120 percent of its level in the 2 preceding years. Whatever virtue such a trigger may have in conditions where unemployment is declining into the full employment range, it is unacceptable where unemployment, though not increasing, continues at a level of serious hardship.

According to the most recent available information for Massachusetts made public at the end of May, the relevant figure for the trigger in the Commonwealth was 121 percent. Thus, the commonwealth has managed to escape the trigger so far, but only by a hairline. New trigger notices are due momentarily, and the people of Massachusetts may not be so fortunate the next time around. A number of other States with serious unemployment, such as our neighbor State of Connecticut, have recently failed the test, and extended unemployment benefits have now been halted. I am pleased, therefore, to join in supporting legislation to restore this program for States unfairly caught by the trigger in the present economic squeeze.

One more point needs to be made. The Emergency Unemployment Compensation Act of 1971 directed the Secretary of Labor to report to the Congress by May 1972, on the operation of the program, including recommendations with respect to extended benefits in times of substantial unemployment. The report received last month by Congress is full of figures and statistics on the implementation of the program, but we look in vain for any recommendations for the future. Once again, we see that the unemployed are the forgotten men and women in the administration's economic policy. Once again, it is time for Congress to fill the vacuum.

By Mr. MONDALE (for himself and Mr. WILLIAMS):

S. 3706. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care for a pregnant member of the Armed Forces of the United States for a limited period after her discharge or release from active duty, and to provide such care to the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, today the Senator from New Jersey (Mr. WILLIAMS) and I am introducing legislation to provide maternity care for the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member or for a pregnant member of the Armed Forces for a limited period after her discharge or release from active duty. The need for this measure was brought to my attention by Mr. Ralph Braun, department commander, VFW, State of Minnesota.

A serviceman has complete medical coverage while on active duty, but these benefits—including maternity care—terminate at midnight on the date of his discharge or release from service. When a veteran applies for civilian health insurance on the day following release from active duty, he finds most—if not all—policies specifically exclude maternity benefits for the first 9 months. Consequently, a veteran faces a 10-month void in maternity care that he can circumvent only if he subscribes to a civilian plan 10 months prior to his release from active duty—a plan which is probably unnecessary to him except for the maternity care it provides.

Servicemen should not be expected to extend their enlistment in order to provide for maternity benefits. And for many—in view of the current cost of hospital and medical charges—paying for maternity care from their own funds can be an extreme hardship.

For these reasons, I feel that legislation to alleviate this problem is not only necessary, but overdue.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSAL TO REDUCE FHA MORTGAGE INSURANCE RATES

Mr. MONDALE. Mr. President, the bill I am introducing today could cut homebuyers' costs for FHA mortgage insurance by 50 percent.

My proposal which is cosponsored by Senator INOUYE, will do this by cutting the FHA insurance premium from ½ of 1 percent to ¼ of 1 percent. This would save a Minnesota family with an average of $19,000 mortgage as much as $943. A family with a $25,000 mortgage could save $1,280.

If my proposal is accepted, it would lower the present inflated cost of buying a house appreciably. Mortgage interest rates for FHA insured mortgages have been above 7 percent for the past 4 years. During 1969 and 1970, when President Nixon was making his disastrous effort to control inflation by depressing the housing industry, mortgage rates soared to 8.26 percent and 9.05 percent respectively. And they have not come down to normal levels yet. In fact, they may be rising again. This is bad news for the homebuyer.

A reduction in mortgage insurance premium levels has the same effect as a reduction in mortgage interest rates. Homebuyers pay a ½ of 1 percent insurance charge on their outstanding mortgage balance every month. This payment usually goes in with the check for the mortgage payment. Cutting the insurance fee in half is exactly like lowering the mortgage interest rate by ¼ of 1 percent.

There is little doubt that a reduction of 50 percent in the premium is actuarially conservative and sound. The current one-half of 1 percent has been charged homebuyers since 1934. It is designed to cover a long-term default rate almost as severe as was experienced during the worst year of the Great Depression.

This overly pessimistic assumption has led to an enormous and unnecessary accumulation of reserves. Since 1934, the FHA has collected over $4 billion in premiums while paying out only $1.1 billion to cover defaults. See Table I.

TABLE I

Cumulative net losses through June 30, 1970 on acquired properties and assigned mortgages:

	Million
Mutual mortgage insurance fund	$716
General insurance fund	375
Cooperative management housing insurance fund [1]	
Special risk insurance fund [2]	1
	$1,092

[1] A profit of less than $0.5 million.
[2] Very few losses on acquired properties had not been realized by June 30, 1970.

FHA insurance fund reserves now total about $1.6 billion, 50 percent or $500 million more than total defaults since 1934. Table II shows the combined reserve situation.

TABLE II

FHA INSURANCE FUND RESEARCH RESERVES—ALL FHA FUNDS COMBINED

End of:	Million
Fiscal year 1971	$1,561
Fiscal year 1972	1,596
Fiscal year 1973	1,670

Using FHA's own inflated estimates of reserves necessary to ensure safety, $76 billion of fiscal year 1971 reserves are classified as "excess." These reserves are largely in what is now the Mutual Mortgage Insurance Fund, but they are available to the new fund structure. FHA projections suggest that "excess" reserves will rise to about $175 million at the end of fiscal year 1972, by a further $140 million in fiscal year 1973, and so on. They could reach $4 billion by 1980 if the insurance premium is not reduced.

Instead of accumulating another $140 million of "excess" reserves in fiscal year 1973, my proposal would lead to some reduction in already excessive reserves in the short run. This is as it should be. Reserves should be brought down in the next few years, and the FHA forced to seek more economy in its operations.

By lowering the rate to one-fourth of 1 percent, my proposal would cut the fat out of the FHA's insurance programs. It will force the FHA to take a careful look at its administrative costs so that it can get by on the lower premium.

Over the years, 38 percent of the insurance premium has been going to pay FHA's expenses. More of the homeowners' premium payments are going to cover FHA expenses than to meet mortgage defaults. FHA administrative costs should be reduced, and I believe that my bill will help accomplish this goal.

Mr. President, the Senate has recently passed new housing legislation superseding the National Housing Act. The House Banking and Currency Committee is now working on its version of this legislation. The House Subcommittee on Housing has reported a bill to the full Banking Committee for consideration.

Both the Senate bill and the House bill, as passed by the subcommittee, consolidate FHA insurance funds into two main funds, one for general insurance, and the other for special risk mortgages. Both bills retain a third fund, which is much smaller, for cooperative housing as well.

My bill would lower the premium for all these funds. For the subsidized mortgages under the special risk program, this makes sense because the high premium for subsidized mortgages simply adds to the Federal housing subsidy payment. Charging the occupant a premium raises the cost of the subsidy. This is so because the occupant's payment is limited to a given percentage of his income. The difference has to be made up by the subsidy voted by the Congress.

My bill, therefore, also requires the Secretary of HUD to consider the cost saving which could be achieved by eliminating the premium altogether for subsidized housing.

To summarize, my bill stipulates that within 30 days of the effective date of the legislation, mortgage insurance premium rates on all new FHA-insured mortgage loans would be reduced to no higher than one-fourth of 1 percent per annum on outstanding balances. Rates on older mortgages would drop to this level also within a few months.

Within 90 days after the effective date of the legislation, the Secretary of HUD would be required to provide Congress with recommendations with respect to the transfer of as large a part as possible of FHA insurance reserves accumulated in the past to new insurance funds set up under new housing legislation.

The Secretary will also be required to make recommendations concerning further premium reductions or to justify a higher premium level if this seems to be required after the Congress has determined that all possible economies have been made. The Secretary must also evaluate the administrative savings which might be achieved by eliminating the premiums on subsidized housing.

My bill requires that in the future, the Secretary of HUD make an annual report on the level of the insurance premium so that Congress may be certain that the homebuyer is getting the lowest possible premium rate.

Mr. President, the American homebuyer has paid a very high price for ill-conceived economic policies in the past few years. He has paid and continues to pay outrageously high mortgage rates. The Congress needs to attack this problem, and accepting my proposal on insurance premiums is one important way to do so.

I ask unanimous consent that my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the insurance premium for any mortgage insured by the Secretary of Housing and Urban Development under the National Housing Act, or any Act supplementary thereto, shall not exceed one-fourth of 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time. With respect to any such mortgage which is outstanding on the effective date of this section, the Secretary shall adjust the insurance premium applicable to such mortgage in conformity with this section at such time (not later than 12 months after such effective date) as the next annual premium amount for such mortgage is determined.

(b) This section takes effect upon the expiration of 30 days after the date of enactment of this Act.

SEC. 2. (a)(1) The Secretary of Housing and Urban Development shall, not later than 90 days after the date of enactment of this Act, report to the Congress his recommendations with respect to transferring as large a part as practicable of the reserves of the Mutual Mortgage Insurance Fund, created by section 202 of the National Housing Act, to the General Insurance Fund and the Special Risk Insurance Fund, created respectively by sections 519 and 238(b) of such Act. In making such recommendations the Secretary shall have regard to (A) the fact that the General Insurance Fund and the Special Risk Insurance Fund are now the principal funds for carrying out the home mortgage insurance programs administered by the Secretary, (B) the fact that the reserves of the Mutual Mortgage Insurance Fund were accumulated in significant part through premium payments by mortgagors whose interests in the properties covered by insured mortgages have been transferred, and (C) the paramount interest of the Government in view of the ultimate underwriting of risk by the United States and the importance of spreading the risk over an extended period of time.

(2) The report required under paragraph (1) shall also include the recommendation of the Secretary with respect to a reduction of the premium for the insurance of any mortgage by the Secretary to a level lower than one-fourth of 1 per centum per annum of the amount of the outstanding principal obligation of the mortgage. If the Secretary determines that it is not practicable to recommmend a reduction of the premiums below one-fourth of 1 per centum per annum or if he determines that a premium greater than one-fourth of 1 per centum per annum is necessary then he shall recommend that minimum per centum which he deems to be feasible not to exceed four-tenths of 1 per centum per annum. In making any such recommendation the Secretary shall have regard to the recommendations made under paragraph (1) and shall indicate the actuarial factors assumed.

(3) The report required under paragraph (1) shall also include the Secretary's recommendation with respect to the feasibility of reducing administrative costs by eliminating mortgage insurance premiums in the case of that class of mortgages for the insurance of which premiums are now collected and deposited in the Special Risk Insurance Fund, and his recommendations for reducing mortgage insurance operating expenses in other areas.

(b) In addition to the report specified in subsection (a), the Secretary shall report annually to the Congress (1) his analysis of the financial condition of each of the mortgage insurance funds administered by him in the light of the then current risk experience and actuarial assumptions, and (2) his recommendations on the basis of such analysis, of the appropriate mortgage insurance premium levels. The first such report shall be made not later than one year after the date on which the report required under subsection (a) is submitted, and subsequent reports shall be made at annual intervals thereafter.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

Senate Joint Resolution 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

Mr. RIBICOFF. Mr. President, new and formidable challenges have been posed to international travel by increasing numbers of skyjackings and by the Lod Airport massacre. Expressions of sorrow and shock, however, will not be enough. If future tragedies are to be averted, strong, coordinated actions by airlines and governments are needed.

If safety and sanity are to be restored to international air traffic, our own country must take the lead in accomplishing this goal. While I welcome the creation of a government task force to spur international action, it should be noted that this was done only after the Airline Pilots Association threatened a 24-hour strike for June 19.

Clearly more stringent security standards are required at all airports. The added costs, and inconvenience to passengers, must be weighed against the grave risks to life and limb and the disruption of vital communications between nations.

All nations must adhere to stricter and more thorough searching of passengers and baggage, the policing of aircraft and airports and tighter screening of suspects. Hijacked aircraft, all passengers and crew must be promptly returned. The hijackers must be brought to justice in appropriate courts.

Any nation which in any way assists or harbors hijackers or terrorists who interfere with international travel should be treated as an international outlaw. International air travel to such countries should be stopped, and their landing rights in other countries should be rescinded. All nations which desire to benefit from international aviation must make it clear that they will comply with the 1970 Hague Convention on hijacking and the 1971 Montreal Convention on air attacks and sabotage.

The recent Lod tragedy has brought this growing menace into a bloody focus. It has revealed not only the murderous plans of political fanatics, but the shocking irresponsibility of two governments—Egypt and Lebanon.

For years Egypt has given its official blessings to indiscriminate assaults on civilians by terrorist groups as an instrument of its policies against Israel. Cairo and Beirut have openly hosted the terror organizations which plan and train for the aerial piracy and sabotage abroad. The headquarters of the main terrorist organizations, including the Popular Front for the Liberation of Palestine, are in Beirut. It was there that the training of the three Japanese terrorists was carried out, and there that official spokesmen of the PFLP boasted of their great victory in massacring 26 innocent civilians. Both of these governments, along with the other governments which have in the past harbored hijackers, must be made to understand that their support of terrorist acts against civilian aviation constitutes complicity in grave crimes against the world community. The only way to do this is to mobilize international action against these countries by denying them the benefits of international aviation.

I am joined in the resolution I am introducing today by the distinguished senior Senators from New York, Massachusetts, and Florida. We invite our colleagues to cosponsor this measure. I note that similar legislation in the form of two separate resolutions was introduced in the other body last Thursday by Congressman BADILLO with more than 30 cosponsors.

Our resolution is a call for new coordinated international efforts to be spearheaded by the United States acting through international agencies. Certainly with our stake in expanded international aviation and travel it is a most appropriate role for the United States.

The world has lived with this growing menace for too long. The senseless slaughter of 26 civilians should have convinced even the most apathetic and indifferent nations that the time for effective action is now. The American public and decent men everywhere expect an end to this new barbarism which threatens important links between nations.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 244

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menace to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and ensure the safety and well-being of persons of international travel: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of establishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

Mr. KENNEDY. Mr. President, I join today with Senator RIBICOFF, Senator JAVITS, and Senator GURNEY in introducing a joint resolution which seeks to respond to the shocking and barbarous act of terrorism at Lod Airport in Tel Aviv, Israel, last week.

The death toll of 25 is staggering because it cannot be blamed on war. It cannot be blamed on a natural disaster. It was the conscious and deliberate act of murder and assassination against innocent families, against innocent men, women, and children.

The number of survivors who will live the rest of their lives disabled physically or emotionally from the senseless act of violence by hired terrorists is unknown. Nothing that we do, nor anything that any other government does, can ever restore their lives or the lives and futures of their loved ones.

But what we must do is to take every step, enact every precaution, establish every possible security against the recurrence of that barbarism.

Nor was this latest act of violence the only evidence of the need for concerted international action.

In the past several years the numbers of terrorist activities surrounding airlines and airports in the Mid-East has increased astronomically as the terrorists have decided to use fear as a weapon against the people of Israel.

I can recall all too vividly the anxiety and fear that surrounded the lives of all members of my family when it was learned that my nephew was aboard a plane hijacked on a flight for New Delhi, where it was forced to land at Aden, the capital of South Yemen.

Yet despite this series of incidents, the Congress and the administration have not taken any action.

The Lod Airport massacre cannot be ignored. It happened and if we do not act decisively soon, we will be inviting its repitition.

For that reason, I join with my colleagues in offering this joint resolution. It represents the minimal action that we can take on this matter.

First, it directs the President to seek international action through the United Nations, the international organism to organize a world conference for the purpose of establishing stringent security stands and procedures for the protection of individuals in and around aircraft and airports.

Second, it urges consideration of placing restrictions on international flights to any nation which harbors or assists or fails to act against those within their borders who plan, conspire, or engage in activities leading to such violence as we have just experienced.

Clearly, we must take firm action to stir those governments which have the power to halt acts of terror before they occur. Restricting flights to those nations is one possibility that may be proposed. There are others including denying landing privileges at other international airports to airlines from those nations.

But what is most evident is that vigorous and expeditious action on an international level must be taken. Therefore, I urge that other Members will join with us in this resolution and that we can pass this measure with all due speed.

Mr. GURNEY. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. RIBICOFF) in introducing this joint resolution calling for action to protect international travelers from acts of aerial piracy and sabotage.

The killing of 24 people and the wounding of 54 others in a shoot-out at Israel's Lod Airport several weeks ago simply reinforces the realization that something most be done to end this terrible violence that is threatening the entire system of international air travel.

Over the last 11 years things have gotten progressively worse. Since 1961 there have been 147 United States and 217 foreign airliners hijacked; the cost in terms of human suffering and material loss has been terrific. During this time, seven Americans, including three hijackers, have died during skyjack attempts and eight more have been wounded. Dollarwise, the direct cost of hijacking has been estimated at about $10,000 per incident, excluding extortionist ransoms, aircraft damage, special insurance surcharges and legal settlements for deaths, injuries, and other claims. Surely, none of us can forget the four airliners that were blown up in the Mideast in September 1970, the recent preannounced bombing of a TWA jetliner in Las Vegas, or the Western Airlines jet just hijacked to Algeria.

What we are now witnessing is instance after instance of people hijacking planes for ransom or political effect, often with tragic consequences. Is it any wonder that the airline pilots are becoming increasingly concerned for the safety of their planes and, particularly, for those that fly in them?

Hijacking is almost as old as commercial aviation, having first occurred in 1930, but it has only been in the last 10 years or so that it has become popular. Hence, efforts to put a stop to the practice have, likewise, been fairly recent and, unfortunately, have not had the desired effect.

The first major agreement concerning hijacking came in 1963 at Tokyo. Then, in 1970 the so-called Hague Convention for suppression of unlawful seizure of aircraft was agreed to by 81 nations, but, to date, only 15 have ratified it. Subsequently, in 1971 at Montreal an agreement was signed dealing with air attacks and sabotage but, as yet, no country has ratified it. Perhaps even more important than the fact that not all nations have agreed to these two conventions is the fact that no practical enforcement procedures for making them effective have been implemented.

Passage of this resolution will indicate to the world that the Congress of the United States is deeply concerned about this problem and feels that action cannot be delayed any longer. It will also give support to the year-old United States-Canadian proposal for creation of a special commission that would recommend measures to insure compliance with the agreements signed at The Hague and at Montreal. Moreover, this resolution will compliment the efforts of the State Department to spur further international action on this most serious matter.

Airline hijacking and sabotage is a worldwide problem calling for worldwide response. By following up on what he has already done and by urging an international conference, the President will increase the likelihood that steps can soon be taken to reduce the hijack danger that so gravely threatens all those who travel by air. Establishing "uniform, stringent security standards for the protection of human life in and around aircraft and airports" is not too much to ask of any nation, and placing restrictions on international flights to any nation which does not take action against hijacking plots is certainly in order, not only as a punitive step but also as a safety measure for international travelers.

I therefore urge speedy passage of this joint resolution and hope that the day will soon come when peoples of all nations can travel free from the dangers of air piracy and sabotage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. ROBERT C. BYRD for Mr. MONDALE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 5, the Full Opportunity and National Goals and Priorities Act.

S. 2108

At the request of Mr. CRANSTON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2108, the proposed Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

S. 3262

At the request of Mr. CURTIS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970, and for other purposes.

S. 3549

At the request of Mr. TOWER, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 3549, a bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 3612

At the request of Mr. HUMPHREY, the Senator from Montana (Mr. METCALF),

the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. Moss), the Senator from Tennessee (Mr. BAKER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 3612, a bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for the reform of the judicial system in the United States, and for other purposes.

S. 3641

At the request of Mr. PEARSON, the Senator from North Dakota (Mr. YOUNG) and the Senator from Virginia (Mr. SPONG) were added as cosponsors of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3650

At the request of Mr. NELSON, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 3650, a bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program.

SENATE JOINT RESOLUTION 106

At the request of Mr. HARRY F. BYRD, JR., the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 106 proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

SENATE RESOLUTION 320—ORIGINAL RESOLUTION REPORTED MAKING $30,000 AVAILABLE TO THE COMMITTEE ON APPROPRIATIONS

(Referred to the Committee on Rules and Administration.)

Mr. ELLENDER, from the Committee on Appropriations, reported the following resolutions:

S. RES. 320

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 11, agreed to March 1, 1971, and Senate Resolution 229, agreed to March 6, 1972.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1232

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1233

(Ordered to be printed and to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1234

(Ordered to be printed and to lie on the table.)

Mr. INOUYE, for himself and Mr. JAVITS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14989), supra.

AMENDMENTS NOS. 1235 AND 1236

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted two amendments intended to be proposed by him to the bill (H.R. 14989), supra.

AMENDMENT NO. 1236: REDUCING U.S. CONTRIBUTION TO THE UNITED NATIONS BUDGET

Mr. HRUSKA. Mr. President, the United States contribution to the United Nations budget is too high.

It should be reduced, and substantially.

It should be reduced as soon as possible and with certainty.

Mr. President, I send to the desk an amendment to H.R. 14989, which would achieve this objective. I ask unanimous consent that it be printed and lie on the desk.

This amendment would achieve a substantial, assured and orderly reduction of the U.S. contribution. In brief, it provides that after December 31, 1973, no such payment shall be made in excess of 25 percent of the annual assessment. The present percentage is 31.52 percent. In past years, it has been as high as 39.89 percent. Much progress has been made. More should be.

Mr. President, the date January 1, 1974, for limitation to 25 percent is advisedly chosen. Calendar year 1973 at the rate of 31.52 percent is included as part of the United States commitment honorably and legally contracted. We should keep our word on it and abide by it.

Since the start of the United Nations, the United States assessment has been arrived at by negotiation pursuant to the statutory authority contained in the Participation Act by which this Nation became active in the United Nations Organization.

These negotiations have been reached at 3-year intervals. The resulting agreements each time have been for 3-year terms. This is long established precedent approved by Congress in its statutory authority and by its acquiescence through the years.

Calendar year 1973 is the third year of the agreement negotiated in 1970. It is at a percentage of 31.52 percent.

It would be most unseemly that Congress would take action to repudiate and dishonor an obligation so authorized and approved by it. My amendment would prevent such repudiation.

The bill as reported by the committee in its present text—line 24, page 5 through line 6, page 6—limits payment to 25 percent for calendar year 1973. If allowed to stand thus, a default in our duly contracted obligation would occur.

My amendment would correct this by calling for completion of the 3-year commitment—including calendar year 1973—at 31.52 percent, but setting a limit of 25 percent thereafter.

The text of that portion of the bill pertinent here, upon adopting of my amendment, would then read:

Provided, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

The 25-percent figure would thus become an instruction to our representative in the United Nations for use in the March 1973 assessment negotiations of the United Nations. The agreements reached at that time would be for the 3-year period commencing January 1, 1974.

Mr. President, there is little disagreement that dues to these organizations are too high. The President has indicated that this is his feeling; so have the Secretary of State and Ambassador Bush. It is my information that the administration is engaged in negotiating a reduction in the contribution. The President has indicated, however, that "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

It is my hope that this body will perceive that the proposed amendment will achieve the desired result at the earliest practical time, and that this end will be gained without default on our part.

Mr. President, I urge that the amendment be approved.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 804

At the request of Mr. TOWER, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Amendment No. 804 intended to be proposed to the bill (H.R. 7117), to amend the Fishermen's Protective Act of 1967.

AMENDMENT NO. 999

At the request of Mr. MANSFIELD for Mr. CHURCH, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health

programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARINGS ON S. 3148—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972. This bill is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

These hearings have been scheduled for June 27 and 28, 1972, at 10 a.m., in room 2228, New Senate Office Building.

Those who wish to file statements for inclusion in the record of the hearings should contact Mathea Falco, staff director and chief counsel of the subcommittee at 225–2951.

ADDITIONAL STATEMENTS

CRIME CONTROL AND THE CONSTITUTION—A PROGRESS REPORT ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, "Crime in the streets" was a major political issue during the presidential campaign of 1968 and the Congressional campaign of 1970. President Nixon vowed to make Washington, D.C., a model of safety for the rest of the Nation.

In order to implement the President's campaign slogan the Justice Department made a number of proposals for controlling crime in Washington and the rest of the Nation. Several of these proposals were of considerable merit and upon implementation have had a significant impact upon the spiralling crime rate here in the District of Columbia. For the most part these proposals were noncontroversial—reform of the courts of the District of Columbia, increasing the size and quality of the local police department and the office of the U.S. attorney, and upgrading the Bail Agency, to name a few. These reforms enjoyed bipartisan support because they grew out of years of careful study by previous administrations, based on the work of various commissions and other experts on the crime problem here in the District, and because they sought to control crime by improving the machinery of justice.

Unfortunately, the Justice Department also decided to do some creative thinking of its own in the crime control field and came up with a set of proposals which were not only controversial, but in my mind unconstitutional, unnecessary and unworkable. The D.C. Crime Bill became a grab-bag of bizarre proposals—many of which contravened hundreds of years of Anglo-American jurisprudence.

Of course, the most notorious examples were preventive detention, no-knock searches, and widespread wiretapping. But there were other less renowned, though no less objectionable proposals such as elimination of many due process safeguards for juvenile defendants, unconstitutional multiple offender sentencing procedures, automatic mental commitment prior to a hearing, mandatory minimum sentencing, and a shift in the classical burden of proof in insanity cases, to name a few.

The administration has not restrained its creativity in the crime field to the District of Columbia but would experiment with the liberties of all our citizens. The Justice Department has proposed the expansion of preventive detention nationwide. It proposes that police be authorized to detain, but not arrest, citizens for the purpose of subjecting them to tests and experiments and other so-called nontestimonial identification procedures. The administration is compiling the names of narcotics users and has established a heroin hotline whereby citizens can anonymously report to the Government on the activities of their neighbors. The President's chief advisor on drug abuse asserts that it might be necessary to identify the Nation's half million narcotics users through involuntary urinalysis and quarantine them from the rest of society.

According to the administration, it is compelled to pursue these proposals by the ineluctable forces of necessity. In the words of the Acting Attorney General of the United States.

Society's interest in the public safety transcends other interests when danger is clear.

By these words he ignores the fact that Government's first and noblest obligation is to administer justice. Manifestly, the administration believes that the public safety cannot be protected without harsh measures. According to Mr. Kleindienst—

Pretrial detention is essential to any serious effort to reduce crime in the District of Columbia.

The Justice Department argued that no-knock, wiretapping, and the other controversial provisions of the crime bill were also indispensable to crime control in the District. The same arguments can and will be advanced in favor of the other proposals—nationwide preventive detention and nontestimonial identification procedures are said to be indispensable to crime control; and the epidemic in heroin addiction, in the view of some administration officials, necessitates a quarantine of hundreds of thousands of our citizens without the benefit of the due process afforded a criminal defendant.

This administration contends that to enforce some laws—the criminal laws—it must ignore others—the Constitution. Justice Louis Brandeis in his dissent in the famous wiretapping case, *Olmstead v. United States* (1928) 277 U.S. 438, 485, warned of the dangers of this logic:

If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy. To declare that in the Administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.

I could spend hours detailing the constitutional infirmities of many of the administration's crime control proposals—indeed, I did so in the case of the District of Columbia Crime bill. I firmly believe that anyone willing to listen to these arguments would agree that the constitutional shortcomings of these proposals outweigh their necessity. However, the alarming fact about the administration's effort to implement many of these controversial proposals is that it has never been required to demonstrate that any of these expedients are workable or likely to have an impact on the crime and disorder that plagues our country. A case in point is preventive detention.

During the time that the D.C. Crime bill was before the Congress, the Department of Justice never made out a case for the necessity or practicability of preventive detention. The Department offered no studies to show that certain types of criminals were prone to commit crimes during pretrial release. There was not even an accurate assessment of the amount of crime committed on bail or an examination of alternative approaches to the problem. The Justice Department supported its position, for the most part, by reciting individual cases in which defendants were continually rearrested while released on bail and by rhetorical appeals. Yet on close examination most of the cases it cited would not have been prevented by the administration's 60-day detention bill.

Only after repeated demands for a scientific analysis of preventive detention did the Justice Department commission a study by the National Bureau of Standards. Significantly, this study was not authorized until August 1969 after the Department had already submitted its preventive detention bill. The study was released in April 1970, after the Department had succeeded in getting its legislation added to the D.C. Crime bill in the House District of Columbia Committee. At first, the Department was tempted to suppress the study but decided simply to ignore it. The Department's reaction is understandable since the National Bureau of Standards analysis showed that many of the assumptions upon which the proposal was based could not be supported and there was no accurate way for a judge to predict who the dangerous defendants would be. A study of this report should have made it obvious to everyone—including the Justice De-

partment—that preventive detention was simply untenable and unworkable.

In March of 1971 another study was released which examined the fundamental assumption underlying preventive detention—the proposition that judges are capable of predicting criminal behavior. On May 12 of last year I summarized for the Senate the results of this study conducted by the Harvard Civil Rights-Civil Liberties Law Review, and placed excerpts of that study in the CONGRESSIONAL RECORD. In short, that study confirms the conclusions of the National Bureau of Standards report that judges do not have the god-like ability to predict human behavior and that preventive detention would simply be impractical.

In March of this year the Institute of Criminal Law at Georgetown University and the Vera Institute of Justice in New York City released a report that bears out the predictions I made and which were enforced by the National Bureau of Standards and Harvard studies. This report entitled "Preventive Detention in the District of Columbia: The First Ten Months" describes Washington's experience with preventive detention during the period February 1 through November 30, 1971.

The basic conclusion of this new study is that, despite the histrionics by the Justice Department, preventive detention has rarely been used.

The law was invoked against only 20 suspects out of a total of more than 6,000 felony defendants who entered the District of Columbia criminal justice system during the 10-month period. Of the 20, only 10 were actually ordered detained and five of these detention orders were reversed. In one case the defendant was released after the grand jury failed to indict on the underlying charges.

The study concludes that the local criminal justice system has found preventive detention unnecessary and unworkable. In the report's own words—

> Since prosecutors and judges can safely be presumed to be doing their utmost to reduce pretrial crime, the infrequent use of the preventive detention law suggests that, contrary to the continued protestations of its proponents, the criminal justice system has not seen the need for the law to be overwhelming—otherwise it would have seized the opportunity to use it.

The opponents of preventive detention have contended not only that preventive detention is unnecessary but that in practically every case in which the administration intended to use preventive detention, either some constitutional alternative exists to solve the problem or that the legislation does not apply. For example, the Metropolitan Police Department submitted a list of 10 cases in which they felt that preventive detention would be applied. Careful study of these cases by the staff of the Subcommittee on Constitutional Rights found the following:

> The ten case histories, submitted by the Metropolitan Police Department of the District of Columbia to illustrate the need for preventive detention, involve ten individuals and a total of thirty-four alleged offenses. There are twenty-four alleged offenses after the first arrest which are presumed to be affected by preventive detention.
>
> Trials within sixty days of the first arrest could have prevented thirteen of the cases. In four instances of arrest the defendant would have been unjustly detained, if preventive detention had been applied, since the final disposition resulted in dismissal or a finding of not guilty. In two cases the crime was allegedly committed while the defendant was on parole, probation, or after a conviction, when means other than preventive detention are available for detaining the defendant. In addition, one alleged crime, committed subsequent to a crime on parole, could have been prevented if the parole had been revoked. Thus, the above twenty-three alleged offenses could have been precluded by trials within sixty days or other means of control presently available.

A study of the 20 cases for which preventive detention was actually sought in the first 10 months of its operation will demonstrate exactly the same thing—a constitutional, less objectionable alternative existed in every case.

Of the 20 defendants, 14 were on pretrial release at the time they were arrested on the charge for which preventive detention was sought. Instead of seeking preventive detention in these 14 cases the U.S. attorney could have moved for a modification of the conditions of the defendant's release or could have requested that the court hold the defendant in contempt for violating a court order—pretrial release conditions may properly be considered a court order.

Of the remaining six of the 20 defendants for whom preventive detention was sought, 5 were on probation, parole, or work release at the time that they were arrested. Instead of seeking preventive detention in these cases a better, constitutional alternative would have been revocation of probation, parole or work release. The statutory provisions relating to these dispositions clearly provide for a modification of release conditions or even incarceration where a convict or a defendant is arrested while on supervised release from prison or jail.

Some of these five defendants were detained under subsection (e) of the preventive detention section (23–1322). That subsection, the so-called 5-day hold provision, allows for up to 5 days of detention for defendants arrested while on parole, probation, or mandatory release. The only purpose of this section is to allow the court, U.S. attorney, Probation Department, Corrections Department, and other components of the criminal justice system to gather together sufficient information to determine whether the defendant has actually violated probation, parole, or work release. If the agencies charged with supervising these defendants were adequately staffed and these defendants were seen frequently, the probation or parole officers could report to the court in a matter of hours on whether the defendant should have his probation or parole revoked. Instead of unconstitutionally holding a defendant without bail for 5 days the staff of these agencies should be enlarged and improved. For example, in the adult probation department of the superior court here in the District there are only 37 probation officers supervising over 3,200 defendants. It is no small wonder that it takes 5 days for the probation officers to even discover that one of their probationers has been arrested, much less whether he has violated conditions of his probation.

That leaves only one of the 20 defendants for whom preventive detention was sought in the first 10 months. That defendant was a 28-year-old male with no prior criminal record or pending charges, who was arrested for attempting to hack his wife's legs off with a meat ax after lying in wait for her. Superior Court Judge Halleck decided that his was an ideal case for preventive detention and urged the Government to so move and the Government did so. The Government subsequently withdrew the motion because the defendant having no past convictions, pending charges or indications of drug use, failed to meet the statutory criteria for preventive detention. He was eventually committed to St. Elizabeths to determine whether he was competent to stand trial pursuant to D.C. Code section 24–301.

Just as the subcommittee staff found with the 10 cases submitted by the police department, a careful study of the 20 actual preventive detention cases indicates that speedy trial would have an appreciable impact on pretrial crime. Thirteen of the 24 offenses involved in the police department cases could have been prevented had a 60-day trial provision been in effect. Of the 20 defendants for which preventive detention was actually sought, 14 had charges pending at the time of their arrest. All 14 of these defendants had at least one charge pending for more than 60 days. Therefore, if trials had been held within 60 days, the subsequent criminal activity probably would have been avoided and preventive detention unnecessary.

An excellent example of delay leading to preventive detention is the case of the very first defendant subjected to the preventive detention procedures. Only 10 days after preventive detention went into effect the Government sought preventive detention of a defendant charged with assault with a deadly weapon and simple assault. At the same time the Government moved for preventive detention the defendant had two other pending charges—a robbery charge pending for over a year, and a second-degree murder charge pending for over 6 months. Obviously, if the Government had tried and convicted the defendant within a few months of his arrest on either of these pending charges, the preventive detention procedure could have been avoided.

Indeed, it is ironic that the Justice Department has spent inordinate amounts of time pursuing preventive detention in these cases when it could have been seeking speedy trials for these defendants and have achieved far better results. An excellent example of the amount of time consumed in preventive detention proceedings involves the 13th defendant for which preventive detention was sought.

He was arrested on April 9, 1971, on a narcotics sale charge. At the time he had two charges pending growing out of crimes allegedly committed one and a half years and 4 months prior to the narcotics charge. The defendant's initial presentment was the day following his arrest, April 10. The Government obtained a 3-day continuance during which time he was held without bond. On April 13 a preliminary hearing was held at which time the arresting officer, an undercover agent and a narcotics branch officer testified. Once probable cause was found the judge proceeded to hold a preventive detention hearing which lasted about an hour. The court heard evidence on the defendant's criminal history for the prior 9 years. The court ordered the defendant detained on the 13th. On April 19 a standard bond review motion was filed but the motion did not reach the judge until May 13 because the case jacket had been lost. At that time the case had already been assigned to another judge for trial. At the arraignment on May 12 an effort was made to seek review of the preventive detention order. Two hearings were held on this motion, the first on May 17, taking about an hour and the second on May 21 consuming about a half hour. Finally, the second judge reversed the preventive detention order.

Forty-three days and six hearings later the defendant was back on the street in a work release program. In late September the defendant was told that he was going to be incarcerated for violating the conditions of his work release and he abscounded. By November 5, the defendant had been apprehended and incarcerated after failing to post a $40,000 bond. As of December 31, 1971, he was in jail in lieu of bond awaiting trial. So more than 8 months after his arrest, having consumed hours of precious court time in seven hearings and the energies of the U.S. attorney's office and defense counsel, the defendant still had not been tried. Indeed, the Justice Department had not even succeeded in preventively detaining him.

If all of this effort had been expended in trying and convicting this defendant by June 9, within 60 days after his arrest, the people of the District of Columbia would be much better off today. This case exemplifies a prediction that a number of opponents made in regard to preventive detention. We contended that preventive detention would be a monstrosity—an albatross around the neck of an already overloaded judiciary—and that the energy of the Justice Department would be much more wisely spent upon speedy trial for dangerous or violent defendants.

The Justice Department concedes that preventive detention proceedings are long and complicated affairs. As Thomas Flannery, then U.S. attorney for the District of Columbia, stated in a letter to Representative LAWRENCE J. HOGAN:

> In this case the preliminary and detention hearings took at least 5 hours, or 15 times as long as the hearings in a typical case. Therefore, it cannot be said that the extraordinary care and caution which attended this hearing and the other detention hearings to date have been improper or unfair to the accused. On the contrary, these hearings reveal that everyone concerned had leaned over backwards to protect the defendant's interests.

While I would disagree with the former U.S. attorney as to the fairness of these hearings, I agree that they have been lengthy, complicated proceedings. Norman Lefstein, Director of the Public Defender Service for the District of Columbia reflects my view of these proceedings completely:

> Basically, the preventive detention hearing should be approached as if it were a minitrial—one where the court is contemplating punishment without normal safeguards.

The contentions that preventive detention is unnecessary, and that it would be cumbersome and impractical were two among many arguments used against preventive detention. Quite clearly, these predictions have been borne out by the first 10 months' experience with preventive detention.

But the most important argument against preventive detention is that it is unconstitutional, unjust, and alien to Anglo-American jurisprudence. There are at least nine different constitutional objections to preventive detention. While the hearings conducted by the Subcommittee on Constitutional Rights contain a detailed explanation of these arguments, let me briefly summarize the constitutional infirmities of preventive detention.

The most obvious constitutional objection to preventive detention is that it violates the eighth amendment prohibition against excessive bail. To deny the opportunity of any bail at all makes a mockery of the right, necessarily implicit in the eighth amendment, to reasonable bail. Further, the traditional purpose of bail is to assure that the defendant appears in court for his trial. Preventive detention changes the rationale to one of protecting the innocent, which is not the historical basis of the eighth amendment.

Second, preventive detention violates due process by imposing a criminal penalty, 60 days in jail, on the basis of some future criminal activity, and not upon proof that the defendant has actually committed a crime.

Third, preventive detention undermines the presumption of innocence, deprives liberty on the basis of a vague standard of guilt—substantial probability—without the benefit of the traditional rules of evidence, also all violations of the due process clause of the fifth amendment.

Fourth, preventive detention impairs the privilege against self-incrimination by requiring a candidate for preventive detention to establish his defense prior to trial.

Fifth, preventive detention raises a double jeopardy issue under the fifth amendment where the Government seeks preventive detention and the defendant succeeds in establishing that there was no substantial probability that he committed the crime. Yet he will then have to face another criminal trial in which his guilt must be established beyond a reasonable doubt, which is a higher standard.

Sixth, a final problem under the fifth amendment is that the requirement of a grand jury indictment might be applicable to the 60-day imprisonment provided for by preventive detention.

A seventh constitutional objection to preventive detention is that it militates against access to counsel and the opportunity to participate in the preparation of a defense and therefore violates the sixth amendment right of an accused to the effective assistance of counsel.

Eighth, preventive detention undermines the sixth amendment right to trial by jury.

Ninth, the cumbersome and lengthy preventive detention proceedings are burdening the courts, thereby frustrating the goal of a speedy trial, as articulated in the sixth amendment.

None of these constitutional issues were raised in these first 20 cases. Preventive detention was actually ordered in 10 of these 20 cases and only five of the 10 preventive detention orders were appealed. In all 5 cases the preventive detention order was reversed on nonconstitutional grounds.

Indeed, as a practical matter the courts will probably never resolve the constitutional questions raised by preventive detention because in most cases the constitutional claims will be moot by the time they reach the appellate level. Since preventive detention orders can only last 60 days, all defendants are released or convicted by the end of 2 months and it is unlikely that the Supreme Court could hear a case in that short a period.

It is therefore unlikely that the many constitutional questions raised by the opponents of preventive detention will ever be resolved. Furthermore, to my astonishment there have been unanticipated abuses of preventive detention which will likewise remain unchecked by judicial review.

For example, the great majority of preventive detention proceedings to date have been held behind closed doors. I have already expressed my dismay at this unanticipated result of preventive detention in a speech given in the Senate on May 12, 1971, where I likened this new breed of preventive detention to a star chamber proceeding.

Thomas Flannery, U.S. attorney at the time that several of these secret preventive detention sessions were held, attempted to justify them by pointing out that in each case the defense counsel had moved to close the proceedings. In his own words:

> In each such instance, however, the hearings have been closed at the request of the defendant's counsel. At no time has my office moved for a closed hearing; we have simply not objected to motions by attorneys for the defense.

I am not satisfied with Mr. Flannery's rationalization.

In fact, the defendant is faced with an inescapable dilemma. He must either run the risk of prejudicial publicity at this minitrial in which the rules of evidence do not apply, and all kinds of prejudicial, inadmissible evidence is offered. Or, he must give up his constitutional right to a public trial. True, it is the de-

fense which has moved for closed hearings, but it is the Government, by the enactment and use of preventive detention, which forces the defendant to give up his constitutional rights. Furthermore, the U.S. attorney, like the defense counsel and the judge, is an officer of the court and has a duty to assure that any proceedings in which he is involved meet constitutional standards. Therefore, the responsibility for these star chamber proceedings must be shared by all the parties involved. Hopefully, more judges in the superior court and the district court will have the courage of Judge Gesell who would not allow the defense and prosecution attorneys to sway his view of the sixth amendment:

> The Constitution is explicit as to this, and any motion in my Court that is made with respect to that by defense counsel will be denied, unless we reach a situation of immediacy and of great public importance.

Another practice that has emerged in the first 10 months of operation of preventive detention which I find disturbing is the initiation of such proceedings by the judge. Section 23–1322 of the District of Columbia Crime bill requires a Government certification that there is no condition or combination of conditions which will assure safety to the community before a judicial officer can even consider a preventive detention order. In at least two cases in the first 10 months, judges either ignored this first step or suggested that the prosecutor proceed with a preventive detention motion where the prosecutor had not even contemplated such a certification. This practice may not be violative of the Constitution but it certainly undermines the traditional adversary process which is fundamental to our criminal justice system. These judges have, in essence become prosecutors. Even the Justice Department, which drafted the preventive detention legislation, could not have intended to eliminate their own agents from any effective role in such proceedings and to adopt the continental "inquisitorial" system of criminal justice.

A third unfortunate development has been the frequent utilization of section 23–1322(c)(3) which authorizes detention for up to 5 days without a hearing and without any gulding standard for the judge—in other words detention by judicial whim. As in the case of secret hearings, the defenders of preventive detention blame this practice upon the defense attorneys because such detention results from a continuance motion by defense counsel. However, section 23–1322(c)(3) does not require detention without bond where a defense counsel moves for a continuance. There is nothing preventing a judge from releasing upon conditions or setting a money bond in this situation. As in the case of the secret hearings, the blame rests with all the parties but especially with the judge for not considering this alternative. In almost half of the preventive detention cases in the first 10 months the judges have not had the courage to consider these alternatives and preventive detention by whim has occurred.

Certainly the most serious development in the use of preventive detention in the last year is that the hearings themselves have deteriorated into kangaroo court proceedings. Aside from being denied the protection of a public proceeding, the defendant is required to meet a bewildering new standard of proof—substantial probability—to counter a wide variety of otherwise incompetent evidence, including hearsay and unsworn testimony, and is not allowed access to statements of government witnesses used against him in preventive detention hearings.

While the proponents of preventive detention contend that substantial probability means something less than reasonable doubt but more than probable cause, many judges and especially defense attorneys have no idea what it means. For example in the case of one defendant, the arresting officer testified to probable cause at the preliminary hearing. Instead of recalling the officer to testify to substantial probability at the preventive detention hearing, the judge incorporated the officer's testimony at preliminary hearing into the preventive detention record. In other words, in this case probable cause and substantial probability were the same.

As for the evidence adduced in the hearings, in at least three cases the defense counsel sought copies of statements taken from government witnesses who were called to establish substantial probability, arguing the Jencks rule applies to such proceedings. In every case the motions were denied. The Justice Department has proved dangerousness by using hearsay evidence, introducing evidence without proving its accuracy, by using juvenile records, by offering charges which were dropped, dismissed or which resulted in nolle prosequies, and by using conduct which did not even result in involvement with the law. In one case dangerousness of the defendant was based upon the prosecution's contention that a 1968 robbery was violent despite the fact that the assault with a dangerous weapon count had been dropped and the complaining witness' affidavit in support of the complaint did not allege that the defendant had a gun. Certainly one of the worst hearings was held in the preventive detention of a defendant who was required to counter considerable hearsay evidence, including a letter from community members and organizations asking that the defendant be preventively detained. That is preventive detention by mob rule. These cases show that the lack of rules of evidence means preventive detention is proved by rumor, unsupported and incorrect records, and extremely prejudicial hearsay against which there is no possible defense. This is shoddy justice by anyone's standards.

Aside from its necessity, the Justice Department argued before Congress that preventive detention was the only alternative to the hypocrisy of high money bail. In testimony before the Subcommittee on Constitutional Rights then Deputy Attorney General Richard Kleindienst contended that:

> Open pretrial detention would eliminate hypocrisy from the bail system. Under the legislation we propose, the defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations.
>
> The administration is opposed to a system in which a rich dangerous defendant can gain his freedom but poor nondangerous defendants cannot.

The Georgetown-Vera study indicates that though the Justice Department might assert this conviction, it seems unwilling to do anything about it. The Georgetown-Vera study found that instead of seeking preventive detention, the local U.S. attorney continues to seek high money bond for dangerous or violent defendants eligible for preventive detention. For example, the study found that 52 percent of those eligible for preventive detention were required to post high money sureties instead of being provided the so-called protections of preventive detention. In fact, the population of the District of Columbia jail, 80 percent of which is composed of persons awaiting trial, has actually increased since the advent of preventive detention. In February of 1971, when preventive detention went into effect, the jail population was 1,116 but by December of last year the jail population was at 1,266 and had been well over 1,200 for the preceding 3 months.

The adverse effects of such pretrial detention are well known. The seminal studies of the bail problem by the District of Columbia and Manhattan bail projects found that there is a significant correlation between pretrial detention and conviction rates and imposition of sentences.

A survey conducted by the American Friends Service Committee of inmates in pretrial detention as a result of high money bail sheds some light on the reason for these findings. The major reason is that incarcerated pretrial detainees have limited access to their attorneys. In their interviews with 596 inmates in the District of Columbia jail, 223 said they had no personal contact with their attorneys. Of these 223, 110 had been in jail for a month or more and four had been there for more than a year.

There are at least three lessons to be learned from the preventive detention experience.

First, the critics of preventive detention have been vindicated. In opposing this most unfortunate proposal we contended that preventive detention was unnecessary, impractical, and unconstitutional. The best proof that preventive detention is unnecesary is the fact that the Justice Department which sought enactment of preventive detention has not been anxious to use it. The few times it has been used it has proved to be a time-consuming procedure.

Unfortunately, we may never see the procedure struck down by a court as unconstitutional because the Justice Department is afraid to hold a defendant under the act long enough for an appeal. This indicates to me that the Justice Department itself has grave doubts about their proposal surviving a constitutional test.

Second, I believe that we must be much more skeptical about legislation such as the District of Columbia Crime bill, for which much is claimed in the name of law and order. Proponents of such legislation, which infringes upon the liberties of our citizens, at least must be made to carry a heavy burden to demonstrate the proposal's necessity and effectiveness. When the administration came before the Congress with preventive detention it should have been required to demonstrate conclusively that no less objectionable alternative existed to control pretrial crime and that preventive detention would have an impact on crime. Only then should this body have undertaken the agonizing task of debating the proposal's constitutionality. Only then should this body have considered adopting legislation which might threaten the constitutional protections provided our citizens.

If that standard had been applied to preventive detention, it would have never even gotten out of the House District of Columbia Committee. I venture to guess that if that standard had been applied to some of the other controversial provisions of the District of Columbia Crime bill, including wiretapping and no-knock, the Congress would have likewise found that these provisions were not necessary to the control of crime here in the District, and certainly not at the cost of our liberties.

A third valuable lesson to be learned from the preventive detention experience is that although preventive detention has not solved the problem of pretrial crime, there do exist constitutional and effective solutions to this and other perplexing problems faced by the Nation's criminal justice systems.

For example, a solution to the problem of pretrial crime is suggested by the Constitution itself in the sixth amendment:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy trial. . . .

The National Bureau of Standards study indicates that if the Congress implemented the Constitution's command and required that defendants be tried within 60 days of arrest, pretrial crime would be virtually eliminated. That study found that most pretrial releases commit crimes after they have been on release more than 60 days.

The 10 horrible cases offered before the Constitutional Rights Subcommittee at its hearings during May and June of 1970, and the 14 of 20 cases subjected to preventive detention under the law, all could have been dealt with satisfactorily if a 60 day trial rule were in effect in Washington, D.C.

Fifty-three of us in this body are now backing S. 895, a speedy trial bill, which would accomplish this result. We believe that S. 895 provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution.

Aside from requiring trials within 60 days in all Federal criminal cases, the bill provides the way for each Federal district to chart its own course for speedy trial and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring long overdue improvements into our system of criminal justice. It is a constitutional and effective means of controlling crime.

What have we learned, then, from our flirtation with preventive detention? False claims that necessity justifies tampering or infringing or suspending constitutional guarantees in the name of law and order or security should be rejected whenever they are offered. If we are willing to sacrifice hard-won freedom in a vain search for security, we will no doubt find ourselves with neither liberty or security.

Instead of clamoring after panaceas offered in the name of law and order, it would be better to address ourselves to the slow, hard, and expensive course of improving and reforming our criminal justice system. By such reform as the Bail Reform Act, the Criminal Justice Act, and the speedy trial bill, we not only improve justice and achieve more true law and order, but at the same time we fulfill the promises of our Constitution. The unfortunate episode of preventive detention has shown us that the best way to have law and order is to insure justice.

ALLIED SERVICES ACT

Mr. TOWER. Mr. President, I am pleased to cosponsor S. 3643, the Allied Services Act. One of the greatest problems facing government today is its inability to administer and carry out its programs in a logical and effective way.

It is for this reason that the Allied Services Act is so greatly needed. This legislation is designed to enable State and local governments to better coordinate and become more intensively involved in the variety of social service programs funded by the Federal Government. It will encourage States, upon the advice of local governments, to establish single planning authorities to better coordinate the programs they directly or indirectly oversee. The Secretary of Health, Education, and Welfare will be authorized to consolidate the planning of all departmental programs into one planning grant to a State once the State submits an approved State plan to him.

Further, the Secretary will be authorized to waive some of the administrative guidelines which would not work to the best advantage of a coordinated program. In addition, State and local officials will be allowed to transfer up to 25 percent of their HEW funds between programs included in the State plan.

The intent of this legislation is quite simple. In the 5-year period between 1965 and 1970, total social welfare expenditures in the public sector at all levels increased by 13 percent. In fiscal year 1971, total expenditures increased to $170.8 billion—an increase of 17.5 percent from the previous year's total of $145.4 billion. These vast expenditures have proved to be less than totally satisfactory in meeting the needs of our citizens. A primary reason is the omnipresence of duplication of some services. Further problems include programs that work at cross purposes, and the total inability of some people to become acquainted with the programs available to their needs.

Mr. President, it is redundant to repeat the fact that the categorical grant system of providing Federal funds for needed purposes has generally failed. What is needed in place of that system are programs which emphasize a decentralization of administration and better communication between local and Federal interests.

President Nixon has properly recognized this need. His revenue sharing proposals and the purpose behind his program to reorganize the Federal structure are intended to make the Federal Government more responsive to the needs of the American people. The Allied Services Act, I am convinced, can contribute to our goal of reforming the public sector by making programs emanating out of the Department of Health, Education, and Welfare less confusing, while gearing them to a singular purpose of providing the necessary social services with as little bureaucratic waste as possible.

The cost of this act is minute when compared to some of the extravagant proposals which have been introduced. These programs could cost billions upon billions of dollars and would only add a top layer to the duplication of effort we already have.

HUD AND GSA IMPLEMENT RIBICOFF PROPOSAL

Mr. RIBICOFF. Mr. President, on March 16, 1971, I introduced S. 1282, the Government Facilities Location Act, which is designed to insure proper housing for employees of Government agencies and Government contractors.

I took this action because too often employees of agencies and companies moving to new offices lost their jobs because they were unable to find decent housing near the new location. In Washington, D.C., for example, many Federal agencies such as the Atomic Energy Commission have moved far out into the suburbs. For higher income employees this has often meant that their jobs were now closer to their homes in the suburbs. But for many low-income employees dependent on public transportation this means the loss of their jobs due to the unavailability of suburban housing and the high cost of public transportation.

Under my proposal agencies and contractors would not be allowed to locate a new facility or expand an existing one until the community in which the facility is to be located provides an adequate supply of housing for the low- and moderate-income employees of the facility.

Although the Department of Housing and Urban Development opposed S. 1282, the Senate Banking, Housing and Urban Affairs Committee incorporated sections of my bill relating to Federal agencies into the Housing Act of 1972.

Now it appears that HUD has changed its position. HUD and the General Services Administration have issued regulations that would impose essentially the same requirements on Federal agencies as those sections of my bill adopted by the Senate.

This is an important first step for the administration and a recognition of the

immense impact of Federal facilities in the development of urban areas in this country. It is hoped that HUD and GSA will soon extend these rules to Federal contractors who have an equal obligation to insure decent housing for their employees.

I ask unanimous consent that the new regulations be printed in the RECORD.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

[Docket No. N-72-106]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Office of the Secretary)

NEW AND RELOCATING FEDERAL FACILITIES

Procedures for Assuring Availability of Housing on Nondiscriminatory Basis for Low- and Moderate-Income Employees

Notice of the Department of Housing and Urban Development's proposed procedures for implementing the Memorandum of Understanding Between HUD and GSA Concerning Low- and Moderate-Income Housing was published in the FEDERAL REGISTER on December 11, 1971 (36 F.R. 23642). Comments were received from ten interested organizations and consideration has been given to each comment. The procedures have been revised as set forth below, and are effective on publication.

Several comments criticized the threshold levels for application of the procedures (25 low- and moderate-income employees for site selections for public buildings and 100 such employees for lease actions) as not being sufficiently inclusive. One of the comments suggested that there did not appear to be adequate justification for different threshold levels, and another comment proposed 25 for both types of actions. In view of the large volume of GSA construction and lease actions it is deemed a more effective utilization of the resources of the two Departments to concentrate on the more significant actions, i.e., those involving a substantial number of low- and moderate-income employees. The thresholds have been changed to be 100 for both lease and new construction, and paragraph 5(d) has been added to cover actions of special importance where fewer than 100 low- and moderate-income employees will be involved.

There were a number of comments to the effect that GSA should not be permitted to select a site which HUD has reported inadequate with respect to the accessibility of the location to low- and moderate-income housing on a nondiscriminatory basis. This criticism must be rejected, since by statute and Executive order GSA has the authority and responsibility for making location determinations with respect to the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the Memorandum of Understanding. It was in recognition of the fact that some selections may be made contrary to the recommendation of HUD that the Memorandum of Understanding included a provision for a written Affirmative Action Plan to ensure that an adequate supply of low- and moderate-income housing on a nondiscriminatory basis will be available no later than 6 months after the building or space is to be occupied. In this connection, it was asserted in some of the comments that the housing should be made available before the building or space is to be occupied. The 6-month period is provided for in the Memorandum of Understanding, and it is appropriate to permit this leeway in these initial procedures. The Memorandum of Understanding does provide that the Memorandum will be reviewed at the end of each year and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience. The validity of the 6-month period will be examined at the time the Memorandum is reviewed.

Several of the comments suggested that the procedures provide for more assurance that an Affirmative Action Plan will be carried out. The provisions relating to the Affirmative Action Plan have been revised to provide that all agreements which constitute the Plan will be signed not only by the appropriate representatives of HUD, GSA, and the Federal agency involved, but also by community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the Plan. In addition, the Plan will provide assurance by the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for the agency's low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility as provided in the Plan. Since several of the other provisions of the Plan set forth in the proposed procedures were adopted verbatim from the provisions of the Memorandum of Understanding, it is considered unnecessary to repeat these provisions, and they have instead been incorporated by reference to section 9(g) of the Memorandum of Understanding.

Several other comments criticized the procedures for not addressing the issue of nondiscrimination in the sale and rental of housing, in addition to the matter of an adequate supply of low- and moderate-income housing on a nondiscriminatory basis, since discrimination in housing can occur at higher levels as well. Revisions have been made in the procedures to include a determination by HUD of the extent of discrimination in sales or rentals in all housing, not just low- and moderate-income housing. Affirmative action plans will contain appropriate provisions designed affirmatively to further nondiscrimination in the sale or rental of housing.

The definition of "low- and moderate-income" has been revised to take into account the variations in income levels in different housing market areas.

There were several comments with respect to transportation standards, and there was criticism particularly of the difference in travel time permitted between that of low- and moderate-income employees. The criticism is well taken, and the 15-minutee difference has been deleted. In addition, the travel time requirements for lease actions were inadvertently omitted from the proposed procedures and they have now been included. Also, with respect to transportation, the revised procedures provide that the Affirmative Action Plan will insure that there is adequate transportation from housing to the site.

In response to a comment requesting particularity with respect to information which will be made available to the public, the procedures now contain a specific provision that the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

These procedures provide the elements essential for implementation of the Memorandum of Understanding and were never intended to contain all the details of implementation. The Department has initiated the preparation of a Handbook which will include a more detailed explanation of the procedures. In this connection, there were numerous other comments suggesting inclusion of items in the procedures. The suggestions raised by these comments will instead be considered for inclusion in the Handbook. Examples of such comments are: Consideration of restrictive zoning ordinances and building codes and existence of an adequate local fair housing law in making determinations regarding discrimination in housing as well as in setting requirements of Affirmative Action Plans; provision of counselling services for the involved Federal agency's employees; consultation with outside organizations, such as civil rights groups, during the investigation period; and standards and methods for determining that there is nondiscrimination in housing and that an adequate supply of low- and moderate-income housing is available on a nondiscriminatory basis.

One comment suggested that a general area survey be done for the Washington Metropolitan Area as soon as the procedures are implemented, in light of the high concentration of Government facilities in the area. Priorities for the conduct of general area surveys will be determined and surveys will be conducted in accordance with the priorities by the appropriate regional offices as soon as feasible. The Washington Metropolitan Area will be among the earliest areas surveyed.

The procedures are as follows:

1. *Purpose.* This notice establishes the procedures by which the Department of Housing and Urban Development (HUD) will implement the Memorandum of Understanding between the Department of Housing and Urban Development and the General Services Administration Concerning Low- and Moderate-Income Housing executed on June 12, 1971, and published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22873). The Memorandum of Understanding is intended to insure the availability of housing on a nondiscriminatory basis for low- and moderate-income employees of new and relocating Federal facilities. For the purpose of these procedures, "low- and moderate-income" is defined as income up to and including the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low- and moderate-income" is inclusive of all grade levels from GS-1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area; "high-income" is defined as all General Salary Schedule grade levels above such grade level.

2. *Background.* (a) Decisions of the Federal Government concerning location or relocation of Federal facilities may have a major impact on Federal employees, particularly lower grade and minority employees.

(1) The impact on employees can be seriously adverse if facilities are established in areas with an inadequate supply of low- and moderate-income housing.

(2) The problem is even more acute for minority employees if problems of racial and ethnic discrimination further constrain the housing supply near a new or relocated facility.

(b) The General Services Administration (GSA) has responsibility for planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

(c) The Secretary of the Department of Housing and Urban Development has the responsibility under the Federal fair housing law (title VIII of the Civil Rights Act of 1968) for coordinating the efforts of all Federal Departments and Agencies to administer their programs of housing and urban development in a manner affirmatively to further the goals of fair housing.

(d) The Department of Housing and Urban Development has prime responsibility for assisting the development of the nation's supply of low- and moderate-income housing.

(e) The Memorandum of Understanding was agreed to as a means of coordinating the respective responsibilities of GSA and HUD.

3. *Responsibility.* (a) The Department of Housing and Urban Development has the responsibility:

(1) To investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing to Federal employees on a nondiscriminatory basis to serve proposed locations for a federally constructed building or a major lease action.

(2) To participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in or readily accessible to the delineated area within which specific sites will be considered.

(3) To develop jointly with GSA, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(4) To give priority consideration to applications for assistance under HUD housing programs for housing proposed to be provided in accordance with the Plan.

(b) *The General Services Administration has the responsibility:*

(1) To consider the availability of low- and moderate-income housing on a nondiscriminatory basis to the maximum possible extent compatible with other considerations in making determinations with respect to the location of federally constructed buildings and the acquisition of leased space.

(2) To provide HUD with the information necessary to carry out its responsibilities, including, but not limited to, notice that GSA is undertaking a project development investigation, notice of the time and place for site investigations, copies of the prospectus for each public building or lease-construction project, and any pertinent information supplied to GSA by the agency involved in the relocation, including number of low- and moderate-income employees expected to be employed at the new location.

(3) To advise HUD when the GSA site investigators recommend a site for selection which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(4) To provide HUD with a written explanation when, after headquarters' review, a location is selected which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(5) To develop jointly with HUD, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(c) Federal agencies considering relocation have the responsibility:

(1) To consider to the maximum possible extent the availability of low- and moderate-income housing on a nondiscriminatory basis to employees likely to be employed at a new site.

(2) To provide such data with respect to employees being relocated as may be requested by GSA and HUD.

(3) To develop jointly with HUD, GSA and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

4. *Responsibilities within HUD for implementation of the HUD–GSA Memorandum of Understanding.* (a) The Assistant Secretary for Equal Opportunity is responsible for the implementation of the Department's responsibilities under the Memorandum of Understanding. He will maintain liaison at the national level with the Commissioner, Public Buildings Service, GSA, concerning questions of policy and overall implementation.

(b) The HUD Regional Administrator is responsible for coordinating the implementation of this program in the Region, and for providing GSA with HUD's recommendation on specific sites.

(c) The Assistant Regional Administrator for Equal Opportunity is responsible for consolidating information and recommendations to the HUD Regional Administrator including any Affirmative Action Plans that may be required. In this connection, he shall be asssisted by the Assistant Regional Administrators for Housing Production and Mortgage Credit and for Community Planning and Management, the Regional Economist and other appropriate staff.

(d) Directors of Area Offices are responsible for providing the data needed for making recommendations to the HUD Regional Administrator concerning the adequacy of specific sites with respect to the availability of low- and moderate-income housing on a non-discriminatory basis for the Federal employees that will occupy the facility at such location.

(e) The Director of the Equal Opportunity Division in the Area Office will serve as the Department's representatives on site investigation teams.

5. *Actions subject to the procedures in this notice.*

(a) All project development investigations are subject to the procedures herein.

(b) Site selections for public buildings (or leased space in buildings to be erected by the lessor) are subject to the procedures herein in all cases in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

(c) Lease actions (other than those included in (b) above) are subject to the procedures herein where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased, and

(2) If the lease involves residential relocation of a majority of the existing low- and moderate-income work force at a presently existing facility, or a significant increase in their transportation or parking costs, or travel time to the new location will exceed 45 minutes or a 20-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

(d) GSA may request HUD review in actions of special importance not covered by (b) and (c).

6. *Project development investigation.* (a) Project development investigations are general surveys of a metropolitan area conducted by GSA for the purpose of identifying specific needs for Federal or lease construction or major alteration projects for housing Federal activities.

(b) The Regional Director, Public Buildings Service (PBS), will inform the HUD Regional Administrator of the initiation of a project development investigation and the area being surveyed.

(c) The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy rates for all low- and moderate-income housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by general location, of the supply of other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) Chapters 2 and 4. The estimated racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4), above.

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

7. *Site investigation and selection for new construction.* (a) In cases where the Regional Office of GSA is investigating sites for construction of a specific proposed facility, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which specific sites will be considered or, if available, the sites under consideration.

(b) The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months,

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(2) In the absence of a current General Area Survey, the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average eight hours' wage of low-

and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a non-discriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal Agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal Agency involved, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

8. *Site investigation and selection for lease actions.* (a) In cases where the Regional Office of GSA is seeking to lease space meeting the tests set forth in 5(c) of this Circular, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the leased space is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which lease action is anticipated.

(b) The HUD Regional Administrator, within 4 weeks or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months.

(A) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of (c)(1), above, travel time by automobile to the facility from any low- or moderate-income housing available on a nondiscriminatory basis should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wages of low- and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS his evaluation of the delineated area. Where the delineated area (or sub-areas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or sub-areas within it) is identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within five workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a sub-area deemed inadequate by HUD, the involved Federal Agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of six months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601; sec. 2 of the Housing Act of 1949, 42 U.S.C. 1441)

Effective date: These procedures are effective upon publication in the FEDERAL REGISTER (6–7–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc. 72–8537 Filed 6–6–72; 8:50 am]

GENERAL SERVICES ADMINISTRATION

SELECTION OF SITES FOR FEDERAL BUILDINGS

Consideration of Socioeconomic Impact

Notice is hereby given that the Public Buildings Service has issued the following procedures to its employees for implementing the Memorandum of Understanding Between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA) Concerning Low and Moderate Income Housing. Proposed procedures were published in the FEDERAL REGISTER December 1, 1971, 36 F.R. 22873.

Comments were received from the Department of Housing and Urban Development, the U.S. Commission on Civil Rights and from four other non-Federal organizations. Many comments related to the necessity for procedures to be issued by the Department of Housing and Urban Development, and those comments, as well as all others received by GSA, were referred to that Department for appropriate action. The HUD procedures have been developed and are also published.

A comment was received recommending that the procedures apply to all lease and utilization actions. GSA and HUD agreed that this was administratively impossible and instead adopted rules for determining which cases are significant, thus permitting more effective utilization of the resources of the two departments to concentrate on the more significant actions, that is, those involving a substantial number of low- and moderate-income employees. Comments were received which suggested that discriminatory housing practices in the area should be reported to GSA and HUD. The revised procedures provide for such investigations and call for a report by HUD to GSA on such practices.

Comments were received recommending that GSA should not be permitted to proceed when HUD has reported inadequacy of low- and moderate-income housing. This comment must be rejected, since by statute and Executive order, BSA has the authority and responsibility for making final location determinations for the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the memorandum of understanding.

A recommendation was received which proposed making the employees participants in the location of selecting decisions. This recommendation was rejected on the basis that such decisions are management prerogatives. However, the memorandum of understanding provides for provision of special employee counseling and referral service by the agencies involved.

Dated: June 2, 1972.

A. F. SAMPSON,
Commissioner, Public Building Service.

[PBS 7000.11]

GSA ORDER

JUNE 2, 1972.

SUBJECT: Availability of low- and moderate-income housing—DHUD/GSA Memorandum of Understanding of June 12, 1971.

1. *Purpose.* This order provides procedures for implementing the memorandum agreement between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA).

2. *Background.* Executive Order 11512 of February 27, 1970, provides guidance for the planning, acquisition, and management of Federal space, Executive Order No. 11512 supersedes Executive Order No. 11035 of July 9, 1962.

3. *Agreement with Secretary of Housing and Urban Development.* In further implementation of sections 2(a) (2) and (6) of Executive Order 11512, the Administrator, General Services Administration, entered into an agreement with the Secretary of Housing and Urban Development (HUD) to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to site selections and major lease actions having a significant socioeconomic impact on a community. Under the agreement, HUD will advise GSA on the availability of low- and moderate-income housing in connection with locating Federal facilities. HUD will also advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, as well as to assist in increasing the availability of such housing through its own programs. The text of the agreement is included in figure 1.

4. *Definitions*—a. *Low and moderate income.* Equal to or less than the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low and moderate income" is inclusive of all grade levels from GS–1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area.

b. *Regional Director, PBS.* References to the Regional Director, PBS, shall be construed to mean, also, the Assistant Commissioner for Operating Programs for all actions to acquire space in the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

5. *Obtaining socioeconomic data.* a. The Regional Director, PBS, is responsible for obtaining data and advice from the regional offices of the Department of Housing and Urban Development; Health, Education, and Welfare; Commerce; and others, as appropriate.

b. GSA regional requests for consultation, advice, or reports shall be in writing and shall request a reply in writing. Requests to HUD shall be directed to the Regional Administrator, HUD.

6. *Classifications for actions to which HUD–GSA Memorandum of Understanding applies.* The actions described in this paragraph are subject to the provisions of the HUD–GSA Memorandum of Understanding and the procedures which follow.

a. All project development investigations.

b. Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

c. Lease actions (other than those included in b.) where:

(1) One hundred or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work force; a significant increase in their transportation or parking costs; or travel time to the new location will exceed 45 minutes, or a twenty-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

d. GSA requests HUD review in lease actions of special importance not covered by (b) and (c).

7. *Project development investigation.* a. Prior to undertaking project development surveys for the purpose of identifying specific needs for Federal or lease construction or major alteration for housing Federal activities, the Regional Director, PBS, will inform the Regional Administrator, HUD, of the initiation of a project development investigation and the areas being surveyed and request information relating to present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where such a project might be located. This data will constitute the basic information concerning housing considerations at this stage of project planning. The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy for all housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by location, of all other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) chapters 2 and 4. The racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4).

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

b. The PBS regional Operational Planning staff will prepare the Project Development Report which will delineate the general area or areas for the project. The Regional Administrator of HUD will be advised at the earliest possible time with respect to such decision.

c. The Office of Operational Planning shall be responsible for providing to the Headquarters office of HUD copies of all prospectuses approved by the Public Works Committees of the Congress.

8. *Site investigation and selection for new construction.* a. Upon receipt of a site investigation directive, the Regional Director, PBS, shall initiate necessary actions in accordance with other PBS directives. The site investigation directive will delineate the area or areas in which the proposed project will be located. The Regional Director, PBS, is required to provide advance notice of the site investigation to State and local governments, clearinghouses, and local elected officials. At the same time, the Regional Administrator, HUD, in whose region the facility is to be located will be informed of the planned site investigation, will be provided with a copy of the site investigation directive, and will be requested to designate an appropriate HUD official to participate in the site investigation work. The HUD representative will be required to survey, determine, and furnish GSA with a written report on availability of low- and moderate-income housing on a nondiscriminatory basis and the accessibility of such housing to the delineated area(s) in which the proposed building will be located. The Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at new or relocated facilities when fully staffed.

(2) The delineated area within which specific sites will be considered or the sites under consideration.

b. The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current Gen-

eral Area Survey (See 7a) (completed within the preceding 12 months):

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

c. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of c(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

d. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate in one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

e. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in d, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator and agree on the time required to properly present HUD's views.

f. GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in d, in accordance with the HUD–GSA Memorandum of Understanding.

g. Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to the following points:

(1) The corrective actions specified by HUD under d;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

h. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

i. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of non-compliance HUD and GSA shall undertake appropriate action to secure compliance.

9. *Lease actions.* a. For lease actions where the regional office of GSA or the Office of Operating Programs is seeking to lease space meeting the tests set forth in 6c, the Regional Director, PBS, and the regional Assignment and Utilization (A&U) Branch shall be responsible for delineating the area for lease actions consistent with 41 CFR 101–18.102, so as to exert, to the greatest extent practicable, a positive economic and social influence on the development and redevelopment of areas in which such facilities are to be located. The area circumscribed thereby shall be sufficiently large to assure full and free participation by potential offerors. In determining this area, A&U shall consult with the agency to be housed, the Acquisition Branch, and the Operational Planning staff.

b. Whenever an agency initiates a space request which will result in a lease action as defined in 6c, the GSA Regional Director, PBS, shall contact the HUD Regional Administrator in whose region the leased space is to be located and provide the following information if available:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed; and

(2) The delineated area within which lease action is anticipated.

c. The HUD Regional Administrator, within 4 weeks, or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current General Area Survey (see 7a) completed within the preceding 12 months:

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas; and

(b) Make recommendations to the Regional Director, PBS as to those areas reviewed, with respect to the matters referenced in 8b(1)(a),

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a; and

(b) Make recommendation to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in 8b(1)(a).

d. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of d(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

e. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the delineated area. Where the delineated area (or subareas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

f. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or subareas within it) is identified by HUD as inadequate on one or more of the grounds set forth in e, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by GSA to the HUD Regional Administrator, agree on the time required to properly present HUD's views.

g. GSA will provide a written explanation when, after headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in e, in accordance with the HUD–GSA Memorandum of Understanding.

h. Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a subarea deemed inadequate by HUD, the involved Federal agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a non-discriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under *d*;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

i. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

j. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

PURPOSE: The purpose of the Memorandum of Understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and, as a major employer, in accordance with the concepts of good management, to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.SC. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of • • • "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family • • • ." This goal was reaffirmed in the Housing and Urban Development Act of 1968 (secs. 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Building Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low and moderate income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low and moderate income housing without discrimination because of race, color, religion, or national origin, in accordance with its duty affirmatively to further the purposes of Title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, home ownership and rental housing assistance, rent supplements, below market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans, Operation Breakthrough, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low and moderate income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally constructed building of leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low and moderate income housing on a nondiscriminatory basis, once a site has been selected for a federally constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city of delineation of a general area for location of public buildings of leased space, GSA will provide the earliest possible notice to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned Public Buildings Projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committee on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) *Major lease actions having a significant socioeconomic impact on a community.* At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delinated area. Such advice will

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constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committee on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low and moderate income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the HUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9d with respect to an area or site indicates that the supply of low and moderate income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low and moderate income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to application for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

Dated: June 11, 1971.

ROBERT L. KUNZIG,
Administrator,
General Services Administration.

Dated: June 12, 1971.

GEORGE ROMNEY,
Secretary, Department of Housing
and Urban Development.

[FR Doc. 72-8536 Filed 6-5-72; 10:02 am]

EDMUND WILSON—1895–1972

Mr. JAVITS. Mr. President, Edmund Wilson, the celebrated critic and man of letters, died Monday, June 12, at his home in Talcottville, in upstate New York, where he lived for many years to the age of 77. He was one of the most distinguished of New Yorkers and was the dean of American letters and one of the most preeminent literary critics of our time. Indeed, Mr. Wilson's last published book was "Upstate, Records and Recollections of Northern New York."

Mrs. Javits and I extend our deepest sympathies to his family. His loss will be deeply felt in the world of literature and of the arts.

I ask unanimous consent that the obituary and two articles from the New York Times of June 13, 1972, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EDMUND WILSON DIES

TALCOTTVILLE, N.Y., June 12.—Edmund Wilson, who read and wrote with encyclopedic thoroughness on literature, history, anthropology and economics, died here today in the 172-year-old stone house that served as the setting of his last published book: "Upstate Records and Recollections of Northern New York." He was 77 years old.

Some have called Mr. Wilson the dean of American letters and the pre-eminent literary and social critic of our time. But his works, which included poems, short stories and a novel, shattered disciplines and made it hard to categorize him.

Mr. Wilson had suffered from a heart condition for the last two years. He is survived by his widow, Elena Thornton Wilson; their daughter, Helen; a son, Reuel, by his marriage to the author Mary McCarthy; and another daughter, Rosalind, by his marriage to Mary Blair. He had also been married to Margaret Canby, who died.

The family said that the body would be cremated and a memorial service would be held in Wellfleet, Mass.

ERUDITE AND PRODUCTIVE

(By Alden Whitman)

Celebrated primarily as a critic, Edmund Wilson was accounted by common consent the most erudite of them, the most omniscient, the most productive, the most finicky and the most dyspeptic. There was, inevitably, some question as to whether he was the most sagacious or the most perceptive; but there was no doubt, as the years passed, that he was the most didactic and probably the most influential.

For 50 years, Mr. Wilson, who regarded literature as "a history of man's ideas and imaginings in the setting of the conditions which have shaped them," wrote elegantly, chiefly for the intellectually elite. Yet such was the force of his value-judgments that he conferred reputations on writers and fashioned as a result the reading tastes of millions, to whom he himself was but a shadowy figure.

Like Dr. Johnson and his own mentor, Hippolyte Taine, the 19th-century French historian and critic, and like Charles Sainte-Beuve, also a 19th-century French critic, Mr. Wilson was a man of letters in the broadest sense. Besides being a critic, he was a novelist, short-story writer, playwright, poet, historian, Bible authority, essayist, literary quarreler, self-interviewer and autobiographer. Having troubled as an adult to learn Hebrew, Russian and Hungarian and fluent from adolescence in Greek, French, Italian and German, he ranged effortlessly in Western literature and culture. And from a mind so well furnished he was able to draw apposite allusions and examples to illuminate his diverse writings, the bulk of which were essentially criticism.

"For me," he once remarked, "literary criticism has always meant narrative and drama as well as an estblishing of comparative values.

"On the comparative side, my function has, I think, been to make an effort to see in relation to one another, to bring into the same cultural sphere, a number of literary fields which have been in some cases hardly aware of one another."

Four of Mr. Wilson's books represented direct attempts to apply his humanist and historical values to writers and the culture that nurtured them. These were "Axel's Cast" in 1931, "To the Finland Station" in 1940, "The Wound and the Bow" in 1941 and "Patriotic Gore" in 1962. The first analyzed the work of Yeats, Eliot, Pound and Joyce in terms of the French Symbolist movement; the second dealt with Vico, Saint-Simon, Taine, Marx, Engels, Lenin and Trotsky in terms of the revolutionary tradition in Europe; the third concerned the dualism of Dickens, Kipling, Casanova, Edith Wharton, Hemingway and Joyce; and the fourth treated Harriet Beecher Stowe, Lincoln, Grant, Sherman and a number of others who left a record of their experiences leading up to or in the Civil War.

In other works the critic paid his respects to many of his contemporaries—Fitzgerald, Steinbeck, Faulkner, Aldous Huxley, Louis Bromfield, Katherine Anne Porter, Dorothy Parker, John O'Hara, Thornton Wilder, Malraux and Sartre, among others.

Contemplating O'Hara, Mr. Wilson found that his work derived from Hemingway and James M. Cain, but that "his writing really belongs to a different category of fiction."

"O'Hara," he declared, "is primarily a social commentator [who] subjects to a Proustian scrutiny the tight-knitted social web of a large Pennsylvania town, the potpourri of New York night life in the twenties, the nondescript fringes of Hollywood. In all this he has explored for the first time from his peculiar semisnobbish point of view a good deal of interesting territory."

Mr. Wilson bestowed his approval on Faulkner, but it was not unalloyed. Reviewing "Intruder in the Dust," he remarked bluntly that "it ought to be said that, from the point of view of the writing, this is one of the more snarled up of Faulkner's books."

But Mr. Wilson did not limit his criticism to the kind of writers usually discussed in literary journals. He wrote of Emily Post and her etiquette books and, in an essay entitled "Who Cares Who Killed Roger Ackroyd?", he reported his conclusion that detective stories were a waste of an intelligent reader's time after having worked his way, with characteristic thoroughness, through dozens of popular successes in that genre.

He would write of writers long forgotten and of others who had never been much known. The writing was always direct and pungent. He began an essay called "What Became of Louis Bromfield" in his way:

BOOK BANNED IN STATE

"In the days of 'The Green Tree' and 'The Strange Case of Miss Annie Spragg,' Mr. Louis Bromfield used to be spoken of as one of the younger writers of promise. By the time he had brought out 'Twenty Four Hours,' it was more or less generally said of him that he was definitely second rate. Since, then, by unremitting industry and a kind of stubborn integrity that seems to make it impossible for him to turn out his rubbish without thoroughly believing in it, he has gradually made his way into the fourth rank, where his place is now secure."

These books of criticism brought Mr. Wilson his renown; a collection of six stories satiritizing suburban manners and morals, "Memories of Hecate County," earned him notoriety. Published in 1946, the book was banned in New York State as obscene chiefly for one story. "The Princes With the Golden Hair." The story, told in the first person, contrasted the sex life of a suburban matron with that of a city working girl. Its love scenes, tame by today's standards, nonetheless shocked the Court of Special Sessions.

Reflecting a general attitude toward Mr. Wilson in the nineteen-sixties, when most of his work was behind him, Sherman Paul, also a critic, wrote:

"We think of Wilson, as he probably intended us to, when we read in 'Patriotic Gore' of the old Romans of the old America."

Professor Paul had in mind Mr. Wilson's reputation for incorruptibility; but he could also have been describing his physical appearance and his patrician attitudes. Of medium height and tending to paunchiness, his body was dominated by a massive head. His features—a high forehead and a slightly jutting jaw—resembled those of a bulldog in repose.

He was, though, not so much pugnacious as he was disdainful or impatient with lesser intellects. Some of this was reflected in a letter he once sent to the British weekly The New Statesman. "I read your journal mostly with admiration," he wrote, "but I do wish you would not so often confuse 'titillate' with 'titivate.'"

"INTERVIEW" OF HIMSELF

Another facet was thrown in a self-interview in The New Yorker in 1962 that dealt with a trip to Britain. It read in part:

"Interviewer: What brings you to England, Mr. Wilson?

"Wilson: I wanted to dine at the Café Royal. I have never been able to get any English friend to go there with me. They always say that it isn't what it used to be. But I want to see it all the same. That's one reason, and another is that I want to get a set of Ackermann's 'London' at a somewhat cheaper price than they ask for it in the United States. I feel that when I've achieved these two objectives, I need never come to London again."

And later in the "interview," when Mr. Wilson was asking himself his opinions of various British writers, he wrote:

"Interviewer: And Anthony Powell [the novelist]—have you read him?

"Wilson: I don't see why you make so much fuss about him. He's just entertaining enough, to read in bed late at night in summer, when his books usually reach me. If Evelyn Waugh is the Shakespeare of this school, Powell is the Middleton or Day. It's a pity he never dipped into Proust—and that goes for Durrell, too, though of course Durrell did more than dip, he saturated himself completely. Durrell is even better to read in bed."

Mr. Wilson was impartial with his hauteur, except with his close friends. For example, he customarily replied to requests of him with a printed card that read:

Edmund Wilson regrets that it is impossible for him to:

Read manuscripts, write articles or books to order, write forewords or introductions, make statements for publicity purposes, do any kind of editorial work, judge literary contests, give interviews, conduct educational courses, deliver lectures, give talks or make speeches, broadcast or appear on television, take part in writers' congresses, answer questionnaires, contribute to or take part in symposiums or "panels" of any kind, contribute manuscripts for sales, donate copies of his books to libraries, autograph books for strangers, allow his name to be used on letterheads, supply personal information about himself, supply photographs of himself, supply opinions on literary or other subjects.

The critic's desire to be left in peace was understandable in view of the care and diligence with which he worked. He often called himself a journalist, and, in fact, many of his essays appeared in their first form in such magazines as The New Republic, The New Yorker and New York Review of Books. These he expanded and burnished for his books, and this required enormous concentration. Partly, too, he disliked dealing with strangers because of his stutter and his absentmindedness.

Mr. Wilson accumulated a reputation for bad manners. In fact, Richard Chase, the critic, once wrote:

"People who write about Edmund Wilson are likely to include a note on how badly he acted when they saw him at a party. So I had better add that when I saw him at a party he was amenable enough.

"He made a point of sitting beside me like a benign if somewhat nettled uncle, and he asked me about Melville's poems, which he was reading at that time. The great man somewhat confounded me, and I forgot most of whatever I knew about Melville's poems.

"We talked about Whitman, and Wilson emphatically pronounced him the greatest of our classic writers ('The Scarlet Letter,' on the other hand, was a 'fraud').

"Wilson seemed rather baffled by me and soon retired to a corner with the host, who helped him puzzle out a Yiddish newspaper that had been sticking out of his pocket when he entered the house."

Professor Chase, however, did not catch Mr. Wilson at small parties he gave in his apartment or at his home on Cape Cod. On these occasions, Mr. Wilson delighted his guests with his skill at puppetry, especially Punch and Judy shows, and for his skill at Maskelyne's magic, which he picked up in Italy when he was a boy.

A command of culture came naturally to Edmund Wilson, for it was a world into which he was born and in which he was reared. The only child of Edmund and Helen Mather Kimball Wilson, he was born May 8, 1895, in Red Bank, N.J. His father, a successful lawyer, served a term as Attorney General of New Jersey. His mother, also of professional background, put store by books and art as household equipment. And when the boy was 13 his parents took him to Europe for a thorough tour of the cultural sights of Italy, Austria, Germany, France and Britain.

A year later he was sent to the Hill School in Pottstown, Pa., where his first months were agonizing and rebellious. "My mother, with characteristic lack of fact, had called me 'Bunny' when she brought me on and, at a first get-together in my rooming-house, this was taken up by the boys," Edmund explained later with some asperity, adding:

"I tried to fight everybody who did this, but was outnumbered, and the house-master broke it up. I have been saddled with this nickname all my life. When I later asked my mother why she had called me that, she gave me the even more embarrassing explanation that she used to say about me as a baby that, with my black eyes, I 'looked just like a plumbun.'"

Throughout his life Mr. Wilson endured his nickname, but barely. Use of it to his face was a certain invitation to disfavor. "Bunny," though, was freely employed behind his back.

Edmund began to practice his métier at Hill with a story for the school magazine, of which he became editor. At Princeton, which from 1912 to 1916 followed Hill, the young man continued to display literary and critical abilities. On the staff of The Nassau Literary Magazine, he encouraged his friend and fellow student, F. Scott Fitzgerald, to write for it, and it was the start of a career as a novelist on which Mr. Wilson had an enduring influence.

The association of the two Princetonians lasted even beyond Fitzgerald's life. For two years after Fitzgerald died in 1940, Mr. Wilson edited his friend's autobiographical memoir, "The Crack-Up." For the dedication he wrote a poem that began:

"Scott, your last fragments I arrange tonight,
Assigning commas, setting accents right,
As once I punctuated, spelled and trimmed,
When, passing in a Princeton spring—
how dimmed
By this damned quarter century and more!—
You left your Shadow Laurels at my door."

Majoring in literature, Mr. Wilson was stimulated by Prof. Christian Gauss and by the writings of H. L. Mencken, Shaw and James Gibbons Huneker, the American critic. He also traveled abroad in these years, soaking up more of Europe on each trip. His humanism and interest in European cultures, encouraged by Professor Gauss, were enhanced by a postgraduate summer at Columbia, where he studied sociology and economics; and by a stint as a reporter on The Evening Sun in New York.

After World War I, in which Mr. Wilson served, successively, as a private, a hospital attendant in France and a member of the Intelligence Corps, he joined the staff of Vanity Fair and was its managing editor for 1920–21. Recalling him as an editor, Zelda Fitzgerald described him as "beautiful and bloodless." Her husband, Scott, was less cryptic, for he wrote of his friend as "walking briskly through the crowd (in New York) wearing a tan raincoat over his inevitable brown get-up," cane in hand, confident, "wrapped in his own thoughts and looking straight ahead."

In those years Mr. Wilson also wrote essays on Fitzgerald, Willa Cather, Pound, Byron, Poe, O'Neill, Hemingway, Lardner, Stephen Crane and William James. In addition, he collaborated with John Peale Bishop, a Princeton friend, on "The Undertaker's Garland," a book of satiric verse and prose about death and funerals.

From 1926 to 1931 Mr. Wilson was associate editor and principal book reviewer for The New Republic. In addition to commenting on the literary scene and introducing, among many others, John Dos Passos as "a gifted writer, he wrote "Discordant Encounters," which dealt with the antagonism between man and the machine, and "Poet's Farewell!" a volume of lyrics and sketches mostly satiric.

He also published, in 1929, his only novel, "I Thought of Daisy," a book about Greenwich Village that was based on a sensational murder trial of the era that he witnessed. He • • • 1967, and in his introduction to that edition he was at pains to disabuse those who saw the narrator of the first-person story as Mr. Wilson.

"Nothing annoys me more than to have the characters and incidents which figure in my works of fiction represented as descriptions of real people and events," he wrote. "In the case of a still living writer, such guesses are something of an impertinence."

Nonetheless, Mr. Wilson did transmute some of his experiences into stories, albeit rearranged and disguised.

Of his articles for The New Republic the most political was "An Appeal to Progressives," published in 1931, about a year after the ones of the Depression. In it Mr. Wilson attacked the myth of a prosperous American society and the hopes of liberals that it might be gradually reformed. "The present depression," he said in urging liberals to become concerned, "may be one of the turning points in our history, our first real crisis since the Civil War."

In suggesting a radical approach to the country's plight, he invited intellectuals to consider the American Communist party. He found its dogmas narrow, but said radicals "must take Communism away from the Communists, and take it without ambiguities, asserting that their ultimate goal is the ownership by the Government of the means of production."

VIRTUAL CALL TO ARMS

And in an article the following year he issued a virtual call to arms, saying:

"So, American intelligentsia—scientists, philosophers, artists, engineers—who have been weltering so long in prostitutions and

frustrations, that phase of human life is done. Stagger out of the big office, the big mill—look beyond your useless bankrupt fields and pastures!"

Finally, in the Presidential election of 1932, Mr. Wilson was one of a number of writers who supported the Communist ticket of William Z. Foster and James W. Ford. By this time he had already established himself with "Axel's Castle" as one of the nation's foremost critics; and he added to that reputation with "American Jitters," a collection of articles with political overtones, issued in 1932.

In 1935 Mr. Wilson traveled and studied in the Soviet Union under a Guggenheim Fellowship. He never embraced Communism, but he wrote of his experiences and his meetings with the Russians with general approbation.

Out of the trip also came "To the Finland Station," his study of the revolutionary tradition in Europe. "With his customary scholarship he prepared himself for the book by seemingly reading not only all of Marx and Engels, but also all of such 19th-century socialists as Prudhomme, Friedrich LaSalle and Bakunin.

After tracing the development of this tradition, he concluded in the final paragraph of the book that it was unlikely that Marxist formulas would be able to lead to "a society in which the superior development of some is not paid for by the exploitation, that is, by the deliberate degradation of others."

Meantime, in 1938, Mr. Wilson, then 43, had married Mary McCarthy, the 25-year-old book critic for The Nation. He had been married twice previously. His first marriage, to Mary Blair, had ended in divorce; his second wife, Margaret Canby, had died in an accident.

The union with Miss McCarthy, which lasted seven years tended to be troubled, at least in his wife's recollection. She found him domineering in his views, so that everything that came under his hand was shaped into "an authorized version."

She also reported that at one point Mr. Wilson said, "I think you've got a talent for writing short stories.' So he put me off in one free room with a typewriter and shut the door."

The forties were fruitful years for Mr. Wilson. He published "The Boys in the Back Room" in 1941. "The Wound and the Bow" also in 1941, "Notebooks of Night" in 1942, "The Shock of Recognition" in 1943, "Memoirs of Hecate County" in 1946 and "Europe Without Baedeker" in 1947. His apparent slacking off after 1944 was illusory, for in that year he became book reviewer for The New Yorker. His almost weekly treatment of new books was demanding, long-range and scholarly, an attitude that irritated some readers accustomed to the more bland criticism of Clifton Fadiman, Mr. Wilson's predecessor.

Although Mr. Wilson ceased to be a regular contributor to the magazine in 1948, he continued for years to contribute book reviews and feature articles. For example, from his New Yorker articles emerged "The Scrolls From the Dead Sea" in 1955. This book, rationalist in tone, brought him into conflict with orthodox interpreters of the theological implications of the scrolls. It was, however, indisputably based on an enormous body of archeological information that he had amassed in visits to the Middle East.

INJUSTICE TO INDIANS

Also from his magazine articles he shaped "Apologies to the Iroquois," issued in 1959, which was both an account of life among the Iroquois Indians in New York State and Ontario, and a discussion of how to right the injustices done to them over the years.

The significant book of Mr. Wilson's later life was "Patriotic Gore," on which he worked off and on for 15 years. Critics rated it a masterly study of the literature of the Civil War, at once encyclopedic and profound.

In 1963, a year after publication of "Patriotic Gore," the writer underwent an experience that puzzled him deeply. He published a polemic, "The Cold War and the Income Tax," a detailed recital of his troubles with the Internal Revenue Service and an indictment of Federal spending for the war in Vietnam and for defense. "I have finally come to feel that this country, whether or not I live in it, is no longer any place for me," he wrote.

Almost simultaneously Mr. Wilson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. The citation acclaimed him as a "critic and historian [who] has converted criticism itself into a creative act, while setting for the nation a stern and uncompromising standard of independent judgment."

Mr. Wilson did not leave the United States. Instead he continued to live, as he had for many years, with Elena Thornton, his fourth wife, in virtual seclusion, in Wellfleet on Cape Cod, in Talcottville in upstate New York, and in the Caribbean.

In the years since 1963 Mr. Wilson got into at least two furious quarrels. One was with Vladimir Nabokov over the latter's translation of Pushkin from the Russian. The other was with the Modern Language Association over its scholarly editions of American authors. Mr. Wilson considered these editions overpedantic to the point of uselessness.

Only last month The Times Literary Supplement, in a cover essay on Mr. Wilson and his book "Upstate," praised the scope and scale of the author's interests: "Only the European panoptic scholars come near matching Wilson for learning, and for sheer range of critical occupation there is no modern man to match him."

The book is a personal and elegiac diary of a man growing old in the place where, as a child, he had first learned he was capable of "imaginative activity and some sort of literary vocation."

Generous honors came to Mr. Wilson in the late sixties. He won the National Medal for Literature in 1966 and, with it, $5,000. The award, he said, was "all the more welcome for being, as I understand it, tax-free, so that not a penny of it will be demanded for the infamous war in Vietnam and for our staggering appropriations in the interest of so-called defense, which, when I last examined the budget in 1964, amounted, together with space programs and the cost of past wars, to 79 per cent of the total."

Two years later he received the Aspen Award for his contributions to the humanities. With it went $30,000, also tax-free.

At that time, in a rare public appearance, Mr. Wilson commented on his studies in Greek and Russian, and on his examinations of the Dead Sea Scrolls and American Indian lore:

"Now, I am far from an authority on any of these subjects but, out of a volatile curiosity and an appetite for varied entertainment, I have done reading in all of them; and I have been working, as a practicing critic, to break down the conventional frames, to get away from academic canons that always tend to keep literature provincial."

QUOTATIONS FROM THE WRITINGS OF EDMUND WILSON

Following are selected quotations from the writings of Edmund Wilson:

ON BRITISH MANNERS

What we consider British rudeness is their form of good manners. In other countries, manners are intended to diminish social friction, to show people consideration and to make them feel at ease. In England it is the other way: good breeding is something you exhibit by snubbing and scoring off people.—"Europe Without Baedeker."

ON POETRY

If, in writing about "poetry," one limits oneself to "poets" who compose in verse, one excludes too much of modern literature, and with it too much of life.—"Is Verse a Dying Technique?"

ON PROUST

Proust is perhaps the last great historian of the loves, the society, the intelligence, the diplomacy, the literature and the art of the Heartbreak House of capitalist culture; and the little man with the sad appealing voice, the meta-physician's mind, the Saracen's beak, the ill-fitting dress shirt and the great eyes that seem to see all about him like the many faceted eyes of a fly, dominates the scene and plays host in the mansion where he is not long to be master.—"Axel's Castle."

ON LEARNING A NEW LANGUAGE

Ah, the pleasures of approaching a new language! The words are all drill in the grammar. They are odd or attractive objects. . . . They involve us in oral judgments and they are devoid of emotional connotation: We can play with them like pets or toys. Then when we first begin to see into their meanings, with what freshness the world reappears to us! Trees and tables, dogs, women and children, coming and going, God, government and butter, have assumed a new strangeness and interest, as if they were being named for the first time.—"Note-Books of Night."

ON THE CRASH

To the writers and artists of my generation who had grown up in the big business era and had always resented its barbarism, its crowding out of everything they cared about, these years were not depressing but stimulating. One couldn't help being exhilarated at the sudden unexpected collapse of that stupid gigantic fraud. It gave us a new sense of freedom; and it gave us a new sense of power to find ourselves still carrying on while the bankers, for a change, were taking a beating.—"The Shores of Light."

ON DIVORCE

It is apparently un-American to be married four times. Though many, whose church forbids it, believe that divorce is sin, it may be said that aside from these groups, two marriages with a divorce are thought normal; among the rich, three are normal; and in Hollywood four are normal. But in the case of a writer, four marriages may throw doubt on his financial dealings and on his soundness as an American citizen.—"The Cold War and the Income Tax."

ONE OF THE GREAT MEN OF LETTERS

(By John Leonard)

In 1963 Edmund Wilson wrote: "The knowledge that death is not so far away, that my mind and emotions and vitality will soon disappear like a puff of smoke, has the effect of making earthly affairs seem unimportant and human beings more and more ignoble. It is harder to take human life seriously, including one's own efforts and achievements and passions." Harder, but not impossible. Even as he wrote those lines in his diary, he was working on "The Cold War and the Income Tax." He would go on to rediscover this continent's north in "O Canada," to publish a third volume of literary chronicles, "The Bit Between My Teeth," to write plays and a memoir, "Upstate," and to finish a book on Russian literature, "A Window on Russia," which will appear in August. He was, The Times Literary Supplement noted last month in a front-page essay on "Upstate," "one of the great men of letters in our century"—the American Montaigne.

He was the chairman of no department at any university. What department could possibly take in his range of interests—the modernist writers he introduced to this country in "Axel's Castle," the history of Europe's revolutionary tradition, in "To the Finland Station," the neglected literature of our own beginnings in "The Shock of Recognition" and "Patriotic Gore," the Indians we had forgotten or never known in "Apologies to the Iroquois," the essays on the Holmes-Laski correspondence, the Modern Language Association and the Marquis de Sade? The only department large enough was his head. Like a python, he devoured whole literatures.

WRITERS' "ISOLATION" SEEN

"What we lack, then, in the United States," he wrote in 1928, "is not writers or even literary parties, but simply serious literary criticism. . . . It is astonishing to observe, in America, in spite of our floods of literary journalism, to what extent the literary atmosphere is a nonconductor of criticism. What actually happens, in our literary world, is that each leader or group of leaders is allowed to intimidate his disciples, either ignoring all the other leaders or taking cognizance of their existence only by distant and contemptuous sneers. . . . It, furthermore, seems unfortunate that some of our most important writers—Sherwood Anderson and Eugene O'Neill, for example—should work, as they apparently do, in almost complete intellectual isolation, receiving from the outside but little intelligent criticism and developing, in their solitary labors, little capacity for supplying it themselves."

Inasmuch as the situation has changed in the intervening four decades, Mr. Wilson was responsible. He believed as much in the republic of letters as he believed in the republic of the American past. His tenure at the New Republic was itself a kind of adult education course that created intelligent opinions about literature and circulated them. There was no intimidation and very little sneering; there was simply the strong, plain prose that grew like elm branches out of the trunk of a rich intelligence. There was a continuity in his work analogous to the continuity he sought to define and sustain in his nation's perception of itself.

HOLDING TO OUR VALUES

Toward the end, his critics used words like "patrician," "élitist" and "crotchety" to describe him. And yet he made it his business, as "Upstate" makes clear, to leave the den and talk to people, to regret unwelcome social changes while accepting their inevitability, to hold to his own values while listening to the rumors and the riots of new ones, even as he made it his business to talk to and understand the literatures of so many nations, to seek everywhere the civilizing impulse, the past that is in us and the future we fashion from it.

If there is an American civilization, Mr. Wilson helped us to find it and was himself an important aspect of it. A wise man, perhaps singular. His children, and all of us who care about literature and the Republic are his children, will miss him sorely.

CLARIFICATION FOR THE RECORD

Mr. EAGLETON. Mr. President, on May 31, 1972, the New York Times published a paid advertisement sponsored by a group that identified itself as "The National Committee for Impeachment." The advertisement called for the impeachment of President Nixon and cited several "serious violations" allegedly committed by the President in his conduct of the war in Vietnam.

The advertisement quoted a portion of a speech delivered by me on the floor of the Senate on April 19, 1972, and printed in the CONGRESSIONAL RECORD of that date. This quotation was taken out of context from the public record without my consent or approval. While I disagree with the President's conduct of the Vietnam war, I do not agree with those who wish to impeach him for his actions. I hereby disclaim any association with that group and its advertisement.

PRODUCTIVITY—KEY TO HIGHER STANDARD OF LIVING—ADDRESS BY PHILIP O. GEIER, JR.

Mr. TAFT. Mr. President, throughout the ages, productivity has been the key to a higher standard of living. As Frank Porter stated in the Washington Post recently—

If productivity had remained static over the centuries, man would never have emerged from the stone age. Increases in the standard of living are only possible through increases through productivity: Man can only consume what he produces.

Productivity is directly related to our ability to compete for foreign markets, our ability to compete for domestic markets, the number of jobs which we can provide for American workingmen, our balance of trade, and the value of our dollar. It is, therefore, imperative that we set as our number one economic priority the increase in American productivity.

On May 24, Philip O. Geier, Jr., chairman of Cincinnati Milacron, Inc., addressed the Numerical Control Society in Chicago on "Productivity—America's Hope for Economic Survival." I found Mr. Geier's comments on this vital subject to be illuminating and having insight. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRODUCTIVITY—AMERICA'S HOPE FOR ECONOMIC SURVIVAL

(By Philip O. Geier, Jr., chairman, Cincinnati Milacron, Inc.)

I consider it a privilege to address the opening general session of the 9th Annual Meeting and Technical Conference of the Numerical Control Society. I'm not an expert on NC by any means, but I have had enough experience to know that the theme of this conference is prophetic. The world of NC is expanding—around the world. The rapid growth of NC usage in other countries is, in fact, one of the reasons why I picked the topic I did six months ago.

I am going to talk today about "Productivity—America's Hope for Economic Survival." Since selecting this subject last fall, "productivity" has become more and more of a buzz word in our country and in the industrial nations of the world. It is a good sign that productivity has been increasingly placed under the national microscope, for attention often begets its own benefits.

Productivity, as we all know, is the relationship between total output and the number of hours worked. The term is often misused and misunderstood; often intertwined with speed up or sweat shops, longer hours or more arduous labor. And that, of course, is wrong. Improvement in productivity is a result of innovations, of new and better products and product designs, of better tools and equipment, and of advanced methods and procedures.

Why have I chosen to talk about productivity and termed it "America's Hope for Economic Survival"?

The high rate of U.S. production has been more responsible than anything else for our country's high standard of living and its past ability to compete strongly in world markets.

I stress the word past, because today, U.S. industry has a compelling need to increase productivity in order to compete at home and in overseas markets.

In addition, American manufacturers are faced with rising employment costs resulting from wage settlements before and since the freeze. We are under tremendous pressure to keep unit labor costs under control. The principal solution for these problems is increased productivity, and the really significant gains will come from the installation of more efficient machinery and controls.

The bind we are in today is easy to understand. In the last decade, the federal debt went up 28% because the government overspent. At the same time, wages increased 60% while productivity went up only 29%. And this forced living costs up 36%. No nation's standard of living has ever increased so rapidly as ours.

In the past, the increase in our standard of living was paid for by enlarging markets and by increasing productivity. Today, in many quarters, productivity gains seem to be all but drying up. And yet the heightening demands of society keep forcing greater than ever increases in the standard of living.

Excess capacity and lower profits of U.S. manufacturing companies in 1970, and 1971, slowed down investment in more efficient productive equipment. But, overseas, competitors continued to install new equipment at a good rate. Overseas nations not only have more modern production facilities, they are also better disciplined. Business, government and labor plan and work together. The close cooperation in Japan is an outstanding example, but the same type of cooperation is present in varying degrees in the other industrial countries of the free world.

While competitors abroad have the support of their governments in expanding international trade, segments of our government often seem to take positions that are not favorable to the efforts of American companies to compete. That is really a strange paradox because the survival of the U.S. as a significant economic factor in the world is at stake. We are rapidly reaching the point where we could be out-produced and out-competed by the major industrial nations of the free world. For our country, increased productivity could be the catalyst which provides the impetus for our economic survival.

Now let's take a closer look at the position of American industry compared to major competitors overseas. We have fallen behind in recent years because labor costs have increased faster than output, and the political climate in the U.S. has discouraged investment in new plants and equipment. That climate has improved in the last year following the passage of the Job Development Tax Credit and the changes in depreciation regulations which reduced the useful life of machinery and equipment by 20%.

But as far as the U.S. is concerned, we're still experiencing bad weather. Other nations have been spending significantly larger shares of their gross national product on fixed investment (Table 1).

From 1950 to 1967, all the industrial nations, with the exception of the United Kingdom, exceeded the U.S. in fixed investment as a percentage of gross national product.

As a result, other countries are experiencing much faster annual growth rates. There is a definite relationship between fixed investment and average annual growth rates, and all of the countries, except the United Kingdom, have experienced greater growth than the U.S. The obvious conclusion is that our major competitor nations are spending significantly larger shares of gross national product on new equipment to increase productivity, and, as a result, are experiencing much faster growth rates.

Table 2 shows additional reasons why

American industry must improve its productivity. Compare the rates of change in output per man hour in manufacturing for the larger industrial nations of the free world. Japan again leads the procession with a 14.2% increase in productivity. Reading down the list we see the U.S. has the smallest increase, only 2.1%.

Now, let us examine the average annual percentage change in hourly compensation. From 1965 to 1970 wages climbed at even a faster pace in other countries. Nevertheless, the total hourly wage cost in the U.S. is still almost 4 times greater than Japan, three times that of Britain, about twice that of Italy and even compared to West Germany, where employment costs have skyrocketed in recent years, American wage costs are still 50% greater.

The annual percentage change in unit labor costs is also significant. Japan—as you might expect—has had the smallest increase for this 6-year period—less than 1%. Canada had the largest increase, but the U.S. was a close second with a 3.9%.

Let's look at productivity in a different way. From 1960 to 1970 manufacturing output per man hour in the U.S. increased 34% while the weighted average of 10 competitive countries increased 87%. Since 1960, our major competitors increased their output per man hour more than twice as fast. This is a vivid example of our relative position in productivity.

It is crystal clear that U.S. industry must increase its productivity in order to be more competitive. To accomplish this, we have to increase our rate of capital investment in modern productive equipment. Machine tools are at the top of the list, so let's look at machine tool production and consumption in the leading industrial nations of the world.

First, what happened to production in 1971 (Table 3). The U.S. slipped from a close second position to third, a drop of 30%. Germany retained first place, almost doubling U.S. output. The Soviet Union took over second place from the U.S., and accounted for almost 15% of 1971 world output. Russia, combined with the East European Bloc, produced one-fourth of the world's machine tools.

Consumption, or the value of machines placed in operation, is even more meaningful (Table 4). The real health of a nation's economy can be measured as much by the consumption of machine tools as by any factor. For the first time since statistics have been kept, the U.S. failed to end up in first place and dropped to a poor fourth, behind Japan.

A decade ago, if someone told me that in ten years Japan would be producing about as many machine tools as the U.S. and installing metalworking equipment worth $100-million more than our annual investment, I'd have had serious doubts about their sanity.

It's obvious, of course, that there is a close correlation between capital investment per worker and productivity. Table 5 shows just how close this relationship has been for the last twenty years.

In the past, increases in capital spending have taken place when manufacturing was operating at rates of 83 to 84 percent of capacity, or above. The current operating rate is less than 75%, indicating excess capacity. Nevertheless, the Department of Commerce says that capital spending by manufacturing will increase sharply this year. It is forecasted to jump 8.7 percent, compared to a decline of 6.1 percent last year.

There are a number of explanations for this seeming contradiction. First, the investment tax credit has lowered the price of capital goods at a time when sharply increased cash flow from both earnings and depreciation has given U.S. companies the wherewithal to purchase new equipment.

But more significantly, it is apparent that many companies are beginning to realize that even though much of their excess capacity is still technologically adequate, it is nevertheless far from efficient, and therefore economically obsolete.

A McGraw Hill survey points up the problem. In 1968, 14% of the manufacturing facilities operated by large U.S. companies were technologically obsolete. By the end of 1970, the number had grown to 15%.

To top it off, a lot of the equipment that is not technologically obsolete is simply not automated enough to be competitive in the face of rising labor costs. Under existing conditions of worldwide trade, a substantial proportion of machinery and equipment installed in the U.S. is only marginally profitable and therefore is economically obsolete.

For the first time, the intensity of foreign competition has become the significant factor in determining the extent of obsolescence in many sectors of U.S. industry.

American companies—at any level of operation—must, one way or another, improve their productivity and reduce their costs in order to hold, or regain, the competitive edge.

As you gentlemen well know, there is a growing awareness and recognition that numerical control, and automation, coupled with process controls, are the most effective means for overcoming rising employment costs, reducing the unit costs of production, and increasing productivity.

Necessity brought the wide scale use of numerical control (NC) to the aerospace industry. But despite some notable individual company exceptions, other segments of industry have not utilized it to anywhere near the same degree.

The last American Machinist inventory of metalworking equipment taken in June, 1968, showed that there were about 13,000 NC machines in U.S. plants.

In the 4 years since then, American Machinist estimates that the number of NC machines has grown to about 21 or 22,000. That sounds impressive until you remember that there are about 2-million metalcutting machines in U.S. plants. When you view NC in that perspective, it only amounts to 1% of the machine tools installed in American factories.

If NC's productivity is considered to be 5 times that of manual machines, even in types of equipment where it has made its greatest penetration, it accounts for less than 10% of the output.

One might say, let's not look at NC's amazing growth but rather at how slow its progress has been!

It is important to keep in mind that while the installation of a single NC machine boosts a manufacturing department's productivity somewhat, the second machine has a much greater impact. In general, there is a cascading effect on productivity as other NC machines are added.

In order to obtain the productivity benefits from NC and from more recent developments such as direct numerical control (DNC), management has to make a major commitment and begin to think in terms of total manufacturing systems.

The time a product is being worked on has become of increasing importance. Consequently, more attention will be given to increasing the use of automation in the years immediately ahead. One major U.S. business found that the actual work on a product amounted to only 2% of the total elapsed time from receipt of the order until the product was shipped. This is not an isolated example. Many companies are coming to the realization that they need to adopt a new philosophy of manufacturing—a philosophy that encompasses not only the application of NC for shaping parts, but also the application of process controls for the automation of other industrial processes.

In fact, it is estimated that 26% of capital spending for equipment in 1972 will be for automated machinery, compared to 23% in 1970. The trend is definitely toward using automated methods of performing work—all the way from the receiving of raw materials to the outward movement of the finished product. As you well realize, both software and hardware are integral parts of broader automation applications.

Automation, of course, is also applicable to improving efficiency in all other functional areas of the business. These include engineering, research and development, and purchasing as well as manufacturing. In the *design* area, products not only must be designed for better sales appeal but also for greater manufacturing efficiency.

The *quality* function must do more than sort, inspect, pass and reject; management must assign specific quality responsibility to engineering, manufacturing and purchasing.

Manufacturing must work closely with engineering in the design of products for efficient production and be able to take advantage of new manufacturing techniques, new materials, and new components.

Purchasing must insist on the freedom to order by specification rather than from a single source, so it can develop an approved vendor list and establish competitive bidding practices.

When applying automation, each company must have a clearly defined purpose and develop a total business plan. Priorities should be established to select the areas to be automated. The entire business management team must be dedicated to making a significant improvement in productivity through automation. Furthermore, to benefit from automation, we also need a team effort on the part of users and suppliers of equipment. Both should contribute to the development of the automation plan, and both have vital parts in implementing it.

To sum up, automation involves: looking at every business function in terms of its relationship to every other function; considering the entire business as a system; developing a better understanding of all parts of the business, because you can't automate what you do not understand.

Now, let us look at the need for even more productivity in manufacturing from another point of view.

U.S. manufacturing contributes approximately 30% of our GNP, and it is normally thought of as highly productive and efficient. In reality, it is not, particularly when carried out on machine tools.

Mass production type manufacturing systems, such as transfer lines, produce less than 25% of all parts manufactured. About 75% of all parts are produced in small lots or batches, and the average workpiece in a batch type production shop spends only 5% of its time on production machines. And of this 5%, only 30% is productive time in shaping the part. This is hardly efficient manufacturing. It represents a real challenge.

What is the reason for this shocking situation? The tremendous advances in mechanization and automation over the years have been mainly in manufacturing *hardware*.

There has been no corresponding advance in the mechanization and automation of the *software* component of manufacturing. That is to say, in the handling of the information flow and the moment-by-moment analysis, planning and control of manufacturing operations. In its broadest sense, manufacturing information on product design characteristics and data on equipment and process costs, capabilities and performance.

Manufacturing software also includes procedures and logic for data and information analysis, production planning and control. Without manufacturing software, all

this work has to be done by slow and laborious mental processes.

The computer provides the potential for effecting full scale mechanization and automation of the software component of manufacturing. However, the potential can only be realized by approaching both the software and hardware components in a new and different way.

What is the nature of this new approach? It is the concept of the integrated manufacturing system (IMS) which may be defined as a closed-loop, or feedback, system.

The prime inputs are needs, product requirements, and creativity, product concepts.

The prime outputs are finished products, fully assembled, inspected and ready for use.

The integrated manufacturing system combines software and hardware, and encompasses product design for the most efficient production, production planning including programing, production control including feedback, supervisory and adaptive optimizing, production equipment, including machine tools, and all production processes from machining through assembly to packing and shipping.

Performance is optimized by feedback from production equipment and production processes to production control.

Cost reduction and system capabilities are optimized by feedbacks from production equipment and production processes to product design and production planning.

The system operates as a closed-loop.

An IMS has the potential of being fully automated by means of versatile automation. It can be made fully self-optimizing through computer-related technology.

The concept of integrated manufacturing systems provides a workable approach to applying the computer to the automation of the flow of information, to the planning and control of manufacturing activities, and to the design and use of hardware compatible with such software.

A few of the technologically advanced nations realize that the computer, coupled with IMS, place industry at a unique point in history. They realize the great opportunity this offers to improve their manufacturing productivity and thus their competitive position in the world economy. Norway, Germany, and Japan are leading the way in the development of IMS.

These countries are taking three main steps toward eventual development of integrated manufacturing systems. These steps are:

(1) The development of Direct Numerical Control;

(2) The development of multi-station, computer controlled manufacturing systems, and

(3) Most importantly, the development of integrated manufacturing *software* systems.

Is the development of an IMS a realistic expectation? Norway, Germany and Japan appear to be committed to be making it a reality. In addition, some experts in the U.S. and in other countries definitely feel it will come about. An indication of this is the "Delphi" technological forecast carried out among members of CIRP (the International Institute for Production Engineering) by Dr. M. E. Merchant. Dr. Merchant is Director of Research Planning, Cincinnati Milacron Inc. This CIRP forecast indicates:

That by 1980, a computer software system for full automation and optimization of all steps in part manufacturing will be developed and in wide use;

By 1985, full on-line automation and optimizing of complete manufacturing plants, controlled by a computer, will be a reality;

And five years later, in 1990, they estimate that 50% of machine tools will be part of computer controlled, versatile manufacturing systems.

The possibilities of an IMS are as fascinating as they are imperative. Individual companies in the U.S. are making progress even though it is difficult for them to compete with national, tax-supported, programs in other countries.

One of the great advantages of an integrated manufacturing system is that it forces us to re-think the details of the business function, to look for new ways to do things, or, at the very least, to make sure the old ways are necessary and useful.

We should also look at improving productivity on even a broader basis and consider the human element. Significant productivity gains can also be achieved through the effective motivation and management of people.

But, how do we motivate the new work force? How do we stimulate a whole generation that didn't grow up in the depression, or get caught in a world war . . . a generation which doesn't seem to worry about job security and often doesn't seem to take pride in making a quality product. How do you motivate people who desire to live well immediately, work a 30 hour week, and retire at 55? These attitudes, the product of the boom psychology of the 60's, do not fit the economic realities of the 70's.

We in management have clearly fallen down on the people part of our jobs. As we set targets and strive for greater productivity, we must realize how important it is to establish the will to work and to get people to work together harmoniously and productively.

To do that, we must turn our attention to a rather impressive list of priorities. At a recent National Association of Manufacturers Conference on the relationship between the motivation of people and productivity, a number of fundamental issues were discussed.

That conference stressed the need to sell the concept that profits and jobs go hand in hand; and then get employee and union commitments to solve mutual problems.

When that is done, companies can begin to develop cost consciousness throughout their organizations and these steps will lead to cooperation and participation in achieving productivity improvement.

We will have to take a new look at the nature and organization of factory jobs; many are dull because assembly and other work assignments have been broken down into smaller and smaller functions. Industry must make humdrum jobs more interesting, if it wants workers to take pride in their work and turn out first quality products.

Mechanization by the use of automation *can* raise the skill-level of jobs. Many of those which are drab, menial and monotonous *can* be made more interesting and challenging.

We must foster the idea in our companies that it is the responsibility of labor to cooperate and use production equipment effectively, and thereby achieve greater productivity and better quality.

We need a new sense of national responsibility, spear-headed by business and labor leaders who are willing to put the nation's interests ahead of their own. Business and labor need to wake up to the fact that George Meany and Richard Nixon carry the same color passport.

Labor's cooperation and participation in increasing productivity will help create additional jobs, increase the pay of workers, and result in more wealth for all to share. As I. W. Abel of the Steelworkers says: "workers can't get anything by dropping a bangaining bucket into an empty well."

I believe that organized labor has a deep misconception about international trade as shown by its authorship and support of the Burke-Hartke bill, now pending in Congress. Passage of the bill would be a mistake. It stands to reason that we cannot avoid the problem of declining U.S. productivity by building a wall of import quotas. Our overseas trading partners would have no choice but to retaliate with their own trade restrictions and barriers. The resulting international trade war would be one we couldn't win. It would raise costs in all countries, and, therefore, lower standards of living everywhere.

We are operating today in a new environment—the world market. The real solution to competing successfully in international trade is to increase productivity.

In conclusion, let me briefly sum up some of the reasons why a significant increase in industrial productivity is of overriding importance.

We have noted that our ability to compete with the other industrial nations—in both home and export markets—depends upon the ability of U.S. industry to make drastic improvements in productivity. We face an economic crisis in this country.

The productivity gap has been widening, and we must close it.

To resolve this crisis, we must achieve significant gains in productivity. The practical tools are in our hands and ready to be used. They include the expanding use and application of NC; the greater application of automation and process controls; and finally, the development of closed-loop integrated manufacturing systems which make full use of computer-related technology.

In developing an integrated manufacturing system, we must place major emphasis on three things. *First*, mechanization and automation of the *software* component of manufacturing. *Second*, the greater use of computers for handling the information flow and the moment-by-moment analysis, planning and control of all manufacturing operations. And *third*, we must place emphasis on the design and use of hardware which is compatible with these software developments.

You will recall the main steps in developing an integrated manufacturing system.

First, acceleration of the further development of DNC;

Then, development of multi-station, computer-controlled manufacturing systems; and

Finally, and most importantly, development of integrated manufacturing *software* systems.

And, in addition to achieving significant breakthroughs in computer-related hardware and software, we must devote time and attention to being more effective in our management and motivation of people, for people can contribute significantly to productivity gains.

Improvement in productivity will provide major benefits for our nation. Included among these benefits are: greater economic prosperity; reduction of unemployment; increased purchasing power for all; and the generation of the funds needed to attain many other vital goals, such as improvement of education, health care, and housing; the correction of urban problems; and cleaning up the environment.

All must come to the realization that greater productivity is the only known method of achieving the greatest economic good for the largest number of people.

As Leon Greenberg, Staff Director of the Presidential Commission on Productivity, pointed out recently:

"A 0.1 percent increase in the rate of growth of output per man hour translates to about $1-billion of GNP in 1971. By 1980, adding 0.1 percent to a 'normal' economic growth rate of 4 percent would produce about $15-billion additional GNP—in real terms. For the decade as a whole, 0.1 percent difference in the annual growth rate could provide about sixty billion dollars of GNP."

If just a 0.1% productivity improvement would have that great an effect on the growth of GNP, think what additional gains would mean toward bettering standards of

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living and providing more and better jobs for a growing population.

It is good to know that so much national attention has recently been devoted to the need for productivity gains in recent months. The establishment in 1970 of the Presidential Commission on Productivity is also encouraging, especially since late last year it received strong governmental support and funding. The Commission now has the backing it needs to establish local productivity councils to get management, labor and the public working together. The first regional conference for this purpose will be held here in Chicago in May.

In conclusion, gentlemen, I firmly believe that you, better than any other group in this country, understand both the potential and the opportunity that lies before us.

From your own experience and as Numerical Control Society members, you know that three signpoints mark the road toward our goal:

First, the expanding use of NC in metalworking;

Second, the greater application of automation and process controls throughout industry;

And ultimately, the development of both the software and the hardware which will make closed-loop integrated manufacturing systems a reality.

Much of our hope for significant gains in productivity lies with you. The road ahead will not be easy, but the rewards will be great!

TABLE 1.—INTERNATIONAL COMPARISONS, 1950-67

	Fixed investment as percent GNP	Average annual real growth rate (percent) (GNP in constant prices)
Japan	28.3	9.8
West Germany	23.4	6.3
Canada	23.0	4.5
Italy	20.5	5.7
France	19.0	4.8
United States	16.9	3.8
United Kingdom	15.6	2.8

Sources: U.N. Year Book of National Accounts Statistics, U.S. Department of Commerce.

TABLE 2.—RATES OF CHANGE, 1965-70

[Average annual percent change]

Country	Output per man-hour	Hourly compensation	Unit labor costs
Japan	14.2	15.1	0.8
Netherlands	8.5	11.1	2.5
Swaden	7.9	10.6	2.5
Belgium	6.8	8.4	1.4
France	6.6	9.5	2.7
Germany	5.3	8.7	3.2
Italy	5.1	9.1	3.8
United Kingdom	3.6	7.6	3.8
Canada	3.5	8.3	4.6
United States	2.1	6.0	3.9

Source: U.S. Department of Labor.

TABLE 3.—PRODUCTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
West Germany	1,820	1,479
Soviet Union	1,160	1,073
United States	980	1,443
Japan	912	1,109
United Kingdom	465	477

Source: American Machinist.

TABLE 4.—CONSUMPTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
Soviet Union	1,260	1,132
West Germany	1,110	891
Japan	942	1,179
United States	812	1,270
France	478	393
Italy	413	467
United Kingdom	367	405

Source: American Machinist.

TABLE 5.—PRODUCTIVITY AND INVESTMENT IN MANUFACTURING

Year	Output per man-hour index 1967=100	Fixed investment per worker (constant millions of dollars)
1947	54.9	6,094
1948	58.0	6,478
1949	60.1	7,254
1950	64.4	7,102
1951	65.9	6,957
1952	66.2	7,165
1953	68.4	7,089
1954	69.5	7,949
1955	73.7	7,986
1956	72.9	8,217
1957	74.4	8,638
1958	74.4	9,533
1959	78.6	9,250
1960	79.9	9,378
1961	81.9	9,832
1962	86.6	9,706
1963	90.1	9,822
1964	94.5	9,940
1965	98.4	9,918
1966	99.9	9,845
1967	100.0	10,187
1968	104.0	10,422
1969	106.2	[1] 10,662
1970	107.8	[1] 11,545
1971	111.6	[1] 12,461

[1] Estimated.

Sources: U.S. Department of Commerce. U.S. Department of Labor.

ADDRESS BY ROBERT NATHAN AT GEORGETOWN UNIVERSITY LAW SCHOOL GRADUATION

Mr. HUMPHREY. Mr. President, on June 4, 1972, the distinguished economist Robert Roy Nathan addressed the graduates of the Georgetown University Law School. His commencement speech, entitled "Law and Reordering Priorities," is an interesting, exciting perspective on the future course of the Nation. He explores what are surely some of the most pressing public problems of our time: private affluence over public need; poverty in midst of plenty; the rush to the suburbs; public safety; and the role of the United States in assisting developing countries.

Generally, commencement addresses are more noted for how quickly they are forgotten than for what is said. But this is not the case with Mr. Nathan's address. For what he said is both profound in that it gets to the heart of some of the troubles in our Nation and at once challenging because it asks each of us to make an assessment of what this country is going to do in the future; what kinds of policies it will pursue; and what kind of life its citizens will enjoy.

Robert "Bob" Nathan has been a close personal lifelong friend of mine. I have found his counsel stimulating and rewarding. He is a thinker in the honorable sense of the word.

Perhaps the inscription on the scroll awarding him the doctor of laws, Honoris Causa from Georgetown Law School says it best:

In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought and of his caring heart, as economist, lawyer, scholar, humanitarian.

I ask unanimous consent that Robert Nathan's address and the text of the accompanying scroll be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LAW AND REORDERING PRIORITIES

(Address to Georgetown University Law Center Graduates by Robert Roy Nathan)

Exactly four years and one month from today it will be the Fourth of July, 1976 and we will be commemorating the 200th anniversary of the United States of America.

It will be a happy occasion with colorful parades and firework displays across the land. It must be more than that. July 4, 1976 should be an occasion for serious evaluations of past success and past failures as well as careful appraisals of present strengths and present weaknesses. We need to understand why we have done well compared with most other nations and why we have not done much better, given the vast human and material resources that poured into this country from abroad before independence and for a century and a half thereafter.

It is even more important that we prepare for the difficult challenges and the tremendous opportunities that are certain to emerge in the years to come. New technologies and major breakthroughs in physical and social sciences, if used constructively, will permit undreamed of advances in living standards and the quality of life, but if used destructively they can practically end our civilization. An American third century of peace and abundance that will benefit all mankind will not just happen. We will have to prepare for it and make it happen, mostly by reordering our priorities.

If we are to prepare ourselves for July 4, 1976 there is no time to lose. Much can be done in 49 months. As we look back over the past 49 months to May 4, 1968 and the 49 months before that to April 4, 1964, we realize the vast changes that can take place in relatively short spans of history. But we need to start now to re-order those priorities, preserve the best features of our society, to moderate and change the most undesirable features, and to plan many bold new approaches.

The United States history of recent decades is certainly not without its positive accomplishments. We have definitely tamed the business cycle and will never again experience the horrors of 1929–32. We introduced and strengthened far-reaching measures providing social and economic security, including old age pensions, unemployment compensation, minimum wages, bank deposit insurance, regulation of securities markets, mortgage insurance, Federal funding of public assistance, and rights of workers to organize and bargain collectively. We survived McCarthyism and strengthened the principles of personal freedom through legislation and court decisions. Progress in civil rights and equality of opportunity in the past 15 to 20 years, though still seriously deficient, has been far greater than in the balance of the whole of the last century put together. We have made immense technological and material progress. We have done much but not nearly enough. We know that progress breeds more problems than it solves. As previously established goals are reached, new and more ambitious goals evolve. And it is proper that our values and our priorities should become ever more demanding.

We could inflate our egos by going over a large catalog of great achievements of which we can be justly proud. But it will be more fruitful to look critically at some of the more pressing problems and issues that continue to plague us. Therefore, let us today focus on what needs to be done, remembering that we have done better than this emphasis might lead one to believe.

We might best question ourselves on a few illustrative priority issues.

SHOULD WE FAVOR PRIVATE AFFLUENCE OVER PUBLIC NEEDS?

The United States seems to have a strong tide of prejudice running in favor of private consumption at the expense of essential public facilities and services. We have been rushing madly toward private material fulfillment for more of our people—but by no means all of them. More cars, more television sets, more gadgets, more luxurious living for growing numbers of affluent Americans prevail alongside miserable housing, inadequate schools, poor security for person and property, traffic congestion, deteriorating environments in our cities, continued segregation and discrimination, insufficient funding for our judiciary and penal systems, and just plain favoring private over public uses of funds and resources. Of course public revenues should be spent efficiently and honestly but not all private spending is all that efficient.

Some persons say that we cannot *afford* more public expenditures on schools, hospitals, low-income housing, mass transit, police departments, the judiciary system, corrective institutions and other public activities. Yet income taxes have been cut by many tens of billions of dollars over the past ten or twelve years. President Nixon's budget message for Fiscal Year 1973 states specifically that in 1973 American individuals will pay $22 billion less in Federal income taxes than they would pay if tax rates and structure had remained unchanged from the date the President took office. That is no more or less than taking $22 billion out of government budgets and putting it into private hands to spend. The 1964 tax cut of $13 billion was one of the biggest if not the biggest in history. If we restored just those 1964 reductions in rates, some $30 billion would be added to Federal revenues next year. And we made other tax cuts in the early 1960's. The Federal Government would have about $70 billion more for essential investment and expenditures had these huge sums not been transferred to private use through tax reductions. Then there was the two and a half billion auto excise cuts last year! These data refute any argument that we cannot afford to provide more essential public services in more adequate measure. Our tax and expenditure policies seem to reflect a *warped* sense of priorities.

MUST POVERTY PREVAIL IN THE MIDST OF PLENTY?

The gaps between the rich and the poor in the United States are huge and growing in absolute terms. Such gaps are increasingly untenable. Citizens are becoming more and more aware that our great and growing capacity to produce truly makes it *practicable* to *eliminate* want and privation. It is especially the adverse physical and psychological impacts of poverty on those *children* unfortunate enough to be born and raised in horrible slums that aggravates the discontent of the poor.

At full employment our *real* gross national product doubles every 16 or 17 years. We double our per capita *real* income about every 25 years. We can now achieve a *rise* in living standards in just one generation equal to the *increase* attained during *all* of past history. Given our phenomenal productive capability to produce essentials as well as put men on the moon, we must not resign ourselves to continuing poverty and to great and growing gaps between the *"haves" and the "have-nots."* So what if there are some abuses, some who won't work? *Most* Americans do produce and will produce for an abundance for all Use carrots, not sticks! Would we end income taxes because of some chiselers? End inheritances because of some high-living among some sons and daughters of rich families?

CAN THE AFFLUENT HIDE IN THE SUBURBS?

There are, of course, wide variations in living standards within cities and within suburbs but it is not too far wrong to say that the larger cities of America, especially the central areas, are increasingly populated by relatively poor blacks and other minorities while the outlying neighborhoods and the suburbs are burgeoning with well-to-do whites. The lower incomes of center-city residents make their needs greater and their revenues less than in the suburbs. And it gets worse as those who can afford it move to the suburbs and the center cities are left with those who do not have the means to escape.

The well-to-do have an illusion that they can find security by running away from city problems. The concept of "brother's keeper" seems abhorrent to so many affluent suburbanites. In wealthy Montgomery County, outside Washington, there have been protests against equalization efforts within the State whereby more revenues collected in the County would go to the much less affluent Baltimore City. Even more shrill is the opposition to the proposal that residents of Montgomery County who work in the District of Columbia should be taxed to finance part of the needs of the District of Columbia. One would almost think that the boundaries between Maryland and the District were as inviolable as national borders.

Public policies have tended to aggravate the gaps and inequities between cities and suburbs. While the Federal Government has been cutting income taxes and leaving more money in the pockets of the higher income suburbanites, states and localities have had to increase sales taxes and property taxes which fall relatively more heavily on lower and middle income groups. The Federal Government cut income taxes and now says "let's relieve property taxes with a value added tax—really a sales tax! Massive city slums are spreading just because we do not seem to be able to deal with problems on a metropolitan area or statewide basis. Here, certainly is a target for priority attention.

ARE WE COPING WITH DISCIPLINE AND PERSONAL SECURITY PROBLEMS?

Far more attention is focused these days on statistics of crime and its incidence than on causes and solutions. Whatever the trend, the prevalence of crime has serious impacts on the quality of life in the United States, especially in our cities. People do, in fact, fear to walk in many neighborhoods. There is far too much physical violence and far too much illegal taking of property and destruction of individual rights through illegal practices.

Not all crime results from poverty and deprived neighborhoods and poor educational backgrounds. But these are very significant causal elements and we are not doing enough to correct these root causes of insecurity and criminal behavior.

Our slowness in strengthening and improving the processes of our police and court and penal systems are little short of scandalous. Some progress is being made in upgrading police personnel and facilities, but not nearly enough. More and better judges and other personnel in our courts should certainly be provided to speed the processes of justice.

Perhaps the worst situation is in our penal institutions. Physical facilities are crowded and abominable. Staffs are inadequate. Constructive prisoner programs are rare. Instead of being rehabilitated, prison inmates become more hardened criminals. Instead of deterring criminal activities, our system of punishment brings repetition of crimes. Billions of dollars of wasted human resources, of added costs in caring for the large and growing criminal population and of property damage flow from this terrible neglect. The physical and mental suffering of victims and the degradation and the sense of hopelessness among prisoners cannot be measured in money terms. It is ridiculous to say we cannot afford to put more funds into changing our penal institutions so that they rehabilitate individuals rather than destroy whatever positive motivations and constructive behavior these persons continue to possess. Far more money put into varied correction activities would likely yield far more benefits than the added costs and there would be added dividends of greater security for all citizens.

SHOULD WE HELP THE LESS DEVELOPED COUNTRIES?

After World War II United States leadership added a great new dimension to the relationships among countries. We initiated programs to help those nations most ravaged by World War II. Aid was provided to friend and *former* foe alike. The Marshall Plan—25 years old this week—helped rebuild Western Europe. Then came programs to help the less developed countries break out of their centuries of privation and stagnation. Never had industrialized and advanced nations given and loaned so generously to help the less fortunate to help themselves. We can be justly proud that the United States provided the initial leadership.

Why has that concern and that leadership largely disappeared? We keep cutting our foreign aid programs. Again there is question whether we can afford such activities. It is sheer nonsense to say we cannot afford two or three or five billion dollars a year for economic and social development abroad and yet spend $80 billion a year for defense and military activities and cut taxes $70 billion a year. How long can we turn our backs on those who desperately need capital and know-how to break out of the vicious circle of their primitive economic patterns?

We have learned that insecurity and turmoil flows from wide and growing gaps between the "haves" and the "have nots" within our borders. This will be equally and increasingly true across international boundaries. If the longevity of life continues to average 30 or 35 years in some developing countries compared with 70-year life spans in the United States and if per capita incomes are 20 or 30 times higher here than in the less advanced countries and if illiteracy remains at 80 and 90 percent in some nations, the day will come when it will not be safe for this country to have embassies or consulates and ships and planes and tourists in parts of Asia and Africa and Latin America. We may well be undermining our own comfort and security.

These are but a few illustrations of the many major difficult challenges that lie ahead. These are enough to warn of the need for progress, of the fact that material abundance alone will not provide peace and fulfillment, that each one's self-interest cannot be served by looking inward and ignoring the needs of others. In this shrinking world no city and no state and no nation can very well stand alone. People are too interdependent to be compartmentalized and containerized by nationality, race, education, income level, and similar characteristics.

The irresistible forces for change must and will bring progress. The principal questions

relate to degree of change, to timing, and to the techniques for assuring optimum progress. We had better prepare for more rather than less, and faster rather than slower rates of change if we are to avoid polarization and troubled days.

There are many "stand-patters" who are against any change for fear of possible adverse impacts on society. More often they are worried about their *own* personal status and comforts. Too many persons agree in *principle* with the need for improvement and progress, but in *practice* they prefer to keep stalling every important new policy until some undesignated later date—maybe after they are dead. If there is a choice between stand-patters and the eager beavers who push hard for serious reforms, let us cast our lot with the latter. The chances are that the combination of those against any change plus those who are apathetic will greatly outnumber the forces for change. If for no other reason, the eager beavers deserve more support, but not change just for the sake of change.

With respect to pace of progress, the risks of moving too fast are less serious than the danger of moving too slowly or not at all. Of course there are dangers of moving too fast at times and on certain issues. We need to understand and anticipate the conflicts and difficulties and complexities associated with economic and social adjustments. Let us avoid over-simplification. If there is one thing that history has taught us it is that these adjustments *are* complex and often have repercussions which can only be fully understood after the most careful and thoughtful consideration. The results are often perverse.

Our system tends to swing toward extremes, in a pendulum kind of back and forth movement between conservatism and liberalism. Perhaps the pendulum is not a good symbol because while it moves forward and backward, its mid-point is stationary. That is exactly what must be avoided. Rather, progress should be on a pronounced upward trend not just for economic growth but for broadening and strengthening our civil rights and civil liberties, and spreading the benefits of peace and equity and abundance throughout all nations.

What about the processes for progress? Two groups in our society are likely to regard themselves as the only serious liberals and reformers. One is made up of those who are impatient and inclined to resort to violence—not so much to destroy our form of government but rather to dramatize the urgency of what they feel must be changed. They go beyond peaceful dissent and vocal protest. They engage in rioting and burning and intervening with the rights of others. These practitioners of violence may do more harm than good because their practices tend to push persons into the ranks of those who would preserve the status quo. Yet we would be unrealistic if we did not take note of the fact that sometimes our leaders are very slow to react and that they only respond after serious trouble begins. Violence must not be condoned, but neither can blind resistance to *needed* change be tolerated.

The other group is made up of a number of individuals who believe that the system is so rotted at the core, so imbedded in bias and bigotry, so structured to support the vested interests against the public interest, and so difficult to reform that *nothing* is worth saving. They are the revolutionaries of the 1970's who would destroy our system because they find nothing good in it. They do not know what should be substituted, but that does not moderate their determination to destroy. These are tragic people because they believe so strongly in their negative convictions. They have a kind of blindness to reality and their fanaticism blocks out rational consideration of alternatives. Even substantial changes in our social and economic and political patterns would not serve to moderate the views of these revolutionaries. Fortunately they do *not* represent a significant proportion of our population. But their numbers will grow if we fail to correct the most undesirable characteristics of our society.

The ideal path for future progress should involve major reliance on orderly processes, including forward-oriented legislation, the executive branch of the government formulating appropriate policies, and taking the necessary actions to achieve marked progress, and on the courts serving constructively to accelerate orderly and notable progress through interpreting the Constitution and the laws of the land *in* the public interest. Courts can contribute greatly to helping society adjust and adapt itself steadily to the expanding capabilities of our nation and to the growing needs and wants of our people. The contributions in recent years of courts in the field of civil rights with the school desegregation and many major related decisions, in the strengthening of democracy with the one man—one vote decision and recent decisions on financing education through property taxes, are illustrative of the power of a great Constitution, of courageous judges, of good lawyers and of a respectful population.

If some of the challenges I have set forth were not matched by *equal* or *greater* opportunities, you graduates would face a *bleak* future. But the opportunities for greater progress are tremendous. What can happen during the next 50 years of your adult lives can make the most expansive forecasts of today look like highly restricted visions. Having lived through the Great Depression and the New Deal, our mobilization and participation in World War II, the end of colonialism, new approaches to international relations, and unprecedented economic and social changes at home, some of us might feel smug about what we have seen and done. But your problems and your experiences and your progress will dwarf the past. We would like to share the tasks with you, but it is your future, not ours, and we salute you for your preparedness and wish you Godspeed along the rewarding paths you will follow.

ROBERT ROY NATHAN, B.S., M.A., LL.B.

Born Dayton, Ohio, December 25, 1908

President, Robert R. Nathan Associates, Inc.

President, American Freedom from Hunger Foundation

Chief National Incomes Division, Department of Commerce 1936–40

Chairman, Planning Committee, War Production Board 1942–43

Office War Mobilization and Reconversion 1945

United Nations Korea Reconstruction Agency 1952–55

It has been said that the law is a seamless web. In rare instances a man's life and work can take on that aspect as well. In the man we honor today, the public servant and the private citizen are woven together in a life so integrated and harmonious that one can no longer be distinguished from the other. He has filled what Brandeis called "the most important office"—that of an involved and aware private citizen—"which cannot under a republican form of government be neglected without serious injury to the public."

He left regular government work after thirteen years for private life and since that time many emerging nations have benefitted from his counsel in their economic problems. He has been one of America's foremost economic thinkers from the early days of the New Deal, and has trained his considerable intellect on the central economic problem of our time—the relationship between a free economy and government. In 1942 he led the shaping of one of the economic and political miracles of history—the overall economic plan for this nation at war. As a private citizen he produced the statistical study of unemployment that became the basis for much of the Social Security legislation we know today. He earned his LL.B. at Georgetown while a chief of division at the Commerce Department. The United States Chamber of Commerce named him one of the ten outstanding young men in America in 1940, and he has amply realized that potential in a life honed by effort and intelligence and a total commitment to social justice.

Active in Jewish affairs all his life, he worked towards establishment of the State of Israel, and for the solution of its economic problems, as well as for the rights and dignity of American Jewa through the Anti-Defamation League of the B'nai B'rith. He has been prominent in American political affairs, and a loyal and concerned alumnus of the Law Center; in 1971 he volunteered to head an eminently successful drive for funds to complete our magnificent new quarters.

In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought, and of his caring heart, as economist, lawyer, scholar, humanitarian, the President and Directors of Georgetown University bestow upon him their highest tribute, hereby nominating and proclaiming Robert Roy Nathan, Doctor of Laws, honoris causa.

ROBERT J. HENLE, S.J.
President.
DANIEL J. ALTOBELLO,
Secretary.
EDWIN A. QUAIN, S.J.,
Chairman, Board of Directors.

FACT AND FICTION OF THE GAS SHORTAGE

Mr. HANSEN. Mr. President, although it seems to serve the purposes of some to discount or discredit as self-serving the assertions, warnings, or recommendations of industry officials and bankers, we are fast approaching a day of reckoning if Congress does not do a little more listening to some of their advice.

As an example, the president of the American Bankers Association believes that one of the most important problems facing the Nation today is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, who is also chairman of American Bank & Trust Co. of Chicago, "it does our Nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

Mr. President, in an address to the recent District of Columbia Bankers Association session at Hot Springs, Va., Mr. Stults made what I consider a very good case for the "establishment" and what he meant by "misleading information." I ask unanimous consent that his remarks, as published in the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HANSEN. Also, Mr. President, I ask unanimous consent that a feature from a recent issue of the Oil and Gas Journal also be printed in the RECORD following Mr. Stults' remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, "Fiction and Fact" a regular feature of that publication offered its "fact" version of what it termed the "fiction" of a claim made in a letter from a group of Senators to the Federal Power Commission.

While I have not thoroughly examined the Journal's claim that the figures used by the Senators were "highly speculative or false figures to support an illogical conclusion," I do believe their basic assumptions were erroneous or at least misleading and I highly recommend the Journal's examination of all the facts of the FPC proposal which the Senators termed a scheme which would cost the consumer up to $1 trillion over the life of known potential gas reserves.

There being no objection, the items were ordered to be printed in the RECORD as follows:

ABA CHIEF ASSAILS MISINFORMATION

(By William H. Jones)

HOT SPRINGS, VA., June 11.—One of the most important problems facing the nation today, in the view of the top man in the American Bankers Association, is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, ABA president, who is also chairman of American National Bank and Trust Co. of Chicago, "it does our nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

He cited the following as examples of misleading statements in an address to the closing session of the D.C. Bankers Association here yesterday:

The idea that there are too many loopholes in the tax structure. To the contrary, Stults asserted, various tax provisions allowing write offs and exemptions have been designed by Congress for certain purposes. The largest exemption of all, allowing home owners to deduct interest on mortgage payments, would bring in $2.8 billion in new revenues to the Treasury if eliminated, Stults estimated. He implied that home owners wouldn't think of the deduction as a "loophole."

Descriptions of the oil depletion allowance as a "curious provision to help oil millionaires." Stults said he thinks exploration for oil is extremely risky and that businessmen need some economic inducement to continue their work in this field.

Given the present energy crisis and uncertainty of foreign supply, "the hazards of discouraging oil exploration borders on the irresponsible," Stults contended, and the incentives perhaps should be enlarged.

The idea that there should be higher taxes on rich people. Soaking the rich, Stults said, would only bring in a minuscule percentage of new revenues and at the same time would dampen business leaders' incentives in their responsibilities to move companies forward.

Misconceptions about the extent and role of corporate profits. The average man on the street, said Stults, citing a recent survey, believes corporations make 28 cents of profit for every dollar of sales, while the real ratio is 4 cents to the dollar, he said.

According to Stults, profits are the best index of economic well-being in the country and should be allowed to go as high as possible. The end result of unlimited profitability, he contended, is a higher standard of living for all and better educational, civic and cultural activities.

Stults said he didn't want to "reflect on the intelligence of the public . . . they just don't have the facts."

Bankers, he said, can help lead public opinion in these matters, and give advice to the country's leaders because of their special knowledge of economic problems and an expectation of their leadership from the public, even though it won't always "make us popular."

"We," he concluded, "must assist in making the best choices."

FICTION AND FACT

THE FICTION

"The optional pricing procedure proposed by the Federal Power Commission is a scheme for deregulating the price of natural gas and would cost the consumer up to $1 trillion over the life of known potential gas reserves."—Sen. William Proxmire (D-Wis.) and 13 other senators in letter to FPC opposing new pricing procedures.

THE FACT

This is a classic example of "demagogic arithmetic," the use of highly speculative or false figures to support an illogical political position.

The basic assumptions of the senators both on the price of domestic gas at the wellhead and on volumes of gas involved are false.

They evidently assume that the FPC proposal would permit wellhead prices to jump from their present level of about 25c/Mcf to $1.25/Mcf which is the accepted probable cost of imported LNG. This $1 increase would then apply to the more than 1,100 trillion cu ft of "potential" gas reserves in this country, resulting in their estimate of an added cost to the consumer of about $1 trillion.

Let's examine all facets of the FPC proposal.

In the first place, the FPC's intention in providing a pricing option for producers outside the area-rate structure was to make interstate gas competitive with intrastate gas which is unregulated. This would mean a price increase, with some restrictions, from the present 25c/Mcf to about 35c, the going average for intrastate gas. Anything more than this would not win FPC approval. The 10c/Mcf increase envisioned, thus, is a far cry from the $1 increase assumed by the senators. And it would apply to new gas, not to the 270 trillion cu ft now proved in the United States.

In the second place, FPC did not propose deregulation of gas prices. It put so many conditions around the proposal that it actually was rejected by most producers, pipelines, and distributors; and the commission now is expected to drop the matter. The senators apparently have confused a proposal by the Independent Petroleum Association of America for deregulation of gas prices with the FPC plan, but FPC did not accept the idea of deregulation.

In the third place, the 1,000-trillion-cu-ft. figure used by the senators as the volume basis for their estimate of cost to the consumer is very interesting. They apparently rounded off the 1,178 trillion cu ft figure which the Potential Gas Committee estimated as the potential gas reserves on land, offshore, and in Alaska.

This total includes "probable reserves" associated with existing fields, "possible reserves" in undiscovered fields but in areas of established production, and "speculative reserves" in new areas where there is no present production. Some 45% of all these potential reserves are "speculative," and 62% of the total is expected to lie at below 15,000 ft on land, offshore, or in Alaska—all difficult and expensive exploratory areas, and in the case of offshore and Alaskan gas, requiring unusual transportation costs.

The senators, in figuring consumer cost, also assumed that all this potential gas not only will be discovered and produced but also will be brought to market at the current 25¢ price level. Given present known costs, there's no way for more than a fraction of this potential to be realized. The price is just not high enough to undertake the exploration risks.

This brings up a fourth point. What is best for the consumer? A low price and no gas? Or pay more and have gas? One thing is sure, if the large part of the nation's potential gas reserve goes undeveloped because of depressed prices, the consumer will have to rely heavily on imported LNG, synthetic natural gas, or alternate fuels. Then, he will for sure have to pay the $1.25/Mcf price. He stands to save more in the long run by paying a price that will encourage development of a domestic supply of natural gas. And this was the motivation behind the FPC attempt to put some flexibility into rigid price regulation.

THE COMPTROLLER GENERAL LOOKS AT EPA

Mr. EAGLETON. Mr. President, the Environmental Protection Agency announced nearly a month ago that the Ford Motor Co. had discovered inaccuracies in the test data needed for certifying its 1973 vehicles under the Clean Air Act.

At that time, the agency indicated to the Subcommittee on Air and Water Pollution that legislation might be needed to assist the company in developing new data and in getting new cars into production in time for the 1973 auto year.

The subcommittee chairman, the distinguished Senator from Maine (Mr. MUSKIE), promptly asked the Comptroller General to investigate the agency's capacity to oversee the auto companies' preparation of data and the adequacy of the agency's procedures to prevent similar circumstances in the future.

On Monday of this week, the Comptroller General delivered a report of his investigation. It showed that the Environmental Protection Agency lacks both funds and manpower to see to it that the auto companies comply with the clean air law.

Mr. President, the Senate in its report on the Clean Air Amendments of 1970 warned that the act would be without meaning unless funds and manpower were increased significantly.

But the Comptroller General's report shows that today the prototypes of all auto companies are tested by just 19 employees of the Environmental Protection Agency.

Further, during the first 5 months of this year, five technicians employed by the Agency performed 600 tests and worked 500 hours of overtime.

The Comptroller General's report states:

It is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Mr. President, I ask unanimous consent that the Comptroller General's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., June 12, 1972.

DEAR MR. CHAIRMAN: In response to your request of May 25, 1972 (enc. II), we are submitting a report (enc. I) on our review of (1) the adequacy of the motor vehicle certification procedures of the Environmental Protection Agency (EPA), (2) the capacity of EPA to oversee the auto companies' preparation of certification data, and (3) the proce-

dures of the auto companies for developing the certification data.

Following is a summary of the information we obtained relating to the points of interest specified in your letter. These matters are discussed in more detail in the enclosed report.

On May 16, 1972, the Ford Motor Company withdrew the four applications it had made to EPA for certification of its 1973 vehicles. Ford officials withdrew their applications because they had discovered that Ford test personnel had performed unauthorized maintenance on prototype vehicles being tested for certification. The unauthorized maintenance had not been reported to EPA as performed, or included in the final applications.

Ford officials have attributed the cause of the problem to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from its Engine and Foundry Division to the Environment and Safety Engineering Staff. Ford officials told us that Ford would take a number of additional steps to improve management control over certification vehicles.

Our discussions with officials of the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation disclosed that these companies do not have formal written certification test procedures. But officials from each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel. The officials told us that EPA personnel did not visit their plants to monitor their testing or to inspect their records.

EPA officials told us that they have no basis for suspecting that unauthorized maintenance has been performed on the test vehicles of the above-mentioned three companies. However, in view of the limited EPA staff assigned to certification activities and the lack of EPA inplant monitoring of compliance with certification regulations, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Our review showed that the number of EPA personnel assigned to certification activities had been insufficient to adequately perform all activities necessary to ensure that auto companies complied with Federal certification regulations. Between June 1, 1971, and June 1, 1972, personnel assigned to the Mobile Source Pollution Control Program (of which certification is a function) increased from 112 to 146. During the same period personnel assigned to certification activities increased from nine to 19. Of the 19, only 10 were directly responsible for the certification of light-duty vehicles—primarily autos. No personnel had been assigned to specifically monitor activities at the test facilities of the auto companies.

The certification staff spends a significant portion of its time explaining and interpreting Federal regulations for the auto companies. The staff normally spends the rest of its time reviewing and approving manufacturers' applications for certification; assisting auto company personnel in resolving day-to-day problems; monitoring vehicle tests at EPA's Ann Arbor, Michigan, laboratory; and reviewing test data submitted by the auto companies. The staff has not been available for monitoring the in-plant testing activities of the auto companies.

Not only is the certification staff small but the recently hired staff members are relatively inexperienced. In addition, EPA has difficulty in hiring and retaining qualified staff members, primarily because of low entrance salaries for recent college graduates and noncompetitive salaries for engineers with automotive emissions experience.

The effectiveness of EPA's certification program relies heavily on the integrity of the manufacturers to carry out the testing of prototypes in accordance with Federal regulations and to submit accurate and complete data on the tests and maintenance performed on each certification test vehicle. EPA generally has accepted at face value the information submitted by the auto companies. When prototype vehicles are delivered to EPA for testing, the EPA staff makes visual observations of the vehicles; however, EPA officials told us that there is no practical way to inspect the vehicles to determine whether unauthorized maintenance had been performed. The failure of EPA to monitor the testing activities of the manufacturers can be attributed primarily to the shortage of qualified personnel.

Because Ford is in the process of rerunning tests on its certification prototypes, EPA has instituted a number of procedural changes to coordinate, control, and accelerate the certification of Ford vehicles EPA is documenting all communications with Ford, is inspecting test vehicles before testing begins, has notified Ford that it will make spot-check inspections of Ford's records and test facilities at any time that work is being performed on the prototypes, and has made arrangements to be responsive around the clock to special problems that Ford may encounter in testing its prototypes. The cost of these changes to the Government will be substantial. For example, the EPA staff has estimated that about 1,300 hours of overtime will be needed for certification activities related to Ford vehicles.

EPA officials told us that EPA is presently considering several alternative procedures for ensuring the integrity of certification testing by the auto companies. They said that EPA might (1) make unannounced spot inspections of the auto companies' records and test facilities, (2) station inspectors at the auto companies' test facilities to provide continuous monitoring, or (3) assume responsibility for some or all testing and mileage accumulation of the companies' prototypes.

The auto companies are primarily responsible for conducting tests and accumulating mileage on certification prototypes. EPA is responsible for ensuring that the vehicles it certifies do in fact meet Federal emission standards. To carry out this responsibility, EPA needs to assure itself to a greater extent than at present that the tests are conducted in accordance with Federal regulations. We believe, therefore, that, as a minimum, EPA needs to increase its certification staff to provide in-plant monitoring of the auto companies' test activities and records related to certification vehicles.

Our review was conducted at EPA headquarters in Washington, D.C., and at the EPA Motor Vehicle Emissions Laboratory in Ann Arbor. We reviewed pertinent records, documents, and files and interviewed various officials of EPA, Ford Motor Company, Chrysler Corporation, General Motors Corporation, and American Motors Corporation. We also visited the testing facilities of some of the auto companies.

The information contained in the enclosure to this letter has been discussed with officials of EPA, but formal written comments have not been obtained. We plan to make no further distribution of this report unless copies are specifically requested and then only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE EXAMINATION INTO THE ADEQUACY OF THE ENVIRONMENTAL PROTECTION AGENCY'S MOTOR VEHICLE CERTIFICATION ACTIVITIES

CERTIFICATION PROCESS

The Clean Air Act (42 U.S.C. 1857) provides that new motor vehicles cannot be sold, offered for sale, or introduced into commerce by a manufacturer unless the manufacturer receives from the Environmental Protection Agency (EPA) a written certificate that the vehicles conform to air pollution emission standards prescribed by regulation—a certificate of conformity. The certificate of conformity is issued to the automobile manufacturer on the basis of emissions tests of selected vehicles deemed by EPA to be representative of the manufacturer's various combinations of engines and components. Specifically, section 206 of the Clean Air Act states that:

"The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe."

The certification process begins with the submission by the automobile manufacturer of a part I application for certification of proposed vehicles. The purposes of a part I application are to give notice to EPA of the manufacturer's intent to sell vehicles; to provide information sufficient to determine whether the test equipment, test fuel, and mileage accumulation procedure proposed to be used by the manufacturer conform to Federal regulations and to provide the necessary description of the proposed product line, together with projected sales data, to allow EPA to select the vehicles it will require to be tested.

EPA reviews the part I application to ensure its conformity with Federal regulations and to resolve any problems with the manufacturers. At the time EPA reviews the part I application, it selects the vehicles to be tested. In selecting test vehicles EPA designates two different test fleets: an emission data fleet and a durability data fleet.

The emission data fleet consists of a number of vehicles tested to 4,000 miles to establish the emission level of a vehicle after it has been broken in. The durability data fleet consists of a smaller number of vehicles tested to 50,000 miles to establish the rate of deterioration of a vehicle's emission control system over the useful life of the vehicle.

The vehicle selection process begins by dividing the manufacturer's product line into groupings of vehicles called engine families. Each engine family consists of a group of vehicles whose engines could be expected to have similar emissions characteristics. Once the product line is divided into engine families, emission data and durability data vehicles are chosen.

After the manufacturer receives written notification that its proposed test procedures and equipment are acceptable and has been notified of the required test fleet, it can begin the second phase of the certification process—mileage accumulation and conformance testing. The manufacturer must test both emission data and durability data vehicles, at the zero-mile stage (less than 50 miles) and must report the results to EPA. After emission data vehicles accumulate 4,000 miles, they are tested by the manufacturer and the results are reported to EPA. The manufacturer then submits the vehicles to EPA for testing at its laboratory in Ann Arbor, Michigan. The EPA test results are considered official.

Durability data vehicles must be tested by the manufacturer at each 4,000-mile interval from 4,000 miles to 48,000 miles and at 50,000 miles. EPA may perform the test in its Ann Arbor laboratory at each test point. EPA tests, however, are generally run on the durability data vehicles only at intervals of 12,000, 24,000, 36,000, and 50,000 mile points.

When EPA conducts the test on a vehicle at a test point, EPA's test is used in determining conformity. When EPA does not conduct the test, the manufacturer's data is used, unless there is a lack of correlation between EPA's and the manufacturer's test equipment, in which case the manufacturer's data will not be accepted until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

Maintenance of the test fleets is allowed to be performed by the manufacturer in accordance with a prescribed schedule contained in the Federal regulations. Any other maintenance or repairs are allowed only with the advance approval of EPA. Requests to perform such unscheduled maintenance are frequently approved by EPA.

After completion of all the required tests on each of the emission data and durability data vehicles in an engine family, the manufacturer submits a part II application for certification of that engine family. The part II application contains a compilation of all test data (as a control measure, test data is also submitted to EPA as the tests are completed) on all vehicles tested and a full description of all maintenance performed. Compliance is determined by applying to the results of emission tests a deterioration factor determined from the durability tests and comparing the results with the applicable emission standards.

FORD MOTOR CO. VIOLATED FEDERAL CERTIFICATION REGULATIONS

In April and May 1972, the Ford Motor Company submitted to EPA four part II applications for certification of 1973 engine families. On May 16, 1972, Ford withdrew the applications because top management had become aware that unauthorized maintenance had been performed on the prototype vehicles tested for certification and that such maintenance had not been reported to EPA. The unauthorized maintenance invalidated the test results on the four engine families covered by the applications. Unauthorized maintenance was also performed on the eight other 1973 engine families for which Ford had almost completed certification testing, and therefore the results of the tests on those engines were also invalidated.

This was the latest in a series of incidents involving the certification of Ford vehicles. In 1970 Ford experienced delays in testing prototypes of its 1971 heavy-duty gasoline engines and requested EPA to certify the engines on the condition that Ford would ensure the proper modification of any engines later determined by EPA to be ineligible for certification. On January 11, 1971, EPA granted Ford the conditional certification, but on January 22, 1971, EPA revoked certification for two of the 11 engine models because emission test results for those two engines exceeded Federal standards. About 500 engines had been produced for the two models whose conditional certificates were revoked. Ford modified the engines to the satisfaction of EPA and reapplied for certification of the models. Subsequently, all 11 models received certificates of conformity.

In another incident Ford shipped about 200,000 1972-model vehicles to its dealers before the vehicles were certified by EPA. EPA considered the shipments illegal and requested the Department of Justice to pursue legal action against Ford. Ford signed a consent judgment and settled for $10,000 (or about 5 cents per vehicle).

Ford attributed the cause of the current incident to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division (E&F) had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data. Ford officials told us that E&F thus had a vested interest in ensuring that the vehicles met Federal emission standards. They told us also that Ford did not have written procedures for testing vehicles for certification but that the Federal regulations and EPA advisory bulletins had been widely distributed to those having responsibility for certification testing.

Under the supervision of E&F, Ford's Car Product Development Group conducted the actual testing in its laboratory in Dearborn, Michigan, and drove the cars for mileage accumulation at three Ford test tracks. E&F, through Ford's Automotive Emissions Office (a staff office organizationally independent of E&F but responsible for signing Ford's applications for certification), requested approval from EPA to perform some unscheduled maintenance on certification vehicles. The Automotive Emissions Office relayed E&F's requests to EPA and maintained documentation concerning EPA's approval of such maintenance. Ford officials told us, however, that the working level staff of E&F routinely performed unauthorized inspections, tests, and maintenance on the 1973 prototype vehicles without notifying the Automotive Emissions Office or EPA. All such maintenance, tests, and inspections were noted in the vehicle logs and were entered into Ford's computer system.

As a result of E&F's complaints of inadequate support from Ford's Central Computer Group, the group prepared a complete report on all work done for E&F, including a printout of all maintenance performed on durability data vehicles. The printout contained data on two types of vehicle maintenance—that reported to EPA and that not reported to EPA. The Central Computer Group advised the Ford vice president in charge of the Automotive Emissions Office of the printout on May 11, 1972. On May 16, 1972, Ford advised EPA of the unauthorized maintenance and withdrew its four applications for certification previously submitted on 1973-model engine families.

Subsequent investigation by Ford disclosed that Ford personnel, in addition to performing unauthorized maintenance, had made unauthorized inspections and had conducted unauthorized diagnostic emissions tests. Ford identified 442 instances of unauthorized maintenance performed on 26 test vehicles.

Ford revised the application for one of its engine families to include the unauthorized and previously unreported maintenance items and resubmitted the application to EPA on May 19, 1972. The application contained 97 unreported maintenance items. EPA indicated that it would not have approved 71 of these items. EPA rejected the application.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from E&F to the Environmental and Safety Engineering Staff, which included the Automotive Emissions Office. The vice president in charge of the Environmental and Safety Engineering Staff reports directly to the president of Ford. In a memorandum to Ford officials concerning the transfer of responsibility for certification testing, the chairman of the board stated:

"Once a vehicle is transfered to the Environmental and Safety Engineering Staff for certification mileage accumulations and testing, neither the Engine and Foundry Division nor any other organization will touch the car or have access to it except as directed by the Environmental and Safety Engineering Staff."

Ford also established an emissions certification organization under the Automotive Emissions Office. The emissions certification director is responsible for (1) controlling the entire certification process, (2) ensuring compliance with certification procedures, and (3) verifying the accuracy and completeness of certification applications. E&F continues to build the certification vehicles, and the Car Product Development Group continues to perform the actual testing and to drive the cars for accumulation of mileage. Ford officials told us that, in addition to the reorganization, the following actions would be taken to improve management control over certification vehicles: (1) all unscheduled maintenance which could affect emissions would require the advance approval of the Automotive Emissions Office, (2) the hoods of the vehicles would be locked to prevent tampering, (3) the vehicles would be stored in closely guarded storage areas during "soak" or cooling-down periods, (4) Ford would prepare a detailed manual fully describing the certification procedures, including the duties of drivers, mechanics, and engineers, and (5) when the manual was completed, Ford would institute internal reviews to ensure compliance with the manual provisions.

CERTIFICATION PROCEDURES OF OTHER MAJOR DOMESTIC AUTO COMPANIES

We visited the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation to obtain information on their certification test procedures. None of the companies had written procedures, but officials of each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel.

The officials told us that EPA personnel did not monitor their companies' testing activities or their test records but that EPA personnel visited the companies' facilities, when requested, to approve unscheduled maintenance or to resolve problems. The officials stated, however, that they would have no objection to EPA's assigning inspectors to monitor testing activities.

EPA officials told us that they had no basis for suspecting that unauthorized maintenance had been performed on the test vehicles of the three companies. In view of the limited EPA staff assigned to certification activities and the inadequacy of EPA certification procedures, as discussed below, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Specific information concerning the manufacturers' certification procedures follows.

General Motors Corp.

At the General Motors Corporation (GM), the Environmental Activities Staff is responsible for submitting certification and application data. The actual day-to-day test operations are performed under the direction of the Vehicle Emission Laboratory (VEL) at GM's proving ground garage. Engine design is the responsibility of auto divisions, such as Chevrolet and Buick, but testing is the responsibility of the proving grounds garage, which is organizationally independent of the auto divisions.

The proving grounds garage is responsible for accumulating mileage on the test vehicles and VEL is responsible for conducting the tests. Garage personnel, such as driver foremen, drivers, and mechanics, are not given test results. There is no incentive, in the opinion of GM officials, for such personnel to perform unauthorized maintenance or to violate other Government test requirements. As a further check on drivers, test vehicles are equipped with tachographs which record speed and time on tapes. VEL analyzes the tapes for violations of driving instructions and for unexplained stops. Also mechanics must have VEL's authorization before performing maintenance. The mechanics are re-

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quired to maintain logs of all maintenance performed, and the logs are forwarded to EPA weekly through the Environmental Activities Staff.

The auto divisions are responsible for developing the prototypes to be tested. Occasionally, the proving grounds garage will require maintenance assistance from car division personnel, but in such instances the chief engineer of the proving grounds garage is present to ensure that emission control devices are not tampered with.

GM does not have a set of operating manuals and procedural instructions relating solely to auto emission testing. Generally the testing of prototypes, as described in GM's part I application, is conducted under GM's normal corporate procedures, and the various organizational elements involved in emission testing are bound by these procedures. Furthermore GM supplements these procedures, when necessary, with special instructions.

GM officials told us that EPA personnel did not monitor GM's in-plant testing and records and that most EPA staff visits were for resolving problems. The officials stated, however, that they would have no objection to onsite Government inspectors' monitoring their testing activities. They stated that, if EPA wanted to keep each test car under surveillance, it would require three men per car, because of their three-shift operation, or 78 men for the test fleet of 26 cars that were being tested at that time.

Chrysler Corp.

Chrysler Corporation engineering operations are centralized under the Division of Engineering and Research. Within the division, vehicle emission certification responsibility is assigned to Materials Engineering and is carried out by its Exhaust Emissions Section. Although Chrysler engineering is centralized, engine design and emission certification activities are separate operations. Chrysler officials expressed the belief that, because of this separation of duties, Chrysler personnel would not intentionally violate Federal certification regulations.

The responsibility of the Exhaust Emissions Section begins with assembling input data for the part I application. These data are obtained from various corporate divisions. Once the data are assembled into the prescribed EPA format by the section, they are returned to the originating division for verification, prior to being submitted to EPA for approval.

The Exhaust Emissions Section is responsible for scheduling and testing operations. To carry out this phase of the certification activity, the section has a staff of about 16 engineers assigned to the Chrysler proving grounds. Test results are verified by the engineers and forwarded, with supporting documentation, to the section's central office staff for review and reverification. Test results are assembled by the central office staff for inclusion in Chrysler's part II application.

Chrysler has not developed written procedures for its vehicle certification activities. Chrysler officials told us, however, that several unwritten procedures had been established to maximize control over vehicles during the mileage accumulation and test periods. The most significant of these are listed below.

Drivers and maintenance personnel are assigned from a central pool at the proving grounds.

They are not a part of the Exhaust Emissions Section. This is intended to relieve drivers and maintenance personnel of any vested interest in the certification program.

Test drivers receive driving instructions from the Exhaust Emissions Section. In addition, each driver must maintain a driving log during the mileage accumulation period.

Each test vehicle is equipped with a tachograph for recording time and speed during mileage accumulation.

Maintenance supervisors must prepare and sign stock orders forms to obtain replacement parts from the stock crib.

Maintenance supervisors must prepare work orders for all vehicle maintenance. These must be approved by the Exhaust Emissions engineers assigned to the proving ground.

Copies of all work orders for vehicle maintenance must be forwarded from the proving grounds to the Exhaust Emissions staff for review. These orders are entered on the section's maintenance log.

Maintenance logs are forwarded periodically to EPA by the Exhaust Emissions Section.

As a result of the recent disclosure of unauthorized maintenance on Ford Motor Company test vehicles, Chrysler initiated an internal audit of its certification procedures. Chrysler auditors advised us that no significant problems had been identified but that two recommendations were being considered for improving vehicle control. The first related to locking or sealing the hood of the car to prevent unauthorized tampering with the engine. The second related to the possible use of prenumbered work orders to ensure that the Exhaust Emissions Section receives all vehicle maintenance work orders.

During our review we questioned Chrysler officials concerning the possibility of stationing Government personnel at the test facilities to monitor the test activities. Chrysler officials stated that they had no objection and that at least 12 persons would be required to adequately monitor Chrysler testing operations. The officials also told us that, at the request of Chrysler, EPA representatives had been at Chrysler's test facility about once a week to observe maintenance work.

American Motors Corp.

American Motors Corporation (AMC) officials stated that AMC's comparatively small corporate size allowed close supervision at all levels. The vice president for engineering and research told us that he checked the testing and certification activities daily. He said that AMC's size and financial condition required that it not absorb any losses which might be incurred if certification of new model production cars were delayed. He said that the risk involved in tampering with certification regulations would be too great.

AMC had no written procedures for development of certification data. On the basis of discussions and observations, we found that the following general procedures existed.

Necessary mileage is accumulated by the use of dynamometers or drivers on city streets. (No test track is used.)

Most drivers are hired through private employment agencies and do not have special technical skills.

Drivers maintain logs of their activities during their 8-hour shifts.

Three shifts are employed 6 days a week until the necessary mileage is accumulated.

Test cars are monitored through the use of tachograph readings which are maintained in logs for each vehicle.

Emission-type maintenance can only be approved by the supervisor of exhaust emissions or by his assistant.

A detailed log on all maintenance, including such routine maintenance as oil changes, is maintained for each vehicle.

The officials said that EPA representatives had made many visits, especially during the beginning of the certification year—November and December—to explain the Federal regulations. The officials indicated that these visits were not specifically for monitoring testing.

AMC officials stated that they would not object to onsite EPA inspectors' monitoring their certification testing activities. They expressed the belief, however, that unauthorized maintenance probably could be performed, if desired, even if Government monitoring were provided.

EPA STAFF ASSIGNED TO CERTIFICATION ACTIVITIES INSUFFICIENT

The number of persons assigned to test and certify automobile prototypes has generally been insufficient for adequately performing all activities necessary to reasonably ensure that automobile manufacturers comply with Federal certification regulations. The Director of EPA's Mobile Source Pollution Control Program told us that his initial program plan for fiscal year 1972 provided 237 authorized positions for his program, including 46 positions for the Division of Certification and Surveillance. The Director stated, however, that EPA officials had reduced the authorization for the Mobile Source Pollution Control Program to 161 positions, of which 32 were allocated to the Division of Certification and Surveillance.

As of June 1, 1972, EPA had assigned 146 persons to the Mobile Source Pollution Control Program but only 19 were directly involved in the certification of prototypes and only 10 of those were directly involved in certifying light-duty vehicles—primarily autos. One year earlier, on June 1, 1971, only five persons were assigned to certify light-duty vehicles. In July 1970 only five positions had been authorized for the entire certification program for both light- and heavy-duty vehicles.

EPA also has assigned to its emission-testing laboratory 32 technicians of whom seven perform the certification tests of light-duty vehicles. Thus the prototypes of all auto companies are tested and certified primarily through the combined direct effort of 17 EPA personnel.

Certification staff

The 10 persons responsible for certifying light-duty vehicles are assigned among three teams, each team having responsibility for about one-third of the 52 auto companies seeking certification in model year 1973. In addition to handling smaller companies, one team handles Chrysler and AMC, one team handles GM, and one team handles Ford.

The staff spends a significant part of its time explaining and interpreting Federal regulations for the auto companies, either verbally or in writing. EPA officials told us that some provisions of the regulations were general in nature because they were intended to allow the flexibility needed in dealing with today's diverse vehicle product lines and continually developing technology. The remainder of the staff's time is normally spent reviewing and approving the auto companies' part I and part II applications for certification, assisting the auto companies in resolving day-to-day problems, monitoring vehicle tests in the EPA laboratory, and reviewing maintenance logs submitted by the auto companies as testing progresses. Staff has not been available for routine monitoring of the testing activities at the auto companies.

The Director, Division of Certification and Surveillance, told us that he had had considerable difficulty in hiring and retaining qualified people. He attributed this problem to (1) low entrance salaries—(EPA hired college graduate engineers without experience at the GS–5 level)—about $7,300 and (2) noncompetitive Federal salaries for engineers with automotive emissions experience. The certification staff recently lost two experienced engineers to the auto industry, but EPA had had difficulty attracting such people from the auto industry, even at the GS–13 level (about $18,700).

Also we noted that, although the number on the light-duty certification staff had increased from five to 10 since June 1971, five of the 10 staff members had worked for EPA less than 5 months. Three of the five are recent college graduates, and the other two have a combined total of 11½ years of automotive experience. The Director told us that a newly hired college-graduate engineer needed 12 to 18 months of experience in the certification process before he could make a meaningful contribution. The Director told us that the average grade level of his staff should be increased by fiscal year 1975, if the Government is to be competitive with industry.

Laboratory staff

For 1973 models, EPA began testing durability prototypes at intermediate mileage points, in addition to the 50,000-mile point, which increased the total number of certification tests made in EPA laboratories by 50 percent over the previous year. EPA certification and laboratory officials told us that the number of laboratory technicians (seven) assigned to test light-duty vehicles was insufficient to effectively accomplish all required duties.

During the first 5 months of 1972, the seven technicians assigned to test light-duty vehicles performed about 600 tests and were required to work 500 hours of overtime. EPA officials told us that about 350 additional tests would be required to complete the certification testing of 1973 prototypes. The supervisor of the laboratory test staff expressed the belief that, because of the certification workload, his present staff of seven should be doubled.

EPA recently moved into its new $10 million emission-testing laboratory in Ann Arbor. The director of the laboratory said that it was not adequately staffed and that some equipment was being used only about one-third of the time. Another laboratory official said that, with adequate staffing, 30 tests could be run each day, compared with 10 with the present staff.

EPA PROCEDURES INADEQUATE FOR REASONABLY ENSURING THAT AUTO COMPANIES COMPLY WITH FEDERAL CERTIFICATION REGULATIONS

EPA has operated the certification program on the basic assumption that the auto companies will act in good faith, comply with EPA certification regulations, and submit complete and accurate data to EPA. On May 15, 1972, we issued to the Congress a report entitled "Cleaner Engines for Cleaner Air: Progress and Problems in Reducing Air Pollution From Automobiles, Office of Air Programs, Environmental Protection Agency" (B–166506), which included a discussion of certain shortcomings in EPA's certification program.

Our present review showed that EPA had not evaluated nor requested documentation on the practices and procedures followed by the auto companies in their testing process. Nor have EPA personnel made onsite, unannounced inspections for monitoring the auto companies' testing process and ensuring compliance with regulations. EPA visually inspects emissions data and durability data vehicles prior to testing the vehicles in its laboratory, but EPA officials told us that such inspections and tests generally could not be effective for detecting evidence of unauthorized maintenance or other irregularities.

EPA's monitoring consists primarily of its reviews of part I and part II certification applications and periodic vehicle maintenance and test records submitted by the auto companies. Certification Branch personnel evaluate data contained in the applications for conformity with the regulations. Records of the mileage accumulated, maintenance performed, and tests run on the prototypes are submitted to EPA weekly by the auto companies and are reviewed and evaluated by EPA personnel. The Director of EPA's Division of Certification and Surveillance told us that EPA's practice of accepting manufacturers' data at face value obviously was inadequate for ensuring compliance with Federal regulations.

Moreover EPA officials told us that, because of staffing limitations, EPA had not visited the manufacturers' plants to monitor the testing activities or to review the records. The visits that EPA personnel made to manufacturers' facilities usually were for resolving specific problems rather than for observing or monitoring testing practices or for spot checking records. The instances of unauthorized maintenance performed by Ford were recorded in Ford's records.

EPA's procedures have not been adequate for ensuring that manufacturers comply with Federal regulations. In addition, a lack of staff limits EPA's ability to adequately monitor the test activities of the manufacturers.

Procedures for retesting and certifying Ford cars

The process of rerunning durability tests on 39 Ford vehicles involving 12 engine families is scheduled to be completed by September 1972. To minimize delays in this testing process, EPA has established a task force to accelerate and coordinate certification of Ford vehicles. The task force is responsible for making decisions concerning the allowability of unscheduled maintenance, verifying driver's complaints, and inspecting failed components. Some of the actions EPA has taken to maintain control over the retesting of Ford vehicles include:

Installation of a tachograph in each vehicle to provide a continuous record of vehicle usage. (GM, Chrysler, and AMC have used tachographs in their test vehicles.)

Inspection by EPA of vehicles and components prior to the start of testing.

Documentation of all communications between Ford and EPA, including telephone conversations and meetings.

Tests by EPA of durability vehicles at applicable mileage points. A confirmatory test will not be run by Ford.

Spot inspection by EPA of Ford's test facilities during any time that work is being performed for making odd-hour inspections to ensure Ford integrity for the duration of the certification test program.

Review and evaluation by EPA of Ford's inspection procedures.

Establishment by Ford of a system whereby EPA would be furnished with emission and maintenance data every 24 hours.

The Director of EPA's Mobile Source Pollution Control Program emphasized to us that, although EPA would give Ford priority treatment in resolving problems, reviewing data, testing vehicles, and so forth, so that Ford vehicles could be certified as soon as possible if they met Federal emission standards, EPA would not waive any regulatory or certification requirements.

Although we did not estimate the additional costs that would be incurred by EPA in its program to accelerate certification of Ford vehicles, our review indicated that such costs would be substantial. For example, EPA estimates that about 1,300 hours of overtime work will be required. In addition, communication costs will increase as a result of the close monitoring; several EPA personnel will be assigned to monitor Ford certification activities; and a substantial amount of work will, in effect, be repeated because of the need to test an entire new fleet of prototype vehicles.

Alternative procedures being considered by EPA

EPA officials recognize that something has to be done to obtain greater assurance that auto companies comply with all Federal certification regulations, especially with respect to unscheduled maintenance. Various plans for improved monitoring of the auto companies' certification practices are being considered by EPA. An EPA official said that EPA expected to develop a plan in the near future and that it would be applied initially to the domestic auto companies. According to EPA officials the following three alternative plans were being considered.

1. The auto companies would continue to have responsibility for testing prototypes, but EPA would make unannounced inspections of the auto companies' testing facilities and records to ensure integrity of the testing.

2. EPA would have inspectors stationed at the auto companies' test facilities to continually monitor the companies' testing activities.

3. EPA would assume all responsibility for testing and mileage accumulation for some or all of the prototypes. If EPA were to assume all responsibility for testing some of the prototypes, the other prototypes would be subject to spot-check monitoring by EPA inspectors.

Alternatives 2 and 3 would probably be very expensive. For example, GM officials told us that, if the Government wanted to keep each GM test vehicle under surveillance, it would require three inspectors per car (3 shifts) or 78 inspectors for the present test fleet. A Chrysler official stated that EPA would need 12 inspectors at Chrysler: two for each of three shifts, at two locations.

With respect to alternative 3, Chrysler officials expressed the belief that EPA should not take on the responsibility for testing all prototypes, because EPA had neither the facilities nor the staff required. In addition, they said that EPA had problems with frequent staff turnover. Chrysler officials also indicated that Chrysler spent about $1 million annually on its emission certification program.

EPA's Director, Mobile Source Pollution Control Program, told us that he preferred alternative 1 and that he had requested additional resources to implement that alternative. He told us he did not believe the costs involved in alternative 2 could be justified at this time and that alternative 2 should be considered further only after experience had been gained with alternative 1. He also said that he believed that alternative 3 was unrealistic, not only because of the enormous costs involved but also because he deemed it inappropriate for the Government to assume responsibility for the testing of the vehicles. He said that under alternative 3, if a test vehicle failed for any reason, there would be endless quarreling between the EPA and the company about who caused it to fail and there would be no satisfactory way to resolve these disagreements.

CONCLUSIONS

We believe that the responsibility for accumulating mileage, testing vehicles, submitting data, and ensuring that Federal certification regulations are not violated properly should rest with the auto companies.

EPA has responsibility for ensuring that (1) the auto companies comply with Federal regulations and (2) emissions from engines awarded certificates of conformity are within established standards. We believe that, to effectively fulfill these responsibilities, as a minimum, EPA needs additional personnel assigned to its certification activities and needs to significantly increase its surveillance and monitoring of the auto companies certification procedures, practices, and records.

EPA should require that the auto companies prepare and submit to EPA written procedures for their certification activities. Officials of the four auto companies told us that they would not object to EPA inspectors' monitoring their in-plant testing and reviewing plant records related to their certification activities. In this regard, EPA personnel should be able to enter auto company

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facilities, unannounced, any time of the day or night when mileage is being accumulated or testing is being conducted on certification vehicles for the purpose of monitoring such activities.

Requiring the auto companies to prepare written procedures and making in-plant inspections of the companies' tests and records will not provide EPA with *total* assurance that the auto companies are not violating Federal regulations, but it will provide significantly greater assurance than now exists. The procedures that would provide the greatest assurance are those under which EPA assumed responsibility for accumulating all mileage and conducting all tests on all emission data and durability data vehicles of all auto companies. These procedures would also be the most expensive to implement.

Consideration should be given to the time and effort that would be required to obtain and train new staff. EPA has had problems in the past in hiring and retaining experienced staff. A sudden and extensive expansion of staff could be counterproductive because it would divert the time of the few experienced men from their certification duties to the training of newcomers.

U.S. SENATE,
Washington, D.C., May 25, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER: On May 18, the Environmental Protection Agency announced that the Ford Motor Company was withdrawing the applications it had made to EPA for certification of its 1973 vehicles. According to the EPA announcement, Ford had discovered inaccuracies in its own test data.

Subsequently, at a hearing before the Subcommittee on Air and Water Pollution on May 22, William D. Ruckelshaus, Administrator of the Environmental Protection Agency, testified that Ford test personnel had performed prohibited maintenance operations on prototype vehicles being tested for certification.

Testimony at the May 22 hearing also indicated that EPA has no secure way to check data submitted by other auto companies to make sure that similar prohibited acts have not occurred in preparation of their data. Primary reliance for discovering such prohibited acts, EPA indicated, must come from disclosures of auto company employees.

In light of these events, I ask your help in investigating the current capacity of EPA to oversee the auto companies' preparation of data for certification and the adequacy of EPA procedures to prevent similar circumstances in the future. Specifically, I would like to know:

(a) The number of EPA personnel assigned to prototype certification activities;

(b) The number of EPA personnel assigned to monitor the development of certification data by the auto industry—including the number of personnel assigned to monitor activities at the test facilities of the respective auto makers;

(c) The adequacy of EPA procedures to assure that regulations covering the certification tests are not violated in the testing process; and

(d) The extent to which the data available to EPA enables the agency to independently evaluate the manufacturer procedures as required by section 208 of the Clean Air Act.

Further, EPA has indicated to the Subcommittee on Air and Water Pollution that legislation may be needed to assist Ford Motor Company in solving the problems it faces now in developing new data for certification and in getting cars into production in time for the 1973 auto year.

Before such legislation can be seriously considered, it is essential for the Subcommittee to know whether the Ford discovery of prohibited acts in the certification testing process represents an isolated incident or a more pervasive practice in the auto industry.

For this reason, I ask you also to investigate the certification data submitted to the Environmental Protection Agency by the auto companies for their 1973 vehicles and the practices and procedures employed by the auto industry in developing this data to assure that these practices are consistent with the law and EPA regulations.

As we expect a request for action on legislation in a reasonably short time, a report is needed within 10 days. Prompt study of this matter is vital to assure fully informed Congressional consideration of measures to deal with this problem.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on
Air and Water Pollution.

EXPANSION OF VOCATIONAL REHABILITATION ACT

Mr. SCHWEIKER. Mr. President, in the Committee on Labor and Public Welfare, the Subcommittee on Handicapped Workers, on which I am privileged to serve, has been holding hearings on legislation to continue and expand the Vocational Rehabilitation Act. Recently, the subcommittee received testimony from the senior Senator from Kansas (Mr. PEARSON) which I believe merits the consideration of the full Senate.

I ask unanimous consent that the testimony submitted by Senator PEARSON be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAMES B. PEARSON

Mr. Chairman, I am pleased to have this opportunity to express my views on legislation providing assistance for the handicapped. At the same time, I would like to congratulate the Labor and Public Welfare Committee and you, Mr. Chairman, on the establishment of this Subcommittee. For the first time in the Senate, a group of my colleagues, many of whom have long been recognized as leaders in efforts to enact rehabilitation legislation, will oversee the Federal Government's role in behalf of the Nation's disabled. I am confident we can all profit from the diligent work you are doing in this regard.

Mr. Chairman, no one can deny that the Vocational Rehabilitation Act, first passed by Congress in 1920, has played a significant role in focusing public awareness on the need to provide a life of dignity and purpose for our physically handicapped. Throughout the 52 years of this law's existence, the emphasis has been to provide a means whereby assistance could bring self-sufficiency and self-support to an individual suffering from a mental or physical impairment. Over the years, legislation has been enacted broadening existing law to better accomplish this goal. The results have been highly significant, bringing rehabilitation services to over one million people in 1971 and providing some 300,000 of these individuals useful and rewarding employment.

My purpose in submitting this testimony, Mr. Chairman, is to encourage adoption of legislation specifically designed to insure the full benefit of services to the severely handicapped, including the deaf and the blind. It has come to my attention that new regulations have broadened the interpretation of the act by including those who are handicapped in the social—as well as physical—sense. In many cases, the new interpretation has come at the expense of those with the most severe physical and mental problems, resulting in the denial of services for which they would normally be eligible. While I do not argue against regulations which can provide as wide coverage as possible, it is my belief that Congress should express its desire to preserve the original intent of the act—providing assistance on a priority basis to those handicapped in the traditional or physical sense.

As my colleagues in the Subcommittee are aware, legislation approved in the House clearly states this intent in its initial statement of purpose. The House-passed measure, H.R. 8395, also adds a new title to the Vocational Rehabilitation Act which specifically provides for the seriously handicapped. Title III of this bill authorizes additional grants to assist states in developing and implementing services to severely disabled persons. These funds, it should be emphasized, are not meant to replace currently committed state funds. Rather, they are intended to supplement present and future programs operated by state governments. I support the inclusion of this title in legislation considered by the Senate.

Mr. Chairman, another desirable aspect of the House-approved bill is the so-called "follow along" provision. Up to this time, the law has not required that states institute post employment services to assist the disabled individual in maintaining a job. I am encouraged that the Rehabilitational Services Administration of HEW has undertaken efforts on its own in this regard. Yet, I feel legislation is required to provide added insurance that this will be an ongoing effort among the state agencies.

Finally, Mr. Chairman, I am specially interested that the Senate bill include establishment of comprehensive centers for deaf youths and adults. While there are now institutions such as Galludet College which provide higher education facilities for the high-achieving deaf, I am concerned that little emphasis has been placed on the need to provide vocational training for the low-achieving deaf. Consequently, there are too few qualified instructors who can train the deaf in vocational pursuits. I support fully legislation authorizing centers for the training of such personnel, so that new methods and techniques designed to include the low-achieving deaf in our vocational training programs can be established.

In summary, Mr. Chairman, I believe Congress recognized the importance of continuing programs which can provide rehabilitative services for our handicapped. Over the years, the Vocational Rehabilitation Act has provided an excellent example of Federal and state partnership. However, while I applaud the work of the Rehabilitation Services Administration in its efforts. I believe Congress should insure that the best possible use be made of the limited funds available under this act. I am hopeful that the Subcommittee and the Senate will reaffirm the original intent of the law by insuring that primary consideration be given to the physically disabled who apply for rehabilitative service. In this manner, I believe we can be assured of continuing the fine work our partnership with the states has produced thus far.

SER: JOBS FOR PROGRESS

Mr. TUNNEY. Mr. President, in the near future, the Senate will be considering the 1972 comprehensive manpower legislation. One concern that I share with many of my colleagues is the delivery of manpower services to the Spanish speaking.

Five years ago, the executive director

of SER presented testimony concerning the manpower needs of chicanos before the Inter-Agency Committee on Mexican American Affairs. His comments before the Inter-Agency Committee pointed out the great need for the development of training and job opportunities for Mexican-Americans. He indicated the necessity for the redirection, the improvement, and the expansion of current programs and the creation of new ones designed specifically to meet the unique problems of chicanos. He asked, Why—and now midway in 1972 I also find myself asking, Why—has the Government failed so miserably with the Mexican-American, the second largest minority group in the country, certainly the largest minority group in the Southwest, and the largest minority of any State? Why are chicanos the most unemployed, underemployed, underpaid, and exploited people in this country?

Why is it that persons of Spanish origin have an unemployment rate 1.7 times greater than the unemployment rate of all other persons in the labor force, a median family income of 70 percent of that of other families, and an educational attainment level of 20 percent below that of persons of other origins? I might add that these figures are based on the results of a national survey conducted by the Bureau of the Census in November 1969. I have not yet seen the data which has been coming out under the latest decennial census study.

I am very much concerned with the impact that the administration's manpower revenue sharing proposal will have on Mexican-Americans. I am particularly concerned over the fact that the administration's manpower revenue sharing bill does not provide categorical manpower assistance for Mexican-Americans. I believe it is necessary to include certain categorical manpower programs as a matter of Federal policy because certain aspects of our manpower problems deserve the attention of the Federal Government and can be run better at that level. We all know too well of the many concerns raised by members of the minority communities in trying to continue participation in the planning and administration of programs that were designed to assist them. After they have now received the opportunity to be part of the unit administering and planning manpower programs, there are not adequate safeguards in the administration's proposal to guarantee their continued participation.

I particularly refer to "Jobs for Progress, Incorporated," the only bilingual-bicultural national manpower delivery system for the Spanish speaking.

Popularly known as SER—service, employment, redevelopment—this organization has a 6-year history of service to its people. Sponsored by the two largest Mexican-American organizations, the American GI Forum and the League of United Latin American Citizens—LULAC—SER has continued to effectively deliver manpower services to the disadvantaged.

DEVELOPMENT OF SER

In the spring of 1965, job replacement centers for the Spanish speaking were operated in Houston and Corpus Christi by LULAC. These Jobs for Progress centers were funded and staffed exclusively by Spanish-speaking volunteers. They did more for the Mexican American in their short existence than permanent public agencies had been able to accomplish over the years.

JOINT VENTURE

Based on the lessons learned, the two national organizations, LULAC and the American GI Forum, joined forces to form Jobs for Progress, Inc., in a massive drive to eliminate poverty in the Southwestern United States with special emphasis on bilingual-bicultural manpower services.

The large scale program to tap the manpower resources of the Spanish-speaking community was given the name "TO BE," in Spanish: SER.

SER was designed by the sponsoring American GI Forum and LULAC organizations to break down cultural and economic barriers through full employment for Mexican Americans by involving Mexican Americans themselves in the effort.

SER is staffed exclusively with bilingual personnel who are not only well qualified in their respective specialties, but whose experience and motivation make them cognizant and adept at dealing with adverse cultural differences. By developing and administering manpower programs in this manner, effective gains are already being made.

THE SPONSORS

LULAC—The League of United Latin American Citizens—was founded in 1929 in Corpus Christi, Tex., by the merger of three Mexican-American organizations.

LULAC was founded at a time when American citizens of Mexican ancestry were the victims of a very high degree of discrimination. The league was formed for the purpose of eliminating the segregation of Mexican Americans and elevating their social, economic, and educational status.

LULAC led the legal battles which have eliminated overt segregation of Mexican Americans in public schools, public facilities, and public employment; and it was LULAC who initiated and financed the court battles that led to the U.S. Supreme Court decision which declared unconstitutional the then prevalent practice, in Texas, of omitting American citizens of Mexican descent from service in grand and petit juries.

At present, LULAC members are very much involved in eliminating the more subtle, covert, segregation that now operates to hinder the socioeconomic progress of the Mexican American in Southwestern United States; and in operating a vast system of scholarship awards to worthy young people who are otherwise financially unable to attend college. Many of these young men and women do not get adequate counseling and scholarship assistance from school boards and public colleges indifferent to their educational problems.

AMERICAN GI FORUM

The American GI Forum is a nationally established veterans family organization founded in 1948 in Corpus Christi, Tex., by Dr. Hector P. Garcia for the purpose of abolishing discrimination practices against returning World War II Mexican American veterans.

The GI Forum has since broadened its scope of objectives to include a program of improvement of the social, economic and political conditions of the Mexican-American community.

The organization has among its objectives: Leadership development, intergroup understanding, preservation of basic principles of democracy, veterans' rights, nondiscrimination, eduaction, and motivation of youth.

SER

On June 10, 1966, Operation SER's Regional Office in Albuquerque, N. Mex., began functioning.

On October 3, 1966, Mr. George J. Roybal was installed as SER's executive director, with a small staff hired to implement the program and to man the Skills Bank to begin placing people in nontraditional jobs.

By the spring of 1967, the arduous task of community survey and development yielded program outlines and active volunteer SER boards in the targeted areas.

The State officials were established in June, with a Skills Bank in each, and the first five local SER projects became operational that summer.

The regional office expanded its resources for research and added a Data Processing Center to the Skills Bank when it moved from Albuquerque, N. Mex., to Santa Monica, Calif., in September 1967.

TWENTY-ONE PROJECTS

Twenty-one local SER projects were at various stages of implementation by January 1968 and the Skills Bank had placed 3,000 in gainful and productive employment.

In March 1968 a third major function was added to the Program Development and Skills Bank services when On-the-Job Training coordinators were attached to the regional and State offices.

ORGANIZATIONAL STRUCTURE

SER is administered by Jobs for Progress, Inc., with an 11-member board of directors, presently presided over by Daniel Campos of Campbell, Calif.

The Jobs for Progress Corporation is a voluntary, nonprofit, incorporated organization with its principal objectives being the social and economic betterment of the Mexican-American poor of the United States.

PERFORMANCE RESULTS

During the 6-month period being appraised, SER has served a total of 2,398 people. Of this number, 1,390 have been trained and 1,144 have been placed in meaningful jobs. The remainder is currently in training. In addition, local SER projects are now operating at 96 percent of capacity, and enrollments for the re-

porting period are 94 percent of the planned enrollment goal. These figures indicate the careful and effective planning that took place prior to implementation of the programs.

ENROLLED PROFILE

The following enrollee profile illustrates that SER is serving those in need. SER enrollees come from a broad cross-section of the target population and provide evidence that SER is serving the community. The following statistics were gathered from 16 projects which were operational at the beginning of the program year in September 1971:

Ninety-three percent of the enrollees are Spanish-speaking.

Seventy-four percent are heads of households.

Fifty-four percent are male.

Forty-six percent are high school dropouts.

Twelve percent are junior high and elementary school dropouts.

Twelve percent are monolingual.

PLACEMENTS

Ninety-five percent of the planned number of placements anticipated at the beginning of the program year has been accomplished. This figure represents excellent planning on the part of the local project directors and their staff. Eighty-nine percent of the people served have been placed on meaningful jobs after leaving the program. More importantly, 91 percent of SER placements are still on the job 3 months after being placed. Many positive factors account for this encouraging fact:

The quality of the training services provided is exceptional.

Counselors and other staff members are instilling a high degree of motivation in the enrollee.

SER is soliciting and gaining meaningful support from local employers.

SER is working not only for immediate placement but also long-term gainful employment.

TERMINATIONS

A mere 11 percent of all SER enrollees are unable to successfully complete the program. Even this small percentage is often due to circumstances beyond the control of the enrollee. For example, problems such as pregnancy, relocation, entry into the armed services, transportation difficulties, and other personal problems force the enrollee to leave the program. Rarely does an enrollee drop out because of lack of desire or motivation.

NATURE OF PLACEMENTS

An impressive 100 percent of SER placements have been in semiskilled, skilled, or high skilled occupations. Ninety-two percent of those placements were in the enrollee's chosen field of interest. For obvious reasons, SER is striving to place people on jobs they desire. But circumstances such as the status of the job market, availability of training programs, or the enrollee's capabilities not meeting the job requirements make 100 percent success extremely difficult. The average starting wage for SER placements is $2.49 per hour, well above the Federal minimum wage of $1.60 per hour. This is a strong indication of the type of upgrading the SER enrollee is experiencing.

REENROLLMENTS

A low 3 percent of all enrollees reenter the program. Since stipends are paid to the enrollee during training, there is a possibility that some would choose to stay in the program indefinitely. Although the stipends only cover bare living expenses, SER has been careful to keep the situation well under control, avoiding a welfare agency role. Therefore, an enrollee who has completed the training cycle is reaccepted into the program only under very special conditions. An example of this would be the phasing out of a particular occupation making additional training necessary.

COST

One of the notable achievements of the SER program is the cost per enrollee figure of $1,971. This compares very favorably with other major manpower programs which are experiencing costs per placement in excess of $4,000 to $6,000. This low figure indicates that SER is operating with great efficiency and economy while providing quality services.

With all bills involving the concept of decentralization, placing policy, planning, and administration in the hands of State and local government, certain safeguards must be included in whatever legislation affecting manpower is ultimately passed. Safeguards that insure that on the local level SER continues to be given the opportunity to deliver manpower services to the disadvantaged should be part of any legislation that addresses itself to the manpower needs of the Nation.

TAX OR SPENDING REFORM?

Mr. HANSEN. Mr. President, during an election year it is not unusual to hear some rather implausible claims, counter claims and reform demands. Tax reform is being heralded as a big issue in the presidential campaign and the average taxpayer—the little man—is being incited to tax revolt by a number of his self-appointed saviors.

Edwin S. Cohen, 5 feet 5 inches tall and Assistant Secretary of the Treasury, in a speech before the Federal Tax Institute of New England offered the following tax reform proposal. He said:

> For some time, I have been looking for a simplified, equitable tax revision program. There is considerable research to indicate that, in general, tall people have a great economic advantage over short people and are far more successful as leaders in the business and political world. I have maintained, therefore, that the tax law should provide compensation for the inequities thrust upon the short people of the world. I would draw the line at a height of 5 feet 6 inches and provide half rates of tax for those below that level and the regular rates for those above.

A few have suggested that the basic cause of his tax burden is the massive overspending of tax money resulting from the multitude of domestic social and economic programs initiated or escalated in the 1960's.

And a recent Wall Street Journal article points out that these programs are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment, the article says, is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present trends in Federal spending. But the report has another theme as well, when it comes to solving social problems in poverty, health, education, and the environment, it concludes, "the history of the 1960's makes clear that current federal approaches are not particularly effective."

For awhile, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some Federal money to it, the problem would be solved."

Mr. President, it is most encouraging that the Brookings Institution report, authored by Charles L. Shultze, who was budget director under President Johnson, and others in that administration should now call for a halt to think things over and concede that the Democratic administration launched "ineffective programs, wasted money, and squandered public confidence."

Mr. President, rather than tax reform, I suggest again that what we really need is federal spending reform.

As Director of the Office of Management and Budget, Caspar W. Weinberger was quoted as saying in the Wall Street Journal article, in the past decade, spending on social programs has vaulted to about $110 billion from $30 billion a year. He further said:

> If spending alone could solve the problems to which existing programs are addressed, there would be no problems for spending there has been.

Mr. President, I ask unanimous consent that the well-documented Wall Street Journal article entitled "What Federal Money Didn't Buy" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT FEDERAL MONEY DIDN'T BUY

(By Richard F. Janssen)

For a few years now, it's been pretty obvious that anyone wanting to hear a rousing rationale for the war in Vietnam needn't bother the former Johnson administration officials who had so much to do with it. Spiro Agnew appears a lot more enthusiastic about it than, say, Robert McNamara or Clark Clifford.

More recently, it's becoming evident that the domestic social and economic programs initiated or escalated in the 1960s are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present tends in federal spending. But the report has another theme as well. When it comes to solving social problems in poverty, health, education and the environment, it concludes, "the history of the 1960s makes clear that current federal approaches are not particularly effective."

That finding might be dismissed by many as predictable partisan jeering if it came from the conservative camp. But considering that its source is the citadel of intellectual Democratic liberalism, it constitutes an arresting shout to halt and think things over. The key author is Charles L. Shultze, who was LBJ's budget director, and the other main contributors also had important posts in the budget office, the White House and the Department of Health, Education and Welfare.

"SQUANDERED PUBLIC CONFIDENCE"

Nor is the enclave of ex-officials at Brookings alone in their distillusionment. "We have oversimplified our problems and oversold the prospect of quick solutions," writes William Gorham, a former HEW official who is now president of the Urban Institute. Mr. Gorham goes on to complain that the Democratic administration he served launched "ineffective programs, wasted money, and squandered public confidence."

While liberals at home are conceding that it's hard to tell if all their activism actually has made kids better educated or the poor healthier, a parallel malaise is setting in on the foreign aid front. At the World Bank, for instance, officials agonize over evidence that their efforts to speed industrialization of poor countries often tend to make the local rich richer while worsening the plight of the local poor, for at least the first decade or so.

This is in the sharp contrast, of course, to the time when those in power along the Potomac were brimming with confidence that the government could use its budgetary muscle to move the world, and quickly. When success didn't come instantly, there were always plenty of promising new methods at hand. But as it looks now to the sidelined liberals, the fallback positions are, and always were, precious few.

When the first skirmishes along John F. Kennedy's New Frontier failed to rout the nation's menacing social problems, the response was almost always that more federal dollars must be thrown into the fight. Most of Lyndon B. Johnson's Great Society seemed built on that premise too, from the war on poverty to aid to schools. For a while, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some federal money to it, the problem would get solved."

That idea seems far from passe, to be sure, but a case can be made that it has been given a solid try already. While the sheer dollar figures are often staggering (i.e., Social Security and other income support payments nearly tripling in 10 years to about $75 billion yearly now), standing alone they don't say much about relative effort or priorities. So the Brookings group has pulled together statistics in ways that leave less room for doubt.

As to any lingering suspicion that the federal sector simply isn't keeping pace with the economy as a whole, the study estimates that budget outlays in the fiscal year to start July 1 will amount to 20.5% of the gross national product. That would be up from 18.1% of GNP, (the total private and governmental output of goods and services) in the 1961–63 period, and up sharply from the 7.7% of the late 1930s, when FDR's anti-depression measures first made big government a big issue.

More surprisingly, perhaps, the figures don't support the thought that the military has hogged the gains since the early 1960s. Then, the military costs (including such legacies of past wars as veterans benefits and public debt interest) equalled 10.9% of the GNP; in the coming fiscal year, that share should be down to 8.4%. Meanwhile, the civilian side of the newest Nixon budget has bulged to 12.1% of the GNP, up from the New Frontier era's 7.2%.

The federal civilian outlays per person have outpaced inflation and population growth; in fact, as the figures below indicate, the "real" outlays have been rising at an ever-increasing rate. (The figures that follow are average annual percentage increases for the selected periods.)

[In percent]

	1960	1965–70	1970–73
Federal civilian outlays	7.3	13.0	15.2
Inflation	1.4	3.6	4.5
Population	1.5	1.1	1.2
Real per capita	4.1	7.9	9.0

But the old "money isn't everything" adage appears to apply even where almost unthinkable billions of dollars are involved. "It quickly becomes clear that changing institutional behavior not only is difficult but takes more than federal money," the Brookings group writes. "Putting children in preschool programs for a few weeks may improve their performance, at least temporarily, but it does not alter the homes they come from or the schools they are attending." A federal grant can let a local community build a new sewage treatment plant, but it doesn't give a local factory any incentive to stop dumping pollutants, so the river may end up as dirty as before.

With the first grudging admissions among liberal insiders that the government wasn't getting its money's worth, there came a series of responses. One was "tighter federal regulation," so that a school district receiving federal funds for "disadvantaged" children found it harder to cut back its own funds for them. But the former officials admit that no one in Washington really knew how to write regulations "that could be both understood and enforced in some 18,000 school districts."

CATCHWORDS AND COMMITTEES

Then "coordination' became the catchword. If officials of various agencies would only communicate more with each other, duplication and other waste could be avoided, and policies could be made to mesh. Elaborate networks of coordinating committees were created but mostly they "just slowed things down," the former insiders sigh.

All of which gave impetus to the third response, "decentralization." To some extent, Washington officials would simply stop trying to decide what's best for Brooklyn or Buffalo and leave it to those closer to the scene in federal field offices, state houses and city halls. As the Nixon's administration's dogged campaign for revenue sharing attests, this is a response the Republican incumbents were only too pleased to pick up from their predecessors.

But decentralization isn't a perfect solution, either, as Republican office holders can also attest. They've been moving a notch back toward centralization and coordination by setting up regional groupings of federal field offices, for instance. The trend was impelled by the finding that one local road authority was planning to put a highway smack across the runway being planned by the local airport authority—both, of course, using federal money from different federal agencies.

A fourth response to unsatisfactory programs is to spend less on them, or to wipe them out entirely. This never really caught on during the Kennedy-Johnson administrations, and the Nixon administration hasn't been able to do much more than rearrange the more offensive pieces of the fiscal furniture it inherited. Its furious battle to close down Job Corps camps was a very limited skirmish, for instance; the latest Nixon budget boasts of boosting outlays in all manpower training areas from the $1.5 billion of the last Democratic year to $3.6 billion now.

The Brookings report concludes it would be "irresponsible and dangerous" to give up the search for "solutions to urgent social problems." It further concludes that it would be useless to return to the "pat, simple answers—decentralize, regulate, coordinate, spend more, spend less."

This seems somewhat gratuitous. The government isn't about to give up, and there's no sign that the "pat" answers of the past have been altogether discarded, either.

The "spend more" answer remains alive in the Nixon administration's continuing efforts to enact revenue sharing and welfare measures which would build progressively mounting costs into budgets, even as Democratic contenders outdo each other urging expensive solutions of their own.

"CAP THE KNIFE"

At the same time, budget overseer Caspar W. Weinberger delights in his "Cap the Knife" nickname, and talks bravely of slashing outlays on low priority programs and turning back more functions to "state, local and private initiative."

In past decade, he notes, spending on social programs has vaulted to about $110 billion from $30 billion a year. "If spending alone could solve the problems to which existing programs are addressed, there would be no problems," he says, "for spending there has been."

Are there any hopeful new options left?

What the Brookings panel ultimately proposes (along with admittedly modest procedural changes such as budgeting more programs for several years instead of only one) is basically a resort to more "social experimentation" to find out how individuals and institutions actually respond to federal efforts.

That may not make a very exciting platform for any political candidate. But it just might provide a firm foundation for a more rational fiscal future. Once the public and the government realize that experimentation is about all that's been going on all along, the many inevitable failures wouldn't be so costly and frustrating. If successes are few, they still might stand out all the more clearly as guides to the ultimate solutions which must be out there somewhere.

Mr. Janssen is a member of the Journal's Washington bureau, specializing in economic affairs.

CEILING ON SPENDING AND PERSONNEL IN CAMBODIA

Mr. CASE. Mr. President, last year Congress approved the Case-Symington amendments which placed an absolute spending and personnel ceiling on American programs in Cambodia. This year the Foreign Relations Committee has again approved a spending limit on U.S. assistance to Cambodia. The personnel ceiling remains a part of the law.

The administartion has requested $348 million in funds for Cambodia in fiscal 1973, but the Foreign Relations Committee cut this figure to $275 million. While the Senate is considering whether or not to increase fiscal year 1973 request, it should keep in mind that executive failed to spend an estimated $92 million of the funds voted in fiscal year 1972 when the Congress voted the full administration request of $341 million.

The Washington Star correspondent in Asia, Henry S. Bradsher, recently published an account of some of the difficulties the United States has in spending money in Cambodia. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 8, 1972]

CONFUSION IN PHNOM PENH LEAVES U.S. DOLLARS STRANDED

(By Henry S. Bradsher)

PHNOM PENH.—Nations that would help the beleaguered government of Cambodia, especially the United States, are finding it difficult these days.

It is hard to find with whom to work in the government.

Most of the top officials with whom the U.S. government used to deal have disappeared. Many of the new ones lack either effective power to get anything done or the willingness and ability to use their power.

This lack of decisiveness is most noticable in the economic field.

Partly for that reason, partly for what appear to be U.S. misjudgments, the American economic aid allotment for the fiscal year just ending turned out to be wildly over what could be used.

PERSONAL PROFITS

The problem is less noticeable in the military field. Cambodia is ready and willing to absorb as much military aid as the United States wants to pump in. How it is used raises some questions among diplomatic observers here, however.

Some top military officers have seemed more concerned about making personal profits from the war than defending Cambodia.

In recent weeks the Cambodians have lost large hunks of territory along their eastern border, as the North Vietnamese army has extended the northeastern area which it has long controlled. In other areas, villagers are being alienated by Cambodian troops while Communist agents propagandize them.

SIDESHOW SUSPECTED

U.S. military aid is designed to help defend the country, but there is a nervous feeling among some educated Cambodians that Washington is not really interested in Cambodia itself—that this is only a sideshow of Vietnam.

This apprehension found some possible support from the testimony of the chairman of the U.S. Joint Chiefs of Staff, Adm. Thomas H. Moorer, to the Senate Appropriations subcommittee on foreign operations in Washington on Monday.

He justified the request for $209 million worth of military aid to Cambodia in the fiscal year beginning July 1 on the basis of the Vietnam war.

"ACTS AS BARRIER"

"An independent Cambodia acts as a barrier to the expansion of North Vietnam and contributor to the ability of the Republic of Vietnam to oppose North Vietnam's aggression and Viet Cong insurgency," Moorer said.

"Because of this, Cambodia's continued independence is very important to the success of the Vietnamization program.

"Any significant reduction in U.S. assistance to this country could well force the government to seek an accommodation with the enemy to include limitations on the aerial interdiction of the Ho Chi Minh trail, with deleterious effects on Vietnamization," Moorer warned.

Such statements raise questions here about whether the United States might continue to help Cambodia resist its own Communist threat if some settlement is reached in Vietnam.

TEAM HAS VANISHED

The questions themselves encourage a search for a compromise with the Communists here.

The U.S. government had thought it was working with an efficient team of Cambodian officials who were dedicated to the kind of anti-Communist stand which Washington sought. Now the team has vanished into the mystical workings of Cambodian politics.

The American Embassy here had tended to support that team, headed by the premier-designate, Sisowath Sirik Matak, even to the extent of encouraging its autocratic tendency to ignore the constitutional checks of parliament.

The abolition of parliament in October by Premier Lon Nol did not appear to faze the embassy.

PRESENT SITUATION

The continued collection of power by Lon Nol, who has now had himself elected president for five years, created the present situation of vaguely delegated powers and indecisiveness.

Sirik Matak was ousted from power in March as Lon Nol's right-hand man. It has since become clearer that the president's younger brother, Lon Non, was involved in getting rid of a man who had restricted Lon Nol's ability to wield the presidential authority for his own purposes.

Others who disappeared with Sirik Matak included Tim Nguon, who had supervised the economy, and foreign Minister Koun Wick.

ONE EXPERIENCED MAN

Officials at the U.S. Embassy say that only Hing Kanthel, governor of the national bank, is left of the experienced top officials who had been handling matters requiring close coordination with foreign governments.

Lon Nol has filled the gaps by giving titles and chauffeured cars to new people. In some cases jobs have been divided among several persons, with titles proliferating into a huge cabinet and staff of presidential advisers.

Many aspects of the government have bogged down in inactivity. This is particularly obvious in the economic sector.

In order to encourage farmers to grow more rice, the government has needed for some time to fix a new basic buying price for the crop. It has not done so.

Without the incentive which could be offered, farmers are not growing as much as they could. Cambodia used to export rice to pay for manufactured imports, but now cannot.

Actually, rice is an example of the fact that the Cambodian economy never seems to get quite so bad as expected—or so good.

It looked for a while last year as if rice-rich Cambodia would have to live on imported rice because of the war, but after only 20,000 tons came in, production began to cover needs.

On the other hand, it also looked as if exports, which had fallen from more than $75 million to about $10 million last year, would bottom out at the lower figure, but now they are running at an annual rate of only about $5 million.

One bright spot in exports is rubber, traditionally the second most important item.

One new rubber processing plant has begun operations and a second is being built. Compared with peacetime exports of 50,000 tons of rubber a year, there might be 10,000 tons this year and 18,000 tons next year.

No one asks too closely where the raw rubber is coming from. Much of it seems to be seeping out of Communist-controlled areas.

While exports are off, so are imports. One reason is that the Cambodian people seem to be saving much of the new money in circulation, which has helped avoid inflation.

U.S. aid was supposed to pay for vital imports, but Phnom Penh continues to look prosperous living off its fat, while little is coming in. The result is that U.S. aid has not been used very fast.

$110 MILLION APPROVED

The embassy here asked for, and Congress authorized, $110 million in economic aid for the fiscal year just ending. Only $37 million of it has been committed.

Now the administration is seeking $75 million in support assistance for Cambodia in the coming fiscal year and $12.3 million worth of Public Law 480 commodities.

With that straight-faced ability which appears in the same kind of situation next door in Saigon, U.S. officials explain that the reduced need for aid was a special case, but that the next request to Congress is really serious—every penny of it is needed desperately.

Whether Cambodia will know what it really needs, or how to use it, might come to depend on whether it gets its governmental machinery sorted out.

FIREARMS LOBBY OF AMERICA SUPPORTS ELIMINATING THE "SATURDAY NIGHT SPECIAL" HANDGUN

Mr. BAYH. Mr. President, it is encouraging to note that Mr. Morgan Norval national director of the Firearms Lobby of America, has come out in support of eliminating the "Saturday Night Special" handgun. The Firearms Lobby of America is a nonprofit association formed to influence firearms legislation. I commend Mr. Norval and his association for their stand on this issue of importance to us all.

Mr. President, I ask unanimous consent that Mr. Norval's editorial statement on WMAL–TV, June 3–4, 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MORGAN NORVAL, NATIONAL DIRECTOR OF THE FIREARMS LOBBY OF AMERICA

The attempt upon the life of Governor Wallace has brought forth a torrent of demands to abolish firearms, particularly handguns. It is ironic that the Liberal Politicians, and their allies in the news media, who heretofore have so bitterly attacked Wallace, now see in his personal tragedy an excuse to disarm law abiding Americans.

But as Governor Wallance said—even after the shooting—laws outlawing firearms will punish only the law abiding . . . the criminals will ignore them, just as they have ignored every other existing gun law.

No one disagrees with the need to find ways to end the senseless violence sweeping this nation. Political differences must be settled with ballots—not bullets.

What, then, can we do? We can eliminate the cheap, unreliable handgun, popularly known as a "Saturday night special." Secondly, the media must stop emphasizing violence in its programming, even though this may mean lower profits to them. Finally, our judicial system must stop coddling criminals. Existing laws against armed violence should be strictly enforced. Let's get the thugs off the streets.

ETHNIC HERITAGE STUDIES BILL PASSES CONGRESS

Mr. SCHWEIKER. Mr. President, the Ethnic Heritage Studies Programs Act has passed Congress, launching an important new Federal commitment to ethnicity and pluralism as positive forces in America.

Originally introduced by me in January 1971 as S. 23, the Ethnic Heritage Studies Centers Act of 1971, the bill was passed as section 504 of S. 659, the Higher Education Amendments Act of 1972, which was recently passed by both bodies of Congress and will shortly be signed into law by the President.

I have been most grateful for the bipartisan support for ethnic studies programs in the Senate and the House of Representatives, and also for the widespread support my bill has received from many individuals and groups around the country.

As the Office of Education develops guidelines for the implementation of this pilot program in ethnic studies, and as we begin work to achieve the goals of ethnic studies—self-identity, mutual understanding, and community cooperation—it is my fervent hope that all individuals and groups will be working closely together to insure that these ethnic studies programs begin in a positive, harmonious atmosphere.

Mr. President, I ask unanimous consent that the full text of the Ethnic Heritage Studies Programs Act, as passed by Congress be printed in the RECORD immediately following these remarks. In addition, I ask unanimous consent that the conference report on the Higher Education Amendments of 1972 relating to the Ethnic Heritage Studies bill, and a statement I issued on congressional passage of the bill, also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 659, "EDUCATION AMENDMENTS OF 1972"

ETHNIC HERITAGE STUDIES PROGRAM

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each program assisted under this title shall—

"(1) develop curriculum material for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program, in accordance with this title;

"(2) such program will involve the activities described in section 903; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commisioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

CONFERENCE REPORT 92–1085 ON S. 659, "EDUCATION AMENDMENTS OF 1972," MAY 22, 1972

Ethnic Heritage program.—The Senate amendment added a new title to the Elementary and Secondary Education Act authorizing grants for Ethnic Heritage Studies Centers. These Centers would develop and disseminate curriculum materials, and encourage and promote activities related to ethnic heritage studies. Grants would be made to nonprofit public or private educational agencies, institutions, or organizations. Applicants were required to consult with a local advisory council composed of representatives of ethnic groups and cultural and educational resources from the area to be served. A National Advisory Council on Ethnic Heritage Studies, appointed by the Secretary, was established to assist and advise the Commissioner in coordinating the program. Appropriations of $10,000,000 for fiscal year 1972 and $20,000,000 for fiscal year 1973 were authorized. Funds were to be used for establishing, equipping, and operating centers, but not for construction. There were no comparable House provisions. The House recedes making the following modifications in the Senate provisions.

(1) Deleting the authorization for fiscal year 1972 and reducing the fiscal year 1973 authorization to $15,000,000.

(2) The reference to "centers" throughout the amendment was deleted. Rather, there will be grants made for projects.

SCHWEIKER ETHNIC STUDIES BILL PASSES CONGRESS

WASHINGTON, June 8.—The Schweiker "Ethnic Heritage Studies Programs Act" passed Congress today United States Senator Richard S. Schweiker (R-Pa.) announced.

Final Congressional approval came as the House of Representatives voted in favor of the Conference Report on S. 659, the Higher Education Amendments of 1971, which included Schweiker's ethnic studies bill. The Senate approved the Conference Report on May 24.

Originally introduced by Schweiker as S. 23 in January 1971, the new Ethnic Heritage Studies Programs Act authorizes the Commissioner of Education to make grants for programs, development of curriculum material and dissemination of information and materials, relating to the history, cultures and traditions of the various ethnic and minority groups in our country.

Schweiker said, "The bill has been drafted to encourage the maximum coordination, cooperation, and participation in these programs of various ethnic and minority groups. It has been designed as a pilot program. One of the measures of its success will be how well various ethnic and minority groups work together in getting this program started," he said.

Schweiker said, "By passing this ethnic studies legislation today, the Congress is for the first time providing official national recognition to ethnicity as a positive, constructive force in our society today. The 'melting pot' theory of assimilation in our society is no longer working, and too many people in modern society have lost the important values of community, identity, traditions, and family solidarity," he said.

"The ethnic studies programs Congress has authorized today will be an important beginning to help encourage ethnic pride and ethnic identity. At the same time, the ethnic studies programs will emphasize comparative

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studies of ethnic and minority heritages so all persons can better understand each other. Hopefully, the resulting ethnic identity and mutual understanding can lead to greater communication and cooperation in all our communities," Schweiker said.

DELAWARE ACTS TO GAIN FINAL EPA APPROVAL OF ITS CLEAN AIR PROGRAM

Mr. BOGGS. Mr. President, the Environmental Protection Agency on May 31, 1972, approved most of Delaware's plan to achieve the national ambient air quality standards. Most State plans were approved only in part. Minor portions of the Delaware plan were not approved, primarily because Delaware law did not permit some of the necessary procedures.

Today, in the Federal Register, the EPA has proposed new regulations, which it must impose to bring a State plan into compliance if the State fails to modify its plan by the end of July.

Mr. President, while Delaware was among the States listed in the Register, I am assured the EPA will approve the Delaware plan, as revised, without the necessity of EPA promulgating its own plan.

This situation is clarified by some communication between Austin Heller, Secretary of the Delaware Department of Natural Resources and Environmental Control, and Edward Furia, EPA's Administrator for Region 3, which includes Delaware.

Specifically, correspondence from Mr. Furia points out that "we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved."

This agreement, which came only a couple of days after the May 31 decision, is to be applauded. I would like to quote one other portion of Mr. Furia's letter, which I believe is pertinent. He wrote to Secretary Heller that:

> Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

Mr. President, to allow Senators to gain a better understanding of the responsible and effective way in which Delaware has handled this situation, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Philadelphia, Pa.

Hon. RUSSELL W. PETERSON,
Governor, State of Delaware,
Dover, Del.

DEAR GOVERNOR PETERSON: This letter is to advise you of action being taken by the Environmental Protection Agency with respect to an implementation plan submitted by the State of Delaware under provisions of the Clean Air Amendments of 1970. The Environmental Protection Agency is authorized to approve or disapprove such implementation plans to the extent that they are consistent with the requirements of the amended Act and is directed to notify the States of changes needed to comply with the new regulations.

On January 28, 1972, you submitted an implementation plan for the attainment and maintenance of national ambient air quality standards for carbon monoxide, nitrogen dioxide, hydrocarbons, and photochemical oxidants in the Metropolitan Philadelphia Interstate Air Quality Control Region, and for sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, hydrocarbons and photochemical oxidants in the Southern Delaware Intrastate Air Quality Control Region. That implementation plan has been evaluated to determine the extent to which it is consistent with the amended Clean Air Act, as well as with the Environmental Protection Agency regulations setting forth national ambient air quality standards, which were promulgated April 30, 1971 and the regulations for preparation, adoption, and submittal of implementation plans, which were promulgated August 14, 1971.

Those portions of Delaware's implementation plan which are unapprovable are listed in the enclosure to this letter. On May 31, 1972, this enclosure will also be published in the *Federal Register*. A detailed evaluation of the implementation plan will be forwarded to Mr. Austin Heller, Director, Department of Natural Resources and Environmental Control. It specifies the changes necessary to make the plan fully consistent with present requirements. Section 110 of the Clean Air Amendments of 1970 provided that the necessary changes are to be made within 60 days after this notification. It would be appropriate to make the changes in accordance with the procedures set forth in the regulations promulgated August 14, 1971 and to submit them to the Environmental Protection Agency before July 30, 1972, which is the statutory deadline for submittal of revisions to plans for implementation of the national ambient air quality standards.

I am confident that Delaware can now move ahead to revise and correct its implementation plan to meet the requirements of the amended Act and the Environmental Protection Agency's regulations. You may be sure that every effort will be made to assist you in this important undertaking. Any questions you may have will be given prompt attention by our office.

I hope that I shall have an opportunity this July to fully approve the implementation plan you have submitted under the amended Clean Air Act of 1970. That will represent another significant step toward cleaner air for all of us.

Sincerely yours,

EDWARD W. FURIA,
Regional Administrator.

SUBPART I—DELAWARE

52.420 Identification of plan

(a) Title of plan: "State of Delaware Implementation Plans for Attainment and Maintenance of National Ambient Air Quality Standards"

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 11, March 10, and May 5, 1972, by the State of Delaware, Department of Natural Resources and Environmental Control.

52.421 Classification of regions

The Delaware plan was evaluated on the basis of the following classifications.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemica oxidants (hydrocarbon
Metropolitan Philadelphia interstate	I	I	I	I	I
Southern Delaware intrastate	III	III	III	III	III

52.422 Approval status

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for attainment and maintenance of the national standards.

52.423 General requirements

(a) The requirements of 40CFR51.10(e) are not met since the plan does not provide for public availability of emission data.

52.424 Legal authority

(a) The requirements of 40CFR51.11(a)(6) are not met. 7 *Del. Code* §6014 will preclude release of emission data to the public in certain situations.

52.425 Prevention of air pollution emergency episodes

(a) The requirements of 40CFR51.16(b) are not met since the plan does not specify two or more stages of episode criteria for carbon monoxide.

52.426 Review of new sources and modifications

(a) The requirements of 40CFR51.18(c) are not met since the plan does not provide for a means of disapproving construction or modification of a stationary source if such construction or modification will interfere with attainment or maintenance of a national standard.

52.427 Source surveillance

(a) The requirements of 40CFR51.19(b) are not met since the plan does not provide for periodic testing of stationary sources.

54.428 Attainment dates for national standards

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Delaware's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia interstate	A[1]	A[1]	A[1]	A[1]	A[1]	A[1]	B.
Southern Delaware intrastate	B	B	B	B	B	B	B.

[1] Proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTES

A. 3 years from plan approval or promulgation.
B. Air quality levels presently below secondary standards.

Mr. AUSTIN HELLER,
Delaware Department of Natural Resources and Environmental Control.

In the letter to you concerning approval of your State implementation plan, the table under 52.427 was unclear and apparently inconsistent with the Federally approved Delaware control strategy for sulfur oxides. In the column titled sulfur oxides, the primary date for the metropolitan Philadelphia Interstate region should be revised from "A" to "1/1/72" and the sulfur oxide secondary column should be revised from "A" to "1/1/73". State implementation plans approved by the administrator on May 31 supplement the portions previously approved by the administrator, notice of which was published Feb. 3, 1972, as part 52 of title 40 of the Code of Federal Regulation.

Those portions of State plans which have previously been approved are unaffected by the approvals published today our staff will meet with the State of Delaware in the near future to discuss the other difficulties concerning approval of the plan.

EDWARD W. FURIA,
Regional Administrator, Environmental Protection Agency, Region III.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Philadelphia, Pa., June 2, 1972.

Hon. AUSTIN HELLER,
Secretary, Delaware Department of Natural Resources and Environmental Control, Dover, Del.

DEAR SECRETARY HELLER: In my May 31, 1972 letter to Governor Peterson and subsequent news conference, I indicated that most aspects of Delaware's implementation plan required by the Clean Air Act of 1970 were approved. Certain sections were, however, not approved for one reason or another. A list of unapproved sections was printed in the Federal Register of May 31, 1972, and a detailed evaluation of these sections was forwarded to you. As a result of this morning's meeting, I feel we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved.

Federal requirements for the public availability of emission data and the legal authority to accomplish this release will be satisfied when legislation before the Delaware Legislature is passed and signed by the Governor. Requirements for the prevention of air pollution emergency episodes and the review of new or modified stationery pollution sources will be satisfied after a Commission hearing and approval of the required regulations. We have reached agreement on an approvable periodic testing statement.

Delaware was the first State in the country to secure approval of its primary sulfur oxide control strategy. The January 1, 1972 date for attainment of the primary sulphur oxide standard has been approved. Delaware's submissions are, however, unclear on the actual date when secondary sulphur oxide standards and national standards for other pollutants will be attained. As a result of this morning's meeting, I have concluded that Delaware's January 1, 1973 date for the attainment of secondary sulphur oxide standard is approvable. The January 1, 1972 date for the attainment of primary particulate standard and the January 1, 1973 date for the attainment of the secondary particulate standard is approvable. In addition, Delaware's control strategy for carbon monoxide and nitrogen dioxide is approved, with the latest date for attainment of the national standards being May 31, 1975.

Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

With kindest regards.

Sincerely,

EDWARD W. FURIA,
Regional Administrator.

SENATOR SCOTT'S RECORD ON HEALTH

Mr. SCHWEIKER. Mr. President, the principal goal of any Federal health plan should be to assure that no American family is barred from adequate care because of an inability to pay. Republican leader HUGH SCOTT, the senior Senator from Pennsylvania, has been a strong advocate of better health care since his early days in the House of Representatives.

Senator SCOTT is the author of a major health insurance bill designed to assure the availability of essential health services for all Americans. He has also supported efforts to reduce the cost of prescription drugs to consumers.

I ask unanimous consent that Senator SCOTT's record on health matters be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 34—To establish a National Cancer Authority with the priority to discover the method by which to conquer the menace of cancer.

S. 426—To amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S. 1182—To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations.

S. 1598—To provide health care insurance for people of the United States and to improve the availability of health services.

S. 1623—To amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan.

S. 1828—The Act to Conquer Cancer.

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. Con. Res. 52—Expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons.

Votes

Voted for the Conquest of Cancer Act.

Voted for the Health Professions Education Assistance Amendments of 1971.

Voted for the Nurse Training Amendments of 1971.

Voted on a resolution expressing the sense of Congress on Public Health Service Hospitals and Clinics.

Voted for the National Sickle Cell Anemia Act.

Voted for the National Cancer Act of 1971.

Voted for the Children's Dental Health Act of 1971.

91ST CONGRESS

Legislation

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2809—To extend authority to make formula grants to schools of public health.

S. 3316—To require the Secretary of HEW to study and to report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

S. 3418—To amend the Public Health Service Act to provide for making of grants to medical schools and hospitals to assist them in establishing special department and programs in the field of family practice and to encourage and promote the training of medical and paramedical personnel in the field of family practice.

S. 3443—To amend and improve the Public Health Service Act to aid in the development of health-care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development.

S. 4208—Family Physician Scholarship and Fellowship Program Act to lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country. Would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-shortage areas.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted for the Public Health Cigarette Smoking Act.

Voted to provide interim emergency coal mine disability benefits.

Voted for the Federal Coal Mine Health and Safety Act of 1969.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1969 (Hill-Burton).

Voted for Medical Facilities Construction and Modernization Amendments of 1970, to provide for each fiscal year the total of the loans which may be guaranteed that shall be alloted by the Secretary of HEW among the States on the basis of each State's relative population, financial need, and need for modernization of facilities.

Voted for Health Services Improvement Act of 1970 extending the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions.

Voted for the Family Practice of Medicine Act of 1970, providing additional appropriations for the purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice, and to encourage the training of medical and premedical personnel in the field of family medicine.

Voted to establish a National Health Service Corps authorizing pilot and demonstration projects for attempting to solve health manpower shortages in areas of critical need.

Voted for Communicable Disease Control Amendments of 1970 to provide financial assistance to the States to prevent the introduction, transmission or spread of communicable diseases in the United States from foreign countries and from interstate and intrastate sources.

Voted for Drug Abuse Prevention and Control Act of 1970.

Voted for the Occupational Safety and Health Act authorizing the Secretary of Labor by rule to promulgate any occupational safety and health standard for working men and women which is a national consensus standard or an established Federal standard.

Voted for Drug Abuse Education Act.

Voted for Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970.

89TH CONGRESS

Legislation

S. 3094—To provide for inspections of mines and quarries to obtain information relating to health and safety conditions, accidents and occupational diseases.

88TH CONGRESS

Legislation

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted for the Mental Health Act of 1963.
Voted for the Health Professions Educational Assistance Act of 1963.

88TH CONGRESS

Legislation

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

Votes

Voted for the International Health and Medical Research Act of 1959.
Voted to provide a health benefits program for government employees.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in a recent column in the Washington Post, Mr. Hobart Rowan attempted to show sharp differences of opinion between the AFL–CIO and the United Auto Workers in the area of trade policy.

There are differences in emphasis and on the wisdom of using import quotas, but their shared sense of urgency and their common need to bring the transnational corporation under some kind of control overwhelm all differences.

To set the record straight, Mr. Paul Jennings, president of the International Union of Electric Workers, wrote Mr. Rowan, pointing out the many similarities between the AFL–CIO approach and that of the UAW.

Because of the importance of clarifying this situation, Mr. President, I ask unanimous consent that Mr. Jennings' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 5, 1972.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: As President of an AFL–CIO affiliate which regards enactment of the Hartke-Burke Bill of great importance, I felt that Hobart Rowen's May 4 column, "UAW Points the Way" was misleading. He was so at pains to point out differences between the respective positions on international trade of the United Auto Workers and the AFL–CIO that none but the best informed reader would think there is any agreement.

I have read the UAW resolution referred to and find 95% of it in accord with the position of my union. To take some examples: We agree that a major source of trade problems "is the spread of international corporations;" that "union solidarity" is needed "to raise the wages of underpaid workers everywhere;" that "U.S. and Canadian workers are at a serious disadvantage . . . because of their governments' failure to maintain effective full employment policies" and that U.S. law should "assure prompt and effective action" against foreign dumping.

Of the UAW's specific proposals, we are in substantial agreement with most of them, from regulating ("requiring licenses for") foreign investments by U.S. corporations, through amending "the GATT agreement to include an effective international fair labor standards provision," to promoting Buy-American and Buy-Canadian among consumers.

Nevertheless, there obviously is a clear difference over the use of import quotas, which we demand, and the combination of temporary tariffs and adjustment assistance favored by UAW. Perhaps because the UAW's view coincides with his own, Mr. Rowen chooses to depict it as demonstrating courage, vitality and intelligence, in contrast to the "horse-and-buggy" thinking of the rest of us. This propagandistic characterization is completely wrong. Because of imports, my own union has lost at least 40,000 jobs since 1966. We have been seeking meaningful action for years. We have been to the Tariff Commission, the Administration, the courts and Congress. While we have gotten a great deal of sympathy, the problem has not been met, nor has it gone away. Quite the contrary, the monthly trade deficit statistics demonstrates that it is getting worse.

My union's abandonment of so-called free trade was based on much soul-searching. Its support of the Hartke-Burke Bill is grounded on painful experience in, and careful study of, today's world. With respect to quotas, we feel that such a direct approach is the only way to effectively deal with what we are facing. On adjustment assistance, our members want to work and they consider that device a form of dole that becomes a cruel mockery when there are no jobs at the end of the adjustment road.

I welcome the UAW resolution. I respect their view in those areas where we disagree. But I make no apologies. The plant closings and layoffs my members are suffering require none.

Yours very truly,
PAUL JENNINGS, *President.*

RANK-AND-FILE REVOLT

Mr. HANSEN. Mr. President, an interesting article entitled "Rank-and-File Revolt," written by Shirley Scheibla, was published in Barron's for May 29.

The article notes that there are 80 million people in America's labor force, and of these about one-fourth, or 20 million hold union membership. Of these 20 million, according to the article, about 83 percent are union members by compulsion as a requirement for holding their jobs.

The impact of this article is that, at a time when Congress is concerned with reform of election campaign practices, the overwhelming majority of America's union members are resentful that their contributions to the unions are distributed to political candidates whom the contributing union member may very well oppose.

The Senator from Arizona last year offered an amendment to the campaign spending reform bill that would have required withdrawal of the tax-exempt status from an organization collecting involuntary dues if part of these dues were diverted for political purposes. The amendment failed by a vote of 61 to 31. According to the Senator, that practice already was supposed to be illegal, and he has pointed out that continuation of such tax exemptions forces all taxpayers to subsidize the election campaigns of candidates endorsed by union leadership.

One of our great leaders, Thomas Jefferson, is credited with the following statement:

To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RANK-AND-FILE REVOLT—IT SEEKS TO END ILLEGAL POLITICAL SPENDING BY UNIONS

(By Shirley Scheibla)

WASHINGTON.—During the past few months, under a court order, accountants and lawyers for the National Right to Work Legal Defense Foundation have been pouring over the books and correspondence of the International Association of Machinists and Aerospace Workers (AFL–CIO) to determine the full extent of union political expenditures. The Foundation is acting as counsel for over a dozen employes of McDonnell-Douglass Corp., who say that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations and ideas they oppose. Plaintiffs charge that such a practice violates their civil rights under both federal statutes and the U.S. Constitution.

STRIKING TURNABOUT

In a striking turnabout for organized labor, which has long argued that it should be able to look at management's books, the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of IAM documents may now be revealed.

According to Contentions of Fact filed with the court by the plaintiffs on April 26, IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education (COPE) and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to Democratic (but not Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

In states where the law allows, IAM arranges to have its staff employes named as voter registrars. Moreover, "The IAM frequently lends its membership lists to members of Congress for dissemination of campaign propaganda, and, using its computerized voter classification equipment, prepares for candidates, on a precinct-by-precinct basis, so-called 'walking lists' of favorable voters in the candidates' districts."

Many IAM staff members work full-time on political action. The union gives dues money to such organizations as the League of Women Voters, National Council of Senior Citizens, Group Research, Frontlash, SCOPE and the AFL–CIO Voter Registration Fund. (The Machinist, published by IAM, has described Frontlash as an organization which recruits and trains "young people who have trade union orientation and then deploys them in get-out-the-vote drives." The publication also says Frontlash, the League of Women Voters and the National Council for Senior Citizens are liberal organizations which "can work with and support labor's causes." (SCOPE—the Southern Committee on Political Ethics—"played a significant part in the unions' anti-Wallace campaign," according to the book Financing the 1968 Election, by Herbert E. Alexander of the Citizens' Research Foundation.)

MADE UNDER DURESS

The so-called Seay case cited at the outset is part of a growing revolt against the spending of compulsory dues money and "voluntary" contributions made under duress for political purposes repugnant to many workers. Last March, W. A. (Tony) Boyle was convicted in Federal District Court here for making illegal political donations with funds of the United Mine Workers, including $30,000 to Senator Hubert H. Humphrey's 1968 Democratic Presidential campaign. On May Day, a U.S. District Court judge, after finding that he illegally used union funds and facilities to promote his own candidacy, set aside Mr. Boyle's re-election to the UMW presidency.

In 1968, Lawrence L. Callanan, business manager of St. Louis Pipefitter Local 562, and two of his associates received maximum sentences of one year in jail and fines of $1,000 for making political contributions to candidates for federal office. (The case has been appealed to the U.S. Supreme Court.) Other cases involving allegations of illegal political expenditures by unions are still pending. In addition to the IAM, they involve the United Auto Workers and the American Federation of State, County and Municipal Employes (AFL–CIO).

The outcome of the growing revolt of the rank and file could have a profound effect on the nation's political future. According to Sylvester Petro, law professor at New York University and widely-acknowledged authority on organized labor, unions command the most influential single voice in national policy-making, since more than half the members of both House and Senate owe their offices in large measure to such support. By conservative estimates, unions are expected to spend between $70 million and $100 million this year alone on politics.

HOLDING THEIR JOBS

However, the record suggests that union leaders do not speak for the majority of American workers. Out of a labor force of 80 million, only 20 million belong to unions. Moreover, the Bureau of National Affairs estimates that nearly 83% belong by compulsion as a requirement for holding their jobs. (Dr. Petro estimates that between 30% and 40% of union members are either Republican or Independent.)

Despite their lavish contribution and clout on Capitol Hill, union chieftains cannot always deliver the vote. According to Rep. Philip Crane (R., Ill.), unions spent an estimated $60 million on behalf of Senator Humphrey in 1968, while public opinion surveys showed that 44% of union members and their families opposed him. In 1970, Democrats Albert Gore and Ralph Yarborough were defeated in bids for the Senate, although, according to reports to Congress, they each received contributions of over $100,000 from organized labor. This year, despite the support of UAW leaders, Senator Edmund S. Muskie fared disastrously in the Democratic Presidential primaries. After noting George Wallace's recent victory in the Democratic primary in heavily-unionized Michigan, TV commentator David Brinkley declared, "We have discovered in Michigan that the unions may be able to deliver money, but they are not able to deliver votes."

NO COMPULSION

To judge by the record, union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures. According to AFL–CIO President George Meany: "You know, we have these laws on the books—and they have been there for many, many years—the Corrupt Practices Act and so forth—honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign."

But now a new force, the National Right to Work Legal Defense Foundation, has come on the scene. It was created three years ago as an adjunct of the National Right to Work Committee, which led the fight resulting in bans on compulsory unionism in 19 states. In its short life, the Foundation has made remarkable strides in supporting cases involving allegations of illegal political expenditures with compulsory dues money, and in opening to public scrutiny the ways in which union chieftains exert their political clout.

Such practices, the Foundation charges, not only flout federal statutes but also deprive a person of liberty and property without due process of law, as provided by the Constitution, and violate the Constitutional guarantees of freedom of association, conscience and political thought and action. As remedies, the Foundation is seeking withdrawal of tax exemption for unions which engage in such illegal and unconstitutional activities, refunds of dues money spent in such fashion, damages and exemption of damaged workers from future payments of union dues.

While federal statutes have prohibited political activity by corporations since 1907, a similar restriction was not imposed on unions until 1947, with passage of the Taft-Hartley Act. Until recently, unions have been able to get around the ban by insisting that their political activities are conducted entirely with voluntary contributions through such organizations as the AFL–CIO's COPE.

Unions have been extremely reluctant to open their books to show how they finance political activities. In the Street case, when employes charged that union shop dues rather than voluntary contributions were funding political activities, a superior court gave 15 railroad unions the choice of opening their books or exempting the protesting workers from all union shop agreements and refunding all dues they had paid under them. The unions chose the latter alternative in 1965, thus settling years of haggling.

In the aforementioned Seafarers case, the indictment accused the union of threatening seamen that they would lose their jobs if they refused to make "voluntary" contributions for political activities.

In the Seay case, Foundation attorney Raymond J. LaJeunesse Jr. told the court on April 18 that his examination of thousands of items in IAM's records makes it clear that the union engages in substantial political activity; however, it is impossible to determine the exact expenditures because some records have been discarded, while others have misleading classifications which do not accurately show political expenses. Plaintiffs are seeking a court order requiring the union to account properly for its expenditures with compulsory dues money, and to grant a permanent injunction against the compulsory payment of union dues by the plaintiffs.

COURT OF APPEALS

When the U.S. District Court in Los Angeles dismissed the complaint, Foundation attorneys went to the Appeals Court, which remanded the case for trial, stating: "The diversion of the employes' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and cause the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own conviction, their own ideas and support their own causes." A pre-trial hearing is scheduled for June 5.

In the Marker case, workers who pay compulsory dues to IAM and the United Auto Workers have asked IRS to withdraw tax exemption for the two unions because they illegally spend dues money for political activities. The Foundation says the case "was carefully designed along the same lines as that in which all-white private schools in Mississippi lost their tax exemption. The theory is that by allowing tax exemption to an organization denying individuals their Constitutional rights, the government is in support of that unconstitutional activity. Litigation on this theory successfully eliminated the tax exemption for the all-white private schools."

Offered as an exhibit in the case was a report by Americans for Constitutional Action on organized labor's contributions to candidates in the 1970 election. It showed that Democratic candidates for Senator, representative and governor received $4,153,746; while Republican candidates received $143,550.

REMOVE TAX EXEMPTION

Last November, Senator Paul Fannin (R., Ariz.) introduced an amendment to the Campaign Spending Reform Bill requiring that the IRS withdraw tax-exempt status for any organization collecting involuntary dues if any part was used for political purposes. Although he noted that the practice already was supposed to be illegal, the measure was defeated by a vote of 61 to 31. The Senator noted: "Of the 31 Senators who voted for the amendment, only two received union contributions in their previous election amounting to a total of $1,200.

"Of the 61 Senators who voted with labor on the matter, only nine had no reported union funds in their previous election. And of these nine, three had no opposition, and one was appointed. The 61 Senators . . . received a total of more than $2 million in their most recent election campaigns, and probably many times that amount in other funds, materials and services."

Senator Fannin says that by continuing tax exemption for all unions, IRS is forcing taxpayers to subsidize the election campaigns of union-endorsed candidates. "Right now industry is being out-gunned by the union bosses, and this fire-power is aimed right down the throats of the U.S. Congress. . . . We will never have a fair break for business or the public as long as unions are allowed to exact money from members to finance the campaigns of their chosen candidates."

The Marker case was started a few days after the defeat of the Fannin amendment. A letter filed as an exhibit shows how far union help to politicians may go. Dated November 3, 1970, it is from Guy Stubblefield, business representative of the IAM, to Floyd E. Smith, president of the IAM, and says, in part, "During the week of October 26 Brother Name and I organized our political activity in behalf of Adlai Stevenson III. All Lodge No. 1553 plants were handbilled on either Thursday or Friday, and leadership in the plants was encouraged to work in their own respective neighborhoods. Approximately 4,000 copies of the Adlai material furnished by the Machinists were distributed to and by IAM members. Additionally 3,000 copies of the Adlai material were furnished to other labor unions through the Central Body."

CLOSED BOOKS

The Foundation also is supporting the Gabauer case, filed last March, which charges top officers of the UAW with spending Community Action Plan fund money for political candidates and refusing to open the books of St. Louis Local 25 for inspection. It also contends that the officers use a substantial part of union dues and other assets to promote organizations and groups espousing and promoting ideological doctrines and causes the members oppose. These include the National Students Association, Students for a Democratic Society, Americans for Democratic Action, United World Federalists, DuBois Memorial Committee, Confederate Spanish Societies, New Mobilization for Peace, National Committee for a Sane Nu-

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clear Policy and United States Committee for Democracy in Greece.

Another suit backed by the Foundation and brought by 12 members of UAW Local 558 in Chicago seeks to force UAW officials to end support of these same organizations. According to Bernard W. McNamara, spokesman for the group: "The members of Local 558 are sick and tired of seeing their dues money spent on political and various left-wing causes which we oppose. It is not only a violation of federal law, but in the case of our local, it has been done contrary to an express resolution adopted by an overwhelming majority of the membership."

Plaintiffs also charge that $100,000 of dues money went to Adlai E. Stevenson III, resulting in his election to the Senate in 1970, and that an additional $100,000 of dues money was spent for candidates for the House the same year. The suit seeks an accounting of the funds thus spent and asks that the union officers be required to repay to the union treasury the money they allegedly unlawfully diverted.

LONG-RANGE GOAL

Long-range goal of the National Right to Work Committee is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed to the payers. Representative Sam Steiger (R., Ariz.) has introduced a bill, HR 11827, which would ban compulsory unionism. It is likely to stay bottled up at the largely pro-union Thompson subcommittee of the House Education and Labor Committee, at least for the rest of this session. The vote on the Fannin amendment indicates that such a measure would be unlikely to get through the present Senate. Recourse to the courts by the rank and file will take longer, but seems to be the only avenue open.

S. D. Cadwallader, national director of the Foundation, has been a voluntary member of the Order of Railway Conductors and Brakemen for 27 years. He says: "It seems to me that it is just a matter of time before the practice of using forced union dues for political purposes and ideological causes is ended by the federal courts."

ORAL ROBERTS UNIVERSITY

Mr. BELLMON. Mr. President, Oklahoma is the home of many outstanding institutions of higher learning. One of the newest and perhaps the most innovative of the public and private schools that make up the State's educational system is Oral Roberts University of Tulsa.

Named after the well-known evangelist who founded it, ORU has made remarkable progress during the 7 years since its modernistic campus sprang up in the open spaces in south Tulsa. The school has developed a national reputation not only in the academic world but in athletics as well, sending its basketball team into the finals of the NAIA tournament this year.

Mr. Roberts, who laughs easily at the many stories that are told about him, joked that his team was "outplayed and outprayed by St. John's."

The growth of Oral Roberts University and the impact it has made on education is the subject of an article in the New York Times of June 13. Because of the importance of the involvement of privately financed institutions in the educational process, which Oral Roberts University has so aptly demonstrated, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ORAL ROBERTS COLLEGE HAS GROWN IN 7 YEARS

TULSA, OKLA., June 12.—The president is a former tent evangelist and faith healer who never finished college. Faculty members are picked for their religious beliefs as well as their academic credentials. The central structure on campus is not a library but a shiny 200-foot space needle known as the Prayer Tower.

Under ordinary circumstances such ingredients would not seem conducive to the building of a major academic institution. But in the seven years since it opened its doors on 260 acres of farmland on the southern rim of Tulsa, Oral Roberts University has demonstrated that it is no ordinary institution.

Backed by the multimillion-dollar Oral Roberts Evangelistic Association and spurred by publicity from its nationally ranked basketball team, the coeducational liberal arts university has already grown from 300 to 1,800 students, earned a national reputation and built what will soon be a $48-million physical plant.

TECHNOLOGICAL PIONEER

The school has staked out a claim as one of a handful of major pioneers in the use of educational technology. Last year—only a year after the minimum waiting period for new institutions—it surprised skeptics by gaining full academic accreditation from the North Central Association of Colleges and Secondary Schools.

Forty per cent of the faculty members have earned their doctorates and although the school now gives only Bachelor of Arts and Bachelor of Science degrees—graduate programs have been postponed until the undergraduate program is stabilized—there are long-term plans for graduate programs in theology, education and business.

But perhaps most surprising, Oral Roberts has demonstrated that it is possible to run a modern university under traditional disciplinary methods and values.

Students are required to dress neatly, attend chapel and church and refrain from drinking, smoking and dancing on campus. They say "yes sir" to elders and astonish visiting teams by applauding when the visitors do well. Demonstrations are unknown, and those who dissent from administration policies are invited to leave.

"We make no bones about O.R.U. being for everyone," said Carl H. Hamilton, vice president for academic affairs, in an interview. "We take an *in loco parentis* approach and only want students here who accept our Christian life style."

Most students do, and many will tell you that in coming to Oral Roberts they have not only enrolled in an educational institution but joined a righteous cause. "It sounds crazy, but the feeling around here is glorious," said Gordon Schultz, a 20-year-old from Buffalo. "You feel that God is here."

FOUNDED BY PREACHER

The institution was founded by Oral Roberts, a 54-year-old Pentecostal preacher who during nearly two decades as a tent preacher achieved an international reputation for healing through prayer and the laying-on of hands.

Mr. Roberts says that the university was established to institutionalize and extend his preaching and healing ministry. Its basic philosophy is that education involves growth of the "whole man"—body, mind and spirit.

The evangelist, who recently joined the Methodist Church, is clearly the boss on campus. Despite a heavy television schedule, he involves himself in all major decisions and he even recruits players for the basketball team. Small signs on walls and desks carry optimistic slogans that he has made famous, such as "Expect A Miracle" and "Something Good Is Going to Happen to You."

The rapid growth of the university at a time when most existing private institutions are cutting back on expenses has been made possible by its special financial base, which is as broad as it is unconventional.

$5 CONTRIBUTIONS

Sixty per cent of the $4.6-million annual operating budget and nearly all capital funds come from the Oral Roberts Evangelistic Association, a nonprofit organization that coordinates Mr. Robert's television and publishing activities. Its hundreds of thousands of supporters, or "partners," generate an annual cash flow of about $17-million, mostly in contributions of under $5.

The academic program, which was originally designed by John D. Messick, a former president of Eastern Carolina College, revolves around a six-story Learning Center that includes a library with 176,000 items and classrooms equipped with modern elaborate technological resources.

In a report that was released earlier this month the Carnegie Commission on Higher Education called such methods "the first great technological revolution [in education] in five centuries." It urged the Federal Government to begin subsidizing the development of educational technology.

Though the financial base of the Oral Roberts Association has freed the school from many of the headaches of other private institutions, the rapid build-up and distinct character of the school have brought their own difficulties.

The initial problem—public awareness of its existence—has been solved largely by Mr. Robert's recent plunge into major television specials—a $3-million gamble—and by the creation of a basketball team that last year led major colleges in scoring.

"It used to be that I couldn't even get into good private schools to talk to prospective students," said Charles Ramsay Jr., director of admissions. "Now when I walk in a secretary is apt to ask how the team did last night."

Students gripe about the strictness of the dress code and curfew for coeds, and no one knows how much violation of the drinking and smoking regulations goes on off campus. Certainly there is some.

Such problems are minimized, though, by the fact that many students come from backgrounds where such standards are the norm. Two out of five come from Holiness or Pentecostal families, and almost all are Evangelical Christians.

RACE RELATIONS ARE GOOD

The basketball players, almost all of whom are black, have ocacsionally complained about the excessive evangelistic zeal of some students, but most say they like the nearly all-white campus because race relations are good.

"It was strange at first to have white people coming up and calling me brother," said Haywood Hill, a former starter from Manhattan whose scholarship has been continued even though his eligibility has been used up.

At the outset, members of the academic community, as well as most citizens of Tulsa, expressed doubt that a tent preacher would establish a quality school, but most have changed their minds. "They didn't hesitate to get good professional advice. They have come a long way, said Robert Kamm, president of Oklahoma State University.

Faculty members are expected to be Evangelical Christians and share Mr. Robert's basic philosophy, but this has posed no problems of academic freedom. Edward N. Nelson, a professor of zoology, noted that in a sensitive area such as evoultion he teaches "the same way I did at state schools."

University officials say that the remarkable success of the university is partly a result of good timing. "In the nineteen-sixties when the university was being planned there was a surge of support in the country for higher education," said Mr. Hamilton.

But others see a different explanation. "You look at this university and figure that seven years ago it was farmland," said Kenneth Trickey, the athletic director and basketball coach. "To me it's just a miracle. You ask how it came about. I just have to say the Lord did it."

ISRAELI AND EGYPTIAN AIRCRAFT CLASH

Mr. ALLOTT. Mr. President, the clash between Israeli and Egyptian aircraft over the eastern Mediterranean yesterday, coming just 2 weeks after the murderous terrorism at Lydda Airport, underscores an important point about the dangers inherent in the ongoing Middle East crisis.

Yesterday's air battle dramatizes the fact that the cease-fire in that region is too tenuous to rely on. The air fight also dramatizes the fact that the possibility of renewed fighting is—and must be—Israel's principle consideration as it struggles to provide for its own security.

The May 30 assault on Lydda Airport, in which three terrorists, hired by Arab extremists, slaughtered 25 innocent civilian travelers, reminds us of the nature of Israel's enemies, and tells us what Israel confronts by way of Arab fanaticism.

The Egyptian Prime Minister's reaction to the slaughter at Lydda Airport was to say that the incident demonstrated that Israel is not invincible. The Prime Minister's reaction demonstrated that his ignorance is invincible.

Israel faces, day by day, armed ignorance laced with cruelty. This should be remembered by all persons who undertake to give gratuitous advice to Israel as to how that nation can best provide for its own survival—and nothing less than survival is at stake.

In recent years Israel has been plied and belabored by suggestions—many, alas, emanating from the United States—that she should withdraw to the 1967 boundaries; that she should unilaterally withdraw to these boundaries which have been shown to be a threat to her security, and that having withdrawn to those boundaries, she should trust to the good faith, or the sense of justice, or something of the Arab nations to bring about a solution to the crisis.

I suggest that it would be irresponsible of Israel to do this, and that it is reprehensible for other nations to suggest that she do this. The bloodbath at Lydda, and the Arab states' reactions to it, is the most eloquent commentary on the standards of justice prevailing among Israel's enemies.

CLOSE OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The assistant legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BENNETT. Mr. President, we have an agreed limitation of time on this amendment, but I note that the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN), is not yet on the floor, so I ask unanimous consent that we may have a quorum call until the——

Mr. PASTORE. Mr. President, would the Senator desist so that I may ask a question of the Chair?

Mr. BENNETT. Mr. President, I withhold my request.

Mr. PASTORE. Mr. President, my impression is that we were going to begin consideration of the appropriation for HUD at 11 a.m. today. I wondered what happened to that?

The ACTING PRESIDENT pro tempore. That will be the first order of business after disposition of the pending amendment, under the previous unanimous-consent agreement.

Mr. PASTORE. Is there a limitation of time on that?

The ACTING PRESIDENT pro tempore. Yes, there is a limitation of time, of 30 minutes.

Mr. PASTORE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BENNETT. Mr. President, I renew my unanimous-consent request, since the manager of the bill is not on the floor yet, as I do not believe that we should begin controlled time until he is here.

The PRESIDING OFFICER (Mr. MANSFIELD). Is there objection to the request of the Senator from Utah? The Chair hears none, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I yield to myself such time as I may require.

Mr. President, is the amendment now before the Senate?

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 10, lines 5 and 6, insert the following:

"(1) In section 23 of chapter 2, relating to credit sales, strike out 'ten' and insert in lieu thereof 'twenty'."

On page 10, line 6, strike out "(1)" and insert in lieu thereof "(2)".

On page 10, line 8, strike out "(2)" and insert in lieu thereof "(3)".

Mr. BENNETT. Mr. President, S. 3390, which we have before us, does not take into account the President's request to extend the period of repayment on foreign military sales credit from 10 to 20 years. I feel that this is a mistake and so I am introducing an amendment to extend the repayment period to that longer term.

The bill provides support for our continuing security assistance program by recommending funding levels for various aspects of security assistance. However, it falls short of its intended target by failing to realistically view these matters in the context of all our security assistance objectives.

One of the more important of these objectives is to encourage those nations receiving security assistance through grants from the United States to assume progressively greater portions of their own defense costs as their economic capabilities increase. In other words, we are trying to phase the United States out of the grant MAP business. Yet, we must preserve our national interests overseas and continue to adhere in an honest fashion to our security commitments. We are trying to encourage development of those conditions which reinforce stability and thus assist our friends and allies to strengthen their own defense capabilities and become more self-reliant.

Some developing nations have been able to pick up their own defense costs at a greater rate than others. This does not mean that those who are not in as favorable a position will be left in the lurch. To ease the transition from grant programs to sales, the administration has attempted to substitute credit sales for grant military aid, followed eventually by a shift to straight commercial sales. I feel that there is no better way to insure the movement from grant assistance to credit and cash sales than by helping less fortunate countries with legitimate needs to be in a position to meet some of them through easy credit terms. This transition can be accelerated if the administration is permitted to offer easier credit terms selectively under the Foreign Military Sales Act. To help grant aid, recipient nations shift more rapidly to credit sales—and ultimately to cash—longer credit terms will mean a quicker reduction of grant military assistance as friendly nations are able to assume a greater share of their defense burden.

Increasing the repayment period will allow us to offer credit to certain countries whose balance of payments is not adequately strong to permit them to accept credit on commercial terms. This way we can also accelerate the movement away from grant MAP, secure in the feeling that we are still providing the right kinds and amounts of needed equipment.

I find the FMS credit program to be an essential aspect of our security assistance. Therefore, I see every reason to make this work on a broad and useful scale by legislating an increase in the repayment period.

I am confident that the administration will use such a provision on a most selective and judicious basis for countries unable to meet commercial terms but with the potential to begin assuming some responsibilities. Not all countries we are assisting will need—or get—20-year terms. But those who need it can get it, if this amendment is accepted. These

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naturally will be nations whose stability and security bear on our own interests.

Now, Mr. President, when we talk about the question of credit terms, we need to look at our competitors who are offering military equipment to the developing nations. These fall into two classes. The first are our friends in the free world. Our European competitors are offering credit terms now up to 15 to 20 years.

I can give two examples. France is offering to sell the Mirage aircraft worth $90 million on credit terms of 15 years, repayment at 5.5 percent. The best we could offer under the bill would be 10 years at 6 percent—the cost of money to the U.S. Government at the present time.

France is offering to sell $40 million of Mirage aircraft with repayment period of 14 years and credit at under 4-percent interest rate. In many cases the European sellers, in addition to offering a greater period for debt repayment and a highly concessionary interest rate, offer up to a 5-year moratorium period before the terms begin to run. Now, a 15-year credit term and a 5-year moratorium adds up to 20 years.

In addition to meeting the credit terms of competitors, our European friends are also helping to lighten the financial burden of the purchaser by spreading the repayment over a longer period of time, thus reducing the amount required each year.

Since the beginning of the foreign military sales program, no country—and I emphasize the words "no country"—has yet defaulted in its military sales credit repayment to the United States. All loans have been or are now being repaid as required and with the required interest.

So, we find ourselves competing with friendly free world nations who are already offering 20-year terms and interest rates lower than ours. However, there is another competitor. Of course, we do not know precisely what the Soviet Union deals may be with the countries to which they are selling the military equipment. But the reports we have received indicate that they are offering terms of 20 years or better, with no interest rate. There are many countries in the developing part of the world who might shift their allegiance on the basis of this kind of a competitive situation. I am not suggesting that we should meet these reported Soviet terms of 20 years' credit and no interest. However, I think it would be wise under the present situation to permit the administration to give terms of up to 20 years with the understanding, of course, that they would attempt to deal on a lower or shorter period of time with those nations that are in a position to work on closer terms.

Of course, it would be to the interest of the nations who might want to buy our military hardware to buy it and be able to pay for it in the shortest possible period, because that saves them on their credit costs.

But in the end, I think we may create problems for ourselves if we allow the European people and the Russians to outbid us. In order to meet that competition, we would fall back on a grant program instead of a loan program.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I have listened with interest to the presentation made by my good friend, the Senator from Utah. I just want to remind my colleagues that we are dealing with military credit sales. If we were dealing with other things that had to do with developing the countries, I feel certain that our committee would have been much more sympathetic. However, this matter concerns the sale of weapons and military supplies to developing countries.

The 10-year repayment provision was written into the law in 1968. And we have followed it ever since then.

Last year this same issue was before the committee and it rejected it. Again this year the proposal was made to extend the repayment period to 20 years and again the committee turned it down.

The Foreign Military Sales Act, the act under which these sales are made, restricts, as the Senator has said, to 10 years the maximum term for repayment on credit sales of arms and military equipment to developing countries. I stress that we are only talking here about developing—or poor countries, if you will. The rich countries, like those of Western Europe, Japan, or Australia, either pay cash or obtain credit for arms purchases through the Export-Import Bank. The Senator's amendment would extend the maximum repayment period to 20 years on credit sales to the developing countries, a program carried out by the State and Defense Departments.

The committee considered and rejected this proposal last year. It considered and rejected it again this year. It did so primarily because many members of the committee felt that the easing of the credit terms would give encouragement to poor countries to buy military equipment that they did not really need. Many members feared that a "buy now and pay over 20 years" policy would be too tempting to many countries whether or not there was a valid security need for the arms.

It is very doubtful that much, if any, military equipment has a useful life of 20 years—the repayment period proposed by the Senator. If the Senator's amendment is adopted, the buying country would be paying long after the tanks, airplanes, and guns had been sent to the scrap heap. I might point out that the Export-Import Bank's policy, I understand, is to allow a maximum of only 7 years for repayment on credits extended for military items. It allows only 7 years also on credits for purchase of commercial aircraft. So the Export-Import Bank, apparently, considers that the 10 years, allowed under the Foreign Military Sales Act now for the poor countries, is too generous for prudent bank arms sales transactions with the rich countries.

Mr. President, most developing countries of the world are already saddled with huge external debts that will be increasingly difficult to pay in the years ahead. Many recipients of U.S. foreign aid have already been forced to reschedule their debts. It is inevitable that the list will grow because the debts of the developing countries are growing over twice as fast as export earnings—a 14 percent per annum growth of debt as opposed to a growth of about 6.5 percent per annum in their export earnings.

In summary, the committee believes that a doubling of the repayment period on arms sales would give undue encouragement to poor countries to buy arms they may not need and thus saddle them with additional debts they can ill afford to repay.

For these reasons I regret to say that, representing the committee, I feel it is necessary to oppose the amendment.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. McINTYRE). The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, what countries have asked for 20-year terms on military purchases?

Mr. SPARKMAN. We do not have a list of the countries that have asked for such terms.

Mr. AIKEN. If no country has asked for it, why do we encourage it?

Mr. SPARKMAN. Perhaps the Senator from Utah has a list.

Mr. AIKEN. What countries have asked for it?

Mr. BENNETT. I do not know what countries have asked for it, but it seems to me that what we are dealing with here is not an automatic change in the pattern so that every country gets 20 years; we are dealing with flexibility which the State Department and the Department of Defense might have if they find a situation where it would be necessary.

Mr. AIKEN. I would say let us wait until we find out. We have a chance to sell hundreds of millions of dollars worth of commodities abroad on 10 years' time at a low rate of interest, of course, and many countries are permitted only to have 3 years' credit for the necessities of life and food supplies.

This looks a little funny to me with 20 years for weapons and only 3 years for the necessities of life. I realize there are different countries, but we do not know who will be on our team tomorrow, and it may be different countries. That is one of the unfortunate situations. If only we could look ahead and see.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENNETT. On whose time?

Mr. SPARKMAN. On my time.

Mr. AIKEN. I give up now and yield back any time that the Senator from Alabama yielded to me.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. We have discussed this many times in committee, not just the repayment terms but the whole question of military sales. I think I can say for the committee that we have always come up with the idea that we wanted to be very careful not to encourage an arms buildup by countries that probably do not need them and cannot afford them. I think that is the real reason for the committee's objection to an extension of the repayment period.

Mr. BENNETT. The Senator from Utah agrees we should not go out and sell arms just for the sake of selling arms, and we should not attempt to build up the military capabilities of these people.

The only real value of the amendment, as the Senator from Utah sees it, is the question of flexibility. It seems to me we should be able to entrust our own Defense Department and State Department with the decision as to whether or not in a given case it is wise to extend this extra benefit to a particular country.

But I can conceive of a situation in which, with the Soviets prepared to give 20 percent and no interest, we might find ourselves in a contest where we might seriously want the support of a particular country because of its geographical situation, its economic situation, or its leadership in a group, and find that this burden we have placed on ourselves might be a key one because I realize, as does the Senator from Alabama, that these developing countries play one country against another; they try to sell their loyalty for what they can get out of it. I just hate to see the United States put in a situation in which it cannot compete.

I do not feel that this amendment that I propose would automatically open the door to these things the committee fears and I share that feeling, but I do not feel we should rigidly put ourselves in a position where we cannot compete if that competition should become vital.

I realize in the totality of the situation in this contest between the United States and the Soviets, that this is a small consideration but I think it could be an important one and I think we would be wise to provide this flexibility under the circumstances.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. SPARKMAN. I am willing to yield back the remainder of my time and I would like to suggest——

Mr. AIKEN. I wonder if it would not be well to wait and find out who will be running our State Department and Defense Department next year, and in the meantime keep control in the hands of Congress.

The Senator from Utah has asked if we do not trust the people running our State Department and Defense Department. I do not know who is going to be running these Departments for more than a few months longer. It could be somebody very favorable to Hanoi for all we know now. I hope not. Let us keep control here for the time being and then see if we can afford to be more generous next year.

Mr. BENNETT. I remind my friends that the problem is not to be decided on a political basis. This is a question of basic policy. I would like to remind my friends again that one of the first objectives of this proposal is to make it possible to reduce the number of grants we are now giving and transfer them to long-term credit. If the long-term credit is not there and we find ourselves in a tight spot we turn to grants instead of credit.

Mr. AIKEN. But we have countries asking us to sell them food in large quantities, where we are only permitted to give three years credit.

It seems to me a bit incongruous to give 20 years credit on arms and military equipment and only three years on food. Of course, on some development loans we could go to 40 years and never get it back.

Mr. BENNETT. We give food away, too.

Mr. AIKEN. We have enough due from other countries now to pay off a good deal of our national debt, if we could collect it.

Mr. BENNETT. How is the transfer made from a gift to a sale? I think the chairman of the committee knows as well as I that it is to make sure terms on the sale are good enough so that the person who previously received the gift will be able to pay part of the costs.

Mr. AIKEN. What is in a name anyway? Credit by any name could smell as sweet as a gift to many countries.

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Utah. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLEN. Mr. President, I should like to pose a parliamentary inquiry. What is the amendment we are voting on?

The PRESIDING OFFICER. The amendment is amendment No. 1230 by the Senator from Utah.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

On this vote, the Senator from Louisiana (Mr. LONG) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator fron Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Vermont (Mr. STAFFORD) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Texas would vote "yea."

The result was announced—yeas 41, nays 36, as follows:

[No. 209 Leg.]

YEAS—41

Allen	Cranston	McIntyre
Allott	Curtis	Miller
Bayh	Dole	Mondale
Beall	Eastland	Pastore
Bellmon	Fannin	Percy
Bennett	Fong	Ribicoff
Bentsen	Griffin	Saxbe
Boggs	Gurney	Schweiker
Brock	Hansen	Stevenson
Byrd, Harry F., Jr.	Hruska	Taft
	Humphrey	Talmadge
Cannon	Jackson	Thurmond
Chiles	Javits	Tunney
Cotton	McGee	Young

NAYS—36

Aiken	Harris	Montoya
Anderson	Hart	Nelson
Bible	Hatfield	Pearson
Burdick	Hollings	Proxmire
Byrd, Robert C.	Hughes	Randolph
Case	Inouye	Roth
Cook	Jordan, N.C.	Smith
Cooper	Jordan, Idaho	Sparkman
Eagleton	Kennedy	Spong
Ellender	Magnuson	Stennis
Ervin	Mansfield	Stevens
Fulbright	Metcalf	Symington

NOT VOTING—23

Baker	Hartke	Packwood
Brooke	Long	Pell
Buckley	Mathias	Scott
Church	McClellan	Stafford
Dominick	McGovern	Tower
Gambrell	Moss	Weicker
Goldwater	Mundt	Williams
Gravel	Muskie	

So Mr. BENNETT's amendment was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily and so remain until the following business is disposed of.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 15093, on which a unanimous-consent agreement has been entered into limiting debate on the bill and amendments thereto.

The bill will be stated by title, for the information of the Senate.

The legislative clerk read as follows:

A bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices, for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation of the bill?

Mr. PASTORE. Two hours on the bill and 1 hour for each amendment, and a half hour for amendments to amendments.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the time limitation formula.

The PRESIDING OFFICER. The limitation is 2 hours on the bill, with a limitation of 1 hour on any amendment in the first degree, and a half hour on any amendment in the second degree, appeal, or debatable motion.

Mr. PASTORE. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, the pending measure provides new budget—obligational—authority of $20,583,370,000 which is $164,813,000 below the budget estimate, $864,880,000 above the sum recommended by the House, and $2,188,266,000 more than the sum appropriated in fiscal year 1972.

The committee has also provided the full budget estimates for the limitations on contract authority of the section 235—homeownership program—and section 236—rental housing assistance program—and the college housing program. For these items, the committee recommends $170,000,000, $150,000,000, and $7,000,000, respectively.

While the new budget—obligational—authority recommended by the committee exceeds the House allowance by $864,880,000, a considerable portion of this increase is due to the fact that the committee reviewed budget estimates that were not considered by the House. Because authorizing legislation is presently pending in the Congress, the House appropriated only $19,002,000 for comprehensive planning grants, while the budget estimate for this item was $100,000,000. The committee has included the full amount of the budget estimate because the required authorizing legislation, S. 3248, has already passed the Senate.

For grants for neighborhood facilities, the House included $36,000,000, which is currently authorized, and deferred consideration of an additional $4,000,000 that was requested for this item by the Department. The committee has included the full budget estimate of $40,000,000 for grants for neighborhood facilities.

The House did not make any appropriation to cover the special revenue-sharing program, for which $490,000,000 has been requested by the Department. Legislation which has already passed the Senate provides for the implementation of this program in fiscal year 1974, and similar legislation is presently pending in the House. Since the budget presented to Congress assumed that special revenue sharing would be included in the fiscal year 1973 bill, the committee has folded in the budget estimate for this program into two of the categorical grant programs that it is intended to replace; namely, the urban renewal program and the rehabilitation loan fund. For this reason, the committee has adjusted the budget estimate for the urban renewal program from the $1,000,000,000 initially requested to $1,450,000,000, thus allocating $450,000,000 of the $490,000,000 requested for the special revenue-sharing program to the urban renewal program. The remaining $40,000,000 requested for the special revenue-sharing program has been considered as a budget estimate for the rehabilitation loan fund.

The estimates considered by the committee and not by the House are enumerated as follows:

Urban renewal	$450,000,000
Rehabilitation loan fund	40,000,000
Comprehensive planning grants	80,998,000
Grants for neighborhood facilities	4,000,000
Total	574,998,000

I want to say at this juncture that while we have gone over the House figure, the greatest part of that increase is because of the items I have just enumerated. The net increase over the amount allowed by the House would be the difference between the 864,880,000 of new budget—obligational—authority recommended by the committee, minus the $574,998,000 in estimates not considered by the House, making a total addition of committee recommendations over the House allowance of $289,882,000.

For the Department of Housing and Urban Development, the committee considered overall budget estimates of $4,657,807,000 and recommends an appropriation of $4,464,186,000. This sum is $193,621,000 below the budget estimate and $753,098,000 above the amount recommended by the House.

For the National Aeronautics and Space Administration, the committee recommends the sums of $3,431,650,000, which is $82,440,000 more than the House allowance and $24 million above the budget estimate. In this connection, the committee has earmarked funds in the bill, amounting to $24 million, which are to be used solely for aeronautical research in the fields of noise abatement and aviation safety.

For the National Science Foundation, the committee concurs with the House and recommends an appropriation of $619 million, which is $28,418,000 below the budget estimate.

The committee has also concurred with the House and made available for general purposes the $9,500,000 appropriated in fiscal year 1971 and allocated for first-year graduate traineeships. In addition, the committee has made available for general purposes $21,700,000 which was appropriated in fiscal year 1972, including $21 million earmarked for science education support and institutional improvement for science. Under the committee recommendations, there will be available to the National Science Foundation in fiscal year 1973 a total of $650,200,000, or $2,982,000 more than the estimate of new budget—obligational—authority.

The committee has also earmarked in the bill a total of $58,800,000 for science education improvement, $7 million for institutional improvement for science, and $9,200,000 for graduate student support.

For the Veterans' Administration, the committee recommends an appropriation of $11,906,620,000, which is $83,722,000 above the budget estimate and $29,342,000 above the sum recommended by the House. The committee has concurred with the House and made an addition to the medical care appropriation of $54,580,000, and has added $28,342,000 to the appropriation for the construction of hospital and domiciliary facilities. The complete list of the hospital projects to be funded is enumerated in the committee report.

The bill also provides funds for the Federal Communications Commission, the National Aeronautics and Space Council, the Office of Science and Technology, the Renegotiation Board, the Securities and Exchange Commission, and the Selective Service System.

Mr. President, this concludes my brief floor statement and I will be happy to answer any questions that Senators may have concerning the items in the pending measure.

Mr. JAVITS. Mr. President, may I ask the Senator, in view of the fact that perhaps I have the only amendment which will be made to the bill, whether he would object to a short quorum call to let Members know?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. Without objecton, it is so ordered, the time will be equally divided, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PASTORE. Mr. President, I yield myself such time as may be necessary.

At this time, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments will be considered and are agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 23, after the word "by", strike out "$55,000,000" and insert "$170,000,000"; and, in line 26, after the word "by", strike out "$25,000,000" and insert "$150,000,000: *Provided*, That the increase in limitations made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, line 14, strike out "$2,700,000" and insert "$7,000,000: *Provided*, That the increase in limitation made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, after line 16, insert:

SPECIAL RISK INSURANCE FUND

For payment to the Special Risk Insurance Fund to cover losses sustained by the Fund in carrying out mortgage insurance operations as authorized by section 238 of the National Housing Act, as amended (12 U.S.C. 1715z-3), $35,000,000.

On page 4, after line 15, insert:

SPECIAL ASSISTANCE FUNCTIONS FUND

For payment as authorized by law to the Special Assistance Functions Fund to restore capital impairment resulting from operations authorized by section 305 of the National Housing Act (12 U.S.C. 1720), $100,000,000.

On page 5, line 12, after the word "for", strike out "$17,621,000" and insert "$21,621,000".

On page 5, line 22, after "(40 U.S.C. 461)", strike out "$19,002,000" and insert "$100,000,000"; and, in line 23, after the word "expended", insert a colon and "*Provided*, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 6, line 17, after "(42 U.S.C. 4521)", strike out "$5,000,000" and insert "$10,000,000".

On page 7, line 7, after "(42 U.S.C. 3301)", strike out "$500,000,000" and insert "515,000,000".

On page 7, line 14, after "(42 U.S.C. 1452a)", strike out "$1,000,000,000" and insert "$1,450,000,000"; and, in line 21, after the word "therefor", insert a colon and "*Provided further*, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 8, line 4, after "(42 U.S.C. 1452b)", strike out "$50,000,000" and insert "$90,000,000".

On page 8, line 8, after "(42 U.S.C. 3103)", strike out "$36,000,000" and insert "$40,000,000"; and, in line 10, after the word "expended", insert a colon and "*Provided*, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation."

On page 9, line 5, strike out "$20,059,000" and insert "$25,159,000".

On page 9, line 19, after "1968", strike out "$46,000,000" and insert "$60,000,000".

On page 12, line 18, after the word "Administration", strike out "$2,550,000,000" and insert "$2,624,900,000, of which $24,000,000 shall be available only for aeronautical research in the fields of noise abatement and aviation safety,".

On page 13, line 1, after the word "law", strike out "$69,760,000" and insert "$77,300,000"; on page 14, at the beginning of line 12, insert "(21) $5,540,000 for modification of manufacturing and final assembly facilities at undesignated locations;"; in line 13, after the amendment just above stated, strike out "(21)" and insert "(22)"; in line 15, after the word "locations", strike out "(22)" and insert "(23)"; and, in line 17, after the word "locations", strike out "(23) $6,000,000" and insert "(24) $8,000,000".

On page 16, line 5, after the word "exceed", strike out "$28,600,000" and insert "$29,243,000"; in line 15, after the word "than", strike out "$18,000,000" and insert "$7,000,000"; in line 18, after the word "than", strike out "$71,000,000" and insert "$58,800,000"; in line 20, after the word "than", strike out "$20,000,000" and insert "$9,200,000"; on page 17, line 8, after the word "individual", strike out "And provided further" and insert "Provided further"; in line 11, after the word "traineeships", insert "and $21,000,000 of the amount heretofore appropriated in fiscal year 1972 and allocated for Science Education Support ($16,000,000) and Institutional Improvement for Science ($5,000,000),"; and, in line 15, after the word "appropriation", insert a colon and "And provided further, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 17, line 24, after "$7,000,000", insert a comma and "to remain available until expended"; and, on page 18, line 2, after the word "currencies", insert a colon and "*Provided further*, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 21, line 19, after the word "information", strike out "$28,237,000" and insert "$29,237,000".

On page 22, line 12, after the word "more", strike out "$107,118,000" and insert "$125,993,000".

On page 22, line 25, after the word "Construction", strike out "$48,331,000" and insert "$57,798,000".

On page 27, line 1, after the word "exceed", strike out "$163,586,000" and insert "$170,586,000".

On page 28, line 4, after the word "of", strike out "$8,700,000" and insert "$9,106,000"; and, on page 30, line 9, after "$17,923,000", strike out the colon and "*Provided further*, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board in this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location: *And provided further*, That no part of the funds made available for administrative or nonadministrative expenses by this Act shall be used in connection with acquisition of land, constructing or leasing new quarters for the Federal Home Loan Bank Board."

On page 30, line 23, after the word "exceed", strike out "$514,000" and insert "$649,000".

Mr. PASTORE. Mr. President, I now yield to the distinguished Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I should like to ask the manager of the bill about the National Science Foundation appropriation. The administration request was $647,418,000. According to my colleagues at the University of Wyoming this was cut by the committee to $619 million. Is that correct?

Mr. PASTORE. That is absolutely correct. But there were also unused funds from appropriations of previous years that were reappropriated by the committee. The House allowed $9.5 million of the unused funds to be used for general purposes. The Senate committee increased this amount by $21.7 million, which were earmarked in the 1972 budget and not used for the specific purposes. Thus, as a result of the House and Senate committee action an additional $31.2 million of new budget—obligational—authority has been made available to NSF making a total of $650.2 million available in fiscal year 1973, which is about $3 million more than the budget request.

Mr. McGEE. What the Senator says, then, is that, instead of actually going to the $647,418,000, the committee has made available a total of $650,200,000; is that not correct?

Mr. PASTORE. That is right. The committee has funded a program of $650.2 million in fiscal 1973.

Mr. McGEE. This clears up that point, and I will so report to the University of Wyoming.

I thank the distinguished Senator from Rhode Island very much.

AMENDMENT NO. 1231

Mr. JAVITS. Mr. President, I call up my amendment No. 1231 on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$225,000,000".

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, first, may I say that, as always is the case with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT), they have brought in a bill which, in many respects, could not possibly be produced by anyone else. They are both dedicated to doing everything humanly possible within the public domain to deal with the vast problems of the Department of Housing and Urban Renewal.

I do not wish in any way to intimate by proposing this amendment that I am other than satisfied not only with the good faith but, far more than that, with the driving ambition of the Senator from Rhode Island and the Senator from Colorado to do all they possibly can with the committee in respect of this particular appropriation.

The fact is, whereas the section 236 appropriation left the other body with $25 million, allegedly because the other body had not yet considered the authorizing legislation, it comes to us now with $150 million—certainly a much larger sum.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, the Senator from New York, as he has already said, and the Senator from Colorado and myself, have a great interest in these programs. They are worthwhile programs. No matter how great we make it within the capacity of the Government to pay for it, I am afraid the situation is such that we just cannot do enough.

The House allowed only $25 million for the section 236 program. The budget estimate was $150 million. The House action was promised on the ground that no authorization was passed, and as of today no authorization has passed. I understand that the Senate has passed an authorization of $225 million and the subcommittee of the House has approved $200 million. Of course, I do not know what figure will ultimately come out of conference.

I want to suggest this to the Senator from New York, and I have already discussed it with the Senator from Colorado (Mr. ALLOTT), that he will modify his amendment to make it $200 million instead of $225 million, we will take it to conference.

Mr. JAVITS. Mr. President, I do so gladly. I modify my amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself to make the amount $200 million, which was the appropriation for fiscal 1972.

The PRESIDING OFFICER. The amendment is accordingly modified.

The amendment, as modified, reads as follows:

On page 2, line 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$200,000,000".

Mr. JAVITS. Mr. President, I know the pressure of time, and I know that this amendment as modified will be accepted by the Senate. However, I hope the Senator allows me to spread some of the facts on the RECORD to sustain the conferees in conference.

Mr. President, I will not ask for a roll-call vote for impressive purposes, because I know that the Senators will fight for it in conference all they can.

Mr. President, the amendment proposed by Senator KENNEDY and myself would add $50 million to the committee appropriation of $150 million for section 236 to raise the total to $200 million. This is not quite up to the full amount authorized in S. 3248 which has passed the Senate, but has not yet been acted upon in the House. The House committee only allowed $25 million since no authorizing legislation had yet passed when this bill was considered. I believe it is imperative that we increase the funding for the 236 program which I consider the most important and far reaching of the housing production programs.

The 236 program was created by the 1968 Housing Act and has been largely responsible for the fact that a record number of subsidized housing units were built last year. There have been some problems with the 236 program in the housing management area and in the process of approving applications. There has also been some problem with nonprofit and limited-dividend sponsors, some of whom have proven too weak to do an adequate job with particular projects. However, the problem in the 236 program has not been as extensive as those in the 235 program which the committee has funded at the full authorized level of $170 million taking into account the passage of S. 3248.

While the 235 program is useful in many areas of the country, it applies to single-family homes and not to multifamily units. Thus, most large metropolitan areas throughout the country have to rely heavily on the 236 program to build subsidized housing. In New York and other States this has been especially true. The 236 program has been used to fund city-sponsored projects, State-sponsored projects, and private projects with good results. The 236 program is also available for rehabilitation and in S. 3248 the Senate approved an amendment which I offered to use 10 percent of the funds in the 236 program for rehabilitation. Therefore it is necessary that adequate moneys be available for the 236 program.

In Secretary Romney's testimony before the committee he indicated that they were taking positive steps to do something about the problems which have arisen in the 236 program. These steps include review of architectural fees, and the use of housing consultants, closer check on construction costs and greater promotion of long-term project ownership and management. Both the Senate and House committees have complimented HUD for its own investigation of the problems with this program and have urged the Department to carry through with its reforms. I believe that HUD will carry out its responsibility under this program and that abuses and failures pale in comparison with the underlying housing need.

We need to focus on the tremendous implications for the future of this Nation of our failure to provide shelter for every American. How many have experienced the utter devastation of Brownsville in Brooklyn, the blocks upon blocks of abandoned structures. Or, the sight of families squatting in South Bronx tenements during the bitter winter without heat or other essential services? Have they seen the victims of lead poisoning, or rat bites, or pictures of babies frozen in their cribs, or the frightened faces of old people helpless and entrapped in squalid, darkened rooms? Have they seen the young children playing in the debris of burned-out shells of buildings or amidst the garbage of rubble-strewn lots? If they ever took the time to absorb these sights, as I have as have other Senators, they would never rest in good conscience until financial resources were found equal to the enormous tasks which confront us.

Unfortunately, for those who must endure such intolerable housing conditions as a daily factor of their lives, there is so little opportunity to convey the true facts to us in Washington. In fact, so little housing has actually been built or rehabilitated in most depressed areas that the national debates now raging around "housing for the poor" must seem, to those who are even aware of it, like a theater of the absurd.

But, there is another voice emerging in this country with which those who would destroy federally assisted housing efforts will soon have to contend. This is the hard-working, middle-income family who traditionally asks for little and receives even less from the Government. In large sections of my State and other States like it, if you listen closely, you will hear from these taxpaying citizens a rising plea for relief from spiraling housing costs and deteriorating housing conditions that are forcing them in increasingly large numbers—and against their will—from the urban centers. You will hear them calling futilely in economically/ethnically mixed neighborhoods for just a little Government help to be able to preserve their homes and their communities. You will hear them louder and louder each passing day demanding their nuggets of that scarce housing subsidy which is threatened with extinction.

I am convinced that the present deemphasis of the subsidy programs, reflected in the administration's appropriation requests, is attributable as much to their costs as to the reported abuses. The OMB has calculated that the cumulative cost of the Federal subsidy programs will eventually amount to as much as $6 to $8 billion based on present levels of production. But, is this such a high price relative to the astronomical long-range cost of a crash replacement program to save our vital metropolitan nerve centers which will face the next generation? Is it such a high price in view of the incalculable toll which the present housing crisis of exacts from the physical and psychological health of those millions of families who must endure subhuman housing conditions? Is it such a high price compared to the major contribution which widespread housing deterioration now plays in the erosion of morale tearing our cities apart? Is it such a high price compared to exotic weaponry for war?

In my home city of New York we have banks with $38 billion of assets. There are 225 savings banks in the city moving into this field. The commercial banks will follow. This is really the greatest aggregation of capital on earth. Indeed, David Rockefeller, the president of Chase National, was able to advocate a national program of $10 billion for housing rehabilitation so great are the resources which these financial institutions represent.

I simply cannot, nor can anybody else, do anything now in the field of middle- and moderate-income housing unless we are able to crank in adequate section 236 funding.

If we do want the private sector to activate itself, as it undoubtedly can in an unusual way to realize a greater housing effort than we have ever been able to make thus far, this is the way to do it.

Increased funding for the 236 program has been advocated by all those organizations who have been concerned with housing problems in this country over the years. These include: The American Institute of Architects, the National Association of Homebuilders, the National Housing Conference, the National Association of Housing and Redevelopment Officials, and numerous State and local housing officials.

We should not lose sight of the fact that in 1971 we produced 445,000 new low- and moderate-income units as compared to no more than 50,000 as recently as 1967. In fact, during the past 3 years more subsidized housing for low- and moderate-income families has been provided than in the preceding 30 years. This is substantial progress and we should not be stampeded into reversing this progress. I strongly urge the committee and the Senate to increase the funding for this extremely valuable program to $200 million.

I am very grateful to my colleagues on the committee. They have made a real contribution. I am only making this argument in the hope that they will be fortified in their own convictions and will be able to persuade the members of the conference committee from the other body of the necessity for participation in this effort which is so important for the construction of low- and moderate-income housing.

Mr. KENNEDY. Mr. President, I join with Senator JAVITS in proposing an increase in the level of appropriations for the construction of low-income rental units.

Section 236 of the Housing Act has been the basic provider of low- and moderate-income rental units in this Nation; it follows from the 221(d)3 program as an effort by the Federal Government to make good on its commitment to decent housing for all of our citizens.

While there have been internal problems with this program, pointed out in both the House investigation and the Senate Antitrust Committee's activities, action has begun to correct the administrative difficulties and to insure its future successful operation.

What is clear however is that this program has succeeded in producing housing units for those sectors of our population who are most in need. It has provided housing to the poor and near-poor and it has sought to provide housing that young couples just starting out can afford.

Also, it seems clear that if we are to assure the low- and middle-income families of this land adequate housing, this is one of our most basic programs for that purpose.

While I would commend the Appropriations Committee and Senator PASTORE, who, as always, has acted with thoughtful concern and leadership in fashioning this measure, I believe that the need can be demonstrated for increased funding for this program at the level authorized by the Senate earlier this year.

I recognize that the Senate Appropriations Committee has approved substantially more than the House, $150 million rather than the $25 million in the House bill. I believe we still must move even further, both in terms of the need and in terms of our priorities.

Providing adequate housing remains one of the basic responsibilities of our society and this program is a key element in the fulfillment of those responsibilities.

I would hope that the chairman could be able to accept this increase in appropriations and I would hope the amendment as modified to provide for an increase of $50 million, raising the level to $200 million, will be adopted.

Mr. ALLOTT. Mr. President, will the Senator yield me 3 minutes, or as much time as I require?

Mr. PASTORE. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator from New York for his statements. I am very happy to join with the chairman of the committee in accepting the amendment as modified.

I thought a word or two might be appropriate at this time, particularly due to the experience we had last year. I hope we have it under control now. It is true, wherever there is a lot of money generated, and there is a lot of money generated and business activity generated by this fund, but wherever there is money generated we find a fast buck artist. We had numerous examples of this called to our attention and called to the attention of the committee in the House. I think it is particularly to the credit of Secretary Romney that he got into this, found it out, and actually curtailed his program until he could get control of it.

There is another feature in here that the Senator will be happy about. We have added some personnel here to aid the Secretary to take care of more inspections and auditing procedures to take care of such pitfalls in the future.

So far as I am concerned, I support the amendment and the appropriation.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield to me for a colloquy?

Mr. PASTORE. I yield.

PAYMENTS TO PUBLIC HOUSING AUTHORITIES

Mr. JAVITS. Mr. President, on behalf of the Senator from Massachusetts (Mr. BROOKE) I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. BROOKE) may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR ADEQUATE OPERATING SUBSIDIES IN PUBLIC HOUSING

(Statement by Senator BROOKE)

Mr. President, an issue of growing importance to many members of both the Appropriations Committee and the Committee on Banking, Housing and Urban Affairs is the need for adequate operating subsidies in the low-income public housing program.

Opposition to the concept of operating subsidies in this area initially centered on the lack of fiscal control over the spending policies of local housing authorities. It was felt that these Authorities had little incentive to hold down costs, when they were permitted to come in at the end of their respective fiscal years requesting reimbursement on an after-the-fact basis. I, too, shared this concern. Federal resources should not be used to subsidize badly-managed projects.

On the other hand it should be apparent by now that holding these projects in a precarious financial status will not induce the implementation of efficient and effective management techniques. In many of the urban projects, the price of "economy" in this area has been paid in human terms by the children, families and older Americans who can least afford the reduction or elimination of vital support services. I have walked through many of these projects. I have talked with many of the administrators and the tenants. Psychiatrists and other medical doctors have shown me documented case histories of children who have suffered permanent damage which can be attributed to their unhealthy and violence-ridden environments.

All of us are concerned over the effective use of federal resources. Yet I am confident that none of my colleagues wishes to allow budgetary considerations to overshadow the health and safety of individuals who cannot afford decent housing in the open market.

Fortunately, we are not left with an either-or situation. Under the able leadership of the Secretary of Housing and Urban Development, George Romney, and his Assistant Secretary for Housing Management, Norman Watson, a number of effective and up-to-date management techniques have been implemented. To name one, they have insti-

tuted the forward-funding concept. In essence, this means that badly-managed housing authorities can no longer come in at the end of their fiscal year asking for a blank check to cover their wasted expenditures. Now they will be required to submit their proposed expenditures at the beginning of the year and to submit them to the careful scrutiny of HUD's management specialists. I am confident that these and other imaginative approaches will result in a fiscally-sound low-income housing program.

The Appropriations Committee has recognized that the Administration's 1973 budget request for operating subsidies of $170 million is woefully inadequate. The Administration no doubt recognizes that their calculations, made some time ago, will not allow them to do the job requested by Congress in the Committee Reports accompanying the Housing and Urban Development Acts of 1969 and 1970 along with specific language in the 1970 Act itself. The Committee Report accompanying the appropriations currently in question recognizes this inadequacy and has urged the Administration to revise their calculations in the nature of a supplemental request at an early date.

Because of my own concern in this area, I joined my colleague and Chairman of the Committee on Banking, Housing and Urban Affairs, Senator Sparkman, in requesting Secretary Romney to furnish us with his best estimates as to our actual needs in this area, along with his recommendations as to alternatives that we might consider when we go to Conference on this year's housing legislation. I am hopeful that we will have that information shortly.

Mr. President, rent-to-income limitations in public housing are no less important today than they were in 1969. Low-income families cannot afford such necessities as food and clothing when they are forced to pay 30, 40 and even 50 percent of their incomes for shelter. At the same time, local housing authorities should not be penalized as they struggle to provide low-cost housing that is safe and decent.

We must not rest until the problems in this area are satisfactorily resolved. We must do all that we can to see that these problems receive the attention they deserve, and the programs likewise receive the funding they deserve.

Mr. JAVITS. Mr. President, I wish to call attention to that part of the committee report which relates to operating subsidies in low-cost public housing. The report states that HUD allotted $170 million for these payments. The committee itself considered this amount grossly inadequate and invited the department to submit a supplemental request to cover the cost when an accurate estimate of what they will be in the coming fiscal year may be obtained.

The range of the estimate is as high as $497 million with a minimum of $320 million.

In view of the magnificent participation over the last few years in this matter by the Senator from Massachusetts (Mr. BROOKE), in the whole public housing question and especially operating deficits of the local housing authorities, he wishes to be sure that attention is called to the great need that exists and to the urgency of HUD coming to the Congress to ask for the needed funds.

Mr. President, I have engaged the distinguished manager of the bill in this colloquy only for the purpose of emphasizing the fact that we expect HUD to do what is needed in submitting these more accurate estimates, and we believe it essential that some facts and figures be available from a congressional point of view so that we can appropriate the needed funds as soon as possible.

Mr. HRUSKA. Mr. President, I join with the junior Senator from Massachusetts (Mr. BROOKE) in expressing the committee's concern that the Department of Housing and Urban Development submit a supplemental appropriation request to cover the costs of low-cost public housing when an adequate estimate can be obtained.

The $170 million requested by the Department for housing authority operating subsidies is expected to fall far short of the ultimate outlays required. The question is not whether additional funds will be required in fiscal year 1973 above the level provided in the bill before us, but the amount. Firm estimates should be available in several months.

The Omaha Housing Authority, a well-managed and cost-conscious activity, is one of many public housing authorities throughout the Nation that face fiscal crises due to recent congressional actions aimed at easing the rent burdens of welfare recipients, and due to departmental changes in housing authority reserve levels. These changes have merit, but increased operating subsidies will be necessary during the coming fiscal year to preserve the fiscal integrity of the well-managed housing authorities.

Mr. PASTORE. Mr. President, I call to the attention of the Senate page 11 of the committee report, midway down on the page where it is stated:

> The Committee has noted that the Department has requested only $170,000,000 for operating subsidies for low-cost public housing and it believes that this sum is going to fall far short of the ultimate outlays required for this purpose. Consequently, the Committee urges the Department to submit a supplemental request to cover these costs when an accurate estimate can be obtained.

I might say to the Senator from New York that, if they neglect in doing it, we will bite the bullet ourselves.

Mr. JAVITS. I thank the Senator. It occurs to me that as part of the debate on the amendment there should be included the statement of the committee which appears on page 6, which reads as follows:

> The Committee concurs with the House and urges the Department to carefully screen applicants for the construction of Section 236 projects, and admonishes the Department to pay particular attention to the deficiencies pointed out in the House investigative report.

Mr. President, I note on pages 6 and 7 of the committee report that no money has been provided for the various types of counseling services contemplated by HUD. The committee report states that there was no budget request for counseling services this fiscal year and that there seems to be some confusion on the part of HUD as to what kinds of services they are willing to support. A report is requested by the end of this year from HUD on this situation.

Testimony at the hearings indicates that of the $3.25 million appropriated by the Congress for counseling last year, very little will be spent in the current fiscal year. Because of this HUD did not ask for additional money specifically for counseling but has indicated that funds from the research and technology appropriations which the committee has set at $60 million will be used for counseling programs. This seems to be quite a strain on the research and technology budget since the Congress has recommended that HUD get deeply involved in experiments in housing allowances, housing abandonment and lead-base paint. These are three very important areas and will use up a large amount of that budget. Thus, we cannot be sure how much of the research and technology money will be left for counseling programs.

I believe that the situation with regard to counseling services is shocking in that so little effort was made this year to implement either the 237 homeownership counseling program or any of the other counseling or technical assistance programs. If we are to make our housing programs work, it is necessary to provide homeowners and tenants with the know-how that will enable them to take care of the housing provided them. Unfortunately this is not being done.

I would like to vigorously support the committee's call for a review and report of the situation and I urge HUD to begin implementing programs to provide counseling services as soon as possible. This is one area which should not be neglected as it has been.

Mr. PASTORE. Mr. President, the Senator from New York is absolutely correct. The committee felt we do need counseling services. It is spending 1 penny to save a dollar. There is no question about that. We have had instances where there have been abuses and sometimes there has been neglect where people were not properly counseled.

This was called to our attention by the Senator from Indiana (Mr. HARTKE). We explained it to him. It was called to our attention by the Senator from Illinois (Mr. PERCY), who has several amendments in regard to this, which I hope he will not pursue.

But I assure the Senator from New York, the Senator from Indiana, and the Senator from Illinois that we were very cognizant of this fact and we included $10.4 million under the research and technology appropriation for improved operation and management of existing housing, which includes counseling services. We made it clear in our report that we would like to have a report from the agency with respect to counseling service and how they use the money, by December 31, 1972.

I assure the Senator from New York, the Senator from Illinois, and the Senator from Indiana that in the event the Department falls short in providing funds for counseling services I will be the first one to recommend that funds be included in the first supplemental that comes along.

Mr. JAVITS. I thank the Senator.

Mr. PERCY. Mr. President, I have asked simply for funding for an authorization for $12.5 million. If I were assured that the entire $10.4 million enumerated on page 223 of the committee memorandum would go for counseling against section 237 and section 235, that is, counseling for poor credit risks under FHA insured loans, and counseling for section 235 low income control, for debt management, budgetary and relating counseling services, then the difference between $10.4 million and $12.5 million I would not worry about.

I am concerned that this is under a "research" area. It is lumped with other things. It is under research and technology. We do not really need research at this point. We know what happens when a person fails to make payments. He needs help. We know what happens when a building starts deteriorating and it is insured by FHA.

We know that the deterioration is such that it is not going to live out the life of the mortgage; that some counseling is needed for that family to live with the piece of property that is now theirs.

I fail to see why this has to have more researching and testing. We know what is there. We know we are losing millions of dollars. The Federal Government is becoming a slum housing owner. We need to move into this area in a massive way.

If $10.4 million were marked specifically for this program, as authorized since 1968—we have had the program since 1968—then I would be perfectly happy, but I would not want to see the money used for a lot of other things not anticipated, so that only $1 or $2 million would be left over for this purpose.

Mr. PASTORE. Let me point out that this is, first, for improved operation of family housing; second, housing management training; third, comparison of various management methods to develop improved management; and fourth, counseling services.

I want the Senator from Illinois to understand that both the Senator from Rhode Island and the Senator from Colorado look kindly upon the argument he makes. The only trouble is that the administration never asked for it. They never submitted a budget estimate. For the life of me, I cannot understand why, because, after all, as was pointed out, this involves spending one penny for counseling to save one dollar. Counseling is absolutely necessary, not only to teach people how to manage their funds, but also to take care of the appliances, which many tenants have seen for the first time.

Nevertheless, the administration never asked that we put it in.

All I am saying is, rather than complicate it further, because this will complicate the issue, if we cannot get by with it in conference, if experience in the next few weeks or few months shows these services are not being provided, the Senator from Colorado and I will be the first to help the Senator from Illinois sponsor his amendment.

Mr. ALLOTT. Mr. President——

Mr. PERCY. Mr. President, may I respond directly to that? I would like very much to hear from the Senator from Colorado, because we have discussed this in the past. The Johnson administration did request this money—$4.9 million to start with—but it was never funded by the Appropriations Committee.

Mr. PASTORE. Of the House.

Mr. PERCY. Yes, and there was a position of rigidity against it in the House. I talked with them about that. I have not been able to convince them. I said, "What you are doing is costing hundreds of millions of dollars." I have analyzed it and seen the need for it. It has made me weep to see the waste of Federal money. $10.4 million goes into public housing management and all kinds of counseling. HUD auditors went in and analyzed the 235 program. This is what the auditors found when they looked at the program:

> ISOLATED ARRANGEMENTS FOR COUNSELING BY NONPROFIT GROUPS ARE INSUFFICIENT
>
> In the absence of funding of section 237, except for isolated arrangements for counseling by non-profit groups, there has been no existing arrangement which insures that the buyer who needs counseling receives it. We found deplorable conditions in many of the homes we visited, including numerous instances of solvenly housekeeping and lack of reasonable care of property that could have been prevented with even a minimum amount of counseling oversight. If marginal mortgagors are to be successfully housed under section 235, both presale and postsale counseling is required.

What more can we do than to ask Government auditors to look into it? And they report back this kind of condition.

As recently as last night—I feel I can say this—I was talking with Mrs. Romney, who knows a good deal about these programs. I said, "Why do you think certain aspects of these programs have failed? We have, fortunately, housed over 1 million low-income people, in 235 projects who are getting along well, but we have a group of perhaps 10 percent who have failed to make the grade. Why do you think that is so?" She said to me, "In my judgment because of lack of counseling."

Mr. PASTORE. Yes; but her husband never sent up a budget estimate. Maybe she ought to speak to her husband.

Mr. PERCY. He must realistically look at the House refusal to fund this part of the program since 1968. He must also deal with OMB. I have talked to our colleagues in the House. We have tried to get funds from them for this part of the program. I think our obligation is to fight for those funds in the Senate, and then take the matter to conference.

Mr. PASTORE. The Senator is absolutely correct, but is he surprised about why we did it the way we did, in view of what happened in the House?

Mr. PERCY. I am not surprised at all.

Mr. PASTORE. Let us not give our hand away.

Mr. PERCY. I am sympathetic but must be persistent.

Mr. ALLOTT. Mr. President, I am sympathetic to what the Senator from Illinois is attempting to do here. May I make a suggestion to him? If he will read what we have written under "Nonprofit Sponsor Assistance" and under "Counseling Services." I think he will get a strong indication of what the situation was. We have gone to conference several times with counseling money—I cannot say how many times, but we have done it—and have been rebuffed by the House in an absolutely flat refusal.

There was no budget request for this amount. Therefore, any item that goes in here will be above the budget.

In addition to the usual feeling of the House, whatever that has been, we also hit the block immediately that we have an item in here above the budget, and this puts an additional burden on the chairman and myself to try to carry it.

Let me offer a very practical suggestion to the Senator. I would be tickled to death to see an item come up from the Office of Management and Budget for this, and I can see a budget item for it, but I will say to him very frankly that when we went into this matter in the hearings, or attempted to, because it was not a budgeted matter the replies we got were extremely unsatisfactory. They had not anticipated going into it, so it was not on their list. So we did not get any real feeling of how to go about this and the best way to run these counseling services.

My own feeling, and I suggested some language which was included in the report last year, was that, as far as possible, we ought to utilize organizations which have already established their identity and integrity in this kind of counseling. I am thinking of family services and church societies and civic societies, and organizations of that kind which are already established.

The last thing I want to see, and I am sure the last thing the Senator wants to see, is to put money into the bill and then have a bunch of so-called—and I say so-called—nonprofit organizations spring up in every city and say, "We are the professional counseling services for 236 and 235." In other words, we would spend the money, but we would not get the counseling. This is the sort of thing we were trying to get them to define, and I hope we can.

As far as I am concerned, if we get a budget item for this and we can get a definitive statement from HUD, I would not mind providing money for this purpose in the first supplemental bill. Preferably, I would not want to do it now, because we will never get it in conference, and I do not want to get a defeat over there based on budget conisderations also, when we have enough to go on, if we can overcome the reluctance to consider counseling services at all.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. This is so important a matter that I think it should be discussed. I would be perfectly willing to write a personal letter, signed by both of us, pointing out to Mr. Romney how we feel about this item and saying we would like to know what he is going to do with the $10.4 million in the 1973 budget. Further, we would point out that we feel so strongly about counseling that we would like him to submit a budget estimate for it, and let him take it to the Office of Management and Budget.

All we can do is take the horse to water; we cannot make him drink. But if we can get an estimate on this, we would be in a much better position, because when we originate items in the Senate, we always run up against the jurisdictional question with the House of Representatives, and the fact that they did not consider it and no budget estimate was ever made, will weaken our

case. I am afraid we would not get to first base. The best thing that could happen to us here is to get an estimate.

Mr. ALLOTT. And not to take a defeat at this time.

Mr. PASTORE. That is right.

Mr. PERCY. Mr. President, I always like, of course, to be guided by the judgment of my senior colleagues as to the best procedure to use. However, as the distinguished Senator from Colorado knows, I have been fighting this battle ever since the Housing Act of 1968 was adopted. I was an author of portions of section 235. My original proposal was cosponsored by every single Republican. And many colleagues on the Democratic side, led later by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Minnesota (Mr. MONDALE), agreed that this program had to be implemented.

But I begged and pleaded that we not put a program in without oversight authority being provided, that we not put it in without some mechanism to insure that the money we were pouring into this program, in a new form of experiment in housing, not be put in with the same old FHA approach, because that is the agency that redlined all these areas out in the cities. We were always willing to put money into the suburbs, which has stabilized them, but that left nothing for the cities but high-rise slum tenements which we put up in the name of misguided benevolent Federal public housing.

Mr. President, I regret to say that we simply have not faced up to the problem. We have the same sort of problem with hunger. I just had to recess the nutrition hearings we are holding on a $250 million nutrition bill which was initiated in the Senate. Originally the House was not too enthusiastic about keeping the nutrition experimental project alive, but so enthusiastic has the House now become on this program for feeding the elderly that it has now authorized the full $250 million: $100 million for fiscal year 1972; $150 million for fiscal year 1973.

But we had to take the leadership on that program. We cannot always be governed by what the Bureau of Management and Budget wants. It is not omniscient, and does not always have a feel for the mood of the country which I think we, as elected officials who must keep in touch with our constituents, do have. OMB officials do a marvelous job, and I wholeheartedly support them, but I do not think they have the contact we have with the people of this country.

Mr. President, let me cite a specific instance of what is going on.

I have here a proposal prepared by Sister Katherine McDonnell of Housing Counseling Services, Inc. of the Urban Rehabilitation Corporation and the American Federation of Community Credit Unions in Washington, D.C. This is a first-rate response to HUD's request for a program of concentrated counseling for delinquent or defaulting mortgagors in the District of Columbia prepared by a dedicated and experienced homeownership counselor. It provides for a sympathetic and far-reaching counseling program for an estimated 280 families over the next 2 years. HUD praised the proposal, but insisted that Sister McDonnell revise her budget downward from the original estimate of $240,000. Sister McDonnell cut all conceivable corners and managed to win commitments for reduced rents, among other things. Her revised 2-year budget was for $108,000. HUD told her she could get no more than $50,000. This would emasculate a highly promising quality program. I say we must provide HUD with the funds to support programs of the quality of Sister McDonnell's program and similar ones which I am concerned are being scaled down in extent and coverage.

Here we are, in the Nation's Capital, with 182 families the mortgages of which are in foreclosure largely, I believe, for lack of counseling. But others could be saved. Other families could be prevented the indignity of being driven out of their homes, and with the counseling services offered by an absolutely outstanding, nonprofit group. With assistance and help, they are willing to put their time and energy into it; all they need is some seed money. HUD simply has cut them down to the bone in this area.

Mr. President, our homeownership programs for low- and moderate-income families are currently the subject of much controversy and criticism and I have led some of it. Secretary Romney himself has stated that the programs have been subject to widespread fraud and abuse by fast-buck artists and unscrupulous operators who have been taking advantage of both the unsophisticated homebuyer and the overburdened taxpayer. Grand jury investigations are under way in several cities and several score indictments have been handed down in New York City alone. Congressional committees on both House and Senate sides have been attempting to sort out the reasons for the problems in these basically sound programs.

The Wall Street Journal editorially echoed the statements of the HUD auditors:

> By leaving the (homeownership) programs to operate virtually unregulated at the whim of private interests—the real estate brokers, the mortgage companies, the marginal repairmen—the FHA opened the door for enormous abuses. Unlike the more educated middle-income buyer, the poor desperately needed counseling and a public agency to protect their interests.

HUD's reluctance despite warnings to request funds to carry out its own auditors' recommendations is incomprehensible. Moreover, I cannot understand the Department's long-standing reluctance to make operational the separate counseling programs which Congress authorized for 235 and 237 buyers. I believe we must move today to remedy this situation.

Mr. President, many of my colleagues have been extremely critical of the foreclosure rate under the homeownership programs that operate in the inner city. They note that HUD may soon become—if it is not already—the Nation's No. 1 slumlord—at great expense to the taxpayer. It is my firm belief that by investing $12,500,000 in counseling services today, we can save the taxpayer untold millions tomorrow.

I want to quote from Sister McDonnell's analysis of the costs of foreclosures and, by implication, the benefits to be gained from a counseling program:

> For most low-income families home ownership is a new experience. Their past experience as rental-tenants did not prepare them for knowledgeable home ownership. The consequences of foreclosure to the mortgagor are: the loss of his equity in his home which may represent a higher investment than his rental housing expense; the difficulty in obtaining replacement housing with a bad record of default; the increased cost to him in money and psychic energy; the future difficulty of obtaining credit. According to a study by the Federal Home Loan Bank Board, the lending institution must incur added administrative expense, the loss of interest and principal, the expense of taxes, utilities, maintenance, and legal fees to finalize foreclosure. The costs to HUD include executive and administrative costs, the loss of mortgage insurance premiums, and the problems of property abandonment and the acquisition of unwanted houses, which need to be maintained. The municipality suffers the loss of tax revenues. The community in which the home is located is affected by abandoned homes which are often vandalized, and which tend to create a chain reaction of poor maintenance, deterioration of other homes, delinquencies and further defaults as other homeowners see neighborhoods deteriorating and give up their effort to maintain a property which is obviously becoming less valuable. These reasons give strong motivations to all agencies concerned to reduce the rate of foreclosure.

I believe these reasons argue persuasively for the adoption of my amendment to the pending appropriations bill.

Mr. President, I believe that groups such as Housing Counseling Services, Inc. understand the problem better, as a nonprofit group, than FHA ever did. They would never, nor would the National Home Ownership Foundation as originally conceived in our legislation, ever have permitted the real estate brokers and dealers to manipulate and engage in downright fraud, as they have, and stolen blind the Federal Treasury for lack of oversight responsibility. It is as if we did not have the GAO.

What would we do without the GAO? We have not had that kind of oversight responsibility in this area, and I think it is terrible to apply the large sums of money going into this program, and then fail, for lack of a few million dollars, to exercise oversight.

So I really feel compelled to call up an amendment I have prepared on this subject. I feel that I would be irresponsible if, once again this year, I just sort of left it to the Bureau of Management and Budget and HUD, and to the House of Representatives, where we have not had the kind of receptivity to this idea that we should have had.

My amendment has two parts: The first provides $5,000,000 for counseling services authorized by section 237(e) of the National Housing Act, the second provides $7,500,000 for counseling services under section 235 of that act.

Homeownership counseling to assist low- and moderate-income families to become and remain homeowners was authorized by the Housing and Urban Development Act of 1968. HUD has never requested funds to implement these programs, but Congress provided $3,250,000 for a section 237 counseling program last year. No funds were requested for either 235 or 237 counseling for fiscal year 1973 and none were included in the House-passed bill or the version reported by the Senate Appropriations Committee. My amendment corrects this glaring deficiency in the bill before us today.

HUD's present policy is to encourage qualified State and local agencies to provide counseling and consumer education to potential purchasers of housing insured under various FHA homeownership programs. These agencies are not paid for their services, although they do sign contracts with HUD. No area office is required to supply counseling.

I recently asked Secretary Romney—whom I hold in highest regard, whose job is a most difficult one, and whose sense of priorities I generally support and want to help strengthen—how the funds appropriated for fiscal year 1972 for a section 237 counseling program had been expended. He replied to my query in the following way:

> The $3,250,000 for counseling services appropriated for fiscal year 1972 will be used over the next two years. A portion of these funds will be used to demonstrate whether delinquent or defaulting 235 or 237 mortgagors can avoid foreclosure by receiving financial management and homeownership counseling. In addition, funds will be used to develop a contract for training staff and volunteers of counseling agencies and to evaluate the entire counseling program. Training materials will be prepared in conjunction with this portion of the counseling support activities.

Mr. President, I was concerned to note the Secretary's use of the future tense in writing about funds which were provided for use in this fiscal year. Even if we assume that Congress intended the funds it appropriated for a 237 counseling program to be used for demonstrating and evaluating improved counseling services provided by State and local agencies—and this certainly was not my understanding last year—I doubt it intended a 2-year program that was to be activated only in the 10th month of the fiscal year.

Yet, Mr. President, it was not until late April that HUD issued its Requests for Proposals—RFP's—for the activities the Secretary referred to in his letter to me. And I wish to note that the RFP makes a persuasive case for a continuing counseling program. It states that the contractors' work:

> Shall be part of HUD's effort to develop a continuing program to meet the urgent need for counseling assistance for lower-income families who are delinquent or in default on their mortgage payments.

Now, I do not wish to denigrate what the Department is trying to accomplish here. Indeed, my amendment would allow it to mount an even more intensive demonstration and evaluation program. Apparently it does not have enough money available to fully fund the proposals which have been submitted to them.

Mr. PASTORE. Of course, we cannot prevent the Senator from Illinois from bringing up his amendment, but I thought we were both on the same side. I do not want to be in the position of winning the battle and losing the war.

There is no question, at all, that if we were to agree to the Senator's amendment, we would go to conference with this proposal and it would be knocked out, and we would jeopardize our chances in a supplemental appropriation later. It is a matter of pragmatism, and that is all. All I am saying is that, after all, this is not the ultimate day. We are in accord. The Senator from Colorado and the Senator from Rhode Island are in accord that unless something happens here to justify everything that the Senator from Illinois has said, we will put it in the supplemental, and in the meantime we will see if we cannot get a budget estimate.

The name of the game here is to get the money, not to make a speech. I agree with everything the Senator has said. There is no greater proponent of this proposition. But I do not want to have the Senator put it in here and have us move to lay it on the table. I think that would prejudice our cause, and inasmuch as we have provided for counseling services already under research and technology—all right, maybe it does not belong there, but that is where it was in the budget, and so we left it in there.

The point is, do we want counseling money, or do we not want counseling money? Do we want to make a test case of it here in the Senate, then go to the House of Representatives and get it knocked out in conference, and maybe prejudice our case later? I leave that up to the Senator. We have gone through that before.

Mr. PERCY. Mr. President, I would like to go along with my colleagues, if I can have the assurance that they will be working allies with me, because I absolutely know their own hearts would be in the program. If I can have that assurance, that we will be working together in the way the Senator has suggested in this area, then I certainly will not put the amendment in today, and will do everything I can to assure that the Secretary works with us and not against us in this area.

Mr. PASTORE. I assure the Senator, and I think my colleague from Colorado will agree with this. I have asked the director of our staff to write a letter to Secretary Romney, calling his attention to this colloquy that has transpired today, and that we are very much interested in this item, and would hope he would respond with a budget estimate in this category in time for it to be acted upon.

Mr. ALLOTT. In the next supplemental.

Mr. PASTORE. In the next supplemental.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I am very pleased that the matter has eventuated this way. I would have joined with Senator PERCY had he decided to move forward with his amendment, but I agree with him, having raised the question myself, that this is the proper course, and will give him all the backing he has requested.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. Mr. President, let me say this: With me, it is not a question of what I want, but it is a question of being utterly pragmatic about the technical and political situation we find ourselves in with respect to this amendment, and that is all it is. It is not a question of what I want.

I have supported this proposal before, and I shall again, but I join with my friend from Rhode Island in saying I think we are far better off to leave it this way than to push an amendment. No matter what the outcome of the amendment on the Senate floor, we would certainly lose it in conference. There is no way we could keep it this time.

Mr. PERCY. I respect the judgment of my colleagues, and I certainly will accede to that position.

Mr. PASTORE. I thank the Senator.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman, Senator PASTORE, first of all, for the opportunity that I had to talk with him about the matters that I wish to raise at this point prior to this matter coming to the floor of the Senate.

All veterans in the United States who know what they have accomplished are deeply grateful to Senator PASTORE and Senator ALLOTT for all they have done to increase the funds available and to strengthen the programs available for medical assistance for veterans. During the last 2 years, for fiscal years 1971 and 1972, with their leadership, their help, and their constructive attitude, $376.1 million have been added over the administration request for medical care for veterans.

With the 1973 budget as reported, we actually will have increased the hospital staffing for veterans' medical care by 20,000, over these 3 years, which is a tremendous increase and goes a long way to meet the great needs that have been brought to the attention of the Nation and to the attention of Congress during the past 3 years, beginning some 3 years ago, when it was found that medical care for veterans was lagging far behind what was owed to those veterans.

Last month, I presented detailed testimony to the Appropriations Committee regarding current needs that were not yet met. I ask unanimous consent to have that testimony printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON, U.S. SENATOR FROM CALIFORNIA

Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to testify before you again, this year, on the FY 1973 budget for the Veterans Administration.

You will recall my testimony the last two years on the FY 1971 and 1972 VA budget requests, respectively. On each of those occasions I differed sharply with the sufficiency of the budget request, especially with respect to the hospital and medical program. For FY 1973, I am happy to say, I find the VA budget

request to be by and large relatively sufficient under existing statutory authorities. My presentation, therefore, will only highlight certain matters that I wish to bring specially to your attention.

At the outset, I want to note my great appreciation for the courtesy and cooperation which the distinguished Subcommittee Chairman (Mr. Pastore) and the ranking minority member (Mr. Allott) have extended to me over the last two years and your enormous assistance, Mr. Chairman, in bringing the VA medical and hospital program to a level on which an adequate FY 1973 budget could be built. Through our efforts together we have appropriated a total of $376.1 million more in the last two fiscal years over the original budget requests. With the funds in the Medical Care item in the FY 1973 budget request, this effort could culminate by 1973 in an increase of about 20,000 health care workers in VA medical facilities since FY 1971. I have one caveat on this score which I will state shortly.

MEDICAL CARE

Average daily patient census

For FY 1972, the Appropriations Committees in both Houses wisely recommended and the Congress adopted a requirement in the appropriation act that the VA must maintain an average daily patient census (ADPC) of at least 85,500. The O.M.B. did not permit the VA to start implementing this requirement until approximately last October, and the census rose 1000 in November and by February (monthly 83,662) had climbed more than 4000 above the September level (79,567). Thus, your legislative action effectively broke the O.M.B. arbitrary ceiling of 79,000 and the ADPC for all of FY 1972 should end up in the 82,000 to 83,000 range (it was 80,826 cumulatively in March).

I believe some kind of Congressional action is necessary to set a minimum annual ADPC in view of O.M.B.'s action last fiscal year and the danger it may decide to repeat this action if left to its own devices. The FY 1973 budget request is generally premised on an ADPC of 83,000. Thus, if an 85,500 minimum were to be imposed again, approximately $55 million would need to be added to the Medical Care item to maintain the present staff-to-patient budget projection of 1.49 to 1. I do not believe it would be wise to impose a census floor without providing adequate additional funding to support the increase.

In this regard, I call to your attention that the provisions of S. 2354 as passed by the Senate on May 4 (inserted in lieu of the text of H.R. 10880) include a requirement for an ADPC of 84,000 for FY 1973 and an average of 97,500 operating beds. I think an 84,000 cumulative annual census is adequate in view of the new legislative authorities also contained in S. 2354 (in large measure already approved by or acceptable to the House), which I will describe later, greatly expanding eligibility for outpatient care and which should have the effect of eliminating all unnecessary hospitalizations resulting from unrealistic restrictions (medically) contained in present VA enabling legislation. To support the 84,000 ADPC figure, an additional $22 million would be needed.

Operating beds minimum

I would also support a 1000 bed raise in the operating beds minimum from 97,500 for FY 1972 to 98,500 for FY 1973 to take account of the five new VA hospitals being activated, but prefer to take this step in the authorizing legislation.

Spinal cord injury units

One other addition to the Medical Care item which I urge, is an increase of approximately $4 million to add about 400 FTEE for the 12 ongoing and 4 new spinal cord injury units to bring the staff-to-patient ratio in these units up to 2:1 by the end of FY 1973. We have made most substantial gains from the appalling ratio that existed two years ago, and I urge the Subcommittee to add funds specifically aimed at finishing the work we began. We owe it to these most seriously disabled veterans not to stand still in providing for the highest standards in the quality of their care.

Expenditure of fiscal year 1972 appropriation increase

In assessing the impact of the funds we have added for Medical Care over the past two years, I share your concern that approximately 30 percent has either not been spent or spent for items not intended by Congress (such as pay raises). But I call your attention that appropriating such additional sums, even when frozen, has been of value in assisting the VA medical program because the availability of frozen funds gives the VA an excellent arguing base for eventually securing part or all of the funds (for example apparently $12 million of the $71,230,000 frozen FY 1972 Medical Care appropriation item will very likely be spent to reduce the fee dental backlog) and also forestalls any attempt to force DM&S to absorb pay raises within existing allocations ($35,270,000 for the pay raise for the second half of FY 1973 was drawn from the frozen funds).

Effect of average GS grade rollback

Mr. Chairman, the most serious current problem facing the VA hospital and medical program today is the effect of OMB Bulletin No. 72-4 directing the VA to achieve an average grade reduction of GS employees by 1/10 of a grade by June 30, 1972. This was followed by OMB Bulletin No. 72-5 directing fixed reductions in FTP and total employment ceilings. On the latter, the VA was, by and large, given the benefit of the doubt (as I urged in my September 14, 1971, letter to the President which I ask be made an exhibit to this testimony), but the effect of the grade rollback requirement is, alarmingly, eroding the quality of patient care.

We must act to prevent any further grade rollback requirement from being implemented for FY 1973 as is now planned. The present rollback is already causing unacceptable chaos and damaging morale by arbitrarily forcing the (1) hiring of untrained personnel at lower GS levels when trained professionals and technicians are available to hire; (2) causing turnover (requiring new training costs and patient care disruption for replacements) or resentment among those denied long overdue promotions; (3) serious depression or advancement opportunities for the lower-paid patient care personnel, especially trainees promised upgrading opportunities in good faith when hired; wholesale abuse of Civil Service job classification standards and temporary appointments and promotions; widening of the disparity between GS and wage board grades (the latter not included in the OMB Bulletin); restrictions on filling openings at high levels for assistants and deputies; elimination of the policy of assigning tasks from title 38 (excepted positions to GS positions); and finally, overall slowing down in the filling of positions while the impact on the grade level is calculated and replacements are sought at far lower GS grades with lower commensurate skills than the individual being replaced.

This is a bleak picture for the veteran patient who finds himself in the care of more and more unskilled trainees rather than experienced health care workers and has to remain in the hospital extra days while waiting longer for X-ray and laboratory results. I urge you in the strongest possible terms to note with alarm in your report the pernicious effects of the grade rollback and to direct either in report language or in the bill that no further arbitrary overall ceilings or grade rollbacks be implemented for the VA during FY 1973. Unless such policies are forestalled, the DM&S personnel increases I referred to earlier as projected in the budget cannot be realized—they will be just paper estimates, like far too much included in budget justifications.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES (MAMOE)

Mr. Chairman, I am submitting for the record a copy of an April 24, 1972 letter to you as Chairman of the Appropriations Committee urging full funding for the Exchange of Medical Information program through supplemental appropriations in fiscal year 1972. Based on the same analysis and my same strong concerns, I recommend that you increase the MAMOE item by $1 million designated for the Exchange of Medical Information program so that it will be funded at the level of full authorization, rather than at the $2 million level requested by the Administration. This program offers too many valuable opportunities for innovation and achievement to be permitted to stagnate at the same dollar figure for FY 1973 as is proposed for FY 1972—a figure almost 17% less than was appropriated for fiscal year 1971. Given the overall increase in the MAMOE item of over 30% as proposed in the FY 1973 budget request over the amount appropriated in FY 1971, it is inexplicable to me that this important program should be suffering a 17% decline.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

Fiscal year 1973 budget request

Mr. Chairman, the VA is to be congratulated for the construction budget request for FY 1973, which for the first time in four years offers hope of moving toward the schedule of construction projections originally established many years ago. I note with pleasure that the budget request now includes funds to carry out the bulk of my recommendations for construction which I presented to you in fiscal years 1971 and 1972—specifically, funds for planning, and in some instances, initial construction of new facilities at the Bronx, New York; Columbia, South Carolina and Los Angeles, California (both Wadsworth and Brentwood); as well as numerous airconditioning projects.

Additional construction funds

Nevertheless, I believe that we have fallen so far behind on our construction and renovation timetable that funds are required in addition to the $155 million request for this item. In that connection, I join in the excellent recommendations of the distinguished Senator from Washington (Mr. Magnuson), Chairman of the Subcommittee on Labor-Health, Education and Welfare, submitted to you by letter on April 5 that $28,342,000 be added in order to begin planning the 12 construction projects rated of highest priority by the Veterans Administration. These include replacement hospitals at Martinsburg, West Virginia; Richmond, Virginia; Portland, Oregon; Vancouver, Wash.; Baltimore, Maryland; Bay Pines, Florida; Augusta, Georgia and Little Rock, Arkansas; a new hospital in the Philadelphia Pennsylvania metropolitan region; and various additions, improvements, conversions and modernizations in Denver, Colorado; Chicago, Illinois; Newington, Connecticut; and Seattle, Washington.

California bed emergency

In addition, I submit for the record a copy of my letter, also of April 24, 1972, and its enclosures to you with regard to the crisis situation regarding the availability of hospital, nursing and domiciliary beds in the State of California. This emergency has been brought about by the need to evacuate large numbers of patients from VA facilities found to be seismically unsafe. The result is an immediate loss of 2432 medical beds in the state and a displacement of some 2600 patients which has already occurred.

This emergency situation exacerbates what has been for some years a serious shortage of VA medical facilities in California, where 11% of our nation's veterans reside but where less than 9% of VA hospital beds were located at the start of fiscal year 1972. I recognize fully that California is benefitting very substantially from construction of replacement facilities at San Francisco, Los Angeles, and Loma Linda and a new hospital at San Diego, but this does no more than compensate for the loss of hospital and nursing beds at San Fernando (424 beds destroyed due to the February, 1971, earthquake), at Livermore (211 beds shutdown due to seismic instability), and at the Wadsworth Hospital (approximately 675 beds eliminated due to seismic instability, only some of which would be compensated for by the eventual completion of the replacement hospital).

Three new outpatient facilities recommended

In order to meet this urgent situation, I would like to make three suggestions for action in connection with the FY 1973 budget.

1. That the VA be directed to proceed immediately to investigate with the University of Southern California-Los Angeles County Medical Center, the establishment of an outpatient facility, utilizing medical center space, to serve the veterans of the East Los Angeles area. This proposal is discussed in more detail in my January 14, 1972, letter to the President which I have submitted as an enclosure to my April 24, letter to you, Mr. Chairman, regarding construction.

2. That the Veterans Administration be directed to investigate with the Martin Luther King Hospital in Watts the possibility of establishing an outpatient clinic, utilizing space at that hospital, to provide ambulatory care to the veterans in Central and South Central Los Angeles. This was also recommended in my January 14 letter to the President.

3. That the Veterans Administration be authorized to investigate immediately the possibility of establishing an outpatient facility on land which would be donated by the University of California at Davis to operate in close affiliation with the medical school there. Such a facility could be put together in temporary buildings for about $800,000 in the first year, with an additional $1.5 million cost for first-year salaries to serve approximately 130,000 veterans in Sacramento, and Yolo, Contra Costa, and Solano counties. Such a facility would be of enormous assistance to the veterans in this area who are located a great distance from the nearest VA hospital at Martinez (approximately 60 miles Southwest of Sacramento). It also might be the forerunner of eventual relocation of the Martinez Hospital to Davis where it would be more effectively located in terms of proximity to both eligible Upper California veterans and a major medical school.

APPROPRIATIONS TO MEET NEW EXPENDITURES UNDER NEW LAW

Mr. Chairman, just recently the Senate passed unanimously the provisions of two bills reported from the Veterans' Affairs Committee. These bills will have a major impact on the future of the medical programs of the Veterans Administration. These were S. 2219, the Veterans' Administration Health Manpower Training Act of 1972, and S. 2354, the Veterans Health Care Expansion Act of 1972. Companion bills have been passed in the House (H.J. Res. 748 and H.R. 10880), and I have every expectation this legislation will become law by Fiscal Year 1973, very likely by the end of this month.

VA Health Manpower Training Act (S. 2219)

The first of these bills, S. 2219, authorizes an appropriation of $125 million for each of the next seven fiscal years for health manpower education and training programs, and in addition, provides clear statutory authority and direction for carrying out continuing medical education programs for medical and health care staff of VA hospitals and other Federal agencies at an estimated cost of approximately $1.6 million dollars each year.

The new authorities in S. 2219 will enable the Veterans Administration to utilize to the fullest extent its capacity for the training and education of health care personnel and to maximize the training potential of its affiliation with medical and nursing schools and other health care manpower training institutions by providing for direct VA support to affiliated medical education institutions which utilize the VA hospitals as clinical facilities. This direct support would enable the institution to undertake innovative training programs and to expand and improve its capacity to train health care manpower jointly with the Veterans Administration.

Training veterans with medical MOS's

An important emphasis required in the bill for health care manpower training programs supported by the Veterans Administration is the placing of specific emphasis on training programs which will recruit and train veterans with medical military occupation specialties (M.O.S.s) as well as on employing them in the Veterans Administration medical facilities upon completion of their training. The VA is in a particularly opportune position to develop new methods of training and to experiment with educational requirements. The Veterans Administration hospital system can take the lead in producing new levels and types of personnel, in expanding the roles and responsibilities of existing types of personnel, and in putting the innovations to a practical test in a clinical setting under the quality supervision of VA and medical school staffs. This is the atmosphere and the opportunity which has been generally lacking in the medical community (except in isolated outstanding programs, such as at the University of Washington), preventing the approximately 25,000 veterans released each year with specialized paramedical training from applying the skills they have learned in the Service to a productive health career in civilian life.

It is our expectation that after success in developing clinical programs using these veterans has been achieved in the VA, the results of these innovations can be translated into general usage in the community at large.

New medical schools

The primary thrust of S. 2219 is to authorize pilot programs for assistance in the establishment of up to ten new public nonprofit medical schools. A striking example of the potential contribution to the nation's need for additional medical schools which the Veterans Administration can make is the establishment of the Louisiana State University Medical School at Shreveport. This school was advanced several years in becoming operational through utilizing the VA hospital and the Confederate Memorial Medical Center, a community hospital, as clinical resources, as well as relying predominantly on staffs of those hospitals and physicians from the community as faculty resources.

The need for additional health care manpower training institutions has been well documented in study after study sponsored both by the government and by prestigious foundations. The appropriations authorizations included in S. 2219 will permit the Veterans' Administration to participate fully in the effort to meet this need and to repeat the Shreveport success elsewhere.

I urge your Committee to recommend full funding of the programs authorized by this bill to support training of new health care personnel—125 million in the Senate-passed bill.

Continuing medical education

No less important than the training of new health care professionals is the continuing education of existing medical personnel. With the rapid advances in medical knowledge today, and the constant innovations in treatment programs and in the methods of provision of health services, the need for a professional to be given ready access to learning new systems and techniques is essential.

Increasing attention is being paid by states to requiring licensed health personnel either to pursue medical education courses or pass recertification examinations evaluating their skills within the context of modern techniques and learning. The Veterans Administration has long been aware of the necessity for continuing education and has had some excellent programs in the past. While it has demonstrated its concern that its staff maintain the highest standards, the demand for participation in these programs has been greater than the ability of the Veterans Administration to provide such training.

S. 2219 contains provisions to strengthen the VA in its efforts to provide such programs by calling for the formal designation of at least four VA hospitals as Regional Medical Education Centers. At these Centers, staff could be assigned for short periods to serve a residency-type training role, learning new techniques within an actual clinical setting and by participating in the application of the new techniques. These Centers would also, where staff and space is available, offer continuing education programs, on a reimbursable basis to staffs of other Federal agency medical programs, or to community physicians. For example, in many areas, an educational program at the VA facility could provide needed training for the busy practitioner in a rural community who could not leave his practice for an extended period to attend courses at a university medical center.

It is estimated that the costs of one Regional Medical Education Center would be $400,000 for the initial year of operation. Mr. Chairman, I hope you will recommend sufficient funds in the VA Medical Care item to support the establishment of at least four such Centers as directed in the bill at a total cost of $1.6 million.

Veterans Health Care Expansion Act of 1972

Provisions of the other major bill recently passed by the Senate, S. 2354, the Veterans Health Care Expansion Act of 1972, will improve the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment, particularly for ambulatory and nursing home care, and by expanding the coverage for eligible veterans and including as VA beneficiaries for the first time dependents of totally and permanently disabled service-connected veterans or dependents of those who die from service-connected disabilities as VA. The bill also makes improvements in the training and the personnel system of the Department of Medicine and Surgery to ensure that the highest caliber of health care staff is attracted to the VA and that the highest quality of care is provided to the veterans, as well as again placing special emphasis on the recruitment of veterans with medical MOS's for careers in VA medical facilities.

Additional authorizations of appropriations

The comprehensive overhaul of VA medical care authorities in the bill recently passed by the Senate (in H.R. 10880) is intended to eliminate certain statutory impediments which have often led the VA to adopt restrictive regulations and artificial distinctions not consistent with providing the up-to-date medical care achieveable today. The estimated cost for all the authorities of the bill is $166,950,000 for fiscal year 1973. Of this amount, however, there are two areas for which separate appropriations authorizations are made by the new legislation. These are the authorization of $3 million for research in the diagnosis, treatment, and control of sickle cell anemia, based upon

screening examinations and treatment provided in Veterans Administration facilities, and the authorization of some $100,000 each year for replacing and upgrading the physical plant of the Veterans Memorial Hospital in the Philippines, and for training health personnel at that facility. This latter sum is an extension of authorities which expire June 30, 1972: the former (sickle cell research) is a new authorization and is a companion authority to one of the major new thrusts of the legislation, the establishment of a sickle cell screening and treatment program in Veterans Administration facilities.

I have attached to my statement a chart indicating the estimated costs of each of the authorities of the legislation, and I would like to expand briefly on just a few of the major ones.

Expanded eligibility

The bulk of the additional funds needed as a result of the new authorities in the legislation will cover the costs of providing outpatient care to the veteran with a 50% service-connected disability ($77 million in fiscal year 1973); providing outpatient care to any veteran where it will obviate admission to a hospital ($6.7 million)—authority requested by the administration; providing inpatient and certain outpatient care to dependents of totally disabled service-connected veterans and dependents of those veterans who die from service-connected disabilities ($25.6 million), and providing care to peacetime veterans who cannot meet the costs of hospital care ($11.7 million).

Sickle cell anemia

It is estimated that an additional $2.3 million will be needed in fiscal year 1973 to provide screening for sickle cell anemia to patients at VA hospital facilities, and to veterans receiving examinations to determine eligibility for VA benefits. The bill also authorizes the VA to provide voluntary counseling, necessary hospital care and outpatient services for disabilities arising from sickle cell trait or anemia to the veterans and counseling, and screening to the veteran's spouse, if requested. This new program will enable a great many black veterans and their families who would not otherwise have the opportunity, to receive sickle cell screening examinations, counseling and treatment.

As I stated earlier, in Fiscal Year 1973, $3 million is authorized for research in sickle cell anemia, and I urge, Mr. Chairman, that you recommend appropriations at the full level authorized. This amount will enable the Veterans Administration to build upon the studies it is presently undertaking in sickle cell disease—extending its multi-hospital cooperative studies to double the number of hospitals now involved, and extending clinical information retrieval to all VA hospitals. The VA will also be able to establish in FY 1973 a single laboratory devoted to work in genetic modification, a highly technical and most promising area of basic research indicating there may be a way to correct the abnormality in blood cells of individuals with sickle cell anemia. With the substantial proportion of hospitalized veterans who are susceptible to sickle cell trait or anemia—over 16% of VA hospital patients last year were black—and with the unique ability of the Veterans Administration medical facilities to conduct research under identical controls in a large number of clinical facilities, the potential of the Veterans Administration to achieve scientific research breakthroughs in this heretofore neglected area is outstanding.

Improvements in DM&S Personnel System

S. 2354 also makes improvements in the DM&S personnel system designed to make a career in the Veterans Administration much more attractive to scarce health professions and enable the VA to compete more effectively for their services. The costs involved in the new provisions are estimated to be $35.6 million for Fiscal Year 1973—$22.5 million of this amount for payment to nursing staff of overtime, and premium pay for night, weekend, holiday and on-call duty and $13 million to pay special salary differentials for posts that are difficult to fill and to peg general salaries geographically to an index community hospital. The additional pay authorized by the new legislation will place the nurse in the Veterans Administration facility on a par with the nurse in the community and the nurse in other Federal hospitals covered by the Civil Service in terms of pay benefits.

Mr. Chairman, at this time we are negotiating with the House Veterans' Affairs Committee to resolve the differences between the House-passed bill and the Senate-passed bill. We are making very steady progress, and I hope to send to you very shortly a supplemental report on the funds that will be required by the provisions finally agreed upon by both Houses.

Mr. Chairman, I am grateful to you for all your past help. I hope you will give the same sympathetic consideration to the recommendations that I have made for fiscal year 1973 as you have to my recommendations for the past two fiscal years. My staff and I are available to discuss any of the matters included in my testimony.

ESTIMATED COSTS OF PROGRAMS AUTHORIZED BY THE VETERANS HEALTH CARE EXPANSION ACT OF 1972

[In millions]

Section and description	Fiscal year— 1973	1974	1975	1976	1977
TITLE I					
101(a), contract care	(1)				
101(b), family	(2)				
101(b), direct admission to VA nursing home	(2)				
101(c), home health	(2)				
102(1), peacetime	6.9	7.2	7.5	7.9	8.2
102(2), in-hospital for non-s/c	(2)				
102(3), dependents	16.9	17.7	18.6	19.5	20.5
103(a), outpatient care "obviates"	6.7	7.0	7.7	8.1	8.5
103(a), outpatient care, 50 percent disabled	77.2	78.6	79.4	80.2	80.2
103(a), outpaitent care, dependents	8.7	9.1	9.5	10.0	10.5
103(a), outpatient care, peacetime	4.78	5.02	5.27	5.53	5.86
103(b), annual report, new eligibility	(2)				
104(a), military to comm n/h	(2)				
104(b), NH standards	(2)				
104(d), to comm, n/h after VA exam for s/c	(2)				
105, earthquake loss	(2)				
106(a) and (b), reimbursable emergency care	(2)				
107, extend authority for grants, Philippines veterans hospital	2.1	2.1	2.1	2.1	2.1
108, sickle cell screening	2.3	2.3	2.3	2.3	1.3
108, research	3.	4.0	5.0		
Title I, subtotal	128.58	133.02	137.37	135.63	137.16
TITLE II					
201, index hospital	(2)				
202, new ACMO's	.080	.084	.089	.094	.099
203–205, physicians' assistants under title 38	(2)				
206(1), upgrade officers	.087	.091	.094	.099	1.03
206(1), physicians' assistant pay grade	(2)				
206(2), Nurse, LPN and NA premium pay	22.5	24.8	27.1	29.5	31.9
206(2), apply to physicians' assistants	(2)				
206(2), pay to meet competition	13.0	13.7	14.5	15.2	16.1
207, physicians' assistant to title 38	(2)				
208, technical	(2)				
209(1), longer temporary appointments	(2)				
209(2), central administration	(2)				
209(3), physicians' assistants GI bill	(2)				
210, malpractice	(2)				
211, technical	(2)				
Title II, subtotal	35.667	38.675	41.783	44.893	49.129
TITLE III					
301(a), bed minimum	(2)				
301(b), earthquake resistant structure	(2)				
302(1), land jurisdiction	(2)				
302(2), lease waiver	(2)				
302(3), technical					
303(1), clarify sharing	(2)				
303 (2) and (3), (a) sharing excess beds	(2)				
Title III, subtotal					
TITLE IV					
401, extend authority for VARO Philippines	(2)	.975	.975	.975	.975
402, phone installation	.003	.003	.003	.0035	.0038
402(a)(2), (3) and (b) VA State home grant, percent increase	2.7	2.7	2.7	2.7	2.7
Title IV, subtotal	2.703	3.678	3.678	3.6785	3.6788
Grand total	166.950	175.373	182.831	184.2015	189.9678

[1] Included in sec. 102(3).
[2] No estimate.
[3] No cost.

U. S. SENATE,
Washington, D.C., September 14, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have been deeply concerned about the possible effects on the Department of Medicine and Surgery of the Veterans Administration of delays in allocating the full VA FY 1972 appropriation and of your recently announced proposal to reduce the numbers and average grade level of federal employees.

For years, as you know, the VA hospital system has been operating at a staff level considered to be below that necessary to provide adequate medical care to the nation's veterans. This fact was brought out as a result of hearings which Chairman Olin E. Teague of the House Veterans Affairs Committee and I, as chairman of the former Subcommittee on Veterans Affairs, held last year on the quality of care provided our Vietnam veterans. I know you understand the great need for increasing funds to operate the Veterans Administration medical system and was particularly gratified that as a result of appropriations committee and congressional action, the administration had by the end of June 1971 increased the VA medical staff by over 6.4 percent over the preceding year.

Funds for the VA hospital and medical program in the recent appropriations bill (P.L. 92–78) which you signed into law August 10, if fully allocated, will bring the level of patient care, medical research and education to a point where the VA hospital and medical program will be capable of adequately meeting the demands placed upon it. The amount decided upon was reached only after considerable deliberation on the part of members of the appropriations committees of both bodies, and after consideration of a great deal of testimony presented by public witnesses at extensive hearings both of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee on April 27-29 and of the House Veterans Affairs Committee throughout May. I respectfully urge you to direct OMB to allocate fully to the VA all funds appropriated in the four medical items (medical care; research; construction; miscellaneous). This allocation must take place without delay—by September 30 to prevent antideficiency problems—or the substantial advances all too recently made will be lost and disabled veterans and their loved ones will be the victims.

Also, I urge that the VA be directed to implement the mandate of P.L. 92–78 that the VA average daily hospital patient census for FY 1972 not be less than 85,500.

With regard to your August 15 Executive Order No. 11615 as it affects federal employment, a five percent reduction in Department of Medicine and Surgery employment would result in largely dissipating the increase made at the end of FY 1971 and would be totally inconsistent with providing quality care to our disabled veterans. Imposition of a five percent employment reduction on the VA hospital and medical program would work a cruel hoax on our disabled veterans and their families who just now have been promised the improvement in care we in the Congress and the executive branch have sought for them. Such a rollback would also create a great and highly counterproductive demoralization among health service personnel working within the VA hospitals.

I feel sure you wish as much as I to avoid this kind of disruption of the VA hospital and medical program. Thus, I request that under the "health and safety" exception in paragraph 3 of OMB Bulletin No. 72–5 of August 25, 1971, you direct that all VA personnel employed in the hospital and medical program be exempt from the five percent reduction and also direct OMB to provide the widest possible latitude to the VA in adapting to the average grade reduction requirement.

I very much hope that this letter will be brought to your personal attention and that I may receive a favorable and prompt reply to the recommendations I have made to ensure continuation of quality health care for our veterans.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I note that the administration has requested, in its supplemental 1972 budget request, the transfer of $1,924,000 from the FY 1972 appropriation for VA Medical Care to the appropriation for Medical Administration and Miscellaneous Operating Expenses.

According to the request, this amount would be utilized "to continue the program of exchange of medical information for an additional four years."

The description of the utilization of this amount is very unclear as to the time period for which the administration is requesting funds to expend to carry out this program.

In any event, I believe this figure to be totally inadequate. I wrote Senator Pastore on December 3, 1971, asking that at the time the second supplemental is considered his Subcommittee recommend a supplemental appropriation of $3 million for FY 1972, the full amount authorized, for Exchange of Medical Information programs. I would like to atress to you my strong feeling, based on a careful evaluation of this program, that $3 million annually is needed to provide adequate support to innovative efforts in this field. I strongly urge that you give every consideration to recommending an additional $3 million in MAMOE for the Exchange of Medical Information program in the supplemental bill you report from Committee, instead of accepting the administration's suggestion for a transfer of funds.

In July, 1971, when H.R. 9382, which included the VA appropriation items, was under consideration on the floor, Senator Pastore said to Senator Hartke, Chairman of the Committee on Veterans' Affairs: "So far as that [medical information program] is concerned, when it comes up in the first supplemental, I will be for it and I will go along with the $3 million."

Authority to extend this program at the $3 million level of appropriation authorization was granted by P.L. 92–69, signed by the President on August 6, 1971. Unfortunately, enactment of this legislation occurred too late to authorize inclusion of an appropriation for Exchange of Medical Information in the Fiscal Year 1972 appropriation in P.L. 92–78.

Programs under this authority are used primarily to strengthen medical programs at Veterans' Administration Hospitals not affiliated with medical schools and located at some distance from major medical centers. These programs also foster the widest possible consultation and cooperation between VA staff and community medical professionals in providing treatment to VA beneficiaries, and in maintaining a stimulating educational environment for staff and community medical professionals.

These purposes are being accomplished through the exchange of the most advanced medical and scientific information and techniques between VA facilities and medical schools or medical centers, including closed-circuit television, single-concept films, and other similar advanced utilization of media.

One of the most exciting developments I have witnessed in the VA has been the utilization of closed-circuit television in the treatment of patients and in the training of staff. These programs are now in effect at 17 hospitals, and, I believe, could appropriately be extended to a good many more.

These and the many other innovative approaches sponsored under this activity deserve full congressional support. I hope you will agree that an appropriation of $3 million (the full amount authorized) will be a wise investment in a program with the potential of a great return not only for the VA beneficiaries, but also for the general medical community.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: There is an issue, of an emergent nature, which I wish to bring to your attention at this time while you are considering the supplemental appropriation for FY 1972 for the Veterans Administration. I refer to the emergency situation at the Los Angeles hospital and the resultant urgent need to expedite as much as possible planning, design and construction of a replacement for the Wadsworth facility (for which $20,040,000 is included in the FY 1973 Construction item request). As you know, seismic studies indicated that the present facility is unsafe, and, as a result, all the patients have been transferred to other hospitals or to the Extended Care Hospital in West Los Angeles, where a 530 bed makeshift General Medical and Surgical Hospital will be maintained in affiliation with the UCLA School of Medicine until a replacement hospital is completed. Although renovations and alterations will be made to the pre-World War II former Extended Care Hospital facilities, this "interim" hospital will be, at best, a stopgap measure, from the point of view of patient care and comfort, employee morale and teaching capability.

Therefore, I recommend that you include in your Committee Report on the Second Supplemental Appropriation bill a direction to the Veterans Administration to expend carry-over construction money (about $16.7 million at close of FY 1972) for the purpose of beginning immediately and expediting the planning, surveying, design and site preparation for the Wadsworth replacement hospital, rather than waiting for enactment and apportionment of the FY 1973 appropriation. Immediate action would reduce the period of time that makeshift arrangements will be in effect and that much more quickly provide for the high quality medical care our veterans deserve in the Los Angeles area.

In my recommendations to the Subcommittee on Housing and Urban Development, Space, Science regarding the VA FY 1971 and 1972 medical and hospital program budgets, I have twice identified the Wadsworth Hospital as a grossly inadequate hospital facility based on my findings from extensive hearing testimony. These recommendations were both made long before the seismic instability findings were made. Needless to say, the evacuations and the resulting establishment of the "temporary" Wadsworth hospital have made a bad health care situation considerably worse. That is, as unacceptable as the now condemned Wadsworth buildings were to provide for good quality, modern health care, the "temporary" Wadsworth facilities will be even more unsuited for this purpose. Hence, the real urgency to move ahead as quickly as possible, and this appeal for your support and assistance toward that end.

For your background information, I am enclosing materials describing the Los Angeles emergency situation.

With many thanks for your continued cooperation.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

STATEMENT OF SENATOR ALAN CRANSTON (D., CALIFORNIA), CHAIRMAN, SUBCOMMITTEE ON HEALTH AND HOSPITALS, COMMITTEE ON VETERANS' AFFAIRS, REGARDING VA ANNOUNCEMENT OF EVACUATIONS OF PATIENTS FROM BUILDINGS AT VA HOSPITALS IN LOS ANGELES, LIVERMORE, AND MENLO PARK, CALIF.

JANUARY 17, 1972.

The decision announced by the Veterans Administration last Friday is a responsible

action. It is clear that the buildings involved would not withstand a major earthquake striking in their vicinity and that the areas in question are subject to seismic disturbance. Seismologists generally agree that sometime within the next 30 years California will experience an earthquake equal to or greater than the 1906 San Francisco quake and many times more severe than last February's San Fernando earthquake. It would be sheer folly and the heighth of irresponsibility to fail to take precautionary steps now to evacuate buildings of demonstrated insecurity in the face of such a grim threat.

But in another respect, the decision is regrettable because it will, of necessity, create enormous personal problems and hardships for thousands of veteran patients and VA employees. Virtually all of the patients care facilities at the Wadsworth VA hospital (involving some 620 patients and 791 beds) are to be evacuated; some 1200 domiciliary patients will be transferred and some 1270 domiciliary beds eliminated from the Los Angeles Extended Care Hospital to provide about 630 beds for Wadsworth evacuees; part of one patient building (involving 127 patients and 211 beds) at the Livermore VA hospital and the blind rehabilitation center at the Menlo Park Division of the Palo Alto VA Hospital (involving some 20 patients) also will be evacuated. As a result of these patient evacuations, a very large number of VA employees (probably about 1100) will have to be transferred.

Today's decision was made necessary by the special study which was precipitated by the earthquake which destroyed the San Fernando VA Hospital in Sylmar, California last February 9 in which 36 patients and 10 employees lost their lives. Immediately after that disaster, I personally visited the earthquake site and dispatched key staff members to conduct a special study on behalf of the Senate Veterans Affairs Committee on which I serve as Chairman of the Health and Hospitals Subcommittee. We coordinated our efforts closely with Olin E. Teague, Chairman of the House Veterans Affairs Committee, and Congressman Don Edwards who was conducting a similar investigation for that Committee.

Following our investigations, I introduced legislation to require the VA to develop earthquake and other natural disaster resistance standards for all VA medical facilities and to study all such facilities to determine earthquake and disaster resistance. Such standards will take into account local conditions.

At the same time, the Veterans Administration undertook systematic surveys to determine seismic safety of all VA buildings on the West Coast which do not satisfy local earthquake resistant construction standards. Both Congressional Committees stayed closely in touch with the Veterans Administration throughout this process by repeated inquiries about those studies and forthcoming actions based on them.

As soon as the VA's January 14 decision was announced, my staff both here and in Washington began an exhaustive series of meetings and discussions to gather all the facts and gain the widest possible understanding of the implications of the actions which lie ahead. We met with VA officials, employees and employee union representatives, concerned citizens and veterans organization representatives and medical school deans. I thank all those who assisted us so generously and willingly in this investigation.

Now it is vital that all of us work together to ensure that the evacuations and transfers of patients and employees are carried out with the highest degree of speed, efficiency, sensitivity to individual circumstances and human compassion and understanding. The responsibility to carry out this type of programs lies squarely with the Government, both morally and legally. Those patients involved, as the law fully entitles them to, have entrusted themselves to the care of the Veterans Administration and have made plans in reliance on the VA's assumption of the responsibility to provide for their care in accordance with statutory authority.

Taking preventive action now against a possible future earthquake will be inconvenient for both patients and staff. But it will, hopefully, save and preserve human life—the very purpose of hospital facilities. It is essential that the Government make sure that quarters for our aged, sick and disabled veterans are safe.

I know that all VA employees at these institutions and those receiving evacuated patients will do the very best they can. And I am equally confident that the affiliated medical schools will respond with the same high sense of medical and human priority. UCLA will be intimately involved at the Wadsworth Hospital, Stanford University at the Palo Alto VA Hospital and the new San Diego Medical School at the just completed San Diego VA Hospital which will begin receiving transferred patients shortly.

The VA is being faced with an extremely demanding set of responsibilities. It is imperative that patient evacuations be carried out with extraordinary patience and competence. Additional skilled counselors must be provided to ensure that each patient is personally counseled about his or her future care and that each staff member, as well as each patient, is given full opportunity to receive prompt answers to all questions. The VA has advised me that in addition to career VA employees, all career conditional (nontemporary or limited civil service appointees) employees and Veterans' Readjustment Appointees (recent Vietnam era veterans) will be ensured the offer of transfer to another VA job. Only about 60 Los Angeles employees of 1100 VA employees affected by the evacuations will not be protected.

I have also been assured by the VA Medical District Director that a personalized approach will be followed, although not to the degree I feel is required.

The same high priority consideration shown hospital and nursing home patients must be shown the 1200 domiciliary patients who presently occupy buildings which must be vacated. For each domiciliary patient, the present situation poses an enormous disruption to personal convenience, stability, life style, and, perhaps, health. I have found that these men and women unfortunately often receive the latest consideration and concern from the VA. As I understand it, the options open to the domiciliary patients are to accept transfer to other VA domiciliary or hospital facilities (principally in Temple, Texas, Vancouver, Washington, White City, Oregon, and Tucson, Arizona); to be transferred to available community accommodations; or, where they qualify for skilled nursing home care, to be transferred to an approved community nursing home at VA expense for a minimum of 180 days.

These alternatives may be fine for some, but may be unacceptable or inappropriate for many others. There are few, if any, similar rehabilitation medical/social facilities in the community comparable to the VA Domiciliary in West Los Angeles. I cannot stress too strongly my concern that everything possible be done to see that a sound, healthful and compassionate placement is reached for each and every domiciliary patient and that the process does not reduce itesif to the arbitrary offering of inflexible alternatives.

At the same time that we must focus on providing for the immediate needs of individuals, we must keep sight of the effect of these decisions upon the patient care potential of VA facilities in both Northern and Southern California. And we must make a concerted effort to see that this potential is not reduced for any longer than is absolutely necessary as a result of these emergency measures.

It is my understanding that, after all the transfers and evacuations are made, there will be a statewide reduction of 472 general medical and surgical beeds (261 at Wadsworth and 211 at Livermore) in patient care potential. (This reduction is not overcome by the new beds at the San Diego VA Hospital which was already scheduled to begin receiving patients shortly.) This is equivalent to the loss of an average size VA hospital. In addition, in Southern California alone we will lose a total of 1960 other patient beds as follows: domiciliary, 1270; intermediate, 290; nursing home, 225; restoration center, 175.

These are the facts even though attempts may be made to rationalize and explain these losses by citing the availability of some open beds in nearby VA facilities to accommodate some transferred patients and laying greater stress on ambulatory care. The long range question is the potential patient care capacity for VA beneficiaries in California, and that has been reduced by a total of 2432 beds at a time when it is clear the veteran demand for VA hospital, nursing home and medical care is growing and will continue to expand for quite some time.

It is, therefore, tragic that the VA announcement did not include a commitment to replace immediately the lost facilities and to ensure a continuation of adequate VA patient care capacity for California's veterans. In order to achieve this, I wrote to the President on Friday outlining a series of steps which I believe will restore the VA health care capacity in the immediate future for California's veterans.

1. I urged the President to include in a supplemental FY 1972 budget request and in his FY 1973 budget (to be transmitted to the Congress at the end of this month) adequate construction funds to plan and complete in the next 18 months construction of an earthquake resistant replacement hospital (for Wadsworth as well as the Brentwood Hospital). This action was needed even before the seismic instability of Wadsworth was discovered. I conducted a special investigation which led me to recommend to the Senate Appropriations Committee, both in 1970 and again in 1971, that the Wadsworth VA Hospital be replaced because it was medically inadequate. I made similar recommendations each year for the Brentwood Hospital.

In my letter, I urged the President to add approximately $50 million to the VA construction item to bring about a replacement hospital for both Wadsworth and Brentwood at the earliest possible time. The domiciliary facilities which will be hastily renovated will provide only the most rudimentary hospital-type medical and physical support. These converted facilities will just not be suitable for anything but an interim period while fully appropriate and modern medical facilities are constructed.

Although I think the Veterans Administration can best determine the site for such a replacement hospital in the Los Angeles area, it seems quite logical, since speed will be of the essence to build in the large tract of VA land in West Los Angeles. This would eliminate much necessary site and land negotiations and arrangements and allow for continuation of the excellent, mutually productive affiliation with the UCLA School of Medicine.

2. If the West Los Angeles site is selected for a replacement hospital, we must come to grips with the needs of many veterans in the Los Angeles area who, because of geography and lack of adequate public transportation, are unable to reach the West Los Angeles site, the center city VA Outpatient Clinic, or the VA hospitals at Long Beach, Sepulveda, or the proposed hospital at Loma Linda. I am thinking particularly of the many Chicano and black veterans living in the East and Southcentral Los Angeles areas who have long sought the construction of a VA hospital affiliated with the USC School of Medicine-Los Angeles County Medical Center in the East Los Angeles area. Because it seems unlikely the VA would agree to construct two more new hospitals in the Los Angeles area (considering that a new Loma Linda VA hospital has been announced, the new San Diego VA hospital is about to open, and construction is ready to begin on a replacement hospital for the Fort Miley VA hospital in San Francisco), I recommended to the President that funds be requested for a new out patient clinic to be opened in East Los Angeles in affiliation with an appropriate medical institution. Such a clinic, at least as an interim measure, would facilitate the diagnosis and treatment of disabled veterans in that area and their transportation to the appropriate VA hospital when indicated.

3. I recommended to the President that funds for the planning and expedited construction of the Loma Lina Hospital, which he announced in August of last year and which is intended in part to make up for the beds lost in the collapse of the San Fernando VA Hospital a year ago, be provided in a FY 1972 supplemental and the FY 1973 budget request.

4. Regarding Northern California, I recommended to the President that the construction of the Fort Miley VA replacement hospital in San Francisco be funded in the same urgent manner in order to compensate somewhat for the lost beds in the north. The delays in initiating construction there must be overcome immediately. It may now also be desirable to consider retaining some beds in the present Fort Miley hospital after the replacement hospital is completed.

If all of these recommendations receive the same urgent attention which has been assigned to the necessary evacuations and transfers, the medical care needs of veterans in California will be adequately met. Otherwise, we will find existing California VA facilities (many of them already hard-pressed) severely overburdened and unable to meet the health needs of three million California veterans, well over half a million of whom have recently been discharged and face so many especially severe problems.

As Chairman of the Veterans Affairs Subcommittee on Health and Hospitals, I plan to continue our very close observation of the planning and implementation of the evacuations and transfers. This will be the primary responsibility of one of my field office staffers. We in Washington will maintain close contact with the situation, working with VA medical officials in Washington, D.C., and do all possible to see that maximum compassion and sensitivity are exercised and that my recommendations to the President for construction are implemented as rapidly as possible.

JANUARY 14, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing with reference to the announcement by the Veterans Administration today regarding the necessary evacuation of some 2,000 patients in VA hospitals in Northern and Southern California due to a finding that certain VA buildings are not seismically secure. Although this will cause great inconvenience and discomfort to thousands of patients and VA employees, I recognize it is a necessary and responsible action.

I have expressed my concerns about the evacuation and transfer plans to high VA medical officials. I am writing to you about the implications of the evacuations and transfers in terms of the patient care capability of VA facilities in both Northern and Southern California.

It is my understanding that after the evacuations and transfers are completed, the VA will have 300 fewer operating general medical and surgical beds and approximately 1,500 fewer domiciliary beds available in Southern California. (This is not overcome by the opening of the new San Diego VA hospital which already was scheduled to begin receiving patients very shortly to meet the great veteran patient demands in that area over and above the demands created by the present emergency.) Elimination of this patient care capability is entirely inappropriate and unacceptable at a time when California's three million veterans' needs for patient care are clearly increasing, both in terms of the more than one-half million recently returned Vietnam veterans and the advancing age of our veterans of previous wars. I, therefore, urge that you include in your FY 1973 budget sufficient funds (approximately $50 million) in the VA medical facilities construction item to plan and construct in the Los Angeles area a replacement hospital for both the Wadsworth and the outdated neighbor Brentwood hospital in the Los Angeles area during the next 18 months.

The domiciliary facilities which are to be temporarily renovated to receive many of the Wadsworth non-acute transferred patients are acceptable hospital facilities only for the very shortest possible interim period. Permanent, modern hospital facilities must be provided to replace these converted facilities which, in my view, should as soon as possible be returned to use as domiciliary facilities to minimize the damage that will be done by the present reduction of 1,500 domiciliary beds in California.

If, as appears likely to me (in view of the need for speedy action and continuation of the excellent affiliation with the UCLA School of Medicine), a replacement hospital would be situated on the VA West Los Angeles property, I also urge you to include funds in a FY 1972 supplemental budget request and the FY 1973 budget to establish an out-patient clinic in East Los Angeles, affiliated with an appropriate medical institution, to serve the many veterans (particularly chicanos and blacks) in East Los Angeles and Southcentral Los Angeles who have great difficulty, in view of the lack of public transportation, in reaching the West Los Angeles VA hospital, or the proposed Loma Linda VA hospitals. The Los Angeles County Board of Supervisors, the University of Southern California School of Medicine, the American GI Forum and many other veterans and community groups have for some time been urging that the VA complete its plans to construct a new VA hospital in affiliation with the USC-LA County Medical Center, as had been originally planned until the Hazard Park site was abandoned. I believe that a well planned out-patient clinic could fulfill many of the veteran medical care needs in that area, at least on an interim basis.

Also, I believe that the present emergency situation—the elimination of both the San Fernando hospital a year ago and the Wadsworth hospital now—makes it absolutely necessary that the construction of the new Loma Linda hospital, which you announced in August of last year, proceed with all possible dispatch through planning, design, and construction in order to diminish the extreme burden which has been placed on the two remaining hospitals in the Los Angeles area, Sepulveda and Long Beach.

In terms of Northern California's VA medical care capability, we will be losing somewhat less than 200 beds as a result of the Livermore hospital evacuation. To help meet this situation, I urge that all impediments to proceeding with construction of the Ft. Miley VA replacement hospital (ready to break ground now) be removed and that sufficient funds be included in an FY 1972 supplemental appropriation request and the FY 1973 budget to expedite construction and completion at that site at the earliest possible date.

We have no choice but to do all possible to provide for the health and welfare of our nation's veterans, particularly the three million ex-servicemen who reside in California and who face so many especially severe problems. I respectfully urge that you give the most serious personal attention to my recommendations in order to avoid the potentially disastrous consequences which the present emergency measures threaten to the future availability of health care for California's veterans.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans Affairs.

Mr. CRANSTON. The committee has been very responsive to that testimony.

I should like to cite from the report, first, the fact that $54,580,000 has been appropriated above the budget estimate for medical care, and that is a very important step forward. Second, and very important, the maintenance of an average daily patient census of 85,500 has been authorized, which is tremendously important and is a great step forward. Most significantly, within that is the fact that 400 full-time equivalent employees for spinal cord injury units have been added, in order to bring the staff-patient ratio finally up to the necessary 2-to-1 figure. That is a very important step forward, for which I congratulate Senator PASTORE and Senator ALLOTT.

Another point that is very important relates to the matter of grade levels and their reductions. I read three paragraphs from the report:

The Committee recognizes that providing for minimum levels for the average daily patient census and the number of operating beds nationwide deals only with the quantitative aspect of the VA medical staffing situation. The Committee is also extremely concerned about the adverse effect upon the quality of VA medical care that is being produced by the hospital-by-hospital actions to comply with the Office of Management and Budget requirement that a 1/10 grade average reduction be achieved within the Department of Medicine and Surgery by June 30, 1972.

The Committee has been advised that this has produced a serious morale problem within the Department of Medicine and Surgery, and if, as apparently is contemplated by OMB, further grade controls are imposed in fiscal year 1973, the very unsatisfactory medical care and staffing situation which existed 18 months ago could well be reestablished. The Committee believes that any such retrogression would be totally unacceptable and must be avoided. Thus, in order to ensure a continuation of quality, as well as an adequate quantity, of medical care for members of the Armed Forces wounded in Vietnam and other disabled veterans, the Committee directs that no part of any appropriations to the Veterans Administration for fiscal year 1973 shall be restricted as to availability by the imposition of administrative controls on the grade distribution of employees engaged in any part of the VA medical and hospital program (including support and administrative personnel).

In this connection, the Committee concurs with the House and is concerned that current illogical employee ceilings and general grade distributions are hindering the efforts to hire and retain sufficient high-quality staff in the medical programs. The Committee feels that if this situation is not corrected it

will have to consider taking the necessary action to effect correction at an early date.

Mr. President, I ask the distinguished Senator from Rhode Island whether it is correct that the committee is saying, in effect, that the grade reduction control is not to be imposed on the VA medical program in fiscal year 1973.

Mr. PASTORE. That is correct.

Mr. CRANSTON. I thank the chairman, because that is a very important aspect of the work that the committee has done and that we have been doing together.

I should also like to comment on one other aspect of the report in a very positive way. It relates to the construction of hospital and domiciliary facilities.

Senator MAGNUSON and I proposed that much be added here. In consequence of our efforts and the efforts of others—and, again, the leadership of Senator PASTORE and Senator ALLOTT—some $28,342,000 has been added over the budget estimate, and that will cover 12 projects—incidentally, not one of them in my own State of California, but I am delighted that this is happening elsewhere.

Mr. PASTORE. Well, a soldier is a soldier, and a veteran is a veteran, no matter where he happens to be in America. We all believe in that. None of this money comes to Rhode Island, but that is of little consequence. So long as it takes care of veterans, we do not care to what State it goes.

Mr. CRANSTON. Absolutely. And it is very important that it has been accomplished.

Since the testimony I referred to earlier, which I submitted to the committee, new data has been developed through a survey conducted by the House Veterans' Affairs Committee, showing the total VA hospital program needs of $208 million for hospital-by-hospital needs throughout the country. I ask unanimous consent that charts showing the results of the House survey be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. I should like to praise Chairman TEAGUE of the House Veterans' Affairs Committee and his excellent staff, and the entire committee, for their cooperation with us in working on this project and in preparing the data which leads to what I am now going to say.

I selected items from the survey that was made by the House, following certain information available to us and to my staff, plus needed staff increases which VA asked OMB to increase: For example, the hospital-to-patient ratio from 1 to 1.64, instead of 1 to 1.49, as in the budget. OMB said, "No." Also, amounts are needed when new authorization is enacted in House Joint Resolution 748 and H.R. 10880. Both already have been passed by the House.

I refer to a chart, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

PROPOSED CRANSTON VA MEDICAL AMENDMENT TO H.R. 15093

MEDICAL CARE ITEM

1. Fee dental, $5,311,031:

To meet hospital-by-hospital estimate for fee dental care not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey) or covered by $5 million OMB release of frozen FY 1972 appropriations.

2. Staff, $93,000,000:

To support an increase in hospital staff-to-patient ratio requested by VA from OMB form 1.1.49 to 1:1.64 (12,900 FTEE) for the 85,500 census required in the bill.

3. M&R (non-recurring), $61,231,102:

To meet hospital-by-hospital estimate for non-recurring maintenance and repair not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey).

4. H.J. Res. 748, $80,000,000: [1]

To fund the Veterans Administration Health Manpower Training Act as passed by both Houses (H.J. Res. 748) at the level tentatively agreed to in House-Senate negotiations (Senate version—$125 million; House version—$33 million).[1]

5. H.R. 10880, $103,000,000: [1]

To fund expansions of hospital care and medical services eligibility in provisions passed by both Houses (H.R. 10880) at the level tentatively agreed to in House-Senate negotiations (Senate version $168 million; House version—$48 million).[1]

Subtotal, $342,542,133.

MEDICAL AND PROSTHETIC RESEARCH ITEM

Sickle cell research, $3,000,000: [1]

To fund the sickle cell anemia research line item authorization in H.R. 10880 as passed by the Senate (and agreed to tentatively in House-Senate negotiations).[1]

Total, $345,542,133.

Mr. CRANSTON. The chart summarizes what these needs are. The first three relate to open-ended items that do not require authorizations.

The first is for fee dental to meet hospital-by-hospital estimates for fee dental care not funded in fiscal year 1973 budget—based upon House Veterans' Affairs Committee survey—or covered by $5 million that OMB has released from frozen fiscal year 1972 appropriations. I believe that $5,311,031 should be added for this.

Second, for staffing to support an increase in the hospital staff-to-patient ratio requested by VA from OMB from 1 to 1.49 to 1 to 1.64, which would be 12,900 FTEE, for the 85,500 census required in the bill. That would necessitate $93 million.

Third. On M. & R. nonrecurring, to meet hospital-by-hospital estimates for nonrecurring maintenance and repair not funded in the fiscal year 1973 budget, based upon the House Veterans' Affairs Committee survey, it would require $61,231,102.

Fourth. With reference to House Joint Resolution 748 which, incidentally, I believe will be fully enacted sometime in July, that is to fund the Veterans' Administration Health Manpower Training Act as passed by both Houses—House Joint Resolution 748—at the level tentatively agreed to in House-Senate negotiations. The Senate version was $125 million. The House version was $33 million. I am sure that a figure between those two figures will be agreed on. I believe that $80 million would be an appropriate figure for all those needs.

Fifth. With regard to H.R. 10880, on which I predict enactment, hopefully in July, to fund expansions of hospital care and medical services eligibility in provisions passed by both Houses—H.R. 10880—at the level tentatively agreed to in House-Senate negotiations—the Senate version is $168 million and the House version is $48 million—$103 million would be the appropriate figure there.

Mr. President, it is very important that when these programs are enacted, funds not be diverted from other needed programs to meet those programs. Knowing that we have not yet had an authorization, I hope we could make passage of these additional appropriations contingent on enactment of the authorizing legislation, as it appears in this bill for the HUD and NSF programs.

Finally, there is the matter of medical and prosthetic research, and sickle cell research, to fund the sickle cell anemia research line item authorization in H.R. 10880, as passed by the Senate and agreed to tentatively in House-Senate negotiations. That would be another $3 million, for a grand total here of $345,542,133.

Mr. President, a number of Senators have approached me about this matter and asked what might be done in regard to the pending measure. They are the Senator from Indiana (Mr. HARTKE), the chairman of the Veterans' Committee; the Senator from West Virginia (Mr. RANDOLPH), a member of that committee, who is most interested in funds for House Joint Resolution 748; the Senator from Vermont (Mr. STAFFORD), a member of the committee; Senators BENTSEN, FULBRIGHT, and others.

These and other Senators have hoped that we might take some action that would insure that we will be able to meet these needs. I recognize the problem, based on my conversations with the Senator from Rhode Island (Mr. PASTORE) in order to achieve that end at this time.

I would like to ask when we might be able, as the authorization measures have been finally enacted and as the figure arrived at can be looked at, when will the supplemental appropriation bill be before us when we might, hopefully, take action on these matters?

Mr. PASTORE. I cannot put my finger on a definite date, because it originates in the House and then it all depends when it comes to the Senate; but before we go home, surely, before we adjourn sine die, we will have, at least, one supplemental. There is no question about it.

I want to say to my good friend from California, first, a word of praise for him. I do not think there is a Member of this body who is more dedicated and more conscientious in carrying out the responsibility which has been assigned to him as a member of the Veterans' Committee. I must admit, frankly, that he has become the legislative watchdog for the protection of our veterans and their medical care.

I want to say for the Senate and for the House that I do not think there is an individual in Congress—and I am talking about 535 Members now, 435 Representatives and 100 Senators—who would deny one nickel for the medical care of our veterans.

That leads me to the consternation—I will use that word—that I experienced with the Office of Management and Budget. Why, in heaven's name, would they find it necessary to freeze funds, funds which Congress voted for the care of veterans? It is beyond me. This is not a dollars and cents issue. It is a "gut" issue of human beings who have served their country, especially in cases where some veterans have been injured in Vietnam with the modern implements of war, where we have seen photographs of veterans who cannot even light their own cigarettes because they have been so maimed.

Congress has been generous.

So has the distinguished Senator from California (Mr. CRANSTON). I have always found it a source of great delight to work with him on some of these appropriations.

So far as dental care is concerned, I understand that the Office of Management and Budget has now decided to unfreeze $5 million.

With regard to some of the other items, particularly items 4 and 5, the authorization has not yet been enacted with reference to those two. The Senate has taken action, and the House has, but the items have not passed and been enacted into law. This takes care of the increase in veterans care after July 1 of this year. For that reason, I think it merits serious consideration when the first supplemental comes up. The same applies to the other items. We have concurred in the increase made by the House in the veterans budget for medical care of $54,580,000. We enumerated certain items in which the Senator is interested. I think that his original request was for an increment of about $60 million——

Mr. CRANSTON. That is correct.

Mr. PASTORE. The House allowed $54,580,000, as I just indicated. We thought that was close enough to the request made by the Senator.

On behalf of the Senator from Colorado and myself, I want to say to the Senator from California that the explanation he has made today will serve a good purpose. We have always been amenable to his requests and we always give him the benefit if there is any doubt. We shall continue to do that.

With reference to the $28,342,000, the so-called Magnuson amendment, there again, as the Senator pointed out, it does not affect any veterans' hospital in my State, or the State of the Senator from California. The fact remains that we should have a long-range plan. We must build more veterans' hospitals. We have some hospitals today which are very old, which were built for the veterans of World War I. They are so archaic in every respect—many of them need to be modernized, remodeled, and air conditioned. New ones need to be built, because our population is changing and moving from one place to another. We all recall the Bronx hospital situation, which is a sad commentary on a country that can spend $5 billion without blinking an eye to continue the bombing of North Vietnam and mining Haiphong—I do not want to make an analogy here—but we seem to be able to find the money. Yesterday, we almost doubled the amount of money going to Bangladesh, which is a good thing to do, but we seem to find money easily to help other people anywhere else in the world but in our own country. When it comes to helping our own people, or helping our veterans, they always seem to talk about a deficit and how much money we do not have.

I say that if we have one single nickel available for our veterans, let us spend it on them, because it is necessary.

I would hope that the Senator from California would continue to cooperate with me and the Senator from Colorado (Mr. ALLOTT) and let us see if we cannot do something about the items he has mentioned when the first supplemental comes up.

Mr. CRANSTON. Mr. President, I thank the Senator from Rhode Island very much for his generous remarks about my efforts as chairman of the Subcommittee on Health and Hospitals.

I thank the Senator from Rhode Island and the Senator from Colorado (Mr. ALLOTT) for all that they have done in the past to help meet these needs.

I had intended to offer an amendment that would seek to get the funds which I think are needed here, but in view of the Senator's assurances that these matters will be looked into with great care, and that we can count on his help when the supplemental appropriations come before us and before this calendar year is over, I will not press such an amendment.

I thank the Senator from Rhode Island very much, once more, for his understanding, for his sincere help in the past, and for his future help which I know will be forthcoming.

Mr. PASTORE. I want to make a suggestion. I know the liaison which exists between his committee and Representative TEAGUE's committee. Much of this investigation was done with the cooperation of Representative TEAGUE's committee.

Mr. CRANSTON. That is right. It was done by his committee.

Mr. PASTORE. I would hope that the Senator would consult with Representative TEAGUE to see if he will not talk with some of the boys in the Appropriations Committee in the House as well.

Mr. CRANSTON. I will. We have already done that. We have a close relationship there. I think that we will find concurrence between the House and Senate.

The Senator referred to the Bronx Hospital, which situation was first brought to my attention and to the attention of the country in a famous Life magazine article 2 years ago. Two years later, on May 20, 1972, the National Observer printed an article under the headline "Neglected Heroes; Paralyzed Vets Blast VA Care." Many of these same hospitals are once again brought to the attention of the public and the conditions that still exist there are once again brought to light.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGLECTED HEROES: PARALYZED VETS BLAST VA CARE

(By August Gribbin)

Navy Capt. John Barleon crushed his spine in a fighter-plane crash. He underwent extensive surgery to regain combat flying status, and actually flew again. But then his injury worsened.

Today, nearly totally paralyzed, Barleon fights to wiggle his wheel chair in and out of doors he can't open and elevators that stop above or below floor level. He's frustrated by vending machines whose coin slots, like the water fountains, are too high to reach.

NO PHONE CALLS

Yet Barleon lives in West Roxbury Hospital here, a Veterans Administration (VA) center for paralyzed veterans—where patients cannot receive incoming phone calls and must share their only recreation room with some 28 veterans' auxiliaries and nurses' groups.

Bill Pederson was manning a machine gun on a moving jeep that hit a land mine north of Hue in South Vietnam. Now Pederson, 24, also is almost entirely paralyzed.

Special aides must clothe Pederson, feed him, and swing him in and out of bed on a special lift. He says one aide who had idly ignored his repeated calls for help at the Hines (Ill.) VA Hospital finally put him in the lift and whispered, "You ever say a word or complain, and I'll let your ass fall from this thing one day."

COMPLAINTS MOUNT

VA doctors say paralyzed patients occasionally do fall from lifts and wheel chairs. But intimidation? That's rare, they say. More often, one hospital director concedes, aides unlawfully take tips or demand bribes. But he says this isn't widespread.

The maimed veterans say differently. And though the hospitalized vets almost invariably praise VA doctors and the "hard-working nurses and paramedical staff," they complain of:

Seemingly eternal waits for admission to hospitals and long delays in treatment once inside.

Unsanitary conditions in some special-treatment areas.

Delays in getting necessary personal-care supplies—including the special devices they need for urinating.

Too few toilets and lack of privacy in bathrooms.

Open wards where the racket of competing TV sets and radios create bedlam.

And, most important, of a shortage of doctors, nurses, and aides that many vets say keeps them from getting promised rehabilitative therapy.

The West Roxbury hospital, for example, has centers specializing in open-heart surgery and spinal-cord injuries. The medical director of the spinal-cord-injury center, whose role is crucial in caring for paralyzed veterans, retired 20 months ago. He hasn't been replaced.

A distressed nurse at another VA hospital says her staff is too shorthanded to carry out doctors' patient-care instructions, much less distribute painkilling medicine that patient's may have on request.

Leslie Burghoff, Jr., another paralyzed veteran at West Roxbury, puts it graphically:

"We need more people. To finish nighttime feedings in a reasonable time, it's rush, rush, rush. The aides push more food into a man's mouth than he can chew. He winds up

[1] To be made contingent upon the enactment of new authorizing legislation.

H.J. Res. 748 passed the House on July 19, 1971, and passed the Senate on April 27, 1972.

H.R. 10880 passed the House on October 4, 1971, and passed the Senate on May 4, 1972.

$186,000,000 made contingent upon the enactment of new authorizing legislation.

coughing and dribbling away the meal he looked forward to. It's dehumanizing."

These grotesqueries do not infect all 166 VA hospital complexes, certainly. Yet an unpublicized General Accounting Office (GAO) investigative report, dated March 16, 1972, found serious overall shortages of VA hospital staff and space. The GAO even says the VA is operating unlawfully by not expanding to remedy critical bed shortages and admissions problems.

One VA physician told GAO investigators that staff shortages in his hospital's radiology service caused delays in interpreting X-rays. That alone could cause admission slow-ups and other delays.

Asked about paralyzed veterans' complaints, officials at the VA Central Office in Washington, D.C., reply that any big medical system has faults and that the VA probably has few, considering its size and complexity. Some officials say most gripes come from distrustful, demanding Vietnam-era vets who won't give radically new VA programs and remedial actions a chance.

Indeed, innovative VA studies do show that Vietnam vets suspect any "system." The vets grouse, then tend to "elope" from hospitals rather than confront problems. Some VA hospitals have followed VA headquarters' promptings and established "Vietnam Committees" composed of patients, physicians, and administrators who together discuss complaints and suggestions.

JUST MOODY GRIPING?

Some hospitals hold staff-patient "rap sessions" and let patients buy ward refrigerators and stock them with pizza, soul food, and the like. Other hospitals let patients decorate and furnish recreation areas at their own expense. There they may play stereos and loud rock music without annoying unappreciative older vets. Patients are also being allowed to ignore the 10 p.m. curfews.

VA spokesmen invariably stress that amputees and paralytics are moody at times, implying that their derogatory statements may have little foundation. The injured themselves explain that they go through periods of "mourning" and bitterness at their anatomical losses. During those bleak moods, they say, they tend to abuse even the best aides.

It's not surprising. The wounds of spinal-cord-injury (SCI) patients—the paraplegics and quadriplegics—utterly twist their lives.

PROBLEMS OF PARALYTICS

Paraplegics lose control of their bowels, bladders, and legs. And as former helicopter pilot David Hunter, 24, puts it, "Most of us will never father a child now." Yet sexual stimuli still affect these men. Some lose their sexual capacity entirely, and older paralytics say that overcoming the grave psychological wounds that this loss often brings is at beat a wrenching experience.

Besides these losses, the quadriplegics lose some or all use of their arms. Typically they suffer from chronic breathing ailments. Wild temperature-control mutations make some shiver in mild coolness and others, who cannot perspire, roast in 80-degree temperatures.

Some 2,000 spinal-cord patients are now in VA hospitals. Figures don't show how many are Vietnam casualties. A conservative estimate is that about 3,000 of the 18,000 or so VA-treated spinal-cord patients were wounded in Vietnam.

READJUSTMENT AND ECONOMY

Some VA hospitals attempt to train SCI patients as well as amputees to move out of the hospital into their family homes or into apartments with paid attendants. The VA says it helps speed the veterans' readjustment. It's also cheaper for the VA.

The VA spends about $57 a day ($20,805 a year) caring for each hospitalized SCI patient. If the patient's family takes over care and the patient buys his own food, the VA's budget clearly benefits. More important, rehabilitation specialists say, the paralyzed patient gains from resuming as much control of his life as he reasonably can. And the men want to get out.

Even in that they are thwarted. The men lament that VA hospitals have no list of quarters suitable for paraplegics and quadriplegics. Because of the wheel chairs, doorways must be 36 inches wide, halls 48 inches wide; normally both are narrower. Apartments must have the permanent ramps and the convenient light switches, electrical outleta, and bathrooms that VA hospitals themselves often lack.

HELP IS HARD TO FIND

Patients must do their own advertising for home-care aides. Says Bill Pederson: "Aides are tough to find. Younger people don't want to be tied down; older people lack the stamina or strength. The aide and the patient have to get along real good, and the aide has to be fairly smart. You know, a person can break your legs turning you over in bed. Since you can't feel it, you might not know what happened until gangrene sets in."

For those sorts of reasons, paraplegics, quadriplegics, and other disabled veterans stay in VA hospitals even when they're dissatisfied. Amputees, especially paralytics, must also return frequently for check ups and for care of the immense bed sores and kidney and bladder infections that they commonly develop.

So SCI patients know much about the VA's operations and flaws. They have formed the Paralyzed Veterans of America (PVA) to learn still more and to lobby Congress and the VA for redress.

Jolted by PVA revelations two years ago, the Senate held hearings to determine how well the VA was treating the Vietnam wounded and whether it needed more money to remedy possible weaknesses in its system.

ALLEGATIONS AND ANSWERS

Donald E. Johnson, administrator of veterans' affairs, testified that all was well and that the VA had sufficient funds. However, VA doctors and veterans alleged then the same faults that the veterans complain of now.

During the hearings Life magazine ran an expose about SCI-patient wards at the Bronx, N.Y., VA Hospital, alleging overcrowding and neglect. Its photos showed rats trapped near helpless patients' beds. Life, and some hearing witnesses, said such problems stemmed from the VA's lack of staff and money.

Johnson, the VA chief, called Life's presentation "contrived" and "totally distorted." Presumably he based his rejoinder on such VA investigative reports as one by A. L. Collins, a regional medical director, who termed the article "basically untrue," yet stated:

"The janitor closets [at Bronx] . . . had not been cleaned over a long period. . . . There is a mouse problem but . . . no reports of rats . . . A linen shortage still remains, particularly towels . . . and pajama bottoms . . . Bathrooms are reasonably clean."

Dr. Howard W. Kennedy, chief medical director of the New York region, reported that, "None of the allegations are true—except for the statements regarding the old facilities, shortage of space, staffing deficiencies, lack of adequate funds, and overcrowding of patients."

The hearings prompted Congress to give the VA more money than it requested for fiscal 1971 and 1972. The reason: The VA did not ask for sufficient funds to remedy flaws and expand.

It frequently doesn't. That's because the President's Office of Management and Budget (OMB) actually dictates the size of the VA budget request, and the agency caring for the battle wounded isn't exempted from over-all Government spending restrictions. What's more, the OMB stipulates how VA money will be spent.

In fiscal 1971 the OMB ruled the VA could not hire additional staff. In fiscal 1972 the OMB decreed the VA could not touch $72,000,000 of the added $234,100,000 from Congress. It also made the VA reduce pay levels for "nonprofessionals" such as technicians, aides, and administrative help.

Congress last year ordered that the VA add more hospital beds to reduce alleged shortages and trim waiting lists. Nonetheless, the OMB ordered a cut in beds and in the number of inpatients—even as combat continued.

The General Accounting Office investigated the VA at a House committee's request. Its report said the VA is operating illegally in obeying the OMB. The report said the VA was reporting empty beds in shutdown wards as "operating" and "in service"; that waiting lists for admission were swelling, totaling 16,897 names in December 1971; and that the VA has staff shortages despite hiring 8,645 persons since May 1971.

Max Cleland, a former infantry captain, knows the good and bad of the VA. It provided him with substitutes for his legs and arm, blasted away by a grenade near Khe Sanh. He says, "The VA is my lifeline."

Cleland, now a Georgia state senator, says he's constantly getting emergency calls from needy veterans trying futilely to get into the Atlanta hospital.

"Here's an example," he says. "Recently the private doctor of a World War II amputee named Hugh Kelley called and said Kelley had gone repeatedly to the VA hospital, trying to get in. Nobody paid any attention to him. The doctor said, "If that guy isn't admitted immediately, he'll die in the waiting room." Kelley has emphysema, a growth on the lung, and pneumonia. I got him in."

The Atlanta hospital's acting director confirms that there was confusion about admitting Kelley but says he has no details.

Richard Coe, a determined, long-haired, Vietnam-combat artilleryman, damaged his spinal cord in a stateside accident. He's now a paraplegic. He quit the Memphis VA Hospital because, he alleges: "I wasn't getting the rehabilitation I know I was entitled to. No toilet training, no instruction in how to get in and out of a bath tub, no driver training.

"Worst, no one told me or my mother that I'd never walk. For months I lay there waiting for feeling to return. Then someone wheeled in the chair and said, 'Here.' I was outspoken before. I guess I was more candid after that, and they punished me by keeping me in bed except for an hour a day."

Memphis VA Hospital authorities deny Coe's story. They say records show he attended all training classes and that it is "impossible that no one counseled him about his injury."

Skeptical too, the Paralyzed Veterans of America checked out Coe's story. Allan Langer, PVA service director, asserts: "It's true."

Langer, a young paraplegic and victim of a North Vietnamese land mine, observes: "There's no congruity at all in the VA medical system."

Doctors at the Wood VA Hospital in Wisconsin, issue a beer ration "by medical prescription" for certain long-term patients; doctors at Richmond, Va., and West Roxbury consider that a violation of Federal regulations. Physicians at Wood, Richmond, and Biloxi, Miss., make rigorous therapeutic use of swimming pools, manual-arts rooms, bowling alleys, and pool tables. At some other places, one VA physician says, "They think they've completely rehabilitated a man when they cut off his arms."

"On a scale of quality from 1 to 10," says the PVA's Langer, "Castle Point Hospital, N.Y., is 10; Wood Hospital rates about 7; Long Beach 5 or 6; Richmond 4 or 5; Houston, maybe 3; Cleveland 1 or 2; and West Roxbury 1 or 2. East Orange, N.J., is bad. Memphis has problems and so do others."

Consider West Roxbury. The hospital specializes in open-heart surgery and spinal-cord injuries serving about 1,800 quadriplegics and paraplegics. Some are in-patients; the SCI wards usually house about 100 paralyzed veterans. Others return regularly for care as outpatients.

Former pilots John Barleon and Leslie Burghoff, Jr., both quadriplegics, and paraplegic William Green, head of the New England PVA chapter, represent West Roxbury's SCI patients. They aren't uninformed, system-hating rebels, but decorated, World War II veterans who are finally fed up.

They say needed reforms won't come until the SCI center has a medical director to fight for them. The patients say the center needs all of its authorized six physicians; it has four. It doesn't have its authorized psychologist either, although the patients say one is desperately needed because, as a patient puts it, "When the guy next to me asks about his sex life and manhood, what am *I* supposed to tell him?" Besides all this, the men say, the hospital is generally shorthanded in medical aides and other staff. The hospital director doesn't challenge their assertions.

The West Roxbury patients have had as much luck with their repeated requests for a psychologist as with their repeated requests for replacing the doors at one entry, or with petitioning for a usable handle on the only other door for wheelchair patients. After years of inaction, Barleon himself paid an aide to buy and install a proper handle.

Water fountains are too high for wheelchair patients. The men cannot receive incoming calls. The hospital operator tells a patient of a call and the patient returns it—if he can locate one of the two mobile pay phones 50 patients must share.

Fifty men must share two showers on a ward, so there are long waits. There is no privacy at all in cramped "personal-care areas," the euphemism for rooms where paralyzed patients must regularly receive enemas.

On a recent evening those rooms were smelly, the equipment stained. One patient says, "The rooms usually are foul, but they needn't be." Though the rest of the old hospital seems clean, those areas sincerely worry the infection-prone SCI patients.

Wards are crowded and the admissions waiting list is long, yet empty ward rooms hold stored beds. But now at least the hospital has money for modernizing, plans on paper, and a work-completion date of 1975.

"Will that really happen? What will we do until 1975?" ask Green, Barleon, Burghoff, and a passing paraplegic who couldn't avoid overhearing because there's no place for a private talk.

Adds Barleon, somewhat self-consciously: "Don't you think we have reason to be skeptical? We've heard lots of promises."

Mr. CRANSTON. Mr. President, I have one final question on this matter and one other question on another matter that I would like to address to the distinguished Senator.

Until the supplemental is adopted, would the Senator agree that the VA should proceed to the improvement of the new authorities when these bills are enacted with the expectation that funds will be appropriated in the supplemental?

Mr. PASTORE. I have no objection to that.

Mr. CRANSTON. Mr. President, on another matter, not related to veterans' care, I am not suggesting any floor action, but I want to ask about one particular program.

Section 312 of the rehabilitation program has had a mixed history in its existence.

In California it has been an enormously successful program.

The FACE program in San Francisco has begun rehabilitation in some of the city's oldest and most beautiful neighborhoods. San Francisco has invested over $3 million of its own resources to help improve the neighborhoods which have been approved by HUD for code enforcement programs. The program has likewise been very successful in various parts of Los Angeles.

But HUD has spread itself too thin and is continuing to spread this program among too many recipients. As a result, it has reduced the effectiveness of the program. And as a result section 312 funds have only been available to one-third of the applicants who desire to have their homes rehabilitated to meet the goals of the FACE program.

OMB has impounded $40 million of last year's $90,312,000 appropriations, and it has threatened to impound $40 million of the $90 million appropriation included in this bill. These funds have been impounded because the 312 program has been subject to massive abuse in some eastern cities.

The result of this impoundment has been that successful 312 programs have been unable to achieve their HUD-approved objectives. In order to help protect these programs which have been well conducted and cities who have relied on HUD, we believe that we should designate them as a priority use and that these funds should be designated for the completion of successful 312 programs.

I ask the Senator if that would not be his understanding as to the best use of the funds.

Mr. PASTORE. Of course it is. The budget estimate was $40 million. The House allowed $50 million. We made it $90 million. We included in the budget $40 million that was requested for special revenue sharing.

Mr. CRANSTON. The Senator would agree that priorities should go to the places where they have had successful programs so that they can complete them.

Mr. PASTORE. They should go where they are needed the most.

Mr. CRANSTON. That is where they are needed the most.

Mr. PASTORE. If the Senator says that, I am sure that is correct.

TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Total	$208,013,058	$85,999,632	$10,311,031	$20,589,975	$15,645,015	$2,326,100	$61,231,103	$3,533,953	$8,376,245
Alabama	4,531,708	1,537,057		490,865	265,545		841,990	61,251	1,335,000
Alaska									
Arizona	2,285,238	1,085,069	300,000	201,618	41,875		515,877	90,799	50,000
Arkansas	2,349,244	1,228,695	45,000	273,997	256,123		494,204		51,225
California	23,827,368	10,617,103	1,319,000	1,582,007	2,323,847	438,735	4,879,118	1,016,379	1,651,179
Colordao	2,868,570	357,288	177,388	155,176	79,368	78,367	1,929,428	1,314	90,241
Connecticut	748,693	509,256		118,895	23,260		67,282		30,000
Delaware	982,464	535,100	55,000	107,400	159,485	13,661	51,228	60,590	
District of Columbia	1,807,168	1,003,625		529,377	85,193		118,238	40,515	30,220
Florida	5,534,759	2,608,540	586,000	923,487	335,141		604,090	222,150	255,351
Georgia	8,193,404	4,672,450	900,000	909,598	874,826	346,590	413,984	47,631	28,325
Hawaii									
Idaho	178,383	99,482	55,000	3,717	20,184				
Illinois	11,992,207	6,245,701	625,000	1,169,484	998,341	60,000	699,820	120,085	2,073,776
Indiana	4,755,370	1,833,935		509,490	372,700	87,640	1,791,023		160,582
Iowa	2,346,326	1,371,413		259,757	259,349	2,500	343,658		109,649
Kansas	2,476,367	1,235,537	12,400	491,124	398,682		257,883	63,626	17,115
Kentucky	1,156,220	275,643	150,000	262,829	28,125		286,523		153,100
Louisiana	2,360,259	934,591	193,299	506,250	113,203	4,400	548,457	11,505	48,554
Maine	581,840	341,492		58,473	34,625		147,250		
Maryland	680,677	292,639	65,000	28,700			294,338		
Massachusetts	3,998,292	2,238,092		399,955	149,318	162,785	880,195	27,012	140,935
Michigan	5,390,451	2,603,635	790,000	358,157	314,190	36,390	1,171,589	102,966	13,524
Minnesota	3,410,546	752,857	750,000	1,312,145	349,636	24,420	151,488		70,000
Mississippi	1,470,521	570,733	189,966	86,561	328,780		294,751		
Missouri	7,606,065	2,889,472	131,492	489,680	492,492	292,632	3,297,003	13,294	
Montana	364,878	246,814	50,000				61,676		6,388
Nebraska	814,544	272,788	125,000	114,310	117,726	3,744	91,236	18,067	71,663
Nevada	1,489,066	699,043	45,000	306,740	64,750		359,533		14,000
New Hampshire									
New Jersey	3,878,156	1,564,536		291,400	213,107		1,774,113		35,000
New Mexico	738,320	432,489	65,000	130,382	20,935		89,514		
New York	35,940,002	9,164,747	126,000	1,213,756	814,366	24,115	24,267,081	323,937	5,000
North Carolina	4,541,509	1,911,241	650,000	347,956	366,017	34,561	1,025,033	106,701	100,000
North Dakota									
Ohio	7,108,551	3,027,212	340,000	964,227	944,662	147,634	900,826	480,643	303,347
Oklahoma	4,552,707	2,459,547		739,400	447,082		756,678		150,000
Oregon	1,824,922	245,512	657,000	100,252	86,440		721,443		14,275
Pennsylvania	6,122,743	2,988,406	244,910	197,751	442,344	2,500	1,580,888	180,507	485,437
Rhode Island	1,142,816	647,500	105,000	89,860	56,853	9,400	169,094		65,109
South Carolina	2,418,215	910,239	300,000	180,512	286,792	77,726	607,481	55,465	
South Dakota	1,074,733	467,501	20,000	72,592	105,474		409,166		

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TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE—Continued

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Tennessee	$3,830,545	$1,726,144	$50,000	903,480	$542,791	$40,900	$567,230		
Texas	13,274,486	5,422,671	501,764	1,701,825	1,321,148	292,800	3,948,620	$85,658	
Utah	1,491,192	646,333	70,000	150,703	216,396		397,760		
Vermont	229,500	184,500	45,000						$10,000
Virginia	3,920,721	2,461,269	135,392	157,484	191,945		803,081	171,550	
Washington	2,464,283	999,492	42,690	231,881	402,190	76,900	565,345	36,135	109,650
West Virginia	1,111,803	693,680	1,000	6,742	10,604		340,131	31,646	28,000
Wisconsin	5,049,823	1,529,570	200,000	1,200,348	554,148	67,700	1,208,330	127,097	162,630
Wyoming	1,156,223	508,993	10,000	153,875	118,764		323,161	37,430	4,000
Puerto Rico	1,941,175	950,000	182,000	105,747	16,193		184,265		502,970

TABLE 2.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,349,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,534,759	$8,193,408
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	349,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	158,821		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	909,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	760,574
Recurring	2,326,100				438,735	78,367		13,661			346,590
Nonrecurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,984
Drug treatment centers	2,078,707				1,244,836						
Nursing home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,648	934,591	341,492	292,639	2,238,092
Inpatient	92,932	5,296,805	1,671,340	1,051,322	1,043,537	275,643	807,883	341,492	277,593	2,238,092
Outpatient	6,500	943,896	141,163	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000		12,400	150,000	193,299		65,000		
Medical		68,878					36,329			
Equipment:										
Total	23,901	2,167,825	832,190	519,106	839,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,481	500,490	259,757	491,124	262,829	506,260	53,473	28,700	399,955
Replacement	20,184	993,341	372,700	269,340	398,682	23,125	113,203	34,625		149,318
Maintenance and repair:										
Total		759,820	1,873,663	346,153	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Nonrecurring		699,820	1,791,023	343,653	257,833	236,523	543,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,636	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934,173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Outpatient fee:										
Dental	$790,000	$750,000	$189,696	$131,492	$50,000	$125,000	$45,000			$65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,192		232,046	371,490		$504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,759		213,107	30,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Total	35,940,002	4,541,509		7,108,551	4,552,707	1,824,922	1,941,175	$6,122,743	1,142,816	2,418,215
Staff:										
Total	9,164,747	1,911,241		3,027,212	2,459,547	245,512	950,000	988,406	647,500	910,239
Inpatient	8,882,415	1,717,124		2,561,768	2,275,547	212,878	737,485	2,334,013	492,600	741,342
Outpatient	184,168	194,117		128,640	184,000	32,634	212,515	371,492	154,900	43,212
Nursing home	98,164			228,954				64,286		58,008
Domiciliary										
Other				107,850				218,615		67,677
Outpatient fee:										
Dental	127,000	650,000		340,000		657,000	182,000	244,910	105,000	300,000
Medical		100,000		40,400			437,425	8,000	45,034	
Equipment:										
Total	2,028,122	713,973		1,908,889	1,186,482	186,692	121,940	640,095	146,713	467,304
Initial	1,213,756	347,956		964,227	739,400	100,252	105,747	197,751	89,860	180,512
Replacement	814,366	366,017		944,662	447,082	86,440	16,193	442,344	56,853	286,792
Maintenance and repair:										
Total	24,291,196	1,059,594		1,048,460	756,678	721,443	184,265	1,583,388	178,494	685,207
Recurring	24,115	34,561		147,634				2,500	9,400	77,726
Nonrecurring	24,267,081	1,025,033		900,826	756,678	721,443	184,265	1,580,888	169,094	607,481
Drug treatment centers				188,197	150,000			16,378		
Nursing home care:										
VA								180,507		55,465
Community	323,937	106,701		480,643					20,075	
State				19,100						
Other	5,000			55,650			14,275	65,545	461,059	

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Total	1,074,733	3,830,545	13,274,486	1,491,192	229,500	3,920,721	2,464,283	1,111,803	5,049,823	1,156,223
Staff:										
Total	467,501	1,726,144	5,422,671	646,333	184,500	2,461,269	999,492	693,680	1,529,570	508,993
Inpatient	443,901	1,407,972	5,192,628	646,333	184,500	2,106,069	795,196	633,980	1,416,152	471,782
Outpatient	23,600	55,172	230,043			355,200	204,296	43,388	107,057	37,211
Nursing Home		7,000						16,312	6,361	
Domiciliary		256,000								
Other										
Outpatient fee:										
Dental	20,000	50,000	501,764	70,000	45,000	135,392	42,690	1,000	200,000	10,000
Medical								3,000		
Equipment:										
Total	178,066	1,446,271	3,022,973	367,099		349,429	634,071	17,346	1,754,496	272,639
Initial	72,592	903,480	1,701,825	150,703		157,484	231,881	6,742	1,200,348	153,875
Replacement	105,474	542,791	1,321,148	216,396		191,945	401,190	10,604	554,148	118,764
Maintenance and repair:										
Total	409,166	608,130	4,241,420	397,760		803,081	642,245	340,131	1,276,030	323,161
Recurring		40,900	292,800				76,900		67,700	
Nonrecurring	409,166	567,230	3,948,620	397,760		803,081	565,345	340,131	1,208,330	323,161
Drug treatment centers							58,000			
Nursing home care:										
VA										
Community		85,658				171,550	36,135	31,646	127,097	37,430
State							51,650			
Other		10,000						25,000	162,630	4,000

TABLE 3.—VA HOSPITALS AND CLINICS ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,319,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,531,759	$3,193,404
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	319,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	168,281		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	939,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	769,573
Recurring	2,326,100				438,735	78,367		13,661			346,599
Non-recurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,384
Drug treatment centers	2,078,707				1,244,836						
Nursing home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,643	934,591	341,492	292,639	2,238,092
Inpatient	92,982	5,296,805	1,671,340	1,054,322	1,043,537	275,643	807,888	341,492	277,598	2,238,092
Outpatient	6,500	948,896	141,168	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000		12,400	150,000	193,299		65,000		
Medical		68,878				36,329				
Equipment:										
Total	23,901	2,167,825	882,190	519,106	889,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,484	509,490	259,757	491,124	262,829	506,250	58,473	28,700	399,955
Replacement	20,184	998,341	372,700	259,349	398,682	28,125	113,203	34,625		149,318
Maintenance and repair:										
Total		29,820	1,878,663	346,158	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Non-recurring		699,820	1,791,023	343,658	257,883	286,523	548,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,635	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934,173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000
Outpatient fee:										
Dental	790,000	750,000	189,696	131,492	50,000	125,000	45,000			65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,172		232,046	371,490		504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,750		213,107	20,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Essential positions:	430	1		7	113	3	4		4	4	12
Unable to fill lower grades	2,547	20	27	175	142	40	28		28	19	14
Promotion not honored	228		4	5	66	4	3		2	6	6
Lost because not promoted											
Promotions:	4,463	99	60	178	386	74	121	24	61	99	50
Postponed											
Number:	22,571	654	150	315	1,205	322	176	112	332	696	758
Total fiscal year 1971	7,358	115	58	80	521	62	62	22	110	245	146
Fiscal year 1972	6,619	166	46	113	420	65	50	24	76	187	115
July–November fiscal year 1971	5,351	89	33	80	427	48	42	19	50	193	80
Fiscal year 1972	9,078	316	46	122	306	54	53	66	47	328	249
December–March fiscal year 1971	987	14	5		59	10	6	2	38	37	41
Fisca year 1972	6,862	172	58	80	479	203	73	22	209	281	394
April–June fiscal year 1971	1,023	12	20		35	4	14	1	22	15	25
Fiscal year 1972											
Losses July 1971–March 1972:	9,710	141	120	141	505	136	140	17	187	395	165
Total											
Replaced:	8,432	107	112	114	824	116	131	15	171	343	147
Total	3,975	40	53	55	378	67	74	10	31	148	105
Same grade	4,457	67	59	59	446	49	57	5	140	195	42
Lower grades, total	2,562	30	49	28	274	17	30		2	98	13
1	1,273	16	8	26	149	20	23	2	10	49	22
2	323	16	1	3	18	8	2		48	11	6
3	299	5	1	2	5	4	2	3	80	37	1
4 or more	1,278	34	8	27	81	20	9	2	16	52	18
Not replaced											

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Essential positions:	1	32	7	1	2		14			35
Unable to fill lower grades		260	17	35	17	7	65	20	1	125
Promotion not honored		7				2	10		1	5
Lost because not promoted										
Promotions:	9	382	56	90	17	12	112	20	19	179
Postponed										
Number:	24	954	396	404	386	364	330	245	544	762
Total fiscal year 1971	8	722	153	137	170	112	116	17	165	244
Fiscal year 1972	10	282	103	100	82	77	109	35	79	280
July–November fiscal year 1972	5	518	120	79	135	66	109	13	74	207
Fiscal year 1972	14	365	73	222	175	231	110	189	384	314
December–March fiscal year 1971	2	65	18	44	26	37	6	4	55	32
Fiscal year 1972		307	220	82	129	55	111	21	81	168
April–June fiscal year 1971	1	143	15	14	9	9			36	5
Fiscal year 1972										
Losses July 1971–March 1972:	10	705	224	157	133	50	191	31	141	450
Total										
Replaced:	7	605	210	146	120	45	145	30	125	411
Total	4	362	142	58	51	17	56	10	49	187
Same grade	3	243	68	88	69	28	89	20	76	224
Lower grades, total	2	127	61	50	53	15	57	9	24	174
1		99	6	32	10	9	31	5	24	32
2	1	11		4	4	2	1	6	5	11
3		6	1	2	2	2			23	7
4 or more	3	100	14	11	13	5	46	1	16	39
Not replaced										

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Essential positions:	18	2	1						7	
Unable to fill lower grades	12	12	44	18	10	15	22		33	
Promotion not honored	2		4						2	
Lost because not promoted										
Promotions:	101	56	36	91	10	31	22	18	71	
Postponed										
Number:	517	269	506	265	25	198	63	45	420	99
Total fiscal year 1971	223	133	101	163	17	104	9	8	195	88
Fiscal year 1972	213	80	112	69	6	64	14	23	193	56
July–November Fiscal year 1971	168	93	67	117	14	57	9	5	136	45
Fiscal year 1972	204	75	314	104	14	68	41	10	129	23
December–March Fiscal year 1971	21	29	13	31	3	12			24	18
Fiscal year 1972	100	114	80	92	5	66	8	12	98	20
April–June Fiscal year 1971	34	11	21	15		35		3	35	25
Fiscal year 1972										
Losses July 1971–March 1972:	290	164	124	179	32	74	30	28	249	56
Total										
Replaced	213	151	117	162	30	67	27	26	213	55
Total	119	61	81	83	17	20	11	11	76	30
Same grade	94	90	36	79	13	47	16	15	137	62
Lower grades, total	81	57	7	52	9	5	11	15	79	22
1	12	25	24	27	3	22	4		55	
2	1	6	4			13	1		1	
3		2	1		1	7			2	
4 or more	77	13	7	17	2	7	3	2	36	
Not replaced										

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Essential positions:	37	27		24	5		22		7	1
Unable to fill lower grades	197	93	5	78	55	6	73	47	9	9
Promotion not honored	16	2		26			11	1	4	1
Lost because not promoted										

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TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS—Continued

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Promotions:										
Postponed	336	128	30	245	29	19	70	206	18	30
Number:										
Total fiscal year 1971	2,209	805	78	727	232	229	199	1,009	81	268
Fiscal year 1972	759	100	21	252	78	84	56	305	30	57
July–November fiscal year 1971	933	151	22	316	39	80	79	288	22	68
Fiscal year 1972	510	92	14	221	65	46	52	246	27	53
December–March fiscal year 1971	934	580	37	199	90	94	76	454	13	178
Fiscal year 1972	148	7	3	7	10	10	3	14	3	4
April–June fiscal year 1971	542	74	19	212	103	55	44	267	46	22
Fiscal year 1972	101	1	4	24	3	28	1	45		
Losses July 1971–March 1972:										
Total	1,008	221	32	376	112	176	61	331	38	89
Replaced:										
Total	867	194	29	272	98	165	13	282	33	80
Same grade	458	102	13	118	52	59	7	122	26	41
Lower grades, total	409	92	16	154	46	106	6	160	7	39
1	250	59	8	102	37	54	5	116	6	33
2	115	25	6	42	7	42	1	40	1	5
3	32	6	1	8	1	7		1		1
4 or more	12	2	1	2	1	3		3		
Not replaced	141	27	3	104	14	11	48	49	5	9

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Essential positions:										
Unable to fill lower grades	1	5	14		3	5	9	2		
Promotion not honored	29	130	176	10	8	197	41	42	127	9
Lost because not promoted		2	2			3	2		28	1
Promotions:										
Postponed	37	134	248	28	11	132	110	81	73	14
Number:										
Total fiscal year 1971	224	1,016	1,590	183	48	849	288	285	543	172
Fiscal year 1972	39	170	293	24	3	272	135	89	243	42
July–November fiscal year 1971	66	487	330	40	20	234	132	93	156	14
Fiscal year 1972	35	130	192	24	2	222	94	63	148	17
December–March fiscal year 1971	120	444	481	29	9	176	79	139	156	144
Fiscal year 1972	3	26	30		1	21	20	1	15	9
April–June fiscal year 1971	38	85	768	114	19	439	77	53	231	14
Fiscal year 1972	1	14	74			29	21	25	80	16
Losses July 1971–March 1972:										
Total	58	187	494	63	12	202	203	99	239	44
Replaced:										
Total	54	163	439	57	12	173	177	76	223	39
Same grade	14	84	160	15	8	65	104	42	60	19
Lower grades, total	40	79	279	42	4	108	73	34	163	20
1	15	56	149	1	4	37	54	21	94	10
2	8	20	89	5		27	14	10	57	10
3	13	1	38	14		5	3	2	6	
4 or more	4	2	3	22		39	2	1	6	
Not replaced	4	24	55	6		29	26	23	16	

TABLE 5.—INPATIENT HOSPITAL STAFF, STAFFING RATIO AND AVERAGE DAILY CENSUS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Additional staff required:											
Total	7,342.8	154.5	79.0	105.0	959.7	39.0	29.0	57.0	76.5	201.6	453.7
Recruit	1,093.6	153.5	79.0	103.0	959.7	39.0	27.0	57.0	76.5	201.6	448.2
Physicians:											
Total	498.9	11.0	4.0	14.0	57.4	1.0	5.0	2.0	10.5	7.9	13.0
Recruit	434.8	10.0	4.0	12.0	57.4	1.0	3.0	2.0	10.5	7.9	12.5
Dentists:											
Total	20.2	1.0						1.0	1.0	0.2	1.0
Recruit	20.2	1.0						1.0	1.0	0.2	1.0
Nurses:											
Total	1,416.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	70.0
Recruit	1,381.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	65.0
Nursing assistant:											
Total	1,667.6	44.0	15.0	18.0	208.0	12.0		12.0		22.5	126.0
Recruit	1,647.6	44.0	15.0	18.0	208.0	12.0		12.0		22.5	126.0
Average daily census:											
Fiscal year 1971	82,676	2,323	634	1,662	6,200	957	718	257	620	1,945	1,942
Fiscal year 1972 estimate	80,450	2,260	624	1,599	5,771	966	679	261	615	1,990	1,929
Fiscal year 1973 target allowance	83,304	2,304	643	1,566	6,274	971	698	271	633	2,426	1,947
Expected	83,004	2,304	643	1,566	6,274	971	698	271	633	2,426	1,609

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Additional staff required:										
Total	9.5	455.1	162.0	102.0	97.5	25.0	78.0	34.0	24.5	189.0
Recruit	9.5	361.0	158.0	101.0	97.5	25.0	77.0	34.0	24.5	189.0
Physicians:										
Total		36.6	7.0	7.0	8.0	3.0	8.0	2.0	3.5	11.0
Recruit		28.6	2.0	3.0	8.0	3.0	8.0	2.0	3.5	11.0
Dentists:										
Total	1.0	2.0	2.0							2.0
Recruit	1.0	2.0	2.0							2.0
Nurses:										
Total	1.0	111.0	49.0	17.0	20.0		8.0	10.0	7.0	45.0
Recruit	1.0	111.0	49.0	17.0	20.0		8.0	10.0	7.0	45.0
Nursing assistant:										
Total	1.0	112.0	23.0	15.0	18.0	11.0	14.0		14.0	53.0
Recruit	1.0	112.0	23.0	15.0	18.0	11.0	14.0		14.0	53.0

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Average daily census:										
Fiscal year 1971	145	5,489	1,867	1,452	1,432	387	1,225	775	1,410	3,316
Fiscal year 1972 estimate	150	5,331	1,854	1,317	1,427	355	1,221	764	1,345	3,287
Fiscal year 1973 target allowance	150	5,435	1,886	1,360	1,419	374	1,230	766	1,412	3,289
Expected	150	5,435	1,891	1,360	1,419	350	1,230	766	1,412	3,329

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Additional staff required:										
Total	216.0	64.0	58.0	198.5	25.0	20.0	55.0		160.4	38.0
Recruit	202.0	64.0	51.0	192.5	25.0	20.0	55.0		160.4	38.0
Physicians:										
Total	21.0	4.0	7.0	11.5	1.0	2.0	7.0		9.0	3.0
Recruit	15.0	4.0		10.5	1.0	2.0	7.0		9.0	3.0
Dentists:										
Total	2.0									1.0
Recruit	2.0									1.0
Nurses:										
Total	75.0	12.0	4.0	29.0	1.0	1.0	21.0		20.0	2.0
Recruit	75.0	12.0	4.0	24.0	1.0	1.0	21.0		20.0	2.0
Nursing assistant:										
Total	53.0	12.0	20.0	26.0	1.0		9.0		43.0	5.0
Recruit	53.0	12.0	20.0	26.0	1.0		9.0		43.0	5.0
Average daily census:										
Fiscal year 1971	2,472	1,684	1,165	1,493	216	678	147	127	2,296	360
Fiscal year 1972 estimate	2,360	1,582	1,181	1,463	213	667	158	133	2,283	345
Fiscal year 1973 target allowance	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350
Expected	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Additional staff required:										
Total	785.8	198		245.5	150	19	76	265.7	50	70
Recruit	698.8	196		234.5	150	19	76	259.1	50	68
Physicians:										
Total	71.6	6		27.5	14	2	5	19.2	1	3
Recruit	66.6	5		18.5	14	2	5	14.6	1	2
Dentists:										
Total	2.0			1.0	1		1			
Recruit	2.0			1.0	1		1			
Nurses:										
Total	211.1	25		38.0	25	1	10	38.0	9	21
Recruit	186.1	25		38.0	25	1	10	38.0	9	21
Nursing assistants:										
Total	139.1	33		70.0	30		25	127.0	8	16
Recruit	119.1	33		70.0	30		25	127.0	8	16
Average daily census:										
Fiscal year 1971	8,298	2,042	177	3,937	599	817	567	5,048	292	618
Fiscal year 1972 estimate	7,974	2,022	177	3,829	581	812	632	4,976	298	633
Fiscal year 1973 target allowance	8,293	2,063	185	3,973	581	812	640	5,029	298	712
Expected	8,293	2,063	185	3,984	581	812	640	5,029	298	712

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Additional staff required:										
Total	41.0	145.0	573.0	60.7	10.0	203.5	83.0	55.6	144.5	
Recruit	41.0	145.0	573.0	60.7	10.0	203.5	82.0	53.6	144.5	
Physicians:										
Total	3.0	8.0	27.5	5.7	3.0	7.5	2.0	8.0	7.5	
Recruit	3.0	3.0	27.5	5.7	3.0	7.5	2.0	6.0	7.5	
Dentists:										
Total			1.0							
Recruit			1.0							
Nurses:										
Total	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	
Recruit	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	
Nursing assistant:										
Total	9.0	20.0	188.0	16.0		20.0	13.0	12.0	54.0	
Recruit	9.0	20.0	188.0	16.0		20.0	13.0	12.0	54.0	
Average daily census:										
Fiscal year 1971	797	2,570	4,371	464	144	2,240	1,502	1,042	1,757	
Fiscal year 1972 estimate	785	2,530	4,189	432	149	2,135	1,505	1,003	1,658	
Fiscal year 1973 target allowance	789	2,574	4,245	449	149	2,175	1,563	1,032	1,762	
Expected	792	2,574	4,245	449	152	2,175	1,563	1,032	1,762	

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CANNON. Mr President, returning to the veterans' situation, do I understand that the bill as it now stands, the committee bill, would increase by some $20 million the budget request for this year for veterans' facilities?

Mr. PASTORE. The Senator is correct.

Mr. CANNON. And this is represented largely by a speeding up or replacement of hospital facilities presently deteriorating, as we saw reported a few years ago in one of the national magazines?

Mr. PASTORE. We are trying to avoid this whole philosophy of wasting money. We are saying that an ounce of prevention is worth a pound of cure. Many of these facilities are neglected and they need to be modernized. That is why we adopted the so-called Magnuson amendment.

Mr. CANNON. Not so many years ago, the administration adopted a policy of attempting to close down some of the veterans' hospitals and not go ahead with new starts. Has this policy been reversed so that we can safely say that we are doing more than we had been doing?

Mr. PASTORE. This appropriation reverses that policy.

Mr. CANNON. Mr. President, a while ago I had occasion to be in Guadalajara, Mexico, speaking to a professional group. While there I learned that a substantial

number of U.S. veterans were living in that community. These were disabled veterans who were living there because they could not afford to live in the United States under the type of compensation they were receiving. These veterans had gone to foreign countries to live, though they were disabled, because of the cost of living factor here. I hope that this type of improvement in our veterans program will be accomplished.

Mr. PASTORE. I would hope so. And I would hope that the matter would be looked into by the administration, particularly the Veterans' Administration. They should do something about it. This is scandalous, to me, when an American veteran is compelled to go to a low standard of living country because he cannot live in his own country on his allowance. It reflects, in my opinion, on the conscience of America.

Mr. CANNON. In Clark County in Las Vegas, which has the largest population of any county in my State, we have many veterans who must travel to the State of California, some 300 miles away, to get veterans' care and to go into the hospital. We have a hospital at Reno which is some 400 miles away. We have been trying to get out-patient facilities there. However, it looks as though we have finally been able to do something. We hope they will have the out-patient facilities there to provide immediate care for veterans there rather than compelling them to drive or to be taken 300 miles away to a veterans' hospital and then having it decided whether than can receive hospital care there.

I am delighted that the committee is taking such affirmative action. I commend both the majority and minority managers of this bill for the part they have played in it.

THE VA HOSPITAL IN PHILADELPHIA

Mr. SCHWEIKER. Mr. President, I was very pleased to learn that the Committee on Appropriations included $3.7 million for architectural planning and site acquisition for a new Veterans' Administration hospital in the Philadelphia metropolitan area. On earlier occasions, I have enumerated in great detail the pressing need for this new hospital in the Philadelphia area. The Veterans' Administration has amply documented this need. At this point, I ask unanimous consent to have my earlier testimony and the statement of my distinguished colleague, the senior Senator from Pennsylvania, Senator SCOTT, included in the RECORD.

On this occasion, I would like to take the opportunity to emphasize several of the positive considerations regarding the Philadelphia hospital.

The Veterans' Administration has long had a standing policy, and a very commendable and effective one I might add, of affiliating its institutions with existing medical schools. Such a policy benefits both parties. It provides the hospital with major resources of medical skill and manpower, drawing upon both the expertise of the faculty and the trained manpower of the students, to significantly increase and improve the delivery of medical care to its patients. The affiliated medical school, on the other hand, benefits from the facilities and opportunities the hospital provides to enlarge the clinical experience for its medical professionals.

In this respect, Philadelphia represents one of the Nation's leading concentrations of medical educational facilities and medical talent. The University of Pennsylvania Medical School is located there and is already affiliated with the existing Veterans' Administration hospital. The medical school of Temple University and the Thomas Jefferson School of Medicine are also located in Philadelphia, as are Hahnemann Medical College and the Medical College of Pennsylvania.

In short, now that the Appropriations Committee has taken measures to meet the pressing need, the capabilities exist in Philadelphia for helping to meet that need efficiently and effectively.

Once again, I would like to commend the Senate Committee on Appropriations, under the leadership of the distinguished Senator from Louisiana, Senator ELLENDER, and especially the Subcommittee on Housing and Urban Development, Space, Science, Veterans, under the chairmanship of the distinguished Senator from Rhode Island, Senator PASTORE, on their work with regard to this appropriation for the very necessary new Veterans' Administration hospital in the Philadelphia metropolitan area.

On behalf of the nearly three-quarters of a million veterans in the greater Philadelphia area, I look forward to the beginning of site selection and planning, and ultimate completion of the new Veterans' Administration hospital in Philadelphia.

HUD COUNSELING SERVICE

Mr. HART. Mr. President, at least two committees of Congress, a grand jury, newspaper reporters, authors and numerous State agencies have been at work for months trying to figure out why our housing programs are such a mess.

When the reports are all in, I suspect we will have several explanations. But—looking at the appropriation bill for the Department of Housing and Urban Development—it is simple to see one of the problems.

What is significant is what is missing: funds for counseling of potential homebuyers before they take on the financial burden of the house. This is a perfect example of the intentions of Congress being frustrated by the executive.

Four years ago, in enacting the National Housing Act of 1968, Congress recognized that minority group members—whose families for generations had been renters—may need help in determining if they could handle problems connected with being a homeowner.

Therefore, Congress directed that counseling for these groups be established—along with the housing programs.

Four years later—with billions of dollars in foreclosures on our hands—we are told by the Department of Housing and Urban Development that they are still trying to figure out how to counsel potential homebuyers.

The most charitable thing I can say is that perhaps the agency has not been looking for advice from the right people.

During hearings of the Senate Antitrust and Monopoly Subcommittee we have had several witnesses who saw no great mystery or magic involved in counseling potential homebuyers. For example, several social service agencies in Boston told us they were ready, willing and able to conduct counseling programs. The only ingredient they did not have was the Federal funds which Congress promised 4 years ago would be available.

At recent hearings on the housing situation in New York, a representative of the Bedford-Stuyvesant Restoration Corp., expressed a desire to add counseling to the groups' mortgage operation.

But more importantly, perhaps HUD officials should go out and talk to bankers—who have been counseling the middle-class homebuyers for dozens of years. Apparently these bankers have had no problem in transferring this experience to minority groups and the poorer families who can now participate in the housing market.

For example, a representative of the Buffalo Savings Bank told the subcommittee that his institution is the largest 235 lender in western New York State—with $16 million committed.

With that great deal of money outstanding the bank is just now facing its first two foreclosures.

The Green Point Savings Bank in Brooklyn has more than $500 million in mortgage loans outstanding. Overall, its delinquency rate is about 1 or 2 percent. In the minority programs, that rate is about 3 or 4 percent—about the national average for FHA loans over the past three decades.

Mr. Isidore J. Lasurdo, executive vice president of the bank, explained that the very good experience with FHA programs was due to careful underwriting—and counseling—of the potential homebuyers.

By checking out the applicant, the bank avoids many problems caused by the out-and-out fraud in Federal housing programs which has been demonstrated across the country.

As Mr. Lasurdo put it:

We originate all loans and we interview every borrower and then, at least, we know we have a live one.

We send out our own credit application. We close our own loans.

Mr. Lasurdo pointed out by doing this work itself, the bank avoided two of the biggest problems which are leading to foreclosure: Nonexistent buyers and nonexistent jobs.

The major impact of the counseling that banks do is to make sure that the individual buying a home understands fully his financial obligation—that it includes repairs and utility bills—and to assure themselves that the buyer can carry this burden.

That is plain commonsense. Each of us in this Chamber had to meet the same criteria on each home we have purchased over the years.

This is why it baffles me that HUD—after 4 years—is still telling us we must wait a few more months for them to determine how one counsels potential home buyers.

In its report on this bill, the Senate Appropriations Committee says that HUD officials were not clear on the types of counseling services contemplated.

The committee report goes on to state:

The committee therefore expects the Department to clarify and more sharply define its intentions and goals in this area. A report on the results of this review should be submitted to the committee by December 31, 1972.

There should be no reason why HUD cannot meet that deadline.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15093) was read the third time.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, because I want to ask for the yeas and nays.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. ALLOTT. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alaska (Mr. GRAVEL), the Senator from North Dakota (Mr. BURDICK), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 70, nays 2, as follows:

[No. 210 Leg.]

YEAS—70

Aiken	Ervin	Nelson
Allen	Fannin	Pastore
Allott	Fong	Pearson
Anderson	Fulbright	Percy
Bayh	Griffin	Proxmire
Beall	Gurney	Randolph
Bennett	Hansen	Ribicoff
Bentsen	Hart	Saxbe
Bible	Hatfield	Schweiker
Boggs	Hollings	Smith
Byrd, Harry F., Jr.	Inouye	Sparkman
Byrd, Robert C.	Jackson	Spong
Cannon	Javits	Stafford
Chiles	Jordan, N.C.	Stennis
Cook	Jordan, Idaho	Stevens
Cooper	Kennedy	Stevenson
Cotton	Magnuson	Symington
Cranston	Mansfield	Taft
Curtis	McGee	Talmadge
Dole	Metcalf	Thurmond
Eagleton	Miller	Tunney
Eastland	Mondale	Weicker
Ellender	Montoya	Young

NAYS—2

Brock	Roth

NOT VOTING—28

Baker	Gravel	Moss
Bellmon	Harris	Mundt
Brooke	Hartke	Muskie
Buckley	Hughes	Packwood
Burdick	Humphrey	Pell
Case	Long	Scott
Church	Mathias	Tower
Dominick	McClellan	Williams
Gambrell	McGovern	
Goldwater	McIntyre	

So the bill (H.R. 15093) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, and Mr. YOUNG conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, H.R. 15093 having disposed of, the Senate will now proceed to the consideration of H.R. 15259, the District of Columbia appropriation bill, with debate on the bill and amendments thereto likewise limited under the unanimous-consent agreement previously entered into.

The clerk will state the bill by title.

The legisaltive clerk read the bill by title, as follows:

A bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. INOUYE obtained the floor.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation?

Mr. INOUYE. Two hours on the bill, to be equally divided between the majority and minority, and a half hour on amendments, 15 minutes on each side.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. How much time does the Senator from Hawaii yield himself?

Mr. INOUYE. Mr. President, I yield myself 10 minutes.

It is my pleasure to bring to the floor at this time the fiscal year 1973 District of Columbia appropriations bill which passed the House last Wednesday. It is an especially great pleasure in that the delay that was so frustrating last year has been avoided. As you may recall, last year the subcommittee began hearings on the District of Columbia appropriations on March 15, 1971, and finished them on April 21, 1971, only to have to wait until December to receive a bill from the House. This year our hearings began on February 7 and finished on April 11, during which period we met in 23 sessions and heard testimony from over 100 witnesses. At the time we concluded our hearings the House had not reported a bill. Because we wanted to make our recommendations while the information was fresh in our minds, the subcommittee marked up a bill of its own and brought it to the full committee on May 2. At that time the bill was ordered to be reported after the House had acted. It was agreed that if there were any substantial changes required, either as a result of the House action or for any other

reason, the full committee would be reconvened to consider these changes before the bill was reported to the floor. As it happened, the financial estimates of the District were updated in the interim and the full committee met a second time to consider the various ramifications. This meeting took place Monday, and today we have a bill which we believe is adequate to meet the District of Columbia's needs in fiscal year 1973. There are reductions, to be sure, but I feel that the reductions in no way take away from the support I personally have pledged to the mayor and to the people of the District of Columbia. If we can obtain the same degree of support from Mayor Washington by way of improved accountability for and more responsible use of these funds, we will have struck a very favorable bargain.

There are a number of changes that the committee recommends, which are explained in detail in the report. At this time I would just like to summarize the committee's action. The total request of the District of Columbia for fiscal year 1973 was $900,888,000, of which $722,814,000 was for operating expenses; $28,144,000 for repayment of loans and interest; and $149,930,000 for capital outlay projects. The committee recommends $714,984,300 for operating expenses, a reduction of $7,829,700 from the amount requested and $1,139,700 below the amount recommended by the House last Wednesday; $28,144,000 for the repayment of loans and interest, the same as requested by the city and allowed by the House; and $81,719,100 for capital outlay projects, a reduction of $68,210,900 from the amount requested and $49,674,900 below the amount allowed by the House.

I ask unanimous consent that the summary of bill table that appears on page 2 of the report be included in the RECORD at this time. I believe that it more graphically illustrates the comparative figures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL

Agency and item	New budget (obligational) authority, fiscal year 1972 [1]	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended by House	New budget authority recommended by Senate committee	Senate committee recommendation compared to— Budget	Senate committee recommendation compared to— House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FEDERAL FUNDS						
Federal payment	$177,740,000	$194,074,000	$189,074,000	$187,074,000	−$7,000,000	−$2,000,000
Loans for capital outlay	102,086,000	149,232,000	143,232,000	126,632,000	−22,600,000	−16,600,000
Total, Federal funds to the District of Columbia	279,826,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
Commission on the Organization of the District of Columbia Government	425,000					
Total, Federal funds	280,251,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
DISTRICT OF COLUMBIA FUNDS						
Operating expenses	666,944,000	722,814,000	716,124,000	714,984,300	−7,829,700	−1,139,700
Repayment of loans and interest	23,573,700	28,144,000	28,144,000	28,144,000		
Capital outlay	323,713,000	149,930,000	131,394,000	81,719,100	−68,210,900	−49,674,900
Total, District of Columbia funds	1,014,230,700	900,888,000	875,662,000	824,847,400	−76,040,600	−50,814,600

[1] Includes fiscal year 1972 2d supplemental appropriation.

Mr. INOUYE. With regard to the Federal funds paid to the District of Columbia, which are also included on the table just inserted—and again I refer my colleagues to page 2 of the report—the city requested a total Federal payment of $194,074,000. Of this amount, $190 million was authorized in the District of Columbia Revenue Act of 1971; the remaining $4,074,000 is requested for water and sewer services rendered Federal activities. This latter amount, the $4,074,000 we have recommended in full. The committee does not, however, recommend the full $190 million requested—the amount normally referred to as the Federal payment. Rather, the committee recommends the appropriation of $183 million, or $2 million less than the House allowance.

I believe the closeness of the House allowance and the committee recommendation is noteworthy, and that it reflects fundamental agreement between the House Subcommittee on the District of Columbia and the subcommitee which I chair, concerning the level of funding necessary to meet the city's needs. The Senators will note on page 2 that the difference between the House allowance and the committee's recommendation for operating expenses is only $1.1 million. The District of Columbia request was for $722.8 million.

Our committee was disturbed by many things that were brought to light during the hearings, but two basic problems are paramount. The first concerns adequate fiscal accountability of funds. The subcommittee asked the General Accounting Office to explore the matter and the GAO returned with a list of 18 deficiencies. I questioned Mayor Washington about the deficiencies during the hearings and later I was informed, on an item by item basis, what the source of the difficulty was. I referred all of this to the General Accounting Office for further investigation but have not received their final report as of this moment.

Based on the GAO study and other revelations during the hearings, I cannot help but think that where there is smoke there is fire. The matter of most concern to me is how much fire and, as a practical matter, what can be done about it. The Mayor and I have discussed this both publicly and privately for many hours. The committee has supported the Mayor in his requests, both financially and personnel-wise, but the day of reckoning cannot be far off. I am not the first subcommittee chairman who has extended this support; my predecessors on the subcommittee, Senators BYRD and PROXMIRE, have gone to considerable lengths to assist in this regard. I am told that the tide of unaccountability is being turned, and that when the day of reckoning does come, the District of Columbia will not be found deficient. The assistance and support provided in the last few years has resulted in renewed emphasis on the budgetary process and increased strengthening of the budget office under the able directorship of Mr. Comer C. Coppie. I look forward to seeing the results of this newly constituted office.

The second basic problem area, which is closely associated with the accounting area, is the problem of Federal grant assistance to the government of the District of Columbia. Through this year's budget, the justification materials have been focused on the funding requirements of the programs receiving appropriated funds only. No effort was made to justify the grant funding in the justifications presented to us, although the amount of the expected grant funding for the fiscal year was noted in the justification materials. I point out at this time the table on page 9 of the report, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF FEDERAL GRANTS ASSISTANCE TO THE DISTRICT OF COLUMBIA BY SOURCE

[In thousands of dollars]

Federal agency	1971 actual	1972 estimated	1973 estimated
1. Department of Health, Education, and Welfare	98,314.4	136,626.7	157,246.7
2. Department of Labor	6,329.5	10,950.5	12,169.3
3. Department of Housing and Urban Development	[1] 40,275.0	[1] 51,710.6	[1] 73,154.5
4. Department of Defense	155.6	150.0	110.0
5. Department of Justice	3,012.8	4,392.3	3,268.7
6. U.S. Civil Service Commission	10.0	41.0	2.6
7. Office of Economic Opportunity	1,551.3	2,283.5	1,595.4
8. Department of Commerce	191.6	315.4	28.0
9. Small Business Administration	33.1	14.2	
10. Department of Interior	89.8	107.8	50.0
11. Equal Employment Opportunity Commission	34.5	40.5	40.0
12. Department of Agriculture	6,597.0	3,628.0	4,334.5
13. Department of Transportation	35,400.5	29,657.7	75,323.5
14. National Science Foundation	103.0	140.0	140.0
15. National Aeronautics and Space Administration	45.0	5.0	20.0
16. Environmental Protection Agency	570.7	55,990.6	25,226.6
17. Water Resources Council	.8	24.8	20.0
Total, Federal source	[1] 192,714.8	[1] 296,178.6	[1] 352,729.8

[1] Includes estimates for Redevelopment Land Agency (RLA):

1971 estimate	$30,732
1972 estimate	41,200
1973 estimate	60,805

Mr. INOUYE. This table illustrates the magnitude of the problem that has frustrated the subcommittee with regard to appropriations for the District of Columbia. The funding request over which the District of Columbia Subcommittee is responsible for fiscal year 1973 is $900,888,000 in new obligational authority. At the same time, the District expects to receive over $350 million in grant assistance from Federal agencies. What this has amounted to in the past is that, while we reviewed the budgets and made what we thought were appropriate reductions, the District government was free to do whatever it pleased with the grant funds, including pay for programs we had specifically denied in the District appropriations.

We cannot say that this is the fault of the other appropriations subcommittees, because the sums granted to the District of Columbia are but a minor portion of the budgets they have to review. Now this review is rightly placed with the District of Columbia Subcommittee. As a result, I have requested, and the committee has consented, that inquiry into the District of Columbia grant funding be made the responsibility of the District of Columbia Subcommittee. While this subcommittee will not have the authority to reduce the grants of these various executive agencies, if irregularities arise or funding becomes excessive, the subcommittee will be responsible to see that it is brought to the attention of the subcommittee acting on the appropriation of the executive agency in question. In this way the subcommittee for the District of Columbia appropriations will be able to control the "total" Federal payment to the city. It will know what the total funding requirement of the city is and be able to act accordingly. No longer will the intent of the subcommittee be circumvented by the use of grant funding.

The committee has taken another progressive step in this bill, Mr. President. As I mentioned earlier, the committee drafted its own bill. Naturally, to satisfy the rules of the Senate, all but one legislative provision was deleted from the proposed language submitted in the budget. Some of these provisions date back over 11 years and should have been enacted into law other than in the appropriation bill. As a matter of fact, we warned the District officials that, if they did not act, we would. The result was proposed legislation that the Senate has since enacted—(S. 2004)—but that is presently sitting in committee in the House with no reporting date in sight. We have not revised the bill in this regard since the House has acted, except to add a provision which was deleted by the House. That is why you will notice numerous provisions lined out in the bill before you. The committee proposes that the legislative items be queried in conference. If they are no longer relevant, the committee proposes to delete them. If they are still required, I propose to ask why the House has not acted on the legislation now before it. I think the matter is worth pursuing.

Mr. President, there is one area where the committee differs considerably from the House as to the amount that should be allowed in fiscal year 1973. It is the capital outlay program. Last year, we were concerned that the program was getting out of hand and, as a result, the conferees agreed that a limitation of $150 million should be placed on the budget request for fiscal year 1973. The District complied with the mandate of the conference report, but I am sad to say that their compliance was, to my way of thinking, merely "token." While the District officials submitted a request for $149 million for fiscal year 1973, it should be noted that a few months ago they also submitted a supplemental request for fiscal year 1972 for another $84.2 million. Inasmuch as $67.8 million of the amount requested in the supplemental was approved, the committee recommends that only $81.7 million of the $149.9 million requested for capital outlay in this bill be approved. This will provide for a capital outlay program in line with what the Congress directed last year. The percentage of District funds being used for repayment of loans and interest for this program is growing astronomically as indicated in our report on page 7. Ten years ago the amount required for the repayment of loans and interest was less than $2 million. This year it is $28 million. If the Congress limits the District, as it has in 1973, to $150 million worth of new projects each year, the debt service cost, the cost of payment of interest and principal, will rise to over $200 million by 1989. That is almost 10 times what it is today. It is very popular for the city to engage in these new capital projects—and Mr. President, it should be noted that I am not against the construction of schools, jails, or highway projects—but we have to look to the future and see what the impact of such an ambitious program will be.

I might add at this point, Mr. President, that funds borrowed for use in the capital outlay program have been utilized, in the past, for more consumable items. The subcommittee has been watching this closely and will continue to do so. If funds are to be borrowed for a period of 30 years, we want to ensure that the goods purchased with those funds last that long as well.

The committee would like to keep the loan repayment expenses as manageable as possible but is unable to do so without keeping a tighter rein on capital outlay projects authorized in this bill. For this reason, the committee hopes that the Senate will endorse the committee's recommendation.

Mr. President, there are several acknowledgements that I feel are appropriate at this time. To begin with, I think it should be noted that this bill is being considered before the first of July only because of the cooperative efforts of all the organizations concerned with the appropriation process, the city, the executive branch, the House, and our committee on appropriations. I do not know if the public realizes the impetus that our chairman, Senator ELLENDER, has provided in seeing to it that the bill and others are considered before the start of fiscal year 1973, but, believe me, he has been the motivating force behind us all.

I would also like to recognize the staff on the committee who have been most helpful. Prior to the first of April, Mr. William Jordan, who has worked with this particular bill for almost 5 years, assisted me. He was also assisting Senator PROXMIRE on the foreign aid appropriations bill at the same time which meant that each of us were receiving half the staff assistance we needed. At this time Mr. Farrell Egge was brought in to handle the staff responsibilities on this bill on a full-time basis and Mr. Jordan was allowed to devote full time on the foreign aid bill. With Mr. Jordan's

assistance, Mr. Egge has filled the breach.

Several members of my immediate staff have also become involved in this budget review, because of their interest and because of the numerous phone calls that I have received from the citizens of the District. They are Mr. Bill Milks, Mr. Anson Choung, and Mr. Charles Dickens, who is an intern from the National Science Foundation. They were of great assistance to Mr. Egge during the transition, as was Mr. Robert Clark, the minority counsel. But the "bright light" in this group is Miss Helen Dackis. Without her assistance, I am certain Messrs. Egge and Jordan would have been truly handicapped.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. HATFIELD. Mr. President, I should like to take this opportunity to commend the chairman of our subcommittee, the Senator from Hawaii (Mr. INOUYE). I have been on this committee only a few weeks, but I represent the minority party, and I feel it is important for the Senate to know that the chairman of our subcommittee has diligently pursued his duties and responsibilities. But far beyond that which is normally expected of a chairman, the Senator from Hawaii not only has informed himself and become very knowledgeable as to the material that is presented through the written form and through the verbal testimony before the committee, but also has acquainted himself from on-the-scene investigation, inquiry, visitation, and interview. Therefore, the depth of his knowledge and background are indeed most impressive.

I also should like to indicate that throughout the hearings it has been obvious to me that the Senator from Hawaii has looked at more than statistics and data and figures. He also has looked at the human factor involved and the human problems represented by these figures in our Capital City.

Many would like to see home rule. I happen to be one of the supporters of home rule for our Nation's Capital. But I feel that through this kind of hearing and the kind of leadership given by Senator INOUYE, we not only are developing the finest and the most efficient program under the present organic act, but also probably are doing more for laying the true foundations for solid home rule, which we hope will come in the very near future.

So, in connection with these many aspects, I take this occasion to commend my chairman and to indicate to him my respect and my great admiration for his efficient handling of the committee and for always giving a fair and total hearing to all viewpoints and all groups.

I share his concern about the capital improvement program particularly, and invite attention to page 37 of our committee report, which outlines this common concern that we share. I think that all our colleagues certainly would support our concern on this basis and therefore support the committee's action, even though we would like to appropriate far more money for these aspects.

I express again my personal appreciation and my admiration for the way the chairman has handled this very difficult assignment. I know the sacrifice of time and the sacrifice of duties which are demanded of him in performing his functions for the people of Hawaii. We all should be very cognizant of the fact that whoever serves as subcommittee chairman—especially a diligent man such as Senator INOUYE—does make sacrifice of his time and energies. I thank the Senator for his outstanding performance.

Mr. INOUYE. I thank the distinguished Senator for his gracious words. It has been a great pleasure to have Senator HATFIELD sitting with me on the subcommittee.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, line 9, after "June 30, 1973", strike out "$185,000,000" and insert "$183,000,000".

On page 2, line 13, after "(74 Stat. 210)", strike out "$143,232,000" and insert "$126,632,000"; at the beginning of line 17, strike out "$103,070,000" and insert "$90,070,000"; in the same line, after the word "fund", strike out "$16,750,000" and insert "$13,750,000"; in line 18, after the word "fund", strike out "$3,000,000" and insert "$2,600,000"; and, in line 19, after the word "fund", strike out "$14,160,000" and insert "$13,960,000".

On page 3, line 4, after the word "expenses", strike out "$65,029,000" and insert "$63,242,600"; at the beginning of line 13, strike out "*Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations:"; in line 15, after the word "That", strike out "$2,500,000" and insert "$1,000,000"; and, in line 18, after the word "compensation", strike out the colon and "*Provided further*, That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner".

On page 4, line 8, after the word "Commissioner", insert "cash gratuities of not to exceed $75 to each released prisoner;"; in line 15, after the word "limitation", strike out "$181,700,000" and insert "$181,513,900".

On page 5, line 3, after the word "programs", strike out "$179,526,000" and insert "$179,907,300"; at the beginning of line 4, insert "$9,561,300 shall be for special education. Of the amount provided by this section for Education,"; and, in line 6, after the word "fund", strike out the colon and "*Provided*, That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, $1,000; President of the Federal City College, $1,000; President of the Washington Technical Institute, $1,000; and President of the District of Columbia Teachers College, $1,000".

On page 5, after line 13, strike out:

SECTION 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1972, to August 31, 1972.

On page 5, line 20, after the word "Recreation", strike out "$13,860,000" and insert "$13,843,500".

On page 5, line 24, after the word "in", insert "authorized"; in line 25, after the word "institutions,", strike out "including those under sectarian control,"; on page 6, line 2, after the word "Resources", strike out "$208,709,000" and insert "$209,915,800"; and, in line 22, after the word "Columbia", strike out "without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Vocational Rehabilitation Administration of the Department of Human Resources".

On page 7, line 15, after the word "including", strike out "$166,700" and insert "$182,300"; in line 16, after the word "education", strike out "without reference to any other law"; at the beginning of line 21, strike out "$21,711,000" and insert "$21,372,400"; and, in the same line, after the word "which", strike out $20,042,300" and insert "$20,950,500".

On page 8, line 2, after the word "services", strike out "$44,710,000" and insert "$44,309,800"; and, in line 4, after the word "fund", strike out "$13,846,100" and insert "$13,646,100".

On page 9, line 10, after the word "expended", strike out "$131,394,000" and insert "$81,719,100"; in line 11, after the word "which", strike out "$12,227,700" and insert "$3,360,000"; in line 12, after the word "fund", strike out "$2,420,000" and insert "$1,200,000"; in line 13, after the word "and", strike out "$1,760,000" and insert "$1,020,000"; in line 14, after the word "That", strike out "$4,332,000" and insert "$2,516,500"; and, on page 10, line 5, after the word "lapse", strike out the colon and "*Provided further*, Notwithstanding any other provision of law, and authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse".

On page 10, line 22, after the word "official", strike out "without counter-signature".

On page 11, after line 4, strike out:

SEC. 3. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed $35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for veneral disease investigators in the Department of Human Resources) such allowances at not more than $550 each per annum may be authorized or approved by the Commissioner.

On page 11, at the beginning of line 15, change the section number from "4" to "3".

On page 11, at the beginning of line 19, change the section number from "5" to "4".

On page 11, after line 20, strike out:

SEC. 6. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

On page 11, after line 24, strike out:

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

On page 12, at the beginning of line 9, change the section number from "8" to "5".

On page 12, after line 11, strike out:

SEC. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

On page 12, at the beginning of line 25, change the section number from "10" to "6".

On page 13, after line 3, strike out:

SEC. 11. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

On page 13, at the beginning of line 7, change the section number from "12" to "7".

On page 13, after line 17, insert a new section, as follows:

SEC. 8. The Department of General Services' allocation for construction services shall not exceed 10 per centum of appropriations for all construction projects.

On page 13, after line 20, strike out:

SEC. 13. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

On page 14, at the beginning of line 9, change the section number from "14" to "9".

On page 14, at the beginning of line 16, change the section number from "15" to "10".

On page 14, at the beginning of line 19, change the section number from "16" to "11".

On page 15, at the beginning of line 13, change the section number from "17" to "12".

On page 15, at the beginning of line 17, change the section number from "18" to "13".

On page 15, after line 20, strike out:

SEC. 19. Appropriations in this act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

(1) as a full time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

(2) as a temporary or part time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

On page 16, after line 17, strike out:

SEC. 20. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 9, line 10, strike out "$81,719,100" and insert in lieu thereof "$81,754,100".

Mr. CRANSTON. Mr. President, I want to make it clear that I am in full support of the very fine efforts of the District of Columbia Appropriations Subcommittee and its chairman, Mr. INOUYE, to provide the District of Columbia with an annual budget that is responsive to the needs of the District citizens and also fiscally sound. H.R. 15259 is just such a bill. The chairman has taken great pains to insure that the District's capital outlay program is kept within strict bounds to insure fiscal integrity. It is, therefore, with some trepidation that I offer this amendment to add $35,000 for a bicycle route system.

This amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which was not included in the bill reported by the Senate Appropriations Committee. This $35,000 item was requested by the District government to implement a 22-mile bicycle route system in the District of Columbia.

My reason for offering this amendment is to deal with a growing traffic safety hazard on the city streets and to help protect the life and limb of the increasing numbers who rely on their bicycles as a serious means of transportation. None of the $35,000 will be used for exclusive recreational trails. Rather, the money will be used for three important purposes:

First, to provide for curb cuts and ramps where necessary and appropriate;

Second, to paint lines on the streets; and

Third, to post signs to warn motorists and pedestrians of the presence of bicyclists.

The line-painting will not establish exclusive bicycle lanes, nor will it inconvenience the motorist or redirect automobile traffic. By providing 22 miles of bicycle routes—that are clearly marked for all to see—we will divert bicycle traffic off the major traffic arteries where accidents and congestion are so likely to happen.

The plan calls for a series of bicycle routes into the downtown area: from the Georgetown area into downtown Washington, from the Connecticut Avenue area downtown, from the Capitol Hill area downtown, and from the Southwest redevelopment area downtown.

In short, my amendment is intended to deal with a growing traffic safety hazard, as recognized by the National Traffic Safety Board in a recent report entitled, "Bicycles as a Highway Safety Problem." In the District of Columbia, surveys have counted approximately 6,000 regular bicycle commuters. And if increasing bicycle sales in the metropolitan area are any indication, the number of bike commuters is growing fast.

The most current data compilation of the Metropolitan Police Department indicates that in the first 3 months of 1972, 13 accidents involving bicycles were reported. Nine of these involved nonfatal injuries. Fortunately, there were no

fatalities. However, in 1971, one person lost his life in an accident involving a bicycle, and 81 sustained nonfatal injuries of varying degrees of seriousness.

I believe it is essential to include in the District of Columbia budget the funds necessary to accommodate the growing numbers of serious bicycle commuters and to assure their safety. The $35,000 is a small amount to pay to reduce the likelihood of increasing deaths and injuries on the city streets.

Mr. INOUYE. Mr. President, the committee did not consider this measure, because it was not submitted by the city of Washington. I understand that the White House submitted this proposal, but the Mayor did not initiate the request. As I understand the situation, the request was added by the council. However, I agree with Senator CRANSTON as to the necessity of this measure. I am pleased to accept the amendment and will take it to conference.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CRANSTON. I yield back the remainder of my time.

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. INOUYE. I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I am enthusiastically in accord with the amendment of the Senator from California. I am a frequent user of bicycles on weekends, and I can assure the Senate that the residents of the District of Columbia have taken to the bicycle paths we now have. The paths are crowded on weekends, and this is a wonderful trend. I commend the Senator.

Mr. CRANSTON. I thank the Senator from Illinois.

PRIVILEGE FROM THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that during consideration of the matter I wish to bring before the Senate, Mr. William Lytton of my staff be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I enjoyed very much indeed my service on the Appropriations Committee. As the ranking Republican on the District of Columbia Committee, I benefited tremendously from that service. I know that our distinguished assistant majority leader rendered great service to the District of Columbia on that committee and became knowledgeable, and we lean heavily on him for counsel and advice.

I admire the tenacity with which my distinguished colleague from Hawaii (Mr. INOUYE) went after his job. Although we have had some differences, I pledge to him that as a resident of the District of Columbia, I shall continue my interest in the District of Columbia. We should and can make this a model city for the inhabitants of the Nation's Capital.

Mr. President, I would just like to comment briefly concerning the District of Columbia jail. The Department of Corrections requested $10 million to begin construction of a new jail facility. The House has agreed to appropriate $9 million; however, the Appropriations Committee of the Senate has recommended that no money be appropriated for this project.

The District of Columbia jail has a capacity for 663. However, it has been operating at 83 percent over capacity. The average daily population is 1,213, and a year from now the average population is expected to be 1,351. I am sure that the chairman recalls when I testified before his subcommittee on March 29 of this year, and at that time I warned of the severe overcrowding and the very real danger of a riot situation developing by the end of this summer, which information was given to me by inmates and by other people familiar with the situation out there. The facts which I discussed at that time have not changed, in my judgment. The situation is still critical, and it gets more critical each day. Any hesitation on the part of the Congress would only serve to exacerbate these very serious tensions.

Kenneth Hardy, the Director of the District of Columbia Department of Corrections, has pointed out in testimony before the Senate that—

> Any system whose facilities are operating at more than 50% over-capacity can function neither effectively nor efficiently for long.

Indeed, Mr. Hardy has also commented that he does not see "much difference in the way the Nazis kept the prisoners they had at Dachau and what we are keeping our men in today."

An independent, 2-year study of the century-old District of Columbia jail termed the jail "a filthy example of man's inhumanity to man." Obviously, the intention of the Department of Corrections to replace this barbaric structure can only be praised by all of us who have an interest in the well-being of the District of Columbia.

It is because of this, Mr. President, that I am somewhat concerned by the report of the Appropriations Committee which recommends that no money for the jail be appropriated by the Senate. I know that the distinguished chairman of the subcommittee, Mr. INOUYE, is cognizant of the very pressing need for the new jail. Since the committee report is somewhat incomplete in discussing the reasons for this deletion, I should like to ask the distinguished Senator from Hawaii the reasons for this deletion. I am thoroughly familiar and am supportive of his efforts to bring capital expenditures within control, to see that we do first things first. But this is a most urgent project. Everything that is presently desirable is probably already in the budget. But we have to put first things first.

I recognize that this might not come within the $150 million target figure, but in the Department of Corrections, of the 10 items that were asked for in the budget, the jail was the No. 1 item.

It might be useful for the record to review the fact that the overall construction of the jail is $43 million. Congress has already committed itself to the construction of this new facility by appropriating $2,650,000 as of March 31. The Department of Corrections expects to sign a contract this week with architects for $1,925,000 to provide for plans to be drawn up; and if the money requested for construction by the District would be forthcoming, the Department of Corrections estimates that excavation could be started by this time next year.

Since I am rather unclear as to why the committee has decided not to appropriate this money, I would very much appreciate the chairman's offering for the record the reasons why the committee decided to deny a request by the District in this regard, a request which was reaffirmed at noon today, at a luncheon by former Attorney General of the United States, John Mitchell, who said that in his judgment this is an urgent capital requirement and absolutely essential to continue to carry out a program which has been so costly in lives and to the property of people in the District of Columbia.

The tendency to bring down the crime rate must be accelerated and continued, but we know that a great deal of crime is created by inmates already in prison, almost all of whom will be eventually released. We know that from their experience in having to endure the inhumane conditions existing in jail, many times they revert back to a life of crime. Our prisons are today schools for advanced courses in crime. We are the victims, those of us who are residents of the District of Columbia. I feel, for the record, that it would be highly desirable, therefore—because I know that the chairman does not do things without good reason—to have it stated for the record now, as to what was in the minds of the Appropriations Subcommittee in this regard.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Hawaii is recognized for 5 minutes.

Mr. INOUYE. Mr. President, last year, Congress appropriated a sum in excess of $323 million for capital outlay projects for the city of Washington. As a result, in conference last year, the House and Senate conference agreed that, henceforth, a ceiling should be established for capital outlays and projects of $150 million per year.

Why?

The reason is simple. Ten years ago, the debt service cost of the city, the cost of interest payments and principal payments, was less than $2 million.

Today, as a result of the borrowing power we have extended to the city, the debt service cost—which is primarily in interest payments—exceeds $28 million.

The committee felt that if the city were permitted to continue with this accelerated capital project, no one would know what the capital debt service cost would be, say, 20 years from now.

We estimated that if we maintain a ceiling of $150 million a year, the debt service cost in the year 1989—which is not too far away, sir—would be $203 million per year.

In other words, it is easy for city officials to go out to their constituents and say, "We have got you this and that project," because they do not have to pay for it today, Mr. President. Someone's son and daughter will have to pick up the tab for that 15 or 20 years from now.

It should also be noted that Congress, in response to the pleas of city officials, appropriated large sums of money for capital projects.

At this moment, we have over $300 million worth of approved projects still unobligated for construction purposes. If these projects were of such high priority when they were presented to us a year ago, 2 years ago, or 3 years ago, why have the funds not been used?

I have suggested that funding authorization for these projects can be reprogramed and used for the jail.

In order to be consistent with my views that the people of the District of Columbia deserve self-government, I have tried my best to rely on the direction which has been coming from the mayor's office.

The subcommittee therefore requested the city to submit to this committee of ours a priority list of their projects. In the event we limited the construction program to $82 million, what would their priorities be?

Mr. President, in the priorities list, they did not include the city jail. The jail was listed in the third priority group behind at least 22 other projects.

I agree with my distinguished colleague from Illinois that the jail is important. I was at the hearing and listened to the testimony. I was personally rather surprised to find the city coming forth and not including the jail as a high priority matter.

But since I have committed myself to home rule, and since I have assured the city that I will try my best to go according to their direction, we placed their priority list in the committee report with only a few minor revisions. I would like to cite those revisions at this time.

From the amount set aside for Dunbar High School, we have deleted the sum of $225,000. That is not a large amount. But it is pretty substantial when we have a minimum of $35,000 for a bicycle path.

They had in the top priorities an item of $225,000 to build a rifle target range in Dunbar High School. I do not believe that a rifle target range has a high priority in this situation considering the recent history of the United States.

Mr. PERCY. Is that to train law enforcement officials or is it for anyone who wants to use it?

Mr. INOUYE. It is for high school students. I have tried my best, although this job is not my idea of a pleasant assignment, because I am a firm believer in home rule. But I have tried my best to do my job.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 additional minutes.

Mr. INOUYE. Mr. President, I represent the State of Hawaii. The State of Hawaii has been struggling for home rule for a long time. We got it 13 years ago. I would like to see Washington get it tomorrow. As long as we do not have home rule here, I will try my best to provide some fiscal responsibility. I hate to see the young children of today pick up the tab for some of the luxuries that are not necessary.

Mr. President, I could go on and on for hours, if the Senator wants me to, and I could tell him some of the items that have been requested in the capital outlay budget, items that personally I see as being unnecessary items. They could be set aside for a few years at the least.

Mr. President, in closing I would like to note that throughout the United States the people of the United States have experienced hard times. The citizens of the county of Fairfax just last evening voted down a bond issue of something like $55 million for school construction programs.

There are other major cities in this Nation where we have not found a single new classroom built in the last 6 years because of the lack of funds.

Mr. President, this Congress has been, in my view, very generous to the people of this city.

But I would like to temper our generosity with some responsibility. And if the city officials wish to come forth with a revised priority list, I would be very happy to incorporate the list in the bill. Incidentally, I requested the Mayor to do so yesterday. He reported that he was not able to change the priority list.

Mr. PERCY. Mr. President, will the Senator yield me 5 minutes?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I feel that we are getting a clarification of the matter now. It is inconceivable to me that an item that is No. 1 on the priority list of the Department of Corrections, would end up being No. 22 on the overall District of Columbia list.

I see we do have a problem. However, just to clarify the matter, is it the chairman's feeling that this jail should be constructed?

Mr. INOUYE. I feel that the jail should be constructed. It should have been constructed 5 years ago. However, I am still bound by this priority list. Therefore, I have discussed it with their fiscal officers and have suggested that they come forth with a new program of requests to set aside some of these nonpriority matters that have been pending for years and propose a start of construction on the jail. Incidentally, it might be well if the Congress were to take a good look at the construction plans for the jail.

I have made a study and I find that less than 25 percent of the residents of the District of Columbia live in air-conditioned homes.

This jail will have centralized air conditioning. Maybe this is the way to treat our felons. However, I would think that our people should get air conditioning before the prisoners get air conditioning.

Mr. PERCY. Mr. President, I have a roomful of witnesses that are waiting in the committee room at the hearing. I will try to be very brief.

As I understand it, the city has three categories of priorities. The new jail is listed in the first category. There are 25 projects listed in that first category.

I just do not understand it. If we are for the jail, and the House supports it and the chairman and the administration supports it, what do we have to do to get this project going, unless we are willing to set this aside for another year because of somehow not being able to surface this high enough in priorities because of the way we are going about it?

Mr. INOUYE. Mr. President, if the city officials will come forth with a revised priority list which would include the jail, I will publicly assure them at this time that I will do everything to see that the jail construction is made part of the bill.

I realize that the cuts proposed by the Senate subcommittee are rather harsh. But somewhere along the line someone must apply the brakes.

If we had gone along with the requests submitted by the committee, we would have appropriated this year $149 million in construction programs. Add to that the $323 million for last year. What will next year be like and the years following?

Mr. PERCY. Mr. President, I am very sympathetic with the overall objective. I would like very much to go on record as believing that if we delay this project for a year, those who participate in this delay will have to assume personal responsibility for the delay.

This final element in the program to reform the system of justice in the District of Columbia is aimed at safeguarding the lives and property of the people in this city.

The present jail is an absolutely inhumane way of handling our prisoners. They are the ones who will commit the crimes in the future. They are the ones who will rob someone. They are the ones who will rape someone. They are the ones who will murder someone. We must take this step and advance $9 million or $10 million for this step which is very small indeed when compared with the chances we are taking in endangering the lives of the citizens of the community.

I think there is a great obligation on the part of the District of Columbia administration to come forward and respond to this request for the revised list of priorities that the chairman of the subcommittee has wisely asked for.

Mr. President, I would just like to briefly refer to the question of unobligated funds.

I note that on page 40 of the committee report, $6,748,848 is listed as being unobligated as of March 31 by the Department of Corrections. I have checked with the Department of Corrections and they inform me that as of April 30 almost another million dollars was obligated, bringing the unobligated portion down to $5,901,998. Keeping in mind that the contract with architects will very probably be signed this week for almost $2 million, the total unobligated funds is down to a little under $4 million. I think that the trend is very clear that this un-

obligated money is very quickly being obligated. I certainly would not think that we would want to penalize the Department of Corrections, and consequently the citizens of the District, because of other departments or agencies which have not obligated their funds.

Mr. President, I trust that we will find some answer to this problem within the framework that the chairman and the distinguished ranking minority member of the subcommittee are trying to accomplish and not have an uncontrolled capital budget. However, we should have a set of priorities that we can live with and we should not be forced to sacrifice this one capital project that is so important.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. INOUYE. Mr. President, I wish to have the RECORD note that a few months ago in the second supplemental construction request, Congress appropriated $65,200,000 for four facilities in the Lorton complex to alleviate the conditions there.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, I would like to make a few comments on the matter.

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, as is obvious, the Senate has had very little time to study this appropriation bill. It was only available today. So, with a quick glance, there are three points that I want to mention and I would then like to ask several questions of the able chairman of the subcommittee.

The Senate committee has recommended an appropriation of $189 million below last year's figure.

It is $76 million below this year's budget request and $50 million below the amount approved by the House. Obviously the Senate committee conducted a thorough review of the District of Columbia spending programs.

Second, the total Federal funds to be paid to the District under the committee bill is $313 million, which is $33 million higher than last year's budget authority, but $30 million less than the budget recommendation.

Third, during the period 1951 to 1972 the Federal payment rose as a percentage of the District of Columbia tax revenues from 10.6 percent to 40.5 percent.

For 1973 the committee recommends a Federal payment which would be 40.8 percent of the District of Columbia tax receipts. Obviously this represents a successful effort to arrest the rapid increase in the Federal payment as a share of total District revenues.

I note on page 5 of the report that it goes back to 1951. In fiscal year 1951 the Federal payment, as a percentage of tax receipts, was 10.6 percent. In 1961 it had gone up to 15.9 percent, until last year, and that is fiscal year 1972, it was 40.5 percent, and the new year will be 40.8 percent. That is a very dramatic increase in the Federal share of the cost of the District of Columbia government.

I commend the committee for putting a brake on this tremendous increase in the Federal share.

I wish to direct several questions to the distinguished chairman of the subcommittee.

Did the chairman indicate the total cost of Government in the District of Columbia; that is, the Federal share of the local share combined?

Mr. INOUYE. The request made by the city was $900,888,000. The Senator knows we did not approve the total amount.

In addition to this sum, which includes the Federal payment of $190 million authorized, we have the sum slightly in excess of $350 million in other Federal grants such as impact aid funds from HEW, matching highway funds from the Department of Transportation, and housing funds from HUD.

Up until a few weeks ago the Subcommittee on the District of Columbia had authority only to look into those appropriated funds, but at the request of the full committee the Subcommittee on Appropriations was directed to concern itself and to exercise jurisdiction over all Federal funds. Therefore, beginning with this coming fiscal year the subcommittee will be checking into every penny that comes in from the Federal Government.

I wish to point out that there have been certain expenditures reported in the press that caused some raising of eyebrows. For example, there was the use of impact aid funds to go to a local hotel for a weekend to conduct seminars and having the Federal taxpayers pick up the tab for about $2,000 for food and other accommodations. I do not think this is a high priority matter, but if it is we would like to have city officials say so for the record.

Mr. HARRY F. BYRD, JR. From the short time I had to study the committee report I am not clear whether the total cost of government for the upcoming fiscal year is $824 million or $824 million plus the grants the Senator has been speaking of.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INOUYE. Mr. President, I yield 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. INOUYE. If the conference approves the $824 million the total cost of government in the city of Washington would be $824 million plus $350 million.

Mr. HARRY F. BYRD, JR. Then, as I understand it from the Senator from Hawaii, the total cost of government in the District of Columbia for fiscal year 1973, as recommended by the committee will be $824 million plus $350 million, making a total of $1.174 billion.

Mr. INOUYE. The Senator is correct, but the subcommittee up until this time had no jurisdiction over the $350 million. These were funds authorized and approved by other subcommittees.

Mr. HARRY F. BYRD, JR. Yes; I understand. But I am trying to understand how much it costs to operate the District of Columbia government.

Mr. INOUYE. Over $1 billion.

Mr. HARRY F. BYRD, JR. Where do the funds come from? As I understand it, the figure is $1.174 billion for fiscal year 1973.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. I note on page 2 of the committee report that there was a very substantial supplemental for 1972. In comparing the amount recommended by the committee with 1972 figures, this is following a reduction of $189 million, the supplementals were included as they should have been for 1972.

I am wondering if the Senator anticipates supplementals for 1973.

Mr. INOUYE. It would appear it has become the tradition on the part of the city of Washington to submit supplemental requests. But may I assure the Senator from Virginia that the Subcommittee on the District of Columbia will look upon these supplemental requests with a very hard eye. We will insist that these requests be those that will meet the strict requirements of the law, that they be emergency matters. For example, if we should experience a demonstration during this winter, an unexpected demonstration which would cost extra money for security, police, law and order, I think the city is justified in coming forth and requesting those unanticipated costs.

Mr. HARRY F. BYRD, JR. In looking over the RECORD of last December and taking the committee report today for fiscal year 1972, the supplementals amounted to some $200 million, the way I see it—perhaps a little less than $200 million that the city sought last year in supplementals. Is that correct?

Mr. INOUYE. That is including construction programs also.

Mr. HARRY F. BYRD, JR. It is including the total cost of Government.

Mr. INOUYE. As the Senator will note we took that into consideration when we considered this year's budget, while limiting the capital outlay program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. I yield 2 additional minutes.

Mr. HARRY F. BYRD, JR. My point is the supplementals for fiscal year 1972 amount to about 25 percent of the amount previously appropriated, a very high percentage. I am pleased to hear the Senator from Hawaii, and I know he plans to go very carefully into any requests for supplemental appropriations that might be made by the District of Columbia.

Mr. President, I would like to ask this question: What is the total number of employees now on the payroll of the District of Columbia?

Mr. INOUYE. According to the latest figures we have from the city of Washington, it is 39,726.

Mr. HARRY F. BYRD, JR. That is a lesser number than had been anticipated by the committee a year ago. Is that correct?

Mr. INOUYE. I believe the figures have not changed considerably.

The PRESIDING OFFICER (Mr. SAXBE). The Senator's time has expired.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

With the President's austerity program, several jobs have been eliminated. So I would say, although I do not have the figures before me, that the total number should not be far different from that of the last fiscal year.

Mr. HARRY F. BYRD, JR. I would like to ask the Senator in regard to the number of welfare recipients, the average monthly total, what the committee estimates it will be for fiscal 1973.

Mr. INOUYE. The average monthly recipients——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. INOUYE. This is an estimate. For fiscal 1973 the District Budget Office estimate of the average monthly recipients is 124,000. The total expenditure is $108,477,104, which amount we reduced by $3 million.

Mr. HARRY F. BYRD, JR. I would like to point out that just in the short period from fiscal 1970 there has been a very large increase. In 1970 there were 49,983 drawing public assistance. That number will have gone up to 124,400 for fiscal 1973. In that short period of time the number of welfare recipients has more than doubled.

Mr. INOUYE. It has doubled?

Mr. HARRY F. BYRD, JR. From 49,000 to 124,000 is more than doubled. In 1971 it was 99,000. It had doubled from 49,000 in 1970.

Mr. INOUYE. In 1970 it was 49,000.

Mr. HARRY F. BYRD, JR. In 1970 it was 49,000. In 1971 it was 99,000. That is a doubling right there. For 1973 it will be 124,000.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. In 1970, just a short time ago, the city spent $34,814,000 for welfare. For 1973 it will be $108,477,000, or $103,477,000, if $3 million has been deducted. There again, in that short period of time, the cost has increased more than threefold.

Mr. President, I ask unanimous consent that the table from page 29 of the committee report be printed in the RECORD. This table gives the average monthly caseload, the average monthly recipients, and the total expenditures for welfare, beginning in 1962 to 1973.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PUBLIC ASSISTANCE CASELOAD AND EXPENDITURES REGULAR CATEGORIES

[Amounts in thousands]

Fiscal year	Average monthly— Caseload	Average monthly— Recipients	Expenditures Total	Expenditures Local	Expenditures Federal
1962	12,706	32,864	15,809.3	6,834.8	8,974.5
1963	11,067	27,597	13,562.3	5,387.6	8,174.7
1964	10,134	25,202	12,511.6	4,799.7	7,711.9
1965	10,647	26,862	13,350.8	5,216.6	8,134.2
1966	11,375	29,368	14,614.5	5,526.8	9,087.7
1967	11,998	30,563	16,479.4	6,897.6	9,581.8
1968	13,086	33,294	19,432.6	8,794.0	10,638.6
1969	14,880	38,447	23,055.8	10,957.1	12,098.7
1970	19,603	49,883	34,814.4	17,932.3	16,882.1
1971	29,615	75,034	56,801.8	29,749.4	27,052.4
1972[2]	36,000	99,158	66,602.2	35,299.2	31,303.0
1972[2]	40,492	106,000	79,253.3	41,153.3	38,100.0
1973[2]	51,000	124,400	106,477.1	55,198.5	51,278.6

[1] Budgeted.
[2] Estimate.

Mr. HARRY F. BYRD, JR. Mr. President, I also ask unanimous consent that the table on page 5, showing the percentage of Federal contributions and costs, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EDERAL PAYMENT COMPARED TO DISTRICT OF COLUMBIA TAX REVENUES

[Dollar amounts in thousands]

Fiscal year	Federal payment appropriated (general fund)	Tax receipts	Federal payment as a percentage of tax receipts
1951	$9,800	$92,393	10.6
1952	10,400	96,486	10.8
1953	10,000	98,669	10.1
1954	11,000	98,950	11.1
1955	20,000	107,381	18.6
1956	18,000	114,179	15.8
1957	20,000	128,724	15.5
11958	20,000	135,640	14.7
959	25,000	138,607	18.0
1960	25,000	150,704	16.6
1961	25,000	156,891	15.9
1962	30,000	168,669	17.8
1963	30,000	192,326	15.6
1964	37,500	201,725	18.6
1965	37,500	215,711	17.3
1966	44,250	237,349	18.6
1967	58,000	253,078	22.9
1968	70,000	281,495	24.9
1969	89,365	317,746	28.1
1970	116,166	363,270	32.0
1971	131,000	406,271	32.2
1972 estimate	173,654	428,850	40.5
1973 recommended	183,000	448,600	40.8

DISTRICT OF COLUMBIA TAXES

Property taxes: Realty; Personal tangible.
Sales and gross receipts: Alcoholic beverages; Cigarette; Insurance; Motor vehicle excise; Public utilities, banks, etcetera: Sales and use.
Income taxes: Individual income; Corporation franchise: Unincorporated franchise.
Other taxes: Inheritance and estate; Real estate recordation; Motor vehicle registration.

Mr. HARRY F. BYRD, JR. Mr. President, one additional item deals with the inaugural ceremonies, and appears on page 33 of the report. There is an item of $879,000 for inaugural ceremonies. Would the chairman indicate just what that $879,000 would take care of?

Mr. INOUYE. This was a request submitted by the city of Washington and by the White House to pay for expenses anticipated for the Presidential Inauguration this coming January. It would be for the construction and rental of the viewing stands, benches, additional security, additional wiring, electricity, cleanup service, and so forth.

It is based upon the experience of the past inaugural ceremonies, and it appears that, as the years go by, inaugurations get a bit more elaborate and a bit more expensive, sir.

Mr. HARRY F. BYRD, JR. Does the Senator have a comparable figure for the inauguration 4 years ago?

Mr. INOUYE. I do not, but if I recall—and I am just delving back into my mind—4 years ago the cost of the inauguration was about $440,000.

Mr. HARRY F. BYRD, JR. The reason why I asked that question is that on May 18 of this year the Senate approved a conference report which carried an item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973.

Mr. INOUYE. That is for the Capitol.

Mr. HARRY F. BYRD, JR. That did not go to the District of Columbia?

Mr. INOUYE. No; that amount is for the Capitol, the building of the special inaugural front and the guest galleries there.

Mr. HARRY F. BYRD, JR. That is correct, but what I am trying to get clear is the total inaugural cost insofar as the American taxpayer is concerned. If I understand it correctly, it would be $650,000, which has already been appropriated, plus $879,000 which is proposed to be appropriated to the District of Columbia, making a total of $1,529,000.

Mr. INOUYE. It is a very expensive gala, sir.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. I would like 2 minutes.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, I think the distinguished and able chairman, the Senator from Hawaii, has tackled this very difficult problem of financing the District of Columbia in a very able and efficient and effective way, and I want to extend to him my thanks as a colleague.

I do think it is very important that the taxpayers realize just how much of the total cost of the government in the District of Columbia is being paid for by Federal tax funds taken from the pockets of all the people of all the United States. That is why I have consistently opposed, and shall continue to oppose, any proposal to put a commuter tax on the citizens of Virginia and the citizens of Maryland, such as was proposed by the city government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield 1 minute to the Senator.

Mr. HARRY F. BYRD, JR. I am glad the committee chaired by the Senator from Hawaii knocked that proposal out, because in studying this report it becomes clear that the Virginia taxpayers and the Maryland taxpayers, along with the taxpayers of the other 48 States, are paying substantially to operate the government of the District of Columbia. Any such commuter tax as has been proposed in the past would be very unfair to put on to the people of Virginia and the people of Maryland.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SAXBE). All remaining time having been yielded back and the bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

XUM

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York City (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 211 Leg.]

YEAS—78

Aiken	Eastland	Nelson
Allen	Ellender	Pastore
Allott	Ervin	Pearson
Anderson	Fannin	Percy
Bayh	Fong	Proxmire
Beall	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hansen	Roth
Bentsen	Hart	Saxbe
Bible	Hartke	Schweiker
Boggs	Hatfield	Smith
Brock	Hollings	Sparkman
Burdick	Hruska	Spong
Byrd, Harry F., Jr.	Inouye	Stafford
Byrd, Robert C.	Jackson	Stennis
Cannon	Javits	Stevens
Case	Jordan, N.C.	Stevenson
Chiles	Jordan, Idaho	Symington
Cook	Kennedy	Taft
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Cranston	McGee	Tower
Curtis	McIntyre	Tunney
Dole	Metcalf	Weicker
Dominick	Miller	Young
Eagleton	Mondale	
	Montoya	

NAYS—0

NOT VOTING—22

Baker	Harris	Mundt
Brooke	Hughes	Muskie
Buckley	Humphrey	Packwood
Church	Long	Pell
Fulbright	Mathias	Scott
Gambrell	McClellan	Williams
Goldwater	McGovern	
Gravel	Moss	

So the bill (H.R. 15259) was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CRANSTON. I move to lay the motion on the table.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SAXBE) appointed Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. HATFIELD, Mr. STEVENS, and Mr. YOUNG conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF THE LEAD-BASED PAINT POISONING PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3080, the Lead Based Paint Poisoning Prevention Act.

Debate on this bill and amendments thereto are limited under the unanimous-consent agreement previously entered into.

The bill will be stated by title, for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 3080) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURING OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lear Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS–18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I am glad to have the opportunity to urge the Senate to pass S. 3080, amendments to the Lead Based Paint Poisoning Act.

This measure represents a continuation of existing legislation, Public Law 91–695, which was introduced in 1969, when the first effort was made by Congress and the Government to meet the problem of lead-based paint poisoning.

The proposed legislation represents the result of the experience that was gained during the last 2 years plus additional information and testimony that we had during the course of the hearings by the Health Subcommittee on March 6, 9, and 10 of this year.

This measure was reported by the Health Subcommittee and the Labor Committee by a unanimous vote of Democrats and Republicans. I believe that it has been improved significantly by the amendments of the Senator from Pennsylvania (Mr. SCHWEIKER). He was one of the initial movers in the Senate in drawing our attention to the problem of lead-based paint poisoning. I had the opportunity to appear with him about 3 years ago when we were first attempting to get Federal legislation to solve the problem.

This legislation authorizes $100 million for lead poisoning programs. Five million dollars would go to the Department of Health, Education, and Welfare and to the Department of Housing and Urban Development for Research. Fifty million dollars is authorized for HEW grants to eliminate the hazard if it is found in homes, or in the interiors of buildings, and some $45 million for the screening of individuals who may be affected by lead-based paint poisoning.

Mr. President, this is a poison which has come to national attention only during the past few years, although it is as old as the foundation of our Union. Even Benjamin Franklin commented on it during the first days of the Republic. Unfortunately, very little has been done up to this time to try to do something about the disease, which affects some 400,000 young Americans and will result in the deaths of 200 children this year. 14,000 children will be treated for lead-based paint poisoning, and half of them, even after treatment, will be left mentally retarded.

Mr. President, there are few problems which come before the Senate in which we find that spending $1 of the taxpayers' money toward solving a problem can so successfully relieve pain, suffering, and human misery.

By this authorization, we will, with an adequate appropriation, have a direct effect on the impact of lead poisoning on thousands of American citizens. We will be able to save the lives of hundreds of children. We can eliminate the possibility of mental retardation in tens of thousands of young people and children, and thus meet one of the significant health hazards that face many people in this country today.

The thrust of the legislation is to provide screening, and through the process of screening be able to detect those affected by this disease and provide treatment for it. We will also be able to provide resources to remedy the situation, that is, to eliminate the hazard as it exists, for the most part in older buildings which were painted 30 years ago—buildings in the inner cities—and some in rural America.

We will be providing resources to try to eliminate those surfaces which have peeling chips that can be a cause of lead-based paint poisoning, and also provide for some resources in the area of research.

I would say also, Mr. President, that we adopted in this legislation some standards for paint to be sold for interior residential surfaces. We have carefully tried to avoid setting regulations or standards for paint which would be used on exteriors at construction sites, which pose no serious health hazard.

We have suggested in this legislation that paint with no more than 0.5 percent of lead be manufactured up to January 1, 1973, and by January 1, 1974, such paints must have a lead content of not more than .06 percent.

This is a provision in the legislation that conforms with the Food and Drug

Administration's regulations on the lead content of paint.

Representatives of the paint industry appeared before the Health Subcommittee. By and large, they were extremely constructive and sensitive to the health needs of the American people. They were willing to work with the committee in helping to try and reach some standards. Many companies have developed paint which has no lead content in it whatsoever. That has been done, for the most part, by some of the major companies.

I have had the opportunity to meet some of the representatives of the smaller companies who feel that to reach the point of .06 percent may be a burden for the company and its employees. They felt that there had not been sufficient consideration as to what percent of lead in paint caused a health hazard. But they indicated their interest in conforming to Federal regulations and Federal law.

We have also included in this legislation a study to be made by the Department of HEW, to undertake what we hope will be an exhaustive study. The Department will report back to the Health Subcommittee in a period of 8 months with recommendations, so that the Health Subcommittee will be able to consider all the conclusions which they have been able to develop, and act on them if the committee deems it necessary and, if the evidence is convincing, to change the figures which have been indicated here.

This is a responsible way to proceed. I have been sufficiently convinced by the research, even the limited research done by the Food and Drug Administration, and the consideration given it by the Department of HEW, to urge that the other figures be included in this legislation.

I would also hope that the paint industry would feel we were trying to be positive and constructive in devising the study and will believe that it is the intention of myself and the other members of the subcommittee that we will all be be very glad to give them a hearing when the results of the study are concluded.

Mr. President, this is important legislation. It can have an important impact on relieving the pain, suffering, and human misery visited on many thousands of Americans today.

I believe that the kind of support for this problem that we heard during the course of the hearings has compelled the introduction of this legislation on the part of all Members of Congress—both the House and the Senate. I know that is close to passing parallel legislation.

Though the amounts of money included in the legislation are minimum amounts, they can, with appropriations, have a great impact on relieving pain and suffering for millions of children and young people in this country right away.

Mr. President, I urge the Senate to approve S. 3080, because it amends Public Law 91-695—the Lead Based Paint Poisoning Prevention Act—to provide $100 million a year in the battle against childhood lead poisoning.

Ten years following the signing of the Declaration of Independence, Benjamin Franklin recorded his long experience with the effects of lead poisoning. In a letter to a close friend in July 1786 he complained that,

> This mischievous effect from lead is at least above sixty years old; you will observe with concern how long a useful truth may be known and exist before it is generally received and practiced on.

Though the "useful truth" about lead based paint poisoning in children has been known for much of the time since Mr. Franklin wrote those words, we have not yet "generally received or practiced on" that knowledge. It would indeed be gratifying if substantial successes against childhood lead poisoning will have been achieved before the 200th anniversary of the Nation's celebration of independence.

Our society has failed, even today, to remove the hazards of lead based paint poisoning. When I first brought the problems of this disease to the attention of the Senate in 1969—the statistics regarding this tragic affliction were as alarming then as they are now:

At least 400,000 children suffer with lead poisoning.

Only 12,000 to 16,000 children actually receive treatment, and half of them are left mentally retarded.

About 200 young children die from lead poisoning each year.

Though lead based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among preschool age children.

Current figures are believed to merely expose a fraction of those who are actually suffering from this disease. But these figures are sufficient to suggest that childhood lead poisoning is of epidemic proportions. Immediate action is required to curb the spread of this malady. There are two compelling reasons why the Senate must enact legislation to continue the fight against childhood lead based paint poisoning.

First, we know how to cure sick children who are lead poisoned. With proper treatment, the death rate would be substantially reduced. All we need to do is go out and find the children who have high blood lead levels. Once we find them, doctors can treat them and can prevent the damage caused by neglect and inadequate care.

The second reason why we must continue Federal support to combat this disease is equally compelling. We need this legislation because we know how to prevent lead-based paint poisoning. Children get sick when they swallow small chips of peeling paint from the walls of deteriorating homes that have been covered with paints containing lead or lead compounds. Furniture, eating utensils, and toys are also known as the source of lead poisoning in children. By removing lead from paint on surfaces accessible to young children, the hazards of lead-based paint poisoning are eliminated.

Since we have the medical know how to treat those who are sick there is no reason to avoid doing that. We know how to protect children from getting lead sick and we must prevent them from being exposed to this hazard.

The bill before the Senate today—S. 3080—was unanimously approved by the Health Subcommittee and the Full Committee on Labor and Public Welfare. It authorizes $100 million a year to support Federal programs that will begin to curb the damage caused by this disease. These are programs that will extend the services currently authorized under Public Law 91-695, enacted in January 1971.

Under this bill $45 million is authorized for the Department of HEW to continue awarding grants to local community organizations, both public and private, for screening and testing young children who may be lead sick. Health authorities in Chicago, New York City, Washington, D.C., and Boston have learned that when they look for lead sick children. They find them. And the more they look the more they find. This bill will provide assistance to continue the search and to refer sick children for proper medical care.

Physicians also know that while early treatment can erase the effects of lead intoxication, it does no good to hospitalize a child for lead sickness and after treatment, return him to the same conditions that caused the disease in the first place. For that reason, the bill authorizes $50 million a year for the Department of HEW to make grants to public and private organizations to continue attacking the problem of eliminating the hazards of lead based paint poisoning. Although dwellings that are most likely to present a hazard for lead poisoning are also confronted with problems of sanitation and general disrepair it is essential that we begin to eliminate the threat of lead poisoning wherever possible.

We know that many materials and techniques are available to cover up those surfaces that have been coated with lead based paints. But, the most efficient and effective methods for completing that task is a subject of continuing study. For that reason—this bill authorizes $5 million a year for the Department of HUD and the Department of HEW to research the nature and extent of the problem of lead poisoning and to determine methods for effectively removing the hazard of lead poisoning from interior residential surfaces.

In hearings before the Health Subcommittee representatives of the paint industry expressed their concern for defining feasible limits of lead contained in residential paints. As a result, the committee approved an amendment authorizing the Department of HEW to continue research on the various lead compounds commonly used in paints and to report to the Congress within 8 months, any results that may affect the provisions of this act.

Young children are sickened today because of lead used in paints applied to homes 30 to 40 years ago. For that reason this legislation is primarily designed to seek relief for their suffering. Since we know, however, that the elimination of lead in paint can prevent the spread of this disease to future generations of American children and can reduce the recurrence of the disease in children who are sick today, this bill imposes restraints upon the use of lead in paints intended for residential surfaces accessible to young children.

Officials from the Food and Drug Administration testified before the Health Subcommittee last March that newly promulgated regulations would require a limit of the lead content in such paints to no more than .5 percent by January 1, 1973, and by January 1, 1974, such paints must have a lead content of no more than .06 percent. The committee accepted an amendment to insure that this legislation would conform to the new FDA regulation.

During 1971, the Bureau of Community Environmental Management—the office within the Department of HEW that has primary responsibility for lead poisoning programs—conducted neighborhood surveys in 27 cities across the country to assess the incidence of elevated blood lead levels of children in high risk areas.

During that survey Federal health experts examined 2,309 children in 999 homes in such cities as Nashua, N.H.; Salt Lake City, Utah; and Spokane, Wash. At least 73 percent of those homes were found to have at least one interior surface with a very high lead content. And, up to 95 percent of those homes proved hazardous when the exterior surfaces were examined. Not surprisingly, therefore, 9 percent of the children in this survey were found to have elevated blood lead levels. This is an alarming rate of incidence for any disease.

Medical records show that today's cases of childhood lead poisoning are 10 times greater than those of polio when that disease was a dreaded national epidemic. Our Nation committed the resources needed to conquer polio. We must begin now to do the same for lead poisoning.

Lead-based paint poisoning strikes children between 1 and 3 years of age in 85 percent of all cases. Two-year-olds account for more than 50 percent of the deaths due to lead poisoning. But probably the most disheartening tragedies caused by this disease involve the 6,000 to 8,000 young children who are left mentally retarded by the ravages of lead intoxication. The caretaking costs for one child who must live out his life as a mental defective due to lead poisoning is more than $200,000. Yet, for less than $1,000, the hazards of this disease can be eliminated for that child.

That is the core of hope in the fight against lead poisoning. Lead poisoning is a manmade disease. It is subject to complete control. What we must do is to take forceful action to rid our Nation's neighborhoods of this menace.

The costs of lead poisoning are borne by the whole community. This malady produces tragic wastes of human resources, institutionalization of victims, and mounting burdens on municipal health facilities and finances. No one benefits from lead poisoning except owners of deteriorating property who find it unprofitable to keep their properties in good repair.

I strongly urge every Member of this Senate to vote for S. 3080, which amends the Lead Based Paint Poisoning Prevention Act. With the approval of this measure we can continue the Federal fight against this needless, but tragic disease.

Mr. President, again I want to thank the ranking Republican member of the Health Subcommittee last March that newly promulgated regulations would require a limit of the lead content in such paints to no more than .5 percent by January 1, 1973, and by January 1, 1974, such paints must have a lead content of no more than .06 percent. The committee accepted an amendment to insure that this legislation would conform to the new FDA regulation.

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Mr. President, again I want to thank the ranking Republican member of the Health Subcommittee, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), who has followed this matter very closely and has been so helpful in developing the legislation, as well as other members of the Health Subcommittee who have been extremely helpful to all of us in this development.

Now, Mr. President, I yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER (Mr. BROCK). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I favor the pending bill. Although I am the ranking member of the committee, I would not presume to speak first in this debate. Rather, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the ranking member of the subcommittee, should precede me, except that he has an amendment and prefers to make his remarks later in that connection.

Mr. President, I am pleased to be a cosponsor of the Lead Based Paint Poisoning Prevention Act, S. 3080, and urge its passage. Lead poisoning is primarily a disease of the poor, the black, the Spanish speaking and other foreign-language groups living in substandard housing. In New York, for example, it is a tragedy that as many as 86 percent of the reported deaths from lead poisoning have occurred among black and Spanish-speaking persons.

This is really terribly tragic.

Mr. President, the Assistant Secretary of Health and Scientific Affairs, Dr. Merlin K. DuVal, testified before the Senate Health Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member, that as to its human dimensions:

> Approximately 25 percent of these children at risk, or about 600,000 children, may have significantly elevated blood lead levels. About 50,000 to 100,000 of these children are apt to have sufficiently high blood lead levels to indicate medical treatment.

These are children of very tender age who live in slums. As to its economic dimensions, he testified that:

> Lead paint poisoning costs this Nation about $200 million annually. This estimate includes the lost earnings and the costs of treatment, education, and institutional care of those afflicted.

In view of the severity of this health problem, which tragically is a manmade disease and, as such, highly preventable, the bill focuses on three interlocking components of this dread disease: detection and treatment; elimination; and research. Each facet will be an integral part of a comprehensive fight against lead-based paint poisoning.

Although the Department of Health, Education, and Welfare has made efforts to control lead poisoning, I believe they have not been sufficiently aggressive in pursuing ways to combat this child health problem. I am concerned that the $16,500,000 available for grants to detect, treat, and eliminate lead-based paint poisoning is definitely inadequate. The bill authorizes $95,000,000.

In my own New York City, an intensive lead-poisoning control program has been undertaken. They have expended since 1970 $4.6 million—$2,400,000 in 1970-71 and $2,200,000 in 1971-72—for which no Federal support was received.

I ask unanimous consent that a copy of New York City's lead poisoning control budget, which screens 100,000 children, be printed in the RECORD.

There being no objection, the budget copy was ordered to be printed in the RECORD, as follows:

BUREAU OF LEAD POISONING CONTROL BUDGET

New York City's program, with a $2 million budget, screens 100,000 children, but does not include the expense of repairing 1,500 apartments that are rehabilitated each year. The Bureau budget is divided into functional units.

Community relations	$315,740
Responsible for community outreach programs to recruit children for testing in approximately 100 blood drawing sites or in mobile units, and door to door testing programs. The unit also organizes community health fairs and volunteer activities.	
Laboratory unit	226,200
Analyzes 115,000 blood specimens and 60,000 paint samples per year. In addition to routine analyses, the laboratory analyzes interior paints, dishware, toys and other objects to determine if they contain dangerous and illegal amounts of lead.	
Environmental health unit	405,490
The unit completes 5,000 inspections and reinspections of dwelling units where children with lead poisoning live, as well as inspections of day care centers, hospital pediatric wards and other child care institutions. In a program to enforce the Health Codes, the unit collects samples of interior paints, dishware and toys for laboratory analyses of lead content.	
Research unit	39,750
The research objectives are to compile and analyze data to define the lead poisoning problem and provide information for the most effective control and prevention program.	
Control unit	$90,300
Responsible for management analyses and evaluation. A primary objective is implementing a computer based data collection and management control system.	
Bureau directors staff and administration	106,970
Testing	535,220
Funds to hire physicians, nurses, community service aids and clerks who make up the testing teams that test children for lead poisoning.	
Total personnel services (not including fringe)	1,719,675
Other than personnel services (includes testing and laboratory supplies, contract for keypunching and other services, equipment, printed matter and other expenses)	260,590

Based on testing 100,000 children and finding 2,500 cases of lead poisoning the per unit costa of the program may be divided into three categories.

Finding and testing children, $12.50 per child tested.

Testing dwelling units for leaded surfaces, $162.00 per case.

Program Administration, Surveillance and Research, $3.22 per child tested.

PROPOSED PROGRAM EXPANSION

This program ensures that children in immediate danger are identified and brought to medical attention. However, to intensify and expand our existing program, we have submitted a request to the Department of Health, Education and Welfare for an additional $5 million. With this funding, we could expand our screening program and begin a more aggressive attack to eliminate the hazard of lead-based paint in the home environment of young children.

TITLE I—DETECTION AND TREATMENT

New York City has requested $2.3 million to essentially double the screening program. The proposal opens up three new methods of attack.

1. An increase in the number of children in community screening programs by 25,000.

2. A program to retest 15,000 children with marginal blood lead levels (40 or 50 micrograms per 100 ml.) four times per year. The retesting program will increase the number of blood specimens analyzed by 60,000.

3. A new hospital based screening program to test 50,000 children per year.

TITLE II—HOUSING REHABILITATION

It is estimated that with the expanded screening program, the Bureau of Lead Poisoning Control will request that the Emergency Repair Program to execute repairs in 2,850 dwelling units. The current average cost is $450.00 per dwelling unit. However, it is anticipated that lead detecting instruments will be introduced and significantly increase the number of violations found per unit inspected. This will result in a corresponding increase in repair costs. The average cost per unit repaired will increase to $1,263.00. The total cost will be $1,263 x 2,850=$3,599,550. Seventy-five percent of this expense or $2,699,663 is requested under Title II of the legislation.

Mr. JAVITS. Mr. President, as a result of this program during 1970–71, over 200,000 lead poisoning tests were performed and 4,574 children identified with blood lead levels of 60 micrograms per 100 milliliter or higher—the definition of a case of lead poisoning in New York City. Inspections of the home environments where children with lead poisoning reside resulted in the Department of Health ordering repairs in 3,500 dwelling units. These repairs were performed by the landlords or assigned to the city's Housing and Development Administration. Despite this effort, New York City estimates that 5,000 children with lead poisoning remain in the population, not yet located by the program.

Old paint is a formidable source of lead exposure for children. It is estimated that 450,000 apartment units in New York City, out of a total of something in the area of almost 3 million, are in such a state of disrepair that a child living in them will be exposed to the hazard of lead-paint poisoning. Approximately 120,000 children are living in these dwellings. The New York City Health Code banned the use of high content lead paint on interior surfaces in 1959. However, most deteriorating housing stock was built before World War II. In January of 1970, the New York City Health Department created the Bureau of Lead Poisoning Control. The Bureau's approach has been to seek out and attempt to protect the child who is most likely to suffer from lead poisoning. It is recognized that the long-term solution will be to replace the deteriorating housing of the inner city.

In an effort to protect future generations of children from lead based paint, the bill amends the definition of lead based paint to that of a 0.06-percent content, effective January 1, 1974. This is a trace amount which would be a significant safeguard for young children and in accordance with proposed FDA regulations.

I am concerned that some method of enforcement must be provided based upon the New York City experience when they undertook a survey to determine the lead content of paint sold for use on interior surfaces. The startling results of this survey showed that the manufacture of lead based interior paint is still a problem. The New York City Health Code has required a lead content warning for interior paint since 1959. It states that if a paint contains more than 1 percent lead, it must bear a label stating: "contains lead, harmful if eaten—do not apply on toys, furniture, or interior surfaces which may be chewed by children."

Despite the existence of this section of the health code for over a decade, the New York City Bureau of Lead Poisoning Control found that paints manufactured by 25 of 76 companies included in the survey did not comply. In some instances, labels even stated that the paint was safe for cribs and playpens despite a lead content as high as 9.5 percent.

Despite all of this and despite the necessity for standards and inspection, if we are to achieve success against child lead poisoning, this legislation is absolutely essential. We must pass this legislation and must assure its adequate funding.

I hope that the bill will be passed by the Senate this afternoon.

Mr. President, I express my appreciation for the outstanding work done by the Senator from Pennsylvania (Mr. SCHWEIKER) on our side and by the Senator from Massachusetts (Mr. KENNEDY) on the majority side in bringing this matter to fruition on the floor.

AMENDMENT NO. 1227

Mr. SCHWEIKER. Mr. President, I call up my Amendment No. 1227.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of my amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill add the following:

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his descretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, before getting into the details of the amendment which I have offered, I would like to pay tribute to the distinguished chairman of our subcommittee, the Senator from Massachusetts (Mr. KENNEDY), who, as he mentioned a moment ago, had joined with me in testifying on this problem some 3 years ago, and in working out various remedies to solve the tragic health hazard in the inner city areas of this country.

The Senator from Massachusetts has not only done that, but he has also shown a leadership and initiative in our committee that has produced a favorable legislative climate for passing the previous lead-based paint poisoning prevention bill, as well as setting up this particular bill for a further refinement and further leadership on the problem.

So I thank the distinguished Senator from Massachusetts for his help and leadership in this regard.

Mr. President, I also express my sincere thanks to the distinguished Senator from New York (Mr. JAVITS) for his longstanding and valued interest and support in this basic problem. His own area of the country, of course, has very serious ramifications with this problem and symptoms of it.

The Senator from New York has been most interested and most helpful and most expeditious in moving this bill not only through our subcommittee but also through the full committee as well. I thank him for his help in this regard.

Mr. President, next I would like to point out that one of the other amendments which is already in the bill broadens the concept of this problem to go into other areas where the lead-based paint problem exists. In one specific amendment that the committee was kind enough to accept, it provides for a prohibition of the application of any lead-based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this act.

This is very important because in many areas we have little children in cribs who, being little children, will chew or gnaw on the edge of that crib and if that crib is painted with lead-based paint, there is a very serious health hazard involved.

I know that many parents will remember that bare spots are left on the headboard and footboard of a crib from children chewing on it. I can speak from personal experience, having had five of my own, that they are pretty bare after a few children have gone through this particular growth stage. This presents a rather serious health hazard when such a situation exists and a small child might come into contact unwittingly with that lead-based paint. So, I appreciate the kindness of the committee in accepting the amendment.

Mr. President, I would like to address myself next to the pending amendment.

Mr. President, I have discussed this amendment with the members of the Labor and Public Welfare Committee, which considered S. 3080 and on which I serve, and the chairman and members of the committee have indicated their support for my amendment.

The amendment has also been brought to the attention of the Senate Banking, Housing and Urban Affairs Committee, since it pertains to federally insured housing, and the chairman has indicated that this amendment would be acceptable to his committee.

Lead-based paint for interior household use which contained very high percentages of lead compounds, at least 50 percent lead in several cases, was in fairly wide use during the years before 1950. As a consequence, much of the housing in existence today which was constructed prior to 1950 is likely to contain paint with these very high levels of lead compounds. My pending amendment would require the Secretary of Housing and Urban Development to establish procedures to minimize the hazards of lead-based paint poisoning, when inspecting residential housing constructed prior to 1950 for which an application for mortgage insurance or housing assistance payments has been made to the Federal Government.

Before approving such a mortgage or initiating a subsidized program, HUD is currently inspecting such property to determine compliance with code enforcement and the value of the property for mortgage purposes. Therefore, these procedures would not present an additional burden or significant cost to HUD. The amendment would require the Secretary to establish procedures to eliminate the hazard when paint in housing constructed prior to 1950 is found to be cracking, scaling, peeling, or loose. This is the condition in which it can most easily be eaten by small children who are subject to the disease of pica, which is an appetite for nonfood items and which is caused by eating items of any kind, including paint.

The amendment would also require the Secretary to give to the buyers of such housing assured written notification of the hazards of lead-based paint, as well as a description of the symptoms and treatment of lead-based poisoning together with information concerning the importance of the removal of such hazards and techniques currently available to do so.

This notification is very important because many people in the center cities today have no concept that day by day their children could be ingesting lead-based paint, and they have no knowledge that such a danger exists. So notification is very essential in connection with earmarking and providing a remedy to the problem.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. We should use every means available, and my amendment would incorporate into an existing HUD procedure the means to warn the buyer of the hazard of lead-based paint and remove the immediate danger before he moves into the house.

S. 3080, the bill which we consider today to extend and expand the Lead-Based Paint Poisoning Prevention Act, would provide a major vehicle for ending for all time this tragic disease by providing additional resources to aid communities in detection and treatment of lead-based paint poisoning as well as assisting them in identifying problem areas where lead-based paint presents a high risk. My amendment to this bill will further increase the ability of the Federal Government to attack this tragic and totally preventable disease.

Mr. KENNEDY. Mr. President, I commend the Senator from Pennsylvania for offering this amendment. I think it is completely consistent with the thrust and purpose of the legislation. It would be extremely useful and important in trying to warn those persons who are purchasing homes about the potential danger of lead-based paint poisoning.

Do I understand from the Senator from Pennsylvania that as a practical matter a purchaser who bought a home under the provisions of this amendment would be notified that children who had lived there before had gotten lead-based paint poisoning and that this information would be made available?

Mr. SCHWEIKER. The amendment would do two things. It would, first of all, provide an inspection procedure for each house that comes up in the Federal housing and FHA program during any particular year, whereby part of the inspection before FHA approval would be for chipping and peeling paint, and if such a condition is found FHA under the amendment would have the authority to go to the builder or the remodeler and have him remedy the situation before the house is accepted by FHA.

Second, notwithstanding the remedy provided, a notice must be given to the buyer in which he is warned of the danger of lead based paint poisoning and pointing out that further chipping and peeling could occur and what to do about it.

Mr. KENNEDY. I understand this pertains to the new purchaser of the home by giving him notice. That is one purpose of the amendment. The second purpose of the amendment is to do something about the chipping or peeling or fragmentation of lead based paint in old homes at the time of the transaction or sale.

What the Senator is doing effectively by his amendment is to provide an additional kind of remedy or effort to try to reach the situation that exists in the older buildings or houses being turned over under the FHA program. Is that correct?

Mr. SCHWEIKER. That is correct.

Mr. KENNEDY. I think this certainly means a greater sense of protection. This provides notice and this is one of the real problems we have seen during the course of our hearings. Too infrequently parents know of the dangers of lead poisoning and we find instance after instance, and we have had testimony to this effect, where one child had lead paint poisoning, that child is cured, and lo and behold, the parents would bring in another child from the same house; or the house would be sold, and new children would move in and the new family that moved in would see their children affected.

This amendment provides important notification. It also has enforcement proceedings because it would require those that are going to sell these homes and take advantage of the FHA program must eliminate the hazard. This is important. It seems to me not to be an unreasonable requirement. I think this is consistent with the thrust of the legislation and I am glad to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KENNEDY. I am prepared to yield back my time.

Mr. SCHWEICKER. I am prepared to yield back the remainder of my time on the amendment and the remainder of our time on the bill.

The PRESIDING OFFICER. All time is yielded back on the amendment of the Senator from Pennsylvania. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BOGGS. Mr. President, the Labor and Public Welfare Committee has reported a bill which I consider to be of exceptional importance to the people of Delaware. I am referring to S. 3080 which amends the Lead-Based Paint Poisoning Prevention Act of 1971.

I want first of all to express my strong support for this legislation. It would continue existing authority to award grants to local agencies conducting lead based paint poisoning prevention programs while increasing the Federal share of the cost of those programs from 75 percent to 90 percent. This assistance will permit local authorities to continue screening children for high levels of lead in their blood and also to seek better methods of eliminating the hazards of leaded paint in their efforts to end the tragedy of permanent brain damage.

This legislation would also make a number of improvements in the original Lead-Based Paint Poisoning Prevention

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Act. These include a prohibition on the use of lead based paint in the manufacture of toys, furniture and dishes distributed in interstate commerce, greater research by HEW on safe lead levels in paint, and grants to State agencies to establish centralized laboratory facilities to coordinate testing efforts.

When the initial legislation was passed last year, the State of Delaware and the State of Rhode Island were inadvertently barred from receiving assistance under its provisions. This was due to a strict interpretation of the language of the law which provided assistance only to units of local government. In Delaware and Rhode Island, the problems of lead-based paint are handled by statewide agencies which were ruled ineligible for assistance under this act. This was certainly not the intent of the law, and I am pleased that the Labor and Public Welfare Committee has added section 6 to S. 3080 which would permit Delaware and Rhode Island to receive assistance.

The situation in Delaware is one of great concern to me, and I know this is a serious problem throughout the country. Only recently two more Wilmington children suffered brain damage as a result of oral contact with leaded chips in their homes. The loss to society in terms of the human potential of these children is immeasurable. These tragedies and others occurring daily across the country should never have happened. They could have been prevented.

Mr. President, the money authorized by this legislation is well spent. Ultimately, the cost to society of caring for the victims of lead paint poisoning will be far greater than the cost of preventing these tragedies before they occur.

The job is a big one. It has been estimated that in Wilmington, Delaware, nearly every house painted prior to World War II, was painted with a lead-based paint. Solutions will require the concerted effort of Federal, State, and local officials as well as the public.

The State of Delaware's Division of Physical Health is working to eliminate this problem, but it is counting on Federal assistance to help out. I am confident that such assistance will be forthcoming with the passage of S. 3080. I urge Senators to support it.

Mr. PERCY. Mr. President, I am pleased that the lead-based paint poisoning amendments are before the Senate today. The bill, S. 3080, extends the provisions of the Lead-Based Paint Poisoning Prevention Act, improves the granting procedure, and authorizes more funds for State and local lead poisoning programs.

This is an excellent piece of legislation, one that is clearly needed to improve the current program. The Committee on Labor and Public Welfare has made one particular improvement in the program which will be of great benefit to my own State of Illinois.

Title V of the act, according to the amendments, will now provide that grants under sections 101 and 201 of the act may be awarded to an agency of State government where such agency provides direct services to local communities.

Availability of funds to State agencies will enable Illinois to obtain Federal support for our statewide program to combat lead paint poisoning. Illinois was the first State to have initiated a statewide campaign for poisoning detection. In order for the State department of public health to accomplish its goal it must have access to Federal funds. The lead problem in Illinois is not confined to Chicago; more than two-thirds of the "at-risk" children in Illinois—more than 666,000—live outside Chicago.

Lead-based paint poisoning remains a serious threat to more than 1 million young children in Illinois, and millions of Americans nationally. It is imperative that we have a stronger program and stricter regulations on the lead content in paint, as provided by S. 3080. I, therefore, strongly support the bill and hope that it will receive prompt approval in the House.

Mr. ROTH. Mr. President, I rise at this time to add my support for the passage of S. 3080, a bill to amend the Lead-Based Paint Poisoning Prevention Act. This bill, which I cosponsored, continues the valuable program first enacted in January of 1971 to eliminate the poisoning of children from lead-based paints.

Lead-based paint poisoning is a man-made disease that strikes in epidemic proportions in many cities of our Nation. Its victims are predominantly children living in the slums of our cities. It is caused almost invariably by repeated ingestion of chips and flakes of lead containing paint and plaster from the walls, windowsills, and woodwork of dilapidated houses built prior to World War II.

Methods of screening, diagnosis, and treatment for lead-based paint poisoning have been available for some time. Despite this, it continues to cause needless deaths of many children, and leaves many more with mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and other handicaps. It is a serious indictment on our society that we know so much about this disease and yet have done so little to eliminate it.

The bill before us today is a continuation of a significant national effort to deal effectively with the problem of lead-based paint poisoning. It provides a three-pronged attack on the disease. First, it authorizes funds for grants and contracts for screening programs to identify those children with the disease who need treatment. The second part of the three-part program is an extension of authorization for the existing program to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. The third part of the program is the authorization of funds for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based paint poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

It has been estimated that the cost of treatment and institutionalization to age 60 of a person who incurs severe permanent brain damage from lead poisoning in childhood ranges up to $250,000. It has been estimated on the other hand that the cost of complete removal of old lead paint from an average rowhouse with 10 windows, 2 doors, and baseboards would be about $300, and that the cost of replacing windows and door units and baseboards in such a house would be from $600 to $1,200. These are only dollar differences. They do not measure the suffering and heartache felt by families affected by lead based paint poisoning, nor do they take into consideration the unnecessary waste of potentially valuable human resources.

Rene Dubos, Rockefeller University microbiologist and expert on lead based paint poisoning, did not exaggerate when he said:

> The problem is so well-defined, so neatly-packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it.

I urge my colleagues to support this legislation, so that we can eliminate this unnecessary health hazard from our Nation.

The PRESIDING OFFICER. The question now recurs on the committee substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 212 Leg.]

YEAS—82

Aiken	Ellender	Mondale
Allen	Ervin	Montoya
Allott	Fannin	Nelson
Anderson	Fong	Pastore
Bayh	Fulbright	Pearson
Beall	Griffin	Percy
Bellmon	Gurney	Proxmire
Bennett	Hansen	Randolph
Benteen	Harris	Ribicoff
Bible	Hart	Roth
Boggs	Hartke	Saxbe
Brock	Hatfield	Schweiker
Burdick	Hollings	Smith
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Humphrey	Spong
Cannon	Inouye	Stafford
Case	Jackson	Stennis
Chiles	Javits	Stevens
Cook	Jordan, N.C.	Stevenson
Cooper	Jordan, Idaho	Symington
Cotton	Kennedy	Taft
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dole	Mansfield	Tower
Dominick	McGee	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Young
	Miller	

NAYS—0

NOT VOTING—18

Baker	Gravel	Mundt
Brooke	Hughes	Muskie
Buckley	Mathias	Packwood
Church	McClellan	Pell
Gambrell	McGovern	Scott
Goldwater	Moss	Williams

So the bill (S. 3080) was passed, as follows:

An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Security determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to provide nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 407. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal but not appropriated may be appropriated for the succeeding fiscal year,".

(c) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate, prescribed for GS–18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including travel-time) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least

one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain paint and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS (H.R. 15097) ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, yesterday I asked consent, and it was granted, to proceed Friday to the consideration of the bill making appropriations for the Department of Transportation (H.R. 15097), following disposition of the Flammable Fabrics Act. For some unknown reason the Record today does not show that such consent was requested and given for the consideration of the transportation appropriations bill Friday. Nevertheless the record of the Journal does so show.

I, therefore, now ask unanimous consent that time on that bill, H.R. 15097, be limited to 30 minutes, to be equally divided between the Senator from New Jersey (Mr. CASE)—I have cleared this with him—and myself, as manager of the bill; that time on any amendment, debatable motion or appeal be limited to 20 minutes, equally divided between the mover of such and the manager of the bill, and in instances in which the manager of the bill supports such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. JAVITS. Mr. President, would the Senator provide for amendments to amendments?

Mr. ROBERT C. BYRD. Yes, I did already. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ANNOUNCEMENT OF JOINT MEETING OF THE TWO HOUSES OF THE CONGRESS TOMORROW TO HEAR ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. MANSFIELD. Mr. President, there will be a joint session in the Chamber of the House at 12:30 p.m. tomorrow to hear an address by the President of the United Mexican States, Mr. Echeverria.

I wish to notify the Senate that it should be prepared to leave in a body tomorrow at approximately 12:13 p.m. to go to the Chamber of the House for the purpose of greeting the President of the United Mexican States.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight it stand in adjournment until the hour of 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow after the two leaders have been recognized there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call prior to the march over to the House of Representatives tomorrow that the Senate stand in recess until the end of the speech by the President of the United Mexican States, or until the hour of 2 p.m., whichever is sooner.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And, Mr. President, after the speech of the President of Mexico, under a previous agreement, the Senate will then turn to the consideration of Calendar No. 758, H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and I ask unanimous consent that it be in order that this measure be laid before the Senate at that time and under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning business proceed until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. BROCK). Under the previous order, the Chair lays before the Senate S. 3390, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today. The Senate is expected to adjourn shortly until 11:30 a.m. tomorrow.

ORDER FOR ROUTINE BUSINESS ON FRIDAY

On Friday, the Senate will come in at 10 a.m.

I ask unanimous consent that after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF ALLOTT AMENDMENT ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I have been told by the distinguished Senator from Colorado (Mr. ALLOTT), just a few minutes ago, that he is prepared to offer an amendment to the Foreign Assistance Act. There is already a time limitation agreement thereon of 1 hour, and the distinguished Senator from Colorado (Mr. ALLOTT) indicated to me that he would be willing to call up his amendment the first thing on Friday. Therefore, I ask unanimous consent that when the unfinished business is laid before the Senate on Friday, the amendment by Mr. ALLOTT be called up and made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF MEASURES ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the amendment by Mr. ALLOTT on Friday, the unfinished business be laid aside temporarily and the Senate proceed to the consideration of H.R. 5066, the Flammable Fabrics Act; that upon the disposition of H.R. 5066, the Senate proceed to the consideration of H.R. 15097, a bill making appropriations for the Department of Transportation, 1973; that upon the disposition of that bill, the Senate proceed to the consideration of S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3645 or until the close of business on Friday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON S. 3645

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I have been directed to do so by the distinguished majority leader—that time on S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948, be limited to 1 hour, to be equally divided between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from Vermont (Mr. AIKEN); that time on any amendment thereto, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the distinguished Senator from Arkansas (Mr. FULBRIGHT), unless the Senator from Arkansas (Mr. FULBRIGHT) should favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next—I have cleared this with the distinguished Senator from Texas (Mr. TOWER)—upon the disposition of the amendment by the distinguished Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from Texas (Mr. TOWER) be recognized for the purpose of calling up two amendments in consecution; that time on each of the amendments—I have also cleared this with Mr. TOWER—be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendments (Mr. TOWER) and the distinguished manager of the bill (Mr. SPARKMAN); that time on any perfecting amendments in the first or second degree be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill; that in the event the manager of the bill favors such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. STENNIS. Mr. President, reserving the right to object—I do not intend to object—I have not heard everything the Senator has said. To what bill is he referring. I thought I heard the Senator use the term "motion to strike."

Mr. ROBERT C. BYRD. The Senator from Texas (Mr. TOWER) has two amendments. I am not sure what they comprehend but they may be motions to strike. I doubt it.

Mr. STENNIS. The Senator is not talking about the amendments that I have here?

Mr. ROBERT C. BYRD. No; not at all.

Mr. STENNIS. I thank the Senator very much.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Monday, next, following disposition of the two amendments of the Senator from Texas (Mr. TOWER) the Senate proceed—for the purpose of transacting some business on a second track—to the consideration of S. 3617, a bill to strengthen and expand the Headstart program.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO FILE REPORTS BY MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON APPROPRIATIONS TO FILE ITS REPORT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL BY MIDNIGHT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow to file its report on the bill making appropriations for the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDERS FOR CONSIDERATION OF THE ALLOTT AMENDMENT TO THE FOREIGN ASSISTANCE ACT AND S. 3645, A BILL TO FURTHER AMEND THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previously entered order be reversed with respect to the calling up on Friday of the amendment to the Foreign Assistance Act by the Senator from Colorado (Mr. ALLOTT), and S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF UNANIMOUS-CONSENT AGREEMENT ON THE ORDER OF THE CONSIDERATION OF CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next there be a slight revision in the order for the consideration of amendments as follows: That the Sparkman amendment be made the pending question immediately following the conclusion of morning business; that the Sparkman amendment be followed by an amendment by the Senator from Texas (Mr. TOWER); and that the Tower amendment be followed by a second amendment by the Senator from Texas (Mr. TOWER); following which the amendment by the Senator from Pennsylvania (Mr. SCOTT) then be made the pending question before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to extend beyond the hour of 12 o'clock noon,

with statements limited therein to 3 minutes.

At the hour of 12:13 p.m., the Senate will recess and Senators will move in a body toward the House of Representatives for a joint meeting of the two Houses, to be addressed by the President of the United Mexican States. Following the joint meeting of the two Houses and no later than 2 o'clock, whichever is earlier, the Senate will resume its deliberations. The unfinished business will be laid aside temporarily and H.R. 9092, the bill by Mr. McGEE, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, will be laid before the Senate, there being a time agreement thereon.

Upon the disposition of H.R. 9092, the Senate will take up H.R. 14989—an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary and related agencies—on which there is a time agreement. There will be rollcall votes tomorrow afternoon on both measures. It is my understanding that several amendments will likely be called up—especially to the bill making appropriations for the Departments of State, Justice, and Commerce—and rollcall votes will occur on those amendments. There is a likelihood, therefore, that the Senate will be in session until a reasonably late hour tomorrow.

For the information of Senators, so that they may be alerted in time, it is anticipated that on Friday there will be at least four rollcall votes. I would anticipate, furthermore, Mr. President, and I would hope that the Senate could complete the transaction of its business on Friday afternoon by 3 o'clock or earlier.

Additionally, may I say, there will be no Saturday session by reason of the fact that the Senate will have cleared all appropriation bills from the calendar, no amendments to the unfinished business can be scheduled for Saturday, and the calendar otherwise will be pretty clear.

Finally, I believe there will be at least three rollcall votes on Monday.

When the already scheduled four amendments to the unfinished business have been disposed of on Monday, the Senate will proceed to the second track and consider the bill to strengthen and expand the Headstart program, S. 3617. It is hoped that a time agreement can be reached on that bill, but this cannot be done until Monday.

Mr. President, if there be no further business to come before the Senate——

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOPER. Is it anticipated that the vote on the pending business will be completed on Monday?

Mr. ROBERT C. BYRD. In answer to the very able senior Senator from Kentucky, it is not anticipated that action on the unfinished business will be completed on Monday.

Mr. COOPER. There is no time agreement, then, on amendments offered, including the Mansfield amendment?

Mr. ROBERT C. BYRD. No time agreement nas been entered into with respect to any amendment relating to the so-called Mansfield amendment.

Mr. COOPER. I thank the Senator.

ADJOURNMENT TO 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 4:23 p.m. the Senate adjourned until tomorrow, Thursday, June 15, 1972, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 1972:

ENVIRONMENTAL PROTECTION AGENCY

Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, June 14, 1972*

The House met at 12 o'clock noon.

Rev. Edward G. Latch, D.D., offered the following prayer:

Lift ye up a banner upon the high mountain.—Isaiah 13: 2.

God of our Fathers, Maker and Ruler of men, we thank Thee for this day when we lift up before our eyes the flag of our Republic. Grant, O Lord, that this banner flying in the breeze may awaken in us and in our people a greater love for our Nation and a deeper devotion to the princely principles of life and liberty for all men. Make us conscious of our duties as citizens of this free land and by Thy spirit may we accept our responsibilities to keep our land strong and free and good.

Bless Thou the flag of our beloved country and continue to make it a symbol of hope to all mankind. May it fly forever over this land of free men and free women. Before it we pledge the loyalty of our lives to the United States of America. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3166. An act to amend the Small Business Act.

RECESS

The SPEAKER. Pursuant to the order of the House of June 1, 1972, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding.

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1972

The United States Air Force Band and the United States Air Force Singing Sergeants entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mr. Red Skelton, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and Leaders of the Military Women entered the door to the right of the Speaker and took the positions assigned to them. Mr. Red Skelton was seated at the desk in front of the Speaker's rostrum.

The United States Air Force Band and United States Air Force Singing Sergeants (conducted by Major Albert Bader, USAF) presented *This Is My Country* (soloist Sergeant Charles Kulita).

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause. The Members rising.]

The United States Air Force Band played *Americans We*.

The Flag was carried into the Chamber by Color Bearer and a guard from each of the branches of the Armed Forces: Sergeant Edward D. Showers, USAF, Honor Guard, Bolling Air Force Base; SA Rickey L. Jones, USN, Ceremonial Guard, U.S. Naval District; Pfc. R. R. Reynolds, USMC, Marine Barracks Guard Company; Spc. 4 Steve Ruch, USA, Fort McNair; and SA Michael D. Bethel, U.S. Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, this year marks the 25th anniversary of the United States Air Force and your Flag Day Committee is pleased to have the United States Air Force Band and Singing Sergeants conducted by Major Albert Bader participating in today's Flag Day ceremonies.

Our honored guest for Flag Day, 1972 is known and admired by all of us. When we think of Red Skelton, we think of *Clem Kadidlehopper, Freddy the Freeloader, Sheriff Deadeye, Junior the Mean Little Kid, Cauliflower McPug* and the *Little Old Man* in Red's famous pantomimes. We have all laughed at Red and his characters.

But too few of us know about Red Skelton, the *Patriotic American*—the Red Skelton who broke all records *Selling War Bonds* during World War Two, the Red Skelton who *Entertained American troops during the Korean conflict*, the Red Skelton who made all of us think about our country when he recorded *His Pledge of Allegiance to the Flag* in 1969. At this time, on behalf of your Flag Day Committee of the United States Congress, I am proud to present to you a great American—*Mr. Red Skelton.*

[Applause, the Members rising.]

Mr. RED SKELTON. I have been given permission to dispense with all the formalities in recognizing everyone here. I just say, "Friends, thank you very much." [Applause.]

Actually, it is quite flattering to hear applause without doing anything.

I am very proud to be standing in Congress today without a subpena in my pocket, and it is quite an honor to be standing here knowing that I have not made one campaign promise.

I have been asked to recite the Pledge of Allegiance. To me it is rather dear, for this reason: as I have found a long time ago that patriotism is not a tradition, it is a family privilege, and it is something that we should all cherish.

And I know there have been great speeches made from this platform here. Nothing that I will say will be compared with what has been said, but I have always been fascinated with speeches.

One of the greatest speeches I think I have ever heard was when I was a small boy, and we boys and girls had just finished reciting the Pledge of Allegiance, and our teacher called us together and said, "Boys and girls, I have been listening to you recite the Pledge of Allegiance all semester, and it appears to me it has become monotonous to you, or could it be you do not know the meanings of those words? If I may I would like to recite the Pledge of Allegiance and give you a definition for each word.

I—me, an individual, a committee of one.

Pledge—dedicate all of my worldly goods to give without self-pity.

Allegiance—my love and my devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

Of the United—that means that we have all come together.

States—individual communities that have united into 48 great states, 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

Of America.

And to the Republic—a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people and it's from the people to the leaders, not from the leaders to the people.

For which it stands.

One nation—meaning, so blessed by God.

Indivisible—incapable of being divided.

With liberty—which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.

And justice—The principle or quality of dealing fairly with others.

For all—which means "it's as much your country as it is mine."

Since I was a small boy, two states have been added to our country and two words have been added to the Pledge of Allegiance—"under God."

Wouldn't it be a pity if someone said, "That's a prayer" and that would be eliminated from schools, too?

[Applause, the Members rising.]

While we are all standing at this time I would like for all of us to recite the *Pledge of Allegiance.*

The Members and guests, led by Mr. Red Skelton, recited the *Pledge of Allegiance to the Flag.*

Mr. RED SKELTON. Thank you, and may God bless.

[Applause.]

The U.S. Air Force Band and U.S. Air Force Singing Sergeants presented *I Am An American* (Sergeant Harry Gleeson, Narrator).

Mr. NICHOLS. Mr. Speaker, Flag Day has become a tradition in the Congress and one of the men most responsible for making the program a success is our distinguished colleague from Missouri.

We were all saddened some weeks ago to learn of his announced retirement at the conclusion of the 92d Congress. Mr. Speaker, I know of no Member of this body who has served his State and his Nation in a more effective manner. Here is a man who truly loves the flag of the United States and the principles for which it stands.

With these thoughts in mind, I would like to recognize that gentleman today for his service to humanity and to his country—the esteemed gentleman from Missouri, the Honorable DURWARD HALL.

[Applause, the Members rising.]

Mr. HALL. Mr. Speaker, distinguished guests, honored services, colleagues, and friends, we are assembled here today to renew our allegiance to the cause of freedom by paying honor to the national emblem of this Republic, and to its people.

Certainly we compliment you on continuing this recognition, and I can think of no more fitting place for such an observance than here in the "people's House," where the sanctity of the representative process is preserved.

It is somewhat difficult to put together the words that express proper feeling about our "Stars and Stripes" because in this so-called era of "relevance" such traditional words as duty, honor, country, sacrifice, patriotism and dedication, are ofttimes considered to be "old hat," or out of style. They are even ridiculed as trite words, expounded by a chauvinistic generation that has no contact with the "new wave."

We do not agree, for we know it was a dedicated people who wrote the Constitution that guides the destiny of this Nation, the very document that paradoxically—and, I fear, sometimes unappreciatively—makes it possible for dissent to be heard and "peaceful protest" to be permitted, when and where responsible. Relevance in today's world is important, but there is still room for reverence—yes, reverence to the flag that has changed in design, but remains constant in representing our principles of freedom and our great Nation.

We know of the sacrifices that have been made to defend this Nation, not only from the threat of military aggression, but from crime, deterioration, and corruption from within. Many times those who criticize the loudest benefit the most from that protection.

I know it was an honorable people who sought to establish a republic out of a wilderness—a place where lovers of freedom could realize the goals, of which others only dream.

If these words sound "old hat," so be it. If they do not ring true to the beholder, that is not my problem, for during the years I have been permitted to exist on this earth, and have been privileged to live and serve in these United States, I have learned that wherever our flag flies, the people who are fortunate enough to dwell in its shadow are assured of the opportunity to drink from the cup of freedom. History teaches that each generation of responsible citizens must reach out and grasp it anew!

It has been written that, "When the hour is the blackest, the stars seem to shine the brightest." In this dark, yet emerging hour of world turmoil and distrust, it is heartening to realize that "Old Glory" has now been carried, in the quest for peace, to parts of the world that have not permitted its public display in the last generation.

And it is good to know that once again the people of the United States have extended the hand of trust in the hope that it will be accepted with a mutual desire for peace. At the same time, we do not harbor any illusions that peace between different ideologies can be easily maintained.

Ladies and gentlemen, we all know that a flag is but a piece of cloth. It has no human sense of feeling, no thought processes, no desires, character, sight, or sound. However, it is the symbol of those who do, and when it is dishonored the pain is felt by all. When it is shown disrespect, we are all affected, and when it is spat upon we are all humiliated.

It was in 1867 that Charles Sumner wrote:

There is a national flag. He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country.

It was William Tyler Page who summed it up by writing:

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states; a perfect union one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes I, therefore, believe it is my duty to my country to love it, to sup-

port its Constitution, to obey its laws, to respect its flag, and to defend its against all enemies.

He best described a proper living together, the symbolism involved in love of country, second only to God. As we celebrate the birth of our flag, let the word go forth from these Chambers throughout the land, by our two-way street of representative process in the Republic; of the timeliness of patriotism, participation, and dedication to flag and country.

Thank you very much.

[Applause, the Members rising.]

The Members and guests rose and sang the *Star Spangled Banner* (first verse) accompanied by the United States Air Force Band and the Air Force Singing Sergeants.

The Colors were retired from the Chamber, the United States Air Force Band playing the *National Emblem March*.

The United States Air Force Band and United States Air Force Singing Sergeants retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 37 minutes p.m., the proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS AND LEAVE TO EXTEND

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD and that all Members have permission to extend their remarks on Flag Day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FLAG DAY CEREMONY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to commend the Speaker and the leadership on both sides of the aisle for giving us the opportunity to have Flag Day. This was a tremendous program. I would like to recognize the committee composed of the gentleman from Alabama, Congressman BILL NICHOLS, chairman of this committee, the gentleman from Georgia, Mr. JACK BRINKLEY, the gentleman from Maine, Mr. KYROS, the gentleman from New York, Mr. JACK KEMP, as well as the gentleman from Missouri, Mr. DURWARD HALL.

Mr. Speaker, I would especially commend Dr. HALL for the outstanding address he gave us during this Flag Day ceremony.

Also, Mr. Speaker, I would like to thank the great American, Red Skelton, for his part in the program.

Red's handling of the "Pledge of Allegiance" was great. The Air Force Band and the Singing Sergeants added much to this occasion.

Mr. Speaker, I wish all Americans could have seen this celebration. I again commend Chairman NICHOLS and his Flag Day Committee.

Mrs. HICKS of Massachusetts. Mr. Speaker, these are difficult times for America, times in which the ideals and values of our national heritage are severely challenged, times in which it is sometimes scorned to be patriotic. Today, as we pause to observe Flag Day, it is especially important that we take the time to consider what the flag and patriotism really mean.

The American flag was born in the troubled and uncertain days of our War for Independence. In the century and three quarters that followed, it became a beacon of light in democracy's darkest hours, stirring hearts with pride and confidence. Throughout the history of this Nation, the flag has always been a rallying point for the forces of freedom and the men who would die for it.

All sorts of objects have served as flags to the long procession of tribes and nations and armies which have moved through history from the dim centuries to the present day. The human wish to establish one's identity, to stamp one's possessions with a personal mark, to embody in a symbol the pride and hope and courage of one man or a group of men, has been the origin of flags. But among the flags of all the nations the flag of the United States of America—our flag—stands out as the most beautiful. But it is more than just a beautiful design in cloth. It is the symbol of a people united against tyranny and oppression—united for the cause of liberty and justice.

The real meaning of Old Glory is contained in the words of Franklin K. Lane:

> I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this Nation. My stars and my stripes are your dreams and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts.

Someone has said that today America needs more salutes to the Stars and Stripes—more demonstration of Americanism. I do not mean merely an inward emotional flutter when a parade passes or when the clear notes of our National Anthem reaches our ears. I mean that America needs a continuous consciousness of the forces of freedom which are symbolized in the Red, White and Blue.

One thing we learned during the last war was that as a people we cannot take our ancient virtues for granted. We received a rude awaking when in 1941, we discovered great numbers of our citizens were substantially unaware of world events. There followed a national speculation of what we were fighting for—and a drive for slogans and symbols to keep us alert. Today, I believe that we have a more awakened citizenry; that more people are personally and actively interested in the affairs of their community, State, and Nation and our relative place in world affairs. A Republic such as ours cannot function unless each and every citizen is well informed about, and takes an active part in, the affairs of the Nation. I firmly believe that good citizenship will provide an answer to many of our problems today. Citizenship is a full-time job. A day such as Flag Day is of paramount importance in our calendar of national holidays. It is a time for reverent evaluation of our obligations as citizens in these United States.

The patriotism that is aroused in us when we witness our flag must be directed to practical living. I sometimes wonder if in teaching history, especially American history, we do not overemphasize the flavor of the spectacular and neglect the solid foundations of hardwork and continuous sacrifice which have brought into being our great country. Love of country begins with love of the land itself. It is men and women at work; the fishing boats coming into our shores; the farmer riding his machine; the dairyman going to the farm before sunrise; the lineman mending the broken wire; the miner drilling for the blast; the engineer bringing the train in on time; the pilot in the clouds. It is the clerk in the office; the housewife doing the dishes and sending the children off to school. It is the teacher and the doctor. It is small things remembered, the little corners of the land, the houses, the people.

I include the following editorial from the New York Times, as quoted in Coronet, March 1951:

> We love our country because there was a tree on a hill, and grass thereon, and a sweet valley below. It is voices that are remembered only, no longer heard. It is parents, friends, the lazy chat of street and store and office, and the ease of mind that makes life tranquil.
>
> It is stories told. It is the Pilgrims dying in their first dreadful winter. It is the Minute Man standing his ground at Concord Bridge, and dying there. It is the wagons and the men on foot going westward. It is the settlers hacking fiercely at the primeval forest on his new, his own lands. It is Thoreau at Waldon Pond, Lincoln at Cooper Union, and Lee riding home from Appomattox. It is corruption and disgrace, answered always by men who have stood up in every generation to fight for the old ideals and the old rights.
>
> It is a great multitude of people on pilgrimage, common and ordinary people charged with the usual human failings, yet filled with such a hope as never caught the hearts of any nation on earth before. The hope of liberty. The hope of justice. The hope of a land in which a man can stand straight, without fear, without rancor.

Our flag is what we make it and keep it. It means only what we make it mean. It must be rededicated day by day. There is room under the American flag for growth and change. We stand at a time in history when the Stars and Stripes can be made to represent the peak of hope and freedom. But this will not happen automatically. We must give our flag meaning as it flies peacefully over our democratic enterprises just as it was given meaning at Yorktown and at Iwo Jima and all the battles in-between.

Each generation must be dedicated and consecrated anew to the defense of our flag; to defend it with life itself, if need be. But, above all, we must take its symbols into our lives and make from them the hope and freedom so necessary to preserve our American way of life. If we wish our flag to be honored, we, the citizens of this country, must be worthy of honor.

May each of us dedicate ourselves to all that is enobling and enduring in this land, to all that our flag symbolizes.

Mr. CHAPPELL. Mr. Speaker, today is Flag Day, a day wherein we pay special honor to America through the recognition of her flag and all that it stands for. It is a day for serious reflection on the American goal at a time when this Nation faces its greatest challenge since the Civil War.

The goal of many Americans today is so distorted from what our Founding Fathers envisioned that it is almost unrecognizable. Somewhere along the line, the American goal has slipped, fallen, and come to rest on the lowly depth of concern only for one's self, with little or no regard for others.

The prevailing attitude of so many seems to be, "What can I do for me? What can I do to further my personal desires and ambitions?"

By our pursuit of personal happiness alone, we are slowly robbing this country of its freedoms.

America was built on the idea of a government for which the people themselves were responsible. It was their duty to uphold their Government, or change it, as they saw fit.

The American of the late 18th century had foremost in his mind the idea of preserving American Government and its ideals. His goal in life was to protect his newly won freedoms and to do his part to maintain these freedoms.

It was this love of this country which caused the American of the late 19th century to lay down his life for his country—that you and I might continue to enjoy the self-determination he enjoyed. At Lexington, and Concord, New Orleans, and Fort McHenry—Americans laid down their lives that the goal of Americans—freedom and self-government—might be preserved.

We seem to have a different perspective today and most of it hinges on too great a love for the almighty dollar. Twentieth century Americans are caught in a whirlwind of materialism. With more leisure time than ever before, we seek all those things that money can buy—a more expensive home, the latest fashions in clothes, a bigger car, and all the other items that modern technology can produce to make living more comfortable.

As a nation, we have become too comfortable. I hope it would not take something as drastic as another depression to bring our Nation to a reexamination of its goals. For as difficult as it was for many of us, the depression made us concentrate on the really important things in life—individual creativity, togetherness, and teamwork within the family, finding ways to use leisure time without spending a lot of money, and in an abiding faith in spiritual values.

I do not say these things to sound like a prophet of doom. Quite the contrary, I believe all Americans have the ability to bring the American goal back into proper perspective.

To accomplish this, the most important single thing we can do is for each of us to reexamine ourselves to see clearly that which we seek in life—remembering that material possessions alone cannot bring happiness nor insure self-determination, for history teaches us that nation after nation has fallen when its people became too selfish and too greedy.

Each of us needs to live in such a way that we strengthen America. We need to redevelop pride in ourselves, pride in our work, pride in our community. We must not be afraid to speak out against lawlessness and laziness and apathy. We must be always ready to speak out for those individuals, and those actions, which strengthen America.

On this Flag Day, let us rededicate ourselves to building a strong America, with the same determination and dedication of our forefathers.

Let us keep foremost in our minds "The American's Creed," written in 1916, by William Tyler Page:

> I believe in the government of the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.
>
> I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

May God give to each of us the determination to project clearly the image of right embodied in our flag, and the will to fly it high, with pride and strength as a symbol of freedom to all men everywhere.

Mr. BARING. Mr. Speaker, Flag Day, June 14, 1972, begins America's enthusiastic celebration of this Nation's birthday on July 4. America will be 196 years old this year as the citizens of this country reaffirm their commitment to support their Nation and reaffirm their faith in our democratic system of government and society.

It is time for each of us to seriously consider the efforts and devotion to duty of those who have gone before us, those who have continuously made America great and strong.

Patriotism is the key word—a word which we live by daily and which we must instill in our young people as they grow and begin to take on the responsibility of serving their country in the best manner possible, while they enjoy the fruits of a free nation which were garnered for them over these 196 years by their forefathers and mothers.

With America's birthday this year also come our free elections during which our American youths will be able to flex their new decisionmaking powers with a voice in the leadership of the country. They join with the elders in helping the country to grow and remain on an even keel by electing responsible and forceful leadership.

It is every citizen's duty to participate in the elective process in their country which has made the free choice of government possible and it is with honor that we salute and honor America.

Mr. JOHNSON of California. Mr. Speaker, Flag Day is celebrated each year on June 14 in memory of that day in 1777 when the Continental Congress of our infant Nation adopted the Stars and Stripes as the official flag of the United States. These were perilous times. The American people had declared, on July 4, 1776, that these United States of America are, and of right, ought to be free. Some very brave men had signed their names to the Declaration of Independence and as a result stood to lose their liberty, their worldly possessions and most probably their lives.

As the war for independence proceeded, there were many different flags which led the Americans in battle and it has never been documented as to just how and under what circumstances, our flag was designed and ultimately manufactured. There are many undocumented stories of how the national flag came into being. The most prominent theories of the origin of our flag are those built around Betsy Ross, John Hulbert, George Washington, Francis Hopkinson, the town of Easton, Pa., John Paul Jones, Abram Markive, and the Rhode Island colonial flags. These theories are, of course, mutually contradictory. In general, they are all romantic and quite incapable of proof in one or more vital points. It does seem strange that in all the discussion by the various committees of the Continental Congress and by the Congress itself, when it adopted the Stars and Stripes as our national emblem, that there was no reference to the designer of our flag. This may not actually be too strange because it may have been the design of many different people, too many to mention—and, I suppose, there is romance in that fact, as well.

Flag Day was first officially observed in 1877 to celebrate the 100th anniversary of the selection of the flag. The Congress requested all public buildings to fly the flag on June 14 of that year. In 1885, Bernard J. Cigrand, a school teacher from Waubeka, Wis., began a lifetime effort to establish Flag Day as a day of an annual celebration. In 1897, the Governor of New York proclaimed a flag day celebration for the first time and stated that this celebration should become an annual event but it wasn't until 1916 that President Wilson established Flag Day as an annual national celebration.

During the entire history of the United States, our flag has been a flag of a country, not the personal standard of an emperor or a king. It has stood for all Americans and stands today as the symbol of liberty and not as the sign of the power of any ruler. It is and has been a national flag, a flag of the people and a symbol of the strength of a Government of, by, and for the people. Long may it wave.

Mr. PATTEN. Mr. Speaker, today is Flag Day, and it brings to my mind memories of my classes reciting the Pledge of Allegiance, memories of the meetings of fraternal, civic, and veterans groups, of firehouses being dedicated with

new flags that have flown over our Capitol, and of just driving down a street and seeing our flag being lovingly displayed in front of homes. But most of all, Mr. Speaker, it brings back memories of what I saw behind the Iron Curtain where the flag flying over the homes—which it had to do if the family did not want to be perscuted—was not loved.

I have been impressed during the last year by what I consider a rebirth of patriotism in our Nation, and I hope that it will continue to spread. America has her faults, but she also has the means to correct these faults. She allows her people to disagree and try a new approach if an idea does not work out. When we look at our flag, this is what we should remember. Our flag is the symbol of our Nation—not of a particular policy, but of the country which allows many policies to be expressed and the rights of all to be protected.

So I join my colleagues here today in pledging my allegiance to my flag of the United States of America. She is the symbol of our freedom and liberty and the hope of the dignity and equality that man can achieve.

Mr. EDWARDS of Alabama. Mr. Speaker, there are many symbols which stand for the American way of life. But certainly none sums up our feelings better than the flag of the United States. It is fitting that we observe Flag Day to declare and emphasize our devotion to the flag and to the ideals which it symbolizes.

The flag means different things to every American. It is the memory of a passing parade, the start of an athletic event, a childhood pledge of allegiance, or a flag flying at half-mast in a time of national sorrow.

But to all of us it is the symbol of opportunity, freedom, brotherhood, citizenship, and love of country. It is the emblem of our dedication to the "old" values which have made our Nation strong, such values as honesty, dependability, faith, respect for law, compassion, tolerance, and nonviolence in the pursuit of one's opinion.

And at the same time, the flag and what it stands for serves as the cutting edge for fruitful change and progress.

I join President Nixon in calling on all citizens to observe Flag Day, 1972, and I personally urge each American to reflect on the American ideals for which our flag stands. Let us all pledge that the flag of our country will never be lowered in our hearts and minds.

Mr. GALIFIANAKIS. Mr. Speaker, today we pay homage to the American flag, our beloved Stars and Stripes first adopted as our official flag 195 years ago. It is an occasion that gives us all the opportunity to pause, take stock of ourselves as citizens, and rededicate ourselves to the ideals which Old Glory symbolizes.

Our history and our future are written on that flag. The threads of our history woven together form the fabric of our flag, and each new generation adds to it its own aspirations, struggles and victories. When we gaze at the flag we can see it with George Washington at Valley Forge and with Neil Armstrong on the moon. We can see our flag flying over foreign battlefields, and we can see it in our own hometowns at our schools and churches. It travels anywhere, always carrying with it the glory and faith of our Nation's people.

Our flag has been with us through our hardships as well as our triumphs, leading the way, guiding us in the paths of liberty and justice that our Nation was founded on.

There is none among us who can claim a special right to that flag; there is none among us, regardless of the cause, entitled to change the meaning of that flag. It belongs to us all, equally, just as this Nation belongs to us all, equally. This is the essence of our democracy. And just as the flag has preceded us all, carrying that sacred truth, it will continue long after all of us, carrying the message of all men created equal, of the right to liberty and justice for all.

Mr. CARLSON. Mr. Speaker, National Flag Day is a particularly significant occasion for the city of Aurora, Ill., in the 15th Congressional District, which I have the honor of representing. The nationally recognized father of this observance is Dr. Bernard J. Cigrand who was practicing dentistry in Aurora at the time he persuaded President Woodrow Wilson in 1916 to proclaim the first official nationwide Flag Day.

Dr. Cigrand, a great patriot, first observed Flag Day himself on June 14, 1885, as a young 19-year-old schoolteacher in Wisconsin. It is said that he placed a small flag on his wooden desk and told his handful of pupils the story of the flag of the United States. He chose that particular day—June 14—because it marked the anniversary of the adoption by the Continental Congress in 1777 of the Stars and Stripes as the flag of the United States of America.

I feel it is particularly fitting that we should set aside this time in the House of Representatives to pay honor to our Nation's flag—and I am glad to have this opportunity to recall the part Dr. Cigrand played in establishing this national observance. All Americans should be constantly reminded and made more aware of the symbolism of our flag—for the power of our flag, its grandeur, and the force of its very appearance have been demonstrated repeatedly throughout our Nation's history.

The spirit of the Stars and Stripes has, in fact, lifted our hopes and improved our national fortunes so frequently that we have every reason to know the value of its great symbolic beauty. The flag—our flag—is indeed a symbol of all that we, as Americans, should admire and love in this grand country of ours.

Mr. BIAGGI. Mr. Speaker, today we celebrate the 56th annual observance of Flag Day. Flag Day in America is a very special occasion when every American should reflect upon his heritage.

At a time when patriotism seems dim in the hearts of some of our countrymen let us be glad that there are those of us who can still celebrate Flag Day 1972 without reservation. Rather than deemphasizing the role of patriotism in our country, now is the time to renew it. We need a new commitment to the ideals of patriotism; one that will lead all of us to dedicate ourselves to the unfinished task of building a better America.

It is a time to reflect upon and to learn from our history, and especially to learn anew about the many blessings that come with liberty and freedom.

American historians remind us that history is not merely a great teacher of patriotism, but the one indispensible teacher. The more we know about the struggles which sustained its people in time of trial, the deeper will be our feeling for our country.

As we look up to the flag which is unfurled daily against the background of this historic and meaningful Capitol Building let us take this opportunity to review the great American story. It is a story of wonderful men, events, and documents. It is a story of a nation whose experience testifies eloquently to the faith, dedication, and sacrifice that gave us liberty, equality, and prosperity.

If we are to attain the great goals that our forefathers set for us we must develop a deeper feeling for our country than now seems to be evident.

These difficult times demand that we call forth the very best of our talents and abilities to meet this challenge.

Indeed, we must never succumb to the complacency that this life of liberty and prosperity can occasionally breed. We must constantly strive to actively exercise our freedoms. We must constantly strive to actively exercise our freedoms. We must also maintain the necessary defenses to preserve our liberties against all threats of tyranny, either from without or within.

Mr. Speaker, on this day let us not forget those gallant Americans who are presently prisoners of war in North Vietnam. We must remember that these men are examples of the type of Americans which exemplify the traditions and principles we are called upon to celebrate today.

Mr. SCHMITZ. Mr. Speaker, today was Flag Day and as a Member of this House I felt deeply moved by the tribute that was accorded what our esteemed colleague from Missouri, Dr. HALL, referred to as the meaningful symbol of duty, honor, country. Red Skelton noted with deep humility that the "Pledge of Allegiance to the Flag" was not a tradition, but a family privilege. The galleries were packed and as I looked around I could not help but notice that many of the spectators once again unabashedly shed tears of pride in their national symbol. The gentleman from Missouri who spoke so briefly and eloquently made note of the fact that the dissenters in this Nation who scorn our flag and what it stands for have benefited the most from it. Today I received two symbolic refutations of these dissenters. One was a letter written to Life magazine by a Green Beret medic on Life's coverage of the "Winter Soldiers" fiasco paid for by pro-Vietcong actress, Jane Fonda. M. Sgt. John Dryden's letter has never been published and on this Flag Day of 1972, it is fitting that a voice from Vietnam be heard by my fellow Members of Congress. The second letter is from the survivor sister of a soldier killed in action in Vietnam. It was published in the Mount Prospect, Ill., Herald, and written by Miss Peggy Daley Taylor. This is the day that testimony of those who really symbolize our flag should be heard. Theirs is the true story which almost never makes the front pages. The letters follow:

VIETNAM STAND BLASTED

This is in reply to your editorial of Feb. 3 entitled "Let's Leave S.E. Asia." So now the Herald has joined the ranks of bleeding hearts for the lives lost in Viet Nam. Two years ago I sent a letter of protest to Nixon when the Viet Nam Moratorium cadre used my brother's name in their picketing of the White House. The only difference between the campus crybables then and the bleeding heart editors today is the type of communication used.

I don't speak for the lives lost in Viet Nam. I speak for my beliefs, which first and foremost is that there is no substitute for Victory. An ideologist says we should never have gotten into the mess. As a realist, I say that as long as we are there fighting a war, what in the Hell is wrong with winning?

I believe in predetermination, that is, your birth and death are set dates which God alone enters in the Book. What a man does between those dates is for his account when his time is up. My brother thanked God that he had the courage to go to Viet Nam in the name of his country and felt the defense of the principles of freedom were worth the hardship and sacrifice. My brother died with honor and bravery in saving the lives of his buddies. No greater love has a man than to lay down his life for a friend . . . that is the credential that was his at his judgment. He did not expect to die because God was with him but he wrote that if it was God's will, he would not complain. As a realist, no one wants to die but everyone does. No one wants wars either but that's mankind's own mistake. War is dirty, ugly and rotten, but our principle of freedom and liberty is why men fight for this country.

Just recently Kissinger announced that when Nixon goes to Peking he will offer 2.5 to 7.5 billion dollars in U.S. aid to "all of Indo China," including North Viet Nam. Will the bleeding heart editors get together and explain to me why my tax dollars will be handed over to the government that provided the circumstances of my brother's death?

The communists have not changed their policy of eventual world conquest and yet Nixon wants to rebuild their "war-ravaged" country. Incidentally, what is so war-ravaged about North Viet Nam? We have been fighting in South Viet Nam. The easiest way for the United States to win the war without U.S. casualties is to remove the 7th fleet from the Formosan Strait, transport the Nationalist Chinese to Viet Nam and let them show us how to fight to win. Unfortunately, the U.S. government will do everything in its power to make sure our allies lose.

Naturally, if American goods and resources are doled out to communist countries, our standard of living will gradually decrease and it will be easier for our enemies to conquer our country. That communist goal has NEVER changed. The American people are so darn apathetic and ignorant that they are willing to lose wars, feed and clothe the enemy, rebuild the threatening armies and sit idly by while every bit of our heritage is degraded, desecrated and eventually given away.

The only difference between a realist and an ideologist is that I don't have to ask why. When the last bastion of freedom sinks like a burning ship, I'll go down with it . . . fully aware that it was the captain that lit the match.

PEGGY DALEY TAYLOR.

GENTLEMEN: I read "Confessions of 'The Winter Soldiers'" in the 9 July edition of your magazine. I read it with considerable interest. I looked for lies or for stretching of the truth. I found none.

Now—a word for the opposition.

My brothers, and they *are* my brothers, in the Vietnam Veterans Against the War, have engaged themselves in their public flagellation. And in so doing, have again done their bit for the war effort—this time for the other side. *Their* brothers—the ones who came home in boxes—will appreciate again having been gutshot—this time by the very friends they loved above all men when they died.

Just how in the hell, may I inquire, does this war get to be any different than any other war? Except that in this one you get to watch your son die with his eyes shot out on the boob tube.

In 1966, I had a working arrangement with a Viet Cong medic. On Mondays I changed the dressings that he had applied on Fridays (incidentally learning a great deal about changing dressings in the process). Since I had access, at that time, to more antibiotics than he, he got in the habit of leaving notes when he felt that our joint patient required penicillin that he did not have. He never came into the villages on Monday. I never came on Friday. Our companions were armed and might not have understood a gentlemen's agreement. I never questioned the presence of a strong, healthy patient with a gunshot wound. The Viet Cong never mortared my camp.

In 1968, I had gotten in the habit of paying courtesy calls at the dispensary of a small RF-PF outpost at about the halfway point on my semi-weekly trips between a large city in the Mekong Delta and the USAF-VNAF airbase nearby. This was a short trip by jeep on a heavily travelled highway. I had the dubious honor to be one of the first medical persons to travel the highway after the first few terrible days of the 1968 Tet offensive. When I arrived at the RF-PF outpost, it was impossible not to see my friends at the outpost—all of them. Their bodies were on one side of the highway, laid out as if for inspection, their heads on the other side. It was all militarily neat and orderly. Their wives and children, as befitting mere civilians, were not in ranks. They lay where they had been shot or bayonetted—haphazardly. Every single member of the community—to include water buffalo, pigs, and dogs.

In your article, I could not find a single instance of an atrocity that I could not, by my own observation, have sworn to. But what, may I inquire, of the equal horrors perpetrated by the erstwhile gentlemen with whom our government has had the audacity to have gone to war?

My God, a war is an abomination, created in Hell. But being ordered into one by my duly elected governmental representatives, is it too much that I ask to be allowed to win it? In the election held in 1964, the candidate that dared suggest carrying the war into inviolate territory of the nation against whom we were then waging war, was defeated by the most staggering landslide in all of our national history. My government had decided to wage in the war *in the territory of our sworn allies.*

I am a professional soldier. But—I am also of an age to be considered a member of the Silent Majority. I share the guilts, with my fellow citizens, of this war. Guilts, plural. (1) The guilt of ignoring the conspiracy against us until we were involved in an impossible land war in Asia. (2) The guilt of obligating other men's sons to fight (and die) in a war in which we had no interest or will to win. (3) The guilt of desiring to withdraw from a war in which some 45,000-plus of our sons and brothers have died *without victory.* (4) And, finally, the guilt of having to acknowledge atrocities for which we are indisputably guilty.

Every war had had its atrocities, but the victor has always had the right to rewrite history to make it appear that only the vanquished had committed such abominations.

In any war, the most successful participant is inevitably the most savage, sadistic butcher involved. But we have heretofore invariably lauded him and made him a hero.

May I submit that we are *all* guilty? And guilty of what? Stupidity.

I am planning to marry a very lovely lady from Latvia. Where is Latvia? It doesn't exist—anymore. Since it was occupied in 1941 by troops of Communist Russia, it has not even the dignity of being a Communist satellite. It is now a very small, insignificant state of Russia proper. Latvia, as an entity, has ceased to exist. But, of course, we know that in this enlightened age such things can no longer happen. My love would like to know why no one is interested that her country was swallowed in one gulp by the most voracious appetite the world has ever known. I would like to know, too. Because that same appetite caused the disappearance of Estonia, Lithuania, Czechoslovakia, Poland, Hungary, East Germany, Albania, Romania, Bulgaria, Yugoslavia, China, Tibet, Cuba, North Korea, and North Vietnam. And sundry other countries in which no one has any particular interest. When we consider how very little we cared when their insignificant countries were swallowed up, can we really be too surprised when we too disappear?

To listen to them tell it, the members of the Vietnam Veterans Against the War would have us believe that our national policy was created solely to provide them with an arena in which to practice their own private hells.

I address these questions to only the members of the Vietnam Veterans Against the War: Who organized you, my brothers? Who is most interested in your public confessions of guilt? Who benefits most by the loss of confidence and the shared guilt created by your confessions?

Hell yes, you're guilty. So am I. So were we all. But what of the monstrous guilt directed against us?

I could be guilty of all manner of atrocities against those who could make slaves of my family (who are ignorant), my sweet love who escaped from Latvia (who detests them as I do and who is not ignorant), and anyone who would wrest from me by violence or by deception all that those who have gone before me have fought and died (and doubtless committed atrocities) to assure for me.

John Stuart Mill Said, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth fighting for is much worse. A man who has nothing for which he is willing to fight, nothing he cares about more than his own personal safety, is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

The final tortured quote of your article was to the effect of, "I have only one thing to say to the Vietnamese people, Oh God, God I'm sorry."

To paraphrase, if I may: If we lose our struggle by default, I have only one thing to say to the American people, Oh God, God I'm sorry.

M. Sgt. JOHN DRYDEN.

Mr. FLOWERS. Mr. Speaker, in the days when our Nation was founded, Thomas Paine wrote:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman.

Tom Paine was imminently correct in 1776 when he proclaimed these words.

But how many times since then could it have rightly been said in the United States of America that "These are the times that try men's souls."

To mind quickly come thoughts of December 7, 1941, of World War I, of other great military conflicts that we have been engaged in during the almost 200 years of American history since Paine wrote the words above. And, of course, there have been other times that have tried or tested the soul of our Nation—times of conflict, turmoil, and change—times such as these we are now experiencing.

Throughout the world the American Flag has always represented hope to all mankind, and it is a reminder of the sacrifices of brave and unselfish Americans over the years—Americans who have given their life's blood that freedom should live. No other nation since the dawn of civilization has done so much for all humanity as has the United States of America.

On this Flag Day, 1972, we Americans can and should be justly proud of our heritage and its symbol. And, as we pass through these modern "times that try men's souls," let us not forget that as a Nation and as a people we have had conflict and turmoil and suffered before, and we have survived. In fact, we have always emerged triumphant, a Nation made even stronger by the healing process.

TRIBUTE TO THE LATE HONORABLE PHILIP J. PHILBIN

(Mr. DONOHUE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONOHUE. Mr. Speaker, I am deeply saddened today as I announce to the House the death early this morning of our former colleague and chairman of the House Armed Services Committee, the Honorable Philip J. Philbin. I know that my great sorrow is fully shared by practically every Member of this body.

Mr. Speaker, very few, if any, who ever served here were more highly respected and esteemed. No one was ever more beloved than he by his own people who knew him best.

Throughout his long service here, he was never a detracting critic. He was always a constructive legislative leader.

Over the years, he was so highly respected in this House because he consistently demonstrated an extraordinary depth of legislative knowledge and projection, truly sympathetic understanding of his colleagues' individual problems, and a unique ability to promote goodwill among differing Members for the accomplishment of national progress.

In short, he was a national legislator who conducted himself in accord with the highest traditions of diligent and dedicated public and personal service.

In the integrity of his character, his devotion to country, his deep concern for his neighbors, the strength of his friendship, the pleasantness of his personality, and the wholesomeness of his disposition, he daily reflected and practiced the richest qualities of human life.

His passing is a tremendous personal loss to me and to all who knew him. He will forever be remembered by his own people, because of his genuine compassion, his generous help, and his wise counsel to all who were troubled.

To me, and I am sure to all of our colleagues, he will forever be remembered and remain an inspiring legend of patriotic service above and beyond the normal course of duty.

I am sure all Members will join with me in praying that the good Lord will grant eternal rest to the great soul of our departed friend and colleague and in extending deepest sympathy to his bereaved children, Ann and Bamby.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I join my colleagues in mourning the loss of one of the most distinguished Members that ever served in this body and one of my dearest personal friends, Philip J. Philbin.

I have known Phil as a kind, considerate, and truly dedicated public servant. For 28 years here in this House his public career was spent in untiring efforts and immeasurable contributions to the national defense and to the men and women who served in the armed services, first as a member of the Military Affairs Committee from 1943 to 1946, and later as a ranking member of the Armed Services Committee.

He served as chairman of many subcommittees of the Armed Services Committee. As chairman of the Stockpile Subcommittee and the Subcommittee on Independent Research and Development, he contributed a tremendous amount to the future of America's armed services and to the future of our country.

Phil was an affable man, loved by Members on both sides of the aisle, and particularly by the employees. It can truly be said that he was an employees' member.

Well respected by all who served under him in the Armed Services Committee and by all who knew him in the House of Representatives, Phil was an unusual individual. Erudite, learned, talented, educated, he had a fund of knowledge on all subjects.

He could talk about the history of the nations of the world. He was a real master of the classics. An accomplished musician, he was a pianist, and, as a matter of fact, a composer of music.

As for sports, he played on that famous Harvard football team in the early 1900's, that played at Pasadena in the Rose Bowl, right after World War I. He was a great center on the national football team of Harvard. Phil could really talk sports, and probably knew more sporting individuals than any other man in America.

I have never met a more well-rounded man than Phil Philbin, truly loved by everybody.

I am honored to have served with Phil. I knew him since I came here in 1952, but long before that, he was a power in Massachusetts politics.

My wife Milly joins me in expressing to his family and all his friends our deepest sympathy.

Mr. DONOHUE. I yield to the distinguished majority leader, Mr. BOGGS.

Mr. BOGGS. Mr. Speaker, I join with the distinguished gentleman in the well and other Members gathered here to express deep sorrow and keen regret at the passing of Phil Philbin.

I believe I knew him as well as anyone outside of the Massachusetts delegation. For many years we have adjoining offices in the Cannon Office Building, then known as the Old House Office Building. I came to know him not only as a distinguished legislator but also as a man who devoted his time and his efforts to the security of our country, as a man who was meticulous about the work of his office. I believe that no letter ever went unanswered and no request from any constituent was ignored.

I also knew him as a friend, as my friend and as a friend of all those who work here, of the people who work on the Hill. He had a kind word for all of them, and he was known to all of them.

He had a disposition and a nature which was given to establishing and maintaining friendships. He shall be missed. But he lives in the deep affection of his colleagues.

Phil Philbin's death marks the end of a distinguished career in public service, spanning more than one half century, and comes as a heavy blow to all of us who were privileged to serve with him in the House.

Phil Philbin's career in Washington began in 1921 when he served as an aide to the late Senator David I. Walsh.

In 1942, the people of Massachusetts' Third Congressional District elected him to Congress and began a truly remarkable career in public office.

It was my privilege to serve with Phil through 11 Congresses, and I have never met a more dedicated public servant.

Phil Philbin found time to become an expert in the difficult field of national security legislation. As a member of the Committee on Armed Services, he earned a reputation as one who spent hours studying the variety of legislation and issues which come before that important committee. He was a leading architect of the policies which made our Nation strong and which contributed to world peace during the post war years.

These are a few of Phil Philbin's accomplishments during his long and distinguished career in Congress. He will be remembered not only for his legislative contributions but also for his manner, his disposition, and spirit with which he conducted himself.

Phil Philbin leaves more than a record of legislative accomplishments. He leaves an inspiring example of what a leader can be, and that is a valuable legacy indeed in these difficult and challenging days.

I join my colleagues on both sides of the aisle in expressing my deep sense of loss at the passing of this great leader and personal friend.

Mr. DONOHUE. I yield to the chairman of the Committee on Armed Services, Mr. HÉBERT.

Mr. HÉBERT. Mr. Speaker, every member of the Armed Services Committee feels a deep, deep loss on the passing of Phil Philbin.

As the Members know, he served briefly, after the death of Mendel Rivers, as chairman of the Committee on Armed Services. That fact has been overlooked by many.

Phil came to the committee when it was organized in 1947, from the old Military Affairs Committee. He and the distinguished minority whip and the gentleman from Illinois (Mr. PRICE) were the three who came from that committee.

I came from the old Naval Affairs Committee. I am the last member from that committee still serving.

Mr. Speaker, Phil Philbin sat between Mendel Rivers and myself, the ranking Member on the majority side.

I do not know of a sweeter character with whom I have ever come in contact than Phil Philbin. He was a man who loved his colleagues, loved his fellow man. He avoided controversy. Yet he was of strong will. He was dependable.

Last evening the former Speaker of the House of Representatives, the Honorable John McCormack, called me to tell me that the end was near for Phil. Of course, there are few of us here who did not know that he was terribly ill and had been so for many months.

Mr. Speaker, Phil Philbin was a man of many talents. Very few knew that he was an expert on the opera, the arts, and he, personally, was a wonderful pianist. He could entertain for hours sitting at the piano.

Another little-known fact about Phil is that he played football with Harvard, and played in the Rose Bowl many years ago. He was a great athlete. He was a great football player at Harvard.

Mr. Speaker, as we look down the years that we served together, certainly no one was more solid and stalwart at your side when you needed him than Phil Philbin.

The last correspondence I had with him was to urge him to have his portrait painted so it could hang in the House Armed Services Committee room. It was something that was his due after serving on that committee for so many years, but the chairmanship was snatched away from him. However, as we look back on it, he could have served his full term as chairman.

Mr. Speaker, I think the best manner in which I can sum it up is to say that all in all we shall not look upon his like again because this was a man, and in any language he was a great guy.

Mr. DONOHUE. I thank the distinguished chairman of the Committee on Armed Services for his kind remarks.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the death this morning of our former colleague, Philip J. Philbin, is a great blow to the Commonwealth of Massachusetts, to this body where he served so long and faithfully, and to people everywhere who value fairness and decency in public service.

For 28 years, Phil Philbin represented the people of Massachusetts' Third Congressional District in the House of Representatives. That representation was marked by constant attention to the needs and desires of his constituents, and by conscientious concern for the National Government.

As his service continued and his seniority built up, he attained great stature in this House, and particular influence in the Armed Services Committee. But the power and influence he accrued never swayed Phil Philbin.

Many words will be used today to describe our former colleague—dedicated, talented, hard-working. He was all those things. But, most of all, I will remember Phil Philbin as a good and decent man. He brought those qualities to this body three decades ago, and he left, after 28 years, with all of them intact.

Mr. Speaker, I join all my colleagues in mourning the death of this fine man. And I extend my deepest sympathy to Mr. Philbin's family.

Mr. ARENDS. Mr. Speaker, it came as a great shock to me to learn this morning of the passing of my very good friend and former colleague Phil Philbin.

Phil served with distinction in the House for 28 years, from 1943 to 1970. He was a member of our Committee on Armed Services and made a very real contribution to the work of our committee. Phil was a quiet and unassuming person. In some respects this characteristic was disarming, for those of us who worked with him well know that he could always present his viewpoint with emphatic clarity. His capacity for leadership was repeatedly demonstrated in the work of the subcommittees on which he served as chairman.

Phil Philbin's political philosophy was different than mine. But in matters relating to national defense he never allowed a political consideration to enter into any of his decisions. In keeping with the long established policy of our committee his approach on national security questions was always nonpartisan.

Phil Philbin will be greatly missed by all of us and particularly by those of us who were privileged to work so closely with him. I extend my very real sympathy to his family. I share their loss.

Mr. DONOHUE. I thank the distinguished gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I am glad to yield to my colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank my colleague, Mr. DONOHUE, for yielding to me at this time.

I am greatly saddened at the loss of a close personal friend, the Honorable Phil Philbin.

It is always a great loss to the country when we see the passing of a major leader of our country. I say this because Phil Philbin was a leader, and a great American.

Mr. Speaker, what I remember best about Phil Philbin was his compassion for his fellow man, his kindness, his decency, and the fact that he never lowered his principles.

He was a cultured gentleman, as was pointed out by the gentleman from Louisiana (Mr. HÉBERT). He was an authority on the arts.

I never met a man more cultured than Phil Philbin.

He always had great humor and great understanding. Some people might not realize his great love for his forebears, but it was borne out during the time of the Irish troubles. When some of those who were sympathizing with the problems of Ireland were raising money in the United States, Phil Philbin was a courier carrying that money over to Ireland, through the British lines, at the jeopardy of his own life.

Mr. Speaker, that was the type of man Phil Philbin was, a man ready to lay down his life for his fellow man.

Another thing that impresses me today is that his passing occurs on June 14, Flag Day, the flag that he loved so much, the flag that he defended all through his entire lifetime by a dedication and devotion to public service that is almost unequalled in the history of this great Nation.

This man's whole lifetime was a monument to class, good manners, and charm, the likes of which we will probably never see again.

In surroundings not exactly conducive to strong and lasting friendships, I will always treasure the momory of his friendship. Over the years he was a source of strength and wisdom to the entire Massachusetts delegation and it can honestly be said of him as of so few others than anyone who ever truly knew him was truly better off for having known him.

Mrs. Burke joins me in extending our sympathy and prayers to his daughter, to his grandchildren and to the other members of his family.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I join in this collective expression of grief over the passing of our beloved former colleague, Philip J. Philbin.

I know how deeply that grief bears upon the gentleman now in the well because no two men in or outside of the Congress were as friendly or as devoted to each other as the distinguished gentleman in the well Mr. DONOHUE and Phil Philbin.

Serving in the Congress for nearly three decades, from 1942 to 1970, Phil earned the respect and friendship of virtually everyone he encountered here in Washington.

Quite honestly, Mr. Speaker, he was one of the finest men that many of us have ever known. Either privately or publicly, I have never heard Phil Philbin utter an unkind word about anyone at any time.

Every member of the Massachusetts delegation, and in fact every Member of the House itself who knew Mr. Philbin, can testify personally to Phil's magnificent character.

He always found time to counsel a troubled colleague, to offer a few words of advice to a fledging Member who was still bewildered by the legislative process and to extend a helping hand to anyone who needed it.

A quiet man—even a self-effacing man who never sought headlines—yet, he was

a diligent and painstaking worker here in the Congress, known among his colleagues on the Committee on Armed Services for his keen mind and mastery of committee work.

A ranking member of that committee, in fact, its chairman for a few days just before he left the Congress, Phil played a major role in assuring this country's military preparedness and its defense. And, equally significantly, he always tried to strike a fair and evenhanded balance between the demands of the military and the demands of its critics.

Phil's work, in an indirect way, helped lead to many of America's diplomatic triumphs over the past decade—the SALT talks, the European detente and the new exchange of views with mainland China and Russia.

Phil's service to his constituents in Massachusetts' Third Congressional District—the men and women who elected him to 14 successive terms in the House—had been truly remarkable.

No letter ever went unanswered. No plea for help was ever ignored. No constituent seeking advice was ever turned away. It is no exaggeration, Mr. Speaker, to say that Phil ran a model congressional office.

His death deeply saddens me as it saddens all of the Members of the House who knew him.

Few of us will ever match his achievements in representing a congressional district, fewer still his achievements as a man.

Mr. Speaker, I extend to his family my deepest sympathy in this hour of sorrow.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, Phil Philbin was one of the finest gentlemen I have ever known.

I served on the Armed Services Committee with him for more than 19 years and I have been a member of several subcommittees of which he was chairman.

Phil Philbin was a hard and conscientious worker. He was a brilliant and kindly man. He was a great American—a man of great courage and those attributes are sorely needed in our country today.

We will all miss Phil Philbin—he was a great American, a great citizen and a great patriot.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I express the profound sorrow of every Member of this House and every resident of my congressional district at the death this morning at 3:25 a.m. for former Congressman Philip J. Philbin.

The towns of Clinton and Bolton where he has resided ever since his birth on May 29, 1898, the people of Massachusetts and the countless friends of Philip Philbin in the Congress and across the Nation will mourn the passing of this devoted public servant.

Seldom in the annals of Massachusetts politics or in the history of the Congress of the United States has a person labored so long, selflessly and diligently on behalf of the people as did Congressman Philip Philbin.

After graduating from Harvard College and Columbia Law School and working for a number of years for Senator David I. Walsh of Massachusetts, Philip J. Philbin came to the Congress in 1942. From that year until the end of 1970 he served his constituents every day, on every weekend and during every recess of the Congress. He was truly a representative of the people. No problem was too complex or too simple to merit the full consideration of the Congressman and of his staff.

The stories of the devotion and dedication of Congressman Philbin are legion and legendary. In an era when more and more American citizens were allegedly being alienated from politicians the esteem, reverence and affection which the constituents of Congressman Philbin and the people of Massachusetts had for this devoted public servant was enormous and profound.

I and the countless admirers and friends of the late Congressman Philbin send to his two daughters and to all of the members of his family our profound compassion upon their great loss. His passing is a loss to the people of the congressional district which he served for almost three decades with unparalleled devotion. His passing leaves me and all of us with the prayerful hope that we may strive to emulate his devotion to his constituents, to the Congress of the United States, and to the Nation.

Mr. DONOHUE. I now yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. I thank the gentleman for yielding.

Mr. Speaker, I, too, join in this tribute, in a very real, personal sense. Having had the privilege of serving with Congressman Philbin on the Armed Services Committee for over a decade, I glimpsed at firsthand those qualities which have been so generously noted here in the remarks that have been delivered. He was certainly a gentleman, and he brought to his work all of those qualities of consideration and fairness which gained for him admiration and respect. It is true that he watched with a kindly eye over those who were working with him and for him in the affairs of this House. He tried to keep always in mind the objective for which they were working and make it possible for a constructive result to be achieved.

We will do well to remember these qualities, for it is too easy to become careless, particularly in the field of public science and politics, of the feelings of others and the elements of fairness in the desire to press a point or perhaps to advance personal career. But when a man walks among us, as did Mr. Philbin, with this consideration and with this understanding, his example should remain an inspiration to all of us.

I can imagine no finer tribute than to be remembered by my colleagues with the affection and respect that is so manifest here today. We express our gratitude that there walked among us a man of his stature who was able to do so much for his State and his country, and to leave such wonderful memories.

Mr. DONOHUE. I thank the gentleman very much.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished gentleman from Massachusetts.

Mr. Speaker, I also thank the gentleman for taking the time on the House floor today so we can join in expressing our profound regret and our deepest and saddest feeling at hearing the news that Mr. Philbin has passed on.

It seems to me that everyone of us serving or attempting to serve in the capacity of a Representative has his own evaluation of himself and of his colleagues in this chore of attempting to represent a constituency. Every one of us is concentrated single mindedly to the job of discharging this serious obligation. So, therefore, it is a rare man who also takes the time to worry with the problems of some other Member's constituency.

Some 10 years ago I found myself a freshman Member of this House. Mr. Philbin was one of the ranking members of the Armed Services Committee. I had a crisis confronting me involving the Armed Services Committee, inasmuch as I had the great privilege of representing a very historic area in the national defense picture. It was Mr. Philip Philbin who proved to me forever and a day that he had this tremendous capacity for being not only a single constitutency representative but also, indeed, a national one in discharging this other very little appreciated function of serving other interests in other parts and sections of the country.

I think this is just one reflection of Phil Philbin's great attributes which my colleagues who have preceded me have so eloquently brought out. I know that I sincerely join all the Members who have spoken thus far and who have invoked Phil's memories from certain perspectives.

I wish at this time to render a sincere tribute to this great American for the service that he rendered not only his constituency in Massachusetts but to each and every one of us and each and every one of our constituencies in this country during the time that he served so well, honorably, and efficiently as a Member of this House.

I thank the gentleman very much

Mr. DONOHUE. I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I join with the gentleman from Massachusetts in expressing my sorrow upon learning of the death of our former beloved colleague and good friend, the Honorable Philip J. Philbin of the State of Massachusetts. I associate myself with the expressions of tribute and eulogy which have earlier been made.

He was possessed of a warmth of spirit and a gentleness of heart and mind which was equalled by few and excelled by none. I consider it a pleasure and a high privilege to have been included among Phil Philbin's circle of friends.

Phil Philbin was an able and outstanding Representative. He was a dedicated and highly motivated public servant. Those of us who were privileged to know him and to serve with him are grateful for that opportunity. We miss his service here. We will miss his presence among us on this earth.

Mr. Speaker, Mrs. Flynt and our children join me in extending our condolences and heartfelt sympathy to the family of the late Congressman Philbin.

Mr. DONOHUE. Mr. Speaker, I thank the gentleman from Georgia.

Mrs. HICKS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, it was not my privilege to have served with Congressman Philip Joseph Philbin during his long tenure of office which extended from January 3, 1943, to January 3, 1971, but my father, Judge Day always referred to him as a great giant of a man—one of God's noblemen.

The Members of Congress knew Congressman Philbin as a man of intellect, learning and impeccable integrity—a statesman unswerving in his adherence to the Constitution. The dean of the Massachusetts delegation, Congressman DONOHUE knew "Phil" Philbin as a close lifelong friend.

I regret his passing this morning, but what day could be more fitting and appropriate for this great patriot than Flag Day, June 14.

Yes, the Nation has lost a distinguished son and America has lost a great and good man.

I join with my colleagues in expressing to the family of Congressman Philbin my sorrow in their great loss.

Mr. DONOHUE. Mr. Speaker, I thank the gentlewoman from Massachusetts.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Speaker, I appreciate the gentleman from Massachusetts yielding to me at this time.

I join with the gentleman from Massachusetts and with all our other colleagues in paying tribute to our dear and departed friend, Phil Philbin, a warm and wonderful man.

Phil was indeed a big man. He was big in stature and tremendous in heart and tremendously big in his generous way of giving his time for others. Phil had his favorite seat here on the floor at the center aisle and we could not pass that seat without having Phil cheer us up and help start our day. If a Member was looking a little worried, Phil would say to me as I knew he did to others, "What is troubling you, pal? You look a little troubled today." And if one shared one's problem with him, if Phil could, he would do something about it.

He was a big man in this Congress. He was a big man in this country. His contributions will long be noted by those of us who worked with him and by those of us who had the opportunity to see what he contributed to this country. It is my hope that we will long remember his contributions and the good that Phil Philbin did will not, as the poets say, be interred with his bones, but rather that we will deeply appreciate the good and build upon it, those of us who follow in his footsteps and carry on here in the Congress.

Phil had a tremendous dignity about him which I think we could all emulate, he carried the position as a Member of Congress with such dignity and with such composure that it reflected nothing but credit on this great body.

I join with the distinguished Members of the Massachusetts delegation and others here in extending my sincere and deepest sympathy to the members of his family.

Mr. DONOHUE. I thank the gentleman from Texas.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I thank my distinguished friend, the gentleman from Massachusetts, for yielding.

Mr. Speaker, Phil Philbin had many, many great attributes. If I were to think of one today in particular, I would single out compassion. Phil Philbin was a man of great compassion—great compassion for his fellow colleagues and all the people of this great country.

I have the great privilege of working in the suite Mr. Philbin occupied in the Rayburn Building. After his retirement from Congress, many people from far and wide would still come to that office. In chatting with them, I found they always had many kind words for Phil Philbin.

As many speakers preceding me have said today, Phil Philbin made many great contributions to this country and to our defense. We are a better nation, because he served in this great body.

I join all of my colleagues in extending deepest sympathy to the members of his family and in thanking them for allowing Phil Philbin to come our way.

Mr. HARRINGTON. Mr. Speaker, I join my colleagues from Massachusetts and the rest of the House in mourning the death of our former colleague, Phil Philbin.

Phil devoted his life to public service, and his dedication to the public interest as he saw it was unquestioned. He worked hard and long for his constituents, and he was one of the first who saw the need for affirmative action to reverse the economic downturn that has affected our State.

All of us who served with him enjoyed his fellowship. No Member of the House was more deservedly popular with his colleagues. His personal warmth, his genuine concern for others, and his unfailing willness to be helpful to his coworkers were hallmarks of his service here.

I send my sincere condolences to his relatives and the many many friends he made in a long and full life of service to his country.

Mr. MAHON. Mr. Speaker, I want to be recorded among those who pay tribute today to the memory of the late Philip Joseph Philbin. We wrought well as a Member of the Congress and it was an honor and privilege to serve with him. I always found him ready, willing, and able to be of service to the Committee on Appropriations in matters dealing with the security and strength of the United States.

Others have spoken at great length. I wanted to add my own words to those which have been trusted in the memory of this distinguished American.

Mr. BETTS. Mr. Speaker, I am very much distressed to hear the sad news about the death of our former colleague, Phil Philbin.

We became friends shortly after I came to Congress and I was always impressed with his sincerity and his friendliness. I shall always remember the many occasions when I had the opportunity to sit with him and discuss a wide range of subjects in which we had mutual interests. I learned very early in my acquaintance with him that he was a dedicated American and devoted to the service of his country and his constituents. His labors in the interest of good government never ceased and when he departed from Congress, he left a record which is difficult to match.

Above all, Phil was a gentleman in every sense of the word. I never heard any criticism of his character or his loyalty as a friend and I, as one, will always cherish the fact that I was privileged to serve with him in the House of Representatives.

I extend to his family my deepset sympathy.

Mr. SCHNEEBELI. Mr. Speaker, our former colleague, Phil Philbin, was a grand fellow with a big heart. When I first came to Washington, he was particularly kind to me, and was helpful in trying to make me feel more welcome and at home with my colleagues in the House. He had no reason to be so warmhearted, since I had never met nor known him before, but it was just typical of Phil Philbin to be so thoughtful and cooperative to a newcomer needing the help that he so kindly offered and so adequately supplied.

It was a great and interesting diversion to discuss Ivy League football with Phil. He was an outstanding football player at Harvard back in the 1920's and he would light up immediately when we talked about Harvard's current football fortunes. There were very few home games that he missed.

Phil was most charitable to his colleagues with his time, wisdom, and advice, and I shall keep fond memories in my mind about a grand fellow. We shall miss him.

Mr. ICHORD. Mr. Speaker, in 1943 our beloved former colleague, Philip Joseph Philbin, began a distinguished career of public service in the U.S. House of Representatives which lasted 28 years. It was my good fortune to be closely associated with Phil during the last 10 years of his service in Congress, especially in connection with our mutual service on the House Armed Services Committee.

Here was a man, Mr. Speaker, who was tall in stature, gentle in heart, and brilliant in mind. He served his country well in time of war and peace with endless devotion and dedication. Those of us who knew him and admired him can say with all sincerity that our lives were enriched, because of our association with him and that all citizens of this country

benefited, because of his service in the U.S. Congress.

It is certainly anything but a pleasant task for me to say "farewell" to my friend and colleague who was a "man among men" and a "leader among men" and a "leader among leaders."

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of the Members of the Massachusetts delegation and others, and join them in paying a brief but sincere tribute to the memory of our late and beloved colleague, Philip Joseph Philbin, of Massachusetts.

Certainly I was shocked and saddened to learn of the untimely passing of this wonderful friend, Phil Philbin. During my years of service in the Congress I have never known a more genial and warm colleague—Phil Philbin loved life and loved people.

In addition, he was an outstanding legislator and served with dedication and distinction in the House for 28 years from his beloved State of Massachusetts. He was a member of the Armed Services Committee and was dedicated to the defense and security of our great Nation.

He served his district, State, and Nation ably and well—we shall miss him.

I want to take this means of extending to members of the Philbin family this expression of my deepest and most sincere sympathy in their loss and bereavement. Mrs. Evins joins me in these sentiments.

Mr. BENNETT. Mr. Speaker, the late Congressman Philbin was one of the real leaders, one of the real gentlemen of this House. He was an untiring supporter of every good measure that passed this House and a pillar of opposition to the bad measures which we defeated. It was a genuine pleasure to know him as a friend, and my deepest sympathy goes out to his beloved family who survive him.

Mr. GROSS. Mr. Speaker, I am saddened by the death this morning of my good friend, the Honorable Philip J. Philbin, of Massachusetts.

Phil, as he was known and admired by all of us, was one of the most constant Members of the House of Representatives and for that reason, and because we normally sat across the aisle from each other, we exchanged greetings and visited almost every day.

Phil was a good legislator. As a member of the House Armed Services Committee, he stood always for legislation he believed to be in behalf of the security of the United States. But above all, he was a gentleman at all times.

With so many others, I have missed the presence of our friend on the House floor.

Mrs. Gross joins me in expressing sorrow that Phil has departed this life.

Mr. SIKES. Mr. Speaker, I am truly saddened at the news that my close friend of many years, our distinguished former colleague from Massachusetts, the Honorable Philip Philbin, is dead. He came to Congress very soon after I did and we served in the early days of our congressional careers on the House Military Affairs Committee and then on the House Committee on Armed Services. The warm friendship which we formed then has strengthened through the years and I know Phil Philbin as a man of great ability, a man of complete dedication to his State and Nation, and a man of courage who did not hesitate to express his convictions and to vote his feelings. There are not many who have served here who have been more genuinely respected than he. The lives of his colleagues on both sides of the aisle were enriched by our association with him and the Congress was a better place because Phil Philbin served here. He was a truly outstanding American. My earnest sympathies are extended to the members of his family.

Mr. ANNUNZIO. Mr. Speaker, I join the members of the Massachusetts delegation, and especially my colleague, Congressman HAROLD DONOHUE, in paying tribute to the Honorable Philip Joseph Philbin, a great American and a distinguished Member of this Congress.

I vividly recall when I came to Congress 8 years ago as a freshman, one of the first men I met on the floor of the House was Phil Philbin. He was a kind, gentle, and compassionate man who did not hesitate to give me a friendly hand and good sound advice.

When Congressman Philbin retired at the conclusion of the 91st Congress, he had served with great ability and genuine dedication for 28 years his constituents in the Third District of Massachusetts as well as all of the citizens in our Nation.

Phil Philbin was a patriotic American and a warm human being. He was a staunch believer in individual freedom and human dignity. He loved his country and contributed immeasurably to its continued strength and security.

His death has saddened all those who were privileged to know him. He will be missed by the people of Massachusetts, by those of us in Congress, and by his many friends. Mrs. Annunzio joins me in extending our deepest sympathy to the Massachusetts delegation and to the Philbin family on their great loss.

Mr. PRICE of Illinois. Mr. Speaker, the news of the death early this morning of our former colleague, the Honorable Philip J. Philbin of Massachusetts, came as a great shock to me.

In my first term in Congress, the 79th, it was my good fortune to serve on the Military Affairs Committee with Phil. In those days we formed a close friendship. He was then in the second term of his 14 terms as a Member of Congress. Through the years, until he left the House, we worked together on committee assignments on the Armed Services Committee.

As a member of the House Armed Services Committee, Mr. Philbin's first concern was for the welfare of the serviceman. He dedicated himself to bettering the conditions under which the serviceman worked and lived. Better housing, better pay, better retirement benefits for the man in service were always uppermost in Phil's thinking and most of his efforts were directed to doing something about those things.

As a lawyer he was interested in and devoted much time to the matter of military justice. Much of the improvements in this field can be traced to the efforts of Phil Philbin.

I join my colleagues here this afternoon in paying tribute to one of the finest men it was ever my privilege to know.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks concerning the life, character, and service of our departed former colleague, Phil Philbin.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT OF SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business may sit during general debate today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, did the gentleman consult with the minority on this?

Mr. HUNGATE. The chairman asked me to make this request. I assume he did. The gentleman from North Carolina (Mr. BROYHILL) on the minority on that committee, has been sitting there this morning.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FLAG DAY, JUNE 14

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, as the people of our great country prepare for the June 14 observance of Flag Day, it is appropriate we reflect on the full meaning of this solemn day.

It was none other than the great John Adams, who, on the evening of July 3, 1776, said of America's Independence Day:

> This great anniversary festival ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports.

The same could well be said, at least in part, of Flag Day. Our flag is an inspiring symbol of the freedoms won through struggle and hardship by our forefathers, maintained through nearly two centuries by brave men and women who placed their lives, fortunes, and honor between America and our enemies, and who continue to do so today when our Nation is under attack from within and without.

The stars and bars which fly from flagstaffs across the world serve as a daily reminder that America remains the world's best hope for peace through inspiration and example. This can continue to be true as long as we determine to remain strong in the face of adversity, and as long as we maintain the traditions which always have been associated with our flag.

Our flag flies proudly from the top of our Capitol, dipping only in mourning for the lives lost of those who have stood the supreme test of dedication to the American ideal. It flies from ships at sea, embassies in foreign lands, even in the lands of those who would see us lose our freedom. It flies from remote stations across the globe manned by dedicated men and women who have left the comforts of home to man the bastions of liberty.

Our flag should be honored by all Americans. Differences among our people should not result in stain upon our flag. It is not necessary that we stand in complete accord to respect this great Nation and its hopes for the future of mankind. It is still our flag and our country and while we work for goals which we seek as individuals for our country, our flag should and must be held in the highest esteem. The flag does not represent a government. It does not represent an administration. It does not represent a policy. It represents an ideal and even those who disagree with the means of achieving our goals have no reason to defile the ideal.

Thus it is, as we approach Flag Day, that we should take stock of that which is given particular recognition on that day—the flag of the United States of America—and all that it stands for in the dangerous world in which we live.

It stands for freedom and hope, opportunity, and security.

For us, and for all mankind.

THE ATTACK ON THE HONORABLE PAUL N. McCLOSKEY, JR.

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today to express my outrage at the conduct of the gentleman from New York (Mr. KEMP) during his special order on this floor yesterday. To launch a specious attack on a colleague in his absence is an act of cowardice that I condemn. Yet the gentleman from New York is not a coward, so I can only assume it was an act of poor judgment on his part. The obvious distortion of Mr. McCLOSKEY's remarks is so incredible that no reasonable person could ever draw the inference suggested by the gentleman from New York.

Mr. McCLOSKEY's outstanding record of patriotism and service to his country, in war and peace, speaks for itself, and I think it is above challenge in this body.

The demagoguery participated in here yesterday by Messrs. KEMP, PUCINSKI, KING, CRANE, YOUNG of Florida, GUBSER, TERRY, HUNT, Mrs. HICKS of Massachusetts, and Mr. SCHMITZ was unfair and I believe a discredit to the House. For 10 Members to gang up and attack another Member in his absence is unworthy of the tradition of this great body. I commend Mr. SEIBERLING for his courage in defending the gentleman from California.

THE REAL ISSUE CONCURRING MR. McCLOSKEY

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I would like to address the attention of the House to the actual remarks and the real issue made here yesterday and that is that this House and the wives of the POW's/MIA's and the American people deserve an explanation of the statement made by Mr. McCLOSKEY that "and if I had 700 cities I would want to save, I would put one prisoner in each city. Again I—I think the North Vietnamese may very well do that."

It was not a personal attack. It was a request for retraction and/or explanation. The gentleman from Michigan is out of order.

When this statement first came to my attention last Thursday after watching Mrs. HANSEN on the "Today Show." I talked to Congressman McCLOSKEY here in the House Chambers. He would not retract his statement at that time. I was astounded. Later that night I talked to Mrs. HANSEN personally and she asked me to seek some public explanation or retraction. Monday, upon my return to Washington, I called his office and was told that he was out but that my call would be returned. Tuesday, still not having had my call returned, I had a member of my staff hand carry a copy of my remarks to his office so that he and his staff would know before I spoke what I was going to say. I might add here that this goes far beyond any act of mere congressional courtesy. We were told that he would be out of town for a week. I felt this could not wait in view of the fact of the distress that this was causing among many people deeply concerned about the POW/MIA question. It should also be pointed out that I inserted the entire transcript of the interview that he had on the "Today Show" with NBC's Frank McGee so that there would be no problem about qoutations out of context.

In conclusion I want to mention that the gentleman from Michigan failed to state whether he agrees or disagrees with the gentleman from California's statement.

Mr. Speaker, the National League of Families and the American people are awaiting an explanation.

COMMUNIST PROPAGANDA USE OF STATEMENTS MADE BY LEADERS IN CONGRESS AND IN GOVERNMENT

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, in view of his comments, it is interesting that the gentleman from Michigan (Mr. RIEGLE) failed to notify me in advance that he intended to mention my name in his 1-minute speech this morning.

Mr. Speaker, my participation in that special order discussed propaganda material published by the Communists, and examples of how they were using deeds and words of Members of Congress and other members of our Government as a part of their propaganda effort.

Mr. Speaker, I have in my hand several copies of those propaganda releases which I received during the last 2 weeks. If anyone desires to read them I have indexed them and indicate on the cover what the page and subject related to.

If anyone has any doubt in his mind that the Communists in fact do use the words and deeds of some of our leaders in Government, this material should answer that question and I make these reports available for all to see.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. KEMP. Like you I would be interested in finding out, when the book written by the gentleman from Michigan (Mr. RIEGLE) is released today, how many people he contacted or notified to the effect that he was writing about them in his book?

Mr. YOUNG of Florida. It would be interesting to know.

AMENDMENTS TO BE OFFERED BY REPRESENTATIVE DENNIS TO THE HEW APPROPRIATION BILL

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I expect to offer the following amendments to the Labor-Health, Education, and Welfare Appropriation bill tomorrow.

I propose to offer an amendment to bring about a reduction of $20 million in salaries and expenses for the Occupational Health and Safety Administration. This will leave the figure more than $13 million over the comparable figure for fiscal year 1972 and should serve as a message that the amendment of that act in favor of small business is a pressing necessity.

Mr. Speaker, the other amendment will be a reduction in impact aid in the program of school assistance in federally affected areas, a $29,525,000 reduction which would bring this item down to the fiscal year 1972 appropriation level.

As the committee report says, "reform of the impacted area aid program is badly needed." However, since the legislative committee never produces the reform, I feel that we should proceed by a modest reduction in the appropriation.

Mr. Speaker, I insert at this point in the RECORD the text of my amendments.

The amendments referred to follow:

1. Amendment offered by Mr. DENNIS of Indiana: Page 6, line 25, strike out "$69,207,000" and substitute therefor "$49,207,000."

2. Amendment by Mr. DENNIS of Indiana: Page 19, line 18, Strike out "$641,405,000" and substitute therefor "$611,880,000."

Page 19, line 18: Strike out "$615,495,000" and substitute therefor "$592,580,000."

Page 19, line 22: Strike out "$25,910,000" and substitute therefor "$19,300,000."

AUTHORIZING APPROPRIATIONS FOR FIRE RESEARCH AND SAFETY ACT AND STANDARD REFERENCE DATA ACT

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 2 down to and including "years" in line 5 and insert, "That there is authorized to be appropriated to the Department of Commerce not to exceed $5,000,000 for fiscal year 1973, not to exceed $9,000,000 for fiscal year 1974, and not to exceed $10,500,000 for fiscal year 1975".

Page 2, line 1, strike out all after "2." down to and including "years" in line 3 and insert "There is authorized to be appropriated to the Department of Commerce not to exceed $3,000,000 for fiscal year 1973, not to exceed $4,500,000 for fiscal year 1974, and not to exceed $5,500,000 for fiscal year 1975.".

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from Georgia?

Mr. SHOUP. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if he has conferred with the minority with reference to this request?

Mr. DAVIS of Georgia. Mr. Speaker, if the gentleman will yield; yes, indeed. I conferred with the distinguished minority leader, and he informed me yesterday afternoon that he had no objection.

Mr. SHOUP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 368, nays 0, not voting 64, as follows:

[Roll No. 201]

YEAS—368

Abbitt	Colmer	Gubser	Madden	Price, Ill.	Steele
Abourezk	Conable	Gude	Mahon	Price, Tex.	Steiger, Ariz.
Adams	Conover	Haley	Mallary	Pucinski	Stephens
Alexander	Conte	Hall	Mann	Purcell	Stokes
Anderson, Calif.	Conyers	Hamilton	Martin	Quie	Stubblefield
	Corman	Hammer-schmidt	Mathias, Calif.	Quillen	Stuckey
			Mathis, Ga.	Railsback	Sullivan
Anderson, Ill.	Cotter	Hanley	Matsunaga	Randall	Symington
Anderson, Tenn.	Coughlin	Hanna	Mayne	Rarick	Taylor
	Crane	Hansen, Idaho	Mazzoli	Reid	Teague, Calif.
Andrews, Ala.	Curlin	Hansen, Wash.	Meeds	Reuss	Teague, Tex.
Andrews, N. Dak.	Daniel, Va.	Harrington	Melcher	Rhodes	Terry
	Daniels, N.J.	Harsha	Metcalfe	Riegle	Thompson, Ga.
Annunzio	Danielson	Harvey	Michel	Roberts	Thomson, Wis.
Archer	Davis, Ga.	Hastings	Mikva	Robinson, Va.	Thone
Arends	Davis, S.C.	Hathaway	Miller, Ohio	Robison, N.Y.	Tiernan
Ashbrook	Davis, Wis.	Hays	Mills, Ark.	Rodino	Udall
Ashley	de la Garza	Hechler, W. Va.	Mills, Md.	Roe	Ullman
Aspin	Delaney	Heinz	Minish	Rogers	Van Deerlin
Aspinall	Dellenback	Helstoski	Mink	Roncalio	Vander Jagt
Badillo	Dellums	Henderson	Minshall	Rooney, Pa.	Vanik
Baker	Denholm	Hicks, Mass.	Mitchell	Rosenthal	Veysey
Baring	Dennis	Hicks, Wash.	Mizell	Roush	Vigorito
Begich	Dent	Hillis	Mollohan	Rousselot	Waggonner
Belcher	Derwinski	Hogan	Montgomery	Roy	Waldie
Bennett	Devine	Holifield	Moorhead	Roybal	Wampler
Bergland	Dickinson	Horton	Morgan	Runnels	Ware
Betts	Donohue	Howard	Mosher	Ruppe	Whalen
Bevill	Dorn	Hull	Moss	Ruth	Whalley
Biester	Dow	Hungate	Murphy, Ill.	Ryan	White
Blackburn	Downing	Hunt	Murphy, N.Y.	St Germain	Whitehurst
Blatnik	Drinan	Hutchinson	Myers	Satterfield	Whitten
Bogga	Dulski	Ichord	Natcher	Saylor	Widnall
Boland	Duncan	Jacobs	Nedzi	Scherle	Wiggins
Bolling	du Pont	Jarman	Nelsen	Schmitz	Williams
Bow	Edwards, Ala.	Johnson, Calif.	Nichols	Schneebeli	Wilson, Bob
Brasco	Edwards, Calif.	Johnson, Pa.	Nix	Schwengel	Wilson, Charles H.
Bray	Eilberg	Jonas	Obey	Scott	
Brinkley	Erlenborn	Jones, Ala.	O'Hara	Sebelius	Winn
Brooks	Esch	Jones, Tenn.	O'Konski	Selberling	Wolff
Brotzman	Evans, Colo.	Kastenmeier	O'Neill	Shipley	Wyatt
Brown, Mich.	Fascell	Kazen	Passman	Shoup	Wydler
Brown, Ohio	Findley	Keating	Patman	Shriver	Wylie
Broyhill, N.C.	Fisher	Kee	Patten	Sikes	Wyman
Broyhill, Va.	Flood	Keith	Pelly	Sisk	Yates
Buchanan	Flynt	Kemp	Pepper	Skubitz	Yatron
Burke, Fla.	Ford, William D.	King	Pettis	Slack	Young, Fla.
Burke, Mass.		Kluczynski	Peyser	Smith, Iowa	Young, Tex.
Burleson, Tex.	Forsythe	Koch	Pickle	Smith, N.Y.	Zablocki
Burlison, Mo.	Fountain	Kuykendall	Pike	Snyder	Zion
Burton	Fraser	Kyl	Pirnie	Spence	Zwach
Byrne, Pa.	Frelinghuysen	Landgrebe	Poage	Staggers	
Byrnes, Wis.	Frenzel	Landrum	Poff	Stanton, James V.	
Byron	Frey	Latta	Powell		
Caffery	Fulton	Leggett	Preyer, N.C.	Steed	
Camp	Fuqua	Lennon			
Carlson	Gallifianakis	Lent			
Carney	Garmatz	Link			
Carter	Gaydos	Lloyd			
Casey, Tex.	Gettys	Long, Md.			
Cederberg	Giaimo	Lujan			
Celler	Gibbons	McClure			
Chamberlain	Goldwater	McCollister			
Chappell	Gonzalez	McCormack			
Clancy	Goodling	McCulloch			
Clausen, Don H.	Grasso	McDade			
	Gray	McFall			
Clawson, Del	Green, Oreg.	McKay			
Clay	Green, Pa.	McKevitt			
Cleveland	Griffin	McKinney			
Collier	Griffiths	Macdonald, Mass.			
Collins, Ill.	Gross				
Collins, Tex.	Grover				

NAYS—0

NOT VOTING—64

Abernethy	Evins, Tenn.	Mailliard
Abzug	Fish	Miller, Calif.
Addabbo	Flowers	Monagan
Barrett	Foley	Perkins
Bell	Ford, Gerald R.	Podell
Biaggi	Gallagher	Pryor, Ark.
Bingham	Hagan	Rangel
Blanton	Halpern	Rees
Brademas	Hawkins	Rooney, N.Y.
Broomfield	Hébert	Rostenkowski
Cabell	Heckler, Mass.	Sandman
Carey, N.Y.	Hosmer	Sarbanes
Chisholm	Jones, N.C.	Scheuer
Clark	Karth	Smith, Calif.
Culver	Kyros	Springer
Diggs	Long, La.	Stanton, J. William
Dingell	McClory	
Dowdy	McCloskey	Steiger, Wis.
Dwyer	McDonald, Mich.	Stratton
Eckhardt		Talcott
Edmondson	McEwen	Thompson, N.J.
Eshleman	McMillan	Wright

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15417, with Mr. HOLIFIELD in the Chair.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Now, as has become commonplace, we are bringing you a Department of Labor and Health, Education, and Welfare appropriation bill that is not only—and I want you to hear this. We better have a little better order, Mr. Chairman. I want them to hear it. This bill is not only over the current year level, but it also exceeds the budget. Now hold your hats—it exceeds the budget by $912 million—exclamation mark.

This is the biggest Labor-HEW appropriation bill ever, totaling over $28 billion—not millions but $28 billion.

In addition, trust funds and the permanent appropriations available to the departments and agencies that are covered in the bill total over $68 million, or a grand total of $96½ billion—considerably more than the 1973 budget for the Department of Defense.

Did you ever think you would live that long?

This still does not tell the whole story because we did not act on the budget requests—and I want you to hear this—we did not act on the budget requests totaling $5 billion because the appropriations were not authorized. So you see what is coming. I am sure we will appropriate that amount or pretty close to it before the end of this session of the Congress, and that will be in addition to the amounts in this bill.

The unauthorized requests are on page 5 of the report. As you will see, the large ones are higher education, almost $1½ billion, OEO items totaling about $2.2 billion, and social and rehabilitation services—largely the vocational rehabilitation program—$929 million.

On pages 4 and 5 of the report we set forth approximately $17.1 billion of the total appropriations of $28.2 billion which is carried in the bill that are—and I hate this word—"uncontrollable" through the appropriation process under existing legislation. The large items included in this group are grants to States for public assistance, payments to the social security and railroad retirement trust funds, unemployment compensation for ex-Federal employees and ex-servicemen, advances to the extended unemployment compensation account, Federal workmen's compensation benefits, and special benefits for disabled coal miners.

The Department of Labor accounts for slightly over $3 billion of the total carried in the bill. The committee made several small reductions from the Department's requests totaling about $4,113,000,000. The larger of these reductions were $1,250,000 in departmental management and $1,200,000 in the Bureau of Labor Statistics. Now, do not worry about that. This still leaves an increase of $3,899,000 for the departmental management compared with 1972, and an increase of $7,484,000 over 1972 for the Bureau of Labor Statistics.

You will notice that the summary tables show that the total in the bill for the Department of Labor is $674,000,000 less than the appropriation for 1972.

Do not worry about that, for three reasons. I will tell you what they are:

First, the manpower training services are under 1972 by $146,745,000. This is because the 1973 budget for summer job programs for youth was based on continuing the program at approximately the 1972 level that was provided for at the time the budget was prepared. Since the budget was prepared a supplemental appropriation for $156,550,000 has been enacted in the Second Supplemental Appropriation Act. The action of the committee in including only the amount of the budget request is with the expectation of a supplemental appropriation reasonably early in the next session of Congress when economic conditions and other factors affecting need can be more accurately determined.

The second big reduction is for advances to the extended unemployment compensation account. The bill includes $120 million which is the amount of the request, but $480 million below the amount appropriated for 1972. This reduction is due to the expiration of the Emergency Unemployment Compensation Act of 1971, and estimated improvements in the unemployment situation.

The third large decrease is for benefits for unemployed ex-Federal employees and exservicemen. The bill includes $475 million which is the amount requested, but $381,600,000 below the appropriation for 1972. The committee certainly hopes that the request represents an accurate prediction of the needs, but I think the other subcommittee members agree with me in thinking that the 1973 estimate is based on very optimistic assumptions with regard to unemployment rates during the next fiscal year.

All right. Here is what most of you have been listening for. By far the largest increase over the current fiscal year appropriation for the Department of Labor is for emergency employment assistance. We get a great deal of mail on this and telephone calls when we go home. This is the relatively new program to get public service jobs for the unemployed in State and local government programs and services, but paid with Federal funds. The appropriation for 1972 was an even billion dollars and the bill for 1973 includes $1,250,000,000 which is the amount of the request. This will not do a great deal more than annualize the 1972 program. It is estimated that 146,000 of these jobs will be filled at the end of this fiscal year, and that the 1973 appropriation will provide 154,700 man-years of employment next fiscal year.

Now, everybody wants to hear this. Every man, woman and child in the country is affected by this next one. Everybody. Of course, the Department of Health, Education, and Welfare is where the big—and that is capital BIG—increases over the budget occur. Why? Because Flood wanted it. No. We can't kid the troops. Remember that wonderful show "Damn Yankees" and that great number "What Lola Wants, Lola Gets?" This is what the people want. That is why it is in there. Members know that. The big increase then, over the budget, occurs here.

Before I discuss what makes up this increase I might mention that we have a handy reference to the items that have created the most interest in this part of the budget, starting about the middle of page 3 of the report and running through most of page 4. This gives, in capsule form, the answers to a lot of questions that we have been and will be getting.

With regard to the increase in the HEW budget, the committee has added—hold your seats—$915,836,000. When we hear tomorrow, when amendments are being offered to this bill, about this penny-pinching, miserly Committee on Appropriations who could not care less about education, children, anything, put that in your pipes and smoke it. That is $915,836,000 over the budget.

In my opinion neither the administration nor the Congress was particularly surprised; not when they saw what the increases were composed of.

Every year for the last few years the budget has greatly reduced grants for construction and Congress has consistently increased the budget. A big part of the increase over the budget, in the bill we are now considering, is in this area.

The budget had zero for construction grants for hospitals and public health centers, long-term care facilities, and modernization of such facilities—the old Hill-Burton program. The committee has put $112,200,000 in the bill for such grants, the same amount as was appropriated for 1972.

Under the health manpower program the budget included zero for construction of health professions facilities and zero for construction of nursing facilities. The committee put $100 million and $20 million, respectively, in the bill, which again is the same amount as was appropriated for 1972.

For construction of community mental health centers the budget included zero. We put $20 million in the bill, an increase of $5 million over the appropriation for 1972.

For construction of library facilities the budget included zero. We put $9,500,000 in the bill, the same amount as was appropriated for 1972.

The committee increases for these construction grant items, where the budget included zero, total an increase of $261.7 million.

This bill covers literally hundreds of separately identifiable programs, so rather than try to deal with every item I will just hit the remaining high points.

Now listen to this. The Secretary of HEW, and a great Secretary, launched a drive, to combat what? To combat alcoholism. That was early this year. A statement which he made particularly attracted our attention, and I will quote it. I am quoting Secretary Richardson:

Alcohol is the most abused drug in the United States.

I will repeat that:

Alcohol is the most abused drug in the United States.

How do you like that? That should shiver your timbers.

The trouble is that the budget does not reflect any real strengthening of this program despite all the talk. The only

apparent increase of any consequence is represented by a transfer of activities that have been financed by OEO. That is not a real increase, but just a change in financing arrangements.

After hearing a considerable amount of testimony by both government and non-government witnesses and studying a considerable volume of material on the subject, we have come to a conclusion that I do not think any knowledgeable and objective person could argue with, that a very considerable increase is necessary if we really want to effectively combat this problem. In total the subcommittee has added $59 million to the budget for a total funding program of $156.5 million. The details concerning this start near the bottom of page 12 and run to about the middle of page 14 of the report.

For the research institutes and divisions of the National Institutes of Health the committee is recommending a total increase of $142,785,000. Sixty million dollars of this increase is for the National Cancer Institute. When the President signed the new cancer legislation he also sent to Congress a supplemental appropriation request for $100 million and stated that he would ask later for whatever additional funds can be effectively used. We heard a considerable amount of testimony from nongovernmental witnesses who offered convincing testimony that much more than the amount in the budget could be effectively used in fiscal year 1973.

Furthermore, in answer to a question by Mr. SHRIVER of the committee, Dr. Baker, who was the then Director of the Institute, said this, and I quote:

Yes; this extra $100 million can be spent effectively in fiscal year 1973. Innumerable opportunities for productive expanded cancer research and development efforts have been pointed out quite recently through the 41 planning sessions held with 250 outstanding cancer scientists in connection with the development of the national cancer plan. Quite recently Congress has passed another supplemental appropriation for $40 million, most of which will be spent after the end of this fiscal year. In addition to that the subcommittee is recommending $60 million over the budget for 1973.

Now, I tell you what happened. After the President made that speech in which he said he was going to ask for $100 million for cancer—next morning knocking on my door were the heart and lung people who said, "What about us?" $100 million for cancer. Five times as many people died from heart and lung disease as died from cancer. What about heart and lung?

You cannot blame them.

However, the bill now pending before us includes an additional $44,720,000 over the budget for the National Heart and Lung Institute. So they are not being brushed off. This will bring the total for that Institute to $300 million. The President has indicated his strong belief that we should launch a drive in this field similar to the one in cancer. Legislation has just been reported out of the Interstate and Foreign Commerce Committee to implement such a program legislatively. We are simply recognizing the need appropriationwise and have put in an increase for 1973 of roughly the same percentage for heart as for cancer—about 30 percent.

The remainder of the increase in the Institutes totals $38,065,000, primarily for the purpose of restoring to the 1972 level all competing research grant programs, fellowships, and training programs where they were cut below that level in the 1973 budget.

For the health manpower program, in addition to the increase of $120 million for construction which I have already mentioned, we have increases recommended in the bill which total another $85 million. There are about 40 activities involved in the health manpower program, and I will not attempt to go through them all. There is a narrative explanation of the committee's action on this item beginning near the bottom of page 40 and running through page 43; and a detailed table on page 44. I would just make this overall comment that the budget cut out construction grant funds, completely, and held the other activities at pretty close to the 1972 level at a time when everybody, including the average man on the street, knows that we desperately need to increase our health manpower.

Now, for school assistance to the federally impacted areas, oh, dear, dear, dear, what a can of worms that is.

The budget, flying right in your face—and they know that this is a sacred cow up here—the budget recommended a reduction in the main part of this program, operation and maintenance under Public Law 874, of $200,495,000 below the amount that would be required to furnish the same percentage of entitlements in 1973 as is being provided in 1972. That is what they did. Just think of it. The budget also proposed language which was obviously legislation. If the committee had adopted such lanugage it would have been stricken from the bill on a point of order.

The committee was not favorably impressed with the budget proposal on either substantive or technical grounds, and is recommending a continuation of the program at the 1972 level. This is 73 percent of entitlement for B children, 90 percent of entitlement for A children in schools with less than 25 percent of total enrollment in this category, and 100 percent of entitlement of A children in those schools where 25 percent or more of the enrollment is in this category. This change from the budget requires an increase of $200,495,000.

The committee also recommends $25,910,000 for assistance for school construction under Public Law 815, an increase of $10 million over the budget. The bill also contains what amounts to a limitation which permits the use of these funds for construction of schools operated by local authorities for children who live on Federal property. This will provide for some special needs in connection with facilities on military installations and for Indian children.

The bill includes $143,609,000 for education for the handicapped, which is an increase of $12,500,000 over the request. The budget had increases in other activities carried on under this appropriation, but provided no increase for State grants which is a very basic part of the program. With the cost of doing business going up every year this really amounted to a small cutback. The $12,500,000 increase is for these grants, which will bring the amount for that purpose to $50 million.

For vocational education the committee is recommending an increase of $50 million over the budget for the basic State grants. Again the budget recommends exactly the same amount for 1973 as is available for 1972—$376,682,000. The committee thought an increase to $426,682,000 is very reasonable for this program.

I have already mentioned the increase of $9.5 million for construction funds for the public library services and construction program. In addition to restoring the $9,500,000 for construction, the committee is recommending restoration of the cut for services. The 1972 appropriation for this purpose is $49,209,000. The budget estimate was for $32,730,000. The committee is recommending $50 million, which restores the proposed cut of $16,479,000 plus $791,000 which will help in meeting increased costs.

There are other pluses and minuses in the bill, but they are relatively quite small. Also, I have not spent much time on some of the large items in the bill, like the $13 billion-plus for grants to States for public assistance, and the fact that we will probably have to have a supplemental appropriation before the end of the fiscal year 1973. I could agonize and wring my hands over that for half an hour, but, the way things are run around here, the time for serious talk on that is when the legislative bills are before us.

I hope you will agree with my thinking that neither the administration nor the Congress could possibly be surprised at the increases we have made even though they do total to a rather startling figure of almost a billion dollars. I think they are all well justified, but on the other hand I think the committee has gone as far as is reasonable. We all know that there never will be enough money to take care of all the needs of all of the programs funded by this appropriation bill. I think we have come about as close as is possible to striking that much referred to "happy medium."

I should not close my remarks without mentioning—and I want you to hear this—I cannot close my remarks without mentioning this. Our committee report contains some "additional views". I do not recommend reading them, but in case anybody does not have anything better to do and does read them, I feel obligated to point out to you that they contain—and this does not surprise me and should not surprise you because we have been through this before—they contain some absolutely shocking factual errors.

This is another one of those package deals dreamed up by that group of faceless wonders who used to meet in the Congressional Hotel before they closed that. Now I do not know where they meet. I was told it is some motel, but I do not know—or care, for that matter.

I do not know where they got these figures. I do not know if they purposely misstated what the committee did, if it was ignorance, or lack of interest. And, specifically, the table which appears on page 59 of the report indicates that the committee is recommending an appropriation of $200,495,000 for impacted area aid under Public Law 874 for fiscal year 1973. Now, that is absolutely wrong. The committee recommends an appropriation of $615,495,000 for Public Law 74, over three times as much as stated in these "additional views." How do you like that? What is the explanation for such a misstatement of fact? It is up to you. You pay your money and take your choice.

The table on page 59 also states—and these are people who have been at this business a long time and are supposed to know what is going on—that the committee recommends $26,770,000 for the Library Services and Construction Act. That is not so. That is absolutely incorrect. We are recommending $59,500,000. Why would they do that?

Mr. Chairman, several other tables are incorporated in the additional views. They may also contain errors. We have not bothered to check them, so we do not know how many mistakes there may be in them. I suggest that you use them with great caution.

I trust you will not pay much attention to the minority views—I am sure most of the 10 Members who signed them did not.

This is a good bill, Mr. Chairman, and deserves the support of all Members.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I am glad to yield to the gentleman from Florida. First, I hasten to add that there is the man in this Congress who is already the fond parent of much important health legislation, and who, I am sure, will be the prime mover of much more in the future, the gentleman from Florida, to whom I have just now yielded.

Mr. ROGERS. I am very grateful to the gentleman. May I say that I would certainly take my hat off to the gentleman in the health field. I would stand and applaud and congratulate his leadership, that of the gentleman from Illinois, and each member of your subcommittee for assuming the initiative in the health field as you have done in this bill. I think it is magnificent.

Mr. FLOOD. I could not have said that better myself, and that is praise from Caesar.

Mr. ROGERS. May I ask the gentleman just one question?

Mr. FLOOD. Yes.

Mr. ROGERS. This is on—and I have talked to the gentleman about it and I think I understand the position of the committee—the disability program.

Mr. FLOOD. Yes, we did talk about that.

Mr. ROGERS. That does have authorization. I understand it is administered in the vocational rehabilitation program.

Mr. FLOOD. Yes, and about 87 percent of the overall appropriation item of which it is a part is not yet authorized. The particular part to which you refer is, as we both know.

Mr. ROGERS. So my only request of the gentleman and to his committee would be that if the Senate does put in some funds where there is the authorization now existing for the development disability program, would the gentleman consider that in a conference and see if something could be worked out?

Mr. FLOOD. My friend from Florida knows the position of our committee on this program. We are very much in favor of it, we always have been, and we always will be. If the other body in its tremendous command of wisdom sees fit, we will look at it with a sympathetic eye.

Mr. ROGERS. The gentleman is most kind. Again I wish to congratulate the gentleman and his committee for the great work he has performed. The whole Nation is grateful to him.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. NELSEN. In the field of health manpower and the cancer program our committee did extensive work, and I want to compliment the gentleman on the attention that has been given by his committee to that cause, because we believe it is a worthy and deserving one. I thank the gentleman.

Mr. Chairman, I want to congratulate the truly bipartisan spirit with which the House Appropriations Committee worked out the appropriations for the Department of Health, Education, and Welfare for fiscal 1973.

I am particularly interested in cancer. If the present incidence of cancer were to continue, some 52 million Americans who are alive today will contract this disease. Translated into very simple terms, this means that in the next 10 years alone 3½ million Americans will die from this vicious disease.

In his 1971 state of the Union message President Nixon said:

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Backing up his call, the President requested an additional $100 million for the National Cancer Institute even before the passage in 1971 of the historic National Cancer Act. To indicate the strong bipartisan degree of cooperation between the executive and legislative branches, I can do no better than to quote these words from the report which accompanies the bill before us:

The Congress joined with the President last year in this total commitment to conquer cancer by promptly approving the additional funds requested for cancer research. Very recently the Congress approved an additional $40 million for cancer research which brought the 1972 appropriation to over $378 million. The Committee shares the President's view that to eliminate cancer this country must be prepared to provide the resources for a sustained battle over a considerable period of time, and the Committee feels that the country is willing to pay the price. There can be no doubt that the cost of defeating cancer will be great but the expenditure is necessary if we are ever to see the day when Americans no longer live in fear of this dread disease.

For fiscal 1973 the President requests an increase of approximately $53 million over the amount appropriated for cancer research in fiscal 1972. However, during its months of hearings and deliberations the House Appropriations Subcommittee on Labor-HEW heard testimony from many eminent cancer specialists and from the Director of the National Cancer Institute himself, indicating that a modest increase in funds would be needed to carry out the goals envisaged when the Congress overwhelmingly passed the National Cancer Act of 1971. It has, therefore, added $60 million to the appropriations for the National Cancer Institute. While this falls appreciably short of the authorization for the Institute which our Subcommittee on Public Health and Environment included for the second year of the legislation, it is a commendable step forward and I support it wholeheartedly.

Mr. Chairman, in 14 years of service in this body I have never witnessed more effective coordination between the executive and the legislative branches and between both of our political parties in the hammering out of the difficult and complex cancer legislation of 1971. There were some rough moments and some difficult adjustments to be made with the other body, but it is my belief, and I think it is the belief of every member of the Interstate Commerce Committee, Republican or Democrat, that in that legislation we charted a course leading to the eventual conquest of mankind's oldest scourge.

I, therefore, commend the entire membership of the House Appropriations Committee for reporting out a bill which seeks to implement our goals through the provision of adequate funding in the coming year.

Mr. ROY. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Kansas.

Mr. ROY. I want also to congratulate the gentleman on this fine bill and the amount of money appropriated for the Federal health program. I think we have seen over a period of time a critical underfunding of health programs, and I think the steps taken by your committee are definitely an improvement. I expect to see a great deal of improvement come from this proper funding. I thank the gentleman.

Mr. Chairman, physicians know that chronic diseases seldom are cured suddenly and dramatically. Instead, careful treatment can bring slow but steady improvement until one day when the patient is in pronounced good health.

Perhaps it can be said that most Federal health programs are chronically underfunded. Sudden and dramatic improvement in that condition is greatly desired, but that is not the way things happen. Instead, slow but steady progress can be made year by year through the appropriations process. Today I am happy to observe that that kind of steady improvement is being made, thanks in large measure to the sound treatment prescribed by the Appropriations Subcommittee headed by the gentleman from Pennsylvania.

The health budget presented to the Congress today is indeed much improved over that submitted by the administration early this year. The changes made by the committee, amounting to in-

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creases of $347,785,000 for all programs of the National Institutes of Health and $263,636,000 for the Health Services and Mental Health Administration, have practically given new life to some programs—notably construction—and have significantly strengthened many others.

I thank the members of the committee for their fine work—for their wise treatment of the patient, if you will. And I look forward to the time, not too far off, when all the Nation's health programs will themselves be in good health.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Now I feel better. Of course I yield to the gentleman from Iowa.

Mr. GROSS. I am glad that I can make the gentleman feel better.

Mr. FLOOD. You do. I would be disappointed if the gentleman from Iowa did not have some comment or question.

Mr. GROSS. Let me ask the gentleman, did the committee increase impacted school aid by $29.5 million?

Mr. FLOOD. The budget proposed a reduction below the 1972 appropriation for Public Law 874, and we put that back. We also added funds for construction of school facilities under Public Law 815.

Mr. GROSS. Then it has been increased in this bill over last year?

Mr. FLOOD. That is right.

Mr. GROSS. By about $30 million?

Mr. FLOOD. Yes.

Mr. GROSS. And over the budget by $210 million?

Mr. FLOOD. That is correct. But the gentleman understands that we put it back where it was last year, because the powers that be downtown have a different concept of how this will be administered, as you know. We are using the same formula for the aid as we did before, exactly the same formula.

Mr. GROSS. I am sure the gentleman would recommend that the Members read the hearings, would he not?

Mr. FLOOD. Oh, by all means, yes.

Mr. GROSS. At page 302 of the hearings I find you in agreement with the witness who appeared on the impacted school aid program that the program needed reform.

Mr. FLOOD. It is like any kind of reform. We must keep the patient alive while we perform the operation. I agree with the gentleman.

Mr. GROSS. I am not at all sure about that. I am of the opinion that a little euthanasia might be helpful in this case.

Mr. FLOOD. For the first time in a hundred years the gentleman and I disagree. This is the war between the States.

Mr. GROSS. That is the record.

Mr. FLOOD. It is.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the health expenditures included in the fiscal year 1973 House appropriations bill now before us. I believe that the House committee is to be highly commended for the measures it has taken to alleviate the health needs of this Nation. We are all aware that problems in the costs and delivery of health services have reached crisis proportions in the United States. Unfortunately the President and the administration chose to ignore them. The funds requested for research, for health manpower, and for mental health constituted only an insufficient percentage of the total authorizations for these various programs.

The House Appropriations Committee has increased the President's budget by $611 million. This was necessary to insure progress toward the goal of adequate professional health care for all Americans. The bill contains an increase of $205 million for health manpower. This is a first step toward meeting the health manpower shortages which I have heard documented before the Subcommittee on Public Health and Environment of the Interstate and Foreign Commerce Committee of which I am a member. The bill also includes an increase of $142.8 million above the President's budget for the research institutes of NIH. This amount includes funds to increase significantly the campaign to develop a cure for cancer and to increase research activities regarding heart disease. In addition to these increases, the NIH funds restore the project grants and training levels of other institutes to the fiscal year 1972 level. I commend the Appropriations Committee and the Subcommittee on Labor and Health, Education, and Welfare for its foresight in guaranteeing that the research efforts of NIH will not be cut back.

I must also take this opportunity, however, to state that the administration has shown unparalled shortsightedness in its proposed budget. To ignore the research needs of the aging, to ignore critical needs such as research on the sudden infant death syndrome and on the development of new technology related to human fertility is to turn one's back on the vital concerns of women and children and the elderly. I cannot understand such an approach to the budget of this Nation. Health care cannot improve without concurrent medical research to improve it. Nor do I believe the American people will allow such flagrant neglect of governmental responsibility for their continuing health problems and critical needs. Therefore, I congratulate Mr. MAHON and Mr. FLOOD on their efforts to see that this Nation's health care continues to improve and to provide our people with the services and research necessary to this goal.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, today we see the culmination of some laborious work that has extended over a period from February 5 to May 9, during which the members of our subcommittee listened day in and day out to a host and array of witnesses in support of this monumental appropriation bill. We took more than 7,200 pages of testimony during that time.

I would like to pay special tribute to the other members of the subcommittee, the gentleman from Kentucky (Mr. NATCHER), the gentleman from Iowa (Mr. SMITH), and the gentleman from Missouri (Mr. HULL)—who will most unfortunately after this session of Congress be leaving us of his own choice—and the gentleman from Texas (Mr. CASEY) and the gentleman from New Jersey (Mr. PATTEN) on the Democratic side, and also to the great help and assistance of my colleagues on our side, the gentleman from Kansas (Mr. SHRIVER), the gentleman from Massachusetts (Mr. CONTE), and our newly acquired member, the gentleman from Virginia (Mr. ROBINSON), who has so quickly acclimated himself to our committee. I want to express my thanks or appreciation to all the members for their diligence and attentiveness to our hearings over such a prolonged period of time.

Mr. Chairman, as the gentleman from Pennsylvania has pointed out, the bill we present this afternoon is some $912 million over the budget and $768 million over last year's level of spending for the Departments of Labor and Health, Education, and Welfare.

And, of course, this does not take into account the nearly $5 billion in budget requests which were not considered, because they lacked authorization.

I must say that I have mixed emotions about bringing this bill to you this afternoon in this form. As one who has tried to be a consistent advocate of Federal fiscal responsibility over the years, my support for the increases we have provided in this legislation is not given lightly or without serious consideration.

But here we are almost a billion dollars over the budget, and the bill has not even been over to that most generous other body yet. I cannot help but wonder what in the world we are going to be faced with in conference, and how much over the budget we will have to be asking you to approve in the conference report.

And, I think we had better keep in mind what kind of budget it is that we are adding to—it is not a small one, unless you consider $27.3 billion small.

Oh, sure, there were some cuts in it, but much of the money from the cuts was reallocated by the administration to other programs, both old and new, that they considered of higher priority—especially in the health and education areas.

While the budget proposed cuts in impact aid and construction grants, for instance, it proposed increases in narcotic addiction programs, family planning services, in the programs of the National Institutes of Health, especially cancer and heart and lung, in education for the handicapped, and in the education renewal programs.

So, it is an expansive budget in the area of what we might call controllable human resource programs—"controllable" as contrasted with the uncontrollable welfare funds, and "human" resource contrasted with "physical" resource programs such as the brick-and-mortar construction grants.

Basically, what we have done is approve these budget increases, restore the reductions considered of lower priority by the administration, and added substantial health and education increases of our own.

Frankly, some of the money your committee added was not, because we are sold on the value of the program, but rather because we knew that if we did not increase it prudently in committee, it would be increased irresponsibly here on the floor. Perhaps I should speak for myself and use "I" instead of "we" when I point to impacted area aid as an example.

I have stood here in the Chamber time and time again urging my colleagues to revise this whole fouled-up, inequitable program we call impact aid, but year after year we just keep funding it and adding more to it. Why? It is a program not related to economic need, not related to educational need, and some of the funds—in large amounts—go to the wealthiest school districts in the United States. It is not funded on merit; it is funded because everybody gets a little piece of the action—everybody gets part of the pie. This is a real "Uncle Sugar" program in the classical pork-barrel tradition. No strings, just count the eligible kids and write the check, and then look around for ways to broaden the eligibility requirements.

Oh, there is a need here—a different need—and, I believe, a Federal responsibility. But that has gotten lost in the scramble for Federal funds.

The health facility construction grant money is a little bit different picture. The whole argument here has been over the type of construction assistance which should be offered, and not whether assistance should or should not be given.

I think that some grant assistance is going to be necessary well into the forseeable future for those health institutions that do not have the structure or generate the resources for repayment of guaranteed or subsidized Federal loans. There are other institutions that can and should use the loan programs, but one problem has been that the interest subsidy and guaranteed loan programs have been very slow in getting off the ground.

I believe that situation may be changed in the future, though, and then the question will be whether Congress is going to provide free grant money to everyone, or will ask those institutions that are capable of repayment to assume a greater part of the health facilities construction burden.

Today, the loan guarantee program for hospital construction is a reality. As of the middle of May, requests for 59 loan guarantees totalling more than $192 million had been received, and awards to 19 of these applicants—with a loan value of over $55 million were made. This is the way for the Government to balance its fiscal needs with those of our recipient institutes for facilities.

With respect to the other construction items, the Federal Government has supported the construction of 385 community mental health centers with every expectation that we would reach the point where we could get out of the construction business, with all of our emphasis placed on operations; that is, staffing grants. In fact, in fiscal year 1971, Congress did not appropriate any money for construction, and we thought we had reached agreement that the construction target had been achieved.

In the case of construction for the health professions, the President's budget was based on the concept that vastly enlarged general Federal assistance to medical schools and other schools of the health professions would make it easier for these schools to use their own resources to finance construction. It has been quite clear for several years that we would never be able to fully finance the cost of health professions construction by relying on direct Federal appropriations. Thus, the administration advocates that the Federal Government provide its assistance primarily in the form of student aid and general support and that the private sector—assisted indirectly by these forms of Federal aid—assume major responsibility for financing construction. Frankly, the $120 million in this bill will not do very much by way of solving the immediate backlog of individual construction projects and has the potential for doing serious harm in that it will encourage these schools to expect future Federal aid and thus defer actions which they might otherwise take to obtain private sector financing.

So, your committee has added more than $300 million above the budget for education programs and more than $600 million over the budget for health programs. And, again, we have the recurring massive increases in what we erroneously call the "uncontrollables"—the welfare items, grants to States for public assistance will be funded at nearly $1.2 billion above the 1972 level, for a total of $13.4 billion.

And, this estimate was based on data from last November, so we know we are going to have to have a supplemental later on.

Even with what we have added to this bill—which, incidentally, is the largest of any Federal agency, including Defense—we know that some are saying "It isn't enough, it doesn't meet the need." I would say to those folks that they had better do some basic reassessing, not only of national needs, but also of national resources.

The hard truth is that we can never appropriate enough dollars to meet all the needs of this country, and it would be completely wrong to even consider adopting that as an objective. There just are not enough Federal dollars to do that, unless we are willing to accept far heavier Federal taxes, or go to a deficit spending program that would make our current $26 billion deficit look like pocket change.

It boils down, then, to a matter of judgment—judgment as to which needs are of the highest priority, which needs are the greatest, and the appropriations process is designed to allow Congress and the administration to exercise this judgment.

Your committee has tried to uphold its part of this process. You have assigned us to review the priorities recommended by the Executive in the budget proposal, to hear the Government and outside witnesses, and to recommend some priorities of our own.

We have done this now, to the best of our judgment and ability, and it is up to you to accept or reject our proposals. Look at our report. Here is where we believe we can do the most good for the most people with the money we have to spend.

Turn to page 3 and look at the highlights of the report—the items of special interest.

Your committee provided an increase of $7 million over the budget for psychiatric residency training. We have added $59 million for alcoholism programs. We included $20 million for construction of community mental health centers and an additional $30 million for staffing of the centers. We are recommending doubling the budget for the mental health of children programs and have restored grant funds for hospital construction.

We have added $2.5 million over the budget for the Lead-Based Paint Poisoning Prevention Act. We are recommending a $50 million increase for the National Cancer Institute and nearly $45 million more for the National Heart and Lung Institute. We approved all the requested budget increases for the other NIH Institutes and added some $38 million on top of that.

We are recommending $205 million above the budget for health manpower programs, including school construction grants.

Your committee is also recommending an increase of more than $210 million over the budget for impacted area aid. We have increased education for the handicapped by $12.5 million and vocational education by $50 million. We have added nearly $60 million above the budget for public libraries and nearly $4 million for bilingual education.

We are recommending $100 million for nutrition programs for the elderly, the full amount of the budget request for this new program.

And, besides that, we have language in the report providing specific direction in such programs as venereal disease research and control, tuberculosis prevention and eradication, sickle-cell anemia, blood bank inspection, psoriasis, genetics research, sudden infant death syndrome, research on aging, cataract and retinal disease research.

I would like to turn now to a discussion of specific items in the bill, starting with title I, the Department of Labor.

MANPOWER ADMINISTRATION

SALARIES AND EXPENSES

The bill includes $37,704,000 from general funds or $200,000 less than the request but an increase of $852,000 above 1972. The bill also provides for $26,989,000 to be used from the unemployment trust funds, this $1,142,000 increase above 1972 is the same as the budget request. Another $26,602,000 was requested under authority of the Economic Opportunity Act but that act expired June 30, 1971, so action on that request has been referred until authorization has been extended.

The $200,000 reduction compensates for an oversight in the budget. This sum represents a transfer of $200,000 for funding of surplus property activities from this appropriation to HEW.

The appropriation provides for main-

taining activities at the program level of 1972 or slightly reduced. The only program increase is $730,000 and 33 positions to provide staff support for the Unemployment Insurance Service to implement the provisions of Public Law 91–373, Employment Security Amendments of 1970.

MANPOWER TRAINING SERVICES

The committee agrees with the budget request of $758,544,000 which is a reduction of $146,745,00 from 1972. Again the committee has deferred action on funds budgeted under the expired authority of the Economic Opportunity Act, which includes $875,862,000.

The large decrease results from a $156,500,000 reduction for the "In-school work support" program which is primarily the Neighborhood Youth Corps summer jobs program. An additional $56,900,000 request fell under the authority of the expired Economic Opportunity Act and was not considered. Also, the committee expects a supplemental appropriation request in the next session of Congress when the need can be more accurately determined.

The funds are expected to provide for the completion of development of 50 statewide Job Bank systems by the end of this fiscal year, and the development of a national Job Bank linking the state wide systems in 1973.

Emphasis will also be placed in providing jobs for Indians in Montana through cooperation with the Forest Service of the Department of Agriculture.

EMERGENCY EMPLOYMENT ASSISTANCE

The bill includes the budget request for this item of $1,250 million, an increase of $250 million above 1972.

This appropriation will finance 92,000 new entrants in public service jobs, in addition to the 146,000 participating in the program at the end of fiscal year 1972. The 1973 funds will fund approximately 154,700 man-years of employment, 58,100 more than in 1972.

The Federal cost per man-year averages about $7,600.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

This is an uncontrollable appropriation under existing law, for which the committee provided the budget request of $475 million, $381.6 million below the 1972 level. As the report points out, it appears that the estimate for 1973 is based on very optimistic assumptions with regard to unemployment rates during next fiscal year.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

The bill contains $120 million, the amount of the request and $480 million below last year's funding level.

The reduction in this appropriation, the funds of which are used to meet the Federal Government's fiscal responsibility in connection with the extended unemployment benefits provided by the Employment Security Amendments of 1970, Public Law 91–373 and the Emergency Unemployment Compensation Act of 1971, Public Law 92–224, is due to the expiration of Public Law 92–224 and the estimated improvement in the unemployment situation.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

This item is at $66.7 million, the amount of the request.

This is a new appropriation which will provide the funds needed for employment services not covered under the Employment Security Amendments of 1970, Public Law 91–373. These services include those such as youth entering the labor market for the first time; former Federal employees covered only by Federal unemployment insurance, and agricultural workers.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

The bill authorizes the use of $820,300,000 from the Unemployment Insurance Trust Fund. The decrease of $11,700,000 from 1972 reflects the balancing of several increases and decreases.

The largest decrease results from the change in law described in connection with Federal Grants to States for Employment Services which relieves this appropriation of $66,700,000 of expenses. Other decreases include $20,000,000 due to an estimated reduction in unemployment compensation workload and $25,500,000 resulting from increased productivity from automatic data processing equipment.

Mandatory increases for such things as salary increase, rent increases and increased penalty mail costs total over $70 million; program increases total approximately $30 million. The largest program increase is $18 million to carry out the President's Executive order which requires those having contracts of $10,000 or more with the Federal Government to list all job openings with local employment offices, to help secure employment for veterans. An increase of $6,448,000 is to speed up the handling of unemployment insurance program appeals.

LABOR MANANGMENT SERVICES ADMINISTRATION SALARIES AND EXPENSES

Adjusted for transfers and a reserve for savings of $1,149,000 in 1972, the bill actually reflects an increase of $4,205,000 above 1972 on a comparable basis.

Near mandatory costs such as salary increases and penalty mail cost account for $1,734,000 of the increase. Most of the remaining $1,675,000 is for compliance activities under the Labor-Management Reporting and Disclosure Act.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

The amount provided in the bill, $48,889,000, is $832,000 below the budget request and $36,269,000 below 1972. The decrease is accounted for by the transfer of the Occupational Safety and Health Administration to a separate appropriation.

On a comparable basis, this bill is $2,754,000 above the amount available in 1972.

This is all for near mandatory items such as increases in penalty mail costs, increased pay costs, and so forth.

Since a recent law postponed the time that the Department would assume responsibilities to administer the compensation benefits provided to miners under title IV, part C of the Coal Mine Health and Safety Act of 1969, the committee expects to receive a supplemental request in the near future.

The committee is also emphasizing that the $27,280,000 budgeted for "Improving and protecting wages" is not to be diverted from its essential purpose, the enforcement of the minimum wage and overtime requirements of the Fair Labor Standards Act. Primary and strong emphasis should be placed on investigation of possible violators and all reasonable complaints should be followed up.

EMPLOYMENT STANDARDS ADMINISTRATION FEDERAL WORKMEN'S COMPENSATION BENEFITS

The bill supports the budget request which is $30,008,000 below the 1972 budget. However, due to an increase in anticipated reimbursements from Federal agencies, there will actually be $201,100,000 available in 1973, an increase of $13,957,000 above the total estimated to be obligated in 1972.

Included in the bill is $7,457,000 for disability compensation, $2,500,000 for increased medical costs, and $4 million for death benefits.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The $69,207,000 included in the bill is $33,323,000 above the comparable appropriation for 1972 which fell under the heading "Salaries and Expenses, Employment Standards Administration."

The appropriation provides for carrying out and enforcing the provisions of the Occupational Safety and Health Act of 1970. The act extends Federal protection to nearly 60 million workers in more than 4 million places of employment.

Currently, I should point out that the Labor Department now has 498 "Field Compliance Personnel" in OSHA and of that No. 389 are classified as "inspectors." With the money that we have in this bill, it is my understanding that the Department is planning to add 150 additional inspectors, and I am not altogether sure how many additional people will actually be involved as so-called Field Compliance Personnel, but it will be a considerable number, for overall, funds in this bill were predicated on a justification of 1,133 employees for the fiscal year 1973 as compared with 983 for fiscal year 1972. However, there are a host of unfilled slots as of the last time I checked.

On page 10 of our report we make mention that our "committee has received many complaints of overly zealous enforcement officers and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular work place is in compliance or what would be required to get it in compliance." I am going to be placing in the RECORD at a later point copies of several communications I have received from good constituents back home representing small business, medium-sized business and industry and a very large corporation. All of these communications set forth very succinctly just what problems they have encountered in complying with the law.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The $1,200,000 below the budget request included in the bill is $7,484,000 above the 1972 appropriation.

$3,650,000 of the increase is for revision of the Consumer Price Index. This brings the total 1973 cost of this project to $9,760,000. Note that the total cost of this project is now estimated to be $35 million instead of the original estimate of $11 million.

The remaining increase, $3,674,000, is spread across nine activities.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The $24,156,000 included in the bill is $1,250,000 below the budget request. The bill also includes authority to transfer $797,000 from the Unemployment Trust Fund.

The amount appropriated will provide for all near-mandatory costs such as salary increases and still provide $2,002,000 for program increases.

SPECIAL FOREIGN CURRENCY PROGRAM

The committee appropriated $100,000 to be used for labor attache conferences. The committee did not believe that other activities warranted funding.

Under title II of this bill, we have appropriations for the Department of Health, Education, and Welfare. Your committee has tried to fund every worthwhile project here, while keeping the overall budegt picture in perspective.

Beginning with the Health Services and Mental Health Administration appropriation, the bill includes $743,823,000, for Mental Health, an increase of $130 million above the request and $130,810,000 above the amount appropriated for 1972.

MENTAL HEALTH

For mental health research your committee provided $148,533,000, $3 million over the budget and $8.9 million over the fiscal year 1972 level.

The budget requested an increase of $4 million for grants. This would go for expanded efforts in drug abuse, child mental health, alcoholism, minority mental health problems, and crime and delinquency. Hospital improvement grants would remain funded at the 1972 level of $6.9 million.

The committee agreed to the 1973 request for an additional $4 million for grants, and added another $3 million for research in alcoholism. The budget recommended a $500,000 increase here for alcoholism research over 1972—$8,043,000 for fiscal 1973 as against $7,543,000 in 1972. The subcommittee's action woud provide $11,043,000 for 1973.

Manpower development training grants and fellowships would receive $127,971,000, some $15 million over the budget and $88,000 over the fiscal year 1972 level.

The budget recommended a decrease of $15 million. This consisted of a decrease of $7 million for the training of psychiatrists and a decrease of $8 million for undergraduate training in psychiatry of medical students and nursing students.

The 1972 budget proposed a similar cut in the psychiatric residency training program last year, but this was restored by the committee.

The committee this year has restored the $7 million, and is also putting back $4 million of the cut in undergraduate training. In addition, the committee recommends an increase of $4 million over the budget for personnel training for the National Institute on Alcohol Abuse and Alcoholism. The 1972 budget contained $4 million for this purpose and recommends the same amount for 1973. The committee's action would make a total of $8 million available.

The budget recommended no funds for construction grants for community health centers again this year, on the basis that the Hill-Burton program is available for this purpose.

Of the $15 million provided in 1972, $5.2 million was obligated and $9.8 million will be carried over into fiscal 1973.

With this $9.8 million, the Department expected to provide support for approximately 24 additional centers.

For fiscal 1972, the $5.2 million available for obligation is expected to help establish 24 new centers, bringing the total number of centers receiving construction support to 385.

The committee bill provides an additional $20 million for construction grants.

The budget request for Community Mental Health Center staffing was $135,100,000, the same as the fiscal year 1972 level. This would provide continuation support for 479 staffing grants and funds for 22 new awards. Your committee has added $30 million to this amount to support all approved but unfunded staffing applications.

During the hearings, Dr. Brown testified that—

> At the end of fiscal year 1972, we will have 529 centers funded of which 389 are expected to be operational. When fully operated, the 529 centers funded by June 30, 1972, will provide services to approximately 68 million people.

He went on to say that there were 300 centers operational as of June 30, 1971.

At the end of fiscal 1972, he added, there "will be 36 with construction only and 187 with construction and staffing—grants. That makes 223 out of the total."

The committee concurs with the $15 million increase in the budget for drug addiction activities, with the understanding that additional funding requests will be forthcoming for narcotic addiction and drug abuse programs, pursuant to Public Law 92–255, the new drug abuse legislation. The bill contains $91,298,000 compared with $76,298,000 for 1972.

During the hearings, Dr. Brown testified that "only 3 or 4 years ago" the number of heroin addicts was estimated at about 60,000, and this figure may have been underestimated by half. Now, he said:

> I would have to say that the figure is closer to 400,000. That is a big jump from 60,000.

With the funds under this appropriation, Dr. Brown said, "We will have 159 community programs funded at the end of this year," and 192 funded treatment programs by the close of fiscal 1973. Dr. Bunney testified that in 1971 there were 45 rehabilitation and treatment program centers in this country, and of these, 23 were operational. In 1972, he said, we have funded 83 and of those, 76 are operational. The projected number for 1973 is 192 funded and 163 operational by the end of the fiscal year.

In 1971, $21,252 was obligated in the community assistance activity for drug abuse programs. The President submitted a budget amendment of $67 million for drug abuse programs in 1972.

The 1973 request of $15 million would go for staffing grants, special projects, service projects, training and education projects. Special emphasis would be given to programs serving metropolitan areas with a high incidence of drug addiction.

The budget request for grants to States for alcoholism programs was the same as last year's level—$30 million. A $10 million increase was requested for project grants to provide funds for alcoholism programs formerly run by the Office of Economic Opportunity which have been transferred to the National Institute on Alcoholism.

Dr. Brown testified that no program increase was requested for fiscal 1973 because "During fiscal year 1972 the alcohol program is experiencing tremendous growth and expansion. Thus, fiscal 1973 will be a period of consolidation and evaluation of our activities to date and planning for the most appropriate future direction."

The committee, however, provided an additional $30 million for grants to States and $20 million for project grants, bringing this item to a total of $130,193,000.

The fiscal 1972 budget, as submitted, contained no request for State and community assistance in the area of mental health services to children, and the program received its initial funding of $10 million from the committee last year. It provides partial support of professional and technical staff in community mental health centers providing initial or expanded mental health services to children. Last year, with an emphasis on prevention and early treatment, 28 awards were made, and it was expected that, with the $10 million requested this year, four new awards could be made in 1973, with continuation of the 28.

The committee report notes that during the past decade, the number of children aged 10 to 14 in State mental hospitals has doubled, and the caseload of the community centers has shown a marked increase in children with problems ranging from school maladjustments to drug addiction and alcoholism. So, a doubling of the budget for this item is recommended, bringing the fiscal 1973 funding level to $20 million.

The committee concurred with the budget request of $14,022,000 for rehabilitation of drug abusers.

This program provides contract funds for the community "aftercare" of addicts upon their release from inpatient treatment at the Clinical Research Cen-

ter at Lexington, Ky., as well as the salary and related support for the staff who administer the institute's overall drug abuse program.

Under this narcotic addict rehabilitation program, individuals addicted to narcotic drugs may volunteer for civil commitment for treatment, or those addicted individuals charged with violating certain Federal criminal laws may apply for civil commitment in lieu of prosecution.

The staff supported under this activity also administer the marihuana research contract program and the community narcotic addiction treatment and rehabilitation grant program, both funded under another activity.

SAINT ELIZABETHS HOSPITAL

The bill includes $30,664,000 for Saint Elizabeths Hospital. This is the amount of the budget request, and an increase of $4,445,000 over last year's level.

Including reimbursements as well as appropriated funds, and taking into account comparative transfers, it is estimated that $52,653,000 will be available in 1972, and $58,307,000 will be available in 1973—an increase of $5,654,000.

Most of this increase is for built-in expenses, such as new salaries, wage grade adjustments, and the cost of holidays and pay increases.

HEALTH SERVICES PLANNING AND DEVELOPMENT

The committee bill includes $64,501,000 for health services research and development, the amount of the budget request and $2,391,000 over the 1972 level.

This item provides support for the National Center for Health Services Research and Development, the agency responsible for the appraisal and evaluation of the effectiveness of health services operations and for developing a research and development program that is geared to improving health care nationally.

Of the $2.4 million budget increase for the center, approximately $1.9 million will go for grants and contracts to support an expanded research and development effort in the development of a cooperative Federal-State-local health services data system, to provide more reliable national statistical data on health needs in this country.

Among its other activities, the center is supporting the first automated hospital patient care management system in the United States. The center's budget is supporting research, development, and evaluation of health maintenance organizations, with respect to such factors as enrolled populations, benefit structures, utilization patterns, monitoring of services, and legal and market factors.

For comprehensive health planning, the bill includes $41,686,000, the amount of the request and $15,751,000 over the 1972 level.

This program includes both formula and project grants for assisting States in the development of mechanisms and training of personnel to facilitate health planning—identification of health needs and resources at State and local levels.

The bulk of the budget increase—$9 million—would go into project grants, to establish approximately 100 new area-wide agencies and 20 new State assisted local councils, as well as to increase the Federal share of individual agency budgets. Some 172 agencies and eight State-assisted local councils are expected to be in operation in fiscal 1973.

About $2.3 million of the budget increase would go to formula grants to States, to allow State agencies to increase professional staffs by some 25 percent.

The appropriation for regional medical programs would be increased nearly $20 million over the budget request to a level of $150 million, compared with the 1972 level of $99,464,000. A carryover of $44,500,000 from fiscal 1971 provided a total obligational level of $143,964,000 in fiscal 1972.

Regional medical programs have been organized as functional consortiums of health care providers, each with special and specific resources which can be made responsive to health needs. The merger of providers has produced systematic approaches to the major diseases of the heart as well as cancer and kidney disease.

In 1972, the affiliated health providers with the aid of the regional medical program mechanism, are promoting and demonstrating at the local levels, new techniques and innovative delivery patterns that lead to improved accessibility, efficiency and effectiveness of health care.

Efforts at both regional and national levels are being directed to encourage providers of health care to make care available and accessible to areas where there is a distinct scarcity of resources, particularly in the rural and inner-city areas.

In 1972, a construction grant has been made for a regional cancer center in Seattle, Wash.

In 1973, funds will be provided for programs to enable existing health manpower to provide more and better care and training and more effective utilization of new kinds of health manpower. New funds will be used to plan and develop area health education centers, which will be major sources of manpower for health maintenance organizations, experimental health service delivery systems, and other comprehensive health care systems.

Activities aimed at improving the accessibility, efficiency, and quality of health care will provide opportunities to increase the rate of implementation of systems, innovations and new technology. Rural health care systems will be developed that are compatible with needs of rural areas; development of emergency health care systems and development of integrated regional systems which will prevent duplications of specialized resources. The provider-initiated activities leading to a greater sharing of health facilities, manpower, and other resources will provide the opportunity to show how scarce resources can be linked together efficiently.

Again this year the committee has restored construction grant funds for medical facilities which were not included in the budget request. These funds total $112.2 million, including $41.4 million for hospitals and public health centers, $20.8 million for long-term care facilities, and $50 million for modernization grants.

I have already briefly touched on the problems associated with this item, and would also refer my colleagues to the language on this in our committee report.

HEALTH SERVICES DELIVERY

The committee includes $249,209,000 for comprehensive health services, the amount of the request and $19,139,000 over the fiscal 1972 funding level. This includes grants to States, project grants, and migrant health grants.

A budget increase of $12,287,000 for health service project grants would provide support for additional neighborhood health centers previously funded by the Office of Economic Opportunity and the conversion of several family health centers from planning to operational status.

In 1972, 55 comprehensive health centers, including nine from OEO, provided primary care and ambulatory services to an estimated 850,000 persons. It is estimated that the new family health centers programs established in 1972 will have 20 centers in the planning stage and 10 operational centers serving about 100,000 persons. The $3 million of this increase slated for family health centers would allow 10 projects initiated in 1972 to become operational, and would fund three new centers.

Of the $5,800,000 budget increase for the migrant health programs, $2,800,000 is for a "built-in" increase in continuation costs for the migrant health projects, and $3 million is an actual program increase for upgrading existing projects.

The department estimated some 460,000 patient visits in 1972, an increase of 101,000 over 1971. During the hearings this year, Dr. Van Hoek testified that—

It is anticipated that the total number of migrant patient visits in 1973 will exceed 600,000, an increase of 148,000 over the 1972 visits.

Maternal and child health services programs would be increased by $13,890,000 over last year's level.

A budget increase of $4,156,000 for grants to States will help meet the rising costs of locating, diagnosing, treating, and providing followup care for crippled children. Approximately 500,000 children will receive physicians' services under the crippled children's program in fiscal 1973.

A $9,322,000 increase for project grants will increase the level of services anticipated in the maternity and infant care and children and youth projects, and to expand services in the dental care program.

Of this $9-plus million, $3.8 million will support expansion of the 56 existing maternity and infant care projects and extend services to an additional 12,000 mothers and infants, for a total of 205,000 in 1973.

Another $5.4 million of that $9-plus million increase will assure comprehensive health services to an estimated 547,000 children in the children and youth projects, compared with 504,000 expected to be served in 1972.

Family planning services received a substantial increase last year. In 1971, the funding level stood at $39.3 million, and it was increased to $90,287,000 in 1972, an increase of $51 million. In fiscal 1973, funding would be increased another $48,802,000 to a level of $139,089,000, the amount of the budget request.

This year, Secretary Richardson testified that:

The number of women served through the programs of the National Center (for Family Planning Services) and other programs which the Center coordinates will reach 3.4 million in 1973.

Dr. Van Hoek testified that—

During 1972, $87.9 million for family planning project grants for services will support about 325 projects whose total capacity for services will be about 1.5 million people, more than doubling the service capacity funded through 1971. During 1972, 75 OEO projects were transferred to the National Center. . . . The 1973 budget request . . . will expand existing projects and establish approximately 25 new ones. About 75 established projects presently funded by the Office of Economic Opportunity, will be transferred in 1973, and approximately 2.2 million women will be served by all projects funded through 1973, as compared to 1.5 million in 1972. (The overall target is in excess of 5 million.)

Dr. Van Hoek also said that—

Approximately $27 million of the (actual program increase of) $42 million will be for the expansion of existing projects; $10 million will be for the transfer of the 75 OEO projects and at least $5 million will be used for the 25 new projects.

The appropriation for the National Health Service Corps would be $8,998,000, the same as the budget request. This will provide the Corps with $1,109,000 more than was available in fiscal 1972.

A Presidential budget amendment asked $10 million for this program for fiscal 1972, an increase of $7 million over 1971. The House allowed this, but the Senate added an additional $5 million, which was split in conference.

During our committee hearings, Dr. DuVal testified on this program as follows:

Provision of health care personnel to underserved areas through the National Health Service Corps is progressing. To date, 19 communities in 13 States have been approved for placement of 71 professionals made up of 30 physicians, 11 dentists, 21 nurses and and nine allied health professionals. Twenty five of them in 9 communities are now on board, and the remainder, now in various stages of placements will be aboard by the end of June.

He said that—

The second round of assignments will begin in July of '72 in which approximately 100 communities will be selected and about 500 health professionals will be assigned.

Dr. DuVal also said that—

Corps assignees provide direct, primary health care, and bill for services at the customary rate.

Dr. Van Hoek said that—

They expect to obtain reimbursements of $6.4 million in fiscal year '73 which would make a program level of $14.8 million when added to the requested appropriation of $8.4 million.

For patient care and special health services, the bill includes $93,952,000, the amount of the budget request and $3,617,000 over the fiscal 1972 funding level. This appropriation provides support for the Public Health Service hospitals.

This year, Secretary Richardson testified that—

We have included in the fiscal 1973 budget an amount sufficient to fund the (PHS) hospitals. We are actively pursuing with the communities in which they are situated, possible opportunities for transferring them into community use. We believe that, faced with a choice between spending a vast amount of money—perhaps as much as a half billion dollars—in bringing them into first class condition as acute care hospitals on the one side or making them available to communities for other uses, such as long-term care, we think that the latter choice makes more sense.

The Hospitals are not adequately utilized, by comparison with most civilian hospitals. They tie up quite a lot of highly trained manpower. We think that we can appropriately meet our obligations to the beneficiaries of these hospitals, including the merchant seamen, by entering into various kinds of contractual arrangements with other hospitals in the ports around the country and by arrangements with the Veterans' Administration in cases where they may have unused beds at any given time.

PREVENTIVE HEALTH SERVICES

In the area of preventive health services, the appropriation for disease control would be increased $5,606,000 over the 1972 funding level. The committee provided $95,337,000 for fiscal 1973, the amount of the budget request.

The Department reports that by the end of 1972, over 30 million children will have received the rubella vaccine through these public programs. Hospital stays due to tuberculosis have been dramatically shortened as a result of research into methods of treatment and prevention of this disease.

An increase of $1,910,128 will provide expanded investigations and control of infectious diseases, particularly hepatitis, hospital infections, malaria and other parasitic and mosquito-borne diseases such as VEE and dengue, salmonellosis and intensification of the surveillance of national disease problems. An increase of $2,500,000 in project grants for venereal disease control and $500,000 for other immunizations including Rh hemolytic disease of the newborn is made possible due to an almost 50-percent reduction in the cost of rubella vaccine.

I would call my colleagues' attention to the language on page 17 of our committee report concerning venereal disease control. It points out that:

The budget and the bill include an increase of $2,500,000 in project grants for venereal disease control bringing the total for that purpose up to $24,800,000. A total of 23,336 cases of primary and secondary syphilis was reported during 1971, a 15.6 percent increase over 1970. A further increase of 6.1 percent occurred during the first half of 1972. Reported cases grossly understate the extent of the problem, since most professionals in this field believe that many more cases are unreported than are reported. The recent report of the National Commission on Venereal Disease estimates that 80,000 cases of infectious syphilis and 2.2 million cases of gonorrhea occurred last year. Gonorrhea reached the highest level in history during 1971 and continues to be the most frequently reported of all communicable diseases. The Committee was tempted to further increase the amount in this appropriation for VD control, but it is becoming more apparent each year that the methods we have been and still are using are not the answer to this problem. They, at best, represent a holding operation. What is needed is more research to develop such things as vaccine, better prophylactics, and an accurate and simple blood test for gonorrhea (a great many cases, especially in women, go undetected by conventional tests).

Such research can most properly be centered in the National Institute of Allergy and Infectious Diseases. The Committee has additional comments regarding this in the part of this report dealing with that Institute.

The objectives of the disease control programs in fiscal 1973 will be to:

Reduce the incidence of measles and rubella through the cooperative national program with State and local health departments, community health organizations, and HSMHA grant support to prevent rubella birth defects and serious complications asscciated with these diseases. Develop epidemiologic and laboratory information necessary to launch a national control program to reduce the incidence of gonorrhea in collaboration with State and local health departments. Develop, evaluate, and disseminate hospital infection surveillance information to identify hospital-acquired pathogens which can be controlled. Increase epidemiologic services with respect to hospital-acquired pathogens. Expand surveillance of currently important communicable disease areas; one of international scope—cholera, and one associated with drug abuse—hepatitis. Maintain the epidemic reserve with single vaccines for measles and polio and with multiple vaccines for measles and rubella to shore up the reserve for potential epidemics. Strengthen international surveillance to prevent the importation of diseases into the U.S. from foreign countries. Correct and prevent nutritional disease through a national program of surveillance of the extent of the problem, community demonstration of remedial and preventive measures, manpower development, evaluation of the health effects of food programs, and epidemiologic and laboratory nutrition research, particularly as it relates to the prevention of chronic disease. Improve the diagnostic competence of 14,000 clinical and public health laboratories through a national program of methodology research, evaluation of commercial diagnostic reagents and other materials, training, consultation, proficiency testing, clinical toxicology testing, and inter-state laboratory licensure in close collaboration with State health department laboratories to improve the quality of health care delivered, and to assure consumer safety. Develop standards and specifications for those commercial laboratory reagents which are most critical to proper patient management.

The community environmental management program would be funded at $31,075,000 by the committee bill, $4,731,000 over last year's level and $2.5

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million above the budget. This $2.5 million was included by the committee for project grants for the Lead-Based Paint Poisoning Prevention program. This is discussed in detail in our committee report.

This appropriation item also supports some 30 rat control projects in 29 cities throughout the United States. The target areas within these 30 projects cover 77 square miles and embrace a population of 4.4 million people. In addition to the 30 presently active projects, five new cities will receive project funds from the fiscal year 1972 appropriation. A sixth project will be funded in New York City's East Harlem area.

During our hearings, we received testimony that:

> In the total target area we are serving . . . our surveys have indicated that the rat population cumulatively during the period of these grants has been reduced by about 50 percent. When we started, 16 percent showed active rat signs; and right now the figure is between 7 and 8 percent.

Occupational health grants and direct operations would be increased by some $3.6 million over the 1972 level.

The increase in research grants will provide for development research in the safety field relating to mechanical safety devices, design of more reliable protective devices, explore the synergistic effects of noise, heat, fatigue, and other determinants relating to accidents, and to stimulate the development of preventive occupational health in industry.

The increase in direct operations funds will provide for further development of criteria for standards in occupational health and safety, initiate a medical data survey to validate occupational disease data, initiate the second round of medical examinations for coal miners, and expand assistance to industry and State and local governments relating to occupational health programs.

NATIONAL INSTITUTES OF HEALTH

The total funding level for all the National Institutes of Health is increased $142,785,000 over the budget request and $246,937,000 over the 1972 appropriation.

DIVISION OF BIOLOGICS STANDARDS

The committee bill provides for $9,528,000 for this Division, the budget figure. This is an increase of $234,000 over 1972.

The objectives of the Division are to insure the safety, purity, and potency of biological products shipped for sale in interstate commerce. These objectives are accomplished by first, conducting research related to the development, manufacture, testing, and use of biological products and two, a control activity consisting of licensing manufacturers to produce biological products, inspection of the manufacturers' facilities, testing lots of biological products submitted for release, and establishing written and physical standards.

One area in which this Division does research is on hepatitis. Regulations have now been established that every donation of blood, plasma or serum intended for use in preparing a biological product be tested and found negative for the hepatitis associated antigen. In the past research in this area has been severely hampered by the fact that no animals could be found that were susceptible to the disease by inoculation, so direct studies concerning the development of the disease were not possible. However, the Division has now found that the chimpanzee can serve as an animal model, and the animal model system set up by the DBS points to the possibility of developing and testing various preventative measures of the disease such as possible vaccines, serums or various other therapeutic measures.

We are presently spending $5,550,000 on this disease, and how it is broken up among three institutes follows:

HEPATITIS

	1972 obligations	1973 estimate
Biologics standards	$550,000	$550,000
National Heart and Lung Institute	2,200,000	2,200,000
National Institute of Allergy and Infectious Diseases	1,900,000	2,800,000
Total	4,650,000	5,550,000

NATIONAL CANCER INSTITUTE

The committee bill provides for $492,205,000 for this Institute, $113,411,000 over 1972. This is $60,000,000 over the budget figure.

The National Cancer Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling cancer in man. These objectives are pursued directly within Government laboratory and clinical facilities and through universities, nonprofit research organizations, and commercial concerns funded through grants and contracts and include laboratory, field, and clinical studies.

The cancer research centers program funds sizable integrated research organizations and provides locales for translation of research results into clinical practice and public health as models of the most recently developed methods of cancer treatment and prevention for the entire medical community. This knowledge is to be made available to the profession at large to aid in insuring that all citizens have access to the most advanced methods of clinical treatment, care, and advice.

In viral carcinogenesis the knowledge and technology are ready for sizable expansion and for development leading to prevention. Efforts in this field of cancer research of highest relevance, priority, and need remain: improved means of detection, propagation, and isolation of viruses or viral genetic material from additional cancer patients; more efficient means of producing and purifying viruses or related genetic material on an industrial scale; required technology for producing and testing safe and potent vaccines when feasible; and surveys to determine which individuals and populations are at greatest risk to cancers of suspected viral origin.

Increased research is needed on chemicals as causes of cancer. About 1,000 chemical agents have been shown to produce cancers in animals and about 20 have been shown to produce cancers in man. With the introduction of about 200,00 new agents each year, testing for their cancer-causing capabilities is needed. The methods for conducting such research have been developed to a point where large efforts may now be pursued.

During the 1960's it became clear that two human cancers were curable by the use of drugs—chemotherapy—alone. These are choriocarcinoma and Burkitt's lymphoma. In addition, there are other tumors previously fatal, that can be cured by X-irradiation or surgery plus chemotherapy. Each year the list of susceptible and potentially curable tumors grows a little longer and now includes about 15 percent of all clinical cancer types.

However, Dr. Baker of the NCI warned us that we can expect steady progress rather than any startling breakthroughs. The major reason is that we are dealing with so many different diseases. Cancer of the brain is quite different from cancer of the stomach. We have made major progress in various areas, and in childhood leukemia, we are well down the road. In breast cancer, we are already capable of curing up to 80 percent where it has not spead. Also, the time frame is rather long in cancer. It takes 2 years to evaluate one new drug even after we have gone through about 3 to 4 years of development up to the point where we are ready to take it into man. In terms of prevention, it is even longer. If we had in hand a vaccine today for childhood leukemia, it would take us a matter of years to pin it down. It is not like pneumonia. With penicillin we knew within 48 hours if penicillin was good. Cancer is not that way. And the fact is clinically we have at least 100 different kinds of cancer.

Scientific progress continues to develop rapidly in the cancer virus area. Over 100 viruses have been implicated as causes of leukemia and other cancers in every major group of animals. In anticipation of this "virus explosion" a $10 million appropriation by Congress in fiscal year 1965 launched the special virus leukemia program—SVLP—designed to intensify NCI supported research to determine whether viruses cause human leukemia. The SVLP, following the discovery of many new cancer-inducing viruses, evolved by 1968 into the special virus cancer program—SVCP—thus including other types of cancer; by 1927 the budget for this program has reached $49 million. During the past 7 years, as the Institute developed an effective science-management capability, it has made rapid, substantial progress in understanding the role of viruses in the causation of animal and human cancers.

The pap smear has been used for years to detect cervical cancer, and it has now been found to be useful in detecting other types of cancer, such as lung cancer, bladder cancer, and even in the area of oral cancer.

One of the major developments of NCI was the laminar flow rooms, which I visited in an inspection trip to NIH last fall.

In spite of antibiotics, infection is one of the major problems in the management of patients. It is usually associated with a severe reduction of white blood cells, which provide the principal defense mechanism against infection. This deficiency of white blood cells occurs either as a consequence of the underlying disease or due to the agents used to treat the disease. In acute leukemia, infection associated with severe reductions in granulocytes has become the single most important cause of death accounting for perhaps 70 percent of the deaths. Thus, myelosuppression after intensive cytotoxic therapy is a major and often limiting factor in the treatment of patients with cancer. A patient under such therapy is at high risk to infection by a large variety of organisms both endogenous and exogenous from his environment.

To protect the patient from organisms in the environment, the National Cancer Institute has been evaluating the use of isolation units. This program began in 1964 when a plastic isolator essentially consisting of a plastic canopy over a bed was utilized. In 1968, a new unit was designed based on the horizontal laminar airflow principle by Litton Industries, Applied Science Division, Minneapolis, under contract to the National Cancer Institute. This concept had of course been utilized in the space program for years in the assembly of space capsules and instruments.

The laminar airflow unit consists of a blower-filter system comprising the end wall with two side walls and ceiling of plastic panels. The filter blower wall contains filters which render the air virtually totally free of all organisms and other particles. The head of the bed is positioned against this wall so that personnel and visitors may enter the unit; and as long as they remain "downstream," no contamination will result.

This unit is readily installed in a few hours by hospital maintenance personnel in hospital rooms built according to Hill-Burton standards. The cost of the unit itself is moderate although the protected environment program is expensive because of the backup support needed, for example, sterile supplies, "sterile" food, additional nursing staff, and so forth.

The National Cancer Institute now has four such units, and there are 10 or 15 of these elsewhere in the United States.

NATIONAL HEART AND LUNG INSTITUTE

The committee bill provides for $300,000,000 for this Institute, $44,720,000 over the budget figure. This is an increase of $67,373,000 over 1972.

Heart disease, stroke, and other cardiovascular diseases are the cause of more than 1 million deaths each year, or 54 percent of all deaths, as compared with cancer, the next common cause, at about 16 percent.

This Institute continues to support a varied research program in investigator-initiated, peer-reviewed research grants to universities and other nonprofit organizations. The regular program includes research in these major disease areas: Arteriosclerosis, cardiac diseases, hypertension, and kidney diseases, pulmonary diseases, thrombosis and hemorrhagic diseases and grant programs of a special nature, which includes artificial organ and transplantation studies. The research objective is a continued—and accelerated—improvement in the diagnosis, treatment, and prevention of diseases of the heart, the lungs, and the vascular system.

This year there have been a number of exciting discoveries coming from the medical application branch of this Institute. A significant step was recently achieved toward the goal of developing a tiny, completely implantable engine to provide power for both artificial heart replacement devices and artificial heart assist devices. The nuclear engine, which uses a radioisotope fuel, offers promise for artificial hearts which could last 10 years or longer. Feasibility of the engine, which has been under development for a number of years, was demonstrated by being implanted in a calf and powering a heart-assist device. Plans call for further animal trials of greater duration.

The National Blood Resources program is actively working with several other programs within DHEW to upgrade the quality and increase the quantity of blood available for transfusion.

While there have been no real "breakthroughs" in the area of hypertension, several advances which would be of considerable clinical importance have been made. These include new combinations of diuretic and blood pressure lowering drugs. Together these drugs effectively reduce troublesome side effects of individual drugs. A new, more powerful drug (clonidine) has been introduced experimentally in this country and still has to be fully tested, but it appears to have real promise.

A number of new research techniques have been developed such as computer methods for enhancing and improving X-ray images of vessels. A new operation has been designed to help prevent heart attacks or recurrences. Segments of veins are taken from the patient's legs and connected from the aorta to the obstructed coronary arteries. The improvement in blood flow to the heart muscle is immediate, and the short-term effects of such surgery have been dramatic.

Recent studies suggest that a heritable deficiency of a blood enzyme may predispose effected individuals to the development of chronic obstructive lung diseases, such as emphysema. A number of studies concerned with determining the prevalence of this trait in the general population and its association with chronic lung disease are already underway at the NHLI. Some of the tests being conducted by a grantee of the Institute suggest that if this disease is detected at a very early stage, the disease process is reversible.

In his February health message to Congress, President Nixon identified sickle cell anemia as a high-priority disease target and called for a $5 million increase in Federal expenditures during the current fiscal year. The National Heart and Lung Institute was assigned responsibility for coordinating the joint efforts of Government agencies. The grand total for fiscal year 1973 in the committee bill is $15 million and will be allocated in the following manner:

First. Comprehensive research and community service sickle cell centers—$4.5 million in 1972 and 1973—to be administered by the NIH. There will be a limited number. Each will include research, screening, education and counseling, clinical applications, and training of professional and allied health professions personnel. The aim is to bridge the gap between fundamental research and clinical application, and promptly translate the results into demonstrations of community service. Second. Screening and education clinics—$1.8 million in 1972 and $6.55 million in 1973—to be administered by HSMHA. These clinics will provide education of the public, professionals, and allied health professions personnel, screening, definitive diagnosis for all found to be positive, and counseling. The clinics must be able to refer patients for appropriate and adequate followup care. (3) Research—$3.7 million in 1972 and 1973, of which $2.7 million is in the NHLI appropriation and $1 million is in other NIH Institutes' appropriations—to be administered by NIH. Support will be provided for both target-oriented research related to clinical manifestations and treatment of crisis, and fundamental research initiated by the individual investigator. Fourth. Information—$0.25 million in 1973. An information center will be established under the direction of the program coordinator, which will serve as a central clearinghouse for all types of sickle-cell disease information.

This disease, as is pretty generally known by now, is a genetically transmitted disease, which effects members of the black race primarily. It is estimated that approximately 1 in 500 black infants is born with this life-threatening disease. Such individuals undergo painful episodes called sickle cell crises.

The disease is due to a genetically determined defect in hemoglobin, the respiratory pigment in red blood cells which enables them to carry oxygen throughout the body. Under conditions of diminished oxygen supply or physical or emotional stress, the abnormal hemoglobin molecules become attached to one another in such a way as to distort the normally doughnut-shaped red cells into a distinctive crescent or sickle shape.

The inability of these sickled cells to pass freely through smaller blood vessels creates a "log jam" effect, blocking the flow of blood to surrounding tissues, thus causing the extremely painful sickle cell crisis.

Because sickle cell disease is genetically determined, there is no way known at the present time to cure the disease in affected individuals. Current methods of treatment are aimed primarily at alleviating the pain. However, new forms of treatment may make possible reversal of the sickling process, thereby shortening or even preventing the sickle cell crises and the resultant tissue damage. These must undergo further development and evaluation before their potential can be realized.

It is estimated that there are 2 million carriers of the trait of sickle cell anemia. These carriers are in no way debilitated. However, if two carriers marry and have children, each child has a 1-in-4 chance of having sickle cell anemia.

So, the major thrust of the program at this point is in the screening area. An

article appearing in the Washington Post on June 1 stated that Dr. Mortimer S. Greenberg of Tufts University has developed a new simple and accurate screening test which can be carried out on a mass basis at a cost of approximately 3 to 4 cents each.

More than 100 different types of abnormal hemoglobin have been identified and of these, sickle cell anemia is the best understood. A few are known to cause anemia. One of these is Cooley's anemia, which is also a genetically determined anemia which occurs primarily in peoples of Mediterranean origin. Again, the carriers of the trait are in no way debilitated, but if two carriers marry, their children have a high percentage of carrying the disease. The true incidence is not known and obviously varies in different parts of the country, depending on the percent of the population of Mediterranean origin. The best available estimates are that about 20,000 individuals in this country carry the trait. The National Institutes of Health currently supports 12 research projects with major emphasis on Cooley's anemia to the extent of approximately $631,000. In addition, the various institutes support 11 projects in which the work is related to Cooley's anemia or it is a major component. The total for this latter group is approximately $669,000.

The rate of doing heart transplants has slowed considerably over previous years. To date 187 of these transplants have been performed, with 29 still surviving.

In the area of arteriosclerosis, we now know that control of high blood pressure actually prevents stroke. It reduces the death rate from congestive heart failure which is different from death from heart attack.

NATIONAL INSTITUTE OF DENTAL RESEARCH

The committee bill provides for $46,991,000 for this Institute, which is $2,576,000 over the budget. This is $3,603,000 over the 1972 figures.

The National Institute of Dental Research conducts and supports basic laboratory investigations, clinical and applied research, and epidemiological and field studies, directed toward the ultimate eradication of a broad array of oral-facial disorders.

Dental diseases are largely irreversible, for the body lacks the inherent power to repair most of the damage they inflict. Thus, prevention is of special importance to dentistry.

A universal public health problem, dental caries, has been identified as a special initiative program. Through intramural, contract and grant-supported research, intensified efforts are being made to reduce its incidence.

Other major programs are directed toward the problems of periodontal disease, oral-facial malformations, particularly malocclusion and cleft lip/palate; and oral ulcerations. Recently, the dental institute has also begun to focus more attention on pain control, a neglected area of central concern to dentistry.

In the area of caries, or tooth decay, where, as a consequence of substantive budgetary support, the Institute is now directing special efforts on a truly national scale. This special initiative program was funded by $9,155,000 the current year and $9,364,000 is being requested for fiscal year 1973. Through the enlistment of various scientific resources—in industry, universities, and private research organizations—a number of promising leads are being pursued and significant progress is foreseen. For example, the incrimination of a certain strain of streptococcus in human caries has produced a cascade of further developments, which are helping to clarify the complex picture of caries causation.

In terms of magnitude, periodontal—gum—disease, which affects an estimated 75 million Americans, ranks as a major public health problem. The major directions of research effort are highly diversified, including studies of the role of enzymes in the destruction of periodontal tissue, observations of bone metabolism, and projects to explore important immunological aspects. Presumably as our understanding of the complicated biology and chemistry of the inflammatory process in periodontal disease advances, the development of new preventive measures against the most common form of the disease looms as a distinct possibility in the future.

One of the most significant research accomplishments of the year in dental materials was the development of a new amalgam filling material which is stronger and less corrosive than amalgams used to date.

Again this year, it was emphasized that fluoridated water goes a long way in the prevention of tooth decay. There is a 40- to 60-percent reduction in tooth decay in areas with fluoridated water.

Under grant support a new sealant treatment has been developed, which is a plastic coating of the teeth, and over a period of 2 years of observation this treatment has demonstrated almost a 100-percent reducation in decay. If the observations are borne out, within the next 2 years this will be ready for public use.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM AND DIGESTIVE DISEASES

The committee bill provides for $167,316,000 for this Institute, which is $8,227,000 over the budget. This is a increase of $13,979,000 over 1972.

This Institute bears responsibility for a broad array of chronic disabling diseases—a wider, more diversified range of illnesses than covered by any of the other Institutes of the NIH. Research activities, in addition to studies of the various arthritic diseases, include the study of a broad spectrum of heredity-linked metabolic disease such as diabetes and cystic fibrosis; gastroenterology, hematology, endocrine disorders, and mineral metabolism. Underlying these clinical studies is extensive fundamental research in biochemistry, pathology, histochemistry, chemistry, physical, chemical and molecular biology, nutrition, pharmacology, and toxicology.

Arthritis and rheumatism, terms that refer respectively to inflammation and destruction of joints and disease affecting tissues surrounding the joints, head the list of chronic diseases in the United States today in terms of social and economic importance.

Rheumatoid arthritis, the most crippling form of arthritis, continues to intrigue medical scientists. There is still no clear understanding of why one person develops the disease and not another, how the disease destroys normal tissue and what causes it to progress.

A major thrust of the research of this Institute revolves around the possibility that rheumatoid arthritis may be the result of an autoimmune reaction in which the body overreacts to proteins originating within the body's own tissues. Such immune processes may be triggered by changes brought about by an infectious agent. In view of this real possibility, diseases in animals resembling human rheumatoid arthritis and caused by a known infectious process are of deep interest. It is estimated there are about 100 disorders which are classed under the heading of arthritis and rheumatism.

This year many nations are commemorating the 50th anniversary of the discovery of insulin. Since this finding, regarded as one of the great landmarks in the history of medicine, an estimated total of 100 million people have relied upon insulin to lead healthier and longer lives. However, diabetes remains a serious and complicated disorder, ranking eighth on the list of diseases causing death in this country.

The Institute is exploring ways to suppress the development of complications of the disease which include enhanced arteriosclerosis and consequent coronary heart disease, nerve damage, kidney failure, and blindness, and to find better therapeutic measures.

In this latter regard, the Institute is involved in a 10-year study on the effects of the oral antidiabetic drugs, tolbutamide. This continuing study, conducted by 12 leading medical centers with research grant support, this Institute now has shown that another well-known antidiabetic drug, phenformin, like tolbutamide, is apparently no more effective than diet or diet and insulin in prolonging the life of patients with mild, adult-onset diabetes. Phenformin was also associated with a higher death rate from heart disease than was found in the other treatment groups just as tolbutamide has been shown previously.

Although, as Dr. Whedon, Director of this Institute commented, these results cannot be regarded as definitive proof of adverse effects, such findings raise questions concerning the long-term benefits of tolbutamide and phenformin therapy, and even concerning the importance of strict regulation of blood glucose levels, heretofore considered an important therapeutic goal in providing longevity for patients with adult-onset diabetes.

The artificial kidney program, a collaborative research and development program of this Institute, seeks to develop simpler, more efficient, and less costly artificial kidneys and improved methods of treatment for patients with permanent loss of kidney function. For the first time as a result of a new process developed by the Institute, we have become independent of large tanks and plumbing in dialysis and can now foresee development of suitcase-sized artificial kidneys which are portable.

During the past year approximately 1,000 kidney transplants took place in this country. A successful transplant of this kind can restore a patient to a period of renal sufficiency that can last for many years. However, as in heart transplants, the body will eventually reject the foreign kidney and research is continuing on drugs that suppress the body's immunologic mechanisms and on improved "matching" of donor organs and suitable recipients.

Dermatologic disorders include psoriasis, a disfiguring disease which afflicts between 2 and 8 million Americans, and causes great mental anguish to its victims and their families. The cause of psoriasis is unknown, and the disease is marked by rapid proliferation and scaling of epidermal cells. This Institute, in an attempt to accelerate the pace of psoriasis research, has organized two workshops during the last year, bringing together hundreds of scientists and physicians from different fields who pooled their present knowledge and planned for future research directions.

The Institute is in the planning stages for the establishment of a broad screening program directed toward finding one or more drugs that could be used topically to clear and control with reasonable safety the disfiguring psoriatic lesions. In addition, the Institute will intensify its support of fundamental studies on the chemistry and function of skin tissue in health and disease. Only more complete knowledge of the basic causes of psoriasis will help elucidate rational ways of controlling this condition.

This Institute, as well as the Center mentioned under "Research resources," is doing considerable research in the area of cystic fibrosis, and is budgeting $3,060,000 for fiscal year 1973. Additional grants, worth about $3 million, which are relevant in varying degrees to fundamental studies of cystic fibrosis are supported by other Institutes at NIH.

Although we still don't know what cause CF, other than it is genetically transmitted, we are making some progress in the area. An example of how CF patients can be helped medically during the first 5 years of life, with marked lessening of morbidity and mortality both during this period and throughout childhood and adolescence, is proved in a paper by an NIH grantee who reported on the course of the disease in 130 patients. The children were under 3 months of age when first diagnosed. They were observed over a 20-year period, 1949–69, for a total of 912 patient years. Whereas the prognosis in the past was nearly hopeless, the vigorous therapy instituted for these young patients after an early diagnosis has greatly improved the outlook for their health and comfort. In contrast to very high mortality rates reported previously, it is estimated that 77 percent of the group studied will survive to age 20. Furthermore, 14 of the children are said to be in excellent health, while 71 either have mild disease or are in good health.

This Institute supports 28 individual research grants related to sickle cell anemia, totaling $750,000 annually. About half of these are fundamental which characterize sickle cell anemia and other, related abnormal types of hemoglobin. These investigations attempt to establish the fundamental cause or causes of the disease and to elucidate why the abnormal blood pigment molecules of sickle cell anemia react in their unique fashion, rearranging themselves along a longitudinal axis and distorting and elongating—sickling—the red blood cells in which they are located. The other studies relate to the genetics of the disease and to ways and means of reversing the abnormal sickling reaction.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

The committee bill provides $130,672,000 for this Institute, an increase of $12,795,000 over the budget, and $13,941,000 over 1972.

This Institute is concerned with a variety of diseases which afflict the brain and sense organs. Disorders such as cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophy, parkinsonism, and deafness result in long-term disability while cerebrovascular disease—stroke—is the third largest cause of death in this country. The Institute's responsibility is to learn more about the brain, the nervous system, and the communication mechanism in order to prevent disease or treat it effectively, where it already exists. More than 20 million Americans suffer from disabling neurological disorders and another 20 million have hearing, speech, and language impediments.

Spinal cord injury causes serious paralysis in 100,000 persons in the Nation. Each year there are 5,000 to 10,000 new spinal cord injuries. These occur largely in young people injured in sports, auto accidents and in the military.

With funds provided this past year, the Institute has awarded 18-month feasibility grants to six institutions to organize acute spinal cord injury clinical research centers, where teams of neurologists, neurosurgeons, and related scientific personnel will work cooperatively. In these grants, emphasis also is being given to the development and evaluation of emergency room diagnostic techniques and to medical surgical treatment.

Strokes rank third among leading causes of death in this country, taking over 200,000 lives a year. At the present time there are also between 1 and 2 million persons disabled by strokes.

The Institute has mounted a strong program in cerebrovascular disease, including sponsorship of 17 clinical research centers, some 60 research projects and two national cooperative drug trials of clinical therapy.

Since 70 to 80 percent of deaths due to brain hemorrhage occurs within the first 10 days, development is underway on a number of experimental acute care units for stroke patients. There is no uniform opinion at this time on which neurological changes are the most important to monitor in this acute phase. More information is needed on whether transient changes in intracranial pressure have serious effects on the stroke patient. If so, perhaps pressure should be monitored automatically and continuously so that measures can be instituted to counteract rapid fluctuations. The use of implanted radio-frequency sensors to monitor pressure appears to be a possibility.

A task force has been organized to draw up the plans for the development of these acute care research units and the acute stroke monitoring devices which would be developed and tested in them.

The collaborative perinatal research project has been a prospective, multidisciplinary, long-term endeavor carried out in 14 medical institutions across the country, coordinated by the Perinatal Research Branch of NINDS. This Study has made a major contribution to the increased understanding of the genetic and environmental factors affecting the central nervous system in its early development. The study has also provided substantial information on the relation of accident, infections, and birth weight factors in the perinatal period to mental retardation, cerebral palsy, and other neurological and sensory disorders.

From 1959 through 1967, some 58,000 pregnancies were observed and now the children of these pregnancies are being followed until they are 8 years of age. The funds made available last year will enable this institute to proceed with the 7-year follow-up examination of these children.

Valuable data resulting from this study is now being reported on a regular basis. For example, it had been common practice in the United States until quite recently to urge pregnant women to keep strict limits on their weight gain during pregnancy. The study indicated that this is unwise and the practice has been stopped by many obstetricians and physicians.

Scientists in the collaborative perinatal research project have also found evidence that a lack of critcal nutrients—especially protein—in the mother's prenatal diet may result in lowered intelligence in her child. Further investigations of factors which suggest this relationship are continuing through the analyses of preserved blood samples take from the women who have participated in the project since its inception. New studies in human and primate populations are extending the study of nutrition in pregnancy.

The Collaborative Perinatal Research Project has had important ancillary effects also. It has resulted in improved hospital records and better medical care in obstetrics and newborn pediatrics; fostered much related research by providing a patient population and a group of skilled senior researchers whose interests were focused on perinatal problems; led to better training of housestaff and medical students in obstetrics, neonatal pedioatrics, and neurology; encouraged interdisciplinary exchange of information, ideas, and respect; and encouraged research in other countries and exchange of ideas with foreign research groups.

The greatest value of the project, perhaps, is that it gives national impetus to the common hope that the neurological disease of childhood, especially CP, may one day be prevented.

The first comprehensive report from the Collaborative Perinatal Research Project is now in press. The report describes the prospective study, displays the distribution of the characteristics and conditions of the pregnancies investigated, and shows the relationships between these characteristics and the pregnancy outcomes (stillbirth, neonatal death, birth weight, and the presence of neurologic abnormalities at 1 year).

Statisticians and staff scientists at NINDS, assisted by collaborating institutions, are now deeply involved in an analysis of the information already available from the study. By the end of fiscal year 1975, the remaining children in the project will have completed the battery of tests.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The committee bill provides for $113,414,000 for this institute, which is $765,000 over the budget. This is $4,296,500 over the 1972 figure.

This institute conducts and supports broadly based research on the causes, characteristics, prevention, control, and treatment of diseases believed to be caused by infectious agents including bacteria, fungi, viruses, and parasites—or by abnormalities of the body's immune mechanisms such as allergies.

As new knowledge is gained through medical research, existing ideas on the causes of major diseases are often brought into question. When this happens, investigators find they must return to the basic sciences of biochemistry, microbiology, immunology, and pharmacology to seek new answers. For example, some of the leading cripplers and killers of our time may be linked to viruses or to the body's defense mechanisms. When the mysteries of multiple sclerosis, diabetes, rheumatic diseases, and some forms of human cancer are unraveled, the causes might well prove to be microbial infections or abnormal immune mechanisms.

Seven allergic disease centers have been in operation since last summer. With funds provided by Congress, plans are being made to establish additional centers this year, including one unit at the intramural program at Bethesda. At present, these outpatient-oriented centers appear to be the best mechanism for shortening the time lag between laboratory findings and clinical practice.

Prostaglandins continue to generate considerable interest. These hormone-like chemicals occur naturally throughout the body and have powerful effects on smooth muscles, such as those in the lung, which are being studied in the treatment of asthma.

This Institute has played a catalytic role in organ transplantation since the early 1960's. More than 6,000 human kidneys have now been transplanted, and more than 4,000 individuals are alive today with kidneys from another person. Suppression of the body's normal immune response helps to preserve transplanted organs. The Institute has supported studies on immunosuppressive agents, including a biological substance called ALS. Clinical trials of this substance to prevent kidney graft rejection should begin this year.

For years, scientists in the Institute's Laboratory of Viral Diseases have been studying viruses that produce leukemia in mice. Recently, they developed a technique that might help track down a human leukemia virus.

Taken together, influenza and pneumonia are listed as the fifth leading cause of death in the United States. Each season the influenza virus "drifts" slightly in its antigenic makeup. About every 10 to 12 years, a major antigenic shift occurs. When this happens, existing vaccines become less effective and new ones must be developed. Before the next influenza pandemic occurs, it is hoped new strategies will be developed to solve this problem.

Within the framework of the NIH Hepatitis Task Force, this Institute has primary responsibility to develop vaccines and immune gamma globulin against both infectious and serum hepatitis. Two years ago a protein, Australia antigen, was discovered in the blood of many patients, who had serum hepatitis. Because of this discovery, the Institute has sharply increased its support of hepatitis research. An NIAID special fellow from California and his associates in Chile have reported on a study of nearly 2,000 patients where modified gamma globulin was added to the blood before transfusion, there were no severe cases of Hepatitis B (serum hepatitis).

Gonorrhea is second only to the common cold as the most frequent contagious disease in the United States. An estimated 2 million cases were diagnosed and treated in 1970. And some 290,000 Americans were under treatment for syphilis that year. Unquestionably, the Nation is suffering a venereal disease epidemic, and the explosive increase in the number of VD cases shows no sign of abating. Epidemiologic and clinical aspects of VD have been studied for decades. With the initial, spectacular success of penicillin treatment in the 1940's, and in light of the prevailing concept of disease control at that time, fundamental research virtually stopped. VD is again out of control. In order to have a vaccine for VD, much more knowledge will be required about the organism which causes it. This knowledge is not now available. The Institute has more than doubled the number of grants which they have in this field, and some $25,000,000 is being spent in other areas of HEW on VD.

We still haven't conquered the common cold, mainly because there are so many different viruses that cause it. There are some 87 different kinds of rhinoviruses which are separate and distinct without much relation to each other. In fact, there are another 25 that we know about which have not been fully identified. These viruses occur sporadically and cause common colds in a very random fashion. A person could have a different virus twice a year for 45 or 50 years and still barely get through all the different strains.

A milestone, however, was reached in 1957 in the understanding of mechanisms of recovery from viral infecion, when two British scientists discovered interferon. This is a protein manufactured by cells in response to a virus attack. This year the Infectious Disease Branch of this Institute sponsored a workshop in interferon and the recommendations hold promise.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The committee bill provides for $183,171,000 for this Institute, which is $7,211,000 over the budget, and $9,697,000 over the 1972 figure.

This Institute does most of the basic research for the NIH and its major areas are genetics, fundamental sciences, pharmacology, toxicology, and biomedical engineering.

One of the major advancements in the Institute is the establishment of a library, or repository, of mammalian, particularly human, cell types in culture to make these available for study by scientists and physicians all over the country. This library of cell lines will be made from the cells of individuals who suffer from genetic diseases. Its availability will permit scientists and physicians to study the genetic and biochemical processes going on in these individuals and help them in exploring ways of treating this large group of some 1800 diseases.

This collection of cells will help scientists to determine where genetic abnormalities reside within the 23 pairs of chromosomes contained in the normal human cell. Each infant receives 23 chromosomes from each of his parents, and essentially all of the information needed to make the human body is contained within these chromosomes. Scientists are seeking to map the genetic information contained within each chromosome. They have recently benefited from the development of new techniques for the straining of chromosomes with fluorescent dyes and subsequent study of the chromosomes under ultraviolet light. Using these and other novel staining techniques, it is now possible to identify unequivocally each of the chromosomes as belonging to one of the 23 pairs mentioned above, permitting precise characterization of chromosomal abnormalities as they may occur in cancer or in genetic diseases, such as Down's syndrome, or mongolism. By the process of amniocentesis (withdrawing some of the amniotic fluid surrounding the fetus) it is now possible to determine if Down's syndrome is present and allows for the optional termination of the pregnancy.

As we learn more about the structure of chromosomes and how they function in both normal cells and in cells having gross genetic abnormalities, we may find betters ways of controlling hereditary diseases.

Perhaps the most interesting research developments in genetics in the past year have related to the several methods now explored for the transfer of genetic information, in the form of DNA, from one cell to another. The possibility now exists, though probably remote, of introducing into a genetically defective line of mammalian cells the missing genetic information, thereby potentially "curing" a genetic deficiency in an irreversible fashion.

This Institute continues to support research in the effective control and treatment of schistosomiasis, snail fever. Although not prevalent in the United States, it is one of the last great pestilences in the world and it is estimated that at least 200 million people are victims of this infection. That is about 7 percent of the entire world population. The disease abounds in southern Asia, Egypt, and in parts of Latin America and is caused by a worm known as the schistosome, which for part of its life cycle must parasitize a certain species of snail. Irrigation projects in the tropics are often accompanied by a massive epidemic of schistosomiasis and such an epidemic is occurring in Egypt as a result of completion of the Aswan High Dam.

An agent has been discovered by a grantee of this Institute which, if it passes the necessary tests for lack of chronic toxicity in animals, will then be subjected to human testing. If it proves as effective in man as it is in the chimpanzee, a new and far better agent for the treatment of this persistent scourge to mankind will have been discovered.

A significant segment of the research on the structure and function of the cell has been conducted through funds awarded to scientists by this Institute. The potential payoff for medicine is great. For example, 10 years ago, the so-called microtubule was little understood. Then in 1963, electron microscopists developed a new technique which enabled scientists to observe objects that heretofore had rarely been seen. The microtubule is being investigated in many areas, including its use in possible male contraceptives, the proccess of aging, and since it has an important role in cell division, it is of great interest to those working in cancer research and in cancer chemotherapy.

Approximately $55.7 million is being spent in this important area of genetics research.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The committee bill provides for $130,429,000, which is $3,185,000 over the budget request. It is $14,002,000 over the 1972 figure.

The National Institute of Child Health and Human Development conducts and supports research and training dealing with human development from conception through old age. The three major programs are population research, child health and aging. These areas and their attendant goals are intimately related and progress in one area represents an advance in all.

Although more women than ever report that they want only two children, many couples fail to plan pregnancies successfully. Clearly, the need for more effective, safe and acceptable contraception is pressing. The institutes' population research program concentrates on contraceptive development including reproductive biology, evaluation of existing contraceptives and research in the behavioral sciences.

Development of a variety of new methods of contraception is essential if the needs and preferences of the entire population are to be met. This scientific accomplishment depends on the application of knowledge derived from many years of fundamental research. The design and testing of reversible sterilization techniques for men have been carried out on laboratory animals in the past year. If the approach proves safe and effective in animals, human trials may begin next year.

For female contraception, the Institute is supporting work on the synthesis and testing of new drugs which have promise for eventual use. It is expected that within a year it will be known if prostaglandins will have a significant application to fertility regulation.

Evaluation of the medical effects of contraceptives presently in use has concentrated on oral contraceptives because of their widespread use. Some of the recent findings indicate that in oral contraceptive users there may be a greater risk of stroke; the incidence of breast cancer is not increased; the course of a precursor of cervical cancer is unaffected; blood pressure is modestly elevated; and depression does not seem related to use of these drugs. Next year these leads will be pursued. Research will also be continued on intrauterine devices.

Continued research in the behavioral sciences will increase our understanding of factors affecting changes in population growth. For instance, in 1971 the birth rate dropped unexpectedly to the low levels reached in the 1930's. Whether we are dealing with the beginning of a trend or merely a fluctuation will be carefully studied.

In child health programs, research is stressed that promotes infant survival, the optimal development of children and youth, and the prevention and amelioration of mental retardation.

Over 20 million Americans, representing the immediate families of our Nation's 6 million mentally retarded persons, are directly affected by the problem of mental retardation On November 16, 1971, President Nixon pledged his support to two major national goals: To reduce by half the occurrence of mental retardation in the United States before the end of the century; and to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community. This Institute is helping to achieve these goals. For example, it is known that several types of mental subnormality are associated with chomosomal abnormalities. An institute-supported investigator has recently devised a simple, quick, and accurate method to identify each human chromosome. This is particularly significant at this time when increased demands are being made for genetic counseling.

It has been estimated that between 7,500 and 10,000 children die each year in the United States from the sudden infant death syndrome, also known as crib death. Although the specific cause of sudden death is unknown, viruses frequently are present in affected infants. Selected epidemiologic studies as well as investigations concerned with the physiology of sleep are planned with the intention of increasing our still limited knowledge of this complex medical problem. The $3 million is budgeted for this area in 1973.

The population of elderly persons in the United States is increasing steadily and if birth rates continue to fall, the fraction of the population over 65, now one-tenth, will continue to grow. Few areas of scientific activity offer so much promise for mankind as does research on aging. The benefits will appear not necessarily in adding decades to the lifespan, but rather in improving the quality of life.

In a number of aspects, aging in women differs from that of men, and although women generally live 7 to 8 years longer than men, this is unexplained. An event unique to female aging is the menopause and before this occurs, women appear relatively protected from age-related degenerative diseases compared to men. Increased concentration on female aging research will be initiated next year to establish a scientific base on this problem.

There are presently 12 mental retardation research centers, funded at a level of $32 million, of which this Institute contributes about $14.2 million.

Presently this Institute is spending $3.8 million on research on genetically transmitted diseases. We were informed in the hearings that around 60 of these diseases are now detectable using amniocentesis, which, of course, gives the parents the option of terminating the pregnancy if they desire.

NATIONAL EYE INSTITUTE

The committee bill provides $38,562,000 for this Institute, an increase of $1,178,000 over the budget request, and $1,429,500 over 1972.

The National Eye Institute was created in 1968 to improve visual health through the conduct and support of research and research training on disease problems and injuries to the eye and visual system. Institute programs are implemented through grants and contracts with individuals and research organizations working on problems of visual health, and through laboratory, clinical, and epidemiological research conducted by Institute personnel.

In its first years of operation this Institute has supported a variety of ongoing vision research projects. Also they have been developing expert scientific and administrative resources in preparation for launching a major attack on blindness. Having now overcome most of the obstacles inherent in the creation of a new research organization, the National Eye Institute is ready to inaugurate a coordinated and comprehensive targeted research program against a leading and devastating cause of blindness: glaucoma.

Glaucoma cannot now be prevented and in most cases not cured. It is a major cause of blindness, accounting for over 10 percent of the newly blind. The Institute will be spending approximately $5 million on glaucoma research in fiscal year 1973.

The Institute, in addition to its legislated mission to improve the prevention, diagnosis, and treatment of blinding eye diseases, is also supporting research on

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special problems of the blind and visually handicapped. Institute funds helped make possible the development of the Optacon, a device which enables the blind to read the same printed material any sighted person would use.

This ingenious instrument presents a tactile facsimile image of printed characters which are scanned by an optical probe. Thus, instead of braille impressions, the user of the Optacon senses the outline of a regular letter conveyed through the raising and lowering of an array of tiny rods which fits onto a single finger. The entire system weighs only 8 pounds, can be easily transported, and is relatively inexpensive to produce.

A more complex vision substitution device uses the images captured by a television camera to activate a series of stimulators arranged on a grid and positioned over the skin of the abdomen. A sightless person, with training and practice, learns to translate these impulses automatically into crude spatial images within his brain. The Institute has supported development of this system.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The committee bill provides $30,956,000 for this Institute, which is $1,943,000 above the budget request and $4,520,000 over 1972.

The National Institute of Environmental Health Sciences seeks to increase our understanding of environmental agents which can adversely affect man's health either immediately or over a period of time. The results of the Institute's research are promptly made available to agencies having responsibility for environmental monitoring, standard setting, and control. This Institute is seeking to determine the magnitude and significance of the hazard to man's health resulting from long-term exposures to low-level concentrations of chemical, physical, and biological agents in the environment. Underlying mechanisms of adverse response are examined in order to determine the principles and generalizations which can provide criteria which can serve as a basis for the establishment of standards by those agencies charged with the regulatory responsibility in this area.

The direct beneficiaries of the basic knowledge developed by this Institute are the categorical programs in environmental control, including those of the Environmental Protection Agency—air pollution, radiological health, environmental sanitation, solid waste management—as well as those in the Public Health Service, including the National Institute of Occupational Safety and Health, and the Food and Drug Administration. Close liaison is maintained with these activities to insure the inclusion of their requirements in the development and implementation of the Institute's research program.

Scientists in this Institute are working on such urgent and diverse problems as the toxicity of polychlorinated biphenyls—PCB's; methyl mercury poisoning; the toxicologic problems of detergents; the displacement of persistent pesticides such as DDT; asbestosis; and the potential health effects of microwaves and noise.

PCB's are highly heat resistant liquids which have been used in industrial applications for over 40 years, in everything from industrial fluids for hydraulic, gas-turbine, and vacuum pumps to the paper used in form 1040, the income tax form. It's like DDT in that it will persist virtually unchanged for as long as decades. This substance was found responsible for contamination of rice cooking oil in Japan and resulted in liver damage. Recent episodes of accidental contamination of poultry and eggs from the loss of PCB heat transfer fluids and in milk from paints containing PCB's for silo treatment have highlighted the need for additional studies.

Another area under investigation is the phthalic acid esters, which are used in such materials as food wraps, bags, and blood bags. Over a billion pounds of phthalates are produced annually. They are solids or liquids, but they tend to vaporize and go into the atmosphere. An interesting point which turned up in our hearings was that many of us have noticed a film on the inside of the windshield of our cars which is very hard to wipe off. This is most likely due to phthalates vaporizing from the plastic upholstery and depositing on the inside of the windshield.

This Institute has not been in existence very long, but it has become the focus of information exchange that has had an immediate impact on the regulatory agencies in this country and abroad. Its ability to be able to assemble very rapidly the best scientific information on a critical subject has been something of an immediate payoff from the Institute's activities. Some of the experiments take a rather long time, but increasingly, when a major problem comes up, one of the first things that happens is that this Institute is asked to make a scientific assessment of the best information around the world, which they do very rapidly. It is almost a daily occurrence that such efforts have an impact on someone's decisions concerning either regulation or the wisdom of some specific action as far as environment is concerned.

RESEARCH RESOURCES AND GENERAL RESEARCH SUPPORT GRANTS

The committee provides $75,073,000 for this division which is $64,000 over the budget and $92,000 over 1972.

The purpose of this division is, first, to provide basic resources to the biomedical research institutions of the Nation in support of the categorical research activities of NIH; second, to assist such institutions in maintaining their individuality and autonomy; and third, to encourage the conduct of innovative biomedical research by providing crucially required resources.

To accomplish this, DRR has mounted programs in four areas: First, the general clinical research centers program, which supports discrete clinical units, usually in university or university affiliated hospitals, utilized in the conduct of multicategorical clinical research; second, the biotechnology resources program, which supports the development and operation of large and complex technological resources such as computer system, mass spectrometry, and nuclear magnetic resonance systems; and third, the animal resource program, which provides support for the development and improvement of various animal models.

The research activities and accomplishments in DRR span the entire spectrum of biomedical science. For example, the armadillo has now been found as a model for Hansen's disease—leprosy. This research has been stalemated for years due to a lack of a suitable animal model.

A program at the Primate Research Center for the University of Washington is concerned with research on one of the most tragic diseases of early infancy, the sudden infant death syndrome.

Fifty-seven percent of the National Institutes of Health supportive research project grants require the use of animals. Continued experimentation with various animal models is necessary to establish some of the basic fundamental criteria of biological processes so we can apply this knowledge to human processes.

In the area of biotechnology resources, the computer resources located at the Latter-day Saints Hospital in Salt Lake City has become the unrivaled leader in developing comprehensive computer tools for both clinical research and patient care.

In the General Clinical Research Center at the Mayo Clinic, it was found that a newly discovered acid CDS—a bile acid—would dissolve gallstones, thereby alleviating the patients' suffering and relieving them from having to go through surgical removal of the gallbladder.

One of the new initiatives of DRR is the development of the minority schools biomedical support program, which was initiated during fiscal year 1972. Awards under this program will be made to competing minority institutions and will range from approximately $30,000 to $500,000 per year for a possible 5-year support period depending upon the size and quality of the institution's program.

The sources of general research support funds are included in the separate appropriation of the other Institutes and NIMH. They are then transferred to the general research support appropriation and administered by the Division of Research Resources. The amounts obtained from the other Institutes follow:

Based on the amount shown in the President's budget for 1973, $54,624,000, the breakdown of funds transferred from each of the Institutes include the National Cancer Institute, $5,924,000; National Heart and Lung Institute, $8,149,000; National Institute of Dental Research, $1,018,000; National Institute of Arthritis and Metabolic Diseases, $8,124,000; National Institute of Neurological Diseases and Stroke, $5,439,000; National Institute of Allergy and Infectious Diseases, $5,040,000; National Institute of General Medical Sciences, $6,975,000; National Institute of Child Health and Human Development, $3,896,000; National Eye Institute, $1,551,000; National Institute of Environmental Health Sciences, $481,000; and the National Institute of Mental Health, $8,027,000; for a total of $54,624,000.

A prevalent and important hereditary disease in children and infants, cystic fibrosis, is being investigated at the University of Colorado center. In cystic fibrosis, an unusually vicious mucous destroys the lungs and also prevents absorption of fats and digestion of food. The major organs affected are the pancreas, testes, liver, gut, and lungs. The child has a constant feeling of suffocating and weakness and is prone to respiratory infections. Cystic fibrosis costs an enormous amount of time, money, and suffering. Many of the afflicted children never reach adulthood, but throughout their short lifespan, they require extensive and costly medical care.

Using a biochemical approach, it was determined that viscosity of the mucous secretions could be returned to normal by a variety of compounds. The next step was the selection of a nontoxic material used safely in clinical medicine. Arginine, an amino acid, was selected; it fulfilled these safety requirements as well as the biomedical requirements for treatment. Arginine was administered to a group of cystic fibrosis patients under close supervision by the medical and nursing staff.

The results of arginine treatment of cystic fibrosis have been most encouraging. The respiratory and digestive processes of many of these children improved significantly. In patients whose main problem was pulmonary, there was marked improvement in the power of the lungs. The children looked and felt better and had a greater tolerance for exercise. Those with digestive malfunctions similarly improved; they gained weight since their bodies were more capable of absorbing fats. The abdominal pain which accompanies this disease was also relieved.

These favorable results extend beyond the patient to include his family; arginine provides an inexpensive way of treating the complications of cystic fibrosis patients, thus lessening the financial burden. Moreover, the child's relief from pain and irritability helps establish better family relationships. It should be emphasized that arginine is not a proven, permanent cure for cystic fibrosis, but it relieves the immediate physical and psychological strain of the afflicted children and their parents.

In the area of biotechnology resources, the Jet Propulsion Laboratory's sophisticated computer-based techniques for enhancing and analyzing images have been applied successfully to a wide variety of medical problems. This, of course, is one of those "space spin-offs" we have heard so much about—using space age technology to enable scientists to obtain better knowledge of the workings of the human body, benefiting all mankind.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

The committee bill provides $4,666,000 for this item, $121,000 over the budget figure. This is an increase of $359,000 over 1972.

This center is designed to facilitate and expand the continuing effort of the National Institutes of Health and the U.S. Government to broaden the knowledge base of the biomedical sciences. The center serves as a focal point for the international activities of the NIH and is responsible for the administration of a number of international programs, such as international fellowships, Fogarty scholars-in-residence, conference and seminars, International Visitors Center, special foreign currency and foreign students exchange.

Also, last year the U.S. contribution to the support of the Gorgas Memorial Laboratory became a responsibility of the Fogarty International Center and this year they have also assumed the programing responsibility for training of foreign health professionals sponsored by the World Health Organization, a function previously administered by the Bureau of Health Manpower Education.

A short time ago, obviously as a result of our rapprochment with the People's Republic of China, a meeting was held to review medicine in that country. This was attended by people outside the Government as well as representatives from the Institutes and other Federal agencies.

With the development of new techniques, especially in the area of genetics, the moral and ethical ramifications of those techniques must be studied. In October of 1971 the center held a conference on human genetics, entitled "Ethical Issues in Genetic Counseling and the Use of Genetic Knowledge" and was attended by 100 persons.

It brought representatives from the fields of law, religion, and ethics together with basic scientists, physicians, and genetic counselors involved in the diagnosis of human genetic diseases. The prime concern of the conference was the ethical and social issues which have arisen as a result of recent advances in our scientific knowledge of human genetics. These advances have enabled us to detect persons (carriers) who can transmit genetic diseases to their children and to determine, using the technique of amniocentesis, the presence or absence of disease in the fetus. The ethical questions which arise from this knowledge include: Should we detect carriers, and, if so, how should they be counseled about marriage and childbearing; how severe must a genetic disease be in order to warrant an abortion; who should decide whether a defective fetus should be aborted; what are the legal rights of the fetus and the parents.

These and other questions have particularly confronted those scientists who have developed and are applying the new methods in diagnosis of human genetic diseases. Since these are ethical and social questions, no rigid answers can be provided, but the conference provided the opportunity for a unique dialog between the leading scientists in this field and the ethicists, theologians, and lawyers who are also concerned about the application to society of the new genetic knowledge.

NATIONAL LIBRARY OF MEDICINE

The committee bill provides $28,568,000 for this division, which is $4,441,000 over 1972.

The National Library of Medicine, the world's most important resource for biomedical documents, facilitates the application of biomedical information to the treatment and prevention of disease by acquiring, organizing, and disseminating informational materials to health professions. The NLM actively explores ways in which technological advances in the communications field can be applied to organizing that knowledge and making it available where and when it is needed. It is making its computerized bibliographic data base available to users in biomedicine throughout the country through the use of on-line computer terminals, linked by a commercial land wire network.

The library is currently using an old NASA satellite to make the expertise of local hospitals available for the health care of remote Alaskan villagers with no professional health personnel. I inspected this procedure when I visited the library last fall, and it is most ingenuous. On at least two occasions it provided information which proved to be lifesaving. It has served to bring medical assistance to persons who previously could not be reached by telephone or radio communications. It has helped physicians determine when patients need to be evacuated to district or regional hospitals for emergency care. On the other hand, it has cut down on unnecessary bush plane evacuation when the patient could be managed by a health aide or local nurse after satellite consultation with a physician.

Health manpower programs would be funded at a level of $738,628,000 for fiscal 1973, an increase of $205 million over the budget request and $64,957,000 over the 1972 funding level. Rather than go through this appropriation item by item, I would refer my colleagues to the section of the committee report beginning on page 41, in which each of the committee increases is discussed individually.

Turning now to the Office of Education, as has been pointed out the committee bill is $301,455,000 above the budget request and $54,147,000 above the 1972 level. Nearly $1.5 billion in higher education programs lacked authorization when our committee considered the bill and, thus, has not been included.

Mr. Chairman, since we will continue debate on this bill tomorrow, at which time amendments will be offered to the education portion. I will defer further comment until that time. There are additional sections of the bill—Social and Rehabilitation Service, Social Security Administration, and the special institutions—which I want to discuss as well and these, too, I will defer until tomorrow's debate.

In closing, let me return briefly to the Department of Labor and, at this point, I would like to place in the RECORD, the several communications I discussed earlier in regard to the Occupational Safety and Health Administration.

F. MEYER & BRO. CO.,
Peoria, Ill., May 30, 1972.

Representative ROBERT MICHEL,
House Office Building,
Washington, D.C.

DEAR BOB: I am writing to present my views on OSHA which are shared by most business men affected by the Act.

Most business men are in agreement with the spirit of this Act since the health and safety of our employees directly affects the morale and productivity of the work force. Then too a bad safety record directly penalizes us with high workmen's compensation rates and lost time expense. The Act has been beneficial in forcing us to take a hard look at working and safety conditions in our plants and to improve them where possible.

What I object to is the fact that the Act has taken the optimum or maximum standards as set forth by the various trade and professional groups and then demands that business meet these optimum standards and fines us when we do not or cannot meet them.

If the citizens of this country demanded the same high degree of accountability from our legislator and bureaucrats that the government increasingly demands of business many of them would soon be unemployed.

We all know that standards must be set and laws passed to guide us in running our businesses and our lives so that this results in the most good for the greatest number of people. What we are really asking is that common sense be used in administrating the laws and requiring compliance with the standards. Businesses vary in nature as much as people and what is required of one should not necessarily be required of another and some standards should be seen as a goal that can only be reached by a few.

You well know that an increasingly large number of citizens view the operations of the federal government with disenchantment, dislike and sometimes outright disgust. An uncompromising and punitive enforcement of OSHA can only reinforce this attitude especially when the standards required do not really benefit either health or safety.

We have not yet been inspected but certainly expect to appeal what we regard as arbitrary, capricious and unreasonable citations.

We also know that our mutual friend, Ed Stoetzel, says the inspectors get "Brownie Points" for each citation made. One of our directors, a CPA, was quite incensed when his client was fined because a fire extinguisher was found standing on the floor. Surely a warning notice would have been sufficient. We hang most of our extinguishers with the tops six feet from the floor instead of the specified five feet. We wonder if we will be fined and forced to lower them where they can easily be dislodged by our high trucks.

Millions of dollars are being spent by business to get into compliance with OSHA. Where this results in better working and safety conditions it is moneys well spent. Where it is spent to meet some arbitrary standards with no regard to conditions in the business involved and no assurance that safety and health will benefit then it only detracts from the employers ability to pay higher wages and put this money into more productive equipment.

We know that there have been complaints about the administration and the requirements that are much stricter than necessary. We want to also enter our plea for a common sense approach.

Yours truly,

GEORGE MEYER,
President.

MCDOUGAL-HARTMANN CO.,
Peoria, Ill., April 17, 1972.

Hon. ROBERT H. MICHEL,
Rayburn Building,
Washington, D.C.

DEAR BOB: Following up on our recent telephone conversation, I want to discuss further "The Occupational Safety and Health Act." This Act should have been written to cover Industry apart from Construction, because there is so much in the Act that cannot be applied to Construction. This leads to much confusion and unnecessary expense. It simply is not practical.

For instance, it states in this Act that all rubber-tired equipment must have fenders, regardless of where they are used. How can you use a motor patrol on a rough excavation job? It just won't work. But what is even worse, Congress has given Labor another club with which to clobber the Construction Industry. When is Congress going to wake up and give our Industry an opportunity to meet Labor on even grounds?

According to this instrument, Labor has the authority to say whether or not a job is safe. We have already heard from business agents that they can break any contractor by claiming jobs are unsafe. If a job is thus declared "not safe" at 2:00 P.M., for example, all work stops as the result. It is my understanding that ex-business agents are to be used as "Inspectors" to determine whether or not a job is safe.

In the face of all the irregularities in the Unions that you read about in the newspapers, Congress continues to give them more authority over Industry. This can only lead to trouble for any employer. Things are so one-sided now when it comes to Labor, that it is almost impossible to operate a business.

This Act will increase our costs at least 30% with a chance that it will be much more, depending on the type of inspection. Where is all this money coming from?

It is my opinion that many contractors will go out of business in the very near future, especially the smaller ones; the very ones Government is trying to keep in business.

Sincerely yours,

H. W. HARTMANN,
President.

PEORIA, ILL., *March 27, 1972.*

Hon. ROBERT H. MICHEL,
Rayburn Building,
Washington, D.C.:

We understand the House will hold a hearing on the Occupational Safety and Health Act. The following comments are offered for whatever use you may wish to make of them.

In general, Caterpillar Tractor Co. has found the Occupational Safety and Health Act to be administered effectively and efficiently. Inspectors have been capable, professional and efficient, and objective in applying OSHA regulations to plant situations.

The principal deficiency of OSHA is that it emphasizes conditions. The unsafe acts of people continue to be the principal causes of occupational accidents. Achieving conditions established under the law shows good faith in providing a safe workplace, but safety performance continues to depend largely on cultivating sound employee attitudes toward safety.

We believe OSHA could be improved in the following ways:

1. There is a need to reduce the period required to obtain an interpretation of regulations. Sometimes this requires as much as two months.

2. Provision should be made for inspectors to visit plants on a consultative basis. Presently, if a company requests an inspector to come in he will inspect the plant, issue citations and levy fines for any violations found. The interests of safety would be better served if inspectors could visit plants to give their professional opinions on conditions affecting safety, and establish a time frame for correcting those they believe are deficient. This approach would be particularly helpful to small companies that most need competent advice but hesitate to invite the stigma of citations and fines. Additionally, the practice of imposing fines for minor violations tends to interfere with the professional and consultative role of inspectors.

3. As yet, we have no experience in seeking variances, but we believe past performance should be made a substantial consideration in granting them. For example, guard rails are 36 inches high in most of our plants. The OSHA regulations require them to be 42 inches high. We have no history of accidents that occurred because guard rails were no more than 36 inches in height. On this basis, it would seem that the substantial cost of raising guard rails will not improve safety and is not justified.

4. Permanent regulations, to replace the present interim regulations, are to be promulgated by April, 1973. Industry needs to know as soon as possible if there will be substantial changes so it will have time to study them and put them into effect.

R. R. HOFFMAN,
Manager, Safety.

LETTER FROM AL FULLER, OWNER, PEORIA HEIGHTS LUMBER CO., MAY 4, 1972

I am writing to you a few facts that concern me. I hope you will study H.R. 12068 and act with good judgment as you have in the past.

Approximately 20 years ago there were 26 lumber yards in the Greater Peoria Area, now only 4 remain of that 26. Two changed hands and three new cash and carries have started. In Peoria, Carver's and Siegel-Hunt's: Bartonville, Claus Lauterbach—H.R. changed hands. In Peoria Heights, We are left. (How long I don't know). In Aurora, Illinois there were 10 now only 3, possibly going to 2. Its like this all over the state according to the Director of Illinois Lumber and Building Material Dealers Association, Ed Sembell. Ask Sonny Meckemer why he went out.

I know there are many reasons why these yards went out of business, but government regulations, union pressures forced many to retire early and live on their investments, rather than fight the pressures of government costs and controls and union pressures.

I pride myself in being unselfish that profit is not the only motivating factor why I have stayed in business this long. I am a servant to the public. I try to make it easy for the home owner to pick up supplies for repairs and still come out even or a little ahead.

After a severe windstorm in the Peoria Area, we get many calls to fix the roof shingles. Many of these calls come from people who we have done work for or been referred by customers because they know we are honest and will not overcharge. Many times we have sent a carpenter out repairing a few shingles and the charge would be $10.00 to $15.00. We did this because the $50.00 deductible insurance left the owner with the expense. We made a little or no profit and the customer was happy. A large percentage of my customers are retirees or people on fixed income and they appreciated the economy.

Now comes OHSA.

First, I must have specified ladders so I bought one 28'. (Used to be the owner would have one or a neighbor). Now on a roof call with a couple of shingles blown off, out goes the 28' ladder. This requires a big truck or the pick-up with suitable racks. A union driver must drive the truck (rate: $4.62 hr.) a helper, yardman or laborer must go along (rate: $4.52 hr.). The carpenter in the meantime drives his car to the job ($8.00) which includes 51½ cents per hr. to pension fund. Because I directed the carpenter to the job, I am now liable if he has an accident and his insurance coverage is not enough—additional expense to me. OHSA says the ladder must be secured to the building, cannot be placed in a driveway unless there is a barricade around the ladder. So the helper goes along to hold the ladder. Union driver or teamster can't do this because of the union rules. Now the carpenter takes the 3 or 4 shingles, cost 45 cents, up the ladder and completes the work in 15-20 minutes. He must have a life line or build a scaffold. All three men must wear safety shoes and helmets, more cost.

So that a 15 minute job now becomes 30–45 minutes, be silly to have the truck come back and go out again. So 2 men wait. When the job is finished they bring back the ladder or if we are lucky they may have another job and could proceed on to it and reduce costs. Meantime a truck has been tied up. So that $10–$15 job has now gone up to $40–$50. Who pays, the home owner. The only increase in cost except OSHA standards has been maybe 5 cents for the shingles and a 75 cents hr. raise for the carpenter in the last year. I know some contractors say they won't go out for less than $80.00.

That is bad to comply with such regulations, but the worst is the fear of an inspector. Do you realize a violation on a job I just described could run between $50.00 and $500.00. The record keeping of OHSA requirements and a possible $10,000 fine. I know these things were intended to larger employers and I know there are hazards that should be corrected. I'm not saying OHSA is not good, but latitude in correcting a situation should be considered. The seminars I have attended indicate the whims of these safety directors can fine you whatever they feel like and go according to the book.

In 26 years of operation, I have carried workmen's compensation with just two accidents, over 270,000 man hours in that time. One fellow jumped off the truck and a ring on his little finger caught the top stake—had to be amputated. Another, a ladder slipped and the employee said he hurt his back. After his settlement, which he agreed years later was in his favor, he continued to work and has for 10 years for other people.

The fear of penalties and my inability in my case (6–8 employees) to send someone to school to learn all of these rules, to have a safety director, first aid director. Why should I have worked and done without to build what I have got today be subject to someone who knows only the book and is out to show his power?

I say again all small businessmen I have talked to fear the penalties and fines, I don't think Hitler SS Troops were any more feared. I like others say to hell with it, its not fun being in business anymore. You can't take pride in your work when you know costs are prohibitive due to government regulations. We are intelligent men and my employees are intelligent, they don't work on something unsafe and good judgment has always prevailed on our jobs. Our record attests to that.

I'm sure OHSA is needed in many, many areas but it seems to me it should be helping businessmen with their problems not penalizing them without a chance to correct errors. I know some employers would take advantage of things, but these are a minority. 95% don't want any unsafe conditions for their employees.

Sorry this got so long, hope you can find time to read it.

A very appreciative friend.

AL FULLER.

These letters are very typical, I am sure, of many letters which Members of Congress have received from these harassed businessmen, particularly small businessmen, back home. That is why we held this figure to the budget and have written strong language in the report with the hope that some of these people will take a cue from the complaints we are getting every day.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has given us an example of how prices to the consumer are forced up, costs and prices. Am I correct in understanding that there is money in this bill to send bureaucrats around the country to tell the consumer how much he should get out of his consumer dollar?

Mr. MICHEL. Yes, through the Office of Consumer Affairs, and Extension Service in the Department of Agriculture come to mind. Their funding will come up in another appropriation bill.

Mr. GROSS. Did not the committee give this outfit funds?

Mr. MICHEL. Is the gentleman talking about money for occupational safety and health in this bill?

Mr. GROSS. Yes.

Mr. MICHEL. Yes. We have met the budget request.

Mr. GROSS. As with the increase in impacted school aid, where the committee was told that the program needs reform.

Mr. MICHEL. Yes.

Mr. GROSS. They not only got every dollar that they asked for but they got $30 million more than last year. Is there not some way that the Appropriations Committee can rap some people over the knuckles by cutting their funds and thereby forcing reforms that all admit should be made? The chairman of the subcommittee apparently does not think so, but it seems to me that this committee, by using the purse strings, can do something.

Mr. MICHEL. If I might quickly respond as to whether we can rap them over the knuckles, the gentleman may recall a few years ago we attempted to do that in our subcommittee, and then the membership of this House racked up our subcommittee unmercifully with a $1 billion increase in our bill, and we took the cue from that, saying, "Look, we are not going to let that happen to us again." I think the subcommittee feels that if there is going to be real pressure to alter our bill, we ought to do the best we can to meet the most pressing demands by acting prudently and wisely rather than yield to irresponsible action on this floor.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. Yes, happily.

Mr. GROSS. There is no succor, no help for the taxpayers of this country if the subcommittee and the Appropriations Committee are going to roll over and play dead. Why not let the responsibility rest with the House of Representatives? You are assuming more than your share of the responsibility by bringing these bills to the floor.

Mr. MICHEL. Let me say to my dear friend that when his attention was being diverted away a few minutes ago, I said that there are 385 Members of this House of the total membership of 435 who get a piece of that action, and when we had the authorizing bill up here, that was the time to make the change, and the simple question of mathematics vis-a-vis Members for and Members against dictates to us that such a motion as proposed by the gentleman would go down the drain.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. HOGAN. I appreciate the gentleman's yielding. I have a great deal of respect and admiration for the gentleman in the well, but I was one of those who participated in the knuckle rapping to which the gentleman referred, and I might submit that since 385 congressional districts are recipients of impacted aid, we might consider this as a no-strings-attached revenue-sharing for education. I submit that for the gentleman's consideration.

I ask the gentleman, is he aware that the Maryland State Senate adopted a resolution on the subject of Impacted Aid for schools?

Mr. MICHEL. No; I never heard of that nor has anyone else having to do with this decision. It may be of interest that ever since President Kennedy and President Johnson sent up their budget requests on these items, it has been at about the level that was proposed by this administration. Every administration that I can remember, going back for the last decade, has proposed that we do away with it and get it back to its original intent and purpose, and that was to provide for payments in lieu of taxes for military bases or Federal installations where there is real Federal impact.

Mr. HOGAN. Would it be safe in assuming that the Maryland Senate resolution to which I referred had no result in the subcommittee's deliberations?

Mr. MICHEL. That is correct. Absolutely none.

Mr. HOGAN. Mr. Chairman, I am very pleased that the Appropriations Committee included in this bill $641,405,000, an increase of $210,495,000 over the budget request and $29,525,000 over the comparable 1972 appropriation. I am also pleased that the amount provided in the bill for assistance for maintenance and operations under Public Law 874 is $615,495,000, an increase of $200,495,000 over the budget request, and $22,915,000 more than the 1972 appropriation.

This is the amount estimated to be necessary to provide each school district the same percentage of its entitlement for 1973 as was provided by the 1972 appropriation; namely, 73 percent for "B" children, those whose parents either live or work on Federal property; 90 percent for "A" children, those whose parents both live and work on Federal property, and 100 percent for "A" children in heavily impacted school districts, where "A" children constitute more than 25 percent of total enrollment.

I commend the committee for rejecting language proposed in the budget which would have provided Public Law 874 payments only on behalf of dependents of uniformed services personnel, and would have eliminated payments on behalf of dependents of civilian employees of the Federal Government.

The bill also provides $25,910,000 for assistance for school construction in federally affected areas under Public Law 815, an increase of $10,000,000 over the budget request and $6,610,000 over the 1972 appropriation.

When the administration first proposed to reduce the Public Law 874 part

of impact aid nearly $177.5 million below its fiscal 1972 level of funding, I felt that it was neither in the national interest to cut back on this important program nor would it represent justice to the schoolchildren and taxpayers in my district.

During the committee hearings on this measure as I have done in past years, I testified in support of the impact aid program and urged the committee to restore these vital funds. As do 384 other of our colleagues in the House, I represent a congressional district whose schools rely heavily on Public Law 874 funds to compensate for lost tax revenue due to the Federal presence in our area. And without such Public Law 874 funding, the schools in my district would find it impossible to balance their budgets and maintain high caliber educational systems.

Every year since I have been in Congress I have fought before the committee and in this Chamber against reductions in impact aid payments because of the importance of these Federal contributions in helping to provide quality education for public school students across the Nation. As I mentioned earlier in my colloquy with the gentleman from Illinois (Mr. MICHEL) I participated in the "knuckle rapping" he referred to. I had hoped that the administration would recognize Congress confidence in, and overwhelming support of, the impact aid program over the past 22 years, and would forgo the traditional yearly attempt to substantially reduce the program. If we are to have quality education in our public schools, impact aid funding must be continued at least at its current level. To do otherwise would mean fiscal chaos for local school systems which have already budgeted for next year based on expectations of a continuation of current Federal contributions.

Impact aid funds are not simply handouts from the Federal Government. Not only are they payments for the education of children of Federal personnel who work or live on tax-free Federal installations, but they are also payments in lieu of taxes which would be generated by the land occupied by Federal installations.

This year, the administration proposed to cut more than $17 million from the Federal Government's contribution to Maryland for fiscal 1973. Such a cutback would have meant 65-percent reduction in funds for Prince Georges and Charles Counties in my congressional district. But this year is not the first year that the White House has tried to drastically cut these special funds paid to school districts which serve areas with Federal installations. Every President since Harry Truman has tried to trim back impact aid funds.

In 1969, my first year in Congress, the administration tried to cut back the impact aid funds. I and the majority of the Members of the House opposed the cutback, and full funding was restored.

At that time I voiced my opposition to the reduction to Mr. Nixon, saying:

Mr. President, I share your concern about the fiscal crisis facing our country, and I recognize the need for reducing Federal expenditures and establishing priorities in domestic spending. It seems to me, however, that education should be the last program to be sacrificed. The minds of our people are our greatest natural resource, and if Americans are to cope with the complexities of the society in which they live, they must be afforded every possible educational advantage. Certainly, we should not place our school systems in jeopardy by the suddenness of a drastic reduction in funds.

In 1970, the administration again tried to cut impact aid and again the great majority of us in the House opposed it and funding was restored.

Last year, the White House proposed to reduce impact aid to $430 million nationally and I again opposed that move.

I found this year's attempt to cut over $177.5 million in impact aid funds particularly disturbing in light of the President's statement on busing, his commitment to provide quality education for all, and his call to Congress to fund programs aimed at insuring that goal.

There are currently thousands of school districts that rely on Public Law 874, section 3(b) payments to compensate for lost tax revenue due to the presence of Federal property. According to the National Education Association, estimate of school statistics, 1971–72, expenditures for public elementary and secondary education nationally have increased 154 percent in the last 10 years. Many local school districts in recent years have been extremely hard pressed to raise the necessary revenue to meet these rising costs of education. And for many of these school districts, impact aid, section 3(b) funds have meant the difference between a balanced budget and acute financial crisis.

In Prince Georges County, where property taxes average about $4 per $100 of assessed value and are already among the highest in the Nation, the loss of impact aid funds would necessitate a property tax increase of approximately 21 cents per $100 of assessed value.

In Prince Georges County alone, the Federal Government owns and occupies 24,283 acres, or roughly 7.9 percent of the county's total acreage, most of which is extremely valuable because of its location in the Washington metropolitan area.

There is no way to calculate how much tax revenue that land would generate if it were in private hands, but one thing is clear; based on the administration's proposed impact aid contribution of $3.8 million for fiscal 1973, the Federal Government would have paid less than $160 per acre for use of some of the choicest land in the United States.

In conclusion, Mr. Chairman, I simply wish to point out that the impact aid program has been working successfully for 22 years, in no small measure because it gives such great flexibility to school systems by allowing the funds to be employed to meet general operating expenses throughout the system instead of tying them to specific programs. It is, in effect, a kind of no-strings attached revenue sharing. About 56 percent of the Nation's schoolchildren are in school systems which receive Federal impact aid funds.

For 22 years, despite the efforts of every President from Harry S Truman on, Congress and its authorizing committees have recognized the wisdom and value of the impact aid program, and we must resist the gutting of this program now. I urge my colleagues to support the impact aid funds in the legislation before us and hope that our colleagues in the other body will retain the funds.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Chairman, several weeks ago, in remarks to this distinguished body, I pointed to the need for increased funding of the research programs of the National Institute of Child Health and Human Development. This Institute faces the very formidable task of seeking scientific knowledge in the fields of human reproduction, including the causes and consequences of population growth, in the problems of child development, including mental retardation and the sudden infant death syndrome, and in adult development and the human aging process. I believe the proposed fiscal year 1973 budget for these research programs to be vastly insufficient given the magnitude of the task. The proposed budget would have not only precluded the financing of new investigation in all NICHD research areas but would have diminished present research efforts. The funding of competing research grants, training grants, and fellowships would have been affected by severe cutbacks. The requested budget increase of a mere less than 8 percent would barely hold the line against inflation in ongoing research. The level of funds requested would serve as a further discouragement to talented researchers who might otherwise enter these fields.

Therefore I believe it both heartening and significant that the House Appropriations Committee has given recognition to the urgent need for additional fiscal year 1973 funds for NICHD. Its recommendation to increase the budget by just over $3 million restores funds for competing research grants, training grants, and fellowships to their fiscal year 1972 level of funding. I wish to commend and express my appreciation to Mr. FLOOD and members of his committee for responding to the need for vigorous action in health research. As the committee has pointed out, advances in biomedical research require at the very least a maintenance of effort. The large and complex undertakings of NICHD require systematic and continued attention, given its responsibility for protecting the health of every American.

I am particularly grateful to the committee for pointing out the critical and still unmet need for improved and acceptable fertility control technology. As chairman of the Republican Task Force on Population Growth, I have a deep concern that the Federal population research program not be given short shrift in our striving to improve human health and well being. As the President's Commission on Population Growth and the American Future has stated, methods of fertility regulation remain limited because our knowledge of basic reproductive biology is inadequate. I personally believe that the Congress must encourage the growth of the population research program if our national health goals are to be realized. This knowledge is essential not just for regulating fertility, but also for improving the outcome of pregnancy. The social science program in population will enable us to ascertain the consequences of continued population growth and to more adequately structure programs to meet the needs of America's population.

The committee is also to be applauded for its recognition of the need for continued and expanded research in prematurity, the primary cause of infant mortality and morbidity, and its expression of concern for research into the sudden infant death syndrome, and the prevention and amelioration of mental retardation. It has furthermore encouraged the growth of research on the aging process and has recommended vigorous efforts in this field.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, did the committee give the NLRB and its trial examiners everything they wanted, despite the fact that they testified in the hearing that they dispose, on the average only one case a month?

Mr. MICHEL. Yes, we did. I might say to the gentleman that over the course of the years I have gone round and round with the chairman and several members of the Board. We had a problem a number of years ago when there was a big backlog of cases. We addressed ourselves to that problem and gave them additional people to cut into the backlog. We think they have cleared it up, and we do not want to see them fall into that situation again.

Mr. GROSS. The hearing record shows that in the past they disposed of as many as 40 cases each per year. Now it is down to 12 or 13 cases per year on the average, and the chairman of the subcommittee calls that "a very unimpressive record" in the hearings, but still they get everything they asked for.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I commend the gentleman on the floor at this time, as I did previously, and the chairman and other members of the subcommittee.

I hope the subcommittee will see fit to make inquiries of the Office of Management and Budget. As the gentleman will recall, this Congress passed legislation, really requested by the President on a special action of his, for a drug abuse program. The President signed that bill March 21 of this year. Yet it is my understanding that all this time the committee has sat in on these hearings, and the Office of Budget and Management did not get up the budget request to carry out that program the President, himself, has given the highest priority to.

Certainly it is one of the major national problems we face. I wonder if the gentleman could comment on that and see if we can get some action on it. It is certainly needed, but I know the gentleman's committee did not have the request before it.

Mr. MICHEL. Yes, and some of us, as individual Members have been in touch with the Director of the Office of Management and Budget, who is now the new Secretary of the Treasury, and with Mr. Weinberger taking over from Mr. Shultz. The same observations have been made to him, and I hope, if by no other way than by this colloquy, the agitation will be such as to move them off dead center.

Mr. ROGERS. I thank the gentleman. I hope the gentleman's committee will, and certainly our committee will ask for some action, because this must be handled immediately, or we will get completely behind, even more behind in the action on drug abuse.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I thank the gentleman for yielding.

At the appropriate time, I shall offer an amendment to the bill which is above the budget by $364 million.

Mr. FLOOD. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from Texas, the chairman of the full Committee on Appropriations.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 202]

Abernethy	Evins, Tenn.	Mailliard
Abourezk	Findley	Melcher
Abzug	Fish	Miller, Calif.
Addabbo	Flowers	Minish
Alexander	Ford, Gerald R.	Mosher
Anderson, Tenn.	Gallagher	Nichols
Archer	Giaimo	Perkins
Ashbrook	Gray	Pryor, Ark.
Ashley	Griffiths	Rangel
Barrett	Hagan	Reid
Bell	Halpern	Rooney, N.Y.
Betts	Hébert	Rosenthal
Bingham	Horton	Rostenkowski
Blanton	Hosmer	Sandman
Brademas	Jarman	Sarbanes
Broomfield	Karth	Scheuer
Byrne, Pa.	Kastenmeier	Shipley
Carey, N.Y.	Keating	Springer
Celler	Kee	Stanton, J. William
Chisholm	Keith	Steiger, Ariz.
Clark	King	Steiger, Wis.
Clay	Kuykendall	Stephens
Diggs	Kyros	Stratton
Dingell	Leggett	Talcott
Dowdy	Long, La.	Thompson, N.J.
Downing	McClory	Tiernan
Dwyer	McCloskey	Vander Jagt
Edmondson	McDonald, Mich.	Wiggins
Edwards, Calif.	McEwen	Wilson, Charles H.
Eilberg	McMillan	Zablocki
Eshleman		

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15417, and finding itself without a quorum, he had directed the roll to be called, when 341 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of no quorum was made the Chair had recognized the gentleman from Texas (Mr. MAHON) for 20 minutes.

The gentleman from Texas is recognized.

REVENUE SHARING: THE WAYS AND MEANS APPROPRIATION AND AUTHORIZATION BILL

Mr. MAHON. Mr. Chairman, the fires of patriotism were glowing brightly in the House of Representatives today during the Flag Day ceremonies, and I doubt if there were any present in the House or in the gallery at that time who did not feel a tingle down their spines as we said together in unison the Pledge of Allegiance to the Flag and as we stood and sung the Star-Spangled Banner.

THE LABOR-HEW BILL BEFORE US

It is because we love our country and want to act in her best interest that we meet here today to consider what is in effect a $96 billion appropriation bill. The bill before us, counting the trust funds administered by the agencies covered herein, relates to $96 billion of budget authority.

The year I was elected to the Congress the total expenditures of the Federal Government for all purposes were about $6 billion, but the pending bill alone involves some $96 billion.

We need to pause and give thought to the great, profound, dangerous issues confronting the Nation.

The gentleman from Maine, prior to my rising to speak, took steps to announce that he was going to propose an amendment to increase the pending bill by about $360 million above the present level. And the bill is already $900 million, plus, above the budget requests.

It is not wise for us to consider this measure or any spending measure separately and out of context with the entire budget program of the Government. So I want to try to place in proper perspective the whole spending picture of our Government.

I suspect that if the revenue-sharing bill comes up on the floor next week—and it may—and it may not—the vote which we cast may probably be the most significant and important vote that any Member will cast during his period of service here in the House of Representatives. So it is important that we consider this bill in the context of the revenue-sharing measure which in effect is an appropriation measure and which may or may not be approved by the House.

REVENUE SHARING: AN IDEA WHOSE TIME HAS COME—AND GONE

As was said in an editorial in one of our great newspapers yesterday, revenue sharing is an idea whose time has come—and gone.

Revenue sharing, I believe, was conceived by Walter Heller, a well known economist, in the early 1960's, when it appeared that the Federal tax structure was such that it would be generating vast sums of money for which we had no spending purpose insofar as the Federal Government was concerned. It was

thought that a large, overwhelming surplus would be confronting us. There was worry about a fiscal drag.

Think of it. Was that not a grand and glorious moment, when we could ponder such a delightful problem? It vanished so quickly.

Yes, this was the atmosphere in which the idea of revenue sharing was conceived and brought to the forefront. But what brushed it aside? It was the programs of the Great Society, which rapidly accelerated, and the war in Vietnam. And so the vast potential surplus which some wanted to share with the States and local communities vanished. Instead of that, we have a desperately serious budget deficit situation.

THE CLIMBING FEDERAL DEBT

Yes, the average deficit in Federal funds to run the Government during the 1960's was about $10 billion a year. But in the 4-fiscal-year period concluding with the end of fiscal year 1973, we will be running a Federal funds deficit averaging about $28 billion per year, nearly three times as much per year as in the 1960's.

As a result of this borrowing to pay our bills, the debt will go up more than $110 billion during this 4-year period—representing about one-fourth of the total monumental national debt which has accumulated over the entire history of our Nation.

Here are the Federal funds deficit figures for the 4 fiscal years 1970 through 1973: $13 billion, $30 billion, $32 billion, $38 billion—climbing, climbing, climbing. And people talk about tax reductions and revenue sharing.

GROWTH IN FEDERAL ASSISTANCE TO STATES AND LOCALITIES

In view of our growing deficits, we are already doing more for the States and local communities than we probably are able to do—more than we can afford to do because of the terrible fiscal plight of the Federal Government at this time.

Then, when you start a program of revenue sharing at what will be called a low level of only $30 billion for 5 years, that is chicken feed. That is a mere pittance of what it will become once it is begun.

With reference to the grants to the States and local communities in 1960, what did we spend? We spent $7 billion.

For the fiscal year which ends this month—fiscal 1972—how much are we spending in grants to the States and local communities? Not $7 billion—but $37 billion.

That is how rapidly these grant-in-aid programs climb. But revenue sharing will climb a lot more precipitously than that if it ever starts down the pike. I have no doubt of that, because of the broad based lobby groups it involves and helps to organize. I dare say that no one would undertake to dispute that fact.

CATEGORICAL GRANTS VERSUS REVENUE SHARING

Mr. ANDERSON of Illinois. Mr. Chairman, would the distinguished gentleman from Texas yield?

Mr. MAHON. I would be glad to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, there certainly is no one in this House who commands more respect, I am sure, on matters of fiscal policy than the distinguished gentleman from Texas. There is no man who through the years that I have been here has displayed more knowledge and more deep feeling and more sincerity on this very important question of somehow regaining control of the fiscal situation in our country than the gentleman from Texas (Mr. MAHON).

But it seems to me that the argument made by the distinguished gentleman in describing, and very accurately so, the vast expansion that has taken place in the categorical aid programs——

Mr. MAHON. Yes.

Mr. ANDERSON of Illinois. From $7 billion to $37 billion in just 10 years is not an argument against revenue sharing but, rather, it is a very good argument in favor of making a new departure, of trying somehow to stanch this flow, this hemorrhage, that is going on insofar as the Federal Treasury is concerned, and instead of relying on this kind of aid tell the States and local communities that here we are going to give you this opportunity by giving you this very limited amount of money, giving you an opportunity what frankly must be regarded an innovative and experimental program over 5 years to see if you cannot do a better job with this than we have done over the last decade with the $37 billion in the categorical programs. I think the gentleman has stated a good argument in favor of a new approach.

Mr. MAHON. I thank the gentleman for his contributions, but here is a point that seems to refute the suggestion of my good friend.

If revenue sharing was being proposed to the Congress as a substitute for the $37 billion in categorical grants—if the administration had requested $5 billion less per year in categorical grants—then there might be some substance to the argument of my friend. But it is proposed that we pile this $30 billion program at the rate of more than $5 billion a year on top of the $37 billion which we have made available in categorical grants for the fiscal year 1972.

A TIGER BY THE TAIL

Anyone knows that if we start this program of revenue sharing on the basis of what will be called an inadequate level of only $5 billion a year, it will grow very rapidly. When we start down that road it will indeed be at a gallop.

As I said once before in this House, if you grasp this tiger by the tail, you will find it difficult to turn him loose.

Never in this century would you ever turn that tiger loose, and everyone here knows it.

ASSISTANCE TO STATES AND LOCALITIES

Yes, we have done a great deal for the States and the local communities. They are in difficulty, but most of them are not in as much fiscal difficulty as the Federal Government. Some of them are in as much or more difficulty than the Federal Government, I agree. And it is a matter of great concern to all of us. But what have we done for them?

In Federal assistance to State and local communities, we went in the period 1960 to 1972 from $7 billion to $37 billion.

In 1960, of total nondefense Federal spending, 16 percent went to the States and local communities. But of total nondefense Federal spending in 1972—not 16 percent, but 26 percent is going to aid States and local communities. That is a additional 10 percent of the nondefense Federal dollar. It is about a 60-percent increase in Federal assistance to States and localities during that period.

You ask what we have done? We are concerned and have helped.

In 1960, we provided State and local communities with 11 percent of their revenues. But in 1972, we provided them with 21 percent of their revenues for their expenditures, and yet some of the mayors—some of whom have not done such a brilliant job—come in here in the shadow of this Capitol and get the roll and check on Members of Congress and apply pressure for more, and more, and more.

But let us not be swept off our feet. Let us be strong. Let us be wise. Let us look beyond the ends of our noses at the future. It does not take a very wise man to see what is in prospect.

A VOTE FOR REVENUE SHARING IS A VOTE FOR A TAX INCREASE

I mark my words when I say a vote for revenue sharing is a vote for a tax increase. Of course, it is. Can there be anyone who thinks to the contrary?

If you add on to the $37 billion we are already providing for grants to States and localities in 1972 another $5 billion in 1973 for revenue sharing, expenditures will go up $5 billion more in the fiscal year 1973.

Spending will go up that much more precipitously. And that will only be the beginning.

Where will the revenues come from?

A vote for revenue sharing I say—and mark my words—will be a vote for a tax increase. You can tell your mayors and your folks back home that this would be a vote for a tax increase in 1973. Keep that squarely in mind.

THE RESPONSIBILITY OF THE REVENUE SHARING VOTE

There are a lot of distasteful problems here. Perhaps the most important vote that we will ever cast in our service here relates to this matter of revenue sharing. Revenue sharing is wrong in principle. This bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

Do Members want to bear the agony of raising taxes next year to support spending by States and local officeholders? Think about it.

Maybe as a temporary expediency revenue sharing might sound good. But in the long pull, I think those who become committed to this will find themselves in a box.

What will the States and the local communities do with this Christmas tree handout? Will they spend it as wisely since they do not raise these revenues as they would otherwise?

Of course, they do have their problems but revenue sharing is not the answer. If you cannot save the States and local communities with grants of $37 billion, how can you save them with this additional grant?

A MILE WIDE AND AN INCH DEEP

The revenue-sharing money will be spread so thin. How many local communities are there in the United States? There are 38,000. You are going to try to spread these funds out to these 38,000 governmental units in this country. Where will you find yourself? You will find yourself with a stream a mile wide and an inch deep and you will not solve the problems that confront the country and confront the States and the cities. It will not dent them. But it will more or less signal the takeover by the Federal Government. Everybody knows that if we appropriate Federal money, eventually there is going to be a Federal takeover. You know that. And why shouldn't the Federal Government eventually take over if the Federal Government is providing the funds?

The illustrious late Senator Dirksen of Illinois once remarked that the day might come in this country when only Rand McNally would be interested in State lines. And I would add county lines and city lines. If that day is coming, I guarantee it will be hastened by the approval of revenue sharing.

Some Members say, "I am having difficulty with my people on revenue sharing—with my mayors—not the people."

Well, let us fortify ourselves with the facts and discuss these facts with our friends at home.

They will be on our team generally speaking in my judgment if they explore the problem fully.

THE REVENUE-SHARING LOBBY

If revenue sharing becomes the law of the land, Members of Congress could well become puppets on a string. We would be dancing to the tune played by the 38,000 governmental jurisdictions throughout the United States.

The lobby now is nothing by comparison to what it would be. It is peanuts compared to what it will be after we establish the vested interests that will grow out of these funds. Is that not clear to Members?

We are helping States and local communities now far beyond what our revenues provide.

Some of our friends are here now lobbying. But, my, after the sweet taste of this painless $30 billion, what could they do? And how helpless might we be then unless we are quite strong in resisting the pressures for more and more now? The passage of the revenue-sharing bill will organize and galvanize the most powerful lobby group that this country has ever known.

I was reading one of the newspapers this morning. Finally, over on a further page, I read, "Revenue-sharers say they have the votes." They had checked us off on their list. The article said, they have the votes. But that check will be nothing compared to what will happen in 1973, 1974, 1975, 1976, and 1977 up to the year 2000, and so on. Yes, they say they have the votes. They have checked us off.

I called the Library of Congress today and said "Give me a little data about Stonewall Jackson."

They said, "Well, on July 21, 1861, the unpleasantness growing out of the war between the States, the first battle of Bull Run was fought and it was quite an engagement." The forces from the South were doing quite well. Brigadier General Bee saw Stonewall Jackson and here is a quotation of his statement:

Brigadier General Bee shouted, "There is Jackson standing like a stone wall."

My friends of the House, when the time comes to cast our votes, will we stand like a stone wall and repel the blandishments and the expediency arguments of others? Perhaps the case is in doubt. I do not know what may happen. But a good fight in a righteous cause is well worth making.

Regardless of one's views on revenue sharing—and I support the degree of revenue sharing in which we are now engaged by way of special grants, sharing $37 billion to help States and local communities. We actually have been sharing more than we have had to share.

THE RULE ON THE REVENUE-SHARING BILL

The question arises as to an open rule on this Ways and Means Committee appropriation bill.

As chairman of the Appropriations Committee, I do not recall that I have ever asked for a closed rule on a general appropriation bill. I would not have the temerity to do so. I would not do that to the House. We are not children. We are adults. All of us are at least 25 years of age.

But what has been requested under the rule by which we are to consider revenue sharing—a straight forward appropriation bill? Thank heavens it passed the committee by only one vote. It has been requested in this rule that you, elected by the people, each representing about 470,000 people, will not be able to offer one amendment to this appropriation bill. Is that not ridiculuos? Of course it is.

Well, is it an appropriation or a revenue bill? Examine it. It does not raise one nickel in revenue. The language in the bill reads:

There is hereby appropriated out of any amounts in the general fund of the Treasury—

That is standard language used in this bill, appropriating so much money. That is the customary language which is used in appropriation bills. And it provides the money on a yearly basis up to 5 years, giving Congress no opportunity to exercise its responsibility to account for the prudent expenditure of these funds by means of the time honored annual review process.

Yes, it is an unvarnished appropriation bill. I know there is some hazard in providing an open rule on a tax bill, and I am not advocating an open rule on the tax code part of the bill. But I am saying that we should not agree to a closed rule on this appropriation part any more than we do on any other general appropriation bill.

Certainly we should not have a closed rule on an appropriation bill extending for 5 years. How absurd can we be? How absurd?

I would suppose if we are going to have this program that we should advance fund it for 1 year so the State and local governments can know from year to year what they are getting. That amendment would, no doubt, be offered if we consider the bill under an open rule. Some say, "Oh, if you open it up, you will have this amendment, or you will have that one." Are we not able as men and women to do our duty with respect to this matter? We are prepared to do just that with the Labor-Health, Education, and Welfare appropriation bill now before us. And goodness knows we expect amendments to be offered, regardless of the efforts of the Members of the committee to produce a bill acceptable to the House.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my distinguished colleague, the gentleman from North Carolina.

REVENUE SHARING—AN AUTHORIZATION BILL

Mr. JONAS. Mr. Chairman, is it not true the bill not only appropriates the money, but it authorizes it?

Mr. MAHON. It absolutely perverts the legislative committee system of the Congress. Of course, it does. The bill proposes to spend a great deal of money for a 5-year program for activities now subject to authorization by the legislative committees. On May 22, I wrote to all Members citing examples of how the bill impinges upon several committees.

Yes, the committees are just trampled upon like stepchildren. Shall we permit it? My committee does not want me to permit it. I have talked to my committee.

NO GROUNDSWELL FOR REVENUE SHARING

Some people think there is a great public groundswell of support for this bill. No.

I understand the Governor of New York was in Washington in support of it. I have great respect for the Governor—we have been friends for many years—but the groundswell from the people is not there.

Shall we be frightened? Shall Members of the House of Representatives be frightened by a group of mayors and Governors? Shall we panic into doing something we will everlastingly regret, and that will tend to basically alter our federal form of government? Shall we do it? Not with my vote.

NO CLOSED RULE

So we do not want to have a closed rule. Let us let the House work its will.

Did not your people think enough of you when they asked you to serve in the Congress to assume that you could vote intelligently? Of course they did.

Never in the history of the Congress have we ever been faced with an appropriation bill like this. Certainly the House must be permitted to work its own will on anything as important as this issue.

I am very much concerned that the House do the right thing. I am not worried about the people who do their homework. They know what is really involved in this issue. I am concerned about those who have listened only to a few mayors and not to the people, because the people know in revenue sharing what is going to happen. They know how it is going to gobble money, and they are not naive.

They know that more money must mean increased taxes.

The mayors are under heavy pressure, and we cannot blame them for welcoming money for which they did not have to raise taxes, but we do not need to take them off the hook.

Mr. CORMAN. Mr. Chairman, will the gentleman yield;

Mr. MAHON. I yield to the distinguished gentleman from California.

Mr. CORMAN. Mr. Chairman, it is my observation we are not going to increase taxes in this Congress. The administration is vigorously opposed to it. We are obviously not going to increase taxes.

Mr. MAHON. The gentleman means this year?

EXPENDITURE CEILING

Mr. CORMAN. In this Congress. And I would think not in the next Congress in the first half of next year, but, be that as it may, we are undoubtedly going to have an expenditure ceiling. I do not think the Ways and Means Committee is going to bring in an increase in the debt ceiling unless our committee imposes an expenditure ceiling. We are spending a total of $7 billion on revenue sharing. There are only a limited number of places to cut that $7 billion out of. Am I correct?

Mr. MAHON. I would say to the gentleman that 71 percent of the budget outlays are relatively uncontrollable under present law in the fiscal year 1973, according to the budget that came to us in January.

Mr. CORMAN. And we have appropriations requests in the neighborhood of $270 billion, and there is a proposed $250 billion expenditure ceiling. I wonder if the gentleman might indicate to us what programs might possibly be cut if we are saying that we will have the $7 billion in revenue sharing, because certainly we have to impose limits.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MICHEL. Mr. Chairman, I yield the gentleman from Texas 5 additional minutes.

Mr. MAHON. Of course, the administration, I assume, would choose to spend the revenue sharing money in fiscal year 1973 if Congress provides it.

Mr. CORMAN. Oh, yes, sir.

Mr. MAHON. I do not know what it might come out of, or whether the administration would seek to offset in other items, and I do not propose to vote for revenue sharing and then try to explain that.

But there is another thing that bothers me a little, I might say to my friend, the gentleman from California. Why would the Ways and Means Committee be proposing an expenditure ceiling at this time? This is the committee which has brought out this revenue-sharing bill that raises no revenues, but propels us on to greater spending. How could the same Committee on Ways and Means in good conscience and with a straight face come in with an expenditure ceiling proposal? Will somebody explain that?

Mr. CORMAN. It may be easier for the seven members of the minority to explain that.

Mr. MAHON. That may well be so.

NO GROUNDSWELL FROM THE PEOPLE

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman made the statement that he sees no political groundswell for revenue sharing and I want to offer concrete evidence to support his statement. I just finished a primary in which my opponent made support of revenue sharing the only issue of the campaign. I want to say that this issue was not worth 10 votes. There was absolutely no support for that position.

If the Members think the voters want revenue sharing and are inclined to vote for it because it is politically expedient to do so, they are very much mistaken. On the basis of my recent political experience I agree entirely with Mr. MAHON that the voters do not want revenue sharing.

I agree entirely with the chairman.

Mr. MAHON. I am sure that the experience of the gentleman from Maryland could be matched many times. That is one of the reasons why we should act objectively now.

But the pressures of the lobby, if this program gets going and accelerates, will be tremendous, as the gentleman well knows.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York, a member of the Ways and Means Committee, who, I assume, would not favor an expenditure ceiling, because he is adding by his vote on the Ways and Means Committee appropriation bill another $30 billion of spending over the next 5 years.

Mr. CONABLE. I thank the gentleman for yielding so graciously.

I am a little surprised that the distinguished chairman has expended so much time and so much earnestness in discussing a bill on which we are expecting 8 hours of debate next week.

I wonder if the gentleman would care to relate his remarks to the bill now before the House. Does the gentleman intend to stand like a stone wall with respect to extensions beyond the budget of this particular type of categorical aid program, which he acknowledges has been a siren song for our communities, destroying their discretionary money? The total is $94 billion that has been expended in this way, and obviously it has been a failure as a type of aid program.

Would the gentleman care to relate his remarks to this bill now before the House?

Mr. MAHON. I would be glad to. I made reference to the bill before us earlier. I would not say that all the aid we provided in these programs, at the current rate of $37 billion a year, has been a waste. I believe some tremendously important, far-reaching things, helping people in the communities all over the Nation, have taken place. Many good things have come of these programs.

I am sure the gentleman from New York has voted for these programs. I have voted for many of them myself. The gentleman from Illinois, the ranking minority member of the subcommittee, knows something of the good that has been done through these programs. We have volumes of testimony to attest to that.

How do we relate to proposals to increase the bill over the budget? It is already $912 million over the budget. That is not totally with my blessing, but, after all, I am only one of 55 members of the committee.

One of the members is proposing to offer an amendment to provide $360 million additional over the budget.

I shall stand, like Stonewall Jackson, Thomas Jonathan Jackson, at Bull Run, and oppose these amendments. That is my feeling, and I hope the House will not agree to these amendments.

We have done pretty well on our appropriation bills this year. We are over the budget in the bill before us today, but we have been under the budget in other bills we have already brought to the House and we will be under the budget in bills yet to be presented to the House.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. FLOOD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the Ways and Means Chairman; pardon me, I misspoke. I yield to my friend, the chairman of the Rules Committee.

Mr. COLMER. Since the gentleman has a full minute, I should like to take half of that to say that if I were the chairman of the Ways and Means Committee and could have exerted some influence there, the revenue-sharing bill would not be here to be discussed. And that is no reflection upon the chairman of the Ways and Means Committee.

What I really wanted to ask my friend was this: With the deficits he has explained and considering the fact that Mr. MILLS, the chairman of the Ways and Means Committee, has asked my committee for a hearing next week as to raising the debt ceiling and the fact that he indicated again he was going to ask us in October to raise it still further, how can we talk about deficit—I am sorry; that is what I call it—they call it revenue sharing.

We do not have any revenue to share, as the gentleman pointed out. What are we going to have to do? We are going to have to borrow this money, pay interest on it, and give it to the States under the guise of revenue sharing.

That really does not seem to make sense to this common man.

Finally, I wanted to say to my friend that I agree with what he said about this rule. It should not be a closed rule.

Mr. MAHON. I thank the gentleman.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON) so that the topic of this discussion can all be in its proper place.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I strolled into the Chamber a few minutes ago, and I have been listening for the last 15 or 20 minutes with great interest to the remarks

of the distinguished gentleman from Texas.

I had expected to make my defense of the revenue-sharing bill under the closed rule on next Wednesday when we are scheduled to take up this legislation. But I certainly do not object to the discussion going on at this time. It is surely going to be one of the most important and one of the most landmark pieces of legislation to come before this or any other Congress. However, I could not help but think of the meeting of the Committee on Rules which took place this morning as I listened to the gentleman from Texas decry the suggestion that we seek in fiscal year 1973 to share $5.3 billion in Federal revenue.

I sat upstairs in this Capitol Building in the Rules Committee and voted against a rule which was asked for by the chairman of the Committee on Banking and Currency today that in one single bill would commit this Federal Government to another $5 billion in categorical programs under the Community Facilities Administration of HUD, most of it to be spent in the next 12 months. He said two-thirds of it was going to be spent in the next 12 months of the $5 billion to be authorized.

If the gentleman from Texas really wants to do something about halting the situation he talked about, the categorical aid programs, which have mushroomed from $7 billion to $37 billion, I would suggest again that the only way he is going to do it is by adopting a revenue-sharing program so that we will have an answer to the people like the distinguished gentleman from Texas (Mr. PATMAN) who come before us repeatedly and say we simply must have yet another categorical aid program to help local communities with their water and sewer needs.

There is plenty of opportunity to formulate that kind of plan in the revenue-sharing bill to help our communities, to make funds available under the environmental protection program to take care of the water and sewer facilities.

But we have one more categorical aid program that has already been launched for $5 billion as a result of the action that was taken just this morning by the Rules Committee.

On the question of the rule—and certainly I do not lightly differ with my honorable friend and distinguished chairman (Mr. COLMER) but I just happen to have in front of me a chart that indicates that there have been 16 closed rules granted in the 91st Congress. To date six closed rules have been granted in this Congress. They covered such varied matters as the sugar bill, House Joint Resolution 1005, continuing appropriation for fiscal 1972, the interest equalization tax extension bill, the Federal employees salary increases, the Social Security Act Amendments of 1970, and I could go on and on.

These are not just revenue measures. There is a long and very respectable precedent for what the Rules Committee did in granting a closed rule on the bill on which the Ways and Means Committee has labored for literally 10 months in working out a very complicated formula for the allocation of these funds.

Let me suggest that I am very glad that the gentleman from Texas (Mr. MAHON) made his speech today, because there has been a rumor going around the Capitol to the effect that the only thing that offends the Appropriations Committee is that we granted a rule that waives points of order, and that this deprives them of the right that they would otherwise have of making points of order against that provision of the bill to appropriate as well as to authorize funds. But, I think the gentleman from Texas has made it abundantly clear in his usual honest and forthright manner that he is going to make every effort to kill the bill. He is very fundamentally against revenue sharing, period. But if there has been granted the kind of rule that would allow him to raise a point of order it would carve the very heart out of the revenue sharing proposal, because once you submit it to the appropriations process, what is the committee going to do in exercising its jurisdiction?

It will seek to establish the standards and criteria by which those funds shall be expended by State and local governments.

The Appropriations Committee would not be able to properly exercise its jurisdiction if it did not follow this procedure. But this is the very thing we want to get away from—namely, to merely create another categorical aid program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. It does seem to me grossly indefensible to have an appropriation bill of $30 billion——

Mr. ANDERSON of Illinois. Now, let me state to the gentleman that this is not a $30 billion appropriation bill for the first year. Let us make it clear that we are talking about $5.3 billion for the first fiscal year, which is virtually the amount of a single categorical program that we had before us in the Rules Committee this morning.

Does not the gentleman from Texas think that if local officials are intelligently going to plan for the most judicious use of these funds, they have got to have the assurance that we are not going to be withholding funds from them in some future year. They have to know whether or not they will be available.

Mr. MAHON. I would say, the Congress could assure them for 1 year in advance, and still retain the principle of annual review.

But I was not so much complaining that the Committee on Appropriations could not offer any amendment. I was complaining that no Member of the House could offer an amendment except the chairman of the Committee on Ways and Means. On a spending bill of such far reaching importance I regard that as an affront to the House of Representatives.

Mr. ANDERSON of Illinois. I would say to the gentleman, we have been affronted—all of the Members of this House have been affronted about 31 times in this Congress and the two preceding Congresses because that is the exact number of closed rules that there have been over that period of time.

I suppose there ought to be some limit to the indignity that we heap on Members of this body, but 31 times in the 90th, 91st, and 92d Congresses, closed rules have been granted.

Mr. MAHON. I am only talking of the appropriation bills and insofar as I am aware not one in the history of this Congress has been before us under a closed rule.

Mr. ANDERSON of Illinois. We had some continuing resolutions. I have here a continuing resolution on the Department of Transportation that came out of the Committee on Appropriations on the 31st of December 1970, under a closed rule.

I have another continuing appropriation—this time in 1972, which came out of the Committee on Appropriations on the 13th of December 1971, under a closed rule.

Mr. MAHON. And the original appropriation bills to which they pertain were all subject to amendment. The continuing resolutions to which reference is made were made necessary by very special circumstances in the closing hours of the session, where a conference impasse had been reached on the regular bills—the SST issue on the transportation appropriation bill in December of 1970 and the controversy on the foreign aid appropriation bill in December of 1971.

Mr. FLOOD. Mr. Chairman, all I want to talk about is $1 billion.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. O'NEILL) for health, education, and welfare.

Mr. O'NEILL. Mr. Chairman, somebody in this Congress once said that when a ship is set adrift in a storm tossed sea, the mariner avails himself of the compass and tries to get his ship back on course.

Mr. Chairman, I think it is an excellent idea if we talk about health, education, and welfare.

Mr. Chairman, I want to heartily commend the great Chairman DAN FLOOD and the members of both parties who serve on the Labor-HEW Appropriations Subcommittee for reporting to the floor today a bill which goes a considerable distance toward restoring many of the cutbacks in the health field recommended by President Nixon in his January budget.

In my remarks of May 10 on the floor of this body, I pointed out that although President Nixon as far back as 1969 had referred to a "crisis in health care," his recommended budget, if accepted, would have resulted in severe cutbacks in health manpower training, nurse training, mental health, alcoholism, hospital construction programs, and many other areas too numerous to list at this point. Outside of a commendable increase in the budget for the National Cancer Institute and a bare cost of living increase in the National Heart and Lung

Institute, it would have resulted in cutbacks in research and training programs for the eight other Institutes which comprise the National Institutes of Health, the acknowledged leader of research in the entire world.

Mr. Chairman, increased appropriations for medical research and health care are vital. They not only save precious lives, but they also save money. For instance, I received recently a report from the Massachusetts Health Department documenting the point that the Department's measles eradication program had saved the State approximately $7 million over the past 6 years. In addition, the program reduced the number of reported cases by 98 percent, from 19,500 in 1965, to 276 in 1971. This reduction is truly miraculous and greatly important to the health of the people of my State.

I have also learned from the Massachusetts Department of Mental Health that the development of community mental health centers throughout my State has reduced the population in our formerly overcrowded State hospitals by more than 50 percent; and in the last decade alone, it has saved the State of Massachusetts close to $1 billion.

Mr. Chairman, I have been following the daily press predictions that these modest increases in the health budget voted by the House Appropriations Committee may be subject to a presidential veto. Just the other day, I read such a warning in the June 9, 1972, issue of that well-known liberal publication, the Wall Street Journal. Mr. Chairman, I cannot understand this kind of rationalization. This is the one bill which in its entirety affects the health, the education and the welfare of every American family. If any appropriations bill is to be described as a people's bill, this bill is it.

Even with the modest increases voted by the committee, only a little more than $4 billion will be devoted in fiscal year 1973 for programs aimed at changing and improving the conditions of the Nation's health as a whole. The committee increase over the administration's request is only $611 million.

To that small band of carping critics who are crying veto already, I suggest a look at the fiscal year 1973 Pentagon budget request. In its initial presentation, the Department of Defense requested $81.8 billion, an increase of $4.7 billion over fiscal year 1972, but that is not the end of the story. Last week Secretary of Defense Melvin Laird, who during his service in the House was a strong advocate of more moneys for health programs under both Republican and Democratic administrations, informed committees of the House and Senate that our recent escalation in Southeast Asia would probably require a budget amendment adding a minimum of $5 billion to the fiscal year 1973 request of his Department.

He told the congressional committees that the escalation since March of this year was costing an extra $16 million a day. By comparison, the practical eradication of live measles in Massachusetts over a 6-year period cost $1.3 million.

Mr. Chairman, I support the committee report, though it falls short of some of the recommendations in the health area that I made on the floor of the House on May 10. I support it because these moneys will save hundreds of thousands of lives; I support it because these moneys may one day lead to a cure for such age-old scourges of mankind as heart disease and cancer, which together claim the lives of 1,400,000 Americans each and every year.

Mr. Chairman, I trust that our President will come down on the side of human life and human productivity when he is presented with the usual memorandum from the Office of Management and Budget to veto the bill because it is above his original request.

I submit, not as a partisan Democrat, but as a Congressman representing all the men, women, and children of my district, that such a veto will not be tolerated. It will not be tolerated because the American people value good health above any other segment in their lives.

I respectfully request that the President of the United States listen to the voice of the people.

Mr. SHRIVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the appropriations bill the House is considering today and tomorrow accounts for more than one-third of all Federal spending for the next fiscal year. This bill calls for the expenditure of $94 billion. All of this money will be spent for human resources, and it is $16 billion more than the fiscal 1973 budget requests for our Nation's defense.

The major portion of the Labor-HEW funds—$68 billion—will come from trust fund accounts, such as social security, railroad retirement and unemployment compensation. We should remember, however, that these funds come from taxpayers just as surely as general revenue funds.

Before I comment on a few of the highlights of our hearings on this bill, I would like to call attention to the valuable service to this House and to the country over the past 5 months by our dedicated chairman and ranking minority member and my other colleagues on the subcommittee.

Consider for a moment the hundreds of complex and worthwhile programs which are administered by these two departments and the related agencies. The official justification books for these budget requests were spread over several thousand pages. Hundreds of witnesses presented testimony which, together with questions, added up to 7,200 pages of hearings. Many other interested persons and groups contacted subcommittee members separately in behalf of specific funding items.

I will not belabor the point, but we all owe a debt of gratitude to our patient chairman, DAN FLOOD, and ranking Republican, BOB MICHEL, and all connected with this hard-working subcommittee.

In reporting out this bill, our subcommittee has made significant changes in the budget requests which were presented by the administration. In large part, these changes reflect the interests and recommendations of many of our constituents who have taken the time to let us know how they want their tax dollars spent.

The bill includes sizable increases for health programs. Among these are the cancer, heart and lung disease research efforts of the National Institutes of Health, hospital construction and modernization, health manpower training, and drug and alcohol abuse programs. In making these recommendations, our subcommittee is consciously initiating a new and more vigorous phase in Federal support for medical research and health delivery systems.

In part, the $600 million increase for health programs in this bill over the budget requests is in recognition that there is a built-in inflationary factor now in health research costs of 8 percent per year. So the overall 14-percent increase for health programs which we are recommending is actually a 6-percent increase when inflation is considered.

We are recommending $492 million for the National Cancer Institute. This is $60 million over the budget request, and, together with the $40 million fiscal 1972 supplemental funds recently approved, the additional amount available for spending in the new fiscal year will be $532 million—this is the same amount as the legal authorization level for fiscal 1973.

In providing this extra $100 million for cancer research, the subcommittee is responding to a reply by the Director of the Cancer Institute when I asked him if the full authorization level could be effectively used. Dr. Baker testified that the added funds could indeed be used effectively, and he listed, for the record, the uses to which the money would be put.

Thus, cancer research efforts are now funded at more than twice the level of 1 year ago. These additional funds are producing results. Our subcommittee was informed of notable progress in the treatment of several types of cancer, such as childhood leukemia and Burkitt's lymphoma. We hope that the funds in this bill will lead to progress in other forms of this disease.

We are recommending a 30-percent increase over fiscal 1972 for the National Heart and Lung Institute. Heart disease is still our Nation's leading killer, and it disables many thousands of Americans. Emphysema is the fastest rising cause of death in the United States today, and it ranks only behind heart disease as a disabling disease. It is just as important to step up our research efforts on these diseases as on cancer.

While much of basic health research is highly technical and difficult for the layman to understand, sometimes this research produces ironically simple results. Research conducted by the National Institute of Neurological Diseases and Stroke has shown a new use for an old standby—aspirin. Very small quantities of aspirin have been shown to greatly reduce blood platelet aggregation, and thus lead to the prevention of recurring strokes.

There are many similarly encouraging reports of progress and promise throughout the 7,200 pages of our hearings. There are also instances of statistical information which might be helpful to my colleagues in corresponding with their own constituents concerning overall Federal efforts in areas of current interest. I would like to take the rest of my time in pointing out some of these reports.

The Members will find useful and concise information listing all Federal drug abuse programs for fiscal years 1969 through 1973 on page 130 of part 1 of the hearings. Similar tables showing Federal efforts in aging programs for the last three fiscal years appear two pages later in the same volume. The various Federal agencies' programs to assist returning Vietnam veterans to find jobs are listed on page 41 of part 6 of the hearings.

During these hearings and others, we have been getting the impression that everyone is jumping on the environment bandwagon. In response to my inquiry, the National Institute of Environmental Health Sciences provided a breakdown of 61 different Federal agencies and offices now dealing in one way or another in this field. This is on pages 908 through 913 of part 4.

In view of our chronic shortage of health manpower, we are recommending an increase of $205 million over the budget request for health manpower programs. We were informed during the hearings that partially as a result of the new capitation grants, the first enrollments in the health professional schools will increase this year by about 2,800 students. This is real progress, but these new students must have some place to go. That is why we have included an additional $100 million for the construction of health educational facilities and $20 million for nursing education facilities.

In providing funds for the U.S. Office of Education's programs, we have increased the assistance for schools in federally affected areas by more than $200 million—or 50 percent above the budget request.

If we had allowed the cutback in this impacted area aid program to go unchallenged, many school districts now qualifying under the law would have some very serious problems. In my own home county, we have one school district which would have to double its property taxes, and they already pay a higher rate than the property taxes in the Washington, D.C., area.

Incidentally, a question was asked earlier as to whether or not a Maryland resolution, which was passed by the Maryland Legislature, had anything to do with our increase in the impact aid program. I would say categorically no. I was not aware of the passage of any such resolution here in Maryland. No Maryland resolution was discussed.

If we had approved this cut, Kansas would suffer a loss of $2,745,000 below the fiscal 1972 allocation. In the area that I represent, Public Law 874 accounts for 35 percent of all Federal elementary and secondary educational assistance to local school districts. In terms of the children involved, 90 percent are in the "B" category, aid for whom would have been eliminated. Reform is still needed in this program because of geographical inequities, but that reform should not come in an appropriations bill. That is the job of the authorizing committees.

Other testimony regarding this administration's plans in the field of education were more encouraging. U.S. Commissioner of Education Marland, who is doing a fine job, is pushing hard for the education renewal concept, for higher emphasis on career education, and for the establishment of a system of education extension agents.

Concerning education renewal, the commissioner told us that he intends to have a single set of regulations, guidelines, and applications which would be available to school systems wishing to update and reform their operations. Each application would be reviewed as a comprehensive whole, and each renewal site would deal with a single project officer. This should reduce considerably the amount of bureaucratic redtape that applicants now have to face.

Our subcommittee has expressed its support in the past for making our entire educational system more responsive to the real employment needs of the pupils and the manpower needs of our economy. The commissioner told of considerable progress toward setting up workable models of this concept.

For your interest, there is a brief description of the concept of this "career education" on page 110 of part 2 of our hearings. This also includes an outline of the procedures by which a local school district might convert its ongoing educational program into the career education mode.

Dr. Marland told us that the long-term objective of the proposed education extension agent program is to develop a local-State-Federal network to help local educators take prompt advantage of new education research findings. Like the popular and successful agricultural extension agents, these education agents would be hired by the local systems, and their primary job will be to meet the real and immediate needs of local schools.

Our subcommittee was encouraged by these developments. But we still have a long way to go in the administration of our ongoing education programs. We were told that even now only about 25 percent of the Office of Education's programs have been subject to formal evaluation. We are spending many billions of dollars, and we have no real way to find out if we are accomplishing the objectives of these programs.

This is a serious problem when you consider the rapid growth in these education programs. Since I joined this subcommittee, the Office of Education appropriations have gone from $583 million to the total proposed fiscal 1973 budget of $6.4 billion. The number of their programs has increased from 43 to 109 during the same time period, and their personnel has more than doubled.

Congress appropriated funds for increased evaluation of these education programs in fiscal 1970, and we will expect more progress in this important task in the near future.

Turning to the Department of Labor, we have recommended funding at the full authorization level of $1.25 billion of the Emergency Employment program. This will provide Public Service jobs for 155,000 persons in fiscal 1973 who would otherwise be unemployed.

This public service employment program has been a great help in my congressional district in lowering our high unemployment rate, which had been brought on largely by changing national priorities. For the most part, this emergency program has been administered very well at both the local and Federal levels. During the hearings, Secretary Hodgson credited Congress with giving them a program which, in his words:

> Didn't require you to carry water on all shoulders at one time.

I hope we will remember this instance in which a pressing national need can be addressed successfully and promptly without wrapping up the corrective program in all sorts of red tape.

Time does not permit my going more in depth into these hearings, but I do recommend them to you for a fuller understanding of our subcommittee's actions on this bill.

We have not pleased everyone with our recommendations in this bill—not even ourselves on every item. There is probably no way in a "human resources" funding bill that we can ever please everyone. But we have included substantial increases for those items which the testimony told us were most pressing and in which the experts indicated that the best chances for meaningful progress existed.

The bill represents the cooperative judgment of the members of our subcommittee after these 4 months of intensive hearings. I urge your support of these recommendations.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SMITH), a member of the committee.

Mr. SMITH of Iowa. Mr. Chairman, there has been an increasing interest in the delivery of health services in this country. As a member of the subcommittee which recommends appropriations for health activities and who has had an opportunity to hear experts both in and out of Government for several years testify before our 10-member subcommittee regarding the priorities in the health field, I came to the conclusion several years ago that the only way we would solve the health services shortages in the reasonably near future is to revise the health delivery system itself.

As a practical matter, there is no possibility that we will graduate enough physicians and specialists so that they can adequately fulfill all the jurisdiction they now have under the medical practice laws and rules of the various States. On the other hand, nurses are fully capable of being legally delegated the responsibility of delivering more health services and with a relatively small amount of additional training could in many cases take over substantial additional amounts of responsibility. It is with this in mind that I very violently disagree with the administration's low-budget estimate for the support of nursing and strongly promoted increases in

the appropriations for institutional support and construction as well as student assistance and other areas where nurses are involved.

The budget request submitted by the administration for nursing support totals $122,934,000 and we on the committee are recommending and asking the House to approve an increase up to the sum of $163,434,000. I realize that this is an increase of over $40 million and almost 35 percent in this one field while we did not recommend increases nearly approaching this sum in other programs. However, I firmly believe that this substantially higher appropriation in the case of nursing support is fully justified in terms of the results that can be expected and the need for more immediate, rather than merely long range, relief from the shortage of health care.

Not all the remedies for this health delivery problem can come through appropriations and I do not claim that it can. For several years, I have been pressing the Secretary of Health, Education, and Welfare and the White House to call a conference of people directly involved in the delivery of health services to promote changes in State laws that are needed and which could give immediate relief in this area. I made a report on this to the House on February 17 of last year. A copy of it is as follows:

SMITH HEALTH SERVICE PLAN

Mr. SMITH of Iowa. Mr. Speaker, today I have written a letter to President Nixon as follows:

FEBRUARY 17, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a member of the House Appropriations Subcommittee which recommends appropriations for the Department of Health, Education and Welfare, I have for several years had the opportunity to question and to hear the greatest medical experts available and it has become abundantly clear to many of us on the Committee that the health care problems in this country are not only getting worse but also that they will not be overcome in the foreseeable future unless there is substantial change in the method of delivering health services in this country. It has become obvious that under the state laws that now exist and the medical practice acts, as well as the various kinds of limitations on training physicians, there is no possibility that everyone who needs medical services in this country can be provided those services by a specialist physician and that a Family Nurse Practitioner or others must render preventive health services if they are to be available for most people.

For several years we have financed demonstration programs which have shown that far better medical care can be made available through greater use of allied professional and medical personnel and that as a result, not only the quantity of care but also the quality of care can increase by proper use of such personnel.

As you know, the problems of licensure and certification involve the laws and medical practice regulations of all of the 50 states. In almost every case these state laws and regulations permit educational obsolescence, provide barriers to change educational requirements as needed, restrict the delegation by a physician of tasks that others could perform, restrict the use of new equipment, prevent some qualified physician from delivering a lot more in the way of health services and make it almost impossible to have a national program for educating allied, professional and paramedical health personnel so that the supply of such personnel can be shifted to where the demand occurs. However, a national system of licensure and certification must be developed with the cooperation and support of the various groups involved in the delivery of health care and be acceptable to the consuming public. I also believe the attitudes of most members of the medical professions have now changed greatly and they would welcome some national leadership in this area.

The need for doing something concerning our national health problem has become so great that various groups are now proposing many programs, most of which would not solve the basic problem cited above. The people of this country are so eager for a solution that they are willing to try almost any kind of a program and I fear that unless the central problem is solved, some expensive nonsolution will be adopted and the American people 10 years from now will find that they are no better off than they were in 1971.

It is for all the above reasons that I strongly urge you to immediately call a national emergency meeting on health care composed of representatives from various health occupations, professions, organizations, health care institutions such as hospitals, and adequate representation by the public and the government and that this commission be directed to recommend definite courses of action to overcome these problems.

I believe the group among other things should report on the following:

(1) recommend whether, and if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians and other allied health personnel;

(2) identify and define the specialties which could extend the ability to deliver medical services;

(3) define the responsibilities of personnel in each of the specialties;

(4) determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

(5) establish education equivalency measures and job performance tests;

(6) develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

(7) determine the most desirable method licensing individuals and institutions for the delivery of medical care;

(8) determine how state licensing procedures can best be coordinated with a national testing examination for allied health personnel;

(9) determine the feasibility and the enactment of national standards for licensing personnel; and

(10) determine whether greater public representation on an existing state license board is desirable and, if so, how this can best be obtained.

Since inadequate health care results in suffering and inability to fully enjoy life, any delay which can be avoided is intolerable. I believe it has now become abundantly clear that the only way that this national problem can be dealt with is at the Presidential level, and that the stakes involved are so great that an emergency continuous meeting under the highest national leadership is needed at this time. You could press for a solution and agreed course of action in much the same way your mediators press for solutions to a nationwide labor dispute or other matters of great importance. I respectively and sincerely urge you to take this course of action.

Sincerely,

NEAL SMITH,
Member of Congress.

As a member of the Appropriations Subcommittee which handles health appropriations, I have for several years advocated as strongly as I could the need for greater use of allied professional and paramedical personnel and reforming our system of delivering health services.

SHORTAGES OF PHYSICIANS

Everyone agrees that we have a great shortage of physicians and manpower available to deliver adequate health care. It should be obvious that under the State laws which now exist and the medical practice acts, as well as the limitations on training physicians, there is no possibility of everyone who needs medical services securing the services of a physician to provide not only remedial health services but also preventive health care. In the United States we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care. One hundred and nine whole counties in the United States have no physician whatever and 153 only have one.

Rural areas and low-income areas are suffering from medical care deprivation but also middle-income people who do not object to paying the cost of a call at the doctor's office must take at least one-half day off from work to do so and after considering this inconvenience and loss of income from such loss of time, they, as a practical matter, do not secure preventive medical care.

Thus, the limited time of the specialists is tied up even more because they must give highest priority to time-consuming remedial care. It is clear by now that there is no possibility within the foreseeable future of educating enough physician specialists to fill the demand for all kinds of professional health services. Therefore, we must turn to the use of allied professional personnel and paramedical personnel so that the physician's time can be utilized more efficiently and his ability to deliver preventive care extended very considerably.

SERVICES NURSE PRACTITIONERS COULD RENDER

For several years Government-financed demonstration programs our committee has supported have shown that clinics, even in rural areas several miles from a doctor's principal office or in a ghetto area, can be manned by an assistant to the physician who has been taught to discern the abnormal and treat it with or without telephone consultation with the physician's main office, to handle routine examinations and treatments, and to screen the patients who should come back on a particular day when an M.D. will be present, or to send the patient immediately with a priority where warranted to the physician's main office.

These clinics under a family nurse practitioner with the telephone consultation of a physician available can provide well child and well baby care including making observations and checking for abnormalities. They can note growth and development of the child and routine evaluation of adults and other children, all of which can be studied in the office of the physician, where he can detect anything indicating a need for personal observation. Such nurse practitioners can provide immunizations and counseling concerning the feeding of children and methods of maintaining regular health.

They can screen patients and initiate therapy in some instances. They can cooperate with the public health agencies where an epidemic is underway or a mass immunization program needed. They can track down those who react positively to tuberculosis tests and even provide house calls for the invalid and chronically ill patients who could be treated either by the nurse practitioners on the spot or with the help of a telephone call to and instructions from the physician when necessary. They would be capable of making observations relating to pregnancy, diabetes, congestive problems, and make interim reports on the condition of patients who are under continuing and direct care of physicians. They could call on these patients more often than the physician would have time to; and, therefore, when a patient needed immediate hospitalization or care of a physician they could determine this and provide that care on a priority basis.

In the local clinic, the family nurse practitioner could culture organisms from a sore throat, conduct prenatal examinations, examine, clean and disinfect punctures, give first aid and they could through a special telephone hookup, initiate an electrocardiograph examination for the physician's office or health care institution which may be many miles away and otherwise unavailable to the patient. Through this modified delivery system, the overworked physician could tremendously expand his availability to deliver health care to the family and go a long way toward remedying the serious present imbalance between supply and demand which simply cannot be remedied by just any amount of money alone.

INCREASE OF QUALITY OF CARE

With this substantial change in our method of delivering health services in this country, the same number of doctors could deliver far more medical care and have their time used more effectively so that those who need them the most can receive better quality medical care.

STATE LICENSES

Currently each State licenses the health professions within that State and in almost every case they permit educational obsolescence and provide barriers to changing the educational requirements as needed as well as permitting the delegation by the physician of a task that someone else could perform. Traditionally licensing of physicians, nurses and health personnel has been the function of each of the 50 States and these laws or medical practice regulations have, in most cases resulted in a rigid definition of the scope of practice and prevented health functions from being assumed by personnel below the level of a physician which, with new equipment and the availability of new types of personnel, could have been performed by someone other than a physician. While it is imperative that physicians in all States be permitted to delegate more tasks to allied health personnel, it is also necessary to have both public and profesional acceptance of the use of such personnel and that there be some kind of uniformity of the standards for each of the health occupations so that quality of health services can be preserevd or enhanced while increasing the quantity available. While preventing some qualified physicians from delivering a lot more in the way of health services, they also do not adequately solve the problem of the unethical or incompetent practitioner.

BOARD REPORT

I believe the group, among other things, should report on the following:

First. Recommend whether, and, if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians, and other allied health personnel;

Second. Identify and define the specialties which could extend the ability to deliver medical services;

Third. Define the responsibilities of personnel in each of the specialties;

Fourth. Determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

Fifth. Establish educational equivalency measures and job performance tests;

Sixth. Develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

Seventh. Determine the most desirable method of licensing individuals and institutions for the delivery of medical care;

Eighth. Determine how State licensing procedure can best be coordinated with a national testing examination for allied health personnel;

Ninth. Determine the feasibility and the enactment of national standards for licensing personnel; and

Tenth. Determine whether greater public representation on an existing State license board is desirable and, if so, how this can best be obtained.

OTHER PROPOSALS

I have noticed many people groping for and proposing various courses of action in the hope of relieving this critical situation. However, none of them seem to go right to the heart of the problem. Too many would try to solve this merely with money—when money alone simply cannot solve the problem. Paying each of the limited number of physicians now in the health profession twice as much money will not increase the quantity of services, but rather, there must be a change in the methods of delivering services.

For several years and especially the past several months, I have looked everywhere for a program that will offer some hope of overcoming the principal problems connected with changing State medical practice acts, developing educational programs for allied health personnel, and providing a method whereby the licensing problems can be overcome in the least possible time. I have finally decided that the only way this can be done is by the President calling an emergency meeting and pressing continuous negotiations for a solution in much the same way that our mediators press for solutions to a labor dispute or other matters of great national importance. Unless this is done, various groups will continue to propose nonsolutions or wait for someone else to do something. The President has ample authority to call such a meeting and I strongly urge that he do so.

Although some encouragement was given in previous years to get the White House to take affirmative action in changing restrictions on delegation of authority to nurses and improving health care, it had not been done; and I reviewed the request this year when the Secretary of Health, Education, and Welfare, the Honorable Elliot Richardson was before our subcommittee. A copy of that colloquy between Secretary Richardson and myself is as follows and can be found in the hearing record in volume I at pages 136–147:

HEARING RECORD

RURAL HEALTH CARE

Mr. SMITH. Mr. Secretary, everyone I guess is interested in health care and the lack thereof. A year ago I asked you some questions about this and I think you did do a number of things designed to help, but I am particularly interested in the lack of preventive health care and the fact that the administration's proposal and the proposal in the Senate and the AMA proposal, all three in my estimation are inadequate for rural areas in that they do not provide for a way to have clinics in these rural areas staffed with some kind of personnel that could be delegated authority from a physician and could carry out such things as well-baby clinics and house calls for the old folks to execute doctor's orders and help with health service problems such as immunization.

There is practically no plan for this in any of these programs. On the other hand it seems a lot of it could be accomplished without any new programs, just by some kind of a different arrangement on licensure and by the State themselves changing their laws and regulations regarding delegation of authority by the doctor so that he could delegate the authority to a nurse practitioner or allied health personnel who are not actually in his presence but perhaps have a direct telephone line and other electronic communication devices which are available today.

What is the situation, what progress has been made toward getting something like this done?

Secretary RICHARDSON. Let me say first, Mr. Smith, that we share the concern you have with what needs to be done to improve the accessibility of health care services. We do not regard any of the financing bills before the Congress as the primary means of seeking to accomplish this, although we do believe that it is important that any legislation that is eventually enacted to help people pay medical payments be designed in a way that is consistent with seeking to make health care more accessible and to reduce its costs.

Mr. SMITH. In other words, the new bill should permit payments to a nurse practitioner who is not in the presence of a doctor but working under him?

Secretary RICHARDSON. Exactly. Beyond that I would say that we are one way or another, through legislation, through funding of pilot and demonstration projects, or through encouragement and exhortation, pursuing all of the means that we think make sense in bringing us closer to the general objectives you outline.

INITIATIVES IN HEALTH CARE DELIVERY

If I might just review in a summary kind of way what is in the works. With respect to the use of subprofessional personnel who can serve in remote areas, tied in by electronic means—including closed circuit television in appropriate cases—to a medical center or to a doctor's office, we are pursuing the goal of model legislation in the field of licensure in order to assure that such people can be used up to the limit of their capabilities.

Mr. SMITH. Have you presented a draft bill on that?

Secretary RICHARDSON. No. We haven't felt this could or should be a matter that the Federal Government should legislate on. We have been working on the assumption that the most the traffic would bear would be Federal leadership in seeking State legislation. So our focus has been on the development of model legislation that the States could put into effect.

Mr. SMITH. Have you submitted model legislation to the States?

Secretary RICHARDSON. I don't think we have got quite that far yet. It is a highly complex problem and it is a very controversial one within the health profession.

Mr. SMITH. In some States their State law permits it.

Secretary RICHARDSON. It is variable. In the States that do permit it we have been encouraging various kinds of projects that do utilize subprofessional personnel such as midwives, psychiatric nurses, and so on. The medex program is one of the most successful of these projects. That, as you probably remember, involves the utilization of military medical personnel who after a slight additional

period of training are made available in communities around the country usually in rural areas as physician's assistants. In 1971 the total number of medex graduates was 14 and this will rise to 415 in 1972 and is estimated to be about 420 in 1973.

I could develop this further. We have a project, a particularly exciting one in Missouri, where the doctor is tied in to outlaying satellite service centers through closed circuit television and can help to provide diagnosis and guidance in this way. We think there is a lot of room for this. We think there is a lot of room for the development of means of transporting patients, in cases where this is necessary, from a remote area to a center.

AREA HEALTH EDUCATION CENTERS

Which leads me to another heading, which is the development of area health education centers. This is a concept originally proposed by the Carnegie Commission on Higher Education. Such a center consists essentially of a sort of small-scale medical teaching center in an area too sparsely populated to support a medical school, but which can nevertheless serve as a place for the provision of postgraduate training, intership, residency, and so on; and, as a place for the continuing education of the doctors in that area—a place to which they can come and where courses can be held. They would ordinarily be, and we think should be, tied in with a medical school so that they are kind of an outpost of the medical school.

Mr. SMITH. These don't contribute much to the problem I am talking about in the rural areas and those urban areas where physician's offices are few.

Secretary RICHARDSON. They can, we think, because the experience generally has been that an area has a fairly good chance of retaining in practice someone who has had his internship or residency in the area. We think this will do more to upgrade the attractiveness of practice in rural areas and the quality of practice in those areas than almost any other single measure.

Mr. SMITH. That is true, but rural towns and medically deprived urban areas which I am talking about, the problem there is that the man works, perhaps he makes $40 a day, and if he is going to go to the hospital for preventive health care, a puncture on his hand, he has to lose a half a day's work. It isn't a matter of paying $10 to the doctor for an office call, but in addition, a half day's work is lost. So he doesn't go. He won't go to the health center either.

Secretary RICHARDSON. I don't mean to suggest the area health center is a substitute for having qualified personnel like the medex in a community who can do and often do better.

There was a good article on the medex program in one of the newspapers over the weekend in which a doctor was quoted as saying he relied on his medex to do all casting of fractures. He said that his medex assistant can do this better than he can. This is true of a lot of procedures that doctors have traditionally done themselves.

Mr. SMITH. X-ray technicians have been doing it for years even though the law usually does not permit it.

Secretary RICHARDSON. If you look at the pattern in the field with the physician's assistants in the most remote, sparsely populated areas tied in electronically to the physician with whom he is associated, the physician in turn having access to an area health education center which can help keep him updated on progress in his field and give him the sense of association with other doctors who are doing significant work, the area health education center would have a significant impact. It could, in addition, sponsor research in health problems particularly relevant to the community served.

At any rate these are two things that are underway.

LOAN FORGIVENESS FOR DOCTORS

A third is incorporated in the health manpower legislation recently passed by the Congress, signed and funded by this committee in the first supplemental appropriations for this legislation. It provides means of making practice in areas which a medical personnel shortage more attractive by very generous loan forgiveness provisions for doctors who had their education funded by loans.

Mr. SMITH. Already the Sears Foundation gave up 60 or about one-third of these in their experiment. This approach won't work at all to get doctors in small towns. When I say small towns I mean towns of 3,000 or 2,000 people. They tried it for 4 or 5 years and gave up.

Secretary RICHARDSON. I have heard about their experience in this.

On the other hand it seems worthwhile at least to try. What I said in the beginning, and I would repeat at this point, is that there is at some stage of implementation, everything that seems to make any sense that would help deal with this problem.

NATIONAL HEALTH SERVICE CORPS

A fourth heading is the National Health Service Corps, also established by recently enacted legislation. We have selected 18 communities provisionally and expect to have about 62 field assignees at work by the first of March and 240 by the middle of July, and about 575 by the end of June of 1973. This is one way of making personnel available, but it is fair to say it depends on the ability to recruit them in the first instance into the Public Health Service which depends in turn at the present time very largely on the obligation of military service by doctors. At any rate it is another facet of the effort that is being made.

We are open, in effect, to the incorporation of other approaches wherever they are brought to our attention and seem to make sense.

PROPOSED WHITE HOUSE MEETING ON REVISION OF STATE LAWS FOR ALLIED HEALTH PERSONNEL

Mr. SMITH. I proposed something last year which I want to bring to your attention again, and I wish you would consider it again. It is that the President call some of these people together, the medical association people, hospital people, nurses and allied health representatives, and other people that are interested in health care, and develop a plan for immediate implementation to get States to change their laws and regulations so that doctors can delegate some of their authority to nurse practitioners or allied health personnel to work in some of these towns and medically deprived urban areas. I am fearful we are going to pass some bill in Congress which doubles or triples or quadruples the amount of money that goes into an inadequate system and that it will not help cure preventive health care problems in these rural and medically deprived areas. The only hope of solving this problem in the near future is to either have a national licensure or else, preferably of course, get the States to change the rules relative to delegation of jurisdiction, which they could do next week if they want to.

Secretary RICHARDSON. I will ask to have inserted in the record at this point a summary of the meetings and discussions that have gone on in this. I will pursue further your suggestion of a nationally convened meeting on the subject.

HEALTH MAINTENANCE ORGANIZATIONS

Secretary RICHARDSON. Your point prompts me to cite one other development that is of key importance. That is the health maintenance organization legislation now pending before Interstate and Foreign Commerce in Mr. Roger's committee.

In that legislation as you know we are concerned with encouraging the development of comprehensive prepayment plans under which services are paid for on a capitation basis. It is important both from the point of view of prevention, insofar as the health maintenance organization has a direct incentive to keep people well, and from the standpoint of cost savings. It can be important also in developing a more rational network of service including service in remote areas and the health maintenance organization may well be in many areas the best organizational matrix in which to provide the kind of structure and pattern we were talking about earlier.

In any event, the point I wanted to make is that in this legislation we have a provision to the effect that where a health maintenance organization enters into a contract with the Federal Government for the provision of service under our health financing legislation, that if in carrying out its functions under the contract it employs a physician's assistant or subprofessional not otherwise licensed in that State, under the contract clause of the Constitution that person would nevertheless be regarded as qualified, if the responsible physician in the HMO deemed him to be capable of performing the service delegated to him. The physician would remain responsible.

Mr. SMITH. But the service would still be performed in the HMO center, wouldn't it?

Secretary RICHARDSON. A HMO isn't necessarily a facility. A HMO is a financing system. He would have to be employed by the HMO. If the HMO consisted, for example, of a central building and out-patient ambulatory diagnostic facilities in, let's say, Billings, Mont., it might have outpatient clinics in a number of smaller communities which were staffed by physician's assistants. It might have a contract with a community hospital to assure that it would have acute care beds available to its subscribers. It wouldn't have to own the hospital in order to have that arrangement. And if it then in addition had a contract with the United States under which it undertook on a capitation basis to provide the comprehensive care to a person whose care was subsidized under medicaid or under our proposed family health insurance plan, then this contractual clause would apply and it could use physician's assistants for the provision of this care notwithstanding barriers of State law.

HMO OPERATION IN RURAL AREAS

Mr. SMITH. To use your example, everybody I have talked to about HMO's seem to visualize the HMO in Billings as being the answer for that whole part of the State. We are still talking about transportation. They tried that 10 years ago and that didn't provide preventive health care at all for rural areas.

To use your example, what they would need then is in Melstone which is 60 miles east, to have a clinic there occupied by a nurse practitioner or somebody with a telephone line to the physicians in Billings.

Secretary RICHARDSON. Exactly.

Mr. SMITH. She could make house calls on the elderly folks there and operate a well baby clinic and recognize the abnormal in the local citizenry when they came to the office and also know if they needed to go to Billings immediately or see the doctor the next time he comes to the clinic in Melstone.

Secretary RICHARDSON. Exactly.

OBSTACLE OF STATE LAW

Mr. SMITH. But everybody I have talked to visualized the HMO to be the answer without going into additional steps and without Montana changing their law so that the allied personnel could perform this service in Melstone. At the present time, she would have to be operating in the same office as the doctor.

Secretary RICHARDSON. Our general counsel was consulted originally about whether or not he thought the provision I am talking about in our bill would in effect supersede State law in that kind of a situation where the Federal Government did have a contract with the HMO. He thinks it would, and to that extent at least here would be the opportunity to make fairly substantial impact, depending on the rate at which HMO's come into business and depending on the amount—we don't think we need a great deal of money under the HMO legislation, however, because what is essentially required are startup costs.

We have under consideration opportunities and ways and means of forward funding of HMO services where these are federally subsidized. It has never made any sense to me, for example, if we know we are going to provide medicare funds to reimburse services to the elderly people in a given community, if we know there are a certain proportion of poor people going to become entitled to medicaid service reimbursed up to 50 percent by the Federal Government, there is no reason whatever, it seems to me, that we should not make funds available in advance based on some conservative estimate of level of services to be provided. If we do this, then the HMO can, in effect, begin to develop services with an assured source of financing from the beginning.

And under our contract with an HMO, under which it would be obligated to provide services to our beneficiaries—they might be Indians as well as the elderly or the poor—it could employ, under that contract, nursing assistants or nurse midwives or physician's assistants who could be the person in a small remote village tied in electronically with the responsible doctor. Then in those circumstances it wouldn't matter what the State law restrictions were. This I think is as important as any step we do now have in the works.

Mr. SMITH. The legislation we passed last year for scholarships for doctors and so forth and the various bills that have come up have been presented as if they are the answer to the medical problem in the United States. There is practically no possibility of us getting a new doctor out of medical school to go to Melstone, Mont.

I don't care how many doctors are graduated, they are not going to move to such places as Melstone, Mont., or to towns of a thousand population. They want to go where other doctors are and practice a specialty now. So we have to recognize the need for these satellite clinics.

UNDERUTILIZATION OF CAPABLE PERSONNEL

The other thing about it is that we talk about these returning veterans and training them, but when the States won't permit them to use their training to the extent that they are really capable of using it, what incentive is there for them to go to these schools and get this training. We first need to have the delegation of authority legalized so that they can get a job that is meaningful to them. We have nurses by the hundreds who are not practicing their profession because they don't want to go down to the county hospital or to an HMO for that matter to merely change bed pans or perform menial labor.

They would come right out of retirement tomorrow if they could operate a clinic somewhere under a doctor. I find to my surprise—and the change has been great in the last 2 or 3 years—I think fully 40 percent of the doctors also want to do this.

Secretary RICHARDSON. I think this is true.

We have run tests with Federal funds in dental care, too, which show how enormously increased the productivity of dentists can be made by use of assistance; and, the dental profession is very supportive of this.

This is something that you may want to go into further with Dr. Duval and Dr. Wilson of the Health Services Mental Health Administration. Both of them are very interested, very sympathetic, and very supportive. I think it is fair to say we all agree completely with what you have said. We have tried to avoid overselling any single component of the approach to this, the various components I have tried to outline. And certainly you are absolutely right that the State law restrictions are a serious obstacle to the rational development of services.

I will, as offered earlier, provide for you and for the record a summary of what have been our efforts along these lines, and what is still coming up so that you can look this over and see whether you think we are doing enough, and if not, tell us what more you think we should be doing.

EMPHASIS ON LARGER CITIES

Mr. SMITH. This is one of those things that doesn't cost money, and I think it is more important than anything we are talking about that would cost huge sums of money. I am also concerned that people are looking only at the important problems of the bigger cities, the places where the HMO would be located and so forth.

Secretary RICHARDSON. This problem, of course, that you are mentioning exists within the bigger cities as well as in remote areas.

Mr. SMITH. That is true.

Secretary RICHARDSON. There are serious shortages of medical personnel in the poorest areas of our cities just as there are in rural areas. The problems are somewhat different but the need for the use of paraprofessionals and subprofessionals tied in with doctors in essentially the way we have been talking about is not different in principle.

Mr. SMITH. I agree that is true. In fact doctor's offices are usually located primarily in just one part of a city in most of the cities.

Secretary RICHARDSON. Yes.

NEED FOR A WHITE HOUSE CONFERENCE

Mr. SMITH. The President calls the parties in when there is a strike and he can get them into a room and say, "You stay there until you settle this strike," and he usually gets results. He uses the prestige of his office to get people to get together. In the same way, I think he should also use the prestige of the office to get these health people together and say, "Now you come up with a plan under which authority can be properly delegated and you can go back to your States and accomplish this objective." This is not something that has to wait until some Federal law is passed. It is something they can do next month.

Secretary RICHARDSON. I think this is a good idea.

Mr. SMITH. I think we could have an improvement in preventive health care almost overnight with this kind of approach.

That is all I have. Thank you, sir.

Mr. NATCHER. Mr. Conte.

In an attempt to get action in still another area which will directly involve this same aspect of the health delivery system, I appeared before the House Ways and Means Committee last year to make sure that any new legislation permit payment for the services involved. That testimony, which is pertinent to this discussion, is as follows:

STATEMENT OF HON. NEAL SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, ON NATIONAL HEALTH INSURANCE

Mr. SMITH. Mr. Chairman, I appreciate having this opportunity to express my views on what should be done to improve the medical care delivery system in this country, with particular emphasis upon the rural areas, towns, and smaller cities.

One-third of our Nation's citizens live in what are described as rural areas, the total population of which exceeds that of 100 of the largest cities in the United States. These people have a total population which exceeds that of all but eight of the countries of the world.

Of the 25 million Americans listed as poor, some 14 million live in rural communities. But whether one is poor or middle class employed and working, one of the primary difficulties they face today is that there is not a sufficient system of preventive medical care for these people living in the rural areas and smaller cities. There are not enough physicians to provide this kind of care; and indeed in most of the towns and cities, there is no physician, including thousands of towns and cities where there was at one time a full-time physician for that community only. Not only have the physicians left these areas without adequate attention for preventive medical care, but also no one has replaced them that could provide this kind of service.

The American Medical Association provides statistics showing that there is only one doctor for each 2,145 residents in rural areas. In the most densely populated areas, there is one doctor for only 442 residents. There are 132 counties in the United States without a single physician, and this situation is becoming worse.

I think that a recent Wall Street Journal article clearly points out the difficulty of retaining the physician in the small community. An excerpt from the article is as follows:

"As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors, by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty."

BEATING THE DRAFT

"The premise on which the program was found—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

"Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and 'professional isolation' from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors."

I am saddened but not surprised by the fact that the Sears-Roebuck Foundation has reluctantly killed a 14-year-old program to help rural communities attract physicians by establishing well-equipped medical centers. I never did think that would work. Doctors cannot be enticed into locating where they do not prefer to live and practice. Forgiveness of debt for education and furnishing facilities will not even shift the shortage from one area to another.

One of the major problems in rural areas is that these people who work for a living both on farms and in factories must go many miles to a larger city to a doctor's office for just minor medical problems. A puncture of the hand, the need for a tetanus shot, the need for an antibiotic to curb a minor infection, immunization against an epidemic, all of these things require not only traveling several miles to the doctor's office but taking off a day from their work in order to wait for the doctor and receive the minor medical attention. The cost of the doctor's fee is small compared to the loss of time, and together, the cost is so great that they avoid preventive

medicine and take the chance on becoming very ill. If they become very ill they can go to a hospital and get good care and so the doctor's time then is spent taking care of people that should have never been ill enough to have to go to a hospital to start with.

I am convinced that doctors in these county seat cities must operate clinics in the smaller towns and have them staffed with a nurse practitioner or doctor's assistant. These nurses and paramedical personnel with a direct telephone line and other modern communication methods could have the necessary supervision and yet perform services that simply are, as a practical matter, not existent in these rural towns and smaller cities of America. We are not going to have enough doctors so that people needing a tetanus shot can have it taken care of by a doctor who has spent years becoming an expert on the entire body or a specialist on the heart or some other part of the body. We are not now talking about whether we should lower the quality of medical service. What we are talking about is whether these people have any preventive medical service at all. At the present time, as a practical matter, they have no quality because they have no service.

I want to urge this committee to make provisions in any legislation reported by the committee to allow payments to nurses and paramedical personnel who operate clinics or are available in these rural towns and small cities even though they are not under the direct supervision at all times by a doctor on the premises. They should be permitted to be paid for making house calls on elderly citizens, operating well-baby clinics and performing those kinds of services. They could recognize whether a patient needs immediate attention by the doctor and sift through the patient load, so that if a doctor does come to the clinic 1 day per week, his time can be used to see those who need to be seen the most. Many doctors have told me that they believe this kind of assistance is the only way we can solve these problems, and they would like an opportunity to use this kind of assistance. Although many physicians would use this approach, rules do not permit it at the present time. I think they are going to be changed very soon, and if the Federal legislation permits payment under these circumstances, it will encourage the change of the laws so that people who now have no preventive medical care available can receive it.

There is now also serious concern in the medical community relative to malpractice law suits. Doctors simply cannot perform all of the services that are demanded of them, and there is constant pressure to delegate some of the services in their offices and to not have enough time to spend on those who need the services the most. If the pressure of the circumstances causes them to make an error in judgment, or if they delegate some authority which the State law or medical practice regulations do not authorize, they are subject to malpractice suits.

Encouraging States to make it legal to delegate this authority under certain guidelines should make a substantial contribution to reducing the malpractice suit problems. Some would like to go to the extreme and prohibit malpractice suits. This would compel those who suffer life disability to forgo any possibility of being paid by an insurance company for this disaster and ultimately result in not spending the risk that this will happen when one goes to a doctor's office. On the other hand, we all recognize that some law suits should not have been filed and request damages clear out of proportion to the loss incurred. Sometimes these suits are sustained on the basis of illegal delegation of authority or failure to provide the full quality of services purchased. Making it legal to delegate certain authority should help relieve the abuses in the malpractice law suit situation.

I serve on the Appropriations Subcommittee which recommends appropriations for the Department of HEW including the National Institutes of Health and other health-related agencies. We have heard testimony from experts throughout the field of health care who all agree that the situation is serious. I have asked deans of medical schools and others how fast they could increase the supply of doctors. There are many problems involved in doubling or tripling the number of doctors, and I am convinced that this situation cannot be solved quickly enough merely by increasing doctors. It is not practical to think that it can be. What is required is to permit physicians to delegate some of the medical services to others. We do have a lot of nurses in this country who, with a very short supplemental training course, could operate clinics in direct communication with a physician's office and as a family nurse practitioner render tremendous services which are badly needed and not being furnished today. Since the problems of licensure and certification have historically involved the laws or medical practice regulations of each of the 50 States, it will not be easy or fast to change these requirements so that some of these services can be delegated.

I recognize that any Federal law in this area would not be the primary responsibility of this committee. However, in writing a Federal health law it would provide the payment of a large share of the services involved. This committee and the law that is recommends can have a tremendous impact and offer great encouragement toward securing these changes. It not only would be socially desirable and contribute to increasing the medical care services available in this country, but it also could reduce greatly the outlays in money required to provide medical services. The cost of preventive medicine is small compared to the cost of remedial services. Hospital costs have leaped 204 percent in the last 10 years and the competition for these services would be much less if preventive medicine had been practiced to a greater extent.

I visited refugee camps in the Middle East where we have been paying about one-half of the cost of medical and other services for refugees who have almost complete preventive medical services and as a result almost no one needs to go to the hospital. Although they have complete medical service, the cost is only about $10 per year per refugee. I talked to the doctors who head the services and they say they will put the medical care for these refugees against medical care available for average citizens in any country and that the whole secret is that through the medium of the refugee camp dispensaries, they can practice preventive medicine. If anyone becomes seriously ill, they send them to very well-equipped hospitals in central cities, but the rest of the medical care problems are taken care of within a few blocks of where the people live at a dispensary or clinic.

There are a lot of people on social security in this country who have not had a house call from a doctor in years and are not able to get to a clinic in some central city. For practical purposes, they do not have what anyone could call adequate medical service even though they will be able to go to a hospital in the event of a serious illness if they reach it in time.

I would like to see the establishment of some model clinic projects with nurses and technicians in close communication with the doctor. Although you will primarily be dealing with authorizing payments for services, in view of the fact that legislation you propose will effect total payments required, I believe you could in some way become involved in encouraging or establishing these model clinic projects.

There are still some people, including some Members of the House, who believe we can solve this problem in the rural areas of the United States by forgiving part of the indebtedness a doctor requires in securing his education or in some way bribing a doctor to go to the smaller town. A community of about 800 near where I live, Monroe, Iowa, made an all-out effort to secure a doctor. The people of the town built a clinic for a doctor but he only stayed a few months and the clinic is no longer being used. There are many reasons why doctors will not live in these communities when a group practice situation or a specialist position is available in the larger city. In some instances it is plainly a matter of living where they want to live or their family would prefer to live. At the income they can earn, forgiving the repayment of a few thousand dollars is of no significance compared to living and working where they prefer. I think it is time to quit looking for easy gimmicks and time to quit thinking that money alone will solve this problem. We need to look for ways to reform and encourage reformation of the delivery system. This committee can make its contribution by permitting payments for these preventive medical services.

I thank the committee for its time and apologize for such a lengthy statement. However, I think it is one of the most important questions in the country today and that your action with regard to the matters that I have covered could very well reduce the cost of medical care under this bill by billions of dollars over a period of years.

Mr. BURKE. Are there any questions? I hear none. Thank you very much, Mr. Smith.

To give a further indication of the problems involved in trying to secure results in Washington, I also want to bring to your attention a colloquy with Dr. Merlin K. Duval, Jr., Assistant Secretary for Health and Scientific Affairs when he appeared before our subcommittee. That colloquy is as follows:

LEGAL PROBLEMS IN UTILIZATION OF ALLIED HEALTH PERSONNEL

Mr. SMITH. You talked about the underserved areas. It seems to me as a practical matter, and I talked to the Secretary about this when he was here, the only way we will more adequately serve these underserved areas is to get clinics out there and have a doctor delegate to a nurse practitioner or someone the authority to do certain things in his stead. They can have direct communication with him, recognize the abnormal, set up appointments for him, and on certain days he can come out there. What is being done to get the State laws and the State regulations changed to permit this kind of delegation of authority?

Dr. DUVAL. There are a number of the 50 States which already have introduced changes in their appropriate medical practice laws to make it possible for persons to serve as extenders of physicians. These changes are taking different forms. In some States it is taking the form that the practitioner is being relieved of liability. In others it is actually authorizing practitioners to serve as an extension of a physician. In California the practitioner serves as an extension of the physician but relieved of liability for 2- or 3-year periods until we have determined what kind of training program it will take to educate and train these people and set appropriate educational standards.

The issue that you correctly put your finger on is that in trying to get an outreach from a clinic or from an individual physician you do have a combination of a number of factors at work. One is the fact that that individual cannot be paid directly for his services. Second, he cannot be a free-standing practitioner under the eyes of the law as yet. Third, we have very little evidence so far that he is going to be acceptable to the public. The public very often

wants a physician and not someone who has not had a physician's training.

Mr. SMITH. Some of them have wanted medical service for 10 years and not been able to get it. They would take something less than a specialist for many health services.

Dr. DUVAL. We are counting on that as one of the breakthroughs.

Mr. SMITH. Some people in towns in Iowa have not had a house call from a physician since the thirties. If there were a nurse practitioner in town, I am sure they would allow her to see them. I cannot imagine that would be a serious problem.

Dr. DUVAL. We hope it is not.

Mr. SMITH. My point is that it seems to me that here is something where the prestige of the White House can be used. The President can call in some of these people and figure out some approach so that they could all go back to their States and get the States to change their medical practice acts. In many cases it is just a matter of the State health authority having a meeting and doing this. It would help on the malpractice problem. One of the reasons doctors are caught on malpractice suits is because they are crowded for time and let some of the allied personnel or a nurse do something which under the law they are not supposed to delegate. In the event something goes wrong, it was an unauthorized delegation of authority. If there were a legal delegation of authority it relieves them of that kind of liability.

Dr. DUVAL. How would the patient petition if they thought there were malpractice involved?

Mr. SMITH. They would have to show, as they do now, that the person who gave them the medical service made an error of judgment, that they should have known better. If the service were by a nurse and it was a legally delegated service, it would be different because a nurse does not have the same level of responsibility as a physician. Under existing rules, there is liability based on the nurse performing a service when the doctor was the only one who legally could have done it. She was working for him, so he is liable. If it were an authorized delegation of authority, that risk would be reduced.

It seems to me this is basic and something should be done now.

Dr. DUVAL. This year, under the Health Manpower Education initiative awards section of the Health Manpower Act we will be starting up new programs to educate and train young people who have an interest in careers of the type you are describing. The training will take place in smaller communities on the assumption that the person who comes from that community and is trained there will stay and practice there.

Mr. SMITH. But why would one of them want to take that training when the law in most cases does not permit them to use it?

Dr. DUVAL. The law is very responsive. When those persons are in place the law will become responsive. We didn't have a physicians' assistants law 3 years ago, but they have it now.

Mr. SMITH. It seems to me we need to change the law to make it legal first, so they will train for a legal job.

Dr. DUVAL. I acknowledge the chicken-and-egg problem.

Mr. FLOOD. Congressman Addabbo asked me to hand this letter and memorandum to you.

It seems like getting results where we are involved with the movement or changes of substantial segments in our society, which are well financed, is very difficult and especially where such groups are both alert and well financed. Getting changes in our health delivery system in the manner I believe is absolutely imperative, if we are going to get sufficient results, will not occur overnight. I have been working on this matter for several years and as long as I am privileged to do so, I am going to constantly press for practical solutions to this health delivery problem rather than merely talk. I think some progress is being made and I do see from time to time additional evidence of this idea being adopted.

A recent newspaper article indicating, to some extent, the problem and the movement in this area illustrates what I mean and it is as follows:

WASHINGTON, D.C.—Good health is the greatest need for all mankind. Without good health nothing else is really important. A great concern is sweeping the nation to improve the health delivery system so that all may have adequate care.

Congress has got into the act with great gusto as more than a dozen health-payment plans have been advanced. The most extensive health care plan has been advocated by Sen. Edward Kennedy and its concept may well provide him with the most appealing issue to sweep him into the White House. Basically Kennedy's "cradle to grave" treatment plan would establish a government operated national health insurance program completely paid by the taxpayer so that all people would be covered.

The Nixon administration has countered the Kennedy proposal with its own plan to provide health insurance coverage for all workers and their families which meet federal minimum standards. Nixon says his plan would cost a mere $7 billion and warns that Kennedy's plan would bankrupt the nation to the tune of $77 billion.

Everyone is in the act with a plan—the American Medical Association, the private health insurance companies, Sen. Russell Long with his catastrophic health insurance scheme, plus many other political leaders and organizations.

However, all the plans tackle only the financing and fail to meet the basic need of improving the nation's current health delivery dilemma today.

If the nation provides the finances, the end result may be the Pandora's box will be opened and a plethora of patients will descend into the overcrowded doctors' offices and hospitals. The danger could be that instead of improving the medical delivery system it would be critically wounded.

However, Rep. Neal Smith (D.-Iowa), who has carefully observed the medical dilemma as a chairman of a key appropriations subcommittee, has come up with an idea to help solve the current problem. Basically Smith believes that a series of clinics should be opened throughout the nation where preventive medicine could be practiced. He believes that if doctors are unavailable then medically-capable nurses or paramedic personnel could help ease the health crunch. In private many physicians believe that Smith's idea has serious merit.

Congressman Smith last February in a floor speech called for President Nixon to bring together the best people in medicine and related fields to tackle the current health crisis. He talked with doctors, hospital personnel and other medical leaders about meeting the problem now with a crash program of clinics. The President asked HEW Secretary Elliot Richardson to take a hard look at the Smith concept. Although silence at first prevailed, Richardson evidently thought the plan had merit because in August he approved a HEW report recommending changes in licensing of a health personnel so that the manpower shortage would be eased.

Congressman Smith clearly demonstrates that something should be done now when he points out that throughout rural America doctors are scarce and in many cases nonexistent.

"In the U.S. we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care," Smith explains. "One hundred and nine counties in the nation have no physician and 153 only have one."

Congressman Smith points out a perfect example in his own Iowa congressional district where the small community of Monroe struggled and saved so they could build a health clinic. Although the clinic was finally built, it had to close down because of the lack of a doctor.

Rep. Smith points out that all states must change their current licensing laws so that preventive medicine could be practiced without doctors on the premises but in close communication with well-trained nurses and paramedical personnel. Some people raise their eyebrows and say that doctors must be on hand. However, most physicians would welcome this plan to relieve them of simple medical functions which could be performed as well through close communications with the doctor. Maybe, an early diagnosis could prevent misery in the future. In many cases a well-trained technician or nurse could spot the trouble and send the patient to the doctor.

The nation can ill afford to wait for Congress to work out a financial scheme and the many years it takes to train badly needed doctors. The states would be wise to take a hard look at the Smith plan and to start licensing changes.

Mr. Chairman, as this bill is under consideration, I ask my colleagues in this Congress to approve this admittedly very substantial increase over the budget request for the support of the nursing profession. I do so without any apologies whatever to other segments to the health industry, some of which we increased, but in much smaller amounts, and I do so because I think it is imperative that we concentrate a far greater share of our health dollars in this area where we can hope in the near future to get some effective relief from the shortage of health delivery services.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, this occasion is becoming a sadder one each year. Once again, I find myself face to face with a Department of Labor, HEW, and related agencies appropriation bill which runs out of concern, which runs out of compassion by the time it gets to the appropriations for social and rehabilitation services—specifically child welfare grants. For 4 years now, the amount of money spent by the Federal Government for improving the lot of the children who are doomed to be wards of the State through no fault of their own has remained as a constant, miserly level of $46 million. The national search for ways in which to aid local, community, and State governments: the great national debate over revenue sharing seems to have passed this opportunity by. Every year, it seems, I find myself standing in this well urging that the House amend the committee bill and increase this $46 million level to the authorized sum of $110 million. Over the years I have referred to it as the John E.

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Fogarty amendment. I have told my colleagues that it would be one of the most fitting tributes to the memory of our great departed friend from Rhode Island. I have received promises year after year from various officials at the Department of Health, Education, and Welfare that come next year the administration will make an all-out effort to raise this level. Yet, each year I find myself back here disappointed after learning that promises have not been kept. This year is no exception. Once again you are treated to the sorry spectacle that in spite of inflation, in spite of the need of these children, $46 million is all the Federal Government can expend on their behalf.

I know the situation would be otherwise if we were discussing the needs of a group with muscle, a group that was vocal. What we have before us today, however, is a small group but nonetheless deserving, a neglected group but nonetheless a scandal for being so. We are talking about the children about whom no one cares. The quality of what care there is varies so much across the Nation.

It seems to me we ignore these children's fate at our own future peril. These are the children in the end that no one will adopt. I hate to use the word, but in every sense, they seem to be the leftovers of this Nation in our society. Their treatment at the hands of the Federal Government can only appear to confirm this.

This year, I am changing my strategy. Instead of taking the time of the Members of this House in an all-out effort to overturn the committee provision and raise it to the authorized level where it belongs only to fail as those without a care come out of the woodwork to defeat my proposal—this year I am going to change my strategy and see if I cannot persuade my colleagues in the Senate to add this feature to their bill and hope that in conference, men of goodwill will find it in their power to measure up to our responsibilities and appropriate the full amount authorized. This in no way is indicative of any diminished concern on my part for the children involved or respect for the memory of John Fogarty, merely a decision on how best to accomplish my objectives in the light of past experience. To those from whom I would have expected support today if I had offered an amendment, I want to thank you and remind you that your support will still be valuable in seeing this thing through to completion.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the Labor-HEW Appropriations Subcommittee has jurisdiction over literally hundreds of Government programs affecting the most important concerns of human life. Each year, the subcommittee is hard pressed to accommodate the very real challenges faced by the Departments of Labor, and Health, Education, and Welfare with the stark limitations inherent in the Federal budget.

Not all can be satisfied with each of the budgetary decisions that was made in this year's bill. But none can deny the difficult task that each year confronts the subcommittee members. The distinguished gentlemen from Pennsylvania and Illinois, Mr. FLOOD and Mr. MICHEL, as well as my other colleagues on the subcommittee, are to be commended for their hard work and dedication. It was a privilege to serve with them, and I look forward to many more years of continued association on the subcommittee.

I will not repeat the very fine presentations that have already been made regarding the committee bill, but I do have some relatively brief comments that I wish to offer.

It was my hope that additional funds could have been allotted to certain programs covered in the bill, but I believe it important to stress that the committee's recommendations do represent an additional $912 million above the administration's budget requests and an additional $768.4 million above last year's appropriation. And these recommendations will undoubtedly be increased by the time final congressional action is completed on the bill.

For the Office of Education, the committee recommends substantial increases in the areas of impact aid, vocational education, education of the handicapped, bilingual education and library services, and construction. These increases are crucial if the Federal Government is to meet its commitment of preparing today's youth adequately to meet the imposing social, economic, and political problems of the next two decades.

There were several areas, however, in which I was disappointed that the committee could not have done more.

Title III of the Elementary and Secondary Education Act authorizes $605 million for innovation in education. During the past 6 years, hundreds of projects in every subject area of the elementary and secondary curriculum have explored creative new approaches to the solution of identified educational needs. The funds are granted to local school districts for locally controlled programs which meet local educational needs.

With the increased national emphasis on guidance and counseling and the need for rehabilitation training of counselors to cope with increasing numbers of complex personal and social problems confronting our youth and adults, it was my hope that the committee could have increased the administration request of $126.2 million.

A strong case was made before the subcommittee for additional title V funds to strengthen State departments of education to enable them to meet the burdens imposed on them as the result of the authorization of nearly $3 billion for education programs under other titles of the Elementary and Secondary Education Act. Yet the committee simply endorsed the administration request of $33 million.

The specific learning disabilities, innovation and development, and teacher education programs under education for the handicapped are likewise deserving of increased Federal support.

The committee did make substantial increases in the basic grant program for vocational education, yet there is a need for further Federal efforts in several of the other vocational education programs dependent upon Federal funds.

There were also many important programs for which the necessary authorizations were lacking. These include virtually all the higher education programs, the Follow Through program, the equipment and minor remodeling program, and the undergraduate instructional equipment program.

I intend to do everything I can, as a member of the Labor-HEW Subcommittee, to secure adequate funding for all the education programs I have discussed.

The committee made important increases in several health programs in which I am extremely interested. Last February the administration called dramatic attention to the fact that alcoholism is one of the most serious diseases affecting our country. There are presently at least 9 million alcoholics costing our economy an astounding $15 billion a year. Even more tragic than this is the reality that heavy drinkers contribute to more than half the deaths annually on our Nation's highways.

In the face of these grim statistics, the administration actually recommended a sum for the Alcoholism Institute which was below the amount appropriated last year. I am particularly pleased that we added $59 million to the budget for a coordinated attack on the problems associated with the most abused drug in the United States.

The budget recommendations were likewise woefully inadequate in the mental health area. As I pointed out on the floor of the House last month, the administration requested no new funds for the construction of community mental health centers in fiscal 1973. If we endorsed this recommendation, we would in effect be signing the death warrant for this program. Fortunately, we rejected this course of action and provided $20 million for construction grants.

The same perilous situation exists regarding the staffing of community mental health centers. Higher matching Federal percentages are now required for centers in poverty areas. Nor are we anywhere near the announced goal in the 1963 legislation of 1,600 to 2,000 new community mental health centers by 1980. Despite this, the administration requested the exact same sum as the Congress appropriated last year. In contrast, we provided an increase of $30 million to spur us along to the 1980 goal.

I am also gratified that the committee allocated an additional $10 million for the mental health of children and restored psychiatric residency training grants to last year's level.

As has been explained earlier, the committee made substantial additions to the budget requests for health manpower. I would take special note of the fact that we added a total of $45.5 million for our hard-pressed nursing schools and their students. Had we endorsed the administration recommendations, the level of capitation and financial distress assistance would have been inexcusably low for fiscal 1973.

There is one other item that is worthy of mention and that is the $100 million that we included to provide low-

cost, nutritionally sound meals for the elderly.

Numerous studies, conducted over the past several years, have shown that limited employment opportunities, fixed income, lack of mobility, isolation, and a sense of rejection have all too often prevented the elderly from getting the proper nutrition they need. This has resulted in physical and mental deterioration becoming a way of life for too large a proportion of our senior citizens. The money provided in this bill should go a long way in reversing this trend.

In closing, let me say once again that it is an honor to work on this subcommittee. The funds we have recommended are crucial to our goal of improving the quality of American life. I urge my colleagues to support this bill.

Thank you.

In closing, Mr. Chairman, I want to compliment the gentleman from Pennsylvania, DAN FLOOD, and the ranking minority member, BOB MICHEL, who did an outstanding job in bringing this monumental piece of legislation before the House. Let me say that this has to be one of the greatest HEW bills ever brought to the floor of the House of Representatives.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, I know of the gentleman's interest in the question of lead poisoning, which I have discussed often with him and other members of the subcommittee. It is a devastating disease, yet wholly preventable. As the author of the Lead-Based Paint Poisoning Prevention Act, I have been pressing for adequate funding.

But I am concerned that the bill only has some $12 million to combat lead poisoning, although I recognize and applaud the fact that it is an increase of $2½ million over what the administration requested.

Mr. CONTE. Yes, it is about $2½ million above what the administration requested.

Let me also say here, if I may, not only this year but last year, it was the gentleman from New York (Mr. RYAN) who not only put pressure on me, but I am sure he put pressure on the chairman of the committee and the minority members and all the members of the committee to fund adequately this particular project to eliminate lead poisoning. It was his leadership that really spurred the committee.

Mr. Chairman, I want to take this opportunity to commend the gentleman from New York for his great crusade in this field.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Texas (Mr. PICKLE) for a question.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I had hoped that the bill before us today would have included an additional $6.25 million for the migrant health program.

We have over 1 million migrant workers in the United States. We have 21 migrant health projects in Texas and two of the projects are in my district in Austin and also in San Marcos.

But they have never been able to handle fully the needs of migrant workers. There are 280,000 migrant workers in my State who need help. This group needs more help than any other group of workers.

It is the announced plan of the Public Health Service to phase out the hospitalization program. I think it would be an unfortunate development if that took place.

I wonder what the plans of the committee might be for giving full funding to this?

Mr. FLOOD. The gentleman knows that "full funding" is a bad word, as far as we are concerned. But I know what you mean.

The gentleman knows that I personally, and I think I can speak for the subcommittee, am very much in favor of this program.

We have always funded it.

In my own district, as I told the gentleman, we had a meeting of Catholic groups and Protestant groups and ecumenical groups last year to do exactly this. The poverty people are helping us do it. That is the thinking of the subcommittee.

The other body I know has also indicated some interest in this program, and I think the gentleman may have that in mind.

Mr. PICKLE. I understand the other body has worked on the possibility of a proposed provision including these additional funds in its version of the bill.

Mr. FLOOD. May I say this—probably I should not tell you—but the other body is going to mark up this bill tomorrow and it is only 20 minutes after 5, and you can take that into account.

Mr. PICKLE. I will say to the gentleman, I did not know that they were working on that. Now I know and I thank the gentleman for being sympathetic to the program.

Mr. Chairman, I feel there is a need to increase the health delivery appropriation by $6.25 million. The purpose of this increase is to increase the fund for the Migrant Health Act from $23.75 million to the authorized level of $30 million.

I suggest this increase, Mr. Chairman, because I believe the health needs of over 1 million migrant farmworkers have been neglected for too long, or have been underfunded.

Texas has the largest number of migrant health projects in the Nation with 21, two of which are located in my district in Austin and San Marcos. However, these projects have not as yet been able to fully meet the needs of the estimated 280,000 migrant workers who call Texas home.

I am deeply concerned about the plans of the Public Health Service to phase out its program of hospitalization coverage for migrants because the funds available are inadequate.

In light of the plight of the migrant worker this action would be a sad step indeed.

Generally, the man and his family who follow the crops rarely receive adequate health care. He is seldom eligible for local programs and when he is, his work usually takes him to isolated areas that do not have adequate facilities or programs. According to the U.S. Public Health Service at least two-thirds of all migrants are totally unaware of any of the handful of special programs designed for them.

Most importantly, the migrant's working and living conditions make him highly vulnerable to a wide range of diseases. His life expectancy is 20 years shorter than the average citizen's. His infant and maternal mortality rate is 125 percent higher than the national average while his death rate from influenza and pneumonia is 200 percent higher than the national rate. He or his family are 17 times more likely to suffer from tuberculosis and 35 times more likely to have worms. If he survives infancy and does not die 20 years before his time of pneumonia or tuberculosis, then he has a better chance than the average citizen of suffering from high blood pressure, diabetes, anemia, rickets, or a dozen other major diseases.

If provision is not made for adequate funding of the Public Health Service's hospitalization program for migrants under this act, then the proposed policy will seriously reduce the amount of health service available to those who most severely need more help—not less help.

Because most welfare programs do not cover these families, a single serious illness requiring hospitalization can wipe out their life savings. Furthermore, the elimination of Federal assistance will place the financial burden of these services on local communities which often already are facing severe financial problems.

At present the per capita health expenditures per migrant is less than $9 compared with a national average of $250 per person.

Mr. Chairman, I think we can afford to appropriate these additional funds. I believe the time has come to end the migrant's status as a forgotten and ignored man and to start trying to make some adequate provision for his health care needs.

Mr. FLOOD. I understand your views.

Mr. PICKLE. I thank the gentleman. I hope if the additional funds are added during the conference, we might be able to reach the point near full funding—whatever it might be.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise to urge passage of H.R. 15417, appropriating funds for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare. I want to particularly offer my commendations to the distinguished chairman of the Appropriations Subcommittee responsible for fashioning this bill, the gentleman from Pennsylvania (Mr. FLOOD). I can sincerely attest to his dedication and to his determination to bring to the floor a bill which is a direct assault on the pressing health and education needs of this Nation.

The bill before us appropriates more

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than $28 billion for health, education, manpower training, employment, and other vital programs. This constitutes an increase of $768,481,500 over the funding for fiscal year 1972. This is an increase which is absolutely essential, because the appropriations for the health, education, and employment needs of this country constitute the very guts of our struggle to turn around the priorities of this Nation.

There are a whole list of specific items in H.R. 15417 which, given the time, I would want to discuss thoroughly. Very briefly, I want to mention in passing just a few of these.

An increase of $7 million over the administration request is provided for psychiatric residency training, restoring this program to its 1972 level.

The administration budget proposed no increase in the mental health for children program. H.R. 15417 provides a $10 million increase.

The administration requested no funds for construction of community mental health centers. The bill provides $20 million.

Three hundred million dollars is provided for the National Heart and Lung Institute—an increase of more than $44 million over the administration's request, and more than $67 million over the appropriation for fiscal year 1972.

The bill before us provides more than $490 million for the National Cancer Institute. In this case, the increase over the administration request is $60 million.

H.R. 15417 provides $112,200,000 for construction grants and modernization for hospitals and public health centers and long-term care facilities. No funds were requested by the administration for this.

A more than $200,000,000 increase over the administration request has been provided for programs authorized by the Comprehensive Health Manpower and Nurse Training Acts of 1971. This includes $20 million for construction grants for nursing schools and $100 million for construction grants for schools of medicine, dentistry, and other health professions. Again, and I note this pointedly, the administration requested no funds for construction grants.

The appropriations bill before us also adds $59 million for activities related to the prevention and control of alcoholism.

An increase of $30 million over the administration budget request is provided for the staffing of community mental health centers.

The refusal by the Appropriations Committee subcommittee to be limited by the administration's limited sense of the priorities of this Nation is commendable, and must be supported, so that we can continue to turn this country around to meeting our pressing domestic needs. However, I would be remiss if I did not state clearly that while we have begun, we still have very far to go. I support the bill before us, but I urgently support even greater funding for all the crucial programs it encompasses.

In addition to the many programs involved which I have attempted to lend my voice in support of, there is one to which I do want to direct particular attention. This is the Federal assault on childhood lead poisoning—an assault fashioned by passage of the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695. As the original sponsor of this legislation, which was signed into law in January of 1971, I have, I believe, developed some special knowledge of the enormity of childhood lead poisoning's effects and of the number of innocent children it victimizes.

Sometimes childhood lead poisoning is called the "silent epidemic"; sometimes it is referred to as "ghetto malaria." But no matter what it is called, the tragic fact remains that childhood lead poisoning continues needlessly to plague the children of America. Each year thousands of young children are afflicted by this dread disease. The exact number of youngsters poisoned is unknown, for there are still far too few programs to screen children for lead poisoning. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to lead-based paint poisonings.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. And 800 are so severely afflicted that they require institutionalization for the remainder of their lives.

And for another 200 children there is no future at all—not even the bare existence of permanent institutionalization—for they will die as a result of this crippler of young children. Two hundred children a year.

In the words of HEW's Bureau of Community Environmental Management, what this adds up to is a "disease more prevalent than polio before the advent of the Salk vaccine."

Tragically, childhood lead poisoning is a totally manmade and totally preventable disease. It is not some rare malady waiting for a miracle cure. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator KENNEDY introduced companion legislation in the Senate. Finally, after 2 years of intensive effort, and with the special aid of our distinguished colleague from Pennsylvania (Mr. BARRETT), the Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the blight of childhood lead poisoning. That commitment remains unfulfilled.

Much of the reason for this is as simple as it is intolerable: the victims of lead poisoning are the poor and the black youngsters of our inner cities, destined to live in slum housing, without enough to eat, and without adequate medical care. They are America's forgotten children, her invisible children. And the attitude of this administration toward these youngsters has been one of cruel and callous disregard. This unconscionable neglect can only be measured in the unnecessary suffering of thousands of young children.

This Government has been allowed to close its eyes to the plight of these children for far too long. It is imperative that the Congress sustain a comprehensive and meaningful program which will safeguard their health from this dread disease.

In good part, the reason that lead poisoning continues to be a national peril is that neither the Congress nor the administration has been willing to provide sufficient funding to meet the menace of lead-based paint poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972, the Nixon administration refused to request any money to fund this act for fiscal 1971, and only after great pressure from me and other concerned individuals did it belatedly submit an amended budget request for $2 million for fiscal year 1972. The Congress—with great credit due to the distinguished chairman (Mr. FLOOD) and members of the subcommittee which has fashioned the bill before us today—recognized the total insufficiency of this request. But still, only $7.5 million was provided in appropriations for fiscal year 1972. That was inadequate to meet the need.

For fiscal year 1973, the fiscal year which is the subject of the appropriations bill before us today, the administration requested $9.5 million. Fortunately, the Subcommittee on the Departments of Labor and Health, Education, and Welfare Appropriations of the House Appropriations Committee has raised that amount by $2.5 million, providing $12 million in H.R. 15417.

While I commend the subcommittee for not being constrained by the administration's totally inadequate budget request, I do not believe that $12 million is anywhere near sufficient. For fiscal year 1972, which ends on June 30 of this year, the regional health directors of HEW had received, as of May 5, 1972, 61 grant applications from communities totalling about $15.8 million. This means that grant requests—with 2 months of the fiscal year still left—exceeded by more than 100 percent the available funds. And certainly the amount of requests would have been much greater but for the discouragement potential applicants received upon finding how little moneys were available, and how dilatory the administration was being in releasing funds. In fact, the first grant was not even made until May 8 of this year.

All factors indicate that the grant requests for fiscal year 1973 will far, far exceed the $12 million provided in H.R. 15417.

The most compelling testimony to the need for far greater funds was registered, perhaps, by the administration itself. At page 428 of the Appropriations Subcommittee's hearings, part 3, an administration statement acknowledges that—

> An expenditure of $25 million would support a program for approximately 60 percent of the children at risk.

Thus, even an appropriation twice that provided in H.R. 15417 would still leave 40 percent of the children, who risk lead poisoning, unscreened and untreated.

And at page 473 of the same volume, another administration statement acknowledges that, given the administration's request of $9.5 million, which is only $2.5 million less than that provided in the bill before us, only "40 percent of the estimated high risk population will be under surveillance as a result of the screening programs."

The figures are clear. We are simply consigning children to total lack of screening for lead poisoning, and care, if they in fact have this dread disease.

I realize that there are innumerable pressures for increased funds, and I realize that the Appropriations Subcommittee's raising of funding for the Lead-Based Paint Poisoning Prevention Act by more than 25 percent over the administration request demonstrates a very real recognition of the seriousness of this disease. Given the competing demands confronting it, I believe the subcommittee acted admirably. I urge the Senate, however, to greatly increase the funding for the Lead-Based Paint Poisoning Prevention Act, and I urge the eventual conferees on the fiscal year 1973 appropriations bill for the Department of Health, Education, and Welfare to accept this increased figure.

The children must have that money.

I would continue by pointing out that we are now working to increase the authorizations for the Lead-Based Paint Poisoning Prevention Act, so that we can expand the assault on childhood lead poisoning.

On the first day of this session of the 92d Congress, I introduced legislation (H.R. 12466) to extend and expand the Lead-Based Paint Poisoning Prevention Act. And I am pleased to note that subsequently Senator KENNEDY introduced the companion legislation (S. 3080).

It is my firm belief that the passage of this legislation is an integral part of the program which we must launch to eradicate the blight of lead-based paint poisoning from the face of this country.

Sixty-five Members of Congress have joined in sponsoring this bill. They are:

LIST OF COSPONSORS

William F. Ryan (N.Y.).
Bella S. Abzug (N.Y.).
Herman Badillo (N.Y.).
William A. Barrett (Pa.).
Mario Biaggi (N.Y.).
Jonathan Bingham (N.Y.).
Edward Boland (Mass.).
John Brademas (Ind.).
Frank Brasco (N.Y.).
James Burke (Mass.).
Phillip Burton (Calif.).
Hugh Carey (N.Y.).
Shirley Chisholm (N.Y.).
William Clay (Mo.).
James Cleveland (N.H.).
George Collins (Ill.).
Silvio Conte (Mass.).
John Conyers (Mich.).
James C. Corman (Calif.).
George Danielson (Calif.).
Ronald B. Dellums (Calif.).
John Dent (Pa.).
Charles Diggs (Mich.).
John Dow (N.Y.).
Robert Drinan (Mass.).
Don Edwards (Calif.).
Joshua Eilberg (Pa.).
Walter E. Fauntroy (D.C.).
Donald Fraser (Minn.).
Ella Grasso (Conn.).
Seymour Halpern (N.Y.).
Michael Harrington (Mass.).
William Hathaway (Me.).
Augustus Hawkins (Calif.).
Ken Hechler (W. Va.).
Henry Helstoski (N.J.).
Louise Day Hicks (Mass.).
Frank Horton (N.Y.).
Andy Jacobs (Ind.).
Edward I. Koch (N.Y.).
Romano Mazzoli (Ky.).
Abner Mikva (Ill.).
Parren Mitchell (Md.).
F. Bradford Morse (Mass.).
Claude Pepper (Fla.).
Otis Pike (N.Y.).
Bertram Podell (N.Y.).
Melvin Price (Ill.).
Charles B. Rangel (N.Y.).
Thomas Rees (Calif.).
Ogden Reid (N.Y.).
Henry Reuss (Wis.).
Peter W. Rodino Jr. (N.J.).
Benjamin Rosenthal (N.Y.).
Dan Rostenkowski (Ill.).
Fernand St Germain (R.I.).
Paul Sarbanes (Md.).
James Schuer (N.Y.).
John Seiberling (Ohio).
Louis Stokes (Ohio).
James Symington (Mo.).
Robert Tiernan (R.I.).
Lester Wolff (N.Y.).
Sidney Yates (Ill.).

I believe that both the bipartisan nature and widely differing geographic representation of this list of cosponsors indicates the growing awareness throughout this Nation that childhood lead poisoning must be eliminated, and that the Federal Government must lead the way in that effort.

Our legislation provides that for fiscal year 1973 and for each succeeding fiscal year, there is authorized to be appropriated $20 million for grants to units of general local government to assist in developing and carrying out local detection and treatment programs for victims of childhood lead poisoning; $25 million for grants to develop and carry out programs to identify high-risk areas, and then to develop and carry out lead-based paint elimination programs; and $5 million for the Department of Housing and Urban Development to carry out a demonstration and research program to determine the nature and extent of the problem and the methods by which lead-based paint can most effectively be removed.

Any amounts authorized for 1 fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

That every penny of these funds is urgently needed is clear. But what is more striking is that, if we fail to spend the necessary funds to combat this menace, we will have to expend far more patching up the sins committed against our children by allowing them to fall victims to this horrid disease.

Each year, for example, 800 young children are so severely afflicted by this crippler that they require institutionalization and care for the remainder of their lives. It has been estimated that such care costs $250,000 per child for a lifetime of institutionalization. What better proof that, even in cold economic terms, an ounce of prevention is worth a pound of cure.

Our pending legislation would also change the definition of lead-based paint from paint containing more than 1 percent lead by weight—calculated as lead metal—in the total nonvolatile content of liquid paints or in the dried surface coating to 0.06 percent lead by weight.

The matter of a "safe" level of lead in paint has been of deep concern to me for quite some time. On August 9, 1971, five child health advocates joined me in filing a formal petition with the Food and Drug Administration requesting that agency to ban paint with more than minute traces—0.06 percent—of lead from household uses under the authority of the Federal Substances Act.

Joining me in submitting this petition were Prof. Joseph A. Page, associate professor, Georgetown University Law Center; Anthony L. Young; Mary Win O'Brien; Journalist Jack Newfield; and Dr. Edmund O. Rothschild, Memorial Hospital for Cancer and Allied Diseases, New York City.

On November 2, 1971, the FDA published our petition in the Federal Register in order to allow interested parties to make their comments known. At the same time, however, the FDA published another proposal—one which it had itself initiated—which would merely require that paints with a lead content in excess of 0.5 percent bear a warning label.

The overwhelming preponderance of medical and scientific evidence and opinion submitted to the FDA in regard to these proposals support my petition to ban paint with a lead content in excess of 0.06 percent from household uses. Included among the wide range of individuals and organizations endorsing my proposal are the Environmental Protection Agency; the Department of Health, Education, and Welfare's Bureau of Community Environmental Management; Jane Lin-Fu, Pediatric Consultant, Maternal and Child Health Services, HEW; the American Academy of Pediatrics; the American Public Health Association; the State of New York; the New York City Department of Consumer Affairs; and a great number of State and local health departments across this country.

Typical of the comments submitted to the FDA are those from the Environmental Protection Agency, which in its memorandum to the FDA of January 28, 1972, pointed out that—

> (EPA) studies . . . indicate that lead paint, in excess of 0.05% could constitute a danger to the health of children with pica. Our conclusion is similar to that of the American Academy of Pediatrics, which strongly recommended that lead paint in excess of 0.06% should not be permitted.

On August 2, 1971, I requested the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development to undertake a full investigation as to the lead content of all paint manufactured in or imported into the United States. That study, being conducted through the National Bureau of Standards is now underway.

On February 16, 1972, Assistant Secretary for Research and Technology, HUD Harold B. Finger, provided me with the results of the preliminary survey undertaken in the Washington, D.C., area.

This preliminary study demonstrated two things. First, that there are some paints on the shelves which are in viola-

tion of the self-imposed industry standard of 1 percent lead content for household uses. And second, the vast majority of paint—72 of 97 samples analyzed—currently have a lead content less than 0.1 percent. What is most striking about this is that the paint industry has endorsed the FDA proposal to lower the definitional level to 0.5 percent, while adamantly opposing anything more stringent. Yet only three of 97 samples had a lead content in excess of 0.1 percent and less than 0.5 percent. From this preliminary data it would appear that the great preponderance of paint currently being manufactured is no more than 0.04 percent in excess of the definitional limit which our legislation proposes.

If we are to eliminate lead-based paint poisoning, we must eliminate lead from paint. It is my firm belief that the health of our Nation's children is of far more import than the slight inconvenience to paint manufacturers who will be obliged to insure quality control in the manufacture of their product.

On March 11, the FDA family acceded, and has adopted our petition. Adoption as law of this position by passage of H.R. 12466 will protect against future retraction.

The Lead-Based Paint Poisoning Prevention Act specifies that only "units of general local government in any State" are eligible for grants under titles I and II. Unfortunately, because of the administrative set-up in two States—Rhode Island and Delaware—this precludes them from receiving Federal assistance under the act.

In an effort to coordinate health services, the State of Rhode Island abolished all local health departments and offices and placed all health matters under the jurisdiction of the State Department of Health in 1966. Likewise, health programs in the State of Delaware are operated on a statewide basis.

In order to permit these States to obtain much-needed Federal funding to combat the hazards of childhood lead poisoning, my pending legislation—H.R. 12466—authorizes grants to be made to State agencies in any case where units of general local government within a State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose.

I believe that it is essential that Federal funds to combat lead-based paint poisoning be easily channeled to the community level where they are most needed. Therefore H.R. 12466 broadens the definition of those eligible to receive grants to include comprehensive health services programs within the meaning of section 222(a)(4) of the Economic Opportunity Act of 1964.

Finally, H.R. 12466 broadens the provisions relating to grants for detection and treatment of childhood lead poisoning to allow the Secretary of Health, Education, and Welfare to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing environmental and biological lead specimens obtained from local lead-based paint poisoning prevention programs. The amount of any such grant cannot exceed 75 percent of the cost of such a facility—a matching requirement identical to that under the other sections of title I of the Lead-Based Paint Poisoning Prevention Act.

It should be stressed that while lead poisoning is a health problem, it also is a housing problem. The main cause of this terrible crippler and killer of young children is lead-tainted paint fallen from the dilapidated walls and ceilings of tenement housing. If we are to eradicate this disease, we must eliminate its cause, for it does little good to screen and treat young children for lead poisoning and then send them back to the same conditions which caused the disease in the beginning.

Unfortunately, the elimination of lead-based paint has not been a task which has been thoroughly undertaken by States and local governments. I believe that the Federal Government can play a two-fold role in changing this situation. First, it is essential that the Congress provide adequate funding for grants under title II for the eradication of the lead-based paint in these dwellings. But second, it now appears necessary that the Federal Government use whatever means necessary to force the improvement of this housing.

Therefore, I have introduced H.R. 12943 which provides that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for the elimination of lead-based paint poisoning.

Childhood lead poisoning is a national peril, bringing death and affliction to thousands of young children each year. Its continuance is a strain on our national conscience, for there is absolutely no reason for this disease to be allowed to continue.

We have the ability to eradicate the menace of lead-based paint poisoning from the face of America. There is no question about that. What must be questioned, however, is our will to do so. For this Government has a history of sitting on its hands when it comes to safeguarding the health of our poor citizens.

As I said when I testified on April 20 before the House Appropriations Subcommittee on the bill before us today:

> We have an obligation to assure that all children in this Nation—all children—have the opportunity to grow up in health and decent living conditions. Either we meet that obligation or we fail. It will not fade away by our ignoring it.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I commend the gentleman from New York for his statement which he just made and also for the very eloquent testimony that he gave our subcommittee in specific detail.

I must say that the subcommittee was very impressed with his remarks for the addition of $2½ million which will go principally for the screening and treatment activities in the lead poisoning problem.

I just wanted to make that comment at this particular juncture because I think it is very much deserved, and but for his testimony and his persistent efforts I do not think we would have done what we did. I appreciate that and commend the gentleman for it.

Mr. FLOOD. I would like to say in addition to that, I would like to add my words.

Because of the experience with this problem in recent years with reference to lead-base poisoning, the gentleman from New York (Mr. RYAN) brought this up year after year especially for the last 3 years before the committee and is largely responsible for the making of these grants and the beginning of that program.

Mr. Chairman, I yield to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I would first commend the members of the committee for bringing a very complicated and comprehensive bill here this afternoon.

I would direct your attention to page 48 of the committee report under "School Assistance in Federally Affected Areas," particularly where it reads:

> The bill also provides $25,910,000 for assistance for school construction in Federally affected areas under P.L. 815, an increase of $10,000,000 over the budget request and $6,610,000 over the 1972 appropriation.
>
> It is the Committee's intent that the funds provided for 1973 be used to support high priority projects to meet urgent needs for school facilities for Indian children and for children living on military installations, particularly in cases where the schools are located on Federal lands, but are operated by local authorities.

My question is, Mr. Chairman, in a case where the schools are not located on Federal lands but are adjacent to, and the districts include Federal lands, and there are a number of schoolchildren attending the off-Federal-located institutions, is it the intent of the committee that the funds under Public Law 815 be used for construction to provide facilities for all children who attend that institution?

Mr. FLOOD. I think it is language that, without torture, should be so construed, and I will say for what it is worth that I believe that would be the opinion of the committee.

Mr. DENHOLM. Very well. I commend the committee for including that this year and funding it.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

URGENCY OF ARTIFICIAL HEART DEVELOPMENT

Mr. HALL. Mr. Chairman, without comment or judgment on sectional or total overages or cuts, or national resource capability I would like to give a professional comment and report.

It has long been known that more than one-half of our U.S. citizens die of causes related to heart misfunction, disability, or disease. Many of these lives may well be lost for lack of prompt medical attention, and lack of ready transport to modernized, new intensive-care units; but assuredly many others are lost simply because their hearts are tired, wornout, and beyond repair. At least 20 to 30,000 of these unfortunate people die each year because a "replacement heart" is not available.

Long before I came to the Congress, I made the statement as a physician-surgeon, that someday in the future the cure of heart disease as one of man's greatest scourges would be surgical or mechanical; and hopefully that the treatment of malignancy—cancer—would be by hormone, serum, or injection. I have previously stated in the RECORD, that the solution to the cardiac replacement problem must rest with a suitable artificial heart; just as we now use pacemakers, properly implanted in the chest and heart wall to regulate rhythm and uniform contraction of the unique heart muscle itself. Even if heart transplants were 100 percent successful, there would still not be enough donor hearts available to meet current needs, at all times and places. Even if we would allow use of a still beating heart, from an otherwise legally determined "dead person," it would be a difficult technical feat, that is time consuming with too few surgeons to supply the demand.

It now appears that the technology is available to make a suitable artificial heart in accordance with the line of research, developed under grants from the National Heart and Lung Institute of the U.S. Department of HEW, Public Health Service, National Institute of Health, as contracted to Atlantic Richfield Co., atomic nuclear division. There undoubtedly are others working on the same or similar projects. Suffice it to say, that every effort, as demonstrated by these booklets and brochures, available for perusal by the Members during these committee hearings—should now be made to accelerate the development effort expended on artificial heart research. The incentive is obvious, in that for every day we save, about 100 lives can be saved. We can well leave it to posterity to decide whom would turn off the artificially implanted heart, all other body mechanisms being equal.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from California (Mr. CORMAN) for the purpose of asking a question.

Mr. CORMAN. Mr. Chairman, earlier I addressed a question to Chairman MAHON with reference to the impact of an expenditure ceiling. As I understand, this bill exceeds the budget request by a substantial amount.

Mr. FLOOD. $912 million, close to $1 billion.

Mr. CORMAN. Tomorrow, as I understand it, we may be considering some additions in the field of education.

Mr. FLOOD. Amendments will be proposed.

Mr. CORMAN. If either, in connection with the debt ceiling extension, or by action of the Appropriations Committee the House imposes an expenditure ceiling at the amount recommended by the President, which is his budget request, and if we go over on this bill by $1 billion, it means he must either cut this bill back or cut some other expenditure by $1 billion.

Mr. FLOOD. That is correct.

Mr. CORMAN. And this is just one of several appropriation bills, many of which have had limits over the budget request.

Mr. FLOOD. Some have.

Mr. CORMAN. Have any had less than the budget requests?

Mr. FLOOD. Yes.

Mr. CORMAN. Which?

Mr. FLOOD. Some have. I do not recall. There will be some, but most, of course, will be above the budget level. This will be the biggest one. I might add that we have reason to believe that the Department of Defense will ask for an additional, maybe, $3 billion or $4 billion or $5 billion.

Mr. CORMAN. That was our preliminary information when we considered the debt ceiling request, that it would be $3 to $5 billion more than anticipated.

I understand there has been a bumper corn crop which has increased by nearly $3 billion the subsidy in the corn program. Maybe that is too far afield for the gentleman.

Mr. FLOOD. I have difficulty telling one type of corn from another, yes.

Mr. CORMAN. My question is, if we should adopt revenue sharing plus an expenditure ceiling, then we must anticipate some substantial cuts in the expenditures we propose. I am wondering what areas the President would have in which he could make those cuts. Obviously he must pay some bills.

Mr. FLOOD. That is a rhetorical question the gentleman will have to answer himself.

Mr. CORMAN. Just one other point on that. I understand there is going to be a substantial increase, at least the Senate Finance Committee has proposed it, in social security benefits.

Mr. FLOOD. I have so heard.

Mr. CORMAN. That, too, falls within the expenditure ceilings.

Mr. FLOOD. I have so heard.

Mr. CORMAN. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. FLOOD. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I was interested in that bumper corn crop the gentleman from California was talking about.

Mr. FLOOD. If I were from Iowa, I would be, as well.

Mr. GROSS. If anyone would have told me a few months ago there was going to be a bumper corn crop, I would say there must be a crystal ball, the like of which I have not known.

Mr. FLOOD. The gentleman from California has such an instrument.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course, I yield to the gentleman from California.

Mr. CORMAN. I would say to the gentleman from Iowa, I know almost nothing about corn, either distilled or in its natural state.

Mr. GROSS. That is what I thought.

Mr. CORMAN. But I would like to point out to the gentleman that when the Committee on Ways and Means was informed by the Treasury that there have been budget increases that were unanticipated, the Department of Agriculture had come up from $8 billion to $11 billion, $3 billion of which was not anticipated. I asked why. I was told it was because a couple of years ago there was a corn blight, and they anticipated a lower yield, and they planted too much corn, and then there was no corn blight the next year, and they had to buy almost $3 billion more worth of corn than they had planned. I cite the Treasury Department rather than the Department of Agriculture as my source.

Mr. GROSS. The gentleman ought to understand that simply because seed is put into the ground, it does not mean there will be a crop.

Mr. CORMAN. But I understand they got a big crop and they could not sell it to anybody else. So naturally, they sold it to the taxpayers.

Mr. GROSS. If the gentleman is saying we are going to have a bumper crop, I say to the gentleman he does not know, and no one knows.

Mr. FLOOD. Mr. Chairman, it is just a little bit too much corn.

Mr. MINISH. Mr. Chairman, the fiscal 1973 appropriations bill for the Departments of Labor and Health, Education, and Welfare presents the House, in general, with satisfactory funding levels for most programs and agencies within its purview.

However, with regard to elementary and secondary education, adult education, vocational education, and library assistance, the legislation falls short of providing adequate funding to meet even the costs of inflation. Therefore, I shall support the quality education amendment which seeks to add $364 million to the bill and I shall have more to say on this subject when that amendment is considered by the House.

Another area in which I have been vitally interested and to which I will devote my remarks is cancer research. I am extremely gratified that the committee saw fit to overrule the administration by providing $60 million more than the budget request for the National Cancer Institute.

The legislation before us today would appropriate $492 million for the National Cancer Institute during fiscal 1973, an increase of $114 million over last year's budget. In addition, most of the $40 million included in the recently enacted second supplemental appropriations bill for fiscal 1972 will be available for expenditure next year thus bringing the cancer appropriations up to virtually the full authorization.

As a prime sponsor last year of the Conquest of Cancer Act which eventually led to the cancer attack bill signed by the President in December, I must commend the committee for a job well done. The committee has provided a funding

level for the cancer attack program which will insure that the commitment made in last year's authorizing legislation is fulfilled.

Mr. Chairman, the Senate now should act to provide a similar level of funding for cancer research so that we may proceed promptly with the difficult task of finding the cause and the cure for this dread disease.

Mrs. GRASSO. Mr. Chairman, once again the Appropriations Committee has responded to the health needs of the Nation by providing generous support for the various health programs authorized under the Department of Health, Education, and Welfare.

I heartily support the health provisions of H.R. 15417, the Labor-HEW appropriations bill, and commend the chairman of the Labor-HEW Subcommittee, the distinguished gentlemen from Pennsylvania (Mr. FLOOD) and his colleagues on the Committee for their outstanding work.

A major component of improved health care for the people of this Nation is adequately funded, advanced health research and improved health care facilities and programs. The health budget submitted by the administration failed to meet these needs. Throughout the entire health budget, the administration request totaled only $3.7 billion for programs to improve the Nation's health. The net increase for research in diseases other than cancer and heart disease was less than 3 percent—an increase which did not even cover the cost of inflation. This is false economy which could deprive every major program of the funds necessary to improve the health and health care services of this Nation.

Fortunately, the Appropriations Committee's decision that to economize on the Nation's health benefits no one is reflected in the health budget which it has presented. In a number of specific areas, the Committee has provided substantial and welcome increases in appropriations for vital programs.

For instance, although an estimated 10 percent of the population suffers from some type of mental illness requiring treatment, the budget requested only $613.8 million in this area. This represented an increase over the fiscal year 1972 appropriations of a mere $800,000. The committee included $130 million in additional funds for certain vital mental health programs.

Under the administration budget, the community mental health center program (CMHC)—the major contribution of the past decade to mental health care—would no longer provide essential expansion. The budget included no increase for CMHC staffing grants and no request for construction grants. Realizing the importance of this program to local mental health care, the committee provided $30 million for staffing and $20 million for construction grants.

Alcoholism affects 9 million Americans, accounts for half of our traffic fatalities and costs an estimated $15 billion a year to the economy. To counterattack what has been called the Nation's No. 1 drug problem, the budget called for funds that would maintain a program at the 1972 level. The committee on the other hand, decided that a true national commitment required additional funds and, therefore, provided $59 million more. Of this figure, $30 million will double the figure allocated to formula grants for statewide treatment and rehabilitation programs and another $20 million will increase individual project grants to over $70 million.

The crying needs of our children in the mental health field are of special concern to me. While the number of adult patients in State mental hospitals has declined in the past 16 years, the number of admissions of children has drastically risen. The most devastating and merciless effect of inadequate Federal mental health funding has fallen, tragically, on these children. At a time when this administration claims that mental health services for children enjoy high priority consideration, it is baffling—indeed, appalling—that only $10 million for developing children's services at community mental health centers was requested this year. The additional $10 million approved by the committee will provide a better start for the development of proper care for these children.

In other health areas the committee has reaffirmed the commitment of the Congress to important programs.

Although the need for new and improved health facilities increases each day, funds for the Hill-Burton and other construction and modernization programs were virtually eliminated from the administration request. The bill before us, on the other hand, includes $112 million for hospital construction under this program.

During the 92d Congress, the Comprehensive Health Manpower Training Act and the Nurse Training Act of 1971 established new programs to meet the ever increasing need for skillfully trained medical personnel. Yet there was no request for the funds which would effectively implement these programs—actually the amount requested was $140 million less than last year. Noting that adequate health care demands trained personnel, the committee increased the administration's request by $205 million and stipulated that $120 million shall be used for the construction of facilities.

This Congress also passed legislation to embark on a crusade to conquer cancer, a disease that strikes one in every four Americans. The Congress, reflecting the determination of our people to apply the necessary resources required to meet this commitment to conquer cancer, authorized $532 million for this year. The budget request was only for $432 million. However, with the $40 million contained in the recent supplemental appropriations and the $60 million added by the Appropriations Committee to this bill, the committee has reaffirmed this national resolution which has as its goal the discovery of a cure for cancer.

Heart and lung diseases take a frightening toll of victims each year. Heart disease alone accounts for 38.6 percent of the deaths annually. Emphysema and chronic bronchitis have increased at alarming rates. To combat the various diseases which affect the heart and lung, the committee has suggested $300 million—$44.7 million above the administration's request. $14 million will be used for research and treatment of sickle cell anemia. As the first sponsor of legislation introduced in this Congress to establish a national program to seek an effective cure for sickle cell, I am pleased to see that this commitment has been translated into desperately needed research funds. It is my hope as well that the war on Cooley's Anemia will be recognized in supplemental budgeting as authorizing programs are developed.

Other areas have also received funds needed to continue research at least at last year's level. Some areas of research are little known to many of us, but they deserve our support.

The National Institute of Child Health and Human Development will receive $130.4 million this year—$3.2 million above the budget request and $14 million above last year's appropriations. I was heartened to read that the committee is very much concerned about the lack of research being conducted into sudden infant death syndrome—SIDS. The syndrome is the major cause of death of infants between 1 month and 1 year of age. Yet, the occurrence of SIDS or "crib death" cannot be predicted nor is a cure available. In a statement submitted to the Labor-HEW Subcommittee on May 2, I urged that $10 million be specifically earmarked for research on SIDS. On June 7, the Senate passed Senate Joint Resolution 206 by a vote of 72 to 0. This resolution, identical to one which I introduced on March 27, stipulated that research on SIDS should be given one of the highest priorities within the Institute of Child Health. The increase in appropriations for the Institute and the committee's statement that research on the syndrome should be vigorously pursued increases the possibility that discovering the cause of and cure for SIDS will soon become reality.

Last year, the Congress provided $350 million in additional funds for these health programs. This year the Appropriations Committee again reviewed our health priorities and reported a bill with over $600 million more for health programs than had been suggested in the budget.

Mr. Chairman, as a nation of wealth and technology, we should use our resources to benefit all the people of our Nation. Unless the Federal commitment in this field is increased, the health and health care situation in this country will deteriorate further. Not to take this affirmative action would be a crime against ourselves and our children.

I believe that the proposal before us takes this positive action. The committee bill funds programs desperately needed to provide better health, health care and facilities for the citizens of this great country.

Mr. METCALFE. Mr. Chairman, I support the House Appropriations Committee's increase of $912 million to the appropriations budget for the Department of Health, Education, and Welfare

I am particularly pleased to see that HEW's health forces will receive $4.7 billion, instead of the $4.1 billion in the President's proposal. Even this, however, is not enough. If there is an area of national concern in which we should be concentrating our efforts, it is in the area of health care. There are not enough doctors; not enough hospitals—and most of the hospitals are understaffed and ill-equipped; and there are too many people in this country who are without easy access to any hospital or any medical doctor.

As chairman of the Congressional Black Caucus' Subcommittee on Health, I have been involved in several conferences on health which have brought together consumers and medical experts, both of whom have testified to the inadequacy of health care in this country. I am convinced that health care must be one of our national priorities.

If this increase is approved there will be more money in the area of mental health, cancer, heart disease and alcoholism. And there will be more money for our medical schools.

I am also happy to see that we are headed in the right direction in the area of education. The $3.6 billion approved by the committee, is $302 million above the budget request and $54 million above the fiscal year 1972 funding level. However, as is so in the health area, this still is not enough to meet our educational needs. I support the Hathaway amendment which will add $364 million to various education programs in the committee bill and I support Representative BADILLO's amendment to add $15 million for bilingual education.

I urge my colleagues here to also support the committee's bill and the two amendments to this bill which I have mentioned.

Mr. SCHWENGEL. Mr. Chairman. I would like to speak in support of the quality education amendment to the HEW-Labor appropriations bill. The Appropriations Committee recommended increases in the Office of Education appropriations in the form of basic grants for vocational education, education of the handicapped, bilingual education, and the library services and construction areas. This is commendable, but the recommendations do not go far enough in some areas, and are lacking in others.

The Appropriations Committee has increased the administration's budget request by about $300 million for fiscal year 1973. However, according to Office of Education data, my State and school districts will still receive at least $118,000 less than they did in fiscal year 1972. This is represented by a $38,000 cut in programs for educationally disadvantaged children and a loss of $80,000 for vocational education.

I have long been a staunch supporter of increasing educational opportunities for all people. In the past few years, great advances have been made, especially in the areas of vocational education and education of the handicapped. But, these advances cost money. We cannot afford to go back on the investments of time and money that we have already made in the educational system of our country. We must do whatever is necessary to maintain the level of education which has been attained, as well as to advance it in the future. To reach these goals, full funding up to the level requested by the Office of Education, is vitally necessary.

I have found that needed additions, over and above the subcommittee additions to the administration's request, total nearly $364 million. Along with the subcommittee's additions of $301 million, this would represent a total addition of over $665 to the original budget. I feel that this is a reasonable request and that the Office of Education should be funded up to the level of these recommendations.

Of the $364 million in needed additions to the committee report, $257.5 million would be allotted to the areas of elementary and secondary education. The bulk of that sum—$212.5 million—would be spent on programs for the education of disadvantaged children. We cannot turn our back on individuals who, because of their special situations, may require more intense and specialized and, therefore, more expensive, types of education.

Under the proposed amendment another $27.6 million would be granted to vocational education programs. This is a relatively new and rapidly expanding area of education which provides a different type of opportunity than the traditional institutions of higher learning. It is important that we continue to expand in this area.

The additions which I am supporting are necessary in order to continue to improve and expand our educational system. Any cutback or insufficiency of increase could be fatal to programs already in existence, and prevent the development of needed new programs. There is not a doubt in my mind that the quality education amendment should have the firm support of every Member who recognizes the importance of education to our society.

Mr. FRASER. Mr. Chairman, I am pleased that the Committee on Appropriations has recommended an increase of $611 million in the health budget to help meet the health needs of our Nation.

It is particularly gratifying that the committee has proposed restoration of Hill-Burton funds to last year's level of $197 million and health manpower funds of $120 million for hospital construction.

In Minneapolis, restoration of Hill-Burton funds will provide additional aid to enable Hennepin County to proceed with the planned construction of a new Hennepin County General Hospital. It is the only hospital that provides extensive emergency services for the area's 960,000 people. Twenty-five percent of all physicians in the State of Minnesota received part of their education at Hennepin County General Hospital. Its facilities now do not meet the licensing standards of the State. The facilities are old and obsolete and do not comply with modern fire prevention codes. The State has continued the hospital's license only on the basis that new facilities will be completed by 1975.

Reinstatement of health manpower funds will allow the University of Minnesota to carry out its plans for expansion of needed medical school classes and other health facilities at a time when there is a dire need for more health manpower.

I urge passage of H.R. 15417.

Mr. HATHAWAY. Mr. Chairman, first of all, I would like to apologize to the subcommittee chairman for the two errors noted by him and appearing in the table on page 59 of the report.

The fiscal year 1973 subcommittee recommendation for impacted aid, Public Law 874, should read $615.495 million. The fiscal year 1973 subcommittee recommendation for library services and construction should read $59.50 million. Both errors came about as a result of a failure to add the budget recommendation in each case to the subcommittee additions to those recommendations.

At the appropriate time I shall introduce an amendment. This amendment, if adopted, would add $363,833,000 to amounts contained in the bill for eight broad programs.

TITLE I, ESEA

The largest of these is for title I, ESEA, the major activity of the Office of Education which provides compensatory education for disadvantaged children attending schools having a high concentration of youngsters who because of their background of poverty, migrant status of parents, or physical handicap, have need of remedial programs to permit them to compete scholastically with children from more fortunate backgrounds.

There are over 8 million young people in this category in our country who come from families where the income is $2,500 per year or less. The program in the bill would provide about $203 per eligible child above what is annually expended for each child in the school he attends. The average per pupil expenditure now runs nationally about $858 per child. More money is needed per pupil than that provided. Administration studies indicate that at least $300 per child ought to be provided for truly lasting results. There are some 12 million children in families receiving an annual income of $4,000 or less. So that as far as need is concerned, additions to this program have ample justification.

However, I make my main plea on an additional basis which I think can be helpful to the House.

The funds under title I, ESEA, flow to States and to school districts within the State by virtue of a complicated formula, using census data of family income, numbers of children whose support flow from the aid to dependent children welfare program, children who are wards of the State as dependent, or delinquent children or who are in State operated institutions for handicapped children.

The actual amount each State receives each year is calculated by the Office of Education using these factors. Because of the changes which take place in the data collected, we find for fiscal year 1973—as set forth in the hearing record, part 2, page 167—that if the same funding level is provided as was provided in fiscal year 1972, under the terms of the statutes, 25 States will receive less than they received in fiscal year 1972. For example, Alabama, Georgia, Kentucky, and Mississippi would each

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receive over $3 million less than in fiscal year 1972.

By providing the additional $212.5 million, however, according to tables prepared by the Office of Education, every State but New Mexico would have at least as much as it got in fiscal year 1972 and the deficiency in New Mexico would be only $269,157 instead of a $1.4-million deficiency.

TITLE II, ESEA

Title II, ESEA, which provides library materials to schools, both public and parochical, most needing them in the States, is funded in the committee bill at last year's level of $90 million. The amendment proposes to raise this by $10 million, to $100 million for fiscal year 1973.

Again the argument for the proposal is sustained by two principal lines of thought. First as to merit, the committee bill would buy about one-third of one book per child for a book costing about $3.25. Many schools, 34,000 of them in the country, do not have any school library facilities or materials. The need is undeniable. But the second line of appeal is similar to the point argued earlier for title I, because of the formula factors some 25 States will receive less in fiscal year 1973 than they received in fiscal year 1972. The budget documents in the hearing record on page 290 show this clearly. The additional $10 million provided by my amendment would alleviate that problem in good part.

TITLE III, ESEA

The supplementary services and centers of program of title III, ESEA, is designed to find better ways of reaching children and improving the education provided them. Projects are reviewed by a broadly representative State council in each State and funded for a 3-year period generally. Projects must involve the nonpublic sections in this planning although the proposals come only from public school systems.

In the committee bill, the sums provided have not changed in over 3 years, they have been held constant despite inflation costs of about 10 percent per year in that time. So, on that merit factor alone, an increase is justified; but in addition, as in the case of titles I and II, ESEA, we find the fact situation as shown in the budget documents hearings record, part 2, on pages 290 and 653, some 26 States and the District of Columbia will receive less in fiscal year 1973 than they received in fiscal year 1972. The $25 million of the amendment add-on will serve to correct in part that situation.

TITLE V, ESEA—STRENGTHENING STATE DEPARTMENT OF EDUCATION

Title V, ESEA, consists of these parts: Part A, regular State grants to improve the efficiency and effectiveness of the State education agency for which the fiscal year 1972 funding in the committee bill is continued in fiscal year 1973 at the same level; part B, which has not been funded; and part C, comprehensive planning for State and local agencies which received for the first time this year, an initial funding of $10 million in its administration proposals.

Yet because of educational renewal determinations, funds previously available to State agencies under section 402 and under the Educational Professions Development Act, part B–2 provisions, funds aggregating more than $11 million, are no longer available to State departments. For this reason, the $10 million increase of the amendment for part A is, I believe, very well justified if we are to carry out the intent of the statute.

VOCATIONAL EDUCATION ACT PROGRAMS

Despite the $50 million added by the subcommittee to the basic State grants of part B of the Vocational Education Act, it remains true that it would take $249 million more than last year to hold each of the programs in each of the States at the same funding level in fiscal year 1973 that was received for fiscal year 1972. That is more money, I believe, than the House would be willing to provide.

What I have done, therefore, is to take four programs which focus on disadvantaged young people and we bring them up, under the formulas of the enabling act to the point where no State would receive less in fiscal year 1973 than in fiscal year 1972 at a cost of $27,633,000. A chart on pages 1230–31 of volume 7 of the committee hearings, shows the deficiency that would occur unless the amendment is adopted.

The amendment provides the following amounts for each of the selected programs:

Special needs of disadvantaged students	$9,898,000
Consumer and homemaking	12,697,000
Work study	4,524,000
State advisory councils	514,000
Total	27,633,000

The provision of these amounts for these programs would have the result of making sure that each State in fiscal year 1973 will receive as much as it received in fiscal year 1972 under the operation of the formula grants.

THE ADULT EDUCATION ACT

In this portion of the bill, we find that the subcommittee provided but $51,300,000, the same as last year's original allocation before a supplemental which raised the amount to $63 million. Some $90 million is needed if we are to service the changes in the act that expanded it from the eighth grade to the high school level. My amendment adding $23,700,000 to the program would permit a beginning on the high school activities and would also cure in part the same problem that we have met before of some 26 States receiving less in fiscal year 1973 than they received in fiscal year 1972.

LIBRARY SERVICES AND CONSTRUCTION ACT

While the subcommittee is to be commended for having increased the budget estimates for these items by $26,770,000 over the administration proposals, thus bringing the funding nationally to some $800,000 over the fiscal year 1972 figures, still more money is needed for the same reasons as before.

The $14 million for services proposed in my amendment recognizes that book costs are up 39 percent since 1969. The average adult library book has a $13-plus cost attached to it. Many communities do not have this service at all. Library materials are the basic tools at all educational levels including the adult education areas.

There is great popular support for building libraries. Some 200 communities have matching money ready and waiting for Federal funds to arrive. My amendment would raise the amount available for this purpose to $15 million.

But the best and most economical use of materials is enhanced if funding is provided for more inter-library cooperation projects and programs than would be made available under the committee bill. Hence I propose adding $4.8 million for this purpose. All in all, for all these areas of the act, the amendment would provide $25,000,000 additional funds above last year's level.

PUBLIC LAW 874

Finally, the amendment includes a $30-million increase for Public Law 874 over the committee bill. It is in this area that I know many Members can speak with far greater authority than I can. It is an in-lieu of tax payment and is very important to more than a majority of the congressional districts in this country. The $20 million increase I seek would raise the entitlement of "B" children from the 73-percent level of the committee bill and it would provide for a $10-million start on funding the so-called category "C" program based on a case count of public housing children. The money, however, would be used—as is true of all Public Law 874 money—for the operation and maintenance costs of the recipient district. They and they alone, the local school boards, would determine the purposes for which the money is to be spent.

The $10 million of my amendment for part C would start the mechanism in the Office of Education. It would enable the collection of accurate statistics on where those children are and in what numbers, and it would begin to fulfill an obligation that we undertook when we approved the changes in the act.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their own remarks on the bill H.R. 15417, considered today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR PERMISSION TO CONSIDER APPROPRIATION BILLS NEXT WEEK

Mr. MAHON. Mr. Speaker, in our effort to expedite the work of the House, I had planned to ask unanimous consent to make it in order to bring up in the House on Tuesday next, for general debate only on that day, either the bill providing appropriations for Public Works or the bill providing appropriations for Treasury-Postal Service-General Government. If we take up one or both of those bills—we could not take up more than one—the next order of business, when the Appropriations Committee was recognized thereafter, would be to consider the bill under the 5-minute rule.

The SPEAKER. Does the gentleman desire to make that request?

Mr. MAHON. I desire to make that request, realizing that on the 2 days following—Wednesday and Thursday—the House is scheduled to consider the revenue sharing bill. We could undertake to complete consideration of the appropriation bill after the revenue sharing bill is disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, first I reserve the right to object because I do not believe any living human being could understand that unanimous consent request.

Mr. MAHON. I must concede that the gentleman has a valid point.

Mr. HALL. I would be glad to yield for a further explanation, but I would certainly recommend that the gentleman withhold.

Mr. MAHON. I would ask unanimous consent that we could have general debate on either the Public Works appropriation bill or the Treasury-Postal Service appropriation bill on Tuesday next.

Mr. HALL. Mr. Speaker, further reserving the right to object, I would have to know at what time the papers might be filed, and the bill might be printed and available to the Members; and that has not been stipulated as of this time.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. MAHON. The two bills are scheduled to be reported on Monday afternoon next.

Mr. HALL. Which I presume, Mr. Speaker, means that the committee has not yet completed its work and the report has not been filed.

Mr. MAHON. The full committee has not. The bills have been agreed upon in the subcommittees, and they will be before the full committee on Monday next.

Mr. HALL. Mr. Speaker, pointing out that this violates the rules of the House, but full well realizing the need to expedite the business of the House and the leadership problems as to getting away for a political convention, and so forth, I do not intend to object after the fact, when the bill is filed, in spite of the repeated remarks by the gentleman who spoke so eloquently in the well about invading the rights of individual Members; but, as of now, I would certainly have to object.

The SPEAKER. Objection is heard.

THE 750TH ANNIVERSARY OF THE HUNGARIAN CONSTITUTION

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, President Nixon has just completed a most successful conference with Soviet officials and Polish leaders. There is evidence that a new understanding between the United States and the countries of East Europe has been reached during these visits and the Presidents earlier trip to Rumania. In the long run the success of our changing relationship with these nations should be measured by its effect in bringing about a loosening of internal control within these Eastern nations and new freedom for their peoples. Often the Western world forgets the rich heritage of freedom and independence which has been part of Eastern Europe's history for hundreds of years.

It is important during this period of changing relationships to recognize Eastern Europe's contribution to man's continuing struggle for freedom. This year is the 750th anniversary of the "Bulla Aurea," or the Golden Bull, which is the Hungarian parallel of the English Magna Carta. It is an early and fundamental expression of individual freedom and civil dignity which are still central concerns for the people of Hungary and for all freedom loving citizens of the world.

In 1222, the Hungarian Diet placed its official golden stamp upon the document, which protected the rights of all citizens against the greed of the King and the barons. The Golden Bull was originally created by free men uniting in opposition to the King and the oligarchy and it has continued to symbolize the spirit of Hungary throughout its long history of struggle. The provisions of the Golden Bull insured that feudal barons could no longer suppress their people and individual scould no longer be forced into unwilling servitude or payment. The freedom of landowners was guaranteed in very specific terms. The final clause of the Bull promised that citizens had a right to resist the King if the King were to violate the provisions of the document. This "ius resistendi" clause, the right to resist injustice, has been a cherished ideal of the Hungarian people for seven and a half centuries, an ideal which has survived through June 1956 Hungarian Revolution and to the present day. I hope that my colleagues will have an opportunity to visit the excellent Library of Congress exhibit commemorating the Golden Bull which will be shown until the end of the month.

The basic idea of the Golden Bull is one which made a large step forward toward modern government, for the Bull is a constitutional limitation of power which preserves a balance between economic and political forces. Losing two world wars and suppressed beneath two successive totalitarian dictatorships, Hungary has kept alive the spirit of the Golden Bull and continues the struggle toward freedom in the face of challenges.

Hungary's long tradition of individual freedom should not be overlooked by the western world. As relations between the United States and the Communist world grow more amicable, the issue of the personal freedom of all peoples living in Communist countries should be considered in future discussions of human rights. If the rapprochement between our country and Communist nations is to have real meaning, there should be progress toward improving the rights and freedoms of those living under Communist rule.

Dr. Andrew Frey, a distinguished Hungarian journalist before he was forced to flee his native land, has written a definitive study of the significance of the Golden Bull in the April issue of the Hungarian Freedom Fighter's Federation newsletter, the text of which follows:

THE GOLDEN BULL OF HUNGARY

The 750th anniversary of the Hungarian Magna Charta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Charta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King, in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters of rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism", or Switzerland, the "flower-garden of individual liberties".

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individually or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hun-

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gary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

"If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects."

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

Mr. PATTEN. Mr. Speaker, it is with great honor that today I share in the observation of the commemoration of the 750th anniversary of the Golden Bull of Hungary—The Hungarian Magna Carta. The Golden Bull is one of the earliest assertions of the type of human rights which the Founding Father's deemed so inherent to freedom and democracy in America.

Serving as the cornerstone of the Hungarian Constitution, the Golden Bull gave broad constitutional protection to the population of Hungary. Today we pay tribute to the architects of the Golden Bull and to all of the people of Hungary. However, our praise today is not limited solely to the promulgation of the Golden Bull in 1222. The principles embodied in the Golden Bull are principles which are very much alive and enforced in our own Nation today.

The Golden Bull provides clear authorization for the protection of the rights of the lower classes of Hungary. Our own "Golden Bull," the Bill of Rights, guarantees similar safeguards for the protection of all Americans.

The Golden Bull provides for severe degradation of any lord-lieutenant who abuses his office. Our own laws similarly protect the American people from abuse of powers and authority by our elected leaders and representatives.

It imposes safeguards against arbitrary arrest. Our own Constitution protects American citizens from similar treatment.

The Golden Bull embodies the same constitutional limitations which the Founding Fathers incorporated into our own system of government.

In today's world of protest and dissent, we sometimes lose track of the great safeguards the American system contains to protect the rights of her people. These fredoms—which each of us consider inherent to a democratic society—has threads which can be traced to the Golden Bull. Today is a day of celebration and rejoicing to be shared not only by all Hungarians, Mr. Speaker, but by all of the peoples of the world who cherish individual freedom in a democratic society.

Mr. BUCHANAN. Mr. Speaker, I am happy to join my colleagues today in commemoration of the 750th anniversary of the "Bulla Aurea," the Golden Bull, known as the Hungarian Magna Carta. The quest for freedom marked by insistence for human rights has been a mark of Hungary as a nation since its inception.

The Golden Bull, enacted in 1222—7 years after the Magna Carta was granted in 1215, is one of Hungary's monumental contributions to man's continuous struggle for freedom. It became another step toward our modern democratic institutions, and free men everywhere shall be forever indebted to the vision and courage of those men who drafted, enacted, and enforced the Golden Bull.

So great was its influence that feudalism did not thrive in Hungary as it did in other areas of Europe. The tenets contained in the Golden Bull served to protect not only the aristocracy from the King but also to protect the poor and the middle classes from the aristocracy. In short, the document became a constitutional limitation of power—a limitation to keep a balance between economic and political forces.

Unheard of in its day was the provision contained in the Golden Bull which extended to prelates, barons, and nobles the "ius resistendi," the right to resist the King should he violate the charter. This right has continued to burn brightly in the hearts of Hungarians from that time to the present as evidenced by the inspiring resistence of the Hungarian Freedom Fighters in 1956.

The freedom we know today is taken far too lightly. We enjoy it only because it was born in the minds of enlightened men centuries ago, because it was won through personal sacrifice by valiant men on the fields of battle, because it was continually defended at enormous costs when necessary, and because it has been jealously guarded in legislative bodies such as our own.

Consequently, Mr. Speaker, any glimmer of freedom from whatever its source and every particular act of freedom wherever committed is part and parcel of our rich heritage.

Mr. DERWINSKI. Mr. Speaker, here in the United States we are too often inclined to take our freedoms for granted, forgetting that men and women through the ages have fought and died to obtain these freedoms and bequeath them to others.

The rights that free people enjoy did not come to them overnight, but inch by inch as stubborn rulers of bygone days grudgingly yielded concessions. Neither were these rights immediately granted to all; they were extended to one group at a time. Even here in America, where our Founding Fathers recognized that fundamental human rights come, not from government, but from Almighty God, some groups enjoyed more rights than others in the early days of the Republic and their extension to everyone has been a continuous process.

We ought, from time to time, to turn back the pages of history and read about earlier efforts to secure freedoms and rights from powerful rulers who were reluctant to grant them. An auspicious occasion for such a backward glance presents itself in this year of 1972, the 750th anniversary of the enactment in 1222 of the Golden Bull by the Parliament of Hungary. This document has been called the Magna Carta of Hungary, the Great Charter of England having antedated it by a mere 7 years.

Under the terms of the Golden Bull, which was forced upon King Andrew II, Hungary's lesser nobility and clergy were exempted from taxation, permitted to dispose of their lands as they saw fit, protected from arbitrary imprisonment and confiscation, and guaranteed an annual assembly where they could petition for a redress of their grievances. The nobles also received the right to refuse to perform military service in foreign countries.

Through the centuries that followed the promulgation of the Gold Bull, the people of Hungary have been dominated at various times by the Hapsburgs of Austria, the National Socialists of Germany, and the Communists of Russia. By comparison with the Nazi and Communist tyrannies that followed, the Hapsburgs were paternal and benevolent rulers who occasionally made some concessions to their Hungarian subjects.

Let us suggest to the Soviet Union, which according to its apologists here in the United States, is mellowing, that it case the difficult lot of the Magyars by extending to them the liberties that are enjoyed by free peoples in other lands—freedom of worship, freedom of speech and press, and free elections, to name only some of the more important ones.

Mr. Speaker, I can think of no better way to commemorate the 750th anniversary of the Golden Bull, the Great Charter of Hungary.

Mr. MINSHALL. Mr. Speaker, it is a privilege to pay homage today to a great people and to a great document, a landmark for freedom in the history of mankind.

The Bulla Aurea of the Hungarian nation represents some of the noblest aspirations of the human mind, guaranteeing personal freedom, closing the gap between the upper and middle classes, and forbidding oppression and exploitation of the poor. It is one of the pillars of the Hugarian Constitution, a constitution we all hope and pray in our lifetime will be reinstated so that Hungary can resume its rightful place among the free nations of the world.

For those of you who have not yet seen the very fine exhibit commemorating the Hungarian Golden Bull at the Library of Congress, I recommend that you do so before it closes June 30.

At this point in the RECORD, I would like to insert a copy of the April, 1972, newsletter, "The Fight for Freedom," published by the Hungarian Freedom Fighters' Federation, U.S.A., an excellent dissertation on the history of the Bulla Aurea and its relevance today.

THE GOLDEN BULL OF HUNGARY

(By Dr. Andrew Frey)

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GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material on the subject of the 750th anniversary of the Hungarian Constitution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SEARS CONGRESSIONAL INTERNSHIP PROGRAM FOR JOURNALISM STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, for the first 3 months of 1972, I was fortunate to have a young intern from the University of Indiana work in my office under the auspices of the Sears congressional internship program for journalism students. The intern, Margaret Finucane, proved to be a valuable asset to my staff. She was industrious and energetic. From her first day on the job, she performed like a veteran staff member. Because of my experience, I discussed this program with several of my distinguished colleagues who also received interns through this program. Their reactions were as favorable as mine.

I feel I should take this opportunity to bring this rather unique intern program to the attention of those who may not be as familiar with it as those of us who have participated.

The Sears program was conceived by Mr. John L. Wheeler who, until his recent retirement, served as the company's vice president for governmental affairs. Mr. Wheeler, the son of the distinguished former Senator from Montana, Burton K. Wheeler, was greatly influenced by his own experiences in his father's office, and felt that this type of opportunity should be made available to as many young people as possible.

The intern program was inaugurated in 1970 and, to the best of my knowledge, is the only such program designed specifically to provide journalism undergraduates with firsthand experience in the legislative process.

During their stay in Washington, the interns serve as full-time staff members, most often working in press-related activities—writing press releases and speeches, handling constituent mail, or doing research. The actual assignment of duties is left entirely to the office to which the intern is assigned.

Coordinated with the 3 months of office work is a course in "Understanding and Reporting Legislative Affairs," taught by Samuel J. Archibald, director of the Fair Campaign Practices Committee and academic adviser to the program. The course consists of 12 3-hour sessions. Students are given reading and writing assignments, are visited by guest lecturers from all phases of the media and participate in group discussions. Between the full work days in the offices and two evening classes a week, these students are making maximum use of their time in Washington.

Students participate in the internship program at no cost to them nor to the offices in which they serve. Sears pays each intern a stipend of $1,300 plus a travel allotment based on the distance from his campus to the Capitol.

Upon their arrival in Washington, the students are given an orientation program. In addition to the details of the program itself, they are given a brief seminar as to the functioning of a congressional office. The orientation enables the intern to report to his or her assignment with some basic knowledge of the workings of Congress.

The entire program is monitored by a congressional advisory committee. Each year, eight Members of Congress—who have had interns—are invited to participate. The committee reviews the winning applications, assists in the process of matching interns with congressional offices, and advises on matters of policy. It is with great pleasure that I serve on this committee for the 1973 program. The other distinguished Members of Congress on this committee are: Senators BAYH and HATFIELD, and Representatives TIM LEE CARTER, JOSHUA EILBERG, MICHAEL HARRINGTON, PETER PEYSER, and TOM RAILSBACK.

In my experience in Washington, I have not seen an intern program that was more effective from the standpoint of a congressional office, but more importantly, I have not seen a program from which the individual intern could gain so much experience and education. I would highly recommend the Sears program to any of my colleagues.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. ROONEY) for taking this special order to give us an opportunity to comment on the Sears congressional internship program for journalism students.

As a Member who already has had a Sears intern in my office, and as one who had the privilege of serving on the congressional advisory committee for this year's program, I am quite familiar with, and impressed by, this internship program.

The Sears program is one of the newest on Capitol Hill, having started only

in 1970. But already it has established itself as one of the best.

The benefits of the program have been felt by the outstanding students selected to participate so far, and by the Members of Congress who have had the good fortune to have these students in their offices.

But I believe an even greater benefit will accrue in the years ahead to the entire country. It will come in the form of better, more informed reporting of the Nation's business as it is conducted by the Congress.

The outstanding young journalism students taking part in this program are gaining an invaluable amount of knowledge and experience in the legislative process. I firmly believe nothing can match service in a congressional office for obtaining such a background.

Because the vast majority of people cannot participate in such a program, it is vital to an informed public that the people who will be reporting and commenting on the Federal Government in the future have this kind of experience.

Thus the real winners from this program are not only the Congressmen who participate and the students who become interns. The public itself stands to benefit greatly.

The company which sponsors this programs and all those who are actively engaged in the endeavor are to be congratulated for recognizing the importance of journalism in our national life, and for taking such dramatic steps to insure that the quality of that journalism remains high in the future.

Mr. WALDIE. Mr. Speaker, I am pleased to join with my good friend to praise one of the most outstanding student internship programs in the Nation, the Sears congressional internship program for journalism students.

I have had the pleasure of serving on the Sears program's selection committee as well as having a Sears intern serve in my office.

Mr. Speaker, I have also been privileged to speak before the seminars of Sears students and can report that there has been no more attentive and responsive group of students in the Capitol.

Credit for the outstanding success of this program must be shared by the students themselves and the fine staff in the Sears office in Washington.

The curriculum designed by the Sears staff and Sam Archibald of the Freedom of Information Center is top rate, demanding, and of great personal assistance to the interns and to the offices where they work full time.

Mr. Speaker, in closing, I would like to commend my colleague from Pennsylvania (Mr. ROONEY) for providing me with an opportunity to comment on the Sears program.

Mrs. GRIFFITHS. Mr. Speaker, education is a combination of training and experience. The Sears congressional internship program provides a unique opportunity for outstanding journalism students from all regions of America to study first-hand the legislative process and enrich their college studies of communication and political science with practical experience.

Since 1970, 60 students have been placed in the offices of Members of the House and Senate, where they have been able to observe the workings of a congressional office, while assisting staff members with various projects.

These students, who have shown an interest in pursuing careers in political reporting, have been permitted to return to their studies with an increased understanding of the problems and responsibilities of the legislator, and have seen the interaction of the lawmakers with their constituents and their colleagues. Their internships have helped them prepare to report and analyze events, as future leaders of the communications media.

This spring, Theresa C. Pitts, a senior at the University of Oklahoma, was a Sears intern in my office. I was impressed by the quality of her research, and her knowledge of current affairs. Assisting my staff with special projects, I feel Theresa gained new insights into the role of the Congressman.

May I join with my colleagues in saluting the achievements of former Sears congressional interns as they begin their professional lives as reporters and researchers. I am sure we will be seeing and hearing more of these talented young people in the future. I also recognize the contribution of Sears, Roebuck, & Co., for supporting this program. In 1973, enrollment will increase by 50 percent, an expansion which indicates the success of the Sears congressional internship program for journalism students.

Mr. PREYER of North Carolina. Mr. Speaker, I am pleased to join in this special order to recognize the significant contributions made by the Sears congressional internship program to those congressional offices which have participated in the program. Those of us in our office who worked this year with Tom Adkinson of the University of Tennessee know at first hand what a fine program Sears has developed. These young men and women represent some of the finest talent in our colleges. They are imaginative and hard working. In sponsoring their experiences in Washington, Sears has helped contribute not only to the short-range goal of making a congressional office perform more effectively and responsively but to the long-range goal of making our democratic institutions stronger. When Tom Adkinson left our office, he wrote of his experience for Editor and Publisher magazine in the following article:

SEARS U. ESTABLISHES CAMPUS IN CAPITOL FOR J-STUDENTS

(By Thomas L. Adkinson)

A new "university" has just finished its third year of giving a few aspiring journalists some experience that may be a welcome surprise to their future employers. Without reservation, it can be said that this "university" is unique.

As in other universities, students strive diligently to get in; but that is about where any similarity ends.

Only journalism students attend this special university. Everyone in it seeks a job in the media. Most will try to be specialists.

The student-teacher ratio is more like a teacher-student ratio because the teachers outnumber the students. The physical plant is immense, composed of many well-known buildings stretched across two states and a patch of federally-owned land.

What is this amazing university? It is Sears U., otherwise known as the Sears Congressional Intern Program, the only program of its kind for undergraduate journalism majors.

Who are these students and teachers? The students are 20 journalism majors from 18 accredited J-schools selected through nationwide competition. The teachers include an associate professor of journalism from the University of Missouri, a sampling from the Washington press corps, and a host of congressmen, senators, administrative assistants, legislative assistants and other aides.

And what is this physical plant. Obviously, the halls of Congress, associated office buildings, and residences strewn across the District of Columbia, Virginia and Maryland.

MORE THAN JUST INTERNS

"The word 'intern' is practically a dirty word around Capitol Hill because there are so many useless interns," this year's Sears interns were told in an early winter pep talk. "The term denigrates you. But *you* are more than the average, run-of-the-mill interns." Therefore, Sears interns often say, "I'm on the congressman's staff," rather than "I'm just an intern in the congressman's office."

The pep talk speaker was Samuel J. Archibald, executive director of the Fair Campaign Practices Committee and an assistant professor of journalism from the University of Missouri. He was the interns' mentor in a seminar on "Understanding and Reporting Legislative Affairs."

The I'm-on-the-congressman's staff attitude reflects the professionalism of the entire Sears program. The program was begun in 1970 by Sears, Roebuck in cooperation with the American Council on Education for Journalism.

Providing selected outstanding journalism and communications students with first-hand knowledge of the legislative process is the stated purpose of the program. A sincere interest in pursuing a journalism career is an important criterion on which students are recommended.

"When Sears began the intern program, we weren't sure what type of students we wanted. We wanted people who could benefit from the experience for the moment; but more than that, we wanted people who could put their experience to good use later," said James Ritch, Sears information director in Washington.

CANVASSED EACH SPRING

"Journalism students have proven a good choice. They have been knowledgeable, well-trained, and assets to their offices. We hope the office work, coupled with the legislative affairs reporting seminar, will benefit them in their careers," he added.

It is true that the Sears students are not the average interns. They are sought out by the congressional offices. All offices are canvassed each spring to determine their interest, and always the demand exceeds the supply of interns. This year 167 offices vied for the services of 20 interns. In the first year of the program, 60 offices requested interns and 117 did last year.

"We have tried to get a Sears intern for three years and were unsuccessful until this Winter," said Tom Lambeth, administrative assistant to Rep. Richardson Preyer, Democrat of North Carolina.

Offices that have not had Sears interns are most likely to be accepted. Pairing interns with offices is supervised by the Congressional Advisory Committee. Members are legislators who previously have had Sears interns.

"The offices are getting a free hand, so we want to make sure they utilize the interns meaningfully," said Archibald. "We try to screen out the offices that are looking for 'go-fors'—someone they ask to 'go for this' or 'go for that.' After an intern is in an office, he is on the staff and we want and have no say on what he does."

Offices and interns are matched on party preference of the intern, common fields of interest, geographic background of the intern, and interest areas and experiences of the intern that could benefit the office.

WASHINGTON PRESS CORPS SPEAKERS

The seminar on legislative reporting was in addition to working full-time for 10 or 11 weeks for the congressmen. The course included a series of speakers from the Washington press corps, writing assignments, and readings on Congress, lobbying, electioneering, backgrounders and other subjects.

"Government isn't as simple as most columns and features make it out to be. There are plenty of angles and pressures that, if known and understood, make for better stories," said Archibald.

"There has never been a good study of reporting legislatures, and there is a vast lack of research in this area," he said. Hence, the sessions with the Washington reporters.

The seminar is another factor that makes this intern program unique. No other intern program incorporates an academic course into the experience. The course permitted most interns to receive academic credit which they otherwise might not have gotten.

Providing entertainment and enlightenment on class nights were Mike Green from the McClatchy Newspapers in California; Frank Eleazer, head of the UPI bureau in the House; Peggy Simpson, an AP regional reporter; Bill Small, vice-pr sident of CBS News; James McCartney, national security affairs reporter for the Knight Newspapers; and Les Whitten, from Jack Anderson's "Washington Merry-Go-Round."

Perhaps the beauty of the seminar speaker program was that each speaker had a different perspective on Washington reporting. Each had a different job and, therefore, different ideas on the Washington scene.

THE REGIONAL CORRESPONDENT

Mike Green explained his concept of Washington reporting for a group of distant papers. In his case, distant meant California. His principal statement was that even though he works for a relatively few papers, there is more than enough to report for his region from Washington.

Peggy Simpson later gave her ideas on being a regional correspondent. She covers Texas, New Mexico, Arizona and Oklahoma for AP.

"Wire regional reporters are not the backbone of the Washington scene, as many editors think," she said. "We do much more than report every breath of a region's Congressmen. We work on national stories but do have to drop everything for a regional request.

"It rarely develops that we have the time we want to work on a story. AP regional reporters previously had been grounded in Washington, but now they can travel for stories, although not everyone takes advantage of the freedom."

James McCartney from Knight Newspapers bureau explained his group's theory of Washington coverage. Knight has broken away from the geographic beats such as the House, the Senate, the White House and the Pentagon.

Instead, reporters have subject-area beats and pursue stories anywhere they crop up in the Washington bureaucracy. This, McCartney said, frees reporters from dependency on a very few sources and gives them more latitude.

His insights on the Washington information situation proved very enlightening and perhaps most useful to the interns. He theorized that "because the government is so diffuse, a certain amount of information has to be given out to make the system work.

"It is so large that you can see where inconsistencies arise—when people are lying. That's where you start. You can do this at city hall, too, because they also know how to lie," he said. "Lying has become an established national institution."

McCartney also filled in the interns on what he termed two verities in Washington. First, whenever a bomb is dropped, it is in the name of peace. Second, whenever the government wants to lie, it does it in the name of the national interest, he said.

McCartney hit one note that practically all speakers mentioned. This was that "Congress and the press have somewhat similar roles: both should be adversaries of the executive branch, but Congress is not performing.

"That is why we brought you here," he told the interns, "to break open the unnecessary secrecy of the government."

"Young fogeys" is what Bill Small, vice-president of CBS News, called 19 of the 20 interns. Only one of the group indicated he was aiming at a broadcasting career.

Although promoting the importance of broadcasting, Small was concerned about the public's dependence on television news.

"It is disturbing that so many Americans get all their news from TV because they will remain ignorant. Television news is the front page and a few features. For depth, reading newspapers is absolutely essential," he said.

Small said broadcast coverage of Congress will not bring matters out in the open. "It doesn't matter whether cameras are present for congressional action because most of the work is done behind closed doors," he said.

What broadcast news can do for Congress is to enhance its prestige, he said. "In recent years, the Senate has had more television exposure than the House and has gained more public prestige, particularly concerning the Vietnam issue."

UPI's Frank Eleazer struck on the watchdog role of the press. "When congressmen have been caught in any wrong-doing, it has been more by the press than the Justice Department. No one really is watching Congress except the press," he said.

Les Whitten, who works for Jack Anderson, was the seminar's final speaker and he gave an almost evangelistic talk on investigative reporting. He called it the "only thing year in and year out that can serve a reporter who has a conscience. You can see direct results," he said.

"Investigative reporting is going after the big boys, the ones that are dangerous to go after because they are so powerful. It is a life in the gutter that requires a lot of zeal, and I would like to see some of it rub off.

"Politicians are easy marks," he said, "but the hard shots are banks, insurance companies, motor companies, pharmaceutical companies, utilities, etc. However, the record-keeping facilities of the country work in favor of the investigative reporter."

INTERNS COVERED STORIES

For the college scene, he said "college newspapers are atrocious in their ignorance of their power. After college, it will be much more difficult for reporters to get things published.

"In fact, it is often easier to expose a crook than to get the story into your newspaper. Half of the investigative reporting is fighting your own paper. Sometimes you have to shame city editors into publishing one of your reports."

Covering stories was an integral part of the seminar. Each intern wrote a localized story on the proposed federal budget, covered a series of hearings in a House Judiciary subcommittee on school busing amendments, and amendments, and prepared a series of stories on a week of hearings on Freedom of Information legislation.

On their own, several interns wrote news stories and features for their college or hometown newspapers. "Having a Washington dateline on a story by a local writer really sets the story off," said John Borger, who filed stories back to Michigan State University.

It sounds as if the seminar could have occupied all of an intern's time, but, in perspective, it took only a small portion of the Winter.

What did take up most of the time was regular office work. They were "on the staff" and they paid (in hours) for the privilege to say so.

Some worked directly with press secretaries. Others practically became press secretaries. Those who did do press work had to familiarize themselves with the district or state newspapers, prepare press releases, write radio spots, get to know the correspondents covering their offices, maintain clipping files, and sometimes arrange full-scale press conferences.

Whether or not the interns worked with their congresman's press relations, they all could observe how their offices were covered and how news was disseminated from their offices.

Practically all utilized their writing skills. Interns drafted speeches, summarized committee proceedings, and answered constituent mail.

LEARNED ABOUT THE WILDERNESS

Oregon's wilderness areas became the chief concern of Linda Herman from Indiana University, who worked for Sen. Mark Hatfield. She answered constituent letters about wilderness areas and had a considerable amount of learning to do since, as she put it, "There are precious few wilderness areas in Indiana."

On a mundane note, almost everyone got to learn or exhibit some secretarial skill. One male intern quipped, "I will be eternally grateful to my office if I ever decide to become a professional secretary."

The experience is over for the 1972 interns, but the learning process has just begun. The former interns now have the background to make a big difference when they take the road to becoming legislative or congressional reporters.

One former intern who has some time left at the University of Montana will return to her student government beat. She admitted it would be quite a letdown from Congress, but the insights she gained in Washington will be somewhat applicable, even to student government.

Next year, the program expands to 30 interns. So editors, be on the lookout. Qualified prospects to fill your governmental reporting slots are on the way.

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Thomas L. Adkinson, a senior in journalism at the University of Tennessee, has participated in the Sears program. Last summer he was a Newspaper Fund intern on the copy desk of the Columbus (O.) Citizen-Journal.

Mr. MEEDS. Mr. Speaker, I want to commend the gentlemen from Pennsylvania (Mr. ROONEY) for obtaining this special order to comment on the Sears congressional internship program.

It was my pleasure to have Mr. James E. Smith, a journalism student from Iowa State University in my office this spring. I have had numerous interns on my staff for short periods of time in the past and I can never be sure who benefits the most, the interns or myself.

I was glad to have Mr. Smith in the office for our mutual learning experience and hope it will benefit him in his pursuit of a journalism career. In return, it added to our understanding of the process

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necessary to creation of a perceptive journalist.

The founders of the Sears Congressional Internship program are to be congratulated for the concept and performance of this new internship program. I believe it is a national service to acquaint prospective practitioners of journalism with all the participants in the public exchange of ideas necessary to a healthy society.

In this day and age of people urging "involvement," I can think of no better way for young people to get involved in the processes of Government. Similarly, I think young people preparing themselves to become professional observers and interpreters of the American governmental processes should be exposed to the inner workings of the process on which they will pass news judgments.

It is a fine program and one that I think will ultimately benefit the citizens of our Nation through better informed reporting of public events.

Mr. RAILSBACK. Mr. Speaker, I am pleased to join my colleagues in commending the Sears Congressional Internship program for journalism students as a most worthwhile effort. I have always supported the many congressional intern programs because of the mutual benefits derived from having intelligent young people working with Members of Congress and their congressional staffs. The program, sponsored by Sears, Roebuck & Co., in cooperation with the American Council on Education for Journalism, stands out as one of the most effective of the many intern programs with which I have been associated.

Perhaps the key to the success of this program has been the thoughtful efforts of such individuals as Phil Knox, John Wheeler, Jim Ritch, Sam Archibald and Larry Horist in putting together a complete plan by which both the interim and the congressional office get the most from the experience. The intern selection process, the orientation of those selected, and the Washington experience itself are designed to make the intern feel and function as part of the staff. The effort, from my experience and based on what my colleagues have told me, has had remarkable success. As one Member half jokingly remarked, "I almost resented having to let the young man go: he's become that valuable to my office."

Since the program began in 1970, 60 internships have been awarded. In 1973 the program will expand so that 30 internships can be awarded. The program is open to full-time undergraduate students majoring in journalism or communications who will be juniors or seniors during the period of internship. The individuals selected are characterized by high academic performance, interest in political reporting, and an ability to write articles, news releases, speeches and newsletters.

The goal of the program is to provide selected outstanding students with first-hand knowledge of the legislative process. One criterion upon which students are recommended for the program is sincere interest in pursuing journalism as a career. As the reporters and commentators of tomorrow, the intern will hopefully leave with the kind of understanding of legislative problems and processes that will make them better journalists.

The internship consists of an appointment to the staff of a Member of Congress and enrollment in an academic course, "Understanding and Reporting Legislative Affairs." The interns work as a full-time staff person in the congressional office for 8 weeks and have a chance to translate their studies in journalism and political science into concrete experiences.

The Sears intern most recently on my staff was given major responsibility for researching and writing a number of speeches and news columns to be used in my district. His previous training and ability made him most competent in his assignments, and he quickly became a vital part of my staff. In addition, his fresh, young approach to issues often proved stimulating and helpful.

The intern frequently consulted with myself and members of my staff and soon became familiar with the wide range of legislative and governmental affairs of interest and concern to the residents of my district. During his stay, he considerably refined and expanded his understanding of what it means to be a Federal representative. His experiences with us also seemed to increase his interest in becoming actively involved in political affairs.

As always, I was sorry when the internship came to an end and our intern had to return to school. However, I am very happy to know that the program will be expanded next year and that Members of Congress will have more opportunities to work with the fine young men and women selected as interns for the Sears Congressional Internship program for journalism students.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ROONEY) for taking this time to comment on the Sears Congressional Internship program for journalism students.

I was fortunate to have an intern on my staff during the 1971 program and I will happily vouch for the quality of students who participate in the program.

Miss Suzanne Dean, a graduate of the University of Utah, finished graduate school at Columbia University after completing her internship on my staff and she will begin work on the staff of the Washington Post this summer. Miss Dean was a valuable addition to my staff during her internship and I am confident she will have a bright future in her journalism career.

Something I learned from Miss Dean, and I am sure my colleagues learned from their interns, is that young reporters are very concerned with fair and accurate reporting and that many of them are disturbed by the numerous criticisms of the news media.

I think their distress is justifiable. As they prepare to enter the field of professional journalism, they can see before them a news media which is rapidly losing much of its credibility, and hence much of its value to a free society.

Hopefully, their own dedication and hard work during their college years and the experience which they gain during their internship will be not only of benefit to them in their careers, but to the news media itself.

If the news media is to effectively play its important role as "watchdog of government," it must enjoy the trust of its readers and viewers. And in order to win that trust, it must be honest, objective and perhaps most of all, aware of the responsibility which the public has given it.

Fortunately, the participants in the Sears congressional internship program for journalism students appear to have these qualities. I wish to commend the program, but particularly the students who have been selected to participate in it.

REMARKS OF REPRESENTATIVE McCLOSKEY WITH REFERENCE TO PRISONERS OF WAR AND THE ESCALATION OF BOMBING IN NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, yesterday the gentleman from New York (Mr. KEMP) and some of his colleagues on the Republican side, engaged in an attack on their Republican colleague, the gentleman from California (Mr. McCLOSKEY) for some remarks he had made on a television show concerning possible risks to American prisoners of war in North Vietnam resulting from the administration's escalation of the bombing of North Vietnam.

Mr. Speaker, the gentleman from California (Mr. McCLOSKEY) was not present and, therefore, not able to respond, and apparently no one was here to speak in his behalf.

I certainly cannot speak for Mr. McCLOSKEY and I do not know what he intended by his remarks on the television program. I did not see the television program but only read what was recorded in the press.

However, it seemed to me that the remarks being made against him on the floor yesterday were so one sided that it would be appropriate that someone attempt to bring a little perspective into that discussion.

Accordingly, I asked the gentleman from New York (Mr. KEMP) if he would yield, which he did. However, before I had completed my remarks, the gentleman from New York announced that he would yield no further time to me. Of course, under the rules, he was within his rights to do this.

Since I was prevented from doing so yesterday, I would like to complete my remarks now.

I would simply add that when you consider the situation arising from the escalated bombing of North Vietnam, it is obvious that this escalated bombing greatly increases the risk that American bombs will eventually strike American prisoners of war in North Vietnam. This risk exists no matter how careful our Air Force is to avoid bombing residential areas and no matter how careful the North Vietnamese are in complying, as they should, with the mandates of the Geneva Convention to minimize the risks to prisoners of war.

These bombings by B–52's, on the average, lay a path of destruction one-half mile wide and 3 miles long. So, inevitably not only civilian lives, but lives of other people in the vicinity are risked. It is like lightening. You never know where it is going to strike, but over a period of time, you know that a certain number of people are going to be struck. There is always a chance it will strike one of your own people. So it is with the bombing of North Vietnam.

We can only hope that tragedy will not occur. But if it does, it would mock reality to try to pin the blame on the gentleman from California (Mr. McCLOSKEY) because he may have chosen some extreme examples in an effort to point out some of the risks involved to our prisoners of war in the administration's policy of escalated bombing.

Certainly, if there is any single American who bears responsibility for increasing those risks to our prisoners of war, it is the man who made the decision to escalate the bombing, and that is President Nixon himself.

APPOINTMENT OF THE HONORABLE RICHARD H. POFF TO THE SUPREME COURT OF VIRGINIA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Virginia (Mr. ABBITT) is recognized for 30 minutes.

(Mr. ABBITT asked and was given permission to revise and extend his remarks.)

Mr. ABBITT. Mr. Speaker, I am sure the Members recall that some few days ago the Honorable THOMAS N. DOWNING announced to this body that the Governor of the Commonwealth of Virginia had appointed one of our colleagues to the Supreme Court of Virginia.

Mr. Speaker, I am highly pleased that the Governor of the Commonwealth of Virginia has appointed Hon. RICHARD H. POFF to fill this vacancy on the Supreme Court of Virginia that was created by the resignation of Mr. Justice Gordon.

DICK POFF, as he is affectionately known by all of his colleagues and by his friends and associates back home, is one of the outstanding Members of this House. He has been such ever since he entered on his duties here.

I have known him intimately and I have been associated with him intimately. He is one of the finest men I have had the privilege of being associated with here in this great body. He is loved and respected by all of his colleagues.

He has rendered outstanding service to the people of his district and to the people of Virginia and to the people of the Nation. He is a man of great integrity, high intelligence and he will bring to the court a dignity, modesty, knowledge, and a judicial temperament. He will render a great service to the people of our Commonwealth. He will be a great justice in the tradition of the members of the present court and of those who have gone before.

Mr. Speaker, I would like to say, in my opinion, DICK POFF has one of the best legal minds in the Congress. His work on the Committee on the Judiciary has been outstanding and has given him adequate training and preparation so that he will serve with honor and distinction as a justice of the Supreme Court of Virginia.

DICK POFF has the ability and training and judicial temperament and integrity and sense of fairness to make an outstanding justice.

I wish him Godspeed on this all-important assignment.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. Mr. Speaker, I am happy to yield to my associate, the honorable Member from the 10th Congressional District of Virginia who has served so long and so faithfully in this great body.

Mr. BROYHILL of Virginia. Mr. Speaker, the departure of my colleague DICK POFF to the highest court in the State of Virginia is a great gain for justice there and elsewhere in the Nation, but it is a loss of major proportion to the Congress of the United States.

His wisdom, his integrity, and his sense of fair play and justice has long been known to those of us who sought his advice and counsel throughout his distinguished career in Congress. His potential to serve in the highest councils of justice has long been recognized by the finest legal minds and legal organizations in this Nation. It has been recognized by more than one President of the United States.

Now he has chosen to serve justice in his native State of Virginia. He will serve it well, Mr. Speaker, as he has served his colleagues, his country and his constituents.

I will miss him as a friend and a counselor. This Congress will miss him on both sides of the aisle. But we shall, I am sure, miss him with pride as he adds his knowledge and integrity in the cause of justice and to the heritage where it was cradled along with the creation of this republic.

I wish him Godspeed.

Mr. SATTERFIELD. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am glad to yield to my colleague, the gentleman from the Third Congressional District of Virgina.

Mr. SATTERFIELD. Mr. Speaker, I wish to take this opportunity to congratulate my colleague and to associate myself with his remarks and the remarks of my other colleagues.

I have known DICK POFF for over 25 years and I have come to know him as a man of impeccable integrity, of intelligence and of reason. I know too that he possesses that rare combination of keen perspective and judgment and ability to enunciate his views concisely and with force and with clarity. These and his other capabilities I firmly believe eminently qualify him to serve as a justice on the high court of the State of Virginia.

Although I am sad that he will be leaving this body to which he has contributed so much, my sadness is tempered by the fact that we will continue to have his services on the supreme court of appeals of the State of Virginia.

Mr. Speaker, on Monday last the Richmond Times Dispatch carried an editorial about DICK POFF, endorsing and supporting this appointment which I believe in part reflects the high esteem in which he is held by the people of his State.

Mr. Speaker, I include this editorial at this point as a part of my remarks.

POFF TO THE COURT

As a member of the Virginia Supreme Court, Richard H. Poff can be expected to continue making significant contributions to his state just as he has during the past two decades while representing this state in the U.S. Congress.

The 48-year-old Republican congressman from Virginia's Sixth District has been chosen by Gov. Linwood Holton to fill the vacancy caused by the resignation of Justice Thomas C. Gordon Jr. of Richmond, who is returning to the private practice of law. The interim appointment is subject to confirmation by the General Assembly early next year.

Although he has never sat on the bench, Poff was so highly regarded by President Nixon as a potential member of the judiciary that his nomination to the U.S. Supreme Court seemed certain last fall. His ultimate confirmation by the Senate seemed assured, but it was also obvious that some liberals would oppose confirmation because of dissatisfaction with Poff's conservative voting record in the House. So Poff asked that his name not be submitted, saying that he wanted to spare the country, the court and his own family the unpleasantness resulting from the fight that his nomination might precipitate.

Following World War II service as a bomber pilot, the study of law at the University of Virginia, and five years of law practice, Poff was elected to the House in 1952. His constituents have returned him to Washington every two years, but last year he announced he would not seek reelection in 1972.

Before he took his seat in Congress, Poff told a reporter: "I'm dedicated to the principles of states' rights and I will work well as I can against the drift toward a big, paternalistic federal government." He has waged that fight consistently.

It is reassuring to know that the new state Supreme Court appointee has long been a strong advocate of vigorous law enforcement. He has worked for effective legislation to permit properly controlled wiretapping in the investigation of crimes, and his GOP colleagues recognized his leadership in the general area of law enforcement by naming him to head the Republican Task Force on Crime in 1967.

In 1966 Poff was one of four members of Congress praised by the American Bar Association for their efforts in obtaining congressional approval of the Twenty-fifth Amendment, providing the line of succession in the event of the death or disability of the president. He also has earned the respect of the legal profession through his work as a long-time member of the House Judiciary Committee.

It is interesting to note in the files a newspaper story of May 23, 1954, which began: "Rep. Richard H. Poff today set himself squarely against sending U.S. troops to Indochina . . ." When this country did become deeply involved in Vietnam, however, Poff supported the successive administrations on the war issue, though in 1964 he was urging that the nation either adopt a win policy or get out of Vietnam.

From the liberals' standpoint, Poff was especially vulnerable for having signed the anti-integration Southern Manifesto in 1956. Years later, Poff said that he was wrong in having signed it, that it was based on the doctrine of interposition which he knew at the time was invalid but he signed "in the

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political imperatives of the moment." This kind of candor is commendable.

Obviously, the duties of a judge are different from those of a legislator. Nevertheless, looking at what Richard Poff worked for and at what he accomplished during his nearly 20 years in Congress, one comes to the conclusion that he is the type of fair-minded man of sound basic principles who should serve with credit on the state's top judicial body.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am glad to yield to my colleague, the gentleman from the Fifth District of Virginia.

Mr. DANIEL of Virginia. Mr. Speaker, we had all assumed that in 7 months, with the adjournment of the 92d Congress, this body would lose one of its most distinguished Members in the person of the Honorable RICHARD H. POFF.

Unfortunately for those of us here today, the departure is closer at hand, as he has been appointed to the Supreme Court of Virginia, effective in August.

Some chosen for this singular position are unknown beyond the confines of their profession or their home territory. This is not the case in the present instance.

Ten times the people of his district have recorded the high esteem in which they hold this gentleman. Their regard is shared by his colleagues in the Congress, for he is universally respected on both sides of the aisle in this House as a man who is knowledgeable and fair-minded.

It is gratifying to learn that Representative POFF has been named to Virginia's Supreme Court. Our State's judiciary has gained a man not only well versed in the law, but a constitutional scholar with few peers.

For a score of years, RICHARD POFF has represented in an outstanding manner the people of the Sixth District, of the Commonwealth, and of the Nation. Citizens of the Commonwealth are indeed fortunate that they will continue to benefit from this man's service to his fellow man.

Mr. ABBITT. I thank my colleague.

I am happy at this time to yield to my distinguished colleague from the Eighth Congressional District (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I appreciate the gentlemen yielding and want to commend him for taking a special order to pay tribute to our distinguished colleague, DICK POFF.

We all agree that the Governor has made an excellent choice in naming DICK as an associate justice of the Supreme Court of Appeals of Virginia. There are many Virginians who could fill this post but I know of none more highly thought of, and with such a large number of friends, than our colleague who has received this appointment. In my opinion, he will serve with distinction on our State's highest court and I am hopeful that the interim appointment made by the Governor will result in an appointment for the full term by the Virginia General Assembly.

As the membership of the House knows, DICK received serious consideration by the President for appointment to the Supreme Court of the United States but asked that his name be removed from consideration for personal and family reasons, when it appeared that there would be a long drawn-out battle for confirmation. There is every reason to believe that had this action not been taken, the President would have appointed our distinguished colleague to the High Court and DICK would have been confirmed by the Senate. Nevertheless, I am sure we all respect the decision he made.

All of us have heard Congressman POFF discuss legislation coming from the Committee on the Judiciary and I believe all Members of this House are impressed with his legal knowledge with special reference to the Constitution. He has served with distinction on the House Committee on the Judiciary and he has the respect of the members of that Committee who may be of a different party affiliation and a different political philosophy. I could review our colleagues biography and pay tribute to him on many personal achievements, but would only add that by training, experience, knowledge and temperament, he has the requirements to serve on our highest court in Virginia and to be a credit to that court.

Thank you again for yielding and for permitting me to join with my colleagues in commending the Governor on this appointment and urging that members of our General Assembly give favorable consideration to DICK POFF for the full term on the Supreme Court of Appeals of Virginia.

Mr. ABBITT. I thank the gentleman.

I am happy to yield to my colleague from the 7th Congressional District (Mr. ROBINSON).

Mr. ROBINSON of Virginia. Mr. Speaker, I am not a lawyer, so I shall not dwell on the legal attainments of my distinguished colleague. As a layman, however, and being somewhat wary of the language of the legal profession, I can state that I have had great confidence in the exposition of a point of constitutional law by DICK POFF, because I could understand it, and because the conclusion at which he arrived almost invariably impressed me as one solidly based in commonsense.

Although I was privileged to count him as a friend before coming to the Congress, the true value of that friendship was made abundantly evident on my arrival in the House. His wise and generous counsel enabled me to avoid many of the pitfalls which beset the freshman Member, and the fact that he vouched for me was instrumental, I know, in the acceptance and assistance which I received from many other senior Members.

Our colleague has been a model of the effective, yet unobstrusive, legislator. He has retained his inteliectual curiosity and has drawn on his continuing studies in weighing the potential impact of each legislative decision, in committee and on the floor. His judgments have been calm, and, once they have been arrived at, he has not been moved from them by public clamor or political expediency.

His views, however, have not been intransigent, and he has been ready to acknowledge, on occasion, that new circumstances and new insights, have given him reason to modify a position previously taken.

Through the years, by conscientious attention to his public duties, DICK POFF gained in stature in the House, but it remained evident that his first concern was not personal advancement, but the best interests of the people who had sent him here to represent them—the citizens of the 6th Congressional District of Virginia. His congressional office was organized to serve them—to represent them—to represent them not only in legislative matters but also in the wide variety of problems involving agencies or agents of the huge Federal establishment with which private citizens become involved.

I am not certain as to all the ingredients of what is called judicial temperament, but, if they combine to produce an unwavering commitment to interpret the law and administer justice in an evenhanded manner, with both firmness and compassion, I am confident that our colleague will not be found deficient in any of them.

Speaking still as a layman, I will state that I have had, and continue to hold, the Supreme Court of Appeals of Virginia in great respect—a higher order of respect, I might add, than I have found myself able to accord the Federal judiciary on occasion.

When Justice POFF takes his place on that bench in Richmond, my confidence in it will be further enhanced, because I know he will be prepared not to make law, but to interpret the statutes of Virginia after measuring them against the directives and injunctions of the constitution of Virginia and the Constitution of the United States.

I share the regret being expressed here today at his impending departure from the House, but it is softened by the knowledge that judicial thought will be enriched.

Mr. ABBITT. I thank the gentleman.

I am happy to yield at this time to my dear friend and colleague from the Second Congressional District (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Speaker, I am honored and pleased to join my colleagues this afternoon in paying tribute to my good friend and colleague RICHARD POFF. While I am sorry to see DICK POFF leave the House, I believe that his appointment to the Supreme Court of the Commonwealth of Virginia will not only cap an illustrious career of public service but will bring to the high court of our State a degree of wisdom and legal talent that is matchless.

Before I came to the Congress in 1969, I knew of the splendid reputation of this man. Men in both parties told me that he had the best legal mind in the House of Representatives. After I became a Member of Congress, I saw this reputation confirmed over and over. DICK POFF has been a wise counsel to many Members of this House. His integrity and seriousness of purpose are an inspiration to me and I am going to miss his steadying influence. I would also like to commend Governor Holton this afternoon for selecting Congressman POFF for this significant judicial post. We in Virginia have always placed a high premium on judicial skill. It is in the heritage of George Mason and Thomas Jefferson, the only two Americans whose faces we see among the law givers above the doors of the gallery. It is fitting, therefore, that RICHARD POFF should go forth from this Chamber and serve on the high bench in Virginia for he will serve with distinction and in the spirit of those great Virginians who look down upon us. Mr. Speaker, I say again that I am honored to be able to participate in this tribute to my good friend and colleague.

Mr. ABBITT. I thank the gentleman from Virginia (Mr. WHITEHURST).

Mr. Speaker, I yield now to the gentleman from Virginia (Mr. WAMPLER) who is representing the Ninth District of Virginia.

Mr. WAMPLER. Mr. Speaker, I feel a special pride in my friend, DICK POFF, as he receives the well-deserved accolades of his colleagues. It is a pride born of the ascertainment that hard work is rewarded, that honesty and integrity are valued, that intellect coupled with tolerance, is justified.

DICK and I came to Washington together as freshmen Members of the 83d Congress in 1953. During that first session he was more than a colleague from my home State—he was friend, adviser, counsel, and confidant to me, as well as a model legislator. He remains so to this day.

When he made his decision a few months ago not to seek reelection this year, I felt a deep personal regret. But the greater loss will be felt by the House of Representatives and the Judiciary Committee where his contribution is invaluable. That he is attuned to the needs of his constituency is evidenced by the election returns over the past 19 years. By virtue of reapportionment, I have inherited two of his counties, and the city of Radford, where he practiced law before coming to Congress. It will be difficult to reach the level of his performance in this behalf.

But now, a singular honor has come to him which both recognizes his past achievements and seeks his continued service. Gov. Linwood Holton has indicated that RICHARD H. POFF will be named justice of the Supreme Court of Appeals of the Commonwealth of Virginia. This is our State's highest judicial tribunal.

And an exemplary justice he will be. He is thoroughly versed in constitutional law, dedicated to the ideal of law with justice, tempered with compassion and human understanding. He can be depended upon to administer this high office with dignity, with honor, and without prejudice. The Governor has chosen well, and the citizens of our beloved Virginia will be the chief beneficiaries of his wisdom.

I am delighted to join my colleagues in paying tribute to the pride of the Virginia delegation, a distinguished Member of Congress, a respected lawyer, a cogent force on the Judiciary Committee, an altogether able man, and a good friend—RICHARD H. POFF.

Mr. ABBITT. Mr. Speaker, I thank the gentleman from Virginia (Mr. WAMPLER).

I would like to say at this point I am so pleased that all nine Members of the Virginia delegation have joined together to commend the Governor of the Commonwealth of Virginia for this great appointment. I believe I can commend him on this appointment. He has appointed in my opinion one of the outstanding men, second to none, to fill the vacancy on that court.

We are personal friends of Mr. POFF, but we are not commending him because of our friendship. Five of the nine Members from Virginia that have spoken here today are attorneys. We know of Mr. POFF's integrity, and we know his ability. We have confidence in him, and we believe he will serve with honor, with fairness, and reflect great good upon the judicial members of Virginia. He will serve in the great tradition of the former members and present members of the Supreme Court of Virginia. I just want to say to our people back home that we are proud to commend Congressman POFF to the Legislature of Virginia.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to a non-Virginian to make a few remarks?

Mr. ABBITT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, of course, I am only a freshman Congressman, and I cannot even say that on many legislative issues that I have been on the same side as the gentleman from Virginia (Mr. POFF) but having had the experience of serving in this term on the Judiciary Committee with Mr. POFF, I would like to associate myself with the remarks just made by various gentlemen from Virginia about the qualities of mind and character evidenced by Mr. POFF.

It does not take long association to recognize the highest qualities. Mr. POFF gives every indication, to those who know him, that he will be a judge in the mold of that other great Virginian, Chief Justice John Marshall. I am sure that if he is on the bench long enough he will make a record of similar distinction.

Mr. POFF is a man who, whatever his political persuasion, approaches problems with a detached, a judicial point of view. He is a man with an unusually keen and disciplined legal mind, a clear thinker and speaker. But more than that, he is a man of fairness who tries to look objectively at a problem instead of bringing it within preconceived notions and outworn values. A man with these qualities has the capacity to grow with the times yet retain the valid essences of our great traditions.

I hope that, if the Supreme Court of Virginia can afford to suffer, in his departure, the loss that this House is soon going to suffer, there will come a time when Mr. POFF will be elevated to that yet higher post from which he withdrew his name for nomination a few months ago.

There are some people, happily, on the bench as in our legislatures, who consistently rise above the particular passions of the moment and take the long view and the enlightened view. We need more of them in high places. I believe Mr. POFF is that kind of person. I want to add my commendation to the Governor of Virginia for showing the wisdom of appointing RICHARD POFF to the supreme court of his State.

Mr. ABBITT. I thank the gentleman for his comments. I want to be associated with those sentiments expressed. I am sure I speak for all the other eight members of the delegation. They desire to be associated with those remarks.

I appreciate the opportunity of being here and of presenting this matter to the House.

Mr. DOWNING. Mr. Speaker, I came to this great Chamber almost 14 years ago. During the intervening years, I have risen on numbers of occasions with the other Members to pay proper respect to the significant accomplishments of a distinguished colleague. I appreciate this opportunity to salute yet another colleague whom we hold in the highest esteem.

Our colleague, the Honorable RICHARD H. POFF, will leave us soon. We had begun to grow accustomed to the idea of his no longer serving in the House of Representatives since his announcement earlier that he would retire at the end of this Congress. It was not easy for us to accept the idea that DICK POFF has chosen to leave us, because many of us—those of us from Virginia in particular—have come to rely heavily not only on his leadership, which is of the highest quality, but on his friendship which knows no bounds.

Now we have learned that our colleague's departure from this House which he loves so well, will be sooner than expected. Several weeks ago, the Honorable Linwood Holton, Governor of Virginia, announced at the Capitol in Richmond that he planned to appoint RICHARD H. POFF to the Virginia Supreme Court.

Governor Holton said that he had selected him, "because he has stood at the highest levels of leadership nationally, has demonstrated legal ability during almost 20 years on the House Judiciary Committee, and has provided unique representation with amazing accomplishments."

His colleagues here in the Virginia delegation feel that our Governor could have chosen no more wisely. To us, DICK has always been the one who espoused the Constitution as a sacred trust. His legal scholarship has been exemplary; his principles of justice exact. To us, he was the model candidate for high judicial appointment.

We therefore were not surprised at his response as he stood beside the Governor when the announcement was made yesterday. He said:

I feel a mixture of joy, gratitude and humility. The Virginia Supreme Court ranks highest of all of the high courts of the States. Its decisions are acclaimed for their scholarship and craftsmanship throughout the legal profession and the academic community. His excellency, the Governor, has done me an honor which I shall strive mightily to earn.

And in particular, I was impressed with the three pledges which our colleague made.

First, he pledged "to the distinguished chief justice and the senior associate justices" that as a freshman member of the court, he will be a dutiful apprentice.

And then my admiration for him swelled to the very highest when he said:

As a member of the judicial branch of Virginia's government, I pledge to the General Assembly that I will never invade or usurp the function of the legislative branch.

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Would only that other justices on other high courts make the same resolve.

And finally, he said:

As one sitting in judgment upon the property rights and personal rights of others, I pledge to the people of Virginia that I will seek only to serve the cause of justice for all people.

Governor Holton announced that he plans to make the formal appointment so that our good friend will be able to join his new colleagues on the bench in time for their term which begins late in August.

We will miss our daily association with him—an association which began in my case when we were classmates in the law school at the University of Virginia. We will see him go, however, without the customary feeling of sadness which we hold for many departing Members, but with a measure of admiration, because of his answer to this new call and with unbounded joy for the realization that a man so superbly schooled in this great legislative body will take to the judicial branch the lessons he so diligently learned here about "government of the people, by the people, for the people."

And, Mr. Speaker, when we welcome his successor, we will do so in the knowledge that he may walk in the shoes of RICHARD H. POFF, but never will he match his stride.

Mr. Speaker, our colleague Congressman WILLIAM M. COLMER, the distinguished chairman of the Rules Committee, was unable to be present today but he asked me to extend to DICK POFF the sincerest congratulations and best wishes.

Mr. FUQUA. Mr. Speaker, the day that RICHARD H. POFF leaves the House of Representatives, it will be a loss to this body. Congressman POFF is one of the most able and brilliant Members ever to serve in the Congress, and I personally am privileged that I have had this opportunity.

The great State of Virginia is fortunate in having him accept appointment as a justice of its supreme court. I am reminded of conversations with numerous friends on the House floor when we felt that he would make this Nation an outstanding Associate Justice of its Supreme Court.

Congressman POFF has been elected to 10 consecutive terms in the House of Representatives. It is fair to say that the respect that I hold for him is not that he has served for so long, but that he has served so well.

This year will see a number of distinguished Members of this body move on to other pursuits. Their counsel, guidance, and dedication will be missed.

But none will be more missed than our distinguished colleague from Virginia.

I wish him well in this new and exciting challenge.

The people of Virginia will be well served with RICHARD POFF as a member of their supreme court.

Mr. HUTCHINSON. Mr. Speaker, I have been privileged to sit with DICK POFF for 8 years and work closely with him on major legislation. I know of no lawyer with a keener judicial mind.

With his knowledgeability and stability, he will make an outstanding justice on the supreme court of the Commonwealth of Virginia. I am confident that he will continue to serve the people of Virginia with the same dedication that he served them in the House.

His leadership in the President's programs for judicial reform and law enforcement has been inspired. I know that he will become even more nationally recognized as one of our Nation's most able appellate jurists.

I know that each of you shares my mixed feelings of sincere congratulations and keen sense of loss of DICK POFF's devoted service to the House.

Mr. MCCLORY. Mr. Speaker, the appointment of our colleague from Virginia, RICHARD POFF, as associate justice of the Virginia Supreme Court adds lustre and prestige to the entire institution of the judiciary.

While I had favored DICK POFF's appointment to the U.S. Supreme Court—and joined in making such a recommendation to the President—I consider that his decision to withdraw his name from consideration was one which he considered valid notwithstanding the loss to the Nation which his action caused.

Mr. Speaker, the appointment which will now result in his service on the Virginia Supreme Court should enable the judicial branch of our Government to benefit from his broad experience and his special legal talents.

Mr. Speaker, having served on the Judiciary Committee with DICK POFF during the past 8 years, and having been intimately involved with him on various major pieces of legislation in committee, and in active debates on the floor of this Chamber, I can attest, firsthand, to his scholarly analysis of legislation and his eloquent presentations during committee sessions and in floor debate.

Mr. Speaker, there are clear differences of opinion with regard to virtually all legal and legislative matters—and there are as great a variety of political philosophies as there are individuals in this Nation—but no one could ever question the fidelity and sincerity with which DICK POFF expressed his legal position and his political views. I am confident that the quality of legislation has been improved and that the reputation and prestige of this body has been enhanced by his faithful and constructive service as a Member of the House of Representatives.

Mr. Speaker, I congratulate DICK POFF on his appointment and wish him well in his career as a member of the Virginia Supreme Court. The loss to the House Judiciary Committee and to the House of Representatives is substantial, the gain to the Nation's judiciary is immeasurable.

GENERAL LEAVE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROTECTIVE LEGISLATION FOR POLICE, SHERIFFS, AND PROSECUTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, just recently, a situation was brought to my attention which I am sure you will agree is most unfortunate—a lawsuit was brought against one of my constituents who is a police officer which launched him and his family into near poverty, even though he was proved innocent of the charges brought against him for actions taken during his line of duty. The family is still $4,000 in debt due to the legal fees incurred, and they have lost their home after having to mortgage it during these trying times. And we can only imagine the tremendous amount of pressures and sufferings the officer and his family had to endure—and are still enduring. This is an incredible situation, and a very sad one.

A short time ago, my colleague, Mr. ICHORD, brought to the attention of this House facts which indicate that the case I posed is not an isolated one by any means. He documented that the number of "frivolous" suits being brought against law enforcement officers, prosecutors, and others in the field of law have increased significantly. The excuses for bringing these suits are endless. It may be that it is a ploy to delay prosecution, to create publicity, to gain sympathy, or even to "get back" at those who were only performing a duty on behalf of the citizenry at large.

Since these suits must be defended with the lawman's own resources, it can but have ill effects on their performance for fear that they will be brought to trial themselves.

It is for this reason that I am introducing a bill today aimed at helping lawmen sued for damages in Federal courts. Essentially, this measure would require plaintiffs to file a bond with the court conditioned upon the payment of reasonable investigative and legal costs if the defendant wins the suit. This would insure reimbursement, and would, hopefully, fend off those who do not believe they have a chance of winning their case in court.

This proposal is the only equitable alternative to the present situation, and it is essential that we undertake to help protect the law enforcement officers found innocent of charges.

It is my hope that this measure be seriously considered, along with other protective measures which I have supported ever since I came to Congress, providing reimbursement to the families of officers injured or killed on duty by the defendant, and making it a Federal crime to kill or feloniously assault law enforcement officers. Let us protect our "protectors."

HIGH PROFITS CAUSE OVERRUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, contractors demanding profits as high as 20 percent are a major reason for cost overruns totaling $77 million of the Navy's special new quiet submarine.

Caving in to the unwarranted demands of contractors by the Navy has pushed the price of this new submarine from $100 million to $177 million.

General Electric, the only potential builder of the submarines' nuclear engine and Worthington Corp. of Harrison, N.J., which provides special pumps for the subs, were the major offenders in what I believe is a money-grabbing escapade.

The Navy has allowed itself to be put over a barrel and has permitted contractors to extract excessive profits. These contractors took unfair advantage and exploited the Navy for extra profits.

General Electric charged the Government for 13 percent profit for the nuclear plant on the SSN685 submarine which is nearly double the normal amount.

According to Adm. I. C. Kidd in response to questions that I posed before a recent hearing of the House Armed Services Committee, Worthington Corp., the builder of pumps, "insisted on 20 percent profits." The normal profit for this kind of contract is 11 percent.

I have written today to Navy Secretary John Warner urging him to renegotiate these contracts in order to eliminate obviously excessive profits. I believe it is unconscionable for the Navy to provide a 20 percent markup to Worthington for its pumps.

Mr. Speaker, there is no doubt in my mind that an independent authority should be established which enforces contract incentives and penalties. While many contracts today contain incentives and penalties for the contractor, they are rarely enforced. The establishment of an independent body through congressional legislation would be a first step in forcing contractors and the services to enforce penalty clauses.

Since the military obviously refuses to discipline contractors then Congress must legislate an end to this kind of ridiculous boondoggle.

HEART ASSOCIATIONS PLAY KEY ROLE IN EFFORTS TO CONTROL HEART DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, many of us were watching television one evening almost 2 months ago when the evening newscasts reported on a domestic drama involving one of the country's most famous families. The family was that of former President Johnson, and the drama centered on Mr. Johnson's second heart attack, which he suffered while visiting his daughter and her family in Charlottesville, Va.

The experience the Johnson family had in early April is one that is sadly familiar to all Americans. Many have themselves been stricken by some form of heart disease, and there is hardly anyone who does not have a friend, relative, or neighbor who has been among the victims.

Cardiovascular diseases—those diseases that affect the heart and circulatory system—are the largest single cause of death in our country today. They are also a leading cause of disability. They strike at Americans in all age groups.

The statistics are sobering. Approximately 30 million Americans—close to 15 percent of our population—suffer from some form of cardiovascular disease. Over 1 million people annually die from heart disease; that amounts to 54 percent—or slightly over half—of the total deaths that occur in the United States each year. Fifty-six percent of all Indiana deaths, slightly higher than the national average, are from heart disease.

Among the elderly—those over 65, cardiovascular diseases account for two-thirds of total deaths. But they also take a heavy toll of those in the prime of life; one-third of the Americans who die before reaching 65 are victims of heart disease.

The economic costs of heart disease are staggering. They cost the Nation about $17.3 billion annually, and they cost the Nation's business about 52 million man-days of production each year.

In this country, we take pride in having brought under control many diseases that once took a heavy toll on our citizens. The threat from diphtheria, polio, tuberculosis, pneumonia, and malaria has been greatly reduced in this century.

Yet the incidence of heart disease is actually much higher today than it was in 1900. And although the death rate from all cardiovascular ailments has declined somewhat in the last few years, it is still increasing for some of the most prevalent forms—notably coronary disease and strokes.

This rising toll cannot be fully explained by increasing life expectancy. It is true that Americans are living longer and that heart attacks occur more frequently among the elderly. But the coronary death rate is also climbing for persons in the younger age bracket—especially men. Since 1950 it has gone up 14 percent for men aged 25 to 44, and 4 percent for those between 45 and 65. President Johnson suffered his first heart attack when he was 47, 8 years before he entered the White House.

What this means is that heart attacks and strokes are taking an ever greater toll of men in the most productive years of their lives. One estimate is that heart disease is responsible for $6.9 billion in lost wages each year. There is no way of assessing the hidden costs due to losses in management skills, production know-how, and personnel training.

The picture is not entirely gloomy, however. We have had some significant advances toward bringing heart disease under control. A wide variety of technologies join forces to make more precise and effective the diagnosis and treatment of cardiovascular disorders. Cardiac catheterization, radioisotope scanning, computers, sophisticated X-ray techniques, ultrasound and exercise tolerance tests are all employed.

TREATMENT

Treatment, too, has improved with anticoagulant drugs, diuretics to remove fluid from the tissues, digitalis to regulate the action of the heart muscle, diet control, and antibiotics.

SURGERY

Impressive progress has been made in surgical techniques. The development of heart-lung machines and perfection of open-heart surgery have enabled doctors to correct many of the congenital heart defects that once condemned their victims to invalidism and early death. None can better appreciate this accomplishment than the parents of the more than 25,000 babies born each year with defective hearts.

New heart valves, transplanted leg veins used to bypass a diseased area of a coronary artery, "booster" pumps are all relatively new and dramatic advances in surgical techniques.

EMERGENCY FACILITIES

Another area in which there has been great progress is in the provision of emergency facilities to treat heart attack victims. Fast action means the difference between life and death in many cases of heart attack. The solution is to begin treating the patient and monitoring his heart condition as soon as possible after an attack occurs and to maintain this surveillance continuously.

President Johnson's case provides a good illustration of what can be done. A mobile coronary care unit was sent for him after he suffered his attack. This meant that doctors could begin treating him even before he reached the University of Virginia hospital. Once at the hospital, he continued under constant observation at the intensive care facility there. And when he flew to his Texas home 2 weeks later equipment to provide the same type of care was aboard the plane on which he was traveling.

Only a decade ago few hospitals had the type of emergency facilities that helped President Johnson. Now more than one-half of our 7,000 hospitals have coronary care units at the hospital, and more and more have mobile units as well. These units feature highly trained personnel, around the clock monitoring devices, the latest techniques in the use of drugs, electrical methods of restarting and repacing the heart. This is a major reason that the death rate among hospitalized heart attack victims has dropped 30 percent in recent years.

REHABILITATION

Restoring the victim to productive living is another important advance in the treatment of cardiovascular disease. patient, family, therapist, physician all cooperate to restore health.

These are noteworthy accomplishments, but much remains to be done if we are to be successful in curbing heart disease. Further progress will require that we give attention to three tasks: prevention, research, and education.

PREVENTION

Prevention is important because it offers by far the best prospect of lowering the overall toll from heart disease. Treating persons after they suffer heart attacks and strokes can save many lives, but a really significant drop in the death rate will only be possible if we can reduce the number of heart attack victims.

The tragic fact is that half of the

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persons who suffer coronary attacks die within minutes or seconds and never have an opportunity to receive medical assistance. Fifty percent of those who die suddenly are not aware they have heart disease until the fatal attack occurs. Even those who survive an initial attack may be disabled for extended periods or perhaps for the rest of their lives.

Our major objective, therefore, should be to learn more about the causes of heart disease so that we can undertake effective prevention programs.

RESEARCH

This is why research is so important. Why, for example, is the mortality rate for men under the age of 55 about twice as great in the United States, as it is in the Scandinavian countries? Medical investigators have learned a great deal about heart disease in recent years, but they acknowledge that there are still many gaps in their knowledge. They know that arteriosclerosis, or hardening of the arteries, which gradually restricts the flow of blood to the heart and the brain, is the proximate cause of most heart attacks and strokes; yet, they still do not fully understand the process by which arteriosclerosis takes place.

Statistical analysis has shown that there is a high correlation between heart disease and what have come to be known as the three high-risk factors: cigarette smoking, cholesterol in the blood, and high blood pressure. This evidence suggests that these three factors may be among the principal villains in the heart disease drama. Extensive experimentation will be needed to test this hypothesis.

Heart experts also want to find out whether there is any relation between the tensions of modern urban living and the incidence of heart attack. They would like to know why coronary disease afflicts many more men than women under age 65. The answers to these questions might lead to a significant breakthrough in preventing heart disease.

EDUCATION

Research must go hand in hand with education. We still need to do more to alert the American public to the danger from heart disease and to spread information about ways of combating it. People need to be familiar with the symptoms of heart disease, so that they can seek proper treatment before it is too late. Too often those who suffer heart attacks postpone seeking medical assistance; the average delay, according to one study is 3 hours. As research yields the information we need to mount an effective prevention program, educational activities to dissemination this information to members of the medical profession and to the public will become even more important.

CONGRESS

Congress has recognized the need for action to combat heart disease. Legislation has been proposed in both the House and the Senate to expand the activities of the National Heart and Lung Institute, which has been engaged in research into all aspects of heart disease since 1949.

The legislation in the House, which I have joined in sponsoring, provides for:

First. Development of a comprehensive plan to combat heart disease. The plan will be prepared by the National Heart and Lung Institute, and will set forth a specific, long-term strategy, identifying research priorities and requirements for new facilities, funding and staffing.

Second. Increased funding. Under the House bill annual authorizations for the National Heart and Lung Institute will be doubled next year and will continue to increase thereafter, rising from $370 million in fiscal year 1973 to $490 million in 1975.

Third. New research facilities. Fifteen new centers to be established by the National Heart and Lung Institute will work on diagnosis and prevention, as well as treatment, of heart disease.

Fourth. An expanded educational program, to be conducted by the National Heart and Lung Institute. It will give special attention to disseminating information about prevention of heart disease, particularly with regard to diet, exercise, weight control, stress, hypertension, and cigarette smoking.

Fifth. Better administration, to be achieved by giving the National Heart and Lung Institute greater authority to coordinate the activities of the Federal Government relating to heart diease.

Sixth. Closer cooperation between the National Institute, the medical profession, and the concerned public. The vehicle for this will be a restructured National Heart and Lung Advisory Council, in which Federal officials, medical experts, and public representatives will participate.

The prospects are good that we will see enactment of this legislation before the end of this year. In the House, floor action on the proposals which I am supporting should take place in a few weeks. In the Senate, a similar bill, which incorporates all of the principal features of the legislation pending in the House, has already been passed.

The proposals now being considered in Congress will give a strong impetus to the campaign against heart disease, but success will not be possible without the active involvement of concerned citizens throughout the country.

HEART ASSOCIATIONS

That is why it is essential to have the continued support of heart associations. These organizations bring together people who want to do something about heart disease in communities in all parts of the United States. They provide a valuable link between the medical profession and the general public. They have helped build the foundation of popular support that has made it possible to win Congressional approval of expanded Federal heart programs.

Volunteers are the most important resource of every heart association. Thanks to the support of public-spirited persons who are willing to contribute their time and skills, heart associations have compiled an impressive record of accomplishments.

These associations have helped to inform the people about the symptoms of heart disease and to alert them to the risks inherent in smoking, improper diet, overweight, and high blood pressure. This has involved the distribution of school health kits, the organization of nutrition and weight control classes, and the provision of speakers and informational materials.

The heart associations have introduced a new preventive technique through their PhonoCardioScan programs, which detect abnormal heart sounds in school-age children.

Another valuable association service is supplying data on the latest developments in heart research to doctors and nurses. Training sessions in mouth-to-mouth resuscitation and closed chest heart massage have prepared firemen, police, school personnel, and other individuals to give emergency assistance to heart attack victims.

Volunteers have made all of these programs possible. Volunteers will be needed to continue and expand them so that your association can contribute to the stepped-up campaign against heart disease that is now commencing.

With the vigorous support of heart association members throughout the United States, I am confident we can look forward to new progress in controlling the ravages of heart disease.

TAXATION WITHOUT JUSTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. GALIFIANAKIS) is recognized for 5 minutes.

Mr. GALIFIANAKIS. Mr. Speaker, in 1772 taxation without representation oppressed the American people. Two hundred years later we have taxation with representation, but without justification. That may be progress, but I doubt it.

I refer specifically to the $8 billion the Federal Government is estimated to have withheld unnecessarily from millions of American taxpayers. In effect, the Government has confiscated the property of American citizens and plans to hold that property and enjoy the benefits thereof for up to 1 year without paying any compensation.

The excuse, of course, is that this sorry situation is the taxpayer's fault. He or she, we are told, should have had enough sense to overdeclare personal exemptions, to claim more exemptions than he or she really has. I should not be too surprised. This is no more nonsensical than many provisions of our tax code. What is even more absurd is the attempt to blame the victim for the crime.

In reality, bureaucratic miscalculation and ineptitude are responsible for this economic fiasco, and in my opinion the Government should accept responsibility and pay the price for its mistake. The Government failed to adequately alert the American people about the recent increase in the withholding tables, and as a result, many taxpayers are being compelled to make, in effect, interest-free loans to the U.S. Treasury.

Several of my colleagues have suggested that the Government consider offering such taxpayers interest-bearing bonds instead of no-interest refund checks. In the light of the inflationary pressure likely to be incited by the cashing of millions of huge refund checks, the interest-bearing bond approach appears to be an effective instrument for correcting this gross inequity without substantial damage to the fight against inflation.

Therefore, I urge both the Congress and the administration to expedite its consideration of this subject and make a prompt effort to right this obvious wrong.

POLLUTION RESPECTS NO BOUNDARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, much of Florida was plagued earlier this month by smog and haze which has been traced, by weather satellite photographs and other means, to smokestack emissions from as far away as Ohio, Pennsylvania, and Tennessee.

In some areas of Florida these air pollution conditions caused a significant increase in respiratory ailments and in hospitalizations for these ailments. The situation in Dade County, Fla., became so bad that county officials have threatened Federal court action against these out of State polluters.

I think that this incident is just one more indication that we are going to have to be sure that strict Federal air pollution standards are enforced nationwide if any of us are to live to enjoy the benefits of clean air and clean water in our local communities. It also serves as a warning that we as a community of nations are going to have to do a good deal more than we are now doing if we are to stop the pollution of our planet.

At this point in the RECORD, I would like to insert an editorial on the recent "out of State pollution" problem in Florida which appeared in the Tampa Tribune of June 2:

POLLUTION RESPECTS NO BOUNDARY LINES

A complaint from Dade County this week emphasizes that the problem of air pollution is national, not local, and why national standards are so important.

Dade County (as was much of the rest of Florida) was blanketed with haze last week. In the Miami area particularly, there was a notable increase in respiratory attacks and hospitalization of victims.

In a protest to Federal officials and pollution control directors of three states, Peter Baljet, Dade pollution control chief, said weather satellite photographs and other studies had clearly established that smokestack emissions from Ohio, Pennsylvania and Tennessee had ridden air currents southward, and a temperature inversion had trapped the smog over Florida.

Baljet asked the three states and the U.S. Environmental Protective Agency to act immediately against offenders. He said under the Federal anti-pollution act the county could go into a U.S. court for injunctions against out-of-state polluters, and threatened to do so "if the administrative route fails."

That the Environmental Protection Act has sufficient teeth in it to assure clean air for everyone was made plain Tuesday by the action of U.S. District Court Judge John H. Pratt in Washington. Judge Pratt, acting in a suit brought by four ecology groups, ruled that the Federal law requires not only that states adopt pollution standards, but that they also prohibit high-quality air from deteriorating even to the level of the standards.

He ordered William D. Ruckelshaus, director of the EPA, not to approve state pollution control standards unless they expressly contained the non-degradation element. The four plaintiffs argued that Congress, in enacting the law, held its purpose was to protect and enhance air quality, and Judge Pratt, agreeing, stated, "On the face, this would appear to permit no significant deterioration of air quality."

Ruckelshaus responded that he doesn't believe he has the authority to require a non-degradation policy in clean-air areas. He asked a review of the decision, and said if Judge Pratt is upheld the courts must define the principle clearly enough for him to write appropriate regulations. He said the court's decision would open up a new area of standards for state anti-pollution plans, including those nine states, Florida among them, whose rules have received final Federal approval.

Judge Pratt's ruling, however, makes special sense in light of Dade County's plight. Even mild pollution at the point of emission, when combined in the upper air currents with that of other areas, can intensify the plague on other localities.

The air we breathe knows no city, county and state boundaries. When a polluter in Pennsylvania can put a Miamian in the hospital, the problem obviously is nationwide, not local. It behooves every citizen to demand strict Federal action to control the smokey stacks even a thousand miles away; the cough he prevents may be his own.

THE CONTRIBUTIONS OF EDITH GREEN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, those of us who have enjoyed the privilege and honor of serving in the House with Representative EDITH GREEN, know of her dedication to America and of her valuable contributions to sound legislation, particularly in the field of education.

Long known for her distinguished work in that field, she has again been brought deservedly to the attention of the entire country through a recent article in the Christian Science Monitor. It appeared on Monday, June 12, 1972, under the heading "School-Trend Watcher." In this article Mrs. GREEN talks with a reporter about her views on education, the financial difficulty facing our schools, and misuse of schools as a tool for social change. No one is better qualified than Mrs. GREEN to speak on this matter.

I commend the article to my colleagues and I congratulate Mrs. GREEN not only for what she has said but for the outstanding work she has done in this most important field throughout her career.

The article is reprinted below.

CONGRESSWOMAN GREEN—SCHOOL-TREND WATCHER

(By Marion Bell Wilhelm)

When Edith Starrett, the bright-eyed daughter of two dedicated teachers, yearned to become an electrical engineer, she was advised not to try for a "man's career."

Her second choice was law. Again, she was counseled out of a profession that would relegate a young woman to a "back office."

So Edith Starrett grew up to become a teacher, as was advisable for a woman looking for regular employment in the 1930's. Today she is one of the most powerful spokesmen for American education in the U.S. Congress.

After 18 years on the House Education and Labor Committee, Rep. Edith Starrett Green (D) of Oregon says philosophically: "As it turned out, the career that was chosen for me has been invaluable to my work in Congress, and I suppose it even makes me a little impatient with those of my colleagues who have never taught school."

As the chairman of the Special Subcommittee on Education, Mrs. Green keeps her eye on trends and changes throughout the 50 states and the District of Columbia. She has sponsored major legislation to help rescue the nation's schools from the gathering storms of "a social hurricane."

DECLINE OF CONFIDENCE

All over the United States, she notes, school tax levies and bond issues are being defeated. Property taxes are high and uneven. Too often, she says, those making school policy are untrained in educational and professional skills.

"People seem to be losing confidence in the public schools," she observed in a recent interview. "I fear the day may be coming when we just won't have an educated citizenry. Already, we can see some evidence of this in some of our big cities."

Representative Green's goal is to see the federal government eventually take over 35 percent of all educational costs from kindergarten through college. This would help equalize education for all Americans, she believes, while maintaining the quality of their best schools. She calls the coming changes in the financing of education "revolutionary."

However, the trend toward national financing contains some pitfalls, she cautions.

In a number of states, she points out, suits have been brought by citizens questioning the equality of education in school districts with widely divergent tax revenues. If the local property tax is abandoned for some kind of statewide tax, parents in states such as Mississippi or Alabama might also bring suits claiming inequality with states such as Connecticut. National equalization, though beneficial in some ways, could be disastrous, in Mrs. Green's opinion, "if we settle for mediocrity."

LEGISLATION INTRODUCED

"I introduced a bill last year in which I proposed that the federal government by the year 1976 would contribute 25 percent of the total cost of education in the average district," she says, "and this session I am introducing a bill that would provide one-third of the cost. At present, we are contributing 7 or 8 percent.

"But I am not persuaded that money alone is going to buy quality. Here in the District of Columbia, for example, our schools are decaying before our eyes. And yet they have the highest per capita expenditure for education of any city of similar size in the nation."

Nor does Mrs. Green think that busing is the way to achieve the best education. She says: "I think a careful reading of the evidence shows that a child's education and his ability to be educated depend more upon the environment in which he lives than on the six hours a day in which he is transported to a school outside his neighborhood. I think that the task is much greater than we have assumed. We're going to have to change homes, and we're going to have to change neighborhoods."

TOO BIG A BURDEN

Any attempt to place the major responsibility for social reform on the schools alone is doomed to failure, she asserts.

"It may be that a youngster who is attending a very poor school and is bused has an opportunity for a higher quality of education," she adds, "but I think that, overall, the reverse is accomplished. I had lunch with some school-board members in Los Angeles, for example, a year and a half ago. This last year they had to cut out $50 million in programs and services for children in the Los Angeles schools because they didn't have enough money.

"Then a state court came along and said, 'You're going to have to desegregate.' The superintendent's office told me last November that for the first year their estimate on the cost of buying buses and hiring bus drivers will be $42 million."

KISSINGER TESTIFIES IN NIGHTCLUBS BUT NOT BEFORE CONGRESS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, Presidential Adviser Henry Kissinger is a law unto himself. While his free-wheeling antics make him a one-man successor to the old rat pack which used to be fashionable at the White House, he apparently holds out a double standard on his briefings. Rarely will he be quoted. He will not testify before congressional committees and yet, according to an article in the May 29, 1972, International Herald Tribune, he showed no qualms at "testifying" in a Moscow night club about U.S. defense and negotiation information which should be treated as highly confidential, if not secret. Will he make the same statements before appropriate congressional committees or does he limit his discussions of our Nation's secrets to bars and the jet set crowd?

According to that news report, Mr. Kissinger discussed the balance of American-Soviet nuclear weaponry in the dim Skylight Room of the Intourist Hotel. The account noted:

To American newsmen based in Moscow, it was astonishing to hear the principal strategic adviser to the American President discussing the level of both nations' nuclear arsenals in a Moscow nightclub.

Astonishing to them, possibly, Mr. Speaker, but not astonishing to many Americans who do not trust Mr. Kissinger. One of the reasons that many of us have so little confidence in President Nixon's foreign policy conduct is Mr. Nixon's confidence in Mr. Kissinger and his coterie. There are many reasons for firing Henry Kissinger. This is probably the least of them and yet it is a part of the story of arrogance at the seat of power and national security in Washington.

The entire story is included at this point:

KISSINGER TELLS ALMOST ALL: STORY OF SUCCESS COMES OUT IN MOSCOW NIGHTCLUB

(By Murrey Marder)

Moscow, May 28.—None who experienced it will quickly forget the climax of an improbable diplomatic presentation that leaped between the Kremlin Palace of the Czars; a well-worn diplomatic bargaining room in Helsinki; the American Embassy here, and ultimately the nightclub of Moscow's Intourist Hotel. No one fully orchestrated this production, which dramatized the world's first nuclear arms limitation.

In the seductively dim Skylight Room, which happens to be on the hotel's ground floor, between a bandstand and a circular, raised dance floor, against a background of champagne buckets, President Nixon's inexhaustible security adviser, Henry A. Kissinger, gave the American version of what Mr. Nixon described as the "enormously important" strategic arms agreement signed two hours earlier in the Kremlin.

Over the nightclub's public address system, listeners heard what must surely have been some of the most unusual statements uttered out loud in the Soviet Union.

KISSINGER HUMOR

The Kissinger sense of humor, leavening the sobering statistics of nuclear warfare and grueling around-the-clock sessions of intensive bargaining here, was on display in an incongruous setting. Pressed by American newsmen to supply hard details on the balance of American-Soviet nuclear weaponry, Mr. Kissinger was saying: "The Soviet Union has been building missiles at the rate of something like 250 a year. If I get arrested here for espionage, gentlemen, we will know who is to blame."

To American newsmen based in Moscow, it was astonishing to hear the principal strategic adviser to the American President discussing the level of both nation's nuclear arsenals in a Moscow nightclub.

The nightclub revelation was anticipated by no one, including Mr. Kissinger. The road to it was long, tortuous, and constantly subject to the unpredictable interplay of international developments that reached from Moscow and Washington to the mined harbors of North Vietnam.

It was learned here yesterday from Nixon administration sources that one critical breakthrough to an American-Soviet agreement on strategic arms limitation was reached during Mr. Kissinger's initially secret Moscow talks with the Soviet Communist party's general secretary, Leonid I. Brezhnev, April 20–24.

In their meeting, which centered both on Vietnam and the scheduled summit talks, Mr. Kissinger and Mr. Brezhnev reached basic agreement, it is said, on including a limitation on nuclear missile-firing submarines in a first-stage SALT agreement. The accord was considered a breakthrough for the United States, which pushed hard for submarine limitations, although later new problems were to arise over exactly how the complex submarine freeze would be applied.

Simultaneously, the United States and the Soviet Union were sliding toward new tension over the American bomber attacks on the Hanoi and Haiphong region prior to Mr. Kissinger's arrival in Moscow. That slide toward the risk of a great power confrontation sharply accelerated with President Nixon's May 8 decision to order the mining of North Vietnam's harbors to try to cut the Soviet Union's sea supply line to its allies in Hanoi. American-Soviet developments were heading in exactly opposite directions at the same time: toward high prospects of coexistence, and toward confrontation.

The total inside story of the tense days between May 8 and Mr. Nixon's arrival in Moscow May 22 is still buried in secrecy. But as portions of the tale emerge they reveal increasingly that what evidently saved the summit from postponement or collapse over President Nixon's mining order was that by then the two nations were deeply involved in negotiating subjects of superior mutual interest—most especially SALT.

By the time Mr. Nixon arrived here last Monday, it was expected on both sides that a SALT agreement would be reached during his visit because the basic political decisions and most of the technical decisions has been thrashed out during 30 months of negotiating, with meetings alternately in Vienna and in Helsinki. But last-minute bargaining hangups, it was conceded, might possibly extend beyond the summit. So the pressure was on for both sides.

On Tuesday, Mr. Kissinger said, the President and Mr. Brezhnev spent the afternoon and evening on four unresolved SALT disagreements, resolving all but two of them. One group of remaining problems concerned the terms for interchanging land missiles with submarines, and another obstacle was how to deal with older Soviet submarines.

STALEMATES BROKEN

By noon Friday, the stalemates were broken, and the Russians were anxious to announce the result Friday night to avoid disrupting the summit schedule. Joint instructions were flashed to the U.S. and Soviet negotiators in Helsinki, and the final agreement was literally pieced together by American Ambassador Gerald C. Smith and chief Soviet negotiator Vladimir S. Semyonov on an American plane that brought them to Moscow Friday evening.

But the task of publishing the agreement and explaining it to the world was barely beginning at that point, with a signing ceremony set for 11 p.m. in the Kremlin.

At 10:02 p.m., American newsmen traveling with the President were assembled in the U.S. Embassy for an on-the-record briefing by Ambassador Smith and Mr. Kissinger, both operating under heavy strain.

Mr. Smith called it "the freshest treaty that I have ever talked about." In fact, it was so fresh that no one in the room had a copy to show to newsmen. That produced tumult.

Criticism already was being raised in Congress about the still-unseen treaty, especially charges that it gave lopsided submarine advantages to the Soviet Union. Mr. Smith and Mr. Kissinger firmly denied that, and then—in an unusual sequence—began revealing, in Moscow, intelligence information to sustain the American assurances.

This session, and the one afterward in the Intourist Hotel, produced on-the-record exchanges between American newsmen and officials never before heard in Moscow.

Reporter: "The basic story (about the treaty) is going to go out of this session. I think we have to get figures on submarines and other estimates, otherwise the story will go out in a garbled way . . . Is this figure of 42 Y-class submarines an accurate one that they will be allowed to complete, and we with 41?"

Mr. Smith: "I don't know about this figure of 42 submarines. I have seen all sorts of speculations about Soviet submarines, but it is perfectly clear that under this agreement, if the Soviets want to pay the price of scrapping a substantial number of other important strategic weapons systems, they can build additional submarines."

NOT AS CONSTRAINED

Reporter: ". . . I think you are evading the point . . ."

Mr. Smith: "I am purposely evading the point because that is an intelligence estimate that I am not in a position to give out . . ."

Mr. Kissinger: "Since I am not quite as constrained or don't feel as constrained as Ambassador Smith, lest we build up a profound atmosphere of mystery about the submarine issue, I will straighten it out as best I can.

"The base number of Soviet submarines is in dispute. It has been in dispute in our intelligence estimate exactly how much it is, though our intelligence estimates are in the range that was suggested."

Question "41 to 43?"

Mr. Kissinger: "I am not going to go beyond what I have said. It is in that general range. The Soviet estimate of their program is slightly more exhaustive. They, of course, have the advantage that they know what it is precisely." (Laughter).

The briefing was interrupted for the 11 p.m. signing ceremony. The frustrated newsmen watched the three official documents being signed on television. They still had no copies of the "landmark" treaty.

Later, over 100 weary, deadline-stricken U.S. reporters were assembled to meet with an equally tired Mr. Kissinger in the only available hall, the Intourist Hotel nightclub.

As he proceeded through 45 minutes of exhausting questioning, Mr. Kissinger, sleepless most of the past furious week of diplomacy, still displayed his whimsical aplomb and command of detail on a subject that has preoccupied him for years before and since he came to the White House.

NO SPRINKLING OF LEVITY

There was no sprinkling of levity to ease tension, however, when Mr. Kissinger was asked if "the United States got stuck with a submarine deal." Replied Mr. Kissinger firmly "that is an absurdity. It is a total absurdity. It was the United States which insisted that the submarines be included. . . . So this is not something that the Soviets forced on us. It is something we urged on the Soviets . . ."

If this "important first step" in limiting defensive and offensive nuclear missiles succeeds, said Mr. Kissinger, "the future will record that both sides won."

NETWORK ANTI-NIXON BIAS DOCUMENTED

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the publication known as First Monday, sponsored by the Republican National Committee, revealed some very interesting facts about the networks, as well as their commentators.

Although First Monday is a politically oriented journal, the revelations in the June 5 issue should have much broader exposure for the benefit of the public; thus I am including the following:

SOVIET SUMMIT LEAVES MEDIA CHICKEN LITTLES WITH EGG ON THEIR FACES

(By John Heywood)

The U.S.-Soviet summit meeting has among other things, left the media Chicken Littles with egg on their faces.

The President had barely faded from the TV screen on May 8 when the network sneerleaders, hand-wringers and hand-shakers went to work.

As a result of the President's just announced initiatives in Vietnam, steps taken to protect American lives and prevent a Communist take-over of South Vietnam, CBS's Eric Sevareid stated flatly: "I would suspect that the summit will not come off." His CBS colleagues Marvin Kalb and Collingwood voiced similar opinions. Collingwood said ". . . certainly the Moscow summit meeting, from which so much had been expected, is now in jeopardy . . ." Kalb declared: "One casualty of the President's mining and blockade may well be his upcoming summit to Moscow. Those who began packing and dreaming of caviar in Russia are beginning to unpack and return to some dry cereal."

CHANCELLOR: SUMMIT IN JEOPARDY

NBC's John Chancellor said on May 8: "The summit is in jeopardy today." Saying the USSR "can't sit still for this," NBC White House correspondent Richard Valeriani asked "How can they receive him (the President) now?"

Edmund Stevens of NBC observed: "The President's announcement will be pretty hard for them (the Soviets) to swallow . . . it practically killed the prospects (of a summit) . . .". ABC's Ted Koppel said: "I don't see how he (the President) can go."

Characterizing the President's actions as a "threat to the peace of the world," inviting "Soviet retaliation," the *New York Times* editorialized that "a big question mark hangs over projected summit" and "there remains no certainty that it will take place." *Times* columnist Wicker branded the President a "true emperor" and worried about the world turning into an "ash."

Not to be out-done in their denunciation of the President, the *Washington Post* opinionized: "The Moscow summit is in the balance, if it has not yet toppled over." In another editorial wondering about the national interest and the self-respect of the Soviet Union, the *Post* foresaw a possibility that "the China glow," "the Moscow summit," and "the prospects of reaching SALT, trade and European agreements before next January" might all go down the drain. *Post* columnist Joseph Kraft proclaimed the summit "in hazard" and blasted the President for putting up for grabs "the structure of world order, and the lives of thousands of Vietnamese and hundreds of Americans."

The fact of the matter is, as columnist Joseph Alsop put it: "The Soviet response to the mining of Haiphong harbor was about as tough and stiff as a length of sadly overcooked spaghetti." Those who made hysterical predictions conjuring up the wildest sort of apocalypse performed a disservice to their readers and viewers in that their ravings contributed to an irrational dialog on a subject of the utmost sensitivity, a subject which cried out for sensible discussion.

In short, much of the media's post-May 8 commentary on the President, Vietnam and the summit gives reasons to question not the judgment of the President, but rather the perspicacity of those who so badly misjudged him and subsequent events.

CBS NEWS ACCENTUATES NEGATIVE, DISTORTS FACTS IN REPORTING VIETNAM ACTION

During the past several weeks since the North Vietnamese invasion of South Vietnam, the *First Monday* Media Monitor has picked up a few items of interest, items which show that when it comes to astigmatisms nothing sees things quite like the CBS eye:

"DEFEAT" NOT A DEFEAT

On the evening of May 6, 1972, CBS Evening News viewers were greeted by anchorman Roger Mudd telling them: "The South Vietnamese suffered two more defeats today trying to push back the Communists in the Central Highlands." One of the "defeats" cited by Mudd was at Firebase 42 where enemy forces reportedly killed or wounded at least 100 South Vietnamese in a three-hour assault.

Meanwhile, on NBC, Don North was reporting from Firebase 42 and his more detailed account showed that the battle wasn't quite the defeat CBS had made it out to be.

Pointing out that the attackers were an estimated company of North Vietnamese sappers ("probably the most feared enemy soldiers in Vietnam"), North reported that the base had been destroyed but "if the enemy mission had been to overrun and hold this firebase, as they have so many others, they failed." North said the base was not overrun due to the fighting of the elite South Vietnamese airborne unit that had "beaten off" the attack by the North Vietnamese.

VOLUNTEER ARMY MISREPRESENTED

In the same May 6 CBS Evening News broadcast, there was a film report from Hue, South Vietnam, showing a volunteer army marching through the streets. As the camera focused on a close-up of a man who looked like a 150-year-old Ho Chi Minh in a helmet, CBS reporter David Henderson (in Hue) intoned ominously:

"Led by a brass band playing patriotic marching tunes, the local militia for the ancient imperial capital of Hue paraded through the streets today to show off their strengths. The ragged army of volunteers will be the *first line of defense* when the expected enemy attack comes. The militia is made up of men too old or too young to be in the regular army, veterans—some of them disabled, local officials and teachers."

Henderson went on to point out that the parade was through mostly empty streets because most of the people left as "they were not impressed with the militia to protect them. Local armies in this country have a reputation for panicking and running away when attacked."

NOT FIRST DEFENSE LINE

The fact of the matter is that the volunteer army shown on CBS News was not and is not the "first line of defense" of the city of Hue. As an Associated Press story reported: "The government has provided 20,000 weapons for volunteers to defend the city if the army cannot hold off the North Vietnamese." The AP report labeled the local militia "the last-ditch volunteer defenders of Hue." Thus, by presenting this disorganized group of volunteers as the primary defenders of Hue, CBS gave their viewers a much gloomier picture than the facts warranted.

The final items involve CBS reporter Bob Simon and things he said and didn't say.

In an April 29 report from Hue, Simon was reporting on the Communist shelling of Highway One and the thousands of refugees on the road. Commenting at one point on how the people had to learn for themselves that the road was being bombarded, Simon said: "The Communists were not aiming for civilians, at least one can't imagine why they would, there were more important targets on the road . . ."

COMMUNIST TERROR TACTIC

What one can't imagine is why Simon would wonder why the Communists would shell civilians. They have done so as a terror tactic since the beginning of the Vietnam war.

Just last week in a press conference, Defense Secretary Laird cited facts and figures to show the Communists "complete lack of regard" for civilians: Since the Communists invaded six weeks ago, the South Vietnamese city of An Loc, a two square mile area concentrated with a civilian population, has been hit by 35,000 rounds of enemy artillery. The four days before Quang Tri fell, the Communists were putting into that civilian population area a total of 3,000 rounds a day. The last day before it fell, the city took 4,600 rounds. As Laird put it: "They sprayed artillery into those civilian centers just as if they were using a water hose."

Another Simon report, April 28, ended on a very moving note. As the camera pans slowly showing the bodies of dead and injured men, women and children, South Vietnamese refugees, strewn across a road after their truck had hit a Communist mine, Simon says:

NOTHING LEFT TO SAY?

"By evening government spokesmen are saying another grand victory has been won in Quang Tri province, the situation is once again stabilized. But there will be more fighting and more words. Words spoken by generals, journalists, politicians. But here on Route One, it is difficult to imagine what those words can be. There is nothing left to say about this war. There is just nothing left to say."

Nothing left for Bob Simon to say obviously. But is there really nothing left to say about a truckload of innocent refugees killed and maimed by a Communist mine put there by an enemy who throughout the entire war in Vietnam has deliberately mur-

XUM

dered civilians as an instrument of national policy? Is there really nothing left to say about an enemy who after years of aggression continues to try and enslave his fellow countrymen by force and violence? Is there nothing to be said about how 12 of North Vietnam's 13 regular army divisions are now engaged in aggression outside its borders against Laos, Cambodia and South Vietnam? Is there nothing to be said about North Vietnam's violation of the 1954 Geneva Accords and the 1968 understandings which led to a cessation of U.S. bombing? Is there nothing to be said about North Vietnam's truculence and refusal to negotiate in good faith an end to the war?

Of course there is plenty to be said about the war. But the odds are you won't hear it or see it on CBS.

THE ABSURDITY OF SOME FEDERAL PROGRAMS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, it is not often that I find myself unable to respond to inquiries from my constituents. Some 30 years on Capitol Hill, as an aide to two Senators and as a sitting Member of this honorable body, have given me the experience not to be surprised by any inquiry, to expect almost anything from a citizen and even more and stranger things from Government, and to cope with all of these.

But I confess that two recent letters from constituents have me nonplussed. I am chagrined at my own ignorance of what brought the circumstances about, when and how I, as one Congressman, supported such a proposition, what to do about it, and how to answer the plaintive comments of my constituents.

In the interest of brevity, I want to read the two letters. I have, of course, deleted the names of the writers and other personal references.

———, KANS.,
May 2, 1972.

Hon. JOE SKUBITZ,
House of Representatives,
Washington, D.C.

DEAR JOE: Curiosity combined with anger (perhaps you have heard from others before now) prompt this letter to you.

———, and his wife ———, who live about one and a half blocks east of me in ———, and who have lived on welfare all of their life are building a new house and it's nothing small. Of course, it can't be because they have either thirteen or fourteen children.

By the grape vine—they got an FHA loan and are to repay it at forty something dollars a month.

Those of us who work for a living, pay our taxes, contribute to all drives, etc., can't even consider such a thing as a new home—many of us even have to study all circumstances before we can even invest in a car. Yet we have to support such as this and can't help but wonder how such things are done.

We would appreciate any investigation of this situation that can be done since many of us are at a loss to understand it. Possibly in six months it will be a total wreck just like all other places they have been moved into.

So much for this—do hope you and Jess are both well and that I see you sometime soon when you are home.

Sincerely,

——— ———.

———, KANS.

HON. JOE SKUBITZ: As a taxpayer I am wondering how the welfare Dept. can built a $30,000 home for a family with 12 children and the husband not work one day in his life time except when he need some cash for———

I think I should resign from my job and have the welfare Dept. pay the mortgage, the taxes, and some cash for food & clothing for my living. New clothing is much better than seconds or hand me down.

I do need an explanation of this matter.

Thanks

——— ———.

Obviously, when I read that first letter, I could not believe my eyes. But the writer is an old and trusted friend, a lady who travels each day to an adjacent town to work 10 hours a day to earn her own living. And my second correspondent is a medical technologist, a man who works hard for a modest living to support his family.

Upon making inquiry from Government departments, I find that the FHA will arrange financing for homes for welfare clients and that welfare payments will be augmented to meet the mortgage payments. Frankly, I had thought we were past that day when taxpayers' hard-earned dollars were squandered on $50-a-day suites at the Waldorf-Astoria and other New York hotels to house families on welfare. And I was naive enough to believe that this could happen only in New York, or Los Angeles, or Chicago, or Cleveland, never in Kansas.

Mr. Speaker, the small town in Kansas where $30,000 of taxpayer funds are being spent to build a home for a welfare family is populated by people of the most modest means. Many must live on their social security benefits alone. Most live in homes originally built by their grandparents. These are modest dwellings, small, inadequate by modern standards.

These people have a hard time making both ends meet; many find it difficult to pay their annual real estate taxes, buy fuel in winter, buy necessary medicines, and clothe themselves and their families. Many, indeed, are happy with second-hand clothes and hand-me-downs. But they are decent, hard-working people who retain their pride and independence.

Yet it is their taxes that are being used to pay for a home, a new, modern, spick-and-span dwelling that shames every remaining home in the town. Is it any wonder that people cry out at the tax load; is it any wonder that people decry the extravagance of Government; is it any wonder that people oppose welfare as it is presently constituted and administered?

Is it so hard to understand why people are frustrated and angry? Is it still a puzzle why people look for new leadership that promises an end to some of these inequitable and unsupportable programs and policies?

Nor is this surprising welfare policy the end of the story. A few days later, in a "Dear Colleague" letter, the gentleman from Idaho (Mr. MCCLURE), informed us of the so-called double subsidy program now available under the section 235 housing program of HUD. We learned that Internal Revenue's interpretation of existing law permits a homeowner to deduct from his Federal income tax the total of his mortgage interest paid the Federal Government.

Of course, we all understand that mortgage interest paid on a privately placed mortgage loan is a deductible item in filing income tax. The logic is that the recipient of the interest must include it as income in his tax return so that the Government properly and appropriately collects a tax on the interest thus earned. But the section 235 loophole, if indeed it is a loophole, denies the Federal Government any return. The mortgage borrower gets an HUD subsidy in the first place to buy his home and then, in effect, charges the Federal Government for the interest on its own mortgage. Why not make it an interest-free mortgage in the first place; why go through this meaningless fiction?

As a certain TV comedian would say, "How sweet it is!" But to me, this is no laughing matter. It is a cruel joke on responsible, taxpaying citizens who must bear this burden. Whose largess is this, indeed?

Not the Members of Congress who advertently or inadvertently voted for such a program—we are not putting up our money for this gift.

Certainly not Mr. Romney's nor his fellow officials at HUD—it is not their private funds that are being used for this subsidy.

No, indeed—it is the sweat and blood of that inchoate mass out there—the average, small-home taxpayers whose moneys are being taken and squandered in this fashion.

I ask that those in this body who have the responsibility for these programs, those who handle welfare legislation and housing legislation; I ask them to look into these matters and do something about them before it is too late.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12931, RURAL DEVELOPMENT ACT, 1972

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the managers be given permission to have until midnight tonight to file a conference report on H.R. 12931, Rural Development Act, 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92–1129)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Rural Development Act of 1972"

TITLE I—AMENDMENTS TO THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

SEC. 101. SHORT TITLE.—Section 301(a) of the Consolidated Farmer-Home Administration Act of 1961 is amended to read as follows:

"(a) This title may be cited as the 'Consolidated Farm and Rural Development Act'."

SEC. 102. RURAL ENTERPRISE LOANS.—Section 304 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) inserting "(a)" before the first sentence and striking out

"(a)" and "(b)" in the first sentence; and

(2) adding at the end of section a new subsection as follows:

"(b) Loans may also be made or insured under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 302 to acquire or establish in rural areas small business enterprises to provide such residents with essential income."

SEC. 103. APPRAISALS.—Section 305 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "normal" in the first and second sentences and striking out the last sentence.

SEC. 104. ESSENTIAL RURAL COMMUNITY FACILITIES.—Section 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961 is amended (1) by inserting after "corporations not operated for profit," the following: "Indian tribes on Federal and State reservations and other federally recognized Indian tribes,"; and (2) by striking out "and recreational developments" and inserting in lieu thereof "recreational developments, and essential community facilities including necessary related equipment".

SEC. 105. GRANTS FOR WATER AND WASTE DISPOSAL SYSTEMS.—Section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "$100,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 106. PLANNING REQUIREMENTS—The first sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "No grant shall be made under paragraph (2) of this subsection in connection with any project unless the Secretary determines that the project (i) will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed, (ii) is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and (iii) is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area and not inconsistent with any planned development provided in any State, multijurisdictional, county, or municipal plan approved by competent authority for the area in which the rural community is located, and the Secretary shall require the submission of all applications for financial assistance under this section to the multijurisdictional substate areawide general purpose planning and development agency that has been officially designated as a clearinghouse agency under Office of Management and Budget Circular A–95 and to the county or municipal government having jurisdiction over the area in which the proposed project is to be located for review and comment within a designated period of time not to exceed 30 days concerning among other considerations, the effect of the project upon the areawide goals and plans of such agency or government. No loan under this section shall be made that is inconsistent with any multijurisdictional planning and development district areawide plan of such agency. The Secretary is authorized to reimburse such agency or government for the cost of making the required review."

SEC. 107. EXTENSION.—In the second sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 strike out "1971" and insert "1973".

SEC. 108. WATER AND WASTE DISPOSAL PLANNING GRANTS.—Paragraph (6) of section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "$15,000,000" and inserting in lieu thereof "$30,000,000";

(2) striking out "official"; and

(3) striking out "sewer" and inserting in lieu thereof "waste disposal".

SEC. 100. DEFINITIONS.—Section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

"(7) As used in this title, the terms 'rural' and 'rural area' shall not include any area in any city or town which has a population in excess of ten thousand inhabitants, except that for purposes of loans and grants for private business enterprises under sections 304(b), 310B, and 312 (b), (c), and (d) the terms 'rural' and 'rural area' may include all territory of a State, the Commonwealth of Puerto Rico and the Virgin Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States: *Provided*, That special consideration for such loans and grants shall be given to areas other than cities having a population of more than twenty-five thousand.

SEC. 110. REPEAL OF MAXIMUM SIZE LOAN.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out paragraph (5).

SEC. 111. RURAL DEVELOPMENT PLANNING GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new paragraph as follows:

"(11) The Secretary may make grants, not to exceed $10,000,000 annually, to public bodies or such other agencies as he may select to prepare comprehensive plans for rural development or such aspects of rural development as he may specify."

SEC. 112. PRIORITY FOR CERTAIN WATER FACILITY AND WASTE DISPOSAL LOANS AND GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following:

"(12) In the making of loans and grants for community waste disposal and water facilities under paragraphs (1) and (2) of this subsection the Secretary shall accord highest priority to the application of any municipality or other public agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a population not in excess of five thousand five hundred and which, in the case of water facility loans, has a community water supply system, where the Secretary determines that due to unanticipated diminution or deterioration of its water supply, immediate action is needed, or in the case of waste disposal, has a community waste disposal system, where the Secretary determines that due to unanticipated occurrences the system is not adequate to the needs of the community. The Secretary shall utilize the Soil Conservation Service in rendering technical assistance to applicants under this paragraph to the extent he deems appropriate."

SEC. 113. INTEREST RATES ON RURAL DEVELOPMENT LOANS.—Section 307(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end of the second sentence thereof the following: "; except that loans (other than loans to public bodies or nonprofit associations (including Indian tribes on Federal and State reservations and other federally recognized Indian tribal groups) for community facilities, or loans of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972) made or insured under section 304(b), 306(a)(1), or 310B shall—

(1) when made other than as guaranteed loans, bear interest at a rate, prescribed by the Secretary, not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loans, plus an additional charge, prescribed by the Secretary, to cover the Secretary's losses and cost of administration, which charge shall be deposited in the Rural Development Insurance Fund: *Provided*, That the rate so prescribed shall be adjusted to the nearest one-eighth of 1 per centum; and

(2) when made as guaranteed loans, bear interest at such rate as may be agreed upon by the borrower and the lender".

SEC. 114. ESCROW PAYMENTS.—Section 307(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end the following: ", and borrowers under this title shall prepay to the Secretary as escrow agent such taxes and insurance as he may require, on such terms and conditions as he may prescribe".

SEC. 115. AGRICULTURAL CREDIT INSURANCE FUND. AMENDMENT.—(a) Section 309(f) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) changing "$100,000,000" to "$500,000,000" in paragraph (1);

(2) changing paragraph (2) by—

(A) striking out "the interest" and inserting in lieu thereof "amounts";

(B) changing "prepayments" to "payments" in all three places; and

(C) inserting after "until due" the following: "or until the next agreed annual or semiannual remittance date".

(3) striking out "section 335(a) in connection with insured loans." in paragraph (5) and inserting in lieu thereof "connection with insured loans, including the difference between interest payable by borrowers and interest to which insured lenders or insured holders are entitled under agreements with the Secretary included in contracts of insurance.".

(4) inserting in paragraph (5) after "to pay" the following: "for contract services,".

(b) Section 309 of such act is amended by adding at the end thereof the following new subsections: "(g)(1) The assets and liabilities of, and authorizations applicable to, the Farmers Home Administration direct loan account created by section 338(c) and the Emergency Credit Revolving Fund referred to in section 326 are hereby transferred to the fund, and such account and such revolving fund are hereby abolished. Such assets and their proceeds, including loans made out of the fund pursuant to this section, shall be subject to the provisions of this section, section 308, the last sentence of section 306(a)(1), and the last sentence of section 307.

"(2) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the value as determined by the Secretary, with the approval of the Comptroller General, of the Government's equity transferred to the fund pursuant to the first sentence of this subsection plus the cumulative amount of appropriations made available after enactment of this provision as capital and for admin-

istration of the programs financed from the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of loans made or insured from the fund, adjusted to the nearest one-eighth of 1 per centum. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(h) The Secretary may provide financial assistance to borrowers for purposes provided in this title by guaranteeing loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency."

SEC. 116. RURAL DEVELOPMENT INSURANCE FUND.—The Consolidated Farmers Home Administration Act of 1961 is amended by inserting the following new section after section 309:

"SEC. 309A. (a) There is hereby created the Rural Development Insurance Fund (hereinafter in this section referred to as the 'Insurance Fund') which shall be used by the Secretary as a revolving fund for the discharge of the obligations of the Secretary under contracts guaranteeing or insuring rural development loans. For the purpose of this section 'rural development loans' shall be those provided for by sections 304(b), 306(a)(1), 310B, and 312(b), except loans (other than for water systems and waste disposal facilities) of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972.

"(b) The assets and liabilities of the Agricultural Credit Insurance Fund referred to in section 309(a) applicable to loans for water systems and waste disposal facilities under section 306(a)(1) are hereby transferred to the Insurance Fund. Such assets (including the proceeds thereof) and liabilities and rural development loans guaranteed or insured pursuant to this title shall be subject to the provisions of this section and section 306.

"(c) Moneys in the Insurance Fund not needed for current operations shall be deposited in the Treasury of the United States to the credit of the Insurance Fund or invested in direct obligations of the United States or obligations guaranteed by the United States. The Secretary may purchase with money in the Insurance Fund any notes issued by the Secretary to the Secretary of the Treasury for the purpose of obtaining money for the Insurance Fund.

"(d) The Secretary is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations under this section and for making loans, advances, and authorized expenditures out of the Insurance Fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the average maturities of rural development loans made, guaranteed, or insured under this title. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Secretary hereunder. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"(e) Notes and security acquired by the Secretary in connection with rural development loans made, guaranteed, or insured under this title or transferred by subsection (b) of this section shall become a part of the Insurance Fund. Notes may be held in the Insurance Fund and collected in accordance with their terms or may be sold by the Secretary with or without agreements for insurance thereof at the balance due thereon, or on such other basis as the Secretary may determine from time to time. All net proceeds from such collections, including sales of notes or property, shall be deposited in and become a part of the Insurance Fund.

"(f) The Secretary shall deposit in the Insurance Fund any charges collected for loan services provided by the Secretary as well as charges assessed for losses and costs of administration in connection with making, guaranteeing, or insuring of rural development loans under this title.

"(g) The Secretary may utilize the Insurance Fund—

"(1) to make rural development loans which could be insured under this title whenever he has a reasonable assurance that they can be sold without undue delay, and he may sell and insure such loans;

"(2) to pay amounts to which the holder of insured notes is entitled on loans heretofore or hereafter insured accruing between the date of any payments by the borrower and the date of transmittal of any such payments to the holder. In the discretion of the Secretary, payments other than final payments need not be remitted to the holder until due of until the next agreed annual or semiannual remittance date;

"(3) to pay to the holder of insured notes any defaulted installment, or upon assignment of the note to the Secretary at the Secretary's request, the entire balance due on the loan;

"(4) to purchase notes in accordance with contracts of insurance heretofore or hereafter entered into by the Secretary;

"(5) to make payments in compliance with the Secretary's obligations under contracts of guarantee entered into by him;

"(6) to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 335(a) of this title in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with acquisition by the Secretary of such loans or security therefor after default, to an extent determined by the Secretary to be necessary to protect the interest of the Government, or in connection with grants and any other activity authorized in this title;

"(7) to pay the difference between interest payments by borrowers and interest to which holders of insured notes are entitled under contracts of insurance heretofore or hereafter entered into by the Secretary; and

"(8) to pay the Secretary's costs of administration of the rural development loan program, including costs of the Secretary incidental to guaranteeing rural development loans under this title.

"(h) When any loan is sold out of the Insurance Fund as an insured loan, the interest or other income thereon paid to an insured holder shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954."

SEC. 117. INSURED WATERSHED AND RESOURCE CONSERVATION AND DEVELOPMENT LOANS.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end a new section as follows:

"SEC. 310A. Loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act may be insured, or made to be sold and insured, in accordance with and subject to sections 306 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307 of this title."

SEC. 118. RURAL INDUSTRIALIZATION ASSISTANCE.—(a) Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof, after section 310A as added by this Act, a new section as follows:

"SEC. 310B. (a) The Secretary may also make and insure loans to public, private, or cooperative organizations organized for profit or nonprofit, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to individuals for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities, including pollution abatement and control. Such loans, when originated, held, and serviced by other lenders, may be guaranteed by the Secretary under this section without regard to subsections (a) and (c) of section 333.

"(b) The Secretary may make grants, not to exceed $50,000,000 annually, to eligible applicants under this section for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project.

"(c) The Secretary may also make grants, not to exceed $50,000,000 annually, to public bodies for measures designed to facilitate development of private business enterprises, including the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, services and fees.

"(d) The Secretary may participate in joint financing to facilitate development of private business enterprises in rural areas with the Economic Development Administration, the Small Business Administration, and the Department of Housing and Urban Development and other Federal and State agencies and with private and quasi-public financial institutions, through joint loans to applicants eligible under subsection (a) for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural areas or through joint grants to applicants eligible under subsection (e) for such purposes, including in the case of loans or grants the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refining, service and fees.

(1) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) that is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant, but this limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) which is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

(3) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) if the Secretary of Labor certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture that the provisions of paragraph (1) and (2) of this subsection have not been complied with. The Secretary of Labor shall, in cooperation with the Secretary of Agriculture, develop a system of certification which will insure the expeditious processing of requests for assistance under this section."

(b) Section 333 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting "310B," in paragraph (b) after "306,".

SEC. 119. GUARANTEED RURAL HOUSING LOANS.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows:

"SEC. 310C. (a) Rural Housing Loans which (1) are guaranteed by the Secretary under section 517(a)(2) of the Housing Act of 1949, (2) are made by other lenders approved by the Secretary to provide dwellings in rural areas for the applicants' own use, and (3) bear interest and other charges at rates not above the maximum rates prescribed by the Secretary of Housing and Urban Development for loans made by private lenders for similar purposes and guaranteed by the Secretary of Housing and Urban Development under the National Housing Act or superseding legislation shall not be subject to sections 501(c) and 502(b)(3) of the Housing Act of 1949."

"(b) For the purposes of title V of the Housing Act of 1949, as amended, a guarantee of payment given under the color of law by the Department of Hawaiian Home Lands (or its successor in function) shall be found by the Secretary reasonably to assure repayment of any indebtedness so guaranteed."

SEC. 120. YOUNG FARMERS' LOANS.—(a) Section 311 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) inserting "(a)" before the first word; and

(2) adding at the end of the section a new subsection as follows:

"(b)(1) Loans may also be made under this subtitle without regard to the requirements of clauses (2) and (3) of subsection (a) to youths who are rural residents to enable them to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similar organizations and for the purposes specified in section 312.

"(2) A person receiving a loan under this subsection who executes a promissory note therefor shall thereby incur full personal liability for the indebtedness evidenced by such note in accordance with its terms free of any disability of minority.

"(3) For loans under this subsection the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the borrowers' personal liability."

(b) Section 312 of the Consolidated Farmers Administration Act of 1961 is amended by inserting "(a)" after "311".

SEC. 121. RURAL ENTERPRISE OPERATING LOANS.—Section 312 of the Consolidated Farmers Home Administration Act of 1961, as amended by this title, is amended by—

(1) inserting "(a)" before the first word; and

(2) further amending subsection (a) (as so designated by paragraph (1)) by striking out "and (9) for loan closing costs," and by inserting in lieu thereof the following: "(9) loan closing costs, and (10) for assisting farmers or ranchers in effecting additions to or alterations in the equipment, facilities, or methods of operation of their farms or ranches in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Secretary determines that any such farmer or rancher is likely to suffer substantial economic injury due to such compliance without assistance under this paragraph."

(3) adding at the end of the section new subsections as follows:

"(b) Loans may also be made under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 311(a) to operate in rural areas small business enterprises to provide such residents with essential income.

"(c) Loans may also be made to eligible applicants under this subtitle for pollution abatement and control projects in rural areas.

"(d) The Secretary may make grants, not to exceed $25,000,000 annually, to eligible applicants under this subtitle for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project."

SEC. 122. MAXIMUM SIZE.—Section 313 of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "$35,000" to "$50,000".

SEC. 123 INSURED OPERATING LOANS.—Subtitle B of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows:

"SEC. 317. Loans meeting the requirements of this subtitle (except section 312(b)) may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title."

SEC. 124. AMENDMENTS TO SECTION 331.—Section 331 of the Consolidated Farmers Home Administration Act of 1961, is amended—

(1) by inserting before the semicolon, in paragraph (a), the following: ", and until January 1, 1975, make contracts for services incident to making, insuring, collecting, and servicing loans and property as determined by the Secretary to be necessary for carrying out the purposes of this title; (and the Secretary shall prior to June 30, 1974, report to the Congress through the President on the experience in using such contracts, together with recommendations for such legislation as he may see fit)"; and

(2) by changing the period at the end of any lettered paragraph thereof to a semicolon and adding at the end of such section the following additional paragraphs:

"(g) Obtain fidelity bonds protecting the Government against fraud and dishonesty of officers and employees of the Farmers Home Administration in lieu of faithful performance of duties bonds under section 14, title 6, United States Code, and regulations issued pursuant thereto, but otherwise in accordance with the provisions thereof;

"(h) Not require borrowers to pay interest accrued after December 31, 1972, on interest which is not more than 90 days overdue on any loan held or insured by the Farmers Home Administration;

"(i) Consent to the transfer of property securing any loan or financed by any loan or grant made, insured, or held by the Secretary under this title, or the provisions of any other law administered by the Farmers Home Administration, upon such terms as he deems necessary to carry out the purpose of the loan or grant or to protect the financial interest of the Government."

SEC. 125. CREDIT ELSEWHERE DETERMINATION.—Paragraph (a) of section 333 is amended by inserting after "in writing" the following: ", and the Secretary shall determine,".

SEC. 126. REPEAL OF COUNTY COMMITTEE APPROVAL REQUIREMENT FOR ASSOCIATION AND DISTRICT LOANS.—Section 333(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out the words "said sections" and inserting "section 321(b)(2)".

SEC. 127. DISPOSITION OF REAL PROPERTY.—Section 335(c) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "subtitle A" in the first sentence and inserting in lieu thereof "the provisions of any law administered by the Farmers Home Administration";

(2) striking out "the provisions of subtitle A" in the second sentence and inserting in lieu thereof "such provisions";

(3) striking out in the fourth sentence "of at least 20 per centum" and "not more than five annual"; and

(4) adding at the end of the fourth sentence before the period the following: ", but not in any event at rates and terms more favorable than those legally permissible for eligible borrowers".

SEC. 128. (a) GUARANTEE OF LOANS.—Section 343 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting at the end thereof before the period the following: ", and (4) the word 'insure' as used in this title includes guarantee, which means to guarantee the payment of a loan originated, held, and serviced by a private financial agency or other lender approved by the Secretary, and (5) the term 'contract of insurance' includes a contract of guarantee".

(b) Section 307(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "shall" to "may" in the second sentence.

SEC. 129. ORDER OF PREFERENCE, EXTENT OF GUARANTY.—The Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 344. No loan (other than one to a public body or nonprofit association (including Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups) for community facilities or one of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972) shall be made by the Secretary either for sale as an insured loan or otherwise under section 304(b), 306(a)(1), 310B, 312(b), or 312(c) unless the Secretary shall have determined that no other lender is willing to make such loan and assume 10 per centum of any loss sustained thereon. No contract guaranteeing any such loan by such other lender shall require the Secretary to participate in more than 90 per centum of any loss sustained thereon."

XUM

TITLE II—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

SEC. 201. AMENDMENTS TO PUBLIC LAW 83-566.—The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows:

(a) Section 1 is amended by striking out the words "the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water, and thereby of preserving and protecting the Nation's land and water resources" and substituting therefor the words "the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment."

(b) Section 2 is amended by substituting a comma for the word "or" after clause (1) and adding after the phrase "(2) the conservation, development, utilization, and disposal of water" a comma and the following: "or

"(3) the conservation and proper utilization of land".

(c) Section 3 is amended by changing the period at the end of paragraph (5) to a semicolon and adding the following:

"(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into, hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preseration for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments."

(d) Paragraph (1) of section 4 is amended by inserting after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this act".

(e) Clause (A) of paragraph (2) of section 4 is amended by striking all words after "fish and wildlife", and substituting therefor the words "development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: *Provided,* That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and".

(f) All that part of clause (B) of paragraph (2) of section 4 which follows the word "Provided," where it first appears therein is amended to read as follows: "That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act as hereinafter provided: *Provided further,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further,* That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: *And provided further,* That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8."

(g) Subsection (4) of section 5 is amended to read as follows: "(4) Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for good water detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

TITLE III—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT, AS AMENDED

SEC. 301. BANKHEAD-JONES FARM TENANT ACT AMENDMENTS.—Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011), is amended by adding at the end thereof the following:

"The Secretary shall also be authorized in providing assistance for carrying out plans developed under this title:

"(1) To provide technical and other assistance, and to pay for any storage of water for present or anticipated future demands or needs for rural community water supply included in any reservoir structure constructed or modified pursuant to such plans: *Provided,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the public agency or local nonprofit organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided, further,* That the public agency or local nonprofit organization prior to initiation or construction or modification of any reservoir structure including water supply storage, make provision satisfactory to the Secretary to pay for not less than 50 per centum of the cost of storage for present water supply demands, and all of the cost of storage for anticipated future demands: *And provided further,* That the cost to be borne by the public agency or local nonprofit organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands except that (1) no payment on account of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until auch supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the advancement for such water supply is first made which are neither due nor callable for redemption for fifteen years from date of issue;

"(2) To provide, for the benefit of rural communities, technical and other assistance and such proportionate share of the costs of installing measures and facilities for water quality management, for the control and abatement of agriculture-related pollution, for the disposal of solid wastes, and for the storage of water in reservoirs, farm ponds, or other impoundments, together with necessary water withdrawal appurtenances, for rural fire protection, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs."

SEC. 302. SOIL, WATER, AND RELATED RESOURCE DATA.—In recognition of the increasing need for soil, water, and related resource data for land conservation, use and development, for guidance of community development for a balanced rural-urban growth, for identification of prime agriculture producing areas that should be protected, and for use in protecting the quality of the environment, the Secretary of Agriculture is directed to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys of erosion and sediment damages, flood plain identification and utilization, land use changes and trends, and degradation of the environment resulting from improper use of soil, water, and related resources. The Secretary shall issue at not less than five-year intervals a land inventory report reflecting soil, water, and related resource conditions.

TITLE IV—RURAL COMMUNITY FIRE PROTECTION

SEC. 401. WILDLIFE PROTECTION ASSISTANCE.—In order to shield human and natural resources, financial investments, and environmental quality from losses due to wildfires in unprotected or poorly protected rural areas there is a need to strengthen and synergize Federal, State, and local efforts to establish an adequate protection capability wherever the lives and property of Americans are endangered by wildfire in rural communities and areas. The Congress hereby finds that inadequate fire protection and the resultant threat of substantial losses of life and property is a significant deterrent to the investment of the labor and capital needed to help revitalize rural America, and that well-organized, equipped, and trained firefighting forces are needed in many rural areas to encourage and safeguard public and private investments in the improvement and development of areas of rural America where organized protection against losses from wildfire is lacking or inadequate. To this end, the Secretary of Agriculture is authorized and directed to provide financial, technical, and other assistance to State foresters or other appropriate officials of the several States in cooperative efforts to organize, train, and equip local forces, including those of Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups to prevent, control, and suppress wildfires threatening human life, livestock, wildlife, crops, pastures, orchards, rangeland, woodland, farmsteads, or other improvements, and other values in rural areas as defined in section 306(a)(7) of the Consolidated Farm and Rural Development Act.

SEC. 402. MATCHING.—The Secretary shall carry out this title in accordance with cooperative agreements, made with appropriate State officials, which include such terms and conditions as the Secretary deems necessary to achieve the purposes of this title. No such agreement shall provide for financial assistance by the Secretary under this title in any State during any fiscal year in excess of 50 per centum of the total budgeted expenditures or the actual expenditures, whichever is less, of the undertaking of such agreement for such year, including any expenditures of local public and private nonprofit organizations, including Indian tribal groups, participating in the activities covered by the agreement. Payments by the Secretary under any such agreement may be made on the certificate of the appropriate State official that the expenditures provided for under such agreement have been made.

SEC. 403. REPORT.—The Secretary of Agriculture shall submit to the President within two years after the date of enactment of this title a written report detailing the contribution of the rural fire protection program toward achieving the purposes of this title. The Secretary shall also include in such report such recommendations regarding the rural fire protection program as he deems appropriate. The President shall transmit the report to the Congress for review and appropriate action.

SEC. 404. APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this title $7,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

TITLE V—RURAL DEVELOPMENT AND SMALL FARM RESEARCH AND EDUCATION

SEC. 501. PURPOSES.—The purpose of this title is to encourage and foster a balanced national development that provides opportunities for increased numbers of Americans to work and enjoy a high quality of life dispersed throughout our Nation by providing the essential knowledge necessary for successful programs of rural development. It is further the purpose of this title—

(a) to provide multistate regional agencies, States, counties, cities, multicounty planning and development districts, businesses, industries, organizations, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other involved with public services and investments in rural areas or that provide or may provide employment in these areas the best available scientific, technical, economic, organizational, environmental, and management information and knowledge useful to them, and to assist and encourage them in the interpretation and application of this information to practical problems and needs in rural development;

(b) to provide research and investigations in all fields that have as their purpose the development of useful knowledge and information to assist those planning, carrying out, managing, or investing in facilities, services, businesses, or other enterprises, public and private, that may contribute to rural development;

(c) to enhance the capabilities of collegea and universities to perform the vital public service roles of research, transfer, and practical application of knowledge in support of rural development;

(d) to expand research on innovative approaches to small farm management and technology and extend training and technical assistance to small farmers so that they may fully utilize the best available knowledge on sound economic approaches to small farm operations.

SEC. 502. PROGRAMS AUTHORIZED.—The Secretary of Agriculture (hereafter referred to as the "Secretary") is directed and authorized to conduct in cooperation and in coordination with colleges and universities the following programs to carry out the purposes of this title.

(a) RURAL DEVELOPMENT EXTENSION PROGRAMS.—Rural development extension programs shall consist of the collection, interpretation, and dissemination of useful information and knowledge from research and other sources to units of multistate regional agencies, State, county, municipal, and other units of government, multicounty planning and development districts, organizations of citizens contributing to rural development, business, Indian tribes on Federal or State reservations or other federally recognized Indian tribal groups, or industries that employ or may employ people in rural areas. These programs also shall include technical services and educational activity, including instruction for persons not enrolled as students in colleges or universities, to facilitate and encourage the use and practical application of this information. These programs also may include feasibility studies and planning assistance.

(b) RURAL DEVELOPMENT RESEARCH.—Rural development research shall consist of research, investigations, and basic feasibility studies in any field or discipline which may develop principles, facts, scientific and technical knowledge, new technology, and other information that may be useful to agencies of Federal, State, and local government, industries in rural areas, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other organizations involved in rural development programs and activities in planning and carrying out such programs and activities or otherwise be practical and useful in achieving increased rural development.

(c) SMALL FARM EXTENSION, RESEARCH, AND DEVELOPMENT PROGRAMS.—Small farm extension and research and development programs shall consist of extension and research programs with respect to new approaches for small farms in management, agricultural production techniques, farm machinery technology, new products, cooperative agricultural marketing, and distribution suitable to the economic development of family size farm operations.

SEC. 503. APPROPRIATION AND ALLOCATION OF FUNDS.—(a) There is hereby authorized to be appropriated to carry out the purposes of this title not to exceed $10,000,000 for the fiscal year ending June 30, 1974, not to exceed $15,000,000 for the fiscal year ending June 30, 1975, and not to exceed $20,000,000 for the fiscal year ending June 30, 1976.

(b) Such sums as the Congress shall appropriate to carry out the purposes of this title pursuant to subsection (a) shall be distributed by the Secretary as follows:

(1) 4 per centum to be used by the Secretary for Federal administration, national coordination, and program assistance to the States;

(2) 10 per centum to be allocated by the Secretary to States to finance work serving two or more States in which universities in two or more States cooperate or which is conducted by one university to serve two or more States;

(3) 20 per centum shall be allocated equally among the States;

(4) 66 per centum shall be allocated to each State, as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the States bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such additional sum is first appropriated.

(c) Funds appropriated under this title may be used to pay salaries and other expenses of personnel employed to carry out the functions authorized by this title, to obtain necessary supplies, equipment, services, and rent, repair, and maintenance of other facilities needed, but may not be used to purchase or construct buildings.

(d) Payment of funds to any State for programs authorized under section 502(a), (b), and (c) shall be contingent upon the Secretary's approval of an annual plan and budget for programs conducted under each part and compliance with such regulations as the Secretary may issue under this title. Funds shall be available for use by the State in the fiscal year for which appropriated and the next fiscal year following the year for which appropriated. Funds shall be budgeted and accounted for on such forms and at such times as the Secretary shall prescribe.

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(e) Funds provided to each State under this title may be used to finance programs through or at private and publicly supported colleges and universities other than the university responsible for administering the programs authorized by this title.

SEC. 504. COOPERATING COLLEGES AND UNIVERSITIES.—(a) Each of the programs authorized by this title shall be organized and conducted by one or more colleges or universities in each State so as to provide a coordinated program in each State.

(b) To assure national coordination with programs under the Smith-Lever Act of 1914 and the Hatch Act (as amended, August 11, 1955), administration of each State program shall be a responsibility of the institution or university accepting the benefits of the Morrill Act of 1862 (12 Stat. 503) as amended. Such administration shall be in association with the programs conducted under the Smith-Lever Act and the Hatch Act. The Secretary shall pay funds available to each State to said institution or university.

(c) All private and publicly supported colleges and universities in a State including the land-grant colleges of 1890 (26 Stat. 417) shall be eligible to conduct or participate in conducting programs authorized under this title. Officials at universities or colleges other than those responsible for administering programs authorized by this title who wish to participate in these programs shall submit program proposals to the university officials responsible for administering these programs and they shall be responsible for approval of said proposals.

(d) The university in each State responsible for administering the program authorized by this title shall designate an official who shall be responsible for programs authorized by each part of section 502 and an official who shall be responsible for the overall coordination of said programs.

(e) The chief administrative officer of the university in each State responsible for administering the program authorized by this title shall appoint a State Rural Development Advisory Council, consisting of not more than fifteen members. The administrative head of agriculture of that university shall serve as chairman. The administrative head of a principal school of engineering in the State shall be a member. There shall be at least ten additional members who shall include persons representing farmers, business, labor, banking, local government, multicounty planning and development districts, public and private colleges and Federal and State agencies involved in rural development.

It shall be the function of the Council to review and approve annual program plans conducted under this title and to advise the chief administrative officer of the university on matters pertaining to the program authorized.

SEC. 505. AGREEMENTS AND PLANS.—(a) Programs authorized under this title shall be conducted as mutually agreed upon by the Secretary and the university responsible for administering said programs in a memorandum of understanding which shall provide for the coordination of the programs authorized under this title, coordination of these programs with other rural development programs of Federal, State, and local government, and such other matters as the Secretary shall determine.

(b) Annually said university shall submit to the Secretary an annual program plan for programs authorized under this title which shall include plans for the programs to be conducted by each cooperating and participating university or college and such other information as the Secretary shall prescribe. Each State program must include research and extension activities directed toward identification of programs which are likely to have the greatest impact upon accomplishing the objectives of rural development in both the short and longer term and the use of these studies to support the State's comprehensive program to be supported under this title.

SEC. 506. WITHHOLDING FUNDS.—When the Secretary determines that a State is not eligible to receive part or all of the funds to which it is otherwise entitled because of a failure to satisfy conditions specified in this title, or because of a failure to comply with regulations issued by the Secretary under this title, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. If any portion of the moneys received by the designated officers of any State for the support and maintenance of programs authorized by this title shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State.

SEC. 507. DEFINITIONS.—For the purposes of this title—

(a) "Rural development" means the planning, financing, and development of facilities and services in rural areas that contribute to making these areas desirable places in which to live and make private and business investments; the planning, development, and expansion of business and industry in rural areas to provide increased employment and income; the planning, development, conservation, and use of land, water, and other natural resources of rural areas to maintain or enhance the quality of the environment for people and business in rural areas; and processes and procedures that have said objectives as their major purposes.

(b) The word "State" means the several States and the Commonwealth of Puerto Rico.

SEC. 508. REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this title.

TITLE VI—MISCELLANEOUS

SEC. 601. LOCATION OF OFFICES IN RURAL AREAS.—Section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), is amended to read as follows:

"(b) Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C., 1926). The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations."

SEC. 602. DESERTLAND ENTRYMEN.—(a) The first sentence of the Act entitled "An Act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes", approved October 19, 1949 (63 Stat. 883; 7 U.S.C. 1006a), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desertland entry".

(b) The last sentence of the first section of such Act is amended by striking out "reclamation project" and inserting in lieu thereof "reclamation project or to an entryman under the desertland laws".

SEC. 603. COORDINATION OF RURAL DEVELOPMENT ACTIVITIES.—(a) Section 520 of the Revised Statutes (7 U.S.C. 2201) is amended by—

(1) inserting the words "and rural development" after the words "with agriculture", and;

(2) striking "that word" and inserting in lieu thereof "those terms".

(b) Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by—

(1) inserting "(a)" before the first sentence;

(2) inserting the words "and rural development" after the words "concerning agriculture";

(3) striking out the period at the end of the section and inserting in lieu thereof the following: "; and he shall advise the President, other members of his Cabinet, and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation."; and

(4) adding at the end of the section a new subsection as follows:

"(b) The Secretary of Agriculture is authorized and directed to provide leadership and coordination within the executive branch and shall assume responsibility for coordinating a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. In carrying our this responsibility the Secretary of Agriculture shall establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually prior to September 1 to Congress on progress in attaining such goals. The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization."

(c)(1) The Secretary of Agriculture shall utilize to the maximum extent practicable State, regional, district, county, local, or other Department of Agriculture offices to enhance rural development, and shall to the maximum extent practicable provide directly, or, in the case of agencies outside of the Department of Agriculture, through arrangements with the heads of such agencies for—

(A) the location of all field units of the Federal Government concerned with rural development in the appropriate Department of Agriculture offices covering the geographical areas most similar to those covered by such field units, and

(B) the interchange of personnel and facilities in each such office to the extent necessary or desirable to achieve the most efficient utilization of such personnel and facilities and provide the most effective assistance in the development of rural areas in accordance with State rural development plans.

(2) The Secretary shall include in the report required by this section a report on progress made in carrying out paragraph (1) of this subsection, together with such recommendations as may be appropriate.

SEC. 604. ADDITIONAL ASSISTANT SECRETARY OF AGRICULTURE.—(a) In addition to the Assistant Secretaries of Agriculture now provided for by law, there shall be one additional Assistant Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Section 5315(11) of title 5, United States Code, is amended to read as follows:

"(11) Assistant Secretaries of Agriculture (4)."

SEC. 605. LONG-TERM RURAL ENVIRONMENTAL PROTECTION CONTRACTS.—Subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590a), is further amended by adding a new paragraph at the end thereof as follows:

"In carrying out the purposes of subsection (a) of section 7, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation Acts. Such agreements (i) shall be based on conservation plans approved by the soil and water conservation district or districts in which the lands described in the agreements are situated, and (ii) may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land."

SEC. 606. COST SHARING FOR AGRICULTURE-RELATED POLLUTION PREVENTION AND ABATEMENT MEASURES.—The Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 165; 16 U.S.C. 590a), is further amended—

(1) By striking in section 7(a) the word "and" immediately before clause (5), substituting a semicolon for the period at the end of clause (5), and adding the following: "and (6) prevention and abatement of agriculture-related pollution.".

(2) By changing the first sentence of section 8(b) to read as follows: "The Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), (5), and (6) of section 7(a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, the prevention of erosion, or the prevention or abatement of agriculture-related pollution; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7(a); or (5) any combination of the above."

(3) By inserting in the second paragraph of section 8(b) after the words "soil-building services" in the two places where they occur the words "or pollution prevention or abatement aids" and after the words "soil-conserving practices" the words "or pollution prevention or abatement practices".

(4) By striking "or (5)" in the first sentence of section 8(d) and substituting "(5), or (6)".

(5) By inserting in the proviso of section 8(e) after the words "soil-building or soil-conserving practices" the words "or agriculture-related pollution prevention or abatement practices".

(6) By striking the words "soil-building practices and soil- and water-conserving practices" in the penultimate sentence of section 15 and substituting "soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices".

And the Senate agrees to the same.

W. R. POAGE,
GRAHAM PURCELL,
THOMAS S. FOLEY,
ED JONES,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
LAWTON CHILES,
JACK MILLER,
GEORGE D. AIKEN,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck all after the enacting clause of H.R. 12931. There were 52 specific points of difference between the House bill and the Senate amendment. These differences and their resolution by the conferees are as follows:

1. Senate changed the title of Consolidated Farmers Home Administration Act of 1931 to "Consolidated Farm and Rural Development Act".

Conference substitute adopts Senate provision.

2. Senate specifically mentioned Indian tribes as eligible for: small business enterprise loans and pollution abatement loans and grants; loans under section 306 of the Farmers Home Administration Act; priority for water supply loans and grants where there is an unanticipated diminution or deterioration of the water supply; interest at five percent on community facility loans; rural development loans and pollution abatement grants under new section 310B; direct loans for community facilities without regard to the possibility of obtaining a guaranteed loan; rural community fire protection; and research, extension and education.

Conference substitute specifically mentions Indian tribes as eligible for programs available to public bodies.

3. House extended section 306 of the Farmers Home Administration Act to authorize loans for "essential community facilities".

Senate extended section 306(a)(1) to:

(a) include participations with other financial institutions (for similar House provision, see item 24);

(b) authorize loans to a number of specifically described borrowers and "others" (in addition to the associations, non-profit corporations and public and quasi-public bodies now covered);

(c) authorize loans for a number of specified purposes and "other rural community development projects";

(d) authorize financial and other assistance in planning rural development projects (for related House provisions, see items 7 and 8);

(e) authorize loans for projects "providing employment for" (as well as "serving") rural residents, and

(f) limit assistance in any year to the amount specified in appropriation acts.

Conference substitute adopts House provision.

It is the intent of the conferees that "essential community facilities" means that assistance under section 306(a)(1) would be available to associations, including corporations not operated for profit, and public and quasi-public agencies which will provide facilities needed for the orderly development of a rural community. These facilities would include, but would not necessarily be limited to, such items as community centers, firehouses, industrial parks, and fire and rescue equipment, including ambulances.

4. House increased annual authority for grants to finance water and waste disposal projects under such section 306(a)(2) to $500 million (from $100 million).

Conference substitute adopts House provision with an amendment limiting the authority for these grants to $300 million annually.

5. Senate prohibited grants under such section 306 if the project is inconsistent with multijurisdictional (as well as state, county or municipal) rural development plans, if any; requires submission of plans for financial assistance to such districts (as well as to county and municipal governments) for review and comment within a specified time period; prohibits loans under such section 306 that are inconsistent with the multijurisdictional plan; and authorizes the Secretary of Agriculture to reimburse such agency or government for the cost of the review.

Conference substitute adopts Senate provision with an amendment limiting the time for review to not to exceed 30 days, and making technical language changes to make the provision more compatible with other existing law in the planning field.

6. Senate extended to October 1, 1973, the authority (now expired) to make water and waste disposal grants under such section 306(a)(2) prior to the completion of comprehensive plans.

Conference substitute adopts Senate provision.

7. House increased authority for water and waste disposal planning grants under section 306(a)(6) to $30 million (from $15 million) and deleted the provision in section 306 that plans be "official." House also changed the term "sewer" to "waste disposal."

Conference substitute adopts House provision.

8. Senate authorized grants under such section 306(a)(6)(b) for preparing comprehensive plans for the development of "community services and facilities and areawide development".

Conference substitute does not include Senate provision.

9. House extended the 5,500 population rural area definition to all rural and rural area provisions of the Farmers Home Administration Act (now applicable only to section 306 of such Act).

Senate in titles I and II defined "rural areas" as all territory of a state, Puerto Rico, the Virgin Islands, American Samoa, and Guam not within a city of 50,000 or more or its adjacent urban or urbanizing area with a population density of more than 100 per square mile. (Under section 331(a) of existing law the FHA Act is now applicable to the United States, Puerto Rico, and the Virgin Islands.) Title I makes this definition applicable to the entire Farmers Home Administration Act; provided for special consideration to areas that do not include a city of more than 10,000; and requires that at least 60 percent of the assistance rendered under sections 304(b), 306, 310A, 312(b), (c), and (d) shall be in counties not having a city of more than 25,000. Senate title V (fire protection) was applicable to rural areas and rural communities having a population of 5,500 or less not included in a standard metropolitan statistical area. Senate title VI provided for research, extension, and education useful in rural areas, but did not define rural areas.

Conference substitute defines rural areas for purposes of the Act to include towns of

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10,000, except that for purposes of loans and grants for private business enterprises under sections 304(b), 310(B), and 312(b) it includes all areas not within cities of 50,000, special consideration being given to areas other than cities of more than 25,000. Conference substitute also deletes American Samoa and Guam.

10. Senate defined "rural community development project" as a broad range of rural development undertakings for the purposes of the Farmers Home Administration Act.

Conference substitute does not include Senate provision, but see item 3.

11. House authorized $10 million annually in grants for plans for rural development.

Conference substitute adopts House provision.

12. Senate required the Secretary to accord the highest priority to water supply loans and grants for communities of 5,500 or below suffering an unanticipated diminution or deterioration of their water supply.

Conference substitute adopts Senate provision, but extends it to waste disposal systems.

13. Senate provided for a minimum interest rate on rural development loans under subtitle A of the Farmers Home Administration Act (other than guarantee loans or loans to public bodies or nonprofit associations for community facilities or loans of a type made under section 306(a)(1) prior to its amendment by the bill) equal to (1) a rate fixed by the Secretary of the Treasury after consideration of market yields on U.S. obligations, prevailing private rates, U.S. insurance of the loans, plus (2) a charge to cover losses and costs of administration.

House left existing law unchanged to provide a maximum rate of five percent for all loans under subtitle A.

Conference substitute adopts Senate provision, but makes a technical correction to permit guaranteed loans for the new rural development purposes to be made at any rate agreed upon by the borrower and the lender.

14. Senate authorized the Secretary to require borrowers under such subtitle A to prepay taxes and insurance in escrow.

Conference substitute adopts Senate provision.

15. Senate authorized the Secretary to pay noteholders annually or semi-annually even though payments are made by borrowers at shorter intervals.

Conference substitute adopts Senate provision.

16. House authorized use of the Agricultural Credit Insurance Fund to pay interest subsidies to lenders who make guaranteed loans or who provide funds to make insured loans. At present it is used for this purpose for loans sold from the fund.

Conference substitute adopts House provision.

17. Senate authorized use of the Agricultural Credit Insurance Fund to pay for contract services (such as appraisal, management, advisory, administrative, and other services).

Conference substitute adopts Senate provision.

18. House transferred assets and liabilities of the direct and emergency loan accounts to the Agricultural Credit Insurance Fund, thereby making it possible to sell loans in those accounts as insured loans; made the interest on loans for such purposes sold from the fund fully taxable; required the fund to pay interest on the government's equity therein; and made it clear that the Secretary may guarantee loans made by other lenders for the purposes of the Farmers Home Administration Act.

Conference substitute adopts House provision.

19. Senate created a revolving fund, the Rural Development Insurance Fund, similar to the Agricultural Credit Insurance Fund, to be used in the guaranteeing or insuring of rural development loans. Assets and liabilities of the ACIF applicable to loans for water and waste disposal systems would be transferred to the new fund. Interest on loans sold from the new fund would be fully taxable.

Conference substitute adopts Senate provision with an amendment to subsection (g)(7) to extend that provision to guaranteed loans, thereby making it possible for the Secretary to pay interest subsidies on such loans in the same manner that he could on other insured loans.

20. House authorized insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act and title III of the Bankhead-Jones Farm Tenant Act (R C and D projects). The interest on any such loans sold from the Agricultural Credit Insurance Fund, like other loans sold from that fund, would be fully taxable.

Conference substitute adopts House provision.

21. House prohibited rural development loans and grants under new section 310B in connection with the relocation of any industrial establishment employing more than 25 persons.

Senate prohibited any financial or other assistance under any provision of the bill that will result in the transfer from one area to another of any employment or business activity of the applicant or a directly competing firm.

Senate also prohibited any assistance which would increase goods, services, or facilities when there is not sufficient demand in the area to employ the efficient capacity of existing enterprises.

Senate also required certification by the Secretary of Labor that the above two provisions have been complied with, and requires that the Secretaries of Labor and Agriculture cooperate in developing a system of certification which will insure expeditious processing of applications for assistance.

Conference substitute adopts Senate provision with amendments—

(1) making it applicable to new sections 310B, 304(b) and 312(b).

(2) clarifies and refines the language in a number of respects, and

(3) requires the Secretary of Labor to act on any matter submitted to him within 60 days.

While allowing a maximum of 60 days, the conferees feel strongly that except in unusual circumstances the Secretary of Labor would and should act within not more than 30 days.

22. Senate limited pollution control loans and grants under the bill to rural areas.

Conference substitute adopts Senate provision.

23. House authorized $50 million annually in grants to public bodies for planning and other specified purposes.

Conference substitute adopts House provision with amendment deleting the authority for grants for planning. The conferees emphasize their intent that no grants will be made under this authority for planning purposes.

24. House provided for "joint" loans and grants with others.

Conference substitute adopts House provision with technical amendments to make it clear that only assistance to facilitate industrial development is intended.

25. House excepts rural development loans under section 310B from requirements of section 333 (a) and (c) that the applicant must certify that he cannot obtain credit elsewhere and must agree to refinance elsewhere when possible. The Conferees intend that the opportunity to participate in the rural development loan program shall extend to the banks and associations of the Farm Credit System.

Conference substitute retains the "credit elsewhere" rule, but makes it clear that this would not prevent the Secretary of Agriculture from guaranteeing loans at market interest rates as agreed to by lenders and borrowers.

26. House provided that no recommendation shall be required of the county committee with respect to rural development loans under new section 310B.

Senate had same effect and, in addition, repealed the requirement (which now applies to loans under sections 306, 314, and 321(b)(2)) for county committee recommendation.

Conference substitute adopts the Senate provision with an amendment retaining county committee recommendation on loans under section 321(b)(2).

27. House exempted applicants for rural housing loans under sections 517(a)(2) for dwellings for their own use from the "credit elsewhere" and "mandatory refinancing" provisions of title V of the Housing Act of 1949.

Conference substitute adopts the House provision with an amendment.

As in the case of rural development loans, the "credit elsewhere" rule is retained, but for above moderate housing loans it makes it clear that this would not prevent the Secretary of Agriculture from guaranteeing these rural housing loans.

The Conferees intend that the opportunity to participate in the rural housing loan program extends to the banks and associations of the Farm Credit System.

28. House authorized FHA operating loans to assist farmers to comply with the Occupational Safety and Health Act of 1970.

Conference substitute adopts House provision.

29. House specifically required the Secretary of Agriculture to determine the truth of the applicant's certification under existing section 333 that he is unable to obtain credit elsewhere.

Conference substitute adopts House provision.

30. Senate prohibited the collection of interest on interest on FHA loans (to relieve the Secretary of the necessity of calculating interest on interest on late payments under existing contracts which provide for such interest on interest).

Conference substitute adopts the Senate provision with the modification that borrowers need not pay interest on interest on loans that are not more than 90 days overdue.

31. Senate authorized the Secretary of Agriculture to contract for services in connection with FHA loans.

Conference substitute adopts the Senate provision with amendments.

In order that rural residents may receive the benefits of this Act at the earliest possible date provision has been made for Farmers Home Administration to contract for services to supplement and reinforce these services provided by agency employees. This authority extends to January 1, 1975, by which time it is expected that sufficient personnel will be employed by FHA to provide for the handling of all applications and loans in an orderly manner.

The report to Congress directed at the end of this authorization period should outline the progress made in obtaining adequate personnel and document any need for contracting for such outside services in the future.

32. Senate reorganized Farmers Home Administration into a Farm Development Administration and a Rural Enterprise and Community Development Administration, each headed by an Administrator appointed by the President, subject to Senate confirmation, at level V ($36,000) under an additional Assistant Secretary in level IV ($38,000).

Conference substitute provides only for a new Assistant Secretary of Agriculture, thereby bringing to four the total number of Assistant Secretaries in that Department.

The conferees wish to make it clear that

the additional Assistant Secretary of Agriculture created by this Act is expected to be employed for purposes of adding emphasis to rural development and to provide for improved direction and emphasis within the Department of Agriculture regarding its policies, programs, and activities relating to rural development.

33. House permitted Secretary to consent to transfer of property securing any loan or financed by any loan or grant under any law administered by FHA.

Conference substitute adopts House provision.

34. House extended section 335 (which deals with disposition of real property administered under the Farmers Home Administration Act) to any law administered by FHA; repealed the provisions requiring the down payment on sale of such property to other than eligible borrowers to be at least 20 percent and the remainder to be paid "in not more than five annual" installments; and provided that the terms of such sale not be more favorable than those permissible for sale to eligible borrowers.

Conference substitute adopts House provision.

35. Senate prohibited direct and insured loans for new rural development purposes (except to public bodies and nonprofit associations for community facilities) if guaranteed loans can be obtained, and prohibits guarantee of more than 90 percent of the risk on any such loan.

Conference substitute adopts Senate provision.

36. House made it clear that liens securing guaranteed loans may run to the lender, rather than the United States.

Conference substitute adopts House provision.

37. Senate provides for sharing of Federal revenue with States, substate multijurisdictional areawide general purpose planning and development districts, and local governments for rural community development.

(a) This title authorized the appropriation of $500 million annually.

(b) This money would be apportioned among the States according to the following formula:

(i) 50 percent on the basis of the State's rural population;

(ii) 25 percent on a basis varying inversely with the State's rural per capita income; and

(iii) 25 percent on the basis of the decrease in the State's rural population.

(c) All funds would go to the States, but each State would be required to pass on one-third of these funds to substate multijurisdictional areawide general purpose planning and development districts and it must pass on one-third of the funds to local governments within the State.

The two-thirds passed on to districts and local "governments would be apportioned within each State on a similar formula basis, using the percentages 40–20–40, instead of 50–25–25.

(d) The amounts so apportioned could be used by the recipients for any rural development purpose, including the local matching share under other Federal programs, in rural areas.

(e) To become eligible for funds each State would have presented to the Secretary of Agriculture a rural development plan which is (i) developed by a statewide rural development planning system, with the participation of officials of multijurisdictional districts and local governments, and (ii) took into account plans prepared by districts and local governments.

(f) States, districts, and local units of government could enter into agreementa for joint expenditures of shared revenue funds for rural development activities in one or more of them.

(g) Expenditures of shared revenues would be subject to requirements of section 901(a) and 901(b) of the Agricultural Act of 1970.

Conference substitute does not include Senate provision.

38. Senate inserted in Congressional policy of the Watershed Act "particularly reclamation and revegetation of land that has been mined, stripmined, or abandoned by its owners".

Conference substitute does not include Senate provision.

39. Senate authorized the Secretary to pay costs of privately owned Indian lands needed for lands, easements, and rights of way under the Watershed Act.

Conference substitute does not include Senate provision.

40. Senate authorized cost sharing for ground water recharge. At present such cost sharing is not possible when use of the water cannot be identified as being a purpose for which cost sharing is authorized.

Conference substitute adopts Senate provision.

41. House limited water quality management under the Watershed Act primarily to streamflow regulation which is not a substitute for adequate treatment of waste at source and is consistent with standards of Water Resources Council.

Conference substitute adopts House provision.

42. Senate provided with respect to cost sharing on future municipal water supply that assurances of reimbursement may be provided by an agency of the State having authority to give such assurances.

Conference substitute adopts Senate provision.

43. Senate specified that the land inventory program shall include studies of flood plain identification and utilization, in addition to the studies specified in the House bill.

Conference substitute adopts the Senate provision.

44. Senate authorized the appropriation of $5 million for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, to enable the Secretary of Agriculture to provide financial, technical, and other assistance through appropriate State officials to local public and private nonprofit organizations for cooperative efforts to organize, train, and equip local forces to prevent, control, and suppress wildfires in rural areas and rural communities of 5,500 or less outside of standard metropolitan statistical areas.

An additional $2,000,000 annually was authorized for the purposes of this provision to be used in those States where the average per capita income in rural areas is below the national average per capita income in rural areas and where the timber reserves are of such importance as to warrant special consideration. The States could have used these additional funds only in the multijurisdictional planning districts where the rural per capita income is below the national average.

Financial assistance could not exceed 50 percent of budgeted or actual expenditure, whichever is less.

Conference substitute adopts the Senate provision with modifications which would:

(1) make the program apply to rural areas as defined in the conference agreement;

(2) establish the annual appropriation authority at $7 million instead of $5 million; and

(3) eliminate the extra $2 million annual authorization for States with lower than average per capita income and those areas near timber reserves.

The Conferees expect the Secretary, prior to initiating this pilot program, to designate areas of the United States which are particularly vulnerable to the hazards of wildfires. In addition the Conferees expect the Secretary, in implementing the Rural Community Fire Protection Program, to give special attention to those areas and communities that have inadequate or nonexistent fire protection facilities.

45. Senate authorized the appropriation and apportionment of funds to States for (1) rural development extension programs; (2) rural development research; (3) rural development undergraduate, graduate, and adult education; and (4) small farm extension, research and development programs.

Funds would be administered by the land grant colleges in each State subject to advice and program approval of an advisory council composed of a representative group of professional and lay leaders. Private and publicly supported colleges in a State, including the land grant colleges of 1890, would be eligible to conduct, or participate in the conduct of, programs authorized and will be represented on the advisory council.

Appropriation authorizations were scheduled to increase from a total of $75 million for fiscal 1974 to a total of $160 million for fiscal 1976 and subsequent years.

Of this amount, $25,000,000 was to be distributed among those States where the per capita income of those living on small farms in rural areas is below the national average per capita income in rural areas. These funds would be allocated among such States on the basis of the number of persons in each such State who live on small farms in rural areas and whose income is below the poverty level.

Of the remaining funds, apportionment would be as follows:

(a) 4 percent to the Secretary of Agriculture for administration;

(b) 10 percent to be allocated by the Secretary to finance work serving two or more States;

(c) 20 percent equally among the States;

(d) 33 percent among the States on the basis of rural population as determined by the last preceding decennial census at the time each such additional sum is first appropriated; and

(e) 33 percent among the States on the basis of farm population, determined in a similar manner.

Conference substitute adopts the Senate provision with the following substantive changes:

(1) The program is limited to a pilot basis for a three year period beginning July 1, 1973, and ending June 30, 1976.

(2) The level of authorized appropriations is set at $10 million for FY 1974; $15 million in FY 1975 and $20 million in FY 1976, and

(3) The formula in the Senate amendment for the priority distribution of a portion of the funds to States with below-average per capita small farm income is deleted.

(4) The provision in the Senate amendment authorizing undergraduate, graduate and adult education is deleted.

46. House amended section 901(b) of the Agricultural Act of 1970 to assign "first priority" to the location of new offices and facilities in "rural areas" (rather than areas of "lower population density" as in present law). This provision also deleted the words "insofar as practicable" of existing law.

Conference substitute adopts the House provision.

While accepting the House provision designed to strengthen Section 901(b) of the Agricultural Act of 1970, the conferees wish to make clear that "first priority" does not mean that all new Federal offices and facilities must be located in "rural areas" as defined for rural industrialization loans if there is an overwhelming reason that any such office or facility should not be located in a "rural area".

47. House increased limit on additional annual payments to State or local agencies contracted for under Greenspan program each year to $40 million (from $10 million).

Conference substitute does not include the House provision.

XUM

48. House accorded desertland entrymen the same consideration as homestead entrymen with respect to financial assistance available through the Farmers Home Administration, by accepting as security for FHA mortgages the entered desertland prior to issuance of a patent.

Conference substitute adopts the House provision.

49. Senate required the Secretary of Agriculture to acquire, preserve, and disseminate useful information on "rural development" as well as agriculture.

The Secretary was also authorized and directed to provide leadership and coordination within the executive branch and assume responsibility for a nationwide rural development program utilizing all agencies of the executive branch in coordination with rural development programs of State and local governments.

The Secretary was required to establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually to Congress.

The Secretary was authorized to initiate or expand research and development efforts related to rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization.

The Secretary also was directed to utilize all USDA field offices to enhance rural development, provide for the location of all field units of the Federal Government concerned with rural development in such offices, and provide for the interchange of personnel and facilities in such offices.

Conference substitute adopts the Senate provision.

50. Senate authorized ten-year cost sharing payments under section 8(b) of the Soil Conservation and Domestic Allotment Act based on conservation plans by soil and water conservation districts.

Conference substitute adopts the Senate provision.

51. Senate authorized cost sharing under such section 8(b) for agriculture-related pollution prevention or abatement practices unrelated to soil or water conservation.

Conference substitute adopts the Senate provision.

52. Senate authorized the Rural Telephone Bank to sell telephone debentures to the Secretary of the Treasury.

Conference substitute does not include the Senate provision.

W. R. POAGE,
GRAHAM PURCELL,
THOMAS S. FOLEY,
ED JONES,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
LAWTON CHILES,
JACK MILLER,
GEORGE D. AIKEN,
CARL T. CURTIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. DENHOLM) leave of absence was granted to Mr. NICHOLS for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MONTGOMERY, for 60 minutes, on June 20, and to revise and extend his remarks and include extraneous matter.

Mr. SEIBERLING, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks, and to include extraneous matter to:)

Mr. GONZALEZ, today, for 10 minutes.
Mr. ASPIN, today, for 5 minutes.
Mr. HAMILTON, today, for 10 minutes.
Mr. GALIFIANAKIS, today, for 5 minutes.
Mr. GIBBONS, today, for 5 minutes.
Mrs. ABZUG, today, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. MICHEL, and to include extraneous material, during his remarks today while in the Committee of the Whole, on the HEW appropriation bill.

Mr. FINDLEY, and to include extraneous matter during debate on HEW appropriation bill.

Mr. FLOOD to revise and extend his remarks made in the Committee of the Whole.

Mr. SMITH of Iowa to revise and extend his remarks made in the Committee of the Whole and to include extraneous matter.

Mr. SCHWENGEL and Mr. CARTER, at the request of Mr. MICHEL, to extend their remarks in the Committee of the Whole, today, on the Labor-HEW appropriation bill.

Mr. MAHON to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15417.

All Members, at the request of Mr. FREY for 5 legislative days to extend their remarks on the Flag Day services, today.

All Members, at the request of Mr. DENHOLM, for 5 legislative days to revise and extend their remarks and include extraneous matter on the subject matter of the special order of Mr. ROONEY of Pennsylvania, today.

Mr. SATTERFIELD and to include an editorial.

(The following Members (at the request of Mr. FREY) and to include extraneous matter:)

Mr. RIEGLE.
Mr. GUDE.
Mr. KEATING.
Mr. BAKER.
Mr. ANDERSON of Illinois.
Mr. BOW.
Mr. HORTON.
Mr. WIGGINS.
Mr. DERWINSKI in two instances.
Mr. GOODLING.
Mr. SKUBITZ.
Mr. EDWARDS of Alabama.
Mr. BOB WILSON.
Mr. BELCHER.
Mr. SHRIVER in two instances.
Mr. SMITH of New York.
Mr. HEINZ.
Mr. GUBSER.
Mr. CHAMBERLAIN.
Mr. BELL.
Mr. DON H. CLAUSEN.
Mr. FREY.
Mr. RAILSBACK.
Mr. BUCHANAN.
Mr. WYMAN in two instances.
Mr. HARSHA.
Mr. BURKE of Florida.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mrs. GRIFFITHS in two instances.
Mr. SARBANES in three instances.
Mr. EVANS of Colorado.
Mr. MONTGOMERY.
Mr. EVINS of Tennessee.
Mr. CHAPPELL.
Mr. BARING.
Mr. MURPHY of Illinois.
Mr. YATRON.
Mr. WILLIAM D. FORD in two instances.
Mr. HAMILTON.
Mrs. HICKS of Massachusetts in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. PUCINSKI in six instances.
Mr. ROGERS in five instances.
Mr. STAGGERS.
Mr. TIERNAN.
Mr. BINGHAM in three instances.
Mr. STOKES in two instances.
Mr. EDWARDS of California.
Mr. ANNUNZIO.
Mr. VANIK in two instances.
Mr. PATTEN.
Mr. FISHER in three instances.
Mr. CELLER.
Mr. ROE in two instances.
Mr. FAUNTROY in five instances.
Mr. WOLFF.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3166. An act to amend the Small Business Act.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 13, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 11417. To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, June 15, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2080. A letter from the Assistant Secretary of Commerce, transmitting a copy of a preliminary finding that there may be a need for a flammability standard for sleepwear worn by children of ages 6–12; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2081. A letter from the Comptroller General of the United States, transmitting a report on a survey of the application of the Government's policy on self-insurance; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 13694. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; with amendments (Rept. No. 92–1127). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation (Rept. No. 92–1128). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee of conference. Conference report on H.R. 12931 (Rept. No. 92–1129). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 15486. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

H.R. 15487. A bill to amend the Disaster Relief Act of 1970 to authorize the cancellation of 90 percent of the principal of certain loans; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 15488. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 15489. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to firemen shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 15490. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FAUNTROY:

H.R. 15491. A bill to amend the District of Columbia Teachers Salary Act of 1955 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. FRENZEL:

H.R. 15492. A bill to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes; to the Committee on Public Works.

By Mr. FREY:

H.R. 15493. A bill to guarantee the right of criminal defendants to a speedy trial and to reduce crime and injustice by improving the supervision of persons released on bail and probation, and for other purposes; to the Committee on the Judiciary.

By Mr. HARVEY (for himself and Mr. ABBITT):

H.R. 15494. A bill to amend the Federal Contested Election Act to limit to $4,500 the amount which may be paid from the contingent fund of the House of Representatives to any party to a contested election case as reimbursement of expenses incurred by him in such case; to the Committee on House Administration.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER (for himself and Mr. ASPIN):

H.R. 15496. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production, transportation, and refining of oil; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BURTON, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mrs. GRASSO, and Mr. GREEN of Pennsylvania):

H.R. 15497. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. MCCLORY, Mr. MAZZOLI, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. PEPPER, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, and Mr. SYMINGTON):

H.R. 15498. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 15499. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself and Mr. LENT):

H.R. 15500. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 15501. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

By Mr. VANIK:

H.R. 15502. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 15503. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. KEMP, Mr. CLEVELAND, Mr. HEINZ, Mr. WYMAN, Mr. MOSHER, Mr. CONOVER, Mr. ANDERSON of Illinois, Mr. RAILSBACK, Mr. COUGHLIN, Mr. MALLARY, Mr. SEIBERLING, Mr. SCHNEEBELI, Mr. HASTINGS, Mr. FRELINGHUYSEN, Mr. DERWINSKI, Mr. O'HARA, and Mr. STRATTON):

H.R. 15504. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts (for himself, Mr. BOGGS, Mr. PRICE of Illinois, Mr. COTTER, Mr. MORGAN, Mr. SMITH of Iowa, Mr. MACDONALD of Massachusetts, Mr. ULLMAN, Mr. ANNUNZIO, Mr. GAYDOS, Mr. VANIK, Mr. ROSTENKOWSKI, Mr. GREEN of Pennsylvania, Mr. NIX, Mr. GARMATZ, Mr. JAMES V. STANTON, Mr. HECHLER of West Virginia, Mrs. HANSEN of Washington, Mr. CARNEY, Mr. PATTEN, Mr. MURPHY of Illinois, Mr. PEPPER and Mr. MONAGAN):

H.R. 15505. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. BOGGS, Mr. PRICE of Illinois, Mr. COTTER, Mr. DENT, Mr. FLOOD, Mr. MORGAN, Mr. SMITH of Iowa, Mr. MACDONALD of Massachusetts, Mr. ULLMAN, Mr. ANNUNZIO, Mr. GAYDOS, Mr. VANIK, Mr. ROSTENKOWSKI, Mr. GREEN of Pennsylvania, Mr. NIX, Mr. GARMATZ, Mr. JAMES V. STANTON, Mr. HECHLER of West Virginia, Mrs. HANSEN of Washington, Mr. CARNEY, Mr. PATTEN, Mr. MURPHY of Illinois, and Mr. PEPPER):

H.R. 15506. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CABELL (for himself, Mr. FRASER, Mr. MIKVA, Mr. LINK, Mr. REES, Mr. FAUNTROY, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. GUDE):

H.R. 15507. A bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued

by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 15508. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH (for himself, Mr. HORTON, Mr. J. WILLIAM STANTON, Mr. MCKEVITT, Mr. KUYKENDALL, Mr. MILLER of Ohio, Mr. DERWINSKI, Mr. MCCLURE, Mr. CLEVELAND, Mr. MALLARY, Mr. VEYSEY, Mr. DAVIS of Georgia, and Mr. FRENZEL):

H.R. 15509. A bill to provide greater assurance of Federal fiscal responsibility to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 15510. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. HAYS (for himself and Mr. ABBITT):

H.R. 15511. A bill to amend the Federal Election Campaign Act of 1971 to change the times for the filing of reports of receipts and expenditures by political committees and candidates, and for other purposes; to the Committee on House Administration.

By Mr. MILLS of Arkansas:

H.R. 15512. A bill to protect suppliers of property in trade and commerce with respect to credit card promotions, to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 15513. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to officially recognized or designated members of a legally organized volunteer fire department, ambulance team or rescue squad not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 15514. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHOUP:

H.R. 15515. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. ABOUREZK, and Mr. COLLINS of Illinois):

H.R. 15516. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 15517. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.J. Res. 1229. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself and Mr. WYLIE):

H. Res. 1017. Resolution praising Columbus, Ohio, and her residents on the occasion of the 10th anniversary of Columbus Day, U.S.A.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 15518. A bill for the relief of David B. Smith; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 15519. A bill for the relief of Carl W. Houston; to the Committee on the Judiciary.

By Mr. SHOUP:

H.R. 15520. A bill for the relief of Jung Sup Shin; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE REVEREND ROBERT RIVES

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, June 14, 1972

Mr. GRIFFIN. Mr. President, the Reverend Robert Rives, of the Garden City, Mich., Presbyterian Church, has stepped down from the pulpit after 34 years of devoted service.

From my boyhood days in Garden City, I have had the privilege of knowing Rev. Dr. Rives. He was our family minister when I was growing up, and he has been a good friend through the years.

I ask unanimous consent that several newspaper articles concerning the retirement of Rev. Dr. Rives be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wayne (Mich.) Daily Eagle, Apr. 27, 1972]

REV. RIVES STEPS DOWN

(By Dann Barkume)

At approximately 12 noon on Sunday, the Rev. Robert Rives will step down from the pulpit at the Garden City Presbyterian Church for the last time.

Rev. Rives is retiring from the ministry after 35 years of service. He has been pastor of the Garden City church since May 14, 1939.

In that span, Rev. Rives has performed 702 marriages, 1,285 baptisms and has conducted 622 funerals. His career in Garden City spans not only ministerial duties, but also includes involvement in several fraternal groups and civic associations.

The Garden City Presbyterian Church has been in existence since Aug. 15, 1840 with the original congregation numbering 13. But most of the church's growth has been under Rev. Rives leadership.

Under Rev. Rives, the church has thrived and has a full program of activities, including four choirs—adult, youth, children's and cherub—Sunday School program, Women's Association, Men's Club and Boy Scout Troop 784.

Rev. Rives and his wife arrived in Garden City when it was a small community with a population of 3,000. The existing church, located on Middlebelt Road just south of Ford Road, was dedicated on Oct 28, 1928.

The original half-acre site has expanded to its present 3.5 acres and three additions have been added.

Rev. Rives is the 46th minister to serve the congregation during its 132-year history.

He is also retiring from the board of directors of the People's Community Hospital Authority, a position that he has held longer than all but one member of the 46-man-board.

He also served as chaplain in various Army and Navy hospitals. During World War II he was chaplain of the Garden City branch of the Red Cross and also served on the Rationing Board.

Rev. Rives enlisted in the Navy as a chaplain on Veteran's Day in 1944 and served until June 18, 1947, attaining the rank of commander. He served as chaplain aboard the aircraft carriers Midway and Wake and remained in the service after the end of World War II to serve as chaplain of the Naval facility in Dearborn.

Last night he was named Pastor Emeritus by the Michigan Presbytery, just four days before his retirement from active ministerial work.

Mrs. Rives, who received a master's degree in education from the University of Michigan, will retire in June after more than 30 years as a teacher. For the past 25 years, she has taught in the Wayne-Westland school system.

They have two children, Mary Luella Wade, who lives in Detroit with her husband, a director of student activities at Wayne State University, and Janet Ruth Rives, an elementary school teacher in Homewood, Ill.

A reception honoring the Rives is scheduled for 4 p.m. Sunday at Garden City West High School. Rev. Rives will be introduced by way of an Honor Guard from the U.S. Navy and many dignitaries will join an estimated 1,500 to 2,000 well-wishers to honor the retiring pastor.

Messages of commendation will be read from President Richard Nixon and Gov. William G. Milliken. A personal appearance is expected by U.S. Sen. Robert Griffin (R-Mich.), a longtime friend of the Rives.

The Rives plan to leave in June for an extended European vacation, hoping to travel around the continent for most of the year before returning to their home in Garden City.

A native of Texas, the 65-year-old pastor's only comment was "I just really can't imagine not being pastor of this church. So often people don't realize what a fine community we have to live in."

Three generations of Garden City residents will gather on Sunday to say goodbye to a man who helped build the community, but as one member of the congregation put it, "We won't be saying good-bye, we're giving him a new commission and new duties."

For Robert Rives, forced to retire at the age of 65, Sunday will culminate a 35 year relationship with a community, a relationship which he voluntarily took upon himself to build and nurture. For 35 years, Rev. Rives worked for the spiritual growth of his congregation. His congregation, almost to a person, agree that Rev. Rives will be sorely missed.

[From the Detroit News, May 1, 1972]

GARDEN CITY PRESBYTERIANS HONOR RETIRING PASTOR

(By Gerald L. Nelson)

The Rev. Robert Rives, stepping down yesterday from the pulpit he occupied for 34 years, said his retirement festivities "were just like Easter all over again."

More than 500 turned out for Sunday services in the Garden City Presbyterian Church. Later, 1,200 showed up for the congregation's retirement reception and dinner for the burly, crewcut pastor.

Normally, a few hundred might attend services on a balmy, warm spring day, but this was Mr. Rives' last sermon.

"I was simply overwhelmed," beamed the Texas-born minister at a testimonial dinner attended by almost every important clergyman, businessman, civic leader and politician in Garden City.

"I never visualized anything like this for me. I've been to a lot of retirement dinners, but never thought of myself in that role."

Among the greetings read at the testimonial at Garden City West High School were those from President Nixon, Gov. Milliken and U.S. Senator Robert Griffin.

In a personally signed card, President Nixon commended Mr. Rives' "long and dedicated service to God and your fellow man."

In a gray suit, the carnation in the lapel drooping slightly, Mr. Rives, 65, accepted the handshaking and congratulations modestly and with a trace of his characteristic humor.

"When I saw the price of these tickets," he said, "I never thought more than 25 would show up."

His 34 years in the pulpit were interrupted by a three-year wartime stint as a U.S. Navy chaplain aboard a battleship in the Pacific.

His origins were in the cattle-and-brush country of Texas, but the road to Garden City was circuitous. He tried it as an engineer, window decorator, school teacher and photographic assistant.

Finally, his preacher father prevailed, and in 1938, fresh from the seminary, Mr. Rives took over the dissention-ridden Garden City church. There were 20 parishioners, mostly Southern-born, poor and angry.

The last minister had left amid a dispute, but says Mr. Rives, he arrived intending to stay.

"Some people said I wouldn't last a year," recalled Mr. Rives. "But there is a lot of bulldog in my nature, and I could get tough when anybody challenged."

The church, which has been expanded three times, now has 610 members.

The main speaker at last night's dinner, Dr. John Stone, pastor of an inner city church and seminary classmate of Mr. Rives, said:

"He was an ardent, devoted leader who, if things weren't right, would let you know it. But he was also like a good sailor. He could catch a wind and make it work for him."

After a one-year camping tour of Europe, the Rives will return to Garden City to live and "do some fishing." In April, the Detroit Presbytery named Mr. Rives pastor emeritus of the church.

Upon retiring, he said:

"I am saddened. I never saw myself as anything but a pastor, and I can't see myself not being pastor."

[From the Garden City Observer, May 3, 1972]

NIXON LEADS TRIBUTES TO REV. RIVES

(By Leonard Poger)

After 1,288 baptisms, 702 weddings and 622 funerals, Rev. R. R. Rives Sunday declared vacant the pastorate at Garden City Presbyterian Church.

In the reception line after his last service there were tears.

Rev. Robert R. Rives, who has touched thousands of lives in Garden City, was honored in a series of events Sunday on his retirement from Garden City Presbyterian Church—a pastorate that started 33 years ago.

The long list of civic tributes was highlighted by a congratulatory card from President Nixon and a best wishes letter from a White House aide.

Twin highlights were Rev. Rives' farewell sermon at 11 a.m. and the afternoon dinner and program—each attended by an estimated 475 persons.

The emotional departure of the popular clergyman was evident in the tears streaming down the cheeks of congregants following Rev. Rives' last service Sunday morning.

And one choir member put it afterwards:

"It was the blubberiest choir I've ever sung in."

"There wasn't a dry eye in the house," added another member of the church following the service.

As Rev. Rives stood at the rear door of the church sanctuary shaking hands with churchgoers, many embraced him with tears in their eyes.

At Rev. Rives' side was his wife, Wilma, who has been in the Wayne-Westland Community Schools for 25 of her 30 years in the teaching profession.

The theme of the clergyman's farewell sermon was the historical milestones recalled during his 34 years in the community.

At the afternoon recognition dinner at West High School, a special Navy color guard placed an American flag and chaplain flag behind the head table. Rev. Rives was a Navy chaplain during World War II and later served in the Naval Reserves.

Beside the congratulatory messages from President Nixon, and a White House aide, there were best wishes in writing from Gov. Milliken and a promise of a state legislative resolution honoring him on his past service and retirement.

Representing the city government were City Councilman James Plakas and Assessor Douglas Waddell, a member of the Presbyterian church.

The congratuatory card from Mr. Nixon carried the presidential seal.

The letter on White House stationery misidentified the clergyman's church as the "Garden Groves Presbyterian Church."

The letter, from Henry Cashen II, deputy assistant to the President, said that Rev. Rives' "contributions reach far beyond the confines of the church you have served, beyond the city you live in and beyond your denomination.

"Courageous and compassionate ministries from men such as you gives strength to the fiber of our free society," said the White House letter.

Gov. Milliken expressed his congratulations "for a job well done."

"During the 34 years you have touched the lives of many people and I know that Garden City has benefited greatly as a result of your inspiration both in a spiritual and a civic way," Milliken said.

In his farewell sermon Sunday, Rev. Rives called the ministry "the queen of professions" and that "worship is the pause that refreshes and reforms our spirits."

He asked forgiveness from those he may have offended over the years and added:

"I am just too human to have had anywhere near a perfect pastorate but I have sincerely tried."

CONGRESS PUSSYFOOTS ON BUSING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHMITZ. Mr. Speaker, if ever there was an issue on which the voice of the American people has been heard loud and clear, it is the busing of school children for purposes of racial balance. Yet the court-ordered crosstown school buses roll on, carrying children from safe and pleasant neighborhoods to high-crime slums, in bitter mockery of Abraham Lincoln's hallowed description of a "government of the people, by the people, for the people." Excuses and evasions multiply endlessly, but the simple fact remains that Congress and the President could stop almost all busing now, immediately, by a simple law depriving the Federal courts of jurisdiction over cases involving the transportation of school children, because of their race.

This remedy by congressional statute is authorized by article III, section 2 of the Constitution, supported by no less than 77 legal precedents down through our history. It was actually approved by the Senate February 25 in a rare moment of statesmanship as part of S. 659, the Educational Amendments of 1972—only to be stricken out 3 days later.

Now this same bill, S. 659, after one of the most tangled legislative histories of the current session, is before the House of Representatives for final action. Along with setting up a colossal new multibillion dollar program for funneling taxpayers' money into our chaotic and often fiercely anti-American colleges and universities, and along with funding "educational parks"—huge consolidated schools in metropolitan areas bearing some disturbing resemblances to concentration camps—this bill pretends to meet the overriding concern of the American people about busing. It is aimed at convincing voters that Congress is really "doing something" to defend the neighborhood school. That pretense is quickly punctured by reading the actual language of the bill.

One long paragraph—section 802a—tells about how Federal funds are not to be used for busing to overcome racial imbalance. Buried in the middle is this saving clause for busing advocates:

Except on the express written voluntary request of appropriate local school officials.

In my experience, school officials are far from reluctant to ask for money for almost any purpose, even busing.

This paragraph goes on to say that no Federal funds will be used for busing children to a school "where the educational opportunities—will be substantially inferior to his neighborhood school." But who is to determine the relative value of those "educational opportunities"—whatever that splendidly vague phrase may mean? And what about the crime rate in the area where the school is located, one of the primary concerns of

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parents? The bill makes no mention of that.

The next paragraph, section 802b, grandly prohibits all Federal agencies from acting to "urge, persuade, induce or require" local school boards to order busing, with just a little three-word exception—"unless constitutionally required." Everyone who reads his newspaper about busing knows that all busing for racial balance is alleged by its supporters to be constitutionally required. Those three words negate all the rest of this paragraph.

The only provision in this bill which would have any real effect on busing is the Broomfield amendment postponing the effective date of all court busing orders until all appeals have been heard or the time for appeals has expired, until the end of next year—when the election and the heightened political consciousness of the people which elections arouse, is safely past. Anyone who really thinks this issue is going to go away in a year and a half is living in a dream world.

The people want busing stopped now. Congress and the President could do exactly that by taking away court jurisdiction over transportation of school children, because of their race, or by passing a constitutional amendment overriding the busing decisions. No other measure can stop busing for good and to pretend otherwise is to deceive the electorate.

LOD AIRPORT ATTACK A COWARDLY ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WALDIE. Mr. Speaker, although several days have passed since the terrorist attack at Tel Aviv's Lod Airport slaughtered 26 innocent victims, the echoes of that atrocity still sound.

The sounds are those of anguish and anger. The nations of the world ought to have reacted with stricter security at all airports by this time. They have not.

World opinion ought to have moved the airlines serving Israel to unite in taking drastic steps to discourage any recurrence of the Lod attack. Apparently, Mr. Speaker, they have not.

The United Nations should have, by now, moved into emergency session to take steps toward eliminating air piracy and the killing of innocents from international politics. Sadly, the United Nations is doing precious little in this area.

Mr. Speaker, the U.S. Government must take a leadership role in correcting the obvious deficiencies that have resulted in skyjacking and airport killing taking place almost daily.

Additionally, Mr. Speaker, the United States and the United Nations should make every effort to discourage the Government of Lebanon from giving a safe haven to the terrorists who are committed to insane political acts of murder, oftentimes using the cowardly device of pirating aircraft that are tempting targets because of lax security.

It should be worth noting that the tightly guarded airplanes of El Al, the Israeli airlines, are not subject to terrorist attacks any longer.

Mr. Speaker, the challenge to the world community, the United States and the United Nations to bring about necessary reforms to protect aircraft crews and passengers is a vital and urgent challenge.

I join with my many colleagues in both the House and the Senate who have condemned the attack at Lod Airport and who have called for quick action to prevent such an outrage from happening again.

NATIVE TAIWANESE GET TOP GOVERNMENT POSTS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SIKES. Mr. Speaker, from time to time there have been questions regarding the amount of participation in the government of the Republic of China by native Taiwanese. Those who are well informed have realized there has been a constant increase in the number of Taiwanese in high positions in government and in the military. An article published in the Christian Science Monitor, Thursday, June 8, 1972, gives very real information on the progress being made in bringing native Taiwanese into the government in high positions. I submit it for reprinting in the RECORD:

NATIVE TAIWANESE GET TOP GOVERNMENT POSTS

(By April Klimley)

TAIPEI, TAIWAN.—Nationalist China's recent government reshuffle put so many Taiwanese in top posts that it could eventually radically alter the map of the island's domestic political terrain.

Premier Chiang Ching-kuo's new Cabinet is about one-third Taiwanese.

It includes well-known former Taipei Mayor Henry Kao, who was promoted to Minister of Communications; Lin Chingshen, former secretary-general of the Taipei branch of the ruling Kuomintang Party, who became Minister of the Interior; Hsu Chingchung, who moved up from Interior Minister to Vice-Premier; and three ministers without portfolio.

Everyone was surprised at the number of Taiwanese chosen.

"He could have gotten away with much less," commented one Nationalist Chinese observer.

OTHER SURPRISES

Chiang Ching-kuo did not stop with the Cabinet.

He also appointed Taiwanese Hsieh Tungmin as Taiwan's first native Governor. Formerly this post has always been held by mainlanders, those who followed Generalissimo Chiang Kai-shek to Taiwan in the late 1940's.

An even bigger surprise was the appointment of Chang Fung-hsu, the magistrate of the down-island county of Pingtung, as Taipei city Mayor. Mr. Chang has never been connected with national politics, although his record as an administrator in Pingtung is excellent.

The new Cabinet has been welcomed and praised by newspapers, intellectuals, and students.

But for the near future the appointments are unlikely to change the real power balance in the national government.

One reason for this is that, except for Henry Kao, all the new men are Kuomintang Party members and are thus expected to stick to the party line, which is usually conservative on most subjects.

IDENTITY LOST?

"Taiwanese who are party members lose their identity," explained one young intellectual recently. "They will never speak out for Taiwanese."

This seems borne out by the histories of men like Vice-Premier Hsu, Interior Minister Lin, and Taiwan Governor Hsieh.

Mr. Hsieh is looked down on by many Taiwanese since he left Taiwan in the 1920's and did not return until the mid-1940s' with the Nationalist Chinese Government. He is sometimes called a "ban shan," a "half mountain," which means half a Taiwanese.

Mr. Hsieh's new post as Governor is not particularly powerful because the responsibilities of the provincial government are shrinking year by year.

The two ministries—Communications and Interior—which are being given to Taiwanese are not very important either.

POWER BASE HELD

Even the post of Vice-Premier is of debatable value. It only seems key when it is held by someone like Chiang Ching-kuo who held it up until his present appointment as Premier and who already had established a separate power base of his own.

The sole job likely to have any real impact is that of Taipei Mayor. Former Mayor Henry Kao made a worldwide reputation for himself running for the office twice. He then was appointed to the job when Taipei became a special municipality.

However, despite this political success, Mr. Kao was never very successful in overhauling the outdated city bureaucracy. The new Mayor, while not well known, is reputed to be an honest and able administrator.

'SIGNIFICANT' APPOINTMENTS

But even if Chiang Ching-kuo's appointments do not have a major impact right away, everyone on the island agrees they are "significant."

For one thing, they are an obvious attempt to rectify a situation in which native Taiwanese have been excluded from power for over 20 years.

There has been pressure on the Nationalists to share power since they retreated to the island. But only now, in the wake of expulsion from the United Nations and President Nixon's visit to Peking, has the government started to move in that direction.

The appointments also indicate that the Premier is not afraid to break precedent.

TWO NOT PROMOTED

Usually a man who does a good job in a Chinese government gets promoted, regardless of qualifications or specialty. The Premier, however, left two very good men right in their places: K. T. Li retained his job as Finance Minister, and S.Y. Sun stayed on as Economics Minister.

The reshuffle also showed that the 62-year-old heir apparent is determined to continue the attempts he has made throughout his career to woo Taiwanese.

Chiang Ching-kuo has had strong prejudices to fight against since many people resent his Soviet education and Russian wife.

"He's a hard man to respect," said one Taiwanese politician about the Premier. "He's certainly not the ideal leader."

But this man added: "If some day he leads us and fights for us, we will follow him because there's no one in the Kuomintang stronger than him."

FLAG DAY—JUNE 14, 1972

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. YATRON. Mr. Speaker, although the United States is one of the world's youngest nations, our flag is one of the oldest national emblems and even predates the present Union Jack of Great Britain and the French Tri-color.

The Continental Congress on June 14, 1777, while sitting in Philadelphia, resolved:

That the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars, white in a field of blue, representnig a new constellation.

The design for the new national emblem had been developed by a distinguished committee of the Continental Congress, named in 1775, and composed of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison.

Thus, we created the emblem of the United States of America which is known most widely around the world today. Most people have attributed special significance to the colors of the flag: blue, to represent justice or a covenant against oppression; red, to represent defiance or daring; and white, to represent purity or liberty. However, this is not what we honor today. We honor our Nation, and, in the words of Henry Ward Beecher:

A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth. The American flag has been a symbol of Liberty and men rejoiced in it.

Flag Day has been celebrated for many years now in the United States. I believe that it is appropriate for us to pause each year to commemorate the anniversary of our national flag. To take the opportunity on this day to reflect upon the timeless ideals of the Founding Fathers which have given this Nation its heritage of freedom and justice for all.

Therefore, we honor not merely the flag today, but also what it represents. We must commit ourselves again to the achievement of its ideals and the continuation of its traditions. In honoring our flag, we should reaffirm our allegiance to the highest values and ideas which it embodies, and pledge our determination to respect and defend it against all who would remove or defile it. On Flag Day, 1972, I feel that it is appropriate to quote the words which President Wilson spoke on Flag Day, 1917:

This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

These words, Mr. Speaker, are still relevant today, and it is certainly up to us to continue the heritage which has made this Nation and its flag great. Therefore, on this Flag Day, let us redicate ourselves to the ideals which Old Glory has continuously embodied for nearly two centuries.

MR. AND MRS. HERBERT SAGENDORF

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mrs. GRASSO. Mr. Speaker, those who donate blood perform an invaluable service which is often a gift of life to people in need.

Special tribute should be paid to Mr. and Mrs. Herbert Sagendorf of Thomaston, Conn., the reigning U.S. championship donor team. Mr. Sagendorf recently gave his 96th pint of blood and is now one pint ahead of his wife. The Sagendorfs, who have been donating blood since World War II, are just shy of the celebrated 24 gallon mark. Last year in New York, they were deservedly honored as the Nation's top donor couple.

Generosity of people like the Sagendorfs as a splendid example of how each of us—in our own way—can serve our fellowman. For the interest of my colleagues, articles which resently appeared in the Thomaston Express and the Waterbury Republican regarding the Sagendorfs' feat follow:

[From the Waterbury (Conn.) American, April 26, 1972]

MAN DONATES 96TH PINT

THOMASTON.—Pulses pounded and corpuscles raced at the Red Cross Bloodmobile here Tuesday as onlookers awaited for one-half of the U.S. Championship donor team to come and shed his 96th pint.

Everything was set at Congregational Church Hall as the time approached for Thomaston's own 60-year-old Herbert Sagendorf to pump out the liquid that would make him a Blood Bank immortal.

A cake had been baked just for him and a banner citing his expected accomplishment was furled and ready. Mrs. Sagendorf, whose total donations dating back to World War II also come to 95 pints, was standing by as Bloodmobile Captain-of-the-Day.

One question was uppermost in every mind: Would Sagendorf pass the physical all donors must undergo?

Finally, he arrived, in the van of several young donor-recruits led by Sagendorf's nephew, Harry Waterhouse, 18.

The medics did their thing. Temperature? O.K. Pulse? Check. Blood pressure? Good!

They unfurled the banner. And for the 96th time, Harry Sagendorf entered the lonely world where man meets needle—eye to eye.

The Sagendorfs, now just a pint shy of a connubial 24 gallons, were honored by the American Association of Blood Banks in New York last year as the nation's top donor couple. Mrs. Sagendorf, now a pint behind her spouse, says she plans to catch up next time nround.

Mrs. Winfield Wight, Thomaston blood chairman, said Sagendorf and his recruits helped the unit exceed its 200-pint quota for the visit by 11 pints.

A number of aspirants to duplicate the Sagendorf saga got special recognition after Tuesday's donations. They were led by Robert Henderson, who gave his fifth gallon: Ralph Humphrey, William Gill Jr. and Harold Morton, who reached the four-gallon level.

[From the Thomaston (Conn.) Express, May 4, 1972]

BLOOD DONORS GIVE OVER 200 PINTS

THOMASTON.—Over 200 pints of blood were collected at a very successful Bloodmobile visit in Thomaston April 25. Some 218 people were registered, but 7 were rejected for health reasons, and 24 non-scheduled donors, many in the teen age group, showed the spirit of the community.

The excitement of the afternoon came when Herbert Sagendorf was awarded his 12 gallon pin for the 96 pints he had donated from Sept. 1950 to the present. After he passed the medical history requirements, a banner created by Mrs. Daniel Samson, was unfurled showing the 12 gallon. In the canteen, he was presented a specially decorated cake by Nancy Scott. Harry Waterhouse of Northfield, an 18 year old, accompanied his Uncle, Herbert Sagendorf, and brought four additional friends with him as first time doncrs.

A Five Gallon Award was given to Robert Henderson, four gallon Awards went to William Gill, Jr. and Ralph Humphrey, three gallon Awards to Harold Morton, Joseph B. Kelley and Donald Yurtin, two gallon Awards to Raymond Baldwin, Stacia Cocca, Rickard Darm, Horst Getschmann, John Reardon and Muriel Rowland.

The Future Nurses of Thomaston High School wore Red Cross arm bands made by Girl Scouts of Cadetts Troop 4050, under the supervision of Mrs. John Cianciolo. General Time led the industries with 37 employees recruited by Lucille DeCastro, R.N.

Sincere appreciation is extended by Mrs. Winfield E. Wight, Thomaston Red Cross Blood Donor Chairman, to the management of local industries for the 94 persons who were scheduled on factory time, to the donors and the dedicated workers who served during the afternoon, for their cooperation and assistance. Appreciation, for a successful visit is also extended to the Senior Citizens for directing traffic, and to Chester Dusak for the use of his parking facilities which adjoin the Auditorium.

THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS OBSERVES 29TH ANNIVERSARY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, one of the most effective representatives and champions of small business is the National Federation of Independent Business, which this year is observing its 29th anniversary.

The national federation was founded on May 20, 1943, by the late Mr. C. Wilson Harder, the organization's first president and chairman of the board of directors.

The purpose and program of the federation was articulated by Mr. Harder as follows:

To promote and protect our system of private business, with equal rights to all. To give small business a greater voice in laws governing business and our Nation.

The federation is continuing this tradition of dedication and assistance to

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the Nation's more than 5 million small businessmen. The federation now has more than 310,000 members located in all 50 States. These 310,000 members employ some 2.6 million persons and generate more than $48 billion in business volume annually.

Representatives of the National Federation of Independent Business work closely with Members of Congress and as chairman of the House Small Business Committee, I want to commend and congratulate Mr. Wilson Johnson, president of the national federation, Mr. James Gavin, legislative director, and other officials and leaders in this important small business organization for their great work in representing in the public interest the best interests of small business on Capitol Hill.

I also want to congratulate officials and members of the federation on their 29th anniversary, and certainly I wish for this fine organization much continued good luck and success for the future.

MOSCOW TRIP DID NOT STOP OUR NEED FOR ARMED POWER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SHRIVER. Mr. Speaker, President Nixon has transmitted to the Congress the SALT agreement reached with the Soviet Union, along with the interim arms limitation agreement. The Senate, under the Constitution, has responsibility for ratifying the ABM treaty and both Houses of Congress will be involved in approving the interim agreement. These agreements have been received, generally, with hope and enthusiasm. However, we must guard against euphoria and we must be realistic. There have been many agreements in the past which have not been honored by the Communists. We have come as far as we have because we have negotiated from strength. It is essential that America remain strong if further progress is to be made on the road to peace.

The McPherson, Kans., Sentinel has published the following editorial which is an excellent and realistic appraisal of the agreements reached with the Soviet Union. It is deserving of the attention of all Members of Congress and the people of our Nation as we evaluate the results of the President's mission to Moscow. The editorial follows:

MOSCOW TRIP DIDN'T STOP OUR NEED FOR ARMED POWER

Since President Nixon's trip to Moscow, many of us have been living in a dream world of peace from now on forever with Russia.

Defense Secretary Laird has punched a most timely needle in that bubble of a dream. Very convincingly he stated that we must keep up our armed strength to maintain our bargaining strength with Russia in future arms talks.

He is right. All that was agreed in Moscow was restriction of nuclear bombs. Guns, planes and ships were not mentioned.

This is not an argument for a wild inflation in arms buildings. Rather it is a reminder that the cold war is still here. That Russia will grab any chance she gets to seize more countries.

The only restraint Russia still will honor is the restraint of brute force.

We'd better keep a little of it just in case.

LIBERALISM VERSUS LIBERAL EDUCATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I was most disturbed to read in the Washington Post this past Sunday an account of the bitter controversy and intimations of academic repression that have greeted the publication of a study on the effects of busing by Prof. David Armor of Harvard University. According to the Post article as well as independent reports which I have received, Professor Armor has become the subject of severe denunciation, harassment and even vandalism because he had the honesty and courage to publish a report measuring the effects of busing which contradicts the conventional wisdom of the academic community of which he is a part. Perhaps indicative of the state of academic freedom at that great university is the statement reported in the Post by an anonymous faculty member that:

Only a damn fool would talk . . . I don't want to pay the price.

Certainly one may take issue with the substance of Professor Armor's findings and the methodologies he employed in obtaining the results revealed in his study. As one who has taken the position that measures to relieve racial isolation and concentration in our ghetto schools are essential if we are to fulfill our national commitment to truly equal educational opportunity, I find Professor Armor's study disheartening and hope that it will be subjected to the closest critical scrutiny and evaluation.

But disagreement with methodologies and the scholarly merit of the study does not seem to be the real source of some of the more strident criticisms being directed at Professor Armor. Instead he is being denounced for the mere act of publishing the study in the first place. Even the Boston Globe, which did nothing more than reprint excerpts from his article, has been condemned for engaging in an "act of pure racism."

Obviously, the assumption behind this kind of criticism and denunciation is that scholarly work which questions the validity of the prevailing academic wisdom on certain matters should be suppressed and kept locked in the study. Yet what could be more abhorrent to the concept of academic freedom than that regrettable notion? What could do more to chill the climate for open and dispassionate inquiry than the threat that unexpected results of scholarly investigation will elicit a barrage of denunciation and intimidation if made public?

Mr. Speaker, one of America's foremost social scientists, Prof. James Q. Wilson, recently published an article in Commentary magazine that is addressed to this very question. In an article entitled, "Liberalism versus Liberal Education," he warns of the growing threat to academic freedom and open inquiry within our great universities themselves—the very institutions which have historically nurtured those values and which have the most to gain from their preservation. In light of this most recent outbreak of repression and illiberality, I believe his article is particularly timely and would urge that all of my colleagues read it.

The article follows:

LIBERALISM VERSUS LIBERAL EDUCATION

(By James Q. Wilson)

My title will strike many readers as paradoxical, even absurd. Liberalism, far from being the enemy of a liberal education, is widely regarded as being the product of it. For better or worse, the liberal creed has been nurtured and propagated on the college campuses, and though not all students become its disciples, almost all are affected by it, and some dramatically so.

At one level that is all true enough. We know that those who are college-educated are the most tolerant of unpopular opinions, are most prepared to endorse measures to advance civil liberties and civil rights, and are least willing to support anti-democratic regimes. Indeed, one of the watershed discoveries of political sociologists writing in the 1950's was that democratic values were least secure among the working class and most secure among the college-educated upper-middle class. That finding was sharply challenged, though never successfully disproved, by those few scholars who retained during the 1950's and early 1960's the conviction that the upper-middle class was characterized not by civic virtue but by the ambition for power and animated not by democratic values but by economic ones. Yet even those who offered a radical critique of society found their allies and followers, not among the workers, but among fellow college students and college graduates. Dissent, in this country as in all countries, in this era as in almost all eras, has been chiefly the province of the intelligentsia.

Among the intelligentsia, it has been those who have studied the liberal arts—especially the social sciences and the humanities—who have displayed the most "liberal" attitudes. Students of engineering, of applied sciences, and of agriculture are all much more conservative. And as Seymour Martin Lipset has shown, not only do the liberal arts stimulate liberal views, but the most able, distinguished, productive, and (presumably) highest-paid professors of the liberal arts are the most "liberal" in their orientation. In short, higher education stimulates the liberal impulse, a liberal-arts higher education stimulates it even more, and the "best" (or at least the most expensive and prestigious) liberal-arts higher education stimulates it most of all.

How, then, can I suggest that a liberal education is at all inconsistent with liberalism? I suggest it, quite simply, by pointing to the fact that it is within higher education that one finds today many but not all of the most serious threats to certain liberal values—the harassment of unpopular views, the use of force to prevent certain persons from speaking, the adoption of quota systems either to reduce the admission of certain kinds of students or enhance the admissions of other kinds, and the politicization of the university to make it an arena for the exchange of manifestoes rather than a forum for the discussion of ideas.

The liberal values that have become precarious in the very institution that once defended them are those of civility, free speech, equality of opportunity, and the maintenance of a realm of privacy and intimacy safe from the constant assaults of the political and the societal. These are not, as I shall point out, the only elements of the liberal faith, but they are important ones and they are very much in jeopardy. I realize that the vast majority of faculty and students do not approve of acts which they even say, quietly, that they deplore them; yet the vast majority also have created a communal setting and institutional culture that permits such acts to continue. The imperiled values have not been repudiated so much as they have been subjected to benign neglect.

The evidence that such a state of affairs exists is not as readily available as my confident generalizations might lead one to suppose. There is, for some reason, no organization that monitors the state of freedom on the campus, or none having the resources and persistence with which, for example, the American Civil Liberties Union monitors attacks on civil liberties *off* the campus. But if one works at or visits a major university, one will find the history of that sorry procession of episodes which has produced not mounting horror but wordless acquiescence and weary resignation.

During my adult life I have been part of five institutions—the Catholic Church, the University of Redlands, the United States Navy, the University of Chicago, and Harvard University. If I were required to rank them by the extent to which free and uninhibited discussion was possible within them, I am very much afraid that the Harvard of 1972 would not rank near the top. In the last two or three years, the list of subjects that cannot be publicly discussed there in a free and open forum has grown steadily, and now includes the war in Vietnam, public policy toward urban ghettos, the relationship between intelligence and heredity, and the role of American corporations in certain overseas regimes. To be sure, *certain* points of view about each of these matters can be, and are, discussed, but a serious discussion of *all* sides of these issues is risky, if not impossible. To be specific: a spokesman for South Vietnam, a critic of liberal policies toward the ghettos, a scientist who claimed that intelligence is largely inherited, and a corporate executive who denied that his firm was morally responsible for the regime in South Africa have all been harassed and in some cases forcibly denied an opportunity to speak.

Some of those who have not been able to speak at all, or to speak only under mental and social duress, have views I disagree with; others have views I agree with; still others have views that I have not made up my mind about. Regarding the last, it is not clear that I am going to have a chance to make up my mind for it is not clear whether the speakers involved are going to feel that the personal costs of public statements are worth the gains in educating me and others.

These problems have not been unique to my university and their emergence has been frequently deplored. I am not here interested in adding any rhetorical flourishes to this discussion: the matter is too important for either declamation or recrimination. I do wish to dispute, however, the view that because the organized New Left has lost stature and influence of late, the problem has ceased to exist. The tumult has subsided a bit (though, as I write, the President's office at Harvard is occupied by demonstrators and the Center for International Affairs has recently been sacked) and a mood of "business as usual" is now displayed by most faculty and students. But a decline in tumult and a return to self-interest are hardly equivalent to a reaffirmation of liberal values, or of any other values for that matter. The legacy of the campus flirtation with authoritarian politics is still very much with us, not in the continuance of militant action but in the absence of democratic convictions. The New Left may have repudiated itself by its extremism but it also weakened the institution that gave birth to it by casting doubt on the legitimacy of the university and of the principles of free discussion that support it.

My thesis is that the atmosphere that nurtures certain kinds of illiberality is in part a product of liberal education itself. This is *not* to say that a liberal education teaches disdain for civil liberties or tolerance for violence; quite the contrary. Nor is it to say that only a liberal education contributes to this attitude; certain persons by family origin and the political socialization it provides are more likely to display both liberality and illiberality than others. It is to say that among the consequences of a liberal education is a set of sympathies which lead many, though not all, persons in a university to acquiesce in the uncivil acts of a small minority.

It is time I offered some definitions. By "liberalism" I means a loose set of values that emphasizes the protection of civil liberties, the support of equal political and economic opportunity, the amelioration of the lot of the disadvantaged, and the enhancement of the area of personal self-expression. Liberalism, thus defined, is a tendency that both liberalizes and liberates; that is, it calls both for generosity and open handedness in the treatment of others and for a minimum of restraint or bondage on the actions of one's self. The modern father of liberalism remains John Stuart Hill: as he explained it, the policy should be organized both to insure the liberty of the citizens and the liberality of the government; the social principle should be the greatest good of the greatest number and the legal principle should be the greatest freedom of an individual consistent with the freedom of others.

A "liberal education" is thought to mean schooling in subjects that broaden one's cultural and historical sensibilities and strengthen one's critical faculties. The purpose of a liberal education is to induct a student, however partially and briefly, into the world of the intellectual. That world, in turn, is one which places a high value on the exercise of criticism, the display of originality, and the understanding of what is unfamiliar, ancient, distant, and problematic. The application of critical faculties to political and social practices means displaying suspicion toward what is formally and conventionally thought to be true in favor of what the initiated believe is actually and informally true, challenging beliefs about the purposes and legitimacy of institutions, and comparing existing practices with real or imagined alternatives. The critical thrust of liberal-arts education is invariably directed against the "conventional wisdom," and as new conventions succeed old ones, the process of criticism is repeated *ad infinitum*. The object is to acquire new and esoteric knowledge to replace popular or conventional opinion. The criteria for what constitutes "knowledge" are often not clear, being sometimes the outcome of the "scientific method" and sometimes merely the ability to be original, daring, or shocking. For example, the critical faculties when applied to American government would emphasize not constitutions but "power structures," not public opinion but the social determinants of opinion, not official statements and legal enactments but bureaucratic empire-building and legislative special interests.

The other part of the world of the intellectual is that which enlarges the perceived range of conduct, thought, and opinion by the sympathetic portrayal of what is remote, forgotten, unusual, deprived, obscure, or precarious. This aspect of the intellectual world stresses the development, not of criticism, but of cosmopolitanism. The variety of aesthetic, political, and cultural experiences is portrayed and, by being portrayed in neutral or even sympathetic tones, that variety is made to seem, if not desirable, then at least legitimate. This aspect of liberal education is directed not so much against conventional opinion as against conventional morality, which is to say, against bourgeois, morality. We learn from this experience to know and appreciate the secret worlds and despised habits of those persons who, before we began our liberal education, were beyond our ken or unpalatable to our taste. For example, we are led to read sympathetically the works of authors and poets who have stood outside the main cultural stream; we are informed of the life and plight of those who have been disadvantaged in the prevailing distribution of political or economic resources; and we encounter the different life styles of other tribes, cultures, and epochs.

Now there is obviously a close relationship between liberalism and liberal education. The exercise of the critical spirit requires the maintenance of political and intellectual freedom. An interest in deprived or despised groups leads to a concern for them, and this in turn tends to imply public and political generosity toward them. It is no surprise that liberal-arts students and professors should become liberals.

How, then, can a liberal education ever be the adversary of liberalism? The answer, I think, is that while the critical faculty requires the existence of civil liberties, it also erodes the bases of authority and legitimacy of those institutions that define and defend those liberties. Criticism is relentless and accepts no bounds; it may prosper when discourse is free and unconstrained but the price paid for that intellectual prosperity is the unceasing assault on those political and legal practices that have produced such freedom. And in the case of Herbert Marcuse, the critical faculty even comes to doubt the value of the freedom itself. Freedom exists because there first existed a certain kind of social order maintained and defined by laws, governments, and authority. Freedom cannot exist outside some system of order, yet no system of order is immune from intellectual assault.

Intellectual criticism would have bounds if there were a widely-accepted principle of authority or theory of human nature on which certain political institutions could rest immune from eroding questions. At various times there have been. Jefferson believed, or wrote as if he believed, that political and civil liberty were among the natural rights of men. But the concept of "natural rights," I need hardly add, has been among the first principles to be criticized, for it implies by its use of the term "natural" that something exists beyond man's invention and thus beyond man's revision. Reinhold Niebuhr offered a different defense of democracy: man's nature is good enough to make it possible but bad enough to make it necessary. Stated differently, we grant civil liberty because we cannot trust anyone to decide the truth. But that notion is no better suited to resist the critical impulse: it also is based on a theory of human nature and thus implies that there are aspects to our lives that are beyond the capacity of society to understand or to alter. Finally, there is the theory of consent: we have freedoms because we have agreed to have them. But if we have agreed to have freedom, we might also agree not to have freedom. Consent is a weak theory of legitimacy, and intellectuals sense it: their own privileges, if granted simply by democratic vote, could be revoked by democratic vote, and from time to time the society has been inclined to do just that.

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When one presses an intellectual to supply a defense of liberty, he tends to give some variant of a single argument: utility. Liberty is good because it is useful: it enables society to discover the truth or to find, by discussion, the best policies or the wisest leaders. Under ordinary circumstances, that defense is probably good enough: liberty is useful, or at least more useful than the alternatives. But in extraordinary times, such as the present, the argument is not decisive. Persons who feel strongly that an injustice should be corrected or a condition alleviated are likely to be impatient with, and even actively hostile toward, those who wish to say that the injustice does not exist or the social problem is the fault, not of society, but of those who display the symptoms. Efforts will be made to silence such persons. The majority will not participate in such efforts, but if they believe the doctrine being silenced is sufficiently odious, they will take no active steps to oppose the censorship. They will be all the more reluctant to oppose it if it is being imposed by members of the community they value and on whose esteem they substantially depend.

It is here that the cosmopolitan aspect of liberal education becomes important. When one has cultivated an especially keen regard for the plight of some group, one is especially reluctant to continue a critical discussion of the merits of the case. The commitment to the object of concern ought to be expressed. The ways in which that priority is stated are familiar enough: "Following rules ought not to interfere with doing what is right," or "It is wrong to prefer form over substance."

Let me state in more grandiose terms what I am suggesting. Liberalism, at least as it is conveyed by higher education, is less a theory of justice than a theory of benevolence. By "justice" I mean, roughly, treating equals equally and by rules known in advance and applicable to all. By "benevolence" I mean a disposition to treat someone in a generous way, to serve his or her perceived interests and desires. Liberalism imparts a commitment to certain rules and practices that are very much a part of a theory of justice—the rule of law, equality of opportunity, democratic voting—but these rules and practices, being abstract and justified on grounds of utility, cannot easily or for long withstand an aroused sense of benevolence. Benevolence, after all, is motivated by sentiments of compassion and a belief in the worthiness of some person or group. A natural, or at least easily-stimulated, sentiment will usually be more powerful than a belief in a rule or practice.

It is sometimes suggested that students are "idealists" and that it is this that explains much of their political behavior. If the view I have developed here is correct, the word "idealist" is not the proper one, for it implies a conception of an ideal world, or the existence of an ideology, or an attachment to the importance of ideas. None of these connotations has been, in my experience, descriptive of the behavior being explained. A more accurate account would stress the fact that students, and young persons generally, have a larger and more active sense of compassion and a more easily aroused instinct of benevolence. The emotions of the young lie close to the surface; they are quickly stimulated and highly volatile. The current style that favors "coolness" should not blind us to this fact. The best evidence for it is found in the personal relationships that characterize the young: sudden attachments, romantic love, a concern for "sincerity" and openness. The communal tendencies of students have been far more visible and will probably be far more enduring than their ideological ones.

What a liberal education does is to provide a new or enlarged range of objects for those sentiments: the poor, the black, the ancient the aesthetic, the distant, the natural. And a liberal education supplies a set of reasons for the neglect or disadvantage which these favored objects must bear. That reason is, in its most general version, the callousness of spirit, selfishness of interest, and the smallness of mind of society, its governing institutions, and, above all, its dominant class. At least in the modern period, a liberal education has tended, with varying degrees of success, to challenge the values of prevailing society and to set students apart from it. What Lionel Trilling has found to be true of modern literature is true of modern education generally:

> Any historian of the literature of the modern age will take virtually for granted the adversary intention, the actual subversive intention, that characterizes modern writing—he will perceive its clear purpose of detaching the reader from the habits of thought and feeling that the larger culture imposes, of giving him a ground and a vantage point from which to judge and condemn, and perhaps revise, the culture that has produced him.

In its extreme form, the concern with authenticity as opposed to conventionality leads to a preoccupation with pure emotion, the unconscious, and even the occult and supernatural. "Authenticity," to quote Trilling again, is an object of almost obsessive concern both "as a quality of the personal life and as a criterion of art." In its extreme form, this concern may be new, but at root it is as old as man. It once was called "sincerity" or "passion," and it has always characterized the social world of the young. Today, the young are no longer simply a biological category, they are virtually a social class, at least insofar as they are college students, and thus their concerns have become ours.

The personal concern for sincerity, feeling, and authenticity becomes, when displaced onto society, a concern for benevolence and compassion. That this displacement should occur in the way it does is a consequence of modernity; that is, it is a consequence of the fact that we now live in a secular society. Religion and God once served as objects for passion; to a limited degree, they may be returning; but in general only society can today supply the extra-personal object for passion and benevolence. The decline of religion as a focus for emotion has been underway for decades, but it became dramatically evident in the early years of the last decade. During the 1950's, theology emphasized the depravity, corruption, and imperfection of human nature and the consequent need for social restraint and legal authority as a way of preventing political and social fanaticism. But by the 1960's, as Daniel Bell has noted, an astonishing reversal had occurred: God was dead, society rather than man was the problem, social restraint was insufferable, and activism was the only form of purity. Barth, Tillich, and Niebuhr were replaced by Altizer, Vahanian, and Cox. A secular theology became a fervent ally of political liberalism.

Thus, almost the only source of ultimate value that could maintain a sense of justice against the rush of benevolence gave way. The delicate balance that must be maintained between form and substance, between rule and action, was seriously disturbed. Liberating oneself, and aiding in the liberation of deserving others, became the single end. How this was done was less important than the fact that it was done.

But benevolence can never be the sole principle of human action. At a superficial level, benevolence often tends to be perceived by its objects as busybodyness, even paternalism. At a more profound level, benevolence risks rejection or failure: what if those aided do not improve, or if for some reason personal efforts are not followed by institutional commitments? Benevolence, when frustrated, often turns to rage and those who once celebrated the virtues of compassion may come to indulge sentiments of hatred.

In 1962, an organization of students produced a document that read in part as follows:

> We regard men as infinitely precious and possessed of unfulfilled capacities for reason, freedom, and love. . . . Men have unrealized potential for self-cultivation, self-direction, self-understanding, and creativity. . . . The goals of men and society should be human independence: a concern with . . . finding a meaning of life that is personally authentic, . . . one which has full, spontaneous access to present and past experiences. *Human relationships* should involve fraternity and honesty.

Within a few years, this organization, including many of those who signed this statement at Port Huron, were attacking universities, harassing those who disagreed with them, demanding political obedience, and engaging in deliberate terrorism. Nothing could have been more liberal than the 1962 statement of the SDS; nothing could have been less liberal than its subsequent history.

For most of us, choices are never this stark. There is a sense of balance that almost always asserts itself so that neither the stern and unyielding principles of justice nor the heedless sense of compassion dominates our actions. A liberal education is at its best when it strikes this balance: when it makes one aware that principles must ultimately be justified by something more than mere utility, that liberty is as worth preserving when it is attacked by a group one admires as it is when assaulted by a group one detests, and that the bonds of civility upon which the maintenance of society depends are more fragile than we often admit.

When properly conducted, there is an inevitable and desirable tension in a liberal education: developing only the critical faculties produces universal skepticism, even about those new worlds of the mind that are discovered in a college, while heightening one's sensibilities and enlarging one's powers of compassion tend to suppress the exercise of criticism. Among the best students and teachers, that tension is evident: they are educated up to that delicate point where they can be neither true believers nor utter skeptics.

And so it should be with liberalism, or indeed with any other political faith. The commitment to fair rules and procedures often inhibits the solution of certain problems, just as the commitment to social action can subvert the maintenance of those rules. Living with such partially incompatible goals requires, ultimately, the preservation within oneself of a realm of inner privacy into which neither politics nor society can reach and where quietude and imagination do gentle battle for the loyalty of our spirit.

MEMORIAL DAY AND THE SHARPSBURG ELEMENTARY SCHOOL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, I had the honor of participating this year and last in the annual Memorial Day parade in Sharpsburg, Md., in the center of historic Antietam National Battlefield. One of the most impressive sights in the parade was the contingent of schoolchildren from the Sharpsburg Elementary School. The school has written a short summary of its participation in this annual event, and I would like to share it with my colleagues:

MAY 29, 1972.

SHARPSBURG SCHOOL

The day dawned clear and bright. A gentle breeze stirred. The weather was perfect for every outdoor activity, especially a parade. The entire town of Sharpsburg had been cleaned, swept and polished for the Memorial Day Parade. At an early hour visitors arrived in the town.

The Sharpsburg Elementary School, which forms a unit in that parade, had chosen for its theme "Our Keys to Freedom." The girls were dressed in white, while the boys wore navy trousers and white shirts. A red shoulder sash added a colorful touch. Two large golden keys carried by girls flanked either side of the main banner theme. The kindergarten children portrayed "Hand in Hand." The primary children were grouped with the girls portraying "Peace"; and the boys "Let's Build A Home"; and the intermediate girls and boys "Let's Teach the World to Sing." As the line of march neared the reviewing stand in the center of the town, the children stopped and sang "I'd Like To Teach the World to Sing."

The school children have participated in this parade, annually, as early as 1920. For many years the boys and girls wore white and carried a small flag over their shoulder. Since 1951 the school's part has been more meaningful and colorful. Such themes as these have been used in the past; "Lest We Forget," "Let Freedom Ring," "The Flag—What Does It Mean?," "God Bless America" and "I Hear America Singing."

Patriotic colors of red, white and blue have generally been used. All school children who wish to participate may do so.

On several occasions miniature floats mounted on children's express wagons have been used. Large floats built by teachers, parents and children have also been used.

Yes, Memorial Day has meant planning and work. But it has added a meaningful touch to a community celebration. Many people come each year just to see the school children in the parade.

WILLIAM TYLER PAGE AND THE AMERICAN CREED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, today marks the beginning of the Honor America Day celebrations throughout the country. On Flag Day I cannot think of a more fitting subject to mark the occasion than William Tyler Page, one of Frederick, Md.'s, most distinguished citizens and the author of the American Creed. At the time of his death in 1942, William Tyler Page had served his country and the House of Representatives perhaps longer than anyone in the history of the Republic beginning as a House page and working his way through many positions to Clerk of the House.

I would like to share with my colleagues in the House a short biography of William Tyler Page and the American Creed, an important American document and the summation of William Tyler Page's life.

The items follow:

WILLIAM TYLER PAGE

William Tyler Page, descendant of President Tyler and Carter Braxton (a "signer" of the Declaration of Independence), was born on October 19, 1868 in Frederick, Maryland. He was educated in the public schools of Baltimore and at the Frederick Academy.

Page began his service in the Capitol on December 19, 1881 at the age of thirteen. He received an appointment as a page in the Clerk's office of the House of Representatives. When he became too old to continue work as a page, he received a position in the House Post Office. He held a variety of other jobs as a House employee, i.e., assistant keeper of the archives, various clerkships, clerk to the Committee on Accounts (14 years), and secretary to four Members from Rhode Island.

In 1902 he ran as the Republican candidate from the second district of Maryland and was defeated. In 1917 Page wrote his famous *American Creed*, which is familiar to millions of Americans.

On May 19, 1919 he was elected Clerk of the House and held this position for six terms. In December 1931 when the Democratic party organized the House, Mr. Page lost the Clerkship but was awarded the post of minority clerk for life; a position which was created for him.

Besides the American Creed, Page authored The Story of the Nation's Capital (1932), The Romance of the Constitution (1937), and Page's Congressional Handbook. He was the senior warden of St. Columbia's Episcopal Church and was awarded a degree of Doctor of Laws by George Washington University.

At the time of his death, October 20, 1942, William Tyler Page had served the House of Representatives for 30 Congresses, close to 61 years. He had witnessed the convening of 73 sessions and had served under 14 Speakers.

THE AMERICAN CREED

(By William Tyler Page)

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

I, therefore believe it is my duty to my Country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

NAVAHO COAL MINER HARASSED BY GOVERNMENT

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the governmental bureaucracy has done it again. A constituent of mine, Mr. Tom Williams of Elberta, Ala., has relayed to me press reports of an Arizona Indian who was trying to operate a one-man mine before he was buried under a mountain of Federal forms and procedural regulations.

Perhaps one of the greatest challenges we in the Congress face is to snap our bureaucracies out of the unfeeling, unseeing trance into which they always seem to lapse. Every day we see examples of agencies which seem to have a rhinocerous hide when it comes to providing a compassionate response to the needs of the people they are supposed to serve.

We cannot expect confidence in government until the people are treated as something more than just another ripple on the bureaucratic sea. My constituent points out astutely that we in Congress pass the laws which create these bureaucracies and we provide them with the funds to operate. It follows then that we should be able to end the coma of indifference by insisting on greater responsiveness. In this regard, I call on every Member of the House to pass the word forcefully to our bureaucracies that service to the people must take precedence over all other considerations.

Mr. Speaker, for the information of the Members, I am attaching to my remarks a copy of the article which appeared in the June 10, 1972, issue of the Mobile Press Register:

NAVAJO COAL MINER SAID HARRASSED BY GOVERNMENT

WATERFLOW, N. MEX.—A Navajo coal miner is in trouble with the federal government because he doesn't use an electric lamp on his cap and doesn't have a telephone line between his tiny mine and the shack where he stores his wheelbarrow.

Clifford George, 65, is being threatened with fines up to $60,000 and says he can't pay the $950 fine the government says he already owes.

One of his problems is that he can't read the 6-inch high stack of documents and letters that federal authorities in Washington have been sending him since November 1970.

He's been stopped from working the small seam of low grade coal near his home. He had dug a hole about 50 feet into the side of the hill and had been hauling the coal away in a wheelbarrow to sell to his neighbors.

The mine is tiny, but there are government documents marked: "Re: Hogback No. 1 mine, case Number 3505."

Now his 39-year-old wife has had to go to work to earn a living for the couple and their six children.

George's plight was revealed Friday by Navajo Tribal Councilman Harry Tome of Red Rock, Ariz., who said, "The government has been harassing this man to death. They're treating him like they'd be treating some big company."

"George has built himself a little shack about 5 by 7 feet to shelter his tools in," Tome said. "I don't know what they expect since he's the only guy working in the mine. Is he supposed to call the shack from the mine and then run back there and answer the phone?"

Another violation, said Tome, "was that George didn't have a name tag on his belt. We got him a name tag."

Still another violation was that George didn't have a mask called "self rescuers," which miners can use to get oxygen in case of emergency.

"A coal company in Kentucky donated us one, which we gave him," Tome said.

"He was accused of a violation because he hasn't filled out the forms which are required every few days on the quality of the air and dust control in the mine."

Tome said George couldn't fill out the forms because he can't speak, read or write English.

The inspectors also cited George for not having a brake on his small handcar.

"We investigated that and found we couldn't buy a one-man handcar that had a brake, or even get a brake put on it," Tome said.

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Shortly after the documents started arriving, Tome took George's problems to the Navajo Tribal legal aid society at Window Rock, Ariz., 100 miles from this northwest New Mexico village.

"They've been battling back and forth ever since," Tome said.

SOWING AND REAPING

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GOODLING. Mr. Speaker, on June 3, 1972, I had the opportunity of attending the speech contest of Region VII, Toastmasters International, which was conducted in York, Pa., my Congressional District.

I also had the high honor of receiving from Dr. Russell Herron, the organization's president, a medallion in appreciation of my attendance at this event. The medallion cites as follows:

Toastmasters International is a non-profit, educational organization of toastmasters clubs which provide their communities a program for men to improve their abilities in communication and leadership. More than a million "men on the move" have benefited from the toastmasters program since it was introduced in 1924.

I would like to say that all seven contestants made superb presentations, the majority of which dealt with the state of our Nation.

The winner, Mr. John L. Fulbright, Jr., represented District 36, the National Capital District. In his speech he portrayed past difficulties associated with the rearing of our young and identified the steps he believes necessary to get our new generation off to a good start. Mr. Fulbright stressed the urgent need for a return to discipline and guidance.

For the past year, Mr. Fulbright has been an active member of two Toastmaster Clubs—a 15-member interracial discussion forum and the 35-member Auterior Club at the Department of the Interior, where he has been employed for 5 years. He is married, has one daughter, and resides in Sterling, Va.

Mr. Fulbright's message was both meaningful and timely, having vital application to America's social posture. I, therefore, introduce it to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. Mr. Fulbright's address follows:

SOWING AND REAPING

(By John L. Fulbright, Jr.)

Nations are like men, whatsoever they soweth, that they shall also reap. And during the time between sowing and reaping individuals and nations must do all the work necessary to insure that their crop gives them the most yield. As we look around our Nation today and view the bombing of the Pentagon and the Capitol Building, as we see the drug problem in every major city, and as we witness multiple assassinations or attempted assassinations, one has to wonder, did we work our crop? We know we planted good seeds, we know we had fertile ground, but it appears that we, like the foolish ostrich, stuck our heads in the sand when we saw the weeds that could hinder our plants' growth. We, in moments of overconfidence, practically let our plants grow on their own.

We went to the garden and told the plants about the weeds of dishonesty and the plants saw us go into the house and cheat on our income tax. The plants saw us take unfair business advantage of the poor and ignorant. We went to our garden and we started to pull the weeds of injustice. We pulled away a few weeds, tired, and the plants saw a generation that incarcerated innocent Japanese-Americans in World War II and take all of their property without any firm grounds.

We went to the garden and we took a hoe to chop away the weeds that destroy brotherhood but again we tired and the plants heard us spread the seeds of derogatory remarks like nigger, poor white trash, and pepper belly. The plants heard us spread the seeds of ignorance to our children by telling them they were better because of their race, color, or religion.

We went to the garden and took a very weak herbicide to destroy the weeds of disrespect for teachers and community leaders and the plants saw us degrade those leaders with conversation and overt disgraceful acts.

Now the plants have almost reached maturity and what do we have—a crop of stunted plants that we call a bunch of hippies, yippies, dirty-smelly kids or a bunch of rioters, looters, and killers.

And so we take all types of measures to suppress them and maybe we should. However, should not our over-riding attention be given to removing the weeds that we can so that the remainder of their growth be somewhat in a normal fashion? We must consider remedies and treat causes.

One of the best tasks that we can perform is to let those plants see how we're going to work and cultivate our new crop and the first step is getting that garden off to a good atart is to make the irrigation ditches of capitalism responsive to our newly planted seeds. Now don't misunderstand that statement. Don't take that statement wrong. Capitalism is the best and most productive system under which our plants can live. But when a system has been modified to a point whereby its citizens who make $5,000 a year pay more taxes than some of its citizens who made in excess of $225,000 a year, then that system needs careful review and reworking. When a system reaches the point whereby a ten-year-old boy can purchase dope on the corners of New York and all of our law enforcement officials cannot atop the drug traffic into this country because of organized crime, then that system needs a tremendous overhaul. Malcolm X said that capitalism cannot survive because it needs to suck the blood of the poor and undeveloped. I disagree. Capitalism can survive, but its survival must be in an environment of justice and fair play. And those malignant weeds that places men's greed before the Nation's welfare must be removed.

Next we must fertilize our plants with brotherhood. Not with the spoken word but with the living being, because it will be difficult for the plants to understand brotherhood when the most segregated time in America is every Sunday morning at eleven o'clock.

We must water our plants with the justice of Joseph Addison who stated that, "Justice discards party, friendship, and kindred, and is therefore represented as blind." The plants must see justice administered in terms of the offense irrespective of the man's race or financial status.

And then we must take those steps necessary to insure that the plant grows in discipline and guidance. Discipline and guidance must be returned to home and school and those who misuse it must and should be punished. Too long, too long have we removed the rule instead of the offender.

We have good plants. We have the will and resources needed to make the risk of failure extremely low. We must join hands and work our newly planted seeds. With the help of God and the dedication of man to sound principles and justice, we'll reap plants that will truly turn swords into plow shares and the harvest will be beneficial to all mankind. Will you help us raise this crop?

PITTSBURGH AREA STUDENTS PARTICIPATE IN "YOU ARE THE FLAG" ESSAY CONTEST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MOORHEAD. Mr. Speaker, there are those among older Americans who are quick to criticize the young for what the elders term a "lack of patriotism."

I do not believe that this is the case I think that today's youth holds the interest and well-being of their country just as high as many of us do and did when we were their age.

Today's youth happens to question more than some of us did and they may be a bit more skeptical of patriotic slogans, the meaning of which seem to get trampled or distorted in everyday application. But these qualities are strengths not weaknesses. A healthy skepticism leads to intelligent decisions.

Annually the Flag Plaza Foundation of Pittsburgh, an adjunct of the Boy Scouts of America, and the Duquesne Light Co. join to sponsor a "You Are the Flag" essay contest among Pittsburgh area students. There were 30,000 entries in the contest this year.

As in past years, the winners have presented their youthful patriotism in a number of unique written forms.

I would like to share them with my colleagues at this time:

YOU ARE THE FLAG

(By Marty O'Malley)

Who is the flag? Is it you, or me, or an idea? Please allow me, a piece of cloth with red and white stripes and fifty stars on a field of blue, to speak. Let me talk about how the flag was launched from a sewing room in Philadelphia all the way to the moon. Allow me to say some of the things I have seen along the way.

My colors were a symbol against tyranny and gave heart to those early Americans who wanted freedom and the right to pursue happiness. When I came on the scene I stirred those hearts to endure whatever was necessary to achieve our final goal. It took many years but I finally flew as the symbol of a new nation.

So many times I have flown with pride and glory. There were also times when my color seemed to fade. Not from the sun and rain but from my own tears. These tears were shed during our own Civil War when this nation was threatened to be torn apart from within. Tears were shed again when the red, white and blue was flown at half-mast due to the sudden and tragic loss of such men as Abraham . . . Martin . . . and John.

These colors blossomed again, as I think they always will, because of the desire of the people they represent. They shine bright with joy when they are aboard a ship loaded with food for the people of an underdeveloped nation. They glisten brightly on the side of an airplane carrying doctors, nurses, and

medical supplies to victims of an earthquake or some other disaster.

Who is the flag? Is it I or is it you? I think it's both of us. I am the symbol, but you are the people and the purpose!

YOU ARE THE FLAG, JULY 4, 1972

(By Mark E. Rodenberg)

What a wonderful day for flying! Those winds are hitting just right . . . Wow, look at all those people down there! All that flag saluting, and celebrating. For me? Why? Could it be my beautiful colors of red, white, and blue? Would they do the same thing if my colors were pink, purple, and green? I know it's not that. I have flown in many other colors. Back in 1776 when I was called "Don't Tread on Me", I was brown and yellow.

Then what is it that makes people salute me? Is it what stands behind me, my history and fame compacted into a cloth of red, white, and blue? Or is it people like George Washington and Thomas Jefferson who founded our democratic government? Might it be Thomas Edison and Alexander Graham Bell who gave America a voice and ears? Is it the same thing that made the Wright brothers and John Glenn give wings to America? Could it be Andrew Carnegie and Henry Ford who built American industrial and technological power? Or Martin Luther King, Jr. and Susan B. Anthony who brought about better social life in America? Is it athletes like Jim Thorpe, Jackie Robinson, or Babe Ruth trying to become some of America's best? What is it? Is it the courage and faith they found in America? Where is it? Could it be in themselves? Is it the ability to fight and overcome a problem or discouragement. Who is it? Is it their God, their coach, or their ideals; or is it themselves and their faith in the American way? Maybe I'm just the way Americans represent themselves, their accomplishments, and reveal their pride in America. Whatever it is, it makes me proud that, "I am the Flag."

YOU ARE THE FLAG

(By Mary Spindler)

In recent years there has been public desecration of the flag of the United States of America by burning, displaying it improperly, or by using it as a mere piece of clothing. To me, this desecration of the flag was not justifiable, but to those involved, it was a way of expressing their disagreement of many American policies, especially the war in Vietnam. The very fact that these people could do this to the flag shows how great a country America is. If people in some countries were to attack their government in any way they would be punished.

What these dissenters should realize is that their criticism should be constructive and not merely destructive. Merely tearing down will not solve any situation. Citizens must work, either individually or collectively, toward correcting any wronga which they feel exist.

A nation's greatest resource is it's people. It is the pride which people take in their work that betters a nation. Each individual must work hard at their job, whatever it may be. Men such as George Washington, Thomas Jefferson, Abraham Lincoln, Alexander Graham Bell, Henry Ford, Thomas Edison, Martin Luther King, and many other Americans used their talents for the benefit of the United States and the world. But it is not merely the famous personages which make a country strong, but people like you and me.

Each individual has God-given talents for which he is responsible. He must take pride in himself and develop these talents for the honor and glory of his creator and his country which gave him the freedom to develop these talents.

So as I look upon the "Stars and Stripes" I realize that I am very fortunate indeed to have been born in this country. I have been blessed with the chance to go to school and learn to think for myself. I have received many abilities from God and have a chance to develop them. But I also have the duty to use these gifts for the betterment of myself and my country.

The flag symbolizes all these things to me. As a united people, working effectively and courageously together, we can make every effort to right the wrongs, to dispel all prejudices and bring our nation to a proud existence under "Old Glory."

THE FLAG'S REPLY

(By Wanda Veltre)

I saw two boys who I have known,
For eighteen years, but now they'd grown,
Both were healthy and happy till then.
Yes, the day came to show they were men.
I called these boys to come and defend,
My country, Their country
No need to pretend.
But, both boys came forward with love and such pride.
Was I to know that one had lied?
Both full of life, so happy, so proud,
When on that day, came before me, heads bowed.
But, one I knew was weak inside.
His true feelings he was trying hard to hide.
When it came to fighting for what both enjoyed
One was a man, but one still a boy.
Yes, another man then died for me,
To keep me waving proud and free.
And, another fraud had gone and run,
Nothing accomplished, his duty undone.
Was it fair? It's up to you.
You'll have your chance to fight for what you believe true.
And, on that day when your number is drawn,
Stand up with courage and know that we've won.
For, a country like ours, United, strong.
With the true band of freedom,
Can not be proved wrong.

WITHOUT MY FLAG

(By Wendy Weinstein)

They came in the middle of the night with bombs that lit the sky as they destroyed my family and friends. My flag, the symbol of free men such as I, was captured. I am no longer privileged with the joy of life, for I am dead. Yes, my eyes still see and my hands still work, but they are of no use to me. They work for the government with no profit for myself. From dawn to dusk my ears grope for the sound of children's laughter. I am foolish to even hope for the sound because the young ones work in the fields and have no time for play. My home is a pile of rubble that shows no sign of the happy lives that were destroyed by the attack. Memories of my family constantly shadow my mind. My legs serve no purpose for the forests have been burned down, and I no longer desire to take a walk. Books are banned because knowledge of better lands and happier lives is not permitted. Food raised by hardworking women and children is taken away to be eaten by the invaders. Many people are soon to die from starvation. All that was once ours has been taken from us.

I opened my eyes and realized that I'd been dreaming. From my window I could see that nothing had changed. My flag wasn't going to be taken for quite a while at least. The nation is too strong for that. I still have a wonderful country full of freedom and love to live in. Houses, buildings, forests and mountains still stand. Children joyfully play in the streets without fear of being attacked. My flag still flies and will guide me through life, for without it I have nothing!

I AM THE FLAG

(By Pamela Nusz)

Here I am in Independence Hall, locked in a glass case with no way to tell the world how proud I am to represent this, my great nation. I was made in 1776 by Betsy Ross. That was almost two hundred years ago, and the purpose behind me still has not changed. I stand for the actions, the thoughts, the hope, and the unity of the people here in my country. I remind them of the freedom they fought for and may have to fight to keep.

There may have been a few changes in my design over the years, but only because as my country grows and changes, I must, too. Many people come to see me here. Some who see me remember how bravely they fought to keep me. Some think of their friends and loved ones who died for this country's freedom.

I could go on and on to describe the feelings they have for me, but I think everyone would rather hear how I feel about the people of my country. I have no other word that expresses my feelings so well as the word "proud." In years of distress and depression, very few people deserted me; they have always flown my colors high to proudly show others they will stand behind me, united. Those who have not experienced it do not know what it feels like to be a mere piece of cloth that unite millions of people.

I am a symbol of our freedom. At the olympic games I did not bow to king or ruler as other flags did. I bow to no one; for in my American eyes every man is equal.

I am just part of what makes our "Star-Spangled Banner." The people, *all* of the people, working together, living united and free, are what I, our Flag really represents. We are the Flag.

NATION'S FIREMEN TO BE HONORED

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SKUBITZ. Mr. Speaker, my attention has been called to the initiation of a program to honor the heroism of the firefighters of this land in the performance of their duty. As is the case with so many of our public servants, the men who respond to fires go about their duties unheralded and unsung. We realize their importance to our daily lives only in times of disaster or when we ourselves experience some devastating occurrence.

I was therefore pleased to learn that a program of annual awards to mark the heroism of firemen on or off duty, and applicable to all ranks, has been announced by a large manufacturer of firefighter equipment. The awards, consisting of four cash prizes and symbolic plaques, will be presented to the four chosen at a national presentation dinner.

Some 25,000 announcements have been sent to both paid and volunteer fire departments throughout the country. They advise that official applications must be filed and set out rules for the awards. All applications are to be filed prior to June 30 of this year.

The distinguished panel of judges which has been selected to determine the winners includes: Arthur Fiedler, the

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widely known conductor of the Boston Pops Orchestra; I. Irving Pinkel, Director of NASA Aerospace Safety and Research Data; Dr. Irmagene N. Holloway, of Kansas, a former assistant in HEW's Bureau of Product Safety; John H. Washburn, president of Home Insurance Co.; Curtis Volkamer, president of the International Association of Fire Chiefs; and W. H. McClennan, president of the International Association of Firefighters.

DERWINSKI STILL IN DOUBT ON U.N.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CRANE. Mr. Speaker, for the past 3 months our colleague, Representative EDWARD DERWINSKI of Illinois, has provided notable service as a presidentially appointed delegate to the United Nations General Assembly in New York City.

He brought to that task the same ability to see through to the heart of problems and the same wit and good humor for which he is known in this House. He was especially effective in his debates and discussions with Soviet representatives.

At one point, when a Russian delegate voiced a tirade against the threatened rebirth of Nazism in Europe, Mr. DERWINSKI interrupted:

I have seen no signs of a revival of German militarism except in 1968 when East German forces goose-stepped into Czechoslovakia. And in Russia today, we see the Jewish people, who were Nazi victims a generation ago, made to suffer persecution again. It is easy to see where the threatened evils of Nazism really exist—behind the Iron Curtain.

Has Mr. DERWINSKI changed his critical view of the United Nations? Discussing this question, the Chicago Tribune's distinguished columnist, Willard Edwards, reports that—

DERWINSKI remains in serious doubt about the effectiveness of the U.N. and was appalled by its refusal to practice austerity even in the face of impending bankruptcy. A financial crisis has been swept under the rug but will soon recur.

Despite the contempt with which the Department of State tends to treat congressional delegates, there were rewarding moments. Mr. EDWARDS notes that—

What DERWINSKI enjoyed most, obviously, was tilting with representatives of the Soviet Union. They must have been happy when he left because, day after day, he prodded them about the hypocrisy of their anti-American attacks.

EDWARD DERWINSKI has brought honor to the House by his service at the United Nations. I wish to share with my colleagues the article by Willard Edwards which appeared in the Chicago Tribune of June 8, 1972. This article follows:

DERWINSKI STILL IN DOUBT ON U.N.

(By Willard Edwards)

WASHINGTON, June 7.—Rep. Edward J. Derwinski [R., Ill.] has had to endure some ribbing in the House about his recent three-month term as a Presidentially appointed delegate to the United Nations General Assembly in New York City.

Since only two out of 435 members are thus singled out each year, both envy and sarcasm presumably tinged his salute as "ambassador" in floor debate. Rep. H. R. Gross [R., Ia.] suggested that "Living high on the hog at the U.N. and rubbing elbows with the foreign gentry" had altered Derwinski's foreign policy views.

Any intimation that Derwinski has been affected by his U.N. service was dispelled when he issued a 70-page report to the House Foreign Affairs Committee on his experiences in the international body. It was deemed valuable enough to be printed as a House document.

It is thoughtful, informative, and often entertaining. Derwinski remains in serious doubt about the effectiveness of the U.N. and was appalled by its refusal to practice austerity even in the face of impending bankruptcy. A financial crisis has been swept under the rug but will soon recur.

The American contribution to the U.N. must be reduced to 25 per cent [from the current 31 per cent] without delay, Derwinski recommended, and the Soviet Union and France pressed for substantial cash payments which they have withheld.

He did oppose, however, an immediate $25 million cut in U.N. funding voted by the House May 18 and it was this stand that aroused Gross' ire. Derwinski's explanation was that this was a default in violation of U.N. charter rules comparable to the reneging of Russia and France, making the United States equally culpable. The House, by a 202-to-156 vote, refused to agree.

In one respect, Derwinski found his U.N. service frustrating. The State Department treats congressional delegates with poorly concealed contempt, he discovered, giving them only cursory briefings, demanding to censor their speeches, and sending them instructions on voting at the last minute. He protested this bureaucratic control but got nowhere.

But, on the whole, he reported, he found the experience rewarding. It was a rare opportunity to participate directly in the conduct of foreign affairs, to study the methods and the motives of delegates from other countries, and to test wits in debates with them.

What Derwinski enjoyed most, obviously, was tilting with representatives of the Soviet Union. They must have been happy when he left because, day after day, he prodded them about the hypocrisy of their anti-American attacks.

A Russian delegate rebuked him, recalling that President Nixon had announced "an era of negotiation, not confrontation."

"What troubles me about this era of negotiations," Derwinski replied, "is that the negotiators on the Russian side may later disappear from sight and from the history books. That was the fate of Stalin and Khruchchev. President Nixon won't know how long the individuals he dealt with in Moscow will be around. They, too, may vanish from the history books and where does that leave the agreements they signed?"

Again, when a Russian delegate voiced a tirade against the threatened rebirth of Nazism in Europe, Derwinski interrupted:

"I have seen no signs of a revival of German militarism except in 1968 when East German forces goose-stepped into Czechoslovakia. And in Russia today, we see the Jewish people, who were Nazi victims a generation ago, made to suffer persecution again. It is easy to see where the threatened evils of Nazism really exist—behind the Iron Curtain."

Derwinski was a U.S. delegate during the period when Communist China was admitted to the Security Council and its predecessor, Taiwan, was expelled.

The U.S. delegation fought to prevent the explusion of Taiwan, he said, but its efforts were made made futile by the visit to Peking of Henry Kissinger, special adviser to President Nixon, at the very time the U.N. was debating the issue.

That trip "could not have come at a more inopportune political or psychological moment" and it convinced many nations that the U.S. was not sincere in its proposal of dual representation.

FORREST CATE'S COMEBACK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BAKER. Mr. Speaker, there are many little-known stories of triumph over adversity where resolute individuals succeed despite the severest of handicaps. I know about one because it happened in the Chattanooga area and received due recognition in the press. I have reference to the story of Forrest Cate, who, though totally blind, still managed to ride a show horse and win a ribbon in the competition at the Rossville, Ga., Kiwanis Charity Horse Show last Saturday.

The story of this accomplishment has been told with understanding by Jay Searcy, sports editor of the Chattanooga Times, in his column, "Searching with Searcy."

In calling attention to Forrest Cate's "comeback," I hold it out as an example to all of us. There is a great deal which can be accomplished whenever there is a will to do it. The lesson will be obvious as you read Jay Searcy's column.

SEARCHING WITH SEARCY

(By Jay Searcy)

SUSPENSE AND MR. IMPERIAL

"You should have been here last night," everybody kept saying at the horse show Saturday night. The man on the gate said it, grooms hanging on the rail, people under the tent in center ring.

Everywhere you went they were talking about Forrest Cate's suspenseful ride on Mr. Imperial Friday night.

"Not many people knew what was happening," said a lady under the tent. "I don't think many of the riders even knew."

What was happening was that Forrest Cate, winner of a number of ribbons and trophies in the pleasure walking horse classes over the years, was making a comeback.

It was a horse show setting familiar to Forrest, a 38-year-old automobile dealer. Except this one was at Rossville's new city park, one of the biggest show rings in the Southeast.

There was color everywhere, like a scene from an Indiana state fair. Handsome people with brown faces. Western jeans, well faded. Cowboy hats. Riding boots. Double-breasted blazers, sulky silks. Horse trailers, motor homes, concession stands, box seats, bleachers. Organ music. Dancing horses.

LIKE MANNEQUINS

The riders looked like department store mannequins—neat, trim, pretty, handsome, clean. And they were so practiced most of them could have shown their horses blindfolded. But only one rider rode blindfolded, and that's what made Forrest Cate's comeback so suspenseful at the Rossville Kiwanis Charity Horse Show.

The blindfold Forrest wore is called diabetic retinopathy. It blinds permanently.

It had been four years since Forrest had been in a show ring, but he had never been there competing on a track he couldn't see, against competition he could only hear, for judges and spectators he could only sense. When they called for the pleasure walking horse class, Forrest rode Mr. Imperial out in a flatwalk toward the biggest challenge of his life.

His one big concern was keeping the horse on the rail. Mr. Imperial, pretty as he is, sometimes is tempermental and isn't always an easy horse to show.

Those who were watching were a lot more tense than Forrest. This was the horse that threw him not long ago, shortly after he made his first blind ride. And there was no guarantee it wouldn't happen again—show ring or no show ring.

FROM THE RAIL

Forrest wore tiny earphones that looked like hearing aids and he was being fed information by his trainer, Slim Easterly, who was standing outside the rail talking into a transistor radio speaker:

"Pull on the right rein. Good. Looking good. Tighten up now. Left rein Straighten up now. Good."

Everything went fine until the announcer called for the center. The horse wasn't going quite fast enough when Forrest bumped him and Mr. Imperial balked, momentarily. Forrest's hat flew off and Slim broke into a run down the rail to help. But before he could get there, Forrest had the horse cantering beautifully down the track in time with the organ music. It was the only bit of trouble.

When they lined the horses up to be tied, Forrest knew he had won the challenge. Even if he didn't win a ribbon, he had completed the ride, and save one small incident, it was nearly perfect. Then came the announcement:

"The blue ribbon in the pleasure walking horse class goes to Mack's Golden Go Boy!" the announcer spoke and C. B. McMullan of Shelbyville pulled out of line to the awards tent and accepted the prize.

"And second place goes to Mr. Imperial, owned and ridden by Forrest Cate Jr.!"

By now everyone at the show knew about Forrest's challenge and there were goose pimples and cloudy eyes hidden among the applause when Slim pulled Mr Imperial out and led him to the awards stand.

"I'm so proud of you," his wife Marcia told him when he left the ring.

"Are you really?" Forrest seemed surprised.

"Really " she said hugging him.

"You should have been here,' everybody kept saying.

SECRETARY VOLPE'S RELEASE OF HIGHWAY FUNDS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HARSHA. Mr. Speaker, I have received a letter from Secretary Volpe announcing that the entire $4.4 billion in obligational authority for the Federal-aid highway program for fiscal year 1973 will be released as of June 15, 1972, on an annual basis rather than in quarterly amounts as has been the practice in recent years. Such funds will become available on July 1.

This is good news for the highway program. Release of funds in this manner will assure a maximum of flexibility to each State in planning and scheduling Federal-aid highway projects. The result will be a more orderly implementation of each State's highway program and the avoidance of sudden changes in the pace of the program due to shifts in the obligational amounts provided as has occurred in recent years.

In his letter to me, Secretary Volpe declared that his action in releasing these funds was, "Responsive to the needs of our Nation's highway program". I could not agree with him more.

I commend the Secretary on his understanding and comprehension of the problems of future development of our highways. I congratulate him for removing yet another obstacle to continuing highway development. Unquestionably, efficient development of our highways—when done with a safety awareness—will yield dividends to all Americans who will travel these roads in future years.

THE CONSEQUENCES OF A PERMISSIVE SOCIETY

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SMITH of New York. Mr. Speaker, in light of the lack of trust and confidence sometimes accorded to the youth of our Nation, it is indeed worthy to note the fine achievements continually being accomplished by our young adults. In a recent oratorical contest sponsored by the Knights of Columbus, western New York district, Mr. Brian Bryzinski of North Tonawanda, N.Y., was named runnerup, based upon his brilliant speech and his powerful delivery. Mr. Bryzinski, 17, a senior at North Tonawanda Senior High School, will soon be attending Bucknell University. He has received numerous community awards for his many accomplishments, amongst which are: New York State Regents Scholarship Award, selected as "Youth of the Month" by the Exchange Club of the Tonawanda's, Quality Student of Tonawanda and a member of the National Honor Society.

"The Consequences of a Permissive Society," a speech by Mr. Brian Bryzinski, follows:

THE CONSEQUENCES OF A PERMISSIVE SOCIETY

A society is most robust in its youth. On aging, as most societies in the past, these societies succumb to permissiveness, encumbered with unresolved problems and internal turmoil, as exemplefied by the Babylonians, the Greeks, the Egyptians, and the Romans. This renders the society easy prey for the younger, emulous nations, eager to assume a paramount position of importance. However, it is my contention that a society does not lapse into debility and permissiveness unless its citizens are, also, debilitated and permissive. It is not the society which defines the individual, but the individual who defines the society.

Lack of self-discipline is the intrinsic feature of a permissive individual. It is this lack of discipline which causes him to lose faith—faith in his religion—faith in his fellow man—faith in himself. It is this lack of discipline which makes him self-centered; and it is this lack of discipline which destroys his aspirations. As a result, his morals may be debased, his ambition curbed, and his stability threatened. We are all cognizant of the fact that instability is the element which has the most profound influence upon society. While searching for rationality, the unstable individual becomes dissatisfied with society. Why?—because he has lost his faith. If many such individuals command an influential incumbency, a permissive legislative trend may be noted, for these individuals, eager to possess self-assurance, will exhaust any means possible to achieve their ends. Thus, a liberal attitude is established; for in order to experiment, permissiveness must prevail.

Many of the same qualities existing in a permissive person are characteristic of a permissive society. Whenever permissiveness is extant, crime and corruption rise, for there is neither the means nor the desire to suppress them. As previously stated, these circumstances arise from loss of faith, loss of hope, frustration, and the new-found liberties. The public, perplexed by these privileges, exploits them, and thus they acquire an adverse connotation. In addition to this laissez-faire attitude, it is feasible, in a permissive society, for a concerned, vociferous minority to dominate the wishes of an unconcerned, silent majority. It matters not who is just or righteous, but who prevails. A movement originates and advocates the overthrow of established order, but presents no design by which to formulate a new code; it attacks the "law used to oppress those who threaten the ruling class,"[1] but manipulates and contorts the law to achieve its desires, and it despises the society, but makes no endeavor to ameliorate that society. Goals remain obscure and enigmatic; however, the movement steadily gains proselytes, for the populace is too perplexed to reason lucidly. It is not only the government which may be beset with these incursions, but the church may, also, experience tumult, as the questioning attitude encroaches upon church orthodoxy, doctrine, and rites. Tenets, branded as outdated, are abandoned, and a new orthodoxy is promulgatd to complement the permissive vogue. Finally, the populace experiences a total loss of faith in the governmental system, and a wave of fear shudders through the society, for their trust has long since expired, their wisdom has been taxed, and that last spark of hope has been extinguished. A revolution sweeps through the nation, and an era of repression is instituted.

Thus, the inception of permissiveness seeds itself in the individual, manifesting itself in the society. The government, citizens, and even the church are tainted, and the law derided. However, "to love the rule of the law is not to minimize its imperfections and to hate the law is to hate the freedom it secures."[2] Let us enjoy the fruits of progressive change, rather than the spoils of permissiveness and repression. Most important, let us not be battered upon the rocks of permissiveness, for as the incessant waves of the sea, the malevolent effects of permissiveness are both recurrent and uncontrollable.

HONOR THE AMERICAN FLAG

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MONTGOMERY. Mr. Speaker, in observance of Flag Day I would like to share with my colleagues the following article which has been highly recommended to me by one of my constitutents,

[1] William Kunstler.
[2] James J. Kilpatrick.

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Cmdr. Robert W. Collins of Yazoo City who is retired from the U.S. Navy Reserves. The article which follows, was originally written by Clayton Rand in 1969:

OUR AMERICAN FLAG

(By Clayton Rand)

Annette, the six-year-old, with amazing skill, reproduced in a small, neat, folded miniature pamphlet, copies of the flags of many countries, all in color, with special emphasis on the Stars and Stripes.

At the same time your scribe received from retired Commander Robert W. Collins, U.S. Naval Reserve, "A Chronology of Our Flag Laws."

Our first Flag Law was enacted by the Continental Congress June 14, 1777; the first U.S. Flag Law was enacted Jan. 8, 1794, and the final and permanent Flag Law was adopted April 4, 1818. It specified a flag of thirteen horizontal stripes, alternating red and white, with 20 white stars on a blue field representing the states, with an additional star to be added on each succeeding 4th of July for every added state.

Flag day is designated as June 14, the date on which the Continental Congress adopted the first Flag Law.

The Stars and Stripes should have been unfurled and flown everywhere on June 14 and should fly July 4, 1969. Not in the memory of the living has the Red, White and Blue been so desecrated at home and defiled abroad. Flag waving has become a foppish gesture to a new breed of anti-Americans infected by a perverted form of patriotism. These desecrators of Old Glory should be forced to wear the stripes to designate their degradation.

SENATOR HUGH SCOTT HONORED BY THE PENNSYLVANIA ASSOCIATION OF BROADCASTERS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HEINZ. Mr. Speaker, the Pennsylvania Association of Broadcasters paid tribute to Senator HUGH SCOTT'S accomplishments as an outstanding Pennsylvanian by awarding him its 1972 Gold Medal, last night at the Washington Hilton Hotel.

The senior Senator from Pennsylvania joins a select group of "native sons" so honored by this group for both initiative and service to their fellow man.

I would like to add my voice to those paying tribute to Senator SCOTT for the wisdom and foresight displayed over the years of his distinguished public service.

His tireless concern for the welfare of this Nation's citizens is well chronicled in legislation he has introduced, his voting record, and his support and outstanding management of so many important pieces of legislation.

In recent years, he has undertaken the additional challenge and responsibility of being the Senate Republican leader, a job that he has tackled with his usual zest and great skill.

I know from a firsthand experience of having worked closely with HUGH SCOTT for many years, how characteristic it is for the Senator to apply himself day and night to a problem at hand and its practical solution. His own hard-driving intensity, plus the demands he places on himself as minority leader of the Senate makes him a truly remarkable man, and I am sure that my colleagues will join me in hailing his most recent honor by the Pennsylvania Association of Broadcasters.

SWIFT, SHIFTY FLIGHT OF THE DOVE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BOB WILSON. Mr. Speaker, I insert in the RECORD the following editorial by James J. Kilpatrick.

The editorial follows:

SWIFT, SHIFTY FLIGHT OF THE DOVE

WASHINGTON.—Clark Clifford, the eminent dove, last week flew a classic course through the House Foreign Affairs Committee. It was a dazzling performance, much applauded by the evening TV news and by the Sunday papers, but it invites a few dissenting observations nonetheless.

I happen to live quite literally in dove country, up in the Blue Ridge Mountains, and would tell you something of this marvelously talented bird. Unlike the quail, which is constantly heard but not so often seen, the dove is highly visible. Unlike the bashful woodcock, which hides in shady places, the audacious dove delights in public attention.

Yet the dove is notoriously the most difficult prize of the upland hunter. The dove owes his survival not so much to sheer speed, though he is deceptively swift; the genius of the dove lies in his skill in shifting direction—left, right, backwards; now skimming, now soaring. The dove always lights, as if by magic, just ten yards out of range. He can vanish in a second.

Observe the flight of Clark Clifford: "The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting." Here he is skimming the truth. He maintains his speed: "The small, underdeveloped non-industrial nation of North Vietnam constitutes no threat to us . . ." True enough; true enough. Now he soars: "And it is equally clear that Russia and China are not on the march in Southeast Asia." But how did that get to be equally clear? It is communism that is on the march, communism in whatever mask it wears.

During his days as Secretary of Defense, Clifford set no records for infallibility. It is thus unclear why he should be regarded as a fount of perfect truth and wisdom when he insists that Nixon's measures "will have no immediate effect on the outcome of the fighting in the South, and probably no effect for many months."

On the contrary, when account is given to the totally different kind of war now being waged, there is reason to believe that Nixon's relatively bloodless measures of "denial" may seriously inhibit a flow of fuel and heavy weapons to the enemy. To some observers, whose record at least matches Clifford's, it seems worth a try.

Clifford's own solution, as he testified, is "short and simple." He flies circles around its essence, but essentially his plan is for the United States to admit defeat and to surrender the whole of Southeast Asia to the Communists. This he describes as an "overall settlement" not incompatible with the interests of Hanoi. It is a solution, one is bound to concede, perfectly in keeping with the swerving flight of the fleeing dove. Now you see him; now you don't.

UNEASY PEACE IN THE MIDDLE EAST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HAMILTON. Mr. Speaker, the uneasy ceasefire in the Middle East and the seeming intractable positions of the various parties to the Arab-Israeli conflict are the topics of two good New York Times editorials by John Oakes, the editor of the editorial page, who recently visited Egypt and Israel.

In the June 12 editorial, Mr. Oakes argued:

The Egyptians want Russian influence in Egypt no more than they want Israel's occupation of the Sinai. But the one is likely to last as long as the other.

And in his June 13 editorial, he concludes:

Perhaps it is just because the conflict between secure borders for Israel and the demands of Palestinian nationalism seems so insoluble that the Israelis are content to ride along for a while with the present situation, which is clearly more tolerable for them than an immediate foreseeable alternative.

The two editorials follow:

[From the New York Times, June 12, 1972]

VIEW FROM THE CANAL

(By John B. Oakes)

The small plane takes off from Tel Aviv's local airport, nonchalantly dodges the towering stack of the municipal power plant and skims down the Mediterranean coast past ancient ports and modern pipelines, then along the northern edge of some of the most desolate country on earth, the Sinai Peninsula. Within an easy hour the plane puts down at a desert airstrip marked by a couple of huts, a handful of soldiers and the Israeli flag fluttering over the "administered territories" of Sinai.

The civilian visitor hops into a truck manned by a middle-aged reservist doing his fortnight's active service. The car bumps westward past grotesque relics of the 1967 war, wreckage of vehicels sprawling in the desert sand like the skeletons of dinosaurs.

Through the silent rubble of the city of Qantara, a once flourishing town utterly destroyed by Egyptian artillery in the 'war of attrition" and now deserted except for a few birds, dogs and flies, there at last comes into view at the very edge of the Canal the familiar paraphernalia of war: sandbags, dugouts, barbed wire, halftracks, jeeps and even a few tanks and guns.

On the far bank less than 200 feet away, a couple of Egyptian soldiers are idly fishing. An Arab guard, armed with a rifle and a pair of binoculars, intently peers from his flimsy lookout tower on the Egyptian side of the Canal at the visitors in civilian dress atop the opposite embankment. Suddenly a harsh shout is heard from the tower (no language is easier on the eye or harder on the ear than Arabic); one wonders if it's an end to the cease-fire that has been rigidly observed by both sides on this front for almost two years.

After a moment of tension, the Israeli soldiers burst into laughter; they shout back with enthusiasm. A vigorous verbal exchange continues for several minutes. What's it all about? the Israeli commander is asked. "When the Egyptian lookout across the canal saw you he began cursing all of us, all of our ancestors, and all of our children. There's nothing for us to do," he added with a twinkle, "but curse back."

Cursing across the canal is better than shooting across the canal, as everyone agrees; but the real question is how long the present quiet state of affairs will last on this, the most dangerous (if least active) of all of Israel's embattled borders. Moshe Dayan, Israel's Minister of Defense, freely predicts that the Egyptians will continue to hold their peace until after the winter (during which the Syrian airfields are unusable) but are likely to launch an attack next spring. This may be mere psychological warfare on Dayan's part: yet if no progress is made in the next few months toward a peace treaty, the bitter frustrations so evident in Cairo, steadily fed by Russian arms, could well explode into the ultimate folly, a renewal of the suspended war.

For the Egyptians, recognizing that they were disastrously defeated in 1967, do not recognize any justification in this defeat for the loss of even "one inch of Egyptian territory" which, as they insist, has been Egypt's for 5,000 years. Nor do they admit that the cession of any Egyptian land—in the northern Sinai, on the Straits of Tiran or anywhere else—can be reasonably considered essential to Israel's security in this missile age. Having in fact accepted the reality of Israel's existence, they mistrust Israel's future intentions as much as the Israelis mistrust theirs—and it is this, rather than any ideological or territorial imperative, that constitutes the fundamental barrier, even to demilitarization, that neither United States nor United Nations nor other would be peacemakers have yet been able to surmount.

Having fought four wars for their very existence during the past quarter century, most Israelis—from their indomitable Prime Minister down—refuse to believe that the ultimate Arab goal is not still to drive them into the sea; and the unremitting barrage of Arab propaganda, rejecting in some cases even the very name of Israel as well as its existence, only confirms that belief. Hence the Israelis are loath to give up their present advantageous military position, which they are convinced insures their security on the ground, for what they fear would be but another "scrap of paper."

While few, even of the extreme right wing, argue for retention of all of the Sinai, fewer still seem to believe that they can safely give up once again—as in 1956—all of the occupied areas—through demilitarization instead of military control may yet be a feasible alternative. Speaking of the outpost of Sharm el-Sheik at the tip of the peninsula, which guards the narrow entrance of the Gulf of Elat, one of Israel's most distinguished and moderate leaders observed that "we must retain control there because we must never again be placed in the position where Egypt by simply closing the straits can force us to declare war." So far from giving it up, the Israelis have in fact already built a hotel and are turning this isolated, sun-baked military post into a small tourist resort. "Moses walked, you can fly," runs the slogan.

Yet, in the incredibly complex arena of Israel's relationship with the Arab world, it is Egypt that counts more than any other Arab state; and it is with Egypt that Israel must first make peace. Egypt's population of 35 million (more than ten times that of Israel) is expected to double by the end of the century. Egyptian technology, light-years behind Israel's, is nevertheless improving. Egypt is the only Arab state whose ultimate military power, built up by Soviet assistance, is a potential menace to Israel. The Egyptians want Russian influence in Egypt no more than they want Israel's occupation of the Sinai. But the one is likely to last as long as the other; and neither Israel, relatively satisfied with things as they now exist, nor Egypt, bursting with hatred and frustration, seems ready to modify even the uncompromising tone—much less the substance—of their apparently irreconcilable positions. Yet no two nations are more conscious of history than the Israelis and the Egyptians—and if history proves anything, it proves that no national rivalry or territorial dispute is truly irreconcilable given the desire and the will to end it.

[From the New York Times, June 13, 1972]

VIEW OVER THE JORDAN

(By John B. Oakes)

The paradox of Israel today is that while Israelis are surely more self-satisfied and relaxed than probably at any other time in their 25-year history, there is neither peace nor the prospect of peace as the dangerous frustrations of the surrounding Arab world grow steadily deeper.

From the Golan heights to Sharm el Sheik, from the Jordan to the Suez Israelis show a proud confidence that their extraordinary achievements of the past quarter-century fully justify; but the visitor is left with an uneasy feeling that the future of their embattled country cannot be secure so long as its two most pressing and most proximate international problems remain unsettled: Egypt, discussed in this space yesterday, and the Palestinians.

It must be recognized from the outset that many of the several hundred thousand Arabs living in the green and fertile valleys of the West Bank under Israeli military occupation since 1967, are economically better off than they have ever been before. With virtually free access to Israel across the old Jordanian frontier, thousands of Palestinian Arabs are now working in Israeli fields and factories at the Israeli wage rate, three or four times as much as they could conceivably earn in their own homeland—to the distress mainly of large Arab landowners who complain bitterly that they have lost their cheap (and highly exploited) labor supply.

While some Israelis worry about this influx of Arab labor and its potential effect in upsetting the demographic balance of the state, many others see it as a golden opportunity to bring the Palestinian Arabs into direct contact with Israelis, leading ultimately, as they hope, to closer economic, social and—who knows—political bonds. This process—augmented by the "open bridges" policy whereby commercial traffic is now permitted between Israel and Jordan proper, and still further by the "summer visitor" program under which perhaps 150,000 Arabs from all over the world will be allowed to cross the borders on temporary permits—will necessarily be a lengthy one before it can bear fruit.

But in the meanwhile such a policy of leisurely amalgam—if it can be called a policy—fails to take adequate account of the fact that no people, including the Palestinian Arabs, can willingly accept a military occupation. This is true no matter how gentle (and the Israeli administration is not onerous) and no matter how economically and socially advantageous it may be for even large segments of the population.

The burning demands of a new-found nationalism can only grow, not diminish; and while the insanely savage terrorist activities of extremist Palestinian groups operating from outside the "administered territories" can only be counter-productive, the fact remains that the increasing political consciousness of the relatively advanced West Bank Araba cannot be ignored. They are as unlikely to be permanently absorbed by Israel as they are to be satisfied by indefinite continuation of their present equivocal status.

And yet there is a dangerous tendency in Israel to ignore Palestinian aspirations by maintaining that the only authority with whom Israel can negotiate in reference to this area is King Hussein of Jordan, whom the Israelis know is as deeply despised by many West Bank Palestinians as they themselves are feared.

In any case, the longer the West Bank remains an "administered area," the safer most Israelis feel and the less inclined they seem to be to alter its present secure status. However, they are busy making it more secure by establishing new military settlements along the Jordan. In this way, as Deputy Premier Allon has suggested, the most strategic border areas on the river can be retained under Israeli control if and when the bulk of the territory is returned to Jordanian sovereignty. Minuscule as it is, the Jordan River is a pretty good tank trap; and that is why the Israelis show no present intention of relinquishing their military position on its western bank. Even if an arrangement can be reached with King Hussein over the West Bank and the separate but related problem of Jerusalem, the West Bank Palestinians will inevitably remain as an undigested, unregenerate and unreconciled force plaguing Israel's relationships with the rest of the Arab world.

The West Bank Arabs—torn as they are in several directions by their dislike of the occupation, their contempt for Hussein, their new and eye-opening contacts with Israelis, their rising standard of living and falling self-esteem, their revolutionary inclinations and their conservative instincts—are themselves uncertain whether they want a state of their own, some kind of federative link with Jordan, with Israel or with both.

Perhaps it is just because the conflict between secure borders for Israel and the demands of Palestinian nationalism seem so insoluble that the Israelis are content to ride along for a while with the present situation, which is clearly more tolerable for them than any immediate foreseeable alternative.

BALTIC STATES FREEDOM COMMEMORATION, JUNE 14–16

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ANNUNZIO. Mr. Speaker, the period of June 14–16 is a time for special significance to Americans of Lithuanian, Estonian, and Latvian descent, as well as to all of us who are inspired by the courage and determination of the people of these three nations.

It was during this time, 32 years ago in June 1940, that the three Baltic States were brutally occupied by the Red Army and subsequently incorporated into the Soviet Union. These actions were in direct violation of treaties signed by Russia in 1920 which recognized the independence and sovereignty of Estonia, Latvia, and Lithuania.

The Soviets cynically disregarded the promises made a mere 20 years earlier in which they "voluntarily and forever" renounced all sovereign rights over the people and territory of the Baltic States.

The outrages suffered by these brave peoples were not, however, to end with military occupation. During the same period in June of the next year, 1941, mass deportations were executed by the Soviet Government. Thousands of Latvians, Lithuanians, and Estonians were arrested in massive sweeps by night and crowded into boxcars to be shipped to

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Siberia and other remote parts of the Soviet Union far from their relatives, their friends, and their homelands. Still further criminal deportations took place in the years 1944, 1948, and 1949.

Mr. Speaker, during this period of solemn remembrance, let us pause to express our admiration for the courageous people of these three nations. Despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands.

We in the U.S. Congress can do no less than reassure them of our moral support. May the ideals of freedom and democracy be vindicated by the gallant determination of the people of the Baltic States. Their sacrifices should remind us all that we must continue to strive for a world in which all people can have the opportunity to live their lives as they themselves choose.

The Lithuanian-American Community of the United States of America, Inc., has requested that attention be called once again to House Concurrent Resolution 416 which was adopted by both the House and Senate during the 89th Congress. I was one of the sponsors of this legislation, the text of which follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virture of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PERSONAL ANNOUNCEMENT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. VEYSEY. Mr. Speaker, on May 18 I was unable to be present to vote on an amendment to the State, Justice, Commerce, and the judiciary appropriation bill that sought to delete $450,000 for the Subversive Activities Control Board, rollcall No. 162. Had I been present I would have voted "no" on this amendment. Ironically I was not present for this vote because I was attending a hearing in the House Administration Special Subcommittee on Police regarding stronger security measures for Capitol offices. This hearing was necessitated by an attack on Congressman DU PONT'S office by a group of demonstrators.

On June 5 I was in California attending hearings as a member of a Special Ad Hoc Subcommittee of the House Committee on Education and Labor and missed five rollcall votes. On rollcall No. 185, the conference report on S. 1736, the Public Buildings Amendments of 1972, I would have voted "yea." On rollcall No. 186 on H.R. 12674, to establish a National Cemetery System within the Veterans' Administration, I would have voted "yea." On rollcall No. 187 on H.R. 10310, to establish the Seal Beach National Wildlife Refuge, I would have voted "yea." On rollcall No. 188 on H.R 14731, to provide for the effective enforcement of the provisions of the Fish and Wildlife Act of 1956 prohibiting the shooting at birds, fish, and other animals from aircraft, I would have voted "yea." On rollcall No. 189 on H.R. 14106, to amend the Water Resources Planning Act to authorize increased appropriations, I would have voted "yea."

MOVE TO KILL SHORT POLITICAL ANNOUNCEMENTS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GUBSER. Mr. Speaker, apparently Mr. John W. Gardner, head of "Common Cause," has made a determination that the American public does not possess the intellect which is necessary to properly interpret a 60-second political announcement on radio or television. Accordingly, he has suggested that no political announcements be allowed which are shorter than 5 minutes. Lest readers of the CONGRESSIONAL RECORD forget I remind them that Mr. Gardner is the man who sat two seats to the left of President Lyndon Johnson on the National Security Council, which formulated the policy of escalating the war in Southeast Asia.

Radio station KLIV, in my congressional district, has been most energetic in attempting to give free time to all political candidates of all persuasions so that the public could benefit from their 60-second statements. I consider this to be outstanding public service and very much in line with the public service obligation that all broadcasting licensees assume. However, this public service would be impossible if Mr. Gardner would have his way.

On two occasions Mr. Robert S. Kieve recently editorialized on station KLIV regarding Mr. Gardner's proposal.

I believe a restatement of these editorials, which follow, is worthy of being printed in the CONGRESSIONAL RECORD:

REGARDING SHORT POLITICAL TALKS

There's a new cause among many people dedicated to the objective of making free government work. It's a mini-movement to ban from television and radio all political announcements that are shorter than five minutes.

The well-meaning people espousing this cause have apparently failed to note the irony: in the cause of free government, they are urging the prohibition of one form of free speech.

They say that short political ads today are dishonest and do not adequately discuss issues. That is indeed true of many short political ads. But long political ads or talks are not necessarily any better. A campaigner who can write a slick 60-secoond talk finds it even easier to talk a slick 60-minute talk. So length is not the factor that controls either honesty or significant communication.

What length does control is whether a message is listened to. A short talk gets listened to; a long talk often gets tuned out. If this editorial were to go on for five minutes, would you stay tuned? And if you would not, would the cause of free government benefit from this particular five-minute talk? And if you would not, would the cause of free government benefit from this particular five-minute talk? We doubt it. That's why our editorials are short. And that's why we think prohibiting short political talks would be an outrage to logic, as well as to free speech."

KILL SHORT TALKS

There's a movement to prohibit radio and television stations from broacasting 30- and 60-second announcements by political candidates. We consider that a most unfortunate suggestion.

We say that the prohibition would result only in keeping voters more ignorant about the people whose names appear on our ballots. We suggest also that those who are trying to keep short political talks off the air should know the following two facts about most of their fellow citizens: first, most people do not read detailed news about the majority of political candidates; second, they will not sit still for a five-minute political talk.

And we might add a third point: many of those same people *will* sit still for the right kind of sixty-second talk.

KLIV, which gives political candidates free time—in 60-second packages—every time there's a local election, would have to have to give up this free service. We disagree with those who say that short messages lead to "confusion" and "distortion of issues." Real communication—even on issues more serious than tooth paste and breakfast cereals—can be created in sixty seconds or less, if the writer really works on his message.

As we have on this one 58 . . . 59 . . .60.

I also think that a letter written by Mr. Kieve under date of May 25 to Mr. Gardner would shed further light upon this very important subject. I therefore include the text of the letter at this point:

DEAR MR. GARDNER: The New York Times Sunday section recently published a quotation which suggests that you support the movement to prohibit political broadcasts which are not five minutes in length or longer.

I am dismayed by this movement, and I beg you to consider my reason: People will listen to one-minute talks; most people will not listen to five-minute talks. Couple this axiom with the fact that radio and television are mass media and should therefore effectively reach the masses, and you have a good argument in favor of one-minute talks.

Responses to the arguments against the one-minute talks are equally good: 1. Argument: *You can't adequately discuss an issue in 60 seconds.*

Response: You can. It isn't easy. But you can do it. Over the past twelve years, I have written hundreds of brief radio editorials that do discuss issues—and, I hope, not without some effect. Two editorials—on the issue of this letter—are enclosed.

2. Argument: *It's those one-minute and 30-second spots that create sophistry and dishonestry in political advertising.*

Response: So wrong! It's not the medium that creates dishonesty; the medium merely carries the message. The creator of the message creates the dishonesty—and he can do that even more easily if the medium is a five-minute talk than if it's a one-minute talk. Everything is easier in five minutes than in one.

But, illogical as this argument is, it carries a hint of the real problem: the one-minute *spot* does indeed encourage half-truths—but not because it's brief; rather, because it makes use of the production aids that tend to distort truth. Music, sound effects, visual effects—these, if used skillfully, can indeed distort truth even more easily than can the spoken word. So, if, in order to discourage the not-very-new trend toward exaggeration and distortion in politics, you are willing to go so far as to impose prohibition on forms of expression, those prohibitions should be directed *not* against the *length* of political announcements, but rather against their *form*. The prohibition should be against the use of music and sound effects and visual effects; and political candidates and the supporters of political candidates should be permitted to *speak* on behalf of those candidates for five minutes or fifteen minutes or thirty seconds—or whatever unit of time is offered by the broadcasting station.

What do you think of these responses? I value your opinion. And I fear your support of a movement which I consider so misguided. Is it possible that you may change your mind?

Sincerely,

ROBERT S. KIEVE,
President.

Mr. Speaker, the world is full of people who set themselves up as the conscience of mankind. I certainly would not make a sweeping allegation that Mr. Gardner belongs to this group but certainly with his suggestion that he alone should have the right to censor radio broadcasting and determine what is good for the American public he is in one instance at least joining the above mentioned group.

A NEW CONSTELLATION—AMERICA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BUCHANAN. Mr. Speaker, this illustrious body enacted a resolution 193 years ago today which specified the colors and arrangement of the stars and stripes for the American flag. That resolution ended with the statement that the white stars in the blue field represented "a new constellation."

What was then a new constellation is today the brightest star in the world of nations, representing a freedom unknown in many other countries of the world community.

What we are honoring here today is not a piece of red, white, and blue cloth with stars and stripes. It is a nation, a people. It is the history of a success story in the long struggle of mankind to achieve a land flowing with milk and honey.

Ours is not a perfect nation. We have yet to reach that great American dream of providing every opportunity for each individual to attain his greatest potential.

But the light in this constellation of ours which insures that it will glow throughout history is that we have the freedom and spirit to overcome the problems which confront us today and to make this country, which is the greatest free republic in the history of the world, even better.

That flag, Mr. Speaker, is symbolic of our struggle for and achievement of freedom, just as our Nation is the symbol of freedom to the rest of the world.

Upon his return from Moscow, President Nixon described his feelings when he saw the flag of the United States of America flying over the Kremlin. That flag symbolized the efforts of our Nation in seeking a solution to our common problems of disease, poverty, and war.

That flag flies over U.S. missions in more than 100 foreign countries.

It has flown for nearly 200 years and as long as it remains, it will symbolize what we Americans have built for ourselves and what we are working to build for the rest of the world.

CONGRATULATING THE BLACK NEWSPAPER NETWORK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. STOKES. Mr. Speaker, the black declaration of independence and the black bill of rights have been distributed throughout America's black community. Because this document was presented to the National Democratic Party as a result of demands by the Congressional Black Caucus' national constituency, its tenets have already been widely accepted by black America.

The black newspapers are to be heartily commended for disseminating information about this document. In my own city of Cleveland, the Call and Post printed the entire manifesto on June 10, 1972. That same edition carried an editorial upon the significance of the black declaration of independence and the black bill of rights.

The editor, Mr. W. O. Walker, analyzed the fact that the Congressional Black Caucus' demands had been presented only to the Democratic Party. He expressed the hope that the demands be included in the Democrat's platform next month.

Mr. Walker's analysis is, as always, perceptive and intelligent. I would like to share it with my colleagues today.

The editorial follows:

BLACK BILL OF RIGHTS

On the presumption that millions of black Americans look to the 13 black members of the United States Congress as their legitimate spokesmen on national issues, the thirteen have hammered out a Black Declaration of Independence and a Black Bill of Rights to be presented to the National Democratic Party, suggesting that the concerns and specific demands contained therein be incorporated into the official Democratic Party platform.

Since all 13 of the framers of the document are registered Democrats it is logical that it is from that Party that they should reasonably expect maximum consideration of their views, and while the document contains no direct threat to Party loyalty in the event of Party default, some of the language strongly suggests that adverse treatment of the expressed "concerns" may result in much the same kind of walkout as characterized the 21st Congressional District Caucus, which in a measure inspired the Congressional look-a-like.

"The new political mood permeating Black America makes it imperative that the Democratic Party address itself to the hopes, aspirations, concerns and rights of Black Americans—if that party expects to continue to receive the support of Black voters. Benevolence and paternalism are unacceptable and will not be tolerated. The torch has passed to a new generation of Blacks who no longer accommodate but confront; who no longer plead but demand; who no longer submit but fight."

These are strong and noble words to be uttering to a convention that will struggle to select a potential winner in a candidate who can win the approval of Governor George Wallace, the political Archie Bunker of our time.

But these 13 are strong and articulate persons who undoubtedly feel that they can wield an important influence on the direction of the black electorate come November.

The demands and concerns are not new. They incorporate such yearnings as a Welfare System with a guaranteed annual income system; an end to the Vietnam engagement and any foreign involvements; a boycott of the African governments still engaged in apartheid; the right of every American to live in a decent neighborhood, ad infinitum.

Since continued black support was never more vital to the survival of the Democratic Party than at this moment in history, it is to be hoped that most of these basic recommendations will find a place in the Democratic Party platform.

If not, the gallant 13 will have to come to grips with the inevitable question:

"Where do we go from here?"

FLAG DAY TRIBUTE TO OLEG Z. ZALESKI

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, today is Flag Day, a day which we traditionally set aside to pause and pay tribute to the Stars and Stripes.

This is a very special Flag Day for the city of Detroit and the surrounding communities in my congressional district which are served by the Port of Detroit.

On May 5, 1972, the President of the United States issued a proclamation in which he directed that the United States flag:

Shall hereafter be displayed at all times during the day and night, except when the

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weather is inclement, at U.S. ports of entry which are continually open.

I am happy and proud to say that the idea from which this proclamation originated was originally proposed by Mr. Oleg Z. Zaleski, a customs inspector of the Port of Detroit, which serves as one of Michigan's three 24-hour ports.

For this reason, the Port of Detroit has been selected as the site for a special flag raising ceremony being held today, in which the Presidential proclamation will be posted. Both Commissioner of Customs Vernon D. Acree and the Regional Commissioner of Customs Jack Lacy of Chicago, Ill., will be in Michigan to participate in this ceremony.

Mr. Speaker, at this point I would like to commend Customs Inspector Zaleski for his efforts in bringing about this Presidential proclamation.

This proclamation will make it possible for those entering our country to see our proud banner whether they arrive at night or day, and I trust that they will pause and reflect upon the deep heritage that is represented in the red, white, and blue of our U.S. flag.

CUBA SI, YANKEE FOUNDATIONS NO!

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHMITZ. Mr. Speaker, in Castro's radio broadcast from Bogotá, Colombia, during the 1948 revolution, he said:

This is Fidel Castro, this is a Communist Revolution. We've captured the army headquarters, we've taken over the navy, the President has been assassinated and most of the cabinet members that have not been killed have been captured.

As former Ambassador William D. Pawley, an eyewitness to that revolution, described it recently on the Manion Forum:

It took 2500 lives and they burned down over 400 buildings . . . the killings in the street were just unbelievable.

Today, Castro is still training guerrillas and planning revolutions in Cuba, with our own country now one of his primary targets. Examples follow:

First. John Masefield, senior British official responsible for airport security, told an international airport security conference recently:

Havana in 1966 organized a school for hijackers. Between 1930 and 1966, hijackings throughout the world totalled 55. In the next three years, the total was 220—four times the previous 36 years. The results of that outrageous Havana Congress were extraordinary and malevolent.

Second. In the Condade area of San Juan, P.R., in November 1970, six bombs were exploded in a two-block area between Howard Johnson's and Blackton's women's wear store, with $8,000 damage. The Castro-supported Federation of University Students was held responsible.

Third. Angela Davis and Bernardine Dohrn both visited Havana in 1969. We know where Angela is, but Bernardine Dohrn is a fugitive, possibly in Havana. She went to Cuba with 20 others and returned to organize hundreds of thugs for the "SDS days of rage" in Chicago during October 1969.

Fourth. In 1962, Red Chinese opium was seized in Miami. According to Charles Siragusa, former Deputy Commissioner of Narcotics:

That became the first concrete evidence that Cuba was being used as a base for opium smuggling.

Fifth. Some 3,000 U.S. students have visited Cuba so far, most of them ostensibly to harvest sugar cane. U.S. sources estimate that each American student harvests $83 worth of cane. Since travel for each student costs Communist Cuba $272, they lose $189 on the deal. Testimony before the Senate Internal Security Subcommittee reveals their real purpose. The students were trained in assassination and sabotage and urged to bomb draft boards, "bring the clergy into your struggle, stockpile weapons, ambush pigs—policemen—blow up Government buildings and develop inside the United States a fighting front for world revolution."

Today, according to Cuban patriotic resistance sources, Marie Airport is under the command of a Russian colonel who supervises the replacement of Russian nuclear submarine crews for the major Russian naval base at Cienfuegos, where the Russians are now about to complete an airfield of their own. Also in this area, the Russians have taken over the Portugalete sugar mill and are building a missile base, which will include radar, missiles, and heavy artillery. No Cubans are permitted in the area and the missiles are considered "long range." This could lead to another Cuban missile crisis.

Despite Castro's continuing commitment to this kind of terrorism and aggression, on November 7, 1968, the Ford Foundation announced a grant of $125,000 of its tax-free money "to help increase the fund of knowledge in the United States and other Western countries on contemporary Cuba. Funds will principally support scholars invited to undertake research in Cuba." The Ford Foundation further explained that—

The Foundation's appropriation for research on Cuba was prompted by growing evidence that the Cubans are waiting to establish professional relationships with the North American academic community. Several U.S. scholars have recently been cleared by Cuban authorities and by the State Department for travel and study in that country. In addition to paying travel and research expenses of scholars invited for extended periods to Cuba, the funds will support conferences and seminars among North Americans, Europeans and Cubans.

What was planted by the seeds of the Ford Foundation 3½ years ago is now bearing fruit in Congress. On April 19 and 20 of this year several Senators and Congressmen sponsored a conference to condition the American public to recognizing the Castro Red regime soon, thereby once again making it American policy to strengthen Communist governments instead of trying to help liberate the people they have enslaved. It is inexcusable that the official powers of our Government are actually being used to prevent Cuban exiles from liberating their homeland. The free Cuban rallying cry should be: "Cuba Si, Yankee Foundations No!"

H.R. 9970—TO ALLEVIATE THE CRISES IN THE ELECTRIC POWER INDUSTRY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. TIERNAN. Mr. Speaker, hearing after hearing, meeting after meeting, article after article have appeared and disappeared which dealt with the so-called energy crisis. But few really appreciate the dimension of the problem. It was, and is, only one among a host of crises with which we are confronted with every day.

As a member of the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee, I have been involved on a continuing basis with different aspects of the energy crisis, and have come to appreciate the complexity and seriousness of the problem. At the same time, I have become increasingly dissatisfied with industry initiatives, or the lack of them, to deal with the problem.

Recently I ran across an article in the New York Times entitled: "Lindsay Seeks Ban on New Electric Heating in City." The mayor apparently feels that no more electric heating should be installed in Consolidated Edison's service area because—

The continued use of electric resistance heating on an "already overloaded Consolidated Edison system heightens the probabilities of brownouts."

While this reported request is not critical taken by itself, I believe that other aspects of the energy crisis make it so. The fact is that in many areas of the country, new consumers are being denied access to natural gas as well.

Oil, the next most desirable energy source for house heating, is increasingly short in supply, due at least in part to the artificial restraints of the oil import quota system.

The fact is that we in the United States face the prospect of a critically worsening energy supply situation, short and long term. A large part of the responsibility must be assumed by the electric power industry, which has historically failed to engage in the kind of intensive continuing research which would enable it to meet the ever growing demand.

I am the author of a bill, H.R. 9970, which would alleviate the crisis in the electric power industry. It would establish a national power grid which could move large blocs of power to energy starved areas like New York City in a way that would enhance both economy and efficiency. It would pioneer in the development and implementation of techniques which would enable us to meet the need for electric power in a way compatible with the environmental values which are so important to us in maintaining a decent quality of life. Yet no action has been taken on this proposal in the year since I have introduced it.

An adequate supply of electric power, Mr. Speaker, is a prerequisite for making progress in many areas of public concern, from cleaning up the environment to strengthening the economy. The time for consideration of H.R. 9970, the only way the demand for electric power can be met in an environmentally acceptable way, is now.

I insert the article from the New York Times to which I referred in the RECORD at this point.

The article follows:

LINDSAY ASKS BAN ON NEW ELECTRIC HEATING IN CITY

(By Edward Ranzal)

Mayor Lindsay urged the State Public Service Commission yesterday to restrain Consolidated Edison from supplying electricity for heating new buildings under construction or about to be constructed.

The Mayor contended that the continued use of electric resistance heating on an "already overloaded Consolidated Edison system heightens the probabilities of brownouts."

"Priorities must therefore be established for the use of a diminishing supply of electricity available," Mr. Lindsay said.

Acting on the recommendation of his Interdepartmental Committee on Public Utilities, the Mayor wrote Joseph G. Swidler, the commission chairman, urging public hearings on the matter.

A spokesman for the P.S.C. said its chairman would have "no comment" on the Mayor's letter, but indicated that the entire Commission would take up the question of a possible public hearing. A Con Edison spokesman said the company disagreed with the city's assessment of the situation but would have no objections to public hearings on the matter.

The use of electricity for heating new buildings, the Mayor's committee reported, "jeopardizes" the availability of power essential to "the very existence of the city."

Milton Musicus, chairman of the Mayor's committee, said there were 15,381 dwelling units in the city under construction or in planning stages designed to be heated by electricity.

He said that some of these dwellings would have room air-conditioners and all would be centrally metered, with no direct tenant incentive for conservation of electricity.

Mr. Musicus said he had been in constant touch with Con Ed to urge the restriction of electric power for heating during the present shortage. He warned that the growing practice of installing electric heat because of lower installation costs "wastes fuel and saddles the tenants with the high costs because of the rising rates for electricity."

JOHN MARTIN EDMONDSON

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BELCHER. Mr. Speaker, at this time I would like to express my profound sympathy to my colleague and longtime friend, the Honorable ED EDMONDSON.

As we are all painfully aware, ED and his family have recently suffered a tragic personal loss. Their son, John, was killed early last Friday morning in an accident near Muskogee.

I knew John almost all of his life, and he was certainly a fine boy. I know his mother and father were very proud of him and his parents had great expectations for a fine future.

His loss was really a shock and my heart goes out to the entire family. The Edmondson family has suffered a great deal of tragedy in recent months and even though words cannot be adequate at a time like this, I know everyone concerned also feels this great loss.

POPULATION EXPLOSION: THE ROLE OF DEVELOPMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HORTON. Mr. Speaker, over the last several years there has been a great deal of discussion of the world population problem. Most of us now understand the threat implicit in the rapidly expanding rates of population growth. The Overseas Development Council, a private, nonprofit organization with headquarters in Washington, D.C., has been studying the effects of social and economic development on population growth and their work has shed important new light on this issue.

The council's recent communique, written by William Rich, addresses not only the problem, but also some of the steps which may be taken to reduce it. Mr. Rich's conclusions bring to focus the reasons why all of us need to increase our commitment to alleviating the basic problems of poverty throughout the world, and I commend this work to the attention of each of my colleagues.

POPULATION EXPLOSION: THE ROLE OF DEVELOPMENT

(By William Rich)

The limits of man's natural habitat are suddenly being recognized, adding urgency to the quest for stabilization of the earth's population. As the importance of reducing population growth becomes more apparent, however, the difficulty of achieving the goal is becoming equally clear. Family planning programs have been most successful when supported by improvements in the welfare of the poor. *It is important, if not essential, to establish certain levels of social and material well-being before family size will be voluntarily reduced.* In light of these facts, it is time to take a fresh look at the population problem, to consider the conditions of the human environment on which it is based, and to determine how development efforts can contribute to improving those conditions.

A SOCIAL AND ECONOMIC THRESHOLD TO LIMITED BIRTHS?

Births have been described as "functions of total life." The decision to have children obviously is affected by many factors. There are persons at every economic level who are either particularly fond of, or simply are not interested in raising children. There also are cultural or political factors which can either stimulate or deter parents from having additional children. In various combinations, however, improvements in social and economic welfare have consistently led to reduced birth rates. Societies that create social and economic conditions conducive to limiting family size have created, in technical terms, a "socio-economic threshold" to reduced fertility.

Demographic and economic researchers have not yet produced a mathematical formula to represent the socio-economic conditions which lead to a reduced family size. Literacy, sanitation, health, nutrition, opportunities for employment, housing and education are all contributing factors whose effects will vary with changes in the total social environment. An indication of the ways in which development can affect family size, however, is now available.

The spread of education often has been related to reduced birth rates. In the first place, education and literacy help people learn about contraception. Secondly, changes in the norms and values of educated persons are known to affect family size. Moreover, extended education often causes a delay in marriage, as well as a longer period in which the child is dependent on parental support. In some cases, parents will have to decide whether to have fewer children with, or more without an education.

Some persons have attributed the population explosion to improved health conditions. While it is true that health services, accompanied by improvements in nutrition, sanitation and education have helped to reduce death rates, it is also certain that expanded health services contribute, albeit more slowly, to birth rate reduction. These services offer a natural springboard for family planning programs. Furthermore, in many countries high survival rates must be assured before births will be limited. In India, for instance, where social, economic and religious factors virtually require having a son alive at the time of the father's death, it is still necessary to have six children in order to be relatively certain that one male will survive. Under such conditions, improvements in child survival are a likely prerequisite to acceptance of family planning.

Availability of employment is another factor which influences the birth rate. In many cases, full-time employment is the key to other opportunities for improved welfare. Employment, savings and family planning are all directly related to each other. Women who work may postpone marriage, postpone having children, or decide to have only one or two. Sending children to school instead of to work can also affect family size. As these patterns of child labor change, the cost of rearing children increases. Psychologically, employment and child-bearing are both factors which tend to connote adulthood; satisfaction of one may reduce the need for the other.

Mobility, in both the social and geographical sense, is likely to affect decisions to have children. Mobile youths may postpone marriage, and as young people move from villages to cities or from town to town, family ties will be broken. In some cases, husbands leave their families for extended periods of work in another section of the country. As women gain independent social status they become increasingly active outside of the home, and are inclined to limit family size as a result.

The factor which may do the most to create an environment conducive to family planning is based on the expansion of interests and satisfactions beyond the traditional family. A couple living in poverty, without fully productive jobs, without social aspirations or belief that they can contribute to the progress of the society, might find child-bearing and rearing the most important and enjoyable experiences in the lives. The perception by both women and men

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that one can improve one's well-being, or that of the whole community, will not in itself change the value of having children. However, such additional routes to human satisfaction might provide a viable alternative to having large families.

ALTERNATIVES IN DEVELOPMENT STRATEGIES

Better health and education, less unemployment, "modernization" . . . on the surface, this formula seems to offer nothing new. It merely reinforces the idea that the "less developed countries need to develop." But isn't that like telling a starving man to get something to eat? Socio-economic development, however, is not snyonymous with growth of the Gross National Product (GNP). It also means devising a strategy which, while using a given level of resources, will deal with problems of poverty, unemployment, and malnutrition so as to bring as many people as possible to a socio-economic level conducive to family planning.

Changes in the birth rate occurred slowly and at relatively high income levels in the U.S., but there are alternative strategies which offer hope for a more rapid transition. In Korea and Taiwan the "threshold" at which the birth rate began dropping rapidly, was reached at income levels under $200 per capita. In China, the same phenomenon is probably occurring on a massive scale with even lower income levels.

One of the chief tools of socio-economic development strategy is careful distribution of scarce resources in order to reach a broad segment of a given population. Take, for instance, the issue of health care. The traditional approach is to build hospitals and to train medical doctors at an advanced level. The side effect of such programs, however, is often that those economically well off in the cities become more healthy while the condition of the poor, particularly in the rural areas, remains virtually unchanged. A recent report from the Agency for International Development on foreign assistance for the 1970's includes in its section on health the following observation: "A.I.D.'s forty-some client governments are spending about $15 billion annually on health services. This expenditure has little effect on the lives of most people. [Health] Service delivery systems reach 10 percent of the people or less. The copying of developed country health apparatus has been expensive and inappropriate, and has had comparatively little to do with reductions in mortality or ill health in the less developed countries." For a given investment, numerous village medics with minimal skills may contribute more to the health care of the people than a relative handful of highly trained doctors or hospitals modeled after those in the United States.

Similar analogies can be drawn from agricultural development. One traditional option is to invest in tractors, which often simply replace hand laborers. The relatively large-scale farmer will benefit from such a program. The employment of farm laborers, however, will be drastically reduced and small-scale farmers may be driven out of business. An alternative investment could be made in irrigation pumps and wells or fertilizer, offered on credit to small-scale farmers, who could in turn expand their more labor-intensive production.

The central feature of such alternative strategies is that opportunities to improve conditions are made available to a large proportion of the population. All too often development efforts have concentrated on sophisticated technological or capital-intensive projects. Such programs provide direct support only to a small elite with the expectation that the benefits would eventually trickle down to the great majority of the population, as has happened in much of North America and Western Europe. But this has not been the result. Joblessness is rising in many less developed countries. The population is growing faster than the benefits are being distributed, and the welfare of the poor is not improving.

MEXICO AND TAIWAN: DIFFERENT STRATEGIES AND DIFFERENT RESULTS

Examples from Mexico and Taiwan illustrate how alternative development strategies affect birth rates. The following table presents selective indicators of conditions in the two countries.

	Taiwan	Mexico
Population growth rates (percent):		
1951	3.8	
1955		3.5
1963	3.0	3.4
1970	2.2	3.4
Income per capita (1969)	$334	$506
GNP growth rates in the 1960's	10	/
Ratio of income (richest 20 percent to poorest 20 percent):		
1950	15–1	10–1
1969	4.5–1	16–1
Literacy (1970) (percent)	85	76
Infant deaths per 1,000 births (1970)	19	68
Unemployment and underemployment.[1]	negligible	serious

[1] Reliable measures of underemployment are not available; however, conditions are substantially different in the 2 countries.

As a result of socio-economic improvements in Taiwan the birth rate dropped from 46 per thousand in 1952 to 36 in 1963 at which time a vigorous family planning program was introduced. It fell even faster thereafter to 26 in 1970, which reduced the population growth rate to approximately 2.2 percent. In Mexico, on the other hand, the birth rate has only declined from 44 per thousand to 42 during the period 1952 to 1970. While the birth rate is declining in a few areas, this trend has not affected the majority of the Mexican population. Highly uneven distribution of income and social services as well as religious constraints and a lack of government support for family planning programs have all contributed to Mexico's sustained population growth.

In terms of productivity, both countries can be described as "successful." The poorest 20% of the population in Taiwan, however, improved their economic standing by over 200% in the last two decades, while the income level of the same group in Mexico fell by 20%.

Both Taiwan and Mexico have enjoyed the benefits of the "green revolution," the agricultural breakthrough which has yielded vast increases in grain production. In Mexico, however, improved wheat harvests have contributed little to help alleviate poverty. In 1960 over half of this country's total agricultural output was produced on only three percent of the Mexican farms. The same three percent accounted for 80 percent of the increase in agricultural production between 1950 and 1960. Owners of the large-scale, capital-intensive, irrigated farms were by far the largest beneficiaries of the new wheats In a ten-year period, the number of landless laborers increased 43 percent, while the average of days worked each year dropped from 194 to 100.

In Taiwan, on the other hand, land reform has put strict limits on individual land holdings, so that the average farm has only about 2.2 acres. There is also an extensive system of farm cooperatives to provide credit, markets, and new technology. As a result, small-scale rice farmers have been able to take advantage of the new crops; they have almost doubled their output in the past 20 years, while at the same time providing employment for rural dwellers.

Cultural, geographic and political conditions in Taiwan and Mexico are vastly different. The impact of these various factors on birth rates is unclear. The differences in development strategies, however, certainly appear to be linked to differences in family size.

THE CHINESE MODEL

Birth rates in China also appear to be falling, and this drop may well be related to a combination of socio-economic progress and family planning similar to that found in countries such as Taiwan, Singapore and South Korea. Although total economic activity, as measured by indicators such as the GNP, is still quite low, major social changes seem to have dramatically altered the life of the average individual, and appear to have created a living environment increasingly conducive to successful family planning programs.

The most extreme forms of poverty have been mitigated in recent years and there has been a notable improvement in the standard of living of the poorest half of the population. China has stressed rural employment, rather than industrial development, a strategy which has brought major social changes to the population group that in most other countries has been the last to change.

A number of innovations played a role in this reduction in births. With respect to social services, China has supported "barefoot doctors", medical workers with minimal training, who appear to have brought basic health care and family planning services to a large part of the population. Another innovation is the Chinese commune—or, alternatively, the production team—which generates financial and social security, formerly the province of a strong family structure. Where the new system is successful and stable enough to be depended on, it is no longer necessary to have a surviving son in order to be sure of receiving support during old age, thereby reducing the need to have children and causing the "socioeconomic threshold" to drop.

Finally, official propaganda has encouraged individuals to delay marriage and has stressed the ideal of the small family. The combination of all these changes, within the Chinese context, is apparently providing a successful start to stemming China's population growth.

HOW SHOULD THE U.S. RESPOND TO POPULATION PROBLEMS?

The most basic decisions relating to both poverty and population growth will be made by the particular nations concerned, but the rich nations of the world control resources which can affect both when and how other nations across the socio-economic threshold. The U.S. must address two principal issues if the population explosion is to be effectively checked. In the fist place, the distribution gap which separates rich countries from poor must be narrowed, so that more resources are made available to accelerate development in the poor countries. Secondly, the transfer of resources should take place in a way that facilitates improved distribution and employment patterns within the less developed countries.

As the United States confronts new issues in trade, monetary and resource policies, it must continually seek ways to make the tools for development more available to the less developed countries. Without such an effort, the gap between rich and poor, within and between countries will certainly widen, and population growth may well continue unabated. Questions of capital transfer, in turn, must be linked to questions of the distribution of wealth within the poor countries. What will be the effect of a given capital investment: will it be beneficial to the poor, or will it be inappropriate to the country's economy because it displaces labor while adding to the coffers of the country's economic elite? Introducing advanced technologies into poor countries is also a questionable policy where these countries need labor-intensive production to achieve a high level of employment. The difficulty of these problems, however, should not be an excuse for ignoring the basic need for resource transfer.

Finally, efforts to deal with poverty and development should be complemented by vigorous support for population programs and family planning research. The need to integrate family planning programs with other development projects is critical. Families which cross the "socio-economic threshold" need ready access to family planning services if the birth rate is to be controlled.

CONCLUSION

In the long-run it is difficult to imagine how population growth can be stemmed unless we confront the problems of widespread poverty and rising unemployment. Social justice may well be an indispensable key to the eventual reduction and stabilization of population growth. As the limits of growth become apparent, and as we understand population problems more clearly, policies that bring health, education and jobs to the poor become more than a humanitarian ideal; they also emerge as a pragmatic necessity.

April 13, 1972.

AMERICAN BAR ASSOCIATION COMMITTEE ISSUES REPORT ON PREVENTION OF URBAN CRIME

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the American Bar Association's Special Committee on Crime Prevention and Control recently released a report with a number of recommendations concerning the prevention of urban crime.

The several recommendations are worthy of the fullest consideration—especially the proposal for removing from the dockets of the courts the traffic violations and minor offenses which occupy and consume much time of our judges and which crowd out and delay the trial and litigation of serious charges.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD an excerpt from the American Bar report on urban crime.

The report follows:

RELEASE REPORT ON STUDY OF URBAN CRIME

The ABA Special Committee on Crime Prevention and Control, chaired by Edward Bennett Williams, Washington, D.C., attorney, has released a 102-page report on its one-year study, entitled "New Perspectives on Urban Crime."

The report reflects the views of the committee only. It has not been approved by the House of Delegates or Board of Governors.

In its report, the nine-member committee unanimously recommended:

Creating a system of federally-financed narcotics treatment centers to dispense withdrawal, methadone and other treatment—even heroin as a last resort—in a controlled medical environment.

Consideration by legislatures of repealing "victimless" crimes, such as adultery, vagrancy, drunkenness, gambling, prostitution and homosexuality, so that courts can concentrate on crimes that have aroused citizens' fears for safety.

Eliminating mandatory grand jury procedures in typical street crime cases where the jury often has proved a dubious safeguard and an expensive waste of time for the prosecution and the accused.

Increasing resources and speeding procedures in court probation offices so that defendants can quickly be given appropriate sentences on conviction.

Ending high-bail policies and discouraging more "preventive detention" laws, because keeping defendants in jail frustrates the rehabilitative process that could begin before trial in many cases.

Halting the time-consuming practice in many courts of questioning prospective jurors individually.

Tighter court administration experiments with computerized transcripts, fewer written briefs in criminal appeals lacking novel points of law, and shorter written opinions by appellate judges.

The nation's narcotics control policy has been "a dismal failure," the committee said, adding that what is needed is "a bold new policy which recognizes heroin addiction not as a moral problem to be dealt with through harsh penal actions, but as a disease for the individual addict and a health crisis for the rest of society."

The main function of the criminal justice system would be to identify addicts and channel them into the rehabilitative process.

The committee said the handling of victimless crimes should be transferred to nonjudicial agencies, such as detoxification centers, narcotics treatment centers and social service agencies. "The handling of other nonserious offenses, such as traffic violations and housing code violations, should be transferred to specialized administrative bodies."

THE SIGNIFICANCE OF HARPERS FERRY, W. VA.

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. STAGGERS. Mr. Speaker, the year 1972 marks the 100th anniversary of the establishment of the National Park Service. In celebration of the event, the service sponsored an arts and crafts show at Harpers Ferry, W. Va., over a period of several days in the early part of June. Thousands of visitors accepted the invitation to attend. The featured address of the occasion was made by the genial and influential senior Senator from West Virginia, the Honorable JENNINGS RANDOLPH. Senator RANDOLPH has given much time and attention to the promotion of park service operations. His interest in Harpers Ferry may be taken for granted, since it is a part of what was once his congressional district, and is now within the area I am most happy to serve.

It is matter of coincidence that 1972 is also the centennial year of Harpers Ferry as an incorporated town. Its importance historically covers a longer period. It was the gateway from the North and East to the South and West. Pioneers from Pennsylvania and New York reached the Great Valley of Virginia in colonial days through Harpers Ferry. In the early days of the 19th century a canal along the Potomac River and the first railroad built in the Nation helped to open up the Great Plains to settlement and development.

Harpers Ferry is still the passage way to modern vehicular traffic. And a magnificent portal it is. People travel to Europe to view juxtapositions of mountain and stream and valley no more breathtaking.

The historic significance of Harpers Ferry is augmented by the fact that here the great struggle between the North and South began. Possession of the site was the key to the success of the contending armies.

This combination of circumstances makes Senator RANDOLPH's address well worth reading. I feel that it will be of interest to a wide variety of readers, and I therefore request that it be printed in the RECORD.

SPEECH BY SENATOR JENNINGS RANDOLPH

We are gathered in a historic area with a magnificent array of nature's good works spread before us to enjoy. The rivers rushing along, the trees that cover the earth, and the rolling farmlands that provide food, are here for all of us to appreciate and use.

I can conceive of no finer setting in which we could meet to enjoy. The arts and crafts of our mountain heritage and commemorate the centennial of the National Park Service. We place particular emphasis on the programs being carried forward at Harper's Ferry National Historical Park. This is indeed an appropriate location for recognition of the vital work of the West Virginia Artists and Craftsmen's Guild and the employees of the National Park Service who share a mutual bond of significant contributions to the enjoyment, education, and realization of millions of our citizens. It is especially satisfying for me to witness the use of Harpers Ferry as a focal point for the display of the handwork and talents of our artists and craftsmen who strengthen and enhance understanding and appreciation of our past. For nearly three decades, I have been involved in the park development of Harpers Ferry. I think we all agree that it has been a tremendous success, and we can look forward to even greater achievements.

I introduced legislation to designate Harper's Ferry as a National Historical Monument, and my involvement has been more than that of a legislator. In addition to wishing all that is good for our State, I have an emotional attachment to this town and to this area that transcends the usual affection of a man for his homeland and its people.

The History of Harper's Ferry goes deep into our Nation's past. The town shared an important role in the development of the United States, first as a frontier outpost and later as an important point on the trail west. But Harper's Ferry owes its prominence today to the events that occurred here just over a century ago when the great social and political questions of that time were focused in this community.

Many of the dilemmas faced, not only then but now, can be more fully understood, if not solved, by a study of the history of this area.

There is, therefore, an historical heritage here—a heritage that we recognized years ago must be preserved as an important part of the American past. Harpers Ferry not only has much to tell about the maturation of the American nation, but from it we may learn partly how to cope with contemporary problems.

We owe much to the National Park Service for the skillful, sensitive and enthusiastic manner in which it has approached the preservation of Harpers Ferry.

It is through a long history of involvement with the places important to the Nation's past that the Park Service accumulated the talent that has been so much in evidence here in the creation of the National Historical Park, the Mather Training Center and the Interpretive Arts Center.

The National Park Service also is charged with great responsibilities in addition to its

stewardship of many of our most important historical sites. The Nation's greatest public recreation areas also fall within its jurisdiction.

In all 50 States, the National Park Service has direct management responsibility for 74 natural areas, 171 historical areas, 37 recreational areas, and the National Capital Parks—a total of 283 units in the National Park System. And visitation in 1971 for these units totaled nearly 201 million persons. It is estimated that in 1972 this figure will increase by 6½ percent to a total of over 213 million. Harper's Ferry National Historical Park received visits by 1,130,000 persons in 1971 and the projected increase for our park is ten percent annually over the next several years.

Clearly, the management task of the Park Service is one of great responsibility. With this responsibility, the Park Service is becoming increasingly concerned with respect to the creation and maintenance of a clean and wholesome environment.

Its jurisdiction and its expertise have placed the Park Service squarely in the thick of the environmental struggle that is taking place in the United States today.

The National Park Service's involvement in environmental improvement must of necessity be largely limited to the areas in which it has direct jurisdiction. But its influence, gained through years of experience in dealing with nature, can be widely felt.

There is, in fact, no unit of government—however small—no organization, no community, no individual that is immune from involvement in what must be the great, continuing challenge of our time.

Americans are concerned over the air they breath, the water they drink, the land, the oceans, and the atmosphere. They have ample reason for their concern and they are making it clear that they will not longer tolerate the abuses of past years.

The ecology explosion has taught us that we cannot consider things in isolation. We must, instead, look at the world in which we live as a whole, with each activity and each part of nature relating to the rest.

This interdependence of man and nature and the long-range effects of our actions indicate that what you do here in the eastern panhandle is of concern to people living in Washington and even farther away.

This peaceful area, with its delightful pattern of life, may seem a long way removed from the problems of large metropolitan areas. But the nature of the topography and the way the Potomac River and the Shenandoah River flow carry the impact of your actions hundreds of miles away. If pollutants are dumped into the stream in their headwaters, they can easily find their way eastward to foul the water supply of millions of people.

Conversely, demands for water in the Washington area can dictate how river flows are controlled upstream.

Over the past year, for example, I have traveled to many parts of the country to discuss problems of the environment with many groups—students, business executive, government leaders, and individual citizens.

In each instance, I have stressed—and I do so again today—the importance of the individual in keeping our land clean and healthy. Government can do much. Industry can contribute immeasurably. But without individual responsibility exercised by every citizen, we will never reach the goals we have set.

A positive reaction is taking place, and there is noticable progress in mobilizing citizen opinion and energy to remove the neglect of years and restore our Nation.

And there is a very vital role in that restoration for an understanding and appreciation of our cultural heritage. As I stated earlier, I can conceive of no finer setting in which we could meet to enjoy the arts and crafts of our mountain history and living patterns. A more enlightened understanding of the history—the existence—of our forefathers, in my judgment, prepares us so much better to cope with the problems of the future. We necessarily must focus on the problems of a rapidly moving and fast-paced existence in this Twentieth Century. But that does not release us from our responsibility to search out and understand the greatness of our heritage. It does not lessen our responsibility to pass on to our children and young people this same understanding.

To study history from books alone has proven inadequate. There must be a humanization of our study and learnnig process. And it is in this area of focusing on the human element in our history—in focusing on the people—that the activities in our arts and crafts program are so vital. It is through the promotion of the handiwork and talents possessed and used by our forefathers that we gain the humanization and genuine appreciation of our history and heritage.

The enjoyment, enrichment, and education potential within our viable West Virginia Artists and Craftsmen Guild is truly unique. I know that it is a potential being used to benefit citizens—young and old. And I know also that there will be greater accomplishments and successes in the future.

Jefferson County is fortunate that it counts among its good citizens the people of the National Park Service and the Artists and Craftsmen's Guild. Their work in Harper's Ferry is a splendid, though not isolated, example of how beneficial improvements can be accomplished without detrimental side effects.

We commend them and extend congratulations to their friends and associates here whose contributions have made Jefferson County and the Eastern Panhandle of West Virginia and our Nation a better place in which to live.

JOINT RESOLUTION TO ESTABLISH UNIFORM INTERNATIONAL STANDARDS TO PROTECT AIR TRAVELERS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RIEGLE. Mr. Speaker, I am sure our colleagues share my feeling of horror at the May 30 massacre of 25 persons, and the wounding of countless others, at Israel's Lod International Airport. This action, together with yesterday's bombing of a jet during takeoff in Detroit, adds to the growing number of such incidents around the world. Not only can the international community not condone such actions in anyway, but we can no longer delay in seeking solutions in this problem.

In the wake of this carnage, we must not sit back and hope for the best, leaving solutions to those concerned, for in a very real sense, we are all concerned. Threats to any air travelers constitute threats to all air travelers, as the Lod incident has graphically shown us.

Therefore, I have joined in cosponsoring House Joint Resolution 1222, directing the President to seek international agreements which will establish uniform standards for the protection of individuals using airport and aircraft facilities. As such incidents constitute a very real threat to communications between nations, the world community has a collective obligation to institute measures tightening security for airline passengers. I urge my colleagues to join me in seeking a workable solution to this pressing problem.

MARVIN COX

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BOW. Mr. Speaker, Marvin Cox, a good friend for many years and a friend of many other Members, is retiring from Federal service later this month.

I first met Marvin when he was administrative assistant for my late and very dear friend, Prince H. Preston of Georgia. Our good relationship has continued through the years while Marvin has been a legislative liaison officer for USIA.

I wish to include with my remarks at this point an excellent article from Roll Call concerning Marvin Cox. The article was accompanied by a picture of Mr. Cox with the gentleman from New York (Mr. CELLER) and the gentleman from Texas (Mr. PATMAN) who are the only Members now serving who were serving when Marvin Cox arrived on Capitol Hill in 1931.

The article follows:

MARVIN COX

A Capitol Hill career that began as a Congressman's secretary during the Speakership of Nicholas Longworth when each Member conducted his Congressional business in a one-room office will end this month with the retirement of Marvin Cox as Congressional Liaison Officer for USIA, where he has handled Congressional matters since he left his post in the late '50's as Administrative Assistant to the late Georgia Congressman, Prince H. Preston.

Only two current Members, Wright Patman of Texas and Emanuel Celler of New York, were serving in the House when Cox began his duties with the late Homer C. Parker in 1931.

Cox "was there" when John Nance Garner was elected Speaker as the first Democrat in that post after 14 years of Republican control of the House, and he witnessed Franklin D. Roosevelt's first inaugural in 1933 when FDR told a despairing nation, "the only thing we have to fear is fear itself."

The allowance for Congressional "clerk hire" in those halcyon days was a flat $5,000 per year to be divided between two secretaries, Cox recalls, and all Members were housed in the present Cannon House Office building, as the Longworth building "had not been completed, nor the Rayburn building even thought of."

A vivid memory of the retiring veteran's early New Deal days was the first political coup of Lyndon Johnson, then secretary to Rep. Richard M. Kleberg of Texas. The future President rallied the eager secretaries to the scores of new Members who had been swept into office in the Roosevelt 1932 landslide to have himself elected Speaker of the "Little Congress," an organization of House staff members which held weekly debates on current legislative issues under the rules of the House.

"Tom Camp, secretary to Rep. Ramspeck, was due for election as Speaker under a long-standing tradition of rotation," Cox remembers, "but Lyndon organized those new staff people and swept that tradition into the waste basket."

The "Little Congress" has long since passed into limbo.

Cox, a veteran of many Georgia Congressional campaigns, expects a busy summer despite his imminent retirement. His lawyer-son, a six-year veteran of the Georgia State Senate, faces primary opposition in his race for re-election. "I expect to be back home licking stamps for Jay's campaign letters," says the veteran of Congressional activity under six Presidents, "so I won't have time to worry about being bored."

The latest of many legislative struggles in which Cox has participated over the years was the successful effort in the Senate to have $45,000,000 cut from the 1973 USIA budget by the Foreign Relations Committee restored by amendment on the Floor. The USIA had the full amount restored by floor amendment, but Cox refuses firmly to talk about any phase of those proceedings.

The veteran Congressional staff man and liaison officer considers his years associated with the Hill both happy and productive. But he disclaims any profound knowledge that those years have brought.

"The only change I can think of that might improve the government," Cox says in his pronounced Georgia drawl, "is to move income tax day, April 15, to co-incide with Election day in November. This might bring both candidates and voters into closer touch with the realties of government.

"I'm not starting any crusade to bring about this unlikely event," he hastens to add.

As to the future, the retiring veteran professes a desire to observe the workings of the British parliament to see the points of contrast between the way in which constituents are served by the British MP's and American Congressmen. "Just to satisfy my curiosity, Cox says, "I'd like to see just how the Parliament works as compared to our Congress. I don't mean the Constitutional theories; I mean the every day way the MP's get things done."

GENOCIDE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DERWINSKI. Mr. Speaker, genocide, according to a leading dictionary, is defined as "the deliberate and systematic destruction of a racial, political, or cultural group." While is usually results in death for those at whom it is aimed, it can also be carried out in other ways, such as persecutions, confiscation of lands and other properties, jailings, and deportations. Once the victims have been removed by flight, transportation to less desirable regions, or imprisonment, their homes, farms, and businesses are turned over to those who are in the good graces of the ruling authorities.

Thirty-one years ago today, on June 14, 1941, the Soviet Union began to execute its policy of genocide in the Baltic nations. Those three small republics, Estonia, Latvia, and Lithuania, had been annexed to the huge Soviet Empire a year earlier. Tens of thousands of the Baltic people were killed and about a million were deported to Siberia and other areas.

During the following 4 years, the Baltic lands formed part of the battleground as the erstwhile allies, the National Socialists of Germany and the Communists of Russia, fought against each other. Those Estonians, Latvians, and Lithuanians who remained were terrorized by whichever of these vicious forces happened to be in the ascendancy. The final defeat and elimination of the Nazis left the Communists in undisputed and complete control.

While some of the Baltic peoples still reside in their ancient homelands, others have been replaced by Russians from other sections of the Soviet Union and still others have been scattered to other parts of the world. Many Estonians, Latvians, and Lithuanians have, during the past three decades, begun life anew in free America. As loyal and industrious citizens they have made important and lasting contributions to their adopted country.

Mr. Speaker, may I now quote from the words written by a prominent Lithuanian Jew. Once friendly to the Soviets, his 7 years spent in slave labor camps in Siberia made him a bitter opponent of the Communist regime. Listen to the words penned by Dr. Julius Margolin:

> Until the fall of 1939, I had assumed a position of benevolent neutrality toward the U. S. S. R. . . . The last seven years have made me a convinced and ardent foe of the Soviet system. I hate this system with all the strength of my heart and all the power of my mind. Everything I have seen there has filled me with horror and disgust which will last until the end of my days. I feel that the struggle against this system of slavery, terrorism, and cruelty which prevails there constitutes the primary obligation of every man in this world. Tolerance or support of such an international shame is not permissible for people who are on this side of the Soviet border and who live under normal conditions. . . .
>
> Millions of men are perishing in the camps of the Soviet Union. . . . Since they came into being, the Soviet camps have swallowed more people, have executed more victims, than all the other camps—Hitler's included—together; and this lethal engine continues to operate full blast.
>
> And those who in reply only shrug their shoulders and try to dismiss the issue with vague and meaningless generalities, I consider moral abetters and accomplices of banditry.

Mr. Speaker, last fall, it was my privilege to serve at the U.N. and, during a discussion of the subject of the right of peoples to self-determination, I raised the question of Soviet control over the Baltic States. The point I made was as follows:

> The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point. They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its "Socialist Republics." So far as the Communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States.
>
> Large numbers of Baltic peoples were transferred to the Soviet interior after 1940. There are indications that as many as 60,000 Estonians and 25,000 Latvians, and probably more Lithuanians, were deported or killed during the first Soviet occupation of the Baltic States in 1940–41. The largest deportation occurred on the eve of the German invasion. After the war several waves of deportations were conducted particularly from Lithuania, and chiefly in connection with the collectivization drives in the Baltic States.
>
> Comparison of Soviet data on peasants in Latvia for the period from early 1947 to May 1949, shows that some 36,000 families or bout 150,000 individuals were eliminated from the rolls during the period. Making allowance for migration to cities, it appears that over 100,000 Latvian peasants were deported to the interior. The figure for Lithuania may be assumed to be still higher. The Baltic peoples were evidently resettled in various regions of Siberia, as well as in the north.

Mr. Speaker, I trust that the Members of the House will keep in mind the legitimate aspirations of the Baltic peoples to independence and the right to again reside in their historic lands.

Mr. Speaker, in conclusion, may I direct the special attention of the House to House Congressional Resolution 416, which was adopted in the 89th Congress, which carries the following clause:

> Resolved by the House of Representatives, That the House of Representatives of the United States urge the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania; and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

This resolution passed the House of Representatives on June 21, 1965, and the Senate on October 22, 1966. This is, in fact, the position of the Congress. I do not believe that any developments since then have changed the basic congressional view. We should use every step possible to see that the illegal incorporation of Lithuania, Latvia, and Estonia into the Soviet Union is greatly contrary to international law and should be terminated. We cannot have lasting peace in the world unless all people, and this obviously includes the Baltic States, have the right of self-determination and government of their own choosing.

A SALUTE TO EDUCATION

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVANS of Colorado. Mr. Speaker, one of the major goals of government in America is to provide the conditions under which all citizens can partake of the bounty this Nation has to offer.

For many Americans that goal has been met, but for others and for all of our descendants, the goal remains ahead

State and local governments have recognized that the way to meet that chal

lenge is to provide the best possible education for the greatest possible number of people. During this school year these governments are spending nearly $47 billion for elementary and secondary education.

The National Government says it recognizes the same fact, but its expenditures for education are comparatively small, indeed. During the current fiscal year, for example, the Federal Government spent only $3.4 billion for elementary and secondary education. The Federal budget proposal for the new fiscal year is only $3.6 billion.

I think the Federal Government can and ought to do better than that.

Recently, the House Appropriations Committee added an additional $301 million to the President's education budget and there have been what seem to me very valid efforts to add $364 million more.

The bulk of this extra money would go to increase the Federal contributions to elementary and secondary education, and library services, all, in my opinion, areas in which the Federal Government ought to be doing more.

We have recognized our responsibility to provide education for the American people, present and future. Now I believe it is time to fulfill that responsibility.

TRIBUTE TO TOM BRADLEY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BELL. Mr. Speaker, on Friday evening, June 23, a testimonial dinner will be given for my friend Tom Bradley to honor him for 34 years of distinguished service to the city of Los Angeles.

The second of six children, Tom was born in Texas; he came to Los Angeles with the Bradley family in 1924 when he was 7 years old; he graduated from the Los Angeles Polytechnic High School where he was a star athlete and an outstanding student; he attended UCLA on an athletic scholarship.

Tom Bradley joined the Los Angeles city police department in 1940, served as an officer for 21 years, and retired in 1961 as a lieutenant, the highest rank which had then been accorded to a black man on our police force.

In 1951, while continuing to perform his police duties during the day, Tom began taking night classes at Southwestern University Law School. He received his degree, passed the State bar examination, and was admitted to practice law in California 5 years later in 1956.

In 1961, retiring from the police department, Tom opened his own law office and became actively involved in politics. Two years later, in the racially mixed but majority white 10th district, he became the first Negro ever elected to the Los Angeles City Council. He has been reelected by overwhelming margins in 1967 and 1971.

Councilman Bradley quickly became recognized as a leader in the field of regional planning. He has served as president of both the Los Angeles County Division of the League of California Cities and of the Southern California Association of Governments. For the 1970–72 term he was elected president of the National Association of Regional Councils.

Currently he serves as a member of the board of directors of the National League of Cities, as second vice president of the mayor's and councilman's section of the League of California Cities, as board member of the Los Angeles branch of the Urban League, and on a multitude of Federal, State, and local committees. He is the founder of the Urban Coalition of Greater Los Angeles.

In 1969, in a campaign that received nationwide attention, Tom Bradley ran for the office of mayor of the city of Los Angeles. He received 42 percent of the ballots in the primary election, far surpassing the votes received by any of the other 14 candidates, and was defeated in the runoff election when he fell 3.3 percent short of a majority.

Even in defeat, however, Tom Bradley captured the imagination and restored the interest in local government of hundreds of thousands of citizens from every section of Los Angeles who were moved by the dignity and competence of his campaign, and by the integrity and idealism which he projected.

In 30 years of service to the people of Los Angeles, Tom Bradley has been an uncommon man, a trail blazer, a balancing, conciliating, creative influence in our community. He has also been an inspiration to men and women of his own race, and to all races, that men of good will can make a difference in our society.

For these reasons, Mr. Speaker, it is with special pleasure that I direct the attention of the U.S. Congress to the career of Councilman Tom Bradley of Los Angeles and note that I will be joining his many friends at the Beverly Hilton Hotel on June 23 to show him something of our profound admiration, gratitude, and respect.

TAX "REFORM" IS A POOR SUBSTITUTE FOR ECONOMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RARICK. Mr. Speaker, because economy is, or ought to be, the watchword of good government, I insert an interesting editorial commentary from the June 12, 1972, issue of Barron's in the RECORD:

[From the Barron's, June 12, 1972]

UP FOR GRABS—TAX "REFORM" IS A POOR SUBSTITUTE FOR ECONOMY

(By Robert M. Bleiberg)

"No matter how much emotion a President may feel at all these aberrations of the democratic process, he cannot or, at least, should not display it lest he injure the process itself. There was a choice of two courses: The one was to battle publicly with the Democratic-controlled Congress; or to do one's best to cooperate, consult, explain and implore, with the hope of getting somewhere. . . . The constitutional division of powers is the bastion of our liberties and was not designed as a battleground to display the prowess of Presidents. They just have to work with the material that God—and the voters—have given them."

Thus philosophically wrote Herbert Hoover in his Memoirs, 1929–1941. Whether and when President Nixon, who also must deal with a balky Democratic Congress, has sought enlightenment or solace in his predecessor's words, must be left to some future historian. Suffice it for us to say that many times during the past four years—and perhaps never more so than now—he would have found them remarkably incisive and to the point. In a no-holds-barred attempt to gain control of the Executive Mansion in November, the opposition in the House and Senate, both of which rejoice in an abundance of Presidential (and Vice-Presidential) timber, have chosen to play politics with the nation's tax structure. ———, front-runner for the nomination, led the way in March, when he introduced his Tax Reform Act of 1972, a revolutionary set of proposals aimed, in the law-maker's view, at "closing $28 billion in tax loopholes which now benefit the rich and the big corporations." Last month ———, in what the astute Eliot Janeway called a "three-pronged power play," jumped on the bandwagon with his "Tax Policy Review Act," which, unless Congress takes affirmative action, would phase out every so-called tax preference, 54 all told, by 1976.

Like so many of his colleagues on Capitol Hill, ——— evidently would rather be President than right. Even in an off year like 1969, so the record suggests, when nobody's running for office, the odds are against anything sensible emerging from either the Ways & Means Committee or a Democratic Congress. That was the year, readers may recall, when a great hue and cry arose over a few hundred millionaires who, one way or another, had legally avoided paying any federal income tax. The result was the Tax Reform Act of 1969, a complicated, ill-conceived piece of legislation now known unofficially as the Lawyers' and Accountants' Relief Act, which jolted the bond (notably municipal) markets and, while barely denting the number of untaxed economic royalists, did plenty of financial damage to far-from-rich, middle management folk trying to amass a little capital. To judge by the behavior of the stock market, which traditionally can't stand uncertainty, the latest spate of anti-establishment schemes may have an even greater impact on private and public purse alike. Meanwhile, the true grievance of all taxpayers, large and small—the frightful waste of money on futile programs, documented in a scholarly work by the far-from-conservative Brookings Institution—goes on and on with no apparent hope of redress. Tax reform may make an effective campaign slogan; economy is, or ought to be, the watchword of good government.

Demagogues, to be sure, tend to take a different view, one which has found expression in measures on the books as well as others now pending. A case in point is the Tax Reform Act of 1969, which, among a host of other things, repealed the investment credit, limited accelerated depreciation in real estate, reduced mineral depletion allowances, increased levies on capital gains and pension-profit sharing plans, and, in a thrust at those odious beneficiaries of great wealth, imposed for the first time a Minimum Tax on otherwise sheltered income. ——— measure calls for repeal of the accelerated depreciation range system; taxation of capital gains at death; reduction of the oil depletion allowance from 22% to 15%; increase in the rates and lowering of the exemption in the Minimum Tax cited above.

For sweep and daring, ——— bill makes everyone else look like a piker. Designated "a bill to insure Congressional review of tax preferences and other items which narrow the income tax base, by providing now for the termination over a three-year period of existing provisions of these types," H.R. 15230 in effect would put everything up for grabs. Thus, next year one third of the 54 "preferences," including income tax exemption of an employe's death benefit up to $5,000, exemption of $100 of dividends, capital gains treatment for lump-sum distribution from pension funds, and percentage depletion for minerals, unless re-enacted by Congress, would expire.

In 1974, another 18—notably exclusion of sick pay from taxable income, deduction from income of intangible drilling and development costs, capital gains on the sale or exchange of patents and deduction of non-business interest and taxes—would be under the gun. Finally, in 1975 would come the turn of the last 18, including the retirement income tax credit, tax exemption on municipal bonds, deductions for charitable contributions and medical expenses, and provisions on capital gains.

In an accompanying statement, ——— disclaimed any attempt to prejudge the issues. "I am in no way expressing an opinion about the merits or demerits of any of the provisions listed for review. In fact, many appear to me to be desirable under present circumstances." Sentiments worthy of Pandora, but scarcely reassuring to those who can remember as far back as 1969, when the House Ways and Means Committee which originates all such legislation, took its last full-dress swipe at tax reform. Despite extensive hearings, which filled 15 large volumes with testimony, the legislative procedure was slipshod: on the day before the bill was scheduled to come up for a vote on the floor, the Chairman called an extraordinary session of the Committee at noon to consider the fate of seven million middle-income taxpayers who had somehow gotten lost in the shuffle.

In a dissenting report ——— was "severely critical" of the proceedings. He pointed out that not until July 28, six days before the report was written, did the Committee get a chance to view "any of the more than 360 pages of this very complicated legislation . . . on that day, just six days ago, we first saw and took under consideration a tentative draft of a part of this bill. On that day, we approved some 83 pages. This same rapid pace without any opportunity for the Committee to examine the language in advance was carried on for the rest of the week. . . . In my opinion this would be a near impossible feat for even the best informed. . . . In my opinion all of these matters are far too important for this type of deliberation and decisionmaking."

Small wonder that here and there things went awry. Take the untaxed millionaires—in 1966–67, according to retiring Secretary of the Treasury Joseph Barr, who inspired the whole affair, 750 people with incomes of more than $100,000 per year, and 154 making $200,000, paid no federal income tax. In 1970, despite passage of the 1969 "reforms," 394 and 100 people, respectively, in the same two brackets, also got off scot-free. While the original targets thus suffered only a glancing blow, others were hit harder. As reported out by the House, the 1969 measure contained a back-door provision for taxing the income on municipal bonds; though cooler heads ultimately prevailed, the threat for a time dealt the tax-exempt market a body blow. (In view of ——— pronounced dislike for this "preference," a rerun would come as no surprise.)

On the whole, here is how Raymond Saulnier, who headed the Council of Economic Advisers under President Eisenhower, viewed the House version. "Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. . . . One is impressed again and again that what we have here is a massive example of throwing out the baby with the bathwater—in this case, a whole family of babies, with a few cups of bathwater." (Last year, of course, Congress backtracked on some of the worst features of "reform.")

Despite all disclaimers, the new ——— bill is even more disquieting. As the National Association of Manufacturers stated last week: "Even if the intent of the bill is to assure review rather than repeal, the fact of the termination dates written into the law without any compensating adjustments will cause great economic uncertainty and damage the business recovery. To plan for new investment and employment opportunities—not to mention the government's own budget planning—requires at least some consistency in tax policy. The prospect of three years of turmoil in which critical provisions of the Code are in doubt such as the investment credit, depreciation treatment (all depreciation treatment, not just the recent ADR liberalization), capital gains provisions, and others could paralyze financial planning for many enterprises, large and small."

In conclusion, the NAM for once has pulled no punches. "Somehow the debate on tax reform must recognize the underlying fiscal problem of unfettered spending growth at all levels of government. This is what got the tax reform debate started again—the big federal budget deficits, the hints about raising taxes or introducing new taxes next year. While so much attention is being paid to shifting of tax burdens, very few appear concerned with expenditure control. In our view it makes much more sense to set termination dates for various spending programs. We understand the Administration has a list of 110 such programs which it feels are deserving of repeal. If Congress is to embark upon the uncertain course charted by H.R. 15230, it at least should apply the equivalent approach to the other side of the ledger. . . ."

RICHARD F. KLINE, SR.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, last week, Frederick, Md., lost one of its most distinguished citizens, Richard F. Kline, Sr. Dick Kline was one of the most respected citizens of Frederick—an experienced businessman and civic leader who built a small company into a large and successful contracting organization. He will be missed not only by his family but by the entire community.

Mr. Kline was born in Frederick March 4, 1909, son of the late Thomas and Cora Grossnickle Kline. He was a member of the Centennial Memorial United Methodist Church where he was very active in the Otterbein Men's Bible Class. He was graduated from Frederick High School in 1928 and attended Devitt Preparatory School in Washington, D.C. and the University of Maryland.

He had served in many civic capacities. For many years he was a member of the board of directors of St. James School. He also was a member of the board of directors of the Maryland National Bank, Frederick. Mr. Kline was president and founder of R. F. Kline, Inc., and Kline Paving Co., and was also chairman of the board of directors of Frederick Asphalt Products. He was a member of the board of directors of the Maryland Highway Contractors Association and has served on the board of the American Road Builders Association.

Dick Kline was a man of many interests. His contributions to Frederick and Frederick County will be long remembered as will his warmth and generosity. I and all who know him will miss this outstanding citizen and friend.

NATIONAL OIL RECYCLING ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. VANIK. Mr. Speaker, the United States today is wasting fully one-fourth of its total production of lubricating oils by failing to take advantage of available used oil recycling technologies. This waste is a national disgrace, particularly since most of the used oil is disposed of in ways which are harmful to the environment. Additionally, as the possibility of a serious shortage of oil in the United States becomes more likely, this waste serves to undermine the national defense.

In light of this serious national problem, I introduced draft legislation on December 2 of last year, to encourage improvements in oil recycling. This legislation was consequently cosponsored by about 50 Members of the House and has been introduced in the Senate. Since that time, this legislation has been extensively reviewed by a number of conservationists, environmental lawyers, and the EPA. It is my understanding that the EPA has prepared a study on the need for legislation in this area and has indicated that while my original bill has weaknesses, it would be very useful legislation.

Therefore, I am today introducing a new and more comprehensive bill today, on which I have had the assistance of Dr. Arnold W. Reitze, a former law professor at Case Western Reserve University in my congressional district, and now a professor at George Washington University's National Law Center. Dr. Reitze is one of the Nation's leading environmental lawyers; he is currently attending the Stockholm conference. I would also like to thank two of his assistants, Mr. Dennis

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Koehler and Mr. Jeff Howard, recent graduates of George Washington Law School.

MAGNITUDE OF THE PROBLEM

In the United States, approximately 2½ billion gallons of lubricating oils are sold annually for industrial and automotive uses. One-half of this oil is consumed during use, and the remaining 1.25 billion gallons are drained periodically to be replaced with new oil.

Drained oil which has become physically and chemically contaminated during use is termed "waste" or "used" oil. In spite of the fact that used oil can easily be recycled as much as 75 percent of all such oil available for recycling may be disposed of in some environmentally harmful fashion.

WATER POLLUTION

Because lubricating oils will not break down under the extreme temperatures and pressures for which they are designed, they do not break down when discarded into the environment. With the exception of recycling, virtually all "uses" found for waste or used oils are ecologically harmful. Oil dumped on the surface of the ground penetrates that ground; once this oil reaches the ground water tables, the water can no longer serve as a source of potable water supply. For example, in chalky rock or limestone areas, where ground water runs through fractures in the rock formation, there have been numerous cases where minute quantities of oil have irretrievably rendered wells unfit for human water use. Even if diluted to a ratio of one part of oil to a million parts of water, the taste of groundwater is affected by oil.

Annually 150 million gallons of used oil are spread on roads. Recent tests conducted by EPA, however, have indicated that used oil does not perform such dust suppression functions very well. It emulsifies quickly during rainstorms and washes off the road or penetrates into the ground. It appears that slightly larger initial expenditures to purchase an oil or other product designed specifically for road use would result in a substantial long-term saving and serve to reduce the environmental damage caused by such use.

Used oils which find their way into sanitary sewer systems inhibit bacterial growth at sewage treatment plants, and thereby decrease the efficiency of the plants. Oils entering receiving streams as effluents from sewage treatment plants, or directly from storm drainage systems tend to adhere to floating particulates in the stream and sink to the bottom. The resulting bottom pollution destroys bottom dwelling plants and lowers marine life—often irretrievably.

U.S. Oil Week quoted EPA's Harold Bernard on January 25, 1971, as saying:

> We polled [the Federal Water Quality Administration's] regional directors. Six of the nine indicated that used oil, dumped into sewers, is a serious problem in the sewage treatment plants and has caused fires in these plants, as well as caused treatment upheaval.

Perhaps the best reason that can be advanced for not disposing used oils in a manner which pollutes the environment is the economic one. EPA's Bernard estimates that it may cost $1,000 to clean up a 100-gallon oil slick in a river. He concludes:

> That's $10 per gallon for a waste product that costs on the order of 5 cents per gallon to dispose of in an acceptable manner.

AIR POLLUTION

One alternative to dumping used oil is burning it for heat recovery. This creates a major air pollution problem, however, since the unrefined waste oils produce dangerous levels of metal oxides when burned. The January 1971 issue of Fortune magazine featured an article entitled "Metallic Menaces in the Environment." It quotes Dr. Henry A. Schroeder of the Dartmouth Medical School as saying:

> Pollution by toxic metals is a much more serious and much more insidious problem than is pollution by organic substances. Most organic substances are degradable by nature; no metal is degradable.

A study prepared for the Association of Petroleum Rerefiners, shows that more than 1,000 pounds of metal oxides are released whenever 10,000 gallons of used motor oils are burned.

MASS MARKETING

The problem of waste oil disposal is further exacerbated by what has literally been a revolution in automotive oil sales—the shift from the service station to the mass marketer. Service stations, which in 1961 accounted for 70 percent of total automotive motor oil sales, saw their share of the market slashed to roughly 45 percent by 1971. The majority of the decrease has been taken up by the large chains and discount houses, which usually sell name brand lubricating oils direct to consumers at substantial savings.

The real environmental question posed by this change in motor oil sales patterns is: What are the people who buy their oil from these sources doing with their drained waste oils? Positive incentives must be developed to insure that they are not merely dumped onto the ground or into sewers, or incinerated before dangerous contaminants are removed.

OIL RECYCLING

A small industry of "oil rerefiners" currently exists in the United States. These rerefiners, operating their own collection facilities or contracting with independent used oil collectors, acquire used lubricating oils from varied automotive and industrial sources. They rerefine the used oil by subjecting it to physical and chemical processes similar in nature though not in scope to those utilized in refining crude oil. The rerefined or recycled lubricating oils, after the addition of appropriate oil additives and in some cases, after blending with refined virgin oils to meet certain used viscosity requirements, are substantially identical to new oils and are sold for same uses as new oils of comparable quality. In some instances, the recycled oil may even be superior for its intended use to many virgin oil products.

In 1965 there were approximately 150 used-oil rerefiners; today, according to recent testimony before the Joint Economic Committee, there are approximately 50 remaining. The capacity of the rerefining industry was about 300 million gallons in 1960; today that capacity is less than 150 million gallons. A few years ago it was generally profitable for rerefiners and independent used-oil collectors to pay several cents per gallon for used oil; today those seeking to dispose of used oil often must pay several cents per gallon to have it hauled away. What has caused this decline in the oil recycling industry at a period when concern for the Nation's environment has grown tremendously? The answer seems to include adverse Federal Government actions and technological problems.

In 1965 the Excise Tax Reduction Act leveled a double-barreled blast at the rerefiners. Before that time there had been a 6-cent-per-gallon tax levied on the manufacturer of lubricating oil which was paid by the first user of that oil. Since rerefiners were exempt from paying this tax—the tax on the original oil had already been paid—the net result was a 6-cent-per-gallon competitive edge. The Internal Revenue Service changed all that in 1965, when it ruled that since these funds were to go into the Highway Trust Fund, off-highway users, notably railroads, could be refunded their full tax payments at the end of the tax year when they purchased 100 percent new lubricating oil. The IRS also refused to allow tax refunds on any new oils that were used in blending rerefined oil. Thus the rerefiners lost their 6-cent-per-gallon margin in competing for the off-highway user market, and were required in addition to pay the 6-cent-per-gallon excise tax on all new oils purchased which are necessary in the rerefining blending process.

Also in 1965, the Federal Trade Commission ruled that all containers of rerefined oil produced for sale to the public had to be prominently labeled "previously used." While a true description as far as it goes, the obvious connotation of inferiority quickly plummeted retail sales of rerefined oil to half the previous level, and the industry never recovered its share of this massive consumer market.

The effect of the FTC ruling was increased by the lack of any objective methods for comparing recycled oil with new oil. Neither the Federal Government nor private oil interests have ever developed general performance standards or economically feasible testing procedures for new oils—let alone recycled oil—a failure which has largely frustrated the recyclers' efforts to convince the public of their products' comparative worth. Another result of this lack of comparison testing is the current Federal procurement policy that all Government purchase oil must be new and may not be used or reconditioned. It is clear that the reduced drain on the Nation's oil reserves which could result from recycled oil purchases by the Federal Government would be in the national interest.

The tremendous increase in the use of oil additives in recent years presents additional problems to the oil recycling industry. These additives, of course, have performed some beneficial functions, most notably an increase in the life of certain types of oils. Automotive lubricating oil, for example, is now advertised as lasting for 4,000 miles, where several years ago oil changes were recommended every 1,000 miles. The longer useful "oil life" results in a relative decrease in consumption.

These same additives, however, must be removed in the early stages of the used-oil recycling process. The very nature of the additives—ability to withstand high temperatures, great pressures, and complex chemical reactions—makes them extremely difficult and costly to remove from used oil. Adding to this problem is the constant development of new additives; as soon as the oil recyclers succeed in removing one complex new additive from used oil, another, more complex oil additive appears on the market. There is no easy way out of this dilemma, except perhaps to discourage the use of new additives unless their total benefits clearly outweigh the total costs, including those of the oil recycling industry.

The final reason for the decrease in the amount of used oil actually recycled is environmental. Conventional rerefining technology yields a high percentage of acid sludge residue and other solid waste byproducts—as much as 30 percent of the total used oil processed. The recycling industry is finding that these unrefinable sludges pose serious waste disposal problems, and cannot be disposed of without some type of further treatment if—as they must—Federal and State pollution laws are to be complied with. Because the oil recycling industry's profit margins are generally low, the added costs of such treatment may prove to be prohibitive, forcing even more oil recyclers out of business.

Fortunately, new used-oil rerefining technologies may alleviate this problem. Preliminary results from an EPA grant funded research effort to develop such new recycling techniques indicate that the percentage of acid sludge residue can be reduced to as little as 5 percent of the volume of used oil processed, and can be of a type which satisfies sanitary landfill requirements. EPA believes that this new technology will prove to be more attractive economically than previous used oil recycling processes.

THE NATIONAL OIL RECYCLING ACT

In light of these environmental and energy problems, I am today introducing new legislation which I hope will go far to reduce the waste and environmental degradation caused by our failure to recycle used oil in significant quantities. This bill, rather than proposing new Federal laws making the dumping and incineration of used oils illegal, creates positive incentives which will lead to the recycling of a much greater proportion of the used oils now being wasted. Dumping and incineration of used oils, of course, which violates existing Federal and State statutes, remains illegal, and water pollution, air pollution, and solid waste control laws of the future may well result in tightened controls over used oil disposal. Meaningful enforcement of any of these statutes will be difficult and expensive, requiring elaborate administrative control mechanisms.

My bill, therefore, seeks to minimize the need to expand the size of existing administrative police forces. Several short amendments to the Internal Revenue Code of 1954 will simplify the tax treatment given lubricating oils, increasing Federal revenues by as much as $75 million. Changes in Federal Trade Commission labeling requirements for recycled oil will not increase that agency's burdens. Requirements that retailers provide return and handling services for used oils can easily be enforced by spot checking conducted at the local government level. Provisions requiring the maintenance of records indicating the fate of used lubricating oils may increase the administrative burden somewhat, but such information is already required under existing laws and regulations of the Departments of the Treasury, Commerce, and the Environmental Protection Agency, as well as those of State agencies.

The bill contains several provisions which would amend existing tax laws covering lubricating oils. Basically, these amendments will result in a return to the uniform tax treatment accorded the entire lubricating oil industry prior to 1965, when the rerefiners were much healthier and when more than twice as much used oil was being recycled than is the case today.

The bill, if adopted, will equalize and simplify the tax on lubricating oil, requiring all producers of new lubricating oils, including hydraulic and cutting oils, to pay a 6-cent-per-gallon excise tax. In addition, no tax refunds or rebates will be granted to any users of lubricating oils. Recycled oil will continue to be exempt from any such tax.

By resubjecting cutting and hydraulic oils to the 6-cent-per-gallon excise tax under section 4091, and by removing the tax rebate currently given off-highway users of lubricating oil under section 6424, the bill will raise approximately $75 million in additional tax revenue each year. These additional revenues will more than cover the cost of the other provisions of this bill. But more importantly, these amended tax provisions will serve to stimulate the purchase of recycled oil by industrial users. The removal of the 6-cent-per-gallon competitive edge now given to virgin oil refiners will once again enable recyclers of used oils to compete on the equal footing which existed prior to 1965.

The FTC labeling requirement will be changed by this bill so that the word "recycled" will be placed prominently on the face of all recycled oil containers. This is clearly preferable to the current FTC ruling requiring all recycled oils to bear the words "previously used" on their labels. Once the public is educated on the relative merits of recycled oil, and methods for quickly and economically comparing it with new oil are developed—the use of recycled oil should increase significantly.

Another provision of this bill makes it illegal for oil companies to prohibit their service stations or other lubricating oil retailers from stocking recycled oil products or selling the used oil that they collect.

Adoption of this legislation will also enable purchasers of automotive oils to return their used oil to the marketer in returnable, leakproof containers, thus further insuring that used oils are recycled. The bill also provides that all purchasers of automotive oil must pay a 10-cent deposit on all oil purchased in these returnable containers, regardless of their size. This deposit will be refunded when the container is returned to any marketer, regardless of whether or not it contains used oil. All marketers are required to provide ample disposal facilities on their premises for all used oil returned by consumers, and are encouraged to deliver or sell this collected used oil to the oil recyclers.

Other key provisions of the bill require all Federal Government officials to act within their respective authorities to encourage the use of recycled oils. When such oil is available at prices competitive with new oil, the bill requires that it be purchased and used by all agencies of the Federal Government, including the military, and by all private interests which are party to Government contracts. By conditioning Federal grants to the States on compliance with the provisions of this bill, the States are also encouraged to use recycled oil in a similar fashion.

PRESERVING OUR HERITAGE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MURPHY of Illinois. Mr. Speaker, both the Chicago Sun-Times and the Chicago Daily News recently featured editorials commending our colleague, DAN ROSTENKOWSKI, for his sponsorship of the Museum Services Act. This bill, H.R. 8677, which was cosponsored by Congressman JOHN BRADEMAS, would authorize funds for capital improvements to existing structures. It is an attempt to preserve many priceless treasures which would otherwise be lost forever.

In recent years a visit to the museum has become an increasingly popular American pastime. Increased attendance, however, has unfortunately not insured fiscal integrity, and museums have joined the ranks of the many institutions with rising monetary problems.

DAN ROSTENKOWSKI has recognized this situation, and he has acted to reinvigorate our museums. Both he and JOHN BRADEMAS deserve not only our praise but also our support.

I would like at this time to insert those editorials into the RECORD.

[From the Chicago Daily News, June 1, 1972]

TO PRESERVE OUR HERITAGE

The nation's museums have fallen on hard times. More popular than ever, attracting visitors by the millions, they are pinched by rising costs and increasingly conscious that the priceless collections they hold are threatened by theft, vandalism and such modern plagues as air pollution.

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Meeting the costs of preservation and security by stiff admission fees is hardly an answer; the collections should belong to all the people. Private philanthropy continues to provide a major share of museum support, as do local public tax funds, but recent surveys indicate that more is needed. The National Council on the Arts warned early in May that "only a major concentrated effort . . . can restore and safeguard our heritage for future generations."

The federally funded council is moving to help where it can with matching grants for renovation and preservation. In Chicago, the Field Museum of Natural History, the Art Institute and the Oriental Institute at the University of Chicago have been named recipients of aid. But the council's grants through its National Endowment for the Arts are currently at a level of only $1.2 million, and even if the aid is increased in the coming year, as the council hopes, it will fall far short of the need.

A broader aid measure is pending in Congress, co-sponsored in the House by Rept. Dan Rostenkowski (D-Ill.). It would provide up to half of the cost of special projects aimed at preserving and renovating cultural collections that otherwise might be lost. It would authorize $40 million for that purpose.

The time has surely arrived when the museums should be regarded as the custodians of our national heritage, and as such receive national support. The Rostenkowski bill (H.R. 8677) deserves speedy consideration and wide backing.

[From the Chicago Sun-Times, June 4, 1972]

PRESERVING PRICELESS TREASURES

It was fortunate that the Dead Sea scrolls were preserved in a cave, Nancy Hanks, chairman of the National Council for the Arts, recently remarked. If they had been kept in a museum they never would have survived.

This may come as news to many persons who understand and appreciate the need to preserve America's priceless museum treasures but who assume that once they are under a roof conservation is assured. Not so, says Miss Hanks.

Pollution, vandalism, bad storage and gallery conditions are destroying an irreplaceable part of our cultural heritage. Uncontrolled humidity, lighting and temperature can ruin the collections in our art, science and history museums.

Most museums are of local sponsorship but the items they house are of country-wide interest. The federal government has and should contribute to conservation costs. The National Council of Arts recently announced 69 grants, which must be matched by local funds, to museums and art institutions, including the University of Chicago's Oriental Institute, the Field Museum of Natural History, and the Art Institute of Chicago. Air conditioning to prevent deterioration is one of the important items needed in many museums.

More money will be needed next year and in years to come. A bill (HR 8677) has been introduced by Reps. Dan Rostenkowski (D–Ill.) and John Brademas (D–Ind.) to provide financial relief to the nation's museums. Rostenkowski noted that in 30 years the nation's 6,000 museums have increased attendance figures from 30 million visits a year to 700 million. Chicago institutions accommodate about 8 million annually.

The very increase in traffic puts a strain on the institutions, but that's what they are intended for—public education and use. The modern-day interest in museums, sparked by more leisure time for more people, requires more museum help and maintenance cost. We urge Congress to give priority to the Rostenkowski bill; the nation's cultural heritage must be saved.

THE LOGIC OF GUN CONTROLS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CELLER. Mr. Speaker, I place in the RECORD an excellent editorial which appeared in the Christian Science Monitor on Saturday, June 10, 1972, on the commend the observations made in the editorial to the attention of all Members:

THE LOGIC OF GUN CONTROLS

It is a simple fact to those of us who must publicly deal with gun-ownership matters, that the mail generated will run three-or-four to one against gun control laws. Today's letters column is but a sampling of *con* gun control response. This mail is useful, because it indicates what is right and what is faulty in the public's reasoning about proposed gun control legislation.

The most dangerous misconception about gun-owning is that guns are good for self-defenses. As gun law expert Franklin E. Zimring pointed out in a recent issue of The Nation: "Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in your house is more likely to kill you or a member of your family than to save your life. In Detroit more people died in one year from handgun accidents alone than were killed by home-invading robbers or burglars in four and a half years."

From the point of view of self-protection, the statistics show it would be better to get rid of one's gun than to keep it even in the face of rising general levels of gun ownership and housebreakings. There is a relationship between gun ownership levels and crime, which we will mention in a moment. But more significantly, most gun violence does not occur during robberies or other such criminal acts where strangers are involved. They occur between people who know one another, in a moment of anger or fear. And while it may be true that anything can be used as a weapon at such moments, guns are vastly more likely to lead to death—five times more so than knives. Further, among guns, the cheap Saturday-night special handgun—chief target of current gun-control efforts—is particularly lethal because of the kind of path its small-bore bullet traces on impact. Hence, on the self-defense issue, logic argues for *not* owning handguns.

Opponents of gun control regularly argue: Get at the criminal; the gun of itself commits no crime. As discussed above, this ignores the fact that most gun assaults or accidents occur when "crime" is not a factor, among persons who are not in the usual sense "criminals." Also, there appears to be a link between general gun ownership levels and the use of guns for crime. Again quoting Mr. Zimring: "As self-defense gun ownership increased in the '60's, so did the extent to which guns were employed in robberies and other criminal attacks. The most striking data on this trend come from Detroit, where racial disorders in 1966 and 1967 set off a wave of gun purchases. Accidental gun deaths tripled from 1966 to 1967, criminal gun attacks increased twice as fast as did all other types of attack, and criminal gun killings increased 10 times as fast as killings by all other means."

In our view, the estimated 200 million firearms in the United States are simply too many. Last year, at least a million cheap handguns were added to the total. We would like to see the number of guns reduced—particularly handguns which are nine times more likely to cause human fatality than long guns and serve no real sporting purpose. There are proposals (Senator Hart's bill in the Senate forbidding handgun ownership, for instance) that would do just this.

But if such legislation is too much for gun owners to take, there is a variety of lesser measures to which they should not object. The licensing of gun owners and registration of all weapons, as some bills propose, would not keep sportsmen from owning bona fide sporting weapons.

Other, stricter legislation, such as Rep. Abner Mikva's bill, would end the sale of more handguns. It would enable those who own handguns to keep them in their homes if they must insist on such hazardous "self-protection." Yet it would in effect call a halt to the private firearms race in America and avoid the kind of emotional confrontation which outright confiscation might entail. This is a sensible legislative course, which Rep. Emanuel Celler, chairman of the key House Judiciary Committee has included in his own firearms control bill.

There are, then, legislative options which could help reduce the dangers of private firearms in America without doing damage to the interests of those who wish to hunt or for whom gun ownership is a matter of quasi-civil right.

Unfortunately, the whole issue is clouded in the public's mind by irrelevancies. (For instance, the analogy between auto deaths and gun deaths: By speed limits, traffic signs, vehicle and highway safety design regulations, government *is* acting to reduce auto fatalities, which is more than it is doing in the gun-control area.)

Pending gun-control proposals in Congress are reasonable, not radical. And the disproportionate flow of letters from those opposed to controls should not distract legislators, or editors and their readers, from the fact that the majority of citizens actually favor prompt passage of gun-control laws.

SPECIAL CEREMONIES ON FLAG DAY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEATING. Mr. Speaker, across this Nation today many Americans are observing Flag Day with special ceremonies honoring this country's Stars and Stripes.

I would like to bring to the attention of my colleagues a special Operation Youth sponsored by Xavier University in Cincinnati, Ohio.

This is the 21st Operation Youth program to be held by that school.

The participants are high school students from the entire State of Ohio who have finished their junior year.

These young citizens are participating in a seminar on government and patriotism.

They will be active in mock political campaigns, conventions, elections and will have special speakers, many of them prominent Ohioans who will discuss the various aspects of government.

They will honor Flag Day with six color guards. Brig. Gen. Homer Long of Fort Knox, Ky., will be the main speaker.

I wish to commend the faculty and the students at Xavier University who have put forth the effort to develop such a fine program which will surely increase the interest and dedication of our young citizens to participate in our Government.

FORD AND OUR FUTURE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RONCALIO. Mr. Speaker, few matters surpass in importance the pollution of our environment to present critical levels. Affluence has paid its toll in effluence. The necessity for abatement of this threat to our planet's health and well-being has not gone unheeded in our own lawmaking capacity. Congress created the Environmental Protection Agency and armed it with sufficient power to begin the task.

But I am alarmed by recent developments in the automotive industry which fly in the face of the intent of Congress, the EPA and the citizens of this Nation so deeply concerned.

Less than 2 years ago, emission standards were laid down for the 1972–75 period with each year reflecting a most stringent degree of control to result in dynamic reductions in pollution emission. Detroit lobbyists actively campaigned against these standards, spending more time and effort at legislative persuasion than at positive research and development. It now appears that the automotive industry may circumvent regulatory standards altogether.

Ford has volunteered information that will not qualify for full emission control certification by the EPA prior to the distribution of the 1973 models. Ford dealers, therefore, may not market the 1973 vehicles until EPA has certified Ford's compliance with the 1973 standards. I commend Ford for its integrity in disqualifying itself voluntarily, but I cannot close my eyes to the potentially disastrous agreement between EPA and Ford that will follow.

In lieu of marketing its 1973 vehicles, Ford plans to add 40,000 cars and about 65,000 trucks to its present model runs. The long-range effect of such a deal looks as though it possibly may continue production of its so-called present line through 1973, through 1974, and ad infinitum. EPA is naturally powerless against such an occurrence so it is our duty in Congress to legislate against the potentially destructive tactics which could very well be employed on a much greater scale than now contemplated by Ford for 1973 models.

I personally have grave doubts whether Ford or any other producer should be permitted to market even a limited number of 1972 vehicles after December 31, 1972, unless 1973 standards for emissions are met.

Time has come to recognize that we are between a rock and a hard spot. The June 8 issue of the Wall Street Journal speculates that quite possibly Ford will solve the dilemma by merely producing 1974's to the end of the century:

ONLY FORD TINKERS

Once again, the Environmental Protection Agency has demonstrated it will not swerve from doing its duty. It will allow Ford Motor Co. to produce its 1973 models, but won't let it sell them until full emission-control certification is granted. Once again, the environment is protected.

There's a slight hitch. Because Ford doesn't want to deliver to its dealers stacks of 1973 autos that the dealers can admire but not sell, it has decided to add 40,000 cars and 65,000 trucks to its 1972 model run. Now the emission standard for 1972 autos is less stringent than for the 1973s. Which means that Ford, which would really like to sell the 1973 while awaiting certification, is in a real sense being forced to further pollute the atmosphere with its 1972s.

It doesn't seem like the best solution, but at least EPA manages to punish Ford for its sins. We wonder, though, if Ford had not dutifully volunteered the information that some of its engineers were too fast on the screwdriver, would EPA have ever found out? Then again, good faith has to be assumed if this kind of program is to work without EPA having to hire thousands of tailpipe sniffers. So in the absence of a general round of confessions, it has to be assumed that of all the world's automakers, only Ford tinkers.

The worst part of the compromise, though, is that it may create a dangerous precedent. The really tough emission standards, which will add $400 to $500 to the cost of an auto, are due on the 1975 models. Remembering Ford's decision to extend this year's model run, an automaker might decide to dodge the new rules and at the same time gain a price advantage: He could keep right on building 1974s to the end of the century.

TRIBUTE TO DR. J. CUTLER ANDREWS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MOORHEAD. Mr. Speaker, it is with deep regret that I announce the passing of a highly respected scholar and professor, Dr. J. Cutler Andrews. The Chatham College community has lost a man of great intellect and humanity. His guidance and counsel will be missed.

Dr. Andrews, a man whose academic successes are world reknown, died Friday June 2. He was a noted historian in the field of journalism and author of a number of historical books and articles.

Two of the books, "The North Reports the Civil War" and "The South Reports the Civil War," won wide acclaim as the best works on the subject of the newspaper reporting of that war.

"The North Reports the Civil War" won the Kappa Alpha Tau Award for outstanding research in the history of journalism.

A graduate of Ohio Wesleyan College, Dr. Andrews received his doctorate in history from Harvard University in 1936.

He was a member of a number of historical associations including the American, Pennsylvania, Western Pennsylvania, and Mississippi Valley Historical Associations.

He also served as past president of the Pennsylvania Historical Association.

He was a member of the Phi Beta Kappa Honorary Society and the Mount Lebanon United Methodist Church.

Surviving are his widow, Dorothy Peterson Andrews; two sons, Kenneth and Malcolm; a daughter, Sharon; and one sister, Mrs. Mary DeGolia.

THE STARS IN OUR EYES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BURKE of Florida. Mr. Speaker, on June 14, 1777, the Continental Congress declared the Stars and Stripes to be our country's national flag. There have been many stars added to our flag over the years, and I am proud that I can join with my colleagues and those in our country who recognize the many great things that our Nation's flag stands for, in this tribute on Flag Day.

There are many in our country, however, who would not only destroy our flag but our Nation which it symbolizes, as well. Unfortunately these few who have burned and desecrated our flag, and those who teach and practice revolution for revolution's sake, know little by personal experience of conditions in other countries. Those who have suffered as citizens of foreign countries less free than ours know the greatness of our country. To them the stars in our flag are symbolic of a heaven-sent blessing.

The price of freedom is vigilance and the willingness of our people to make sacrifices for God and country. We could lose our freedoms by taking our freedoms too much for granted. We should take time to remind ourselves that ours is a Nation under God despite the propaganda by those who would like us to believe otherwise.

Recently, on June 2, 1972, Yolanda Maurer, a reporter for the Fort Lauderdale News, one of the newspapers in my congressional district, wrote a very thought provoking article which reveals her feelings as one who immigrated to our country and became a citizen. Her anger at the recent desecration of American flags, by some, last Memorial Day is eloquent and thought-provoking. I commend this article to all patriots and nonpatriots because it is worth thinking about:

TORTURE OFFENDERS: FLARE UP OVER FLAGS

(By Yolanda Maurer)

I'm angry.

In fact, I'm boiling mad.

I've been mad and shaken with helpless anger ever since the news of the desecration of the flags on Memorial Day by local vandals came out in the paper.

Normally, I don't take too kindly to flag-wavers and patriotic speech makers.

I figure that love for your country is as natural as love for your family: you don't have to talk about it all the time to convince yourself or others of it.

Besides, I've seen too many dictators in my days use narrow nationalism in guise of patriotism not to be afraid by certain ways of waving the flag . . .

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But for anyone to abuse the American flag—and on the graves of soldiers besides is too much.

If whoever did it is found, I think that fines or even prison would be ridiculous.

I think we should re-instate the good old torture system of the medieval days—and let them have a little of it at a time . . . for each soldier who died for that flag.

This may seem like a pretty violent reaction to you.

So maybe it is.

Maybe it is because I remember how I saw the American flag close-up for the first time.

It was through the bars of a military prison in North Africa, where the Germans had imprisoned a group of hostages. I was one of them.

We had been there for a few weeks, and we knew that our only chance of not being shot was if the Americans made it on time.

There had been the sound of battle raging outside all that night, and, at dawn, from inside the jail, we didn't know who had finally won . . .

Suddenly, there were shouts outside, trucks driving up, men getting off . . . men running through the corridors, doors banging open all the way down the halls . . . and suddenly, they were there!

The Americans were there . . . tall, handsome, dirty, smiling, grinning, kissing, looking to us like the Angels from Heaven themselves . . .

And behind them, in the bright sunlight of the courtyard, a sun we hadn't seen for many a day, there was a beautiful flag waving gently in the sun, a flag full of stars and stripes, the flag of America.

We had waited four long years of shame, frustration and anger to see this flag fly freely—with all that stands behind it.

Nothing since, except the sight of a loved face—has ever looked as beautiful to me.

This is perhaps why I take the desecration of the flag as a personal injury.

I am not American-born.

America is my country by adoption, by choice, so to speak.

Sometimes, people love their adopted children even more than their natural ones.

Because they didn't just happen to be born.

They were chosen, selected, desired, and wanted eagerly.

You have some of these same feelings when you "choose" a country and renounce that of your birth.

You can't stand to see it abused, debased or vilified.

This doesn't mean that you are blind and deaf to its shortcomings and its failures.

Which would be a form of stupidity.

It's just that, with all the things wrong with America—and believe me, I know them all—I still can see all the things right with it.

America—and the flag for which it stands—has fed half the earth in times of need, has spanned the cosmos to walk on the Moon, has built more courtrooms to keep its people free, and more classrooms to educate them than any one else, has made the world safe from disease, and continues to do so, has been the first to come to the rescue of every country in the world struck by a natural calamity.

America, rebuffed by other ideologies, forgetting that it is the mightest of them all, still tries with good faith and humility to build a bridge to live with others in understanding and peace.

Its President, putting pride aside, takes the first steps and covers the world in search of that peace and understanding.

What other country could you pick to "adopt" that would make you prouder?

And, when hippie-like, I say: "Keep the faith, baby", the kind of faith I mean is in America—and the flag which stands for it.

Those who have forsaken even this faith must know inside, the darkness of Hell.

GO SLOW ON THE FAST BREEDER REACTOR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BINGHAM, Mr. Speaker, the House Appropriations Committee is in the process this week and next of marking up the 1973 appropriations bill for the Atomic Energy Commission. Among the issues which the committee and the House must face on this bill is whether we should commit the United States to rapid development of a demonstration project on the liquid metal fast breeder reactor—LMFBR. Although the Nixon administration and the AEC are pushing such action, responsible scientific and public opinion has raised serious questions concerning the hazards to public safety and the environment from construction and operation of the LMFBR. I share their concern and last March urged the Joint Atomic Energy Committee not to move beyond the R & D. stage on the fast breeder reactor, but to pursue actively alternative sources of energy, including a demonstration of coal gasification and making feasible the use of solar energy and nuclear fusion.

Two articles which concisely detail the problems with the LMFBR are "Another SST" prepared by the Committee for Environmental Information which appeared in the July-August 1971, issue of Environment and "The Breeder: Abort It Before It Multiplies," by Sam Love, which appeared in the April 1, 1972 issue of Environmental Action.

I commend both of these articles to the Members for their serious consideration.

The following is the text of the articles on the liquid metal fast breeder reactor:

ANOTHER SST?

On May 26, THE Scientists' Institute for Public Information (SIPI) filed a complaint in federal court charging the U.S. Atomic Energy Commission with violation of the National Environmental Protection Act. This action was announced at a press conference by Dr. Margaret Mead, president of SIPI. We have asked the U.S. District Court of the District of Columbia to require the Atomic Energy Commission to consider alternatives to its program for the development and proliferation of a new type of nuclear power plant, a program which is to cost at least two billion dollars in federal funds, and to issue a statement required by the National Environmental Policy Act describing these alternatives and the potential impact of this program on the environment. SIPI is represented in this action by attorneys associated with the Natural Resources Defense Council, a public-interest law firm.

The program in question is the development and proliferation of the so-called Liquid-Metal-Cooled Fast Breeder Reactor (LMFBR), which is a kind of nuclear power plant in which plutonium serves as fuel. This type of power plant will have a number of serious disadvantages, primarily because of the use of plutonium. Nuclear power plants of the type now being constructed rely on the splitting of uranium atoms to produce the heat that is ultimately turned into electricity. Although present nuclear plants have drawbacks, the way in which they are designed includes safety features. The splitting of uranium atoms in the fuel relies on the presence of water to slow the neutrons that perpetuate the process. Any severe overheating or mechanical disturbance would expel the essential water and end in the plant's shutting down.

The LMFBR, however, relies on plutonium fuel, and the slowing of neutrons is unnecessary—it is called a "fast" reactor for this reason. Any outside force disturbing the fuel, or any agent which leads to overheating, may cause compaction of the plutonium, so that nuclear reactions, instead of being halted as in present plants, may be accelerated. The consequence might be a nuclear explosion, which would release enormous quantities of radioactive materials, including plutonium, to the general environment.

Plutonium is one of the most toxic materials known, and even without a severe accident, the existence of a large number of LMFBRs could result in plutonium contamination of the environment. The chairman of the Atomic Energy Commission, Glenn Seaborg, estimates that in 30 years, at which time he expects LMFBRs to generate a large share of the country's electric power, almost 100 tons of plutonium will be produced annually.

This enormous production of plutonium and the resulting fuel efficiency are actually the principal motives for the construction of LMFBRs, which are designed to produce more plutonium than they burn. The reactor itself will consist of a central core, in which plutonium will be split to produce heat, and an outer "blanket" of uranium-238, the common form of the element. Neutrons produced by the splitting of plutonium will slowly transform the uranium in the blanket into more plutonium, which can be extracted and burned as fuel.

Uranium, therefore, is the actual source of energy for the LMFBR, as it is for current nuclear plants. The LMFBR, however, converts the uranium into plutonium, which is burned as more plutonium is made.

The advantages of this process are economic. Only a small fraction—less than one percent—of uranium as it is mined is suitable for nuclear fission. To serve as fuel, the proportion of this "fissionable" material—the rare isotope uranium-235—must be increased at great expense.

In the LMFBR, however, ordinary uranium, the common isotope uranium-238, is converted into plutonium, which serves directly as fuel in the plant. The expensive separation of the two uranium isotopes is avoided and, presumably, the LMFBR would be able to produce correspondingly cheaper electricity. As a side benefit, reserves of uranium would be conserved.

These economic benefits are highly speculative, since the design for a working LMFBR has not been chosen. The first commercial effort to build such a plant, the Enrico Fermi Nuclear Power Plant near Detroit, Michigan, has been a financial and technical failure. It has not succeeded in producing more than a trickle of electric power (a fossil-fueled plant has been built to supplement it), nor has it produced any plutonium. It was shut down in 1966 after an accident, and only recently has begun to operate again on an experimental basis.

Assuming that a commercially attractive LMFBR is designed, it will depend on an expanding power industry. Calculations showing economic benefits from the LMFBR assume that electric power production will continue to grow at roughly its present rapid rate well beyond the end of the century. Should the power industry cease to grow or even grow very much more slowly over the next 30 to 50 years, the LMFBR would become a financial liability. Its attraction lies in the rapid production of more plutonium for further power plants—but if new plants are no longer needed, the fuel will be unnecessary, and the plants themselves will be more costly than their predecessors.

It is by no means necessary or certain that electric power production will continue to grow at present rates. The limited ability of the environment to absorb waste heat and pollutants will compel a slowing or even a reversal of this growth. The Atomic Energy Commission, however, by conducting a massive program on the assumption that growth will continue, is actually helping to fulfill its own prophecy. A massive federal investment in new power production facilities is a partial assurance that they will be used.

The desirability of such rapid and continued growth is questionable on many grounds. The development of the LMFBR, which is justified by continuation of this growth, would therefore seem to be open to question.

Even assuming the continued growth of electric power production, however, there are a variety of energy sources which do not suffer from the considerable drawbacks of the LMFBR. The production of plutonium carries with it a unique risk of contamination of the environment through catastrophic accident and through routine carelessness. The shipping, handling, and long-term storage of radioactive wastes from nuclear reactors will be a massive environmental hazard for generations succeeding ours. An additional hazard, perhaps a more serious one, is of illegal diversion of plutonium to military uses. The Atomic Energy Commission itself has called attention to the hazards of a black market in plutonium, which Glenn Seaborg predicts when the electric utilities have been converted to what he calls "the plutonium economy of the future."

Alternative methods of producing electric power without these hazards range from different designs of nuclear power plants to solar, tidal, and geothermal energy, which draw on the polluton-free resources of sunlight, tides, and subterranean heat. More efficient and cleaner means for utilizing coal, oil, and natural gas are also under development. Perhaps most significant for the long term is the development of fusion reactors, which would not produce the quantities of dangerous wastes associated with today's reactors and the LMFBR. Research and development of fusion reactors have been reduced as a result of the crash program to develop LMFBRs.

The AEC is promoting the LMFBR to an extent unmatched by any other program, public or private, for developing new or improved means for generating electricity. The great expense and long lead-times associated with the development of new energy technologies will give the LMFBR development program an irreversible momentum unless environmental hazards and alternatives to LMFBR are considered *now*.

The National Environmental Protection Act requires the Atomic Energy Commission to consider these alternatives before proceeding with its program for the commercial development of LMFBRs, and to publish its considerations, along with its judgment of the environmental impact of the proposed program and alternatives, in a statement to be circulated for public comment and review and to accompany its request for funds from Congress.

SIPI believes it is of the greatest importance that the environmental impact of the LMFBR development program and the alternatives to that program be given full consideration, and has therefore taken legal action to compel the Atomic Energy Commission to do so. The National Environmental Policy Act (NEPA) became effective in January 1970, and in our view the AEC should have prepared the required statement last year in connection with its proposal to Congress for funding of the LMFBR program. But no such statement was prepared. The shortness of time and the agency's unfamiliarity with NEPA perhaps provided some excuse for the AEC's neglect last year. However, NEPA has now been effective seventeen months, and the AEC has made its second round of authorization and appropriation requests to Congress since the act's passage. Again these requests were not accompanied by a NEPA statement as the law requires. As a result of the AEC's neglect of this important nondiscretionary duty, the public and the Congress have been deprived of the careful assessment and robust public discussion that NEPA was designed to stimulate.

While the AEC has committed itself to circulate NEPA statements on individual nuclear reactors as they are built and licensed, such statements are quite inadequate for considering the LMFBR program as a whole and in comparison with the appropriate alternatives. Although necessary, an investigation of individual reactor facilities and siting is no substitute for the timely and thorough assessment of what has become the nation's highest priority energy program.

THE BREEDER: ABORT IT BEFORE IT MULTIPLIES

(By Sam Love)

Some time in the next few months Congress will decide whether funds should be voted for an Atomic Energy Commission program to commercially develop and proliferate a new type of nuclear reactor, the Liquid Metal Cooled Fast Breeder Reactor (LMFBR). Its salesmen at the AEC tout this reactor, which can make more fuel than it uses, as the realization of mankind's dream of finding a perpetual motion machine. Its critics find its potential for environmental destruction staggering.

At a time when the new chairman of the AEC, Dr. James Schlesinger, is publicly stating before such audiences as the Atomic Industrial Forum that his agency is no longer in the business of promoting nuclear energy, the LMFBR program is being promoted to an extent that is unmatched by any other program. This salesmanship plus at least two billion dollars of federal funds by 1980 will give the breeder reactor a momentum that is much greater than any alternative energy source.

This year Congress is being asked for over $230 million for breeder research and for the construction of a demonstrator plant. This electrical generating plant will be built in cooperation with a private utility for the purpose of demonstrating the commercial feasibility of the breeder. According to the AEC, two or three such units should be operating by 1980.

Research on the LMFBR and other breeder designs has been underway for years but it is only recently that the decision has been made by the AEC to give top priority to an LMFBR cooled with liquid sodium. As the agency's plans for the commercial development of the LMFBR have become known, the controversy has heightened.

On May 26, 1971, the Scientists' Institute for Public Information (SIPI) and the Natural Resources Defense Council (NRDC) filed suit in federal court charging that the AEC had violated the National Environmental Policy Act by not preparing a statement on the environmental impact of the breeder program. A few months later, President Richard Nixon released a statement of support for the LMFBR program and said that the AEC would prepare a NEPA statement on the individual demonstrator plants.

The decision by the AEC and the President to prepare a statement on individual plants did not answer the charges of the SIPI suit. The issues raised by the scientists' group deal with the environmental impact of constructing large numbers of plants (the AEC projects 600 LMFBRs will be on line by the year 2000), the dangers associated with shipping large amounts of radioactive plutonium, the waste problems associated with the breeder and other questions. The SIPI-NRDC motion to get an environmental impact statement on the program has been denied by a district court judge, but an appeal of the decision is being considered by the scientists' group.

If the court rules that an environmental impact statement on the entire program is necessary, more information on the AEC's breeder program plans will be available for public scrutiny. Enough information is available now that a considerable number of scientists believe that a commitment to the LMFBR as our principal future energy source is a mistake.

The very process which makes the breeder attractive is also its most controversial feature. It is unique because it potentially can create more fuel than it consumes. This is possible because non-fissionable uranium (U-238), which cannot be used by the present generation of nuclear reactors, can be converted in the breeder into a man-made fissionable element, plutonium. Because U-238 is more abundant than the isotope U-235 which is used by present reactors, the breeder requires less mining of uranium. Also, it will not need to have its fuel prepared by the expensive isotope separation process necessary to create fuel for present reactors, so the AEC envisions breeders producing electricity at a lower cost than conventional methods of production. Because a price reduction is dependent on proliferation, the AEC contends that a large number of breeders is necessary.

But as America has found out with the present reactors, everything that glows is not golden. Proliferation of the LMFBRs will necessitate the movement of large amounts of plutonium between reactors, fuel reprocessing facilities and waste disposal sites. If some plutonium escapes into the environment through accident or sabotage, the results could be disastrous. With a half-life of 24,000 years, plutonium is radioactive far longer than the relatively short half-lives (about 15 years) of the by-products of today's light water reactors. It is also far more dangerous—a speck on the lungs can be fatal.

At this point it appears that the LMFBR may have a greater potential for accident than the reactors in use today. An article in the September 10, 1971 issue of *Science*, entitled "Radiation-Induced Swelling of Stainless Steel," outlines how the intense neutron bombardment which occurs in the LMFBR produces changes in the size of the structural materials which surround it. This can result in swelling of metals used in the construction of the reactor core. These changes in the tolerances in the core can affect coolant flow and they might precipitate the overheating of the core and the melting of the plutonium.

Another problem which plagues breeder designers is fuel handling. The advantage of the breeder is that plutonium will be generated, but retrieving the newly-created radioactive substance necessitates much more frequent fuel handling than is necessary in today's reactors. The systems for handling the fuel are described by the Atomic Energy Commission in their LMFBR feasibility study as "the most complex feature of an LMFBR." Their study suggests that fuel handling features should be given top priority for research.

Once the plutonium is lifted from its birth place in the reactor core, it must be transported to a fuel reprocessing plant so that it can be made into new fuel elements. Should an accident occur—a major concern of those critical of the LMFBR program—plutonium could leak out of the cylinders during transit. Another fear surrounding plutonium movement is that some of the material may be diverted for use by unauthorized parties. The diversion of a relatively small amount is all that is needed to construct a nuclear bomb. This is a point of serious concern in the SIPI lawsuit and in an April 9, 1971 article in *Science* entitled "Plutonium: Reactor Proliferation Threatens a Nuclear Black Market."

In referring to the problem of safeguarding plutonium, Ralph Lumb, chairman of a 1967 AEC advisory committee on safeguard-

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ing materials, said in *Science* that it is "like any other business . . . the more you have of something, the more you're going to lose." At a present price of $10,000 per kilogram, plutonium is five times as costly as heroin and ten times as expensive as gold.

AEC studies on the possibility of black-market diversion are classified, but enough information has been made public to reveal that diversion of plutonium for nuclear weapons construction is a definite possibility if the breeder proliferates. But until large quantities of plutonium are available, the problem will not be as serious because fuel cores for present reactors contain uranium enriched to only three percent whereas bomb-grade uranium requires about a 90 percent enrichment.

The problems of thermal pollution and waste disposal which plague present nuclear reactors will also curse the breeder. Although the LMFBR will generate a slightly smaller quantity of radioactive waste material, its waste will contain more plutonium than ordinary waste. This plutonium residue makes it more dangerous than our present radioactive legacy of over 100 million gallons.

The amount of thermal pollution the LMFBR causes will also be slightly less than our present reactors because of its unique liquid metal cooling system. Liquid sodium will be circulated in 2 closed loops inside the reactor. Sodium has been selected because of its heat transfer properties, low vapor pressure, and ease of circulation. In addition to its enginering pluses, however, it has a major drawback—it explodes on contact with air or water. Sodium has been chosen as the liquid metal coolant even though the AEC feasibility study completed in 1971 said: "Sodium-cooled reactors can be built and operated. However, here is no experience with large, central station, sodium-cooled fast breeder reactor systems. These larger plants will require a much broader technology than now available."

The study also said that the "state-of-the-art for detecting, locating, and containing sodium leaks, and for fighting sodium-air or sodium-water reactions is rudimentary."

Even though the AEC has officially endorsed the liquid sodium coolant, there is strong feeling inside the agency that other cooling system designs are superior. Although no one who works on breeder development is publicly attacking the decision to opt for liquid sodium, rumblings of discontent about the choice have been heard from inside the agency.

These rumblings are coming from those who have watched the breeder program since it began with the construction of the first Experimental Breeder Reactor (EBR–1) in 1951. The AEC heralds this event as a landmark occasion and has had the site declared a Registered National Landmark by the Interior Department. Even though it did prove the validity of the breeder theory, it also demonstrated its hazards. During an experiment in 1955, an accident occurred because an operator made a mistake. No one was hurt, but the temperature in the reactor core rose to over 2000 degrees Fahrenheit and the fuel rods melted. Such a meltdown could trigger a small explosion under certain conditions.

An official AEC publication, *Breeder Reactors*, describes the experience with EBR–1 this way: "Although years of hard work and further research lay ahead in applying the breeding principle to larger reactors, the ERB–1 demonstration gave a tremendous psychological boost to the scientista and engineers working toward breeder reactors and moved the breeder concept from the realm of hope to an area of more solid scientific foundation."

Another highlight in breeder history glossed over by the AEC is the experience with the Enrico Fermi plant located near Detroit. *Breeder Reactors* ends a three-sentence description of the plant with, "Although a series of operating problems delayed sustained power-demonstration runs, the Fermi plant has provided valuable insight into some of the problems that may face large, commercial breeder plants." Those "operating problems" included major equipment failures, defective accident warning instruments, and a core meltdown which released radiation in the plant and put it out of operation for about five years. Now, it is operating again at low power.

In spite of all the problems that surround the breeder, Congress appears ready to give a full go-ahead to the AEC's plans to let the breeder become the flag ship of America's alternative energy fleet. One reason the LMFBR is receiving the red carpet treatment in the halls of Congress is the scare-talk of blackouts that the utilities have used to camouflage the issues of energy waste, and the production lag which has resulted from earlier AEC projections that have not been realized. Years of AEC and utility salesmanship have conditioned the public and Congress not to question energy production plans; yet, the real answers are only going to be found when the light of public discussion illuminates the blackout issue.

U.N. LAW OF THE SEA REPORT: SECTION 3

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEITH. Mr. Speaker, on Monday and Tuesday of this week, I have placed in the RECORD, sections 1 and 2 of my report on the upcoming Law of the Sea Conference, including part of a statement by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee. To conclude my report, I wish to submit today the balance of Mr. Stevenson's statement, concerning preparations for the 1973 Law of the Sea Conference, as follows:

U.N. LAW OF THE SEA REPORT

PREPARATIONS IN THE SEABED COMMITTEE

The General Assembly will decide the precise date and agenda of the 1973 Law of the Sea Conference next fall. In the meantime, there have been three meetings of the U.N. Seabed Committee since it has been charged with preparations for the Conference. The Committee now has 91 members.

Areas of broad agreement

During the section 3 meetings of the Seabed Committee, almost all members have indicated their general views. While the United States has not agreed with all the views expressed, the discussions to date indicate at least the broad parameters of a possible eventual agreement consisting of the following elements:

(a) a 12-mile territorial sea, with freedom of navigation and overflight beyond that limit;

(b) coastal State economic controls over fisheries and seabed resources beyond 12-miles;

(c) an international regime for the seabed beyond the area of coastal State economic jurisdiction.

Unsettled issues

The key unsettled issues on which the success or failure of the 1973 Conference will doubtless hinge are the following:

(a) How far beyond 12 miles should coastal State economic jurisdiction extend and should it be exclusive or subject to international standards and accountability.

(b) Free transit through and over international straits.

(c) The nature of the international regime and machinery in the area beyond coastal State economic jurisdiction.

(d) The nature of the legal regime for the control of marine pollution beyond 12 miles.

With your permission, Mr. Chairman, I will be happy to supply the Committee, for the record, with copies of certain statements we have made explaining our position on these substantive issues in greater detail. However, in view of the widespread interest among developing countries in a 200-mile exclusive coastal State economic zone beyond the territorial sea, and the fact that some have included pollution control within this concept, I would like to outline our principal objections to such exclusive resource jurisdiction and to comment briefly on the pollution question.

Problems with the Exclusive Resource Zone

First, let me make it clear that we are not opposed to delegating extensive controls over resources to coastal States in broad areas beyond the territorial sea as part of an agreed Law of the Sea settlement.

However, it is our view that these controls must be based on an express delegation of authority from the international community, must take into account community interests, and must be accompanied by coastal State accountability to other members of the community. International standards and compulsory dispute settlement are accordingly essential. Exclusive coastal State economic jurisdiction tends to disregard the existence of community interests in the area, particularly as regards other uses such as freedom of navigation, overflight, and scientific research. There is a danger that exclusive economic jurisdiction may be expanded to interfere with such other uses.

Secondly, fisheries are more than just an economic resource. They are a vital source of animal protein for the world. There is, accordingly, a community interest in assuring that coastal State regulation is accompanied by accountability to the community for conservation and for ensuring maximum utilization of fisheries consistent with sound conservation practices. As a practical matter, there should be an agreed international formula regarding historic fishing activities of other nations in coastal areas.

Thirdly, fish do not observe arbitrary lines in the ocean. As a rule, fishing activity for particular stocks should be subject to the same management regime. Thus, coastal State regulation of coastal and anadromous species should be based on the migratory habits of such species. Moreover, certain species of fish such as tuna are highly migratory, frequently crossing entire oceans. Accordingly, we believe such migratory species can only be effectively managed by international and regional organizations rather than coastal States.

Fourthly, one of the important objectives of an international seabed regime is to provide for equitable sharing of benefits from seabed minerals. Most petroleum and gas resources are located in the continental margins off the coast. With few exceptions, these margins would be largely embraced by a 200-mile exclusive resource zone. Revenues for the international community as a whole from seabed minerals will not be very meaningful unless payments for this purpose are made not only with respect to the deep seabed exploitation of hard minerals contained in manganese nodules, but also, at least in some measure, with respect to the exploitation of the petroleum and gas resources of the continental margin beyond the 200 meter depth line. It is estimated that approximately one-half of the offshore petroleum lies beyond the 200-meter depth.

Finally, we believe that minimum international standards for protecting other uses of the sea, as well as protecting the marine environment itself from pollution arising from seabed exploration and exploitation, are in the general interest, and that these should be applied to the continental margin beyond the 200-meter depth.

Pollution issues

As I indicated, a number of coastal States have urged that pollution jurisdiction should accompany coastal State resource jurisdiction in the area beyond a 12-mile territorial sea. This will doubtlessly continue to be an important area of discussion and negotiation.

First, let me indicate the areas where there seems to be agreement. Coastal State jurisdiction over marine pollution emanating from land is clear. Moreover, it seems generally understood that coastal State economic jurisdiction over seabed resources, including such jurisdiction in an intermediate zone, will include coastal State controls over pollution from exploration and exploitation of such resources. The issue is the extent to which such controls should be subject to international standards, inspection, and dispute settlement, including minimum standards promulgated by the international seabeds organization for this purpose.

There is difficulty in dealing with the question of pollution from vessels. On the one hand, the interest of coastal States in protection from such pollution is clear. On the other hand, the international interests in freedom of navigation could be seriously compromised by coastal State controls over vessels and their movements. Moreover, the fact that vessels by their very ntaure move over large distances tends to raise serious practical questions regarding the effectiveness and harmonization of different coastal State messures. At present, as I indicated, the Intergovernmental Maritime Consultative Organization is very active in the field of preventing pollution from vessels by agreed international arrangements, and has produced a number of Conventions on the subject. With respect to IMCO's future activities in this area, at least two problems must be addressed:

First, the role of IMCO in continuing to develop international standards, and the extent to which this role needs strengthening to protect the interests of coastal States.

Second, whether additional measures for international cooperation in enforcement are desirable, and the extent to which these should involve IMCO, coastal States, or both.

If I could summarize what I have said about coastal State resource jurisdiction and related pollution problems, it would be that the existence of strong international and non-coastal interests must be taken into account in determining the nature and extent of coastal State controls, but that there need be no inherent or inevitable conflict between the two if the problems are addressed by all concerned with precision and in a spirit of mutual accommodation.

The March meeting of the Seabed Committee

I propose to conclude with a review of the March meeting of the Seabed Committee held in New York.

With respect to seabeds, the meeting was encouraging. Debate was structured, and tended to highlight the issues discussed earlier. A working group was established on principles that would form the first section of seabeds articles; additional working groups on machinery are contemplated for the summer meeting in Geneva.

One disturbing element was the revival of the divisive issues inherent in the so-called "Moratorium Resolution" passed by the General Assembly in 1969 over the opposition of the United States and many others. That Resolution purported to declare a moratorium on all exploitation of the seabed beyond the limits of national jurisdiction, without defining those limits. Among its other undesirable features, such a resolution encourages coastal States to expand their jurisdiction at the expense of the international area—and indeed, one of the strongest supporters of the Resolution did just that. We believe that the development of technology will not prejudice options regarding a seabeds regime if we proceed on schedule with treaty negotiations. Moreover, recognizing the need to preserve such options, the President stated in 1970 that all exploration and exploitation beyond 200-meters should be subject to the international regime to be agreed upon. Accordingly, it is to be hoped that the Subcommittee will not permit itself to be diverted by attempts to revive the moratorium issue at the expense of constructive and timely work on the seabeds regime.

The second Subcommittee, charged with the more traditional law of the sea subjects, spent virtually the entire session waiting for three regional groups to complete a proposal on a list of subjects and issues that would form the basis for discussion. It was introduced in the last week and contained certain unbalanced formulations that most, if not all, delegations knew from the outset could not be accepted by others on a consensus basis. These formulations would, in effect, prejudice the ultimate resolution of the issues before substantive consideration of them was completed. Moreover, while certain delegations made very useful substantive statements in the Subcommittee—particularly on fisheries—others seem to exclude the possibility of substantive progress on any issue in the Subcommittee until the list has been agreed and there has been general discussion of the list as a whole and the priorities to be assigned for discussion of different subjects.

Since there is no substantial disagreement regarding the comprehensive nature of the list, but only regarding the wording of certain items, further work on the list should not be permitted any longer to impede substantive progress. Moreover, if possible a text of the list should be prepared in informal consultations prior to this summer's meeting that can be agreed at the outset of that meeting. The Chairman of the Committee has agreed to arrange for such consultations. A copy of the proposed list, as well as the U.S. proposed amendments, will be submitted for the record.

Despite the unfortunate aspects of the list exercise, a wholly negative interpretation is unwarranted. We now see more clearly the political parameters of the negotiation, and all delegations have a better understanding of each other's positions and the options available. This had to occur; what is unfortunate is the way it occurred and the amount of the time involved.

The third Subcommittee, charged with the subjects of pollution and scientific research, spent considerable time discussing the coordination of various international activities regarding marine pollution, and trying to identify the areas in which the Law of the Sea Conference could most usefully concentrate its efforts. Some delegations have been urging complete treatment of all aspects of marine pollution at the Law of the Sea Conference, including pollution from land-based sources. Others have emphasized the important responsibilities of other international organs in this field, and have taken a more cautious approach to the scope of the Law of the Sea Conference in this regard.

Mr. Chairman, while the preparatory work thus far has not fully met our expectations, we remain convinced that these negotiations and the Conference should continue on schedule. Technology is not standing still. Unilateral claims are proliferating. The essential element for success lies in the difficult political decisions that governments must make to reach agreement, not in technical work that can be completed expeditiously once such decisions are made. It is our view that delay will only increase the difficulty of reaching such decisions.

The oceans are not a remote and largely inaccessible part of the planet or the universe. They are an integral part of our entire existence. The interests at stake in resolving a new legal order for the oceans are diverse, immediate, and vital to almost everyone. If we can bring the collective will and collective procedures to bear on providing new and effective international law and international institutions for the oceans, this could well point the way to a new dimension in international relations and new confidence in the ability of the international community as a whole to come to grips with its most pressing problems.

Thank you, Mr. Chairman.

FISCAL RESPONSIBILITY ACT WOULD PUT EFFECTIVE CONTROL ON PURSE STRINGS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HORTON. Mr. Speaker, I am pleased to join with my colleague from Michigan (Mr. ESCH) in sponsoring the Fiscal Responsibility Act of 1972. Before enumerating the provisions of this comprehensive legislation, I wish to reflect for a moment on why I believe Congress must revise its procedures for controlling the purse strings of the Federal Government.

At the present time, much of the responsibility for Government fiscal policy has fallen into the hands of the executive branch by default. Congressional spending and budgetary procedures are far too disorganized and stop-gap to enable us to effectively plan and monitor our multibillion dollar budgets. As Congress has failed to update its appropriations procedures, more and more of the task of setting budgets straight and of setting spending priorities has shifted to the White House. That is not where the responsibility belongs.

Where have we failed? First of all, Congress has failed to respond to our inability to complete action on all appropriations measures before the fiscal year begins. We simply are unable to sift through about 14 massive appropriations bills between the end of January and the June 30 deadline. Unlike earlier days of 6- or 7-month sessions and smaller budgets, we now find ourselves considering legislation 10, 11, and even 12 months a year. Frequently, less than half of the appropriations are acted upon before the beginning of the fiscal year—leaving Federal agencies to operate under stop-gap continuing resolutions which undermine efficient planning and spending of funds.

Mr. ESCH and I have worked for several weeks on the draft of this bill. Our reason for including a change in the fiscal year to coincide with the calendar should not imply criticism of the Appropriations Committees of Congress responsible for reviewing budget requests.

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On the contrary, under the very difficult time schedules imposed upon them, these committees and subcommittees do an excellent job of sifting through the myraid of complex spending requests which add up to over $245 billion for the coming fiscal year. As an example of the Appropriations Committee's effort to complete as much of its review as possible before June 30, we had a request on the floor today for permission to bring up a complex appropriation measure next Tuesday—a measure not expected to be finally reported by the full Appropriations Committee until late Monday.

Under a calendar year fiscal year setup, there would be no need to ask Members of Congress to take final action on a large spending measure with no more than a few hours to study the details of the bill in advance. This kind of time schedule is nothing short of chaotic. It does not permit intelligent review of decisions to spend billions of taxpayers dollars. It is unfair to the Appropriations Committee which has spent several months preparing its report to the House, and it is unfair to the Federal agencies and the recipients of their programs—all of whom must live with the hasty result of this rush congressional action on their budgets.

I first proposed changing to a calendar budget year in the 90th Congress, back in 1968. Last year, I testified before the Joint Committee on Congressional Organization in favor of this change, and I am continuing to urge that the Government Operations Committee, on which I serve, take up this legislation. Despite my separate bill on this subject, I think the calendar budget year is a necessary and desirable inclusion in the Federal Fiscal Responsibility Act. For only if we have a reasonable time frame in which to consider Federal spending can we take an intelligent look at the budget as a whole.

Present appropriations procedures place fiscal responsibility last on the priority list. In acting on individual spending bills, each house of Congress makes separate decisions on whether more or less money should be allocated for programs than was budgeted by the administration. Through this procedure, we may add funds to an education bill or subtract funds for a defense project, but there is no mechanism which forces Congress to look at the entire budget picture at once. While many of us try to balance our own votes for high and low priority items, the actions of Congress as a whole usually do not balance spending with available dollars. Frequently, the administration responds by holding up, or impounding funds for specific programs in direct opposition to the intent of Congress. Here again, our powers over spending priorities have shifted to the Executive by default.

Mr. Speaker, the Fiscal Responsibility Act of 1972 would restore to Congress a viable role in establishing budget priorities. It addresses four major areas in need of reform.

First, the bill reestablishes the fiscal year to coincide with the calendar year. This adjustment would give Congress 6 extra months to review the budget and would greatly reduce the need to resort to continuing funding resolutions.

Title II of the bill requires Congress to set an annual expenditure limitation 45 days after the President has submitted his budget. This would force Congress to consider the state of the economy at the beginning of each budgetary cycle and to weigh various priority programs competing for limited dollars. In addition, the Director of the Office of Management and Budget is required to report to Congress at the end of the second and third quarters his estimate of how well Federal spending policies are complying with the expenditures ceiling. If the Director estimates that spending will exceed the ceiling for the current fiscal year, he can establish pro rata reductions in all Federal departments to bring spending in line with the limitation. Upon submission of the report, Congress would have 30 days to specify or exempt appropriations categories where the reductions shall be made. As a result, Congress would have an ongoing responsibility to monitor spending levels and to stay within its own spending limit.

Title III of the bill establishes a Federal impoundment procedure and distinguishes between pro rata impoundments and those targeted at specific programs. If the President decides to institute a pro rata, across-the-board reduction in any agency, he must immediately notify Congress of his impoundment. Either House of Congress would then have 60 days to disapprove the action. In cases where the President targets his impoundment to one budget category or program, he must notify Congress 30 days in advance and either House of Congress would have 30 days to disapprove the proposed action. By distinguishing between pro rata and targeted impoundments, Congress would be assured of prior consent to any withholding of funds for specific programs. This section of the bill also includes provisions to encourage prompt disbursement of Federal funds to State and local governments and to private contractors. If additional costs are incurred by the recipient of Federal funds because of a delay of 60 days or more, the Federal Government becomes liable for those extra costs.

Finally, the Fiscal Responsibility Act establishes a Commission made up of the Comptroller General and key members of the appropriations committees, the Senate Finance Committee, and the House Ways and Means Committee. The Commission would be charged with studying the entire authorization-appropriation process and recommending further steps to modernize congressional procedures.

Mr. Speaker, the people of America expect Congress to watch over the purse strings of Government and to set Federal spending priorities. Of all branches of Government, Congress is the closest to the people and it should be equipped to respond to these demands. But unless we adopt comprehensive reforms, we will continue to fumble our fiscal powers away—along with the tax dollars of our citizens.

The Fiscal Responsibility Act offers responsible alternatives that would help put both the budget and the powers of Congress back into balance. I want to commend our colleague, Mr. ESCH, for the leadership role he has taken in this area, and I urge each of my colleagues to work with us to gain action on this measure.

RIGHT TO "FREE" LEGAL COUNSEL AT TAXPAYERS' EXPENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RARICK. Mr. Speaker, the new justice theories by those presently occupying the seats of the Supreme Court are beginning to hurt—not hurt the criminals but rather the taxpayers. Thus far the right to free legal counsel in misdemeanors does not take into consideration the increased cost to the taxpayers caused by additional judges and courtroom facilities which will be made necessary because of the additional trials and delays resulting from the egalitarian theories of judges.

An example of what is to come may be indicated by a report from nearby Virginia that the right to free legal counsel in any trial which can result in a jail or prison sentence is expected to affect some 3 million people and cost the taxpayers of that State $15 million a year.

I ask that several newsclippings follow.

[From the Evening Star, June 12, 1972]

COURT BROADENS DEFENDANT RIGHTS

The Supreme Court today ruled that the right to a lawyer applies to persons on trial even for minor crimes if they face jail or prison.

In a 7 to 2 ruling, the justices declared that any person put on trial for any kind of offense which may lead to a jail term, no matter how short, is entitled to a lawyer if he wants one.

The decision, in an opinion by Justice William O. Douglas, broadened a 1963 ruling guaranteeing an attorney for trials of serious crimes.

"Under the rule we announced today," Douglas wrote, "every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed . . . unless the accused is represented by counsel."

This apparently means that a crime leading only to fines, and not jail or prison terms, is the only kind of case in which the right to a lawyer does not apply. The court said it was taking no action on cases involving only fines.

Today's ruling is expected to have its heaviest impact in about half of the states. At present, two dozen states, the District, and the federal government guarantee the right to a lawyer in every case where jailing or imprisonment could result.

There were no outright dissents from the ruling. However, the two newest justices, Lewis F. Powell Jr. and William H. Rehnquist, said they would not have gone so far as the majority.

Instead, they said in an opinion written by Powell, they would provide that judges could decide on a case-by-case basis whether a person accused of a petty offense is entitled to an attorney.

Chief Justice Warren E. Burger, in a brief separate opinion, suggested that the ruling "may well add large new burdens on a profession already overtaxed," but he concluded that "the dynamics of the professions have a way of rising to the burdens placed on it."

Today's decision grew out of the famous "Gideon" Decision of 1963, which held for the first time that the right to a lawyer applies in states as well as in federal criminal trials. Until today, however, the court had never indicated whether this right reached cases involving even such poetry offenses as traffic violations.

[From the Evening Star, June 13, 1972]

RIGHT-TO-LAWYER RULING COSTLY IN VIRGINIA

(By Alex Preston and Lyle Denniston)

A new Supreme Court decision giving any person a right to legal counsel in any trial which can result in a jail or prison sentence, will affect some 300,000 persons a year in Virginia and cost the state about $15 million a year, State Atty. Gen. Andrew P. Miller said today.

Miller called a news conference in Richmond on the eve of the annual meeting of the State Bar Association, whose members already are talking about a special session of the General Assembly to make wholesale revisions in the state's misdemeanor laws.

Arlington County Commonwealth's Atty. William J. Hassan said Virginia had anticipated the court's ruling when the legislature earlier this year set up a six-member commission to study feasibility of establishing a public defender system.

MEETING THURSDAY

The study commission, scheduled to meet Thursday, will designate three localities to serve as pilot projects for the public defender system which entities all persons to legal counsel.

The high court held, in a 7 to 2 decision yesterday, that any person is entitled to an attorney, even in relatively minor crimes, if a jail or prison sentence is a possible penalty. Virginia, like Maryland and about half the states, imposes an "either, or both" penalty for many misdemeanor offenses; that is a stated maximum fine or a jail term or both."

The impact on Maryland probably will be less than on Virginia. Maryland Deputy Atty. Gen. Henry Lord said his state has a public defender system and as a matter of policy has provided counsel for defendants in cases involving jail terms of 90 days or more.

"This (court decision) simply narrows it down from 90 to 1 (day)," Lord said.

But in Virginia, the ruling could be "catastrophic," according to C. Wynne Tolbert of Arlington, president of the State Bar. "The crowds of people that clutter the halls of our courthouses for cases in lower courts is unbelievable," he said.

"This decision could make the situation worse. I can't help but believe that the judge should be given more discretion in appointing attorneys to represent indigent persons."

Hassan said that mandatory jail terms are provided for certain types of traffic offenses, such as operating a motor vehicle on a suspended or revoked driver's permit.

"Although we had anticipated this decision," Hassan said, "we thought it would be more restrictive to certain types of offenses."

FISCAL PROBLEM

Under present law, Virginia provides attorneys for indigent persons accused of felonies—more serious offenses which carry penalties of one year in jail or $1,000 fine or both. But no free legal counsel is provided for indigents in misdemeanor cases.

"This landmark ruling present Virginia with a staggering judicial and fiscal problem," Miller said. He added that it seemed "incredible for such an opinion to come down without any mention of its retroactivity. Do we have to free those currently serving jail sentences on misdemeanor convictions imposed without the participation of defense lawyers?"

Miller said his office has already compiled a list of offenses under Virginia law that could carry a jail sentence; the number is well over 1,000, including drunkenness and certain traffic law violations.

Arlington County Court Judge Thomas W. Dodge foresaw "a very significant expense to this county, with lawyers possibly being needed for 1,500 additional cases a year at a cost of about $50 per case."

BURGER AGREES

In this vein, Chief Justice Warren E. Burger, in a concurring separate opinion, suggested that the ruling "may well add large new burdens on a profession already overtaxed" but he concluded that "the dynamics of the profession have a way of rising to the burdens placed on it."

The court said it was taking no action on cases involving only fines.

Several suggestions by the federal government, to make it easier for the states to adjust to the new ruling, were ignored by the court's opinion.

The key proposal by the Justice Department which favored yesterday's result, was that the court postpone the effective date of its ruling for a year, or perhaps until July 1 of next year.

But the states were given no option by the court except to adapt within about three weeks, which is the time it will take for the court to issue a formal order carrying out its suggestion.

OUR NATION SALUTES THE COURAGE AND FORTITUDE OF OUR HANDICAPPED

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ROE. Mr. Speaker, on May 3, 1972, I had the great privilege of participating in the Humanitarian Awards program of the National Society of the Handicapped and the Joint Handicapped Council during the National Conference on the Employment of the Handicapped here in Washington. As I looked about me during the presentation ceremony—and later in warm person-to-person discussions with our handicapped visitors from my congressional district and the State of New Jersey—the distinction and honor of being one of the recipients of their "National Humanitarian Award" gave me great personal pride in having the opportunity here in Congress to vigorously support legislation to help meet the needs and work toward providing a better standard of living for the handicapped citizens of our nation. Of even greater significance is the heart-warming knowledge of the magnitude of the unselfish dedication, free spirit, silent courage and noble work of all of our handicapped fellow citizens.

During this 92d Congress I have already sponsored considerable legislation on behalf of, and to benefit our handicapped citizens. I recently joined with the distinguished chairman of the House Ways and Means Committee, WILBUR D. MILLS in sponsoring H.R. 15008 which would provide an income tax deduction in the case of disabled individuals for expenses for transportation to and from work and additional exemption for income tax purposes for a taxpayer's spouse who is disabled. Some of the other significant legislation I have sponsored is as follows:

H.R. 6298, March 17, 1971, H.R. 8011, May 3, 1971: To amend the Wagner O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals. This measure which was signed into law by the President—Public Law 92-28—on June 23, 1971, provides employment opportunities for severely handicapped individuals in the manufacture of products to be sold to the Federal Government.

H.R. 11236, October 14, 1971: To amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. Approximately 1 million youngsters in our Nation are homebound handicapped and for varying lengths of time, are unable to attend school, thereby suffering academically and emotionally. This measure makes a full commitment to these children in helping them to fulfill their potential by providing financial compensation to qualified college students to act as home tutors for these youngsters.

House Concurrent Resolution 436, October 21, 1971: Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded. This measure calls attention to the plight of the mentally retarded in the hope that it will help dispel one of the major obstacles to helping and improving the circumstances of the mentally retarded: namely, the attitude of people toward the mentally retarded who are constantly facing dehumanizing abuses from a majority of this country who are unaware of their exclusion from rights such as education and training which the rest of us take for granted; unaware of the gray dullness of some institutions for the severely retarded; and unaware of the sweatshop pay that some retarded get for a good day's work. Approval of this resolution will place the United States in the leadership, in the discussion in the United Nations General Assembly, of a declaration of rights for the mentally retarded.

H.R. 11259, October 4, 1971: To amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons.

H.R. 11606, November 5, 1971: To amend the Vocational Rehabilitation Act to provide special services, artificial kidneys and supplies necessary for the treatment of individuals suffering from end stage renal disease. It is important to note that under date of March 20, 1972, the House passed by a record vote of 327 yeas to zero nays H.R. 8395, which ex-

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tended and improved the basic Federal-State vocational rehabilitation program and added services for end-stage renal disease authorizing $25 million during each of the fiscal years 1973, 1974, and 1975 for this purpose.

H.R. 12352, December 15, 1971: To amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment.

H.R. 13668, March 8, 1972: To provide for paper money of the United States to carry a designation in braille indicating the denomination.

H.R. 14337, April 12, 1972: To establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped.

House Joint Resolution 1159, April 12, 1972: Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

Mr. Speaker, there is so much more to be done to help the handicapped of our Nation—and I call upon my colleagues here in the House to continue their dedicated efforts toward developing legislative proposals and action programs that will insure the handicapped of our Nation the quality of life with the highest standards of excellence which they so richly deserve.

I ask my colleagues to join with me in expressing our appreciation on behalf of all of the other recipients of the National Humanitarian Award in the highest commendation to the executive director of the Joint Handicapped Council, the Honorable Max Lupkin, who presented the awards. A handicapped person himself, he has given a lifetime of outstanding public service in sharing the burdens and seeking a better life for our handicapped as well as improved physical and mental health through social and vocational rehabilitation programs for the handicapped—we do indeed salute you, Max Lupkin.

Other recipients of the Humanitarian Award are as follows:

Distinguished Members of the Senate:
Hon. DANIEL K. INOUYE, of Hawaii.
Hon. JACOB K. JAVITS, of New York.
Hon. RUSSELL B. LONG, of Louisiana.
Hon. ADLAI STEVENSON III, of Illinois.
Distinguished Members of the House:
Hon. HALE BOGGS, of Louisiana.
Hon. JOEL T. BROYHILL, of Virginia.
Hon. JOHN W. BYRNES, of Wisconsin.
Hon. JAMES A. BURKE, of Massachusetts.
Hon. HUGH L. CAREY, of New York.
Hon. MANUEL CELLER, of New York.
Hon. MARTHA W. GRIFFITHS, of Michigan.
Hon. WILBUR D. MILLS, of Arkansas.
Hon. WILLIAM F. RYAN, of New York.
Hon. AL ULLMAN, of Oregon.
Hon. CHARLES A. VANIK, of Ohio.
Hon. JOHN C. WATTS, of Kentucky.
Distinguished international dignitaries:
HRH Countess Marianne Bernadotte, Stockholm, Sweden.
Premier Golda Meir, State of Israel.
Distinguished citizens:
Hon. Andrew J. Biemiller, AFL–CIO.
Hon. William B. Gardiner, DAV.
Hon. C. L. Huber, DAV.
Hon. J. R. Nelson, I.A.M. & A.W.
Hon. F. M. Putterman, JWV.
Hon. F. R. Stover, VFW.
Hon. Maurice Ward, Joint Handicapped Council.
Distinguished organizations:
Accent on Living, Inc.
The National Star Newsletter.
The National Institute for Rehabilitation Engineering of New Jersey.

Mr. Speaker, I wish to particularly commend Donald Selwyn, executive director and George W. Shultz, member of the board of directors of the National Institute for Rehabilitation Engineering of New Jersey who were present to receive the award on behalf of NIRE, the only New Jersey organization to receive the honor. I am especially proud of the fact that they are located in my congressional district. NIRE was selected for its work in socially and vocationally rehabilitating people who are severely handicapped. The institute, which was formed 5 years ago by Donald Selwyn, has an outstanding record of success in helping severely and totally disabled people to live independently, to work and to support themselves. NIRE specializes in the development of electronically operated devices and equipment to meet the needs of the handicapped, enabling them to function in an optimum independent manner in their daily pursuits. They also provide technical assistance to other handicapped service organizations, institutions, and agencies.

The Nation does indeed salute the courage and fortitude of our handicapped.

ANIMAL PSYCHOLOGY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. OBEY. Mr. Speaker, during debate on the Interior appropriations bill yesterday, I indicated that the bill had increased funding for research in the habits of predators and behavior techniques which may be used to control them.

Our hope is that with such techniques we can avoid the use of large amounts of poison on public and private lands which ends up killing target and nontarget animals alike.

An article in the Wall Street Journal a few days ago indicated some of the research which is now being done in this area. It is encouraging, I think, for all those who realize that the more we can rely upon nonchemical and nonpoisonous controls for predators and insect pests, the better off we will all be.

The article follows:

INSTEAD OF POISONING ANIMAL PESTS, SOME GROUPS FAVOR USING PSYCHOLOGY

(By James E. Bylin)

LOGAN, UTAH.—Ground squirrels seem like cuddly creatures. But they like to munch on alfalfa and corn, which makes farmers mad, and they might spread disease, which makes no one happy.

So how can their population be controlled? Traditionally, they might be poisoned. But other animals you don't want killed might eat the poison, too, thereby upsetting environmentalists as well as the balance of nature.

David Balph, who has watched squirrels for years, thinks that he knows a better way than poisoning for the squirrels—and for all sorts of predators and pests as well, including coyotes, rats and starlings. Mr. Balph, a behavioral ecologist here at Utah State University and acting director of its Ecology Center, is a leading exponent of waging psychological warfare in man's perennial battle to protect crops and livestock.

His chief ploy: Learn behavioral patterns and then manipulate inbred mechanisms so the animals "control their own population."

Consider the ground squirrels. "They're like a human family," he says. "The young stay around if the environment is good. But if there are problems, they get sick of them. They're susceptible to pressures." Overpopulation causes the problems, he says, and the pressure is applied in a strange way: Yearling males about to mate for the first time mercilessly bother juveniles. Not only do the youngsters tend to scurry to other habitats but the juvenile males become "psychological castrates," unable to mate when their time comes, and the females ultimately produce smaller litters.

THE PESTER PLAN

What Mr. Balph proposes, then, is to capture a few yearling males where squirrels are a nuisance, inject them with a special hormone and let them "pester the hell out of the juveniles. We might knock down the population by 20%," he says.

Mr. Balph and a growing breed of ecologists believe that such notions may be the basis for future controls. Although their theories haven't faced the test of field use, these ecologists are in a position now to prove their ivory-tower speculation. For President Nixon, under mounting pressure, recently adopted a task-force recommendation and suspended immediately the use of poisons in federal predator-control programs. Interstate shipments of many poisons have also been stopped to discourage private use.

Since 1951, the task force reported, some $110 million in federal and contributed funds have been spent to wipe out wildlife, often indiscriminately and inhumanely. The report, in fact, contended that the prison program had never been justified by research. It chided federal researchers for concentrating on "the development of effective killing chemicals and devices" while neglecting needed research into "the gamut of ecological problems associated with predators," including "more effective, specific and economical control methods."

DRUNK AS A COYOTE?

Coyotes have been the No. 1 target for the poisons, and the Nixon ban has angered sheepmen, who allege that sheep are the No. 1 target for coyotes. No one apparently knows how much damage coyotes really do inflict, but Mr. Balph, long a resident of sheep country, suspects that it isn't as much as herders claim. "An old sheepherder goes into the mountains, gets drunk and loses half his herd," he says. "It's human nature to blame the coyotes."

In any event, some researchers now are working on a "super stink" as an alternative to poisoning. The idea, stemming from the development of special odors to keep dogs out of gardens, is that some hideous smell will repel the coyotes from the sheep. Mr. Balph disagrees on the ground that the odor would have to be so overwhelming that "the sheep couldn't live with it either." He figures, "A coyote in the attack stage is a whole different bag from a dog urinating on a rosebush."

If anything, Mr. Balph speculates, a perfumy smell might be more effective. Meat treated with a powerful emetic, or vomit-inducing agent, could be staked out for the coyotes near the sheep. It is hoped, he says, that the coyote will eat the meat, fall ill and associate it with his sickness. Carrying this plan one step forward, Mr. Balph suggests dousing the meat—and the surrounding area—with cheap perfume. The coyote might associate the sheep's entire territory with vomiting and be "conditioned to avoid the area."

Even better and simpler might be to turn the coyote's own scent against him, he says. Coyotes, he explains, size up the scope of their competition by the number of "scent posts" in a given area. (The scent, left on bushes and the like, is a combination of urine and a secretion from glands along the base of the tail.) By re-creating this scent and applying it liberally around the sheep, "we might trick the coyote into thinking the (coyote) population is greater than it is," persuading the predators to take off for greener pastures.

Another tactic worth exploring, he adds, is to record coyote howls and play them when new mothers are feeding their young. The howls might again indicate overpopulation and upset the mothers during a critical period so she doesn't take proper care of her young.

The balding, 40-year-old Mr. Balph was raised in India, where he watched rats and other pests ravage food supplies. As far as the U.S. is concerned, he considers rats and starlings as "our two most important problems."

A SCENT—THEN AN ABORTION

Rats, he ponders, might be controlled by another peculiar biological response. "It's wild," he says, but at a critical time early in their pregnancies, female rats will abort spontaneously when confronted with the scent of a strange male. Biologists suspect that the reason is to copulate with the new male. Anyway, Mr. Balph thinks a synthesized scent of a "strange male" might be used to "disrupt the normal breeding cycle" and lower the birth rate.

Under a small grant, Mr. Balph and his staff are experimenting on a starling-control technique that, he says, may also be applicable to rats. The prolific birds are a costly nuisance to feedlot operators. His approach is to drug some food pellets, once again with an emetic, and spread them around the feedlot. A key factor, he says, is that it takes about 90 seconds for the bird to vomit after eating the food. During the interim, the bird will have moved to other activities, meaning it possibly won't associate his sickness with the food pellet, which is just fine for Mr. Balph's purposes.

"He won't figure out why he's vomiting," Mr. Balph says. "We want to trick him into associating it with the whole feedlot. He'll think, 'My God, I'll have to stay away from this feedlot. Every time I get around it, I throw up my cookies.'"

If the technique is successful, he says, the number of starlings may dwindle; because "life is so easy around a feedlot, that may be why the population builds up." He adds that there is "some evidence" that such information may also be passed along to the young in their training.

Mr. Balph is scrambling for research funds—federal, state and private—to test his theories. He acknowledges that they are "way out in left field," compared with traditional control methods. By spending $200,000 a year for 10 years, he vows, "we could come up with some halfway decent control programs" for a broad spectrum of predators and pests. "We may be wrong, but we're just saying, 'Give us a chance, and we might be able to do some real good.'"

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Thursday, June 15, 1972*

The Senate met at 11:30 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"For the beauty of the earth;
For the glory of the skies;
For the love which from our birth
Over and around us lies:
Lord of all, to Thee we raise
This our hymn of grateful praise

"For the joy of human love,
Brother, sister, parent, child,
Friends on earth, and friends above;
For all gentle thoughts and mild:
Lord of all to Thee we raise
This our hymn of grateful praise."

—FOLLIOTT S. PIERPOINT, 1864.

We thank Thee, O Lord, that Thou art not only above and beyond and around us but in us and with us. Guide us all by Thy higher wisdom that in service to the Nation we may serve Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1972, the following favorable report of a nomination was submitted on June 14, 1972:

By Mr. FONG, from the Committee on Post Office and Civil Service:

John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1972, the following reports of a committee were submitted on June 14, 1972:

By Mr. HOLLINGS, from the Committee on Post Office and Civil Service, without amendment:

S. 916. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 92–862).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

H.R. 12202. An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes (Rept. No. 92–861).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes (Rept. No. 92–860).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Wednesday, June 14, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON)

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laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3166. An act to amend the Small Business Act;

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on page 2 of the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

CORPORATION FOR PUBLIC BROADCASTING

The second assistant legislative clerk proceeded to read sundry nominations for the Corporation for Public Broadcasting.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. POSTAL SERVICE

The second assistant legislative clerk read the nomination of John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The SECOND ASSISTANT LEGISLATIVE CLERK. Routine nominations placed on the Secretary's desk in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 816, 817, 818, and 819.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VERMEJO RANCH ACQUISITION

The Senate proceeded to consider the bill (S. 2699) to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 20, after the word "Act", insert "of 1965"; so as to make the bill read:

S. 2699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to assure that the outstanding natural resources of the area known as the Vermejo Ranch, within the Maxwell and Sangre de Cristo land grants, New Mexico and Colorado, will be managed and protected for public use and enjoyment, under the principles of multiple use and sustained yield, the Secretary of Agriculture is hereby authorized to acquire under this Act or under other authorities available to him such lands, waters, and interests therein as he deems desirable for national forest purposes within the area generally depicted on a map entitled "Proposed Vermejo Ranch Purchase Area", which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. Any such acquisition may be made by purchase with donated or appropriated funds, by gift, by exchange, by transfer under provisions of the Act of July 9, 1962 (43 U.S.C. 315g–1), as though the lands were within the exterior boundaries of the national forest, by transfer under the provisions of the Federal Property and Administrative Services Act (63 Stat. 377, as amended, 40 U.S.C. 471 et seq.), or otherwise.

SEC. 2. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act: *Provided*, That the acreage of such acquisitions shall be excluded from computation of acreage added to the National Forest System west of the one hundredth meridian for the purposes of the acreage limitation set forth in subsection 6(a)(1) of the Land and Water Conservation Fund Act of 1965.

SEC. 3. Lands, waters, and interests therein acquired pursuant to this Act shall, immediately upon acquisition or transfer thereof, be included in the Carson National Forest and shall be subject to the laws and regulations applicable to the national forest.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary for the acquisition of lands, waters, and interests therein for the purposes of this Act.

Mr. EASTLAND. Mr. President, S. 2699 would authorize the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area. Moneys appropriated from the land and water conservation fund would be available for such acquisition and the acquisition would become part of the Carson National Forest.

The Vermejo Ranch consists of about 480,000 acres of land adjacent to the Carson National Forest. It includes some of the highest water yielding areas in the State of New Mexico. Its water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres, and over 100 miles of trout streams. Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

It is one of the outstanding hunting and fishing areas in the Southwest. There are large populations of elk estimated at about 7,000, about 40,000 deer, several thousand turkeys, 200 to 300 antelope and undetermined numbers of bear and mountain lion. Small game includes grouse, quail, dove, ducks, rabbits, and squirrels.

About two-thirds of the ranch is commercial timberland, of which about two-thirds is ponderosa pine and the balance spruce and mixed conifer. While the Pacific Lumber Co. has the timber rights on about 362,000 acres there are very strong restrictions placed on logging practices and once an area has been logged it cannot again be relogged.

According to witnesses a large number of range improvements have been made. There are about 400 miles of fence, about 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps and over 5,000 linear feet of wind and snow breaks. At the present time there are approximately 10,000 head of cattle on the ranch.

If this land is purchased by the Government and added to the national forests and managed under the multiple use laws it would provide outdoor recreation of many varieties to thousands of people from many States annually. It could also provide grazing for approximately 10,000 head of cattle belonging to local ranchers.

This remarkable Vermejo Park area has virtually unlimited resources for all activities. There is fabulous scenery all the way from 6,000-foot lowlands to the 13,000-foot timberline peaks. Wild flowers occur in great variety since the area embraces five of the six life zones found in New Mexico and five of the seven to be found in North America.

Today land is in great demand. It is one of the most valuable resources that we have. There is little doubt that land of the quality of Vermejo Park is as sound an investment as can possibly be made. It is a once in a lifetime occurrence to have the opportunity to acquire for public use and benefit a tract of land of this size packed with multiple high quality resources. It seems to many individuals and organizations that it would be a major tragedy for the Forest Service not to be authorized to acquire Vermejo Park.

The Department of Agriculture opposes the bill because other priorities have been established for use of moneys from the land and water conservation fund. However, I am sure these priorities were established before the opportunity for the acquisition of the Vermejo Ranch presented itself. And unless we act now the opportunity may forever be lost. Therefore, I feel the priorities should be changed.

Another reason advanced by the Department for opposing the acquisition is that the area is remote from population centers. However, during the course of hearings testimony was received in support of the bill by a representative of the New Hampshire Wildlife Federation and the New York State Conservation Council which include some 300,000 members. The bill was also supported by the National Wildlife Federation and the National Audubon Society. This indicates widespread interest in its acquisition for the use of all the people of the Nation. Mr. President, I hope that the Senate will approve this purchase.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–854), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

S. 2699 would authorize the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area as shown on a map on file in the Office of the Chief of the Forest Service. Acquisitions would become a part of the Carson National Forest. Moneys appropriated from the land and water conservation fund would be available for such acquisitions; and such acquisitions would not be counted for the purpose of the provision of section 6(a)(1) of the Land and Water Conservation Fund Act of 1965, which provides that not more than 15 percent of the acreage added to the national forest system pursuant to that section shall be west of the 100th meridian.

COMMITTEE AMENDMENT

The only committee amendment was a technical one on page 2, line 21, which inserted "of 1965" after "Act" in order to complete the full title of the act referred to.

NEED FOR THE LEGISLATION

Unless the Federal Government acts now to purchase this 480,000-acre tract of land which adjoins the Carson National Forest the opportunity may be forever lost.

Evidence presented during the course of the hearings on this measure, taken from an article which appeared in the December 25 National Observer, indicated that:

There is much concern from all interested parties that a consortium might buy the ranch and immediately start on a helter-skelter land-resort development that would neatly subdivide the ranch into a thousand parcels.

Reportedly, there are two consortiums close to making the buy. "I'm not at liberty to discuss who offers what or whether they even made an offer," Simon says. But whenever there is so much money and land hanging fire, secrets are hard to keep. It is known the Japanese Mitsubishi Corp. is interested, and that another group of private individuals bid the $26,500,000 if the $100,000-plus worth of cattle were thrown in.

Now a consortium headed by Charlie Crowder of Albuquerque is supposedly close to a bid. Crowder, a respected land dealer, has a group of movie stars, land developers, and financiers ready to go, according to the current story. "Charlie's sort of a mysterious character," says the Forest Service's Ted Koskella. "You never know what he's up to until he comes in with, in our case, a land exchange all neatly tied together. He has pulled off more than his share of deals. * * *"

and

"The first man to meet our terms will buy the ranch," says Richard U. Simon, the Fort Worth lawyer handling the sale. "We've told the Forest Service and members of Congress all along that we will not wait to see if they finally decide to buy it. Right now we have half-a-dozen private groups seriously negotiating for its purchase. * * *"

Senator Clinton P. Anderson in his testimony described the land and the opportunity in this way:

The Vermejo Ranch is the heart of the old Maxwell Land Grant originally granted by the Governor of Mexico on January 11, 1841, and finally confirmed by the United States Supreme Court in 1887. The grant originally contained approximately 1,714,765 acres. During the next 50 years after the confirmation of the grant, there were numerous subdivisions of the grant. These tracts passed from one owner to another until 1945 when Mr. W. J. Gourley, a prominent businessman from Ft. Worth, Texas, began acquiring property in the area. Between 1945 and 1948, Mr. Gourley purchased several tracts and consolidated them into what is now known as the W-S or Vermejo Ranch.

This tract of land adjoins the Carson National Forest and could be easily managed by the Forest Service as a part of the Carson. The Vermejo Ranch is one of the finest areas of forest land in the Southwest and would be a public asset that would continue to grow in value.

The ranch includes some of the highest water-yielding areas in the State of New Mexico. The water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres and over 100 miles of trout streams. Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

The Vermejo Ranch is one of the most outstanding hunting and fishing areas in the Southwest. The owners have conducted extensive stocking programs and have maintained quality fishing with trout running in the 3- to 7-pound range. There are large populations of elk, estimated at about 7,000, 40,000 deer, several thousand turkey, 200 to 300 antelope, and undetermined numbers of bear and mountain lion. The small game includes grouse, quail, dove, ducks, rabbits and squirrels.

About two-thirds of the ranch is commercial timber land, of which about two-thirds is ponderosa pine, and the balance, spruce and mixed conifer. There is a timber sale agreement whereby the Pacific Lumber Company purchased the timber rights on 362,000 acres. The contract runs until December 31, 1990, and the company has the right to harvest all timber of a diameter of 8 inches or larger. There are very strong restrictions placed on logging practices, and once an area has been logged, it cannot be relogged. Except in the Mt. Baldy area, there has been no attempt to cut the 8-inch to 12-inch diameter class allowed in the sale agreement. I have been advised by the Forest Service in New Mexico that this cutting has been extremely well-managed and that proper disposal of brush and slash has been made, as well as restoration of the surface where needed.

During the past 25 years, the owners of the ranch have constructed an unbelievable number of range improvements. I am told that there are more than 400 miles of fence, 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps, and over 5,000 linear feet of wind and snow breaks. The stocking of the land has been conservative and, therefore, the range land is in excellent condition. There are approximately 10,000 head of cattle on the ranch, now; and it is estimated that at times, Mr. Gourley grazed as many as 19,000 head when he leased some adjoining land.

There are three outstanding oil and gas leases on about 62,000 acres. The leases are to continue for 10 years and as long thereafter as oil or gas is produced. Exploratory drilling was conducted nearly 10 years ago, but all wells were dry holes and no production ever occurred. Drilling ceased several years ago. Kaiser Steel Company holds a coal lease on about 252,000 acres. The lease permits the company to use sufficient of the surface to operate the mines but does not permit town sites. All exploration reports indicate that all present and future mining be deep underground mining of coal with very little surface disturbance.

I view this tract of land as one of the most valuable of its kind in the Southwest and believe it is an asset that should be acquired and preserved by the Government for the people of this country. If purchased by the Government and added to the National Forest and managed under the multiple use laws, it would provide outdoor recreation of many varieties to thousands of people from many states annually. It would provide grazing for approximately 10,000 head of cattle belonging to local ranchers. The ranchers in this area are mostly individuals with a very few head of livestock and are, for the most part, at or below the poverty level income. Grazing permits would enable these people to increase their herds and flocks and be a tremendous economic boost to a chronically depressed area. In the past, the income from this ranch has mostly gone to Texas banks; and except for some employment of local people, it has

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not been a great economic asset to the State of New Mexico. In recent years to come, there will, of course, be a new timber crop to be harvested; and the value of this timber we expect to be much greater than it would be at this time.

The Gourley Estate has offered this ranch to the Government for approximately 26 million which, according to appraisals made and provided me by the Forest Service, is not out of line with other sales in New Mexico. If the ranch is not acquired by the Government, there is a possibility that this important watershed will be broken up and sold to speculators, or to a Japanese company that has been trying to acquire the ranch for exploitation. I hope that we can put this valuable land into public ownership.

Witnesses described the wildlife habitat and resources as truly exceptional, by far the best of any area of like size in the State. There is a fine herd of no less than 4,000 elk, and mule deer number about 12,000. Black bear are more numerous than anywhere else in the State. There are 200 antelope in the low-lying prairie area. Merriam wild turkeys are in good supply and with the existing optimum habitat there is room for an increase in numbers. There are also blue grouse in the areas above 8,500 feet, and a considerable number of ducks nest around the lakes and beaver ponds.

There is a normal population of mountain lions. There are gray foxes, bobcats, too many coyotes, badgers, abert and chicaree squirrels, prairie dogs, cottontail, snowshoe, and jack rabbits. Beavers are abundant and provide many ponds to augment trout waters. The endangered black-footed ferret may still exist there.

Nowhere else that I know of can one find the variety and abundance of wildlife species that is resident on Vermejo Park. The outstanding feature of the big game situation is that the area embraces both summer and winter range. There is suitable habitat for restoration of bighorn sheep and ptarmigan, which were indigenous to the area.

The trout fishing resources are extensive, diversified, and exciting. There are about 100 miles of trout streams and 60 lakes, large and small. Some lakes can be enlarged and new ones developed by transferring water rights from agriculture to fisheries. The fisheries resources are of special interest because lakes and streams are located in the most beautiful scenic areas.

The area is adaptable for camping, picnicking, scenic sightseeing—by car or otherwise—bird and animal watching, picture taking, rock collecting, exploring, mountain climbing, hiking, backpacking, horseback riding, horse pack-in trips, wilderness experiences, et cetera.

This remarkable Vermejo Park area has virtually unlimited resources for all of these activities. There is spectacular scenery all the way from 6,000-foot lowlands to the 13,000-foot timberline peaks. Wild flowers occur in great variety, since the area embraces five of the six life zones found in New Mexico and five of the seven to be found in North America.

Land today is in great demand. Land is the most valuable resource that we have. Land of the quality of Vermejo Park is as sound an investment as can possibly be made. It is a once-in-a-lifetime occurrence to have the opportunity to acquire for public use and benefit a tract of land of this size and packed with multiple, high quality resources. It seems to many individuals and organizations that it would be a major tragedy for the Forest Service not to be authorized to acquire Vermejo Park, or ranch.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee agrees with the original acquisition cost estimate of the U.S. Department of Agriculture of about $26.5 million.

Administrative cost estimates by the Department of Agriculture would approximate $288,000 per year.

The committee agrees with the Department on its estimates.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

[Later in the day the following proceedings occurred:]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote earlier today by which S. 2699 was passed, together with the third reading of the bill, be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2699) to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico (Mr. ANDERSON), I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

SEC. 5. Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a tax-paying individual or corporation.

Mr. ANDERSON. Mr. President, my bill, S. 2699, would authorize the Government to acquire the Vermejo Ranch in New Mexico and Colorado and add this 480,000-acre tract to the Carson National Forest.

The Vermejo Ranch is the heart of the old Maxwell land grant, originally granted by the Governor of Mexico on January 11, 1841, and finally confirmed by the U.S. Supreme Court in 1887. The grant originally contained approximately 1,714,765 acres. During the next 50 years after the confirmation of the grant, there were numerous subdivisions of the grant. These tracts passed from one owner to another until 1945 when Mr. W. J. Gourley, a prominent businessman from Fort Worth, Tex., began acquiring property in the area. Between 1945 and 1948, Mr. Gourley purchased several tracts and consolidated them into what is now known as the W–S or Vermejo Ranch.

This tract of land adjoins the Carson National Forest and could be easily managed by the Forest Service as a part of the Carson. The Vermejo Ranch is one of the finest areas of forest land in the Southwest and would be a public asset that would continue to grow in value.

The ranch includes some of the highest water-yielding areas in the State of New Mexico. The water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres and over 100 miles of trout streams. Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

The Vermejo Ranch is one of the most outstanding hunting and fishing areas in the Southwest. The owners have conducted extensive stocking programs and have maintained quality fishing with trout running in the 3- to 7-pound range. There are large populations of elk, estimated at about 7,000, 40,000 deer, several thousand turkey, 200 to 300 antelope, and undetermined numbers of bear and mountain lion. The small game includes grouse, quail, dove, ducks, rabbits and squirrels.

About two-thirds of the ranch is commercial timberland, of which about two-thirds is Ponderosa Pine, and the balance, spruce and mixed conifer. There is a timber sale agreement whereby the Pacific Lumber Co. purchased the timber rights on 362,000 acres. The contract runs until December 31, 1990, and the company has the right to harvest all timber of a diameter of 8 inches or larger. There are very strong restrictions placed on logging practices, and once an area has been logged, it cannot be relogged. Except in the Mount Baldy area, there has been no attempt to cut the 8-inch to 12-inch diameter class allowed in the sale agreement. I have been advised by the Forest Service in New Mexico that this cutting has been extremely well-managed and that proper disposal of brush and slash has been made, as well as restoration of the surface where needed.

During the past 25 years, the owners of the ranch have constructed an unbelievable number of range improvements. I am told that there are more than 400 miles of fence, 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps, and over 5,000 linear feet of wind and snow breaks. The stocking of the land has been conservative and, therefore, the range land is in excellent condition. There are approximately 10,000 head of cattle on the ranch, now; and it is estimated that at times, Mr. Gourley grazed as many as 19,000 head when he leased some adjoining land.

There are three outstanding oil and gas leases on about 62,000 acres. The leases are to continue for 10 years and as long thereafter as oil or gas is produced. Exploratory drilling was conducted nearly 10 years ago, but all wells were dry holes and no production ever occurred. Drilling ceased several years ago. Kaiser Steel Co. holds a coal lease on about 252,000 acres. The lease permits the company to use sufficient of the surface to operate the mines but does not permit town sites. All exploration reports indicate that all present and future mining would be deep underground mining of coal with very little surface disturbance.

I view this tract of land as one of the most valuable of its kind in the Southwest and believe it is an asset that should

be acquired and preserved by the Government for the people of this country. If purchased by the Government and added to the national forest and managed under the multiple use laws, it would provide outdoor recreation of many varieties to thousands of people from many States annually. It would provide grazing for approximately 10,000 head of cattle belonging to local ranchers. The ranchers in this area are mostly individuals with a very few head of livestock and are, for the most part, at or below the poverty level income. Grazing permits would enable these people to increase their herds and flocks and be a tremendous economic boost to a chronically depressed area. In the past, the income from this ranch has mostly gone to Texas banks; and except for some employment of local people, it has not been a great economic asset to the State of New Mexico. In the years to come, there will, of course, be a new timber crop to be harvested; and the value of this timber we expect to be much greater than it would be at this time.

The Gourley Estate has offered this ranch to the Government for approximately $26 million which, according to appraisals made and provided me by the Forest Service, is not out of line with other sales in New Mexico. If the ranch is not acquired by the Government, there is a possibility that this important watershed will be broken up and sold to speculators, or to a Japanese company that has been trying to acquire the ranch for exploitation. I hope that we can put this valuable land into public ownership.

During private discussions of the bill which I introduced, a representative of the Bureau of Internal Revenue indicated that in the settlement of the Gourley Estate, there will likely be considerable tax due the Government. I would not want any transfer to the Government to, in any way, relieve the Gourley Estate from payment of any just tax or other debt to the Government. Therefore, I recommend that the following language be inserted at the appropriate place in the bill:

Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a tax-paying individual or corporation.

With this amendment to the bill, I strongly urge your committee to give a favorable report on S. 2699 at an early date so that we might have an opportunity to pass this legislation during this session of Congress. The companion House bill has already been favorably reported by the House Subcommittee on Forests to the full House Agriculture Committee. I believe that time is of the essence, and that if the Government is to acquire this land, we must pass authorizing legislation during this session or forget the whole proposal. I am reasonably sure next session will be too late.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2699) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2699

An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to assure that the outstanding natural resources of the area known as the Vermejo Ranch, within the Maxwell and Sangre de Cristo land grants, New Mexico and Colorado, will be managed and protected for public use and enjoyment, under the principles of multiple use and sustained yield, the Secretary of Agriculture is hereby authorized to acquire under this Act or under other authorities available to him such lands, waters, and interests therein as he deems desirable for national forest purposes within the area generally depicted on a map entitled "Proposed Vermejo Ranch Purchase Area", which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. Any such acquisition may be made by purchase with donated or appropriated funds, by gift, by exchange, by transfer under provisions of the Act of July 9, 1962 (43 U.S.C. 315g–1), as though the lands were within the exterior boundaries of the national forest, by transfer under the provisions of the Federal Property and Administrative Services Act (63 Stat. 377, as amended, 40 U.S.C. 471 et seq.), or otherwise.

SEC. 2. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act: *Provided,* That the acreage of such acquisitions shall be excluded from computation of acreage added to the National Forest System west of the one hundredth meridian for the purposes of the acreage limitation set forth in subsection 6(a)(1) of the Land and Water Conservation Fund Act of 1965.

SEC. 3. Lands, waters, and interests therein acquired pursuant to this Act shall, immediately upon acquisition or transfer thereof, be included in the Carson National Forest and shall be subject to the laws and regulations applicable to the national forest.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary for the acquisition of lands, waters, and interests therein for the purposes of this Act.

SEC. 5. Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a tax-paying individual or corporation.

ALEXANDRIA NICHOLSON

The Senate proceeded to consider the bill (S. 3414) for the relief of Alexandria Nicholson which had been reported from the Committee on the Judiciary with an amendment in line 6, after "1957," insert a comma and "and notwithstanding the provisions of section 334(b)(1) of said act shall be held and considered to be eligible to file a valid petition for naturalization"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Alexandria Nicholson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1957, and notwithstanding the provisions of section 334(b)(1) of said Act shall be held and considered to be eligible to file a valid petition for naturalization.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–855), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization.

FORESTRY INCENTIVES ACT OF 1972

The Senate proceeded to consider the bill (S. 3105) to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small, nonindustrial private and non-Federal public forest landowners, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments on page 4, line 8, after "(2)", strike out "Cost sharing with the owners of small nonindustrial private forest lands for the purposes of providing manpower, equipment, planting stock, and other materials to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of materials, equipment, and services" and insert "Cost sharing with nonprofit groups, individuals, and public bodies for the purpose of providing equipment to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of the equipment"; on page 6, line 8, after the word "guarantee", insert "or make"; and, in line 13, after the word "portion", strike out "of the principal and interest of" and insert "or all of the interest on"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Forestry Incentives Act of 1972".

SEC. 2. (a) Congress hereby declares that the Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone; that the three hundred and nine million acres of nonindustrial private land and twenty-nine million acres of non-Federal public forest land contain 65 per centum of the Nation's total forest resource base available to provide timber, water, fish and wildlife habitat, and outdoor recreation opportunities; that the level of protection and management of such forest

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lands has historically been low; that such lands can provide substantially increased levels of resources and opportunities if judiciously managed and developed; that improved management and development of such lands will enhance and protect environmental values consistent with the National Environmental Policy Act of 1969 (83 Stat. 852); and that a forestry incentives program is necessary to supplement existing forestry assistance programs to further motivate, encourage, and involve the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

(b) For the purposes of this Act the term "small nonindustrial private forest lands" means commercial forest lands owned by any person whose total ownership of such lands does not exceed five thousand acres. Such term also includes groups or associations owning a total of five thousand acres or less of commercial forest lands, but does not include private corporations manufacturing products or providing public utility services of any type or the subsidiaries of such corporations.

SEC. 3. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is hereby authorized and directed to develop and carry out a forestry incentives program to encourage the protection, development, and management of small nonindustrial private lands and non-Federal public forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of nonforest lands and reforestation of cutover and other nonstocked and understocked forest lands, and for intensive multiple-purpose management and protection of forest resources to provide for production of timber and other benefits, for protection and enhancement of recreation opportunities and of scenic and other environmental values, and for protection and improvement of watersheds, forage values, and fish and wildlife habitat.

SEC. 4. (a) To effectuate the purposes of the forestry incentives program authorized by this Act, the Secretary shall provide a range of forestry incentives which shall include the following:

(1) Cost sharing with the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in providing practices on such lands which carry out the purposes of the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 50 per centum of the total cost of practices on non-Federal public forest lands or in excess of 80 per centum of the total cost of practices on small nonindustrial private forest lands, and no one small nonindustrial private forest landowner shall receive cost sharing under this Act on more than five hundred acres in any one fiscal year.

(2) Cost sharing with nonprofit groups, individuals; and public bodies for the purpose of providing equipment to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of the equipment.

(b) The Secretary may, for the purpose of this section, utilize the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1150; 16 U.S.C. 590h(b)) and distribute funds available for cost sharing under this Act by giving consideration to pertinent factors in each State and county including, but not limited to, the total areas of small nonindustrial private forest lands and non-Federal public forest land and to the areas in need of planting or additional stocking, the potential productivity of such areas, and the need for timber stand improvement on such lands. The Secretary may also designate advisers to serve as ex officio members of such committees for purposes of this Act. Such ex officio members shall be selected from (1) owners of small nonindustrial private forest lands, (2) private forest managers or consulting foresters, and (3) wildlife and other private or public resource interests.

(c) Federal funds available to a county for small nonindustrial private forest lands each year may be allocated for cost sharing among the owners of such lands on a bid basis, with such owners contracting to carry out the approved forestry practices for the smallest Federal cost share having first priority for available Federal funds, subject to the Federal cost sharing limitations prescribed in subsection (a) of this section.

(d) Buildings, dams, roads, and other structures shall not be eligible for recreation development cost sharing under this Act.

SEC. 5. The Secretary shall investigate and evaluate the effectiveness of loans, loan guarantees, and annual payments for the establishment or maintenance of practices on small nonindustrial private forest lands which meet the purposes and objectives of the forestry incentives program provided for under this Act. In carrying out any such investigation, the Secretary is authorized to conduct a pilot program and make annual or periodic payments under agreements with owners of small nonindustrial private forest lands for periods not to exceed ten years or guarantee or make loans to such owners under such terms and conditions as he shall determine to be fair and reasonable. Such loans may include, but not be limited to, low interest rates; deferred payment plans; nonrecourse provisions; long term repayment provisions; and a provision under which a portion or all of the interest on such loans may be waived at maturity under circumstances determined by the Secretary. Not to exceed $5,000,000 may be appropriated for the purposes of this section in any fiscal year.

SEC. 6. The Secretary shall consult with the State forester or other appropriate official of each State in the conduct of the forestry incentives program provided for in this Act. Federal assistance under this Act shall be extended in accordance with such terms and conditions as the Secretary deems appropriate to accomplish the purposes of this Act. Funds made available under this Act may be utilized for providing technical assistance to and encouraging non-Federal public landowners, and the owners of small nonindustrial private forest lands in initiating practices which further the purposes of this Act. The Secretary shall coordinate the administration of this Act with other related programs and shall carry out this Act in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices, included in the forestry incentives program.

SEC. 7. There are authorized to be appropriated annually an amount not to exceed $25,000,000 to carry out the provisions of this Act. Such funds shall remain available until expended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–856), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill provides a forestry incentives program for small nonindustrial private lands and non-Federal public forest lands. "Small non-industrial private lands" is defined as commercial forest lands owned by any person, group, or association (other than a manufacturing or public utility corporation) owning a total of less than 5,000 acres of such lands.

The program would provide for Federal payment of up to 50 percent of the cost of practices on non-Federal public lands, up to 80 percent of the cost of practices on small nonindustrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. The Secretary of Agriculture could use also loans, loan guarantees and contracts for payments up to periods of 10 years on a pilot program basis.

The proposed Forestry Incentives Act of 1972, would establish a forestry incentives program to supplement existing forestry assistance programs. One of its purposes would be to further motivate, encourage, and involve owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

To effectuate the purposes of the act, the Secretary of Agriculture would provide a range of forestry incentives including cost sharing with owners of small nonindustrial private forest lands and with owners of non-Federal public forest lands. The cost sharing could be provided through utilization of the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (49 Stat. 1150, 16 U.S.C. 590h(b)).

The bill would also authorize the Secretary to investigate and evaluate the effectiveness of loans, loan guarantees, and annual payments for practices on private forest lands which meet the purpose and objectives of the act. The investigation would be conducted through a pilot program for which up to $5 million would be authorized to be appropriated. A total of $25 million would be authorized to be appropriated to cover the entire program.

NEED FOR LEGISLATION

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population. More people will need more wood and paper. By the year 2000 the Nation may need more than twice as much wood as is being produced now. In fact the United States already has become a net importer of wood.

Surveys also indicate that within a decade or two wood requirements may well exceed timber growth unless steps are taken immediately to increase the productivity of forest lands. This is necessary because of the time it takes a seedling to get up to harvestable size.

Much of this problem rests on the private nonindustrial forests held by some 4 million owners. These woodlands aggregate more than 300 million acres, about three-fifths of all the commercial forest land in the United States.

Unfortunately, many of these private forests are in a low state of productivity. About one-fourth needs planting. About 46 percent needs some sort of cultural treatment, such as the removal of defective, deformed, and diseased trees.

Landowners often are reluctant to make the necessary investments in tree planting and similar activities because several decades may elapse before they get a return on their money.

Yet people need wood for many purposes, including homes. If supplies are limited, then the cost of wood will increase, and people will have to pay more than they should.

A study performed about 10 years ago on landownership patterns in North Carolina, which is not atypical of the Southeast as a whole, indicated that nonindustrial forest ownership accounts for 76.8 percent of the commercial forest area of North Carolina—83.7 percent of the total privately held commercial forest. There are approximately 225,000 nonindustrial forest holdings in the State with an average forest area of 68.4 acres.

These nonindustrial forest properties are predominantly small, about 72 percent being less than 50 acres in size.

The nonindustrial forest owners of North Carolina have, on the average, held at least a portion of their ownership for over two decades (21.6 years). Over one-fifth of the owners have added to their properties during their tenure of ownership. The average length of tenure and frequency of acquisition during the period of ownership increases as the size of the ownership increases. Over a third of the properties and nearly as large a share of the aggregate forest area has been in the present owner's family at least one previous generation. However, well over half of the owners, representing a similar share of the total forest, claimed to have purchased at least a portion of their holdings. About four-fifths (82.8 percent) of the ownerships and two-thirds (65.1 percent) of the total forest area would be classed legally as individually owned.

One-half of the ownership surveyed were receiving little more than the most rudimentary forest care. Reaffirming many previous studies of non-industrial forest ownership, this study clearly showed that the intensity of all types of forest care increases significantly with the size of the property.

If substantial increased yields from these small private holdings are to be obtained on a sound basis by the turn of the century, these measures must be put underway promptly. That is why the enactment of this measure with long-term objectives has immediate urgency.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee agrees with informal estimates by the Department of Agriculture that there will be no costs in fiscal year 1972, $10 million in fiscal year 1973; $15 million in fiscal 1974; $20 million in fiscal year 1975; and $25 million in both fiscal years 1976 and 1977.

Mr. STENNIS. Mr. President, I am pleased that the Forestry Incentives Act of 1972, which I introduced on February 2 of this year, has been favorably reported by unanimous vote of the Senate Committee on Agriculture and Forestry. I wish to extend my thanks to the distinguished chairman of the committee, the Senator from Georgia (Mr. TALMADGE), and the distinguished chairman of the Subcommittee on Environment, Soil Conservation, and Forestry, my colleague from Mississippi (Mr. EASTLAND), who is also a cosponsor of this bill, for the thorough consideration received by the legislation.

My gratitude is extended to the distinguished Senator from Nebraska (Mr. CURTIS), who very unselfishly altered his own schedule to preside at the hearing on the bill.

Other cosponsors of the Forestry Incentives Act, besides my colleague from Mississippi, are the distinguished Senator from North Carolina (Mr. JORDAN), the distinguished Senator from South Carolina (Mr. HOLLINGS), and the distinguished Senator from Alabama (Mr. SPARKMAN).

I am indebted to a number of old friends throughout the forestry community with whom I conferred during the course of preparing this bill. Many of them are Mississippians. All of them are men of long experience and broad knowledge in the growing, harvesting, and use of timber.

In the formulation of the bill, which began last year, I think it is safe to say that I received advice from the full spectrum of those in the best position to understand the problem of developing the forests of this country, and in particular the small privately owned forest lands, so that the future timber needs of the Nation can be met. They included consulting foresters, State foresters, representatives of forestry associations, and members of associations of users of forest products. I am grateful for their consultation and assistance over a period of 7 or 8 months, during which the bill was prepared, introduced, and presented at the hearing.

I wish to make a brief statement in explanation and support of the bill.

The Forestry Incentives Act authorizes the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners.

It is estimated that in 30 years the United States will need twice the amount of wood and other forest products that we now produce. A very substantial part of the required increase in production must come from privately owned nonindustrial forest lands. Over 300 million acres throughout the country fall in this category, and average growth on these lands is only one half the capacity.

Under the Forestry Incentives Act it will be possible to plant or improve 45 million acres in the next 10 years, and add 9 billion board feet of timber per year to the annual national harvest. And I want to stress that this is a national program in every respect. For example, in the North Atlantic Region, 68 percent of all the lands are forest lands, and of these, 70 percent are in private ownership. In the East there are 300,000 idle acres that are preeminently suited for growing the most valuable kinds of hardwoods.

Briefly, this bill would:

First. Authorize the Secretary of Agriculture to carry out a forestry incentive program to encourage the protection, development and management of nonindustrial private and non-Federal public lands. Land owners would be encouraged to plant seedlings where needed and apply such cultural treatments as are necessary to produce timber, expand recreational opportunities, enhance environmental values, protect watersheds and improve fish and wildlife habitat.

Second. Authorize the Secretary to share up to 50 percent of the cost of forest practices on non-Federal public lands; and up to 80 percent of the total cost on nonindustrial private lands. This covers, primarily, 80 percent of the cost of seedlings and their planting, and is of particular importance to the small and medium size privately owned farms.

Third. Utilize the services of State and local ASCS committees established under the Soil Conservation and Domestic Allotment Act. These committees, now composed primarily of agriculturists, also include representation of forest owners, forest managers and wildlife or other natural resource interests.

Fourth. Allocate Federal funds for cost sharing on a bid basis with priority accorded landowners contracting to carry out approved forestry practices for the smallest Federal cost share. This provision will spread Federal funds over a larger acreage.

Fifth. Require the Secretary of Agriculture to investigate the effectiveness of loans, loan guarantees and annual payments for periods not exceeding 10 years as methods of achieving the objectives of the forestry incentives program.

Finally. Require the Secretary of Agriculture to consult with State Foresters so that the forestry incentives program will be carried out in coordination with other related programs.

It will be recalled that the soil bank program resulted in a large increase in forest lands. From 1956 through 1964, 2,154,000 acres were planted. In spite of losses of some of these lands to highways and other developments, 90 percent of these lands are still bearing trees and are a major factor in our growth needs for future decades. The provisions of the Forestry Incentives Act will stimulate a similar but much greater expansion of wood production for the 1980's and 1990's, and beyond.

There are other benefits from the program that might be called indirect benefits because they are not directly addressed in the provisions of the legislation, but they are very real and valuable. This program helps relieve unemployment without any requirement for extensive training. In the future there will be more and larger job increases, from the harvesting, transporting, and processing of the timber. All of this contributes toward the revitalization of rural areas, so important throughout the country. The program combats the rising prices for wood products caused by limited timber growth. Also, there are the purely human benefits, such as environmental improvement, and outdoor recreation such as camping, for which opportunities are becoming limited.

The costs of this program are estimated to start at about $25 million a year, and the bill provides for this amount to be authorized annually. Ultimately the costs are expected to average $88 million a year. It is a long-term program, furthermore, and the need for reforesting private lands throughout the country are great, so that the total costs eventually will be quite sizable. There is, however, little choice as to whether we must try to solve the wood shortages of the future. The only choice is how to go about it.

I believe this bill meets the problem in a logical and effective manner. I strongly urge that the Senate give it favorable consideration.

Mr. EASTLAND. Mr. President, S. 3105, the Forestry Incentives Act of 1972 would establish a forestry incentives program to supplement existing forestry assistance programs.

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One of its principal purposes would be to further motivate, encourage and involve owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet future national demands for timber.

It would accomplish this by providing for Federal payments of up to 50 percent of the cost of practices on non-Federal public lands, up to 80 percent of the cost of practices on small nonindustrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. It is intended that the equipment assistance would be provided soil conservation districts and similar groups who would then make the equipment available to forest land owners. The Secretary of Agriculture could also use loans, loan guarantees and contracts for payments up to periods of 10 years on a pilot program basis. The committee felt that the use of these incentives would provide the impetus necessary to the revitalization of our non-Federal forest lands.,

There is no doubt that our continually growing population will increase the demands for timber and wood substantially. Estimates indicate by the year 2000 the Nation may need more than twice as much wood as is now being produced. Further, there are surveys which indicate that within the next decade or two wood requirements may well exceed timber growth unless steps are taken now to increase the productivity of our forest lands. This is necessary because of the time it takes a seedling to get up to harvestable size.

Private nonindustrial forest lands are held by some four million owners and these woodlands aggregate more than 300 million acres, about three-fifths of all the commercial forest land in the United States.

Unfortunately, many of these private forests are in a low state of productivity. About one-fourth need planting, about 46 percent need some sort of cultural treatment such as the removal of defective, deformed, and diseased trees. Land owners often are reluctant to make the necessary investments in tree planting and similar activities because several decades may elapse before they get a return on their money. But unless these lands are made productive the Nation will suffer.

A study some years ago in North Carolina indicated that there were about 225,000 nonindustrial forest holdings in that State with an average forest area of slightly in excess of 68 acres, and 72 percent of these nonindustrial forest properties were less than 50 acres in size. This is typical of the southeast as a whole. That study also showed that one-half of the properties surveyed were receiving little more than the most rudimentary forest care. This reaffirms many previous studies of nonindustrial forest ownership and indicates that forest care decreases significantly with the size of the property.

If substantially increased yields from these small private holdings are to be obtained on a sound basis by the turn of the century the measures provided by this bill must be put under way promptly.

In its unfavorable report on the bill the Department of Agriculture agreed with the general objectives of S. 3105. They indicate that private forest lands will continue to play a vital role in meeting the Nation's timber and environmental needs and until the level and nature of management for all forestry resources on private forest lands is improved our total national forestry program will be out of balance.

However, their unfavorable reaction to the bill is predicated on the fact that the provisions of S. 3105 could be carried out under the President's special revenue sharing for rural community development, which would eliminate specially oriented grant programs and encourage State initiative in the allocation of broad grant funds; and since S. 3105 would create a new special grant program it would be inconsistent with the President's proposed special revenue sharing program, and for that reason they recommend that it not be established.

Mr. President, it is highly unlikely that the President's special revenue sharing as it relates to agriculture will become law. As a matter of fact, the Senate Committee on Agriculture and Forestry has already rejected that proposal when it was considering the provisions of the Rural Development Act of 1972.

During the course of the hearings on this measure there was no opposition to the bill, other than from the Department of Agriculture and even the witness testifying for the Department conceded that the program was a good one and that it was needed. This bill is in the best interests of this Nation's future and should be approved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACCELERATED REFORESTATION OF NATIONAL FORESTS

The Senate proceeded to consider the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 77, after "1987", strike out "from moneys made available to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774, as amended, 7 U.S.C. 612c), amounts equal to the gross receipts from duties collected under the customs laws on wood and paper, and printed matter (including wood and wood products, cork and cork products, wood veneers, plywood, and other wood veneer assemblies and building boards, paper, paperboard, and products thereof, and books, pamphlets, and other printed and manuscript material)" and insert "such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of $65,000,000"; and, on page 2, line 19, after "(46 Stat. 527, 16 U.S.C. 576b)", strike out "Any money transferred to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years after which such money was transferred to the fund shall be retransferred to the fund established by section 32 of the act of August 24, 1935."

Mr. EASTLAND. Mr. President, the purpose of H.R. 13089, as amended by the Senate Committee on Agriculture and Forestry, is to establish a supplemental national reforestation fund and authorize an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation. Such moneys transferred to this fund shall be available until expended. Transfers shall begin with the fiscal year commencing July 1, 1972 and end on June 30, 1987.

The bill also calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting out the scope of total reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program.

As passed by the House the bill would have allocated moneys from the fund established by section 32 of the act of August 24, 1935. Section 32 made available 30 percent of annual custom receipts through the special fund it established to encourage the exportation and domestic consumption of agricultural commodities. The section 32 moneys authorized to be used for the purposes of the bill passed by the House for national reforestation would have consisted of amounts equal to the gross receipts from duties collected under the customs laws on certain forest products listed in their bill.

The Senate Committee on Agriculture and Forestry amended this to provide for a direct appropriation of $65 million to the national reforestation fund as a supplemental source of moneys for use in reforestation.

During the course of the hearings on this bill it was pointed out repeatedly that a great need exists for more reforestation work. In 1970 the Forest Service reported that about 4.8 million acres were in need of planting. This has increased from the forest report of 1938 when about 4.5 million acres were in need of work.

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population and that within a decade or two wood requirements could well exceed timber growth unless steps are taken immediately to increase the productivity of forest lands.

While the Department of Agriculture concurs with the basic objective that a national forests reforestation program should be accelerated they are opposed to the bill because of the use of section 32 moneys. In meeting that obligation the committe changed the funding from section 32 to a direct appropriation. The Department further opposes the bill because the earmarking approach tends to give special priority to the funding of selected programs relative to total needs. This is true and the bill does provide for special funding for a selected program. But the facts are there that some additional effort must be provided now for reforestation if the needs of the future are to be met. For this reason, Mr. President, I hope the Senate will approve H.R. 13089, as amended by the Senate Committee on Agriculture and Forestry.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-857), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to establish a supplemental national reforestation fund and authorize an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation. Such moneys transferred to this fund shall be available until expended. Transfers shall begin with the fiscal year commencing July 1, 1972, and end on June 30, 1987.

This bill also calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting forth the scope of the total national forest reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act to be applied to the program.

NEED FOR LEGISLATION

During the course of hearings on this bill it was pointed out repeatedly that a great need exists for more reforestation work. In 1970, the Forest Service reported 4,788,000 acres in need of planting.

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population and that within a decade or two wood requirements will exceed timber growth unless steps are taken immediately to increase the productivity of forest lands.

The committee hopes that this legislation will provide the impetus needed for our reforestation requirements.

COMMITTEE AMENDMENTS

The bill originally provided for use of section 32 funds for the purpose of reforestation. The committee amendment changes this to a direct appropriation. However, this does not preclude the use of section 32 funds if the Appropriations Committee so desires to use this route.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates the cost at $65 million annually for the next 15 years if funding by the Appropriations Committee is at the level authorized by the bill.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

VISIT BY PRESIDENT LUIS ECHEVERRIA, PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, the Congress and the Nation are being honored today with a state visit by the President of the United Mexican States, Luis Echeverria.

President Echeverria has done a remarkable job in trying to face up to the difficulties which confront our sister Republic—and they are many. The President himself is a human dynamo, who spends a great deal of time traveling up and down the country, meeting with the farmers, workers, and businessmen, trying to find solutions to the problems which beset his nation, with its rapidly increasing population, and in relation to that, its limited availability of resources.

There will be many problems to be discussed between President Nixon and President Echeverria. Some of them will be most difficult of solution, but all of them will have to be faced up to.

Perhaps the most important of these immediate problems at the present time is the question of the salinity of the Colorado River. On the basis of a treaty signed in 1944, the United Mexican States—the Government of Mexico—was guaranteed a certain amount of good water, which in recent years has been diluted because of the building projects within the United States which have increased the salinity of the Lower Colorado and have had adverse effects upon the Mexicali Valley, which is just south of the Imperial Valley in southern California. So I hope it will be possible for these two nations, in the persons of their Chiefs of State, to arrive at a solution which will be agreeable to both sides, and to do so soon.

Then, of course, there is the question of narcotics control. The Attorneys General of both Republics have been working very closely and, on the basis of project cooperation, there has been some gain in handling this particular situation.

There is also the question of the bracero, the immigrant worker from Mexico to the United States, and the question of trade and other matters which will have to be considered in this momentous meeting between the chiefs of both nations.

I would hope, also, that out of this would come a recognition of the fact—in my judgment—that, as far as Latin America is concerned, Mexico is really the weather vane and the determiner of what happens in that huge area comprising, in addition to Mexico, Central America, South America, the Caribbean Islands, and elsewhere.

So, Mr. President, I ask unanimous consent that an editorial entitled "Below the Salt," carried in the Washington Evening Star of June 15, 1972, be incorporated at this point in the Record.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BELOW THE SALT

The state visit of Mexico's President Luis Echeverria to Washington today and tomorrow has been properly laid on by the White House in terms of the highest form of pomp and circumstance, but the Mexicans are here for more than just surface expressions of amity.

There can be no question that Mr. Nixon has extended himself to demonstrate the affection in which the U.S. holds Mexico. The President went out of his way to arrange an Echeverria appearance before a joint session of Congress and had to pull all sorts of strings to manage it. The rest of the schedule is pro forma for any chief of a friendly state.

But there are other issues between the two neighbors which require more substance than shadow. Perhaps the whole program will reassure the Mexicans about their status with the U.S. in the light of President Nixon's gaffe in virtually labeling Brazil as the future leader of all Latin America when President Emilio Garrastazu Medici was here.

If the red carpet treatment reassures the Mexicans on that score, the matters of substance require discussion and solution. The most important of these issues is the salinity of the Colorado river which evidently is dangerously salt-laden by the time the waters leave the California-Arizona agricultural areas and enter Mexico. The U.S. is committed to maintaining the Colorado sufficiently salt-free to be usable by Mexico's burgeoning farmlands in the north.

The trouble is that the Colorado is primarily under the control of the states, not the federal government. We don't know what the President intends to do about the increasing salinity of the river but we hope he has a program for helping Mexico either through a diversion canal or through construction of desalinization plants on the Pacific Coast of Baja California.

Another item on which the two countries can cooperate even further is narcotics control. Mr. Nixon can and probably should make some financial contribution to Mexico's program for preventing the passage of dangerous drugs across the frontier.

The Mexicans also are interested in trade, *bracero* (migrant farm labor) questions and agricultural export problems.

Mr. Nixon has competence up to a point in all three. In terms of trade, the Mexicans want expansion of the so-called border industries in which cheaper Mexican labor is used to assemble appliances and weave raw cotton into cloth. They also want, although this is difficult for any Mexican official to say, at least a partial return to the temporary use of Mexican farm labor on U.S. farms. Thirdly, Mexico's tomato, strawberry and other winter vegetable products occasionally encounter trade barriers when U.S. production attains bumper status.

The AFL–CIO, no friend of Mr. Nixon's, opposes the Mexican factories' output and the *braceros* and the southern U.S. does not want competition with Mexican agricultural products. But there is room for maneuver here, perhaps more so than in the question of the salty Colorado.

Overall, Mr. Nixon knows the Mexican president as a friend and values that friendship. Hopefully, this sentiment can be translated in the Nixon-Echeverria summit into something of value to both nations.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

XUM

POLITICS AND THE DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, we have all been shocked in recent days by the outrageous demands of Secretary Laird and the Joint Chiefs of Staff that their approval of the SALT Treaty and Agreements is conditional on congressional approval of every new strategic weapon the military ever dreamed of building.

Included in their shopping list is full steam ahead for the B–1 bomber—already outmoded; a speedup in the ULMS or TRIDENT submarine, a good system but one which is premature; the potential hard-siting of land-based missiles; a new low flying cruise missile in lieu of the ABM; and a cost figure for two ABM sites equal to that requested for the original 12 sites.

The Christian Science Monitor has commented on this in an editorial for June 14, 1972 entitled "The Politics of Weaponry." They rightly point out that:

"The military security of the United States is in excellent shape. With some 5,700 nuclear blows targeted on the Soviet Union against 2,500 aimed the other way, the United States is in no immediate danger of being outgunned.

In the key paragraph the editorial states that:

To act on the essential facts about weaponry would mean bitter disappointment to several large industries and the trade unions associated with them. The juiciest kind of defense contracts are tied in with the theory that the Russians will some day emerge with a nuclear advantage unless a whole shopping list of new weapons is ordered now.

But the editorial points out that:

. . . 100 nuclear blows are a deterrent. Anything over a hundred is already deep in the realm of overkill.

OVERKILL IN SPADES

What the editorial does not say is that we are now building to a level of 9,000 or more targeted nuclear weapons. Some of them—the Minutemen MIRV'd bombs—are 10 times as large as the Hiroshima bomb. Others, such as those to be placed on the Poseidon submarines, are one to two times more powerful than the Hiroshima bomb.

In addition, we have 3,000 to 4,000 tactical nuclear weapons on the periphery of the Soviet Union which our aircraft can deliver. The Russians have no comparable tactical weapons which can reach us. All of this is overkill in spades.

WE SHOULD NOT GIVE IN TO BLACKMAIL

In these circumstances, and especially since neither side will now deploy an ABM even theoretically capable of preventing the other side from striking back, for Secretary Laird and the generals to demand a speedup in our strategic defenses is a form of political blackmail. It is also stupid. We should refuse to give in to that.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POLITICS OF WEAPONRY

The average American taxpayer should shed a tear as he listens to the debate now beginning on the new American weapons program which Secretary of Defense Melvin Laird has unveiled, but he should not worry too much about the future of the republic.

The military security of the United States is in excellent shape. With some 5,700 nuclear blows targeted on the Soviet Union against 2,500 aimed the other way, the U.S. is in no immediate danger of being outgunned. Even if the Russians were at the testing stage of MIRVs, which they are not, it would be another four or five years before they could begin to deploy them. Besides, 100 nuclear blows are a deterrent. Anything over a hundred is already deep in the realm of "overkill."

But such considerations are not conclusive in the area of politics. To act on the essential facts about weaponry would mean bitter disappointment to several large industries and the trade unions associated with them. The juiciest kind of defense contracts are tied in with the theory that the Russians will some day emerge with a nuclear advantage unless a whole shopping list of new weapons is ordered, and now.

In effect, Mr. Laird has said that the Pentagon will oppose ratification of SALT unless the Congress will authorize the Pentagon's full 1972 shopping list.

It could be called blackmail. Or the most practical kind of 1972 politics.

The aviation and air space industries are in parlous condition. A number of companies would go out of business if the Congress were to turn down the whole shopping list. It is politically unrealistic to think that it will.

The practical question is what price must be paid in unneeded weaponry.

One of the unfortunate features of the problem is that the most politically valuable of the proposed new weapons is probably the least justifiable. The new big manned bomber which the Air Force wants will cost from $30 to $50 million and bring comfort to the aircraft factories along the Pacific Coast, but is probably obsolete before the first rivet is driven. The $1 billion nuclear submarine (the Triton) which the Navy wants, is probably the most valid of all the proposed new weapons. But it won't mean as many new jobs. And Connecticut, where the submarines are built, is probably hopelessly lost to the Republicans, but California, the home of the airplanes, is not.

The net of it all is that the taxpayer is bound to be gouged for some surplus weaponry. The Republicans are simply not going into the next election campaign naked in new weapons programs. We merely hope that for the sake of the taxpayer, the programs will be kept as small as possible.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIR FORCE SHOULD INSTITUTE PROCEEDINGS AGAINST GENERAL LAVELLE

Mr. PROXMIRE. Mr. President, I call on the Air Force to begin formal proceedings against Gen. John D. Lavelle under the Uniform Code of Military Justice, leading to his court-martial. The time has come to determine whether a civilian or military finger is on the trigger.

Here is a general who in the nuclear age ordered as many as 20 unauthorized raids on enemy targets. He did so at a time when delicate negotiations to end the war were going on.

He apparently falsified reports. He defied the orders of his superiors. He countermanded the rules laid down by the President of the United States. He deliberately violated the principles of civilian control over the military.

TAPPED ON THE WRIST

Instead of bringing immediate charges against him, ordering his arrest, and throwing him in the brig, he was tapped on the wrist by his superiors and fawned over by a number of hawkish Members of Congress.

If a private first class defied the orders of his military superiors he would be investigated, charged, court-martialed, given a bad conduct discharge, and confined for 2 years at hard labor. But the insubordination of General Lavelle was glossed over while the general was quietly retired on a $2,500 a month pension and the military tried to cover up the event.

If the Air Force does not bring General Lavelle to trial, any General who ever dreamed of riding a white horse might be ordering air strikes, surreptitious raids, and unauthorized forays in dozens of situations where the survival of civilization itself is at stake.

SERIOUS ACT MUST BE MET BY SERIOUS ACTION

The appropriate military officers must begin to treat this matter with the seriousness it deserves. It is an act virtually unprecedented in modern American military annals and, due to the terror of the nuclear age, must be answered by disciplinary action commensurate with the seriousness of the act itself.

Generals, as well as privates, must obey orders. Generals, as well as civilians, must obey the law and the Constitution. The credibility of the Air Force and the issue of civilian control of the military is at stake.

I call upon the Air Force itself to take proper action. Failing that, the President of the United States should act and act decisively to assert once more the primacy of the President's authority over that of a military officer.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, with an amendment:

S. 2871. A bill to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes. (Rept. No. 92–863) (together with supplemental, minority, and additional views).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

S. 1682. A bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes (Rept. No. 92–864).

By Mr. ROBERT C. BYRD, from the Committee on Appropriations, with amendments:

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–865).

By Mr. MONDALE, from the Committee on Labor and Public Welfare, without amendment:

S. 5. A bill to promote the public welfare (Rept. No. 92–866), together with minority views.

By Mr. BAYH, from the Committee on the Judiciary, with an amendment:

S. 3443. A bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 (Rept. No. 92–867).

ORDER FOR STAR PRINT OF REPORT NO. 92–861

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a star print of Senate report No. 92–861, having to do with the bill H.R. 12202, to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, in order to correct certain misprints.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

Mr. STENNIS. Mr. President, as in executive sessions, from the Committee on Armed Services I report favorably two promotions to major general and five promotions to brigadier general in the Air Force Reserve; also three promotions to major general and five promotions to brigadier general, Reserve of the Air Force—Air National Guard.

I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. John W. Hoff, and Brig. Gen. Robert B. Mantz, Air Force Reserve, for appointment in the Reserve of the Air Force, to be majors general;

Col. Vincent S. Haneman, Jr., Col. Gilbert O. Herman, Col. Edwin R. Johnston, Col. William J. Reals, and Col. Joseph M. F. Ryan, Jr., Air Force Reserve, for appointment in the Reserve of the Air Force, to be brigadiers general;

Brig. Gen. William C. Smith, Tennessee Air National Guard, Brig. Gen. Charles S. Thompson, Jr., Georgia Air National Guard, and Brig. Gen. Joseph D. Zink, New Jersey Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, to be majors general; and

Col. William J. Crisler, Mississippi Air National Guard, Col. Francis R. Gerard, New Jersey Air National Guard, Col. Malcolm E. Henry, Maryland Air National Guard, Col. Ralph E. Leader, Massachusetts Air National Guard, and Col. Paul D. Straw, Texas Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, to be brigadiers general.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCHWEIKER:

S. 3708. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

By Mr. TUNNEY:

S. 3709. A bill to amend title 11 of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated). Referred to the Committee on Finance.

By Mr. JORDAN of North Carolina:

S. 3710. A bill to provide that tobacco graders shall be retained in a pay status for 10 months in a calendar year, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENS:

S. 3711. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

By Mr. YOUNG:

S. 3712. A bill for the relief of Arthur O. Bilden. Referred to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

S. 3713. A bill for the relief of Swiff-Train Co. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. DOLE, Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. BURDICK, Mr. HARRY F. BYRD, Jr., Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHILES, Mr. CHURCH, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HARTKE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. McGEE, Mr. McINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. SPONG, Mr. STAFFORD, Mr. STENNIS, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WEICKER, and Mr. YOUNG):

S.J. Res. 245. A joint resolution authorizing the President to designate the calendar month of September 1972, as "National Voter Registration Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHWEIKER:

S. 3708. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

FAIR INTERNATIONAL TRADE ACT OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the tariff and trade laws of the United States, and for other purposes, and ask that it be appropriately referred.

This legislation is designed to modernize existing law regarding the regulation of the dumping of foreign merchandise in the U.S. market, to make our countervailing duty law more effective, to provide for more liberal tariff adjustment and adjustment assistance relief for business and labor, and to provide for private treble damage actions based on international price discrimination.

Dumping is basically a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with high-price sales at home. In other words, dumping is the sale of a foreign product in the United States at a price lower than the price prevailing for the same product in the exporting country. Such sales, if they are injurious to U.S. products, become subject to a dumping duty equivalent to the difference between the market price domestically and the lower export price to the United States, after various adjustments are made. The reason this country has felt it appropriate to impose an additional duty on such imports is to neutralize the subsidization of low price export sales by high profits received from sales in what is often a protected domestic market of the exporting country.

Under existing law, there are two requirements essential for a dumping finding:

First, a determination of sales at "less than fair value" must be made by the Treasury Department; and

Second, a determination of injury must be made by the Tariff Commission.

The Bureau of Customs initially determines whether the necessary price difference exists. This finding is then confirmed by the Secretary of the Treasury. I should point out that the Treasury Department has made changes in procedures and has made additional proposals within the last 2 months in order to improve the handling of antidumping cases. In addition, the Treasury Department has been more liberal in making dumping findings under the Nixon administration than had previously been the case.

After the Treasury finds dumping has occurred, the case is transferred to the Tariff Commission for an investigation to determine whether American industry is being injured. If such a finding is made, dumping duties are assessed against the product. Recent Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient.

The Antidumping Act was amended in 1954 to limit Tariff Commission consideration to 3 months. In 1958, it was further amended to provide that a tie vote by the Tariff Commission constituted an affirmative finding of injury.

Although antidumping procedures are

being streamlined, I believe legislative changes are in order at this time.

Furthermore, I believe it is appropriate to revise existing provisions of the Tariff Act of 1930, the Trade Expansion Act of 1962 and the Revenue Act of 1916 to accomplish an overall modernization of our laws against unfair competition.

Let me make it clear that this bill does not represent protectionist legislation. It is not an attempt to hinder or prevent legitimate foreign competition. International trade is a good thing, and I want to encourage it. However, we are seeing increasing efforts on the part of foreign governments to subsidize their domestic industries through a variety of mechanisms. Foreign governments are teaming up with industry to compete in our markets. Our firms are faced with competition, then, not only from their counterparts overseas, but also from other governments. This is improper, and unfair. This is what our laws were designed to deal with. Unfortunately, since these laws were enacted, circumstances have changed, and we now need legislative changes to keep up with the times.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit on a tentative LTFV determination by Treasury is set at six months. Currently, Treasury has no statutory or official administrative timetable for reaching such a decision, and at present time it takes the Department a year or longer to make such a determination. While the proposed amendment to the antidumping regulations contain a time limit, it would allow as much as 13 months for a tentative LTFV determination. Moreover, even if the proposed amendment is adopted, the timetable contained therein would not be binding on Treasury, but would be only a "general" limitation.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, since injurious price discrimination by U.S. companies selling in our domestic market is a violation of our antitrust laws, my bill would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton act's "line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standard with reference to the quantum of injury required. That is, Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient. The legislation would incorporate this standard into law.

Fifth, the bill would codify the present Tariff Commission causation standard that LTFV imports need only be more than a de minimus factor in bringing about injury to the U.S. industry.

Sixth, my legislation would adopt recent Tariff Commission decisions which suggest that injury can be found where there is a reasonable likelihood that LTFV sales will cause future injury.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is not as effective as it ought to be because of often substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a bounty or grant within 12 months after the question is presented.

Second, while under present law countervailing duties can be imposed only with respect to dutiable imports, my bill would provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry.

Third, the Secretary of the Treasury would have discretion to impose countervailing duties on articles subject to quotas or to voluntary agreements limiting exports to this country.

Fourth, as under title I, the Clayton Act's "any section of the country" and "any line of commerce" concepts would be applied in an effort to make foreign competitors subject to the same kind of laws domestic industries fall under in our marketplace.

Fifth, the size of the Tariff Commission would be increased from 6 to 7 and their terms increased from 6 to 7 years. The purpose of this provision is to decrease the likelihood of tie votes, and to enlarge and strengthen the Commission.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962:

First, these provisions would permit persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The present Trade Expansion Act contains no provisions for an orderly and timely procedure for parties in the United States to obtain relief, although it does permit the President to take retaliatory measures against exports from nations that discriminate against U.S. exports. My bill provides for a complaint procedure similar to that utilized in antidumping, countervailing duty, and "escape clause" cases. Any interested party could request the Tariff Commission to investigate restrictions against U.S. exports. The Tariff Commission would then have 3 months to investigate, and within 3 months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to the situation.

Second, this bill would remove some of the barriers to relief currently faced by U.S. industries, individual firms and groups of workers that have been injured by imports. At the present time "escape clause"—tariff adjustment—relief is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry. My bill would liberalize the causal connection that must be shown between the increase in imports and injury to the domestic industry, and would broaden the definition of increased imports. Although the bill would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession itself and the increase in imports. In essence, these provisions provide for relief where the imports contribute substantially toward causing and threatening to cause serious injury to the domestic industry, whether or not such increased imports are the major factor or the primary factor causing the injury.

Third, the Tariff Commission's authority to determine the nature and extent of relief granted in "escape clause" cases would be increased. While under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President, my bill would require the President to implement the specific tariff adjustments determined by the Tariff Commission, unless he determined that such action would not be in the national interest.

Fourth, more liberalized standards for obtaining adjustment assistance would be available for workers and individual firms. In addition, the level of adjustment assistance for workers would be increased from the present 65 percent of average weekly wages to 75 percent of such wages. This would help U.S. workers, who generally have very little control over their own fate in such situations, by providing them with three-fourths of their weekly wages.

Title IV of this legislation amends the Revenue Act of 1916 by providing for a practically available procedure for maintaining private treble-damage actions against international price discrimination in the form of dumping. Again, the purpose is to subject offshore competitors to essentially the same rules of business conduct that are applied to domestic companies in the U.S. marketplace.

I feel confident that because this bill is directed against unfair trade practices it will receive broad support on a bipartisan basis in Congress, and the support of both business and labor. This legislation does not attempt to build a protective wall around the United States. Rather, it is designed to promote fair international trade practices.

Mr. President, in further explanation of this legislation, I ask unanimous consent that the following items be reprinted in the RECORD at the conclusion of my remarks.

First, a title by title analysis of the Fair International Trade Act.

Second, a chart illustrating a comparison of the Antidumping Act of 1921 and the Fair International Trade Act.

Third, the full text of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Fair International Trade Act of 1972."

TITLE I—AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

SEC. 101. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is amended to read as follows:

"DUMPING INVESTIGATION

"SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission (hereinafter called the "Commission"). The Commission shall determine within three months after notification from the Secretary whether an industry in the United States is being, or is likely to be, injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country by reason of the importation of such merchandise into the United States from one or more foreign acurces or countries. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a "finding") of his determination and the determination of the Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's findings shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"(b) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within four months after the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated—

"(1) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

"(2) if his determination is affirmative, publish notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of that notice in the Federal Register (unless the Secretary determines that the withholding should be made effective as of an earlier date in which case the effective date of the withholding shall be not more than one hundred twenty days before the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated), until the further order of the Secretary or until the Secretary has made public a finding as provided for in subsection (a) in regard to such merchandise; or

"(3) if his determination is negative, publish notice of that fact in the Federal Register, but the Secretary may within three months thereafter order the withholding of appraisement if he then has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value) and such order of withholding of appraisement shall be subject to the provisions of paragraph (2).

"For purposes of this subsection, the question of dumping shall be deemed to have been raised or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary, or on the date sixty days after receipt of such information by the Secretary, whichever date occurs earlier."

SEC. 102. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is further amended by adding after subsection (c) of section 201 the following new subsections:

"(d) Injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when the Commission finds that the sale of foreign merchandse determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(e) The Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (d) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(f) The Secretary shall consolidate in a single dumping investigation all complaints received as of the institution of such investigation and when instituted on his own initiative all information available to him at that time from the invoice or other papers regarding the same class or kind of merchandise regardless of the number of importers, exporters, foreign manufacturers, and countries involved."

SEC. 103. Section 205 of the Antidumping Act of 1921 (19 U.S.C. 164), is amended by inserting "(a)" immediately after "SEC. 205.," and by adding at the end thereof the following new subsection:

"(b) If available information indicates to the Secetary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices at which such or similar merchandise of a non-state-controlled-economy country is sold either (A) for consumption in the home market of that country, or (B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country as determined under section 206 of this Act."

SEC. 104. Section 210 of the Antidumping Act of 1921 (19 U.S.C. 169), is amended to read as follows:

"JUDICIAL REVIEW

"SEC. 210. (a) All Treasury and Commission proceedings under the Act shall be in accordance with subchapter II of chapter 5 of Title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(b) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

(c) The amendments of the Antidumping Act of 1921, as amended, provided for herein shall apply to all investigations instigated by the Secretary on or after the expiration of one hundred eighty days from the date of enactment of this Act and to all Commission investigations resulting therefrom.

TITLE II—AMENDMENTS TO THE TARIFF ACT OF 1930

Chapter 1—COUNTERVAILING DUTIES

SEC. 201. Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"SEC. 303. COUNTERVAILING DUTIES.

"(a) LEVY OF COUNTERVAILING DUTIES.—(1) Whenever any country, dependency, colony, province, or other political subdivision of government, or any private person, partnership, association, cartel, or corporation, shall pay or bestow directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however, the same be paid or bestowed. The Secretary of the Treasury shall conduct an investigation and shall determine, within twelve months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b) INJURY DETERMINATIONS WITH RESPECT TO DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDATION.—(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country, by reason of the importation of such article or merchandise into the United States; and the Commission shall

notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) For the purposes of subparagraph (A) injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when it finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(3) For the purpose of subparagraph (A) the Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (2) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(4) If the determination of the Tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) APPLICATION OF AFFIRMATIVE DETERMINATION.—An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise which (1) is dutiable, or (2) is free of duty but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) SPECIAL RULE FOR ANY ARTICLE SUBJECT TO A QUANTITATIVE LIMITATION.—No duty shall be imposed under this section with respect to any article which is subject to a quantitative limitation imposed by the United States on its importation, or subject to a quantitative limitation on its exportation to or importation into the United States imposed under an agreement to which the United States is a party, unless the Secretary of the Treasury determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of a duty under this section.

"(e) JUDICIAL REVIEW.—(1) All Treasury and Commission proceedings under this section shall be in accordance with subchapter II of Chapter 5 of Title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determination of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

SEC. 202. (a) Except as provided in paragraph (b), the amendments made by section 201 shall take effect on the date of the enactment of this Act.

(b) The last sentence of section 303(a)(1) of the Tariff Act of 1930 (as added by section 201 of this Act) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

Chapter 2—TARIFF COMMISSION

SEC. 211. (a) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows: "The United States Tariff Commission (referred to in this Act as the 'Commission') shall be composed of seven Commissioners appointed by the President by and with the advice and consent of the Senate."

(b) The third sentence of such section is amended by striking out "three" and inserting in lieu thereof "four."

SEC. 212. Section 330(b) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

"(b) TERMS OF OFFICE.—Terms of office of the Commissioners which begin after the date of the enactment of this statute shall be for seven years; except that the first term of office for the seventh Commissioner shall expire on June 16, 1979. The term of office of a successor to any Commissioner appointed to a term of office beginning after the date of the enactment of this statute shall (except as provided in the preceding sentence) expire seven years from the date of the expiration of the term for which his predecessor was appointed. Any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

SEC. 213. Section 830(a) of such Act is repealed.

TITLE III—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962

Chapter 1—FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

SEC. 301. Section 242(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(b)) is amended by striking out subsection (b)(3) and redesignating subsection (b)(4) as subsection "(b)(3)."

SEC. 302. Section 252(d) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(d)) is amended to read as follows:

"(d) (1) Upon request of any interested party, the Tariff Commission shall immediately make an investigation to determine whether any specified restriction established or maintained by, or act engaged in by a foreign country or instrumentality constitutes—

"(A) a foreign import restriction referred to in subsection (a),

"(B) a nontariff trade restriction, or discriminatory or other act referred to in subsection (b), or

"(C) an unreasonable import restriction referred to in subsection (c).

"(2) Within three months after the submission of a request under paragraph (1), the Tariff Commission shall publish in the Federal Register the results of the investigation made pursuant to such request, together with its findings with respect thereto. In any case in which the Commission makes an affirmative determination of a restriction, or act referred to in subsection (a), (b), or (c) such finding shall be immediately reported to the President. Within three months after receipt of such report, the President shall report to the Congress the action taken by him under subsection (a), (b), or (c) with respect to such restriction, act, or subsidy."

SEC. 303. The heading of such section is amended to read as follows:

"SEC. 252. FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS."

Chapter 2—TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE

PETITIONS AND DETERMINATIONS

SEC. 311. (a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"(a)(1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative.

"(b)(1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Tariff Commission shall promptly make an investigation to determine whether an article that has been the subject of concessions under trade agreements is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

"(2) For the purpose of this section, the duty free "binding" of any article shall be considered a trade concession under trade agreement.

"(3) In arriving at a determination under paragraph (1), the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, prices, profits, or wages in the domestic industry concerned, a decline in sales, an increase in unemployment or underemployment, loss of fringe benefits, stagnant wages, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, and a decline in the proportion of the domestic market supplied by domestic producers.

"(4) For purposes of paragraph (1), the term "domestic industry producing articles like or directly competitive with the imported article" means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(5) If a majority of the Commissioners present and voting make an affirmative injury determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. No import restriction shall be determined which exceeds the limitations set forth in section 351(b) of the Act. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(6) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Tariff Commission has reason to believe that the increased imports are attributable in part to circumstances which

come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, section 801 of the Revenue Act, 1916, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(7) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(8) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (6).

"(9) The report of the Tariff Commission of its determination under this subsection shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(10) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless one year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether an article that has been the subject of concessions under trade agreements like or directly competitive with an article produced by the firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to such firm or subdivision. In making such determination the President shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether an article that has been the subject of concessions under trade agreements, like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than five days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register.

"(4) In the course of any investigation under paragraph (3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than ten days after the date of the publication of its notice under paragraph (3)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing

"(5) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which it receives the request of the President under paragraph (3).

"(d)(1) All Tariff Commission proceedings under this section and section 351 of the Act shall be in accordance with subchapter II of chapter 5 of Title 5 of the United States Code. Any final determinations in such proceedings shall be on the records made in the Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Commission under this section and section 351 of the Act, within thirty days after its publication in the Federal Register."

(b)(1) For purposes of section 301(b)(1) of the Trade Expansion Act of 1962, reports made by the Tariff Commission during the one-year period ending on the date of the enactment of this Act shall be treated as having been made before the beginning of such period.

(2) Any investigation by the Tariff Commission under subsection (b) or (c) of section 301 of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) which is in progress immediately before such date of enactment shall be continued under such subsection (b) or (c) (as amended by subsection (a) of this section) in the same manner as if the investigation had been instituted originally under the provisions of such subsection (b) or (c) (as so amended). For purposes of section 301(b)(9) or (c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on the date of the enactment of this Act.

(3) If, on the date of the enactment of this Act, the President has not taken any action with respect to any report of the Tariff Commission containing an affirmative determination resulting from an investigation undertaken by it pursuant to section 301(c)(1) or (2) of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) such report shall be treated by the President as a report received by him under section 301(c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) on the date of the enactment of this Act.

SEC. 312. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE.

(a) Section 302(a) of the Trade Expansion Act of 1982 (19 U.S.C. 1902(a)) is amended to read as follows:

"(a)(1) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry, the President provides tariff adjustment for such industry pursuant to section 351 or 352, he may

"(A) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2,

"(B) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, or

"(C) provide that both firms and workers may request such certifications.

"(2) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry the President does not provide tariff adjustment for such industry pursuant to section 351 or 352, he shall promptly provide that both firms and workers of such industry may request certifications of eligibility to apply for adjustment assistance under chapters 2 and 3.

"(3) Notice shall be published in the Federal Register of each action taken by the President under this subsection in providing that firms or workers may request certifications of eligibility to apply for adjustment assistance. Any request for such a certification must be made to the Secretary concerned within the one-year period (or such longer period as may be specified by the President) after the date on which such notice is published."

(b) Section 302(b) of such Act is amended—

(1) by striking out "subsection (a)(2)," in subparagraph (1) and inserting in lieu thereof "subsection (a)),";

(2) by striking out "subsection (a)(3)," in paragraph (2) and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end of paragraph (2) thereof the following new sentence: "A certification under this paragraph shall apply only with respect to individuals who are, or who have been employed regularly in the firm involved within one year before the date of the institution of the Tariff Commission investigation under section 307(b) relating to the industry with respect to which the President has acted under subsection (a)."

(c) Section 302(c) of such Act is amended to read as follows:

"(c)(1) After receiving a report of the Tariff Commission of the facts disclosed by its investigation under section 301(c)(3) with respect to any firm or group of workers, the President shall make his determination under section 301 (c)(1) or (c)(2) at the earliest practicable time, but not later than thirty days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than twenty-five days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than fifteen days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

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"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

(d) The heading of such section 302 is amended to read as follows:

"SEC. 302. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE."

SEC. 313. TARIFF ADJUSTMENT

(a) Paragraphs (1) and (2) of section 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1981 (a)) are amended to read as follows:

"(1) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b), the President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned determined and reported by the Tariff Commission pursuant to paragraph (4) of section 301(b), unless he determines that such action would not be in the national interest.

"(2) If the President does not, within sixty days after the date on which he receives an affirmative injury determination, proclaim the increase in, or imposition of, any duty or other import restriction on such article determined and reported by the Tariff Commission pursuant to section 301(b), or if he proclaims a modified increase or imposition—

"(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed, or why he has modified, such increase or imposition, and

"(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of Congress (within the sixty-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article determined and reported by the Tariff Commission pursuant to section 301(b).

Nothing in subparagraph (A) shall require the President to state considerations of national interest on which his decision was based. For purposes of subparagraph (B), in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

(b) Paragraph (3) of such section 351(a) is amended by striking out "found and reported by the Tariff Commission pursuant to section 301(e)." and inserting in lieu thereof "determined and reported by the Tariff Commission pursuant to section 301(b)."

(c) Paragraph (4) of such section 351(a) is amended by striking out "affirmative finding" each place it appears and inserting in lieu thereof "affirmative injury determination."

(d) Section 351(c) of such Act is amended to read as follows:

"(c)(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

"(A) may be reduced or terminated by the President only after a determination by the Tariff Commission under subsection (d)(2) of this section that the probable economic effect of such reduction or termination will be inconsequential, and his determination, after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

"(2) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 shall be modified (not to exceed the limitations set forth in subsection (b)) and extended in whole or in part by the President for such periods (not in excess of four years at any one time) as shall be determined by the Tariff Commission under subsection (d)(3) of this section, unless, after seeking advice of the Secretary of Commerce and the Secretary of Labor, he determines that such extension is not in the national interest.

(e) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, including the specific steps taken by the firms in the industry to enable them to compete more effectively with imports, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall determine, in the light of specific steps taken by the firms in such industry to enable them to compete more effectively with imports and all other relevant factors, as to the probable economic effect on the industry concerned, and (to the extent practicable) on the firms and workers therein of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951, and shall so advise the President.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is one year, and not later than the date which is nine months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall determine the probable economic effect on such industry of such termination and shall report its determination to the President. The report of the Tariff Commission on any investigation initiated under this paragraph shall be made not later than the ninetieth day before the expiration date referred to in the preceding sentence.

"(4) In advising the President under this subsection as to its determination of the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Determinations of the Tariff Commission under this subsection shall be reached on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

SEC. 314. ORDERLY MARKETING AGREEMENTS.

Section 352(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1982(a)) is amended to read as follows:

"(a) If the President has received an affirmative injury determination of the Tariff Commission under section 301(b) with respect to an industry, he may at any time negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry whenever he determines that such action would be appropriate to prevent or remedy serious injury to such industry. Any agreement concluded under this subsection may replace in whole or in part any action taken pursuant to the authority contained in paragraph (1) of section 351(a); but any agreement concluded under this subsection before the close of the period during which a concurrent resolution may be adopted under paragraph (2) of section 351(a) shall terminate not later than the effective date of any proclamation issued by the President pursuant to paragraph (3) of section 351(a)."

SEC. 315. INCREASED ASSISTANCE FOR WORKERS.

(a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(a)) is amended by striking out "an amount equal to 65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage," and inserting in lieu thereof "an amount equal to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage,".

(b) The second sentence of section 326(a) of such Act is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law."

(c) The amendment made by subsection (a) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 316. CONFORMING AMENDMENTS.

(a) Section 242(b)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(b)(2)) is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301(b)".

(b) Section 302(b)(1) of such Act (19 U.S.C. 1962 (b)) (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause serious injury to such firm".

(c) Section 302(b)(2) of such Act (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause unemployment or underemployment".

(d) Section 311(b)(2) of such Act is amended by striking out "by actions taken in carrying out trade agreements, and" and by inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be, and".

(e) Section 317(a)(2) of such Act is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

TITLE IV—AMENDMENTS TO THE REVENUE ACT OF 1916

SEC. 401. (a) Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes," 15 U.S.C. 72 (hereinafter referred to as the "Revenue Act, 1916"), is amended to read as follows:

"(a) No person selling, exporting or importing any articles from any foreign country into the United States shall knowingly sell, export or import within the United States at a price less than the actual market value or wholesale price of such articles, at the time of their importation into the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported, after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States where the effect of the sale of such articles at such price is or is likely to cause injury to an industry in the United States in any line of commerce in any section of the country or to substantially lessen competition or tend to create a monopoly in any line of commerce in any section of the country or to injure, destroy, or prevent competition with any person. For purposes of this provision any person in the United States who imports an article from a foreign country shall be conclusively presumed to know the actual market value or wholesale price of such article in the principal markets of the country of its production or other foreign countries to which it is commonly exported unless such person has no direct or indirect corporate affiliation with the foreign seller or producer of such article.

"(b) An affirmative determination by the Secretary of the Treasury under section 201 (b) of the Antidumping Act, 1921 (19 U.S.C. 160(b)) with regard to any article shall constitute prima facie evidence of the sale of such article at less than its actual market value or wholesale price for purposes of subsection (a) of this section.

"(c) A determination of injury to any industry in the United States by the Tariff Commission under section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)) shall constitute prima facie evidence of injury to an industry in the United States for purposes of subsection (a) of this section."

(b) The second paragraph of such section is amended by inserting in the subsection designation "(d)" before such paragraph, by inserting "willfully" before the word "violates", and by striking out "$5,000" in such paragraph and inserting in lieu thereof "$50,000".

(c) The third paragraph of such section is deleted and the section is further amended to read:

"(e) Whenever it shall appear to the court before which any proceeding under this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"(f) If a defendant, in any civil proceeding brought under this section in any court of the United States, fails to comply with any discovery order, or other order or decree, of such court, the court shall have power to enjoin the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree.

"(g) This section shall be held and considered to be an antitrust law of the United States, and any law of the United States which is applicable to the enforcement of the antitrust laws shall be applicable to the enforcement of this section, except to the extent that any provision of this section is inconsistent with such application."

(d) The last paragraph of such section is amended by inserting the subsection designation "(h)" before such paragraph.

TITLE-BY-TITLE ANALYSIS OF "THE FAIR INTERNATIONAL TRADE ACT OF 1972"

I. AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

Title I of the "Fair International Trade Act of 1972" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1972" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement.

Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources.

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to issue a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious.

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made.

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review.

II. AMENDMENTS TO THE TARIFF ACT OF 1930

Countervailing Duties. Chapter 1 of Title II of the "Fair International Trade Act of 1972" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented.

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute.

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States.

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specifically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review.

Tariff Commission. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commission.

III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter 1 of Title III of the "Fair International Trade Act of 1972" would enable persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The Trade Expansion Act of 1962 contains provisions that empower the President to take retaliatory measures against the exports of nations that unduly restrict and discriminate against United States exports. However, the Act contains no provisions for an orderly and timely procedure whereby parties in the U.S. who believe themselves injured by such foreign restrictive or discriminatory action can seek to invoke the statutory sanctions.

Chapter 1 would provide a complaint procedure for affected persons to bring to the President's attention evidence of such trade restrictions against U.S. exports. The procedure would be similar to that utilized in antidumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would

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be required to inform Congress of his actions with regard to these foreign restrictions.

The *"Escape Clause."* Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these criteria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession and the increase in imports.

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards.

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also significantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute.

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations.

IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1972" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not proved an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1972", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act.

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy.

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards.

ISSUE	ANTIDUMPING ACT OF 1921	PROPOSED FAIR INTERNATIONAL TRADE ACT
1. Who may initiate an investigation and how may it be initiated?	No restrictions. Presumably by any individual or group and in any form. ("Whenever . . . the Secretary has reason to believe or suspect . . . from information presented to him. . . .")	No change in statute.
2. Governmental agencies and their functions.	Department of the Treasury determines if sales are at less than fair value (LTFV). Tariff Commission determines whether U.S. industry is injured. Treasury determines and imposes dumping duties.	No change.
3. Time limit on proceeding.	LTFV determination: no limit (current Treasury goal is nine months). Injury: three months after LTFV finding.	LTFV determination: six months. Injury: no change. Total: nine months.
4. Quantum of injury required	Injury is not defined in statute. Tariff Commission decisions have established that anything more than *de minimus* or immaterial injury to U.S. industry is sufficient.	Codifies Tariff Commission standard.
5. Standard of causation between LTFV import and injury.	Causation not defined in statute. Tariff Commission decisions establish that LTFV imports need only be more than *de minimus* factor in bringing about injury to U.S. industry.	Codifies Tariff Commission standard.
6. Standard for determining likelihood of injury.	Likelihood standard not defined in statute. Tariff Commission decisions suggest that injury will be found where there is a "reasonable likelihood" that LTFV sales will cause injury.	Adopts Tariff Commission standard.
7. Potential intervention by President	Not possible.	Not possible.
8. Effect of tie vote by Tariff Commission	Tie is considered an affirmative finding of injury to U.S. industries.	No change.
9. APA protection and judicial review	No APA protection. Review only available to importers or foreign producers.	All proceedings and determinations subject to APA protections. Judicial review available to all parties.
10. Withholding of appraisement	Appraisement may be withheld when Secretary of Treasury believes goods were sold at LTFV.	No change.
11. Definition of industry	Undefined in statute, but some Commission decisions have recognized regional industries or markets.	Facilitates finding of injury to a less-than-national industry by adopting Clayton Act "line of commerce, section of the country" concept.
12. State controlled economies	No special provisions.	New provisions to facilitate effective antidumping regulation of products from State controlled economies.

By Mr. TUNNEY:

S. 3709. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated). Referred to the Committee on Finance.

RETIREMENT FOR SAFETY WORKERS

Mr. TUNNEY. Mr. President, I am introducing today a bill which would permit State and local policemen or firemen to withdraw from social security without affecting the coverage of other public employees who are members of the same coverage group.

It would also open the way to reinstatement of those employees whose coverage has already been terminated as a result of action initiated by policemen or firemen.

The difficulties which policemen and firemen have encountered in relation to the social security system are amply reflected in the disjointed development of provisions affecting them, and the present great disparities in the treatment of identical groups in different States.

At the heart of these problems is the fact that for retirement and general social security purposes policemen and firemen constitute a separate and difficult class.

The national social security system is predicated on a relatively uniform national social pattern of retirement at a certain age after a certain number of years of covered work.

Its benefits are based on these broad actuarial facts and are framed according to these general expectations and needs.

Unfortunately, policemen, and firemen, by the very nature of their occupations, do not fall easily into this broad pattern.

Necessarily, they retire early—at 55 or 50.

Social security benefits are not available to them until they are 62, and then they are actuarially reduced benefits—calculated on the assumption that even that small degree of early retirement is an aberration from normality, which is patently not the case for them.

Moreover, should they reach the point of claiming benefits, their personal entitlements are limited in two significant ways. Their working life and, therefore, the period of covered employment, is shorter, and in the time between their stopping work and receiving benefits increases in the general level of wages leave them at a disadvantage compared with those who qualify for social security immediately on retirement.

Furthermore, as the average life expectancy of safety workers on retirement is low, they stand an abnormally high chance of receiving nothing at all.

Thus, the national social security system inadequately addresses the needs of their special situation.

Because of these particular needs and the failure of social security to take them into account, many State and local governments have developed specially tailored retirement systems. Providing as they must for realistic retirement income after a shorter span of working years, these have been expensive systems.

Their necessary cost results in policemen and firemen having to pay, with social security, as much as 14 percent of their paycheck just for retirement purposes. They must pay for their special system if they are to hope for adequate and appropriate coverage, and they are required to pay for the doubtful benefits of social security on top of that.

Not surprisingly, many of them want to get out.

That is where the difficulty arises.

WITHDRAWAL GREATER THAN NECESSARY

The law at present rightly places a total ban on individual withdrawals from coverage. It also seeks to deter extensive termination by permitting only entire coverage groups to withdraw.

In practice, however, this provision is acting only partially as a deterrent.

Groups are withdrawing. That is to be expected under any system which is not totally closed. But in many cases it would seem that the existing withdrawal requirements are having quite the opposite effect to that intended—more employees are being taken out of social security than would likely opt for that alternative if the requirements were not so rigid.

Currently, in the State of California alone, 23 cities have completed action to take their employees out of social security. A further 14 are in the process of doing so. Involved in this movement out of coverage are 1,928 policemen and firemen and 4,678 miscellaneous employees. Similar action is being prepared or contemplated in a number of other districts.

There are various reasons for withdrawal.

My bill seeks to address only one of them.

The initial and overriding factor in a considerable number of cases has been the very firm conviction and desire of firemen and policemen who are covered as part of a general local government employees' group, to have that coverage terminated, for reasons I have already outlined.

Under the present machinery, they can only terminate if their whole local government group—miscellaneous workers as well as policemen and firemen—terminates as a single entity.

In many cases, the safety groups have acted reluctantly, knowing that the interests of the rest of their coverage group did not match their own, but feeling that it was necessary for them to withdraw and realizing that no other way was open to them than taking the whole group out of coverage.

Because of the firmness of their conviction that they should withdraw, and their cohesiveness as a group, they have been able to create enough momentum to achieve withdrawal.

As a result, a considerable number of miscellaneous workers have left the umbrella of protection which the national system affords them.

For those who have amassed considerable entitlements already, the effects of withdrawal may be comparatively limited. For those who have little, and especially for those who are yet to join the employee group, it means total exclusion from the strengths and benefits of the national social security system—a system which is basically appropriate to their needs.

This bill would make it possible for police and firemen to seek withdrawal in the future without jeopardizing the coverage of these other employees.

It would also make it possible for the miscellaneous workers to protect their long-term interests by seeking reinstatement of coverage separate from the policemen and firemen who initiated the original withdrawal.

OPPORTUNITY TO RETURN

My investigations in California have revealed that should this bill become law the miscellaneous workers in at least 13 groups would be given the opportunity to return to the system.

These problems are not peculiar to California by any means. They are repeated in State after State.

In fact, they are partially recognized in the law already, for in a limited number of States firemen may now be treated as a separate group.

In the interests of equity and the strength of the system as a whole, it is important to limit the extent of withdrawal so that only those with a deep-seated mismatch with the system leave it, and so that those who want to remain within the system are able to do so regardless of the interests and desires of a quite different class of employees who happen to be covered in the same local group.

I believe that this bill approaches that problem realistically and effectively, and I ask my distinguished colleagues in the Senate to lend it their full support.

Mr. President, I have also submitted an amendment to H.R. 1, the Social Security Amendments of 1972, which would accomplish these objectives. I ask unanimous consent that my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 218(g)(1) of the Social Security Act is amended by striking out "either" after "Secretary", by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) with respect to services of—

"(i) all employees included under the agreement as a single coverage group within the meaning of subsection (d)(4) which is composed entirely of positions of policemen or firemen or both;

"(ii) all employees in positions of policemen or firemen or both which are included under the agreement as a part of a coverage group within the meaning of subsection (d)(4); or

"(iii) all employees in positions of policemen or firemen or both which were included under the agreement as a part of a coverage group as defined in subsection (b)(5) and which were covered by a retirement system after the date coverage was extended to such group,

but only if the agreement has been in effect with respect to employees in such positions for not less than five years prior to the receipt of such notice."

(b) Section 218(g)(3) of such Act is amended by adding at the end thereof the following sentence: "If any such agreement is terminated with respect to services of employees in positions of policemen or firemen as described in paragraph (1)(C), the Secretary and the State may not thereafter modify such agreement so as to again make

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the agreement applicable to services performed by employees in such positions."

SEC. 2. Notwithstanding any provision of section 218 of the Social Security Act, any agreement with a State under such section may, if the State so desires, be modified at any time prior to July 1, 1975 so as to again make the agreement applicable to services performed by employees, other than employees in policemen's or firemen's positions, in a coverage group with respect to which the agreement was terminated by the State prior to the enactment of this Act if the Governor of the State, or an official designated by him, certifies that the following conditions have been met—

(1) the majority of such employees have indicated a desire to have their coverage reinstated, and

(2) the termination of the agreement with respect to the coverage group was for the purpose of terminating coverage for those employees in policemen's or firemen's positions or both.

Notwithstanding the provisions of section 218(f)(1) of such Act, any such modification shall be effective as of the date coverage was previously terminated for those members of the coverage group who meet the conditions prescribed in section 218(f)(2) of such Act.

By Mr. STEVENS:

S. 3711. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, I am introducing a bill today which would exempt from the Airport and Airways Revenue Act of 1970 helicopters not operated on established lines. The effect of this would be to exempt from the operation of the tax, those helicopter lines operating on nonscheduled routes.

The reason I am introducing this legislation is because it has been called to my attention that many small helicopter operators have had a great deal of difficulty and a great financial burden put upon them and their customers as the result of this tax.

Many of these helicopter companies are small and are not subsidized. They are required to charge their customers the tax on the full charter rate being charged for the helicopter, whether there be one passenger or a full load. The result may be a payment of tax on the full charter rate for a 15-seat helicopter which may in fact carry but one or two passengers.

Moreover, many of these helicopter operators do not use airports and airways communications, two of the major types of facilities supported by such taxes. For example, one company in my State of Alaska, operating approximately 20 miles north of Kenai on the shores of Cook Inlet, maintains two heliports which are owned or leased by the oil industry. The improvements thereon are owned and maintained by the helicopter company. For this base, helicopters support 13 permanent drilling platforms in Cook Inlet. They have their own flight following procedures, their own as well as oil industry owned radio communication, and have no need of nor do they use any governmental communications facilities whatsoever.

The only times such facilities are utilized are on the infrequent occasions that helicopters must return to their Anchorage bases for major maintenance. A similar situation obtains for the many nonscheduled helicopters operators throughout the Alaska bush area. Many of these go from 4 to 6 months between the times they use FAA facilities.

Many of the helicopters which utilize FAA facilities because they are flown in and out of Anchorage airports are those with gross takeoff weights under 6,100 pounds. These are subject to the fuel tax rather than the transportation tax. Seldom is a helicopter chartered on a noncompetitive basis in the weight class over 6,100 pounds simply because of the costs involved. These helicopters are hired on a competitive bid basis and often leave their base of operation for a continual period of time. As indicated above, these also go for many months without contacting any governmentally provided facility. I am informed that between 80 and 90 percent of the total flight time of Alaska helicopter operation is completed in the bush, in remote wilderness areas where FAA facilities for helicopters are not only nonexistent, but unnecessary.

Such taxes often yield extremely unfair results, especially in situations such as the one described above in Cook Inlet, in which many companies share the use of one helicopter. In such cases the bookkeeping problems are immense for small operators. It is almost impossible to adequately and fairly charge a proper customer the transportation taxes due. Such problems arise because the helicopter operator must, several times a day, transport a varying number of passengers per helicopter to a number of different platforms owned by different oil companies and pick passengers on each of the platforms, returning them to shore or even to other platforms out in the inlet.

As many as 28 passengers working for as many as six different companies may be transported on a 20-minute flight. Out in the inlet some passengers may deplane and others may board, only to be transported a relatively short distance for a very brief flight to another platform or back to the mainland. To give you an idea of the briefness of the flight, the total flight takes but 20 minutes from the heliport to each of four platforms in Cook Inlet and back to the heliport again.

Moreover, these taxes are extremely high and quite burdensome to the customers involved. For example, a tax charge of $48 must be made on a 1-hour charter flight in a Bell 205A–1 in which six people are being transported. The same six people would be required to pay only $8 each in transportation taxes on a Boeing 747 from Anchorage to Seattle. The total amount of the taxes collected is equally substantial. For example a single Alaska helicopter operator was required to pay from July 1, 1970, to November 1, 1971, a total of $230,000 in transportation taxes. One customer alone was invoiced $47,000 in transportation taxes for the 15-month period. This is a substantial amount.

Helicopters not subjected to this tax are now and would continue to be subject to the fuel tax imposed by section 4041 (c)(4) of the Internal Revenue Code—title 26 United States Code.

For these reasons, I hope serious consideration will be given to amending these transportation taxes for helicopters not being operated on established lines. I ask unanimous consent that my bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that 26 U.S.C. 4281 is amended by adding at the end thereof the following sentence: "Nor shall such taxes apply to transportation by a helicopter except when operated on an established line".

By Mr. RANDOLPH (for himself, Mr. DOLE, Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. BURDICK, Mr. HARRY F. BYRD, JR., Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHILES, Mr. CHURCH, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HARTKE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. SPONG, Mr. STAFFORD, Mr. STENNIS, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WEICKER, and Mr. YOUNG):

S.J. Res. 245. A joint resolution authorizing the President to designate the calendar month of September 1972, as "National Voter Registration Month." Referred to the Committee on the Judiciary.

Mr. RANDOLPH. Mr. President, on behalf of myself and the Senator from Kansas (Mr. DOLE), and 72 cosponsors I introduce a Senate Joint Resolution authorizing the President to designate the period September 1 through September 30, 1972, as National Voter Registration Month.

Too many Americans take their freedom and franchise for granted. Too many Americans enjoy the excitement of an election year without actual participation. If we are to have more responsive government, we must make every effort to have a more responsive electorate. It is important that we continue to work and encourage all eligible citizens to register and participate in the electoral process. This resolution, I believe, will help to focus national attention at a period of time just prior to the 1972 general election. A similar proposal has been introduced in the House of Representatives by Representative RIEGLE.

Since June 30, 1971, when the 26th amendment to the U.S. Constitution was formally ratified, a potential 25 milion new voters have become eligible to vote. I was privileged to have authorized such an amendment as early as 1942. The action by Congress and the individual States last year was most gratifying. But the so-called youth vote will be lessened in value if youth do not vote.

This joint resolution is directed at encouraging all eligible voters to register and vote. It is a sad commentary on our electoral system, I feel, when only two out of three eligible voters of all ages cast their ballots, as happened in 1968.

I am confident that the indifference or ignorance of one-third of this Nation's electorate can be overcome. I am certain that a massive infusion of youthful ideals and energies in the electoral process will stimulate reaction and concern among the millions of adults who do not bother to vote. To this end, I commend the national student lobby and other organizations who are actively involved not only in voter registration, but in day-to-day legislative issues before this Congress.

It was reported to me recently that in my home State of West Virginia, more than 60,000 of the 99,000 newly enfranchised young voters in the 18-to-21 age bracket already have registered for the fall election. I am informed that this 61 percent registration figure is among the highest, if not the highest, in the country.

Political analysts are divided on what impact, if any, the youth vote will have on this year's general election results. Certainly, the activities of college students in the primary campaigns have received high visibility. But I remind you that only 26 percent of the potential young voters actually attend college. Another 4 percent are in high school. This leaves 70 percent of the youthful electorate which is composed of men and women who are working or seeking work, who are starting families, buying homes, paying taxes, and looking to a future they themselves could have a role in shaping.

With new voting eligibility of this significant segment of our population, it is appropriate that our Nation initiate a special effort to increase participation in the electoral process. The focus of attention on youth involvement provides a real catalyst for renewed action in this area so that all citizens will benefit. I believe that our citizens—from the youth to the senior citizen—can form a partnership of activity to make the use of the ballot a more meaningful exercise.

I am hopeful that the Senate will adopt this important joint resolution in the bipartisan spirit in which it is presented. I urge Congress to tell all the citizens of this Nation that full participation in our electoral process is not only a desirable dream, but an achievable goal.

Mr. DOLE. Mr. President, the right to vote is a precious freedom, an integral element of an open and democratic system of government. The vote is the fundamental and most powerful force in the hands of a free people who wish to guide and direct the destiny of themselves and their Nation. From the ballot of each voter flows an uninhibited mandate and a statement to those who would represent him. It gives each voter an equal say in the election process, a voice which is not affected by wealth, race, geography, religion or any other element which from time to time may influence the affairs of men.

The importance of voting is difficult to overstate. Indeed, this importance raises it to an obligation upon all eligible men and women, for, just as each citizen is responsible for the quality of a government which is of, for, and by the people, that responsibility is most importantly met through regular and conscientious exercise of the vote.

EXPANDING THE FRANCHISE

We Americans have always cherished the institutions of our Republic—including the electoral process—and we have taken significant steps over the years to broaden both voter participation and the scope of the votes cast.

In 1868 and 1869 the 14th and 15th amendments to the Constitution granted and insured the right to vote to former slaves. The 19th amendment, extended the franchise to women in 1920. The 23d amendment, ratified in 1960, gave the vote in presidential elections to residents of the District of Columbia. The 24th amendment in 1964 removed the impediment of the poll tax in Federal elections. And most recently, in 1971, the 26th amendment granted the vote to those aged 18 to 20. The cumulative effect of these six amendments is that some 60 to 70 percent of today's voting population enjoys the franchise which would be denied them under the "free, male, white and 21" construction originally given the Constitution.

Voter participation has also been enhanced by recent voting rights acts which provide real protections for participants in all Federal elections and less stringent barriers to absentees and new residents in presidential contests. The Supreme Court has just this year delivered a major decision still more strictly limiting the inhibitions of residency requirements.

INCREASED SCOPE

The scope of the vote has also been broadened in this country by such steps as the 17th amendment providing for direct election of Senators, and the Supreme Court's one-man, one-vote decisions which govern the population of congressional districts. Of course, efforts are continuing to devise a new formula for the election of the President and Vice President whereby the electoral college can be reformed or eliminated to make way for direct or automatic apportionment of each State's vote.

Of course, our people can take justifiable pride in this record. It is a story of continuing progress toward improving our election system and thereby the quality of our Government.

A NATIONAL SHORTCOMING

But there is, unfortunately, an aspect of our electoral process which is not a source of pride, but which is, rather, a point of some embarrassment for a nation with our heritage, wealth and position of prominence in world affairs.

The fact is that, although many avenues of voter eligibility have been opened and in spite of the increased importance which the vote of each individual has assumed, Americans do not exercise their right to vote—do not live up to their responsibility to vote—as they should.

POOR COMPARISONS

In fact, in the 1968 presidential election only 61 percent of the American voting age population cast ballots. This figure compares poorly with 76 percent in Canada; 89 percent in Denmark; 86 percent in West Germany; 87 percent in New Zealand and 89 percent in Sweden. The comparison is even more unfavorable when one considers that the highest turnout in the last two decades was 64 percent in 1960, and the rate in nonpresidential years runs far below 50 percent. In 1970, only 44.9 percent voted. Such performance amounts to a national disgrace.

Of course, get-out-the-vote drives are features of every election, but such activities only address part of the problem. Undoubtedly, voters should be gotten out, but, more fundamentally, voters should be enrolled so they can be eligible to be brought to the polls.

UNTAPPED RESOURCE

Voter registration is the key to increasing voter turnout on election day, and unregistered voters are the great, untapped resource of the political world. In 1968, it was estimated that some 23.1 percent, nearly one-fourth, of our eligible voters were not registered. It takes no great gift of insight to appreciate the impact these votes would have on contests from the presidency to the city council. Even at the prevailing 61 percent turnout rate in 1968; those additional 18.3 million votes could very well have changed the outcome of a significant number, if not a majority of the races. After all, how many officeholders received greater than a 5 to 10 percent majority—much less one in the 25 percent range?

INCREASED ATTENTION

In 1972 a great deal of attention should—and is—being paid to the unregistered but otherwise eligible voter. Both national parties are directing significant voter registration drives all across the country, and many other groups and organizations have developed programs. Some of this activity is directed at the newly enfranchised 18- to 20-year-olds, but it goes much further. I believe that the entire political apparatus of America is awakening to the opportunity to be found in the unregistered voter. Whether he or she is young or old, a college student or a retired person, whether an individual is a member of a highly mobile executive family or one who suffers from a mobility-reducing disability—there is

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growing recognition that this individual must be sought out and brought into the electoral process in unprecedented numbers.

And because of this awakening and activity, I believe the American political system stands at the threshold of a great opportunity to take on the increased vitality and strength which inevitably comes from greater citizen participation.

NATIONAL VOTER REGISTRATION MONTH

It is a pleasure to join with the distinguished senior Senator from West Virginia (Mr. RANDOLPH) in introducing a measure which will serve to draw the Nation's attention to the importance of voter registration.

Authorizing the designation of September 1972 as "National Voter Registration Month" will put the Congress on record as a full-spirited participant in the campaign to expand the voter polls and thereby the people's part in securing the sound and wise functioning of government in America—at local, State and national levels. It is highly appropriate that the legislative branch take this step to provide leadership and support for the many efforts which will be made between now and election day to reach and enroll unregistered voters.

The Senator from Kansas would certainly hope that the support already shown for this measure by the many Senators who have joined as cosponsors indicates that it might receive rapid approval from the Senate. Hopefully, our colleagues in the House can approve an identical bill, so full congressional action can send it to the President in ample time to give National Voter Registration Month a well-deserved round of national publicity.

SPECIAL SIGNIFICANCE

I would also take this opportunity to congratulate the Senator from West Virginia for his long record of leadership in extending and expanding the vote in this country. This year is of particular significance to him and his work, because it marks the first presidential election in which 18- to 20-year-old citizens have been universally entitled to vote. They gained this privilege and responsibility in large measure because of Senator RANDOLPH's leadership and support for the measure which finally became the 26th amendment to our Constitution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2719

At the request of Mr. PERCY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2719, the Alcoholic Drivers Safety Act.

S. 3443

At his own request, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3443, a bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

S. 3507

Mr. HOLLINGS. Mr. President, through error, the name of my distinguished colleague from Texas (Mr. TOWER) was not included in the list of cosponsors of S. 3507, the Coastal Zone Management Act.

I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3515

At the request of Mr. BELLMON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3515, the Weather Modification and Precipitation Management Act of 1972.

S. 3641

At the request of Mr. PEARSON, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3656

At the request of Mr. ROBERT C. BYRD, the Senator from Florida (Mr. CHILES) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 3656, the South Atlantic Environmental Basin bill.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Alabama (Mr. ALLEN), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1237

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

IMPROVED FINANCING FOR PUBLIC BROADCASTING—AMENDMENT

AMENDMENT NO. 1236

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1239

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

(The remarks of Mr. TUNNEY on this subject appear under the heading "Statements on Introduced Bills and Joint Resolutions" when he introduced S. 3709.)

UNIFORMED SERVICES SPECIAL PAY ACT OF 1972—AMENDMENT

AMENDMENT NO. 1240

(Ordered to be printed and referred to the Committee on Armed Services.)

PUBLIC HEALTH SERVICE AMENDMENT

Mr. GRAVEL. Mr. President, this past March S. 3410 was introduced which would revise the special incentive pay structure for members of the armed services. This legislation is entitled the "Uniformed Services Special Pay Act of 1972."

Holding the views that I do on the need to move to an all volunteer force I am always in favor of more adequate pay scales for the recruitment and retention of persons for the services. In the case of S. 3410 I am especially interested in those provisions relating to additional incentive pay for physicians and dentists. The effect of this provision as it now stands would be to exclude medical personnel of the Public Health Service from gaining the same special pay benefits as their counterparts in the military.

Mr. President, this is patently unfair and unwise, and I will offer an amendment to repair this inequity.

It may be argued, of course, that the incentive pay already granted military and Public Health Service personnel is enough or too much; that there is no need for Government to provide additional pay to make up for some alleged or real deficiency between the income of doctors and dentists while on active duty and what they might receive in provate practice. There may well be an obligation toserve a period of time in public service of this sort at some financial sacrifice.

I am not arguing all that. What I do say is that Public Health Service personnel should be treated the same for pay purposes as military medical personnel. After all, the Public Health Service has long had a particular relationship with the military—a medical officer has the choice of serving his obligated time with one or the other agency. How then could the Public Health Service compete with the military for medical personnel if the pay scales are skewed sharply in favor of the military? Is this the basis on which we want people to make their choice? Can it be demonstrated that the public need is substantially greater for medical personnel for the Department of Defense than the Public Health Service? Do we know that the contribution is greater?

I am advised that a study on the status of all medical personnel in the governmental service is soon to be conducted. Fine. I certainly do not object to that, and I am sure there is much to be studied on this complex issue. I do object to arbitrarily and unfairly disrupting the pay parity between the Public Health Service and the Department of Defense medical personnel in the meantime. Imbalances once made are often hard to redress.

I am also aware that S. 3410 would retain the provision for continuation pay for Public Health Service medical officers. The proposed disparity comes in where the Department of Defense counterparts are dropped from eligibility for continuation pay, but would be given bonus pay of not to exceed $17,000 annually for each year of agreed continued service. The net difference is that S. 3410 if enacted in its present form would permit critical health specialists in the Armed Forces to receive as much as $13,000 per year more than their professional counterparts in the Public Health Service.

Mr. President, the Public Health Service has done a generally outstanding job in Alaska and its personnel are important contributors to the health and welfare of our State. I am sure that many of my colleagues would say the same for Public Health Service activities in their States. In Alaska there are some 85 physicians and 35 dentists in the Public Health Service doing yeoman work. Nationally the numbers are something like 2,550 physicians and 549 dentists. I am told the additional cost of bringing these people under S. 3410 in a like manner with Department of Defense medical personnel would be approximately $6 or $7 million for fiscal year 1973—subsequent annual costs would be greater. This is a small amount to pay for equitable treatment and the continued staffing of our Public Health Service to meet the ongoing demands on that important domestic agency.

Accordingly I submit an amendment to S. 3410 which would maintain equal treatment for Public Health Service medical officers along with Department of Defense medical officers by making the former eligible for the same bonus pay arrangements as the latter in section 2(5) of S. 3410—and paragraph 311 (a) of the basic legislation, chapter 5, title 37, United States Code.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1241

(Ordered to be printed and to lie on the table.)

Mr. ALLOTT submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF HEARING ON NATIONAL CORRECTIONAL STANDARDS ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 3049, the National Corrections Standards Act, beginning at 10 a.m. on June 22, 1972, in room 1318 of the New Senate Office Building.

This legislation is designed to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

This is the second scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 22, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims, vice Linton M. Collins, deceased.

Thomas E. Kauper, of Michigan, to be an Assistant Attorney General, vice Richard W. McLaren, resigned.

Samuel P. King, of Hawaii, to be U.S. district judge for the District of Hawaii, vice C. Nils Tavares, retired.

A. William Olson, Jr., of California, to be an Assistant Attorney General, vice Robert C. Mardian, resigned.

J. Clifford Wallace, of California, to be U.S. circuit judge for the ninth circuit, vice James M. Carter, retired.

Hirman H. Ward, of North Carolina, to be U.S. district judge, middle district of North Carolina, vice Edwin M. Stanley, deceased.

Harlington Wood, Jr., of Illinois, to be an Assistant Attorney General, vice Louis Patrick Gray III, resigned.

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND) chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

MISUSE AND ABUSE OF BARBITURATES

Mr. TOWER. Mr. President, I am pleased to cosponsor S. 3538 and S. 3539, two bills that could significantly curtail the misuse and abuse of barbiturates.

Barbiturates are replacing, and in some areas of the country, surpassing heroin and amphetamines as "the drug most abused." Some drug experts have called 1966 "the year of acid"—LSD—1968 "the year of speed"—amphetamines—and 1970 "the year of smack"—heroin. If the incidence of barbiturate abuse continues to grow at the present rate, 1972 may well be known as "the year of the downer"—barbiturates. Although this is a general statement, it indicates that the drug abuser will gravitate to the drug which is most readily available. Unfortunately, not only are barbiturates readily available, they are also relatively inexpensive. Consequently, they are the most abused drug among our school age population.

Today, on the streets of America, a youth can easily obtain "reds," "red devils," "red birds," "red lillies," or "Mexican reds" for 25 to 50 cents a capsule. In fact, he has a colorful selection from which to choose. He might prefer "blue devils," "blue heaven," "blue bullets," "yellow jackets," "purple hearts," or "rainbows." The names may vary, but the product is the same—a class of drugs derived from barbituric acid. One youth of 16 has said that it is less trouble to obtain barbiturates than it is to purchase cigarettes.

Barbiturates are the best known of the drugs which are used medicinally to relax the central nervous system. Generally, they are known as sleeping pills. Such trade names as Amytal, Seconal, Nembutal, Luminal, and Tuinal are found in many medicine chests in households across the land. These medications have many legitimate and useful purposes in treating a wide range of medical disorders, such as epilepsy, insomnia, gastritis, duodenal, and gastric ulcers, meningitis, relief of anxiety, and surgical anesthesia. Until recently, however, the general public was not aware of the potential harm involved in their misuse or abuse.

Unfortunately, the effects, the availability, and the low cost of barbiturates have made them extremely attractive as drugs of abuse.

Barbiturates are highly dangerous when they are taken without proper medical supervision. Increasing use of these pills quickly produces a tolerance. Once this tolerance has been achieved, the user experiences a euphoric effect from taking barbiturates. Rather than feeling merely drowsy and sluggish, he actually feels high, and completely insulated from reality. It permits the user to escape from the anxieties of his everyday life.

Barbiturates relax the muscles and impair the judgment of the user. He reacts more slowly and he is less coordinated. Violent behavior often accompanies barbiturate abuse. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities.

Barbiturates are clearly drugs of abuse and dependency. Abuse is defined by the World Health Organization as excessive use of a drug to the extent that it damages a person's health and social adjustment.

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Barbituric dependency, as defined by the World Health Organization, is the state arising from repeated administration of barbiturates on a continuous basis, generally in amounts that exceed the usual therapeutic dose, with a strong desire or need to continue taking the drug.

The withdrawal from barbiturate dependence is even more severe than withdrawal from opiates such as heroin and morphine. Even a moderate reduction of the accustomed dose may bring on a severe withdrawal. After 12 hours off the drug, the user experiences nervousness, headache, tremors, insomnia, fever, and nausea. After 3 days, some go into convulsions and delirium. Visual hallucinations, usually of a persecutory nature, are common. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. In fact, without medical supervision, it is often fatal. Furthermore, barbiturate dependency is often more difficult to cure than narcotic addiction.

The potential for abuse has become a reality—the abuse of barbiturates is significant numerically; it is widespread; and it is increasing. Over 4 million school age youth have abused barbiturates. A recently released Gallup poll revealed a 50-percent increase in the use of barbiturates on college campuses. Barbituric abuse accounted for 89.3 percent of all reported drug abuse in the armed forces serving in Korea, 42.2 percent of the detected drug abuse by troops in Europe, and 33.3 percent in Panama. The task force on drug abuse national survey of police departments indicates that barbiturate abuse is a problem or a major problem in 77 percent of the jurisdictions surveyed. Police seizures of barbiturates, likewise, indicate an alarming level of abuse in many areas. The Dallas Police Department, for example, seized over half a million barbiturates in 1969.

In response to a letter from the task force on drug abuse inquiring about the drug abuse patterns of certain localities, the corodinator of a free clinic in Texas wrote:

> We are open all night on a walk-in or call-in basis. I would have to say that the single drug which causes the bulk of our problems these days is barbiturates. They are legal, easily obtainable, and not respected by the drug taking population . . .

Drug availability is one of the prime factors in drug abuse. Barbiturates are readily available. While amphetamine production has decreased over the past several years, barbiturate production has increased dramatically. Production has increased from 3 billion dosage units in 1967 to 5 billion dosage units in 1970.

In recent years, these drugs have flooded the black market. Unlike amphetamines, barbiturates are not easy to synthesize. The result is that most of the drugs found on the street are from legitimate manufacturers. President Nixon, in his address on June 22, 1971, before the American Medical Association, said that he would estimate that of the over 5 billion doses legally produced each year, half would be diverted into illegal sales.

In testimony before the Juvenile Delinquency Subcommittee on September 15, 1969, John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, stated that 92 percent of the barbiturates on the illicit market are "legitimately manufactured and diverted." Indeed, Mr. Ingersoll has recently stated to this same subcommittee that—"unlike the case of all other major drugs of abuse, it appears that this demand—for barbiturates—is supplied exclusively from what begins as legitimate production."

A survey by the task force on drug abuse substantiates Mr. Ingersoll's statement. Twenty-seven of 35 police departments responding to the survey estimate that more than 90 percent of the barbiturates available on the street were legitimately manufactured.

These legitimately manufactured barbiturates are diverted from legal channels by theft, smuggling, hijacking, forgery, and prescription abuse.

S. 3539 could significantly reduce the volume of barbiturates being diverted into the black market. It would remove the four short-acting barbiturates most frequently abused from schedule III of the Controlled Substances Act and place them in the more strictly regulated schedule II of the same act. Rescheduling barbiturates would impose production quotas—so that only enough dosage units for legitimate medical purposes would be manufactured. By substantially eliminating overproduction, the number of barbiturates diverted into the black market would be reduced. Furthermore, drug manufacturers, wholesalers, and retailers would be required to keep accurate records, thus preventing diversion in the distribution of barbiturates on a large scale. Furthermore, the rescheduling would require more careful dispensing of barbiturates. The physician would be required to put his BNDD control number on any prescription of barbiturates. Prescriptions would be for a limited duration and would not be renewable indefinitely. Hence, the abuse of legitimately prescribed barbiturates would be curtailed without affecting the legitimate use of these drugs when prescribed under careful medical supervision. S. 3539 would effectively prevent much of the diversion which presently occurs.

S. 3538, a companion bill, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products. Hence, barbiturates seized by law enforcement agencies could be readily traced to the original source, enhancing the possibility of locating the leaks in manufacturing and distribution. I am encouraged by Mr. John Ingersoll's concurrence that this bill would facilitate police efforts to trace illicitly diverted barbiturates.

Mr. President, I am further encouraged by the progress of the hearings on these two bills before the Subcommittee on Juvenile Delinquency. I fervently hope that Congress will act affirmatively on these measures at this session.

WHAT LIFE IS LIKE IN ALASKA

Mr. STEVENS. Mr. President, quite often people from throughout the country write to me asking what life is like in Alaska. Many of these people are interested in moving to my State or starting businesses there. Many students also write to me requesting information on Alaska.

A large number of these people have specific questions to be answered, but many of them would just like some general information on my State.

Recently in the April 1972 issue of NOAA, the magazine of the National Oceanic and Atmospheric Administration, of the U.S. Department of Commerce, an excellent article entitled "Alaska—Big, Wild and Beautiful" appeared on page 9. The article is short, but it contains much useful information.

Mr. President, I ask unanimous consent that the article be printed in the RECORD so that it may be available to the many people to whom it may be of interest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA—BIG, WILD AND BEAUTIFUL

Alaska, our 49th state, is a land of superlatives. Not only is it our northernmost and coldest state, it is also the biggest (twice the size of Texas), least populous (with one third as many people as Rhode Island), and possibly the richest with a 1968 oil strike on the North Slope that may be one of the greatest in history and brought more than 900 millions in bids for oil-land leases.

Alaska has the highest mountain in North America—Mount McKinley, soaring 20,320 feet above sea level, and 17 of the 18 highest peaks in the nation (the 18th being Mount Whitney, in California—14,494 feet). It has the longest tidal shoreline, which, at 34,000 sinuous, craggy miles, approaches that of the entire lower 48 states, measuring 54,000 miles.

The nation's lowest temperature on record was observed January 23, 1971, at Prospect Creek, Alaska, in the southern foothills of the Brooks Mountains—a numbing 80 degrees below zero. The lowest annual average temperature in the U.S. is at Point Barrow, Alaska—9.6 degrees above zero—where you'll also find the coolest summers, averaging 39.7 degrees. Coldest winters are at Barter Island on the Arctic Coast of northeast Alaska, averaging minus 15.6 degrees. Yet, with all these frigid records, a sweltering 100 degrees was recorded at Fort Yukon in July 1915.

Alaska also is a place of great extremes in precipitation, varying by region from an annual average of 4 inches to 220. The Arctic portion, north of the Brooks Range, is as dry as Arizona. Yet the southeastern part, which is shielded by the mountains and draws warmth and moisture from the Alaska current, gets four times as much precipitation as New York City or Washington, D.C. In the central Gulf of Alaska area, much of the precipitation falls as snow. A record snowfall of 975.5 inches (81 feet) occurred at Thompson Pass on the highway out of Valdez in 1952–53, with that same station registering a record fall in one month of 298 inches (25 feet), in February 1953. A record of 62 inches (5 feet) was measured on a single day in December 1955.

Yet most Alaskans scoff at the "igloo image" lower 48ers have of them. Reason is that most live in modern comfort in the relatively "balmy" portion where Anchorage is situated, which has a climate somewhat like the north coast of Maine. Almost half the total population of 300,000 people lives in and around Anchorage. So, when you note that the state's average density is one half person per square mile, compared with 60 in the lower 48, it's obvious that in areas outside of Anchorage and Fairbanks (the only two cities with more than 25,000 people), urban congestion isn't much of a problem.

In fact, Alaska has at one time been likened to a huge government game preserve, where 53,000 Indians, Aleuts, and Eskimos can still hunt and fish in the manner of the ancestors. (Alaska has more Eskimos than any other place in the world.) When Alaska was admitted to the Union on January 3, 1959, the Federal government owned 99.8 percent of the land, and still owns 96 percent. In this huge happy hunting ground are 100 million acres of timber, principally hemlock and spruce, seven million acres of lakes, and several thousand miles of navigable rivers. It has the nation's only active volcances—about 40, all told—and is sprinkled with some 5,000 glaciers and icefields. Also, it is subject to frequent earthquakes. The greatest earthquake ever recorded in North America occurred on Good Friday, March 27, 1964, in Alaska. It killed 114 persons, caused 50,000 square miles of land to heave and tremble, and did about 311 million dollars' property damage.

Alaska's wildlife is just as impressive as its climate and topography. Included are Alaskan brown bears (a king-sized subspecies of the grizzly), polar bears, black bears, timber wolves, wolverines, lynx, foxes, snowshoe rabbits, moose, caribou, mountain goats, Dall sheep, musk oxen, bald eagles, ptarmigan, spruce grouse, puffins, walrus, sea lions, seals, sea otters, salmon, trout, tom cod, smelt, king crabs, scallops, and shrimp—to name only a few of the more illustrious. Many of these are delicious. Some of them, such as the brown bears and polar bears, feel the same way about people.

Alaska, like Ireland, has no snakes.

In all this vast territory, covering 586,500 square miles, or 375 million acres, and streaching 2,000 miles east to west and 1,100 miles north to south—there are only a few million acres suitable for crops. Less than 100,000 acres is actually under cultivation, much of this in hay, silage, and pasture. Milk and vegetable crops are also important which introduces more superlatives. The growing reason is short, averaging about 160 days a year, but 16 to 19 hours of sunshine a day produces some of the finest and/or biggest vegetables grown anywhere, such as 60-pound cabbages and 30-pound turnips.

In keeping with the rest of its wild and youthful character, Alaska is short on surface transportation and long on aircraft. There is only one railroad, the government-owned Alaska Railroad, which runs north 470 miles from Seward to Fairbanks, and about 3,000 miles of surfaced roads. Yet the state has a dozen local airlines and about 700 airfields. One of every 54 residents has a pilot's license. International air carriers use it as a major way-stop for crossing the Pole.

Now that serious efforts are under way to find a means of transporting vast quantities of oil from the North Slope to consumers in the lower 48, Alaska's prospects for development are greater than ever. Officials undoubtedly will be calling for a host of sophisticated new services from many disciplines, a large number of which will no doubt come from members of the NOAA family.

U.S. DEFIANCE OF U.N. PROCEDURES

Mr. McGEE. Mr. President, we have been witnessing a growing tendency on the part of the U.S. Congress to take unilateral action highly detrimental to the future of the United Nations and in violation of our treaty obligations to that institution.

Our increasing defiance of U.N. procedures and obligations has called into question this Nation's credibility and integrity. In Tuesday's—June 13—edition of the Evening Star, columnist Charles Bartlett writes about the U.S. Congress and this Nation's financial obligation to the U.N. Mr. Bartlett makes some very poignant observations relative to recent efforts by Congress to unilaterally cut its U.N. contribution in defiance of regular U.N. procedures for resolving such questions.

As I have always maintained, it is incumbent upon this country to do all within its power to strengthen the United Nations and the role it plays in the international community. Yet, there appears to be increasing opinion that we should allow the U.N. to experience the same demise as the League of Nations. Such a path would be highly regrettable and without merit.

I therefore ask unanimous consent that Mr. Bartlett's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS AND OUR U.N. CONTRIBUTION

(By Charles Bartlett)

UNITED NATIONS, N.Y.—This is really not a prudent time for Congress to manifest the nation's weariness of its world responsibilities with a unilateral cut in its U.N. contribution.

The Senate Appropriations Committee has softened the harsh, precipitous act of the House, which voted 202 to 156 for an immediate cutback to 25 percent of the U.N. budget. Acknowledging that this step at this point will leave the U.N. flat broke by October, the Senate committee has postponed the retrenchment until the start of 1973.

But this concession is not enough because it will deny the American government an opportunity to negotiate the 25 percent ceiling through the regular procedures. The U.N. Contributions Committee meets in 1973 and the reduction in the American share can be achieved then. But Congress, in defying the procedures, will set a flighty precedent and leave the nation in legal default on a commitment made only one year ago.

The bitterness stirred by the expulsion of Taiwan was fully reflected in the House debate. Disenchantment with the U.N. reaches from high officials in the Nixon administration to the general public, and those who know it best do not hide their concern over the steady expansion of U.N. costs. The world body's bureaucrats have learned how to fatten their resources by aligning the poor members against the rich ones who pay most of the costs.

So no American officials dispute the wisdom of the goal that Congress has set, and there is considerable optimism that Ambassador George Bush and his team here will be able next year to persuade the other major contributors to accept it. But much will be lost, and only some $25 million will be saved, by setting aside the procedures which have kept the U.N. in business.

For one thing, important leverage will be lost in the dealings with those nations which caused the U.N.'s financial crisis by defaulting on payments for political reasons. This leverage is being applied with increasing success, and France is repaying almost all of what it has withheld since 1963. There is no real hope now that the Soviets may be persuaded to compensate for their refusal to participate in the costs of some expensive peace-keeping operations.

This cooperative trend is important because the Chinese newcomers are going to have to be talked out of their present inclination to balk at paying their share of budget items which they don't approve. Fortunately their recalcitrance is now directed at small items like the cost of keeping up the U.N. cemetery in South Korea, but their approach will be damaging over the long run unless they can be persuaded that it will not serve the interests of world peace.

There will be an important loss to the momentum of the new secretary-general, Kurt Waldheim, who is setting out to revive the U.N. from the slump in which U Thant left it. He is still an uncertain figure whom some view skeptically, but he is showing energy and courage and above all an awareness that the U.N. needs a leader who can articulate its claims on the world's support and exploit its opportunities for useful diplomacy.

Unlike U Thant, Waldheim is showing determination to come to grips with a budget which has more than doubled in the past 10 years. He has persuaded one of Canada's ablest career officials, George Davidson, to take on the management responsibilities. He is putting a tight hold on current expenditures, trying to keep them 10 percent below the authorized budget of $213 million.

There is no magic handle by which the U.N. can quickly reclaim public enthusiasm. There is no administrative handle by which the four nations paying 60 percent of the budget can prevent the 128 paying 40 percent from running up the costs. But the U.N. members are sensitive to the winds that are blowing, and its financial crisis has made the point that it can be destroyed, as was the League of Nations, by fiscal atrophy.

So Congress' warning will be useful, but the task of shrinking the American burden will more safely be left to the diplomats.

U.S. SERVICEMEN VIEW OUR VIETNAM COMMITMENT

Mr. DOLE. Mr. President, listening to certain politicians, pundits, and self-proclaimed spokesmen around the country, one might be tempted to draw negative conclusions about the men and women of the Armed Forces who have been called to serve in Vietnam. But the impression that might be gained from the publicity and promotional stunts of anti-war students, some journalists and others would be wholly inaccurate and unfair to the vast majority of personnel—career, draftee, and volunteer—who have served in Southeast Asia with honor, distinction, and a high commitment to their Nation and its policies.

More eloquently and more convincingly than I could put it, Americans serving in Vietnam tell the story of the sensitivity, concern, and thoughtful dedication which has characterized the presence of greater number of our troops in Indochina. I believe it would be appropriate for three of these statements to be made a part of the RECORD, for they persuasively set forth points of view which too seldom seem to find the wide expression given to those of the doom and gloom merchants. Therefore, I ask unanimous consent that a letter from M. Sgt. William E. Peters, of Salina, Kans.; a letter from Sgt. John Lozarek and 13 others published in the Kansas City Star of May 28; and excerpts from a letter from Capt. Ed. E. Blankenhagen, of Manhattan, Kans., be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

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APRIL 16, 1972.

Senator ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: In a few days I will be leaving the Central Highlands here at Pleiku, Republic of South Vietnam, after spending two years of my life in service to our nation in RVN and in the cause of freedom. I can assure you I am most proud of our nation and the ideals for which it stands. I have witnessed incursions into the rights and freedoms of a lovely gracious people during my stay here, but none more serious than the past few days. I am sad indeed to leave my friends here and I worry about their well-being as I do of my own family. I am sick and tired of people at home forgetting those in need throughout the world, especially those political leaders in opposition to the Administration. The United States did not start this war, nor have they perpetuated it for greedy means, but the Hanoi regime has done this in flagrant violation of human rights and freedoms. They grossly abuse their own people for enhancing and insuring they retain control, power and the "right" image. Should there be any doubts of this speak to the people who live there and know from experience. Those peoples' problems are simply they will do what their told or else and the "else", in the case of NVA soldiers in the Highland Regions anyway, is death, with no hope of returning home even in a body bag.

With the massive buildup of forces in the Highlands, it would seem one of Hanoi's principle objectives is to mount a large scale invasion here, thrusting to the coast. They very probably expect to do this once South Viet troops are well occupied in Quang Tri Province and at the An Loc area. I would expect this to occur near May 1 to coincide with the communist celebrations, hopefully on their part, victory. So I personally feel very grave danger existing for American forces in this area, along with the residents of Kontum and Pleiku. Something has to be done to counter the threat and to help save the misery and terror in store for our friends here in town.

So far this area has been saved from attack, but I know personally the enemy moves closer, day by day to set up positions for artillery and rockets. The enemy is up to no good and he must be defeated once and for all. The battle here will be the last major offensive prior to the rains, but I feel it will be spectacular, possibly defeating South Vietnam by splitting the nation again.

Still the South Viets seem to be fighting well and they are gaining needed experience. There is much hatred here for communists, a result of their methods of forcing their views on people in the 1968 Tet offensive at Hue. Even the Viet Cong (VC) support is not here; there may indeed by remnants of VC forces throughout Vietnam, people who still live in the hills and are isolated from the population because they retain a label.

The VC label is one threatened by extinction, as one can tell in the battle of An Loc, with the NLF wanting desperately to set up their capital there. It is strange the NVA is fighting the battle there and not the Viet Cong forces. This is how Vietnam has changed—before the VC force was the principle factor—now its outside forces and I can assure you the NVA invasion is highly opposed. The VC dream of popular revolt and the Madam in Paris, figurehead for the NLF has passed, much to these peoples hopes of maintaining an "Image" of power, authority and control. Right now the NVA realize the necessity of trying to re-establish the NLF and VC stature. I believe there is indeed people here who oppose the Thieu government much like our own people's political rows, but that doesn't necessarily label them as violent. The old VC core was killed off in 1968 and since remnants of them seem to be felt mostly on the central coastal regions and in the Delta around Can To. Even then a lot of those people at Can To seem to just disagree, perhaps violently if any one comes close to their property and they are not necessarily VC.

There is *nothing* the enemy wishes a majority of people to believe more now, than to fear the VC are everywhere and in complete control, ready to attack at given moments. Yet nothing is further from the truth. Its the NVA to worry about now.

My feeling is communists have pretty well been kicked out of South Vietnam over the past. Now of course they try to return by force and I pray to God it doesn't work. Hopefully, I make some sense and perhaps help in my way. I hope that help comes for the Highlands—defensively, if not offensively prior to D Day.

Wishing you the best of luck and of course it goes without saying, I'm highly complimentary of President Nixon's actions since the March 30th invasion.

Very sincerely,

M. Sgt. WILLIAM E. PETERS.

We here in Vietnam have listened with disappointmentand bewilderment to people putting down the President of our country for what he is doing. If they, the protesters, had to live with the threat of dying, they would be glad to have air strikes keeping the rockets, mortars and other devices of war away from them.

The other night, for instance, the North Vietnamese were sitting about six miles from us at Da Nang. If it were not for the air strikes a few of us might not be alive today. We are all scared and want to come home. That is what President Nixon is trying to do—get us home.

Most Americans agree that the war is wrong and we have no business being here. President Nixon was not the one who put us here. The tough, dirty job of getting us out was placed on him. To us, President Nixon is doing his best to do what's right for us and the United States. But what can one man do?

We say to all people who have never been here, and to all protesters in general, please stop the protesting and help our country and President to get this war over a lot faster.

Sgt. JOHN LAZAREK,
(and 13 others).

APO SAN FRANCISCO.

MAY 1, 1972.

Why don't you guys start a backlash back home in favor of bombing North Vietnam. I mean they invaded. we didn't. The NVA is mortaring civilians down here, kidnapping and killing civilians, so why should the people in North Nam be exempt. You won't believe the jubilation of the people at the news of bombing Hanoi and Haiphong. Both the VN's and U.S. were ecstatic. Also, thank God for aircraft carriers. We've got them stationed off-shore of Binh Dai. They're pounding the VC and NVA bad here in Kien Hoa. I mean, like we've got 5 battalions of bad guys roaming through the area. The U.S. here are pretty disheartened because we are not in the news. We don't have fighting on the scale of Quang Tri or An Loc, but the danger is the same. We've pulled Kit Carson Scouts into the U.S. compound for added security. The KCS are a U.S. funded group of ex-VC who are U.S. led and the best fighting unit in Kien Hoa. The KCS is hated by the VC and not trusted by the VN's so they work together for the sole reason of survival. Nobody messes with them.

My first job here was a 4 day mission with KCS. Now, don't get upset and worried, though I know you will be anyway til I get home, but the situation is well in hand. The PSDF is really being targeted by the VC, because they can get recruits and weapons. In a 5 day period I had 41 PSDF MIA and 50 weapons lost. These were the reported incidents and I know of some more unreported.

Boy, is it great to listen to the news of war protests back home. Love that moral support. . . . Excuse the language but that's the only way I can protest. The protestors are so idealistic in a pragmatic world. The bombing is indirectly saving U.S. lives and don't forget it. I value my life and those of my fellow U.S. and VN and it would be a real heartbreaking affair if my President did not help us. He is actively protecting our lives. The protestors would throw them away and our allies. We're close to final success, so let's not quit now.

Capt. ED E. BLANKENHAGEN.

MEAT IMPORT QUOTAS

Mr. PEARSON. Mr. President, I am deeply concerned by reports that the administration is seriously considering taking action to set aside the Meat Import Act of 1964 and to eliminate all quotas. Serious consideration is also being given, as I understand it, to the imposition of meat price controls following the elimination of quotas.

Mr. President, I am opposed to either of these courses of action. A removal of the meat import quota would not affect retail prices and therefore would bring no relief to the housewife. On the other hand, such action could very well have a depressing effect on live cattle prices. Moreover, the precedent setting nature of such action would be such that the cattlemen could not look to the future with confidence. If there is to be no stability to the meat import program cattlemen would be confronted with an intolerable element of uncertainty regarding future production plans.

An imposition of price controls at a level that would be clearly visible to the housewife would have an economically depressing effect on the cattle industry and this would tend to discourage the expansion of future production which is so clearly needed if we are to meet the growing demand for meat in this country.

The plain and simple fact is, of course, that live cattle prices are not too high. Current price levels are about where they were 20 years ago. And during that time, of course, costs of production have risen dramatically. Cattlemen are now receiving a workable profit but by no conceivable stretch of the imagination are they making an excessive profit. Indeed, any lessening of the small profit margin that now exists will discourage future production increases which the consumer is obviously demanding.

The well-being of the cattle industry is, of course, of great importance to the entire agricultural sector. Many wheat and feed grain farmers are able to continue satisfactory operations only because of the current stability in livestock prices. And in Kansas, beef is a $1¼ billion industry. Any decline here would, of course, have ramifications throughout the entire State economy.

Mr. President, if the administration wants to do something in this area it seems to me that they should look very carefully at processing and retail price margins. Past experience has shown that many of the retail markups on meat are simply not justified.

Mr. President, because of my concern over this matter I wrote the President outlining my views on this. I ask unanimous consent that my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U. S. SENATE,
Washington, D.C., June 13, 1972.

Hon. RICHARD M. NIXON,
The President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I want to express my concern regarding reports that the Administration is considering eliminating the meat import quotas and/or establishing price controls on meat. I wish to respectfully register my opposition to either of these two actions.

A removal of the meat import quota would not significantly affect retail prices, therefore, bringing no relief to the Housewife. On the other hand, such action would cause great consternation among the cattlemen, even if such action did not, in fact, affect live cattle prices, because of the cattlemen's concern over the precedent setting nature of such action.

An imposition of price controls at a level that would be clearly visible to the housewife would have an economically depressing effect on cattlemen and this would have the effect of discouraging the expansion of future production which is clearly needed to meet the growing demand for meat in this country.

Current live cattle prices are about where they were 20 years ago, and, of course, during this period costs of production have risen dramatically, and even though cattlemen have increased the efficiency of their production, current cattle prices can in no way be seen as yielding the cattlemen an excessive profit. Indeed, as I have indicated any lessening of the small profit margin that now exists will discourage future needed production increases.

Activities by your Administration over recent months have served to demonstrate to American farmers that you are concerned about their economic well being and are committed to seeing to it that they have the opportunity to participate fairly in the expanding prosperity of this nation. I believe it is important that we make every effort to assure the American farmers that these policies will continue.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

COOPERATIVE LEAGUE ENDORSES GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I received a letter recently from Mr. Stanley Dreyer, president of the Cooperative League of the U.S.A., expressing that organization's support from my efforts to keep the Genocide Convention before the attention of the Senate. The Cooperative League joins scores of organizations in our country which have endorsed the convention—from the Federation of Women's Clubs to the AFL-CIO to the National Conference of Christians and Jews to the Federation of Teachers.

The Cooperative League's letter notes that the United States has kept the Genocide Convention "in limbo" for more than 20 years. The letter continues:

As you have pointed out repeatedly, many other members of the United Nations have long since ratified the treaty and it is embarrassing to thoughtful citizens that our country has dillydallied here for so many years despite the proud idealism informing our foreign policy throughout American history.

There is a symbolic importance to our acting on the treaty that shrinks into insignificance the petty objections to which the Senate has listened far too long.

Mr. President, the endorsement of the Cooperative League provides still more evidence of the broad public support the Genocide Convention has in this country. The Senate's failure over the past 23 years to ratify this treaty is disgraceful. Since the favorable report of the Foreign Relations Committee last year, our inaction must seem to the world more like apathy than uncertainty. I urge the Senate to consider and ratify the Genocide Convention without delay.

READING CRISIS IN THE NATION

Mr. BOGGS. Mr. President, too few of us are really well aware of the reading crisis in this Nation today. The National Reading Center of Washington, D.C., tells us that 8 million schoolchildren need special help in learning to read.

There are 21 million Americans who are bound down economically and socially because they lack the basic reading skills to qualify for a job with a future.

I am pleased to report that citizens of Delaware are moving to meet the reading problem in our State, on a volunteer basis, in helping our young children to get a good start in reading.

In Dover recently, 117 volunteer tutor-trainers and coordinators, representing 18 of our school districts, participated in a 2-day training workshop scheduled by the National Reading Center.

These trained volunteers have now returned to their home communities to teach other volunteers how to tutor primary-grade children in reading.

The participating school districts include:

Alexis I. Dupont, Alfred I. Dupont, Appoquinimink, Caesar-Rodney, Cape Henlopen, Capital, Claymont, Conand, Conrad, Indian River.

Lore, Marshall-McKean, Milford, Mount Pleasant, Newark Special, New Castle Gunning Bedford, Seaford, Smyrna, Woodbridge.

Also, the Richardson Park community action programs and the Delaware Division of Libraries are supporting this productive project.

There is no charge to local volunteers for the National Reading Center's tutor-training program.

This important step in providing trained reading help for the children of Delaware has been acclaimed by the Wilmington, Del., Morning News in an editorial dated May 31, 1972. I ask unanimous consent that the editorial, entitled "Volunteers To Help Johnny Learn To Read," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOLUNTEERS TO HELP JOHNNY LEARN TO READ

American society's massive use of volunteer workers is unique. In no other nation do so many citizens perform for free so many important functions for total strangers in institutions or even in their homes. While this generous outpouring of volunteer help—be it in schools, hospitals, prisons, nursing homes or whatever—is highly commendable and bespeaks of a spirit of generosity, it also carries with it some problems.

Volunteer workers often have not been as effective as one might hope, because the receiving agency has failed to train, instruct and properly direct them. There has been an understandable reluctance to tell volunteers what to do, since, after all, they are doing something for nothing and one should not be too demanding of them. Fortunately, this attitude of false consideration toward volunteers is changing and those who give of their time for free are more and more being treated as persons who can generally be expected to perform a given task at a given time and place. This more professional attitude results in the volunteer feeling more competent in what he is doing and makes the volunteer services more effective for the recipient.

To bring about this better integration of volunteers into work forces, receiving agencies have been running all sorts of orientation and training sessions for those offering to donate their time and energies. But few training programs are as ambitious as the one just undertaken with federal aid for the training of reading tutors. A team from the National Reading Center went to Dover recently to conduct an intensive training session in the techniques of teaching reading. This team worked with 100 "trainers" who are then expected, in turn, to offer 20 hours of instruction to volunteer tutors. The training program is expected to grow in pyramid fashion: From a small team of federal instructors to 100 Delaware trainers and, hopefully, to as many as 2,500 qualified tutors throughout the state's schools.

It's a giant, constructive effort to overcome the problems faced by regular teachers that do not have enough time to give individual attention to slow readers. And through volunteers are already performing many tasks in the state's school system, this is the first comprehenive endeavor to harness their talents in a truly productive manner. If it works, it will bring satisfaction to the hard-working volunteer and give a good many of the students the extra support they so desperately need.

PHILIP J. PHILBIN

Mr. BROOKE. Mr. President, the people of Massachusetts are deeply saddened by the death of a respected and loved public servant, former Representative Philip J. Philbin, of Bolton, Mass.

Phil Philbin spent the better portion of his adult life in service to the people of the Commonwealth and of the Nation. He developed an expertise in labor problems through his years as a special counsel to the Senate Committee on Education and Labor, as an official of the U.S. Department of Labor, and as a member of the advisory board of the Massachusetts Unemployment Compensation Commission.

For 28 years Phil Philbin served in Congress with great distinction, rising to the chairmanship of the House Armed Services Committee before his retirement from public life in 1970.

I was privileged to know Phil Philbin for many years, and cherished his warm friendship and wise counsel. To his two daughters, and his many friends, I extend my deepest sympathy.

NADER ON PENSION REFORM

Mr. HART. Mr. President, it has been said that the quality of a society can

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be judged by how well or poorly its older citizens fare.

If that is true, history may well be less than kind in its judgment of our society.

The harsh fact is that many of our older citizens live out their final years in poverty or near poverty.

Social security and medicare are helpful, but even as we prepare to vote another increase in social security payments we know that this program is not designed to provide by itself an adequate retirement income.

However, even with all the problems and inadequacies of the Social Security System, it does provide some assistance. Our greater failing has been our continued disregard of the legitimate interest society has in the development of well financed, strongly protected, responsive pension programs.

As long as social security or some other form of Federal payments remains a base on which to build an adequate retirement income, society will have an interest in seeing that pension programs work for all those who seek to participate, and work in a way that frees rather than inhibits an individual from pursuing a productive career.

The failures and abuses of present pension systems have been well documented.

It has been estimated that one-half of all persons participating in a retirement program will receive no payments when they retire. And many of those who do will receive payments far smaller than anticipated.

Pension programs disappear when plants are closed or companies are merged.

An employee loses his stake in a pension program when he is fired or moves to a new job.

Some workers never remain with one company long enough to qualify for a pension, even though payments to the retirement fund may be part of the fringe benefits included in his compensation.

And many people work for businesses too small to be able to afford the administrative costs of establishing a pension plan.

For those who may doubt the seriousness of these failures, I refer them to the excellent study made by the Senate Subcommittee on Welfare and Pension, under the leadership of Senator WILLIAMS and Senator JAVITS.

Of course no study can accurately assess the unknown costs the present pension exact from employees who, except for fear of losing a pension, might move on to more rewarding employment.

It seems clear that a society which places a high value on an individual's right to grow to his or her full potential should seek to do what it can to remove unnecessary barriers to such growth.

Equally important, a society which believes in the dignity of the individual, regardless of age, should do what it can to protect the individuals preparations for an economically sound retirement.

After too many years of talk, it now appears that the time for pension reform has come.

The question remains what kind of reform and how extensive a reform should Congress consider.

The Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) have introduced a bill, which I cosponsored, which includes major reform proposals, but which stops short, for example, of full portability and immediate vesting.

As always, many feel it is a question of half a loaf or no bread at all.

And, of course, opinions differ as to how much pension reform bread we can afford.

Others believe that the time is here to go for the whole loaf, and that if we miss this opportunity we will not soon again have another chance.

Ralph Nader, the consumer advocate, is one who holds this latter view.

He outlined his thoughts on pension reform in a speech to the Sixth Annual Conference on Employee Benefits in New York City on May 24, 1972. I ask unanimous consent that excerpts of Mr. Nader's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY RALPH NADER BEFORE THE SIXTH ANNUAL CONFERENCE ON EMPLOYEE BENEFITS, NEW YORK CITY, MAY 24, 1972

In terms of dollar impact, the private pension system represents one of the most comprehensive consumer frauds that many Americans will encounter in their lifetime. And I use the term "fraud" advisedly.

Those of you who sell, service and administer private pension plans, as well as those who negotiate and establish plans, have seriously and deliberately misrepresented the nature of this pension system. The industry has induced some 30 million Americans to rely on the system's promise of retirement security knowing full well that the system can afford to provide that security to very few. At least one-half of all persons participating in private pension plans will not receive pension benefits when they retire. More than one-half of all persons who receive private pension benefits receive less than $1,000 a year. The majority of pension plans do not provide for benefits for dependent widows or widowers, or provide very limited benefits. This vast 151 billion dollar system—heavily subsidized by an annual Federal tax subsidy of well over 8 billion dollars a year—is hurting too many people unnecessarily and unfairly.

The problem is not, as many of you like to contend, simply a problem of communication. It is a problem which goes to the very essence of the system. The response of many of you to the petition I filed with the Secretary of Labor last July made that all too clear.

In that petition I asked the Secretary to exercise his authority under the Welfare and Pension Plans Disclosure Act to require plan administrators to advise plan participants in negative and unambiguous language of circumstances under which they or their survivors might not or would not receive pension benefits. Your immediate reaction was that this would be disastrous—if employees were made aware of the contingent nature of their promised benefits, they might not want pension plans!

Although you quickly withdrew this objection, it had its effect. The rule proposed by the Department of Labor on February 1st of this year, while acknowledging that plan administrators do have an obligation to advise participants of the circumstances under which they may not receive benefits, would allow administrators to satisfy this obligation in such a way that only the most diligent of employees would ever be likely to discover the limitations of their plans. The rule would also ensure that those few employees who do manage to read these provisions could rely on them only at their peril. It would be difficult to find a better expression of what appears to be the prevailing industry ethic: the less employees know about the operation of the pension system, the better.

What is disconcerting is to find this attitude emerge from the department of labor, the government agency generally considered to be the advocate for the interests of employees. [The explanation may be that the department acted on the recommendation of its advisory council on employee welfare and pension benefit plans which has a minimum of 10 of its 13 members with strong "vested" interests in the present operation of the pension system and no members specifically representing the interests of the millions of persons who have been or will be hurt by the pension system.] . . .

The pension industry has made it clear that its phenomenal economic and political power will be used to ensure that there is as little meaningful reform as possible. Your efforts to forestall the enactment of truly comprehensive legislation represent a classic case study of the influence of special interests on our legislative processes.

Not only do you have members of the U.S. chamber of commerce, the national association of manufacturers, the American Bankers Association and the Life Insurance Association of America in almost continual communication with members of Congress and the Administration, you also have the Association of Private Pension and Welfare Plans, Inc., a main purpose of which is to arrange meetings for industry representatives with Senators and Congressmen, and the ad hoc groups from the several regional pension conferences which make it their business to call repeatedly on every person in Washington who might conceivably be in a policy-making position. Some of you neglect nothing including encouraging key congressional staffers to adopt legislative proposals you know to be politically unfeasible, solely as a means of distracting attention from more **viable alternatives. Others guarantee** that a professional association will report out position papers favorable to your interests by making sure that its members know that their statements will be relayed back to their clients. Still others put forward studies that you know are based on unrepresentative samples. And all of this has considerable effect: bills are introduced which are increasingly less comprehensive, more "acceptable"—to that curious pension coalition of industry and organized labor.

None of this would be particularly remarkable but for the fact that no one is being heard on the other side.

Compromises are being made, not of opposing views, but all from the same starting point—do as little as possible. No one is representing the interests of persons hurt by the system, the usual adversary process isn't operative. [It is also not working, I might add, in the courts. Despite a few significant breakthroughs, it is still virtually impossible for employees to get representation in pension cases, even if they can afford to pay. A member of my staff tried to find a lawyer for a pension claimant here in New York and learned that most pension lawyers consider themselves employer lawyers and will not represent employees, even where there is no possibility of a conflict of interest. Last year at another pension industry conference I suggested that you undertake to establish a clearinghouse for pension complaints. In response to the suggestion I was contacted by several lawyers and actuaries around the country willing to volunteer their services. All that is now needed is minimal funding staff.]

In the absence of representation of the interests of beneficiaries before Congress, the intensity of industry lobbying seems somewhat strange. It is particularly so, given the fact that sole reason for the existence of the industry is ensure the well-being of the persons whose interests you so actively oppose. Many of you are fiduciaries, obligated by law to act in the best interests of pension beneficiaries. Even if you do not actively support realistic reform legislation, as I think your fiduciary responsibility requires you to, at the very least it is incumbent upon you not to oppose it.

The financial community has consistently taken an unduly narrow view of fiduciary responsibility. Even though you acknowledge that you have a responsibility to seek a maximum return (consistent with safety) on pension money, you have not acted effectively to rid yourselves of the interlocking directorates, and other conflicting interests that may adversely affect pension, fund performance.

Even more important, you have failed to recognize that pension beneficiaries are a unique class of beneficiaries and that their money is allocated to a very special use—providing income at retirement. From this perspective, yield although important (particularly when increased earnings are used to increased benefits), is not the only consideration in determining the best interests of beneficiaries. High benefits are meaningless to a retiree who faces even higher costs at retirement. His concern is with his *real* income—his income less expenses a higher benefit is of no use to him if he cannot afford a place to live because there is a housing shortage. It won't help him if he must pay large amounts for medical care because he has been maimed in an unsafe factory or automobile or has emphysema aggravated by polluted air. And his interests will have been substantially disserved if he can't afford to purchase essential consumer goods because his pension money has been invested to increase concentration and decrease competition among the manufacturers of those goods. I submit that for these reasons such considerations may be very relevant to your investment of pension fund money. Is it too much to expect you to take longer run concerns into account in addition to maintaining shorter run concerns? Consider what has happened to societies in the past who chose myopia?

Partly in response to the concern of a number of trust officers and insurance company administrators who expressed a genuine interest in responsible investment of pension fund monies but who were unclear as to what mechanism to use to ascertain the interests of those beneficiaries, I put forward a suggestion last year for a possible restructuring of the pension system to achieve that end. The idea, which was later published in the September issue of Pension and Welfare News, met with widespread interest within the industry and considerable enthusiasm by members of Congress. The suggestion was a means of preserving capital in the private sector, while at the same time providing an equitable means of guaranteeing retirement security.

To summarize, I propose the creation of a limited number of private, competitive, cooperative, insured institutions to be licensed and regulated by the Securities and Exchange Commission. These institutions would be empowered to receive contributions made by employers for their employees and by employees and self-employed persons for themselves and their dependent spouses. All contributions to these institutions would be tax deductible and the funds' earnings would be exempt from taxation.

Employees and self-employed persons would choose the institution where their contributions would be invested. Each person could belong to only one such institution at a time, although he could transfer his money to another fund if dissatisfied with the investment or other practices of his original fund.

An individual's contributions would be pooled for investment purposes with all other employee contributions and a prorata share of the fund's earnings each year would be credited to his account. Each employee would have a passbook indicating the total amount in his account. At any time that he opted to file a declaration of retirement (but only one time during his life), he would begin receiving a lifetime annuity calculated on the basis of the total amount in his account and his actuarily determined life expectancy. He would also receive a cost of living adjustment to the extent of amounts available to the fund.

The directors of each fund would be representative of the fund membership and would also include persons with appropriate financial expertise. They would be subject to reelection by fund members, much as corporate officers are elected, and officers would be appointed by the directors.

The fund charters would outline the fiduciary responsibility of fund officers and directors and would specifically provide for prudent socially responsible investments. The directors would seek guidance in making investment decisions by sending investment and proxy voting preference questionnaires to fund participants. The questionnaires would not be binding on the directors. All investment decisions would be open to public scrutiny.

This proposal has now been worked out in its details but the basic outline remains the same.

Three questions were raised by industry members about the proposal: would there be enough money available to a fund participant when he retired? How could the proposed system be instituted without hurting those persons who expect to benefit from the present system? And, finally, what about increases in the cost of living? Let the following tentative thoughts serve as discussion-starters:

First, would there be enough money? Those of you who are actuaries know that there would be. An oversimplified and extremely conservative example will illustrate. The average American worker earns roughly $9,000 a year. Assume that his earnings remain constant over his lifetime and that he works from age 25 to age 65. Assume also that his employer puts an amount equal to 4 percent of the employee's pay into the employee's pension account and that this money earns 3 percent a year. Given a life expectancy of 15 years at retirement, that employee could count on a pension benefit of roughly $2,200 a year, considerably more than the current average private pension benefit which is estimated to be less than $1,000 a year.

The second question dealt with the problem of a transition to the new system. How could the proposed system be instituted without hurting those under present plans, particularly the older workers. What about making explicit what is implicit in the present system? Why not use the money theoretically allocable to younger employees to pay the benefits of older employees?

Let me be more specific. Employees assume that a certain percentage of their pay is being withheld in order to pay for their pension benefits. In fact, ordinarily pension contributions are determined in terms of percentage of payroll not percentage of pay, and the amounts paid into the pension fund are used to pay the benefits of retirees and older workers, particularly those with fast service credits.

What I suggest is that for purposes of the transition, is that employers first calculate their pension contributions in terms of a percentage of each employee's pay and then pay these contributions as follows: (1) all contributions allocable to employees now covered by the existing pension plan to the fund established by that plan: (2) all contributions allocable to new employees who are 35 years or older to their accounts in one of the new pension institutions: (3) all contributions allocable to new employees who are under 35 years to the pension fund established under the old plan. I have been told that this would make it possible for all employees now covered by pension plans to receive the benefits they have been promised by those plans. In addition all new employees would be guaranteed at least some coverage—up to 30 years of coverage for the younger employees—under the new system. In time, perhaps in 10 years, the age 35 cut-off date could be reduced to age 30—or earlier if a fund is able to pay all previously promised benefits before then. In another 10 years, the age cut-off could be reduced to age 25 or 3 years of service whichever is less.

At that time, the transition would be complete and all participants would be able to contribute to the new system for at least 40 years.

[During the transition period it would also be possible for employees and self-employed persons to contribute to their own retirement fund accounts, and for employers, if they chose, to do so, to transfer employees' discounted vested pension rights to these accounts. In addition it would be open to employers to terminate existing plans and distribute the money to individual accounts in accordance with the plan's termination schedule. Such a distribution might also take place in three-fourths of the employees covered by a given plan voted for termination.]

Under this approach all benefits that have been promised by existing plans would be paid. Participants would receive no less than they now can expect to receive. They also would receive no more. Those who are now programmed to lose out because of unrealistic vesting or funding requirements would still lose out. [Unless, of course, the employer is in a position to accelerate the transition. If so, he could then improve vesting provisions and funding and even increase benefit levels.]

The answer for those persons already scheduled to lose the pension "lottery," and particularly for those who have already lost, is not to apply first-aid to the system but to provide a direct and immediately effective retired workers' subsidy. This might be an amount which, added to income from all other sources would ensure that every American over 65 years of age would be able to live at least at the poverty level (and preferably at the low-income level). It is incredible that one-fourth of our aged population is now forced to live below the poverty level. This subsidy would be a temporary measure, phasing itself out as the public and private retirement systems begin to live up to their promises of a decent retirement for all. The money for the subsidy could come from a specially earmarked emergency corporate income surtax which instead of being passed on to consumers in the cost of goods and services might be taken out of divided payments on a uniform basis. In effect it would be a contribution by shareholders in recognition of services rendered to all American corporations.

Finally, there is the cost of living problem. As nearly as practicable, the retirement funds should, of course, make cost of living adjustments. It might be possible for this money to come from earnings on retirees' accounts and forfeitures. At the point when an employee files a declaration of retirement, his funds would be set aside with the funds of all other retirees. That money would continue to earn interest and the interest would be apportioned among the retirees.

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In addition, there could be forfeitures coming from employees who died prior to filing a declaration of retirement without survivors and from some survivors' accounts. Let me explain this very briefly. The proposed system would encourage separate accounts for husbands and wives. Contributions would, of course, be made for working women, but in addition, husbands might be encouraged by a tax deferral to contribute to accounts for wives during periods when they stay home to raise families. Husbands and wives could jointly file a declaration of retirement at any time and receive an annuity based on three-fourths the amount in their combined accounts. The survivor would continue to receive the same amount. [This is merely a variation of a proposal contained in H.R. 1 which may have even greater applicability to the private system than to social security where there are complicating factors.] If husband and wife did not make this election at retirement, the survivor would take an annuity based on his life expectancy and the amount in his account or his spouse's whichever was larger. All amounts reverting to the fund by reason of a participant's death without a survivor or where the survivor opted to take his own account would be paid over to a Federal Pension Insurance Corporation. The F.P.I.C. would use a portion of this amount to pay off insurance premiums and then at the end of each year would return the balance remaining to the several funds on a pro rata basis according to total assets, to be added to the retirees' cost of living fund. [Until this additional money is available for the purchase of insurance premiums, funds would have authority to borrow from the Treasury.] I leave it to the actuaries among you to determine whether something along these lines would work.

Opposition to this proposal may come far more from its impact on the immense economic power you have amassed over the past 20 years than from any technical objections. 151.8 billion dollars increasing at a rate of more than 13.6 billion a year is a lot of money, and there is very little regulation at all over how it is invested and to what ends.

If this is our only objection to the proposal, I submit that it is untenable at this time in our history. The vote phenomenon in recent primaries is indicative of an impatience on the part of the public with bigness, with the remoteness of decision making from the citizen, consumer and taxpayer. There is increasing realization that the investment practices of pension funds are directly and significantly affecting the economic priorities of the nation, that it may be one of the causes of the lack of diversification essential to a healthy, competitive economy. At the same time persons covered by pension plans are beginning to express an interest in how the money taken out of their paychecks is being spent.

Pensions are only just beginning to surface as a popular issue. Increasingly congressmen are coming back to their districts to find that as many persons are concerned about pensions as tax reform and busing. Until now there has been a good deal of discontent, but there has been very little understanding as to the reasons for this discontent. That may change soon. This summer Grossman Publishers will be coming out with a small, simple and eminently readable handbook entitled *You and Your Pension*, authored by myself and Kate Blackwell. It is designed to explain the operation of the private pension system to the millions of persons affected by it both, directly and indirectly, and to outline some suggestions for change and ways for beneficiaries to assert their rights. The book says little you do not already know—it merely synthesizes the volumes of material that somehow hasn't yet filtered down to those people most immediately concerned—but you may find it interesting reading.

I suspect that once the public becomes aware of how the system operates its reaction will not differ significantly from that of the 537 persons who responded to a questionnaire that I sent out to 839 people last year (actually to 758, since 81 envelopes were returned unopened). The questionnaire was sent to people who had written to the president, Members of Congress or myself describing their experiences with the private pension system. The responses have been tabulated for a pension report which I will be submitting on behalf of these people to all Members of Congress.

The responses came from 40 States. Slightly less than half of those answering were retired, about a third were over 65 years of age, and a fourth were female. More than half were receiving or expected to receive private pension benefits.

Not unexpectedly an overwhelming majority—4 out of 5—said that employer contributions to private pension funds were more like wages than gratuities. More surprisingly, slightly more than half said that they would rather see private pension benefits for more people rather than more money for persons now receiving private pension benefits. All but a very small proportion believe that privae pension plans should provide for survitors and should be insured. They would also like to see some sort of vesting. Almost all of these persons are willing to pay the cost of these provisions in terms of reduced benefits. They also are interested in having a voice in who administers the pension fund and where it is invested.

I noticed that your conference literature describes this as the year of decision in employee benefits. You may find that when the time comes for a decision and if and when the public understands the operation of the private pension system, they are going to seek a simple solution. Increasingly, people in Washington who think about these matters are asking the question—"Why the private sysem? Why not an expansion of the social security system"? And there may not be an effective answer. When persons responding to the questionnaire were asked whether they would rather see higher social security retirement benefits for everybody or more people getting private pension benefits, only 9 more people opted for the private system than social security. This may be a response worth thinking about. Especially, as more and more disclosures are emerging to persuade them that their complaints reflect, not an aberration, but a system.

NEW FEDERAL PROGRAMS REQUIRE TAX INCREASES

Mr. BROCK. Mr. President, our penchant for deficit spending has brought us to a point where our currency is weakening throughout the world and where we can no longer finance new Federal programs without tax increases.

At the Federal and State levels, we have exhausted virtually all traditional sources of revenue. Yet, there continues to be a desperate need for additional moneys. Where we should seek these revenues and how they are to be collected has been the subject of much discussion in Congress.

Mr. President, steps toward resolution of this dilemma is the subject of an editorial published recently in the Memphis Commercial Appeal. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The article deals with the inability of the Federal Government to improve the effectiveness of its programs in both human and budgetary terms.

In addition, the Commercial Appeal's editorial offers an excellent discussion of the various alternatives which are now presented as solutions to growing revenue demands. Moreover, I am particularly pleased that they find that the most logical approach to tax reform is the one embodied in the recent report by the Brookings Institute. This proposal calls for a comprehensive income tax with reduced rates to replace the present narrow tax with high rates.

Mr. President, all indications point to a tax increase in the near future. If this is to be the case, the concept of a comprehensive tax reform appears to be the most equitable and effective alternative to provide the funds necessary to maintain the search for remedies to problems which now face our country.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAXES AND SERVICES

Spokesmen for the Nixon administration have reacted defensively to the report by the Brookings Institution that the federal government will not be able to finance the normal growth of existing services, much less introduce major new programs, without tax increases or comprehensive tax reform.

John D. Ehrlichman, the President's chief adviser for domestic affairs, criticized the Brookings analysis for rejecting the possibility of cutting federal spending. The administration, he said, is committed to holding the tax line at least through fiscal 1974. This is a good political response, especially since it puts the burden on Congress to resist the demands and ignore the needs for federal aid.

George P. Shultz, who has been nominated to be secretary of the Treasury, took the same tack before the Senate Finance Committee when he said, ". . . we must do everything we can to bring outlays under control."

Economies in government should always be sought. Government officials shouldn't even have to remind the public of that. But the Brookings report did study lower spending. It concluded that "the total sums involved (in the possible expenditure reductions) are small compared to the cost of new program proposals (by the administration)." It also noted that Congress is not likely to substantially cut any of the large federal subsidies, such as those for education and the poor.

The federal tax or revenue crisis was caused in large part by the expansion of services that returned relatively little in economic or social improvements. Since 1965, the largest percentage increase in federal spending has been aid to states and cities. That aid rose from 11 billion dollars in 1965 to a projected 36 billion in fiscal 1972. It is estimated to be 41 billion next year. Much of these funds have been poorly spent. It costs as much to keep a child in a day care center in New York City as it does to send a young man to Yale. The billion-dollar-plus compensatory education programs have been dismal failures. The waste in welfare spending is becoming a national scandal.

These problems have stimulated two kinds of proposals: One for tax reform, the other for reforms or reductions in services.

Senator Hubert Humphrey and others have lent their voices to an increasing popular demand to close tax loopholes "that protect the super-rich." Humphrey estimates the nation could take in an extra 16 billion dollars, although that figure does not seem to have a sound statistical basis. Neither does the proposal realistically take into consideration the difficulty of getting tax reforms through Congress. At best, in the view of many economists, the additions to federal reveriues through plugging up loopholes would be gradual and much more modest.

As far as tax reform is concerned, the most logical approach seems to be the one recommended by Brookings tax specialists. They propose a comprehensive income tax with lower rates to replace the present narrow tax with high rates. The poor would be exempted, but preferential treatments would be eliminated across the board, from capital gains to Social Security. The tax would apply to all kinds of income. Additional revenues of 77 billion dollars are predicted.

To combat the problems with expanding services, the administration has proposed to cut back or eliminate many of the "Great Society" programs started by President Johnson. Other domestic programs would be shifted to state and local governments through revenue sharing. Welfare reform also is high on the administration's priority list. But as important and promising as the reform plan is, it won't cut welfare spending over the short run.

It seems clear that the government will have to cut its services or raise taxes. Even good economic growth in the next three years probably will not yield more than 20 billion dollars in new revenues, which would be exhausted by present government programs and such new ones as family assistance and medicare for the poor and the disabled. That would leave the government with continued annual deficits of about 30 billion dollars (the current year's may run as high as 39 billion).

If the administration and Congress could agree on cuts, they still would not have dealt with the heart of the Brookings report's message.

The report concluded by saying: "Giving up the search for solutions to urgent social problems would be both irresponsible and dangerous. But taking refuge in pat, simple answers—decentralize, regulate, coordinate, spend more, spend less—seems unlikely to lead to a workable new strategy. It is time for a new and more realistic look at the federal government and the ways in which it can hope to carry out its activities effectively."

Perhaps when the political demands of the election year are past, both the administration and Congress will take that look. A more equitable system of taxation and better ways of providing necessary services must be found.

ECOLOGICAL THREATS TO SEA-LEVEL CANAL THROUGH PANAMA

Mr. TOWER. Mr. President, there continues to be a great deal of controversy in the scientific community over the ecological threats to building a sea-level canal through Panama. Aside from the cost factor of building a sea-level canal, which seems almost prohibitive, the ecological questions must be settled before we could even consider whether or not to build one. For the information of Senators, who I know are much concerned with this matter, I ask unanimous consent to have printed in the RECORD at this point a letter that I received from Mr. John P. Sheffey, special adviser, Office of Interoceanic Canal Negotiations, Department of State, relating to the environmental dangers of building a sea-level canal connecting the Atlantic and Pacific Oceans. Since Mr. Sheffey disagreed with the findings of Dr. John C. Briggs, director of graduate studies of the University of South Florida, I asked Dr. Briggs to reply to Mr. Sheffey's allegations. I ask unanimous consent that the reply of Dr. Briggs be likewise printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 27, 1972.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: The article by Dr. John C. Briggs, "The Sea-Level Canal Proposal", which you inserted in the Congressional Record of April 19, 1972 (pages 13392–13393) points out valid concerns about the potential ecological threats of a sea-level Isthmian canal. However, Dr. Briggs failed to cite the mitigating factors, of which he is well aware. I personally called them to his attention in the course of the Sea-Level Canal Study.

In the interest of objectivity I would greatly appreciate your placing in the Record the following summary of the factors that led the President's Canal Study Commission to conclude that the ecological risks in opening a sea-level canal were acceptable.

The Commission was well aware that a sea-level canal would inevitably impact on the ecology of the surrounding area and that the United States had an obligation to prevent any harmful changes, if possible, and to avoid entirely risks of damage to the environment out of proportion to the potential benefits of the project. In recommending that a sea-level canal be built, the Commission did take cognizance of this obligation, and made provision in its recommendations for a fresh-water barrier to the transfer of ocean populations through the sea-level canal if further research proves it needed.

Obviously, a sea-level link between the oceans would introduce new opportunities for biological changes, but there are many reasons for confidence that explosive changes in the ocean populations are unlikely. There has been a considerable movement of marine life between the oceans through the present canal by three distinct means in its 58 years of operation. First, swimming and drifting biota that thrive in both salt and fresh water readily pass through the locks and some eventually make their way across Gatun and Miraflores Lakes to the opposite oceans. Some have already been identified as having followed this path.

Second, barnacles, algae, and similar clinging organisms pass in both directions on the hulls of ships. Entrapped in this growth many other small forms of marine life—parasites, plankton, etc.—are bound to have made the passage year in and year out. Third, and perhaps most important to the question of the biological impact of linking the oceans, is the daily transfer of large amounts of salt water in ships' ballast tanks. Lightly loaded or empty ships approaching the canal are frequently required to take on ballast water before entering the locks. This is to deepen their drafts to make them easier to handle in the canal. On leaving the canal a few hours later at the opposite ocean, this ballast water is discharged to lighten the ships to save fuel on the remainder of the trip. Thus, all the small swimming and drifting marine life that would be found in these thousands of samples of sea water taken from both oceans daily since 1914, have made the trip across the Isthmus in salt water in both directions. While a sea-level salt-water channel between the oceans would vastly augment the movements of marine creatures between the oceans, the new avenue would appear to offer previously denied passage only for that portion of ocean life that could not transit by one or more of the three existing means. It follows that a large portion of the small swimming, drifting, and clinging creatures on both sides of the Isthmus have long been exposed to inoculations of the same category from the opposite ocean. To date, no discernible effects have resulted. It seems reasonable to conclude that a sea-level canal would create little or no new threat to the major portions of the two ocean populations which comprise the species that now can transit the Isthmus. New exposures would be limited to the larger swimming and drifting biota, and even these can transit at present in infant or larval stages. Thus, the area of danger of harmful biological changes when the oceans are joined is much less broad than it first appears.

The only specific dangers thus far identified are the poisonous Pacific Sea Snake and the coral-eating Crown-of-Thorns star-fish. An objective view of both threats is not very alarming. The sea-snake abounds in the millions throughout the warm waters of the Pacific and the Indian Oceans and creates no problems for the countless beach resorts bordering on these waters. The snake avoids inshore waters in the first place, it flees humans rather than attacking them, its mouth is too small to bite a flat body surface easily. In its free state it just does not attack humans, and when it bites in self-defense while being handled it rarely succeeds in injecting harmful amounts of venom. Fishermen throughout the Pacific handle them quite freely when they are caught in their nets. There is simply no evidence that their presence in the Pacific is a significant threat to humans. In much of the Orient, incidentally, they are regarded as a great delicacy, and fishermen handle them by the hundreds for the commercial market for their flesh and skins. The only obstacles to the sea-snake's migration through the present canal are the canal's length and its maze of locks and channels. Its fresh water is no barrier. There is even less to prevent its migration through the salt water Suez Canal from the Indian Ocean through the Mediterranean to the Atlantic. The entire route consists of the warm waters in which it thrives. One can only conclude that its avoidance of in-shore waters keeps it away from these canal entrances, and those few that may have wandered into these canals, and possibly through them, have not found the new environment suitable for colonization. The Smithsonian Institution's experiments have, I believe, indicated that predator fish in the Atlantic are ignorant of the snake's poison and eat it readily. Although the fish might die as a result, the snake frequently does also. This could be the reason it has not colonized the Mediterranean and subsequently the Atlantic through the Suez, and the few strays from the deep Pacific that might make their way through a sea-level isthmian canal certainly will have a hard time surviving long enough to colonize the Caribbean and the warm waters of the Atlantic. Should it succeed in doing so, there is no discernible reason for it being any more of a problem in the Caribbean or the Atlantic than it is now at the Pacific beach resorts of Panama and the hundred of others ringing the warm waters of the Pacific and Indian Oceans where bathers are generally unaware of its presence offshore.

The Crown-of-Thorns starfish now also appears to be somewhat exaggerated threat. According to a recent edition of the Smithsonian Magazine, marine biologists are having second thoughts about its destructiveness to coral reefs and suspect that its recent increase in numbers along the Great Barrier Reef north of Australia was a natural population cycle that is again in a downswing. It is possible that the drifting larvae of this starfish have already been transported through the Panama Canal in ships' ballast tanks and found the Caribbean environment inhospitable. In any event, the Pacific tides

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prevent coral growth anywhere near the planned entrance to the sea-level canal, and hence the offshore approaches to the canal and its forty-mile length of turbid waters would be major barriers to the starfish as well as to a large percentage of the other denizens of both oceans.

Because of the great divergence of views on the ecological consequences of a sea-level canal, the Canal Study Commission had an evaluation made by the Battelle Memorial Institute of Columbus, Ohio. This study's findings are summarized as follows:

"On the basis of the limited ecological information currently available we were unable to predict the specific ecological consequences of marine mixing via a sea-level canal. Preliminary modeling studies indicate that the net flow of water would be from the Pacific to the Atlantic. This would result in minor environmental changes near the ends of the canal and near the shore to the east of the Atlantic terminums. Passive migration of planktonic organisms would occur almost entirely in the same direction. Active migration of nekton could occur in either direction, but environmental conditions in the canal would favor migration from the Pacific to the Atlantic. We have found no firm evidence to support the prediction of massive migrations from one ocean to another followed by widespread competition and extinction of thousands of species.

"Evidence currently available appears to indicate a variety of barriers to migration of species from one ocean to another and/or the subsequent establishment of successful breeding colonies in the latter. Environmental conditions in the canal would constitute barriers to the migration of both plankton and nekton, and the effectiveness of these barriers could be enhanced by engineering manipulations of freshwater inputs to the canal and other artificial means. The marine habitats and biotic communities at the opposite ends of most proposed sea-level canal routes are strinkingly different. Where similar habitats do occur on both sides of the Isthmus, they are already occupied by taxonomically similar or ecologically analogous species. These differences in environmental conditions on the two sides of the Isthmus and the prior occupancy of similar niches by related or analogous species would constitute significant deterrents to the establishment and ecological success of those species which may manage to get through the canal.

"It is highly improbable that blue-water species like the sea-snake and the Crown-of-Thorns starfish could get through the canal except under the most unusal circumstances. On the other hand, we can be fairly certain that some Pacific species could pass through the canal and could become locally established in the Pacific waters of the Atlantic. It is also improbable that these species would be able to survive in the Atlantic outside the region of environmental modification due to water flow through the canal. The Pacific species most likely to become established along the Caribbean shore are those of estuarine and other shallow-water habitats, the very habitats that have been least thoroughly studied.

"To improve the precision and reliability of these and similar ecological prediction would require additional information and quantitative data which could be provided only by a comprehensive program of field, laboratory, and theoretical (modeling) studies. Extensive taxonomic surveys would be required to improve our knowledge of the biota of the Tropical Western Caribbean and Tropical Eastern Pacific. Except for a few economically important species, ecological life history data are virtually non-existent. Basic biological studies would be required to obtain such information. The geographical extent and physiochemical characteristics of the marine habitats on the two sides of the Isthmus are imperfectly known from a few cursory surveys. The species composition and functional-ecological structure of the biotic communities that characterize these habitats are imperfectly known and inadequately understood. The parameters required to predict the flow of water and plankton through the canal have not been adequately measured. The processes of migration, establishment, and competition have been but little studied and are not well understood. To remove these deficiencies in our knowledge would require a comprehensive, long-term program of well-coordinated physical oceanography, marine ecology, and basic marine biology studies."

The Commission concluded that the risk of adverse ecological consequences appeared to be acceptable. However, it also concluded that long-term studies were needed to be more confident and that tentative provisions should be made for a fresh water or heated water barrier in the midsection of the sea-level canal should a barrier prove needed. The National Academy of Sciences developed a study program, and it is expected that such a program would be initiated with the decision to build a sea-level canal. In any event, the choice between additional locks for the present canal and a sea-level canal need not be made for 15 to 20 years, and the construction of either will take an additional 10 to 15 years. There is adequate time to investigate the potential environmental effects before the oceans can be joined at sea-level.

Sincerely,

JOHN P. SHEFFEY,
Special Adviser Office for Interoceanic Canal Negotiations.

UNIVERSITY OF SOUTH FLORIDA,
Tampa, Fla., June 9, 1972.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: In his letter of criticism about my article on the sea-level canal proposal, Mr. John P. Sheffey, Special Advisor to the Office for Interoceanic Canal Negotiations in the Department of State, emphasized two main points: (1) there has been considerable movement of marine animals through the present freshwater canal and it hasn't done any harm so why should an increased movement through a sea-level canal have any drastic effects? and (2) the poisonous seasnake and the crown-of-thorns starfish pose no real threats to the ecology of the Atlantic.

There is evidence that occasional, individual marine animals are transported through the present canal mainly on ship bottoms or in ballast tanks. However, biologists know that in order for a species to successfully colonize a new environment a considerable number of individuals is necessary. Otherwise, the new colony will not contain enough genetic variability, i.e. a gene pool of sufficient size, to permit it to survive. Fortunately, the present freshwater canal has proved to be such an effective barrier that interoceanic colonization has been almost entirely prevented.

Mr. Sheffey feels that the dangers posed by the migration of such animals as the poisonous, yellow-bellied seasnake and the crown-of-thorns starfish through a sea-level canal have been exaggerated. His reasoning is based mainly on some evidence that these animals are really not very harmful in the Pacific. Again, this is a problem that can be evaluated only in the light of what biologists know about the behavior and ecology of such animals. Predatory species are, in their native environment, generally counteracted by various kinds of defense mechanisms that have evolved in the prey species. Also, such predators, in their home waters, have to contend with pressure by animals that prey upon them, parasitize them, or compete with them. It is the combined action of such factors that ordinarily keep populations of dangerous or obnoxious animals at a tolerable level.

I cannot emphasize too strongly that the introduction of animals, such as the seasnake and the predatory starfish, into the Atlantic via a sea-level canal is very likely to result in these species becoming *far more* numerous in the Atlantic than they ever have been in the Pacific.

They would be entering an environment where their natural prey species have developed no defense mechanisms and where their own predators, parasites, and competitors are likely to be absent. Thus we have the real threat of a population explosion, such as took place when rabbits were introduced into Australia, whereby the seasnake and starfish could exist in enormous numbers in the tropical Atlantic from northern Florida to southern Brazil.

Mr. Sheffey, in his letter, quoted at length from a Battelle Foundation study which, as far as its biological content is concerned, represents questionable professional advice. He said nothing about the conclusions reached by a distinguished committee convened by the National Academy of Sciences for the express purpose of examining the ecological consequences of the proposed sea-level canal. The NAS committee felt that if such a canal had to be built there were "grave potential dangers of inter-oceanic migrations of plants and animals" and furthermore that it was "essential that migrations be prevented as far as possible by installing the most effective barriers that can be devised."

The important point in my article was that the Terminal Lake-Third Locks Plan for the modification of the present canal presents an attractive and desirable alternative to the sea-level canal proposal. By adopting the former, we can avoid the undertaking of an enormous project that is biologically dangerous, economically expensive, and commercially unnecessary.

If the Terminal Lake-Third Locks Plan were adopted by Congress, the State Department would not have to proceed with its plans to give up our sovereignty over the Canal Zone in order to gain permission to construct a sea-level canal in Panamanian territory.

Sincerely,

JOHN C. BRIGGS,
Director, Graduate Studies.

WILLIAM PENN PATRICK, CHAIRMAN OF HOLIDAY MAGIC, INC.

Mr. GRAVEL. Mr. President, our early pioneers had no vast country to call their own. Instead, against seemingly insurmountable deterrences, they went out into the wilderness and from the plains, forests, and mountains carved out the towns and cities and greatness that today makes up our Nation.

As a Senator from the State of Alaska, where brave men and women still strive to conquer our last Northern frontier, it is strongly within me to recognize and exalt a pioneering spirit in keeping with the honor and tradition of our cherished history.

Such a person is William Penn Patrick, North Carolinian by birth, now a Californian residing in Tiburon. As founder and chairman of the board of Holiday Magic, Inc., Mr. Patrick is a man who classified as fallacy the legend that no one man today could singlehandedly create an international corporation. His belief in his ideals has given to tens of thousands of persons across the country gainful and needed employment.

In his accomplishments, Mr. Patrick has truly embodied the rags-to-riches theme. Holiday Magic, Inc., was formed in 1964 when Mr. Patrick became committed to a belief that perseverance and imagination could create for a dedicated American a future of his choosing.

Holiday Magic has changed dramatically the lives of his many employees through an imaginative, practical marketing concept that rewards initiative. Mr. Patrick's unique marketing concept threatens to dramatically change the sales technique of some of our Nation's largest direct sales companies. Its marketing concept which is as old as selling itself, is a means by which goods or services are distributed to the consumer through more than one independent intermediary rather than directly from the source. This procedure enables Holiday Magic distributors to realize a higher percent of profit as their share of retail sales for merchandise than other ordinary direct sales firms offer their representatives.

This concept has caused competitive corporations such as Avon and Amway to attack his method of distribution and sales when their own methods could bear investigation and may have to.

Loyal sales women, appropriately named Holiday Girls, a sizable number of whom work and reside in Alaska, are determined that no critics can detract from the enormous success and integrity of Holiday Magic. For these people, Holiday Magic provides a means to become independently successful and pridefully self-supporting.

In 1964, when Mr. Patrick committed his family's entire savings of a few thousand dollars to a dream, the preseverance and dedication of his pursuit was to rekindle again in the heart of an American pioneer an urge to carve from a dream a wonderous reality of success. For this fact alone, he and the people who work with him, should be commended.

ACCOMPLISHMENTS OF B. BOYD FLICKINGER

Mr. BEALL. Mr. President, on May 12, a distinguished Marylander was recognized as Shepherd College's "Outstanding Alumnus of the Year," in ceremonies held on the Shepherdstown, W. Va., campus. B. Floyd Flickinger has compiled a long and distinguished career as historian, educator, conservationist, and lecturer. Of particular note, was his service as first historian of the National Park Service and superintendent of the Colonial Historic Park, comprising Jamestown and Yorktown, where he closely directed the development of those shrines. At present Professor Flickinger is a member of the Maryland Bicentennial Commission for the Commemoration of the American Revolution.

I ask unanimous consent that two articles, from the Baltimore Evening Sun and the News American of May 17, 1972, be printed in the RECORD, so that Senators might read of the many accomplishments of Professor Flickinger.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Evening Sun, May 17, 1972]

SHEPHERD COLLEGE ALUMNI HONOR PROF. FLICKINGER

B. Floyd Flinckinger, of 300 St. Dunstans road, has been named "Outstanding Aluminus of the Year" by the Alumni Asscciation of Shepherd College, Shepherdstown, W. Va.

The citation was presented to Professor Flickinger, a member of the board of trustees of the Shepherd College Foundation, at the annual alumni banquet held Friday at the college. The presentation was one of the highlights of the celebration of the college's centennial.

After his graduation from Shepherd, Professor Flickinger attended Lafayette College, where he was graduated summa cum laude with Phi Beta Kappa honors. Later, he was a duPont Fellow in American history at the University of Virginia.

Since that he has taught history, political science, economics and English at Loyola College, the University of Baltimore, Mount St. Agnes College, the University of Maryland and Baltimore Community College, as well as at the College of William and Mary.

He was the first historian of the National Park Service and was superintendent of the Colonial National Historic Park, comprising Jamestown and Yorktown, directing their development.

Professor Flickinger is a member of the Maryland Bicentennial Commission for the Commemoration of the American revolution, a member of the commission's executive committee and chairman of the historical committee.

[From the Baltimore News American, May 17, 1972]

NAMED ALUMNUS OF THE YEAR

B. Floyd Flickinger, a history teacher of 300 block St. Dunstan's Road, has been named "Outstanding Alumnus of the Year" by the Alumni Association of Shepherd College, Shephardstown, W. Va.

Flickinger has taught at Loyola College, University of Baltimore, Mt. St. Agnes College, the University of Maryland and Baltimore Community College.

DUMPING OFF SANDY HOOK HURTS SEA LIFE

Mr. HOLLINGS. Mr. President, the New York Times for today contains an article entitled "U.S. Survey Indicates Dumping Off Sandy Hook Hurts Sea Life," written by Mr. Harold M. Schmeck. The article is one more piece of evidence in the growing collection of reasons for strong and immediate legislation to curb the pollution and total destruction of the waters adjacent to the United States.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SURVEY INDICATES DUMPING OFF SANDY HOOK HURTS SEA LIFE

(By Harold M. Schmeck)

WASHINGTON, June 14.—The dumping of sewage and sludge from dredging into the New York Bight—east of Sandy Hook—appears to be harming marine life, according to a report by the National Marine Fisheries Service.

Studies during the last two years showed that the total population of marine-dwelling species was decreased and that many large crustaceans, such as crabs and lobsters, were diseased.

Abnormally high concentrations of bacteria were found and traces of heavy metals were detected in higher-than-normal amounts in the dumping areas at sampling stations both to the north and south, the report said. Some of the heavy metals used in industry are poisonous when absorbed.

Fish caught on the periphery of the dumping area were found often to have such things as cigarette filters in their stomachs.

"DELETERIOUS EFFECT"

"We conclude from the data accumulated during the present study that disposal of dredging spoils and sewage sludges has had a significant and often deleterious effect on the living resources of the New York Bight. However, an expert in ocean pollution who was not involved in the study said that far larger amounts of pollutant material reached those waters from sewage into the Hudson and other rivers. He said this pollution almost certainly played a part in the ecological problems of the waters off the New York and New Jersey coasts.

The implication was that many factors probably need to be considered in fixing blame for pollutant effects beyond the limits of the dumping area, which comprises 14 square miles.

The report said that there had been few studies of the effects of solid-waste disposal in coastal waters and that differing conditions made it hard to apply the results of one study to the probable effects of pollution in another area.

SLOW RECOVERY CITED

Based on the studies that have been done, the report concluded that disposal of wastes in oceans had harmful effects on various marine environments and that recovery of the regions was slow after heavy pollution.

"This suggests that we should objectively consider all evidence before commencing to despill new areas or before moving existing inshore disposal activities farther offshore," the report said.

The document was prepared for the United States Army Corps of Engineers by the Sandy Hook Laboratory, Middle Atlantic Coastal Fisheries Center of the National Marine Fisheries Service. The service is a unit of the National Oceanic and Atmospheric Administration, Department of Commerce.

ADEQUATE CREDIT NEEDED FOR SMALL FARMERS

Mr. JORDAN of North Carolina. Mr. President, the plight of many small farmers, not only in my State of North Carolina but elsewhere across the country, in obtaining adequate credit to keep them from being forced out of business because of crop failures due to natural and other causes is widely known. But I think the situation has been particularly well documented in an editorial published several months ago in the Elizabeth City, N.C., Daily Advanced. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHERE IS UNCLE SAM?

The federal government's efforts to help the farmer have resulted in substantial production increases and better prices for farm products.

President Richard Nixon, in his State of the Union Message in January, said the pro-

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ductivity of America's farmers has increased 200 percent during the past 20 years.

However, there is still no established credit system to prevent capable small farmers from being forced out of business by bad weather and plant diseases.

Due to adverse circumstances during 1971 the farmers of eastern North Carolina are now faced with a gloomy outlook.

Growers in the Northeastern part of the state, where most of the farms are small, are in need of immediate aid. The plight of the small grain grower is acute.

In northeastern North Carolina, normally a prosperous growing area, grain farmers struck out four times last year, and some of them may be out of the game for good.

The first strike was a shortage, and high cost, of blight-free seed corn. Seed corn in 1971 was $35 to $38 per bushel, compared to a price of $25 per bushel the year before.

The second strike: Due to the blight in 1970 the Government encouraged increased planting. The Government thought, and rightfully so, that we might possibly have more blight that could cut yields nationally. It turned out just the opposite. So when there was less blight and the government estimates came out, the price on corn dropped from $1.60 per bushel at planting time to $1.20. Now the farmer already had the corn planted. At harvest time the price was only $1.07.

The third strike: Hurricane Ginger! This storm, coming just at the very beginning of harvest time, blew down all the corn that was already damaged by blight and badly damaged all other. Ginger damaged the blossom of the soybean, then in the blooming state.

The fourth strike: The rains of October totalled 16.3 inches. This cut the soybean yield 40 per cent and adversely affected prices due to damaged and decayed beans.

All farmers in the hurricane area are in a bind. Those who have part-time jobs or are more diversified can survive, but those depending entirely on producing grain are in severe financial trouble.

For example, five years ago, M. J. Baum, a chain store executive, decided to take early retirement and return to his native Currituck County to develop land he owned and to do some sharecropping. Sharecropping is an arrangement between land owner and farmer, whereby the landowner provides the land and and pays a portion of the crop expenses of seed and fertilizer in exchange for a portion of the profit of the crop, usually one-third while the farmer provides the labor, equipment, gas, etc., and pays two-thirds of the crop expense in exchange for two-thirds of the profit.

Baum's observations while dealing in agricultural products as an executive of A&P stores convinced him that small farmers could profitably adopt modern methods such as the use of liquid fertilizers and larger equipment.

He entered into an agreement with Carlton Smith, an experienced Sligo, N.C., farmer to cultivate one of the Baum farms.

At the time, Smith was living in a $35-a-month rented house which cost $50 per month to heat. He was paying up to $30 per acre for other land which he rented.

In 1971, after being on his own for four years, Smith was cultivating 700 acres and using modern equipment.

Through hard work and cooperative landlords, the Smith family prospered. Mrs. Smith, on her day off from nursing at a nearby hospital, operated a tractor with a two-year-old baby in her lap. Her teenage sons picked up roots and handled chores.

Baum was favorably impressed by the enterprising tenant farmer and gave him a 250' x 420' lot on which to build his own home.

In 1971, with grain planted and a highly favorably crop outlook, Smith obtained a loan of $26,000 to build a house. He borrowed $5,000 from his crop lien in order to make a $6,000 down payment. Then came fall and the harvest—Hurricane Ginger, rain, rain, and more rain.

Yield was down 40 per cent from 1970. His gross income loss, figured on the basis of his 1970 yield per acre, is $19,000 compared to the previous year.

If the government had paid the farmer the average price for what was delivered, he would have received over $9,000, but the area was not declared a major disaster area by the President because no bridges were washed away and no homes completely destroyed. At a meeting held in the Elizabeth City Armory in November, federal, state and local political leaders unsuccessfully sought to obtain a major disaster designation. Farmers by the hundreds flocked in from the surrounding counties and were disappointed with the government's decision.

Now farmer Smith is in a real bind. He owes for last year's grain. His credit has run out, since he doesn't own land. Land rent is due. He could lose his brand new home.

Smith, an honest, hardworking 39-year-old farmer with no social affiliations except his church, with a wife and four children ranging in age from five to 14 years, is in real trouble.

He does not want to quit farming or move to the city—and he certainly does not want to become a welfare case.

It should be pointed out, however, that a farmer in Smith's predicament could move his wife and four children into a big city and collect several thousand dollars per year in welfare funds without working. In fact, the amount of welfare money which he could draw over a two-year period would solve his problem if made available to him through a three-year loan.

According to a Wall Street Journal story Feb. 9. Smith might have fared better if his new house had been roughed up by an earthquake. Then he might have arranged a $3,000 federal loan, only $500 of which would be repaid.

In his State of the Union Message, President Nixon said, "Still there are very serious farm problems—and we are taking strong actions to meet them."

A few hours after the President spoke, a Democratic party leader said his party would make special efforts to help the country's small farmers.

There are many Carlton Smiths who may lose their homes and machinery for reasons beyond their control unless they can arrange low interest loans.

As collateral, they pledge their full-time efforts to repay the loans and at the same time to accelerate America's farm productivity. They feel that the American government should aid those with enterprise and determination to stand on their own feet.

WHAT IS RIGHT WITH TITLE IX OF S. 3010—LEGAL SERVICES?

Mr. BROCK. Mr. President, I do not challenge the concept of legal services, nor do I object to the principle of the creation of a legal services corporation. However, the proposal, as reported by the Senate Committee on Labor and Public Welfare, bears little resemblance, in form or in substance, to what was envisioned by the President when he first transmitted to the Congress a message on the creation of a new corporation. As written, this legislation is a sham and a fraud.

Over the course of the last few weeks many Senators have illustrated the many problems which exist within the present program. The proposed amendments to the existing act would do nothing to resolve these problems—unless as some seem to believe, to cover them in a blanket of obfuscation and rhetoric is supposed to resolve them.

Mr. President, resolution of the problems of the present programs should be the first course of business. Yet, this bill seeks to thwart remedial efforts and further obscure the principle of guaranteeing the right to legal counsel by compounding the problems of the existing program. These problems are not minor. They are as major as—

The role of Federal oversight as to this to-be-federally-created and to-be-federally-funded new Corporation;

The role of accountability of the Corporation, its directors, officers, and employees to the people through their elected representatives;

The qualifications of attorneys and personnel who will provide legal services to the poor;

The question as to who is eligible to be represented by the project attorneys;

The nature of the attorney-client relationship within federally created and federally funded efforts;

The question of solicitation by project attorneys within the client community;

The question of the permissible scope of the outside practice of law and representation, if any;

The establishment of priorities as to the types of cases which will be given top priority;

The role of project attorneys in criminal representation and in prison activities;

The role of project attorneys in so-called community organization and education;

The promotion of philosophical, ideological, political and partisan goals by project directors and attorneys;

The nature and scope of the representation of organizations and associations;

The efficacy of involvement and participation in direct action, political activity, legislative advocacy, and lobbying;

The role of the State bar associations and State and local officials; and

The shape the new program will take within an autonomous and independent legal services corporation.

Surely, it is the responsibility and the duty of this body to resolve these and related issues before we create and set loose with the force of Federal statute a new corporation—independent of Federal authority—and subsequently fund that corporation with taxpayers dollars. Surely, we must act more wisely on this matter, or we will be inviting a repetition of the horror stories we hear today.

THE PRESIDENT'S VETO—1971

Senators have shown to us clearly that the proposed legislation, as reported by the committee, bears little resemblance, in form or in substance, to what was envisioned by the President. It is obvious that the National Legal Services Corporation, as provision for it is made in proposed title IX of the EOA, bears no resemblance to what the President has asked for—and to what is needed as a new program. If it is removed from OEO

it runs a substantial risk of once again being vetoed by the President, I, for one, will exercise every argument at my command to encourage him to do so if it passes as presently written.

Why?

In his veto message of December 9, 1971, the President spelled out very clearly the nature of his objections to the bill as passed by the Congress. In that veto message he said, in part:

> The provision creating the National Legal Services Corporation differs crucially from the proposal originally put forth by this administration. Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.
>
> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.
>
> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.
>
> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.
>
> To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.
>
> It would be better to have no legal services corporation that one so irresponsibly structured. I urge the Congress to rewrite this bill, to create a new National Legal Services Corporation, truly independent of political influences, containing strict safeguards against the kind of abuses certain to erode public support—a legal services corporation which places the needs of low-income clients first, before the political concerns of either legal service attorneys or elected officials.

I wish to stress one sentence above all others in this veto language:

> It would be better to have no legal services corporation than one so irresponsibly structured.

The President would not have said that, unless he fully meant it—that is, that his support of a corporation structure was conditioned upon it meeting certain tests. I suggest that the new bill utterly fails, as did the one last year, to meet these tests.

A PRESIDENTIAL VETO—1972?

Mr. President, the ultimate question before us, obviously, is whether or not the proposed language will ever become the law of the land. Will it pass Congress? If it does, will it be signed by the President? I offer the following analysis for the consideration of this body:

With reference to political activities, the veto message said:

> Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.

Now, this new legislation commits the same error.

Section 906(e) states as follows:

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them. . . .

This language is identical to the language contained in the bill vetoed by the President.

This section does not, in reality, guard against what it fraudulently purports to guard against. Rather, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity—here, federally funded—when such is in furtherance of the interests of a client—if an attorney does not have one at the moment, he can secure one—or a group of clients—there would be little difficulty for a project attorney of getting concurrence from such groups, permitting him thereby to speak in their behalf. The prohibition, further, is applicable only while the attorney is "engaged in activities carried on by legal services programs funded by the Corporation." At all other times, such as during lunch hours, or while taking "afternoon leave," even those things apparently prohibited would be allowed.

Additionally, the language does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, and so forth.

Section 907(d) states as follows:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office. . . .

An improvement?—baloney.

This section fails to prohibit participation in campaigns associated with constitutional amendments and constitutional conventions, codes, statutes, and ordinances; referenda and bond issues; and so forth.

Despite the fact that project attorneys will be paid from Federal funds, it fails to limit their off-duty political activities at least to the extent that Federal employees activities are limited under the Hatch Act. At a minimum the same standards should apply.

While the section purports to cover in a small measure the working hour activities of employees, it does not restrict in any way the use of program funds, the provision of services, or the provision of facilities for such political efforts.

Section 907(d) further reads:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain . . . (2) from any voter registration activity *other than* legal representation or any activity to provide voters or prospective voters with transportation to the polls. (Emphasis added.)

This section specifically permits voter registration activity of a legal representation nature; therefore, under the terms of the bill, it would be permissible conduct to state, "I advise you of your legal rights as to voting. You have the right to vote at the next election, which is on November 7, 1972. Since you live at this address, you may vote in this precinct; the precinct polling place is at the school house. You have the right to register as a Democrat—or Republican—partisan. You have a right to exercise your franchise on behalf of candidates of that party on that date."

Furthermore, by the terms of this section, activity to provide voters or prospective voters with transportation to the polls is permissible. Note the word "from" is not found between the "or" and "any"; therefore, it becomes part of the exception to the prohibition, not part of the prohibition itself.

THOSE ABUSES WHICH COST PUBLIC ENTHUSIASM AND PUBLIC SUPPORT

VETO MESSAGE

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

NEW LEGISLATION

The areas susceptible to abuse are many. First, there are the areas susceptible of abuse by virtue of political activity. Refer to the items detailed infra. Second, section 902(b) grants a tax-exempt status to the corporation despite its ability to engage in political activities. Third, the advisory councils which would be created by virtue of section 903 are comprised of those with direct interests in the programs, grants, funds, etc., admitting, thereby, of publicly visible conflicts—in short, a further extension of the poverty-industrial complex. Section 904(c) permit the chief administrative officer to serve at the pleasure of the board, not of the elected representatives in Congress, that is, he is appointed and serves at the pleasure of the board, with no advice and consent from the Senate and with no appointment by the President. Section 904(e) permits meetings of the board to be closed—not subject to public scrutiny. Section 906(a)(8) permits an establishment of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria of the Federal Government. While section 908

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(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

The ultimate slam at public accountability is section 913, which reads as follows:

Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

It is readily apparent that, upon the enactment of this legislation, there is to be no accountability to the public through their elected representatives or through appointed officials, despite the funding of the Corporation by the Government. It is complete immunity from legislative executive scrutiny.

RESTRICTIONS PLACED UPON THE PRESIDENT VETO MESSAGE

The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under the Congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client, or special interest groups, some of which are actual or potential grantees of the Corporation.

The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

NEW LEGISLATION

Provision with respect to the manner of selection of members of the Board of Directors can be found in section 904(a). Section 904(a) is an attempted compromise; it is a marginal one at best, more one of appearance than reality, and still falls within the criticism of the President voiced in the veto message.

The Board is to consist of 19 individuals "appointed by the President, by and with the consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board." The manner of appointment is as follows:

First. Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State;

Second. Nine members shall be appointed as follows:

Two members who are representatives of individuals eligible for assistance from recommendations made by the Clients Advisory Council;

Two members from among former legal services project attorneys, from recommendations made by the Project Attorneys Advisory Council; and

Five members, one of whom shall be from recommendations made by each of the following groups: American Bar Association, Association of American Law Schools, National Bar Association, National Legal Aid and Defender Association, and American Trial Lawyers Association.

The compromise is being phrased, "The President has a majority. He has 10 of the 19." In reality, therefore, every Presidential appointment would have to hold solid; in the give-and-take of making the appointments and in the give-and-take of decisionmaking, holding such a majority solid is questionable.

There is no Presidential appointment of the Chairman of the Board.

Additionally, the President still does not have appointment power over those who should be, in accordance with the language of the veto message, accountable to the public as a whole, not to a segment thereof. This cannot be true until the President has free appointive power over all, with the advice and consent of the Senate.

The executive committee shall consist of less than five and not more than seven members, which shall include the Chairman of the Board, at least one appointed pursuant to the President's public appointments, and one appointed pursuant to the specially named groups: Note: the Chairman of the Board is not necessarily the chairman of the executive committee; the Board could elect someone else to the chairmanship of the latter.

The new Corporation will function under the new title and under the District of Columbia Nonprofit Corporation Act. The latter gives exceedingly broad discretion to the executive committee, including discretion as to policy matters.

TRANSITIONAL PERIOD

VETO MESSAGE

To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.

NEW LEGISLATION

The old proposal was dropped. Something almost equally offensive was added.

Section 903(b) directs that the Director of the Office of Economic Opportunity shall serve as the incorporating trustee; in and of itself, this would be acceptable. However, the section requires the exercise of his responsibilities to be carried out in consultation with the National Advisory Council, as constituted on April 15, 1972.

The National Advisory Council is composed overwhelmingly of members and representatives of the private interest groups that the President objected to in the veto message. All of the organizations represented as making recommendations to the President as to the appointment of members of the board pursuant to section 904(a)(2)(C) are represented on the National Advisory Council. In reality, the tensions which would have been inherent in the old approach remain in the new approach.

Few conclusions are left to the reasonable man except to conclude that the provisions of S. 3010, as reported, have failed to meet the objections raised by the President through the veto message. I need not remind my colleagues that the veto message was sustained last year.

WHAT SHOULD BE DONE?

I can speak only for myself, in commenting upon "What should be done?" but, aside from efforts that should be employed to clean up the bill, if it is not put into a significantly different substantive format than reported it should be roundly repudiated. We must restore the proper role of the Congress and the Executive. We must provide for full accountability for any expenditure of public funds. We must insure adequate safeguards against repetitions and acceleration within the new corporation of the horror stories we have heard.

For my own part, I am sufficiently concerned to say that if a motion to strike that title IX is offered during the debate on S. 3010, I shall support that motion; and if title IX remains in the bill, I shall oppose the bill. It is a disservice to the taxpayer and the public.

LITHUANIA

Mr. PERCY. Mr. President, today, the 15th of June, marks the anniversary of the forceful occupation of Lithuania by forces of the Soviet Union. For 32 years the people of Lithuania have labored under foreign rule. For 32 years Lithuanians have been unable to exercise one of their most basic rights—the right to worship without restriction.

Religious oppression in Lithuania was recently brought to the attention of the entire world by the dramatic self-immolation of a brave young Lithuanian Roman Catholic, Romas Talantas. The public outcry that has followed in the wake of this tragic event has not been confined to Lithuanians.

There are 2 million persons of Lithuanian descent in the United States. Today these citizens are pausing in their daily routines to mark a National Day of Mourning and Prayer to demonstrate their solidarity with the people of their homeland in the fight to establish religious and political freedom.

Let us join our Lithuanian-American countrymen in their prayers for the relief of their homeland and the restoration of the ability to worship freely in Lithuania without harassment. I call upon my colleagues in Congress to join with me in recommitting themselves to the cause of freedom—not only in Lithuania, but in Latvia and Estonia and in all nations where basic rights are repressed or denied.

PRESIDENTIAL SCHOLARS

Mr. GRAVEL. Mr. President, on June 13 the Nation's presidential scholars were recognized for their achievement in a ceremony at the White House, during which they were presented with medallions from the President and addressed by Vice President AGNEW. An interesting sidelight of that ceremony was the presentation of a letter to President Nixon in protest of the war in Indochina, written by Miss Lynn Levitt, of New York, and signed by herself and 15 other presidential scholars.

The letter strongly expresses the idealism and commitment to peace of so many of our Nation's youth. In the hope that we may all learn from it, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR PRESIDENT NIXON: In a letter sent to all the Presidential Scholars we were told that "to be chosen is a tribute that carries the high personal responsibility to represent your state." We sincerely wish that we do represent the youth of the United States and the people of our state. Yet we are individuals. We must be responsible first to ourselves. And we believe that one of our major responsibilities is to work for peace. The destruction and disrespect of human life so evident in Viet Nam, completely violates our deepest-held moral convictions. Mr. President, you have always said that you want peace. Indeed, your speech in Russia with its beautiful and noble words attests to that. We want so much to believe that you want peace—what man does not?—but the ugly reality blatantly contradicts what you have said. Who does not want peace with honor? But the war still rages on and we have not gained any honor nor will we.

Mr. Nixon, we are terribly frustrated and confused. You speak of peace but your actions are far from peaceful in Vietnam. Please, please prove that you want peace just as much as we do. Look around you. Open your eyes, your mind, your heart. We all need to become more sensitive to the needs and problems of our fellow human beings. Let us look through the veil of politics and conflict and discover that we are all members of the Family of Man. We would never do any harm to members of our own family—would you?

Sincerely,

Lynn Levitt, New York; Summerlynne Solop, Oklahoma; Peter Hayes, New York; Jan Bush, Alabama; Doug Bedingferd, New Mexico; Pat Lupinetti, West Virginia; Karen Lease, Iowa; Andrew Porter, Alaska; Camera Jones, Michigan.

Teri Pettit, New Mexico; Charles J. Villa, Jr., New Hampshire; Shelley Olson, Montana; Michael R. White, New Jersey; Sharon McLaughlin, New Hampshire; Tom Schacht, Michigan; Aubay D. Washington, Michigan.

MARYLAND SCHOOL FOR THE BLIND

Mr. BEALL. Mr. President, I invite the attention of Senators to a most significant milestone that has been reached by the Maryland School for the Blind. On June 6, the Maryland Scholastic Association, by a near unanimous vote, admitted the school to its membership, thus becoming the first organized prep league in the Nation to include a school for the blind in its competition.

I commend MSA for its decision. Not only will it allow the student-athletes of the Maryland School for the Blind to engage in a full conference schedule with teams from throughout the Baltimore metropolitan area, but it will also permit competitors from these schools to young people who possess unique qualities in the face of unfortunate physical handicaps. Clearly, the goals of interscholastic athletics will be greatly served by the initiation of this competition.

This coming year the Maryland School for the Blind will compete in junior varsity track and soccer and varsity wrestling. Presently, the school has 67 boys eligible for activity in MSA with 36 totally blind and the remainder visually handicapped to some extent. I am sure the members of MSA will not take their new opponent lightly, for determination and desire can surely make up in large measure for physical deficiencies. I congratulate the Maryland School for the Blind, and wish them every success in the coming years.

THE PRICE OF HIDES AND SHOE IMPORTS

Mr. SYMINGTON. Mr. President, in March of this year, with hide prices rising steeply, Missouri shoe manufacturers urged, as a temporary matter, that export controls be imposed on hides so as to avoid consumer hardship; also to aid the domestic industry and the national economy during an emergency caused by the withdrawal of Argentine hides from the export market.

I spoke then with the Secretary of Commerce, thereupon wrote him presenting the situation as relayed by a major Missouri manufacturer who stated:

The situation we face is rather unique in that we are letting basic raw materials in temporary short supply leave our shores and return to us as a finished product, disrupting both the domestic tanning industry and the domestic shoe manufacturing industry, causing much higher prices to the consumers at retail, making our trade deficit worse and with the major recipient being the packers and hide brokers, not the farmer.

We believe this an untenable situation for our government to permit, and they have the mechanism to correct it.

In response to requests to invoke the Export Control Act, the Commerce Department announced that, preliminary to any such decision, a thorough investigation and study of hide prices was being initiated.

For some 2 months now that study has continued, and now apparently has moved into the analysis stage, but no relief has yet been provided. Meanwhile, only this week, hide prices hit a new high on Tuesday, with the composite price reaching 28.83 cents per pound. Heavy native steer hides were priced at 29.5 cents.

Those prices are just double those of a year ago.

With the cost of leather accounting for roughly 25 to 33 percent of the price of shoes at retail, shoe manufacturers continue to wait anxiously for this administration to take the corrective action available under the Export Control Act.

At the same time shoe manufacturers continue to be concerned about shoe imports and the lack of decision regarding the findings of the Tariff Commission on the impact of imports on the domestic shoe industry. It appears that the decision has been delayed for more than a year, while efforts have been made to obtain agreements with Spain to restrain their bulging shoe exports to the United States.

Some attribute lack of success in these negotiations with Spain as an additional cost of the already high price we are paying for the Spanish bases.

The administration has all the tools needed to take the necessary corrective action essential for relief to our domestic shoe manufacturers. Let me urge them to move ahead now with decisions that recognize the importance of preserving our domestic shoe industry as most important employers in the small towns of America.

TRIBUTE TO DR. FREDERIC B. IRVIN, PRESIDENT OF NEWBERRY COLLEGE, NEWBERRY, S.C.

Mr. THURMOND. Mr. President, on April 21, 1972, Dr. Frederic B. Irvin was inaugurated as the 12th president of Newberry College, Newberry, S.C.

The inaugural address was delivered by Dr. Frederic W. Ness, president of the American Association of Colleges. Dr. Ness' remarks were followed by a response from the new president, and the ceremony was concluded with the formal induction and oath of office administered to Dr. Irvin.

I am highly pleased that Newberry College was able to secure the services of a man of Dr. Irvin's high caliber. His background and experience afford him excellent qualifications to render a valuable service to that institution.

I wish to express my sincere best wishes to President Irvin as he undertakes this important responsibility.

Mr. President, I ask unanimous consent that the speeches by Dr. Ness and Dr. Irvin, and the program outlining the induction ceremony, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. FREDERIC W. NESS

The normal practice at such ceremonial occasions is for the visiting orator to devote his brief span of time to altering the new president (sometimes referred to as the sacrificial lamb) to the horrors that lie ahead and to warning him to make good his escape while there may still be time. When I sat down a few days ago to draw up these notes, however, I recalled a personal experience of many years back which seemed to have some relevance to my asignment today and which suggested modification of the standard procedures.

The joining of a president and a college, I would remind you, is not unlike the mating of man and wife. Now, when my bride and I were inducted into our present state of connubial bliss on the distant but enchanted isle of Martha's Vineyard we had both arrived at which might euphemistically be described as our mature years. Observing protocol, a night or two before the event we paid a visit to the officiating pastor in his book-lined study for the customary few words of last-minute advice. Looking us over quietly for a moment or two the good man opened the conversation by saying simply, "Well, if there is anything you two don't know about getting along together, it's too late for me to tell you now."

The analogy is obvious: When I first made

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contact with Dr. Fred Irvin back in the 50s, he was already a seasoned and highly effective college president. In the intervening decade he has held a variety of responsible positions of national and international significance, positions which called for keen intelligence, unusual diplomacy, and no small measure of low animal cunning. Therefore if there is anything he doesn't know about the intricacies of managing so strange an organism as a college, it is too late for me to tell him now. Or possibly even too late for him at this stage to try to learn.

Therefore, and with your indulgence, I would instead like to consider with you an issue which I believe to have implications for this academic community and for all of higher education as well. I want to talk, in fact, about the cheerful possibility of the bankruptcy of the liberal arts college. Quickly to allay your fears, let me assure you that I am not today concerned about budgetary matters. Some independent liberal arts colleges, to be sure, are likely to slide into fiscal bankruptcy in the next few years and possibly even more will before the end of this decade if certain forms of relief do not become available, and soon. But since I am no longer a college president desperately trying to balance a budget, I have the leisure to be concerned at the moment with the more subtle bankruptcy of liberal learning as a concept, as a system, even as a way of life.

While Dr. Irvin was still president of Thiel College I had the honor to be invited to address an Honors Day convocation on his campus. Responding to slightly more than idle curiosity, I pulled the old speech out of my files the other day and reread it with a degree of modest interest. The title "The Perils of Lilliput"; and the general theme, that unless the small liberal arts college rethinks its objectives and develops a truly distinctive approach to the education of those individuals placing their futures in its tender custody, it will cease to exist as a viable educational entity.

(By way of digression, may I remind you, President Irvin, that on the day of this memorable address of mine at Thiel College you, Sir, deliberately absented yourself from the campus. Well, you can't get away this time!)

Although very few of the colleges which I had in mind on that earlier occasion have in fact ceased to be, I think my prediction has greater validity today than it did nearly two decades ago. I see it now, however, in somewhat different dimensions.

Perhaps it is overly dramatic for me to suggest that liberal learning is in danger of bankruptcy, and yet to me the elements are becoming all too evident. Of this much I am certain—we simply can no longer proceed in a business-as-usual fashion. The world around us in changing, has changed. The system—if it is right to call higher education a system—as we know it and promote it was designed for a quite different set of circumstances.

That we sense these changes and are uneasy about them is evidenced by the substantial number of experiments and innovations that are taking place on college campuses all the way from Bangor to San Diego. But examined closely, nine-tenths of these innovations turn out to be little more than tinkering with the status quo. All too often they seem to be designed essentially to preserve the traditional, however ingeniously disguised, rather than to make the hard effort to penetrate to the heart of the academic problem.

It is true that we are beginning to learn, perhaps the hard way, what we can no longer live with. For example, in administration the old pattern of the benevolent despot in the president's office has yielded to a system involving, among other things, much greater faculty participation. And this is, on the whole, a desirable development. Unfortunately in some instances it has simply replaced one irrationality with another, to the place where on a few campuses today so many are in the act that the essential role of leadership can no longer be exercised. Even such basic economies as are involved in securing increased faculty productivity have become next to impossible. Given a choice between benevolent despotism or participatory chaos. I'm afraid that I would have to side with Plato of old.

Related to this, we have learned, too, that the traditional concept of loco parentis is self defeating if what we are seeking to instill in our "junior scholars" is the desire for responsibility and maturity. Thus we are engaging our students actively both in self governance and self education. And this is indeed a salutory change. But here again we are caught in the uncertainties of just how far is far enough. Further, looking at this development purely legalistically, I wonder how many colleges at the moment have an idea of the full implications of the lowered age of majority. In certain states the 18 year-old is now recognized as a legel adult. What this means to many of our long-standing academic customs and practices is profound and but dimly understood.

We have learned, or are beginning to learn, that learning itself is far more important than/ teaching—though we certainly have little notion at the moment as to what this signifies in terms of the proper role for the instructor. Many of our senior faculty members are never likely to modify the conventional patterns of lecture and examination. Not a few of our younger instructors, on the other hand, feel that there is no difference between student and teacher and govern their relationships and academic praxes accordingly. Perhaps both are right. I suspect, however, that neither is on target.

We have learned, however imperfectly, that there are important ways in which the world around us can serve as the classroom and laboratory, that under proper guidance the student in absentia can function in part as his own experimental mentor. But we are none-the-less wise in approaching this new academic relaxation with a degree of caution. Again the quest is how far is far enough. Many of our current programs, both on campus and off, assume unrealistic levels of maturity and self determination. Thus they may offer quite the wrong regimen for a substantial percentage of our students. Can we really expect a man to run who is only learning to walk? Perhaps not, though on average I would still opt for giving it a try.

We have learned, or are beginning to learn, that a lot of the rituals which had operated as if sanctified are questionable if not downright dispensable. As one example, I recall reading correspondence dated in the early part of this century in which a distinguished American educator was questioning, to a distinguished European counterpart, the whole concept of academic grading. Yet it has been only in the past few years that the profession as a whole has taken up the issue. Some colleges, with an impetuous eagerness to "get with it," have thrown out the grading system entirely and others are pellmelling to get on the band wagon—this despite the absence of adequate evaluative substitutes or any hard data on possible impacts on the student's subsequent academic aspirations.

These are but a few of the things we have learned, or are beginning to learn. And although, as I have pointed out, each requires a word of caution, my reservations do not, singly or in combination, suggest any such dire consequence as academic bankruptcy. On the contrary I view them on the whole as offering favorable angry of a more effective climate for learning.

What I am really concerned about, however, is what we have *not* as yet learned. As the poet is thought to have warned us, a little knowledge may be a dangerous thing. (And, by the way, President Irvin, a little college may be a dangerous thing, too!)

What we need first and foremost, I would suggest, is to learn new and different ways of looking at knowledge. And it follows, as the night the day, that we need new and different ways of looking at college as well. We need to rethink our goals and our missions, to redesign the liberalizing functions of our institutional patterns of learning.

Before I elaborate, it might be worth asking why significant change seems to be so difficult, so slow in accomplishment. The simplest answer lies, of course, in the well-known fact that social systems are reformed, and reformable, from within only under the most extraordinary circumstances. Another way this has frequently been expressed is that moving a college is not dissimilar, in its complexity, to moving a cemetery. The living seem to assume some of the characteristics of the process.

The basic difficulty in reforming a college from within is that the potential reformers have generally been products of the system and any innate ability to step aside and look upon the system with a critical or creative eye is quickly dimmed by the necessities of academic survival. Wordsworth, in his "Intimations of Immortality," described the process as the all-too-rapid immolation of the sentient soul within the prison walls of maturity. To put the matter bluntly, the faculty member, brought up in, for, and by his particular academic discipline, is understandably more concerned with the survival under the rules of the game than with changing the rules and thereby re-forming the game.

(I'm all the more willing to level such charges in the sure knowledge that I'll be leaving town shortly after the termination of these ceremonies!)

By basic contention here is that we, all of us—faculty, administrators, students—have come to accept, largely uncritically, that human knowledge is properly and inevitably pigeonholed into the disciplinary categories of history, English literature, economics, physics, geology, and so forth. Characteristically when we cloak this division of knowledge in a learning system, we assume that it is sacrosanct, untouchable. Further, we identify learning with the thing learned and etch in concrete what should at the very least have remained quasi malleable. We thus become far more concerned with substance than method, with rigid verities rather than evolving truths, with standardized expectations rather than with individualized fulfillment.

Although we have not as yet learned how to reorder our traditional academic patterns, I suggest that it is quite possible to approach a college education in terms of modes of knowing rather than of isolated (or even interrelated) categories of knowledge. This may well be dreaming, but it is not just idle dreaming. Once, in fact, in a wild thrust of creative impulse, I came up with just such a design. My failure to carry it off has been one of the major disappointments of my career.

I won't describe it to you in detail, both because of time and because it has been partially immortalized in print. Expounded under the hucksterish rubric "The Sequential Seminar in Creative Development," it sought to undermine the current rote or nemonic system of learning by crossing the disciplines with linkages based on the ways in which the mind works and the man learns. Frankly it was a little too complicated even for its designer, but, to the extent I understand it, I still think it makes a great deal of sense.

We have not, I believe, learned as yet how to take students where they are, developmentally, and to design academic programs to meet developmental needs. Perhaps a system which aspires, at the post-secondary level, to educate a very high percentage of the total population is much too large and complex ever to do so. But even many of our small colleges are not demonstrably concerned with such individualization, despite claims set forth in their annual bulletins.

I am beginning half to convince myself that we should seek means of deliberately suspending the educational progression of the individual at one or more of his growth stages in order to accommodate other priorities. For example, I find myself questioning that is ethically right for the majority of our young people to be virtually forced to remain in a dependent state through the late teens and early twenties—just at a period in life when they are feeling the greatest urge to test their wings. A few successful flights may be worth dozens of falls.

Or again, if it were easy to slip back into the educational scheme, wouldn't it be far healthier for the young man and woman to be introduced to the responsibilities of marriage at the time when the mating instinct reaches its physical and psychological apogee instead of continuing with a system in which so many of our youth who aspire to advanced degrees must pay such a heavy price in diminished personal involvement. But maybe I'd better focus my thoughts on more strictly academic matters.

We have not, I believe, learned enough about the inadequacies of the cognitive/rationalistic mode of knowing. How well I remember one occasion a few years back when a young militant student, earnest and deeply frustrated, cried out at me in exasperation, "I know you understand what I am saying, but can you feel what I am feeling?" This was no idle query, and I am afraid that the adequacy of my response left much to be desired. There is more to life than knowing. The E.Q. (emotional quotient) may be more important to individual and even societal well-being that the I.Q. Yet our educational system has given far too little care to this need.

Even as I say this I am reminded of the recent study conducted under the auspices of the Carnegie Commission which concluded that the college graduate, on average, is a happier individual than the non-graduate. Perhaps if we reordered the curriculum by introducing such courses as Happiness I, Contentment II, and Ecstasy III and IV, we could do even better, we could have an even more salubrious impact. But you will forgive me if I remain skeptical. I am equally skeptical, however, that the way we now combine, and the ways we now present, our smatterings of the humanities, the social sciences, the arts, and the sciences contribute much to intelectual liberation, let alone emotional maturity.

We have not as yet learned, in the collegiate setting, how to relate liberal learning creatively to the vocational needs of our students. I speak as a wary (as well as weary) father whose two youngest daughters are recent graduates of fine liberal-arts programs, one with a major in history, the other with a double concentration in art and English. Need I tell you, they both had a problem, as did the father who was anxious to get them off the pay roll. They simply had nothing to offer the job market. Somewhere in my notes I have a statement from a professor of liberal learning who declared that if he ever discovered in his teaching anything of immediate, practical value, he would resign at once. I am sorry that I was not there, in a position of authority, when he made the offer.

Our colleges of liberal arts and sciences were originally initiated as vocational institutions; and, though usually not acknowledging the fact, they have for years been involved in certain types and stages of vocational preparation. For example, many liberal-arts institutions are turning out graduates a high percentage of whom go directly into elementary or secondary school teaching. Others of our colleges achieve status through continuing to induct large numbers of their students into graduate and professional study. Yet both of these "markets," if I may be forgiven the term, have undergone a dramatic decline and are not likely to pick up again for a long time to come. What, then, is or should be our response?

I must pause for just a moment on this one and ask why it is that for the past seven hundred years or so the professoriate has been primarily interested—and I state this as an observable fact—in trying to turn out scholars, despite the absence of true scholarly interest or ability in all but a handful of their students. Is the answer simply that this is the easy thing to do? How can the professor of literature, for example, be expected to have any interest in, let alone knowledge of, the career expectations of the business man or the public servant? Yet are we meeting our obligation to our students when we don't at least make the effort?

Well, I do not propose that we immediately convert to vocational or technical schools. I would suggest, however, that we have a considerable obligation to concern ourselves with the vocational needs of our students. Further, I believe that, if we pay more attention to method, we could go a long way toward infusing vocational study with a true liberalization of the mind and spirit. As taught today vocational education is far from liberalizing and liberal education, for most students, is woefully far from "vocationalizing"—but for the sake of the individual as well as of the society we serve, it's high time for these twain to meet.

There are, I can assure you, other very important things we in higher education have not as yet learned; but, to avoid further trying your patience, let me mention only one more.

As a nation and as a society we are currently in the throes of a revolution of the spirit. Yesterday's verities are suffering in the hostile climate of the relative and the uncertain. This is having its impact on every phase of our lives, every hour of the day, every day of the week—including and particularly Sunday.

The liberal arts college was founded and has ostensibly been maintained to promulgate a set of values, for the most part in the Judeo-Christian tradition. But these values, at least as they are practiced, seem lately to be inadequate to meet the needs of our students. Perhaps—and I would underline the uncertainty—it has always been something of a fiction that a college can instill or strengthen values that were not previously held and strongly held. Yet there is some evidence that some colleges do make some difference. At the same time there is present in this college generation a desire, almost unique in my years of experience, to reassert the value of values, to put into practice what older generations were content merely to preach. There is, in short, a new spirituality. Our problem as custodians of society's most evolved institution, the nation's liberal arts college and university, is somehow or other to marshal this new creative spirituality and to focus it for the welfare of mankind.

To do this is perhaps the most important of the things we have not as yet learned. Not to do it, and soon, may well mean the ultimate thrust into bankruptcy of liberal learning and the liberal arts college.

And so, Dr. Irvin, if you think you have returned to the campus as a place of relative serenity after your hectic years in the arena of international conflict, I have done my best in the past few minutes to alert you that we have not resolved all of our problems in the years you've been away. There are still a few things left for you to do.

Thus, in congratulating you and this fine college on so auspicious a marriage, may I wish you Godspeed and enjoin you and your colleagues to think of these things.

RESPONSE BY DR. FREDRIC B. IRVIN

Mr. Kohn, Dr. Ness, Members of the Faculty, Members of the Student Association, and Distinguished Guests:

It is with great pleasure and a deep sense of humility that I accept the honor which the Board of Trustees of Newberry College have accorded me this day in inaugurating me as the 12th president of a college which is now in its 142nd year of service to the State of South Carolina and to the Lutheran Church in America. For it was actually in February, 1831, that the first classes of a Lutheran Academy began, which eventually resulted in the chartering of Newberry as a college of the liberal arts by the State of South Carolina in 1856. With my Scotch-Irish name, "Irvin," and my Pennsylvania Lutheranism, I feel right at home in the Dutch Fork of South Carolina. We have loved this state and its people, and the friendly town of Newberry, from the day of our arrival here nine months ago.

The names of all of the first eleven presidents of this college—whether Northener or Southerner, whether clergy or layman—are recorded in every issue of our catalog and in the history of our college. The names of at least seven of my predecessors are household words on this campus because of the buildings named in their honor—Smeltzer, Holland, Cromer, Derrick, Kinard, Kaufmann, and Wiles. On days like this, days of rededication and renewal, we think of their work and their service with thankfulness to God because they were men who knew what they believed in and who persevered. If they had not been men of both faith and perseverance, our country would never have developed its system of church colleges or its dual system of higher education, which have been of inestimable value in molding our ideals and history as a nation under God.

Today the church-related college seems to be less appreciated and valued than it was even 20 years ago. Twenty years ago we enrolled about half the students in our country. Today we enroll about 25 percent.

Granted that we could never have continued the same record of service during the mass enrollments of the past two decades, it is still ironic to note that one of the tax-supported universities of South Carolina has reported that it cannot accept more students for next year. Its facilities are crowded. The facilities of the private colleges, on the other hand, are not being used to capacity. Another newspaper article quoted an educator as saying that we have 7,000 vacancies in our private colleges. The public universities and colleges of South Carolina now have an enormous advantage over the private church-related colleges of our state in that inflation and other factors have forced our costs so high that thousands of students who want to study in our institutions can no longer do so because the state of South Carolina will foot the bill for their education in public institutions but cannot give tuition grants to students who wish to attend colleges like Newberry, Presbyterian, Erskine, Wofford, or our other neighboring colleges which are related to churches. I do not plead our cause because of our history of service to this state, or because of the debt which the state owes us for our work in the past, nor am I being a sentimentalist. I ask simply for fairness, for understanding, and for a judgment of our worth to this state and to American society in general.

I realize that in the present crisis of values in our American civilization many people are asking with greater insistence—how are you, as a church-related college, any different from the rapidly developing state institutions? As the technical institutes of the state develop, now laying plans to add what they call a "liberal arts component" to their two-year courses, others ask whether there is anything unique in our combination of religious values and the liberal arts. During the past academic semester I gave four chapel-lectures in this institution on the nature of the church-related college, trying to establish the nature and purpose of the church college within a conceptual framework of

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a philosophy of education and philosophy of religion. Some faculty members—not all—appreciated my approach because this is the method in which we have been trained. Many students, on the other hand, often seem to be more interested today in how they feel about things than in intellectual discourse and reason. And I readily admit that feeling and emotional response are also important aspects of the educational process. We are thinking, feeling, and acting human beings. But on this day, on the occasion of my inauguration as the 12th president of Newberry College, I can at least express my conviction that the church-related college *is* different, for those who have eyes to see, that it *is* unique in the American society and experience, and that it will continue to be unique if it is permitted to survive and flourish in American life. The answer to the question of survival is in your hands as much as in mine. But I know that without my conviction the Board of Trustees would not have elected me to the presidency. And I know that without my conviction I would never have accepted the presidency of Newberry College.

I have now had intimate and direct experience with the educational systems of certain countries of Asia and certain countries of Europe over a period of 16 or 17 years, and my conviction is that our country needs the colleges of the church more than ever before in American history. In our present national mood of crisis, disillusionment, flux, anxiety, and even despair, the churches also need their colleges because it is through us that the church can perform its most important witness to society. Our church-related colleges also need the moral and financial assistance of the State of South Carolina and of the federal government; and the state and the country need us just as much as we need them if we are to recapture a sense of national purpose and values and a solution of national problems based on the worth and dignity of the human individual.

The most important things in life, Mr. Chairman, are often things which cannot be measured with any exactitude, and yet we know that they are real, that they are valuable, and of the very essence of life. In the midst of all the complexities of modern day society we ask in this college for the right and the privilege of teaching and learning as a Christian community so that we can emphasize the values inherent in the Christian faith and relate the context of this faith to the academic disciplines. We do not claim to be better than other men. We do not believe that our function is to protect young men and women from the changing mores of the society in which we live, except in so far as we can offer guidance freely and with their participation. We feel alarmed when people accuse us in our statements of purpose and practices of assuming a pharasaical attitude, or even a pietistic one, if I may use that word in a pejorative sense.

I myself accept the presidency of this college today, Mr. Chairman, because I believe that it is for me the path of Christian discipleship. I believe that in the face of every doubt and perplexity I can draw upon the sustaining power of Christ and the Church which He founded. I am a traditionalist in my belief that we Americans should preserve and strengthen those collegiate institutions which have enlivened the spirit of men and given them knowledge, skills, and hope as our nation developed. I am a Christian apologist in my belief that Newberry College with other church-related colleges has a unique role to fill in American higher education. From my training and education, which have been mainly in the humanities—literature, religion, languages, and the fine arts—I believe in the importance of an education suffused with the content and the method of the liberal arts. Institutions like Newberry *can* and have changed in the course of their history. I believe, however, not in change merely for the sake of change and innovation, but in that change which takes into account the human condition and man's relationship to God and his fellowmen. I believe, with Pestalozzi, that God is the nearest relation to man.

And so, I thank you, Mr. Chairman and the Board of Trustees of Newberry College, for your confidence in having elected me the 12th president of this institution of the Lutheran Church and of South Carolina, which I shall serve willingly. I call especially upon my colleagues, the members of the Faculty and of the Administration, and upon the members of the Newberry College Student Association, to work with me zealously as I shall work with them, to relaize the rich promises and potentialities of this institution. May God bless Newberry College.

THE OATH OF OFFICE FOR THE PRESIDENT OF NEWBERRY COLLEGE

The INDUCTOR. Mr. A. Hart Kohn, Jr. (president of the Board of Trustees).

By virtue of the authority vested in me by the South Carolina Synod, the Florida Synod, and the Southeastern Synod of the Lutheran Church in America, I have the honor to induct Frederic B. Irvin into the office of President of Newberry College.

(The Conductors escort the President to the Inductor).

Dr. Conrad B. Park, Academic Dean, and Mr. James H. Riddle, Jr., President of the Newberry College Student Government Association.

The CONDUCTOR. Mr. Kohn, it gives us pleasure to present for induction as twelfth President of Newberry College Dr. Frederic B. Irvin

The INDUCTOR. Dr. Irvin, you are here to assume formally the responsibilities of the presidency of Newberry College. You will be the chief executive officer of the College and will act for the Board of Trustees in furnishing educational leadership and administrative direction for the whole life and activity of the College. You are enjoined to be ever mindful of the Christian motivation which originated and still impels this college.

I ask you, in the presence of God and of this company, whether you accept the responsibilities of this office and whether you pledge to perform faithfully the duties thereof. If so, repeat the following words after me:

(The President repeats after the Inductor):

I accept this office with full consciousness of its obligations and responsibilities. I solemnly pledge to perform the duties of the office to the best of my ability, to be true to the faith of the church, and to acquit myself as worthy of the confidence of the church, the board of trustees, the alumni, the faculty, the students, and all other friends and supporters of the college.

The INDUCTOR. I do now declare you to be the twelfth President of Newberry College, with all the rights, privileges, and obligations pertaining to that office. On behalf of the Church and the College, I extend sincere best wishes to you and pray that your labors may be fruitful, that God's Truth may be your truth; God's Light, your light; God's Power, your strength; and God's Grace, your peace. May God bless you.

DISTRICT OF COLUMBIA JAIL

Mr. PERCY. Mr. President, yesterday I engaged in a discussion with the distinguished Senator from Hawaii (Mr. INOUYE) concerning the failure of the Senate Subcommittee on District of Columbia Appropriations to provide funds for the construction of a new District of Columbia jail. I think that the discussion was very useful in putting into the RECORD not only the reasoning of the distinguished chairman of that subcommittee in denying the funds at this time, but also in describing the type of facility that would be replaced by a new detention facility. I was pleased to hear about the high priority he also assigned to this need.

As I pointed out yesterday, the District of Columbia jail is over a century old, and has a capacity for 663. However, it is now operating at 83 percent over capacity with an average daily population of 1,213, and a year from now the average population is estimated to be 1,351. I repeat today what I said then. The present jail is indeed a filthy example of man's inhumanity to man.

These overcrowded conditions can only deter any efforts toward rehabilitation. We have put these men into a situation worse than that to which animals in a zoo are subjected. As a result, our primary struggle is to try to keep these people from acting like the animals that we treat them like. You cannot treat men like beasts and expect them to behave like men. You cannot rob these human beings of any vestige of self-respect and expect them to respect the laws of society.

This point has been made time and time again by everyone connected with the prisons of this country. James Hoffa, who spent 58 months in the Federal penitentiary at Lewisburg, Pa., has been a very effective spokesman for the very pressing need for a new look at corrections. He has often described the incredibly barbaric conditions that result from overcrowding. In testimony before the Senate this week, he pointed out that the penitentiary at Lewisburg was built in 1932, and has a designed capacity for 950. Yet the average population is 1,794. This is very nearly the same percentage overcapacity as the District of Columbia jail, so the comments that Mr. Hoffa made concerning Lewisburg apply with equal force to the District of Columbia jail.

In every instance where we hear from those who have been confined in our antiquated penal institutions, the cry is in essence the same, "Don't treat me like an animal; I am a man, treat me like one." Yet by packing body after body into cramped cages, it is impossible to treat an inmate like a human being when he is placed in inhuman conditions.

The new D.C. jail that is being planned would be a great step forward in helping to provide an institution where a man could be treated like a man, where a person could maintain a sense of dignity and self-respect. The result would not just be the absence of bruised feelings to a couple of ex-offenders. The result would be measured in much larger terms, because by having provided facilities where these men's humanity and dignity were recognized and respected, they would hopefully emerge from behind bars with a heightened sense of respect for the rest of society. The end result would be a better chance for society to be truly protected by having provided the means for effective rehabilitation.

Mr. President, I am pleased that as a result of yesterday's colloquy with Senator INOUYE, we now have his public assurance to restore the funds for the District jail if the government of the District comes forward with a revised list of priorities. It is hoped, as a result of this, that the construction of a new jail will no longer be delayed and that construction of the jail can proceed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Tom Wicker, published in today's New York Times, concerning Mr. Hoffa and his remarks on the condition of our prisons. Since I think Mr. Hoffa's comments are relevant not only to the federal system, but also to our District jail, I think that all Senators would benefit from the article.

There being no objection, the article was ordered to be printed in the RECORD as follows:

THE CAGE AND THE CLUB

(By Tom Wicker)

BOSTON.—James R. Hoffa apparently got respectful attention when he talked about prison life before a Senate subcommittee. If the Senators were paying as much attention to what he said as they were to his reputation, which is doubtful, they heard him make two of the most important points about the medieval penal institutions still tolerated in America.

Mr. Hoffa's credentials in this field are his 58 months in the Federal prison at Lewisburg, Pa. That is by no means the worst place of its kind, and since he was always a hard case himself, not easily pushed around, shocked or intimidated, it can be assumed that Mr. Hoffa was not exaggerating when he talked of crowded and inhumane conditions, men dying for lack of medical care, rampant sexual offenses and slave wages for work that taught the inmates nothing useful to them outside the walls.

The most telling point made by the former Teamster leader bears directly on the public interest in prison reform. That interest is not always apparent to those whose first impulse is to lock up offenders and throw away the key.

But "it is not for humanitarian reasons alone that we must reform the system," Mr. Hoffa pointed out. "It is for our own safety. We have never faced up to the fact that most convicts will someday be released from the hellholes we call correctional institutions. They come out more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in."

He might have added that they also "come out" with more mental illness, more drug addiction, and less ability to get and keep an honest job. Thus, even the toughest law-and-order man, no matter how he may despise those he accuses of "coddling criminals," ought to be able to see that such prisons make the crime problem worse, not better; that sending men and women to such places makes life more dangerous, not less.

Mr. Hoffa put his finger on the main reason why this should be so. He pointed out that Lewisburg, with 1,800 inmates, was grossly overcrowded (as are virtually all prisons, state or Federal) and he recommended that none should have more than 350 inmates. If each were then provided with an individual cell, he said, "men may be able to retain some sort of dignity" even in prison.

"Dignity" is the key to it; time and again, the prisoners in revolt at Attica last year said that what they wanted above all was to be "treated like men." Instead, in most prisons, they are treated more like animals—caged behind bars, existing in inhumane conditions, without adequate facilities, separated almost totally from family and friends, deprived largely of the civil and personal rights most of us exercise, subject to sexual abuse, in many cases the objects of brutality or insensitivity by their keepers. When they get out, they are without training, have little hope of finding a decent job and face the lifelong stigma of being an "ex-con."

Mr. Hoffa pointed out that even one so powerful and influential as he (testimony that tacitly suggested another fact of prison life—the special privileges available to prisoners who can buy or otherwise command them) could not get a pair of prison shoes that fit, and that many other prisoners' clothing and shoes were the wrong size. What place does this kind of minor harassment—whether it results from carelessness, lack of funds, or deliberate efforts at humiliation and punishment, as Mr. Hoffa believes—have in a system that bills itself as correctional?

It is only one more senseless step in the process of reducing a man or a woman to an animal in a cage.

Mr. Hoffa did not draw the obvious conclusion that the prison as presently conceived and administered in the United States is all but incapable of preserving a person's "dignity," of treating him as a real human being. Such prisons, even if their living conditions are improved somewhat, will continue to turn out the embittered and angry "graduates" that he describes.

That is not to say that improvements—for instance, keeping the Lewisburg prison library open on weekends, as Mr. Hoffa recommended—should not be made. But in the long run the prison itself is the trouble, and the only real reform is to find some more sensible and effective means than the cage and the club for dealing with those who offend us.

HENRIETTA CHASE RETIRES

Mr. SPARKMAN. Mr. President, I wish to pay tribute to a very worthy member of the staff of the Committee on Banking, Housing and Urban Affairs, of which I am chairman.

On June 30, 1972, Miss Henrietta Chase who is chief clerk of the committee will retire after 24 years of outstanding service. Henrietta has served loyally and well. She has been tireless in her efforts to keep the committee functioning smoothly and efficiently. I am sure many of you over the years have had occasion to call upon Henrietta when things needed to be done, and I dare say there have been very few requests, if any, that have not been acted upon efficiently and promptly. Henrietta knows how to get things done. She will be missed.

As I recall, Henrietta was encouraged to come to Washington from Minnesota by former President Harry Truman at the time he was campaigning in Minneapolis for the vice presidency. Mr. Truman thought highly enough of her abilities to ask her to become part of his staff on the Senate War Investigating Committee. Henrietta worked on that committee for the year 1945. She left that staff to work in New York as secretary in the law office of the former chief counsel of the War Investigating Committee. In 1949, she returned to Washington to work on the Banking and Currency Committee, of which at that time Senator Maybank was chairman. Since that time, Henrietta has served under the chairmanships of Senators Capehart, FULBRIGHT, Robertson, and me, and I may add, with complete dedication to all of us. Senators might be interested to know, by the way, that there have been only three women who have held the position of chief clerk of a standing committee of the Senate, and Henrietta is one of them.

Henrietta is leaving us at a time when women are being recognized and placed in responsible positions in both government and private industry. I, for one, am proud and pleased that Henrietta's talent and ability were recognized and put to use by many of us long before this trend came about.

Too often, when everything is functioning smoothly, we fail to realize how much hard work and dedication has taken place behind the scenes. There is much involved in setting up committee hearings. We do not have to think or worry about many little details because, in the case of the Banking Committee, Henrietta has done her job. And, setting up committee hearings is just a very small part of her responsibilities. In addition, there are records to be kept, vouchers and bills to be paid, committee budgets to work up, payrolls to compute, and much, much more. All of these tasks demand complete attention and accuracy. The members of my committee have never had to worry about any of them because of the complete confidence we have placed in Henrietta. Her consistently efficient service has merited our confidence.

Henrietta has served the Senate and her country well. We, on the Banking Committee, have become a little spoiled because she took such good care of us. She will be difficult to replace. But we—and I believe I speak for all the members and staff of the committee—wish her much happiness and a good future in the years ahead.

QUORUM CALL

Mr. MANSFIELD. Mr. President, under the agreement entered into last night, the morning hour for the conduct of morning business was to be concluded at 12 noon today, at which time a quorum call was to be suggested.

Therefore, I suggest the absence of a quorum at this time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, pursuant to previous agreement, the Senate stand in recess until the conclusion of the joint meeting of the two Houses or 2 o'clock, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:13 p.m., the Senate, preceded by the President pro tempore of the Senate, Mr. ELLENDER; William H. Wannall, Deputy Sergeant at Arms; and Darrell St. Claire, Assistant Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address by His Excellency, Luis Echeverria, President of the United Mexican States.

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The address delivered by President Echeverria appears in the proceedings of the House of Representatives in today's RECORD.

At 1:28 p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. BURDICK).

UNFINISHED BUSINESS (S. 3390) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER (Mr. BURDICK). Under the previous order the unfinished business will be temporarily laid aside.

PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of H.R. 9092, the bill relating to the pay system for Government prevailing rate employees, which the clerk will state by title.

The bill was read by title as follows:

A bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rate of pay for prevailing rate employees of the Government, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 4, line 24, after the word "section", strike out "5348" and insert "5347"; on page 7, line 15, after the word "each", strike out "two" and insert "2"; on page 12, line 2, after the figure "3", strike out "o'clock post-meridian" and insert "p.m."; in line 6, after the figure "11", strike out "o'clock post-meridian" and insert "p.m."; in line 7, after the figure "8", strike out "o'clock antemeridian" and insert "a.m."; on page 18, after line 9, strike out:

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other office or position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term;

"(2) one member from the Office of the Secretary of Defense, designated by the Secretary of Defense;

"(3) two members from the military departments, designated by the Chairman of the Civil Service Commission;

"(4) one member, designated by the Chairman of the Civil Service Commission from time to time from an agency (other than the Department of Defense, a military department, and the Civil Service Commission);

"(5) an employee of the Civil Service Commission, designated by the Chairman of the Civil Service Commission; and

"(6) five members, designated by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees.

"(b) In designating members from among employee organizations under subsection (a)(6) of this section, the Chairman of the Civil Service Commission shall designate, as nearly as practicable, a number of members from a particular employee organization in the same proportion to the total number of employee representatives appointed to the Committee under subsection (a)(6) of this section as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees. However, there shall not be more than two members from any one employee organization nor more than four members from a single council, federation, alliance, association, or affiliation of employee organizations.

"(c) Every 2 years the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) the members from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Chairman of the Committee may vote only to break a tie vote of the Committee. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of the Chairman. However, a special meeting shall be called by the Chairman if 5 members make a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(g) Members of the Committee described in paragraphs (2) (5) of subsection (a) of this section serve without additional pay. The Chairman is entitled to a rate of pay equal to the maximum rate currently paid, from time to time, under the General Schedule. Members who represent employee organizations are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Chairman of the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible to the Chairman of the Committee.

On page 21, at the beginning of line 12, change the paragraph number from "5348" to "5347"; at the beginning of line 21, strike out "may" and insert "shall"; on page 22, at the beginning of line 3, change the paragraph number from "5349" to "5348"; on page 23, in the material following line 8, strike out "5347." Federal Prevailing Rate Advisory Committee."; after the amendment just above stated, strike out "5348" and insert "5347"; at the beginning of the line following the amendment just above stated, strike out "5349" and insert "5348"; on page 24, at the beginning of line 19, strike out "5349" and insert "5348"; on page 25, line 3, after the word "or", strike out "5349" and insert "5348"; on page 29, at the beginning of line 1, strike out "5349" and insert "5348"; and, on page 30, line 22, after the word "prescribe." insert "Notwithstanding the provisions of this subsection, section 5343(e)(1) (D) and (E) and (e)(2)(C), as enacted by the first section of this Act, shall not be effective until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries, or (2) April 30, 1973, whichever occurs first."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement the time for debate on this bill is limited to 2 hours, equally divided between the Senator from Wyoming (Mr. MCGEE) and the Senator from Hawaii (Mr. FONG). Debate on amendments is limited to 30 minutes, equally divided between the mover of such and the manager of the bill, or the minority leader if the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quroum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADDRESS TO THE JOINT MEETING OF THE TWO HOUSES BY PRESIDENT ECHEVERRIA OF MEXICO

Mr. MANSFIELD. Mr. President, the joint meeting of the Congress of the United States has just had a rare opportunity to listen to the President of the United Mexican States, Luis Echeverria, deliver an address in the Chamber of the House of Representatives. It was a frank speech. It was the kind of speech one would expect a good friend to make, because it laid bare some of the questions which confront both of us at the present time, but most especially the Mexican Republic.

It was a speech which I think was well taken by the Members of the Congress in session assembled. I think it is always good among friends to lay the cards on the table so that differences can be considered in the open, as well as behind closed doors, if need be, so that solutions can be achieved and so that questions raised can, if possible, be answered.

I want to commend the distinguished President of the United Mexican States for his frankness, his honesty, and his forthrightness in laying before the representatives of the people what I assume he will lay before the President of the United States, Mr. Nixon, in greater detail during the period of this state visit.

So again I want to say it was a pleasure and a privilege to have had the opportunity to hear President Echeverria; that the Senate and House were honored in extending the invitation to him to address a joint meeting; and that we look forward to solving, if at all possible, and at the earliest opportunity, as many of these problems as we can which confront our two great republics today.

President Echeverria and his people, who represent a great nation, are welcome to this Chamber, and we are delighted that he spoke with such candor and frankness, and we also appreciated very much the philosophy which he expressed and which was interspersed through his remarks on the occasion of his speech today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on today, June 14, 1972 the President had approved and signed the act (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

The Senate continued with the consideration of the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rate of pay for prevailing rate employees of the Government, and for other purposes.

Mr. MCGEE. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. Mr. President, the bill we are considering today, H.R. 9092, is the culmination of several years' study by the Congress on legislation to establish by law a system for the employment of tradesmen and craftsmen in the Federal service.

In 1967, the Senate Committee on Post Office and Civil Service recommended and the Senate passed S. 2303, the bill designed to establish a new blue-collar pay and classification system. It comes as a shock to many people to discover that there is no real regulation or system under statute for the compensation of these Federal employees, and thus when that bill (S. 2303) failed of enactment in the House of Representatives, we had to bide our time to try again. In 1970, both houses agreed upon a bill (H.R. 17809), but that time the bill was vetoed by President Nixon.

H.R. 9092 is a modification which I believe generally improves upon the provisions of the 1970 bill. It passed the House of Representatives on July 28, 1971.

To describe the background, Mr. President, it is well that we keep in mind that the blue-collar workers in the Federal Government are a small minority group. There are about 650,000 blue-collar workers in the Federal Government. Most of them are employed in the Department of Defense and work at military bases around the country. The remainder work in Veterans' Administration hospitals and the custodial force of the General Services Administration and the Department of Interior and in some other agencies scattered around the country. There is very little written law about their status as Federal employees. During the Civil War—and that means our own Civil War, in our country's history—when it was necessary to hire carpenters and steamfitters to work in the naval yards, Congress enacted the basic statute which has been on the books in one form or another for 110 years—that the rates of pay of tradesmen and skilled craftsmen should be established in accordance with the prevailing rates in the community where they are employed.

That machinery for the blue-collar system failed. Up until a few years ago, there were several hundred wage boards and geographic areas used in the executive branch for fixing pay. The system was acknowledged by practically everyone who new anything about it as being an unholy mess.

In 1965—quite literally one century, almost to the year, the terminal point of our Civil War—President Johnson signed an Executive order requiring the coordination by the Civil Service Commission of all agencies who have blue-collar employees. By July 1, 1968, the Coordinated Federal Wage Board System was established, and since that time it has worked reasonably well. The Chairman of the Civil Service Commission is the Chairman of the Board, and both agencies and employee unions are represented on the Board. The number of wage boards in the Nation has been reduced to a fairly manageable size, and the method of fixing rates of pay is better than it used to be. For example, we no longer have two different agencies in the same town paying widely varying rates for precisely the same kind of job—and that is making some headway—and there have been some other improvements.

But the system is not perfect and it is not established under statute as determined by the legislative power of the Government. The President may at his discretion revise the system, and the 650,000 employees in the system do not have the asurance of guidelines established by law. We often, in our rhetoric, brag about our being a nation under law, not under men. Yet, here would seem to be a flagrant denial of that somewhat sacred principle—at least, rhetorically. When we contrast the status in the Federal Government, in the inequity that now exists, with the circumstances in other segments of the Nation's business community, we can appreciate the change that is required. For example, if one is running a small shop on Main Street, the authority to change things around and issue new orders without legislative guidelines may be desirable. That is the way we run our offices, for example. We hire and fire as we please. We pay our employees what we think they are worth, based on individual judgments, or what our sense of compassion and humanitarianism inspires us to provide. But when you are running the biggest business in the world, which is the Government of the United States, you just cannot run a responsible store that way. We do not do it that way for any other Federal employees. There has been a classified system established by law for the civil service for 50 years. There was a classification system established by law for postal workers until the enactment of the Postal Reorganization Act, and that system of classification and pay was carried over into the new, semi-independent postal agency until superseded by collective bargaining. The wage board employees are the only group in the executive branch who do not have either a formal job classification and pay system established by law or collective bargaining options. The time is long overdue for establishing such an orderly statutory system.

In its simplest form, that is what H.R. 9092 does. It says that this is going to be the law when it comes to blue-collar workers. This is what the President and the Civil Service Commission and the various agencies in the executive branch are going to do. It is the function of Congress to declare what the policy of the Government shall be. It is the function of the executive branch to carry out that policy. Guidelines are established in this bill that shall direct the course of administrative action by the Civil Service Commission. The guidelines are not extensive. They will not bind the hands of the executive branch too firmly. But they will assure 650,000 blue-collar workers that—to borrow a phrase—yes, Virginia, there is a Congress of the United States, and there is a policy for the blue-collar employment system.

To my dismay, it is apparent that the executive branch does not favor the enactment of a law for these employees. I have never been able to understand exactly why the administration is opposed to establishing by law a system of employment for these people. The Wagner Act is 37 years old, other Federal employees have laws establishing their employment system, but for some curious reason it is the conviction of the Office of Management and Budget and the Civil Service Commission and the Department of Defense that carpenters and joiners and steamfitters and electricians and janitors and nursing assistants and charwomen need only the benevolence of the executive branch, and that if the Congress will just lie down and be quiet and not make waves, somehow the Commission or the Department of Defense or somebody else can solve all of the problems that need to be solved. That is as archaic as the mere rhetoric in it must sound. In the 5 years our committee has been studying this problem, very little evidence has been presented to the committee to substantiate any misgivings of a substantive sort that the administration may say it entertained.

It took 3 years for the Coordinated Federal Wage Board System even to get off the ground. It took 2 years for the Civil Service Commission to implement the one-time Monroney amendment at a single Air Force base in the United States, and I must say the Department of

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Defense has to be dragged feet first, kicking and screaming, into recognizing that the law of the land applied to them.

The reaction of the Office of Management and Budget and the Department of Defense has been that if we pass this bill, there will be massive layoffs. I note that my distinguished colleague highlights this assertion in his upcoming remarks. This is one of the first cries we hear in the face of change, in the face of modernization, in the face of updating and upgrading a process that reflects that we do learn and that we are not stuck in the cement of the past. It reminds me, in a way, of the McKinley-Bryan election in 1896, when employers told their workers that if Bryan was elected they need not bother to show up for work the next day. There have already been cutbacks in the executive branch, mindless budget cutting to achieve some numerical magic unrelated to the needs of an agency. I am sure that there will be more probably equally mindless slashes at agency function.

But the wailing of the budget cutters should not deter us from recognizing the principles to be established by law.

I say to the Members of this body that it is important we establish that difference in our own minds. It is not fair that these workers do not have a statement of congressional policy governing their employment; it is as elementary as that. It is not fair that the workers do not have an effective voice in determining questions of ultimate importance regarding their job descriptions and the setting of their pay. It is not fair that all of the authority is vested only in management. That kind of labor-management program simply does not work in the United States of America any more. It flies in the face not only of the history of this country but of the events of even the past few years. We are entitled to the benefit of our own experience along this trail.

Now, Mr. President, there are two or three features of the bill which have raised considerable controversy which I now turn to for a few casual comments. The most significant sometimes suggested is the establishment of the fourth and fifth steps for blue-collar workers. Presently there are three steps in all of the wage grades. The agency establishes the prevailing rate for the job—I will go into that in a minute—and a new employee is placed in the first step of that grade. That step is 96 percent of the prevailing rate, something like an apprentice scale. After 6 months, if his service is satisfactory—I underscore that—he moves to the second step, which is 100 percent of the prevailing rate; and a year later, now a journeyman in his field, he moves to the third step, which is 104 percent of the prevailing rate in his field.

The bill would establish a fourth and fifth step at 108 percent and 112 percent of the prevailing rate, which is a considerable compromise itself in terms of the needs so dramatically developed in the course of the hearings on this measure.

The opponents of the bill will say that this is unfair to the local labor market, to provide for a salary raise somewhere down the road for individuals among the blue-collar workers who meet these requisites. But, do not lose the point, Mr. President, that this is the setting up by law of a predictable hope for progress, advancement, and promotion which is desperately important if the Federal employment system is to work and is to attract those with the best purposes in terms of service to their job.

The opponents will say that it is unfair to the businessman in the community to pay up to 12 percent above the prevailing rate.

That is another one of the assertions made by critics.

My answer to that is, it is also obviously unfair to business to have a minimum wage or maximum hours, or occupational safety laws, or labor unions, or any of the other laws of this Nation which give the working man a fair chance. They must be viewed as unfair to the businessman or to any other laws that this Nation has enacted in order to give the working man a fair chance in his relations with his employer. In the first place the prevailing rate as determined by the agency is an elusive concept in itself. It is the weighted average of all of the wages in all of the surveyed industries in the area for a particular job. Now that, right there, is a loaded sentence if there ever was one. The agency determines the weighted average. The agency determines what industries will be surveyed. The agency collects the statistical data. The agency does the whole thing. Now let us be realistic. The budget of the Government of the United States is several hundred billion dollars a year and one of our serious national problems is to hold down Federal spending. Surely no one in this Chamber is so naive as to think that the Office of Management and Budget and various departments and agencies in the executive branch will leave any stone unturned to save money. The economics of fixing wages is a science and an art that is as subject to political whims as any other. The result in this case is that the prevailing rate does not reflect the kind of wage policies which should be the policy of the Federal Government. One hundred and twelve percent of the prevailing rate in many cases will not be the rate necessary to recruit and retain the best qualified people in the labor market. Certainly 104 percent will not do that.

Opponents of a fourth and fifth step for wage board workers can, and I am sure will, cite pages of figures to show the percentage of increase for wage board workers over the past few years—the past 5, 10, or 20 and maybe even the past 110 years—back to the Civil War again. The argument seems to be that because these people have been treated reasonably fair we should not enact legislation to insure by law that they get the kind of pay that we want them to have. Equity cries out that we should set by law a procedure, a process, standards of direction, that do not rely on the changing whims of whoever may be in the White House at that moment. Once again we take pride in being a nation under law and not a nation under men.

I must inject here, Mr. President, that it has been somewhat amusing for me to observe that the percentage pay increases for wage board workers in Wyoming have improved considerably, curiously, since I became chairman of the committee in 1969, just as they have improved considerably in Hawaii, the home State of the ranking Republican member of the committee who presides over the august ranks of our committee endeavors; just as they improved considerably in Oklahoma when my predecessor Mike Monroney was chairman of the committee, which likewise increased. Perhaps we could solve many of these problems if we amended the Reorganization Act to put all Senators on the Post Office and Civil Service Committee.

I might suggest to my good friend from Hawaii that the way we can get the problem solved, forthrightly to adjust the inequities in the wage board system in this country, is to expand the size of the committee and under the Organization Act require every Member of the Senate to be on the Post Office and Civil Service Committee. It does seem to have a certain magic that applies to the areas directly represented by members of the committee itself.

White-collar civil service workers generally have 10 steps in their grades compared to three for blue-collar workers. The comparable wage is the fourth step of the grade, but an employee in the classified civil service stays in that fourth step only 2 years and then he moves on up. Among the postal workers in the lower levels, letter carriers and clerks and mailhandlers have 12 steps in their grade. Wage board supervisors—the management end and the blue-collar workers in that industry at that level—have 5 steps in their grade. The principle of longevity increases for long and faithful service is part and parcel of the Federal establishment. All we are doing here is saying to the blue-collar employee that you are going to be treated the same as your fellow workers in the clerical, administrative, technical, and professional occupations in the Federal service.

A second controversial point is the establishment of pay differential for evening and night work. The bill says that if one works the swing shift he gets a 7½-percent premium, and if he works the night shift he gets automatically a 10-percent premium. The only other Federal law on this subject is that which applies to all other Federal employees in the executive branch, and that is if one works at night he gets 10 percent.

That law that protects the white-collar workers in that way is only 27 years old, so that perhaps we are premature in determining that we have already had sufficient experience to judge this in that 27 years. So perhaps the policy of premium pay is not sufficiently mature for the opponents of this measure to consider that it should apply to wage-board workers. I would submit that the time is long past for us to have learned from that experience.

A provision that we have stricken from the House bill would establish a council made up of labor and employee representatives and chaired by an individual not otherwise employed in the Federal

Government. The Senate Post Office and Civil Service Committee has removed that provision from the bill, but I must say without prejudice. We support the concept of a pay council. Perhaps in conference with our colleagues in the House of Representatives we can work something out on that score. The pay council included in the House bill was an advisory group, exercised no actual power and possessed no actual authority other than to make recommendations and write memoranda. We on the committee are inclined to think that there is a sufficient number of blue-ribbon study groups. A truly representative council on wage-board pay with actual power would probably be far more beneficial to the Government and the employee than any advisory committee that might be established. There is presently a wage-board council with labor and management representation, and I think that until this problem can be thought through it would be adviseable to retain that portion of the present system.

For technical purposes I ask unanimous consent that the sectional analysis and the report of this bill be printed in the RECORD at this point. There are several features of the bill which I will not go into at this time but that should be put into the RECORD. By having the analysis of the report printed in the RECORD, it will be covered without taking the time of the Senate this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION ANALYSIS

The first section of the bill amends subchapter IV (Prevailing Rate Systems) of chapter 53 of title 5, United States Code by rewriting sections 5341–5345 and adding new sections 5346–5348.

POLICY

Section 1 provides a new section 5341 of title 5, United States Code, to declare the policy for the payment of wage board employees. The rates of pay will be based on principles that (1) there will be equal pay for substantially equal work; (2) there will be relative differences in pay within a local wage area when there exists recognizable differences in duties, responsibilities and qualification requirements among positions; (3) the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area; and (4) rates of pay will be maintained so as to attract and retain qualified prevailing rate employees.

DEFINITIONS

Section 5342 defines "agency" to exclude certain Government agencies which are generally excluded from laws relating to civil service.

Section 5342(a) also defines "prevailing rate employee" to include ordinary wage board employees plus employees of nonappropriated fund activities of the Armed Services and the Veterans' Canteen Service.

Section 5342(b) excludes certain employees from this legislation. The exclusion relates to employees who are not wage board employees.

Section 5342(c) requires U.S. citizenship for all wage board employees employed in the United States unless no U.S. citizen is available to fill the position.

Section 5343 establishes the wage determination system by which employees pay shall be fixed and adjusted from time to time as nearly as is consistent with the prevailing rates. The Civil Service Commission is vested with responsibility for determining boundaries of wage areas. Section 5343(a)(B)(1) limits wage areas for nonappropriated funds to the immediate locality of the activity.

LEAD AGENCY

The Civil Service Commission shall designate a lead agency from among agencies having prevailing rate employees in a wage area which shall put the designated wage rates into effect. The authority for setting rates for wage board employees outside the United States is vested with the Civil Service Commission.

WAGE AREAS

The Commission is required by section 5343 to schedule full-scale wage surveys every 2 years and shall schedule follow-up surveys to be conducted between this 2-year period. The Commission is empowered to issue regulations which prescribe practices and procedures for conducting wage surveys, analyzing data, and scheduling rates. This also includes regulations for administering the prevailing rate system. Regulations shall include surveys of private enterprise which are similar in work and job content.

Also, the section provides for employee union participation in planning surveys, collection and analysis of data, and issuance of recommendations relating to the prevailing rate system.

"MONRONEY AMENDMENT"

Section 5343(d)(1) makes the provision that the lead agency shall determine whether there are sufficient comparable jobs in the wage area to make a reasonable survey. If there is not a sufficient number of comparable jobs, a separate schedule shall be established by surveying the nearest wage area which does have a sufficient number of such jobs.

STEP INCREASES

Section 5343(e)(1) provides a five-step pay scale for each wage grade. These additional step increases will not take effect until the President lifts the wage stabilization freeze or expiration of the Economic Stabilization Act of 1970, whichever occurs first. When effective, the fourth step will be 108 percent of the prevailing rate and the fifth step will be 112 percent of the prevailing rate.

Section 5343(e)(2) enables an employee to receive automatic advancement to the next pay step after (a) 26 weeks of service in step 1; (b) 78 calendar weeks of service in step 2 and 104 weeks of service in steps 3 and 4.

Paragraph (3) requires preservation of step increases for employees called to military or essential civilian service during a period of war or national emergency.

Paragraph (4) requires that supervisory wage schedules and Monroney schedules shall follow local practices as to number of steps.

SHIFT DIFFERENTIAL

Section 5343(f) authorizes the payment of uniform shift differentials to prevailing rate employees assigned to the second or third shifts. A differential of 7.5 percent of the employee's scheduled rate will be paid for the entire shift when a majority of the employee's regularly scheduled nonovertime work hours are between 3 p.m. and midnight. A differential of 10 percent will be paid when a majority of the regularly scheduled nonovertime work hours are between 11 p.m. and 8 a.m. Section 5343(f) specifically provides that night shift differentials are to be considered a part of basic pay. Thus, such differentials will be included in rates of basic pay for purposes of computing overtime, Sunday, and holiday pay, and deductions for retirement and group life insurance. It is anticipated by the committee that the Civil Service Commission may issue regulations governing such matters as the treatment of night differential when a prevailing rate employee is excused from work on a holiday, traveling on official business, absent on leave, or temporarily assigned to a different tour of duty.

EFFECTIVE DATE

Section 5344 makes wage increases effective 45 working days after the survey is ordered. This currently is the practice.

RETROACTIVE PAY

Section 5344 is standard technical language for retroactive pay to employees.

SAVED PAY

Section 5345 provides "saved pay" for any career employee who has served 2 continuous years in his former position, and who was not demoted through any fault of his own or on account of lack of funds or work.

Paragraph (5) puts a maximum limit of 2 years on saved pay. The employee is entitled to this as long as he (*a*) continues in the same agency without a break in service of one work day or more; (*b*) is not entitled to a higher scheduled rate of pay by operation of this subchapter and is not demoted for cause.

REDUCTION IN GRADE

Section 5345(b) limits saved pay to not more than the new rate to which he was assigned plus the difference between his former rate and the minimum rate of a position three pay grades below his former rate.

Section 5345(b)(c) are powers of the Civil Service Commission dealing with saved pay under unusual circumstances not provided for in this legislation.

JOB GRADING SYSTEM

Section 5346 provides for a job grading system. This is a classification system for wage board jobs and is to be administered by the Civil Service Commission. The Commission will be required to monitor classification by agencies to insure compliance with uniform rules and procedures.

APPEALS

The section entitles an aggrieved employee with the right to petition the Commission for a review of his own job classification. The Commission shall investigate such a complaint and make a decision. This decision is binding on all parties.

CREWS OF VESSELS

Section 5347 is a restatement of existing law relating to crews of vessels of the United States who are paid in accordance with practices of the maritime industry. However section 5347(*b*) has been amended to make vessel employees of Panama Canal Company subject to wage practices of the maritime industry and not merely authorize such pay, as is the case under existing law.

LEGISLATIVE, JUDICIAL, BUREAU OF ENGRAVING AND GOVERNMENT OF DISTRICT OF COLUMBIA

Section 5348 provides that existing wage practices for Government agencies excluded from this legislation shall continue in effect, but that each agency is empowered to adopt for its policy the provisions of this act relating to retroactive pay and saved pay.

Section 5348(*b*) states this section does not modify existing law relating to employees of the Architect of the Capitol, certain employees in the Bureau of Engraving and Printing, and Government Printing Office employees.

Section 5348(*c*) amends the analysis of subchapter IV of chapter 53 of title 5, United States Code.

MISCELLANEOUS CONFORMING PROVISIONS

§ 5348, section 2 is a technical amendment clarifying the application of civil service laws to employees of nonappropriated fund activities.

Section 3 is a technical amendment concerning the applicability of saved pay protection. Sections 4 and 5 are technical amendments. Section 6 extends the basic workweek provisions of law, which now apply to employees under the Classification Act,

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to wage board employees. This will require a regularly scheduled 5-day workweek, with 2 consecutive days off. Presently, agencies are not required by law to maintain such work schedules, although they generally do.

Section 7 of the bill repeals existing law on the workweek because section 6 brings wage board employees under the Classification Act workweek.

Section 8 is a technical amendment.

Section 9(a)(1) is a general rule for converting present wage board employees to the new schedule. Time-in-grade will be counted toward not more than one-step increase. Section 9(a)(2) is a savings clause to prevent a loss of pay for any wage board employee converted to the new pay schedule.

GUIDELINES FOR INITIAL CONVERSION

Section 9(b) is a savings clause to prevent disruption or modification of existing wage board bargaining agreements now in effect.

Section 10 extends Sunday premium pay and overtime pay to employees of nonappropriated fund activities.

Section 11 relates to the amount of life insurance on an employee. His new insurance coverage is effective on the latter of the date to the order setting the new pay scale or the effective date. Employees who die during such period receive the benefit of the increase.

Section 12 is a technical amendment authorizing the Civil Service Commission to issue regulations pursuant to this legislation.

Section 13 is a general repealer and section 14 corrects a technical error in the 1971 pay bill relating to the pay of employees of the House and Senate, to permit their pay adjustments to be effective at the first of each January rather than February. This is in accord with pay adjustments in the other agencies of the Government.

EFFECTIVE DATE OF COMPARABILITY ADJUSTMENTS

Section 5343(e)(1)(D) and (E) and (e)(2)(C) until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries or (2) April 30, 1973, whichever occurs first.

Section 18(b) is a savings clause for wage surveys in progress during the period after enactment but prior to the effective date.

COST

This legislation becomes effective either April 30, 1973, or the date on which the President ceases to exercise his authority under the Economic Stabilization Act, whichever occurs first. The cost is estimated to be $115 million for the first full fiscal year. This figure represents the cost of adding the fourth step. After 2 years from that date, $66 million will be required to implement the fifth step.

The amendment requiring maritime rates in the case of vessel employees of the Panama Canal Company is estimated to cost $345,000 per year. This sum would be paid out of fees for the use of the Canal, not out of Treasury funds.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

Mr. McGEE. Mr. President, I think we have worked out a good piece of legislation. It has been tightened up, and some of its rubber edges have been polished and are recommended to the consideration of the Senate. As a further precaution we have also included on the Senate side a provision to postpone the effective date of any pay increases under this bill until such time as the President lifts wage and price controls or until April 30, 1973, whichever occurs first. That in our judgment is a substantial compromise on our part.

It likewise reflects a general consideration of the bind the President himself is in when he seeks to cope with the many aspects of the price controls at this time.

With this in mind, Mr. President, I would certainly hope that wisdom would prevail downtown and that this bill could become law and that it would be sustained by the judgment of the Chief Executive. I think, looking backward for just a moment, that the veto of the bill about a year and a half ago, probably resulted from very poor advice. I think there is a wise consensus of that judgment. Had it been signed then, the disappointment and frustration of these employees would have been avoided. I hope that those disappointments and frustrations will not increase as a result of our recommendations on the pending bill this year.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I rise to strongly oppose H.R. 9092, the Federal Prevailing Wage or Wage Board bill.

Although this bill ostensibly seeks to codify a system presently established by regulation, it actually goes far beyond the present wage system. If it were just confined to codifying the present system, I would not object to its enactment, although I think it is unnecessary because the Coordinated Federal Wage System which was only put into action about 3 years ago is working very well as stated by the distinguished chairman.

But, Mr. President, this legislation changes radically the rate of pay of Federal blue-collar workers. It raises Federal blue-collar workers' pay 12 percent above the prevailing wage for similar work in private industry. This 12-percent rate over the prevailing wage in industry would completely wreck and destroy the principle of comparability which has been in existence for over 100 years, since the end of the Civil War.

At the outset, Mr. President, coming from the State of Hawaii, where we have more than 12,000 blue-collar workers who would benefit tremendously from the passage of this bill, I really should be fighting for this bill rather than opposing it; but this bill will create such chaos and will so wreck the system now prevailing that I am constrained to oppose it.

As member of the Committee on Post Office and Civil Service for the past 12 years, I have had the privilege of working on every Federal pay bill presented to the Senate since 1960. I take great pride in the fact that I took an active part in helping write into law in 1962 the principle of pay comparability with private industry for Federal white-collar employees. That principle of equal pay for equal work was borrowed from the Federal blue-collar system which had been in existence for over 100 years. It had worked and has continued to work very well for Federal blue-collar employees. It has worked very well for Federal white-collar employees since its adoption in 1962.

My record of active support for equitable pay legislation for Federal employees with private industry speaks for itself, and I shall continue to fight for fair and equitable pay treatment for all Federal employees.

However, the bill before us does great violence to the comparability principle and in fact destroys it.

Its other harmful effects far outweigh whatever benefits it might have. I strongly opposed this legislation in committee, and I urge the Senate to defeat it today.

Essentially, H.R. 9092 would have the following adverse consequences:

First. It would destroy the equal pay for equal work principle governing Federal blue-collar pay by setting Federal pay 12 percent above that of private industry. This percentage would be 19½ percent higher than private industry for swing shift Federal blue-collar workers and 22 percent higher for those on night shift.

Second. This bill would allow the pay of the 510,000 Federal blue-collar workers—less than 1 percent of the national work force—to set the wage pace for the other 84 million American workers.

There is a dispute as to how many blue-collar workers there are in the system. My Chairman says the figure is approximately 670,000.

Mr. McGEE. 650,000.

Mr. FONG. 650,000. The latest figure I have from the Civil Service Commission is 510,000. This figure was about 900,000 approximately 10 years ago. It had dropped to about 700,000 and is now down to 510,000. So there has been a large decrease in the number of blue-collar workers in the last 10 years from 900,000 to 510,000 at present.

There are 84 million American workers in the United States, but 510,000 American workers will get 12 percent over and above the rate of pay of the other 84 million American workers—less than 1 percent, these 510,000 workers, will set the wage pace for the other 84 million American workers.

Third. It threatens the loss of jobs for 23,500 Federal employees, as the Federal Departments and agencies would probably have to absorb the full $178 million cost of this legislation.

Fourth. It threatens the reduction in pay and grade of another 170,000 other Federal employees because, as it worked before and will work again, for every reduction in force of one worker, there is usually an accompanying "bumping down" in pay and grade of five other workers. This would come on the heels of a 52,000-job cut of 5 percent in Federal employment estimated for fiscal year 1972.

The President has asked for a 5-percent reduction in the work force for fiscal year 1972, and this is estimated to be 52,000 jobs. The loss of 23,500 jobs would come on the heels of the cut of 52,000 jobs.

Fifth. The 12 percent above comparability pay with private industry will result in a continuous staircase escalation of wages, as private industry workers will seek equal pay with Federal workers, and Federal pay by law must rise 12 percent above private industry.

This is how it could work. These Federal workers would receive 12 percent over and above the man in private industry. This man seeing that the Federal worker is getting 12 percent more than he is getting would ask for more, so as soon as he rises the Federal worker rises, and this would be a continuous staircase escalation. It is obvious this will seriously aggravate the already critical problem of inflation.

BACKGROUND

The Federal prevailing wage or blue-collar system covers all Federal craftsmen, tradesmen, and laborers who number approximately 510,000 at the present time. This group makes up less than 1 percent of our national work force of about 84 million. The total Federal work force numbers approximately 1,300,000 white-collar employees, 510,000 blue-collar employees, paid on a wage area scale, and approximately 3 million military personnel. All Federal workers and military personnel make up approximately 5.7 percent of the national work force.

The Federal prevailing wage system has been modified and improved through the years, but for over 100 years, essentially the same principle of equal pay for equal work with private industry has been the guideline for this system.

Simply stated, the system requires annual surveys of private industry pay within the general area where the Federal facility concerned is located. The findings of these annual surveys dictate the pay for the Federal blue-collar employee within that particular wage area. Federal pay increases justified by the surveys are put into effect 45 days after the survey is ordered.

In other words, surveys will be going on in various parts of the country. There are 139 Federal wage areas. These area wage surveys would come up with the prevailing wage in the community. Within 45 days after the order is given to take the survey, that increase, if there is an increase, is implemented. So within 45 days of the order the Federal blue-collar workers get a wage increase, if a wage increase is justified.

Up until 1968 each Federal agency had its own "wage board" system and conducted its own area wage surveys. Proliferation of agency systems caused widespread problems among the different agency offices within wage areas and within the individual agencies nationwide. The problems caused by this proliferation of wage board systems resulted in a conversion beginning in 1968 to a coordinated Federal wage system.

The coordinated Federal wage system is close to being fully implemented throughout the United States and its overall effect has been most favorable. Even the chairman stated, just a little while ago, that its effects have been favorable.

Under this new system, uniform policies and procedures for conducting wage surveys and setting wage rates apply to all agencies. Uniform job grading systems and standards likewise have been developed and applied to all agencies so that jobs are placed in proper grades under standardized wage schedules.

As the coordinated Federal wage system was established only 3 years ago under President Lyndon Johnson, and as it has worked well so far, enactment of this bill is most premature and unwarranted. This system should be given more time to prove itself.

Wage areas have been uniformly established and defined. The boundaries of these wage areas are continuously being reviewed and appropriate changes being made where justified.

At the present time there are 139 Federal wage areas in the United States, with a few special schedules set aside because of unique situations. All Federal agencies employing wage board employees participate in their particular wage area survey. The Federal agency with the larger number of Federal wage board employees is designated the lead agency in these area wage surveys.

The surveys are conducted by local agency personnel with Federal employee organization representatives participating in all phases of the survey.

Under the new Coordinated Federal Wage System, all wage schedules are keyed to industry rate structures in the entire wage area. Previously, pay rates were based on limited wage surveys conducted in the immediate vicinity of the Federal facility. In many cases this resulted in lower pay rates for employees working at facilities located in rural areas.

Under the new system, surveys are keyed to industry-wide rate structures within the entire wage area. This has resulted in bringing higher pay rates to Federal wage board workers in the entire wage area, including the rural areas.

The pay rates these employees have received under the coordinated system have by and large been substantial.

In the 68 largest wage survey areas, covering 403,053 employees, or 79 percent of all Federal wage board employees, the average total pay increase for the period 1961 through 1971 was 65.18 percent. On the other hand, the total average pay increase granted by the Congress to the Federal statutory salaried or white collar employees for the same period was 55.26

I ask unanimous consent that a table period of 10 years.

I ask unanimous consent that a table showing the pay increases in these 68 largest Federal wage areas for the period 1961 through 1971 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961, 1971

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Alabama:												
Huntsville	3.1	3.1	1.3	1.8	1.7	1.5	2.8	4.2	5.6	[1] 9.0	[1] 7.7	65.0
Birmingham	3.4	2.6	2.1	2.3	1.3	3.0	2.7	3.7	4.8	[1] 7.1	[1] 6.7	50.2
Alaska: (Regular)	2.1	2.4	2.6	1.7	5.1	3.4	4.6	[1] 11.1	7.1	[1] 9.2	5.5	69.6
Arizona: Phoenix	3.3	4.1	1.8	2.1	2.9	2.5	3.8	4.0	[1] 10.4	[1] 4.2	[1] 12.3	69.4
Arkansas: Little Rock	2.5	2.4	1.8	3.5	4.6	3.5	4.4	7.1	12.1	[1] 8.1	5.5	72.4
California:												
San Francisco	3.2	1.4	2.4	3.3	2.8	2.8	4.4	[1] 9.5	[1] 6.0	[1] 9.3	----------	60.9
Sacramento	2.8	3.7	3.7	3.4	4.1	3.4	3.7	5.0	8.3	[2] 12.2	[1] [2] 8.1	80.7
Los Angeles	3.2	3.1	2.5	2.7	3.3	4.1	4.2	6.9	8.8	[1] 6.1	----------	56.9
San Diego	3.5	3.6	2.5	3.3	4.1	4.0	4.5	[1] 7.8	[1] 5.8	[1] 7.0	----------	57.9
Colorado:												
Denver	3.0	3.0	3.0	1.9	2.6	3.6	3.1	3.6	[1] 11.3	[1] 6.2	10.9	69.1
Southern and western	3.2	2.5	2.2	1.2	1.4	4.3	2.0	4.4	[1] 10.7	[1] 4.5	[1] 6.2	54.2
Connecticut: New London	3.2	2.1	2.4	3.1	1.4	2.2	3.0	7.2	[1] 5.2	[1] 4.3	5.5	48.0
Delaware: Wilmington	3.5	2.5	2.3	2.1	2.4	2.9	3.7	5.7	[1] 9.0	[1] [2] 5.7	[2] 10.3	64.3
District of Columbia: Washington, D.C.	2.2	4.2	2.5	3.1	3.3	4.4	4.8	6.9	[1] 5.3	[1] 8.4	5.5	67.8
Florida:												
Miami	2.8	1.9	1.8	2.6	2.8	2.1	3.7	3.8	4.9	[1] 16.4	[1] 7.8	62.4
Jacksonville		1.9	2.9	2.0	3.6	1.9	3.8	7.5	5.3	[1] [2] 16.2	[1] [2] 7.7	68.1
Georgia:												
Atlanta	2.4	3.1	2.4	3.2	3.2	3.8	3.2	5.7	[1] 11.5	[1] 7.5	[1] 11.3	77.1
Macon	3.0	2.3	2.4	4.0	3.2	3.8	4.8	5.5	[1] 10.3	[1] [2] 16.8	----------	88.6
Hawaii: Hawaii			4.2	4.8	4.7	4.3	5.5	7.3	8.0	[1] 12.5	[1] 11.9	109.0
Idaho: Boise	1.5	1.7	1.8	1.7	3.6	3.6	2.7	4.0	[1] 9.0	.8	5.5	60.0
Illinois:												
Chicago	4.1	2.4	2.4	3.1	2.6	2.9	3.8	4.8	6.3	[1] 6.1	[1] 8.6	61.3
Champaign-Urbana	2.0	3.9	2.6	2.0	4.3	4.8	5.1	[1] 18.6	[1] 7.1	[1] 13.2	----------	82.5

Footnotes at end of article.

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WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961, 1971—Continued

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Indiana: Indianapolis	3.0	2.5	2.7	1.9	3.6		4.4	7.1	6.4	[1]3.7	[1]5.9	51.7
Iowa: Davenport-Rock Island	3.7	3.2	2.6	1.6	4.0	4.8	4.5	[1]9.2	[1]4.4	[1]4.9	[1]5.5	69.4
Kansas: Wichita	3.4	1.4	2.5	2.4	2.9	3.1		4.3	[1]10.9	[1]5.9	[1]6.9	55.1
Kentucky: Louisville	3.6	2.8	3.0	2.2	2.6	3.8	3.1	5.2	[1]7.3	[1]5.2	[1]10.8	66.4
Louisiana: New Orleans	3.5	2.1	2.9	3.2	2.8	3.4	3.7	4.7	5.4	[1]5.8	[1]6.5	54.8
Maine: Portland	3.9	2.6	2.2	1.3	1.7	2.1	3.9	3.7	[1]7.2	[1]2.8	[1]9.4	61.0
Maryland: Baltimore	3.6	3.0	1.7	2.0	1.7	2.8	3.3	5.7	[1]8.7	[1]6.3	5.5	57.9
Massachusetts:												
Boston	2.9	2.1	2.2	1.4	2.7	3.8	2.7	4.9	[1]10.2	[1]6.2	5.5	55.8
Central and western	2.7	2.7	2.0	2.8	2.8	3.0	3.9	4.5	6.7	[1]6.1	5.5	51.0
Michigan: Detroit	3.3	2.4	2.9	2.8	1.6	3.7	3.9	7.1	6.4	[1]8.4	[1]10.1	71.3
Minnesota: Minneapolis	2.7	2.7	2.9	2.5	3.5	3 5	2.6	5.2	[1]12.7	[1]7.5	[1]12.5	77.4
Mississippi:												
Biloxi	2.7	2.1	2.1	2.5	3.1	2.1	6.1	[1]5.6	[1]2.8	[1]10.8	5.5	59.6
Jackson	2.5	1.5	2.9	3.2	3.4	3.3	3.9	5.4	6.7	[1]7.2	[1]5.1	59.4
Missouri:												
Kansas City	2.5		4.6	3.4	3.9		3.5	4.9	5.2	[1]15.4	[1]9.6	69.0
St. Louis	3.1	1.8	2.4	2.4	3.5	3.6		5.2	4.5	[1]13.3	[1]8.2	61.1
Montana: Great Falls	1.6	2.5	3.0	3.3	3.6	2.7	3.0	5.9	[1]7.0	[1]5.3	5.5	53.2
Nebraska: Omah	1.7	3.3	2.8	2.6	3.4	3.3	4.2	5.1	[1]6.8	[1]9.2	5.5	59.4
Nevada: Las Vegas	2.7	4.4	2.4	5.6	3.3	4.2	4.6	4.9	[1]20.3	[1]24.7	5.5	85.5
New Hampshire: Portsmouth	5.9	2.3	1.4	1.1	2.4	3.9	6.0	7.1	7.8	[1]7.1	5.5	58.8
New Jersey: Central New Jersey-New York	4.4	2.8	2.7	2.9	2.4	3.3	3.9	4.5	[1]7.3	[1]4.7	[1]13.1	68.9
New Mexico: Albuquerque	3.7	2.4	2.1	2.9	3.2	3.1	2.9	3.5	[1]5.5	[1]5.2	7.7	55.2
New York:												
New York	2.9	2.8	2.9	2.4	2.9	3.0	3.1	4.7	[1]7.3	[1]4.7	[1]13.1	63.6
Albany	3.4	2.6	1.9	3.3	4.2	2.8	4.0	5.2	5.8	[1]11.6	9.0	72.6
North Carolina: Fayetteville	2.9	3.4	1.5	3.0	5.1	3.3	4.2	6.1	7.0	[1]12.7	[1]10.4	83.9
North Dakota: Fargo	3.9	1.9	3.0	1.9	2.5	3.2	3.7	5.6	[1]6.1	[1]6.3	[1]8.1	80.2
Ohio:												
Dayton	3.4	2.6	2.2	2.9	1.4	4.4	4.1	7.5	5.5	[1]9.0	[1]7.9	67.0
Columbus	3.2	3.3	2.7	2.8	2.1	2.1	3.9	5.9	5.9	[1]6.5	[1]7.2	60.7
Oklahoma: Oklahoma City	2.2	2.6	2.0	2.1	2.5	3.6	5.4	[2]16.5	[2]7.1	[2]6.8	5.5	68.1
Oregon: Portland	2.2	3.0	1.7	2.0	3.7	3.4	3.8	4.6	[1]13.2	[1]6.2	5.5	62.1
Pennsylvania:												
Philadelphia	2.6	2.4	2.5	2.3	2.9	3.3	4.0	[1]6.3	[1]4.5	[1]12.4		55.8
Pittsburgh	3.6	3.4	2.2	1.3	1.1	3.4	2.1	3.9	9.5	[1]5.1	[1]5.8	51.7
Rhode Island: Narragansett Bay	2.8	2.7	1.7	3.8	2.1	3.2	4.1	4.9	[1]12.8	[1]7.9	[1]6.2	71.4
South Carolina:												
Charleston	2.5	2.7	2.2	2.6	3.0	3.2	4.4	[1]5.2	[1]3.3	[1]11.6		50.2
Columbia	2.9	3.4	1.7	3.1	3.5	3.8	4.3	6.0	6.3	[1]12.1	[1]7.6	76.4
South Dakota: Sioux Falls	3.1	2.9	2.6	3.1	2.7	2.9	4.5	5.9	[1]6.7	[1]7.7	5.5	61.1
Tennessee: Nashville	4.2	2.6	3.7	3.1	1.2	3.1	3.8	4.6	[1]4.9	[1]4.9	[1]9.5	58.3
Texas:												
Dallas-Fort Worth	3.2	1.6	2.5	1.8	3.2	3.0	3.0	4.7	5.7	[1]12.7	[1]8.4	65.0
San Antonio	2.2	3.1	2.7	3.6	4.8	3.0	5.2	5.0	5.2	[2]13.7	5.5	77.7
Utah: Salt Lake City	3.9	2.8	2.9	2.4	2.9	3.6	3.3	3.8	[1]7.2	[1]4.3	[1]4.7	64.0
Vermont: Burlington	6.4	4.5	4.2	3.8	1.8	2.0	3.8	4.1	5.2	[1]21.6	[1]4.5	94.0
Virginia:												
Norfolk	3.0	3.6	3.0	2.5	1.2	2.9	3.2	3.4	6.7	[2]12.1	[2]5.1	57.0
Richmond	3.1	2.4	2.4	2.5	2.6	3.8	3.2	4.0	[1]6.8	[1]6.3	[1]5.5	55.0
Washington: Seattle	3.0	3.4	2.3	3.4	3.7	3.5	4.7	9.1	[1]9.5	[1]5.6	5.5	68.2
West Virginia: Charleston	2.5	1.1	1.3	1.7	2.6	2.8	2.6	2.9	[1]12.4	[1]5.8	[1]7.9	40.6
Wisconsin: Milwaukee	3.1	3.0	3.3	2.6	2.4	2.5	4.0	5.5	[1]7.1	[1]5.9	[1]6.1	58.0
Wyoming: Cheyenne	1.6	3.6	1.6	1.1	3.8	3.4	2.8	5.5	[1]10.4	[1]8.1	[1]7.8	63.0

[1] Percentage increases for the years of 1968, 1969, 1970, and 1971 reflect adjustments made under the coordinated Federal wage system. All other percentage increases were made under agency procedures.

[2] Includes Monroney amendment adjustment.

Mr. FONG. Mr. President, if you look at this pay schedule and look at the increases over the past 10 years, you will find some of these increases going as high as 109 percent. For example, in Huntsville, Ala., it is 65 percent. In Birmingham, Ala., it is 50.2 percent. In Alaska it is 69.6 percent. In Little Rock it is 72.4 percent. In San Francisco, 60.9 percent. In Sacramento, 80.7 percent. In Los Angeles, 56.9 percent. In San Diego, 57.9 percent. In Hawaii, 109 percent.

So within the past 10 years the Federal blue-collar workers have received increases averaging around 65.18 percent, or 9.82 percent more than the salaried white-collar workers.

It must be pointed out that all of the annual increases received by the Federal blue-collar employees brought their wages up to comparability with their counterparts in private industry.

When I first came to the Congress in 1959, the cry from the Federal blue-collar workers in Hawaii was that they were not having comparable wages. They said—

Give us comparable wages with those people who work in simlar jobs in private industry in San Francisco, Los Angeles, and Seattle.

During the years we have worked for comparability in pay. Equal pay for equal work was the guiding light for all the Federal blue-collar workers. We have now attained the principle of comparability for all blue-collar workers. This bill seeks to destroy the principle of comparability by giving these blue-collar workers 12 percent more than their counterparts in private industry.

It must be pointed out that all of the annual increases received by the Federal blue-collar employees brought their wages up to comparability with their counterparts in private industry.

The timelag between the date when a survey is ordered to the date a pay increase is put into effect is 45 days—a minimal period considering all factors. By way of contrast, time timelag of Federal white collar pay being brought up to comparability with private industry has been a year and a half or more because Congress has to take affirmative action through legislation to implement white collar pay increases.

Under the present coordinated Federal wage system, all nonsupervisory wage board pay grades have three steps.

The first step is 96 percent of the average private industry wage for that particular skill. In other words, a man coming into employment with the Federal service comes in at a 96-percent rate, as related to the worker in private industry. The second step, is 100 percent of the private industry average; and this is attained at a half-year level. The third step is 104 percent of the private industry average. So it takes an employee, if his work is satisfactory, 6 months to move from the first to the second step and 1 year 6 months to move from the second to the third step, so that at the end of 2 years of satisfactory service, a Federal wage board employee is making 4 percent more than the average of his counterparts in private industry. This difference with the Federal employee making 4 percent more than his private industry counterpart is maintained throughout the employee's career.

However, this 4-percent difference at the top level, even though we do have a 4-percent overcomparability at this time, has not resulted in any great disparity in wages between Federal and private industry pay.

H.R. 9092 would change the present wage board system drastically by adding to the present three-step wage schedule an additional fourth and fifth steps. The fourth step woull be 108 percent of the average prevailing private industry wage and the fifth step would be 112 percent of the average private industry wage.

This means that instead of 4 percent more than that of private industry, Federal blue-collar employees at the top step of their pay schedule would be making 12 percent more. It would put private industry 12 percent behind the Federal Government and would have the effect of causing private industry workers to press for wage increases bringing them up to the Federal employee level. The ultimate effect will be a continuous staircase escalation of wages as private industry workers will seek to equal Federal pay, and Federal pay by law must rise 12 percent above private industry.

This will aggravate the already serious problem of inflation under which all in our country are suffering.

Passage of this bill would mean that less than 1 percent of our national work force would be setting the pay pace for the remaining 95 percent. This excludes Federal white-collar employees and military personnel. Instead of Federal wages following private industry, as it should be, and as it has been for the past 100 years, the 1 percent will be leading the 95 percent in an unending spiral of pay increases. The result can only be utter chaos, increased unemployment, and greater inflation.

Although Federal blue-collar pay should not dictate the pay rates for private industry, neither should it unduly lag behind. The fact is, that, under the existing system, pay for Federal blue-collar employees has not lagged behind that in private industry. In the case of Federal blue-collar employees with 2 or more years service, their pay already is 4 percent higher than the private industry average.

STEP INCREASES

Regarding the number of steps in each Federal blue-collar pay level as compared with private industry, U.S. Civil Service Commission surveys indicate that 64 percent of the private industry firms surveyed for Federal pay purposes have single step pay levels. The average step rate for all firms surveyed was 1.8 steps. The present Federal wage board system exceeds the average number of steps in private industry pay level by 1.2 steps. If this bill is enacted, it will exceed private industry pay steps by not 1.2 steps, but 3.2 steps.

Federal blue-collar superisors have 5-step pay levels. However, this is justified on the basis that surveys of private industry practice indicate a wide variance in the pay of supervisors. Therefore, 5-step pay levels were established for supervisors following the wide variance of pay for private industry supervisors. The same widespread variance is not present at the journeymen levels.

SWING AND NIGHT SHIFT DIFFERENTIALS

Another provision of H.R. 9092 which would do great violence to the existing pay comparability principle is that which establishes national swing and night shift differentials.

At the present time Federal blue-collar workers who work on swing and night shifts receive whatever shift differentials are being paid by private industry within their particular wage areas. The 7½-percent and 10-percent differentials required under this bill are substantially above the prevailing rate and would further aggravate the disparity between Government wages and those in private industry.

When H.R. 9092 is fully effective, Federal swing shift blue-collar employees, because of the 7½-percent shift differential and the 12-percent base pay increase, will be making 19½ percent above the average in private industry. Night shift Federal blue-collar employees will be making 22 percent above the average pay in private industry.

It must be pointed out that this would all be in addition to the pay hikes all Federal blue-collar employees would receive as a result of the yearly area wage surveys which will continue to be taken.

This increase would be over and above the annual wage increases that, for this year and for the past 10 years, have been given each year, and which I have alluded to as being approximately 65.8 percent over the level of 1960. This year it is expected that Federal blue-collar workers will receive an estimated 8- or 9-percent increase in their wages when the annual wage surveys are completed, and that is supposed to be implemented within 45 days of the order to take the survey. Therefore, if this goes into effect, we will have an increase of 8 or 9 percent on the annual wage survey increases, and then another 8 percent more under this bill.

LOSS OF 23,500 FEDERAL JOBS

This bill threatens to put approximately 23,500 Federal employees out of jobs within the next 2 years and will adversely affect approximately 117,000 other Federal employees.

The cost of this legislation is estimated at $178 million when fully effective in 2 years. The U.S. Civil Service Commission advises that with a representative mix of jobs, the $178 million represents approximately 23,500 jobs.

Because of the usual practice of requiring Federal agencies to absorb the costs of employee pay increases, if this bill is enacted, the agencies will have to make up the $178 million cost out of their operating budgets. This means that approximately 23,500 Federal jobs will have to be cut in order to obtain the money to pay for these wage increases.

In the past 10 years, Mr. President, we have been giving wage increases to the blue collar workers, and as the departments have been absorbing these costs, they have been consistently reducing the number of blue collar employees. As I stated earlier, when I first came to Congress, the number of blue collar workers was approximately 900,000. Today, because of the 5-percent cut in the work force ordered by the President and because of the various increases and because of other factors, the number has now been reduced to 510,000 Federal blue collar employees. And we are going to reduce that number by another 23,500 if we pass this bill.

Also, I am advised that for every reduction in force of one Federal worker, there is usually an accompanying "bumping down" in grade of five other workers. If we eliminate 23,500 Federal jobs, it will affect another 117,500 workers who will be bumped.

This means that if 23,500 Federal jobs are eliminated because of this bill, approximately 117,500 other Federal employees will suffer reductions in grade and pay through the exercise of bumping and retrenchment rights by those whose jobs are eliminated.

I know of one case that has been brought to my attention very forcibly by a young lady who was GS–11, receiving a salary of approximately $14,000 annually. Because of the RIF of 52,000 jobs, she was bumped from GS–11 to GS–5, and her pay is now approximately $7,000. When I talk about "bumping down," this is what I mean—bumping down the 117,000 other Federal workers because 23,500 Federal jobs have been eliminated.

In many, many cases bumping and retrenchment reach down to the lowest grade levels available in an agency. This is particularly true during times like these when Federal jobs are very, very scarce. One need only talk to an employee who has been RIF'd or bumped to see that when a RIF order is issued employees not only lose their jobs, but many more suffer cuts in pay and grade. Pay losses can cut an employee's salary in half or more. For this to happen to the breadwinner in the family can be particularly disastrous.

In some bumping cases, employees can take advantage of the "saved pay" provision of the law which keeps them at the same rate of pay they received prior to being bumped for 2 years. For 2 years they could be safeguarded in the pay they were receiving. However, "saved pay" cannot apply in cases where an employee loses his or her job because of a reduction in force due to lack of funds or curtailment of work, or where the employee is bumped three grades or more. In other words, the employee who was bumped from GS–11 to a GS–5 was bumped more than three grades, and she does not receive "saved pay." She goes right down to the level of $7,000.

It is obvious, then, that passage of this bill can work almost an immediate hardship on approximately 140,000 Federal employees and their families.

Many of us in Congress were hoping that the 5-percent reduction-in-force order now in effect would end on June 30, 1972, and that we could look for a stabilizing of Federal employment in fiscal year 1973. This 5-percent reduction in force is estimated to reduce Federal employment by 52,000 workers by June 30, 1972.

By the passage of this bill, the Government would have to reduce its work force further—23,500 jobs over and above the 52,000 jobs lost by the 5-percent reduction-in-force order. This means a reduction of 23,500 plus 52,000 jobs, or a total reduction of 75,500 jobs.

Many Federal blue-collar employees have written to me expressing their

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gravest concern regarding Federal job cutbacks that have been ordered for this fiscal year. Those who have written to me and others who have contacted me in my home State of Hawaii are not complaining about their pay rates but, instead, are concerned about jobs. They all urge that the RIF's be held at a minimum and, if at all possible, stopped. One of the employees at the Pearl Harbor Naval Shipyard has written to me volunteering to take a reduction in pay if it will mean keeping some of his coworkers at the shipyard at work.

Employees in private industry have taken affirmative steps to halt job cutbacks at their factories.

In Dayton, Ohio, workers at the Frigidaire Division of General Motors voted to forgo a 3-percent pay increase scheduled for November 23, 1971, and another 3 percent scheduled for a year later, in order to stop layoffs and to have 850 former employees called back to work.

In Batavia, N.Y., the employees of the Sylvania Division of General Telephone and Electronics gave up a cost-of-living increase of 8 cents an hour to keep their plant in operation.

Congress would be derelict in its duty if it did not listen to and heed this counsel. Congress must do all it can to reduce unemployment. Passage of this bill would do exactly the opposite—add to unemployment.

As I pointed out earlier, Federal blue-collar employees have been receiving pay increases every year. In many areas these increases have been as high as 80 percent, 90 percent, and some even over 100 percent, for the past 10 years. The average pay increase for the 68 largest wage areas in the United States covering 79 percent of all Federal blue-collar workers over the past 10 years is 65.18 percent.

They are now scheduled to receive another pay increase this year, based on 1972 area wage surveys. The Civil Service Commission estimates that this increase will average around 8 or 9 percent. Already, Federal blue-collar employees are making 4 percent more than the average pay of their counterparts in private industry. These employees, under the present wage board system, have been treated very well so far as pay is concerned.

Yesterday, I sent letters to all Senators calling to their attention the serious, adverse consequences of this legislation.

I reiterate the points I made in that letter to summarize my statements here.

The bill would do the following:

First. Would destroy the Federal prevailing wage pay system which has worked well for over 100 years.

Second. Would destroy the "comparability of pay" principle by setting Federal blue-collar workers' pay 12 percent above private industry workers.

Third. Would allow the pay of 510,000 Federal blue-collar workers—less than 1 percent of the national work force—to set the wage pace for 84 million other American workers.

Fourth. Threatens the loss of jobs for 23,500 Federal employees as the Federal departments and agencies would have to absorb the $178 million cost of this legislation following previous precedents.

Fifth. Threatens the reduction of pay and grade of about 117,000 other Federal employees because for every reduction-in-force of one worker, usually there is an accompanying "bumping down" in grade and pay of five other workers. This adverse effect on over 140,000 Federal employees will come on the heels of a 52,000 job cut of 5 percent in Federal employment estimated for fiscal 1972.

Sixth. The 12-percent above comparability pay rate for Federal blue-collar employees over their counterparts in private industry will bring about a continuous staircase escalation of wages as private industry workers will seek to equal Federal pay, and Federal pay by law must rise 12 percent above private industry. This will aggravate the already serious problem of inflation from which all Americans are now suffering.

In concluding, I wish to remind my colleagues that in the 91st Congress—3 years ago—a bill, H.R. 17809, similar in purpose but only raising Federal blue-collar workers from 104 percent to 108 percent over prevailing private wages was vetoed by President Nixon on January 1, 1971. The present bill goes far beyond the vetoed bill, in that it raises Federal blue-collar workers from 104 percent to 108 percent and then to 112 percent over prevailing private wages. Besides, this bill gives an additional 7.5 percent and 10-percent differential for swing and night shift work, respectively, over and above the 112 percent.

Surely this bill, if passed, will be vetoed by the President. I have been advised that this bill, if passed, will be vetoed by the President.

I read now the veto message of the President to H.R. 17809:

To the House of Representatives:

I am returning, without my approval, H.R. 17809, a bill which would fix in law the pay practices applied to Federal "blue collar" employees.

A uniform government-wide wage system for these employees already exists. The Coordinated Federal Wage System which is now in effect is flexible and can respond to changing labor market conditions. The responsiveness of the present method has been demonstrated recently as it provided average wage increases of 9.5 percent during Fiscal Year 1969 and 8.1 percent in Fiscal Year 1970.

H.R. 17809 would also have adverse economic implications. At a time when the Administration is most concerned about inflationary wage settlements in the private sector, this bill would mean that many Federal Employees in a given locality would be paid at much higher rates than those prevailing in the private sector of the same locality. Under the present system, most Federal blue collar workers are already paid four percent more than prevailing rates. This bill would mean that about two-thirds of these workers would be paid at rates eight percent above prevailing rates.

The costly and unwarranted pay features of H.R. 17809 would add still further to a $4 billion blue collar Federal payroll. Since the majority of the employees covered by the proposed bill are employed by the Department of Defense, the only way in which the substantial added costs of the enrolled bill could be met would be through further reductions in employment levels. The Department of Defense has been undergoing substantial employee reductions in the past two years and further reductions would not be acceptable at this time.

Finally, it should be noted that when the wages of Federal employees go up, even greater pressures are placed on private employers to raise their own wages—and thus the fires of inflation are fueled.

In order to keep the administrative wage structure flexible, to fight inflation, and to maintain sufficient employment levels, I must disapprove this bill.

RICHARD NIXON.

THE WHITE HOUSE, *January 1, 1971.*

Therefore, I urge that the Senate look at the broad and long-range consequences of this legislation. This is not the time to approve this type of legislation. We all should be joining in the fight against unemployment; against inflation; and against inequitable disparities between Federal and private industry wages.

This bill does just the opposite. It threatens to increase unemployment; threatens to increase inflation; and, increase the disparity between Federal and private industry wages.

Therefore, Mr. President, I urge the Senate to defeat this legislation.

Mr. President, I ask unanimous consent that the minority views of H.R. 9092 be printed in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

(To accompany H.R. 9092)

H.R. 9092 would adversely overhaul the Federal prevailing wage pay system covering the 510,000 Federal wage board or blue collar employees.

1. It threatens the jobs of 23,500 Federal workers and threatens reduction in pay and grade for many thousands of others because of the reduction in force orders it would generate and the exercising of bumping and retrenchment rights that would follow.

2. It would destroy the principle of salary comparability of Federal blue collar employees with their counterparts in private industry and completely negate the equal pay for equal work concept now followed in setting federal blue collar pay.

3. It would overturn a Federal blue collar system which has existed for over 100 years—a system which has worked satisfactorily in practice. This system of comparability with industry worked so well that it was adopted in the Federal Pay Comparability Act of 1962, as the guiding principle in setting the pay for the 1.3 million white collar employees in the Federal service.

4. It would establish and maintain the wages of Federal blue collar employees who have 2 or more years Federal service 12 percent above the average pay of workers with the same skills in private industry.

5. It would give an additional 8 percent base pay increase to Federal blue collar employees over and above the annual pay increases they have been receiving. These increases averaged approximately 65.18 percent over the past 10 years. This compares very favorably with the 55.26 percent average pay increase received by Federal white collar employees for the same period of time.

6. It would establish for Federal blue collar employees national swing and night shift differentials of 7.5 percent and 10 percent respectively hiking the pay of Federal workers on those shifts 3.5 percent and 5 percent more above their counterparts in private industry.

7. It would mean that out of the approximately 84,000,000 national workforce less than 1 percent (the 510,000 Federal blue collar workers) would be dictating the pay rates for the 95 percent in private industry (approximately 4 percent are in other types of Federal employment, i.e. white collar and military).

Background

The Federal prevailing wage or blue collar system covers all Federal craftsmen, tradesmen and laborers and has been in existence for over 100 years. Presently it covers approximately 510,000 employees who make up less than 1 percent of our national workforce of about 84,000,000. (The total Federal workforce numbers approximately 3,000,000 military personnel. All Federal workers and military personnel make up approximately 5.7 percent of the national workforce.)

The Federal prevailing wage system has been modified and improved through the years but essentially the same principle of equal pay for equal work with private industry as the base has been the guideline for this system.

Simply stated the system requires annual surveys of private industry pay within the general area where the Federal facility concerned is located. The findings of these annual surveys dictate the pay for the Federal blue collar employees within that particular wage area. Federal pay increases justified by the surveys are put into effect 45 days after the survey is ordered.

Prior to 1968, each Federal agency had its own "wage board" system and conducted its own area wage surveys. Proliferation of agency systems caused widespread problems among the different agency offices within wage areas and within the individual agencies nationwide.

After several years of intensive study by the U.S. Civil Service Commission, conversion to a Coordinated Federal Wage System began in October 1968.

Coordinated Federal wage system

Under this new Coordinated Federal Wage System, uniform policies and procedures for conducting wage surveys and setting wage rates were established for all agencies. Uniform job grading systems and standards were developed so that jobs would be placed in proper grades under standardized wage schedules. Wage areas were uniformly established and defined. These wage areas are continuously being reviewed and appropriate changes being made where justified. At the present time there are 139 Federal wage areas in the United States, with a few special schedules set aside because of unique situations. All Federal agencies employing wage board employees participate in their particular wage area surveys annually. The Federal agency located in each of the areas which has the largest number of wage board employees is designated the lead agency for that particular area.

It is important to note that representatives of Federal employee unions participate in collecting and processing the data gathered in these local wage surveys.

Under the new Coordinated Federal Wage System, all wage schedules are keyed to industry rate structures in the entire wage area.

Previously, under the agency systems, pay rates were based on limited wage surveys conducted in the immediate vicinity of the Federal facility. In many cases data was obtainable only from a few firms causing lower pay rates in the rural wage areas.

By keying the surveys to industrywide rate structures within the entire wage survey area, the lower rural rate data is mixed with rate data in metropolitan areas. This has resulted in bringing higher pay rates to Federal wage board workers in rural areas.

Although pay increases of Federal wage board employees vary from area to area, depending on wage settlements in the private sector, on the average, pay adjustments under the coordinated system have been substantial.

In the 68 largest wage survey areas, covering 403,053 employees or 79 percent of all Federal wage board employees, the average total pay increase for the period 1961 through 1971 was 65.18 percent. On the other hand, the total average pay increase granted by the Congress to the Federal statutory salaries or white collar employees for the same period was 55.26 percent or 9.82 percent less. As a rule, Federal wage board employees have received an increase in wages annually for many years.

The following table shows the actual increases granted in each of the 68 largest wage survey areas during each of the 10 years from 1961 through 1971. Some of the rates in 1971 were held to the 5.5 percent guideline figure established by the President's pay board. It should be noted that the total increases for the past 10 years ranged from 50 percent to 109 percent, in all but two areas. (48 percent in the New London, Conn. and 40 percent in the Charleston, W. Va. wage areas.)

Step increase

Under the present Coordinated Federal Wage System, all non-supervisory wage board pay grades have three steps.

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961 THROUGH AUG. 8, 1971

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Alabama:												
Huntsville	3.1	3.1	1.3	1.8	1.7	1.5	2.8	4.2	5.6	[1]9.0	[1]7.7	65.0
Birmingham	3.4	2.6	2.1	2.3	1.3	3.0	2.7	3.7	4.8	[1]7.1	[1]6.7	50.2
Alaska: (regular)	2.1	2.4	2.6	1.7	5.1	3.4	4.6	[1]11.1	[1]7.1	[1]9.2	5.5	69.6
Arizona: Phoenix	3.3	4.1	1.8	2.1	2.9	2.5	3.8	4.0	[1]10.4	[1]4.2	[1]12.3	69.4
Arkansas: Little Rock	2.5	2.4	1.8	3.5	4.6	3.5	4.4	7.1	[1]12.1	[1]8.1	5.5	72.4
California:												
San Francisco	3.2	1.4	2.4	3.3	2.8	2.8	4.4	[1]9.5	[1]6.0	[1]9.3	----------	60.9
Sacramento	2.8	3.7	3.7	3.4	4.1	3.4	3.7	5.0	8.3	[2]12.2	[2]8.1	80.7
Los Angeles	3.2	3.1	2.5	2.7	3.3	4.1	4.2	6.9	8.8	[1]6.1	----------	56.9
San Diego	3.5	3.6	2.5	3.3	4.1	4.0	4.5	[1]7.8	[1]5.8	[1]7.0	----------	57.9
Colorado:												
Denver	3.0	3.0	3.0	1.9	2.6	3.6	3.1	3.6	[1]11.3	[1]6.2	[1]10.9	69.1
Southern and western	3.2	2.5	2.2	1.2	1.4	4.3	2.0	4.4	[1]10.7	[1]4.5	[1]6.2	54.2
Connecticut: New London	3.2	2.1	2.4	3.1	1.4	2.2	3.0	7.2	[1]5.2	[1]4.3	5.5	48.0
Delaware: Wilmington	3.5	2.5	2.3	2.1	2.4	2.9	3.7	5.7	[1]9.0	[2]5.7	[2]10.3	64.3
District of Columbia	2.2	4.2	2.5	3.1	3.3	4.4	4.8	[1]6.9	[1]5.3	[1]8.4	5.5	67.8
Florida:												
Miami	2.8	1.9	1.8	2.6	2.8	2.1	3.7	3.8	4.9	[1]16.4	[1]7.8	62.4
Jacksonville	----------	1.9	2.9	3.6	3.6	1.9	3.8	7.5	5.3	[1]16.2	[1]7.7	68.1
Georgia:												
Atlanta	2.4	3.1	2.4	3.2	3.2	3.8	3.2	5.7	[1]11.5	[1]7.5	[1]11.3	77.1
Macon	3.0	2.3	2.4	4.0	3.2	3.8	4.8	5.5	[1]10.3	[2]16.8	6.9	95.5
Hawaii: Hawaii	----------	----------	4.2	4.8	4.7	4.3	5.5	7.3	8.0	[1]12.5	[1]11.9	109.0
Idaho: Boise	1.5	1.7	1.8	1.7	3.6	3.6	2.7	4.0	[1]9.0	9.8	5.5	60.0
Illinois:												
Chicago	4.1	2.4	2.4	3.1	2.6	2.9	3.8	4.8	6.3	[1]6.1	[1]8.6	61.3
Champaign-Urbana	2.0	3.9	2.6	2.0	4.3	4.8	5.1	[1]18.6	[1]7.1	[1]13.2	----------	32.5
Indiana: Indianapolis	3.0	2.5	2.7	1.9	3.6	----------	4.4	7.1	6.4	[1]3.7	[1]5.9	51.7
Iowa: Davenport-Rock Island	3.7	3.2	2.6	1.6	4.0	4.8	4.5	[1]9.2	[1]4.4	[1]4.9	[1]5.5	69.4
Kansas: Wichita	3.4	1.4	2.5	2.4	2.9	3.1	----------	4.3	[1]10.9	[1]5.9	[1]6.9	55.1
Kentucky: Louisville	3.6	2.8	3.0	2.2	2.6	3.8	3.1	5.2	[1]7.3	[1]5.2	[1]10.8	66.4
Louisiana: New Orleans	3.5	2.1	2.9	3.2	2.8	3.4	3.7	4.7	5.4	[1]5.8	[1]6.5	54.8
Maine: Portland	3.9	2.6	2.2	1.3	1.7	2.1	3.9	3.7	[1]7.2	[1]2.8	[1]9.4	61.0
Maryland: Baltimore	3.6	3.0	1.7	2.0	1.7	2.8	3.3	5.7	[1]8.7	[1]6.3	5.5	57.9
Massachusetts:												
Boston	2.9	2.1	2.2	1.4	2.7	3.8	2.7	4.9	[1]10.2	[1]6.2	5.5	55.8
Central and western	2.7	2.7	2.0	2.8	2.8	3.0	3.9	4.5	6.7	6.1	5.5	51.0
Michigan: Detroit	3.3	2.4	2.9	2.8	1.6	3.7	3.9	7.1	6.4	[1]8.4	[1]10.1	71.3
Minnesota: Minneapolis	2.7	2.7	2.9	2.5	3.5	3.5	2.6	5.2	[1]12.7	[1]7.5	[1]12.5	77.4
Mississippi:												
Biloxi	2.7	2.1	2.1	2.5	3.1	2.1	6.1	[1]5.6	[1]2.8	[1]10.8	5.5	59.6
Jackson	2.5	1.5	2.9	3.2	3.4	3.3	3.9	5.4	6.7	[1]7.2	[1]5.1	59.4
Missouri:												
Kansas City	2.5	----------	4.6	3.4	3.9	----------	3.5	4.9	5.2	[1]15.4	[1]9.6	69.0
St. Louis	3.1	1.8	2.4	2.4	3.5	3.6	----------	5.9	[1]7.0	[1]5.3	5.5	61.1
Montana: Great Falls	1.6	2.5	3.0	3.3	3.6	2.7	3.0	5.9	[1]6.8	[1]9.2	.5	53.2
Nebraska: Omaha	1.7	3.3	2.8	2.6	3.4	3.3	4.2	5.1	[1]20.3	[1]24.7	.5	59.4
Nevada: Las Vegas	2.7	4.4	2.4	5.6	3.3	4.2	4.6	4.9				85.4

Footnotes at end of table.

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WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961 THROUGH AUG. 8, 1971—Continued

State and area	Average annual percentage increase										Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
New Hampshire: Portsmouth	5.9	2.3	1.4	1.1	2.4	3.9	6.0	7.1	7.8	[1] 7.1	5.5	58.8
New Jersey: Central New Jersey-New York	4.4	2.8	2.7	2.9	2.4	3.3	3.9	4.5	[1] 7.3	[1] 4.7	[1] 13.1	63.9
New Mexico: Albuquerque	3.7	2.4	2.1	2.9	3.2	3.1	2.9	3.5	[1] 5.5	[1] 5.2	7.7	55.2
New York:												
New York	2.9	2.8	2.9	2.4	2.9	3.0	3.1	4.7	[1] 7.3	[1] 4.7	[1] 13.1	63.6
Albany	3.4	2.6	1.9	3.3	4.2	2.8	4.0	5.2	5.8	[1] 11.6	[1] 9.0	72.6
North Carolina: Fayetteville	2.9	3.4	1.5	3.0	5.1	3.3	4.2	6.1	7.0	[1] 12.7	[1] 10.4	83.9
North Dakota: Fargo	2.9	1.9	3.0	1.9	2.5	3.2	3.7	5.6	[1] 6.1	[1] 6.3	[1] 8.1	80.2
Ohio:												
Dayton	3.4	2.6	2.2	2.9	1.4	4.4	4.1	7.5	5.5	[1] 9.0	[1] 7.9	67.0
Columbus	3.2	3.3	2.7	2.8	2.1	2.1	3.9	5.9	5.9	[1] 6.5	[1] 7.2	60.6
Oklahoma: Oklahoma City	2.2	2.6	2.0	2.1	2.5	3.6	5.4	[1 2] 16.5	[1 2] 7.1	[1 2] 6.8	5.5	69.1
Oregon: Portland	2.2	3.0	1.7	2.0	3.7	3.4	3.8	4.6	[1] 13.2	[1] 6.2	5.5	62.1
Pennsylvania:												
Philadelphia	2.6	2.4	2.5	2.3	2.9	3.3	4.0	[1] 6.3	[1] 4.5	[1] 12.4	----------	55.8
Pittsburgh	3.6	3.4	2.2	1.3	1.1	3.4	2.1	3.9	9.5	[1] 5.1	[1] 5.8	51.6
Rhode Island: Narragansett Bay	2.8	2.7	1.7	3.8	2.1	3.2	4.1	4.9	[2] 12.8	[1 2] 7.9	[1] 6.2	71.4
South Carolina:												
Charleston	2.5	2.7	2.2	2.6	3.0	3.2	4.4	[1] 5.2	[1] 3.3	[1] 11.6	----------	50.2
Columbia	2.9	3.4	1.7	3.1	3.5	3.8	4.3	6.0	6.3	[1] 12.1	[1] 7.66	76.4
South Dakota: Sioux Falls	3.1	2.9	2.6	3.1	2.7	2.9	4.5	5.9	[1] 6.7	[1] 7.7	5.5	61.1
Tennessee: Nashville	4.2	2.6	3.7	3.1	1.2	3.1	3.8	4.6	[1] 4.9	[1] 4.9	[1] 9.5	58.3
Texas:												
Dallas-Fort Worth	3.2	1.6	2.5	1.8	3.2	3.0	3.0	4.7	5.7	[1] 12.7	[1] 8.4	65.0
San Antonio	2.2	3.1	2.7	3.6	4.8	3.0	5.2	5.0	5.2	[1 2] 13.7	5.5	77.1
Utah: Salt Lake City	3.9	2.8	2.9	2.4	2.9	3.6	3.3	3.8	[1] 7.2	[1] 4.3	[1] 4.7	64.7
Vermont: Burlington	6.4	4.5	4.2	3.8	1.8	2.0	3.8	4.1	5.2	[1] 21.6	[1] 4.5	94.8
Virginia:												
Norfolk	3.0	3.6	3.0	2.5	1.2	2.9	3.2	3.4	6.7	[1 2] 12.1	[1 2] 5.1	57.0
Richmond	3.1	2.4	2.4	2.5	2.6	3.8	3.2	4.0	[1] 6.8	[1] 6.3	[1] 5.5	55.1
Washington: Seattle	3.0	3.4	2.3	3.4	3.7	3.5	4.7	9.1	[1] 9.5	[1] 5.6	5.5	68.2
West Virginia: Charleston	2.5	1.1	1.3	1.7	2.6	2.8	2.6	2.9	[1] 12.4	[1] 5.3	[1] 7.9	40.0
Wisconsin: Milwaukee	3.1	3.0	3.3	2.6	2.4	2.5	4.0	5.5	[1] 7.1	[1] 6.1	[1] 5.9	58.6
Wyoming: Cheyenne	1.6	3.6	1.6	1.1	3.8	3.4	2.8	5.5	[1] 10.4	[1] 8.1	[1] 7.8	63.1

[1] Percentage increases for the years of 1968, 1969, 1970, and 1971 reflect adjustments made under the Coordinated Federal Wage System. All other percentage increases not marked with an asterisk were made under agency procedures.

[2] Includes Monroney amendment adjustment.

The first step is 96 percent of the average private industry wage for that particular skill; the second step is 100 percent of the private industry average; and, the third step is 104 percent of the private industry average. It takes an employee, if his work is satisfactory, 6 months to move from the first to the second step and 1 year, 6 months to move from the second to the third step, so that at the end of 2 years of satisfactory service, a Federal wage board employee is making 4 percent more than the average of his counterparts in private industry.

H.R. 9092 would increase the number of steps in each grade level from the present three to five. The first step would continue to be 96 percent of the average pay in private industry; the second step would continue to be 100 percent; the third step would continue to be 104 percent but the fourth step would be at 108 percent; and, the fifth step at 112 percent of the average private industry pay level.

The present 3-step system has not resulted in any great disparity in wages between Federal and private industry pay. However, should the five-step 112 percent above average rate schedule be adopted, it would change the present pay picture drastically. Federal blue collar employees would be making 12 percent more than the average pay in private industry.

This new 5-step system with its 12 percent above private industry rates would destroy the equal pay for equal work concept.

It would put private industry workers 12 percent behind the Federal workers and would have the effect of causing private industry workers to press for wage increases to equal or exceed that of Federal workers. If such increases were granted, it would in turn push Federal workers another 12 percent or more higher. This step by step escalation could be unending.

Passage of this bill would mean that less than 1 percent of our national workforce would be setting the pay rates for the remaining 95 percent. (Excludes Federal white collar employees and military personnel). This should not be.

Although Federal blue collar pay should not dictate the pay rates for private industry; neither should it unduly lag behind. The fact is that, under the existing system, pay for Federal blue collar employees has not lagged behind private industry and in the case of Federal blue collar employees with 2 or more years' service, their pay already runs 4 percent higher than the private industry average.

Under the principle of wage comparability, Federal wage board employees have followed the prevailing private industry wage in their communities. This is proper as the Federal blue collar workers constitute approximately less than 1 percent of our total national workforce of approximately 84 million. It is reasonable that the pattern of wages be set by the other 95 percent (4 percent of workforce is Federal white collar and military).

Regarding the number of steps in each Federal pay level as compared with private industry, Civil Service Commission surveys indicate that 64 percent of the private industry firms surveyed for Federal pay purposes have single step pay levels. The average step rate for all firms surveyed was 1.8 steps. The present Federal wage board system exceeds the average number of steps in private industry pay levels by 2.2 steps.

It must be pointed out that supervisors in the Federal wage board field have 5-step pay levels. However, this is justified on the basis that surveys of private industry practice indicate a wide variance in the pay of supervisors. Therefore, 5-step pay levels were established for supervisors following the private industry practice. The same wide-spread variance is not present at the journeyman levels.

It should also be noted that Chairman Robert E. Hampton of the U.S. Civil Service Commission has stated time and time again that the Federal system shall continue to follow private industry. If private industry moves to five steps for its journeymen, the Federal service would follow this lead. This would be keeping with the basic philosophy of the Federal pay system of equal pay for equal work.

Swing and night shift differentials

As with base pay, the bill would increase the swing and night shift differentials for Federal blue collar employees substantially above private industry.

The bill would cancel the present practice of paying Federal blue collar employees the same swing and night shift differentials that are paid by private industry in each particular wage area. Instead, it establishes a national rate of pay for swing and night shift work. This pay would be 7½ percent for swing shift and 10 percent for night shift work.

The U.S. Civil Service Commission advises that its Coordinated Federal Wage System surveys show that the 7½ and 10 percent differentials are substantial above what is paid in private industry. The differences in such pay varies from wage area to wage area, but the private industry rates are approximately 3.5 percent and 5 percent of base pay for swing and night shift work, respectively.

Using the private industry average pay as the base of 100 percent, Federal swing shift blue collar employees with 2 or more years service are presently at the 107.5 percent pay level; those on night shift are at the 109 percent level.

When H.R. 9092 is fully effective—in 2 years—the same Federal swing shift blue collar employees because of the 7½ percent shift differential and the 12 percent base pay increases will be receiving 119½ percent of the average private industry pay and those on the night-shift will be receiving 122 percent of the average pay of private industry. Stated another way the swing shift Federal blue collar employee will be making 16 percent more than the average of his counterparts in private industry and the night shift employee will be making 17 percent more than the average of his counterparts in private industry.

These increases do not include the annual pay hikes all Federal blue collar employees would receive from the 1972, 1973 and 1974 area wage surveys.

Loss of 23,500 Federal jobs

This bill threatens to put approximately 23,500 Federal employees out of jobs within the next 2 years. The cost of this legislation is estimated at $178,000,000 when fully effective in 2 years. The U.S. Civil Service Commission has translated this cost figure into 23,500 Federal jobs.

Because of the common practice of requiring Federal agencies to absorb the costs of pay increases for their employees, if this bill is enacted, the agencies will have to make up the $178,000,000 cost figure out of their operating budgets. This means that approximately 23,500 Federal jobs will have to be cut by the end of fiscal year 1974.

Already in fiscal year 1972 alone it is estimated that Federal employment will be cut by over 52,000 employees. The Defense Department alone will lose 52,000 positions and this is approximately 90 percent of the entire Federal employee cutback for fiscal 1972.

Many of us in the Congress were hoping that the reduction in force orders now being issued would end on June 30, 1972, and we could look for a stabilizing of Federal employment in fiscal year 1973.

However, passage of this bill would destroy all such hopes. Instead the Government would have to continue cutting jobs and the Congress will have to take the blame for these reductions.

Many Federal blue collar employees have written to me expressing their gravest concern regarding these Federal cutbacks. Those with whom I have spoken in Hawaii are not complaining about their pay rates and also understand the reasons for the cutbacks in Federal jobs. However, they urge that the number of RIF orders issued be held to a minimum or even halted as soon as possible. One of the employees at the Pearl Harbor Naval Shipyard has written to me volunteering to take a reduction in pay if it will mean keeping some of his co-workers at the shipyard on board.

It is obvious that the overriding concern among these employees is keeping their jobs, not pay increases. If getting paid 12 percent more than their counterparts in private industry means that some of them will lose their jobs I am confident, given a choice, they will forego the increases and keep their jobs. I share their views and will not support legislation which threatens to cut 23,500 Federal jobs within the next 2 years.

This same urgent feeling for retaining jobs prevails in the priv .te industry.

In Dayton, Ohio, workers at the Frigidaire Division of General Motors voted to forgo a 3 percent pay increase scheduled for November 23, 1971, and another 3 percent scheduled for a year later, in order to stop further layoffs and to have 850 former employees called back to work.

In Batavia, N.Y., the employees of the Sylvania Division of General Telephone & Electronics gave up a cost-of-living increase of 8 cents an hour to keep their plant in operation.

The Congress would be derelict in its duty if it did not listen to and heed this counsel. Congress must do all it can to reduce unemployment. Passage of this bill would do exactly the opposite; add to unemployment.

It must also be pointed out that the reduction in force orders in the Federal Government adversely affect many, many more employees than those who actually lose their jobs.

When a RIF order is issued it calls into operation a whole series of personnel moves not only within the agency involved but even extending to other agencies.

First, the agency must describe the limits within which employees will compete with each other for jobs not being cut. It involves defining by organization and geography competitive areas.

Then, within each competitive area, competitive levels by grade and occupation must be defined. Grades and occupations which are so similar to each other in all important respects that the people who occupy them are interchangeable with one another must be established.

Following these steps, registers listing all employees in each competitive level must be drawn up and the relative standings of the employees based on tenure, military preference, length of service and performance ratings established.

After all these procedural steps are accomplished, then the actual bumping and exercising of retrenchment rights by all affected employees begins.

In many, many cases bumping and retrenchment reach down to the lowest grade levels available in an agency. This is particularly true during times like these when federal jobs are very, very scarce. One need only talk to an employee who has been RIF'd or bumped to see that when a RIF order is issued employees not only lose their jobs, but many more are reduced in pay and grade. Pay losses can cut an employee's salary in half or more. For this to happen to the breadwinner in the family can be disastrous.

There is a provision in law allowing an employee who is bumped to continue receiving his original pay for 2 years following the adverse action. This "save pay" law blunts some of the financial setbacks imposed on these employees; however, the "save pay" provision is poor consolation when the reduction in grade and pay need never have been instigated by Congress.

Also, an employee who is bumped will probably have to work many additional years in order to recoup the losses suffered, all during that time realizing that should another RIF occur, he may very well be out of a job entirely.

The Congress has the most serious responsibility of taking a long, hard look at the consequences of passage of this bill before acting. Passage will most certainly threaten 23,500 Federal employees with the loss of their jobs and many, many thousands more with reductions in grade and pay.

The fact that the bill delays implementation of the fourth step hike for 1 year does not soften the ultimate effects of this legislation. The fifth step increase will still go into effect in 2 years, and the national shift differentials will become effective 90 days after enactment.

As I pointed out earlier in this report, Federal blue collar employees have been receiving pay increases every year. In many areas these increases have been as high as 80 percent, 90 percent and some over 100 percent for the past 10 years. The average pay increase for the 68 largest wage areas in the United States covering 79 percent of all Federal blue collar workers over the past 10 years is 65.18 percent.

They are now scheduled to receive another pay increase this year, based on 1972 area wage surveys. Blue collar employees who have worked for the Federal Government for over 2 years are already making 4 percent above the average pay of their counterparts in private industry. These employees have not been treated poorly as far as pay is concerned.

Nonappropriated fund employees

No valid argument can be made against bringing the approximately 140,000 nonappropriated fund employees of the military departments and the Veterans' Administration into the Federal prevailing wage system. I endorse such a move and believe they should be made part of the Federal prevailing wage workforce. However, attempting to do it through this legislation, with all of its deficiencies, is doing this group of loyal and outstanding employees a great desservice.

Summary

Federal prevailing wage of blue collar employees have been receiving annual pay increases for many, many years always bringing them up to comparability with their counterparts in private industry. These pay increases over the past 10 years have averaged approximately 65.18 percent and in many wage areas around the country the increases have been in excess of 80, 90, and even 100 percent. All Federal blue collar employees who have worked for the Federal Government over 2 years and have done satisfactory work are now making 4 percent above the average pay of their counterparts in private industry.

Passage of this bill would raise Federal blue collar base pay to 12 percent above private industry. Swing and night shift differentials would add 7½ and 10 percent more to base pay for each of those shifts respectively, putting Federal pay way above what is being paid for comparable work in private industry.

Passage of this bill with its $178,000,000 price tag threatens to put 23,500 Federal employees out of work. Already the Federal Government is cutting an estimated 52,000 Federal jobs this year. Efforts to halt Federal reduction in force orders by the end of fiscal year 1972 would be futile if this bill is passed.

In addition, if this bill is passed and the estimated 23,500 Federal employees lose their jobs, thousands more who are retained on the Federal employment rolls will suffer cuts in pay and grade through the exercise of bumping and retrenchment rights by all adversely affected employees.

Federal as well as private industry employees would appreciate receiving higher pay. But faced with the choice of getting higher pay or possibly losing their jobs, it is commonsense that they would choose to keep their jobs and their present pay.

In many areas around the country employees in private industry have voted to take pay cuts in order to keep their plants in operation and reduce the loss of jobs.

It would be unconsiconable on the part of the Senate to approve this bill at this time when instead we should be joining the rest of the country in doing all we can to help in the fight against unemployment and inflation.

Federal blue collar workers have been receiving substantial pay increases for many years and these increases have been coming every year. Many improvements have been made in the prevailing wage system, particularly since the Coordinated Federal Wage System was established in 1968.

The present pay system has retained good pay stability and linkage in all local wage areas between the Federal Government and private industry. Federal wages have rightfully followed the lead of private industry because Federal blue collar workers comprise less than 1 percent of our national workforce and the majority should set the pay pace.

This bill would destroy the pay stability that now exists between private industry and Government. It would put Federal blue collar pay 12 percent and more above the pay for similar work in private industry.

This situation would trigger an unending cycle of leapfrogging pay with private industry trying to catch up with Government. The result would be utter chaos and runaway inflation, which could cause many employees to lose their jobs and aggravate unemployment.

The Senate should defeat this legislation because it jeopardizes Federal jobs, Federal pay and pay stability throughout the country among all blue collar workers, Federal and non-Federal.

HIRAM L. FONG,
U.S. Senator.

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Mr. McGEE. Mr. President, before I yield to my colleagues who asked to address themselves to this question briefly, I want to say a word or two about the remarks of my distinguished compatriot on the committee and particularly to focus on the main thrust of his argument.

As I listened very carefully to the distinguished Senator from Hawaii (Mr. FONG), what he is in effect asking this body to agree to is the conclusion, first of all, that blue-collar workers in this country are overpaid, that they are getting too much money.

I believe that the blue-collar workers in Wyoming and Hawaii should weigh that statement and ask themselves if they think they are getting overpaid.

He cites again and again the percentages which have been increased over recent years. It is true. But, Mr President, they started at the very bottom. If we start at the very bottom and increase it a slight amount, we will double or treble it percentage-wise.

Let us not downgrade the blue-collar worker. Equity requires that he knows where he stands. This is not a pay raise for anyone. This is a set of guidelines to place the blue-collar workers under the same kinds of procedures that establish a higher grade of performance, the same thing that is now accorded white-collar workers in the Federal service.

We are only saying that the time is past to consider blue-collar workers still down at the Navy Yard as being in the American Civil War. Times have changed. It is time that we bring them up into the 20th century.

Likewise, Mr. President, it is incredible to believe, but what my distinguished friend, the Senator from Hawaii, has asserted here this afternoon is that because of this bill we are going to throw some 50,000 or 75,000 Federal employees out of work.

That is a pretty serious charge. I can say to the Senate as I stand here this afternoon that I have yet to hear the first cry of protest from the Federal employees about this bill. And if it is going to knock them out of work, surely they would be the first to register that protest.

I wait now in silence to hear that first protest. And I say to my friend, the Senator from Hawaii, that there is no voice that cries out now in the same vein of the specter that the Senator from Hawaii has painted for us here this afternoon.

The Federal employees are united in wanting this bill. They believe that it raises the level of performance, that it raises a measure of hope for some incentive to dedicate themselves in the blue collar group to the Federal service.

So I say, Mr. President, that it is time we strip the rhetoric away from the colloquy in this measure and come to grips with the whole thrust of this bill, that it simply seeks to dignify the laboring endeavors of the several hundreds of thousands of blue-collar workers in the Federal service of the United States.

We are only asking that we place them under the law, not under the vagaries or the whims of one man or any man, be it Nixon or Johnson or Kennedy or whomever. We are asking that we remember our faith and that we are indeed a Nation under law and not under men.

So, Mr. President, I beseech the Members of this body to take this step ahead and upward from the depths in which we have imprisoned until now the blue-collar workers. They are not only not overpaid and they are not only not languishing in great wealth, but they have also long since been suffering from the sting of second-class citizenship among Federal employees.

We have reserved in this bill, Mr. President, the further specific mandate to the President of the United States that none of these incentive adjustments in their promotion opportunities should take effect while the price freeze is on, while the present emergency attains.

We are not trying to row anybody's boat. We are simply trying to wake up some of those who have been rowing a boat in the wrong century. We are simply trying to say that these employees at the bottom of the Federal scale of our many Federal employees be given equal treatment under law, which is all this measure does, and that the dignity of a charwoman, of a nursing assistant, or of a worker in one of the various kinds of janitorial services cries out for recognition.

That is the essence of the measure pending here.

Mr. President, I ask unanimous consent to have printed in the RECORD a couple of additional statements by Members of the Senate who are necessarily absent.

First I ask unanimous consent that there be printed in the RECORD a statement prepared by the Senator from Virginia (Mr. SPONG). I would personally care to mention that the Senator from Virginia has been one of the leaders in the drive to achieve a correcting of the inequities of the years that are bygone. His leadership led him to introduce a measure that was very much the same as the House bill that was passed. There have been a few modest adjustments to his measure as the committee reported its recommended measure.

The distinguished Senator from Virginia should be applauded and recognized for his farsightedness in leading in the Senate toward a new wage board law.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR SPONG

I compliment the distinguished Chairman of the Post Office and Civil Service Committee and the members of that Committee for reporting this legislation. In March of 1971, I introduced S. 1086 which was identical to this bill as it was initially introduced in the House.

No single item with which I have dealt within the last five and a half years has received as much attention as the problems affecting federal employees who are paid under the Wage Board or the Prevailing Rate System. In 1965, President Johnson instructed the Civil Service Commission to establish a Coordinated Federal Wage System for prevailing rate employees in order that all such employees in a local wage area would be paid the same rates. This was a commendable instruction. About three and one half years later, in December of 1968, the Civil Service Commission finally announced its Federal Coordinated Wage System. However, it set aside a large number of employees for further study. It wasn't until April of 1972, this year, that the Commission announced that those who were set aside in December of 1968, would be considered "wage positions when responsible management organizes the work so that the paramount requirement of the positions is trade or craft knowledge and experience and employees must utilize such knowledge and experience in the performance of assigned duties." Mr. President, that is exactly the position which applied to those same employees in 1968. Even though that announcement was made two months ago, its implementation has still not occurred so we have another two to four months delay. In addition to the time which this and related problems have required during the last five and one half years, nothing has been more frustrating than the repeated delays of arriving at decisions with respect to these employees.

The Civil Service Commission will contend that this legislation is not needed. I submit to you that it is needed and that it is essential if the system for establishing wage rates is not to be arbitrarily treated by the Civil Service Commission.

The system of comparability was adopted for classified employees under the Federal Pay Comparability Act of 1962. Comparability for classified employees is established by law. Classified employees under that system have ten in-grade pay steps. This legislation which establishes by statute a comparability system for Wage Board employees provides five in-grade steps. It is not unfair—it is equitable legislation and it should be enacted.

The Committee has very wisely precluded the argument that this legislation is inflationary. The third and fourth in-grade steps will not become effective until April 30, 1973, unless the President ends controls prior to that time. I commend the Committee for including the saved pay provisions of the bill and for including coverage of approximately 100,000 employees of non-appropriated fund activities, such as post exchanges, commissaries of the armed services and veteran's canteen services within the prevailing rate system.

Mr. President, this legislation covers the trained and skilled craftsmen and mechanics—the journeymen and many of their supervisors—the men who are responsible for the maintenance and repair of naval vessels. With the condition of our fleet, their skills are important to our defense and to the readiness of our fleet. These are the men who are responsible for the maintenance and repair of our aircraft.

There are over one half million of these Wage Board employees in the Federal Government. There are 32,000 of them in Virginia. 89.8% of those in Virginia do not meet the national average for an intermediate level of budget for a family of four.

Mr. President, this legislation will establish the basic law for the protection of these Wage Board employees. Similar legislation was vetoed by the President. I think this legislation is fair and equitable both to the employees and to the taxpayer.

I hope the Senate will enact this bill by an overwhelming vote.

Mr. McGEE. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement by the Senator from Utah (Mr. Moss), a member of the Post Office and Civil Service Committee. He is indeed the newest member of the committee.

The Senator from Utah (Mr. Moss) is unable to be here today because of the illness of his wife in Salt Lake City. He, too, has been very strong in his support of meritorious legislation for Federal workers. His absence today is only explained by the illness in his family. We hope that his wife Phyllis will enjoy a speedy recovery and release from the hospital.

The distinguished Senator from Utah (Mr. Moss) stands tall among the Members of the Senate who are concerned about justice and equity for Federal employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MOSS

As a member of the Post Office and Civil Service Committee which has deliberated long and hard over this legislation, I am personally aware of the issues which concern wage grade employees. For this reason, I am glad to support H.R. 9092.

This is not the first time this legislation has been considered by Congress. A similar bill was passed by both Houses late in 1970. Unfortunately it was vetoed by the President.

As a sponsor of S. 231, one of several Wage Board bills which have been considered by the Committee, I am enthusiastic about this early action on H.R. 9092.

In short, I have heard all the arguments for this measure and all the arguments against it. I assure you that H.R. 9092 is a sorely needed step to bring equity to more than 800,000 Federal "blue collar" workers.

My acquaintance with the problem of wage grade employees is not limited to my role on the Post Office and Civil Service Committee. In my own state there are today 14,600 wage grade employees. I am, therefore, well aware of their problems, their needs and their standard of living.

Even after passage of this legislation, a large proportion of these Federal employees will be below the intermediate level.

My other great concern for these employees is that they are suffering discrimination. I have been pleased to see the Congress eliminate discrimination because of sex, race, color, creed, age and national origin. Why does the Administration want to continue discrimination because of pay system? White collar employees have a career system of ten steps. They move up in grade, step by step, as they demonstrate their continued loyal service to the Federal government. Wage grade employees have only three steps.

This bill, in fact, does not go far enough to bring them full equality with white collar workers. It, however, narrows the great gap by providing for five steps.

In my opinion, taking action on legislation to provide an equitable system for fixing and adjusting the rates of Wage Board and non-appropriated fund employees is one of the top priority jobs before Congress. We cannot move too decisively or too soon.

The Wage Board and non-appropriated fund workers, who number some 800,000 and represent nearly one-fourth of the non-military Federal employees, have far too long been the forgotten members of our official family of workers.

They were forgotten when the Pendleton Act was passed in 1883 setting up a compensation system regulated by civil service law for the white collar worker.

They were forgotten in 1907 when salaries of postal clerks and letter carriers were set and again in 1924 when the Roberts Act governing the compensation of Foreign Service personnel was passed.

And finally, they could only look on quietly when a statutory pay system for the Department of Medicine and Surgery of the Veterans Administration became law in 1946.

During the past twenty years they have watched on the sidelines while these basic laws for other government employees have been strengthened and improved and salaries periodically raised.

They have had to muddle along without any status—any Federal law—which established a systematic and fair manner in which their wages should be computed and their problems handled.

They have simply been by-passed, forgotten, left out.

Well, they must be left out no longer. Positive action on H.R. 9092 is essential if we are to remove the frustration which has long been felt by Federal blue collar workers. We have it in our hands to offer hope to a group in our society which has waited all too patiently for a sign of national concern, a sign that they have not been ignored.

Three years ago this week I introduced S. 2371, a bill which was similar to the measure we have before us today. Other Senators have introduced Wage Board bills as long as five years ago.

Last session the Congress responded to the pleas of blue collar workers for a decent system of wages and advancement opportunities. Had the bill passed it would have at least begun to modernize the prevailing rate pay system. It was a disappointment to many, and a source of frustration to over 800,000 Federal employees when the President vetoed it.

Throughout all the discussion and debate on Wage Board reform, one underlying thread remains clear: those Federal employees who have so long stood "outside the law" can no longer be ignored. We can no longer permit blue collar wages to be governed in the absence of a Federal statute.

We have before us today a bill which is by no means perfect. It is not all that many of us had hoped it would be. It, however, is a beginning, a long-overdue beginning, and a necessary step on behalf of Federal employees. I am sure the distinguished members of the Senate will give it their overwhelming support, and that the President will sign the bill into law at the earliest opportunity.

Mr. BOGGS. Mr. President, I have long been aware of the problems of Federal blue-collar employees. I have heard from many of the more than 1,100 Federal prevailing rate employees in my own State of Delaware, and I feel I have an understanding of their concern with the present blue-collar wage system of the Federal Government. H.R. 9092 would go far toward providing these employees with a structured and equitable wage system, one I believe will bring them into line with other Federal employees as well as employees of private industry.

It has been a longstanding concern of mine that wage grade employees do not receive treatment equal to their fellow Federal employees. Nowhere is this more evident than in the structure of their step system within grades. Wage grade employees currently have three steps within grades. By contrast, white-collar employees of the Federal Government have 10 steps.

Such a restriction on the number of increments has the effect of reducing incentives for advancement because it takes so long to pass through the steps. Wage grade employees perform valuable and essential services and I believe they merit the same dignity and the same incentives for advancement given white-collar employees. H.R. 9092 moves in this direction by replacing the three-step system with five steps.

In addition, the bill would establish statutory shift differentials for wage grade employees of the Federal Government. It would also include for the first time employees of nonappropriated fund activities of the Armed Forces in the prevailing rate system and make provision for "saved pay" for blue-collar workers who are reduced in grade through no fault of their own.

The question of pay for Federal wage grade employees is one that has concerned me for some time. In Delaware, for instance, 997 out of 1,115 Federal blue-collar workers in the State earn less than the Department of Labor's national average intermediate level of income for a family of four. H.R. 9092 would require the Civil Service Commission to conduct full-scale area wage surveys every 2 years in order to insure comparability of Federal blue-collar pay with that of pay for similar work in private industry.

The reforms contained in this legislation are overdue. I support H.R. 9092 and I urge Senators to approve this measure.

Mr. McGEE. Mr. President. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 22 minutes remaining.

Mr. PELL. Mr. President, will the Senator yield me 5 minutes?

Mr. McGEE. I yield 5 minutes to the distinguished junior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, the prevailing wage, or blue-collar employees of the Federal Government are a work force of immense value to the Government and to the people of this country. Our blue-collar workers do important work, often requiring advanced skills, technical training, and substantial experience. And through the years, the blue-collar workers have proven to be a dedicated and deeply loyal work force.

In return for their productive and dedicated services, the blue-collar workers deserve and should be given fair treatment by their employer, the Federal Government. Unfortunately, fair treatment has not always been the rule, and all too often fair treatment has been the exception.

All too often, the interests of the Government's blue-collar workers have been sacrificed in pursuit of other goals of the Government. Although the stated goal may be fair treatment, there is in the executive branch an understandable, but nonetheless regrettable, temptation to view blue-collar wages as a weapon in efforts to balance a budget, or to combat inflation. When this happens, equity suffers and the blue-collar worker bears a burden not shared by his fellow workers in private industry.

Since I have been in the Senate, I have maintained close contact with the thousands of prevailing wage employees in the State of Rhode Island and with their elected spokesmen. I have become intimately familiar with their problems and their grievances. On their behalf, and in the interest of fairness, I have worked and tried to correct some of these inequities—for example, wage survey areas that are defined too narrowly to encompass a true labor market, and result in the payment of substandard wages as a "prevailing" wage. Or, as another example, the arbitrary freezing of blue-collar

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wages to combat inflation while workers in nongovernment jobs were permitted wage increases.

I think experience has proven that if these inequities are to be corrected, the Congress will have to do it.

The bill before us, H.R. 9092, represents a step toward equity for blue-collar workers, and I intend to support it. The provisions for payment of stipulated night differential, for the ultimate addition of two new pay steps, for "saved pay" for employees required to accept positions in lower classifications under certain circumstances, and the extension of coverage to employees of nonappropriated fund activities of the armed service represent commendable advances toward fair treatment of blue-collar workers.

The bill unfortunately falls short of providing fully equitable treatment. Most importantly, the legislation, I believe, fails to provide sufficient congressional guidelines for establishment of wage survey areas. The Civil Service Commission will remain free, as it has in the past, to establish unrealistically small survey areas, arbitrarily ignoring the influence of large, adjacent metropolitan areas on wages.

The Narragansett Bay wage survey area in my own State is such an area, which has been arbitrarily isolated from the very real influence of wages paid in the nearby Boston and New London areas.

I would like to mention here also another matter of grave concern to blue-collar workers—the current practice of reducing the force of blue-collar workers through contracts with private firms for work previously done by prevailing wage employees.

This so-called contracting-out policy might be defensible, I believe, if it could be demonstrated that the same work can be done at less cost to the taxpayer. But there are indications in my own State that contracting-out is being done primarily to meet personnel ceilings imposed by the Department of Defense, without any prior study indicating that the Government will save any of the taxpayers' money. Indeed, it seems quite possible, lacking prior studies, that in many cases contracting-out will cost more than the wages saved by cutting back the number of blue-collar jobs.

Because of the substantial increase in contracting-out at naval installations in Rhode Island, at the expense of blue-collar workers, I have asked the General Accounting Office to investigate this practice in Rhode Island.

In addition, I and my colleagues of the Rhode Island congressional delegation recently conducted a hearing on contracting-out at naval installations in the State. At that hearing we heard convincing testimony that contracting-out was costing the taxpayer more money and costing blue-collar workers their jobs.

Indeed some of the testimony was shocking—testimony that private contractors were hiring military personnel in off-duty hours to perform work formerly done by Wage Board workers; and testimony of "forced attrition" in which workers were coerced into early retirement, presumably to save the jobs of their fellow workers, only to see their fellow workers laid off because of contracting-out.

There are other serious questions raised by contracting-out procedures—questions of the effects on base security in sensitive areas, and of the reliability and quality of the work performed under contracts.

And I hope very much that the Post Office and Civil Service Committee, with its proven regard for high standards of Government service, will consider looking into this matter because of the very severe impact it has on the blue-collar work force of the Government, as well as its potential impact on the Nation's taxpayers.

Mr. President, I believe it would be a great injustice if the President were to veto this bill. And I believe that if he did so, I would look forward to voting in support of overriding such a veto, a vote which I hope would prevail.

Mr. McGEE. Mr. President, I say to the Senator from Rhode Island that the committee gave some thought even to adding a provision to this measure, a provision that was sponsored by the Senator from Rhode Island.

However, his alerting the committee to this matter is sufficient to guarantee that we will plunge into the contracting-out practice. It is a very mixed bag. It would take more probing, I suspect, to do than the convenience of an amendment here would permit. We do guarantee that will be gone into at great length.

I thank the Senator for his remarks.

Mr. PELL. Mr. President, I thank the Senator from Wyoming.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, how much time remains to the Senator from Rhode Island?

The PRESIDING OFFICER. Two minutes remain to the junior Senator from Rhode Island.

Mr. PELL. Mr. President, I yield my 2 minutes to the senior Senator from Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I associate myself with everything my colleague has said, particularly with this practice of contracting out work that in the past has been done by government workers in the blue-collar class.

Fortunately for us, in times of emergency we have been able to call upon these various people who have been trained to do this work for their government. We have installations in Rhode Island where the quality of the work is second to none in the entire land. Those workers are ready, willing, and able.

I think it is a regrettable state of affairs that, after these people have been trained and performed admirably, have incurred obligations as homeowners with family responsibilities, all of a sudden the policy of the government has been changed and the government begins to contract out this work and thereby deprives these people of their jobs, jobs that are covered by this particular bill.

I feel the bill deserves the support of the Senate. Frankly, up until this time, the Federal blue-collar workers have been second-class citizens insofar as Government employment is concerned. And this whole system of regulating their pay scale has been rather lopsided. In our State of Rhode Island one does not have to travel very far to find people who do the same work for their government and are paid on a different classification and wage.

The junior Senator from Rhode Island and I have been working at this for some time. I am very happy that we have reached the moment now that we can do something about this.

Mr. McGEE. Mr. President, before recognizing the Senator from Alaska I wish to reiterate that this whole mishmash of so-called threats to employment of Federal workers should be laid bare. If, indeed, that is a primary concern of my colleague from Hawaii let me say that the next logical step would be let us pay them one-half of what they are worth and then increase the employment. We are trying to measure the work of a man who does his job so that it is predictable, and so that he has some incentive to advance. It is nothing more than that.

In those simple terms I think the expressions already shared by our colleagues cry out to us that this is long overdue and that, indeed, we support the pending measure from the Committee on Post Office and Civil Service.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PELL. Along the same line, another indefensible practice has been brought to my attention. That is the practice of using military personnel on their off-duty time for blue-collar jobs. This can involve a question of national security when, for example off-duty military personnel are used for refueling operations.

In a time of national emergency, the military personnel with their regular missions to perform would not be available for this vital work—and there would be no blue-collar workers to do the job.

I hope this is looked into by the committee.

Mr. SCHWEIKER. Mr. President, I ask that justice be done to a group of dedicated, capable citizens who are presently denied less than their full due. They are the wage grade or blue-collar employees of the Federal Government. White-collar workers in the Federal Government have a system with 10 steps within grade; blue-collar employees have three. This places very narrow limits on career incentive and is an apparent devaluation of the dignity of their professions. This is compounded by further discrimination in pay.

According to figures gathered by the Bureau of Labor Statistics, it takes $10,971 for a family of four to meet the fiscal requirements of an intermediate level budget.

In the State of Pennsylvania, 28,188 wage grade employees are on the Federal payroll. Of these, 25,903, or 91.8 percent, earn less than $10,971 and, therefore, fall short of being able to support an intermediate level of living. These are skilled, loyal citizens who make a valuable contribution to our country through their work. They are entitled to this intermediate standard of living at least.

H.R. 9092 would alleviate these deprivations both in pay and in career incentive. It would replace the present three-step system with a five-step one, giving the wage grade system more career orientation. These employees have been denied the full recognition of their value in the Federal labor force for too long already. I urge the passage of this measure.

Mr. McGEE. Mr. President, I yield next to the distinguished Senator from Alaska. I wish to mention that the Senator from Alaska has been one of the most articulate members of the committee in trying to understand the problems of the Federal employee and I suspect that in the State of Alaska that is even disproportionately a real problem one has to live with, more so than some of the older States of the Union. The sharpness and depth of study of the Senator from Alaska on this question have always exceeded the requirements of his office.

How much time would the Senator from Alaska like to have yielded to him?

Mr. STEVENS. Five minutes.

Mr. McGEE. I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the chairman of the committee. I regret that I do disagree with the ranking minority member of our committee. Our disagreement has been explored in committee. I am sure it is not any surprise that I do support the bill. I am grateful to the chairman of the committee for accepting the suggestion I made that led to the concept that the increase in the fourth and fifth rates would not be effective until the first pay period has ceased or the authority has expired.

That concept was not an original one of mine. It is a suggestion that came from the Organization of Government Employees through a conversation I had with them concerning the problem of the wage board and blue collar employees in my State.

I think my good friend from Hawaii misses one point. We are talking about rates that are 96 percent to 112 percent through the five steps of the prevailing rate. Nowhere is it demonstrated as well as it is in Alaska that the prevailing rate is just slightly above the average rate in private employment. The survey, I think, is defective to begin with, but the results lead to the prevailing rate. In no instance I know of would the person entitled to the fifth rate under this bill of 112 percent of the prevailing rate be able to make as much money doing the same thing in a blue collar capacity, as he would if he worked for one of the dynamic contractors who pays his people for the jobs they do, which reflect the talent, capability, and experience of the employee.

The present system under which the wages of the blue-collar employees of the Federal Government are set is haphazard and inequitable. H.R. 9092 would establish a uniform procedure for establishing and revising regulations regarding pay and conducting wage surveys.

In that regard we should note it not only covers two new steps but changes the concept of a 7.5 percent pay differential nationwide for the normal overtime work in the second shift and 10 percent for the third shift. This is due to the differences blue-collar employees receive under the present law in terms of shift differentials, which are not uniform.

It would retain the concept of the prevailing rate while bringing some measure of justice and equity to the pay system on which these neglected Federal employees must rely.

I say neglected because these employees have been left out in the cold while so many of their fellow Federal workers have had their pay systems set statutorily and revised to the tune of the changing demands of time.

There is little incentive for men and women to go into or remain in the occupations of the wage grade system of the Federal Government. They are underpaid.

Even under this bill they would be underpaid in comparison with those who have longevity and who are doing the same job in private enterprise in the same locality.

They reach the top of the pay ladder all too quickly. Where Federal employees in the classified service have 10 steps within grades, wage board employees have only three.

The reason that white-collar, General Schedule employees have 10 steps is to both retain them in the Federal service by holding out the prospect of increased wages for loyalty and to reward them for loyalty. Both the executive branch and the Congress have accepted the fact that it is in the best interests of the United States to reward employees for choosing Federal service as a career. We find this concept not only in the 10-step system for white-collar pay; we find it in the way Federal employee retirement annuities are computed. We find this in the way the Veterans Preference Act determines retention on the rosters in the event of reductions in force.

We find this philosophy present in every area where there has been legislation. And it is absent in the blue collar, wage-grade system principally because there has been no legislation.

There is considerable misunderstanding about the step system. The executive branch, which has denied these employees compensation for career commitment, is the main source of this misunderstanding. The executive branch asserts that this bill would result in Federal wage grade employees eventually being paid 12 percent above the prevailing rate.

In my opinion, the people earning the rate do not know what they have when they are finished; they are just slightly over the wage rate in each area.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. McGEE. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Actually, I believe that we should all clearly understand that the term "prevailing rate" in this legislation is a term of art. It has a technical, expert meaning which is not identical with the general meaning most people assign that term. When most people talk of paying wage grade employees a prevailing rate, they assume that the term means the rate going in the area at the time. They assume it is a genuinely free rate.

But we all know that the term has rigid definitions. Data is collected; it is weighted, then the rates paid the top wage-grade employees and the rates paid the lowest level are integrated into a straight-line system based on the formula of least squares. This system often produces absurd situations, because all graph straight lines using such a formula revolve around a central point or fulcrum. In one instance, even though all private enterprise blue-collar employees in a survey area received wage increases, the "teeter totter" effect of this formula produced a line where the lower levels would have had pay decreases and the higher levels would have had increases even greater than those in private enterprise. Fortunately, the coordinate wage system mechanism contains people of good sense and this aberration was corrected.

We have also other types of misinformation or misinterpretation from the executive branch. You may have seen figures showing what great percentage increases have been given blue-collar employees. The use of percentages is dangerous, as we all know. But in this case, the percentages are even more suspect because the executive branch has included in the increases not merely normal wage increments, but also the corrections for past distortions resulting from the preceding uncoordinated wage grade system. Consequently, the base from which the percentages is calculated is like a sand floor instead of the solid ground used for computing percentages for white collar employees.

I do not believe that cost or economics is the real issue. Besides statistics, there is also a philosophical issue involved. I believe that there are forces at work which do not want this area, where legislation does not exist, to be encompassed by law and statute. These forces do not wish the blue-collar employees and their union representatives to be able to deal with management from the strong platform of law and statute, a platform which they could invoke whenever they felt they might have to go to court or assert or protect their rights.

I am a great believer in good law, which is clear in its provisions. I find H.R. 9092 to qualify as good, comprehensive law. For this reason, I shall vote for it, as it is before us, and urge all Senators to join me in its enactment.

Mr. President, I would like to ask one question of my colleague, the Senator from Hawaii, who has notified us that the President would again veto this con-

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cept. My question is a sincere one, which I am sure he realizes.

Does the Senator from Hawaii disagree with me that the prevailing rate is the wrong word to be used in this concept?

Mr. FONG. No, I do not.

Mr. STEVENS. Had we used——

Mr. FONG. On whose time is this?

Mr. STEVENS. My time. I only have one-half of a minute left.

Had we used a concept of average wage rate, would the Senator from Hawaii have felt the same way about the prevailing rate in view of the fact that it is in fact slightly over the average wage rate for the area of my constituency?

Mr. FONG. The prevailing rate is similar to the average rate. This is the definition given in the bill because you have to strike an average somewhere. You cannot get the top or the bottom so it was a prevailing rate.

Mr. STEVENS. I thank the Senator for his candor and fairness. I think I made my point. We are not talking about 108 percent of the amount these employees get paid in private enterprise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator yield to me 1 additional minute?

Mr. McGEE. I yield.

Mr. STEVENS. We are talking about 108 percent of the average or 112 percent of the average.

In my State that means that the average pay of blue-collar employees is approximately 70 percent of what is being paid people who do the same work in private enterprise or under the Davis-Bacon Act. We legislated that act. They get the same pay as the prevailing union rates under the Davis-Bacon Act. If we had put that in the law and stated that it should be the prevailing union rates, it would make some sense. This percent system is still inequitable, even if we pass the bill. I regret the President announced he would again veto this small step toward equity for blue-collar employees of the Federal Government.

Mr. FONG. Mr. President, I yield myself 5 minutes.

To answer the Senator from Wyoming, who said I am downgrading the blue-collar workers, I want to say I have the greatest respect for the Federal blue-collar workers. There are approximately 10,000 blue-collar workers in my State. They were neglected workers 10 years ago, but since then they have had an approximately 109-percent increase in their salaries, and at the present time they are getting 4 percent above the average prevailing rate.

There is no misunderstanding about this bill. The bill is very clear. Let me read it to my colleagues. What this bill states in the first and second pages under the title "Policy" is as follows:

> It is the policy of Congress that rates of pay of prevailing rate employees be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and be based on principles that—

I am reading from the bill, now—

> (1) there will be equal pay for substantially equal work for all prevailing rate employees who are working under similar conditions of employment in all agencies within the same local wage area.

Subparagraph (3) of that policy statement reads:

> the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area.

What does that mean? That means that we are going to give to the Federal employee comparable wages to those of his counterpart in private industry. We have followed that principle for over 100 years. That principle had worked so well that in 1962 Congress adopted the principle of comparability for the salaries of Federal white-collar workers, and that principle of comparability is written into the statutes for all classified Federal employees. That principle was so good that it was copied by the Congress for the Federal classified employees.

Mr. President, as I have stated, the number of blue-collar workers was approximately 900,000 when I came to Congress 12 years ago. That number now has dropped to 510,000. The President is urging a 5-percent cut. I know the Federal worker in every one of my colleagues' States here have been affected by this RIF in jobs.

In my State of Hawaii, just in the Naval Shipyard facility at Pearl Harbor, 500 positions were cut. This RIF, which will end on June 30, 1972, will cut 52,000 Federal jobs throughout the United States.

This bill, if passed, will cost $178 million. The Civil Service Commission has put this into the computer and has come out with a picture that shows 23,500 jobs will be affected. Following the precedent we have used, every time we give a pay raise, the Federal departments have had to absorb the costs of the pay raise. That is why the number of jobs has been cut down. We have followed that procedure. Twenty-three thousand and five hundred RIF'ed. Twenty-three thousand and five hundred people are going to lose their jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 3 more minutes.

With every loss of a job in the Federal Government, there is a bumping of five other employees. In other words, if I lose my job, it affects five others of my fellow employees. They will be bumped to a lower grade. As I have said, a woman was bumped $7,000 because there was a RIF'ing in her department. So in the RIF'ing of 23,500 jobs, we will be affecting another 117,000 people. In other words, if the bill is passed, it will affect the lives of 140,000 of our Federal employees.

Mr. PASTORE. Mr. President, will the Sentor yield?

Mr. FONG. I yield.

Mr. PASTORE. Is there anything in the bill which compels the department to absorb that?

Mr. FONG. This is what has been done with past pay increases and this one will follow those precedents.

Mr. PASTORE. I know it has been done because that is the choice of the administration, but if we appropriate the money, there will be no bumping.

Mr. FONG. It will have to because of the stringent financial condition in the Federal Government. The administration has followed that course.

Mr. PASTORE. I know. This financial stringency has been overdramatized. We just got through spending $5 billion for the latest bombing in North Vietnam, and now we are crying over $75 million to pay an honest, reasonable day's wage to a man who works for his Government. I do not think that parsimony with the blue-collar workers naturally follows.

Mr. FONG. We are not talking about an honest day's wages for the men. They are receiving, on the average, 4 percent more than the average wage paid in the community. We are going to give them another 8 percent, which is 12 percent more than the average wage in the community. As of now, the Government is cutting out 52,000 jobs.

Mr. PASTORE. Why?

Mr. FONG. Because there was a 5 percent reduction in force.

Mr. PASTORE. Who dictated that?

Mr. FONG. The administration did.

Mr. PASTORE. Whose fault was that?

Mr. FONG. It was because we did not have the money.

Mr. PASTORE. All we have to do is appropriate.

Mr. FONG. Yes, but where is the money coming from?

Mr. PASTORE. The Treasury of the United States, like we find money for Vietnam.

Mr. FONG. Congress has never appropriated the money. In all these instances, Congress has not appropriated the money. That is the resaon why they have taken it out of the hide of these agencies, and in taking it out of the hide of the agencies we have cut the work force from 900,000 to 510,000.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. COOPER. In the event the bill is passed, what wage rate will these employees receive under the existing procedures?

Mr. FONG. Under the existing procedures which will be carried on this year, it is estimated by the Civil Service Commission that these people will get a wage increase of 8 to 9 percent. This is over and above the 8 or 9 percent they have been getting. They have been getting that for the past 8 or 10 years. As I have stated, the average increase in all these areas has been 65.18 percent, and the average wage increase of the white-collar workers has been 55 percent. There is approximately a 10-percent difference between the wage increases of the classified workers and that of the blue-collar workers. In other words, the blue-collar workers have fared better than the white-collar workers.

We are not downgrading the blue-collar workers. We are not saying, "You are not giving good service to the Federal Government." We are not saying, "You should not get the pay you are getting." We have already given them 4 percent more than the average paid in the community in which they are working. They are getting 4 percent more now. This bill will wreak havoc with the comparability system which we inaugurated in 1962 for the white-collar workers, which principle has been prevailing for the past 100 years in the Federal blue-collar pay system.

Mr. McGEE. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator from Wyoming has 6 minutes remaining. The Senator from Hawaii has 2 minutes remaining.

Mr. McGEE. Mr. President, in the interests of the fairness doctrine, I yield myself 4 minutes, so that it will come out about the same and the time will be balanced, and then I am prepared to proceed with the agreed-upon process of a tabling motion by the Senator from Hawaii.

Mr. FONG. Mr. President, I am prepared to move to lay the bill on the table, and if that motion should fail, we will proceed to a vote up or down, and this will give us the necessary time within the agreed upon time limitation to carry out the votes.

The PRESIDING OFFICER. Such a motion would be in order at the expiration of all the time. There is no need for a unanimous-consent agreement.

The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I just want to make sure that the full record is spread before us, in the light of the comments that have been made, particularly about the prevailing wage and determining what is the prevailing wage, and by comparison with whom.

That is good as far as it goes, but it does not go to the point. Left out of the prevailing wage summary in any community is the construction workers' group. Left out of the arrival at a prevailing wage are the job shops. Those are the highest salaried groups in a community. Therefore, the prevailing wage approach, under the existing system, still leaves a gross inequity.

Mr. President, as we have all crusaded for comparability in employment for Federal workers, we have come to understand that comparability does not achieve equality, equity, or justice among the blue-collar workers, for one reason. We gave comparability to all the white-collar workers, but we also gave the white-collar workers a 10-step promotion system as an incentive to be inspired in their Federal employment. We have confined the blue-collar workers to three steps. We likewise gave to all of the Federal employees above the blue-collar level a 10 percent dividend for night employment, and we are only saying that the time has come that, for their level of work, for their devotion to duty, the blue-collar workers are entitled under law to the same expectations in their careers as those in the white-collar service.

I have listened to the arguments by Senator FONG and would like to answer them individually. Some of these have already been answered in my floor opening statement and I will not dwell on those points.

The distinguished Senator has stated that if H.R. 9092 is enacted into law, 23,500 employees will be threatened with loss of jobs. He apparently arrives at that figure in this manner; it is customary for agencies to make up the cost of salary increases from within their operating budgets. Implementation of the fourth and fifth steps would cost approximately $178 million. Three things come to mind after analyzing the figures. First, the fourth and fifth steps most likely not take effect until April 30, 1973, or the date on which the President ceases to exercise his authority under the Economic Stabilization Act, whichever occurs first. Assuming the fourth and fifth steps do not take effect until April 1973, and there is no indication they will not, then the cost of the fourth and fifth steps for fiscal year 1973 would only be $19 million and not $178 million. The balance could and should be budgeted for fiscal 1974 now and, as I see it, no problems would insure. Few jobs, if any, would be sacrificed.

Second, the Senator has stated that the comparability of Federal blue-collar employees with their counterparts in private industry would be damaged by passage of this bill. Again, let me say that the 112 percent of the prevailing wage as proposed by the fifth step in H.R. 9092 is definitely misleading. Economics of fixing wages is never absolute and I would venture to say that if four surveys were taken within 1 month's period, it is likely that four diverse sets of figures would be obtained.

Our goal also is to obtain the finest possible employees and in order to do this, we must be at least on parity with private industry. This requires a recruitment program containing some incentives. H.R. 9092 supplies some of this incentive to work for the Federal Government, with the implementation of the fourth and fifth steps. We are not asking for 10 steps which our white-collar employees receive. We just feel at this time that two more steps are necessary to make these employees full citizens. Pay comparability will not be destroyed but improved upon. By passage of H.R. 9092, a more objective survey possibly will be taken. The agency will now look a bit closer at the agencies to be surveyed. I would say with the additional two steps that, if anything, salary comparability will be strengthened.

Another issue is the Federal blue-collar pay system would be overturned by passage of this bill, a system he says has existed for over 100 years. We are not overturning the pay system, we are improving it.

The fourth and fifth arguments advanced by Senator FONG can be treated as one. The statistical increase of 11 percent the past 10 years of blue-collar workers over white-collar workers in the Federal Government is correct. However, until very recently the blue-collar worker was one of the lowest paid in any industry. Yes, they have made progress, but not as much as they should or we want them to make.

The distinguished Senator from Hawaii has also raised objection for raising to 10 percent the pay differential for evening and night work. Private industry has certain incentives which the Senator is well aware of to induce the workers to labor on the least desirable shifts. Again, I repeat that the law giving 10 percent differential to all other Federal employees has been on the books since 1945. The U.S. Government has been working hard to bring all Federal employees to a level of parity with private industry. The 10-percent pay differential is just one more small way to do this.

Mr. President, the bill before us today is substantially the same bill that has passed this body last year and the House of Representatives the past 2 years. The time is ripe. We have denied for too long the plight of the blue-collar worker. As chairman of the Post Office and Civil Service Committee, I am proud the majority agrees that this legislation is ready for a vote and ultimate passage by this distinguished body.

I conclude, Mr. President, by saying again that this has to be bogeyman stuff that we have here about all the people who are going to lose their jobs. If that in fact is true, it is strange that those people about to lose their jobs have not risen by the 52,000 or the 75,000 or whatever number you want to grab out of the air and said, "Don't do this, because I need my job." Instead, the blue-collar Government employees of this country have petitioned again and again for this legislation. There is the answer to the legitimacy of equity in this bill.

Mr. President, I am prepared to yield back my 2 minutes.

Mr. FONG. Mr. President, I want only 1 minute to answer the Senator from Wyoming. The reason we have so many steps in the classified white-collar system is that industry has that, and we are following industry. That is the rule of comparability: We are following industry, and the reason we have only three steps here is to follow industry as closely as possible and industry has only 1.8 steps in the classified white-collar system steps. We have provided three steps. But that is the rule of comparability, following industry, and we have done that in all these cases.

I yield back the remainder of my time.

Mr. McGEE. Mr. President, in the interest of comparability and fairness, I yield back my 2 minutes.

Mr. FONG. Mr. President, I move that the bill (H.R. 9092) be laid on the table.

The PRESIDING OFFICER. Does the Senator request the yeas and nays on his motion?

Mr. FONG. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the motion of the Senator from Hawaii that the bill (H.R. 9092) be laid on the table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Sena-

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tor from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), and the Senator from New Jersey (Mr. WILLIAMS), are absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The result was announced—yeas 19, nays 56, as follows:

[No. 213 Leg.]

YEAS—19

Allott	Dominick	Miller
Bennett	Fannin	Roth
Brock	Fong	Taft
Cooper	Griffin	Thurmond
Cotton	Hansen	Young
Curtis	Hruska	
Dole	Jordan, Idaho	

NAYS—56

Aiken	Eastland	Packwood
Allen	Ervin	Pastore
Anderson	Gravel	Pearson
Bayh	Gurney	Pell
Beall	Hart	Percy
Bentsen	Hartke	Proxmire
Bible	Hatfield	Randolph
Boggs	Hollings	Schweiker
Brooke	Inouye	Smith
Burdick	Jackson	Sparkman
Byrd, Harry F., Jr.	Javits	Spong
Byrd, Robert C.	Jordan, N.C.	Stafford
Cannon	Kennedy	Stennis
Case	Magnuson	Stevens
Chiles	Mansfield	Stevenson
Cook	McGee	Symington
Cranston	Mondale	Talmadge
Eagleton	Montoya	Tower
	Nelson	Tunney

NOT VOTING—25

Baker	Hughes	Mundt
Bellmon	Humphrey	Muskie
Buckley	Long	Ribicoff
Church	Mathias	Saxbe
Ellender	McClellan	Scott
Fulbright	McGovern	Weicker
Gambrell	McIntyre	Williams
Goldwater	Metcalf	
Harris	Moss	

So the motion to table was rejected.

Mr. BURDICK. Mr. President, I rise in support of the measure presently before the Senate, H.R. 9092. These amendments to the Federal prevailing rate system represent a long overdue first step toward the goal of providing equity and justice for the Federal blue-collar worker.

Many of us recall the disappointment of last year when the President vetoed the wage grade reform bill. Those of us on the Post Office and Civil Service Committee were especially discouraged at this setback as it represented another delay for the Federal blue-collar worker who had made a convincing case before the committee.

However, as a result of the leadership of our able committee chairman, Senator MCGEE, the best of several new bills—one of which was my own—were incorporated into the Senate version of a bill already passed by the House of Representatives, H.R. 9092.

If this measure is finally adopted by Congress we will be bringing justice to more than 800,000 blue-collar workers.

The PRESIDING OFFICER (Mr. BEALL). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9092) was read the third time.

Mr. MCGEE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas, (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The result was announced—yeas 56, nays 19, as follows:

[No. 214 Leg.]

YEAS—56

Aiken	Eastland	Packwood
Allen	Ervin	Pastore
Anderson	Gravel	Pearson
Bayh	Gurney	Pell
Beall	Hart	Percy
Bentsen	Hartke	Proxmire
Bible	Hatfield	Randolph
Boggs	Hollings	Schweiker
Brooke	Inouye	Smith
Burdick	Jackson	Sparkman
Byrd, Harry F., Jr.	Javits	Spong
Byrd, Robert C.	Jordan, N.C.	Stafford
Cannon	Kennedy	Stennis
Case	Magnuson	Stevens
Chiles	Mansfield	Stevenson
Cook	McGee	Symington
Cranston	Mondale	Talmadge
Eagleton	Montoya	Tower
	Nelson	Tunney

NAYS—19

Allott	Dominick	Miller
Bennett	Fannin	Roth
Brock	Fong	Taft
Cooper	Griffin	Thurmond
Cotton	Hansen	Young
Curtis	Hruska	
Dole	Jordan, Idaho	

NOT VOTING—25

Baker	Hughes	Mundt
Bellmon	Humphrey	Muskie
Buckley	Long	Ribicoff
Church	Mathias	Saxbe
Ellender	McClellan	Scott
Fulbright	McGovern	Weicker
Gambrell	McIntyre	Williams
Goldwater	Metcalf	
Harris	Moss	

So the bill (H.R. 9092) was passed.

Mr. MCGEE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 15, 1972, he presented to the President of the United States the enrolled bill (S. 3166) to amend the Small Business Act.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. EVINS of Tennessee, Mr. SHIPLEY, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. ROUSH, Mr. MAHON, Mr. JONAS, Mr. TALCOTT, Mr. MCDADE, Mr. DEL CLAWSON, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. STOKES, Mr. MCKAY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. SCHERLE, Mr. MCEWEN, Mr. MYERS, and Mr. Bow were appointed managers on the part of the House at the conference.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. BEALL). Under the previous order, the Senate will now proceed to the consideration of H.R. 14989, the appropriations bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the time for debate on this bill is limited to 4 hours, to be equally divided between the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maine (Mrs. SMITH). Debate on amendments in the first degree will be limited to 1 hour, to be equally divided between the mover of the amendment and the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment. There will be one-half hour on amendments in the second degree, to be equally divided between the mover and the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment.

The Senator from South Carolina is recognized.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that, in addition to staff counsel, a member of my staff, Mrs. Mary Jo Manning, be permitted access to the floor during the consideration and final vote on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point or order shall be considered to have been waived by reason of the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 6, after the word "aids", strike out "$260,500,000" and insert "$261,200,000".

On page 5, line 18, after the word "Congress", strike out "$152,120,250" and insert "$184,808,169"; and, after the amendment just above stated strike out the colon and *"Provided,* That no payment shall be made herefrom to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization." and insert a colon and *"Provided,* That effective January 1, 1973, and thereafter no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization."

On page 11, line 17, after the word "Congress", strike out "$3,234,500" and insert "$3,327,000".

On page 12, line 12, after "(31 U.S.C. 529)", strike out "$40,816,000" and insert "$52,860,000"; and, in line 13, after the word "than", strike out "$4,500,000" and insert "$4,000,000".

On page 12, at the beginning of line 25, strike out "$6,000,000" and insert "$6,320,000".

On page 13, after line 23, insert a new section, as follows:

SEC. 105. None of the funds appropriated in this title shall be available for obligation, except on the enactment into law of authorizing legislation.

On page 17, after line 9, insert:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination at that provided for under the aforementioned appropriation.

On page 21, line 3, after the word "expended", insert a colon and *"Provided,* That $15,000,000 of the funds available for planning grants to States under section 205 of such Act may be allocated without regard to the population formula set forth in that section."

On page 23, line 20, after the word "equipment", strike out "$34,300,000" and insert "$35,872,000".

On page 24, at the beginning of line 5, strike out "$10,500,000" and insert "$11,857,000".

On page 24, line 22, after "85 Stat. 166)", strike out "$160,000,000" and insert "$190,000,000".

On page 25, line 23, after the word "amended", strike out "$39,072,000" and insert "$62,472,000".

On page 27, line 24, after the word "program", insert a colon and *"Provided,* That none of the funds appropriated in this paragraph shall be available for obligation after August 1, 1972, except upon the enactment into law of authorizing legislation.".

On page 28, line 6, after "January 1, 1968,", strike out "$2,300,000" and insert "$2,600,000, of which $300,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.".

On page 29, line 19, after the word "year", strike out "$197,000,000" and insert "$221,265,000, of which $6,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972".

On page 30, line 8, after the word "facilities", strike out "$127,000,000" and insert "$197,612,000, of which $13,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,"; and, in line 12, after the word "expended", insert a colon and *"Provided,* That none of the funds appropriated in this paragraph shall be available to carry out the provision of Public Law 89–701 (approved November 2, 1966), as amended, by Public Law 90–549 (approved October 4, 1968) except upon enactment into law of authorizing legislation."

On page 30, line 22, after the word "forecasting," strike out "$30,000,000" and insert "$43,036,000".

On page 31, line 5, after "(80 Stat. 1091–1099)", strike out "$3,232,000" and insert "$3,432,000".

On page 31, line 17, after the word "expended", insert a colon and *"Provided,* That of the sum appropriated in this paragraph, $21,000 shall not be available for obligation except upon enactment into law of authorizing legislation.".

On page 31, line 25, after the word "Patents", strike out "$67,000,000" and insert "$68,000,000".

On page 32, line 9, after "(15 U.S.C. 278d)", strike out "$62,100,000" and insert "$76,100,000"; at the beginning of line 10, strike out "$1,960,000" and insert

"$3,750,000"; in line 12, after the word "exceed", strike out "$7,200,000" and insert "$14,424,000"; and, in line 15, after the word "expended", insert a colon and "*Provided*, That none of the funds appropriated in this paragraph shall be available to carry on the Standard Reference Data Program, the Fire Research and Safety Program, nor the Flammable Fabrics Program, except upon enactment into law of authorizing legislation."

On page 33, line 18, after "(13)", strike out "$5,800,000" and insert "$7,705,000, of which $700,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,".

On page 34, line 8, after the word "modern", strike out "break-bulk" and insert "or reconstructed".

On page 38, after line 18, insert a new section, as follows:

SEC. 305. None of the funds appropriated in this title for the Maritime Administration shall be available for obligation for ship construction, operating-differential subsidies, research and development, salaries and expenses, maritime training, nor State marine schools, except upon enactment into law of authorizing legislation.

On page 39, line 8, after the word "Court," strike out "$3,770,000" and insert "$3,784,000".

On page 40, line 9, after "$1,000,000", insert a colon and "*Provided*, That not to exceed $95,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1972.".

On page 41, line 1, after the word "court", strike out "$2,241,000" and insert "$2,341,000".

On page 41, line 23, after the word "for", strike out "$75,663,000" and insert "$78,518,000"; on page 42, line 12, after the word "exceed", strike out "$41,326" and insert "$52,372"; and, in line 16, after the word "exceed", strike out "$53,477" and insert "$64,523".

On page 42, line 25, after "October 14, 1970", strike out "$13,500,000" and insert "$15,083,000"; and, in the same line, after the amendment just above stated, strike out the colon "*Provided*, That none of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia".

On page 43, line 13, after the word "Columbia", strike out "$10,506,000" and insert "$10,959,000".

On page 44, at the beginning of line 4, strike out "$6,991,000" and insert "$6,656,000".

On page 45, line 1, after "(84 Stat. 468)", strike out "$350,000" and insert "$426,000".

On page 46, line 25, after "(22 U.S.C. 2551 et seq.)", strike out "$10,000,000" and insert "$10,253,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon enactment into law of authorizing legislation.".

On page 47, line 14, after "$4,820,000", insert a colon and "*Provided*, That of the sum appropriated in this paragraph, $820,000 shall not be available for obligation except upon enactment into law of authorizing legislation".

On page 47, line 22, after "$38,795,000", insert a colon and "*Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon the enactment into law of authorizing legislation.".

On page 48, line 7, after the word "exceed", strike out "$1,500,000" and insert "$3,100,000"; and, in line 9, after the word "Act,", strike out "$25,110,000" and insert "$42,896,000".

On page 52, line 25, after "5 U.S.C. 3109", strike out "$5,800,000" and insert "$6,160,000."

On page 57, line 5, after "(75 Stat. 527)", strike out "$3,394,000" and insert "$4,946,000".

On page 60, after line 20, strike out:

SEC. 706. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312.

And, in lieu thereof, insert:

SEC. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971.

On page 61, after line 5, insert a new section, as follows:

SEC. 707. None of the funds appropriated in this Act for the United States Information Agency shall be available for obligation except upon the enactment into law of authorizing legislation.

Mr. HOLLINGS. Mr. President, I shall make only a few brief remarks concerning the 1973 appropriation bill for the Departments of State, Justice, and Commerce, the judiciary, and related agencies, that is now before the Senate, and then I shall yield to the ranking minority member of the committee, Senator MARGARET CHASE SMITH, who has been of enormous help in this matter.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HOLLINGS. So much time as may be necessary to make my opening statement.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as the report indicates the total amount recommended is $4,819,292,769 in new obligational authority. This sum is $232,188,419 over the sum allowed by the House, is $529,302,659 over the total appropriations for 1972, and $114,966,169 over the total revised estimates for fiscal year 1973.

With respect to the sum added to the House bill, I wish to point out some of the major items:

For the Department of State, the committee recommended a total of $570,670,169, an increase of $45,844,419 over the House allowance. This additional sum would provide $700,000 for salaries and expenses to help defray increased pay costs and overseas operating expenses such as wage and price increases and added support to security, communications, and passport and visa operations; $32,687,919 for contributions to international organizations to provide $24,070,500, the sum requested restored to permit full payment of the U.S. assessment for calendar year 1972 at the going rate for the United Nations and affiliated agencies that had been limited to the 25 percent restriction under the House provision, and the balance, $8,617,419, the sum needed to cover our contribution to the International Labor Organization through the calendar year 1972—fiscal year 1973; $92,500 for the International Fisheries Commission, to provide $80,500 to the Inter-American Tropical Tuna Commission to permit salary increases of personnel and improvement of the Commission's basic data system, and the balance, $12,000 for U.S. membership in the International Council for the Exploration of the Sea; $12,044,000 for the mutual educational and cultural exchange activities, which together with the House allowance of $40,816,000 would provide the full budget request of $52,860,000, and $320,000 additional for the Center for Cultural and Technical Interchange in Hawaii to permit expansion of existing programs, including mandatory cost increases of Center operations.

The committee also recommended that the House provision on restriction of assessments to U.N. and affiliates exceeding the 25 percent maximum become effective on January 1, 1973.

For the Department of Justice, the committee agreed with the House allowance of $1,765,578,000 in new obligational authority for the fiscal year 1973. The Department advised that they were satisfied with this allowance which includes the full budget requests of $850,597,000 for the Law Enforcement Assistance Administration; $351,675,000 for the Federal Bureau of Investigation; $135,084,000 for the Immigration and Naturalization Service; and $74,053,000 for the Bureau of Narcotics and Dangerous Drugs. The allowance also includes the funds necessary to cope with the increased caseload of the U.S. Attorney's and Marshals Offices and for which 165 additional positions were provided—135 for U.S. Attorneys and 30 for deputy marshals; 205 additional positions for the Legal Divisions, including 107 for the Criminal Division, 36 for the Civil Rights Division, 27 for the Civil Division, 13 for the Tax Division, and 191 additional positions essential for the care, custody and treatment of inmates and the expansion of the narcotic addict treatment program, of the Bureau of Prisons.

Language has been added to the text of the House bill to provide for the use of Federal Bureau of Investigation funds in the exchange of identification records with nationally charted and federally insured institutions and officials of State and local government for purposes of employment and licensing, also to permit the Law Enforcement Assistance Administration to allocate $15,000,000 of the $50,000,000 available for planning grants to states without regard to the population formula set forth under section 205 of the Act.

For the Department of Commerce, the committee recommends a total of $1,470,721,000 in new obligational authority for the fiscal year 1973. This sum is $137,796,000 over the total budget request and $161,647,000 above the sum provided in the House bill. Also allowed by transfer authority was $20,000,000 from the 1972 appropriation for Trade adjustment assistance. These increases, reflected in several appropriation items, were considered by the committee to be essential for the Department to adequately finance the various programs recommended as high priority items and of extreme importance to the livelihood and welfare of this country.

Although the report, beginning at page 18, will provide a detail of the committee's recommendation for each Commerce appropriation item, it appears worthy to comment on the significant increases over the House allowances, namely $30,000,000 for the Economic Development Administration, development facilities and of which 25 to 35 percent will be available for public works impact projects. This sum, together with the House allowance of $160,000,000, will provide $190,000,000, the sum available for grants and loans in fiscal 1972; $23,400,000 for the Regional Action Planning Commissions to provide: $600,000 for administrative expenses, Ozark Commission; $800,000 for planning funds, Upper Missouri Commission; $1,000,000 for administrative and planning funds, Pacific Northwest Commission, and $21,000,000 to provide $3,000,000 to each of the seven regions to further fund airport safety projects at existing airports, and $108,113,000 for the National Oceanic and Atmospheric Administration. This sum, together with the House allowance of $357,293,000 will provide a total of $465,406,000 that the committee determined to be the minimum required in fiscal 1973 for the administration to accelerate a well balanced operations and development program, including high-priority projects involving the weather, ocean, earth, and solar systems. In this connection, attention is invited to page 24 of the report which indicates, by activity and amount, the committee's recommendation as to distribution of $76,046,000 which was included in the overall recommendation of $108,113,000, and which had not been included in the President's budget submission for NOAA. Of special importance is the addition of $14,000,000 for Research and Technical Services, National Bureau of Standards. This increase covers high-priority items requested by the Secretary of Commerce and provides the full request for the experimental technology incentives program, pollution measurement methods and standards, fire research and safety and the equipment modernization program. The committee earmarked funds to initiate an expanded fiber, textile and apparel flammability research program as it was considered to be of the very highest priority in order to reduce, if not eliminate, the tragic loss of life and serious injury to children and the aged.

For the Maritime Administration, the committee approved the House allowance of $342,222,000 in new obligational authority, and $233,312,000 for liquidation of contracts. The allowance provides $280,000,000 for the ship construction program. Included in this sum is $250,000,000 for the construction subsidy to fund up to 17 vessels, and $30,000,000 for the purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet.

For the judiciary branch the committee recommended a total of $191,499,600, which is an increase of $4,746,000 over the sum allowed in the House bill. Included in the increase is $14,000 for a secretarial position to the Administrative Assistant to the Chief Justice; $100,000 for the Customs Court to finance 8 of the 12 full-time positions needed to cope with the increased caseload in the clerk's and marshal's offices; $2,855,000 for Salaries of Supporting Personnel to provide 204 additional personnel—136 probation officers and 68 clerk-stenographers essential to the probation system in assisting the courts with their programs of expediting their caseload; $620,000 for 61 secretarial positions for circuit judges of which 15 are for the Fifth Circuit Court of Appeals, and $235,000 for related benefits; and, $453,000 for travel and miscellaneous expenses of the additional personnel provided for district and circuit courts under the appropriation for salaries of supporting personnel.

For representation of court appointed counsel and operation of defender organizations, the committee recommended the full budget estimate of $15,083,000, an increase of $1,583,000 over the House allowance. The committee disagreed with the contention of the House that such funds cannot be used to pay attorneys and experts appointed in the District of Columbia Superior Court and Court of Appeals and accordingly deleted the restrictive proviso relating thereto. Furthermore, the Comptroller General of the United States, in his decision of May 26, 1972, held that the provisions of the Criminal Justice Act of 1964, as amended, were applicable in criminal and related proceedings brought by, and in the name of the United States in the District of Columbia Superior Court and the District of Columbia Court of Appeals.

For salaries of referees, a special fund, the Committee proposed a reduction of $335,000 which, together with the $71,000 reduced by the House, was requested to adjust the salaries of full-time referees from $30,000 to $32,000 per annum. It was the committee's opinion that this proposed salary adjustment should be deferred until such time as pending legislation is enacted to provide for salary adjustments of the U.S. magistrates.

For the Commission on Bankruptcy Laws of the United States, the committee recommended the budget estimate of $426,000, which is an increase of $76,000 over the House allowance and was considered necessary to cover the costs for completion of the study and report during the fiscal year 1973.

For Related Agencies, the committee recommended a total of $820,824,000, which is an increase of $9,951,000 over the House allowance. This increase includes $253,000 for the Arms Control and Disarmament Agency; $17,786,000 for the Equal Employment Opportunity Commission, and which includes $14,786,000, the budget estimate that was not considered by the House but was requested to finance the budget estimate that was not considered by the House but was requested to finance the recently enacted authorization, Public Law 92–261, approved March 24, 1972; $360,000 for the Tariff Commission to provide for about 50 additional employees to cope with the increased workload; and $1,552,000 for special international exhibitions of the U.S. Information Agency and relating to a new budget estimate not considered by the House but needed to cover expenses of the U.S. exhibition, "Outdoor Recreation, USA," to be shown in six cities of the U.S.S.R. in accordance with U.S. and Soviet agreement signed April 11, 1972.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. President, I wish to take special note of the committee's recommendation for fiscal year 1973 for the Law Enforcement Assistance Administration in the amount of $850,597,000.

I believe these funds will be used by States and local units of government to make needed improvements in all phases of the criminal justice system. Under the LEAA program, the States submit comprehensive plans which contain projects for the police, courts and corrections, with a special emphasis on community-based corrections.

Mr. President, I am aware, as most of my collegues are, that there has been some criticism of the LEAA program. Although some funds were misspent in the early years of LEAA's existance, the Appropriations Committee has been satisfied by the LEAA Administrator, Jerris Leonard, that his agency is taking corrective action to see that this program functions in the way Congress intended. I am confident that the dollars we are appropriating today will be used to wage a vigorous attack on crime in our nation.

Also, I am pleased to note the LEAA program has been successful in South Carolina and has received widespread support. At this time, I would like to congratulate all those who have made this program work in my State.

Mr. President, I ask unanimous consent that the report which was submitted by Mr. Carl Reasonover, executive director of the South Carolina law enforcement assistance program, for LEAA's third annual report, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA REPORT

Following is the FY 1971 report of the South Carolina Law Enforcement Assistance Program (LEAP).

GREATEST NEEDS

According to the 1968 population estimates, South Carolina ranks 26th in U.S. population with approximately 2,664,000 residents. Of these inhabitants, over 55 percent are located in the rural areas. Adequate crime prevention and control programs, however, must also be developed for South Carolina cities anticipating the greatest population growth. Because of this, a significant amount of program resources has to be directed towards smaller criminal justice agencies. Regional programs which will serve a number of these smaller agencies would be ideal.

38 percent of the population is under 18 years of age and 34.8 percent of the inhabitants are non-white; it is necessary that the criminal justice problems of these groups receive special attention.

A LEAP survey of the needs and problems

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in the criminal justice system, has made possible—for the first time in South Carolina—a framework for systematic analysis of arrests, judicial processes, incarceration, release on probation or parole, rehabilitation and reintegration of the offender back into society.

The survey revealed breakdowns in communication between state agencies and local agencies, and between state and local agencies and the general public. We found overlapping jurisdictions, manpower duplication and waste, marked deficiencies in training, wide variances in hiring standards, a lack of research, and inadequate criminal records keeping, reporting and data collection. These deficiencies extend throughout the criminal justice system. Adult and juvenile penal facilities are inadequate and overcrowded. Courts operate in a variety of unsatisfactory physical settings. Sentencing procedures vary widely for the same offense; indeterminate sentences are not applied to adult offenders. Local police and sheriffs departments have insufficient or outmoded equipment. Training facilities and academies are inadequate, under-staffed and deficient in training hardware, mock-ups, and film, journals and textbook libraries. There was little training where different disciplines trained together.

SOUTH CAROLINA STATISTICS

Population: 2,590,516.

Planning grant: $355,000.

Action grant: $4,223,000.

Programs: upgrading personnel, $554,800; prevention of crime, $25,500; juvenile delinquency, $482,730; detection and apprehension of criminals, $678,850; prosecution, court and law reform, $460,250; correction and rehabilitation, $204,300; organized crime, $37,500; community relations, $42,000; riots and civil disorders, $174,950; construction, $1,198,100; and research and development, $364,020.

State correctional officers and local police officers often are uniformed and placed on line duty with little orientation to their duties and responsibilities. Career ladders are dismal, hiring standards vary widely and turnover rates are unacceptably high.

Juvenile educational and rehabilitation activities are substandard; there are shortages of teachers in the school system capable of diagnosing potential juvenile delinquents. There are not alternatives, such as halfway houses, to incarceration of juveniles. There are only 19 Family Courts, inadequately equipped to handle the numbers of juvenile cases in the state. Juvenile probation and parole is understaffed, underfunded and undertrained.

Criminal laws are not collected in a single volume of the Code of Laws of South Carolina. They are not up to date. They do not take cognizance of modern day crimes. These laws are in such a condition that it is mandatory that they be gathered in one central part of the Code of Laws of South Carolina. Fragmentary reports indicate a general, perceptible rise in index crimes over the past five years. Reliable crime statistics, owing to deficiencies in criminal record data collection, are lacking. South Carolina law does not require recording and collection of criminal statistics by the law enforcement agencies. Rather, statistics are maintained, if at all, on a voluntary basis. Crime statistics in the FBI's Uniform Crime Reports are the only available statistics at present.

At the state level, the LEAP set the following priorities for developing programs during FY 1971: training, construction and renovation of facilities, personnel, equipment and research.

At the local level, the priorities were: personnel training, equipment, personnel and salary improvements, records improvement, public education and management improvements.

MAJOR ACTION PROGRAMS

South Carolina's major action programs focus on establishing an information and communications system, a training academy and educational television training program and a volunteer corps to aid youth on parole.

Information and communications

The Criminal Justice Information and Communications System aims at collecting and disseminating criminal data from and to all state and local law enforcement agencies. Presently, it is possible for local law enforcement agencies to receive criminal data from the National Criminal Information Center only via State Law Enforcement Division. LEAA awarded $237,027 in FY 1971 funds to Law Enforcement Division to design and implement the needed system.

There are three phases to implementing the system:

Administrative

This phase will permit local law enforcement agencies to communicate with each other on an individual basis. Previously, intra-state communications were transmitted to all terminals. This phase adds 11 circuits and 10 terminals, increasing the number of circuits to 15 and number of terminals to 67.

Data collection and dissemination

After completion of phase one, all law enforcement agencies will be asked to report criminal activity information to the Division, where it will be compiled and coordinated for future use by the agencies. Also, local agencies will become capable of receiving data directly from the NCIC. It will also be possible for the agencies to obtain information concerning vehicles, drivers licenses, and so on, directly from the State Highway Department.

Criminal records

The final phase will give the courts, the corrections departments and probation, pardon and parole agencies access to the systems. Complete pre-sentencing information will be available and reporting requirements to the Attorney General will be simplified. The criminal history records are planned to be open-ended; health, welfare and education information about the criminal can be added, providing baseline research and statistical data to develop criminal profiles.

Training academy

At the direction of the Governor, a study of personnel agencies training needs and problems was made. Based on the results of the study, the State Legislature created a Criminal Justice Training Academy.

The Governor's Committee on Criminal Administration and Juvenile Delinquency allocated $500,000 from the FY 1970 LEAA grant and $149,800 from the FY 1971 state funds level to establish the Academy. A South Carolina Criminal Justice Academy will be constructed with LEAA, National Highway Safety Board and state and local funds, near Columbia. It will train an estimated 1,310 criminal justice employees yearly. It is expected to be operational by January 1972.

ETV training program

The South Carolina Law Enforcement Education Television Training Program was inaugurated by Governor McNair in September, 1965, to train approximately 4,000 police officers through closed circuit television. In December 1965, the first program was televised. The programs are 30 to 60 minutes of black and white video taped material transmitted monthly to 50 locations in the state. At each location a discussion leader distributes study workbooks, which are used by the students for discussing the programs.

Through televised instruction, approximately 4,000 criminal justice personnel will be brought up to date on changes in the law and new techniques used elsewhere in the criminal justice system. Twelve new programs are expected to be produced under this current $50,000 LEAA grant. Programs under preparation emphasize scientific techniques, crime scene searches, and arrest problems—focusing more on the "how to do it" than on "what the law is." Programs explaining new laws and new decisions by the courts will also serve as aids to the South Carolina Police Academy.

Volunteers

Under a $70,947 discretionary grant in 1970—a $96,959 continuation grant for 1971 is pending—an innovative program using volunteers in youthful offender rehabilitation was instituted in the Department of Corrections. Volunteers aid in the operations of the Parole and Aftercare Section of the Youthful Offender Division, where they supervise 17- to 21-year-old parolees over a two-year period. The volunteers are trained by, and under the supervision of professional parole counselors.

For the most part, the volunteers are friends or acquaintances of the youths or their parole supervisor. Most of the people contacted as potential volunteers welcomed the chance to serve.

Of the nearly 500 youthful offenders released since July 1969, only 50 (10 percent) have been returned to state correctional institutions for parole violation or felony charges. To date, the project has secured the services of 170 volunteers.

OTHER MAJOR PROGRAMS

Other major programs in the South Carolina criminal justice system center on community-based corrections and upgrading the courts.

Project Re-Entry

Project Re-Entry, a community-based pre-release center in North Charleston, enables individuals returning to the coastal area of the state from correctional institutions to participate in a program that eases their transition to civilian life. The program marshals private-sector resources in training, employment placement and guidance; provides transitional services and selective community-offender interactions; and provides supervision for individuals on work release. It also provides a continuous source of trained manpower to the community. The project was funded with a $114,433 discretionary grant.

Continuous data are maintained on all participants to determine the effectiveness of Project Re-Entry. Data collected includes number of recidivists, employer satisfaction with participants and level and extent of community participation. To date, 93 candidates have been processed through this center, and 33 are currently involved.

City-county complex

Florence County is located in the central eastern portion of South Carolina. The county contains 805 square miles with an estimated population of 85,000. Its largest city, Florence, has approximately 30,000 inhabitants.

The city of Florence was originally the center of an agrarian area, but is rapidly becoming urbanized. Industrialization has brought about many built-in problems, most of which are results of conflicting socio-economic stratifications. During this period of transition, there has been a significant increase in all crime categories.

The offices, jail, law enforcement division and courtrooms—all old, inadequate buildings—of the City and County of Florence were located on adjoining property in downtown Florence.

A feasibility survey during April and May 1965, determined that the buildings were "inadequate, badly deteriorated and not recommended for continued use."

Plans are underway for the sale of $5 million in Florence County bonds to finance a new complex to house the criminal justice agencies. The $5 million bond issue, however, was not adequate to complete the project. A $190,000 LEAA grant was awarded to the City and County of Florence during FY 1970 to aid the construction of the law enforcement complex. During FY 1971, a grant of $80,000 regional funds and $433,000 escrow funds were granted. As of July 1971, the complex has received LEAA action funds totaling $440,000. Construction is underway and the facility is expected to be completed by December 1972.

FAMILY COURT PROGRAM

There is an urgent need to replace the blame-guilt attiude directed to juvenile delinquency with a careful definition of each child's problems, characteristics and skills and the implementation of community-based treatment programs. This special project, funded with a $250,000 discretionary grant to the Vocational Rehabilitation Department, will concentrate intensive long-term services on juveline delinquents, ages 14 to 17, who are under the supervision of the Family Courts in Charleston, Spartanburg, Florence, Rock Hill and Columbia and who have not yet experienced institutionalization. The vocational rehabilitation unit will try to reduce juvenile recidivism rates by developing inter-community services such as group, individual and family counseling; voluntary placement in foster home or group home settings; work and recreation programs; remedial and vocational education programs; job training and counseling; physical and mental health services; and other services of a like nature.

A centralized unit will coordinate the program development of all five community units and a unit now operating in the Department of Juvenile Corrections. Approximately 500 juveniles will receive service in the first year of funding.

MISDEMEANOR OPERATIONS

As part of a master plan to improve its criminal justice system, the City of Columbia set as its goal updating and streamlining of the City's Recorders Courts. The objective is efficient administration of justice.

Columbia's growing crime problem—in 1968, 8,002 persons were cited for crimes; in 1970, 8,661 were cited—has produced a heavy and rapidly increasing caseload, as well as a backlog, in the city's Recorder's Office.

Changes in the system are directed to improving the court's operations, reducing the policeman's time in court and enhancing the prestige and dignity of the court. Plans call for: a full-time judge, one associate judge, legal and clerical assistance, organization of a violations bureau and a probation office and upgraded operating space.

To date, a public defender system has been created in Richland County. A full-time judge and a full-time probation officer have been employed; renovation and construction has been completed for a violation bureau; and additional personnel have been employed.

OTHER BIG CITY PROGRAMS

The changing makeup of Columbia's urban area presents a mounting crime problem. Related significantly to increasing criminal activity are a redistribution of Columbia's population, increased density of automobiles, annexation of 21 subdivisions to the central city and infringement by dissident groups on the State Capitol. The City of Columbia has set forth a master plan to improve and expand the existing criminal justice system. Included in the plan was the modernization of the Columbia Police Department communications system. The problems of criminal justice communications in Columbia are no different from those in the rest of the state. Inability of departments to coordinate with each other via a shared radio frequency, the tardiness of bulletin and announcement release and the rapid exchange of pertinent information regarding criminal activities are at the forefront. A new system was designed and aimed at providing adequate two-way radio communications between the policeman on the beat, the squad car or the agent on stakeout and their headquarters and between police agencies within the Columbia metropolitan area.

In the 1967 school year, there were 154 thefts from schools involving a loss of $72,130.00 and 52 acts of vandalism against schools with a loss of $39,467.00—for a total loss of $101,597.00. The city of Columbia realized the need to provide increased protection for school plants against the crimes of burglarly, larceny and vandalism. With assistance from an LEAA action grant, school and local officials and the Columbia Police and County Sheriff's departments have installed an audio, or sonic, alarm system in an effort to prevent crime against the district's schools and increase the chances of apprehending the criminals.

CARL R. REASONOVER,
Executive Director.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS. Mr. President, the issue before us is one of the most important we shall address during this session.

The decisions to be taken here involve nothing less than the safety, welfare, economy and quality of life of many millions of Americans.

It represents a major challenge and an unparalleled opportunity, and it deserves our most thoughtful consideration.

I refer to the fiscal year 1973 budget for the National Oceanic and Atmospheric Administration.

As early as 1966, the Congress recognized that the time had come for our Nation to give serious attention to the marine environment and to the potential resources of the oceans. It also realized the time had come to move nationally to stimulate marine exploration, science, technology, and on a materially larger scale than had been attempted before. These congressional convictions resulted in the Marine Resources and Engineering Development Act, which brought the formation of one of the most distinguished commissions in recent history: the Commission on Marine Science, Engineering and Resources, headed by Dr. Julius Stratton.

In January 1969, the Stratton Commission issued a historic, far-reaching report, "Our Nation and the Sea," which in my view will stand for a great many years as one of the most important reports to emerge from a governmental commission. It set down guidelines for the creation of the National Oceanic and Atmospheric Administration, which came into being by Executive order in October 1970.

NOAA, as it is informally known, was formed to provide a mechanism for the civil Federal effort in the oceans, the air and, to a more limited extent, the solid earth. It brought together numerous Federal organizations under a sweeping charter and with a staggering responsibility to the people of our Nation.

The Stratton Commission offered, as a first budget for the proposed agency, $773 million, with the possibility that subsequent activities would add $36 million. It projected an operating budget of approximately $2 billion a year by 1980.

And this was in the days of the 1969 dollar.

NOAA's funding has not begun to keep pace with the Stratton Commission's recommendations, nor with the Nation's needs. The Congress, which so wisely foresaw the national requirement for major progress in the oceans and atmosphere, has not thus far seen fit to provide the financial tools to make it possible.

NOAA's first appropriation was $280,000,000. Its fiscal year 1972 appropriation was $338,064,000. These figures represent a pitifully inadequate approach to our environmental problems and opportunities.

This year, we have the chance to rectify the situation, and I am convinced that the Nation will applaud the Congress for so doing. The budget for which I am speaking was not arrived at without deep thought, nor without the serious weighing of fiscal responsibility against long-neglected national needs.

The Senate Appropriations Committee is proposing, and hopes very earnestly that this body and the Congress will adopt a fiscal year 1973 budget of $465,406,000 for NOAA.

There has been a disposition on the part of many, I fear, to regard NOAA as a somewhat expanded version of its old Weather Bureau, now the National Weather Service. In that connection, it may be germane to review briefly the responsibilities faced by the agency today.

NOAA must develop programs to assure the wise, balanced use of the ocean and its resources, to make possible their development and conservation. These programs, properly funded, will bring a surge of development. They will mean the birth of new industries and the regeneration of existing ones—in short, jobs—and a welcome boost to the national economy.

NOAA must develop and operate systems to monitor and predict weather, ocean, earth, and solar hazards. This simple statement encompasses a responsibility intimately affecting life, safety, property, work, play, and quality of living for the entire Nation.

NOAA must explore the feasibility and, where warranted, develop a national capability for the beneficial modification of the environment, a potentially tremendous tool toward human betterment. Of equal importance, it must understand the consequences of man's inadvertent effects upon that environment.

I submit, gentlemen, that it cannot be done—that it cannot begin to be done—on the budget submitted to the Congress. I should like, if I may, to discuss NOAA's responsibilities in the light of what needs to be done, and what cannot be accomplished within the framework of the original budget.

First let us consider the oceans, our final unexplored frontier and perhaps one of our last hopes for the resources our burgeoning populations will need in ever-increasing volume. As the Stratton Commission pointed out:

How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live.

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We look to the oceans today almost as we looked to the land yesterday. We look to them for protein, for minerals, for gas. And, in an era of intensifying needs for these resources, it is imperative that we do. But the fact is that we are ill equipped to undertake what should have been well underway by now. We lack not only a basic understanding of ocean processes: we lack the simple knowledge which comes from a sufficiency of maps and charts. We critically need nautical charts for safe and efficient use of our waterways—but in this day and age we need much more.

We cannot hope to develop a marine industry capable of helping to solve pressing national problems without first describing the geophysical characteristics of our continental margins and certain deep ocean areas—and the need to do so is painfully apparent.

It has been estimated that in the past three decades our Nation has used more minerals and fuels than the entire world in all of its previous history, and the demand may well triple by the year 2000. The United States uses more than one-third of the total world production of petroleum and more than 60 percent of its marketed natural gas. It has been estimated that by the end of the century we shall need more than double the amount of fossil fuels used today for the generation of electrical energy alone. We have become dependent upon foreign sources for many of our hard minerals, and it is wholly logical that we turn to the oceans to redress this unfortunate balance. We are almost entirely dependent upon imports for such minerals as chromium, manganese, nickel, cobalt, industrial diamonds, platinum, and tin. Of more than 70 strategic and critical commodities indispensable to our economy in times of conventional warfare, more than 40 are largely imported. Offshore deposits are becoming increasingly interesting to other nations.

We have found that we can obtain such fundamental mineral supplies as sand and gravel more economically in many cases from the sea than from the land. We take more than 16 percent of our petroleum and gas from beneath the waters of the Continental Shelf. The nonliving resource potential of the oceans must be explored as a matter of national urgency.

Our coastal zones are of surpassing importance to us; they constitute by all odds the most valuable real estate in our Nation. Thirty States border on the sea coasts and the Great Lakes; there the greater portion of our industry and commerce are carried on; there lie the biologically richest regions of our country.

The Senate has, of course, recognized the importance of the coastal zone by its recent passage of the coastal zone management bill. But let me point out that we are a long way indeed from rational management of these national treasures when they are not even adequately mapped, let alone adequately understood.

I say it is vitally necessary that we abandon halfway measures in matters of such importance. We are asking that approximately $7,507,000 be restored to the NOAA budget in the areas I have just outlined, to enable that agency to make the kind of effort our Nation requires.

NOAA is responsible also for developing our Federal civil manned undersea science and technology program. I would be hard put to think of an exploratory effort of more importance to our country. The sea bottom is a vast mystery, one which cannot be penetrated fully except by man himself. The sea bottom cannot be properly understood, developed or protected until we can work on it for extended periods. The Stratton Commission, more than 3 years ago, called for a national effort to develop deep submersibles with capabilities for research and exploration at 20,000 feet. Until man—in or out of submersibles—can work under the sea effectively, our effort is seriously deficient.

Literally dozens of programs are crying out for accomplishment. NOAA, to its credit, has launched a manned underseas science and technology program, but it is by no stretch of the imagination the size and scope required to get on with such urgent tasks as extensive pollution assessment, resource studies and environmental evaluation—to name a few. We are asking that the sum of $13,400,000 be added to the budget proposal in order to attack this area with the attention it deserves. Not directly related to the manned undersea effort, but complementary to it in providing badly needed marine environmental information is NOAA's national data buoy program, to which we should like to see $1,287,000 added by this body.

When we consider the living resources of our oceans, we can immediately identify two major problems: First, we do not know the potential for food from the sea, although the demand for it is great and steadily rising; and second, our own fisheries are in serious trouble. Turning again to the Stratton Commission Report, we find the prediction that total annual production of marine food products can grow from the present 50-odd million metric tons annually to 400 or 500 million metric tons—exclusive of mariculture—before expansion costs render further growth uneconomic—a promising forecast indeed. It would lead one to believe that no great problems exist in this area, that there is plenty for all.

Contrast this, however, with what is happening today: fish are a common resource about which we really know very little and to which there is generally unlimited entry, and other nations are getting the lion's share of the world catch. We are importing about three-quarters of all the fish we consume. Since the early 1960's foreign fleets—huge factory ships, in many instances—have brought depletion to important fisheries and hardship to our industry. Haddock, cod, herring, the hakes, mackerel and other species continue to be heavily exploited. Under current international law, it cannot be prevented, although this Nation will press vigorously for more effective regulation at the Law of the Sea Conference next year.

There are, however, certain things which can be accomplished, and which should not wait for international agreement. The oceans, far from being a storehouse of unlimited fishery riches, are a delicate and sensitive food-producing system requiring far better understanding than we now possess if we are to use them intelligently. NOAA is starting a program which it calls MESA—marine ecosystem analysis—designed to offer better understanding of physical, chemical, and biological processes in the marine environmental and to provide information and services assuring protection as well as development of that environment. It will gather ecological information, determining the effects of environmental change, developing ways to repair damaged environments, and providing other services in the general area of Federal water resource planning.

NOAA's National Marine Fisheries Service has developed the beginnings of a program to monitor, assess, and predict our living marine resources. It will watch seasonal and annual changes in fishery resources in relation to the needs of our Nation. It will assess the productive capacity of these resources and ultimately establish a comprehensive description of the marine ecosystem in biological terms, from which rational fisheries management decisions can be taken.

There are many other areas in which NOAA is working to help restore our fisheries to health. I could single out the establishment of Federal-State management arrangements and assistance to the States, the enforcement of international and domestic regulations, the development of markets, particularly for unused and underused species, and mariculture, one of the more exciting and potentially productive possibilities before us. The sector which gives me greatest immediate concern, however, is that dealing with the matters I have just discussed—resource understanding, management and development, and the ecological and biological study necessary to the fulfillment of our fisheries potential. It is our considered opinion that this crucial problem, with so much opportunity for progress and such great menace for disaster to fine American industry. requires $9,000,000 more than was contained in the original budget request.

To work on, in and under the ocean, man must have the benefit of environmental forecasts which are essentially marine in nature. NOAA is expanding its weather service to accommodate this pressing need, but the funds allotted by the House are not, in my opinion, sufficient to carry out this responsibility in a way that will insure maximum safety and efficiency for men working in the oceans. Accordingly, we are asking that this body increase the original figure by $3,700,000.

One of our greatest oceanic challenges is the achievement of an understanding of oceanic properties and processes. The oceans and the atmosphere interact continuously, each a driving force determining the state of the other. While we know this, there is much more that we do not know. When we do, many mysteries will be solved. Research for its own sake never has been particularly attractive to those who control our finances; the quicker the promise of payoff, the more likely a research budget request is to succeed. What NOAA contemplates, however, is not research for its own sake; it is research designed to produce economically useful information and which should solve many problems which plague us today. I believe that the original budget proposal is seriously inadequate, and we are, therefore, proposing the addition of $6,319,000 to it.

One NOAA effort which is paying dividends in a most substantial way—here and now—is its national sea grant program. This is one of the most creative and innovative marine undertakings in our Nation today. It moves knowledge and ideas from the laboratory to the docks and boats. It works in a very personal and effective way with those who need it most, with applied research, by educating technicians, and by energizing oceanic efforts along every U.S. coastline and our Great Lakes. It is a relatively new program; it is fresh and dynamic—and it gets things done. Since it is a matching-fund effort, it receives close and enthusiastic cooperation and collaboration from the States. Sea grantees in Washington have developed pan-sized salmon which will open a new market; have advanced shrimp mariculture in Florida; have conducted research which brought new laws permitting private hatchery operation in Oregon; have helped establish marine public health programs in Texas. I could name scores of other achievements. Sea grant, my distinguished colleagues, rolls up its sleeves and goes to work in the great American tradition. It succeeds. No marine program in the Nation is more deserving of our support, and none will produce more in return for it. I ask that this Chamber add the sum of $8,803,000 to the entirely insufficient amount originally requested of the Congress.

The programs I have just outlined represent the bulk of the additional funds we are requesting, because we are just making our beginnings in the Federal ocean effort. Of equal importance, however, are the Nation's programs in the solid earth and the atmosphere, and I should like to share my views about them with you.

No responsible American could fail to have been touched and concerned when the great San Fernando Valley earthquake occurred on February 9, 1971. It was only by the sheerest of chance that the disaster was not greater. While earthquakes are not predictable in the short term, there is a serious expectation, based upon historical recurrence, that certain areas of our Nation may undergo upheavals involving wholesale death and destruction over the coming years. Indeed, NOAA seismologists have said that earthquakes as severe or stronger than the San Fernando event could occur in at least 16 other populous States. This conclusion was documented by 20 instances in which strong earthquakes have occurred outside of California and Alaska during the past three centuries. It has also been established that a great many high-rise buildings might well collapse in any great earthquake.

NOAA bears a substantial seismological responsibility to our Nation. Its programs have recently been reorganized and consolidated. Its National Earthquake Information Center for some years has notified our people quickly and faithfully of earthquake occurrences around the world. NOAA's seismic monitoring systems provide the basic risk assessments upon which earthquake-resistant structures can be erected, minimizing danger and damage. We must, however, work toward a goal of short-range earthquake prediction, as well as expanding and refining other seismic services to our people. In view of the gravity of this responsibility, and of the dangers inherent in the faults beneath our feet, I am convinced that proper weight has not been given to this effort, and I am asking that $2,395,000 be added to it.

The tasks I have been addressing affect many, many millions of Americans. The tasks I turn to now affect the lives of every American. I refer to NOAA's weather effort.

The United States has the best weather service in the world. We may well be proud of it. No hurricane can approach our shores undetected and unwarned; our tornado warning service is the finest anywhere; our protection from floods and similar natural hazards is unapproached elsewhere over the face of the globe. Our day-to-day weather service is excellent.

All of this is not good enough. It will not be good enough until every possible life and every possible piece of property are fully protected; until long-range, accurate forecasts provide the information needed by every segment of our economy and every individual in their lives and work.

At present, the Nation's weather services are best described as somewhat inconsistent. Quite properly, the heaviest effort has been devoted to the science and service of those phenomena which deal the most death and destruction. There are, however, certain areas where more funds are severely needed. Only our largest cities have the convenience of adequate automatic telephone-answering services at weather stations. While the NOAA Weather Wire and its network of VHF–FM continuous-broadcast shortwave weather information stations are very useful, there are by no means enough of them. Many airports lack terminal weather forecasts. There are regions without agricultural weather services, without fire-weather services, without air pollution meteorological services—all prime necessities.

We do not lack the technology to improve and extend our services; we simply have not committed adequate funds to the task. Nor would those funds represent service without return. They would repay themselves handsomely—first of all, of course, in life, but also in crops saved, industrial operations better planned and operated, in disaster losses averted through more complete community preparedness, transportation schedules improved, in better service to air pollution authorities—even in services to men in space. I might point out that the President has recognized the need for additional efforts in natural disasters, and has proposed action in that direction.

There is no need to remind this body that weather is global, that the problems are so great and the lack of knowledge of fundamental environmental processes so immense that no one country can hope to solve them by itself. Fortunately, there are international organizations dedicated to the solution of weather problems—notably the World Meteorological Organization and the International Council of Scientific Unions. They have launched a world weather program, of which the global atmospheric research program is a vital part. The United States is active in these programs. During the summer of 1974 the global atmospheric research program will conduct an international experiment in the tropical Atlantic to study atmospheric circulation.

It is encouraging to me that we are deeply involved, both domestically and internationally, in an effort to improve our understanding of weather processes and the services we provide. There are several areas in which it is my conviction that more funds are required than have been allotted, in the following areas: aeronautical charting, basic weather service and analysis, river and flood forecasting, hurricane and tornado forecasting, aviation weather service, upper air and space forecasts, pollution forecasts, and the global atmospheric research program. I am requesting this body to approve a budget of approximately $14,944,000 over that submitted to the Congress. I assure you the money will be well spent.

Next I would call your attention to the national opportunities presented by one of the most marvelous technological achievements of our time—the satellite, which has already helped to revolutionize weather forecasting and whose potential seems virtually limitless. The weather satellite has given our Nation eyes to view the world. It has provided a first line of defense against natural hazards. It is constantly being improved. Satellites soon to be launched will allow us to obtain vertical temperature and moisture profiles of the atmosphere, twice daily and on a global basis. The first geostationary satellite is planned for 1973, giving nearly continuous day and nighttime coverage.

But it would be a mistake to restrict our satellite thinking to simple weather terms. Before this year goes into history, satellite oceanic observations in the form of sea-surface temperatures will be ours. This will have a direct effect upon our knowledge of such things as fish distribution and coastal pollution. Earth resources satellites will provide our first opportunity to sense ocean color, and possibly sediment load. Sea-ice monitoring by satellite is now routine. Caribou herds have been tracked by satellite; there is reason to believe other natural resources can be similarly monitored.

The age of the satellite is in its infancy. It is imperative that NOAA make

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every possible use of this promising environmental tool, and that the Congress allow it to do so. For this reason, I am asking that the sum of $6,716,000 be added to the original allowance for this item.

Finally, I should like to address the third major responsibility of NOAA—the general area of environmental modification. Here, indeed, may lie one of our greatest opportunities to improve the quality of life in America. Already, there is ground for optimism that the fury of the hurricane can be partially diffused by cloud seeding; it has in fact been demonstrated to the satisfaction of many, although NOAA scientists decline to make the claim until further research is completed. In the great state of Florida in 1971, scientists from this agency conducted experiments instrumental in alleviating a disastrous drought. Over Lake Erie, experiments have been conducted to redistribute snowfall with a view to lessening the impact of severe storms on metropolitan areas. Hail, which causes many millions of dollars' damage annually to agriculture, may be susceptible to modification by cloud seeding. Other Federal agencies are involved in a variety of experiments. The main responsibility, however, lies with NOAA.

Environmental modification, however, has many facets—sclentific, operational, legal, and social. One of our most pressing concerns, in these days of smoggy skies, is to understand the consequences of inadvertent environmental change. We must do more to monitor natural and manmade effects on atmospheric constituents, to determine what they are doing—or what they may do—to our weather and climate. This will require time, efforts, and funds, and over a period of time it will be fully as important to our Nation as our labors in hurricane and tornado detection and warning. Life literally may hang in the balance. A program of this nature must not be underfunded.

I am convinced that the original action leaves it in that posture, and I earnestly request that the sum of $1,715,000 be restored forthwith.

What you have just heard has dealt entirely with NOAA programs which we consider to have been the victims of shortsighted fiscal policy. I have made no attempt to cover all of NOAA's efforts; only those which I feel to be in danger. It is my hope that the issues which I have placed before you will offer a clear realization of the absolute need that this Congress act with the wisdom which characterized its establishment of the Commission which brought NOAA into being. To a certain extent, NOAA is the creation of the Congress. When we consider its fiscal fate, we are effectively controlling a vital segment of our Nation's future. Our actions directly affect NOAA's capacity for serving the American people in many areas of surpassing importance to their daily lives now, and to those of their children and grandchildren in the years to come.

Let us act with courage and conviction. The Nation needs an effective, vigorous NOAA, and we must do everything in our power to provide it. There is no more vital or useful agency in the U.S. Government.

Let us unshackle it—today.

Mr. President, I wish to recognize the fact that the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) was in daily touch with me during the hearings we had over the past 3 months on the appropriation bill for State, Justice, and Commerce, which is now before this body. Obviously, in his campaign for reelection he could not be here all the time, but I talked to him the day after his renomination, the day before yesterday, and he asked that progress be made on this bill and that it be dispensed with today, if at all possible.

I wish to recognize the contribution and leadership of the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) in trying to bring to the Senate what I think is a reasonable bill, within the context of the hearings and the evidence which was presented before the committee.

No one was of more help than the distinguished senior Senator from Maine (Mrs. MARGARET CHASE SMITH). She was there daily with her experience, background, and judgment, and it was a distinct pleasure to be able to work with her on this particular measure.

At this point I would like to yield to the ranking minority member of the subcommittee, the distinguished senior Senator from Maine.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee which considered H.R. 14989, the appropriation bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973. I want to congratulate the distinguished acting chairman of the subcommittee (Mr. HOLLINGS) for the excellent manner in which he carried out his assignment and duties in reporting this bill.

The chairman has already discussed all the money items in the bill so I shall not take the time of the Senate to expand in this area except to state that the appropriation bill before us totals $4,819,292,769, which is $114,966,169 over the budget request. The bulk of the increase recommended is to take care of the National Oceanic and Atmospheric Administration program. The committee felt that this is an area where more should be done than recommended in the budget for air pollution, weather forecasting, earthquake studies, research and development, et cetera. Twenty million dollars of this increase will be provided by transfer and will not add to the overall budget.

The committee is recommending in this bill before you the full amount of the budget estimate for the mutual educational and cultural exchange program. I believe they are doing a good job under new direction. In the State Department area for contributions to international organizations, the full amount of the request is recommended, plus full funding for the International Labor Organization.

The committee is also recommending in the bill that after January 1, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except the International Atomic Energy Agency and the joint financing program of the International Civil Aviation Organization. I do not need to remind the Senate that over the years this committee and the House committee have served warning, by way of report language, to get our percentage payment down. Up to now there has been little success. The difference in the Senate recommendation and the House-passed version of this bill is that the House-passed bill would cut the contribution to international organizations immediately, whereby the Senate language on pages 5 and 6 of this bill provides a cutoff date of January 1, 1973. This would provide a little time so that the department can reach this level in a more orderly way. There are a lot of ramifications to be ironed out between now and the cutoff date of January 1, 1973.

Mr. President, in closing I want to say that there are other areas in the bill where additional increases could be justified. However, in order to preserve a certain balance to maintain the integrity of the most necessary programs it became necessary to hold the line and avoid adding to inflationary pressures. I believe that the committee used excellent discretion in these decisions before reporting the bill. I further believe that the amounts recommended in the bill for the various departments and agencies will provide adequate funding for the next fiscal year and will meet the obligations of the departments.

I am pleased to have participated in the hearings and to have worked with the acting chairman, the Honorable "Fritz" ERNEST F. HOLLINGS. This is a job well done by the chairman and his committee and especially by the knowledgeable and efficient members of the staff: Mr. Harold E. Merrick, Mr. William J. Kennedy, and Mr. Joseph T. McDonnell.

Mr. President, I join the chairman of the subcommittee in support of the passage of this bill.

Mr. HRUSKA. Mr. President, I support H.R. 14989 as it was approved and reported from the Committee on Appropriations. I have proposed two amendments to various sections of the bill which I shall call up later this afternoon and on which I shall comment in greater detail at that time. This bill makes appropriations for fiscal year 1973 for three very important executive departments—State, Justice, and Commerce, for the third branch of the Federal Government—the judiciary—and for a number of related agencies.

At the outset, I want to congratulate the chairman of the committee, the Senator from Louisiana (Mr. ELLENDER), for the effort he has put into the Senate drive to have fiscal year 1973 appropriations approved by June 30. While this is only the fifth bill to be considered on the floor for fiscal year 1973, it is still possible to meet the deadline if all Senators will cooperate. I also want to thank the temporary chairman of the subcommittee, the Senator from South Carolina (Mr. HOLLINGS) for the very diligent and capable way that he processed this bill. In the absence of the permanent chairman, the Senator from Arkansas (Mr. MCCLELLAN), our colleague from South Carolina did an outstanding job of leading the subcommittee. As always, the ranking minority member, the Senator from Maine (Mrs. SMITH), contributed greatly to the consensus that was reached on this bill.

Mr. President, the bill appropriates $4.8 billion for the work of these departments and agencies. The committee, however, has carefully considered every item in the bill and it reflects its best judgment as to the needs of the departments and priorities that should be given the various programs. The committee figure represents an increase of $232 million over the amount approved by the other body, $115 million over the budget estimate, and $529 million more than the appropriation for fiscal year 1972.

Other members of the committee will be discussing the bill in great detail. This Senator would like to spend just a moment on a few of the items that are of particular concern or interest to him.

DEPARTMENT OF STATE

The Senate bill appropriates $570.6 million for the operations of the State Department for the coming fiscal year. This figure contrasts with the House approved amount of $524.8 million, the budget estimate of $569.8 million, and the fiscal year 1972 appropriation of $510.8 million.

The action of the committee regarding the United States contribution to international organizations and conferences is of particular interest to this Senator. For a number of years I have felt that the United States was being called upon to support these organizations to an extent far beyond our interest, capability, or necessity. I have advocated in the past and support now the idea that this Nation should not pay more than 25 percent of the cost of these bodies. In fact, it is possible that this figure could be cut even more. For this reason, I support that action of the House imposing a 25 percent limit on U.S. participation.

However, in order to facilitate advance planning and the smooth functioning of these organizations, my view is that the committee modification of the House proposal which imposes this limitation after January 1, 1973, be changed to December 31, 1973. This postponement means that the affected international organizations will have time to seek alternative funding sources or the realinement of priorities necessary to meet the new budget situation. It is also in accord with the 3-year cycle by which the U.N. budget is formulated.

Section 105 of the bill which indicates that none of the funds in this bill will be available for obligation until the authorizing legislation is enacted was added in response to a problem facing a number of the items of the bill. Similar language is contained in other sections of the bill. The problem is that the heavy workload of the Senate has meant that a number of authorization bills for items in the State, Justice, and Commerce appropriations bill have not yet reached the floor for approval.

This means, once again, that there will be a problem for the affected departments and agencies regarding funding for the first part of fiscal year 1973 or until such time as the authorizations are approved. In order to facilitate the work of the Appropriations Committee, the chairman has moved ahead with this and other bills despite the lack of some authorizations, but it was felt necessary that language such as that in section 105 be added.

DEPARTMENT OF JUSTICE

For the work of the Department of Justice in fiscal year 1973, the committee has recommended $1.77 billion. This amount is identical with that approved by the House and contrasts with the fiscal year 1972 appropriation of $1.57 billion; it is $11 million less than the budget estimate.

This Senator fully supports the action of the committee in approving almost all of the budget request for this Department. I am especially pleased that the full amount requested by the Federal Bureau of Investigation, $351.7 million, the Immigration and Naturalization Service, $135.1 million, and the Bureau of Narcotics and Dangerous Drugs, $74.1 million, has been approved. These vital law enforcement agencies need these moneys if they are to carry out their responsibility to insure the safety of American citizens.

With regard to the appropriation for the Law Enforcement Assistance Administration, I am gratified that the committee has seen fit to approve the entire budget request of $850.6 million. This is an increase of over $150 million from the previous year and $400 million from fiscal year 1971. It demonstrates the growth and the capability of this relatively new Federal program.

A good deal has been said and written about the Nation's criminal justice systems and the Law Enforcement Assistance Administration in recent weeks. Some of the comment has been critical. Some has been politically motivated and some is based on incomplete or inaccurate information.

However, when it comes time to assess the variety of opinions expressed regarding Federal efforts to assist local law enforcement, it seems to me that the most valid opinions are those stated by persons involved in the day-to-day job of protecting the public safety. I invite the attention of the Senate to a special editorial in the April–May 1972 issue of the National Sheriff magazine, published by the National Sheriff's Association. I am certain each Member of the Senate will be interested to know what the sheriffs—those men who are on the frontline in the everyday battle against crime—say about LEAA, and about some of the recent criticism aimed at the law enforcement program.

The editorial points out:

In the few years since LEAA began operations, greater efforts have been made to combat crime than were made during any previous time since the foundation of the Republic. LEAA has provided financial assistance in impressive amounts to the hard-pressed law enforcement agencies that have for so long been the stepchild of many State and local jurisdictions.

Mr. President, I urge wholehearted support for the LEAA appropriation now before the Senate, and I ask unanimous consent that the editorial from the National Sheriff be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OF VITAL SIGNIFICANCE TO ALL OF AMERICAN LAW ENFORCEMENT

It is most unfortunate that some members of the Legal and Monetary Affairs Subcommittee of the House Government Operations Subcommittee have seen fit to recommend, as reported recently by the news media, that further funding increases for the Law Enforcement Assistance Administration (LEAA) be suspended.

An examination of the facts reveals that this action was prompted by unwarranted conclusions, improperly drawn from misleading evidence.

We all understand that the American system of government is founded on the give-and-take of everyday politics. But there are a number of issues before the nation that are simply too important to be subjected to partisan fray. Surely the safety of our citizens is one of them.

It is therefore intolerable that some reasonable criticism of the relatively few LEAA-sponsored programs that ran into trouble is being used as a smokescreen to hide the death blows aimed at financial assistance to the states and to local government for the improvement of law enforcement.

It would be well for all citizens concerned about law enforcement in this nation to familiarize themselves with the facts because much is at stake.

Before LEAA went into operation, the United States had suffered several bloody civil disorders that threatened the stability of the nation. Congress finally enacted the Omnibus Crime Control and Safe Streets Act shortly after the assassination of a prominent presidential candidate.

The new legislation creating LEAA called for what is basically a block grant program run by the nation's fifty-five states and territories, according to their own ideas of what they need most.

The thought behind this approach was to give state and local governments the tools they need to do something specific about reducing crime. The Safe Streets concept recognizes that the United States is a Federal Republic in which law enforcement is, and must remain, an essentially state and local function.

At the same time, however, Congress also understood that the states, counties, towns, and villages across the land do need substantial amounts of federal aid to assist them in meeting their law enforcement obligations to the public.

In the few years since LEAA began operations, greater efforts have been made to combat crime than were made during any previous time since the foundation of the Republic. LEAA has provided financial assistance in impressive amounts to the hardpressed law enforcement agencies that have for so long been the stepchild of many state and local jurisdictions.

Positive results are beginning to appear. Although, across the nation, crime is still increasing, its rate of growth is definitely beginning to slow. Many jurisdictions are actually showing decreases.

The danger of suspending federal funding assistance under state and local plans should be clear to every one of us. The power to dic-

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tate use of funds is the power to control. If the present system should be changed, giving federal officials the final say in funding, they certainly will have the power to determine policy in every sheriff's office, courthouse, penitentiary, and police department in the nation.

Had the critics limited themselves to reporting on the entire Safe Streets program—had they made a real attempt to take an honest look at how LEAA is doing in its fourth year—they would have been fulfilling a responsibility to the Congress and to the people. Congress has the right and the duty to see to it that every federal agency is run efficiently and according to the law. No one, however, has the right to distort the truth to fit preconceived notions of how the federal government should operate in the American Republic.

Of the nineteen witnesses who testified, only one suggested a fund freeze. Many other witnesses indicated just the opposite—that LEAA spending is sound and there are good and sufficient reasons to believe that the pace is correct.

Moreover, there is nothing in the record which would indicate the need for more federal controls—controls which can result in dictating needs to local law enforcement agencies.

For these reasons, we hope that any attempt to reshape federal aid to law enforcement into a program to control this country's criminal justice system from Washington, D.C., fails.

This nation's long tradition of local, impartial, law enforcement is in jeopardy. This is too paramount an issue to be sacrificed on the altar of partisan politics.

Mr. HRUSKA. Mr. President, the committee has approved the request of the Administrator of LEAA that language be added to the bill specifying that $15,000,000 of the appropriation shall be available for allocation to the various States without regard to the population formula contained in section 205 of the authorization. This language has been added to insure that all States, regardless of population, will have sufficient funds available to them to insure their ability to formulate effective and comprehensive criminal justice plans. By adhering in the past strictly to the formula set forth in section 205, several of the smaller States have found that they have not been receiving funding sufficient to enable them to meet this fundamental requirement of an effective statewide law enforcement effort. The language of the committee should go a long way toward rectifying this defect. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing how the various States would be affected by alternative base figures of $100,000—the present figure—and $200,000 or $300,000. The table will demonstrate the equity for both large and small States which will result from the adoption of this language.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FUNDS FOR PLANNING

State	Population	Fiscal year 1972	Fiscal year 1973 $100,000	Fiscal year 1973 $200,000 base	Fiscal year 1973 $300,000 base
Alabama	3,444,165	593,000	843,650	851,738	859,826
Alaska	300,382	143,000	164,857	256,841	348,825
Arizona	1,770,900	354,000	482,365	535,107	587,848
Arkansas	1,923,295	375,000	515,270	563,944	612,619
California	19,953,134	2,957,000	4,408,202	3,975,728	3,543,253
Colorado	2,207,259	416,000	576,582	617,679	658,775
Connecticut	3,031,709	534,000	754,594	773,689	792,784
Delaware	548,104	178,000	218,344	303,717	389,000
District of Columbia	756,510	208,000	263,342	343,154	422,965
Florida	6,789,443	1,072,000	1,565,949	1,484,765	1,403,580
Georgia	4,589,575	757,000	1,090,963	1,068,484	1,046,005
Hawaii	768,561	210,000	265,944	345,434	424,924
Idaho	712,567	202,000	253,854	334,838	415,823
Illinois	11,113,976	1,691,000	2,499,685	2,303,095	2,106,505
Indiana	5,193,669	844,000	1,221,396	1,182,797	1,144,197
Iowa	2,824,376	504,000	709,828	734,456	759,084
Kansas	2,246,578	422,000	585,072	625,119	665,166
Kentucky	3,218,706	561,000	794,970	809,075	823,179
Louisiana	3,641,306	622,000	886,216	889,043	891,870
Maine	992,048	243,000	314,199	387,725	461,251
Maryland	3,922,399	662,000	946,909	942,234	937,560
Massachusetts	5,689,170	914,000	1,328,383	1,276,560	1,224,738
Michigan	8,875,083	1,371,000	2,016,273	1,879,430	1,742,587
Minnesota	3,804,971	645,000	921,554	920,014	918,473
Mississippi	2,216,912	417,000	578,666	619,505	660,344
Missouri	4,676,501	770,000	1,109,731	1,084,933	1,060,135
Montana	694,409	199,000	249,934	331,402	412,871
Nebraska	1,483,493	312,000	420,310	480,721	541,132
Nevada	488,738	171,000	205,526	292,483	379,441
New Hampshire	737,681	206,000	259,277	339,591	419,905
New Jersey	7,168,164	1,126,000	1,647,721	1,556,430	1,465,138
New Mexico	1,016,000	245,000	319,370	392,257	465,144
New York	18,236,967	2,704,000	4,037,654	3,650,978	3,264,301
North Carolina	5,082,059	828,000	1,197,298	1,161,677	1,126,056
North Dakota	617,761	188,000	233,384	316,898	400,413
Ohio	10,652,017	1,625,000	2,399,941	2,215,679	2,031,416
Oklahoma	2,559,229	466,000	652,578	684,282	715,986
Oregon	2,091,385	399,000	551,563	595,752	639,941
Pennsylvania	11,793,909	1,788,000	2,646,494	2,431,759	2,217,024
Rhode Island	946,725	236,000	304,413	379,148	453,884
South Carolina	2,590,516	471,000	659,334	690,202	721,071
South Dakota	665,507	195,000	243,693	325,933	408,173
Tennessee	3,923,687	662,000	947,187	942,478	937,770
Texas	11,196,730	1,703,000	2,517,554	2,318,755	2,119,956
Utah	1,059,273	251,000	328,714	400,446	472,178
Vermont	444,330	164,000	195,937	284,080	372,222
Virginia	4,648,494	766,000	1,103,684	1,079,633	1,055,582
Washington	3,409,169	588,000	836,094	845,116	854,138
West Virginia	1,744,237	350,000	476,608	530,061	583,514
Wisconsin	4,417,731	733,000	1,053,859	1,035,966	1,018,073
Wyoming	332,416	148,000	171,773	262,903	354,032
American Samoa	27,159	104,000	105,864	205,139	304,414
Guam	84,996	113,000	118,352	216,083	313,815
Puerto Rico	2,712,033	485,000	685,571	713,197	740,823
Virgin Islands	62,468	109,000	113,487	211,820	310,153

DEPARTMENT OF COMMERCE

Mr. HRUSKA. Mr. President, the committee has approved $1.49 billion for the work of the Department of Commerce in fiscal year 1973. The House had appropriated $1.31 billion and the budget request was for $1.33 billion. The fiscal year 1972 appropriation was $1.27 billion.

When it is called up for consideration, I shall support the amendment of the Senator from Hawaii (Mr. INOUYE) to increase the appropriation for the U.S. Travel Service from $8.5 to $12.1 million. This is a most important program that is both fostering better understanding of this Nation by citizens of other nations and adding greatly to the income we receive from abroad, thus benefiting our balance-of-payments programs. It is essential that this service be given adequate funding to carry on these projects now that it is getting going in a substantial way. The United States is incurring a "travel receipts deficit" of more than $2.7 billion. This outflow of funds from American tourist expenditures abroad is one of the major components of our balance-of-payments deficit. Never before has there existed such a favorable economic climate for the United States to strike hard at this superb target of opportunity to attract foreign tourists to the United States. The devaluation of the dollar, increased prosperity abroad, and the determination of our Government to attract foreign visitors combine to present us with a rare opportunity to give tourist promotion a historic boost. This opportunity must not be permitted to slip by simply because of inadequate resources.

THE JUDICIARY

Mr. HRUSKA. Mr. President, for fiscal year 1973 the committee has approved $191.5 million for the work of the judicial branch of the Federal Government. This contrasts with the House approved figure of $186.8 million, the budget request of $199.5 million, and the fiscal year 1972 appropriation of $176.1 million.

This Senator is particularly concerned by the action of the House in removing all funds for support of the Criminal Justice Act of 1964, as amended, in the District of Columbia. This action was based on the view that the legislation did not provide for such payments because the new superior court for the District of Columbia is not the type of Federal court covered by the act.

In 1970, when the amendments to the Criminal Justice Act were under consideration by the Senate, I proposed and the Senate adopted an amendment expressly extending coverage of the act to the new judicial system then being considered for the District. I ask unanimous consent to have printed at this point in the RECORD an excerpt from the CONGRESSIONAL RECORD, volume 116, part 10, page 13731, containing the debate and action on this amendment.

Also I ask unanimous consent to have printed at this point in the RECORD a letter from the Comptroller General of the United States, dated May 26, 1972, setting forth his opinion that the terms of the act do extend to the District of Columbia.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

EXCERPT

Mr. HRUSKA. Mr. President, I send to the desk an amendment to the committee substitute amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Nebraska (Mr. HRUSKA) proposes an amendment as follows:

"On page 22, after line 21, insert a new section as follows:

"SEC. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit."

Mr. HRUSKA. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court system would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 26, 1972.

Hon. ROWLAND F. KIRKS,
Director, Administrative Office of the United States Courts

DEAR MR. KIRK: Your letter of March 7, 1972, requests our opinion as to whether, in light of the reorganization of the local courts in the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, 84 Stat. 473, the funds appropriated to the Federal Judiciary for the implementation of the Criminal Justice Act (CJA), 18 U.S.C. 3006A, are available to pay attorneys and experts appointed in the District of Columbia Superior Court as well as pay for other services, in cases where exclusive jurisdiction over the criminal offense charged is vested in that court; and if it is our decision that such funds may be so applied, in what categories of cases could such attorneys and experts be compensated. You also ask what responsibilities the Judicial Conference of the United States and your office would have over the administration of, and budgeting for, the CJA program in the District of Columbia (D.C.) Superior Court and the District of Columbia (D.C.) Court of Appeals if we determine that CJA applies to cases peculiar to the local jurisdiction of those courts. We wrote to the Executive Officer of the D.C. Courts for his views on these matters, and in response thereto The Honorable Harold Greene, Chief Judge of the Superior Court of the District of Columbia furnished us the views of the District of Columbia courts.

In 45 Comp. Gen. 785 (1966)—referred to in your letter—we stated that the Criminal Justice Act is intended to provide adequate representation at all stages for persons charged with the commission of felonies or misdemeanors, other than petty offenses as defined in section 1 of title 18, United States Code, who are financially unable to obtain an adequate defense. We noted that in making such provision, the act was framed in terms of the Federal Court System of which the District of Columbia Court of General Sessions has traditionally not been considered a part. However, we pointed out that with respect to the purposes of the Criminal Justice Act of 1964 the United States District Court for the District of Columbia had concurrent jurisdiction over all criminal cases which could properly be heard in the "United States Branch" of the D.C. Court of General Sessions, and that all criminal cases heard in the Court of General Sessions—other than those involving violations of police or municipal ordinances or regulations—were prosecuted by a United States attorney in the name of the United States. We stated that since the United States determined whether a defendant in a criminal case was to be tried in the United States District Court or in the Court of General Sessions, it was difficult to reach the conclusion that the Congress intended a defendant's entitlement under the Criminal Justice Act to be dependent upon whether the United States should choose to prosecute him in one court rather than another. Thus, we concluded that the Criminal Justice Act of 1964 should be construed as covering the United States Branch of the D.C. Court of General Sessions and that any plan covering application of the act in the District of Columbia should include that Branch. See also our decisions of September 24, 1970, B-153485 and 48 Comp. Gen. 569 (1969).

On July 29, 1970, the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, 84 Stat. 473 (henceforth referred to as the D.C. Court Reform Act) was enacted into law. Among other things, that act merged the three local courts—the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court—into a new Superior Court. The Superior Court is given exclusive jurisdiction "of any criminal case under any law applicable exclusively to the District of Columbia" except for those already commenced in the United States District Court or those filed there during an 18-month transition period. The D.C. Court Reform Act also established the District of Columbia Public Defender Service and phased out over a 30-month period the former pro rata contributions made from District of Columbia appropriations for the maintenance of the United States District Court and the United States Court of Appeals.

You state that the D.C. Superior Court, having been invested with both misdemeanor and felony criminal jurisdiction of local application, has assumed much of the character of a State court. You further state that it appears that two of the major premises of our original opinions finding the Criminal Justice Act of 1964 applicable to the D.C. General Sessions Court are now eliminated: first, there is no longer concurrent jurisdiction shared by the local court and the United States Court and second, the trial jurisdiction is no longer dependent upon whether the United States should choose to prosecute a defendant in one court rather than another.

On October 14, 1970, shortly after the enactment of the D.C. Court Reform Act, there was enacted Public Law 91-447, 84 Stat. 916, amending 18 U.S.C. 3006A (the CJA), which amendment you describe as a "virtual rewriting of the Criminal Justice Act." While in this act the Congress did not disturb the section (18 U.S.C. 3006A(k)) defining the United States "District Courts" to which CJA is applicable, it added a new subsection (1) to the CJA, which subsection provides:

"(1) *Applicability in the District of Columbia.*—The provisions of this Act, other than subsection (h) of section 1, shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

This language (except for the phrase "other than subsection (h) of section 1") was initially introduced on April 30, 1970, on the floor of the Senate, by Senator Hruska as an amendment to the bill which amended the CIA. At the time the amendment was introduced, Senator Hruska made the following statement:

"Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

"This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

"Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committe.

"The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

"Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes specified in the 1964 act as amended by S. 1461 as reported by the full Judicial Committee, this amendment is offered." (Cong. Rec., vol. 116, pt. 10, p. 13732.)

Senator Hruska's amendment making the CJA applicable in the local courts of the District of Columbia was agreed to by the Senate. It was subsequently accepted by the House, with additional amendments after the Department of Justice noted that the language of the Senate amendment left unclear the applicability of the public defender organization provisions of the act within the District of Columbia and the question of compensation of counsel appointed to represent juveniles. (See the Hearings before Subcommittee No. 3 of the House Judiciary

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Committee, June 18 and 25, 1970, pages 96 to 99.) While the Department of Justice proposed specific language to deal with these problems, the House Committee merely amended the bill to exempt the District of Columbia from the public defender organization provisions of the CJA within the District of Columbia courts. Thus, House Report No. 91–1546, 91st Congress, explains:

"Amendment No. 11 provides that except for subsection (h) involving defender organizations, the provisions of the Criminal Justice Act apply in the District of Columbia. The District already [sic] a Public Defender Service (title III, Public Law 91–358)."

The House and the Senate both accepted this further amendment of Senator Hruska's amendment.

Further, we note that section 210(a) of the D.C. Court Reform Act revises, codifies, and enacts the general and permanent laws of the District of Columbia relating to criminal procedure. That section revises title 23, D.C. Code, and provides, in effect, that all criminal prosecutions—except (in most cases) for prosecutions for violations of all police or municipal ordinances or regulations and for violation of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, or prosecutions for violations of section 6 of the act of July 29, 1892 (D.C. Code, section 22–1107), relating to disorderly conduct, and for violations of section 9 of that act (D.C. Code, section 22–1112), relating to lewd, indecent, or obscene acts—shall be conducted in the name of the United States by the United States attorney for the District of Columbia, or his assistants. In other words, most, if not all, criminal prosecutions formerly brought by the United States attorney in the name of the United States in the "'United States Branch" of the Court of General Sessions or in the United States District Court for the District of Columbia will now be brought by the United States attorney in the name of the United States in the D.C. Superior Court. Application of the CJA to these cases in the Superior Court would accomplish the stated purpose of the sponsor of subsection (1) of the CJA that CJA coverage in the District under the 1970 amendments should include those classes of cases which were covered by the 1964 act prior to the reorganization of the D.C. Court System.

Moreover, the intent to make applicable the CJA to the District of Columbia courts is obvious from the wording of subsection (1) of the CAJ. As noted above, the last sentence of that subsection provides:

"The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

We agree with Judge Greene's interpretation of this sentence that:

"• • • Had it not been the clear congressional intent for the Criminal Justice Act to apply to the D. C. Court system, there would, of course, have been no reason whatever for requiring that the Criminal Justice Act plan for the District of Columbia be approved by the District of Columbia Court of Appeals, a local court without strictly 'federal' responsibilities."

We agree that the rationale of our former decisions making the CJA—prior to the 1970 amendments thereto—applicable to the D.C. Court of General Sessions (i.e., the concurrent jurisdiction shared by the local court and the United States District Court for the District of Columbia and the fact that the choice of forum was up to the United States) no longer applies to the D.C. courts as reorganized by the D.C. Court Reform Act. However, it is our opinion that except as to subsection (h) of the CJA relating to public defender systems, subsection (1) of the CJA, as added by Public Law 91–447, clearly and unequivocally makes the CJA applicable to prosecutions brought in the D.C. Superior Court and the D.C. Court of Appeals with regard to those prosecutions brought in the name of the United States, and we so hold.

As to the application of the CJA to juvenile proceedings, section 3006A(a) of title 18, United States Code, provides, in effect, that the CJA will cover:

"• • • any person, financially unable to obtain adequate representation (1) who is charged with • • • juvenile delinquency by the commission of an act, which if committed by an adult, would be such a felony or misdemeanor • • • or, (4) for whom the Sixth Amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel. • • •"

House Report 91–1546, dated September 30, 1970, states on page 3 that the purpose of 18 U.S.C. 3006A is to:

"• • • render explicit the coverage [under section 3006A(a)(1)] of persons charged with juvenile delinquency. Within the District of Columbia, children would also be covered by section [3006A(a)(4)], insofar as the District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91–358, approved July 29, 1970) requires the appointment of counsel for them in cases in which they face loss of liberty • • •"

In other words, the provisions of 18 U.S.C. 3006A(a)(1) are applicable in the District of Columbia, as in all the other CJA covered jurisdictions,to persons charged with juvenile delinquency by the commission of an act which, if it had been committed by an adult, would be a felony or misdemeanor (other than a petty offense as defined by 18 U.S.C. 1) or with violation of probation covered by the provisions of the CJA, and the provisions of 18 U.S.C. 3006A(a)(4) cover persons charged in juvenile proceedings in the District of Columbia for whom the Sixth Amendment of the Constitution requires the appointment of counsel, or for whom, in a case in which the juvenile faces loss of liberty, any Federal law—including, in particular, the D.C. Court Reform Act—requires the appointment of counsel.

As to your final question, the Administrative Office of the United States Courts should handle the administration of, and budgeting for, the CJA program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal district courts, except, of course, that the administration of, budgeting for, and financing of, the District of Columbia Public Defender Service should be in accordance with sections 306 and 307 of the D.C. Court Reform Act. Except for the aforementioned, this decision should not be construed to increase or decrease the responsibilities of the Judicial Conference of the United States or the Administrative Office of the United States Courts under sections 604, 605, and 610 of title 28, United States Code with respect to the D.C. Superior Court and the D.C. Court of Appeals.

Copies of this decision are being sent to the Executive Director of the District of Columbia Courts and to the Chief Judge of the Superior Court of the District of Columbia.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

Mr. HRUSKA. Mr. President, it is for these reasons that I am very much pleased that the committee has recommended the deletion from H.R. 14989 of the provision attached by the House removing attorneys and experts appointed by the judges of the District of Columbia Superior Court and Court of Appeals from the coverage of the appropriation. I fully support the committee action and urge that it be approved by the entire Senate.

RELATED AGENCIES

Two of the 15 related agencies covered by this bill are of keen interest to this Senator: The special representative for trade negotiations and the Subversive Activities Control Board.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The committee has concurred with the House and approved $925,000 for the work of the special representative for trade negotiations for fiscal year 1973. This is $235,000 below the budget request, but $111,000 over the fiscal year 1972 appropriation. I have proposed and will call up at a later time an amendment to increase this amount to $1,100,000, almost a full budget estimate. In view of the important preliminary work done at the Summit Conference in Moscow on the subject of expanded Russian-American trade and the hope that concrete agreements in this area can be worked out during the coming year as well as other ongoing projects, I feel that it is necessary that this office receive the full budget estimate. I shall comment in more detail at the time my amendment is considered.

SUBVERSIVE ACTIVITIES CONTROL BOARD

For fiscal year 1973 the committee has approved $450,000 for the work of the Subversive Activities Control Board. This is the same amount approved by the House and equal to the sum appropriated in fiscal year 1972. It is a reduction of $256,000 from the budget request. This Senator has no problem with the cuts approved by the committee in this request.

What does concern me is the provision attached to the appropriation which requires that no part of these funds may be used to implement the directive of President Nixon, Executive Order 11605 signed July 2, 1971, which assigns new duties to the Board.

The purpose of the order was to permit the Board to deal with and make appropriate determinations with regard to violent, action-oriented organizations, whether or not such organizations are Communist in nature. It seems to this Senator that the functions the President delegated to the Board are useful and important. I regret that the action of the committee will have the effect, however temporary, of causing the Board to cease performing these duties.

On July 15, 1971, I made some remarks on the floor of the Senate concerning the Executive order and the purposes which motivated its execution. I ask unanimous consent that the text of those remarks from the CONGRESSIONAL RECORD, volume 117, part 19, page 25300 appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 10450

The amendments to Executive Order 10450, signed by President Nixon on July 2, provide an effective mechanism for the updating of the Attorney General's list of organizations designated pursuant to the Executive order and will expedite the elimination of those organizations which consists of over 90 percent which are now inactive or for other appropriate reasons should not be on the list.

Prior to the recent amendment to the Executive order, the Attorney General was charged with the sole responsibility for both the factfinding and designating functions in connection with the Government's personnel security program. This placed the Attorney General in the unfortunate posture of prosecutor, judge, and jury in determining whether any organization should be designated as a subversive organization. That is, there was no independent hearing or independent consideration other than that made by the Attorney General or officials within his own department before an organization could be so designated. Prior to amendment, the Executive order did not recognize the revolutionary terrorist organizations which have developed since the order was last amended.

Under the new amendment to the order, the Subversive Activities Control Board will be authorized, upon petition of the Attorney General, to hear cases and make findings involving organizations which are alleged to fall within the following criteria: Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means. The above criteria are substantially the same as those prescribed by Executive Order 9835 dated March 21, 1947, and continued in Executive Order 10450, dated April 27, 1953. The amended Executive order provides definitions for each one of the categories of organizations listed in the present Executive order and, as noted, provides for a new class of organization and a definition of that class in recognition of recent history.

The amended Executive order also provides that the Board may determine, after consideration of the evidence, whether those organizations previously designated have ceased to exist, or upon petition of the Attorney General or any cited organization, that such organization does not currently meet the standards for designation. In short, an additional purpose will be to update the list where needed and to eliminate listed organizations which no longer exist or do not meet the criteria established.

The Executive order thus separates the hearing function from the Department of Justice by transferring those functions to the Subversive Activities Control Board. It provides for a due process hearing before an independent body with the Attorney General making his decisions based upon the recommendations and findings of that body.

It must be stressed that the objectives of Executive Order 10450, as amended, relate to the continuing vitality of the Federal employee security program. It should be pointed out that under Executive Order 10450, membership in the designated organizations is but one factor to be considered in implementation of the Federal personnel security program.

The need to provide for the integrity of Government employees is, of course, as old as the Government itself. The present security programs were set out in Executive Order 9835 of March 1947, and confirmed by the present Executive Order 10450 in April 1953. The new amendments are designed to guarantee the continued vitality of the program in light of current circumstances and to provide additional procedural safeguards.

Mr. HRUSKA. In order to implement all of the portions of President Nixon's Executive order, the Senator from Mississippi (Mr. EASTLAND) and I introduced a bill, S. 2294, to amend the Subversive Activities Control Act of 1950. That bill was referred to the Judiciary Committee; no action has been taken thereon. On May 30, 1972, the House approved a companion bill, H.R. 9669, by a vote of 226 to 105; this bill has also been referred to the Judiciary Committee.

We shall proceed with hearings and committee action on these bills at a very early date. Should the Senate then approve language implementing the President's Executive order, there could be no basis for an allegation that duties were transferred by executive fiat which should have been referred to the Congress for consideration. At that time there would no longer be any reason for the proviso approved by the Appropriations Committee.

All of these questions have been debated on the Senate floor twice before between the Senator from North Carolina (Mr. ERVIN) and me. At one point language similar to that contained in the committee bill was approved by the Senate only to be removed in conference. The action of the conference was later validated by the Senate, but by a narrow vote. Rather than require a great deal of time to reargue these points, I will not propose an amendment deleting the committee language, despite the fact that he opposes it. Rather, I hope that the matter can be settled for all time by appropriate action of the Judiciary Committee and the Senate on either H.R. 9669 or S. 2294.

CONCLUSION

With the three exceptions of amendments I have indicated I will propose or support, it is my hope that the Senate will give its approval to the action of the Appropriations Committee and vote favorably on the bill, H.R. 14989, making appropriations for the Departments of State, Justice and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973.

OCEAN PROGRAMS

Mr. FONG. Mr. President, I wish to voice my strong support for the increased funding recommended by the Senate Appropriations Committee for the National Oceanic and Atmospheric Administration in the Department of Commerce.

H.R. 14989, making fiscal 1973 appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, as reported, would increase NOAA's budget by $76,046,000 over the House allowance, to a total of $465,406,000.

As a member of the Appropriations Committee, I am in hearty agreement with the committee's decision to give NOAA a major boost in its fiscal 1973 budget, particularly for funding activities in the marine environment. Those in Congress who have urged a stronger national effort in ocean activities, as I have, will be encouraged to know that of the $76,046,000 increase recommended for NOAA, $50,076,000 would be for the oceans, and the balance principally for weather, earthquake, and environmental satellite operations.

I am especially pleased that the sea grant program is recommended for an increase of $8,803,000 over the House-approved figure of $21,197,000 and more than $12 million above the fiscal 1972 budget. This program deserves the additional funding to enable it to carry out the purposes set forth by Congress when it enacted the Sea Grant Colleges and Program Act of 1966: To develop the gainful use of marine resources by providing "greater economic opportunities, including expanded employment and commerce; the enjoyment and use of our marine resources; new sources of food; and new means for development of marine resources" through programs of research, education, and training of skilled manpower, and advisory services.

Sea grant institutions across the Nation, including the University of Hawaii, have enthusiastically responded to the challenge and opportunities opened up through the sea grant program. They have been limited in achieving more promising results only by the restricted funding available till now. With additional "seed money," the sea grant program will indeed be able to fulfill its mission as a national program for the development of ocean resources.

Great hopes for oceanography and all marine activities were expressed when Congress in 1966 passed the Marine Resources and Engineering Development Act. This landmark legislation established ocean development as national policy, and placed emphasis on the pragmatic use of the seas and their resources for the national interest, and for the benefit of mankind in all lands.

Out of the legislation emerged a Commission on Marine Science, Engineering, and Resources which published the most comprehensive report ever on the subject of "Our Nation and the Sea." The report laid the foundation for the creation, by an executive reorganization plan, of the National Oceanic and Atmospheric Administration—NOAA—in the Department of Commerce nearly 2 years ago. NOAA embodies the hopes of those who advocated a unified, national effort in the oceans and the atmosphere. Unfortunately, funding has not been adequate for the heavy tasks placed by Congress upon the new agency.

The time has come to provide NOAA with the additional funds necessary, in the Senate Appropriation Committee's view, for such high-priority projects as deep ocean exploration, the sea grant program, analysis of ocean pollution, tropical storm experiments and warning systems, weather modification, earthquake studies, and modernization and relocation of facilities.

I am keenly aware of the fiscal restraints faced by our National Government, but I nevertheless believe these projects deserve adequate budgetary support now by this Congress.

It is my sincere hope that this Congress will rise to the opportunity to provide the recommended funds for NOAA to carry out its vital tasks in the oceans and the atmosphere.

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield to me at this point?

Mr. HOLLINGS. I am glad to yield to the Senator from Georgia.

XUM

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HOLLINGS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

TRANSPORTATION CRISIS FACED BY MEMBERS OF THE SUPREME COURT

Mr. TALMADGE. Mr. President, I would like to direct the attention of the Senate to a serious transportation crisis which exists in our Nation's Capital. I refer to the problems which the members of the Supreme Court are encountering in getting to and from work every day. This problem has recently grown acute due to the flight of the Justices to the suburbs so that they can be closer to the private schools which their children and grandchildren populate in great numbers. The administration moved to meet this emergency by suggesting that each member of the Court be given his own driver and limousine. The committee has compromised by providing funds in the amount of $14,600 for a car and driver for the Chief Justice.

It occurs to me that perhaps we could arrive at a solution which would adequately and appropriately meet this problem and alleviate trouble spots which exist in several other areas as well.

My staff has instituted extensive inquiries among experts in the transportation industry. I am told that for no more that $1,000 an extremely utilitarian and attractive, though slightly used, vehicle could be secured which would admirably meet this crisis. This all-purpose vehicle has traditionally been used to transport students to and from school, primarily in the Southern States. But it is easily adaptable for other uses. I refer, of course, to that reliable mechanical beast of burden which is second only to the little red school house as an American institution—the yellow schoolbus.

It is a matter of record that the Justices themselves are ardent supporters of this method of transportation. In the great American tradition of selfless patriotism, however, they have not tried to selfishly secure for themselves the benefits which they have so freely distributed to others. With a single such vehicle, we could transport these distinguished jurists in a body, each morning, to their place of employment.

By this one simple stroke, we could do even more than relieve the transportation crisis. As the result of actions taken last year by the Appropriations Committee, unemployment runs rampant in the ranks of chauffeurs and drivers in the District of Columbia. In the District of Columbia government alone, no less than 48 of these drivers were cut from the employment rolls last year. We could reduce this figure by almost 5 percent by employing a driver and guard for the bus.

But the benefits do not stop here. One school bus would cause significantly less air and noise pollution than would the nine limousines. We would be striking a blow for clean air.

In all fairness, however, all would not be roses as the result of my proposal. There would also be some thorns, I am sad to say. The Justices would have to get up before day, stand in the sleet and the snow, to return home after dark. No longer would the suburban neighborhoods ring with the glad shouts of the Justices at play in the afternoon after Court was out. But they are not without recourse. Should this new form of transportation endanger their health, or significantly impinge upon their educational processes, we could implore the President to step in and declare a moratorium on this busing. Of course, this step could only be taken after due deliberation, and the taking of several polls among the electorate.

I want to point out to the Senate that we are moving with caution in this area. If this revolutionary transportation scheme should prove effective, it could be expanded to the ranks of the district and appellate court judges. Who knows, Mr. President, we might even expand the concept developed in this pilot study to include the ranks of neglected HEW bureaucrats who are slowed in their self-appointed mission to save our children, by the traffic jams they must contend with every morning.

I wonder if I might ask the distinguished floor manager of this bill whether any thought was given to such alternative solutions during committees deliberations on the bill.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Georgia has made a very interesting point. The fact of the matter is that Justice Potter Stewart and Justice Byron White testified to the Supreme Court request. At that time the Senator from Rhode Island suggested we might consider a carpool, that such would be more economical. When I suggested at that time that a bus might be employed, they did not seem to like it very much, although I did note they took it with good humor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I think the justices are really trying to do their best.

I happen to favor the view that if a fellow makes $60,000, why does he need money for a car? Every member of the Court receives $60,000, plus another $60,000, plus the car.

Mr. TALMADGE. Since these Justices are so enamoured of school busing, that would solve the problem admirably, and they could travel more economically in a body at less cost to the taxpayers.

Mr. HOLLINGS. Yes. I do not know where they are located, but I take it they will have to go to the suburban areas to find them and bring them down to the ghetto area.

Mr. TALMADGE. Yes, I understand so, because they have fled to the suburbs in recent years so that they could send their grandchildren to private schools which are public.

Mr. ERVIN. Mr. President, if the Senator will yield, is it not the Senator's understanding that they are sending their grandchildren to neighborhood schools, which are private even though public?

Mr. TALMADGE. Yes, they are private, even though they are public. It occurred to me that it would be a good way to transport these justices while at the same time letting them know what schoolbusing is and its benefits, and letting them enjoy the benefits they have imposed on millions of schoolchildren throughout the country.

I thank my colleague for yielding. I hope next time, in some appropriation bill, his wisdom can prevail on his colleagues.

Mr. HOLLINGS. I thank my colleague. He has brought realism to a real problem.

Mr. President, at the time the bill was considered by your committee, there was included a flammable fabrics research program. $450,000 was made available. It is included in the bill for the experimental technology development and applications incentives program for a textile flammability research. It is the first increment of a 3-year program and will include basic and fundamental research.

I ask unanimous consent to have a statement on this subject printed in the RECORD showing the areas to which the $450,000 will be applied.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(1) Development of test methods (including mannequin tests) and laboratory simulation of real life situations including effect on flammability of such use variables as wear, washing and other cleaning methods.

Government sponsored exploration of alternate ways of testing garments is of top priority. It is critically important that fundamental information be developed through a cooperatively financed effort and made immediately available to the several test method setting organizations.

(2) Analysis of burn and accident data.

A. Extend the accident acquisition system already in operation to:

(1) Provide more precise information on the specific garment design and constructions, fabric types and fiber content.

(2) Provide information on the location of initial ignition.

B. Pinpoint demographic information to show where specific exposure is exceptionally high and, through controlled data collection, ascertain whether the introduction of less flammable garments can successfully influence the accident rates in this area.

This is an A priority item. It is imperative that the Federal Government join with the private sector (i.e. hospitals and health units) and the public for the common good. The role of Government would be: the funding of necessary resources, the utilization of its already well established network of research facilities, and the bringing of objectivity and credibility to the effort. The derived benefit will be a more meaningful data base and a practical valuation of a proposed standard upon which to build realistic flammability standards.

(3) Evaluation of potential hazard.

A. Development of design and construction parameters that offer maximum safety in garments based on: design, construction, fabric type and end use category. Simultaneous laboratory work to attempt to predict the design parameters that will be most hazardous. It should also be directed toward the result of reaction to fire (for instance, running in panic).

B. Flammability characteristics of multi-component systems, including:

(1) Blends of thermoplastics and non-thermoplastics.

(2) Combinations of different thermoplastics, including low percentage usage in seams, trim and combinations of fire retardant and non-fire retardant fibers.

(3) Laminates and other "layered" products, for example, quilts.

(4) Study the interactions of apparel garments in relation to each other in model experiments. This is exceptionally important since almost all individuals wear several layers of garments and the interaction of one to the other is not understood.

This is an A priority item. Knowledge is urgently needed with respect to a meaningful integration of safety hazards and laboratory measurements. Since the entire standard setting process is dependent upon this interaction, government funding of such a research program would provide credence for its finding of need for additional flammability standards.

(4) The role that ignition, flame propagation, heat evolution, and smoke and toxic gas generation play in the flammability behavior of textile products.

The role of Government would be in the funding of a study enlisting the cooperation of university and industry representatives. The study would seek to separate and measure the basic factors involved in flammability and to gain a better understanding of the relationship between them. The benefit would come by the development of a body of knowledge upon which a variety of research could draw.

(5) Non-textile factors in the fire system. Investigate the involvement and possible means of controlling other factors in the fire system:

(1) Detection and suppression (in structural fires).

(2) Source of ignition—ranges, heaters, matches.

(3) Personal behavior (through education).

As visualized today, programs (1) and (2) could result in code changes. Government support for the data and independence of the data collecting source from industrial domination is vital.

The proposed study is based on the realization that the "fireproof building" concept has fallen short of its objective in that virtually all the contents of a modern building are combustible to some degree. Once a fire starts, complete involvement of all materials can occur with surprising rapidity and the conflagration can spread to adjacent areas with great force (flashover). Government assistance in funding is essential to our understanding of how to detect, control and extinquish such fires.

(6) Dissemination of information.

A. Technical assistance to small organizations.

B. Information on advancing technology.

C. Life safety consumer education program.

The public as well as small businesses have a real need to know. A single reliable point source of information is necessary to both acquaint the consumer with the problems of flammability and to advise business with a high level of technical competence on complying with present and future regulations.

ESTIMATE OF DOLLAR COST IN THOUSANDS OVER 3-YEAR PERIOD

	1st year	2d year	3d year	Total
1. Development of test methods	120	120	40	280
2. Analysis of data	50	50	50	150
3. Evaluation of hazard	80	80	40	200
4. Role of various factors in flammability	40	40	40	120
5. Nontextile factors in fire system	85	85	35	205
6. Dissemination of information	75	75	75	225
Total	450	450	280	1,180

RELATIONSHIP OF CLOUD SEEDING TO RAPID CITY FLASH FLOOD DISASTER

Mr. HOLLINGS. Mr. President, the disaster at Rapid City, S. Dak. is one which has generated a tremendous interest, and there are various provisions for weather modification in the bill. For example, a wire reporting system was not available at Rapid City, S. Dak. This particular bill would provide for it. But the other matter which was of great interest was whether seeding or weather modification attempts in South Dakota just preceding the flood had any bearing on the flood. We have at this time a preliminary report from the Bureau of Reclamation, Department of the Interior, and from the National Oceanic and Atmospheric Administration, Department of Commerce, to the effect that it had no effect whatever on or made no contribution to the disaster there. I believe these reports are very significant and should be submitted and made a part of the RECORD, and I ask unanimous consent that they be made a part of the RECORD at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELATIONSHIP OF CLOUD SEEDING TO RAPID CITY FLASH FLOOD DISASTER

Attached is a detailed report of the circumstances surrounding the weather modification activity carried out by the South Dakota School of Mines and Technology as prepared by the Bureau of Reclamation of the Department of the Interior. The Bureau of Reclamation provides funding support to this program. Briefly summarized, the report makes the following points:

a. The general weather situation that developed caused the heavy rains that produced the severe flash flooding.

b. The rains that caused the flooding occurred in a 90 square mile drainage area between Pactola Reservoir (west of Rapid City) and Rapid City.

c. The South Dakota School of Mines and Technology seeded a single cloud for about 10 minutes at about 3 p.m., 14 miles north-northwest of Rapid City and a second cloud was seeded from 5 p.m. to 5:37 p.m. about 27 miles south of Rapid City.

d. Both of the seedings produced less than an inch of rain and the rain that fell would have drained into the Cheyenne River, downstream of Rapid City. They could not have contributed to the loss of life and damage in Rapid City.

NOAA's analysis of the weather situation during the disaster is similar to that in the Bureau of Reclamation report. There is little question but that the weather pattern affecting the area was fully capable of producing the heavy and persistent rains that resulted. On the basis of the preliminary information available to NOAA, we have no evidence that would suggest that the cloud seeding experiments could have had any significant effect on the flash floods that affected the Rapid City area.

NOAA had recognized that flooding was in prospect and advised the responsible officials in the communities likely to be affected. A preliminary summary of the NOAA actions prior to and during the flash flood is also attached. A full report will be available upon completion of the report of a NOAA survey team that is currently on the scene.

SUMMARY OF CLOUD SEEDING ACTIVITIES AND WEATHER CONDITIONS FOR SOUTH DAKOTA—JUNE 9, 1972, PREPARED BY THE BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

The storm that produced the Rapid City catastrophe was the result of a rare combination of meteorologic conditions.

These included a persistent easterly flow of low-level, moist air against the Black Hills, and the absence of westerly winds aloft that usually move such mountain-formed rainclouds eastward where rainfall is then deposited over the plains.

Cloud seeding, conducted by the Institute of Atmospheric Sciences of the South Dakota School of Mines and Technology on the afternoon of Friday, June 9, could not have contributed to the loss of life and damage in Rapid City.

GENERAL WEATHER SITUATION

The Dakotas were under the influence of the leading edge of a cold air mass on Friday, June 9. At 9 a.m. MDT, the frontal system extended from a position south of Sioux Falls to about 50 miles north of Rapid City, moving very slowly to the southwest. Late in the day, the frontal system became stationary in the vicinity of the Black Hills.

Strong easterly winds prevailed from the surface to about 5,000 feet, with only very light winds above 8,000 feet.

Although dry air enveloped the Rapid City area at 6 a.m. MDT, there was considerable moisture to the northeast. This moisture was later carried by the easterly flow into the Black Hills area.

The normal afternoon heating was accomplished by the continuous supply of extremely moist air, thus increasing instability and providing favorable conditions for the development of large cumulo-nimbus clouds with tops reaching 50,000 feet.

RAINFALL PATTERN

The heavy rain area was limited to the east slope of the Black Hills. This represents a belt about 15 miles wide from the first outlying foothills just west of north-south Highway 79 to a line of 6,000 to 7,000-foot crests that include Harney Peak, loftiest in the Black Hills.

To reach the site where the deluge occurred, the moist air, moving in a west-northwest direction, passed first over Pine Ridge, 70 miles southeast of Rapid City. Pine Ridge is at an elevation of about 3,700 feet. From there, the terrain falls away to an average elevation of about 2,700 feet along the shallow Cheyenne River basin, then up a gradual rise of about 500 feet to the beginning of the abrupt Black Hills slope.

No excessive rain fell at Pine Ridge, and neither was there excessive rain between Pine Ridge and any point in the Black Hills where the ground rises above 4,500 feet in elevation.

SEEDING ACTIVITY ON JUNE 9

South Dakota School of Mines and Technology had a single seeding aircraft aloft during part of the afternoon of Friday, June June 9.

The school's cloud seeding experiments are part of a continuing research effort that has been in progress at Rapid City each summer since 1965. When seedable summer clouds occur in the experimental area, three options are exercised on a randomized selection basis: 1. Don't seed. 2. Seed with common salt. 3. Seed with silver iodide.

On Friday, seeding was conducted with finely divided common salt, released by the research aircraft at cloud base, into the updraft.

Seeding was conducted over dry land east of the Black Hills. A single convective cloud was seeded for about 10 minutes at approximately 3 p.m., near Piedmont, some 14 miles north-northwest of Rapid City, in an area that drains into Elk Creek. A second cloud was seeded from 5 p.m. until 5:37 p.m., in the vicinity of Fairburn, about 27 miles south of Rapid City. Battle Creek and Red Shirt Creek drain this area.

Each of these three creeks contributes its entire flow to the Cheyenne River, downstream (east) of Rapid City.

XUM

The first seeded cloud remained nearly stationary after seeding, while the second was tracked by radar in a general nothwesterly direction to a point near Hermosa, well away from the area where the deluge later occurred.

About 700 pounds of salt were distributed between the two clouds. Rain accompanied both seeding events. Radar returns from the two seeded clouds enabled project officials to estimate rainfall amounts of 1,000 acre-feet from the first cloud, near Piedmont, and about 4,000 acre-feet from the cloud near Fairburn. In each case, these amounts represent less than 1 inch of rainfall.

By contrast, the rainfall that deluged Rapid Creek and Battle Creek and contributed most to the devastation at Rapid City was greatly in excess of 100,000 acre-feet. The total Black Hills deluge was probably between 500,000 and 1 million acre-feet.

Expressed another way, the amount of rainfall associated with the seeding effort was less than one-thousandth the amount that produced the flood, and fell well outside the flood watersheds.

FLOOD HYDROLOGY

The 100-year, 6-hour maximum rainfall estimate for the Rapid City area is 3.6 inches (Weather Bureau Technical Paper No. 40). In the flood design for the Bureau of Reclamation's Pactola Reservoir, the maximum probable computed rainfall used was 9.2 inches in a 12-hour period over the reservoir's 320-square mile drainage area. The design flow inflow to Pactola is 69,000 cfs.

Between Pactola Reservoir and Rapid City, there is a 90-square mile drainage area. It was here that virtually all of the flood waters originated. The flood control space at Pactola showed only 1,200 acre-feet was occupied following the flood, out of a flood control capacity of 43,050 acre-feet. There were no spills at Pactola, where 40 cfs were being released before the flood. Outlets were closed at the dam sometime during the storm period.

COMPUTER PROGRAMMING

The Bureau employs a computer-processed mathematical model in the performance of all summer cloud seeding experiments it sponsors, including those in South Dakota.

The computer program incorporates what is known about the rainfall production mechanism of untreated clouds, and projects in numerical form produce the presumed effects of different seeding techniques on those same clouds.

On Friday, June 9, the computer program predicted that seeding clouds over the plains area with powdered common salt would cause them to rain out before they reached the Black Hills. Radar surveillance showed heavy (water) relativity in clouds over the Black Hills, and because of this naturally efficient rain production, clouds in that area were specifically not seeded.

The experiment was intended to cause the clouds to rain out over the still-dry plains, and to make them rain more efficiently than they would have naturally. Radar observations indicated that the two clouds that were seeded did precipitate in a manner predicted by the computer.

PRELIMINARY REPORT OF WARNINGS ISSUED ON THE RAPID CITY FLOOD, JUNE 9, 1972

The following is a brief summary of the weather events and warnings issued in connection with the Rapid City flood. This summary is based on informal reports and is subject to verification by the survey team.

The late afternoon forecast for Friday evening and Saturday morning called for thundershowers. Light rain started in the Rapid Creek drainage area at 5 p.m. and became heavy at 6 p.m. Most of the heavy amounts of precipitation occurred in a one and one-half to two-hour period. Newton Fork, which was in the center of the heavy rains, reported seven and one-quarter inches with most of this rain occurring between 8:30 p.m. and 10 p.m. A site 5 miles west of Rapid City reported 10 inches between 5:30 and 11:00 p.m.

Since the National Weather Wire Service (NWWS) is not available in South Dakota, forecasts and warnings are disseminated by telephone. The Weather Service Office (WSO) Rapid City started disseminating warning information at 6:50 p.m. and had completed most of the dissemination by 8 p.m. Telephone calls were made to large numbers of radio and television stations, Defense Civil Preparedness Agency offices and law enforcement agencies in the area.

Warnings issued, June 9:

6:50 p.m.—first warning issued based on data from Air Weather Service radar at Ellsworth AFB, by telephone.

7:15 p.m.—flash flood warning for Spearfish area.

8:00 p.m.—flash flood warning for Rapid Creek and Box Elder Creek drainage.

After 8:00 p.m.—radio and TV made continual warnings and flash flood situation reports.

10:30–11:00 p.m.—Mayor and Civil Defense officials asked for immediate evacuation of flood plain in Rapid City.

Apparently large quantities of debris blocked the spillway of the Canyon Lake Dam causing the water level to build up to extremely high levels. The dam started to give way at 11:00 p.m. and the entire dam gave way within about 15 minutes. The crest occurred about one mile downstream a half hour later. The peak discharge through Rapid City was measured at about 25,000 cubic feet per second. The previous record was 2,000 c.f.s. in 1962.

Mr. HOLLINGS. Mr. President, for information of the Senate, I wish to advise that the financial status of the disaster loan fund of the Small Business Administration for fiscal 1973 is sufficient to cover the requirements for the South Dakota floods plus other disasters that are now in process. There will be an estimated balance on June 30, 1972, of $70 million. This sum together with the $80 million allowed in the pending bill will provide a total availability of $150 million.

Mr. President, I ask unanimous consent that a statement on the status of the disaster loan funds, as furnished by the Small Business Administration on June 14, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATUS OF DISASTER LOAN FUNDS

	Millions
A. Estimated balance June 30, 1972	*$70
Capital appropriation fiscal year 1973	80
Total available 1973	150

* (Excluding South Dakota Flood)

B. SOUTH DAKOTA FLOODS

SBA has a Cadre at Rapid City, South Dakota, and is establishing an office to handle loan applicants. Although it is too early to obtain reasonable estimates for the requirements for South Dakota, the current availability in the fund is sufficient to commence approving loan applications. This $70 million balance along with the $80 million appropriation for 1973, should be sufficient to cover the requirements for South Dakota, plus other disasters that are now in process.

C. MAKEUP OF $80 MILLION 1973 APPROPRIATION

The $80 million 1973 appropriation was predicated on an estimated loan volume of $100 million. The $80 million appropriation plus $24.5 million carryover from 1972 would have been sufficient for this $100 million estimate. Of course, there is no way to forecast disaster requirements, and in the event the $80 million proves insufficient, it will be necessary for SBA to request supplemental appropriations.

D. EXPLANATION OF $70 MILLION BALANCE AT JUNE 30, 1972

At the time SBA appeared in support of their $70 million in supplemental funds for disaster loans, there were approximately four months left in the Fiscal Year. At that time, the SBA projection included requirements for existing disasters, extension of Flood Insurance requirements, and the floods in West Virginia and Massachusetts. The balance in the fund at the time, plus the $70 million would have taken care of these requirements and left $24.5 million to carry over into FY 1973. The $24.5 million, plus the $80 million 1973 appropriation was for an estimated $100 million program in 1973. Since SBA's appearance, there have been revised estimates indicating that the carryover would be $70 million instead of the $24.5 million. These shortfalls are primarily as follows:

[In thousands of dollars]

Disaster	Previous 1972 estimate	Actual through May	Current 1972 estimates	Difference
Corpus Christi (Fern)	42,000	32,233	36,000	6,000
Newark (New York and New Jersey)	80,000	54,864	56,000	24,000
West Virginia	10,000	2,717	3,500	6,500
Massachusetts	10,000	5,450	7,000	3,000
Other Disasters [1]	58,000	48,264	52,000	6,000

[1] Includes Celia of $24,800,000 (closed in February).

Mr. HOLLINGS. Mr. President, the Senator from Wisconsin has an amendment, but the Senator from Florida has a matter which will save the time of the Senator from Florida if it may be brought up at this time.

Just before the bill was marked up, on that very day, under the various regional commission development programs, the new Pacific Northwest Commission was announced. We were able to include funding for it. The very next day, the State of Florida was added to the Coastal Plans Regional Commission. The Senator from Florida has an amendment which the committee is willing to accept. I believe at this time perhaps the Senator would want to call up his amendment, have it reported, and then perhaps we can discuss it.

Mr. GURNEY. Mr. President, will the Senator yield me 2 minutes?

Mr. HOLLINGS. I yield.

Mr. GURNEY. I thank the Senator from South Carolina.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 25, line 23, in lieu of $62,472,000 insert $62,672,000.

Mr. GURNEY. Mr. President, what the amendment does is add $200,000 to the appropriation for Regional Action Planning Commissions of the Department of Commerce. The $200,000 would be used to revise and update the Coastal Plain Regional Commission to take into account the addition of Florida to the commission.

As the distinguished manager of the bill has pointed out, Florida asked permission to get into this regional commission, which is composed of North Carolina, South Carolina, and Georgia. The Secretary of Commerce a few days ago agreed to it and recommended that this be done, but it was too late to get the money in the bill. The amendment would take care of it, and I thank the Senator for considering it at this time.

Mr. HOLLINGS. Mr. President, unless our distinguished leader on the other side has any comment, we are glad to accept this amendment without a record vote.

I yield back my time.

Mrs. SMITH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. INOUYE. Mr. President, I wish to call up my modified version of amendment No. 1234, which I offer for myself and the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 29, line 8, strike out "$8,500,000" and insert in lieu thereof "$10,000,000".

Mr. INOUYE. Mr. President, this is an amendment to increase the committee's recommendation of $8.5 million for the U.S. Travel Service to $10 million.

I have discussed the amendment with the floor manager, the distinguished Senator from South Carolina, and with the distinguished acting minority leader (Mrs. SMITH). I have been assured that this amendment can be taken to conference.

The U.S. Travel Service in the Department of Commerce serves this Nation as the Federal Government's official tourism promotion office. Enabling legislation passed in 1961 states that USTS is to strengthen the domestic and foreign commerce of this Nation and to promote friendly understanding and appreciation of the United States through encouragement of visits by foreign residents.

To accomplish this important and very sizable task, USTS was given a budget of only $6.5 million by the Congress for its operations during fiscal year 1972. This amount placed the United States 15th in the lineup of nations when tourism promotion budgets are compared—15 in an increasingly stiff competition for the $20 billion-plus annual travel market.

For fiscal 1973, the House of Representatives has set the USTS budget at $8.5 million. I feel, however, that the Senate, which took the lead in establishing the U.S. Travel Service, should now take the lead in supporting its programs through an increase in that budget figure. And I am, therefore, proposing an amendment which would support an increase in the USTS budget to $12 million. Let me present several reasons—some recent, others historic—for my action:

The United States is still suffering from a heavy deficit in the balance-of-payments ledger—and the travel account has represented better than half of that imbalance margin in all but 3 of the last 10 years. In 1970 alone, the travel-dollar deficit was $2.472 billion, an increase of 17.2 percent over the 1969 deficit. Estimates for 1971 are $2.6 billion, a 7-percent increase over the 1970 figure.

While this reduction of travel-deficit growth is encouraging, efforts must be stepped up to reduce it even further.

Recent events give the United States an excellent opportunity to help shore up the travel-dollar deficit situation. Following the revaluation of the dollar in December, the currencies of the major tourism markets have moved from 7.5 to about 17 percent, relative to the dollar. Coincident with that occurrence, transatlantic fares were reduced. The consequence is that a trip to the United States is now cheaper than it has been for many years. Now it is up to us to promote that fact—to make everyone aware of the opportunities that await them in this country at very low costs.

There are now approximately 70 million people, in the nations served by USTS regional offices, with economic capabilities for a trip to the United States. However, many of them are locked into long-existing patterns of travel to destinations other than the United States. In order to break these patterns, USTS must be given the resources to reach a higher percentage of these travelers with a promotional message. Such action is especially important over the next few years in order to assure heavy international attendance at planned American Revolution bicentennial programs.

Among the many benefits to be experienced from more tourism promotion is a very impressive one to be enjoyed by the labor community. Recent statistics prove that every $20,000 brought into the United States through tourism creates one new job for an American. Further, every overseas visitor to the United State represents a $400 export.

The Senate Committee on Appropriations has asked to see evidence of the effectiveness of USTS programs before approving an appropriation beyond $8.5 million. Concrete results of the USTS program were presented by the former Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn, when he appeared before the Committee on Appropriations. Broader evidence of the impact of this program will not be easy to obtain—and it will be costly.

Since its creation nearly 11 years ago, USTS has operated on an annual budget of $3 million to $4.5 million through 1971. It is difficult to measure the effectiveness of so small a budget on the international travel patterns of the entire world. However, with an increased budget during fiscal year 1972 and the expectation of additional funds in the coming fiscal year, the United States Travel Service has undertaken the development of a comprehensive system of measuring the impact of its programs in terms of the objectives set forth for it by the International Travel Act of 1961—Public Law 87–63—as amended. Next year, USTS should be asked to show the mean by which they will measure their program results. One year is not sufficient time to obtain and demonstrate results.

In the meantime, however, there is a need to take positive action to reduce the growth of the travel deficit—now, while travel to the United States is so low in cost.

Significance of this program to the administration's overall effort to improve our economic situation was emphasized by the President in his most recent state of the Union message. In it he affirmed his support of the expanded travel promotion program proposed in the fiscal year 1973 budget submission. He also asked the Congress to allocate "about double" the 1972 budget for USTS. That amount would come to approximately $12 million.

I would hope that this body would defer to the Committee on Commerce, which regards tourism as an instrument to help alleviate the present balance-of-payment ills experienced by this Nation. In the January 28, 1972, publication, Goals of the Committee on Commerce, it was stated that "comprehensive oversight hearing will be held early in the second session." Accordingly, we should allow the U.S. Travel Service increased funding to operate its expanded projects while the committee continues to review the agency's programs.

Beyond the hard economic facts involved in international travel there is another aspect of the USTS program, one which was given high priority by Congress when it passed the International Travel Act of 1961: the role of travel in creating among foreign citizens a friendly understanding and appreciation of the United States and its people. Their program will enhance our image abroad at a time when such efforts are especially important.

This past winter, following his meetings in Florida with President Nixon, West German Chancellor Willy Brandt was asked by reporters for his impression of the United States. He replied that he was amazed by the warmth and friendliness of the American people. If this same impression can be left with the 25 million visitors who are expected to visit the United States during the Bicentennial Celebration year of 1976, support of the travel promotion programs of the U.S. Travel Service will have been abundantly rewarded.

In the area of travel, the United States cannot face inward only—it must also look across its border and its shorelines—it must play an even more energetic and responsible role in the formidable international competition for the travel dollar, it must seek better understanding among people through travel, and it must take every opportunity to reflect itself appropriately through its travel-promotion messages in other nations.

Mr. JAVITS. Mr. President, I strongly support the amendment being introduced by the distinguished Senator from Hawaii (Mr. INOUYE) to increase the appropriations for the U.S. Travel Service—this country's national tourist office.

In his state of the Union address, President Nixon asked the Congress to vote USTS an appropriation of $12 mil-

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lion. Although severe budget stringency was being asked in other quarters of this Government, this additional investment in the one agency devoted to correcting our severe travel gap represented a good, even essential, investment. In our annual report, the Republican members of the Joint Economic Committee stated that it was a realistic use of opportunity costing.

With all due respect to the Appropriations Committee, I suggest that we give further consideration to the President's request for $12 million.

Right now the United States faces a major challenge to its economic supremacy. It must either compete more effectively in the world's markets, or watch its foreign currency earnings shrink—and its balance-of-payments deficit widen.

International travel today is a $20 billion jackpot. Last year, however, the Congress gave the U.S. Travel Service only $6.5 million to compete for this burgeoning market. In a ranking of national tourist offices, by budget size, the U.S. Travel Service rated not first or second—but 15th.

It is hardly surprising that in the last 10 years, the U.S. share of the world's international travel "arrivals" has remained relatively constant—and its share of the world's travel receipts has increased less than 1 percentage point.

Every successful businessman knows that to make money you must invest money. And that is what the United States must do to win more international travel dollars.

While we have been appropriating USTS lean budgets of $3, $4, and even $6 million, foreign governments have been moving into the world's lushest travel markets and establishing generously funded travel promotion operations.

At last count, 94 foreign countries were supporting 206 official travel promotion offices in the United States. This country had fewer than 20 such offices abroad—even when those run by States and cities were taken into account.

At the same time, more than 70 foreign-flag carriers were operating some 628 U.S. sales offices—all promoting travel to foreign destinations.

The United States has to compete harder just to catch up. It has to attract more foreign visitors to its shores because every year, foreign governments are luring more Americans abroad. Last year, Americans took more than 23 million trips to foreign countries. In the last 10 years, the number of trips Americans have taken abroad annually have more than doubled. This country has no viable alternative except to compete.

Part of the U.S. Travel Service mission is to convince the private sector—as well as U.S. States and cities—of this fact. The domestic U.S. travel market is so affluent that large segments of the domestic tourism industry have simply not entered the international market.

The only way to engage these industry components in the Visit U.S.A. program is to minimize their risk—to show them first of all, that there is profit potential in the foreign market, and second, that a limited promotional investment in foreign language advertising and sales tools will pay off. In short, the U.S. National Tourist Office must act as a catalyst. It must literally coax portions of the private sector to compete in the interest in the international market.

At present, the U.S. Travel Service is employing market research and matching grants to increase private enterprise interest in the international market.

In the past year, with matching funds, USTS has led 26 States, the District of Columbia, and nearly 200 private entrepreneurs, into the international travel market and involved them in a concerted Visit U.S.A. promotional program.

All this takes money, but in this case we get a return on our investment in USTS. With the $12 million appropriation USTS could stimulate even greater State, local and private industry participation. It can help each of our States to compete more effectively for a share of the international travel market, and help redress our $2 billion plus travel gap.

There is one last point I would like to make about the national tourist office's role as a catalytic agent—and it is this: in the past, it has been argued that increasing USTS' appropriation was unnecessary because promoting travel to the United States was the responsibility of the airlines and the hotels. This is no longer a valid argument, if, in fact, it ever was.

The U.S. travel industry is rapidly becoming internationalized in ownership, management, and service. A number of U.S. hotel and motel chains own or manage foreign as well as U.S. properties. Some U.S. carriers may serve as many points outside the country as inside, and their employees abroad, below the district sales manager level, are not U.S. citizens, but host country nationals.

These U.S. round-the-world airlines compete at nearly every foreign station they serve with a dozen or so other airlines flying to many of the same foreign cities they do. We cannot expect these multinational concerns to exclusively promote U.S. destinations, U.S. international carriers must advertise foreign as well as U.S. destinations or run the risk of transporting seats filled only with pressurized air.

The balance-of-payments deficit and the travel gap are public sector deficits, and the public sector must play a more active role in boosting its own foreign currency earnings.

A budget increase for USTS, in the amount the President requested, would be a sound, remedial step. Budget research conducted by USTS indicates that a correlation does exist between a nation's tourism promotion budget and its tourism receipts. The larger the proportion the national tourist office budget is of the GNP, the larger the proportion the country's tourism receipts is of GNP.

Mr. ALLOTT. Mr. President, I wish to state my support for Senator INOUYE's amendment which would raise the USTS appropriation. This will restore the program to a level more in line with the budget request of $12 million for fiscal year 1973. Because Colorado receives thousands of incoming foreign visitors annually, I have a particular awareness of the activities of the USTS. I believe that the budget request of $12 million for fiscal year 1973 is a reasonable one—especially considering the task.

The U.S. Travel Service is a small agency with fewer than 50 U.S. citizen employees. It operates only eight travel promotion officers abroad and one covers a sales territory of 20 countries. Another serves, singlehandedly, a region almost as large as the United States.

The fact is that in the major markets of the world, USTS and the U.S. travel industry are outmanned. They are also being outgunned and overpowered.

Competition in the world travel market is formidable today and growing more so. Nearly every country in the world is fighting for a share of the $20 billion world travel market, and this Government is partially responsible for the situation. Our well intentioned foreign aid program, has heped to bankroll our own touristic competitors.

I am not trying to be critical of our foreign aid programs, but I do want to point out that these programs do tend to aggravate an already bad balance of payments situation. While we continue to support the establishment of a tourist industry in developing countries, we must maintain a balance through continued support of our national tourist office and its efforts to help U.S. destinations compete for international tourists.

In every major travel market in the world—especially in Europe and the United Kingdom—U.S. destinations are competing with strong, Government-backed foreign tourist offices and flag carriers. One has only to study northern European travel patterns to see that the U.S. Government must increase its efforts just to stay in the running or to present a competitive package.

Part of the USTS job is to involve the private sector and other levels of government in the "Visit U.S.A." promotion effort. The Federal Government, and the public sector, should not have to assume the entire program cost.

In the last year, USTS has successfully used modest matching grants to increase private sector, and local government, involvement in the "Visit U.S.A." effort. With an investment of $478,798, USTS has generated more than a million dollars worth of "Visit U.S.A." advertising and promotion.

The U.S. Travel Service program is a productive investment—not an expense. The return on this investment will come in the form of increased foreign currency earnings for the United States greater sales tax revenues for hard-pressed State governments, and fatter excise tax collections for the U.S. Treasury.

Mr. HOLLINGS. Mr. President, unless there is comment from the other side, I yield back my time and am ready to accept the amendment without a record vote.

Mrs. SMITH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. INOUYE. Mr. President, I had another amendment, amendment No. 1233, which I am not going to call up at this time. I have been assured by the Senator that when the priorities picture is a better one, the committee will consider it.

Mr. HOLLINGS. That is right, Mr. President. The Sao Paulo Trade Center was considered as a third priority item. The committee did not go along with it at this time, but after this year I am certain the Sao Paulo Trade Center will be heading the list.

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me dated June 14, 1972, from William P. Rogers, Secretary of State of the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., June 14, 1972.

Hon. DANIEL K. INOUYE,
U.S. Senate.

DEAR SENATOR INOUYE: The restoration of $633,000 to the Department of Commerce appropriation for the construction of a United States Trade Center in Sao Paulo, Brazil, and of $3.5 million for the United States Travel Service would be valuable contributions to our efforts to improve our balance of payments. The first would help to expand our exports and the second would increase the number of foreign visitors to the United States, thereby providing new jobs and adding to our exports.

It is for these reasons that the Department of State is favorable to your amendments to H.R. 14989. I hope that they will be adopted by the Senate.

The economy of Brazil is the largest in Latin America, with a gross national product surpassing $40 billion in 1971. As a trading partner, Brazil ranks just behind France, having taken just under a billion dollars worth of U.S. exports during 1971. Furthermore, the economies of few countries in the world have grown at a rate of over nine percent as has that of Brazil in each of the past four years. That kind of growth has not gone unnoticed by Europe and Japan. Last year cabinet ministers of the French and German governments opened national trade fairs in Brazil, while the Soviet Union and Japan ran active trade centers and the French took steps to establish their own center.

Despite our best efforts, the United States share of the Brazilian market declined from 39 percent in 1966 to 32 percent in 1970. Establishment of a trade center, jointly administered by the Department of Commerce and the Department of State, in Sao Paulo, an industrial metropolis which by itself absorbs half of the U.S. exports destined for Brazil, would be of major assistance in reversing this trend.

The Travel Service has had a notable success in increasing the number of foreign visitors to the United States. The long-term interest of the United States in the growth of this travel, which has so favorable an effect upon our balance of payments, is a sound reason for assuring that the Travel Service has adequate funds to develop this potential.

It is with these considerations in mind that I wish to assure you of my support for the restoration of these funds requested for the FY 1973 budget of the Department of Commerce and approved by the Office of Management and Budget.

Sincerely,

WILLIAM P. ROGERS.

PRIVILEGE OF THE FLOOR

Mr. GURNEY. Mr. President, I ask unanimous consent that my staff members, Mr. Leo Zani and Mr. Kevin O'Connell, be given the privilege of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that, during the consideration and voting on this bill and any amendments to it, two members of the Judiciary Committee staff, Malcolm Hawk and Stan Ebner, be permitted access to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I ask unanimous consent to have present a Judiciary Committee staff member from this side of the aisle as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1226

Mr. PROXMIRE. Mr. President, I call up my amendment, No. 1226, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

It is proposed, on page 52, to strike lines 15 through 20, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $450,000.

Mr. PROXMIRE. Mr. President, let me state what the amendment would do. It would strike out the provision providing necessary expenses of the Subversive Activities Control Board. It would not touch the committee amendment, which is desirable and necessary, if this amendment is adopted, so that the action taken by the committee would be in conference in full.

Mr. President, this amendment is cosponsored by the Senator from North Carolina (Mr. ERVIN) and myself. I do not believe it is an overstatement to say that in 22 years and with $6.75 million, the Subversive Activities Control Board has not done anything useful. The Congress is being asked for yet another appropriation—on the grounds that this time as we were told in 1967 and 1968 and 1969 and 1970 and 1971 this time things will be different. But all of the evidence leads to the conclusion that this revised edition of SACB will do no more and cost no less than its expensive and impotent predecessors. How many times do we have to find this well dry before we conclude that there is no water in it.

The Board was created in 1950, at the height of American anxiety over the cold war. The Board was to identify "Communist action," "Communist front," and "Communist infiltrated" organizations, and require both the groups and their members to register with the Attorney General. But in the 22 years since, there has not been a single case in which that procedure was successfully carried out. Not one. In some years, the Board was presented with no cases. On some cases they did hear, the Board took no action. In some cases on which the Board took action, the action was overturned by the courts. In no cases at all did any person or any group ever register in accordance with the Board's direction. Seven groups were found to be "Communist front;" no groups were found to be "Communist infiltrated;" and one group—the Communist Party itself—was found to be "Communist action." What a contribution. The Communist Party was found to be Communist Action. No individuals were ever finally registered as members of these groups.

These statistics are bleak indeed. The explanation is not that the Board was ineffectual; the problem is rather in the ill-advised and unconstitutional responsibilities the Board was assigned. In 1965 the Supreme Court found the Board in violation of the fifth amendment's guarantee against self-incrimination, because the Board required individuals to register as members of Communist groups at a time when membership was illegal under the Smith Act. After Congress tried to avoid that difficulty in a 1967 revision, the Board's system of registration was held to be in violation of the first amendment's guarantee of freedom of association—and the decision was affirmed by the Supreme Court's denial of certiorari. Had the Board been more successful, it would only have succeeded in violating the constitutional rights of many citizens; as it was, what little it tried to do was often thrown out of court. It is not surprising, then, that the Board did nothing at all in 1967 and 1968, and almost nothing since. In 1970, the Board held hearings on two cases, taking testimony from three witnesses, for a total of 10 days. For their 10 days of work, each of the five Board members received a salary of $36,000.

Faced with this scandalous situation in 1971, the administration tried to resuscitate the Board by issuing Executive Order 11605. This order purported to give the Board a new set of tasks to justify its continuation. The Board was now to be responsible for keeping a list of subversive organizations for use by the executive branch in considering prospective employees. This list had previously been kept by the Attorney General, although no organizations had been added to or removed from the list since 1955.

The truth is that this new responsibility is just as useless and probably considerably less time-consuming than the old ones—and suffers in addition from a double case of unconstitutionality.

In the first place, as the Appropriations Committee decided, and as the Senate voted last year, it is not the business of an Executive order to legislate an entirely new set of functions for an agency established by act of Congress. This is an outrageous attempt to usurp legislative powers. While the recent court decision of American Servicemen's Fund et al. against Mitchell did not rule directly on this matter, it did hold that—

There is no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically

given that body when created by the Congress.

Not only does Executive Order 11605 violate separation of powers, it is very likely unconstitutional on other grounds as well. As the American Servicemen's Fund decision said—

The Order contains definitions governing listing which appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future.

In effect, Executive Order 11605 attempts to enlarge the Board's old restrictions on freedom of association, and make them into conditions for employment. However, the Supreme Court's decision on loyalty oaths in Cole against Richardson just last April clearly states that employment may not be restricted by such unconstitutional requirements.

But, Mr. President, even if we assume that the courts will allow the Board to do everything Executive Order 11605 allows—and that seems far from likely—even then, I submit, the Board will still have almost nothing to do.

The Board is empowered to do two things with the Attorney General's list. First, upon petition by the Attorney General, it may add organizations to the list. The budget proposal of the Board says that 25 such cases are expected. But Kevin Maroney, a Justice Department official, testified in January that the Department would "probably not file any cases" while the American Servicemen's Fund case is being appealed—which could take 2 years. In other words, this entire fiscal year could easily go by without the Justice Department submitting a single new case.

The Board may also delete from the list organizations which no longer exists, or are no longer subversive. The Board's budget proposal anticipates 156 cases of this sort, of which 150 involve merely the question of the organization's existence. Now it might seem that crossing the names of organizations which do not exist off a list which has not been used for 17 years, is an utterly pointless activity. But we need not worry that the Board will waste much time on this project: a Board official candidly indicated that the Board can dispose of 25 cases in a single evening. Six evenings should be enough to complete this year's work.

In short, even if Executive Order 11605 were constitutional, it could not possibly justify the continued existence of the Subversive Activities Control Board.

My point is not only that the Subversive Activities Control Board has done almost nothing and will continue to do almost nothing. There is also nothing it really ought to be doing. It is no accident that the Board has kept running afoul of the courts. Its approach to the problem of internal security is not in keeping with guarantees of constitutional liberties. Compiling lists of groups with allegedly subversive ideas is insidious and ultimately beside the point. When men commit illegal acts to overthrow the Government, or have plans to commit such acts, they should be apprehended and tried. Even if the Control Board had had more success, it would have contributed nothing to our security—and it would have contributed much more to infringement of constitutional rights. An official blacklist in the hands of five men is inconsistent with our democratic society.

The Subversive Activities Control Board is a boondoggle in cold warrior's clothing. We should not respond to a program of no value by cutting its budget request to last year's level. A program with no purpose should get no funds at all.

Mr. HOLLINGS. Mr. President, first, I ask unanimous consent to have printed in the RECORD a letter from the Commander in Chief of the Veterans of Foreign Wars, with an enclosed resolution, and a letter from the National Legislative Commission of the American Legion. Both of those organizations have been vitally interested in this measure.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., June 14, 1972.

Hon. ERNEST F. HOLLINGS,
United State Senate,
Washington, D.C.

MY DEAR SENATOR HOLLINGS: This is to indicate the support of the Veterans of Foreign Wars for the amount of $450,000 recommended by your Appropriations Committee for the Subversive Activities Control Board for fiscal year 1973, as provided in H.R. 14989, the State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for 1973, scheduled for consideration this week.

The Veterans of Foreign Wars has long supported the objectives of the Subversive Activities Control Board. A typical resolution of the concern of our membership is found in a V.F.W. resolution identified as No. 136, entitled "Action Against Dissident, Violent and Co-Called Non-Violent Groups and Individuals," a copy of which is enclosed.

The Subversive Activities Control Board is the agency of government established to make determinations respecting communists, subversive and violence-oriented organizations identified in our resolution No. 136. In that regard, the Veterans of Foreign Wars is deeply disappointed with the restrictive language in the appropriation bill that the $450,000 may not be used to carry out President Nixon's Executive Order No. 11605 which will update the Attorney General's list which we feel is long overdue. In any event, the Veterans of Foreign Wars recommends your favorable consideration and vote for the $450,000 for the Subversive Activities Control Board for 1973.

The Veterans of Foreign Wars is vehemently opposed to proposed amendments to be offered which would delete the entire amount of $450,000 from the bill, thus killing the Subversive Activities Control Board. Your favorable consideration of these recommendations will be deeply appreciated by the more than 1.7 million members of the Veterans of Foreign Wars. With kind personal regards, I am

Sincerely,

JOSEPH L. VICITES,
Commander-in-Chief.

RESOLUTION NO. 136—ACTION AGAINST DISSIDENT, VIOLENT AND SO-CALLED NON-VIOLENT GROUPS AND INDIVIDUALS

Whereas, certain dissident, violent and so-called non-violent groups and individuals are undermining the military defenses of the United States, knowingly and unwittingly helping the enemy; and

Whereas, there are elements among the population of the United States of America who favor the aims and objectives of North Vietnam and Vietcong as against the hopes and aspirations of the free people of South Vietnam; and

Whereas, some veterans are members of these groups, and utilize certain publications in which to advertise for membership and spread their propaganda in support of communistic ideals and goals; and

Whereas, the Veterans of Foreign Wars, many of whose members have served in the Vietnam conflict with honor, believes in adequate National Defense and Peace with honor; now, therefore

Be it resolved, by the 72nd National Convention of the Veterans of Foreign Wars of the United States, that the Justice Department institute an in-depth investigation and identification of all organizations or individuals who are knowingly or unwittingly undermining the position and security of the United States, to determine their sources of funds and propaganda, and to take whatever action deemed necessary to insure the safety of our nation; and

Be it further resolved, that the Veterans of Foreign Wars maintain its firm stand against any and all subversive groups of individuals who threaten the security of the United States of America.

Adopted at the 72nd National Convention of the Veterans of Foreign Wars of the United States held in Dallas, Texas, August 13 through 20, 1971.

THE AMERICAN LEGION,
Washington, D.C., June 13, 1972.

Hon. ERNEST HOLLINGS,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLINGS: According to published reports in the news media, an effort will be made to delete all appropriations for the Subversive Activities Control Board at the time H.R. 14989, the 1973 appropriations bill for the Departments of State, Justice and Commerce, the Judiciary and related agencies, is considered by the Senate.

The American Legion believes that such a move would not be in the interest of our nation's internal security. The SACB continues to serve an important function according to several government witnesses who recently testified before the House Internal Security Committee, and only the Attorney General's list of organizations need modernization.

The Senate Judiciary Committee presently has under study H.R. 9669 which passed the House on May 30 by a vote of 226–105. This measure would expand the function of the Board and authorize it to, among other things, consider all types of subversive organizations, whether foreign or domestic. To deny funds for the continued operation of the Board at this crucial time would only serve to encourage those organizations whose announced purpose is to change our democratic form of government to a totalitarian state.

The American Legion would appreciate your support of the continued existence of the SACB through the appropriation of sufficient funds to permit it to carry out its work.

Sincerely yours,

HERALD E. STRINGER,
Director, National Legislative Commission.

Mr. HOLLINGS. "Eternal vigilance is the price of liberty" is an old, but still true, injunction. Today we are considering the investigation and surveillance of the Communist movement in the United States. And there are those who claim that the threat is so diminished that no watchfulness is necessary. Do not post a guard, do not man the towers, they say—there is no danger from within.

I submit that there is a continuing necessity to keep close tabs on what the Communists are doing. For one thing, this is an election year. The Communists are making no secret of their desire to get on the ballot in as many states as possible. Their effort, of course, is not to win—but to muddy and confuse and bewilder.

In addition to that, we all know that this is a period of many changes in the country. All about us, institutions and ideas are in flux. It is fertile ground for those who would subvert and destroy. There are many causes and movements in the country—some good, some less worthy. The danger is that even the worthy movements, if they go about their business unsuspecting, can find themselves infiltrated and perhaps even taken over.

All evidence points to increasing membership in the various Communist parties and groups in this country, and to the heightened activity of these groups—the Communist Party of the U.S.A., the Progressive Labor Party, the Socialist Workers' Party, and so on.

There are those who would cut back and even eliminate the governmental agencies which are responsible for the important works of surveillance. The Subversive Activities Control Board is one of the agencies most often singled out for attack. I believe that rather than eliminate the Board, we should make every effort to update it—to make it a more effective vehicle for the exposure of the Communist menace. This is no time to lapse into false complacency.

In spite of summit agreements in Moscow, and meetings with Mao in Peking, the world is still not a safe place. There is still an enemy without, and just as surely there is the enemy from within. To lower our guard now, at this critical time in history, would be the ultimate folly. It could be the lull that destroys our society.

I intend to vote in favor of continued funding for the Subversive Activities Control Board. And I intend to work toward making it fulfill the visions of those who founded it. The choice is not between a moderately good board and no board at all. There is a third alternative—and that is an even better Subversive Activities Board. I support the latter.

Mr. President, when we considered this matter, we had before us language which was, in essence, the earlier amendment to last year's appropriation bill, that—

No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute, or implement the provisions of Executive Order 11605 of July 2, 1971.

The Senate had voted on that language with approval, and your committee went along with that particular language, concurring that it was beyond the purview of the Executive to assign additional duties to this particular board through Executive order, and that it should be done through legislation.

Before I dwell on the legislation, let me state this: We also went into the amount. We considered the 1973 estimate, which was about $706,000, and we made the same allowance the House made, of $450,000. In other words, for the five commissioners, 11 secretaries, office expenses, and various other material to do what? To carry out the intent of a statute enacted by this Congress.

There has been dialogue and an argument in court, and I can remember our distinguished former minority leader, the late Senator Dirksen, some 4 or 5 years ago, on this very same measure, with the very same adversaries, defending this appropriation.

They do not like the Subversive Activities Control Board, yet they do not seek to amend the legislation. They always come at the back door with a collateral attack when the appropriation bill comes along.

I respectfully submit that all we are doing is trying to appropriate for what Congress itself has asked be done. If Congress says, "No, there should not be a Subversive Activities Control Board," let Congress repeal the formative statute which requires this function within our Government.

The fact of the matter is, in order to correct this situation of the Executive order vis-a-vis Congress itself acting, on the House side, they proceeded in very deliberate fashion, and they have passed a bill over here to the Senate, which is presently in our Judiciary Committee. It is H.R. 9669. They had this from their Internal Security Committee. On May 9 they reported it, and they passed it on May 30 by a vote of 226 to 105. They had quite a bit of discussion in detail as to the particular findings of their special study committee.

The chairman of the Subcommittee on Loyalty and Security on the House side is former Judge RICHARDSON PREYER of North Carolina, for whom we all have a high regard. Representative PREYER, after weeks and weeks of hearings, found certain things that obviously are not found by the Senator from Wisconsin.

I read from Representative PREYER's statement:

Figures brought to our attention indicate that the efforts of subversives to penetrate our government in some of its most sensitive agencies has by no means abated.

We can say: "We don't need a Congress. We don't need any more new laws. We don't need any lawyers. People aren't going to steal, lie, kill, or cheat. So we can do away with the court system, and do away with the security aspects of our government, because the President has been to Peking and Moscow."

That is absolutely false. The President has evoked communications with these governments, both Russian and the People's Republic of China, but by no means have they changed their minds about prevailing in our country by means of violence. H.R. 9669 addresses itself to that continuing problem and resolves this particular Subversive Activities Control Board into the Federal Internal Security Board. To carry on what? To carry on not only a listing of Communist activities in various agencies and organizations within the land, but also to list those which are intent upon overthrowing the U.S. Government by violence, or by engaging in violence, subverting the actual orderly course of government itself within the United States.

What does it do? In essence, with all the upheaval and the suspicion and the distrust and the changing times, I think this board does perform a useful function. I think it is a good stopgap. If anyone thinks an organization is a Communist organization, then we do have within the Government an authoritative source that we can say has investigated and has or has not found that it is a Communist organization, rather than both sides being right and both sides being wrong. I think it is a very valuable service for this particular function to be carried on.

But the main reason why this board comes up with low marks—and it comes up with low marks on everybody's scoreboard—for activity is that it has been brought, kicking and screaming, through a 10-year period of courts and motions and efforts to emasculate and sideline the board in a fashion somewhat similar to this—which is collateral—on the qucstion of money. They do not come to Congress and say, "Vote down the measure by majority vote." They say, "Rule it out in the courts, motion it to death, have it completely frustrated, or otherwise cancel this appropriation." That is why they have not done anything. We have had them before our body. They are all capable people.

I readily admit that we could economize and have three commissioners instead of five. I do not think they could handle 27 hearings in an evening if they went about deliberately protecting individual rights in America, and that is what seems to be in the mind of the Senator from Wisconsin. They cannot protect the rights of individuals by handling 27 cases in an evening.

One cannot say that a policeman in front of the Capitol is useless because he has not arrested anybody in the last year. I think that the fact that he is there has a salutary effect and brings about law and order. I think that this board also has a very valuable effect within our Government at this time. I think it would be a very bad mistake at this time, when the matter has passed the House and we have done away with the Executive order and instead inserted this language in the measure which is before the Judiciary Committee, to come in precipitately and, by the time we have come before this committee, just knock it out.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PROXMIRE. I ask the distinguished manager of the bill whether he accepts the opinion expressed by Kevin Maroney of the Justice Department that as long as the American serviceman case is pending, which may be for the next 2 years, the Board would have no work to do. In other words, Justice would not file a single new case. So there's nothing for them to do.

Furthermore, I wonder whether the Senator would accept the position of the Subversive Activities Control Board official, who candidly said they could dis-

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pose of the old cases, take them off the list, the organizations that no longer exist, 25 in an evening. This was not my estimate; it was theirs.

Mr. HOLLINGS. I would answer the distinguished Senator's question with another question. Does the Senator from Wisconsin suggest that we do away with busing until all bus cases have been settled? That would solve the busing problem in this land; I can guarantee that. We did not have to pass a law that said just until after the election, because I think that is the most political thing that has been done in Congress. After my election year, in 1974—that is what Congress just enacted, signed by the President:

> In the middle of 1974, in your election year, Hollings, we're going to start busing again.

Does the Senator think we ought to stop busing until all busing cases have been settled?

Mr. PROXMIRE. Next year there will be nothing for this Board to do; therefore, we should not appropriate that money.

Mr. HOLLINGS. Under that theory, we would not have any buses.

Mr. PROXMIRE. I voted with the Senator from South Carolina on busing. I am against busing, too. There is no difference. I suggest that the Senator look up the record.

So far as this matter is concerned, this is a Board with nothing to do.

Mr. HOLLINGS. I think the Senator knows full well that there is a bill before the Judiciary Committee, and they will reconstitute this Board from the Subversive Activities into the Federal Security Board. There are approximately 3 million Government employees. Some are in sensitive positions and some are in nonsensitive positions. The distinguished Senator from North Carolina has far more experience in this field than I. Sometimes it is carried over into the nonsensitive field, but I think that is a function of the Board. Certainly, we ought to be able to ask somebody within the Government, some authority that has investigated, when people are being hired for sensitive positions, to find out whether or not particular organizations are subversive. It is only for exposure. We need it in the Government. Is it the Senator's position that we do not need this function at all?

Mr. PROXMIRE. Perhaps I misunderstand the Senator.

On page 61 of the bill, the committee said:

> SEC. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971.

Therefore, this Board would not be able under this appropriation bill's own instruction to perform any new function proposed by the President. Is that correct? Or is the Senator referring to something else?

Mr. HOLLINGS. I am referring to this Board, and I think this Board should persist and should take the additional duties assigned to it under the new act.

Mr. PROXMIRE. During the testimony, the Board testified that they have spent a total of 1 hour and 15 minutes to handle 111 cases—48 seconds a case—at $406,000. That is $5,433 per minute. How do you like that for waste? It must get some kind of record.

Mr. HOLLINGS. Mr. President, I think the Senator and I agree that this Board has not functioned in the context of actually putting out results. I am glad they have not. In fact, we have had hearings within the executive department of the Government that this has had a very good effect. The very first thing was an assault upon the constitutionality of the Board itself. They said, "You can't have such a board." That is really the argument. It was found constitutional in the early 1950's; and we found, with the Hoover Commission investigating the executive activities and the intelligence activities of this Government, that many of these organizations were not organizing as a result.

In other words, the Board itself would have a mission to serve. But I do not know when we will need it. They say we do need it.

The Communist membership in the United States—not a specific membership figure—but a press release by Gus Hall on February 17, 1972, indicates that the membership was 15,000. A similar statement in 1969 puts it at between 15,000 and 16,000 dues-paying members in the Communist Party. That did not include, of course, the 129,000 sympathizers.

Mr. PROXMIRE. We have a professional skilled organization in the FBI to investigate and determine the activities of the Communist Party and find out who is active in the Communist Party. The fact is that this Board has done nothing. They have had 22 years to do it. Every year the committee comes back with the same argument, give them another year and they will get busy. They have done literally nothing. I challenge the Senator, can he name anyone this Board has identified as active in the Communist Party? Has it identified any subversive? Have they identified a single Communist?

Mr. HOLLINGS. Under this particular House bill, the Board would be resolved into the Federal Internal Security Board and its function would be to conduct hearings and make findings on petition of the Attorney General with respect to the character of relevant organizations to be designated in furtherance of the program to ascertain the suitability of individuals on loyalties or security grounds for admission to or retention in the services of the executive branch.

Would the Senator support that bill?

Mr. PROXMIRE. May I say that it is perfectly proper to have investigations of people going to work in the Government. They should be carefully screened under some circumstances, but I do not think that the Subversive Activities Control Board purports to have that function. It does not do that. The Civil Service Commission does this and has done it under an Eisenhower Executive order for many years.

Mr. HOLLINGS. That is because of the legal gymnastics which have gone on for the past 10 years. Just because that has gone on for 10 years is no reason to disband the Board any more than schools should be disbanded because there is no more busing, on which we have had legal gymnastics around here for 5 years.

Mr. PROXMIRE. If there are no children to pick up or no schools to go to, the bus can be sold. We would not need drivers. We could save their salaries.

Mr. HOLLINGS. But, the fact is there are schools. There are Communists, and there are security risks, and we do not want to employ them in the Government.

Mr. PROXMIRE. There are no security risks or Communists that that Board is capable of identifying or doing anything about. They have done nothing about it. Nothing.

Mr. GURNEY. Mr. President, if the Senator will yield on the charge made by the Senator from Wisconsin (Mr. PROXMIRE) that nothing has been done for 22 years by the Subversive Activities Control Board, that is not the information I have.

I understand, from a history of the Subversive Activities Control Board, that they have registered one Communist action group; that is, the Communist Party. There are no others in the country except that one.

Mr. PROXMIRE. Does the Senator from Florida consider that a contribution, identifying the Communist Party as a Communist action group? We certainly do not need five commissioners earning $36,000 a year to do that.

Mr. GURNEY. If the Senator will allow me to continue, I will give him some additional information, and then he can ask all the questions he wants.

In addition, the SACB has registered 25 Communist front groups and two Communist infiltrated groups. At present, it has three more Communist front group cases before it. The Board has handled some 66 individual cases and, more recently, has undertaken the task of making recommendations to the Attorney General so that the Attorney General's list can be updated.

So the Senator is not correct when he says that the Board has done nothing for 22 years.

I just wanted to get these facts on the RECORD and indicate to him what had been done by the Board.

Then I should also like to make this further statement in support of what the distinguished manager of the bill has said, that because we have a Board like this and there is evidence that the very fact it is there is like the policeman in front of the Capitol steps who is on duty. That is the reason why he is there even though no crime may be committed. During the years the Board has existed, the membership of the Communist Party has gone down. Also, many of the Communist front organizations have gone out of business. The existence of the Board is the reason that has happened.

Mr. ERVIN. Mr. President, will someone yield me some time?

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. SPONG). The Senator from North Carolina is recognized for 15 minutes.

Mr. ERVIN. Mr. President, this section should be called a bill to give unemployment benefits to five bureaucrats.

The Board was created in 1950 when McCarthyism ran supreme over the land, when there were people seeing Communists under every bed or hiding behind every rosebush. Those people had vivid imaginations.

The Supreme Court held that the portions of the act creating the Board gave it the power to make Communist action fronts, Communist-dominated, and Communist-infiltrated organizations register only if it could find a constitutional method to make them do so.

Some opinions held that everything Congress had authorized the Board to do, except to draw its breath and salary, was unconstitutional. It held they could not make a requirement to register because the Communist Party was outlawed and a man would have to incriminate himself for being guilty of a violation of law if he registered as a member of it. Therefore, that provision was invalidated by the fifth amendment provision against self-incrimination.

The Congress attempted to give new breath of life to the Board, and so it said that instead of requiring them to register, they had not been able to get anyone to register, but they did find one that was in action in the United States, the Communist Party. They charged 25 others with being Communist-front organizations, but they could not make a single one of them register. They found, in most cases, that most of the organizations had ceased to exist.

Congress tried to help them out and breathe more life into this abomination. They passed a law that they could hold hearings and declare people and organizations to be subversive—that is, Communist—and brand the members. The circuit court of appeals of this district. in the Boorda case, stepped in and said that it was unconstitutional for the Board to declare any man to be a Communist unless it showed that he participated in illegal aims of the party. They were never able to show that, and the Department of Justice did not dare to appeal that decision. So since the time of the Boorda case, they have had nothing to do. Last year the President attempted to breathe new life into the Board by an Executive order which was clearly legislation and a violation of the Constitution in that respect and also a violation of the first amendment.

When the case was heard—it was alluded to by the Senator from Wisconsin—the judge, in effect, said that it was unconstitutional. And so they have not dared to exercise their power under the Executive order. So what did they do? They instituted 111 proceedings in the last year to declare that 111 organizations that no one had heard anything about for 20-odd years—who were on the subversive list of the Attorney General had died—ceased to exist. So they held hearings on 111 cases and it took 48 seconds to try each case—48 seconds, I repeat—and all these organizations had long since ceased to exist. They had been dead from the time whereof the memory of man runneth not to the contrary. They stretched it out over 4 days—1 hour and 15 minutes—to find 111 organizations that no one heard anything about for years and had ceased to exist. That is all they did last year, except draw their breath and their salaries.

This Board should be abolished for financial reasons, unless Members of Congress want to take five bureaucrats and give them unemployment compensation benefits.

The bad thing about the bill is that it is alien to America. Such a bill was never dreamed of until 1950. Then people started to see Communists. The House committee passed this bill. It gave the Attorney General the power to file petitions alleging that members of Communist action groups held illegal memberships. And during all of those years from that date down to this, the Attorney General alleged that 66 people out of 200 million Americans were Communist action group members.

They want to keep the Board for fear that those 66 men—who were never convicted—may overthrow by force and violence a nation of 200 million people. We have $450,000 in this appropriation to pay five men for doing nothing and to pay their secretaries to assist them in doing nothing. That is the purpose of the bill.

We are on limited time. However, I thank the good Lord that the Board has not been able to find anything more to do, because I do not think there are very many disloyal Americans.

Judge RICHARDSON PREYER opposed the bill the House passed. The House passed a bill that if the rules of the Senate did not prevent me from saying so, I would say was the biggest fool legislation ever passed by either House or Congress, because it says that hereafter this Board shall have such powers as the Board and the Attorney General by regulation may prescribe.

That is what it says. And that is the bill that is pending before the Internal Subcommittee of the Senate today. They changed the name of the organization. Even the Board got disgusted with its name. It had it changed to Internal Security. The only internal security it has promoted has been the internal financial security of the five members of the Board who draw some $30,000-odd a year of the taxpayers' money for doing nothing except to sit in big easy arm chairs.

Mr. President, I ask unanimous consent that an article entitled "The Internal Security Act of 1950: An Argument for Its Repeal" written by Nathaniel L. Nathanson and Stanley C. Feldman, be printed at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE INTERNAL SECURITY ACT OF 1950: AN ARGUMENT FOR ITS REPEAL

(By Nathaniel L. Nathanson and Stanley C. Feldman)

INTRODUCTION

Ever since its enactment twenty-two years ago over Presidential veto, the Internal Security Act of 1950 (the so-called McCarran Act),[1] has been embroiled in controversy. Title II of the Act—also called the Emergency Detention Act of 1950—finally was repealed on September 25, 1971,[2] without ever having been used. But Title I—also called the Subversive Activities Control Act of 1950—has managed to survive despite vigorous and frequent attempts to accomplish its repeal. The following discussion examines the administration of Title I since its enactment and marshalls the arguments in support of its repeal.

THE SUBVERSIVE ACTIVITIES CONTROL ACT

Title I of the Act established an independent agency known as the Subversive Activities Control Board to identify, on petition of the Attorney General, "Communist-action" and "Communist-front" organizations (coverage was extended to "Communist-infiltrated" organizations, by a 1954 amendment), and the members of "Communist-action organizations". It also required the registration of those organizations and members so identified with the Attorney General and the annual filing of information concerning officers, printing facilities, and finances.

A Communist-action organization is defined as one which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement. . . ." A Communist-front organization is defined as one "which (A) is substantially directed, dominated, or controlled by a Communist-action organization and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title." Finally, a Communist-infiltrated organization is defined as one "which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organizations, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces." Members of Communist-action organizations were barred from working in defense facilities and from obtaining passports, and any member of a registered Communist-organization was prohibited from employment or non-elective office under the United States.[3]

ADMINISTRATION AND LITIGATION UNDER THE ACT

In all the years of its existence, the Subversive Activities Control Board (hereafter referred to as the SACB) has determined only one organization, the Communist Party of the United States, to be a Communist-action organization. In *Communist Party v. SACB*,[4] the Supreme Court upheld the registration requirement in regard to the Communist Party. This decision was the culmination of ten years of complicated and expensive litigation. But in *Albertson v. SACB*,[5] the Court held that the fifth amendment privilege against self-incrimination was violated when individual members of the Communist Party were required to register. Since no individual member of the Communist Party could constitutionally be required to register, it was a logical next step

Footnotes at end of article.

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to hold that the Party itself could plead the defense of self-incrimination on behalf of its members if ordered to comply with the registration requirements of the Act, including the filing of membership lists. The Court of Appeals for the District of Columbia Circuit so held in *Communist Party v. United States*,[6] and the government did not ask for certiorari to review this decision.

Following this seventeen-year futile attempt to force the Communist Party to register as a Communist-action organization, a 1968 amendment to the Subversive Activities Control Act replaced the compulsory registration provisions of the Act with authorization for the Board to issue "declaratory orders" determining whether the organizations it investigates are to be characterized as "Communist-action," "Communist-front," or "Communist-infiltrated," and whether individuals are members of Communist-action organizations. But this attempted revitalization through the 1968 amendment was also doomed in large measure to disappointment. *Boorda v. SACB*,[7] held that the provisions of the Subversive Activities Control Act authorizing determinations with respect to membership of individuals in Communist-action organizations were unconstitutional on the ground that the disclosure of Communist Party membership is "constitutionally protected" by the first amendment, "except for those who join with the specific intent to further illegal action."

The only surviving aspect of the Board's jurisdiction of current significance is its authority to determine whether organizations should be characterized as Communist-front or Communist-infiltrated. Between 1953 and 1969 twenty-four petitions were filed by the Attorney General asking for such determinations. Twenty-two of these involved alleged Communist-front organizations. Eight of these were dismissed by the Board. In the remaining 14, the Board issued orders requiring registration as Communist-front organizations. In two of these the organizations ceased to operate and took no appeal.

In the remaining 11 cases, appeals were filed in the Court of Appeals for the District of Columbia. In seven of these appeals motions to vacate the Board's order were filed on the ground that the organizations had dissolved. In four of these seven, the Court found that the organization had dissolved either formally or in fact. In the three other cases, the Court found that the organizations, although inactive, had not proved dissolution. In only one of these was the appeal pursued to the point of a decision of the court, affirming the order of the Board.[8] In none of these three cases did the organization register; nor was any further action taken.

In one of the remaining four Communist-front cases, *National Council for American-Soviet Friendship v. SACB*,[9] the Court set aside the Board's order on the ground that the Government had failed to establish that the organization at the time of hearing was substantially dominated or controlled by a Communist-action organization. In the three other cases the Court of Appeals affirmed the Board's order. In two of these, the Supreme Court vacated the judgment of the Court of Appeals and remanded the cases to the Board on the ground that the records were stale.[10] In both of these the Board vacated its former orders and dismissed the petitions. In the third case, in which the Board's order was affirmed, the organization became defunct and no further proceedings occurred.[11] In the two Communist-infiltration cases, the petitions were dismissed by the Board, with the consent of the Attorney General.

In summary, no organization was finally required to register as a Communist-front or Communist-infiltrated organization. Apart from the decision in the National Council for American-Soviet Friendship case, where the Board's order was set aside, the energies of counsel were mainly devoted to litigating the question whether the organization concerned was in fact defunct.

In addition to the disclosure purposes of the Act, determinations with respect to individuals and organizations import certain collateral disabilities. Some of these consequences have also been voided by court decisions. In *Aptheker v. Secretary of State*,[12] section 6, making it unlawful for a member of a Communist-action organization to apply for or to use a passport, was held to be void for overbreadth in that it unduly restricted the right to travel in contravention of the liberty guaranteed by the fifth amendment. In *United States v. Robel*,[13] section 5 (a) (1) (D), making it unlawful for members of Communist-action organizations to be employed in any defense facility, was held "an unconstitutional abridgement of the right of association protected by the first amendment." The *Robel* decision does not auger well for the other provisions of section 5, including those which prohibit a member of a Communist-action organization from seeking or holding non-elective office or employment under the United States.

In recognition of the Board's dreary history of unsuccessful litigation, as well as its lack of activity at that time, the Congress on January 2, 1968, made the continued life of the Board conditional upon the referral of *one* case to it within the period of a year.[14] The Board survived this test, but during the period following this action of Congress until the *Boorda* decision of December 12, 1969, a period of approximately 2 years, only 22 petitions were filed by the Attorney General for determinations of individual membership in the Communist Party. *Boorda* has now foreclosed any further exercise of jurisdiction on this matter. In the twenty years of the Board's existence, a total of only 66 petitions for the determination of individual membership in the Communist Party have been filed. After the *Boorda* decision, the supporters of the SACB were distressed by the fact that it was left with virtually nothing to do; the only authority remaining to the Board was the authority to issue declaratory orders publicizing that certain organizations are subversive, insofar as an organization may be declared "Communist-action," "Communist-front," or "Communist-infiltrated." On July 13, 1970, two petitions were filed by the Attorney General for Board orders determining both the Center for Marxist Education and the Young Workers Liberation League to be Communist-front organizations pursuant to Section 13(a) of the Subversive Activities Control Act. The evidentiary hearings for these organizations were completed recently and further action is pending. If adverse determinations are made in respect to either or both of these organizations, the application of the principle of the *Boorda* decision to the constitutionality of the Communist-front provisions of the statute will surely be argued upon appeal.

THE FUNDAMENTAL CONSTITUTIONAL QUESTION

The fundamental question underlying all of the Board's remaining activities under the statute is whether it is the proper business of government to guard its citizens from questionable associations by publicly labeling certain organizations as politically dangerous. This is the purport of a declaratory order characterizing an organization as Communist-action, Communist-front, or Communist-infiltrated. We submit that involving the government in such a process is so basically inconsistent with the fundamental assumptions of an intellectually free society that it is not surprising that the per curiam opinion vacating the order in *American Committee for Protection of Foreign Born v. Subversive Activities Control Board*,[15] made this explicit reservation with respect to the constitutionality of the whole process of attaching the label "Communist-front" to private organizations: "Our Communist Party decision on the Communist-action provisions did not necessarily foreclose petitioner's constitutional questions bearing on the Communist-front provisions." As this reservation suggests there is good reason to believe that a continuation of the Board's life would eventually lead to a determination of the unconstitutionality of its principal remaining function under the Internal Security Act.

EXECUTIVE ORDER 11605

Under Executive Order 11605[16] issued on July 2, 1971, the SACB is authorized to conduct hearings, upon petition by the Attorney General, to determine "whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The SACB may further determine, upon petition of the Attorney General or of an organization which has been designated under the provisions of this Executive Order and after appropriate hearings, that an organization has ceased to exist.

The clear intent of this Order is to revitalize the nearly moribund SACB by expanding its powers while, at the same time, updating the Attorney General's list of Subversive Organizations—a list that has not been amended for 15 years and that is now composed mainly of defunct organizations.[17]

The origin of the Attorney General's list is Executive Order 9835,[18] issued March 21, 1947, which required the Attorney General to furnish the Loyalty Review Board for civilian employment in the federal government the names of organizations he determined to be totalitarian, fascist, communist or subversive, or which adopted subversive policies. The dissemination of the names of the organizations on the Attorney General's list, then, served to notify government employees as well as prospective employees that membership in such organizations could affect their service in the federal government. Executive Order 9835 was superseded by Executive Order 10450,[19] which directed the Attorney General to continue listing subversive organizations and to supply information in that regard to the heads of government departments and agencies.

Executive Order 11605 in effect transfers from the Attorney General to the SACB the authority previously conferred upon the Attorney General by Executive Order 9835 and later by Executive Order 10450 to determine whether an organization is "subversive." Executive Order 11605 also modifies somewhat the standards previously incorporated in 9835 and 10450 with respect to the organizations to be listed. More specifically, it undertakes to define the terms, "totalitarian," "communist," "fascist," and "subversive."[20]

After passage of the 1971 appropriations bill containing an item for the SACB,[21] the Senate Subcommittee on Separation of Powers held hearings in October 1971 on Executive Order 11605. Under the leadership of its chairman, Senator Sam J. Ervin, Jr., the subcommittee considered the question of the circumvention of the legislative powers of Congress by executive orders. Senator Ervin, also introduced S.2466 which would make it unlawful for the SACB to carry out the new functions conferred by Executive Order 11605 and S. Res. 163, which expresses the view that the Executive Order is a usurpation of the legislative powers of Congress; both bills were reported favorably by that subcommittee and are currently pending in the Committee on the Judiciary.[22] The Justice Department, on the other hand, has proposed legislation renaming the Board as the Federal Internal Security Board and making certain procedural provisions of the Internal Security Act applicable to the administration of the Executive Order. Bills to this effect have been introduced in Congress.[23]

It may well be that the reactivation of the Attorney General's list for purposes of government employment will raise substantial constitutional difficulties under the principles of *Keyishian v. Board of Regents*,[24] and *United States v. Robel*,[25] holding that an individual may not be barred from employment in the government or in critical defense facilities merely because of membership in the Communist Party or other proscribed organizations.[26] It has also been suggested that there is another constitutional problem with respect to whether the President can add additional powers to a quasi-judicial agency established by statute for certain specific purposes.[27] In any event, the attempt to revitalize the SACB by transferring to it responsibility for what was formerly the Attorney General's list of subversive organizations only accentuates the need for thorough reconsideration of the Board's continuation.[28]

CONCLUSION

The present condition of the SACB is quite unlike that of the SACB in 1950. Stripped of all but one of its functions under the original Act by court decisions, even its remaining authority is of questionable validity in light of the decision in the *Boorda* case. In short, the SACB for twenty years has been an exercise in futility, wasting large sums of the taxpayers' money while inevitably pinning a social stigma against any one charged, irrespective of the merits of the charges.

Not only have the provisions of the Internal Security Act proven ineffective and unworkable, but the very dangers it seeks to protect us against are adequately met by other laws. Treason,[29] espionage,[30] sabotage,[31] and conspiracies to overthrow our government by force or violence have long been punishable crimes, irrespective of the Internal Security Act. For example, the statute on seditious conspiracy[32] makes it a crime, subject to a fine of not more than $20,000 or imprisonment up to twenty years.

"[I]f two or more persons in any State or Territory or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize or take, or possess any property of the United States contrary to the authority thereof. . . ."

In addition, the Alien Registration Act of 1940 (popularly known as the Smith Act),[33] making it a crime to advocate overthrow of the government by force or violence, or to be a member of an organization which advocates such overthrow, is still in force and available, provided that it is enforced in accordance with the constitutional limitations elaborated in *Dennis v. United States*.[34] *Yates v. United States*,[35] *Scales v. United States*,[36] and *Noto v. United States*.[37] Furthermore, other laws[38] require registration with the Attorney General, in such detail as he may prescribe, by every organization subject to foreign control which engages either in political activity or civilian military activity, by every organization which engages both in political and civilian military activity, irrespective of foreign control, and by every organization one of whose purposes is the overthrow or control of the government by force or threat of force. Finally, every agent of a foreign government, other than a duly accredited diplomatic representative, must file a comprehensive registration statement with the Attorney General before disseminating political propaganda in the United States.[39] The authority remaining in the SACB to issue declaratory orders in regard to whether organizations are "Communist-front" or "Communist-infiltrated" is hardly an essential safeguard of our security and, at best, contributes little, if anything, toward those legitimate objectives which are better accomplished under other existing laws.

Nor do we believe that the Board should not be continued for the purpose of carrying out the functions conferred by Executive Order 11605. These are subject to the same constitutional objections as the Board's remaining statutory functions. Furthermore, American citizens should be assumed to be sufficiently mature to make their own choices among political organizations, accepting at the same time whatever appropriate risks may be involved in such associations. The governmental labeling of organizations as "Communist-front," "Communist-infiltrated" or "subversive," should not be confused with general and objective disclosure requirements which are made applicable to various types of organizational or propaganda activities, such as the disclosure requirements applicable to labor unions, political parties, or agents of foreign powers. Whether such objective disclosure requirements should be extended to other types of organizational or propaganda activities is a debatable question of public policy which has nothing to do with continuation of the Subversive Activities Control Board.

The strategic importance of national security is not denied because an objective appraisal of the record of the SACB leads to the inevitable conclusion that it should be abolished. The real point at issue is the question of the most effective means of insuring our national security. Our experience with Title I of the Internal Security Act and the Board it established has proven that means inimical to our constitutional traditions of free speech and free association have had at best a dubious effect in curtailing the "Communist threat" of internal subversion. It is abundantly clear that the time has come to rid ourselves of the SACB and the moral and legal burdens engendered throughout its existence.

FOOTNOTES

[1] 50 U.S.C. §§ 781–794, 811–826.
[2] Public Law 92–128.
[3] In 1954 Congress extended the prohibition to holding office in, or employment with, a labor organization and to representation of an employer, 50 U.S.C.A. § 784 (2) (1951 ed., p. 1971).
[4] 367 US. (1961).
[5] 382 U.S. 70 (1965).
[6] 384 F.2d 967 (D.C. Cir. 1967).
[7] 421 F.2d 1142 (D.C. Cir. 1969), *cert. denied*, 397 U.S. 1042 (1970).
[8] Jefferson School of Social Science v. SACB, 331 F.2d 76 (D.C. Cir. 1963).
[9] 322 F.2d 375 (D.C. Cir. 1963).
[10] American Committee for Protection of the Foreign Born v. SACB, 380 U.S. 503 (1965); Veterans of the Abraham Lincoln Brigade v. SACB, 380 U.S. 513 (1965).
[11] Weinstock v. SACB, 331 F.2d 75 (D.C. Cir. 1963).
[12] 387 U.S. 500 (1954).
[13] 389 U.S. 258 (1967).
[14] 50 U.S.C. § 791(i) (1964 Ed. Supp. V).
[15] 380 U.S. 503, 505 (1965).
[16] 36 Fed. Reg. 12831.
[17] See Hearings regarding the Administration of the Subversive Activities Control Act of 1950 and the Federal Civilian Employee Loyalty-Security Program Part I, 91st Congress, 2d Sess., Sept. 23 and 30, 1970, p. 5254.
[18] 12 Fed. Reg. 1935, Mar. 21, 1947.
[19] 18 Fed. Reg. 2489, April 27, 1953.
[20] Compare, for example, 2(c), (f), (g), and (h) of Executive Order 11605 with paragraph 3 of Part III of Executive Order 9835 and Section 12 of Executive Order 10450.
[21] 117 Cong. Rec. H7595–8, Aug. 2, 1971; S13043, Aug. 3, 1971.
[22] 117 Cong. Rec. S195, Jan. 21, 1972.
[23] 117 Cong. Rec. H7179, July 27, 1971.
[24] 385 U.S. 589 (1967).
[25] 389 U.S. 258 (1967).
[26] See, for example, the testimony of Kimbell Johnson, Director, Bureau of Personnel Investigations, U.S. Civil Service Commission, in Hearings regarding the Administration of the Subversive Activities Control Act of 1950 and the Federal Civilian Employee Loyalty-Security Program. Part I, pp. 5254–5255.
[27] See remarks of Senator Ervin during Senate debate on Conference Report recommending an appropriation for the Subversive Activities Control Board (117 Cong. Rec. S13022–S13030, Aug. 3, 1971); remarks of Representative Edwards in House debate on the appropriation (117 Cong. Rec. H7181–H7184, July 27, 1971). Department of Justice Memorandum on Legal Issues Raised in connection with Executive Order 11605 and the SACB Appropriation (117 Cong. Rec. H7278, July 27, 1971). The appropriation for the SACB was finally approved without the proposed restriction, originally approved by the Senate, prohibiting use of any of the money appropriated for carrying out the responsibilities conferred by Executive Order 11605. 117 Cong. Rec. S11445–11450, S13022, S13043, and H7598.
[28] The President's proposed budget for 1973 contains an increased item for the SACB, apparently on the assumption that its responsibilities under Executive Order 11605 will result in an increased workload. Senator Proxmire has given notice that an attempt will again be made to strike this item from the budget. 118 Cong. Rec. S 881, Feb. 1, 1972. Recent information received from the SACB indicate that as of March 31, 1972, 169 petitions had been filed by the Attorney General which asked merely for determinations under Executive Order 11605 that certain organizations previously listed have ceased to exist; approximately 80 of these have been disposed of.
[29] 18 U.S.C. §§ 2381–2391.
[30] 18 U.S.C. §§ 791–799.
[31] 18 U.S.C. §§ 2151–2157.
[32] 18 U.S.C. § 2384.
[33] 18 U.S.C. § 2385.
[34] 341 U.S. 494 (1951).
[35] 354 U.S. 298 (1957).
[36] 367 U.S. 203 (1961).
[37] 367 U.S. 290 (1961).
[38] 18 U.S.C. § 2386.
[39] 22 U.S.C. §§ 611–621.

Footnotes at end of article.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement prepared by me entitled "Freedom in Peril: The Subversive Activities Control Board," which gives the minimal history of this organization and how it is an affront to the first amendment, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FREEDOM IN PERIL: THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, the Senate today has an unusual opportunity to vote for freedom under the Constitution and for economy in government at the same time.

The amendment offered by the distinguished Senator from Wisconsin and myself would save the American taxpayers hundreds of thousands of dollars in wasteful spending on an agency that has very little to show for its 22-year history.

At the same time, it would lay to rest once and for all the Subversive Activities Control Board, which in addition to establishing a barren record has been a threat to the freedom-loving traditions of this great Nation.

Since it was created in 1950, the SACB has spent $6.75 million doing practically nothing. This year, the Board asked Congress for an appropriation of $706,000, but the House and

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Senate Appropriations Committee wisely cut the figure to $450,000—the same amount granted last year.

Mr. President, we cannot justify wasting another $450,000 on the SACB when so many of our national needs are going unmet.

The SACB has been moribund since its existence in part because the courts have struck down its major approach for combatting subversion—disclosure of individual members through compulsory registration.

Until 1971, the Attorney General brought only 25 petitions alleging organizations to be "communist action," "communist front," or "communist infiltrated." Of these 25 petitions, the Board issued only eight final orders determining that the organizations fell within the definitions of the Act. Only one organization, the Communist Party of the United States, was designated a "communist action" organization, and seven groups were found to be "communist front" organizations.

The majority of the remaining cases were dropped either because the Board found that the organizations did not fall within the provisions of the Act, or because the Board's orders were vacated pursuant to a Federal court decision.

Even with additional duties purportedly conferred on it by President Nixon's Executive Order 11605 of July 2, 1971, the Board has found little to do.

During the past year, it handled 111 petitions referred by the Attorney General to remove organizations from the so-called Attorney General's list of subversive groups. These 111 petitions were disposed of in just 75 minutes of hearing time.

Mr. President, at more than $5,000 per minute, these hearings likely were the most expensive in the history of the American bureaucracy. Such waste is disgraceful.

More important than the absolute waste involved, however, is the total disregard for the fundamental freedoms of all Americans presented by the continued existence of the SACB.

To discuss this threat to freedom, I must first discuss the First Amendment. This is so because the SACB and efforts to revive it obviously are inspired by a lack of faith in the First Amendment freedoms and a fear of their exercise by persons whose thoughts and words understandably are offensive to the established order.

The First Amendment outlaws governmental action which abridges freedom of thought, or freedom of speech, or freedom of the press, or freedom of association, or freedom of assembly, or freedom of petition, or freedom of religion. These freedoms embrace and nourish a kindred freedom, the freedom of dissent.

These freedoms, which may be called First Amendment freedoms, were created to make Americans politically, intellectually, and spiritually free.

The novelist, Thomas Wolfe, sensed this when he said:

"So, then, to every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America. I do not believe * * * that the ideas represented by 'freedom of thought', 'freedom of speech', 'freedom of press' and 'free assembly' are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them."

The First Amendment grants its freedoms to all persons within the boundaries of our country without regard to whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, or devout or ungodly, and without regard to whether they love or hate our country and its institutions. Consequently, the Amendment protects the expression of all kinds of ideas, no matter how antiquated, novel, or queer they may be.

In the final analysis, the First Amendment is based upon an abiding faith that our country has nothing to fear from the exercise of its freedoms as long as it leaves truth free to combat error. I share this faith.

To be sure, the exercise of First Amendment rights by others may annoy us and subject us at times to tirades of intellectual or political rubbish. This is a small price to pay, however, for the benefits which the exercise of these rights bestows on our country.

The First Amendment protects the expression of ideas, not the commission of acts, and for this reason cannot be invoked to justify criminal or violent deeds.

It is explicit in the First Amendment that the freedom of the people to assemble to petition for the redress of grievances must be exercised peaceably; and it is implicit in it that the other freedoms it secures must be exercised in like manner.

First Amendment freedoms are simply designed to secure to the people a constitutionally protected right to use the means which nature and man's ingenuity afford them to express to others their thoughts, ideas, and desires concerning government, society, religion, and all other things under the sun. Inasmuch as expression has persuasive power, this right must be recognized and exercied if government is to be responsive to the will of the people, and if society is to be free.

Since one of its principal purposes is to make America a politically free society, the First Amendment assures to every person or group of persons the right to express publicly ideas concerning any problem of government or society without prior restraint or fear of subsequent punishment, even though the ideas are displeasing to government or are believed by a majority of our citizens to be false and fraught with evil consequences.

Why did the Founding Fathers secure this right to every individual and association and assembly within our borders?

There are two answers to this question, one philosophical and the other pragmatic.

As philosophers, the Founding Fathers believed that free and full debate teaches men the truth that frees them from the worst of tyranny, i.e., tyranny over the mind; and as pragmatists, the Founding Fathers believed that free and full debate is vital to the civil and political institutions they established.

The Founding Fathers were right on both counts.

Freedom of thought and speech are the things which distinguish our country most sharply from totalitarian regimes. They enable our country to enjoy a diversity of ideas and programs, and to escape the standardization of ideas and programs totalitarian tyranny requires.

Besides, a free and full interchange of ideas concerning the problems of government and society makes us aware of conditions and policies which need correction, and induces us to make in apt time and in a peaceful way the reforms that changing times demand. As a consequence, violent revolution has no rational or rightful place in our system.

Like all freedoms, First Amendments may be abused.

Society is often disturbed by those who abuse these freedoms to protect, either rightly or wrongly, conditions or policies they deplore.

Society must ordinarily tolerate these abuses by protestors, however much it may hate their thoughts and words.

This is true because the power of government to deal with them is limited by the First Amendment.

It is well that this is so. If it is justified, protest may lead to reform; and if it is unjustified, protest may relieve at least temporarily the tensions of the protestors. In either event, protest has therapeutic value for both protestors and society.

Freedom of thought is absolute, and cannot be limited or punished by government in any way. Other First Amendment freedoms are qualified in the sense that their exercise may be circumscribed by government within narrow limits to protect other overriding social interests.

The general rule, however, is that people may express their ideas freely, and associate or assemble freely to make their ideas effective. But this general rule does not prevail in respect to the exercise of speech, association, or assembly which defames others, invades the privacy of others, constitutes obscenity, incites to crime or violence, obstructs the courts in the administration of justice, amounts to sedition, or imperils the national security.

Government may punish by law past speech, association, or assembly falling within these narrow limits, and under extraordinary circumstances subject it to prior restraint by obtaining injunctions from courts of equity.

Except when it acts within these narrow limits, government violates the First Amendment if it attempts to limit its freedoms by legislation. Moreover, government violates the First Amendment if it engages in conduct which is calculated and intended to stifle the willingness of people to exercise their freedom of speech, association, or assembly. It is to be noted in this connection that the First Amendment was written for the timid as well as the brave.

In describing First Amendment limitations on the power of government, the Supreme Court declared in *Terminiello v. Chicago*, 337 U.S. 1, 4, that "freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Strange as it may seem at first blush, the Amendment protects advocacy of conduct prohibited by law unless it incites action to bring such conduct about and creates a clear and present danger that it will provoke action to that end. This is so because the Amendment protects the expression of ideas, no matter how reprehensible they may be.

Since the doctrine of civil disobedience is invoked with such frequency nowadays, it seems not amiss to emphasize that the Constitution does not countenance civil disobedience which contemplates and produces unlawful acts.

Government has an inherent right to self-protection, and may under some conditions prohibit or punish the advocacy or teaching of the desirability of overthrowing it by violent action.

Judges have used multitudes of words in many cases to define the conditions under which government may exercise its right of self-protection by limiting speech, association, and assembly.

While the words of some of the judges are sometimes somewhat elusive in meaning and for that reason difficult to comprehend, I interpret these cases to lay down these principles:

1. The First Amendment protects all utterances, individual or concerted, advocating constitutional or political changes, however revolutionary they may be, if the utterances contemplate that the changes are to be achieved by lawful means. Hence, freedom of speech permits an individual or a group to advocate the adoption of communism, fascism, or any other system of government by means of the ballot box.

2. The First Amendment also protects all utterances, individual or concerted, advocating or teaching as an abstract doctrine the desirability of the forcible overthrow of the government. This is true even though such advocacy or teaching is engaged in with intent to accomplish violent overthrow and with the hope that it may ultimately do so.

3. The First Amendment affords no protection, however, to utterances, individual or concerted, advocating or teaching action for the forcible overthrow of government.

4. Inasmuch as the capacity of a group to create danger is greater than that of an individual, the law makes a distinction between the power of government to exercise its right of self-protection against individuals and groups. Government may prohibit or punish utterances of an individual advocating or teaching action for the forcible overthrow of government only if his advocacy or teaching creates a clear and present danger that it will provoke action. But it may prohibit or punish utterances of a group advocating or teaching action for the forcible overthrow of government if their advocacy or teaching takes place under circumstances reasonably justifying apprehension that the action will occur either immediately or at a future time selected by the group.

When it enacted The Smith Act of 1940, Congress made it a felony knowingly or willfully to advocate or teach the desirability of overthrowing the government of the United States or any of its states, territories, districts, or possessions by violence. (18 U.S.C. 2385)

In construing the Smith Act, the Supreme Court decided that the words "advocate" and "teach" were not used by Congress in their ordinary dictionary meanings, because they had been construed in prior cases interpreting similar laws "as terms of art carrying a special and limited connotation." (*Yates v. United States*, 354 U.S. 298, 319) By so doing, the Supreme Court adjudged that the principles which I have outlined were embodied in the Smith Act and in consequence such Act is not unconstitutional.

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. Congress may make punishable as crimes dangerous acts, and, subject to First Amendment limitations, dangerous words; and those of us who esteem our system the best yet devised by man may use our First Amendment freedoms to instruct the ignorant, convert the doubting, and combat the efforts of those who undertake to destroy or injure it.

Justice Bandeis must have had these considerations in mind when he made this statement in his eloquent concurring opinion in *Whitney v. California*, 274, U.S. 357, 378:

"Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly."

Since it was first organized as the nation's legislature, Congress has enacted these sedition laws: the Sedition Act of 1798, which still lives in infamy; the Espionage and Sedition Acts of 1917 and 1918, which Attorney General Palmer grossly abused in his "witch-hunts" after the First World War; and the Smith Act of 1940, whose potentiality for abuse has been restricted by Supreme Court cases, which subject its broad language to First Amendment limitations. Each of these Acts was adopted in a time of great national strain.

By each of these laws, Congress made utterances it deemed dangerous to the common weal punishable as crimes, and thus secured to all against whom the laws were invoked the right to trial by an impartial jury of the vicinage and the other protections created by the Constitution to prevent the punishment of the innocent.

From the time of the Russian Revolution until the day on which Russia became an ally of the United States in the Second World War, multitudes of Americans entertained profound fears in respect to the menace which they believed communism presented to peace abroad and security at home. As a result of Russia's intransigence in Europe and the communist take-over of mainland China after the end of the war, these fears were revived and intensified, and they rightly remain until this day insofar as they are based on concern for the threat which communism poses to world peace.

Inasmuch as they were based on concern for domestic security, the fears of communism persisted with intensity until the middle of the 1950's, and they still linger in some quarters.

There is room for dispute as to how substantial the communist threat to our domestic security actually was during the times it was feared most. There was some tangible evidence and plethoric surmise that communists had strongly infiltrated segments of the labor movement and had even penetrated government and the armed forces to a degree. The extent of the threat was exaggerated by a tendency on the part of the fearful to believe that persons of unorthodox views were tainted with communism.

Anyway, the fear of the threat to domestic security produced two pieces of major congressional legislation, the Smith Act of 1940, which has already been mentioned, and the Internal Security Act of 1950, which Congress passed over President Truman's veto.

Before the Internal Security Act was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for crime of which he has been convicted in a constitutionally-conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system, which is allen to this principle.

This concept may be summarized in this way:

To protect society, our country should maintain a governmental agency to stigmatize publicly organizations the government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties.

I use the phrase "intellectually or politically dangerous" to distinguish the stimatized organizations and their members from organizations and individuals whose legally dangerous acts or words are punishable as crimes under constitutional safeguards.

The Internal Security Act of 1950 created the Subversive Activities Control Board. By the original Act and an amendment of 1954, the Board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of communist-action, communist-front, and communist-infiltrated organizations, and members of communist-action organizations.

The Act as amended automatically imposed upon the organizations and the members of the organizations stigmatized by the Board severe penalties. For example, a stigmatized organization was denied the use of instrumentalities of communication unless it plainly revealed that they were being used by it and that it was "a communist organization"; and a member of a stigmatized organization was denied the right to hold any nonelective office or employment under the United States or even to seek such office or employment or employment in any defense facility without revealing his membership in the organization; the right to hold office or employment with any labor organization subject to the National Labor Relations Act; and the right to obtain or use a passport.

The Supreme Court adjudged, in essence, in *Communist Party of the United States v. Subversive Activities Control Board*, 367 U.S. 1, that Congress had the constitutional power to regulate the registration of communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of government. It ruled, however, in other cases that the procedures prescribed by the Act to effect the compulsory registration of communist organizations violated the self-incrimination clause of the Fifth Amendment, and that major provisions of the Act relating to membership in communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the First Amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

By an amendment of January 2, 1968, Congress undertook to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are communist-action, communist-front, or communist-infiltrated organizations, and whether individuals it investigates are members of communist-action organizations.

The revival was short-lived. On December 12, 1969, the United States Court of Appeals for the District of Columbia Circuit handed down *Boorda v. Subversive Activities Control Board*, 421 F. 2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the First Amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

As one who loves America and hates Communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, Communism has made few sales in America.

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

President Nixon's Order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for government employment. Hence, we must understand what power the executive department has in this area.

As Justice Frankfurter declared in his concurring opinion in *Garner v. Los Angeles Board*, 341 U.S. 716, 724–5:

"The Constitution does not guarantee government employment. City, State, and Nation are not confined to making provisions appropriate for securing competent professional discharge of the functions pertaining to diverse governmental jobs. They may also assure themselves of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence, or are knowingly members of an organization engaged in such endeavor."

President Eisenhower's Executive Order applies only to persons presently enjoying or presently seeking employment in federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the F.B.I. to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower Order establishes forthright and circumscribed procedures for

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insuring the loyalty of federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and Acts of Congress relating to government employment.

President Nixon's Executive Order is a different kettle of fish.

To be sure, it professes itself to be a mere amendment to the Eisenhower Order, and it does alter that Order in one or more insignificant respects.

The major provisions of his Executive Order represent, in reality, an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon Order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek federal employment are (a) totalitarian, (b) fascist, (c) communist, or (d) subversive organizations, or (e) organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State," or (f) organizations "which seek to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The Nixon Order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon Order provides that the Attorney General will transmit to each federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for its use in determining whether persons enjoying or seeking employment by it should be employed or retained in employment.

It is manifest, however, that the real objective of the Order is to empower the Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon Order which purport to confer new powers on the Board have no legal force for these reasons:

1. Their promulgation was beyond the constitutional power of the President.

2. They are void for overbreadth.

3. They violate the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive Order in the steel-seizure case, *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 589, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President."

It necessarily follows that the major provisions of the Nixon Order are void under Sections 1 and 8 of Article I of the Constitution, which give Congress all the law-making power of the federal government and deny any of it to the President.

I do not question the power of the President under the Constitution and Acts of Congress governing federal employment to establish by executive order procedures to assure the loyalty of federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish that objective, the Nixon Order would be void for overbreadth.

The Order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the federal government or some of them may hereafter seek employment by it.

The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stimatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of the unlawful aims of such organizations or groups, or those who may disagree with those unlawful aims.

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the Order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the First Amendment principle that government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

MY FAITH

Apart from its constitutional infirmities, President Nixon's Executive Order is to be deplored because it has no rightful place in our land.

It is not the function of government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive Order undertakes to empower the Subversive Activities Control Board to do.

I rejoice in the fact that the Committee on Appropriations has amended the State-Commerce-Justice Appropriations bill to prohibit the expenditure of any funds to carry out the functions granted the Board by Executive Order 11605. With the Order effectively paralyzed, there will be no justification for continuing to fund the Board, since for all practical purposes it will have nothing to do except pose a latent threat to freedom.

If America is to be free, her government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation; and if America is to be secure, her government must punish her people for the crimes they commit, not for the thoughts they think or the associations they choose.

In closing, I affirm my faith in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement prepared by me entitled "Getting Our Money's Worth From the SACB at $5,413.33 a Minute" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GETTING OUR MONEY'S WORTH FROM THE SACB AT $5,413.33 A MINUTE

Mr. ERVIN. Mr. President, in a few days the Senate will be asked to appropriate almost one-half million dollars to continue the SACB for another year. Many Senators, myself included, oppose this appropriation and ask that the Board finally be laid to rest by striking the money from the bill.

Last Saturday, June 10, an editorial appeared in The Washington Post setting out the case against the SACB. Although that editorial repeated the uncontroverted facts about the history of the SACB, it may be that some people believe that the Post and other opponents of the Board have been unfair in their criticism.

Allow me to summarize the arguments against the Board. Quite simply the continued existence of the SACB stands as an insult to the traditional freedoms of Americans. Although we may be thankful that the Board has never exercised effectively any of its unconstitutional powers, still the public has had little to show for the expenditure of almost seven million dollars in taxpayers' money during the Board's 22-year history. During this time it heard only 26 cases.

In 1971 there was a last minute desperate effort by the Administration to find something for the Board to do. On July 2, 1971, the President attempted to amend the Internal Security Act of 1950 by Executive Order. Executive Order 11605 purported to expand the Board's powers to include the preparation of the so-called Attorney General's list of supposedly subversive groups. Last year the Senate effectively rejected this Executive Order as unconstitutional for the reason that the President had attempted to legislate, which under the Constitution is a congressional responsibility, and secondly because the order infringes upon the rights of free expression and free association. I am pleased that the Appropriations Committee has reported the bill with this same amendment already added.

In all fairness, the President, who is "a trained lawyer," no doubt recognized the constitutional infirmities of his action but felt compelled to ignore these qualms in an attempt to save the Board from extinction and to rescue its members from the excruciating boredom they have suffered for almost two decades by giving it something—anything—to do. To some extent, the latter goal may have been successful. I am informed that the Board heard 111 cases last year. Certainly when compared with the 25 cases it heard in its previous 20 years, this seems a lot of work. In fact, when the Board came before the appropriations committees of Congress this year, it was evidently so proud of having had a four-fold increase in the number of cases last year over its entire previous 20-year history that it pleaded for a 57 percent increase in its appropriation so that it might continue at this feverish pace.

Now, skeptics may take issue with claims that the Board is overworked. They might argue that these 111 petitions can be used to demonstrate that the SACB is an agency which cannot function under the Constitution except by holding absurd proceedings on matters about which no one cares. They might cavil by pointing out that in all these cases the Board was simply exercising its "delisting" function pursuant to the order and that that is all the Board is likely to do in years to come. They might point out that these 111 cases only took four days of hearings which consumed a total of only 1¼ hours of the Board's time. They might also argue that at more than $5,000 a minute these are probably the most expensive hearings in the history of American bureaucracy.

Indeed, to date the "delisting" hearings have not been excessively complicated. The process operates something like this. The Justice Department decides that a group on the Attorney General's list has gone out of existence. This is not too difficult since most of them were created in the pre-World War II era, and nothing has been heard of them since the war started. They have existed for the past 20 or 30 years only in the Justice Department's Attorney General's list, which was last revised 17 years ago. An Attorney General in the Justice Department then prepares a formal application or petition alleging that the group no longer exists and establishes the date when the association expired. He prepares identical ones for each group and then sends the petition by certified mail to the last known address of each of the organizations.

The Post Office performs perhaps the most important and difficult phase of this "delisting" process—it tries to deliver the petitions. Since the associations have all expired, naturally the Post Office returns the notices to the Justice Department marked either "addresses unknown," "unclaimed," "no forwarding address," "unknown," "return to sender," or some other appropriate notation signifying that no one was there to receive it. Armed with this conclusive evidence of the organization's demise—and who can argue with such simple yet uncontrovertible evidence based upon the joint efforts of two government agencies—the Justice Department then forwards the petitions, returned envelopes, and certificates of service to the SACB for the hearing. The Justice Department officially closes this meticulous investigation with its declaration to the Board that "in the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further showing with respect to this petition."

And now it's the SACB's turn to carry the ball. Upon receipt of the petitions from the Justice Department, the Board categorizes the organizations named and groups them into sets of 25–30 cases. After a date is set, a notice of hearings, together with a copy of each petition and certificate of service from the Justice Department involved, is published in the *Federal Register*. Although not as popular a journal as *Playboy*, this is to satisfy the necessary legal notice that each organization has been duly informed of the impending hearing. The Board then awaits in vain a response to its notice.

Finally the day arrives and the hearings are called to order. Assembled are all interested parties to the proceedings. A panel of three Board members are present. What work preoccupies the other two that they cannot also participate, no one has explained. The General Counsel, whose presence "assures that due process and procedural safeguards are met," is also there. So are a court stenographer and all witnesses. Thus far only the Executive Secretary, who is also Chief Clerk of the Board, has ever testified.

The hearing consists solely of the formal recitation of the actions of the Justice Department, Post Office, and Board to date and the insertion of each and every copy of each of the documents—including each unsigned register receipt and each envelope—into the record. The Executive Secretary states the Justice Department's allegations that the groups seem to have gone out of existence and tells the Board of the lack of response to its published notice of hearings. He presents to the Board the unequivocal evidence adduced by the Justice Department—the returned petitions with the Post Office's "unknown" notation on the envelopes. After receiving this material into the record, the evidentiary proceeding, which averages 48 seconds per case, is gaveled to a close. The whole thing literally takes less time to do than it takes to describe.

The three Board members who heard the testimony then retire to their chambers to prepare a recommendation to be presented to the entire Board. On the basis of the preponderence of evidence, the Board inevitably issues its conclusion asking the Attorney General to strike the group's name from the list because it no longer exists.

I must confess that I am not persuaded that the taxpayers got their money's worth last year, having spent almost $500,000 for this kind of nonsense. This is a travesty of bureaucracy in inaction. I cannot understand why the SACB has come before the Congress asking for a 57 percent increase in its budget to conduct this simple exercise. I cannot understand why anyone would want to continue the farce for yet another year.

But perhaps I am being too hasty on the Board. Maybe they are engaged in difficult, important work. What would happen if an organization actually contested one of the Justice Department's delisting petitions? What if an organization came forward and insisted that it was still alive and still subversive?

The questions of determining whether an unincorporated association has died and, if so, the exact moment of its passing, will not be easy ones. Indeed, they rate as profound political, philosophical, legal—and maybe even religious questions. The giants of western civilization—Shakespeare, Descartes, Plato, Blackstone to name a few—have written reams trying to grasp the meaning and definition of human death. How much more elusive and more difficult is the question with which the members of the Subversive Activities Control Board must grapple—the life and death of a supposedly subversive organization.

How does one decide when an unincorporated voluntary association has become defunct? This is not a simple issue for the common law. The legal encyclopedia lists nine means by which a group may commit associational suicide. A consideration of only two out of the nine points up the difficulties the Board will face if an organization protests that reports of its death are greatly exaggerated.

For example, Corpus Juris teaches us that an organization may be destroyed by unanimous consent of its members. Assume that the SACB adopts this test. To begin with the Board has to determine whether the meeting of the group where the organization was allegedly dissolved was properly called. So the SACB would have to obtain a copy of the constitution and by-laws of, for example, the Central Council of American Women of Croation Descent. Hopefully, there will be no language barrier. After becoming experts on the constitution and by-laws of this rather obscure group, assuming they have one, the SACB then has to get a stenographic record of the group's final meeting or else receive oral testimony from those present at that last meeting 20 or 30 years ago. The Board then must determine whether the members who voted on the resolution dissolving the organization were actually bona fide members. In the case of the Central Council, the SACB would have to determine whether the women involved were truly of Croation descent. Along the way, they would have to decide how much Croation ancestry qualifies to be a bona fide member. What, for instance, about adopted children? What if the only members actually present at such a meeting were FBI agents? Would they be considered bona fide members? What if they were both Croation and FBI?

Assuming the SACB cannot resolve the issue in this manner, Corpus Juris suggests another test. An association can cease to exist when it has achieved its object or purpose. This would involve the SACB in even more complex problems. The SACB first must determine the organization's purpose or goal. Consider the difficulties the Board faces in that regard with respect to the League for Common Sense. What is common sense?

Clearly in this case, the League has not achieved its purpose—which I guess is the forcible overthrow of the United States government by common sense. Anyone can tell that common sense does not dominate our government. Indeed, it has not even begun to subvert important portions of it. The Senate could strike a blow for the victory of common sense by abolishing the SACB. Until it does so, no one can argue that the League for Common Sense has achieved its goal. More likely, it has despaired of even converting the government to the principles of common sense. We can see that this test will not be of much help to the SACB in deciding when a voluntary association expires.

Of course, this test would be unfair for some groups. For example, consider the Department's petition in the case of "Everybody's Committee to Outlaw War." Now this organizations goal is clear—to outlaw war—but the group obviously has not achieved its goal. In fact, using this test it might be argued that this group never even existed because its purpose was frustrated from the very beginning and anyway not "everybody" is in favor of outlawing war.

I could go on and list the other tests laid out by Corpus Juris for determining whether an organization has ceased to exist but I believe I have made my point. The SACB has a Herculean task. I submit that even a Holmes or a Cardozo would have considerable difficulty determining these crucial questions of law and philosophy.

Indeed, my reading of Corpus Juris and the cases cited thereunder do not even address themselves to the question of how to determine the exact date an organization has succumbed—which is the other issue the Board must resolve. Here the Board will, no doubt, make exciting new contributions to the common law as it labors in a vineyard overgrown with onion grass. Few have trod this ground before.

I expect the Board has anticipated the possibility of a contested delisting case and has begun to formulate a new standard, a test to determine whether an organization has ceased to exist. Perhaps this is what the missing two Board members do when the hearings are going on. Even though we cannot yet see the fruits of their labor, I suppose the Senate must use its imagination. Imagine the Board members, red-eyed from long nights of worry, its legal assistants burdened down with briefs and dusty case books, pouring over old philosophical tracts from the Byzantine Age, perusing the statements of men of learning from the nation's schools of philosophy, law, medicine and religion.

If we invest another half-million dollars in the Board we will eventually get this classic statement on this most important problem—associational suicide. We will have a classic essay, an essay on one of the issues of great moment to the future of western civilization. An issue which can only be compared to such fundamental questions as: How many angels do stand on a pin? Does a tree make a sound if it falls with no one to hear it? Where does the flame go when a candle is blown out? Does a pond ever stop rippling when a stone is dropped in it? Who killed cock-robin?

That is what we buy the American people if we approve the Board's money. It's time to put an end to this travesty.

Mr. ERVIN. Mr. President, this statement gives a history of how they dug up 111 dead organizations temporarily and then put them back to rest at the rate of one every 48 seconds. It shows how the great labors of this Board consisting of five members consumed only

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Senate Appropriations Committee wisely cut the figure to $450,000—the same amount granted last year.

Mr. President, we cannot justify wasting another $450,000 on the SACB when so many of our national needs are going unmet.

The SACB has been moribund since its existence in part because the courts have struck down its major approach for combatting subversion—disclosure of individual members through compulsory registration.

Until 1971, the Attorney General brought only 25 petitions alleging organizations to be "communist action," "communist front," or "communist infiltrated." Of these 25 petitions, the Board issued only eight final orders determining that the organizations fell within the definitions of the Act. Only one organization, the Communist Party of the United States, was designated a "communist action" organization, and seven groups were found to be "communist front" organizations.

The majority of the remaining cases were dropped either because the Board found that the organizations did not fall within the provisions of the Act, or because the Board's orders were vacated pursuant to a Federal court decision.

Even with additional duties purportedly conferred on it by President Nixon's Executive Order 11605 of July 2, 1971, the Board has found little to do.

During the past year, it handled 111 petitions referred by the Attorney General to remove organizations from the so-called Attorney General's list of subversive groups. These 111 petitions were disposed of in just 75 minutes of hearing time.

Mr. President, at more than $5,000 per minute, these hearings likely were the most expensive in the history of the American bureaucracy. Such waste is disgraceful.

More important than the absolute waste involved, however, is the total disregard for the fundamental freedoms of all Americans presented by the continued existence of the SACB.

To discuss this threat to freedom, I must first discuss the First Amendment. This is so because the SACB and efforts to revive it obviously are inspired by a lack of faith in the First Amendment freedoms and a fear of their exercise by persons whose thoughts and words understandably are offensive to the established order.

The First Amendment outlaws governmental action which abridges freedom of thought, or freedom of speech, or freedom of the press, or freedom of association, or freedom of assembly, or freedom of petition, or freedom of religion. These freedoms embrace and nourish a kindred freedom, the freedom of dissent.

These freedoms, which may be called First Amendment freedoms, were created to make Americans politically, intellectually, and spiritually free.

The novelist, Thomas Wolfe, sensed this when he said:

"So, then, to every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America. I do not believe • • • that the ideas represented by 'freedom of thought', 'freedom of speech', 'freedom of press' and 'free assembly' are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them."

The First Amendment grants its freedoms to all persons within the boundaries of our country without regard to whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, or devout or ungodly, and without regard to whether they love or hate our country and its institutions. Consequently, the Amendment protects the expression of all kinds of ideas, no matter how antiquated, novel, or queer they may be.

In the final analysis, the First Amendment is based upon an abiding faith that our country has nothing to fear from the exercise of its freedoms as long as it leaves truth free to combat error. I share this faith.

To be sure, the exercise of First Amendment rights by others may annoy us and subject us at times to tirades of intellectual or political rubbish. This is a small price to pay, however, for the benefits which the exercise of these rights bestows on our country.

The First Amendment protects the expression of ideas, not the commission of acts, and for this reason cannot be invoked to justify criminal or violent deeds.

It is explicit in the First Amendment that the freedom of the people to assemble to petition for the redress of grievances must be exercised peaceably; and it is implicit in it that the other freedoms it secures must be exercised in like manner.

First Amendment freedoms are simply designed to secure to the people a constitutionally protected right to use the means which nature and man's ingenuity afford them to express to others their thoughts, ideas, and desires concerning government, society, religion, and all other things under the sun. Inasmuch as expression has persuasive power, this right must be recognized and exercied if government is to be responsive to the will of the people, and if society is to be free.

Since one of its principal purposes is to make America a politically free society, the First Amendment assures to every person or group of persons the right to express publicly ideas concerning any problem of government or society without prior restraint or fear of subsequent punishment, even though the ideas are displeasing to government or are believed by a majority of our citizens to be false and fraught with evil consequences.

Why did the Founding Fathers secure this right to every individual and association and assembly within our borders?

There are two answers to this question, one philosophical and the other pragmatic.

As philosophers, the Founding Fathers believed that free and full debate teaches men the truth that frees them from the worst of tyranny, i.e., tyranny over the mind; and as pragmatists, the Founding Fathers believed that free and full debate is vital to the civil and political institutions they established.

The Founding Fathers were right on both counts.

Freedom of thought and speech are the things which distinguish our country most sharply from totalitarian regimes. They enable our country to enjoy a diversity of ideas and programs, and to escape the standardization of ideas and programs totalitarian tyranny requires.

Besides, a free and full interchange of ideas concerning the problems of government and society makes us aware of conditions and policies which need correction, and induces us to make in apt time and in a peaceful way the reforms that changing times demand. As a consequence, violent revolution has no rational or rightful place in our system.

Like all freedoms, First Amendments may be abused.

Society is often disturbed by those who abuse these freedoms to protect, either rightly or wrongly, conditions or policies they deplore.

Society must ordinarily tolerate these abuses by protestors, however much it may hate their thoughts and words.

This is true because the power of government to deal with them is limited by the First Amendment.

It is well that this is so. If it is justified, protest may lead to reform; and if it is unjustified, protest may relieve at least temporarily the tensions of the protestors. In either event, protest has therapeutic value for both protestors and society.

Freedom of thought is absolute, and cannot be limited or punished by government in any way. Other First Amendment freedoms are qualified in the sense that their exercise may be circumscribed by government within narrow limits to protect other overriding social interests.

The general rule, however, is that people may express their ideas freely, and associate or assemble freely to make their ideas effective. But this general rule does not prevail in respect to the exercise of speech, association, or assembly which defames others, invades the privacy of others, constitutes obscenity, incites to crime or violence, obstructs the courts in the administration of justice, amounts to sedition, or imperils the national security.

Government may punish by law past speech, association, or assembly falling within these narrow limits, and under extraordinary circumstances subject it to prior restraint by obtaining injunctions from courts of equity.

Except when it acts within these narrow limits, government violates the First Amendment if it attempts to limit its freedoms by legislation. Moreover, government violates the First Amendment if it engages in conduct which is calculated and intended to stifle the willingnese of people to exercise their freedom of speech, association, or assembly. It is to be noted in this connection that the First Amendment was written for the timid as well as the brave.

In describing First Amendment limitations on the power of government, the Supreme Court declared in *Terminiello v. Chicago*, 337 U.S. 1, 4, that "freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Strange as it may seem at first blush, the Amendment protects advocacy of conduct prohibited by law unless it incites action to bring such conduct about and creates a clear and present danger that it will provoke action to that end. This is so because the Amendment protects the expression of ideas, no matter how reprehensible they may be.

Since the doctrine of civil disobedience is invoked with such frequency nowadays, it seems not amiss to emphasize that the Constitution does not countenance civil disobedience which contemplates and produces unlawful acts.

Government has an inherent right to self-protection, and may under some conditions prohibit or punish the advocacy or teaching of the desirability of overthrowing it by violent action.

Judges have used multitudes of words in many cases to define the conditions under which government may exercise its right of self-protection by limiting speech, association, and assembly.

While the words of some of the judges are sometimes somewhat elusive in meaning and for that reason difficult to comprehend, I interpret these cases to lay down these principles:

1. The First Amendment protects all utterances, individual or concerted, advocating constitutional or political changes, however revolutionary they may be, if the utterances contemplate that the changes are to be achieved by lawful means. Hence, freedom of speech permits an individual or a group to advocate the adoption of communism, fascism, or any other system of government by means of the ballot box.

2. The First Amendment also protects all utterances, individual or concerted, advocating or teaching as an abstract doctrine the

desirability of the forcible overthrow of the government. This is true even though such advocacy or teaching is engaged in with intent to accomplish violent overthrow and with the hope that it may ultimately do so.

3. The First Amendment affords no protection, however, to utterances, individual or concerted, advocating or teaching action for the forcible overthrow of government.

4. Inasmuch as the capacity of a group to create danger is greater than that of an individual, the law makes a distinction between the power of government to exercise its right of self-protection against individuals and groups. Government may prohibit or punish utterances of an individual advocating or teaching action for the forcible overthrow of government only if his advocacy or teaching creates a clear and present danger that it will provoke action. But it may prohibit or punish utterances of a group advocating or teaching action for the forcible overthrow of government if their advocacy or teaching takes place under circumstances reasonably justifying apprehension that the action will occur either immediately or at a future time selected by the group.

When it enacted The Smith Act of 1940, Congress made it a felony knowingly or willfully to advocate or teach the desirability of overthrowing the government of the United States or any of its states, territories, districts, or possessions by violence. (18 U.S.C. 2385)

In construing the Smith Act, the Supreme Court decided that the words "advocate" and "teach" were not used by Congress in their ordinary dictionary meanings, because they had been construed in prior cases interpreting similar laws "as terms of art carrying a special and limited connotation." (*Yates v. United States*, 354 U.S. 298, 319) By so doing, the Supreme Court adjudged that the principles which I have outlined were embodied in the Smith Act and in consequence such Act is not unconstitutional.

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. Congress may make punishable as crimes dangerous acts, and, subject to First Amendment limitations, dangerous words; and those of us who esteem our system the best yet devised by man may use our First Amendment freedoms to instruct the ignorant, convert the doubting, and combat the efforts of those who undertake to destroy or injure it.

Justice Bandeis must have had these considerations in mind when he made this statement in his eloquent concurring opinion in *Whitney v. California*, 274, U.S. 357, 378:

"Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly."

Since it was first organized as the nation's legislature, Congress has enacted these sedition laws: the Sedition Act of 1798, which still lives in infamy; the Espionage and Sedition Acts of 1917 and 1918, which Attorney General Palmer grossly abused in his "witch-hunts" after the First World War; and the Smith Act of 1940, whose potentiality for abuse has been restricted by Supreme Court cases, which subject its broad language to First Amendment limitations. Each of these Acts was adopted in a time of great national strain.

By each of these laws, Congress made utterances it deemed dangerous to the common weal punishable as crimes, and thus secured to all against whom the laws were invoked the right to trial by an impartial jury of the vicinage and the other protections created by the Constitution to prevent the punishment of the innocent.

From the time of the Russian Revolution until the day on which Russia became an ally of the United States in the Second World War, multitudes of Americans entertained profound fears in respect to the menace which they believed communism presented to peace abroad and security at home. As a result of Russia's intransigence in Europe and the communist take-over of mainland China after the end of the war, these fears were revived and intensified, and they rightly remain until this day insofar as they are based on concern for the threat which communism poses to world peace.

Inasmuch as they were based on concern for domestic security, the fears of communism persisted with intensity until the middle of the 1950's, and they still linger in some quarters.

There is room for dispute as to how substantial the communist threat to our domestic security actually was during the times it was feared most. There was some tangible evidence and plethoric surmise that communists had strongly infiltrated segments of the labor movement and had even penetrated government and the armed forces to a degree. The extent of the threat was exaggerated by a tendency on the part of the fearful to believe that persons of unorthodox views were tainted with communism.

Anyway, the fear of the threat to domestic security produced two pieces of major congressional legislation, the Smith Act of 1940, which has already been mentioned, and the Internal Security Act of 1950, which Congress passed over President Truman's veto.

Before the Internal Security Act was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for crime of which he has been convicted in a constitutionally-conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system, which is alien to this principle.

This concept may be summarized in this way:

To protect society, our country should maintain a governmental agency to stigmatize publicly organizations the government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties.

I use the phrase "intellectually or politically dangerous" to distinguish the stimatized organizations and their members from organizations and individuals whose legally dangerous acts or words are punishable as crimes under constitutional safeguards.

The Internal Security Act of 1950 created the Subversive Activities Control Board. By the original Act and an amendment of 1954, the Board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of communist-action, communist-front, and communist-infiltrated organizations, and members of communist-action organizations.

The Act as amended automatically imposed upon the organizations and the members of the organizations stigmatized by the Board severe penalties. For example, a stigmatized organization was denied the use of instrumentalities of communication unless it plainly revealed that they were being used by it and that it was "a communist organization"; and a member of a stigmatized organization was denied the right to hold any nonelective office or employment under the United States or even to seek such office or employment or employment in any defense facility without revealing his membership in the organization; the right to hold office or employment with any labor organization subject to the National Labor Relations Act; and the right to obtain or use a passport.

The Supreme Court adjudged, in essence, in *Communist Party of the United States v. Subversive Activities Control Board*, 367 U.S. 1, that Congress had the constitutional power to regulate the registration of communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of government. It ruled, however, in other cases that the procedures prescribed by the Act to effect the compulsory registration of communist organizations violated the self-incrimination clause of the Fifth Amendment, and that major provisions of the Act relating to membership in communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the First Amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

By an amendment of January 2, 1968, Congress undertook to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are communist-action, communist-front, or communist-infiltrated organizations, and whether individuals it investigates are members of communist-action organizations.

The revival was short-lived. On December 12, 1969, the United States Court of Appeals for the District of Columbia Circuit handed down *Boorda v. Subversive Activities Control Board*, 421 F. 2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the First Amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

As one who loves America and hates Communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, Communism has made few sales in America.

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

President Nixon's Order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for government employment. Hence, we must understand what power the executive department has in this area.

As Justice Frankfurter declared in his concurring opinion in *Garner v. Los Angeles Board*, 341 U.S. 716, 724–5:

"The Constitution does not guarantee government employment. City, State, and Nation are not confined to making provisions appropriate for securing competent professional discharge of the functions pertaining to diverse governmental jobs. They may also assure themselves of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence, or are knowingly members of an organization engaged in such endeavor."

President Eisenhower's Executive Order applies only to persons presently enjoying or presently seeking employment in federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the F.B.I. to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower Order establishes forthright and circumscribed procedures for

insuring the loyalty of federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and Acts of Congress relating to government employment.

President Nixon's Executive Order is a different kettle of fish.

To be sure, it professes itself to be a mere amendment to the Eisenhower Order, and it does alter that Order in one or more insignificant respects.

The major provisions of his Executive Order represent, in reality, an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon Order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek federal employment are (a) totalitarian, (b) fascist, (c) communist, or (d) subversive organizations, or (e) organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State," or (f) organizations "which seek to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The Nixon Order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon Order provides that the Attorney General will transmit to each federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for its use in determining whether persons enjoying or seeking employment by it should be employed or retained in employment.

It is manifest, however, that the real objective of the Order is to empower the Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon Order which purport to confer new powers on the Board have no legal force for these reasons:

1. Their promulgation was beyond the constitutional power of the President.

2. They are void for overbreadth.

3. They violate the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive Order in the steel-seizure case, *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 589, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President."

It necessarily follows that the major provisions of the Nixon Order are void under Sections 1 and 8 of Article I of the Constitution, which give Congress all the law-making power of the federal government and deny any of it to the President.

I do not question the power of the President under the Constitution and Acts of Congress governing federal employment to establish by executive order procedures to assure the loyalty of federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish that objective, the Nixon Order would be void for overbreadth.

The Order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the federal government or some of them may hereafter seek employment by it.

The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stimatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of the unlawful aims of such organizations or groups, or those who may disagree with those unlawful aims.

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the Order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the First Amendment principle that government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

MY FAITH

Apart from its constitutional infirmities, President Nixon's Executive Order is to be deplored because it has no rightful place in our land.

It is not the function of government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive Order undertakes to empower the Subversive Activities Control Board to do.

I rejoice in the fact that the Committee on Appropriations has amended the State-Commerce-Justice Appropriations bill to prohibit the expenditure of any funds to carry out the functions granted the Board by Executive Order 11605. With the Order effectively paralyzed, there will be no justification for continuing to fund the Board, since for all practical purposes it will have nothing to do except pose a latent threat to freedom.

If America is to be free, her government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation; and if America is to be secure, her government must punish her people for the crimes they commit, not for the thoughts they think or the associations they choose.

In closing, I affirm my faith in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement prepared by me entitled "Getting Our Money's Worth From the SACB at $5,413.33 a Minute" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GETTING OUR MONEY'S WORTH FROM THE SACB AT $5,413.33 A MINUTE

Mr. ERVIN. Mr. President, in a few days the Senate will be asked to appropriate almost one-half million dollars to continue the SACB for another year. Many Senators, myself included, oppose this appropriation and ask that the Board finally be laid to rest by striking the money from the bill.

Last Saturday, June 10, an editorial appeared in The Washington Post setting out the case against the SACB. Although that editorial repeated the uncontroverted facts about the history of the SACB, it may be that some people believe that the Post and other opponents of the Board have been unfair in their criticism.

Allow me to summarize the arguments against the Board. Quite simply the continued existence of the SACB stands as an insult to the traditional freedoms of Americans. Although we may be thankful that the Board has never exercised effectively any of its unconstitutional powers, still the public has had little to show for the expenditure of almost seven million dollars in taxpayers' money during the Board's 22-year history. During this time it heard only 26 cases.

In 1971 there was a last minute desperate effort by the Administration to find something for the Board to do. On July 2, 1971, the President attempted to amend the Internal Security Act of 1950 by Executive Order. Executive Order 11605 purported to expand the Board's powers to include the preparation of the so-called Attorney General's list of supposedly subversive groups. Last year the Senate effectively rejected this Executive Order as unconstitutional for the reason that the President had attempted to legislate, which under the Constitution is a congressional responsibility, and secondly because the order infringes upon the rights of free expression and free association. I am pleased that the Appropriations Committee has reported the bill with this same amendment already added.

In all fairness, the President, who is "a trained lawyer," no doubt recognized the constitutional infirmities of his action but felt compelled to ignore these qualms in an attempt to save the Board from extinction and to rescue its members from the excruciating boredom they have suffered for almost two decades by giving it something—anything—to do. To some extent, the latter goal may have been successful. I am informed that the Board heard 111 cases last year. Certainly when compared with the 25 cases it heard in its previous 20 years, this seems a lot of work. In fact, when the Board came before the appropriations committees of Congress this year, it was evidently so proud of having had a four-fold increase in the number of cases last year over its entire previous 20-year history that it pleaded for a 57 percent increase in its appropriation so that it might continue at this feverish pace.

Now, skeptics may take issue with claims that the Board is overworked. They might argue that these 111 petitions can be used to demonstrate that the SACB is an agency which cannot function under the Constitution except by holding absurd proceedings on matters about which no one cares. They might cavil by pointing out that in all these cases the Board was simply exercising its "delisting" function pursuant to the order and that that is all the Board is likely to do in years to come. They might point out that these 111 cases only took four days of hearings which consumed a total of only 1⅓ hours of the Board's time. They might also argue that at more than $5,000 a minute these are probably the most expensive hearings in the history of American bureaucracy.

Indeed, to date the "delisting" hearings have not been excessively complicated. The process operates something like this. The Justice Department decides that a group on the Attorney General's list has gone out of existence. This is not too difficult since most of them were created in the pre-World War II era, and nothing has been heard of them since the war started. They have existed for the past 20 or 30 years only in the Justice Department's Attorney General's list, which was last revised 17 years ago. An Attorney General in the Justice Department then prepares a formal application or petition alleging that the group no longer exists and establishes the date when the association expired. He prepares identical ones for each group and then sends the petition by certified mail to the last known address of each of the organizations.

The Post Office performs perhaps the most important and difficult phase of this "delisting" process—it tries to deliver the petitions. Since the associations have all expired, naturally the Post Office returns the notices to the Justice Department marked either "addresses unknown," "unclaimed," "no forwarding address," "unknown," "return to sender," or some other appropriate notation signifying that no one was there to receive it. Armed with this conclusive evidence of the organization's demise—and who can argue with such simple yet uncontrovertible evidence based upon the joint efforts of two government agencies—the Justice Department then forwards the petitions, returned envelopes, and certificates of service to the SACB for the hearing. The Justice Department officially closes this meticulous investigation with its declaration to the Board that "in the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further showing with respect to this petition."

And now it's the SACB's turn to carry the ball. Upon receipt of the petitions from the Justice Department, the Board categorizes the organizations named and groups them into sets of 25–30 cases. After a date is set, a notice of hearings, together with a copy of each petition and certificate of service from the Justice Department involved, is published in the *Federal Register*. Although not as popular a journal as *Playboy*, this is to satisfy the necessary legal notice that each organization has been duly informed of the impending hearing. The Board then awaits in vain a response to its notice.

Finally the day arrives and the hearings are called to order. Assembled are all interested parties to the proceedings. A panel of three Board members are present. What work preoccupies the other two that they cannot also participate, no one has explained. The General Counsel, whose presence "assures that due process and procedural safeguards are met," is also there. So are a court stenographer and all witnesses. Thus far only the Executive Secretary, who is also Chief Clerk of the Board, has ever testified.

The hearing consists solely of the formal recitation of the actions of the Justice Department, Post Office, and Board to date and the insertion of each and every copy of each of the documents—including each unsigned register receipt and each envelope—into the record. The Executive Secretary states the Justice Department's allegations that the groups seem to have gone out of existence and tells the Board of the lack of response to its published notice of hearings. He presents to the Board the unequivocal evidence adduced by the Justice Department—the returned petitions with the Post Office's "unknown" notation on the envelopes. After receiving this material into the record, the evidentiary proceeding, which averages 48 seconds per case, is gaveled to a close. The whole thing literally takes less time to do than it takes to describe.

The three Board members who heard the testimony then retire to their chambers to prepare a recommendation to be presented to the entire Board. On the basis of the preponderence of evidence, the Board inevitably issues its conclusion asking the Attorney General to strike the group's name from the list because it no longer exists.

I must confess that I am not persuaded that the taxpayers got their money's worth last year, having spent almost $500,000 for this kind of nonsense. This is a travesty of bureaucracy in inaction. I cannot understand why the SACB has come before the Congress asking for a 57 percent increase in its budget to conduct this simple exercise. I cannot understand why anyone would want to continue the farce for yet another year.

But perhaps I am being too hasty on the Board. Maybe they are engaged in difficult, important work. What would happen if an organization actually contested one of the Justice Department's delisting petitions? What if an organization came forward and insisted that it was still alive and still subversive?

The questions of determining whether an unincorporated association has died and, if so, the exact moment of its passing, will not be easy ones. Indeed, they rate as profound political, philosophical, legal—and maybe even religious questions. The giants of western civilization—Shakespeare, Descartes, Plato, Blackstone to name a few—have written reams trying to grasp the meaning and definition of human death. How much more elusive and more difficult is the question with which the members of the Subversive Activities Control Board must grapple—the life and death of a supposedly subversive organization.

How does one decide when an unincorporated voluntary association has become defunct? This is not a simple issue for the common law. The legal encyclopedia lists nine means by which a group may commit associational suicide. A consideration of only two out of the nine points up the difficulties the Board will face if an organization protests that reports of its death are greatly exaggerated.

For example, Corpus Juris teaches us that an organization may be destroyed by unanimous consent of its members. Assume that the SACB adopts this test, To begin with the Board has to determine whether the meeting of the group where the organization was allegedly dissolved was properly called. So the SACB would have to obtain a copy of the constitution and by-laws of, for example, the Central Council of American Women of Croation Descent. Hopefully, there will be no language barrier. After becoming experts on the constitution and by-laws of this rather obscure group, assuming they have one, the SACB then has to get a stenographic record of the group's final meeting or else receive oral testimony from those present at that last meeting 20 or 30 years ago. The Board then must determine whether the members who voted on the resolution dissolving the organization were actually bona fide members. In the case of the Central Council, the SACB would have to determine whether the women involved were truly of Croation descent. Along the way, they would have to decide how much Croation ancestry qualifies to be a bona fide member. What, for instance, about adopted children? What if the only members actually present at such a meeting were FBI agents? Would they be considered bona fide members? What if they were both Croation and FBI?

Assuming the SACB cannot resolve the issue in this manner, Corpus Juris suggests another test. An association can cease to exist when it has achieved its object or purpose. This would involve the SACB in even more complex problems. The SACB first must determine the organization's purpose or goal. Consider the difficulties the Board faces in that regard with respect to the League for Common Sense. What is common sense?

Clearly in this case, the League has not achieved its purpose—which I guess is the forcible overthrow of the United States government by common sense. Anyone can tell that common sense does not dominate our government. Indeed, it has not even begun to subvert important portions of it. The Senate could strike a blow for the victory of common sense by abolishing the SACB. Until it does so, no one can argue that the League for Common Sense has achieved its goal. More likely, it has despaired of even converting the government to the principles of common sense. We can see that this test will not be of much help to the SACB in deciding when a voluntary association expires.

Of course, this test would be unfair for some groups. For example, consider the Department's petition in the case of "Everybody's Committee to Outlaw War." Now this organizations goal is clear—to outlaw war—but the group obviously has not achieved its goal. In fact, using this test it might be argued that this group never even existed because its purpose was frustrated from the very beginning and anyway not "everybody" is in favor of outlawing war.

I could go on and list the other tests laid out by Corpus Juris for determining whether an organization has ceased to exist but I believe I have made my point. The SACB has a Herculean task. I submit that even a Holmes or a Cardozo would have considerable difficulty determining these crucial questions of law and philosophy.

Indeed, my reading of Corpus Juris and the cases cited thereunder do not even address themselves to the question of how to determine the exact date an organization has succumbed—which is the other issue the Board must resolve. Here the Board will, no doubt, make exciting new contributions to the common law as it labors in a vineyard overgrown with onion grass. Few have trod this ground before.

I expect the Board has anticipated the possibility of a contested delisting case and has begun to formulate a new standard, a test to determine whether an organization has ceased to exist. Perhaps this is what the missing two Board members do when the hearings are going on. Even though we cannot yet see the fruits of their labor, I suppose the Senate must use its imagination. Imagine the Board members, red-eyed from long nights of worry, its legal assistants burdened down with briefs and dusty case books, pouring over old philosophical tracts from the Byzantine Age, perusing the statements of men of learning from the nation's schools of philosophy, law, medicine and religion.

If we invest another half-million dollars in the Board we will eventually get this classic statement on this most important problem—associational suicide. We will have a classic essay, an essay on one of the issues of great moment to the future of western civilization. An issue which can only be compared to such fundamental questions as: How many angels do stand on a pin? Does a tree make a sound if it falls with no one to hear it? Where does the flame go when a candle is blown out? Does a pond ever stop rippling when a stone is dropped in it? Who killed cock-robin?

That is what we buy the American people if we approve the Board's money. It's time to put an end to this travesty.

Mr. ERVIN. Mr. President, this statement gives a history of how they dug up 111 dead organizations temporarily and then put them back to rest at the rate of one every 48 seconds. It shows how the great labors of this Board consisting of five members consumed only

4 hours and 15 minutes, since the bill was up here for consideration last year, of very arduous labor which consisted of resting in easy armchairs.

Mr. President, I also ask unanimous consent that—an editorial published in the Washington Post entitled "A Last Hurrah for the SACB?" be printed in the RECORD. I hope that the title of the editorial is a harbinger of the success of the amendment, and that the amendment will be adopted.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1972]

A LAST HURRAH FOR THE SACB?

The appropriations bill for the Departments of State, Justice and Commerce, the Judiciary and Related Agencies, which contains, among other things, the appropriation for the Subversive Activities Control Board, has been reported out of Committee and will soon be taken up by the Senate. The Board has had so little to do over its lifetime that last year, its Chairman had to admit plaintively during his appropriations hearings that he and his agency had too little to do and the President felt constrained to issue an executive order of doubtful Constitutional validity in an effort to interrupt the agency's slumber. The Senate, where welfare discussions are sure to evoke numerous expressions of high principle against giving people taxpayers' money for doing nothing, will have to go through extraordinary contortions in order to justify appropriating another penny for the SACB.

The Board was created by the Internal Security Act of 1950 to identify, when petitioned by the Attorney General, three kinds of organizations: "communist action" "communist front," and "communist infiltrated," and to provide a registry of subversive individuals. In large measure, because the courts have found that the bulk of its authority was unconstitutional, the Board has done next to nothing in the 88 years of its existence. Up through the summer of 1971, Attorneys General had sent over 25 petitions suggesting the listing of organizations and it had rendered final orders in only eight of them. From 1966 to 1971 the Board held no hearings on alleged communist front organizations, then in fiscal year 1971 it heard three witnesses on two cases. So far in fiscal 1972, it has heard no cases. It has never managed to register a single subversive individual. While we would agree with the argument that, considering its obnoxious mandate, it is probably a good thing that the Board has done so little, it is a fact that it has managed to spend about $6.7 million of the taxpayers' money, all to no purpose.

The inactivity led President Nixon to issue an executive order which seems to have been intended to give the Board a little work to do. And nasty work it is. It transfers the function of making up the list of subversive organizations from the Attorney General to the Board, vastly and vaguely expands the types of organizations to be listed (totalitarian, fascist, communist and subversive, which seek to overthrow the government by unlawful means or advocate force or violence to deny others their constitutional rights) and it also authorizes the government to evaluate its present or prospective employees on the basis of the SACB listings.

The executive order raises three enormous problems: first, it is an attempt to amend legislation by executive fiat; second, its provisions are so broad and imprecise they could encompass any number of lawful dissident organizations including substantial chunks of the peace and civil rights movements; and finally, the order is aimed at speech alone as opposed to illegal acts—a grievous wounding of the first amendment.

The Senate has a great opportunity finally to lay this offense to the Constitution and to budget-conscious government watchers to rest, once and for all. When the money bill comes to the floor, it will carry with it Senator Ervin's amendment which would prohibit the Board from using any appropriated money to carry out the provisions of the executive order. This is a good measure, as far as it goes, we think, but it does not go far enough. On the floor, Senators Proxmire and Ervin will offer amendments deleting all appropriations for the SACB. A similar amendment was defeated by the narrow margin of 47 to 41 last year. Since then, the Board has done virtually no work even with its ugly and probably unconstitutional new powers, the very existence of which—whether they are exercised or not—demean the republic. A Senate vote for the Proxmire-Ervin amendment would be a statesmanlike exercise in an important area of pollution control and in budget trimming all in one fell swoop.

Mr. ERVIN. Mr. President, why is this Board bad? The Constitution of the United States and the American system of government contemplated that no man shall be punished by the Government except for a crime which he has committed and of which he has been duly convicted according to constitutional standards in a court of justice. However, we departed from that good old American principle back in 1950 when we established this Board, whose sole purpose is to try to intimidate people and to keep them from speaking in their own voices and to keep them from associating with people who have like thoughts. So, we set up this Board to brand organizations as being political and intellectually dangerous to the establishment.

The Constitution in article I gives its freedoms to every person within our borders regardless of whether he is wise or foolish, whether learned or ignorant, whether devout or ungodly, and regardless of whether he loves America and its institutions or hates them. It gives every person the right to make a fool of himself. It is the purpose of this Board to keep some people intimidated so that they will not make damn fools of themselves.

The Board only found 66 people of that character—and they were not convicted of being so—since 1950. But the United States is not in any danger of being overthrown by force and violence by 66 alleged Communists out of a population of 200 million people.

If I could see ghosts of communism hiding in all corners, I could support this thing. If I thought 200 million Americans were so pusillanimous as to believe that the country they love could be overthrown by force and violence by 66 people, I would vote against the amendment offered by the Senator from Wisconsin and myself. I would vote to continue the unemployment insurance compensation benefits for the five bureaucrats who do nothing but draw their breaths and their salaries.

The Board has no function except to brand organizations as being politically and intellectually obnoxious.

The Constitution of the United States gives a man the right to make a damn fool of himself and believe anything that he wants to as long as he does not take any action.

We have a law, the Smith Act, that says that any man who advocates the overthrow of the Government by force and violence, if he comes within the terms of the Smith Act as interpreted by the Supreme Court—which requires more than mere theory and utterances—can be prosecuted.

If anyone is afraid of someone overthrowing the Government by force and violence, let him make out a case under the Smith Act, which has been held constitutional. But let us not permit them to set up an organization which cannot function under the decisions of the Supreme Court, an organization that is likely to label or brand as politically or intellectually obnoxious to the established order people who think in a sort of haywire fashion.

I do not fear for the security of my country as long as my country only punishes people for the crimes they commit. However, I do fear for the continuance of my country as a free society when my country sets up a board which undertakes to tell people what thoughts they can think and what associations they shall choose.

I do not think my country is in any danger as long as the love of liberty abides in the hearts of its people, as long as it leaves truth free to combat error.

That was the reason which inspired the writing of the first amendment.

This measure is nothing in the world but an effort to continue by this appropriation an organization which has proved to have functions which are unconstitutional and an organization which cannot find anything constitutionally to do, in order that that organization might try to exercise what Thomas Jefferson said was tyranny over the mind.

Like Thomas Jefferson, I have sworn eternal hostility to every form of tyranny over the mind of man, and this proposal to continue this board in existence is merely an attempt to have an organization whose sole function is to try to exercise tyranny over the mind of men whose foolish thoughts are obnoxious to those of us who belong to the established order.

I am frankly willing to let any man think anything he wants to think, no matter how foolish or how unpatriotic, because I have an abiding conviction that our country has nothing to fear from freedom of thought, no matter how foolish it might be, as long as it leaves truth free to combat error.

The Senator from South Carolina said we should have a way to investigate people applying for Government jobs. Mr. President, you already have such an order in the form of an Executive order signed by President Eisenhower. It provides that no person is entitled to have Federal employment or to be retained in Federal employment if his employment or retention is inconsistent with the national security. It provides that the Civil Service Commission shall have the power to examine applicants for employment through the Civil Service Commission, and it provides that where the person to be employed does not come through civil service he can be investigated by the employing department or agency. It further expressly provides that either the Civil Service Commission or the employment department or agency can receive assistance of the FBI with respect to every person who is employed by the Federal Government or who seeks employment by the Federal Government, concerning whom there is any doubt as to whether or not he is a patriotic American and a good security risk.

Mr. President, why set up a board of five men to conduct investigations like that of all people in the United States on the theory that some of them may at some time in the future seek employment at the hands of the Federal Government? If these board members want a pension, let us give them a pension, but let us not go through the mockery of doing nothing but drawing salaries and breath. Let us save this $450,000 and have some respect for the first amendment which is designed to make every American, regardless of how wise or foolish he is, intellectually and spiritually free.

Mr. HOLLINGS. Mr. President, I yield 10 minutes to my distinguished senior colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending amendment 1226 to H.R. 14989, the State-Justice-Commerce appropriations, would eliminate the appropriation for the next fiscal year for the Subversive Activities Control Board.

Such a suggestion disturbs me greatly. The SACB has played a vital role in the protection of national security. Communist front organizations have shown us time after time that they fear the strengthening of our security above anything else. The undermining of Communist operations and strengthening of U.S. security can be done through the mere process of exposure.

Mr. President, now is certainly not the time to weaken our activities in this area. On May 30, 1972, H.R. 9669 passed the House. This legislation would serve as the heart of a new internal security program. This was formulated by the joint efforts of the executive branch and the House over several years. It is now pending in the Senate Judiciary Committee.

The new program created by Executive Order 11605 and H.R. 9669 permits actions aginst the various Communist organizations which are operating within the United States to violate personal freedoms of U.S. citizens by unlawful means. This program will alert the American people to the nature of these various organizations by making this knowledge public. This new program will greatly reduce the weaknesses of the existing operations.

The Subversive Activities Control Board is an essential part of the program. This board was formed to expose the Communist Party USA and the "fronts" of the Communist Party which are dedicated to the active overthrow of the Government of the United States by illegal means.

Congress held extensive hearings in the years from 1947 to 1950 to determine how best to control the threat the Communist movement poses to the internal security of the United States. Congress finally decided that the best solution is a system of control through revelation, combined with limitations on certain types of Communist activity.

The Subversive Activities Control Act of 1950 was the solution proposed by Congress at that time. This act granted the Communist Party the freedom to exist and to operate, but denied the Communist movement its most lethal weapon: Its secretive, subversive manner. By operating in a clandestine manner, the Communist Party was able to keep the individual American citizen ignorant of its purpose, existence or aims.

Mr. President, Congress decided that Communist organizations must now annually file certain basic information with the Attorney General. This registration and disclosure requirement is to protect the interest of the American people in the same way they are protected from certain practices of various businessmen, lobbyists, and political parties.

If these Communist groups did not register, the Attorney General could petition the SACB to hold hearings to determine if they came under the 1950 act and then order them to register as such. The informational, educational, and exposure function under this 1950 act was to be achieved through the SACB by its hearings, reports, and filed information.

Critics have charged that the SACB has become moribund. This charge may have been accurate under Attorneys General Katzenbach and Clark. However, under this administration the Justice Department has again been sending cases to the Board. Over 200 cases have been filed with the SACB since October 1971 under Executive Order 11605.

The Congress has supported the Board throughout its history by appropriations and by major amendments to the 1950 act. The recent 1968 amendment reiterated the nature of the World Communist Movement and stated that:

> The Party and the Movement present a clear and present danger to the security of the United States and to the existence of free American institutions.

Mr. President, President Nixon's Executive Order 11605 will join with the House bill to correct the present shortcomings in our internal security system. This order will give the SACB a major role in Government employee security procedures. It also designates the Board as the hearing and factfinding agency for organizations to be placed on the Attorney General's list. This list continues to be a vital element in the Federal personnel security program.

The Attorney General's list was a nonadversary closed administrative procedure. In the 1950's, various court decisions decreed that these proceedings should be open with requisite due process. The executive branch lacks the authority to confer subpena and judicial appeal and thus there have been no organizations designated by the Justice Department since 1955. The list needs updating; however, Government witnesses who have testified before the House Internal Security Committee stated that the program is effective because of its exposure of subversive organizations and their activities, and that only the list needs modernizing. The objection concerning open adversary hearings is also eliminated because the SACB is a quasi-judicial body with cross-examination and evidence examination rights to those involved.

To eliminate the SACB appropriation at this time would be dangerous, particularly in view of the effort taken to formulate a new program and to provide the SACB with the powers needed to carry out its essential role.

Mr. President, I ask unanimous consent that the statements by Mr. John W. Mahan, Chairman of the Subversive Activities Control Board, before the Committee on Appropriations of the U.S. Senate and the Committee on Internal Security of the U.S. House of Representatives be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN W. MAHAN, CHAIRMAN, SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. MAHAN. That is correct.

We would like to have the 80-page statement placed in the record and I would like to summarize, Mr. Chairman.

The CHAIRMAN. That will be done without objection.

(The document referred to follows:)

SUBVERSIVE ACTIVITIES CONTROL BOARD

The Subversive Activities Control Board (SACB) is an independent, five-member, quasi-judicial agency of the Federal Government whose members are appointed by the President with the advice and consent of the Senate. No more than three members may be of the same political party.

The Board was created by Title I of the Internal Security Act of 1950, the Subversive Activities Control Act, which became law over presidential veto on September 23, 1950, in the Second Session of the 81st Congress.

The function of the Board is to hold hearings, on petition of the Attorney General of the United States, for the purpose of determining whether organizations are Communist-action, Communist-front, or Communist-infiltrated, as those terms are defined in the Subversive Activities Control Act. Until recently, it also had the function of determining whether individuals were members of the Communist Party, which the Board had found to be a Communist-action organization. Another Board function is to hold hearings, on petition of organizations (and, formerly, individuals) which are the subject of Board findings, to determine whether the finding in question should be vacated or altered.

The Board does not have authority to conduct investigations or initiate proceedings itself. It can hold hearings and issue reports only on request of parties authorized by the Subversive Activities Control Act to submit petitions to it.

BACKGROUND

The purpose of Congress in enacting the Internal Security Act which created the SACB can be understood only in the light of certain developments which had taken place over a period of years prior to 1950.

The end of World War II did not bring peace. International Communism's intent to take over the world soon became apparent from its seizure of various governments in Middle and Eastern Europe and its attempts—defeated with United States assist-

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ance—to take over Iran, Turkey, Greece, the Philippines and other nations.

Concurrently with these foreign developments, the American people were jolted into a realization that, operating through the U.S. Communist Party and a network of spies and agents, international Communism not only planned the destruction of the United States by force and violence but had made considerable headway in penetrating and influencing many areas of life in this country, including the Government itself.

The 1945 defection of Igor Gouzenko, code clerk of the Soviet Embassy in Ottawa, Canada, revealed American complicity in the theft of United States atomic secrets by the Soviet Union while it was our World War II ally. Louis Budenz' testimony about the Party before the House Committee on Un-American Activities in 1946 also had great impact. Budenz had served for years on the National Board, the ruling body of the Communist Party, and also as managing editor of the Party's newspaper, the "Daily Worker." He was thus in a position to reveal much about the Party that had not been made public before.

Other Congressional revelations about Communist operations, combined with events abroad and widespread open Communist activities within this country, inevitably led to the introduction of bills dealing with the problem of domestic Communist subversion.

In 1947, the Committee on Un-American Activities held seven days of hearings on two such bills. Nineteen witnesses testified in these hearings and their testimony filled approximately 600 pages. Witnesses ranged from Eugene Dennis, then the General Secretary of the Communist Party, to persons such as FBI Director J. Edgar Hoover, the Honorable William C. Bullitt, former Ambassador to the Soviet Union, Victor Kravchenko, representatives of veterans and patriotic groups, congressmen, governors, and the President of the AFL, William Green.

Shortly after the completion of these hearings, Senator Mundt, then a Representative and member of the Committee, after consulting with the FBI and his friend and Committee colleague, then Representative Richard M. Nixon, introduced a bill which became known as the Mundt-Nixon bill and was the original version of the Subversive Activities Control Act.

In 1948, a Legislative Subcommittee of the Committee on Un-American Activities, chaired by then Representative Nixon, held hearings on this bill and on another bill which would have outlawed the Communist Party. Thirty witnesses testified in these hearings which extended over a period of seven days. Many prominent Americans were among those testifying—Attorney General Tom C. Clark; FDR braintruster Donald Richberg; Ferenc Nagy, former Premier of Hungary; Louis Waldman, the famous labor lawyer; Admiral William H. Standley, former Ambassador Extraordinary to the Soviet Union; John Foster Dulles; Thomas Reed Powell, Professor of Constitutional Law at Harvard; Raymond Moley, Professor of Law at Columbia University and Associate Editor of Newsweek; Adolph A. Berle, Jr., another Columbia University Law School Professor and former Assistant Secretary of State; Dr. William Yandell Elliott, Professor of Government at Harvard; Eugene Lyons, editor, writer, correspondent and authority on the Soviet Union; the Chairman of the American Bar Association's Special Committee on the Bill of Rights; and Benjamin J. Davis, the late Chairman of the Communist Party.

The House passed the bill on May 19, 1948, by a 319–58 vote, after it was reported by the committee. Hearings on it were held in the Senate but that body adjourned before acting on the measure.

In 1949, additional Senate hearings were held on the Mundt-Nixon and related bills and, in 1950, further hearings were held by the House Committee on Un-American Activities. I will not take time to go into details about these hearings, the type witnesses, etc., but the result of all this was that by the time September 1950 came, the House and Senate had held 58 days of hearings during which over 230 witnesses had filled some 3,200 pages of testimony with views pro and con the bills which became the Subversive Activities Control Act.

It is worth noting that Senator Wiley stated on the Senate floor on June 19, 1948, that, in the Senate Judiciary Committee hearings held that year, opponents of the proposed legislation were given 4/5 of the time allowed for testimony and the proponents only 1/5. An array of Communists testified in these Senate hearings, a few of them openly, but most of them covertly, under the mask of officers of Communist-controlled unions or officials of Communist fronts.

After the House passed the Mundt-Nixon bill in 1948, there was great public demand for Senate action. Allegations were made that Communist and leftist pressure was shocking Senate approval of the House-passed bill. In his remarks on the Senate Floor on June 19, Senator Wiley, Chairman of the Judiciary Committee, said that the Committee was not reporting the House-passed bill only because it "arrived too late in the Senate" (on May 21) and the Senate was not going to merely rubber stamp the House measure. He emphasized the fact that the Communists had neither killed nor succeeded in delaying the proposed legislation, and that it was simply a matter of the Senate Committee not having sufficient time to fully weigh and consider the bill after four days of hearings late in May during which the testimony of 27 witnesses was received.

This fact, combined with the fact that the House and Senate held so many days of hearings with so many witnesses over a period of four years before enacting the Internal Security Act, refutes the claim that it was a hastily conceived measure passed in the grip of hysteria. On the contrary, it was probably the most carefully and thoroughly considered security bill ever enacted by the Congress.

It is important to recall that during the years 1947, 48, 49, and 50, while these hearings were being held, more and more evidence was piling up which demonstrated the need for effective internal security measures. There was the testimony of Elizabeth Bentley and Whittaker Chambers before the Committee on Un-American Activities and the eventual Alger Hiss conviction on perjury charges growing out of those hearings. The Committee also exposed American Communist complicity in the Soviet theft of our atomic secrets from Los Alamos, Communist penetration of the Radiation Laboratories at the University of California and of numerous governmental agencies. Theft of documents and influencing of policy in favor of Soviet Union was also disclosed.

The 1946 Amerasia case alone involved the theft of hundreds of classified Government documents.

In 1947 The Committee on Un-American Activities published a heavily documented report on the Communist Party as the agent of a foreign power. In 1948 it published a similar report on the Communist Party as an advocate of the overthrow of the Government by force and violence.

A Gallup Poll taken early in 1947 revealed that:

61% of the American people believed that membership in the Communist Party should be made a criminal offense;

61% believed that Party members were loyal to the Soviet Union rather than to the United States, and;

67% believed that Communists should be barred from all Government positions.

Communist Party leader William Z. Foster, testifying before the Senate Judiciary Committee in its hearings on the Mundt-Nixon bill in 1948, said that if there were a war with Russia it would be the fault of the United States and United States Party members "are not going to fight against the Soviet Union."

In March 1949, Foster and Eugene Dennis, another top Party leader, said that U.S. Communists would be on the side of Russia in the event of a "Wall Street war." It was after they had made this statement that President Truman referred to the leaders of the Communist Party as "traitors."

In 1949, the CIO began expelling a dozen of its major unions on the basis of Communist-control and subservience to the policies of the Cominform rather than the CIO Communist penetration not only of moving pictures, but of radio and TV and the use of these media for propaganda purposes were documented.

The top leaders of the Communist Party, indicted for conspiring to teach and advocate the violent overthrow of the United States Government in 1948, were tried and convicted in 1949.

J. Edgar Hoover in his appearances before the House Appropriations Committee and in speeches and articles did much to alert the Congress and the public about Communist operations and penetration in this country.

In the spring and summer of 1950 the Committee on Un-American Activities held hearings on Communism in the United States Government. During these hearings various persons who had served as Government officials and had been identified as Communists and members of cells within the Government were called as witnesses. They included members of the so-called Silvermaster spy group, named after Nathan Gregory Silvermaster who had been director of the Labor Division of the Farm Security Administration and had served on the Board of Economic Warfare; the Perlo group, also involved in espionage, named after Victor Perlo, now a columnist for the Communist Party's newspaper, The Daily World, who was head of a research section branch in the Office of Price Administration who had also been employed by the War Production Board and the Treasury Department; and the Ware-Abt-Witt penetration group named after the late Harold Ware, who had been employed in the Department of Agriculture; John J. Abt, now an attorney for the Communist Party, who had also worked in the Department of Agriculture, for the WPA, the Senate Committee on Education and Labor and the Department of Justice; and Nathan Witt of Agriculture and the NLRB.

On the international front, the Government adopted various methods to combat Soviet aggression and also its propaganda operations. During these years the CIA, Voice of America, and the United States Information Agency were created. The Marshall Plan, forerunner of the various foreign-aid programs that have since been carried out to strengthen foreign nations threatened by Communist aggression, was instituted. In 1949 the North Atlantic Treaty Organization was formed. The South East Asia Treaty Organization (SEATO), was formed several years later. In the light of these developments, it was only natural that steps would also be taken to counter the inroads made by Communism here at home.

These and numerous other events which could be mentioned, coupled with continued Soviet aggression abroad, make readily understandable the determination of Congress that the Internal Security Act be passed before it recessed for the 1950 elections.

The Communist Party was not idle with respect to the proposed legislation during this period. To supplement the appearances its open officials and secret agents made to oppose the measure in legislative hearings, it launched a nationwide agitation and propaganda campaign against the proposed legislation.

During the Senate hearings on the bill in 1948, as one example, the Committee for Democratic Rights staged a demonstration in Washington on the day Paul Robeson testified against the bill, which was the last day of the hearings. Almost 6,000 people, most of them from New York City, came to Washington on special trains and in automobiles and chartered buses. They picketed the White House, invaded the Senate Office Building, and held a rally at the Washington Monument at which Robeson sang.

In December 1950, a few months after the bill became law, the Committee on Un-American Activities published a report on a front that had been set up by the Party for the specific purpose of agitating against the bill that became the Subversive Activities Control Act. The report was entitled, "The National Committee to Defeat the Mundt Bill—a Communist Lobby."

In September 1950, the Communist Party held a huge rally in Madison Square Garden, New York City, to celebrate its 31st anniversary. The main theme of the rally was opposition to the McCarran Bill, as it was known at that time.

On September 22, when the President's veto of the bill was being debated in the Senate, Party agents were working just outside the Senate Chambers trying to induce members of that body to uphold the veto.

On September 25, 1950, immediately after the law was passed, the "Daily Worker" called for a campaign to nullify the law. As the members of this Committee know, that campaign is still going on, 20 years later.

On August 29, 1950, by a vote of 354 to 20, the House passed H.R. 9490, an updated version of the Mundt-Nixon bill introduced by Chairman Wood of the Committee on Un-American Activities. This bill was adopted by the Senate, with amendments, by a vote of 70 to 7 on September 12. After a conference, the House approved the compromise measure by a vote of 313 to 20 on September 20, and the Senate approved it on the same day by a vote of 51 to 7. Because the Administration had indicated its disapproval of the bill and a veto appeared likely, Congress refused to adjourn as it had planned, but stayed in session so that it could override any veto.

When President Truman vetoed the measure, as had been expected, the House overrode his veto on September 22 by a vote of 286 to 48, and the Senate, early in the morning of September 23, by a vote of 57 to 10, after being in session all night long and only after Senator Langer, who was determined to filibuster the bill to death, collapsed from exhaustion.

History of the Board

Immediately after passing the Internal Security Act, Congress recessed for the 1950 elections until November 27, 1950. President Truman appointed the five original members of the Board on October 23, during the recess. They were: Seth W. Richardson Chairman, Peter Campbell Brown, David J. Coddaire, Charles M. LaFollette, Dr. Kathryn McHale.

The Board held its organizational meeting in the Apex Building in Washington, D.C., on November 1, 1950, after Chief Judge Bolitha J. Laws of the United States District Court had administered the oath of office to the members.

At the meeting the Board considered and adopted organizational and functional charts and a budget request for $326,990 which had been prepared by Francis P. Brassor, a specialist in administration, personnel and budgeting who was loaned to the Board by the office of Administrative Services of the Civil Service Commission to assist in its organization. Mr. Brassor was designated as Acting Executive Secretary of the Board at this meeting. He, like a few other initial employees, was detailed to the Board for several years on a reimbursable basis from other Government agencies.

The Board acquired space in the old RFC Building, now called the Lafayette Building. It received $60,000 from the President's Emergency Fund for its initial expenses. This and a subsequent congressional appropriation of $175,000 gave the Board a total of $235,000 on which to operate during the eight months of its existence in fiscal year 1951.

The next few meetings of the Board were devoted largely to organizational matters, the drafting and adoption of Board Rules and Regulations, the hiring of personnel, and similar matters. The first version of the Board's Rules and Regulations was published in the Federal Register of November 21, 1950 (15 Fed. Reg., 7920, 7980). These Rules and Regulations have been revised several times since then, most recently on January 16, 1963.

At a meeting on December 21, 1950, the Board adopted a seal which had been prepared with the assistance of the Heraldry Branch of the Department of the Army.

President Truman submitted the names of the five Board nominees to the Senate on November 27, 1950, the day it reassembled following the election recess. The Senate failed to act to them prior to adjourning on January 2, 1951. They were therefore resubmitted on February 12, 1951. For reasons of health, Seth W. Richardson, the first chairman, resigned on June 6 before being confirmed. The other four members were confirmed by the Senate on August 9, 1951.

As of June 30, 1951, after being in existence eight months, the Board had 26 employees. During fiscal year 1952, when its appropriation was also $235,000, it reached a peak of 38 employees. This number had dropped to 34 at the end of that fiscal year. Since that time, the number of employees has always been below 30. At the present time, it is 9.

The largest appropriation received by the Board during the 20 years of its existence was in fiscal year 1966, when its appropriation totaled $480,000. Its lowest appropriation was $235,000, the sum on which it operated during each of the first two fiscal years of its existence.

Twenty-four persons have been nominated by various Presidents for Board membership, and 21 have actually served as members. There have been six full-term Chairmen. In addition, Mr. LaFollette served as Acting Chairman for a time during June 1951.

The Board received its first petition to hold a hearing on November 20, 1950. This petition, submitted by Attorney General J. Howard McGrath, concerned the Communist Party as a Communist-action organization.

Attorneys General have submitted a total of 94 petitions to the Board requesting it to hold hearings and issue appropriate reports and orders. The breakdown of the types of these petitions is as follows:

Communist-action organizations	1
Communist-front organizations	25
Communist-infiltrated organizations	2
Individual Communist Party Memberships	66
Total	94

In addition, one organization, the International Union of Mine, Mill and Smelter Workers, found by the Board to be a Communist-infiltrated organization, subsequently filed a petition pursuant to section 13A (b) of the Act asking that the Board find it no longer Communist-infiltrated.

Summary and disposition of cases—Communist Party of the United States of America (Docket No. 51–101)

Petition filed: November 22, 1950. Attorney General: J. Howard McGrath.

Hearings: April 23, 1951–July 1, 1952. Hearing Transcript: 18045 pp.

Place: Washington, D.C., and New York City.

Recommended Decision: October 20, 1952 (170 pp.). By: Kathryn McHale and Peter Campbell Brown, Member and Chairman.

Board Report and Order: April 20, 1953 (219 pp.)—found the Communist Party to be a Communist-action group and ordered it to register as such.

Court of Appeals,* December 23, 1954, affirmed Board Order.

First Remand: Supreme Court; April 30, 1956, for reconsideration of findings in light of Communist Party claim that testimony of three Government witnesses was false.

Modified Board Report and Order: December 18, 1956 (206 pp.)—again found the Communist Party a Communist-action organization, after testimony of three challenged witnesses had been struck.

Second Remand: January 9, 1958, Court of Appeals, for production of reports to the FBI by witness Markward on grounds that the Supreme Court decision in *Jencks* (353 U.S. 657 (1957)) was applicable to Board proceedings.

COMMENT ON SENATOR PROXMIRE'S STATEMENT

There are many inaccuracies in the statement submitted for the record by Senator Proxmire. Having no desire to be argumentative or contentious with the Senator on the issues he raises, but being strongly desirous of keeping the record straight, I will quote certain of his key sentences and then cite facts rebutting them.

Statement: "the S.A.C.B., and all that it represents, is inconsistent with the First, Fifth and Fourteenth Amendments" and "freedom and democracy are not protected by denying the right to free association, by discouraging or opposing political beliefs, or by undertaking witch hunts."

Fact: The U.S. Supreme Court rejects these charges. It made specific findings in Communist Party that the SACB and the statute in no way violate the Fifth Amendment, nor the First Amendment rights of free speech and association. The Fourteenth Amendment claim has never been supported by any court in decisions on the Board or the statute.

The Court stated in Communist Party:

"There is no attempt here to impose stifling obligations upon proponents of a particular political creed as such, or even to check the importation of particular political ideas from abroad for propagation here." (C.P. v. S.A.C.B., 361 US 1, at 104, 105.)

The Court of Appeals subsequently held (*Communist Party, U.S.A.* v. *United States of America*, 384 F. 2d 957) that the Communist Party, having invoked the Fifth Amendment in response to a Board order to register, could not be compelled to register. This decision did not, however, find or imply that the statute, the Board, its findings, or its order to register were unconstitutional. It merely held that if an organization invoked the self-incrimination privilege in response to a Board order, it could escape compliance with the order. It was comparable to earlier court decisions that a witness who invoked the self-incrimination privilege in response to a valid question asked by a constitutionally created congressional committee, could avoid answering the question.

Though the Court also held in *Albertson and Proctor* v. *SACB* (382 U.S. 70) that the registration provision of the statute, as applied to individual members of the Communist Party, violated their self-incrimination privilege, this decision, affecting only one of many provisions in the Act, did not support the above statement by Senator Proxmire. If

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*"Court of Appeals," in all cases, refers to the U.S. Court of Appeals for the District of Columbia Circuit.

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his statement were true, the courts would have made findings to this effect years ago and the statute would have been long since repealed and the Board abolished.

Statement: "All efforts by the S.A.C.B. [since 1965] to enforce the Internal Security Act have been thrown out of court."

Fact: The SACB has no enforcement duties whatsoever in relation to the Internal Security Act. Enforcement and administration of the Act, by congressional determination, are completely the responsibility of the Attorney General. For this reason, it would be improper for the Board to attempt action in this area and it has never done so.

The Attorney General alone has the power to bring cases before the Board under the Act's provisions and, if the Board makes a positive finding which is upheld by the courts, he has sole authority and responsibility for the enforcement of the regulatory provisions which flow from the finding.

The Board's sole function under the statute is to hold hearings when petitioned to do so by the Attorney General, to make findings of fact thereon and report them to the Attorney General.

Statement: "In the 22 years that it has been in existence, the S.A.C.B. has never controlled a single subversive, not one."

Fact: The legislation which created the SACB limited its function to holding open hearings and making findings of fact with respect to certain categories of organizations defined in the law, in response to petitions from the Attorney General. Its findings are furnished to the Attorney General who has the sole responsibility for enforcing the Internal Security Act of 1950, as amended. It was the intent of the Congress to have a quasi-judicial executive agency that would, in keeping with constitutional guarantees, inform the public about the nature and extent of Communist activities which, the Congress found, "present a clear and present danger to the security of the United States." Certain controls on such activities would flow from the Board's findings.

Thus, it was the administration of all provisions of the statute, rather than just the work of the SACB, that was intended to control or regulate certain types of Communist subversive activity in the U.S.

The results of the SACB's findings may be briefly summarized as follows:

When the SACB was created in 1950, the Communist Party had over 52,000 members. In 1961, the year the Supreme Court upheld the constitutionality of the Board's hearings, report, and order concerning the Communist Party, its membership had declined to less than 10,000.

It is not claimed that the Board action alone was responsible for this decline, but authorities agree that it was probably the most important factor in bringing it about. J. Edgar Hoover testified in 1966 that while waging a "worldwide" campaign against the Internal Security Act, leaders of the U.S. Communist Party were stating that if they could repeal the Act (and eliminate the Board) "they can recruit 50,000 new members within a year."

The Communist Party did not hold a convention for nine years after the Board was created, and then none for seven years after that (its constitution provided for a convention every two years).

In the 22 years of the Board's existence, cases concerning the 25 most important Communist fronts in the country have been referred to it. Proceedings in 23 of these cases have been completed (the Board is presently preparing reports on the last 2 of these cases). Twenty of the 23 fronts on which the Board has completed proceedings have gone out of existence. The 3 that are still functioning are shadows of their former selves.

Specific examples of how Board proceedings have controlled Communist fronts follow:

1. The *Labor Youth League* was formed in 1949 to serve as the youth arm of the Communist Party. It made considerable progress. The Attorney General therefore petitioned the Board in April 1953 to hold hearings for the purpose of finding it to be a Communist front. Hearings were held in 1953 and 1954 and, in February 1955, the Board issued its report and order finding the Labor Youth League to be a Communist front.

The Labor Youth League was dissolved in February 1957 at a special convention called for that purpose. The official LYL summary of this convention contained the following statement:

"A large number of the delegates spoke of the attacks against the LYL by the McCarran Act [Internal Security Act and SACB] as a major factor in preventing the growth of the organization. . . ."

2. Three years later, in 1960, because a youth group is so vital to the Communist Party, another organization, *Advance*, was formed as successor to LYL. In January 1963, the Attorney General petitioned the Board to make a finding about Advance. The Board held hearings in 1963 and 1964 and, in September 1964, its recommended decision finding Advance a Communist front was filed. Six months later, in March 1965, Advance was dissolved.

For the second time in a row, Board proceedings initiated by the Attorney General had stymied the Communist Party's efforts to organize a successful and effective youth group.

Statement: "The only organization it [the Board] has judged to be a Communist-action organization has been none other than the Communist Party of the United States. (An example of perceptive work!)"

Fact: The Congress knowingly, deliberately—and correctly—designed and worded the Internal Security Act to reflect that, in each nation of the world that is a target of Soviet subversion, there was one and only one "Communist-action organization" (usually called the Communist Party) which directed subversive operations for the USSR.

Further, it was the Attorney General, not the Board, who determined that the Board should undertake this proceeding. In doing so, he was carrying out the clearly expressed will of the Congress.

Most important, the Act was so designed that, unless there was first a finding that a Communist-action organization was operating in the United States, there could be no proceedings involving other types of Communist organizations, all of which were defined as being controlled, directly or indirectly, by a Communist-action organization or its members. All the regulatory and control provisions of the Act also flowed from such a finding.

Thus, the Attorney General, in carrying out his constitutional obligations to enforce the law as enacted by Congress, had no choice but to petition the Board, as its very first case, to make a determination that the Communist Party was a Communist-action organization.

Statement: "In 1968 Congress amended the Internal Security Act. . . and empowered the Attorney General to send to the Board names of possible subversives . . . The Board was to hold hearings on questionable individuals and register those if found to be subversive."

Fact: The Congress has never given the Attorney General or the Board authority to initiate or hold hearings concerning "possible" subversives or "questionable" individuals, nor has it authorized the Board to find anyone "subversive" and register them.

Moreover, the 1968 amendment referred to actually did the opposite of what the Senator claims. It eliminated the registration provisions concerning Communist organizations and individuals contained in the Act.

Statement: "Time and again it [the SACB] has sought to hold hearings and to register individuals or organizations that are 'totalitarian, facist [sic.], Communist, or subversive'".

Fact: Not once has the Board sought to hold a hearing to register individuals or organizations that are totalitarian, fascist, or subversive. Congress did not authorize it to do so in the Internal Security Act.

Executive Order 11605, signed less than a year ago (July 2, 1971), authorizes the Board to hold hearings and make findings that organizations are of the above types. The order, however, has no registration provisions. Furthermore, no petitions have been filed with the Board under the order asking it to find that any organization is totalitarian, fascist, Communist or subversive. The 169 petitions filed with the Board since last October all ask for determinations that organizations on the Attorney General's list have ceased to exist.

Statement: "The output of the Board has been near zero."

Fact: The Board has received and acted on petitions from Attorneys General as follows:

Communist-action case	1
Communist-front cases	25
Communist-infiltrated cases	2
Individual membership cases	66
Executive Order cases	136

(111 have been completed and, within a few weeks, it will act on another 33 petitions of this type.)

Transcripts of hearings held by the Board total well over 100,000 pages. In addition, the Board has issued numerous reports, orders, and memoranda on factual and legal issues relating to its work which fill a 5-volume set of over 3,000 pages.

Statement: "Congress has had a history of trying to revise and restructure the S.A.C.B. to give it greater impact and to have it comply with the Constitution. Each new revision has been struck down by the courts and each action by the Board has been overturned."

Fact: Major revisions of the Internal Security Act were enacted in 1954 and 1968. Only one of the numerous provisions contained in these amendments has been struck down by the courts. That was the 1968 amendment authorizing the Attorney General to petition the Board to find that an individual is a member of the Communist Party.

Statement: "Even in 1950 Members of Congress, and President Truman himself, realized that the Board was a mistake."

Fact: This allegation is vague, yet highly misleading in its implication.

On August 29, 1950, the House passed H.R. 9490, the bill which became the Internal Security Act, by a vote of 357 to 1.

The Senate then passed an amended version of the bill by a vote of 70 to 7.

On September 20, the House approved the conference report on the bill by a vote of 313 to 20 and the Senate by a vote of 51 to 7.

When President Truman vetoed the measure, the House overrode his veto by a vote of 286 to 48 and the Senate by a vote of 57 to 10.

Statement: "Last year, after the Board frankly admitted it had nothing to do, the Senate voted to fund it $450,000."

Fact: The Board never stated last year that it had "nothing to do." Testifying before this Committee for the Board, I stated in response to a question by Senator McClellan about its workload:

"There are two Communist-front cases which had been sent to the Board. . . . We are holding hearings on these two cases. Those are two cases that we have. Of course they have never done anything with the DuBois case, which is the third case we have had. . . .

"We can try more cases. . . ."

Mr. GURNEY. Mr. President, in considering this amendment to delete the $450,000 in funds for the Subversive Activities Control Board—SACB—the key question to be answered is, Does the U.S. Government have the right to protect itself from external and internal dangers and, if so, by what means?

I believe there is general agreement that our Government does have the right to protect itself, right down to the point of not employing people who are knowing members of subversive groups. The problem becomes one of making the Nation, and its personnel agencies, aware of these groups without depriving innocent people of their constitutional rights. Certainly, in view of all the recent hue and cry about public disclosure, the American people are entitled to know which groups are subversive—which is what the SACB is all about.

Contrary to what some people would have us believe, the most important functions of the SACB—holding hearings and issuing reports on the three types of Communist organizations listed in the Internal Security Act of 1950—have not been impaired by the courts.

It has been claimed that the activities of the SACB violate the first and fifth amendments, yet the Supreme Court specifically ruled in *Communist Party* v. *SACB*, 361 U.S. 1, at 194, 105, that such was not the case. As for violations of the 14th amendment, no court, in the 22 years of its existence, has ever ruled that the SACB has denied the right to due process. The facts of the matter are that the SACB is required to maintain records which are open to the public and that its findings can be appealed to the U.S. Court of Appeals for the District of Columbia and then, if necessary, to the Supreme Court.

As long as people are not required to incriminate themselves—which they are not—the Government owes it to the Nation to make public what groups are for us and which ones are against us. Any society, no matter how free, must have some checks against internal subversion if it is to survive.

As for the concern about guilt by association hurting people's job opportunities, I think the SACB serves a positive rather than a negative function. If subversive groups have been publicly identified as such, people will have a better idea of what a group stands for and what it will mean if they join it. Then, if one still insists on joining a subversive group—which is certainly his right—then he should be willing to accept the consequences. The needs of society—in this case self-preservation—must not be overlooked in our concern for the rights of each individual.

As far as the SACB not having enough to do, several things must be taken into account. First, the law states that the Attorney General must initiate an investigation into a group, not the SACB. Any charge of inactivity, therefore, should take this factor into account. Just because two Attorneys General—Nicholas Katzenbach and Ramsey Clark—chose to use the SACB far less than either of their predecessors or their successor, there is hardly grounds for doing away with the SACB.

Second, the record shows that the SACB has been far from inactive. In its 22-year history it has registered one Communist action group—the Communist Party—25 Communist front groups and two Communist-infiltrated groups. At present, it has three more Communist front group cases before it. In addition, the SACB has handled some 66 individual cases and more recently has undertaken the task of making recommendations to the Attorney General so that Attorney General's list can be updated.

Charges that SACB has only registered one Communist action group overlooks the fact that the Communists have only one such group in the United States—the Communist Party itself.

Probably even more important than this statistical record is the psychological impact of the SACB. If the SACB was not an impediment to Communist recruiting efforts, why then do Communist publications keep calling for its elimination? And why did Communist Party leaders claim that, if the Internal Security Act—of which the SACB is an integral part—were repealed, they would recruit 50,000 new members within a year?

Furthermore, one cannot ignore the fact that Communist Party membership has dropped from 52,000 to 10,000 and that 20 of the Communist front groups the SACB has so identified have gone out of existence. Now, some may use these figures to argue for the elimination of the Board; this Senator prefers to think that SACB exposure, or the possibility of it, had something to do with the demise of a number of these groups. In view of the proliferation of subversive groups of all types in the Nation today, there seems to be more, rather than less, reason for continuing the activities of the SACB.

I might also remind my colleagues that the House Internal Security Committee has held extensive hearings on both the Subversive Activities Control Act and the Federal civilian employee loyalty-security program. The result was H.R. 9669, which passed the House in May 30, 1972, by a vote of 226 to 105 and authorized the President to delegate more work to the SACB, not less. Moreover, the House has already passed a bill authorizing $450,000 for the SACB and, in the process, defeated an amendment similar to the one we are now discussing by a vote of 206 to 106.

As far as this Senator is concerned, there is no reason to delete the funds for SACB. Not only has it performed an important service to the public by identifying subversive groups, but it is also of great assistance to Federal agencies which need to check out potential and existing employees. Now, with the number of subversive groups proliferating, there is more reason than ever to keep track of them and to keep the American public informed as to what they really stand for.

This Nation has a right to defend itself and to protect the American way of life. The SACB is one of many ways to achieving that end and, as such, should not be disregarded. The American people are sick of the small minority of revolutionaries who use, to the fullest possible extent, the constitutional protections provided by the very country they want to overthrow. The freedoms enumerated in the Bill of Rights are in no way synonymous with subversion, nor were they designed to provide full and adequate immunity to those engaged in subversion. By voting to fund SACB today, we will be putting the revolutionaries on notice that we are not about to allow subversion to become an accepted way of life. Getting this message across is worth every nickel of the $450,000 we are discussing here today.

Therefore, I urge my colleagues to vote "No" on this amendment to delete the SACB funds.

Mr. HOLLINGS. Mr. President, I yield now to the distinguished Senator from Nebraska so much time as he may require.

Mr. HRUSKA. I thank the Senator from South Carolina.

Mr. President, in considering the pending amendment, we ought to realize that we are engaged in considering the broad subject of personnel security in Federal employment. That is where the whole demand is. In 1947 we had an Executive order that set forth a list of organizations, membership in which would be considered as one of the elements to determine whether or not an applicant for employment by the Federal Government would be suitable and would comply with the requirements for security which are laid down as desirable in employment. That order created the Loyality Review Board.

That Subversive Activities Control Act was passed in 1950, creating the Board for the purpose of making a determination as to which organizations would fall within the categories that are spelled out in that act, whether they were totalitarian, Fascist, Communist, or subversive.

In 1953, the 1947 Executive order was modified by President Eisenhower in Order No. 10450. It is that order under which the Subversive Activities Control Board functioned for a long time.

In 1971—July of 1971—President Nixon issued a new order. It superseded the 1953 order, and it added new classifications and organizations to those that would be under the jurisdiction of the SACB to identify. The new classification is this, Mr. President. Under the new amendment, the Subversive Activities Control Board would be authorized to hear cases and make findings involving organizations that, in addition to totalitarian, fascist, Communist, or subversive, would be this type of organization: an organization—and I am quoting now—"as having adopted a policy of unlawfully advocating commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State or organizations which seek to overthrow the Government of the United States or of any State or subdivision thereof by unlawful means."

We get into categories of organizations which are familiar in today's nomenclature: The Weathermen, for example, the Black Panthers, RIM–I, RIM–II, Rim No. 2, the Youth International Revolutionary Party, and so on—not that membership in these organizations

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would ipso facto disqualify an applicant for employment in the Federal Government, but it is one of the elements and one of the circumstances that can be considered in determining whether or not a person should be on the payroll for the purpose of Federal employment.

The 1971 Executive order is alleged to be an invasion of the legislative process. It is said that the Subversive Activities Control Act of 1950, if it is going to be changed to the extent embraced in the 1971 order, should be done by statute, and not by Executive order. Rather than go to the matter of testing that out in the courts and adding more legislation of the type that plagued the existence of SACB, a bill was introduced in the other body and a bill was introduced in this body—they were identical bills—that had for their purpose the legitimizing of the changes made in the Subversive Activities Control Board so as to embrace the content and the substance of the Executive order of July 1971. The Senate bill to which I refer is S. 2294.

On May 30 of this year, the other body, by a vote of 226 to 105, approved such a bill, H.R. 9669.

Mr. President, I ask unanimous consent that there be set out in the RECORD at this point the text of that bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

H.R. 9669

An act to amend the Subversive Activities Control Act of 1950, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(11) of the Subversive Activities Control Act of 1950 is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board".

(b) Section 12(a) of the Subversive Activities Control Act is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(c) The caption to section 12 of the Subversive Activities Control Act of 1950 is amended to read "Federal Internal Security Board".

SEC. 2. Under such regulations as he may prescribe, the President is authorized to delegate to the Federal Internal Security Board the function of conducting hearings and making findings, upon petition of the Attorney General, with respect to the character of relevant organizations to be designated in furtherance of programs established to ascertain the suitability of individuals on loyalty and security grounds for admission to or retention in the civil service in the executive branch. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted by the Federal Internal Security Board pursuant to the delegation authorized by this section.

Mr. HRUSKA. Mr. President, the bill provides, in brief, just what the objectives were, as I have already described—namely, that it would by statute bring the substance of the 1971 Executive order properly within the purview of the SACB, which would be renamed and called the Federal Internal Security Board.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, if the time on the amendment has expired, I yield such time as is necessary on the bill itself.

Mr. HRUSKA. I would like 5 minutes.

Hearings are scheduled in this body, in the Judiciary Committee, on this bill and the Senate version. The policy adopted by the committee was that opportunity would be given to the other body to act first. The other body has acted. Now the Senate will proceed in orderly fashion to consider the proposal.

The wise course for this body to take is to continue the SACB under an appropriation equal to last year's for the purpose of having that body available to execute and implement the new statute and the new Executive order and carry on in the duties that would be assigned to it, but particularly in the field of the Weathermen, RIM–I, RIM–II, Black Panthers, and the Youth International Revolutionary Party, because organizations of that type have developed into a new current event that is highly important in the handling of the personnel security program of the Federal Government.

I want to say again that it should be of great interest to any agency that is putting new men or women on the payroll whether the applicants for those jobs are members of any organization that has a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or the laws of the United States or of any State. It should be of vital interest to the employer of a Federal agency whether or not the organization to which that man or woman belongs is one which seeks to overthrow the Government of the United States or of any State or subdivision thereof by unlawful means.

It was only a little over a year ago that, within 200 or 300 feet of this Chamber, a satchel of dynamite was caused to be exploded in one of the restrooms of the Capitol, shaking this part of the Capitol. Would it not be of interest to any official of the Federal Government entertaining the application of someone for employment in the Federal Government to know whether or not that applicant is a member of a type of organization that advocates that type of conduct? I would think it would be, and I would think every Member of this body would be concerned with that point.

The purpose of having the appropriation available on last year's basis is to have a holding operation, in the main, to await the enactment of the legislation. In the meantime, they are engaged in correcting, editing, and revising the list of the subversive organizations known as the Attorney General's list.

That is the sum and substance of it. It is a holding action so that we can ready in the proper way the designation of these organizations and for those purposes.

I believe that is a sufficient description at this time to supplement those descriptions already made by the junior Senator from South Carolina and the senior Senator from South Carolina, who went into that subject in greater detail. It is my hope that the amendment will be defeated, so that we may continue with this program, with those views in mind that I have just explained.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, this is not a simple matter of throwing out a bunch of lazy bums. It is definitely very complex. It goes into the sensitivity or nonsensitivity of positions within the executive department. It goes into whether or not individuals' rights are protected.

Suffice it to say that during the past 10 years, the Supreme Court has acted to protect individual rights in other areas, as in education and within prisons, and I think they have acted properly to protect individual rights in such instances.

I know of no one better qualified to speak on this subject than former Judge RICHARDSON PREYER, now a distinguished Representative from North Carolina, who has made a most thorough study on this score, and I ask unanimous consent that a statement by the Honorable RICHARDSON PREYER on loyalty and security, made in the House of Representatives, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HONORABLE RICHARDSON PREYER, CHAIRMAN, SUBCOMMITTEE ON LOYALTY AND SECURITY, HOUSE COMMITTEE ON INTERNAL SECURITY, SUBCOMMITTEE HEARINGS, MARCH 16, 1972

As you know, this subcommittee, consisting of myself as subcommittee chairman, together with Mr. Ichord who is chairman of the full Committee, and Representatives Claude Pepper, John M. Ashbrook, and Roger H. Zion, has been engaged in a study of the administration of the Subversive Activities Control Act of 1950 and of laws and procedures underlying the Federal Civilian Employee Loyalty and Security Program. More recently, several bills relevant to the inquiry, including H.R. 11120, H.R. 9669, and H.R. 574 have been referred to this subcommittee for consideration and report.

In the course of its inquiry, you will recall, the subcommittee has heard representatives of all cabinet departments of the Government (including the Post Office Department, now the U.S. Postal Service), and twelve major independent agencies, as well as the Subversive Activities Control Board. We now approach the close of the subcommittee's public hearings. In due course we shall make our report. I am pleased to take this opportunity to note that, on the whole, we have found the administrative and security officers of the departments and agencies to be frank and cooperative. We are grateful for their contribution to the subcommittee's efforts.

On the occasion of the appearance today of representatives of the Civil Service Commission, an agency which carries a heavy burden in the administration of the loyalty and security program, I am impelled to observe that I share certain apprehensions regarding the operation of this program. These arise because it is evident that there are some serious deficiencies in procedural aspects and regulations under which the program is administered. Yet it does not appear to me, nor is it my belief that the Civil Service is riddled with subversives. On the contrary, I believe that the employee recruitment program has operated generally to provide the Federal Government with a body of trustworthy, loyal, and effective public servants.

Nevertheless, figures brought to our attention indicate that the efforts of subversives to penetrate our Government, in some of its most sensitive agencies, has by no means abated. Some indication of the magnitude of the effort may be derived from the fact that full-field investigations, prompted by subversive associations of applicants for Federal employment, within recent years have numbered about 500 each year. That there has been some penetration of Government by subversives seems clear. Of the 20-odd agencies of Government of whom we have inquired, several agencies have advised us that one or more persons in their employ are present or past members of certain subversive groups.[1] Those of which we are informed do not appear to be significantly large in number. However, we cannot verify this information. It is an extraordinary fact that neither the Civil Service Commission, nor the several departments of the Government, maintain any separate indices with respect to persons employed in Government as to whom investigation has revealed past or present affiliation with subversive organizations.

On the other hand, we do know that there are weaknesses in the procedures, the consequence of which must necessarily be that some subversives, however small their number, may pass through the screen. It is also clear that we seem to be having extraordinary difficulty in ridding ourselves of those of whom we are aware. Indeed, I have formed the impression—and this is on the basis of candid disclosures by experienced security officers in the major departments and agencies of Government—that there is really no program for the dismissal of persons on loyalty grounds from non-sensitive positions. It is a matter of significance, as well as a matter of surprise to me, that most agencies have told us they have ceased dismissing persons on loyalty and security grounds. Our examination of existing procedures in the major departments and agencies of the Government reveals that most of them have adopted no regulations to implement dismissals from non-sensitive positions on loyalty grounds. It is also a fact that although most agencies do have regulations implementing dismissals from sensitive positions on "national security" grounds, yet no agency within the past 5 years has dismissed any employee from any such position on loyalty or security grounds.

The agencies tell us that they have been advised to take that course by the Civil Service Commission and the Department of Justice. We are informed that they have been instructed to utilize "suitability" grounds—that is suitability grounds *other than* loyalty or security—in all cases. This, of course, assumes that other grounds may appear as a basis for dismissal when an individual's loyalty or security status is called into question. What happens when such other concurrent grounds do not exist? May we then presume that the loyalty or security risk is permitted to retain his employment?

The agencies in fact appear to take the view that the Supreme Court has said we cannot have a loyalty or security program in nonsensitive positions, in support of which the decision in *Cole* v. *Young*[2] is frequently cited as the culprit. It does not appear to me that the decision is the disaster it is said to be, or that it should have the effect which ostensibly has been attributed to it. It is of course true that the summary procedures for suspension and dismissal authorized by the Act of August 26, 1950[3] "in the interest of the national security" have been limited by the decision to positions determined to be sensitive on national security grounds. Moreover, it is the obvious effect of the decision that E. O. 10450 shall require appropriate amendment if it is to be applicable both to sensitive and non-sensitive positions as originally intended on its promulgation in 1953. However, the decision explicitly recognized that there is no absence of authority to dismiss employees on the ground of reasonable doubt as to loyalty, regardless of position, under the general personnel laws, particularly the Lloyd-LaFollette and Veterans' Preference Acts.[4] These congressional enactments provide liberal procedures for dismissals and, while requiring notice and an opportunity to respond, do not require confrontation or cross examination of Federal witnesses.

So we must inquire of the Civil Service Commission why they have not, on the other hand, advised agencies to implement procedures for dismissals from non-sensitive positions on loyalty grounds under the Lloyd-LaFollette and Veterans' Preference Acts, or with respect to persons not within the purview of this legislation, then under such procedures as were employed in *Bailey* v. *Richardson?*[5] We must also inquire of them why they have advised the agencies not to process dismissals from sensitive positions on loyalty or security grounds as authorized by the Act of August 26, 1950 and as required by E. O. 10450?

Apart from *Cole* v. *Young*, we are also advised that other court decisions have had a significant impact on the loyalty and security program. These decisions, we are told, have virtually rendered removal actions based on membership impossible. There are difficulties, our witnesses have said, in proving what is conceived as the inflexible requirement of the cases that (1) the goals of the organization are unlawful, (2) the member has knowledge of these goals, (3) the member specifically intends to further and accomplish these goals, and (4) the member is an "active" and not merely passive or inert member. Mr. Mardian, Assistant Attorney General, Internal Security Division, in a statement to our Committee last July 29, 1971, expressed it as saying that some of the difficulties "have arisen as the result of court decisions which require that action can only be taken against an employee whom the Government can prove has knowingly involved himself in the illegal conduct of an organization in which he is active." Mr. Kevin T. Maroney, Deputy Assistant Attorney General, Internal Security Division, who appeared before us this January 27, 1972, put it this way: "The Supreme Court has indicated that only knowing and active membership in certain types of organizations, and not mere membership *per se*, can be the basis for governmental sanctions against an individual," for which he cites *Aptheker* v. *Secretary of State*, 378 U.S. 500 (1964); *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *United States* v. *Rabel*, 389 U.S. 258 (1967); *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969); *Baird* v. *State of Arizona*, 401 U.S. 1 (1971) and *In Re Stolar*, 401 U.S. 23 (1971).

I cannot fully agree with the propositions as stated by any of these gentlemen. The position they take is too rigid, too indiscriminate. Such unqualified representations have had the effect of discouraging, confusing, and disconcerting our security personnel. Although cases called to our attention by Mr. Maroney are typical of those frequently cited for the proposition which he and some others assert, they are all distinguishable from the situation under the Federal employee loyalty and security program either as currently authorized (pursuant to E.O. 10450) or as proposed in the bill, H.R. 11120. This fact indeed is made clear by Mr. Justice Goldberg, who wrote for the majority in *Aptheker*, a principal case cited by Mr Maroney, in which a divided court voided section 6 of the Subversive Activities Control Act.

Section 6 to which I refer prohibited and made punishable the application for, or use of, passports by members of organizations required to register as Communist. It was voided on the ground that it "too broadly and indiscriminately restricts the right to travel and thereby abridges the liberty guaranteed by the Fifth Amendment." In determining the constitutionality of the provision, said Mr. Justice Goldberg, it was important to consider that Congress has within its power "less drastic" means of achieving the congressional objectives of safeguarding our national security. As an example of such means—and this is the point I wish to emphasize—he cited the Federal Employee Loyalty Program. "Under Executive Order No. 9835," he said, "membership in a Communist organization is not considered conclusive but only as one factor to be weighed in determining the loyalty of an applicant or employee." This was said in relation to footnoting the 1950 remarks of Peyton Ford, then Assistant to the Attorney General of the United States, in expressing to the Congress the views of the Department of Justice with regard to a proposed Government loyalty bill which predicated, as Justice Goldberg noted, a conclusive presumption of disloyalty on the fact of organizational membership. Mr. Ford is quoted as saying:

"A world of difference exists, from the standpoint of sound policy and constitutional validity, between making, as the bill would, membership in an organization designated by the Attorney General a felony, and recognizing such membership, as does the employee loyalty program under Executive Order 9835, as merely one piece of evidence pointing to possible disloyalty. The bill would brand the member of a listed organization a felon, no matter how innocent his membership; the loyalty program enables the member to respond to charges against him and to show, in a manner consistent with American concepts of justice and fairness, that his membership is innocent and does not reflect upon his loyalty."

Indeed, the latest and perhaps most relevant of the cited decisions, the case of *Robel*, does not support the rigid conclusion Mr. Maroney asserts. In voiding on the ground of "overbreadth" provisions of section 5 of the Subversive Activities Control Act which made it unlawful for a member of a Communist-action organization (in this case the Communist Party, USA) "to engage in any employment in any defense facility," Chief Justice Warren likewise appears to suggest a screening program as a premissible alternative. (389 U.S., at 266 f.) Moreover, the decision was understood by Mr. Justice White, in a dissenting opinion with which Mr. Justice Harlan joined, "to permit barring respondent, although not an 'active' member of the Party from employment in 'sensitive' positions in the defense establishment." Although concurring in the result, on the ground that there were no standards establish for the designation of "defense facilities," Mr. Justice Brennan took the position that the Congress could as a "prophylactic" measure bar *all* Communist Party members, whether active or passive, from employment in defense facilities.

The remaining cases cited by Mr. Maroney are likewise distinguishable. In *Elfbrandt*, a State loyalty oath statute, subjecting the affiant to a perjury prosecution if he know-

[1] These responses are collected in Appendix C of the subcommittee Hearings, Part 4.

[2] 351 U.S. 536 (1956).

[3] Now 5 U.S.C. 7531–7533.

[4] Respectively 5 U.S.C. 7501 and 7512, 7701.

[5] 181 F. 2d 46 (1950), affirmed 341 U.S. 918. Miss Bailey, a probational appointeee, was dismissed from the Federal service because of alleged disloyalty in accordance with the standard established by E. O. 9835 (President Truman's "loyalty order"). Her dismissal under regulations of the Civil Service Commission rather than procedures of the Lloyd-LaFollette Act was sustained.

ingly became or remained a member of the Communist Party, was voided because, here again, a disability was imposed resting upon a narrow fact of current membership of which the individual could not exculpate himself.[6] In *Keyishian*, sections of the New York State Civil Service and Education Law, intended to insure the employment of loyal teachers, requiring removal of teachers for "treasonable and seditious utterances," were held "unconstitutionally vague," and other provisions of the statue which made Communist Party membership prima facie evidence of disqualification were held void for "overbreadth," because by official administrative interpretations the presumption of disqualification arising from proof of "mere membership" was not fully rebuttable. *Brandeburg*, which involved an Ohio criminal syndicalism statute similar to the Federal Smith Act, appears to me to have been cited in error, for I see nothing relevant to the proposition for which it is cited.

Lastly, Mr. Maroney cites *Baird* and *Stolar*. These cases were decided together with *Law Students* v. *Wadmond*, 401 U.S. 154 (1971), which he does not cite, although the trio involved the same, or similar, issues relating to applications for membership in State bars. The State requirements involved in Baird and Stolar were voided, whereas in Wadmond they were upheld. Actually, Wadmond throws some light in support of procedures laid down in H.R. 11120. In Baird and Stolar, applicants for membership in the State bars were denied admission for failure to respond to questions relating to membership in subversive organizations, whereas in Wadmond similar inquiries were upheld in which it appeared that no person was refused admission, and it further appeared that the inquiry had no purpose of "penalizing political beliefs," but was directed toward ascertaining the good faith with which an applicant could take the constitutional oath. Mr. Justice Stewart, writing for the majority in Wadmond, thought it important to point out that there was no indication that a New York bar applicant would not be given the opportunity to explain "any mental reservation" and still gain admission to the bar.

Litigation in which the agencies have been involved, unsuccessfully in several instances, has indicated that they have not availed themselves of procedural advantages. In the administration of the loyalty-security program, the role of presumptions with respect to knowledge and intent arising from proof of membership has been ignored, and the agencies have not taken into account the burden which should rest upon the applicant of coming forward with rebutting evidence upon proof of membership. See *Keyishian* v. *Board of Regents*, supra, at page 608. Certainly where the Government has established the character of the organization and has introduced evidence of the applicant's membership we may require the applicant to assume the burden of coming forward with credible evidence establishing (a) lack of knowledge of the purpose of the organization, and (b) lack of intent to further its purposes. The three-judge district court in *Law Students* v. *Wadmond*, (297 F. Supp. 117, at 125) had occasion to note the significance of distinguishing between a shifting of the burden of proof, which could be constitutionally impermissible, and the burden of coming forward with evidence, for which there is abundant favorable precedent. The court had occasion to say, "We see no reason why New York may not impose the latter with respect to a subject concerning which the applicant has detailed knowledge, but the committees will be required to make extensive investigation." Undoubtedly the utilization of such permissible and rational trial techniques would lighten the burden of the personnel and security officers in the administration of the loyalty and security program. We have seen no evidence that these useful and intelligible procedures are followed or promulgated.

It ought to be made clear, it appears to me, that the point of focus is not upon the organizational membership but upon the standard. To that end it is of no consequence whether that standard be, as in loyalty cases, loyalty to the Government of the United States, or, as in the bill H.R. 11120, good faith support of the Constitution of the United States, or, as in national security matters, clearly consistent with the interests of the national security. There should be no doubt that we are looking to the nature and character of the individual's activities or associations in their totality, and that the purpose of the inquiry is not punishment, but enlightenment, with assurance to the individual that he shall have full opportunity to respond to the issues and to the investigation. This, I believe, to be the true distillation of these most recent decisions of the Court. It is, in my opinion, the essence of such cases as *Robel* and *Aptheker*.

Indeed, when we talk of organizational associations, are we not endeavoring to determine whether the individual is committed to a purpose or ideology inconsistent with the faithful and most efficient execution of his responsibilities to the Federal Government? To make this judgment, we cannot literally look into the individual's mind, but we seek to read it in the only way possible, and that is on the basis of his actions. It is in objective manifestations by deed or speech that intent or purpose should be proved in this as in other cases. In making these determinations, we cannot adhere to rules or limitations which defy reality.

Organizational membership is significant and objective evidence of an individual's commitment to a particular purpose or ideology. It must be recognized, however, that we are dealing with a complex and subtle area of inquiry. Certain organizations, such as those in the Communist movement, have a detailed doctrinal base. We must be able to discriminate among varying types of action and auxiliary organizations and the significance of an individual's relationship to each. We must take into consideration the nature of the position which the applicant seeks. Is he, for example, seeking employment in a position to which he will have access to top secret defense information? Here, past membership in a subversive organization may be significant, particularly when it is evident that the individual has recently severed membership for the purpose of seeking sensitive employment.

When we talk of "active" and "knowing" membership, are we not only reciting some evidential factors which relate to the ultimate question of purposive membership? Is the fact that the individual is inactive necessarily an exculpating fact? On the contrary, it may be significant, particularly where there is reason to believe that the individual is a "sleeper" in the Communist Party, or has discontinued activities and severed all contact with the Party for the purpose of later surfacing and undertaking a special mission on its behalf. May an individual be a loyalty and security risk who does not accept, or share, the illegal means of purpose of the organization? Certainly if the individual shares the ultimate political objective of the organization, but takes the position that, while he himself would not attain it by illegal means, he will nevertheless stand by and not oppose those who would, can one say that such a person "supports" the Constitution or is fit for Federal employment?

I would like to say that I am coming increasingly to the view that some of the principal deficiencies in the loyalty and security program can, and should, be resolved by executive action. Other deficiencies must be resolved by legislation. The advantages of flexibility inherent in executive action has much to commend it in this difficult field of trial and error, rather than the more rigid route of legislation, although these are certain areas which undoubtedly require the base of legislative authority or the impetus of legislative action. I am not unmindful of the failures of executive action during the years since the enactment of E. O. 10450. It may be argued, with good reason, that in placing our reliance on executive action we have had little evidence to comfort us in this approach. Nevertheless, this subcommittee shall make its report on existing deficiencies, and we shall hopefully make several recommendations for executive action. If we see no beneficial response to this course, we may then take the alternative route of mandatory legislation.

The bill H.R. 11120 provides the necessary legislative base for the erection of a Federal Employee Security and Appeals Commission which would follow upon the repeal of the Subversive Activities Control Act. The provisions of the bill which establish a mandatory loyalty-type standard for Federal employment are intended to give legislative impetus to the loyalty program which, as the investigation indicates, has so seriously deteriorated since the decision in *Cole* v. *Young*. It is my position that the Federal Government must have, and maintain, a district loyalty program for access to all positions in Government. Apart from ethical concerns, the maintenance of a loyalty standard involves the question of efficiency. It is a means of giving assurance that the operation of the Government will not be sabotaged, impeded, or obstructed by individuals who are not committed to its successful operation, or who are committed to its failure, and destruction.

I would like to observe in conclusion, that the difficult question, it appears to me, in the maintenance of the loyalty and security program has not been with the sensitive policy-making positions, but with respect to the great mass of positions which have been commonly, although not always accurately, referred to as non-sensitive. I am speaking now from the standpoint of investigation for clearance. It is evident that we cannot afford investigations of a full-field type for all positions, either from a point of view of what it would cost, or from the point of view of what it would do to civil liberties in this country. That we must have some degree of investigation seems clear. If there are no investigations, or if the investigations are largely ineffective, it is not inconceivable that the Government would ultimately be overrun, and in a substantial degree immobilized, by persons hostile to its purposes. I think that this matter can be worked out along lines provided in the bill, H.R. 11120.

Certainly no argument is necessary to support the proposition that the Government and people of the United States have a most vital and imperative interest in maintaining the integrity of its civil service. It was a bitter experience to learn not so long ago of the loss of our atomic secrets, because of the deep penetration made into our scientific community by individuals committed to the Communist ideology. However, excesses that may follow upon a failure to maintain public confidence is, in my opinion, the true, and perhaps most abiding, lesson of the McCarthy era.

Mr. BAYH. Mr. President, since its creation in 1950, the Subversive Activities Control Board has spent $6.75 million to consider only 25 petitions, brought by the Attorney General, alleging that certain organizations were "Communist action," "Communist front," or "Communist infiltrated." Of those 25 petitions, only eight justified final orders of the Board that the organization named fell within the definitions of the Internal Security Act of 1950. Not only have attorneys general made scant use of the SACB, but also the courts have struck down the Board's main tool for combating subversion—disclosure of individual members of organizations through compulsory registration. For 21 years the Board has had practically nothing to do.

Last year the President issued Executive Order 11605 designed to expand the purposes of the SACB; since then hearings have indicated that these new purposes are of dubious constitutionality. As a result, the Committee on Appropriations has prohibited the use of any funds in this act to carry out the new responsibilities assigned to the Board by Executive Order 11605. The committee action has returned the SACB to its pre-1971 status: that of having practically no legal functions. I cannot vote in good conscience to appropriate one-half million dollars simply to pay the salaries of a large staff with nothing to do.

Mr. HOLLINGS. Mr. President, is the Senator from Wisconsin ready to vote?

Mr. PROXMIRE. The Senator from North Carolina had requested some time.

Mr. ERVIN. Mr. President, I would like to have about 5 minutes on the bill.

Mr. HOLLINGS. I yield the Senator 5 minutes on the bill.

Mr. PROXMIRE At the end of that time, I might say, I shall be prepared to yield back my time

Mr. ERVIN. Mr. President, I have given a lot of study to this question——

Mr. HOLLINGS. Mr. President, will the Senator from North Carolina yield for a moment, so that we may ask for the yeas and nays?

Mr. ERVIN. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, in my early days in the Senate, I went along with the arguments that were advanced in behalf of the continuance of the Subversive Activities Control Board, until I got to studying the thing and reading these Supreme Court decisions; and now I am a convert to the viewpoint of those who do not believe in governmental tyranny. Therefore, I oppose the continuance of this Board.

I have read these decisions a number of times, and I shall merely summarize them now.

In the first case, the Supreme Court adjudged, in essence, in *Communist Party of the United States* v. *Subversive Activities Control Board*, 367 U.S. 1, that Congress had the constitutional power to regulate the registration of Communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of Government. The Court held in that case and other cases that merely advocating the overthrow of the Government by force or violence was permitted by the first amendment. The Court ruled, however, in other cases that the procedures prescribed by the act to effect the compulsory registration of Communist organizations violated the self-incrimination clause of the fifth amendment, and that major provisions of the act relating to membership in Communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the first amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do except, as I have said before, draw its breath and a salary.

By an amendment of January 2, 1968, Congress underwent to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are Communist-action, Communist-front, or Communist-infiltrated organizations, and whether individuals it investigates are members of Communist-action organizations.

The revival was short-lived. On December 12, 1969, the U.S. Court of Appeals for the District of Columbia Circuit handed down *Boorda* v. *Subversive Activities Control Board*, 421 F.2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a Communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the first amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

RECORD OF THE BOARD

Let us consider the record of the Board during the 21 years of its existence.

During these 21 years, the Board has found only one Communist-action organization in all America, and that was the Communist Party itself. It was not even able, by constitutional methods, to impose registration upon it.

During these 21 years, the Attorney General filed petitions alleging that 22 other organizations were Communist-front or Communist-infiltrated. Eight of these petitions were dismissed by the Board, and the other 14 came to naught because the organizations had ceased to exist or the Board was unable for other reasons to compel their registration.

During these 21 years, the Attorney General filed petitions alleging that 66 individuals—that is, 66 persons out of 200 million Americans—were members of Communist-action organizations. These petitions were frustrated in large measure by the Boorda case and other decisions.

As one who lives America and hates communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, communism has made few sales in America.

This was the status of the Board until last July 2, when the President issued an Executive order attempting to give the Board powers that Congress had not given the Board and which had been declared unconstitutional before. The point was raised that that was an exercise of legislative power by the President; and therefore it was unconstitutional. It was also clearly a violation of the first amendment, in many respects, and a violation of the clause reserving certain powers to the States; and the Board has never dared to use that order.

In addition to the record which I have cited, the only thing the Board has done to date is try 111 cases alleging that organizations on the Attorney General's subversive list had ceased to exist. It took the Board an average of 48 seconds to try each of those 111 cases. They worked a total of 1 hour and 15 minutes in disposing of those 111 cases.

Mr. PROXMIRE. Mr. President, if the Senator from South Carolina is ready to vote, I am ready to yield back the remainder of my time.

Mr. HOLLINGS. We have no further time. We are prepared to vote.

The PRESIDING OFFICER (Mr. SPONG). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JORDAN of Idaho (when his name was called). On this vote I have a pair with the distinguished Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BIBLE (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator

[6] This distinction has been advanced by the "Burger Court" in the latest decision on the subject. See *Connell* v. *Higginbotham*, 403 U.S. 207, decided June 7, 1971.

from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH), are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "nay."

The pair of the Senator from Arizona (Mr. GOLDWATER) has been previously announced.

The result was announced—yeas 42, nays 25, as follows:

[No. 215 Leg.]

YEAS—42

Aiken	Eagleton	Pastore
Bayh	Ervin	Pearson
Bentsen	Harris	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Proxmire
Burdick	Inouye	Randolph
Byrd, Harry F., Jr.	Jackson	Roth
	Javits	Spong
Byrd, Robert C.	Kennedy	Stafford
Cannon	Magnuson	Stevenson
Case	McGee	Symington
Chiles	McGovern	Talmadge
Cooper	Mondale	Tunney
Cranston	Nelson	
Dominick	Packwood	

NAYS—25

Allen	Fannin	Smith
Allott	Fong	Stennis
Beall	Gurney	Stevens
Bennett	Hansen	Taft
Cook	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Miller	Young
Dole	Montoya	
Eastland	Schweiker	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Jordan of Idaho, for.
Mansfield, against.
Bible, against.
Sparkman, against.

NOT VOTING—29

Anderson	Gravel	Metcalf
Baker	Griffin	Moss
Bellmon	Hart	Mundt
Brock	Hughes	Muskie
Buckley	Humphrey	Ribicoff
Church	Jordan, N.C.	Saxbe
Ellender	Long	Scott
Fulbright	Mathias	Weicker
Gambrell	McClellan	Williams
Goldwater	McIntyre	

So Mr. PROXMIRE's amendment (No. 1226) was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. SPONG). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 15, line 7, strike out "$12,836,000" and insert in lieu thereof "$14,836,000".

Mr. TUNNEY. Mr. President, this amendment would add $2 million to the appropriation for the Antitrust Division of the Justice Department.

My reasons for this amendment are rather simple. Concentration of economic power has become an increasing reality in this country. Accompanying that concentration are implications and effects of vast significance to every member of society. And for that reason, if decisions about the nature and extent of such concentration are not to be made by default, we must depend upon continued vitality of the Nation's antitrust laws.

Effective enforcement of those laws hinges to a considerable extent upon the resources which we make available to those charged with the responsibility of that enforcement. Yet despite the enormous impact which antitrust violations have upon the economic well-being of our citizens, the budget for the Antitrust Division has remained essentially static.

Furthermore, when compared with the funds which we have committed to other law enforcement activities, the disparity is most striking. In 1972, the budget for the FBI was $334 million, for LEAA it was almost $700 million. The President has estimated that the total Federal outlays for the reduction of crime in 1972 amounted to almost $2 billion. Yet antitrust law enforcement accounted for less than six-tenths of 1 percent of that total.

I propose a small but significant effort to increase that fraction by adding $2 million additional funds. That would mean moving the budget for the Antitrust Division up from $12 million to approximately $14 million.

I had considered a much more substantial amendment, one which would double the antitrust budget, because I believe that kind of increase is necessary if we are to have continued vitality in the enforcement of the antitrust laws. But I am aware of the difficulty in gearing up the Division to use that kind of increase effectively in a short period of time. In addition, in view of the fact that a new Assistant Attorney General for the Antitrust Division has just been nominated. I believe we should first determine his own views regarding the task which he has been assigned. Thus, until we have some idea of his attitude toward vigorous enforcement of the antitrust laws, I think it would be inappropriate to commit a major new infusion of money.

For that reason, I have selected $2 million as a figure which will allow a substantial increase in the Division's manpower—approximately 50 to 75 professionals—this year. Such an increase could serve as a signal that we in the Congress expect and are prepared to support a major new effort toward effective enforcement of the antitrust laws. In addition, it provides the opportunity for the Division and its new chief to demonstrate a commitment toward such enforcement.

Anyone who examines the tasks assigned to the Antitrust Division can see that the need for additional resources is a major one.

RESPONSIBILITIES AND RESOURCES

The Antitrust Division enforces the spectrum of antitrust laws, including the 1890 Sherman Act, the 1914 Clayton Act—significantly amended in 1950—and the 1936 Robinson-Patman Act. Besides filing cases in Federal district courts, the Division is an antitrust advocate intervening before such Federal agencies as the Interstate Commerce Commission—as it did in the Penn Central and Northern Lines cases—the Federal Power Commission—for example, El Paso Natural Gas and Otter Tail—the Federal Communications Commission—the proposed ITT–ABC merger—and others. Under the 1966 Bank Merger Act it can file to enjoin a bank merger, approved by banking agencies, up to 30 days after the merger is tentatively approved. It reports to the President and Congress on anticompetitive developments connected with the Defense Production Act, Interstate Oil Compact, Small Business Administration, and identical bid program. The Antitrust Division has a business clearance program in which corporations reveal their future intentions in the effort to obtain prior antitrust clearance; the scheme was explained to Congress as follows:

> Although the Department of Justice is not authorized to give advisory opinions to private parties, for several decades the Antitrust Division has been willing in certain circumstances to review proposed business conduct and state its enforcement intentions.

And finally, the Division answers congressional correspondence, which amounts to about 650 letters a year.

To accomplish these manifold objectives, the Antitrust Division is budgeted for the present fiscal year at $11,988,000. This provides for about 354 full-time professionals—316 lawyers and 38 economists—very few possess Ph. D.'s—who are located in Washington, D.C., and seven field offices around the country—Chicago, Los Angeles, Philadelphia, San Francisco, Cleveland, New York, Atlanta. Although this funding level is a 200-percent increase from 1950, the vast bulk of this increase has gone into higher salaries mandated by statutory pay increases. Since 1950 Division staff has only increased 12 percent, from 314 to 354, while during this same period the GNP increased 300 percent and the 200 top industrial corporations increased their ownership of manufacturing assets from 46 to 66 percent. In the late 1960's during the largest numerical merger wave in American history, the staff of the Antitrust Division barely increased at all. For a trillion-dollar-plus economy, with 245 firms having assets over a billion dollars, with 85,000 firms over 1 million in assets, and with some 1.5 million corporations in all, 354 corporate cops do not seem very many. Nor does the budget of $12 million, relatively speaking, which is one-twentieth of Procter & Gamble's advertising budget, one-tenth the cost of one C–5A cargo plane, one-fifth the appropriation of the Bureau of Commercial Fisheries, and as much money as General Motors grosses in 4 hours.

I feel that it is very obvious when we consider the extraordinary increase in the gross national product and the significant increase in assets of not only the 200 largest corporations, but let us say the largest 1,000 corporations, the Antitrust Division is significantly outgunned. It just does not have the manpower to do what it ought to be doing.

If one speaks privately to many of the Antitrust Division's lawyers about the problems they face, he will begin to realize that when they get into court they are usually outgunned 5 or 6 to 1 and sometimes 50 to 1 by corporate lawyers on the other side.

Despite its inadequate overtime, the Antitrust Division budget—unlike, say, that of the FBI or LEAA—seems immune to sharp increases. In part, this is due to the Congress itself. Former Attorney General Ramsey Clark has complained that congressional committees "had us so cowed that if we needed 100 lawyers, we would ask for 20 and hope to get five." Another factor may be that Antitrust Division chiefs and Attorneys General have been largely content with the static situation, unwilling to rock the budgetary boat by asking for more. And what is not requested, the Office of Management and Budget and Congress do not approve. If the agency which stands to benefit is too shy to take the initiative, it is up to Congress to determine whether in fact a dramatically increased budget is necessary for antitrust enforcement to even minimally succeed.

OBSTACLES

Some agencies can operate efficiently, receiving—or filing—many cases and resolving them quickly. Yet for others, massive efforts—and budgets—are necessary for them to meet their responsibilities. To us, one measure of the adequacy of an agency's budget is the context in which it operates. Are there many obstacles or is enforcement expeditious?

Antitrust cases are among the most difficult enterprises that the Government undertakes. Because the basic laws are often intentionally vague—for example, restraints of trade—and the arguments economically sophisticated, the legal issues in antitrust cases are quite complex. If for no other reason than this, enforcement would be a long, slow process. But there are other reasons as well.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from California may proceed.

Mr. TUNNEY. Mr. President, I can assure my colleagues that my statement will be brief. I have about another 5 minutes in which I would like to present to the Senate some of the reasons for my amendment. If Senators will just bear with me for those 5 minutes, I will greatly appreciate it.

INFORMATION GATHERING

Ferreting out the facts in an antitrust case is an art and a chore. Grand juries are the best investigative device, but they are only called when a criminal, rather than a civil, violation is suspected. Also, since the Antitrust Division does not like to call grand juries unless there is a high likelihood it will return an indictment, not many are called; there were 26 in fiscal year 1970 and 22 in fiscal year 1969. In civil cases there are civil "subpenas"—civil investigative demands—CID's—which legally compel the business recipient to respond. But CID's can only be served on firms "under investigation," which excludes other firms in the industry who might be sources of valuable information; there is also no provision for "oral" CID's, deposing the potential defendants and cross-examining them. Other information gathering devices include asking corporations to cooperate voluntarily, getting supplemental help from the FBI—whose agents lack the expertise to get anything but the most rudimentary of data—and scouring periodicals and trade press—antitrust offenders rarely admit their machinations.

Taking these mechanisms together, it is extremely difficult, time-consuming, and costly to uncover even the most basic industrial information. Even the market share of the investigated firm—often the key determinant of a violation—is difficult to determine.

DEFENSE COUNSEL

Antitrust laywers have made a legal art out of delay, as their clients profit by justice delayed. Slowing down proceedings has other benefits as well: Witnesses die, evidence and memory grow stale, markets change, and new administrations take over Washington—all of which can moot any relief or lead to dismissal. Defense counsel themselves admitted such motives to Ralph Nader's antitrust study group, as quoted in their impressively detailed study:

> THE CLOSED ENTERPRISE SYSTEM
>
> Antitrust is a game to private counsel. They think they can milk a client since they know it can take eight years for a resolution. They know no one will push them, so they take a free ride and travel around the country getting admissions and taking depositions—which alone can take three years.—Former Antitrust Divisions lawyer.
>
> Delay—that's what they get paid for.—Antitrust Division trial lawyer.
>
> Defense counsel tell their clients: If the Antitrust Division sues, you will lose, but you can still gain three to five years to make your profit or acquire know-how from the illegal merger. Delaying a government prosecution is justified on the theory of maybe getting a better deal next year. In private treble-damage suits the philosophy is consciously or semi-consciously to wear out the plaintiffs.—Former Division lawyer, New York City defense attorney.

The result of all of the above are enormous, unwieldy, and delayed proceedings. Examples are easy to find. The IBM-monopolization case has been filed for 3½ years and it is barely into pretrial discovery; in that case three Antitrust Division lawyers confront up to 30 IBM and private firm attorneys, many of whom attend a special computer school to comprehend the complex issues. The 1945 Alcoa case had 15,000 pages of documentary evidence and took 20 years to resolve, although at issue was a firm with 100 percent of the market. National Lead 2 years later had 1,400 exhibits to be identified and authenticated. Ferguson against Ford Motor Co., a private suit filed in 1948, entailed 100,000 pages of depositions from 173 witnesses, with some 700,000 pages of documents in all. The oil-cartel case of 1953 against the five biggest integrated oil companies accumulated 100,000 documents and took 13 years to decide—by a combination of ineffective decrees and dismissals; the case never did get out of pretrial proceedings. Longer yet is El Paso Natural Gas: Filed in 1957, it has been to the Supreme Court four times and is still unresolved. Suits against GM for its bus monopoly and its acquisition of Euclid each took a decade to settle, without any litigation. While these are extreme examples, no comfort can be taken from the average merger or monopolization case. Economist Kenneth Elzinga found that it took an average of 63.8 months—or over 5 years—from the time of an illegal merger to a final divestiture order. Law Professor Richard Posner found the average length of a monopolization suit to be about 8 years.

These delayed proceedings have distinct advantages for business, and they know it. For time is money to the businesses charged. Every day that an illegal scheme or merger can be continued means additional profits to that firm.

OUTPUT

Slender resources, and an obstacle course for an enforcement process, have led to a generally unimpressive enforcement record.

Except for occasional highs, like in 1940–42 or 1960, the number of cases filed annually has stayed quite similar over the years. The breakdown is as follows:

1940	96
1941	83
1942	97
1943	58
1944	22
1945	24
1946	26
1947	44
1948	34
1949	57
1950	71
1951	51
1952	30
1953	33
1954	32
1955	47
1956	48
1957	55
1958	54
1959	63
1960	86
1961	62
1962	73
1963	62
1964	64
1965	43
1966	44

1967	53
1968	50
1969	53
1970	59
1971	64

While the absolute numbers are similar, there has been a decrease in the number of criminal prosecutions—which means, therefore, a commensurate increase in civil cases. In 1940–49, 58 percent of the cases filed by the Antitrust Division were criminal; in 1950–59, 48 percent were criminal; and in 1960–69, 31 percent were criminal; in the last 2 years, 14 percent have been criminal.

Of civil cases filed, the majority are settled before trial. Eighty-three percent of all civil suits in the 1960's were resolved via consent decrees. When asked about the high prevalence of such settlements, antitrust enforcers invariably have two responses: The first is, "We got everything we could have if we had litigated," which is sometimes accurate and sometimes not; and the second is "We simply lack the resources to go to trial on many cases." The average of 13 trials annually over the last decade is the result of these beliefs.

There are three areas of Antitrust Division "output" which warrant praise. First, the Division has more than doubled the number of "major investigations instituted" during the 1960's. Second, especially since the tenure of Donald Turner as head of the Antitrust Division—1965–68—the agency has more actively intervened in regulatory proceedings as advocates of competition; this is reflected in the number of so-called kindred cases, which went from 114 in 1965 to 342 in 1968. And third, the pure "won-lost" record of the Antitrust Division, is impressive.

But all such statistics cannot ultimately shield the generic failure of antitrust enforcement. For example, what does it mean to "win" a case? Consent decrees count as wins, although many are drawn up by defense counsel and do not include divestiture of the subsidiary initially sought to be divested. But it is precisely because the Antitrust Division lacks the manpower to go confidently to the litigation mat that it is induced to settle cases at the semblance of success. In fact, the outgunning of the Division by the private antitrust bar—something they privately admit to, even boast about—leads to a whole series of "soft" enforcement decisions. Voluntary requests for information are preferred over formal CID's; business clearance letters over formal and independent investigations; consent decrees over litigated decrees; nolo contendere pleas over guilty pleas or criminal trials. In each the sting of enforcement is cushioned, and the antitrust laws begin to lose their teeth.

Perhaps the greatest cost of inadequate resources is the absence of serious antimonopoly cases. Small price-fixing and merger cases, which are relatively easy to handle, are very tempting targets for enforcers who have to tell Congress each year the number of cases filed. Not the impact of the cases but their number. A suit to horizontally deconcentrate General Motors or vertically break up Anaconda, however, would require massive manpower over a long period of time. Even if the Antitrust Division had the resolve to file such cases, which is far from evident, they privately blame their lack of staff as reason enough to abstain. The Antitrust Division's February 1969 budgetary proposal to the House Appropriations Subcommittee contained this complaint:

> Most of our resources in this subcategory must be committed to what could be termed responsive as opposed to affirmative action. . . . We have not been able to undertake, in the scope that would appear indicated, a sufficient number of the broadscale investigations and studies of the kind that lead to Section 2 cases against firms in monopolistic or tightly oligopolistic industries. The potential gains to competition in the economy and to the public interest in this area are enormous.

The spectacle of IBM's gargantian defense team, and of the statement by one GM executive that "If it—the Antitrust Division—tried to split off Chevrolet, it would be 10 years before the case even got to court," make the Division pause and then end even their thoughts about such antitrust cases.

The steady and small number of cases each year, the slow process of delayed proceedings, the frequency of compromise settlements, the lack of structural cases—all communicate a clear message to the American business community. As one Washington antitrust lawyer wrote in Dun's Review in the late 1960's—

> A key ingredient for compliance was often missing—the conviction of businessmen that the Antitrust Division would act. . . . As time passed, a growing suspicion spread among the business community that the Antitrust Division was a paper tiger.

And here lies the greatest cost of inadequate resources. The low level of enforcement simply does not deter antitrust violations. Said one San Francisco executive, speaking no doubt the mind of many of his colleagues:

> The government can't hit everyone, so a business goes ahead and does what it wants, if it isn't obviously crooked, and gambles that it won't get caught. There is no moral dimension to it. The odds are in your favor.

WHAT CAN BE DONE

The present tiny increase in the budget of the Antitrust Division simply prevents enforcement from falling further behind in its assigned task. A serious increase in its appropriations over the next 2 years such as I am proposing would go a long way toward enabling this agency to fulfill its obligations to American consumers. The uses to which the money could be put are obvious. Experienced economists, induced to work on major cases at GS–16 levels, could be hired; and more lawyers could be taken on. The benefits of this added manpower should also be evident: Innovative and important cases could be developed by industrial economists schooled in particular industries; teams of lawyers and economists, now needed to handle daily problems, could be freed to engage in intensive studies of creative cases in previously ignored areas—that is, the legal profession, trade associations, company towns, advertising-as-entry-barriers; innovative use could be made of computer studies to detect local price-fixing, comparing prices in a certain locales with competitive prices elsewhere; serious monopolization cases could be brought in major industries, finally testing the extent to which the Sherman Act's prohibitions include shared monopolies—oligopolies; additional field offices could be established, generating more citizen and business complaints and information, as well as working with local and State law enforcement agencies to combat antitrust crime; a vastly increased role could be played to insist that regulatory agencies not ignore the principles and benefits of competition; litigated cases would increase, consent decrees would decline, and remaining consent decrees would contain better settlements since defendants would realize that the Division would be willing and able to go to trial unless its demands for relief were met; staff resources could be devoted to systematic information gathering as well as to formation of a priority planning staff to determine where resources should best be devoted. Thus, both more cases and more important cases would be brought, to be resolved more vigorously. This can only help put the teeth back into the paper tiger, and businessmen, accordingly, cannot but take note.

The benefit to consumers could be incalculable. For too long we have considered antitrust as something deadingly abstract, of no immediate interest to our daily lives, esoterica to be unraveled by economists. As the closed enterprise system accurately notes:

> The concentration of industrial assets, the distribution and extent of our wealth, productivity, innovation, pollution, employment, racism, political contributions, and lobbying—all are issues of national pitch and moment, all are touched by antitrust policy. As our competitive economy goes, so goes our polity; the two are inseparable.

More specifically, antitrust violations and economic concentration, according to the best estimates, costs this country between $48 and $60 billion in lost production—due to monopoly restrictions of output—and approximately $23 billion in higher prices—due to monopoly overcharges. While a budget of $14 million cannot recoup all this loss, it can do far better than one of $12 million. It would also provide the first significant step toward a more substantial increase next year. And this area, particularly, is one where an ounce of prevention is worth a pound of cure, where a small investment of millions can save consumers literally billions in lost purchasing power. No doubt this proposal will meet with righteous indignation by many in industry, who are all for competition—for the other guy. But I cannot think of a better investment Congress can make.

Mr. COOK. Mr. President, I raise the point of order that the amendment of the Senator from California increases the appropriations; it is not only authorized, but it is not within the budget estimate.

I think the amendment is subject to a point of order, if I am not mistaken.

The PRESIDING OFFICER. The Chair is advised that this amount proposed in the pending amendment is in excess of the budget estimates——

Mr. TUNNEY. Mr. President, is it possible to speak to the point of order before the Chair makes its ruling?

The PRESIDING OFFICER. The Senator from California has the right to use all of his time before the point of order is made.

Mr. TUNNEY. I would just like to argue for a moment with respect to the point of order. I am perfectly willing to have the point of order made. I do not want to keep my colleagues here if the point of order is going to be sustained but I would like to argue it.

Mr. COOK. Mr. President, may I inquire how much time the Senator has remaining?

The PRESIDING OFFICER. The Senator from California has 12 minutes remaining.

Mr. COOK. Mr. President, I will withdraw the point of order until the Senator from California utilizes all of his time within the framework of the time limitation that he has in connection with his amendment.

Mr. TUNNEY. Mr. President, I have nothing further to say. I have completed my statement on the amendment I am offering. Inasmuch as I would not want to delay the business of the Senate, I would be perfectly willing to address the point of order now, if the Senator insists on making the point of order.

Mr. COOK. I will do so, but if the Senator wishes to utilize the remainder of his time in arguing against the point of order, he may do so, and then this Senator will take such action as he feels is necessary at the conclusion of the remarks by the Senator from California.

Mr. TUNNEY. Mr. President, back on November 23, 1971, a point of order was made by the Senator from Louisiana (Mr. ELLENDER) in connection with the Foreign Military Sales Act. He made the point of order that there was no authorization in the appropriation of moneys for the sale of aircraft to Israel.

Legislative counsel, Mr. Hugh C. Evans, senior counsel for the office of legislative counsel, wrote an opinion, for the Parliamentarian in which he stated:

> The second reason for believing that section 501 is an authorization for appropriations is that the section authorizes the President to undertake certain acts. The enactment by Congress of a provision of law conferring authority upon the President to perform certain acts itself constitutes authority for the appropriation of funds to carry out those acts, in the absence of a clear legislative intent to the contrary. Otherwise, Congress would be engaging in a useless gesture of authorizing the President to act but not authorizing funds to accomplish that act.
>
> This office has consistently taken the position that language specifically authorizing appropriations is unnecessary to authorize the appropriation of funds to carry out any legislative program enacted by the Congress. The same position is taken by Mr. Reed Dickerson in his book on *Legislative Drafting:*
>
> The point simply is that Congress has enacted laws that set up the Department of Justice, and Congress has enacted laws establishing the Assistant Attorney General. We have passed the Clayton Antitrust Act and the Sherman Antitrust Act. The Justice Department is supposed to enforce those acts.
>
> It seems to me to be clear that this is such an authorization as would comply with the opinion by the legislative counsel; that unless Congress clearly intended otherwise, a general authorization is sufficient for an appropriation of funds in the budget of a Cabinet department.
>
> I think that it is clear in this particular case that an additional increase of $2 million to the Antitrust Division has been authorized in general law.

Does the Senator care to dispute that point?

Mr. COOK. It is not this Senator's desire to enter into debate on the merits. If the Senator from California wishes to interpret a prior opinion of Legislative Counsel, that is fine.

I think the point still prevails, and at the conclusion of the Senator's remarks I will make the point of order.

Mr. TUNNEY. But the opinion of the Legislative Counsel was confirmed by a vote of the Senate. We have a precedent.

Mr. COOK. May I say to the Senator I do not want to get into a debate with him. If the Senator wishes to appeal the point of order, that is within the prerogative of the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I have finished my statement on the merits of my amendment and I am prepared, so that the Senate's business can be conducted, to have the decision on the point of order by the Chair.

Mr. COOK. Mr. President, I raise the point of order.

The PRESIDING OFFICER. The Chair is advised that this amount proposed is in excess of the budget estimates and is not authorized by law. Therefore, under rule XVI, paragraph 1, the amendment is not in order. The point of order is sustained.

Mr. TUNNEY. Mr. President, I appeal from the ruling of the Chair.

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the question?

The PRESIDING OFFICER. The question is: Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Does a "yea" vote sustain the Chair?

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Do Senators yield back their time?

Mr. COOK. Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from California yield back his time?

Mr. TUNNEY. Mr. President, I would like, before yielding back my time to indicate to my colleagues that if they sustain the ruling of the Chair it will be a terribly bad precedent for the Senate to be setting—saying that we cannot use general authorization laws that create Cabinet positions or create departments and allow for those departments or agencies to conduct their business that the Senate cannot add on money to appropriation bills, and therefore, allow the Office of Management and Budget to dictate to the Senate and to the Congress what the top level of appropriations is going to be.

I think that the dignity of the Senate demands that we overrule the ruling of the Chair, and follow the precedent established before in 1971 when we voted against the point of order of the Senator from Louisiana (Mr. ELLENDER) which would have prevented some $500 million for being appropriated for the sale of jets to Israel.

Mr. COOK. Mr. President, may I ask unanimous consent that my statement yielding back my time be rescinded?

Mr. TUNNEY. Mr. President, I will yield to the Senator from my time.

The PRESIDING OFFICER. Does the Senator make the request?

Mr. COOK. I make the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered. The Senator from Kentucky.

Mr. COOK. Mr. President, may I say that the question is very simple. What the Senator from California is really saying is that, somehow or other, we are shattering precedent. As a matter of fact, if we do not sustain the ruling, that will be shattering precedent, because the request the Senator has made should have been made to the original appropriation bill. That is what he should have done. If there was great enthusiasm to add this sum, obviously that great enthusiasm must have prevailed at that time.

The only point I wish to make is that if we in fact pass these appropriation bills which Members of the Senate participate in and vote on, and then we come back, and engage in this process, then obviously we have overlooked our responsibility to increase the amount for the respective departments at the time and at the place where, in fact, it should have been done.

I only assert that we, somehow or other, do not move so fast that someone can plead it was overlooked or was not done at the time it should have been done. If we do this, and do it as a consistent precedent, then I might say we will be further out of balance than ever before, because once we pass the appropriation bills, we will then be back on the arduous task of adding on to authorization bills such tremendous sums of money that the fact that we have already passed and sustained appropriation bills will have been for naught and we will ultimately have reversed the process so that we will have to see that one attempts to keep up with the other.

So I would say the earth-shattering

precedent the Senator talks about is the one he attempts to make. It shatters precedent to the point where we can come along, after missing the opportunity when we should have done it, and seek to do it now. Therefore, I think the ruling of the Chair should be sustained.

If the Senator wishes to take this position, he should do it at the proper time and the proper place.

Mr. TUNNEY. Mr. President, may I say it would be a reversal of the precedent in 1971 in a precisely similar case where the decision of the Senate was that laws passed by Congress imposing duties upon the executive branch necessarily carry with them the authorization to appropriate moneys to carry out such duties.

It is quite clear that general authorization bills, such as setting up departments and agencies, imply an authorization of funds needed to carry out the duties imposed upon those departments and agencies. The point of order was sustained by the Chair because the Chair said there was not an authorization. I think it is very clear that there has been an authorization in setting up the Department of Justice, in setting up a system where we have an Assistant Attorney General for the Antitrust Division, and where we have passed the Sherman Antitrust Act, the Clayton Antitrust Act, the Robinson-Patman Act—all designed to enforce the antitrust policy of this country. That is the authorization.

It must be clear in this particular case, if Senators believe in the merits of the case, that they ought to overrule the ruling of the Chair. To do otherwise would mean that the decision of the Appropriations Committee on the size of the budget for any executive department is always final. I cannot believe that the Senate wishes to abdicate total control over the final size of a department's operational budget. Suppose the President only requested $10 for the Justice Department and the Appropriations Committee only voted $10. Are we to believe that the Senate could not increase that figure on the floor? That is the logical result if the Chair is sustained on this point.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. COOK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. EAGLETON). The question is: Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Connecticut would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The result was announced—yeas 51, nays 17, as follows:

[No. 216 Leg.]

YEAS—51

Aiken	Dole	Percy
Allen	Dominick	Proxmire
Allott	Eagleton	Randolph
Beall	Eastland	Roth
Bennett	Fong	Schweiker
Bentsen	Gurney	Smith
Bible	Hansen	Sparkman
Boggs	Hatfield	Spong
Brooke	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Byrd, Robert C.	Inouye	Symington
Cannon	Javits	Taft
Case	Jordan, Idaho	Talmadge
Cook	Mansfield	Thurmond
Cooper	Miller	Tower
Cotton	Montoya	Young
Curtis	Packwood	
	Pearson	

NAYS—17

Bayh	Hartke	Mondale
Burdick	Jackson	Nelson
Chiles	Kennedy	Pastore
Cranston	Magnuson	Pell
Ervin	McGee	Tunney
Harris	McGovern	

NOT VOTING—32

Anderson	Gravel	Moss
Baker	Griffin	Mundt
Bellmon	Hart	Muskie
Brock	Hughes	Ribicoff
Buckley	Humphrey	Saxbe
Church	Jordan, N.C.	Scott
Ellender	Long	Stafford
Fannin	Mathias	Stevenson
Fulbright	McClellan	Weicker
Gambrell	McIntyre	Williams
Goldwater	Metcalf	

The PRESIDING OFFICER (Mr. EAGLETON). The decision of the Chair stands as the judgment of the Senate, and the point of order is sustained.

Mr. ERVIN. Mr. President, I desire to offer an amendment in my own handwriting. I take no pride in my own handwriting. I ask unanimous consent that instead of the clerk stating the amendment, I be permitted to state it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. This is an amendment to the provision of the bill starting on line 10 and ending on line 11 on page 17. To understand the amendment, I should state what this provision of the bill provides.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. MILLER. Mr. President, may we ask the Senator to repeat his remarks?

Mr. ERVIN. Mr. President, this is an amendment to the provision of the bill which apears on lines 10 to 21, inclusive, on page 17. It is the part that is printed in italics.

This provision of the bill, in substance, authorizes the Federal Buerau of Investigation to furnish what it calls identification records—which means criminal records—to officials of federally chartered or insured banking institutions, to enable them to comply with the statute which forbids them to employ any man in any of these banking institutions who has been convicted of a banking crime. That is the effect of the law. It also authorizes them to furnish these records to State or local governments for purposes of employment or licensing. The amendment would read as follows:

On page 17, line 21, change the period to a colon and add the following thereafter: *"Provided, however,* The Federal Bureau of Investigation is hereby forbidden to furnish officials of federally chartered or insured banking institutions or officials of any State or local government any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense unless such record discloses that such person pleaded guilty or nolle contendere to or was convicted of such charge or offense in a court of justice."

In other words, I have some misgivings about the presence in the bill of the provision I seek to amend, on the theory that—perhaps it is legislation on an appropriation bill, but bypassing that—I think it would be better to confine the FBI to its allotted duty of investigating the commission of crime and investigating domestic subversion instead of furnishing employment information. But I am willing to forgo that conviction, provided the records that the FBI furnishes show not merely that the man has been arrested or has, in effect, pleaded guilty or has been convicted.

I think great injury can be done to a man in such a situation, because thousands of people—especially young people arrested in demonstrations in recent years—are arrested and then turned loose.

The reason I am concerned about this is that in conducting investigations for the Subcommittee on Constitutional Rights, a man came to me and told me that when he was about 16 years of age, attending high school, there was a theft from a locker in his high school gymnasium. He said he was taken to the police station, booked, fingerprinted, and a record was made of the arrest. Then they investigated and found that he was not guilty of anything, and they turned him loose. He went into the Army, served honorably for 20 years, retired after a record of honorable service to his country, came back into civilian life, and applied for a job in an industrial plant. He told me that apparently he had all the qualifications for the job for which he applied, but they would not give him the job and never would explain why.

Fortunately for him, he had a friend who worked in the plant; and this friend went to the personnel officer and found out that the reason they would not give this man employment was that they had this arrest record, which was 20 or 30 years old at that time—merely the fact that he had been arrested.

The dissemination of information, mere arrest, without any followup as to whether there was a conviction, has caused great difficulty to many Americans. I just want this amendment adopted to make certain that if the FBI furnishes this information, they have to furnish a record of what happened as a result of the arrest or the charge and show that the man either was convicted or pleaded guilty. I think everybody is entitled to that kind of protection.

I send this amendment to the desk, and I hope the manager of the bill will accept it.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. MILLER. From the Senator's explanation, it sounds to me as though he has a meritorious amendment. I wish to make a suggestion for a slight modification.

The amendment, as I understand it, reads only in the case of a person who has been convicted or has pleaded guilty. I would suggest that the Senator add "or pleaded nolo contendere," because, as the Senator well knows, that is the equivalent of a guilty plea. I think we ought to cover those pleas.

Mr. ERVIN. I think the Senator has a valid point.

Mr. President, I modify the amendment so as to insert that the record shall not be disseminated by the FBI unless such record discloses that such person pleaded guilty or nolo contendere to such charge or offense or was convicted of the charge or offense in a court of justice.

I think the Senator's point is well taken, and I so modify the amendment.

The PRESIDING OFFICER. The amendment is modified to include "nolo contendere."

Mr. HOLLINGS. Mr. President, we are prepared to accept this amendment without a record vote. I have discussed it with the Senator from Maine (Mrs. SMITH) and the Senator from Nebraska (Mr. HRUSKA) and others who have worked on this measure in the Judiciary Committee, and with respect to arrest records generally, with the FBI.

I ask unanimous consent to have printed in the RECORD a statement as to the history of non-Federal applicant fingerprint program of the FBI.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HISTORY OF NON-FEDERAL APPLICANT FINGERPRINT PROGRAM

Since 1937 the FBI Identification Division has, in accordance with statutory authority augmented by executive orders and Attorney General instructions, processed fingerprints of applicants for employment in law enforcement agencies and correctional institutions, employment in Federally chartered or insured banking institutions, and for licensing and local employment if fingerprinting for such licensing and employment was required by local ordinance or official regulation. The demands for this service have grown steadily since 1937 as local regulatory agencies consider identification records vital to the public interest in many diverse areas of employment and licensing.

In 1971 the Government's authority to disseminate arrest information in response to non-Federal applicant fingerprints was challenged in the courts for the first time. In the case Michael Stuart v. John N. Mitchell, et al, Civil Action 70-2756-R, U.S. District Court, Los Angeles, California, (Judge Manuel L. Real) ruled that Section 534, Title 28, U.S. Code, does provide authority for the FBI to disseminate arrest information in response to non-Federal applicant fingerprints. In a second case, Menard v. Mitchell, 328 F. Supp. 718 (D.D.C. 1971), U.S. District Judge Gerhard A. Gesell, District of Columbia, handed down a Memorandum Opinion in which he noted "Thus the court finds that the Bureau (FBI) is without authority to disseminate arrest records outside the Federal Government for employment, licensing and related purposes." Judge Gesell indicated that the FBI needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards. As a result of this June 15, 1971, decision, the FBI promptly discontinued disseminating identification records for local employment and licensing, except law enforcement positions, until December 26, 1971, when the President approved Public Law 92-184. This was an appropriations measure which authorized dissemination of identification records to Federally chartered or insured banking institutions and, if authorized by state statute and approved by the United States Attorney General, to officials of state and local governments for the purpose of employment and licensing. This temporary authority was provided by Senate action and grew out of widespread appeals from many different constituency interests for restoration of this vital service. In establishing the temporary authority, the Senate wisely recognized that abuse of the privilege was possible and accordingly placed responsibility upon each state to submit only applicant and licensing prints for which there is a requirement clearly covered by state law. As a result, the volume existing before the Gessell decision (including a plethora of types of employment, some of which had been of questionable vital public interest) was sharply reduced. This vital service cannot be discharged by the states themselves as there is only one national repository of arrest records and fingerprints. Felons with extensive records using an alias to gain employment in a bank or a security house can thus only be detected through a check of his fingerprints in the national file. The FBI uncovers such situations almost on a daily basis, which serves as justification by the states to insist upon this service.

The insertion of language in the fiscal year 1973 Departmental Appropriations Act similar to that included in Public Law 92-184, is to provide for continuing this service on a temporary basis until the Congress can receive, deliberate, and act upon proposed permanent legislation that has been prepared by the Department of Justice and delivered to the Office of Management and Budget for approval. As soon as such approval is forthcoming, it will be referred to the Congress. It is then that all ramifications can be explored and suitable legislation enacted if deemed appropriate. In the meanwhile, however, it is deemed essential that this service, which serves significant interests in the various states, not be again disrupted. If it is, an avalanche of protests can be expected from state civil service systems, financial institutions, gun licensing authorities, school boards, gaming license authorities, etc.

PENDING BILLS AFFECTING PROGRAM

(1) To authorize the Attorney General to exchange criminal record information with certain state and local agencies—S. 2545 (Bible), H.R. 11548 (Stkes), H.R. 13209 (Chappell).

This bill would amend Section 534 of Title 28, US Code, to permit the dissemination of identification records to any non-law enforcement official or agency of any state or city if the laws (including regulations) of such state or city authorize or require such official or agency to acquire criminal record information in the performance of his duties. If enacted, this bill would restore dissemination practices prior to the Menard case

(2) Criminal Justice Information Systems Security and Privacy Act of 1971—S. 2546 (Hruska), H.R. 10789 (McCulloch, et al.), H.R. 10892 (Celler).

This legislation restricts the dissemination of arrest information to law enforcemen' agencies for law enforcement purposes or for such additional lawful purposes necessary to the proper enforcement or administration of other provisions of law as the Attorney General may prescribe, by regulations. While this bill deals specifically with a computerized criminal justice information system funded by the Law Enforcement Assistance Administration, its provisions could, if made applicable to the present FBI manual system, result in a curtailment of services in connection with local licensing and employment.

(3) Nullification and Restrictions on Dissemination of Certain Criminal Records—S. 2732 (Burdick).

This legislation provides for the nullification of arrest records not followed by valid convictions and restricts the dissemination of arrest records for direct law enforcement purposes. In addition, this bill prohibits the dissemination of arrest records without valid convictions for purposes of bonding, licensing, and employment unless the employment directly affects the national security or the public trust in any industry or agency where the nature of the offense compromising such records is sensitive to such position.

IMPACT ON FBI IDENTIFICATION DIVISION OF DISSEMINATING RECORDS WITHOUT CONVICTIONS

The FBI has on file some twenty million identification records. Many contain numerous arrest entries and the dispositions to some of these are unknown because the arresting agencies have failed to forward same to the FBI. To review and analyze each record disseminated to determine if there is a conviction for each arrest and prepare a new record containing only entries with convictions would be exceedingly costly and time consuming. It is not a system that could be instituted overnight, in view of recruiting and training of large blocs of employees and acquiring space to house them. In the event the FBI were required to disseminate one type of record for law enforcement purposes and

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another for employment and licensing, this would necessitate the maintenance of two different records with subsequent dual postings and would impose unworkable conditions on the manual system in the FBI Identification Division which primarily serves law enforcement needs throughout the country.

The question of withholding information concerning an arrest in which a conviction is not shown should be carefully considered. Many dispositions of arrest do not appear on records simply because the trial has been delayed. In others, cases are not adjudicated for reasons other than lack of evidence to convict. A typical example is a case involving child molestation in which the parents of the victim will not allow the child to participate in court action. Some records will contain several arrests for indecent exposure or other similar charge with no convictions recorded. To withhold such information concerning an applicant for a schoolteacher position does not appear to be in the best interests of the public. The same would hold true in a case where an individual has been arrested several times for larceny or embezzlement but not convicted and he applies for a position in a banking institution.

Irrespective of the action that Congress may take in connection with the non-Federal applicant fingerprint program, careful consideration should be given to any proposal that would interfere with the maintenance and dissemination of criminal arrest information which are essential tools in preserving the peace and protecting society from the violence of crime.

Mr. HOLLINGS. Mr. President, various State agencies, national banks, persons making application to receive a firearm, school bus drivers, persons who work in casinos, persons who work in racetracks, have all depended on the FBI furnishing these records. J. Edgar Hoover said at the time he appeared before our committee, as a result of the interim authorization within the appropriation bill, since the decision of the court striking it down, that in no instance has he ever furnished it to a State or local agency if there has been any abuse. The fact is, it indicated such was the intent of about 21 or 22 and he would not furnish those records to them. He had the very same this year, in fairness to the FBI, that the Senator from North Carolina has. The very form itself has on the frontispiece, in the largest language possible, indicating that the records are not conclusive or final records; and in large language it says "Where disposition is not shown, or further explanation of charge or disposition is desired, communicate with agency contributing those fingerprints."

So the agency has had the same misgiving about putting out a record indicating that someone was a criminal or involved in a crime, when the facts were otherwise, really, that they have been arrested and there was no plea, and certainly no conviction.

The Senator from Nevada (Mr. BIBLE) has been a leader in this matter and will provide this information for the State and local agencies. I have discussed it thoroughly with him. Perhaps he would like to comment on it now.

Mr. BIBLE. Mr. President, I thank the distinguished Senator from South Carolina. We have had further discussion about refinement of this amendment which the Senator from North Carolina (Mr. ERVIN) has offered. It is a good refinement. I would hope that the Judiciary Committee—I do not know whether they can do it this year, as they have had such a busy year—but early next year I would hope that they would have some hearings on the legislation on this subject now pending before them, because the present provision is in the nature of a stopgap.

In my judgment, the committee provision is not subject to a point of order, because related language came to us from the House. Whether it is subject or not to a point of order, and I do not believe that it is, this matter should be dealt with squarely in full fledged hearings. I would hope that we would be able to do that next year.

The purpose of the provision in question is to make it clear that the Federal Bureau of Investigation is authorized to use its funds to continue its long-standing program of providing criminal records identification services to federally chartered and insured banking institutions and, where authorized by State law and approved by the Attorney General of the United States, to State and local officials for their official use in checking the background of persons seeking to be licensed or employed in sensitive businesses or occupations.

Such services have been performed by the FBI under authority contained in every Department of Justice appropriations act since 1921, including the Supplemental Appropriations Act for 1972 in which the Congress approved a specific restatement of that authority.

Mr. President, I cannot overemphasize the importance of this provision. Without it, these essential FBI criminal records services will have to be terminated at the end of this month.

Not only federally chartered and insured banking institutions—which have an obvious need to screen prospective employees—but official agencies of State and local governments all across the country will be denied access to criminal records information they need in order to carry out their own responsibilities under a variety of State laws.

According to a nationwide survey, which I understand is now being conducted by the FBI, at least 32 States, the District of Columbia, and Puerto Rico have statutes on their books requiring fingerprint checks in connection with licensing and/or employment in sensitive businesses and occupations.

The survey is incomplete, and the details are not yet available. However, the businesses, occupations, professions, and activities for which a fingerprint record check is often—and, I think, properly—considered essential for the protection of the public include:

The legalized gambling industry in my own State of Nevada. This is a prime example. Nevada law requires a thorough screening and background investigation of all who seek to be licensed or employed in her gaming industry. This sensitive industry is closely monitored by State authorities in order to assure honest operations, and an FBI record check is indispensable if screening is to be thorough.

The liquor industry is another case in point. Many, if not all, States have special statutory requirements for the screening of persons who seek licensing or employment to handle alcoholic beverages. The National Conference of State Liquor Administrators—a nationwide organization of alcoholic beverage control officials—is deeply concerned because the termination of FBI records service would seriously undermine the States' ability to prevent persons with disqualifying criminal records from entering the liquor industry.

Some of the States require criminal records checks before licensing persons for the practice of medicine, law, pharmacy, and other professions. Others require full background investigations of those who would be private investigators, securities dealers, real estate salesmen, taxicab drivers, and others.

The FBI is the only available central clearinghouse for criminal records information. I say again, if the services covered by this provision were not available, it would be impossible—or at least exceedingly difficult—for public officials throughout the States to meet their own statutory obligations to obtain criminal records checks in connection with their licensing and employment functions.

And there is another aspect of this that warrants special notice. We are all concerned about the crime problem; the infiltration of legitimate business by organized crime; the gun control problem.

Title IX of the Crime Control Act of 1970 was enacted to curb the infiltration of legitimate business by organized criminals and racketeers. How can this be done if State and local officials responsible for screening entry into sensitive industries and occupations cannot get a criminal records check on people applying to enter such activities?

Section 922(g) of the Gun Control Act of 1968 makes it unlawful for an ex-felon to receive firearms or ammunition that has been moved in interstate or foreign commerce. Many, if not all, the States also prohibit at least handgun ownership by ex-felons. How can this kind of prohibition be made effective if local public officials administering gun control laws cannot get a criminal records check on people who apply to purchase weapons?

Mr. President, these are very real problems. This has to be viewed as a crime prevention matter. State and local public officials must be able to obtain FBI criminal records information for official use. Otherwise, their ability to protect the public against the criminal element will be seriously impaired.

I think that in this age of computers and the rapid gathering and dissemination of information, the Government has an obligation to take every reasonable precaution to see that its information functions include safeguards to protect individual rights.

I also agree that, in view of concerns expressed by the President's Commission on Law Enforcement and Administration of Justice and recent court decisions, this is a matter ripe for congressional review.

But it is essential that these services be continued while that process goes forward.

In the meantime, certain safeguards have been built into this bill. The services involved would be available only to public officials authorized by State law to request them—for their official use only—subject to the approval of the Attorney General. And under language approved by the House, the service would be subject to cancellation if dissemination is made outside the receiving department or agency.

As I have said, this is an essential crime prevention service. The Congress has spoken loudly for crime control. State and local officials all across the country charged with the responsibility to screen applicants for sensitive businesses and occupations are an integral part of our national crime control effort. And it makes no sense at all to deny them access to the only available national clearinghouse for criminal records information. To do so would be to place officials throughout the country in a position where they would not be able to meet their own statutory obligations.

I urge acceptance of the provision as modified by the amendment of the Senator from North Carolina.

Mr. BURDICK. Mr. President, if the distinguished Senator will yield, the Subcommittee on Penitentiaries has had hearings and is holding hearings on that subject right now——

Mr. BIBLE. I am happy to hear that.

Mr. BURDICK. We are not only dealing with the arrest record, but also first convictions. We are going into the whole field.

Let me say that I am heartily in support of the pending amendment.

Mr. BIBLE. I appreciate that. Certainly I, too, consider this to be a good amendment. It should be agreed to.

Mr. HRUSKA. Mr. President, I concur with the acting chairman and manager of the bill that it would be well to take this amendment to conference and work out of it what we can.

I have discussed one or two features of this with the Senator from North Carolina (Mr. ERVIN). They are not so serious but what they can, if necessary, be adjusted in conference. If not, I would be willing to review other legislation pending or in process. I go along with the suggestion of the chairman that we approve the amendment and take it to the conference.

Mr. HOLLINGS. Mr. President, I yield back my time on the amendment.

Mr. ERVIN. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER (Mr. EAGLETON). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1235

Mr. HRUSKA. Mr. President, I call up my amendment, No. 1235, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 52, line 10, strike the following: "925,000" and insert in lieu thereof "1,100,000".

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, this amendment would restore $175,000 to the appropriations requested by the office of the Special Representative for Trade Negotiations. If the money is restored, it will enable that office to provide for the six new positions which they requested. It would not, however, allow any further funds to establish an office in Geneva, which has already been included in the larger request. That part of the request is not included in my amendment. Now even a quick look at the rapidly expanding responsibilities and activities of the office suggests the need for expanded financing. In this regard, it is the opinion of this Senator that the funding approved by the committee would not be sufficient to meet the requirements of the STR Office.

First, in the aftermath of the Smithsonian Agreement the STR Office has begun the difficult process of exacting the commitment of our major trading partners to short-term agreements improving the U.S. trade position.

Second, it has pushed forward with longer term arrangements for a major overhaul of the international trade and monetary systems. As a result, Japan, the European Community, and many other countries of the world are now publicly committed to international discussion and negotiation—beginning in 1973 if possible—of such critical trade problems as agricultural protectionism, nontariff barriers to trade, and preferential trading arrangements.

American farmers have a lot at stake in these negotiations. No sector of our economy depends so heavily on the export market for its products. And no sector has received less satisfaction from past efforts to reduce trade barriers.

In Europe, for example, farmers are now guaranteed nearly twice the world price for all the wheat they can produce. A variable levy on imports assures that European mills will use all the Common Market's production before our grains can be used. Export subsidies, financed from the proceeds of levies on our grains, permit Common Market farm products to compete with ours in markets as far away as Taiwan. These policies apply not just to wheat but to other grains, meats, sugar, dairy products, and a host of other farm products we produce.

Our farmers need these markets. They are not going to get them unless we can get back to the bargaining table with a tough set of demands for removing these trade restrictions. The agreements we have with Japan and the Common Market to begin a new series of negotiations will give us a new opportunity to present these demands. Of course, extensive preparations will be necessary. A trade bill must be prepared for consideration by the Congress. Various private groups, farmers among them, must be consulted to assure broad backing for our objectives. A case must be made for what we want. And, finally, a competent team must be assembled to conduct the negotiations. The Office of Special Trade Representative realizing this responsibility have placed two competent agriculture-oriented Deputy Special Representatives for Trade Negotiations on their staff. Ambassador Hal Malgren participated in the Kennedy round negotiations on grains and Ambassador William R. Pearce is a knowledgeable grain industry leader. Both have been confirmed by the Senate.

Third, it is now the responsibility of the STR Office to prepare for this major round of upcoming talks on trade and related matters. It must develop a set of goals which reflects the economic interests of the country at a time when we must bargain forcefully. It must, in close consultation with Congress, develop a set of legislative proposals which reflect those broad economic interests and it must undertake the task of negotiating with our trading partners on the basis of the program which will emerge from our consideration of trade legislation.

It is in the very nature of the tasks performed by the Office of the Special Representative for Trade Negotiations that some years will be far more demanding upon its resources than others. Given the present worldwide commitment to a rethinking and a reformation of the present unparalleled opportunity to achieve some long-needed improvements which can be of enormous benefit to all Americans. At this particularly crucial moment, it would be pennywise and poundfoolish to leave this agency underfinanced.

Our trading partners know that there are billions of dollars of potential trade at stake, and they assign large and knowledgeable teams to these negotiations. The U.S. negotiating effort draws on the talents of several agencies of the Government, but the overall responsibility for planning, coordination, and negotiation lies, as legislated by Congress, in the Trade Expansion Act of 1962, in the Office of the Special Representative for Trade Negotiations. I urge the Senate to grant to the office the funds requested to get its most important job done.

I hope this amendment can be accepted.

Mr. HOLLINGS. Mr. President, we would be glad to accept the amendment. I have discussed it with my distinguished colleague from Nebraska. Originally, of course, the amendment called for the institution of a Geneva office, but when we went over the hearing record, we realized that it was not justified at this time. We will willingly go along with an additional $175,000 which will finance the cost of six additional positions, none of which is to be used to set up the Geneva office or the experts needed with respect to the office, because of the increased responsibilities. They can obtain these experts from the Department of State, as has been done in the past, on a nonreimbursable basis.

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Mr. President, unless there is further discussion on this amendment, I am prepared to yield back my time.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to amendment No. 1235 of the Senator from Nebraska (Mr. HRUSKA).

The amendment was agreed to.

AMENDMENT NO. 1236

Mr. HRUSKA. Mr. President, I call up my amendment No. 1236 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 25, strike the following: "effective January 1, 1973, and thereafter" and insert in lieu thereof "after December 31, 1973.".

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, I commence my explanation of the amendment which I propose by first stating that I believe the U.S. contribution to the United Nations is too high.

I believe that the contribution of the United States should be reduced, and should be reduced substantially.

Furthermore, it should be reduced at the earliest possible time.

It would be my thought, as it seems to be in the other body, to require a limit of a 25-percent assessment against the United States for any operating budget of the United Nations. That figure is perfectly satisfactory to me, an amount not to exceed 25 percent.

However, the change and the reduction from the present 31.52 percent should be effected in an orderly way.

Let me explain that under the provisions of the Charter of the United Nations, and the Participation Act enacted by Congress initially, the process of funding the United Nations is done in this wise. There is a budget set. Then there is a negotiation among the representatives on the committee to assess the respective nations according to an agreement that can be reached

When an agreement is reached as to the percentage of each nation, an agreement covering a 3-year period—a period not less than 3 years—is made for the purpose of approving the budget and also of fixing the assessments of the respective nations.

The latest such negotiation was held in December of 1970, at which time an agreement was entered into for 3 years—calendar years 1971, 1972, and 1973.

The percentage for the United States was fixed at 31.52 percent. Thereby, upon approval of that budget and that assessment, there arose and was created a legal and moral responsibility on the part of this country to pay in an amount equal to 31.52 percent of the operating budget for 1973 and the 2 preceding calendar years.

Now the language in the bill that we have before us provides that, effective on January 1, 1973, and thereafter, no appropriation is authorized and no payment shall be made in excess of 25 percent.

That is 6.52 percent, less than the agreement to which we are bound by law and by the morals of the situation.

The amendment that is pending would do this. It would provide that after December 31, 1973, no appropriation is authorized and no payment shall be made in excess of 25 percent. That would enable the payment of the 1973 contribution pursuant to the agreement that was made in December 1970.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, as a member of the Commission on the United Nations which was headed by Ambassador Lodge, I favored a reduction in our share of the costs of the United Nations from about 31 percent to 25 percent. However, I do not favor a blanket reduction for all of the auxiliary agencies of the United Nations, believing they should be considered one by one, each on its own merits.

Inasmuch as this committee amendment in the bill is applicable not only to the United Nations, but also to all agencies, with two exceptions, I feel that the amendment now offered by the Senator from Nebraska is a good amendment and that it will give us another year in which to consider not only what we want to do about the United Nations—whether we want to reduce it to 25 percent all at once or do it more gradually—but also to consider auxiliary organizations, some of which I think operate very distinctly to the advantage of the United States.

Therefore, I support the amendment of the Senator from Nebraska.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator. I just need a small amount of time.

We are all sophisticated here. We know that even if we do something that is right in principle, we have to do it in the proper way. And that is what the Senator from Nebraska is giving us an opportunity to do, to do this right.

I asked our Ambassador to the United Nations, George Bush, to give me an analysis of how the U.N. contribution works. I am in receipt of a telegram from him. I ask unanimous consent that that telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator J. K. JAVITS,
Old Senate Office Building,
Washington, D.C.

Per your request for information re U.N. scale of assessments, present scale in which United States assessed at 31.52 percent for U.N. regular budget covers calendar years 1971–1973. This scale was established in 1970 by U.N. General Assembly acting on recommendation of U.N. expert committee on contributions which included a U.S. expert as one of its members. Only at its next session in May and June 1973 will committee on contributions basis of guidelines provided by General Assembly formulate a new scale of assessments for period 1974–1975 and recommend such a scale for approval by assembly at its 28th session in fall of 1973. Consequently 27th session of assembly this fall is appropriate time to attempt to obtain decision by assembly to establish a new 25 percent ceiling on highest contributor and to instruct committee on contributions on method of achieving this objective. Accordingly we propose at 27th session to attempt to secure such a decision by assembly which will reduce U.S. contribution to 25 percent. In future years we must recognize that whether or not there is full reduction to 25 percent in 1974–1976 scale of assessments will depend very largely upon timing of admission of new member states to U.N. organization. If U.S. attempts to reduce U.S. assessments percentage unilaterally to 25 percent for year 1972 and 1973 (that is prior to establishment of a new scale for 1974–1976) and funds for those years appropriated only at 25 percent level United States will be in arrears for those years in amounts representing difference between appropriations at 31.52 percent level and 25 percent level (at present U.N. budget levels this means about $13,000,000 per year) I urge that United States not be placed in position of defaulting on payment of assessed contributions called for by our treaty obligation under U.N. charter. Appreciate your continued interest in U.N. and any assistance you can provide in support of amendment.

GEORGE BUSH.

Mr. JAVITS. Mr. President, this is the way it works. In this fall the United States delegation will ask the General Assembly to reduce our contribution to 25 percent in future years. Ambassador Bush is confident that can be done over a period of time providing we do not approach it on a coercive basis.

That is what the Senator from Nebraska has in mind. At the time the General Assembly so acts—and he has no doubt that it will—after the 3 years is over, we will reduce our contribution. To act alone and stop payments will not help. We will still owe the money and we will have a big assessment at the U.N. We should not go against our treaty and contract obligations and reverse those rules. Nothing is really accomplished by that action.

So for the very fundamental reason that this is the right thing to do and the right way in which to do it, I hope very much that the Senate will accept the amendment that has been offered to us in a very statesmanlike way by the Senator from Nebraska.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself the time I will require.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I will try to be as brief as possible. I will try to emphasize that we have not overskirted the corporations or taken into consideration the very language we put in there. In a deliberate fashion, instead of the broad sweep that the Senator from Nebraska is concerned about, we excluded the International Atomic Energy Commission and also the International Civil Aviation Organization.

Let us talk about principle and agreement and a few other things. The very basis that the Senator from Nebraska draws his principle from is none other than what we call the Assessment Committee of the United Nations itself, which under the beginning charter, under article XVII, pertaining to committee matters, says that every 3 years they assess a certain percentage.

Interestingly enough this committee met in 1964 and said that as a matter of principle no one should pay over 30 percent. Why was that? It was because they did not want the tail wagging the dog.

That is the trouble with the dear old United States of America now. We are buying everything. They say, "We don't want to be bought. As a matter of principle, no one can pay over 30 percent."

However, the very same committee keeps on taking us on account of arrearages owed by other nations. What have we tried to do? We have tried to get the other nations to pay.

The Soviet Union is some $102 million behind right now.

France itself is $22 million behind.

Other nations owe $150 million in arrearages now. And the more they get in arrearages, the more we pick up.

What is the contract and the agreement that the Senator referred to in December 1970?

I say it is false. They have a contribution committee. However, what is the actual budget, the budget is similar to what we consider in the Congress? We operate on a fiscal basis. From July 1 of this particular year—in a couple of weeks, July 1, 1972—until the end of June 1973 is our fiscal year. And each Congress comes into office. One Congress does not bind the other.

What is the contractual obligation at the present moment? Under the contribution committee's direction, yes, we are obligated until the end of this calendar year. I say to the Senator from Nebraska that we are obligated until December 31, 1972.

There is no budget for the United Nations for the year 1973. That direction is just this specific. They have a committee that they call the fifth committee. One has to be an FBI man to find out these facts. He will not find them from the State Department.

I tried to find out what the contract was. I talked to the Ambassador and to assistant secretaries and to everyone else in the Department. However, they could not give us the full information.

The budget goes to the fifth committee. When? It goes to them in December. And after the fifth committee agrees on what the budget is, then they will do it for next year, and that is the mechanism contractually, as to what our agreement is.

What about our history for the past 22 years? Look at what the committee said in 1950 in the appropriations bill report:

Every effort will be made to reduce the unusually high percentage of contributions which, in all too many instances, our country is called upon to make. The high percentage of contributions of the United States should be reduced just as quickly as they can.

The committee will examine carefully this item next year to determine what progress has been made by the Department in making such judgment.

Mr. President, we have gone down from 39.89 percent to 31.52 percent. However, we have stayed at 31 percent, plus, for 7 years.

Here is what the Appropriations Committee found:

The committee believes that every effort must be made by the department to reduce the unusually high percentage of contributions which the United States is called upon to make for most of these organizations.

That is the Lodge Commission, the commission of former Ambassador Lodge, who said it should be no more than 25 percent. He said that last year.

But that group that is going to meet says, "We are going to do this in an orderly way, we are going to adhere to principles." They say, "You keep paying the piper and voting them in and out."

At the time they discussed this in the House of Representatives, Representative FRANK BOW, the distinguished Representative from Ohio was there in Geneva when they discussed these matters. I have before me the CONGRESSIONAL RECORD of May 18, just last month, at page 18028 where it is stated:

Stay firm on limitations on international organization funds. Many of our friends here in Switzerland agree with our position. We shall have the respect of many nations that will support us. You may quote me on the floor.

FRANK T. BOW,
Member of Congress.

The President in February said 25 percent. The Lodge Commission said 25 percent. We have been saying that for 22 years. What is wrong with Congress? We keep talking about these matters. You presidential candidates know about that. We keep on saying things that sound pretty, but where is the result? When are we going to do it?

We have fulfilled our obligation under the contract. In the subcommittee we voted, and it was almost unanimous in the Committee on Appropriations. The House cut it back automatically to the end of this year. We said no. We are obliged under the budget of this fiscal year 1972, so we said up to January 1, 1973, we will pay at the present rate of 31.52 percent and thereafter 25 percent.

That is the contract. When we come right down to it there is no provision in the United Nations Charter for arrearages other than stating that they vote a country out if they do not pay their dues after 2 years. They have not voted out anybody but I do not think we should get behind. We had to use this particular approach in connection with the International Labor Organization, the Senator from New York knows that. We got in arrears and we stayed there. We had to pay our dues so they would recognize us when we walked in the front door. The junior Senator from New York put this in the bill and the Senate adopted it last fall in the foreign authorization bill. It was knocked out in conference.

I say to the Senator from Vermont, we went over all of these organizations. We excluded the International Atomic Energy and the International Civil Aviation Organization, after discussing them all, and what the cut would mean down to 25 percent after January 1, 1973.

Mr. President, the committee opposes the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from South Carolina yield to me for 5 minutes?

Mr. HOLLINGS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I am impressed with the argument made by the distinguished Senator from South Carolina. I support the position of the Committee on Appropriations. As the Senator from South Carolina pointed out the Senate itself went on record last fall as favoring a reduction to 25 percent in the contributions to the United Nations.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, as the Senator from South Carolina also pointed out, too frequently has Congress, the Senate and the House, made statements to the American people and then gone back on their statements.

I think the time has come to meet this issue head on. The Committee on Appropriations certainly has been fair. The Committee on Appropriations went beyond what the House of Representatives wanted to do. The House voted to make the reduction effective the end of this month or beginning the first day of next month, July 1.

The Committee on Appropriations thought that was too precipitate and the Committee on Appropriations recommends that the reduction to 25 percent take effect January 1, next year.

The amendment offered by the distinguished Senator from Nebraska would postpone it for an additional year beyond that. It seems to me the Committee on Appropriations has gone into this matter carefully and has recommended to the Senate January 1, 1973, and I think the committee should be sustained. I shall vote to sustain the action of the committee.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I believe I am correct in saying that the action of the Committee on Appropriations might have been predicated upon the report made by the Lodge Commission. The Senator from Vermont (Mr. AIKEN) served on that commission. I also served on that commission as did several other Members of the Senate. In that report it is stated, and I quote:

Affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52 percent to the assessed regular budget of the Organization so that eventually its share will not exceed 25 percent.

Every year at the U.N. a specially constituted budget commission meets and

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largely upon the basis of gross national product they agree upon a figure of assessment against each country. Our share of the budget has been reduced over a period of years. It is down to 31.52 percent and will be reduced to 25 percent.

I am not clear from the amendment if this was directed solely to the budget of the United Nations or if it embraces also the other organizations, such as the Children's Fund, the FAO, World Health Organization and the Food and Agricultural Organization, and other agencies of the U.N. Is it directed solely to the U.N. budget?

Mr. HOLLINGS. All organizations except the International Atomic Energy Commission and the International Civil Aviation Organization. It includes the United Nations Educational, Scientific and Cultural Organization, World Health Organization, the Food and Agricultural Organization, and the World Meteorological Organization.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. I thank the Senator.

It exempts those two organizations, then. But if this cut is directed to all of them you are seriously crippling important agencies such as the Children's Fund, the FAO, which deals with food, Palestinian refugees, who are now in dire need as a result of cuts.

I hope very much that the amendment of the Senator from Nebraska will be agreed to so that a reduction to 25 percent can be worked out. We should not cut off the humane activities of the United Nations and our participation in them in the pursuit of the 25 percent figure. Our total contribution to the United Nations, and that includes population activities, is now less than $300,000,000. I think it is a mistake to do it this way. We are involved directly or indirectly in wars all over the world at great cost of tens of billions of dollars; I think it is good that we are involved in some peaceful activities such as the U.N. and voluntary agencies that contribute so much to settle the lot of mankind.

I hope the amendment of the Senator from Nebraska is agreed to.

Mr. HOLLINGS. Mr. President, I yield myself just 1 minute.

The distinguished Senator from Kentucky puts it in terms of being humane or inhumane. The Lodge Commission, upon which he served, and upon which the distinguished Senator from Vermont also served, reported on April 26, 1971, over a year ago, that the commission thinks that no State should pay any less than $200,000, that no State should pay less than one-tenth of 1 percent.

The commission recommends that the United States reduce its current contribution to the regular budget of 31.52 percent down to 25 percent, but it also recommends an increase of voluntary budgets and funds for other purposes so we will still be contributing, but on the regular budget—and I emphasize this—"but on the regular budget—it is unwholesome and unsound for any country to pay more than 25 percent."

So to some it might not be humane, but to others it might be unwholesome and unsound to pay more. We found that out a year ago and we have not done anything about it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I have been reading this language. It is unfortunate that we did not go into this closer in the committee, but I do have a question. As this language is written, it says that no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 percent except the three that are enumerated. Now the Senator is quoting the Lodge report, which gives an exception to the agencies the Senator from Kentucky was talking about.

I do not think our contribution to the regular assessments has been reduced very much. My recollection runs that it went from 39 percent and a fraction in 1946 to perhaps 31 percent today. That is the most it has been reduced, and I am not satisfied with that reduction, I must say; but, on the other hand, I do not think we should vote upon this matter upon the basis that the committee amendment—not the Senator's but the committee amendment; we all adopted it in the committee—would permit an assessment for any of these other agencies—WHO, Children's organizations, Palestinian refugees—of more than 25 percent.

I must say I am not sympathetic particularly to the amendment of the Senator from Nebraska, but it does have that going for it—that the committee amendment would lock out everything, and I mean everything, except the three organizations.

Mr. HOLLINGS. Mr. President, responding, and yielding myself that much time, this was not done willynilly. The fact of the matter is that they are in the report, I just listened to the Senator from Kentucky, to the World Health Organization, the Educational Scientific and Cultural Organization, World Meteorological Organization, and not the International Atomic Agency, or the International Civil Aviation Organization, which are exempt.

The House, after hearing, saw fit to exempt those 2 agencies, and the Senate did also.

So we did not just put it down and not give any meaning or thought to other organizations. This is under the section of the bill having to do with international organizations and contributions to those international organizations. We considered the amount and have listed just exactly what it would mean. But we went back to our own Congress, which started with this matter 22 years ago, and which thought it was too high then, and, having done nothing, we got to the Lodge Commission.

I believe the Senator from Colorado was off the floor a minute ago when I used the language "But on the regular budget it is unwholesome and unsound for any country to pay more than 25 percent."

Mr. ALLOTT. No; I was here.

Mr. HOLLINGS. And we followed the President, who stated in his message this year, that the most we ought to pay to these organizations is 25 percent. So the Congress is proceeding on what the President and the Congress have recommended. So we have appropriated for that amount.

Mr. ALLOTT. Mr. President, will the Senator yield for just a minute?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I want to say, first of all, to keep the record clear, that the Senator from Colorado was on the floor when the Senator read the Lodge report. I am fully acquainted with what is in it.

I do not think my point has gotten quite through, or perhaps I do not understand the Senator's point, and that is that by this amendment the committee cuts everything. It is a drastic thing—it cuts everything except the three items mentioned in the United Nations heretofore. I was a delegate to the United Nations in 1962 and served up there almost 6 months steadily. In the United Nations we have contributed this set amount—I believe 31 or 32 percent now. I am not sure of the exact fraction, but it was that amount for the regular assessment. Then we also contributed about 40 percent to the ancillary organizations.

In general principle, I agree that 25 percent is as much as the United States should contribute to the whole thing, but I do not think, if I understand the Senator correctly, that, as the language is written, it exempts anything but the three specifically named organizations.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself just 2 minutes.

The position of the manager of the bill is sound. I agree with 90 percent of it. The only thing with which I do not agree is the opposition to this amendment and the vote that he is going to cast against it. But when he said that the Lodge Commission found it was "unwholesome and unsound" for any nation to pay more than 25 percent, I agree with him. I support him. When he says that we have said a lot of things here and we have talked about doing something about it and nothing happens, I agree with him. I think he is right.

The point is that this time we are making a change not where it does not count, but where it does count. It does not count to have it in the Lodge report. It does not count to have it in the committee report. It does count to put it in the form of a statute, and the amendment, as modified by my amendment, will effect the change. It will effect the change as early as we can do it in keeping with national honor, law, and morals, and that is when we carry out our 3-year contract to pay out 31.52 percent. That 3-year contract is prescribed by the Charter of the United Nations, because the assessment made by each nation is to be made under an agreement that will be for a period of not less than 3 years. That is why this is so.

The President is for the reduction. The Department of State is for the reduction.

George Bush, the Ambassador to the United Nations, is for the reduction. This Congress, in my judgment, is for the reduction. The question is, How do we achieve it?

The President says we must proceed in an orderly way in reaching this goal. It is unrealistic to state that it can be done immediately. We ought to carry out our contract. We made an agreement. It is a lawful agreement. It is a binding agreement. We ought not to break it, or we will be damaging our national honor and our ultimate success in working out a negotiation, not in an abrasive process, or not based on intimidation or sheer force, but to keep our agreement and then negotiate to bring our contribution down to 25 percent, under the law, starting with January 1, 1974, which will limit the authority, and limit it to the 25 percent.

So I suggest again, all the representations and arguments made by the Senator from Virginia and by the Senator from South Carolina are true and are right, and I am for them, but let us do it the right way.

Let us adopt the Hruska amendment to the amendment of the committee.

On June 13, I wrote to Mr. Clark MacGregor on the President's White House staff concerning my intention to propose this amendment. Yesterday I received a response from him indicating President Nixon's support for this amendment. I ask unanimous consent, Mr. President, to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 13, 1972.

Mr. CLARK MACGREGOR,
The White House,
Washington, D.C.

DEAR CLARK: I am writing with regard to the Senate Appropriations Committee's recommendation that appropriations for contribution to the United Nations and its affiliated agencies be limited to 25 percent of total assessments effective January 1, 1973, and thereafter. I am aware that the President has already informed the Congress of his policy to negotiate a reduction of the U.S. contribution ceiling to 25 percent. The President, however, also stated in his February 9, 1972, statement "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

This Senator is one of those who supports the reduction in the United States contribution to a figure not in excess of 25 percent. I voted last year for the provision urging the President to arrange such a reduction.

However, I am informed that the United Nations has traditionally established assessments for three-year periods. The present three-year segment will not expire until December 31, 1973. This procedure has been well-established by long practice based on the United Nations Participation Act, has been approved by our Ambassador to the U.N., and acquiesced in by the Congress. To this Senator it would appear that we have a legal and moral obligation to abide by the present assessment until the end of Calendar 1973.

Accordingly, if the President desires, I am considering the introduction of an amendment that would make the Senate proviso effective after December 31, 1973. This amendment would allow the United States to observe due process in negotiating a reduction in its rate of assessment to 25 percent, or less. If you believe the above course of action would be desirable, please let me know. I understand the Senate vote on the Committee's bill will take place on Thursday, June 15.

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator of Nebraska.

THE WHITE HOUSE,
Washington, D.C., June 14, 1972.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: Thank you for your constructive letter of June 13, 1972 regarding United States contributions to the United Nations and its affiliated agencies.

As you have noted, the President approves the goal of establishing a 25% ceiling on our contributions to the regular assessed budgets of the UN and its specialized agencies, since we think it unwise for the UN to be overly dependent financially on any one country. We intend, through discussions with other UN members, to work vigorously to reduce our contribution to 25% as soon as we can, consistently with our international obligations.

However, as the President has said, "We must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

You are also correct in your understanding of the fact that, under legal and long-standing UN procedures, assessments run for three years, and that the present period expires on December 31, 1973. Thus, there is indeed a legal and moral obligation on the United States to abide by the existing assessment until the end of calendar 1973.

For these reasons we strongly urge you to introduce the amendment you are considering, which would make the Senate limitation on our regular budgetary contribution effective only after December 31, 1973.

Sincerely,

CLARK MACGREGOR,
Counsel to the President for Congressional Relations.

Mr. HOLLINGS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HOLLINGS. I yield myself such time as I may require.

Mr. President, he says he is for it, the President is for it, Congress is for it, and everything; how do we do it?

What does he propose to do? He says "do it." And when does he propose to do it?

His amendment says to do it on December 31, 1973, which is beyond the purview of this bill. As I read the title of the bill, it says: "Making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973."

So his way of doing business is to do it 6 months beyond the next fiscal year. I say the way to do it is refer it to the committee and then let the committee report, at the end of this calendar year, December 31, 1972.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Nebraska to delay for an additional year the deadline for reducing the U.S. regular contribution to the United Nations to 25 percent of the total cost.

I believe that any deadline is inadvisable but it would appear that this step by the Senator from Nebraska is the minimum action necessary to preserve our traditional compliance with our treaty obligations.

If we were to set the date contained within the committee bill, it would foreclose the possibility of negotiating a reduction in the assessment with the accord of the other member nations.

The United Nations General Assembly currently is scheduled to reassess the financial requirements on each nation in the spring of 1973 and to establish the assessment ceilings for the following 3 years.

By accepting the amendment proposed by the Senator from Nebraska, we will have retained our freedom of action to review the United Nations actions. However, at the same time, we will have upheld our treaty obligations. A unilateral reduction at this time not only calls into question our credibility but also severely damages important on-going United Nations programs.

For example, the proposed amendment would have the effect of reducing in calendar year 1973, our contribution to the world health organization by some $5.5 million.

It seems almost absurd to consider a substantial reduction of that kind in a program whose aims are so clearly in the best interest of the citizens of this country as well as people throughout the world.

It would mean reducing WHO programs in health manpower development, in the health aspects of environmental population and in the field of drug abuse.

I traveled with the health subcommittee to England, to Sweden, to Israel, and to Denmark and found that as one might expect, no nation has a monopoly on the skills and understanding to solve the health problems affecting the peoples of the world.

We can learn much from what is being done in other nations and it makes no sense for the United States to unilaterally reduce our contribution to a program such as the WHO which is clearly in our national interest.

Nor does it seem in our interest unilaterally to reduce our contribution to UNESCO which provides such important services in the areas of education, scientific, and cultural activities.

Similarly, I would question reducing contributions to the food and agricultural organization. FAO has led in developing the research and techniques of the green revolution bringing food to communities throughout the underdeveloped world.

And I would challenge any Member to justify reducing our contributions to UNICEF which continues to provide food, clothing, and shelter to countless orphans and abandoned children around the world.

At the same time, when one examines the history of the United Nations and the history of the U.S. contribution, it seems evident that we have successfully negotiated reductions in our contribution over the years. Originally, the United States paid nearly 40 percent of the total cost of operating the United Nations. Subsequently, successive reductions occurred in 1948, 1957, 1963, 1965, 1968, and 1971.

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Mr. President, unless there is further discussion on this amendment, I am prepared to yield back my time.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to amendment No. 1235 of the Senator from Nebraska (Mr. HRUSKA).

The amendment was agreed to.

AMENDMENT NO. 1236

Mr. HRUSKA. Mr. President, I call up my amendment No. 1236 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 25, strike the following: "effective January 1, 1973, and thereafter" and insert in lieu thereof "after December 31, 1973,".

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, I commence my explanation of the amendment which I propose by first stating that I believe the U.S. contribution to the United Nations is too high.

I believe that the contribution of the United States should be reduced, and should be reduced substantially.

Furthermore, it should be reduced at the earliest possible time.

It would be my thought, as it seems to be in the other body, to require a limit of a 25-percent assessment against the United States for any operating budget of the United Nations. That figure is perfectly satisfactory to me, an amount not to exceed 25 percent.

However, the change and the reduction from the present 31.52 percent should be effected in an orderly way.

Let me explain that under the provisions of the Charter of the United Nations, and the Participation Act enacted by Congress initially, the process of funding the United Nations is done in this wise. There is a budget set. Then there is a negotiation among the representatives on the committee to assess the respective nations according to an agreement that can be reached.

When an agreement is reached as to the percentage of each nation, an agreement covering a 3-year period—a period not less than 3 years—is made for the purpose of approving the budget and also of fixing the assessments of the respective nations.

The latest such negotiation was held in December of 1970, at which time an agreement was entered into for 3 years—calendar years 1971, 1972, and 1973.

The percentage for the United States was fixed at 31.52 percent. Thereby, upon approval of that budget and that assessment, there arose and was created a legal and moral responsibility on the part of this country to pay in an amount equal to 31.52 percent of the operating budget for 1973 and the 2 preceding calendar years.

Now the language in the bill that we have before us provides that, effective on January 1, 1973, and thereafter, no appropriation is authorized and no payment shall be made in excess of 25 percent.

That is 6.52 percent, less than the agreement to which we are bound by law and by the morals of the situation.

The amendment that is pending would do this. It would provide that after December 31, 1973, no appropriation is authorized and no payment shall be made in excess of 25 percent. That would enable the payment of the 1973 contribution pursuant to the agreement that was made in December 1970.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, as a member of the Commission on the United Nations which was headed by Ambassador Lodge, I favored a reduction in our share of the costs of the United Nations from about 31 percent to 25 percent. However, I do not favor a blanket reduction for all of the auxiliary agencies of the United Nations, believing they should be considered one by one, each on its own merits.

Inasmuch as this committee amendment in the bill is applicable not only to the United Nations, but also to all agencies, with two exceptions, I feel that the amendment now offered by the Senator from Nebraska is a good amendment and that it will give us another year in which to consider not only what we want to do about the United Nations—whether we want to reduce it to 25 percent all at once or do it more gradually—but also to consider auxiliary organizations, some of which I think operate very distinctly to the advantage of the United States.

Therefore, I support the amendment of the Senator from Nebraska.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator. I just need a small amount of time.

We are all sophisticated here. We know that even if we do something that is right in principle, we have to do it in the proper way. And that is what the Senator from Nebraska is giving us an opportunity to do, to do this right.

I asked our Ambassador to the United Nations, George Bush, to give me an analysis of how the U.N. contribution works. I am in receipt of a telegram from him. I ask unanimous consent that that telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator J. K. JAVITS,
Old Senate Office Building,
Washington, D.C.

Per your request for information re U.N. scale of assessments, present scale in which United States assessed at 31.52 percent for U.N. regular budget covers calendar years 1971–1973. This scale was established in 1970 by U.N. General Assembly acting on recommendation of U.N. expert committee on contributions which included a U.S. expert as one of its members. Only at its next session in May and June 1973 will committee on contributions basis of guidelines provided by General Assembly formulate a new scale of assessments for period 1974–1975 and recommend such a scale for approval by assembly at its 28th session in fall of 1973. Consequently 27th session of assembly this fall is appropriate time to attempt to obtain decision by assembly to establish a new 25 percent ceiling on highest contributor and to instruct committee on contributions on method of achieving this objective. Accordingly we propose at 27th session to attempt to secure such a decision by assembly which will reduce U.S. contribution to 25 percent. In future years we must recognize that whether or not there is full reduction to 25 percent in 1974–1976 scale of assessments will depend very largely upon timing of admission of new member states to U.N. organization. If U.S. attempts to reduce U.S. assessments percentage unilaterally to 25 percent for year 1972 and 1973 (that is prior to establishment of a new scale for 1974–1976) and funds for those years appropriated only at 25 percent level United States will be in arrears for those years in amounts representing difference between appropriations at 31.52 percent level and 25 percent level (at present U.N. budget levels this means about $13,000,000 per year) I urge that United States not be placed in position of defaulting on payment of assessed contributions called for by our treaty obligation under U.N. charter. Appreciate your continued interest in U.N. and any assistance you can provide in support of amendment.

GEORGE BUSH.

Mr. JAVITS. Mr. President, this is the way it works. In this fall the United States delegation will ask the General Assembly to reduce our contribution to 25 percent in future years. Ambassador Bush is confident that can be done over a period of time providing we do not approach it on a coercive basis.

That is what the Senator from Nebraska has in mind. At the time the General Assembly so acts—and he has no doubt that it will—after the 3 years is over, we will reduce our contribution. To act alone and stop payments will not help. We will still owe the money and we will have a big assessment at the U.N. We should not go against our treaty and contract obligations and reverse those rules. Nothing is really accomplished by that action.

So for the very fundamental reason that this is the right thing to do and the right way in which to do it, I hope very much that the Senate will accept the amendment that has been offered to us in a very statesmanlike way by the Senator from Nebraska.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself the time I will require.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I will try to be as brief as possible. I will try to emphasize that we have not overskirted the corporations or taken into consideration the very language we put in there. In a deliberate fashion, instead of the broad sweep that the Senator from Nebraska is concerned about, we excluded the International Atomic Energy Commission and also the International Civil Aviation Organization.

Let us talk about principle and agreement and a few other things. The very basis that the Senator from Nebraska draws his principle from is none other than what we call the Assessment Committee of the United Nations itself, which under the beginning charter, under article XVII, pertaining to committee matters, says that every 3 years they assess a certain percentage.

Interestingly enough this committee met in 1964 and said that as a matter of principle no one should pay over 30 percent. Why was that? It was because they did not want the tail wagging the dog.

That is the trouble with the dear old United States of America now. We are buying everything. They say, "We don't want to be bought. As a matter of principle, no one can pay over 30 percent."

However, the very same committee keeps on taking us on account of arrearages owed by other nations. What have we tried to do? We have tried to get the other nations to pay.

The Soviet Union is some $102 million behind right now.

France itself is $22 million behind.

Other nations owe $150 million in arrearages now. And the more they get in arrearages, the more we pick up.

What is the contract and the agreement that the Senator referred to in December 1970?

I say it is false. They have a contribution committee. However, what is the actual budget, the budget is similar to what we consider in the Congress? We operate on a fiscal basis. From July 1 of this particular year—in a couple of weeks, July 1, 1972—until the end of June 1973 is our fiscal year. And each Congress comes into office. One Congress does not bind the other.

What is the contractual obligation at the present moment? Under the contribution committee's direction, yes, we are obligated until the end of this calendar year. I say to the Senator from Nebraska that we are obligated until December 31, 1972.

There is no budget for the United Nations for the year 1973. That direction is just this specific. They have a committee that they call the fifth committee. One has to be an FBI man to find out these facts. He will not find them from the State Department.

I tried to find out what the contract was. I talked to the Ambassador and to assistant secretaries and to everyone else in the Department. However, they could not give us the full information.

The budget goes to the fifth committee. When? It goes to them in December. And after the fifth committee agrees on what the budget is, then they will do it for next year, and that is the mechanism contractually, as to what our agreement is.

What about our history for the past 22 years? Look at what the committee said in 1950 in the appropriations bill report:

Every effort will be made to reduce the unusually high percentage of contributions which, in all too many instances, our country is called upon to make. The high percentage of contributions of the United States should be reduced just as quickly as they can.

The committee will examine carefully this item next year to determine what progress has been made by the Department in making such judgment.

Mr. President, we have gone down from 39.89 percent to 31.52 percent. However, we have stayed at 31 percent, plus, for 7 years.

Here is what the Appropriations Committee found:

The committee believes that every effort must be made by the department to reduce the unusually high percentage of contributions which the United States is called upon to make for most of these organizations.

That is the Lodge Commission, the commission of former Ambassador Lodge, who said it should be no more than 25 percent. He said that last year.

But that group that is going to meet says, "We are going to do this in an orderly way, we are going to adhere to principles." They say, "You keep paying the piper and voting them in and out."

At the time they discussed this in the House of Representatives, Representative FRANK BOW, the distinguished Representative from Ohio was there in Geneva when they discussed these matters. I have before me the CONGRESSIONAL RECORD of May 18, just last month, at page 18028 where it is stated:

Stay firm on limitations on international organization funds. Many of our friends here in Switzerland agree with our position. We shall have the respect of many nations that will support us. You may quote me on the floor.

FRANK T. BOW,
Member of Congress.

The President in February said 25 percent. The Lodge Commission said 25 percent. We have been saying that for 22 years. What is wrong with Congress? We keep talking about these matters. You presidential candidates know about that. We keep on saying things that sound pretty, but where is the result? When are we going to do it?

We have fulfilled our obligation under the contract. In the subcommittee we voted, and it was almost unanimous in the Committee on Appropriations. The House cut it back automatically to the end of this year. We said no. We are obliged under the budget of this fiscal year 1972, so we said up to January 1, 1973, we will pay at the present rate of 31.52 percent and thereafter 25 percent.

That is the contract. When we come right down to it there is no provision in the United Nations Charter for arrearages other than stating that they vote a country out if they do not pay their dues after 2 years. They have not voted out anybody but I do not think we should get behind. We had to use this particular approach in connection with the International Labor Organization, the Senator from New York knows that. We got in arrears and we stayed there. We had to pay our dues so they would recognize us when we walked in the front door. The junior Senator from New York put this in the bill and the Senate adopted it last fall in the foreign authorization bill. It was knocked out in conference.

I say to the Senator from Vermont, we went over all of these organizations. We excluded the International Atomic Energy and the International Civil Aviation Organization, after discussing them all, and what the cut would mean down to 25 percent after January 1, 1973.

Mr. President, the committee opposes the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from South Carolina yield to me for 5 minutes?

Mr. HOLLINGS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I am impressed with the argument made by the distinguished Senator from South Carolina. I support the position of the Committee on Appropriations. As the Senator from South Carolina pointed out the Senate itself went on record last fall as favoring a reduction to 25 percent in the contributions to the United Nations.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, as the Senator from South Carolina also pointed out, too frequently has Congress, the Senate and the House, made statements to the American people and then gone back on their statements.

I think the time has come to meet this issue head on. The Committee on Appropriations certainly has been fair. The Committee on Appropriations went beyond what the House of Representatives wanted to do. The House voted to make the reduction effective the end of this month or beginning the first day of next month, July 1.

The Committee on Appropriations thought that was too precipitate and the Committee on Appropriations recommends that the reduction to 25 percent take effect January 1, next year.

The amendment offered by the distinguished Senator from Nebraska would postpone it for an additional year beyond that. It seems to me the Committee on Appropriations has gone into this matter carefully and has recommended to the Senate January 1, 1973, and I think the committee should be sustained. I shall vote to sustain the action of the committee.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I believe I am correct in saying that the action of the Committee on Appropriations might have been predicated upon the report made by the Lodge Commission. The Senator from Vermont (Mr. AIKEN) served on that commission. I also served on that commission as did several other Members of the Senate. In that report it is stated, and I quote:

Affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52 percent to the assessed regular budget of the Organization so that eventually its share will not exceed 25 percent.

Every year at the U.N. a specially constituted budget commission meets and

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largely upon the basis of gross national product they agree upon a figure of assessment against each country. Our share of the budget has been reduced over a period of years. It is down to 31.52 percent and will be reduced to 25 percent.

I am not clear from the amendment if this was directed solely to the budget of the United Nations or if it embraces also the other organizations, such as the Children's Fund, the FAO, World Health Organization and the Food and Agricultural Organization, and other agencies of the U.N. Is it directed solely to the U.N. budget?

Mr. HOLLINGS. All organizations except the International Atomic Energy Commission and the International Civil Aviation Organization. It includes the United Nations Educational, Scientific and Cultural Organization, World Health Organization, the Food and Agricultural Organization, and the World Meteorological Organization.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. I thank the Senator.

It exempts those two organizations, then. But if this cut is directed to all of them you are seriously crippling important agencies such as the Children's Fund, the FAO, which deals with food, Palestinian refugees, who are now in dire need as a result of cuts.

I hope very much that the amendment of the Senator from Nebraska will be agreed to so that a reduction to 25 percent can be worked out. We should not cut off the humane activities of the United Nations and our participation in them in the pursuit of the 25 percent figure. Our total contribution to the United Nations, and that includes population activities, is now less than $300,000,000. I think it is a mistake to do it this way. We are involved directly or indirectly in wars all over the world at great cost of tens of billions of dollars; I think it is good that we are involved in some peaceful activities such as the U.N. and voluntary agencies that contribute so much to settle the lot of mankind.

I hope the amendment of the Senator from Nebraska is agreed to.

Mr. HOLLINGS. Mr. President, I yield myself just 1 minute.

The distinguished Senator from Kentucky puts it in terms of being humane or inhumane. The Lodge Commission, upon which he served, and upon which the distinguished Senator from Vermont also served, reported on April 26, 1971, over a year ago, that the commission thinks that no State should pay any less than $200,000, that no State should pay less than one-tenth of 1 percent.

The commission recommends that the United States reduce its current contribution to the regular budget of 31.52 percent down to 25 percent, but it also recommends an increase of voluntary budgets and funds for other purposes so we will still be contributing, but on the regular budget—and I emphasize this—"but on the regular budget—it is unwholesome and unsound for any country to pay more than 25 percent."

So to some it might not be humane, but to others it might be unwholesome and unsound to pay more. We found that out a year ago and we have not done anything about it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I have been reading this language. It is unfortunate that we did not go into this closer in the committee, but I do have a question. As this language is written, it says that no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 percent except the three that are enumerated. Now the Senator is quoting the Lodge report, which gives an exception to the agencies the Senator from Kentucky was talking about.

I do not think our contribution to the regular assessments has been reduced very much. My recollection runs that it went from 39 percent and a fraction in 1946 to perhaps 31 percent today. That is the most it has been reduced, and I am not satisfied with that reduction, I must say; but, on the other hand, I do not think we should vote upon this matter upon the basis that the committee amendment—not the Senator's but the committee amendment; we all adopted it in the committee—would permit an assessment for any of these other agencies—WHO, Children's organizations, Palestinian refugees—of more than 25 percent.

I must say I am not sympathetic particularly to the amendment of the Senator from Nebraska, but it does have that going for it—that the committee amendment would lock out everything, and I mean everything, except the three organizations.

Mr. HOLLINGS. Mr. President, responding, and yielding myself that much time, this was not done willynilly. The fact of the matter is that they are in the report, I just listened to the Senator from Kentucky, to the World Health Organization, the Educational Scientific and Cultural Organization, World Meteorological Organization, and not the International Atomic Agency, or the International Civil Aviation Organization, which are exempt.

The House, after hearing, saw fit to exempt those 2 agencies, and the Senate did also.

So we did not just put it down and not give any meaning or thought to other organizations. This is under the section of the bill having to do with international organizations and contributions to those international organizations. We considered the amount and have listed just exactly what it would mean. But we went back to our own Congress, which started with this matter 22 years ago, and which thought it was too high then, and, having done nothing, we got to the Lodge Commission.

I believe the Senator from Colorado was off the floor a minute ago when I used the language "But on the regular budget it is unwholesome and unsound for any country to pay more than 25 percent."

Mr. ALLOTT. No; I was here.

Mr. HOLLINGS. And we followed the President, who stated in his message this year, that the most we ought to pay to these organizations is 25 percent. So the Congress is proceeding on what the President and the Congress have recommended. So we have appropriated for that amount.

Mr. ALLOTT. Mr. President, will the Senator yield for just a minute?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I want to say, first of all, to keep the record clear, that the Senator from Colorado was on the floor when the Senator read the Lodge report. I am fully acquainted with what is in it.

I do not think my point has gotten quite through, or perhaps I do not understand the Senator's point, and that is that by this amendment the committee cuts everything. It is a drastic thing—it cuts everything except the three items mentioned in the United Nations heretofore. I was a delegate to the United Nations in 1962 and served up there almost 6 months steadily. In the United Nations we have contributed this set amount—I believe 31 or 32 percent now. I am not sure of the exact fraction, but it was that amount for the regular assessment. Then we also contributed about 40 percent to the ancillary organizations.

In general principle, I agree that 25 percent is as much as the United States should contribute to the whole thing, but I do not think, if I understand the Senator correctly, that, as the language is written, it exempts anything but the three specifically named organizations.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself just 2 minutes.

The position of the manager of the bill is sound. I agree with 90 percent of it. The only thing with which I do not agree is the opposition to this amendment and the vote that he is going to cast against it. But when he said that the Lodge Commission found it was "unwholesome and unsound" for any nation to pay more than 25 percent, I agree with him. I support him. When he says that we have said a lot of things here and we have talked about doing something about it and nothing happens, I agree with him. I think he is right.

The point is that this time we are making a change not where it does not count, but where it does count. It does not count to have it in the Lodge report. It does not count to have it in the committee report. It does count to put it in the form of a statute, and the amendment, as modified by my amendment, will effect the change. It will effect the change as early as we can do it in keeping with national honor, law, and morals, and that is when we carry out our 3-year contract to pay out 31.52 percent. That 3-year contract is prescribed by the Charter of the United Nations, because the assessment made by each nation is to be made under an agreement that will be for a period of not less than 3 years. That is why this is so.

The President is for the reduction. The Department of State is for the reduction.

George Bush, the Ambassador to the United Nations, is for the reduction. This Congress, in my judgment, is for the reduction. The question is, How do we achieve it?

The President says we must proceed in an orderly way in reaching this goal. It is unrealistic to state that it can be done immediately. We ought to carry out our contract. We made an agreement. It is a lawful agreement. It is a binding agreement. We ought not to break it, or we will be damaging our national honor and our ultimate success in working out a negotiation, not in an abrasive process, or not based on intimidation or sheer force, but to keep our agreement and then negotiate to bring our contribution down to 25 percent, under the law, starting with January 1, 1974, which will limit the authority, and limit it to the 25 percent.

So I suggest again, all the representations and arguments made by the Senator from Virginia and by the Senator from South Carolina are true and are right, and I am for them, but let us do it the right way.

Let us adopt the Hruska amendment to the amendment of the committee.

On June 13, I wrote to Mr. Clark MacGregor on the President's White House staff concerning my intention to propose this amendment. Yesterday I received a response from him indicating President Nixon's support for this amendment. I ask unanimous consent, Mr. President, to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 13, 1972.

Mr. CLARK MACGREGOR,
The White House,
Washington, D.C.

DEAR CLARK: I am writing with regard to the Senate Appropriations Committee's recommendation that appropriations for contribution to the United Nations and its affiliated agencies be limited to 25 percent of total assessments effective January 1, 1973, and thereafter. I am aware that the President has already informed the Congress of his policy to negotiate a reduction of the U.S. contribution ceiling to 25 percent. The President, however, also stated in his February 9, 1972, statement "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

This Senator is one of those who supports the reduction in the United States contribution to a figure not in excess of 25 percent. I voted last year for the provision urging the President to arrange such a reduction.

However, I am informed that the United Nations has traditionally established assessments for three-year periods. The present three-year segment will not expire until December 31, 1973. This procedure has been well-established by long practice based on the United Nations Participation Act, has been approved by our Ambassador to the U.N., and acquiesced in by the Congress. To this Senator it would appear that we have a legal and moral obligation to abide by the present assessment until the end of Calendar 1973.

Accordingly, if the President desires, I am considering the introduction of an amendment that would make the Senate proviso effective after December 31, 1973. This amendment would allow the United States to observe due process in negotiating a reduction in its rate of assessment to 25 percent, or less. If you believe the above course of action would be desirable, please let me know. I understand the Senate vote on the Committee's bill will take place on Thursday, June 15.

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator of Nebraska.

THE WHITE HOUSE,
Washington, D.C., June 14, 1972.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: Thank you for your constructive letter of June 13, 1972 regarding United States contributions to the United Nations and its affiliated agencies.

As you have noted, the President approves the goal of establishing a 25% ceiling on our contributions to the regular assessed budgets of the UN and its specialized agencies, since we think it unwise for the UN to be overly dependent financially on any one country. We intend, through discussions with other UN members, to work vigorously to reduce our contribution to 25% as soon as we can, consistently with our international obligations.

However, as the President has said, "We must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

You are also correct in your understanding of the fact that, under legal and long-standing UN procedures, assessments run for three years, and that the present period expires on December 31, 1973. Thus, there is indeed a legal and moral obligation on the United States to abide by the existing assessment until the end of calendar 1973.

For these reasons we strongly urge you to introduce the amendment you are considering, which would make the Senate limitation on our regular budgetary contribution effective only after December 31, 1973.

Sincerely,

CLARK MACGREGOR,
Counsel to the President for Congressional Relations.

Mr. HOLLINGS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HOLLINGS. I yield myself such time as I may require.

Mr. President, he says he is for it, the President is for it, Congress is for it, and everything; how do we do it?

What does he propose to do? He says "do it." And when does he propose to do it?

His amendment says to do it on December 31, 1973, which is beyond the purview of this bill. As I read the title of the bill, it says: "Making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973."

So his way of doing business is to do it 6 months beyond the next fiscal year. I say the way to do it is refer it to the committee and then let the committee report, at the end of this calendar year, December 31, 1972.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Nebraska to delay for an additional year the deadline for reducing the U.S. regular contribution to the United Nations to 25 percent of the total cost.

I believe that any deadline is inadvisable but it would appear that this step by the Senator from Nebraska is the minimum action necessary to preserve our traditional compliance with our treaty obligations.

If we were to set the date contained within the committee bill, it would foreclose the possibility of negotiating a reduction in the assessment with the accord of the other member nations.

The United Nations General Assembly currently is scheduled to reassess the financial requirements on each nation in the spring of 1973 and to establish the assessment ceilings for the following 3 years.

By accepting the amendment proposed by the Senator from Nebraska, we will have retained our freedom of action to review the United Nations actions. However, at the same time, we will have upheld our treaty obligations. A unilateral reduction at this time not only calls into question our credibility but also severely damages important on-going United Nations programs.

For example, the proposed amendment would have the effect of reducing in calendar year 1973, our contribution to the world health organization by some $5.5 million.

It seems almost absurd to consider a substantial reduction of that kind in a program whose aims are so clearly in the best interest of the citizens of this country as well as people throughout the world.

It would mean reducing WHO programs in health manpower development, in the health aspects of environmental population and in the field of drug abuse.

I traveled with the health subcommittee to England, to Sweden, to Israel, and to Denmark and found that as one might expect, no nation has a monopoly on the skills and understanding to solve the health problems affecting the peoples of the world.

We can learn much from what is being done in other nations and it makes no sense for the United States to unilaterally reduce our contribution to a program such as the WHO which is clearly in our national interest.

Nor does it seem in our interest unilaterally to reduce our contribution to UNESCO which provides such important services in the areas of education, scientific, and cultural activities.

Similarly, I would question reducing contributions to the food and agricultural organization. FAO has led in developing the research and techniques of the green revolution bringing food to communities throughout the underdeveloped world.

And I would challenge any Member to justify reducing our contributions to UNICEF which continues to provide food, clothing, and shelter to countless orphans and abandoned children around the world.

At the same time, when one examines the history of the United Nations and the history of the U.S. contribution, it seems evident that we have successfully negotiated reductions in our contribution over the years. Originally, the United States paid nearly 40 percent of the total cost of operating the United Nations. Subsequently, successive reductions occurred in 1948, 1957, 1963, 1965, 1968, and 1971.

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I believe that the same process of negotiations will achieve our ultimate objective and that it is far, far better to achieve the goal through negotiations than through unilateral action.

SUPPORT FOR U.N. OBLIGATIONS

Mr. BROOKE. Mr. President, I wish to lend my strong support to the amendment offered by the distinguished Senator from Nebraska (Mr. HRUSKA) regarding the U.S. contribution to the United Nations.

For some time, Members of Congress and private citizens have expressed concern that the United States was paying more than its fair share of U.N. expenses. In some cases, it has been pointed out, this country pays 30 percent or more of the budget of the U.N. and its specialized agencies. For this reason, the House of Representatives voted to limit our contribution to 25 percent of the budget of any U.N. organ, effective July 1, 1972.

Responding to objections that such a deadline was too precipitate, the Senate Appropriations Committee, upon which I serve, voted to extend the deadline to January 1, 1973. I welcome this extension, but regarded it as inadequate.

At the time that the United States and other nations negotiated their financial commitments to the United Nations, these commitments were scheduled to extend through calendar year 1973. The present assessment will thus expire on December 31, 1973. New agreements on the financial commitments of all nations will be renegotiated within the year.

Mr. President, the United States, as the world's principal democracy and the leader of the free world, has an unprecedented responsibility to show respect for international agreements. The assessments for financial responsibility to the U.N. were achieved through the democratic process. Any refinements or revisions in those assessments should likewise be the product of democratically reached agreements among the member states.

No nation, and particularly not this Nation, should unilaterally abrogate any part of its treaties or commitments to the world organization. Such lack of respect for our word abroad is both unseemly and a denial of our principles as a nation. It is also, in my judgment, unnecessary at a time when relief is imminent.

Next spring, the U.N. Committee on Contributions will hold its regularly scheduled meeting to reassess the contributions of member states. The U.S. share of the U.N. budget, which has undergone constant downward revision over the last several years, will almost certainly be set at 25 percent during the course of these negotiations. This is exactly the share desired by both the House and Senate committees, and it can be obtained within the year without resorting to the undesirable expedient of unilateral abrogation of our commitments.

Mr. President, I urge Senators to give their support to the amendment of the distinguished Senator from Nebraska (Mr. HRUSKA) which would set the U.S. contribution to the United Nations and its agencies at 25 percent effective after December 31, 1973.

Mr. STEVENSON. Mr. President, what is the real issue posed by the effort to make a unilateral reduction in our contribution to the United Nations and its voluntary agencies?

The real issue is not whether we are paying more than our fair share—and viewed as a percentage of our gross national product our contributions are less than those of 41 other nations.

The real issue is not whether we should try to negotiate a reduction in our contributions—the Congress, the administration and the Lodge Commission are already on record in favor of such negotiations.

The real issue is whether we should force the United States to renege on a legally binding obligation we have freely assumed under articles 17 and 21 of the United Nations Charter; or to put it another way, whether the Congress of the United States regards the United Nations Charter as a living covenant with 131 other member nations, or as a scrap of paper.

For over a decade we have castigated other nations—notably the Soviet Union and France—for refusing to honor financial commitments to the United Nations. Against this background, a unilateral reduction to 25 percent is an act of rank hypocrisy which will do incalculable damage to our already waning ability to exercise responsible leadership within the United Nations.

By thus lashing out against the United Nations in its hour of need we could help cause that body to go the way of the League of Nations. We could set back the prospects of effective international peacekeeping mechanisms. And, without a doubt, we will discredit ourselves in the global community more effectively than our worst enemies could hope to do.

Mr. HOLLINGS. My remaining time is yielded back.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. PROXMIRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. HRUSKA). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The result was announced—yeas 39, nays 28, as follows:

[No. 217 Leg.]

YEAS—39

Aiken	Curtis	Miller
Allott	Dole	Mondale
Bayh	Dominick	Nelson
Beall	Eagleton	Packwood
Bennett	Fong	Pearson
Boggs	Hansen	Pell
Brooke	Harris	Percy
Burdick	Hatfield	Proxmire
Case	Hruska	Schweiker
Chiles	Javits	Stevens
Cook	Jordan, Idaho	Taft
Cooper	Kennedy	Tunney
Cranston	McGee	Young

NAYS—28

Allen	Gurney	Roth
Bentsen	Hartke	Smith
Bible	Hollings	Sparkman
Byrd, Harry F., Jr.	Inouye	Spong
	Jackson	Stennis
Byrd, Robert C.	Magnuson	Symington
Cannon	Mansfield	Talmadge
Cotton	Montoya	Thurmond
Eastland	Pastore	Tower
Ervin	Randolph	

NOT VOTING—33

Anderson	Gravel	Metcalf
Baker	Griffin	Moss
Bellmon	Hart	Mundt
Brock	Hughes	Muskie
Buckley	Humphrey	Ribicoff
Church	Jordan, N.C.	Saxbe
Ellender	Long	Scott
Fannin	Mathias	Stafford
Fulbright	McClellan	Stevenson
Gambrell	McGovern	Weicker
Goldwater	McIntyre	Williams

So Mr. HRUSKA's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion was agreed to.

PROBATION OFFICERS

Mr. BURDICK. Mr. President, I wish to commend the Committee on Appropriations, and the subcommittee which considered the bill before us, for its recommendation that the authorized number of U.S. probation officers be significantly increased.

The U.S. Probation Service performs a vital function for the federal system of criminal justice, preparing presentence reports for the courts, and providing supervision in the community for convicted offenders on probation and parole.

The need for more officers can be justified solely on the basis of numbers. The load on the criminal justice system is increasing, and so the number of officers must be increased.

At present, the U.S. Probation Service has 45,000 convicted offenders under supervision, and is preparing presentence reports at the rate of 26,000 per year.

Based upon the standard applied by the President's Commission on Law Enforcement and the Administration of Justice, the appropriation pending here today should provide for approximately 1,500 officers, instead of only 876.

As we can see, the recommendation of the Appropriations Committee is a very modest one. I not only urge its approval, but also urge that if it is approved by the Senate, the conference committee accept nothing less than the Senate figure in the final bill.

I believe that our Nation is coming to realize something important about the correction of convicted offenders—that probation and parole are a better means for the rehabilitation of many, and at less cost to the taxpayer. Professionals in the field of corrections have testified to this before the Subcommittee on National Penitentiaries, but other citizen groups such as the U.S. Chamber of Commerce have also told us so.

The appropriation bill before us today provides some of the means necessary to provide adequate supervision for these former offenders, and I urge final adoption of nothing less than what the Appropriations Committee has recommended.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. TUNNEY. Mr. President, before we act on this appropriation bill, I wish to comment on the money in this bill for the Law Enforcement Assistance Administration. Contained in this bill are funds totaling $850.6 million for LEAA for the coming fiscal year.

This figure is a major part of a total of over $2 billion which the President has estimated will be the Federal outlays in the coming year for the reduction of crime.

By any standard, that is a massive amount of money being spent in combating crime. But I believe it is essential that as we appropriate such funds we take an increasingly hard look at how those funds are being spent. There is a tendency, common I suspect among all of us, to think that simply by pouring huge amounts of money into anticrime programs we can meet our responsibilities to the demand of all our citizens for safe homes and safe streets.

But we are fast approaching the point when simply uncritical support for massive funding is no longer enough.

The time is fast approaching when the citizens of this country are going to ask us what we have to show for the billions which we have appropriated. It has been 5 years since the President's Commission on Law Enforcement and Administration of Justice issued its 10-volume report on crime in the United States. It has been almost 5 years since we enacted the Omnibus Crime Control and Safe Streets Act which established LEAA.

During the next session of Congress we will be faced with the task of reevaluating that legislation and making a determination of what has worked and what has not. As a member of the Senate Judiciary Committee, I expect to take an active part in that process. And, therefore, I believe it is critical that a major part of the effort this year by LEAA should be directed toward developing the information and the evaluation methods by which those judgments can be made.

For that reason, I want to address these comments to a specific part of this bill—funding for the National Institute of Law Enforcement and Criminal Justice. The Institute is intended to be the research and development of LEAA. And it is the Institute which can and must develop the capacity to provide the information and the evaluation necessary for effective use of the massive funds we are now spending.

The vital importance of the Institute has been underscored from the inception of the LEAA program. Even before the LEAA was created, the President's Crime Commission—whose recommendation inspired the legislation which created LEAA—stated that:

It is essential that the new Justice Department program embody a major research component, if it is not simply to perpetuate present failures in many areas. This is particularly important at the outset when difficult decisions must be made about what meets the standards justifying Federal aid. There is too little research now being done in this field and very few skilled researchers to do it (p. 277). (Italic added.)

* * * * * *

. . . The Commission believes the Federal Government should provide support for a number of institutes, specifically dedicated to research into crime and criminal justice. . . .

These institutes would serve as the foundation for the other parts of the Federal program described here, both in the substance of the research they undertook and in the availability of their staff members as top-level consultants. They could provide training, through special seminars or degree courses, for senior administrators and specialist personnel. They could undertake studies of the effectiveness of various education and training programs. They could provide much of the data needed to conduct organization and operations studies, and seek and test new techniques for implementation. They could take major responsibility for analyzing data developed by the national information systems and they would propose and evaluate important consulting services (pp. 287–288). (Italic added.)

The Senate Judiciary Committee's report on the 1968 Omnibus Crime Control and Safe Streets Act clearly summarizes the legislative intent behind the Institute's establishment:

The Institute, which is authorized to establish a central research facility to create and develop comprehensive programs to carry out the programs described in this section (on Title I), would be modeled along the lines of the National Institutes of Health and the National Academy of Sciences—(S. Rept. 90–1097, p. 36).

Since its formation, the Institute has unfortunately fallen far short of this admittedly ambitious aim.

It has not served as the intended foundation. The law enforcement officers with whom I have been in touch are frustrated, by and large, by the lack of leadership so far provided. This is not intended as hostile criticism. I believe these goals remain vital and I am committed to assist in whatever constructive action is possible to see that these goals are fulfilled.

I believe that the following comments by Attorney General John Mitchell, during hearings before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, in the 91st Congress illustrate some of the problems.

Mr. Mitchell was asked the following question:

When the legislation was initially passed in 1968, it was felt that the National Institute ought to have approximately 10 percent of the funding, and now it was down to about 1 percent, could he comment on how significant and important this Institute is in terms of what needs to be done in the fight against crime?

His response was this:

Senator, *it is very important.* As I have said back a while ago, our criminal justice system is related to the 18th and 19th Century, and *we must find ways of* not doing more of the same, but of *doing things better and differently.*

The Institute is an area in which we can make these advancements, as well as in the grants that we provide to the States and their localities, which also do research and development with the grants. I feel that the Institute can help this program and provide the technical leadership that is needed from the Federal Government in order to bring the States and the localities along.

We did request those additional funds, but I must admit that *the activities of the Institute to date,* while they have made reasonable progress, *have not been outstanding,* and I think that we have to develop it further, to bring to bear, hopefully, new abilities and techniques if we can find them and to upgrade it as fast and as quickly as possible. (p. 557)

These problems were due in large part to the fact that the Institute was drastically underfunded during its initial

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years—$2.9 million was appropriated for fiscal 1969, and $7.5 million for fiscal years 1970 and 1971. Here the fault lay not with the administration, but with the Congress. In each case, the figure granted was considerably lower than the request. The only time the full amount requested was appropriated was in fiscal 1972, a sum of $21 million.

An additional $10 million has been requested for fiscal 1973, of which $6 million is to be used for a demonstration program to suppress drug trafficking, and not by the Institute itself. LEAA Administrator Jerris Leonard was explicit about this at the House Appropriations hearings:

The actual increase for the Institute, for our research and demonstration and development, is $4 million, from $21 million to $25 million.

In the House-passed bill, $4 million has been transferred from the total $10 million appropriation to another segment of the LEAA program. Assuming that the Institute does receive its requested $25 million, $10 million of this has been scheduled for use exclusively on the High Impact Program, aimed at reducing specific crimes in eight target cities. This leaves a total of $15 million, of which a good portion appears to be earmarked for hardware research.

It is my belief that additional funds should be allocated to the Institute from the LEAA budget and that those funds should be used primarily toward the ends of a. improving LEAA's evaluation capability and b. the dissemination of information to law enforcement agencies. This would begin with intensive work on the development of goals and priorities, in conjunction with the National Advisory Commission on Criminal Justice Standards and Goals appointed by LEAA Administrator Jerris Leonard last October. The development of evaluative techniques and dissemination of information on the success or failure of various LEAA-funded programs should also be given top priority.

Former LEAA Administrator Charles Rogovin suggested some of the activities the Institute should be pursuing with greater attention in his recent testimony before the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee:

The Institute was created to do highly directed, practical research on important issues in the criminal justice system. It was designed to provide policy leadership and innovation to other parts of the program. It does none of this. By this time, the Institute should have developed evaluation methods to be used by State planning agencies, and by LEAA itself. *It has not, and so there is no evaluation of anybody's efforts—at the State, local, or Federal levels.* The Institute should have been measuring progress in achieving the goals of LEAA, and helping to set new ones.

In milder but similar language, former Attorney General John Mitchell expressed some of the same ideas in testimony before a House Judiciary subcommittee:

One of the functions that the Institute can be most helpful in is to see, by evaluation and research projects that lead to evaluation, that this money is being spent for various programs in our total concept by the States and municipalities, particularly the kind of programs, are worthy the money that they cost and produce the results that we expect that they should produce.

I agree with both of these statements, and would like to stress that what is being talked about here is not so much experimental research—much as that is needed—but the successful implementation of the entire LEAA program.

Th solution however is not simply the infusion of more money. What is really required is a substantial refocusing of effort on the part of LEAA as a whole upon the role which the Institute can and must plan if the entire program is to be anything more than a gigantic Federal pork barrel.

For this reason, although I was prepared to offer an amendment to add additional funds to the LEAA budget for the Institute, I decided not to do so at this time. There would be something ludicrous about asking the Senate to add $5 or $10 million to a budget which now totals over $850 million so that LEAA can spend that $850 effectively.

Somewhere in that massive amount of money there has got to be enough funds to do the job which I am proposing and to do it right.

CRIMINAL JUSTICE ACT APPLIES TO THE DISTRICT OF COLUMBIA

Mr. ERVIN. Mr. President, I support the Senate Appropriations Committee's amendment to H.R. 14989 which begins at line 25 on page 42 and which extends through line 4 on page 43. That amendment simply restores the funds for paying Criminal Justice Act compensation in the District of Columbia. When the House Appropriations Committee considered this matter a few weeks ago, a puzzling but prevailing belief emerged that District of Columbia courts were not eligible for such funds after the District of Columbia Court Reorganization Act of 1970 took effect.

Mr. President, I do not understand how the House Appropriations Committee could have arrived at that conclusion in light of the plain language of the law Congress passed in 1970. That language precisely spelled out the applicability of the Criminal Justice Act to the District of Columbia and, in my judgment, the intent of Congress could not have been any clearer.

I am pleased to note that the Comptroller General shares my view in a ruling on this matter on May 26, 1972. That ruling followed House action on the appropriations bill by some 8 days and removes any conceivable room for doubt about the applicability of the act to the District. It is now clear that the act applies here and that the funds deleted under the earlier House interpretation should be returned to the bill.

Restoring these funds for Criminal Justice Act compensation in the District of Columbia means nothing less than insuring continued applicability of the sixth amendment right to counsel in the District. To do otherwise would undermine one of the most fundamental elements of our criminal justice system. I urge support for the changes proposed by the Senate Appropriations Committee.

Mr. SCOTT. Mr. President, H.R. 14989 appropriates money for some very important law enforcement and criminal justice activities in my Commonwealth of Pennsylvania. Among these are the construction of a new metropolitan correctional center in the Philadelphia-New Jersey area and an increase in the number of probation officers assigned to each of Pennsylvania's three Federal court districts.

The administration's budget request for the fiscal year 1973 included the new construction of the Philadelphia-New Jersey area metropolitan correctional center. I am pleased that both the House of Representatives and the Senate Appropriations Committee have agreed to appropriate $9.5 million toward this construction. Hopefully, the Senate itself will concur in this recommendation, since it is vital to the Federal Bureau of Prisons' continuing effort to reform the prison system.

Furthermore, there will be additional appropriations here for a top-priority item—the expansion of the narcotic addict treatment program. The administration requested $3.4 million for this activity, which will cover the cost of treatment of narcotic addicts while in institutions and provide for aftercare treatment services after the inmate is released.

Under existing Federal law, the various U.S. district courts maintain the probation system. Several classes of offenders against Federal laws who are not confined are supervised by probation officers who are appointed by the district court and directly responsible to it.

For a probation officer to be truly effective, he should be assigned no more than 35 offenders. However, at the present time, each officer is faced with a supervision caseload of 100, which is three times more than he can realistically handle. Recognizing this serious problem, the Judicial Conference requested 348 additional probation officer positions for the fiscal year 1973.

As an example of what this proposed increase in probation officers would mean, seven of these new officers would be assigned to the U.S. district court for the western district of Pennsylvania. In a letter to me, the U.S. Attorney for that district, Richard L. Thornburgh, pointed out that—

The recent addition of more Federal investigators, prosecutors and judges in this judicial district plus a growing emphasis on probation over incarceration has substantially increased the pre-sentence, investigative and supervisory work performed by this probation office. The demand for probation service will continue to escalate with the criminal caseload in this district.

Unfortunately, the House of Representatives allowed for the appointment of only 100 new probation officers, an inadequate number when compared to the demonstrated need. Our Senate Appropriations Committee has reconsidered that amount and has agreed to provide for 236 probation officers, a good increase since it would permit, for example. Five new positions in Pennsylvania's western district. That is somewhat more than half of what the district needs.

It is important to single out one of the special programs in which probation officers are involved. The Narcotic Addict Rehabilitation Act of 1966 established a comprehensive treatment program for narcotic addicts both in the institution and in the community. Probation officers provide community supervision for those persons sentenced under title II of the act. The aftercare program combines intensive supervision by the probation officers and counseling in a suitable clinic. This drug treatment program will assume even greater stature since the recent enactment of a measure providing care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. With this additional caseload, the need for more probation officers becomes even more apparent.

Mr. President, subject to the final appropriation figures exacted by Congress, the Department of Justice expects to spend nearly $70 million in the Commonwealth of Pennsylvania during the next fiscal year. Almost half of those funds, $32.5 million, will be allocated by the Law Enforcement Assistance Administration. And about half of that amount, $18 million, will come from the Bureau of Prisons for new facilities and improvements in the Federal penal system. Following is a table of the Justice Department's estimated obligations in Pennsylvania during the fiscal year 1973:

PENNSYLVANIA—ESTIMATED OBLIGATIONS BY DEPARTMENT OF JUSTICE DURING FISCAL YEAR 1973

Criminal Division	$469,000
United States Attorneys and Marshals	2,821,000
Community Relations Service	149,000
Federal Bureau of Investigation	10,792,000
Immigration and Naturalization Service	1,587,000
Bureau of Prisons	18,079,000
Law Enforcement Assistance Administration[1]	32,503,000
Bureau of Narcotics and Dangerous Drugs	2,022,000
Total	68,422,000

[1] Exclusive of Discretionary funds.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Idaho (Mr. CHURCH) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would have voted "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 218 Leg.]

YEAS—64

Aiken	Dole	Montoya
Allen	Dominick	Nelson
Allott	Eagleton	Packwood
Bayh	Eastland	Pastore
Beall	Ervin	Pearson
Bennett	Fong	Pell
Bentsen	Gurney	Percy
Bible	Hansen	Proxmire
Boggs	Hartke	Randolph
Brooke	Hatfield	Schweiker
Burdick	Hollings	Smith
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Inouye	Spong
Cannon	Jackson	Stennis
Case	Javits	Stevens
Chiles	Jordan, Idaho	Symington
Cook	Kennedy	Taft
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Cranston	McGee	Tower
Curtis	Miller	Tunney
	Mondale	

NAYS—1

Roth

NOT VOTING—35

Anderson	Griffin	Moss
Baker	Harris	Mundt
Bellmon	Hart	Muskie
Brock	Hughes	Ribicoff
Buckley	Humphrey	Saxbe
Church	Jordan, N.C.	Scott
Ellender	Long	Stafford
Fannin	Mathias	Stevenson
Fulbright	McClellan	Weicker
Gambrell	McGovern	Williams
Goldwater	McIntyre	Young
Gravel	Metcalf	

So the bill (H.R. 14989) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG conferees on the part of the Senate.

THE FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business which the clerk will please report.

The assistant legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London, and Moscow on March 29, 1972—Executive M, 92d Congress, second session—and the 1969 International Convention on Tonnage Measurements of Ships, signed for the United States at London June 23, 1969—Executive N, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the two conventions, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London and Moscow on March 29, 1972. The report of the Department of State concerning the Convention is also transmitted.

This Convention is designed to provide American citizens, as well as those of other States which are parties to the agreement, with an assurance that fair compensation will be paid promptly for injury or damage caused by the space objects of other States which are parties to this Convention. As Admiral Alan Shepard said to the United Nations General Assembly on November 29 of last year, this is "a sound treaty based on realistic perceptions of mutual interest and mutual benefit."

The Liability Convention is a fitting companion to the Outer Space Treaty and the Astronaut Rescue Agreement. The Senate gave its consent to these earlier treaties in the field of space activities by unanimous votes. I hope the Senate will also give its strong endorsement to this latest Convention.

RICHARD NIXON.

THE WHITE HOUSE, *June 15, 1972.*

To the Senate of the United States:

The 1969 International Convention on Tonnage Measurement of Ships was signed for the United States at London June 23, 1969, and I am transmitting it today for the advice and consent of the Senate. I am also transmitting the report of the Department of State with respect to the Convention and the official report of the United States delegation to the International Conference on Tonnage Measurement of Ships in 1969, which recommends acceptance of the Convention by the United States.

The Convention which embodies uniform principles and rules with respect to the determination of tonnage of ships on international voyages, is designed to establish a system of measurement acceptable to all States. In addition to eliminating duplication in the work of measuring vessels engaged in international voyages, the Convention should simplify the movement of vessels in and out of the ports of the world and avoid economic inequities among ships of various nationalities.

I recommend that the Senate give its advice and consent to acceptance of the new Convention subject to the understanding proposed by the Department of State with respect to its application to Panama Canal tolls.

RICHARD NIXON.

THE WHITE HOUSE, *June 15, 1972.*

ORDER FOR ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE OF S. 3645 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, following the recognition of the two leaders under the standing order, or their designees, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, and with the concurrence of the distinguished senior Senator from Vermont (Mr. AIKEN), I ask unanimous consent that time on the bill, S. 3645, be limited to 30 minutes rather than 1 hour as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON PUBLIC WORKS APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for public works is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished junior Senator from Mississippi (Mr. STENNIS) and the distinguished senior Senator from Oregon (Mr. HATFIELD); that the time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, except in those instances in which the manager of the bill may support such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDER FOR LIMITATION OF TIME ON SENATE RESOLUTION 299—ESTABLISHMENT OF SELECT COMMITTEE TO STUDY QUESTIONS RELATING TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on Senate Resolution 299 to be limited to 1½ hours instead of the 2 hours as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON PRODUCT SAFETY BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3419, the so-called product safety bill, is called up and made the pending business before the Senate, the time on that bill be limited to 2 hours to be equally divided between the able senior Senator from Washington (Mr. MAGNUSON) and the distinguished senior Senator from New Hampshire (Mr. COTTON); that the time on an amendment to be offered by the Senator from New Hampshire (Mr. COTTON) be limited to 3 hours, to be equally divided between the mover of that amendment and the distinguished senior Senator from Washington (Mr. MAGNUSON); that the time on an amendment to be offered by the able Senator from Florida (Mr. GURNEY) be limited to 2 hours, to be equally divided between the mover of the amendment, the Senator from Florida (Mr. GURNEY) and the distinguished Senator from Washington (Mr. MAGNUSON); that debate on any other amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill, unless the manager of the bill supports such, in which case the time in opposition be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON APPROPRIATION BILL FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Treasury and Post Office is called up and made the pending business before the Senate, the time be limited to 2 hours on the bill, the time to be equally divided between and controlled by the distinguished junior Senator from New Mexico (Mr. MONTOYA) and the distinguished senior Senator from Delaware (Mr. BOGGS); that the time on any amendment, debatable motion, or appeal in relation thereto be limited to one-half hour, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from New Mexico (Mr. MONTOYA), except that in the event the Senator from New Mexico (Mr. MONTOYA), the manager of the bill, should favor such, the time in opposition thereto then to be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YIELDING OF TIME ON PUBLIC WORKS APPROPRIATION, TREASURY AND POST OFFICE APPROPRIATION, AND PRODUCT SAFETY BILLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators in control of the time on any of the following bills, a bill making appropriations for Public Works, a bill making appropriations for Treasury and Post Office, and S. 3419, the Product Safety bill may yield therefrom to any Senator on any amendment, debatable motion or appeal in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I say for the RECORD that in each case I have cleared these requests with the managers of the respective bills and the ranking minority members thereof, and I have apprised the distinguished majority leader before making the requests.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stand in recess, respectively, until the hour of 9 a.m. on Tuesday, Wednesday, Thursday, and Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE RESOLUTION 299 TO BE LAID BEFORE THE SENATE ON THURSDAY, JUNE 22, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer on Thursday, June 22, 1972, the Chair lay before the Senate, Senate Resolution 299. This request has been cleared with Mr. HRUSKA and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. There will be routine morning business for not to exceed 15 minutes, after which the Senate will take up S. 3645, Radio Free Europe, under a limitation of 30 minutes. A rollcall vote will occur on S. 3645. That rollcall vote could occur conceivably as early as 10:30 a.m. tomorrow.

Next, the Senate will consider the amendment by Mr. ALLOTT to S. 3390, the Foreign Aid Act—Amendment No. 1241. There is a time limitation on that amendment of 1 hour. A rollcall vote will occur.

Next, the Senate will take up H.R. 5066, the Flammable Fabrics Act, under a time limitation. At least one rollcall vote will likely occur thereon.

Finally, H.R. 15097, a bill making appropriations for the Department of Transportation, will be called up under a time limitation agreement. A rollcall vote will occur on final passage thereof.

Therefore, Mr. President, I would anticipate something like at least four yea-and-nay votes, and hopefully no more tomorrow. I would also anticipate—and hope—that action on all of the foregoing measures can be completed by not later than 3 p.m. tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:22 p.m. the Senate adjourned until tomorrow, Friday, June 16, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1972:

INTERSTATE COMMERCE COMMISSION

Rodolfo Montejano, of California, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972, vice Laurence Walrath, resigned.

IN THE COAST GUARD

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Robert M. Bissey	James H. Lipscomb III
Ralph C. Bohn	James H. C. Lowe
Stephen Daniels	Thomas M. McKeithen
Ralph J. Diverio	Peter L. Murphy, Jr.
David Gaber	Joseph J. O'Rourke
Richard J. Gaedtke	Harold Perkins
Herbert K. Heasley	Oliver E. Thorpe, Jr.
Walter E. Johnson	George T. Vogel
Audrey H. Jones	Michael F. Walsh
James M. Kennelly, Jr.	Marion L. Weiss

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

MEDICAL CORPS

To be major general

Brig. Gen. Richard Ray Taylor, 512–14–4928, Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general

Col. Robert Wesley Green, 176–32–1242, Medical Corps, U.S. Army.

Col. Marshall Edward McCabe, 096–12–1150, Medical Corps, U.S. Army.

Col. Charles Calvin Pixley, 541–22–1653, Medical Corps, U.S. Army.

IN THE NAVY

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Calhoun, John F.	Musgrove, Robert W.
Davis John D.	Rasmussen, John D.
Delfwo, Richard E.	Taylor, Bruce A., Jr.
Dorsey, Edward B.	Trout, Michael D.
Epley, James M.	Walker, Dodson D., Jr.
Giese, Carl E., Jr.	Zeller, Raymond G.
McCarty, Kenneth R.	

SUPPLY CORPS

Morgart, James A.

U.S. CIRCUIT COURTS

Levin H. Campbell, of Massachusetts, to be a U.S. circuit judge, first circuit, vice Bailey Aldrich, retiring.

U.S. DISTRICT COURTS

Robert L. Carter, of New York, to be a U.S. district judge for the southern district of New York, vice Thomas F. Croake, retired.

Thomas P. Griesa, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91–272, approved June 2, 1970.

Whitman Knapp, of New York, to be a U.S. district judge for the southern district of New York, vice Walter R. Mansfield, elevated.

Charles E. Stewart, Jr., of New York, to be a U.S. district judge for the southern district of New York, vice Sidney Sugarman, retired.

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a Member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1972:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1978:

Michael A. Gammino, Jr., of Rhode Island.
Joseph D. Hughes, of Pennsylvania.
Gloria L. Anderson, of Georgia.
Theodore W. Braun, of California.
Neal Blackwell Freeman, of New York.

U.S. POSTAL SERVICE

John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1972.

IN THE COAST GUARD

Coast Guard nominations beginning George F. Martin, to be lieutenant commander, and ending Paul J. Balzer, to be chief warrant officer, W–2, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, June 15, 1972*

The House met at 12 o'clock noon.

Rabbi Steven M. Dworken, Congregation Shaarey Tphiloh, Portland, Maine, offered the following prayer:

Our Father in Heaven, as another session of Congress opens, we turn to You for guidance in the discharge of its weighty and grave responsibilities. May this august body, through its legislation, further the ideals of equality, liberty, and justice for all upon which our beloved country is founded. May tranquility, peace, and harmony reign within our borders, and may we be the harbingers of universal brotherhood.

Grant us of Your wisdom so that we may be leaders in promulgating the idea that the conference table is a far better

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arena for settling differences than the battlefield.

May the day soon come when the vast sums spent on machinery of destruction can be spent on machinery of healing, balm, and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15093) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15259) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. HATFIELD, Mr. STEVENS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 473. An act to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States;

S. 3080. An act to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes;

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 1 minute p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

The Speaker of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the President pro tempore and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the United Mexican States into the Chamber the gentleman from Louisiana (Mr. BOGGS), the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from Pennsylvania (Mr. MORGAN), the gentleman from Texas (Mr. GONZALEZ), the gentleman from California (Mr. ROYBAL), the gentleman from Texas (Mr. DE LA GARZA), the gentleman from Texas (Mr. KAZEN), the gentleman from Illinois (Mr. ARENDS), the gentleman from California (Mr. MAILLIARD), the gentleman from Arizona (Mr. RHODES), the gentleman from Illinois (Mr. ANDERSON), the gentleman from New York (Mr. CONABLE) and the gentleman from New Mexico (Mr. LUJAN).

The PRESIDENT pro tempore. As President pro tempore of the Senate and on behalf of the Senate, I appoint the following Senators as a committee on the part of the Senate to conduct the President of Mexico into the Chamber: the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Washington (Mr. MAGNUSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. BENTSEN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), and the Senator from Colorado (Mr. ALLOTT).

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the United Mexican States.

The President of the United Mexican States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and pleasure to present to you a distinguished representative of a great and free people, for whom we hold feelings of high regard and warm friendship, His Excellency the President of the United Mexican States.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

President ECHEVERRIA. Mr. Speaker, Mr. President, Honorable Senators and Members of the House: I thank you for the honor of having invited me to speak before this Assembly which represents the American people.

The United States is the creator of one of the most significant experiences of contemporary history. The establishment of a society based on equality before the law and on the principles of political democracy drew people from all corners of the globe and made this land the source of great advances in the intellectual and material progress of humanity.

The United States was born during the era of the great ideological revolution of the XVIII century. The principles of liberalism were the source of its dynamic drive. However, the growing complexities of its internal and external life brought about attitudes that were not always in accord with the values of a system based on the right of all persons, groups of persons, or nations to self-fulfillment, within the framework of their own freedom.

One of the virtues of the American society is its capacity for deep thought and self-criticism which seems to correct its errors and to renew its concept of the world. Now that it has a greater awareness of its strength and the careful manner in which it should be used, we trust that it will devise a policy to meet the real demands of our time.

The United States is encouraging dialog with other world powers that have different ideologies. Apparently irreconcilable antagonisms have been attenuated and lines of communication that were closed for many years have been opened. Nevertheless, these changes have not yet been reflected in the policy of the United States toward the Third World and toward the Latin American countries, in particular.

The nuclear threat and arduous economic competition among the great powers have made them seek self-limitation in peaceful coexistence. However, the end of the cold war will not be the beginning of a period of peace as long as the weak countries are excluded from its benefits.

The countries of the Third World are glad to see any negotiations and any agreement that tends to reduce international tensions, but they are suspicious of pacts between great powers that ignore the rights and interests of less developed nations.

We cannot be in agreement with those who try to reduce world politics to dealings among powerful nations. We agree even less with those who confuse power with the capacity to produce nuclear weapons. The possibility of oppressed nations to change is also a political fact whose importance we cannot underestimate.

Moreover, we understand that the solution of the main problems we now face—peace, security, and development—lies not in the formation of closed international clubs, but in the participation of all the peoples of the world in the decisions that affect them all.

A harmonious situation cannot be founded on the dissension of most of the inhabitants of the world. Our people are aware that their poverty produces wealth for others. The accumulated resentment against political colonialism is now reborn against economic colonialism.

Peace and progress depend to an ever-increasing degree on the attitude that we adopt together to close the alarming gap that separates the rich nations from the poor ones. Political and demographic pressures of less developed countries endanger the stability of wealthy societies. If effective policies of balanced development are not adopted, poverty will cross all borders.

History shows that the most powerful empires were destroyed by the contradictions and social conflicts which their own power produced. It is more sensible to lay the foundations of security on a better distribution of wealth than on the progressive stockpiling of arms and technological resources.

It is necessary to end an era in which the immediate interest of a few has prevailed over the permanent interest of many. Realism in politics and economics consists in obtaining constant and sound earnings and not in procuring quick profits, generally unfair and frequently imaginary.

With the same clearness of mind and pragmatism with which the need for mutual respect among powerful countries is recognized, it is necessary to understand that lasting peace depends on absolute respect for the way in which each country has chosen to achieve progress.

Colonial attitudes that should have disappeared still try to control international relations. The centers of world influence impose their conditions for exchange on the other countries. Moreover, they reduce the capacity of action of weak nations by opposing indispensable transformation of structures or by intervening in the political processes of these nations.

The history of underdeveloped nations is a permanent struggle between the forces that seek social change and those that try to perpetuate injustice. The latter almost always have the support of powerful foreign groups that try to impose inadequate systems on countries whose true reality they ignore.

The great powers are beginning to understand the danger that such an attitude implies for their own stability. And this fact coincides with a better organization of the poor nations in defense of their legitimate rights and interests. Therefore the moment is ripe to unite efforts. The weak nations must be convinced that the basis of change resides in their own attempts to improve their situation. The powerful nations must keep in mind that civilizations are strengthened and survive not when they subjugate, but when they share.

Mexico participates in the problems, aspirations and demands of developing nations. The relations between our two countries are, in a certain way, a mirror of the American attitude toward nations that struggle for their liberation.

The United States is finding the way to harmonize its interests with those of the countries where the important revolutions of the XX century were made. Now it is better equipped to understand Mexico not only as a neighbor but as a nation born from an ideological and social movement with its own charactertics.

The foreign policy of Mexico toward the United States, as toward any other country, follows the nation's objectives: to strengthen its political autonomy, establish its cultural personality, extend the basis of its democracy, surmount underdevelopment, and put an end to any system of exploitation.

The main purpose of our visit to the United States on this occasion, in response to President Nixon's kind invitation, is to assess the relations between our nations and examine the real possibilities of establishing fairer treatment in the future.

The best way for us to fulfill these objectives is to express Mexico's points of view with clarity and firmness. To reach realistic and lasting agreements, we must define our respective positions.

Mexico does not expect special treatment from the United States, but only asks that our contacts and exchanges be regulated by the standards of fairness and respect that should govern all international relations.

We must proceed in our own way, we live our own life style and our own ideology. We do not try to impose our principles on anyone, but neither do we allow any foreign interference. We are respectful of the rights of others and want them to respect our rights. We are sure that a greater degree of cooperation between our two countries is not only feasible, but necessary.

I do not think this is the time for a detailed examination of the problems that we should solve together, but I believe it is advisable to refer to some of current interest.

To achieve a better understanding between our two countries, it would be advisable for you to consider certain problems which are not of great concern to American public opinion but which do have serious consequences for us.

The artificial salinity of the Colorado River is the most delicate problem between our two countries. The water from the Welton Mohawk Canal has severely affected the agriculture of the Mexicali Valley and has brought poverty to thousands of farmers. The damage is enormous and Mexican public opinion is becoming increasingly impatient about this important matter that has been going on for more than a decade without any satisfactory solution.

The Imperial Valley and the Mexicali Valley are part of the same river basin that the Colorado River irrigates. In the Treaty of 1944, it was agreed that the quality of the water to be delivered to us would serve useful purposes and therefore, the only possible interpretation of this instrument is equal conditions for both parties concerned. Voluntary pollution of the water that flows into our territory is an unacceptable form of discrimination.

Mexico does not wish to break the principles of our neighborly friendship by resorting to litigation; however, it expressly reserves its rights in Act 218 and will defend them vigorously under any circumstances.

In any case, it is impossible to understand why the United States does not use the same boldness and imagination that it applies to solving complex problems with its enemies, to the solution of simple problems with its friends.

Indications that there are minority groups who want to limit the import of Mexican agricultural products and forbid entry of goods, semimanufactured abroad with American raw materials and products, are also of concern to us. Both measures would be harmful to our already extremely unfavorable trade balance with the United States, and would also have negative effects on the American consumer.

Any new limitation that might be established on Mexican imports would be a severe setback to our bilateral relations. Lack of foresight could raise a barrier between economic structures that would obtain important reciprocal benefits if they were to effectively combine their resources. This would be inadequate.

We have made it clear, in other forums, that there can be no justification for the United States' delay in the adoption of the general scheme of tariff preferences, suggested by the Second World Conference on Trade and Development.

We do not aspire to special concessions in the field of foreign trade; but we consider it unfair that the exportation of our manufactured goods should not be compensated advantageously in view of the high prices that we are obliged to pay for the capital goods and technology that we require.

It is equally inexplicable, among countries solemnly dedicated to "join forces in order that their peoples may attain a

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harmonious development", that measures such as the tariff reductions that have been granted by the United Kingdom, the European Economic Community, Japan and other industrialized countries, both capitalistic and socialistic, should not be adopted.

Let us not confuse private or local interests with national interests. Let us not permit our many contacts—the logical result of our geographic proximity—to make us forget the order of importance of the different factors that determine relations among states.

Mexico proposes to the people and government of the United States that we begin a new phase of our relations. Thus you would conform to the action you have taken in other areas, and we would attain the objectives that have always guided our foreign policy.

The interdependence of countries opens unsuspected possibilities of progress; but it also exposes us to new subjections dangerous in the measure in which they are disguised. That is why cooperation among independent states demands the full exercise of their sovereign rights.

Mexico has always defended the right of its people to freely forge their destiny. It searches incessantly for new social and economic formulas within the frame of its Constitution.

We hold that true development derives the impulse toward production from an equitable distribution of wealth and the satisfaction of social demands. We believe that growth without justice ends in the annulment of democracy and that freedom is only possible through equitable progress.

We do not want to negotiate, with other countries, advantages that favor economic minorities. The heritage of prolonged relationships of dependence should be combated, simultaneously, at the international level and within the scope of our own countries.

Autonomy before others and internal participation are inseparable goals of independent development. We do not wish to consolidate privileged groups that serve as obvious links with centers of power, nor cause a breach that would isolate us from the currents of progress.

If we can expand the scope of our collaboration, if we use the law and our good will to reconcile our differences, if we rigorously apply the standards of fair international coexistence to our relations, we will have made great progress along the road of our friendship. We will have contributed to the creation of a peaceful and prosperous future for both nations.

I have come to speak with you Senators and Representatives on behalf of a neighboring country and a friend of the United States. There is no true friendship without frankness, a frankness will lead us to the solution of common problems within a framework of justice. This means a renewal of our common faith in democracy using the unlimited possibilities of the human spirit, as long as it is developed within a framework of freedom, because the human spirit can develop only within an atmosphere which it needs. An atmosphere which it needs can be provided only within a framework of political, social, and economic democracy.

We cannot divide the personality of man and think that we can solve his material problems without solving the problems that make up his whole composition. The instruments that man has created within the economic industrial field and his whole contemporary civilization in general in which he lives must be placed in the service of the whole man. That is why dictators attempt to divide man, to try to standardize him, and to try by compulsion to divide his very personality.

That is why in political relations within each country or in international relations among countries, if there is a predominance of the play of passing interests alone, we run the risk of interference with the full development of contemporary man.

So let us seek in our internal political relations within our own countries and in our international relations among ourselves this new sense of a new humanism, and let us not confuse ends with means, because the nations of this hemisphere were born with a special destiny that needs to be nurtured within those fields which give man his greatness, which is a greatness which we must not abdicate.

Senators and Representatives, I have brought you the cordial and warm greetings of the people of the Government of Mexico, leaving aside the rules of protocol and diplomacy that sometimes distract us from the very great truths of our time, in order that we may join together, working for our respective peoples, and I bring to you for the record Mexico's willingness and desire to speak with frankness to its great neighbor and friend, the United States, so we may obtain greater cooperation in the future and eliminate certain barriers that separate us now and perhaps in the future, so that in the future we may achieve a balance of development within a framework of freedom, which is so necessary for the human spirit and the spirit of democracy, to which we may ever aspire, and so we may work together in the future for the welfare of our peoples.

Thank you very much.

At 1 o'clock and 16 minutes p.m., the President of the United Mexican States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper (Hon. William M. Miller) escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 1 o'clock and 20 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15259, DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PRYOR of Arkansas, OBEY, STOKES, MCKAY, MAHON, DAVIS of Wisconsin, SCHERLE, MCEWEN, MYERS, and BOW.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A TRIBUTE TO RETIRING TEACHERS

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I look forward with great pleasure to participating next week in the "Salue to Education" being planned by the National Education Association. I have the very highest regard for the teaching profession and am personally very indebted to the many fine teachers who contributed to my own education.

During the past 26 years, the teachers with whom I have had the most contact have been those teaching in the public schools of my home community of Sioux City, Iowa. My three children were all educated there, and I have had a first-hand opportunity to observe the dedication and excellence of those who were their instructors.

It is fitting that we gratefully acknowledge the longtime service of the following teachers in the Sioux City Community School District who, after teaching the following number of years, have retired the past year or will reach retirement by September 1:

Mrs. Alice Anderson, 45 years total in the teaching profession; Mrs. Mildred Carter, 43½; Miss Alice Jean Clark, 40; Miss Esther Coacher, 44; Mr. Lowell Crippen, 41; Mrs. Alice Fountain, 44½; Miss Irene Decker, 44½; Mrs. Olvena Foster, 29; Mrs. Ruth French, 26½; Miss Fay Freshwaters, 44; Mr. Emmett Fricke, 43; Miss Vesta Gifford, 38; Miss Dorothy Kay, 46; Mrs. Minerva Luikart, 27; Miss Nellie Mason, 43; Miss Ruth Nelson, 43; Miss Anna Marie Peelen, 40½; Mrs. Delia Retzloff, 33½; Miss Dorothy Ryan, 44; Mr. Harold Stevens, 43; Mrs. Clara May Strain, 30; Miss Leita Stribley, 38; Mr. Clarence Wauer, 45; and Mrs. Mildred Wyma, 32½ years as a teacher.

APPOINTMENT OF CONFEREES ON H.R. 15093, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES, 1973

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, EVINS of Tennessee, SHIPLEY, GIAIMO, PRYOR of Arkansas, ROUSH, MAHON, JONAS, TALCOTT, MCDADE, DEL CLAWSON, and BOW.

DEPARTMENTS OF LABOR, AND HEALTH EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15417, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday the Clerk had read through line 7, page 1 of the bill.

If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $69,207,000.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: On page 6, line 25, strike out "$69,207,000" and insert in lieu thereof "$49,207,000".

Mr. DENNIS. Mr. Chairman and members of the committee, this amendment simply cuts $20 million from the appropriation for the necessary salaries and expenses for the occupational safety and health administration.

I do not think, Mr. Chairman, that in my brief time in this body I have ever received more mail objecting to an act and to the administration of that act than the Occupational Safety and Health Act has brought forth.

Because of that reaction, along with a great many other Members of this House, I have cosponsored legislation to introduce amendments designed to ameliorate the effect of that act on the small businessmen and on the farm.

Generally speaking, these amendments would exempt the small farmer from the effect of the act. They would exempt the employer of under 25 people from the effect of the act, and would postpone the effect of the act as to employers of less than 100 people. They would cut down on the arbitrary rulemaking authority of the administration.

I may be wrong, but so far as I can observe, the legislative committees involved are not about to do anything about holding hearings on these amendments in spite of the fact that there is a very widespread demand for them and a very widespread support for them in this House, judging by the people who have introduced legislation.

So, it seems to me, that we ought to seize on the opportunity to reduce the appropriation for the enforcement of the act, because that would do several things.

In the first place, it would send a message loud and clear to the legislative committee and to the people downtown that they have got to give some relief to the farmer and to the small businessman whom you and I represent, and who is being victimized, so to speak, under the regulations and the rules of this act.

In the second place, we could save $20 million of the taxpayers' money and let it stay in their pockets, and at the same time that we are sending this message, we would also give them a little of their own money to use and we would take some of these inspectors off their backs.

If you cut it down to the appropriation last year, you would not take $20 million off this appropriation—you would take off $33 million. So I am already providing $13 million more than last year by this amendment.

I think there is a reason for that, because the two things are not quite equivalent. They do have additional duties under the new law, and I am giving them $13 million more to perform those duties under the terms of this amendment. But I do think a $20 million reduction, which would put this down to just about a $50 million appropriation instead of a $69 million appropriation would be a good and beneficial thing.

It would cut some of the fat out of this. It would make it impossible to continue hiring myriad inspectors and other bureaucrats until we find out how many really need, and how they are going to administer this act.

It would give some relief to the small businessman and the farmer. Here is a practical thing we can do. We talk about giving these people help. We introduce bills, which nobody pays any attention to, but right here this afternoon we can take a $20 million load off the taxpayers, and I do not know how many hundreds of bureaucrats off them also, as a practical relief in their everyday business operations.

I think the people I represent and the people you represent would appreciate our doing just that. So it is a very simple amendment, easy to understand, and its purpose is clear. It provides an opportunity to strike an immediate, although modest, blow for liberty, and I urge support of my amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I am much in support of the amendment. I wonder if the gentleman would clarify how his amendment would give relief to the small businessman from the application of the Health and Safety Standards Act. Could you amplify that a little?

Mr. DENNIS. As I understand it, they are asking for $69 million, which is $33,323,000 more than last year, so as to hire additional personnel to enforce this act and to go out and ride herd on you in the conduct of your business. If they do not have as much money, they cannot hire as many people to do that.

Mr. FINDLEY. If the gentleman will yield further, certainly adoption of the amendment would be notice to the executive branch that the Congress does want the small businessman virtually to be exempt from the application of the Health and Safety Standards Act, is that correct?

Mr. DENNIS. The gentleman is eminently correct. That is certainly what I am trying to do.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Heated controversy surrounded the Occupational Safety and Health Act when it was first introduced, debated and finally approved. Even before the law went into effect, its checkered legis-

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lative history gave some indication of the difficulties it would encounter after passage. The act's intentions are praiseworthy—it aims to insure a safe and healthful working environment for every employee in the country—but, as so often happens, a great gap developed between intention and execution.

Much of the problem lies with the law itself. In an effort to insure strict and swift application of safety and health standards, it adopts a punitive approach to enforcement. Considering the complexity and universal applicability of the regulations—744 columns in the Federal Register—very little time was allowed to familiarize employers with their new duties. Most small businessmen and farmers have never been subject to such regulation before. Faced with a bewildering welter of minutely prescribed safety and health standards, they are at a loss to know which ones apply to them. Big corporations employ professional staffs solely in order to analyze and apply such standards. The small businessman cannot afford to hire a lawyer to interpret the law and an accountant to keep the records it requires. The first time he is even aware of a violation may well be when a Federal inspector slaps a fine on him for noncompliance.

The inspector is not being personally arbitrary when he does this. The law makes it mandatory to impose a "first instance sanction," an automatic penalty for the first violation. This may entail a fine of $1,000, an insignificant sum for General Motors, perhaps, but a serious loss for the small machine shop operator who is subject to exactly the same rules. The law takes no cognizance of the employer's ability to pay the fine or to make the necessary changes in his operations to comply with the rules.

Realizing that the Occupational Safety and Health Act discriminates in effect if not in intention against small employers, Congress is considering a number of amendments to the law. I have introduced or cosponsored three bills exempting nonmanufacturing firms and those with no more than 25 employees, recognizing the difference between heavy and light residential construction, and proposing other changes to make the law more equitable and less onerous. These measures are designed to restore the balance between concern for employees' safety and realistic consideration for employers' problems and responsibilities.

As a first step I urge the House to adopt this amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, rise in support of the gentleman's amendment. There seems to be no other way to stop the harassment of the bureaucrats than to rap their knuckles by cutting the funds that keep them in business. It is a good amendment.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Nebraska.

Mr. THONE. I, too, rise in support of the amendment.

Mr. Chairman, the Occupational Safety and Health Act of 1970 is imperfect legislation. The act should be amended in many respects.

The law provides that an OSHA inspector can walk into a place of business, decide that the agency's regulations are being violated and levy a fine up to $1,000 on the spot. He may return the next day and levy another fine. This is the most flagrant violation of the American system of due process of law ever to come to my attention.

The act is written so that every farmer or shopkeeper who hires one part-time helper comes under the same Federal requirements for safety and health as major factories.

The House Special Subcommittee on Labor has not scheduled hearings on any of the many bills introduced to amend this act. Reducing the OSHA appropriations will send a message to the subcommittee that it is time to schedule hearings.

This act is being administered poorly in my opinion. In administering OSHA, the Labor Department has issued a directive that the same regulations shall apply to the builder of one house at a time as apply to the contractor building a giant dam or a high rise office building. Commonsense dictates that they should be different standards for heavy outright construction.

In administering this act, the Labor Department has ruled that when one farmer helps another, an employer-employee relationship exists even though no money changes hands. In other words, the heavyhanded, bureaucratic regulations of OSHA are about to end the centuries-old tradition of neighbor helping neighbor.

In administering this act, the Labor Department have issued volumes of regulations, many of which have no bearing on the health or safety of employees. For example, OSHA has decreed that a toilet seat must not be a complete circle. OSHA proclaims that a toilet seat must be split in the front. Officials of the Labor Department have been unable to explain to me how this contributes to the health and safety of employees.

The Labor Department has been uncooperative in administering the Occupational Safety and Health Act. When a businessman wrote asking that someone come to his shop to explain the law, he received an answer which said that if OSHA officials came to his shop, they would make an inspection and if they found violations he would be fined.

The Labor Department has been uncooperative when Members of the House of Representatives and the Senate have pointed out OSHA regulations that are silly or of no contribution to health and safety. Reducing the OSHA appropriations will send a message to the Labor Department that it is time to revise the regulations of this act so that they make sense.

I urge approval of the amendment.

Mr. FLOOD. Mr. Chairman, of course I rise in opposition to the amendment. It should not be necessary for me to go into a song and dance as to why. I understand the position and the feelings of the gentlemen who have indicated support for the amendment. The committee knows about the problems. The committee knows about the mail. But my friends who say they are now in opposition to funding the program know perfectly well that that is not the way to combat this kind of problem, that is not the way to meet this kind of problem, that is not the way to solve this kind of problem. We went through all of this at great length in the committee.

Keep in mind what we are talking about. When Congress passed the Occupational Safety and Health Act, I am sure this was not done with tongue in cheek or anything like that. This is a basic, organic law. We passed this act with the expectation that it would be enforced. This is the Occupational Safety and Health Act. The act must be enforced, which makes a lot of people unhappy. No matter whether you are talking about a traffic light or a piece of legislation like this, a lot of people get unhappy.

A lot of things have happened that were wrong. There is no question about that. Somebody always goofs a little here and there on something like this—so far-reaching, and new, and of such major import. But this is not the way to proceed: "Let's cut out the money and put handcuffs on those clowns downtown." That is not the way to do it.

Mr. Chairman, this act covers approximately 60 million employees and almost 5 million establishments throughout the entire Nation. The amount in the bill provides for only a little over 1,000 jobs to enforce the bill's requirements relating to 60 million workers in 5 million places. Just about 1,000. That is what? One for every 4,000-plus establishments in the country, one inspector for about 4,000 places. Good heavens. Reduction in enforcement? Why, the amendment would defeat the entire purpose of the act and, by the way, that would be to the detriment not only of the employees but of society at large, who must pay the costs of these thousands and thousands of preventable occupational injuries, illnesses, and deaths. That is what this bill is for. The entire society is involved, not merely the businessman.

There is no question several somebodies have made mistakes and we have had the to-be-expected reactions. I have seen the mail. There is no doubt about this. We went into this thing in the hearings with these people and I took these people apart and so did the rest of the committee. We knocked their brains out for the very reasons the gentlemen who support this amendment are talking about.

I think every Member of this House has received these complaints about overly zealous enforcement activities. We know about that. But to the extent there is a problem, the committee feels that this is one that can be worked out with better training and supervision of the Departments' compliance officers.

Do not forget this. Also, every Member of this House has seen and has heard allegations on the part of organized labor on this. They say that the budget does not provide half enough inspectors to do a proper job of enforcing this act. There is no question about that.

This, of course, should be defeated. This is not the way to improve the enforcement of this act—obviously.

Mr. McCLURE. Mr. Chairman, I rise in support of the amendment.

Mr. FINDLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred Members are present, a quorum.

The gentleman from Idaho is recognized for 5 minutes.

Mr. McCLURE. Mr. Chairman, I was going to offer an amendment to eliminate all of the funds to operate the Occupational Health and Safety Act except for the Review Commission.

Many of us harbored some fears about the OSHA bill when it was before us a year-and-a-half ago, but I dare say that not in our wildest dreams did we envision it becoming the bureaucratic nightmare it is today.

When the Daniels bill was reported out of committee, it was obvious that the Federal Government was about to usurp the safety field once and for all. So, we looked for the most reasonable approach—one that not only assured the worker he was working under safe conditions, but one that assisted—rather than penalized—the businessman.

The most reasonable alternative before us appeared to be the Sikes-Steiger substitute. It had the support of the administration and the support of business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers urged its adoption. A majority of the Members of this body voted to substitute it for the original bill and it was then adopted by a vote of 383 to 5.

We were then told that the conference report was also reasonable. And they said that, after all, this is a reasonable administration, so the law will be administered reasonably too.

Finally, we were told that if it does not work out as planned, Congress can always amend the law. Well, it has not worked out, and we find ourselves virtually helpless. In the intervening months, approximately 75 bills have been introduced in the House, including one of my own, to amend the law, but no action has been taken on any of them.

So these amendments are not offered merely to hamstring the Department of Labor, but rather to get the attention of the administration and to get the attention of our congressional leaders and to say to them, "This law is not working out as planned. Small businessmen are being harassed needlessly. Some are on the verge of closing down. Men will be thrown out of work and the unemployment rates increased—all in the name of safety. And it is wrong."

If the adoption of the Dennis amendment forces the administration and the Education and Labor Committee to take the coercion out of the Occupational Safety and Health program, then I say we will have put in a pretty good day's work.

I want to reiterate the fact that this amendment would not strike the funds for the Review Commission. If there is one thing the business community needs now, it is someplace to turn to try and repair the damage already done. In this connection, I am also introducing today a bill which would help some of these people recover the costs of taking their protests into the court. It makes the United States liable for court costs and attorney's fees to persons who prevail over the Government in actions arising out of administrative actions of Federal agencies.

You all have had the same complaints, the same pleas from small businessmen that I have had. You know something is going to have to be done. The big businessman can probably ride out this act, but the little fellow who has sunk his life's wages into his business probably cannot. There has been enough talk about OSHA. This is the one and only opportunity you are going to have this year to really do something about it. I urge you to join me in taking the first step toward correcting the outrageous administration of this law.

The following is an excerpt from a constituent dated March 1, 1972:

> The initial OSHA inspection was made at our plant on December 2, 1971. At that time the federal inspector established certain deadlines to meet all necessary corrections which he felt were necessary. On his subsequent inspection on February 8, 1972, we were found to have complied with all major corrections and most of the minor corrections as identified by this federal inspector.
>
> On the first inspection on December 2, 1971, we were fined the sum of $500.00 for violations as identified by the federal inspector. On February 8 during his follow-up visit, he found three minor violations which since have been corrected.
>
> The three minor violations as identified by the federal inspector were:
>
> (1) One of our receivers had that day, inadvertently dropped a pallet of glue blocks in front of one of our portable fire extinguishers causing an obstruction.
>
> (2) We had failed to paint the weight load capacity on one of our overhead crane assemblies (not that the hoist assembly was insufficient for the loads carried; but that the maximum load weight capacity was not painted in legible figures.)
>
> (3) We were advised to provide additional water closet facilities for the employees. This we failed to do due to a lack of communication . . . For this we assume total responsibility.
>
> Our concern is with the severity of the fines for the minor violations. (1) Obstruction in front of fire extinguisher $6600.00. (2). Weight load not painted on hoist assembly $2900.00. (3). Fined for not providing water closet facilities, for which we accept responsibility, $700.00. Total fines $10,260.00 plus a $500.00 initial fine on January 4, 1972.

This, I believe, illustrates the exact reason why there are those of us who are willing to take some very drastic steps at this point to get the message to the people who are charged with the enforcement of this act, that they are being unreasonable, arbitrary, and capricious, that their actions are confiscatory and will not result in saving lives but will result in the loss of jobs and the closing of businesses.

I believe it is high time that the Congress spoke up and made itself heard and heard in terms the people downtown can understand. This is the way it ought to be done. I know of no other way in which this message will be given to them downtown.

I have heard it said that the committee has raised some questions and has told them they ought to do better. I ask if there has been one change for the better in the administration of this act since that took place, and the answer, of course, is that there has not.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

As the chairman said, we gave this a thorough hearing in the committee. When we had the markup, this issue took the longest to discuss in the entire bill.

There were those on the subcommittee who wanted to add around 400 new inspectors, and add $5 million. We labored hard and debated that particular item longer than any other item in this bill.

After the subcommittee worked its will it was determined that this was a fair number to carry out the Occupational Safety Act which was enacted by the Congress.

Now we hear about some of the abuses under the act. I would be the last person to stand up here to say that there are no abuses under the act, but this is not the way to go about correcting them. To try to come here to 'gut" this particular item is the wrong way.

If there are those who feel the intent of the law as passed by the Congress is not being carried out, let them go to the Committee on Education and Labor and seek an amendment to the act. They should not come in through the back door to try to "gut" the act.

The Select Committee on Small Business, on which I am the ranking Republican member, in the next few weeks will hold extensive hearings on this particular matter. Shall industries throughout the United States have been called in before that committee to express their grievances. Hopefully, if the evidence proves that changes should be made some of the members of that committee will then offer amendments to the act before the Committee on Education and Labor

I offer today my colleague from Idaho and my colleague from Indiana the opportunity to come before the Select Committee on Small Business, to testify, and to present to that committee the evidence they have of abuses under the act.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman.

Mr. McCLURE. The gentleman from Massachusetts heard me read the letter that I had received from a gentleman in my district in Idaho, and I am sure the gentleman would agree that the enforcement of this is arbitrary and capricious, and that this is wrong.

Mr. CONTE. I do not believe that on the strength of one letter we should take the approach the gentleman is suggesting. I say let us do it right, and I invite the gentleman, and the gentleman who wrote him the letter, to come before the committee and testify. We would like to have them do so.

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Mr. McCLURE. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I will agree that there are grievances. I know there are grievances, and there are abuses to the law. All I am saying is that this is the wrong way of going about handling it. Instead they should come up before the Select Committee on Small Business, make their presentation, and do it in the proper manner.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Mr. Chairman, I have nothing further to say, and I hope that the amendment is defeated.

Mr. McCLURE. I thank the gentleman for his courtesy.

Mr. DANIELS of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Select Subcommittee on Labor which has jurisdiction over this particular subject matter, I brought the bill to the House floor, but a substitute was adopted, as mentioned by the previous speakers.

However, I would like to say that the bill is substantially the same as the bill that was originally introduced.

If there are any abuses or complaints with regard to the enforcement of this law then the blame belongs downtown with the Department of Labor. There are not sufficient inspectors. We have a little over 1,000 inspectors, as our distinguished chairman of the Appropriations Subcommittee, the gentleman from Pennsylvania, has indicated, who supervise 5 million plants encompassing 55 million to 60 million employees.

I might point out that if fines are being imposed which are deemed to be arbitrary, the Secretary of Labor has the authority to compromise those fines.

As a matter of fact, I sent a letter to the Secretary of Labor protesting the manner in which fines are imposed and compromised. He is required under the law to give his reasons in the Register, and this he has failed to do. There is no question about that, and I have seen this happen time and again since the enactment of this bill.

But, Mr. Chairman, I further believe that the approach being taken here today is absolutely wrong. I have received some objections, as have other Congressmen, about half a dozen, and I want the Members to know that I propose to hold hearings before the end of the year.

This amendment is not the way to go about correcting any abuses that may be in this law. If any changes are deemed desirable in this law then they should be considered in the committee, and if they can prove their case before the committee then we can make the changes to correct any abuses that are taking place.

Therefore, Mr. Chairman, I ask for the defeat of this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are getting the same old story of procrastination over and over again. I doubt if there is a Member of this House who has not had protests over the enforcement of this occupational safety law. Cases have been related. The chairman of the subcommittee that brought the bill to the House floor admitted the law has not been well administered. So did the gentleman from Massachusetts (Mr. CONTE).

But it is the old story all over again, wait until tomorrow or next year to do something about it, meanwhile the operators of plants throughout the country, particularly the small operators, are the victims of harassment and abuse. If I remember correctly, the gentleman from New Jersey suggested at one time that the inspectors be allowed to close down plants. If they had that power there would be a lot of small plants closed today.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I would respectfully refer the gentleman to the debate on the floor of the House with regard to the provisions dealing with imminent dangers. I proposed on the House floor when the bill was first considered that that provision be eliminated because I deemed it to be an unreasonable provision.

But I would also like to remind the gentleman from Iowa, if I may continue——

Mr. GROSS. Yes, I yield to my friend from New Jersey.

Mr. DANIELS of New Jersey. We have in this country 14,500 workmen who are killed on the job annually, and in addition to that there are other innumerable instances of accidents, some 2.2 million people in this country being disabled.

Mr. GROSS. Just 1 minute. How many plants and businesses are going to be closed by the kind of administration of the occupational safety law that we have had up to this point?

The gentleman from Massachusetts (Mr. CONTE) said that we should go to the Committee on Small Business for legislation to stop the harassment. The Committee on Small Business is not a legislative committee, and the gentleman knows it. Even if you were to go to the Committee on Education and Labor for the corrective legislation, in my opinion the gentleman from Massachusetts might just as well take a running jump into the Potomac River as far as getting any real help by way of legislation to stop the abuses.

Mr. DANIELS of New Jersey. If the gentleman will yield further, I would say that I have the greatest respect for the gentleman from Iowa, and the gentleman knows that I have the highest regard for his ability. May I say that I have not heard any complaint from the gentleman; he has not sent me any letters complaining about this fact, and I have had only half a dozen at the most from other Members.

Mr. GROSS. I do not know whether the gentleman has received complaints. I assumed the gentleman has been hearing, as I have from businessmen, and would operate on his own initiative.

Mr. DANIELS of New Jersey. If the gentleman has received complaints and has not reported them to the proper authority, which is the Committee on Education and Labor, then I believe that the gentleman should do so.

Mr. GROSS. I will be glad to do so.

Mr. SHOUP. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have the rather dubious honor, I suppose, of not being present and being a Member of this House when this bill was passed in a previous session. But at the time it was passed, I did applaud it because the title, as such, sounded like something we did need. However, the application of it has proven to be exactly the opposite.

In directing a reply to the gentleman from Massachusetts in offering time to be heard before the Select Committee on Small Business, I thank him for the privilege. He has accepted my application. I will be there to testify. I say to the gentleman from New Jersey who has said that he will hold oversight hearings on this particular bill, I am waiting to hear, though, when they will have hearings on legislative proposals and amendments to this bill that will do something about it.

I am afraid that we are getting no place with nothing but oversight hearings.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. DANIELS of New Jersey. Mr. Chairman, our committee has been holding hearings on other legislation that has been pending since last year. We have in committee a number of important bills. I assure the gentleman we will have hearings early this fall.

Mr. SHOUP. There will be legislative hearings on proposed amendments?

Mr. DANIELS of New Jersey. Oversight and on proposed amendments, yes.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding.

I think the record should be made straight so that people do not get confused.

Mr. Chairman, when you are talking of mining accidents, you are talking about an entirely different body of legislation, as the gentleman well knows. Whatever mine accidents do occur are under different legislation in spite of different legislation. I, along with others, have asked for the strengthening of that legislation to make mines as safe as possible and to get good ones.

But this is an entirely different body of law and an entirely different inspection procedure.

It is not just one letter that I have received and read, but there are dozens of letters that I have not read that ought to be made a matter of record and that ought to be considered by this Congress.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. SCHERLE. Mr. Chairman, as a former member of the Committee on Education and Labor, we held extensive hearings clear across the country and the legislation finally passed in the House was certainly not the legislation that the committee acted upon and worked on for many, many months. The final version was the Senate bill and rewritten by the majority staff on the House committee. It appears this legislation was designed to harass and force small business out of business.

Mr. SHOUP. Mr. Chairman, we have heard continual references to small industry and to small businessmen and to the businessman.

I would like to ask the gentleman from Pennsylvania, who certainly supports the bill as written and as it is being administered, and supports the additional money—what do I answer to my working people who are saying, "Dick, when are you going to get around to helping us to get better working conditions and get more safe conditions and more healthful conditions?"

"The last time an inspector came to our plant and in our business, he spent more of his time going into the rest rooms and counting the number of hangars and seeing whether the lids were on the waste baskets."

"When is he going to get out into the plant and find out if we have safe working conditions or not?"

I cannot agree with him to put more money into this program.

Mr. RONCALIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana.

While I want very much for the workers of this Nation to be protected by adequate safety and health laws, I do not believe an additional amount of money to hire more OSHA inspectors within the Department of Labor is going to contribute anything toward the promulgation and enforcement of occupational safety and health standards.

In the committee report on H.R. 15417, it states:

> The Committee has received many complaints of overly zealous enforcement officers and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular workplace is in compliance or what would be required to get it in compliance.

This describes exactly the occurrences in my State of Wyoming time and time again.

It is for this very reason that I have introduced an amendment to the Occupational Safety and Health Act which would provide for a first-time, on-site inspection by Department of Labor officials for the purpose of giving advice, not fines. It is for this very reason that I have urged the leadership of the House of Representatives to hold hearings on the Occupational Safety and Health Act so that we can take a look at the difficulties faced by small businessmen, farmers, and ranchers in trying to comply with this new law. It is for this very reason that I am opposing any increased funding for the employment of additional OSHA inspectors.

All indications I have point to the possibility that more Department of Labor inspectors will result in one thing—more harassment for the small businessman, farmer, and rancher.

In my State of Wyoming the Occupational Safety and Health Act has caused nothing but chaos. Businessmen have been besieged with Department of Labor officials who are passing out fines even before owners and managers have received a copy of the 400-plus-page document detailing the rules and regulations to which they must comply.

Furthermore, when the 400-page document is received, the farmer, rancher, and small businessman is overpowered with the duty of wading through each page and trying to decide which rules apply to his own operation.

The Department of Labor is not administering the Occupational Safety and Health Act, Mr. Chairman. In addition to a reluctance to provide guidance and information, I have received reports of arbitrary fines, rudeness, and sarcasm on the part of Department of Labor inspectors. The overall effect has been to drive a serious and growing wedge between the public and the Federal Government.

Although I was not a Member of Congress when the Occupational Safety and Health Act was passed, I feel a real responsibility to putting forth my best efforts in helping to bring some justice and equity to the act.

One mistake was made when the Department of Labor was given a free rein on devising rules and regulations regarding safety and health. We would be doubling the injustice to small businessmen, ranchers and farmers if we were to call for more inspectors to cause more harassment, more rudeness, and more arbitrary penalties. Furthermore, we would be failing in our duties of listening to the citizens to whom we are responsible.

Based on past attitudes and activities, Mr. Chairman, the Department of Labor has no right to an additional penny for the promulgation and enforcement of occupational safety and health standards.

I have letters to support my position from employers in Wyoming, of 10 or 15 people or less, saying that they had written to OSHA's Denver office for guidance, but were threatened only with a fine.

This has gone on month after month, and now we expect to give the Department of Labor an additional $20 million to reward them for that type of public service, I submit, is a reflection on all of us. I submit that if Members have a conscience for their duties they will support the amendment.

The gentleman from Texas (Mr. FISHER) joins me in that support, as do the gentleman from Montana (Mr. MELCHER), the gentleman from South Dakota (Mr. DENHOLM), the gentleman from Nebraska (Mr. THONE), and the gentleman from Kansas (Mr. SEBELIUS). We have joined four of our colleagues in the other body asking for amendments. But we get vague promises of a hearing. We are not asking that the law be repealed or that it be amended with relation to those employers who employ 25 or less. We are not trying to cut the guts out of the enforcement procedure. We believe that every employer should have safe premises for his employees regardless of size.

The Department of Labor has loused this up so badly sometimes I wonder if this administration really seeks to subvert the entire OSHA program. Instead of giving attention to the places where 14,000 deaths annually occur we find the inspectors determining what kind of rest rooms should be provided in barbershops, or telling an automobile dealer that he must put a restroom in his premises for his wife, even though they use the same restroom at home.

I urge support of this decent amendment.

Mr. SISK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I hate to take time on this question, but I think we are all concerned about the same thing. It seems to me the thing we are attempting to do in this amendment—and I have great sympathy for the problem my friend from Wyoming has, because I have similar problems—but I question whether this is the way to get at them. I think many of us supported the bill. I was a strong supporter of the bill introduced by my good friend from New Jersey for health and safety, because I thought we needed it.

I take this time primarily to direct a few questions to my colleague from New Jersey (Mr. DANIELS). It was my understanding that a few moments ago the gentleman indicated that he expected to hold hearings this year. Did I understand correctly?

Mr. DANIELS of New Jersey. Absolutely correct, hearings will be held.

Mr. SISK. Do you have at this moment in time any particular idea of the scope or to what extent you expect to go into that subject? I raise the question for this reason: A number of questions have been raised in my area similar to the problems my friend from Wyoming and others are experiencing. I have been informed basically by the staff of the Committee on Education and Labor that they felt there was enough flexibility to have corrected some of the abuses that were going on in the assessment of very unfair fines and the way they were being handled. Does the gentleman basically agree with that, or does he feel that we will probably have to amend the act?

Mr. DANIELS of New Jersey. No, that is absolutely true. The Secretary has the authority under the act to fine up to $1,000 for each violation. But he also has the necessary discretion under the act to compromise those fines. The act also provides that when he does effect a compromise, he must insert the facts in the Register and give his reasons for the compromise.

There are a lot of things the Secretary is not doing, and I brought them to the Secretary's attention, but he disagreed with my interpretation of the act.

Mr. SISK. May I ask the gentleman another question on the act and the way it is being administered? We have, for example, some rather blanket across-the-board rules and regulations that are being laid down, particularly in the area of construction. They are apparently using the same requirements, the same criteria, if you are building a one-story home as though you were building a 40-story skyscraper in New York. Is it not a fact that there is flexibility enough in the law that requirements and criteria

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could be on the basis of the type and kind of job it is?

Mr. DANIELS of New Jersey. I will say to the distinguished gentleman from California that your understanding with reference to the manner in which the Secretary is enforcing this law is correct. The Secretary does have the right under the law to establish a different set of standards for the light construction industry as distinguished from the heavy construction industry. Therefore, those people in the light construction industry can petition the Secretary of Labor to establish the necessary standards or conduct the necessary hearings for those standards to be established. I have received complaints on that matter. I do not know what the Secretary of Labor has done about that, but we will consider the subject hereafter when we conduct our hearings.

Mr. SISK. I appreciate the comments of the gentleman. I do hope he looks into this, because what he has said has been my understanding. Apparently there have been petitions by the light construction industry. I am talking primarily of the homebuilders where these fellows never get more than 6 to 8 feet off the ground. Apparently there has been an absolute refusal to consider any different kind of regulation or criteria with respect to those people.

I appreciate the comments of the gentleman. I basically support the committee headed by the gentleman from Pennsylvania because I doubt that this is the way to get at the problem. I think we had better move through the legislative committee.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I ask the gentleman to yield just for one observation. I become a little disturbed when I hear on the floor of this House that the responsibility for interpreting a law which this Congress passed should be laid upon the bureaucrats in the Labor Department. If the law was written properly in the first place, we would not be faced with the situation where we are now permitting interpretation of vaguely written legislative language in the Department. That is exactly what we have done and the chickens are coming home to roost.

Mr. SEIBERLING. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this bill means a very great deal to the workers in the tire industry, which happens to be one of the largest industries in this country. To gut the appropriations, which are too small to begin with, for the administration of this law is going to mean that the necessary protection for the workers in that and other major industries is crippled.

We have been moving ahead too slowly in implementing the Occupational Safety and Health Act. We should be moving ahead much faster, not only in funding the Occupational Safety and Health Administration but also in funding the National Institute for Occupational Safety and Health. On the latter, we should be doubling or even tripling the proposed appropriation.

I recognize that there are adjustments that need to be made in the act or at least the administration of the act, and the gentleman from New Jersey has indicated that his subcommittee is going to review this. But to gut the funds to administer the act in the many industries of his country where this act has been desperately needed for years would be a miscarriage.

I hope this House will not take that kind of drastic action. To do so would frustrate the important purpose for which the act was enacted less than 2 years ago.

The purpose of the Occupational Safety and Health Act, as stated in its preamble, is to assure "so far as possible every working man and woman in the Nation safe and healthful working conditions."

In signing the bill into public law, President Nixon called it perhaps the most important legislation passed by the 91st Congress.

Last year, the Congress passed a total appropriation of $61 million for this act—$36 million for the Occupational Health and Safety Administration in the Department of Labor, and $25 million for the National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare.

During consideration of the bill on the floor, the distinguished chairman of the Labor-HEW Appropriations subcommittee, Mr. FLOOD, assured me that that sum—which was actually slightly less in the House—was "adequate for the time being, but that it will surely be increased in the future."

Last year when we were considering this appropriation, in late July, the occupational health and safety program was just getting off the ground. This was the justification used for appropriating such a very small sum at that time.

Now this program has been in operation for a full year. This is the second appropriation to come before the Congress. The administration requested, and the Appropriations Committee has recommended, a total appropriation of $95 million, $67 million will go to OSHA and $28 million to NIOSH.

Although the 1973 request represents a one-third increase over the 1972 appropriation, it appears, from all the evidence available to me, that the 1973 appropriation is woefully inadequate. We simply cannot come anywhere near meeting the goal established in the preamble of this act with the kind of barebones appropriation before us today.

If President Nixon truly feels that this is one of the historic acts of the 91st Congress, he has not translated that feeling into his budget requests for the program.

In testimony before the Labor-HEW appropriation subcommittee last month, George Taylor, an economist with the AFL–CIO, made an interesting comparison between the level of funding in the Department of the Interior for health and safety activities and the level of funding in the Department of Labor for such activities.

In fiscal 1972, the U.S. Bureau of Mines, which administers the Coal Mine Health and Safety Act, budgeted $309.54 in enforcement dollars per covered worker while the Department of Labor allotted a mere 41 cents per covered worker for its corresponding activities under the Occupational Safety and Health Act.

I am not arguing against full funding for the Coal Mine Health and Safety Act, Mr. Chairman. On the contrary, I support a far more intensive effort to rid that occupation of the hazards and high death and accident rate which now plague it.

But I would point out that the 57 million workers who rely on the Department of Labor to assure them a healthy and safe working environment deserve a comparable commitment of Federal dollars.

Let me briefly describe what this meager appropriation will mean in terms of performance ability over the next year:

As of February, 1972, 20,700 workplaces had been inspected under the provisions of the act, and only 23 percent were found to meet the guidelines set under the law. In other words, 77 percent of all the workplaces checked were in violation of the law.

This statistic is startling for two reasons:

First, there are 4.1 million workplaces in the United States and only about 400 compliance officers at OSHA. At the rate inspections are being carried out now, it will take 20 to 30 years just to complete the first round. One expert estimates that by April, 1973, when the act is 2 years old, only 1.4 percent of the workplaces covered by the act will have been inspected.

Second, it is important to understand that most of the violations that were cited were for the most routine and obvious kinds of safety violations such as slippery floors and unguarded machines. The compliance officers have had very little training in industrial hygiene, and usually are not equipped to do even routine health tests such as measurement of noise.

This is quite a violations record for this small group of overworked, undertrained inspectors, and the mind boggles to think what a full complement of trained experts would turn up in the way of additional safety and health violations. But that is not likely to happen under this appropriation.

At present, as I indicated, there are approximately 400 compliance officers, and only a handful of industrial hygienists. Under this bill, the Department of Labor has plans for 800 compliance officers and 40 to 50 industrial hygienists by the end of 1973.

But I understand that officials of the Department of Health, Education, and Welfare testified during congressional hearings that we need a ratio of one industrial hygienist to every 35,000 workers—which means a total of 8,000 industrial hygienists.

Obviously, we cannot even begin to scratch the surface of the health and safety problems facing American workers without a substantial increase in enforcement personnel.

Enforcement and compliance are just one facet of this program, however.

The real backbone of the Occupational Safety and Health Act is the work performed by the National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare.

Under the act, NIOSH is responsible for doing all the research from which the standards are developed, and training for standards implementation.

For 1973, the proposed budget for NIOSH is $28 million. This represents an increase of only $3 billion over last year—when most regional offices were not staffed—and it comes no where near the figure needed to launch an effective research and training program.

For example, there are 12,000 potentially harmful toxic substances used in the American workplace, and we have standards for only a handful. Under this budget, the Secretary of Labor has indicated that by the end of the year we will have only nine or 10 more standards.

In fiscal 1972, 20 research proposals recommended by the NIOSH Research Advisory Committe for funding were turned down because of lack of funds.

According to the Government's own estimates, 3,000 doctors are needed immediately to provide medical services generated by the act. But only a few dozen doctors are being trained as specialists in occupational medicine.

The responsibility placed on NIOSH by the Occupational Safety and Health Act is enormous. Unless NIOSH is adequately funded, the entire effort will be rendered ineffective, and the $28 million appropriation before us today certainly cannot be termed adequate.

One often hears the complaint that strict and aggressive enforcement of this law will be very costly. I recognize that, and I think the majority of the Members of Congress who voted in favor of this act recognized that.

The evidence presented to the Congress at that time indicated that on-the-job deaths, injuries, work-related diseases et cetera represented one of the most serious health problems in the Nation.

By passing this act, Congress pledged to attack that problem to make the American workplace a safe and healthy environment, and by so doing, pledged to make available whatever funds were necessary to do the job.

Yet this administration has pledged only five one-hundredths of 1 percent of its total 1973 budget to help wage this war. With continued funding at this level, the Occupational Safety and Health Act will surely die a slow death.

Mr. Chairman, the AFL–CIO presented an alternative budget for administration of the Occupational Safety and Health Act when they testified before the Labor-HEW Appropriation Subcommittee, and I insert a copy of that budget in the RECORD at this point:

TABLE 1.—SUMMARY: SUPPORTING DATA FOR AFL-COI PROPOSAL—FISCAL YEAR 1973, FOR ADMINISTRATION OF PUBLIC LAW 91-596

[Dollars in thousands]

Agency	President's budget	AFL–CIO proposal	Increase over President's budget: Amount	Increase over President's budget: Percent
Occupational Safety and Health Administration	$67,500	$102,446	$34,946	51.0
National Institute for Occupational Safety and Health	[1] 22,117	60,000	37,883	171.3
Occupational Safety and Health Review Commission	1,280	3,800	2,520	196.9
Total	90,897	166,246	75,349	82.6

[1] $6,200,000 deleted from NIOSH budget, as this amount is earmarked for research by NIOSH under the Federal Coal Mine Safety Act.

TABLE 2.—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

[In thousands of dollars]

Program item	President's budget	AFL–CIO proposal	Increase over President's budget
Standards	$2,800	$6,000	$3,200
Enforcement	23,285	[1] 70,400	47,115
Training	6,500	3,294	3,206
State programs	29,975	[1] 10,000	−19,975
Statistics	4,600	6,000	1,400
Management	3,546	3,546	
Total	67,500	102,446	34,946

[1] Reprogram $19,975 from State programs to enforcement.

The AFL–CIO proposal would provide for an increase of compliance officers from the present total of 407 to 2,500, and for 70 more industrial hygienists, bringing the total for that type position to 115, as compared to the present level of 40. The cost per each such position is about $17,000 annually and would include provision for backup personnel.

The most important priority of OSHA is enforcement of occupational safety and health standards. We have therefore recommended the reprograming of $19,975,000 from the $29,975,000 allocated to State grants for enforcement.

There is no indication that satisfactory State plans will be submitted by more than a few States between July 1, 1972, and June 30, 1973. Our conclusion is based on data and reports we have received from 25 State bodies, and on the fact that 18 State legislatures were not in session this year.

We do not anticipate the need for more than the $10 million for program grants which we have suggested for allocation to States with approved plans under section 18(b) of the act.

The AFL–CIO policy is to oppose any State plan which does not contain the full range of worker protections found in the Federal act; does not have equivalent penalties for violations; does not have adequate budget and staff under civil service, and does have adequate enabling legislation. It can therefore be anticipated that we will be requesting and obtaining administrative hearing on any plans failing to meet these conditions, which will further delay their approval until they have been revised.

The sharp recommended increase in compliance personnel by the proposed AFL–CIO proposal cannot be realized unless training resources are at the same time equivalently increased. This means that the President's budget recommendation for training be doubled. Actually or potentially eligible manpower for compliance positions is not in short supply. Our own unions are a huge potential resource. Some 200 union members with backgrounds in job safety, have submitted applications for OSHA compliance positions.

Job specifications must be changed, however, to allow substitution of competent practical experience in safety for college education, before our union members in any numbers can be qualified under civil service, also present restrictive Labor Department policies on their hiring. Unfortunately, nearly all union applicants who were fully qualified under present specifications have been passed over for positions under hiring policies of the Department of Labor.

TABLE 3.—NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

[Amount in thousands]

Program item	President's budget	AFL–CIO proposal	Increase over President's budget
Research and training grants	$4,414	$10,000	$5,586
Standards	14,193	40,000	25,807
Technical assistance	3,510	10,000	6,490
Total	22,117	60,000	37,883

(A) Research and training

The increase of $56 million over the President's proposal is needed to provide expansion into new and existing but unsolved occupational health problems. Such research is badly needed to expand knowledge about effects of large numbers of toxic materials used in industrial processes. There are an estimated 12,000 of these at present and 600 new ones are added each year. The additional funding we propose would be for extramural grants to institutions with resources in fields beyond the capacity of the research program of NIOSH itself.

(B) Standards

The AFL–CIO-recommended increase of $25.8 million is to enable NIOSH to speed up drastically its production of criteria and standards on toxic materials. Under the President's budget, funds are available for criteria and recommended standards on only 12 toxic substances. . . .

Mr. FISHER. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I did not hear all the debate on this subject but I am quite aware, as I am sure most of the Members are, of the widespread concern that is being expressed throughout the country regarding the manner in which the Occupational Safety and Health Act is being implemented and enforced.

I was pleased to learn a moment ago from the gentleman from the Education and Labor Committee that some oversight hearings are planned. I understand the same is true in the other body. I wonder if I could ask the gentleman from New Jersey to announce when he plans to hold hearings of that kind. We need legislative action more than oversight action.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield, I would point out the Democratic National Convention will take place in a couple of weeks and the Republican National Convention shortly after that, and I will

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endeavor to hold these hearings in September or shortly thereafter.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, it is a little amusing, to be frank, that we expect that committee, which sent to the floor a committee bill which was far tougher than the bill that passed the Congress in this area, to correct the situation. I have no faith that that committee is going to do anything to moderate this legislation. The majority on that committee tried to ram down the throat of the House a far tougher bill, and now to expect that committee to do anything in a remedial way is ridiculous.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I share the concern which has been expressed by my distinguished friend from Texas, by the distinguished minority leader, the gentleman from Michigan, and others, about this matter. I recall very well what has happened heretofore on this subject. The House passed a good health and accident safety bill. The Senate passed a bad bill, and our conferees accepted in large measure the Senate bill. The result is we have a bill whose administration now is a monstrosity in the eyes of a great many of the people who are being subjected to rules they can hardly live with and continue to operate.

Let us face it. We are not going to get a bill in this Congress to give relief to our constituents. If we are going to get any relief for them, we had better get it here and now. I am going to vote for the amendment. I say this regretfully because I have the greatest respect for the chairman and members of the subcommittee which brought the appropriations bill to the floor. But I must vote to provide a measure of relief for the people I represent. I trust that a majority of us in the House have the same attitude.

Mr. FISHER. Mr. Chairman, I share the view expressed by the gentleman from Florida. I think those who have followed this thing in recent months must recognize that it is absolutely imperative that this law be changed in a number of respects. Pending that, I would think it appropriate to proceed cautiously in terms of additional expenditures, So I, too, support the pending amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the last word.

I was amused by the statement of my colleague from Michigan, the distinguished minority leader. The record will show that the committee to whom he refers brought a bill to the floor that was then changed very dramatically. One way in which it was changed, at his instance and with his earnest support, was to take the restraints we tried to place around the Secretary of Labor off of him and turn him loose to run around doing the kinds of things described on the floor.

I submit to the gentleman from Michigan, there is nothing wrong with this law that cannot be cured by the November election this year. What we need is a new set of bureaucrats who know what is in the law and how to administer it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 47, noes 55.

TELLER VOTE WITH CLERKS

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DENNIS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DENNIS, CONTE, FLOOD, and MCCLURE.

The Committee divided, and the tellers reported that there were—ayes 160, noes 206, not voting 67, as follows:

[Roll No. 203]

[Recorded Teller Vote]

AYES—160

Abbitt	Forsythe	Pirnie
Alexander	Fountain	Poff
Andrews, Ala.	Frey	Powell
Andrews, N. Dak.	Gallifianakis	Price, Tex.
Archer	Gettys	Quie
Arends	Giaimo	Quillen
Ashbrook	Goldwater	Rarick
Baker	Goodling	Rhodes
Bennett	Griffin	Roberts
Betts	Gross	Robinson, Va.
Blackburn	Grover	Rogers
Bray	Gubser	Roncalio
Brinkley	Haley	Ruth
Brotzman	Hammer-schmidt	Sandman
Brown, Ohio	Harvey	Satterfield
Broyhill, N.C.	Hastings	Saylor
Broyhill, Va.	Heckler, Mass.	Scherle
Burke, Fla.	Heinz	Schmitz
Burleson, Tex.	Henderson	Scott
Byrnes, Wis.	Horton	Sebelius
Byron	Hunt	Shoup
Cabell	Hutchinson	Shriver
Camp	Ichord	Sikes
Carlson	Johnson, Pa.	Skubitz
Carter	Jonas	Smith, Calif.
Cederberg	Jones, N.C.	Smith, N.Y.
Chamberlain	Jones, Tenn.	Snyder
Chappell	King	Spence
Clancy	Kuykendall	Stanton, J. William
Clawson, Del	Kyl	Steiger, Ariz.
Collier	Landgrebe	Stratton
Collins, Tex.	Latta	Stubblefield
Colmer	Lloyd	Stuckey
Conable	Lujan	Taylor
Conover	McClure	Terry
Coughlin	McCollister	Thompson, Ga.
Crane	McCulloch	Thomson, Wis.
Daniel, Va.	McKevitt	Thone
Davis, S.C.	Mallary	Vander Jagt
Davis, Wis.	Mann	Veysey
Denholm	Martin	Waggonner
Dennis	Mathias, Calif.	Wampler
Derwinski	Mathis, Ga.	Whalley
Devine	Mayne	Whitehurst
Dorn	Miller, Ohio	Whitten
Downing	Mills, Md.	Wiggins
Duncan	Mizell	Williams
du Pont	Myers	Wilson, Bob
Edwards, Ala.	Nelsen	Winn
Erlenborn	O'Konski	Wylie
Findley	Passman	Wyman
Fisher	Pelly	Zion
Flynt	Pettis	
Ford, Gerald R.	Pickle	

NOES—206

Abzug	Aspin	Bolling
Adams	Aspinall	Brademas
Addabbo	Badillo	Brasco
Albert	Barrett	Brooks
Anderson, Calif.	Begich	Brown, Mich.
Anderson, Ill.	Bergland	Buchanan
Anderson, Tenn.	Bevill	Burke, Mass.
Annunzio	Biaggi	Burlison, Mo.
Ashley	Blester	Burton
	Boggs	Byrne, Pa.
	Boland	Caffery
	Carney	Hechler, W. Va.
	Casey, Tex.	Helstoski
	Chisholm	Hicks, Mass.
	Clark	Hicks, Wash.
	Clausen, Don H.	Hillis
	Clay	Hogan
	Cleveland	Holifield
	Collins, Ill.	Howard
	Conte	Hull
	Conyers	Jacobs
	Corman	Jarman
	Cotter	Johnson, Calif.
	Culver	Jones, Ala.
	Daniels, N.J.	Karth
	Danielson	Kastenmeier
	Davis, Ga.	Keating
	de la Garza	Keith
	Delaney	Kemp
	Dellenback	Kluczynski
	Dellums	Koch
	Dent	Leggett
	Diggs	Lennon
	Donohue	Lent
	Dow	Long, Md.
	Drinan	McClory
	Dulski	McCormack
	Eckhardt	McDade
	Edwards, Calif.	McFall
	Eilberg	McKinney
	Esch	Macdonald, Mass.
	Evans, Colo.	Madden
	Evins, Tenn.	Mahon
	Fascell	Matsunaga
	Fish	Mazzoli
	Flood	Meeds
	Flowers	Melcher
	Foley	Michel
	Ford, William D.	Mikva
	Frenzel	Miller, Calif.
	Fulton	Minish
	Garmatz	Mink
	Gaydos	Minshall
	Gibbons	Mitchell
	Gonzalez	Monagan
	Grasso	Moorhead
	Gray	Morgan
	Green, Oreg.	Moss
	Green, Pa.	Murphy, Ill.
	Gude	Natcher
	Hamilton	Nedzi
	Hanley	Nix
	Hanna	Obey
	Hansen, Idaho	O'Hara
	Hansen, Wash.	O'Neill
	Harrington	Patten
	Hathaway	Pepper
	Hawkins	Peyser
	Hays	Pike
		Podell
		Preyer, N.C.
		Price, Ill.
		Pucinski
		Purcell
		Railsback
		Randall
		Rangel
		Rees
		Reid
		Reuss
		Riegle
		Robison, N.Y.
		Rodino
		Roe
		Rosenthal
		Rostenkowski
		Roush
		Roy
		Roybal
		Runnels
		Ruppe
		Ryan
		St Germain
		Sarbanes
		Scheuer
		Schwengel
		Selberling
		Shipley
		Sisk
		Slack
		Smith, Iowa
		Stanton, James V.
		Steed
		Steele
		Stokes
		Symington
		Teague, Calif.
		Tiernan
		Udall
		Van Deerlin
		Vanik
		Vigorito
		Waldie
		Whalen
		White
		Widnall
		Wilson, Charles H.
		Wolff
		Wright
		Wyatt
		Wydler
		Yates
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zwach

NOT VOTING—67

Abernethy	Griffiths	Montgomery
Abourezk	Hagan	Mosher
Baring	Hall	Murphy, N.Y.
Belcher	Halpern	Nichols
Bell	Harsha	Patman
Bingham	Hébert	Perkins
Blanton	Hosmer	Poage
Blatnik	Kazen	Pryor, Ark.
Bow	Kee	Rooney, N.Y.
Broomfield	Kyros	Rooney, Pa.
Carey, N.Y.	Landrum	Rousselot
Celler	Link	Schneebeli
Curlin	Long, La.	Springer
Dickinson	McCloskey	Staggers
Dingell	McDonald, Mich.	Steiger, Wis.
Dowdy	McEwen	Stephens
Dwyer	McKay	Sullivan
Edmondson	McMillan	Talcott
Eshleman	Mailliard	Teague, Tex.
Fraser	Metcalfe	Thompson, N.J.
Frelinghuysen	Mills, Ark.	Ullman
Fuqua	Mollohan	Ware
Gallagher		

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 6, after line 25, add the following—

"None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970."

Mr. FINDLEY. Mr. Chairman, this amendment is similar, in fact it goes right to the heart of the question raised by the amendment offered by the gentleman from Indiana (Mr. DENNIS). I am going to ask for recorded tellers, and I hope and expect we will have enough Members stand to effect that order. That is why I think you would want to listen to the amendment. I will read it again for that reason:

On page 6, after line 25, add the following—None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the federal government who inspect firms employing 25 persons or less for compliance with the Occupational Safety and Health Act of 1970.

If my amendment becomes law, it will give the small business firms of the Nation a year's moratorium from our form of Federal harassment. It will enable Mr. DANIELS' committee and any other committee that might like to have any further hearings to decide just what type of Federal safety and health regulations should be proposed for small business firms. It would relieve the small businessman of the harassment that has been so visible to all of us, resulting in many complaints from every district in the country.

I have no need to prolong this discussion——

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Ohio.

Mr. LATTA. I wish to commend the gentleman from Illinois for offering the amendment, which I support wholeheartedly and wish to be associated with his remarks.

Mr. FINDLEY. I thank the gentleman.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. FISHER. I rise in support of the gentleman's amendment. I think it is very fair, very reasonable, and very timely. There are at present situations that are impossible. It is simply unfair to apply the same standards, the same regulations and the same controls to a small business, where they are much better able to police their own problems, than we would apply to the big companies scattered throughout the land. I think it is an appropriate amendment.

Mr. FINDLEY. I will say to the gentleman that the amendment might be described as the amendment on toilet seats, because the OSHA inspectors have gone to the ridiculous point of specifying the style of toilet seats that shall be used in restrooms of small business firms.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. MAYNE. I join the gentleman from Illinois in support of his amendment. We should attempt to restore some element of common sense to the administration of the act as it relates to the small businessmen of the country. I support the gentleman's amendment and commend him for offering it.

Mr. Chairman, firms employing 25 persons or less do not require the same rigorous inspection for compliance with the Occupational Safety and Health Act of 1970 as the larger firms. I believe the Findley amendment makes good sense and is very necessary. Many of my constituents, both owners and employees of small firms and farms alike, have written my office requesting that they be relieved of the very unreasonable and burdensome regulations imposed on them under the Occupational Safety and Health Act of 1970.

As is so often the case, legislation designed to correct problems prevalent in big business operations has created unreasonable and unnecessary hardships when applied indiscriminately to smaller firms and farms. This has been like trying to shoot a mouse with an elephant gun.

I am deeply concerned about the continuing serious losses, both human and financial, which are occurring due to occupational related accidents, and am for any reasonable steps necessary to protect both agricultural and industrial labor. However, I would like to point to the excellent safety records which have been compiled by small business entities during the years before OSHA was in existence. It was through the application of down-to-earth commonsense, not the unreasonable OSHA regulations, that these small businesses were able to operate safely and economically.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. I think the gentleman in the well has an excellent amendment. It will not gut the appropriation at all. You can put the money on the big fellows, which is where it ought to go, and it will largely accomplish the objective of giving relief to the small man.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding. I support the gentleman in his amendment.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I, too, support the amendment offered by the gentleman from Illinois. I would direct his attention to one item. I had the administrator of OSHA in my office, and they are leaving the toilets alone and going on to bigger things. Now, another thing that is still a big problem is the situation of the farmer exchanging work with his neighbor which is covered by the act according to the Department of Labor. Your amendment would cover it, and I am for it.

Mr. FINDLEY. I thank the gentleman for this progress report.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. I have been here a long time and I have heard amendments, and amendments, and amendments to amendments, but this is the first time I have seen an amendment that would almost give a license to kill. We are saying, in the amendment, to an employer of under 25 employees, "You don't have to worry about health hazards. Don't worry about injuries. Don't worry about hazards that may result in fatal accidents. We are giving carte blanche to him. It is a change in the law, as a matter of fact, and perhaps I should have raised a point of order, but I am advised it would likely have been overruled since the amendment is in the form of a limitation.

This is a can-of-worms bill, but let us not get too silly this early in the day.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

I would like to point out that statistics will show that the overwhelming number of accidents occur in small plants. I am sure that everyone who is aware of the manner in which big business is conducted knows that they have health and safety crews operating to protect the health and safety of its employees. Big business cannot afford to have many accidents. They cannot afford to lose the services of a talented, experienced individual. The major number of accidents that do occur, occur in small plants.

Second, I rise in opposition to the amendment because this is not the way to legislate. This type of amendment should not be offered to this bill on the floor without giving our committee an opportunity to consider the amendment. Therefore, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 105, noes 68.

TELLER VOTE WITH CLERKS

Mr. FLOOD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FLOOD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FINDLEY, DANIELS of New Jersey, FLOOD, and MCCLURE.

The Committee divided, and the tellers reported that there were—ayes 213, noes 154, not voting 66, as follows:

[Roll No. 204]

[Recorded Teller Vote]

AYES—213

Abbitt	Brooks	Clark
Alexander	Brown, Mich.	Clausen, Don H.
Anderson, Tenn.	Brown, Ohio	Clawson, Del
Andrews, Ala.	Broyhill, N.C.	Cleveland
Andrews, N. Dak.	Broyhill, Va.	Collier
Archer	Buchanan	Collins, Tex.
Arends	Burke, Fla.	Colmer
Ashbrook	Burleson, Tex.	Conover
Aspinall	Byron	Coughlin
Baker	Cabell	Crane
Baring	Caffery	Culver
Belcher	Camp	Daniel, Va.
Bennett	Carlson	Davis, Ga.
Betts	Carter	Davis, S.C.
Blackburn	Casey, Tex.	Davis, Wis.
Bow	Cederberg	de la Garza
Bray	Chamberlain	Denholm
Brinkley	Chappell	Dennis
	Clancy	Derwinski

XUM

Devine	Kyl	Runnels
Dickinson	Landgrebe	Ruppe
Dorn	Latta	Ruth
Downing	Leggett	Sandman
Duncan	Lennon	Satterfield
Edwards, Ala.	Lent	Saylor
Findley	Lloyd	Scherle
Fisher	Lujan	Schmitz
Flowers	McClory	Schneebeli
Flynt	McClure	Schwengel
Ford, Gerald R.	McCollister	Scott
Forsythe	McCulloch	Sebelius
Fountain	McKevitt	Shipley
Frelinghuysen	McKinney	Shoup
Frenzel	Mahon	Shriver
Frey	Mallary	Sikes
Galifianakis	Mann	Skubitz
Gettys	Martin	Slack
Giaimo	Mathias, Calif.	Smith, Calif.
Goldwater	Mathis, Ga.	Smith, N.Y.
Goodling	Mayne	Snyder
Green, Oreg.	Meicher	Spence
Griffin	Miller, Ohio	Staggers
Gross	Mills, Md.	Stanton,
Grover	Minshall	J. William
Gubser	Mizell	Stratton
Haley	Mollohan	Stubblefield
Hamilton	Myers	Stuckey
Hammer-schmidt	Nelsen	Taylor
	O'Konski	Teague, Tex.
Harsha	Passman	Terry
Harvey	Pettis	Thompson, Ga.
Hastings	Pickle	Thomson, Wis.
Heckler, Mass.	Pike	Thone
Heinz	Pirnie	Vander Jagt
Henderson	Poff	Veysey
Hicks, Wash.	Powell	Waggonner
Hogan	Preyer, N.C.	Wampler
Horton	Price, Tex.	Whalley
Hungate	Purcell	White
Hunt	Quie	Whitehurst
Hutchinson	Quillen	Whitten
Ichord	Randall	Widnall
Jarman	Rarick	Williams
Johnson, Pa.	Rees	Wilson, Bob
Jonas	Rhodes	Winn
Jones, N.C.	Roberts	Wright
Jones, Tenn.	Robinson, Va.	Wylie
Kazen	Robison, N.Y.	Wyman
Keith	Rogers	Young, Fla.
Kemp	Roncalio	Young, Tex.
King	Roush	Zion
Kuykendall	Roy	

NOES—154

Abzug	Esch	Mikva
Adams	Evans, Colo.	Miller, Calif.
Addabbo	Evins, Tenn.	Minish
Albert	Fascell	Mink
Anderson, Calif.	Fish	Mitchell
	Flood	Monagan
Anderson, Ill.	Foley	Moorhead
Annunzio	Ford,	Morgan
Ashley	William D.	Moss
Aspin	Fraser	Natcher
Badillo	Fulton	Nedzi
Barrett	Garmatz	Nix
Begich	Gaydos	Obey
Bergland	Gibbons	O'Hara
Bevill	Gonzalez	O'Neill
Biaggi	Grasso	Patten
Biester	Green, Pa.	Pelly
Blatnik	Gude	Peyser
Boggs	Hanley	Podell
Boland	Hanna	Price, Ill.
Bolling	Hansen, Idaho	Pucinski
Brademas	Hansen, Wash.	Railsback
Brasco	Harrington	Rangel
Burke, Mass.	Hathaway	Reid
Burlison, Mo.	Hawkins	Reuss
Burton	Hays	Riegle
Byrne, Pa.	Hechler, W. Va.	Rodino
Carney	Helstoski	Roe
Chisholm	Hicks, Mass.	Rosenthal
Clay	Holifield	Rostenkowski
Collins, Ill.	Howard	Roybal
Conte	Hull	Ryan
Conyers	Jacobs	St Germain
Corman	Johnson, Calif.	Sarbanes
Cotter	Jones, Ala.	Scheuer
Daniels, N.J.	Karth	Selberling
Danielson	Kastenmeier	Sisk
Delaney	Keating	Smith, Iowa
Dellums	Kluczynski	Stanton,
Dent	Koch	James V.
Diggs	Long, Md.	Steed
Donohue	McCormack	Steele
Dow	McDade	Stokes
Drinan	McFall	Symington
Duiski	Madden	Teague, Calif.
du Pont	Matsunaga	Tiernan
Eckhardt	Mazzoli	Udall
Edwards, Calif.	Meeds	Van Deerlin
Eilberg	Michel	Vanik
Vigorito	Wolff	Yatron
Whalen	Wyatt	Zablocki
Wilson, Charles H.	Wydler	Zwach
	Yates	

NOT VOTING—66

Abernethy	Hall	Murphy, Ill.
Abourezk	Halpern	Murphy, N.Y.
Bell	Hébert	Nichols
Bingham	Hillis	Patman
Blanton	Hosmer	Pepper
Broomfield	Kee	Perkins
Brotzman	Kyros	Poage
Carey, N.Y.	Landrum	Pryor, Ark.
Celler	Link	Rooney, N.Y.
Conable	Long, La.	Rooney, Pa.
Curlin	McCloskey	Rousselot
Dellenback	McDonald,	Springer
Dingell	Mich.	Steiger, Ariz.
Dowdy	McEwen	Steiger, Wis.
Dwyer	McKay	Stephens
Edmondson	McMillan	Sullivan
Erlenborn	Macdonald,	Talcott
Eshleman	Mass.	Thompson, N.J.
Fuqua	Mailliard	Ullman
Gallagher	Metcalfe	Waldie
Gray	Mills, Ark.	Ware
Griffiths	Montgomery	Wiggins
Hagan	Mosher	

So the amendment was agreed to.

The Clerk read as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,597,500,000), title III ($146,393,000), and title V, Parts A and C ($43,000,000), of the Elementary and Secondary Education Act, $1,786,893,000: *Provided*, That grants to States on behalf of local education agencies under said title I–A shall not be less than grants made to such agencies in the fiscal year 1972.

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I make a point of order to the proviso beginning on line 10, page 19, and extending through line 13, page 19.

The CHAIRMAN. That is as to the language beginning on line 10, with the word "Provided,"?

Mr. O'HARA. That is right, Mr. Chairman, and continuing on through line 13 on page 19.

Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. O'HARA. Mr. Chairman, I make the point of order that the proviso constitutes legislation on an appropriation bill and, therefore, ought to be stricken.

I call the attention of the Chair to the ruling made by the Chair on a very similar point which is found in the CONGRESSIONAL RECORD, vol. 116, part 3, page 4019.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, the same point of order was raised last year, and we concede the point of order.

The CHAIRMAN (Mr. HOLIFIELD). The gentleman from Pennsylvania concedes the point of order.

The point of order is sustained.

AMENDMENT OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: On page 19, line 10, after the dollar amount, insert the following:

": *Provided*, That none of the funds contained herein for carrying out title I of said Act shall be used to make grants to any State under that title in excess of the total grants made to such State from appropriations under said title for fiscal year 1972"

POINT OF ORDER RESERVED

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

Mr. O'HARA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order against the amendment.

Mr. FLOOD. Mr. Chairman, the purpose of this amendment is to replace the section which has just been deleted from the bill, but in the from of a limitation which, of course, is not subject to a point of order.

Mr. Chairman, if the amendment is adopted, it will assure that each State receives the same amount under title I of the program for the fiscal year 1973 as it did for the fiscal year 1972. And it will prevent reductions in some State allotments which would otherwise occur. So, Mr. Chairman, I urge adoption of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman desire to press his point of order?

Mr. O'HARA. Mr. Chairman, I will continue to press a point of order, although I concede that the amendment takes a somewhat different form. It is merely, as explained by the gentleman from Pennsylvania, a different way of accomplishing exactly the same thing. I would, therefore, make the point that if the language which was stricken constitutes legislation on an appropriation bill, then the amendment offered by the gentleman from Pennsylvania, which he says accomplishes the same thing, is likewise legislation upon an appropriation.

Mr. FLOOD. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman may be heard.

Mr. FLOOD. The language of the amendment is very clearly only a limitation on the use of funds in the traditional manner. It is completely a negative thing. But of importance, it does not impose any additional duties on anyone in the Department of Health, Education, and Welfare, for right now they must now determine the total amount granted to each State in order to comply with the allocation formula in the Elementary and Secondary Education Act. Most certainly, Mr. Chairman, it does not violate the rules of the House.

PARLIAMENTARY INQUIRY

Mr. EVANS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EVANS of Colorado. In the event the Chair were to overrule the point of order, and in the event the amendment offered by the gentleman from Pennsylvania were to be agreed to, would it thereafter be in order to offer an amendment to title I of ESEA, the point at which we are now in the bill, increasing appropriations for that purpose?

The CHAIRMAN (Mr. HOLIFIELD). If the amendment were agreed to, the Chair would inform the gentleman from Colorado that further amendments to the paragraph would still be in order.

The Chair is ready to rule.

The gentleman from Michigan (Mr. O'HARA), has raised a point of order against the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD) alleging that it is legislation upon an appropriation bill.

The Chair would like to point out that the language which was just ruled out on a point of order by the gentleman from Michigan provided that "grants to States * * * shall not be less than grants made to such agencies in the fiscal year 1972."

The language set a minimum amount for grants and was in the nature of affirmative directions to the Office of Education.

The present amendment, on the other hand, is limited to the use of the funds in this bill. It is prefaced with the phrase "That none of the funds contained herein."

Furthermore, it places a maximum amount on the amount of grants. It is a negative restriction on the use of funds in the bill and proposes that the grants be measured by an ascertainable standard—that is, the amount of the grants in fiscal 1972.

The Chair holds that the amendment is a proper limitation and overrules the point of order.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the situation now stands, the formula provided for title I, title III, and title V of the Elementary and Secondary Education Act will be as it is in the authorizing legislation, unless the gentleman from Pennsylvania succeeds by his amendment in changing that formula.

The way title I, the biggest title, works now, Mr. Chairman, each State receives one-half of the cost of education in that State or one-half of the national average cost of education, whichever is higher, times the number of educationally disadvantaged children residing within the State. Naturally, those figures change. Some States increase their appropriations for education, and when they increase their State effort, they are entitled to more Federal money. Other States may decrease their local effort, and when they do, they are entitled to less Federal money. Some States may have more children who, because of bad ecomonic conditions in the State, would qualify as educationally disadvantaged.

The formula in the legislative act takes all that into account and each year we must recompute the State's entitlement. What the gentleman from Pennsylvania is proposing to do is to say, "Forget all that. Do not recompute their entitlement. Do not take into account whether the State has been increasing its own expenditures or not. Do not take into account whether there are more or less children who would be entitled to assistance under this bill. Go ahead and give them what they got last year, whether or not that makes sense, or whether or not it is fair."

What is the effect of this amendment? I have not the time to recite it, but it costs a number of States who have increased their expenditures on education a considerable amount of money. It costs the State of Georgia for instance $2,712,000. It costs the State of Illinois $5,724,000, and so on.

I would hope Mr. Chairman, that we will stick by the formula in the bill. It does not make a bit of difference in terms of how much total money we are going to spend. It makes a difference only in terms of equity.

I hope the amendment will be defeated.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I associate myself with the comments of the gentleman from Michigan. I think he has explained why this should be defeated better than I could. Also his explanation tells us why this House should support the package amendment which is going to be offered to several sections on the educational part of this bill.

But while I have the floor, so I may be perfectly clear with regard to the parliamentary situation we are in, may I ask this question for my own understanding of our situation? In the event the amendment of the distinguished gentleman from Pennsylvania (Mr. FLOOD) passes, thereby limiting the expenditures under title I to that which was spent the last fiscal year, thereafter, after the adoption of the gentleman's amendment, would it be in order to offer an amendment to increase the sum of money contained in the bill for title I?

The CHAIRMAN (Mr. HOLIFIELD). The Chair will say that the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD) is an amendment to the paragraph, a perfecting amendment, and if that amendment is agreed to an amendment striking and inserting a whole new paragraph would still be in order.

Mr. EVANS of Colorado. I thank the Chair.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out to the Members of the House that on page 60 of the report is a list showing the States that will have their funding reduced below last year's level if this amendment is defeated. I think the Members might want to get out the report and look at that list. The total is $36,498,049. This is a reduction below the amount they received in the present fiscal year that is about to end. Perhaps some others would get some more, but these listed States would have a decrease. It is going to be more difficult for those States who will not get as much as they have this year. So Members ought to be fully aware of that and look at the table on page 60 of the report.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Michigan has just pointed out there will be some readjustments. Some States will have more and some less money simply because the ratio has changed. In the authorizing legislation we passed in this House we provided for those changes. Now we are coming in here and changing the rules. What about the States which in 1967 and 1968 and 1969 and 1970 were tied to the archaic figures of the 1960 census in the distribution of the money? They did not come in here and ask for readjustments in this formula. We said this was the formula the House authorized in the bill and we accepted that.

We accepted all those inequities. Now, as the figures change and as States that have improved their contributions are entitled to a better formula, the Appropriations Committee comes around to say, "We are going to change the ground rules, because we do not want to hurt anybody."

That is no way to play the game. For every State which will get more money under the amendment pending before the House other States will lose money.

I suggest we should stay with the formula authorized in the authorizing legislation. That is the only way to get equity in the distribution of these funds. Otherwise we will make a mockery of the whole legislative system.

We in the authorizing committee carefully studied all the aspects of this, as the gentleman from Michigan (Mr. O'HARA) pointed out, and we took into consideration all of the factors as to the distribution of the money.

I regret that the point of order was not sustained, but in view of the fact that the point of order was not sustained it is up to the Members of this House to retain the equity and the dignity of the legislative process instead of letting the Appropriations Committee come in now with an amendment to change and undo the whole thing.

These States are entitled to increases based on new figures compared to 1968, 1969, and 1970, when they were dealing with the archaic census figures. Why penalize them now, when they have a break coming and when they have been enduring hardship long enough?

I hope that the amendment will be defeated.

I will say that if this amendment is sustained, sooner or later every Member of this House will feel the full adverse effects of this amendment. I hope the amendment will be defeated.

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first let me address my comments in answer to the gentleman from Illinois (Mr. PUCINSKI) as to how these moneys will be distributed and under what formula.

Members should know that we may not get from the Census Bureau the updated figures from the 1970 census that will change the formula for the fiscal year 1973. If that be the case, then the argument does not hold any water whatsoever.

I personally hope that we are going to have those figures available so that we can crank them into an updated

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computation in line with the authorizing formula.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentlemen from Illinois.

Mr. PUCINSKI. Is it not a fact, however, that we will ultimately get those figures and the Census Bureau has assured us these figures will be forthcoming? This amendment would totally negate any new figures.

Mr. MICHEL. No; I do not agree.

Mr. PUCINSKI. And we might as well not have any new census figures.

Mr. MICHEL. I do not agree with the gentleman at all.

Mr. PUCINSKI. The gentleman knows that is right.

Mr. MICHEL. I beg to differ, because I have just talked to Commissioner of Education this morning on that very point. I asked the question, "Have you got yet the revised census figures?" The answer was "No." I asked, "Can they get them to you soon?" And the answer was, "I do not know that they can."

Mr. PUCINSKI. He did not say they cannot. He did not say they will not.

Mr. MICHEL. I am just suggesting that there is an area of doubt that we will get them before September or October.

In answer to the gentleman from Michigan (Mr. O'HARA), the point was made that we are just going to give to each State what we did before. I would not be too concerned about that.

What was the concern of everybody here and of the subcommittee itself? It was to bring every State up to the point where they would not receive any less money this year than last. The Hathaway amendment does the same thing and goes beyond and grants some more.

So that particular argument does not hold water either.

Really, what the amendment of the gentleman from Pennsylvania (Mr. FLOOD) will do here is to provide that base for every State as it got last year.

If Members are interested in getting some more money for this title I, I would remind Members of the new Emergency School Assistance Act provisions; 15 percent of that $1 billion appropriation that will come up here will go into title I, targeted in by the legislative act we all authorized. So they will get more money in the amount of $150 million.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. O'HARA. Last year I made the same point of order, and that proviso was knocked out.

I want the Members of the House to know that not a single State got a penny less as a result of my action, because the Appropriations Committee made sure of that when the supplemental came up. They put in the money needed for those States that had lost something, to make them whole.

I say to the Members of the House that if they defeat the amendment, the same thing will happen this year. No State will be hurt, and the States which need more will get justice.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Of course, as the gentleman from Illinois knows, the language was stricken out of the bill last year. A supplemental was necessary. The Members voted for it, and it passed almost unanimously. But it was also necessary to restore the floor language in the supplemental bill.

Mr. MICHEL. I would urge support of the gentleman's amendment.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am sorry I am differing with my colleague, the gentleman from Illinois, on the Flood amendment, but I think it would be a mistake for us to adopt that and make certain that every State receives the amount it received the year before. One of the things that will happen when we do receive the new census information—and I am astonished that the Census Bureau cannot get it to the Office of Education, and we cannot utilize it—we are going into the next school year, the 1972–73 school year still basing the formula on the 1959 income information. There is not a child in school who is counted now under that information, there is not a one in school. We do not know where poor children live until the census information comes out.

But there is another part of the formula that counts people on welfare; if it does happen that one State changes in respect to perhaps having less of a welfare problem and another State's position changes to having a worse welfare problem, then the money should shift to where the problem exists.

That is the way the silly formula is written. And if we do not like the formula then do not try to change it by saying that every State will come out with the same amount of money. We really ought to change the formula, and we will take that up in the next Congress. You cannot wait until all the kids have left school before you change the allocation to the States. It does not make any sense at all. All you are saying is let us just keep every State receiving the same amount of money. It is terrible to do that. Title I is not written to guarantee States a certain amount of money but to fund compensatory education for disadvantaged where they happen to live. Let us use the formula we have, and vote down the Flood amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, actually there may be some very embarrassed Members in this Chamber when the census figures do come out, and many Members may find that by voting for the Flood amendment they have shortchanged their respective districts, because when these new census figures come up we will be using data from 1970 instead of 1960 and you may find that you have dealt away or voted away a very substantial improvement in your district by locking in the 1972 formula for 1973 as proposed by our colleague, the gentleman from Pennsylvania (Mr. FLOOD).

Mr. QUIE. It does not make any sense to pay for needs that do not exist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I have an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that if the amendment is agreed to I will make motions to strike out the remaining paragraphs beginning with line 14 on page 19 and extending through and including line 17 on page 21.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY: On page 19, strike out lines 6 through 13 and substitute in lieu thereof:

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title II ($171,393,000), and title V, Parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $671,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 303(1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950. For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85–905, $143,609,000. For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($444,682,000), D, F ($38,322,000), G ($19,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C., ch. 30) ($75,000,000), $643,460,000, including $16,000,000 for examplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act. For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,530,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II ($100,000,000) of the Elementary and Secondary Education Act; $184,500,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

Mr. HATHAWAY (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. YATES. Mr. Chairman, reserving the right to object, may I ask the gentleman whether or not in his amendment there is any provision for amending the section entitled "Educational Renewal" which appears on page 21?

Mr. HATHAWAY. As I understand, yes; my amendment can be amended.

Mr. YATES. In other words, in your amendment you do cover or make some changes in that paragraph?

Mr. HATHAWAY. No.

Mr. YATES. You do not?

Mr. HATHAWAY. No.

Mr. YATES. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HATHAWAY. Mr. Chairman, this is an amendment calling for an increase in the funding of titles I, II, III, and V of ESEA the Vocational Education Act, and the Library Services and Construction Act, the Impact Aid Act, and the Adult Education Act, by $364 million.

The primary purpose of most of the money requested is to help people throughout this country who have been disadvantaged with regard to the education they have received.

Title I of the Elementary and Secondary Education Act was designed to help children from families of very low income, children who are definitely disadvantaged. We know that the Adult Education Act helps those who for one reason or another have not completed their education. Initially this act extended only to eighth-grade education, but a couple of years ago this was changed, and now under the adult education program those who did not receive a high school education are entitled to participate.

The principle purpose of this amendment is to bring school districts and State agencies throughout the Nation aid up to the funding level they had in 1972. Because, and as it has been explained in answer to the distinguished chairman of the subcommittee's amendment, the one that was just defeated, when the facts in the formula change, and you have the same amount of money, then you will have unequal distribution and many States who, for example, have increased the number of AFDC children would not be getting the same level of funding as they were last year unless we raise the amount of money. In fact, the tables that had been printed—and I believe they are in the report, and have been printed in the CONGRESSIONAL RECORD, and which have been sent around to the various offices—indicate that some 25 States would get less under title I, for example, than they got last year unless this amendment is agreed to. If the amendment is agreed to there is only one State, New Mexico, that would get less funding than it did in 1972.

We as a nation, for many years dedicated ourselves to making sure that every child throughout the country got some kind of education. Our objective initially on education in this Nation was quantity education. When the Nation was first founded, there were many young people who had no access to education whatsoever. We completed that objective. Everywhere in this Nation today a person can get some kind of education that is paid for with taxpayers' money.

But since the advent of the Elementary and Secondary Education Act, which was passed as you know in 1965, we have concerned ourselves with the quality of education the children throughout this Nation are getting.

The purpose of this amendment, which is called the quality education amendment, is to make sure we afford quality education throughout the Nation.

I think that in our every day deliberations here on the floor of the House and in committee, we get tied up too much with numbers and we forget just what those numbers really mean. We talk about children from disadvantaged families, those who come from families that have an income level of $4,000 or less. But we fail to go further and really examine what it means to be a child coming from a family with an income of only $4,000 a year or less. There are 12 million children in this Nation who come from such families. These children are coming from families where they have barely enough money for food and for rent. There certainly is not enough money for any educational material and devices such as books and magazines. Undoubtedly, the parents in these families do not have the educational background such as we in this Chamber and many others throughout the country have to give to our children.

So these children who come from these low-income families, come to school, and school is the only place really where they are going to get any kind of education unlike the middle-income family.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. HATHAWAY asked and was given permission to proceed for 3 additional minutes.)

Mr. HATHAWAY. So they come to school where they are going to get their only education—unlike the middle income or the upper income family where a lot of the educational process takes place in the home.

So when they come to that school, they are at a considerable disadvantage competitively with the other students in that school.

This amendment today to title I is only $22.5 million and adds merely $17 per child for the 12 million disadvantaged children in this country.

In fact, the appropriation recommended by the committee is only $133 per child and this would raise it to only $150 per child.

Certainly we can afford in this country that has a gross national product of over a trillion dollars and which is the richest nation in the world—we can afford an additional $17 for the disadvantaged child in this Nation.

But more than that, the investment in education—or the money we are going to put out for education, not only in title I but the other titles that are being amended here today, is going to constitute a savings to us in the long run. We are going to eliminate a lot of our welfare payments and a lot of the unemployment payments.

We are going to be able to eliminate a lot of the causes and the cost of crime and it is going to help to cut down on delinquency.

More than that, because of the investment we are making in education, we are going to make more productive individuals in this Nation so that they can go out and earn a living. They will more than repay in income tax the amount of money we are investing here today.

But even more than the money investment and the return that we are going to get from the investment we will make in education in terms of taxes, we have to look at the potential of each and every one of the individuals that we have in this Nation. If we are ever going to make this Nation the really great Nation that it is capable of being, we have to do everything we can do to help every individual regardless of what his economic circumstances are, realize his full potential.

By adopting the amendment here today, which does not provide a large sum of money—it is only $364 million, and we spend many more dollars than that on hardware, and certainly we should be putting humans ahead of hardware—by adopting this amendment today, we can at least partially help many individuals in this country realize that potential.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I commend the chairman of the Labor-HEW Subcommittee, my longtime friend and colleague, the gentleman from the 11th Congressional District of Pennsylvania (Mr. FLOOD) and the members of the Appropriations Committee for the bill before us. It provides funds for so many vital, needed programs dealing with the health of the American people. However, I must express my disappointment over the paucity of funds for a program which deals with a major health problem of so many of our young children. Preschool age children living in our cities and in rural America, generally in homes over 30 years old—and there are many of them.

I refer to the shortage of funds for Public Law 91–695, the Lead-Based Paint Poisoning Prevention Act, a program to conquer the man-made malady of lead poisoning.

Mr. Chairman, I would offer an amendment to the bill to increase the funding for this program, unfortunately the present authorization expires at the end of this month. However, I do not expect the program to expire for just yesterday the Senate passed S. 3080, which will extend and expand the program as well as authorize a much needed increase in appropriations. Similar legislation is pending in the Banking and Currency Committee.

This health problem, affecting almost one-half million young, preschool age children yearly, of lead poisoning is a man-made malady which has reached epidemic proportions. It has been called the silent epidemic. It results from the use of lead-based paints in older houses.

The first funds for this program were appropriated in 1971. Unfortunately, the

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funds appropriated, including those in this bill, are far from what is needed to screen and treat the thousands of preschool age children subjected to the lead paint hazard and to inspect and remove lead from homes. We have just started to scratch the surface in dealing with this peril to our children. Of the approximately one-half million who suffer from this, only 12,000 to 16,000 actually receive treatment, and half of them are left mentally retarded. About 200 die from lead poisoning each year, and this from a manmade malady. Although lead based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among these children. Approximately 3,200 children suffer moderate to severe brain damage, and 800 are so severely afflicted that they require institutionalization for the remainder of their lives. It has been estimated that such care costs $250,000 per child for a lifetime of institutionalization. Annually, that is a cost of $200 million to the taxpayer. There is no way to estimate or assess the untold pain, misery, and suffering of the parents and families of these children.

Mr. Chairman, we know the cause of this epidemic and we know how it can be conquered. As soon as the continuation of the program is approved, I sincerely hope that the Appropriations Committee will take the necessary action to provide full funding.

Mr. FLOOD. Mr. Chairman, I rise to oppose the amendment.

(By unanimous consent, Mr. FLOOD was allowed to proceed for an additional 5 minutes.)

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Apparently the authors of this amendment do not like the term "package." Now it is a "quality" amendment. Don't you love that? "Package" is a bad word now. Now it is a "quality" amendment. The name has changed, but the same people are behind it. It is the same people. They used to hang out in the Congressional Hotel. Now that is closed down, of course, and they meet in some hidden, mysterious place in the dead of night to concoct these amendments.

I am reminded of the three preparing the witch's brew in Macbeth:

When shall we three meet again? In thunder, lightning or in Maine?

They call it a quality amendment. At the shopping center we see quality beer, quality corn, or quality bologna. No matter how thin you slice it, it is still bologna.

It seems that no matter what the committee does, this group has to put together one of these "package" amendments, in order to justify their existence. I would remind you that the last time one of these "package" amendments was adopted in the House, the Labor-HEW appropriation bill was vetoed, the veto was sustained, and as a result, the appropriations were not finally enacted until March 5, after three quarters of the fiscal year had elapsed.

Let me make a few general remarks about how we have treated education programs. As I have said on so many previous occasions, this bill is a can of worms. There are hundreds and hundreds of separate and distinct programs in it. Each one has its own clientele, its own constituency, its own advocates, all over this Nation. We cannot possibly please all of them. Our committee has to make tough decisions. There is only so much pie, and we have to try to divide it up equitably and sensibly. We try to achieve a balance which will be acceptable to a majority of the Members of this House. We are acting as your agents. You are looking over our shoulders all the time, and we are very much aware of it.

If you look at the summary table on page 2 of the report, you will find that this bill includes $912 million in increases over the President's budget for 1973. There is a little over $600 million in increases for health programs and about $300 million in increases over the budget for education programs.

For the education programs which are in the bill before us today, we are providing increases of $190 million, or 5.5 percent, over the 1972 level. But, this bill includes only a portion of the 1973 appropriations for education which are eventually going to be enacted. We have not yet considered appropriations for programs authorized in the education amendments which we passed last Thursday, and which contain authorizations for appropriations amounting to over $6 billion for fiscal 1973.

We have left out of the bill a total of almost $2.9 billion in 1973 budget proposals for education programs. If you add this to the amount in this bill for education, you will get a total of over $6.5 billion which is an increase of $1.3 billion, or 25 percent, over the 1972 appropriations. This is without considering any further congressional add-ons, which we all know are very likely to occur. I feel confident that when we are finished with all the appropriation bills in this session of Congress, we will have provided very large increases in funds for all levels of education.

Now, to be more specific:

The biggest single item in the gentleman's amendment is an increase of over $200 million for title I of the Elementary and Secondary Education Act. The bill already contains $1,597,500,000 for the title I program. This is the same as the budget request and the amount appropriated for 1972. Let me emphasize that we are talking about billions, not millions, here. When we discussed the education programs in our subcommittee markup session, we considered very carefully whether we should add funds over the budget request for the title I program. We decided against it for the following reasons:

We have added $301,455,000 over the budget request for other education programs. We were quite sure that most Members—not all, of course—would rather have us put additional funds into those programs than into title I.

There have been many reports that school districts are not using title I funds properly. In a number of these cases, HEW is taking steps to recover title I funds from school districts which have misused them.

The President's budget for 1973 includes an additional $1 billion in new money under the Emergency School Aid Act. This money will go to schools educating low income, minority group children—the same children who are the target of the title I program. The conference report on S. 659, which authorizes this new program, passed the House last Thursday. I am sure that the $1 billion, or some portion of it, will be appropriated for 1973.

These are the reasons why the subcommittee did not recommend an increase for the title I program. Now I would like to comment on the other parts of this "package" amendment.

First. School Libraries—Title II, ESEA—the bill includes $90 million, the full budget request, and the same as the amount appropriated for 1972.

Second. Supplementary Centers and Services—title III, ESEA—The bill includes $146,393,000, the full budget request, and the amount appropriated for 1972. This is for demonstration projects. The period of Federal support for these projects is limited. Therefore the appropriation will support 52 new projects for 1973.

Third. Strengthening State Departments of Education—Title V, ESEA—The bill includes $43 million, the full amount of the budget request, and an increase of $10 million over the 1972 appropriation.

Fourth. Vocational Education—The committee added $50 million over the budget request and the 1972 appropriation. This is for basic State grants, which give the States flexibility to use the funds for programs which they believe to have the highest priority. We have also approved a requested increase of $14 million for demonstration projects in career education. And finally, we have included language in the bill to assure that no State receives less in 1973 for vocational education than it did in 1972.

Fifth. Adult Education—The bill includes $51,300,000, the full budget request and the same as the amount appropriated for 1972, together with language to insure that no State receives less in 1973 than it did in 1972.

Sixth. Library Services and Construction—The committee added $26,770,000 over the budget request to keep this program going at above the current level.

Seventh. Impacted Area Aid—Public Law 874—The bill includes an increase of $200,495,000 over the budget request and $22,915,000 over the 1972 appropriation. This bill provides every school district with the same percentage of its entitlement in 1973 as in 1972. I assume that this means that every school district will get more money in 1973 than in 1972, unless its enrollment of federally connected children declines.

In conclusion, Mr. Chairman, I hope the Members will agree that we have done the best we could for education programs under the circumstances and will vote down the gentlemen's amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. FLOOD was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I have listened to the gentleman from Pennsylvania. First let me say I wholeheartedly agree with his point of view and I will do all I can to help and assist in defeating the Hathaway amendment.

Mr. FLOOD. I am sure the gentleman, with his distinction and intelligence, will do so.

Mr. GERALD R. FORD. Let me ask the distinguished gentleman from Pennsylvania if this is a correct analysis in summary of what he has been saying: In every one of the categories covered by this amendment there is at least as much if not more money recommended by the subcommittee for fiscal year 1973 as there was for fiscal year 1972.

Mr. FLOOD. Yes, that is right.

Mr. GERALD R. FORD. In no instance has any program or category been reduced.

Mr. FLOOD. That is right.

Mr. GERALD R. FORD. As a matter of fact, the committee has increased in various ways some $300 million or more to help and assist, over what the President recommended and over what we appropriated for these programs in 1972.

Mr. FLOOD. I could not say it better myself. That is praise from Caesar.

Mr. GERALD R. FORD. I thank my friend.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOOD. I yield to the gentleman from Maine.

Mr. HATHAWAY. The gentleman does not mean, however, that if the increase is not made in title I some 25 States will not get less in 1973 than they did in 1972 because of the increase in AFDC or the increase in per-pupil costs of education?

Mr. FLOOD. I say that we cannot play any numbers game. I do not have this crystal ball; your friends have it. You do not know it, and I do not know, and you know I do not know it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 1 additional minute.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. To answer the gentleman from Maine, did he not vote in the first place for the Federal aid to education program which established this formula which provides the inequities he alleges for 25 States?

Mr. HATHAWAY. If the gentleman will yield, I voted for the program, but it does not establish any inequity, in my opinion. If we have changes in the formula factors and we have the total amount fixed, then we are apt to have many States—this year it would be 25—who would get less money in 1973 under the committee bill than they got in 1972.

Mr. GERALD R. FORD. But the gentleman from Maine voted for that authorization legislation about which he now complains. I do not understand.

Mr. FLOOD. Of course he did. I am not complaining about the formula.

Mr. HATHAWAY. I am just complaining about the funding to fulfill the formula.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make about three points with regard to this amendment so that the Members are fully aware of what they are doing when they vote on this amendment.

No. 1: The amendment strikes from the provisions of the bill, and does not reinsert it, a provision with regard to impacted aid which would provide the 100-percent and 90-percent provisions for Indian children, and category A children.

Talk about the children who are most in need of Federal support, these are the ones who are. The A's live on Federal property, and they go to school on Federal property, and we have protected them in this bill. This pending amendment would reduce the funds for them. The language which gives them more money is stricken in this pending amendment, and it is not reinserted.

In addition to that, the Indian children—and no one would claim, I would think, who has visited an Indian reservation, that it is possible to educate the Indian children on the same amount that most others are educated for in this country. I think they ought to be put under special legislation, but they are under the Impact Aid Law. So we have tried to protect them.

Well, if you vote for this pending amendment, you will vote to reduce the aid for the Indian children, and against protection for the A's also.

Then they talk about title I, the fact of the matter is that in this year, or for the school year of 1973, we are going to appropriate a total of about $2.5 billion or a little more for a combination of title I and emergency school aid. The emergency school aid authorization just passed but is not as yet signed by the President. So in this bill there is $1.6 billion for title I, the same amount as last year for title I, but the committee is not tying down the final amount for sure because the ratio will be determined when we reach the point where we can combine the emergency school aid in title I. We will not receive a request for additional money from the administration until the recently passed bill is signed by the President, but what we are going to be doing here if you vote for this amendment is to tie it down the ratio, at the ratio of 1.8 for title I, compared to .7 for emergency school aid.

This money should eventually go to essentially the same people. Whatever the majority after considering both programs together want to do should be it, and we ought to preserve some elbow room rather than determine it prematurely today.

We ought to have a balanced package and that includes all of these items that I have talked about. As far as these other items in the amendment are, I think they ought to be considered separately, and I favor eventual increases for some. But I say that bringing this whole thing in as a package is not the way to do it. So you want to vote this amendment down and let these items come up one at a time, and then deal with them on their merits. And if they have merit they can be voted on on their merits, but they should not be included in a package like this.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to add my few words to what the gentleman from Iowa (Mr. SMITH) has said about the need for a balanced package. We have expanded programs in a number of ways and I favor expanded Federal aid to education.

Just recently, as you will recall, I strongly supported S. 659, the higher education authorization, and as the gentleman from Iowa has indicated, that has not been signed into law as yet, so that therefore the Committee on Appropriations could not bring forth appropriations for that.

Now, what we need to make certain that with a limited amount of funds available—and I am certain that we will appropriate more money for education than the administration asked for, and more money above the budget than the $301 million that the Committee on Appropriations brought out—that we fund all authorizations in a balanced way.

Let us look at the disadvantaged kids, do you want to help them only under title I or also under the aid in the higher education bill? I would like to fund the student aid authorizations of the higher education bill so needy students can go not only to the 4-year liberal arts colleges, but vocational schools, and proprietary schools whose students get jobs as soon as they get out of school?

The only way we are going to write a balanced package that I can see is to send this bill to the other body, and the authorization bill will be signed at that time, and they will write as balanced a program as they possibly can, then our conferees can try to do the best for the House. They have shown their interest in education by appropriating $301 million over what the President requested, and I think they made wise decisions in their increases. But on the Hathaway proposal that is before us, I do not think all of these are wise increases.

Let us look at the $212 million for the Elementary and Secondary Education Act, title I. Where do we need the money most? It is where there is a concentration of disadvantaged children, meaning under the act—poor children—but only 27 percent of title I money goes to schools that have 30 percent or more of poor children in them.

You know if a child goes to a school where most of the kids are advantaged, according to the studies I have seen, they then absorb that motivation from those advantaged kids that they sit with.

But if kids go to school where a high percentage are disadvantaged, they have to have compensatory education and

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some have improved from compensatory education.

But there is regression on the part of some title I students rather than improvement. There are some that have not shown any change at all. Others have shown substantial improvement and seems to be where there is concentration of funds which we don't even now do adequately enough.

I would say on title I they are just learning how to handle that money well. So I would expect you would keep this at that level for another year and provide the additional help through the emergency school aid authorization this year.

Last, I would say is that in impact aid money, I recognize that the committee has substantially increased the money for impact aid because they always have to do that because the majority of the Members of the House have substantial impact aid going into their district.

But when the Hathaway amendment adds some money for category "C" students, that is just an effort to bring the rest of us into the act to also vote for increased impact aid.

I do not care how you look at it—category "B" impact aid money is in many instances just a big boondoggle.

There is no reason why my children should be counted for impact aid in Montgomery County as they are. That is ridiculous.

Some category "B" students are really on impact, they ought to receive the money. But as yet, we have not separated the reasonable from the unreasonable.

Let us not go beyond what the Committee on Appropriations has proposed in this bill.

So, Mr. Chairman, I urge that you vote down the Hathaway amendment not as a move to stop spending money for education, but rather to enable the other body and the Committee on Appropriations in conference to write up a balanced package for education to provide increased funds that would provide the greatest amount of help to the young people who need it.

Mr. MICHEL. Mr. Chairman, I rise in strong opposition to the Hathaway package of amendments and would like to voice my objections to each of the items in chronological order.

First, your committee considered adding funds to title I, and we decided not to. Why?

One reason is that we still have questions about the effectiveness of title I as compared with some of our other education programs. Yes, we had questions last year—and the year before—and we are still not persuaded that another dollar put into title I will buy as much as a dollar put elsewhere.

The evaluation of title I is still really a mixed bag. You have one study showing significant gains in learning among disadvantaged children, and then you have others showing no appreciable difference.

Then, this year we also heard testimony on alleged misuse of title I funds by some school districts, and this concerns us very much.

But, besides this, we also have the administration's request for a billion dollars for the new emergency school aid legislation, at least 15 percent of which would be earmarked for compensatory education—the target of title I. This would be $150 million at a minimum. And probably more.

I urge my colleagues to turn down this effort to prematurely add over $200 million for this title I item.

In a statement by the Secretary on April 23, 1972, there is reference to a study entitled "Effect of Compensatory Education" which gives evidence on both sides of the question.

Three other large-scale investigative studies indicate that title I is not effective. These studies are: G.E. Temple Study, conducted in 1965–67 and was done in 11 large cities; National Evaluation of Title I, this was done by the Office of Education; National Evaluation of Headstart Program, while this study was done only with regard to Headstart, the findings revealed that a very small percentage of the participating children made any appreciable advance and that even this was lost when the child was placed into a normal school situation.

Thus, there have been four major studies with negative findings.

Second, for school library resources, the amendment would add an additional **$10 million above the $90 million rec**ommended by our committee. Funds for this item have more than doubled within the past 3 years, and what we have proposed in our bill will serve 98 percent of the target population of 50 million students.

I think you should also keep in mind that this is not the only source of funds for library resources. For example, $60 million of title I funds are used to purchase books and library materials.

The third item, supplementary services, title III, is funded at a level of $146.4 million in our bill, and the amendment would add another $25 million. This is a demonstration program, not designed to provide on-going support to school districts. Its purpose is to initiate supplementary educational programs with Federal funds—programs which can then be taken over by the States and localities. This means that we have old projects terminating and new ones starting each year.

Under our committee's recommendation, the level of support per pupil would remain the same—there would be no loss on that basis—and some 52 new projects could be initiated. We would have nearly 1,000 projects operating next year, and the success of this program is evidenced in the fact that about 62 percent of all projects funded by it have been continued with State and local funds. There is no justification for an increase here.

Your committee bill already contains almost a 30-percent increase for the next item, strengthening State departments of education—title V—ESEA. And, altogether, in the whole education budget, we have provided some $141 million for State education agencies, compared with $123 million in 1972. There is no reason for a further increase here.

The gentleman proposes another $30 million for impact aid. This is preposterous. We should not add another dime to this item, which is already nearly $23 million over the current year, and $200 million over the budget.

And, for heaven's sake, let us not bring "C" students into the picture. Public housing is not a federally imposed burden, and there is simply no way of guaranteeing that the funds would go for the education of public-housing students within a school district. This could only further complicate an already inequitable program, and eventually wind up costing hundreds of millions more with little, if anything, to show for it. This House last year turned down a $60 million amendment proposed for the same purpose—to initiate a funding of so-called "C" students.

I can certainly appreciate the good intentions of the gentleman from Maine in proposing the $27 million-plus increase for the vocational education programs, but I wish he could have sat in on some of our hearings and discussions on this item. He might better understand why we recommended what we did.

In the first place, there is increasing evidence that our existing vocational education programs need to be more responsive to the demands of the current job market. The problem is, How do we make this happen? We are taking kind of a dual approach here. Commissioner Marland is working hard to develop a career-education thrust, to redirect both our thinking and our efforts in this area. The budget includes some $55 million in increases for career-education programs.

At the same time, your committee added $50 million over the budget, not for the more inflexible, categorical programs, but for basic State grants, which leave the States free to decide their own priorities. This is simply not the time to tie down more Federal dollars in categorical aid.

As far as adult education is concerned, again, if our committee language remains intact, no State will receive less than they have this current fiscal year. Besides an additional $10 million in the OE budget for experimental projects and teacher training activities in this area, over $30 million in fiscal 1973 adult basic education funds is available from sources outside the Office of Education—through OEO, Model Cities, and other appropriations.

Finally, for library services and construction, I would just point out that your committee has already added nearly $27 million over the budget. The administration proposed reductions here primarily because—as they correctly indicated—95 percent of all States overmatch Federal funds for libraries. Here again, it is a question of priorities.

So, we have a package here of good intentions but poor justifications. I commend the gentleman from Maine for his concern, but at the same time, I urge my colleagues to reject his amendment.

Let me emphasize again, this is a very generous bill which we had put together for your consideration, and over $300 million of the increases for the budget are in the field of education.

We have provided for a 30-percent increase in programs designed for educating the handicapped. The State grant program, the deaf-blind centers, early childhood projects, specific learning disabilities, regional resource centers, programs for innovation and development, as well as technology and communications, and special education and manpower. These items are increased by more than $33 million over last year's level for a total of $143.6 million.

In addition our bill provides increases over the 1972 appropriation for special technology projects in the amount of $10 million; the right to read program, $10.3 million; career education models, $14 million; environmental education and school health and nutrition projects, $1.3 million; education statistics, $2.7 million; education extension agents, $6.6 million; and the national achievement study, $1 million.

These are all selective increases, based on the testimony and best judgment of both departmental and outside witnesses, as to the need in these particular areas.

Your committee weighed this testimony carefully and recommended these increases in the light of overall budget priorities for education funds.

In other words, every item of concern to the gentleman from Maine has been considered in detail by your committee, and we have found that the further increases he recommends are simply not justified when weighed against the available dollars and the budget priorities with which we are working.

One final word if I may. I do not want to see this bill vetoed, and we are already on some shaky ground with our significant increases and from what we might expect over in the other body. I would certainly caution against piling on another $364 million with this amendment. We are still faced with a $26 billion deficit, and while some may dare the President in an election year to veto this bill, I think he has demonstrated quite recently that he is a gutsy, feisty President who will have no reservation about vetoing a money bill if it gets too far out of line.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of both the Hathaway quality education appropriation amendment and the amendment to be offered later for increased funding of bilingual education programs.

While I commend the Appropriations Committee in making certain increases over the administration's funding request for the Office of Education, I believe that unless greater increases are made in certain areas of this appropriations bill, current programs for disadvantaged children, for vocational training, and for adult education cannot be maintained at their present levels and may even have to be cut back considerably, due to the increase in the past year in the costs of services.

Particularly important in this amendment is the increased appropriation for title I—disadvantaged children—of the Elementary and Secondary Education Act. As reported by the committee this bill provides no increase for title I funds over the current year. Under this amendment, $212.5 million would be added to insure that programs presently in operation will not have to be discontinued and dismantled because of lack of funds next year. Our education programs are an investment in the future of our country, and we must make sure, particularly, that those children presently from disadvantaged backgrounds are not denied a share in this future.

In addition, these amendments will provide increased funds for school libraries by $10 million, for vocational education programs by $27.6 million, and for adult education programs by $23 million. I must stress that these increases will provide for minimum funding levels, which are absolutely essential if we are merely to maintain viable education programs in all our States.

With respect to the bilingual education amendment which will be offered this afternoon, let me again stress the urgency of funding increases. At present, there are only about 100,000 children in the entire country being served by bilingual education programs under title VII of the Elementary and Secondary Education Act, and last year the Office of Education was able to approve only about 26 percent of the total applications it received for new programs. With the additional $15 million provided by this amendment, approximately 90,000 more children—practically double the present number—could be reached.

Mr. ROYBAL. Mr. Chairman, I rise in support of the Hathaway amendment which would add approximately $364 million to the Labor-HEW appropriations bill for eight vital programs.

While I commend the work of the Appropriations Committee, its subcommittee, and its chairman for supporting health manpower, equal education, and bilingual education, I believe the Hathaway amendment provides justified and reasonable program increases in these areas.

The largest chunk is for title I, Elementary and Secondary Education Act, which is designed to aid school districts in meeting the special educational needs of children residing in areas with high concentrations of low-income families. Here the amount to be added is $212.5 million, increasing the total for title I to $1.81 billion.

As you know, the major portion of title I funds is allocated by congressional formula to local educational agencies. The remaining funds serve special State agency programs for the handicapped, juvenile delinquents, neglected children, and children of migrant workers.

In fiscal year 1972, Congress appropriated $1.59 billion for this program against an authorization of $4.1 billion. For fiscal year 1973, the Labor-HEW appropriations bill has recommended the exact same level of funding as in fiscal year 1972.

I believe that there is more than ample justification for additional funds. First of all, there are over 8 million needy children who come from families with an income of $2,500 per year or less. While many of these children are served by this program, the level of support per student is inadequate. The bill would only provide about $203 per eligible child above what is annually expended for each child in the school he attends, in contrast to the administration's own estimate that at least $300 per child is needed to produce lasting results. The National School Boards Association places that figure closer to $800.

In this context we should also remember that there are some 12 million children from families with an annual income of $4,000 or less that certainly need our support.

An additional argument can be made. Given our current formula for distributing title I funds, 25 States would suffer cutbacks unless more moneys are provided for in this bill. The Hathaway amendment would assure that all except New Mexico would receive at least what they had in fiscal year 1972, with New Mexico's cutback drastically reduced.

Quite clearly the objective of this amendment is to provide adequate and equitable funding for every State not only for title I, but also for titles II, III, and V of our Elementary and Secondary Education Act; for vocational education programs, particularly for the disadvantaged; for the expanded adult education programs; our library services and construction efforts: and impact aid. This approach will help maintain the effectiveness of these programs and avoid serious reversals.

I strongly urge your support for this important amendment.

Mr. MINISH. Mr. Chairman, I rise in strong support of the amendment offered by Mr. HATHAWAY, known as the quality education amendment.

The amendment would add approximately $364 million to the pending appropriation bill for the Departments of Labor and HEW. Among the programs whose funding would be increased if the amendment is enacted are title I of the Elementary and Secondary Education Act, funds for school libraries, vocational education, adult education, and library services and construction.

It should be noted that even if this amendment is adopted, the programs strengthened by it will still fall substantially short of their authorized funding levels.

A great deal has been said in previous debates this year about quality education. Well, we are not going to achieve quality education by funding vital education programs at or below last year's level.

The amendment is supported by the Committee for Full Funding of Education, an umbrella organization of more than 100 education groups including the National Education Association and the American Federation of Teachers. I urge approval by the House of the quality education amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maine (Mr. HATHAWAY) which would add some $364 million in appropriations for the Office of Education. I might point out that the omnibus bill before us today is already some $912 million over the administration request, and that the committee's request for the Office of Education is already some $300 million in excess of the budget estimate. In addition, I am told that this bill does not cover

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nearly $5 billion under the Labor-HEW category which will have to be appropriated at a later date, including nearly $1.5 billion for higher education as a result of our recent authorization. And we are already talking about a revised budget deficit of some $27 billion in fiscal 1973. And yet the gentleman from Maine would have us appropriate another third of a billion dollars in a bill which is already nearly $1 billion over the budget request.

Mr. Chairman, I would ask, where does it all end? Where do we draw the line? We have heard a lot of talk about raising additional revenues by plugging the so-called tax loopholes, and I would certainly be in favor of taking a hard look at the various tax reform proposals which have been advanced. But Mr. Chairman, let us not be guilty of putting the proverbial cart before the horse by spending vast new sums before we have made provision for raising additional revenues by one means or another.

I note with interest that the gentleman has termed his amendment the quality education amendment, and that, as in the past, this has the support of various education groups. The largest portion of the $364 million—some $212.5 million—would go for title I programs—that is, those programs designed to assist educationally deprived children—for which the administration and the committee have already requested nearly $1.6 billion. I think it is rather curious that this has the support of presumably the same educators who paraded before the House Education Subcommittee in opposition to the President's proposed Equal Education Opportunities Act which would target more moneys for compensatory education programs. You will recall that, in submitting this legislation, the President promised that a major portion of the emergency school desegregation funds be used as incentive grants to encourage eligible school districts to design educational programs to assist disadvantaged children. Specifically, the President asked for a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families.

Why, I would ask, do those same educators who so vehemently oppose the President's Equal Education Opportunity Act to increase funding for compensatory programs now come out so strongly for the Hathaway amendment which would increase funding for these very same programs to the tune of an additional $212.5 million? Under the President's proposal, about 15 percent of the $1 billion annual emergency school aid money, or $150 million annually, would be added to title I or compensatory programs. I appreciate the fact that the results of the title I program have been mixed, and to this day I am confused about its real value. But I am even more confused about this apparent contradiction on the part of the so-called educators who in one breath attack an additional $150 million for compensatory programs, saying it is not the answer, and in another breath support an additional $212.5 million for compensatory programs, saying this is a quality education amendment. They cannot have it both ways.

Mr. DANIELS of New Jersey. Mr. Chairman, although the Appropriations Committee added over $300 million to the President's budget, most of these funds restored and were earmarked for programs the administration sought to cut. This year, with the battle over busing, most people, including the President, have been saying that it is not the transportation of children that is important, but the quality of the education at the end of the ride. The quality education appropriations amendment was therefore introduced.

The quality education appropriations amendment places funds in the areas of greatest need. The total package is modest compared to previous years—$363.8 million. The amendment will also remove the 73-percent limitation on impact aid.

The quality education appropriations amendment provides much needed funds for:

First. Title I—ESEA—disadvantaged children, $212.5 million.

Second. Title II——ESEA—school libraries, $10 million.

Third. Title III—ESEA—supplementary services and centers, $25 million.

Fourth. Title V—ESEA—strengthening State departments of education, $10 million.

Fifth. Vocational education programs: Disadvantaged students, $9.898 million.

Sixth. Consumer and homemaking, $12,658 million.

Seventh. Work-study, $4.524 million.

Eighth. State Advisory Council, $0.514 million.

Ninth. Public Law 874, impact aid, $30 million.

Tenth. Adult Education Act, $23.7 million.

Eleventh. Library Services and Construction Act, $25 million.

New Jersey school districts are in dire need of these additional funds. If this amendment were to fail, New Jersey would receive less Federal aid in fiscal 1973 than in fiscal 1972. New Jersey school districts, like school districts throughout the country, face a severe financial crisis.

The problem in New Jersey, however, is compounded by a recent superior court decision in New Jersey—Robinson against Cahill—that declared that the current property tax base of financing public education is unconstitutional. As of January 1, 1973, more than 50 percent of the local school districts will stop receiving State aid due to the superior court decision.

This means that more than half of the local school districts in New Jersey will not receive the State aid they anticipated in their fiscal 1972–73 budget. If the quality education appropriations amendment is not enacted, New Jersey school districts will receive less Federal aid in fiscal 1973 than they received in fiscal 1972. The loss of both Federal and State aid to local school districts in New Jersey is likely to cause a cutback in essential services to the youth of our State. I do not believe that we can permit this to happen to any child, whether he resides in New Jersey or any other part of our country.

The hue and cry we all hear in educational circles is for "accountability." Can we in the Congress possibly hold the educational community "accountable" if we do not provide them with the necessary resources to do the job?

I urge the Members of the House of Representatives to make themselves "accountable" to the youth and to the future of this Nation.

Mr. DRINAN. Mr. Chairman, I rise to express my strong support for the quality education appropriations amendment to H.R. 15417 sponsored by Congressmen BILL HATHAWAY, DAVID PRYOR, DONALD RIEGLE, and seven other members of the Appropriations Committee, to add the sum of $363.8 million to the appropriation for the U.S. Office of Education for fiscal year 1973.

Before commenting further on this amendment, I wish to put my comments in perspective by briefly reviewing the recent history of congressional appropriations for education. The Nixon administration and the Congress clearly disagree on the role that the Federal Government should play in stimulating the growth of elementary and secondary education in this country. This point is made in the Brookings Institution's brilliant new study, "Setting National Priorities: The 1973 Budget," which was published last month. If I may quote at length from chapter 10, "Financing Elementary and Secondary Education":

> The administration's past elementary and secondary education budgets have pursued four objectives. First, they have placed an emphasis on holding down expenditures; only very modest increases were requested in 1971 and 1972. Second, last year the administration made a major effort to consolidate certain categorical aid programs by combining them into a special education revenue sharing grant that was to have been distributed on a formula basis to states and school districts. Third, this administration, like its predecessor, has persistently and unsuccessfully tried to reduce the impacted areas aid program. . . .
>
> The Congress, on the other hand, has ignored the aims of the administration, and instead has tended to maintain past emphases while increasing the total amount spent on education. In both fiscal 1970 and 1971, it enacted appropriations for education that the President vetoed because he considered them both too large and misdirected. The administration's special revenue sharing program for education, which was to have consolidated more than thirty programs into five block grants, was not acted on by the Congress last year. Instead it passed a 1972 appropriation for the Office of Education . . . that reflected its usual priorities. . . .

In no other area of Federal responsibility has Congress exerted its considerable influence over the executive branch more forcefully and more successfully than over the annual appropriation for elementary and secondary education. Yet this year the Appropriations Committee of this House has asked us to approve exactly what the President has requested, despite the President's demonstrated hostility to the provisions and the intent of the Elementary and Secondary Education Act.

For example, the President—and the Appropriations Committee—want to allocate $1.598 billion for title I of the act. The purpose of title I is to provide funds to improve the educational achievement

of children from low-income families. Since its inception in 1965, title I has been one of the most successful of all programs administered by the Office of Education. Yet the $1.598 billion sum, if approved, would force half the States in the Union to decrease their title I expenditures in 1973.

Under the terms of the Hathaway amendment, an additional $212.5 million would be added to the important title I appropriation, the sum necessary to assure that no State would have to make drastic cuts in its title I program for 1973. Altogether $257.5 million would be added to the four principal titles of the Elementary and Secondary Education Act, enough at least to restore some sense of forward movement to the largest and most important single program in the Office of Education.

The Hathaway amendment adds $27.6 million to the $54.3 million recommended by the Appropriations Committee for the Vocational Education Act. In 1972 the Congress voted $54.3 million in VEA funds. For 1973 the President requested the same sum and the Appropriations Committee approved it without change, despite the tremendous interest generated in the act's provisions. The Hathaway amendment adds 50 percent to the funds for the consumer and homemaking program, 50 percent to the work-study program, 75 percent to the program for disadvantaged students with special needs, and 25 percent for the State advisory councils. The overall appropriation for vocational education is raised from $54.3 million to a more realistic $81.9 million.

Fortunately, and much to the Appropriations Committee's credit, the committee has done its usual admirable job of safeguarding one program from the Nixon administration's annual attempt to reduce it. The program is, of course, the enormously important impact aid program, which provides financial assistance to school districts whose tax base is seriously affected by Federal installations or Federal activities. The President's request of $415 million for 1973 is almost $180 million below the figure approved for 1972, and the committee in its wisdom restored more than $200 million to the President's wholly inadequate request. The committee's $615.5 million recommendation for 1973 is still $30 million short of the figure in the Hathaway amendment, but it is nonetheless an important step in the preservation and expansion of the highly successful impact aid program.

In summary, the Appropriations Committee has added approximately $301.5 million to the administration's 1973 education budget request. However, two-thirds of this sum was added to the impact aid program, for which the Nixon budget request was $177 million below the expended amount for fiscal year 1972; in total, therefore, the 1973 recommendation of the Appropriations Committee is only $54.1 million greater than 1972 outlays—a small increase in light of the traditional role of this committee in the educational budgetary process.

The Hathaway amendment would add a much needed $363.8 million to the committee's recommendation, including an additional $257.5 million for elementary and secondary education, $27.6 million for vocational education, $30 million for impact aid, $25 million for library services and construction, and $23.7 million for adult education. This amendment is entirely consistent with actions this House has taken in the past several years in appropriating considerably more for education than the President requested—three-quarters of a billion dollars more in fiscal year 1971, for example.

In a year when the debate over quality education has all too frequently dissolved into highly emotional and partisan considerations of issues which are only distantly related to education, it is appropriate that we should intensify our efforts to assure that the Nation's schools get the funding they need to move forward. I urge my colleagues to approve Congressman HATHAWAY's quality education appropriations amendment, and I suggest that everybody who is interested in the field of education recall the words of the Red Queen in Lewis Carroll's "Through the Looking Glass":

> Here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!

Mr. O'HARA. Mr. Chairman, I wish to express my strong support for the Hathaway amendment, and for the contribution which it will make toward making "quality education"—not a catch phrase—but a reality.

I would hope that my colleagues would consider this amendment, first and foremost, on its merits—for on this basis, alone, it deserves favorable consideration.

Beyond that, I would hope that my colleagues would consider this amendment in the light of the votes which we have cast in this Chamber on the busing issue. I see a direct relationship between the action which we have taken on busing and the action which we will take today on doing something about quality education for all children, but particularly those who are educationally disadvantaged.

There has been much discussion in this Chamber—about the rationale behind court-ordered busing. And it always seemed to boil down to the issue of how do we go about assuring quality education in this country.

I was a cosponsor of the Broomfield amendment. I worked for its inclusion in the Higher Education Act and I supported it every step of the way. I did so because I felt that busing to achieve racial integration—or busing to achieve quality education—simply did not make any sense. The overwhelming number of my constituents feel the same way. In my annual congressional questionnaire, which my staff has just completed tabulating, 92.9 percent of the people voted against forced busing.

At the same time that the people in my district were expressing their overwhelming opposition to court-ordered busing, they also placed themselves solidly on record in favor of making a greater financial commitment to the inner-city schools. By a margin of better than 2 to 1, my constituents said they were willing to support increased expenditures of public funds for educational programs to aid the educationally disadvantaged.

This amendment involves precisely the kind of commitment that my constituents have indicated they support—more money where it is needed most to get the educational job done. I believe that this principle is shared by those in this Chamber who provided the majority vote by which we have passed antibusing amendments.

If we adopt the Hathaway amendment, the words "quality education" will reflect our conscience, our commitment, our sincerity.

If we reject the Hathaway amendment—in the light of our votes on school busing—then quality education will be nothing more than code words for racism.

I do not believe that this body is racist.

I am confident that the Hathaway amendment will prevail—and that we will put our money where our conscience is.

Mr. RYAN. Mr. Chairman, I rise in support of the quality education appropriations amendment which would provide additional funds for essential educational programs.

This amendment would provide additional appropriations totaling $363.8 million for a variety of programs ranging from grants for vocational education to education of the handicapped. It would provide an additional $9.8 million for vocational students with special needs and would insure that no State receives less in fiscal year 1973 than it received in fiscal year 1972. The amendment would provide an additional $4.5 million for vocational work-study programs, again insuring that no State receives less in fiscal year 1973 than it received in fiscal year 1972. And an additional $25 million would be provided for library services and construction.

I would like to touch briefly upon one program which has been consistently underfunded by the Congress and which would receive additional funds under the Hathaway amendment.

Title I of the Elementary and Secondary Education Act provides financial assistance for disadvantaged children and represents an attempt to alleviate educational deficiencies resulting from an impoverished environment and inadequate cultural, health, social, and educational experiences. The committee bill provides for $1.5 billion for title I programs, the same amount as was appropriated for fiscal year 1972. The Hathaway amendment would increase this amount by $212.5 million.

I think that an excerpt from a study published in 1971 by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," clearly points out the need for increased funding of these programs:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they

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have simply swept disadvantaged youth under the educational rug.

It is true that we cannot solve this problem with money alone, but a lack of funds will deny any possibility of success in assisting these children.

The programs funded by the Office of Education appropriations bill are, and should be, of enormous importance to all Americans. It is vital that adequate educational opportunities be provided for the people of our country. The Hathaway amendment is essential in meeting that responsibility, and I urge my colleagues to vote in favor of it.

Mrs. ABZUG. Mr. Chairman, I rise in support of the quality education amendment, which would add $364 million in education funds to this bill, and in support of the Badillo amendment, which would add $15 million to the appropriation for the bilingual education program.

Congress can face no greater challenge than to increase our commitment of Federal tax dollars to the educational programs in this country. Education is the lifeblood of a society, and it is our most important tool for assuring progress for America and equal opportunity for all Americans.

The bulk of the money proposed in the quality education amendment—$212.5 million—would be for programs under title I of the Elementary and Secondary Education Act. Aid under title I is for local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means—including preschool programs—which contribute particularly to meeting the special educational needs of educationally deprived children.

Under the law, these funds are not just swallowed up in the budgets of local school boards; they must be spent in areas having high concentrations of deprived children; they must be used in addition to—not instead of—funds otherwise made available to those areas. In short, they represent a direct pipeline from the Federal Government to the children of this Nation who are most in need of that help. They represent a national commitment on which we must not scrimp or cut corners. Nothing—not the war in Indochina, not the space shuttle, not the SST—is as critical to assuring equal opportunity in our society as a proper education, and title I programs are an important factor in bringing this about.

The quality education amendment also contains much needed additional funding for vocational education, school libraries, and adult education. These too are areas in which we should make the fullest possible commitment of our resources, and I urge the adoption of this amendment.

Mr. STOKES. Mr. Chairman, I must make several comments about this appropriations bill for the Departments of Labor and HEW. The bill provides funds for hundreds of vital programs dealing with human needs. The sums are vast, but the needs are impossible to measure in dollars. I am generally pleased with the bill. The Subcommittee on Labor-HEW and the full Appropriations Committee have increased the President's budget request by just over $900 million. I commend my colleagues on the committee for this demonstration of commitment to people programs. Health programs, particularly in the manpower area, and education vitally need the increased funds which the bill provides.

There is one portion of the bill which I feel is inadequate. That is the funding recommended for the Office of Education. I understand and appreciate the fact that a very substantial increase in this item was approved. I regret to say, however, that the increase was insufficient. I was one of nine members of the Appropriations Committee who submitted additional views. I urge my colleagues to read that statement which begins at page 59 of the report on the bill. The quality education amendment offered by the gentleman from Maine (Mr. HATHAWAY) has our support. It is designed to prevent reduction in funds available under the Elementary and Secondary Education Act. Because of revisions in the formula under which such funds are allocated, many States would suffer serious cuts in ESEA funding if our amendment is not adopted. In addition, the amendment will provide much needed increases in funding for vocational education programs, and programs under the Library Services and Construction Act. I hope that my colleagues will recognize the necessity for these additional funds and support the amendment.

I regret that this bill, like the Higher Education Act, is tainted by antibusing provisions. Sections 208 and 209 at pages 33 and 34 of the bill are of questionable legal effect. The implication is clear. These sections are yet another expression of the foot-dragging resistance to the elimination of the last vestiges of segregation in our schools. Like all of the other antibusing legislation which has come before this House, I am vehemently opposed to these provisions. Once more I call upon my colleagues to bury this volatile and totally insubstantial busing issue. Let us get on with the effort to provide both quality and equality in education.

Mr. LEGGETT. Mr. Chairman, I hope the Hathaway amendment will pass. We hear a lot of talk about reordering national priorities these days, but we have seen very little action. Today we have a chance to put our money where our mouths have been.

The Appropriations Committee has done good work in appropriating funds above the level requested by the Nixon administration. But I believe we should improve on this work still further by passing the Hathaway amendment.

This package of amendments contains $30 million for impact aid, which, of course, is a matter of personal interest to me given the heavily impacted nature of my district. A number of my school districts are on the brink of fiscal disaster and this will certainly help.

But, in addition, the Hathaway amendment contains $212.5 million for education for the disadvantaged, $10 million for school libraries, $25 million for library services and construction, $27.6 million for vocational education, and $25 million for library services.

Mr. Chairman, these are the kinds of services a government is supposed to provide for its citizens. This is the reason we are in business. The total Hathaway amendment is less than one-twentieth of 1 percent of the projected military budget.

If we can afford anything at all, we can afford the Hathaway amendment.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 15417, the Departments of Labor, and Health, Education, and Welfare, and Related Agencies appropriation bill for the fiscal year ending June 30, 1973.

I also support and will vote in favor of the amendment to be offered by our colleague (Mr. HATHAWAY) to add additional funds to this appropriation measure for activities of the Office of Education. These increases are needed to bolster the basic section of the Elementary and Secondary Education Act, Federal aid to local school districts with large numbers of disadvantaged children and to prevent decreases in funding. Without passage of this amendment, 25 States will receive less money for fiscal year 1973 for their local educational agencies than they received for fiscal year 1972.

In addition this amendment will provide $10 million additional dollars for school library construction and services programs. In Queens, N.Y., we have seen the need for additional assistance in this area to prevent the shutdown of library services.

As a member of the Appropriations Committee I believe we must assign a high priority to education and it was for that reason that I joined with nine of my colleagues of the committee in filing additional views in connection with the committee report on H.R. 15417. The committee has considered the many programs covered by this appropriation measure with a view toward readjusting some of the priorities recommended by the administration. For example, while no funds were requested for the construction of community mental health centers, we have added $20 million to the bill and we have increased by $10 million the request for programs for mental health for children.

Another area in which the committee felt more funds were needed was alcoholism prevention and control. A total of $59 million additional has been added for research, training, and project grants to the States. We decided not to drop funds for hospital construction and public health centers as recommended by the administration but instead we have appropriated at the 1972 level. Other health programs funded by this measure include the new National Cancer Institute, the new National Heart and Lung Institute, health manpower training programs, and nutrition programs for the elderly.

Under the Labor Department appropriation sections of the bill, we have funded at the level requested by the Occupational Health and Safety Act program for administration of controls to protect workers in hazardous employment as well as manpower training programs.

I urge my colleagues to support H.R. 15417 and to vote for the amendment to increase appropriations for Office of Education programs.

Mr. RANGEL. Mr. Chairman, I support the commendable work done by Chairman FLOOD and the Appropriations Committee in the arduous task of weighing the merits of so many worthwhile Federal programs, of balancing competing fiscal considerations against the urgent needs of labor, education, health, and welfare.

The results of their deliberations include a number of items of special interest in the $28 billion HEW appropriation and the $3 billion Department of Labor budget. Among other things, the committee has added $59 million over the budget for alcoholism prevention and control, $20 million to keep the program for construction of community mental health centers going, $112 million for hospital construction, and $2.5 million over the budget request of $9.5 million for lead-based paint poisoning prevention programs.

I am, however, somewhat disappointed to find some less favorable recommendations sandwiched in an otherwise good bill. I refer to the sickle cell appropriation, the so-called Whitten amendments, and the education appropriations.

When an estimated 10 percent of the black population carries the sickle cell trait, and when one out of every 500 black babies born has the hereditary disease itself, it is discouraging to learn that the committee has made no increase in the $15 million administration request for sickle cell anemia research.

Another disappointment is the so-called Whitten amendments relating to school desegregation and busing which again have been towlined on to the appropriations of HEW. Under section 208 of the appropriations bill, HEW is prevented from requiring any school district to bus students, to close down any segregated school, or to transfer any pupil to another school unless by freedom of choice. Under section 209 of the bill, HEW is prevented from authorizing as a condition precedent to obtaining Federal funds any of these traditional modes of dismantling dual school systems. These ill-conceived amendments do little other than undermine the constitutional mandate of school boards to end State-fostered segregation at once. I am hopeful that the Senate will again neutralize these repugnant measures as it did last year. I think it is very unfortunate that there are simply not enough votes here in the House to cleanse this appropriations bill of the racist taint in these amendments.

Another disappointment is the funding levels for education—programs for disadvantaged children, school libraries, supplementary centers, State departments of education, impacted aid, vocational education, adult education, and library services.

Under the committee recommendations these eight key educational programs would receive a total of $2.657 billion. Title I for disadvantaged children would receive $1.597 billion, title II for school libraries would receive $90 million, title III for supplementary centers would receive $146 million, title V for strengthening State departments of education would receive $43 million, impacted aid would receive $615 million, vocational education programs would receive $53 million, adult education would receive $51 million, and library services would receive $60 million. For the most part, all these programs would be funded at basically the same level as they were for fiscal 1972. Since teacher salaries, equipment, supplies, and services are continuing to go up, it would mean that the same programs could not be run again this coming fiscal year on the local level. In other words, inflationary costs would cause a 5-percent cutback in existing programs now being conducted in local school districts.

For this reason, I strongly favor the Hathaway amendment. Under this package amendment, appropriations for these key educational programs would be boosted by $364 million. Some $212 of this $364 million increase would go to disadvantaged children under title I programs. This additional amount proposed by the Hathaway amendment would guarantee that every State but New Mexico would have at least as much as it received for the previous fiscal year and the difference in New Mexico would amount only to $270,000 instead of $1.4 million.

Title I, as you may know, is a program to assist school districts in meeting the special educational needs of children residing in areas with high concentrations of low-income families. Under the committee bill, New York State would receive about $207 million of the total $1.597 billion appropriated nationwide for the program. The Hathaway amendment would boost New York State's share some $32.5 million from $207 million to over $239 million.

Title I has not been very successful in meeting the special educational needs of disadvantaged children in New York City where about $140 million was spent this fiscal year. Primary responsibility for this snafu lies with the State department of education which has approved dozens of projects it should not have primarily because of sloppy monitoring. The central board of education, of course, under decentralization looks only to see that the forms are properly filled out and does not really review the substance of the proposals submitted by the local districts. The State simply has not put enough professionals on the monitoring process but rather has allocated them for other work such as devising innovative reading models.

When I find that the reading and quantitative skills of the title I target children in my congressional district show no substantial improvement after title I funds have been poured in, I have a difficult time continuing to justify voting for increased appropriations above the amounts recommended by the House Appropriations Committee.

I see two big problems citywide in title I. First, the programs submitted for approval are frequently not designed to meet the greatest needs of the children themselves. For example, it is fine to fund hundreds of paraprofessionals but they should be utilized full time in helping children develop mathematics and vocabulary skills rather than running errands for principals or doing community work in an OEO fashion. The second problem is that the evaluative process is ineffective for determining how good the programs are and whether they should be continued or changed. Large sums of money are contracted out to private concerns to do this evaluating and yet their results don't really respond to what evaluation is all about.

Still another problem is that the money to meet teacher union demands seems to come out of title I. Title I is an exceptionally complex program where administrators and coordinators must exercise hard judgment on which children should receive the benefits since the funds must be concentrated on limited numbers if the funds are to have any effect and exercise hard judgment on which needs are the most urgent since all needs cannot realistically be met. It is unfortunate that the teacher union demands and special needs of educationally deprived children do not always coincide.

It is with some reluctance, then, that I vote today in favor of the Hathaway amendment which would give the State $32.5 million more for title I, the bulk of which would go to New York City. But I feel it would be unconscionable to deprive our children of additional funds if there is any hope for their improvement as a result of this increase. I am hopeful that State and local school officials will now take the appropriate steps to correct some of these deficiencies.

Mr. WOLFF. Mr. Chairman, I am pleased to support the Hathaway amendment, which I feel will be adopted. However, the adoption of the amendment will preclude my offering of an amendment to this section which I know would have had a great deal of support from my colleagues here on the floor.

Mr. Chairman, this amendment was directed specifically to the special programs for children with specific learning disabilities established in April of 1970.

This program is aimed not primarily at the physically, mentally, or emotionally handicapped child but at the child who experiences academic failures as a result of learning disabilities and a lack of adequate attention to such disabilities. I understand that about 70 percent of the handicapped conditions could be prevented or ameliorated with the appropriate early intervention. Yet only about 10 percent of the 2.5 million children under six actually receive any direct attention under such federally sponsored programs.

Under Public Law 91-230 the Office of Education is authorized to establish and operate, in conjunction with a variety of State and local agencies and organizations, model centers for the improvement of education of children with specific learning disabilities which would provide testing, evaluation, program development and teaching assistance in this vitally important area. A report recently submitted to the Secretary of the Department of Health, Education, and Welfare concluded that "a student's

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initial failure in learning to read can have enormous consequences in terms of emotional maladjustment tendency toward delinquency, likelihood of becoming a dropout, and difficulty in obtaining employment." I know that many of my colleagues supported the original program for children with disabling learning problems precisely in order to identify early and hopefully eliminate the potentially dire consequences of such problems.

However, let us look at the record of the Congress for this important program. We provided an authorization, spread over a period of 4 years of $94 million for these special programs for children with specific learning disabilities. During the past 3 years, we have been, I feel, derelict in our responsibility to this program since we have appropriated only $3.25 million. If we enact this section today without amendment, we will have appropriated a grand total of $6.5 million for the entire 4-year period. At this rate, it will take almost 20 years to expend the funds that were authorized for 4 years. This is an intolerable situation.

Mr. Chairman, innumerable Members of this body have time and time again taken to the floor to call for a particular problem to be dealt with at its very source. We hear of alpha and omega costs, that is the cost of prevention and the cost of cure. It is cheaper to prevent than to remedy.

Here we had an opportunity to improve our educational system by diagnosing disabilities and setting up programs to deal with them. We also had the opportunity to prevent before it happens, dropouts, juvenile delinquents, and other emotional disorders.

My amendment merely provides for an accelerated expenditure of funds in this area during the 1973 fiscal year. The $31 million total would still put this program at about only one-third of its originally authorized funding. Certainly this is a small amount of money compared to the sums spent on dealing with the results of the lack of efforts to check these disabilities at their source. Inasmuch as there was considerable support for my amendment, I hope that we will be able to add it on to the next supplemental appropriation.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Hathaway quality education amendment. This amendment would add approximately $364 million to the appropriations for the Office of Education for the coming fiscal year.

It contains additional funds for such vitally important education programs in the Elementary and Secondary Education Act as title I, for disadvantaged children; title II, for school library resources, textbooks and other instructional materials; title III, for supplementary educational centers and services; and title V, for State departments of education.

It also contains additional funds for the impact aid program, for vocational education programs, for adult education, and for library services and construction.

The Hathaway quality education amendment is supported by virtually every educational organization in the United States, including the National Education Association, the American Federation of Teachers, the Council of Great City Schools, and the Emergency Committee for Full Funding.

Mr. Chairman, while the debate on this amendment has been heated and vigorous, and while educators throughout the country are anxiously awaiting the final outcome, I would like to stress that even with the adoption of the Hathaway amendment the amount we will be appropriating today does not even come close to the amount which is actually needed to solve the crisis in education presently confronting this country.

The adoption of the Hathaway amendment is necessary. It is crucial. But in proper perspective it amounts to nothing more than merely applying a band-aid or a temporary splint when major surgery is actually required. What Congress should really be doing here today, instead of bickering over an additional $364 million for education, is making a much greater financial commitment—the kind of commitment which experts have told us is so urgently required and the kind of commitment which some of us have been advocating for years.

We should be making the type of commitment Commissioner of Education Sidney Marland was talking about last year when he told nine big-city majors that he believed "the Federal Government should pay 25 to 30 percent of the cost of public education." We should be responding to the study financed by the Office of Education which tells us that:

Public schools should receive at least 22 percent and preferably 30 percent of their total revenue from the Federal Government in order for the schools to have an adequate tax base and in order for the Federal Government to accomplish legitimate and appropriate Federal purposes.

The National Education Association has also recommended that the Federal Government should provide 33 percent of the cost of educating our children.

While I hope this body will act favorably on the amendment before us today—so we can at least get a few more Federal dollars to our local schools immediately—it is my hope that by this time next year we will have had the opportunity to act on my own proposal—the Quality School Assistance Act. This legislation would do away with this present patchwork approach and provide the mechanism to send enough Federal dollars to each and every local school agency throughout the country so that we can begin to provide the quality and equality in education which is so urgently needed in almost every State.

The Quality School Assistance Act, which I introduced last year and reintroduced this year with almost 40 additional cosponsors, would enable the Federal Government to contribute immediately to each local school agency, an amount equivalent to 20 percent of the average per-pupil expenditure. This amount would increase gradually each year until it reached a level of 35 percent of the cost of educating each child in 1976.

But while we quibble today over this amendment, which simply provides for a mere 364 million additional dollars to the Federal Government's contribution to the cost of educating our children, it should be kept in mind that despite all the recommendations of the experts, the amount of the Federal contribution to education today remains at a level of approximately 7 percent of the total cost.

It should also be kept in mind that in spite of all the talk we have heard during the past year about school finance reform and about quality education, the bulk of the burden of financing education continues to be borne by the financially starved State and local governments. Approximately 41 percent of the cost is derived from State governments and most of the remainder—which amounts to over 50 percent of the cost—is derived from what the Office of Education's study refers to as "the most regressive of any of the major types of taxes"—the local property tax.

Mr. Chairman, we simply can no longer afford to depend on property taxes as the major source of revenue for educating our children. The property tax is grossly unfair—it is unfair to families with school-age children, it is unfair to our senior citizens living on fixed incomes, and it is unfair to the struggling small businessman.

The voices of the people have spoken loudly and clearly on this issue. They simply will not and cannot afford any more increases in local property tax. They are depending on us in Congress to find a solution to this problem, and the only immediate solution is more Federal funds. During the past few years the people in my own congressional district have on several occasions voted down further increases in property tax—not because they are not interested in quality education for their children, but because they simply can no longer afford the increases in this type of tax.

The situation is the same in virtually every part of the country. Last year voters approved only 47 percent of the school bond issues put before them—compared with 75 percent as recently as 1965 and 89 percent in 1960.

The result has been disastrous, but it is the result which many of us have been predicting for several years. We are now faced with the sad spectacle throughout the country, of overcrowded and deteriorating schools, half-day sessions, bankrupt school districts, and court orders requiring students to be bused away from their neighborhoods so they can receive a proper education.

Mr. Chairman, only the Federal Government has the resources to respond to this national crisis in education, and it is up to us in Congress to take the initiative.

The response of the executive branch under the leadership of Mr. Nixon has been shameful and irresponsible. The Nixon administration's response to this growing national problem has been the typical Nixon approach to any domestic problem—plenty of soothing rhetoric concocted by his White House staff of slick advertising executives and public relations men, but no substantive or decisive action.

The reason that most of us here in Congress have been visited by educators from all over the country during the past week is that these people know we are their last hope. They know their pleas have fallen on deaf ears in the White House, and they know all about Mr. Nixon's colorful rhetoric and his do-nothing approach.

They remember all too well Mr. Nixon's campaign speech in February 1968, in which he stated that "when you cut expenditures for education, what you are doing is short-changing the American future." Of course that was back in the days when Mr. Nixon was also telling us that he was capable of running things properly and that he had a secret plan to end the war in Southeast Asia.

There was, however, one line of rhetoric which came out of the Nixon administration which proved to be very true indeed. That was when we were told by the Nixon administration to "watch what we do rather than what we say."

This statement is particularly appropriate with respect to Mr. Nixon's record on education, for after that speech he made in 1968 in which he told us that we are short-changing America's future when we cut expenditures for education, he promptly began to build an excellent record of short-changing America's future. He vetoed the appropriations for education for fiscal years 1970 and 1971 and this year, despite all his rhetoric about quality education and high property taxes, he sent a budget request to Congress which was labeled by the National Education Association as "a totally inadequate response to the pressing needs for the schools," because it was so far below the amount Congress had already authorized to be spent on education.

Mr. Chairman, we in Congress can no longer fail to respond to this country's educational needs. We have seen the dismal response of the Nixon administration and we have heard the voice of the people. The additional funds in the Hathaway amendment amount to no more than what Mr. Nixon spends in 3 or 4 days on that war in Southeast Asia which he told us he could end back in 1968. The amount contained in the Hathaway amendment is necessary just to prevent 25 States from receiving less Federal funds this year than they did last year, and I strongly urge its adoption.

We are told today, as we have been told in the past, that passage of the Hathaway amendment will cause the President to veto the entire appropriations for both health and education. I am sure that the parents and students in Michigan who face a very uncertain future in their schools will be watching as the President has a chance to express himself on the priority rating of education in his administration.

The action we have already taken in this Chamber today by supporting my friend and distinguished colleague from Michigan (Mr. O'HARA) in defeating the Flood amendment has already assured the State of Michigan an additional $12.1 million in title I funds.

The passage of the Hathaway amendment will assure Michigan schools of at least another $17.8 million over and above the recommendations of President Nixon and the Appropriations Committee.

Mr. Chairman, when many of the children of Michigan are at this very moment wondering whether their schools will have enough money to reopen their doors next September, we simply cannot afford to continue quibbling over these additional funds for education and we cannot afford to back down because of Mr. Nixon's irresponsible threat of a Presidential veto.

Mr. MITCHELL. Mr. Chairman, education is one area where we cannot allow ourselves simply to stand still in our efforts. Yet the appropriations for education contained in H.R. 15417 would mean that, as a consequence of inflation, major programs would be cut back in numerous instances. We know only too well of the effects of the shrinking dollar at the food market and in the home. We cannot allow this blight to spread to the schoolhouse as well. It is for this reason that I rise in support of the package of amendments designed to increase the fiscal year 1973 funding for several vital education programs.

The compensatory education provided to disadvantaged children under title I of the Elementary and Secondary Education Act constitutes the major activity of the Office of Education. Over 12 million children benefit from the programs funded under this title. The additional $212.5 million beyond what the Appropriations Committee has voted would mean that only one State would have less money for these programs in the upcoming fiscal year than it presently does. Twenty-five States would be faced with a reduction in funds under the committee's appropriation.

Fifty-one million children are served by title II assistance for school libraries. At present, the libraries in 50 percent of our elementary schools and 45 to 67 percent of our secondary schools fail to meet State standards in at least one respect. It is also estimated that 425 million volumes are needed to bring school libraries in line with nationally recognized standards. The additional $10 million requested for this title will help to prevent us from falling even further behind in this area.

In the field of vocational education, we are again faced with the prospect of a diminution in the funds available to several States. The proposed increase would bring each State back up to last year's level of spending for special vocational education programs, which primarily aid students from urban centers and other economically depressed areas.

For 13 million adult Americans, their failure either to read, speak, or write English adequately represents a substantial impairment of their ability to find and then to maintain employment commensurate with their real ability. The additional money sought in the area of adult education is the basic minimum figure for adequate programs in this vital area.

All of the programs affected by this amendment are of proven worth. The additional $363 million to be provided for these programs will bring a return far greater than the original investment. I urge my colleagues to support the amendment.

Mr. HULL. Mr. Chairman, several Members have asked me about the absence of any funds for title III of the National Defense Education Act, a program to help our schools obtain vitally needed equipment and materials to meet priority needs. May I just point out that we are not considering it in the 1973 Labor-HEW appropriations bill because NDEA III was a part of the Education Amendments Act of 1972 which was just passed on June 8, too late for authorized programs to be included for appropriations. Ever since the House Appropriations Subcommittee on Labor-Health, Education, and Welfare, on which I serve, worked on the 1973 education appropriations bill, NDEA III's authorization has been pending in the education amendments of 1972, now awaiting the President's signature. He is expected to sign it, I understand, and thus funding of NDEA III–A and other programs in that bill will come before us at a later date. We all regret the extraordinary delay in the authorizing bill. Because the program is so crucial to our schools, I just want to say I wish the Education Committees of both houses had moved their bill forward more swiftly.

NDEA III in recent years has been subject to much debate and its status hangs today in question since the administration continues to oppose it. The Congress, however, has funded it since its inception 14 years ago and I hope this year will be no exception to that fine record of support. NDEA III is the major program providing funds for schools to purchase instructional media; in fact, it is the only program that can reach all students in all schools in all areas for almost all subjects. NDEA III provides the tools which make learning more efficient, effective, and more individualized. Indeed, it is at the heart of education—in the classrooms of America for the direct benefit of students.

Why then, if it is such a basic program, is it opposed each year? Administration opponents are fond of saying it is not needed, that schools can purchase instructional media under other programs, citing as examples ESEA I and ESEA III. A moment's thought reveals that these programs are aimed at specific problems and that they cannot serve all schools as does NDEA III. Additionally, schools receiving title I funds are encouraged primarily to use those funds for teachers and teacher aids. In fact, in some States such as North Carolina, purchase of instructional media is prohibited under title I by State regulations. NDEA III cannot be replaced by any existing Federal program; there is no program which has its unique feature of serving all students in all schools in such a basic manner.

Another charge often heard is that the goals of NDEA III have been met. Research reveals the contrary. The increasing need for educational media in our classrooms has been documented time and again; in fact, only 20 percent of the Nation's schools can meet the widely accepted school media standards, and media is used only about 5 percent of all instruction time. Even though since 1958 enrollments have increased, schools have been modernized, and costs of instruction have climbed, the appropriation for NDEA III has had to be cut back because

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of overriding Federal budget problems. Particularly critical is the fact that NDEA III's program base has been expanded; subjects not heretofore eligible are now covered. And the program's flexibility—another good feature of the program—allows NDEA III funds to be used to help such endeavors as Right To Read. NDEA III is critical to Right To Read, an administration-backed program, since remedial efforts often require intensive use of audiovisual equipment and materials. U.S. Office of Education studies show that NDEA III helps to support about half of the federally funded reading projects under the Right To Read effort.

A third objection often raised against NDEA III is that funds appropriated are not used. Since passage of the "Tydings amendment" in 1970, a provision allowing States and localities to carry over funds from 1 year to the next, OE reports that all funds are indeed used, primarily in the first year of funding. Prior to enactment of this amendment a small amount of NDEA III money, as well as others, was returned to the Federal Treasury. But OE officials maintain that school officials had to return funds because of problems related to late appropriations—not because of inherent flaws in the program.

A recent study entitled "The New Instructional Technologies: Are They Worth It?" following up the 1970 report of the Commission on Instructional Technology has provided further evidence of the need for NDEA III. In this report, Sidney Tickton of the Academy for Educational Development has told the President's Commission on School Finance of the cost-benefits of technology, though conclusive data remains somewhat scattered. But this researcher concludes without reservation that instructional media can be cost effective, that costs of instructional media spread over a reasonable period are not greater than those of traditional methods, and that media should certainly be used to teach the disadvantaged.

Another report issued this month, "The Fourth Revolution: Instructional Technology in Higher Education," outlines the critical need for technology in education—particularly focusing on the future needs in higher education. This study brings me to plead, as I have before, for funding title VI of the Higher Education Act, NDEA III's counterpart. This program has suffered the same plight as NDEA III and in my view should receive a very high priority. College instruction has traditionally been the weakest of all. This report dramatically concludes:

> The new technology may provide the single greatest opportunity for academic change on and off campus.

Thus, evidence mounts to convince me that the Congress must continue audiovisual technology as a high priority in education. No advocate of technology in teaching wishes to replace teachers with machines; we must have the human element, too. But, as Sir Eric Ashby has said:

> Any technology which increases the rate of learning would enable (as Comenius put it centuries ago) the teacher to teach less and the learner to learn more.

Is this not, after all, our goal?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

TELLER VOTE WITH CLERKS

Mr. HATHAWAY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HATHAWAY. Mr. Chairman, I demand tellers with Clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HATHAWAY, MICHEL, FLOOD, and O'HARA.

The Committee divided, and the tellers reported that there were—ayes 212, noes 163, not voting 58, as follows:

[Roll No. 205]

[Recorded Teller Vote]

AYES—212

Abzug	Forsythe	O'Hara
Adams	Fountain	O'Konski
Addabbo	Fraser	O'Neill
Albert	Fulton	Patten
Alexander	Gallfianakis	Pepper
Anderson, Calif.	Gaydos	Pettis
	Gonzalez	Peyser
Anderson, Tenn.	Grasso	Pike
	Gray	Podell
Andrews, Ala.	Green, Pa.	Powell
Annunzio	Gubser	Preyer, N.C.
Ashley	Gude	Price, Ill.
Aspin	Hamilton	Pucinski
Badillo	Hammer-schmidt	Purcell
Baring		Quillen
Barrett	Hanley	Randall
Begich	Hanna	Rangel
Belcher	Hansen, Wash.	Rees
Bergland	Harrington	Reid
Bevill	Hathaway	Reuss
Biaggi	Hawkins	Riegle
Biester	Hays	Rodino
Blatnik	Hechler, W. Va.	Roe
Boggs	Heckler, Mass.	Roncalio
Bolling	Heinz	Rosenthal
Brademas	Helstoski	Rostenkowski
Brasco	Henderson	Roush
Brinkley	Hicks, Mass.	Roy
Brooks	Hicks, Wash.	Roybal
Brown, Ohio	Holifield	Runnels
Broyhill, Va.	Horton	Ruppe
Buchanan	Howard	Ryan
Burke, Mass.	Hungate	St Germain
Burton	Ichord	Sarbanes
Byrne, Pa.	Jacobs	Scheuer
Byron	Jarman	Schwengel
Caffery	Johnson, Calif.	Seiberling
Carey, N.Y.	Jones, N.C.	Shipley
Carney	Jones, Tenn.	Shoup
Chamberlain	Karth	Sisk
Chisholm	Kastenmeier	Staggers
Clark	Kazen	Stanton, James V.
Clay	Keating	
Cleveland	Kemp	Steed
Collins, Ill.	Kluczynski	Steele
Conyers	Koch	Stokes
Corman	Leggett	Stratton
Cotter	Lent	Stubblefield
Culver	Lujan	Symington
Daniels, N.J.	McClory	Taylor
Danielson	McCormack	Thomson, Wis.
Davis, Ga.	McKinney	Thone
de la Garza	Macdonald, Mass.	Tiernan
Delaney		Udall
Dellums	Madden	Van Deerlin
Denholm	Matsunaga	Vander Jagt
Dent	Mazzoli	Vanik
Diggs	Meeds	Veysey
Donohue	Melcher	Vigorito
Dow	Mikva	Waldie
Drinan	Miller, Calif.	Whalen
Dulski	Minish	White
Dwyer	Mink	Widnall
Eckhardt	Mitchell	Wilson, Charles H.
Edwards, Calif.	Mollohan	
Eilberg	Moorhead	Wolff
Esch	Morgan	Wright
Evans, Colo.	Moss	Wyatt
Fascell	Murphy, Ill.	Yates
Flowers	Murphy, N.Y.	Yatron
Foley	Nedzi	Young, Tex.
Ford, William D.	Nix	Zablocki
	Obey	Zwach

NOES—163

Abbitt	Flood	Nelsen
Anderson, Ill.	Flynt	Pelly
Andrews, N. Dak.	Ford, Gerald R.	Pickle
	Frelinghuysen	Pirnie
Archer	Frenzel	Poff
Arends	Frey	Price, Tex.
Ashbrook	Gettys	Quie
Aspinall	Giaimo	Railsback
Baker	Gibbons	Rarick
Bennett	Goldwater	Rhodes
Blackburn	Goodling	Roberts
Boland	Green, Oreg.	Robinson, Va.
Bow	Griffin	Robison, N.Y.
Brotzman	Gross	Rogers
Brown, Mich.	Grover	Ruth
Broyhill, N.C.	Haley	Sandman
Burke, Fla.	Hansen, Idaho	Satterfield
Burleson, Tex.	Harsha	Saylor
Burlison, Mo.	Harvey	Scherle
Byrnes, Wis.	Hastings	Schmitz
Cabell	Hogan	Schneebeli
Camp	Hull	Scott
Carlson	Hunt	Sebelius
Carter	Hutchinson	Shriver
Casey, Tex.	Johnson, Pa.	Sikes
Cederberg	Jonas	Skubitz
Chappell	Jones, Ala.	Slack
Clancy	Keith	Smith, Calif.
Clausen, Don H.	King	Smith, Iowa
	Kuykendall	Smith, N.Y.
Clawson, Del	Kyl	Snyder
Collier	Landgrebe	Spence
Collins, Tex.	Latta	Stanton, J. William
Colmer	Lennon	
Conable	Lloyd	Steiger, Ariz.
Conover	Long, Md.	Stuckey
Conte	McCollister	Teague, Calif.
Coughlin	McCulloch	Teague, Tex.
Crane	McDade	Terry
Daniel, Va.	McFall	Thompson, Ga.
Davis, Wis.	McKevitt	Ullman
Dellenback	Mahon	Waggonner
Dennis	Mallary	Wampler
Derwinski	Mann	Ware
Devine	Martin	Whalley
Dickinson	Mathias, Calif.	Whitehurst
Dorn	Mathis, Ga.	Whitten
Downing	Mayne	Williams
Duncan	Michel	Wilson, Bob
du Pont	Miller, Ohio	Wydler
Edwards, Ala.	Mills, Md.	Wylie
Erlenborn	Minshall	Wyman
Evins, Tenn.	Mizell	Young, Fla.
Findley	Monagan	Zion
Fish	Myers	
Fisher	Natcher	

NOT VOTING—58

Abernethy	Hall	Montgomery
Abourezk	Halpern	Mosher
Bell	Hébert	Nichols
Betts	Hillis	Passman
Bingham	Hosmer	Patman
Blanton	Kee	Perkins
Bray	Kyros	Poage
Broomfield	Landrum	Pryor, Ark.
Celler	Link	Rooney, N.Y.
Curlin	Long, La.	Rooney, Pa.
Davis, S.C.	McCloskey	Rousselot
Dingell	McClure	Springer
Dowdy	McDonald, Mich.	Steiger, Wis.
Edmondson		Stephens
Eshleman	McEwen	Sullivan
Fuqua	McKay	Talcott
Gallagher	McMillan	Thompson, N.J.
Garmatz	Mailliard	Wiggins
Griffiths	Metcalfe	Winn
Hagan	Mills, Ark.	

So the amendment was agreed to.

Mr. WOLFF. Mr. Chairman, I move to strike the last word.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we have an opportunity to improve upon the committee's efforts to maintain a strong Federal commitment of providing educational opportunities for our people despite the less than adequate recommendations of the Nixon administration. For this purpose I must rise to urge every one of my colleagues to consider the vital necessity of adequate educational appropriations and to support the quality education appropriation amendment.

No one can truthfully say that money spent on education is money ill-spent. I have always personally felt that education of our youth is a critical priority for the future protection of our planet. The problems of the present and the future can only be solved, I feel, by education.

The committee has appropriated $301,455,000 above the administration's 1973 budget, including almost $2.5 million extra for impacted aid under Public Law 874 and $27 million extra for Library Services and Construction Act projects. This is necessary and desirable. Yet the evidence clearly demonstrates that even the committee's generosity would not be enough to adequately provide what is needed for the proper application of our worthwhile Federal educational assistance programs.

According to the committee report, my home State of Illinois would receive, under the basic proposal, $1,602,478 less for local education agencies in 1973 than in 1972. This is an example of the inadequacy of the basic bill and the need for complementary appropriations.

Mr. Chairman, you can cut back spending in many areas, and I am all for it, but I cannot support reductions in worthwhile educational expenditures. After all, if we can spend an additional $5 billion in Vietnam for the stepped up bombing and naval blockade, we can certainly spare a few dollars to fund education programs adequately. I will cast my vote for the amendment and urge my colleagues to do the same.

PARLIAMENTARY INQUIRY

Mr. HATHAWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HATHAWAY. Has the Clerk started to read the next paragraph?

The CHAIRMAN. The Clerk has not started to read, but at this time the Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $641,405,000, of which $615,495,000, including $41,450,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 73 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph beginning on line 14, page 19, and ending on line 11, page 20.

The CHAIRMAN. Without objection, the motion is agreed to.

There was no objection.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85-905, $143,609,000.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph on page 20, beginning with line 12 and ending with line 15.

The CHAIRMAN. Without objection, the motion is agreed to.

Mr. GROSS. Mr. Chairman, reserving the right to object, what is going on?

The CHAIRMAN. The Chair will be glad to inform the gentleman that the gentleman from Maine (Mr. HATHAWAY) announced he would strike out a certain number of paragraphs to make the bill conform to the controlling paragraph which has just been adopted, and the committee is now taking such action.

Mr. GROSS. Mr. Chairman, I withdraw my reservation.

There was no objection.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($444,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($51,300,000), $592,127,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph beginning on line 16, page 20, and extending down through line 8 on page 21.

The CHAIRMAN. Without objection, the motion is agreed to.

Mr. QUIE. Mr. Chairman, reserving the right to object, I would like to make a parliamentary inquiry.

The CHAIRMAN. The Chair cannot hear the gentleman.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, my parliamentary inquiry is this: I have an amendment at the desk which would, on page 21, line 1, strike out the words after "1974" down through the word "Act" on line 3. Is it possible to offer that amendment now that the Hathaway amendment has been adopted?

The CHAIRMAN. It is possible.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer that amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE:

On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3.

The CHAIRMAN. The Chair was of the impression that the amendment offered by the gentleman from Maine had been agreed to, striking out the paragraph to which the amendment is offered.

Mr. QUIE. I did not hear the chairman.

The CHAIRMAN. The Chair thought that amendment had been agreed to, striking out the paragraph. That was the last Hathaway amendment.

Mr. QUIE. In my copy of the Hathaway amendment it was not stricken out. If that is correct, the Hathaway amendment would put a period after "1974" on line 1 and strike out the rest. It was my understanding the Hathaway amendment put a period after the word "Act" on line 3 and struck out the proviso, which is the rest of line 3 down through line 8.

The CHAIRMAN. The Chair would have to rule that the gentleman rose too late. The motion had been offered by Mr. Hathaway, and there was no objection and it was acceded to.

Mr. QUIE. Mr. Chairman, the Chair asked if there was any objection, and I reserved the right to object, which I am still reserving, and on that I asked my parliamentary inquiry.

The CHAIRMAN. The Chair must state that the Chair did not hear the gentleman say he was reserving the right to object on the Hathaway motion.

Mr. QUIE. It was on that reservation that the chairman recognized me.

The CHAIRMAN. The Chair will recognize the gentleman on the basis of his statement which the Chair did not hear.

The Clerk will report the amendment offered by the gentleman from Minnesota.

Mr. FLOOD. Mr. Chairman, I still feel constrained to say the amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. QUIE:

On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3.

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLOOD. Mr. Chairman, my point of order is that the committee has just agreed to this.

The CHAIRMAN. The committee has agreed to what?

Mr. FLOOD. The position taken by my friend, the gentleman from Minnesota (Mr. QUIE). I have here, for instance, that we voted not to exceed $18 million for research and training, under part C of said 1963 act. Now I had the clear impression, I am sorry to say, that the committee just agreed to this. I am in a strange position now, but I do not think it will last, but that is the way I understand it.

The CHAIRMAN. The Chair will state that the first amendment offered by Mr. HATHAWAY on page 19, was to the para-

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graph beginning on line 7 and that amendment was a substitute amendment, and was agreed to.

Now we still have to read each one of the paragraphs of the bill duplicated or modified by the Hathaway amendment, and a perfecting amendment to those paragraphs is in order even though a motion to strike out is first offered.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. O'HARA. Mr. Chairman, my point of order is if a motion to strike has been made, is it not then out of order to try to amend the paragraph that the motion to strike applies to?

The CHAIRMAN. The Chair would have to rule that a perfecting amendment is in order although a motion to strike is pending. Therefore the Chair rules that the amendment offered by the gentleman from Minnesota (Mr. QUIE) is in order on the basis that it is a perfecting amendment to the paragraph to which the motion to strike is pending.

Mr. QUIE. Mr. Chairman, as you might want to follow along on the amendment again, I will repeat it to you. It is on the top of page 21 of the bill, and there are these words: "June 30, 1974."

My amendment then strikes out the words, "not to exceed $18 million for research and training under part C of said 1963 act."

The effect of dropping that $18 million limitation would make the law as it presently reads apply.

Now, if you will go back to page 20, line 18, the Hathaway amendment did not change this, it provides for—

parts B and C ($444,682,000)—

These are basic grants in parts B and C for research money. Fifty percent of the research money the Commissioner is responsible for making the determination on how it is to be expended in each of the States, and 50 percent goes to the States for them to make the determination on how this is to be used for research. This would mean that 10 percent of the $444,682,000 would be used for part C as the law requires. And I urge you not to put a restriction on that of $18 million because the effect of what happened last year was that the research money of part C was limited to $18 million. And there was a colloquy between the gentleman from Illinois, the gentleman from Pennsylvania, and the gentleman from Iowa, and it was the impression at that time that the $18 million would go to the States for them to use, but instead only $9 million was used by the States, and that was only after we put pressure on the Office of Education to allocate at least that much to the States.

We need research in occupational education. There is a dramatic need for this kind of research program. There is no other area of education that is in greater need of such a program so that the young people can leave their formal education and secure a job.

The administration asked for the National Institute of Education so they could do more research. Here we have authorization already on the books, and the Congress fully intended that 10 percent of the money should be used for part C.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, this amendment in no way changes the dollar figures; all it does is bring this appropriation into conformity with the authorization. This House has already established the rule that 10 percent of this money should go for research. That is what the House adopted. What the Committee on Appropriations is doing is putting a limitation on that. I submit that the gentleman from Minnesota (Mr. QUIE), makes a good point, because if you go along with the gentleman from Minnesota all you will be doing is taking care of what is authorized, and would be helping every vocational educational department in every State in the country. You will also be giving the States 50 percent of this to develop research programs of their own at the State level in order to meet the job needs and the career needs, and vocational needs of their students.

So I would suggest to the Members of the House that they should go along with the amendment offered by the gentleman from Minnesota, so that we can assure that the vocational needs across this country will be helped, which are so urgently needed.

I urge that the amendment be agreed to.

Mr. QUIE. I would say in explanation that this does not change the money. It does not increase the appropriation. It merely lets part B and part C be administered and the allocation of money the way the authorization legislation provides.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. SMITH of Iowa. The gentleman referred to me in his remarks. I thought we had a clear understanding last year, but the department for some reason ignored it.

You and I tried to convince the department that they were misinterpreting the appropriation law and with only partial success.

I agree with what the gentleman said about that situation.

Mr. QUIE. I know that the gentleman wants to do what he believes is necessary to do.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. WILLIAM D. FORD. Is it my understanding that the difference between what you are seeking to do and what the gentleman from Maine seeks to do with the amendment pending is that you want to reinsert or retain in the bill the language starting with *"Provided,"* on line 3?

Mr. QUIE. Oh, no, the gentleman is not correct.

I do not want to reinsert any language that the gentleman from Maine struck out but to strike out language that he retains which changes the intent or changes the authorization legislation.

If we are going to change the authorization legislation, we ought to do it in our committee.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. QUIE was granted permission to proceed for 3 additional minutes.)

Mr. QUIE. But instead, the gentleman will recall, part B and part C are authorized at one figure—90 percent of that figure is to be used for part B and 10 percent for part C.

I believe that is the way we ought to appropriate the money.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. SMITH of Iowa. The problem the gentleman conceives to be in disagreement with what we are trying to accomplish, but we are confused about how your amendment reads.

It does not seem to do what you say. It looks like all you want to do is to strike out that language and do not want to change the Hathaway amendment so the effect would be a balance of that paragraph down through line 8 which would also be stricken.

Mr. QUIE. That would be the effect.

The adoption of my amendment would not affect the Hathaway amendment. Line 3 would be stricken through line 8. The Hathaway amendment changes the figures on lines 18, 19, and 22 of page 20 and my amendment would not affect that either.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. O'HARA. The trouble is that the Hathaway amendment is a substitute for all of the language beginning on page 19, line 6 and continuing right on through page 21, line 17. The gentleman's amendment to be effective had to be made to the Hathaway amendment, but the Hathaway amendment has already been adopted and it is too late to amend the Hathaway amendment.

The trouble now is that the gentleman's amendment will not have any effect because the Hathaway amendment has already replaced the language the gentleman is trying to amend.

Mr. O'HARA. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to offer his amendment to the Hathaway amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, reserving the right to object, I should like to propound a parliamentary inquiry.

I should like to inquire how far the Clerk had read in this bill prior to the last amendment?

This bill, in my opinion, has not been read. We are simply adopting amendments without ever having read the bill—not the point of the last amendment offered by the gentleman from Maine (Mr. HATHAWAY).

Mr. Chairman, I submit the bill ought to be read.

The CHAIRMAN. The Chair will state that the Clerk did read each one of the paragraphs on which notice was served by the gentleman from Maine (Mr. HATHAWAY) that he would offer motions to strike if his amendment was agreed to.

Now the Clerk has read the beginning of this paragraph "Vocational and Adult Education."

The same occupant of the Chair made a similar ruling on July 29, 1969, where an amendment in the nature of a substitute for several paragraphs of an appropriation bill had been offered with notice given that motions to strike out the following paragraphs would be made as they were read.

The Chair indicated such paragraphs were subject to perfecting amendments as well as to motions to strike after having been read.

Mr. O'HARA. Mr. Chairman, I withdraw my unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. QUIE. Mr. Chairman, it is my understanding that my amendment does nothing to the Hathaway amendment with the exception that it strikes out the language on line 1, page 21, after 1974 down through the word "act."

The CHAIRMAN. The gentleman is partly right and partly wrong.

The motion to strike now pending applies to line 16 on page 20 to line 8 on page 21. The original Hathaway amendment has been disposed of. This is a subsequent amendment, which is a motion to strike. The gentleman from Minnesota can perfect the paragraph by striking out the lines which have been read in his amendment. He is entitled to a vote on it as a perfecting amendment, and the Chair is ready to put the question on the perfecting amendment.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. If the Quie amendment is adopted, it will apply to the language in the Hathaway amendment just as it would the language which we are now striking from lines 1 through 3; is that correct?

The CHAIRMAN. The Chair cannot interpret the legal effect. The Chair can only rule on parliamentary procedure and has ruled that the perfecting amendment to the pending paragraph is in order.

Mr. PUCINSKI. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it. The Chair advises that the Chair cannot give the gentleman a legal interpretation.

Mr. PUCINSKI. As I understand, the gentleman from Michigan raised the question that even if you were to adopt this amendment, it would have no meaning in the Hathaway amendment. My understanding is it would, that if this language is dropped from page 21, it will be similarly dropped from the Hathaway amendment.

The CHAIRMAN. The gentleman is not correct. The original Hathaway amendment was offered at line 5 on page 19. That was the original Hathaway amendment. The gentleman served notice at that time that he would offer motions to strike the remaining paragraphs in order for them to conform to the figures which were substituted in his amendment. So there has been a series of motions to strike paragraphs. We are now on the next-to-last paragraph, and the motion to strike is pending. A perfecting amendment to the paragraph is in order, and the Chair has recognized the gentleman from Minnesota for that purpose. The gentleman has offered it and the Chair is ready to put the question.

Mr. FLOOD. Mr. Chairman, now that this is as clear as things usually are, let us talk about the merits. Usually we do that. Let me tell you about the amendment itself.

It is true that the amendment offered by the gentleman from Minnesota does not increase the appropriations in the bill, but this is what it does do. It does increase the amount which the States will be required to spend for research, exclamation mark! This bill as reported by our committee contains a limitation. We have a limitation in here of $18 million on the amount which the States must spend for research. That is in here, period. If the gentleman's amendment prevails, do you know what is going to happen? The States will then be required to use 10 percent of their basic grants, they will be required to spend 10 percent of their basic grants for research, whether they like it or not. Under the bill, that would be $44 million—that is an increase of $26 million—this $26 million would have to come out of other vocational educational programs.

In other words, this is it. The gentleman's amendment would increase research at the expense of all the other programs. I do not think there are many Members in this House, Mr. Chairman, who want to vote for that kind of a redistribution of the appropriation.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course, I yield to the gentleman from Minnesota.

Mr. QUIE. It is true that if you take 10 percent of the money for research, then they cannot spend some of that money for some of the basic programs. But this will not reduce the amount of money in basic grants from last year. In fact, it will still permit basic grants to be increased just about $24 million.

Mr. FLOOD. That has nothing to do with the case at all. You know exactly what I am talking about. If you cut 6 inches from the bottom of the blanket to sew it on the top of the blanket, what do you achieve? What you are doing is compelling 10 percent of the grants to States to be used for that purpose. Under your proposal they must spend 10 percent for research, whether they like it or not. These people do not want to do it.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. QUIE. That is exactly what the authorization legislation says. If you want to change that, let us change the authorization legislation. That is the way we should do it, rather than on an appropriation bill coming in here with the statement, "We do not think you need it for research." We believe it is needed for research if you are going to use this money in a worthwhile way.

Mr. FLOOD. Now that the Hathaway amendment has been adopted, you are making mandatory that the 10 percent be spent for research and that it must come out of other funds. It must come out of other funds because you are not adding any money. You are doing some hanky-panky with the bill.

Mr. QUIE. I am not doing the hanky-panky. You did the hanky-panky.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

The distinguished chairman of this subcommittee failed to state that whichever way we distribute this money, it still goes to the States. We are not short-changing anybody. We are not taking anything away. But it was the State vocational administrators who came before our committee, before my subcommittee, and asked specifically that 10 percent of this money be set aside for research, so they can come in with more realistic, meaningful programs.

We have developed 5,000 new skills in this country in the last 10 years, so these vocational education people want to develop courses and curricula to keep pace with these changing times and changing needs in vocational education.

This is not something the gentleman from Minnesota and I dreamed up. This is something the vocational educational people asked for, so we put it in the authorization bill. Now the Appropriations Committee comes along and says, "You people did not know what you were doing. We are going to set a maximum of $18 million." What we are saying is go back to what the vocational education people have asked for. They have asked for 10 percent, half of that goes to the States. They will develop curricula. The other half remains with the Commissioner and he will develop curricula in cooperation with the States.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman. I want to try to get clear what is being done. I address a question to the gentleman from Minnesota (Mr. HATHAWAY): On page 21, line 3, of the bill, the language thereafter, from line 3 through line 8 is stricken by the amendment the gentleman offered; is that correct?

Mr. HATHAWAY. No. That was included in my amendment.

Mr. GROSS. So that language is in the bill?

Mr. HATHAWAY. That is correct. After my motion to strike the language was made, the gentleman from Minnesota (Mr. QUIE) objected so he could intro-

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duce his amendment. So my amendment language has to be perfected by striking this language.

Mr. GROSS. Does the gentleman strike the language and then reintroduce it by virtue of his motion?

Mr. HATHAWAY. My amendment included some of the language that is already in the bill.

Mr. GROSS. The amendment that was adopted earlier?

Mr. HATHAWAY. Yes, that is correct.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was rejected.

The CHAIRMAN. The question is on the motion to strike the language on page 20, line 16, through line 8 on page 21, offered by the gentleman from Minnesota (Mr. HATHAWAY).

The motion was agreed to.

AMENDMENTS OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOLDWATER: On page 20, line 15——

Mr. FLOOD. A point of order, Mr. Chairman. We have gone by this.

The CHAIRMAN. That is correct. The Chair will rule that the gentleman's amendment is not in order.

Mr. GOLDWATER. Mr. Chairman, I was on my feet.

Mr. FLOOD. Regular order.

Mr. GOLDWATER. Mr. Chairman, the section was read and I was on my feet seeking recognition and the Chair passed over that section and did not recognize me for my amendment.

The CHAIRMAN. If the Chair did not see the gentleman, the Chair apologizes. However, that section has been taken care of and we cannot go back, unless the gentleman asks unanimous consent to go back. The Chair will entertain that kind of request.

Mr. GOLDWATER. Mr. Chairman, I ask unanimous consent that we go back and reopen that section.

Mr. O'HARA. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. Regular order is demanded.

The Clerk will read.

The Clerk read as follows:

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($47,270,000), II, and III ($2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II ($90,000,000) of the Elementary and Secondary Education Act; $149,500,000, of which $9,500,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. HATHAWAY moves to strike the language beginning on page 21, line 9, through line 17.

The CHAIRMAN. The question is on the motion.

Mr. CONTE. Mr. Chairman, did the Chair recognize me?

The CHAIRMAN. The Chair also saw the gentleman from Maine on his feet and knew he had an amendment. Is this another motion to strike sections?

Mr. HATHAWAY. Yes; it is, Mr. Chairman.

The CHAIRMAN. The Chair was attempting to give preference to recognizing the gentleman from Maine to offer motions to strike the sections relating to his previously adopted amendment.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maine.

The motion was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the last few days, as the contents of H.R. 15417, the Labor-HEW appropriations bill, were reviewed back home, I received a number of inquiries from my constituents asking why no funds were included for title III of the National Defense Education Act of 1958. A number of other Congressmen have received similar calls, so therefore, as a member of the subcommittee responsible for this bill, I feel it appropriate to enter an explanation at this point in the RECORD.

NDEA III is authorized for an additional 3 years in S. 659, the Educational Amendments Act of 1972, which was enacted too late for any appropriations to be considered for the various programs included.

Therefore, our subcommittee had no opportunity to include NDEA III or any higher education programs in H.R. 15417. This fact in no way prejudices NDEA III; nor does it indicate, as some have suggested, that there will be no funds this year for NDEA III.

It is entirely possible that when the Labor-HEW appropriations bill is taken up by the Senate Labor-HEW Subcommittee that they could add the funds there. Our subcommittee has already received testimony on NDEA III and we would be prepared to consider the Senate's recommendation in conference.

NDEA III is a valuable 50–50 matching program which has proved to be one of the most successful. The need for continuing NDEA III has been amply demonstrated by witnesses before our subcommittee so I am hopeful we will be able to fund, at least at last year's level in the near future.

Mr. Chairman, I think it is important that, whenever possible, we try to move school program funding forward as rapidly as possible so that administrators have adequate time to plan. This is certainly true in the case of NDEA III and I hope that something can be worked out this month to continue this valuable program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATIONAL RENEWAL

For carrying out, to the extent not otherwise provided, titles VII and VIII of the Elementary and Secondary Education Act, part B-1 of the Education Professions Development Act, section 309 of the Adult Education Act, as amended, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Environmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $219,190,000, of which $13,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: On page 22, line 2, strike out "$219,190,000" and insert "$234,190,000" and before the period in line 4 insert the following: "and of which $60,000,000 shall be for carrying out Title VII of the Elementary and Secondary Education Act."

Mr. BADILLO. Mr. Chairman, when the Congress enacted the Bilingual Education Act 5 years ago it gave clear recognition to the fact that foreign language-speaking children were being seriously cheated educationally and virtually neglected by typical American teaching methods and practices. For many years students who spoke languages other than English—in most cases Spanish—were treated as disadvantaged, handicapped, or even retarded. Oftentimes these children were punished for speaking their mother tongue and they were forced into conforming with an alien culture. They were frequently placed in classes for the retarded as they could not cope with placement tests and other standardized educational devices conducted in English. In other cases they were relegated to remedial classes and were usually not permitted to pursue academic or college-preparatory courses but vocational programs. Believe me as I speak from personal experience.

However, the Bilingual Education Act held out some hope to these youngsters and the Congress made a commitment to afford full and equal educational opportunities to children with limited English-speaking ability and raised in surroundings in which the dominant language is Spanish, French, Greek, Portuguese, or one of the American Indian or Eskimo tongues.

The Bilingual Education Act was subsequently incorporated into the Elementary and Secondary Education Act as title VII. Programs funded under title VII promote the development and implementation of bilingual/bicultural education programs, the teaching of English as a second language, the teaching of the students' mother tongue as the native language, the establishment of programs aimed at providing Spanish-speaking and other foreign language-speaking children with a basic knowledge and appreciation of their culture and heritage and the recruitment of qualified teaching personnel.

Regretably the Congress has failed to match its words with action as historically bilingual education programs have been consistently underfunded. In fiscal year 1969, for example, the Congress appropriated only $7.5 million, just 25 percent of the authorization. This was barely enough money to adequately fund programs for less than 1 percent of the approximately 5 million children who were estimated to be in desperate need of special bilingual education. For the succeeding 4 fiscal years the story has been basically the same and this year we are confronted with an appropriation figure which is just barely more than 30 percent of the authorization, even though the need is far more critical today than when the bilingual program was initiated. By failing to approve more significant increases in title VII funds the Congress has simply retreated from the goals envisioned in the Bilingual Education Act and has done little to encourage the development and expansion of bilingual education.

Because of the severe shortage in title VII funds, the U.S. Office of Education was only able to approve 49 new projects for the current fiscal year—about 26 percent of the total applications it received for new programs. The Office of Education was able to approve project plans for only six New York City school districts. These programs will benefit an estimated 7,300 students. However, consider the fact Spanish-speaking children in the New York City public school system who, because of severe language handicaps, are not receiving a meaningful education.

I am often questioned as to how the lack of bilingual education affects the learning process of foreign language-speaking children. A good example is the almost insurmountable problems being experienced by Puerto Rican children in New York City—although their difficulties are also being repeated by Puerto Ricans in Philadelphia, various communities in New Jersey, Cleveland, Chicago; by Chicanos in Los Angeles, San Francisco, and countless communities in Texas, Arizona, and New Mexico; by French-speaking children in Maine; and by oriental language, speaking children on the west coast and in New York.

Half of the Puerto Rican population in New York is school age; although a large percentage are not attending school. The dropout rate boggles the imagination—an estimated 87 percent of Puerto Ricans over the age of 25 in the city of New York have not completed their high school education. Of those Puerto Ricans 25 years of age and over living in one of New York City's 26 poverty areas, the average student has completed only 8.3 years of school as compared with the median of 12.1 years for the city population as a whole and 11.8 years for nonwhites. In this same age category only 15 percent earned high school diplomas.

Earlier this month Mr. Louis Nuñez, former executive director of Aspira of America and currently the Acting Deputy Staff Director of the U.S. Civil Rights Commission, made a very revealing and timely presentation to the House Civil Rights Oversight Subcommittee. He reported, for example, that the number of students with serious to severe language difficulties in New York City in October 1970 was 135,000 or 11.3 percent of the school population. Puerto Rican children represent 70 percent of these students. More than 1 out of every 3 Puerto Rican pupils—38.7 percent—has a serious to severe language difficulty.

Mr. Nuñez also shared with the subcommittee the disorienting, depressing, and discouraging experiences foreign language-speaking children undergo in school. They do not understand their teachers or school books; guidance counselors offer advice only in English; Spanish language testing is virtually nonexistent; and some school systems persist in placing foreign language-speaking children in the lowest tracks or in educationally mentally retarded classes without adequate testing in the mother tongue.

I raise these statistics and problems only to demonstrate that we are not even beginning to effectively cope with the problem. We must take affirmative action to insure that foreign language-speaking children are not educationally cheated and barred from entry into the mainstream of American life. It is clear that significantly increased funds are urgently required if the needs of Spanish-speaking and other foreign language-speaking children are to be met.

The amount of financial support for bilingual education requested by the administration—less than even one-third of the authorization—can only be interpreted as a standing affront to the millions of foreign language-speaking schoolchildren in this country. According to the Office of Education only 25 new projects, serving an additional 20,000 children, could be funded at this level.

I am indeed pleased that the Appropriations Committee had the foresight to raise this figure by more than $3 million and commend its members for taking this action. However, the need is critical and much more must be done. Therefore, the amendment I am offering will increase title VII appropriations by $15 million to a level of $60 million. This figure is still less than half of the $135-million authorization and, in view of the great need for effective bilingual/bicultural education, the amount called for in my amendment is really rather modest. Nevertheless, with a total appropriation of $60 million an estimated 110 new projects could be mounted and approximately 90,000 more children—almost double the present number—could be reached. Further, by raising this appropriation we will be renewing our commitment to providing meaningful bilingual education to those requiring it and providing the wherewithal to enable the Office of Education to expand the programs to areas now denied such aid or with only a limited number of programs. The Office of Education, working with grossly insufficient funds, has made some attempts to achieve a degree of balance in the allocation of title VII funds. Unfortunately, however, it has been at the expense of needy children. We simply cannot cut off one area or State to serve another as such action would defeat the basic principles underlying the Bilingual Education Act. The solution is to approve increased appropriations.

Mr. Chairman, approximately one-third of this body has constituents who are currently participating in one of the 213 bilingual education programs funded under title VII. I urge that they and our other colleagues give this issue full, careful and sympathetic consideration and that they support my amendment to give these foreign language speaking children an opportunity to reap the full benefits of citizenship and to overcome language handicaps. It is a fact that we live in a multilingual/multicultural environment and all elements of the community must be given full respect and the chance to participate on an equal footing. Increased support for bilingual/bicultural education will be a significant advance in this direction.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I commend my distinguished colleague from New York for offering this amendment to increase the funding for bilingual education—a program which is essential to the development of our Spanish-speaking schoolchildren—as well as other non-English-speaking children.

This amendment to the Labor-HEW appropriations bill for fiscal year 1973 would appropriate an additional $15 million for bilingual education programs funded under title VII of the Elementary and Secondary Education Act. This would bring the appropriations for bilingual education under this title up to $60 million, although the authorization for fiscal year 1973 is $135 million. The administration budget request was for $41,130,000, and the committee's recommendation is for $45 million.

The Bilingual Education Act was originally funded in the 90th Congress under title VII of ESEA. However, the funding for this program has never been realistic in light of the large number of children who stand to benefit from this type of assistance. As an original sponsor of this act, I have repeatedly stressed the need for raising the funding level.

Only $7.5 million was appropriated for fiscal year 1969, despite the fact that $30 million had been authorized. The appropriation was increased to $21.25 million for fiscal year 1970, although the authorization had been for $40 million. The appropriation was again increased for fiscal year 1971 to $25 million, an amount that was $55 million below the authorization level. And the $35 million appropriated for fiscal year 1972 is $65 million less than the amount authorized.

I have introduced legislation each year, beginning in 1969, to provide supplemental appropriations for the bilingual education program. In 1969, I introduced a measure to provide a supplemental appropriation of $22.5 million for title VII for fiscal year 1969, a figure that would have brought the appropriation figure up to the amount authorized. In 1970, I introduced a bill calling for a supplemental appropriation of $18.75 million to bring the appropriation figure up to the level of the authorization. In 1971, I again introduced a bill to increase the appropriation for title VII, by $55 million, a figure that represented the difference between the amount authorized and that appropriated for fiscal year 1971. And this year, I again introduced legislation, H.R. 12424, cosponsored by 10 Members of the House, to provide a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriation up to the authorization level of $100 million.

Not only is the amount of Federal funding for bilingual education programs totally insufficient, but another inequity exists as well—namely, the distribution of funds that are made available. For example, under this program in 1970, New York State received $1.5 million, California $7.2 million, and Texas $4.7 million.

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That these allocations were inequitable is clearly seen when we examine the number of Spanish-surnamed children in school in those States in 1970: New York had 300,000, California 500,000, and Texas 600,000.

A recent New York City Board of Education study justifiably criticizes the manner in which funds are distributed under title VII of the ESEA, and states that allocations are extremely competitive and vulnerable to political pressure, and that committees from Texas and California have been far more organized, visible, and voluble.

In meetings which I arranged for members of the New York congressional delegation, the Office of Education conceded that New York State and New York City have been shortchanged in the past in the allocations of funds for bilingual education programs. Unfortunately, the Office of Education has not taken the necessary steps to remedy this situation, for the figures for continuation costs for bilingual education programs for fiscal year 1972 illustrate that this inequity is being continued—California will receive almost $8.5 million, Texas $6.1 million, while New York will be given only $2.9 million. The money for these programs is being concentrated in certain regions of the country, while other areas, particularly New York State and New York City, lack the resources to meet adequately the needs of children who need this type of assistance. No justification has been offered by the Office of Education for this disparity; indeed, as I have pointed out, the Office of Education has admitted that inequities do exist and that they should be corrected.

There is yet another issued involved in the failure to provide bilingual education programs for those children who need this aid. Those school districts that do not provide this type of help are failing to comply with title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of national origin in federally assisted programs.

On January 21 of this year, I wrote to John G. Veneman, Under Secretary of the Department of Health, Education, and Welfare, requesting a full report on a study conducted by HEW's Office of Civil Rights regarding noncompliance with title VI of the 1964 Civil Rights Act. The Office of Civil Rights found that 50 school districts throughout the Nation are failing to comply with civil rights laws because they deny Spanish-speaking citizens equal opportunity to learn.

The requirements of title VI as they relate to school districts enrolling national origin group students were set forth in a memorandum issued by HEW on May 25, 1970. The memo, written by the Director of the Office for Civil Rights, J. Stanley Pottinger, states that—

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

The memo further states that—

> Any ability grouping or tracking system employed by the school system to desi with the special language skill needs of national origin-minority group children must be designed to meet such language needs as soon as possible and must not operate as an educational dead-end or permanent track.

Therefore, title VI specifically requires school districts with significant numbers of non-English-speaking children to take whatever steps are necessary, including the provision of linguistically competent educational services, to prevent the exclusion of such children from participation in and the full benefits of the educational programs of the school children.

Clearly, numerous school districts throughout the country are not fulfilling this directive. They are not providing adequate assistance to the thousands of schoolchildren who need it. For example, in a speech before the U.S. Civil Rights Commission on February 15 of this year, New York State commissioner of education Ewald B. Nyquist stated that according to the most recent New York City school census, there are 160,815 children who have English language difficulties, 94,800 of whom are Puerto Rican pupils with moderate to severe language handicaps. Yet a recent New York City Board of Education study estimates that only 4,418 non-English-speaking students of Spanish background had some kind of bilingual instruction in the last school year.

It has been estimated that 86 percent of the Puerto Rican students in New York City may be below normal reading levels and it has been documented that their dropout rate is the system's worst—57 percent compared with 46 percent for blacks and 29 percent for other groups. While Puerto Rican pupils account for 25 percent of the New York City school population, only one Puerto Rican in a hundred received an academic diploma. Twelve percent of Puerto Ricans of college age pursue a higher education, while 45 percent of college age people in the general population go on to college.

The staff report of the U.S. Civil Rights Commission, dated February 1972, and entitled "Public Education for Puerto Rican Children in New York City," concluded that higher dropout statistics and below-average reading scores clearly indicate that the needs of educationally disadvantaged students, particularly those who are Spanish-speaking, with moderate to severe English language difficulties, are not being met in the public schools of New York City.

If only $45 million for bilingual education programs is appropriated, approximately 20,000 additional children will be able to benefit from these programs. However, if we raised the appropriation to $60 million an additional 90,000 children will be given the opportunity to benefit genuinely from the educational experience. I, therefore, urge support of the amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BADILLO), which would increase bilingual education funds by $15 million, for a total appropriation for the program of $60 million.

There are approximately 3 million children who have been estimated to need special bilingual education, but at the present time only 100,000 children in the entire country are served. These children are from a variety of backgrounds: Children of Italian, Albanian, Greek, Puerto Rican, Mexican, Cuban, Oriental, American Indian, French, and Portuguese parentage who urgently require this special assistance.

When the Congress passed the Bilingual Education Act 5 years ago it demonstrated its recognition of the fact that foreign-language speaking children were being seriously shortchangd and neglected by the educational process. The amendment offered by the gentleman from New York (Mr. BADILLO) would serve to carry out the intentions of the act by providing the necessary funds to do the job properly.

While I support this amendment, I do not feel that the emphasis of such a program should be directed exclusively to one group as the gentleman from New York (Mr. BADILLO) has indicated in his statements on the floor. I believe that this program should incorporate not only the Puerto Rican community, but the other minority groups as well.

I urge my colleagues to support the amendment offered by the gentleman from New York (Mr. BADILLO) in order that this program may be funded at a level which will enable it to benefit all of the minority groups I have mentioned. In this way, these children will be able to enter the mainstream of American life. Their language barrier will no longer prohibit them from participating in the daily activities which other children already enjoy.

Mr. BADILLO. The gentleman is correct in his statement, and I thank him for his assistance.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. EDWARDS of California, and by unanimous consent, Mr. BADILLO was allowed to proceed for 3 additional minutes.)

Mr. BADILLO. Mr. Chairman, I just want to say to the gentleman from New York (Mr. BIAGGI) that I agree with the gentleman completely. I only used the Spanish-speaking children as an example of what I meant, but the need for bilingual programs is equally there for those of Greek, Portuguese, or Chinese, Japanese, Filipino, or French ancestry, as well as other groups, and this also would cover the American Indians and the Eskimos.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I want to commend the distinguished gentleman from New York (Mr. BADILLO) for his continued leadership in this area, and I wish to associate myself with his remarks. This vital amendment must be approved.

In addition to the Spanish-speaking communities of our country, this added funding is needed to expand this program for the Japanese, Chinese, and Filipino communities.

I urge my colleagues to vote "aye" on this amendment.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I want to commend the gentleman for raising this extremely important issue that is so necessary not only to many students in the New York area, but is equally of importance to students all over this country.

Mr. Chairman, I support the amendment which would appropriate an additional $15 million for the bilingual education program under title VII of the Elementary and Secondary Education Act. Last year, only $35 million of the authorized $100 million was appropriated; further, the Nixon administration had the impounded $10 million of that sum until several Members, including myself, pressured them about it back in December. This year, the Appropriations Committee has proposed $45 million for bilingual education. While this is an improvement, it is barely a drop in the bucket in comparison with the authorization for 1973, which is $135 million, and with our needs, which are even greater than the authorized sum.

There are 5 million children in this country, 600,000 of them in my own State of New York, who are in need of bilingual educational assistance. Presently, only 100,000 of that 5 million are being served by programs under title VII, and the additional appropriation proposed for the coming year would add only 35,000 more.

We must increase these funds, which represent a direct and clearly identifiable commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians, and other linguistic minorities for equal educational and equal social opportunity all over this country. The funds contained in this amendment are needed to begin to make the promise of education a reality for all children regardless of whether English is their primary or secondary tongue, and I urge the adoption of this amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of the amendment by the distinguished gentleman from New York, (Mr. BADILLO) to provide $15 million additional to our bilingual education programs.

Enhancement of bilingual education is vital if we are to be able to provide equal opportunities for all Americans including those for whom English is their second language.

I have been pleased to support fully the bilingual education effort ever since former Secretary of Health, Education, and Welfare, Robert Finch was able to get the program moving and bring it to its present effective level.

Language is a simple but fundamental reflection of cultural heritage. By presenting educational opportunities in their native language to those from non-Anglo cultures we offer both increased opportunities for advancement within our American society as well as protection for their cultural background.

Our Nation has grown strong by learning from and incorporating the strengths of the diverse groups which have come to our shores—some seeking haven; some seeking opportunity. Bilingual education programs are a small but important means to retain that strength and maintain our growth as a free people.

Therefore, I strongly urge prompt passage of the Badillo amendment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I wish to commend the gentleman from New York for offering his amendment. There is such a program in my district, and I know that it is very helpful, and that we should extend these programs and make them available to many more children who would gain from a bilingual program.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from New York. The amendment would increase the appropriation in the committee bill by $15 million. The additional funding would bring the appropriation just under half of what was authorized. I do not think this is asking too much.

The money is sorely needed not only for new bilingual education projects, but for expansion of existing projects as well. In Philadelphia, for example, there are 85,000 Spanish-speaking people and 9,000 Spanish-speaking schoolchildren in desperate need of bilingual training. The Philadelphia School Board receives calls daily from principals seeking help for newly enrolled Spanish-speaking students. The number and need is continually increasing.

But the Philadelphia school system has not been able to open new projects or expand existing projects in order to meet these ever increasing demands. In fact, during fiscal year 1972, no money was allocated in the entire State of Pennsylvania for new projects, and, in Philadelphia, the amount for existing projects was $200,000 less than sought. As a result, the English second language program failed to meet the needs of the students, because there was not enough teachers. In Philadelphia, we have been unable to establish much needed bilingual day care centers and cultural centers for bilingual material, nor could we begin a planned Spanish adult education program.

This is a tragic situation, Mr. Chairman. It is a situation in which children are being effectively denied a decent education and a fair start in life. And the reason for this denial, this injustice, is clear: We in the Congress have not met our responsibilities with respect to adequately funding bilingual education. With this amendment we can begin to meet that obligation. This amendment addresses itself to a special situation. Some may question it for that reason. But I believe that special attention is called for. Where I come from, the children affected most by this amendment have always been given special treatment by society. They are especially poor and have an especially difficult time finding jobs. They live in especially bad housing and are frequently forced to pay especially unfair rents. The schools these children attend are in especially sad condition. Those this amendment helps, need special help. And everything just—everything human, everything fair dictates that we respond with special concern.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of the proposed amendment to increase the appropriation for bilingual education programs. As chairman of the Civil Rights Oversight Subcommittee of the Committee on the Judiciary, I have just completed a series of hearings on the educational problems of the Spanish speaking. The testimony presented to my subcommittee at these hearings is an indictment of the failure of our Nation's schools to reach and properly educate Spanish-speaking students.

The U.S. Commission on Civil Rights has conducted a comprehensive study of the education of Mexican-Americans in the Southwest and of mainland Puerto Ricans in the Northeast and has found that Spanish-speaking students are burdened with the problems of ethnic isolation, educational failure, and cultural exclusion. The Commission has found, in the five Southwestern States studied, that Mexican-American students are achieving at a lower rate than Anglo students: they drop out of school at an earlier age; their reading achievement is poorer; repetition of grades is more frequent; overageness is more prevalent; and their participation in extracurricular activities is less than that of Anglo students.

The reasons for this failure of school systems to educate chicano students in the Southwest is clear. The Civil Rights Commission has reported that the school districts studied in the Southwest have almost universally failed to recognize the rich cultural history and traditions of the chicano community. In many schools use of the Spanish language is discouraged and no effort is made in the school curriculum to provide chicano students with a knowledge of their rich heritage. The result is frustration, discouragement, and alienation experienced by Mexican-American youth to the extent that four out of 10 chicano students leave high school without graduating.

The Bilingual Education Act, passed by the Congress in 1968, was intended to provide a partial answer to the educational problems of Spanish-speaking students. Bilingual education is a vehicle which permits non-English-speaking children to develop to their full potential as bilingual, bicultural Americans. In a bilingual education program all subjects are presented in the native language of the student, with an emphasis on the history and culture of the child whose first language is other than Eng-

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lish. When such a program works effectively, the non-English-speaking child learns two languages and two cultures, while the English-speaking child receives the same bilingual and bicultural abilities and sensitivities.

Bilingual education has been acclaimed by educators. The tragedy is that the programs initiated under the Bilingual Education Act have reached so few Spanish-speaking students. In the five Southwestern States studied by the Civil Rights Commission only 1.9 percent of eligible Spanish-speaking students were receiving bilingual education. The reason for this is clear. The administration regards the bilingual education program as a pilot effort, one not intended to be fully implemented by the Federal Government. I see no validity for this claim. In passing the Bilingual Education Act the Congress stated that bilingual education was being provided in recognition of the special educational needs of non-English-speaking students and to provide financial assistance to local educational agencies to develop and carry out new elementary and secondary school programs designed to meet these educational needs (21 U.S.C. sec. 880b). The Congress authorized appropriations of $250 million for the first 4 years of the program, yet the President has requested only a minuscule fraction of this. In 1971 the President requested only $10 million for bilingual education programs, while the Congress appropriated $25 million. In 1972 the President requested $25 million, while the Congress appropriated $35 million. The present request is $41 million and the proposed appropriation is $45 million.

This amount, Mr. Chairman, is totally insufficient to provide the needed expansion of bilingual education programs for the Spanish-speaking students in this Nation. The Federal Government must act to end the massive educational retardation of Spanish-speaking students. As we have addressed ourselves to antibusing legislation in this Chamber, many have claimed that the answer to educational problems is not to be found in busing, but in the development and implementation of good compensatory education programs. It is the height of hypocrisy to make this claim and then continue to deny adequate funding for one of the most hopeful and successful programs for improving the educational achievement of the Spanish-speaking student.

I hope that those of us in this Chamber who really are interested in dealing with educational problems will support the proposed amendment to provide increased funding for bilingual education.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, as one of the original authors of the Bilingual Education Act I am pleased to rise in support of the amendment being offered by the gentleman from New York (Mr. BADILLO).

When the Congress acted upon the bilingual education legislation some 4 years ago we declared that foreign-language speaking children must no longer be cruelly deprived of equal educational opportunities. In enacting this measure we hoped to meet the pressing educational needs of the millions of children who suffer from severely limited English-speaking ability and who are raised in environments in which the dominant language is not English but perhaps Spanish, French, Greek, Portuguese, or one of the American Indian or Eskimo dialects, or any other language other than dialects, or any other language other than English.

Unfortunately, however, the goals which we envisioned at that time have not been realized but have been seriously handicapped by the lack of sufficient funds. During the program's first fiscal year, for example, just 25 percent of the amount authorized was appropriated. Since that time we have seen the same sad story repeated year after year.

This year the administration came to us with a request to appropriate just barely 30 percent of the amount previously authorized. At this level only 25 new bilingual programs could be mounted. Consider these numbers in comparison with the 185 requests for new projects which the Office of Education received last year alone. Consider the fact that, at the level proposed by the administration, only an estimated 123,000 children will be reached by bilingual education as compared with the estimated 5 million children who are in need of this assistance. Such an attitude displays a clear lack of a substantive commitment to effectively deal with the problem and to encourage and expand bilingual-bicultural programs.

The amendment offered today is really rather modest. By adding $15 million to the $45 million approved by the Appropriations Committee we will at least be able to implement many new programs and reach many more than the present number of students participating in bilingual projects. Furthermore, the Congress will have the opportunity to reaffirm its commitment to the principles established in the Bilingual Education Act.

Mr. Chairman, bilingual-bicultural education not only provides an opportunity for non-English-speaking children to fully enjoy the rights and privileges of citizenship, but can become a national asset of tremendous value—if we but develop it as such.

Bilingualism pursued as a national goal would affirm our belief in a pluralistic and free society enriched by our various cultures and languages.

I urge my colleagues to join with me in supporting the pending amendment.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I wish to commend the gentleman from New York for his leadership in this field, and I urge support of his amendment which would provide an additional $15 million for the bilingual education program designed to meet the unique educational needs of children who have limited English-speaking ability, and who come from an environment where the dominant language is not English.

Because of this language barrier, many bright students are dulled and cannot compete in an Anglo society.

According to a December 1971, U.S. Commission on Civil Rights report:

> Out of every 100 Mexican American youngsters who enter first grade, only 60 graduate from high school. In contrast, 86 out of every 100 Anglos remain in school and receive high school diplomas.

Mr. Chairman, the Mexican-American child can learn as well and as fast as any child, but not if he or she does not comprehend the language. And the fact is that an estimated 1 out of 5 Spanish-speaking Americans is illiterate in English.

The Bilingual Education Act was designed to meet this challenge and insure that foreign-language speaking children are not educationally cheated.

However, we have not adequately funded this program. For fiscal year 1973, the administration requested $41 million. The Appropriations Committee deserves our thanks for increasing this level to $45 million.

Yet, much more can be done with adequate funding. In fiscal year 1972, only 26 percent of those school districts which applied for a new program were approved.

The Badillo amendment would increase funding to $60 million, thus, an estimated 110 new projects could be implemented and approximately 90,000 more children could be served by the program.

Mr. Chairman, I support this amendment and I urge my colleagues to join with me in this step toward removing the unnecessary barriers of language which have deprived our society of the fruits of many intelligent students who were forced to drop out because they did not understand the language of their teacher, the textbooks, nor their fellow students.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I would like to commend the gentleman in the well on his very important amendment, and I wish to associate myself with his remarks, and urge the adoption of the amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

The Chairman, this is an important amendment and I rise in its support. An estimated 75 percent of Spanish-speaking children do not finish high school because of language barriers. The Badillo amendment would increase funding for the Bilingual Education Act.

In 1967 it was my privilege to serve as chairman of the subcommittee which wrote the Bilingual Education Act, presently title VII of the Elementary and Secondary Education Act. Congress accepted our work in 1967 because of the obviously enormous need for bilingual education programs for the 5 million children who were estimated by the Office of Education to have limited English-speaking ability.

Our foresight in 1967 has been proven by time. Those children who are now participating in bilingual education programs are for the first time in their lives being given a true opportunity to receive an adequate education. No longer will they be handicapped by limited English-speaking ability in their strivings to secure a proper place in American life. And all of us deserve credit for that accomplishment. You have helped thousands of Spanish-speaking children learn English and be able to continue their education.

But this opportunity is only being made available to a pitifully small number of childen. The Office of Education estimates that, with the present year's appropriations for the Bilingual Education Act, only 2 percent of the children which need such instruction will actually be benefiting by bilingual education. The Office also estimates that because of the sparsity of funds only one-fourth of the applications received from school districts are being funded. If more funds were available I am sure that far more school districts would eagerly seize upon this opportunity to provide good bilingual education programs for the 98 percent of the children who are not now being served.

I would like to congratulate the Appropriations Committee for its empathy for these children. The committee has increased the appropriations for bilingual education by $10 million over that of the present fiscal year, but this increased appropriation will only permit funding of new programs to reach an additional 35,000 children. This increase in funds will not even be sufficient to reach another 1 percent of the children in need of these programs.

Therefore, Mr. Chairman, I enthusiastically support the Badillo amendment which would make an additional $15 million available for bilingual education. The Badillo amendment in conjunction with the committee increase will permit us to almost double the number of children served. We would double it to 4 percent of the children in need.

All other things being equal, I would say that even the Badillo amendment is totally inadequate; but I am a great believer in trying to achieve what is possible and I believe that at this particular time all that we can try to do is secure this increase of $15 million. In terms of this entire bill, this increase is a pittance but it will allow us to do so much.

In addition to the need for new funds I would like to comment upon another problem with the Bilingual Education Act, namely, the inequitable distribution of funds. In Illinois we have 200,000 Spanish-speaking children, many of whom live in Chicago; but last year we received only $220,000 in Federal funds. This amounts to about $1 per child which is less than the amount per child which Texas and California received.

I am fully aware of the enormous needs existing among the Spanish-speaking people in the Southwest, but I would like to remind the Office of Education of the problems facing the Spanish-speaking in the other States. For instance, the statistics on the lot of Puerto Ricans in this country are staggering. One of every two Puerto Rican families has an income of less than $4,000 a year. One out of every 10 Puerto Ricans in the labor force is unemployed as compared to 1 out of every 22 for the community as a whole. And lastly 7 out of every 10 who are employed have low-wage, low-skilled, low-status positions. And these people are concentrated in the States which the Office of Education is ignoring in its distribution of funds.

I would urge the Office to recognize these facts and to more equitably distribute these bilingual education funds so that all the Spanish-speaking people in our country will at least have an even chance to make a better living.

It is ironic that while Illinois ranks fifth in the number of Spanish-speaking children in the United States, Illinois ranks 20th in terms of funds received from title VII. This inequity must be corrected.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. BADILLO).

Now, Mr. Chairman, I do not have the impression that this is Daniel walking into the lion's den by a long shot. Apparently all of those, I hope, who support this amendment have been vying with each other to be next to talk on it since it was offered. I did not know I would get mixed up in the New York primary, but you know how those things are.

They are my good friends, these fellows are my friends, but keep this in mind, take a look at those fellows and then take a look at me. I spoke Spanish before many of these fellows were born, and I was raised and went to school with chicanos before you fellows ever heard the word.

I am a strong supporter, and this committee is a strong supporter of bilingual education. Do not forget that. We have nurtured it year after year. However, Mr. Chairman, I believe that the committee has made ample provision in the bill for bilingual education programs. If you will look at pages 50 and 51 of the report, you will see that we have provided $45,000,000 for bilingual education programs under title VII of the Elementary and Secondary Education Act. That is an increase of $3,870,000 over the budget request and an increase of $10,000,000, or 28 percent over the 1972 appropriation. I should add that the 1972 appropriation for this program represented an increase of 40 percent over 1971.

Do you think we are not in favor of this? You are out of your mind.

There is undoubtedly a much greater need for bilingual education than could ever be met through this particular program. The Office of Education told us in our hearings this year that there are another 230,000 children enrolled in bilingual education classes supported by local, State, and Federal funds other than the title VII program.

It seems obvious that the Federal Government cannot support all bilingual education, any more than it can be the sole source of support for education of the handicapped or any other special group.

The Federal Government's role here, as in so many other areas, is to find out and demonstrate what works best; to produce materials that can be used in school systems all over the country; and to provide a base on which other schools and the States can build.

Finally, Mr. Chairman, the education amendments which we cleared for the President last Thursday, authorize an appropriation of $1 billion for fiscal year 1973 for emergency school aid.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. FLOOD asked and was given permission to proceed for 2 additional minutes.)

Mr. FLOOD. Under this law that you just passed last Thursday, 1, 2, 3, 4 percent of the appropriations for that emergency school aid is reserved for bilingual education.

Under the circumstances, I do not think it is necessary or desirable to have more money than what we have included in the bill. It is not necessary and you should not do it. I do not blame these fellows, but they are wrong.

Mr. McKINNEY. Mr. Chairman, I move to strike out the last word.

Mr. McKINNEY. Mr. Chairman, I rise in support of Mr. BADILLO's amendment to add an additional $15 million to the budget recommended by the Appropriations Committee for bilingual education programs.

According to Office of Education figures, approximately 5 million children in the United States need to be instructed bilingually. The question I asked myself as I was reviewing this legislation was, how many children who need this instruction actually receive it? In 1972 at a funding level of $35 million, federally funded bilingual education programs reached 107,000 children. That is not much. Combined with State and local programs, we find an additional 230,000 children enrolled in such programs. That is twice 107,000, but next to 5 million we still have a long, long way to go.

The committee bill added an additional $10 million to the 1972 budget bringing the 1973 level to $45 million. What that means is that 55 to 60 new programs could be funded serving an additional 35,000 children.

If we passed the Badillo amendment which called for an addition of $15 million to the committee recommendation of $45 million, we can almost double the number of children now receiving bilingual education. I believe there is an urgency surrounding our need to substantially increase the funding for these programs. Let me use the city of Bridgeport in my district to illustrate the magnitude of the problem.

In Bridgeport, 22 percent of the elementary school students are Spanish speaking. Now we have been lucky in Bridgeport because we have a Federal grant of $85,000. However, let me tell you about that grant. It funds a kindergarten program reaching 250 children. But these children move on to the first grade in a year, yet the bilingual program does not. It is a kindergarten program and it will remain a kindergarten

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program until we can find a way to raise another $85,000 for a similar program for first grade students.

Let me go one step further and tell you that in Bridgeport 13 percent of our high school student body is Spanish speaking. Somewhere along the line, more than 50 percent of our Spanish-speaking students drop out of school. It does not stretch the imagination too much to realize that there is not much incentive for a child remaining in school if he cannot understand what is being said, let alone understand the print in his books.

Mr. YATES. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I have been hearing the same speech from the distinguished chairman of the Appropriations Subcommittee for the last 3 years. I know that because I have offered amendments to increase the funds for the bilingual program over the last 3 years and in each instance he has taken the floor to make the same speech. Such speeches do not speak to the facts or alter the facts respecting the enormous need for additional money for the bilingual program.

The fact is that there are 5 million children of Spanish-speaking families in this country. The present bilingual education appropriation takes care of approximately 83,000 of them. Where is the equity in that?

From what the chairman said, you would think that there were adequate funds in this bill. Yes, there has been an increase in this bill—an increase that should have been made years ago, but it is still inadequate.

The authorization for this program exceeds $100 million. Yet, in this bill there is made available only—what amounts?—$45 million—not even half of the funding this program deserves.

The plain fact is that Spanish-speaking children all over the country are being deprived of equal opportunities to obtain an education, the same opportunities that their American counterparts receive.

The gentleman from Florida made the same speech last year about having learned to speak Spanish before any of us even knew or heard about these programs.

That may be true, but the gentleman was lucky enough to learn to speak English as well and to become an integral part of the American community as a result of being able to speak English. That same opportunity is not available to the children of Spanish-speaking families. It would be available if there were more money in this bill.

Mr. Chairman, this is a good program. It will open the door to a better life for thousands of young children if we provide the funds. Do not close that door. Let us support the amendment offered by the gentleman from New York. I urge the House to do so.

AMENDMENT OFFERED BY MR. O'HARA TO THE AMENDMENT OFFERED BY MR. BADILLO

Mr. O'HARA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. BADILLO).

The Clerk read as follows:

Amendment offered by Mr. O'HARA to the amendment offered by Mr. BADILLO: In the Badillo amendment strike out "$234,190,000" and insert "$259,190,000," and at the end of the Badillo amendment insert: ", and of which $25,000,000 shall be for carrying out the Environmental Education Act".

Mr. O'HARA. Mr. Chairman, my amendment is a very simple one. It would raise the amount appropriated for environmental education by $25 million—the full funding level originally proposed by the Congress at the time it passed the Environmental Education Act of 1970.

In offering this amendment, I wish to commend the members of the Labor-HEW Subcommittee on Appropriations for having the good sense to go beyond the President's recommendation with respect to this program.

The administration had asked the Congress for only $3.18 million to fund this vital program for fiscal 1963. This amount was only about one-eighth of what we had in mind when we passed this legislation. The committee almost doubled this amount—recommending an appropriation of $6 million. This is a vast improvement over the President's proposal. But it simply does not go far enough.

There is a critical need for an environmental education program in this country if we are to do the job that needs to be done in cleaning up our air, land, and water. Environmental education involves everyone—teachers, public service personnel, community leaders, labor representatives, industry officials, and government employees at State, Federal, and local levels. It offers the first—and most important—link in the chain of getting people working together, pooling their resources to save the Nation's ecology. The brief history of environmental education has been one of instantaneous acceptance across the country. Records made public by the Office of Education, which is charged with the responsibility for carrying out this program, showed there was an instant response which indicated the eagerness of Americans to participate in such a program.

Only one out of 25 applications received by the Office of Education has been approved because of the low level of funding for this program. Up to now, it seems, our promises to do something have outstripped our willingness to back up those promises with cold, hard cash.

We have heard the administration's repeated calls for action in this field. Two years ago, in his environmental message to the Congress, the President declared:

The task of cleaning up our environment calls for a total mobilization by all of us. It involves government at every level; it requires the help of every citizen.

This Congress showed its willingness to become involved in the battle to save the ecology when it passed the Environmental Education Act of 1970—and passed it, I might add, on a bipartisan basis.

We must show our renewed willingness to do battle on this front today by increasing the appropriation for this program to its full-funding level—and, again, by doing so on a bipartisan basis.

Mr. FLOOD. Mr. Chairman, I would like to have Members' attention so they will see what they are doing. We were talking about bilingual education. There is no question that it certainly is a popular program. We have God, country, and Yale—and now ecology. Wow. What are you against? Motherhood? This bill already provides over $4 million for this very line item, right now—environmental education. The gentleman knows that very well.

This is an increase of $820,000 over the budget and over the 1972 appropriation. Mr. Chairman, this is one of many categorical grant programs for specific purposes which have been authorized by Congress and which are funded through this bill. We have never bothered to count them, but I am sure they number in the hundreds. Each of those programs has its own advocates. Most of them have funding authorizations far in excess of the amounts Congress is likely to appropriate in the foreseeable future. We could not possibly fully fund all of these authorizations, even if we wanted to.

The advocates for this particular program are especially vigorous. And, of course, anything with the name "environmental" or "ecological" attached to it is very popular these days.

Mr. Chairman, the committee has always looked with favor on this program. We have given it favorable treatment again this year. We have not cut it.

On the contrary, we have increased it over the budget request and over the current year appropriation.

Mr. Chairman, I think the committee recommendation permits a reasonable rate of expansion for this program, and therefore I oppose the amendment.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

I just want to simply underscore on the latter point that we are increasing in this bill those environmental project grants from 125 to 160. That is orderly progress. I think to pile onto that the additional money in the amount suggested by the gentleman from Michigan is just an unconscionable amount.

If I may briefly review for the Members now, the various programs in which we have funds for bilingual education: $24 million in title 1, ESEA; $9 million in title III, ESEA; and $41,130,000 in title VII, ESEA; and $7 million Follow Through for bilingual; and $3 million for adult education.

As the chairman commented, under the Emergency School Assistance Act, 4 percent of $1 billion will come up in a supplemental, and that is $40 million on top of $84 million.

That is $124 million in the field of bilingual education alone.

I think we certainly ought to stick with the committee on this item. You have all had your fun and have all kinds of things to talk about with the folks back home about how much you have increased this bill. I have added it up. With this amendment, if it is adopted, we will have $1,316,000,000 over the budget before it goes over to the other body—and without the higher education items.

I wonder how many of you here will be willing to stand up for a tax increase one of these days to fund these increases in spending? Usually the ones voting to spend more and more are the first to run for cover when we talk about additional taxes required to pay the bill.

I would plead with you to vote down this additional add on.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman correctly points out the amount in the authorizations for bilingual programs. But authorizations mean little without adequate funding. The fact remains that no matter how high the authorizations go, the Appropriations Committee continues to keep down the funding to woefully inadequate levels.

Mr. MICHEL. Of course, we must. If we are going to have simply an authorizing figure prevail, we could have the authorizing and appropriating in one step. We did away with the procedure a number of years ago. We contend that we take a good look at these items, and we looked over them for a period of 3 months, and then to have the Members toss that all down the drain simply because Members are all running for reelection and want to make a few points back home—it does get a little discouraging. Again, I ask the committee to support us on this item.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of the amendment to the Labor-HEW appropriations bill, H.R. 15417, proposed by my colleague from New York, HERMAN BADILLO. This amendment provides an opportunity to support, expand, and improve our national programs of bilingual education.

Approximately 3 million children have been estimated to need special education, yet only 100,000 children in the entire country are being served because funds are not available. This amendment provides an additional $15 million. With these new funds we will be able to mount about 100 new programs and reach approximately 90,000 more children. These funds can help us meet the urgent and growing need for programs of bilingual education.

One of the recipients of this worthwhile bilingual education program is the Thaddeus Koscluszko, which is in my congressional district. This program prepares pupils for entry into the regular curriculum and provides onsite teacher training programs, as well as summer courses and workshops. We must continue to support these programs for the benefit of our children and of our communities. Bilingual education programs are not only a necessary step in meeting an immediate need, but an insurance policy for the future of this country.

The amendment before us represents a step further in the progress we are making to resolve the problem of bilingual education. It deserves the support of this body and I wholeheartedly endorse its adoption.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of the amendment by the distinguished gentleman from New York (Mr. BADILLO) to provide $15 million additional to our bilingual education programs.

Enhancement of bilingual education is vital if we are to be able to provide equal opportunities for all Americans including those for whom English is their second language.

I have been pleased to support fully the bilingual education effort ever since former Secretary of Health, Education, and Welfare Robert Finch was able to get the program moving and bring it to its present effective level.

Language is a simple but fundamental reflection of cultural heritage. By presenting educational opportunities in their native language to those from non-Anglo cultures we offer both increased opportunities for advancement within our American society as well as protection for their cultural background.

Our Nation has grown strong by learning from and incorporating that the strengths of the diverse groups which have come to our shores—some seeking haven; some seeking opportunity. Bilingual education programs are a small but important means to retain that strength and maintain our growth as a free people.

Therefore, I strongly urge prompt passage of the Badillo amendment.

Mr. RANGEL. Mr. Chairman, I rise to support the Badillo amendment which would add $15 million to the present $45 million earmarked for bilingual education programs funded under title VII of the Elementary and Secondary Education Act.

Bilingual education is designed to meet the unique needs of Puerto Rican, chicano, and other youngsters whose native tongue is not English. The main problem with the program has been that the Office of Education has not had enough money to take care of the needs of all Spanish-speaking children and has concentrated its limited funds primarily in the Southwest to the neglect of those in the Northeast.

A regional comparison of allocation of title VII funds reveals that the 2½ million Spanish-speaking people in New York, representing over 13 percent of the State's population, are victims of a severe imbalance in funding between the Northeast and the Southwest as the following tables reflect:

EXAMPLE OF INEQUITIES IN DISTRIBUTION FORMULA FOR TITLE VII FUNDS

State	Spanish-surnamed public school enrollment	Title VII appropriation (fiscal year 1970)	Per pupil amount
New York	263,799	$1,494,059	$5.66
New Jersey	46,063	535,000	1.16
Massachusetts	8,733	378,508	4.33
Illinois	68,917	200,000	2.90
California	646,282	7,231,886	11.19
Texas	505,214	4,791,481	9.48
New Mexico	102,994	992,607	9.64
Colorado	71,348	389,290	5.46

Source: DHEW and U.S. Civil Rights Commission, March 9, 1971.

MISCELLANEOUS FACTS ON BILINGUAL EDUCATION

[Source: Bilingual Education Division, U.S. Office of Education]

1. There are a *total of 214* Title VII programs:

a. a total of *45* programs are identified as *Puerto Rican.*

b. a total of *135* programs are identified as *Chicano.*

2. The *45 Puerto Rican projects*—primarily on the East Coast—serve approximately *20,000 children.*

a. Average Cost per Project=$270,000.

b. Average Cost per Child=$504.00.

3. The *135 Mexican-American projects*—primarily in the Southwest with a few in the Mid West—serve approximately *55,000 children.*

a. Average Cost per Project=$280,000.

b. Average Cost per Child=$509.00.

4. State/Regional Project Comparison:

SOUTHWEST PROJECTS

California	59
Arizona	8
New Mexico	12
Texas	42
Total	121

NORTHEAST PROJECTS

New York	26
New Jersey	4
Connecticut	3
Pennsylvania	2
Massachsuetts	6
Total	41

The Badillo amendment would provide sufficient funds to the Office of Education so that more projects in the Northeast region also could be funded. I am not suggesting that the funds be given just to the Northeast States nor am I suggesting that funds be cut from the programs in California, Arizona, New Mexico, or Texas. Rather I am supporting the Badillo amendment so that all quality bilingual programs may be approved and funded.

In view of the limited amount of funds now available, for example, the Office of education was only able to approve some six projects in New York City. While these six programs benefit some 7,300 pupils, there has been a great deal of concern because there are over 250,000 Spanish-speaking pupils there who have severe language handicaps and are in need of assistance. An indication of this tremendous need is the overall dropout rate: Over 87 percent of those Spanish-speaking persons over 25 never completed high school. The inability of these men and women to communicate effectively in the English language prevents their full participation in the political and social struggle in the country and denies their access to meaningful employment.

It must be emphasized that bilingual education is not simply the teaching of English as a second language.

It does considerably more by providing children an appreciation of the history and culture associated with their language.

For too many years educators treated students who spoke languages other than English as handicapped or retarded, punishing them for speaking their mother tongue. By stifling the child's self-ex-

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pression in his own native tongue, educators also did injury to his sense of identity and self-esteem.

Fortunately, about 5 years ago a number of farsighted Congressmen and Senators introduced the Bilingual Education Act which was subsequently incorporated into the Elementary and Secondary Act as title VII and enacted into law.

Unfortunately, the ideals of the sponsors of this legislation have never been realized and have been thwarted by lack of sufficient funds. Authorization levels have been sufficient but appropriation levels have been worse than stingy.

I find it ironic that many of my colleagues point out with pride they support bilingual education but neglect to mention the consistently inadequate sums they support it with. It is remarkable that millions of dollars are spent to encourage pupils to learn foreign languages—with Spanish being the most popular choice—and that at the same time many of my colleagues continue to consistently underfund bilingual education.

During fiscal year 1971, 158 Bilingual Education projects proposals were submitted to the Office of Education. Of these, only 33 were funded, all at reduced levels because of monetary limitations. In New York State, only eight of the 33 proposals submitted were funded. During fiscal year 1972, only 49 of the new applications received were funded. Nationwide that amounted to only about 26 percent of the total received.

Congress today has the unique opportunity to fulfill its commitment made to Puerto Rican, Mexican-American, and other foreign language speaking children. The administration requested only $41 million. The Appropriations Committee wisely increased the amount to $45 million. At this level an estimated 35,000 more children would be helped in some 50 or so new projects. The Badillo amendment proposes a modest $15 million increase to $60 million so that 110 new projects involving about 90,000 more children could be reached.

I strongly urge my colleagues to adopt this modest increase to $60 million so that we can realistically demonstrate our commitment to providing full and equal educational opportunities to those of our children whose native tongue is other than English.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. O'HARA) to the amendment offered by the gentleman from New York (Mr. BADILLO).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. BADILLO. Mr. Chairman, I demand tellers.

Mr. MYERS. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is that the gentleman from New York demanded tellers.

Tellers were ordered.

Mr. BADILLO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FLOOD, DELLUMS, BADILLO, and MICHEL.

The Committee divided, and the tellers reported that there were—ayes 144, noes 205, not voting 83, as follows:

[Roll No. 206]

[Recorded Teller Vote]

AYES—144

Abzug	Fascell	Obey
Adams	Foley	O'Hara
Addabbo	Ford,	O'Konski
Alexander	William D.	Patten
Anderson,	Frey	Pepper
Calif.	Fulton	Pettis
Annunzio	Goldwater	Pickle
Archer	Gonzalez	Price, Ill.
Ashley	Grasso	Pucinski
Aspin	Green, Pa.	Purcell
Badillo	Gude	Railsback
Barrett	Hamilton	Rangel
Begich	Hanna	Rees
Bieggi	Harrington	Reid
Boggs	Hathaway	Reuss
Boland	Hawkins	Riegle
Bolling	Hechler, W. Va.	Rodino
Brademas	Helstoski	Roe
Brasco	Hicks, Mass.	Roncalio
Burke, Mass.	Horton	Rosenthal
Burton	Howard	Rostenkowski
Byrne, Pa.	Hungate	Roy
Caffery	Hunt	Roybal
Carey, N.Y.	Jacobs	Runnels
Chisholm	Johnson, Calif.	Ryan
Clausen,	Karth	St Germain
Don H.	Kastenmeier	Sarbanes
Clay	Kazen	Seiberling
Collins, Ill.	Keith	Sisk
Collins, Tex.	Koch	Stanton,
Conyers	Leggett	James V.
Corman	Lujan	Steele
Cotter	McClory	Stokes
Culver	McCormack	Symington
Daniels, N.J.	McFall	Teague, Calif.
Danielson	McKinney	Udall
de la Garza	Madden	Vanik
Dellums	Matsunaga	Veysey
Derwinski	Meeds	Waldie
Diggs	Melcher	Whalen
Donohue	Mikva	White
Dow	Minish	Wilson,
Drinan	Mink	Charles H.
Dulski	Minshall	Wolff
du Pont	Mitchell	Wright
Dwyer	Moorhead	Wydler
Eckhardt	Moss	Yates
Edwards, Calif.	Murphy, Ill.	Young, Tex.
Eilberg	Nedzi	Zablocki
Esch	Nix	

NOES—205

Abbitt	Camp	Erlenborn
Anderson, Ill.	Carlson	Evans, Colo.
Andrews, Ala.	Carney	Evins, Tenn.
Andrews,	Carter	Findley
N. Dak.	Casey, Tex.	Fish
Arends	Cederberg	Fisher
Ashbrook	Chamberlain	Flood
Aspinall	Chappell	Flowers
Baker	Clancy	Flynt
Baring	Clawson, Del	Ford, Gerald R.
Belcher	Cleveland	Forsythe
Bennett	Collier	Fountain
Bergland	Conable	Frelinghuysen
Betts	Conover	Galifianakis
Bevill	Conte	Gaydos
Biester	Coughlin	Gettys
Blackburn	Crane	Giaimo
Bow	Daniel, Va.	Gibbons
Brinkley	Davis, Ga.	Goodling
Brooks	Davis, Wis.	Gray
Brotzman	Dellenback	Green, Greg.
Brown, Mich.	Denholm	Griffin
Brown, Ohio	Dennis	Gross
Broyhill, N.C.	Dent	Gubser
Buchanan	Devine	Haley
Burke, Fla.	Dickinson	Hammer-
Burleson, Tex.	Dorn	schmidt
Burlison, Mo.	Downing	Hanley
Byron	Duncan	Hansen, Idaho
Cabell	Edwards, Ala.	Hansen, Wash.
Harvey	Mazzoli	Shoup
Hastings	Michel	Shriver
Hays	Miller, Ohio	Sikes
Heckler, Mass.	Mills, Ark.	Skubitz
Heinz	Mills, Md.	Smith, Iowa
Henderson	Mizell	Smith, N.Y.
Hicks, Wash.	Mollohan	Snyder
Hogan	Monagan	Spence
Hull	Morgan	Staggers
Hutchinson	Murphy, N.Y.	Stanton,
Ichord	Myers	J. William
Jarman	Natcher	Steed
Johnson, Pa.	Nelsen	Stratton
Jonas	Passman	Stubblefield
Jones, Ala.	Pelly	Stuckey
Jones, N.C.	Pike	Taylor
Jones, Tenn.	Powell	Terry
Keating	Preyer, N.C.	Thompson, Ga.
Kemp	Price, Tex.	Thomson, Wis.
King	Quie	Thone
Kuykendall	Quillen	Tiernan
Kyl	Randall	Ullman
Landgrebe	Rarick	Vander Jagt
Latta	Roberts	Vigorito
Lent	Robinson, Va.	Waggonner
Lloyd	Robison, N.Y.	Wampler
Long, Md.	Rogers	Ware
McCollister	Roush	Whalley
McCulloch	Ruppe	Whitten
McDade	Ruth	Widnall
McKevitt	Sandman	Williams
Macdonald,	Satterfield	Winn
Mass.	Saylor	Wyatt
Mahon	Scherle	Wylie
Mallary	Schmitz	Wyman
Mann	Schneebeli	Yatron
Martin	Schwengel	Young, Fla.
Mathias, Calif.	Scott	Zion
Mathis, Ga.	Sebelius	Zwach
Mayne	Shipley	

NOT VOTING—83

Abernethy	Hagan	Patman
Abourezk	Hall	Perkins
Anderson,	Halpern	Peyser
Tenn.	Harsha	Pirnie
Bell	Hébert	Poage
Bingham	Hillis	Podell
Blanton	Holifield	Poff
Blatnik	Hosmer	Pryor, Ark.
Bray	Kee	Rhodes
Broomfield	Kluczynski	Rooney, N.Y.
Broyhill, Va.	Kyros	Rooney, Pa.
Byrnes, Wis.	Landrum	Rousselot
Celler	Lennon	Scheuer
Clark	Link	Slack
Colmer	Long, La.	Smith, Calif.
Curlin	McCloskey	Springer
Davis, S.C.	McClure	Steiger, Ariz.
Delaney	McDonald,	Steiger, Wis.
Dingell	Mich.	Stephens
Dowdy	McEwen	Sullivan
Edmondson	McKay	Talcott
Eshleman	McMillan	Teague, Tex.
Fraser	Maillard	Thompson, N.J.
Frenzel	Metcalfe	Van Deerlin
Fuqua	Miller, Calif.	Whitehurst
Gallagher	Montgomery	Wiggins
Garmatz	Mosher	Wilson, Bob
Griffiths	Nichols	
Grover	O'Neill	

So the amendment was rejected.

Mr. BRADEMAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to propound some questions to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) so as to clarify a few points about the appropriation item under the heading "educational renewal," which is on page 50 of the committee report.

Allow me if you will, also to preface my questions with the observation that several members of the Committee on Education and Labor have been concerned for several months about an Office of Education proposal for renewal strategy, or renewal sites, or renewal programs, or renewal centers—the Office of Education itself has not been able adequately to explain this renewal concept.

Indeed, because it was evident that no legislative authority for such a program existed, the conferees on S. 659, the Education Amendments of 1972, which now await the President's signature, expressly prohibited the so-called renewal strategy until OE had received legislative authority from Congress for it.

Mr. Chairman, I point out, also, that because the education amendments established a new National Institute of Education, to support research in education. the conferees amended the Cooperative Research Act to reflect the new organization of our educational research efforts.

Now, my question for my distinguished colleague from Pennsylvania is that as I understand the appropriation item entitled, "educational renewal," it is merely a new grouping, a new arrangement of existing categorical appropriations, and that the item, therefore, in no way changes the manner in which Congress expects these categorical appropriations to be used. Am I correct in that understanding?

Mr. FLOOD. The gentleman from Indiana is correct.

Mr. BRADEMAS. That is to say, then, to go a step further, that this appropriation in no way authorizes a renewal strategy, or renewal sites, or centers, or whatever else the Office of Education calls this program?

Mr. FLOOD. The gentleman is correct.

Mr. BRADEMAS. In which case then, if the gentleman will bear with me for a moment longer, this appropriation in no way authorizes the Office of Education to "package" categorical grant programs which the Congress designed to meet specific needs?

Mr. FLOOD. That is correct.

Mr. BRADEMAS. I thank the distinguished chairman of the subcommittee.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 22, line 4, change the period to a semicolon and add the following: "Provided that the funds herein appropriated for bilingual education under the Bilingual Education Act shall be distributed in accordance with the authority contained in Section 703(b) of said Act requiring that the Commissioner shall give highest priority to states and areas within states having the greatest need for programs under the Act, and that such priority shall take into consideration the number of children of limited English-speaking ability between the ages of three (3) and eighteen (18) in each state; and provided further that such distribution of funds shall be made without regard to the provisions of Section 704(a) of the Bilingual Education Act that distribution be 'from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act', and of Section 704(c) of the Bilingual Education Act that distribution be 'from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.' "

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. FLOOD. Yes, Mr. Chairman, and very briefly.

Mr. Chairman, the length of this amendment should speak for me rather than for itself.

Mr. Chairman, it is very clear and I read now from Cannon's Procedures in the House of Representatives, page 46, which reads as follows:

Any deviation however slight from the text of existing law.

It says that no deviation however slight. This is certainly that, if you heard it as I did. I had a copy of the amendment and I read it carefully in some detail.

Mr. Chairman, I could not make is any plainer if I wrote it myself.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. YATES. Yes, Mr. Chairman.

Mr. Chairman, I conceive of this amendment as being a limitation on an appropriation bill in determining the manner in which funds be spent. I, therefore, think it is in order.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule. The amendment does not restate existing law but changes existing law. Therefore, it becomes legislation on an appropriation bill, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: at page 22, line 4, change the period to a semicolon and add the following: "Provided that the funds herein appropriated for bilingual education under the Bilingual Education Act shall be distributed in accordance with the authority contained in Section 703(b) of said Act requiring that the Commissioner shall give highest priority to states and areas within states having the greatest need for programs under the Act, and that such priority shall take into consideration the number of children of limited English-speaking ability between the ages of three (3) and eighteen (18) in each state;"

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order to the amendment on the ground it is obviously legislation on an appropriation bill. The amendment applies to a specific provision of the act, and any time you do that, that is patently, obviously, and clearly legislation upon an appropriation bill.

Mr. YATES. Mr. Chairman, I think the gentleman is indulging in double talk. I do not quite understand what his point of order is. This is a repetition of the statute itself and is therefore completely clear.

Mr. FLOOD. There is a deviation.

Mr. YATES. There is not a deviation. It is an actual quotation.

Mr. FLOOD. There was a slight change, which was ruled on by the Chair in ruling on the point of order, and it is out of order for that reason.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule. The language of the gentleman's amendment states that the Commissioner shall give the highest priority to States and areas within the States having the greatest need for the program under the act. But the amendment goes further and also states that the funds in the pending bill shall be distributed in accordance with the authority contained in section 703 of the act. While the statute states priorities, the amendment is mandatory and directs the Commissioner to follow those priorities. It thus goes beyond the law, is a modification of existing law, and is, therefore, legislation.

Mr. YATES. Mr. Chairman, will the Chair indulge me and permit me to read what the act states?

The CHAIRMAN. The Chair has just read the act. The gentleman may read it again.

Mr. YATES. Here is what the act states. I read from section 703:

In determining distribution of funds under this title, the Commissioner shall give highest priority to States and areas within States having the greatest need for programs under this title. Such priority shall take into consideration the number of children of limited English-speaking ability between the ages of 3 and 18 in each State.

I incorporated that language in my amendment, Mr. Chairman, and I am not deviating from it. I am following the act and asking that the funds be allocated in accordance with the authority of that section.

The CHAIRMAN. The gentleman's language is different from the language in the act although it is similar. There is a mandate in the gentleman's language that the funds shall be distributed in accordance with the priorities stated in the act, and the statute only says the Commissioner shall give the highest priority to States and areas within the States having the greatest need for programs pursuant to this title. Therefore, the Chair finds that the amendment carries a stronger mandate than that in the statute and is, therefore, legislation on an appropriation bill.

The Chair, therefore, sustains the point of order.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend to take the 5 minutes. There was purpose to my offering my first amendment. I consider the present bilingual education act most unfair in requiring that funds distributed under that act be distributed in greatest part to families, that earn less than $3,000 a year or are on welfare. That is a most unrealistic provision. In my district, and I think in most districts of the country, any person who works for a living must make more than $3,000 a year. It operates most unfairly on working families because they do not qualify under the language of that act. Thus, children of Spanish-speaking families are barred from obtaining the help they need if their parents earn more than $3,000 a year. How unfair.

It is my purpose to bring this to the attention of the Education and Labor Committee, with which I have filed an amendment and with which I have sought a hearing, asking that those provisions be stricken. I shall continue to press for that hearing and for a change in the law.

XUM

The mandate of the bilingual education program is clear. It is to provide an education for all children regardless of income who need the special benefits that the act provides. The act applies to all children. If they lack skills in English as they all do, the income limitation operates to create an unfair and artificial barrier to their hopes and aspirations.

I offered the second amendment in order to show the outrageous manner in which the bilingual education program has been administered. I am not given to extravagant denunciations of executive agencies ordinarily, but I believe that the Office of Bilingual Education is discriminating against my State of Illinois and against other States in their distribution of bilingual funds.

For example, in the distribution of funds for Spanish-speaking students, California is ranked No. 1 in numbers of Spanish-speaking students, and rightfully California is given the greatest share of funds. Texas is ranked No. 2, and is rightfully given the second spot. New York is rightfully ranked No. 3, and New Mexico as No. 4; but Illinois which is No. 5 in the list having the greatest number of Spanish-speaking children, ranks 14th in the amount of funds it receives under this program. Last year millions of dollars went to other States for this program. Illinois received a little over $500,000.

In the 5 years that the bilingual education program has been operating to date, California, Texas, New York, and New Mexico which have the greatest Spanish-speaking population have been given the first four places in the Spanish funding, but Illinois, which is No. 5, is still No. 12 in that distribution of funds. Does that make sense? Obviously not. There are States who have received more money than the State which I am honored to represent, even though they do not deserve such funds. That discrimination must be corrected.

Therefore I would urge that the Committee on Education and Labor will consider this matter immediately. The problems are so great as to require their urgent attention. I would hope they would amend the law to provide for a much more equitable distribution of funds.

I also state, Mr. Chairman, I would hope and expect that the Office of Education would administer this law much more fairly. I intend to take this obvious discrimination to that office and I hope its patterns will be changed.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would like to read into the RECORD a statement of a former President of the United States, Theodore Roosevelt, who said:

> We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, and not as dwellers in a polyglot boarding house.

Mr. YATES. I thank the gentleman. Certainly English is America's mother language and all America's children should be given the opportunity to learn it.

Mr. Chairman, I would tell the gentleman from Iowa of the letter I have received from teachers in the schools in my district pointing out the tragedy of Spanish-speaking students struggling to understand their courses which are taught in English and not being able to comprehend them. As bright, as diligent, as anxious to learn as their English-speaking schoolmates, they invariably drop behind. They cannot keep pace with their fellow students who speak English and they suffer as a result. They are handicapped to that extent and handicapped unfairly.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I commend the gentleman for the statistics which he cited in his presentation. I am sorry I cannot put my finger on the exchange I have had with the Commissioner of Education on this very subject of the proper geographical distribution of these funds for bilingual education around the country. I think there has been a renewed emphasis to redirect some of those funds, particularly to the East and Midwest, where there was always prior to that a concentration in the Southwest and maybe in the South. The Commissioner told me this morning in a specific conversation in which we discussed this matter that he would continue those efforts.

I would hope with the impetus given to it by the gentleman in his effort at least to offer an amendment, even though it be ruled out of order, that in trying to get this point across he will continue in a renewed effort to do just that.

Mr. YATES. I thank the gentleman.

AMENDMENT OFFERED BY MR. PEYSER

Mr. PEYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEYSER: On page 22, line 2, strike "$210,190,000," and insert in lieu thereof "$225,190,000."

Mr. PEYSER. Mr. Chairman, I want to review something that came up a few minutes ago, which I had no idea was coming up, and that was an amendment offered by the gentleman from Michigan (Mr. O'HARA) dealing with the Environmental Education Act.

Mr. Chairman, I circulated a letter, as the Members are aware, dealing with the Environmental Education Act in April, when I announced I was planning on introducing an amendment to increase the funds for this act by $6 million.

With all the hundreds of millions we have been talking about today, I realize this probably looks like an insignificant amount, but in reality it is of the utmost importance and I think it is the best form of preventive medicine for us that we can take right now to stop this ever-increasing flow of money that we are putting out in areas such as water pollution and the battle to save the environment, all of which are absolutely necessary and which I support.

But, Mr. Chairman, if we do not start building today the kind of program that is going to educate the young people of our country, that is going to create programs that they can work within to learn about the environment and learn what they can do to solve the pollution problems while they are young, then I think we are going to be spending and talking about billions in 1980, amounts that will be double and triple the amounts we are talking about now to try to save the environment.

So this, if you will, is a piece of legislation I hope will be enacted, which will move up the $4 million that has been appropriated to $10 million.

The reasons for this are as follows: Last year there were over 1,900 qualified applications for this program. This program is sponsored by Boy Scout troops, by churches, by libraries, by museums, by schools; in other words, by all these types of organizations. It brings into actual play the young people in these organizations.

As to the average sized grant in the last year, out of 74 grants the average was $18,000. So this is not a big giveaway-type program. It is a program which is really speaking to the people, to the little organizations who want to get into this environment battle and who want to work with the young people to improve our future.

By moving this up $6 million we are going to be able to have over 200 new projects this coming year.

I hope the Members of the House will give consideration to this, and view the approach as environmental preventive medicine for the future. I am asking its enactment.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. I commend the gentleman from New York on his amendment.

As a sponsor of the Environmental Education Act of 1970, which was supported by members of both sides of the aisle in the subcommittee, in the full committee, and here in this body, I have been aware of the immense demand for funds for environmental education programs.

Although the Appropriations Committee added some money to the amount appropriated for the current fiscal year—the figure in the bill for environmental education is $4 million—the demand far exceeds that amount.

I note, moreover, that the proposal of the gentleman from New York is much more modest than that of my friend, the gentleman from Michigan (Mr. O'HARA), which I also supported but which was voted down. I hope that this more modest request will win the approval of the committee.

For, Mr. Chairman, I believe—and I do not think that champions of clean air, land, and water would disagree—that if we are to be able to make substantial progress in meeting our ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that are called environmental; and we are going to require as well changes in basic attitudes toward the environment and man's place in it.

That is why several colleagues and I, in the House, sponsored the Environmental Education Act of 1970, which authorizes Federal funds to support elementary and secondary school courses on ecology as well as curriculum development and teacher training for environmental studies.

Mr. Chairman, witnesses before our subcommittee were virtually unanimous in their support of this measure.

But allow me, if I may, to cite not the eloquent testimony which the subcommittee heard in favor of environmental education, but point rather to certain facts which, since enactment of the law, have dramatized the need for more adequate funding of the Environmental Education Act.

I ask that Members consider the following information:

In the first year of the implementation of the act, with only 3 weeks' notice of the grant procedures—and almost no publicity—the Office of Environmental Education was deluged with 1,925 proposals from all over the country, totaling $70 million.

Only $2 million were available to meet that avalanche of requests.

Last year, the Office of Education claims to have spent $11.4 million from other legislative authorities, on environmental education, above and beyond the $3.515 million available through the Environmental Education Act. The testimony of the administration itself, therefore, indicates the need for more funding for environmental education.

The Environmental Education Act, I should point out, is obviously filling a great public need.

Mr. Chairman, as we are talking, the United Nations is conducting a Conference on the Human Environment in Stockholm. Extensive publicity has attended this conference in this country and around the world. Undoubtedly the conference will increase public awareness of the need for environmental programs of all kinds.

So I urge support of this amendment to increase funds for the environmental education program within the Office of Education. Public interest in environmental education—and the need for the programs—clearly justify increasing the extremely modest appropriations which have characterized this act to date.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. I am amazed that it was offered.

I spoke at some length in opposition to an almost identical amendment offered by the gentleman from Michigan, just a few minutes ago, I believe, and it was soundly defeated. That speaks for itself. Of course this amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PEYSER).

The amendment was rejected.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, had the Hathaway amendment not prevailed, I would have offered an amendment here which would have cut back the appropriation for impact aid to so-called federally affected areas to the level of funding of last year. There seemed to me to be very little point in offering such an amendment when this body had just finished passing, by a rather substantial margin, an amendment which, among other things, increased impact aid by some $30 million; so I refrained from doing so.

I believe perhaps it might be worthwhile just to make a couple of brief comments on the subject, nevertheless.

Here is a program which originally had a legitimate purpose, to relieve areas impacted by military installations, which has grown and grown and multipied and multiplied, so that it now enjoys what we might call almost a built-in passage assurance in this House by its impact on almost every congressional district in the Nation.

I will have to state that I am one of the comparatively few Members of this body of whom that is not true, and for that reason I am in a position where I can speak somewhat objectively. Perhaps for that very reason I have a duty to say a little something on the subject.

I could not do better than to quote my distinguished friend, the gentleman from Minnesota (Mr. QUIE), who said here in the well awhile ago in connection with another amendment that it was wrong for us to be supporting the schooling of his child out here in Montgomery County, Md. I could not agree more with the gentleman.

I will add that I believe it is wrong for my people in the 10th District of Indiana, and your people in your districts all over this country, to be paying for the schooling of my good friend's child out here in Montgomery County, one of the richest counties in the United States, with one of the highest tax bases.

I might just read from the committee report on page 48:

> The committee continues to believe that reform of the impacted area aid program is badly needed, but that it must be brought about through amendments to the basic legislation . . .

Mr. Chairman, this is the fourth time I, myself, have heard that argument in the House, but we continue yearly to appropriate ever-increasing amounts for that purpose.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I will be happy to yield to the gentleman in just one moment.

I simply want to say before I sit down that it seems to me that, at some time, this body is going to have to summon up the courage to deal with a problem which we know we have to deal with, instead of every year spending increasing amounts of money that we do not have on a program which, in its present form, we cannot even attempt to justify.

I now yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding, and it prompts me to point out that in the adoption of the Hathaway amendment you have really opened up a great Pandora's box. For the first time you have now put $10 million in funding C students who are supposed to be justified through public housing units. We turned down $60 million for this last year. If you think that item is going to stop at the $10 million figure once started, I would predict that it will be several hundred million within 3 or 4 years. And still you will be coming back and telling us on this floor what a lousy, rotten, no-good program it is, because you fell for the sucker bait today, and got this thing started.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)) $2,921,000, to remain available until expended.

AMENDMENT OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOLDWATER:

Page 23, after line 6, add a new paragraph as follows:

"For the education of the handicapped in higher education an additional $2,000,000."

Mr. GOLDWATER. Mr. Chairman, the education of the deaf in this country has been limited, to say the least, for many, many years. Currently there are three federally funded colleges all located on the east coast. Last year their budgets were approximately $38.4 million, most all of which was provided by the Federal Government. These three colleges are Gallaudet, the Model Secondary School, and the National Technical Institute for the Deaf in New York. They are all three very fine schools, but again, I repeat, they are all located on the east coast.

Now, it is a fact that there are over 200,000 deaf people in the United States, 50 percent of whom are located in the west, and yet these individuals who are unfortunate enough to be deaf must provide a tremendous amount of expense on their own to travel all the way to the east for their college education.

Besides the three colleges which are located in the east, there are presently several university and college programs spread out around this country which are small by comparison, and which have been operating under demonstration grants from HEW under the Education of the Handicapped Act.

These demonstration grant programs go back to about 1964. They have been pretty consistent, but the level of funding has not increased to any appreciable amount. As such, with the increase in the cost of living and the tremendous increase in interest of deaf children wanting to go to school, the cost to universities and colleges have gone up.

Therefore, these schools and universities, away from the east coast, have not had this year sufficient moneys to fund the programs and to meet the demands and the needs that presently present themselves.

For instance, Denver Community College in Denver, could provide education

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for 200 or 300 more students if they could acquire $200,000.

Lee College in Baytown, Tex., will have to close down.

The North Carolina School for the Deaf needs an additional $200,000.

California State University at Northridge needs $112,000 or it will be forced to reduce its enrollment.

It is not a great deal of money that these universities and colleges need.

It is important to provide this education for these students who are not located on the east coast, that we do provide this minimal amount of money to keep the current programs going.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California.

Mr. CORMAN. Mr Chairman, I commend the gentleman for bringing this amendment to the floor. I think it is unconscionable that we would cut off desperately needed aid for institutions in the West.

This is an insignificant amount of money from the point of view of this budget, but it is tremendously important in the lives of many people who are handicapped, who do have these difficulties. We would be making it impossible for the colleges to take care of them unless the amendment is adopted.

Mr. Chairman, I thank the gentleman for bringing in this amendment. I hope it is adopted.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I also would like to commend the gentleman on this amendment.

I am acquainted with this problem because of a personal problem involving my nephew.

One of the great problems has been education outside the regular Federal schools for the deaf.

Mr. Chairman, this is certainly only a drop in the bucket, but it is a drop in the right direction. I hope the committee accepts this amendment.

Mr. GOLDWATER. Mr. Chairman, the $2 million I am requesting at this point is a miniscule amount compared to the total bill we are considering.

Mr. Chairman, I would not normally have offered this amendment except that in looking into the problem, I find that all of these university and college programs, small as they might be, are going either to have to close down or to minimize their educational programs unless they get this additional money to keep them going.

Mr. FLOOD. Mr. Chairman, of course, I must rise in opposition to this amendment for the reasons I have stated against all these other amendments.

Mr. Chairman, if this is so very, very serious, then why in the world didn't the gentleman or somebody in the United States bring this to the attention of the Committee? Nobody has come forward to tell us about this until a quarter to six or whatever time it happens to be now, and it is late in the day. That is not right. That is not fair to the House and it is not fair to the Committee and it is not at all fair to the subject matter to which this matter directs itself by any means.

This is a Health, Education and Welfare Subcommittee of the Committee on Appropriations of the House of Representatives. We are now speaking about that. These things should be brought to the attention of the Committee. It is not right and it is not proper to be done in this way under any circumstances.

No appearance was made about this. We hold months and months of hearings, and we would have given serious attention to this problem, had we known about it.

There is no doubt in my mind that there must be need in these areas. There is no question about that. But you cannot run down here with a piece of paper this late and say, "Mr. Chairman, I want *x* millions of dollars for a school in my district." That is not proper and it is not the correct way to do this. You cannot run this business that way.

Speaking for my committee, we object to this kind of operation. We should not do this this way. Come to see us. We are willing to help. We help everybody that we can. Come and testify on this—tell us about it. I believe you have a case, but tell us about it and bring your experts. You are not an expert and neither am I an expert. But we sit down with our experts to see the way these things should be handled. We will do that and we have done it for years. But, do not do it this way because this is not the proper way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GOLDWATER).

The question was taken; and on a division (demanded by Mr. GOLDWATER) there were—ayes 48, noes 66.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, and the Social Security Administration, as authorized by law, $8,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service and Administration for payments in the foregoing currencies.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. I would like to ask the distinguished chairman of the subcommittee about this $8 million. Is this more of the arts and humanities or the Smithsonian Institution funding so-called studies and research around the world? Does this include, for example, a study of "The Josefinist Enlightenment Among the Serbs"?

Mr. FLOOD. This is for research in vocational rehabilitation and related activities. The gentleman may be opposed to some of the projects. I know I am.

Mr. GROSS. Is this $8 million for junketing professors?

Mr. FLOOD. Not this appropriation. I know what the gentleman is talking about. I complained about that before you did. I can tell you where it is.

Mr. GROSS. I wonder if it includes the junket of another professor to pursue "Aspects of Culture Change in Morocco," or that of another on the subject of "The Neutralization of the Mediterranean and the Foundation of Modern Morocco, 1511–1580".

Mr. FLOOD. If it does, I certainly hope that it had a good result.

Mr. GROSS. I wonder if it includes a study of "The State and Trade in Seventeenth Century Golconda?"

Mr. FLOOD. I do not know, but I believe the answer is "No."

Mr. GROSS. That was a 12-month study in India. Then came a 9-month study on "The Effects of Modernization on the Gradual Disappearance of a Substandard Dialect in Yugoslavia."

Mr. FLOOD. Whatever it is you are talking about, I tell the gentleman they came to us and asked for an increase in this appropriation and we said, "No, go away."

Mr. GROSS. What is the $8 million for if it is not for that kind of so-called study and rseearch? I note there is $88,000 for a study in India to "Establish and Evaluate the Effects of Intensive Employment-oriented Services on Rehabilitation of Wayward Youth."

Mr. FLOOD. We do not think it includes those things. We certainly hope it does not include those things. If I had known we would get into this discussion I would have gotten a detailed list. But I just cannot answer definitely.

Mr. GROSS. I notice that Egypt gets into this bill to the tune of $150,000 to finance a "Community Based Demonstration Youth Services Center for Delinquent and Pre-Delinquent Youth." What is a predelinquent youth?

But the prize in this junketing study, research business must go to Peland which will be delighted to learn that the United States is providing the equivalent of $125,000 to study the "Rehabilitation of Emotionally Disturbed College Students." We have a few of them in this country.

Mr. FLOOD. A predelinquent youth is a youth who is apt to become delinquent. That is predelinquent.

Mr. GROSS. The United States is financing a $50,000 study in Tunisia for "Comprehensive Community Services Including Day Care for Young Children."

And the Yugoslavs will certainly be pleased to learn that the United States wants to spend $100,000 for the "Development of Predictive Scales for Rehabilitation of Juvenile Deliquents," and another $65,000 is slated for the study of "Housing and Environmental Design in Different Types of Housing and Service Arrangements for the Elderly" in that country.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. We said on page 53 of the report how the committee feels about projects such as those you have mentioned. Let me read that portion of the report:

The committee continues to be skeptical as to the value to the U.S. of studies of social problems in the countries where these currencies are available and wishes to see evidence of useful results before agreeing to further increases in this appropriation.

What is the matter with that?

Mr. GROSS. Let me compliment the gentleman.

Mr. FLOOD. I like that.

Mr. GROSS. The gentleman during the hearings referred to an elite club among the country's educators whose members pass around these choice junkets among themselves. This is what my friend from Pennsylvania, the distinguished chairman said:

It is a sort of club, we hear, and you pass the word around to this university and that State department of education that "Now is the time to go to Tibet." It is a sort of closed corporation, we are advised, and now, of course, it is very difficult to be against it.

Does the committee realize that if the members of this elite club of professors continue to spend millions of dollars or the equivalent thereof in counterpart funds this way, that there may not be any left for the junketing Members of Congress when they go abroad?

Mr. FLOOD. The gentleman from Iowa is quoting me, and he could not possibly do better.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For expenses not otherwise provided, necessary for the Social and Rehabilitation Service, $60,215,000, together with not to exceed $600,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

As chairman of the task force on national health, I wish to point out that testimony was recently presented to the task force by the arthritis foundation. It is my firm belief that great strides toward finding a cure for this dread crippler can be made if greater Federal attention is focused on this problem. I want to emphasize the importance of the proposed budget for the Arthritis Institute by the HEW Appropriations Subcommittee.

Hopefully, we shall soon see the day when arthritis is no longer a menace to the well-being of so many of our Nation's people.

As a member of the Subcommittee on Public Health and Environment, and as a physician, I can appreciate the difficulty of the task the Appropriation Committee has performed. I would like to say here and now that I think they performed very well, indeed.

It is no easy thing to sort out what appear to be the national requirements in health, to match them with existing health programs, and then try to fit them more or less within the restrictions of a national budget. All the while this is going on, there is the certain knowledge that one program or another or one interest or another is going to be slighted, somewhere along the line.

This time the process seems to have worked as well as possible. I believe this is a very good health budget, and I intend to vote for it. It is probably the largest health budget we have seen—but that is as it should be, for it is high time that the National and the Congress gave health programs proper attention. In fact, the greatest service of the Appropriations Committee this year may be that it has set health programs at the high priority they deserve and most likely will have to have over the next several years.

We all know that the really close work in this process has to be done by the subcommittee having the special expertise. In this case it was the Subcommittee on Labor and Health, Education, and Welfare. I tip my hat to the subcommittee, its chairman, and its ranking minority member. They have all done good work.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 208. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 33, all the following new paragraph to section 208:

"No part of the funds contained in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system."

Mr. ASHBROOK. Mr. Chairman, at this late hour it is not necessary to speak more than about 2 minutes on this amendment. I will not take more than that amount of time. I merely make three quick points.

First, there is nothing new about this amendment. We have voted on it three times previously.

Second, I think we all know what happened in the conference report on higher education. When we voted last Thursday on the conference report, many colleagues voted for the conference report even though they disagreed with what the conferees had done in changing the language of the amendments this House had voted on last November.

At that time—that is, last Thursday—my colleagues indicated that when the appropriation bill came up, that would be an appropriate time to vote on this amendment, and in effect they voted for the conference report last Thursday even though they did not agree with what had been done in watering down the anti-busing amendment.

Third, this amendment will prevent Federal funds provided for in this act from being used for busing where the purpose is for racial balance. I think everybody understands this amendment. There is no need to take a greater amount of time.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a question in connection with the wording of this particular section 208. I would like to direct to the chairman of the committee this question. That last phrase or clause, is it something new:

or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Mr. FLOOD. It is exactly the same language as we had before, in the previous amendment. Exactly the same.

Mr. GONZALEZ. It is the same as the previous act?

Mr. FLOOD. Yes.

Mr. GONZALEZ. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, I do not want this busing business to be brought up at this time of night. We could be here until heaven knows when.

Let us be fair about this. We have provisions relating to this problem in the present appropriation bill. They are the same provisions which have been in the bill for several years. This might be lace curtains for dressing it up a little bit. If this is what it should be, it should be taken to the legislative committee.

We have this bill. I do not know why it is brought in now. It is unnecessary for the purpose of the appropriation.

Go to the legislative committee and have the blood spilled all over the floor. Take it over there and have a ball but let us not get it into this bill.

Mr. Chairman, I am against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ASHBROOK. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

SALARIES AND EXPENSES

For expenses necessary for the Cabinet Committee on Opportunities for Spanish-Speaking People, and the Advisory Council on Spanish-Speaking Americans, $1,260,000.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not desire to take up the time of the committee at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 408. The Secretary of Labor and Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred

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balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 40, after line 4, insert:

"SEC. 409. No part of the funds appropriated by this Act shall be used to purchase goods or services from a supplier which compensates any officer or employee at a rate in excess of level II of the Executive Schedule under section 5313 of title 5, United States Code."

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLOOD. Mr Chairman, again I am referring to Cannon's Procedure of the House of Representatives, and I am referring to pages 69 and 70, under the heading, "Construed as legislation and not limitations and therefore not admitted".

I go on to read:

Provision that no part of an appropriation should be used except in a certain way, thereby restricting executive discretion to the extent of imposing new duties.

Now, this is clearly what is being attempted in this amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. JACOBS. Mr. Chairman, only to say that I think this is clearly a limitation on an appropriation bill, and there have been many occasions where appropriations cannot be used to make purchases with corporations where certain activities are carried on by the corporation.

I have nothing further to say.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The Chair is aware of the precedent cited by the gentleman from Pennsylvania, but under the language as it is written in the amendment offered by the gentleman from Indiana it is a negative restriction, and therefore the Chair rules that the amendment is in order.

Mr. JACOBS. Mr. Chairman, I direct the Committee's attention to June 1, 1972, when in the Committee of the Whole House on the State of the Union there was a bill being considered regarding the Public Broadcasting Corp. An amendment was offered to that bill which required that no Federal funds could be used by that corporation if any of the salaries of any of the officers of that corporation exceeded $42,500 per annum, which is the legal salary of Members of the Congress.

I would now like to quote from my friend, the gentleman from Louisiana (Mr. WAGGONNER), who said on page 19462:

The answer to the gentleman's question is simply, "No, we cannot limit what a private corporation pays its employees." But we can limit what we give in grants to that private corporation if they pay what we consider to be excessive salaries to those employees.

Some of you may recall that at this time I supported that amendment that I said I would like to test that theory of statecraft with reference to other corporations from which services are obtained by public appropriations. I said at the time that I would like to test whether what is sass to the gander would also be applied as sass to the goose, and this is my purpose in offering this amendment.

I think it is probably a pretty good idea if the corporation wants to do business with the U.S. Government that since Congress has set the policy now in the case of Public Broadcasting from which a service to the public has been purchased, in the opinion of the majority of this House, a majority of the Congress, whether or not the same should apply to other corporations that are going to supply the U.S. Government, and we will see if other corporate executives can cripple along on $42,000 a year.

Mr. Chairman, I yield back the balance of my time.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana, (Mr. JACOBS).

Mr. Chairman, this is fantastic, this amendment hinges on an element of sheer fantasy. This would require thousands of employees, thousands of manhours, to investigate thousands of corporations, to investigate thousands of payroll and salary schedules all over the country, maybe all over the world.

Do not forget we are dealing with billions of dollars in this bill, and we are dealing with thousands of contracts.

For example, if this amendment were adopted, I doubt if any of the agencies covered by this bill could buy a Ford car. I do not have to guess at the salary schedules of employees within the structure of the Ford Co. as to whether they would be above the level set here. Now do you now see how far this goes?

There is no need for me to go on and on. This is fantastic, impossible, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 40, after line 4, insert:

"SEC. 409. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or -leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, I realize the committee is anxious to support this amendment and wants to move on to a vote on it.

I would just point out, we have just witnessed what I have always heard around here—"Holy cows make money. Regular cows get slaughtered."

The regular cow being public broadcasting.

Now we have the question of whether public employees are going to ride high at the taxpayers' expense in luxury sedans and limousines and with chauffeurs.

I would just point out one thing that I learned today, which may be of interest to some of the rank and filers here. That is 2 years ago I started offering these amendments wondering whether sedans and luxury limousines should be provided to public servants and whether they should be attended by servants in this democracy of ours.

Do you know what I found out? Just 1 year ago the Office of Management and Budget stopped accounting for the number of luxury sedans and limousines in the Federal Government.

Now I will wait until the next appropriation bill comes up to tell you at whose request they stopped the accounting for them.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division—demanded by Mr. JACOBS—there were—ayes 52, noes 57.

So the amendment was rejected.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on yesterday I pointed out here on the floor the very serious fiscal situation confronting the country and urged greater restraint in Federal spending. I pointed out that the huge budget deficits of the 1970's are unacceptable, especially when coupled with the budget deficits of the 1960's which, fortunately, were not so large as the current deficits.

The matter of additional taxes was also discussed here on the floor on yesterday.

Mr. Chairman, this bill goes too far in providing funds above the President's budget and I have not found it possible to support many of the increases which have been made.

It is to be regretted that the House has been unwilling to practice sufficient restraint on this bill and I want to be so recorded in the RECORD of today.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 40, after line 4, insert the following new section:

"SEC. 409. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 100 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)."

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, this is legislation upon an appropriation bill—period.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. Yes, Mr. Chairman.

Mr. Chairman, I would like to explain to the Chair that the language of this amendment with the exception of the percentage figure and the House document reference is identical to the so-called Bow amendment which was offered on many occasions in past years and which has been challenged on previous occasions and which has been sustained being in order of an appropriation bill.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has examined the amendment and will rule that it is in order. It is, in effect, the "Bow" amendment with a very slight variation. It is a restriction on the appropriations in this bill.

The point of order is overruled.

Mr. FINDLEY. Mr. Chairman, this, of course, is not the first time I have offered an amendment similar to the language now before the committee.

This amendment differs from previous amendments in that it would bring the appropriation now before this committee back to the level requested by the President. It would leave in the hands of the Executive the discretion as to where to make the cuts from the amounts that have been approved by the committee in order to bring the total expenditures for the fiscal year 1973 in line with the request for these various agencies made in the President's budget message earlier this year.

The effect of the amendment in dollars is to take from the amount presently authorized by the committee $1,275,856,000. By accepting the amendment, the amount approved by this committee would be $27,327,323,500, which, of course, is what the President has requested.

The committee brought forth a bill for us to consider which added 3.3 percent to the President's budget request or the amount of $912,023,000. If the committee instead had brought to us an appropriation bill in line with the anticipated revenue for the Federal Government in fiscal 1973 it would have cut below the President's request by an amount of $3,825,825,290. We have today added the Hathaway amendment costing $363,833,000, which brings the red ink, so to speak, in the bill now before us to the grand total of $5,101,681,290.

Mr. Chairman, I apologize. My amendment would not take all of the red ink out of the bill by a long shot. It would take out of the bill $1.275 billion in red ink. The very least we should do is to hold the line on the President's budget request. The simple fact is that the President's budget request is out of balance with expected revenues for fiscal 1973 in the amount of $27 billion.

A table of appropriation bills approved so far follows:

Appropriation bill	Budget request	Balanced budget level (14-percent cut)	Amount approved by House	"Red Ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,514
HUD, Space, Science, Veterans, Independent Agencies	20,173,185,000	17,348,939,100	19,718,400,000	2,369,550,900
Transportation and Related Agencies	$8,426,792,000	$7,247,041,120	$8,316,950,000	$1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and Related Agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and Related Agencies	27,327,323,500	23,501,498,210	26,603,179,500	5,101,681,290
Total				9,550,389,404

Fiscal summary of the appropriations bill for Departments of Labor, and Health, Education, and Welfare, and related agencies, fiscal year 1973

Budget request	$27,327,323,500
Committee recommendation	28,239,346,500
Committee added 3.3 percent	912,023,000
Balanced budget level 14 percent cut from budget request	3,825,825,290
Committee added 3.3 percent	912,023,000
"Red ink" still in bill, 17.3 percent	4,737,848,290
Hathaway amendment	363,833,000
Red ink in bill, 19 percent	5,101,681,290

Mr. FLOOD. Mr. Chairman, I do not think it is necessary to speak in opposition to the amendment, but I feel I must do it for the record. I direct your attention to the fact that we are convening as a Committee of the Whole House today. This is a meat ax, a Meat Ax in capital letters. All this simple little amendment would do would be to upset everything you have done here today except overrule the speech of my friend from Mexico. I will admit that we brought this bill to the floor with pretty good introductions this week. We had a Color Guard and the Air Force Band. We had a guest star on the platform, and then we had the President of Mexico. That is the way to bring a bill in, but it is not the way to take it out. This will upset everything the Appropriations Committee has done about this matter. It will upset everything that has been done here today by everybody in this place, good, bad, or indifferent. It will cut out the good things and the bad things.

Mr. Chairman, this is no way to legislate.

Mr. DE LA GARZA. Mr. Chairman, this Nation has a responsibility in time of affluence to become more aware and more responsive to the crying need of the agricultural worker who must leave his home in search of a job so his family can exist.

I know because I represent the heart of the migrant country in this whole Nation. I know what I am talking about and I strongly urge that the appropriations bill we are presently discussing increase the migrant health act to at least the authorized level of $30 million dollars.

While Texas has more migrant projects than any State in the Nation—and in my particular district there have been many approved throughout Cameron, Hidalgo, and Willacy Counties—nevertheless we face a problem that certainly is not insurmountable but one which requires particular attention.

It is difficult for us to think about a man who piles his family into a raggedy old truck—who gets into a vehicle that barely qualifies under State law—to remove his family from home and custom far into the North to pick sugar beets in Michigan or out West to pick grapes in California.

It is difficult for these people to be aware generally of what advantages are afforded him when he is away from home—thereby making it doubly important that such advantages be afforded him while he is at home.

Statistics about the migrant are known to all but let me point out here that one portion of my district, the Lower Rio Grande Valley, by current guidelines for poverty has a total of 33 percent of population as family units earning less than $3,000 a year. It is hard for these people to make ends meet. It is hard for them to pay the doctor. It is hard for the doctor to meet his overhead and take care of them.

Let me here, however, point out how very adequately and magnificently the doctors of the area have responded to the needs of the migrant. The doctors in Cameron County have made every effort to insure quality medical care to the total community and they have worked with charitable organizations who have received funding from the Federal Government to assist in this effort.

The same is true in other areas of the district—and I say this because I do not want anyone to think that we are letting the Federal Government take care of our problems. We are not—but there is a need for more health personnel—specifically in the rural areas—we do need more doctors and more nurses. Community hospitals are fast outgrowing their intended capacities and the rural areas oftentimes have little or nothing to serve adequately as emergency facilities or access hospitals.

We need to further and to improve medical education among the poor and among all people especially in regards to nutrition and to pre- and postnatal care, infectious diseases, family planning, et cetera. We must become more aware and more responsive to the crying needs of our medically indigent so they can receive comprehensive care.

But then this also creates a problem unless the Federal Government comes in. There are some remarkable hospitals in our area—some of them operated by church organizations. They are finding a tough up hill fight to maintain their quality medical care delivery and keep their heads above water financially.

With reference to this particular situation I can mention two of these hospitals which come to mind immediately. They are the Valley Baptist Hospital in Harlingen and the Knapp Methodist

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Memorial Hospital in Weslaco. Both of these have cooperated magnificently despite severe financial problems brought about by varying interpretations of how medicare and medicaid reimbursements should be handled with the results that they had to repay hundreds of thousands of dollars. I keep telling the HEW people about the problems of these hospitals and HEW tells me they have no authority to help. We must give HEW the authority.

If provisions are not made for adequate funding so that hospitalization programs can care for the medically indigent and migrants under the act then the entire area suffers.

We stand a chance of having to close the doors of hospitals, stripping them of primary services. In the end everybody suffers. Our people are doing everything they possibly can locally to assist in the migrant situation—but a doctor seeing 60 patients a day cannot see 20 of them free or 30 of them free. He still has to pay rent and meet an overhead.

Likewise a parent of three children earning $10 a day will do everything possible to avoid a doctor bill or a drug bill. He cannot pay that bill so his family does without care.

I think it is time that we take a close and careful look to taking care of these situations—the money will be spent somewhere—I am not advocating making money available so that people can hold a fine job but I am urging that we try to do something for these people who are not as fortunate as we and to try to help the hospitals with funded in-house programs so that they can help the migrant and the indigent and stay in business to help us when we require their fine facilities. I thank you.

Mr. RANDALL. Mr. Chairman, I enthusiastically support the amendment of the gentleman from Illinois (Mr. FINDLEY) which would stop employees in the Department of Labor from checking for compliance under the terms of the Occupational Safety and Health Act those firms employing 25 people or less.

It would have been a poor decision had I decided to vote against the Findley amendment because I would have found myself in a situation of unexplainable inconsistency. The reason is that on March 2, 1972, I introduced H.R. 13554, a bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business or any other business with 25 or less employees in States having laws regulating safety in such businesses from Federal standards created under that act.

Mr. Chairman, along with a majority of the Members of the House I supported the Occupational Safety and Health Act of 1970 because, in my own mind at that time, I thought it was the intention of Congress to improve occupational safety in heavy industry. But even with existing safety precautions men continue to be maimed and killed in heavy industry.

It is apparent now that many of us did not comb the fine print in the act we passed in 1970 in our zeal to improve safety conditions in our high manufacturing plants and in mining, as well as the transportation industry.

Yet, Mr. Chairman, I cannot let myself believe it was the intention of the Congress that all the inspectors employed under the act should be turned loose to harass small businessmen in the manner that has transpired since the passage of the act in 1970.

It should go without saying that no thinking Member of Congress intended to pass a measure in the form of the Occupational Safety and Health Act that would result in constant harassment of small businessmen. Let there be no mistake about it, the passage of time will prove that this act of 1970 will contribute to putting more small businessmen out of business than any other bill passed by the Congress in recent years.

Mr. Chairman, as evidence that I believe in adequate funding of the Occupational Safety and Health Act of 1970, which is needed to properly police the most hazardous industries, I opposed the effort of the gentleman from Indiana (Mr. DENNIS) to cut $20 million which is needed to enforce that act in the huge industries where men are almost daily maimed or killed.

I suppose we should always expect some nit-picking by over zealous inspectors. However, a most interesting project would be to find out who dreamed up the regulation which requires every small businessman must have an open front toilet seat or be guilty of a violation of the Occupational Safety and Health Act.

According to the mail our office has received, these inspectors descend upon a small businessman and proceed to charge him with noncompliance of the Occupational Safety and Health Act if the businessman happens to be so unthoughtful as to continue to use a toilet or commode top that is formed in a circle. How ridiculous. Such unbelievably restrictive regulations against small businessmen who are trying to make ends meet should provide ample reason for the amendment of the gentleman from Illinois, to be referred to hereafter as the "Toilet Seat Amendment."

In a more serious tone, I am pleased to note that the Findley amendment will operate to make into law the terms and provisions of our own bill, H.R. 13554, at least for a period of 1 year covered by this appropriation bill. We should all be indebted to the gentleman from Illinois for his timely amendment. When we commenced with this appropriation bill I never dreamed there would be a chance to achieve the objectives of our bill to give some relief to small businesses in this bill.

So many of our small businessmen have complained against the unfairness of the Occupational Safety and Health Act that our good colleague from Missouri (Mr. HUNGATE) a subcommittee chairman of the Small Business Committee, will in a few weeks conduct hearings to determine exactly how detrimental the implementation of this Act has been against those little businesses that have had to put up with an almost endless number of inspections under this Occupational Safety and Health Act.

I suppose none of us can ever be sure or positive how far the bureaucrats will go, first in formulating regulations and then liberally interpreting their own regulations to hinder or hamper the work not only of our small businessmen, but also our farmers. During the debate one of our colleagues from the State of Kansas pointed out he had evidence that if farmers exchanged labor, they become subject to the provisions of the Occupational Safety and Health Act.

Someone downtown dreamed up the fiction that when our farmers exchange labor with each other one becomes an employer and the other becomes an employee and, therefore, come under the terms of the Act of 1970. Surely that was not the intention of any of us when we voted for the bill 2 years ago.

The Occupational Safety and Health Act has been overinterpreted and our small businessmen and farmers have been overinspected far beyond the intention of the Congress. Under the amendment before us, we will at least give some relief today to those hard-pressed farmers who hire fewer than 25 workers. They will have at least 1 year's relief. Within that year we must pass into law some amendments to give our little businessmen and small farmers permanent relief.

Mr. DONOHUE. Mr. Chairman, this bill before us, granting appropriations to the Departments of Labor and Health, Education, and Welfare, as well as related Federal agencies is obviously of tremendous importance and impact upon the continuing and expanding progress and security of our people and our Nation.

Practically every program and human activity area covered by this bill is of the highest urgency and priority to the further welfare and development of all of our citizens at every age level.

The testimony and evidence of recognized and acclaimed authorities in the various fields of health, education, and manpower, for the preservation and strengthening of these provenly effective programs, is overwhelming and I most earnestly hope this testimony will be carefully reviewed by every Member and accepted by the House.

When we dwell, even briefly and summarily, upon the significance of just a few of the programs projected by this bill, such as the construction and staffing of community mental health centers, mental health guidance to children, hospital expansion, the National Cancer and National Heart and Lung Institutes operations, increasing professionally trained health manpower, extending vocational education and education for the handicapped, establishing nutrition programs for the elderly, retaining essential public library services, and maintaining impacted area aid then we vividly realize there is no other legislative measure coming before the Congress that more directly and personally affects the improved quality of life in this country for each and every citizen, child, youth, adult, and aged.

Mr. Chairman, in this rather frustrating period of our national history we are all, of course, required to be earnestly and diligently concerned about the most economically and effective spending in all Government operations and activities.

On this score and from all the evidence that has been presented in support of this bill I think it is clearly apparent that the appropriations that have been recommended are modest and reasonable for the critical human purposes that are involved and that the approval of this measure is unquestionably in the national interest.

Mr. MIZELL. Mr. Chairman, I rise at this time in support of Mr. FINDLEY's amendment, which is designed to prohibit harassment of the small businessman and to provide an impetus for effective and fair guidelines for the protection of the worker in the small business operation.

We have been trying for some time, as all of my colleagues know, to get the Department of Labor to establish guidelines under the Occupational Safety and Health Act that would distinguish between the safety requirements needed for large-scale business operations and those needed for smaller businesses

This is particularly important as it relates to heavy and light construction. These two industries have next to nothing in common as far as safety hazards are concerned, but no distinction has been made between the two, and light construction is faced with meeting the same safety requirements as heavy construction.

This amendment gives us the time to set up the more reasonable and more equitable guidelines for small business that should have been formulated in the first place.

The record of harassment by Federal inspection officials against small business has been well-documented by several of my colleagues today, and I need not try to provide any more evidence at this time.

The central point, Mr. Chairman, is that not enough planning and not enough consideration for the special problems of small business have gone into the formulation of this legislation, and Mr. FINDLEY's amendment simply requires that that planning and consideration be employed, however belatedly, in the establishment of safety guidelines, and it prohibits harassment of small businessmen in the meantime.

I urge my colleagues to join me in supporting this amendment.

Mrs. ABZUG. Mr. Chairman, I rise in support of the quality education amendment, which would add $364 million in education funds to this bill, and in support of the Badillo amendment, which would add $15 million to the appropriation for the bilingual education program.

Congress can face no greater challenge than to increase our commitment of Federal tax dollars to the educational programs in this country. Education is the lifeblood of a society, and it is our most important tool for assuring progress for America and equal opportunity for all Americans.

The bulk of the money proposed in the quality education amendment—$212.5 million—would be for programs under title I of the Elementary and Secondary Education Act. Aid under title I is for "local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means—including preschool programs—which contribute particularly to meeting the special educational needs of educationally deprived children."

Under the law, these funds are not just swallowed up in the budgets of local school boards: they must be spent in areas having high concentrations of deprived children; they must be used in addition to—not instead of—funds otherwise made available to those areas. In short, they represent a direct pipeline from the Federal Government to the children of this Nation who are most in need of that help. They represent a national commitment on which we must not scrimp or cut corners. Nothing—not the war in Indochina, not the space shuttle, not the SST, not even some of the domestic programs which are also important—is as critical to assuring equal opportunity in our society as a proper education, and title I programs are an important factor in bringing this about.

The quality education amendment also contains much needed additional funding for vocational education, school libraries, and adult education. These, too, are areas in which we should make the fullest possible commitment of our resources, and I urge the adoption of this amendment.

I also support the amendment which would appropriate an additional $15 million for the bilingual education program under title VII of the Elementary and Secondary Education Act. Last year, only $35 million of the authorized $100 million was appropriated; further, the Nixon administration had the collossal nerve to impound $10 million of that sum until several Members, including myself, pressured them about it back in December. This year, the Appropriations Committee has proposed $45 million for bilingual education. While this is an improvement, it is barely a drop in the bucket in comparison with the authorization for 1973, which is $135 million, and with our needs, which are even greater than the authorized sum.

There are 5 million children in this country, 600,000 of them in my own State of New York, who are in need of bilingual educational assistance. Presently, only 100,000 of that 5 million are being served by programs under title VII, and the additional appropriation proposed for the coming year would add only 35,000 more.

We must increase these funds, which represent a direct and clearly identifiable commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians, and other linguistic minorities for equal educational and equal social opportunity. The funds contained in this amendment are needed to begin to make the promise of education a reality for all children regardless of whether English is their primary or secondary tongue, and I urge the adoption of this amendment.

Mr. MIKVA. Mr. Chairman, as of June 30 the Postal Service will be discontinuing the postal academy program. The Department of Labor has offered to provide $1.3 million to keep the program alive through the summer, but if continued funding is not found by that time, this important and highly successful program will be lost.

For 2 years the postal academy program has been a source of hope for inner city dropouts. High school dropouts across the country are recruited for the program, which provides remedial education leading to a high school equivalency degree and promises an opportunity for employment in the Postal Service.

In May 1970, the Postal Academy Program first opened its doors to an initial group of 250 students in sites in five cities—Atlanta, Chicago, Detroit, San Francisco and Washington, D.C. located in a variety of renovated community buildings in the urban centers. Each of the academies recruited an initial group of fifty high school dropouts, aged 16–22, under the direction of a local community oriented Director.

In the two years since then, the PAP added two new academies in the existing cities and opened a new academy in Newark. The enrollment has grown to 1,275 and the academies are showing the first fruits of success. As of January 1972, scarcely one and one-half years after opening, the Postal Academy Program has recorded 58 students who are in college, 95 students who have received their high school equivalency diplomas, 103 students who entered full time employment, 16 students who entered the armed services, and 57 students who returned to the public schools. In November 1971, the Department of Labor conducted an extensive evaluation and had high praise for the quality of the staff and of the educational program and of the enthusiasm of the students.

The success of the postal academy program has been due in no small measure to the personal interest shown by former Postmaster General Winton Blount. The Postal Service has provided 10 percent of the funding, and most important, has made a commitment to provide job opportunities at the end of the line. However, things have not been so rosy since Postmaster Blount's departure. The new management at the Postal Service is decidedly less sympathetic to the program, and has cut back on the number and caliber of jobs available to Postal Academy participants. By now it is clear that the Postal Academy will have to find a new home or close its doors.

The logical place to continue the program is HEW or the Department of Labor, or some combination of the two. Throughout the program's history, HEW and Labor have provided 90 percent of the funding. Recently, the postal academy program was evaluated by the Department of Labor. Their report praised the success of the program and recommended its continuation. It further recommended that the Department of Health, Education, and Welfare be assigned responsibility for the education aspects of the program, and the Department of Labor take over the manpower function.

With all the millions of dollars we spend seeking answers to the desperate problems of unemployment, poverty, and crime in our Nation's cities, it would be foolish to abandon a program which has been so singularly successful. I would urge that efforts be undertaken by HEW and the Department of Labor to insure the continuation of the postal academy program. A number of our colleagues in

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the House as well as in the other body have expressed similar concerns; a sampling of their letters in support of the program follows:

MAY 17, 1972.

Mr. ELMER T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR POSTMASTER GENERAL KLASSEN: It has come to my attention that the Postal Academy Program which has served high school dropouts in six of our larger cities is being forced to close down due to lack of further funds.

The program has appeared to be a successful one in helping our young people stay in school. Since your department has been among the organizations which have supported this program, I would urge that you give your consideration to the need of establishing some type of formal funding arrangements to allow this program to continue.

Thank you for any consideration you may give.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

MAY 22, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was disheartened to learn that the United States Postal Service has decided to discontinue its sponsorship of the Postal Academy Program—one which both you and Mrs. Nixon have commended for its record of achievement in giving new skills and new hope to disadvantaged young people who have neither. I ask you to give this matter your personal attention and to help save the best chance 1300 young persons have to improve their prospects for a brighter future.

The decision to terminate the Postal Academy Program was based neither on the failure of the Program to demonstrate its achievements nor on a lack of available federal funds.

The Educational Testing Service, evaluations by the Department of Labor, and observations by the Office of Education and Postal Service have all cited the Program for its accomplishments. A surprising number of the participants have entered college, received high school equivalency diplomas, or returned to public schools. The Educational Testing Service has said that the average student entering the Program improves his functional ability by about one academic year during the first four months.

On February 7, 1972, the Office of Management and Budget indicated that it had sufficient funds to continue the $4 million program for Fiscal Year 1973 and that, pending the accomplishment of three program adjustments, the Departments involved should confirm Program continuation. It appears that qualitative requirements have been met, yet the Postal Service's response has been to withdraw its vital support at a critical time.

If the Postal Service insists on terminating the Postal Academy Program, then I urge you to provide a sponsor which will serve as a suitable alternative to keep open the centers in Chicago, Detroit, Newark, Atlanta, San Francisco, and Washington, D.C.

Time is of the essence. If these programs do not receive a reprieve in the very near future, they will have to begin terminating leases and contracts which will make it impossible to reinstate the projects. Failure to continue these programs will also contribute to the further alienation of the Program participants, who have already been among society's outcast.

I look forward to hearing from you soon about your actions on behalf of the Postal Academy Program.

Respectfully,

ADLAI E. STEVENSON III.

MAY 25, 1972.

Hon. E. T. KLASSEN,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: It was with dismay that I learned the U.S. Postal Service has withdrawn its support of the Postal Academy Program effective June 30, 1972. Although lack of funds was cited as the reason for this action, the Office of Management and Budget announced on February 7, 1972 that the $4 million cost of the program could be met in Fiscal Year 1973.

The Postal Academy Program has helped many young people through their "storefront academies" in the short two years it has been in operation. Compliments have come to it from public and private sources. Most importantly, scores of young people who seemed doomed to lives of poverty, ignorance and degradation have been given a hand toward something better. Surely, no effort is too great in behalf of such a goal.

The program has been under the auspices of the Postal Service although jointly funded by the Department of Labor and the Department of Health, Education and Welfare. Such a division is obviously not in the best interests of the program and no one would quarrel with the Postal Service's contention that the academies have nothing to do with the mail. At the same time, it seems appropriate, and fair, that the program be continued—as approved by OMB—through Fiscal Year 1973 under the existing arrangement. During that period of time, a permanent home for the academies can be found.

I would appreciate your thoughts on this matter and urge that every consideration be given to continuation of this exemplary program.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

MAY 19, 1972.

The Honorable E. T. KLASSEN,
Postmaster General,
Washington, D.C.

DEAR MR. KLASSEN: I have recently been informed that a decision has been reached to terminate funding of the Postal Academy Program.

In a recent mailgram received by Mr. Jim Hill, Director, Postal Academy Training Institute, the U.S. Postal Service asserted that "funds are not available", hence termination of the program. However, in a memorandum for Malcolm Lowell, Jr., Assistant Secretary for the Manpower Administration, Department of Labor, from Paul O'Neill, Assistant Director of the Office of Management and Budget, the Office of Management and Budget insists that funds are available, and that plans were underway to continue the Postal Academy Program.

According to the O.M.B. memorandum, "to confirm the details of Postal Academy continuation funding in Fiscal Year 1973 was to total $3.9 million; $2.1 million administered by H.E.W. appropriated to the Department of Labor as institutional training funds, $1.4 million administered by the Department of Labor, and $.4 million matching funds from Post Office sources. In addition, it is documented that "the location of the Postal Academy Program within the Postal Service shall continue in Fiscal Year 1973".

I would also like to call to your attention, the "Evaluation Study of the Postal Academy Program" conducted by the Division of Program Evaluation, Manpower Administration, Department of Labor, which strongly indicates the Postal Academy Program to be worthy of continued funding.

As you know, the Academy Program takes inner-city dropouts off the streets and trains and educates them in "storefront academies", allowing the individual to eventually achieve equivalency degrees that would not otherwise be possible. The Manpower Administration's report describes the 'real pride, hope, positive attitudes, feelings of accomplishment, and the air of exuberance" of these underprivileged young people who are given one final hope for a decent life from the Postal Academy.

You can be certain that I strongly support the goals and aspirations of the Postal Academy Program and those devoted teachers who have interrupted their professional careers to teach the poor. I strongly urge you to review this program again, and reconsider it for funding. I truly hope that our priorities have not become so confused that we are not willing to expend every effort to educate our young and to support workable and productive programs such as the Postal Academy Program. We cannot afford to deny the disadvantaged youth of our inner-city that one final opportunity to receive a decent education. It is for these young people that I strongly urge you to review this decision, and to fund the Postal Academy Program without delay.

I await your comments

With best wishes,

Sincerely,

HARRISON A. WILLIAMS, JR.

MAY 17, 1972.

The Honorable ELMER T. KLASSEN,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: I have been informed that the Postal Academy Program will be closed at the end of Fiscal Year 1972. As you know, one of the most successful installations of the Program is located in San Francisco and I am, therefore, very much concerned about the possible loss of the very real and substantial benefits of the program.

Since the inception of the program, the San Francisco academies have serviced 467 students and their families. At the present time, 200 students are enrolled in San Francisco. A member of my San Francisco District Office staff, who is trained and experienced in social work, has visited the installations and observed the training. She informs me that the entire program impressed her as being one of the most practical, realistic and beneficial rehabilitation and training programs for young people she has ever observed.

I realize that the Program has been jointly financed by the Departments of Labor, Health, Education and Welfare, and the U.S. Postal Service, and I am making a similar request to Secretaries Richardson and Hodgson. The continuation of a proven program which provides basic educational skills to high school dropouts at a low cost, and prepares them to pass the General Education Diploma examination, depends upon the decision made by you gentlemen. Certainly the social and personal benefits of the Program far exceed the monetary costs. Your favorable consideration is anticipated.

I will appreciate being kept informed about the status of this matter.

Sincerely,

PHILLIP BURTON,
Member of Congress.

MAY 30, 1972.

Mr. JOHN D. EHRLICHMAN,
Assistant to the President for Domestic Affairs, Washington, D.C.

DEAR MR. EHRLICHMAN: I have learned of the plans of the United States Postal Service to close the Postal Academy Program. I am greatly concerned about this for several reasons.

First, because of the success of the program. The Educational Testing Service evaluation indicates that the student, high school dropouts, advanced one and one half grade levels in a four month period.

Further, a report by the Department of Labor, DSG Report No. 18, evaluation study of the Postal Academy Program, states: "if there is any one observation that graphically stands out after observing and talking with a number of students at the various academy projects, it is the 'air of exuberance' at these store-front schools. There seems to be a real pride, hope, positive attitudes, feelings of accomplishments, and the kind of aspirations that one would hardly expect to find among a group of inner-city dropouts."

Secondly, a memorandum from Mr. Paul H. O'Neill, Assistant Director, Office of Management and Budget dated February 7, 1972 indicates that the Postal Academy was to continue for FY 1973. If this is so, why did the U.S. Postal Service announce that it would terminate its sponsorship.

May I suggest that the money the Office of Management and Budget stated was available in the Department of Health, Education and Welfare and in the Department of Labor committed to the continuation of the Postal Academy be made available to the Academy now and that another Department, perhaps, the Department of Labor, be responsible for the continuation of the Program.

I strongly endorse the objectives of the program, and I believe that a program that is meeting the educational and job needs of so many individuals should be continued.

Please inform me what plans the Administration has to continue this program.

With every best wish.

Sincerely,

RALPH H. METCALFE,
Member of Congress.

MAY 23, 1972.

Hon. JOSEPH A. MATUKONIS,
Congressional Liaison Officer, U.S. Postal Service, Washington, D.C.

DEAR MR. MATUKONIS: My attention has been drawn quite recently to the unhappy prospect of the demise of the Postal Academy Program.

From the materials made available to me, it would appear that the Academy Program has been quite successful in motivating youngsters to consider the Postal Service as a career. Although the Academy Program situated in Newark, New Jersey, is not in my Congressional District, I do hope you will permit me this opportunity to urge that the decision to phase out the Program be reconsidered.

Thank you for your serious consideration and thoughtful attention to this matter.

Cordially,

FRANK THOMPSON, JR.

MAY 31, 1972.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am deeply disturbed at reports that the Postal Academy program will be terminated as of June 30, 1972. The Postal Academy is the type of innovative approach to solving educational problems our government should be encouraging, not terminating at this time. I hope very much that you will prevail upon the Post Office to continue to run the Academy program, so, if the Post Office is unwilling to run it, that HEW will continue the program directly, with the present funding arrangements continued. Clearly, HEW has such authority, since it has been funding the major share of the program since its inception, and the original FY 1973 budget provided for a continuation of present funding.

With best wishes.

Sincerely,

JACOB K. JAVITS.

U.S. SENATE,
OFFICE OF THE ASSISTANT
MINORITY LEADER,
Washington, D.C., June 6, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, when Red Blount was Postmaster General he launched a postal academy program to help train inner city youth which has proved quite successful in Detroit and 5 other cities.

Now, in view of the Post Office Department reorganization, it appears that the academy program is about to "fall between the cracks" of government.

I wish to urge the White House to consider convening a meeting of Labor, HEW, and Post Office Department representatives to determine how the postal academy program could be continued.

Enclosed is a copy of a self-explanatory letter I have just received from the Honorable Romon S. Gribbs, Mayor of the City of Detroit.

With best wishes and my kind regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

WASHINGTON, D.C., *May 19, 1972.*

Hon. ELMER T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR GENERAL: I have received a letter from Mr. Darnley M. Osborne, Jr., Assistant Director, Postal Academy Program, who informs me that it is the intention of the Postal Service to close down the program as of June 30, 1972.

This is regrettable because I believe the program has been a success and that we need more successful programs rather than instituting new ones at some future time which may not succeed.

I first became acquainted with the Postal Academy Program when Mr. Houseman was Assistant Director of Personnel.

I would like to add my support to that of others who protest the intended closing down of this program. I would like a report on this matter as soon as possible from your office.

Sincerely,

ROBERT N. C. NIX,
Chairman.

HOUSE OF REPRESENTATIVES,
Atlanta, Ga., May 22, 1972.

DEAR MR. OSBORNE: I am writing to express my regret at the impending closure of schools operated under the Postal Academy Program.

The schools have been an undeniable asset to this community, permitting thousands of inner city young people to further their education.

I hope the decision can be reversed, and this worthwhile and successful program can be continued.

It seems a shame, when so many government supported educational efforts fail to accomplish their purpose, that a proven effort must be halted.

I stand ready to offer any assistance I can to help keep the Postal Academies functioning.

Sincerely,

JULIAN BOND.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 15417, a bill making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year beginning July 1, 1972.

EDUCATION

This measure is extremely important to the citizens of California and of the Nation in two respects: First, it offers economic aid to our financially hard-pressed schools, and second, it presents a partial remedy to the problem of skyrocketing property taxes.

Although education is generally considered to be a responsibility of the States, and although State constitutions typically specify that the State provide an adequate system of public education for the children of the State, the task of financing systems of public education has traditionally been delegated to local school districts where over half of the moneys spent by the public schools is raised. Most local areas rely almost exclusively on the local property tax to raise their share of the costs.

However, the Supreme Court of California, in the Serrano against Priest case held that the system of educational finance in force in California, which relies heavily on local property taxes, could violate the Constitution if demonstrated to make "the equality of education available to a child a function of the wealth of his parents and neighbors." The court found that 56 percent of California school funds derive from property taxes and the tax base ranges from $103 to $952,156 assessed value per elementary pupil.

As a result, the poorer districts must levy twice the tax rate to support half the education program.

What is the answer to the school finance problem?

First, the State of California must assume a greater proportion of the cost of educating a child. In the 1964–65 school year, the State government provided nearly $40 of every $100 spent on educating a child. Today, the government in Sacramento contributes only $34.80 of every $100 spent. Nationally, State governments account for 41 percent of the costs of educating a schoolchild.

Second, the Federal Government must expand its role in financing local education without infringing on local control.

Nationally, the Federal Government pays only 7 percent of the costs of educating a child, but in California, the Federal Government contributes only $6 out of every $100 spent on elementary and secondary education.

Mr. Chairman, the bill before us appropriates over $3.9 billion for education, which is $665 million more than the sum recommended by the administration, and $418 million over the amount appropriated for fiscal year 1972.

This level of spending will allow the school districts to continue their current program, without cutting back on the number of teachers, and on the quality of education offered. It will allow most local governments to continue to operate their schools without resorting to increasing taxes on the local property owner for the purpose of education.

I support this measure as a step toward equal, quality education. But it is only a step. Now, it is time for the State

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governments to do their part, and provide a level of funding that takes the burden off of the property owner.

Mr. VEYSEY. Mr. Chairman, the quality education amendment before the House today is a carefully constructed package aimed at retaining the momentum we have been able to achieve over the last 10 years toward a quality education for all. It would restore to existing levels the funding for those States, including California, which would lose Federal funds under the proposed apportionments in the bill. The amendment offers important additional help for bilingual education and vocational education, both of which are in critically short supply. It recognizes the unusual impact that Federal employees place on school districts by including an increase in the level of funding for Public Law 874, Impact Aid; and it would help State departments of education deal more effectively with the growing list of responsibilities they are being asked to assume.

I am pleased to note a new mood this year in selling the need for supplements to the education appropriation. I have heard considerably more reasoned discussion of the issues and have noted a much better awareness of the other important priorities competing for these funds. Education is one of the most important activities we undertake, but it is not the only one. Failure to recognize this has led to demands in the past which were unrealistic and impossible to grant. Fortunately, the additions proposed today do not fall into that category.

I would like to call my colleagues attention to one aspect of this bill which may not be obvious on its face. The largest single line item proposed by the committee and the largest single increase sought in the amendment is for title I, aid to disadvantaged children. This is a program aimed directly at the parts of our population least able to help themselves and least benefited by traditional approaches to financing education.

Yet, appropriating nearly $2 billion to the title I program obviously cannot do the job if the funds do not go where the children that need them are today. The past decade has seen the most significant shifts in population in the history of our country. Yet today, nearly 2 years after the 1970 census, the Department of Health, Education, and Welfare is still planning to distribute these title I funds for the next fiscal year on the basis of 1960 census figures; which were in fact gathered in 1959. I find it hard to believe that the Congress will sit by and watch its purpose in funding this program derailed by this incredible delay.

I am serving notice on the Census Bureau and the Office of Education that a "business as usual" attitude on this issue is not acceptable. Every congressional district and every State that has increased in population in the last 10 years stands to lose title I funds unless the Census Bureau and the Office of Education get together this month. I intend to keep my colleagues informed of the status of this problem until it is solved.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the labor-health, education, and welfare appropriations bill before the House today.

The House Appropriations Committee, with few exceptions, has done an excellent job in increasing the terribly inadequate administration requests for funding of the various agencies covered by this bill. This is especially true in the matter of health. I believe the committee should be highly commended for its hard work and obvious recognition of the domestic priorities of this Nation.

I am particularly pleased by the fact that the committee has appropriated nearly $744 million for mental health. This appropriation represents an increase of $130 million over the administration's request and an approximately equal increase over the amount appropriated in fiscal year 1972.

The increase over the budget request of $30 million for staffing grants and $20 million for construction grants for community mental health centers will help this Nation meet the goal, established by Congress, of total national coverage of community mental health centers by 1980. I cannot emphasize enough how imperative it is that sufficient funds and commitment be made to the continued operation of mental health centers. These centers provide comprehensive, short-term care to large numbers of patients, close to their home communities. As a result in part of the establishment of such centers, the number of patients in State mental hospitals has decreased for the 16th straight year. Fewer persons are now doomed to lives in institutions. Community mental health centers are helping our society to help mentally ill individuals without robbing them of productive and useful lives in the community.

This bill also provides $7 million for psychiatric residency programs. The administration has requested a zero appropriation for this program. It is important that more doctors be trained in psychiatry in light of the considerable demands for more mental health personnel. With one out of every 10 persons suffering from severe mental illness, we simply must have enough doctors to treat the illness.

One of the finest actions by the committee has been to provide $20 million for the mental health of children. The President has requested only $10 million for this program—the same amount as last year. And of that $10 million, all but $2 million has been committed for continuing the few programs already in existence. The committee, by doubling the money, has recognized that mentally ill children must not be shortchanged. There are about 4 million children under the age of 18 in the United States with behavioral disorders, of whom 1.4 million are in acute need of mental health care. Of these, only 473,000 receive even minimal attention. In the last 10 years the number of 10- to 14-year-olds in our State mental hospitals has doubled. And, as the committee report states:

> During the past year our 360 community mental health centers were flooded with an unanticipated caseload of children with all kinds of problems from school maladjustments to drug addiction and alcoholism. The Committee has been told that more than 150,000 children came to these centers for help, but only about 10 percent could be cared for.

In the State of Massachusetts, many severely disturbed children cannot find assistance in the State and must be sent to schools out of State for any help they need. There is a crying need for better mental health care for children and the appropriation of $20 million is a start. Frankly, I would like to see a greater national understanding and commitment to the problem of children's mental health and I intend to work in the future toward a more extensive program in this area.

The committee has asked that $3.6 billion be appropriated for the Office of Education, $54 million above the fiscal year 1972 funding level. While I think that the committee's increases in this area are to be commended, I believe that our commitment to education should be total.

The Congress has authorized considerably more for education than the committee would have us appropriate. I think we owe it to the children of this Nation to provide additional appropriations, and I will therefore, support and vote for the amendment offered by Congressman HATHAWAY to increase the appropriations figure by the $363.8 million.

One aspect of the education appropriations bill which disturbs me particularly is the proposal that appropriations for disadvantaged young Americans remain at $1.597 billion—the same as last year. The needs of the disadvantaged have increased since last year due to inflation and the high cost of living. An appropriation of the same amount is, in effect a cut in the real value of the appropriation. I support the Hathaway amendment which would provide an additional $212 million for the education of the disadvantaged. Since education is the surest vehicle for the poor and the underprivileged to advance, we must not slight them. If we can spend $16 million a day to fight the Vietnam war, surely it is not too much to ask that $212 million—13¼ days of war—more be spent to attempt to assure disadvantaged children the necessary education that he or she needs to develop to the best of his abilities.

The other increases in the Hathaway amendment—for State libraries, vocational education, impact aid, adult education, library services, and construction—help to meet the further educational needs of America. Although at this stage they are only marginal increases, the benefits gained from such increases outweigh the additional costs when one realizes that better funding will help provide more American children with the education they need to make a better society in the future.

I have, Mr. Chairman, supported the Hathaway amendment in the past and I will vote for it again today.

I also support Representative BADILLO's amendment to title III that would increase the appropriation from $45 million to $60 million for bilingual education. Again, this marginal increase in the funding of this necessary program will have an important effect on those children who have a language barrier in this country. The additional funding in this case would permit 110 new projects to be implemented and an additional 90,000 students to be assisted. There are an increasing number of bilingual children throughout the country, and we must meet the needs of these children if they are going to become an essential part of our American society. These children are at one of the most severe disadvantages—not knowing the language in which they are being taught. Unlike other disadvantages this can be overcome through the bilingual education programs.

Finally, I support the Peyser amendment that would increase the approved appropriations for environmental education from $4 million to a level of $10 million. This program provides grants to groups and schools for studies of environment. As the U.S. Commissioner of Education, S. P. Marland, Jr., has stressed, it is clear that education is central to any serious attempt to abate pollution and maintain a quality environment. With a strong environmental education background in the 1970's, the United States will be able to improve significantly the quality of life in the near future.

The present funding was able to provide funds for just 74 grants, although over 1,900 requests for grants under this program were made. Most of the 1,900 requests would qualify for funding if enough money were available. If we are going to have enough sense to take a responsible look at our own environment, then we must have enough funds to provide for environmental education. The $10 million is not enough, but it will at least allow us to get the program off the ground and determine future needs better.

I urge support of the Hathaway, Badillo, and Peyser amendments and a vote for the entire bill.

Mr. HANSEN of Idaho. Mr. Chairman, I am extremely pleased to note that the appropriation bill before us today includes $130 million for the National Institute of Neurological Diseases and Stroke which represents $12 million over the amount requested, and nearly $14 million over the amount appropriated for the last fiscal year. I applaud the committee's action which shows its keen awareness of the vital importance of the work and research being conducted by the Institute.

I note that in the committee's report, the Institute is directed to give high priority to many activities currently under way, and included in the research efforts the committee has directed the Institute to give high priority to "eventually finding means of either regenerating the spinal cord or by-passing it electrically."

This is very good news for those among us who have been closely following the efforts of our leading neuroscientists to find a cure for paraplegia. I earlier documented the case for such efforts in the CONGRESSIONAL RECORD on July 21, 1971, and February 24, 1972. Since then, there have been several encouraging developments which indicate that increasing attention is being focused on the problem by responsible officials within and outside of Government. Such attention and support are vital, as the scope of the necessary research effort will be massive and will require a complete national commitment both in effort and money. As we know, Mr. Chairman, the victims of paraplegia can be crippled by illness, by war, and by tragic accidents such as recently befell Governor Wallace. The cost to the Nation of this illness is staggering both in human and economic terms, and we simply must go forward with these modest beginnings, so that a cure can someday be found.

Another encouraging development was the announcement on March 13, 1972, by the National Institute of Neurological Diseases and Stroke, that the name of the existing section on trophic nerve function was being changed to that of the section on nerve regeneration. It is, I believe, a symbolically important step in the right direction as it indicates the NIND's recognition of the legitimacy of the scientific inquiry, and, with funds made available to it under this bill, commits the Institute's new section on nerve regeneration to an active leadership role in the search for a cure for paraplegia.

A final item which I wish to call to the attention of my colleagues is the announcement of the awarding of the National Paraplegic Foundation's first $10,000 William Thompson Wakemen Basic Research Award.

I wish to extend my sincere congratulations to the coreciplents of the award, Dr. William F. Windle and Dr. Roger W. Sperry, who, as winners, were judged to be the scientists who have made the most significant contribution toward finding an eventual cure for paraplegia. Dr. Windle and Dr. Sperry were selected by a special National Paraplegic Foundation panel of scientific and medical personnel prior to the Foundation's second International Neuroscientific Conference held in Palm Beach, Fla., May 1–3.

The current president of the National Paraplegic Foundation, Prof. Timothy J. Nugent stated in naming the recipients that:

> The panel recognize the existing preliminary results and the potential for future accomplishments of the scientists currently at work. For the first award, it chose two distinguished scientists whose main contributions were made over a span of many years, beginning a long time ago, because their research and inspired leadership has been largely responsible for inducing many others to embark on research related to spinal cord injuries.

I agree with Professor Nugent who concluded that the award represents a milestone in the history of medical science and rehabilitation.

Dr. Windle, from Denison University, Ohio, was cited for recognition of his dedication over many years to the problem of paraplegia and the repair of the injured spinal cord; for his orginal research which showed that regeneration of nerve fibers across the severed spinal cord is possible; and for his continuing inspiration to others.

Dr. Sperry, from the California Institute of Technology, was named recognition of his contributions in basic research on factors responsible for functional regeneration in the central nervous system and for his distinguished contribution to concepts of chemical selectivity in the establishment of appropriate nerve connections. His work is fundamental to the eventual solution of the problem of spinal cord regeneration.

Dr. Windle and Dr. Sperry will present papers on their research and receive plaques, citations and $5,000 honorariums at the National Paraplegic Foundation annual meeting in Milwaukee, June 28.

Mr. MICHEL. Mr. Chairman, as we conclude debate on this bill, there are several other major items on which I would like to make a few brief comments. These include the appropriation for the Social and Rehabilitation Service, the Social Security Administration, the special institutions, and related agencies.

SOCIAL AND REHABILITATION SERVICE

A number of SRS items were not considered by the committee because they lacked authorization. Among these are the work incentive programs, most of the rehabilitation programs designed to return physically or mentally handicapped persons to gainful employment, some of the special programs for the aging, and most of the training programs. Budget requests for these items total over a billion dollars.

Your committee did, however, provide $100,000,000, the full amount of the budget request, for nutrition programs for the elderly. Authorized in the current session of Congress, these programs provide grants to the States for up to 90 percent of the cost of meals for persons and their spouses over 60 years of age. It is estimated this amount will provide low cost, nutritional meals to approximately 400,000 older persons daily in fiscal year 1973. The amount approved by the committee includes $400,000 for administrative costs.

Although the developmental disabilities program did not lack authorization, the committee decided not to consider it at this time because it is so closely related to the other social and rehabilitation service programs for which authorization was lacking.

This was not an oversight, and your committee is assured that this important program will not be injured or hampered if it is not included in this appropriation bill. It will be considered with the other SRS programs at a later time.

Of course, the biggest item in this section of the bill is grants to states for public assistance, which accounts for nearly half of the total funds contained in our bill, excluding the trust funds. Five separate appropriations are contained in this category: maintenance assistance, medical assistance, social services, State and local training, and child welfare services.

The first, maintenance assistance, is funded at $7,554,108,000. This is $845,650,000 over the 1972 level.

Under formulas established by Congress, the Federal Government reimburses the States for payments made to eligible needy persons—dependent children deprived of parental support or care, the aged, the blind, and the dis-

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abled—for food, shelter, clothing, and other necessary items of daily living; also, for the costs of vendor payments made to intermediate care facilities for the aged, blind, and disabled; and for the costs of State and local administration of the program. Repatriation is 100 percent Federal funds for financial assistance and services provided to U.S. nationals repatriated from abroad because of mental illness, other illness, destitution, or international crises.

The maintenance assistance programs are administered by the States with the financial participation of the Federal Government, and under Federal policies and regulations. The scope of coverage and assistance standards are set forth in State plans approved by the Federal Government as being in accord with these regulations and the provisions of the Social Security Act.

In fiscal year 1972, it is anticipated that maintenance assistance will be made to a monthly average of about 14.3 million needy recipients, with the majority of the assistance to families with dependent children—over 11 million recipents—and to the aged—over 2 million.

It is estimated that in 1973 maintenance payments will be made to a monthly average of about 16 million recipients including 12.6 million under aid to families with dependent children and 2.1 million under old-age assistance.

The second item, medical assistance, is funded at $4,477,687,000, which is $426,056,000 above the 1972 level.

Grants for medical assistance under title XIX of the Social Security Act (medicaid) are made to States having plans approved by the Department of Health, Education, and Welfare. The purpose of title XIX, which became effective in January 1966, is to assist States to provide higher quality medical care to their low-income population.

Federal financial participation in medicaid payments varies from a minimum of 50 percent to a maximum of 83 percent depending upon the per capita income of the State. The Federal program requires that eligible recipients include, as a minimum, all persons receiving or eligible to receive maintenance payments under the Social Security Act and eligible children under 21 who are not in families. In addition, States may elect to cover certain medically needy persons who are eligible for help only with their medical bills and, hence, do not receive maintenance payments. Medicaid complements the Federal medicare program by paying the deductible and coinsurance for the needy aged, by paying their premiums for medicare's supplementary medical insurance program, and by paying for services not covered by medicare; for example, long-term skilled nursing home care or prescription drugs.

The next item, social services, is funded at $1,241,348,000, or $121,933,000 below last year's appropriation.

Social services are authorized under the 1967 Amendments to the Social Security Act. The purpose of this program is to provide a full range of social services to public assistance recipients and former or potential recipients.

Services are provided to recipients of aid to families with dependent children, and to the adult categories receiving old age assistance, aid to the permanently and totally disabled, and aid to the blind. Grants are made to States based on a rate of 75 percent Federal financial participation for AFDC and either 75 percent or 50 percent for the adult programs.

Adult services are being extended to 51 States and jurisdictions. It is expected that 48 States will adopt the mandatory services required under the new Federal adult service regulations in order to qualify for 75 percent Federal financial participation.

States are being assisted to complete the separation of social service functions from income maintenance. Fifty-one States have participated in separation to some extent. Complete caseload separation has occurred in the AFDC category in 18 States; in OAA, 12 States; in AB, 12 States; and in APTD, 12 States.

Approximately 644,000 adults and 4,151,000 families, including 12 million children, are expected to receive one or more social services under the AFDC program during 1972.

During 1973, restructuring of the social services program will be a priority. Administrative controls will include the following: First, a program and financial planning system, second, a management information system for monitoring and evaluation, third, revision of regulations which will require States to develop a goal-oriented social service system, fourth, issuance of regulations that will formalize requirements for separation of social services functions from income maintenance activities, fifth, issuance of new policy and procedures on the purchase of services and use of donated funds. These initiatives are expected to result in Federal savings of $184,000,000.

Approximately 1,050,000 adults and 6,670,000 families, including 16,200,000 children, are expected to receive one or more social services during 1973.

The fourth item, State and local training, is funded at $50,561,000, which is $4,797,000 over the 1972 level.

Under the 1962 amendments to the Social Security Act, Federal financial participation at the 75-percent rate is available to States for costs of training public assistance staff or persons preparing for employment in public assistance agencies. The 1967 amendments require States to provide for the training and effective use of subprofessionals as community service aides and of volunteers.

This program enables State and local public assistance agencies to provide educational leave for employees, stipends for individuals preparing for employment, agency inservice training programs for employees, and educational and training contracts for training.

Training focused on orientation to the agency was provided to persons in new careers as well as persons entering one of the technical or professional areas. Training of subprofessionals and volunteers was added to the regular ongoing training programs. Special emphasis was placed on training for new service delivery systems and on quality control training of staff. Specific training was provided for the jobs of determining and maintaining eligibility for financial assistance and delivery of services as States move into the separation of financial assistance and service functions.

In fiscal 1973, States will have separated the financial assistance and service functions which will necessitate the retraining of more personnel as well as training new employees for these functions. This will mean extensive retraining of all employees for an entirely new program responsibility and series of agency relationships as different parts of government assume responsibilities which the public welfare system has formerly performed.

Finally, the last item of this section of the bill, child welfare services, is funded at $46,000,000, the same level as the 1972 appropriation.

Child welfare services are authorized under title IV–B of the 1967 amendments to the Social Security Act. The purpose of this program is to provide essential child welfare services to children in their own homes, or in foster homes or institutions.

Child welfare services are extended to children in need of such services without regard to financial need, legal residence, race, or religion. Each State receives a uniform grant of $70,000 and an additional grant which varies directly with child population under 21 and inversely with average per capita income.

In 1972, States are being encouraged to coordinate child welfare services more closely with the social services program of AFDC and to use child welfare services to fill the gaps that cannot be reached through the AFDC social services program. Approximately 614,000 children will receive services under this program in 1972. Total expenditures are estimated at $575,000,000 with Federal financial participation being approximately 8 percent.

I should just note here before we leave Grants to States for public assistance that these requests were based on estimates that were received from the States last November and based on past experience, I think we can brace ourselves for a large supplemental request later this year.

SOCIAL SECURITY ADMINISTRATION

In the appropriation for the Social Security Administration, we have five major items of interest: First, matching payments for supplementary medical insurance; second, hospital insurance for the uninsured; third, military service credits; fourth, retirement benefits for certain uninsured persons; and, fifth, special benefits for disabled coal miners.

Three of the first four activities represent payments to reimburse the trust funds for benefits chargeable to general revenues. The fourth effectuates dollar-for-dollar matching from Federal funds of premiums paid by or for individuals covered under the voluntary supplementary medical insurance program. In all four situations, the amount of the payments to be made derives from the exercise by individuals of their rights under the law and is not subject to administrative control.

The amount of funds required for Federal matching of premiums paid by or for individuals in the voluntary medical insurance program is dependent on the number of persons enrolled in the program and the premium rate which has been promulgated by the Secretary of Health, Education, and Welfare for the fiscal year for which funds are appropriated.

Appropriation estimates for payments to the trust funds for the cost of hospital insurance for the uninsured, noncontributory military service credits and retirement benefits for certain uninsured persons aged 72 and over are based on benefits paid or to be paid to individuals protected by these provisions of law and the related administrative and interest costs.

During fiscal year 1972, the average number of enrollees in the supplementary medical insurance program is estimated at 20,100,000. Of these, 10,900,000 are expected to receive reimbursed medical services. It is estimated that $2,240,000,000 in supplementary medical insurance benefits will be paid during 1972. An average of 1,567,000 uninsured persons will be eligible for hospital insurance benefits during 1972, and benefits for this group are estimated at $539,000,000.

The average number of enrollees in the supplementary medical insurance program is expected to grow to 20,500,000 in 1973. The standard monthly premium rate and the Federal matching payment will be increased from $5.60 to $5.80 effective July 1, 1972, essentially for increases in the utilization and cost of covered services. Approximately 11,400,000 individuals will receive reimbursed services and $2,455,000,000 in supplementary medical insurance benefits will be paid. In 1973 approximately 1,405,000 uninsured persons—162,000 less than in 1972—will be eligible for hospital insurance, and an estimated $548,000,000 in benefits will be paid for this group.

The appropriation for the first four items constitutes payments to Social Security Trust Funds which, in fiscal 1973 is estimated at $2,475,485,000, some $10,188,000 over the amount appropriated for 1972.

The appropriation for special benefits for disabled coal miners would be $557,788,000 for fiscal 1973, an apparent reduction of more than $375 million below the 1972 funding level. This is due to the fact that the 1972 appropriation covered payments for the two preceding years.

The benefit payment estimate includes monthly payments to 125,000 miners and widows who were on the benefit rolls as of June 30, 1971, and to an additional 86,000 miners and widows to be awarded payments during fiscal year 1972. About 37,000 of the awards to be made in 1972 result from reconsiderations and appeals filed by claimants previously disallowed and these awards include from 18 to 29 months of retroactive payments. The number of awards resulting from reversal of previous denials and carrying large retroactive payments is expected to decline to about 14,000 in 1973. In addition under present law, the Social Security Administration will have jurisdiction over only a relatively few new claims filed after December 31, 1972, and will not make monthly payments to living miners who filed claims during calendar year 1972 for months after 1972. These payments and most new claims filed after December 31, 1972 will be handled by the Department of Labor and the State workman's compensation agencies. However, the ongoing level of benefits increases in 1973 because of the number of beneficiaries added to the rolls in 1972. These several factors result in a reduction of $23,000,000 in the level of benefit payment obligations estimated for fiscal year 1973 as compared with fiscal year 1972.

Current estimates for administrative expenses for this program anticipate the receipt of 43,000 claims in 1973 as compared with an estimated 89,000 claims in 1972. Also, reconsiderations to be processed are expected to decrease from 91,000 in 1972 to 26,000 in 1973. However, the other major workload, requests for hearing processed is estimated to increase from 23,000 in 1972 to 28,000 in 1973. Workloads related to the maintenance of the beneficiary roll will continue to rise slightly. The net effect of these changes is a composite reduction of 20 percent in the volume of work performed by Social Security Administration personnel and a reduction of about 70 percent in the number of cases handled by the State agencies for the development of additional medical evidence.

Turning now to the special institutions, the bill includes $1,696,500 for the American Printing House for the Blind, an increase of $116,500 over the 1972 level.

The purpose of the American Printing House for the Blind, under the act, "To promote the education of the blind," is to provide educational materials to students, of less than college grade, who attend public schools and classes with sighted children and blind students who attend special schools and classes for the blind.

All superintendents of schools for the blind and of public instruction in the various States, or their designees, are ex-officio trustees of the Printing House in the administration of the Federal act "to promote the education of the blind." This group meets annually, in October each year, at the Printing House and elects the various Advisory Committee members to work with the Printing House in textbook adoption and tangible apparatus to be produced and educational research. In addition to producing the newly adopted materials for the next school year, the Printing House makes the necessary reprints and keeps in stock a finished goods inventory of more than $1,500,000 in order to serve the needs of the schools for the blind and State Departments of Education on a current order basis.

The bill also includes $4,694,000 for the National Technical Institute for the Deaf, the amount of the budget request.

As authorized by Public Law 89–36 the Secretary of Health, Education, and Welfare entered into an agreement with the Rochester Institute of Technology for the establishment, construction, and operation of the National Technical Institute for the Deaf. Its purpose is to provide a coeducational, residential facility for post-secondary technical training and education for persons who are deaf in order to prepare them for successful employment.

In 1972 the education and training programs are expanding to serve 431 students from 40 States; several new vocational technical training programs are being started; the integrated social and recreational programs for deaf students are being continued; job placement efforts are being intensified and follow-up research is being initiated; and computer assisted instruction and picture-telephone applications are being broadened.

In 1973, 503 students will be enrolled; job placement employer contacts will be multiplied considerably; comparative curricula studies will be conducted; new communications programs will be initiated; innovative uses of computerized instructional systems will be investigated; and much will be done to automate student and administrative data gathering and reporting.

For the Model Secondary School for the Deaf, the bill includes $4,625,000, the same of the budget request.

To break through some of the barriers that limit the educational achievement of young deaf people and resolve some of the problems in teaching and learning so that deaf students who attend this high school can achieve at levels more comparable to the achievement levels of hearing high school students; to provide administrative and support services to the Model Secondary School for the Deaf as a whole, and to provide student services for the welfare of the student body; to demonstrate how programs of the quality of the Model Secondary School for the Deaf may be developed in other regions with State and local resources.

This activity includes obligations incurred for the instructional program to provide individualized secondary education for young deaf persons in preparation for higher education and for vocational training. Also, included under this activity are obligations incurred through educational support and general administrative services.

In fiscal year 1972, the emphasis was placed on a program of evaluation of student achievement and the effectiveness of materials and methods in use. The instructional staff continued to produce instructional materials appropriate for computer-assisted instruction, and technological contributions to education were explored. An entire high school curriculum must be developed over the next 2 or 3 years; therefore, the development of curriculum materials continued to receive priority. A pilot residence program provided for current student enrollment with experiments in patterns of residential living that show promise for use in the permanent facility. Continued experimentation within the temporary facility with respect to furniture and equipment configurations was planned. Continued improvements in the student services program were initiated.

In fiscal year 1973, the Model Second-

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ary School for the Deaf will continue to develop and provide a program of excellence for the present student body. Extensive emphasis will be placed on developing instructional materials of an individualized nature including filmed, televised, computerized and other technological formats. Increased efforts in the evaluation of student progress and of the effectiveness of methods in use will be undertaken to lend direction to instructional planning. Audiological, psychological, social work, health, and other professional service components of the school program require further development prior to a major increase in the student body. The Model Secondary School for the Deaf additionally will respond to the commitment to serve other schools in the region and nationally through dissemination enterprises.

Also included in the bill is $14,446,000 for Gallaudet College, an increase of $4,960,000 from the budget request. The increase over the budget is for completion of the updating of the college's utility system.

This appropriation consists of two major activities: College operations and Kendall Demonstration Elementary School.

The college operations activity is responsible for instructional programs in the undergraduate college, graduate college, preschool, summer school, the library, public services, continuing education, research and for student aid. Also included in this activity are the administrative offices, business management, support and student services.

The obligations for this activity include salaries and benefits for departmental chairmen, teaching staff and their supporting staff and staff personnel, office and laboratory expenses, travel, equipment and other departmental expenses.

Funds requested are to initiate more of the Role and Function Committee's recommendations as described in the new era report. It is extremely important that the latest technological advances be brought to the institution to assist our students in learning. Funds are requested to expand the tutorial program which will provide an opportunity to deaf students to improve as rapidly as possible in language skills and basic academic studies needed for college entrance. Another important part of the request are funds in order to provide more courses, seminars, study tours, and grants in aid. Also, funds are requested for teaching and nonteaching faculty salaries in order to remain competitive with other institutions of higher education in the metropolitan area. The custodial services, along with the preventive maintenance program, must be upgraded in order to provide a physical environment that is conducive to learning. The expansion of the institution necessitates a more sophisticated administrative support system along with an increase in student services.

This activity is responsible for carrying out the mandate of Public Law 91–587 to convert the present Kendall School into a demonstration elementary school for deaf children residing in the Washington metropolitan area.

The obligations for this activity are primarily focused upon areas of presently inadequate, insufficient, or nonexisting program support of the present Kendall Demonstration Elementary School. Major areas of increase include supportive staff, teacher aides, special services, instructional equipment, supplies and materials expenses, as well as the establishment of a program management sector to develop a program effectiveness and budgetary impact data system.

The committee agreed to the budget request of $58,881,000 for Howard University. This will provide for salary increases, improvements in the university's academic program, and in the operation of Freedman's Hospital, as well as funds for construction.

This appropriation provides support for the total program of the university, including subactivities such as instruction and departmental research; research and training sponsored by outside organizations and agencies; libraries that serve the several areas of specialized instruction; administrative and support services; operation and maintenance of the physical plant; auxiliary enterprises; and student aid.

Instruction, with its supporting subactivities, provides education on the undergraduate, graduate, and professional levels for students who find it difficult, or impossible to secure the type of quality of training of their own choosing within their locality. While this education is available at Howard University to all without regard to race, creed, or national origin, the university undertakes to give special attention to the needs of blacks and other minorities.

The university will provide needed improvements in its educational program in 1972 by, first, establishing 82 new teaching positions in liberal arts, medicine, dentistry, social work, urban affairs, business education, and communications; and providing 74 new positions as support for the teaching staff; second, continuing improvement of faculty salaries at a reasonable level of comparability, and, third, providing additional support for campus safety and security; air-conditioning Founders library, and installing of the centrex telephone system.

The overall goal of the university in 1973 is to make major strides in strengthening all programs and services of the university to provide more effective teaching in all academic units, and to establish it as a leader and pioneer in selected and strategic areas of higher education. Specifically, the university will continue to seek improvement of faculty salaries in order to remain competitive; seek increases in the number of teachers to attain the student-faculty ratio required for quality instruction and faculty productivity and continue progress in the development of new academic programs initiated in fiscal year 1971–72.

The Freedman's Hospital furnishes inpatient and outpatient care for the community and serves as a facility for training of physicians, nurses, professional, and technical health personnel. It is the teaching hospital for Howard University's health center.

Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services to patients, medicare patients and patients certified by the District of Columbia and other jurisdictions. The hospital operates a total of 428 beds and 60 bassinets.

In 1971 the hospital provided inpatient care for an average daily census of 391.0 patients—including newborn—and 128,153 outpatient visits were provided. The inpatient level was 2 percent above the 1970 average daily census. Outpatient visits were 7.8 percent above original estimates.

In 1972 it is expected that inpatient load will increase over the 1971 level to an average daily census of 398 patients. The outpatient visit level is also expected to continue its rising trend and reach a total of 132,000 outpatient visits. Because of a change in student demand, there will be a shift in emphasis from the diploma nursing school to the baccalaureate nurse program in the academic program activity.

The basic long-term objective of the Freedman's Hospital is to operate an efficient institution providing a good quality of patient care to its patient clientele in the Metropolitan Washington area, functioning as a fully adequate locale for the teaching functions of Howard University and for the training of paramedical personnel and utilizing the resources that are available in patient material and professional talent to develop a creative and effective research program.

Patient load estimates for 1973 envision a further increase in average daily census to 406 and outpatient visits to 131,000, increases of 4 and 10 percent respectively.

Turning now to the related agencies, the committee appropriated a total of $106,665,000 for these agencies in fiscal 1973.

For the Commission on Railroad Retirement, the bill includes $101,000, the amount of the request and a decrease of $391,000 from the 1972 level.

The Commission was established under section 7 of the Railroad Retirement Act Amendments of 1970 (Public Law 91–377), as amended (Public Law 92–46), to conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress changes which would provide adequate levels of benefits on an actuarially sound basis. The Commission is required to submit its final report on or before July 1, 1972, and is allowed 60 days thereafter for orderly termination of its activities. The appropriation for 1973 provides for the termination period.

The bill provides $10,650,000 for the Federal Mediation and Conciliation Service, the amount of the budget request and an increase of $240,000 from last year.

The Service under title II of the Labor Management Relations Act of 1947, assists labor and management in mediation and prevention of disputes affecting

industries engaged in interstate commerce and defense production, other than rail and air transportation, whenever in its judgment such disputes threaten to cause a substantial interruption of commerce. Under the authority of Executive Order 11491 of October 29, 1969, as amended by Executive Order 11616, dated August 26, 1971, the Service also makes its mediation and conciliation facilities available to Federal agencies and organizations representing Federal employees in the resolution of negotiation disputes.

The committee agreed to the budget request of $1,260,000 for the Cabinet Committee on Opportunities for Spanish-Speaking People, an increase of $370,000 over the 1972 appropriation.

The Cabinet Committee on Opportunities for the Spanish-Speaking People was created on December 30, 1969, by Public Law 91–181. The primary functions of the committee are to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

Included in the bill is $406,000 for the National Commission on Libraries and Information Science, the amount of the budget request and an increase of $206,000 over last year.

The Commission is a permanent, independent agency composed of the Librarian of Congress and 14 members appointed by the President, five of whom are professional librarians or information specialists. The Commission was appointed in May 1971, and is responsible for developing plans for meeting the library and information needs of the Nation, for coordinating Federal, State, and local activities to meet these needs, and for advising the President and Congress on national library and information science policy.

The bill includes $1,440,000 for the National Commission on Marihuana and Drug Abuse, an increase of $300,000 over the budget request and an increase of $212,000 over 1972.

The National Commission on Marihuana and Drug Abuse was created by Public Law 91–513, as amended by Public Law 92–13. The Commission will be in existence for a period up to 26 months to conduct a study of marihuana including the extent of its use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

On the basis of its study, the Commission will make recommendations to the President and the Congress, for legislation and administrative action.

The budget request of $50,456,000 for the National Labor Relations Board was appropriated by the committee, and increase of $1,988,000 over 1972.

The Board resolves representation disputes in industry and remedies and prevents specified unfair labor practices by employers or labor organizations. Similar responsibilities for the new U.S. Postal Service were assumed on July 1, 1971. Additional funds are requested to enable the Agency to process a steadily rising caseload of both unfair labor practice and representation cases. Estimates for 1973 reflect an intake increase over 1972 of 7.7 percent for unfair labor practice cases and 5.6 percent for representation cases including Postal Service filings.

The bill also included $2,888,000, the amount of the budget request, for the National Mediation Board. This appropriation is $92,000 over the 1972 level.

The Board mediates labor disputes and determines collective bargaining representatives for the 700 carriers and the 1 million employees in the railroad and airline industries.

When mediation fails, the parties are urged to submit their differences to arbitration. If neither mediation nor voluntary arbitration is successful, the President, when notified of disputes which threaten seriously to interrupt service, may appoint an emergency board to investigate and report on the disputes as a basis for agreement.

Railroad employees and carrier grievances resulting from application of collective bargaining contracts may be brought for settlement ot the National Railroad Adjustment Board. The Board is composed of carrier and union representatives compensated by the parties. Administrative direction and guidance is provided by the administrative officer designated by the National Mediation Board. The appropriation also provides for neutral referees to sit with the Board when they are deadlocked. Boards of Adjustment, previously carried under activity 2, are also financed under this activity.

The bill includes $5,979,000 for the Occupational Safety and Health Review Commission, the amount of the budget request and an increase of $4,346,000 over last year.

The Review Commission, established by the Occupational Safety and Health Act of 1970, is empowered to provide a forum for the adjudication of contested enforcement actions instituted by the Secretary of Labor. The Commission holds factfinding hearings and issues orders affirming, modifying, or vacating the Secretary's enforcement actions.

This large increase is needed to provide additional personnel to enable the Commission to keep abreast of its rapidly expanding caseload.

Under the Railroad Retirement Board, the bill includes $21,645,000 for payments for military service credits, the amount of the budget request, and $19,822,000 for limitation on salaries and expenses, also the amount of the budget request.

The Board administers the Railroad Retirement Act which provides a program for the payment of regular annuities for age and disability and benefits for survivors, financed by taxes paid equally by employers and employees. The Board also participates in the administration of the hospital and medical insurance programs for persons covered by the Railroad Retirement Act for which it is reimbursed in part by the Social Security Administration, the activity of which is reflected in the advances and reimbursements account.

The Board also administers a program for the payment of supplemental annuities under certain conditions to career railroad workers awarded regular retirement annuities after June 1966, financed by a tax paid by employers based on the number of man-hours for which they pay compensation. The supplemental annuity paid to employees is in addition to the regular railroad retirement annuity.

And for the U.S. Soldiers' Home, the bill includes authority to use $11,596,000 for the Soldiers' Home Permanent Fund, the amount of the request, and an increase of $13,000 over the amount authorized for fiscal year 1972. It also includes $244,000 for capital outlay, the amount of the budget request, and an increase of $164,000 over the 1972 level.

The U.S. Soldiers' Home provides medical and domiciliary care and other authorized benefits for the relief and support of certain old, invalid, or disabled soldiers of the Regular Army and airmen of the Air Force. Funds for operation and maintenance of the Home are appropriated from the Soldiers' Home permanent fund—trust fund—and not from the general funds of the Treasury.

Mr. GUDE. Mr. Chairman, I rise in particular to congratulate the House Appropriations Committee for a bill which increases the funds for programs in the field of medical research and the delivery of health care. As I pointed out in my remarks on May 10 on the floor of the House, the proposed budget for fiscal 1973 could be a serious blow to the ongoing program of important and lifesaving programs, both at the National Institutes of Health and at the National Institute of Mental Health. I take great pride in the fact that both the National Institutes of Health and the Health Services and Mental Health Administration are located in my district.

I am particularly grateful to the committee for the increase of $30 million in staffing grants for community mental health centers. However, I must point out in all fairness that a considerable portion of this increase will go to mental health centers which were approved in fiscal 1972, but were not supported, because of lack of funds. For example, the entire State of Maryland received only $718,000 in staffing grants in fiscal 1972.

Let me point out several concrete examples of what this means: The Upper Montgomery County Mental Health Center, located in the Montgomery General Hospital at Olney, has been constructed with matching Federal and State support. However, the key to its successful operation is an adequate professional staff. It has been almost a year since its staffing grant application was approved, but it has yet to receive any funds because of the fiscal stringency crippling the entire mental health center program in this country.

XUM

The 300 fully operating mental health centers in the country are doing a magnificent job of reducing the patients in residence in our State hospitals. As pointed out in the hearings before the House Appropriations Committee this year, the reduction of almost 50 percent in the number of patients incarcerated in our State mental hospitals in the past decade alone has saved the States and localities several billions of dollars.

We need at least 10 more mental health centers in Maryland and my county has already benefited considerably from State and local support moneys; we feel the Federal Government should provide support to a corresponding degree.

For example, the Silver Spring-Takoma Park Mental Health Center will open in September of this year. It has received financial support from the State, from the county and from the Washington Sanitarium and Hospital, and it is now preparing a staffing grant application to the Federal Government. I hope and urge that it will be funded with the increases recommended in the bill before us today. It is desperately needed.

Although the Holy Cross Hospital opened a small psychiatric unit just a month ago with its own funds and staff, there is still a great need for a comprehensive mental health center in that area. The citizens of that portion of my district are working with the Community Psychiatric Clinic, the Montgomery County Health Department, and the State to construct or purchase a building located near Holy Cross Hospital. If a building can be purchased for a reasonable amount of money, another staffing grant application will come in from my district within the next few months.

In the entire Bethesda catchment area there is not a single mental health center despite the enormous growth of our population in Montgomery County over these past few years.

Mr. Chairman, I must repeat my hope that the $30 million which the House Appropriations Committee has added to the administration's request for mental health staffing grants will cover these needs which I have cited and others which time does not permit me to list. However, if it is determined that these additional moneys are not sufficient, I would respectfully suggest that the members of the Labor-HEW subcommittee take a positive attitude toward any additional increases for centers' staffing which the other body may approve. We are behind in funding these centers and I hope that this year's appropriation will mark a turning point toward adequate Federal support of this vital programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15417), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill H.R. 15417 to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment:

On page 40, after line 4, insert a new section as follows:

"SEC. 409. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditures shall not exceed 95 per centum of the total appropriations contained herein."

Mr. BOW. Mr. Speaker, this of course is what has been known over the years as the Bow amendment, which has been adopted by this body on several occasions and rejected on some occasions. It will be called a meat-ax cut, but sometimes it is well to get out the meat ax. This is the first time I have offered this for some time, but when we see what has happened here today and what is happening to the situation in our country, I could not resist it now because with the bill as it is this is going to save approximately $1.4 billion.

This only provides that we are going to cut it down to 95 percent in expenditures—not in appropriations but in expenditures—of what we are authorizing today, and it protects the Social Security Administration, the Railroad Retirement Board, the Soldiers' Home, and payments in social security.

I can look forward, Mr. Chairman, to a vote within the near future on extending the debt limitation, and I wonder about those who have been voting here today to increase these amounts and this great debt with these great appropriations—how are they going to vote when it comes to the question of the increase in the debt limitation and whose responsibility it will be then?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the only way to insure that this loaded and bloated appropriation bill will not be vetoed is to vote for the motion to recommit. A 5-percent expenditure cut below the appropriation will save the expenditure of approximately $1.3 billion in fiscal year 1973, and that amount is approximately the total added in appropriations over the budget submitted by the President.

Our memories ought to take us back to 1970 when in that year on this appropriation bill we did almost exactly as we are doing today. The net result was there was a veto, it was sustained, and the HEW-Labor appropriate bill did not become law until well after the school year started for elementary and secondary schools, and the school administrators the length and breadth of the country objected to the uncertainties as a result.

If this bill is not cut back by the Bow amendment, at least in my judgment there is a very high degree of likelihood we will have a replay of 1970.

Mr. Speaker, for that reason I strongly urge, to avoid the problems of 1970, that we support the motion to recommit and avoid the possibility, a distinct one, of a veto and the problems that would result thereafter.

Mr. BOW. Mr. Speaker, I appreciate the remarks of the distinguished minority leader. I urge my colleagues who are for fiscal responsibility, to try to stop this trend and to vote for this motion to recommit. It is a difficult one to vote for, but I hope the Members will support it.

Mr. FLOOD. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker and Members of the House, this is not a new argument. We have been advised, to use a very soft word—I would prefer to use the word "threatened"—on several occasions by the minority leader and others that if the House works its will on a given piece of legislation, it will be vetoed, and therefore we must fall back and rescind what we have accomplished here in the past several days.

Mr. Speaker, all of us stand here occasion after occasion and talk about this being the great Chamber of the representatives of the people, the place where

the laws are considered and made. I just do not believe that we have to be threatened and intimidated by the notion that the Chief Executive, the President, is going to veto this bill.

I believe this is a good bill. The Members have worked hard and long and diligently to perfect the bill.

I know it can be argued that the amounts are somewhat above what the budget recommended, but I would say that when we look at the needs in these areas of health and education, the demands all over this country, and when we look at this plus trillion-dollar economy of ours, what we have done is anything but generous. The amount of the national commitment to education in this country is unfortunately less than it is in most countries in the Western World. We pay a penalty for it, a very dear penalty, because unfortunately the standard of education in this country has suffered accordingly.

Mr. Speaker, I commend you on the fine job you have done, and I commend your colleagues. The bill has been accepted by and large. Some amendments have been adopted. That is the legislative will of this body.

I hope that none of us will be threatened and cajoled and intimidated by a Presidential veto. If the President wants to veto the bill, that is his privilege. We will bring it back here and see whether or not we can override the veto.

Mr. FLOOD. Mr. Speaker, I wish to add nothing more than I said in opposing the amendment of the gentleman from Illinois, which was soundly defeated.

Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 208, not voting 86, as follows:

[Roll No. 207]

YEAS—138

Abbitt	Daniel, Va.	Kemp
Anderson, Ill.	Davis, Wis.	Kuykendall
Andrews, Ala.	Dellenback	Kyl
Andrews, N. Dak.	Dennis	Landgrebe
Archer	Derwinski	Latta
Arends	Devine	Lloyd
Ashbrook	Dickinson	Lujan
Baker	Downing	McCollister
Belcher	Duncan	McCulloch
Bennett	Erlenborn	McKevitt
Betts	Findley	Mallary
Blackburn	Fish	Mann
Bow	Fisher	Mathias, Calif.
Brotzman	Flynt	Mathis, Ga.
Brown, Mich.	Ford, Gerald R.	Mayne
Brown, Ohio	Fountain	Michel
Broyhill, N.C.	Frelinghuysen	Miller, Ohio
Burke, Fla.	Frey	Mills, Md.
Burleson, Tex.	Gettys	Minshall
Cabell	Goldwater	Mizell
Camp	Goodling	Myers
Carlson	Griffin	Nelsen
Cederberg	Gross	Passman
Chappell	Gubser	Pelly
Clancy	Haley	Pettis
Clausen, Don H.	Hamilton	Powell
Clawson, Del	Hastings	Price, Tex.
Collier	Hunt	Purcell
Collins, Tex.	Hutchinson	Quie
Colmer	Ichord	Quillen
Conable	Johnson, Pa.	Rhodes
Conover	Jonas	Robinson, Va.
Crane	Jones, N.C.	Robison, N.Y.
	Keating	Roush
	Keith	Runnels
	Kleppe	Ruth
	Kuykendall	Sandman
	Kyl	Satterfield
	Landgrebe	Saylor
	Latta	Scherle
	Lloyd	Schmitz
	Lujan	Schneebeli
	McCollister	Scott
	McCulloch	Sebelius
	McKevitt	Shriver
	Mallary	Sikes
	Mann	Skubitz
	Mathias, Calif.	Smith, N.Y.
	Mathis, Ga.	Spence
	Mayne	Steiger, Ariz.
	Michel	Stuckey
	Miller, Ohio	Taylor
	Mills, Md.	Teague, Calif.
	Minshall	Teague, Tex.
	Mizell	Terry
	Myers	Thompson, Ga.
	Nelsen	Vander Jagt
	Passman	Veysey
	Pelly	Waggonner
	Pettis	Wampler
	Powell	Ware
	Price, Tex.	Whalley
	Purcell	Widnall
	Quie	Winn
	Quillen	Wyatt
	Rhodes	Wydler
	Robinson, Va.	Wylie
	Robison, N.Y.	Wyman
	Roush	Young, Fla.
	Runnels	Zion

NAYS—208

Adams	Forsythe	Murphy, N.Y.
Addabbo	Fulton	Murphy, Ill.
Alexander	Galifianakis	Natcher
Anderson, Calif.	Gaydos	Nedzi
Annunzio	Gialmo	Nix
Ashley	Gibbons	Obey
Aspin	Gonzalez	O'Konski
Aspinall	Grasso	O'Neill
Badillo	Gray	Patten
Baring	Green, Oreg.	Peyser
Barrett	Green, Pa.	Pickle
Begich	Gude	Pike
Bergland	Hammer-schmidt	Preyer, N.C.
Bevill	Hanley	Price, Ill.
Biaggi	Hanna	Puciński
Biester	Hansen, Idaho	Railsback
Boggs	Hansen, Wash.	Randall
Boland	Harrington	Rangel
Bolling	Hathaway	Rees
Brademas	Hawkins	Reid
Brasco	Hays	Reuss
Brinkley	Hechler, W. Va.	Riegle
Brooks	Heckler, Mass.	Roberts
Broyhill, Va.	Heinz	Rodino
Buchanan	Helstoski	Roe
Burke, Mass.	Henderson	Rogers
Burlison, Mo.	Hicks, Mass.	Roncalio
Burton	Hicks, Wash.	Rostenkowski
Byrne, Pa.	Hogan	Roy
Byron	Holifield	Roybal
Caffery	Horton	Ruppe
Carey, N.Y.	Howard	Ryan
Carney	Hull	St Germain
Carter	Hungate	Sarbanes
Casey, Tex.	Jacobs	Schwengel
Chisholm	Jarman	Selberling
Clark	Johnson, Calif.	Shipley
Clay	Jones, Ala.	Shoup
Cleveland	Jones, Tenn.	Sisk
Conte	Karth	Slack
Conyers	Kastenmeier	Smith, Iowa
Corman	Kazen	Staggers
Cotter	Kee	Stanton, J. William
Coughlin	Koch	Stanton, James V.
Culver	Leggett	Steed
Daniels, N.J.	Lent	Steele
Danielson	Long, Md.	Stokes
Davis, Ga.	McClory	Stratton
de la Garza	McCormack	Stubblefield
Dellums	McDade	Symington
Denholm	McFall	Thomson, Wis.
Dent	McKinney	Thone
Diggs	Macdonald, Mass.	Tiernan
Donohue	Madden	Udall
Dorn	Mahon	Ullman
Dow	Matsunaga	Vanik
Drinan	Mazzoli	Vigorito
Dulski	Meeds	Waldie
du Pont	Melcher	Whalen
Eckhardt	Mikva	White
Edwards, Calif.	Miller, Calif.	Whitten
Ellberg	Mills, Ark.	Wolff
Esch	Minish	Wright
Evans, Colo.	Mink	Yates
Evins, Tenn.	Mitchell	Yatron
Fascell	Mollohan	Young, Tex.
Flood	Monagan	Zablocki
Flowers	Moorhead	Zwach
Foley	Morgan	
Ford, William D.	Moss	

NOT VOTING—86

Abernethy	Davis, S.C.	Hall
Abourezk	Delaney	Halpern
Abzug	Dingell	Harsha
Anderson, Tenn.	Dowdy	Harvey
Bell	Dwyer	Hébert
Bingham	Edmondson	Hillis
Blanton	Edwards, Ala.	Hosmer
Blatnik	Eshleman	King
Bray	Fraser	Kluczynski
Broomfield	Frenzel	Kyros
Byrnes, Wis.	Fuqua	Landrum
Celler	Gallagher	Lennon
Chamberlain	Garmatz	Link
Collins, Ill.	Griffiths	Long, La.
Curlin	Grover	McCloskey
	Hagan	McClure
		McDonald, Mich.
		McEwen
		McKay
		McMillan
		Maillliard
		Martin
		Metcalfe
		Montgomery
		Mosher
		Nichols
		O'Hara
		Patman
		Pepper
		Perkins
		Pirnie
		Poage
		Podell
		Poff
		Pryor, Ark.
		Rarick
		Rooney, N.Y.
		Rooney, Pa.
		Rosenthal
		Rousselot
		Scheuer
		Smith, Calif.
		Snyder
		Springer
		Steiger, Wis.
		Stephens
		Sullivan
		Talcott
		Thompson, N.J.
		Van Deerlin
		Whitehurst
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rarick for, with Mr. Rooney of New York against.

Mr. McEwen for, with Mr. Mosher against.

Mr. Rousselot for, with Mr. Pirnie against.

Mr. Hall for, with Mrs. Dwyer against.

Mr. Abernethy for, with Mr. Link against.

Mr. Bray for, with Mr. Perkins against.

Mr. Smith of California for, with Mr. Celler against.

Mr. Edwards of Alabama for, with Mr. Thompson of New Jersey against.

Mr. Martin for, with Mr. Fraser against.

Mr. King for, with Mr. Kyros against.

Mr. Dowdy for, with Mr. O'Hara against.

Mr. Long of Louisiana for, with Mr. Kluczynski against.

Mr. Montgomery for, with Mr. Metcalfe against.

Until further notice:

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Rooney of Pennsylvania with Mr. Eshleman.

Mr. Nichols with Mr. Poff.

Mr. Delaney with Mr. Halpern.

Mr. Pepper with Mr. McClure.

Mr. Collins of Illinois with Mrs. Abzug.

Mr. Patman with Mr. McCloskey.

Mr. Podell with Mr. Grover.

Mr. Fuqua with Mr. Springer.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Lennon with Mr. Hillis.

Mr. Van Deerlin with Mr. Hosmer.

Mrs. Sullivan with Mr. Frenzel.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Dingell with Mr. Chamberlain.

Mr. Curlin with Mr. Snyder.

Mr. Edmondson with Mr. Broomfield.

Mr. Garmatz with Mr. Harsha.

Mr. Anderson of Tennessee with Mr. Williams.

Mr. Abourezk with Mr. Steiger of Wisconsin.

Mr. Blanton with Mr. Maillliard.

Mr. McKay with Mr. Harvey.

Mr. Pryor of Arkansas with Mr. Bell.

Mr. Hagan with Mr. Whitehurst.

Mr. Stephens with Mr. Talcott.

Mr. McMillan with Mr. Wiggins.

Mr. Bingham with Mr. Davis of South Carolina.

Mr. Rosenthal with Mr. Landrum.

Mr. Gallagher with Mr. Scheuer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 277, nays 60, not voting 95, as follows:

XUM

[Roll No. 208]

YEAS—277

Adams	Gaydos	Nedzi
Addabbo	Gettys	Nelsen
Alexander	Giaimo	Obey
Anderson, Calif.	Gibbons	O'Konski
	Goldwater	O'Neill
Anderson, Ill.	Gonzalez	Passman
Andrews, Ala.	Grasso	Patten
Andrews, N. Dak.	Gray	Pepper
	Green, Oreg.	Pettis
Annunzio	Green, Pa.	Peyser
Ashley	Gubser	Pickle
Aspin	Gude	Pike
Aspinall	Hamilton	Powell
Badillo	Hammer-schmidt	Preyer, N.C.
Baring		Price, Ill.
Barrett	Hanley	Price, Tex.
Begich	Hanna	Pucinski
Belcher	Hansen, Idaho	Purcell
Bergland	Hansen, Wash.	Quie
Bevill	Harrington	Quillen
Biaggi	Hastings	Railsback
Biester	Hathaway	Rangel
Boggs	Hawkins	Rees
Boland	Hays	Reid
Bolling	Hechler, W. Va.	Reuss
Brademas	Heckler, Mass.	Riegle
Brasco	Heinz	Roberts
Brinkley	Helstoski	Robison, N.Y.
Brooks	Henderson	Rodino
Brotzman	Hicks, Mass.	Roe
Brown, Mich.	Hicks, Wash.	Rogers
Brown, Ohio	Hogan	Roncalio
Broyhill, Va.	Holifield	Rostenkowski
Buchanan	Horton	Roush
Burke, Fla.	Howard	Roy
Burke, Mass.	Hull	Roybal
Burleson, Tex.	Hungate	Runnels
Burlison, Mo.	Hunt	Ruppe
Burton	Jacobs	Ryan
Byron	Jarman	St Germain
Cabell	Johnson, Calif.	Sarbanes
Caffery	Johnson, Pa.	Schwengel
Carey, N.Y.	Jones, Ala.	Sebelius
Carney	Jones, N.C.	Selberling
Carter	Jones, Tenn.	Shipley
Casey, Tex.	Karth	Shoup
Cederberg	Kastenmeier	Shriver
Chisholm	Kazen	Sikes
Clark	Keating	Sisk
Clausen, Don H.	Kee	Skubitz
	Keith	Slack
Clay	Kemp	Smith, Iowa
Cleveland	Koch	Spence
Conte	Latta	Stanton, J. William
Conyers	Leggett	
Corman	Lent	Stanton, James V.
Cotter	Lloyd	
Coughlin	Long, Md.	Steed
Culver	Lujan	Steele
Daniels, N.J.	McClory	Stokes
Danielson	McCollister	Stratton
Davis, Ga.	McCormack	Stubblefield
de la Garza	McCulloch	Stuckey
Dellenback	McDade	Symington
Dellums	McFall	Taylor
Denholm	McKevitt	Teague, Calif.
Dent	McKinney	Thomson, Wis.
Diggs	Macdonald, Mass.	Thone
Donohue		Tiernan
Dorn	Madden	Udall
Dow	Mahon	Ullman
Downing	Mann	Van Deerlin
Drinan	Mathias, Calif.	Vander Jagt
Dulski	Matsunaga	Vanik
Duncan	Mayne	Veysey
du Pont	Meeds	Vigorito
Eckhardt	Melcher	Waggonner
Edwards, Calif.	Mikva	Waldie
Eilberg	Miller, Calif.	Wampler
Esch	Miller, Ohio	Whalen
Evans, Colo.	Mills, Ark.	White
Evins, Tenn.	Mills, Md.	Whitten
Fascell	Minish	Widnall
Fish	Mink	Winn
Fisher	Minshall	Wolff
Flood	Mitchell	Wyatt
Flowers	Mollohan	Wydler
Foley	Monagan	Wylie
Ford, William D.	Moorhead	Wyman
	Morgan	Yatea
Forsythe	Moss	Young, Fla.
Fountain	Murphy, Ill.	Young, Tex.
Frelinghuysen	Murphy, N.Y.	Zablocki
Frey	Myers	Zion
Galifianakis	Natcher	Zwach

NAYS—60

Abbitt	Betts	Chappell
Archer	Blackburn	Clawson, Del
Arends	Bow	Collier
Ashbrook	Broyhill, N.C.	Collins, Tex.
Baker	Camp	Colmer
Bennett	Carlson	Conable
Conover	Haley	Ruth
Crane	Hutchinson	Sandman
Daniel, Va.	Jonas	Satterfield
Davis, Wis.	Kuykendall	Saylor
Dennis	Kyl	Scherle
Derwinski	Landgrebe	Schmitz
Devine	Mallary	Schneebeli
Dickinson	Martin	Scott
Findley	Mathis, Ga.	Smith, N.Y.
Flynt	Michel	Steiger, Ariz.
Ford, Gerald R.	Mizell	Teague, Tex.
Goodling	Pelly	Thompson, Ga.
Griffin	Rhodes	Ware
Gross	Robinson, Va.	Whalley

NOT VOTING—95

Abernethy	Griffiths	Patman
Abourezk	Grover	Perkins
Abzug	Hagan	Pirnie
Anderson, Tenn.	Hall	Poage
	Halpern	Podell
Bell	Harsha	Poff
Bingham	Harvey	Pryor, Ark.
Blanton	Hébert	Randall
Blatnik	Hillis	Rarick
Bray	Hosmer	Rooney, N.Y.
Broomfield	Ichord	Rooney, Pa.
Byrne, Pa.	King	Rosenthal
Byrnes, Wis.	Kluczynski	Rousselot
Celler	Kyros	Scheuer
Chamberlain	Landrum	Smith, Calif.
Clancy	Lennon	Snyder
Collins, Ill.	Link	Springer
Curlin	Long, La.	Staggers
Davis, S.C.	McCloskey	Steiger, Wis.
Delaney	McClure	Stephens
Dingell	McDonald, Mich.	Sullivan
Dowdy		Talcott
Dwyer	McEwen	Terry
Edmondson	McKay	Thompson, N.J.
Edwards, Ala.	McMillan	Whitehurst
Erlenborn	Mailliard	Wiggins
Eshleman	Mazzoli	Williams
Fraser	Metcalfe	Wilson, Bob
Frenzel	Montgomery	Wilson, Charles H
Fulton	Mosher	
Fuqua	Nichols	Wright
Gallagher	Nix	Yatron
Garmatz	O'Hara	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Hall against.
Mr. Grover for, with Mr. Rousselot against.
Mr. McDonald of Michigan for, with Mr. Edwards of Alabama against.
Mr. Hillis for, with Mr. Terry against.
Mr. Nichols for, with Mr. Abernethy against.
Mr. McEwen for, with Mr. Rarick against.
Mr. Frenzel for, with Mr. Smith of California against.

Until further notice:

Mr. Hébert with Mr. Byrnes of Wisconsin.
Mr. Ichord with Mr. Chamberlain.
Mrs. Sullivan with Mr. Bray.
Mr. Dingell with Mr. Broomfield.
Mrs. Griffiths with Mr. Harvey.
Mr. Podell with Mr. Halpern.
Mr. Mazzoli with Mr. Snyder.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Byrne of Pennsylvania with Mr. Williams.
Mr. Yatron with Mr. Eshleman.
Mr. Collins of Illinois with Mrs. Abzug.
Mr. Fraser with Mr. Metcalfe.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Lennon with Mr. Poff.
Mr. Link with Mr. Springer.
Mr. Blatnik with Mr. Harsha.
Mr. Edmondson with Mr. McClure.
Mr. Perkins with Mr. Bell.
Mr. Rooney of Pennsylvania with Mr. McCloskey.
Mr. Nix with Mr. Rosenthal.
Mr. Celler with Mr. King.
Mr. Delaney with Mr. Wiggins.
Mr. Staggers with Mr. Whitehurst.
Mr. Montgomery with Mr. Clancy.
Mr. Fulton with Mr. Hosmer.
Mr. Curlin with Mr. Talcott.
Mr. Anderson of Tennessee with Mr. Mailliard.
Mr. Kyros with Mr. Mosher.
Mr. Bingham with Mr. Pirnie.
Mr. Abourezk with Mr. Stephens.
Mr. McMillian with Mr. Blanton.
Mr. Davis of South Carolina with Mr. Patman.
Mr. O'Hara with Mr. Scheuer.
Mr. Wright with Mr. Randal.
Mr. Hagan with Mr. Fuqua.
Mr. McKay with Mr. Pryor of Arkansas.
Mr. Long of Louisiana with Mr. Garmatz.
Mr. Landrum with Mr. Gallagher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 15417), just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR GENERAL DEBATE ONLY ON JUNE 20 ON PUBLIC WORKS, ATOMIC ENERGY, TREASURY, AND POSTAL SERVICE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on Tuesday next—clause 6 of rule XXI to the contrary notwithstanding—to have general debate only on the bill making appropriations for public works for water and power development, the Atomic Energy Commission, and certain other agencies for the fiscal year ending June 30, 1973, and to have general debate only on the bill making appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 14734, FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency:

CONFERENCE REPORT (HOUSE REPT. No. 92-1145)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the United States Information Agency, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Foreign Relations Authorization Act of 1972".

TITLE I—DEPARTMENT OF STATE

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1973, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $289,453,000;

(2) for "International Organizations and Conferences", $188,263,000;

(3) for "International Commissions", $18,226,000;

(4) for "Educational Exchange", $59,200,000; and

(5) for "Migration and Refuge Assistance", $8,212,000.

(b) The Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel or another suitable country, including assistance for the resettlement in Israel or such country of Jewish or other similar refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this subsection.

(c) Appropriations made under subsection (a) of this section are authorized to remain available until expended.

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 102. Section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 407 of the Foreign Assistance Act of 1971 (22 U.S.C. 2680), is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.".

DEPUTY SECRETARY OF STATE AND UNDER SECRETARY OF STATE

SEC. 103. (a)(1) The first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended to read as follows: "That there shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State."

(2) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is repealed.

(b) The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act, the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section.

(c) The provisions of subsection (a) of this section are effective July 1, 1972.

EXECUTIVE SCHEDULE PAY RATES

SEC. 104. Chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5313(2) is amended to read as follows:

"(2) Deputy Secretary of State."

(2) Section 5314(9) is amended by striking out "or" before "Under Secretary of State for Economic Affairs" and inserting in lieu thereof "and".

(3) Section 5315(10) is amended to read as follows:

"(10) Deputy Under Secretary of State."

RETIREMENT ANNUITIES FOR CERTAIN ALIENS

SEC. 105. (a) Section 8331(1) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by inserting, immediately below subparagraph (I), the following new subparagraph:

"(J) an alien (i) who was previously employed by the Government, (ii) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (iii) for whose services reimbursement is made to the foreign government by the United States;".

(b) Subsection (a) of this section shall become effective on the first day of the second month which begins after its enactment.

(c) The amendments made by such subsection (a) shall not apply in the cases of persons retired or otherwise separated prior to the effective date established under subsection (b) of this section, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

SEC. 106. (a) Section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 241(b)(1)), is amended to read as follows:

"(b)(1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and—

"(A) under regulations the head of an agency (other than a military department, the Secretary of the Treasury with respect to the Coast Guard, the Department of Defense, or an agency or office referred to in subparagraph (B) of this paragraph) may prescribe for his agency or, in the case of ACTION, all of that part of ACTION other than the office referred to in such subparagraph, part thereof, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency or part thereof, for damage to, or loss, of, personal property incident to his service; and

"(B) under regulations the Secretary of State, the Administrator for the Agency for International Development, the Director of the United States Information Agency, the Director of the United States Arms Control and Disarmament Agency, the Director of ACTION with respect to the office of ACTION engaged primarily in carrying out the Peace Corps Act, and the Board of Directors of the Overseas Private Investment Corporation, may prescribe for their agencies or, in the case of ACTION, for such office, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $10,000 made by a civilian officer or employee of such agency or office for damage to, or loss of personal property incident to his service.

If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964."

(b) Subsection (a) of this section is effective August 31, 1964. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b)(1) of such Act, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under that section, as amended by subsection (a) of this section.

AMBASSADORS AND MINISTERS

SEC. 107. Section 501 of the Foreign Service Act of 1946 (22 U.S.C. 901) is amended by adding at the end thereof the following new subsection:

"(c) On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months."

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There are authorized to be appropriated for the United States Information Agency for fiscal year 1973, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,213,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,036,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", which amount may be appropriated without fiscal year limitation; and

(3) $1,000,000 for "Acquisition and construction of radio facilities", which amount may be appropriated without fiscal year limitation.

PROVIDING CERTAIN BASIC AUTHORITIES

SEC. 202. Title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by adding at the end thereof the following new sections:

"BASIC AUTHORITY

"SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

"(1) employ, without regard to the civil service and classification laws, aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages when suitable qualified United States citizens are not available (such aliens to be investigated for such employment in accordance with procedures established by the Secretary or such agency and the Attorney General), and such persons may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Secretary and the Attorney General;

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"(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

"(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

"(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;

"(5) notwithstanding the provisions of section 2680(k) of title 28, United States Code, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this Act;

"(6) employ aliens by contract for services abroad;

"(7) provide ice and drinking water abroad;

"(8) pay excise taxes on negotiable instruments abroad;

"(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this Act;

"(10) rent or lease, for periods not exceeding five years, offices, buildings, grounds, and living quarters abroad for employees carrying out this Act, and make payments therefor in advance;

"(11) maintain, improve, and repair properties used for information activities in foreign countries;

"(12) furnish fuel and utilities for Government-owned or leased property abroad; and

"(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of title 5, United States Code, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary.

"TRAVEL EXPENSES

"SEC. 805. Appropriated funds made available for any fiscal year to the Secretary or any Government agency, to carry out the provisions of this Act, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begins in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year."

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 203. Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law."

DISSEMINATION OF INFORMATION WITHIN UNITED STATES

SEC. 204. The second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows: "Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress."

TITLE III—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. The second sentence of section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting immediately after "$17,500,000,", the following: ", and for the two fiscal years 1973 and 1974, the sum of $22,000,000".

REPORT TO CONGRESS

SEC. 302. (a) The United States Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

TITLE IV—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) The first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), ending with a colon, is amended to read as follows: "There are authorized to be appropriated to the President for the fiscal year 1973 not to exceed $88,027,000 to carry out the purposes of this Act:".

VOLUNTARY SERVICE PROGRAMS

SEC. 402. Paragraph (2) of subsection (b) of section 301 of the Peace Corps Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out "$300,000" and inserting in lieu thereof "$350,000", by striking out "1971", and by inserting, before the word "fiscal" the word "any".

NATIONAL ADVISORY COUNCIL

SEC. 403. Section 12 of the Peace Corps Act (22 U.S.C. 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective ninety days after the date of enactment of this Act.

TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. In addition to amounts authorized by sections 101 (a) and (b) and 201 of this Act, there are authorized to be appropriated for the Department of State and the United States Information Agency for fiscal year 1973 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

SEC. 502. Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer appointed by the President, by and with the advice and consent of the Senate, to a position in the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

INTERNATIONAL NARCOTICS CONTROL

SEC. 503. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended."

TITLE VI—STUDY COMMISSION RELATING TO FOREIGN POLICY

FINDINGS AND PURPOSE

SEC. 601. It is the purpose of this title to establish a study commission which will submit findings and recommendations to provide a more effective system for the formulation and implementation of the Nation's foreign policy.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SEC. 602. (a) To carry out the purpose of section 601 of this Act, there is established a Commission on the Organization of the Government for the Conduct of Foreign Policy (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1974, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties. The Commission shall cease to exist on the thirtieth day after the date on which it files the comprehensive report under this subsection.

POWERS OF THE COMMISSION

SEC. 604. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

SEC. 605. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPENSES OF THE COMMISSION

SEC. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
L. H. FOUNTAIN,
DANTE B. FASCELL,
WILLIAM S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WILLIAM S. BROOMFIELD,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
WILLIAM B. SPONG, JR.,
FRANK CHURCH,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the United States Information Agency, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF ASSISTANCE TO REFUGEES FROM THE SOVIET UNION

The Senate amendment authorized the appropriation of $8,212,000 for migration and refugee assistance and the appropriation of $85,000,000 for assistance to Israel and other suitable countries for the resettlement of Jewish or other similar refugees from the Soviet Union.

The House bill authorized $93,212,000 for migration and refugee assistance, of which $85,000,000 was intended for Israel.

The House receded.

AVAILABILITY OF FUNDS

The Senate amendment contained separate provisions authorizing the appropriations for the Department of State to remain available until expended, and for the United States Information Agency without fiscal year limitation, with the exception of the amounts appropriated for USIA salaries and expenses.

The House bill contained similar provisions in a single section.

The House receded.

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

The Senate amendment contained two separate sections, applying to the Department of State and the United States Information Agency respectively, to assure that permanent appropriations under which payments are made directly from trust funds and other similar accounts in accordance with existing statutory authority are excluded from the application of section 407 of the Foreign Assistance Act of 1971.

The House bill contained one section applying to both agencies.

The House receded.

AUTHORIZATION OF APPROPRIATION FOR GRIEVANCE BOARD

The Senate amendment contained an open-ended authorization for appropriations for salaries and expenses of a grievance board as envisioned in the section of the Senate

amendment dealing with Foreign Service grievances.

The House bill did not contain a comparable provision.

The Senate receded.

DEPUTY SECRETARY, UNDER SECRETARY FOR ECONOMIC AFFAIRS

The Senate amendment established the positions of Deputy Secretary of State and Under Secretary of State for Economic Affairs, abolished one position of Deputy Under Secretary of State, and raised the number of Assistant Secretaries of State from 11 to 12.

The House bill contained no comparable provision.

The House receded with an amendment eliminating the increase in the numbers of Assistant Secretaries of State.

BUREAU OF NORTH AMERICAN AFFAIRS AND BUREAU OF SOUTH AMERICAN AFFAIRS

The Senate amendment established a Bureau of North American Affairs and a Bureau of South American Affairs, each to be headed by an Assistant Secretary of State.

The House bill contained no comparable provision.

The Senate receded.

TRANSFER OF DUTIES OF THE UNDER SECRETARY OF STATE TO THE DEPUTY SECRETARY OF STATE

The Senate amendment transferred the duties of the Under Secretary of State to the Deputy Secretary of State.

The House bill contained no comparable provision.

The House receded.

EFFECTIVE DATE OF IMPLEMENTATION, JULY 1, 1972

The Senate amendment set July 1, 1972 as the effective date of the provision establishing the positions of Deputy Secretary of State and Under Secretary of State for Economic Affairs.

The House bill contained no comparable provision.

The House receded.

EXECUTIVE SCHEDULE PAY RATES

The Senate amendment amended the Executive Schedule pay rates to substitute Deputy Secretary of State for Under Secretary of State, and Under Secretary for Economic Affairs for the Deputy Under Secretary and to add a twelfth Assistant Secretary of State.

The House bill contained no comparable provision.

The House receded with an amendment eliminating the twelfth Assistant Secretary of State.

RETIREMENT ANNUITIES FOR CERTAIN ALIENS

The Senate amendment amended Title 5, United States Code, to authorize civil service retirement credit for certain alien employees of the United States abroad who work for a protecting power (foreign government) on United States interests during an interruption of diplomatic or consular relations.

The House bill did not contain a comparable provision.

The House receded.

CIVILIAN EMPLOYEES' CLAIMS

The Senate amendment amended the Military Personnel and Civilian Employees' Claims Act of 1964 to (1) increase authority for settlement of claims from $6,500 to $10,000 for personnel of designated foreign affairs agencies other than the Department of Defense, the military departments and Coast Guard, for personal property losses incident to service, and (2) permit reconsideration, retroactive to August 31, 1964, of any claim heretofore settled and paid in the amount of $6,500 solely because that was the maximum amount authorized under existing law.

The House bill did not contain a comparable provision.

The House receded.

RETIREMENT OF CAREER MINISTERS

The Senate amendment amended the Foreing Service Act of 1946, as amended, to lower the mandatory retirement age for career ministers from age 65 to age 60.

The House bill did not contain a comparable provision.

The Senate receded.

RECOMMENDATIONS FOR PROMOTIONS

The Senate amendment amended the Foreign Service Act of 1946, as amended, to (1) require promotion of Foreign Service officers by rank order within class or rank order by specialty within class and (2) authorize the Secretary of State to recommend promotion as a remedy for grievances.

The House bill did not contain a comparable provision.

The Senate receded.

FOREIGN SERVICE GRIEVANCES

The Senate amendment contained an amendment to the Foreign Service Act of 1946, as amended, that included detailed provisions relating to the handling of grievances by Foreign Service personnel.

The House bill did not contain a comparable provision.

The Senate receded.

AMBASSADORS AND MINISTERS

The Senate amendment contained a provision that no person shall be designated as ambassador or minister or designated to serve in any position or use any title which includes either of those words unless he is appointed as an ambassador or minister with Senate confirmation or in accordance with the constitutional provisions relating to recess appointments.

The House bill did not contain a comparable provision.

The House receded with an amendment that permits the President to confer the personal rank of ambassador or minister in connection with special missions for the President of an essentially limited and temporary nature not to exceed six months.

BASIC AUTHORITIES FOR UNITED STATES INFORMATION AGENCY

The Senate amendment included a section that is, in effect, a "point or order bill". It provided basic authority for USIA to support items traditionally included in annual Agency appropriation acts. The language in the Senate version was identical with the language regularly included in such appropriations acts and does not constitute any new authority.

The House bill did not contain a comparable section.

The House receded.

DOMESTIC DISSEMINATION OF INFORMATION BY USIA

The Senate amendment amended section 501 of the United States Information and Educational Exchange Act of 1948, to prohibit dissemination domestically of any information product of the U.S. Information Agency other than the publication, "Problems of Communism."

The House bill did not contain a comparable provision.

The House receded after the Senate provision was amended in two instances: first, to permit research students and scholars to examine USIA Information products in Washington; and, second, to clarify further that USIA materials are to be made available to Members of Congress for examination only and not for dissemination.

ACDA REPORT TO CONGRESS

The Senate amendment contained a requirement that the Arms Control and Disarmament Agency with the assistance of other relevant Government agencies shall prepare and submit to Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. It specified some of the items that should be included in the report.

The House bill did not contain a comparable provision.

The House receded.

PEACE CORPS NATIONAL ADVISORY COUNCIL

The House bill contained an amendment that abolished the Peace Corps National Advisory Council subject to the creation of a National Advisory Council for ACTION of which the Peace Corps is now a part.

The Senate amendment provided for the abolition of the Peace Corps National Advisory Council ninety days after the date of enactment of this legislation.

The House receded.

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

The Senate amendment included authorizations of appropriations for the Department of State and USIA for fiscal year 1973 for programs or activities authorized by law subsequent to the date of enactment of the authorization act for these two agencies.

The House bill did not contain a comparable provision.

The Senate receded.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

The Senate amendment included language to permit a presidential appointee in any of the foreign affairs agencies to express his views and opinions, and make recommendations he considers appropriate, upon request by a committee of either House, a joint committee, or any member of such committee, if the request of the committee or members of the committee relates to a subject within the jurisdiction of that committee.

The House bill did not contain a comparable provision.

The House receded.

DEPARTMENT OF STATE PERSONNEL CEILING

The Senate amendment restricted the total number of American employees of the Department of State overseas to 6,000 after April 1, 1972.

The House bill did not contain a comparable provision.

The Senate receded.

UNITED NATIONS HEADQUARTERS CONSTRUCTION

The Senate amendment contained a provision reaffirming the authorization by the Congress (P.L. 91–622) of providing $20,000,000 to the United Nations through the Secretary of State as a contribution to the cost of expanding the U.N. Headquarters in New York.

The House bill contained no comparable provision.

The Senate receded.

USE OF FOREIGN CURRENCIES

The Senate amendment contained a section modifying the restrictions on the use of foreign currencies in connection with travel by members of Congress.

The House bill contained no comparable provision.

The Senate receded.

INTERNATIONAL NARCOTICS CONTROL

The Senate amendment substituted new provisions in lieu of section 481 of the Foreign Assistance Act of 1961, as amended, authorizing an appropriation of $42,500,000 for fiscal year 1973 for international narcotics control.

The House bill contained no comparable provision.

The House receded.

STUDY COMMISSION RELATING TO FOREIGN POLICY

The Senate amendment contained a title relating to the establishment of a study commission to submit findings and recommendations on the formulation and implementation of American foreign policy, with membership from the Congress and the Executive Branch.

The House bill contained no comparable provision.

The House receded with an amendment.

TITLE

The Senate amendment provided that the Act may be cited as the "Foreign Relations Authorization Act of 1972."

The House bill provided that the Act may be cited as the "Department of State and United States Information Agency Appropriations Authorization Act of 1972."

The House receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
L. H. FOUNTAIN,
DANTE B. FASCELL,
WILLIAM S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WILLIAM S. BROOMFIELD,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
WILLIAM B. SPONG, JR.,
FRANK CHURCH,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA) UNTIL MIDNIGHT TOMORROW

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tomorrow night to file a report entitled "U.S. Economic Assistance for the Khmer Republic—Cambodia."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROGRAM FOR WEEK OF JUNE 13

(Mr. FREY asked and was given permission to address the House for 1 minute.)

Mr. FREY. Mr. Speaker, I take this time to ask the distinguished majority leader if he can inform us as to the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the majority leader.

Mr. BOGGS. Mr. Speaker, in reply to the distinguished gentleman from Florida, we have concluded the program for this week and I will ask unanimous consent to go over to Monday.

Monday is Consent Calendar Day.

That will be followed by four suspensions:

First. H.R. 13694, American Revolution Bicentennial Commission;

Second. Senate Joint Resolution 211, National Commission on Consumer Finance;

Third. H.R. 15439, Compensation for Disabled Veterans; and

Fourth. S. 3343, Housing for Disabled Veterans.

For Tuesday there is the Private Calendar, to be followed by general debate only on the Public Works-AEC appropriation bill and general debate only on the Treasury-Postal Service appropriation bill.

On Wednesday and the balance of the week there is scheduled for consideration the State and Local Fiscal Assistance Act, commonly called the revenue-sharing bill, under a closed rule with 8 hours of debate; and the conclusion of consideration of the two appropriation bills which I have just mentioned, Public Works-AEC and Treasury-Postal Service; followed by consideration of the cyclamates ban compensation bill, which is subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

It is entirely probable that on Friday next the House will be in session. I might say that we have an exceedingly heavy schedule for the following week.

Under the plan previously announced, the House will recess for the Democratic convention at the close of business on Friday, June 30, so it is highly likely we will have business an Friday next and on the succeeding Friday.

Mr. FREY. I thank the distinguished majority leader.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FREY. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. As to what appropriation bill did the chairman of the Appropriations Committee ask permission for consideration on Monday or Tuesday?

Mr. BOGGS. On Tuesday.

Mr. GROSS. Tuesday. That would be the Treasury and Postal Service bill?

Mr. BOGGS. The gentleman asked to call up two, the Public Works-AEC bill and the Treasury-Postal Service bill, for general debate only.

Mr. GROSS. On both bills or one?

Mr. BOGGS. Both bills.

Mr. GROSS. May I ask the gentleman, when would it be planned to return to these bills, in view of the schedule thereafter?

Mr. BOGGS. Following the conclusion of the revenue-sharing bill.

Mr. GROSS. Conclusion of the revenue-sharing bill?

Mr. BOGGS. The revenue-sharing bill is the first order of business on Wednesday. If the rule is adopted, the debate cannot exceed 8 hours. So if all the debate is consumed, we will finish the revenue-sharing bill on Thursday.

Mr. GROSS. Then we will go back to the two appropriation bills, after the revenue-sharing bill?

Mr. BOGGS. That is correct.

Mr. GROSS. Is the debt-ceiling bill ready to be considered by the House?

Mr. BOGGS. The debt-ceiling bill is tentatively scheduled for Tuesday, June 27.

Mr. GROSS. I was in hope that would be called up tomorrow or Saturday, in view of the $100 billion bill we just passed. I would think it would be urgent that the debt ceiling be increased in view of that kind of wild-eyed spending.

Mr. BOGGS. Well, the debt ceiling will be increased, as the gentleman knows.

ADJOURNMENT OVER TO MONDAY, JUNE 19, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business scheduled for Calendar Wednesday on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TO SECURE HUMANE TREATMENT FOR OUR POW'S AND MIA'S

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, according to the latest Department of Defense figures, 1,737 U.S. military personnel and civilians are reported captured or missing in action in Southeast Asia; 65 of these men are from my own State of Oregon. The parents, wives, and children of a majority of these men have no idea whether or not they are even alive. And those who do know, must still live in daily anxiety for the health and well-being of their loved one.

I am quite certain that everyone in this body would like to see the conclusion of the Vietnam war and the safe return of our prisoners to their families. It is further evident that many of us differ in our concepts of how to best achieve this end. While we in Congress endeavor to resolve the problem, however, we must not let up in our efforts to bring Hanoi into compliance with the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war.

Today I am introducing a resolution which offers a new and previously untried approach to obtaining humane treatment for our prisoners. It begins by recognizing the fact that under article 1 of the convention, every party is bound to "respect and to insure respect for the present convention in all circumstances." It points out that the United States has made every effort to convince North Vietnam of its obligations as a party. It then calls upon the other parties for assistance and urges them to fulfill their responsibility by "using all appropriate means at their command to persuade North Vietnam to fulfill its obligations under the convention." More than 130 nations are now parties to the convention, and although each bears the solemn responsibility of insuring respect for the convention, too few have taken it seriously.

Jean S. Pictet, one of the drafters of

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the Geneva Convention, said the following in regard to article 1:

In the event of a Power failing to fulfill its obligations, each of the other Contracting Parties (neutral, allied or enemy) should endeavor to bring it back to an attitude of respect for the Convention. The proper working of the system of protection provided by the Convention demands in fact that the States which are parties to it should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that it is respected universally.

The resolution which I am introducing will, if passed, put Congress on record as determined to seek the assistance of all contracting parties to gain this universal respect and to make the convention not just a meaningless piece of paper, but a binding agreement between responsible nations.

I will be reintroducing this resolution in the near future and will be sending out a "Dear Colleague" letter requesting the support of each of you who wish to join me in this effort to bring relief to our prisoners and their families. We have a responsibility to the American people to try every avenue of approach and we should not let up in this responsibility until we have met with success.

WHERE IS THE SUPPORT FOR REVENUE SHARING COMING FROM?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, we are hearing a lot of talk about how Congress has got to pass the so-called revenue-sharing bill because there is so much support for it.

Well, Mr. Speaker, I have not received any expressions of support from the taxpayers of my congressional district, who would have to pick up the $30 billion tab for revenue sharing.

In fact, I am receiving all kinds of expressions of opposition to the bill from all kinds of different sources for all kinds of reasons. For instance, both the AFL–CIO and the chamber of commerce have some pretty good reasons for their adamant opposition to the pending revenue-sharing bill—and it certainly is not very often that we find these two organizations on the same side of an issue.

I would like to know where all this supposed support for revenue sharing is coming from? In my experience, it is coming from a few tax-supported organizations who stand to gain tremendously by the passage of revenue sharing. These include the National League of Cities, the U.S. Conference of Mayors, the National Governors Conference, the Council of State Governments, the National Association of County Officers, and the International County Management Association.

Revenue sharing may bring money and power to these tax-supported organizations, but it does not look like it will bring anything to the average taxpayer, but higher Federal taxes, increased inflationary pressure, and higher interest payments on the national debt.

I think the taxpayers in my district would be pretty mad to find out that these tax-supported organizations are using tax funds to lobby for such a costly and inequitable bill which was likely to bring the average taxpayer nothing more than this.

At this point in the RECORD, Mr. Speaker, I would like to insert the communications of opposition which I have received from just two of the many non-tax supported organizations which are opposed to the revenue-sharing bill—the AFL–CIO and the chamber of commerce.

The material follows:

JUNE 9, 1972.

Hon. SAM GIBBONS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GIBBONS: The AFL–CIO opposes a closed rule on the so-called revenue sharing bill reported out by the Ways and Means Committee because we believe the legislation can be substantially improved on the floor.

We cannot support the bill in its present form. The Committee bill deviates in many areas from the original bill introduced by Chairman Mills, which we did support.

Our specific concerns are:

1. Although local government would receive two-thirds of the funds in the first year of the five-year program, their share would decrease each subsequent year until it reached 55 percent in the fifth year. The state share, which is totally without functional strings or labor standards, would be increased each year. As a result, the cities would be shortchanged.

2. The "high priority" local government expenditure categories have been made so broad that, in our view, apart from education and welfare, few functions would be excluded. This would dilute the impact of the proposal on the pressing needs of local governments.

3. The labor standard sections that apply to local government expenditures are too weak, while the state share has no labor protection provisions.

4. In the original Mills bill, the state share, although without restrictions as to use, was totally conditioned on a state's income tax effort. The Committee bill waters down this allocation formula so that income tax effort would have only half the weight as in the original bill. As a result, states with no income taxes would receive some funds for the entire five years. In the original bill, a non-income tax state could receive a minimum payment for only two years.

The Committee bill, in our opinion, is closer to the Administration bill than the original Mills bill in that the expenditure strings and labor standards are weaker; they apply to a smaller portion of the funds, and a lesser proportion of the money would go directly to the cities.

We believe that the House should have the opportunity to significantly improve the revenue sharing proposal by strengthening labor protection provisions, insuring that two-thirds of the funds go to local governments, directing these funds to high-priority functions, and encouraging states to reform their tax structures.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Hon. SAM GIBBONS,
U.S. House of Representatives,
Washington, D.C.:

Members of the Chamber of Commerce of the United States greatly disappointed with major aspects of revenue sharing bill, H.R. 14370. While we applaud some features of bill, we believe bill should be changed: (1) to abandon automatic five-year appropriation, and provide inatead for multi-year appropriations under five-year authorization and for regular appropriations review by Congress, (2) to expand list of high priority national purposes for which funds may be spent, so State and local governments may have greater flexibility in allocating funds according to actual local priority needs, (3) to require that State grants, like local grants, should be spent for stated broad purposes, and (4) to remove discriminatory tie between grants to States and existence of any specific type of State tax. National chamber supports concept of block grant aid to cities and States. But believes these changes essential to make bill more effective, more fair, and more fiscally responsible. Because such changes not possible under closed rule, we encourage you vote against rule with hope ways and means committee would then modify bill accordingly before bringing back to floor.

ARCH N. BOOTH,
Executive Vice President.

CRISIS IN SURVIVAL: THE PLIGHT OF SOVIET JEWRY

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am pleased to join with Congressman BERTRAM PODELL and over 100 of my colleagues in the House in sponsoring the National Conference of Soviet Jewry exhibit on the steps of the Capitol today. This display, which is entitled "Crisis in Survival: The Plight of Soviet Jewry," was prepared by the Greater New York Conference on Soviet Jewry in cooperation with the Anti-Defamation League of the B'nai B'rith. Various aspects of Soviet Jewish life were depicted, and Rabbi Gilbert Klaperman, chairman of the Greater New York Conference on Soviet Jewry, the central coordinating and resource body for more than 70 Jewish organizations in the New York area on the plight of Soviet Jewry, made the presentation.

The ceremony was held in commemoration of the second anniversary of the arrests of nine Soviet Jews in Leningrad for the attempted hijacking of an airliner. They were brought to trial and convicted in December of 1970. The fact that two death sentences and harsh prison terms were imposed prompted me at that time to urge then-Speaker McCormack, then-Majority Leader ALBERT, and the chairman of the House Foreign Affairs Committee to bring to the floor, in the closing days of that Congress, a resolution condemning the persecution of Soviet Jews and urging the Soviet Union to provide fair and equitable justice for its Jewish citizens, as I had introduced. On December 31, 1970, the House leadership brought to the floor, and the House passed, House Resolution 1336, which put the House on record in support of religious freedom and equal justice for all Soviet citizens.

There have been other measures passed by the House which illustrate the growing concern of many Members about the plight of Soviet Jewry and their conviction that the United States should demand of the Soviet Government that it grant Soviet Jews the basic rights to which all men and women are entitled.

On April 17 of this year the House passed a resolution, House Concurrent Resolution 471, of which I was a cosponsor, which requested the President to call on the Soviet Government to permit the free expression of ideas and exercise of religion by all of its citizens, and to use all formal and informal channels to convey this position. It calls on the President to request of the Soviet Government that it allow its citizens the right to emigration to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights, and it calls on the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

However, if Soviet Jews are to win the struggle for survival, their cause must be kept center-stage. It is widely believed that worldwide concern and pressure on Soviet officials is responsible for the increase in the number of Jews being permitted to emigrate, and the public outcry following the secret trials in Leningrad in 1970 did force the Soviets to commute the death sentences of two men whose only crime was to yearn for freedom.

We must continue to focus world attention on the plight of Soviet Jews, and intensify the pressure on the Soviet Government on their behalf. In light of the recent summit talks in Moscow, it is vital that we reaffirm our commitment to assist Soviet Jews and that we make clear that discussions between world leaders will not suffice. Substantive action on the part of the Soviet Government will have to be forthcoming, and we will continue our efforts until that action is taken.

Albert Arent, chairman of the National Jewish Community Relations Advisory Council, a joint consultative and planning body of 92 Jewish councils in cities throughout the United States and nine major national Jewish organizations, spoke today on the steps of the Capitol of the impending trials of Soviet activists and read a declaration prepared by the National Conference on Soviet Jewry:

Over 40 Jewish prisoners of conscience are now incarcerated in prison, still dreaming and praying for a day, a moment, of freedom. We stand with them. These suffering Jewish heroes are our symbol of man's most courageous and profound struggle for Jewish rights and for individual human freedom.

I think it only fitting that we who are fortunate enough to live in a free society play an active role in this struggle for freedom, and I would like to commend Congressman PODELL for organizing today's display on behalf of Soviet Jews.

USDA BLUEPRINT TO SCUTTLE FARM PROGRAMS AND FARMERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, my attention has been called to a blueprint for future U.S. agricultural policy which has been prepared in the Department of Agriculture by a committee of 15 young executives. The plan calls for terminating all price-support programs, including wheat, feed grains, dairy products, wool, sugar, cotton—absolutely all of them—and disregarding in all future agricultural programs the income needs of farmers and ranchers.

The blueprint, obviously sponsored by a carefully selected group of young executives to give it a new generation look, is nonetheless the same blueprint made a decade ago by large agribusiness tycoons in the Committee for Economic Development's "Adaptive Plan for Agriculture" and other documents.

The 15 young executives at USDA, appointed by former Secretary of Agriculture Clifford M. Hardin and continued by Secretary Earl L. Butz, were first schooled at seminars addressed by USDA officials and others in Washington. Then they were divided into subgroups to go out into the field and talk to food producers, farmers, and others involved in agriculture. They actually visited Mississippi, south central Texas, Washington, and California, neglecting not only most of Texas but also ignoring the Northeast, Southeast, Midwest, and Great Plains—most of agricultural America.

Then they came back to Washington, D.C., and wrote their paper, which reflects the madcap agribusiness schemes to take agriculture away from bonafide farmers and ranchers. This is undoubtedly going to be suggested to the agriculture committees, in one way or another, when they start studying a program to follow the set-aside law which expires December 31, 1973.

The Young Executive Committee's report has not been released by the Department of Agriculture, although presented to the Secretary some time ago, and is not likely to be officially released before very late this year.

I think it should be made available to everyone now, for it illuminates the thinking behind our current policy of driving farm grain prices down to world price levels, where there are no floors and prices are set by nations that are dumping their surpluses into that market. It also makes clear why the House Agriculture Committee has urged us during discussions of the set-aside program, to support the President's new welfare plan to take care of 300,000 displaced farmers that former Secretary Hardin estimated would go onto welfare rolls.

The Young Executives earth-shaking report speculates that the number of farms in America, as a result of lower prices and a $6 billion or 40-percent loss in net income, might drop as low as 600,000. According to the census there were 2.7 million farms and ranches in December 31, 1969. A reduction of 2.1 million farms and ranches is therefore contemplated.

Also, according to the Young Executives, value of farmlands would drop billions of dollars with the removal of farm price supports—lands would be much cheaper for the big agribusiness conglomerates to acquire. Tobacco farmers' assets alone—the one commodity on which any estimate was made—would stand to lose $2 to $3 billion in capital values, to say nothing of their losses of annual income.

The blueprint amounts to the most colossal scheme to demolish agriculture as we know it today, and throw this whole Nation into an economic tailspin, that I have yet seen.

I suspect that because of the election year, this document will be disclaimed, if not repudiated.

One of my purposes in calling attention to it at this time and giving some official public cognizance to it, is to let the disclaimers pour out where we can examine them for equivocation, hedging, or bona fide repudiation of this scheme to bankrupt all farm enterprises and replace them with vertically or horizontally integrated production units.

I would like to put the whole 50-page document in the RECORD, but because of limitations on insertions, I am including only about eight pages of its contents including a statement of the study background, and excerpts from a summary of findings and recommendations.

If the Department of Agriculture does not promptly print and distribute the entire document prepared by its Young Executives Committee at taxpayers' expense, then I shall submit it in its entirety for the RECORD, or request the Agriculture Committee to get out an edition.

The copy I have obtained comes to me through the National Farmers Organization. Their paper, the NFO Reporter, contains rather liberal quotes from the Young Executives findings in its June issue and I request the full text from which their material was obtained.

The article follows:

NEW DIRECTIONS FOR U.S. AGRICULTURAL POLICY

COMMITTEE MEMBERS

Gene S. Bergoffen, Executive Secretary, Forest Service; Allan S. Johnson, Project Leader, Economic Research Service; Carol G. Alexander, National Agricultural Library; Karen L. Berke, Agricultural Marketing Service.

John S. Bottum, Extension Service; John E. Carson, Animal and Plant Health Inspection Service; Betty L. Dotson, Food and Nutrition Service; Avram E. Guroff, Economic Research Service.

Clarence R. Hanna, Office of Information Systems; James E. Haskell, Farmer Cooperative Service; Homer R. Hilner, Soil Conservation Service; Jerome A. Miles, Office of Budget and Finance.

Gerald C. Puppe, Federal Crop Insurance Corporation; William L. Ruble, Agricultural Stabilization and Conservation Service; Robert P. Shiner, Commodity Exchange Authority.

STUDY BACKGROUND

The Young Executives Committee was established by Secretary's Memorandum No. 1727, April 26, 1971. Each of its 15 members represent an agency of the Department of Agriculture.

Shortly after the Committee was established and organized, then Secretary of Agriculture Clifford M. Hardin asked it to undertake a review of the "farm income question" and to present its views to him and his staff.

As part of its information-gathering activities, the Committee arranged seminars with a number of Department officials and others outside the Department. In November 1971, the Committee divided into subteams of three each and visited four areas of the country to talk with farmers, food producers, and others involved in agriculture. Teams visited South Central Texas, Mississippi, Washington, and California.

Viewpoints were developed on the basis of

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position papers developed by individual members and discussed by the Committee. When points of view were adopted by the Committee, individual members were assigned to draft report sections incorporating the Committee positions.

The entire report has been reviewed in detail by members of the Young Executives Committee and is submitted as a Committee document.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Farm income—a new perspective

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. The statistics include establishments that cannot reasonably be called farms and are inconsistent with the Department's farm income mission. The Department's mission is stated in terms of equitable returns to resources whereas the statistical measures are concerned with income of farmers, a welfare concept. To overcome these deficiencies the Committee recommends: 1) farms be defined as establishments with annual sales of $5,000 or more. 2) elimination of the parity price ratio, and 3) development of a set of statistics which would compare the return to all resources, including family labor, used in the production of each agricultural commodity with what these resources could earn outside of agriculture.

A policy framework for agriculture

The policy framework recommended by the Committee has the following characteristics:

1. Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society.

2. National policy for agriculture should be directed at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

3. National policy should not be directed at assuring any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the industry's ability to produce efficiently adequate supplies of food and fiber.

4. National policy should be directed toward maintaining agriculture as a viable industry and not as a way of life.

5. The agricultural industry should operate with a minimum of direct involvement by the public sector. The public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the total welfare of the Nation.

Effectiveness of the Basic Farm Programs and Recommended Changes

The present basic farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. The programs are costly, they limit supplies of food and fiber, and they are a deterrent to the efficient production of agricultural commodities. Because the program benefits have been capitalized into land values, their income benefits to second generation owners is negligible.

The Committee recommends that the basic farm programs be phased out over a period of 5 years. This should be accomplished by reducing the payment per bushel of projected yield rather than by restrictions on total payments. Over the same 5-year period, nonresource loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops.

Comments and Recommendations Concerning Other Programs Affecting Farmers and Farm Income

Farm Credit

In concert with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. Private lenders, along with the Farm Credit System, should be capable of providing these credit needs. The Farm Credit System should continue to compete for funds in the money markets; their bonds should remain uninsured by the Federal Government; and their loans should be free of any interest subsidy to the borrowers. The Emergency Loan Program administered by the Department's Farmers Home Administration (FHA) needs to be continued. The Committee recommends elimination of the Farm Ownership Loan and Farm Operating Loan programs and questions the need for subsidized soil and water loans and loans to grazing associations.

Domestic Market Promotion

Expenditure of public funds for domestic promotion of agricultural products should be limited to those activities that can be justified on the grounds of improving human nutrition.

Foreign Market Promotion

The United States and other countries should strive to minimize artificial trade barriers. But increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This needs to take the form of improved intelligence of trade potentials by commodity and by country. Promotional activities will also be needed.

Crop Insurance

To the extent that crop insurance is not available through the private sector it should be provided by the Federal Government. If provided by the Federal Government, the premiums charged need to reflect the actual risk assumed.

Production and Market Research

The abundance of low-cost food and fiber in the United States can be attributed in large part, to publicly supported production and market research and dissemination. Such research and associated dissemination activities must be continued if we are to meet the needs of a growing population and compete in world markets.

Market Information and Monitoring Activities

Transferring the function of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. It will be necessary for the Department to monitor the agricultural economy to assure success relative to the Nation's objective to provide adequate supplies of food and fiber at reasonable prices.

Farmer Bargaining

The Committee supports all assistance government can reasonably give producer cooperatives and market agreements and orders should be authorized wherever appropriate. But the Committee would discourage enactment of any legislation that would exempt farmer associations from antitrust laws. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

Improving the Level of Living in Rural America

Agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present population base of rural areas. Neither can agriculturally oriented programs solve rural welfare problems. If rural towns and communities are to survive, and hopefully grow, off-farm employment must be found. Toward this end, the Committee makes the following recommendations:

1. Immediate enactment of the Family Assistance Plan.

2. Improved educational and vocational training for rural residents.

3. Tax incentives for industries locating plants in rural areas. Such tax incentives should be granted through the Federal tax system

4. A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

5. Technical advisors, trained in community planning, should be made available to rural communities. These technical advisors need to be supported by an expanded research effort on the complex problems of rural development.

6. A national framework for land use planning should be developed to guide future growth and development.

7. A visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. The Committee firmly believes that stronger national direction is imperative and, therefore does not believe that Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

TRIBUTE TO DR. ELSON

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 30 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on Sunday, May 14, 1972, the Reverend Dr. Edward L. R. Elson, S.T.D., announced to his congregation at the National Presbyterian Church, that he would no longer be maintaining a full preaching schedule hereafter. He had earlier this year given notice of his retirement from pastoral responsibilities effective January 1, 1973. I would like to enter the following tribute to the Reverend Dr. Elson, who through his pastoral achievements and spiritual leadership, has established himself as one of the most distinguished clergymen in America today. A more comprehensive curriculum vitae on Dr. Elson and a summary of the sermon on the Sunday he relinquished the pulpit have been placed in the Extension of Remarks section of today's RECORD.

Few churchmen of our day have had such a notable and outstanding ministerial career than the senior minister of The National Presbyterian Church, Washington, D.C. Dr. Edward L. R. Elson is a nationally known and recognized Christian leader, and remains in great demand as lecturer, writer, and conference speaker.

Born in Monongahela, Pa., Dr. Elson received the A.B. degree from Asbury College in 1928 and the M. Th. degree from the University of Southern California in 1931. Since that time, no less than 16 colleges and universities have conferred upon him their honorary doctoral degrees.

Throughout his ministry, Dr. Elson has been a committed churchman. He was ordained by the Presbytery of Los Angeles in 1930. For 10 years, he served as the pastor of the First Presbyterian Church, La Jolla, Calif., before accepting the call to become pastor of The National Presbyterian Church here in the Nation's Capital. He has faithfully served this church as senior minister since 1946.

In addition to his regular pastoral duties, Dr. Elson has given leadership in his denomination. He served as moderator of both the Los Angeles Presbytery and of the Presbytery of Washington City. He was also president of the Washington Federation of Churches from 1952–54, and was six times commissioner to the general assembly of the United Presbyterian Church in the United States of America. But perhaps even more significant is the leadership that Dr. Elson has given among government officials. He served as pastor and personal counselor to President and Mrs. Eisenhower, and has preached the Christian Gospel to hundreds of America's governmental leaders with great power and influence.

While achieving national distinction as a Christian leader, however, Dr. Elson has also been a servant among men. His national stature has not kept him from a life of community service. He has given unselfishly of his time and influence, serving as chairman of the National Council, American Friends of the Middle East; as member of the National Advisory Council, Welfare of the Blind, Inc.; and as a member of the Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts.

Numerous awards and honors have been given Dr. Elson in recognition of his ministry and service. Ten times he has been the recipient of the Freedoms Foundation Award, the latest being the Principal Sermon Award, 1971. In 1954, he was selected Clergy Churchman of the Year. He received the Honor Medal Award for his book, America's Spiritual Recovery, 1954. He has been the recipient of 18 military decorations for his service as a U.S. Army chaplain, retiring from the service in 1961 with the rank of colonel. But the most significant honor in Dr. Elson's ministry came in January of 1969, when he was elected Chaplain of the U.S. Senate. He assumed the Chaplain's duties in addition to his regular pastoral responsibilities and will continue to serve as Chaplain after his retirement from the pastoral ministry of National Presbyterian Church.

Dr. Elson has been assisted in his ministry by his gracious and beloved wife, Helen. They have four children, all residing in the Washington-Baltimore area.

Upon completion of his pastoral duties, Dr. Elson will continue as Senate Chaplain as well as maintain a moderate schedule of speaking, traveling, and writing. The author of five books and a contributor to 10 others, he will continue to add to his already significant volume of published works.

As one who has given himself without reserve to the Christian ministry and to the service of mankind here in the Nation's Capital, it is fitting and right that this tribute of recognition, of appreciation, and of congratulations be heartily given to one of America's outstanding and most distinguished Christian leaders.

Mr. PIRNIE. Mr. Speaker, I am very pleased that we are taking note of the Christian leadership provided by our good friend, Dr. Edward L. R. Elson, who has announced his retirement as pastor of the National Presbyterian Church in our Nation's Capital.

During the past 14 years, it has been my privilege to witness the courageous and objective leadership which he has provided. We are grateful that his ministry has included distinguished service as a chaplain in our Armed Forces and currently as Chaplain of the U.S. Senate. His personal philosophy and religious commitment have consistently supported all that is best in American life. He has believed in the power of Christian character to protect and develop this Nation and has sought individual courageous sacrifice to the attainment of this end. His deep thinking, clear logic, and articulate sermons have made possible a vital ministry of outstanding impact.

In a time when some of his calling have been losing a sense of national dignity, spiritual unity and pastoral responsibility, he has continued to serve in a way to command affection and respect. I have been proud of his ministry and consider it a privilege to enjoy his friendship. Although he richly deserves release from the pressure of his heavy responsibilities, I trust that his continuing presence will bless the spiritual life of our Nation's Capital. Also, I wish for him and his charming wife, who has so graciously supported his distinguished career, happiness and health in the years ahead.

Mr. FOUNTAIN. Mr. Speaker, it is a great pleasure for me to join my able colleague, the gentleman from Ohio (Mr. BROWN) and other colleagues who are paying well-deserved tribute to the eminent Chaplain of the Senate, the Reverend Dr. L. R. Elson, one of America's most noted preachers and spiritual leaders, on the occasion of his retirement from the pastorate of the National Presbyterian Church. For over a quarter of a century Dr. Elson has served in this pastorate with great distinction. It is good to know that he will continue to serve in the Senate, and that his rich accumulation of experience and insight will be communicated to an even larger congregation as he enters upon the vocation of "preacher at large."

Dr. Elson has always been sensitive to the issues of the day and has spoken out with courage born of deep faith in God, a faith which helped create the present National Presbyterian Center. It has been my privilege to know him as pastor through my own and my family's attendance at the National Presbyterian Church, and while serving on the church's board of trustees during the initial period when plans were being made for the present National Church and National Presbyterian Center. Also, since January 1953, when I came to this body, I have come to know and appreciate Dr. Elson as a close personal friend, whose relationship has been a continuing source of inspiration and strength. During all of these years, our friendship has been and is a deeply rewarding experience for me and for my family—an experience which we will always cherish and hold near and dear to our hearts.

I know of no clergyman in America who better understands and appreciates not only the nature, the service, the responsibilities and problems of men and women in public life and government on the national scene, especially the Presidency and members of the Congress of the United States, but who also has an intimate knowledge and awareness of their hopes, their dreams and their aspirations, not just for themselves and their families, but for the constituencies they have been chosen to represent.

Of Dr. Elson it may be said, in the words of the Prophet Jeremiah:

> Blessed is the man that trusteth in the Lord, and whose hope the Lord is. For he shall be as a tree planted by the waters, and that spreadeth out her roots by the river, and shall not see when heat cometh, but her leaf shall be green.

Mr. McCOLLISTER. Mr. Speaker, I am pleased to join my colleagues today in honoring Dr. Edward L. R. Elson as he retires from the active ministry of the National Presbyterian Church. His contributions to religious life in Washington span 26 years and include numerous achievements. During that time he has been recognized on many occassions for his leadership among the clergy of our country.

Members of both the House of Representatives and Senate are gratified that Dr. Elson will be continuing his duties as Chaplain of the Senate. We hope that this decrease in duties will provide him more of the leisure time he deserves after so many years of service.

Mr. WHALLEY. Mr. Speaker, "He preaches well," wrote Cervantes, "that lives well," a sentiment repeated with slightly different emphasis a century later by Thomas Fuller:

> None can pray well but he that lives well.

Both sayings aptly describe the life and ministry of Dr. Edward L. R. Elson, the distinguished Chaplain of the U.S. Senate, whose resignation from the pastorate of the National Presbyterian Church marks his retirement after 42 years in the parish ministry.

Ordained in 1930 by the Presbytery of Los Angeles, Dr. Elson, who celebrated his 65th birthday in December, was called to the National Presbyterian Church—or Covenant-First Presbyterian Church, as it was formerly known—in 1946, and has served that pastorate for some 26 years, fully a quarter century.

Happily, Dr. Elson's resignation from his pastorate does not mark the end of his public ministry. He has announced that he will continue to serve as Chaplain to the Senate while devoting more time to his writing and to his vocation as a "preacher at large."

From Jonathan Edwards to Phillips Brooks, preaching in the great tradition has been a vital part of the American scene. Dr. Elson stands within that tradi-

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tion. His has been a prophetic voice—forthright in advocacy of truth regardless of the currents of the day.

I speak as one who has been associated with the National Presbyterian Church during Dr. Elson's pastorate.

It was during Dr. Elson's ministry that the National Presbyterian Church Center was relocated from the old edifice at 18th and N Street NW, to the present $8.5 million complex on Nebraska Avenue. His leadership during these years of change and renewal has been a crucial factor in the life of the National Church as in the larger religious community in Washington and throughout the land.

We rejoice that Dr. Elson will continue his ministry in the Congress and in the Nation, and we wish him many years more of service to God and country.

Mr. BOW. Mr. Speaker, one of the greatest rewards of service here in Congress is the opportunity to enjoy associations and friendships with some of the outstanding men of our time. Dr. Elson is certainly such a man, and it has been both a personal pleasure and a privilege to know him as a friend.

Dr. Elson has special connections with the 16th Congressional District through the College of Wooster, a Presbyterian institution. At least one of the Elson children has attended that college during my years of service here. I am grateful to Dr. Elson for serving as the speaker at a Frank Bow Day celebration several years ago on the campus at Wooster. These are associations that are dear to me.

Beyond that, of course, I must pay tribute to Dr. Elson's outstanding spiritual leadership and express my appreciation for his guidance. Dr. Elson is one of the most distinguished clergymen in American today, and he is also a pillar of strength within the Presbyterian church of which I have been a lifelong member.

Though he retires now from the active ministry, I am confident that Dr. Elson in his role as Chaplain of the Senate and in many, many other activities will continue to make a profound and lasting contribution to our society.

Mr. FUQUA. Mr. Speaker, reaching to the sky at the National Presbyterian Church and Center is the "Tower of Faith."

Ceremonies dedicating the tower were held only recently for the 173-foot free-standing bell tower of Presbyterian Church showplace in Northwest Washington.

No man appreciated those ceremonies more than the distinguished theologian and minister, Dr. Edward L. R. Elson, the pastor of the National Presbyterian Church for the past 26 years.

Dr. Elson has announced his plans to relinquish the demanding role as pastor of this historic church, but will continue his distinguished service as Chaplain of the U.S. Senate.

This announcement is particularly moving to my family, for we worship at the National Presbyterian Church while maintaining our membership in my home church at Blountstown, Fla.

Through this experience, I have come to appreciate Dr. Elson as a minister and as a man. I know from others the difficult task which went into the removal of this great church from downtown Washington to this remarkable structure which represents Presbyterians everywhere.

Dr. Elson has distinguished himself as Chaplain of the Senate. Here he is the friend and adviser to Members of that body in their deliberations in the most trying period in our Nation's history.

When Dr. Elson does retire, he can look back upon a full life. One filled with accomplishment and that rare accolade of his fellow man—honored, respected and his accomplishments recognized in his own time.

GENERAL LEAVE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in tribute to this distinguished American.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

KEMP END THE WAR RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, I have introduced before the House of Representatives, a House concurrent resolution which, if enacted, can put an end to the bloodshed, human suffering, and destruction which has been inflicted upon Southeast Asia for the past 25 years. This resolution draws on many of the proposals that have been previously introduced in Congress, and contains a number of unique, and very responsible approaches toward a plan for lasting peace in Southeast Asia. The measure seeks not only to end the involvement of the United States in the war, but also to put an end to the war itself. The resolution establishes seven broad objectives which were sought by my distinguished Democratic colleague, Mr. CHARLES H. WILSON of California in his resolution of April 29. Those objectives, according to Mr. WILSON, follow the intent expressed by the Democratic Caucus vote of April 19, and also follow from the President's recent peace initiatives. They are: First, to end the war; second, to repatriate the prisoners of war; third, to settle political issues; fourth, to guarantee the peace; fifth, to alleviate human suffering; sixth, to guarantee self-determination to the people of Vietnam; and seventh, to reunite the American people.

Mr. Speaker, the time has come for positive alternatives to end this war; reopening the peace talks and negotiating a date certain for total withdrawal of all foreign forces from sovereign territory anywhere in Indochina are two such alternatives. This Congress cannot by legislative act impose an agreement upon the parties of this war, nor will cutting off funds bring about the cessation of hostilities which result in continued human and ecological devastation of the Asian people and their land. But this resolution can, by registering our bipartisan singleminded purpose of finding an end to the war, usher in a new day of negotiation, which is the only course offering hope of a lasting peace in Southeast Asia.

Mr. Speaker, if an end to the war, an end to the killing, and the repatriation of prisoners is what we really want, this House concurrent resolution is the path to follow, and one which I believe all people of good will and compassion can support.

As a conclusion, I will include an excellent editorial from the Washington Evening Star of June 13.

As the Star editorial points out, the prospects for peace seem to be growing brighter. Now is the time to reaffirm our commitment to ending this war. Adopting this resolution will not only add impetus to the support our negotiators must have, but will also demonstrate our commitment to finding an end to the war to the other side. An affirmative action from this body cannot help but be useful.

The editorial follows:

PEACE PROSPECTS

It may be too much to hope for; the many disappointments of the past discourage excessive optimism. But it may be that for the first time there is today a real possibility for an acceptable negotiated settlement of the war in Vietnam.

The changing prospect is reflected in the return to Paris of the chief American delegate to the peace talks after a boycott of five weeks. Ambassador William J. Porter has emphasized the intense interest of President Nixon in some kind of negotiated settlement, noting that his return to Paris was "an additional indication of his (Mr. Nixon's) strong preference and hope that such a settlement can be achieved."

This renewed hope, in turn, undoubtedly reflects a dramatic shift in the military perspective in South Vietnam. At the outset of the North Vietnamese offensive at the end of March, there was lively anxiety in Washington and Saigon over the possibility of a military debacle. The fear was that the Communists would succeed in routing the South Vietnamese army, seize several important provincial capitals, including Hue, and then propose to parley. The outlook for an acceptable political settlement under those circumstances would have been more than dismal.

Now this prospect has radically changed for the better. The South Vietnamese, with heavy American air support, have held at Hue, An Loc and Kontum. On most fronts the South Vietnamese appear at this point to have regained the military initiative, inflicting heavy losses on the invading forces.

The situation today—perhaps prematurely—is being compared to the last major Communist offensive during Tet in 1968. In reality, however, it is quite different. In 1968, the Communists, by sacrificing virtually their whole indigenous Viet Cong apparatus, achieved far greater initial successes, including the seizure of Hue and heavy fighting in Saigon itself. This time, the leaders in Hanoi appear to be willing to sacrifice their entire regular army in an effort which so far has produced no comparable results.

Their offensive, furthermore, has resulted in the mining of all major harbors and a renewal of full-scale bombing of military targets in North Vietnam of an effectiveness that was never achieved in earlier years. This time, even the most skeptical experts concede that Hanoi's capacity to continue the war in the South is being very seriously reduced.

In this situation, the leaders in Hanoi may well be contemplating the defeat of their offensive, the destruction of a major part of their army, their domestic industrial plant and their system of communications. It is possible that they are asking themselves where they go from here; reports of strong disputes within the North Vietnamese politburo appear well-founded. The North Vietnamese are also painfully aware that their difficulties have not prevented a significant rapprochement between the United States, China and the Soviet Union.

All of which suggests the possibility that the leaders in Hanoi may, at long last, be willing to talk seriously about a political settlement that would permit the withdrawal of the remaining American troops, a return of American war prisoners and an end to the fighting. That is a prediction which no one on the basis of past performance can make with much confidence. But it is certainly a possibility that must be explored with great care.

TWENTY-FOUR MEMBERS INTRODUCE BUDGET PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, with a bipartisan group of 24 cosponsors, including several prominent members of the Ways and Means and Appropriations Committees, today introduced an amendment to the Rules of the House of Representatives aimed at more businesslike control of the Federal budget.

LIST OF COSPONSORS

Bill Archer, (R-Tex.).
Charles E. Bennett, (D-Fla.).
William G. Bray, (R-Ind.).
Harold R. Collier, (R-Ill.).
James M. Collins, (R-Tex.).
David W. Dennis, (R-Ind.).
Pierre S. du Pont, (R-Del.).
John N. Erlenborn, (R-Ill.).
Dante B. Fascell, (D-Fla.).
Edwin B. Forsythe, (R-N.J.).
Sam Gibbons, (D-Fla.).
David N. Henderson, (D-N.C.).
Edward Hutchinson, (R-Mich.).
Alton Lennon, (D-N.C.).
Manuel Lujan, Jr., (R-N. Mex.).
James R. Mann, (D-S.C.).
Robert H. Michel, (R-Ill.).
Albert H. Quie, (R-Minn.).
John J. Rhodes, (R-Ariz.).
John H. Rousselot, (R-Calif.).
Herman T. Schneebeli, (R-Pa.).
Charles Thone, (R-Nebr.).
Samuel L. Devine, (R-Ohio).
Henry S. Reuss, (D-Wis.).

Under the proposal, the House cannot consider any appropriation bills until it has first approved a resolution containing a comprehensive Federal budget for the ensuing fiscal year.

The budget resolution must include an estimate of tax revenues, expenditure ceilings for each main appropriation bill, and recommendations on handling differences between revenues and expenditures. If expenditures exceed revenues, for example, the resolution must include a recommendation to raise taxes or increase the Federal debt, or a combination of both.

Once the budget resolution is approved, appropriation measures would be handled in customary fashion, with one important exception. Two-thirds affirmative vote would be required for the House to approve any appropriation bill which exceeds the provisions of the budget resolution.

This rule change could establish a much more businesslike control of the Federal budget. Under it, the House would make fundamental decisions on how much aggregate spending should occur and where the money will come from—before it starts to approve separate spending bills.

Almost every business firm and municipality in the country—even the smallest—adopts a budget before it starts spending money for the coming business year. Ironically, the institution charged by the Constitution with controlling the largest business in the country, the Federal Government, does not adopt a budget. To be sure, the President proposes one, but at no time does the House of Representatives adopt the President's budget or one of its own.

Under present procedures, the House never faces up to these fundamental questions. Instead it starts appropriating money piecemeal with little regard for how the pieces fit the total spending pie, and how it all will be financed.

For example, when the House finishes work today on the Labor-HEW appropriations bill, it will have approved seven separate bills, aggregating $64 billion. This is $240 million more spending for these categories than requested by the President, and—more importantly—it is $9 billion more than revenue prospects would justify. In short, the House has already spilled $9 billion in red ink for fiscal 1973, and only half of the appropriation bills have come forward. Some of the biggest are yet to come.

If the proposed rule had been in effect, none of these bills could have been considered until the House first approved a budget resolution with an expenditure ceiling provided in it for each bill. The House would have faced up to the vexing, but vital question of red ink before spending tax dollars.

The rule change is proposed out of conviction that the present system of raising and spending Federal revenue is gravely inadequate, and that it contributes substantially to inflationary pressure. The adverse impact of Federal deficits of $50 billion for the past 2 years is obvious.

I include the following:

RESOLUTION TO AMEND RULES OF HOUSE OF REPRESENTATIVES TO REQUIRE HOUSE-AUTHORIZED FEDERAL BUDGET

1. The Committee on Appropriations and the Committee on Ways and Means of the House of Representatives are authorized and directed to meet jointly at the beginning of each regular session of Congress and after due study and review, including consideration of the annual budget message of the President, report to the House a resolution containing a House-Authorized Federal Budget for the ensuing fiscal year not later than 90 days after the President's message has been received.

The proposed budget shall include:

1. Estimated overall Federal receipts from all sources;

2. The maximum aggregate amount to be granted in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution;

3. Specific recommendations as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate expenditures and receipts.

When the Committees on Appropriations and Ways and Means have jointly reported the House resolution adopting such budget, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the Chairman of the Committee on Appropriations to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

After general debate on the resolution, which shall be limited to not to exceed 10 hours, one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

2. No bill or resolution carrying appropriations for the ensuing fiscal year shall be in order for consideration by the House until the House-Authorized Federal Budget for such year has been approved.

The report on each such bill or resolution must include a statement in one of the following forms: "The provisions of this bill (or resolution) conform to the requirements of the House-Authorized Federal Budget for fiscal 19—— and will not cause it to be unbalanced in any respect. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19——, the remaining balance is $——."—or—"The provisions of this bill (or resolution) do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19——. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19——, a deficit results in the amount of $——."

Any bill or resolution carrying appropriations whose report fails to include a statement in the first form, or which, in its amended form, fails to comply with the requirement as stated in the first form, shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

3. The joint statement of managers to accompany a report made by a committee of conference on a bill or resolution carrying appropriations shall include a statement in one of the following forms: "The provisions of this conference report conform to the requirements of the House-Approved Federal

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Budget for fiscal 19—— and will not cause it to be unbalanced in any respect."—or—"The provisions of this conference report do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19——."

A conference report on a bill or resolution carrying appropriations which fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. Motions to dispose of amendments remaining in disagreement following adoption of a conference report on a bill or resolution carrying appropriations shall require the approval of two-thirds of those Members present and voting, a quorum being present, if the effect of the adoption of such motion would be to appropriate an amount in excess of that contained in the House-Authorized Federal Budget for such year.

The requirements of this rule shall not be waived or suspended.

QUESTIONS AND ANSWERS: RULE REQUIRING HOUSE APPROVAL OF RESOLUTION OF FEDERAL BUDGET

Q. What will the rule do?

A. It will require approval of a resolution containing a comprehensive budget for the Federal government before the House can consider any appropriation bills for the ensuing fiscal year. It will also require a two-thirds vote to approve the appropriation of money in excess of that provided in the comprehensive budget.

Q. Wouldn't this requirement be just one more delay in an appropriation process that is already too slow moving?

A. To the contrary, it would help streamline procedures. Each Subcommittee of Appropriations would know that not later than 90 days after the President's fiscal messages have been delivered to Capitol Hill, it will be required to help draft the resolution on the House-approved federal budget. This requirement would be new incentive to press forward and make the hearings as complete as possible by the time the deadline arrives. Because of the two-thirds vote requirement on "overruns," subcommittee will be unlikely to spend much time dealing with requests for such. Most appropriation bills will be virtually ready for reporting to the House by May. In turn, the deadline will exert pressure on the authorizing committees to complete their work.

Q. Will the rule produce balanced budgets?

A. It will certainly help. The budget resolution will bring together for approval at one time expenditure totals and revenue forecasts. If the requests are out of balance, Members voting yes will be voting for an unbalanced budget. Because this is an unappealing posture, most will be inclined to vote to keep expenditure in line with revenue—or at least to make the best possible legislative record in that direction. If the figures show a balance of revenue and expenditure, those voting yes will be voting for a balanced budget.

Q. How will the rule affect tax levels?

A. If the budget shows expenditure in excess of revenue, it will also provide that the difference be made up by more revenue, higher level of public debt, or a combination of the two. If it calls for $3 billion more in revenue, for example, approval of the resolution with this item in it would have the effect of directing Ways and Means Committee to come forth with measures providing the extra revenue.

Q. How will the rule affect the ceiling on public debt?

A. In line with the answer just above, if the resolution calls for meeting a budget deficit by a $3 billion increase in public debt, that would effectively settle the question of an increase in the debt ceiling at a later date. The amount of increase, of course, would be determined by how close the subsequent Congressional appropriations match the provisions of the budget resolution, and the accuracy of revenue forecasts.

Q. At what point would the proposal involve the Senate?

A. At no point would the involvement be direct. Indirectly, the effect would be substantial. Once the House approves the resolution on the budget, it could consider appropriation bills. But not until then. Once approved by the House (by majority vote, or two-thirds, as circumstances may require), the appropriation bills would go through customary channels. If the Senate should approve a bill providing more money than authorized in the House budget resolution, the conference report could be accepted by the House only if two-thirds of those present and voting approve.

Q. What is the purpose of the proposed rule?

A. To cause the House to make basic decisions on expenditures and revenues for the ensuing fiscal year, and what to do about the difference between the two items, before it begins to appropriate money. Under present procedures, the House never at any time approves a budget for the federal government, even in the most general, tentative terms. It receives the President's budget message; subcommittees of the Appropriations Committee begin to hold hearings; eventually, based on these hearings, the House begins to appropriate money piecemeal. Only once in recent years—1963—did the House establish even an aggregate expenditure ceiling. It deals with the question of public debt at the wrong end of the process—after the money has been appropriated and obligated—not before. It deals with the relationship of revenue to expenditure only on those infrequent occasions when the Ways and Means Committee brings forward a bill dealing with general taxation.

Q. In House rules from 1947 to 1970 was the requirement that the Congress approve a budget for the federal government. It didn't work. Does this plan have better prospect of success?

A. Yes, because the differences are substantial. The old rule had a vital shortcoming. It had no teeth. Failure to adopt the "legislative budget" resolution, as provided in the rule, did not stop the appropriation process. The new proposal provides that appropriation bills are not in order until the budget resolution has been adopted. The old rule on the "legislative budget" had no such requirement. The old rule produced a legislative budget resolution only once—in 1947, and on two subsequent years became hopelessly mired in Senate-House conference. After 1949 no serious effort to pass a "legislative" budget was undertaken. The new proposal deals only with House procedures.

Q. Would it not be better to include the Senate in the rule?

A. The Senate, of course, can adopt exactly the same discipline, a new discipline or no discipline. The House need not wait for Senate concurrence. Both the House and Senate have their separate responsibilities, so either body can justify special measures of self-discipline.

Q. Give an illustrative chronology showing how things might move along under the proposal.

A. January 20. The President submits his budget, which includes details for each appropriation bill category. It also includes revenue forecasts.

February 1. Each appropriation subcommittee theoretically can begin hearings. Each will have nearly three months in which to examine witnesses and requests, before participating jointly with other Appropriations Committee members and Ways and Means Committee members in reporting the resolution on the federal budget. Meanwhile the Ways and Means Committee can examine revenue aspects of the budget message, together with the content of the President's economic message (submitted each year on January 20). It can draw upon information and views gathered by the Joint Economic Committee. This will give the committee more than two months to weigh alternatives on taxation and debt for the ensuing fiscal year before meeting with the Appropriations Committee.

April 1. Senior members of Appropriations and Ways and Means Committees will meet for discussion of a draft resolution on the federal budget.

April 15. Committees on Appropriations and Ways and Means will meet formally to mark up and report the resolution.

April 20. House will act on resolution. Debate time of ten hours divided four ways—one-fourth to each chairman and ranking minority member of each committee.

The resolution to be open to amendment under five-minute rule. If House fails to approve resolution, a new resolution will be developed and reported by the same committees, acting jointly, until a resolution is passed.

The resolution, being privileged, will not require Rules Committee action. The resolution will be handled on the floor by the Appropriations Committee chairman and ranking minority.

May 1. Appropriation bills will be considered. Usual procedures will be followed except for the requirement of approval by two-thirds vote if the bill exceeds the expenditure ceiling set for it in the budget resolution. Likewise, a conference report in excess of the budget resolution will require approval by two-thirds vote.

Mr. Speaker, the new fiscal year is only 2 weeks off.

Federal business is the biggest in the world. Expenditures for the coming business year are estimated at $250 billion, with revenue estimated at $223 billion. The President's forecast shows a deficit of $27 billion. We are finishing a business year with a deficit of about $26 billion. All of this is probably familiar information to you.

What is ironic is that the management of this business by the U.S. Congress is unquestionably the worst of any major business operation. Private business firms could not survive under the sloppy procedures the Congress follows. Let me illustrate.

The fiscal year will begin with only a small portion of the money required actually voted on by the Congress. Long after the business year has begun, the Congress will still be debating appropriation bills. The departments and agencies of Government will operate under what are called continuing resolutions, which permit expenditures at the rate of the previous year until such time as the Congress actually appropriates new money.

The business year was half gone last winter when several appropriations bills finally made the route. And one bill, the one dealing with foreign aid, was not approved until March 8 of this year. By then the business year for which the money was provided was 75 percent gone. Only 3 of the 12 months remained.

This meant the departments and agencies could not efficiently plain their work. The funding of new programs could not occur. When they finally get their money late in the year, tendency is to spend it fast before the new year starts. That leads to greater waste.

But this is not the worst of it. Never at any time during the business year does the Congress approve a comprehensive budget for the Federal Government. The President sent a budget message, of course, as he always does the first of each calendar year. The Joint Economic Committee held brief hearings on the budget, as it always does. But the committee never made a decision on the budget. Nor did any other committee or subcommittee of the Congress. Nor did the House. Nor did the Senate.

One would have thought that receipt of the President's budget recommendations would set in motion a procedure leading promptly to a legislative decision on the budget—how much, in light of the revenue forecast, the Government should spend and what should be done about the shortage of revenues and excess of expenditures.

But no. That would be too business-like. Congress does not operate that way.

Instead, in its own leisurely way the Congress puts out of mind the vexing question of a comprehensive budget and begins piecemeal to appropriate money based on the President's requests—never facing the whole fiscal picture, never deciding how much extra debt the budget might require—how much extra revenue should be raised.

The only time the Congress even takes a furtive peek at the Federal fiscal posture is at the wrong end of the year—and then half blindfolded.

That occurs when public law forces the Congress to raise the statutory limit on the Federal debt. At least once a year, after the money has been appropriated—not before—we vote an increase in the public debt ceiling. By then the Government has traversed the business-year tunnel. The obligations are made. The Treasury checks are written. To refuse to increase the debt limit under these circumstances would be the height of irresponsibility. This would cause a plunge in the Government bond market. It would cause panic in the international monetary exchanges. Confidence in the dollar would take a disastrous nosedive.

Confronted with these grim certainties the Congress on March 15 increased the ceiling on the public debt by $20 billion, bringing the new ceiling to $450 billion. And this was less than half of the amount requested by the President. In a short time Congress will again be called upon to raise the debt limit, probably by about $30 billion more.

The other day in a public discussion I was challenged by a college professor who said:

> Public debt is nothing to worry about. After all, we owe this debt to ourselves, don't we?

When I was first elected to Congress in 1960, the annual interest cost of the public debt, that is, the Federal debt, was $9 billion—which figured out about $200 a year for each American family.

This year the interest cost of the Federal debt is not $9 billion, but $19 billion—more than twice as high as a decade ago—and still climbing. The interest cost averages out to $380 a year for each American family—more than a dollar a day for just interest cost.

This year the Federal debt goes up another $26 billion. This adds another $13 million to the annual interest cost. Next year the debt increase estimated by the White House is $27 billion, adding more than $13 million annually to the interest cost. Every dollar must come out of someone's pocket in the form of increased taxes.

But will next year's deficit be $27 billion? The probability is that it will be much more—billions more.

The purpose of the proposed rule change is to deal more effectively with problems caused by large recurring deficits.

PROHIBITING THE GSA GRANTEE PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 30 minutes.

Mr. WYMAN. Mr. Speaker, in recent years there has developed in our Nation a growing concern among small businessmen that the Federal Government is threatening many small firms with direct and indirect competition.

This feeling has been stimulated largely by efforts of a few persons within the General Services Administration who apparently believe the Federal Government has a right to take over a market which is today served almost entirely by small business.

The first evidence of this came to the surface in 1969 when GSA proposed to use the newly enacted Intergovernmental Cooperation Act of 1968 as a basis for extending its services to all State and local governments. This apparently was the first time GSA openly extended its services beyond the confines of the Federal agencies and bureaus it was designed to serve.

Recognizing that, using taxpayers dollars, GSA would have an unfair advantage over small firms, the Nixon administration wisely and swiftly ordered GSA to scrap its plans. On November 10, 1969, Senator KARL MUNDT, of South Dakota, commented on this action by stating:

> It has been my privilege for a number of years to serve as the ranking minority member of that committee. At no time during our deliberations on the Intergovernmental Cooperation Act did anyone suggest or contemplate that any Federal agency would go into the purchasing business or into the supply business for State or local governmental bodies.
>
> And I am pleased to say that the White House moved promptly and decisively when it was alerted to the content and significance of the proposal being advanced within the executive branch. Clearly, neither the Intergovernmental Cooperation Act nor good public policy would countenance such an attempt to put the massive purchasing capacity of the Federal Government into competition with the many thousands of separate business enterprises now serving the myriad State and local government supply requirements all across the Nation.
>
> Nothing could have been further from the intent of Congress in the Intergovernmental Cooperation Act of 1968 . . .

I point out, too, that my own view of the intent of the law and my concern about the undesirable impact of such Federal competition with private business were shared by many other Members of the Senate, and in the other body as well. The distinguished chairman of the Committee on Government Operations (Mr. McClellan) registered the same objections I did.

I am sure they and many other Members of both Houses breathed the same sigh of relief I did August 7 when we learned that the intent of Congress was being adhered to and that the GSA purchasing proposal had been stopped.

Mr. President, in order to help avert the possibility of this proposal popping up again, I feel it important that my report on this matter should be made a part of this debate and of the permanent record of the Senate.

It would seem that GSA might have read the handwriting on the wall: That the Nixon administration had no intention of destroying thousands of small firms and that GSA's job was to reserve its services exclusively for the giant Federal system.

Undaunted, GSA decided to recreate the same program under the assumed authority of the Federal Property and Administrative Services Act of 1949, as amended. While that act specifically states:

> [Title II, Sec. 201(a)]—The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program and activities of the agencies concerned—
>
> (3) procure and supply personal property services for the use of executive agencies in the proper discharge of their responsibilities and perform functions related to procurement and supply such as those mentioned above . . .

It also says:

> [Title II, Sec. 205(c)]—The Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act . . .

Using the latter quote, GSA claims the authority for servicing any recipient of Federal funds even though the funds involved may be only a tiny portion of the recipient's income.

Now, Mr. Speaker, I am pleased to report that this program has been called to the attention of the White House and Frank Carlucci, a fine public servant, on examining the facts, issued on May 16, 1972, a letter to GSA stating:

> The above authorizations are not consistent with the purpose of the Administration's policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. To the extent that grantees are components of State or local governments, the authorizations are also not consistent with the intent of Congress as expressed in the Intergovernmental Cooperation Act and implementing regulations (Circular A-97) of OMB.
>
> It is our conclusion, in view of the above, that GSA should discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees.
>
> I am requesting, therefore, that immediate steps be taken to propose an amendment to GSA regulations that would rescind all authorizations of GSA under which Federal grantees are permitted to use Federal sources

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of supply. The proposed regulation should, of course, be made available under OMB Circular No. A–85 for comment by State and local governments prior to issuance.

Upon issuance of the amendment, action should be taken to notify the agencies of the determination and request that they immediately advise their grantees that access to Federal sources, i.e., depots, stores, warehouses, contracts, excess personal property, or other such sources is no longer authorized. Appropriate action consistent with the above should also be taken with respect to existing arrangements and unfilled requisitions.

In my opinion, Mr. Carlucci is correct in his assessment and I am pleased to report that GSA has already begun the process by which it may withdraw the program.

Such withdrawal would be welcome news through the small business community. However, these same small businessmen must be assured that this program, today called the grantee program, will not resurrect itself in some new form at a future date. Therefore, I am today introducing legislation to place a permanent prohibition on this type of program which fosters Government competition with small business.

Mr. Speaker, I would like to cite the Small Business Act of 1953 (15 U.S.C. par. 631, 1964):

It is the declared policy of the Congress that the government should aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise. . . .

In my opinion this legislation is consistent with congressional intent relative to the General Services Administration and is consistent with the firm policy of this administration which is to preserve the American system of free enterprise, with a secure and proper place for the small businessman who pays taxes, employs local citizens, and makes outstanding contributions to his community.

The text of my bill and an explanatory memorandum are as follows:

H.R. 15562

A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481), is amended by adding at the end thereof the following new subsection:

"(f) Except as otherwise specifically provided by law, the Administrator shall not either directly or indirectly make available to any grantee, subgrantee, contractor, or subcontractor to any executive agency any supply or service source which is made available to him by law or other authority or which is under his control. Nothing in this subsection shall be construed to prohibit the disposal of excess or surplus property in accordance with section 202 or 203 of this Act."

EXPLANATORY MEMORANDUM CONCERNING THE PROPOSED AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The purpose of the Federal Property and Administrative Services Act of 1949, (hereinafter "the Act") is to simplify the procurement, utilization and disposal of government property, to reorganize certain agencies of government, and for other purposes. The Act seeks to effect maximum efficiency, economy and service in the utilization and procurement of property for agencies in the *executive branch* of the federal government by centering responsibility therefor in the General Services Administration (hereinafter "GSA") which this Act established. The Act further provides that the General Services Administrator (hereinafter "the Administrator") shall, as far as practical upon the request of any agency in the legislative or judicial branch of the government, or of any mixed-ownership government corporations, or of the District of Columbia, purchase, warehouse and distribute personal property and non-personal services to meet their needs. One of the stated policies of the Act is the protection of small-business concerns.

Without Congressional authorization, GSA has extended the coverage of the Act to include purchases of personal property and non-personal services by and for grantees, subgrantees, contractors and subcontractors of federal agencies (hereinafter referred to as "grantees" or "grantees of federal agencies"). GSA has issued a Bulletin, FPMR A–17, November 7, 1967, and Regulations, 41 C.F.R. Part 101–26, April 17, 1971, and 41 C.F.R. Part 101–33, December 23, 1971, which, in summary, authorize other government agencies to, in turn, authorize grantees of such agencies to purchase from GSA inventories or order directly from manufacturers that are supply contractors to GSA, supplies and equipment at the prices and on other terms and conditions contained in the supply contracts between GSA and the manufacturers.

This unauthorized extension of the Act has already injured thousands of small-business concerns, middleman in the chain of distribution, across the Nation, and threatens to eliminate them entirely from a huge market to which they heretofore had access, thereby threatening the very existence of the free enterprice system which is the mainstay of the Nation's economy.

As of May 1, 1972, more than 30 federal agencies, relying on the GSA Regulations for authorization, have issued more than 9,000 letters of authorization authorizing their respective grantees to purchase personal property and non-personal services directly from GSA supply or service sources and facilities. In the letters of authorization, generally, the agencies have declined responsibility for any debts incurred by the grantee to GSA, and have imposed no monetary limitations and no requirement that title to the property purchased vest in the government.

Grantees have purchased substantial amounts of property and services since the program went into effect. In the period July, 1971, through March, 1972, purchases by and for grantees from GSA stores and inventories alone amounted to $6,126,979.00. This figure does not include direct purchases by grantees from suppliers in the private sector, under the suppliers' contracts with GSA, because, apparently, neither GSA nor the grantor agency police such purchases and no figures are available. GSA has advised grantees to report to GSA any failure or refusal by suppliers in the private sector to sell goods or services to the grantee under the contracts between the supplier and GSA. In a well-documented example from a Southern State, a manufacturer declined to sell certain items to a grantee under the manufacturer's contract with GSA on the ground that Title 41 C.F.R. Part 101–26 was permissive and not mandatory as to it. GSA then purchased the items for dropshipment to the grantee under its contract with the manufacturer.

It is the purpose and intent of the proposed amendment to prohibit this threat, and similar threats, to small-business concerns whom the Act expressly seeks to protect. The proposed amendment merely states explicitly that which is already contained in the Act, namely, that GSA and its Administrator are not authorized to make available to any grantee, subgrantee, contractor or subcontractor of any federal agency any supply or service source or facility which is made available to GSA or its Administrator by law or other authority or which is under the control of GSA or its Administrator. Supply or service source or facility includes, but is not limited to, GSA selfservice stores; Federal Supply Schedules; D.S.A.; Federal Prison Industries, Inc.; Workshops for the Blind and Severely Handicapped; Supplier—contractors to GSA; and other programs of the Federal Supply Service, such as providing automatic data-processing equipment, supplies and services.

Procurement functions by federal agencies for grantees, subgrantees, contractors and subcontractors of such agencies may be authorized by Congress alone, and may be performed by GSA and its Administrator only where such procurement functions are transferred to GSA in accordance with Section 107(b) of the Act. [5 U.S.C. § 630e(b)].

HIGHER EDUCATION BILL IS NOT THE ANSWER

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, what appears on the surface to be an impressive education bill passed by the House recently is, in reality, a deceptive bundle of what will amount to unkept promises. It is, in short, a wolf in sheepskin.

Although the House-Senate conference report on the higher education bill passed the House by a vote of 218 to 180 and earlier passed the Senate, I voted against the measure. I had previously voted for the bill when it passed the House earlier, but it just was not the same bill when it returned from the House-Senate conference committee.

My opposition is based primarily on the formula determined by the conferenre committee which says the amount of Federal aid an institution of higher learning will receive will be determined by the number of federally subsidized underprivileged students the institution has enrolled.

I believe this is wrong and it is not educationally sound. First, the formula for institutional aid almost demands that financially troubled colleges and universities seeking Federal assistance will have to rush out and take in as many underprivileged students as they can, regardless of the student's qualifications or desire to achieve a college education.

There is no consideration in the bill's distribution formula for the amount of institutional aid to be based on an institution's need. Therefore, I believe the bill offers very little help to the small and private colleges—the group that seems to be having the greatest percentage of financial difficulties. There was considerable help for them in the original bill but it was virtually wiped out in conference.

Second, I opposed the final bill because a portion of it is based on the assumption that all students are entitled—not eligible but entitled—to receive $1,400 a year, minus any family contribution toward their education expenses. Aside from the fact that this cannot be justified, the truth is that we just do not have the money to send every student to college.

I think any student financial aid supplied by the Federal Government should depend on the academic achievement, the motivation of the student, plus need. In present Government programs, such as the work-study program and national defense loans, the Federal Government has never gone by the theory that every student is entitled to financial assistance. On the contrary, the student has had to show motivation and a desire, in addition to need.

This is also bad because every high school student does not need to attend college. There is an equally needed place in our society for those who are interested in technical subjects and those who possess labor skills. I do not believe that we can best serve the individuals or the Nation by following a policy that has as its purpose to try to persuade colleges to take students who are unprepared for college.

Third, the bill approved by the House appears on the surface to be against busing, but, in reality, it is just the opposite. The bill encourages the Commissioner of Education to push for what is termed the Metro School District approach. That is, students from adjoining counties can be bused across county lines to achieve integration goals. Earlier attempts by the House to enforce strong antibusing measures were rendered meaningless by the House-Senate conference. The bill allows the South to remain hooked by previous court orders while the North has been let off the hook. This is not fair.

There is an important point to all of this that should be stressed. This supposedly great-sounding Federal money program most likely will never be fully funded, because we simply do not have the money. I do not believe the promises can be fulfilled.

Many leading educators in Alabama and in other parts of the country have expressed concern over the bill's passage. I share their concern. I stand ready to support public and private higher education and students, and I had hoped that Congress would find a more reasonable solution to help them. I hope I am wrong but I am afraid the higher education bill is not the answer.

FEDERAL SURVIVOR ANNUITY BENEFITS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, today I am introducing legislation (H.R. 15564) to correct an inequity which presently exists as regards Federal survivor annuity benefits.

Under present law, a "widow" or "widower" of a Federal employee or member is eligible for survivor annuity benefits only if the marriage lasted at least 2 years immediately before death or the surviving spouse is the parent of issue of the marriage.

The question of inequity arises because under the law, section 8341 of title 5, United States Code, as interpreted by the Civil Service Commission, a child who is adopted by a couple during their marriage is not "issue by such marriage" so as to qualify the widow or widower for survivor annuity purposes. Thus, where children are adopted, the employee's surviving spouse must have been married to the employee for at least the 2 years immediately before his death in order to qualify for a survivor annuity.

This legislation will correct that situation.

Mr. Speaker, it is not uncommon for parents to have legally adopted children and, therefore, the law regarding survivor annuity benefits should reflect this reality. No surviving spouse of a Federal employee should be deprived these earned and needed benefits, because his or her child is not a natural born child of the marriage.

DD–963 DESTROYER

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, Litton Industries and the Navy are engaging in a public relations stunt by beginning work 6 months early on the DD–963 destroyer. This stunt will only create more delays and cost overruns on five LHA amphibious assault ships that Litton is also building for the Navy.

It is common knowledge both inside and outside the Navy that Litton is concentrating on building the DD–963 while, in effect, creating more serious problems on the LHA. On June 6, Litton began cutting metal for the DD–963 destroyer, diverting workers from the LHA project which is only 2 percent complete.

I believe that the Navy should force Litton to concentrate on solving problems on the LHA program. The Navy should decide whether or not to cancel the DD–963 destroyer program on the basis of Litton's ability to shorten delays and cut costs on the LHA as well as making a decent start on the DD–963 program. Exactly the opposite is occurring right now. The Navy and Litton are taking the attitude that the LHA is a lost cause so why not let it completely go to the dogs. Instead, Litton and the Navy should be attempting to affect cost cuts and shorten delays on the LHA program.

As many of my colleagues know, the House Armed Services Committee voted to cut the $612 million authorization for the seven DD–963 destroyers to $247 million—only enough to buy so-called long lead items such as engines, radars, and certain electronic gear.

Sixteen of the 30 DD–963's have been funded thus far and the decision will be made later whether to proceed with the rest of the program.

Mr. Speaker, the Navy and Litton have made a conscious decision to sweep the LHA prices under the rug hoping the Congress and the American people will forget about the hundreds of millions of dollars of cost overruns and huge delay on the five LHA ships. By stretching out the LHA program, the Navy and Litton are only increasing costs and delays while, at the same time, hoping that an early start on the DD–963 will have the appearances of the successful beginning.

As many of my colleagues may know, shipbuilding costs always increase when the time needed to complete a project is increased. In fact, the number of manhours needed to build the LHA is now double the original estimate.

According to the original contract, five LHA's should cost approximately $600 million which includes the cost of cancellation of four ships that were included in the original nine-ship contract. But now Litton Industries is demanding approximately $1.2 billion for five ships representing cost overruns of $600 million.

Mr. Speaker, the Navy and Litton are making a serious mistake. In the long run, the LHA program will cost more and more and delays will increase. As a result, the DD–963 program will also be affected and we may be saddled with the C–5A of shipbuilding. It is my hope that Litton will stop engaging in public-relations stunts and start concentrating on building all 35 ships for which it has Government contract as quickly and as cheaply as possible.

NEWSLETTER

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, I soon will be mailing to my constituents my June newsletter. This report discusses a number of issues I have worked on in the Congress and my district in recent months; it also includes the tabulated results of my May questionnaire. I should like to submit for printing in the RECORD the full text of the report. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

JUNE 1972.

DEAR CONSTITUENT AND FELLOW NEW YORKER: We are all aware that during the past year or so there has been a dramatic increase in crime and acts of violence in and around our City schools. In recent months many constituents have told me about incidents when their children have been extorted for money in the public schools and have been assaulted on their way to and from school.

Many middle class families have reacted to this fear by removing their children from the public schools and placing them in non-public schools at great financial cost. The poor do not have this option, and it is their children who therefore suffer the most.

In an effort to understand better the problems involved, this spring I visited a number of schools in our District. And, in May, I held a legislative hearing to take testimony from expert witnesses representing principals, teachers, parents and students. The hearing focused on immediate remedial measures

needed to deal with internal security, intruders, security around the schools, and burglaries. The four-hour hearing was held in an appropriate setting—the library at Wagner Junior High School.

I was impressed with the proposals to provide adequate legal counseling to principals and teachers as well as students; to use more security guards for keeping out intruders (parents are already doing this in some schools); to better utilize police manpower in school neighborhoods; and to involve student volunteers in security matters. All of these proposals should be considered and considered now. After listening to all the testimony, I am convinced more than ever that children who want to learn must be protected from the disruptive behavior of other students who, in turn need help, including special classes.

A transcript of the hearing is being sent to those groups already working on this problem throughout the District. I have introduced legislation which would amend the Elementary and Secondary Education Act of 1965 to provide monies to assist school districts to carry out security plans to reduce crime and increase the safety and security of children, employees and facilities.

I will continue to involve myself in this critical problem of school safety. There are many other things that must be done to improve our schools but without safety—education doesn't have a chance.

LIGHT ON CRIME

What the Police Department calls "crime against the person" means street crime to most of us—robberies and muggings. Last year this type of crime increased in New York City by 16%, further arousing the anger, frustration and fear of all New Yorkers. For many of us the streets have become corridors of fear after dark.

This past March I introduced legislation to establish a Federal Light On Crime Program. H.R. 14022 would authorize the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high-pressure sodium-type lights. The funds would come in grants made directly to local governments on a 75% Federal, 25% local share basis. This program involves relatively low costs for a potentially high return. High-pressure sodium lights are able to illuminate a city street far better than our traditional street lighting. In a sense they turn night into day, and their effectiveness as a deterrent against crimes is undeniable. For example, after installation of high intensity lighting in Washington, D.C. high-crime areas, crime decreased by 31%.

New York like other cities has installed high pressure sodium lights on some streets (you may have seen some in our District) but local governments cannot finance the type of massive lighting program which I believe we need for our city streets. An infusion of Federal funds such as I propose would mean that whole communities could be illuminated for the benefit of residents and merchants alike.

SEX DISCRIMINATION

The response to the questionnaire indicates that many women in the District have been discriminated against, particularly in employment, because of sex. Improvements have come slowly in the past few years but should be accelerated as the result of new guidelines issued April 5 by the U.S. Equal Employment Opportunity Commission.

Briefly, the major points of the new regulation are:

Individuals must be considered for employment on the basis of their capabilities, not on characteristics generally attributed to a particular sex.

State laws limiting the hiring of females in certain occupations are contrary to the Civil Rights Act and thus cannot be used in defense of discrimination.

Physical facilities provided for one sex must be provided for another, and the absence of such facilities cannot be used as an excuse not to hire someone.

It is unlawful to classify a job as a "male" or "female" job or to maintain separate lines of promotion and seniority.

Restrictive rules applicable to married women, but not married men, are prohibited by the Civil Rights Act.

Advertisements for employment cannot indicate "a preference, limitation, specification or discrimination based on sex.".

Private employment agencies cannot deal exclusively with one sex nor discriminate against applicants because of their sex.

It is unlawful for an employer to discriminate between men and women with regard to fringe benefits (i.e. medical and life insurance, retirement benefits, profit sharing, bonus plans, and leave).

Different optional or compulsory retirement ages based on sex are unlawful.

A written or unwritten employment practice which excludes women because of pregnancy is "in prima facie violation" of the Civil Rights Act.

Disabilities due to pregnancy related conditions must be treated as any other temporary health disability.

If you feel that you are being discriminated against in your employment because of your sex, race, color, national origin, or religion, I would be pleased to supply you with the necessary forms to file a complaint with the EEOC. The EEOC is authorized to investigate complaints against employers of 25 or more persons (including state and local governments), labor organizations and employment agencies. If the EEOC determines a complaint is justified, it will first seek voluntary compliance before instituting legal action in the courts.

Legislation helps thwart discrimination, but substantial changes will come only if people are willing to protest individual acts of discrimination and use the law to back their complaints.

MARIHUANA

On March 22nd the National Commission on Marihuana and Drug Abuse issued its report on marihuana. This event was of particular interest to me because in April 1969, shortly after I came to Congress, I introduced the original bill creating the Commission.

For a year the Commission's 13 Members conducted a comprehensive study of marihuana smoking in this country, examining the social, medical, and legal effects of its use. The report issued in March was balanced and thorough.

The Commission found that approximately 24 million Americans have tried marihuana at least once and that there are at least 8.3 million current users. The Commission did not find any evidence that experimental or intermittent use of marihuana causes physical or psychological harm. However, it indicated that it did not have sufficient information to appraise the long-term effects of marihuana on the individual and our society. Therefore, it recommended a "social policy seeking to discourage marihuana use" while proposing that all federal criminal penalties for the personal possession of marihuana and the casual transfer (at no profit) of marihuana in private be removed. Similar changes were recommended for state laws.

On April 20th I joined with Senators Jacob Javits and Harold Hughes, members of the Commission, in introducing a bill to implement the Commission's basic recommendations. The need for change in our marihuana laws is clear. The effects of marihuana smoking simply do not warrant the harsh penalties prescribed by present laws—both state and federal. It serves no purpose, and is indeed barbaric, to send young people to jail for their possession of a single marihuana cigarette and saddle them with criminal records for the rest of their lives.

QUESTIONNAIRE RESULTS

The response to the May questionnaire was excellent. Approximately 15,000 questionnaires were returned with some 20,000 people indicating their positions on the issues polled. The tabulated results in percentages are as follows:

	Percent
1. Do you favor increasing the minimum wage to $2.00 an hour and extending its coverage to all workers, including employees in small retail shops, farm workers, and domestics?	
Yes	76
No	24
2. Do you favor a federal "value added tax" (a national sales tax) as a means of financing elementary and secondary education, instead of local revenue sources like the property tax?	
Yes	38
No	62
3. Do you believe the government should provide 200,000 more public service jobs (currently the Emergency Employment Act of 1971 is providing 140,000 such jobs at a cost of $1 billion)?	
Yes	59
No	41
4. Would you favor the government's guaranteeing a job to everyone seeking work and being an employer of "last resort" when jobs are not available from private enterprise?	
Yes	63
No	37
5. Assuming that it is Constitutional, would you favor a system of federal tax credits for parents with children in non-public schools?	
Yes	41
No	59
6. Do you favor a Constitutional Amendment or legislative measure prohibiting the use of busing by courts or localities to desegregate public schools?	
Yes	38
No	62
7. Would you favor the establishment of bilingual programs in all of the City's public schools having a substantial number of Spanish speaking student?	
Yes	60
No	40
8. Would you favor setting aside lanes on some major avenues in New York City for use by bicycles?	
Yes	79
No	21
9. a. Do you now ride a bike to work? b. Would you ride a bike to work in good weather if exclusive bike lanes and parking facilities were provided?	
a.	
Yes	7
No	93
b.	
Yes	49
No	51
10. Would you favor the operation of heroin maintenance pilot projects on a limited and temporary basis in order to determine the feasibility of establishing heroin maintenance programs for adult addicts?	
Yes	73
No	27
11. Do you believe the Civil Rights Act's protections (in employment, housing, etc.) should be extended to homosexuals?	
Yes	83
No	17
12. Do you believe in the concept of "scatter site" housing—i.e. building government subsidized low income housing in middle income areas?	
Yes	56
No	44

The overwhelming consensus on the question of Vietnam was that our troops should be withdrawn immediately; 49% favored the immediate withdrawal of U.S. combat forces and cessation of air support and weapons supply; 25% favored immediate withdrawal of troops and air support, but the continued furnishing of weapons. And 7% favored withdrawal but continued air and weapons support.

16% of the respondents favored the President's policies of "Vietnamization" aided by U.S. air support, and 3% recommended stepping up our military activities with the objective of a military victory.

The following are five bills I have authored that touch upon issues of current interest. Do you approve?

H.R. 850, as amended, establishing a uniform tax rate so that individuals, regardless of whether they are married or single, would pay the same graduated tax on their taxable income (after deductions).

	Percent
Yes	88
No	12

H.R. 854, as amended, requiring federal agencies to inform persons of files maintained on them and allow them to inspect their files for errors; the bill also establishes a board to which one could appeal for the removal of erroneous and irrelevant material.

Yes	94
No	6

H.R. 12417 offering draft resisters conditional amnesty—amnesty in return for two years of civilian service comparable to that now required of conscientious objectors.

Yes	79
No	21

H.R. 13362 providing $400 million annually in federal assistance in meeting the expenses of operating public transportation (subways, buses, and commuter railroads).

Yes	89
No	11

H.R. 14549 decriminalizing the personal use and possession of marihuana and allowing the transfer (at no profit) of reasonable amounts of marihuana when incident to private use. The sale of marihuana for profit and smoking it in public would continue to be subject to criminal penalties.

Yes	70
No	30

VOLUNTEER WORK

Lately more and more New Yorkers have expressed an eagerness to get involved and help improve conditions in New York City. I know, as they do, that government is not and should not be the only source of help to those in need. Often people have the desire to help their fellow New Yorkers, but they are uncertain about the kind of work they want to do, and where to go to volunteer.

I have listed a few organizations and agencies which either have extensive volunteer programs and can use more help, or which coordinate volunteer activities. This list is by no means complete—there are hundreds of outstanding agencies which welcome volunteers—but I hope it will serve as a starting point for those who want to help.

American Red Cross—150 Amsterdam Avenue, 787–1000 (Ext. 421).

Work on nonmedical aspects of blood programs (blood mobile); volunteer drivers for Red Cross vehicles; clerical; social service type work.

The Association of Community Service Centers—(Mobilization for Youth) 152 Avenue D, 533–2410 (Ext. 7 or 8) Ms. Sylvia Castaneda.

Volunteers (bi-lingual English/Spanish) to teach classes to the aged during the daytime; tutoring (bi-lingual); volunteer lawyers (need not be bi-lingual) to give advice on housing, welfare, etc.

Community Service Society of New York—105 East 22nd Street, 254–8900, Mrs. Madeleine Woodward, Director of Volunteer Programs.

Work with the aged; Corrections; Thrift Shop. CSS will refer volunteers to other agencies as well. Minimum service: 3 houra a week.

Federation of Jewish Philanthropies—130 East 59th Street, PL 1–1000 (Ext. 209) Mrs. Henry Pearce, Chairman of Volunteers.

Refers volunteers to member agencies; clerical; teaching crafts; library; Thrift Shop; aged; youth; tutoring; physical education; Family Court Program.

Federation of Protestant Welfare Agencies—281 Park Avenue South, 777–4800, Ms. Rita Lambek, Director, Volunteer Bureau or Miss Janet Shair, Consultant on Volunteer Service.

Recruits and refers volunteers to its 265 member agencies and to other nonaffiliated agencies. Work with children, the aged, blind; tutoring; teaching English; drug programs.

Ladies of Charity of the Catholic Charities of the Archdiocese of New York—122 East 22nd Street, OR 7–5000, Ms. Marie Ryan, Director of Volunteers (Ext. 417, 418) Tuesday and Thursday.

Need friendly visitors to elderly in their apartments, hotels and nursing homes; escort service to hospitals, clinics, doctors' offices; recreation programs in nursing homes; child care and day care; visitors to prisons; Thrift Shop; tutoring; USO.

League of Women Voters—131 East 23rd Street, 677–5050, Ms. Myrna Baron, Director of Voter Service.

Work on Telephone Information Service which operates from 10 a.m. to 4 p.m. 5 days a week answering callers' questions; voter registration drives; speakers (before community groups). No minimum time, but regular schedule.

Mayor's Office of Volunteers—250 Broadway, Room 1407, 566–5950, Ms. Patricia Richter, Executive Director; Ms. Winifred Brown, Administrative Director.

Central clearing house to recruit and place citizen volunteers in City and private agencies.

National Council of Jewish Women—9 East 69th Street, LE 5–5900, Ms. Edna Eigen, Director, Community and Volunteer Services.

Work with the aged; the young; tutoring; Thrift Shop; Bookmobile; Boutique. Minimum service: one-half day a week.

United Hospital Fund—3 East 54th Street, PL 4–1080, Ms. Judith Bartow, Staff Associate, Volunteer Service.

Refers volunteers to member voluntary hospitals and to the 16 hospitals which are under the City's Health and Hospitals Corporation. Minimum service: 3–4 hours weekdays or 2–3 hours evenings and weekends.

Volunteers may also call the hospital nearest them and speak with the Director of Volunteers (almost every hospital has one).

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 26 Federal Plaza on 264–1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

My report also included four pictures that were entitled as follows:

On May 24th about 150 people, many of whom are distinguished scientists, professors and artists, assembled on the steps of the Capitol with several Members of Congress. I told the group that I will continue to pursue every constructive effort necessary to undo the President's usurpation of Congressional authority and get our men, bombs, and mines out of Vietnam. I then accompanied them when they delivered a "petition for redress of grievances" to the Speaker of the House, Carl Albert.

UFT President, Albert Shanker, testifying at my hearing on school violence.

The March 22nd press conference of the National Commission on Marihuana and Drug Abuse with Chairman Reymond P. Shafer, former Governor of Pennsylvania, and Commission Member Joan Ganz Cooney, President of Children's Television Workshop.

On April 10th and again on May 1st, the House Ways and Means Committee held hearings on my bill, H.R. 850 as amended, to give single taxpayers and working married couples tax equity. In preparing for the hearings I met on several occasions with Chairman Wilbur Mills and Vivien Kellems who is the citizen leader in the national campaign for tax equity for single taxpayers.

SEEKS TO CORRECT INADEQUACIES IN SOCIAL SECURITY SYSTEM

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 30 minutes.

Mrs. ABZUG. Mr. Speaker, the social security system must be adjusted to serve the needs of the people. Today, one of our most serious problems is assuring adequate income for our older citizens. As it stands now, older Americans who are beneficiaries of social security are in a terrible financial situation compared to the currently working population.

Let me cite some statistics: Of the 20.5 million persons aged 65 and over in 1967, only about 3 million were employed, according to a study by the Department of Labor. Projections for 1980 in the same report indicate that out of a population of 23.1 million aged persons, 19.7 million will not be in the labor force. If these projections foretell the future with any degree of accuracy, earnings will constitute a diminishing portion of total income for the aged population, causing them to rely increasingly upon social security benefits for their main support.

This situation calls for legislation to correct the financial inequalities that exist in the social security system. I am today introducing a package of bills which go to specific problems and seek to correct the inadequacies of the existing system. I would like to share with my

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colleagues the information that motivated me to make a comprehensive study of the social security system and propose these corrections. I hope that they will act upon this knowledge and support these social security reforms.

A U.S. Bureau of the Census report on family incomes has indicated that the income of the aged is very much below the national average. The median total income of families headed by a person aged 65 or over in 1970 was $5,053, while the median income of all families was $9,590. The median income of aged unrelated individuals—people not in family earning units—was $1,951, compared with $2,489 for all unrelated individuals.

Retirement is the main reason for the decline in total income of older persons, but also, the older a person is, the more likely it is that his or her social security and other pension benefits are based on past employment and earnings which were at rates much below the current wage level, and the more likely it is that the former wage earner is in the process of reducing or exhausting his or her assets.

The net result of this is that poverty is the rule for people over 65. The most recent Social Security Administration figures show that nearly 30 percent of those aged 65 or over—in comparison with 17 percent of the population at large—are officially classified as "poor" by their standards. In 1966, 2.7 million of the 4.9 million aged persons living alone were poor. Of the aged living in family units, 2.7 million of the 13.1 million were in households classified as poor.

Thus, 25 percent of the people 65 and over—as compared with 10 percent of the general population—are below the poverty line. The Social Security Administration's latest figures state that 92 percent of all persons aged 65 or over were eligible for benefits in 1971. The average old-age retirement benefit in January 1972 was $132.16 a month—$116.58 for reduced benefits paid to people who retire at age 62 instead of at age 65 or later. Couples receive more, not only because couples' benefits are 50-percent larger than those of single persons, but also because the earning histories of married men tend to be higher than those of nonmarried men or women.

Another problem under the current system is that of early retirees. The Social Security Administration tells us that early retirees earned less and experienced more unemployment than did workers who retired at age 65 or later. As a result, benefits of early retirees run 25 to 35 percent below those of persons who retire when aged 65 or more. A report by the Brookings Institution states:

> The economic condition of early retirees must be inferior to that of persons who are aged 65 or over at the time of retirement . . . his family is even more dependent on Social Security benefits than are other beneficiaries . . . they have low earning histories and because retirement is before age 65, they must accept permanently reduced benefits.

There are also certain inequities regarding the treatment of both women and men that are built into the social security system.

For example, there are many special dependency requirements for men who want to collect widowers' benefits where there are few for widows. Men have to have been dependent upon their wives at the time of the wives' entitlement to benefits, or the wife must have died during a period of her disability.

In order for a divorced woman to collect wives' benefits on her husband's earning record, they must have been married for 20 years. This provision alone handicaps women by putting many of them in a precarious financial situation if they have spent most or all of the period of their marriage doing domestic work and not accruing any earnings or earning resources.

Another serious problem which is reflected in the divorce provision discussed earlier is that this country must face the fact that there are millions of people—mostly women—who have spent their peak earning years managing a household and caring for families. This effort is one which is as socially useful as outside paid work and it ought to be recognized as such. The worth of this work should be calculated in terms of current market values. Social security benefits should then be paid to "householders" on the basis of that calculation. One of the bills I am introducing today would correct this inequity.

I will also be reintroducing my bill H.R. 13371, which provides for a minimum annual income of $3,375 for older single people and $4,500 in the case of couples, a 25 percent across-the-board increase in social security benefits with subsequent cost-of-living increases, reduces the social security tax rates and provides a more equitable determination and apportionment, eliminates the existing actuarial reduction in widows' and widowers' benefits in case of disability, includes within the term "disability" conditions requiring substantially continuing care, and requires that future social security benefit increases be disregarded in determining need under the various federally assisted public insurance programs.

A brief explanation of all 14 new bills I am introducing today follows:

EXPLANATION OF BILLS

H.R. ———. The "householder's basic benefit" is a Social Security benefit available to all men and women who remain at home and perform the service of maintaining a household during the time they could have been wage-earners. The financing for this will come out of the 4 to 6 billion dollar annual surplus of the Social Security Trust Fund or out of general revenues. It is our national responsibility to insure that our older citizens, those who have managed households as well as those who have been employed, have an adequate income to support them during retirement.

H.R. ———. This bill would allow full Social Security benefits to be collected at age 60 and reduced benefits at age 55. It also provides that widows', widowers', and parents' insurance benefits shall be payable without regard to age.

H.R. ———. This bill would allow anybody receiving Social Security benefits to earn an outside income of up to $9,000 after which only 50¢ would be taken away from Social Security benefits for each dollar earned.

H.R ———. This bill will eliminate the "family maximum." At present, provisions in the Social Security laws limit the total amount of benefits that may be paid to any one wage earner. With this change, the individual would be allowed to collect as much as he is entitled to as an individual wage-earner.

H.R. ———. This bill reduces from 20 to 5 the number of years a divorced woman must have been married to allow her to collect wife's benefits on the former husband's earnings record.

H.R. ———. This bill eliminates the special dependency requirements for husbands' and widowers' insurance benefits. It also makes these benefits payable on the same basis as benefits for wives and widows.

H.R. ———. This bill equalizes the situation between men and women so that benefits are provided for widowed fathers with minor children—who now receive no benefits at all—on the same basis as widowed mothers with minor children.

H.R. ———. This bill allows a person who has been married and then divorced or widowed to retain the benefits to which he or she is entitled by the first marriage, upon remarriage, subject to the generic prohibition against simultaneous entitlement to benefits.

H.R. ———. This bill provides that brothers and sisters who depend on a Social Security beneficiary for at least one-half of their support are eligible to receive dependents' benefits.

H.R. ———. This bill would allow people to collect benefits on salaries based upon incomes of up to $20,000 instead of the present $9,000. It would also eliminate the ceiling on the amount of earnings which may be counted for the purposes of Social Security taxes.

H.R. ———. This bill would reduce from 50 per cent to 25 per cent the proportion of support which an individual would have to be receiving from a Social Security beneficiary in order to qualify for dependent's benefits; however, no one would be permitted to receive benefits as a dependent of more than one person at a time.

H.R. ———. This bill removes the duration of time requirements for men and women to collect widows' and widowers' benefits. Currently, a widow or widower must have been married nine months, or there must be a dependent minor child in order to collect benefits at all. This protects men and women who are briefly married but entitled to benefits on their spouse's earning record.

H.R. ———. This bill would allow people who are entitled to more than one benefit to collect the largest benefit plus one-half of the second largest to which they are entitled. This would allow a person who is entitled to a benefit other than the basic one—for example, a benefit based on a disability—to collect one-half of that next benefit. This would help the beneficiary pay for costs incurred by his disability. It is clear that his other basic benefit would very possibly not be adequate under certain circumstances.

H.R. ———. This bill allows dependent parents who receive at least one-half of their support from a working child to collect old age or disability insurance benefits when the child becomes eligible for Social Security. Currently, parents can collect only as survivors. Elderly parents who are dependent for their support on their wage-earning children are clearly cases in need. We must help the family in support of the parent before the beneficiary dies. Even at age 65 it can become extremely difficult for a person on Social Security to maintain a viable family unit for a wife and children. All older people over 72 receive about $44 a month, but this certainly is a minor help to a person supporting a family.

We cannot allow our elderly to live in the indignity of poverty. We must make a national commitment to insure that all our retired and elderly citizens live peaceful productive lives on adequate incomes.

ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like at this time to direct my remarks toward the policy of repression that the Soviet Union persists in utilizing toward the republic of Lithuania. This day marks the sad anniversary of the invasion and occupation of the peace-loving nation of Lithuania by the Soviet Army in 1940. From that moment on, the people of this Baltic state have suffered restrictions on their political freedom and oppression in their religious pursuits. The actions of the Soviet Union in this affair cannot in anyway be found to be consistent with the charter of the United Nations and therefore constitutes an illegal subjugation of an entire nation.

Through the efforts of the Lithuanian-American community and the National Captive Nations Committee we have been made frighteningly aware of the plight of this enslavement. The rioting and turmoil that recently took place in Kaunas and drew the focus of international attention has only served to underline the determination of this proud people to regain their beloved independence and secure their cultural and political freedoms.

The ongoing tragedy in Lithuania should be of special concern to the Government and people of America, a nation dedicated to the sacred principle of national self-determination. The developments in Lithuania have for many years closely paralleled the dilemmas that have plagued Soviet Jewry and warrant our closest scrutiny. Any and all attempts at politico-cultural genocide must be met by a strong American revulsion grounded in the doctrine of universal human rights.

With these thoughts in mind, I am sure that all Members of Congress and the American people as a whole will share with me in the recognition of this somber occasion and work undaunted in the noble cause of freedom.

Mr. FLOOD. Mr. Speaker, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and, if it were not under the domination of Russian Moscow, it would surely again become "the granary of Europe" in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concern developments in Europe, Asia, and the Middle East.

Because we shall hear more and more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" in the world-respected scholarly journal of East European and Asian affairs, the Ukrainian Quarterly. The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine. It is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it—the Ukrainian Quarterly, summer, 1972.

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

"The Dramatic Changes at USIA," an article by Verdon Cummings. *Human Events*, Washington, D.C., May 6, 1972.

The very able and highly principled Director of the United States Information Agency, Frank Shakespeare, has lately been under fire for his many courageous changes and innovations in the USIA. As emphasized in this revealing article, one of the most innovative was his March directive to abolish all nonsensical, semantic usages concerning the Soviet Union. It may not be sufficiently recognized, but this constitutes a tremendous stride in our government. It is hoped that some segments of the White House will catch up with the Shakespeare innovation.

As the writer puts it bluntly, "In another policy memorandum to his aides, Shakespeare made it clear that the use of the word 'Soviet' as a collective noun would no longer be acceptable by USIA media and officers." If one were to read the complete memo or directive, he would be wholesomely surprised by the firm, knowledgeable stroke taken. As the Director stated it, "USSR propaganda increasingly refers to the people who live within its borders as 'the Soviets.' There is no such thing. The correct meaning of 'soviet' is a council of workers. Use of the word as a collective noun for the population of the USSR should be avoided by our media and officers."

The Director is quoted further as stating, "The people of the major nations within the Soviet Union should be referred to by their nationality; i.e., Ukrainians, Georgians, Latvians, Russians, Uzbeks, Armenians, etc." He referred to the February issue of *Soviet Life*, which alluded to "a new historical community of peoples—the Soviet nation," and replied, "This is semantical absurdity. There is no 'Soviet nation' and never will be."

In what is truly a most substantial innovation in our executive part of the national government, Mr. Shakespeare stressed also that the "Union of Soviet Socialist Republics is a state; it encompasses many nations, and is thus a multi-national state . . . but it is not a nation. To call it so, apart from being grammatically incorrect, is to foster the illusion of one happy family rather than an imperialist state increasingly beset with nationality problems, which is what it is."

The progress made in this respect for our Nation's understanding of the USSR cannot be sufficiently described here. Anyone familiar with these problems for the past two decades and more must pay tribute to the tremendous action taken by Mr. Shakespeare.

"USIA Head Bars 'Soviet' From Usage," a report in AP. *The Washington Post*, Washington, D.C., March 24, 1972.

Concerning the above Shakespeare change, reports across the country featured the immediate reaction of Senator W. J. Fulbright, chairman of the Senate Foreign Relations Committee. According to this Associated Press report, Fulbright viewed the directive as an indication of a USIA effort to "stir up trouble for the USSR government."

Fulbright held that such things "undermine the objectives of the President's trip to the Soviet Union." In an exchange with Kenneth R. Giddens, director of the VOA, who denied this intent, the chairman responded, "It looks like that is exactly what you are trying to do." However, the facts are that Fulbright has very little understanding of this problem and, what's more, shows his usual poor logic in suggesting that a suppression of truth is necessary for the avoidance of trouble-making or the success of the President's trip to Moscow. You don't impress the Russian leaders with cowering non-knowledgeability.

"What's In A Shakespeare?", an article by Russell Baker. *The New York Times*, New York, N.Y., March 3, 1972.

On the same subject, a possibly humorous but definitely puerile piece is presented here, comparing William Shakespeare's negative view on the value of a name and Frank Shakespeare's insistence on semantical precision as concerns our treatment of the USSR. The essential parts of Mr. Shakespeare's USIA directive are repeated here. And several ridiculous observations are made as well.

"Mr. Shakespeare (Frank)," the writer observes, "obviously dislikes the Soviet Union and believes that it can be hurt if we refuse to call its residents by the name of its choosing. What's in a name? The difference between victory and defeat for the imperialistic Soviet multinational state, he suggests." From this above it is evident that the writer shows little comprehension of the institutional environment of the USSR. Certainly the name USSR itself has never been of the "choosing" of over half of its population. What's more, the state as a whole is not "imperialistic" but rather the Soviet Russian apparatus which overran the independent republics of Ukraine, Byelorussia, Georgia, Armenia and others back in the early 20's. In short, a rose is a rose, a rose, and a fool is a fool, a fool.

"Get Kowtoniuk," an editorial. *The Richmond News Leader*, Richmond, Va., February 7, 1972.

The incredible case of Professor Filimon Kowtoniuk at Virginia State College has been reported in all the large newspapers of our country. The charge against the professor was "unprofessional conduct." Actually, it was a crude attempt to oust the tenured professor for his anti-communist views. As the editorial points out, "In articles by two different writers, the *Times* has suggested that the real reason behind his dismissal was his outspoken anti-communism." Reference is made to articles that appeared in *The New York Times*.

However, with the help of professional organizations, Dr. Kowtoniuk fought the case and, on the basis of latest information, won it. He is quoted in this editorial as having said "I am very, very much sickened by all of this." And, indeed, he should be. Freedom is as precious in academia as in life generally. Freedom is indivisible. The professor is to be widely congratulated for his substantial contribution to it, despite his unfortunate personal costs.

"Magadan and the Rising New Humanism," an article by Roman Rakhmanny. *The Windsor Star*, Windsor, Canada, March 8, 1972.

The writer of this absorbing piece is a Canadian journalist of Ukrainian ancestry. His writings on East European subjects are extensively published in Canadian and other organs. As this one, they are consistently packed with concrete facts and new informa-

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tion, and engage the reader's interest throughout. This article, based on Michael Solomon's book *Magadan*, stresses the new sweep of humanism among the various nationals in the USSR, including the Russians themselves.

Solomon is a naturalized Canadian who spent years in the Magadan concentration camp system during the days of Stalin and Beria. He was turned over by Romania's secret police to the Russians who regarded him as a British spy and also a Jewish expert on Palestine. As the writer shows, Solomon "frankly admits to not having shared in the 'delusion' of the Ukrainian prisoners for the idea of a sovereign non-communist Ukraine." The writer develops the matter of international understanding and concern among the peoples in the USSR by interweaving the Solomon disclosures with the good works of Rev. Onufriy Iwaniuk who saved Jews in Lviv during the war, the declarations of Ivan Dzyuba, the incarcerated Ukrainian writer, in behalf of the rights of Jews in Ukraine, and other instances in the rising new humanism in the USSR.

"Canada Beefs Up Guard On Kosygin," a news report. *Boston Evening Globe*, Boston, Mass., October 19, 1971.

This is just one of numerous reports on the Kosygin trip to Canada last fall. The visit was not without some comical aspects as well as hazards. Two bombs and a dozen Molotov cocktails were discovered near the Russian embassy in Ottawa.

With this account a photo is shown of a young demonstrator holding a sign with the message "Ukraine Will Rise." Canadians of Ukrainian ancestry demonstrated extensively against Kosygin's presence. One great value in such demonstrations is the momentary publicity given to the issues and problems that people are concerned with. The problem of Ukraine's freedom was highlighted in the course of this visit.

"Khrushchev's Life: Peasant, Hero, Dishonor," an article by Stephen S. Rosenfeld, *The Washington Post*, Washington, D.C., September 12, 1971.

Upon the death of Nikita S. Khrushchev many of the articles that were written seemed to be dressed-up eulogies for a man whose ascent to power was made possible through the death of millions. At least this one presents the bloody facts of K's life. Not all of them as can be found in the Congressional study of 1959 on *The Crimes of Khrushchev*, but a sufficient amount, nonetheless.

Referring to the period of the late 30's, the *Post's* editorial writer states, "The Ukraine in that period put up tremendous resistance to Stalin's policies. Millions died. Khrushchev's hands were bloodied. His ruthless administration and his identification with Stalin became his chief political embarrassment after Stalin's death."

"Soviets Admit They Fear Expressions of Nationalism," a commentary. *Freedom's Facts*, Washington, D.C., April 1972.

This publication of the All American Conference, edited by Donald L. Miller, features many excellent commentaries on the Soviet Union. This one highlights the force of nationalism among the captive nations. Aptly put at the start, "If a Rumanian prefers being Rumanian to being a socialist internationalist, he becomes an enemy to the Soviets—even if he is a Communist." Of course, a "Ukrainian who wants self-determination for Ukraine is an enemy of the Soviet state."

Moscow's fears on this score are cogently educed in the commentary. For instance, on April 3 Radio Moscow attacked the People's Republic of China and "declared that nationalism led to the Hungarian Revolution in 1956, the Czechoslovak Revolution in 1968, and to the current anti-Soviet appeals of Peking to nations of East Europe and Ukraine to demand national independence." Also, Moscow has repeatedly attacked Radio Liberty and Radio Free Europe as "organizers of ideological diversions" in Eastern Europe. On this, significantly, Moscow has an ally in Senator Fulbright in the U.S.

"Soviet Analyst—A New Fortnightly Newsletter," introduced by the Honorable Gordon Allott, *The Congressional Record*, Washington, D.C., April 5, 1972.

Senator Allott of Colorado has introduced to the American reading public the new publication *Soviet Analyst*, issued in London under the dual editorship of Robert Conquest and Tibor Szamuely. Both editors are experts on the Soviet Union. The theme of the new publication is set forth in these penetrating words: "Our relations with the Soviet Union are the centre of the whole refractory array of international problems before us, and thus of the future of the world. The depth and accuracy of our understanding of the Soviet Union is the crux of our correct handling of these problems." This truth has been expounded by *The Ukrainian Quarterly* since its inception in the 40's.

It is encouraging to see the emphasis placed on nationality problems in the USSR. As the editors emphasize, "For years the West knew hardly anything about nationality problems in the USSR." They point out that the "recent arrests of 'bourgeois nationalists'—many of them CP members—in the Ukraine and elsewhere illustrate the government's increasing difficulties." In the years ahead the problem of the captive non-Russian nations in the USSR will unquestionably be a prime subject. Every new publication that recognizes this will also be of prime service to the interests of the West.

"Radio Liberty and the Russians," an article by Susan Jacoby. *The Washington Post*, Washington, D.C., April 9, 1972.

At a time when Radio Liberty, Radio Free Europe and also the VOA should be properly funded to expand their facilities to accommodate the historic changes taking place in Eastern Europe, Senator Fulbright and others would have them contracted. The benefit to Moscow is obvious. In this well-written article the writer pleads the cause of Radio Liberty. Her message is identical to that expressed in the article in this issue on "Do You Know the Captive Nations?"

In the data that she provides to justify the basic utility of RL, the writer incorporates material on Ukraine. As she puts it, "Radio Liberty also broadcasts many Samizdat works by Ukrainian writers in the Ukrainian language. They are not as well known in the West as Russian Samizdat writers but are even more important to the 49 million Ukrainians who make up the second largest ethnic group (after Russians) in the Soviet Union." More precisely, of course, they are more than an ethnic group; they are the largest non-Russian nation both in the USSR and Eastern Europe.

"College Protesters Disrupt Soviet Poet's Performance," a UPI report, *United Press International*, St. Paul, Minn., February 19, 1972.

The antics of the Russian poet Yevgeny Yevtushenko are familiar now to most Americans. Among dissident Russian intellectuals in the USSR he is held in low esteem both for the third-rate quality of his poetry and his evident serviceability to the Kremlin. The theatrical performer received a jolt during one of his recitals at Macalester College in Minnesota when, on stage, he was confronted by demonstrators shouting "Freedom to Ukraine."

Credit for the demonstration goes to TUSM, a Ukrainian American youth organization. As reported, "TUSM was composed of about 50 members . . . the group had no intention of harming Yevtushenko but merely wanted to read a series of demands for Ukrainian independence over the microphone." It is certain that the Russian poet will never forget this incident in terms of the message conveyed by the courageous students.

"Lithuania's Catholics," an editorial. *The Evening Star*, Washington, D.C., March 31, 1972.

"Much is written about the plight of Jews in the Soviet Union, less about the persecution of Christians under Russian sway" is the way this editorial begins. It is a pungent piece, covering not only Lithuania's Catholics but also other Christians in the USSR. It stresses, "Catholics in Byelorussia and the Ukraine suffer under similar disabilities, as in fact do members of the Russian Orthodox and other denominations."

The editorial advises Moscow to take a leaf from Poland's book, which shows that "it is possible for Marxism and Catholicism to coexist." The matter is deeper than this, but the suggestion is a good one. When hearings on the Flood resolution, H. Con. Res. 555–56, seeking to resurrect the Ukrainian Catholic and Orthodox Churches in the Ukraine, take place before the House Foreign Affairs Committee, this point will receive much attention.

"The War of Nationalities," a commentary. *Freedom's Facts*, Washington, D.C., February 1972.

Continuing with its far-seeing examination of a basic captive nations concept, this publication concentrates on the nationalities in both the USSR and Red China. That this subject will be of increasing importance in the years ahead goes without saying. The Nixon gestures both toward Peking and Moscow provide the climate for this. The commentary mentions Red Chinese-inspired appeals in Ukraine, "specifically urging Ukrainians to take up arms against Moscow in order to win long-desired Ukrainian independence."

It also states, "There is a twisted irony to Communist Chinese efforts to mobilize non-Russian nationalities to break away from Moscow and Russian intimations of interest in breaking non-Chinese nationalities away from Peking. The concept of supporting non-Russian and non-Chinese nationalities against their masters is American, a concept originated and carried forward by Dr. Lev E. Dobriansky, a professor at Georgetown University, President of the Ukrainian Congress Committee of America, and a long-time participant in the All American Conference."

With a firm grasp of the matter, the commentator points out further, "Presidents Eisenhower, Kennedy, Johnson and Nixon dutifully have issued annual Captive Nations proclamations, based upon the Captive Nations Resolution which Dr. Dobriansky moved through Congress to final adoption. Now, it seems that the two Communist giants themselves are making the liberation of nationalities of priority concern, not, admittedly, to bring the nationalities full independence but rather to exploit their aspirations for freedom as weapons against their vulnerable opponents." The last one couldn't express it more accurately and cogently.

"Russification on Baltic," an editorial. *The New York Times*, New York, March 18, 1972.

Though awkward in terminology, this editorial makes its point in the first sentence: "Minority nationalism has been growing in the Soviet Union, as elsewhere." From many angles, the nationalism is hardly "minority." Nations, captive ones, are involved in the USSR. But the editor makes his point, nonetheless, when he proceeds to state that the "demands of Soviet Jews for permission to emigrate to Israel, the complaints of Ukrainian intellectuals about the slighting of the Ukrainian language and culture and the little-concealed dislike Georgians feel toward Russian domination have been frequently noted."

Now, signs of stern resistance have appeared in the Baltic states against the self-same process of Russification. As the editorial points out, "the native peoples of the Baltic states—involuntarily incorporated into the Soviet Union three decades ago—are apparently worrying Moscow by their resistance to Russification, particularly to the influx of Russians and other Slavs who form an ever-increasing proportion of the population in the three Baltic states." Those who are familiar with political Russian techniques have long been shown the use of economic means for the attainment of political and even genocidal objectives. The editorial fails to introduce this intriguing aspect of the case.

GENERAL LEAVE

Mr. DENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the special order taken today by the gentleman from Massachusetts (Mr. BURKE) on the subject of Lithuania.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

URGENT NEED FOR STRICTER GUN CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, recent events have once again emphasized the emphatic and urgent need for stricter, more stringent gun control laws. The easy availability of handguns figure imminently in the rising crime rate, and the decreasing respect for life and property. For this reason, I am today expressing my support for the bill introduced by my colleague from Illinois (ABNER MIKVA).

In addition, I will shortly be asking that the Massachusetts delegation join me in this effort to eliminate the 20,000 deaths a year which result from gunfire in America. H.R. 915, proposed a comprehensive system of prevention and control which would prohibit the importation, manufacture, sale, purchase, sale, transfer, receipt or transportation of handguns in any manner affecting interstate and foreign commerce, except for or by the members of the Armed Forces, law enforcement officials, or by authorized pistol clubs. As Mayor Daley, of Chicago, has pointed out numerous times, the handgun serves no useful function, as it is inappropriate for use by legitimate sportsmen.

Opponents of gun control regularly argue that the focus of the effort should be directed at the criminal and that gun controls restrict law abiding citizens in their attempt to defend themselves. Yet handguns are seldom useful or appropriate for self-defense. More often than not, guns precipitate violence rather than deter it. As several gun experts have pointed out, it is more likely that a handgun stored in the home for "protection" will injure or kill a member of the family than save a life. A recent article in the Christian Science Monitor stated that in Detroit, more people died in 1 year from handgun accidents alone than were killed by home invading burglars in 4¼ years. Most gun violence does not occur during robberies or other criminal acts involving strangers. Generally, gunplay occurs between people who know each other. Furthermore, guns are vastly more likely to lead to death than other weapons, five times more likely than knives, for instance. Logic and reason gravitate against the ownership of handguns. Arming our citizenry can only further guarantee that actual violence will result and encourages a spirit and ambience of lawlessness which is intolerable in this modern age.

As Congressman MIKVA indicated when he introduced this bill, the mayors of our major cities, the police chiefs and the majority of Americans are aware of the desperate need for handgun control. The estimated 200 million firearms in the United States represent potential death and violence. This Nation, by refusing to act to curtail this domestic arms race, is daily perpetrating crime against itself at the tremendous price of thousands of human lives.

Many opponents of gun control argue that we must analyze further the role which the easy availability of guns play in the overall crime rate before enacting gun control. They question the cause and effect of guns and crime. Yet, while further study is warranted, we can no longer afford to wait for the final answer. Although the subliminal cause of violent crime may lie in sociological factors beyond our present knowledge, the direct cause, guns, is certainly within our control.

I, therefore, call on Members of Congress to unite behind a strong gun control measure. While we have faced frontally every other threat to survival in this country, we have hidden from the gun control issue. Every other potential hazard to human life has been controlled, from DDT to chemicals in our food. It is foolhardy to delay gun control when the effect of doing so is so plainly visible.

While every other civilized nation in the world has taken steps to control the ownership and sale of firearms, the United States has done nothing. In Tokyo, a city four times the size of Los Angeles, only three persons were killed in 1970 by handguns. Yet last year handguns were used to kill 117 persons in Los Angeles, alone. Four years after Senator Robert Kennedy's death, President Johnson's basic question remains unanswered. "What in the name of conscience will it take to pass a truly effective gun control law?" We must supply a prompt and effective response to that question, for it cannot be allowed to linger while thousands die each year from handguns.

NDEA MERITS EARLY FUNDING

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, one of the most popular Federal education assistance programs in Tennessee is title III of the National Defense Education Act.

Therefore, it is of great concern to me and the thousands of Tennesseans involved and interested in education in Tennessee that title III of NDEA was not included in the Labor-HEW appropriations bill which we consider today. Unfortunately neither NDEA title III nor any of the other programs included in the Education Amendments Act of 1972, S. 659, could be included in this appropriations bill because action on the authorization legislation came too late for proper consideration by the appropriations committee.

However, now that the authorization for another 3 years has been passed, it is my hope that the earliest possible consideration by the Labor-HEW Appropriations Subcommittee will be given to legislation recommending funding for NDEA title III and other programs such as title VI of the Higher Education Act of 1965.

The NDEA program is ongoing and of great value to local school administrators. Therefore, I believe it would be a disservice to efficient education planning if title III funds are delayed into the 1972–73 school year. It is my hope that the earliest possible consideration by the Labor-HEW Appropriations Subcommittee will be given to legislation recommending funding for NDEA title III and other programs such as title VI of the Higher Education Act of 1965.

The NDEA program is ongoing and of great value to local school administrators. Therefore, I believe it would be a disservice to efficient education planning if title III funds are delayed into the 1972–73 school year. It is my hope that some way will be found for funding this program in order that schools can begin planning now on how they will use this money. Too often we have found that when funds are appropriated late in the school year, administrators are rushed to use the money and inefficiencies occur.

I repeatedly receive reports as have many Members, I am sure, indicating the continued need for NDEA III, despite the recommendation of the administration that it be discontinued. I hope the appropriations committee will hear the pleas of local schools throughout the Nation which are counting on NDEA title III funds and will be seriously hurt by any long delays in moving such funds from Washington into the field.

DEATH OF 1ST LT. RONALD DOUGHTIE

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, much has been reported of the death of John Paul Vann, senior U.S. Adviser in the Central Highlands of South Vietnam.

Two other men died with Vann in that unfortunate crash on June 9. The pilot was 1st Lt. Ronald E. Doughtie of Tampa, Fla.

The job of a helicopter pilot is a dangerous one which is not sought after in the Army. It takes a special type of man to daily dart in and out of the intense fighting in South Vietnam, carrying vital cargo or personnel. And it takes a special type of man to be John Paul Vann's pilot. Ron Doughtie was this type of man.

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Coming up through the ranks in the Army, he was commissioned 3 years ago. His father is a retired lieutenant colonel with a fine record of service. His brother currently serves in the Naval Reserves. He leaves a wife and child currently residing in Pennsylvania. No one can fully realize the great sacrifice made by the families of our servicemen who are killed in action. His mother, his wife, and the rest of his family have experienced an irreparable loss.

So ends the career of a courageous young man. Ron will be missed by many.

SEX DISCRIMINATION IN THE INSURANCE BUSINESS

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today, several of my colleagues and I are introducing legislation to correct what appears to be a widespread discriminatory practice by insurance companies of limiting coverage in certain policies written for women.

One of the many types of discrimination is to be seen in disability income policies written for women. This was first brought to my attention by a highly respected and eminent woman physician, and surgeon, Dr. Amelia Lipton, practicing in Coos Bay, Oreg. I was at first slightly incredulous at the documentation of outrageous discrimination she brought to my attention late last year. Subsequent investigation, however, shows that it was all too painfully true.

When Dr. Lipton first applied for disability income insurance coverage commensurate with her professional standing and earning capability, she was informed that it would be available to her on a professional men's disability policy but that her coverage would be limited to substantially less than half what she would be permitted if indeed she were a "professional man." She would be permitted $100 weekly indemnity and not one penny more. Men could draw $250 weekly benefits and perhaps more.

Understandably incensed, the doctor wrote a letter of protest to her insurance company and received back the following reply which must surely rank with the foremost "nonexplanations" of all time:

> Our underwriting is not based on your income. . . . I can well understand your point in stating that your disability would be equally disastrous (as a man's); however, we must abide by our Company's rule.

No amount of evasion could cover up the fact that this doctor's disability income coverage was being limited because of one fact and one fact only: She was a woman—one who managed, against almost insurmountable odds, to enter the prestigious field of medicine. And although one of the elite 9 percent to do so, she was by no means to be spared the slings and arrows of outrageous discrimination from this wholly unexpected quarter. Had she been a male doctor, there would not have been the ceiling of $100 a week for insurance coverage.

Her story was reported in the Portland Oregonian, as follows:

STATE INVESTIGATES INSURANCE SEX BIAS

A Coos Bay physician has sparked a state investigation of insurance companies which balk at giving professional women the same protection they do men.

Dr. Amelia Lipton told Rep. Edith Green, D-Oreg. that the Commercial Insurance Co. of San Francisco refused to give her any more than $100 a week in commercial income insurance.

Dr. Lipton said the company told her the limit on all female applications is $100 regardless of income.

There is no hard and fast rule for men, the Associated Press reported Rep. Green said.

Normally such policies are based on the income of the applicant. A person might make between $40,000 and $60,000 a year and take out disability income insurance of up to $1,000 a week.

Rep. Green wrote to Oregon Insurance Commissioner Cornelius Bateson, asking him to look into the case. Monday Bateson was out of the state, but his assistant commissioner, Frank Howatt, said Bateson had received an explanation from the company. Howatt said the company admitted its basic underwriting policy was at fault and that it should have considered Dr. Lipton's policy on its merits.

STUDY SCHEDULED

Howatt said Bateson would study the case to see if it constituted unjust discrimination. He also said the office would try to determine if the practice is widespread in the insurance business.

In a letter to Rep. Green, Bateson said, "I get the impression that Commercial may tend to think of females as only occupying low-paying positions and not being capable of becoming doctors or members of Congress. An archaic view, but unfortunately not one which has been completely eradicated."

In San Francisco, Mrs. Elsie Hook, Commercial's underwriter, said the company has reconsidered Dr. Lipton's case and is willing to approve whatever disability insurance she requested.

Dr. Lipton is vacationing in Africa until April and could not be reached.

Mrs. Hook said the company would lift its limit on womens' disability income policies from $100 to $150 a week but would go no further. "Women are more prone to sickness than men," she told The Oregonian.

When asked why Dr. Lipton's case would be judged on its merits while other womens' policies would be subject to the $150 a week rule, she referred further questions to the firm's New York office.

In Washington Mrs. Green said state insurance commissioners have the clout to force equitable practices of firms operating within their boundaries.

Howatt said if the firm was found to be unjustly discriminating, Bateson could issue a cease and desist order, could withdraw approval for the firm to operate in Oregon or fine the firm.

Rep. Green said she will introduce legislation in Congress to prevent such disparities in coverage.

Pleased as she was by the partial personal victory, Dr. Lipton herself is mindful of the fact that there is a larger one yet to be won—for all women, regardless of professional rank or calling. As she so eloquently wrote to me afterwards—

> It is my hope that the change will be one of policy, rather than of concession to an individual. I hope that the insurance commissions will follow through.

This is why I have decided to introduce national legislation. In so doing, I am mindful of the fact that it is traditionally a State function to regulate the insurance business. For my part, I would be content to let it remain so since it would be more in consonance with my dedication in principle to a return to even greater State and local control.

There are some matters, however, which—like this present one—are of such overriding concern that they demand the setting of a national policy against discrimination based on sex. There is certainly precedent for this in the introduction of legislation for a national uniform standard of no-fault automobile insurance which has been occasioned, as I understand it, by the chaotic situation which now exists in the various States with respect to this issue.

What I have disclosed here today may only be the tip of the iceberg of sex discrimination which, for all we know, may exist in greater or lesser degree in most, if not all, of the regulatory codes uniquely in force in each State. I would hope, Mr. Speaker, that the great majority of my esteemed colleagues will agree that it is a situation which very much needs looking into, and I offer the text of my bill for their earnest consideration:

H.R. 15552

A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person contracting to insure another against any loss shall deny to the insured or otherwise limit the insurance normally written with respect to the risk of such loss solely because of the insured's sex, nor shall any person holding himself out to the public as offering to contract to insure others refuse to contract to insure any person solely on the grounds of that person's sex. Nothing in this Act shall prevent any person who contracts to insure another from setting rates for such insurance in accordance with relevant actuarial data, even if such rates differ with respect to the sex of the insured. The courts of the United States shall have jurisdiction to give appropriate civil relief, including damages and declaratory and equitable relief, to any person aggrieved by a violation of this Act.

ENVIRONMENTAL PROTECTION AGENCY BAN ON DDT IS COSTLY AND UNSCIENTIFIC

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, the decision of the Environmental Protection Agency to ban DDT is perhaps one of the most costly and unscientific actions ever taken by an agency of this Government.

By its own admission, it may be costly in human life, for the switch from DDT to methyl parathion could well cause a number of deaths in cotton fields in 1973. This fear is based on the unhappy experience several years ago when four deaths occurred in tobacco fields when organo phosphates were used in place of DDT.

The decision to ban DDT will be costly because it will increase the cost of producing cotton which is used not only as a fiber but as food oil and high protein meal for livestock production.

The decision to ban DDT is unscientific because it accepts only the viewpoints which support its conclusions and ignores scientific fact to the contrary. In particular, the decision ignores the previous findings by the hearing officer following 7 months of testimony including cross-examinations, resulting in a document of 12,000 pages.

The decision to ban DDT is unscientific and appears to be an emotional one for it is blind to environmental evidence that this Nation's wildlife populations, with few exceptions, are the highest in history. It bases much of the case on thin egg shells which have not been conclusively proved and, in fact, the record shows it is in serious doubt particularly when one of the government witnesses supporting this theory failed to insert the complete record of his research into the record of the hearing.

As a Pennsylvania orchardist and agriculturist, I know that every poultryman who has produced eggs has experienced thin egg shells. We, in agriculture, know how to handle the problem. If the environmentalists will turn the thin shell egg problem of wildlife over to the USDA and the Nation's land-grant colleges, we will not only solve it, we will create a surplus of that species if the national interest so indicates.

The decision is unscientific for it is in complete variance with the eloquent testimony of Dr. Norman Borlaug, Nobel Prize winner, whose knowledge and observations of the environment around the world lead him to conclude the environment is not in danger from DDT.

Personally, I have applied DDT since the 1940's on my own orchards. I have not seen environmental damage on my farms which today abound in wildlife. Doctors tell me I am in excellent health.

I feel that DDT has been of more benefit to mankind than the whole race of environmentalists put together, for it has saved millions of lives and has been an essential tool in the production of a dependable food supply at low cost to consumers.

I challenge the wisdom when EPA concludes that the use of DDT is not necessary to assure an adequate supply of cotton at a reasonable cost. This is a decision which within the structure of our Government should be made only by the USDA for it has the responsibility for the dependability and adequacy of this Nation's food supply. For EPA to make a decision forcing a change of practice in one season on 38 percent of a major U.S. crop—that agency should also have the responsibility to live with its action.

I call upon the USDA to challenge EPA so that a balanced decision will be reached which will enable us to enjoy the benefits of DDT within the limitations of acceptable risks.

Unless the USDA fights this action, the Department, in my judgment, will lose a substantial reason for its existence.

Let me say I have been a conservationist and ecologist before many of today's "instant experts" were born. As I pointed out during hearings, too many are strangely and completely inconsistent.

Prior to the time DDT became a dirty word we were doing a reasonably good job in controlling the ravages of the gypsy moth. Today it is on the rampage in practically the entire Northeastern area of our country. Countless millions of trees have already fallen victims to the caterpillar stage of this pest. There is every indication the spread will be rapid and in time will cover the entire United States.

Some would have us believe biological controls are the answer. They may be in the distant but not the immediate future.

As one who has been personally involved in agriculture for a half century, I believe June 14, 1972, will go down in history as a dark day in the life of the infant Environmental Protective Agency. It may have attempted to run before it had acquired a steady walking gait.

Finally, it may be a bit ironic that DDT is banned for use in the United States but its manufacture and sale to foreign countries has the blessing of EPA. There is a possibility that it could be sprayed on food and fiber plants and in turn the end product exported to the United States. Hardly appears consistent, does it?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ERLENBORN (at the request of Mr. GERALD R. FORD), for June 19–June 28, on account of official business as U.S. representative to ILO.

Mr. ESCH (at the request of Mr. GERALD R. FORD), for June 19–June 28, on account of official business as U.S. representative to ILO.

Mr. HAGAN (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for week of June 12, on account of official business.

Mr. MCKAY (at the request of Mr. BOGGS), for today, on account of official business.

Mr. NICHOLS (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FREY), to revise and extend their remarks, and to include extraneous matter):

Mr. KEMP, today, for 15 minutes.
Mr. FINDLEY, today, for 10 minutes.
Mr. WYMAN, today, for 30 minutes.
Mr. MCCLORY, on June 22, for 60 minutes.
Mr. EDWARDS of Alabama, today, for 5 minutes.
Mr. HOGAN, today, for 5 minutes.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. KOCH, for 10 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mrs. ABZUG, for 30 minutes, today.
Mr. BURKE of Massachusetts, for 15 minutes, today.
Mr. O'NEILL, for 10 minutes, today.
Mr. FULTON, for 5 minutes, today.
Mr. DENT, for 30 minutes, June 20.
Mr. GAYDOS, for 30 minutes, June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES to revise and extend his remarks during the Committee of the Whole today, and to include extraneous material.

Mr. FLOOD to revise and extend his remarks on H.R. 15417.

Mr. SEIBERLING to revise and extend and include extraneous matter with remarks made in the Committee of the Whole.

Mr. FREY and to include extraneous matter and notwithstanding estimated cost of $630.

All Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter on the amendments of Mr. HATHAWAY and Mr. BADILLO to H.R. 15417, today.

(The following Members (at the request of Mr. FREY) and to include extraneous matter:)

Mr. RHODES in five instances.
Mr. SCHERLE in 10 instances.
Mr. WHALEN in two instances.
Mr. FINDLEY.
Mr. KEMP in two instances.
Mr. MCDADE.
Mr. GUBSER.
Mr. DUNCAN.
Mr. FORSYTHE in two instances.
Mr. BROTZMAN.
Mr. CRANE in five instances.
Mr. BROOMFIELD.
Mr. WYMAN in two instances.
Mr. DERWINSKI.
Mr. SMITH of New York.
Mr. BOB WILSON in three instances.
Mr. SPENCE.
Mr. GROSS.
Mr. HANSEN of Idaho.
Mr. VEYSEY.
Mr. FRENZEL in three instances.
Mr. BROYHILL of Virginia.
Mr. STEELE.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. PODELL in two instances.
Mr. FLOOD.
Mr. MITCHELL in two instances.
Mr. RODINO in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in two instances.
Mr. RARICK in three instances.
Mr. ROGERS in five instances.
Mr. YOUNGATE in two instances.
Mr. YATRON.
Mr. DORN in five instances.
Mr. WOLFF.

XUM

Mr. BINGHAM in three instances.
Mr. FOUNTAIN.
Mr. LONG of Maryland.
Mr. GARMATZ in two instances.
Mr. MACDONALD of Massachusetts.
Mr. MILLS of Arkansas in three instances.
Mr. JAMES V. STANTON.
Mr. NIX in two instances.
Mr. MOORHEAD in five instances.
Mr. VAN DEERLIN.
Mr. BENNETT in two instances.
Mr. BEGICH in five instances.
Mr. MCKAY.
Mr. WILLIAM D. FORD in two instances.
Mrs. MINK.
Mr. LEGGETT in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 473. An act to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States; to the Committee on Interstate and Foreign Commerce; and

S. 3080. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, June 19, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2082. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the registration and regulation of oil and gas programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2083. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1970"; to the Committee on Interstate and Foreign Commerce.

2084. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. Senate Joint Resolution 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance (Rept. No. 92-1130). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1018. A resolution providing for the consideration of H.R. 13853. A bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 92-1131). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1019. A resolution providing for the consideration of H.R. 14163. A bill to amend the Agricultural Act of 1970, as amended to idemnify farmers and ranchers whose domestic animals are killed by predatory animals (Rept. No. 92-1132). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10923. A bill to amend the cargo preference law; with an amendment (Rept. No. 92-1138). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 9410. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; with amendments (Rept. No. 92-1143). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 12991. A bill to continue until the close of June 30, 1975, the existing suspension of duty on certain copying shoe lathes (Rept. No. 92-1144). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. Conference report on H.R. 14734. (Rept. No. 92-1145). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1860. A bill for the relief of David Capps, formerly a corporal in the U.S. Marine Corps; with an amendment (Rept. No. 92-1133). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6204. A bill for the relief of John S. Attinello; with amendments (Rept. No. 92-1134). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 10012. A bill for the relief of David J. Foster; with amendments (Rept. No. 92-1135). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 10635. A bill for the relief of William E. Baker; with amendments (Rept. No. 92-1136). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12638. A bill for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired; with amendments (Rept. No. 92-1137). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. House Resolution 943. Resolution to refer the bill (H.R. 3462) entitled "A bill for the relief of Seaview Electric Company" to the Chief Commissioner of the Court of Claims (Rept. No. 92-1139). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 10363. A bill for the relief of Herbert Improte; with an amendment (Rept. No. 92-1140). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 889. An act to restore the postal service seniority of Elmer Erickson (Rept. No. 92-1141). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 2359. An act for the relief of Willard O. Brown (Rept. No. 92-1142). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15521. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code, and to add a new title XX to the Social Security Act to provide for a minimum annual income of $3,375 in the case of single individuals, and $4,500 in the case of married couples, a 25-percent across-the-board increase with subsequent cost-of-living increases, to reduce social security tax rates and provide a more equitable method for their determination and apportionment, to increase old-age, survivors, and disability insurance benefits to reflect the new tax and benefit base, to eliminate the existing actuarial reduction in widow's and widower's benefits in cases of disability, to include within the term "disability" certain additional conditions requiring substantially continuous care, and to require that future social security benefit increases be disregarded in determining need under the various federally assisted public assistance programs; to the Committee on Ways and Means.

H.R. 15522. A bill to amend title II of the Social Security Act to provide that an individual who resides with and maintains a household for another person or persons (while such person or any of such persons is employed or self-employed) shall be considered as performing covered services in maintaining such household and shall be credited accordingly for benefit purposes; to the Committee on Ways and Means.

H.R. 15523. A bill to amend title II of the Social Security Act to provide that full old-age, wife's, and husband's insurance benefits (and medicare benefits) shall be payable at age 60 (with such benefits being payable in reduced amounts at age 55), to provide that full widow's, widower's and parent's insurance benefits shall be payable without regard to age, and for other purposes; to the Committee on Ways and Means.

H.R. 15524. A bill to amend title II of the Social Security Act to increase to $9,000 a year the amount of outside earnings permitted without deduction from benefits thereunder and to provide that deductions from benefits on account of outside earnings in excess of that amount shall not exceed one-half of such excess; to the Committee on Ways and Means.

H.R. 15525. A bill to amend title II of the Social Security Act to eliminate the "family maximum" provisions which presently limit the total amount of benefits that may be paid on an individual's wage record; to the Committee on Ways and Means.

H.R. 15526. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

H.R. 15527. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so that such benefits will be payable on the same basis as benefits for wives and widows; to the Committee on Ways and Means.

H.R. 15528. A bill to amend title II of the Social Security Act to provide benefits for widowed fathers with minor children, on the same basis as is presently provided for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 15529. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 15530. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent brothers and sisters of certain insured individuals; to the Committee on Ways and Means.

H.R. 15531. A bill to amend title II of the Social Security Act to increase to $20,000 the ceiling on the amount of earnings which may be counted annually for purposes of social security benefits, and to amend the Internal Revenue Code of 1954 to eliminate altogether the ceiling on the amount of earnings which may be counted for purposes of social security taxes; to the Committee on Ways and Means.

H.R. 15532. A bill to amend title II of the Social Security Act to provide that an individual shall be considered to be dependent upon another person (for purposes of any kind of benefits which are conditioned upon such dependency) if he or she is receiving at least one-fourth of his or her support (instead of one-half of such support as required under present law) from such other person; to the Committee on Ways and Means.

H.R. 15533. A bill to amend title II of the Social Security Act to eliminate the duration of marriage and other special requirements which are presently applicable in determing whether a person is the spouse or former spouse of an insured individual for benefit purposes; to the Committee on Ways and Means.

H.R. 15534. A bill to amend title II of the Social Security Act to provide that an individual entitled to more than one monthly insurance benefit thereunder may simultaneously receive the largest of such benefits plus one-half of the next largest; to the Committee on Ways and Means.

H.R. 15535. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for certain dependent parents of individuals entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 15536. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 15537. A bill to establish an Environmental Quality Corps; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 15538. A bill to amend the Internal Revenue Code of 1954 to correct an inequity with respect to the applicability of the rules involving carryback and carryover of unused credits for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 15539. A bill to amend section 2412(a) of title 28, United States Code, to make the United States liable for court costs and attorney's fees to persons who prevail over the United States in actions arising out of administrative actions of agencies of the executive branch; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 15540. A bill to amend title 39, United States Code, to exempt State lotteries from certain Federal prohibitions; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 15541. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BENNETT, Mr. BERGLAND, Mr. BRASCO, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mr. COLLINS of Illinois, Mr. COUGHLIN, Mr. DAVIS of South Carolina, Mr. DINGELL, Mr. EILBERG, Mr. FASCELL, Mr. FISH, Mr. FORSYTHE, Mr. GONZALEZ, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. HOSMER, and Mr. LEGGETT):

H.R. 15542. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. CONTE, Mr. MELCHER, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MOORHEAD, Mr. PODELL, Mr. REES, Mr. J. WILLIAM STANTON, Mr. STEELE, Mr. STUCKEY, Mr. SCHWENGEL, Mr. TIERNAN, and Mr. YATRON):

H.R. 15543. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RARICK:

H.R. 15544. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. SCHERLE:

H.R. 15545. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG (for herself and Mr. METCALFE):

H.R. 15546. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 15547. A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection; to the Committee on Banking and Currency.

H.R. 15548. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

By Mr. BERGLAND:

H.R. 15549. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15550. A bill to convey to the City of Alexandria, Va., certain lands of the United States, and for other purposes; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 15551. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mrs. GRIFFITHS, Mrs. HICKS of Massachusetts, Mrs. GRASSO, Mrs. CHISHOLM, Mrs. MINK, Mrs. HANSEN of Washington, Mrs. DWYER, and Mrs. SULLIVAN):

H.R. 15552. A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA:

H.R. 15553. A bill to amend the National Housing Act to provide for parity of regulation of service corporations owned by State-chartered insured savings and loan associations; to the Committee on Banking and Currency.

By Mr. LEGGETT:

H.R. 15554. A bill to authorize grants to the Deganawadah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. McKINNEY (for himself, Mr. CONOVER, Mrs. GRASSO, Mr. HALPERN, Mr. PODELL, and Mr. ST GERMAIN):

H.R. 15555. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 15556. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

XUM

By Mr. RODINO:

H.R. 15557. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUPPE:

H.R. 15558. A bill to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHOUP:

H.R. 15559. A bill to amend the Small Business Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 15560. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 15561. A bill to amend title II of the Social Security Act to provide in certain cases for the payment of minimum wife's (or husband's) insurance benefits to an otherwise qualified individual before the insured spouse attains retirement age and becomes entitled to benefits himself; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 15562. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. DUNCAN:

H.R. 15563. A bill to designate Joyce Kilmer Memorial Forest and Slickrock Creek watershed as wilderness areas; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 15564. A bill to amend title 5, United States Code, to extend survivor annuity eligibility to a surviving spouse who is the parent of an adopted child; to the Committee on Post Office and Civil Service.

By Mr. PUCINSKI:

H.R. 15565. A bill to amend the Food Stamp Act of 1964, to provide that income received by individuals who are at least 60 years of age under the Social Security Act or the Railroad Retirement Act shall not be counted by the Secretary of Agriculture in determining national standards of eligibility for participation by households (of which such individuals are a member) in the food stamp program; to the Committee on Agriculture.

By Mr. DELLENBACK:

H. Con. Res. 633. Concurrent resolution calling upon all signatories to the Geneva Convention to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. ARCHER, Mr. BENNETT, Mr. BRAY, Mr. COLLIER, Mr. COLLINS of Texas, Mr. DENNIS, Mr. DEVINE, Mr. DU PONT, Mr. ERLENBORN, Mr. FASCELL, Mr. FORSYTHE, Mr. GIBBONS, Mr. HENDERSON, Mr. HUTCHINSON, Mr. LENNON, Mr. LUJAN, Mr. MANN, Mr. MICHEL, Mr. QUIE, Mr. REUSS, Mr. RHODES, Mr. ROUSSELOT, Mr. SCHNEEBELI, and Mr. THONE):

H. Res. 1020. Resolution amending the Rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MEEDS:

H.R. 15566. A bill for the relief of Mildred Christine Ford; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15567. A bill for the relief of Nepty Masauo Jones; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 15568. A bill for the relief of Mofizal Ahmed; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LAW DAY U.S.A.—NEW YORK CIVIL COURT OBSERVANCE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. JAVITS. Mr. President, I would like to call attention to the record of the New York Civil Court's Law Day U.S.A. observance on May 1, 1972, which had as its theme "Equal Access to Equal Justice," and featured the unveiling of the worldwide recognized symbol of access for the handicapped on the facade of the courthouse at 111 Centre Street, New York City, before an estimated 1,000 Americans representing the bench and bar, government agencies, architects, and the handicapped.

I ask unanimous consent that speeches delivered on that occasion be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD as follows:

LAW DAY U.S.A.

COURT OFFICER. Hear ye, hear ye! The Law Day USA Ceremonies will come to order. Judge Nathaniel Sorkin, presiding.

Judge SORKIN. Judge Thompson, Presiding Justice Stevens, Presiding Justice Rabin, my colleagues, distinguished guests, ladies and gentlemen:

As Chairman of the Law Day Observance, I welcome you to the ceremony being held on the legendary steps of the courthouse at 111 Centre Street, in the northern end of the Civic Center in New York County. The fact that the steps are legendary, rather than real, thereby affording "equal access to equal justice," is the theme of this Law Day program.

Before presenting our Master of Ceremonies, I want to express my appreciation to the organizations and groups that helped make this event successful. Rehabilitation International and Rehabilitation International U.S.A., Metropolitan Chapter of the National Rehabilitation Association, Architectural Barriers Association, and the Mayor's Advisory Committee on the Handicapped, of which I am a member and whose Chairman, Judge Joel J. Tyler, requested me to report that this unveiling will serve as the kick-off for a campaign by his Committee to encourage the display of the Symbol of Access on all barrier-free public buildings, and last—last because it is written that the last shall be first, and, indeed, he is first and a man of firsts. I speak of the first fireman to become a Judge, then a Fire Commissioner, again a Judge and then a Justice of the Supreme Court, and an Administrative Judge. The first Administrative Judge of a Court that has effected current calendars and has a courthouse that can display the Symbol of Access. I refer to the Administrative Judge of the Civil Court of the City of New York, our Master of Ceremonies, Justice Edward Thompson.

Justice THOMPSON. Judge Sorkin, Presiding Justice Stevens, Presiding Justice Rabin, Commissioner Maevis, distinguished guests, my colleagues, ladies and gentlemen.

All over the land there will be Law Day ceremonies today. The President the Chief Justice of the United States, and the Chief Justices of every State have proclaimed this. However, here we have today something which not only will provide equal justice, but equal access to justice. I wonder how many of you realize that 12% of our population is handicapped. We are so fortunate, indeed, to have a structure such as this which could bear the symbol that it is a place which is accessible to those, whether they be litigants or lawyers, witnesses or Judges, those who travel in a chair propelled by a wheel and self locomotion can enter the building, go anywhere within the confines thereof and use all of its physical facilities. Yes, and even ascend the Bench or the witness box. As it was said by Judge Sorkin, a member of this Bench for more than 15 years, who himself uses a wheelchair as a result of childhood polio, this building is the only public building which offers such facilities.

This ceremony is held today, among other things, for the reason that you and I may show the way to the architects and the builders and the planners and the administrators of tomorrow that they should, when they erect buildings, take cognizance of the fact that so many of our brethren are handicapped and they, too, need equal access, barrier-free buildings, under the law.

I would now like to introduce to you some very distinguished guests who are with us today. The Chief Justice of the Supreme Court of the Phillipine Islands, Honorable Robert R. Concepcion; Associate Justice of the Appellate Division, First Department, Honorable Louis J. Capozzoli; the Director of Training of the State and a Professor of the National College of the State Judiciary located in Reno, Nevada, Dr. Ronald Fremlin; a great community leader, scouter, and Past President of the Council of Churches of New York, Reverend Dr. Mannie L. Wilson; Deputy Borough President of Manhattan, Hon. Leonard Cohen; Chairman of the Civil Court Committee of the Association of the Bar of the City of New York, Mr. Robinson Markel; Chairman of the Civil Court Committee of the New York State Trial Lawyers Association, Mr. Samuel F. Gold.

And now to kick off these brief ceremonies, I am pleased to call upon a Law Professor about to assume that title at Fordham University School of Law, and a Vice-President of the New York Women's Bar Association, Professor Shiela Birnbaum.

Professor BIRNMAUM. Thank you Judge Thompson, honored guests and ladies and gentlemen:

The Constitution guarantees to every person access to the judicial system and a day in court. This guarantee must be assured to all persons regardless of their status, regardless of whether their cause is popular or unpopular. But, there is one group that has been overlooked often by our courts and by our society, and those are the handicapped and the disabled. In order for them to have equal justice, they must have equal access to our courts. They must be able to enter our courts with dignity, with pride, and with self-respect. There are hundreds of thousands of physically handicapped persons in this State that do not have the opportunity to enter the courthouses on the same basis as those who are not handicapped. Surely, victims of accidents who come to the courts to seek legal redress ought to be able to enter these courts on their own basis. We must provide access and we must provide access with dignity. A person who is in a wheelchair should not have to be carried into our courthouses, but should be able to enter our courthouses with self-respect and dignity. The handicapped do not want pity, but they do want an opportunity to live their lives the same as others and to use our legal facilities as others can.

Today we are making a first step forward and it is a good step. We are unveiling a Symbol of Access to this building that is constructed in such a way that handicapped people can take full advantage of it. And we must do more in this area. We must take this into consideration in the construction of all our public buildings, especially our courthouses so that the handicapped may have equal access in order to have equal justice.

Justice THOMPSON. All of these things come to pass only because we have a builder. We are fortunate enough to have the biggest builder in New York here today. He is the Commissioner of the Department of Public Works. It is because of the things he does and the things he stands for that the Symbol of Access is to be affixed to this building and unveiled today.

I would now like to introduce the Commissioner of the Department of Public Works, Honorable Alfred Maevis.

Commissioner MAEVIS. Thank you Judge Thompson, Mr. Mayor, Judge Sorkin, Judge Rabin, Judge Stevens, our honored guest from the Phillipines, Chief Justice Concepcion. Here I will stop introducing Judges because then I get in trouble and my name is "Mud" if I miss one. It is now ladies and gentlemen.

As an engineer and as a Commissioner of Public Works, I am honored to be here today. I have been invited to participate not only in the Law Day USA celebration, but also in the unveiling of the Symbol of Access for the handicapped on this Courthouse. That was an excellent phrase that Judge Sorkin used, "equal access". For many of us it means very little because we have no problems. For others, though, it is a major problem and I am very pleased that my predecessors had enough foresight on this building to provide this "equal access".

I can also assure you that the new Family Court, which is going up across the street will have this "equal access", also the new Family and Criminal Court in the Bronx and every one of our new libraries will, and I shall see that there will be a very definite effort to make sure that every institution provides "equal access".

I think this day is a step ahead for our city and for all those who participated with me, Judge Thompson and with Judge Sorkin to make this possible.

Justice THOMPSON. I would now like to introduce the President of the New York County Trial Lawyers Association, which is the largest association of lawyers within the entire City of New York,

Mr. Thomas Kiernan.

Mr. KIERNAN. Thank you Judge Thompson, Mr. Mayor, Presiding Justice Stevens and Presiding Justice Rabin, Your Honors, Guests, Ladies and Gentlemen:

It is a great privilege for me to be here today and participate in this ceremony on behalf of the New York County Lawyers Association.

We all know that the rule of law is the way of life which we live in this country. And without the rule of law, we would be in a chaotic condition. We all know what has happened in places where the rule of law has been disregarded. Places such as Nazi Germany, places such as Italy under the Mussolini regime, places of that kind where freedom is unknown.

It is perfectly clear that where you have a rule of law, the law has to be applied equally to all persons, without regard to their status, their influence, their wealth, their social position, or other things of that kind. And it is because we have a system of courts in this country in which the vast majority of our people have great confidence, that we have the peace and order that we have today in this country.

One of the things that brings about equal access to the law is the kind of thing that we are enjoying here and witnessing here today. I mean, free access to the courts and this ceremony which will honor the handicapped in their efforts to have access to the courts. It is something that I think is significant.

Now we know in the Legislature there is pending a series of bills which would provide for the central administration of the courts throughout this State. I do not know whether those bills will be enacted, but if there is central administration, it probably will hold well for a more meaningful access to the courts and there will be, I think, community improvements and administrative improvements. We all know how badly things are needed and I hope with your cooperation and the cooperation of the Bar Associations, we will be able to accomplish something along these lines.

Justice THOMPSON. All of you know that this is commonly known as the Civil Court of New York. It is known as the Peoples Court. Day by day, week by week, month by month, more and more people come to this Court to seek redress for their civil wrongs. Many of them come without counsel. The opportunity to come in here free and easy, without barriers, has particularly grown during this time of consumer protection. And no bodies in the field of law have shown more attention and given more preference to you and the opportunity to people of all kinds to come in and to press their claims than our two great Presiding Justices who preside over the operations of this Court. As you know, the Civil Court is comprised of the five boroughs and counties in the City of New York. And two of these counties, namely Manhattan and the Bronx, are presided over by Presiding Justice Harold A. Stevens. The other three counties, namely Kings, Queens and Richmond, together with the six or seven others, are presided over by Presiding Justice Samuel Rabin. And, together, these two departments as they are called, comprise approximately 75% of all of the people of the great State of New York.

These two Presiding Justices have worked so that it be true that access opportunities for the resolution or civil claims be made popular, be made easy, be made facile within the Civil Court of the City of New York.

I give to you, and I give to them, as I introduce them for a few brief remarks, my personal tribute and the tribute of my colleagues of the Civil Court Bench who are seated in the rows before you, for the wonderful cooperation and assistance and guidance they have given us.

Now, may I call upon first for a few remarks, The Honorable Harold A. Stevens, Presiding Justice of the Appellate Division, First Department.

Justice STEVENS. Administrative Judge Thompson, Mayor Lindsay, Judge Sorkin, Judge Concepcion, Commissioner Maevis, My Partner in Crime—as we refer to each other—Justice Rabin, Distinguished Guests on the platform and equally Distinguished Guests in the audience:

It is a happy occasion to join with others in the placing of a symbol on this building which indicates that all persons who suffer physical disability will not encounter that problem as they seek to enter this Temple of Justice. I was delighted to hear Commissioner Maevis say that in the new structures which are now rising and will house the courts, that that same care and attention which have been evident here, will be carried out in those buildings. I would, however, add one word while we are concerned today with the care of those who are physically disabled, I would point out to you that on Law Day we should be equally concerned that in the years ahead we assure the future generations that they should not suffer disabilities by reason of denials of equal opportunities and privileges which might prepare them for the future. And, along that line, I would say issues which appeal to the emotion, which have no sound basis and leaves no logic, which would throw us back for perhaps 70 to 75 years, should not be indulged in merely for the purpose of seeking and obtaining re-election.

Justice THOMPSON. Thank you Presiding Justice Stevens.

Now I am honored and privileged to introduce you to the Presiding Justice of the Appellate Division, Second Department, The Honorable Samuel Rabin.

Justice RABIN. Judge Thompson, Mr. Mayor, Judge Sorkin, Commissioner Maevis, Our Guests, and particularly My Partner in Crime. Judge Stevens referred to me as His Partner in Crime because as you probably know, the greatest amount of our time as Administrative Judges during this last year has been devoted to attempting to alleviate the conditions in our courts, our judicial systems and our correctional system, which hopefully will reduce crime and the number of criminals that we have to take care of, and see that the system of justice is properly administered, so today we don't come here as Partners in Crime. We come to pay our tribute to a group of Judges who sit in a court that takes care of the problems of the people of our community and a group of Judges that has done a magnificent job in administering justice well and equally to the people of this city.

I want to take this opportunity if I may, Judge Thompson, to compliment you on what you have done and how you have done it. Today is an example of your inventiveness and an example of the thinking which has led to the improvements of your Court.

Today is not just Law Day for you in the abstract. Today is Law Day not only in the abstract, but Law Day to know something specifically has been done for people, and for people in need of consideration. That is what our court system stands for. I am very happy today to join in this little way in my tribute for what you have been doing and in my tribute also to what all of the Judges in the First and Second Departments have been doing to make justice a living and a real thing.

Justice THOMPSON. Thank you for the deep-rooted compliment, Justice Rabin. We certainly appreciate those kind remarks. The Chief Executive of the City of New York has taken the time out of his extremely busy schedule to come here this afternoon. All of these things become possible because he has the foresight to have in his Cabinet people such as Commissioner Maevis and possibly others who have been associated either before or will hereafter be associated with him in the building program in the City to make such an opportunity available to people such as we see sitting before us—the handicapped. There are literally scores of representatives here today of associations of the handicapped from all over the world. Judge Sorkin will unveil the Symbol with Mayor Lindsay after the Mayor speaks with you. I wonder how many of you realize that the Symbol is one which is international in scope which is displayed in every country in the world in recognition of the rights—the rights mind you—of handicapped people

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who come to gain access to various things. We are doing something which is worldwide here, and we are recognizing the fact that our Mayor has made many of these things possible.

It is with deep honor and privilege that I introduce to you, The Mayor of the City of New York, The Honorable John V. Lindsay.

Mayor LINDSAY. Judge Thompson, thank you very much for your introduction.

Justice Stevens, Justice Rabin, Judge Sorkin, Judges of the Civil Court, ladies and gentlemen:

I feel very inadequate in the presence of all of these Honorable Judges on this platform and those who are stretched out here in the audience before me.

We are a little bit comforted by the knowledge that a Judge is only a law student who corrects his own examination papers.

I want to express my thanks to Judge Thompson and the Presiding Justices of the Appellate Division, First and Second Departments and the distinguished Judges of the Civil Court that are here today on behalf of the entire City of New York for the superlative work that you have been doing in keeping the Civil Court calendar current.

The Civil and Criminal Courts of the City, thanks to the leadership of Justices Stevens, Rabin, Thompson and Ross; and thanks to the cooperation of the Justices of the Civil and Criminal Courts who can take pride in the fact that the calendars of those two courts are current.

I, personally, take pride in the fact that there are professionals in the business of the administration of justice from around the United States who are now coming to New York City to take a look at what is happening in those two courts to see whether or not a similar attack on the problem of court delay can be made in the jurisdictions from which they come. This has been a very important development. It can only have occurred in the case of the Civil Court with the energy, the toughness and the leadership of Justice Thompson. The leadership that he has provided has been significant, meaningful and important to the whole City and has set the landmark and the pace for other aspects of the administration of justice to emulate.

We all know that we have considerable distance to travel in respect of the New York State Supreme Court itself, and particularly its Criminal Part.

On this Law Day, the 1st of May, it is appropriate I think that we recommit ourselves to the process of curing the delays that occur in the Criminal Part of the Supreme Court. Part of those delays I think, myself, can be and should be accomplished ultimately by New York State taking on the long and difficult task of reforming the method of selection of the elective State Supreme Court. Long the subject of concern of constitutional conventions and of persons like myself, the Bar Associations who have taken up the lances on this subject and mounted the white horses, only to have them shattered in the battle. It must be understood that the problems of the Supreme Court's Criminal Parts are vastly more complicated than the problems of the Criminal Court of the City. Nonetheless, the same kind of results might be achieved if only the system itself will respond more vigorously to the leadership that is being provided by the gentlemen who are sitting here, namely, the distinguished Presiding Justice of the First Department, Justice Stevens and the Presiding Justice of the Second Department, Justice Rabin.

What Justices Ross and Thompson have brought about, at a lesser level from them, can be a strong goal for all of us to try to pursue.

It is also appropriate that on Law Day we salute what has been accomplished here in respect to a portion of the public.

To Judge Sorkin goes my thanks and the thanks of all the jurists and all of the people for his pressure, cooperation, constructive advice in the accomplishment of a single thing, just to make life easier for a segment of our population which has a burden upon its shoulders, long beyond and long overdue. Handicapped persons in our City live with problems that are beyond the comprehension of most of us. Handicapped persons of our City have made a contribution to the well-being of this town far beyond the knowledge of the average citizen. Handicapped persons that I have worked with myself have taught me something about the meaning of care, courage, compassion, toughness and bravery. And the unveiling of this plaque which symbolizes the importance we attach toward the well-being of handicapped persons is something that will inure to the benefit of all New Yorkers everywhere, not just those who are suffering from the burdens of being handicapped.

Finally, before we have this unveiling, I want to express my appreciation to the two jurists who have been most responsible for this, by presenting to each of them a Certificate of Appreciation of the City that simply spells out in very official terms with the seal and the colors of the City attached, and the thanks of eight million New Yorkers. The first plaque is to The Honorable Nathaniel Sorkin:

"In Recognition Of The Great Service He Has Rendered Our City Despite Almost Insurmountable Personal Barriers. His Distinguished Career Has Inspired All The Handicapped With The Knowledge That Personal Affliction Is Surmountable. It Is My Privilege To Commend Him On Behalf Of All Of Our Citizens."

Judge SORKIN. Thank you, Mr. Mayor.

Mayor LINDSAY. The second plaque is to The Honorable Edward Thompson:

"In Recognition Of His Keen Interest In The Social Problems And Civil Rights Of The Handicapped Which Is Surpassed Only By His Judicial Demeanor And Fairness To All People. It Is My Privilege To Commend Him On Behalf Of Our Citizens."

Justice THOMPSON. Mayor Lindsay, I thank you very much.

Mr. Mayor, Judge Sorkin, Commissioner Maevis, will you all kindly proceed to the back of the platform for the unveiling.

Judge SORKIN. By the Symbol that I now unveil, know all persons that this Courthouse is barrier-free, all handicapped persons, welcome!

Justice THOMPSON. Thank you, Mr. Mayor; thank you Judge Sorkin. Thank all for attending today's ceremony.

FINANCING LOCAL GOVERNMENT

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FOUNTAIN. Mr. Speaker, Mr. William G. Colman, the highly regarded former executive director of the Advisory Commission on Intergovernmental Relations, recently addressed the annual conference of the Municipal Officers Association. I want to share his very thoughtful talk on "Some Future Issues in Local Government Financing" with my colleagues, since the financial problems of our local and State governments is a matter of deep concern to all of us at this time.

I found the following observations in Mr. Colman's address especially thought-provoking:

If we are to maintain—or regain—fiscal and moral solvency in this country, we have got to stop the reckless habit of promising public benefits beyond our physical and financial capacity to provide, and we have got to stop launching programs on a limited basis, if we doubt our ability to extend them to all the people who on a basis of equity would be entitled to the benefits.

No wonder our citizens are losing confidence in government! No wonder our middle income taxpayers are up in arms!

The complete address follows:

SOME FUTURE ISSUES IN LOCAL GOVERNMENT FINANCING

(By William G. Colman)

Any one of you if asked to write down the six or eight major issues in local government financing over the next decade would come up with a list different from the person sitting next to you, but it is a safe bet that half of them would pretty much coincide, and some chance that you would be together on two-thirds or more of them. This is indicative both of similarity of problems being faced by state and local finance officers over the country and of the overriding nature of some of these problems.

So I will deal today with my own list, secure in knowing that it's in the same ball park as yours, but much less certain as to any ideal solutions. Some ideas and alternatives will be suggested for your consideration.

At the outset, I'll just reel off what seem to me to be the crucial decisions that must be confronted soon if we are to avoid fiscal chaos on the one hand or abdication of local self-determination in financial affairs on the other. Then we will try to examine each one in as much depth as time permits. Here they are:

How to assure equality of educational opportunity in fiscal terms while preserving local policy control over public education.

How to reform the property tax so that it may continue to be a substantial source of local revenue.

How to assure equity among neighborhoods in the delivery of municipal services while avoiding a strait jacket of one-man one-dollar egalitarianism portended by some current judicial decisions.

How to cope with growing employee union clout and associated factors of rising unfunded pension system liability and a shocking decline in local public employee productivity—a decline that is playing havoc with local budgeting and revenue raising.

How to avoid escalating public expectations for services far beyond the ability of taxpayers to provide.

How to evolve a local revenue structure that is equitable, administrable, and provides an optimal mix among taxes, user charges, and other revenue sources.

How to fashion a fiscal and functional framework within metropolitan areas for the provision of area-wide services under financing arrangements that appropriately relate degree of functional spillover to the geographic breadth of the tax base.

How to assure an adequate market for local bond issues.

And of course the list could go on. I have purposely omitted three fiscal issues of a high order because they are so pervasive and have been discussed so exhaustively over the recent past: Federal revenue sharing with state and local governments; welfare reform; and the economic, fiscal, and social survival of the great central cities of America. Suffice it to say here that there is growing agreement across the political spectrum that indeed Federal revenues must and will be shared and that welfare should and must be federalized. The survival of the inner cities poses the basic question whether to undertake massive reconstruction at a cost of untold scores of billions of dollars or conversely adopt a people-oriented approach of assisted depopulation and resettlement coupled with planned economic disinvestment in these core city areas—also at a cost of untold scores of billions.

Any of these three issues would require all the time available to us and more. Instead we will now try to focus on the questions posed earlier and which confront every municipal finance officer regardless of the size of his city.

SCHOOL FINANCE AND PROPERTY TAX REFOAM

I will deal collectively and very briefly with these two hot potatoes because they are being discussed in depth by Messrs. Harris and McGrew. Let me just say that I agreed completely with the proposals of the President's Commission on School Finance and of the ACIR that state governments assume the responsibility for funding practically all of the non-Federal share of school costs with limited local supplementation.

With regard to the property tax I have never agreed with and do not now share in the condemnation heaped upon this tax by economists and politicians alike. It will be difficult to replace, and if displaced entirely, state-local finance and the practice of local self-government in this country will both suffer. The economic stability of the tax and its braking effect upon public spending are virtues not found in any other major tax. Finding for it a reduced but secure place in the state-local fiscal sun is a major financial and political challenge of this decade.

EQUITY IN NEIGHBORHOOD SERVICE DELIVERY

It is well known—

That in many cities low income neighborhoods are discriminated against in the provision of public facilities and services;

That present policies often result in local areas which need the most service receiving the least;

That fiscal guidelines for measuring differentials of service need are woefully lacking; and

That these policies and practices contribute greatly to urban blight and social unrest.

What is not so apparent, however, is that unless city finance officers, city managers, and city political leaders shape up and shape up fairly rapidly in this area, they will see an increasing number of what should be legislative or administrative decisions being made by the courts.

In Shaw, Mississippi, the court held that to provide particular municipal services to one part of town and not to another was a denial of equal protection. When courts find such discrimination, it is a logical part of the judicial process for a remedy of some kind to be ordered. But it is in the development of a remedy that the judge must begin to play a policy and administrative role.

So it behooves finance officers to work with managers and mayors in collecting the facts about equity of service levels among neighborhoods and in developing criteria for the differentiation of service intensity in relation to need. These are tough issues but fiscal and policy managers are in a better position than judges to work out the answers.

PUBLIC EMPLOYEE ORGANIZATION, PRODUCTIVITY, AND PAY

It is noteworthy that an objection most often expressed to Federal revenue sharing by the urban poor and minority groups is the fear that most of the unearmarked funds will be eaten up by public employee unions in salary and fringe benefit raises. Yet as budgetary constraints tighten at the municipal bargaining table, mayors and councilmen with disturbing frequency are buying labor peace by agreeing to large increases in fringe benefits especially earlier and more generous retirement pay, but with devastating fiscal consequences for the future. For some services in some cities we are approaching a situation where we will have two retired employees for each active worker—in other words, paying three generations of workers at the same time.

However, it is pointless to think that public employee unions will halt their demands of their own accord. In quite a number of states and in many localities particularly smaller ones, it is still considered illegal or immoral or both to belong to, consort with, or direct sympathetic attention toward an employee organization or any of its leaders or officers. Until we remove the burr of outdated and repressive labor practices from beneath the saddle of public employee organizations we can expect them to continue bucking and bolting. The other essential ingredient is a greater measure of political guts for mayors and managers at the bargaining table.

Along with rapid increases in pay over recent years we have also been facing a shocking decline in employee productivity. Instances abound on every hand in your city and mine. Here again, though, we must do some careful differentiating. Some of the decrease in productivity really represents an increase in output quality, more public health personnel per thousand population, for example.

Secondly, most local governmental functions are labor intensive rather than capital intensive. Since all sectors of the economy compete for talent, wages and salaries in the service-dominated sectors must generally keep up with those in the capital-dominated sectors. This tends to place a squeeze on the cost of those activities for which individual productivity is hard to increase.[1]

Finally, some of the basic problems in productivity lie in its measurement. It is here that city finance officers and managers must work collectively to formulate and perfect data bases and techniques for appraising objectively the quality of urban services. We must strive toward a rating system on the functional side as adequate as what we have long had in the rating of municipal debt offerings.

ESCALATION OF PUBLIC EXPECTATIONS

In a recent speech HEW Secretary Elliot Richardson commented upon the great and growing shortfall between legislated promises and the actual allocation of resources. He pointed out that to provide adequate mental retardation services for all those meeting present legal criteria would require an additional $10 billion and 750,000 more professional, paraprofessional and volunteer workers in that field; for community mental health services the dollar requirements are $11.5 billion and 400,000 personnel; for day care services for all low income families $30 billion dollars and ten million, yes ten million more workers. For all HEW programs combined the need was $100 billion and 20 million more employees at all levels of government. Government today employs a total of fourteen million, and the nation's total labor force is around 85 million.

This illustrates the shape we are in and the absolute necessity of curbing our promises and increasing what Richardson calls our "social efficiency"—the development of more economical ways of delivering public services; prominent among such possibilities is the substitution of paraprofessional time for professional time, reserving the latter for tasks that must be, repeat *must be* performed by a professional.

If I may use a personal example, the Montgomery County, Maryland Board of Education on which I serve, this year began a pilot project at the elementary school level to use teachers' aides instead of substitute teachers to fill in when the teacher is absent. This type of possibility occurs at countless points in the spectrum of public administration today.

If we are to maintain—or regain—fiscal and moral solvency in this country, we have got to stop the reckless habit of promising public benefits beyond our physical and financial capacity to provide, and we have got to stop launching programs on a limited basis, if we doubt our ability to extend them to all the people who on a basis of equity would be entitled to the benefits.

No wonder our citizens are losing confidence in government! No wonder our middle income taxpayers are up in arms!

AN EFFECTIVE AND EQUITABLE LOCAL REVENUE MIX

One good effect of current school finance litigation is the removal of sole dependency upon the property tax for local revenue. I would predict an increase in the spread of local revenue sources among various non-property taxes and user charges. The piggy-back income tax likely will find increasing favor as the few holdout states against an income tax quickly succumb within the next couple of years.

To say all this, however, is to give little clue as to what a desirable mix of local revenue sources might be. Obviously, there cannot be an optimal *local* mix, because we must always look at the *state-local total* in order to assess the burden for any one tax and the burden of the state-local taxes collectively.

In connection with tax burden—you may wish to call it "effort" for political and psychological purposes—we need to move further and faster in perfecting measures for fiscal capacity and the impact of taxation upon that capacity. Whether we use personal income or the yield of a representative tax system as a base, we need to exclude the so-called exported taxes (severance, sales and gambling taxes paid by tourists, and so forth) in assessing relative tax effort or burden.

Finally, with regard to local revenue mix, it is rather clear that most cities can and should make more vigorous use of user charges than they have in the past. Now that the level of most municipal services is nearer a point of adequacy than formerly, there is a stronger ease for user charges to finance all or part of special improvements to service. Also it has been pointed out that whether or not user charges bring in a lot more revenue, some of them serve a good purpose by letting the price mechanism show what municipal services the public is willing to pay for and whether the public is ready to pay for them in locations where their cost is high.

FINANCING AREA—WIDE SERVICES IN METROPOLITAN AMERICA

Undoubtedly the next few years are going to see a rapid increase in the extent to which various governmental services are "metropolitanized"—in financing, or in administration, or both. Court decisions relating service costs to service benefits and curbing the extent of interlocal fiscal disparities will augment this trend, but its basic push will be economic and technological. As pollution abatement facilities become more complicated and more expensive, regional use becomes more imperative. As mass transit becomes more necessary, its local financing will depend increasingly upon metropolitan fiscal arrangements. And the list can go on.

As we develop area-wide entities for handling one or more of these functions that can no longer be carved upon a local unit by unit basis, it is likely that we will depend heavily at the outset upon revenue bonds and user charges to finance the metropolitan operations. Local residents will be reluctant initially to entrust the new agencies with property—or other general taxing authority and the principle of *pro rata* contributions from member local governments now used

[1] See Downs, *Urban Problems and Prospects*, Markham, 1970. pp. 32–34 for a further discussion of this point.

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to finance many COGs will soon join the Lakewood plan in proven inadequacy for interlocal fiscal cooperation in metropolitan areas.

In addition to the formation of area-wide financing districts of one kind or another, let me mention a little discussed possibility for revenue raising in our large urban areas—the establishment by the Congress of Federal Metropolitan Taxing Districts, preceded by a constitutional amendment if necessary, whereby the residents of the district could vote a particular level or rate of income taxation to be piggybacked onto the Federal personal income tax and the collections remanded by the IRS to the governing board of the district. This kind of mechanism would allow the raising of revenue on an area-wide basis in an equitable and effective manner through use of the Federal tax machinery. Why don't you think that one over!

ASSURING AN ADEQUATE MARKET FOR LOCAL BOND ISSUES

Many of you are more familiar than I with the latest projections of needed local borrowing over the next decade, but a squeeze in the municipal bond market is widely predicted. It is more than likely that you are going to find some of your revenue borrowing extremely costly in the years ahead. You are also going to be under unremitting public pressure on the tax exemption front as tax reform gathers a new head of steam. It seems evident that some supplements to the existing pattern of debt financing are going to be required.

Some suggestions made by various study groups and by individual state and local executives over the past few years bear repeating here. I list them in no particular order of priority.

Enactment of a general government-wide statute by the Congress authorizing Federal departments and agencies to enter into prefinancing contracts with state and local governments whereby Federal reimbursement is pledged for state or local payments made in advance to cover the Federal share of project construction.

Some substitution of Federal lump sum payments for debt service grants, thereby transferring some of the borrowing burden from municipal to Federal bonds.

Initiation on a pilot basis of Federal subsidized lending operations for localities having to pay unusually high rates in the tax exempt market.

Establishment of state programs to assist small local governments in their access to the tax exempt market and where appropriate the use of the state government as a prime borrower and re-lender.

Each of the foregoing have problems and are not without controversy. But who ever said that municipal finance was non-controversial?

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So we have here, it seems, a challenging agenda for the Seventies. Some will call it back-breaking. But three things are inescapable.

Local government must continue to function in these United States. That takes money.

Taxpayers as never before are demanding efficiency, accountability, and prudence in government operations and more resistance to employee demands at the bargaining table. That takes integrity and guts.

And the urban poor, supported by the courts are demanding real, honest to God equity in the financing and delivery of public services.

How do all of these yet retain the flexibility that is essential to effective public administration and the quality of diversity that is the hallmark of the American federal system, merely requires the wisdom of Solomon.

Good luck!

MERCURY LEVEL CEILINGS IN ALASKA FISH HARVESTING

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. GRAVEL. Mr. President, in addition to competing with the Russians and the Japanese for their living the hard working fishermen of Alaska must comply with rigid FDA regulations which appear to be arbitrarily set and more stringent than rules imposed by other nations who have conducted more research in the areas regulated. I am talking about the 0.5 parts per million ceiling for mercury that is allowed in the fish harvested for sale in the U.S. market. I am informed that, due to this regulation, fishermen in Alaska—through an agreement with the Halibut Association of North America—are cutting lose all halibut that they catch which weigh over 100 pounds, while Canadian fishermen are able to harvest these fish. In some areas of Alaska the fish over 100 pounds constitute half of the catch. I ask unanimous consent that an article from the July issue of Environmental Quality Magazine, illuminating the possibility of overreaction by the FDA in setting its mercury level ceilings, be printed in the RECORD.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

MERCURY MADNESS

(By Henry A. Schroeder, M.D.)

Once the only effective cure for syphilis, and valued throughout the medical profession as a disinfectant, mercury has recently fallen into disrepute, and is considered by many to be contaminating seafood. Henry A. Schroeder, a medical doctor, Professor of Physiology Emeritus at Dartmouth Medical School. and Director of Research at the Brattleboro Memorial Hospital in Brattleboro, Vermont, explains the toxic nature of mercury and expoes the fallacy of mercury hysteria which has swept the country . . . Tuna is safe—enjoy, enjoy.

Mercury, atomic number 80, molecular weight 200.59, is one of the 84 stable elements in the universe. Therefore, the earth's crust and sea water contain, and have always contained, mercury. It is not very abundant, although it is more common than platinum or gold, and about equal to silver or cadmium in terrestrial distribution. Because mercury is a strangely heavy liquid at ordinary temperatures and evaporates slightly, the upper layers of soil contain less of it than the deeper ones, and its concentrations vary from .03 to .8 parts per million (ppm) of soil. Most rocks contain the smaller value, but shales have on the average .4 ppm.

In view of these natural concentrations, long known to geologists, it is not surprising that there is mercury in river water, which constantly adds mercury to the sea where it has been continually concentrating since the beginning of time. Although the concentration is still small (.08 to 1.0 parts per billion), over centuries a sizeable accumulation of mercury would be expected in the ocean, were it not for the fact that, like most other elements, mercury is not soluble in sea water, and it sinks to the ocean floor. Rivers pour 37 trillion tons of water into the ocean annually; contained within this flood are 2,000 tons of mercury, yet only one ton (0.03 percent) is actually suspended in water—the rest is in the form of sediment.

Life began in the seas, and the seas have always contained mercury. Considering the wide dispersal of mercury throughout the environment, it should come as no surprise that mercury is found in every living thing. In fact, brown algae (sea weed), which form the beginning of the food chain for some fish, concentrate mercury in their tissues to some 250 times the level of seawater. The continuous exposure to mercury in soil insures that plant tissues take up mercury. Because plants are the basic food source for land animals and insects, it is therefore impossible for an earthbound organism to be free from mercury.

HUMAN ELEMENT

We can reconstruct the mercury status of the average man, or Reference Man, as he is called. He is an adult male weighing 70 kilograms (154 pounds), middle aged, a little fat about the middle. He was killed in an accident, so he can be studied. And his body contains 51 elements, of which 12 are present in large amounts and 39 are "trace" substances.

Twelve of these trace elements in his body are essential for life and health. The others are either inert or toxic, but toxic only in larger amounts. As for mercury, our Reference Man's entire body contains 13 milligrams. The concentration is .2 ppm. In his lungs there are .58 ppm, brain 1.0 ppm, kidneys 2.8 ppm and hair (at least of Englishmen and Welshmen) 6.0 ppm.

The Food and Drug Administration has arbitrarily set a limit of .5 ppm mercury in fish and other food. The lack of wisdom behind such regulation and its association with popular hysteria shall be the focus of the remaining discussion.

FALSE POLLUTION

What has man done to set the stage for a mercury scare? According to H.J.M. Bowen, who collected most of the data used in this article, there are 10,000 tons of mercury mined annually around the world. River waters carry 3,000 tons to the ocean, most of it from natural sources, but ocean water only retains one ton. If all of the mercury mined annually were dumped into the sea, which is far from the truth, the ocean water would gain 3 tons. In a volume of 142 quintillion tons of sea water, even a thousand years of total dumping could not be detected by the most sensitive instruments. Therefore we can say with certainty that the oceans have not been "polluted" by mercury, or even contaminated, from man's activities. Two tenths of a part per quadrillion is not measurable and is meaningless in biological terms.

Because the oceans are neither polluted nor contaminated, it follows logically that ocean fish are not polluted, regardless of the mercury level in their flesh. Therefore, tuna and swordfish, and the bottom feeders such as flounder, cod, haddock, and halibut are as safe to eat as they were before we discovered mercury in them.

One explanation of the relatively high levels of 1.12 ppm mercury in 139 of 30,000 batches of tuna involves the biological fact that mercury is an accumulative element. Like cadmium, to which it is chemically similar, mercury accumulates with age. Larger and older fish have collected more mercury in their lives than younger, smaller fish new to the environment. This has been proven in cohoe salmon.

THE "OTHER" MERCURY

If the seas and their contents are not contaminated, what about local bodies of water? That is another situation entirely, and it concerns methyl-mercury almost exclusively.

When mercury is methylated by the addition of a carbon and 3 hydrogen atoms, it becomes much more toxic than simple salts or organic compounds of mercury. Methyl-mercury is a special case, for it does not behave as does common inorganic mercury—it is a deadly persistent poison.

Mercury poisoning articles invariably point to the "Mad Hatter" of *Alice in Wonderland* as a prime example of the dangers of quicksilver. Mercury compounds are used in the manufacture of felt and hatters showed pathogenic side effects of mercury poisoning as an occupational hazard.

But they did not have methyl-mercury poisoning. Take away the source for exposure and the mercury is soon lost from the body (although it may collect in the kidneys for some time) and the symptoms clear.

Mercury is an excellent catalyst for making acetaldehyde and vinyl chloride out of acetylene gas. In the process, methyl mercury is formed. If it is dumped into relatively confined waters, it can enter the food chain and be accumulated by fish. People eating a lot of those fish can thus be poisoned.

ILLUSTRATIVE ACCIDENT

In Minimata, Japan, an acetaldehyde plant making 1,500 tons a year, and a vinyl chloride plant with a capacity close to 7,000 tons a year, dumped their used mercury catalysts into the small Minimata Bay. The plants began operations in 1946 and 1948 respectively. In 1953 the first case of methyl mercury poisoning occurred, and by 1961, 88 cases were recorded, with 33 additional ones later found. Of these, 46 died. The disease occurred in local fishermen and their families, and in the people who fished for food and ate much fish and shellfish.

Cats in the affected families, dogs, pigs, crows and sea birds in the area died. Crabs, fish and shellfish in the contaminated areas also died. Rabbits, horses and cows did not. Large amounts of mercury, 133 to 2,010 ppm, were found in mud near the drainage channels of the plants, falling to 12–22 ppm at the mouth of the small bay, and .25–.30 ppm just outside the bay. The sea bottom outside the bay contained .06–.55 ppm, which is near normal. Fish had about 20 ppm and shellfish 11–39 ppm mercury, presumably methyl mercury. Amounts of methyl mercury calculated to produce the disease range from 700 mg. per month to 120 mg. per month or 23 to 4 mg. per day. If all of the mercury in an average tuna were in the special state of methyl mercury, which it certainly is not, one would have to eat nine pounds of tuna daily at 1.0 ppm to achieve the minimum requirement for methyl mercury poisoning.

Methyl mercury has not been found to cause birth defects, although infants were born with the disease contracted from their mothers (this is not a genetic abnormality). They resembled cerebral palsy victims in some respects, having small brains.

Large amounts of mercury were found in the organs of the patients who died, up to 70 times normal in liver, 48 times normal in kidney, and 25 times normal in brain tissue. The longer a person lived after treatment was initiated, the less mercury was found in these organs at death, indicating that the body can lose much methyl mercury in three months and most of it in ten years, although the damage to the brain is permanent. Unlike inorganic mercury, which in large doses can poison the kidney, no signs of kidney or liver damage were detected. Mercury in hair ranged from 50 to 570 ppm.

Insofar as is known, no individual in Japan outside these heavily polluted areas was harmed by this strictly local pollution from methyl mercury. Panic anyone?

Methyl mercury has been shown in laboratory experiments to be made from inorganic mercury by the action of certain bacteria which live in the absence of oxygen. It is feared that mercury deposited in mud at the bottoms of quiet lakes and rivers will be attacked by microorganisms, and produce methyl mercury. This compound, unlike inorganic mercury, is soluble in water, and is easily taken up into the food chain where it eventually becomes concentrated in fish.

How much methyl mercury is formed, and how rapidly, is unknown. Many other simple compounds of mercury, however, are soluble, and these could get into the food chain (witness the concentration by brown algae from sea water). Fish slime can also methylate and accumulate mercury.

The "dangerous level" of .5 ppm mercury, so called by the newspapers and fixed by the FDA, tacitly assumes but does not explicitly say that all of the mercury in fish and seafood is methyl mercury. In Sweden, the "dangerous level" is 1.0 ppm, which if applied here would still exclude only a very few tuna, swordfish and clams, and no lobster.

Publicizing the discovery of "high" concentrations of mercury in the flesh of game fish in Lake St. Clair, Michigan led to what one U.S. Senator called "a national catastrophe." Partially informed scientists and the uninformed press reacted emotionally to the finding of mercury in fish, and the FDA rapidly set a level of half that considered safe by Swedish scientists, who have studied the problem for years.

Perhaps Swedes are less susceptible to mercury than Americans—perhaps not.

Although it was apparent to informed scientists that mercury was in soil, water and air—indeed, in every living thing on land and in water, awareness of this fact went unrecognized, and the scare spread.

Everything was tested for mercury. Scientists from government agencies went so far as to analyze the hair of Aleut Indians; they found ten times as much mercury as the FDA allows for fish, and traced the source to seal blubber. Seals live on fish, fish are polluted (so they thought), seals accumulate mercury, and the Aleuts eat seals.

But where in the Aleutian Islands was anyone dumping mercury?

Nowhere.

Therefore the oceans are polluted! Mystery solved.

The facts are clear. The oceans are "polluted" with mercury and have been "polluted" ever since the seas were formed and became salt, or if one prefers, since the Third Day of Creation. Seals have always accumulated mercury, in spite of FDA regulations. Aleutian hair levels of mercury are typical of European and Canadian hair levels, and a little lower than those of our Reference Man.

Mystery solved again. What the Aleuts are eating is "background" or natural mercury.

Fish accumulate mercury throughout their bodies, while mammals tend to localize it in their kidneys. People who eat a lot of fish and seafood take in more mercury than people who eat meat (the same is true for iodine). Their hair contains more, there is more in their blood, and there is probably more in their own kidneys. Likewise, all fish eaters, from barracuda, northern pike and porpoises to sea birds, polar bears, cats, and Aleuts inevitably accumulate mercury in their tissues as a natural process—and always have.

Is this process harmful?

If a person ate fish containing .6 ppm, now prohibited, he would have to consume 7 kilograms or 15 pounds of fish a day to maintain a toxic level in his body. In the case of lobsters in Boston Harbor, with .8 ppm, it would take 5 kg. or 11 pounds a day to poison you, that is if all of the mercury were highly toxic methyl mercury. If it were all inorganic mercury, it would do you no harm whatsoever, even at 4 mg. per day. The absurdity of the FDA limits are thus easily demonstrated, except in the case of methyl mercury.

TO CATCH A POISON

There is only one method for measuring methyl mercury in biological material. By that method, one has to believe that about 90 percent of the mercury in fish, meat, eggs, organs—in fact, nearly everything—is methyl mercury.

There are two explanations for why animals can yield 90% methyl mercury in laboratory analysis. One is that the mercury in fish and other foods is metholated during the analytical procedure. In that case, false values would appear since much of the methyl mercury is formed after the animal is removed from the environment.

The other is that methyl mercury in flesh and other foods is so tightly bound to other chemicals that it is no longer toxic. If it were toxic, sea mammals would suffer from methyl mercury poisoning, as would all fish-eaters. They don't.

Therefore, we can continue to eat ocean fish and sea food, unless it comes from an area where methyl mercury is dumped. Fresh water fish are also safe, unless they are shown to contain toxic levels of methyl mercury or to come from a lake known to be contaminated.

We can continue to eat fish, as we always have, without fear.

Mercury is easily methylated in the test tube by methylated vitamin B12, and by rotten fish, among other substances. To analyze methyl mercury contents, the fish are digested by hydrochloric acid. The FDA is right to ban fish with sizable amounts of methyl mercury. What is needed is a foolproof method for measuring methyl mercury in foods, so that actions of the FDA are based on scientific logic—not hysteria. In this way, the almost ruined swordfish industry can revive, and sportsmen can again enjoy their hobby.

Much money and effort have been wasted hunting mercurial witches—and more will continue to be lost for some time. But as the scare eventually dies down, people will inherit a better understanding of the ecological concepts portrayed in this article: food chains, persistant and accumulated poisons, forms of industrial contamination, and a touch of organic chemistry. With such popular intelligence, other false crises should be controlled, and real ones avoided.

[This article was abstracted from *Pollution, Profits and Progress*, by Henry A. Schroeder, M.D., Stephen Green Press, 1971.]

VALUE-ADDED TAX

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANSEN of Idaho. Mr. Speaker, despite the initially negative response in most quarters to the proposed value-added tax idea, many thinkers and writers are, upon closer examination, finding that this might not be such a bad alternative after all. The New Republic, this week, printed an article by Melville J. Ulmer, "How Bad is VAT?" which balances VAT against other tax alternatives and finds that VAT is not without a certain appeal. The article follows:

IFS, ANDS, AND BUTS OF THE VALUE-ADDED TAX—HOW BAD IS VAT?

(By Melville J. Ulmer)

Ever since Mr. Nixon dropped the hint that he was "considering" a novel levy that would replace the property tax as the principal means of financing education, various commentators (including this journal) have been swatting at what they assume he has in mind—a value-added tax. VAT, they contend, is nothing but old granny sales tax under a heavy coat of rouge—another contrivance to gouge the poor. That judgment leaves them wide open to counterattack. For VAT, as it is shaping up, is not nearly that bad.

In its initial effect, a federal value-added tax would have the same impact on consumers, through higher prices, as a national sales tax. But there are as many as five important offsetting factors:

XUM

1) As tentatively proposed by the administration, VAT will be coupled with a system of tax rebates for low-income families to combat potential regressiveness.

2) VAT is designed to replace the local residential property tax, which contrary to popular repute, is about as regressive as the sales tax.

3) Improvements in education are now stymied by stubborn resistance to increases in the property tax, which is the chief source of local revenue. Levied on a federal basis, VAT can provide the funds more effectively and also help equalize the resources available to rich and poor counties around the nation.

4) VAT is more easily administered than a sales tax and is less easily circumvented by unscrupulous merchants.

5) The income tax is currently avoided in large part by a considerable portion of middle- and upper-income classes; no consumer can possibly avoid VAT.

The value-added tax is called that because it is levied on a product at each stage of its production on the basis of the value added at that stage. If Firm A buys flour, sugar and other ingredients from various producers for $1000, and sells its own finished bakery product for $1500, the amount of "value added" for the bakery is construed to be $500—which in essence is the net output of its labor and capital. The method of tax collection contains its own built-in, self-enforcement procedure. If the tax were four percent, in the above example, Firm A would be initially liable for a gross tax bill of $60, or four percent of $1500. But if this baking company were able to show, in its invoices, that its suppliers had already fulfilled their legal obligations by paying a four percent tax on the $1000 worth of supplies, its own net bill would come to only $20 (four percent of $500, or the value added).

Each stage of production, in this way, would pay only a relatively small portion of the total tax, and hence would have only a small incentive to seek avoidance. More important, the producers at each stage have a powerful motivation to make sure that their suppliers have met their legal obligations.

Another advantage of VAT is that it is a tremendously efficient money raiser, which perhaps accounts for its nearly universal use in Western Europe. It is this characteristic, also, that explains opposition to the tax from many conservatives. For instance, James M. Buchanan writes: "If the objective is to ensure that the federal government budget grows even larger through time, not only absolutely but also in proportion to the GNP, there is no better means of ensuring this than to adopt the federal value-added tax now. The so-called middle-class majority, and their congressional representatives, should think twice about long-run terms of trade between temporary property-tax relief now and massive new federal taxation for the future." Given such opposition, and in the light of so many desperate calls on federal funds from anti-pollution to anti-poverty, one may suspect that VAT may have something to be said for it. The gross yield from a three percent value-added tax, which is the rate under consideration by the administration, would be about $18 billion a year. After allowance for a system of rebates for lower-income families, the net yield would be $13 billion, or a billion or two more than is collected through the residential property tax for use in public education.

The most important question is, how would the new tax fit into a fiscal system that is already top-heavy with regressive measures? The answer comes in two parts.

First, note that VAT is supposed to substitute, dollar for dollar, for the property tax on residential structures now imposed by local governments. In their eagerness to demonstrate what a fabulous social gain this would be, President Nixon's fiscal experts released data to show that the property tax is the most regressive of all levies. There was just one catch. The figures had been repudiated as erroneous nearly a year ago by the government's own Census Bureau. New and presumably better estimates, the work of the bureau's Herman Miller, show that there is little to choose between the property tax and VAT in their treatment of the various income groups. Both are equally regressive.

Secondly, however, the administration has announced it intends to temper VAT's regressiveness by providing cash rebates to poorer families and graduated tax credits for middle-income groups. Such rebates and credits, a kind of negative income tax, could be established independently, even if VAT were not adopted. Nevertheless, VAT provides the occasion and the opportunity for this welcome innovation. Much will depend on the magnitude of the proposed rebates, a detail not yet settled. At worst, they could prove to be a mere token, to sedate opposition, but that could be remedied by an alert Congress.

VAT, then, is neither the financial ogre some liberals feared nor the sparkling benefaction the administration touted. Provided generous allowances are made for the poor, it could be a tolerable addition to the federal government's arsenal of money raisers. Furthermore, the residential property tax it would replace is widely considered a nuisance that has on occasion inhibited urban planning and renewal (a *land* tax would be something else again). More broadly, VAT may set a precedent for adopting a more pragmatic approach to the whole tax system and help rid us of the encrusted conventional thinking that obstructs most attempts at innovation.

Since Adam Smith (1723–1790), all advanced western nations and nearly all economists have paid dutiful obeisance to the proposition that taxes ought to be levied on the individuals according to their ability to pay; dutiful in sentiment, not in deeds, for it requires no statistical micrometer to see that the "ability to pay" standard is blatantly ignored. The evidence appears in the accompanying table, which shows the latest estimate available of the impact of taxes on various income groups. It is a conservative estimate, in that it accepts as literal truth the incomes of respondents as reported to the Internal Revenue Service and hence exaggerates the progressivity of the income tax—the *only* progressive levy now on the books. Even so, as the first column of the table shows, families with less than $4000 annually pay as much as 25 percent of their incomes in taxes of all kinds, barely under the 31 percent paid by those in the $15,000 to $18,000 bracket, and not a great deal below the 38 percent paid out by all the families with income over $25,000.

TAXES PAID AS A PERCENT OF INCOME IN 1968

Income class,	All taxes	Federal income tax		All other Federal, State and local taxes
		Personal	Corporate	
Under $2,000	25.6	0.6	3.1	21.9
$2,000 to $4,000	24.7	2.5	3.1	19.1
$4,000 to $6,000	27.9	4.7	3.2	20.0
$6,000 to $8,000	30.1	6.5	3.2	20.4
$8,000 to $10,000	29.9	7.6	2.9	19.4
$10,000 to $15,000	30.9	9.1	3.0	18.8
$15,000 to $25,000	31.1	10.3	4.1	16.7
$25,000 and over	38.5	16.0	10.8	11.7
All classes	31.6	9.5	4.7	17.4

Note: This table shows both the direct as well as the indirect impact of taxes on families in the various income groups. The effect of a sales tax or of VAT is entirely indirect, because it is incorporated in the higher prices of goods that people buy and hence indirectly eats into their incomes. The effect of a personal income tax is direct since it directly absorbs part of family incomes. The effect of a corporate income tax is mixed. In part it is passed on to consumers in higher prices, like a sales tax or VAT, and hence affects family incomes indirectly. Part, however is paid out of corporate profits and affects stockholders' incomes directly.

Source: Roger A. Harriot and Herman P. Miller, U.S. Bureau of the Census.

Moreover, the situation is worse than appears on the surface. There are illegal as well as legal ways of understating incomes as reported to the Internal Revenue Service. If understatements are taken into account, both on the personal and the corporate level, the 38 percent of income ostensibly paid out for all taxes by families in the $25,000-and-over bracket might well be reduced to something closer to 31 percent. In short, barely any progressivity would be left in any range, and virtually none at all over the range of incomes from $6000 to infinity. Illegal evasions aside, loopholes in the income tax law now cost the federal government some $20 billion to $30 billion a year, according to estimates prepared for Rep. Henry Reuss (D, Wis.).

With Herculean effort, some of the gaps in the income tax law may be closed in the future, but neither the cumulative induration of vested interests nor the lessons of history promise that fundamental reforms will be swift or sweeping. As for illegal evasions, there would appear to be no way of catching most of these short of planting an IRS agent in the office of every one of the millions of independent business firms and self-employed professionals. We've got to keep trying. But in the meantime a break is long overdue with the doctrinaire and fallacious view that all hope for progress resides in improving that "best of all taxes"—the income tax. Other routes for reforming our financial system may, as a practical matter, be more promising.

The value-added tax, coupled with ample subsidies for the poor, would be one such opportunity. Graduated sales and excise taxes offer additional examples, as yet untried, of levies that would reach everyone, inescapably, including those who today go free; and yet they would fall more heavily on the rich than on the poor—a claim we cannot make with complete confidence of any other tax. What I am proposing here are taxes on the sales of certain goods, such as autos, at low rates for the cheaper, smaller, lower-powered models and moving gradually upward to the highest rates on the expensive, souped-up, ostentatious grades. The objective would be not to penalize those who can and do live well, but to require larger public contributions from those who make greater demands on the nation's resources. Coincidentally, the objective would be to tax people according to their ability to pay. We have not been very successful in doing this by trying to attach incomes. Taxing expenditures on a graduated scale should be more effective, which may be one reason so many legislators bridle at the thought.

COMPLAINT IN SUIT FOR INJUNCTIVE RELIEF

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD the complaint for injunctive relief in a suit in the U.S. District Court for the Northern District of Virginia.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the Northern District of Virginia]

CIVIL ACTION NO. —— SUIT FOR INJUNCTIVE RELIEF

John M. Wells, 501 N. St. Asaph, Alexandria, Virginia; Kenneth W. Johnson, 8604 Washington Avenue, Alexandria, Virginia; Steven C. Robert, 10718 Scott Drive, Fairfax, Virginia, 22030; Ted Eckert, 2932 Lobelle Drive, Falls Church, Virginia, 22042; Debbie Perrin, 7055 Skyles Way, Apt. 203, Springfield, Virginia; Richard Hudson, 6708 Gaithier Road, Falls Church, Virginia; Jack Thome, 6304 Lachine, #103, Alexandria, Virginia; Joyce Chupka, 8559 Richmond Hwy., Apt. 301, Alexandria, Virginia; Pete Chaves, 4906 Yorktown Blvd., Arlington, Virginia; Jonathan W. Brooks, 2202 Kimrich Dr., Falls Church, Virginia; Douglas Schoke, 1791 Lanier, Washington, D.C.; Lewis J. Bellamy, 6615 May Fair Drive, #202, Fairfax, Virginia; Janet Pielke, 11110 Cavalier Ct., 6–G. Fairfax, Virginia; Eddie Gorman, 2420 N. Ottawa Street, Arlington, Virginia; John M. Pla, III, 200 Lockhart Street, Vienna, Virginia; Mike McCaffrey, 6202 Old Oaks Ct., Springfield, Virginia; Joni Schaum, 6615 May Fair Drive, #202, Fairfax, Virginia; Jim Atwell, 5113 Mt. Vernon Memorial Highway, Alexandria, Virginia; and Jerri Brown, 7212 Timber Lane, Falls Church, Virginia, Plaintiffs versus Richard M. Nixon Individually and as President of the United States, The White House, 1600 Pennsylvania Ave., N.W., Washington, D.C.; Henry Kissinger, Individually and as National Security Advisor to the President, The White House, Washington, D.C.; Melvin R. Laird, Individually and as Secretary of Defense, Department of Defense, Washington, D.C.; and John B. Connally, Individually, as former Secretary of the Treasury, and as Private Advisor to the President, Defendants.

COMPLAINT

1. This is a civil action arising under the Constitution and laws of the United States. The amount in controversy exceeds $10,000 exclusive of interests and costs. The Court has jurisdiction over this case under 28 U.S.C. Sections 1331, 1346, and 1361; 18 U.S.C. Section 3231; and 42 U.S.C. Section 1988.

2. Plaintiffs are citizens of the United States.

3. Defendants Richard Nixon, Henry Kissinger and Melvin Laird are officials and employees of the United States. Defendant Richard Nixon is President, Defendant Henry Kissinger is National Security Advisor to the President, and Defendant Melvin Laird is Secretary of Defense. This suit is brought against them in their individual and official capabilities. Defendant John Connally was until recently Secretary of the Treasury and now is a private advisor to the President. This suit is brought against him in his individual capacity, his former official capacity, and his present semiofficial capacity.

4. Defendants have engaged and are continuing to engage in a conspiracy to violate the Constitution and statutes of the United States. In part this conspiracy is a criminal conspiracy, and in part it is a civil conspiracy. Also, defendants have engaged and are continuing to engage in acts which violate the Constitution and criminal and civil statutes of the United States.

5. Article I, Section 8, Clause 11 of the United States Constitution provides that Congress shall have the power to declare war. Under this provision, each citizen has a right not to be subject to the hazards of war, or to running the risk of encountering those hazards, unless Congress specifically and intentionally authorizes hostilities.

6. P.L. 92–156, Section 601, popularly known as the Mansfield Amendment, makes it the policy of the United States to terminate all American military operations in Indo-China at the earliest practicable date, to secure the release of American prisoners, and to withdraw all American military forces from Indo-China.

7. 18 U.S.C. 956 makes it a crime to conspire to injure specific property located within a foreign country and belonging to a foreign government with which the United States is at peace.

8. P.L. 91–441, Section 501(a)(1) makes it unlawful to use appropriations to finance Viet Namese, Thai or other second nation troops in actions designed to give military support and assistance to the government of Cambodia or Laos.

9. 18 U.S.C. Section 241 makes it a crime to conspire to injure or oppress any citizen in the enjoyment of any right or privilege secured by the Constitution or laws of the United States.

10. 42 U.S.C. Section 1985 makes it a civil offense if two or more people conspire to deprive any person, directly or indirectly, of equal protection of the laws or of equal privileges and immunities, under the laws.

11. 18 U.S.C. Section 242 makes it a crime for any person, under color of law, to deprive any inhabitant of any rights, privileges, or immunities guaranteed by the Constitution or laws of the United States.

12. By the activities to be described in this paragraph, defendants have conspired to engage in, are continuing to conspire to engage in, and are actually engaging in, acts which violate the constitutional provision, criminal statutes, and civil statutes set forth in paragraphs 5–11 of this complaint. (A) In signing the Mansfield Amendment on November 17, 1971, defendant Nixon announced that he would ignore the amendment, saying that the amendment "does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill which contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end." (B) Subsequently, defendants Nixon, Kissinger and Laird conspired to bring about, and did in fact bring about, an increased air bombardment in Indo-China. This air bombardment constitutes one of the largest sustained aerial warfare campaigns in this history of war. The bombardment is continuing at the present time. (C) In May 1972, defendants Nixon, Kissinger and Connally conspired to bring about, and with the help of defendant Laird did bring about, the laying of mines in the harbors of North Viet Nam. These mines will destroy, within the territorial waters of North Viet Nam, the ships of any nation whose vessels seek to enter and leave said harbors. Such ships will include the vessels of nations with which the United States is at peace, such as the U.S.S.R. and the People's Republic of China. (D) Defendants have conspired and threatened to militarily interdict any attempt by ships of any nation to enter the territorial waters of North Viet Nam or to deliver supplies there. Defendants have also conspired and threatened to militarily prevent the successful landing of supplies in North Viet Nam by air. The potential military interdiction of ships and planes could involve the United States in unauthorized acts of war against third parties with whom the United States is at peace. (E) Defendants have conspired to bring about, and in part have brought about, the military interdiction of rail and truck traffic from China to North Viet Nam. This military interdiction may result in the destruction, by American forces, of the property of nations with which the United States is not at war. (F) Defendants are conspiring to cause, and are in fact causing, appropriations to be spent to finance Thai troops in actions designed to provide military support for the government of Laos.

13. The conspiratorial activities and overt actions described in paragraph 12 above have not been authorized by Congress.

14. The conspiratorial activities and the overt actions described in paragraph 12 have had the following effects. First, they have increased the scope of the war in violation of the Mansfield amendment. Second, by increasing the risk of military confrontation with the U.S.S.R. and China, they have deprived the plaintiffs and all other citizens of one of the most important rights, privileges and immunities guaranteed by the Constitution and statutes of the United States—the right, privilege and immunity of not having to run the risk of harm caused by war unless war has been authorized by Congress. Third, they have caused a threat that specific property of foreign governments with which the United States is at peace will be destroyed, and already have caused injury to such property. Fourth, they are violating a Congressional law against using American money to pay second-nation troops fighting in Laos.

15. Plaintiffs have no adequate remedy at law. Money damages cannot compensate them for the harm which may result from the criminally conspiratorial activities, the civilly conspiratorial activities, and the overtly illegal acts of defendants. And a criminal prosecution against defendants is not feasible, since the Attorney General and the Department of Justice, which bring criminal prosecutions, are subject to the direction of defendant Nixon, the chief criminal and civil conspirator and actor herein.

16. Plaintiffs have already suffered, and are further threatened with, grave and irreparable injury by the conspiracy and actions of the defendants.

Wherefore, plaintiffs respectfully pray:

(1) That this Court issue a preliminary and permanent injunction agianst the criminally and civilly unlawful conspiracy described above;

(2) That this Court issue a preliminary and permanent injunction against the illegal overt actions taken or threatened by defendants.

(3) That this Court issue such other and further relief as may be appropriate.

Lawrence R. Velvel, Catholic University Law School, Washington, D.C. 20017; John M. Wilkins, 10560 Main, Fairfax, Virginia; Robert Surovell, Surovell, Smith & Parks, 10560 Main, Fairfax, Virginia, Attorneys for Plaintiffs.

JOHN PAUL VANN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Washington Daily News for June 12, 1972 carried a fine editorial on John Paul Vann which I would like to call to the attention of this body. My oldest son James who served two tours of duty in Vietnam as an employee of AID knew John Paul Vann personally and worked closely with him in the small villages of South Vietnam. He both admired and respected John Paul Vann as a leader and as a man and considers his loss as a tremendous loss to what this country is trying to do in South Vietnam.

The editorial follows:

JOHN PAUL VANN

John Paul Vann was a hero and a patriot.

He first saw Vietnam in 1961 as a lieutenant colonel sent to advise a South Vietnamese division in the Mekong Delta. He quickly proved two things: he was utterly fearless, and he would never become a general in the U.S. Army.

A tough little man from the Virginia Piedmont, Col. Vann spoke his mind in blunt, rude terms to the press and his military and civilian superiors alike. The press loved it. The higherups did not.

He was not the careful team player who gets ahead in the military or in business. In 1963, he was forced to retire as a colonel. But Col. Vann, who learned the psychology of the Vietnamese better than most, was fascinated by their struggle with the Viet Cong and in 1965 returned as a civilian adviser.

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Col. Vann became head of the pacification program in the delta. He flew his own helicopter over the battlefields. He deserved and got much credit for Saigon's success in the country's richest rice growing region.

As a "reward" they made Col. Vann senior advisor in Military Region II, the indefensible Central Highlands that the Communists could attack from the jungled mountains of Laos and Cambodia. Ironically, the post had always before been filled by a major general.

The little Virginian literally took over the war in the highlands. He called for the B52 strikes that decimated the enemy. He repeatedly exposed his helicopter to ground fire, so he would know where to send the bombers.

Col. Vann always went to see for himself. Last Friday night he went once too often. Near an obscure South Vietnamese fire base that needed help, his helicopter was shot down or crashed, killing him and two U.S. Army officers.

To North Vietnam's ambition to take Kontum and Pleiku, Col. Vann's death is worth an extra division. To the South Vietnamese people he sought to help, it is a cruel loss. They are not likely to get another John Paul Vann.

"ABILITY COUNTS" CONTEST WINNER CITED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FAUNTROY. Mr. Speaker, it is a pleasure to call the attention of my colleagues to the achievements of 17-year-old Jeanette St. Onge, a student of St. Patrick's Academy.

Jeanette was recently named first place winner of the 24th annual "Ability Counts" survey contest, a contest held among 11th and 12th grade high school students, sponsored nationally by the President's Committee on Employment of the Handicapped and in the District of Columbia by the Mayor's Committee on Employment of the Handicapped.

Miss St. Onge was awarded $100 by the Greater Washington Central Labor Council, AFL–CIO; an engraved plaque by the Disabled American Veterans; and a certificate of merit from the President's Committee on Employment of the Handicapped.

In conjunction with the "Ability Counts" survey contest, this year a national poster contest communicating the idea of "Hire the Handicapped" was held. The first place winner was Melvin Trotter of the Sharpe Health School, who was presented a $450 savings bond by the Mayor's Committee on Employment of the Handicapped, and a U.S. flag on behalf of the District of Columbia delegate.

My congratulations to Jeanette St. Onge and Melvin Trotter, both residents of the District of Columbia.

The "Ability Counts" contest is aimed at making us aware of the problems faced by the handicapped in obtaining employment, and the many high achievements of severely disabled persons. It is a pleasure for me to share with my colleagues Miss St. Onge's report:

"EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED?"

(By Jeanette St. Onge)

The word "handicapped" covers a broad range of ideas in today's fast moving world. When thinking about its meaning carefully, you might ask yourself the question, "Who is not handicapped?" Can you fly a plane, or water ski, or climb the highest mountain in the world? If not, then you are, in a sense, handicapped.

Yet there is a different connotation to this word today, and that is the one we are most concerned with. It classifies over 25 million men, women, and children as unable to carry on their daily lives at full capacity. This includes the blind woman down the street, the deaf worker at the office, and the little mentally retarded boy next door. These people can, and must live normal lives just as you and I.

But what about the employment of the handicapped? How do many employers learn about the needs of these people? News media: T.V. and radio provide news spots advertising "Hire the Handicapped." My investigation revealed that there are many sources available to the concerned citizens. Among them is Gallaudet College in Washington, D.C., which sends brochures to thousands of business organizations all over the community. These inform the employer of the potential which their deaf students possess.

In my interview with the Director of Equal Employment Opportunity for the Association of American Railroads in Washington, D.C., I learned that they keep in contact with the National Alliance of Businessmen, an organization that provides job opportunities for the disadvantaged and for the Vietnam-era veteran. The Association once had an individual who was an alcoholic who performed his job well. They now have someone with a speech defect working in the Public Relations Department. The director stated that they are now working on a job training course where they could recruit several handicapped and put them through training for particular jobs.

The Temple Secretarial School in Washington, D.C., also trains the handicapped as good typists and stenographers. These people are referred to them by the District of Columbia Department of Rehabilitation.

The major offices of many of the nationally known organizations which strive to help the handicapped are located in Washington, D.C., which makes this community a well informed one. Among these organizations are: The Columbia Lighthouse for the Blind, Veterans' Administration, Veterans of Foreign Wars, The Department of Health, Education, and Welfare; the Social Security Administration, the National Rehabilitation Association, the Good Will Industry, and the President's Committee on Employment of the Handicapped. All these associations were formed with one firm goal in mind—to help the handicapped person seek a more meaningful life for himself, especially in the business world. These social groups, however, can do only so much; the rest is up to us.

Being well informed is one thing, and our community, I should say, is one of the best informed in the nation. Using the information, however, is quite another matter. This involves opening our thoughts to the hiring of the handicapped. We must show the world that they are worthy of the chance to prove themselves. In doing this, we will not only be informed but we shall act on the knowledge received.

Attention, Mr. Employer: Don't YOU become handicapped in your ideas!

NAVAL AIR ANTISUBMARINE STRENGTH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SPENCE. Mr. Speaker, on May 24, 1972 the gentleman from California (Mr. LEGGETT), addressed the House on the subject of the Navy's proposed new aircraft carrier, the CVN–70. My colleague inserted with his remarks, two letters written by Mr. Stuart Barber of Arlington, Va. In these letters, Mr. Barber deplores the critical shortage of antisubmarine aircraft carriers in the Navy and of antisubmarine helicopters operating from other ships. In brief, he disagrees with the present construction and development priorities of the Navy and proposes the construction of antisubmarine aircraft carriers rather than the nuclear powered CVN–70 in the fiscal year 1973 budget.

In past years the Navy has operated a number of aircraft carriers specifically dedicated to the task of development of air antisubmarine techniques. This has been possible by using for this task World War II *Essex* class veterans as they were replaced as attack aircraft carriers by the modern new carriers. In 1965, there were nine antisubmarine aircraft carriers in active service—and 15 attack carriers. Budgetary restraints, together with the advancing age of the remaining *Essex* class ships, have progressively reduced the number of dedicated antisubmarine aircraft carriers to the two in service today. To counter this trend toward a lessened antisubmarine strength the Navy has experimented with "multipurpose" carriers which carry both antisubmarine and attack aircraft in the same ship—there are 13 attack carriers and one multimission carrier in service today.

The Navy's plan for the future of its aircraft carrier forces is to convert as many as possible to the multimission capability. This objective is based on three considerations:

First. Operational exercises with the first aircraft carrier outfitted for both antisubmarine and attack aircraft have shown that modern carriers can perform both tasks;

Second. Operating funds for naval forces will continue to be limited, and roles and missions will have to be combined as much as possible; and

Third. The nature of the challenge at sea is broadening as the Soviets add modern surface ships to their submarine and air forces; this requires that our aircraft carriers at sea have fighters, attack aircraft and antisubmarine aircraft embarked for effective operations against all three opposing forces.

The Navy is deeply concerned about its antisubmarine capability. The patrol frigate, the sea control ship, the SSN-638 class submarines, the new *Spruance* class destroyers and the Lamps program to add ASW helicopters to ships have all been prompted by its effort to keep pace. But new surface ships, just like the old antisubmarine carriers, can only hunt submarines where air superiority is assured to counter hostile air and surface ship threats. That air superiority must be provided on the scene from sea-based fighter and attack aircraft operating from a modern carrier.

The multimission aircraft carrier concept provides an attack carrier with the varied air strength required to permit it to operate against hostile air, surface and subsurface weapons. In addition to having the fighter, attack, and support aircraft of an attack carrier air wing, the ship has the sophisticated analysis, control and support equipment developed by antisubmarine forces. The carrier air wing can be adjusted from one strong in antisubmarine aircraft, through intermediate stages of combined antisubmarine and attack strength, to one optimized for support of an adjacent land campaign.

Mr. Barber is concerned over the reduction in dedicated air antisubmarine strength. So should we all be concerned. But in analyzing the challenges and the possible courses of action, the Navy has determined that the use of modern aircraft carriers, such as the requested CVN–70, in both antisubmarine and attack roles offers the greatest naval strength within reasonable fiscal limitations.

In introducing the letters, Congressman LEGGETT remarked that the functioning of a carrier task force can be destroyed with one antiship missile against the carrier's superstructure, thereby preventing the launch and recovery of aircraft. The probability that a missile, after penetrating the myriad of defenses, would pick out the superstructure as a target, is quite obviously low. However, even if the superstructure were damaged, flight operations could continue. An aircraft carrier is designed and constructed with redundancy of command and control stations. Damage to primary stations in the "island" would cause the shift of these functions to secondary stations, and operations would continue. Congressman LEGGETT further stated that after major fires in two carriers off Vietnam, resumption of combat operations required several months for repairs. That these ships returned to port was incident to priorities at the time. In a full combat situation, a damaged carrier would make repairs at sea and continue to fight as necessary.

MR. JIM MALOOF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MICHEL. Mr. Speaker, there is a line from a favorite song of mine which goes, "Where oh where but in America, can we sing true freedom's song?" That sentiment is expressed perfectly in a story and an editorial appearing in the Peoria Journal Star concerning a good friend and constituent of mine, Dr. Jim Maloof, who is Lebanese, and who was selected to receive the B'nai B'rith citizen of the year award from the Jewish community in my home town of Peoria.

There could be no more eloquent portrayal of what the United States of America really stands for and this award emphasizes again that our country, in spite of her difficulties in recent years and in spite of the constant carping and criticism from those who can see no good in her, remains as a beacon of hope to those millions of less fortunate individuals living in parts of the world where the fruits of freedom are not so readily available.

I know personally of Jim's efforts and the success he has achieved in the many volunteer tasks he has taken upon himself but thank goodness there are thousands of "Jim Maloofs" all over the country—dedicated men and women who provide immeasurable aid to their home communities by recognizing a job that must be done or a need that must be filled and then pitch in enthusiastically to get the job done. I salute Jim and all his counterparts around the country and certainly it is not an exaggeration to say that the results of their efforts contribute as much to the strength, vitality and security of our country as does our strong military establishment which is so important during these trying days in an uncertain world.

I insert the article and editorial referred to earlier in the RECORD at this point:

JEWISH MEN HONOR MALOOF, A LEBANESE, FOR VOLUNTEER WORK

(By Theo Jean Kenyon)

Last night in a warm blend of ethnic emotion that would have delighted Danny Thomas, a man he frequently brings to Peoria to aid sick children, Peorian James Maloof received the B'nai B'rith Citizen of the Year Award.

Maloof, local realtor whose initial 1961 Teenagers' March for St. Jude Research Hospital mushroomed into a national idea that now enlists 400 communities annually, told the 300 guests in Hotel Pere Marquette's grand ballroom he didn't do it alone.

"Maybe I've been able to motivate people into joining good causes," he acknowledged, but he also thanked those who helped him on the way.

One, the Rev. John Whelan, prayed with him; the members of his Kiwanis Club gave him "fellowship that carried me through bad times;" and Dr. Moris Adland and Dr. Robert Hart helped to bring true the dream of having an affiliate of St. Jude's Hospital in Peoria.

"I get a lot of accolades, but without these two men it couldn't have happened," he said of Adland and Hart in connection with the Peoria Midwest Affiliate at Methodist Hospital. Maloof is chairman of the executive board of that affiliate.

The Lebanese boy, who went to Sacred Heart School and Spalding Institute, enlisted in the Army Air Corps in World War II and came back to his family's cleaning business, said the greatest thrill in receiving the award was its implication of ethic harmony, "people of the Jewish faith honoring someone of the Lebanese faith."

M. L. Bork of Ben M. Frankel Lodge of B'nai B'rith, and a past winner of the Citizen of the Year award, presented the plaque to Maloof.

Bishop Edward W. O'Rourke of the Peoria Catholic diocese praised the kind of "good volunteer" represented by Maloof.

"We leave huge areas untouched by our government but assume by our compassion and love we will voluntarily fill those gaps. Either there has to be a great outpouring of love and service then or our kind of a free society is in danger," the bishop said.

Irwin Zeisel, president of Ben Frankel Lodge, presented an honorary B'nai B'rith award to Mrs. Ruth Season, in honor of the service given by her husband, Bernard Season, who died Feb. 16, 1971. He was a past president of the organization.

JIM MALOOF: INDIVIDUAL

Thursday night Jim Maloof will be given what is popularly called the "man of the year" award for distinguished community service, and that action this year represents one of the oldest and best of American traditions—and one we seem to be drifting away from far too much.

The presentation is unique, and uniquely American, because Maloof is a member of the Lebanese community of Peoria, and the award is presented by the B'nai B'rith, the old, pioneering Jewish charitable organization.

It comes at a time, following the bizarre massacre at Lod airport by three "Kamikaze" terrorists, when there is exceptional tension between Israel and Lebanon (because an announcement taking "credit" for the murderous action was issued by an Arab guerrilla and propaganda headquarters in Beirut.)

One can look at the award as one representing simply unprejudiced justice without regard to such identities, fairly given on the basis of performance.

It is doubtless that, but it is also more than that.

Such action in itself adheres to an American tradition that we cannot afford to lose—a tradition that while national origins, race, religious identity, or community identification are important matters none of them achieves the level of importance of individuality.

The first identity of every one of us is as a person in his own right, and the first and fairest measurement is how each of us performs as an individual.

This priority of consideration and respect, regarding each person as a "sovereign" human being is an all important frame of reference.

It measures a man not by "where he came in", for better or worse, nor even by where he ends up in the journey of life—but by how and where he travelled from whatever that starting place was.

This concept does not require anyone to discard racial or religious or community identity, or the recognition of those "differences," but it puts each in its proper perspective and measures as first priority the quality of that individual as a person.

We have not always lived up to that tradition, but there has never been a time when it did not exist and was not a powerful and important part of the American scene.

It would be tragic if today's "polarizations," the frequent pre-occupation with "national" and "societal" identification, with broad assignments of "guilt" or disadvantage results in a form of dialogue that destroys this tradition.

It is infinitely superior to mass assignment of virtue, sin, guilt, debt or entitlement—as much as such lend themselves to grander and broader conclusions.

It is doubtful if there are real solutions to the problems arising from racist attitudes, economic prejudices, and sectional differences without a return to the right of every individual to be regarded and judged, first of all, as one person, on his own individual merits.

Obviously, B'nai B'rith remained true to that principle when they chose Jim Maloof

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for special honors this year. They thought of him as "Jim Maloof," a fellow they KNOW and admire—not as a representative of any special group.

Obviously, Jim Maloof remained true to that principle when he accepted. He thought of those who sought to honor him as a group of individuals that he knows and respects—not as representatives of the Jewish community, per se.

This is an action in which all are "neighbors" in the real physical sense, and the Biblical sense, as well, and in which all concerned recognize that their human brotherhood is the primary frame of reference.

It is a central principle we need to strengthen rather than lose in the welter of ethnic propositions that now confront us.

C. L. DANCEY.

FOREIGN FISHING ACTIVITIES OFF ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BEGICH. Mr. Speaker, from time to time I have called the attention of my colleagues to the foreign fishing activity that is taking place off the coast of Alaska and off the coast of many of our fishing States. I insert in today's RECORD a copy of the monthly summary of such activities for April 1972, which was received recently in my office. I am hopeful that the insertion of this summary and of others which I will insert in the future will serve to remind the Members of the continuing nature of this problem, not only in Alaska but in all coastal areas which depend heavily on fishing activities as a part of their economy.

As this particular report indicates, the level of foreign fishing activity off the coast of Alaska declined slightly during this month, but I believe that none of us should be misled by that trend. The simple fact is that overall the foreign fishing activity off our coast is increasing drastically, and month-to-month decreases are functions only of the location of the fish which is being sought at the time.

These fleets of foreign fishermen fully recognize the dangers of coming into our territorial waters and do not appear reluctant to sacrifice the occasional fine and forfeiture which is presently structured in the law. I continue to believe that inadequate enforcement and surveillance capability, half-hearted prosecution, and inadequate penalties allow this activity to continue as a calculated risk on the part of foreign fishermen. It is a situation to which we must address ourselves continually in order to protect a valuable American resource.

The monthly summary follows:

NATIONAL MARINE FISHERIES SERVICE—MONTHLY SUMMARY OF FOREIGN FISHING ACTIVITIES OFF ALASKA, MAY 5, 1972

APRIL 1972

Soviet: The number of Soviet vessels engaged in fisheries off Alaska decreased steadily in April dropping to about 114 at the month's end. That was a decline of about 45 vessels from the previous month and from April 1971. The decline resulted from fewer trawlers fishing in the Bering Sea and the ending of the Gulf of Alaska shrimp fishery.

Groundfish trawl fishery

The trawl fishery for groundfish along the Continental Shelf edge north of the Fox Islands in eastern Aleutians was resumed in early April by two medium trawlers and increased to four such vessels by months end.

The Soviet fleets which had been fishing for flounder in the eastern Bering Sea and for herring in the central Bering Sea during the winter months merged in April and shifted to the Continental Shelf edge from southeast of to northwest of the Pribilof Islands. The major effort shifted to fishing for Alaska pollock. A few of the trawlers fishing near the Pribilof Islands continued catching small quantities of flounder and some of the trawlers fishing northwest of the Pribilofs in the central Bering Sea continued catching herring. The fleet includea nearly 90 trawlers and over 20 support vessels the first half of April and then dropped to just over 80 vessels by the month's end.

Shrimp fishery

The Soviet Gulf of Alaska shrimp fishery which has been centered east of the Shumagin Islands in the western Gulf since mid-January ended the first week of April. That was nearly a month earlier than the Soviet shrimp fishery ended in 1971.

Ocean perch fishery

The Soviet ocean perch fishery in the Gulf of Alaska increased sharply and the first ocean perch fishery along the Aleutian Islands in 1972 occurred in April.

The Soviet perch fleet in the Gulf of Alaska increased from 2 stern trawlers in early April to 16 stern trawlers and 5 medium trawlers by the month's end. The increase resulted from a shift of vessels from the Bering Sea and from the Gulf shrimp fishery. The five medium trawlers fished southeast of Cape St. Elias in the eastern Gulf and in addition to perch were taking large quantities of sablefish. Observations indicated the sablefish catches may have exceeded the ocean perch catches. The 16 stern trawlers fished along the Continental Shelf edge from off Kodiak Island westward to the Shumagin Islands.

Soviet fishing for ocean perch along the Aleutian Islands began in early April by about three stern trawlers south of the central Aleutians. By the month's end an additional three stern trawlers were fishing off the Near Islands in the western Aleutians.

Japanese: Approximately 160 Japanese vessels engaged in fisheries off Alaska in April. That was about 15 vessels less than the previous month and also about 15 vessels less than in April 1971. The lower number resulted from less effort in the Japanese trawl fisheries in the Bering Sea.

Pacific Ocean perch fishery

About 5 independent stern trawlers continued fishing for ocean perch in the Gulf of Alaska. The vessels remained scattered in the eastern and central Gulf, ranging from off Kodiak Island eastward to off southeastern Alaska.

Fish meat, fish meal, and oil fishery

Continuing the fishery for Alaska pollock for the production of minced fish meat and fish meal and oil were four factory ship fleets in the eastern Bering Sea. The four fleets, involving a total of 77 trawlers, moved northward along the Continental Shelf edge from just north of Unimak Pass toward the Pribilof Islands.

Groundfish trawl fishery

The number of independent stern trawlers fishing for groundfish along the Continental Shelf edge in the Bering Sea remained at about 25. The trawlers, supported by at least two refrigerated transports, fished between Unimak Pass and the Pribilof Islands, catching primarily Alaska pollock.

Crab fishery

The Japanese crab fishery was continued by two factory ship fleets in the eastern Bering Sea. The two fleets, accompanied by a total of 30 catcher vessels, remained centered in the pot sanctuary north of Unimak Island in the eastern Bering Sea. Emphasis remained on fishing pots for tanner crab.

Longline fishery

The number of longline vessels fishing for sablefish in the Gulf of Alaska dropped from 9 to 5. The vessels were scattered in the eastern and central Gulf ranging from Kodiak Island to off the coast of southeastern Alaska. Two Japanese longline vessels were sighted in the Bering Sea. One was near the Pribilof Islands and the other was north of the Alaska Peninsula. At least one of the two vessels was rigged for gillnetting as well as longlining. Both vessels may have been waiting for the traditional herring fishing grounds northeast of the Pribilofs and off Togiak in Bristol Bay to become clear of ice to start the annual spring Japanese gill net fishery for herring.

Japanese fined $180,000

The captains of the Japanese cargo ship and stern trawler seized on April 3, 1972, for allegedly conducting fishery support activities in the U.S. contiguous fishery zone off Kodiak Island plead *nolo contendere* in U.S. District Court in Anchorage, Alaska on April 7. The U.S. District Court Judge found the two captains guilty and fined each of them $15,000. The civil suit against the vessels was settled by payment of $150,000. The criminal and civil fines totaled $180,000.

South Korean: Early in April a small stern trawler which had been fishing south of the Fox Islands in the eastern Aleutians transited Unimak Pass into the Bering Sea. It is believed the vessel shifted areas to fish for Alaska pollock. Late in April another South Korean stern trawler was sighted on the Continental Shelf north of Alaska Peninsula. This vessel also presumably fished for Alaska pollock in eastern Bering Sea.

THE 750TH ANNIVERSARY OF HUNGARIAN GOLDEN BULL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GUDE. Mr. Speaker, I am most pleased to participate today in recognition of the 750th anniversary of the Hungarian Golden Bull, the Magna Carta-like doctrine which is the cornerstone of the Hungarian constitution.

This constitutional document, issued in 1222, extended human rights of the period to all landowners in Hungary—today's middle and lower middle classes. This is particularly important in that the Golden Bull established equal rights among the nobility and free men of Hungary, those who constituted the political nation at that time. Unlike other European countries, there was no stratification between these groups. It limited not only the King's power, but that of the "petty monarchs" of the realm as well. Constitutional protection was therein granted to a very large portion of the population.

In its various provisions, including safeguards to all nobles against arbitrary arrest, its decree that the title and estates of the lord-lieutenants of counties were not hereditary, the Golden Bull played a vital role in preventing feudalism from becoming firmly entrenched in Hungary.

Indeed, the denial of basic human rights, the persecution of minority groups which goes on in Eastern Europe today, moves in the opposite direction of that established by the Golden Bull. In light of our changing relationship with these countries, and efforts to bring about a new freedom for their peoples, it is especially meaningful to commemorate at this time the tradition of freedom that has existed there for hundreds of years.

NATIONAL DAY OF MOURNING AND PRAYER FOR LITHUANIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. EILBERG. Mr. Speaker, today we observe the National Day of Mourning and Prayer for the people of Lithuania fighting against Soviet domination. We, in the United States, dedicated to the ideals of freedom and self-determination, sympathize with the Lithuanians who have fought valiantly through the centuries to throw off the Russian yoke of oppression.

After a long period of Soviet domination lasting 120 years—1795–1915—followed by German occupation during the First World War, Lithuania declared its independence on February 16, 1918. Yet, by the beginning of the next year, the Russians had again invaded the country. The Lithuanians repulsed the aggressors, however, and in the peace treaty of 1920 Russia recognized Lithuania as an independent nation and pledged to renounce forever all rights of sovereignty to that country. For 22 years, until 1940, Lithuania enjoyed an independent status and proved its ability to govern itself effectively. It entered upon a period of unparalleled economic, social, and political progress. Its leaders instituted a long-needed land reform program, the first of its kind in modern Europe; industry was expanded, liberal labor laws were passed, and an enlightened educational program reduced the illiteracy rate among Lithuanians to 15 percent—following generations of foreign rule which had left two-thirds of the population unable to read or write.

These years of independence and accomplishment were to be short-lived, however, for the country again was occupied by the Red Army in the Second World War and was proclaimed a constituent republic of the U.S.S.R. on August 3, 1940. Following the German attack against the Soviet Union 10 months later, Lithuania fell into Nazi hands, until reoccupied by the Soviet Army in 1944 and incorporated into the Soviet system.

Throughout these successive occupations, the Lithuanian people waged a valiant fight for their freedom. Between the years 1940–52 alone, some 30,000 Lithuanian freedom fighters died for their country, in an organized resistance movement against their oppressors. Furthermore, Lithuania has lost more than one fourth of her population as a result of a continued Soviet program of deportation and resettlement.

Over a million people of Lithuanian heritage reside in the United States. A large number of them came to the United States after the Soviet Union seized their lands. Other thousands fled to other nations or were sent to such places as Siberia by the leaders in the Kremlin.

Successive governments of the United States under Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon have refused to recognize the Soviet Union's incorporation of Lithuania and continue to maintain relations with the representatives of the former independent Lithuanian Government. However, our country could do more to support the Lithuanian people in their struggle against Soviet domination.

The United States Congress—89th Congress—made a step in the right direction by adopting a resolution calling for freedom for Lithuania as well as for the other Baltic States of Latvia and Estonia. All Americans should urge the President of the United States to implement the resolution by bringing the issue to the attention of the United Nations and by requesting the Soviets to withdraw from Lithuania, as well as from Latvia and Estonia.

On this day, I urge the Soviet Union to consider the millions of people held captive within its empire. I urge them to release all these freedom-loving people, including the 3 million Lithuanians who have fought so hard and valiantly for their nationhood and independence.

OUR FLAG—SYMBOL OF HOPE FOR THE FUTURE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mrs. GRASSO. Mr. Speaker, today we honor our flag, a flag which stands for the greatness of America.

To me, the American flag is a symbol of hope for the future as well as a reflection of achievement in the past. The principles of our democracy, the strength of our people, the legacy of our growth as a nation are unfurled in the Stars and Stripes.

The flag symbolizes our hopes and dreams, solicits our dedication and commitment, and beckons our love and respect in behalf of this great Nation.

Mr. Speaker, since becoming a Member of the House of Representatives, it has been my pleasure and privilege to give nearly 100 American flags to various civic organizations in my district. These are very special flags, since each has flown over the U.S. Capitol. I know that for the many people who will see these flags fly majestically in the wind, new inspiration must come as it always has to me.

ENVIRONMENTAL QUALITY CORPS ACT OF 1972

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing in this body a bill entitled the "Environmental Quality Corps Act of 1972" which, I feel, would marshal this Nation's surplus human resources to help solve some of our greatest domestic problems.

My bill would put as many as 100,000 of our young adults—particularly our returning Vietnam vetcrans—to work upgrading the quality of our physical environment and helping to heal the sores which the hand of man has inflicted upon our earth.

There is ample precedent for this kind of program, Mr. Speaker. The Nation experimented with several somewhat similar concepts during the great depression of the 1930's, with varying degrees of success. Currently, we have the Youth Conservation Corps, among many other scattered programs, to provide manpower for some of our conservation works. However, none of the present programs to date represent a concerted effort on the part of the Federal Government to meet the degradation of our environment head on.

As I have envisaged it, the Environmental Quality Corps would be an independent agency headed by an administrator who would report directly to the President. He would work with a Board of Advisers which would include the Administrator of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, the Administrator of the Veterans' Administration, and the Secretaries of the Departments of Labor, Agriculture, Interior, Transportation, and Housing and Urban Development.

The stated duty of the Corps would be "to provide the manpower needed in projects designed to better the environmental quality for all Americans." These projects could include reforestation, park and campground construction and maintenance, recreational facilities construction in both urban and rural areas, and highway beautification.

But the corps is especially designed to provide at least a partial solution to another problem which has plagued our country for the past few years. This problem, the high rate of unemployment, is particularly evident among the young in America. Those under the age of 26, including those brave men who have served their country in Vietnam, presently suffer an unemployment rate nearly twice as high as the current nationwide average. These young, mostly unskilled or lacking the opportunity to further their education, are often left with little choice but to go on the government dole. The Corps would not only provide them with a place to earn their living, but an opportunity to take part in a most meaningful and exciting program designed to benefit their fellow Americans.

The Corps would be open to all non-

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married American citizens, ages 18 through 26, without regard to any consideration of race, social class, economic status, or sex. The only exception to this general rule is that the Administrator would be directed to give some special consideration to veterans who have served honorably in the Armed Forces of the United States. In my opinion, this Nation owes these young men and women an extra helping hand during their transition to civilian life. This is particularly so in view of the present period of relatively high unemployment.

Each volunteer would enlist in the Corps for 1 year, with the option of reenlisting for up to 1 additional year if he chooses. Corpsmen would be provided with room and board, a modest allowance, and the training needed to help them better themselves once on the outside world.

Although the initial lifetime of the Corps as specified in my bill is 2 years, the structure is flexible enough, I feel, that it could provide an ongoing means of absorbing our surplus manpower—wherever it might occur—and give the Nation something tangible in return. Too many of our welfare and unemployment compensation programs simply do not accomplish this.

Furthermore, I believe that the training received in the Corps could qualify many of these young people for careers in the field of environmental quality. If we are really serious about cleaning up our environment and keeping it clean, then vast new human resources—trained and highly motivated—are going to be required. I see in the Environmental Quality Corps a substantial supplier of these resources.

Finally, I would just like to remind the Members present here today of the words of President Nixon this last February, in his third annual environmental message to the Congress:

> The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion; their energy in its behalf can be an impressive force for good.

Mr. Speaker, I firmly believe that as set forth in this bill which I am introducing today, the Envronmental Quality Corps could be an ideal vehicle for helping to promote this "healthy contagion." I urge passage of this bill yet in the 92d Congress.

SEARS CONGRESSIONAL INTERNSHIP PROGRAM

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANLEY. Mr. Speaker, I would like to add to the remarks yesterday of my distinguished colleague from Pennsylvania (Mr. ROONEY) concerning the Sears congressional internship program.

As another participant in this program, I know that it is unique among the internship programs on the Hill. For not only does the intern gain the experience of working in a congressional office, but he or she also receives invaluable training for their vocation.

Our Nation's lifeblood is diversity. Our system of government needs free and open debate on the issues of the day so the voters can make intelligent decisions at the ballot box. Without the media, this would be impossible. Whatever our private opinions of the press, we must all acknowledge that fact. The press is not only the fourth estate, a check upon Government, but it is also a vital tie between elected officials and their constituencies.

The Sears program teaches the intern about Government and legislation so that the intern as a reporter can cover these activities in a more objective manner.

Putting aside any contribution an intern can make to a congressional office, the Sears program helps all of us, and all of the media-dependent people of the Nation by improving tomorrow's coverage of the events that shape the world.

BUYER BEWARE—OF THE FDA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ROSENTHAL. Mr. Speaker, the Food and Drug Administration was designed to be an impartial regulatory agency. At times, it seems far from it. A group of five George Washington University Law School students organized under the acronym, LABEL, Inc.—Law Students Association for Buyers' Education and Labeling—petitioned the Food and Drug Administration on February 25, 1971, to issue a new regulation stating:

> For the purposes of promoting honesty and fair dealing in the interest of consumers, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their products.

This proposed regulation was printed in the Federal Register on May 12, 1971, and opened for public comment. Support for it was evident. More than 5,000 angry and concerned consumers from all over the country expressed their approval of the LABEL proposal. The only letters of objection came from about 200 various food industries.

Despite the fact that 95 percent of the comments were favorable, the Food and Drug Administration told LABEL that "after reviewing all the comments" it had decided in favor of the industry views and against the proposal.

LABEL objected to this denial and requested a public hearing. The Food and Drug Administration on June 6, 1972, denied this request as well. The FDA contends that it does not have the authority to promulgate such a regulation, but under the 1938 Food, Drug and Cosmetics Act and the 1966 Fair Packaging and Labeling Act, it does. This is a case of simply passing the buck and avoiding taking action unfavorable to industry.

It is inconceivable to me that a regulatory agency such as FDA can remain so removed from the facts of the situation. What will it take to convince the agency of the dire need for complete disclosure of ingredients on food labels? Is it not aware of the potentially tragic consequences of people unknowingly eating what they are allergic to? It seems that the agency's interests lie in another direction namely, with the small but vocal group of food manufacturers who oppose this or any type of regulation in the public interest.

LABEL has continued its fight for this proposal. A petition for review has just been submitted to the U.S. Court of Appeals of the District of Columbia. Hopefully, the failure of the Food and Drug Administration to act will be rectified by adequate court action. It is highly unfortunate that a Federal agency of this nature is so unresponsive to the public.

KURT WALDHEIM MAKES IMPORTANT SPEECH AT STOCKHOLM CONFERENCE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. UDALL. Mr. Speaker, I direct the Members' attention to an important address delivered by U.N. Secretary-General Kurt Waldheim at the historic Conference on the Human Environment now in progress in Stockholm. The Secretary-General's address set a visionary and productive tone which must be maintained by the conferees if major accords are to be reached.

Reminding us that no number of ABM's or nuclear submarines can secure the borders of any nation from deadly industrial fumes produced in another, Mr. Waldheim calls for new principles of human behavior and responsibility based upon the realization that in a world of limited and shared natural resources the survival of all peoples is interdependent.

The full text follows:

ADDRESS BY SECRETARY-GENERAL KURT WALDHEIM TO UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, JUNE 5

Following is the text of an address by Secretary-General Kurt Waldheim, prepared for delivery on 5 June to the United Nations Conference on the Human Environment, Stockholm:

Just four years ago the Swedish Delegation to the United Nations called the urgent attention of the international community to the growing crisis of the human environment. The results of this pioneering initiative have been manifold since then and they can be seen today. It is my great privilege and honour to express the sincere gratitude of the United Nations to the Government and people of Sweden for the central role they have played in bringing about this historic United Nations Conference on the Human Environment.

This tribute, however, would be incomplete if I did not also express my sincere appreciation for the warm welcome we have received, and for all that Sweden has done to make our stay a productive and a memorable event.

As we are gathered here today, it is difficult not to think of the satisfaction and pride this Conference would have stirred in the heart of that great, selfless international civil servant, Dag Hammarskjöld. All of us who knew him and knew of his hopes for the United Nations and for the world remember him today together with all the other courageous men of peace who have come from Sweden to serve the cause of the United Nations—the cause of peace, of justice, of harmony—the cause of this Conference.

It is indeed, a historic Conference. Possibly future generations will call it a turning point, a moment in history when a major correction was introduced in the process of the industrial revolution which started, less than two hundred years ago, to transform so profoundly conditions of life on our planet.

No event, indeed, has ever had such far-reaching effects as the industrial revolution. We must be immensely grateful to it for all the good it has done for mankind. Many of us would not be here today without it. Thanks to it we live longer, we are healthier, we are better educated, we have good homes, we are well-nourished and clothed, we can take means of transportation which allow us to be gathered here today from all parts of the globe. No human being in the past has ever had so many blessings and goods as the average citizen has today in the developed world.

This process is far from being completed. It encompasses only one-third of humanity and even within that third there are many, many poor people who share insufficiently in its benefits. We must think especially of the two billion men, women and children who are still hungry, uneducated, subject to disease and who have so little hope and happiness at the very moment when we are assembled here.

Therefore, while the environment is an emerging new and very serious problem, we must not forget that development is still the highest priority and an unreached objective. Indeed humanity is challenged by the development and by the environment issues and we must learn to tackle them both with proper historical perspective and with a sense of justice for all.

The United Nations Conference on Trade and Development which has just concluded its third session has once again reminded the world of these fundamental issues. It has underlined the importance to keep in mind, in deliberations and decisions, the relationship between the environment and the trade and development of all countries, particularly the trade and development problems of the developing countries. If we do nothing to cope with these essential questions, saving the biosphere may well be an empty victory.

Everything is of concern to everybody in our deeply interdependent world today.

This is the basic human story, of immense historic weight, with which this Conference is seized. It is a problem which no nation, no continent, no hemisphere, no race, no system can handle alone. It is a worldwide issue which concerns us all.

I believe that we just woke up in time to deal with that problem and a lot has already been done since the Government of Sweden asked for this Conference to be convened. As it was the case for so many problems of our society, be it independence, economic development, racial equality, human rights, nuclear proliferation, population, etc., the United Nations acted immediately as a world-wide communications and warning system on this new collective problem. Through governmental concern, the news media, educators and non-governmental organizations, the consciousness of the environmental problem soon reached the masses. It was as if the scales had fallen from the eyes of the people. This is an enormous result, for it is the action and behaviour of each individual multiplied by millions which nowadays can most effectively change conditions for better or for worse. Industrialists, workers, consumers, public servants, rich and poor suddenly discovered that they were all sitting in the same boat and that something was in the making from which sooner or later no one would be able to escape.

We have seen within a very short time rivers cleaned, cities restored to health and beauty, many new clean industrial processes invented, and much nature saved. This is testimony that the job can be done. But the total deterioration of our common environment, the atmosphere and the seas and oceans continues. We must stop the trend. We must take the necessary international decisions to protect these common properties. This is one of the fundamental responsibilities of this Conference to lay the groundwork to this end. No less than we did in outer space, if we are to make headway in protecting and enhancing the environment, we need to agree on new principles of human behavior and responsibility. I further hope that man's view and vision of the environment in the 1970s will lead him to a consensus on a Declaration on the Human Environment and I am convinced that there is a wide base of support for the Action Plan and for the Human Environment that has been put before you.

You, the delegates to the Conference, you are here not only in a natural capacity, but also representing the world as a whole. The quality of the atmosphere and of our oceans can be nothing else but the product of the behaviour of nations. The United Nations has no intrinsic value, no power of its own, it cannot clean a single river for you. But it can bring Governments together, as it does today, to agree and to pledge that they will do certain things, refrain from doing others and create the necessary institutional arrangements in the United Nations to collect world-wide data, to measure, to warn, to exchange experience and to review proper implementation by all.

No crisis ever before in history than the environmental crisis has underlined to such an extent the interdependence of nations.

All nations have a common concern, a common stake and interest in the future of our only one earth. We are here because our joint need to unite in protecting the human environment is greater than any of the divisions and conflicts that still so unnecessarily keep us apart. The iron rule remains: our world is one, inseparable and interdependent. It is this world that is threatened by the impact of man's unplanned, selfish and ever growing activities.

No political system makes us immune to this threat; no level of economic development permits us to escape; we all face the challenge as equals—equally threatened, equally vulnerable. There is no splended isolation in matters of the environment. Pollution of the atmosphere, of the seas, of the rivers, and of the earth concerns all of us.

The crisis of the human environment is a global crisis. It requires, therefore, global solutions. It requires that the nations of the world unite in an unprecedented effort of international co-operation and that our Organization becomes at long last in practice what its name meant it to be: an organization of united nations. To do this means primarily that we must put our political will to work for the preservation and survival of our living world, the natural world on which all life depends.

We are living in an epoch when vast new responsibilities are falling one after the other upon our shoulders. But when we look at the priorities reflected in the world's governmental spending, we see the first place occupied not by development, the environment, education or health, we see it occupied by armaments.

The continued sophistication and accumulation of weapons of mass destruction poses a direct threat not only to the human environment but also to human survival. Nuclear weapons have multiplied to such an extent that a mere fraction of them would be enough to eliminate life on earth. Continued nuclear tests above ground poison the atmosphere, and underground nuclear tests are a potential threat to both the atmosphere and the earth, through venting and seepage and possibly triggering earthquakes. Chemical weapons, such as herbicides and defoliants, lay waste and may do irreversible damage to precious resources of productive land.

There must be a drastic reordering of priorities if the nations of the world are to deal successfully with the tremendous problems they face. It seems clear that we shall not be able to overcome the staggering problems of poverty, population pollution, the widening development gap, and the host of other problems that confront the nations and peoples of the world, unless a very substantial part of the massive sums now devoted to military purposes is available for solving the problems of life and society. The environmental problems are part and parcel of all these contemporary problems.

We must now actively reduce and ultimately suppress the ugliest of all pollutions, the armaments pollution. Several steps have already been taken in this direction in the United Nations and a new significant step has been taken the other week in Moscow. Let us hope that your efforts here will go hand in hand with disarmament and will be assisted by it. The United Nations Development Decade, together with the Disarmament Decade and now the efforts on the environment which would warrant an Environment Decade, should be the first steps to assure the establishment of better world priorities for the peoples.

I would not like to finish, Ladies and Gentlemen, without paying a warm tribute to all those who have worked so hard to prepare this Conference: biologists and other scientists, government officials, our colleagues from the specialized agencies, the many non-governmental organizations, the news media, and several youth groups. My thanks go especially to the Preparatory Committee which did outstanding work during these past two years under the chairmanship of Ambassador Keith Johnson. Its work had been facilitated and stimulated in the most efficient way by the Conference secretariat and its highly devoted, inspired and far-sighted Head, Mr. Maurice Strong, the Secretary-General of the Conference, to whom I would like to pay here a special tribute.

It has been a pioneering venture with no precedents to guide it, and it has produced one of the most significant by-products of the entire preparatory process remarkable demonstration of the effective and productive teamwork which can result from the mobilization by the United Nations of the important resources available throughout the United Nations system itself, in its member Governments, and in other intergovernmental and non-governmental organizations all co-operating together to achieve a common goal.

It should be evident that I am no pessimist about the United Nations. No pessimist could be Secretary-General. That is why I believe that, with all its difficulties, with all its challenges, with all the crises in the world, the United Nations has a major role to play in the environmental area.

Some among us here may have differing views of the United Nation's abilities; others, of its capacities. In considering these, we must consider too that, like any human in-

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stitution, the United Nations reflects human frailties. It also reflects, however, human hope.

Our problems are serious and our challenges are many, but environmental concerns are causing men to look beyond the walls of what they hitherto considered to be impregnable national castles. The realization that the earth and its resources are not infinite is inevitably bringing about a reshuffling of objectives and priorities. Growth is slowly being reoriented—towards less material goals in the affluent countries, towards more rational development in the less industrialized world. Exploration of the environmental issues is opening new opportunities to the developing countries. Much will change in the years ahead. Much will be done and undone. There will be movement, and therein lies our hope.

As we now consider the choices before us, we must realize we are not faced with many separate problems, but with different aspects of a single over-all problem: the survival and prosperity of all men and women and their harmonious development, physical as well as spiritual, in peace with each other and with nature. This is the solution we must seek. It is within our power to find it.

And if that is our goal, then surely there is only one road that will lead us there. In taking it at this Conference, the United Nations may well mark the beginning of a new era for international co-operation and for all humanity.

PROTECTING THE BILL OF RIGHTS IN MIDDLE-CLASS HOUSING

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. PODELL. Mr. Speaker, the Bill of Rights and our system of justice is supposed to protect everyone from the arbitrary actions of government. Among the most important foundations of our democracy are the right to privacy, the constitutional prohibition against self-incrimination and the presumption that a person is innocent before proven guilty.

But in New York today, all of these foundations are being challenged. Middle-class citizens are being forced to abandon their fundamental rights in order to live in decent housing at a fair cost.

Mr. Speaker, this outrageous situation began with a very noble expriment. A number of years ago, New York State established the visionary Mitchell-Lama program to encourage the Development of reasonably priced middle-class apartments. This law has not only enabled many New Yorkers to find decent housing, but has also provided a buffer against some of the worst excesses of inflation that other apartment dwellers have had to face.

In years past, the residents of this housing have had to sign an affidavit attesting to their middle-income status. A tenant's signature was taken as his solemn oath—in the same way that his signature is used on a driver's license, a check, or a Federal income tax return.

This year, however, the managers of these apartment buildings were forced by the State division of housing to have gone beyond the normal affadavit. These State officials are demanding that each tenant sign a statement authorizing the New York City finance administrator to show his income tax returns to the State division of housing.

This procedure assumes that the tenant is guilty of defrauding the State—even though no tenant has been brought before a court of law on such charges. This procedure requires self-incrimination. This procedure opens up income tax returns to numerous curiosity seekers in the bureaucracy of New York—when instead the right of privacy should be protected. Indeed, we know that Federal income tax returns, which are available to the States, have been misused by some State officials.

So far as I know, only these middle-class tenants are forced to forfeit their fundamental rights in this way.

Many organizations and people are subsidized. The officers of the Lockheed Corp. are subsidized. Certain builders in New York are subsidized. The officers of certain day care centers are subsidized. Yet none of these people are required to divulge their income tax returns.

Why are only middle-class persons' rights so easily violated?

Mr. Speaker, today I have introduced legislation to protect the rights of these middle-class citizens—the backbone of America. My legislation amends the fair housing laws which we enacted in order to end practices of discrimination and intimidation in housing. When we passed those laws we could not have anticipated this latest form of intimidation.

These tenants should not be forced to choose between skyrocketing rents or the forfeiture of their rights. My bill would specifically protect them by providing that:

No person shall be required by any officer of the Federal Government or any officer of any State or municipal government or any manager of housing or any other person to divulge his income tax return as a condition for residence in any housing, provided that such person is not under criminal indictment or authorized criminal investigation.

This legislation should not be necessary—but it is unfortunately now necessary. As we all know, "eternal vigilance is the price of liberty."

SOUTH VIETNAM'S STRUGGLE TO BE LEFT ALONE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WYMAN. Mr. Speaker, in the course of its courageous struggle to defeat and expel the Communist invaders from the north, South Vietnam is not falling apart internally. While there may be splits in the political infrastructure of the South Vietnamese Government the people of that beleaguered nation hate the enemy worse than particular Government leaders, including President Thieu.

As John Roche points out in his column in today's Washington Post, Thieu is arming the population through the local militia, which would be inconceivable were there any real threat of a so-called general uprising against the Government.

President Nixon's position that settlement of political differences should be negotiated among and between Vietnamese after a cease-fire, the return of Americans held prisoner, and withdrawal of all U.S. forces within 120 days, is an exceedingly reasonable proposition. I suspect it will be eventually accepted.

The article follows:

SOUTH VIETNAM STRUGGLES ON

(By John P. Roche)

Now that the North Vietnamese have been at it for two months, perhaps we can begin to assess intelligently the status of Vietnamization. What exactly has happened to the Republic of Vietnam, that allegedly "corrupt, incompetent, dictatorship"? The answer: It is still there, its army is fighting bravely, its president is hopping around from one theater of operations to another. To date, Hanoi has taken one provincial capital, Quangtri City, which is within spitting distance of the DMZ on a windy day. "Dictator" Thieu persists in his odd habit of arming the masses—50,000 rifles were passed out to the militia in Hue—while the Senate in Saigon rejects his request for decree powers, strange behavior for a legislative body in a "police state."

The most significant aspect of this picture is what has not happened: there have been absolutely no indications that the people of South Vietnam are eagerly planning a "general uprising." The role assigned to them in General Giap's script. On the contrary, the opposition groups in Saigon have made it clear that, while Thieu is not their favorite, the Communists are the enemy.

American commentators, some I suspect deliberately, have misinterpreted the views of the militant Buddhists and their allies, that is, Thic Tri Quang and what might be called the "Big Minh" ambiance. They have never been pro-Hanoi (indeed, Tri Quang is a refugee from the North).

Their goal has been to install themselves, not the Communists, in power in Saigon. Antiwar Americans have used their attacks on the Thieu government (and its predecessors) as evidence of pro-Communist sentiment. They don't know their customers. Tri Quang is hard as nails: he knows he wouldn't be in business in the authentic dictatorship up North. And Big Minh, just the other day, dismissed "coalition government" as a Communist trap.

It is also interesting to note that the "civil war" dimension of the struggle has practically vanished except in Binhdinh. The basic reason for this is that Giap sacrificed the Vietcong Main Force units in the 1968 Tet offensive. Their mission was to touch off the "general uprising" in the cities while the North Vietnamese regulars remained in reserve to move in and clean up.

But there was no uprising and the VC was virtually eliminated as a fighting force. Hanoi made no effort to rescue them, leading the suspicious to recall how Stalin's armies sat on the outskirts of Warsaw in 1944 until the Nazis had suppressed the Polish Nationalist insurrrection in the city. The Soviets had their own set of tame Poles ready to assume power, and it was convenient for the Nazis to dispose of a potential anti-Communist opposition. From 1969 on, Hanoi could have no problem with indigenous Southern Communists: potential Titos were sent into the abattoir.

On the other side of the hill, things don't seem to be going too well. Moscow and Peking have both sent comradely regards to Hanoi and have issued ritual denunciations of our escalation of the air war against the North. And Giap's troops have been taking a fearful bashing, with very little to show for it. Which leads one to expect a new peace offensive. Hanoi's Foreign Minister Nguygen Duy Trinh in conversation with Anthony Lewis already indicated the first move (in a scenario set forth here in March, 1970): a tripartite coalition of Provisional Revolutionary Government Communists, members of the Saigon regime (Thieu excluded), and "neutral" exiles now in Paris. The fall-back position from that would be a coalition including Thieu and the PRG, with a President drawn from the "neutrals."

Let us hope our negotiators are on their toes. This would be a tricky one to handle, particularly in the middle of an American presidential campaign.. Like the other scenarios it has as its centerpiece the Americans busting Thieu, but it would have a surface plausibility that other Hanoi peace offensives have lacked—and great innate appeal to war-weary Americans.

MIKVA INTRODUCES NATIONAL CRIME VICTIMS COMPENSATION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MIKVA. Mr. Speaker, yesterday, June 14, I introduced the National Crime Victims Compensation Act, along with 35 cosponsors.

The war on crime is a long way from being won. In the meantime, we are doing all too little to bring emergency help to the people who suffer the most direct impact from the crime rate statistics. The people of America are entitled to be compensated for the losses they sustain at the hands of criminals, and that is what this bill would do.

Crime is endemic in our society, and nothing we do in this bill is likely to reduce substantially the incidence of crime. The National Crime Victims Compensation Act is no substitute for a strong anticrime program. But it will redistribute more evenly the burden which today falls capriciously on those who are so unfortunate as to be in the wrong place at the wrong time.

There has developed a rather substantial body of experience on which to draw for guidance in framing a crime victim compensation system.

In 1964, New Zealand began compensating victims of violent crime in accordance with legislation passed in 1963. Great Britain followed later in 1964 with a compensation system of its own. Canada followed suit in 1967, and New South Wales—in Australia—did the same in 1968. Each of these foreign jurisdictions has had several years of experience, each with a somewhat different compensation system.

In this country, seven States offer compensation to victims of violent crime. They are California, Hawaii, Maryland, Massachusetts, New York, Nevada, and New Jersey. Attached to my statement, for inclusion in the RECORD, is a table outlining the major provisions of each of those State laws.

The bill introduced today contains three titles:

Part A of title I establishes a compensation system to reimburse victims of violent crime for medical expenses and lost wages. A three-man Federal board would make awards to applicants injured by criminal acts on Federal territory, including the District of Columbia.

Part B of title I authorizes LEAA to fund 75 percent of the costs of similar State compensation systems.

Title II authorizes LEAA to establish direct Federal group insurance plans for public safety officers in States where such insurance is not available at inexpensive group rates.

Title III authorizes a lump sum Federal benefit of up to $50,000 to be paid on behalf of any policeman, fireman, prison guard, or other public safety officer—State or Federal—who is disabled or killed by a criminal act in the line of duty.

The bill closely parallels titles I–III of Senator MCCLELLAN's bill (S. 2994) which is expected to be before the Senate Judiciary Committee in the near future. With prompt action by both Houses of Congress, we should be able to provide relief soon to the innocent victims of violent crime.

I am pleased to list the following Members as cosponsors of the National Crime Victims Compensation Act:

COSPONSORS

JONATHAN BINGHAM, KEN HECHLER, JAMES SCHEUER, HERMAN BADILLO, WILLIAM GREEN, PARREN MITCHELL, JAMES SYMINGTON, TOM REES, PATSY MINK, HENRY HELSTOSKI, NICK BEGICH, ROMANO MAZZOLI, JAMES CLEVELAND, FLOYD HICKS, MICHAEL HARRINGTON, EDWIN FORSYTHE, JOHN MOSS, GEORGE COLLINS, BENJAMIN ROSENTHAL, BELLA ABZUG, JOHN SEIBERLING, PHILLIP BURTON, LOUIS STOKES, ROBERT MCCLORY, JOSHUA EILBERG, CLAUDE PEPPER, RALPH METCALFE, CHARLES RANGEL, LES ASPIN, DONALD FRASER, ELLA GRASSO, WILLIAM FORD, JOHN CONYERS, FERNAND ST GERMAIN, and RONALD DELLUMS.

State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
California: Cal. Gov't Code. §§ 13960–13966 (1967); §§ 13970–13974 (1969).	State Board of Control (hearing).	1. Victim. 2. Dependents—in case of pecuniary loss from his injury or death.	Need basis.....	Not in excess of $5,000.	State subrogated to rights of claimant against offender to the extent of payment of the claim. May intervene in claimant's action against offender or bring own.	Not in excess of 10%..	To private citizen preventing crime or apprehending criminal, or rescuing a person.	May refuse to compensate for lack of cooperation with police in apprehension of offender.
Hawaii: Hawaii Rev. Law §§ 35–1, 351–70 (1967).	Criminal Injuries Compensation Commission (hearing).	1. Victim. 2. Dependents—in case of his death. 3. Other—person responsible for victim's maintenance, where pecuniary loss results from victim's injury.	General.....	Not in excess of $10,000.	State may bring derivative action against the convicted offender in the name of the victim or dependents awarded compensation. Excess recovery given to claimant.	Commission's part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	To private citizen in preventing crme or apprehending a criminal.	Reduce compensation to extent victim was responsible for the crime that caused his injury.
Maryland: Md. Ann. Stat. art 26A, §§ 1–17 (1968).	Criminal Injuries Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependents—in case of his death. 3. Other—dependent on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependents.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Art. 101, § 36 schedule used.	----------	Subrogated to the extent of the award to recover payments resulting from the crime.	----------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent crime or apprehend a person after he committed a crime.
Massachusetts: Mass. Gen. Laws ch. 258A, §§ 1–7 (1968).	District Court...	1. Victim. 2. Dependents—in case of his death.	Out-of-pocket loss of $100 or two weeks' earnings.	Equal to loss up to $10,000.	----------	"To the extent of compensation," any amount received by claimant from any source exceeding the actual loss to the victim may be recovered.	Court as part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	Same.

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State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
New York: N.Y. Exec. Law §§ 620–635 (1966).	Crime Victims Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependent—in case of his death. 3. Other—dependent on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependents.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Not in excess of $100 per week earnings or support, nor an aggregate award of more than $15,000.	----------	To the extent of the award to recover payments resulting from the crime.	----------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent crime or apprehend a person after he committed a crime.
Nevada: Nev. Rev. Stat. §§ 217.180–217.260 (1969).	State Board of Examiners (hearing).	1. Victim. 2. Dependent—in case of his death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	General----------	Not in excess of $5,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by the applicant. Excess recovery paid to claimant.	Board as a part of order may allow reasonable attorney fees, not to exceed 10%—out of the award.	----------	In determining whether to make an order for compensation, the board shall consider provocation, consent, or any other behavior of the victim.
New Jersey: N.J. Session Law Oct. 1971.	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—in case of death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	Out of pocket loss of $100 or two weeks earnings.	Not in excess of $10,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by applicant. Excess recovery paid to claimant.	Board as part of order may allow reasonable attorney fees, not to exceed 15% of the award—not out of award.	----------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent a crime or apprehend a person after he committed a crime.
Victims of crime act of 1972 [Title I].	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—In case of his death. 3. Other—person where pecuniary loss results from victim's injury. 4. Anyone suffering pecuniary loss.	$100 minimum plus undue financial hardship.	Not in excess of $50,000.	Attorney General may maintain action against offender for recovery of the whole or specified amounts of the compensation.	Attorney fees allowable as under 18 U.S.C. 3006A.	----------	In determining whether to make an order, the behavior of the victim is considered.

Note: Adapted from 47 Notre Dame Law 88 (1971).

MR. ROONEY ON NEWS MEDIA FREEDOMS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. VAN DEERLIN. Mr. Speaker, fundamental constitutional rights are an issue of primary concern to all Americans. Governmental regulation of the news media is fundamentally improper, under our system.

Our colleague, FRED ROONEY, has touched on some critical points in an address delivered May 23 to the Pennsylvania Broadcasters Association. Mr. ROONEY's thoughtful remarks provide considerable background and guidance in this sensitive area.

The text of his speech follows:

OPENING REMARKS ON NEED TO EDUCATE MEMBERS OF CONGRESS "IN THE CLEAREST AND SIMPLEST WAY POSSIBLE ON THE MAJOR MATTERS WHICH CONCERN YOU AS BROADCASTERS"

There's an interesting cover story in this month's issue of "Nation's Business," which I am sure you have all seen.

The opening sentence of the story poses a perplexing question:

"How would you like to own a business where you are required every three years to justify your performance to seven political appointees and perhaps lose that business if they don't think you measure up?"

I'd say that's a unique kind of business.

I'm sure it occurs to you when you fill out your license renewal applications.

You've always been beholden to government for your broadcast franchise, and subject to Federal controls and laws.

But lately, you're being made more aware than ever before.

For many years the license renewal policy of the FCC was consistent.

The Commission, in reviewing renewal applications gave great weight to the past performance of a licensee on the reasonable assumption that proven record of good performance was better evidence of future quality performance than any other measurable factor.

Now, because of recent court decisions, any individual or group can challenge a station's right to continue operating.

The station is compelled to respond, no matter how unrealistic the complaint.

And a recent decision by the U.S. Court of Appeals in Washington has raised concern that a broadcaster might be required to pay for all expenses incurred by the challenger, even after meeting his demands.

Such license challenges have put more than 100 stations under attack, and two owners out of business.

The final solution to the license renewal matter, in my view, is to be found in the Congress.

We will have a permanent national renewal policy, binding on both the FCC and the courts, only when specific criteria are written into law.

Nearly 200 Members of Congress in both Houses and in both parties have lent their names to renewal legislation.

Nearly 100 bills are pending.

My bill, H.R. 13193, would extend the license period to 5 years for radio stations and retain the 3-year statutory limitation for television stations.

At the same time it would assure both that their licenses would be renewed if the station could show the FCC a good-faith effort to serve the needs and interests of its community during the preceding license period.

The public interest requires that the broadcast industry be a stable one in which licensees whose past record of performance meets or exceeds broadcast criteria established by the FCC have a reasonable degree of assurance that their applications for license renewals will be determined upon such criteria, and not some extraneous issues not directly related to the quality of service extended to their broadcast area.

My bill does this, without in any way eliminating any existing rights enjoyed by those who desire to contest a license application or otherwise bring to the attention of the FCC any alleged failures of a licensee.

Unfortunately, you are not going to get license renewal legislation in this, the 92nd Congress, but the issue is still very much alive.

I urge all broadcasters to use the next 8 or 9 months to educate their Congressmen as to the need for this legislation.

Permit me also to call your attention to legislation which I have introduced in the House with some 25 cosponsors to remove existing Federal legal barriers to the broadcasting of information about the Pennsylvania lottery.

All news media in Pennsylvania and other States which have implemented state-operated lotteries have encountered the restrictions imposed by Federal anti-lottery laws.

These Federal laws involve interstate commerce, use of the mails and broadcasting.

A number of related bills are pending in several House committees. Only mine, however, has tied all the necessary revisions of Federal law into a single legislative package which now is before the House Judiciary Subcommittee No. 2.

That subcommittee seems almost equally divided on the question of removing Federal obstacles to the State-operated lotteries.

I have been advised, for example, that the subcommittee's two members from the State of California, Congressman Waldie and Danielson have indicated they oppose these measures.

On the other hand, there have been recent reports that California is looking at the east coast State lotteries with considerable interest.

Obviously, if California establishes its own lottery, then that State's broadcasters will be in the same shoes in which Pennsylvania broadcasters find themselves now.

Here, then, is an opportunity for your group to contact your affiliates in California and seek their help to win the support of the two California Congressmen on the Judiciary Subcommittee No. 2 for favorable action on the lottery legislation.

In addition to license renewal problems, the broadcast industry now has to face the Federal Trade Commission's recent counter-advertising proposal which, if enacted, has the potential of undermining and destroying the entire financial base of commercial broadcasting.

The concept of counter-advertising is so broad in scope as to cover most products and services now advertised over your stations.

I know from experience that no more consumer-oriented groups exist than my constituency.

And I also know that no company is going to pay to advertise its product on radio and television if by doing so it will automatically give a right to someone else to attack it on the same station.

The broadcasters' plight is of concern of all American business, because if counter-advertising comes, it's only a short step to the point at which any form of advertising would be affected.

If your industry can be undermined by Government policy, so can other industries.

Counter-advertising and license challenges may head your current inventory of headaches.

But you've been attacked in the name of public interest in a lot of other ways.

There's been a ban on broadcast advertising of lawful products whose advertising is permitted in all other media.

That only cost you $200 million a year in cigarette revenue—and now there's a lot of Government interest in your proprietary drug advertising.

There's been the prime-time access rule.

That's only depriving you of about 600 hours of network programing a year and a drop-off in audience between 7:30 and 8 p.m.

I understand there was a well-intentioned reason for the rule, but like so many of the well-intentioned regulations you're working with today, it hasn't worked.

It has, however, given rise to other ideas for controlling program content by times of day and segments of the audience, and encouraging parents agitating for all kinds of innovations in children's programs—like totally eliminating commercials.

There is for this election year, a new political-spending bill.

I don't know how you're going to fare on that.

I do not know that the equal time provision—section 315 of the communications act—is still in force, making fun situations for comedian Pat Paulsen, but depriving the American voter of television encounters between the major presidential candidates, in the words of Frank Stanton, "crippling the most constructive use of broadcasting in the electoral process."

There's more, of course.

Any number of tortured applications of the fairness doctrine.

Compulsory access to the air stripping you of the responsibility for what you broadcast even though you're still held accountable for it.

The constant threat of investigation that hangs over your head and yours alone among the media.

The pressures on broadcast news which are a part of this.

The uncertainty as you approach license renewal time that regardless of how conscientiously you've tried to serve your community, you still may find yourself in a contest with special interest groups who want to take your license for any of a growing number of reasons.

And now some icing on the cake—the Justice Department antitrust suits against the networks contesting their program production, acquisition and sales practices.

I think the suits are way off base.

I think they are against the public interest.

I think they will fail.

And I think they are just another indication—as many of your new problems are—of an administration trying desperately to keep broadcasting off balance and bend it to its own end.

The public interest can be served best if we put the roles of government and the press in proper perspective.

Government is an institution, and so is the press.

Our founding fathers wisely foresaw that these two institutions would, in most cases, be adversaries and seldom, if ever, allies.

It is the responsibility of government to govern.

It is the responsibility of the press to report how government is functioning.

Both must ultimately account to the public.

When your industry is encroached upon by government, the public suffers.

The attack began in Des Moines in November, 1969, with a lecture from Spiro Agnew on network news bias and how the networks must be made more responsive to the views of the people.

Some of his rhetoric may have seemed amusing—even appropriate—to you at the time, but it just might have been the first step toward dividing and conquering your industry by intimidating your news people and by dampening your enthusiasm to speak out on matters of national and local importance.

Senator Bob Dole then took up the fight and flew around the countryside assailing the "liberal media".

And the President's closest staff assistants are lately growing more vocal.

H. R. Haldeman was a guest on the "Today" program several months ago.

He took that opportunity to deliver a salvo at the credibility of the news media and at what he believes to be television's continuing anti-administration bias.

James Keogh, chief of research and writing for Richard Nixon during the 1968 election campaign, and later a special assistant to the President, is out with a new book titled "President Nixon and the Press."

It details the President's poor treatment by the media.

Mr. Keogh also spoke about it in a recent "Today" program interview.

And earlier this month, on a public broadcast service program, White House speechwriter Patrick Buchanan bluntly suggested that because CBS and NBC are biased in their news coverage, along with some publications, the administration might be obliged to sponsor antitrust action to break up their "monopoly" on ideas.

He also said that the current Justice Department suits against network programing are "just testing out the theory."

The Justice Department quickly denied this, and Senator Dole promptly and officially added his disagreement with Buchanan.

Of course, Mr. Buchanan said that he was expressing his personal opinion.

All the administration people do that, including Mr. Agnew.

Then try to be careful not to give the impression of a massive frontal assault.

For instance, Mr. Buchanan pointedly excluded ABC from his news antitrust wishes.

White House communications chief Herb Klein salutes your freedom of broadcasting rights every chance he gets after someone else in the administration has scolded you.

And you will get messages from the President at your big conventions about the great job you *station people* are going.

Just to keep you a little more off balance, and possibly undecided about what's going on, Clay Whitehead, the administration's spokesman on communications policy, tells you the things you really like to hear—about the deregulation of radio, and after that, gee, maybe television.

About his opposition to the FCC's banning newspaper-CATV crossownership in the same market, and the present rule prohibiting crossownership of TV stations and cable systems.

He also tells you about the administration's great disturbance at the way the trend is going in connection with FCC and court rulings on access and the fairness doctrine.

A few weeks ago he even went on new ground and asked the Nation's newspaper publishers to oppose, with him, a trend in Government to stifle freedom of the press.

And he called the fairness doctrine "a runaway theory" that may trample newspapers next.

Mr. Whitehead is a regular Paul Revere.

I agree with his warnings and nearly everything he says.

But I don't think he voices the true feelings of the present administration.

The name of the administration game is quiet intimdation and the encouragement of splits in your industry between stations and their networks.

There's a fast thrust at an annoyance of the movement and then a denial of restrictive intent; an occasional subpoena and investigation and then a pat on the head.

When caught with a hot potato, like the ITT mess or a war going badly for all to see on the evening news, there's always an antitrust action, or the threat of one to take the heat off.

There is supposed to be liberal bias in television news.

The Nixon administration has told us this right along.

The networks are said to freeze out opposing points of view and opposing information.

Let's look at the freeze.

President Nixon on 29 occasions since his inaugural has taken over the networks for a "major" pronouncement, or one so advertised.

It could be every month if he wanted.

He has held a number, a dwindling number, of televised news conferences and several "conversations" with network interviewers.

He has appeared in fragments of innumerable news broadcasts—this above and beyond all the coverage granted Vice President Agnew, various cabinet members and other Republican dignitaries.

Even the President's staff men are promoting their books and their views on the tube.

And since the present administration does make our nation's policy, does keep the records, does appoint, hire and fire people, it does supply a vast amount of news and views, all duely reported on a daily basis.

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I hope a Democratic administration is so lucky next year.

The question to be asked, of course, is what does the public think?

What bias does it see on television?

Earlier this year TV Guide took the trouble to find out.

It commissioned Opinion Research Corporation to sample viewer attitudes on TV news credibility around the country.

The findings were highly interesting.

A majority of Americans think television offers the most complete political coverage of any news medium.

Most consider television fairest and most objective of the media and see little difference in fairness between each of the networks.

Perhaps most significant, where it is believed television news bias exists, opinions divided almost 50–50 on alleged favoritism:

A quarter of those interviewed see a pro-Nixon bias; another quarter see an anti-Nixon bias; 12 percent think the Republicans are treated more kindly; 13 percent think the Democrats are; 16 percent maintain that liberals get better treatment; 14 percent are sure conservatives do.

Those are pretty good marks, pretty balanced opinion, and most of those interviewed didn't detect bias on any kind.

What turned up in the study in fact confirms the findings of other continuing surveys of public attitudes toward TV news over the last decade.

I can understand why many broadcasters—faced with the spectrum of counter-advertising, meeting license renewal challenges and trying to interpret the conflicting decisions made under the umbrella of the fairness doctrine—feel like the "shuttlecock in a badminton game."

Don't take these blows at your freedoms or at your economic base.

Fight back.

Tell your story to the public—the story of a great free and competitive industry, unexcelled anywhere in the world—an industry which brings all Americans everything from wholesome entertainment and up-to-the-minute news in their homes and their cars to live pictures from China and the moon.

Tell your story in terms of the new products and services developed by American business which, through broadcast advertising, can be sold all over the Nation, providing for the American people the goods and services they want at prices kept as low as possible because they can be mass produced and sold.

You have an honest and honorable story to tell—a story that needs to be told to the public and to the Congress.

Only you can tell it.

The time to begin is now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DISTRICT OF COLUMBIA TEACHERS DESERVE RAISE—LAST RAISE CAME 3 YEARS AGO

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FAUNTROY. Mr. Speaker, today I am introducing the District of Columbia teacher pay bill. The measure, recently approved by the District of Columbia Board of Education, would increase teacher salaries an average of 17 percent over a 2-year period. Mr. Speaker, this is urgent legislation. The education of the children of the District of Columbia has a place second to none in the list of priorities facing this city. Central to the education of children is a dedicated and well-trained force of educational personnel, and particularly classroom teachers. We cannot hope to attract and retain the quality of teachers that the District of Columbia needs to adequately educate its children unless we provide a fair and equitable salary increase.

District of Columbia teachers have not received a salary increase since September 1969, almost 3 years ago. In a sense, the bill I introduce today is simply a cost-of-living increase which barely allows our teachers to keep pace with the inflationary spiral. Since 1969, the cost of living in the District of Columbia has gone up 11.04 percent and will no doubt increase even more over the next 2 years, the period covered by my proposed legislation. Employees covered by the Teacher's Salary Act have fallen behind other employees of the Board of Education. Classified employees have received increases totaling 17.7 percent since 1970. Wage board employees have received an increase of 19.2 percent over the same period.

Mr. Speaker, these increases for teachers are long overdue. With time rapidly running out this session of Congress, the District government, the President, the House District Committee, and the House itself must commit itself to the children of the city by rapidly considering this legislation so that our teachers can receive fair pay when they return to school in September. I recognize that a method must be found to pay for the increase. But time is short, and I urge all the agencies with responsibility over this matter to move quickly to devise a financing proposal so that Congress can move quickly on this important legislation.

The bill in substance does the following:

First. Provides that the Board of Education be given authorization to establish the salary and fringe benefits of the Superintendent.

Second. Provides for the establishment of the position of Vice Superintendent.

Third. In the case of school officers in TSA classes 3 through 6, provides for placement of a new appointee at higher level—up to step 3 of his salary class. Present law requires placement at step 1 of his salary class. Teachers may be placed up to step 9 of their salary class.

Fourth. Provides for elimination of the present four levels of principals in salary class; the 1,000 point factoring system, and the requirement for three consecutive annual evaluations of levels in order for a principal to move to the next higher salary level. This procedure creates inequities in compensation of principals. Our proposal would require that the principal's job be defined and allocated to a proper salary class. Many school systems allocate principals to salary classes or grades based upon a student enrollment range or a range of teaching staff assigned to a school. Our proposal provides for flexibility in determining salary classification or principal positions.

Fifth. Provides for payment of extra duty pay at the end of the activity rather than in prorated amounts at each pay period. The present system is administratively inefficient, costly, and results in many delayed payments.

Sixth. Eliminates the option on the part of teachers for 20 or 24 pay periods and places all employees on a uniform 24 pay period. With a uniform pay period, many payroll problems could be eliminated, the system simplified, and employee morale improved.

Seventh. Provides for authorization by the Board to correct retroactively administrative errors in promotion placement for compensation purposes. At present time, many employees have suffered a loss in compensation because District of Columbia Finance has ruled that the Board does not have this authority—only the District of Columbia Finance has the authority to make the determination. District of Columbia Finance is far removed from the internal administration of the District of Columbia school system and is not knowledgeable about the complexities of the teacher certification process.

Eighth. Provides for payment of one-half pay to school officers granted sabbatical leave. The present law states that they can only receive one-half the maximum salary provided class 15 teachers. This is not equity of treatment Assuming that we limited the number of school officers receiving educational leave with pay in any one year to five, our increased cost, which should be budgeted, would approximate $10,000.

Ninth. Provides that effective July 1, 1974, full authority for establishing salary and classification of all employees be transferred to the Board of Education. This authority presently is vested in the District of Columbia City Council and the Congress.

NIX BILL TO ELIMINATE CONFLICT BETWEEN STATE AND FEDERAL STATUTES ON STATE GOVERNMENT LOTTERIES

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. NIX. Mr. Speaker, I have today introduced a bill that will bring Federal legislation into conformity with State statutes in those States which permit State-run lotteries. Such States include my own State of Pennsylvania and, among others, the States of New York and New Hampshire.

This legislation is necessary to prevent a conflict between Federal statutes, including the postal statutes which forbids the mailing of lottery information. We have a situation where a weekly newspaper editor could be in the position of violating the Postal and Criminal Code.

The Federal statutes were originally intended to prosecute and prevent gambling by commercial enterprises. They were enacted long before State governments adopted lottery statutes as a fundraising device.

I believe that where States are entitled to enact statutes which cannot be questioned as to their constitutionality under the 14th amendment, that the Federal Government should not make the operation of such statutes difficult or impossible. That is the situation we have here.

My bill will erase a possible conflict between State and Federal Governments. I ask the House to support its passage.

FREEDOM IN SOVIET RUSSIA—PETER C. ANDREWS' REPORT ON PLIGHT OF SOVIET JEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. KEMP. Mr. Speaker, today, on the second anniversary of the mass arrests of the brave Soviet Jews who stood trial in Leningrad, it is appropriate that we assess the current status of the cause of freedom from Soviet oppression, which these people risked their lives for.

The forced separations of families and friends, the loss of jobs of those seeking to emigrate, the confinements in prisons and communication blackouts imposed by the Soviet Government often have been recounted in this Chamber.

But, until Soviet leaders honor their government's signing of international agreements to allow the Jews to practice their religion and to emigrate to their homeland in Israel, we in Congress and millions of Americans and others concerned with this humanitarian cause cannot abate our efforts in behalf of this oppressed people.

One of the concerned Americans who has contributed substantially to these efforts is Mr. Peter C. Andrews, the Washington Bureau Chief of the Buffalo Courier-Express.

Following Mr. Andrews' return from Moscow in connection with our President's recent trip, this veteran newsman chronicled conditions faced by the suffering Jews and aspects of the Soviet Government's reactions to world concern.

At this point, Mr. Speaker, I request permission to bring Mr. Andrews' story to the attention of my colleagues and following that, a statement I made today in connection with a National Conference on Soviet Jewry observance and exhibit at the Capitol:

SEMI-FREEDOM CONSTRICTS SOVIET LIFE

(By Peter C. Andrews)

A police state is not a happy one, and despite the trimmings of a free society, Russia is still a police state.

There are certain advantages to this, of course, such as safety from muggings in the streets at night and virtually no unemployment, but these advantages are obtained at a price that is unacceptable to most Americans.

In the Moscow District alone, by official admission, there are half a million unpaid "volunteers" to help the Moscow Militia maintain order. These young people are sometimes identified by the red arm bands they wear on their sleeves, but at other times they become evident only when they emerge from crowds to lead party demonstrations or recite the party line at gatherings.

They are part of a vast body of informers that operate on all levels of Russian society, spying on friends, neighbors, relatives, or strangers—anybody who might be thinking less than charitable thoughts about the government.

MOVEMENTS ARE MONITORED

The Russians tried very hard during President Nixon's visit to give the appearance of a free society. However, it is rather obvious that when one is required to turn in the hotel room key to the madame in charge of the corridor with each going and coming, that one's movements are being monitored. It cannot be proved, but most of the reporters with the President assumed their telephone calls from the hotel were monitored and their luggage was searched.

Prior to President Nixon's visit, scores of potential "troublemakers" were rounded up by the police to prevent them from getting in contact with the presidential party or with the press.

Among these were some of the more active of the 82,000 Jews who have applied for exit visas from Russia to emigrate to Israel. I personally made more than 70 phone calls to seven of these activists and not one call was answered. My contacts were all being held in preventive detention, charged only with intent to commit a crime—talking to me and other members of the press.

JEWS WAIT TO LEAVE

This question of Soviet Jewry is a dangerous one for Russia, because the Jews are only one of many minority groups in Russia. About 3,000 per month are emigrating from Russia to Israel, but the waiting list of applicants remains at a fairly constant level of more than 80,000.

The Russians try to downplay this mass migration because of the disturbing effect it might have on her Lithuanians, Latvians, and other groups who might get similar ideas of getting out from under the Russian yoke.

President Nixon brought up the question of Soviet Jews during his summit meeting. It is not quite clear just how the matter was broached, but presidential adviser Martin J. Hillebrand had a three-hour briefing at the State Department on the matter before he left for the trip.

PRESENT DECLARATION

One of the factors that might have been discussed was that prior to the trip, 135 congressmen, or almost one-third of the entire membership of the House of Representatives, presented a declaration of concern to the President about the issue.

Since congressional approval will be needed for the implementation of some of the agreements signed at the summit, the President or his staff could properly make a connection between getting congressional approval and solution of the Jewish issue.

The extreme Russian sensitivity toward the subject is shown by the fact that several hours of briefings in Moscow were devoted to the subject. During the briefings the attention of the press was repeatedly directed toward the Jewish Autonomous Region of Birobidzhan, near the Japanese border.

The settlement hardly represents all of Soviet Jewry, however, since it has a population of only 15,000, is physically isolated by thousands of miles from the mainstream of Russian life and culture and has an inhospitable climate. Most Jews prefer to live in the large cities. There are an estimated 240,000 living in Moscow, 170,000 in Leningrad and 150,000 in Kiev.

PROBLEM IS DENIED

The Russian attitude toward the Jews is one of assimilation, and that no problem exists on the Jewish issue. The large number of emigres or those wishing to emigrate is an embarrassment to her. One of the factors keeping down the emigration lists is that as soon as someone applies for an exit visa, he or she usually loses whatever job he is holding and is forced to live on the charity of friends or relatives until the visa is granted.

The Russian people appear to be living in a state of semi-freedom. Everything is regulated—who can move where and who is allowed to do what. There has been definite progress made toward greater freedoms in the last few years, but by American standards, the degree of control over the population is intolerable.

STATEMENT ISSUED AT CAPITOL EXHIBIT ON SOVIET JEWRY

I should like to begin with an expression of gratitude to my distinguished colleague and friend from New York, Congressman Bert Podell, and to the New York Conference on Soviet Jewry for affording me the opportunity to participate in today's program.

We are all familiar with today's abhorrent conditions under which Soviet Jews must live and with the cultural deprivation they are suffering. So there is no need to recount that here. So as we focus on this issue, it might be wise for us to ask the following questions:

What has brought about the dramatic show of concern now being displayed by people the world over, people of differing nationalities and religions? What has resulted from this concern and the protests? Are protests succeeding? And most importantly, what does the future hold for the Soviet Jewish Movement for redemption in Israel?

The massive, international support for Soviet Jewry has no doubt been coalesced by the brave actions of individual Russian Jews themselves.

It is inspiring to me that the first ones to speak out risked not only losing their jobs and friends, but their lives as well when they publicly challenged Soviet Totalitarianism.

Thanks to their courage, it is not uncommon today to read of Jewish citizens in the USSR staging a hunger strike in Red Square or signing letters to Soviet officials asking of them, and often demanding of them, the basic human right to repatriate. Interestingly enough, Jews in the Soviet Union seem to prefer that word to the word emigrate, inasmuch as they see Israel as their native country and desire their right to return to their homeland.

The utter failure of Marxist Leninism in Russia to assimilate the Jewish minority into the Soviet Conglomerate is thus illustrated and it is no wonder that the rulers in Moscow are doing everything possible to cover up these fifty years of failure.

Soviet leadership has been determined, since the Revolution of 1917, to destroy the Jews as a culture, people, and entity, and to equate the Jewish religion with some sort of bankrupt mysticism. Karl Marx referred to the Jews as being "enlisted on the side of tyranny" and every Soviet leader from Lenin to Brehznev has done his best to destroy them, their methods varying only in degree.

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Yet, the entirety of a half century of propaganda, distortion, persecution and social manipulation was no match for the six-day war which quickly gave Soviet Jews a new sense of pride and honor that developed into the protest spirit that permeates Russian Judaism today.

The migration of Soviet Jews to Israel reached a new high in 1971 and may continue to climb in 1972. Regardless of what the exact figures of 1972 will be, I believe that the increased emigration rate for last year is indicative of the success of our protest movement and should encourage us all to continue raising our voices. The increased numbers of emigrants reflect a concerted effort by the USSR to defuse the protests as much as possible and to put on a facade of accommodating the Jews to some extent. However, increasing pressure is being brought to bear on agitators within the Soviet Union in order that their hopes of leaving will be kept minimal regardless of the seemingly high emigration rate.

What we must demand from the Soviet Union is a re-affirmation of the international treaty commitments that nation has signed declaring the right to leave and/or return to one's country as a basic human right and to live up to those commitments. It is significant to note that there is a growing movement among the non-Jewish intelligentsia (writers, scientists, etc.) on behalf of the right to leave and this conceivably could pose a greater threat to internal Soviet stability than the protests from the Soviet Jews themselves.

It is difficult to say at this point how the issue will eventually be resolved. Some say the USSR will allow tens of thousands to emigrate shortly in order to impose a severe economic handicap on Israel, which must bear the cost of absorption. Personally, I doubt that this would influence a Soviet policy change. Rather, any change in Soviet policy will result from an unacceptable loss of Russia's prestige due to the continuing protests or from a realization that it is better to allow the dissident faction to leave the country so it can no longer foment difficulties for Soviet leaders.

I want to read you a letter I received from someone who has given me a great deal of inspiration for our cause. It is from a young woman who has waged a courageous battle against Soviet tyranny. Her words show that, working together, we can move mountains of prejudice and repression.

I met Rita Gluzman during my visit to Israel in the summer of 1971. While the Soviet Union had permitted her to go to Israel, where her first child was born several months later, her husband was forced to remain in Russia. Rita pleaded desperately to the United States for help, and following weeks of strenuous efforts, her husband was finally given permission to join his family in Israel.

I also received a letter from Leonid Machils, whom I was able to offer some similar small help. But, in the interest of time, I will quote only from Mrs. Gluzman's letter.

Her letter is not just for me but also for all who have helped in any manner, whether signing a petition, being here today or for any action in behalf of Soviet Jewry.

The following are Mrs. Gluzman's words:

". . . I am writing to you as I would like to share my happiness with you. I remember that when I was miserable, I turned to you who were ready to listen to me, and asked you to help me in getting my husband back. You, and your compatriots have helped me. And I know I am not the only one whom you helped. The Jews in the Soviet Union, feeling the support of the public opinion in Europe and especially in the U.S.A., can fight for their rights to live in Israel, and can even be successful in this fight of theirs.

The first fruits of this fight can already be seen. However, I cannot forget that many thousands of my brothers and sisters are still awaiting the happy day when they will be able to go to Israel. They feel the moral and effective support of such people as you. They know that the pressure of the West on the Soviet authorities brings positive results, I know this from my personal experience when I went to the U.S.A. to ask for your help.

I wish much happiness to you personally and to all those in America who had helped me, as well as to all those who are still helping my numerous friends in the U.S.S.R.

God bess you all.

Sincerely yours,

RITA GLUZMAN.

The words of Rita Gluzman and the tens of thousands of Soviet Jews who cry out for our help speak eloquently for the cause we must sustain.

WORKERS SEEK TO END ILLEGAL POLITICAL SPENDINGS BY UNIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. CRANE. Mr. Speaker, at this time more than a dozen employees of McDonnell Douglas Corp., members of the International Association of Machinists and Aerospace Workers, AFL–CIO, claim that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations, and ideas they oppose.

With the support of the National Right To Work Legal Defense Foundation, these workers charge that such a practice violates their civil rights under both Federal statutes and the U.S. Constitution.

Although organized labor claims the right to look at the books of management, writes Shirley Scheibla in Barron's, the response of union leaders to a demand that their own books be opened is quite different.

She notes that:

In a striking turnabout for organized labor—the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of the IAM documents may now be revealed.

It seems that IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education, COPE, and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. Mrs. Scheibla points out that:

The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to the Democratic (but not the Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

The court case involving the machinists union is only one example of the growing revolt of workers against a union leadership which uses their compulsory dues for partisan political purposes. Last March, W. A. "Tony" Boyle was convicted for making illegal political donations with funds of the United Mine Workers, including $30,000 to HUBERT HUMPHREY's 1968 Democratic presidential campaign.

Union leaders often use the dues of their members to advance causes with which the members disagree. Mrs. Scheibla writes that:

Union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures.

George Meany himself declared that:

You know, we have these laws on the books—honored, so far as I am concerned . . . in the breach.

Now with the legal action sponsored by the National Right To Work Legal Defense Foundation there is reason to hope that these illegal activities will be brought to a halt.

Mrs. Scheibla states that the long-range goal of the National Right To Work Committee—

Is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed by the payers.

I wish to share Mrs. Scheibla's article, which appears in the May 29, 1972, issue of Barron's, with my colleagues, and insert it into the RECORD at this time. The article follows:

RANK-AND-FILE REVOLT: IT SEEKS TO END ILLEGAL POLITICAL SPENDING BY UNIONS

(By Shirley Scheibla)

"To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical." —THOMAS JEFFERSON.

WASHINGTON.—During the past few months, under a court order, accountants and lawyers for the National Right to Work Legal Defense Foundation have been poring over the books and correspondence of the International Association of Machinists and Aerospace Workers (AFL–CIO) to determine the full extent of union political expenditures. The Foundation is acting as counsel for over a dozen employes of McDonnell-Douglas Corp., who say that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations and ideas they oppose. Plaintiffs charge that such a practice violates their civil rights under both federal statutes and the U.S. Constitution.

STRIKING TURNABOUT

In a striking turnabout for organized labor, which has long argued that it should be able to look at management's books, the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of IAM documents may now be revealed.

According to Contentions of Fact filed with the court by the plaintiffs on April 26, IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education (COPE) and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to Democratic (but not Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

In states where the law allows, IAM arranges to have its staff employees named as voter registrars. Moreover, "The IAM frequently lends its membership lists to members of Congress for dissemination of campaign propaganda, and, using its computerized voter classification equipment, prepares for candidates, on a precinct-by-precinct basis, so-called 'walking lists' of favorable voters in the candidates' districts."

Many IAM staff members work full-time on political action. The union gives dues money to such organizations as the League of Women Voters, National Council of Senior Citizens, Group Research, Frontlash, SCOPE and the AFL–CIO Voter Registration Fund. (The Machinists, published by IAM, has described Frontlash as an organization which recruits and trains "young people who have trade union orientation and then deploys them in get-out-the-vote drives." The publication also says Frontlash, the League of Women Voters and the National Council for Senior Citizens are liberal organizations which "can work with and support labor's causes." (SCOPE—the Southern Committee on Political Ethics—"played a significant part in the unions' anti-Wallace campaign," according to the book Financing the 1968 Election, by Herbert E. Alexander of the Citizens' Research Foundation.)

MADE UNDER DURESS

The so-called Seay case cited at the outset is part of a growing revolt against the spending of compulsory dues money and "voluntary" contributions made under duress for political purposes repugnant to many workers. Last March, W. A. (Tony) Boyle was convicted in Federal District Court here for making illegal political donations with funds of the United Mine Workers, including $30,000 to Senator Herbert H. Humphrey's 1968 Democratic Presidential campaign. On May Day, a U.S. District Court judge, after finding that he illegally used union funds and facilities to promote his own candidacy, set aside Mr. Boyle's re-election to the UMW presidency.

In 1968, Lawrence L. Callanan, business manager of St. Louis Pipefitter Local 562, and two of his associates received maximum sentences of one year in jail and fines of $1,000 for making political contributions to candidates for federal office. (The case has been appealed to the U.S. Supreme Court.) Other cases involving allegations of illegal political expenditures by unions are still pending. In addition to the IAM, they involve the United Auto Workers and the American Federation of State, County and Municipal Employes (AFL–CIO).

The outcome of the growing revolt of the rank and file could have a profound effect on the nation's political future. According to Sylvester Petro, law professor at New York University and widely-acknowledged authority on organized labor, unions command the most influential single voice in national policy-making, since more than half the members of both House and Senate owe their offices in large measure to such support. By conservative estimates, unions are expected to spend between $70 million and $100 million this year alone on politics.

HOLDING THEIR JOBS

However, the record suggests that union leaders do not speak for the majority of American workers. Out of a labor force of 80 million, only 20 million belong to unions. Moreover, the Bureau of National Affairs estimates that nearly 83% belong by compulsion as a requirement for holding their jobs. (Dr. Petro estimates that between 30% and 40% of union members are either Republican or Independent.)

Despite their lavish contribution and clout on Capitol Hill, union chieftains cannot always deliver the vote. According to Rep. Philip Crane (R., Ill.), unions spent an estimated $60 million on behalf of Senator Humphrey in 1968, while public opinion surveys showed that 44% of union members and their families opposed him. In 1970, Democrats Albert Gore and Ralph Yarborough were defeated in bids for the Senate, although, according to reports to Congress, they each received contributions of over $100,000 from organized labor. This year, despite the support of UAW leaders, Senator Edmund S. Muskie fared disastrously in the Democratic Presidential primaries. After noting George Wallace's recent victory in the Democratic primary in heavily-unionized Michigan, TV commentator David Brinkley declared, "We have discovered in Michigan that the unions may be able to deliver money, but they are not able to deliver votes."

NO COMPULSION

To judge by the record, union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures. According to AFL–CIO President George Meany: "You know, we have these laws on the books—and they have been there for many, many years—the Corrupt Practices Act and so forth—honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign."

But now a new force, the National Right to Work Legal Defense Foundation, has come on the scene. It was created three years ago as an adjunct to the National Right to Work Committee, which led the fight resulting in bans on compulsory unionism in 19 states. In its short life, the Foundation has made remarkable strikes in supporting cases involving allegations of illegal political expenditures with compulsory dues money, and in opening to public scrutiny the ways in which union chieftains exert their political clout.

Such practices, the Foundation charges, not only flout federal statutes but also deprive a person of liberty and property without due process of law, as provided by the Constitution, and violate the Constitutional guarantees of freedom of association, conscience and political thought and action. As remedies, the Foundation is seeking withdrawal of tax exemption for unions which engage in such illegal and unconstitutional activities, refunds of dues money spent in such fashion, damages and exemption of damaged workers from future payments of union dues.

While federal statutes have prohibited political activity by corporations since 1907, a similar restriction was not imposed on unions until 1947, with passage of the Taft-Hartley Act. Until recently, unions have been able to get around the ban by insisting that their political activities are conducted entirely with voluntary contributions through such organizations as the AFL–CIO's COPE.

Unions have been extremely reluctant to open their books to show how they finance political activities. In the Street case, when employees charged that union shop dues rather than voluntary contributions were funding political activities, a superior court gave 15 railroad unions the choice of opening their books or exempting the protesting workers from all union shop agreements and refunding all dues they had paid under them. The unions chose the latter alternative in 1965, thus settling years of haggling.

In the aforementioned Seafarers case, the indictment accused the union of threatening seamen that they would lose their jobs if they refused to make "voluntary" contributions for political activities.

In the Seay case, Foundation attorney Raymond J. LaJeunesse Jr. told the court on April 18 that his examination of thousands of items in IAM's records makes it clear that the union engages in substantial political activity; however, it is impossible to determine the exact expenditures because some records have been discarded, while others have misleading classifications which do not accurately show political expenses. Plaintiffs are seeking a court order requiring the union to account properly for its expenditures with compulsory dues money, and to grant a permanent injunction against the compulsory payment of union dues by the plaintiffs.

COURT OF APPEALS

When the U.S. District Court in Los Angeles dismissed the complaint, Foundation attorneys went to the Appeals Court, which remanded the case for trial, stating: "The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and cause the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own conviction, their own ideas and support their own causes." A pre-trial hearing is scheduled for June 5.

In the Marker case, workers who pay compulsory dues to IAM and the United Auto Workers have asked IRS to withdraw tax exemption for the two unions because they illegally spend dues money for political activities. The Foundation says the case "was carefully designed along the same lines as that in which all-white private schools in Mississippi lost their tax exemption. The theory is that by allowing tax exemption to an organization denying individuals their Constitutional rights, the government is in support of that unconstitutional activity. Litigation on this theory successfully eliminated the tax exemption for the all-white private schools."

Offered as an exhibit in the case was a report by Americans for Constitutional Action on organized labor's contributions to candidates in the 1970 election. It showed that Democratic candidates for Senator, representative and governor received $4,153,746; while Republican candidates received $143,550.

REMOVE TAX-EXEMPTION

Last November, Senator Paul Fannin (R. Ariz.) introduced an amendment to the Campaign Spending Reform Bill requiring that the IRS withdraw tax-exempt status for any organization collecting involuntary dues if any part was used for political purposes. Although he noted that the practice already was supposed to be illegal, the measure was defeated by a vote of 61 to 31. The Senator noted: "Of the 31 Senators who voted for the amendment, only two received union contributions in their previous election amounting to a total of $1,200.

"Of the 61 Senators who voted with labor on the matter, only nine had no reported union funds in their previous election. And of these nine, three had no opposition, and one was appointed. The 61 Senators . . . received a total of more than $2 million in their most recent election campaigns, and probably many times that amount in other funds, materials and services."

Senator Fannin says that by continuing tax exemption for all unions, IRS is forcing taxpayers to subsidize the election campaigns of union-endorsed candidates. "Right now industry is being out-gunned by the union bosses, and this fire-power is aimed right down the throats of the U.S. Congress. . . . We will never have a fair break for business or the public as long as unions are allowed to exact money from members to finance the campaigns of their chosen candidates."

The Marker case was started a few days after the defeat of the Fannin amendment. A letter filed as an exhibit shows how far union help to politicians may go. Dated November 3, 1970, it is from Guy Stubblefield, business representative of the IAM, to Floyd E. Smith, president of the IAM, and says, in part, "During the week of October 26 Brother Name and I organized our political activity in behalf of Adlai Stevenson III, All Lodge No. 1553 plants were handbilled on either Thursday or Friday, and leadership in the plants was encouraged to work in their own respective neighborhoods. Approximately 4,000 copies of the Adlai material furnished by the Machinists were distributed to and by IAM members. Additionally 3,000 copies of the Adlai material were furnished to other labor unions through the Central Body."

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CLOSED BOOKS

The Foundation also is supporting the Gabauer case, filed last March, which charges top officers of the UAW with spending Community Action Plan fund money for political candidates and refusing to open the books of St. Louis Local 25 for inspection. It also contends that the officers use a substantial part of union dues and other assets to promote organizations and groups espousing and promoting ideological doctrines and causes the members oppose. These include the National Students Association, Students for a Democratic Society, Americans for Democratic Action, United World Federalists, DuBois Memorial Committee, Confederate Spanish Societies, New Mobilization for Peace, National Committee for a Sane Nuclear Policy and United States Committee for Democracy in Greece.

Another suit backed by the Foundation and brought by 12 members of UAW Local 558 in Chicago seeks to force UAW officials to end support of these same organizations. According to Bernard W. McNamara, spokesman for the group: "The members of Local 558 are sick and tired of seeing their dues money spent on political and various left-wing causes which we oppose. It is not only a violation of federal law, but in the case of our local, it has been done contrary to an express resolution adopted by an overwhelming majority of the membership."

Plaintiffs also charge that $100,000 of dues money went to Adlai E. Stevenson III, resulting in his election to the Senate in 1970, and that an additional $100,000 of dues money was spent for candidates for the House the same year. The suit seeks an accounting of the funds thus spent and asks that the union officers be required to repay to the union treasury the money they allegedly unlawfully diverted.

LONG-RANGE GOAL

Long-range goal of the National Right to Work Committee is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed by the payers. Representative Sam Steiger (R., Ariz.) has introduced a bill, HR 11827, which would ban compulsory unionism. It is likely to stay bottled up at the largely pro-union Thompson subcommittee of the House Education and Labor Committee, at least for the rest of this session. The vote on the Fannin amendment indicates that such a measure would be unlikely to get through the present Senate. Recourse to the courts by the rank and file will take longer, but seems to be the only avenue open.

S. D. Cadwallader, national director of the Foundation, has been a voluntary member of the Order of Railway Conductors and Brakemen for 27 years. He says: "It seems to me that it is just a matter of time before the practice of using forced union dues for political purposes and ideological causes is ended by the federal courts."

PEACE, COMMUNIST STYLE—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the means by which communism is influencing the American judicial system and our democracy. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON PEACE, COMMUNIST STYLE

The latest news, as if selected on a national scale to condition the minds of our people to accept what is yet to come seems to be concentrated on the Moscow meeting, the Angela Davis acquittal, and the George Wallace shooting.

President Nixon and his able staff are hard at work seeking political support and public backing for his peace deals with the Soviets, trying to reassure the realists that he really didn't disarm America or agree to limit the country to a second rate power. The Soviets' reaction has been quite to the contrary.

That part of the controlled Communist news media available to us in Congress has heralded the U.S.-Soviet talks as a victory for world socialism and a giant step forward for the Communist party dedicated to attaining world conquest. The Russian papers report the victory to their people:

"Lenin's principle of proletarian internationalism is applied to the international proletariat, the individual national rank and file, and the national liberation movement of the peoples of the world. . . . We exert major influence on the world revolution through our economic policy. The struggle in the world context has now reached this stage. Only when we solve this task can we achieve final victory within the international context."

In a June 1st broadcast in Mandarin to Red China:

"The results of the Soviet-American negotiations show that improvement of relations between the two great powers on the basis of peaceful coexistence is an actual possibility. 'Basic Principles of Relations Between the United States and the USSR,' a document to which CPSU Central Committee General Secretary comrade Brezhnev and U.S. President Nixon affixed their signatures, laid the foundation for improving relations and developing effective cooperation."

Notice that in the Soviet broadcast Brezhnev is not referred to as a Russian official, but as Comrade—the General Secretary of the Communist Party. So, any agreement was not with the Russian people, but with the Communist Party, a political apparatus that controls the Russian peoples.

The Communists continue, however:

"It should be emphatically pointed out here that the Soviet policy of improving relations between the Soviet Union and the United States does not affect the discharge of its internationalist duties."

The Soviets reassure their people that any agreement made with the U.S. will not be interpreted by them to affect their ultimate goal—the overthrow of all the non-Communist governments of the world, which the Communists teach is the only way to peace.

I have page after page of Communist propaganda broadcast to the world praising the so-called disarmament treaty as a victory for international Communists.

In nearby Silver Springs, Maryland, Governor George C. Wallace, who was hit by five bullets in an attempted assassination, has been transferred to a regular hospital room. Governor Wallace is a very sick man but making steady progress and remains a forceful voice in American politics. His would-be assassin has been charged by both federal authorities and the State of Maryland.

Reportedly the would-be assassin tagged after Governor Wallace and infiltrated into his political camp, suggesting he was on an assigned mission. He did not trust to marksmanship—he dared not miss—he waited until the close range opportunity presented itself and emptied his gun point blank into the stomach of George Wallace so that Wallace's wounds would be fatal.

But divine intervention had again upset the plans of man; Wallace lives and will continue his courageous battle. The would-be assassin, the so-called loner, may now have more to fear than from his masters than from the law—he bungled his mission.

I am concerned that the verdict in the Angela Davis case will be a pattern for a crusade to exploit Wallace's would-be assassin as a new martyr in another constitutional crisis to aid and abet criminals. The persuasive argument goes like this. Suspect, would-be assassin, was held by the police for a suggested seven hours before seeing legal counsel of his choosing. The argument continues that this may exceed the legal tests laid down by the U.S. Supreme Court, thus depriving him of his Constitutional rights; therefore, suggesting that he should never come to trial. That this new mobilization is a fallacy seems unimportant to the revolutionary who is not interested in facts but rather is persuaded by emotion and hysteria. Certainly the police in Maryland did not have an attorney with them or assigned at the jail waiting for an assassination attempt to occur. Governor Wallace was not consulted as to the rights of any would-be attempt to kill him. All reports indicate that the apprehended suspect was offered an attorney—which he rejected—because he demanded exclusively an American Civil Liberties lawyer.

I sincerely hope that the wounded George Wallace is not made a scapegoat, if not a villain—for allowing himself to be shot.

I do not make this statement lightly. In California in the justice for Angela matter, a state judge, Harold J. Halley, was kidnapped from his own courtroom with a sawed-off shotgun at his neck and subsequently murdered. In fact, his head was blown off. Jurors in the courtroom were also taken hostage and the assistant District Attorney was paralyzed in the same incident.

Yet, public opinion was so mobilized by repetitious pleas of pity and sympathy for Angela Davis and her so-called love affair with a convict that the American public seem to have forgotten the brutal murder and the brazen insult to any theory of justice under law and order. Remember that the courtroom only exists for the people in dispensing justice in an orderly and dignified manner, rather than allowing the people to take the law into their own hands and enact vengeance as a mob.

The California trial on charges of murder, kidnapping, and conspiracy is over; and regardless of our feelings and reactions, under the law she goes free of the charges by the State of California. But the interesting part of the Davis case was not the charges or the trial, or for that matter even the acquittal, but rather the unprecedented amount of publicity and world-wide acclaim that Angela Davis received and continues to receive. The reason for her being catapulted into an international figure can only be explained as that she is a self-admitted Communist and that the Soviet Union and the Communist Party of the U.S.A. not only used Angela to raise money, get publicity and give "their people" a battle cry, but to further polarize the American people and belittle our time-proven Anglo-Saxon system of law. If you think the propaganda was demoralizing on unsuspecting Americans who should know better—think of it's impact on the unsuspecting peoples of the world.

Immediately following the verdict, which the Communists had apparently felt would be more advantageous if it were a finding of guilty rather than of innocent, American papers reported:

"In Soviet Bloc countries—where government propaganda had transformed Miss Davis into a folk hero and where the public had been deluged with posters, public rallies and lapel buttons emphasizing the theme 'Free Angela Davis'—the acquittal was described as a great triumph for the progressive peoples of the world against racism and imperialism."

The Soviet Party position on the Davis trial clearly indicates their continued efforts to effect an overthrow of our country by collaborated activity to divide our people, class against class, race against race, thus encouraging additional acts of violence.

A judge and three prisoners were killed and another prisoner and District Attorney injured in what the Soviet Union would have the world believe was in the best interest of progressive minded people. Murder is a strange progress—but Communists have strange morals.

It must be remembered that Angela Davis admitted ownership of the guns, acknowledged involvement in what she calls freeing political prisoners, and fled across state lines following the shootout, thus making her a fugitive from justice. This is generally considered a crime in all civilized countries—we can even assume in the Soviet Union.

And how did Angela Davis accept the verdict? At first, she acted like a normal human beign relieved of a great threat to her freedom. Then, she reverted back to her Communist Party discipline; and without any gratitude or regard for our system, which had just given her the benefit of doubt, she attacked our entire American system of justice and reverted to Communist criminal type. Her repeated use of the words "people's struggle" and "oppressed people" are perfect examples of the use of Communist jargon to disarm uninformed Americans. *"People* or *"people's struggle"* to an indoctrinated Communist means *"Communist"* and *"Communist struggle."* No one else counts. The term, *"oppressed peoples"* refers to free people or people who have not yet been intimidated or induced to join the Communist movement to enslave the world.

This is about as ridiculous as was the argument of her black attorney to the all-white jury urging them to think black and trying to make the issues white versus black—rather than murder, kidnapping and conspiracy versus innocence. It should seem strange to any thinking American for black Americans to call our American society racist, when all Russians are white.

The Communist-labaled racist society that Angela Davis continues to denounce in favor of her allegiance to the Soviet Union has been very good to her. She has had the freedom to obtain a first-class education, the freedom to make her own decisions, which included a college education financed by taxpayers and enabling her to achieve a professorship at a California college; and she was granted the freedom of making her choice as to whether or not she would dedicate her life to being a loyal and faithful American citizen using her intelligence and achievements to help her people or whether she would become a Communist, dedicated to the violent overthrow of the country of her birth, dedicated to the destruction of the free enterprise system of economy, and an atheist. She chose the latter, and yet still has been accorded the freedom of our land and the protection of our laws. Even Angela Davis should have intelligence enough to know that the repressed people of the Soviet Union would never have been given any of these freedoms which she now despises. Likewise, she should know of the ever-increasing lists of immigrants from Communist countries awaiting the opportunity to come to America and the free world.

She repeatedly and arrogantly denied the charges, yet refused to testify in her own defense. It may be that she did not send her guns in the California murders. Being an admitted Communist, she may well have been the victim of her own comrades. In other words, the Communists in California may have deliberately involved her guns hoping that she would be convicted so that she could be used as more anti-American racist propaganda. But just as the U.S.-Soviet treaty is being used by the Communist propaganda mills to advance its threat to the free world people, so is the Communist propaganda using Angela Davis and the court's decision. Moscow's official party organ, Tass has labeled the acquittal "as a great triumph for the progressive peoples of the world against racism and imperialism."

The Communist paper *Neues Dutchland* of East Germany said it was "a victory of the truth over the lie." The acquittal, it said, "was made possible because millions throughout the world came out in support of Angela Davis and because the threats of the racist anti-Communist plot was made clear for all to see." Radio Hanoi used the verdict for a different kind of propaganda by hailing it "as a victory for anti-war forces in the U.S."

In typical fashion none of the Communist voices who have talked about justice for Angela ever mention the absence of justice for Judge Halley and the other three people who were murdered. Truth and full disclosure is just not a Communist policy. Communist policies are interested in goals and not individuals—unless for their advantages to the "movement." But then for that matter, not even in America are people being told that acquittal by a state jury under state criminal charges is not the end of the case. The American people have been sold the conclusion that there is nothing more than can be done in achieving justice for Judge Halley.

Overlooked or ignored is the fact that she, while under indictment for a felony, fled the state and became a fugitive from justice—which is a crime. Overlooked is the precedent established by the U.S. Supreme Court in 1966—that verdicts of acquittal in state court murder proceedings do not bar federal prosecution under 1866 Civil Rights statutes enacted during the Reconstruction Period following the Civil War and having to do with violation of civil rights! The law is 18 U.S.C. Sections 241–242. Certainly federal prosecution for deprivation of Civil Rights in the Southland, despite earlier verdicts of acquittal or no action by state authorities, are just as pertinent when applied against denial of Civil Rights in California.

I have so notified the U.S. Attorney General—but because of the double standard of laws in our country, I don't expect any Federal action in this case. The Communist philosophy of Angela Davis—justice from the end of a gun barrel—is being tolerated and allowed to provoke violence and deny the Civil Rights of decent law-abiding American people.

And this brings us back to the attempted assassination of George Wallace. Governor Wallace's alleged assassin is being set up as a political prisoner "cause celebre". Is not George Wallace like Judge Halley? Both are political victims, and the "right to know" machinery ignores the civil rights of the victims of political crimes which are acts of violence used by the Communists to advance their goal. Will George Wallace's intended assassin be promoted as another Angela Davis fund raiser for the Communist party?

EULOGY TO ARTHUR H. SEIDENSPINNER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HOGAN. Mr. Speaker, late last month my home county of Prince Georges, Md., lost one of its outstanding citizens and I lost a dear friend when Arthur H. Seidenspinner went to his eternal reward.

He was a kind, gentle, and dedicated man who spent his lifetime helping others. As one civic leader said to me at Artie Seidenspinner's funeral:

As many times as I asked him to work on a project, he never once turned me down.

Artie Seidenspinner will be sorely missed not only by his wonderful lifemate, Pauline, and his other relatives, but also by his countless friends who had the pleasure and privilege of knowing such a man.

I had the high honor of serving as an honorary pallbearer and was deeply moved by the eulogy delivered by Harry E. Hasslinger which accurately conveyed the accomplishments of this man and the high regard all of his friends had for him.

I insert this eulogy in the CONGRESSIONAL RECORD at this point:

EULOGY TO ARTHUR H. "ARTIE" SEIDENSPINNER

(By Harry E. Hasslinger)

Jesus said . . . "And thou shalt love the Lord thy God with all thy heart, with all thy soul, with all thy mind, and with all thy strength: this is the first commandment. And the second is like, namely this, Thou shalt love thy neighbor as thyself. There is none other commandments greater than these."

How many times have you heard these commandments? How many times have you read these commandments? Many, I am sure. But, how many times have you seen anyone who has lived these commandments?

You and I have had the privilege of seeing and knowing someone who did live these commandments. . . . Arthur H. Seidenspinner . . . more affectionately known to us as "Artie." They were truly the guide for his life.

When you love the Lord with all your heart, soul, mind and strength, you love him in entirety; you turn yourself over to him completely. Artie did, for he took Jesus' word literally . . . "Except a man be born again, he shall not see the kingdom of God."

What a man of faith! Artie trusted the Lord fully for his guidance. Daily he sought such guidance through the study of the Scriptures and through prayer. Some of us had the privilege of meeting with him on Saturday mornings for the past 18 years in our College Park Prayer Breakfast Group. What a living testimony he was in his constant praise to God for the many blessings he had received! He was a pillar of strength to our group.

His witness, however, was not just on Saturday mornings, nor just on Sunday mornings, but daily. In all his contacts with his fellow man, you could see the Lord's radiance reflected in his actions. This, you can all affirm.

Twelve years ago the first Annual Governor of Maryland Prayer Breakfast was held with a gathering of governmental, business and civic leaders from all over the State. Artie was not only a prime mover in its establishment, but in its continuance over the years. This was just another of his many ways of witnessing for the Lord and helping to spread the Gospel.

As an active member of the Riverdale Presbyterian Church, he has served on its Board of Trustees and its Session, and contributed much to its progress. But his love for God and neighbor has not been limited to the immediate environs; it has spread to the "uttermost parts of the earth." Through his assistance to International Christian Leadership and others, he has made an enduring contribution to spreading the Gospel "to all the world."

Jesus said that the first commandment was

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to "love God" and the second to "love neighbor." They were placed in that order and rightfully so. Artie not only believed that if you loved God you would automatically love your neighbor, he personified that fact.

But, who is your neighbor? . . . Jesus told the parable of the Good Samaritan in the first century. Artie is a parable of a Good Samaritan of the 20th century. His neighbor was not just the persons living "next door" but those of the entire community . . . the County . . . the State . . . the Nation . . . Yes, even beyond the shores of the U.S. His gifts of time, talent and funds verify that fact.

Artie was always helping people. He was truly a "friend to man." This was one of his ways of showing his love for his neighbor. Time does not permit us to enumerate all the things he has done. As a matter of fact, he would not want us to, for he did not serve for credit. Let us just cite a few examples, though, so we might try to duplicate his love for neighbor.

Think of the time, effort and leadership he gave, as President of the Prince George's Chamber of Commerce and the Prince George's Real Estate Board . . . as a member of the Real Estate Commission of Maryland for 13 years . . . as a member of the Board of Directors of the Prince George's Chapter, American Red Cross . . . the Advisory Board of the Suburban Trust Company. There are ever so many organizations that have benefitted similarly from his unselfish and dedicated service.

One of Artie's greatest interests was the youth. He devoted much of his efforts and gifts to affording young people a better opportunity to know the value of a Christian life. The Seidenspinner's home was always open to young people.

He made a wonderful contribution to the youth in the 4–H Club program through his black angus breeding farm. . . . The Boy Scouts gained much from his financial aid. . . . He has been an active supporter of the University of Maryland in many ways. Numerous students have benefitted from this interest, particularly from the various scholarships he has endowed. . . . His generous contributions over the years to the Prince George's Scholarship Fund assured an education for many young people who returned to the County as teachers.

One of his greatest beneficiaries is the international organization "Campus Crusade for Christ." Hundreds of youths on college campuses have learned to know the Gospel because of his interest and financial support. This is particularly true at the University of Maryland. Let me cite just one example. . . . Several hundred students meet weekly on the College Park Campus under the sponsorship of Campus Crusade for instruction in the Bible and Christian witnessing. I have heard the testimony of students who have given up "hard dope" and accepted Jesus Christ, as a result of this program. Such would not have been possible without the support Artie Seidenspinner has been giving to Campus Crusade for Christ.

Just recently the Seidenspinner's bought "Curly" Byrd's home in College Park, which will be of great benefit to young people. This residence has become the home of a Christian family who will have students visit from time to time for counseling and training in the Gospel and Christian witnessing.

Well, we have mentioned but a few of Artie's many acts of love, his service and philanthropy. There are numerous others. But, most of his giving is unknown to man; it is "seen only by God," for Artie believed as Jesus told us. . . . "When thou doest thine alms, do not sound a trumpet before thee."

Throughout his years, Artie has received many awards in recognition of his dedicated leadership and service. He did not seek nor did he desire acclaim. I do think though that we might mention just two, as examples of the esteem in which he is held. . . . In 1962, the College Park Lions Club cited him "for his loyal, faithful and unselfish efforts in the interest of his community and fellow men". Just recently, the College Park Rotary recognized his distinguished leadership and service with its award to the non-Rotarian who best meets the "Four Way Test" of Rotary.

We have touched but briefly on some of Artie's many acts of love to God and neighbor. There is one aspect of his love, however, that I have deliberately saved until the end, namely, the love of husband and wife. For almost 47 years, Pauline and Artie have been "loving partners" in work, play and service. But, most important is that they have been "loving partners" in the daily study of the Bible and daily prayer with God. Truly, they have been "one flesh." They have set a wonderful example of Christian love. What a blessing they have been to all of us!

So, we are gathered here today, but not to pay homage to a departed loved one, for Artie is not gone. . . . He is still with us, we just do not see him, physically that is . . . When you toss a stone into the water, the ripples that develop flow out until you cannot see them. But, they have not stopped; you just do not see them as they continue on and on and on. . . . Thus it is with Artie. . . . His ripples . . . his spirit . . . will continue on and on and on. . . . Grant that we may dedicate ourselves today to carry on with the same spirit . . . with that same love for God . . . with that same love for neighbor . . . he so wonderfully set as an example for ua.

Before Jesus departed from the disciples at that "Last Supper" he told them . . . "I go to prepare a place for you. I will come again, and receive you unto myself; that where I am, there ye may be also." That promise was not just for the disciples of the first century, but for those of all centuries.

Well, last Saturday, Jesus came for Artie to take him from his earthly room to his reward in his Heavenly Room. . . . I am sure that there was great joy in Heaven when they arrived together and Artie was lovingly greeted by Our Heavenly Father. . . . "Well done, my good and faithful servant."

CITIZEN COOPERATION AVERTS DISASTER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BYRON. Mr. Speaker, occassionally an accident or incident occurs that is potentially disastrous; however, with local citizens and officials working together disaster is averted. Last February such an accident occurred in Washington County, Md., but through the efforts of the State Police, local firemen, and many citizens and businesses, the potential seriousness of the accident was minimized.

On a February morning, a truck carrying liquid propane gas was involved in an accident on Interstate 81 near Williamsport, Md., and the truck immediately began to leak its propane gas on the highway. Quick action by the State Police sealed off the highway in both directions reducing the likelihood of an explosion. The local fire companies also helped reduce the possibility of an explosion by keeping a steady stream of water on the tank truck. Local citizens and businesses pitched in to offer assistance including food for the busy firemen. I would like to commend all those individuals involved for their outstanding work. These included the following organizations and individuals:

LIST OF ORGANIZATIONS AND INDIVIDALS

Charles Cronauer—State Fire Marshall.
Sharpsburg Volunteer Fire Company.
Halfway Volunteer Fire Company.
Williamsport Volunteer Fire Company.
Funkstown Volunteer Fire Company.
Maryland State Police.
Burger Chef—Virginia Avenue.
Salvation Army of Hagerstown, Md.
Harry E. Shafer.
Boonsboro Volunteer Fire Company.
Washington County Civil Defense Agency.
Maugansville Volunteer Fire Company.
Fairplay Volunteer Fire Company.
Williamsport Ambulance Squad.
Community Rescue Ambulance Squad.
Hagerstown Fire Department.
Longmeadow Fire Department.
Salvation Army of Martinsburg, W. Va.
West Virginia State Police—Martinsburg.
Mayor and Council of the Town of Williamsport.

TONGUE-IN-CHEEK BILL?

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SHRIVER. Mr. Speaker, I include the following thought-provoking editorial from the Newton Kansan which presents several enlightening pros and cons of the much-discussed matter of closing tax loopholes. The editorial follows:

TONGUE-IN-CHEEK BILL?

Rep. Wilbur Mills of the House Ways and Means committee has introduced a bill in Congress to close all tax "loopholes" over a 3-year period beginning in 1974.

This may be a tongue-in-cheek bill, for by lumping all of the loophole closing legislation in one bill it is certain to have wide opposition. All tax payers are in favor of closing loopholes that doesn't benefit them, but keeping open those that do. And a bill like this is certain to hit about everybody.

One of the "loopholes" the bill would close would be that which makes tax free interest on municipal bonds. Most of these bonds are sold to the wealthy, who thereby escape paying income taxes, so the reasoning goes.

They do escape the federal tax, but in essence, they are contributing to the community whose bonds they own. One of the reasons municipal bonds are sold at a lower rate than other bonds is this very "loophole". Since the buyers don't have to pay income tax on the interest, they can afford to buy them at a lower interest rate than otherwise.

Because the buyers are satisfied with a lower interest rate, the local real estate property taxpayer benefits, because he doesn't have to fork over as much money to pay the interest.

About the only way that the loophole could be closed and still retain the benefits to the real estate property taxpayer would be for the federal government to funnel back to the cities an amount equivalent to the increase in interest rates on municipal bonds that such a closure would cause.

But this has a couple of drawbacks: how is anybody going to be able to determine that difference from year to year and from bond sale to bond sale? And when the federal—or state—government collects taxes and funnels it back to local government some of the money must be used to pay administration costs, thus reducing the amount available for distribution.

UNITED STATES FACES PINCH AS "HAVE-NOT" NATION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GAYDOS. Mr. Speaker, one of the most interesting news articles I have read in some time appeared in a recent issue of the Pittsburgh Press. It was written by Mr. William H. Wylie, business editor for the Press, and involved a talk by E. F. Andrews, vice president—materials for Allegheny Ludlum Industries, before the American Iron and Steel Institute in New York.

The article describes one of the critical problems in the United States today—the transition from a resource-rich to a resource-poor Nation in a relatively short period of time.

The United States according to Mr. Andrews, now is 100-percent dependent upon foreign sources for its chromite, columbium, mica, rutile and tin, all vital strategic materials. It also depends on foreign nations for 99 percent of its manganese, 98 percent of platinum, 94 percent of antimony, 93 percent of cobalt, 87 percent of nickel and 35 percent of iron ore, just to name a few.

Mr. Andrews warns the rules and policies which served us as a "have" Nation will not serve us as a "have-not" Nation and suggests our Government weigh economic considerations when political and social policies toward developing nations are made. Furthermore, he recommends a review of the degree of our growing dependency for raw materials on "unfriendly" nations. He indicates more raw materials could be obtained from Russia and China because of recent developments but also warns that increasing dependency on these sources could come back to haunt us in future international crises.

Mr. Speaker, I am inserting Mr. Wylie's article into the RECORD for I believe it merits the attention of my colleagues:

UNITED STATES FACES PINCH AS "HAVE-NOT" NATION

(By William H. Wylie)

The transition from a "have" to a "have-not" nation will be painful for the United States, an Allegheny Ludlum Industries executive warned the steel industry today.

"The struggle for the world's dwindling supplies of raw materials could be the most critical problem facing this country in the next decade," E. F. Andrews told members of the American Iron and Steel Institute in New York.

"We must move quickly and wisely or be shut out from vital mineral resources essential to our very economic existence," the Allegheny Ludlum vice president-materials said.

Andrews noted that foreign competitors enjoy an advantage over American companies—cooperation of their own governments.

Using statistics, he pointed out that the U.S. had gone from a resource-rich to a resource poor nation in a relatively short time.

Steel is especially involved in the search for new sources of raw materials, he said.

"The United States is 100 per cent dependent upon foreign sources for its chromite, columbium, mica, rutile and tin—all essential strategic materials," Andrews said.

He also said the U.S. is dependent on foreign nations for: 99 per cent of its managanese, 98 per cent of platinum; 94 per cent of antimony, 93 per cent of cobalt, 91 per cent of bauxite, 87 per cent of nickel, 83 per cent of asbestos, 78 per cent of fluorspar, 58 per cent of zinc, 53 per cent of cadmium, 51 per cent of beryllium, 38 per cent of lead, 38 per cent of mercury and 35 per cent of iron ore.

The steel executive said there are only a few options left to the United States besides securing foreign sources of raw materials.

"New resources could possibly be discovered; or new processes and techniques could be developed, permitting reduction in the need for primary materials.

"Presently under heavy study is an increase in the recycling of materials. Finally, there could be development of substitute materials.

"All of these offer rather limited 'sure fire' total answers to our problem," Andrews said.

He estimated that the U.S. depends on foreign sources for half of its total mineral requirements.

"In 1970, we imported $9 billion in minerals and exported $5 billion. If the trend of the past 20 years continues, we will require mineral imports of $60 billion by the year 2000," he said.

"The rules, the policies and the thinking that served us as a 'have' nation will not serve us as a 'have-not' nation," he continued.

Andrews called for an "in-depth review of our national posture" to make sure economic considerations are weighed when political and social policies toward developing nations are made.

"Certainly recent events involving chrome from Rhodesia, nickel from Cuba, tungsten from China, tin from Bolivia, cobalt from the Congo and iron ore and copper from Chile are cause for reexamination," he said.

"A complete review should be made to examine the degree of our growing dependency for our raw materials on 'unfriendly' nations," he added.

Andrews said Russia has been gaining a bigger share of chrome and nickel supplies. He suggested that "now that the Bamboo Curtain has been penetrated," the U.S. should try to tap China's tungsten supply.

At the same time he warned that increasing dependency on these sources could come back to haunt the U.S. in future international crises.

"And yet government actions in the last few years seems to be almost designed to push us in the direction of unfriendly sources," he observed.

On the environment, he said, "It is essential that our national goals on ecology be properly balanced against our national economic well-being."

As for business-government cooperation, he called it essential in the areas of raw materials, ecology, taxes and industrial safety.

Obviously the "game plan" for a "have-not" nation is different than Americans are used to.

FREEDOM, FREEDOM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mrs. GRASSO. Mr. Speaker, today is a sorrowful occasion for freedom-loving people throughout the world. Thirty-two years ago, on June 15, 1940, the Soviet Union occupied and absorbed the independent Baltic States of Latvia, Lithuania, and Estonia. Thus began one of the most systematically brutal occupations of all time. Thousands of people were either killed or exiled in the early years of Soviet rule.

Unfortunately, recent events present a reminder that the Soviet imperialism which destroyed the freedom, liberty, and national integrity of these three States continues its oppression of minorities. Yesterday's press contained reports of a second self-immolation by fire of a Lithuanian youth in protest over Soviet occupation. It also mentioned further information on the nationalist rioting in Kaunus last month. All of these actions were directed against the source of discontent in the Baltic Republics—Soviet domination.

In April of this year, over 17,000 signatures on petitions informed U.N. Secretary General Kurt Waldheim of the renewed religious persecutions in predominantly Catholic Lithuania. On May 14, a young Catholic Lithuanian, Roman Talanta, burned himself to death in protest over the foreign domination of his homeland. The riots in Kaunus followed, and a crowd—its members too young to have lived in a free Lithuania—shouted for "Freedom, Freedom," and an end to the Soviet occupation. Their cries were met with brutal retaliation administered by internal security forces.

In response to this renewed repression in Lithuania, the president of the Lithuanian-American Community of the U.S.A., V. P. Volertas, has asked that June 15 be considered a day of mourning. Today, I join in that plea.

Discontent with Communist oppression is not confined to Lithuania alone. Smoldering beneath the surface of society in the Baltic States is a renewed sense of nationalist pride. It is noteworthy that the rioters and protesters of Kaunus were nearly all young—too young to have enjoyed the joys of life before the advent of Soviet imperialism. These people, despite Russian pressure, have developed the spirit of nationalism which led to the formation of the free Baltic States following World War I. Such deep feelings of the soul cannot be contained by physical oppressions.

The desire of the Baltic people to rid their countries of Soviet domination burns deeply within their hearts. Latvians, Lithuanians, and Estonians want to live in freedom and peace. They want to be governed by themselves and not by their powerful neighbors.

On this tragic anniversary of the loss of political freedom in the Baltic States, I wish to express my sincere hope that one day all of these people will be able to enjoy the freedom that has been cruelly repressed for the past 32 years.

THE GUN CONTROL ISSUE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BEGICH. Mr. Speaker, in recent weeks, the continuing series of tragedies

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which involve the use of firearms has brought renewed attention to the matter of gun control. As I have pointed out many times, the term "gun control" itself is an oversimplification, for it includes not only the question of firearms misuse but also the interests of many who use guns for purposes which are highly proper and must continue to be protected.

For my own part, and as a Representative of the State of Alaska, I must continue to insist that the issue of gun control be approached on a rational and selective basis, that we address ourselves to those aspects of misuse which are most significant and recognize the rights of so many others who use guns properly and must not be penalized because of the misuse of a few. I am attaching for the attention of my colleagues today a resolution recently passed by the Legislature of the State of Alaska relating to firearms legislation under consideration in Congress. This resolution expresses, I believe, the strong feeling of Alaskans on this issue and the need for sensitive legislation. In addition to this resolution, I am attaching an article I wrote recently for Gun World magazine in which I set out rather fully my own views on this highly controversial topic. I am hopeful that this will be both of interest to my colleagues and to the many constituents in my State who have written to me regarding this issue.

Alaska State Legislature, Senate Joint Resolution No. 76—Requesting the United States Congress to reject gun legislation.

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Congress has already passed numerous firearms Acts; and

Whereas these Acts already provide sufficient protection against the criminal element with regard to firearms; and

Whereas further legislation to restrict the possession of firearms would as a practical matter have no deterrent effect on the acquisition of firearms by criminals; and

Whereas the only result of further legislation in this field would be to greatly inconvenience the lawful citizen and infringe upon his right to bear arms; and

Whereas the enactment of legislation to restrict the possession of firearms would open the door to a black market in guns, promote graft and corruption, and thus increase, not diminish, crime; and

Whereas over-reaction to tragic events in this nation often leads to the enactment of poorly considered legislation which does not go to the root of the problems leading up to the tragedy and more often than not places insupportable burdens on the innocent public at large;

Be it resolved that the Congress of the United States is respectfully requested to reject any legislation at this time which would restrict in any form a person's right to possess firearms.

[From the Gun World magazine, September 1971]

GUEST SHOT: NICK BEGICH

(Note.—U.S. Congressman Nick Begich attended public schools in Eveleth, Minnesota. He then worked his way through St. Cloud State College. He obtained his master of arts degree in educational administration and political science from the University of Minnesota.

(Congressman Begich has continued his graduate work toward a doctoral degree at the University of North Dakota and at the University of Colorado. He has completed fifteen years in teaching and school administration and twelve years at instructor of American government and U.S. history for the University of Alaska.

(Congressman Begich went to Alaska as boys' counselor at West Anchorage High School and a year later was appointed director of student personnel for the Anchorage School District. Two years later, he was appointed principal of the Ursa Minor Elementary School at Fort Richardson Army Base. Appointed superintendent of schools in the Fort Richardson School System in 1963, he resigned from that position at the end of the 1967–1968 school year.

(He served on the National Compact on Education in 1967 and was selected to represent the State Senate at the leadership conference in Washington, D.C. From 1967 to 1971, he was the minority whip of the State Senate. He served for eight regular sessions and two special sessions in the Alaska State Senate before his election as the sole Alaskan Representative to the U.S. Congress in 1970.)

One of the sad things that seems to be occurring in America today is that so many issues are being given over to emotionalism. When this happens, the real merits of an issue are forgotten on both sides, extreme positions are taken and the chances for a rational solution are lost.

Certainly this is what has happened to the issue of "gun control." The term, "gun control," is itself an oversimplification, for it now is used not only to include the specific question of the misuse of guns, but also the interests of sportsmen, collectors and all those who share in the world of the arms. To treat the problem as a widespread one, as many people do, is to be grossly unfair to the vast majority of those who own firearms and use and care for them with the highest regard for other citizens.

Throughout my career as a legislator, I have been guided by certain basic convictions on this entire question. Among the most important is my feeling that the question of firearms regulation is clearly a matter of state's rights and that, in the absence of extraordinary cause, the Federal government should not legislate in this area. No state could serve as a better example than Alaska to prove that overgeneralized Federal regulation will always be insensitive to the special problems and needs of a specific state.

Secondly, I have remained convinced that people make a grave error when they suggest that the problems of crime and lawlessness are the problems of firearms ownership.

Throughout my career of public service, I have been committed to the idea of attacking all problems at their source, and I can assure you that the problem of crime is not caused by a failure to strictly regulate guns. While it is not altogether a coincidence that firearms are sometimes involved in crime, it cannot be responsibly claimed that they are the cause.

The source of this problem is complex and certainly involves poverty, unemployment, a lack of education, the difficulty of coping with our complex society and an atmosphere which creates a lack of respect for the law. Finding this complex source of crime and lawlessness must be every American's most important job for the next decade.

Finally, I have always felt that those who actively participate in an area of interest are the best source of ideas concerning that area, and bring constructive self-judgments to every problem. This is certainly true of the tens of thousands of American men and women who share an interest in firearms. What I have learned from such people is revealing and heartening.

I have not met such a person who does not favor strict safety regulation in the manufacture and specifications for firearms and firearms equipment. I have not met anyone who does not favor extensive gun safety training programs, or firm hunting laws, or stiff penalties for those who misuse guns. When these same people tell me that they disapprove of gun registration or mail-order restrictions, their views must be respected, because they bring a practical knowledge to the question which cannot be replaced.

To be completely fair, I must say that I speak more as an Alaskan than anything else. I can appreciate that in urban areas, and in the case of guns which can be easily concealed, it may be appropriate to maintain more stringent controls. There may be other areas or types of control which would be desirable in specific cases. The point is that the case for such increased regulation must be made in each of these cases individually.

The case for strict firearms regulation has not been made in Alaska. During my period of service in the Alaska State Senate, I fought and voted repeatedly against registration, mail order and other control legislation. Such statutes would work a special hardship in Alaska, where it would be nearly impossible for Alaska natives and others in the rural areas to comply with such laws. Over a period of time, these same citizens of Alaska have established a record for extremely wise and safe gun use.

It is my feeling that the experience with such legislation in Alaska has been and is being repealed elsewhere in the United States. Wherever it is possible to separate the issue from the emotions, it should be possible to reach rational decisions, in many cases, I believe lawmakers will discover that regulation is just not necessary.

SAFETY AWARD TO THE VILLAGE OF LAKE SUCCESS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WOLFF. Mr. Speaker, I would like to call to the attention of the House an unusual and noteworthy achievement of the village of Lake Success in New York.

Earlier this week, the Automobile Club of New York presented the village of Lake Success with an award for its distinguished record of more than 10 years without a serious injury or death to a pedestrian as a result of an automobile accident. In this time of ever increasing traffic accidents and fatalities, and with more attention being devoted to the motorist's convenience and ease, rather than the pedestrian's, surely the village of Lake Success deserves a special salute for its achievement. Clearly, such a record was not reached by "accident," and the citizens of Lake Success are to be commended for their efforts to make their village a safe one.

A number of other Long Island communities also received the AAA pedestrian safety award, including my home village of Kensington, whose safety record is 6 years. The others who are to be commended are: Southampton, 26 years without a pedestrian fatality; Lawrence, Patchogue and Sea Cliff, 10 years; Cedarhurst, Mineola, and Babylon, 5 years; Northport, East Hills, Island Park, Malverne, New Hyde Park, and Roslyn, 2 years; and Farmingdale, Floral Park, Lynbrook, East Hampton and Southold, 1 year.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BOB WILSON. Mr. Speaker, I recently included in the RECORD a letter from Washington Police Chief Jerry Wilson outlining the concrete assistance his department has received from the Law Enforcement Assistance Administration under the able leadership of Administrator Jerris Leonard. I was pleased to receive the following letter from Los Angeles Chief of Police Edward M. Davis. Chief Davis details the beneficial effects on his department's law enforcement capabilities resulting from their close interaction with LEAA. I am pleased to share Chief Davis' letter with my House colleagues and want to take this opportunity to commend Jerris Leonard for a difficult task well-done:

LOS ANGELES, CALIF.,
May 25, 1972.

Hon. BOB WILSON,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN WILSON: Recently it has come to my attention that a congressional investigation has alleged the misuse of federal monies through the disbursement of Law Enforcement Assistance Administration (LEAA) funds.

The April 10, 1972, edition of the Los Angeles Times reported that the Legal and Monetary Affairs Subcommittee, headed by Representative John Monagan, alleges that the Law Enforcement Assistance Administration's programs "have been characterized by inefficiency, waste, maladministration and in some cases, corruption." The Committee further contends that the government's top crime-fighting program "has had no visible impact on the incidence of crime in the United States."

As Chief of Police for the City of Los Angeles, I do not believe that the findings of the Committee reflect the significant role of the Law Enforcement Assistance Administration's fight against criminal activity throughout the United States.

Since 1968, the Los Angeles Police Department has diligently worked in conjunction with this federal agency to create and provide police programs that will prove to be of benefit to the entire criminal justice system.

For example, two programs of immediate importance to this Department are the Pattern Recognition and Information Correlation (PATRIC) and the Automated Field Interview System (AFIS). PATRIC is the Los Angeles Police Department's approach to an automated system of correlation and retrieval of tactical police information. The purposes of this system are to provide investigators with rapid data of crime modus operandi and suspect and stolen property information. The Automated Field Interview System is a program whereby field interview information pertaining to vehicles and pedestrians is stored in an automated system. Both of these computer-oriented programs have proven successful in the capture of numerous felony suspects.

It is a matter of record that because of the fiscal squeeze experienced in large cities, many sorely needed law enforcement programs are never developed. In spite of a scarcity of municipal funds, Los Angeles, with the assistance of LEAA, has produced viable police programs in the fields of police training, management development, police operations, and computerized auxiliary support services.

The attached is a partial list of grant programs currently funded by the Law Enforcement Assistance Administration and demonstrates the responsiveness of that organization to the needs of law enforcement in the City of Los Angeles.

Very truly yours,

E. M. DAVIS,
Chief of Police.

POLICE TASK FORCE—NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

The Law Enforcement Assistance Administration has taken the lead in improving the overall performance of the Criminal Justice System. A National Advisory Commission on Criminal Justice Standards and Goals was organized, and task forces were instituted to aid the Commission in the study of the multi-faceted Criminal Justice System. In Los Angeles, Chief of Police E. M. Davis, heads the Police Task Force. The objective of the Commission is to upgrade the standards of performance of the justice system throughout the nation. The organization of the Commission has been the only concerted effort in establishing uniformity in the appliance of justice and level of service to the community.

FIREARMS TRAINING FACILITY

Public safety requires that a police officer exercise extreme discretion in the use of firearms. It has been learned that an officer is apt to use poor judgment in stressful field situations. The Firearms Training Facility being developed with funds from LEAA, will require each officer to repeatedly perform in simulated field situations. The experience gained on the training field will prepare the officer to act prudently in an emergency.

RESTRUCTURING OF NARCOTICS ENFORCEMENT FOR THE ERADICATION OF ORGANIZED TRAFFICKING

The elements of organized crime have reaped vast profits with relative safety in organized narcotics trafficking. The organized criminal is insulated from the street peddler by several levels of intermediaries. With the aid of LEAA, the Los Angeles Police Department is restructuring its narcotics enforcement machinery to attack the major distributors, and dry up the flow of narcotics at the source.

AUTOMATED FIELD INTERVIEW SYSTEM; PATTERN RECOGNITION AND INFORMATION SYSTEM; AND AUTOMATED WORTHLESS DOCUMENT INDEX

The Los Angeles Police Department has always been a leader in applying the latest advances in scientific investigation techniques and information management. Three grant projects, Automated Field Interview System (AFI), Pattern Recognition and Information Correlation (PATRIC), and Automated Worthless Document Index (AWDI), have been undertaken with LEAA support. These projects demonstrate a high level of sophistication in crime investigation, and patrol deployment planning. Computer technology has been utilized with a high degree of proficiency in assisting the investigative mission of the Department.

CRIME SPECIFIC—TEAM POLICING

The Los Angeles Police Department has initiated an innovative technique for police deployment and patrol. With assistance from LEAA, the Team Policing project is being tested in one particular geographic patrol division. The specific objective is to substantially reduce burglaries in the test area.

EXECUTIVE DEVELOPMENT FELLOWSHIP GRANT

This enabled one lieutenant and one sergeant to attend the university of their choice in order to complete the requirements for a masters degree.

MANAGEMENT DEVELOPMENT CENTER

This project involves the creation of a Management Development Center staffed and maintained for the purpose of consolidating the Department's efforts into one standardized and coordinated approach to management training. In addition, it involves the design of sophisticated management institutes and seminars to be presented not only to our own personnel but involves, on a limited basis, the utilization of the center for management development of law enforcement officers on a regional basis.

DEMONSTRATION AND EVALUATION OF CLOSED CIRCUIT TELEVISION CAPABILITIES

This grant project enabled the Los Angeles Police Department to design and install a universal airborne closed circuit television package which can be installed in any helicopter at a reasonable cost per unit.

MULTI-MEDIA INSTRUCTION FOR LAW ENFORCEMENT

The dynamic nature of law enforcement coupled with the acquisition of new personnel are giving rise to rapidly increasing demands for more and improved training. These factors stress the existing training methods to the point where they may no longer provide the quantity and quality of instruction required. To alleviate this problem, the Multi-Media Instruction for Law Enforcement Grant has provided the law enforcement community with a core of multi-media instructional packages that can be duplicated and used by any agency for the training of the basic police officer. Additionally, the system will be a model representing the state-of-the-art in advance instructional technology.

LAW ENFORCEMENT MANPOWER RESOURCE ALLOCATION SYSTEM

The Los Angeles Police Department's computerized predictive resources allocation system is the result of a search for the optimal means of deploying police field forces so that the most effective job can be done with the patrol manpower resources available. The system reliably and accurately forecasts calls-for-service workloads and the number of patrol units needed to meet these requirements.

TRAINING SYSTEM STUDY

As the result of a training system study conducted in conjunction with North American Rockwell Information Systems Company, the Los Angeles Police Department has adopted a new approach for the training of police officers.

The approach is based upon multi-media individualized instruction which allows each recruit to proceed at his own pace using various types of training materials such as films, slides, tapes, programmed instruction texts and student workbooks.

AIRBORNE TELEVISION GRANT

This enabled the Los Angeles Police Department to develop a closed circuit television system to be mounted on a helicopter for visual transmissions during unusual occurrences.

MASTER PLAN FOR DEPARTMENTAL INFORMATION SYSTEMS

This grant establishes guidelines, costs, and alternatives that will provide the focus for development of a working document for the implementation of all computer-based information systems within the Los Angeles Police Department for the next ten years.

MISSING LINK STILL MISSING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GUDE. Mr. Speaker, for all too long, the Washington metropolitan area has been without an adequate mass transportation system, a system which

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would conbine to best advantage all the available modes of public transit coordinated to offer the commuter and tourist a viable alternative to the private automobile for intracity travel. Good progress is being made on our subway system and efforts are underway to find a solution to our local bus problems, and I would hope that such a solution will be forthcoming in the not too distant future.

However much benefit local citizens will gain from this important progress, there is one type of transit which has been for the most part, neglected for many years—that of a good, efficient, and frequent commuter rail service. Carl Englund completed his study commenting on the feasibility of such a system long, long ago. The National Association of Railroad Passengers and the Alliance for Commuter Rail Progress have been most active in pushing for implementation of a program to develop such a rail system. Many months ago, I urged Maryland's secretary of transportation to consider action on these proposals.

An editorial in the Evening Star yesterday has given a fair appraisal of the problem as it now stands. I heartily concur with the Star's view and commend the text of that editorial to my colleagues.

I have pushed for commuter rail service for some time, and will be sponsoring legislation with my able colleague from Maryland, the Hon. LAWRENCE HOGAN, which, if enacted, would direct the WMATA to develop a program within 180 days for such a system, and to begin implementation as soon as that plan is developed. Similar legislation has been introduced into the other body by Maryland's Members, Senators BEALL and MATHIAS.

Mr. Speaker, we have talked far too long and too much about the benefits of and need for a commuter rail system in the Washington area. The matter has been studied to death. Now is the time for positive action.

The editorial is as follows:

A MISSING LINK

Along with the auto, the bus and the Metro subway system now taking form, is the commuter train also finally to be encouraged to make a significant contribution to the Washington area's transportation arsenal? If that question cannot yet be answered affirmatively, the possibility at least is generating more interest, and we think it is high time.

The focus of attention on the subject at the moment is in Baltimore, where staff aides of Maryland's new Department of Transportation are pushing for an infusion of state aid to expand railroad commuter service through Washington's Maryland suburbs. A couple of proposals have been advanced—one calling for cash subsidies, the other purchase of equipment, to bolster the limited commuter services now provided on the Baltimore & Ohio and the Penn Central rail lines.

According to the citizen-based Alliance for Rail Commuter Progress, regular commuter use of the B&O's brunswick line (tapping the burgeoning areas of Rockville and Gaithersburg) has increased by about 40 percent since a ridership campaign was initiated by that group last September. To accommodate the higher demand, the B&O has been forced to add more cars. But the kind of response—understandable as it may be from the viewpoint of the railroad's bookkeepers—hardly proves anything about the potential of commuter trains, especially if, as the citizens' group alleges, the trains' seating capacity remains sorely inadequate.

The Maryland state-aid proposals are said to be in a highly preliminary stage of consideration, and indeed, at a meeting with area congressmen the other day, Transportation Secretary Harry R. Hughes reportedly had little, if anything, to say about them.

His new department was created, however, on the sensible premise that since various modes of travel are required to meet modern urban transportation needs, the fragmented approaches of the past should be replaced by a greater degree of coordination in their planning and financing. The possibility that commuter trains could prove to be a more useful link in Maryland's total transportation picture, alleviating some of the pressures now borne by automobiles and the traditional forms of public transit, is one not to be passed up.

BURKE-HARTKE BILL POTENTIALLY DANGEROUS TO THE AGRICULTURE INDUSTRY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, the Burke-Hartke bill provoked considerable response from the heavy industrial areas of the United States. Less widely known, but equally important, is the potential damage which this legislation could cause the agriculture industry.

The June 3, 1972, editorial of the Farmer highlights several of the potential effects of the passage of this protectionistic bill.

I commend the following editorial to my fellow Members:

NEW PROTECTIONIST THREAT

A new bill—in toto or as tack-on amendments—is quietly trying to make its way through Congress without creating waves. It doesn't even mention agriculture, but if passed, could hurt agriculture by blunting new market development and by chopping back the $7.8 billion in farm export sales we now enjoy.

Called the "Foreign Trade and Investment Act of 1972," the proposal is another attempt at job protectionism. Sponsored by Congressman James Burke (D-Mass.) and Senator Vance Hartke (D-Ind.), it is backed by organized labor. Its purpose: to protect those U.S. industries which have let wages get out of balance with production and are now hard-put to match foreign competition.

The Burke-Hartke bill proposes three things: Place quotas on all categories of imports at rates based on 1965–69 domestic consumption; provide an arrangement whereby U.S. capital and technology expansion abroad could be blocked whenever such transfer might decrease U.S. employment; sharply increase the taxing of U.S. business operations in overseas areas. Effects would be to restrict foreign market development, discourage overseas investment and put U.S. subsidiaries at a serious competitive disadvantage.

If the bill passes, foreign governments would retaliate. U.S. agricultural exports would be their primary target.

The Common Market, our biggest farm customer, could easily slap a tax on soybeans, for example. It proposed a consumption tax of $60/metric ton on oilseed and $30/mt on oil cake and meal as long as three years ago. Such action would lop off a lot of our sales—and 60% of our beans must find markets abroad. Passage of Burke-Hartke would also cut the ground from under our request that the Common Market lower its levy against U.S. feed grain, which is paying a very stiff tariff to get in now. Japan, too, while it can't aspire to the agricultural self-sufficiency the Common Market wants, could alter its buying patterns to be less dependent on the U.S. And Japan is our largest single-nation buyer, with $1.2 billion in farm product purchases last year.

By blocking future overseas investments, Burke-Hartke could blunt U.S. chances at future grain markets, which are expanding. Demand for meat is increasing around the world. Japan eats only 10% as much meat as do we, the Soviet Block 50% less and the Common Market only 60% as much. As red meat consumption increases, we want our share of the feedstuffs market to produce that livestock. Our best chance of getting it is the same way we have in the past, by showing foreign feeders how to make most efficient use of our grains and supplement. And that takes market development expenditures.

Burke-Hartke is short-sighted in other areas, too. Foreign expansions may well generate U.S. jobs, rather than lose them. We know agricultural investments abroad keep more of our land in production by finding markets for U.S. crops. As production holds up, so does demand for machinery, chemicals, fuel and other inputs. Employment is boosted at elevators, in trucking and at the rail and barge terminals. Ag exports even help pay wages of those striking dockworkers.

U.S. agriculture has doubled its exports in the past 15 years. Its route to still greater production rests with more market expansion. Such broad opportunities must not be sacrificed to the narrow isolationist interests of a few. This bill, or any amendment which smacks of blatant protectionism, should be defeated.

A WORLD FIGURE FROM JACKSONVILLE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BENNETT. Mr. Speaker, from June 15 through July 4, 1972, Jacksonville, Fla., which I represent in Congress, will be celebrating its sesquicentennial. Part of that celebration will honor James Weldon Johnson, a black man who made substantial contributions to our community almost a century ago.

I include in the RECORD two articles that appeared in the June 11 edition of the Florida Times-Union and one from the June 13 edition of the Jacksonville Journal, each regarding this outstanding citizen:

[From the Florida Times-Union and Journal, June 11, 1972]

A WORLD FIGURE FROM JACKSONVILLE

(By James R. Ward)

If you go anywhere in the world and mention Jacksonville, there's a better than even chance people you meet will know the names of two men closely associated with your hometown.

One of them would be Andrew Jackson, the American general and president after whom the city is named.

The other would be James Weldon Johnson, who was born here a century ago.

And, of the two men, Johnson would probably be better known for his Jacksonville connection than Jackson.

With no offense intended, Jackson is known for more things than having towns named after him—even if he did protect this frontier town from the threat of the Seminoles and serve as the state's first territorial governor.

It is, therefore, ironic that not many Jacksonville residents either know or know much about James Weldon Johnson.

The name is familiar, of course.

There's a junior high school and a Y.M.C.A. branch named in his memory.

But the man behind the name—a man recognized for his genius around the world—is relatively unknown.

He left his mark on Jacksonville before he went to New York City to live—as he made his mark there and was subsequently heard of, read about and respected around the world—but Jacksonville forgot him.

Now recognized as one of the world's great men, not merely as one of the most capable Negroes of his time, perhaps it's time to recall James Weldon Johnson and his Jacksonville.

Johnson was born on Lee Street (the house is gone now and on the property there stands a Firestone store) on June 17, 1871.

Saturday, as part of the city's sesquicentennial celebration, a program, organized by Mrs. Earl Johnson (no relation), will mark Johnson's centenary-plus-one and recount in word, music and picture his accomplishments, his achievements.

They are many and they are great; but Jacksonville was where the seeds of that greatness and those accomplishments were sown.

It was here that the child became the father of the man, that he became to amount to something.

James Weldon Johnson began standing out from the crowd hereabouts in 1677.

That was the year former President Ulysses S. Grant came to town and Stanton School, where Negro children then went through the eighth grade and where his mother taught, was dismissed for the day.

Many children and adults stood along the route Grant took that day, but he only shook hands with one person—a boy who stuck out his hand and Grant shook it.

It was, of course, James Weldon Johnson who reached out to shake the hand of the man most singularly responsible for the military defeat of the South in the War Between the States.

After that, during the next decade he went to Atlanta University to complete his formal education, he learned well how to play baseball and, being a good student, was selected by his principal to deliver The Florida Times-Union, when the paper asked the principal to select a bright, responsible youngster for the job.

Prior to the days of Jim Crow, days which began about the time Johnson went to Atlanta to study, the color of a man's skin didn't mean much in Jacksonville.

His father, who was the head waiter at the St. James Hotel, was his idol. Of all the men in the city, who else, he said more than once, could get so many people to do what he said by simply telling them to do something?

Later, when the races moved more and more toward being actually separate and legally separated, his voice would often be raised against the resulting conflicts and injustices, but it was ever a voice of reason and compassion, however tempered with irony and indignation.

When he returned to Jacksonville after his Atlanta experience, he became a teacher at Stanton School.

He stayed long enough to become principal and to add four grades to the eight elementary grades there already.

Stanton High School was the first higher education institution the Negro had access to in Jacksonville, but the School Board was displeased.

Johnson hadn't told them he was doing it—and he taught the four classes himself for the first two years.

As New York began to beckon to Johnson, he studied the law and became the first Negro admitted to the Florida Bar since Reconstruction and he started a newspaper, a first for the Negro anywhere.

But soon, too soon perhaps, he was gone.

He was on a trip that would carry him far from this place, but, as his parents had left their positive mark on his character, so Jacksonville had influenced him.

Now it is time that the rest of that story to become better known.

It is time for the man to influence his city, the city of his birth, just as he was influenced by it.

Some of that influence on James Weldon Johnson led to greatness; the study of his genius might, if John Dewey knew what he was talking about, have a kindred result.

[From the Florida Times-Union and Journal, June 11, 1972]

OUR RENAISSANCE MAN

James Weldon Johnson is Jacksonville's Renaissance Man.

To reduce his life's work to its many parts is to draw a catalogue of callings, of careers.

Call him a teacher, an administrator, and he's turning an eight-grade institute into Stanton Senior High School—the first Negro High School in Jacksonville.

Call him a lyricist, a writer of songs, and he's writing Stanton's school song, "Lift Every Voice and Sing"—a song which has been called "The Negro National Anthem."

Or, he's writing the lyrics for music written by his brother, Rosamond Johnson, or Robert Cole—he's a habitue of Tin Pan Alley.

You've heard those words, tapped your feet to those tunes. Remember "Under the Bamboo Tree." "The Maiden with the Dreamy Eyes," and "The Congo Love Song."

You remember his Broadway musical, which he wrote with his brother and Cole, "The Shoo-Fly Regiment."

And, if you're political, maybe you remember his national campaign song, the one he wrote for Theodore Roosevelt—"You're All Right, Teddy."

Teddy liked it. He said it was "bully good," and he won the election.

Call him a poet, a maker of verse, a forger of words, and he's playing the black preacher with the immortal and moving words of "God's Trombones."

Or, he's writing poignantly of the half century his people had lived since Abraham Lincoln wrote and signed "The Emancipation Proclamation."

Or, he's writing of his people's penchant to sing songs in the night, as Israel did in bondage; he's writing "O Black and Unknown Barts."

Call him a diplomat, a representative of his country in foreign lands, and he's serving as a consul in Puerto Cabello, Venezuela, and Corinto, Nicaragua, where he took command of a U.S. Marine detachment during a banana revolution, one of three which took place while he was there.

Or, he's being sent to Haiti to investigate charges of brutality when the Marines occupied the country.

Call him a novelist, a teller of truth by way of fiction, and he's writing "Autobiography of an Ex-Colored Man"—one of the first, if not the first, books which showed the Negro his heritage, his source of pride and in the despair, his American experience.

Call him an essayist, a journalist of acquired knowledge and experience, and he's writing about his own particular demon, creativity; he's writing "The Negro's Creative Genius" and "The Dilemma of the American Artist."

Call him an autobiographer, a rememberer of one's own life and times, and he's writing about his land, his America, his hope and his agony; he's writing "Along This Way."

Call him a lawyer, an advocate, and he's the first Negro to be admitted to the Florida Bar since Reconstruction and his oral examination reads like a session of an inquisition.

Call him an advocate of his people, call him a civil rights worker before the fact, and he's one of the first field secretaries of the National Association for the Advancement of Colored People, fighting for the country's first anti-lynching law and speaking words of reason against a backdrop of terror and fear.

Call him an editor, a newspaperman, and he's editing the first Negro newspaper, "The Daily American."

It was published in his hometown, Jacksonville.

Call him a native of Jacksonville, a son of this place, and you have a dimension no other man—black or white—has brought to this city.

He is Jacksonville's Renaissance Man.

He is a promise born 101 years ago—a promise that just now approaches reality—a reform that may yet initiate a renaissance.

[From the Jacksonville Journal, June 13, 1972]

(By George Harmon)

FORGOTTEN NO LONGER

They won't be able to say, after this coming Saturday, that Jacksonville has forgotten James Weldon Johnson.

A full day of events is planned for one of this city's most accomplished natives—a black man who filled his life with many careers.

Born in Jacksonville in 1671, and killed in a car-train collision in Maine in 1936, Johnson was a lawyer, educator, newspaper, publisher, a writer of popular songs for Broadway plays, a diplomat, a poet, an author and one of the pioneers in the civil rights movement.

In his hometown, however, Johnson almost became a forgotten man. A junior high school is named after him, and a branch of the YMCA—but few Jacksonville citizens knew anything about the man behind the name until this year.

Jacksonville's sesquicentennial celebration, which is now reaching its climax, helped revive interest in James Weldon Johnson. As a result, he is being honored with "James Weldon Johnson Day," as part of the official sesquicentennial festivities.

"LIFT EV'RY VOICE"

The first event on Saturday's agenda will be the unveiling of a historical marker across the street from 1307 Lee St., where Johnson's home once stood.

Mrs. Earl M. Johnson, wife of a Jacksonville city councilman and an instructor in math psychology and education at Jacksonville University, is chairman of the James Weldon Johnson Day events. (The last name is coincidental; she's no relation to the man being honored.)

Although some purists in the local history game might object to the historical marker being placed across the street from Johnson's homesite, instead of the exact spot where the house stood, Mrs. Johnson said there's a good reason for the choice.

"The spot we chose is owned by the city," she said, "which means we'll be able to keep the surrounding area clean, and to beautify it."

The home that once stood at 1307 Lee St. is the place where Johnson and his brother

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Rosamond—the two later became, with Bob Cole, a popular songwriting team in New York City—composed a song entitled "Lift Ev'ry Voice and Sing."

The words of the song were written in February 1900 by James Weldon Johnson as he sat on the front porch of the house. Johnson shoved the verses through an open window into the living room, where Rosamond sat at a piano and composed the music.

The song was written to be sung by students of Stanton High School to celebrate Abraham Lincoln's birthday. Johnson was principal of Stanton, where his mother had once taught. When Johnson took over direction of the school in 1894, after graduating from Atlanta University, it went only through the eighth grade. Johnson converted it into Jacksonville's first Negro high school—some say without the school board's knowledge—and the first class had graduated around 1896.

"Lift Ev'ry Voice and Sing has had a remarkable history. After the Stanton students had introduced it, the song was published and spread quickly through black communities of the nation.

For many years it was known as the "black national anthem." Later, when blacks complained that their national anthem was the "Star Spangled Banner," it was redesignated as the official song for the National Association for the Advancement of Colored People.

The Johnson homesite marker will be unveiled by City Council President Lynwood Roberts. Also taking part in the program will be Rev. Rudolph McKissick, pastor of Bethel Baptist Institutional Church, and the Raines High School Band directed by Julian White.

The Raines band, naturally, will be playing "Lift Every Voice and Sing."

LUNCHEON PROGRAM

Following the ceremonies at the Johnson homesite, a dutch-treat luncheon will be held at the Thunderbird Motel at 12:30 p.m. Saturday.

On the luncheon program will be:

Dr. Ellen Moers, associate professor of English at Barnard College of Columbia University in New York City. Dr. Moers will talk about Johnson's literary works. It was she who wrote an article in The New York Times Book Review earlier this year in which she noted that 1871 was the birth year of the four American artists who helped New York City steal some of Boston's reputation as a national intellectual center. The four artists: authors James Weldon Johnson, Stephen Crane, and Theodore Dreiser, and painter John Sloan.

Robert Earl Jones, black actor and father of another black actor, James Earl Jones. The elder Jones will recite for the luncheon guests "The Creation," one of the poems in a volume entitled "God's Trombones," in which James Weldon Johnson took well-known Bible stories and rewrote them as he believed they would have written in South Georgia-North Florida Negro speech.

Henry Mack, music teacher at Eugene J. Butler High School here, who will play a piano medley of the songs composed by the Johnson brothers.

The Saturday luncheon, said Mrs. Johnson can be attended, at $4 per ticket, by anyone who reserves a seat not later than Thursday noon by telephoning the Jacksonville Sesquicentennial office at 398-5377.

"I understand that some of the members of the first graduating class of Stanton High School are still living in Jacksonville," said Mrs. Johnson. "If so, we'd like for them to sit at the head table during the luncheon; but we haven't been able to locate them."

Among those who will be sitting at the head table will be Mrs. Israel Kaplan, wife of the rabbi emeritus of Jacksonville Jewish Temple, one of the Jacksonville women who campaigned several years ago to have the local school named in honor of James Weldon Johnson; Miss Eartha White, Jacksonville's black philanthropist, who was a girlhood sweetheart of Rosamond Johnson; and Mrs. Mildred Johnson Edwards of New York City, Rosamond's daughter.

(James Weldon Johnson's widow is still living, in New York City, but she is 86 years old and her health won't allow her to come to Jacksonville.)

"EVENING WITH JOHNSON"

The final event of James Weldon Johnson Day will be "An Evening with James Weldon Johnson," free to the public, at 8:30 Saturday night in the Prudential Auditorium.

Robert Earl Jones will appear also on this program, reciting some of James Weldon Johnson's poetry and other writings, with the choir of Edward Waters College providing background accompaniment.

The Edward Waters choir will also sing some old Negro spirituals which were compiled in two volumes by the Johnson brothers when they became worried that the songs would die out and be irretrievable for future generations.

Another facet of Jacksonville's "rediscovery" of James Weldon Johnson is an exhibit of the books which Johnson wrote. They are on display at the downtown library.

Later this month, the Jacksonville Art Museum is expected to erect the Smithsonian Institution's pictorial display of Johnson's life and works. The display couldn't be obtained this week because of its popularity. It is now on display in Nassau, The Bahamas, which is where Johnson's mother was born, and the exhibit is booked for various cities of the nation through mid-1973.

STATEMENT ON HUNGARIAN MAGNA CARTA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CRANE. Mr. Speaker, this year marks the 750th anniversary of the "Bulla Aurea," or Golden Bull, which is, in effect, the Magna Carta of Hungary.

Enacted in 1222 by the Hungarian Diet, this charter guarantees personal freedom and narrowed the breech between the upper and middle classes and ordered an end to the oppression and exploitation of the people by the nobility.

The most notable provision of this charter stated that prelates, barons, and others of the nobility would be free to "resist and withstand" the King should he violate any of the charter's provisions. Magna Carta in England, similarly, limited the role of the King and, in effect, placed him under the restraint of law.

The "ius resistendi," or right to resist, contained in the "Bulla Aurea," remained one of the most important rights of the Hungarian people for succeeding centuries.

At this time when we celebrate the introduction of rule by law to Hungary, it is essential that we keep faith with the brave and valiant people of that country who suffer under the tyranny of communism.

Hungarians do not today have the right to resist. In 1956, the people of Hungary rose up bravely against their Communist oppressors only to be brutally defeated by an invading Russian army. In an era when there is much discussion of "detente" and an easing of tension between East and West it is easy to forget those men, women, and even children who have perished in the fight for freedom in Hungary and elsewhere in Eastern Europe. This we must not do.

Today, Hungarians do not live under a legal charter which limits the authority of their rulers. The rulers of Hungary are elected by no one, and are not obligated to go to the people in an election to obtain their approval.

They are, instead, the handpicked supporters of a foreign country, and have been installed in their positions of power by the armed might of the Soviet Union, as have the leaders of Czechoslovakia and other Eastern European countries.

We must look forward to the day when Hungarians will once again be masters of their own fate, when once again those who rule will be limited by law, and will be obligated to follow the will of the people.

Often, those who defend tyrannical rule argue that we, in America, would not wish to live under such a dictatorship, but that the peoples who suffer under such rule have never known democracy anyway, and that perhaps they want communism.

The fact is that a majority has never freely elected a Communist government in history. Even as they seek power through violence, Communists preach not tyranny but freedom. Lenin, for example, promised the people of the Soviet Union "bread, peace, and land," not communism. Castro promised "democracy" and Mao Tse-tung claimed to be an "agrarian reformer." Once in power, however, tyranny descended upon the peoples of those unfortunate countries.

Let us celebrate the 750th anniversary of the "Bulla Aurea" by reaffirming our faith in a free and independent Hungary. Such freedom and independence would be the culmination of this great Hungarian tradition, just as the Communist domination of today is its antithesis.

EDUCATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. DUNCAN. Mr. Speaker, every day the Nation's 2 million elementary and secondary teachers are called upon to answer the most thought-provoking question ever devised by man. Why? The quality of our educational system's answer to this quest for knowledge has enabled America to meet the great challenges of our time.

Education's response to inquisitive minds has inspired young Americans to dream dreams of trips to the moon, great medical discoveries, and inventions which stagger the imagination. Our educational system has, over the years, demonstrated its ability to transform the dreams of the young into the realities of the future. The sum total of this experience has meant a better life for all of us.

We must never lose sight of the importance a good education means to the 46 million youngsters who fill our elementary and secondary schools. Education is the key to their future and the future of our country.

America indeed owes a great debt of gratitude to our educational system. The fruits of this system have provided all Americans with a quality of life unparalleled in history.

CHARLES F. KETTERING II

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WHALEN. Mr. Speaker, the Ketterings of Dayton, Ohio, are one of the most prominent families in our Nation. Their progenitor, Charles F Kettering, was the well-known inventor and long-time vice president of General Motors Corp.

The fame of his grandson and namesake, Charles F. Kettering II, perhaps was not as widespread. However, he was indeed the equal of his grandfather and father in his concern for his fellow human beings.

Charles F. "Chuck" Kettering II died suddenly and tragically in December. His 40 years of life were filled with philanthropic activities. Chuck received a B.A. degree from Dartmouth College and served his alma mater as an assistant to the director of admissions. In 1963, he was awarded a master's degree in personnel services from the University of Colorado where he later served as a faculty advisor and as assistant dean of the College of Arts and Sciences.

At the time of his death, Chuck was a trustee of the Charles F. Kettering Foundation and the Kettering Fund and a director of C. F. Kettering, Inc., all in Dayton. In addition, he was chairman of the board of his own Denver-based foundation, CFK Ltd.. which contributed more than $200,000 annually for educational projects. Under his direction, CFK Ltd. also has made substantial contributions to projects throughout the western United States, many of them related to minority group causes.

Charles F. Kettering II was an extraordinary man and an extraordinarily good human being. The tributes which have been written of him reflect, to the extent that it is possible to do so in words, the impact which his life had on his associates. I am honored to have this opportunity to present three of these memorials. The first, by the CFK Ltd. board of directors, was made available to me by Presidential Counselor Donald Rumsfeld, a former Member of the House and a longstanding friend of Chuck Kettering. The second is reprinted from the publication of the Kettering Foundation. The third is by Mr. Tony Larson of radio station KOSI in Denver.

The tributes follow:

CHUCK

Have you Noticed . . . ? He Was That Kind of Man.

Have you noticed that everyone who knew him, no matter how much or how little, called him their friend?

He was that kind of Man.

Have you noticed that everyone, then and now, have only good words for him?

He was that kind of Man.

Have you noticed that no one, although many have tried, has a completely adequate way to pay full tribute to him?

He was that kind of Man.

Did you notice that Chuck always paused to feed the hungry and to soothe the pained in spite of life's mad pursuit?

He was that kind of Man.

Did you notice that Chuck always took time to care?

He was that kind of Man.

Did you notice that Chuck knew he was blessed manyfold times—by his parents, his beloved by his side, his children, and his friends?

He was that kind of Man.

Of Chuck it can be said:

He has lived . . . He has truly lived . . . He shall not die . . . Because he cared and because we still here also care.

Chuck was that kind of Man.

CFK Ltd. Board of Directors:

B. FRANK BROWN,
GEORGE L. BROWN,
LEO C. MCKENNA.

CHARLES F. KETTERING II—AUGUST 28, 1931–DECEMBER 12, 1971

The untimely death of Chuck Kettering leaves his fellow Trustees and the entire Staff of the Charles F. Kettering Foundation feeling a tragic loss.

Until he was fatally struck by a car on a street near his Denver home, Chuck Kettering spent much of his time striving to rectify inequities and indignities as he saw them.

Through his participation on the Board of the Charles F. Kettering Foundation; on the boards of several other foundations and universities; and as Chairman of the foundation he established in Denver, CFK, Ltd.; Chuck exerted a stimulating influence on many projects and people. Frequently, he would also go beyond the reach of any institution to personally extend his support and understanding.

But it was more than his achievements that earned Chuck Kettering the lasting respect and love of those who knew him well; he was known and revered for what he was.

He was a man with courage, a man with soul, and a man with empathy for disadvantaged people.

WHEN YOU LOSE A FRIEND—A TRIBUTE TO CHARLES F. KETTERING II 1931–71

These thoughts on Chuck Kettering were authored and delivered by Tony Larson on KOSI Radio, Denver, on December 13, 1971

Carl Sandburg wrote, "A man's life? A candle in the wind."

All of us are no more than that, but every so often there is a man, who while his life burns brightly, accomplishes tasks that far surpass the works of most. He does it quietly, without fanfare, expecting no rewards, shunning the spotlight of notoriety, underplaying acclaim, accepting the inner satisfaction that comes with the opportunity of giving—his mind, his talent, his concern for others.

A man such as this has moved beyond rehearsal—the mere playing of a role—he knows himself. He is true to himself, and he finds freedom in the giving of himself.

Too often we move about on stage encountering few who meet the standards of this man. We deceive and are deceived by false faces; by the push and the rush of fleeting time and passing friendships. If we meet this man and can call him friend, time holds more for us. It widens to offer substance; to add perspective.

In the measure of our own "candle in the wind," we can ease the tempo, pause and think more deeply on the worth of knowing such a man. If we take that time, soberly, and are willing to sit—as if at the foot of a teacher—and patiently listen, giving value to his words, we learn, and we grow. We learn by watching him work, amazed at his steady hand knowing its strengths and weaknesses; inspired by the clarity of his mind, his thought and planning, channeled into human concerns. We grow because his friendship has added depth and meaning to our lives. We are the fortunate who benefit from his labor, and there is no way to return the trust and faith of that friendship other than by giving it away to some else.

A man such as this . . . died in our city last night. He was only forty.

Those who knew Chuck Kettering, knew a most extraordinary man—a teacher—who walked through life with a clearly defined purpose: to use his resources for the good of others. He worked tirelessly to see that goal achieved, but was never too busy to share his insight and wisdom—to extend his hand, to be a friend.

The wealth of the man was in the man.

AID FOR THE ELDERLY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. YATRON. Mr. Speaker, as we are well aware, our Nation is now being challenged—as it never has been before—to develop and implement a national policy on aging. This will require a full fledged action campaign in several areas if the later years are to be a time for dignity and self-respect.

One of these efforts to help our senior citizens has begun to make progress in the Sixth Congressional District of Pennsylvania. Mrs. Minerva Kasper, an energetic septuagenarian publisher, has begun a newspaper, the Berks County Senior Citizen. This newspaper, which may be the only one of its kind in the Nation, operates solely to express the feelings, needs, and interests of older Americans. It is free of charge to the elderly, and deals with topics which range from programs of assistance on the local level, to open letters to the President on the national level.

As Mrs. Kasper has often pointed out, nowhere is the need to assist the elderly more evident than in the area of economic security. Today, more than 4.7 million older individuals exist below the poverty line—nearly 100,000 more than in 1968. Older Americans are more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty. Congress has realized these deficiencies and has been extremely active in this area recently, with many efforts to increase the income of the elderly near passage now.

Another area of utmost concern to the elderly is the field of health care. Today, less than 7 years after the passage of medicare, the threat of costly illness is still too real for too many older Americans. The sad truth is that serious illness strikes with much greater frequency and severity at a time in life when incomes are most limited. Persons 65 and over have health bills averaging nearly $800 a year; or approximately six times

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that of youngsters and three times that of individuals in the 19 to 64 age category. Efforts to assure increased medicare coverage, expanded community services, national health plans, and health maintenance organizations are currently in various stages of completion in Congress as efforts to help the elderly progress.

If our Nation is to assure true economic security in retirement, we must resolve the serious medical cost problems which pose an intolerable drain upon the limited incomes of older Americans.

Today, our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect and dispair. Mrs. Kasper, through her efforts as a writer, on radio broadcasts, and in countless personal contacts and endeavors, has launched a spirited drive to assure that the needs of the elderly are met. Ever since she began her writing career 50 years ago, she has been determined that the voices of the elderly should be heard. Such dedication deserves our recognition, and I would like to commend her for the devotion she has shown toward senior citizens 365 days a year.

Perhaps even more significant, however, there is already broad agreement on many crucial policy goals and the course of action our Nation should take now and in the future. In many respects, the report of the White House Conference on Aging is a ringing reaffirmation of the recommendations advanced by congressional committees and councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a comprehensive workable national policy for the elderly American. As Mrs. Kasper has often said in her efforts to help the elderly:

May God help the members of Congress to open up their hearts to them, consider their plight and feel the great urge I feel towards them. Let it not be said . . . that this great nation with all its wealth, will continue to neglect them. They deserve our love, consideration and care.

I believe that the Congress has embarked upon a path which will meet the needs of the elderly, and I would like to commend Mrs. Kasper for her untiring efforts in their behalf.

A TRIBUTE TO DICK O'BRIEN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. STEELE. Mr. Speaker, each year the Northern Middlesex, Conn., Chamber of Commerce honors one citizen as the area's outstanding citizen of the year.

This year the chamber has selected Mr. Dick O'Brien of Haddam for this high award and will honor him at the chamber's 77th annual dinner on June 19.

Both as an individual and as president of WCNX in Middletown, Mr. O'Brien has contributed greatly to Middlesex County through his deep interest in people and service to the community. Indeed, his extensive activities throughout Connecticut have made him not only an asset to Middlesex County, but to the entire State of Connecticut.

He serves on the boards of directors of Middlesex Memorial Hospital, Goodspeed Opera House and the Connecticut Broadcasting Association. He is a member of the advisory board of the Hartford National Bank and the board of trustees of the YMCA, a corporator of the Farmers and Mechanics Savings Bank of Middletown and a member of the board of his alma mater, Trinity College in Hartford. He is currently a member of the board of directors of the Northern Middlesex Chamber of Commerce and has served in various capacities in the chamber for the past 22 years, helping to make it one of the most successful and respected chambers of commerce in the United States.

It is no surprise that a man who has done so much for his city, county, and State should be so honored. Dick O'Brien epitomizes the individual responsibility, commitment and action which have always been the driving force of our national life.

ADDRESS BY THE HONORABLE G. A. LINCOLN

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I am submitting for printing in the RECORD the address by the Honorable G. A. Lincoln, Director of the Office of Emergency Preparedness of the Executive Office of the President before the Interstate Oil Compact Commission meeting at Hot Springs, Ark., on June 13, 1972. I recommend these important remarks to attention of my colleagues:

REMARKS BY HONORABLE G. A. LINCOLN

Honorable Chairman, Ladies and Gentlemen:

It is both a privilege and a unique experience for me to be here in Arkansas with you this morning; a privilege because you are an important part of that group of people who provide that essential resource for our country—energy. I consider it an even greater privilege since my Agency has no official relationship to your compact functions. It is a unique experience because, even though fairly widely traveled, I have never before been in the State of Arkansas.

One of the tenets inscribed on my young mind by my grandmother was that "confession is good for the soul." I should start by confessing that because your invitation reached me not too long ago, I am going to say here principally some of the things that I have said to other audiences, most of them in the provinces of our East Coast. If any of you have heard some of my remarks, I ask you to accept the repetition as a point that I still think is important.

It is not often that a Nation reaches a watershed period, a time when it crosses a divide between one era and another. Our country is progressing over a number of divides at this time with new policy in areas important to our society.

I am going to speak briefly of four of these areas and the progress which has been made under the leadership of our President—the unprecedented agreements with the Soviet Union to limit nuclear armaments, the President's energetic efforts to achieve an honorable peace in Vietnam, and his fight against inflation. I will spend the greater part of my time with you on the fourth problem area, one with which you in this meeting are centrally and, many of you, professionally concerned—energy and energy security.

The four together are topics of the highest concern in foreign and domestic policy. In my judgment, within a very few years, perhaps five to ten at the most, energy policy will rank in national concern as importantly as national security and foreign policy, with which, of course, it is closely intertwined.

The fight against inflation and a search for a just resolution of the Vietnam tragedy are primarily reactions to crisis situations which this Administration has inherited. The strategic arms limitation agreements are a positive action toward stabilizing the dangerous and burdensome strategic arms competition.

The treaty with the USSR on defensive missiles and the agreement on offensive systems can well be characterized as the beginning of a new era. For the first time, actual limits on numbers of strategic weapons have been agreed to by the major nuclear powers. The benefits in added safety and lessened burdens should become increasingly evident as this solid base is used to build further toward a lasting peace.

The agreements lend stability to the nuclear equation by taking into account the national interests of both sides. They do not favor one at the expense of the other. Secondly, they are in the category of national security actions that protect our people against an attack by diminishing the threat of attack. Thirdly, they do not decrease the nuclear power available in the world, and so are not the occasion to lessen our vigilance or drop our guard in the strategic arena.

It is appropriate to mention the very grave problems of Vietnam, at this time, in juxtaposition with our progress in arms control. The Moscow meeting, at which over two and one-half years of arms control negotiations were coming to fruition, just happened to get scheduled at a time shortly after North Vietnam launched a massive, open aggression against South Vietnam. Both this aggression, which may or may not have been timed in relation to the Moscow meeting, and the great goals of that meeting were on the President's desk at the same time.

The Vietnamization program, designed to enable the South Vietnamese to protect themselves, had been generally successful in protecting the people of South Vietnam against internal subversion and small unit attacks. Now however, the enemy has abandoned all pretense of their so-called "people's war" of spontaneous insurgency and restorted to open aggression, across international borders utilizing virtually their entire armed force in a conventional military operation. They had failed in their initial attempt to take over South Vietnam by internal warfare and they are now trying other, much more destructive means.

This brutal invasion of South Vietnam was answered by our President with courage and foresight. How better to stop killing than to deny the enemy the tools of war? How better to do this than to mine openly the entry ports through which the largest part of those materials have been sent? Since idle gestures by a great power are both impotent and dangerous, the concurrent bombing of land lines of supply is a necessary part of the effectiveness of the coastal blockade by mines.

The President's policy has, so far, been successful. The North Vietnamese have not won by brute force what was denied them when they used subversion and murder. The blatant aggressor has not been allowed to keep his own country as a sanctuary. Neither the United States nor the Soviet Union has allowed the Vietnam situation to replace other, overriding common interests in building a more stable relationship.

But I do restate our objectives—to stop the war and the killing, recover our prisoners and let the South Vietnamese work out, for themselves, their own government.

Turning now to a major domestic problem—inflation—this the President has tackled forthrightly and tenaciously with the new economic program.

An important part of that program, in addition to international trade and monetary policy, is stabilization of the economy. Most of you probably recall that the Office of Emergency Preparedness was charged with managing the 90-day freeze.

It is now over nine months since the President announced his new economic program, and we are beginning to see substantial progress in the fight against inflation. Price indices are always subject to multiple interpretations, and are somewhat unreliable over the short run. But, I do offer these figures for your considerations.

In the even months prior to the wage-price freeze, the Wholesale Price Index increased at an annual rate of 5.0%. The President's program has so far reduced this annual rate of increase by 32%—to 3.4% per year. The Consumer Price Index rose at an annual rate of 3.9% in the seven months prior to the freeze. Since the freeze, it has risen at the reduced rate of 2.8%. In April, the last month for which consumer price figures are available, the Index was even lower—2.4% on an annual basis.

In my personal judgment, the statistics, while important, are less so than breaking the inflation psychology. This is necessary for a sound economy and society.

I now turn to the problem of our energy matters.

I do get a lot of the President's mail forwarded to my office to handle, but I got a new one last week. A letter addressed to the Government Bureaucrat in Charge of Energy, care of the White House, was bucked to me for reply. This writer was, by the way, worrying about gas supply in Oklahoma.

This problem in energy matters—sometimes called the energy crisis—is already upon us and will be with us for a couple of decades at least.

I do, as most of you know, come into contact with our energy problems through my national security job as Director of the Office of Emergency Preparedness. My duties include responsibility for policy formulation, management and surveillance of the Mandatory Oil Import Program—a national security program stemming from one of our laws.

The quantity of our oil in imports, and the subsequent degree of hazard to our security, fairly obviously turn on both domestic energy supply and domestic energy demand. The resultant energy gap caused by demand increasing more rapidly than supply is filled by imported oil. While energy sources—coal, gas, oil and nuclear power—are in varying degrees substitutable one for another, oil is currently the most versatile of all energy fuels. Hence, the security hazard which derives from the extent of the shortfall in domestic energy supply makes such matters as the Alaskan pipeline, offshore leasing, efficiency in oil recovery, and maximization of the use of our one abundant fuel—coal—as much matters of security concern as is the determination of the oil import quota. In fact, that determination is now, to a considerable extent, a statistical forecasting exercise since it is based on the estimate of the gap between supply and demand.

I am not in this meeting going to retread the tiresome trail of the different ways we might manage our oil imports—quotas, tariffs or a combination of the two. All current forecasts of our energy position show that the situation is hazardous to the national security. A favorite projection for around 1980 is that half of our oil will be imported, or approximately a quarter of our energy supply—our light, heat, and transportation—will be imported. The problem we face, from the national security standpoint, is how best to minimize that hazard as we orchestrate the many efforts required, as best we can, to meet other important domestic and foreign programs and objectives of our Republic.

People can rightly ask how this crisis situation has come about, allegedly without warning, and in some instances they rightly blame the government. In fact, but in hindsight, government should probably accept some blame in certain specific areas where policies stem from perhaps a decade ago and are only now being changed to meet realities—for example pricing of natural gas.

We have dealt in the past with energy on an assumption of abundance. This assumption is no longer valid. Policies in the past have been guided by the effects of governmental controls and on relative costs, rather than by concern over the conditions of prospective scarcity or over the most efficient consumption patterns.

Now when the crunch of scarcity begins to be apparent, we have compounded our difficulties by a too long delayed interest in environmental programs. These programs both increase demand for scarcer types of energy such as gas and tend to restrict domestic supply. This is illustrated by our problems in unlocking the energy resources of Alaska and the Outer Continental Shelf, and the inhibitions placed on our use of coal.

There are some answers often suggested for our energy programs.

One suggestion is that nuclear power will fill a great part of the energy gap. In fact, large amounts of nuclear power only begins to come on line after 1985, and even then will not for a long while, if ever, increase at a rate equal to that of projected increases in energy demand.

Another suggestion is that imported liquid natural gas and synthetic natural gas from imported petroleum could close a significant part of the supply-demand gap. On the basis of our total energy requirements, these sources of supply cannot be very significant by current estimates They may, however, be helpful in particular areas of the East Coast. The estimated costs are a puzzling item in the framework of our current energy policy—around a dollar, to as high as $1.40, per MCF when the interstate wellhead price of new domestic gas is now, I believe, about 25¢ and the city gate price in the Northeast is around 50 to 60 cents. Assuming that there is in our country a supply elasticity based on the price of gas, which I believe there must be, the situation certainly warrants an increase in wellhead price of new gas, as I have stated some time ago.

The most often mentioned proposed solution is to close the energy gap with oil imports. These imports have gone up and will continue to do so for at least awhile—the question is how much and in what pattern.

It is worth keeping in mind the negative aspects of increasing oil imports, particularly in the longer run. There are, as examples, the very significant adverse effects on our balance of payments. Also, larger imports increase dependency on Eastern Hemisphere sources where oil exporting countries may not continue indefinitely to provide, on schedule, all of the demand of the oil consuming countries, even at an increasing price.

As prorationing de facto disappears in the United States, we now see prorationing in the form of arbitrary production limits developing in the OPEC countries, and can expect it to increase. The implications include a probable higher price of foreign oil and restricted supply with a consequent national security implication.

It appears we will be entering the market in years to come for large quantities of oil in competition with our European and Japanese friends. Oil income may be adequate to the current needs of producing countries, and foresight argues for conservation of their reserves to guarantee future income. After all, these oil producing countries have their own compact for pricing and for dealing with oil companies and oil consuming countries on such matters as ownership and sales. The international oil pictures has changed drastically in the last few years and the change foretells increasing hazards to our energy and national security.

In a recent speech, Under Secretary Pecora, of the Department of the Interior, emphasized our policy of developing domestic energy resources and of maintaining processing and refining capacity within the United States. Doing so contributes to flexibility and diversity in dealing with various sources of foreign supply. This is a fallback position being forced on us by the hard fact that our domestic oil production no longer equals our requirements. But this situation can be improved, even if the problem cannot be completely solved.

There are at least three methods by which we can increase oil and gas production capacity—we can discover new reserves by new exploration here in the United States; we can develop the known reserves now considered uneconomic, such as oil from shale and the tight gas reservoirs; and, we can improve recovery. I do not name as a fourth alternative, producing above the Maximum Efficient Rate, which would produce more oil initially but would ultimately decrease total recovery. In an era when the energy gap is projected to persist and grow for the foreseeable future, this fourth method would be a false security indeed.

At the same time, I think it is safe to say that barring unexpected discovery of several giant fields, and even if Alaska crude comes on line promptly, henceforth market demand prorationing by State regulatory agencies will have at most a minor effect. By allowing essentially unrestricted production within the constraints of present prices and tax incentives, we can maintain the highest level of exploration and development. The higher production levels will allow a faster return on investment and thus improve the economic incentive for needed investment in the domestic oil industry. Unduly restricting current production would be detrimental to our goal of increasing longer range U.S. production and reducing or minimizing the energy gap.

Instead, we must turn our attention to the maximization of ultimate production through improved, although comparatively expensive, recovery methods. This is an area in which the IOCC's historic efforts deserve high commendation. When the compact was organized in 1935, less than 10% of the oil in place was being extracted in the average reservoir. Today, largely through the efforts of the producing States, that figure is 36%. But, as Governor Hathaway told the Congress two weeks ago, that is not yet enough. According to American Petroleum Institute reserve estimates, there are around 275 billion barrels of oil in presently known reservoirs that will not be recovered using existing recovery methods. According to one estimate I have seen, some 60 to 75 billion barrels of this oil is potentially recoverable using improved recovery methods. A failure to maximize recovery means more oil imports and less energy security.

There are several possible avenues to improving recovery. One is through modification of the incentive structure defined largely by prices and taxes. This will not change quickly. Another avenue is accelerating development of recovery technology. The petroleum industry has recently taken important cooperative steps in this direction. Some of you here undoubtedly attended the recent Oil Recovery Symposium at Tulsa.

Yet another aid to recovery is unitization. The payoffs of unitization are reduced costs and increased recovery through early implementation of optimum recovery methods.

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Unitization has long been a concern of this group and your past successes have been noteworthy. However, I am apprised that there are still some gaps remaining. With this country facing a severe energy shortage we can no longer afford the luxury of inefficient production methods. National security requires that we produce from each reservoir with maximum efficiency Effective unitization is important in an energy scarcity situation.

Both enforcement of MER's and improvement of recovery are examples of conservation in the production of energy. I do mention briefly the corresponding requirement for conservation in the use of energy. Our energy dilemma is going to be manageable only if we exercise the same resourcefulness on the side of moderating demand that we must exercise in expanding supply. A million barrels per day equivalent of oil not used because of fuel energy conservation is an even better achievement than the same amount of energy developed—since we don't have to pay for it and there is less insult to our environment.

I have just sent a letter to Governors of all fifty states concerning emergency energy matters to avoid brownouts and blackouts, and soliciting cooperation in energy conservation measures to avert critical shortages of power which could arise this summer.

Far beyond actions to keep the lights on this summer, we need systematic actions to maintain the quality of our life and over industrial production, while using less energy in the longer run. There are vast opportunities on this little explored frontier. Transportation efficiency, production of electricity, home insulation, and consumer incentives are just some examples. Rough staff level estimates indicate that the payoff starts now and by 1980 added energy available as a result of conservation could be on the order of the production of two or three Prudhoe Bays.

I should refer to the environment as another area of newly increased concern to many of us. I understand that your Commission was far ahead of EPA and most of the rest of us in giving attention to the environmental consequences of oil production. Comparison of today's clean oil production methods with the wasteful and environmentally harmful flares and salt water discharges through the 1930's and 1940's is an example of how effective regulation at the state level can minimize environmental damage without destroying the industry being regulated.

While there are undeniable tradeoffs between energy adequacy and environmental quality, we cannot solve the equation by throwing away either side of it. There can be no priorities among essentials.

In closing, I do comment on the need to move quickly and positively to adjust our energy affairs at the local and state level, as well as at the national level, to the changing times. Your Interstate Oil Compact Commission does have a specific charter directed to the purpose of conserving "oil and gas by the prevention of physical waste thereof from any cause."

As I understand it, the actual operation of your mission is through the actions of states, organizations, and individuals who are here represented or present.

In connection with another one of my jobs for the President, emergency preparedness, I did, coincidentally, urge a meeting of State officials in San Antonio yesterday to review their State legislation and procedures. This review should be done in light of the changing requirements for preparedness and response to emergencies, for example to hurricanes and other natural phenomena.

I suggest to all here that, if you have not done so already, it is urgent that there be a systematic review of State laws, rules, and regulations and of operations affecting oil and gas production. This review should be accomplished in light of the current situation of increased scarcity rather than the situation of abundant energy under which your Compact was born.

As a general rule we should be slow to discard the institutions which have served us well in the past but, on the other hand, we should be assiduous in shaping them within the dimensions of the charter imposed by the changing times.

I have appreciated very much this double opportunity of visiting the great State of Arkansas, where I have not before had the privilege of being and of talking to this distinguished and widely representative group concerned with our energy problems.

ROADBUILDER'S DREAM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, the Minneapolis-St. Paul area like other major urban centers throughout the country is wrestling with the problem of long-range transit planning. Inevitably when billion dollar capital expenditures hang in the balance, the policymaking process becomes embroiled in controversy. Some would have us believe that any major expansion of public transit is a waste of public funds. Others, and I include myself in this group, feel that we must find a people pleasing alternative to the automobile if we are to reverse the steady deterioration of our urban environments.

Even among we right thinkers who favor a more balanced urban transportation system there are differences over the criterion which mass transit should meet. Should we be satisfied with a transit system that is aimed principally at the rush hour traffic problem or should we aim higher and attempt to attract riders out of their cars for other kinds of trips as well? What are the relative costs of either strategy?

Whatever the final answers to these fundamental and difficult questions, the St. Paul Pioneer Press in a recent editorial put their finger on a key consideration. They say:

One way to make mass transit more popular is to make traveling by auto less attractive, particularly for commuters. A better scheme would be to devise a mass transit system that is as attractive as commuting by car.

I suspect this is the key to winning public support for new and expanded mass transit systems.

The editorial follows:

ROADBUILDER'S DREAM

At a nice round price of $100,000 a consulting firm has developed for the Metropolitan Council a Twin Cities area transportation plan that calls for a future system of mass transit relying solely on buses operated on a street-highway grid system (including freeways). It is difficult to see how this plan differs much from the transportation system that now exists.

The consulting firm proposal calls for 227 miles of new highways and completion of the 466-mile freeway system the state highway department has planned for the metro area. As St. Paul Mayor Lawrence Cohen has so aptly described the proposal, it is a "highway builder's dream."

The present transportation system of the Twin Cities is one of buses, streets and highways. The only problem is that most people who have an alternative will not ride the buses, preferring to pay the considerable extra expense of commuting by automobile in exchange for the added convenience of a personal vehicle. Of course, much of this convenience is provided by the tearing down of homes, commercial buildings, trees and parks to make way for ever-wider strips of concrete.

Along with these concrete ribbons come air pollution, noise pollution and the permanent division of many traditional residential communities. More of the downtown area is devoted to the parking of automobiles, forcing more retail shops out of the loop and into the suburbs. The city becomes a ghost town after the evening traffic jams break up.

It seems preposterous that anybody or any firm claiming to have expertise in transportation planning would suggest an urban-area transportation plan calling for even more highways that will certainly mean the loss of more homes, buildings, trees and parks. New highways will only make travel by automobile more attractive and pollution levels will climb.

One way to make mass transit more popular is to make traveling by auto less attractive, particularly for commuters. A better scheme would be to devise a mass transit system that is as attractive as commuting by car.

CONFERRING OF HONORARY DEGREE UPON FRED B. ROONEY

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GREEN of Pennsylvania. Mr. Speaker, occasionally one of our colleagues is honored in such a way that we like to share his happy achievements with all the Members of the Congress, as well as his good friends in his district. I speak of Congressman FRED B. ROONEY, who has just been awarded an honorary doctor of laws degree by Moravian College.

As a Congressman from Pennsylvania, I have worked closely with the Honorable FRED ROONEY, 15th District of Pennsylvania, on matters of mutual concern to our constituents, and I have been impressed with Congressman ROONEY's relentless devotion, dedication, and sensitivity to the needs of his districts. The role of a Congressman and a lawmaker frequently involves a balancing of national against local needs. Congressman ROONEY has a unique ability to satisfactorily resolve these frequently conflicting needs. Moravian College has recognized this unique ability and has appropriately awarded Mr. ROONEY an honorary doctor of laws degree.

MORAVIAN COLLEGE COMMENCEMENT—CITATION BY ROBERT P. SNYDER, MAY 28, 1972

President Collier, I present for special honor the Honorable Fred B. Rooney, Congressman from the 15th District of Pennsylvania, and close friend of this institution.

It is the awesome responsibility of 435 individuals to represent 200,000,000 fellow Americans in the Congress of the United States. Each Representative must give special concern to the needs, if not the wants, of the residents of his district while keeping paramount the total welfare of the people of this nation and of the world. Congressman Rooney has succeeded in both.

At a time when there is widespread alienation throughout our land and a feeling that government is remote, Congressman Rooney is known for the attention he willingly gives to a wide range of requests from the half million residents of the 15th District.

His concern for the immediate needs of his constituents is not at the expense of judgment devoted to national concerns. Discussion of the great issues of our times are many-sided. Yet, when a congressman finally votes on each of the 1,000 bills which reach the floor annually, his final legislative response must be yea or nay, often in the face of conflicting, strident pleas of special interest groups.

Congressman Rooney has initiated substantial health and consumer legislation, including the establishment of the National Eye Institute for research into the causes of blindness, and laws prohibiting deceptive sales practices.

A native son of Bethlehem, a devoted father, a man who has served Northampton County in the State Senate, a man who has been reelected to Congress four times, and a man who paces the sidelines with Moravian's coaches at Steel Field, I am happy to present the Honorable Fred B. Rooney, Representative of the 15th Congressional District, for the degree, Doctor of Laws.

AID FAILURE PROPHECY COMES TRUE—LAOS NOW; CAMBODIA, VIETNAM NEXT?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MOORHEAD. Mr. Speaker, as chairman of the Foreign Operations and Government Information Subcommittee, I was dismayed greatly to read an article entitled "Fraud Seen on Aid to Laos," which appeared in the Washington Evening Star, Tuesday, June 13. The article described the failure of the foreign exchange operations fund set up under the auspices of the U.S. foreign aid program. Similar funds are in process for Cambodia and South Vietnam.

The House Committee on Government Operations warned in a report to this body December 8, 1971, that the United States was headed for trouble in giving unrestricted cash grants to programs such as the one in Laos. The advice went unheeded and, as a result, the U.S. aid program in Laos is a failure. Will history repeat itself in Cambodia and Vietnam?

The following article and the conclusions and recommendations of our report last December may even be of interest to Henry Kissinger when he gets back to Washington:

FRAUD SEEN ON AID TO LAOS

(By Tammy Arbuckle)

VIENTIANE.—American and other economic sources here condemn the agreement with Laos which the United States is expected to sign this week contributing $16.1 million in U.S. funds to the foreign exchange operations fund whose ostensible purpose is to stabilize the Lao monetary unit the kip.

"Fraud and corruptions and the inability of the Lao government to impose any economic measures and cooperate with the donor nations have made the Foreign Exchange Operations Fund (FEOF) meaningless and unworkable," official economic sources said. "The money put into FEOF is not stabilizing the economy nor is it contributing to Laos economic development."

FEOF is a money changing operation which makes dollars available to Laos importers at a set price of 605 kip for one U.S. dollar. American and other western economic sources describe the operation as one in which some 800 importers and a few politically important Lao families can change their kip profits into dollars and stash them away in Swiss and other bank accounts, courtesy of the U.S. taxpayer.

PRICE UNSTABLE

American and other economists here made the following points arguing that FEOF should be scrapped. Prices in Laos are no longer stable. Meat for example has jumped in price by 100 percent from 1.10 per kilo to $2.20 per kilo, making it an impossible purchase for the average Lao. Other commodities such as milk, sugar, chicken, duck and some types of rice are in the same state. Whenever the Lao government attempts to investigate, prices come down but food is hidden and hoarded and becomes unavailable.

Price figures put before the Moorhead House subcommittee on government operations by U.S. aid claiming prices in Laos have risen only 8 percent in the last eight years are spurious. They were challenged by this reporter who did his own pricing in Laos markets using Lao housewives.

PROFITEERING INCREASES

Other points made by economists are: Pegging the dollar at 605 has not led to food being made available to the consumer on a cheaper basis. It has only led to blatant profiteering by local merchants.

Merchants do this through a thriving black market for dollars which has begun in Vientiane. They import at 605 and peg their price at the black market rate of 820 to $1.

The Lao government is totally unable to impose price controls and there is no way of preventing this. Foodstuffs produced in Laos are even pegged at black market rates although they are not economically linked to the dollar as they are not imports.

Economists also make these points: FEOF dollars are not soaking up excess kip as they were designed to do. This is because the Lao government has failed to impose any fiscal discipline on itself. Its budget deficit is 15 billion kip and getting bigger every year because it continues to hire more and more civil servants which it does not need, is forced by rising prices to give salary increases making more kip available, and economic sources allege is surreptitiously printing more kip.

These sources said two Britannia planes arrived in Vientiane a few weeks ago with cargos of newly printed kip notes from Singapore.

NEED IS INCREASING

There is no evidence available that the Lao government has destroyed the old kip in equivalent amounts. To make matters worse the Lao government has slashed import duties against U.S. advice, making its revenues less, its deficit greater, and therefore its need for more FEOF funds greater.

At one point this year Laos made FEOP dollar available for travelers. Merchants jumped at this dollar source. Overnight whole families claimed to be going abroad. Bank officials said they received 50 or 60 application forms all in the same handwriting. Couriers were employed to take cases full of passports across Mekong to Thailand to get them stamped by Thai officials to show applicants really travelled although in fact the merchants remained in Vientiane.

Top U.S. aid officials such as U.S. aid director Charles Mann still defend FEOF. These officials claim they are plugging holes which the Moorhead committee complained about in 1971. They say Laos is paying toward FEOF now to the tune of $2 million and that new documentation will eliminate the capital flight of FEOF dollars from Laos. In fact in their haste to make things work, though no FEOF agreement has been signed. the U.S. has already given Laos $7 million through 'letters of intent' as a U.S. promise to sign agreements.

U.S. CLAIMS DERIDED

Other American aid officials and diplomats from other donor nations (Britain, Japan, France, Australia, but the U.S. contributes 75 percent of the FEOF total) laugh at U.S. aid claims. The Lao contribution is in special drawing rights from the International Monetary Fund to which the U.S. indirectly contributed and no amount of documentations in Laos can stop fraud because top Lao officials including cabinet ministers and National assembly deputies are in league with Chinese and Vietnamese merchants who run the country's economy. "Look how FEOF got into this mess," they say.

The International Monetary Fund planned to devalue the kip but the plan was leaked by the Lao government. There was a run on FEOF leaving it $3 million short in 1971 as the Chinese and Lao chased dollars before devaluation could take place.

FAMILY ACCUSED

The same thing happened again in 1972 to a lesser extent and FEOF is expected to be at least $3.5 million short this fiscal year, an amount which U.S. aid officials are likely to try to take out of fiscal 1973.

Economists allege the powerful Lao family, the Sananikone, are deeply involved in the whole FEOF fraud.

During earlier attempts by U.S. AID at documentation a Sananikone family member, it is alleged, took kickbacks totalling $750,000 from Chinese merchants applying for imports in his capacity of a Lao government official.

The merchants have dreamed up a new swindle on forthcoming FEOF money, a western diplomat said. Although they are applying for FEOF money for imports they have no intention of doing any importing.

Informed sources in merchant circles say warehouses are full of imported goods boarded over the last three years. The merchants intend to pass off these goods with Lao customs collusion as fresh imports to substantiate their demand for FEOF dollars. This means the next lot of FEOF money will end up in Swiss and other bank accounts having been procured in exchange for the kip profit on the old goods.

Sources here say the list of fraud, corruption, greed and mismanagement in connection with FOEF funds is endless and easy to find in this small community.

Why then do U.S. aid officials insist on throwing away the American taxpayers' money when they know it's not going to benefit the Lao man in the street and is not going to stabilize the country's economy?

CALLED POLITICAL

"It is just a gigantic political payoff," said one bitter American official tired of his superiors' policies. "The embassy is pushing Charlie Mann to get this economic thing settled. They think that if the economic crisis worsens Souvanna (Phouma, Laos' premier) will fall.

"The Sanaikones have been criticizing him in the assembly over the economy and the embassy feels that if we clip their wings, particularly their ability to change their kip profits from their financial concerns into dollars then they'll push Souvanna and there could be a right wing coup."

Other western diplomats back this allegation. But both they and disgruntled U.S. officials say they have no faith in this theory.

"If FEOF is stopped the kip will jump to 8,000 to one dollar," a diplomat said. "That will soak up all this excess kip and the Chinese profiteers will leave. The imports of luxury items like cars, whiskey and perfumes would have to stop. There's nothing the Lao could do about it. They need all that U.S.

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military aid too much. The assembly and the government are blaming the U.S. for this crisis. We are not even getting any political mileage for our money."

The following are the conclusions and recommendations of the December 8, 1971, report on Laos by the House Committee on Government Operations based on a study conducted by its Foreign Operations and Government Information Subcommittee:

VI. PROGRAM OVERHAUL NEEDED

CONCLUSIONS

U.S. Government programs designed to stabilize the Lao economy over the past 15 years have been basically uneconomical for the United States and have promoted rather than curtailed fraud and corruption. The value of the Lao currency has been maintained, in recent years, not by any true measure of monetary stability in Laos but simply by foreign aid donors to Laos, mostly the United States, artificially controlling the Lao currency market by buying and selling kip at a fixed price. If the exchange rate rises, kip is bought, if the rate declines, kip is sold back into the Lao money market. Stabilization of the kip is as simple and artificial as that.

The system has provided an excellent vehicle for the Lao importers to import luxury goods for sale, at sizable profits, in Laos, Thailand, and Cambodia. As Lao officials were able to acquire kip, they were able to convert it to hard currency and transfer it to accounts in other more secure countries. Without such convertibility—which is mostly financed by the United States—the kip would hardly have been worth acquiring.

If we are to help the Lao people, a major overhaul of our aid program for Laos is necessary beyond any doubt. Competent personnel need to be assigned. They will need to be thoroughly versed in the shortcomings of the economy and efficiency of our previous programs in Laos and will need to take a realistic approach if we are ever to be successful in our foreign assistance programs for Laos. AID officials in Washington will need to constantly monitor the Laos program to prevent slippage.

Our foreign assistance programs for Laos have contained all the elements needed but our excessive generosity has precluded any real and lasting success. Where a shopping bag was needed, we sent a truck load.

U.S. Government programs for Laos provide food and equipment for the Lao military. Other U.S. programs provide essential government services, such as agricultural development, education, health care, and road maintenance. Still other U.S. programs provide full support in the form of food, clothing, and shelter for Lao refugees. Yet, in addition to all this, we have also saddled the U.S. taxpayers with multi-million-dollar "stabilization" programs to support the monetized sector of Laos, which consists of no more than a half million people. The Lao stabilization programs may have been more successful had they been more limited in size, more efficiently administered, and more firmly coupled with stringent RLG fiscal and monetary controls. Most of the Lao people have not benefited from these programs, only a wealthy few. If our AID program in Laos is to be economical and efficient, it simply must be brought under control. Determinations need to be made as to kind and amounts of commodities actually needed by the Lao monetized sector—and these commodities need to be supplied from U.S. sources. Controls needs to be established to insure that the economic assistance financed by the U.S. taxpayers is properly utilized and benefits the Lao people generally rather than only a selected few. If fraud and corruption cannot be prevented, then there simply is no basis for a U.S.-financed program.

It is relatively obvious that our partners have never really bought the FEOF stabilization program. As the costs of the Foreign Exchange Operations Fund skyrocketed, our partners have not been willing to increase their contributions; the U.S. taxpayers picked up the tab for the additional input into the fund. Nor has there ever been adequate information or controls to insure the efficient and economical use of the U.S. taxpayers' gifts to the monetized sector of Laos.

From a U.S. Government viewpoint, the beneficial aspects of the FEOF program in providing a degree of economic stability may have been outweighed by the lack of effective controls—leading to the importation of nonessential luxury goods, capital flight, and the acquisition of dollars by Communists.

France, for all practical purposes, has been using FEOF to acquire the kip needed for its local expenses in Laos. Japan has reserved its kip being acquired through FEOF for future uses and has indicated that it will not increase its contributions to FEOF. Australia and the United Kingdom are—in all probability—also looking for ways to gracefully rid themselves of FEOF. Action to establish a properly controlled program is long past due.

Unrestricted cash grant programs of the types funded by the United States in Laos are uncontrollable and lack assurance that the foreign assistance is efficiently and economically used and, therefore, deserve little consideration in our foreign assistance program. Every grant or loan given by the U.S. Government should clearly be for a specific and definite purpose and adequate controls should be established to insure that the U.S. taxpayers' money is specifically used for the intended purpose. Anything less than this is an open invitation to fraud and corruption.

It's been said[1] before that "this type of administration of this (AID's) program is making us look utterly foolish in the eyes of friend and foe alike."

RECOMMENDATIONS

1. The United States, in assisting Laos to achieve stability, security and development, must devise programs which are far more effective and economical than those of the past. There is a need to develop programs which assure the Laotian people a supply of essential commodities necessary for maintaining a reasonable standard of living, but without facilitating smuggling, corruption, or the importation of nonessential goods. There is a need to develop fiscal and monetary stability, including the imposition of an adequate tax structure and a realistic exchange rate, while preventing the misuse of foreign exchange or an unacceptable burden on the U.S. payments balance. There is a need to assist in the planned development of the Laotian economy, in cooperation with other developed nations, while sharing equitably in the award of sponsored projects and in the supply of goods. Finally, there is a need to establish effective controls and restrictions to asure that the programs so established are working according to plan—something unachieved to date.

To accomplish the above, it is essential that far more information be obtained about the workings of the Laotian economy and society, about consumption habits, about types and quantities of commodities required, and about many other necessary factors. Too often in the past, the United States has been operating in the dark in Laos and has made serious mistakes as a consequence. Neither a commodity import program nor a foreign exchange stabilization program nor a cash grant program has proved satisfactory. The fact is that no acceptable solution has yet been found. In the meantime, the U.S. taxpayers have been subjected to an unfair burden. There is a vital need for AID to initiate studies immediately and intensively with other U.S. agencies, the International Monetary Fund, other international agencies, and with other nations to develop programs that will assist the Laotians in achieving their goals and objectives, but in keeping with the economic needs of the United States.

For almost two decades, U.S. financial assistance has been misused in Laos. The American taxpayers have grown tired and disgusted in seeing their money spent in Laos on nonessentials, luxuries, hoarding, and corruption. AID must assign highly competent personnel under top priority status to develop and recommend to the Congress—within 90 days—new programs which will accomplish the goals and objectives outlined above with regard to U.S. assistance efforts in Laos.

2. AID must press for a satisfactory conclusion to negotiation of fair and equitable freight rates for commodities transported through Thailand to Laos. AID should also conduct appropriate cost audits to insure proper freight charges. If this matter cannot be satisfactorily negotiated—now—with the Thai Government, consideration should be given to making appropriate reductions in U.S. economic assistance to Thailand.

3. AID should also insure that commodities provided for construction of the Nam Ngum Dam in Laos are fairly priced. As the U.S. Government provides 50 percent of the $30 million required for construction of this dam, it is imperative that AID insure that the funding provided is properly spent.

4. The Committee on Government Operations further suggests that the Foreign Assistance Authorization and Appropriation Committees of both the House and Senate consider amendments to Foreign Assistance Authorization and Appropriation Acts specifically prohibiting the use of unrestricted cash grants except in those instances where specifically and separately authorized by the Congress.

[1] Representative John J. Flynt, Jr. Hearings on "Foreign Operations Appropriations for 1964," p. 269.

BILL TO ELIMINATE TAX-LOSS FARMING

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BERGLAND. Mr. Speaker, today I introduced a bill to amend the Internal Revenue Code and prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources. This bill would affect 14,000 persons who are claiming substantial losses on this hobby farming and would produce an estimated $205 million in new revenue.

While $205 million in tax revenues will not solve the fiscal crisis in the Federal budget, if added to other tax reform measures pending in Congress, it will go a long way in closing the budget gap. In addition to the revenue consideration I think it is high time the taxpayers stop subsidizing these millionaire playboys. Theses individuals buy farms, operate them at a loss and then charge off the loss—giving them an unfair advantage over the hundreds of thousands of family farmers who are struggling to make ends meet.

If some corporation or wealthy person persists in farming for a hobby under the terms of this bill, they will pay for their fun out of their income after taxes. Income tax records indicate millionaires are notoriously bad farmers with nearly all who farm reporting a loss.

Since I believe this bill to be of major importance to the family farm community, I am including the text for the RECORD:

H.R. 15549

A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Farm Tax Reform Act of 1972".

(b) AMENDMENT OF CODE.— Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the gross income derived from the business of farming for such taxable year, and

"(2) in the case of an individual, the higher of (A) $15,000, plus one-half of the amount by which the excess of the aggregate of the deductions attributable to such business over the gross income derived from such business for the taxable year exceeds $15,000, or (B) the amount of the special deductions (as defined in subsection (e)(2)) for the taxable year, or

"(3) in the case of any other taxpayer, the higher of (A) one-half of the excess of the aggregate of the deductions attributable to such business over the gross income derived from such business for the taxable year, or (B) the amount of the special deductions for the taxable year.

For purposes of this subsection, an individual does not include a trust.

"(b) MARRIED INDIVIDUALS.—In the case of a husband and wife who file a separate return, the $15,000 amount specified in subsection (a)(2) shall be $7,500. The preceding sentence shall not apply if the spouse of the taxpayer does not have any income or deductions attributable to the business of farming for the taxable year.

"(c) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING METHODS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who elects to compute taxable income from farming (A) by using inventories, and (B) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) TIME, MANNER, AND EFFECT OF ELECTION.—An election under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in order to comply with the election made under paragraph (1), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Secretary or his delegate and for purposes of section 481(a)(2) shall be treated as a change not initiated by the taxpayer.

"(d) CARRYOVER OF FARM OPERATING LOSSES.—The amount not allowed as deductions by reason of subsection (a) for any taxable year shall be treated as a deduction attributable to the business of farming for each succeeding taxable year (to the extent not allowed as a deduction under this subsection for any prior taxable year), except that the amount so treated shall be allowable as a deduction for any such succeeding taxable year only in an amount not to exceed one-half of the excess of—

"(1) the gross income derived from the business of farming for such succeeding taxable year, over

"(2) the deductions allowable by this chapter (computed without regard to this subsection) for such succeeding taxable year which are attributable to the business of farming.

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) NONFARM ADJUSTED GROSS INCOME.—The term 'nonfarm adjusted gross income' means adjusted gross income computed without regard to income and deductions attributable to the business of farming.

"(2) SPECIAL DEDUCTIONS.—The term 'special deductions' means the deductions allowable under this chapter which are attributable to the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) losses arising from fire, storm, or other casualty, or from abandonment or theft,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions.

"(3) INCOME AND DEDUCTIONS.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but (except for purposes of paragraph (1)) gains or losses which for the taxable year are treated under section 1231 (a) (after the application of section 1245) as gains and losses from sales or exchanges of capital assets held for more than 6 months shall not be taken into account.

"(4) BUSINESS OF FARMING.—

"(A) HORSE RACING.—In the case of a taxpayer engaged in the raising of horses, the business of farming includes the racing of horses.

"(B) SEVERAL BUSINESSES OF FARMING.—If a taxpayer is engaged in more than one business of farming, all such businesses shall be treated as one business.

"(C) RELATED INTEGRATED BUSINESSES.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"(5) PARTNERSHIPS.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership."

(c) Repeal of Farm Loss Recapture Provision.—

(1) Section 1251(b)(2)(A) of such Code is amended by inserting after "taxable year" the following: "(other than a taxable year beginning after the date of the enactment of the Farm Tax Reform Act of 1972)".

(2) Section 1251(b)(3)(A) of such Code is amended by striking out "an amount equal" and inserting in lieu thereof: "with respect to taxable years other than taxable years beginning after the date of the enactment of the Farm Tax Reform Act of 1972, an amount equal".

(3) Section 1251 of such Code is amended by adding at the end thereof the following new subsection: "(f) Cross Reference.—

"For limitation on deductions attributable to farming applicable to taxable years beginning after the date of the enactment of the Farm Tax Reform Act of 1972, see section 280."

(d) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING"

(e) EFFECTIVE DATE.—The amendments made by subsection (b) of this section shall apply only to taxable years beginning after the date of the enactment of this Act.

THE EAST BERLIN REVOLT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. DERWINSKI. Mr. Speaker, next Saturday will be the 19th anniversary of the revolt in East Berlin, when tens of thousands of Germans rose in protest against their Communist oppressors.

A recital of the causes for the uprising shows that events in East Germany followed an all too familiar pattern: Intensified persecution of the churches, near-starvation brought on by serious food shortages which were sure to worsen before the grain and potato harvests, collectivization of agriculture, and takeover of factories, the last being aggravated by increases in production norms.

The revolt of June 17, 1953, was set in motion on the previous day, when construction workers on the Stalinallee project, in what was apparently a spontaneous action, threw down their tools and marched through the city in protest against the increased production quotas that had been ordered. The higher norms were revoked as a result of the protest meeting that the workers staged at the government buildings.

The revolt spread on June 17, when what amounted to a general strike took place in East Berlin and strikers seized the factories. Thousands of the city's residents demonstrated in the streets, took over government buildings, jails, banks, and police stations. The Soviet authorities rushed army tanks to the city to help restore order, declared martial law, and imposed a curfew. At least 17 Soviet divisions were required to maintain martial law.

On the 18th, the strikes spread to the East German uranium and coal mines. Sixteen people were killed, hundreds injured, and thousands arrested before the lifting of the state of siege in East Berlin on July 9. Martial law ended 3 days later.

As embarrassing as the uprising was to the tyrants in the Kremlin, even more humiliating to the Soviet leaders was the feeding of hungry East Berliners by their fellow Germans in the American

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sector. West Berliners began providing food on July 14 and the American authorities followed suit on the 27th.

The Soviet Union was requested to permit the United States to deliver $15,000,000 worth of American food for free distribution in East Germany. When permission was refused, the food was made available in West Berlin. By August 2, a million parcels of food had been distributed to hungry East Germans and the free world had won a tremendous propaganda victory through its humanitarianism.

Mr. Speaker, how ironic that the protest of June 17, 1953, was organized and carried out by the working classes, the very people for whom the Communists presume to speak. How ironic that a great agricultural nation such as the Soviet Union was unable to feed the inhabitants of East Germany. How ironic that the Iron Curtain in the form of the Berlin Wall that now separates the two sections of Berlin was erected, not to keep outsiders from entering the People's Paradise, but to keep insiders from leaving.

PRAYER FOR LITHUANIANS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WHALEN. Mr. Speaker, it is with deep regret and sympathy that I view the most recent tragedy in the long Lithuanian struggle to free herself from religious and political oppression. I refer to the recent death by self-immolation of a young Roman Catholic man in the Lihtuanian city of Kaunas.

I therefore join today with Americans of Lithuanian origin on this national day of mourning and prayer for the plight of the Lithuanian nation, so declared by the Lithuanian-American Community and the Roman Catholic Churches of America.

Unhappily, June also marks the 22d anniversary of the Soviet Union's forceful occupation of Lithuania. Since that day in 1940, the problems of religious persecution and political repression in Lithuania have continued to mount.

The Lithuanian people have demonstrated that they will not let themselves and their natural right to freedom of expression be forgotten by the rest of the free world. We have seen their determination to resist tyranny in the massive petitions that have been signed and sent by Lithuanian-Americans to the President, by the extensive petitions submitted by their native countrymen to the United Nations and the Communist Party leaders themselves, and by the repeated protests in that country.

As citizens of a nation dedicated to the ideal of freedom American's pray that one day the people of Lithuania will also regain the freedoms that are rightfully theirs. Along with this hope, we also share the sorrow that all Lithuanians feel today following the recent tragedies in their country.

THE DEFEATISTS ARE AT IT AGAIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BOB WILSON. Mr. Speaker, I am pleased to share with my House colleagues a recent speech by Richard G. Capen, Jr., vice president, Copley Newspapers, La Jolla, Calif., before the District Convention, Lions International, San Diego, on May 26. I heartily recommend this excellent commentary to the thoughtful review of the recent crop of newly "converted" doves.

The speech follows:

THE DEFEATISTS ARE AT IT AGAIN!

(By Richard G. Capen, Jr.)

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease. A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas. They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called The President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie The President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moselms and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon s leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration, combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that reaponsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris. The President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize The President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has The President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defeating the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect The President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to The White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports The President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse The President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, The President has asked for the support of a unified nation. I believe he deserves that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

"HAWAIIAN" MEANS MORE THAN BLOOD AND SKIN, SAYS DAVID K. TRASK, IN NOTING EVOLVING ETHNIC RELATIONSHIPS IN THE 50TH STATE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MATSUNAGA. Mr. Speaker, over the years, peoples of many different races, nationalities, and creeds have made Hawaii their home. To a large extent, they adopted the island culture; they also saw some of their own beliefs and customs adopted by earlier immigrants. This process of integration has been so successful that our late, beloved President John F. Kennedy selected Hawaii as the site of his first major civil rights address. Pointing to Hawaii's outstanding achievements in race relations, President Kennedy on June 9, 1963, in Honolulu, urged the Nation to emulate its youngest State.

The most thoughtful of Hawaii's citizens, while recognizing Hawaii's position of leadership, realize that relations between the varying peoples of the island State are still evolving. While great progress has been made, there is room for improvement—a fact which is illustrated by recent reports of ethnic tension between the descendents of the earliest Hawaiians and the descendents of later immigrants.

These problems have raised serious questions in the minds of thinking Hawaiians: Can we preserve our racial and ethnic harmony and still allow each individual to fully develop his own ethnic identity? Can we have a harmonious society composed of individuals from many different cultures and races? Can an individual of Japanese, Chinese, Filipino, or Caucasian ancestry be a "true Hawaiian"?

These questions and others were raised at the recent annual convention of the Hawaiian Civic Clubs in Honolulu, Hawaii, by Matsuo Takabuki, a distinguished attorney and trustee of the Bishop Estate. Mr. Takabuki, who is of Japanese ancestry, urged members of the Hawaiian Civic Clubs to seek a balance whereby they can maintain their ethnic identity and still function as members of a larger society.

In introducing Mr. Takabuki, Mr. David Trask, a member of an old and highly respected Hawaiian family, and the retiring president of the organization of Hawaiian Civic Clubs, sought to define a "true Hawaiian." Mr. Trask eloquently reminded his fellow Hawaiians that "'Hawaiian' means more than blood and skin."

With the thought that my colleagues will find both speeches inspiring and thought provoking, I am submitting them for inclusion in today's RECORD:

A SPEECH BY MATSUO TAKABUKI

When I was first approached to address you, I had mixed feelings, but I consulted a friend whose judgment I valued, and he encouraged me to accept it.

So I am here this morning.

For many years I have avoided making a speech, and I was contented because it was the way I wanted it.

For many years I was out of the "glass-bowl of public glare"—permanently retired from the public sector—to live within a fence of privacy for myself and my family, and it was a lifestyle more to our liking. I enjoyed what I was doing in my particular fields of interests, being adequately compensated for my work with people I knew who entrusted me with such work.

But eight months ago I was thrust into the center of a stage of raging controversy within our community, and but for one public statement, I refrained from making any other statement until today.

It has been six and a half months since I took office as a Trustee of the Bishop Estate. And I should like to share some of my thoughts with you.

At the outset, let me make an obvious personal commitment. You can be assured of my best efforts to perform the job I have been entrusted to do—to use whatever talents I may have to work with the other trustees of the Estate to meet the broad objectives established under the Will of Princess Bernice Pauahi Paki Bishop. You can be assured that there will be no miracles—no earth-shaking changes—only my continuous effort with the other trustees to enhance the assets of the Estate, and to generate more income to fund the educational activities of its principal beneficiary, Kamehameha School, and to assist in establishing meaningful programs in reaching out to as many of the children who are not presently receiving the benefits of her concern.

If you will allow me another brief personal note, I want to tell you of my profound admiration for the two principal benefactors of the Estate, the Princess and her husband, Charles Reed Bishop, for their foresight by creating this legacy of charity and compassion which shall continue in perpetuity. Trustees will come and go, but the Estate and Kamehameha School shall remain beyond any Trustee's lifetime as the lasting memorial of her concern for her people.

Now, let me get back to look at this "Takabuki problem" as it may relate to you, to me, and to our broader community. You have asked, and others have asked, and rightly so, who is this guy, "Takabuki," who is vested with this awesome responsibility by the Supreme Court of Hawaii as one of her five Trustees to do the good that the Princess wanted for her people. What is he? An unscrupulous political hack; a shrewd conspirator out to destroy the Estate, or the best thing which happened to the Estate, or anywhere in between these two extremes. Only time will tell how this story will end.

Perhaps, however, an observation made by a friend in half-jest may be illuminating. In our abstract philosophical evaluation of this controversy, he sort of brightened up, grinning somewhat impishly, and said pleasantly, "You know, Matsy, I think you got a lot of charisma," and he paused, and I quickly reacted, somewhat puzzled, "Charisma?" at this very inappropriate description of me, especially in the midst of the raging controversy, and he smiled, and continued. "Yes, a lot of *negative* charisma." How right he was! I could never win a popularity contest.

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Now that you know of this speaker with neagtive charisma, it should warn you that you could not be expecting too much from him.

Let me, however, attempt to place in some perspective the deeper issues of this controversy by quoting from an article appearing in the Star-Bulletin by Tomi Knaefler, in an interview with Dr. Alan Howard, a former Bishop Museum anthropologist who is now professor of anthropology at the University of Hawaii, with a three year live-in research and study in Nanakuli. The excerpts of his interview read as follows:

"The Takabuki protest symbolizes the Hawaiians' first battle cry to legitimize their ethnic identity. If they fail to gain it through this route, they have no choice but to express themselves through conflict—politically and militantly.

"At heart, the Hawaiian movement is no different than the blacks' fight for ethnic identity.

"The protest points up the myth of Hawaii's melting pot concept, which, in fact, is a boiling pot of suppressed racial differences long denied legitimate airing.

"The melting pot illusion simply must go. The damage it has done is to blur ethnic diversity and to allow the Anglo culture to dominate."

These are very interesting observations. Certainly they touch the sensitive vein of ethnic identity—so different from the accepted rhetoric of the "melting pot" of the Pacific—and so true in some respect—but is this battle cry for ethnic identity comparable in intensity as the "black power" movement of the militant blacks? Is this melting pot illusion called Hawaii similar to the black ghettos of Watts, Newark or Harlem? Are the Japanese, or Takabuki, the symbol of suppression as the "whiteys" are to the militant blacks? Dr. Howard, however, softens this thrust by saying that:

[But]

"I don't feel the protest is an expression of hostility toward the Japanese or toward Takabuki as an individual."

But is he right when he said in seeking your ethnic identity, you have "no choice but to express yourselves through conflict—politically and militantly". Can there be other options and alternates that you can choose? Or can you do it alone as one ethnic group isolated from all other groups in this society? Or is this irrelevant because we are on the threshold of a new era—a changing lifestyle from the melting pot concept to ethnicity, and an emotional need of ethnic minorities to pursue militant courses of action on ethnic lines to get a "piece of the action"?

Let me try to examine this point of view.

Anyone who has lived in Hawaii for awhile can readily give you illustrations of ethnic tensions, and yes, discrimination existing in our imperfect society, but is it boiling so much that the melting pot becomes the boiling pot of suppressed racial differences? Are you, or am I, or are we prepared to move away from the goal of making Hawaii the "melting pot" of the Pacific? Are we ready to cast aside the acceptable norm in reaching for a "homogenized blend of races", or in looking even further in the future, will there be a time when the bloodlines of our people may becomes so mixed as to have the "golden man" of the Pacific?

Is the "part-Hawaiian" who has grown so substantially to be this "golden man" of the future? A Hawaiian-Chinese, Hawaiian-Caucasian, Hawaiian-Japanese, or any mixture with Hawaiian is racially classified as "part-Hawaiian", and not part-Chinese, part-Haole, or part-Japanese. But will time and circumstances change this ethnic reference as it did in our recent Hawaiian history. I think back to the days of the 442nd Regimental Combat Team in the Second World War, and I can remember when many Hawaiian-Japanese were not part-Hawaiian then, but part-Japanese who can only belong to this racially segregated combat unit. Any smattering of Japanese blood made him different from other ethnic Americans at war, but I can remember also the counter-declaration by Franklin D. Roosevelt that "Americanism is not a matter of race, color or creed", and for this reason this ethnic group should be given the chance to prove themselves.

What happened since is past history, and I guess we proved that President Roosevelt was not wrong that Americanism overcame ethnic bloodlines, and perhaps, the melting pot concept is viable and the "golden man" is achievable.

Are we now, two and a half decades later, involved in a new cycle of re-ordering our priorities when ethnic identity becomes the rallying cry for a sense of pride and confidence? Is it not true that to deny pride in one's ethnic identity is really to deny who you really are? Or, perhaps, could it be an angry ethnic outcry born of frustration? Should we now say that "Brown, Yellow, White or Black is beautiful", as the case may be, and put the homogenized blend of races on the back burner as a myth—the bad guy of Anglo-Saxon culture who suppresses ethnic pride?

In searching for this ethnic identity, or in seeking a sense of pride and confidence in ethnic terms, is there any danger that it may lead some to reject all that is not of its color? Or, will the opportunity to openly and proudly air their cultural and ethnic differences create an understanding, appreciation, and mutual respect among all the diverse ethnic groups to accept them as they are?

Is Dr. Howard right when he seeks replacement of the melting pot concept with ethnic diversity by saying:

"There are those who oppose legitimizing ethnicity on grounds this would lead to racist conflicts.

"Such danger exists more by denying ethnicity because to deny pride in one's ethnicity is to deny who you really are.

"The need then, is a society that encourages divergence, no convergence. A recognition and respect for individual differences. And a willingness to admit that there's more than one way, more than one right, more than one truth."

But what happens when such ethnicity, such way, such right, or such truth sharply conflicts with other groups aspiring for the same thing within the same society—or it runs counter to the dominant White-Anglo-Saxon Protestant cultural pattern—or it denies the concept of love and the brotherhood of men of the Protestant ethic—or it violates the precept of a democratically constituted political structure that "all men are created equal."

I guess this was our dilemma in this incident. But can there be an accommodation of both concepts?

When does ethnic identity become a divisive force, and not a positive one within a community? Can you be primarily ethnic in some areas like the Hawaiian Homes Commission, and yes, your major legacy as the Bishop Estate, Liliuokalani Trust and others, and yet, perhaps, reconcile these as exceptions to the rule to escape the possible backlash of the accepted more of the "melting pot" concept within our society?

Where is the balance one can strike on ethnic diversity, and yet maintain an equal, if not stronger, desire to seek a common denominator so we could live together in relative harmony? Can we believe ethnicity and the "golden man" concept at the same time? Are we, again, going through a useless exercise of soothing rhetoric of trying to blend the races even though we recognize that we will continue to have this kind of ethnic crisis so long as people have different shades of color?

Can there be a common definition of a "child of Hawaii", a "keiki o ka aina"? Or is this, again, the same kind of rhetoric to lead to conformity to suppress ethnicity under a WASP cultural pattern?

Can any one of us be a "child of Hawaii" in one respect, but never in another one? Don't you, or I, or any other person, have the right to foreclose all others in doing our own ethnic thing? Isn't it your right to control your own ethnic destiny? Is it not true that only you could fully understand your own ethnic hopes and aspirations? But, then, what about a Charles Reed Bishop? Or is Abraham Lincoln irrelevant to the Blacks because he was none of them? I wonder if there are some lessons we can learn from these questions.

Or, in evaluating another incident within a different context where the converse can be said to have occurred, should we really applaud Jesse Kuhaulua for his award by the East-West Center for his contribution to intercultural activity in gaining unprecedented stature as a non-Japanese in a purely indigenous Japanese sport called sumo? Can't he be, in one way of thinking, the shining example of "brown power" over "yellow power" in Hawaii? Or is he another example of the blending of the races, the racial tolerance, or the Aloha spirit of Hawaii? Or is Jesse Takamiyama an "Uncle Tom" for the Japanese?

I raise these hard questions to show that there are many sides to an issue, and many shades of interpretation depending on how you see it, or want to see it, and the rationale you use to justify your belief.

I raise these questions to show that any action may bring diverse re-actions—good or bad, sharp or indifferent, in varying shades of intensity depending on how such action may affect the person or persons involved.

I raise these questions as possible basis for your own critical re-evaluation, and perhaps, the need for careful re-thinking, re-examination and re-ordering of your priorities and values—and I suggest it may be a time for soul-searching for all of us, seeking, perhaps, for a new accommodation, or re-affirming the old concepts, or blending the new and the old, in trying to reconcile all the variables covering the whole spectrum of our society, including our ethnicity, our socio-economic priorities, our political cross-currents, and our individual and collective hopes for the future, and seeking somehow by our actions to create a better Hawaii for all of us.

I do not pretend to know the answers. And it is certainly not for me to try to tell you what should be done. You will have to decide what is your own way, what is your own right, and what is your own truth.

And in this difficult task that only you can decide, I wish you well.

PRESIDENT'S MESSAGE: "HAWAIIAN" MEANS MORE THAN BLOOD AND SKIN

(By David K. Trask)

Fellow Hawaiians, I've decided to step down as President of the Hawaiian Civic Clubs. I've made this decision because I feel that it is the best thing I can do in serving the Hawaiian people. By stepping down, I will allow someone to replace me who can devote more time and energy to the important work of the organization and thereby move the organization forward at a more rapid pace.

However, as I retire from the Presidency, I feel compelled to make a few observations which I hope all of you will accept as being the words of a Hawaiian who desires nothing but the best for Hawaii and the Hawaiians. Let me take you back through time so that we may see what has happened to the Hawaiian people. I believe that if we can understand the past, we will be able to better understand what is required of us in this time and age. If we can understand what is required of us, we will be able to see what needs to be done so that our children and our children's children will be able to derive whatever benefits we will be able to bestow upon them.

About a century or so ago, we Hawaiians were in our full spendor and glory. We had a ruler of our race who ruled these beautiful islands and the life style that we developed for ourselves was a life style which most people only dreamed about. We were truly blessed by the gods, for we had a beautiful cluster of islands in which to live; we had one of the most favorable climates in the world; and the flora and fauna of Hawaii flourished without much cultivation. All of our people were able to live happily and comfortably without having to compete for food, shelter, or clothing. We learned to share with each other and really believed that all men should live as brothers. We welcomed most of the strangers that came to our shores in the true spirit of Aloha—with open hearts, mind and arms.

We lived in this happy state not really realizing that Hawaii was changing and that the time of the old Hawaii was drawing to a close. Suddenly, at the turn of the 20th century, we were rudely awakened by a shocking and chilling sight. We witnessed the lowering of the Hawaiian flag at Iolani Palace and the raising of a new flag. The Hawaiian Kingdom had come to an end. Many of us did not realize then nor do some of us realize now that that was the most visible day when the old Hawaiian life style began to change. Big business and complex economics had come to Hawaii and with its coming came the cold, calculating; sophisticated, efficient and competing methods of operation. Hawaiians were ill-equipped to exist in that environment for we had learned how to live in a world of plenty without competition. Now, we were suddenly thrust into a world where competition rather than sharing was the keystone.

As a result of the new environment and our reluctance to change our life style with the times, we find ourselves today with little. What we retain are a few benefits which we really believe we must preserve for our children and their children's children. One of these benefits is the Bishop Estate and its holding of lands. Every Hawaiian believes that he has a stake and interest in the Bishop Estate. He somehow feels that the lands of the Estate were once his and that it should be protected from all those who would take his inheritance. There is really nothing wrong with that feeling, but what is wrong is the feeling that all other races would rob us of our inheritance and therefore should be excluded from the Estate. What I think we are confusing is racism with what should be the present definition of the word "Hawaiian". We seem to be saying that anyone without the blood of those who originally came to the Hawaiian Islands is not a Hawaiian. Yet, look at all of us here today. We have the blood of the races of today's Hawaii running through our veins—Chinese, Japanese, Korean, Filipino, Puerto Rican, Portuguese, Samoan, Black, Haloe, and many others. In fact, our last names reflect the conglomerate of races—Chang, Akana, Tsukiyama, Lyman, Paglinawan, Thompson, King, Galderia, and Trask. Are we less Hawaiian because we are not pure bloods? Frankly, I think it is time that we think of the word "Hawaiian" as representing a person who really represents Hawaii, regardless of race or color. Such a man is a person who believes in his fellow man, who treats all equally, and who treats all men with compassion and understanding. That is a Hawaiian, for it represents that which was the most beautiful part of the Hawaiian life style and culture.

I think Matsy Takabuki is such a man. Many of you may disagree with me and with his appointment to the Board of Trustees of the Bishop Estate. I believe that Matsy will add a new dimension to the Board for he is a man of wide business, legal and political experience which when devoted to the tasks of the Estate will provide all of us with what we want most—to preserve the Estate for the benefit of our children and their children's children.

The entire episode of Matsy's appointment was disheartening to me. It was disheartening because I witnessed an attempt by some to close the hearts, minds and arms of some of us to a person of another race who, if anything, is a true son of Hawaii. Matsy was born in Hawaii; he went to school with us; he fought against our common enemies during a time of crisis; he served us as our representative in political office and has worked all of his life in Hawaii. If that does not make him a Hawaiian or a son of Hawaii, then I don't know what will. What some of us have done to him and through him to others who live, understand and love Hawaii is beyond comprehension, for if we deny him and others like him of being Hawaiian, then we will be losing the most important and valid part of our life style. If we do that, we will have been finally conquered by others, for we will have learned how to hate others who look different from ourselves.

I believe that the most important gift that our ancestors gave us and which we must pass on to our children is the openness of heart, mind and arms—the love of our fellow man no matter what his color, or his looks. We must teach our children that they should not judge a man by his race, the color of his skin, the way he looks, or the way that he spells his last name; but rather that they should judge him by what he believes in, what he feels and by what he does. If any man believes in his fellow man and treats him with love, compassion and understanding then love him for he is a true Hawaiian and a son of Hawaii.

CONGRESSMAN McCLOSKEY'S REMARKS ON THE "TODAY SHOW"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BIAGGI. Mr. Speaker, I was shocked to hear the comments made by the gentleman from California (Mr. McCLOSKEY) on the NBC–TV, "Today Show" concerning American prisoners of war in North Vietnam. Mr. McCLOSKEY said, and I quote:

There's 700 prisoners over there. If I were General Giap I think I'd be putting one of them in the town square of each of my 700 biggest towns.

He went on to say:

And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I think the North Vietnamese may very well do that.

I cannot believe that Mr. McCLOSKEY, a former Marine Corps officer, would actually be advocating such a policy. The damage, however, lies with the fact that this sort of suggestion by an American Congressman might have the effect of not only putting the idea in the mind of the enemy, but also since it is being discussed on high levels in this country, actually seem to justify such an action in Hanoi.

I do not believe that American officials should be planting any more sinister ideas in the minds of the enemy than are already there, particularly when it would have the effect of jeopardizing our American Servicemen who are prisoners of War in North Vietnam. In addition we should not be discussing the possibility of using the POW's as pawns in the conflict. Certainly, we should not be suggesting that they be held up as living targets for our bombers.

Mr. Speaker, this type of suggested use of prisoners of war has never been used by even our most brutal opponents in war. For example, we never had to face the possibility of bombing our servicemen who were captured by the Germans in World War II. What is the purpose of suggesting such an idea to the leaders of North Vietnam?

The day after Mr. McCLOSKEY spoke on the "Today Show," Mrs. Carole Hanson, the chairman of the National League of Families of American Prisoners and Missing in Southeast Asia appeared and made a rebuttal to the remarks of Mr. McCLOSKEY. She is also the wife of a Marine Corps officer who has been missing for 5 years. In her statement Mrs. Hanson said:

In the long five years as a wife of a missing in action American, I have never heard a more shocking statement, nor one more dangerous to my husband and 1700 other prisoners and missing men in Southeast Asia. Never has a proposal, threat, or suggestion like this been made from any side, not even from Hanoi.

The most bitter of anti-war opponents have not suggested that prisoners be used as shields against bombs. Mr. McCLOSKEY said it not once, but twice.

She went on to say:

For a man of his position and experience to suggest this most heinous violation of the Geneva Convention is stunning to all POW families, and I trust to all Americans. Whether or not the Congressman meant this as an actual proposal, is not the issue. The fact remains that this sort of serious discussion by American officials may seem to justify such actions to Hanoi.

I agree with Mrs. Hanson's statement, and hope that such suggestions will cease in the future. We should not place the American prisoners of war in a more dangerous situation than they are in already. We all want this conflict to end, but not at the expense of American prisoners of war. They have already paid a high enough price.

HALTS DETROIT BUSING

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROOMFIELD. Mr. Speaker, the crisis of forced busing has been above all others the one issue which is of paramount concern to my constituents in Oakland County, Mich. I have received tens of thousands of letters from concerned parents who have turned to Congress for relief from court-ordered forced busing.

I have devoted a great deal of my time during this past year working toward a legislative means to stop forced busing. I am pleased to say that last week my measure to delay all court-ordered bus-

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ing pending appeal received final congressional approval and has now been sent to the President for his signature.

Mr. Speaker, I have tried to keep in constant communication with my constituents in order to keep them abreast of the latest developments here in Washington. As you can imagine, I was extremely pleased to mail this week my Washington Report announcing the culmination of over a year's work to halt forced busing. Mr. Speaker, because I feel that this report may be of interest to my colleagues I include it at this point in the RECORD:

HALTS DETROIT BUSING—BROOMFIELD ANTI-BUSING AMENDMENT GETS FINAL APPROVAL FROM CONGRESS

DEAR FRIEND: I am pleased to report to you that Congress on June 8th gave final approval and sent to the President for his signature my legislation against forced school busing. It will mean that no court can order busing this fall between Detroit and the suburbs and the nation will have at least an 18-month breathing period in the busing controversy. During that time, I am hopeful the U.S. Supreme Court will rule against forced school busing.

The House of Representatives gave strong approval to the Higher Education Act containing my legislation by a vote of 218 to 180. All but five of the members of the Michigan Congressional delegation present and voting supported it. Those opposed included Senator Philip Hart, Congressmen Jack McDonald, John Conyers, Guy Vander Jagt and Gerald Ford. Despite his "No" vote, Congressman Gerald Ford called the Broomfield Amendment "the only meaningful part of the bill in the busing field."

Congressman Marvin Esch of Ann Arbor, one of Congress' recognized experts in education and a ranking member of the House Education and Labor Committee, played a major role in helping me get approval on the House Floor. (Excerpts of Congressman Esch's speech are contained on the reverse side of this letter along with my own statement and those of several other Michigan Congressmen.) Senator Griffin helped get the measure approved in the Senate.

While some have been critical of my proposal as not tough enough, a number of national organizations which support school busing made an all-out, though unsuccessful effort to defeat it. One national labor organization attacked my bill with this statement: "(We) do not take lightly our opposition to the Higher Education Act. (We) do so, not because of the proposals dealing with higher education, but because of the inclusion of the Broomfield Amendment. . . ."

I agree that further legislation may be necessary when the new Congress reconvenes next January. But given the present makeup of Congress, I am convinced that no stronger anti-busing language can be passed now. Without this anti-busing amendment, we would have nothing with which to fight forced busing *this year* in Michigan and throughout the country. I will continue to work for approval of any legislation that will make forced school busing a thing of the past.

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

[From the CONGRESSIONAL RECORD, June 8, 1972]

REMARKS OF HON. WILLIAM S. BROOMFIELD

Mr. Speaker, as the author of the Broomfield antibusing amendment which is contained in the bill before us. I have listened with great interest to the debate about this proposal since it was first approved by this body nearly 7 months ago.

I would only ask each of you to ask yourselves one very simple and direct question before you vote today.

Are you for or are you against forced busing?

And, if in all sincerity you conclude that you are against forced busing, you will vote for the bill and my amendment.

Because plainly and simply it is the only antibusing legislation before us today.

It is the only antibusing legislation that will go to the White House for the President's signature tomorrow—not next month, or next fall, or next year, or the year after.

If we, who are opposed to court-ordered busing, view this vote today as an all-or-nothing proposition, we are going to get just that—absolutely nothing—to prevent the senseless busing of thousands of school children this fall.

In the Detroit metropolitan area where I come from, in Florida, in California, or Texas where court-ordered busing could begin or will continue next September—just 3 months from now—people will want to know: "What happened to the Broomfield amendment?"

"Isn't it true," they will ask, "that Congress had before it the means to halt this senseless busing at least while we appealed our case all the way to the U.S. Supreme Court?"

The answer is: Of course it would have. And, it will, if we pass this legislation today.

We have the means here today to halt those buses before they ever roll. We cannot let this chance slip through our hands.

Make no mistake about it, I am not telling you that we have the final answer to the busing problem before us.

I am prepared to continue working tomorrow for even stronger language and, if necessary, a constitutional amendment which will once-and-for-all make court-ordered busing a thing of the past.

But we have to be realistic. Forced busing is not yet a thing of the past. It is a very real and persistent problem of the present. It will, unfortunately, continue until we do something about it here in Congress.

This amendment bridges the gap between the present crisis for which we have no legislative remedy and that day in the future when we can eradicate forced busing for good.

Let us not delude ourselves—nor the people who are depending on us—that this can be accomplished overnight.

Does anyone of us who is sincerely opposed to forced busing seriously suggest that we vote down this antibusing legislation today and begin all over again tomorrow with absolutely no assurance that we can do better.

We can fill the air with all of the highest sounding rhetoric in the world about the need for strong legislation.

But if children are bused next week or next month or next fall because we were not satisfied with half-a-loaf then we have failed to help the people who are counting on us.

If this body were to pass a constitutional amendment against forced busing today, and, if by some major miracle the Senate were to do likewise tomorrow, which you and I know is as unlikely as a July snowfall, it still would be years before it could be ratified by the necessary State legislatures and be put into effect.

So, I say let us pass this language today. Let us take half-a-loaf today and begin working tomorrow for the rest.

This amendment will buy us the time we need to get the rest.

Without this antibusing amendment, parents in many places throughout the country will read in tomorrow's papers that Congress rejected help in the fight against forced busing while their children ride 10, 20, or 30 miles to school under court decree.

With this antibusing amendment, they will read that Congress is making progress in the fight against forced busing while their children continue to walk to their neighborhood school.

I can think of no better way to illustrate the importance and the fairness of the Broomfield antibusing amendment than by reminding you that only 2 days ago the Fourth Circuit Court of Appeals reversed a lower Federal court's cross-district busing order in Richmond.

If the appeals court had not ruled till next fall, children would have been bused only to find that it was not necessary under the law.

There is a very real possibility that without my antibusing amendment that hypothetical could become a reality in Metropolitan Detroit and other parts of the Nation.

I want to avoid that. My antibusing amendment will avoid that. It provides that the defendant school district will have his day in court before he has to buy buses, uproot children from their neighborhood schools and implement forced busing.

It seems clear to me that the true solution to the busing problem lies in upgrading the quality of all of our schools across the country.

As one of the original signers of the discharge petition to the constitutional amendment to ban busing, I testified before the House Judiciary Committee last month on this very point. I feel that busing is hardly a remedy to the problem of unequal education.

There are remedies, real remedies, which we can and should explore. We need increased financial aid to local schools. We need improved teacher training programs designed to develop the unique and special skills to reach disadvantaged children. We need teaching aides and assistants to relieve professional teachers from the daily burdens and duties which rob them of precious time they can devote to their students.

Mr. Speaker it is for all of these reasons, but most especially to give relief to the millions of Americans who oppose forced busing, that I respectfully urge this House to pass the Higher Education Act and my amendment to postpone court-ordered busing until all appeals to that order have been exhausted.

OTHER CONGRESSMEN SPEAK OUT ON THE BROOMFIELD AMENDMENT

REMARKS OF HON. LUCIEN N. NEDZI

Mr. Chairman, I support the Broomfield amendment.

I recognize that what the Broomfield amendment does is rather drastic in respect to the control that Congress exercises over the courts, but we are dealing with an extremely drastic problem. The entire problem has been discussed thoroughly. What I would like to do in the brief time available to me is to bring to the attention of the Members the situation which exists in Detroit at the present time and point out to the Members the reasons why I and most of my Democratic colleagues from Michigan support this amendment.

REMARKS OF HON. GARRY BROWN

But let me say, Mr. Speaker, before my time expires, I think the adoption of the Broomfield amendment is so essential with regard to this legislation that I intend to support the motion to instruct. I think every Member of the House should do likewise.

REMARKS OF HON. MARVIN L. ESCH

There has been such emotionalism on the issue of school busing that we have failed to grasp the purpose for our schools—and that is to create a stable environment in which the children can learn. The impact of the Broomfield amendment, whether we are for or against the busing of schools, will do that. It will provide more stability to school systems, so that we will not have another generation of children growing up in an unstable atmosphere of school busing. Those who are undetermined in this Chamber today, if they vote against this conference report, will be saying they do not wish to stop court-ordered busing for the next 18 months.

REMARKS OF HON. WILLIAM D. FORD

I am convinced that if this legislation is adopted today we will never see cross-district busing or court-ordered school district mergers in the State of Michigan or any other metropolitan area such as that surrounding Detroit.

Section 803 is the most important provision of this entire act to the people of my district, to the State of Michigan, and, perhaps, to the country, particularly now, as we wait day by day for a final decision from the Federal court which is at this very moment considering a plan of metropolitan school districts or cross-district assignment of pupils in the Detroit metropolitan area.

MODEL STATE ACT FOR TREATMENT AND REHABILITATION OF DRUG DEPENDENTS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FREY. Mr. Speaker, I have drafted a model act for a comprehensive approach at the State level to the demand side of the drug problem. The model act has been enacted by the State of Tennessee and is under consideration by several other States.

On Friday, June 16, I will address the National Association of State Drug Abuse Program Coordinators on the model act. Following is the most recent version of the model act:

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF DRUG DEPENDENT PERSONS

Be It Enacted by the Legislature of the State of ———:

Section 1. Purpose.—

(1) It is the intent of the legislature that persons charged with or convicted of violating state criminal laws, with certain enumerated exceptions, or persons not charged with a criminal offense, who are determined to be a drug dependent person and who require medical treatment should be civilly committed for confinement and treatment for such condition and its underlying causes. Such treatment shall be carried out for nonpunitive purposes not only for the protection of the drug dependent person against himself, but also for the prevention of contamination of others and the protection of the public.

(2) It is the further policy of the legislature that individualized, community-based treatment taking into account the degree of addiction, age of the drug dependent person, and behavior and criminal record of the drug dependent person, will be provided to those committed under this program so that they may be treated and rehabilitated in the shortest possible period of time and once again become functioning members of society.

Section 2. Definitions.—As used in this act, unless the context clearly requires otherwise:

(1) "Authority" means the drug dependent evaluation authority.

(2) "Center" means the state rehabilitation center.

(3) "Commission" means the state drug dependent commission.

(4) "Conviction" and "convicted" mean the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but do not include a final judgment which has been expunged by pardon, reversed, set aside or otherwise rendered nugatory.

(5) "Director" means the director of the state rehabilitation center.

(6) "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of a controlled substance on a continuous basis. Drug dependence is characterized by behavorial and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(7) "Eligible individual" means any individual charged with an offense against the state, except those individuals as follows:

(a) Persons previously convicted for murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary, mayhem, felonies involving bodily harm or attempt to inflict bodily harm, or any offense for which the minimum term is more than five (5) years in state prison.

(b) Persons whose histories include criminality of any nature which is evaluated as chronic or extensive.

(c) Persons who appear to be involved in a large-scale trafficking operation for sale of narcotics, dangerous drugs, or marijuana, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(d) Persons with a history of assaults, battery, and other offenses against the person, including:

1. Those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest.

2. Those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction.

3. Those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(e) Persons whose histories show they can reasonably be classified as an escape risk or are recalcitrant to the extent that they unduly threaten the good order and the security of the minimum security facilities of the civil addict program.

(f) Persons who are shown to be narcotic addicts, but who have been previously exposed to therapy and rehabilitation programs without significant gains.

(g) Persons who have major behavior or medical disorders distinguishable from narcotics addiction and who would need treatment in addition to a treatment for addiction which the civil addict program is not able to provide, including:

1. Persons shown to be sex deviates who need treatment for this pathology in order that they may be controlled and become less of a threat or menace to society.

2. Persons who would require treatment for chronic psychosis before the addiction program could begin.

3. Persons with such serious medical problems that treatment for their narcotic addiction is secondary.

4. Persons whose medical problems are so severe as to be deemed irreversible.

(8) "Felony" includes any offense in violation of a law of the state which at the time of the offense was classified as a felony by the law of the state.

(9) "Patient" means any individual with respect to whom a petition has been filed by the state attorney as provided in §§3 and 4.

(10) "Related individual" means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, the child, or the nearest available relative of the alleged narcotic addict.

(11) "Treatment" includes confinement in an institution or supervised aftercare or outpatient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to control or eliminate the patients dependence on controlled substances and to make him less susceptible to dependence on controlled substances in the future.

Section 3. Civil commitment of persons charged with or convicted of a crime.—

(1)(a) If the state attorney or judge has reason to believe that an individual charged with or convicted of a criminal offense against the state is drug dependent, then the state attorney or judge will request the commission to determine if there is reasonable cause to believe such. If the commission determines that there is reasonable cause, the state attorney will file a petition with the court to have such a person examined to determine if he is, in fact, drug dependent.

(b) Upon the filing of any such petition by a state attorney, the court may order the individual to appear before it for an examination as provided in paragraph (d). The court shall cause a copy of the petition and order to be personally served upon the defendant.

(c) The court shall advise the individual to be examined of his right to have his own physician present for consultation during any examination conducted under this section, but in no event shall such physician be entitled to participate in any such examination or in the making of the report required under this section with respect to the examination.

(d) The court shall then appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the individual committed for a period not to exceed seventy-two (72) hours to the custody of the chairman of the commission for confinement in a suitable hospital or other facility designated by the chairman of the commission. Each physician appointed by the court shall, within the seventy-two (72) hour period, examine the individual and at the end of the examination file with the court a written report with respect to the examination. The examination shall consist of a physical examination and a psychiatric examination, except that if the physical examination indicates that the individual is not a drug dependent person, the psychiatric examination shall not be administered and the individual shall be immediately returned to the court for such further proceedings as it may direct. Each such report shall include a statement of the examining physician's conclusions as to whether the individual examined is a drug dependent person and requires medical treatment. Upon the filing of the reports, copies shall be made available to the individual and the state attorney.

(2)(a) If both examining physicians as referred to in subsection (1)(d) conclude in their respective written reports that the individual is not a drug dependent person, or does not require medical treatment, the court shall immediately enter an order discharging the individual and the pending criminal proceeding shall be immediately resumed.

(b) If the written report of either such physician indicates that the individual is a drug dependent person who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the individual to submit to a thorough examination, the court shall promptly set the case for completion of the criminal proceedings.

(3)(a) Any individual who has been examined and found to be a drug dependent

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person in need of medical treatment under this section may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the center until after the criminal proceeding has been concluded, and such hospital or facility may administer to the patient such interim medical treatment as is necessary.

(b) An individual committed for examination shall not be released on bail or his own recognizance.

(4) At the completion of the criminal proceedings, an individual who was found innocent of the criminal charge and who was examined and determined to be a drug dependent person in need of medical treatment may, after being advised of the consequences of such commitment under subsection (2) of section 5, petition to be committed under section 5. If, however, he does not volunteer for treatment, the state attorney may petition for his commitment under section 4.

(5) (a) At the completion of the criminal proceedings, an individual who was found guilty of the criminal charge and who was examined and determined to be a drug dependent person in need of medical treatment will be advised by the court that if, after hearing as provided in this section, he is found to be a drug dependent person who requires medical treatment and an eligible individual as defined in § 2(7) and desires to be committed for treatment:

1. He may be civilly committed to the center for treatment.

2. He may not voluntarily withdraw from the treatment.

3. The treatment will last for an indeterminate period of time not to exceed five (5) years but in no event shall it exceed the sentence which would otherwise have been imposed.

4. During treatment, he may be confined in an institution.

5. The imposition or execution of the sentence will be stayed, pending the successful completion of treatment.

(b) The court shall advise the patient appearing before it pursuant to paragraph (a) of his right to have counsel at every stage of the civil judicial proceedings under this section and, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him.

(6) If the individual referred to in subsection (5) desires to be committed for treatment and if the commission certifies that appropriate facilities and trained personnel are available for the treatment of the person and that such person is an "eligible individual" as defined in section 2(7), the state attorney will petition for his commitment. After such petition has been filed, the individual will be transferred to the court of competent jurisdiction located at the facility designated by the commission.

(a) The court of competent jurisdiction will promptly set the case for civil hearing to review the report of the examination conducted by the commission and other information coming to its attention to determine if the patient is a drug dependent person and if he is an "eligible individual" as defined in section 2(7). The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen (15) days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged drug dependency determined by a jury. If no timely demand for a jury trial is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any civil hearings under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 3. Any patient with respect to whom such hearing is held shall be entitled to testify and to present and cross-examine witnesses.

(7) Whenever an individual is committed to the custody of the commission for treatment under this chapter the sentence shall be continued without final disposition and shall be dismissed if the commission certifies to the court that the individual has successfully completed the treatment program. On receipt of such certification, the court shall discharge the individual from custody and waive the sentence. If prior to such certification the commission determines that the individual cannot be further treated as a medical problem, it shall advise the court. The court shall thereupon terminate the commitment and the patient shall be returned to the court for execution of the sentence.

(8) An individual committed for treatment shall not be released on bail or on his own recognizance.

(9) Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment, or whoever rescues or attempts to rescue or instigates, aids or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

(10) The total period of treatment for any individual committed to the custody of the commission under this title shall not exceed five (5) years, but in no even shall it exceed the maximum sentence that could otherwise have been imposed. If, at the expiration of such maximum period, the commission is unable to certify that the individual has successfully completed his treatment program, the pending criminal proceeding shall be resumed.

(11) An individual committed under this title may not be conditionally released until he has been treated for six (6) months following such commitment in the state treatment and rehabilitation center established by the commission and the division of corrections under subsection (2) of section 6 of this act.

(12) Nothing in this section shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous treatments.

(13) Whenever a pending criminal proceeding against an individual is resumed under this title, he shall receive full credit toward the service of any sentence which may be imposed for any time spent in the institutional custody of the commission or any other time spent in institutional custody in connection with the matter for which sentence is imposed.

(14) The determination of drug dependency and the subsequent civil commitment under this chapter shall not be deemed a criminal conviction. The results of any tests or procedures conducted by the director of the state rehabilitation center or the supervisory aftercare authority to determine drug dependency may only be used in a further proceeding under this chapter. They shall not be used against the examined individual in any criminal proceeding except that the fact that he is a drug dependent person may be elicited on his cross-examination as bearing on his credibility as a witness.

Section 4. Involuntary civil commitment of persons not charged or convicted of any criminal offense.—

(1) (a) Except as otherwise provided in subsection (11), whenever a related individual, or any law enforcement officer or health official has reason to believe that any person is a drug dependent person, such related individual law enforcement officer, or health official may file a petition with the commission requesting that such person be admitted to the commission for treatment of his dependency. Any such petition filed by a related individual, law enforcement officer, or health official with respect to a person believed by such related individual, law enforcement officer, or health official to be a drug dependent person shall set forth the name and address of the alleged drug dependent person and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a drug dependent person.

(b) The commission will, after receiving the request for treatment and rehabilitation of a suspected drug dependent person under paragraph (a), if it is determined that there is reasonable cause to believe that the individual is a drug dependent person, that appropriate facilities and trained personnel are available for the treatment of the person, and that the person is an "eligible individual" as defined in subsection (8) of section 1, advise the state attorney to file a petition with the court of competent jurisdiction to commit such individual to the commission for treatment.

(c) Upon the filing of any such petition by a state attorney, the court may order the individual to appear before it for an examination by physicians as provided under subsection (2) and for a hearing, if required, under subsection (4). The court shall cause a copy of such petition and order to be served personally upon the patient.

(2) The court shall immediately advise any patient appearing before it pursuant to an order issued under paragraph (c) of subsection (1) of his right to have:

(a) Counsel at every stage of the judicial proceedings under this title and that, if he is unable because of financial reasons to obtain counsel the court will, at the patient's request, assign counsel to represent him; and

(b) Present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section with respect to such examination.

(3) The court shall also advise such patient that if, after an examination and hearing as provided in this section, he is found to be a drug dependent person who requires medical treatment, he will be civilly committed to the commission for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including posthospitalizaton treatment and supervision) may last eighteen (18) months; that he may be confined in an institution for up to, but not exceeding six (6) months for treatment or, in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the commission for treatment and supervision under a posthospitalization program established by the commission, and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the commission to have relapsed to the use of drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period of time as it shall determine, not to exceed seventy-two (72) hours. The examination shall consist of a physical examination and a psychiatric examination except the psychiatric examination shall not be administered, and the patient shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the patient is not a drug dependent person. Each physician appointed by the court shall, within such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a drug dependent person and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this section. Copies of such reports shall be made available to the patient and his counsel.

(4) (a) If both examining physicians conclude in their respective written reports that the patient is not a drug-dependent person, or does not require medical treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this section. If the written report of either such physician indicates that the patient is a drug dependent person who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by his within fifteen (15) days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged drug dependency determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any hearing under this section, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in subsection (3). Any patient with respect to whom a hearing is held under this section shall be entitled to testify and to present and cross-examine witnesses.

(c) Any patient with respect to whom a hearing has been set under this section may be detained by the court for a reasonable period of time not to exceed thirty (30) days in a suitable hospital or other facility designated by the director of the state rehabilitation center until after such hearing has been concluded.

(5) If the court determines after a hearing that such patient is a drug-dependent person who requires medical treatment, the court shall order him committed to the care and custody of the commission for treatment in an inpatient facility or outpatient program to be established by the commission. The commission shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the commission concerning the continued confinement of such patient.

(6) Any patient committed to the care and custody of the director of the commission pursuant to subsection (5) of this section shall either be committed for a period up to six (6) months in an inpatient facility subject to such posthospitalization program as may be established pursuant to subsection (7) of this section, or in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision. After the director of the commission certifies that the individual has recovered from his drug dependency to the extent that release on an outpatient status is warranted, the suthority, in its discretion, may conditionally release the individual under supervision.

(7) If, at any time during such three (3) year period, any patient:

(a) Fails or refuses to comply with the directions and orders of the commission in connection with such patient's posthospitalization treatment and supervision, or

(b) Is determined by the commission to be again using controlled substances, the commission may order such patient's immediate return to the committing court which may recommit such patient to the commission for additional treatment for a period of not to exceed six (6) months, and may require such patient thereafter to submit to a posthospitalization program.

(8) Nothing in this section shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

(9) Any determination by the court pursuant to this section that a patient is a drug dependent person shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this section shall not be used against such patient in any criminal proceeding.

(10) Any physician conducting an examination under this section shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this section and the physician-patient privileges shall not be applicable.

(11) The provisions of this section shall not be applicable with respect to any person against whom there is pending a criminal charge, whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

(12) Notwithstanding any other provisions of this section, no patient shall be examined pursuant to subsection (2) of this section unless the commission certifies that adequate facilities or personnel for treatment of such patient are available.

(13) Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this section, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding —— years. This shall not apply to unauthorized absence from a halfway house or other outpatient facility or program.

(14) Any person who knowingly makes any false statement to the state attorney or his assistants in any petition under subsection (1) of this section shall be guilty of a misdemeanor of the third degree.

Section 5. Treatment for noncriminal addicts who volunteer for treatment.—

(1) Whenever any drug dependent person desires to obtain treatment for his dependency such drug dependent person may file a petition with the director of a community based multimodality treatment program established pursuant to section 6 of this act, requesting that he be examined and admitted for treatment for his dependency. Any such petition filed by a drug dependent person shall set forth his name and address and the facts relating to his dependency. Any person thirteen (13) years of age or older has the capacity to consent to such examination and treatment for any dependency.

(2) The director of the community-based multimodality treatment program will, after receiving the request for treatment and rehabilitation of a suspected drug dependent person under subsection (1), advise the patient that if, after an examination as provided in subsection (3), he is found to be an "eligible" drug dependent person who requires medical treatment, he will be committed to the commission for treatment, that he may not voluntarily withdraw from such treatment; that the treatment (including posthospitalization treatment and supervision) may last six (6) months, that he may be confined in an institution for up to, but not exceeding, three (3) months for treatment or, in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the commission for treatment and supervision under a posthospitalization program established by the commission; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the commission to have relapsed to the use of controlled substances, he may be recommitted for additional confinement in an inpatient facility following by additional posthospitalization treatment and supervision.

(3) After being so advised, if the patient knowingly and voluntarily agrees to be committed for treatment, the director shall appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the director may order the patient committed for such reasonable period of time as it shall determine but not to exceed ten (10) days. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the patient shall be released, if the physical examination indicates that the patient is not a drug dependent person. Each physician appointed by the director shall, within such period so determined by the director, examine the patient and file with the director a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a drug dependent person and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the director for such further proceedings as he may direct under this title. Copies of such reports shall be made available to the patient.

(4) If both examining physicians conclude in their respective written reports that the patient is not a drug dependent person or is does not require medical treatment, the director shall immediately enter an order discharging the patient. If the written report of either such physician indicates that the patient is a drug dependent person requires medical treatment, and the director determines that the patient is an "eligible individual," the director shall commit him either to an inpatient program not to exceed three (3) months, or to an outpatient program in the community for individualized treatment and supervision. After the director certifies that the individual has recovered from his dependency to the extent that release on an outpatient status is warranted, the narcotic addict evaluation authority created in section 7, in its discretion, may conditionally release the individual under supervision.

(5) If, at any time during such six (6) months period, any patient:

(a) Fails or refuses to comply with the directions and orders of the director in connection with such patient's posthospitalization treatment and supervision, or

(b) Is determined by the director to be again using drugs, the director may order such patient's immediate return for additional inpatient treatment for a period not to exceed three (3) months, and may require such patient thereafter to submit to a posthospitalization program.

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(6) The provisions of this section shall not be applicable with respect to any person against whom there is pending a criminal charge, whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provisions shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

(7) The patient may any time after being committed petition for release from the treatment facility or program if:

(a) The patient did not knowingly and voluntarily agree to such commitment;

(b) The patient can prove that he is not receiving any medical benefit from such confinement; or

(c) The patient ceases to be a drug dependent person.

(8) Any determination pursuant to this section that a patient is a drug dependent person shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or proceeding to determine the drug dependeny of any patient under this section shall not be used against such patient in any criminal proceeding.

Section 6. State drug dependent treatment commission.

(1) There is hereby established a state drug dependent treatment commission either as a separate agency or within an agency. Such commission shall consist of five (5) members, who shall be appointed by the governor, by and with the advice and consent of the senate. Insofar as practicable, the members of the commission shall possess broad knowledge and experience in medicine, psychology, social work, sociology, education and law. The term of office of each such member shall be for five (5) years; provided that the members first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from January 1 next succeeding their appointment, and providing further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed.

(a) The members of such commission shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.

(b) The governor may remove any member of the commission for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the department of state.

(c) The governor shall designate a member of the commission as chairman thereof to serve as such during the pleasure of the governor. The chairman shall direct the work of the commission and shall be the chief executive officer of the commission.

(d) The commission shall make an annual report to the governor and the legislature.

(a) (a) The commission shall assist the state attorney in making his decision to petition an individual for commitment by:

1. Receiving the request from a person to commit himself or another suspected to be a drug dependent person under section 4 of this act;

2. Determining that there is reasonable cause to believe that a person is a drug dependent person and advising the state attorney as to such; and

3. Determining that adequate facilities and trained personnel exist to treat the person for whom the petition was filed and advising the state attorney as to such.

(b) The commission shall survey and analyze the state's needs by gathering information and maintaining statistical and other records relating to drug dependents and drug dependency in the state. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use controlled substances, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense and all public officials having duties to perform with respect to controlled substances or users of controlled substances to report and supply such information in relation thereto as the commission shall by rule, regulation or order require.

(c) The commission shall promote, develop, establish, coordinate, and conduct through the utilization of federal, state, local and private resources, community-based multimodality treatment programs in communities throughout the state which have severe drug dependency problems, for the treatment, aftercare, and rehabilitation of drug dependent persons certified to the care and custody of the commission. Such programs shall, in order to provide comprehensive treatment at the community level:

1. Coordinate such existing public and non-profit private treatment agencies and organizations, provided that such existing programs or facilities meet the standards established pursuant to paragraph (g); and

2. Develop with federal, state, local and private resources additional treatment programs to complement and supplement existing programs.

(d) The commission together with the state department of corrections shall establish and operate, through the utilization of federal and state resources, a state treatment and rehabilitation center for drug dependent person committed under section 3 of this act who were found guilty of a criminal offense or drug dependent persons committed under either sections 3, 4, or 5, who have exhibited such antisocial tendencies that confinement in the center is considered necessary. The center should provide comprehensive treatment including, but not limited to, diagnostic medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the drug dependent person by correcting his antisocial tendencies and ending or controlling his dependence on controlled substances. Separate treatment and rehabilitation programs or facilities shall be established for persons under the age of eighteen (18) and for men and women.

(e) The commission together with the state department of corrections shall establish a treatment and rehabilitation program for the detoxification and treatment of inmates in the state prison system.

(f) The commission shall establish, maintain, operate and designate medical examination or other facilities for alleged drug dependent persons for the purpose of determining whether such persons are drug dependent persons and for the care and custody of alleged drug dependent persons with respect to whom court proceedings are pending.

(g) The commission shall, together with the State Department of corrections, establish a drug dependent parole program. Rules and regulations governing the operation of the program shall be established to closely supervise the patient after release from the facility, to make periodic and surprise testing for controlled substances use, to counsel the patient and assist him in securing employment and a place to live, to recommend to the director of the state rehabilitation center if it is in the best interests of the patient and society that a patient should be returned to inpatient status at the state rehabilitation center, and to limit the caseload of each parole officer so that he can effectively assist the individual drug dependent person.

(h) The commission shall establish standards for licensing treatment programs or facilities in effect immediately prior to the effective date of this act and the establishment of new ones that are components of a community-based, multimodality treatment program.

(i) The commission should exercise complete flexibility in dealing with drug dependent persons committed to the custody and care of the commission for treatment and rehabilitation or who volunteer for treatment and provide them with individualized, multimodality treatment.

(j) The commission shall provide education and training in prevention, diagnosis, treatment, rehabilitation and control of drug dependency for medical students, physicians, nurses, social workers and others with responsibilities for drug dependent persons either alone or in conjunction with other agencies, public or private.

(k) The commission shall provide public education on the nature and results of drug dependency and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

(l) The commission shall disseminate information relating to public and private services and facilities in the state available for the assistance of drug dependent persons and potential drug dependent persons.

(3) Treatment for the maintenance or control of dependence on controlled substances by the use of methadone and other heroin substitutes shall be strictly controlled, limited to drug dependent persons who are over eighteen (18) years of age and who have failed on two (2) previous occasions to respond to treatment designed to end dependence on addicting drugs, and shall not be administered to pregnant women. Maintenance programs will not be administered for either detoxification or treatment purposes to drug dependent inmates in the state prison system.

Section 7. Drug dependent evaluation authority.—

(1) There shall be established a drug dependent evaluation authority. The authority shall be composed of five (5) members, each of whom shall be appointed by the governor, for a term of four (4) years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the governor from the five (5) members from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1973, one on January 15, 1974, one on January 15, 1975, one on January 15, 1976 and one on January 15, 1977. Their successors shall hold office for terms of four (4) years, each term to commence on the expiration date of the term of the predecessor. The governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of drug dependent persons.

(2) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary as provided by law for attendance upon business of the authority. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses in accordance with § 112.061, Florida Statutes.

(3) The authority shall maintain its headquarters at the state rehabilitation center and shall be provided with necessary office space, equipment and services from funds appropriated to the state rehabilitation center.

(4) The authority shall meet at the center or its branches at such time as may be necessary for a full and complete study of the cases of all patients who are certified by the director of the state rehabilitation center to the authority as having recovered from drug dependency or to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. The authority panel shall consist of at least two (2) members of the authority. Three (3) members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(5) After an initial period of observation and treatment, whenever a person committed under this act has recovered from his drug dependency to such an extent that, in the opinion of the director of the state rehabilitation center, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding three (3) months, his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to being retaken and returned to inpatient status by the committing court as described in subsection (7) of section 4 of this act. The supervision of such persons while in an outpatient status shall be administered by the state rehabilitation center in conjunction with the state department of corrections.

(a) A single member of the authority may, by written or oral order, suspend the release in outpatient status of such person and cause him to be retaken, until the next meeting of the authority. The written order of any member of the authority shall be sufficient warrant for any peace officer to return such persons to physical custody.

(b) It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

Section 8. Civil commitment and the courts.—

(1) All hearings to be held pursuant to §§ 3 and 4 of this act for the civil commitment of alleged drug dependent persons will be held in a division of the circuit court to be located in the state hospital designated by the center where the alleged drug dependent persons are confined for treatment and examination pending the hearing.

(2) The attorney general is authorized and directed to establish training programs for the circuit court judges who sit on the court referred to in subsection (1) of this section, and probation and parole offices under the drug dependent parole program created in § 4 to better acquaint them with all aspects of the problems relating to drug dependency, and to enable them to carry out their duties and responsibilities regarding drug dependency in a manner that will best serve the interests of justice, safety, and humanity.

Sec. 8. Severability

If any section, provision, or term of this Act shall be adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions and terms shall be and remain in full force and effect.

Sec. 10. Continuation of Rules

Any orders and rules promulgated under any law affected by this Act and in effect on the effective date of this Act and not in conflict with it shall continue in effect until modified, superseded, or repealed.

Sec. 11. Repealers

(List repealers of appropriate State code sections).

Sec. 12. Effective Date

This Act shall take effect upon becoming a law.

QUESTIONNAIRE RESULTS FROM THE 40TH DISTRICT OF NEW YORK

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SMITH of New York. Mr. Speaker, recently I mailed my annual questionnaire to the residents of my district. I received in return in excess of 21,000 responses with my constituents' views on the pressing issues facing this Nation. I am pleased to have the opportunity to include the results of that survey at this time for the review of my colleagues:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: As I have done in the past, I am again asking you to take a few moments of your time to let me know how you feel about the important issues facing all Americans. In this way, I feel I can best serve your needs and reflect your desires in Congress.

The Constitutional amendment which lowered the voting age to 18 has focused attention on the fact that there may be more than two qualified voters in each household. If this is the case in your home, feel free to attach an extra sheet of paper to this questionnaire with the additional responses.

Thank you for giving me the valuable benefit of your opinions through this questionnaire, and please feel free to call on me whenever I can be of service to you.

With every good wish.

Sincerely yours,

HENRY P. SMITH III.

[In percent]

1. Certain measures have been taken to remedy U.S. economic difficulties. How would you describe your outlook now regarding the future of the U.S. economy?

Very optimistic	4
Optimistic	34
Pessimistic	31
Very pessimistic	10
Undecided	15
No reponse	5

2. Federal spending involves your tax dollars. Should the Federal Government spend more, less, or the same on the following?

	NR	More	Less	Same
Detense	4	14	49	33
Education	4	47	14	35
Space development	4	10	59	27
Crime prevention	4	71	5	20
Foreign aid	4	3	82	10
Environmentel protection	5	63	6	26
Aid to poor	4	31	24	41
Aid to elderly	3	59	5	32
Consumer protection	5	46	11	38
Mass transportation	6	33	30	31
Farm programs	6	14	43	37

3. What is your opinion on amnesty for those who chose to leave the United States rather than serve in the military?

	Yes	No	NR
Amnesty should never be granted	28		
Amnesty should be granted only after serving in a public service job for a specified length of time	39		25
Unconditional amnesty and pardon	8		
4. Do you favor compulsory arbitration to control nationwide strikes in the transportation industry?	84	12	3

Note: NR means no response.

[In percent]

5. Regarding possession and use of marijuana:	
(a) Legalize it	10
(b) Reduce present penalties	22
(c) Retain present penalties	17
(d) Increase present penalties	37
(e) No response	14
6. Would you be willing to pay increased prices for consumer goods if they could be made pollution free?	
Yes	60
No	36
No response	4
7. Do you think forced busing of school children is a proper method to achieve racial balance in American schools?	
Yes	5
No	93
No response	2
8. Do you favor continued deficit spending if it is necessary to reduce unemployment?	
Yes	39
No	56
No response	5
9. Do you approve of President Nixon's initiatives in opening new approaches toward Red China and the Soviet Union?	
Yes	80
No	16
No response	4

In addition, Mr. Speaker, the results of the presidential preference question are as follows: President Nixon, 45 percent; Governor Wallace, 9 percent; Senator McGOVERN, 7 percent; Senator MUSKIE, 4 percent; Senator HUMPHREY, 3 percent; and undecided, 23 percent.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow at the untimely passing of our former esteemed colleague, the Honorable Philip J. Philbin.

It was a privilege to serve in the Congress with him for he was a distinguished legislator and a good friend. He served the people of the Third District of Massachusetts with dedication and devotion and as a ranking member for a long period of time and all too briefly as chairman of the Armed Services Committee his expertise on national security legislation contributed to the strength and security of our Nation.

Congressman Philbin was a dedicated, hard-working, high-principled gentleman who will be missed by his colleagues and his many friends. The Nation has lost a great citizen. My wife Blanche joins me in expressing deep sympathy to his children and we hope they derive consolation from the knowledge that his loss is shared by his many friends.

ANTIPOVERTY WEAPON: SELF-INTEREST

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. McDADE. Mr. Speaker, Charles Bartlett, the very perceptive syndicated columnist of the Washington Evening

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Star, in a recent article calls attention to a new imaginative program being carried out by Action. The program, called university year in action, provides the opportunity for students to earn college credits for working on inner-city problems. This combined work-study program is only 9 months old but already it is functioning in 24 colleges and universities throughout the Nation.

Mr. Speaker, this is one very excellent way in which the creative talents of our young people can be put to work in solving the many problems of our cities. I commend the Action program for displaying such leadership and I highly recommend this article to the Members' attention.

The article follows:

ANTIPOVERTY WEAPON: SELF-INTEREST

It is difficult to dispute the Urban League's assessment that public sympathy and attention are turning away from the inner cities.

The concern has faded like a fad because the problems are stubborn and the solutions are uncertain. The Urban Coalition finds it increasingly hard to cement a link between the power structures and the needs of the cities. David Rockefeller warns business leaders that if they keep pulling away from the problems, they may have social obligations imposed upon them by law.

But the job of reviving the cities and tackling the intricacies of racial disintegration cannot be done by fiat or left to the impulses of goodwill. The broad consensus now is that the best, perhaps the only, hope lies in exertions that are motivated by a large degree of direct self-interest.

This is the premise on which Samuel Beard, a young New Yorker with a strong urge to turn the situation around, has launched the Development Council. It will serve as a catalyst to make the point to manufacturers, particularly small ones in labor intensive industries, that there are significant advantages in putting factories in the slums. These include access to a job-hungry work force as well as priority claims on federal loans.

Beard learned the importance of the self-interest motivation in the course of a successful campaign to persuade large corporations to deposit portions of capital in minority banks. He was able to induce American companies to place over $250 million in these banks, not by stressing that it was a nice thing to do but by describing the corporate benefits that could flow from the gesture.

On the personal level, the same principle is being used by the Nixon volunteer agency Action to bring college students into the battle against urban poverty. The program is called University Year in Action. It is only nine months old but it clearly holds the potential for a profound impact on the volunteer students, who earn credits while they gain experience in the ghettos, and on the universities, which have their first real opportunity to become involved in the communities which surround them.

Both the volunteer and the university are subsidized so the federal cost for each of the 1,000 students now working out of 24 academic institutions is about $6,100. But this is less than the cost of a VISTA volunteer and the impact is magnified because the students have the backing and guidance of their faculties.

The virtues of UYA were eloquently described to a Senate committee by Charles Hurst, who has transformed Malcolm X College on the West Side of Chicago into an imposing institution. He said that if the program had not come along the universities would still be talking about what they ought to be doing instead of doing something. The problem, as he put it, is that education has been producing "socially naive people."

Hurst predicted that UYA, if allowed to expand to a broader segment of the student population, can accomplish an immense social result by producing a new breed of decision-makers with a sharpened sense of social responsibility and a keener awareness of what needs to be done. This, he said, is crucially important at a time when "we are living as witnesses to social disaster in all the major cities."

Liberals in Congress have been curiously reluctant to endorse UYA, partly because it is a Nixon program and partly because they fear it may eclipse VISTA, their own innovation. They are restricting its expansion and hobbling its evolution, even though it may be the best hope of reinvigorating concerns which have gone out of style.

This is not the kind of issue on which parochial notions should be allowed to intrude because it is important to develop incentives that will keep the battle against poverty going.

AHEAD TOGETHER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. LONG of Maryland. Mr. Speaker, the Political Activities Club of Bel Air High School in my congressional district has sent me its platform, "Ahead Together," which is based on the club's opinion poll taken in the school.

I am enthusiastic about some of the ideas presented, such as reform of our foreign aid, control of guns without interfering with sportsmen, and reexamining our system of health care delivery.

The platform also contains some views that I cannot support, including the position on the draft, pollution, drugs, and welfare.

By and large, however, this platform represents great maturity on the part of the students of Bel Air High School. I am always encouraged when a group of young people takes an interest in politics and does it in such a responsible way.

I am pleased to insert the platform in the RECORD:

AHEAD TOGETHER

INTRODUCTION

This platform is the result of a random sampling of students from grades 9–12 concerning the various issues facing the United States today.

We believe that this platform represents not only the views of the average teenager, but also his concern for the future he will inherit.

It is our fervent hope that this platform will be read and that the reader will gain a fresher insight about what this country is and, should be doing.

Respectfully submitted.

ANTHONY F. SARCONE,
Advisor.
RICHARD BRINEY,
President.
BRENDA AYRES,
Corresponding Secretary.

I. FOREIGN AFFAIRS

One of the most serious problems facing the United States is the question of foreign aid.

It is the belief of the students of Bel Air High School that the government should distribute as much information as possible about how foreign aid is administered and distributed.

We also believe that the people should have a say in how foreign aid is determined.

Foreign aid should be reduced but not cut out altogether.

No aid should be sent to developed nations or to nations who owe us money, especially those nations who borrowed billions during the two World Wars.

The students of Bel Air High School feel that nations are entitled to receive foreign aid if they are also funded by the Communists or even if they vote against us in the United Nations.

We feel that nations that constantly espouse anti-Americanism should not receive any foreign aid.

Lastly, we feel that monies should be diverted from the foreign aid program and used for more valuable projects such as education, eliminating poverty and pollution control.

The students of Bel Air High feel that the United States is not accepting the role as number one nation properly and that we are too concerned with other nations rather than ourselves. This view should not be mistaken for isolationism.

It is in this vein that the students of Bel Air High School hope that the United States will continue to support activities and resources of the United Nations.

We also feel that the United States should take a harder line with the North Vietnamese at the Paris "Peace Talks."

II. DEFENSE

The students of Bel Air High School recognize that the United States should maintain an effective and efficient military establishment.

We would like to see the government reverse the trend of recent years and begin again to build up the navy and our missile capabilities to meet Soviet increases in this area.

We lastly feel that the military should be held criminally accountable for cost overruns which have become too frequent and much too costly.

III. DRAFT

We the students of Bel Air High School would like to see the draft abolished completely and a volunteer army created instead.

IV. CRIME

One of the most serious of our domestic problems is that of crime.

The only way to wipe out crime is to eradicate the economic and social ills that cause most crimes.

We the students of Bel Air High School feel that hiring more policemen is NOT the solution to the problem of crime.

We also feel that wire taps are an invasion of privacy and should NOT be used.

We strongly urge that the problem of crowded court dockets be solved by setting a time limit for cases to be heard.

We feel, however, that despite the slow wheels of justice, suspects should be held until their cases are heard.

V. SPACE PROGRAM

We urge NASA to admit women as astronauts to the space program.

It is our belief that a space program is necessary and that the United States has benefitted from the material and information gained from space exploration.

We would urge the development of a space station.

We strongly suggest a joint America-Soviet space venture.

Until such time as our other, more pressing domestic problems, such as pollution, poverty, urban renewal, etc. are solved, we feel the amount of money alloted the space program should be cut back.

VI. HEALTH AND WELFARE

We strongly urge that welfare programs be reformed and that the amount of assistance be based on the cost of living.

We feel that free medical clinics should be made available to people in low income brackets.

It is our belief that the shortage of doctors is a very serious one and that the government should do all that it can to defray the cost of medical tuition for the student.

We approve of the opening of Fort Dietrich in Frederick, Maryland as a cancer research center and hope that more such places will be opened by the government.

VII. POLLUTION

It is our firm conviction that the government is not doing enough in the area of pollution.

We feel that the government is the only agency capable of solving the pollution problem.

We urge that off-shore oil drilling NOT be allowed and further that stricter pollution controls be applied to the automobile industry.

VIII. TRANSPORTATION

We feel that the solution to the traffic problem is NOT the building of more high speed expressways.

We would like to see cars banned from city streets and mass transit used instead.

We also want the development of a practical steam or electric car.

IX. DRUGS

While we are not exactly certain as to the long range effects of marijuana we feel it is less harmful than alcohol.

We the students of Bel Air High School are far from united on the question of legalizing the use of marijuana, but more feel it should be, than do not.

X. ECONOMY

We favor the concept of a wage-price freeze and strongly desire to see profits frozen.

We also favor permanent government controls to avoid inflation.

XI. PRISON REFORM

We feel that one of the most serious problems to be faced in the area of prison reform is the quality of the guards. It is our overwhelming opinion that the average prison guard is poorly and inadequately trained. We feel this should be corrected so that he can act more intelligently to stop prison riots before they start.

We feel that the luxuries and money given to prisoners at present is for the most part adequate.

As for capital punishment, we are almost evenly divided, but more favor its retention, than do not.

XII. BUREAUCRACY

We feel that the Congress has far too many committees and thus wastes much of its time in pointless debates.

It is our almost unanimous opinion that the bureaucracy is much too large and thus the government is very ineffective and inefficient.

We urge that Congress take measures to revamp and thus revitalize the structure of the bureaucracy.

XIII. GUN CONTROL

We highly recommend that all firearms and ammunition be made illegal for sale to minors and that stiff penalties be provided.

We feel that all gun traffic should be strictly controlled, but that the rights of hunters should not be infringed.

WASATCH FRONT FIVE-COUNTY ALCOHOL SAFETY ACTION PROJECT

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. McKAY. Mr. Speaker, John Volpe, Secretary of Transportation, visited Salt Lake City, Utah, on June 6, 1972. Part of his time was devoted to a review of the Wasatch Front five-county alcohol safety action project.

Public safety officials arranged to demonstrate the arrest and booking procedures for a drinking driver at the Salt Lake City and County Jail. Mr. Newell Knight, highway patrol specialist in breathalyzer operation and training, explained the use of a breathalyzer while giving an actual test.

In Utah, 0.08 percent blood alcohol concentration is the presumptive level of intoxication. If, upon arrest, tests show that the driver's BAC is 0.08 percent or higher, he is held for arraignment and charged with driving under the influence of alcohol. Under Utah laws, DUI is a misdemeanor and punishable by a fine of up to $300, and/or 6 months in jail.

At the time of arraignment, the driver enters a plea. If he pleads guilty or is found guilty by trial, a presentence investigation may be ordered by the judge. Presentence investigations attempt to determine the seriousness of the alcohol problem and then make appropriate recommendations for probation programs.

The judge may sentence the offender to jail, a fine, probation, or any combination thereof. After completing the sentence, including the terms of probation, the individual is released from his sentence; however, the ASAP program will continue contact for several years.

ASAP activities involve all phases of the legal system, and will coordinate with rehabilitative programs when advisable. Special enforcement teams in the Salt Lake City Police Department, Salt Lake County Sheriff's Department, Ogden City Police Department, Provo City Police Department, and the Utah Highway Patrol will increase detection and arrest of drinking drivers.

Additional prosecutors are being trained to handle the increased caseloads in the Salt Lake County, Weber County, and Davis County Attorneys' Offices. Judicial seminars are being planned to acquaint judges with ASAP goals and alternatives. Probation personnel funded by ASAP will conduct presentence investigations for courts in Salt Lake City, Ogden, and Provo. Investigations include a preliminary assessment of the seriousness of the driver's alcohol problem, and recommendations for appropriate rehabilitative measures.

Cooperative agreements with the University of Utah Clinic for Alcohol and Drug Abuse, Weber County Mental Health Center, and Timpanogos Mental Health Center have been arranged. These groups will help determine appropriate referrals and rehabilitative programs for those drivers who have very serious alcohol problems.

Schools to reeducate those convicted of DUI are in operation and are an integral part of our program. Increased knowledge of the serious effects of alcohol on driving will serve to reorient attitudes toward operating an automobile while intoxicated.

Driver license revocation is mandatory upon DUI conviction. Additional hearing officers are being trained to process the increased number of revocation reviews.

Public information and education is an important part of the ASAP program. Alcohol information is being added to existing driver training programs and driver license manuals. The news media as well as individual speakers will present programs to increase the public's awareness of the alcohol problem as it relates to traffic safety. Efforts will be made to impress upon the public that alcohol-related accidents can and must be reduced.

Mr. Speaker, preliminary results indicate that as the program becomes operational on July 1, 1972, we will, with the continued cooperation and efforts of concerned personnel, be able to significantly reduce the number of alcohol-related accidents in our area.

JAMES SUMMER: THE SOCIAL ROLE OF BUSINESS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, a recent Minneapolis Tribune article carried excerpts from a speech by James Summer, president, General Mills, Inc., at an Upper Midwest Council seminar on the social responsibilities of business and labor.

Mr. Summer discussed the dilemma businessmen face in trying to balance the traditional objective of making a profit with increasing demands to participate in socially relevant activities. The usual corporate response has been to channel a portion of its resources into nonprofit corporations over which it has little control. Because there is no real incentive in this system, the results have proved disappointing.

As an alternative, Mr. Summer proposes that corporations consider moving directly into service fields such as education and health care. Under his plan corporate subsidiaries would be formed to compete with other such subsidiaries, and with public and nonprofit organizations, for the business on the basis of a modest return on equity.

Mr. Summer's intriguing proposal deserves active consideration by corporations which understand the potency of incentive systems.

The article follows:

JAMES SUMMER: THE SOCIAL ROLE OF BUSINESS

I am going to describe a new institutional relationship for the large companies that will seem at first to do bodily harm to David Rockefeller as the symbolic representative of capital. The same will be true of George Meany and labor and of Ralph Nader and the consumer.

As I see the matter, the solution to our dilemma of balancing corporate independence and responsibility has to go to the root of the institution itself. The solution is not to divert the large corporation from an economic purpose to a social purpose, but rather to redefine the corporation so that its pursuit of the economic purpose is kept consistent with its various—and sometimes conflicting—obligations.

The typical manager of the larger company sees social responsibility in two ways: first, the manner in which he deals with demands to modify the conduct of his business; second, the providing of money and people to a growing number of nonprofit or-

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ganizations. The first is a subject in itself, but I want to concentrate on the second.

Up to some level, the manager can absorb the demands or requests as being important, but still peripheral to his basic professional purpose: to make a profit in his business. Above some level of demand, and we seem to have reached it, a real anxiety sets in. The amount of money and manpower is important, but the real problem is a growing suspicion that the resources are being wasted and even may be adding to the problem.

The manager cannot follow through to make the resource produce the results intended. He is detached from the resource and is viewed that way.

This leads to the charge of tokenism, which is valid insofar as the manager's and the company's vital interests are not at stake. What he is doing is frustrating him, and as yet there is nothing he can do with a sense of purpose and control.

A partial solution to what business can do with purpose and control may lie in a fundamental trend of recent years.

The relative importance of definable products such aa Wheaties, TV sets, etc., is decreasing, while the importance of services such as education and health care is increasing. Most of these increasing services are being handled by public or nonprofit private organizations, and with growing uneasiness. I will call this the gray service zone, since it is midway between the black and white of that which is clearly private and that which is clearly public.

There is an opportunity for the large companies of the Twin Cities to move out. I propose that 8 to 10 large companies assume the responsibility for operating in three or four of these growing gray-service areas.

Each company would form a subsidiary with staff and financial support as a bonafide slice of its corporate whole, fully committed at risk of reputation as any other commercial activity it engages in. It would compete with one or two other companies in the selected area. It would operate at a profit, but at a return on equity of perhaps 5 percent.

This proposed form of decision influence on top management to integrate social costs into the economic judgments of 500 to 1,000 companies is infinitely preferable to a state-controlled system.

There might be some short-term dilution to shareholders, but the genetic defect would be avoided not least to the benefit of the shareholder.

The manager and the corporation are not going to solve the social problems of the world, but they could be making a powerful contribution if they came to clear grips with what they could do and demanded relief from what they cannot do.

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GARMATZ. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and glorious anniversaries during this month. First, the Baltic States were overrun by the Soviets 32 years ago; second, 31 years ago Lithuanians were successful in their revolt against the Soviet Union; and finally, the Baltic peoples have lost more than one-fourth of their population during these 32 years of the Soviet terror and occupation.

I, once again, urge the administration to implement legislation by bringing the Baltic States question in the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia, and Estonia.

I would like to include the following essay prepared by the Lithuanian American Community of the United States of America, Inc., at this point in the RECORD, along with a copy of House Concurrent Resolution 416, of the 89th Congress, which was unanimously passed by the House and the Senate:

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES—RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviets dominate Lithuania, Latvia and Estonia, and Russian troops are at hand to squelch any resistance. The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. It is the responsibility of all the people in the free world to be spokesmen for enslaved Lithuanians, Latvians, Estonians and other captive people.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded the Baltic States in June of 1940 and grabbed them by force of arms. The Baltic peoples have been suffering in Russian-Communist captivity for more than 30 years.

SAD AND GLORIOUS EVENTS OF JUNE

The month of June is very sad as well as glorious to the Balts in all parts of the world and to other freedom-loving people. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia and Estonia and took over these three peace-loving republics by force of arms. One year later—in June of 1941—the Russian Communists started mass deportations of the Baltic people, and over 150,000 Lithuanians, Latvians and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government of Lithuania remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

ANCIENT NATIONS

The Balts are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great, unified Lithuanian principalities into one kingdom in 1251.

The Baltic peoples have suffered for centuries from the "accident of geography" From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, Latvians and Estonians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

RESISTANCE AGAINST THE INVADERS

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

DESPERATE PLIGHT OF LITHUANIANS

Two events of the past several months indicate the desperate plight of Lithuania's Roman Catholics, the primary target of the Soviet government repression among Religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signatories stated that they were appealing to the United Nations to relay their protest to Leonid Brezhnev, Secretary General of the Russian Communist Party, because three previous collective letters had gone unanswered.

The most recent known demonstrations against the Soviet occupation of Lithuania and persecution of religion took place in the city of Kaunas and in other cities during the second part of May, 1972. Several thousand youths battled police and Soviet soldiers in Kaunas after a young Roman Catholic, Romas Talanta, burned himself to death in a public park for political reasons. The rioting continued for several days after the funeral of Talanta and spread throughout the entire country suffering in the Soviet captivity. This immolation has brought international furor and attention to the problems besetting the captive Lithuanian nation.

CONFRONTING THE SOVIETS WITH THEIR ACTS OF AGGRESSION

The United States Government still refuses to recognize the forced incorporation of the Baltic States into the Soviet Union. But this lack of official recognition by our Government is not enough. Our diplomatic representatives at the United Nations and elsewhere should be prepared to confront the Soviet Union with its acts of aggression against Lithuania, Latvia and Esthonia when Soviet spokesmen raise the cry of "imperialism" against our own country.

The Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges which are due to every individual from a state in which he lives. These include the rights of assembly, of free elections and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration or temporary visiting.

The United States and other countries of the free world should urge the Kremlin leaders to make these rights described in the Declaration available to the Balts and other captive people. If the rulers of the Soviet Union had the courage to carry out such reforms there would be no end for self-immolation to demonstrate the plight of Lithuanians and other people of the Russian Communist captivity.

BRINGING THE BALTIC CASE IN THE UNITED NATIONS

Past experience indicates that the Soviet Government is sensitive to criticism of its actions by those in the free world. Hoping that such means may minimize the persecution of the Balts in the Soviet captivity, the Administration should go ahead and implement *H. Con. Res. 416* (89th Congress). This legislation was unanimously passed by the House and the Senate and it calls for the freedom from Soviet domination of Lithuania, Latvia and Estonia. The President of the United States should bring the issue of the liberation of the Baltic States in the United Nations and demand the Soviets to withdraw from Lithuania, Latvia and Estonia. We should have a single standard for freedom. Its denial in the whole or in part, in any place in the world, including the Soviet Union, is surely intolerable.

TREATIES THAT WERE NOT KEPT BY THE SOVIETS—ILLEGAL SEIZURE OF THE BALTIC STATES BY THE SOVIET UNION

The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist captivity for 32 years.

The seizure and annexation of Lithuania, Latvia and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

The treaties and agreements violated by the Soviet Union are:

1. *Treaty of Peace between Russia and Estonia*, signed at Tartu (Estonia) on February 2, 1940;

2. *Peace Treaty between Lithuania and the Russian Socialist Federal Republic, and Protocol*, signed at Moscow on July 12, 1920;

3. *Treaty of Peace between Latvia and Russia*, done at Moscow, completed and signed at Riga (Latvia), August 11, 1920;

4. *Treaty of Non-Aggression between the Republic of Lithuania and the Union of Soviet Socialist Republics*, signed at Moscow on September 28, 1926;

5. *Treaty of Non-Aggression and Peaceful Settlement of Disputes between Estonia and the Union of Soviet Socialist Republics*, signed at Moscow, May 4, 1932; extended in 1934 for a term to last until December 31, 1945;

6. *Convention for the Definition of Aggression*, signed at London, July 3, 1933, between Romania, Estonia, Latvia, Poland, Turkey, the Union of Soviet Socialist Republics, Persia, and Afghanistan.

7. *Convention between Lithuania and the Union of Soviet Socialist Republics for the Definition of Aggression*, signed at London, July 5, 1933; extended in 1933 for a term to last until April 4, 1943;

8. *Treaty of Non-Aggression between Latvia and the Union of Soviet Socialist Republics*, signed at Riga, February 5, 1932;

9. *General Treaty for Renunciation of War as an Instrument of National Policy*, signed at Paris, August 27, 1928, to which 63 states are parties among them the Soviet Union and the Republics of Lithuania, Latvia and Estonia;

10. *Convention relating to the Establishment of the Conciliation Commission* and Conciliation Procedure between Latvia and the U.S.S.R., signed on June 18, 1932;

11. *Mutual Assistance Pact between the Soviet Socialist Republics and Estonia*, signed on September 28, 1939;

12. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Latvia*, signed on October 5, 1939;

13. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Lithuania*, signed on October 10, 1939;

14. *The Covenant of the League of Nations*, came into force on January 10, 1920. Lithuania, Latvia and Estonia became Members of the League on September 22, 1921, and the Soviet Union on September 18, 1934.

As the forcible incorporation of Lithuania, Latvia and Estonia by the Soviet Union constitutes a violation of international treaties and generally accepted and recognized principles of international law, the Soviet regime in the three Baltic States lacks any legal basis and should be regarded only as a temporary occupation.

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Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

TRIBUTE TO DR. ELSON

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROWN of Ohio. Mr. Speaker, I wish to enter into the RECORD the following sermon by the Reverend Dr. Edward L. R. Elson. On Sunday, May 14, 1972, Dr. Elson announced to his congregation at the National Presbyterian Church that for health reasons he would no longer be maintaining a full preaching schedule. Earlier this year, he had given notice of his retirement from pastoral responsibilities effective January 1, 1973. This sermon was written prior to his receiving word from his doctor that he would have to surrender his pulpit and pastoral responsibilities. His sermon, entitled "Dividends From Difficulties," is especially significant in light of the circumstances that accompanied its delivery, making it all the more fitting that it be entered into the RECORD. I would also like to enter the following tribute to the Reverend Dr. Elson, one of the most distinguished clergymen in America today.

The Reverend Dr. Elson was born in Monongahela, Pa. He attended high school in Clairton, Pa. He received the A.B. degree from Asbury College, Wilmore, Ky., in 1928, and the M. Th. degree from the University of Southern California in 1931. He has been the recipient of 16 honorary doctor's degrees, including the D.D. from Occidental College in 1947, and Wheaton College in 1943; the S.T.D. from the College of Emporia in 1955, and from Ripon College in 1956; the Litt.D. from Centre College of Kentucky in 1952, from Lafayette College in 1958, and from Gettysburg College in 1960; the LL.D. from Norwich University in 1953, from Davis and Elkins College in 1955, from Asbury College in 1958, and from Hope College in 1961; the L.H.D. from the University of Southern California in 1954, from the College of Wooster in 1960, and from Washington and Jefferson College in 1960; and the D. Hum. from Parsons College in 1955.

Dr. Elson was ordained into the ministry by the Presbytery of Los Angeles at Santa Monica, Calif., April 27, 1930. He served as assistant minister, First Presbyterian Church, Santa Monica, Calif., 1929–31. From 1931 to 1941, he was minister of the First Presbyterian Church, La Jolla, Calif. Since 1946, he has been minister of the National Presbyterian Church, Washington, D.C. During this time, he was pastor to former President and Mrs. Eisenhower, members of the Cabinet and other Government officials. In January 1969, he was elected as Chaplain of the U.S. Senate.

His public service includes the following: a member, board of directors, Maryville College, Maryville, Tenn.; president, board of trustees, Wilson College, Chambersburg, Pa.; member, board of directors, Freedoms Foundation at Valley Forge, Valley Forge, Pa.; chairman, national council, American Friends of the Middle East; member, Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts; president, board of directors, American Colony Charities Association, Jerusalem; vice president, Religious Heritage of America since 1965; former chairman, Clergy Advisory Council, National Association of Manufacturers; member, National Advisory Council, Welfare of the Blind, Inc.

His past positions include: Moderator, Los Angeles Presbytery, 1938; western regional director of Presbyterian Post War Fund, 1946; member, board of pensions, Presbyterian Church in U.S.A., 1948–57; national chaplain, Disabled American Veterans, 1950–51; president, Washington Federation of Churches, 1952–54; president, Military Chaplains Association, 1957–59; commissioner to the general assembly, United Presbyterian Church in the U.S.A. six times; president, Kiwanis Club, La Jolla, Calif.—honorary life member; moderator, Presbytery of Washington City, 1966.

Dr. Elson has extensive military experience. He was commissioned chaplain, U.S. Army Reserve, 1930. He has held the rank of colonel since 1944, from which he retired in November 1961. He saw extended active duty, 1941–46, was chaplain XXI Corps, European Theater; chaplain, 7th U.S. Army, Europe. His military decorations include the Legion of Merit; Bronze Star Medal; Army Commendation Medal; French Croix de Guerre avec Palme; French Medal of Freedom; Silver Star of Jordan—First Class; Gold Medal, Lebanese Order of Merit—First Class; Arms of the City of Colmar, France; German Occupation Medal; Reserve Officers Medal with three

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clusters; Chief of Army Chaplains Silver Medallion; National Defense Medal; American Theater Medal; Victory Medal, World War II; European Theater Medal.

His numerous honors include being recipient of the following: "Clergy Churchman of the Year" Award by Religious Heritage of America and Washington Pilgrimage of American Churchmen, 1954; Freedoms Foundation Award, Sermon Category: 1951, 1954, 1957, 1958, 1959, 1960, 1962, 1964; Freedoms Foundation Principal Sermon Award, 1965 and 1971; Honor Medal Award for his book, America's Spiritual Recovery, 1954; Honorary Citizen, Dallas, Tex., Charlotte, N.C., Alliance, Ohio; Honorary Kentucky Colonel; Honorary Life Member, Kiwanis International; Member U.S. Mission to observe Vietnamese Elections, 1967; World Who's Who, First Edition; Who's Who in America; Who's Who in Government; Community Leaders of America, fourth edition—1970.

His travels have taken him to Europe, the Middle East, and Africa. He has been guest preacher in leading churches in the British Isles and Europe. He frequently has been guest speaker at colleges and universities in the United States. He has been retreat master at spiritual retreats for clergy and military chaplains, in the United States and abroad.

He is the author of the following books: One Moment With God, Doubleday, 1951; America's Spiritual Recovery, Revell, 1954; And Still He Speaks, Revell, 1960; The Inevitable Encounter, Erdmans, 1962; and has been a contributor to 10 additional books and periodicals.

He holds membership in the following societies: Theta Sigma, Chi Alpha, YMCA, International Platform Association, Newcomen Society in North America, Cosmos Club, Army and Navy Club, U.S. Capitol Historical Society—sustaining member, Pennsylvania State Society, Disabled American Veterans—national chaplain, 1950–51, the Military Order of the World Wars, and the Military Chaplains Association. He is a member of the following learned societies: Phi Chi Phi, American Society of Church History, Church Service Society, Academy of Religion and Mental Health.

His wife is the former Helen Chittick, a descendant of Wishart, coadjutor of John Knox, and was educated at the Bishop's School and the University of California. They have four children. Mrs. Erland Heginbotham, Washington, D.C., Eleanor Frances; Miss Beverly Lunn, Washington, D.C.; Mrs. Duncan MacRae, Baltimore, Md., Mary Faith; David Edward, Washington, D.C.

In light of his achievements, honors, and outstanding ministry, I present also this sermon by Dr. Elson, for the benefit of my colleagues:

DIVIDENDS FROM DIFFICULTIES

"Thou hast enlarged me when I was in distress."—Psalm 4: 1.

The Fourth Psalm was written for an ancient people at a time of great peril. The King, threatened by conspiracy and rebellion, was camping out with a few of his followers. His adversaries were all about him. The future was uncertain. The enemy seemed rich and well-fed, while this band had to forage about for food and shelter. At any moment it seemed a fatal stroke might fall. One among the king's followers, David, took up his stylus and wrote an evening hymn which moves to the joyous conclusion:

"Thou has put gladness in my heart, more than in the time that their corn and their wine increased; I will both lay me down in peace and sleep: for Thou, Lord, only makest me to dwell in safety."

No wonder this evening hymn became a great favorite of that ancient vagabond nation, Israel. This people, chosen of God to produce the Saviour, had her ups and downs, her depressions and prosperity, her defeats and victories. Wandering across deserts, scaling mountains, fording streams—no matter what the day had brought—when they sat by their campfires at evening they sang this refrain: "Thou hast enlarged me when I was in distress." Dividends from difficulties.

Why is it that men and women grow great and strong and creative under criticism, in suffering and in sorrow? So often it is through pain and in hardship that God puts a song in the heart and creative energy in the brain.

Criticism is a form of suffering which most people encounter fairly early in life, and the pain is intensely real and poignant. Most human beings desire social approval. Men and women appreciate approbation. To be accepted, to be popular, is a better way of life than to live under disdain and disapproval. Yet men and women who accomplish most in life sometimes receive the severest criticism. Politicians, professional men, ministers, writers—who register their leadership on the human scene—are perpetually exposed to their critics. None is completely impervious to this ordeal.

It is not that we get criticism—nor that it hurts—but rather how we manage criticism, which is the measure of our character. Can we suffer the assaults of our fellows, evaluate the statements and the circumstances of the declaration, and then grow under them?

Someone had hard words for Andrew Jackson when they said, "The President is a monster whose choicest ailment is human blood." Yet Jackson gave his critic a cabinet post.

"The President is a low, cunning clown. He is the original gorilla. Those who seek the ape-man are fools to travel all the way to Africa when what they are after can be so readily located in Springfield, Illinois." This critic was speaking of the man whose monument is the most beautiful in our Capital—Abraham Lincoln.

"He is treacherous in private friendships, a hypocrite in public life, an imposter in public life, an imposter who has either abandoned all good principles or else never had any." This was somebody's view of Washington.

And eighty million people heard and saw the funeral in this Church for the late Hon. J. Edgar Hoover. Since then I have fallen heir to some of the objects which he kept in little framed easels on his desk as he worked. Here is a quotation from Earl Keith: "Criticism is something you can avoid by saying nothing, doing nothing and being nothing." Here is one from the Psalms: "I will not be afraid of ten thousands of people that have set themselves against me round about." Perhaps these and others give us a brief insight into a great life which was informed and guided by a knowledge of the Bible, the catechisms and confessions of our particular Christian heritage.

All of us suffer in some way or other the criticism of others. How do we use it? Do we ask if it is true and, if true, do we make revision? And, if not true, do we give it all back to God for His dealing? Do we remember Jesus who died trying to combine all that was holiest in tradition with all that was healthiest in innovation, who unflinchingly spoke the truth, and who "when accused, opened not His mouth."

That is why I did not respond publically to the erroneous attacks upon my Palm Sunday sermon.

Suffering from personal abuse and criticism can be carried in the majesty of human personality and turned into a testimony for God.

Then there is the enlargement of character which comes from sickness. "Thou has enlarged me when I was in distress" is the reminiscent testimony of many a person who has walked in the valley of physical suffering.

I think of the daughter of one of our church officers, who suffered severely from polio but remained a beautiful homemaker and saint of God to her whole community—a refined, ennobled and radiant spirit. She turned her suffering into a testimony of faith and courage.

One of our noblest hymns begins, "O Love that wilt not let me go . . ." We never weary of it. The words were written by George Matheson, who distilled beauty from a great sadness. This promising young minister was engaged to a lovely lady when he began to lose his sight. He told her of the darkness descending upon him only to find her unwilling to share his burden of blindness. Alone in the quiet haven of his study, he wrote about another love—a "love that wilt not let me go . . . a joy that seekest me through pain . . . a Cross that liftest up my head." That hymn speaks to men's deepest needs because it came out of a suffering soul, testifying triumphantly.

Another hymn—"How Firm a Fountain"—had been the favorite of Robert E. Lee—Woodrow Wilson—William McKinley—Dwight D. Eisenhower. When we recall its words and ponder their meaning, we are able to understand its power for these great men of the past:

"When through the deep waters I call thee to go,
The rivers of woe shall not thee overflow;
For I will be with thee, thy troubles to bless;
And sanctify to thee thy deepest distress."

That hymn speaks to the heart which knows the burden of leadership in times of great national crisis, when human wisdom seems so fallible and great decisions must be made.

We think sickness a tragedy. Hold on! It depends upon what we do with this experience. If we learn to alternate between intense work and complete repose, we have been well schooled by sickness.

Hawaiian music gets hold of us in the depths. What is its power? It seems to be a blend of sorrow and joy. Born in a leper colony where men's bodies were dropping away, but where their souls sang to God, it is laughter with tears in it. It is beauty distilled from the holy joy of a heart in suffering.

Or look at our only true native music, the Negro spiritual. Listen to the "Largo" of *The New World Symphony* by Dvorak, with its haunting refrain, "Goin' home . . . I'm just goin' home."

Out of the suffering of Negroes walking over the stubble in the fields of the Southland comes

"Sometimes I'm up—sometimes I'm down
O yes Lord.
Nobody knows the trouble I have
Glory Hallelujah!"

One summer while a college student I worked with an engineering company installing a new kiln in a pottery in Ohio. I learned their lesson about suffering and beauty. The chinaware which was to bear the most beautiful and permanent decorations would be smeared with black pitch and then placed in the kiln and baked in the fury of intense heat. After some hours it was removed and the blackness was brushed off, and there for the whole world to see was the beauty of hand painted china. So it is with suffering. Out of the blackness and fire of suffering oftimes comes the beauty of the human soul.

What is it that war does to a man? Either he capitulates under its strain, gives way under its exertions, deteriorates under its duress, or he becomes a bigger, better, stronger man. Justice Holmes looked back upon his war years as the refining period of his life. Those who have been in battle know its terror, its devastation and its torment of soul. Yet, even here, creative energies have been released.

In World War II, John Gillespie Magee, Jr. of this city, joined the Royal Canadian Air Force and was killed in action on December 11, 1941. Whatever creative insights were down deep inside this boy welled up within him as he flew his plane in that war. He left us an immortal poem—"High Flight"—

"Oh, I have slipped the surly bonds of earth,
And danced the skies on laughter—silvered wings:
Sunward I've climbed and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence. Hov'ring there,
I've chased the shouting wind along and flung
My eager craft through footless halls of air.
"Up, up the long delirious, burning blue
I've topped the wind-swept heights with easy grace,
Where never lark, or even eagle, flew;
And, while with silent, lifting mind. I've trod
The high untrespassed sanctity of space.
Put out my hand, and touched the face of God."

The death of a youth like this seems tragic, but in those brief years he touched the face of God and his experience and his words will live in English literature for ever. "Thou hast enlarged me when I was in distress."

One of the great Christian heroes of our age is John Hayes, our missionary for many years in China. I spent many hours with him after his brain-washing and threatened execution by the Chinese Communists. I have always felt close to him and part of his ordeal because, when he was hauled up for trial and accused of being the leader of an American spy ring, I was supposed to be his Washington axis. He came back to us by the merciful deliverance of God and in answer to our prayers, and this is what he had to say,

"God kept me, gave me clarity, made me strong. I did not seek release. I only wanted to be true to Christ, and true to truth, with or without my head."

There was a new quality to John Hayes' message and his life as he witnessed in Indonesia. "Enlarged in distress?" Why not?

Look at Paul. Six of his letters were written in jail. He did not write about gray, grim prison walls. His soul sang. "Rejoice, rejoice!" . . . When I am weak, then am I strong."

Perhaps the deepest suffering we are called upon to endure is the sorrow of losing a loved one. When we lose a visible friend, do we gain the invisible Lord? Even out of these depths of loss come beauty and fresh spiritual vigor.

Someone once wrote these words:

"I walked a mile with pleasure.
She chatted all the way,
And left me none the wiser
For all she had to say.

"I walked a mile with sorrow;
And ne'er a word said she.
But, Oh! the truths I learned from her
When sorrow walked with me."

Occasionally our choir sings an introit penned by Cleland B. McAfee for a communion service. That week the McAfee family, his church and the town had been stunned with grief over the death of Dr. McAfee's two small nieces, within twenty-four hours of each other. Seeking for some comfort for all the saddened hearts, he wrote:

"There is a place of comfort sweet,
Near to the heart of God;
A place where we our Saviours meet,
Near to the heart of God.

"There is a place of full release,
Near to the heart of God;
A place where all is joy and peace
Near to the heart of God."

A friend of ours, Mrs. Bertha Spafford Vester, who spent an entire lifetime in Jerusalem, has written of the tragedy which befell her parents on her mother's first trip across the Atlantic. Traveling with her four little daughters on a French luxury liner, the ship was struck by another vessel in the middle of the night and sank within twelve minutes. By some miracle Mrs. Spafford was rescued, but her children drowned.

Her cable to her husband, delayed at home because of business, plunged him into the valley of the shadow of death where he searched his life, hitherto so blessed, for an explanation of this sudden tragedy. On his way across the Atlantic to rejoin his wife, Horatio Spafford wrote the hymn which has given comfort to so many:

"When peace like a river attendeth my way,
When sorrows like sea-billows roll,
Whatever my lot, Thou hast taught me to say;
'It is well, it is well with my soul.'"

"Thou hast enlarged me when I was in distress." It seems like a hard way, but it is the way of life and sometimes it is God's way to creativeness. It is a certain way to a deeper life with God.

How do you use suffering? Do you recoil from it in bitterness? Or do you accept it, grow under it, turn it into a testimony of beauty?

When the skies are black, when the thunder of life's storms roll and the tempests are wild, do you hear the angels sing? Is it well with your soul? Are there not dividends from difficulties?

Out of the sufferings of the past has come the music of life; out of difficulty, new dedications; out of hardship, a new hallowing of life.

"Thou hast enlarged me when I was in distress."

IN MEMORIAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RODINO. Mr. Speaker, it is with a great deal of affection and with a deep sense of loss that my thoughts turn to the many days the Honorable Philip J. Philbin shared these Chambers with us. Mr. Philbin's beliefs and views, his tenacious sense of commitment to those whom he served and to the principles upon which our Nation stands, have engraved in our hearts his image as an advocate of the highest traditions of our land. The following words by the poet Arthur Guiterman best express the continual presence I am certain he will hold for all of us:

The Past is deathless. Souls are wells too deep
To spend their purest gains.
All that he gave to us is ours to keep
While memory remains.

I join at this time with my fellow colleagues in honoring so dear a friend and so respected a man.

TECHNOLOGY AND THE ENVIRONMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GUBSER. Mr. Speaker, in the last few years this Nation has developed millions of instant experts in the field of ecology who can tell us how to unpollute our environment. Many of them advocate the zero growth, and the stifling of what we have learned to view as progress in recent decades. Almost all of them seem to look upon modern technology and scientific development as an enemy of a clean environment. Many of them say it must stop.

Frankly, I believe the answer to cleaning up our environment lies in technological and scientific development and much as I would personally enjoy it, I cannot conceive of this Nation giving up of its way of life to return to a simple agrarian existence.

Unfortunately, many of the people who advocate stopping technology are those who are so affluent that they possess every known gadget which consumes energy and does in fact pollute the environment.

Recently an article by Ernest Conine indicated that these people are "hip-deep in hypocrisy." The title of the article is "Give Up Gadgets for Ecology's Sake?"

I believe every reader of the CONGRESSIONAL RECORD would benefit from the thoughts presented by Mr. Conine and for this reason I submit his article in full:

GIVE UP GADGETS FOR ECOLOGY'S SAKE?

(By Ernest Conine)

One Californian, after listening to an especially impassioned speech by a dedicated enemy of environmental pollution, looked over the gathering of affluent liberals and made a cynical observation:

"I'll wager there isn't a guy here who doesn't have at least two cars in his garage—not to mention the dune buggies, snowmobiles and motorbikes—plus air-conditioning and a houseful of electrical appliances.

"But I don't see anybody rushing to give up all those gadgets and goodies in the name of a clean environment." It's easier, he added, just to make high-sounding speeches about the sins of the industrial polluters and the evils of continued economic growth.

The observation is hardly original, but it is to the point.

America is hip-deep in hypocrisy on ecology, as on other matters. If Americans could cut through the hypocrisy, they might be a lot closer to some solution.

Why not require everybody who makes speeches about the environment—or, for that matter, writes columns or editorials about it—to make full public disclosure of just what his own contribution to the problem is?

The proposal, while offered facetiously, might not be a bad idea at that.

Each speaker or commentator on the ecology would be given an environmental guilt rating which he would have to display publicly—maybe on a lapel badge—whenever and wherever he holds forth on pollution. The higher the number, the larger the indicated contribution to the pollution crisis.

As most people know by now, overpopulation and affluence are the twin roots of ecological evil. So any man or woman with more than the allowable two children would be

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penalized two points for each "surplus" child.

Each household could have one compact car, not exceeding 115 horsepower, without penalty. But every extra car would cost a point. The big gas-eaters would count double. So would dune-buggies, gas-driven lawnmowers, snowmobiles, boats, campers and motorcycles, since all are essentially luxury items.

Every household could be entitled, without penalty, to one TV set, one radio, one record player, one cooking apparatus, whether gas or electric, and one refrigerator. Penalty points would be assessed, however, for extra appliances in these categories. And points would be added to the guilt rating for electric blankets, swimming pool heaters, electric mixers and can openers, power saws and mowers, electric razors and hair-dryers and (except in desert climates) air-conditioners.

Considering how much pollution jet airliners spew into the air, anybody traveling more than 1,000 airline miles each year would have to add a point for each extra thousand miles.

Obviously the whole idea is absurd—not to mention being unconstitutional and possibly even subversive. Which is too bad, considering the amount of antidemocratic and antihumanist nonsense which is being uttered these days in the name of ecological survival.

Not long ago, for example, a team of MIT scientists and engineers warned that the world faces pestilence, poverty and starvation within 70 years unless economic growth is halted. Think of the implications.

What these and like-minded experts are saying, in effect, is that mankind has only two ways to go:

The have-nots of the world—the people with an environmental guilt rating of close to zero, if you will—must accept a condition of permanent poverty and give up all hope that they, or their children or grandchildren, will ever be able to enjoy the kind of affluence while a middle-class American or Englishman or Japanese enjoys today.

Failing that, the haves—the people with an environmental guilt rating of 10 or 15 or 20—must be forced or persuaded to join the ranks of the have-nots.

Human nature being what it is and always has been, neither is going to happen.

The ultimate answer will be found, one suspects, not in stopping economic growth and the spread of affluence, in halting the construction of power plants and prattling on about returning to nature, but in the technological fix. Pollution-free generation of power. Conserving of the world's mineral resources through recycling. Outer space garbage disposal. Maybe even colonization of the planets.

This is pretty far-out stuff. But not as far out as the nation that half the world's people are going to stay poor in order to keep the earth environmentally safe for the other half.

CLEVELAND'S MRS. JAMES V. O'BRIEN CELEBRATES 100TH BIRTHDAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, on the day of June 16 I am pleased to join with the many friends and relatives of Mrs. James V. O'Brien in extending to her warmest congratulations upon her 100th birthday.

Longevity alone is not a cause for celebration, but rather we pay tribute to Mrs. O'Brien for the great deal she has accomplished in the years God has given her. Through the love, devotion, and guidance she rendered as a wife and mother, and later as a grandmother and greatgrandmother, she has raised and sent into the world a family of productive and dedicated citizens. Surely there can be no greater accomplishment.

Her lively spirit and attitude toward life serves as an inspiration to us all.

PHILIP J. PHILBIN

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CELLER. Mr. Speaker, it was my privilege to have had Phil Philbin as a fellow colleague throughout his years of service in the House of Representatives. I am deeply saddened by his death.

Phil was a man of kindness and erudition. And this kindness and erudition he put to use to serve his Nation. It was this combination that gave him the unique quality which earned him both affection and respect. Few in the House could resist his warmth of personality and few could successfully challenge the wealth of information Phil brought to the floor when legislation was before it.

The passing of the years brings many changes and one accommodates oneself to meet them. But to the loss of a good fellow being, one cannot become reconciled. A scar forever remains.

To his family I extend my deepest sympathies. A measure of consolation to them must be that so many of his friends and colleagues share in the feeling of loss.

REGRETS PASSING OF FORMER CONGRESSMAN PHIL PHILBIN

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MONAGAN. Mr. Speaker, I was shocked to learn of the death of my dear friend former Congressman Phil Philbin and I join my colleagues in expressing my regrets at his passing.

He was a devoted Member of Congress and represented the people of his district with the utmost fidelity. No task was to small for him to perform for his constituents and he furthered their interests with dedication and understanding.

He also served the people of the country well in his years as a member of the Committee on Armed Services and his devotion to maintaining the strength of our national defense never wavered during his career of 28 years.

Those who knew Phil Philbin intimately, as I did, remember him most of all for the warm qualities of friendship. He was a delightful companion and an excellent raconteur and on innumerable occasions I enjoyed chatting with him while we discussed mutual friends or pompous figures whom Phil was skilled in deflating.

Not everyone knew that Phil was an excellent pianist and a great lover of music. His particular affection was for the musical comedy melodies of earlier days, ranging from Victor Herbert to Jerome Kern. He was a personal friend of many of the most famous composers and would meet and entertain them from time to time. Rudolf Friml was a particular friend. With his warm and charming personality and his skillful manipulation of the piano, Phil Philbin added pleasure for many people to innumerable gatherings, both in Washington and elsewhere.

A fine athlete in his youth, a graduate of Harvard, a devoted father, a dedicated Member of Congress and a warm and loyal friend, Phil Philbin passes from the scene at a time when people of his experience and conviction are sorely needed. He will be missed.

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RESOLUTION CHART

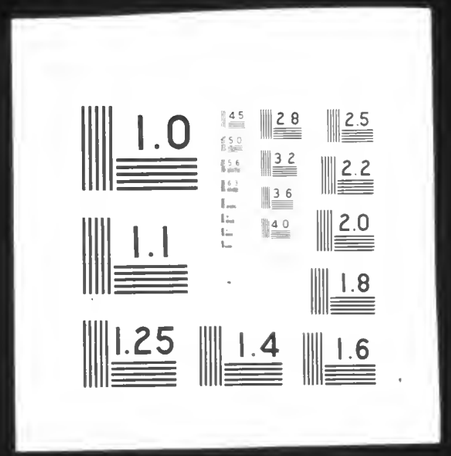

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

VOL 118

MICROFILMED—1974

PART 17

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Friday, June 16, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose ways are justice and peace, we beseech Thee to guide this Nation in the creation of programs and in patterns of conduct which are in accord with Thy law. Help us to know and to do Thy will. Lead us not to the life which once we knew but to the more perfect life we never yet have known. May love dispel hate and peace replace war. And grant, O Lord, that our individual lives may be so ordered as to bring moral and spiritual strength to the whole Nation. Guide the President, the Congress, and all who serve in the Government toward that day when Thy kingdom shall come on earth as it is in Heaven.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 15, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 820, 821, 822, and 823.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

The Senate proceeded to consider the bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

Mr. CRANSTON. Mr. President it is with great pleasure that I rise today in support of H.R. 12143, which will establish the San Francisco Bay National Wildlife Refuge. During the 91st Congress, I authored S. 2291 for this purpose and again in this Congress, I introduced S. 2241 to establish the San Francisco Bay National Wildlife Refuge. I have been delighted by the overwhelming support for this proposal. I would like to thank the distinguished chairman of the Commerce Committee for acting on H.R. 12143 so soon following passage by the House.

H.R. 12143 will preserve and enhance the wildlife habitat for the protection of migratory waterfowl and other wildlife in the South San Francisco Bay and will provide for an opportunity for wildlife oriented recreation and nature study.

There is urgent need for passage of this legislation. During the past 25 years approximately 67 percent of the estuarine wildlife habitat in California has been permanently destroyed by dredge and fill activity. The wildlife habitat has been reduced by 75 percent because of dredge and bay fill. A number of birds and animals threatened with extinction—the red-bellied harvest mouse, the endangered California least tern, and the rare clapper rail—reside in the South Bay and may not survive unless we save their remaining habitat now. In addition, the South San Francisco Bay serves as a major stop on the Pacific flyway for nearly 70 percent of the birds which migrate south.

The south portion of San Francisco Bay is within 1 hour's driving time of 4 million bay area residents. This means that the recreation and environmental education potential of the refuge is enormous. At present only 4 miles of the 276-mile bay shoreline have been set aside for public parks. Only a few have been able to experience and enjoy the wildlife values of the area. This legislation will create not just a wildlife refuge, it will preserve the South San Francisco Bay as a human refuge, where the values of open space and open water, of beauty and the mysteries of nature, will give sustenance and strength to those who seek relief from the antagonisms, the crowding, the pollution, crime, and ugliness of our urban life. Mr. President, the chance to establish such a refuge so near to a major urban area is one that we should not pass up.

The bill was ordered to a third reading, was read the third time, and passed.

MILITARY MAIL

The Senate proceeded to consider the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces and for other purposes, which had been reported from the Committee on Post Office and Civil Service with amendments, on page 1, at the beginning of line 3, strike out:

That (a) subparagraphs (A) and (B) of section 3401(a)(1) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), are amended to read as follows:

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while on active duty; or".

(b) Subparagraph (D) of section 3401(a)(2) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756; Public Law 91–375), is amended to read as follows:

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while in the services with, or in, a unit under operational control of a command of the Armed Forces of the United States; and".

On page 2, at the beginning of line 25, strike out "(c) Section" and insert "That section"; on page 3, line 1, after the word

"Code", strike out "as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91-375),"; in line 7, after the word "exceeding", strike out "five" and insert "15"; in line 8, after the word "and", where it appears the first time, strike out "sixty" and insert "60"; in line 15, after "post office", strike out "and"; after line 15, insert:

"(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

At the beginning of line 19, strike out "(2)" and insert "(3)"; in the same line, after the word "exceeding", strike out "five" and insert "15"; in line 20, after the word "exceeding", strike out "seventy" and insert "70"; in line 21, after the word "exceeding", strike out "one hundred" and insert "100"; at the top of page 4, insert:

SEC. 2. Section 3401 of title 39, United States Code, is amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f); and

(2) inserting the following new subsection "(c)":

After line 5, strike out:

(a) Chapter 34 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91-375), is amended by adding at the end thereof the following new section:

§ 3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding seventy pounds in weight and one hundred inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment, in addition to the regular surface rate of postage, of a fee for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.".

At the top of page 5, insert:

"(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.".

After line 14, strike out:

(b) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end thereof—

"34.06. Air transportation of parcels mailed at or addressed to Armed Forces post offices.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-860), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 3808, as amended by the Committee, is to increase the maximum size and weight of parcels addressed to or mailed from United States Armed Forces postal facilities outside the contiguous 48 States.

LEGISLATIVE HISTORY

Since the beginning of the build-up in Southeast Asia in 1965, Congress has enacted several provisions of law permitting free mailing privileges for U.S. servicemen in combat areas, providing air transportation for letters, tape recordings, parcels, newspapers, and magazines, on a space available basis to military postal facilities, and providing domestic air transportation for some parcels mailed to and from military postal facilities for modest fees.

There are three basic statutes involved in this legislative history, now codified in chapter 34 of title 39, United States Code, sections 3401-3402.

Public Law 89-315, enacted November 1, 1965, permitted free letter mail privileges for servicemen in combat areas and air mail treatment for letter mail to and from noncombat areas, as well as authorizing space available air transportation for parcels weighing not more than 5 pounds and measuring not more than 60 inches in length and girth combined.

Public Law 89-725, enacted November 2, 1966, included casette sound recordings within the letter mail category and authorized the air transportation of weekly news magazines to APO's and FPO's.

Section 117 of Public Law 90-206, the Postal Revenue and Federal Salary Act of 1967, enacted December 14, 1967, provided for the air transportation of parcels exceeding five pounds but not exceeding 30 pounds in weight (and retaining the 60 inches limitation). Unlike previous laws, air transportation was permitted from the point of mailing, rather than the point of embarkation or debarkation, if the mailer paid an additional fee established by the Postmaster General to pay for the cost of domestic air transportation.

These three laws make up the existing parcel law on military mail. Basically, there are four categories of parcel military mail: (1) air mail, which is limited to 70 pounds in weight and 100 inches in measurement, the cost of which is so prohibitive as to prevent its general use; (2) surface mail, subject to similar size and weight limits, the delay of which makes it generally undesirable; (3) SAM, meaning Surface Air Mail, which is transported by surface means to the appropriate APO and by air on a space available basis to the APO or EPO located outside the 48 contiguous States, and which is limited to 5 pounds in weight and 60 inches in measurement; and PAL, meaning Priority Air Lift, which includes parcels exceeding 5 but not exceeding 30 pounds in weight or 60 inches in measurement, which receives air transportation on a space available basis from the point of mailing.

JUSTIFICATION

These military mail provisions of law have undoubtedly served a valuable purpose in transporting letter mail, publications, and parcels to our servicemen overseas. Families of servicemen can mail goods to their loved ones in Vietnam, Korea, Germany, the Canal Zone, or in any other foreign area having a U.S. Armed Forces postal facility and know that there will be little or no delay. The air transportation of magazines and newspapers has undoubtedly helped boost the morale of American servicemen overseas who like to read hometown newspapers or popular news magazines without the long delays necessary when surface sea transportation is involved.

It is to increase the effectiveness of this program that the Committee recommends the enactment of H.R. 3808.

However, the Committee recommends certain amendments which it believes are necessary to insure the efficient operation of the program at the present time, and to prevent possible abuses of the program in the future.

FREE LETTER MAIL

H.R. 3808 as referred would have permitted any American serviceman stationed outside the 50 States to mail any letter mail free of postage. The Committee recommends against the enactment of this provision. Free letter mail for servicemen stationed in Western Europe, the Canal Zone, or in any other area which is not determined by the President to be a combat zone is simply not necessary and not in the best interests of the Nation. The reason for developing free letter privileges for combat servicemen during the Second World War was because of the nature of service performed by the servicemen. Soldiers in Vietnam deserve free letter mail; soldiers in Wiesbaden or Tokyo do not. The Committee does not believe it is a serious imposition upon these latter servicemen to buy a book of 8-cent stamps to mail personal and business letters, which are given air transportation to the United States.

NEWSPAPER AND MAGAZINES

Under current law, second-class publications entitled to air transportation on a space available basis must meet the criteria of (1) at least weekly publication; and (2) having current news value principally of interest to servicemen and the general public. If they are, they may be mailed to (1) a combat zone as designated by the President; or (2) a hardship area or combat support area or an area where adequate surface transportation is not available.

H.R. 3808 revises present law by eliminating the restrictions as to what areas are included within the zones of air transportation—that is, they may be mailed anywhere outside the 48 contiguous States.

As administered by the Postal Service and the Department of Defense, the State of Hawaii is currently the only area outside the 48 contiguous States that has not been designated as either a combat area, a hardship area, a combat support area, or an area where adequate surface transportation is not available. Any qualified magazine or newspaper is presently transported by air to any APO outside the continent except Hawaii. Obviously, the intent of the Congress to require selective judgment on the part of the Postal Service and the Department of Defense has produced meager results.

It is also true that the definition of what type of second-class publication is "featuring principally current news of interest to members of the Armed Forces and the general public" has resulted in wholesale admission of second-class weekly publications. While *Harper's* and *Atlantic* are not qualified (because they are not weeklies), the list of eligibles includes magazines the "current news value" of which is curious. For instance, a recent listing of some of the publications entitled to air transportation on a space available basis (and thus paid for by the taxpayers rather than the subscribers) included the following magazines:

1. America
2. Journal of Armed Forces
3. Aviation Week & Space Technology
4. Barron's
5. The Blood Horse
6. Box Office
7. Broadcasting
8. Business Week
9. Chemical Engineering News
10. Chemical Week
11. The Christian Sentry
12. The Chronicle of the Horse
13. Commonwealth
14. The Connecticut Law Journal
15. Engineering News Record
16. Government Contracts Report
17. Jet
18. The Lancet
19. Life
20. The Nation
21. National Review
22. New England Journal of Medicine
23. News Citizen
24. Newsweek
25. New Yorker
26. Oil & Gas Journal
27. Passenger Transport
28. Physical Review Letters
29. Pulp & Paper
30. Railway Age Weekly
31. The Reporter
32. The Saturday Review
33. Standard Corporation Records
34. Standard Federal Tax Reports
35. Sporting News
36. Sports Illustrated
37. Tax Court Reports
38. Technology Week Including Missiles & Rockets
39. Telephoning
40. The Thoroughbred Record
41. Time
42. The Travel Agent
43. TV Guide
44. United Pricing Reports
45. U.S News & World Report
46. The Value Line
47. The United States Law Week

The Committee favors distributing magazines to servicemen overseas and paying for the costs of such air transportation at public expense, but it is clearly beyond the limits of the letter or spirit of the law to include some of the magazines which have been approved on this list. They go far beyond the definition of "current news of interest to members of the Armed Forces and the general public." Those responsible for the administration of this program should take steps to correct this serious deviation from proper interpretation of law. The Committee requests the Postal Service to prepare and deliver to the Committee a complete list of all second-class magazine publications entitled to air transportation under this provision of law as of July 1, 1972, and a subsequent report of such publications so entitled as of January 1, 1973.

PARCELS

The most significant proposals in H.R. 3808 relate to the size and weight limits applicable to parcels carried on a space available basis by air from the United States to Europe and Southeast Asia. It is here that the Committee recommends extensive amendments to the bill passed by the House of Representatives.

As referred, the limits for PAL of 30 pounds and 60 inches were proposed to be increased to the maximum size and weight limits of any mail—70 pounds and 100 inches. The Committee has carefully studied this proposed increase and has concluded that it would be virtually impossible to comply with these new dimensions. The capacity of the postal facilities in San Francisco and New York would be taxed beyond functional capacity if a significant number of larger parcels were introduced into their mail system. This is particularly true of the air mail facility at Kennedy International Airport in New York, where presently *all* SAM and PAL is handled. The AMF at Kennedy is presently heavily burdened by the amount of mail under current size and weight limits. The conveyor belts used at the loading ramps cannot carry the maximum dimensions now authorized by law, and when such parcels are delivered, they must be handcarried by a postal employee from the delivery truck inside the building by way of a narrow corridor. To add 30 pounds and 40 inches to the size of parcels which cannot be handled efficiently or effectively at the present time on a general basis would be unrealistic. Postal officials at the Postal Concentration Center in San Francisco advised officials on the Committee staff that the increase in parcel volume resulting from the greater size and weight limits would probably require an additional 60,000 square feet of work space in that facility.

A major argument for the increase in size limits for PAL has been that servicemen would be permitted to mail home their footlockers rather than send them by surface. On the face of it, this seems reasonable and fair, but in actuality, few servicemen use a footlocker for the storage or transportation of clothing and personal effects—they use suitcases and duffle bags. Footlockers are more frequently used for the transportation of official materials which the Department of Defense can now carry by military aircraft if it so wishes.

The true effect of increased size and weight limits for PAL would be to offer a whole new market for the shipment by air of merchandise to servicemen and their families stationed in Europe. Although the Committee has no objection to such mail order business overseas, we believe that the taxpayer and the postal facilities should not subsidize such business transactions to a greater extent than is presently done.

The Committee therefore recommends two basic amendments to H.R. 3808 related to parcel mail:

(1) SAM, now limited to 5 pounds in weight, should be increased to 15 pounds in weight, with no increase in measurement, to accommodate slightly heavier but *not* larger parcels which do not constitute a problem for present mail facilities in New York or San Francisco; and

(2) PAL, now limited to 30 pounds and 60 inches, be increased to 70 pounds and 100 inches for *incoming mail only*—that is, no mail originating in the 48 States could exceed present weight and size limits, but mail originating in an APO outside the continent could exceed such limits.

The Postal Service has agreed with the Committee that these increases, while not favored by the Service, are fair and reasonable, and, more importantly, can be handled by present postal facilities.

AIR TRANSPORTATION

The Committee is mindful of the importance of adequate mail service to our servicemen overseas. But little has been written in the legislative history of these bills regarding other beneficiaries of military mail and air lift proposals.

The following chart illustrates the impact of postal revenues upon the major mail carriers in the airline industry in 1971.

Carrier	Total revenue	Net profit	Mail revenue	Profit without mail
American	$1,244,362,341	$3,029,346	$22,445,653	−$19,416,307
Braniff	329,563,661	9,012,825	8,473,550	539,275
Continental	331,553,873	8,411,037	5,358,721	3,052,316
Eastern	1,053,757,023	5,690,082	13,894,793	−8,204,711
Northwest	425,650,731	23,628,562	19,442,669	4,185,893
Pan American	$1,179,548,990	−$46,501,144	$69,395,923	−$115,897,067
TWA	1,252,034,901	3,254,495	38,526,276	−35,271,781
Western	325,595,336	6,457,419	5,156,884	1,300,535
Seaboard	81,917,500	5,381,512	4,808,456	573,056
Flying Tigers	97,713,036	1,425,222	1,377,600	47,622

The overwhelming majority of this mail is SAM and PAL, carried on a space available basis at 11.4c per ton mile, a substantial savings for the Government from the costs of air mail rates or first-class mail rates. Nevertheless, the carriage of this mail, particularly heavy second-class publications and parcels, results in major revenue for the air carriers involved.

A breakdown by areas of delivery, air lines, and ton-miles of mail traffic is illustrated in the following two charts:

MILITARY MAIL, FISCAL YEAR 1971

In thousands]

	Mail pay			
	Airmail	MOM	SAM	Totals
Transatlantic carriers:				
Pan American	$3,330	$2,725	$3,032	$9,087
Seaboard World	1,762	1,078	1,669	4,509
Trans World	3,528	2,942	2,968	9,438
Subtotal	8,620	6,745	7,669	23,034
Transpacific carriers:				
American	$14	$1	$5	$20
Continental	124	18	173	315
Flying Tiger	7,410	5,263	13,265	25,938
Northwest	5,349	4,784	3,845	13,978
Pan American	18,777	11,367	19,100	49,244
Trans World	1,644	1,350	1,864	4,858
Subtotal	33,318	22,783	38,252	94,353
Latin America carriers:				
Braniff	100	52	143	295
Eastern	3	2	8	13
Mackey			1	1
Pan American	220	108	291	619
Western	8	1		9
Subtotal	331	163	443	937
Total	42,269	29,691	46,364	118,324

	Ton-miles (thousands)			
	Air mail	MOM	SAM	Totals
Trans-Atlantic carriers:				
Pan American	10,406	12,477	26,596	49,479
Seaboard World	5,506	4,963	14,640	25,109
Trans World	11,025	13,471	26,035	50,531
Subtotal	26,937	30,911	67,271	125,119
Trans-Pacific carriers:				
American	49	1	44	94
Continental	431	82	1,518	2,031
Flying Tiger	25,729	24,098	116,360	166,187
Northwest	18,573	21,905	33,728	74,206
Pan American	65,198	52,047	167,544	284,789
Trans World	5,708	6,181	16,351	28,240
Subtotal	115,688	104,314	335,545	555,547
Latin America carriers:				
Braniff	308	238	1,254	1,800
Eastern	9	9	70	88
Mackey			9	9
Pan American	677	495	2,553	3,725
Western	29	3		32
Subtotal	1,023	745	3,886	5,654
Total	143,648	135,970	406,702	686,320

XUM

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to increase the size and weight limits on military mail and for other purposes."

FEDERAL EMPLOYEES HEALTH INSURANCE

The Senate proceeded to consider the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

SEC. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which the Senate passed H.R. 12202, Calendar No. 822, together with its third reading, be reconsidered and that the bill be placed back on the calendar. There was a temporary hold on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL FIREFIGHTERS RETIREMENT

The bill (S. 916) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment."

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-862), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 916 is to permit Federal employees who are firefighters to retire at age 50 after 20 years of service or after 25 years of service regardless of age, and to receive 2 percent of average salary for each year of service.

JUSTIFICATION

Under section 8336(c) of title 5, U.S. Code, Federal employees serving in Federal law enforcement positions are permitted to retire earlier and receive slightly preferential retirement benefits than other Federal employees under the Civil Service Retirement System. These employees may retire at age 50, after serving 20 years or after 25 years of service regardless of age. In addition, an annuity may be granted only if the head of the agency recommends retirement and the Civil Service Commission approves the recommendation.

Employees engaged in criminal investigation and law enforcement in the following agencies are now included within the provisions of section 8336(c): Federal Bureau of Investigation; Secret Service; U.S. Marshals; Department of Correction, District of Columbia government; U.S. Prison Guards; U.S. Border Patrol; U.S. Fish and Wildlife Service; U.S. Customs Service; Internal Revenue Service agents and investigators; Headquarters of Special Investigation; U.S. Army; U.S. Air Force and Immigration and Naturalization Service.

There are approximately 9,500 employees who are firemen not accorded these benefits, even though their duties entail frequent exposure to extreme hazards and subjecting them to great physical danger.

Firefighting is one of the most hazardous occupations in the world. The fatality rate for firefighters is approximately five times greater than that of any other occupation. In 1970, there were 38,583 injuries (38.6 per 100 workers) sustained by firefighters. The injury rate has been steadily increasing over the past 10 years, in sharp contrast to the experience of all other workers.

Civil disorder and social strife have in recent years produced new hazards for firefighters. From 1967 to 1969, more than 600 firefighters were injured during civil disorder. In 1970, 195 firefighters were injured as a result of civil disorder and 113 sustained injuries due to acts of individual violence.

The International Association of Firefighters Survey reports that 37 out of every 100 firemen were injured in 1971. These injuries include those sustained from overexertion, sprains and strains, burns, falls, cuts, toxic gas and building collapse. Burns, toxic gas, heat exhaustion and overexertion are the principal sources of injury.

In 1970, 233 active firefighters died from occupational diseases while on duty—96 from heart disease, 126 from lung disease. An additional 463 left the service in 1970 because of physical impairment due to occupational disease and/or injuries received in the line of duty.

Firefighters perform their duties during emergency situations, 24 hours a day, exposed to the elements. This type of duty is often strenuous and performed in extremely high temperatures. Noted physicians report that these conditions tend to burden the cardiovascular system, causing the pulse rate to increase and the stroke volume of the heart to decrease. Federal firemen also perform many of their duties in the extreme cold. From research, authorities have found that this factor seems to produce persistent hypertension. In his work a firefighter is constantly exposed to carbon dioxide and other poisonous gases, which unquestionably promote damage to the heart and cardiovascular system.

The U.S. Civil Service form 8, entitled "Position Description," states that a Federal firefighter is expected to perform his duties with utmost proficiency in the face of personal danger. The committee believes the position of firefighter falls within the category of "hazardous" duty occupation and should be included in early retirement provisions.

It is important to note that the justification for including law enforcement personnel in early retirement provisions was to utilize the individual's highest level of physical proficiency. Medical statistics, for both law enforcement personnel and firefighters, bear witness to the fact that younger men are more capable physically than their older counterparts. Law enforcement activity requires a staff of active, physically capable men and there is no reason to suggest that fire prevention does not also require this high level of efficiency. The need and motives are not dissimilar. Both forces must encourage young men to enter and remain in their respective jobs and older men to leave service at an earlier age. This program benefits both young and old. The young are offered a greater chance for advancement with a liberal retirement system; while the older firefighters, realizing a growing occupational threat to their security and life, are given the opportunity to leave with dignity while they are still relatively healthy.

COST

Enactment of S. 916 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by $120.5 million. Under the provisions of section 8348(f) of title 5, United States Code, this legislation would be deemed to authorize appropriations to finance the unfunded liability in 30 equal annual installments of $6.33 million each.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATE RESOLUTION 321—ELECTION OF WILLIAM H. WANNALL, OF MARYLAND, AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask for its immediate consideration. This resolution has been cleared all around.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 321

Resolved, That effective July 1, 1972, William H. Wannall of Maryland, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, may I say that we are losing a good man in Bob Dunphy. We are getting a good man in Bill Wannall.

I know that I speak for all of the Senate when I express my gratitude to Mr. Dunphy for the outstanding service during his tenure as Sergeant at Arms, and for his courtesy, his dignity, and his understanding.

We expect that Bill Wannall will have the same attributes because he has them already, and I am sure that he will keep them.

Mr. GURNEY. Mr. President, as acting leader on the Republican side, I want to echo the remarks and the sentiments of the distinguished majority leader with regard to the retiring Sergeant at Arms and the new one coming in.

The service of Mr. Dunphy has been without blemish and certainly the qualifications of Mr. Wannall who will take his place would indicate that his service will be the same.

The resolution (S. Res. 321) was unanimously agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any routine morning business to be transacted at this time?

THE SEPARATION OF MR. AND MRS. GAVRIIL "GARRICK" SHAPIRO BY THE SOVIET UNION

Mr. TAFT. Mr. President, last week a constituent and trusted friend of mine, Mrs. Gavriil "Garrick" Shapiro, formerly Miss Judy Silver, traveled to Moscow to marry the man she loves, Gravil Shapiro. Miss Silver and Mr. Shapiro were married in a private Jewish Orthodox ceremony in Moscow, but Mr. Shapiro was refused permission to leave the Soviet Union with his bride and is currently being held by Soviet officials, without specification of any criminal charges. Mrs. Shapiro was denied an extension of her visa and has flown back to the United States, anxiously awaiting word of her husband's fate. I am advised that seconds after Mrs. Shapiro's plane left Moscow her husband was arrested at the airport, that since Monday night he has been moved to three different places of detention, that he has been placed on a diet of bread and sugar and that his parents have been unable to see him.

To fully understand this unfortunate situation one must be aware of the fact that Mr. Shapiro is a Jewish chemical engineer and an activist in the pursuit of greater religious freedom for Soviet Jews.

Complex and restrictive requirements are imposed on the right of Russian Jews to emigrate. Mail from outside the Soviet Union to Russian Jews is delayed for long periods of time and quite often discontinued completely. Contacts with the West are difficult. Since 1 week prior to the visit of the President the telephone of the elder Shapiros has been cut off.

These Soviet steps in Shapiro's case appear to be in direct contradiction to the provisions of the Declaration of Human Rights approved by the United Nations. Article 13, paragraph 2, of the Declaration specifically states:

Everyone has the right to leave any country, including his own, and return to his country.

The right of a person to leave any country including his own is founded on natural law. Socrates regarded this right as an essential personal liberty. The right to leave one's country is implicit in the great migrations which people on this earth have undertaken since the dawn of history. The chronicles of Marco Polo and other voyagers of history bear witness to the comparative freedom which they enjoyed in leaving and returning to their respective nations, as well as, entering and leaving many foreign kingdoms.

The Swiss jurist, Emer de Vattel, wrote in the 18th century:

It is not to be supposed that a man has bound himself to the society of which he is a member in such a way as to be unable to leave the country when his . . . affairs require it and when he can absent himself without harm to the country.

He also defended the right to emigrate in the following words:

They may leave a society which seems to be undergoing a process of dissolution or recreation; and they have the right to withdraw elsewhere—to sell their lands and to carry all their goods.

First known acknowledgment in national law of the right to leave one's country is found in the Magna Carta A.D. 1215. Articles 41 and 42 of the historic document stated:

All merchants safe and secure exit and to all others freedom to go out of the Kingdom and to return. . . .

Surely in light of the recent agreements reached with the Soviet Union regarding space exploration, control of the environment, increased trade, and most importantly strategic arms limitations, an understanding can be reached regarding the right of peoples to freely emigrate and travel.

In the past I have brought this matter to the attention of the Senate and I have written President Nixon and Secretary of State Rogers, asking for their thoughtful consideration of this most important problem. I have also written Soviet officials, including Soviet Party Leader Breshnev and Ambassador Dobrynin. I will continue to do so. I urge my colleagues in the Senate to likewise consider this crucial problem of human dignity.

I am hopeful that President Nixon will look into the situation of Mr. and Mrs. Gavriil Shapiro so that they may be reunited as soon as possible. I have called on the State Department and the White House to intercede in this matter, to ask for an emigration visa for Shapiro, or an entry visa for Mrs. Shapiro.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950 (Rept. No. 92-868).

XUM

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HANSEN:

S. 3714. A bill for the relief of Mario Temperini and James H. Groutage. Referred to the Committee on Government Operations.

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950. Ordered to be placed on the calendar.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

By Mr BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the Act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury or delay in transit to such property. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

HEALTH FACILITIES, MANPOWER, AND COMMUNITY MENTAL HEALTH CENTERS ACT OF 1972

Mr. KENNEDY. Mr. President, I am today introducing the Health Facilities, Health Manpower, and Community Mental Health Centers Amendments of 1972. This bill is cosponsored by nine distinguished colleagues of mine on the Senate Labor and Public Welfare Committee. This bill extends and improves the expiring authorities within the Public Health Service Act in respect to the Hill-Burton hospital construction program, the National Center for Health Statistics, and it adds new authority regarding emergency medical services.

There are a host of expiring PHS authorities over the period of the next year. And this bill is designed to extend and improve four of those expiring authorities. Later this year, I am hopeful that the Congress will take affirmative action to extend several more of these authorities such that they may all be extended in an orderly and systematic way.

The specific provisions contained in this bill, Mr. President, have been extracted from S. 3327, the Health Maintenance Organization and Resources Development Act of 1972. That bill which I introduced March 13, 1972, was ordered reported from the Senate Health Subcommittee, which I chair, yesterday by a vote of 14 to 0. At that time the subcommittee decided that the best way to proceed with the extension of these PHS programs was to introduce a separate bill for the committee's further consideration. Hearings have already been held on the provisions of this bill, Mr. President. Specifically, the committee has taken testimony from the American Nursing Home Association, the American Dental Association, the American Public Health Association, the Association of Schools of the Allied Health Professions, the American Hospital Association, the Association of State and Territorial Health Officers, the Missouri State Comprehensive Health Planning Agency, the American Nurses Association, the American Dental Assistants Association, the Association of Dental Hygienists, the University of Southern California School of Dentistry, the American Association of Dental Schools, the American Psychiatric Association, the National Association for Mental Health, the National Committee Against Mental Illness, and the National Council of Community Mental Health Centers. The administration was invited to present testimony, but declined.

Mr. President, I do not need to describe in detail the great achievements which have been made as a result of the action of the Congress in authorizing these programs. The Hill-Burton program dates back to 1946 and has been responsible for the construction and modernization of hundreds of thousands of needed hospital beds in America. The allied health training authority was substantially revised and improve in 1970. And it is the major vehicle through which the Federal Government can assist in the education of thousands of critically needed health professional personnel. The community mental health centers act was first authorized in 1963 as a result of the first Presidential message on mental health and mental retardation. Under its authority, hundreds of community based mental health programs have been begun as alternatives to the commitment of American citizens to State mental hospitals. The National Center for Health Statistics, authorized by section 305 of the Public Health Service Act, is the principal Federal agency for the collection and analysis of health data and information.

I also want to point out to my colleagues that this bill extends these programs in a somewhat different fashion than has heretofore been the case. Specifically, extensions of authorities contained within the Public Health Service act have routinely been for 3 years. This pattern has resulted in a situation which results in more than a dozen of these important health programs expiring on the same date. Given the importance of all of these programs, and the need for the committee to be able to consider them in an orderly fashion, I have decided to begin to stagger the length of future extensions so as to hopefully break up the logjam which now confronts the subcommittee.

Accordingly, the extensions for the Hill-Burton and Mental Health Centers programs are for 2 years and the extension for the Allied Health Training and the Health Statistics programs are for 1 year each. It is my hope that this process will result in a cycle in which it will be possible for the committee to consider all health programs which principally support research and education in a single year, while the committee's consideration of programs which principally support health services will fall in another year. Such a cycle will, I believe, enable the committee to do an even better job in its consideration of health legislation.

Finally, Mr. President, I want to highlight some of the more innovative features which are included in this bill. First of all, regarding Hill-Burton, the bill includes a provision which will importantly involve the comprehensive health planning agencies and the regional medical programs in the future determination of assistance regarding the construction and modernization of health facilities. Also, the bill modifies the allotment formula under which the Federal monies are made available to the States. The provision in the bill is identical to the allotment formula which passed the Senate in 1970. In addition, there is included a provision, similar to a provision contained in the health manpower legislation which was enacted last year, which requires that in order to make loan guarantees under title VI of the Public Health Service Act, it will also be necessary to award grants. And there is also included a wholly new authority to improve and expand the provision of adequate emergency medical services in the Nation. This amendment was offered in the committee by my distinguished colleague from California (Mr. CRANSTON). And I and the senior Senator from Minnesota (Mr. MONDALE) are delighted to join him in the cosponsorship of this important and innovative provision.

With respect to the Community Mental Health Centers program, I want to highlight the fact that the bill places additional importance and emphasis on operational grants to mental health centers. For example, the bill makes it possible for a mental health center to receive Federal support for a portion of its operating costs, and it also provides that the rate of Federal participation for a specific operational grant may be increased by as much as 20 percent if the mental health center carries out defined programs with respect to alcoholism, drug abuse, children, and the elderly. And in that respect, Mr. President, the bill includes new authority for mental health programs for the elderly.

Lastly, the bill includes an extension of the provisions in the Public Health Service Act which requires that funds appropriated for the Public Health Service Act or the Mental Health Centers Act shall remain available for obligation and expenditure.

Mr. President, as I have indicated, these features were included in S. 3327, which yesterday was unanimously ordered reported from the Senate Health Subcommittee. My understanding is that the full Committee on Labor and Public Welfare will consider in executive session this bill and S. 3327 next Wednesday.

By Mr. BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury, or delay in transit to such property. Referred to the Committee on Commerce.

CARRIER LOSS AND DAMAGE CLAIM PROCEDURES

Mr. BIBLE. Mr. President, whether those millions of small and large businessmen-shippers who need commodities for their stores, plants, and establishments to meet customer and personal demands know it or not, there is affirmative movement along several fronts these days to help them get faster and equitable settlement payments for their loss and damage claims against freight carriers.

This is a goal of two bills I introduce today, first, to provide the Nation's shipping public for the first time with an effective claims adjudication procedure within the Interstate Commerce Commission and second, to establish ICC-supervised cargo insurance standards for railroads, express companies, and water carriers comparable to those now used by motor carriers and freight forwarders. Both bills were recommended to Congress by the Interstate Commerce Commission as an outgrowth of its 2-year investigation into the rules, regulations, and practices of all regulated surface carriers who transport billions of tons of cargo annually.

As our truck, air, rail, and water carriers prepare to meet the challenges of estimated record tonnages in the next 10 years and more, the subject of freight loss and damage claims procedures has moved to center stage as a prime subject of national interest, pointed up by inflationary pressures, increasing cargo theft, pilferage, and loss, and the greater interest of government, shippers, the consumer public and the carriers themselves.

Three years ago the Senate Small Business Committee opened investigatory hearings into the impact of crime on the country's 5½ million small businesses, estimated to cost business generally at least $5½ billion per year. Closely interwoven into our committee's hearings into the biggest multibillion dollar racket nationally today—the theft, pilferage and hijacking of truck, air, rail, and ship cargo, was the key aspect of freight loss and damage claims. One simple fact emerged from our hearings. Cargoes have overwhelmed facilities. Security efforts have provided too little security. Excessive losses, whether criminal or otherwise, have imperiled ordinary insurance practice, have put transportation companies out of business and too often have left business establishments without consumer goods for their customers and only a claim against somebody for nondelivery of the commodity ordered.

There are those who believe that with the dramatic increase in freight losses, whether criminally induced or from general loss and damage, the old claims adjudication and processing system has broken down and greater problems are forecast to meet the demands of record tonnages to be moved in the 1970's and beyond.

To review developments over the last 3 years, it was in 1969, and concerned by growing air cargo thefts, that as chairman of the Senate Small Business Committee I urged the Civil Aeronautics Board to begin an investigation into claims rules and practices and limits of liability for the Nation's air carriers. Subsequently, that Board issued an order recognizing the "considerable dissatisfaction with the air carriers' liability and claims rules and practices."

Additionally, our Small Business Committee, in a formal report to the Senate in 1969, urged the Federal transportation regulatory agencies, the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission, to adopt a mandatory uniform loss reporting system for all carriers. Our reasoning was that in 1969 no governmental, private carrier or trade organization had any kind of an idea about how big the cargo theft or loss problem really was. The fact was that this information was just not tabulated anywhere. After prodding by the Small Business Committee, the Interstate Commerce Commission became the first regulatory agency, beginning last October 1, to require loss and theft data from all class 1 interstate motor carriers. The Civil Aeronautics Board on March 15, 1972, again after consistent urging by our committee, authorized uniform loss reporting data from its domestic carriers beginning April 1. The Federal Maritime Commission is presently in the final stages of authorizing loss and damage reports. And ICC Chairman George Stafford assured us recently that uniform loss and damage reports for railroads should be in effect by January 1, 1973.

These compilations, for the first time, will show to economic regulatory agencies the real impact of loss and damage on carrier revenue and tariffs and what the shipper and ultimately the consumer are getting or not getting from the federally certificated carriers. Commodity experience will be shown and agency regulations can be prescribed for improved movement and handling of those commodities in particularly loss susceptible categories. Exactly how one carrier is performing compared to another will be shown.

Certainly, with loss and damage security incentives for carriers that uniform reports are expected to bring, loss experience from improved handling procedures should provide assistance all along the transport chain so that responsibilities can be pinpointed and constructive steps taken.

At our committee hearings in 1970, the claims loss and damage problem area was highlighted by an Assistant Secretary of Transportation who said:

Shipper disputes with carriers over loss and damage matters have badly exacerbated shipper-carrier relationships to the detriment of shippers, carriers and the public at large.

He cited four factors as:

1. Unfair settlement offers by carriers of loss and damage claims.
2. Undue administrative costs incurred in making loss and damage claims to carriers.
3. Unreasonable delay by carriers in the payment of claims for loss and damage.
4. Burdensome costs of pursuing loss and damage claims in court.

A national retail association representative told our Committee:

In addition to such attempts at lessening the basic responsibility, carriers have become more restrictive in claim rules and regulations seeking lesser claims payments. These involved: a curtailed time for inspection of damaged merchandise, refusal to prorate on concealed loss claims; and a trend toward claims declinations in cases involving amounts too small for litigation. . . .

As I see it, all of these factors, increasing cargo losses, thefts, inflationary pressures and growing shipper and consumer unrest, were the backdrop for a landmark decision by the Interstate Commerce Commission on February 24, 1972, in Ex Parte No. 263 and titled, "Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims."

The prestigious traffic management weekly news magazine, Traffic World, simply called the decision:

A new, strong link in the claim prevention chain.

And said further,

One predictable and desirable result of this ICC decision will be much greater attentiveness by carrier management to claim-prevention and other activities of their freight claims departments . . . and many more carrier vice-presidents in charge of safe handling of freight.

The New York Journal of Commerce called the Commission's decision the beginning of a "new era" and one which is expected "to have a profound effect on all elements of the business community."

XUM

For shippers across this country, this ICC decision should have tremendous impact in the months and years ahead as carriers, shippers, government and the consumer public seek to work closer together to help solve an increasingly complex problem, one some have called "a national disgrace" in recent years.

In its recommendations, the Commission said that:

> The prompt, impartial adjudication of cargo claims and electronically cataloging of claims data would serve a three-fold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation and resolved by the Commission on largely documentary evidence at hand and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

It would provide a claims settlement forum within the ICC not unlike a small claims court.

As the Commission pointed out, most of these disputes can be resolved without the necessity of the parties and their witnesses taking days and weeks away from their normal tasks to attend courtroom trials ordinarily held several years after the events in question. Additionally, there are litigation costs to the shipper and the carrier with such passed along to the consumer finally. There seems no question that the high costs of claims and court litigation has had an impact on the total cost of transportation.

Another provision of ICC's decision in Ex Parte 263 required motor carriers, railroads, and freight forwarders to end certain claims rules they had adopted restricting their liability, such action by the carriers originally prompting the ICC's full investigation and report covering the general loss and damage claims picture including the recommended legislation which I offer today. Concurrently, the ICC established a new set of rules effective July 1, 1972, to require carriers to acknowledge claims within 30 days and settle them within 4 months, or explain to the claimant the status of the claims and the reason for the delay. They must also report on the status of the claim every 60 days thereafter until it is settled. The Commission also held that carrier rules limiting payment on concealed damage claims to only a portion thereof would no longer be applicable. There is some evidence now that some carriers presently may be denying all concealed damage claims of shippers as an outgrowth of the ICC's ruling.

It certainly would seem the primary judgment made by the Commission in this comprehensive report was stated very succinctly:

> There now prevails throughout the country a tremendous need and a growing public sentiment for an entirely new approach to be taken in attempting to resolve the mounting national crisis in cargo loss and damage claims.

Obviously, in weighing the impact of the Commission's decision, we believe its significance is pointed up by carrier industry figures showing that hundreds of millions of dollars in cargo is lost, stolen or damaged each year, with the railroads and motor carriers handling 2½ million and 1 million separate claims annually.

Therefore, all of these factors point up the desirability of congressional consideration of the legislation which we introduce today as recommended and prepared by the ICC. We hope these bills will stimulate more congressional interest in this growing problem to the end that carriers, the shippers and the consumer public can all be helped. There are those who say that the carrier industry will oppose these legislative proposals. However, we believe that carriers generally today are becoming more alerted to the growing problems of their industry and realize more than ever that the problems of shippers and consumers eventually become the problems of carriers, and vice versa. Just like a caboose on a bumped string of freight cars, the caboose gets the biggest bump finally unless something constructive is done to provide a cushion for the parties who may get bumped.

The first legislative proposal offered today would grant to the ICC authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers covered by the Interstate Commerce Act. Obviously this would provide no panacea for adjudicating cargo claims, but it would establish an alternative method where present arbitration methods and resort to overcrowded courts seem to leave much to be desired.

The Commission has labeled some of the hard core problem areas of transportation claims as: first, those in which a bill of lading is marked at origin as "shipper's load and count" and there is a shortage discovered at the destination, second, those in which concealed damage is found after delivery and it is not known how, when or where the damage occurred, third, those in which loss and damage may result from an act of God and other excepted causes, fourth, those in which special damages are sought in addition to the invoice value of goods shipped, fifth, those in which different weights are obtained at origin and destination on shipments of grain, meat, scrap metal and various other commodities and sixth, those in which delay and market-decline claims are filed for shipments of fresh fruits and vegetables which may or may not have been transported by the carrier with reasonable dispatch.

In support of this bill, the ICC in its report spelled out fully documented claims problems of furniture movers nationwide, potato growers in Maine, Idaho, and other Western States, citrus growers in Florida and California, farmers throughout the grain-producing States, manufacturers in Connecticut, Michigan and other industrial States, and merchandisers in New York and elsewhere.

Because of the lack of reliable claims data, only estimates can be made. One estimate is that concealed damage claims alone account for payments by carriers of $50 million annually. The Commission found that carrier responsibility in some areas has declined, noting only 29 percent of full payment claims for concealed damage was paid to steel office furniture merchandisers in 1969 compared to 90 percent in 1968.

The Commission found that establishing an effective legal remedy for resolving disputed claims where none now exists can provide a number of additional advantages. Presently, as the Commission said, if a carrier chooses to be arbitrary or unreasonable in a dispute over a question of liability or damages, the shipper is simply out of luck unless he takes what the carrier offers, if anything. The reasons listed were the time involved in court litigation of cargo claims, the disruption of normal business operations, the expense of court costs several years in advance of actual trial, and the fact that the carriers can take advantage of these factors. Since the majority of single claims seek less than $100, the litigation of such in courts makes the cost-versus-benefit ratio a key factor. The old axiom of justice delayed is "justice denied" is overworked these days, but it seems to have validity in the cargo loss and damage claim area under the ICC's reasoning. And unquestionably, the carrier must be fairly treated because another axiom says "there are two sides to a question."

Certainly, loss and claims disputes would seem to be adjudicative largely on documentary evidence. Under a modified procedure provided for by the Administrative Procedure Act, the use of such a forum would seem to lend itself to expeditious handling, especially if fully modernized data-processing equipment and techniques could be utilized to find and catalog the basic cause-and-effect relationships of cargo claims.

As our committee has learned in its examination of cargo theft claims, the ICC has a duty to insure a national transportation capability. When cargo loss and damage claims pose a substantial threat to that capability, then it would appear that the Congress should place responsibility in the ICC to take positive long-range steps to meet today's challenges of security whether from loss or damage.

Obviously, this first bill would protect the legal rights of all parties by assuring subsequent judicial review of the ICC's claims decisions and yet would respond to the thousands of claims disputes where both the certified carrier and the shipper have every right to be fully heard.

Mr. President, the second bill I offer would expand the ICC's authority to act in an area where it can now only act in part. Namely, it would allow the Commission to adopt regulations to require maintenance by ICC-supervised express companies, rail and water carriers of adequate liability insurance to protect shippers from loss and damage claims.

Presently, the ICC has authority to set cargo insurance standards for motor carriers and freight forwarders but may not do so for railroads, express companies, and water carriers under its jurisdiction.

In its Ex Parte 263 report, the Commission compared the extensive economic protection accorded to claimants of a bankrupt trucking company to the dissimilar prospects for those holding claims against the bankrupt Penn Central Railway. As an example, Yale Transport Corp. in 1965 was unable to meet its financial obligations. However, insurance standards for motor carriers imposed on Yale by the ICC permitted nearly $2½ million to be paid to Yale's customers for their cargo loss and damage claims. No comparable protection is afforded to shippers and receivers today who utilize services of railroads, water carriers, and express companies. If shippers are to be fully protected and if ICC is to carry out its economic regulatory function spelled out in its organic act, certainly this expansion of its insurance standards authority would seem most appropriate as a safety valve in his whole cargo loss and damage claims picture.

In summary, the two bills offered today would:

First. Amend the Interstate Commerce Act so that railroads, motor carriers, express companies, and freight forwarders would be held to stricter accountability for cargo loss and damage claims.

Second. Amend the Harter Act to require of water carriers under ICC jurisdiction the same degree of responsibility as motor freight and rail carriers.

Third. Amend the Interstate Commerce Act to authorize the ICC to set cargo claims insurance standards for railroads, express companies, and water carriers.

As I have stated previously, what has concerned me most in our committee's examination of the cargo theft and loss problem is that neither industry nor Government has yet been able to mount an effective response. There are those who believe that the loss and damage claims present a comparable if not a greater problem. Certainly, this ICC-sponsored legislation proposes that this transportation regulatory agency be given an opportunity to deal more effectively with it. It is for this reason that I concur wholeheartedly in the remarks the distinguished majority leader (Mr. MANSFIELD) made before this body on this same general subject on February 28, 1972, in commending the Interstate Commerce Commission for its responsibility and initiative.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the texts of the two bills, a section-by-section analysis of each bill, a letter dated February 24 from Interstate Commerce Commission Chairman George M. Stafford and enclosure, and relevant articles from the New York Journal of Commerce of February 25, 1972, and March 2, 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulated Carriers Minimum Insurance Requirements Act of 1972".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding at the end thereof a new paragraph as follows: "(14) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."; and

(3) That section 304 of the Interstate Commerce Act (49 U.S.C., sec. 904) is amended by adding at the end thereof a new paragraph as follows: "(f) The Commission shall have the authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."

(4) The provisions of this Act shall take effect upon enactment.

SECTION-BY-SECTION ANALYSIS

S. 3717—CARGO INSURANCE REQUIREMENTS

Section 1—Short Title.

Section 2. This Section sets forth a new paragraph (14) to be added at the end of section 20 (49 U.S.C. sec. 20) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by railroads and express companies subject to part I of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by railroad and express companies the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part I of the act.

Section 3. This section sets forth a new paragraph to be added at the end of section 304 (49 U.S.C. sec. 904) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by water carriers subject to part III of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by water carrier the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part III of the act.

Section 4. Provides that the Act shall take effect upon enactment.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 24, 1972.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: This Commission is alarmed by the mounting frustration and dissatisfaction associated with cargo loss and damage claims involving carriers subject to our regulation. Indeed, during the period January 1969 through March 1970 we received 25,294 individual pleas for assistance concerning various facets of the problem. We were also deeply concerned when associations of railroads, motor carriers, and freight forwarders adopted, on their own, rules purporting to restrict their members' liability on cargo claims for concealed loss or damage.

As a direct result of these concerns, we instituted an investigation specifically designed (1) to inquire into the nature of all claims rules and practices of regulated carriers; (2) to investigate the effect of such rules and practices; (3) to determine this Commission's jurisdiction with respect thereto; (4) to consider whether we should adopt rules and regulations governing these and other matters relating to the handling and processing of loss and damage claims; and (5) to take such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

I am pleased to enclose a copy of our completed report in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims*, which thoroughly treats the above-mentioned considerations. Also enclosed is a copy of our news release of this date concerning the report.

Drawing on the full measure of the powers conferred upon this Commission by the Congress, we have prescribed claims-processing standards to be observed by regulated carriers. Under these standards, carriers are required to acknowledge receipt of each loss and damage claim and to complete the investigation and disposition of claims promptly. Carrier rules and practices contrary to or inconsistent with their duties as regulated carriers are found to violate the Interstate Commerce Act and are ordered discontinued. Further, carriers have been ordered to file for review by this Commission any rules and regulations they may promulgate concerning the processing of loss and damage claims and any agreements with respect to claims matters.

Perhaps the most compelling and troublesome issue presented in Ex Parte No. 263 is the injustice inherent in the inability of shippers and receivers of freight to obtain prompt and effective redress for disputed claims attributable to lost or damaged shipments. The major quarrels shippers and receivers have with the presently available judicial avenue to an impartial determination as to the merits of a disputed claim include: (1) the overall cost of litigating a claim usually exceeds the amount recovered; (2) it is frequently necessary to engage an attorney whose fee alone may well exceed the amount in controversy; (3) attorneys' fees are presently not recoverable in claims litigation; (4) since the average amount in dispute is usually less than $100, there is an open invitation to the unscrupulous to unfairly decline responsibility for damage on the theory that the claimant cannot afford to litigate the matter; (5) personnel in key production positions can seldom be spared to testify in court trials; (6) the length of time required to conclude litigated claims occasioned by heavily congested court dockets results in a significant burden; (7) courts with their jurisdictional boundaries are unable to direct a meaningful nationwide effort to improve the cargo claims situation; and (8) strict accountability for cargo claims is most difficult, if not impossible, to achieve.

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After exploring the possible alternatives to the vexing problems described above, including compulsory arbitration and no-fault insurance, we concluded that disputed claims should be submitted for determination by this Commission in the first instance under a simplified procedure. Such determination would be based principally upon documentary evidence in order that the expenses, attorneys' fees, and lost production time of key personnel necessitated by presentation of evidence in court or before an arbitrator could be avoided. As a positive adjunct to this procedure, meaningful data on claims could be gathered and electronically catalogued in order to define particular problem areas. On the basis of this information particularized claim-prevention programs could be implemented on a national scale.

A specific legislative recommendation is made a part of the report (see Appendix F, Part 1) which, if enacted into law, would vest in this Commission authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers subject to the Interstate Commerce Act. In the manner more fully described in the report, the prompt, impartial adjudication of cargo claims and electronically cataloguing claims data can serve a threefold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation; and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

While this Commission is convinced of the need to adopt the proposed bill vesting claims jurisdiction in it, the task cannot, in all candor, be undertaken with our current manpower and budgetary resources. Without tools commensurate to the task, we could not be expected to achieve any worthwhile or lasting improvement in the perennial loss and damage claims problem.

In a second specific legislative recommendation, the Commission places before the Congress for its consideration, a proposal to allow this Commission to adopt regulations to require maintenance by rail and water carriers subject to the Act of adequate insurance to protect the shipping public for loss and damage claims. Pursuant to existing authority this Commission presently requires motor carriers and freight forwarders subject to parts II and IV of the Act to maintain sufficient insurance in this respect; the proposed legislation (Appendix F, part 2) would extend the power to carriers subject to parts I and III of the Act. In other portions of our report we reiterate our position on attorneys' fees legislation which already is well known to the Congress, pitfalls of creating courts of limited jurisdiction to deal with cargo claims matters are examined; we pledge to institute a rulemaking proceeding for the purpose of investigating reasonable dispatch in the transportation of perishable commodities; and the practices of carriers in inspecting commodities and packaging when they are involved in concealed loss and damage claims are analyzed.

Many of the inquiries you may have received from your constituents have been answered or commented upon in the enclosed report. To the extent, however, that the powers of this Commission do not go far enough to provide effective remedies for dealing with the discontent that prevails throughout the country in these cargo claims matters, this Commission has endeavored to meet its duty to the Congress and the public by responding to what it concludes is a public demand and need for remedial legislation in the claims area.

If you have questions not covered by this letter, I shall be happy to forward a prompt reply.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman.*

NEW RULES ADOPTED FOR LOSS AND DAMAGE; COMMISSION REQUESTS STRONGER AUTHORITY

Interstate Commerce Commission Chairman George M. Stafford announced today (February 24, 1972) the development of a dual program—regulatory as well as legislative—designed to resolve the mounting problems shippers are facing in having their loss and damage claims processed by the various carriers the Commission regulates. Amounting to more than $300 million yearly, loss and damage of cargo during transit has reached crisis proportions in recent months.

In a comprehensive report and order in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims,* the Commission said that rules adopted by groups or associations of carriers to restrict their lability on claims for concealed loss and damage are unlawful. Accordingly, the Commission today set down a series of its own regulations which prescribe the form in which claims are to be handled. The new rules, which are to take effect April 21, direct carriers to:

Acknowledge receipt of each loss and damage claim;

Investigate the claim promptly;

Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay in making a final disposition.

Additionally, the new regulations require all carriers to maintain complete records of salvage they obtain from shipments damaged in transit and to account for all money recovered from the sale of such salvage.

While the new rules are designed generally to tighten the processing of loss and damage claims, the Commission said it will ask Congress for statutory authority to adjudicate a claim whenever a shipper and carrier are unable to reach agreement. The legislative proposal was conditioned, however, on the need for the Commission to be given an adequate staff and budget to carry out the task.

Should the legislation be enacted, the Commission said it will be able to arrive at a prompt determination on the merits of a loss and damage dispute when it arises. In most instances this would be done through the submission of documentary evidence only, without the need for a hearing. Such a process would contrast markedly with the present practice of a party having to go to court, a procedure that is both costly and time-consuming.

In a second legislative recommendation, the Commission asked Congress for authority to issue regulations requiring railroads and water carriers to maintain adequate cargo insurance to protect the public in loss and damage claims. Currently, only motor carriers and freight forwarders are fully insured.

Finally, the Commission promised to institute an investigatory rulemaking proceeding looking to the overall adequacy of service in the transportation of perishable commodities. At issue is whether the term "reasonable dispatch" should be defined as it relates to the transportation of perishables.

Today's action was by a unanimous decision of the 11-member Commission. Commissioners Kenneth H. Tuggle, Laurence K. Walrath and Dale W. Hardin did not concur in the first legislative proposal.

[From the New York Journal of Commerce, Feb. 25, 1972]

INDUSTRY'S CARGO CLAIM PLAN RAPPED

(By William A. Martin)

WASHINGTON, February 24.—The Interstate Commerce Commission ruled unlawful today a plan of the surface transportation industry to limit liability for concealed loss and damage of goods to less than 100 per cent of their value and asked Congress for the right to adjudicate claims.

The decision is expected to be opposed in the courts by the surface carriers. The decision also is expected to have a profound effect on all elements of the business community.

ECONOMIC LEVERAGE

The regulatory agency pointed out that the carriers often use their economic leverage against small businesses in settling claims for concealed loss and damage, or disregard tne claim, and the issue has now reached crisis proportions.

Industry figures show that about $300 million in cargo is lost or damaged each year, and in 1969 the surface carriers paid out over $47 million in claims. The railroads handle about 2.5 million claims a year, and the trucking industry handles close to 1 million claims.

To help stem this problem, the regulatory agency established new rules for concealed loss and damage claims, effective April 21. The ICC directed the carriers to:

—Acknowledge the receipt of each loss and damage claim;

—Investigate them promptly;

—Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay.

—Maintain complete records of salvage they obtain from the shipments damaged in transit, and account for all money recovered from the sale of such salvage.

"REASONABLE DISPATCH"

The agency agreed to institute an investigation into the overall adequacy of transportation for perishable commodities, and define the term "reasonable dispatch."

In addition, the ICC agreed by an 8 to 3 vote, to ask Congress for authority to adjudicate a claim whenever a shipper and carrier are unable to reach an agreement, such authority, the agency said, would be done without oral hearings, and speed up the process.

A second legislative recommendation to Congress made today involved the requirement that railroads and water carriers maintain adequate cargo insurance to protect the public in loss and damage claims. Currently only motor carriers and freight forwarders are fully insured.

Commissioners Kennety H. Tuggle, Laurence K. Walrath, and Dale W. Hardin agreed with the other commissioners on all points except the adjudication of claims.

The law specifies that surface carriers are liable for 100 per cent of the damage caused by them. There are exceptions.

As practiced by the railroad industry, the carriers have no set rules but establish maximum liability based on the value of the shipment. The motor carrier industry works under the same guideline (a released rates order) and limits liability to the value of the property.

INCREASED PREMIUM

Household goods carriers, generally speaking, set their liability at 60 cents per pound of the shipment, unless otherwise indicated at the time of the shipment. A higher coverage carries with it an increased premium.

Freight forwarders, airlines, and express companies limit liability to 50 cents per pound for the shipment, with provisions for additional coverage in increments of $100.

The ICC case was initiated in 1969 when the surface carriers attempted to lower their liability obligations. The railroads established rules in June 1969, setting the liability at 50 per cent of the proven net monetary loss. The rules went into effect on Aug. 1, 1969 and were withdrawn five months later.

The freight forwarders and motor carriers attempted to prorate the liability based on the number of carriers who participated in the movement. The motor carriers sought the 50 per cent loss limit and wanted 15 days to inspect the concealed damage.

The agency rejected a suggestion that a system of no-fault insurance be established to deal with the concealed loss and damage problems.

LOSS OF MOTIVATION

"Perhaps the greatest detriment . . . that we can foresee is that in implementation of a no-fault insurance plan for loss and damage claims, there may well be a loss of some motivation on the part of the carriers to attempt to prevent claims," the agency said.

The agency rejected all requests for exceptions to the ruling.

The two-year investigation pointed to many shortcomings in the way the transportation industry handles claims, the ICC said.

Among these were coercion of shippers, duping of small businesses, foot-dragging, and self-deception.

"To calculate a degree of liability less than full net loss without the benefit of established facts is a substantial barrier to the provision of adequate service," the report said.

The ICC said the carriers cannot expect the loss and damage claims problem to decrease, nor the problem of organized crime and hijacking to slow down, unless the carriers tried to face the problems, rather than turn away from them.

The new rules and legislative proposals are an attempt to do that, the agency said.

RULING ON CLAIMS CALLED "NEW ERA" FOR U.S. SHIPPERS

The executive vice president of the National Association of Wholesalers-Distributors says the Interstate Commerce Commission has opened a "new era" for shippers by outlawing certain carrier rules on settlement on concealed loss and damage claims. The rails, truckers and freight forwarders had proposed rules to limit their liability for concealed loss and damage claims. The regulatory agency struck down the proposal last week.

"In its findings the ICC clearly identified the legal obligations of carriers to fairly and promptly act on all loss and damage claims submitted by shippers and consignees," said William C. McCamant, executive vice president of the NAWD.

"We note with great satisfaction that the ICC will not tolerate an arbitrary 15-day limit for the filing of requests for inspection of concealed damages. In the normal stream of commerce, many cartons are not opened until after several months. The denial of every consideration of these claims was arbitrary and never authorized by law," Mr. McCamant said.

The wholesalers' association filed suit in U.S. District Court in Washington a couple of years ago against the American Trucking Assns. over the issue. The association is studying the effect of the ICC decision on its pending legal action.

"Certainly, if the carriers relied on illegal rules as a basis for settlement, as they have indicated in thousands of cases, there is a need for reexamination," Mr. McCamant said.

The wholesalers-distributors group is composed of 78 national commodity line wholesaling associations representing over 26,000 wholesalers-distributors over the country.

S. 3718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Claims Adjudication Act of 1972".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding a new paragraph at the end thereof as follows:

"(13) Notwithstanding any other provisions of the Interstate Commerce Act, all actions brought under and by virtue of paragraph 20(11) of that Act against a carrier (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor, and the order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided,* That issues arising in the determination of such actions shall be determined in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings: *And provided further,* That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall, upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(3) That section 219 of the Interstate Commerce Act (49 U.S.C., sec. 319) is amended by deleting therefrom the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(4) That section 413 of the Interstate Commerce Act (49 U.S.C., sec. 1013) is amended by deleting therefrom in the two places in which they appear in the first sentence of that paragraph the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(5) That the Harter Act (46 U.S.C., secs. 190–196) is amended by adding a new section at the end thereof, as follows:

"Sec. 197. All actions brought to recover the value of property lost, damaged, injured, or delayed while being transported by a carrier subject to part III of the Interstate Commerce Act (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor. The order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided,* That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(6) There are authorized to be appropriated for the purposes of this Act, such sums, not to exceed $3,000,000 for each fiscal year.

(7) The provisions of this Act shall take effect six months after the date of its enactment.

SECTION-BY-SECTION ANALYSIS

S. 3718. Adjudication of Claims by the Interstate Commerce Commission.

Section 1. Short Title.

Sec. 2. This section adds a new paragraph (13) at the end of section 20 (49 U.S.C., sec. 20) of the Interstate Commerce Act to require all actions against carriers to recover for the loss, damage, or injury to a shipment transported in interstate or foreign commerce, except those in which an award of an attorney fee is also sought by the complainant, to be brought in the first instance by filing a written complaint therefor with the Interstate Commerce Commission.

The section to be added vests in the Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires cargo claims disputes to be processed by the Commission in the most expeditious manner, and, where practicable and lawful, on documentary evidence without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Sec. 2. This section amends section 219 (49 U.S.C. sec. 319) of the Interstate Commerce Act. That section now provides that sections 20 (11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to motor carriers subject to part II of the act, and the amendment merely extends the applicability of the new subsection 20(13) to those carriers.

Section 3. This section amends section 413 (49 U.S.C. sec. 1013) of the Interstate Commerce Act. That section now provides that sections 20(11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to freight forwarders subject to part IV of the act. The amendment merely extends the applicability of the new subsection 20(13) to freight forwarders.

Section 4. This section adds a new paragraph, to be designated section 197, at the end of the Harter Act (46 U.S.C. secs. 190–196), to require that (except with respect to those actions in which an attorney's fee is also sought by the complainant) all actions against a carrier subject to part III of the Interstate Commerce Act to recover the value of property lost, damaged, injured, or delayed while being transported by such carrier, shall be brought in the first instance only before the Interstate Commerce Commission and by the filing of a written complaint therefor with the Commission.

This section vests in the Interstate Commerce Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires that cargo claims disputes are to be processed by the Commission in the most expeditious manner, and where practicable and lawful, without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Section 6. Authorizes to be appropriated $3 million dollars for each fiscal year.

Section 7. Provides that the act shall take effect 6 months after enactment.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's

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automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

MOTOR VEHICLE REPAIR INDUSTRY LICENSING ACT

Mr. HARTKE. Mr. President, in recent years the motoring public has been expressing dissatisfaction with the quality of motor vehicle repairs. Over 80 million automobiles now operate on the streets and highways of the Nation. A motor vehicle is almost a necessity to meet the needs of mobility, not only for business and industry but for modern family life. The Congress has, on many occasions, indicated its interest in advancing motor vehicle safety, in increasing the availability of transportation facilities and in reducing the economic cost of motor vehicle transportaton. The National Traffic and Motor Vehicle Safety Act of 1966, and the Highway Safety Act of 1966 are two great landmarks of Federal legislation. Both the Senate and the House have, in the last few months, passed bills regarding the design of motor vehicle standards in order to reduce economic loss which stems from motor vehicle collisions. Further, various committees of the Congress have, for the past 2 years, been considering legislation regarding motor vehicle insurance in order to reduce the cost thereof, and avoid lengthy court proceedings in order to speed payment of benefits to those who have suffered either personal bodily injury or motor vehicle damage.

Each of these pieces of legislation—those enacted and those now under consideration—meet certain specific needs of the motoring public.

There is also another basic area, however, which is in need of legislation and today I am introducing the Motor Vehicle Repair Industry Licensing Act. This bill will encourage each of the States to provide a procedure for the licensing of all motor vehicle repair shops and all individuals who are engaged in the business of appraising the extent of collision damage to motor vehicles. Therefore, we are involving not only the automotive repair industry but the many insurance companies which sell insurance to the motoring public and who pay either the cost of repair of the insured's damaged vehicle or assume the liability that the insured may incur when his vehicle damages other property, especially other motor vehicles.

Over the years, there has been considerable controversy regarding procedures followed by the insurance companies settling claims for damage to motor vehicles. In hearings held in 1969, and 1970, before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, representatives of the insurance industry set forth many charges regarding the rapid increase in the cost of repair of motor vehicles. At the same hearings, representatives of the independent garage industry have expressed their dissatisfaction with the insurance companies regarding the appraisal methods and techniques used for the determination of payments for the repair of motor vehicles. There is no need to recite the details of charge and countercharge because it is evident that the victims of these continued, unsettled controversies are the vehicle owners who have paid the insurance companies premiums for financial protection and must drive the vehicles after they have been repaired by motor vehicle repair shops. The bill I am introducing is designed to establish a greater responsibility not only for motor vehicle repair shops but also for appraisers who assess damages. The time is long past due for Congress to legislate in this area. Studies of problems in the auto repair industry have been conducted by the Federal Trade Commission and the Department of Justice, but no administrative or regulatory resolution by these agencies is in sight.

There are approximately 400,000 establishments in the United States which service and repair motor vehicles. These shops are classified in the following categories: franchised new car dealers, service stations, general garages, autobody shops, auto paint shops, and specialty shops.

LICENSING OF AUTO REPAIR SHOPS

The bill provides that each State would require the licensing of any business entity which is engaged in business for profit in the repair of motor vehicles including repair as the result of collision or accident, major overhaul, repairs to drive train, brakes, steering and suspension systems, straightening frames, and similar work which is related to either safety or to the proper functioning of the engine and its exhaust systems. Excluded from the requirements of the bill would be the licensing of business entities engaged in the sale of gas or other motor fuels, lubricants, tires, batteries and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair and changing of tires, lubricating of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters.

Thus, the bill would require the licensing of all body repair shops, franchised dealer repair shops, general garages, and many specialty shops including paint shops, transmission shops, exhaust and muffler shops, and brake shops. Auto service stations which go beyond ordinary maintenance and engage in such work as brake linings, front-end alinements, and smiliar safety related activities, would be licensed under this bill.

During the past several years, I have on numerous occasions expressed my dissatisfaction with the failure of the Department of Transportation to issue safety standards for motor vehicles in use. The National Motor Vehicle and Safety Act enacted in 1966 contains a legislative mandate to the Secretary of Transportation to issue standards for vehicles in use not later than 2 years after enactment of the act, yet today, almost 6 years after enactment, the Department of Transportation still has not issued any standards for vehicles in use.

Congress has also enacted significant legislation regarding pollution by motor vehicles. Up to the present most attention has centered on standards for new cars requiring manufacturers of motor vehicles to certify that their products meet the requirements of the Environmental Protection Administration regarding the emission of visible smoke, nitrous oxides, carbon monoxide, and hydrocarbons. While motor vehicle manufacturers are required to warrant that their vehicles will meet such standards for a term of 5 years or 50,000 miles, whichever occurs the earliest, the motor vehicle owner is called upon to exercise proper maintenance. In addition, the States will be called upon to establish pollution-testing stations in order that those vehicles which, either through failure of design or through improper maintenance, are emitting pollutants above the level allowed, may be corrected. It is very important to the motorist to know that the correction of such defects can be made in shops that are licensed by the several States.

LICENSING OF MOTOR VEHICLE DAMAGE APPRAISERS

Despite all efforts to reduce the number of collisions on our streets and highways, there is still a vast number of collisions every day. The repair of most damaged motor vehicles is paid for through insurance. Upon having an accident, the policy holder calls his insurance company and arrangements are made for the damage of the vehicle to be appraised. Some insurance companies employ their own appraisers, while others use the services of individual appraisers or appraisal companies. Most often, arrangements are made for personal inspection of the automobile, but some appraisals are made through photographs and other methods not involving personal inspection of the damaged vehicle. Some insurance companies operate "drive-ins" where the vehicle, if in operating condition, is driven to a business location of the insurance company, where the appraisal is made, a check is given to the insured, and the insured in turn signs a release relieving the insurance company of any further liability regarding the damaged property. These appraisals are made, and these payments are given without any reference to any garage as to whether the vehicle can be repaired for the amount given to the insured. When such payments are inadequate, the insured is required to accept either incomplete repairs or pay the difference out of his own pocket.

The garage industry itself has long claimed that three or four insurance companies dominate vehicle insurance in each geographical area of the country. They have also asserted that these few dominant companies, which may control as much as 80 to 90 percent of the autobody repair work in a particular locality, are arbitrary in establishing the cost of repair and do not permit true competition among members of the industry in order to establish rates. The garagemen report that the insurance companies place their charges on a take-it-or-leave-it basis. On the other hand, the insurance companies have complained that some members of the garage industry have been engaged in efforts which restrain competition and increase prices.

In my view, there are three parties of interest in the repair of a damaged motor vehicle which is covered by insurance and all three parties deserve to be treated fairly and squarely. First, there is the motorist who has paid his premiums as established by State insurance commissioners or boards, who deserves as a result of his payments to have his vehicle restored to the condition which existed prior to the collision. Second, there is the insurance company, which has the responsibility for paying for the damages and such payments should be fair and just. Third, there is the motor vehicle repair shop, usually a body repair shop or a franchised dealer repair shop, which must perform the repair work for the insured motorist but which is paid for by the insurance company. A high level of competence is required to restore the motor vehicle to safe operating condition. Further, the repair garages should not be returning cars to the road until they have been restored to a safe operating condition. They, too, must have their standards of competence and of safety.

Therefore, I view the motor vehicle damage appraiser in the role of impartial umpire and, as such, he has responsibilities to the three parties of interest in the dispute. At the present time, several States have licensed motor vehicle damage appraisers. There are: Connecticut, Delaware, Massachusetts, North Carolina, and Minnesota. Some of these States' laws require an appraiser to give a copy of his appraisal to the repair shop which makes the repairs, and to the insured. This appraisal must give an outline listing all of the damages and specify those parts to be replaced or repaired. The Delaware law states:

Because an appraiser is charged with a high degree of regard for the public safety, the operational safety of the vehicle shall be paramount in considering the specification of new parts. This consideration is vitally important where the parts involved pertain to the drive train, steering gear, suspension units, brake systems, or tires.

The Connecticut law, enacted in 1970, requires that:

Each appraiser shall (1) conduct this in such a manner as to inspire public confidence by fair and honorable dealings, (2) approach the appraisal of damaged property without prejudice against or favoritism toward any party involved, in order to make an impartial appraisal, (3) disregard any efforts on the part of others to influence his judgement in the interest of the parties involved, (4) prepare an independent appraisal of damage.

My bill defines a motor vehicle damage appraiser as "any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit." Under the licensing system each State would require motor vehicle damage appraisers to furnish to the State agency or authority his name, address, educational background or training, the number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop. Further, it would require the damage appraisers to provide a written estimate of cost and services to any person to whom they furnish services.

It is my hope that this bill will establish new standards of responsibility for motor vehicle damage appraisers. While each State regulates insurance, there is relatively little regulation of claim settlements. The motoring public needs the very valuable services of the insurance companies and of the motor vehicle repair shops. Congressional establishment of the concept of public service of damage appraisers will go a long way to remove the misunderstandings between the insurance industry and the repair industry—misunderstandings which only hurt the motorist in the final analysis.

Mr. President, a recent study indicating that, during a driving lifetime, the average motorist will have at least one accident. If this be the case, the Motor Vehicle Repair Industry Licensing Act is designed at assure that the motorist has his car repaired by a reputable shop, that he pays a fair price, and that the repairs are performed in a safe and proper manner. It seeks to insure the maintenance of high industry standards, thus promoting greater public trust. Above all, this legislation will mean the savings of tens of millions of dollars which are now being misspent on faulty or fraudulent repairs.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Repair Industry Licensing Act".

SEC. 2. It is the purpose of this Act to encourage the States to provide a procedure for the licensing of shops which are involved in the repair of motor vehicles and of individuals who are engaged in the business of appraising the extent of damage to motor vehicles.

SEC. 3. (a) As used in this Act—

(1) the term "motor vehicle repair shop" means any business entity which is engaged in business for profit in maintaining or repairing motor vehicles, including repairs as a result of a collision or accident, major motor overhaul, repairs to drive train, straightening frames and similar work.

(2) the term "motor vehicle repair shop" does not include business entities engaged in the sale of gasoline or other motor fuel, lubricants, tires, batteries, and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair or changing tires, lubrication of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters, unless such business entity is also engaged in the activities set forth in paragraph (1) above.

(2) the term "motor vehicle damage appraiser" means any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit;

(3) the term "Secretary" means the Secretary of Transportation; and

(4) the term "State" means the several States of the United States and the District of Columbia.

(b) Nothing in this Act applies to—

(1) any individual who is an employee of a motor vehicle repair shop;

(2) any person who is engaged in the business of maintaining or repairing the motor vehicles of a single commercial or governmental entity or two or more such entities which are related by common ownership, affiliation, control, or otherwise.

SEC. 4. The Secretary is authorized to furnish financial assistance to any State if he determines that such State has adopted and is carrying out a program for the licensing of motor vehicle repair shops and motor vehicle damage appraisers which meets the requirements of section 5 of this Act. Upon the approval of any application by the Secretary, the Secretary may pay to the State an amount not to exceed 80 per centum of the cost, as determined by him, of such State in any fiscal year in carrying out the program. Payments under this section may be in advance or by way of reimbursement.

SEC. 5. To be eligible for assistance under this Act, a State shall adopt a program which—

(1) establishes a State agency or authority responsible for the licensing of motor vehicle repair shops and motor vehicle damage appraisers, for annual renewals of licenses, and for the investigation and processing of complaints concerning the performance of activities subject to the program by persons licensed thereunder;

(2) requires each motor vehicle repair shop doing business in that State to furnish annually to the State agency or authority the name and address of the owner of the shop, the address of each location at which the repair shop does business, the number of employees, and the type and volume of work performed at each location during the preceding year;

(3) requires each motor vehicle damage appraiser doing business in that State to furnish the State agency or authority with his name, address, educational background or training, number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop;

(4) requires motor vehicle repair shops and motor vehicle damage appraisers to provide a written estimate cost of services to any person to whom they furnish services;

(5) requires each motor vehicle repair shop to secure written authorization for the performance of repairs or maintenance if the estimated cost of such repairs or maintenance exceeds $25; and

(6) provides for appropriate sanctions and penalties, including license suspension or revocation, for any person who fails to comply with the requirements of the program.

SEC. 6. (a) The Secretary shall prescribe regulations to carry out the provisions of this Act not later than January 1, 1974.

(b) On July 1, 1975, the Secretary of Transportation shall reduce by 10 percent the amount available for expenditure from the Highway Trust Fund for highway construction in any State which has not adopted a program which meets the requirements of section 5 of this Act. Any reduction under this subsection shall be in addition to any other reduction or limitation provided for by law.

SEC. 7. The Secretary, after consultation with the Secretary of Labor, is authorized to furnish technical and other assistance to encourage the States to establish and conduct manpower training programs for persons engaged in activities subject to this Act, and notwithstanding section 4(b)(1), for the employees of such persons, in order to assure the availability of qualified personnel to facilitate the application of advanced technology to the motor vehicle repair industry.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. CANNON), the

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Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2637

At the request of Mr. PELL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2837, a bill to improve museum services.

S. 2854

At the request of Mr. BURDICK, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2854, a bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

S. 3327

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) and the Senator from West Virignia (Mr. RANDOLPH) were added as cosponsors of S. 3327, the health maintenance organization and resources development bill.

S. 3538 AND S. 3539

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1242 AND 1243

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF RECONVENING OF HEARINGS ON GEOTHERMAL ENERGY RESOURCES AND RESEARCH

Mr. BIBLE. Mr. President, on Thursday, June 22, the Interior and Insular Affairs Committee will reconvene hearings on the potential of our Nation's geothermal energy resources as a source of electrical power. The purpose of this hearing, which is being held pursuant to Senate Resolution 45, which authorizes a study of national fuels and energy policies, is to receive testimony from Dr. Gerald Johnson, Director of the Division of Applied Technology, Atomic Energy Commission, and Dr. Alfred J. Eggers, Jr., Assistant Director for Research Applications, National Science Foundation, on the potential of the geothermal energy resource in the United States.

This hearing is a continuation of the Interior Committee's hearing at which representatives of the Department of the Interior, Dr. Robert Rex of the University of California at Riverside, and Mr. Donald H. Stewart of the Battelle Northwest Laboratories presented testimony regarding the potential of and research on geothermal energy resources.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA YOUTH ACT OF 1972

Mr. TUNNEY. Mr. President, I wish to announce 2 days of hearings by the Subcommittee on Public Health, Education, Welfare and Safety of the Senate District of Columbia Committee on S. 2693, the District of Columbia Youth Act of 1972.

The hearing on Tuesday, June 20, 1972, will begin at 9:30 a.m. and the hearing on Wednesday, June 21, 1972, will begin at 10:30 a.m. Both days of hearings will be held in room 6226, New Senate Office Building.

Persons interested in testifying on this bill should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

INADEQUATE SOCIAL SECURITY BENEFITS

Mr. MONDALE. Mr. President, the 10-percent increase in social security benefits recommended by the Committee on Finance is completely inadequate to meet the real and pressing needs of elderly Americans.

The Finance Committee's action is a serious blow to those Americans dependent on social security who are already struggling to make ends meet. Because of inflation—and its particularly heavy impact on those living on fixed incomes—a 10-percent increase is almost no increase at all.

In my own State, existing social security benefits are tragically inadequate:

Of the 400,000 elderly Minnesotans receiving social security, more than 30 percent now get less than $100 per month.

The average benefit in Minnesota is only $128 per month, which is 25 percent of what most workers earn before they retire.

Furthermore, there are approximately 40,000 Minnesotans who now receive no more than the existing minimum benefit of $70.40 per month. Those in this category who do not qualify for the special minimum benefits approved by the Finance Committee will receive an increase of only 5 percent—from $70.40 to $74 per month.

Considering the fact that 30 percent of Minnesota's retired couples and 50 percent of Minnesota's widows have no other income but social security, these terribly low payments mean that many of our elderly face a bleak and difficult existence.

The hardships faced by these Minnesotans are no different from those experienced by millions of other Americans. That is why the President's own White House Conference on Aging strongly recommended a 25-percent increase in social security benefits.

I have introduced legislation to implement this recommendation and to provide a $100 minimum benefit for all recipients. But, at the very least, the Senate should accept nothing less than the 20-percent increase called for in legislation introduced by the Senator from Idaho (Mr. CHURCH) and cosponsored by myself and many other Senators. Anything less than this 20-percent figure will do little to help elderly Americans lead a more secure and dignified life.

It is therefore imperative that the full Senate reject the Finance Committee's 10 percent recommendation—and approve an increase in social security benefits which is equitable and just. I will do everything I can to assure that Congress fulfills its responsibility to America's senior citizens.

FOREIGN FLEETS HAMPER ALASKA FISHING DEVELOPMENT

Mr. STEVENS. Mr. President, last week, I received a telegram from the city of Toksook Bay, on Nelson Island, in the Yukon-Kuskokwim delta of western Alaska asking me to take immediate action against Japanese fishing fleets which were fishing in Alaskan waters. The telegram said: "because they will take all our herrings."

The concern that prompted that request was not groundless. On May 27 the Coast Guard received reports from National Guard units that four or five vessels, "much larger than tankers," were near Nelson Island. One was anchored at approximately 3 to 5 miles from shore. They were later identified as part of the Japanese herring fleet.

In recent years the herring catches of large Soviet and Japanese fleets in the Bering Sea have increased alarmingly. Herring is the No. 1 fishery resource of the Arctic; and a settlement of the Alaskan Natives claim in December of 1971 makes possible the development of this fishery. But, foreign fleets, unencumbered by restrictions which we place on our own fishermen, operating without research or conservation measures as to levels of catch, are depleting those resources and greatly hindering the future development and expansion of our domestic fisheries. In 1970, the Soviet-Japanese trawl fishery took 166,000 metric tons of herring from the Bering Sea. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons.

Today 15 Japanese vessels are taking herring in that same area. Sixteen Russian, 134 Japanese and one Korean are taking groundfish in the Bering Sea. Three Japanese are taking snails just off the Pribilof Islands. Forty Japanese are taking crab north of Unimak. One hundred and twenty-eight Japanese are fishing for salmon on the other side of the international dateline, just south of the Aleutian chain. Thirteen Russian and 27 Japanese are taking black cod and perch along the shoreline of the Gulf of Alaska.

Alien fishing fleets are taking more than 3 billion pounds of fish every year from waters off Alaskan shores. American fishermen take about 500 million pounds. Thus, foreign fishing fleets are taking an average of six times as much of our fish resources as we are.

The impact of this enormous catch cannot be ignored. It is severely damaging existing resources and it poses a serious threat to future development and expansion.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Wallace H. Noerenberg, until recently the commissioner of the Alaska Department of Fish and Game, which appeared in a publication of the State Department of Fish and Game. The article describes in detail the concern of Alaskans and the fishing industry over the foreign fleets that are hampering Alaska fishery development.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN FLEETS HAMPERING ALASKA FISHERY DEVELOPMENT

(By Wallace H. Noerenberg, Commissioner, Alaska Department of Fish and Game)

Foreign fleets fishing off Alaska are greatly inhibiting the future development and expansion of the state's domestic fisheries and the tendency of these fleets to overfish most stocks is causing great concern to the industry.

The seriousness of the problem becomes apparent when the magnitude of the foreign catch is understood. Catches by Canadian, Japanese, Russian and South Korean fleets off Alaska currently exceed three billion pounds per year, while the domestic Alaska catch by U.S. fishermen is about 500 million pounds.

Thus, the foreign fleet catch is on the average about six times larger than the domestic catch in gross tonnage. The value of the domestic catch is greater, however, because of the emphasis on different species.

The impact of this enormous foreign catch cannot be ignored. In many cases it is severely damaging existing domestic fisheries and it also poses a serious threat to their future diversification and expansion.

An examination of the activities of foreign fleets shows that they are now directly competing with U.S. fishermen for salmon, king and tanner crab, herring, shrimp, black cod and halibut.

In the salmon fishery, the Bristol Bay sockeye run has been a consistent target of the Japanese fleet since the end of World War II. The Japanese catches of Bristol Bay sockeye average about three million salmon per year, which at times is equivalent to half the allowable catch from the run.

The Japanese sockeye fishery has caused consistent hardship to the Bristol Bay fishermen in terms of general income potential and closed seasons in years of low run forecasts. It also makes it extremely difficult for the management agency to uniformly procure escapement goals in the 10-river spawning complex.

Japanese fisheries also are having an impact on Alaskan salmon stocks of the Bering and Chukchi seas north of Bristol Bay. Lack of research in appropriate zones on king, chum and coho salmon has resulted in a serious void as to the extent of Japanese interception of these stocks which are so vital to the native economy.

This highly complicates inshore management and, even more important, threatens the expansion of the economy of the natives of the area, who make up one of the most disadvantaged human populations in North America.

Concern over the Canadian salmon fisheries centers on the expanding chinook and coho troll fisheries off the Southeastern Panhandle, the explorations by portions of the same fleet off Central Alaska and inshore net fisheries of northern British Columbia which are capable of intercepting enormous numbers of Ketchikan district pink, chum and sockeye salmon. Current rehabilitation efforts on all of these target species may well be hampered by Canadian fishing efforts.

Foreign fisheries for king and tanner crab interact with the domestic fleets only in the Bering Sea and eastern Aleutian Islands. In the southeastern Bering Sea alone, Japanese and Russian catches in some recent years have exceeded 30 million tanner crabs.

The United States has become the dominant user of king crab but marketing and processing problems on tanner crab have thus far kept a substantial competing U.S. effort out of the Bering Sea. We are extremely concerned that inadequate conservation measures by foreign fleets may result in depletion of the resources before U.S. fisheries, both in the Aleutians and Norton Sound, can develop.

Herring catches by a very large Soviet and Japanese trawl fishery in the central Bering Sea have increased alarmingly, with the 1970 catch estimated at 166,000 metric tons. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons in 1970.

Herring are the No. 1 fishery resource of the Arctic, and since Congress recently agreed to pay vast sums for native land claims settlements, major inshore development of this fishery might be expected.

But here again we find an expanding foreign fishery operating without associated research as to proper catch levels. Whether the native peoples will still have a resource to develop a few years from now is one of our most serious problems.

Foreign activities on pink shrimp have tended to decline since the U.S. declaration of the 12-mile contiguous fishery zone in 1966 but a substantial Soviet fishery persists each spring in the Peninsula and Kodiak areas. The expanding U.S. fishery is now moving toward these same grounds and the fisheries may overlap.

If the Russian fishery continues to decline and if the Japanese stay out of the fishery, little interaction is to be expected. Proper management of the much larger U.S. fishery is our key problem.

The domestic fishery on black cod in Alaska is presently very small, but many experts consider it to be a major target for productive expansion.

The Japanese are engaged in an enormous effort on black cod off northern Southeastern Alaska and Yakutat and a serious decline in that fishery would hamper plans by U.S. fishermen to exploit this resource.

The recent serious declines in the domestic halibut catch may be caused by incidental catches of halibut by foreign trawl fisheries targeting on other species.

This history of decline in the Gulf of Alaska is even more serious on the Bering Sea fishing grounds. Significant production there has all but ceased due to over-fishing by Japan in the early 1960s and the continued heavy incidental catches of juveniles by trawl fleets fishing other species.

Thus again we see that a great potential for U.S. fishermen, especially the developing native economy, has been frustrated by foreign fishery activities.

Alaska's long-range future lies in the wise management of its renewable resources and the largest of these—fisheries—has a bleak outlook because of foreign fishery activities and our general inability to effectively control them.

FUTURE OF MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALA.

Mr. SPARKMAN. Mr. President, due to the fact that the Apollo program will be completed when the last moon shot—No. 17—is made in December, a great many people in the Huntsville area have been very much concerned as to what the future of the Marshall Space Flight Center may be. In the Huntsville News of May 24, 1972, Phil Smith, a very fine staff writer of that paper, gave an account of a statement made by Dr. Eberhard Rees, the Director of MSFC, as to the future of space work at the Huntsville installation. I think it is a very fine and clear statement and reflects optimism on the part of Dr. Rees. I share fully his optimism.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MSFC'S LAST RIF FORECAST BY DR. REES

(By Phil Smith)

Despite recent reduction in force notices, Dr. Eberhard Rees expressed optimism Tuesday for Marshall Space Flight Center's continuing operations.

Dr. Rees, who took over as director of the NASA-Marshall Space Flight Center succeeding Dr. Wernher von Braun in 1970, told Huntsville Rotarians that MSFC's role had changed but space work will go on.

Dr. Rees said he felt MSFC, the largest NASA employer in the nation, would receive at least one leading role in special projects coming in the future.

He said another anticipated RIF is expected in fiscal year 1973 which begins this summer. "Hopefully" he said, this will be the last RIF affecting Marshall which must reduce its employment ceiling to 5,341 by June 29.

Dr. Rees, noted throughout the world as one of the foremost authorities in rocketry, indicated the communications field might be the project in which MSFC receives the lead role. MSFC will also do performing and back-up work in numerous other areas.

NASA has but one more Apollo mission (No. 17) to work on for a December launch.

In line with President Richard Nixon's message in March, Dr. Rees said numerous studies and projects to relate to human and health needs are to be adopted by NASA workers at Marshall.

"Our responsibility will continue," said Dr. Rees. Work on Skylab begins in April of 1973. "Scientific and engineering data will be invaluable to the public welfare," Dr. Rees said of the Skylab project. A 4-story facility will be floated into space. Launch is scheduled for 1975.

Beginning in 1973, in the Skylab project, shifts will work night and day, he said.

A huge telescope (costing $700 million) which will be 40 feet in length and weigh 110 tons will be perfected by Marshall Center.

How big will the Huntsville-developed telescope be? Take an example. The telescope on Mount Palomar in California, now the largest in the world, can penetrate to 1.5 billion light years.

The LST (largest space telescope) to be developed here will penetrate to 12 billion light years . . . "almost to the end of the cosmos."

In the Space Shuttle program, Marshall will have the responsibility of developing a 10-story high liquid reservoir in the late 1970s project.

The direct benefits to improve life on earth?

To improve communications, to learn

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more about environmental problems, ascertain more about metallurgy, engineering, and medicine to help man on earth, are involved, according to Dr. Rees.

Already, Marshall-NASA is working with TVA in studies of hydrology, with Birmingham in efforts to find ways to combat air-pollution and with TARCOG (Top of Alabama Regional Council of Governments) in numerous projects.

Dr. Rees said MSFC is "taking on a new image—a transition."

Further reductions in personnel not only will be painful, but will force NASA to do more with fewer people, Dr. Rees said.

OREGON COMMUNITY DEVELOPMENT PILOT MODEL

Mr. PACKWOOD. Mr. President, in view of the upcoming consideration of the Economic Opportunity Amendments of 1972 which contain therein a new community economic development title, I commend to the Senate a model project being implemented by the Oregon State Economic Opportunity Office to effect institutional change through a process of community development. I ask unanimous consent that the very exemplary statement of purpose and objectives of Oregon's Community Development Pilot Model be inserted in the RECORD along with the policy statement support of the Oregon Department of Human Resources.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMUNITY DEVELOPMENT PILOT MODEL, STATE ECONOMIC OPPORTUNITY OFFICE, SALEM, OREG.

STATEMENT OF PURPOSE

This project proposes to:

1. Develop with Federal, State, local agencies, and people a broad team approach assisting local people solve local problems;
2. Solidly establish CAAs into the planning and decisionmaking of their communities;
3. Bring the organized poor into local planning and decision-making;
4. Increase the level of public and private response to poverty problems;
5. Effect institutional change by bringing about greater responsiveness to community needs via A–95 and bring about the design of solutions by community people.
6. Train a cadre of sixty people capable of designing, administering, and evaluating training programs in local communities.
7. To bring about more efficient public services where they directly benefit the people.

STATEMENT OF OBJECTIVES

In the following ways this project will benefit the:

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1. Improve its credibility and visibility as a catalytic agent;
2. Develop closer ties and understanding with CAAs and local, State, and Federal governments;
3. Provide leadership in implementing the Sanchez memo of August, 1971;
4. Establish it as an action oriented agency.
5. Allowing the exhibiting of skills and flexibility.

DHR

1. Provide training of employes in community development techniques;
2. Improved community relationships;
3. Local support for its activities and plans.

CAA's

1. Community recognition and support;
2. Direct ties with state level decision-makers;
3. Understanding and involvement in the local decision-making process.
4. Survival as catalysts and social planners.

Local communities

1. An understanding of the formal and informal systems;
2. Better understanding of local and state planning resources.
3. Improved capability in dealing with human problems.
4. Involvement in the State and Federal goal setting process.
5. Better communications within the total community.

DEPARTMENT OF HUMAN RESOURCES POLICY STATEMENT SUPPORT

RATIONALE

Oregon Law of 1971, Chapter 319, directs the Director of the Department of Human Resources to coordinate and provide programs through existing agencies. It further provides that—division administrators submit such information, reports and documentation to the Director to enable him to—execute his responsibilities pursuant to this statute.

It is the purpose of this recommendation to provide the Director with the necessary information and documentation for the implementation of policy that will enhance the Department's efforts in its relationships with Oregon's communities.

BACKGROUND

In July of 1971, the Department commenced planning efforts to establish, in Malheur County, the Treasure Valley Migrant Center. To this end, much was made of the need for joint state-local planning. The community felt that it was not being meaningfully utilized as a co-planner, and resulted in strong local resistance to the Department's efforts. In November, the decision was made to provide the community with a direct link to planning efforts via the use of a coordinator. This effort proved successful and resulted in local support for the Center. The community development process used in that effort is now being proposed to become a part of Departmental policy.

IMPLEMENTATION

The task of human resource development embraces a vast array of separate programs with little coordination. This has been the result of developing separate programs aimed at meeting specific needs. The time has now come to adopt a more comprehensive approach.

Only limited results can be achieved by relying on the often tried methods of coordinating existing services on a voluntary basis. Ultimately, what is needed is some form of corporate organization (e.g. COG) designed to plan and deliver comprehensive, integrated services at a community level.

The goals of human development embrace a vast array of separate programs designed at meeting specific needs and presently provided in a manner reflecting jurisdictional fragmentation and political pressures. Decisions made are usually partial rather than comprehensive; too long in being formulated and diluted in efficacy by the time they have traversed the bureaucratic channels to the point of implementation. This situation is a matter of universal concern in Oregon.

The organization process necessary for the provision of programs and services for human development is envisioned within the context of a "total system". This total system consists basically of two sub-systems—one formal and the other informal. The informal sub-system consists of all the people in the community and their interactions with each other as well as elements of the formal sub-system.

The formal sub-system consists of the public and private agencies which have been formally organized to provide programs and services in accordance with established legislation, policies and procedures. The manner in which the informal sub-system identifies and responds to its own needs and how it succeeds in influencing the decisions and functioning of the formal sub-system becomes the decisive factor in determining the "quality of life" in a community. For this reason, the guiding principle for the "total system" suggested in this report is one of a "mature partnership" between the people of the community, public agencies and private agencies within a continuing process of mutual adaptation and open cooperation.

The interlocking link in this total system concept becomes the Council of Governments which consists primarily of elected representatives of the area and secondly of selected members of the formal sub-system actually providing services in the area. The latter are non-voting members of the COG and serve an information resource function, as well as providing formal "links" to the formal sub-system. The people of the community are therefore seen as an integral part of the total system formally interacting with the "establishment" or formal sub-system.

Key to the success of such a concept is a spirit of trust and openness among all concerned; an enabling rather than controlling attitude on the part of the formal sub-system; concern, involvement and acceptance of responsibility by the people of the community. Further, if Oregon is to move truly towards human development, two basic shifts in concept and orientation are required. First, a shift from a "preventive" to an "enabling" orientation. Secondly, from a human resource orientation to a human orientation whereby the individual is the end goal in a developmental process rather than a resource to serve society. The function of a society therefore is to provide opportunity and accessibility towards this end.

The concept of a "total system" would imply a requirement for the complete integration of programs and services. However, evidence indicates that complete integration is an unrealistic short-term or medium-term goal. Therefore, the strategy recommended is one of three possible functioning levels: integration, coordination and cooperation. The "mix" used in any given program or service will depend clearly on the attitudes and willingness of existing agencies to work together and will be determined as the result of a patient negotiative process.

The objective is basically twofold: a) to evolve the above relationships in order to determine the optimum "mix" of integration, coordination and cooperation among various public and private agencies for any given program or service; and b) to experiment with ways of obtaining community participation in the decision-making process as well as other new approaches to human development.

The first objective is one that has been discussed and attempted in varying degrees before. It involves the Human Resource Service Center concept and deals with accessibility, rights to services, minimizing duplication of services and maximizing resources.

The second objective, that of meaningful citizen participation, has also received its trials, again with varying degrees of success.

It is felt, however, that the uniqueness of the project revolves around the combination of these two objectives through the concept of mature partnership, with the building in of a social animation process to help guarantee the continued mobilization and participation of citizens.

At a time when many established programs are being criticized as being too specialized, too bureaucratic, and inaccessible to citizens most in need, these possibilities are exciting to contemplate. In our complex society, many major issues which affect the individual seem almost hopelessly beyond his influence or control. State and federal governments are concerned about service demands and programs that grow and extend without an apparent increase in service or efficiency. Even municipal government seems remote to some citizens and reference to "City Hall" takes on a negative connotation. Perhaps the experiences gained in this project can point to feasible ways of reversing this trend toward centralization and bigness and returning to citizens, in their own communities, a range of services that touch on their daily lives.

AMERICAN BAR ASSOCIATION TASK FORCE ON NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, I recently introduced S. 3612, a bill to establish a National Institute of Justice. It is cosponsored by Senators BIBLE, BAKER, METCALF, PERCY, and Moss.

The strong need for a more efficient and effective system of justice is being addressed by the finest legal minds in the country. Chief Justice Warren E. Burger, in a recent American Law Institute speech entitled "Has the Time Come?" said:

Our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate.

Consistent with the Chief Justice's remarks, the Board of Governors of the American Bar Association adopted a resolution creating a task force on the National Institute of Justice.

This task force faces the unique challenge of conducting a searching inquiry into the concept of a National Institute of Justice, and reporting to the ABA's Board of Governors in August 1972.

I ask unanimous consent to have printed in the RECORD the address by the Chief Justice, "Has the Time Come?" I also ask that there be included the New York Times article on the subject. I also ask unanimous consent that the text of the recently adopted ABA resolution be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BURGER SUGGESTS JUSTICE INSTITUTE—NATIONAL UNIT WOULD SEEK TO SOLVE JUDICIAL PROBLEMS

(By Fred P. Graham)

WASHINGTON, May 16.—Chief Justice Warren E. Burger said today that consideration should be given to the creation of a national institute of justice, patterned after the National Institutes of Health, to help solve Federal and state judicial problems.

In his annual speech to the American Law Institute, the Chief Justice called on the institute to join with the American Bar Association and other organizations of the legal profession to conduct a study that could lay the groundwork for such a justice institute.

He said that, if the proposed institute proved to be a good idea, Congress could be approached to support it as it has the National Institutes of Health, which now spends $2.4-billion a year for medical research and development.

MORE AMBITIOUS PLAN

Chief Justice Burger said the judicial counterpart would conduct research on judicial problems, make grants for private research and provide experts to help states and cities modernize their courts. He stressed that it would assist only the states and would not try to press them all into the same mold.

Since he became Chief Justice three years ago, Mr. Burger has proved prolific in inspiring the creation of new judicial institutions. The Institute for Court Management in Denver and the National Center for State Courts in Washington were set up—with crucial assistance from the American Bar Association and money from the Ford Foundation—after he made speeches suggesting they were needed. The suggested national institute of justice, however, is more ambitious because far more money would be needed—and it would have to come from Congress.

The American Law Institute is a group of about 1,500 of the nation's most scholarly lawyers, judges and law professors, who draft model laws and publish "restatements" designed to simplify and explain the law laid down in court decisions. The group, which meets each May in Washington, is an influential force in the legal profession, which was traditionally conservative but which has taken some strong civil-liberties stands in recent years.

Today, however, the group gave final approval to a model law that would break with Supreme Court doctrines of the Warren Court and permit courts to consider some evidence obtained by the police in illegal searches. In the debate this morning, Prof. Sam Dash of the Georgetown Law Center called it "an invitation" for the current Supreme Court to overturn a landmark 1961 Supreme Court decision—Mapp v. Ohio which ruled out the use of all evidence obtained in unconstitutional searches.

The group approved a provision that would authorize judges to admit illegally seized items into evidence so long as the constitutional violation was not "substantial."

HAS THE TIME COME?

(Remarks of Warren E. Burger, Chief Justice of the United States, opening session, American Law Institute)

Forty-one years ago last week, the Institute met in Washington—probably in this very room—when the Mayflower was new and sparkling. Now the Mayflower has taken on the air of grace and patina that I like to think comes with age, but the problems you and I are concerned about are very much the same. I was in Law School when Chief Justice Hughes welcomed the members of the Institute that spring morning of 1931 when he spoke of the growing burdens on the Federal Courts, the need for more judges, and for better methods. He expressed his concern in terms of "the ultimate goal that ever recedes—even as we advance and press on."

Today I welcome you at a time when that "ultimate goal" Hughes spoke of seems to have receded even farther from our grasp than ever before.

A measure of the change in the dimensions of the problems can be seen in the statistic that when Chief Justice Hughes greeted the Institute 41 years ago there were 75,000 filings in the District Courts. This year we will have 140,000 comparable case filings. We now have more than double the number of District Judges but we also know that the trial of cases, particularly criminal cases and some others, have become more complex and protracted so that statistics do not tell the whole story. The Supreme Court filings in 1931 were 1,300 and in the 1971 Term, soon to end, we will have more than 4,000.

But it is not my purpose today to speak only of the problems of Federal Judges for, as we know, the problems of justice are indivisible, and the burdens and needs of State Courts are far more critical than they were four decades ago. In that day the members of the Bar who regularly practiced in the Federal Courts were relatively few in number and often identified as "federal" practitioners. Whatever distinctions once prevailed are long gone.

Now everyone seems to have "discovered" the Federal Courts, and even the addition of 61 new judgeships in the past three years will not solve our problems.

It was 13 years ago—1959—that my distinguished predecessor, Earl Warren, as he welcomed you, pointed to some of the problems I now wish to speak of, and the Institute's significant *Study of the Division of Jurisdiction Between State and Federal Courts* was the result. That comprehensive Study has been before the Congress for three years and hearings are not yet completed.

The "upward trend" in the burden of the Federal District Courts that was seen in the 1959 figures has accelerated. The total filings in the Federal District Courts in 1959 were 88,453 and the filings in the current fiscal year in the District Courts will exceed 140,000. The Introduction to the Institute's Study on Jurisdiction makes this statement:

"It is unwise to paralyze the federal courts by maintaining conditions that will generate constant and unending pressure for expansion of the federal judiciary. It is intolerable that these delays and these pressures be produced by cases that have no proper place in the federal courts."

When we remember that these statements were addressed to the conditions of more than a dozen years ago, we are bound to look at what has happened since then. Since 1959, new federal statutes and decisions of the Supreme Court have added new burdens to the District Courts. Whether those statutes and those decisions were wise or unwise does not alter the hard facts. Meanwhile, so far as I know, no statute and no decision of the courts had subtracted any significant burden from the avalanche which has fallen upon the Federal Courts.

The prime thrust of the Institute's Jurisdiction Study was to try to point the way for a fair allocation between the state and the Federal Courts, and it is no disparagement of the Institute's Study that the passage of time and events may well have overtaken some of the recommendations. Meanwhile, most of the same factors which placed inordinate burdens on the Federal trial courts have also created new problems for the state courts.

We must assume that, at some point, the Congress will reach its own conclusions on the Institute's Study and that action will be taken to control the input into the Federal District Courts. But we must also recognize that when, and if, this is done, the burdens on the state courts will be increased, and unless something is done to help their plight we will have merely transferred the illness from one part of the body to another. That can hardly be regarded as a solution.

The first step, of course, is to try to achieve what the Institute's Study was directed at—

"The proper jurisdictional balance between the federal and the state court systems, assigning to each system those cases most appropriate in the light of the basic principles of federalism."

We are all well aware, I think, that in the period since the Institute began its Jurisdictional Study in 1959, and the completion of that Study and the publication of the Report in 1969, a vast area of new kinds of cases has developed in terms of class actions, suits relating to environment and pollution control, consumer claims, and many others. Probably much of this was not anticipated in 1959 or even during the period when the Study was under way. For that reason even if all the recommendations of the Study were adopted by the Congress that would, at best, merely make way for the new waves of litigation coming into the Federal District Courts. Meanwhile, to achieve the "proper jurisdictional balance" will mean the elimination of some of the federal jurisdiction, particularly diversity cases, and those changes will increase the burdens of the state courts. Federal and State planning must be coordinated.

The creation in this past year of the National Center for State Courts is a highly significant step toward filling the vacuum with an agency qualified to define the problems and measure the needs, but realistically its leaders know that as yet it is in its infancy.

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With the best of good fortune it will take time for that Center to become a large force, and there are some things that will remain beyond its reach simply because of limited resources.

Indeed, the very creation of the National Center for State Courts has served to focus attention on how little we have done in this country to provide support for the systems of justice as a whole—particularly for the local and state courts.

It was in keeping with the great traditions of our profession that most of the forward steps in the law during this century have been the work product of private initiative, private effort, private leadership, and private funding. We need recall only a few of these advances—the monumental work of the Restatement of Law by this Institute, the development of the Federal Rules—Civil, Criminal, and Appellate—by lawyers, judges and law professors, working under Congressional authority and cooperation.

A cursory glance at the Federal budget, whether this year, 10 years ago or 40 years ago, shows that literally billions of dollars have been devoted to a vast range of domestic needs of the American people—and I do not suggest for one moment that Congress should have done otherwise. Those budgets include research and direct assistance on such things as research and development and subsidies for transportation, protection of forests, improvement of agriculture, assistance to small business, research relating to natural resources, fish, game and wildlife, and pollution control, to say nothing of the enormous expenditures for space research and technology, and a host of others. The need for these programs is suggested by the fact that a Congress harassed with demands for economy has nevertheless given the support. As we have increasingly emphasized federalism and the partnership aspect of the state and national governments, it has become more and more apparent that many of these vital programs must be initiated and funded by the Federal government or they will not be done at all. Today there are more than 1,000 distinct Federal programs of domestic assistance reaching to the state and local levels and administered by 62 Federal agencies and involving many billions of dollars.

You may have observed that I did not mention one of the programs of the Federal government that touches every individual in the country, and that is the program of the National Institutes of Health, for which the current annual appropriation is $2,400 million.

The first small comparable step bearing even a faint resemblance to the National Institutes of Health and relating to the system of justice was the Law Enforcement Assistance Administration, which is a new but now familiar program. In the current fiscal year nearly $700 million was appropriated for LEAA, but as the name indicates, the primary thrust of the program is on law enforcement and the bulk of its resources has been directed toward improving law enforcement at the state and local levels. Some funds have gone into programs for the improvement of state courts but it is a small part of the whole. LEAA is a sound program; it is long overdue, but it is not complete. Our American concepts of justice are basically sound—we like to think of them as equal to any in the world—but our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate. The means of "delivery" of justice is an effective legal profession with procedures and methods in the courts that will accomplish the desired results. Surely an effective system of justice is as important to the social, economic and political health of the country as an adequate system of medical care is to our physical health.

I suspect that everyone in the room has heard of or taken part in discussions in recent years on the need for some kind of national facility primarily directed to help improve the operations of our judicial systems. It is of interest, I think, that the current issue of the West Virginia Law Review contains a timely and provocative article written by a distinguished member of the Institute, Mr. Bert Early, the Executive Director of the American Bar Association. In this article Mr. Early raises for discussion by our profession the need for such a facility. No one need agree with all details of his approach or his suggested solutions, but I raise to you the question whether the time has not come to draw together, as he is trying to do, all the strands of this concept and subject it to the critical analysis of lawyers, judges, law professors, public administrators, political and social scientists, and of legislative leaders in the states and in the Congress. It is significant that the Committee for Economic Development is about to recommend the creation of a new federal authority to ensure justice in a study entitled *Curbing Crime and Establishing Justice*, which is to be released late next month.

I have already referred to the tremendous accomplishments by private volunteer efforts within the legal profession, but in a nation of 210 million people spread from Maine to Alaska, to Hawaii and Key West, teeming with the life and industry of a dynamic and mobile people, there are some things which must be done on a national scale and with Federal sponsorship if they are to be done at all. Fundamental to our Federal system, and our federalism generally, is the idea that the national government will do, or will help do, what the states or private initiative cannot accomplish separately or alone.

Our basic system of justice, of course, lies within state power and it should remain that way, with Federal courts functioning, as the Constitution intended they should, as courts of special and limited jurisdiction. Day-to-day justice, in short, is inherently a state function.

The developmental needs of Federal courts were recognized, in part at least, by the creation nearly five years ago of the Federal Judicial Center, charged with the primary mission of engaging in research and development and related steps to improve the Federal courts. But if we are to maintain the appropriate allocation of litigation responsibilities between state and Federal courts, there must be some additional effort and support given to both. The Federal Judicial Center is a good start, but it is also a modest start when we see it in light of our needs. The development in this past year of the National Center for State Courts, to which I have alluded, is another important but small step—small partly because it was private and voluntary, in its genesis, although it has received substantial support from LEAA. Its leaders hope that in time the states will assume the burden of its support. But the overall problems of the states are hardly less than those of their large cities in terms of revenues and resources, and it is no easy task to develop the official cooperation of fifty states on a voluntary basis. Yet if the state courts are to maintain their proper role as the basic system of justice in this country, they must have help. It is for this reason that I mention Mr. Early's article to which, at his request, I wrote a brief Foreword. We should look at the Federal and state systems as a stool, and we know the weakness of one leg of a stool impairs the stability and utility of the whole.

The total range of problems of the courts of this country in the 1970's is so vast and diverse that it would serve no purpose to try to catalog them. They embrace the conduct of private and public civil litigation and the whole spectrum of criminal justice. We should strongly oppose any idea that all the states be pressed into a single mold, however good the pattern might be, for we take pride, appropriately, in our diversity, and the states should always be free to innovate and experiment in order to achieve better and fairer administration of justice. Many of the problems, however, are common to all the states, and the state courts have much in common with the Federal courts. The development of a national facility need not supplant and should not supplant existing service functions such as the Federal Judicial Center, the National Center for State Courts, or the basic LEAA program. We must always be alert to avoiding overlapping and duplicating functions but we must also move to fill in the gaps.

I have no detailed program or blueprint in mind, and at this stage it would be premature for anyone to be sure that he could do more than suggest some of the needs and outline some of the objectives of such a national facility in the broadest terms. Let me suggest, however, just a few of the characteristics which might be appropriate if the basic concept of a national institution of justice is sound.

First, I have already suggested that if such a facility is to be created, it should be national in scope and created by the Congress; and even though the analogy is limited, it may be useful to think of it at least broadly in terms of the National Institutes of Health at the Federal level.

Second, since the problems of justice should be the concern of everyone, such a facility should not be under the exclusive control of judges and lawyers. To give it the appropriate broad base that its constituency would demand, it should be under the governance and direction of a broadly based representative body, including a substantial representation of the states. By way of illustration only, it might be composed of perhaps four members designated by the Congress, four by the Executive, and four by the Judiciary.

Third, it could appropriately include a staff of trained and qualified specialists who would, upon the request of a state, give technical assistance on a consulting basis working with the National Center for State Courts with reference to problems of improving state judicial systems. Both by the very nature of the problems and the limited number of people who could qualify as specialists or experts, any staff of such a facility would likely be quite small.

Fourth, it should appropriately have resources and authority to make grants for court improvement somewhat as LEAA now gives assistance for the improvement of the police function, of correctional systems, and for state courts.

Fifth, it should have research and development capabilities so that the best developments in the most efficient courts in the country can be translated swiftly into systems and programs to be adapted by such courts as desire them, building on what LEAA has begun in the way of aid to state courts.

Sixth, it is very important that such a program should be one to *assist* the states to do what they lack resources to do for themselves—it should definitely not be a program to "federalize" the state ocurts. Some of the state courts have developed programs and procedures that the Federal system has adopted—use of court executives being but one example. The collective experience of all the courts of the 50 states would be the prime resource from which standards could evolve.

I have suggested only a few basic characteristics that such a new facility might well possess. The essence of what I am suggesting today parallels in broad outline what Mr. Early has suggested in his provocative article and what others have probed at from time to time. A starting point is to develop, through some mechanism, a representative group or possibly several representative groups to canvass the entire subject. I would not undertake to say who should do this, but the leadership of our profession is rather obvious in the form of the American Bar Association, the American Law Institute, the American Judicature Society, the Federal Bar Association, the Institute of Judicial Administration, the National Center for State Courts and the Federal Judicial Center—and of course there are others—such as the Council of State Governments and the National Conference of State Legislative Leaders.

The development of such a facility cannot be dealt with as swiftly as the legal profession and the Judiciary, in cooperation, created the Institute for Court Management or the National Center for State Courts, or as the Congress, on the urging of the Judicial Conference of the United States, created the Federal Judicial Center. The undertaking I speak of is too large, it has vast implications, and there are too many hard questions to be answered: Should there be such a facility? What should be its functions? Should it be a purely governmental facility? How should it be governed?

The proposal I advance, therefore—if it can be called a proposal—is not to create or establish a national institute of justice but to make a searching inquiry into the whole subject. When this study has been made—and that is in itself a large undertaking—the Congress would perhaps find it worthy of inquiry.

If, even tentatively, these ideas have merit, if they are feasible and worthy of study, I have no doubt that the leadership of the legal profession will see to it that such a study is commenced.

Of this I am sure: our profession cannot fulfill the promises implicit in the idea of the rule of law and equal justice under law if we content ourselves with being specialists in concepts but amateurs in execution.

RESOLUTION

Whereas, the Chief Justice of the United States has called for a searching inquiry into the desirability and necessity of a National Institute of Justice to marshal resources and energies for an accelerated program of modernization of our system of law and justice; and

Whereas, it is recognized that the needs are both urgent and complex, requiring a thoughtful but punctual investigation;

Now, therefore, Be It Resolved, that there be created a Task Force on a National Institute of Justice, consisting of five members, to examine the proposal for a National Institute of Justice; to consider the feasibility of a National Conference on the subject; to contact other national organizations concerned with the administration of justice and government to determine their interest in jointly exploring the proposal; to determine sources of funding to support the recommendations of the Task Force; and to make such recommendations to the Board of Governors as it shall determine to be appropriate.

Be It Further Resolved, That the Task Force shall make its final report to the Board of Governors at its August, 1972, meeting at which time the Task Force shall be terminated.

RETIREMENT OF DR. WERNHER VON BRAUN

Mr. SPARKMAN. Mr. President, Dr. Wernher von Braun, who has been in the space work since the program was started, is retiring after 27 years. He has done a remarkable job. Recently the Anniston, Ala., Star published an article regarding his retirement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWENTY-SEVEN YEARS WITH SPACE AGENCY: VON BRAUN RETIRING

CAPE KENNEDY, FLA.—A cheer rose from the crude blockhouse as America launched its first ballistic missile Aug. 20, 1953. But seconds later gloom set in when the Redstone rocket plunged into the Atlantic Ocean.

"Find out what went wrong," ordered Dr. Wernher Von Braun, whose crew of rocket specialists from Germany developed the missile at the Army's Redstone Arsenal in Huntsville, Ala.

A search of data traced the problem to the guidance system. A mechanic suggested he might have made too tight a twist on a certain screw. Testing showed that to be the case.

Von Braun summoned the mechanic to his office. Instead of disciplining him, he gave him a bottle of champagne.

"I am always happy to solve a problem so quickly," Von Braun said, "and I wanted to impress upon my men that absolute honesty is something you must have in a team effort. You look ahead, not back.

The Redstone's difficulties were overcome and it became this nation's first operational ballistic missile. Later, Von Braun's group used the basic Redstone technology to launch America's first satellite and its first man in space and to develop the longer-range Jupiter rocket, the Saturn 1 booster and the Saturn 5 which has hurled 10 men to landings on the moon.

Now, after 27 years of service to the U.S. government, Von Braun is retiring to take a post with private industry. He announced Friday in Washington that he is leaving the National Aeronautics and Space Administration to become corporate vice president for engineering and development at Fairchild Industries, Germantown, Md.

The firm is building scientific satellites for launch in 1973 and 1974. A Fairchild spokesman said Von Braun will concentrate on space projects that will benefit people on earth. He gave no specifics.

For the last two years, the man who once built rockets for Adolph Hitler has been NASA deputy associate administrator for planning. For nine years he was director of the Marshall Space Flight Center at Huntsville, where he and his group of Germans formed the nucleus of the nation's major rocket-building team.

Von Braun, 60, said he is making the change because he wants to devote his time to help implement "some space projects I feel are of particular importance. I think I can do this best in industry where the tools of progress are being made."

Dr. James C. Fletcher, NASA administrator, said Von Braun's "decision to retire from NASA is a great source of regret to all of us at the agency. For more than a quarter of a century he has served the United States as the leader in space rocket development."

Von Braun's value lay beyond his ability as an engineer and rocket designer. He also was a leader of men and a super salesman for the space program.

Perhaps his most valuable contribution was made in 1945 near the end of World War II when he led a group of more than 100 of Germany's rocket experts away from Hitler's V–2 rocket base at Peenemunde and surrendered them to the Americans rather than fall into the hands of the advancing Russians. They also brought out several truckloads of V–2 parts.

The U.S. picked 117 of the Germans and sent them to Ft. Bliss, Tex., where they assembled and fired 70 V–2s in five years. In 1950 they were transferred to the Army's Redstone Arsenal to develop the Redstone rocket. That year they launched the first missile—a V–2 with a second stage—from America's new long-range rocket testing base at Cape Canaveral, now Cape Kenedy.

Most, including Von Braun, became U.S. citizens.

Long before the Soviet Union launched the first satellite, Sputnik 1, on Oct. 4, 1957, Von Braun said his team had the capability to orbit a payload by putting an upper stage on the Redstone.

But the late President Dwight D. Eisenhower turned him down on grounds the Redstone was a military rocket and he wanted to emphasize peaceful uses of space. Eisenhower ordered the development of a completely new rocket, the Vanguard, as a satellite launcher.

After Sputnik was launched, Von Braun pleaded with Defense Secretary Neil McElroy: "Vanguard will never make it. We have the hardware on the shelf. For God's sake turn us loose and let us do something. We can put up a satellite in 60 days."

When a Vanguard exploded on its launch pad in December 1957, the nation was shocked, and the Von Braun team got its chance. On Jan. 31, 1958, a modified Redstone propelled Explorer 1 into orbit.

But the Russians, with bigger rockets, continued to dominate the space race. Von Braun proposed building the Saturn 1 rocket, essentially strapping eight Redstones together as a booster and adding an upper stage.

The rocket was twice as powerful as Russia's biggest. But with the project well under way, the military decided it had no use for such a rocket because of breakthroughs in the miniturization of nuclear warheads.

In 1960, Von Braun and his team, now expanded to 4,000 engineers and technicians, were transferred to the young space agency. They remained in Huntsville at the Marshall center.

A year later Alan B. Shepard rode a Redstone and became America's first spaceman. Three weeks after that the late President John F. Kennedy committed this nation to land a man on the moon and return him safely by 1970 and Von Braun was told to build a rocket big enough for the job. The result was the Saturn 5, the 36-story-tall behemoth capable of placing 240,000 pounds in earth orbit or sending the 110,000-pound Apollo assembly to the moon.

In the last two years, Von Braun has been in charge of advanced planning for NASA and he has traveled the country to sell the space program in scores of speeches.

He firmly believes that man has a vital role in space and that manned orbiting laboratories of the future will help the world in such fields as locating and managing earth's resources, medicine, communications, pollution control and ocean surveillance.

Von Braun long has supported international cooperation in space, such as the agreement signed in Moscow on Wednesday by President Nixon and Soviet leaders calling for a joint flight by American and Russian spacemen in 1974.

"I look forward to the day when mankind will join hands and face the heavens in a solid phalanx to apply the combined technological ingenuity of all nations to the exploration and utilization of outer space for peaceful uses," he once said.

"Would it not be ironical if nations first learn to transcend their national interests many, many miles from mother earth?"

ALASKA NATIVES SALUTE COMMANDER OF KODIAK COAST GUARD STATION

Mr. STEVENS. Mr. President, the men and women of our Nation's uniformed services—starting in the early days after U.S. purchase of Alaska from Russia and continuing through bad times and good—have been a part of the vibrant essence that is Alaska. I know of no portion of our State which has not been served in times of need by the military. Moreover, these fine people have built a record of outstanding service in community affairs wherever they have been stationed in the

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49th State. Alaskans, in turn, have responded as good neighbors, welcoming the military presence, and expressing their gratitude whenever possible. Even with continuing atmosphere of mutual civilian-military respect and harmony in mind a recent salute by the Native people of Alaska to Capt. Phil Hogue, commanding officer of Kodiak Coast Guard Station, stands out as a singular recognition. The tribute is presented in the Kodiak Daily Mirror of May 18, 1972.

Mr. President, I ask unanimous consent that the article and a formal resolution by the Alaska Federation of Natives and Kodiak Area Native Association be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

URGE KODIAK AIR BASE C.O. BE RETAINED—ALASKA NATIVE PEOPLE LAUD COAST GUARD CAPTAIN

(By Karl Armstrong)

An officer of the United States Coast Guard—Captain Philip Hogue, commanding officer of the Kodiak Coast Guard Air Station—rates the highest in the hearts of the native people of Alaska.

A resolution officially declaring the "respect, admiration and affection of the Native peoples of the State of Alaska" on behalf of the Coast Guard career officer, was unanimously approved by the membership of Kodiak Area Native Association at the organization's annual meeting Saturday night. The resolution, according to Harry Carter, executive director of the Alaska Federation of Natives, has the automatic unanimous approval of the statewide AFN organization which represents all of the Native people of Alaska.

The resolution urges that the Governor, state legislative and congressional delegation assist the AFN and KANA in having Captain Hogue retained as commanding officer of the Kodiak Coast Guard Air Station.

Captain Hogue is the only military man to have ever won an official commendation from the Alaska Federation of Natives and Kodiak Area Native Association.

AFN–KANA RESOLUTION

Whereas, the continued operation and expansion of the United States Coast Guard is vitally essential to the well being and welfare as well as the health and safety of the Alaska Native peoples of the coastal areas of the State of Alaska, and

Whereas, there has been special recognition of this need during the time that Captain Phillip Hogue has been commanding officer of the Kodiak Coast Guard Base, and

Whereas, in numerous occasions and in innumerable ways, Captain Phillip Hogue has demonstrated a special cognizance of the Alaska Native peoples and of their needs insofar as their health and welfare are concerned, and

Whereas, Captain Phillip Hogue has through his actions and demeanor won the respect and admiration of the Alaska Native peoples and of all the villagers of Alaska by demonstrating his real concern.

Now therefore let it be resolved that, the Kodiak Area Native Association petition the Alaska Federation of Natives and the Alaska congressional delegation, the Alaska State Legislature and the Governor of Alaska requesting that Captain Phillip Hogue be retained as commanding officer of the Kodiak Coast Guard Air Station, and, further that it be made a part of his personal record that Captain Phillip Hogue has won the respect, admiration and affection of the Native peoples of the State of Alaska for outstanding service.

DEATH OF VERNER W. CLAPP

Mr. MANSFIELD. Mr. President, it is with sadness that I call to the attention of the Senate the untimely death of Verner W. Clapp, Chief Assistant Librarian of Congress from 1947 to 1956 and Acting Librarian in 1953–54.

Though none of us remember those days when the Library had no congressional research unit, it is interesting to note that Mr. Clapp became the first head of that invaluable arm to Congress in the 1920's and served in that capacity until 1931.

It is further worth noting that his 33 years of service to the Library of Congress did not come to an end with his retiring as its Chief Assistant Librarian in 1956. As President of the Council on Library Resources from 1956–67 and as a very active consultant in the years since his retirement from that position, he has approved and recommended grants to to various divisions of the Library amounting to almost $2 million.

I ask unanimous consent that a biography of Mr. Clapp be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

VERNER W. CLAPP

Verner W(arren) Clapp, fulltime consultant to the Council on Library Resources and its president from 1956 to 1967, died in an Alexandria, Va., hospital Thursday morning, June 15. He was 71 years old.

While Mr. Clapp had twice "retired" from career-pinnacle positions—in 1956 as Chief Assistant Librarian of Congress (he had served as acting Librarian of Congress in 1953–54) and in 1967 as president of the Council on Library Resources—he was active to the end in aiding in the solution of library problems.

Only last week, June 7 in Boston at the annual meeting of the Special Libraries Association, he received a special citation for his "continued encouragement and support of special librarianship." A year earlier he was featured in *Wilson Library Bulletin* (February 1971) as "Library Ombudsman—near omniscient defender of the good and true, scourge of the malignant and misleading."

The Association of Research Libraries dubbed him "Librarian's Librarian" some years ago, and the American Library Association awarded him both their Melville Dewey Award and the Joseph W. Lippincott Award. The citation for the latter sums up well his half century of librarianship. It reads in part:

"In all of his activities his wide background, his abilities as a creative thinker, his warm personality, and his inexhaustible energy serve well his profession and provide inspiration and encouragement to all who work toward the solution of the problems of librarianship."

Mr. Clapp, born June 3, 1901, in Johannesburg, South Africa, of an American father and Danish mother, was educated in the public schools of Poughkeepsie, N.Y., and Trinity College (A.B. '22). His half-century of service as a librarian began with summer employment at the Library of Congress in June 1922, continuing uninterrupted except for a year of study at Harvard in 1922–23.

At the Library of Congress Mr. Clapp served as a reference librarian in the Main Reading Room for five years. When the Library's Congressional Unit was organized in the 1920's to provide special service for Members of Congress, Mr. Clapp became its first head.

From 1931 to 1937 he was Special Assistant to the Superintendent of the Reading Rooms; from 1937 to 1940 he was Assistant Superintendent of that division and also supervised the work of the Division of the Blind; and from 1940—when the Library was reorganized in four departments—to 1943 he served as the Director of the Administrative Department and modernized the institution's fiscal procedures.

In 1943 he was appointed first Director of the Acquisitions Department. As its head during this wartime period when the Government relied upon the Library for information of strategic importance, he changed the emphasis in book acquisition from subject to area, opened new channels to the world's book trade and promoted the cooperation of the Foreign Service in collecting and expediting delivery of books and other materials.

Mr. Clapp became Chief Assistant Librarian of Congress in March 1947, serving in that capacity until his retirement in 1956 to accept the presidency of the new Council on Library Resources, established at that time with the support of Ford Foundation funds "to aid in the solution of library problems."

While associated with the Library of Congress, Mr. Clapp, at the beginning of American participation in World War II executed the evacuation and preservation of the nation's cherished manuscripts, including the Declaration of Independence, the Constitution of the United States, and the Articles of Confederation.

When the war ended and demobilized veterans flocked in 1945–46 to American colleges and universities there was a shortage of textbooks.

Under Mr. Clapp's supervision the great stocks of surplus textbooks scattered among military installations were collected and redistributed to institutions of higher learning at minimal cost.

He also directed the Cooperative Acquisitions Project which obtained for the Library of Congress and 112 other American libraries some two million research items produced in Europe during or preceding the war, and which aided the Army in screening documents seized in Germany. Mr. Clapp was also successful in Berlin during 1946 in obtaining from Russian military authorities the release of large quantities of books which had been ordered by American libraries before the war and were being held in the Eastern Zone of Germany.

The preceding year Mr. Clapp was detailed to organize a library for the United Nations Conference in San Francisco. This was the beginning of the present UN library now housed in the Dag Hammarskjold memorial building at the UN in New York. Desirous of making information about the Conference available to the public, he materially contributed to the effort that resulted in sets of the Conference's enormous documentation being placed in 40 libraries about the world and which contributed to the production of the 12-volume *Documents of United Nations Conference on International Organization*. Mr. Clapp has since served as a consultant to the UN library.

He also participated in coordinating the hurried printing of the United Nations Charter in five languages and served as revisor of the press for three of the five language editions. Type was set and reset over a matter of days, as the text was changed, in printing houses specializing in different languages. When the final text and its translations were agreed upon the Charter was printed and bound overnight. Five printing plants were involved in the type composition, two in the printing, and one binder in preparation of the edition.

In December 1947 Mr. Clapp headed the two-man U.S. Library Mission to Japan to advise on the establishment of the National Diet Library. Within the brief space of two months Mr. Clapp and the late Dr. Charles Harvey Brown, of Iowa State College, in conferences with committees of the Diet, drafted plans for the National Diet Library and for

important national library services to be executed by it. In a session of the two houses of the Diet especially called for the purpose—the Diet building was heated for the purpose by hay, for want of coal, because Dr. Brown had a cold—laws were enacted for the establishment of the Library and the erection of a library building. When this planning and legislative achievement came to General MacArthur's attention he took an entire afternoon off to review its implications and complimented Mr. Clapp and Dr. Brown on their work and the speed with which it was accomplished.

In his 11 years as head of the Council on Library Resources (1956–67), that organization moved forward in fulfilling its stated objectives:

". . . for the purpose of aiding in the solution of problems of libraries generally and of research libraries in particular, conducting research in, developing and demonstrating new techniques and methods, and disseminating through any means the results thereof, and for making grants to other institutions and persons for such purposes; and for providing leadership in and wherever appropriate, coordination of efforts (1) to develop the resources and services of libraries and (2) to improve relations between American and foreign libraries and archives."

At the time of his retirement as president in 1967, Whitney North Seymour, chairman of the Council's Board of Directors noted:

"Mr. Clapp has made the Council on Library Resources significant throughout the world. His imagination, ingenuity and extraordinary fund of information have enabled him to give precise and significant counsel concerning library problems on both sides of the Atlantic. Grants made under his administration have already profoundly influenced library development. The multi-volume *National Union Catalog of Manuscript Collections*, compiled by the Library of Congress with financial assistance from the Council, is one of the many projects in which he has taken a personal interest. He also has an expert knowledge of scientific developments affecting libraries and helped to stimulate research at the W. J. Barrow Research Laboratory in Richmond, Virginia, that led to the development of a permanent/durable type of paper. It is my hope that the Council can continue to take advantage of Mr. Clapp's concepts."

In the past five years, as a fulltime consultant to the Council, Mr. Clapp continued his activities at a pace which would tire most younger men. His helpful correspondence to librarians around the world, his service on a dozen or more committees of national and international organizations concerned with the librarians' increasing problems, his prodigious writing output, and his basic activities related to recommending Council grants and reviewing them all combined to keep him first professionally in the hearts and minds of many in his beloved field of librarianship.

On Tuesday, June 20, at 2:30 p.m. there will be a memorial to Verner W. Clapp in the Coolidge Auditorium of the Library of Congress. Friends are invited. The family requests in lieu of flowers contributions may be made to the Verner W. Clapp Publication Fund in the Library of Congress.

He is survived by his wife, the former Dorothy Devereux Ladd, 4 Irving Street, Chevy Chase, Md.; three children, Mrs. Joseph H. Roe, Jr., of Reston, Va., Verner W. Clapp, Jr., of Juneau, Alaska, and Mrs. William F. Bromley of Bethesda, and 11 grandchildren.

ENVIRONMENTAL MODIFICATION TECHNIQUES FOR OFFENSIVE WARFARE PURPOSES

Mr. PELL. Mr. President, I have on several occasions brought to the attention of the Senate the dangerous implications for the environment and for mankind if we permit the development and use of environmental and geophysical modification techniques as offensive weapons of warfare.

In March, 15 Senators joined with me in introducing Senate Resolution 281, urging the negotiation of an international agreement toward that end.

The current issue of Science, the publication of the American Association for the Advancement of Science, includes an excellent article by Deborah Shapley on this project.

I believe the information in the article underscores the need for early action to prohibit further development and use of environmental modification techniques for offensive warfare purposes, and I ask unanimous consent that the article, from the June 16 edition of Science be printed at this point in the RECORD.

In addition, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an article from Science and Government Report of May 1, 1972, reporting on the exchange of correspondence which I have had with the Department of Defense on the question of weather modification activities.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From News and Comment]

RAINMAKING: RUMORED USE OVER LAOS ALARMS ARMS EXPERTS, SCIENTISTS

For the past year, rumors and speculation, along with occasional bits of circumstantial evidence, have accumulated in Washington to the effect that the military has tried to increase rainfall in Indochina to hinder enemy infiltration into South Vietnam—in effect, using the weather as a weapon of war. But Pentagon officials have been extremely tight-lipped about it, even to prominent members of Congress, and it appears that the old saying is now turned around: The generals are probably doing something about the weather, but nobody's talking about it. *The Pentagon Papers* makes references to such activities as having been successfully carried out in Laos, and a Jack Anderson column in the Washington *Post* a year ago described a top-secret operation over the Ho Chi Minh trail. The only denial so far has come from Department of Defense (DOD) Secretary Melvin R. Laird in congressional testimony. However, all Laird denied was the use of weather control "over North Vietnam," and, since the Anderson column and *The Pentagon Papers* concern Laos and the Ho Chi Minh trail, which runs through Laos and Cambodia, no real answers to the speculations have been provided.

The DOD has admitted that various forms of climate modification have been considered by the military for more than 20 years. A well-known geophysicist formerly with DOD's Institute for Defense Analyses, Gordon J. F. MacDonald (who now sits on the Council for Environmental Quality), wrote a Cassandra-like chapter on potential geophysical warfare in 1968, which described control of rainfall, drought, earthquakes, and even possible tinkering in the Arctic.[1] The Indochina allegations are limited to charges that the DOD hsas augmented rainfall to muddy up trails, thus hindering the flow of men and vehicles to the south, but some scientists and arms experts regard even this limited activity as a camel's nose under the geophysical tent.

The issue has an important scientific dimension, too, for meteorology is one of the most internationally minded of all scientific fields. Many prominent U.S. meteorologists have for years favored a ban on military uses of weather control. Describing their reactions even to the possibility that these techniques have been used, they use such words as "distressed," and "appalled." They add, that weather control in Indochina could hurt international, peaceful weather research. Hence, the issue of whether the DOD has been, or might be, seeding clouds over Asia holds implications beyond the horizons of Indochina alone.

The only direct evidence that weather modification techniques have been used in Indochina comes from some references in *The Pentagon Papers* which indicate that the Joint Chiefs of Staff (JCS), probably in 1966, had rainfall experiments conducted over Laos "successfully." In 1967, the JCS urged President Lyndon B. Johnson to authorize an operational weather program with the innocuous name of Operation Pop Eye as a means of escalating the war. According to the Gravel edition of the papers, volume 4, page 421, the JCS suggested to Johnson in a memo that this might be one way of widening the war with minimal political repercussions at home.[2]

4. Laos Operations—Continue as at present plus Operation Pop Eye to reduce trafficability along infiltration routes.

Authority/Policy Changes—Authorization required to implement operational phase of whether modification process previously successfully tested and evaluated in same area.

Risks/Impact—Normal military operational risks. Risks of compromise is minimal.

Again, on February 1967, the President was handed a "shopping list" of escalation proposals recommended by the JCS and apparently written by John McNaughton of the Office of International Security Affairs in DOD. Volume 4, page 146, lists among the recommendations:

8. Cause interdicting rains in or near Laos.

The narrative text summarizes the rest of the memo:

"The discussion section of the paper dealt with each of the eight specific option areas noting our capability in each instance to inflict heavy damage or complete destruction to the facilities in question."

Evidently, the JCS considered weather modification worthy of consideration as one way of waging war.

Some who have been closely associated with *The Pentagon Papers* study, asked about these references, pointed out that the study was compiled by civilians with relatively little knowledge or data on day-to-day combat operations. They say it is reasonable to infer that the relatively few references to weather modification activities in *The Pentagon Papers* are no clue to the actual extent of military weather modification operations.

The other evidence that rainfall augmentation might still be going on is circumstantial. On 18 March 1971, the well-known syndicated columnist, Jack Anderson, in his column in the Washington *Post*, claimed that the Ho Chi Minh trail, which runs through both Laos and Cambodia, had been seeded by the Air Force since 1967 (the date of the JCS recommendations listed in *The Pentagon Papers*). In part, Anderson wrote:

"The hush-hush project, known by the code name "Intermediary-Compatriot," was started in 1967 to hamper enemy logistics. Those who fly the rainmaking missions believe they have increased the precipitation over the jungle roadways during the wet seasons.

". . . These assertedly have caused flooding conditions along the trails, making them impassable.

"The Ho Chi Minh trails will get their next monsoon bath from May to September. . . . Only those with top security clearance knew.

Footnotes at end of article.

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until now, that nature would be assisted by the U.S. Air Force."

Anderson was alleging that "Intermediary-Compatriot" would be going on from May to September 1971. The Pentagon has never confirmed or denied the charge. Its response, in fact, has been to say that the answers are classified—a statement that leads some liberal congressmen to conclude they must be doing it. John S. Foster, Director of Defense Research and Engineering (DR & E), replied in an almost identical fashion to written queries from Senator Claiborne Pell (D-R.I.), Senator Alan Cranston (D-Calif.), and Representative Gilbert Gude (R-Md.).

"Certain aspects of our work in this area [weather modification] are classified. Recognizing that the Congress is concerned . . . I have, at the direction of Secretary Laird seen to it that the Chairmen of the Committees of Congress with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department. However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make a public disclosure of the details of these activities at this time."

Pell will try to get some elaboration on this statement from DOD when he holds hearings on a draft treaty banning environmental modifications for military purposes. However, so far, Laird is the only DOD official who has been asked point-blank whether the military is modifying weather in the war. In April, Senator J. William Fulbright (D-Ark.) asked him about it, although the questioning was limited to North Vietnam.

FULBRIGHT. ". . . In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reason?"

LAIRD. "We have never engaged in that type of activity over North Vietnam."

Although it sounds harmless, in Indochina, rainfall augmentation can have key military and tactical advantages. The purpose of cloud seeding would be to muddy up the hundreds of trail networks which wind southward and eastward through Laos and Cambodia, providing vital links between North Vietnam and China, and South Vietnam. Impeding the traffic of men and materiel which flows constantly through this jungled, often mountainous terrain has been the key objective of the United States' billion-dollar bombing campaigns since 1965.

But a flood can mess up a road or pathway as much as a bomb explosion can. Moreover, it is much cheaper, and highly covert. Scientists say that only if the Laotians and Cambodians took extensive samples of rainwater and systematically tested them for trace elements, could they actually prove that the normal rainfall had been artificially increased.

Moreover, this form of weather modification is equally covert to the side employing it. According to civilian scientists, a cloud-seeding plane can be any type of plane. It needs little special equipment, and 35 to 100 pounds of silver iodide for a 6-hour seeding mission. Even if equipped with racks for the dropping of pyrotechnic flares—one technique for seeding—a weather modification plane would look the same as a reconaissance plane which drops similar flares. Not only would the Laotians have a difficult time discovering our cloud-seeding activities, Americans would have difficulty too.[2]

One of the most eminent of DOD's weather scientists is Pierre Saint-Amand, who is head of the Earth and Planetary Sciences Division of the Naval Ordnance Laboratory, Naval Weapons Center, China Lake, California. He says that the alleged use of cloud seeding in Indochina is "outside of my ability to answer." Like other DOD spokesmen on the subject of weather modification, Saint-Amand is eager to point out that the Soviet Union is doing extensive weather modification research.

As to the potential of cloud seeding for impeding infiltration routes, Saint-Amand said, "I don't think using weather to discourage people from moving is a bad thing to do. If you estimate the amount of damage done by impeding someone's transportation, versus blowing them up or burning them up, I don't think it is so immoral." In effect, weather is no less humane a weapon than bombing and gunfire.

Civilian meteorologists, however, tend to be far more cautious about the efficacy of current weather modification techniques. They say, anxiously, that in few cases can cloud seeding be actually proved to work. The DOD, for example, claims that a cloud-seeding project over Texas during a drought was successful because heavy rainfall followed the seeding. However, since the rain fell in many areas besides those seeded, there is no way of knowing whether the rainfall would have occurred anyway, and in what amounts.

Civilian weather scientists almost universally favor limiting or banning military operations in which weather modification techniques are used, and they can point to a fairly long history of recommendating same. In 1971, a National Academy of Sciences (NAS) study of the future of the atmospheric sciences resolved that: [4]

"The U.S. Government is urged to present for adoption by the United Nations General Assembly a resolution dedicating all weather modification efforts to peaceful purposes and establishing, preferably within the framework of international nongovernmental scientific organizations, an advisory mechanism for consideration of weather-modification problems of potential international concern before they reach critical levels."

One of the most prominent meteorologists is Thomas F. Malone, of the University of Connecticut, who is chairman of the NAS panel on weather modification of the academy's Committee on Atmospheric Sciences and one organizer with the World Meteorological Organization of the United Nations of the Global Atmospheric Research Program (GARP). Malone says, "I have made speeches for 10 years saying we should get together and do this work internationally before it got to the point of being operational. Otherwise we will face horrendous political problems . . . putting the genie back into the bottle."

Joanne Simpson, who has made cloud modification experiments at the Experimental Meteorological Laboratory of the National Oceanographic and Atmospheric Administration (NOAA), was asked how she would react to seeing the results of her work applied in warfare. She said, "I would be grieved to see my work used for military purposes because I got involved in this kind of work to do useful things, not destructive things."

And Joseph Smagorinsky, a NOAA meteorologist who has modeled climate and weather and who is on the executive committee of the GARP organizing committee, expressed stronger opposition: "These programs are a cooperative effort of many nations, and each gives up a certain amount of autonomy to work together," he said. "If they felt this would be used against them, there would very definitely be a cooling off." Smagorinsky pointed out that one part of the GARP plan will put about 20 ships and 10 to 15 airplanes over the Atlantic working together. They will come from many countries, including the United States and the Soviet Union. If it turns out that the United States has militaristic uses for weather modification, "this sort of thing would drop dead. It would undo everything that science has been able to do. It would have absolutely tragic effects."

Walter O. Roberts, director of the National Center for Atmospheric Research in Boulder, Colorado, takes a more conservative view. "I think it very unlikely that deliberate weather modification is a particularly effective weapon," he said. "I'm very concerned about international, inadvertent weather modification as a result of pollution; I don't consider meteorological use in warfare as much of a threat. But if you could visit a hurricane on somebody, I would be very opposed and consider it very serious."

Concern over the military aspects of weather modification has been expressed by a number of defense specialists and arms control experts. Many see a parallel with chemical and biological weapons, which have similar inadvertent effects on environment, and also affect both soldier and civilian. Leslie Gelb, now of the Brookings Institution, who directed from within DOD the 47-volume Pentagon study of the war, which was later leaked as the Pentagon Papers, said, "My instinctive reaction to the use of this kind of technique is negative. Like chemical and biological weapons, it deals in an area that would become essentially uncontrollable. But I have no categorical answer on it because I don't know enough of the scientific aspects."

Representative Gude, who, with Cranston, has attempted to find out about Indochina weather control for over a year and has never even been offered a DOD classified briefing, says, "There's a similarity between chemical and biological weapons and weather control. You could have a snowballing effect in both cases, an effect on nature over which you lose control."

Matthew Meselson, professor of biology at Harvard, and a long-time consultant to the Arms Control and Disarmament Agency, who is identified with the successful campaign to ban biological warfare, was asked about the parellel to chemical and biological warfare. He said, "First, I have no knowledge one way or the other as to whether the United States has engaged in weather modification in connection with military activities in southeast Asia.

"However, it is obvious that weather modification used as a weapon of war has the potential for causing large scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced, in food deficit areas, and in areas subject to flooding."

Leonard S. Rodberg, a fellow of the Institute for Policy Studies who assisted in publishing the Gravel *Pentagon Papers*, said, "I don't think we have a right to experiment on other people. It's a standard issue which in medical terms would be called informed consent. The people in that area [Indochina] are totally dependent on the weather for their livelihoods. If we change the pattern we destroy their ability to exist. We've done it not only with weather modification but with defoliants and herbicides." Rodberg adds, "It's quite clear that many kinds of experimentation have been permitted in Indochina. So long as it's not a large operation that would get a lot of publicity, anything can be done."

Most of those queried favored some sort of ban on military uses of weather modification technology. But Adrian S. Fisher, deputy director of the Arms Control and Disarmament Agency from 1961–1969, now dean of the Georgetown University Law School, says, "Weather modification is really an appropriate subject, not only for an arms control agreement, but for a peaceful uses agreement," which would "regulate allocation of resources in such a way as to recognize its good qualities as well as its bad ones."

Finally, another well-known arms control specialist, Herbert P. Scoville, Jr., favors a ban on weather modification's military uses. "I would strongly support any statement that we ought to ban the use of weather modification for military purposes and seek an international agreement on this.

"At some stage of the game, somebody may start doing it—even if it's not going on now. To me it is a terrible way to be using science.

—DEBORAH SHAPLEY.

FOOTNOTES

[1] G. J. F. MacDonald, "How to wreck the environment," in *Unless Peace Comes: A Scientific Forecast of New Weapons*, Nigel Calder, Ed. (Viking Press, New York, 1968).

[2] *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam.*

[3] The civilian experiments which would parallel this activity are reported in "Seeding Cumulus Clouds in Florida: New 1970 Results" by Joanne Simpson and William L. Woodley (*Science*, 9 April 1971). See also *Science*, 7 May 1971, for a general review of weather modification progress.

[4] *The Atmospheric Sciences and Man's Needs: Priorities for the Future*, Recommendation III–6, Committee on Atmospheric Sciences, National Research Council (National Academy of Sciences, Washington, D.C., 1971), p. 61.

Footnotes at end of article.

[From Science & Government Report, May 1, 1972]

VIETNAM RAINMAKING: A CHRONICLE OF DOD'S SNOWJOB

The quest for information as to whether the U.S. has employed rainmaking for military purposes in Southeast Asia has now produced, from Defense Secretary Laird, a carefully worded denial of such activities "over North Vietnam." But the trail is marked by so many evasions that even a gullible consumer of government pronouncements might be skeptical.

With the skies over Vietnam raining high explosives, manmade precipitation for malicious purposes is of minor concern at the moment, and Laird's encounter with the subject was little noted during his recent appearance before the Senate Foreign Relations Committee. Nevertheless, "environmental warfare"—the deliberate triggering of "natural" events to the detriment of an enemy—is high on the docket in military research, and a collision is in the making between DoD's fascination with the technology and a move in the Senate to develop a treaty to keep rainmaking, earthquakes, tidal waves, crop-destroying climate changes, and so forth out of military hands. (SGR Vol. I, No. 22.)

Laird's denial is best appraised against the background of attempts, led by Senator Pell (D-R.I.) to obtain information about rainmaking. Pell is chairman of the Foreign Relations Subcommittee on Oceans and International Environment, and his interest in the subject was aroused by reports that the U.S. had sought to rain out the Ho Chi Minh Trail and may even have been responsible for the unusually heavy rains that devastated parts of North Vietnam last year.

On September 23, 1971, Pell wrote to DoD's Assistant Secretary for Legislative Affairs, Rady A. Johnson, asking, "What are the objectives of the project known by the code name 'Intermediate-Compatriot?'"—which, according to some reports, was the code name for weather modification activities in Vietnam. He also asked, "In what specific countries is this project conducted?" and "Would you provide a rather detailed description of this project?"

Johnson acknowledged his inquiry in a letter dated the following day, and said the request for information had been sent to the Director of Defense Research and Engineering (DDR&E), John S. Foster, Jr., and "You may expect a further reply from his office at an early date."

Six weeks later, Nov. 9, Pell reminded DoD that he had not received a reply, and on Nov. 23, there arrived from Johnson a two-and-a-half page letter which, in effect, told him that the subject was none of his business. Making no reference to "Intermediate-Compatriot," and not even mentioning Vietnam, Johnson said that DoD was interested in weather modification for the purpose of reducing weather damage to military property. He said DoD also conducted research to keep abreast of what the Soviets might be doing, noting that the Soviets had developed a hail-suppression technique based on cannon fire into cumulus clouds and that "These experiments are conducted by Soviet military personnel using military equipment." He then cited DoD participation in several drought-relief and storm-abatement efforts and concluded with apologies for the delay in replying.

Pell then wrote to Defense Secretary Laird to complain that Johnson's letter had failed to answer his questions. Ten days later he received a letter from DDR&E's Foster, which in even stronger terms told him that the subject was none of his business. "Certain aspects of our work in this area are classified," Foster stated, adding that those congressional committees "with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department." Foster continued, "However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make any further disclosure of the details of these activities at this time."

Pell subsequently sought information from the Arms Control and Disarmament Agency (ACDA), but that dispirited outcast from administration policymaking simply stated that it "has no knowledge of any current military applications of environmental warfare techniques." In questioning by Senator Church (D-Idaho), ACDA Director Gerald Smith said of weather modification activities, "I don't know if there are any"—an amusing revelation on the part of the ACDA chief in view of Foster's strong suggestion that something is going on that DoD chooses to keep classified.

Laird's appearance before the Foreign Relations Committee last month was prompted by the renewed bombing of North Vietnam, and most of the questioning was related to that subject, but both Pell and Chairman Fulbright used the opportunity to ask some questions about military rainmaking and the results were indeed curious.

Pell asked Laird, "Have we engaged in these activities for military reasons in Southeast Asia?"

Laird: I don't discuss the operating authority that we go forward with as far as Southeast Asia specifically, but I would be glad to discuss with you the techniques that have been used outside the battle zone.

Fulbright: . . . Why do you decline to discuss weather control activities in North Vietnam, yet you freely discuss B–52 flights over North Vietnam?

Laird: I do not talk about things that we have not done . . . We have announced that we have used B–52s over North Vietnam. In connection with the weather programs or such as have been discussed . . . we have not and are not at this time conducting such operations but I am not going to rule them out.

Fulbright: That is understandable. In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reason?

Laird: We have never engaged in that type of activity over North Vietnam.

Fulbright: That is a perfectly logical answer. I don't see why you were so sensitive about it.

Laird: I am not sensitive about it, Mr. Chairman, but—

And there the matter ended for the moment, to be taken up again when Pell holds hearings on his proposed treaty, probably around the end of May.

Meanwhile, students of government veracity are advised to note that the Defense Secretary limited his denial to "North Vietnam." He did not say anything about Laos or Cambodia.

AMBASSADORS ABROAD

Mr. SPARKMAN. Mr. President, the Christian Science Monitor of May 26 contains an interesting article relating to our ambassadors abroad. I commend its reading and therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMBASSADORS ABROAD

(By Lucia Mouat)

WASHINGTON.—Ambassador. To many, the word suggests flag-flying, chauffeured limousines, and an endless round of cockail parties marked by good manners and cautious conversation.

To the leaders of early America, the word "ambassador" had a certain aristocratic ring to it—and was certainly not the kind of label a democratic country thought it should pin on its overseas representatives. However, when it was found that American emissaries were getting second-class treatment for lack of the formal rank and title, the U.S. relented and in 1894 tapped its first official ambassador.

A year later, in urging Congress to support the purchase of official residences for U.S. envoys abroad, President Cleveland said that while "avoiding unnecessary glitter and show" the U.S. must not let "parsimony and shabbiness in its diplomatic outfit" strain its relationships with other nations.

Today Washington's professional diplomatic corps ranks as one of the best in the world. Virtually every one of the more than 3,000 foreign service officers continues to equate an ambassadorship with the highest calling possible in his career. Yet, aspire as he may, the facts are that roughly one-third of the 119 existing ambassadorial positions (Bangladesh has been added though as yet there's no actual appointment) are filled by political appointees rather than professional diplomats.

Although the practice is not new, it is one that has become increasingly controversial.

Over the years, of course, many other features of the ambassadorial job have changed.

Ambassadors no longer tote the old black satchel of jewels, money, and other enticements designed to buy position in foreign courts. Nor do they specialize in temporary, single-purpose assignments.

NO MESSAGE IN MONTHS

Communications have vastly improved since the day when Secretary of State Thomas Jefferson gently reminded the U.S. delegation in France that he had had no message from them in months and trusted that all was going well. Links between Washington and overseas capitals now are such that U.S. representatives have almost instant access to guidance from home (and vice versa) to the point where they speak with a much more coherent set of voices than ever before.

The fact that foreign policy is largely staged and directed in Washington—and most visibly from the White House under the current administration—also has its effect on emissaries abroad. National security adviser Henry Kissinger's sudden secret trips

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to Moscow for pre-summit preparations and to Paris for Vietnam consultations in a sense directly undercut the role of the appointed U.S. ambassadors in each instance.

In some cases, ambassadors have been no more filled in on sudden presidential shifts in policy than the leaders of the country in question. Former Undersecretary of State George Ball has charged the administration with effectively destroying the credibility of some of its emissaries by not including them in its "circle of confidants."

In some ways, theoretically at least, the ambassador's responsibilities are broader than ever. Many more government agencies, such as the Central Intelligence Agency, Department of Defense, and the Bureau of Narcotics and Dangerous Drugs now have representatives abroad, and the ambassador, as the President's personal representative, is charged with supervising and coordinating their activities. He is the one with primary responsibility for carrying out U.S. policy in his assigned country.

Although the increasingly technical and multilateral nature of modern diplomacy of necessity adds more and more specialists to the U.S. diplomatic corps, the ambassador himself must work harder than ever just to stay reasonably in the know.

But the essence of his job, part lobbyist and part reporter, is still as personal as it has ever been. The grease of diplomacy, as in many a business, is basically human contact. The ambassador's mission is to develop a set of relationships at the highest level in his assigned country in every field from politics to business. Though the trappings are much more sophisticated than they used to be, it is still, as one seasoned diplomat phrases it, "A matter of making sufficient deposits in the account so that checks can be written on it when the need arises."

STATURE VITAL TO SUCCESS

It is generally agreed that the more stature an ambassador has in his own capital, the more likely he is to garner it abroad.

Most of the political appointees are businessmen (sometimes lawyers) who have donated generously to party coffers. And the posts—mainly in the important and attractive Western European capitals but also in Africa, Latin America, and Asia—are offered in large part as a reward for past services.

While it can be argued that such campaign contributions are the only ones with wealth to entertain in the style that befits the United States (until Congress becomes more generous) and the only ones with enough White House influence to prompt action at home when needs arise, it can also be held that such important posts are the very spots in which a country ought to place its most experienced diplomats with their particular wealth of expertise.

Certainly good professionals are hard to come by in many countries. Peking officials have confessed to visitors in recent months that they hope diplomatic recognition does not come too fast because they don't have enough trained people to send out as ambassadors.

The U.S. has no such shortage, yet its percentage of political appointments is extraordinarily high. Not all, of course, are party contributors. Ex-politicians and scholars are also in the ranks. Among the many distinguished political appointees who have served as able ambassadors in past years are Edwin O. Reischauer, Averill Harriman, John Kenneth Galbraith, and Ellsworth Bunker (currently Ambassador to South Vietnam).

Some career diplomats go out of their way to point out that "outsiders" sometimes see problems and solutions more clearly than those laboring for years in the vineyards but, as one says, "It helps a lot if the political appointee knows a little about the country he's going to."

This question of competence, combined with possible conflicts of interest, figures prominently in the hearings which the Senate Foreign Relations Committee holds routinely on each nominee. Maxwell Gluck, a clothing manufacturer nominated as Ambassador to Ceylon some years ago, was not able under vigorous questioning of committee chairman Sen. J. W. Fulbright, to come up with the name of the Ceylonese Prime Minister. In the end, the Senate confirmed him anyway.

DIRECT REJECTION AVOIDED

Technically, the Senate has not rejected a nominee since World War II. The preferred committee tactic is to table the extremely controversial nominations and turn them back to the President at the end of the year. Sometimes, if it is clearly a question of a particular country which has brought on the debate, the President will resubmit the name for another location.

He did this in the case of Texas oilman John C. Hurd, an advocate of tight oil import quotas. When his nomination for oil-rich Venezuela was tabled, the President nominated him for the South African ambassadorship and it was confirmed. Similarly the strong anti-Communist views of Robert Strausz Hupe, former director of the Foreign Policy Research Institute at the University of Pennsylvania, essentially kept him from a North African post a few years ago. But since then he was confirmed as Ambassador to Ceylon and most recently to Belgium.

The most recent controversial nomination case involved a career diplomat rather than a political appointee. Howard P. Mace, who had been the State Department's personnel director and as such helped to carry out what many employees considered a ruthless "selection out" system of promotion, was the subject of several committee hearings instead of the usual one in the course of his confirmation as Ambassador to Sierra Leone. He finally withdrew his name and was shortly afterward assigned to Istanbul as consul-general, a post that needs no Senate confirmation.

RECIPIENT SOMETIMES OBJECTS

Occasionally the country itself will step forward to voice an objection, as one North African country did recently with an ambassadorial candidate it considered too closely allied with Zionism.

Certainly the lure of a man with strong White House influence is enough in the eyes of a few countries to offset other disadvantages, and they candidly admit their general preference for a political appointee. Under the last administration one country made it clear it could well endure some of the idiosyncracies of a backslapping, effervescent ambassador because it knew at any time he could pick up the telephone and say, "Hello, Lyndon . . ." As one diplomat puts it: "The one safe generalization is that no country wants a nobody."

One of those held in high esteem here as a model worth emulating is Lord Harlech, former British Ambassador to the U.S. and under the British definition a career man. He was respected enough by the Kennedys to be in and around the White House almost constantly during the Cuban missile crisis. He occasionally rode to hounds with Mrs. Kennedy.

"There's a line between respected acquaintance and friendship which it isn't really necessary for an ambassador to cross," says one observer.

Any diplomat worth his credentials will spend time cultivating the opposition as well as the establishment. Some have survived several administrations at home as well as abroad. Soviet Ambassador Anatoly Dobrynin has served in the U.S. during the last three Washington administrations. Some ambassadors make courtesy calls on Congress so frequently and faithfully that Senator Fulbright tried several years back to have one gathering a year at which all congregated. It was not successful and the old system prevails once again.

By most objective assessments, a professional diplomat often knows the home foreign affairs machinery and how to make it operate to his ends better than his political counterpart. His skills in human relations work are often a bit sharper, if usually more low-key.

Such quiet but effective building of contacts was regarded as one of the strong suits of the late Llewellyn Thompson, who set something of a record by serving two times as Ambassador to the Soviet Union. Among the most respected career men currently serving in Washington are Sir James Plimsoll, Australian Ambassador, and Nobuhiko Ushiba, Japan's Ambassador.

POLITICAL APPOINTEES MAIN TARGETS

One recent U.S. career appointment, which has greatly heartened State Department professionals, is the President's selection of Martin Hillenbrand, Assistant Secretary of State for European Affairs, as the new Ambassador to West Germany.

There is no denying the fact that it is the political appointees who have been the target of most ambassadorial controversy over the years—sometimes, it can be argued, quite unfairly.

One of the most well-publicized recent incidents was columnist Jack Anderson's charge that Arthur K. Watson, the former IBM executive now serving as Ambassador to France, was "gloriously drunk," used obscene language, and insulted crew members on a March flight back to this country. The story was only partly denied. President Nixon urged on the Ambassadors behalf that "people in glass houses should not throw stones." The State Department stressed that the discussions the Ambassador was about to have with the Peking Ambassador to France were not as delicate, sensitive, and important as rumor would have it. It is also well known that he speaks the language well and is very fond of France, two points which in French eyes may be decisive advantages.

"The question in the end is really not whether a man is a political or a career appointee," says one Washington diplomat who has served extensively overseas. "It's whether he's any good or not."

It boils down, perhaps, to the question of whether the President could afford to be more selective among his political nominees. There may be another way to reward faithful donors other than to hand over on a platter the most important posts. It may well be, though, that many of them would not settle for less.

RHODESIAN ORE

Mr. KENNEDY. Mr. President, I invite attention to an editorial from the New York Times concerning shipments of Rhodesian chrome.

The Senator from Wyoming (Mr. McGEE) led a valiant battle to relieve the damage caused by lifting the ban on imports from Southern Rhodesia. But, the deception of the administration successfully undermined his attempts to reimpose sanctions on that government.

I fully supported Senator McGEE, and I believe that there must be even another attempt to halt those imports. The New York Times editorial clearly describes why the move to reimpose sanctions is important. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HYPOCRISY ON RHODESIA

Forty Senators—only two-fifths of the membership but a slim majority of those present and voting—have dealt another blow against the credibility of the United States and the prospects for building an effective United Nations. On the spurious arguments of Senator Harry F. Byrd and others, they have voted in effect to require this country to continue to breach the sanctions invoked with American support by the U.N. Security Council against the white racist rulers of Rhodesia.

This makes the United States an international lawbreaker, an offender not only against a Security Council decision but against the U.N. Charter itself. Such an action will help propel the United Nations down the road to extinction taken by the League of Nations after its failure to halt Fascist Italy's aggression against Ethiopia in 1935.

The 40-to-36 vote, rejecting an effort by Senator McGee of Wyoming to return the United States to the side of international law, reflected racism, pique at the U.N. for ousting Taiwan, and clever lobbying by the Rhodesian regime as well as by Union Carbide Corporation and the Foote Mineral Company, both importers of Rhodesian chrome.

Most of all, however, the Senate behavior reflected a double game by the Nixon Administration. It tried to placate liberals, blacks, U.N. backers and African governments with a State Department letter supporting Mr. McGee while refusing the minimal White House initiative that would have brought him victory.

The letter to Mr. McGee from Acting Secretary of State John N. Irwin refuted all the arguments advanced by Mr. Byrd for breaking the sanctions to permit chrome imports: there is no shortage of chrome but 2.2 million tons of excess in the strategic stockpile; the Government hopes to sell off 1.3 million tons; the United States is not dependent on the Soviet Union for any of its chrome needs.

But especially in this Administration the lawmakers pay scant heed to the State Department; a White House follow-through was plainly required. Prior to the vote, Senator McGee telephoned Presidential assistant John D. Ehrlichman to report that six Senators in doubt on the issue had promised to support his amendment if asked to do so by the White House. But an Ehrlichman assistant later called back to say Mr. McGee could expect no further help in the matter.

After his amendment lost by four votes, Mr. McGee told the Senate of this exchange and warned of the high cost for America of a hypocritical stance on such matters of principle. "The time has come when the African nations no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs," he said. "Either we believe in their aspirations or we don't. Either we believe in the United Nations or we don't. We cannot have it both ways."

It would be comforting to be able to believe that these words had impact on forty Senators who had just voted to tarnish the honor of the United States for a supply of excess chrome and the preservation of white minority rule in Rhodesia.

PROBATION PERSONNEL SEEK TO STEM CRIME INCREASE

Mr. SYMINGTON. Mr. President, I am pleased to note that the Senate approved an increase in funds for the Division of Probation with passage on June 15 of the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies. Our action followed the excellent recommendation of the Appropriations Committee to recognize the needs of the Division of Probation for additional probation officers and supporting staff.

The central responsibility of the Division is to provide control, guidance and assistance to released offenders, including parolees and probationers, to prevent their return to crime. In doing so, a contribution is made, of course, to the safety of our homes and streets.

In recent years, however, the Division has encountered a large increase in its workload. A constituent's letter brought this situation to my attention. I would like the Senate to hear what Mr. J. Alan MacDaniels, Chief Probation Officer for the Eastern District of Missouri, wrote:

Our probation offices are finding that supervision caseloads are increasing at a rapid rate, as are our presentence investigations for the courts. Less and less time is available for adequate supervision and treatment of problems that are very much apparent. Our officers are frustrated, realizing that areas needing their attention are having to be ignored in order to handle emergency situations, that if they had time, would not have occurred.

Funds have been approved for additional law enforcement and institutions. This stopped short of the total problem. Institutions can offer the tools for an individual to return to free society but the tools he has acquired are of no value if he does not know how to adapt to a free society. Probation officers are totally involved with each individual, his family, employment, and/or education, adjustment to responsibilities that must be accepted and numerous other day to day problems that arise.

Probation officers can make the biggest contribution to stemming the increase of law violations if we have adequate staff with reasonable caseloads."

Mr. President, I would like to present five factors contributing to the increased workload of the Division and demonstrate how they justify an increase in the Division's budget.

First, the number of persons under the Division's supervision has increased drastically in recent years. In fiscal year 1969, 612 probation officers supervised 36,987 persons. Thirty months later, the number of persons supervised had jumped to 45,177, a 22-percent increase. Yet the number of supervisory officers had increased only 5 percent, to 640. Each officer, therefore, now handles an average of 74 cases, more than double the level of 35 cases per officer recommended by the President's Commission on Law Enforcement and Administration of Justice.

Second, heavy demands on the Division for presentencing investigative assistance has diverted large amounts of manpower from its primary function of supervision. Such assistance is vital, and is properly performed by the Division, but is nevertheless quite time consuming. Division personnel filed 25,000 presentencing reports last year.

Third, many persons under the Division's supervision live in urban areas where an officer cannot work safely by himself. A survey in one city revealed that 40 percent of the cases involved persons living in such dangerous areas. Although officers should therefore work in pairs in such areas for their own protection, because of inadequate staffing, they cannot always do so.

Fourth, certain parolees require "maximum supervision and close surveillance" according to the Board of Parole guidelines. The Board urges that these cases be assigned on the basis of not more than 25 cases per officer. This, of course, further increases the workload of probation officers.

Fifth, probation officers' responsibilities have been increased still further by new programs required by statute. As one example, pursuant to the Narcotic Addict Rehabilitation Act of 1966, probation officers provide community supervision for certain persons sentenced under the act. Since the Congress has prescribed these added duties which serve definite national needs, we must also be prepared to provide the Division with sufficient resources with which to perform those duties.

Accordingly, I support the increase in funds recommended by the Senate Appropriations Committee that will permit an increase of 236 probation positions on a nationwide basis. While it does not meet the full request of the Division for an increase of $7 million to provide for 348 additional probation officers and supporting staff, it is well beyond the House provision of only 100 additional officers and staff.

One final note, Mr. President. Use of probation wherever feasible is financially advantageous compared to imprisonment. Per capita probation costs have consistently been one-tenth of the cost for imprisonment.

THE CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. PELL. Mr. President, today is the final day of the United Nations Conference on the Human Environment. I have just returned from Europe where I had the honor of serving as a member of the U.S. delegation to this Conference, a conference which marks the beginning of a new era in the history of international relations. It is the first small step in a global cooperative effort designed to preserve and improve our planet's environment.

During the past 2 weeks, over 1,000 delegates from 114 countries assembled in Stockholm to identify the world's most urgent environmental problems and to seek agreements on actions to deal with these issues. It has been widely accepted that this United Nations Conference is one of the most important and best prepared U.N. conferences ever convened.

Preparations for this Conference have been under way for almost 4 years. These activities have been conducted under the guidance of Maurice Strong and a 27-nation preparatory committee which met four times during this 4-year period. In addition, five intergovernmental working groups and seven regional seminars were conducted to develop specific action proposals and to provide insights and make recommendations. All these preparations have produced 12,000 pages of Conference documentation, including over 70 national reports summarizing the various global environmental problems.

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This information was studied, condensed, and converted into an action plan which consisted of approximately 200 proposals. These proposals were grouped under the following subject areas:

First. Planning and management of human settlements for environmental quality;

Second. Identification and control of pollutants of broad international significance;

Third. Educational, informational, social and cultural aspects of environmental issues;

Fourth. Development and environment; and

Fifth. International organizational implications of the action proposals.

These proposals and the Conference itself are designed:

To increase the knowledge of the character and seriousness of the threats to the environment; and

To make use of the United Nations institutional system in order to prevail upon national governments to adopt concrete measures on both a national and international level.

However, the task of the Stockholm Conference has been complicated by a number of political issues. The first is the split between the developed and the developing nations.

The industrialized countries, anxious to limit international action to the discussion of antipollution standards, feared that the Conference would be converted into a platform for poor country demands for increased economic aid. On the other hand, the lesser developed nations were concerned that international standards would impede or delay their plans for economic development. This is still a contentious point and is one of the primary factors, along with China's intransigence, which prevented the Conference from reaching an agreement on the Declaration of Principles.

Another problem of the Conference was the dispute with respect to East Germany. Late last year the U.N. General Assembly voted to limit the participation in the Stockholm Conference to only those countries which are members of the United Nations or its affiliated agencies. This formula permitted West Germany, a member of two United Nations specialized agencies, to take part in the Conference, but excluded East Germany. As a result, Russia and the Eastern bloc countries, except for Rumania and Yugoslavia, have boycotted the Conference. The absence of these nations, which represent a quarter of the world's industrial capacity and pollution, has considerably weakened the impact of the Conference's accomplishments.

In addition to the above problems, there is a very good possibility that the "Declaration on the Human Environment" may never be adopted. This is the document that sets forth the guiding principles for world environmental initiative. China's insistence on fixing the responsibility for environmental pollution on "imperialist aggressors" and the demand by some developing countries for financial advantages through the right of compensation for damages caused by environmental standards has placed this document in grave danger. Hopefully, this issue can be resolved before the closing session this evening.

However, despite the current problems of the Declaration, I feel the Conference has produced some positive accomplishments. For one thing, the international action plan adopted by the Conference, although weak in many respects, does provide a framework for substantial future international environmental action. Coupled with the creation of a new permanent unit to coordinate all U.N. environmental programs, the Conference action plan is a document promising great potential.

I only hope that the nations of the world utilize this potential to establish new groupings of interests which will be prepared to undertake far-ranging international initiatives to preserve and protect the global environment. It is only through the collective efforts of all nations—both developed and developing—that we can hope to improve and preserve our global environmental quality.

Mr. President, for the benefit of interested environmentalists, I ask unanimous consent that the several statements be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INTERNATIONAL ORGANIZATIONAL IMPLICATIONS OF ACTION PROPOSALS—(SUBJECT AREA VI)

WORKING PAPER—DRAFT RECOMMENDATION

The United Nations Conference on the Human Environment

Convinced of the need for prompt and effective implementation by Governments and the international community of measures designed to safeguard and enhance the human environment for the benefit of present and future generations,

Recognizing that responsibility for action to protect and enhance the environment rests primarily with Government and, in the first instance, can be exercised more effectively at the national and regional levels,

Recognizing that environmental problems of broad international significance fall within the competence of the United Nations system,

Bearing in mind that international cooperative programmes in the environment field must be undertaken with due respect to the sovereign rights of States and in conformity with the United Nations Charter and principles of international law,

Mindful of the sectoral responsibilities of the organizations of the United Nations system,

Conscious of the significance of regional and subregional co-operation in the field of the environment and of the important role of the regional economic commissions,

Recognizing that problems of the human environment constitute a new and important area for international co-operation and that the complex interdependence of such problems requires new approaches,

Recognizing further that the relevant international scientific and other professional communities can make an important contribution to international co-operation in the field of the environment,

Conscious of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and progarmmes compatible with their development plans,

Convinced that, in order to be effective, international co-operation in the field of the environment requires additional financial and technical resources,

Aware of the urgent need for a permanent institutional arrangement within the United Nations for the protection and improvement of the human environment—

GOVERNING COUNCIL FOR ENVIRONMENTAL PROGRAMMES

1. Recommends that the General Assembly establish the Governing Council for Environmental Programmes composed of [54] members, elected for three-year terms on the basis of equitable geographical distribution;

2. Recommends further that the Governing Council have the following main functions and responsibilities:

a. To promote international co-operation in the environment field and to recommend, as appropriate, policies to this end;

b. To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;

c. To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;

d. To keep under review the world environmental situation in order to ensure that emerging environmental problems of worldwide significance should receive appropriate and adequate consideration by governments;

e. To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;

f. To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects are compatible with the development plans and priorities of those countries;

g. To review and approve annually the programme of utilization of resources of the environment fund;

3. Recommends further that the Governing Council report annually to the General Assembly through the Economic and Social Council, which would transmit to the Assembly such comments on the report as it may deem necessary, particularly with regard to questions of co-ordination and to the relationship of environment policies and programmes within the United Nations system to overall economic and social policies and priorities;

ENVIRONMENT SECRETARIAT

4. Recommends that a small secretariat be established in the United Nations, with headquarters in [.....] to serve at the secretariat level as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management;

5. Recommends further that the environment secretariat be headed by the Executive Director, who shall be elected by the General Assembly on the nomination of the Secretary-General, and who shall be entrusted, *inter alia*, with the following responsibilities:

(a) To provide substantive support to the Governing Council;

(b) Under the guidance of the Governing Council, to co-ordinate environmental programmes within the United Nations system, to keep under review their implementation and assess their effectiveness;

(c) To advise, when appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;

(d) To secure the effective co-operation of and contribution from, the relevant scientific and other professional communities from all parts of the world;

(e) To provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment;

(f) To submit to the Governing Council, on his own initiative or upon request, proposals, embodying medium- and long-range planning for United Nations programmes in the environment field;

(g) To bring to the attention of the Governing Council any matter which he deems to require consideration by it;

(h) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund;

(i) To report on environment matters to the Governing Council;

(j) To perform such other functions as may be entrusted to him by the Governing Council;

THE ENVIRONMENT FUND

6. Recommends that, in order to provide for additional financing for environmental programmes, a voluntary fund be established in accordance with existing United Nations financial procedures;

7. Recommends further that, in order to enable the Governing Council to fulfill its policy guidance role for the direction and co-ordination of environmental activities, the Fund finance the costs of the new environmental initiatives undertaken within the United Nations system. These will include the initiatives envisaged in the action plan adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the Governing Council. The Governing Council shall review these initiatives with a view to taking appropriate decisions as to their continued financing;

8. Recommends further that the Fund be used for financing such programmes of general interest as regional and global monitoring assessment and data collecting systems, including, as appropriate, costs for national counterparts; improvement of environmental quality management; environmental research; information exchange and dissemination; public education and training, assistance for regional and global environmental institutions; and promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth, compatible with adequate environmental safeguards. In the implementation of such programmes due account should be taken of the special needs of the developing countries.

9. Recommends further that the expenses of the Governing Council and the secretariat [be borne by the regular budget of the United Nations] [be borne by the Environment Fund];

10. Recommends further that, in order to ensure that the development priorities of developing countries are not adversely affected, adequate measures be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country. To this end, the Executive Director, in co-operation with competent organizations, will keep this problem under continuing review.

11. Recommends that the fund, in pursuance of the objectives stated in paragraphs 7 and 8, be directed to the need for effective co-ordination in the implementation of international environmental programmes of the organizations of the United Nations system and other international organizations;

12. Recommends that, in the implementation of programmes to be financed by the Fund, organizations outside the United Nations system also be utilized as appropriate, in accordance with the procedures established by the Governing Council;

13. Recommends that the Governing Council formulate such general procedures as are necessary to govern the operations of the Fund.

COORDINATION

14. Recommends that in order to provide for the maximum efficient co-ordination of United Nations environmental programmes, an Environmental Co-ordinating Board, chaired by the Executive Director, be established under the auspices and within the framework of the Administrative Committee on Co-ordination;

15. Recommends further that the Environmental Co-ordinating Board meet periodically for the purpose of ensuring co-operation and co-ordination among all bodies concerned in the implementation of environment programmes and that it report annually to the Governing Council;

16. Invites the organizations of the United Nations system to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems;

17. Invites the Regional Economic Commissions and the Economic and Social Office in Beirut, in co-operation, where necessary, with other appropriated regional bodies, to further intensify their efforts aimed at contributing to the implementation of environmental programmes in view of the particular need for rapid development of regional co-operation in this field;

18. Invites also other intergovernmental and those non-governmental organizations which have interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination.

19. Calls upon Governments to ensure that appropriate national institutions shall be entrusted with the task of co-ordination of environmental action, both national and international;

20. [Recommends that the concept of a world environmental institute or other appropriate mechanism be pursued, drawing upon the international scientific community and other relevant disciplines to act as a global research resource, to provide to the appropriate United Nations body and to all nations, research results and analyses of scientific information relevant to environmental problems];

21. Recommends that the General Assembly review, as appropriate, at its thirty-first session, the institutional arrangements which it may decide upon in pursuance of this recommendation, bearing in mind, *inter alia*, the responsibilities of the Economic and Social Council under the Charter.

PRACTICE OF CHIROPRACTIC

Mr. BURDICK. Mr. President, an article entitled "Who on Earth Goes to a Chiropractor?" published in the respected magazine, Medical Economics, was recently brought to my attention. It illustrates many of the successful services chiropractors have performed for their patients.

Since the acceptance and professionalism of chiropractors will again be a matter of debate when H.R. 1 comes before the Senate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO ON EARTH GOES TO A CHIROPRACTOR?

(By Allyn Z. Baum)

(Note.—An article we published last year, "Now Chiros Treat Heart Trouble—Oh, My Aching Back!," accurately reflected our considered opinion that chiropractic as a science cannot be taken seriously. And still the chiropractors themselves survive and sometimes even prosper. What's their nonscientific secret? An amalgam of the laying on of hands, the art of human relations, and a few older things that the medical profession would be wise not to dismiss too lightly. Listen and learn while 11 representative patients in one chiropractic office tell what brought them there and what they get from treatment. We report these findings without recanting one word of a terse sum-up we published five years ago: "Chiropractic is a dangerous cult.")

An Episcopal minister, a pharmacist, several business executives, a dentist, a college student, an attorney—these may not be your idea of the types of patients to be found in a chiropractor's office. But they're among the types I found recently while spending a full day checking out a cross section of chiropractic patients. Even more surprising was the discovery that several were there with their family physician's blessing. Most of the rest had broken away from their family physician or specialist because of what they considered to be failings in the way they'd been treated.

Tune into what I heard one Friday in the offices of Warren I. Hammer and Marino R. Passero. Together with a third associate, Sheldon C. Delman, presently a consultant only, they operate a newly formed chiropractic group practice in the Norwalk (Conn.) Medical Center. In addition to the chiropractors, the building lists among its tenants a dermatologist, an internist, a neurologist, an OBG specialist, a pediatrician, two surgeons, a urologist, and six dentists.

From 8:30 a.m. to 6.30 p.m. that day, I talked with the chiropractors' patients as they came through. Sixty-five were scheduled for either examination or adjustment. The majority were seen by Hammer; Passero was new to chiropractic at the time. The patients whose pictures and comments follow were selected as being representative of those who were treated during that day.

First meet the chiropractors themselves:

"Our profession has been built on medical failures," says chiropractor Warren I. Hammer (at right), shown here with his associate, Marino R. Passero. "Chiropractic thrives because chiropractors are providing a kind of service the average doctor doesn't. We must be doing something right. How else can you explain upwards of 200 patients a week coming here—many of them after recent experience with M.D.s and some even sent by M.D.s?"

The chiropractors occupy a suite formerly used by an orthopedic surgeon. They pay $500 a month in rent and have four treatment rooms. Among their common courses of treatment are adjustments for neck trouble (approximately eight to 10 visits per patient) and for lower back conditions (approximately 12 visits per patient). The usual charges: $8 to $10 a visit, with physical examinations, X-ray, and lab fees additional. House calls? Yes indeed . . . at $12 and up. Perhaps most surprising is the fact that Hammer claims chiropractic malpractice insurance rates haven't gone up in about 20 years. "The reason is simple," he says. "We don't do anything that puts the patient in jeopardy. Our whole approach is to effect a structural correction to enable him to get well in the shortest period of time."

There's a place in medicine for both physicians and chiropractors in the opinion of Norwalk attorney Edward J. Zamm. Though for years he'd balked at the idea of seeing a chiropractor, Zamm has been a patient of Warren Hammer's for the past two years. "The problem was with my right leg," Zamm says. "My internist had diagnosed the trouble as a pinched sciatic nerve. Two years ago when the pain flared up, my internist told me I had to get off my feet completely and

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take muscle relaxers. If that didn't work out, he said I would have to go into traction."

Unable to spare the prescribed four days off his feet, Zamm was beside himself. Then one of his clients suggested he try a chiropractor. "To be honest," Zamm says, "I was reluctant to see a chiropractor. There are professional taboos, and chiropractors are among them. They aren't looked on with favor by the legal profession." Eventually, Zamm's pain got the better of his reluctance. He made an appointment to see Hammer, who's shown here looking over X-rays taken for Zamm's regular checkup. Zamm recalls that Hammer's first thrust brought relief; in one month, his limp had disappeared.

"When I told my M.D. I was seeing a chiropractor," the attorney recalls, "he simply shrugged and said, 'If he helps . . . great.'" Zamm still sees his internist for his annual physical and for routine medical care. But when it comes to sore arms, kinks in the neck, or backaches, Zamm makes no bones about what he does: "I beeline it to the chiropractor."

The brusqueness of his personal physician and the high cost of surgery were two factors that Domenico Palladino cites as reasons he sought treatment from the Norwalk chiropractic group. A year ago, this self-employed Jack-of-all-trades injured his back. His physician diagnosed the injury as a slipped disk.

"He told me there was nothing that could be done except to operate," Palladino says. "The way he said it frightened me. He talked to me like I was nothing—a piece of dirt in his office. And without even asking me, he called a specialist and then phoned the hospital to reserve a bed for me. I didn't have a chance to say anything. Then he wrote out a prescription for something to kill the pain in my back, charged me $25 cash, showed me the door, and said good-by. He never even wished me luck.

"I told my friends what the doctor had said. They advised me to see a chiropractor before going into the hospital. I had nothing to lose, so I called Dr. Hammer for an appointment." Once he found Hammer could help him, Palladino called his M.D. to cancel the hospital admission. "You know," he says bitterly, "that doctor never even asked me how I felt. What kind of doctor is that? Who in hell needs that kind of concern?"

In the year that Palladino has been treated by Hammer, he's made what both of them describe as "a complete recovery." Palladino adds: "This chiropractor has saved me a hell of a lot of money. He fixed me up without hospitalization and without an operation."

"I find chiropractic treatment an ideal remedy for tensions." That's one of the reasons the Rev. Edward H. Ehart visits Hammer for adjustments. The clergyman is rector of Norwalk's Grace Episcopal Church. "I try to see my chiropractor at least four times a year," he explains. "And if I'm especially tense, I come in once a week."

Mr. Ehart, shown here having his blood pressure taken by Hammer and recorded by one of the group's three aides, has undergone this kind of therapy for the past 22 years. Before becoming the chiropractor's patient, Ehart has gone to an osteopath. "He looked after me quite well until he died," the rector says. "Some of my parishoners suggested I see Warren Hammer several years ago. I've been coming ever since."

He credits the chiropractor with helping him to keep in splendid shape. For instance, several months ago, Ehart injured his back while working around the rectory. "Dr. Hammer put my back in shape in just two visits," the rector says.

Asked if he doesn't think chiropractic adjustments for tension are more of a mental than a physical factor, the clergyman responds: "Absolutely not. This type of therapy is no more a mental thing than going to your doctor when suffering from a severe cold. If you have a dislocation, chiropractors can find it and adjust it just as well if not better than a medical man can. The same goes for tension. On the other hand, if it's something that requires medication, Dr. Hammer rightly refers me to a medical man."

Severe migraine headaches drove liquor-store owner William G. Serrao into Marino Passero's cervical treatment chair. "It was a last resort," Serrao says. "I'd been to see my physician about them. He looked me over, gave me a couple of prescriptions, and told me if one didn't work, I should try the other." When Serrao called back a few days later to report no relief, he says, his physician told him to "increase the dosage."

Several of Serrao's customers, hearing of his headaches, told him they'd obtained relief from chiropractors. "I didn't know anything about chiropractors," he liquor dealer says. "But what did I have to lose? I made an appointment with Dr. Passero to see if he could help me."

Serrao was on his third visit to Passero when photographed here. Immediately after his treatment, Serrao said he was realizing "honest-to-God relief. It's beautiful."

What had Passero done? Serrao describes the therapy: "It's a gentle jerk of my head—to one side and slightly up. Then he puts pressure—sort of like a massage—at the base of my neck and the pain begins to ease."

Serrao wasn't at all inclined to tell his family physician about his visits to the chiropractor and the ensuing headache relief. "Why should I?" he asks. "My doctor would only pooh-pooh it all and tell me to go back to the drugs he'd prescribed."

When she's not feeling well, Kathie B. Thomas visits her chiropractor. The wife of an electrician, she lives in Bethel, Conn., but thinks nothing of making the 25-mile trip to Norwalk for an examination, checkup, and adjustment for herself or her 6-month-old daughter, Tracie. Mrs. Thomas became a patient of Hammer's 10 years ago. She was brought to him for the correction of curvature of the spine.

"My family always had a deep belief in the healing art of chiropractors," Mrs. Thomas says. "It was only natural that when our doctor told them of my spinal condition and said he didn't think he could help me, my parents brought me to the chiropractor. Dr. Hammer went to work and corrected the curvature. Right now I'm here because I haven't been sleeping well. Tensions. He's going to adjust my spine."

Throughout pregnancy, Mrs. Thomas went regularly to the chiropractor for adjustments. "I saw Dr. Hammer right up to the day before Tracie was born." One month after she had her daughter, Mrs. Thomas brought the baby to Hammer for examination. "I have a pediatrician," she says, "but Dr. Hammer looks for things the baby's doctor might overlook."

Even though Mrs. Thomas goes to chiropractors for almost all her ills, the Norwalk chiropractic group practitioners don't treat "infectious disorders or complaints." They refer patients having them to physicians, sometimes to the disappointment of the patient. Mrs. Thomas is a case in point. Several months ago, she went to Hammer with an infected arm. "He took one look at it and sent me back to my family doctor," she reports. "He could have treated me if he'd wanted to."

Four months of therapy by a family physician reportedly failed to alleviate the back pain of 18-year-old Steven M. Chomicz. A senior at Fairfield (Conn.) College Preparatory School, he'd been injured in an auto accident. Steven's father first took his son to their physician for care.

"Despite daily treatment," Steven says, "the pain didn't ease. But the bills came in regular as clockwork. My father got disgusted. He asked our doctor if he didn't think I should see a specialist. The doctor told my father that he didn't care to refer me to anyone else. Well, my dad took me to an orthopedist anyway. The specialist told us there wasn't anything he could do for me."

Soon after their visit to the orthopedist, Steven's mother was told by friends that a chiropractor might be able to help her son. As Steven puts it, "My parents thought a visit to a chiropractor wouldn't hurt." When he went for his first adjustment, Steven thought all that would be involved would be a massage. "It turned out to be nothing of the sort. It was all very scientific. And it was a far cry from the way our doctor treated me. Whenever I asked *him* something, his attitude was, 'Now, now, young man, Doctor knows best. . . .'"

After two weeks of chiropractic care, Steven says, there was a definite improvement in his condition, and three months later he had no more pain. The boy's parents were so pleased with the results that they too are now visiting the chiropractor. And Steven—who had been planning on premed or oceanography studies—is now thinking seriously of taking up chiropractic instead.

Suffering from low-back pain resulting from a car accident, Norwalk pharmacist Elliott B. Stoll first went to his personal physician for treatment. Following the examination, Stoll says, his physician told him there was no need to refer him to a specialist and that he'd treat Stoll himself. The M.D.'s treatment consisted of diathermy and prescribed muscle relaxants. A month passed with no easing of pain.

It wasn't long before customers at the drug-store, noting Stoll's discomfort, began telling him he should see a chiropractor. "Every time they mentioned the word to me," Stoll says, "I winced, I'd always considered chiropractors a bunch of quacks. I didn't want to get involved with them." However, Stoll became convinced his customers couldn't all be wrong. He decided to give chiropractic a crack at his back.

When the pharmacist told his family what he intended to do, they were appalled. Stoll visited Hammer anyway, and after three adjustments, he felt a positive easing of pain.

Not long after his chiropractic treatment was under way, the insurance company wanted Stoll examined by an orthopedist for his injury. "During my examination," says Stoll, "I asked the orthopedist what he thought of my being under the care of a chiropractor for my back trouble. The orthopedist told me, 'Keep going, Mr. Stoll. They're doing a good job.'" Later, Stoll says, his personal physician heard about it and told him, "If you think it's helping, continue."

When Linda Brown called the allergist her G.P. had referred her to, it was to request an immediate consultation. She was told she'd have to wait for an opening, possibly in two weeks. That was too long. The 19-year-old University of Connecticut coed was suffering from acute asthma; her G.P. apparently had been unable to provide her with relief. At the suggestion of some friends, Linda's parents made an appointment for her with the Norwalk chiropractic group. "I didn't know what a chiropractor was or what he did, and I honestly doubted he could help me," Linda recalls.

During the initial examination, Hammer asked the coed about her eating habits. When he learned she'd been eating a lot of eggs, the chiropractor advised her to stop eating all dairy products. He then gave her an adjustment for her asthmatic condition. "After two or three visits, I noticed some relief," Linda says.

Pleased with the results of these visits, Linda and her parents were all for disregarding their G.P.'s referral to the allergist. Hammer, however, insisted Linda keep the appointment. Two weeks after the asthmatic attack had subsided, Linda finally saw the allergist. Following extensive tests, he confirmed that eggs were the cause of the attack and, according to Linda, told her to continue her therapy with the chiropractor.

"I was desperate. I needed my doctor, but he couldn't come." That's how Richard Tamburo found his way to chiropractor Marino Passero. The owner of two large grocery stores in the Norwalk area, Tamburo has been an asthmatic all his life. "My attacks are so sudden and acute that I have a supply of Adrenalin and a syringe to use at home in case of emergencies. Last December, I was stricken. After two days my condition still hadn't improved. Neither the medicine my doctor prescribed nor the Adrenalin helped."

It was then that Tamburo took a shot in the dark. "I'd heard my mother-in-law telling my wife about chiropractors. So I called the Norwalk chiropractic group. When I explained my trouble, Dr. Passero said he'd be right over." Within 45 minutes of his first adjustment, Tamburo claims, he was finally able to lie down. Passero returned to Tamburo's home two more times. After the third chiropractic treatment, the grocer was able to return to work.

"When the doctor called, my wife told him I had recovered and was back at work," Tamburo adds. "All he said was, 'Glad to hear he's better.' Well, I sure was glad my doctor was glad to hear I was better! I hope he'll also be glad to hear that I now tell my friends they ought to go to chiropractors. One thing I've learned about chiropractors—they care."

"Why not try a chiropractor?" That's what Frank P. Warren says his family physician advised when he balked at undergoing traction treatment. The director of industrial relations with a large Connecticut engineering firm, Warren expains he couldn't see any reason for going through the discomfort of traction when his physician couldn't guarantee its success. The Rowayton man was suffering midspinal pain that was possibly caused by his slightly shortened right leg, he was told.

Following his physician's suggestion, Warren asked among his friends for the name of a chiropractor. "I was surprised how many of them could recommend specific chiropractors," Warren says. "I'd never thought chiropractors were people to be taken seriously." That was nine years ago, and Warren has been seeing Hammer ever since.

"When I first went to Dr. Hammer," Warren explains, "he gave me as thorough an examination as any doctor ever has. Then he said he thought he could definitely help me. He proved 100 per cent right."

Dentists are said to be overly susceptible to back trouble. That's what sent Dr. Jack R. Weinberg to a chiropractor about 20 years ago. "I'd developed a low-back pain that was becoming worse," the Norwalk dentist recalls. "It became so bad I had to start canceling afternoon appointments. My internist, an old friend, told me, 'All I can do for you is fit you for a brace and give you a prescription. Why don't you see a good chiropractor?'"

Weinberg says he was thunderstruck at the idea. But as his back pains increased, he swallowed his qualms and sought out a chiropractor. He vividly remembers his first visit: "My pain was excruciating. The chiropractor seemed surprisingly professional; he took a complete history, ordered lab tests, shot X-rays, and did a thorough examination. Then he placed me on my side, thrust once in my lower back, and the pain immediately began to ease."

With continued treatment and adjustments, the dentist says he was able to resume full practice, and in three months all his pain had disappeared. Today he's a devotee of chiropractic. "Sure, I know all the things that are said about chiropractors—that they're pitchmen, con artists, hoaxers, and so forth—but I happen to believe they know what they're doing," Weinberg says. "They help. But I'll admit I don't exactly know how."

SMITHSONIAN'S CONSERVATION LABORATORIES

Mr. PELL. Mr. President, many museum visitors are unaware of the complex study and work involved in presenting the objects and pictures which educate and amuse them. One major task is the conservation and preservation of pictures, ancient artifacts, and old documents. Using the most sophisticated scientific techniques, the museum conservator can perform genuine miracles. The Washington Post Potomac magazine for May 28 contains a most interesting article describing the conservation laboratories at the Smithsonian Institution and tells of the intricate and fascinating work done on the museum's varied collections.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE MAN'S CRUST IS ANOTHER MAN'S PATINA

(By Peggy Thomson)

Ever wonder how they launder those Colonial coverlets at the Smithsonian Institution? Or how they keep Martha Washington's knife chest in good repair?

For the Smithsonian, acquiring its 64 million objects of historical interest is one matter; keeping them around is another. Preventing deterioration of exhibits and collections is a science involving esoteric chemicals and practiced techniques. A central conservation laboratory, headed by Robert Organ, recommends how to most safely store such items as display banners and medieval glass, how to rid a carriage seat or piano of a carpet beetle and how to minister to crumbling saddlery, corroding bronze and mutilated documents.

Organ, a stern conservator who came to Washington via the British Museum, applies the unyielding standards that have long been accepted in the handling of Greek antiquities: they are of value in their own right and not to be altered. An earlier school of thought held that an object should be restored; if it breaks, mend it and make it look as it did before. "But," says Organ, "if you do that, you destroy the evidence that was in the original and all you can say is that you've gone through the same motions in re-making it.

"Restoration is essentially a stagey art undertaken to improve appearances. On an accessioned object, it's forgery," Organ maintains. "If a jug is broken because George III fell over it in a drunken frenzy, then the break is part of its history. Today we'd use a 20th century glue and let our mend be visible."

Conservators of Organ's persuasion frequently prescribe doing nothing as the best method of conservation. They avoid "stripping down" items or "overpainting" them. From a range of products and techniques, traditional and modern, they choose the glues and pigments that can be removed without affecting the original. Take Martha Washington's knife chest, for example. The warped back was slit and reglued. A Plexiglas bottom was added (Plexiglas was used so no one would mistake it for the original). After some seven practices on a dummy, a black coating from the sharkskin was removed with needles and a hog-bristle brush. The silver ribbon trim was cleaned under a microscope with glass-bristle brush and silver cloth, impainting sharkskin lacunae with microcrystalline wax covered with earth pigments. Where velvet was originally affixed with hide glue, a modern and milder adhesive was used to spare the balding velvet a permanent wet look.

Almost as important as what is done to the objects is good housekeeping—maintaining a dust and insect-free environment with proper temperature, lighting and humidity year-round. Additionally, hostile substances must be separated: lead bullets should not be stored in wood boxes, old letters and quilts should not be touching acidic wood drawers or wood-pulp papers.

Organ's lab is housed in a cluster of offices in the Museum of History and Technology where a railroad crossing arm bars the door, sparing the eight scientist-conservators from kibbitzers' advice. The lab is equipped to work directly on objects—to block Henry Clay's hat, to stabilize the leather deterioration on a Civil War drum, to test for the presence of meteoric iron in 3,000-year-old Chinese bronze blades. Into close quarters is fitted the equipment for micro-chemistry and wet chemistry, infrared spectrophotometry and other machines including an oven for accelerated aging.

As objects do deteriorate and become damaged, the conservator outlines a range of acceptable procedures to prolong their existence. Then he has to make his peace with the curator, whose concern is often different from the conservator's. The curator may be concerned with appearance only. He may want to show what an object looked like when new, one man's corrosion crust being, as Organ says, another man's patina. To win curators and technicians to his view, Organ offers a series of 80 lectures covering chemistry and practical procedures with wood, leather, paper, metals, glass and ceramics (or, "keramics," as Englishman Organ pronounces the word).

Even with goals agreed upon there are problems. Cleaning a smoke-smudged leather Indian cradle checks its aging but prevents a future scholar from identifying the wood by the smoke. In shining the First Ladies' Sheffield silver, some of the original plate is removed. A solution here is to clean with a chemical dip, then transfer the silver from the tarnish onto the bare spots.

Various Smithsonian divisions do their own conservation. Bethune Johnson, in Natural History, uses an air jet machine to clean vast collections of smoke-smudged baskets, stone nose rings, Indian dresses fringe by fringe. A trio of women, like a genial Altar Guard, sit daily at their glueing and stitching (Clark's #8 cotton), transferring botanical collections from old paper that is damaging to a newer, better quality paper. Meanwhile, a man over in mammals shifts 15,000 Venezuelan bats to a more benign solution than the one in which they arrived from the field.

To anyone who sets foot in her 20,000-item skulls collection, Lucile St. Hoyme will explain that skulls need never be sprayed or dunked in varnish or coated with paraffin. She finds a dishpan rinsing sufficient although her colleague in dinosaurs, Nicholas Hotten, occasionally chooses to fortify a skeleton—like his newly acquired pecary from Kentucky—with an application of hot beeswax. The exhibits technician dressing Billy Mitchell and Eddie Rickenbacker in their World War I flying suits provides pantyhose and long-sleeved undershirts lest the dummies' surface paint damage the old wool.

The central conservation lab receives some 600 questions per year from average citizens. Form letters prescribe recipes for Florence paste, British Museum leather dressing, and wheat starch paste. But some of the other questions received defy easy answers. For example, was a famous but fading signature mentioned in a querry written with ballpoint pen or parchment, on a baseball, or on a ballet slipper?

Two frequently asked questions deal with newly-purchased African sculpture that is

XUM

cracking, and crumbling newspapers. For the cracks in the African sculpture, either enclose the object in an air-tight polyethylene bag and store in a cool place, preferably outdoors, for two years, or let it crack as much as it will and then get it restored.

For newspapers, the response is more one of sympathy than prescription. It is possible to get a professional de-acidifying and laminating job, but newsprint suffers from an inherent vice: it self-destructs, especially if it's post-1870, made from wood pulp rather than rag. Contrary to much public opinion, there is nothing to "spray on" to preserve paper. Better to leave it alone and store it away from light, dust and insects. Brittle documents should be filed singly in Permalife acid-absorbing folders or mounted on 100 per cent rag paper with Japanese paper hinges and starch paste with a mat to keep them from touching glass.

Or you can give everything you own to the Smithsonian Institution and let Organ and his fellows worry about keeping it fit for posterity.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate S. 3645 which the clerk will report.

The legislative clerk read as follows:

Calendar No. 814 (S. 3645), a bill to further amend the United States Information and Educational Exchange Act of 1948.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of the bill.

There is a time limitation on the bill, the time being limited to 30 minutes, with the time to be equally divided.

Mr. SPARKMAN. Mr. President, I shall not use all of my 15 minutes.

Mr. President, the purpose of Senate bill 3645 is to authorize continued Government funding, amounting to $38.5 million in fiscal year 1973, for Radio Free Europe and Radio Liberty.

This legislation was requested by the administration on May 10, 1972, and it was approved, without amendment, by the committee on June 7 by a vote of 10 to 3.

Mr. President, since the disclosure last year of the Government covert funding of Radio Free Europe and Radio Liberty, the committee has devoted much time and attention to this issue. From the information gathered and the testimony presented during that time, a majority of the committee believe that the broadcasting services performed by both radios serve the foreign policy interests of the United States by providing the peoples of Eastern Europe and the Soviet Union with news and information that otherwise would not be available to them. Although by no means conclusive, the evidence presented to the committee suggests that both Radio Free Europe and Radio Liberty provide balanced news and political commentary on internal developments within Eastern Europe and the Soviet Union and that both maintain substantial listening audiences in their respective areas.

So long as the governments of the Soviet Union and the Eastern European countries feel compelled to restrict the flow of news and information, there is at least an apparent need to provide the peoples of these countries with "the other side of the story." Radio Free Europe and Radio Liberty seek to perform this function—an important function which the committee hopes will be supported in the near future by some, if not all, of the countries of Western Europe.

The chairman and several other members of the committee raised this issue during the hearings on the pending legislation. The witnesses, Dr. Dirk Stikker, chairman of the Western European Advisory Committee for Radio Free Europe, and the Honorable U. Alexis Johnson, Under Secretary of State of Political Affairs, both agreed that others should contribute to the financial support of the radios. For example, Dr. Stikker told the committee on June 6:

Let me state most emphatically that I personally fully agree with your stated view that it is time for Western Europeans to begin sharing the financial burdens of these Radio operations.

Similarly, the Under Secretary of State for Political Affairs informed the committee on June 7:

I fully share the view that, to the extent possible, funds other than U.S. Government funds should be solicited to support these programs.

The committee's swift and decisive action to approve continued Government funding for the radios through fiscal 1973 should be more than sufficient to indicate the U.S. commitment to the radios. But this is not an open-ended commitment and the extent to which it continues in the future will be determined by the kind of financial support that can be generated during the coming year among the Western European nations.

Mr. President, I hope that my colleagues will strongly endorse this measure.

Mr. AIKEN. Mr. President, I supported favorable reporting of this bill from the Committee on Foreign Relations, but without any overwhelming degree of enthusiasm for it. Radio Free Europe and Radio Liberty have been supported virtually 100 percent by the U.S. Government and U.S. businessmen. I believe there are some 30 directors that plan and control operation of these radio stations and radio systems. In the majority of the cases these directors represent the largest international corporations, international banks, and international law firms.

It is said there have been no contributions whatever from European business interests because such contributions in Europe are not tax deductible as they are in America.

However, I felt it unwise to tip over the apple cart at this time when international negotiations are going on, as they are, and we hope with an ultimate degree of success. But I want to say while I think we ought to approve this bill at this time, unless Europe shows some interest in carrying the costs which are incurred largely for the benefit of the Western European countries, I feel this is the last time I will vote to extend these programs at our expense.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the Board of Trustees of Radio Liberty Committee, the officers and executive committees of Free Europe, Inc., and the Board of Directors of Radio Free Europe Fund, Inc.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RADIO LIBERTY COMMITTEE—BOARD OF TRUSTEES

Mrs. Oscar Ahlgren, former President, General Federation of Women's Clubs.
John R. Burton, chairman of the Board, National Bank of Far Rockaway.
Honorable Charles Edison, former Governor of New Jersey.
J. Peter Grace, president, W. R. Grace & Company.
Allen Grover, vice president, Time-Life, Inc.
General Alfred M. Gruenther, former Supreme Allied Commander, Europe.
H. J. Heinz II, chairman of the board, H. J. Heinz Company.
Isaac Don Levine, author, editor, and specialist on Soviet Affairs.
Henry V. Poor, Attorney.
Howland H. Sargeant, president, Radio Liberty Committee.
Whitney North Seymour, past president, American Bar Association, partner of Simpson, Thatcher & Bartlett.
John W. Studebaker, vice president and chairman of the board, Scholastic Magazines, Inc.
Reginald T. Townsend, former vice president, Radio Liberty Committee.
William L. White, editor and publisher, *Emporia Gazette*.
Philip H. Willkie, attorney.

FREE EUROPE, INC.—OFFICERS

General Lucius D. Clay, chairman of the board.
The Honorable John C. Hughes, honorary chairman of the board.
Mr. William P. Durkee, president.
The Honorable Eli Whitney Debevoise, chairman of the executive committee.
Ralph E. Walter, vice-president, Europe.
Mr. Bernard Yarrow, senior vice-president.
Mr. J. Allen Hovey, Jr., vice president and secretary.
Mr. Eugene O'Brien, treasurer.

EXECUTIVE COMMITTEE

The Honorable Eli Whitney Debevoise, Chairman.
Mr. William P. Durkee.
The Honorable Ernest Gross.
The Honorable John C. Hughes.
Mr. H. Gregory Thomas.
General Lucius D. Clay.

RADIO FREE EUROPE FUND, INC., BOARD OF DIRECTORS

Mr. Eugene N. Beesley, chairman, Eli Lilly & Co., 740 South Alabama St., Indianapolis, Ind.
General Lucius D. Clay, Lehman Brothers, One William St., New York, N.Y.
Mr. Winthrop Murray Crane, 3rd, vice-president and secretary, Crane & Co., Inc., Dalton, Mass.
The Honorable Eli Whitney Debevoise, Debevoise, Plimpton, Lyons & Gates, 320 Park Ave., New York, N.Y.

Mr. William P. Durkee, president, Free Europe, Inc., 2 Park Ave., New York, N.Y.
The Honorable Ernest A. Gross, Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall St., New York, N.Y.
Mr. Michael L. Haider, Room 1250, One Rockefeller Plaza, New York, N.Y.
Mr. John D. Harper, chairman, Aluminum Co. of America, 1501 Alcoa Bldg., Pittsburgh, Pa.
The Honorable John C. Hughes, Room 1223, 230 Park Ave., New York, N.Y.
Mr. Roy E. Larsen, vice-chairman, Time Inc., Time and Life Bldg., Rockefeller Center, New York, N.Y.
The Honorable Neil H. McElroy, chairman, Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio.
Mr. Donald H. McGannon, chairman, Westinghouse Broadcasting Co., Inc., 90 Park Ave., New York, N.Y.
The Honorable Robert D. Murphy, chairman, Corning Glass International, 717 Fifth Ave., New York, N.Y.
Mr. William B. Murphy, president, Campbell Soup Co., 375 Memorial Ave., Camden, N.J.
Mr. James M. Roche, chairman, General Motors Corp., 767 Fifth Ave., New York, N.Y.
Dr. Frank Stanton, president, Columbia Broadcasting System, Inc., 51 West 52nd St., New York, N.Y.
The Honorable Theodore C. Streibert, special assistant to the dean, School of International Affairs, 207 McVicar, Columbia University, New York, N.Y.
Mr. H. Gregory Thomas, president, Chanel, Inc., One West 57th St., New York, N.Y.
Mr. Leslie B. Worthington, director, U.S. Steel Corp., 525 William Penn Pl., Pittsburgh, Pa.

Mr. PERCY. Mr. President, this is the day that the U.S. Senate fulfills an obligation to the peoples of Eastern Europe and the Soviet Union who depend on Radio Liberty and Radio Free Europe for news of their own societies and of the world. This is the day that we stand up for freedom of information for all the peoples of Eastern Europe and the Soviet Union.

Here in the United States we have a free society with free speech, with a free press, with the right to know, with the right to express ourselves even in opposition to Government policy, with free elections, with freedom of worship. But in Eastern Europe and the Soviet Union freedom and freedom of information are severely restricted, and only the voice of government and the Communist Party is heard. The news is not simply managed; it is absolutely controlled. Were it not for Radio Liberty and Radio Free Europe, for the Voice of America and the BBC, a non-Communist point of view would never be heard on the airwaves of Eastern Europe and the Soviet Union.

Therefore, I suggest that when we vote today to continue funding for Radio Liberty and Radio Free Europe, we will be voting for freedom of information. I urge a massive vote in favor of the radio stations as a signal from us in the U.S. Senate to the peoples of Eastern Europe and the Soviet Union that their need for legitimately reported news will be fulfilled.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPARKMAN. I am willing to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from Vermont yield back the remainder of his time?

Mr. AIKEN. If I have any time remaining, I am glad to yield it back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the passage of the bill

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. Are there amendments to be offered at this time? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will please call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. TUNNEY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 59, nays 2, as follows:

[No. 219 Leg.]

YEAS—59

Aiken	Dole	Mondale
Allen	Eagleton	Montoya
Allott	Eastland	Packwood
Anderson	Ervin	Pastore
Bayh	Fong	Pearson
Beall	Gurney	Pell
Bennett	Hansen	Percy
Bible	Hartke	Proxmire
Brock	Hatfield	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Javits	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Taft
Cooper	Mathias	Tower
Cotton	McGee	Weicker
	McGovern	Young

NAYS—2

Mansfield	Symington

NOT VOTING—39

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Nelson
Buckley	Hart	Ribicoff
Church	Hollings	Saxbe
Cranston	Hruska	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Talmadge
Fannin	McIntyre	Thurmond
Fulbright	Metcalf	Tunney
Gambrell	Miller	Williams

So the bill (S. 3645) was passed, as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

"SEC. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GURNEY. Mr. President——

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. ALLEN). At this time, in accordance with the previous order, the unfinished business is to be laid before the Senate. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Colorado is to be made the pending question at this time. Time on that amendment will be limited.

Before the amendment is stated, the Chair will recognize the Senator from Florida.

LEGISLATIVE PROGRAM

Mr. GURNEY. Mr. President, there is a considerable crush of business ahead of us today, and I would like to take this time to inquire of the distinguished majority leader as to what the order of business will be for the remainder of the day.

Mr. MANSFIELD. Mr. President, I shall be delighted to respond to the distinguished acting Republican leader, but first I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. As the distinguished Senator knows, there is a time limitation on this amendment. With a little luck, we ought to get to a vote around 11:15 to 11:30. This amendment will be followed by the Flammable Fabrics Act authorization to be handled by the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON). That also has a time limitation. There will be a rollcall vote on that bill and amendments thereto. Then we will take up the Department of Transportation appropriation. There will be a vote on that, and it has a time limitation.

So there will be at least four votes in all today, possibly more, and I would urge Senators to stay pretty close to the floor. There are time limitations attached to all measures, and with a little luck we might get away in reasonable time this afternoon.

The Senate will come in at 10 o'clock on Monday next.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, Wednesday, Thursday, and Friday next, the Senate convene at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM— CONTINUED

Mr. MANSFIELD. There is also the possibility that there will be a Saturday session next week. We have some important legislation to consider. I hope those who have amendments to the foreign aid bill will not hold them back, but will be prepared to offer them and I would say if they delayed offering such amendments they would be doing a disservice to the Senate, which could cause some complications in delaying the consideration of legislation.

It is my intention tonight—and I would hope the distinguished acting minority leader would consider doing the same on his side—to send out telegrams to all Senators on this side to ask them to be back and prepared to stay until a week from Friday, because at that time we take 2 weeks or so off, because of the Fourth of July celebration and the Democratic Convention.

LEAVES OF ABSENCE

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that my distinguished colleague, the Senator from Montana (Mr. METCALF), be excused from attendance for the next 3, 4, or 5 days, because of illness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, the senior Senator from Ohio (Mr. SAXBE) has had a personal tragedy in his family—his mother died yesterday—and he will not be here today, nor will he be here tomorrow. I ask unanimous consent that he be officially excused from presence in the Senate for the remainder of the week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM— CONTINUED

Mr. PASTORE. Mr. President, I was wondering, are we still under the 15-minute time limit on rollcalls?

Mr. MANSFIELD. Yes, when they are single; but when they come one right after another, we try to bring about a reduction to 10 minutes.

Mr. PASTORE. I thank the Senator.

Mr. SPARKMAN. Mr. President, with reference to the yeas and nays on the pending amendment, has it been fully agreed that the rollcall will be deferred until 1:15?

Mr. MANSFIELD. No, we are going to go right ahead.

Mr. SPARKMAN. I thank the Senator.

Mr. GURNEY. Mr. President, I want to thank the majority leader for that very comprehensive explanation of what will happen for the rest of the day as well as next week. I agree with him that the presence of all Senators is certainly desired.

Mr. MANSFIELD. I hope the Senator will emphasize also the fact that the joint leadership will be acting in unison, that there will be at least four rollcall votes today, and that time limitation agreements are in effect.

Mr. GURNEY. Yes. I certainly took cognizance of it; and for those on our side, we understand, too, that there will be plenty of action the remainder of the day, including the four rollcall votes the majority leader has mentioned.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1241

The ACTING PRESIDENT pro tempore. The clerk will state the amendment of the Senator from Colorado.

The second assistant legislative clerk read the amendment, as follows:

On page 7, strike out line 10 and all that follows through and including line 16.

The ACTING PRESIDENT pro tempore. Time on the amendment is limited to 1 hour, to be equally divided between the Senator from Colorado, as mover of the amendment, and the Senator from Alabama, as manager of the bill.

Who yields time?

Mr. ALLOTT. Mr. President, I have found a technical defect in the amendment. Inasmuch as the yeas and nays have been ordered, I ask unanimous consent that the amendment be modified in line 2 by changing "line 16" to "line 14."

The PRESIDING OFFICER. Without objection.

The modified amendment reads as follows:

On page 7, strike out line 10 and all that follows through and including line 14.

Mr. ALLOTT. Mr. President, I do not anticipate that this matter will require a great deal of time. It is my understanding that there is a half hour on each side, and the distinguished Senator from Alabama controls one-half and the proponent of the amendment controls the other. Is my understanding correct?

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

Mr. ALLOTT. Mr. President, several Senators have spoken to me but have not talked about taking time on this amendment. If any Senators present would like to take time on this amendment, I would be very grateful to them if they would let me know at this time.

The amendment I sent to the desk yesterday and had printed would amend section 514(a) of the Foreign Assistance Act. This section, which was added to the bill by the Foreign Relations Committee, requires most nations which receive military assistance and excess defense articles to deposit 25 percent of the value of this assistance in a local currency account. My amendment would reduce the amount of this deposit to 10 percent—the level at which it was set in last year's bill. I think Senators will recall that the Senate did this last year. The House refused at that time to accept the 25 percent, and it came out of conference at 10. That is what it is now.

Section 514(a) runs counter to the whole concept of the Nixon doctrine—

announced at Guam—which is to encourage other countries to assume more responsibility for their own defense. This section, requiring most allied and friendly governments to pay 25 percent of the cost of our military assistance back to us in local currency, blunts the impact of this new policy. The fact is that many of these governments cannot afford to maintain an adequate defense establishment without our assistance. Without adequate defense establishments, their vital interests, as well as ours—as well as regions in the world in which they are located—would be threatened by those who still believe that it is possible and legitimate to use arms to force changes in the international community.

The whole thrust of this administration's foreign policy has been to reduce international tensions and move from an era of confrontation to an era of negotiation. Our military assistance programs, coupled with the growing economic strength of our allies, have enabled us to make substantial progress in reducing the American military presence abroad without creating a vacuum behind them. We are now almost in a position where allied military forces rather than American troops will, in the first instance, be able to meet nonnuclear threats to peace. Section 514(a) as presently written, will make this objective far more difficult.

In Korea, for example, even the current requirement of a 10-percent deposit of the value of U.S. military assistance cut $20 million out of Korea's $360 million defense budget. This is a severe blow to Korea's efforts to modernize its armed forces and achieve substantial self-sufficiency for its own defense—a program which clearly is in our interest.

The present 10-percent requirement also puts an onerous burden on the Government of Jordan, a government whose continued stability is essential if peace is ever to come to the Middle East.

It is not in our interest to impose new and unnecessary burdens on our friends at the same time that we are looking to them to assume more responsibility for the common defense.

This administration has withdrawn more than 500,000 troops from the Pacific area in the last 3½ years, allied troops now bear the primary burden for the common defense, and the cost of the Vietnam war has dropped from $29 billion in 1968 to approximately $9 billion this year. It would be penny wise and pound foolish to cripple the military assistance programs which made much of this progress possible by increasing the deposit requirement by 15 percent.

We live in a time of change both at home and abroad. Many of the premises upon which the foreign policies of this country were based in the late 1940's and the 1950's are no longer valid. This administration has recognized this and has changed course. But we must not lose sight of the fact that, in the last analysis, our Nation's security and the hopes we share for a generation of peace depend in large measure upon the faith that other nations, friend and foe alike, have that this Nation will keep its word, honor its commitments, and continue to play a responsible role in world affairs. That is why I call upon the Members of this body to amend section 514(a), to give the administration the kind of foreign assistance bill it needs if we are to continue to progress from an era of confrontation to an era of negotiation.

Mr. President, by increasing this, we decrease the ability of other nations to protect themselves and to help stabilize the regions in which those nations are located. If anything ever was a penny-wise and pound-foolish policy, this is it. In the first place, we do not need these soft foreign currencies in any country. There is no really legitimate use for which we could use them. I think it is to our best interest to help our allies take care of themselves rather than to cripple them.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, the Senator from Colorado's amendment would have the effect of reversing actions which the Senate has taken on the issue involved on two different occasions within the last 2 years.

In 1970, the Senate approved a provision, initiated by the Committee on Foreign Relations, to require that foreign countries which receive military grants from us pay 50 percent of the value of those grants in their own currency in order to help defray the costs of U.S. expenses within the country. That provision was deleted in the conference on the military sales bill. Last year the committee put in a similar provision in the foreign aid bill, but lowered the payment rate to 25 percent and made other modifications to meet administration objections. The Senate again endorsed the provision. The 25 percent payment requirement was subsequently lowered to 10 percent in conference. All the committee is doing in this bill is to put the requirement at the level the committee and the Senate approved last year—which is only one-half the rate it approved 2 years ago.

Mr. President, I want to make it clear that this partial payment, in the currency of the country that receives military aid from us, is required only if, without that currency being available, we would have to go out and buy the currency on the market to pay for the cost of our operations within the country. In practically all of the countries which are the major recipients of military aid the United States must buy, for dollars, local currencies in order to pay for official U.S. expenses within the country. The payment is not required if we do not need the currency for official purposes—in other words, if it does not result in a direct savings in dollars. Also no payment is required in countries where military aid is given in exchange for base rights. And no country must pay more than $20 million a year regardless of the amount of aid it receives.

Mr. President, the General Accounting Office has estimated that we will be required to buy, on the market, $463 million in the currencies of the countries which are scheduled to receive military aid in the 1973 fiscal year. In only eight of the 42 countries scheduled to get more than $50,000 in military aid does the United States have available enough foreign currency to meet its needs. According to the GAO calculation a flat 25-percent payment requirement would save the taxpayers $124 million next year, based on the military aid levels proposed by the administration. The base rights exemption, the $20 million maximum, and the reduced program levels recommended by the committee will reduce that amount substantially, however. But we are talking about savings to the taxpayer on the order of tens of millions more than would be possible under the present requirement.

I ask unanimous consent that the GAO analysis be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered. (See exhibit 1.)

Mr. SPARKMAN. Mr. President, by requiring these countries to make a partial payment for the aid we give them—to help meet our expenses within their country—we are carrying out what I thought was the purpose of the Nixon doctrine, a more equitable sharing of the defense burden. By requiring the countries which receive our grant aid to make a partial payment for it, we are also forcing them to take a harder look at their security needs. Up until now they were encouraged to get all the military equipment from us they could—because it cost them nothing. Now they will be forced to treat military aid—to some extent—as other claims on their countries budget resources are treated. Military aid must, in the future, be weighed along with other budget priorities—as we do with our own military budget.

Mr. President, I urge that the amendment be defeated.

EXHIBIT 1

ANALYSIS BY THE GENERAL ACCOUNTING OFFICE

For the purposes of this analysis, the excess defense articles programmed for FY 1973 Military Assistance Programs are valued at one-third (⅓) of the cost of acquisition. This valuation is in accordance with the Foreign Military Sales Act, as amended. The data used for the analysis do not include nonregional military assistance grants, service-funded military assistance, or excess defense article programs for certain countries in Southeast Asia.

The data in this analysis also do not include about $65 million of supply operations costs. In FY 1973 a change in accounting treatment was directed which removed supply operations costs from military assistance country programs and characterizes all such costs as general costs. Included in this category are packing, handling, crating, port loading and inland water and air transportation costs associated with deliveries of grant aid materiel and excess defense articles, whether from prior year undelivered balances or from current year programs.

VALUE OF MILITARY ASSISTANCE PROGRAMED FOR FISCAL YEAR 1973

The programmed FY 1973 military grant assistance and the value of excess defense articles, with the above exclusion, amount to $733 million and $199 million, respectively, for a total of $923 million. United States Treasury projected purchases of foreign currencies from commercial sources, in the same countries receiving the military aid, amounts to $463 million for FY 1973.

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POTENTIAL REDUCTION OF U.S. PURCHASES OF LOCAL CURRENCIES

In the proposed FY 1973 Military Assistance Program, a total of 42 countries are to receive grant assistance or excess defense articles of over $50,000, and in 34 of those countries the United States could reduce its foreign crrency purchases if partial payments are made. In eight of the recipient countries the United States will not purchase local currency or has a sufficient amount of local currency holdings to meet requirements. Over 90 percent of the purchases which could be reduced would result from U.S. programs in seven countries. Twenty-seven other countries would account for about 10 percent of the reduced purchases.

On the basis of amounts programmed for FY 1973, the following table shows the amounts by which dollar purchases of local currencies could be reduced if the United States were to receive partial payment for military grant assistance and excess property grants in those countries where the United States purchases local currencies with dollars to meet its needs. Figures in the table are based upon applying a percentage to the value of programmed military assistance by country, comparing the results with the amount of projected local currency purchases in the country, and utilizing whichever is the lesser.

REDUCED AMOUNT OF U.S. FOREIGN CURRENCY PURCHASES

[In millions of dollars]

Percentage of partial payment	Totals	7 countries	27 countries
50	$171.8	$156.4	$15.4
40	157.5	144.6	12.9
30	137.4	127.1	10.3
25	123.8	114.9	8.9
10	50.4	45.5	4.9

Reflected in the above total reduced foreign currency purchases are the following savings in base rights countries:

[In millions of dollars]

	Percent				
	50	40	30	25	10
Spain	$7.7	$6.2	$4.6	$3.9	$1.5
Ethiopia	6.6	5.2	3.9	3.3	1.3
Portugal	1.5	1.2	.9	.7	.3
Total	15.8	12.6	9.4	7.9	3.1

INFORMATION FOR THE SENATE COMMITTEE ON FOREIGN RELATIONS

The seven principal countries where the United States could potentially reduce FY 1973 projected foreign currency purchases in the largest amounts and the U.S. Treasury projected commercial foreign currency purchases in FY 1973 for those countries are:

	Projected purchases (millions)
Korea	$65.4
Thailand	110.1
China	19.3
Greece	13.2
Philippines	57.5
Spain [1]	35.2
Ethiopia [1]	11.6

[1] Base rights countries.

The potential savings of U.S. commercial foreign currency purchases for the above *seven* countries, computed by applying percentage military assistance repayment factors, are:

[Millions of dollars]

	Percent				
	50	40	30	25	10
Korea	$65.4	$65.4	$65.4	$62.3	$24.9
Thailand	32.3	25.8	19.4	17.1	6.5
China	19.3	19.3	16.2	13.5	5.4
Greece	13.2	13.2	10.5	8.8	3.5
Philippines	11.9	9.5	7.1	6.0	2.4
Spain [1]	7.7	6.2	4.6	3.9	1.5
Ethiopia [1]	6.6	5.2	3.9	3.3	1.3
Total	156.4	144.6	127.1	114.9	45.5

[1] Base rights countries.

Mr. CANNON. Mr. President, will the Senator from Colorado yield me 2 minutes?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I support the amendment of the Senator from Colorado. The program is really in the best interests of the United States. It has created a real problem with a number of countries which receive only MAP training, which is an exceedingly important means of establishing good long-term relations with future military leaders of the recipient countries.

Under the program, 4,000 trainees come into the United States every year. If the deposit requirement were raised to 25 percent, a number of training-only countries would be expected to terminate the programs. That loss would be ours.

Mr. President, I oppose the provision in S. 3390 requiring that countries make available to the United States local currency in the amount of 25 percent of the value of grant military assistance which we provide.

This is an exceedingly complex subject and I do not propose to explore all the facets of this provision. I merely wish to point out that, under existing legislation, grant military assistance recipients are already expected to make 10 percent in local currencies available. This requirement was enacted less than 4 months ago and the Department of State is currently seeking to negotiate appropriate agreements with foreign governments.

It appears to me that unfortunate consequences could follow from so drastic a change in the local currency requirement favored by the Senate Foreign Relations Committee. Foreign governments which are only now adjusting to the 10 percent level are bound to regard drastic increase as a capricious action by the U.S. Government. Our official representatives abroad, for their part, will be compelled to tear up existing agreements and to begin the painful process of renegotiation.

I believe that our representatives will not only be acutely embarrassed—since the ink will not even be dry on the recently concluded agreements covering the 10 percent provision—but that our relations with a number of foreign governments will be set back quite visibly.

Mr. President, I am convinced that good sense dictates caution with respect to the proposed increase in the local currency requirement. Let us permit grant military assistance recipient governments to adjust to the level passed into law only a few short weeks ago. We need time to study and to fully understand the impact of the 10 percent level before passively accepting any upward revision.

For these reasons, I urge the Senate to amend section 514 and to return to the 10 percent requirement.

Mr. ALLOTT. Mr. President, I will not take much time now, but I yield myself such time as I wish in order to make one more point which is pertinent to the amendment which I have introduced.

I appreciate very much the statement of the distinguished Senator from Nevada (Mr. CANNON), who has so much expertise in this area.

Let me say that the 25 percent would create serious difficulties in those countries that receive only training, or training with very small levels of grant articles.

Many countries would be expected to terminate or to sharply reduce their participation in training programs.

It seems to me that this is one of the last things we want to do in this country. The programs are keys to the establishment of good and enduring contacts with the officers who will be the military leaders of their countries in the future.

The cost is small. The risk is minimal. In terms of return, it is an excellent investment.

Therefore, I sincerely hope that the Senate will agree to this amendment.

If no one wishes time to speak on this amendment, I am prepared to yield back my time.

Mr. SPARKMAN. Mr. President, before the Senator does that, let me say this, particularly with reference to the suggestion of the Senator from Nevada and the same suggestion of the Senator from Colorado. Training amounts for only 5 percent of this program.

I find myself in substantial agreement with what the Senators from Nevada and Colorado have just said with reference to the training part of the program. But I think this particular issue can be taken care of in conference. I do not believe that we should take away the $124 million, as the General Accounting Office has estimated, just because 5 percent of the program is for training.

Mr. CANNON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. CANNON. This is not a matter of taking away something. This is a formula which has been long established and that we have been following over the years. We are not really taking away, we are permitting them to continue on the same basis of support on which they have been planning for a number of years, and at a point and level beyond which they are really not able to go.

Mr. SPARKMAN. I probably used the wrong expression in saying "taking away" from them; I meant to refer to taking it out of the Treasury of the United States, because we have to take those dollars and use them to buy local currencies with which to pay our official expenses in these countries. I think the committee's recommendation is a good provision and it should be adopted. It is completely in line with the Nixon doctrine, that we would help countries who help themselves.

Mr. PASTORE. Mr. President, is it classified to state what countries this would affect?

Mr. SPARKMAN. I do not have it right now, but let me say in general——

Mr. PASTORE. The reason why I ask the question, I am wondering whether these countries are countries which are allied with us in NATO, or are we talking about countries like Pakistan and India, where we gave them money and military assistance and then they used it to fight one another, to our chagrin and disappointment? I am wondering what we give this money for. Is it to send to countries to stop world communism, or is it to try to promote a police state in a particular country?

Mr. SPARKMAN. I would say that we support the program for a variety of reasons. I think there is good justification for making military grants to these countries.

There is the matter of internal security, and the training program is a good one. I would not say that we could easily relate it to whether or not they support us in the U.N. As a matter of fact, we make military grants to countries in which we do not have military bases. If we have military base rights in a recipient country, then this provision does not apply.

Mr. ALLOTT. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I will be very short. I think that the answer to the question of the Senator from Rhode Island is that this would apply to any country to whom we give military assistance. And those whom we have already shut off in this bill, of course, would not participate.

I do want to make the point very strongly that if we increase the 10 percent to 25 percent, the net result is that we are not going to enable our allies throughout the world to procure the necessary military assistance with which to defend themselves. Therefore, by doing that we place ourselves in a greater position of jeopardy with respect to our own responsibilities.

The classic example of where this program has not worked very well would be in the Republic of Indonesia and the results we have seen there from our participation in the training of those officers and helping them has been the most gratifying part of our own military assistance program.

Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. WEICKER (after having voted in the negative). On this vote I have a pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from North Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Iowa (Mr. HUGHES).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) and the Senator from Illinois (Mr. Stevenson) would each vote "nay."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Iowa (Mr. MILLER) has been previously announced.

The result was announced—yeas 40, nays 22, as follows:

[No. 220 Leg.]

YEAS—40

Aiken	Cook	McGee
Allen	Cooper	McGovern
Allott	Dole	Montoya
Anderson	Eastland	Packwood
Beall	Fong	Percy
Bennett	Gurney	Randolph
Bible	Hansen	Roth
Brock	Hruska	Schweiker
Brooke	Humphrey	Smith
Byrd, Harry F., Jr.	Jackson	Stennis
Byrd, Robert C.	Javits	Stevens
Cannon	Jordan, Idaho	Taft
Chiles	Magnuson	Young
	Mathias	

NAYS—22

Bayh	Inouye	Proxmire
Burdick	Long	Sparkman
Case	Mansfield	Spong
Cotton	Mondale	Symington
Cranston	Nelson	Talmadge
Eagleton	Pastore	Tunney
Hartke	Pearson	
Hatfield	Pell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Weicker, against.

NOT VOTING—37

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	Kennedy	Thurmond
Ervin	McClellan	Tower
Fannin	McIntyre	Williams
Fulbright	Metcalf	
Gambrell	Miller	

So Mr. ALLOTT's amendment (No. 1241), as modified, was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be temporarily laid aside.

FLAMMABLE FABRICS AUTHORIZATION, FISCAL YEAR 1973

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of H.R. 5066, the Flammable Fabrics Authorization Bill, which the clerk will state by title.

The bill was read by title as follows:

A bill (H.R. 5066) to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in line 7, after "June 30", strike out "1972" and insert "1973".

The PRESIDING OFFICER. Under the previous unanimous consent agreement time for debate on this bill will be limited to 2 hours, to be equally divided between the Senator from Washington

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(Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON).

Who yields time?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I yield myself such time as I may require on the bill.

Mr. President, the original Flammable Fabrics Act, which was sponsored by myself, was enacted in 1953. At that time, the main impetus for getting at the matter of flammable fabrics, which probably stimulated the enactment of the act itself, was the fact that several young girls were burned to death or severely burned by imported "torch" sweaters.

At that time, it was suggested that we do something about making fabrics nonflammable. The Senate Committee on Commerce reported the bill out and it was passed by the Senate unanimously, and it went through the House the same way; but the bill anticipated that the industry involved in making the fabrics establish a committee to develop stronger standards.

Almost 10 years went by, Mr. President. We kept urging and urging various Secretaries of Commerce to set some standards, and the industry kept saying "We want time to study this; the technology and the cost figures," for which I agree a reasonable time should have been allowed them; but I thought 10 years was too much.

So in 1967, I introduced several amendments to the Flammable Fabrics Act, which were pretty tough amendments on getting something done about this matter. Immediately after the introduction of the bill, Mr. President—this was 13 years later—the committee had its first formal meeting, after we had introduced the new bill.

We gave them a period of time, in the last bill, to discuss these matters and find out just what could be done, but in the meantime, of course, the technology has become such that we know and they know what we can do to make fabrics nonflammable. The cost is down, and as I say, the technology now exists.

After some years of having trouble with that also, finally the Secretary set standards which will go into effect in July 1973, with labeling required as of July 1972, and I applaud him for doing that. But again, this is over the strong protest of the textile people, who are asking for more time in this matter, and in the meantime kids are still burning up.

The 1953 Act was pretty much directed to torch sweaters and other highly flammable articles. Now that we must consider this legislation again, and extend the authorization for the money, is the time to amend it. I have an amendment which expresses the intent of Congress for the need for children's sleepwear standards extending to size 14. Size 14 does not necessarily mean that the child is 14 years old, but this would cover most 12-year-old children's clothing. Recent deaths have been of children in the category older than 6.

Also, we would provide that the manufacturers conspicuously label the garments or other things that are involved as to whether they are flammable or nonflammable. In some cases it may be difficult to do that, but in most cases it can be done.

The irony of all this, Mr. President, is that there is a concern in Tennessee called the Eastman Co. which makes nonflammable fabrics, which are sent to England and put on the English market, but we cannot get them here. We do not get them here because we have never had stiff enough standards under this law. England has had a law in this respect for some years, as well as 5 other countries.

All we are doing by the bill is extending the authority; and, as I say, I shall offer on behalf of myself, Mr. Moss and Mr. SCHWEIKER an amendment which would be a congressional mandate for a standard for children's sleepwear covering sizes from 7 through 14—I might suggest that the findings of all the hearings have been that there is an immediate need for a standard for children's sleepwear in sizes 7 to 14—in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

As I have said before, the Secretary of Commerce has responded on sizes 1 through 6, and I commend Secretary Peterson for that action, taken in spite of the efforts of the industry to stall it and not to do anything about it.

The amendment, as I say, would affect children's sleepwear in sizes 7 through 14. Congress would direct the Secretary of Commerce to promulgate, under procedures set forth in the act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973. That will give them a whole year to work on it.

So on behalf of myself, Mr. Moss and Mr. SCHWEIKER, I submit my amendment, Mr. President, and ask for its immediate consideration.

The PRESIDING OFFICER. Before the Senator's amendment is in order, the committee amendment must be disposed of.

Mr. MAGNUSON. I move the adoption of the committee amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the committee amendment?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. COTTON. I yield back my time on the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MAGNUSON. I submit my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new section:

Section 18. Interim children's sleepwear standard for sizes 7 through 14.

(a) Congressional finding.

The Congress finds that there is a need for a standard for children's sleepwear in sizes 7 through 14 in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

(b) Children's Sleepwear Standard for Sizes 7 through 14.

The Congress directs the Secretary of Commerce to promulgate, under the procedures set forth in this Act insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Mr. MAGNUSON. Mr. President, the general purpose of the amendment is to extend the flammability standards to include children's sleepwear for sizes 7 to 14. The Department of Commerce has recently promulgated a standard which regulates sleepwear for sizes 1 to 6X. The larger sizes are not covered by this standard although many injuries and deaths are inflicted upon the older children.

The proposed amendment provides the following: First, it would establish a congressional finding that there is a need for flammability standards for children's sleepwear through size 14. The amendment would also provide that by July 1, 1973, all children's sleepwear through size 14 must conform with a performance flammability standard to insure that all such sleepwear be nonflammable. Because the procedures under the act for the setting of standards are cumbersome, we have provided that those procedures are applicable only insofare as practicable.

Mr. President, this amendment reflects the agonized concern of thousands of American citizens at the snail's pace of progress in implementing the Flammable Fabrics Acts Amendments of 1967. This amendment would enable the Secretary of Commerce to move with greater dispatch along a course he has already indicated that he is determined to pursue: That is, to extend the children's sleepwear standards to size 14.

The heart of the amendment is the congressional finding that there is a need for such a standard. This finding would eliminate the technical requirement that the Secretary determine that such need exists and forestall the usual effort by the textile industry to insist that an insufficient data base exists to justify the setting of flammability standards.

Mr. President, the basis for need which underlies this amendment is simple: In the course of one recent month in the city of Seattle alone three young girls were horribly burned when their nightgowns ignited. One of them, Tammy Brown, aged 11, died. If this could occur in Seattle alone, then commonsense tells us that this pattern has asserted itself hundreds, perhaps thousands of times across the country. We need not wait for the painstaking establishment of a formal data gathering system to give us the same information. You can pick up almost any local newspaper and discover similar incidents across the country. Just yesterday one of the newspapermen who covers the Commerce Committee brought to my attention a copy of a Springfield paper which contains yet another case of a young girl burned by a nightgown.

In discussions with the personnel at the Department of Commerce we have determined that the timetable which we have set is not unreasonable.

Mr. President, we have been trying to prevent the sale of hazardous garments for almost 20 years. Despite legislation, despite our pleas for industry progress, despite evidence that Secretary Peterson has undertaken the burden of his responsibility to develop flammability standards, governmental efforts have lacked the urgency which the situation demands. Both industry representatives and Government officials have allowed 4½ years to pass since the 1967 act and not one stitch of clothing is currently subject to a safety standard.

It is not enough to discuss coldly and dispassionately the numbers of cases, and the slight inconveniences and adjustments in the marketing of textile products. Let us make no mistake about it—there is nothing more horrible than a flame injury, nothing more destructive of joy and life than to see scarring burns. The social costs to a family whose members suffer this kind of injury is beyond calculation. The economic costs are destructive. For years the victim of burn injuries remain a psychological and economic burden on the community. Numbers are simply no test of the social cost of this problem.

Mr. President, we are convinced that this amendment is both practical and necessary, and would help the Secretary do his job. It will move us one giant step closer to providing that protection for the Nation's children which we have too long promised, too long withheld.

Again I say that time is of the essence. Children are being burned to death and dying every day. There is no reason why we cannot do this, when other countries can do it, and there is no reason why we should not apply to ourselves the fine technology we already have to reduce this possibility to an absolute minimum in this country. It is the least we can do.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President I, yield myself such time as I may require.

I should like to make an inquiry of my distinguished chairman, the Senator from Washington. Under the terms of his amendment, as he has presented it in his present form, it reads:

The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Does the procedure referred to give textile manufacturers an opportunity to present their case and be heard in connection with the standards to be promulgated pursuant to the Secretary of Commerce under this amendment?

Mr. MAGNUSON. I am sorry. I was talking to someone. Will the Senator restate the question?

Mr. COTTON. With respect to the original amendment that the distinguished Senator from Washington (Mr. MAGNUSON) was considering offering some of us might have been obliged to oppose it because, although in sympathy with its objective, no hearing have been held on it allowing an opportunity for interested parties to be heard.

But, my question to the distinguished chairman of the Commerce Committee concerns the more acceptable revised amendment which he now has offered and which states in part, the following:

The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act insofar as practicable a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Do the terms, "under the procedures set forth in this act" give an opportunity for textile manufacturers to be heard by the Secretary of Commerce, and to present any situation which might adversely affect them and should be considered before the standard is promulgated or becomes effective?

Mr. MAGNUSON. That is correct. A hearing is required before the Secretary of Commerce.

In my original amendment, I provided that within 180 days they would have to do the labeling. But we do not have that in this amendment; because when the Secretary has the hearings to set the standards within this time, they will also discuss the matter of the labeling. I am sure that one of the first things the Secretary will require is the labeling, and the manufacturers and the textile people have no objection to that.

Mr. COTTON. Mr. President, I am pleased to have the assurance of the chairman on this point and to have it made a part of the legislative history on this bill. For example, I have had representations from the Guild Mills Corp., in my own State, expressing concern over the difficulties in producing fabric which will meet the requirements, particularly in sleepwear.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Guild Mills Corp. on the subject of flammable fabrics and its effects upon our textile industry. It should be borne in mind that the letter, although not addressing either the amendment which was proposed to be offered or that which finally was offered, does evidence some of the very real problems encountered by our textile industry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GUILD MILLS CORP.,
Laconia, N.H., June 9, 1972.

Senator COTTON,
U.S. Senate, Washington, D.C.

SENATOR COTTON: I certainly know that you are well aware of what has happened and what will continue to happen to the Worsted Industry in the United States. I know very well the great effort you extended to try and save this industry many years ago, but apparently Congress was not willing to support the textile industry and they have continued to act in this manner.

They cannot seem to understand that the textile industry is the basic industry of the country along with food and housing.

Every country must have a textile industry and that is why I was given to their concern of the Japanese back some years ago. However, it never needed to go to the extreme that it did, and now we are suffering the consequences.

You and I can very readily say "We told you so" but this is not going to help anything. Someway, somehow Congress has got to understand that the textile industry is a vital part of our economy and must be maintained.

We spend thousands upon thousands of dollars in agriculture and it is an essential part of our economy, but we spend no money whatsoever trying to help the textile industry.

I think you might be aware of the new laws restricting flammable fabrics. This is going to be another very severe blow to the industry as it is going to be difficult for sometime to produce fabric which will meet the requirements particularly in sleepwear.

We are involved in this situation and to this date although we are not able to come up with a fabric that meets the requirements, unless we try to make it entirely of asbestos or some non-burning fiber, which to this date does not exist in suitable material for garment wear.

We recognize the need to try and protect people from themselves but there is the point that we cannot develop immediately the materials which are requested.

At the present almost all companies making sleepwear have discontinued making them because it is impossible for us to meet the requirements.

There is not a single fiber produced that is going to meet all the manufacturing technology which is required.

I would appreciate your help in these matters.

Very truly yours,
LAWRENCE W. GUILD.

Mr. COTTON. Mr. President, I am reassured by the statement of the distinguished chairman that his amendment in its present form will give manufacturers a chance to be heard by the Secretary of Commerce on any standards resulting from his amendment.

Mr. MAGNUSON. That is correct. The purpose of the bill before the Senate is to extend the authorization of the amount of money for the purpose of setting standards. I understand that they cannot do these things overnight, but this amendment allows time.

Mr. COTTON. Mr. President, I yield such time as he desires to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from New Hampshire.

Mr. President, I commend the Senator from Washington for his interest and the attention he has given to this subject. I appreciate very much, also, his attitude in presenting this matter here in such form. It seems to have carried out all his laudable purposes as originally drawn, and now assures an opportunity for these people to be heard, and the Senator has just pointed out that he understands the situation. I support the amendment in its present form. We owe the Senator a debt for having studied this subject and having brought it to the attention of the Senate.

Mr. MAGNUSON. There is something to be said on the other side. I think that the technology since 1953 has greatly

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improved. I have been through this matter so many years that I know practically all the facts involved.

With respect to mattresses, there is now a good standard. Many older people go to sleep while smoking and there is a good, practicable, standard for mattresses. But in the business of children's sleepwear, there still is serious problem. If a store has one that is nonflammable and one that is flammable, I want a mother who goes in that store to know the difference. It may cost more. I am told that they have the technology, but it takes time to transfer it, and this is why we are giving them this time. Under this amendment, they will have some standards by 1 year, and they will have labels—the two together.

Mr. COTTON. Mr. President, I assume the Senator is talking on his time.

Mr. MAGNUSON. Yes.

Mr. COTTON. I yield to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. I thank the Senator.

I commend the distinguished Senator from New Hampshire and the distinguished author of the amendment for trying to work out something that is reasonable and practical and affords all interested parties an opportunity to be heard and to have a voice in the establishment of standards which will insure greater protection for all the children of this country.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. MAGNUSON. Is the Senator familiar with the Eastman Co. in Tennessee?

Mr. BROCK. Yes; thoroughly so.

Mr. MAGNUSON. Does the Senator know the kind of job they do on this?

Mr. BROCK. It is a remarkable product.

Mr. MAGNUSON. Yes. They ship it all over. For example, they ship it to the United Kingdom, where they have had this law for years. This is the irony of the situation. So far as I know, they do one of the excellent jobs in this field.

Mr. BROCK. They really do.

Mr. MAGNUSON. I do not know the company and do not know anything about them, except in this field.

Mr. BROCK. They are one of the finest concerns with which I have ever had experience. They are remarkably progressive and are good business people. They are greatly concerned about the end product of their business.

The only concern I have with this legislation is the July 1, 1973, compliance date. Such language will make it extremely difficult for the Secretary to comply with all the procedures. That is why I think the Senator added the language "insofar as practicable" to this amendment. It does afford some limited latitude. But the thrust of this amendment is to get standards by July 1, 1973. I hope the industry can meet that timetable. I know they will try, but I think it will be difficult. They will try to do so.

Mr. MAGNUSON. That is my hope, too—that by July of next year all the clothing in this field will be nonflammable. That is the hope of the whole Senate, I think.

Mr. BROCK. I thank the Senator very much.

Mr. COTTON. Mr. President, I wish to join the distinguished Senator from Mississippi (Mr. STENNIS) and from Tennessee (Mr. BROCK) and, on behalf of the minority side of the Commerce Committee, commend our chairman, the distinguished Senator from Washington (Mr. MAGNUSON), for his work in this area, and for his revised amendment which I think will bring about the desired level of safety, in which we are all interested. The amendment should enable this to be done in such a manner as not to work violence on our struggling textile industry. The Senator has done an excellent job in that respect. The staff also has done an excellent job. It is a laudable result. I am now happy to join in supporting the amendment and the bill.

Mr. President, let me just sound one little warning here, which has nothing to do with substance of the pending bill. These are hectic days when we all are trying and the leadership is striving to complete work on necessary legislation before we recess for the first of the national conventions. Yet, in these circumstances we have had two or three instances where the same thing has started to happen which we experienced in connection with this bill. We have a simple authorization bill that we are trying to get through so that the Appropriations Committee can act and make the appropriations, and then someone or some committee comes along and slaps on to such an authorization bill a substantive amendment which may be highly controversial. If it is passed hastily, then it may have an exceedingly bad result. It is is controversial and require careful consideration, then it may well take a great deal of debate and, thus, hold up the appropriation process.

I hope that we will be able to avoid this kind of situation. Otherwise, it will present a serious problem to us in the next few days with only 2 weeks to go before the first scheduled recess.

Mr. MAGNUSON. Mr. President, I do not want any implication to go abroad that the Senate is not interested in this matter. I want everyone to know that it is deeply interested. Otherwise, on the pending amendment, we would have had a rollcall vote. However, the Senate is unanimous for approval of the amendment, but so many Senators had to leave, and this came up unexpectedly.

I am also sure that there will be no votes recorded against the pending bill as amended.

I just wanted to make this statement, as the vote on the pending amendment will be a voice vote.

Mr. STENNIS. Mr. President, I want to confirm the Senator from Washington in his estimate here, that if we were going to have a rollcall vote on the pending amendment, as well as on the bill as amended, it would be a unanimous vote.

Again, I commend the chairman and the distinguished Senator from New Hampshire (Mr. COTTON) for the way they have worked out this matter. It is highly important, but it is also a complex matter. The way they worked it out lends strength to the amendment itself, and the spirit in which it will be agreed to make it more acceptable.

Mr. SCHWEIKER. Mr. President, I am pleased to join with the chairman of the Senate Commerce Committee, Senator MAGNUSON, in introducing this important amendment to the Flammable Fabrics Act.

Just over 2 months ago, on April 12, I introduced S. 3491, the Flammable Fabrics Act Amendments of 1972. Section 7 of S. 3491 was designed to accomplish what the pending amendment will do. My legislation provided that within a specified time period the Secretary of Commerce must set standards for children's sleepwear up to and including size 12. The pending amendment covers sizes 7 through 14, and I certainly agree that size 14 is an appropriate cutoff point.

The proposed standard on children's sleepwear issued by the Commerce Department will become effective on July 29 of this year. That standard covers sizes 0 to 6X. Under the standard, children's sleepwear which does not meet the fire-resistant requirements may be marketed for 12 months after the effective date if the garment contains a cautioning label. That label must state that the garment is flammable, that it does not meet the Commerce Department's standard, and that it should not be worn near sources of fire. After July 29, 1973, all children's sleepwear from sizes 0 to 6X must meet the standard or the garments cannot be marketed.

Mr. President, this new standard represents a significant step in the right direction. However, I am convinced that it does not go far enough. The information already presented to the Senate by Senator MAGNUSON strongly indicates that an urgent need for a flammability standard also exists for children wearing sizes 7 through 14. There is nothing magic about sizes 0 to 6X. Size 6X represents an arbitrary cutoff point. Older children face the same dangers, although often in different ways. As the father of five children I am very much aware of the need to protect young children from hazards that they often innocently face.

Children who would use sleepwear in sizes 7 through 14, for example, are tempted to play with matches and may be able to obtain them more easily than younger children who do not have the reach or mobility of the older children. They are beginning to experiment with cooking and are thus exposed to the hazards of flames from stoves.

Furthermore, young girls are particularly attracted to frilly, loose-fitting nightgowns which will be more likely to catch on fire than the tighter-fitting pajamas young children wear.

These are but a few examples. The point is, an urgent need for flammability standards exists. In fact, the Commerce Department has issued a proposed finding of need already. This amendment would make a congressional finding of need, thus short-circuiting the time-consuming process required for a Commerce Department determination. The amendment finds a need for a standard for children's sleepwear in sizes 7 through 14. The finding states that the standard is necessary in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. As of July 1, 1973, the Secretary of Commerce must promulgate a standard for all children's sleepwear in sizes 7 through 14, making them flame retardant.

I believe the industry can meet this standard. In fact, in researching this amendment, I was encouraged to have this belief confirmed by the judgment of Commerce Department experts.

Mr. President, in the interest of the safety of all our children and the prevention of often tragic injuries and even death, I strongly urge the Senate to adopt this amendment.

Again. I commend Senator MAGNUSON for his leadership in this area. I am pleased to join with him in sponsoring this important amendment.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time on the amendment.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. TUNNEY). All time on the pending amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time on final passage?

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has now been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. AIKEN voted "yea" when his name was called.

Mr. COTTON. Mr. President, I ask unanimous consent, with respect to having a rollcall vote—can we get unanimous consent to withdraw the yeas and nays?

The PRESIDING OFFICER. The Chair would state that debate is not in order. The yeas and nays have already been ordered. One Senator has already responded to his name.

Mr. COTTON. All right.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senate from Louisiana (Mr. ELLENDER), is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

The result was announced—yeas 65, nays 0, as follows:

[No. 221 Leg.]

YEAS—65

Aiken	Eagleton	Montoya
Allen	Eastland	Nelson
Allott	Ervin	Packwood
Anderson	Fong	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bennett	Hartke	Percy
Bible	Hatfield	Proxmire
Brock	Hruska	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Javits	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Cranston	McGee	Tunney
Dole	McGovern	Welcker
	Mondale	Young

NAYS—0

NOT VOTING—35

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Thurmond
Fannin	McIntyre	Tower
Fulbright	Metcalf	Williams
Gambrell	Miller	

So the bill (H.R. 5066), as amended, was passed.

The title was amended, so as to read: "An Act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate for its consideration, H.R. 15097, which will be stated by title.

The bill was read by title, as follows:

A bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate on this bill is limited to 30 minutes, to be equally divided and controlled by the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from New Jersey (Mr. CASE). Time for debate on the amendments, debatable motions or appeals is limited to 20 minutes, to be equally divided and controlled by the mover and the manager of the bill, or the minority leader if the manager of the bill is in favor thereof.

Who yields time?

Mr. ALLOTT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, I ask unanimous consent that Paul M. Weyrich and Jim Sanderson may be granted the privilege of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. CASE. Mr. President, I ask unanimous consent that during the debate on this matter the privilege of the floor may be granted to a member of my staff, Gar Kaganowich.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require.

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The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, the subcommittee took testimony on estimates totaling $8.4 billion ($8,458,527,000) for the offices, administrations, boards, corporations, commissions, and authorities which are funded in the transportation and related agencies appropriation bill (H.R. 15097). This total request consisted of $5.4 billion—$5,418,000,000—for payments to be made in connection with grants previously made under authorizations contained in substantive legislation for such programs as Federal-aid highways, Federal aid to airports, highway safety grants, and capital grants for urban mass transportation facilities. The rest of the $8.4 billion total requested, $3.0 billion—$3,040,362,095—is new budget—obligational—authority where the level of the program for the budget year is established by the appropriations process under general legislative authorizations. The new budget—obligational—authority includes the amount of $131,181,000 for the Federal contribution to the Washington Metropolitan Area Transit Authority for fiscal year 1974, as an advance appropriation.

FEDERAL HIGHWAY ADMINISTRATION

The largest single item in this bill is the recommendation of $4.9 billion—$4,893,125,000—for Federal-aid highways, consisting largely of reimbursements to the States for work on the Interstate—$3.2 billion—and Federal-aid systems and for administrative expenses in carrying out these extensive construction programs.

Other highway program activities for which requests were made and recommendations are submitted include $12 million principally for the highway beautification, outdoor advertising control—sign removal on interstate and Federal-aid highways; $12 million for highway-related safety grants; $10 million for continuation of the grade crossing elimination program on the high-speed ground demonstration rail routes between Washington, New York and Boston; $15 million of a requested $30 million for the Darien Gap Highway in Panama and Colombia, to continue the Inter-American Highway from the Panama Canal to South America; $35 million for the right-of-way revolving fund to assist the States with interest-free loans for advance acquisition of rights-of-way and relocation expenses; $23 million for funding payments for previously authorized forest highways projects; and $16 million for public lands highways for projects authorized under the biennial Federal-aid highway acts.

The recommendations for the Federal Highway Administration total $5.0 billion, of which $4.9 billion is derived from the highway trust fund and $0.1 billion from the general fund of the Treasury.

The committee recommendations include deletion of House language in the general provisions which would have the effect of limiting obligations in fiscal 1973 for the forest highway, public lands highways, territorial highways, highway related safety grants, and highway beautification below the levels authorized in the biennial Federal-aid highway acts.

FEDERAL AVIATION ADMINISTRATION

The next largest group of recommendations—totaling $1.6 billion—relates to the aviation activities of the Department, the Federal Aviation Administration.

For the operation of the national system of air traffic control, the committee recommends $1,175,256,000 of a requested $1,175,156,000. This provides 1,407 additional positions for air traffic control duties in centers and towers. These operating funds are from the General Fund of the Treasury and are not derived from the Airport/Airway Trust Fund. The Committee recommends earmarking language providing $3.5 million for additional screening devices to make these devices available for a mandatory passenger screening system as an effective antihijacking measure.

For facilities and equipment, the committee recommends $302,650,000 to be derived from the airport/airway trust fund for major capital investments to increase system capacity and make operations safer and more efficient.

The recommendation includes $32,711,000 over the budget and the House bill for 84 instrument landing systems; $6 million for three airport surveillance radars; and $12 million for 30 airport control towers. These items—amounting to $50,711,000—were not included in the budget request. A listing appears on pages 552–555 of the Senate hearings.

For the airport development program, the amount of $100 million, the budget request and House allowance, is recommended for payments expected to be made for airport development and improvement projects, including land acquisition. An appropriation of $15 million is recommended for airport planning grants for regional systems of airports and individual airports. These funds are derived from the airport/airway trust fund.

The budget reflects planning for a level of $280 million for airport development grants in fiscal 1973 utilizing the authority contained in the Airport and Airway Development Act of 1970.

For research, engineering and development, the committee recommended $66 million. This research will be directed at improvement of the national air traffic control system and to increase system capacity and safety. Projects include work on collision avoidance, improved instrument landing systems, and, by committee directive, an improved ground proximity warning indicator for better altimetry. These funds are to be derived from the Airport/Airway Trust Fund. Seven million dollars would be used by the Office of the Secretary for continuing work on air traffic control system improvements.

The committee recommendations provide $15,873,000 for Washington National and Dulles International Airports, $12,265,000 for operations, and $3,608,000 for construction consisting largely of runway and aircraft apron parking.

In all, the committee provides for $483,650,000 from the Airport/Airway Trust Fund; $1,191,129,000 from the General Fund of the Treasury; in all, $1,674,779,000 for the Federal Aviation Administration.

The committee recommendation includes the deletion of House language in the General Provisions—section 302—which has the effect of limiting airport development grants to $280 million for fiscal 1973.

COAST GUARD

For the operational expenses of the Coast Guard, the committee recommends $551 million—compared with a requested $551 million and a House allowance of $548.9 million.

The House allowance and this recommendation includes $3 million for the operations of the two fishery patrol vessels recommissioned with funds supplied in the second supplemental for 1972, and $6.2 million for the operation of a Coast Guard base at Kodiak, Alaska. The increases over 1972 fuuding are largely for military pay increases, increased emphasis of marine safety and efforts in pollution control.

For acquisition, construction, and improvements, the recommended $134,680,000 includes $81 million for vessels, of which $66 million is for construction of a new polar icebreaker; $11.6 million for aircraft; $27.1 million for shore stat ions. and so forth; $8.4 million for repair and supply facilities; and $3.4 million for training and recruiting facilities. The committee recommendation also includes $1,580,000 for Coast Guard housing at Homer and Cordova, Alaska, which the amended budget proposed deferring. The recommendation includes $1,550,000 for construction of facilities at Cheboygan, Mich., for the icebreaker, *Mackinaw*.

The committee recommends the $12.5 million, as requested in the budget and allowed by the House, for the alteration of obstructive bridges over navigable waters. The committee report lists the eight bridges involved.

The recommendation for retired pay provides the budget estimate and House allowance of $72,789,000.

The House committee had deferred the provision of funds for the reserve training program in the absence of legislation authorizing an average strength level. The amount of $31,735,000 was added by amendment during House consideration of the bill. The committee concurs with the House committee and will consider this request after authorizing legislation is enacted.

For research activities, the committee recommends $18.3 million. The projects involved are a continuation of work on pollution monitoring, detection, containment, and cleanup systems.

For State boating safety assistance, the recommendation is $7,500,000, the budget request and $4,500,000 over the House. These funds, requiring a 33⅓-percent State matching, will be used to stimulate State boating safety efforts.

The total recommendations for the Coast Guard are $796.6 million of a requested $825.5 million.

NATIONAL HIGHWAY TRAFFIC SAFETY

The House allowance for the traffic and highway safety programs provides $43 million, representing a reduction of $5,268,000 and a deferral of $37,361,000 for which renewed authorizing legislation is required. These activities were

authorized in the National Traffic and Motor Vehicle Safety Act (Public Law 89–563) expiring at the end of fiscal 1972 (S. 3474 introduced) and the Highway Safety Act (Public Law 89–564) currently authorized through fiscal 1973.

The committee recommendation of $45,673,000 includes $373,000 for the funding of an adequate program for schoolbus safety including 20 positions. The inadequacy of the present level of effort was covered in questioning by the subcommittee—Senate hearings, pages 169–173.

The committee recommendation concurs with the House in deferring the $37.4 million.

The committee recommends the provision of $70 million, consisting of $40.5 million in Federal funds and $29.5 million in trust funds, for State and community highway safety. These funds are required to make payments to the States for previously approved work programs in areas of driver licensing, motor vehicle registration, traffic records, police traffic services, driver education, and so forth. The States are required to match the grants.

The committee recommends the deletion of section 304 of the general provisions which has the effect of limiting to $80 million the grants to be made in fiscal 1973.

The recommendations for the National Highway Traffic Safety Administration total $115,673,000, consist of $55,810,000 Federal and $59,863,000 trust funds.

FEDERAL RAILROAD ADMINISTRATION

The recommendation for the Office of the Administrator provides $2,921,000 of a requested $3,142,000 for the staff offices supporting the research and safety activities of the Federal Railroad Administration.

For railroad research, the recommended $10,500,000 is $150,000 above the level of effort funded in 1972. The committee report directs special attention to efforts in grade-crossing-elimination studies at Wheeling, W. Va.; Lafayette, Ind.; and Lincoln, Nebr.

The recommendation for the Bureau of Railroad Safety of $7,110,000 includes 43 additional personnel for track inspection, and so forth, and the House allowed increase of $100,000 in travel funds—$800,000 instead of the $700,000 proposed in the budget.

The committee recommends $60,879,000 for high-speed ground transportation research and development. The amount recommended provides $35,200,000 for research and development; $23,700,000 for demonstrations, including $16,700,000 for the Metroliner, and $1,000,000 for the turbotrain; and $1,979,000 for administration.

The recommendations for the Federal Railroad Administration total $81,410,000.

URBAN MASS TRANSPORTATION ADMINISTRATION

The recommendations for the Urban Mass Transportation Assistance Act of 1970 include $232 million, the budget request and House allowance, for payments to be made to communities in financing acquisition, construction, reconstruction, and improvement of facilities in mass transportation service in urban areas. Federal participation is limited to two-thirds of the net project costs.

For research, development, and demonstrations and university research and training, the committee recommendation is $114 million. The bill includes earmarking language for research, development, and demonstrations—$111 million; for university research and training—$2.5 million; and—$0.5 million—for managerial training.

For administrative expenses, the committee bill would provide $6,684,000 of a requested $7,419,000.

The House allowance of $6.4 million provided 5 new positions for research and development activities. The recommendation includes the 30 additional field operations positions requested in the budget and would provide for a total of 60 field positions.

OFFICE OF THE SECRETARY

The committee recommendation provides $24,120,000 of a requested $26,053,000 for the administrative expenses for the Office of the Secretary. This provides 31 additional positions of a requested 76.

The committee concurs with the House, and the conferees agreement of last year, in the denial of funding for positions for the Office of Consumer Affairs, but has included $150,000 for the 10 full-time staff assistants for the secretarial regional representatives.

For transportation planning, research, and development, the budget proposed $42.1 million and $7 million by transfer from the Airport/Airway Trust Fund. The transfer of funds for continued work on future air traffic control concepts is recommended. Specific items recommended for approval are $8 million for noise abatement research—of a requested $8.2 million—and $5 million for dual mode research—denied by the House.

The committee recommendations specifically deny the six additional positions requested. The requested $5 million for university research—allowed by the House at $3 million—is recommended in full.

The recommendation provides $45 million of a requested $49.1 million and is $8 million over the House allowance of $37 million. It is $16.5 million over the amount provided for 1972.

For transportation research activities overseas, a special forcign currency program, the committee recommends concurring with the House in the denial of the $500,000 requested. Testimony at the hearings, April 24, revealed the 1972 appropriation of $500,000 still unobligated and continuing available.

The committee recommends an appropriation of $1 million for grants-in-aid for natural gas pipeline safety. The House passed this authorization (H.R. 5065) on June 21, 1971. This recommendation is made contingent upon enactment of authorizing legislation.

The committee recommendation concurs with the House in providing $600,000 for lease of employee parking space and $200,000 for related maintenance costs; in all, $800,000 of a requested $857,000.

For the Office of the Secretary, the recommendations total $63,920,000.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The committee recommends not to exceed $797,000, the budget estimate and House allowance, as the amount the Corporation may use for its administrative expenses. These funds are to be derived from Seaway toll revenues.

RELATED AGENCIES—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The committee recommends an appropriation of $131,181,000, the budget estimate and House allowance, for fiscal 1974 for the Federal contribution to the Washington Metropolitan Area Transit Authority.

CIVIL AERONAUTICS BOARD

The recommendations for the Civil Aeronautics Board provide $14,173,000, which is $50,000 over the budget request and House allowance, for the administrative expenses of this regulatory agency. The recommendation includes $50,000 for costs relating to reopening an Alaskan field office.

For payments to Air Carriers, the recommendation, based on testimony as to needs, provides $65.4 million, an increase of $11.4 million over the budget and House allowance.

THE PANAMA CANAL

The recommendations for the Panama Canal include $55.2 million for Canal Zone Government operating expenses and $4.5 million for Canal Zone Government capital outlay. These amounts are, in effect, an advance of funds to be repaid through charges for services furnished or from revenues of the Panama Canal Company.

The bill includes language, as requested in the budget and allowed by the House, to authorize use of not to exceed $20,556,000, to be derived from Company revenues for general and administrative expenses.

INTERSTATE COMMERCE COMMISSION

The committee recommends the amount of $33,120,000, the House allowance and $1,460,000 over the budget, to provide a year-end employment of not less than 1,800 personnel and an average employment of not less than 1,750 during fiscal 1973.

The committee concurs with the House views on the Commission's responsibilities.

NATIONAL TRANSPORTATION SAFETY BOARD

The committee recommendation of $8,285,000 is $585,000 over the House allowance and $500,000 over the budget estimate.

The additional amount is provided to enable the Board to expedite the public release of the investigative results of its accident investigations. The committee is deeply concerned with the present time lag and expects the Board to materially improve its performance in the discharge of its responsibilities in all fields of accident investigation. The increase includes $385,000 for 30 additional highway accident analysts and field investigators.

SUMMARY OF RECOMMENDATIONS

In conclusion, the committee recommendations total $8.4 billion, of which $5.4 billion is for mandatory payments under commitments previously made

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pursuant to legislative authorizations—consisting of $0.3 billion in Federal funds and $5.1 billion from Trust Funds; and $3.0 billion in new budget—obligational—authority for activities authorized under authorizations where the appropriations govern program levels—consisting of $2.6 billion in Federal funds and $0.4 billion from Trust Funds.

One emphasis which I should make, Mr. President, is this. The moneys which have been added by the subcommittee, over and above the House bill, are strongly oriented toward the safety of the traveling public, especially in the field of air transportation. Moneys have been added for all airports throughout the country which qualify for instrument landing systems, aircraft traffic control towers, and airport surveillance radars. It is my belief—and the committee joins with me—that we should provide every dollar which can be properly and feasibly spent for screening devices to deter aircraft hijacking and for the installation of airport equipment to insure every degree of safety and protection possible for the millions of men, women, and children who are increasingly traveling by air. It was this same emphasis upon safety that led the committee to add moneys for the expedited development of an improved ground proximity warning indicator for aircraft, the schoolbus safety program effort, the grade crossing elimination studies, and the accelerated reporting following accident investigation studies by the National Transportation Safety Board.

The public is entitled to such safety and protection, and as far as my committee is concerned, we are determined to provide the necessary funding.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. I would like to address myself to my distinguished colleague from West Virginia, the manager of this appropriation bill, on three categories which are very meaningful to the welfare of my State.

Mr. ROBERT C. BYRD. Mr. President, may we have a little less commotion in the Senate? There is entirely too much running up and down and around.

The PRESIDING OFFICER. The pages will take their seats.

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

Mr. PASTORE. That is all right.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, first of all, I wish to compliment my colleague for his understanding of the problems that were involved.

I notice that the committee went along with the $3 million for the operation of two additional patrol cutters, recommissioned in the second supplemental for 1972. I might say at this juncture we had tremendous trouble with some foreign fishing boats that not only destroyed some of our fishing equipment but in many, many instances have raised havoc with the situation in that part of the State.

The second item to which I call attention is the $360,000 made available, as appears on page 13, to provide a second set of landing equipment for the airport at Theodore Francis Green Airport. This means we can use two runways, thereby in a way alleviating the problem of noise that has been affecting the people there.

The third item has to do with anticipated rail research and development. I notice the House cut the figure by $500,000 and that was restored by the committee. I want to say that this was a wise action on the part of the committee to go along with that recommendation and our people, and particularly the senior Senator from Rhode Island, appreciates that action very much.

Mr. ROBERT C. BYRD. I thank the distinguished senior Senator from Rhode Island. The committee included the moneys that have been referred to by the distinguished senior Senator from Rhode Island for the instrument landing system at the Theodore Francis Green Airport in Providence, R.I., and included money for operating the additional patrol cutter, which has been recommissioned, at the written and personal request of the senior Senator from Rhode Island (Mr. PASTORE). Both of these requests were amply justified and the committee was pleased to respond, as it did, to the requests. As chairman of the subcommittee, I knew nothing about the problem with foreign fishing boats in that area until the Senator called the matter to my attention in his letter several weeks ago. Nor did I know that his airport qualified for the additional ILS system until he pressed the matter upon me. I thank him for his kind remarks.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I would like to commend the Senator from West Virginia and members of the committee for inclusion of funds for an additional instrument landing system for the airport at Norfolk, Va. This airport serves a great metropolitan area. I requested the Senator from West Virginia and the committee to give consideration to the inclusion of these funds and on behalf of the people of the area I am pleased that the committee saw fit to include the request.

Mr. ROBERT C. BYRD. I thank the Senator from Virginia. The committee was happy to receive correspondence from the distinguished Senator from Virginia requesting this additional money for the Norfolk airport. As a result the committee looked into the matter, found that the airport did qualify and was pleased to include the funds requested by the Senator.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ROBERT C. BYRD. Yes; I yield to my senior colleague.

Mr. RANDOLPH. Mr. President, the able Senator from West Virginia (Mr. BYRD), who is the chairman of the subcommittee handling the Department of Transportation and related agencies appropriation bill, has succinctly given us the points relating to the action within his subcommittee. I commend him personally and congratulate his colleagues who joined in giving attention to some matters which, because of earlier authorizations, are of interest and concern to the Senate Committee on Public Works.

I call attention particularly to page 18 of the report, which has to do with funding for highway beautification. The pending legislation permits the continuance of important work authorized by the Highway Beautification Act of 1965 and the Highway Acts of 1968 and 1970, attempts to beautify the highways of America and also to remove from the landscape those eyesores which were often of considerable size—the junkyards of the country.

The $60 million program that my colleague from West Virginia has planned for 1973 will permit the maintenance of the 6-year program for the removal of billboards that do not conform with the law. The $23.3 million increase in 1973 will be used for that purpose, while the junkyard control and landscaping programs will be reduced, as the Senator has indicated, from the 1972 level.

Without intending criticism, would my colleague give a further explanation of the funding reduction for the junkyard and landscaping programs?

Mr. ROBERT C. BYRD. The budget for 1973 called for a large increase in emphasis for 1973 for billboard removal, and the junkyard control and landscaping programs were reduced from the 1972 level. Our recommendations are consistent with the budget proposal.

Mr. RANDOLPH. I understand, and I think the increase for the billboard compliance is very important. I felt that the reduction for junkyard control and landscaping needed some comment. I appreciate the attention of my able colleague to this problem.

Mr. ROBERT C. BYRD. May I say further, in response to the question by my distinguished senior colleague, the committee recommended the deletion of section 303 of the general provisions, which would have the effect of limiting the 1973 obligations to $30 million. It seems to me this action will allow for an expanding of the program more in accordance with what my colleague envisions.

Mr. RANDOLPH. That is correct, and that is very helpful. I understand the clarification. I am gratified that these programs are being funded, that landscaping goes forward, that the junkyard control program is not stopped, and that the effort to properly control billboards is being handled properly from the standpoint of necessary funds.

I call attention also to the very important demonstration program which is being funded to eliminate certain railroad grade crossings. This is a matter of very great concern to those of us on the Public Works Committee, and I am gratified that the program which is jointly funded by general revenues of the Treasury and highway trust funds, is going forward. I commend the work that my able colleague from West Virginia has done on this most important legislation, including attention to the increased safety in our aircraft and airways program.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). All time of the Senator from West Virginia on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, would the Senator from New Jersey yield me 1 minute?

Mr. CASE. Mr. President, I yield myself such time as I may require, and I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I want to say further, in response to my colleague's original question with reference to the beautification moneys, that the amount which was included is in conformity with the appeals submitted to the committee by the Secretary of the Department.

Mr. RANDOLPH. I thank the Senator.

Mr. ROBERT C. BYRD. The committee knows of the great interest of my colleague and his leadership in this field. As far as I am concerned, I want to assure the Senator I will do everything in the future, especially in light of his continuing interest, to see that every dollar is provided for this item that can reasonably be appropriated.

Mr. RANDOLPH. I thank my colleague very much.

Mr. ROBERT C. BYRD. I thank my colleague.

Mr. CASE. Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I, as a new member of the Appropriations Committee, want to thank the chairman of the subcommittee and our ranking minority member for their courtesy to me and their consistent interest in our State in regard to this bill, and I am very delighted to see the addition of the $50 million for the new airport facilities, which was the work of the Senator from West Virginia.

I shall make lengthier statements in regard to this bill in the RECORD, but let me state first—which I will repeat later—that the one item that remains in the bill before us that is not a problem as far as the Appropriations Committee is concerned, but is a problem as far as the authorization committee is concerned, is that Alaska still remains the one State that is not included in the Interstate Highway System. Even our sister State in the Pacific, Hawaii, is included in the Interstate Highway System, even though there are no interstate highways actually that reach Hawaii.

Alaskans feel very strongly about this discrimination, and it is my great hope that the amendments to the Interstate Highway Authorization Act will include Alaska so that we will be able to utilize funds from the Interstate Highway Trust Fund.

I wish again to thank the chairman of the subcommittee for his courtesy and for his interest in restoring an item that was of great concern to the Coast Guard, and for his great interest in converting the Kodiak Air Station to the Kodiak Coast Guard Station.

Mr. President, as the Senate considers approval today of the $8 billion Department of Transportation appropriation bill for fiscal year 1973, I wish to remind you that we still have a major unresolved problem in Alaska which I hope a future appropriations bill will be able to take care of, once the step of receiving the necessary authorization is accomplished.

The matter is simply this: Every State in our country, with the exception of Alaska, is able to utilize funds from the Interstate Highway System. This includes our sister State, Hawaii, which is also noncontiguous with the "lower 48."

This means Alaska has been denied the use of a highway transportation program which has changed the face of our country's economic and citizen travel patterns, and changed it for the better. To those who have been in Alaska, the exclusion of our State from this tremendously important transportation program is immediately and starkly clear. Our highway system, in this the largest State in the Union, has a road density lower than any other State; in fact, it is 37 times less than the next lowest State of Wyoming.

We are on the brink of far-reaching development in Alaska and we must have a modern surface transportation system to handle this growth. To me this means a belated, but deserved, entry in the Interstate System or the development of an alternative commitment of funds which will give us the resources to accomplish this goal. I have with me a letter to myself and Secretary Volpe from our State's Governor, Mr. William Egan, which makes the case for this expansion of our highway system with great depth, strength of reasoning, and concern. I wish to say that I continue to commit myself to working with the Governor toward bringing adequate highway resources to our State, and will explore and work to resolve the legislative and administrative hurdles which must be overcome to accomplish this goal. Mr. President, I request unanimous consent that Governor Egan's letters be entered into the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNEAU, ALASKA,
June 12, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED. I am transmitting to you a copy of a letter I have recently submitted to Secretary of Transportation Volpe concerning Alaska's predicament in regard to the availability of Federal highway funds.

As I have explained to the Secretary, we are presently completely out of funds for committing additional highway contracts in Alaska until Fiscal 1973 funds are available. If the Department of Transportation makes the full obligational authority determined by the Office of Management and Budget available on the first of July, we will have approximately $36 million of Federal funds for our next year's highway program. We presently have about $30 million of much needed highway projects on the shelf waiting for funding and will probably develop at least another $30 million during the remainder of this year. This means that we are fast approaching the point where we will be unable to fulfill our highway commitments and will have to cut back highway construction in Alaska, which will cause severe hardships to a major segment of our State.

I think the time has come when we must insist that Alaska be included in the Interstate Highway Program or receive interstate funds to be expended on other highway projects in lieu of interstate mileage. The situation is extremely serious and one which I feel demands immediate attention of the U.S. Congress as well as the Department of Transportation. It should be noted that the Office of Management and Budget has consistently withheld highway funds from all states since 1966. At the present time approximately $40 million of highway funds that were authorized for Alaska by the U.S. Congress have been held by the Office of Management and Budget and we have, consequently, been denied obligational authority, hence effectively freezing these funds.

Of course, due to your efforts and those of your colleagues in the Alaska Congressional Delegation, the 1970 Highway Act included $20 million extra for Alaska. This was a wonderful breakthrough and has the effect of providing partial compensation for being excluded from the Interstate Highway Program, for both Fiscal 1972 and 1973. We surely hope you can be successful in having a like provision included in the present Highway Act which is being considered by the U.S. Congress. Hopefully, your good efforts might be able to increase the funding in excess of the $20 million we received for each of the last two years.

I request that you take whatever action you can to insure that Alaska receive additional monies in lieu of incorporation into the Interstate Highway Program and that the Office of Management and Budget release Alaska's funds in the amount of $40 million which are presently frozen. My Administration is ready to provide any information, testimony, or other help which you may desire.

Please give me your observations on this matter as soon as possible, together with any advice as to possible courses of action which we may pursue to aid you in obtaining needed highway funds for Alaska.

Sincerely,

WILLIAM A. EGAN,
Governor.

JUNEAU, ALASKA,
June 12, 1972.

Hon. JOHN VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I have reviewed your letter of May 9, 1972, concerning the National Highway Needs Report and the proposed Transportation Act which was submitted to the U.S. Congress in April of this year.

I do appreciate your concern about the funding of non-interstate Federal aid highway projects in Alaska, and certainly the provision which you have included in your proposed Transportation Act which states, in effect, that no state receives a lesser apportionment than they received in Fiscal 1973, as being a step in the right direction. I feel, however, that this is only a step and not the full solution to Alaska's surface transportation problem which is becoming more and more acute. The recent safety report card which lists Alaska as below average is of considerable interest to me, as I am sure it is to you, and, again, a problem directly associated with our entire highway system, and specifically with the Federal funding that is needed to provide the necessary systems improvements to increase safety on Alaska's highways.

I note with interest that you are attempting to provide flexibility at the state level and to allow the states to make basic determinations as to the methods by which transportation funds will be employed to improve systems in the various states. I firmly believe that this is a wise decision inasmuch as the needs of some states, especially Alaska, vary tremendously.

Unfortunately, I believe that the tremendous national concern over the transportation problems in our larger urban areas has,

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in many cases, overshadowed the basic needs of some of our underdeveloped areas, of which Alaska is a prime example. I do not doubt that in many of the states solution to urban problems is of paramount importance and must be considered of high priority in the allocation of any transportation funds. Unfortunately, some of the states have primarily rural transportation problems and, in the case of our State, a complete lack of any connected integrated highway system as exists in all of our sister states.

The great need of just basic minimum standard roads was dramatically pointed out in the testimony given by Alaska's Commissioner of Highways at the House Public Works Subcommittee hearings. I am including this testimony for your perusal. Some of the comparisons are of special interest. For instance, Alaska has only 7,100 miles of highways and street mileage with a land area of nearly 600,000 square miles. This gives us a road density of 1/100 of a mile of road per square mile of land area. Arizona, by contrast, has 37 times more highways per square mile than Alaska and is the next lowest of the 50 states in highway density. Rhode Island, by contrast, has 440 times the road density of Alaska. Many of our major towns are connected only by air transportation with absolutely no possibility of surface connection within the foreseeable future, a situation unheard of in any other state.

If the State of West Virginia were superimposed upon the most densely populated area of Alaska, we would find that within this area Alaska has only 750 miles of highways while West Virginia has 35,820 miles. Imagine, if you would, what would happen to West Virginia's economy if we removed 35,000 miles of road from her highway system. It is unthinkable, I know, yet this condition actually exists today in Alaska. Unless we can develop a basic highway transportation system to serve our cities and our potential areas of economic development, our State cannot increase its economic base. Since Alaska contains a great store of mineral wealth, this lack of economic development hurts not only Alaska but the entire nation, and should be a matter of national concern.

I might direct your attention further to the fact that Alaska has been and continues to be the only state not included in the largest of our public works programs, the Interstate Highway System. There has been nearly $50 billion spent by the Federal Government to implement the Interstate Highway Program since 1956 and not one single penny has been spent in Alaska. While it is true that we are not connected geographically to the other states, I would remind you that neither is Hawaii and they enjoy a substantial interstate program. Hence, then, we are forced, in this State, to utilize our regular ABC apportionments to provide intercity connections that other states have constructed with interstate funds. This only further compounds our problems of trying to provide a minimum transportation system for our people.

Initially, the Interstate Program was to have lasted approximately 10 years; it now appears that it is going to last 20 or more years. The continued exclusion of Alaska from this program is probably one of the major oversights of the U.S. Congress and of several administrations. Alaska, which desperately needs roads to become even partially equal to her sister states, has been and continues to be excluded from the major highway program of this country.

While I would be the first to admit that our needs, in most cases, are not for multilane limited access freeways, it still does not appear equitable to eliminate Alaska from this program on that basis alone. Some provision certainly could be made within the scope of the Transportation Act to allow Alaska to utilize her share of the Interstate Highway Program, if she were included, in a method somewhat different from the other states to satisfy her needs. This would be completely consistent with your approach to the allocation of transportation funds to the various states and allowing them to have more say as to what methods will be utilized to fulfill transportation needs.

If it is, for some reason, impossible to include Alaska within the Interstate Program, then I would suggest that we be given additional funds in our ABC program in lieu of incorporation into the Interstate so that we can participate as a full partner, as do the other 49 states. In the 1970 Highway Act Alaska was allowed $20 million in each of fiscal years 1972 and 1973 to compensate, to a small degree, for our singular exclusion from the Interstate Highway Program. The precedent certainly has been set for recognizing the discrimination incurred by Alaska and I feel that the continuing of funds in lieu of Interstate appropriations is equitable and in no way inconsistent with your goals as outlined in your May 9, 1972, letter to me.

By not participating in the Interstate Program, Alaska is penalized even further by the fact that we are not allowed to obligate the full apportionment of highway funds given to us by the U.S. Congress. This State presently has nearly $40 million of authorized apportionments which we have not been allowed to obligate as a result of the actions of the Office of Management and Budget. Other states have their Interstate Program to help take up the slack. We do not and, hence, the penalty works doubly hard on Alaska. In addition, construction costs in Alaska, due to the severity of the climate and short working seasons, are often many times higher than those of our sister states, which means that our highway dollar consistently builds substantially less mileage than could be constructed with the same dollar in other states.

In summary, I feel that either Alaska should be included in the Interstate Program immediately or we should be allowed additional monies from the Highway Trust Fund in lieu of participating in the Interstate Program. We must construct highways now since we are on the threshold of economic expansion and, with economic expansion, a drastic increase in population. Migration to Alaska is high and will continue to be high over the next few years as a result of our growing oil industry. Since we are woefully short of surface transportation avenues now, one can only imagine what conditions will be in a few years when our population has increased and our highways have remained essentially as is. We are, as of this date, *completely* out of highway funds and have nearly $30 million of vitally needed highway projects "on the shelf" where they will remain until the obligational ceiling on Federal highway funds is removed. It is unreasonable to continue to withhold nearly $40 million of obligational authority from Alaska in light of our desperate need for highways to spur our social evolution and to develop a firm based economy.

In order to help solve our pressing transportation problems, Mr. Secretary, I appeal to you to take whatever action is necessary to accomplish the following objectives:

1. Release the $40 million of obligational authority that is presently being withheld from Alaska.

2. Incorporate Alaska into the Interstate Highway Program or provide additonal funds annually in lieu thereof.

3. Recognize the complete uniqueness of Alaska's transportation system and tailor future Federal aid highway programs so that Alaska can build the roads she needs to connect the places of residence of her people and take her place with her 49 sister states on an equal footing.

I invite you to come to Alaska this summer if your busy schedule will allow and review firsthand the tremendous transportation gap in this State and to discuss other possible solutions with me.

Sincerely,

WILLIAM A. EGAN,
Governor.

Mr. STEVENS. Mr. President, I am deeply gratified that the Appropriations Committee has agreed to my amendment to the Department of Transportation and related agencies bill in committee which will reopen an urgently needed Civil Aeronautics Board office in Alaska which was closed for economic reasons in 1965.

This office will serve the five CAB certificated airlines in Alaska and the nearly 300 communities those airlines serve. Burgeoning activity stimulated by the Alaska pipeline and infusion of financial resources into the bush from the Alaska Native land claims settlement is causing dynamic increases in rural air traffic. These increases and new emerging traffic patterns are straining the services "bush" operators are able to provide. The committee recognizes the vast area of Alaska and absence of interconnecting surface transportation makes Alaskans inordinately dependent on air service for travel and supplies. Reopening this Alaska office will assist communities, airlines, and approximately 192 air taxi operators through the implementation phase of the Alaska service investigation, undertaken by the Board in 1969 and the bush phase of that case still pending before the Board.

So that the Congress will better understand the remote circumstances and the truly unique lifeline dependency which rural Alaska has with its certified airlines and the bush pilots these airlines subcontract with for servicing villages, I would like to outline briefly just what this situation is. I believe the need for a CAB office in Alaska to service this lifeline will be made abundantly clear by these facts of life with which rural Alaskans must cope at all times.

Five airlines in Alaska are certificated by the Civil Aeronautics Board; Wien Consolidated Airlines, Alaska Airlines, Reeve Aleutian Airways, Kodiak Airways, and Western Alaska Airlines. All but Reeve Aleutian receive subsidy from the CAB.

Wien Consolidated and Alaska Airlines are the largest intra-Alaska carriers. In terms of number of communities authorized to serve, Wien is the largest airline in the world with about 170 points, including two in Canada. Alaska Airlines is authorized to serve about 82 bush points and is a trunk carrier between Seattle and Alaska's population centers.

Of Wien's 170 points, 156 have a population of less than 500 people. In virtually all of these 156 communities, air transportation is the sole mode for delivering food and supplies, mail and passengers. Alaska Airlines is authorized to serve about 82 bush points with similar conditions.

Most rural Alaskans are Native Indians, Aleuts, or Eskimos. They exist on a marginal cash economy based on seasonal employment—fighting forest fires, commercial fishing, and selling Native arts and crafts. The limited cash economy is supplemented in large part by hunting, fishing, and trapping. These same people who can least afford cash outlays for supplies and transportation costs must rely on air transportation to acquire anything beyond the range of their riverboats or, in winter, their snowmobiles.

The number and location of communities in rural Alaska served by certificated carriers change with population shifts. Population shifts result from relocation due to seasonal flooding along major river systems, family migration toward the rivers during fishing season, and relocation of logging camps to new harvest areas. Some of the operating problems encountered in these areas are unknown elsewhere in the country. There are no airport facilities as we know them in urban areas. A windsock is often the only landing aid. Airstrips are short and unpaved, and unfavorable winds often postpone incoming flights. As a rule, there are no lights. In winter, when it is dark more than 20 hours a day in northern Alaska, villagers use kerosene fires to guide airplanes in so that they may receive their mail and supplies. Float planes are used extensively in parts of Alaska. During the time rivers freeze up and again when they are thawing, float planes cannot land. It is necessary for residents in these communities to store up supplies to last through these periods because they are effectively cut off from supply centers.

The CAB has tried several innovative procedures to overcome the adverse economic and operating conditions in Alaska. Both Wien and Alaska Airlines are permitted to provide scheduled service to any community within 25 miles of their authorized routes. Within southeastern Alaska, which is primarily islandic in nature, Alaska Airlines is granted "irregular route authority" permitting them to give scheduled service between any two points. Both Alaska and Wien subcontract to air taxi operators to serve many rural points. There are 192 air taxi operators scattered throughout Alaska and their expertise and knowledge of local conditions are absolute requirements in providing safe air service in the bush. Wien subcontractors serve about 61 of Wien's 170 authorized points. Alaska Airlines' subcontractors serve about 37 of their 82 authorized points.

These innovations—that is, the 25-mile rule, irregular route authority, and unsupervised subcontracting—are not sufficient to meet rural air service needs. Points served under mail contracts receive service based on mail flow rather than the broader personal transportation needs in the community. Subsidy payments to subcontracted air taxi operators are often insufficient for the services they provide.

The 25-mile rule and irregular route authority provide flexibility for the airlines but not dependability for the communities. The seasonal and occupational shifting of the rural population requires the ability to modify authorizations on short notice. Present administrative procedures are too burdensome and time consuming to meet the fluctuating needs in Alaska's bush. Air taxi operators and small certificated carriers like Kodiak and Western Airways do not have the legal or clerical resources to comply with the present administrative requirements. This is one factor in Kodiak and Western Airways' pending applications for merger. An Alaskan CAB office could develop administrative processes that would not entail legal expenses for simple operating modifications.

Mr. President, in the Department of Transportation appropriations bill, which the Senate will vote on soon, I am very gratified that among the many decisions made as to how this $8 billion will be expended, there was a small and wise decision made to not defer 40 units of urgently needed family housing for Coast Guard personnel at the small Alaskan communities of Cordova and Homer. This request of $1.5 million had originally been in the budget but later an amendment came up requesting these homes be deferred because of the necessary buildup of the Coast Guard base at Kodiak, Alaska due to the Navy's departure from that important Alaskan port. Both of these projects were necessary. It was my strong opinion that families needing homes in Cordova and Homer should not be made to suffer for the Kodiak buildup. The committee understood and agreed. I am gratified for this and hope we will be able to maintain this amendment in the conference committee. So further information on this matter may be available, I would like to request at this point in the RECORD that my letter asking for this budget amendment to Senator BYRD be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1972.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: While I strongly support the Coast Guard's budget amendment request of 6.2 million for Kodiak, Alaska, I have asked whether the Coast Guard would or would not have to take resources for the Kodiak operation from other Alaskan activities. I am deeply concerned now to learn that in the OMB budget amendment for Kodiak this is the case. The request calls for deferring urgently needed housing at Cordova and Homer, Alaska valued at 1.5 million so it can be reprogrammed to Kodiak. Coast Guard stations in Alaska should not be crippled to offset the cost of Kodiak. All are needed. Critical services provided by other Alaskan Coast Guard stations are not going to be covered by Kodiak, so they should not be made to suffer to *pay* for Kodiak. The various Coast Guard sites are spaced along the Alaskan coast at appropriate intervals to cover large expanses of the Gulf of Alaska and North Pacific. Each serves a huge geographic area in which marine and air transportation are the predominate modes of travel and in which the waters, climate and terrain are exceptionally hazardous. To strengthen one at the expense of another is like shoring up one section of a dam or bridge by transferring butresses from another.

Alaskan Coast Guard stations are relatively small and, because they are located in small, isolated home ports, their personnel and dependents constitute substantial segments of their respective communities. Housing in these localities is scarce and it is expensive. Coast Guard requests for funds to construct government housing are based on practical surveys of the need. Prior to the Kodiak problem family housing units for Alaskan stations were principal needs evidenced in the Coast Guard budget request. These needs were not alleviated, or affected in any way by developments at Kodiak. Suitable housing is a bulwark of other mission-essental elements of a Coast Guard installation, and cannot be undercut without weakening the main structure.

Therefore, it is my firm belief that the Administration's request to defer the 40 family housing quarters at Cordova and Homer, Alaska so this $1,580,000 can be reprogrammed to Kodiak in FY '73 is a serious error. I believe that these two communities must not suffer because of the necessary build-up at Kodiak. Accordingly, I urge that the Committee *not* reprogram and thus defer these housing funds from Cordova and Homer. I would request instead that we appropriate $1,580,000 in new funds for FY '73 to these housing projects. They are critically needed and should move forward as originally planned and called for in the FY '73 budget.

Thank you very much for your consideration of this request. I hope that you will agree with me.

With best wishes.

Cordially,

TED STEVENS,
U.S. Senator.

Mr. CASE. Mr. President, I yield such time as he may require to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the Senator from New Jersey. I would like again to add my voice in complimenting the committee on the bill now before us, and on the cooperation which I have received from the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from New Jersey (Mr. CASE) on a problem that I have been pursuing through these halls, specifically the adequate funding of Amtrak.

The additional $55 million which was approved by the House-Senate conference does not appear in this bill, but I have initiated discussions with members of the committee, specifically with the distinguished Senator from West Virginia and the distinguished Senator from New Jersey, and it is my hope that at such time as the supplemental appropriation bill appears before this body, probably sometime in late July or early August, an additional $55 million will be included and will be made available to bring about the necessary capital improvements in that rail system. We do have some additional investigation and homework to do, but I do not feel that in any way there is less of a commitment to a decent rail system within this Nation by the Appropriations Committee because of its failure to appear in this particular bill. I do hope, as I have said earlier, that sometime in July or August those funds will be forthcoming.

I thank the Senator from New Jersey.

Mr. CASE. I yield 4 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I do not wish to unduly prolong debate on this bill. There was a great deal of harmony on the part of the members of the Appropriations Subcommittee and of the full Appropriations Committee in considering this measure.

I would be remiss, however, if I did not express my appreciation to Senator

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ROBERT BYRD who has served so ably as the chairman of the subcommittee and to Senator CLIFFORD CASE who has done his usual outstanding work as the ranking minority member of the subcommittee.

It has been a pleasure working on transportation with these two men whose grasp and understanding of the problems associated with this complex issue bode well for the future of the programs contained herein.

I should like to take just a few moments to comment on some of the report language which we adopted.

With regard to the Office of the Secretary, we concurred in the House language which stressed that each of the administrations within the Department of Transportation should be responsible for their own research, development, and demonstration programs, and these programs should be operated without interference from the Office of the Secretary in the day-to-day management of individual projects.

Now, obviously, the Office of the Secretary has the responsibility in the overall sense to see to it that money is not spent by Administrations on worthless projects. But Congress never intended that the Office of the Secretary should have the capability or the authority to "sign off" and, therefore, determine what projects the Administrations should undertake. To do this would rob all autonomy and initiative from the Administrations and we do not wish to see this happen. For that reason, we believed it necessary to underline what the House had already said.

While on that subject, the committee did not touch upon this matter, but I am sure those Senators present here would agree with me, that in granting money to the various research and development programs in the different Administrations, we intend that these Administrations and not some other agency administer these programs. Recently, there has been some discussion that perhaps the National Aeronautics and Space Administration might take over the responsibilities for some of the transportation programs. As Senators know, I have been a strong NASA supporter, and I continue to be strongly in favor of a sensible, viable space program. However, the problems of getting to Mars from Earth are not necessarily similar to the problems of getting from downtown Denver to Arvada, or from midtown Manhattan to Far Rockaway. I see real danger in permitting NASA or any other agency to take over ground transportation projects. The kind of resources which were available for the Apollo project are not available for ground transportation at this time. Therefore, I believe the comparatively meager resources available to the Federal Highway Administration, the Federal Railroad Administration, and the Urban Mass Transportation Administration for ground transportation research should be managed by these Administrations and not by outside agencies—no matter how competent these other agencies may be in other fields. So, I say, while the committee did not speak on this, I wanted to raise the point to serve notice that I, for one, will make this an issue if necessary, and I believe the members of the committee will agree with my viewpoint if, and when, the full facts are debated.

With regard to the National Highway Traffic Safety Administration. I want to highlight the committee's addition of 20 positions to be utilized expeditiously in the area of schoolbus safety.

Fortunately, tragic schoolbus accidents are not common. Statistically, schoolbuses are a safe mode of travel because of the low incidents of injury per mile traveled. Much of this is because most drivers are uncommonly courteous to schoolbuses. The statistics however, do not reflect the potential for disaster and the grossly inadequate situation which prevails.

I am certain all Senators' mail reflects the concern that we all share in this area. The dismaying thing is that most of the answers are apparent and their resolution achievable. I think we can learn a lot from the children who ride on these schoolbuses.

Mr. President, at this point, I should like to read into the RECORD a letter I have received from Miss Holly Piquette of Gunnison, Colo.:

DEAR SENATOR ALLOTT,

Hi! I think we need some changes in the buses. My opinion of what I think they need is:

1. A stronger roof
2. Seat belts
3. Seat back and side padding
4. More experienced drivers
5. Roll bars
6. Safety air bags
7. Head rests
8. Smaller buses
9. Air brakes
10. Larger First-aid kit
11. Stricter student rules

The dangerous objects I think are:

1. Emergency door latch
2. Fan guards
3. Front door latch
4. The aisles are too narrow
5. The first step is too high

Sincerely,

HOLLY PIQUETTE.

No doubt, Holly's letter was stimulated by the tragic bus accident at Monarch Pass, Colo., which took the lives of eight Gunnison High School students and their football coach.

Many so-called schoolbus safety laws have been introduced in this Congress. I am discussing this because I believe much can be done under existing statutory authority if only sufficient manpower is provided to the National Highway Traffic Safety Administration to promulgate and enforce safety and structural regulations. I am, therefore, very pleased that the committee has approved an amendment to provide these 20 additional positions.

Great strides must be made to improve: Braking ability; ease of emergency exit through windows; occupant crash protection; and the structural intergity of schoolbuses. Great strides must also be made to improve the selection and training of schoolbus drivers, and schoolbus maintenance and inspection criteria.

The point is, Mr. President, we know the improvements that are needed. The Senate committee has provided the manpower to expeditiously make these improvements. I hope that our colleagues in the House of Representatives will agree with us on this issue.

The committee directed that schoolbus safety requirements be carried forth without unduly burdening local transit systems. I believe this is an important point because I have not been satisfied that the Safety Administration has properly taken into account the difficulties local transit operations now have and will continue to have in the future meeting school bus safety requirements while at the same time utilizing their buses for other purposes. The committee, in drafting this report language, sincerely hopes that these transit operations will be accommodated as the Administration moves forward in implementing standards.

Now, Mr. President, I wish to make just a few comments on the UMTA report language. The committee has directed UMTA to fund only those projects which are urban transit in nature. We do not wish to see intra-airport or urban renewal project funded with limited UMTA resources. We have other Government programs which are applicable in these cases. For myself, I want to say that I am especially concerned about the funding of intra-airport transportation projects, or projects which are designed to transport passengers from their planes to the terminal, or from one part of the airline terminal to another. I contend that such projects lack statutory authority under the UMTA Act, and even if some interpretation of the law could be made justifying these kinds of grants, I know I am correct in stating that the legislative history of the program does not support intra-airport transportation funding.

On another point, Senators will recall that I sponsored a successful amendment to the fiscal year 1971 Transportation Appropriations Act which earmarked funds for work in the "light rail" field. The work which has been done in this area has been disappointing, and the committee has reflected its disappointment in the language adopted. The committee directed that more resources from the rail portion of R. D. & D. be diverted into this field. We expect action in this area and a specific program to be enunciated. The committee agreed with my suggestion that projects in the "light rail" field would be appropriate for the Pueblo, Colo., test center. But in any case, we do not expect to wait another 2 years before we see concrete developments. We will await action from UMTA.

The committee, on the matter of "personal rapid transit," took quite a different approach from the House. We not only restored the $24,700,000 cut by the House for a further "personal rapid transit" demonstration, but we asked for immediate action. We did so because the Dulles demonstration is, in our view, of limited value. The guideways are only about 750-feet long. The equipment seems to have performed well in these theoretical situations, but if PRT technology is going to mean anything, we must have demonstrations in the real world. In Morgantown, W. Va., we are testing one kind of system under one set of conditions. With another urban demonstration, we will be able to test PRT's under conditions quite different from Morgantown and yet applicable in many places throughout the Nation.

The committee also adopted language on UMTA's "criteria" for rapid transit systems. The language speaks for itself. I expect to have more to say on this subject in the future, however, I believe that the criteria as written are unworkable and have been designed to make it virtually impossible to comply. If the criteria are not revised as the committee requires through its report language, then, as I announced some months ago, I will introduce legislation designed to deal with this problem.

The other matters covered by report language are self-explanatory. I believe the committee did a very commendable job in dealing with many of these very complex issues. I want to again thank the participating Senators, as well as John Witeck and Bob Clark of the committee staff for their excellent support work.

Finally, I must note the action of our committee which is somewhat coincident and complementary to actions of the conferees on the rural development bill. This week, the conferees on H.R. 12931 approved the "Rural Development Act of 1972." Also, this week, the Appropriations Committee has approved an additional $11.8 million for local service airline subsidies. This amount will fill the need recently established by the Civil Aeronautics Board.

Air service is a prerequisite to almost any business move to a new location. The rural development bill has as a major purpose—the stimulation of growth in our rural areas; which as we all know, means attracting more jobs to these rural areas. The overriding issue of the local service subsidy is, rural development.

The key element in rural development, now that passenger trains are no longer available to most rural areas, is the minimum network of air service that is provided by the local service air carriers. Frankly, I have not been completely satisfied with the attitude demonstrated by the CAB toward this issue. What I consider to have been inattention by the CAB was compounded by slowing economic conditions and, as a result, this group of air carriers has suffered an economic decline in recent years. The weakness of these companies threatens continued air service for rural America. I hope that the enactment of the rural development bill, which clearly demonstrates that this is a major national concern at this time, will awaken those charged with the responsibility of providing air service to rural communities.

I thank my distinguished colleague, the Senator from New Jersey (Mr. CASE), for yielding this time to me, and I yield back to him such time as I have not used.

Mr. CASE. Mr. President, I appreciate the Senator's comments. Both the chairman of the subcommittee and I are most grateful. I am especially pleased because the Senator from Colorado is a colleague of mine on the subcommittee, and certainly one of our hardest working members.

I thank the chairman also for his consideration and the fine job he has done on this measure.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield such time as he may require to the majority leader.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, Amtrak is now over a year old and its success or failure has not as yet been firmly established. The continuation of passenger train service for most Americans is a very important matter. As I have indicated in the past, the Nation's railroads were abandoning their historic role in this regard.

I have had high hopes for Amtrak and, quite frankly, they have done some innovative things in this very brief time. Amtrak has embarked upon some imaginative high-speed railroad service in densely populated commuter areas. However, I wish the success story of Amtrak in the less populated sections of the country like Montana was as glowing. When the original routes for Amtrak were adopted, they decided to operate passenger train service across the northern tier of Montana which denied service to the vast majority of the State. After some discussion, Amtrak was convinced that they should reinstate passenger train service across the southern route, known as the Northern Pacific Line, on a 3-day a week basis. This decision was made for a 15-month period on a use-it-or-lose-it concept. I do not disagree with this but I do believe that the users should be given some encouragement in demonstrating how much they will want and use this passenger service. This has not been the case in Montana. I do not believe the 15-month period, which will come to an end in September, was a fair test as to how well the people of Montana will use passenger train service. They have been using this service despite the concerted effort of the railroads to discourage patronage.

Almost every day I receive one or two letters from Montana complaining about poor service by Amtrak for the State, poor schedules, later arrivals, discourteous personnel, inability to obtain reservations when trains are obviously not full. All the complaints would indicate that there is little desire to build up traffic on the southern route. I am aware that Amtrak has not had time to develop improved equipment and service throughout the entire system and I am confident that when Amtrak completely takes over from the previous railroad operators, things will improve. We cannot have a fair test as to how people from Montana will use this passenger service until such time as Amtrak upgrades its system in this area as well as the rest of the Nation.

Mr. President, I would like to ask the able chairman of the Senate Subcommittee on Department of Transportation Appropriations, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), if he has received any indication from Amtrak officials as to whether they intend to extend the use-it-or-lose-it period for the southern route from Minneapolis to Seattle through Montana. Would the chairman agree that Amtrak should not only concentrate on the glamorous experimental service but must make a determined effort to upgrade passenger service to the less populated areas of the Nation?

Mr. ROBERT C. BYRD. Mr. President, I do agree with the statement of the distinguished majority leader. The majority leader wrote to me, as chairman of the Appropriations Subcommittee on the Department of Transportation. He also spoke to me on behalf of himself and his distinguished junior colleague regarding this matter.

The matter was discussed with Amtrak officials by the committee staff, the matter was discussed with high officials in the Department by me, and the matter was discussed by me with the Secretary of the Department of Transportation. May I say that out of those discussions I am encouraged to believe that what the distinguished majority leader hopes to achieve will be accomplished. It is my understanding that a decision by Amtrak will be made in July or August. The word used by a high official in the Department—I will not use his name—was "optimistic," indicating that he was optimistic, of course without being bound in any way.

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. He could not make a binding promise, but he was optimistic; and from that I am encouraged, may I say to my leader, and I shall do everything I can to pursue this matter further.

Moreover, may I say, in response to the distinguished Senator from Connecticut (Mr. WEICKER) that there was no budget request for this item. It was discussed in committee, however, in the light of the correspondence received from the able Senator from Connecticut. I appreciate the fact that he is not offering an amendment today to add moneys for Amtrak. It is for this reason that I have assured him that I will do everything I can to see that the moneys are put in the supplemental bill, provided a budget estimate comes up. If the committee does not put the money in, we will have a vote on the floor in response to his efforts.

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am very much encouraged by what the distinguished chairman of the subcommittee has just said. I am sure it is concurred in by the ranking Republican member, the distinguished Senator from New Jersey; by the distinguished Senator from Colorado; and by the ranking Republican member of the Appropriations Committee, the distinguished senior Senator from North Dakota, as well as others who are affected by the lower part of what is now called the Burlington Northern but which used to be the old Northern Pacific Line.

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In closing, I wish to restate that my colleague from Montana, Senator LEE METCALF, and I believe that not only should Amtrak continue the service on the southern route, but also the service should be extended to a new 7-day-a-week basis. The southern route serves the population centers of the State; and if Montana is to be given any consideration, these areas must have Amtrak service. The northern route expedites passenger traffic from the Twin Cities to the west coast and serves Glacier National Park, all of which is very important, all of which I approve.

But, Mr. President, we cannot ignore three-fifths of a State like Montana, which is as large as the empire of Japan—148,000 square miles—but which has a very small population of approximately 700,000, dependent in large part upon rail transportation because we do not have the air service.

Again, I thank the distinguished chairman and all the Senators on the floor who have indicated their support for this proposal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of the agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 9, strike out "$23,970,000" and insert "$24,120,000".

On page 2, line 15, after the word "expended", strike out "$37,000,000" and insert "$45,000,000".

On page 2, line 22, after "(49 U.S.C. 1674)", strike out "$750,000" and insert "$1,000,000"; and, in line 23, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 3, line 12, after the word "welfare", strike out "$548,900,000" and insert "$551,000,000"; and, on page 4, line 18, after the word "Government", insert a colon and "Provided further, That $318,596,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 5, at the beginning of line 1, strike out "$131,550,000" and insert "$134,680,000"; and, in line 2, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard, and authorizing appropriations to the Coast Guard for vessels, aircraft, and construction for fiscal year 1973.".

On page 5, line 9, after the word "expended", insert a colon and " *"Provided,* That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 5, after line 18, strike out:

"RESERVE TRAINING

"For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $31,735,000: *Provided,* That amounts equal to the obligated balances against the appropriations for 'Reserve training' for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation."

On page 6, line 8, after the word "law", strike out "$16,500,000" and insert "$18,256,000"; and, in line 9, after the word "expended", insert a colon and "Provided, That $1,424,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 6, line 17, after "(Public Law 92–75)", strike out "$3,000,000" and insert "$7,500,000".

On page 7, line 2, after the word "snowshoes", strike out "$1,152,038,000" and insert "$1,150,538,000"; in line 7, after the word "grant", strike out $19,100,000" and insert $21,218,000"; in line 9, after the word "of", strike out "active metal detection" and insert "screening"; and, in line 15, after the word "systems", strike out "$2,000,000" and insert "$3,500,000".

On page 8, line 9, after the word "aircraft", strike out "$251,939,000" and insert "$302,650,000".

On page 9, after line 15, insert:

"FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

"For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $48,728,000."

On page 10, line 3, after the word "ammunition", strike out "$12,200,000" and insert "$12,265,000".

On page 10, line 8, after the word "Columbia", strike out "$2,600,000" and insert "$3,608,000".

On page 10, at the beginning of line 23, strike out "$13,400,000" and insert "$13,325,000"; and, in line 25, after the word "exceed", strike out "$98,400,000" and insert "$99,535,000".

On page 12, line 1, after the word "expended", strike out "$2,000,000" and insert "$10,000,000"; and, in line 2, after the word "which", strike out "$600,000" and insert "$3,000,000".

On page 12, at the beginning of line 14, strike out "$25,000,000" and insert "$15,000,000".

On page 12, line 25, after "(78 Stat. 505)," strike out "$4,891,990,000" and insert "$4,893,125,000".

On page 14, line 6, after "5 U.S.C. 3109", strike out "$43,000,000" and insert "$45,673,000"; in line 7, after the word "which", strike out "$28,700,000" and insert "$30,363,000"; and, in line 8, after the word "fund", insert a colon and "Provided that $188,000 of such funds shall be available only upon enactment into law of authorizing legislation.".

On page 14, line 21, after the word "Administration", strike out "$2,750,000" and insert "$2,921,000".

On page 14, line 24, after the word "activities", strike out "$10,350,000" and insert "$10,500,000".

On page 15, line 3, after the word "for", strike out "$6,900,000" and insert "$7,110,000".

On page 15, line 7, after the word "transportation", strike out "$45,000,000" and insert "$60,879,000"; and, in line 8, after the word "expended", insert a colon and Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

On page 16, at the beginning of line 20, strike out "$6,400,000" and insert "$6,684,000, and "to remain available until expended."

On page 17, line 1, after the word "expended", strike out "$74,000,000" and insert $114,000,000"; and, in line 2, after the word "That", strike out "$74,000,000" and insert "$111,000,000".

On page 18, line 18, after the word "Board", strike out "$7,700,000" and insert "$8,285,000".

On page 18, line 26, after the word "expenses", strike out "$14,123,000" and insert "$14,173,000".

On page 19, line 5, after the word "Board", strike out "$54,000,000" and insert "$65,400,000".

On page 22, after line 12, strike out:

"SEC. 302. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants in aid for airport development aggregating more than $280,000,000 in fiscal year 1973.

"SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $30,000,000 for 'Highway Beautification' in fiscal year 1973.

"SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1973 for 'State and Community Highway Safety' and 'Highway-Related Safety Grants'.

"SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $4,000,000 in fiscal year 1973 for 'Territorial Highways'.

"SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $20,000,000, exclusive of the reimbursable program, in fiscal year 1973 for 'Forest Highways'.

"SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $12,000,000 in fiscal year 1973 for 'Public Lands Highways'."

On page 23, at the beginning of line 14, change the section number from "308" to "302".

On page 23, at the beginning of line 8, change the section number from "309" to "303".

On page 23, at the beginning of line 21, change the section number from "310" to "304".

On page 24, at the beginning of line 10, change the section number from "311" to "305".

On page 24, at the beginning of line 13, change the section number from "312" to "306".

On page 24, at the beginning of line 22, change the section number from "313" to "307".

On page 25, at the beginning of line 12, change the section number from "314" to "308".

Mr. CASE. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 17, line 1, it is proposed to strike "$114,000,000" and insert in lieu thereof "$118,000,000"; and on page 17, line 2, strike "$111,000,000" and insert "$115,000,000."

Mr. ROBERT C. BYRD. Mr. President, the able Senator from New Jersey has discussed this matter with me. The committee inadvertently overlooked including this amount in the bill, and I am willing to accept the amendment.

Mr. CASE. Mr. President, I appreciate the chairman's consideration. It is entirely in harmony with his customary conduct and thoughtfulness for his colleagues.

The amendment would add $4 million, of which $3.5 million is for the development of service for people of special needs, such as the aged and handicapped, and a half million dollars for the development of a rail bus.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ROBERT C. BYRD. I yield back my time.

Mr. CASE. I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish to thank the able senior Senator from New Jersey (Mr. CASE)—ranking member of the minority side—for the fine cooperation and the many courtesies he has accorded to me during the hearings and markup on this bill. Without his help, and without the equally fine cooperation and assistance on the part of the able senior Senator from Colorado (Mr. ALLOTT) this bill could not have been gotten to the floor as expeditiously as was the case. I am indebted to them for their advice and counsel, their helpfulness, and the work they have done in developing the testimony and in hammering out what I consider to be a very good bill. I also wish to express my gratitude to the distinguished senior Senator from New Hampshire (Mr. COTTON) and the senior Senator from Alaska (Mr. STEVENS) for the support and the contributions they have rendered. Senator BIBLE, Senator ELLENDER, and other Senators on my side of the aisle are also to be commended, and I express my appreciation to them.

FUNDS FOR AIR SAFETY AT THE ELKHART, IND., AIRPORT

Mr. HARTKE. Mr. President, I am pleased that the DOT appropriations bill now before the Senate includes an appropriation of $350,000 for an instrument landing system with approach lights at the Elkhart Municipal Airport.

This $350,000 appropriation was contained in an amendment which I proposed to the DOT Appropriations Subcommittee. I would like to take this opportunity to thank the distinguished chairman of that subcommittee (Mr. ROBERT C. BYRD) for his profound interest in aviation safety and for his cooperation in including this appropriation in the bill.

Elkhart Municipal Airport provides scheduled air passenger service to Chicago's O'Hare Airport and Indianapolis' Weir Cook Airport. A total of 16 round trip flights per day serve Elkhart and its immediate surrounding areas. The airport is also home base for many corporate aircraft and a convenient facility for itinerant aircraft because of Elkhart's oustanding position as a hub of business and industry activity in the area.

Elkhart airport now averages 600 instrument operations per month. FAA criteria for an instrument landing system require only 700 instrument landings per year. Despite the fact that Elkhart Municipal Airport was eligible for an ILS system, the administration failed to request an appropriation.

Mr. President, I cannot forget the dozens of lives which were lost in the tragic accident 2 years ago at the Huntington, W. Va., airport because of a delay in installing an instrument landing system. An analysis of airport accidents for the past 20 years will indicate that hundreds of lives have been lost for this same reason. It is therefore important that Elkhart Municipal Airport get this instrument landing system without delay.

AIRCRAFT SCREENING DEVICES

Mr. BROOKE. Mr. President, I am gratified that the Appropriations Committee accepted my amendment to modify the appropriation for the Department of Transportation in order to permit the utilization of any type of passenger or baggage screening device. As passed by the House of Representatives, the bill permitted solely the acquisition of active metal detection devices.

There is no question that the strongest possible steps must be taken immediately to cease the shocking wave of hijackings and other acts of violence on airplanes. The problem has clearly grown beyond the ability of the airlines to remedy on their own; what is needed is more Government assistance to insure adequate security.

The Department of Transportation reports that, as of June 5, 1972, there have been 147 hijacking attempts in the United States since the introduction of commercial aviation. However, 113 of these, or nearly 80 percent, have taken place during the last 3 years. And almost two-thirds of them have been successful.

Secretary of Transportation John Volpe has announced that once the Department receives funding he is prepared to move immediately to install magnetometers in commercial airports across the country. According to FAA Administrator John Shaffer, 350 magnetometers are already installed at our Nation's airports; approval of this legislation should permit the installation of at least 800 more. These devices are used principally to detect metal objects containing iron which are carried on board by passengers. Their installation will represent a significant step forward in reducing the incidents of air piracy; however, it will, in no sense, eliminate the possibility of further air tragedy.

For example, the magnetometer will not be able to detect dangerous devices which have no iron content. Among the weapons which have been used by hijackers that could not be detected by magnetometers are grenades, certain other explosives, razor blades, and tear gas.

In addition, there is no plan to use magnetometers for inspecting the contents of baggage. We need only recall the tragic slaughter at the Tel Aviv airport to remind ourselves that a madman can easily place his weapon in a suitcase and open fire when he arrives at the terminal.

Regrettably, we cannot prevent each and every hijacking. Many of these incidents have been brazenly carried out by individuals without the use of any weapon. But I strongly believe that the Government should be able to use every means necessary to prevent these tragic affairs.

Several Federal agencies are already using X-ray screening devices to inspect the contents of goods in transit. The Postal Service and the Customs Bureau are among the agencies using these advanced systems for rapid inspection of parcels and baggage.

A preliminary report by FAA researchers indicates that these screening devices "can make a definite contribution" to airplane safety.

I hope that the Members of the House will agree to this amendment, and that the administration will explore every possible means of restoring safety and sanity to our Nation's air travel.

Mr. KENNEDY. Mr. President, I am pleased to support the Senate Appropriations Transportation Subcommittee request for an additional $50 million for safety facilities at our Nation's airports. An additional $32,711,000 is added for instrument landing systems with approach lights at 84 airports; an additional $12 million for traffic control towers at 30 airports; and $6 million for airport surveillance radars at three locations. The need for these safety improvements has long ago been established and it is my hope that this additional funding will be retained when this legislation is discussed in the House-Senate conference.

In my own State of Massachusetts, three airports will benefit from the increased funding. Logan Airport in Boston will receive $605,000 for an instrument landing system and Norwood Airport will receive $360,000 for an ILS. The Beverly Municipal Airport will receive $400,000 for a traffic control tower. In both the House and the Senate versions of the bill, the Barnes Municipal Airport in Westfield, Mass., is included to receive funds for an instrument landing system. In all of these instances, the need for these safety facilities has been documented and travelers using the airports consider the improvements long overdue.

During extensive hearings in recent weeks, the House Appropriations Subcommittee expressed great concern about the rate with which the Federal Aviation Administration is obligating funds for safety improvements made available in appropriations by the Congress. The subcommittee had expressed the same concern the previous year, nonetheless, the FAA unobligated balance continues to increase. As of March 31, 1972, there was an unobligated facilities and equipment balance of $348 million.

The House subcommittee report points our that this unused funding is particularly disturbing because of the nature of the equipment whose installation has

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been delayed. The House Government Activities Subcommittee pointed out that FAA's program to spend at a level of $250 million over the next 10 years for air traffic control facilities and equipment is "patently inadequate to meet the needs of optimum safety in air travel during the 1970's." J. J. O'Donnell, president of the Air Line Pilots Association has repeatedly pointed out the need for at least one ILS at every airport.

Testimony has shown that 101 instrument landing systems, 52 airport surveillance radars, and 46 air traffic control towers which were funded in the period 1967 to 1972 have yet to be commissioned. In my State alone, an ILS funded for Logan Airport in 1968 and one for Martha's Vineyard Airport funded in 1971 still have not been commissioned.

The Senate Appropriations Subcommittee on Transportation has shared the concern of passengers, airlines, and airports across the country in allocating funds for improved safety facilities. The Senate today has the opportunity to support funding for improvements at 117 airports where the need for this equipment has been fully demonstrated. It is imperative not only that funding be approved, but that the Federal Aviation Administration take steps immediately to implement construction of the facilities.

Mr. HATFIELD. Mr. President, I support H.R. 15097, a bill which provides appropriations for Coast Guard activities. The importance of the Coast Guard and the service it provides for my State of Oregon is something I have stressed many times while working for the appropriation.

Included in this bill are funds for the construction of a helicopter station at North Bend, Oreg. Mr. President, my home is on the Oregon coast and I am keenly aware of the need for coastal search and rescue operations, as well as for surveillance of foreign fishing. There is a great need to maintain and increase the quality of service provided by the Coast Guard for those who use our beaches for recreation purposes, and also for the protection of the fishing industry.

The search and rescue operations of the Coast Guard are dramatically illustrated each year. Since January 1, 1972, the 13th Coast Guard District has assisted in saving 49 lives, with rescue operations aiding 2,311 persons. In the last 2 months, there have been 741 rescue operations alone along the Oregon and Washington Coasts. There have been 18 deaths during this same amount of time. Two weeks ago, in an attempt to rescue two girls who had been swept out to sea while wading in the ocean-water of Coos Bay, three lives were lost. The girls were saved—but three persons involved in the rescue died. Had a helicopter been available from the proposed station at North Bend, the lives of those who attempted the rescue, might have been saved. The ability of a helicopter to maneuver and work at a close distance in extremely choppy seas where small boats have difficulty, makes them essential to adequate rescue operations. A helicopter was especially needed 2 weeks ago at Coos Bay.

The Coast Guard also provides needed coastal patrols and surveillance for foreign fishing incursions in U.S. waters. Two days ago, 38 Russian fishing vessels were sighted off the Oregon and Washington coasts. Seven coastal counties in Oregon are the home of a fishing industry that harvests 85 million pounds of fish annually. This amounts to an $18 million business, which is feeling the effects of these foreign fishing incursions. Helicopter surveillance at a close distance could provide photographs and would assist in alleviating harassment of Northwest fishermen. Presently, two winged aircraft patrols are provided per week, and increased helicopter attention to off-shore foreign vessels is necessary. Last year, 68 Russian ships were working off the Oregon coast. Increased attention to this problem by the Coast Guard could have a direct effect in bringing about some sort of meaningful negotiations for offshore fishing limits, and help end some of these incursions.

This proposed bill has far-reaching implications for the thousands of people who take advantage of Northwest coastal recreation areas, and for those persons earning a living from the fish resources in these waters. The proposed Coast Guard station at North Bend is needed to insure their safety and their protection. As a resident of the Oregon Coast, I am familiar with these problems and take a special interest in the Coast Guard appropriations. Mr. President, I urge my colleagues to join me in supporting this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate, because of a death in his family.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 65, nays 0, as follows:

[No. 222 Leg.]

YEAS—65

Aiken	Eagleton	Montoya
Allen	Eastland	Nelson
Allott	Ervin	Packwood
Anderson	Fong	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bennett	Hartke	Percy
Bible	Hatfield	Proxmire
Brock	Hruska	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
	Javits	Sparkman
Byrd, Robert C.	Jordan, Idaho	Spong
Cannon	Kennedy	Stennis
Case	Long	Stevens
Chiles	Magnuson	Symington
Cook	Mansfield	Taft
Cooper	Mathias	Talmadge
Cotton	McGee	Tower
Cranston	McGovern	Tunney
Dole	Mondale	Weicker

NAYS—0

NOT VOTING—35

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Thurmond
Fannin	McIntyre	Williams
Fulbright	Metcalf	Young
Gambrell	Miller	

So the bill, H.R. 15097, was passed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CHILES) appointed Mr. ROBERT C. BYRD, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, Mr. COTTON, Mr. STEVENS, and Mr. YOUNG conferees on the part of the Senate.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 7 P.M. TODAY FOR THE INCLUSION OF A STATEMENT BY THE SENATOR FROM NEW HAMPSHIRE (MR. COTTON) ON THE TRANSPORTATION APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, the distinguished senior Senator from New Hampshire (Mr. COTTON), as I understand it, had wanted to call up an amendment to the bill making appropriations for the Department of Transportation. I had no prior knowledge that he wanted to do so. The Senator from New Hampshire was busy in the Labor-HEW Appropriations Subcommittee markup session being conducted here at the Capitol while the transportation appropriations bill was being debated on the floor. During the rollcall vote on passage of the bill, Senator COTTON indicated to me that he had hoped to call up his amendment before the bill was advanced to third reading. I have held up the motion to reconsider the vote on the bill, because I wanted to give the Senator from New Hampshire (Mr. COTTON) the opportunity to offer such an amendment if he still wanted to do so.

So I have gone to the committee meeting where he is now sitting and indicated that it would be my desire to ask unanimous consent that the bill, although it has now been passed, be open to an amendment to be offered by the able Senator from New Hampshire so that the Senate could even now pass on his amendment by a voice vote and that I would be glad to accept the amendment. However, he has indicated that he does not now wish to offer the amendment, but that he would like the RECORD to be kept open for a statement by him.

I, therefore, ask unanimous consent that the RECORD be kept open until 7 p.m. today for the purpose of including a statement by the distinguished senior Senator from New Hampshire (Mr. COTTON), if he cares to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill (H.R. 15097) was passed.

Mr. GURNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. The Chair lays before the Senate for its consideration the unfinished business, which the clerk will state.

The bill was stated by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE COMMODITY CREDIT CORPORATION, FISCAL 1971—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

SECOND ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Second Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act, and covers calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

PROPOSED UNANIMOUS-CONSENT AGREEMENT ON H.R. 15418, DEPARTMENT OF INTERIOR APPROPRIATIONS, 1973

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following request with the distinguished Senator from Nevada (Mr. BIBLE) and the distinguished Senator from Alaska (Mr. STEVENS), who are the chairman and ranking minority member, respectively, of the Subcommittee on Interior Appropriations. I have also cleared the request with the distinguished Senator from Florida (Mr. GURNEY) who is the acting minority leader at this time. I propose the request as follows:

Mr. President, I ask unanimous consent that at such time as H.R. 15418, a bill making appropriations for the Department of Interior, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nevada (Mr. BIBLE) and the distinguished Senator from Alaska (Mr. STEVENS); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill, except in any instance in which the manager of the bill favors such, in which case the time in opposition thereto shall be under the control of the distinguished Republican leader or his designee; and provided further that time on the bill may be yielded to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER (Mr. CHILES). As a Senator from Florida, I object.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON MONDAY, JUNE 19, 1972

Mr. ROBERT C BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Monday next under the standing order, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON TUESDAY, JUNE 20, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer and the recognition of the two

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leaders on Tuesday next, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILL TO STRENGTHEN AND EXPAND THE HEADSTART PROGRAM (S. 3617) TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the two amendments by Mr. TOWER, on Monday, the unfinished business be laid aside temporarily and that the Senate proceed to consider S. 3617, the Headstart bill, and that the unfinished business remain in a temporarily laid aside status until the bill S. 3617 is disposed of on Monday or until the close of business that day, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 o'clock a.m.

Following the recognition of the two leaders under the standing order the distinguished Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, after which the Chair will lay before the Senate the unfinished business.

At that time the Senate, under the previous order, will take up the amendment by Mr. SPARKMAN to the Foreign Assistance Act. There is a time limitation on that amendment of 2 hours.

Upon the disposition of the amendment by Mr. SPARKMAN, the Senator from Texas (Mr. TOWER) is prepared to call up two amendments in succession, on each of which there is a time limitation of 1 hour.

It is my understanding that, depending upon the decision of the Senate with respect to the amendment by Mr. SPARKMAN, Mr. TOWER may offer only one of his amendments. But he has two amendments which he is prepared to offer, depending on how the vote goes, and as I have already stated there is a time limitation on each of the three amendments.

It is also my understanding that the amendment which was to have been called up on Monday by the Senator from Pennsylvania (Mr. SCOTT) will not be called up that day, but it will be called up on Tuesday instead.

Therefore, I ask unanimous consent that the amendment by Mr. SCOTT which was previously ordered to be laid before the Senate on Monday not be laid before the Senate until Tuesday. I will not indicate the exact hour at this time, because I want to be sure I understand just what time during the day the able Republican leader would like to call up his amendment. In any event, the amendment will not be called up on Monday.

The PRESIDING OFFICERS. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Following the action on the amendments by Mr. TOWER, the Senate will take up the Headstart bill, S. 3617, for the second track.

There will be rollcall votes on Monday on Mr. SPARKMAN'S amendment and on the amendment or amendments by Mr. TOWER. Certainly there will be amendments to the Headstart bill. They will be called, up hopefully. Undoubtedly, there will be rollcall votes thereon. Senators are alerted, therefore, to the several rollcall votes which will occur on Monday.

May I say for the RECORD at this time that the Senate will be convening each morning following Monday of next week at 9 a.m. As to whether or not a Saturday session will be necessary remains to be seen. It will depend upon the progress that the Senate is able to make during the week in connection with several important bills and in connection with the further debate on the unfinished business, the Foreign Assistance Act. I would hope that, with long sessions beginning at 9 o'clock daily and with our recessing at the close of each long day, the Senate would be able to keep up with the calendar and transact the business that is before us.

So Senators will want to arrange their schedules accordingly. Every day next week will be a long day, beginning early and going late. We have only 10 days remaining before the Senate adjourns for the Fourth of July holiday and the Democratic Convention, unless next Saturday is utilized for a session, in which case there will be only 11 days remaining.

ADJOURNMENT TO MONDAY, JUNE 19, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 o'clock Monday next.

The motion was agreed to; and at 1:33 p.m. the Senate adjourned until Monday, June 19, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1972:

U.S. ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

ARMY PROMOTION LIST

To be colonel

Ackerman, P. D., Jr., 266-20-0481.
Adams, Lewie H., Jr., 422-16-3943.
Alderson, Harry O., 454-24-2413.
Alers, Agustin, 580-30-1120.
Alexander, Howard C., 422-07-9452.
Allen, Archie E., 379-18-9325.
Allen, Charles H., 459-44-4475.
Allison, Kenneth R., 317-14-5490.
Allison, Ralph L., 251-18-3468.
Allred, Dal C., 529-20-3718.
Alspaugh, Donald G., 430-42-0446.
Ammerman, James H., 452-34-2986.
Anderson, James E., 312-18-4472.
Anderson, Richard D., 035-14-3692.
Anderson, William D., 448-12-5354.
Angrist, Walter J., 357-14-0267.
Anson, James J., 559-54-7773.
Antonides, Lloyd E., 072-18-7889.
Archibald, Parker D., 219-12-3369.
Augustin, Edward C., 335-16-1381.
Avedisian, Michael, 102-12-8490.
Axsom, Marvin L., 566-20-5482.
Bachlor, Charles R., 440-24-4096.
Barclay, Chris A., 524-14-9003.
Barnes, Edward J., Jr., 125-07-6009.
Barresi, Joseph R., 024-16-2814.
Barry, Richard C., 562-24-0945.
Bartlett, Roy R., 726-18-4526.
Baum, Bernard H., 349-18-9759.
Bauma, Charles R., 479-14-2098.
Be Vier, William A., 715-10-4991.
Bealke, F. C., Jr., 220-14-7791.
Benefiel, R. J., 369-12-5988.
Bennett, Billy R., 442-24-1709.
Benson, O. G., Jr., 442-22-7140.
Bernard, William J., 579-09-8169.
Berry, Gerald G., 448-14-3683.
Bertle, Frederick, 395-10-3487.
Bettis, Earl W., 554-18-6898.
Bevins, James C., 401-28-8053.
Bialo, John M., 067-18-1909.
Bierer, Eugene S., 185-30-7201.
Black, Allen P., 450-05-1019.
Blake, Hary D., 525-46-0367.
Bloom, Waller C., 300-18-3872.
Bocher, Lawrence C., 442-14-8774.
Bodley, John M., 414-26-1362.
Bohm, Jack N., 185-14-0255.
Bollhalter, J. J., 436-26-1595.
Boman, James E., 421-24-7847.
Bond, Willis L., 529-34-1677.
Bossard, Donald R., 447-12-8251.
Boutwell, Claude A., 428-22-3940.
Bradshaw, George W., 228-34-6534.
Brandt, Albert F., 228-48-2598.
Brashear, Bobbie J., 444-24-2119.
Braunig, Carl F., Jr., 460-18-0532.
Brophy, Robert H., Jr., 072-18-3340.
Brower, Edwin L., 139-18-2605.
Brown, Alson W., 002-14-4695.
Brown, Donald R., 009-18-6273.
Brown, William C., 452-30-0346.
Bryan, John N., Jr., 419-32-0481.
Buckley, N. C., 363-16-6167.
Buczko, Thaddeus, 029-12-8337.
Buen, Edsell D., 502-12-5711.
Bunker, Eldon H., 476-18-7019.
Burgess, Maurice, 542-07-2824.
Burke, Edmund J., 323-14-3013.
Bushey, Harold T., 097-07-3574.
Calamari, Joseph A., 098-12-3449.
Calendo, Peter L., 118-05-1188.
Campbell, John A., 345-12-8495.
Carpenter, John E., 507-14-5597.
Carter, John R., 383-03-5655.
Carver, Edward F., 043-12-8364.
Case, Eldon A., 513-18-1789.
Cassidy, James J., 421-26-6437.
Chism, James W., 411-12-4978.
Choate, Lawrence C., 015-12-2089.
Clark, Harold E., 460-24-3636.
Clark, Richard L., 302-07-4360.
Claycomb, Cecil K., 529-05-9801.
Coleman, Frederick, 273-07-5405.
Coleman, Monroe, 507-20-2083.
Coleman, Robert E., 346-12-5009.
Conner, Hatcil L., 310-32-3775.
Conover, Roger F., 144-20-2803.
Conrad, A. H. Jr., 434-34-6453.
Coon, Lewis H., 446-14-9681.
Corning, Stuart S., 034-12-7740.
Cornish, G. R. Jr., 193-12-8008.
Coron, Sidney G., 073-14-6120.
Crain, Buyan A. Jr., 460-18-0373.
Crowder, Wallace E., 464-38-4357.
Cummings, Robert H., 026-16-7650.
Cunningham, Robert, 382-01-9563.
Curling, Lewis A., 224-28-3481.

Dabbs, J. P., 450-18-2168.
Dahl, Everett E., 528-52-9418.
Dana, Sam M., 573-05-6049.
Daugherty, T. V., 566-22-1311.
Davenport, Robert C., 555-40-5188.
Davis, Bill T., 249-24-3829.
Davis, John R., 548-18-9909.
Davis, Robert E., 275-22-7058.
Deem, Fred B. Jr., 235-38-2516.
Delgiudice, Vincent, 353-05-0260.
Dillenbeck, William, 535-09-7325.
Dillingham, C., 408-22-3003.
Dismuke, Richard L., 256-14-5359.
Dizer, William H., 008-12-0019.
Donato, William A., 323-12-4328.
Doyle, Lawrence L., 283-03-2424.
Drew, Aubrey J., 270-16-5236.
Dubbin, Sidney M., 263-20-9680.
Ducharme, C. Albert, 076-20-4124.
Dunbar, R. B. Jr., 462-20-8409.
Duncan, Robert F. Jr., 567-22-1168.
Dupont, John S., 433-34-0654.
Durrin, Jerry L., 448-20-3241.
Effiandt, Lloyd H., 346-16-2485.
Elliott, David N., 461-22-6382.
Elliott, Herbert L., 441-12-6319.
Emerson, Raymond C., 039-12-2846.
Erickson, Howard E., 520-16-4815.
Ethington, G. C. Jr., 407-18-5633.
Featherston, J. W., 491-16-0419.
Felker, Joseph K., 260-14-8846.
Ford, Timothy C., 377-24-0823.
Frank, Philip J., 072-18-1227.
Frazier, Howard W., 443-16-1983.
Friedrich, Wayne H., 151-20-8749.
Fullerton, J. C. Jr., 225-24-3714.
Furuya, Henry H., 576-22-8098.
Gable, William R., 428-22-4021.
Galbreath, Jasper F., 426-28-5887.
Gardner, Lawrence E., 480-28-6226.
Garretson, Ronald B., 533-14-1182.
Garver, Donald E., 276-09-3322.
Gernand, William F., 310-14-3044.
Gerrard, Clarence C., 529-26-2211.
Getzendanner, J. Jr., 219-18-5635.
Giles, Ted A., 256-30-2014.
Glascock, Bob D., 528-20-6735.
Gonzalez-Veve, F., 580-70-1286.
Gordon, Charles J., 066-14-7950.
Gossett, James L., 416-26-9752.
Goyeneche, Rafael C., 436-26-2530.
Grand Pre, Donn R., 502-12-7111.
Graves, Ernest D. Jr., 424-22-3901.
Grayson, Ralph L. Sr., 571-12-4806.
Grier, Robert L., 147-12-0365.
Grimshaw, Paul R., 528-20-0251.
Grossman, Jerome P., 507-20-4706.
Hafer, Sebastian R., 210-12-8072.
Haigh, Henry W., 537-12-9400.
Hale, Phillip G., 366-12-4926.
Hale, William N., Jr., 219-10-0059.
Halfyard, Robert L., 013-20-4484.
Halperin, Sanford B., 144-14-9259.
Hamann, Albert D., 398-24-5178.
Harman, Rufus, A., 226-24-2116.
Harris, C. S., Jr., 465-22-6054.
Hawk, James H., 331-12-6875.
Heck, Robert C., 285-20-3205.
Henderson, Edward J., 157-01-8764.
Henderson, J. S., 455-58-1342.
Henderson, Robert D., 225-40-7065.
Henne, Fred E., 430-40-8876.
Hennen, Earl M., 236-28-6452.
Hensler, Thomas P. J., 252-34-0387.
Hermanson, Ray T., 471-16-0443.
Herold, Arthur K., 221-10-9242.
Hicks, Earl W., 414-09-1611.
Hilborn, Howard S., 292-14-1908.
Hill, Richard D., 451-26-7057.
Hill, William S., 327-16-2683.
Hilsman, Roger Jr., 550-18-6082.
Hoel, Norman J., 704-12-3429.
Hoffman, Paul J., 470-44-9274.
Holmer, James L., 471-24-5814.
Holmes, Royal B., 002-28-5771.
Holter, William C., 390-18-0827.
Hudson, John E., 523-26-6503.
Huffman, Walter E., 447-16-7856.
Hufft, Preston H., 435-22-4213.
Hummel, John L., 285-12-8962.
Hunt, Herbert G., 030-22-0068.
Iorio, Frank J., 045-14-7249.
Ivanson, Kenneth J., 370-20-5999.
Ivey, William D., 472-24-4099.
Ivy, Raymond P., 436-16-9367.
Jackman, Earl F., 515-10-0780.
Jackson, Wayne P., 351-20-3159.
Jeffries, Le Roy V., 483-22-7623.
Jess, Charles W., 215-16-2180.
Johnson, Clayton, 332-10-4962.
Johnson, Edward S., 116-09-2502.
Johnson, James B. E., 456-30-5399.
Johnson, Overton R., 225-26-4624.
Johnson, Owen A., 474-14-9324.
Johnson, Paul M., 562-18-9662.
Johnson, Walter P., 287-16-3449.
Jones, Bud L., 034-14-4489.
Jones, Marvin C., Jr., 259-34-7953.
Jones, Richard M., 239-22-0151.
Jordan, Russell C. J., 500-20-6903.
Kahn, Donald R., 346-20-1346.
Kelley, Wayne B., 283-14-9683.
Kellogg, George R., 554-22-7234.
Keltner, Robert E., 272-16-1061.
Kent, George S., 076-12-2343.
Kerr, Dan K., 472-18-5519.
Kerwin, Clarence E., 445-07-2734.
Kessler, Allen R., 400-22-2097.
Kestlinger, R. L., 077-28-0238.
Kilcullen, William J., 526-28-8635.
King, Thomas J., Jr., 224-24-6271.
Kinslow, Joseph A., 167-12-2424.
Kitchings, J. T., Jr., 415-12-4266.
Klein, Sidney, 052-18-4331.
Kleinfeld, Murray, 052-16-2751.
Kloer, Charles T., 529-12-9978.
Krell, John H., 171-20-0043.
Kretzler, F. J., 274-18-1086.
Kulas, Tod H., 388-22-6117.
Laffey, Jack J., 321-14-1241.
Lamont, Robert E., 715-09-4996.
Landry, Frank E. Jr., 027-12-8679.
Lanik, Everett J., 457-20-1023.
Lapp, Royce E., 572-20-3691.
Lascala, Luigi E., 160-20-4563.
Lawless, Don R., 515-10-5791.
Lawrence, Lonsdale, 227-16-4741.
Lee, Robert E., 238-26-4988.
Leithiser, Richard, 218-32-8501.
Lejeune, Sterling W., 437-22-1256.
Lemr, Fred C. Jr., 277-14-3710.
Lenzo, Anthony S., 313-20-8072.
Leone, Daniel A., 043-14-2479.
Lethgo, Wayne S., 525-40-4759.
Levinson, Morton, 103-09-7258.
Levy, Erwin, 140-22-3888.
Liebmann, Seymour, 083-22-6334.
Liebreich, Oscar P., 047-12-3160.
Linder, William C., 199-03-6754.
Lloyd, Joseph M., 239-18-3355.
Lnenicka, William J., 508-14-9555.
Lojek, Joseph M., 184-24-7167.
Long, Jack, 442-22-8698.
Looney, Jesse H., 417-30-8191.
Lopez, Israel, 260-60-1675.
Luder, Carl R., 305-16-3387.
MacDonald, Donald H., 523-22-9820.
Magary, Arthur E., 267-18-5212.
Magill, Edward L., 263-26-7806.
Mahoney, George H., 322-18-2211.
Marquis, Francis M., 563-20-7487.
Martell, Norman W., 722-03-1773.
Martin, John B., 214-14-0728.
Martin, William H. J., 460-16-5184.
Maxwell, Jack C., 515-07-2468.
McAllan, James M., 287-22-4426.
McBrien, William H., 383-03-6065.
McCall, Richard D., 565-26-8714.
McCarthy, John B. Jr., 357-20-6449.
McDonald, Miller B., 577-16-2197.
McElroy, James C. Jr., 537-28-0088.
McGowan, Walter E., 450-24-0336.
McInerny, John S., 568-20-2555.
McIntosh, Carl D., 463-20-7092.
McHail, Spiro, 394-10-8532.
Medonca, Albert L., 051-18-3172.
Mercer, Eric, 071-03-2603.
Meyer, Dale R., 489-14-7552.
Miiazzo, Thomas A., 132-07-2235.
Miller, James M., 266-36-8436.
Mills, George H. Jr., 429-30-9368.
Moffat, John W., 177-12-2364.
Mohamed, Joseph Sr., 550-36-0775.
Monfore, Robert P., 503-22-7014.
Monsanto, W. J. M., 547-30-4874.
Montgomery, Hugh, 044-18-6416.
Moore, Andrew F. Jr., 438-22-7248.
Moore, August A., 401-40-5202.
Moore, James E., 503-24-4015.
Moreland, Donald E., 017-01-3113.
Morgan, Edward J., 559-28-6154.
Moring, Thomas L., 459-26-1582.
Moyer, Kenneth H., 204-01-8402.
Mueller, David E., 390-14-3204.
Mueller, Ernest J., 158-16-1750.
Murphy, Robert F., 104-16-4269.
Musch, A. W. G., Jr., 457-42-5426.
Muskat, Marvin M., 154-07-8435.
Myers, Bruce J., Jr., 443-20-2687.
Needham, Thomas H., 035-16-1744.
Nichols, Lee L., Jr., 231-34-8580.
Nicol, Gerald E., 286-14-4809.
Nielsen, William N., 483-16-3695.
Obrien, Philip E., 474-05-5540.
Oelker, Frederick C., 357-16-5976.
Oliver, Howard R., 458-34-3927.
Olson, Bernard K., 395-16-5882.
Orourke, James E., 382-16-1531.
Osbourn, Ira, 511-16-2732.
Owen, Oadis W., 433-36-6828.
Owens, Mark Jr., 137-20-5607.
Oxman, Jonah K., 061-18-7608.
Pampe, William R., 444-30-5727.
Pang, Dat Quon, 575-12-2582.
Parker, William H., 036-18-2920.
Pascone, Donato, 039-09-4464.
Patton, Richard G., 415-52-4918.
Pauly, Winslow H., 419-12-6180.
Payne, Clifford M., 257-46-4197.
Pearson, Ralph W., 528-24-7927.
Penkava, Richard A., 102-16-9054.
Perleberg, Frederic, 395-20-3227.
Petersen, Paul W., 528-26-2682.
Peterson, Arthur D., 460-28-8943.
Peterson, Oscar D., 519-22-6591.
Petty, John R., 414-14-7323.
Pfeifer, Robert B., 300-16-7977.
Pickens, R. B., Jr., 426-52-8420.
Powers, Frank K., Jr., 483-16-1664.
Powers, Frank R., 034-22-0518.
Powers, Russell H., 241-16-9535.
Putnam, Jacob M., 441-12-9785.
Rabinowitz, Robert, 077-18-3345.
Radtke, Richard K., 391-12-3359.
Raley, J. T., 417-22-4465.
Ramsey, Dero S., 426-66-9095.
Rapp, Henry W., Jr., 325-14-4324.
Rappaport, Abraham, 054-18-5809.
Redman, Manville R., 444-28-3594.
Redondo, Edwin F., 485-26-9536.
Regner, Ernest, 453-18-7259.
Rebock, John E., 559-22-3769.
Reichstetter, H. A., 098-18-6639.
Richter, Henry W., 254-34-4882.
Ridgell, Leon L., 248-30-8495.
Rivkins, Malcolm K., 219-18-5623.
Robak, Thaddeus J., 124-22-9042.
Roberts, Theron E., 519-14-2824.
Rogers, Cranston R., 262-24-3636.
Rowland, David J., 279-01-8596.
Royer, James, 557-32-9942.
Ryan, Clifford G., 382-18-7743.
Saad, Joseph G., 385-12-5768.
Sadler, William H. J., 426-28-5558.
Salacone, Mario A., 567-09-9498.
Sallee, Donald L., 405-18-6582.
Sargent, John F., 223-18-3129.
Sato, Takeo, 576-16-2547.
Savona, Vincent A., 095-14-5216.
Schader, Herbert H., 123-05-3583.
Schafer, Alvin H., 542-03-5052.
Schlater, Robert W., 507-07-8406.
Schnorf, Richard C., 295-18-9931.
Schroeder, Mark J., 469-28-8746.
Schuster, Russell A., 271-22-1521.
Sefcik, John D., 465-05-9373.
Sherman, Lester H., 430-48-7726.
Showers, William A., 313-14-1066.
Simpson, A. J. Jr., 130-14-2980.
Singleton, Charles, 458-20-6860.
Slay, Bernise R., 428-34-8540.
Sloan, Nicholas A., 579-26-4002.
Smith, Donald D., 260-32-8685.
Smith, Jay C., 232-16-7699.
Soboczenski, E. J., 002-22-4969.
Solda, Arthur W., 054-07-2304.

Southerland, George, 229–01–7453.
Spaccarotella, V., 152–14–5502.
Spacht, Ivan R., 210–12–0480.
Stavrakes, James, 022–12–9499.
Stephens, Billie L., 462–38–5076.
Stewart, Robert D., 068–18–1053.
Steymann, Walter R., 457–20–9352.
Stilson, Alden E., Jr., 281–20–2364.
Stratis, Stratis J., 021–20–6719.
Stringfellow, H. R., 260–24–0650.
Sullivan, William F., 464–18–1909.
Super, William B., 015–16–5553.
Swanson, Ernest E., 497–14–9293.
Takala, William A., 578–38–1708.
Taylor, Edward B., 245–24–3100.
Teeman, Louis R., 324–16–8617.
Thrasher, J. T. Jr., 253–34–7994.
Thurber, Harirs E., 077–05–7002.
Tice, James G., 167–14–4119.
Towle, James G., 008–22–7376.
Tracey, James W., 145–18–2125.
Tracy, John A., 340–18–2519.
Trethaway, Harold P., 718–01–1259.
Tupper, Leonard D., 472–14–4869.
Turkal, Donald L., 219–12–4680.
Uhler, John M. Jr., 078–18–2257.
Underwood, Ora V., 234–306201.
Uri, George W., 551–38–8024.
Vacirca, S. J., 119–01–2064.
Vankleeck, Robert T., 096–10–7418.
Vinette, William L., 056–14–5567.
Wade, Malcolm D. Jr., 443–12–9862.
Wagner, Theodore F., 504–05–4129.
Wagner, Willard D., 472–30–1571.
Walker, Samuel A. Jr., 46C–40–9807.
Walton, Dale G., 567–26–5898.
Walton, Thomas Jr., 167–12–4398.
Ward, Addis T., 505–34–0978.
Watson, Eugene P., 418–16–8901.
Webb, Robert R., 446–18–7576.
Wells, Robert E., 535–16–3259.
Whalen, Daniel A., 131–18–1599.
White, Franklin M., 508–10–7648.
White, Herbert M., 560–26–2054.
Whitley, Ruben R., 431–20–3851.
Wider, Kenneth B., 504–05–8871.
Wiethe, John J., 301–07–9078.
Wiggans, Samuel C., 508–14–7167.
Wilks, John C., 488–28–9005.
Williams, Donald R., 536–12–8517.
Williams, Eleazer A., 029–14–4005.
Williams, Gene H., 236–38–7318.
Willis, Marvin, 536–14–0538.
Wollan, Eugene, 057–22–2523.
Wood, Harold R., 547–26–5449.
Wood, John T. Jr., 426–32–9717.
Wood, Sidney C., 263–12–3474.
Woods, Francis P., 436–20–7201.
Woolridge, Ward E., 501–09–3903.
Wuerz, Charles H. Jr., 553–07–3794.
Wylie, Chalmers P., 710–09–6129.
Yasuda, Charles K., 576–24–4551.
Yates, Francis B., 040–03–2833.
Zabielski, Chester, 088–14–9717.
Zaccanti, Alfred E., 446–01–1364.
Zetlin, Henry L., 214–14–8271.

CHAPLAIN

To be colonel

Andrews, Edwin R., 238–26–1530.
Bahan, John B., 703–14–0066.
Beardsley, W. H. Jr., 458–24–1176.
Beutel, Eugene W., 117–20–2608.
Bolt, William J., 030–10–8645.
Browne, Clinton E., 068–16–8414.
Burris, James A., 262–60–2901.
Bydlon, Adam J., 190–32–3754.
Clark, David N., 717–09–8536.
Curran, Francis N., 067–09–6466.
Cusma, Joseph S., 062–14–1217.
Davis, James R., 304–16–9376.
Diaz, Herminio, 580–68–5508.
Dolan, James F., 325–48–7255.
Finnegan, Roscoe L., 468–44–7581.
Flatley, Edward J., 104–32–3965.
Gatty, Charles R., 175–12–7141.
Jones, Atwood J. Jr., 449–05–5093.
Kosa, Ernest M., 152–12–2991.
McFarland, R. D., 360–10–8692.
McKenna, Hugh J., 221–26–2564.
Musson, Harry S., 400–38–4736.
Pekarcik, Joseph M., 350–14–8854.
Reynolds, Vincent T., 309–46–9249.
Smith, Wilford E., 529–14–0905.
Strube, John L., Jr., 218–22–5416.
Vanhalsema, Dick L., 154–16–6330.
Vrundy, Walter J., 333–14–0328.
Wessel, Walter W., 545–16–0189.

WOMEN'S ARMY CORPS

To be colonel

Nease, Inez L., 094–16–0918.
Swartz, Isabelle J., 579–28–8238.

ARMY NURSE CORPS

To be colonel

Bagley, Norma P., 118–28–1672.
Bailey, Marian L., 467–54–6485.
Carrico, Dorothy L., 517–09–2531.
Carstens, Mary G., 427–01–4739.
Chew, Willa C., 161–16–9615.
Cobb, Doris M., 229–12–0787.
Desotell, Ruth L., 370–14–2897.
Erlach, Sarah G., 558–24–2367.
Gallant, Mary I., 008–10–5660.
Ghioto, Banna I., 220–28–9795.
Hartman, Berneta C., 503–01–7525.
Holmes, Marguerite, 267–46–2192.
Hudock, Yvonne F. C., 099–32–5078.
McCoy, Lucile, 455–07–8449.
Mercer, Sybil L., 532–30–4385.
Miczo, Anna, 205–18–1150.
Murphy, Ada E., 578–28–6941.
Nickodem, Rita M., 391–30–3567.
Price, Jean E., 479–12–3543.
Pullig, Mary R., 456–64–4080.
Regan, Margaret B., 518–16–4210.
Russell, Sarah F., 436–46–9899.
Shank, Josephine J., 055–10–0730.
Taylor, Eva A., 566–28–3273.
Tichenor, Elizabeth, 579–12–3263.
Tussey, Hannah M., 198–26–7867.
Utterback, Henry C., 307–18–7131.
Webster, Ada V., 264–10–8184.

DENTAL CORPS

To be colonel

Bartnikowski, W. J., 060–18–4703.
Betzer, Edward C., 292–14–1615.
Brown, Harold L., 182–32–1464.
Campion, Robert F., 477–12–2642.
Carwell, Glenn R., 405–18–9470.
Cox, Clyde H., Jr., 290–01–4094.
Cureton, William S., 545–28–2590.
Depierri, Frank H. J., 704–09–8321.
Epperson, Frank E., 523–16–9938.
Hook, Kenneth B., 495–05–9171.
Kilgore, Willis G., 418–28–9569.
Lau, Johnson N. C., 576–05–8867.
Mallow, John M., 235–32–6242.
Maultsby, William D., 239–36–9868.
Minniear, Edward O., 313–12–8177.
Peak, George W., 499–18–3235.
Roberts, William J., 464–03–5701.
Rosenblat, Bernard, 122–10–0309.
Schechter, Murray P., 175–32–0202.
Smith, Clifton R., 403–12–3938.
Spiegelford, M. B., 161–12–3479.
Worsley, John C., 168–18–6009.

MEDICAL CORPS

To be colonel

Adams, Fae M., 548–43–7191.
Babskie, Robert F., 187–12–5380.
Barrett, Francis E., 193–18–3996.
Blair, Donald W., 483–09–9985.
Cox, Robert S., Jr., 520–18–4328.
Downs, Peter E., 076–22–8149.
Fred, Ann C., 391–26–5496.
Jui, John O. L., 306–38–7344.
Leidinger, K. J., Jr., 432–12–2217.
Newkam, John S., Jr., 201–18–2683.
Rupp, Robert H., 362–14–0792.
Sims, James R., Jr., 461–32–9197.
Stearns, Paul E., 524–36–1776.
Thomas, Donald R., 280–18–7904.
Wing, Herman, 012–12–8990.

MEDICAL SERVICE CORPS

To be colonel

Andrews, James R., 445–18–4155.
Barbour, Mack E., 448–18–5104.
Binda, Reno J., 144–22–7953.
Heffner, Earl S., Jr., 189–22–9457.
Malunowicz, T., 123–09–8004.
Mazzola, Nicholas M., 499–05–0025.
Neal, William H., 218–03–0417.
Spendlove, Bernard, 007–10–3441.
Stephens, George D., 246–05–2338.
Wolffe, Findley P. I., 168–12–2583.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Lescsak, Genevieve, 579–32–1041.
Wood, Mildred, 232–34–4619.

VETERINARY CORPS

To be colonel

Duckenfield, Horace, 546–03–0780.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, James E., 347–28–0672.
Albright, Richard O., 412–44–1287.
Anderson, B. B., Jr., 360–22–9251.
Atwood, Roy F., 537–28–9788.
Aubin, Edward G., Jr., 048–20–0027.
Austin, James K., 262–36–4020.
Bailey, Benjamin H., 235–32–4329.
Baker, Robert Jr., 422–38–8926.
Barclay, Joseph D., 363–26–4072.
Barr, Donald F., 328–07–7794.
Barrett, Robert E., 261–44–7232.
Barrow, Myron B., 264–42–7147.
Bauer, Edward R., 495–22–1597.
Bennett, John R., 415–44–6274.
Bennett, Richard A., 574–09–6242.
Benoit, William D., 535–22–2129.
Boyle, Stephen J., 007–28–5384.
Breault, Joseph V., 038–18–3689.
Brincken, Glen W., 538–26–5272.
Brock, Leroy C. Jr., 437–42–1066.
Butler, Francis H., 097–22–8226.
Campbell, C. J., 514–20–4389.
Carrington, R. W., 454–36–0514.
Charlton, G. N. Jr., 181–16–9440.
Cochran, Martin K., 416–52–3438.
Como, Vincent J., 039–14–4740.
Cotter, Chester F., 085–24–4511.
Creasy, Loxley P., 230–28–3693.
Crooks, Everett E., 038–18–4492.
Cullum, William D., 465–48–4187.
Cummins, Wendell R., 458–14–9697.
Davis, James T., 486–34–2122.
Deal, Clifford M. Jr., 241–52–8609.
Demasi, Henri A., 076–18–4625.
Densmore, Victor C., 265–36–0436.
Dicks, John W., 368–28–9915.
Dishon, Lynn R., 455–22–2066.
Dolan, Frederick T., 005–26–2017.
Doll, William V., 153–26–4483.
Dugan, Edward C. Jr., 263–44–7597.
Dunaway, Richard E., 063–18–8767.
Durian, James J., 288–18–3077.
Eby, Gerald P., 540–36–7080.
Edwards, Robert J., 488–32–5130.
Elia, Gabriel J., 092–18–9076.
Endres, Harry J., 183–24–4983.
Eng, Barry, 535–26–5668.
Feiner, Paul A., 209–24–0583.
Ferenz, James F., 556–42–3168.
Fick, Robert R., 154–20–6931.
Finch, Hugh B., 420–34–7657.
Fisher, Bernard J., 205–20–5434.
Forgacs, John L., 063–26–1654.
Formica, Robert S., 188–12–7720.
Fox, Jack E., 365–26–3241.
Gillen, Richard F., 046–20–6848.
Godman, Robert C., 300–12–2300.
Goelz, Ernest O., 159–26–9189.
Good, Frederick J., 515–12–9960.
Graft, Donald R., 163–22–6814.
Graves, James A., 406–24–4593.
Grimminger, R. H., 196–14–9819.
Gross, Edward C., 505–30–4614.
Gusler, Frank W., 525–46–1026.
Hall, Daniel M., 481–28–3539.
Hapgood, Kenneth D., 048–24–7080.
Haynes, Gene H., 244–42–4822.
Heald, Robert W., 003–16–6976.
Hefler, Robert H., 218–26–6699.
Heiden, Gerald F., 369–26–5699.
Hollingsworth, C., 422–36–0449.
Holt, Frank J., 199–24–4345.
Howard, James B., 262–22–7922.

Innes, Von A., 515–26–9622.
Ivester, Thomas B., 516–32–8651.
Jackson, Alan R., 517–32–0891.
Jackson, Leland G., 506–36–0427.
Jeno, Joseph J., 339–22–8502.
Jerome, James F., 122–22–2347.
Joblon, Gordon, 090–12–3231.
Keim, James T., 212–30–7817.
Kerr, John R., 309–22–3286.
Kinnison, Jimmie G., 436–44–7952.
Kiser, William L., 515–32–4678.
Kreft, Raymond J., 324–12–4722.
Krzynski, John L., 391–28–7705.
Lamy, Carl V., 156–18–6768.
Lee, Charles W., 422–32–9171.
Leslie, Robert E., 559–34–9093.
Limes, Edward J., 522–20–2088.
Little, Joseph B., 429–32–5317.
Lukiewski, Edward W., 194–12–4023.
Lusa, John M., 284–20–5838.
Mangiaracina, Nicholas, 336–12–1925.
Marra, Joseph V., 222–18–5879.
Marrone, Jay M., 111–16–1746.
Marshall, Albert R., 006–30–8683.
Marshall, David O., 330–24–1522.
Martin, John L., 157–18–4027.
Mason, John P. H., Jr., 231–34–9637.
Massey, Dean T., 396–28–4330.
McClure, Albert E., 507–34–0550.
McCune, James N., 288–24–5085.
McGowan, Joseph A., 284–26–0529.
McNoldy, Charles E., 164–30–9139.
Melching, James J., 496–24–0372.
Merolla, Anthony J., 051–24–9996.
Moe, Phillip J., 472–20–2266.
Mohr, Robert F., 196–14–8391.
Moore, Ira J., 253–32–5172.
Moreschi, Anthony J., 161–20–9717.
Morey, Paul L., 448–34–7966.
Morrison, J. H., Jr., 428–56–2583.
Morrison, James M., 264–32–0318.
Morrow, Donald L., 314–26–5943.
Muratore, Thomas A., 184–22–1449.
Myers, Harry W. Jr., 241–46–8382.
Myers, Ronald R., 290–30–01159.
Nearine, Robert J., 020–22–6751.
Neeb, Arthur E., 122–05–0976.
Nelson, Dallas E., 516–34–6828.
Newberry, Merwin R., 447–24–4196.
Newhouse, Carl L., 394–32–1250.
Newton, Malcolm M., 114–14–1888.
Nicklas, David W., 715–16–5512.
Nordt, William E. Jr., 139–24–0644.
Norenberg, Curtis D., 502–26–6543.
Oyer, Harvey E. Jr., 262–34–0398.
Parker, Robert V., 265–40–3964.
Patanella, C. T., 111–24–8455.
Patton, Devon K., 258–48–9088.
Pearson, Douglas H., 249–14–2184.
Petri, John Jr., 282–22–8116.
Pinyan, Dugald A., 537–12–5927.
Pirrello, Mario J., 091–20–2588.
Poche, John E., 434–30–3497.
Potter, Franklin E., 214–20–9717.
Potter, Ralph T., 392–22–6116.
Potts, Robert D., 542–30–1045.
Ramos, Daniel O., 144–22–8391.
Randall, Donald A., 252–44–1462.
Raynes, Sidney, 255–30–3436.
Reid, Robert L., 509–26–8889.
Rhoda, C. W. Jr., 203–14–1684.
Richardson, D. L, 051–22–3029.
Rissland, L. W. Jr., 158–20–4009.
Rivers, Robert E., 262–32–6897.
Rogers, Charles A., 277–14–7958.
Ryan, William E. Jr., 360–22–9478.
Scholl, Edwin R., Jr., 183–22–5374.
Schurer, Arthur K., 088–22–7160.
Sesler, John B., 514–32–0368.
Shaver, Manila G., 546–34–5276.
Sills, Jack D., 542–22–2957.
Simpkins, Robert E., 411–30–0497.
Smith, Franklin D., 258–38–2207.
Soeth, Norman C., 566–22–8166.
Sommer, Robert G., 266–32–3159.
Swerdlow, Charles, 578–30–5677.
Swindal, Ancel B., 419–30–4754.
Talbott, Jack B., 512–18–7811.
Tankins, Edwin S., 227–28–9126.
Temple, Hugh F., 391–18–2525.
Thatcher, John W., 266–32–3416.
Thompson, Andrew B., 416–36–3309.
Vance, Henry A., 194–18–4955.
Waggener, Joseph T., 405–34–1556.
Wagner, James E., 229–34–3558.
Walbeck, Carl D., 218–26–3016.
Walker, L. A. Jr., 411–50–8987.
Whitton, Elliott A., 419–46–8961.
Whitworth, W. H., 428–40–9312.
Willard, Emmet E., 541–16–0607.
Wilson, Joel F., 456–50–9882.
Wilson, Leland D., 264–36–7730.
Woody, Wayne S., 434–48–1488.
Wooley, John B., 432–22–4366.

CHAPLAIN

To be lieutenant colonel

Sharp, Victor M., 712–01–3132.

DENTAL CORPS

To be lieutenant colonel

Clark, Donald E., 515–16–7083.
Herbert, Louis N., 363–32–3278.

MEDICAL CORPS

To be lieutenant colonel

Aftandilian, Emil E., 162–28–5963.
Casey, Ira L., 577–14–0495.
Chipman, Martin, 026–24–5094.
Karlsberg, Paul, 029–24–6384.
Wall, Hershel P., 413–50–2556.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Berry, Albert G., 303–30–9689.
Di Cenzo, Edward F., 014–22–4898.
Ness, John M., 476–30–9836.
Rifkind, W. H., 566–24–7730.
Rimmel, Marion, 313–20–2694.
Schwartz, Donald J., 153–28–3443.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Van Dommelen, L. J., 370–18–2015.

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 501, 593 and 594:

MEDICAL CORPS

To be lieutenant colonel

Braunschneider, George, 368–09–2715.
Kelley, Lawrence D., 424–40–1059.
Nemmers, David J., 481–36–9603.
Potter, Thomas E., 101–22–2317.

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3370 and 3390:

ARMY PROMOTION LIST

To be colonel

Aikman, Harold G., 344–16–3341.
Alexander, Archibald B., 527–32–6423.
Alexander, Virgil C., 296–14–9748.
Amodio, Peter R., 146–16–0294.
Amos, Jack L., 418–14–8762.
Anderson, Aubrey W., 413–32–0493.
Annunziato, Guy A., 134–03–0987.
Arzoomanian, Victor, 055–16–4354.
Baldwin, Neal, 104–16–8511.
Bamvakais, John R., 499–12–5743.
Barns, Jay M., 503–16–9070.
Barton, Jesse K., 454–44–9604.
Baum, Richard K., 540–28–0664.
Bell, Elmo E., 427–20–3587.
Bell, William J., 183–16–6919.
Bennett, George T., 235–14–6845.
Benson, James D., 552–26–1744.
Berriman, Peter J., 038–12–1800.
Bethe, Stanley C., 399–09–5363.
Bialock, Clifton E., 237–18–2879.
Blevins, Franklin M., 317–12–1296.
Bolen, Wallace C., 079–03–3495.
Borchert, Earl H., 475–16–2121.
Bradshaw, Horace J., 384–07–2185.
Bradshaw, Robert J., 226–12–7301.
Brainard, Robert F., 570–07–3017.
Brandt, Milton K., 165–24–5630.
Bristow, Walter J., 251–28–2123.
Brooks, George M., 215–14–8167.
Brown, Ralph, 253–14–2099.
Brunhuber, Arthur T., 102–03–9685.
Cannon, John S., 529–14–1085.
Caprario, Frank S., 139–12–1477.
Carey, Willard K., 543–26–4070.
Carnevale, Louis, 071–32–1518.
Carroll, James W., 536–16–5129.
Carter, Harry B., 137–18–8111.
Cartwright, John W., 239–12–1208.
Causey, James C., 431–38–8414.
Cave, William G., 061–18–7988.
Chavez, Sammie T., 525–14–8114.
Chescheir, Thomas R., 515–26–2589.
Chmiola, Joseph J., 187–18–0633.
Clayton, Russell L., 118–10–4784.
Clippard, Bernard C., 410–20–2471.
Cluck, Joseph A., 167–12–9917.
Cogan, John, 023–10–4818.
Colburn, Faye E., 431–05–7816.
Conrad, Jack L., 253–24–8005.
Corcoran, Richard F., 028–12–2023.
Curtis, James F., 091–14–7938.
Daley, James A., 030–12–1834.
Dallam, Harold C., 570–36–8284.
Dallas, Leonard J., 212–26–7982.
Daniel, Claud E., Jr., 426–05–6286.
Davis, James R., 247–26–0350.
De Marcellus, Robert X., 253–48–3376.
Dionne, Albert E., 006–14–4039.
Dodson, Therrell J., 453–10–0268.
Dolan, John C., 024–20–3761.
Dunham, Fred, 435–20–3771.
Dunkle, Andrew C., 519–26–2910.
Dupre, John P., 250–16–5739.
Dupre, Lawrence P., 439–14–5393.
Dwyer, Ralph D., 438–20–7255.
Egan, Ellis R., 517–18–1796.
Engert, W. J., 086–14–0170.
Ensslin, Robert F. J., 579–30–4428.
Fell, Joseph E., 389–18–2563.
Fellman, Marvin R., 473–18–0695.
Fink, Lon R., 447–18–2915.
Fischer, Robert T., 317–26–4158.
Fisher, Jack, 571–14–9340.
Flick, Joseph A., 173–03–6063.
Fox, Herschel C., 408–09–6655.
Fritz, Robert L., 175–18–7779.
Frye, William S., 156–14–5056.
Fuller, George M., 475–18–4640.
Gamble, James F., 418–32–0421.
Gary, William H., 254–09–2310.
Gaudet, Clifton J., 435–05–3288.
Gayle, Charles N., 250–42–1602.
Gehrki, Arthur A., 429–54–2451.
Gilpin, David N., 348–09–0226.
Ginn, Keith C., 428–56–5851.
Glass, Floyd L., 554–24–2082.
Glass, Raymond J., 144–10–1114.
Gordon, Phillips N., 028–14–0436.
Gregg, Donald C., 470–18–6054.
Grugan, Owen P., 062–12–6623.
Guyer, Homer D., 242–30–9825.
Hague, Benjamin P., 036–12–5863.
Haines, Ralph C., 388–18–5291.
Hammerbeck, Harold, 471–14–0338.
Hanke, Lorenz W., 394–03–8908.
Hanover, Curtis A., 708–09–2097.
Harp, Donald A., 494–20–4164.
Harrison, Gray W. Jr., 428–36–2690.
Heaton, James N., 403–24–4559.
Hendrix, George P., 416–26–9737.
Hendry, William T., 449–30–9470.
Hickman, Robert H., 260–40–2597.
Hidalgo, Thomas R., 556–18–8118.
Higdon, John A., 220–09–7574.
Hodgin, David A., 232–30–5441.
Hora, Edward W., 350–18–2309.
House, Ray M., 429–66–5468.
Housel, Howard C., 153–20–3993.
Huffstetler, Claude, 247–03–0144.
Hughes, Robert D., 117–01–7465.
Hulen, Charles W., 430–16–7678.
Hurney, Joseph H., 011–24–4010.
Huso, Kenneth W., 517–05–8186.
Ito, Thomas S., 576–24–4496.
Javier, Rafael L., 581–48–9852.
Johnson, Clinton C., 538–03–3383.
Johnson, Edgar V., 502–24–7928.
Johnson, James L., 701–09–2447.
Johnson, John G., 074–12–3344.
Johnson, Joseph H., 261–01–9103.
Johnston, Stanley W., 525–26–3742.
Jordan, Clarence C., 525–18–2873.
Joyce, Raymond F., 078–12–2893.
Kaulukukui, Solomon, 575–18–5548.
Kennison, Archie, 576–14–2776.
Kincaid, Paul E., Jr., 024–03–8719.
Kincheloe, Philip L., 521–22–4241.

XUM

Kingston, Theodore, 528-36-1580.
Kling, Arthur K., 144-18-7391.
Knoechel, Don V., 505-16-2441.
Kunde, Duane W., 471-20-2412.
Lala, Henry J., 435-18-4140.
Lamoreaux, Charles, 385-24-3711.
Lang, John D., 473-16-1840.
Langdon, James J., 080-10-9792.
Langley, Edward J., 025-14-7119.
Lankford, Lewis H., 368-22-1556.
Lapsley, Donald D., 335-16-9344.
Laufenberg, Edward, 173-14-5416.
Lavell, Harold J., 195-14-3322.
Lazarus, Harry A., 439-10-7892.
Lestenkof, Jacob, 574-09-9878.
Lewis, Walter C., 064-14-7653.
Liles, Graydon C., 250-28-2456.
Lowman, Martin L., 070-16-1934.
Lynn, Joseph, 178-09-6725.
Lytle, Robert E., 530-12-6767.
Mack, Herbert J., 501-16-4036.
Malloch, John W., 418-07-1927.
Marcello, John J., 434-58-0726.
Martin, Joseph F., 028-14-4211.
Martin, Paul R., 234-34-1582.
Martinez, Antonio M., 525-36-6154.
Massengill, Hugh P., 239-40-5355.
Mathews, Norman L., 007-05-6523.
Mathewson, Frank L., 222-01-9217.
Matthews, Kensaw, 429-24-4809.
Mauran, Duncan H., 039-20-3039.
May, James T., 251-40-5107.
McBryde, Warren D., 245-01-0275.
McCarl, Glenn E., 194-16-2857.
McClenahan, Donald, 577-24-3296.
McCurdy, James D., 537-10-2619.
McDonald, Edward H., 223-14-2206.
McDonald, John E., 003-05-1704.
McGowan, Paul A., 027-18-6438.
McIntosh, George A., 295-10-5568.
McIver, Stanley A., 528-36-7478.
McKinney, William R., 182-16-2852.
Meagher, William E., 047-20-0821.
Mellon, James F., 422-09-8427.
Melsa, Otto E., 412-14-8149.
Melville, David A., 529-38-1430.
Meyer, Martin H., 387-07-2205.
Miller, Cecil E., 414-03-7538.
Miller, James M., 448-12-0304.
Miller, Robert I., 554-26-3547.
Minor, Lucien H., 085-16-1738.
Mitchell, Guy T., 153-18-6722.
Modlin, Morton S., 241-16-0177.
Morlier, Dudley A., 433-10-8310.
Mulligan, Francis M., 480-18-4142.
Murphy, Edward F., 062-12-7359.
Nelson, Fabian A., 543-16-0988.
Nice, Royden P., 181-09-7029.
Nighbert, Donald W., 504-05-0277.
Niles, Hugh S., 202-09-9019.
Nochera, Pedro R., 581-50-3619.
Nordman, Reynold, 423-07-9989.
Oswalt, Barney L., 429-28-9563.
Oulette, Gaston L., 002-16-4633.
Patterson, William, 489-20-2003.
Pelegrina, Miguel A., 582-26-8302.
Peters, Fred E., 071-07-3261.
Pettyjohn, Russell, 448-09-2691.
Phillips, Arthur N., 375-20-6848.
Phlegar, James S., 225-10-8123.
Plasschaert, M., 471-12-9159.
Plemons, Jack M., 464-07-7071.
Porter, Harold P., 526-26-1545.
Price, Clyde L., 429-48-3655.
Probasco, Samuel R., 180-12-3913.
Prowell, William G., 181-03-7059.
Pujals-Anyala, Fern, 313-32-3374.
Raney, Arthur R., 303-20-7239.
Ray, Wash B., 418-07-6700.
Reith, Kenneth L., 153-20-0137.
Reitz, Harry E., 091-18-2622.
Ridgeway, C. L., 251-32-3228.
Riggs, Paul L., 283-14-4199.
Rives, Harold L., 525-14-2634.
Roberts, Charles B., 316-14-6026.
Robinson, Wendell A., 404-20-8155.
Rogers, Lacy W., 259-14-5649.
Ruiz, Raymond R., 439-18-8640.
Saddlemire, George, 074-14-9927.
Sage, Ward L., 398-05-4146.
Samuelson, Joseph H., 481-38-7004.
Sandy, Clarence E., 333-16-0684.
Sapp, John J., 006-12-2224.
Savage, William F., 009-05-8605.
Schnurr, Robert S., 720-10-5209.
Schwartz, Ralph E., 286-14-9555.
Sechriest, Stuart W., 239-09-9008.
Selverling, Richard, 184-12-6421.
Sharrow, William J., 121-24-9503.
Shaw, James H., 060-18-2398.
Shelley, Rudolph E., 424-05-5342.
Shumway, William J., 107-07-4957.
Simpson, Robert D., 085-14-4117.
Smith, Hugh M., 136-09-1320.
Smith, Lyle H., 518-05-1002.
Smith, Raymond C., 254-22-3016.
Smith, Rufus T., 412-14-6168.
Sodowsky, Clyde T., 440-14-8350.
Stabler, John C., 185-10-5640.
Staffieri, Benedict, 188-16-0711.
Steed, Lawrence L., 241-18-4217.
Steel, Harry V., Jr., 467-60-8823.
Sterbenz, Joseph L., 072-12-8538.
Stewart, Alan R., 529-18-0329.
Stewart, Thomas R., 579-03-2352.
Stimpfl, Frank F., 194-07-7939.
Stubbs, Van T., 427-78-6221.
Summers, Paul R., 411-28-1979.
Summers, Zane H., 235-40-1901.
Swidensky, Jack A., 446-22-8488.
Tatterson, Richard, 234-36-7525.
Taylor, Louis C., 407-24-6765.
Thomas, Charles E., 092-24-1822.
Thomas, Robert L., 483-20-7360.
Tice, Ralph T., 513-12-4597.
Tiede, Gordon V., 470-03-7613.
Tiemann, Edmund C., 475-12-6291.
Tomaszewski, S., 026-18-6970.
Torres, Roberto, 582-52-7626.
Turner, William, Jr., 570-32-5841.
Wagner, Bernard A., 502-22-6953.
Wallace, Clarence C., 069-18-5242.
Weinberg, William, 510-12-3550.
Welch, William E., 536-18-2469.
Whitney, Edwin F., 005-16-4878.
Widmer, Charles E., 181-14-8763.
Williams, Robert E., 363-24-6454.
Woods, Pendleton, 430-36-4746.
Wyman, Corydon, 017-16-9627.
Yeager, John G., 541-12-2956.
Yerkes, William C., 408-28-4590.
Zalmas, George W., 143-03-6374.
Zanetti, Leonard J., 148-10-7928.

DENTAL CORPS

To be colonel

Fenton, John P., 145-18-9813.
Herrington, Jimmie, 428-26-4348.
Lynch, Thomas P., 447-01-8270.

MEDICAL CORPS

To be colonel

Chosy, Julius J., 271-26-1051.
Cook, Malcolm C., 420-36-1730.
Inman, Fred C., 429-48-3996.
Landis, Richard M., 203-07-9233.
MacDonald, Neil A., 502-05-3799.
McLaughlin, Max V., 419-28-1862.
Mitschke, John J., 516-01-4955.
Nido-Stella, Roque, 582-40-4048.
Waymire, William M., 310-32-8453.

MEDICAL SERVICE CORPS

To be colonel

Kral, Charles, 115-10-2958.

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366, 3367 and 3390:

ARMY PROMOTION LIST

To be lieutenant colonel

Alexander, Harry S., 407-10-3114.
Allison, Robert E., 413-30-5137.
Baird, Douglas A., 560-46-1962.
Bamvakais, Robert P., 494-26-2242.
Bray, Lonnie M., 447-24-9264.
Carlisle, Harold W., 254-52-2449.
Carr, Edward M., 281-14-7134.
Collazo-Salazar, Baldomero, 580-68-5805.
Costellano, Barron J., 150-20-8581.
DeForge, Joseph R., 019-24-4817.
Doitteau-Rodriguez, Rafel, 581-54-4895.
Flynn, Henry G., Jr., 248-38-7118.
Harman, Andrew F., 182-22-7263.
Hazel, Gene C., 431-58-3016.
Hunter, Clifton D., 422-18-2564.
Kuhn, Albert G., 196-14-7694.
McCluer, Leon, Jr., 418-20-6285.
McFarland, Richard L., 314-12-2125.
Medley Owen E., Jr., 426-32-6652.
Mortimer, Wright J., 351-20-6201.
Pickett, Tolly P., 422-28-6218.
Schaeffer, John W., Jr., 574-10-9379.
Schnell, Roger T., 469-38-4349.
Searcy, William E., 478-36-4457.
Simmons, Franklin D. Jr., 229-44-2245.
Steenbock, Leon W., 390-22-2071.
Timmermann, Wesley F., 463-01-8014.
Wallach, Arthur E., 274-26-6189.
White, Donald L., 417-34-6010.
Workman, Samuel, 558-22-4737.
Zydanowicz, Raymond J., 182-12-5612.

CHAPLAIN

To be lieutenant colonel

Campbell, Francis M., 485-01-2474.
Judkins, Jack E., 529-26-2865.
Nilles, John I., 398-12-2462.

DENTAL CORPS

To be lieutenant colonel

Young, Eugene W., 481-32-6979.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1972:

U.S. AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. John W. Hoff, 196-10-6756FV, Air Force Reserve.
Brig. Gen. Robert B. Mautz, 302-01-4162FV, Air Force Reserve.

To be brigadier general

Col. Vincent S. Haneman, Jr., 151-16-6938 FV, Air Force Reserve.
Col. Gilbert O. Herman, 197-10-0623FV, Air Force Reserve.
Col. Edwin R. Johnston, 254-09-0677FV, Air Force Reserve.
Col. William J. Reals, 523-18-5551FV, Air Force Reserve.
Col. Joseph M. F. Ryan, Jr., 169-12-6103FV, Air Force Reserve

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of Chapters 35, 831, 837, Title 10, United States Code:

To be major general

Brig. Gen. William C. Smith, 414-10-3531 FG, Tennessee Air National Guard.
Brig. Gen. Charles S. Thompson, Jr., 252-01-6050FG, Georgia Air National Guard.
Brig. Gen. Joseph D. Zink, 165-14-3292FG, New Jersey Air National Guard.

To be brigadier general

Col. William J. Crisler, 426-24-0260FG, Mississippi Air National Guard.
Col. Francis R. Gerard, 143-12-4041FG, New Jersey Air National Guard.
Col. Malcolm E. Henry, 004-14-9504FG, Maryland Air National Guard.
Col. Ralph E. Leader, 022-14-8919FG, Massachusetts Air National Guard.
Col. Paul D. Straw, 514-14-0218FG, Texas Air National Guard.

EXTENSIONS OF REMARKS

MANAGEMENT AND PENSIONS

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MILLS of Arkansas. Mr. Speaker, it has been drawn to my attention that the New York Times of Sunday, May 28, contained an article on the subject of corporate pension programs by Harry E. Figgie, Jr., chairman and chief executive officer of A-T-O, of Willoughby, Ohio, which is near Cleveland. I understand that A-T-O is a large diversified company. Mr. Figgie's comments on the need for corporate chief executives to become involved in and know thoroughly all phases of their pension funding systems is thoughtful, timely, and informative. The article came too late to be included in the hearings of the Committee on Ways and Means on the subject of pension programs; consequently, I include Mr. Figgie's article in the RECORD at the close of my remarks:

MANAGEMENT AND PENSIONS

(By Harry E. Figgie, Jr.)

Never before has there been so great a need for corporate chief executives to become totally involved with all of the facets of their pension funding. If the chief executive and his top management fail to take the initiative, it is becoming increasingly apparent that the vacuum will be filled by government—both state and Federal. Few chief executives understand the complexities of pension funding, but fewer still recognize it as one of the great profit improvement tools with which they can deal directly, while at the same time providing greater safeguards for employes.

Direct involvement by top management has many advantages, for both corporation and employes. Management keeps in close touch with the realities of benefit requirements and both their present and eventual cost.

A chief executive may find that his actuary and his investment adviser or trustee are polarized 180 degrees. By his very nature an adviser or trustee knows he is in a competitive position and must produce or stand to lose the account. He speaks in glowing terms of 15 per cent growth per year regardless of economic conditions or the position of the investment cycle. Book value, stability, convertibility, downside risk protection, dividend yield, all pale before the magical 15 per cent yield from growth. In contrast, the actuary tends to be conservative, calling for unnecessarily high contributions from corporate operating profits. The difficulty lies in defining "yield."

Basically actuaries use one of two methods of evaluating yield, with broadly varying results. The first is adjusted book value (realized gains and losses), which gives yield credit only when a security is sold.

The second method is based on market value. The difference can be substantial, as illustrated by the accompanying table.

Unless a realistic appraisal is made of pension assets, taking into account unrealized gains and losses, the result can be unnecessary overfunding as well as higher expense to the corporation than is really required.

Recognizing certain fundamental numbers is another essential in guiding pension-fund investments.

A. Know your wage increase experience from the actuarial standpoint and make certain you are on the conservative side.

B. Recognize that as unfunded liability decreases to manageable proportions a conservative 10-year funding of unfunded liability doesn't cost much more than 30-year funding.

C. The big savings available through sound investing lie in yield. Moving from a 3 per cent to a 5 per cent actuarial average yield can reduce your long-term pension costs by 40 per cent annually.

Over the long haul, all that ma- really be needed to satisfy the actuary's yield requirement of 4 per cent to 6 per cent is to build a strong dividend and interest base of 4 per cent to 5 per cent. This, together with the average growth performance of stocks listed on the New York Stock Exchange, should, over the long run, more than do the job. The additional growth that is reasonable to expect from properly selected advisers then goes largely against unfunded liability and protection against inflation and unforeseen future requirements. Using a long-range approach, you can afford to be conservative on investment and aggressive on yield.

This brings us to underlying philosophy. Set some long-range objectives. Because four years' good work can be undone by one year's miscalculation, stress conservatism, dividend yield, and both inflation and downside risk protection. When interest rates hit their 100-year high last year, bonds represented a good investment for tax-free funds. A 9 per cent A or AA bond covers a 6 per cent yield target and provides a 3 per cent cushion for annual inflation.

And be involved. Organize your own trustee group or a pension committee. Participate yourself. Use your financial officers and a financially trained director of the company. Don't delegate funding management too low inside or too far outside the company.

Let this committee select its fund advisers on the basis of the investment philosophy and objectives. Select and evaluate investment advisers not just on track record but on compatibility with corporate philosophy and goals.

To me, one of the valuable side benefits of direct involvement is that good advisers provide continuing economic evaluations and projections that are extremely helpful in managing the company. These advisers provide an excellent monthly cross section of various segments of the economy, evaluation of political decisions, where we are in the business cycle—all of which can be used to advantage in operating the company.

If you are willing to get deeply involved in pension-fund essentials, common danger will be minimized and a large capital asset will work better to supply benefits for employes and earnings for shareholders. If you aren't willing, then you're inviting the imposition of controls that may bear little relationship to actual needs of either employes or shareholders.

DIFFERENCE NOTED

The following table indicates the possible substantial difference between the book value and market value method of evaluating yield:

Investment action	Jan. 7, 1971 cost	Interim action	Dec. 31, 1971 resulting value: Book	Dec. 31, 1971 resulting value: Market
Buy stock X	100,000	(1)	$100,000	$200,000
Buy stock Y	100,000	(2)	50,000	50,000
Total	200,000		150,000	250,000

[1] Appreciates and holds.
[2] Declines by 50 percent and sells; buys new stock Z.

Actuary A looks at adjusted book value ($150,000) and sees a net yield of minus 25 per cent.

Actuary B looks at market value ($250,000) and sees a 25 per cent yield.

Fund advisers naturally tend to sell losers to reinvest in hoped-for winners, but if the adjusted book value formula is used in this theoretical example you have an unrealistically low yield and are penalized severely. The alternatives are to sell the winners and hold the losers, or sell enough winners to more than offset the losers, providing the necessary yield. Neither alternative may be sound investing philosophy.

A DOUBLE STANDARD

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GROSS. Mr. Speaker, anyone who has spent much more than a weekend in Washington knows that there is a double standard for Federal prosecution—one for those with powerful friends, another for those who do not know the "right" people.

Pulitzer Prize winning columnist, Clark Mollenhoff, is one of the most astute observers of life in the Nation's Capital and he has discussed this double standard of justice in an excellent article, which I include for insertion in the RECORD at this point:

DOUBLE STANDARD OF PROSECUTION

(By Clark Mollenhoff)

WASHINGTON, D.C.—A political fact of life seems to be that there is a double standard for federal prosecution—a lenient standard to be applied to the inner circle of government and a tougher one for those outside the sphere of the White House.

Rarely has this discrimination been more vividly dramatized than in the recent indictment of General Dynamics Corp. and four present and former company officials on charges of fraud involving the cost of defective parts for the controversial F111 fighter-bomber, formerly known as the TFX.

The indictment, involving defective parts worth about $300,000, charged that the defendants conspired to falsify inspection reports to the government so the Air Force would pay for rejected F111 parts that did not meet specifications.

FALSE REPORTS

If these officers of a private corporation are convicted, it will mean that they knowingly filed false and misleading financial reports and intended to bilk the taxpayers of more than one-quarter of a million dollars. It is a serious enough crime to call for vigorous prosecution.

But what about the misleading financial reports, inaccurate testimony under oath, conflicts of interest and misuse of security classification by some of our highest former Defense Department officials who initially awarded the multi-billion dollar contract? The uncovering of these allegations was made during the eight-year "TFX Contract Investigation" in the U.S. Senate.

The hearing record established by Senator John McClellan's permanent investigating subcommittee laid out much of the evidence as early as 1963. The evidence came from the highest military officials and the most ex-

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perienced civilian defense technicians as well as from accountants in the General Accounting Office (GAO).

The current indictments charge the General Dynamics officials "conspired to falsify inspection reports to the government, in connection with the $300,000 cost of "carry-through plates."

The "carry-through plates" are a critical part of the center section of the F111 wing structure. General Dynamics, according to the indictment, scrapped the parts because a subcontractor welded them in violation of contract specification. The Air Force emphasized that none of the parts got into the planes.

The charge by the federal grand jury in Dallas, Tex., is that General Dynamics assumed financial responsibility for a subcontractor's error and then tried to pass the cost on to the Air Force in violation of the contract.

If true, it is easy to see how the General Dynamics officials would have arrived at the conclusion that the slogan "public office is a public trust" had been discarded, and that the filing of false and misleading reports was no longer regarded as a crime.

NO CRITICISM

Presidents Kennedy and Johnson didn't criticize those who had the responsibility for awarding the F111 contract to General Dynamics in the first place.

In fact, the comments of Presidents Kennedy and Johnson seemed to condone the whole pattern of conduct of former Defense Secretary Robert S. McNamara. McNamara assumed personal responsibility for the award of the multi-billion-dollar contract to General Dynamics over the unanimous recommendation of the top Pentagon Source Selection Board that it be awarded to the Boeing Co.

The Source Selection Board said its recommendation was on the basis of "a superior operational performance" and a substantially lower price.

The report to the Senate described Secretary McNamara's decisions as "capricious, lacking in depth and without substantiation."

Deuty Secretary Roswell Gilpatric was guilty of a flagrant conflict of interest in the TFX award," the report said. "The record shows unequivocally that he deliberately attempted to mislead the subcommittee regarding his relationship with General Dynamics Corp. as it existed before he accepted the appointment as deputy secretary and that he tried to equate that relationship with a small part (as a witness) he once played in a Boeing case."

The McClellan subcommittee report said, "The record makes clear that he (Gilpatric) was a top level policy counselor to General Dynamics for the 2½ years immediately before his appointment and that he was a de facto member of the company's board of directors . . . belatedly, he admitted these facts under cross-examination by the subcommittee after the staff had discovered the true situation."

FINAL REPORT

The final report, signed by eight of the ten-man subcommittee, commented:

"Top presidential appointees in the Department of Defense during the McNamara era over-rode expert advice to impose personal judgments on complex matters beyond their expertise. These same officials then made extraordinary efforts to conceal the result of their errors in the TFX contract. These efforts included deliberate attempts to deceive the Congress, the press and the American people.

"Understandably, this sorry record has done nothing to enhance public confidence in the integrity and competence of the people charged with preserving the national security," the report stated.

Even the brief individual views of the two other members of the subcommittee did not dispute the facts in the report. Senator Edmund S. Muskie (Dem., Maine), a supporter of McNamara's position throughout the early hearings, continued to defend McNamara's actions as contributing to "more efficient defense management."

Senator Jacob K. Javits (Rep., N.Y.) disagreed with the committee's conclusion that Gilpatric was guilty of a "flagrant conflict of interest." But, he stated: "Hindsight indicates that Mr. Gilpatric would have been better advised to have avoided even the appearance of impropriety by not taking part in the final (TFX) decision to any extent."

REPRESENTATIVE REUSS AND CHAIRMAN STEIN DEBATE THE STATE OF THE ECONOMY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ASPIN. Mr. Speaker, our distinguished colleague, Congressman HENRY REUSS of Wisconsin, and Chairman Herbert Stein of the President's Council of Economic Advisers held a wide-ranging discussion of the state of the U.S. economy on the Martin Agronsky "Evening Edition" television program on Tuesday, June 13.

A transcript of the program follows:

EVENING EDITION

MARTIN AGRONSKY. Good evening. The state of the economy in recent months hasn't become much better nor has it become much worse. President Nixon's economic policies have begun to show some positive results. The size of economic recovery has been positive enough to prompt the President's chief economic advisors to warn against letting the expansion of the economy get out of hand. On the other hand, wholesale prices have continued to rise and unemployment has certainly shown no signs of declining. Well, tonight on Evening Edition then, a discussion of the state of the economy with Herbert Stein, the Chairman of the President's Council of Economic Advisors, and Rep. Henry Reuss, Democrat of Wisconsin, who is a member of the House Banking and Currency Committee and of the Congressional Joint Economic Committee . . .

Gentlemen, Mr. Stein is the Chairman of the President's Council of Economic Advisors. I think Congressman Reuss would agree you're entitled to the first word. Do you feel that the President's economic program—Phase II as it is right now—is working?

STEIN. Oh, yes, I don't think there is any doubt of that. We've seen improvement in all aspects of the economy since the August 15 program was launched last year. The rate of inflation has declined, employment has increased very substantially, the rate of increase of output has increased very substantially. As you pointed out earlier there is a problem that the unemployment rate remains higher than we would like, certainly too high . . .

AGRONSKY. 5.9 percent.

STEIN. 5.9 percent. But we expect that that will decline as the rise of the economy accelerates in the remainder of this year.

AGRONSKY. Congressman Reuss, are you optimistic the way Mr. Stein is?

REUSS. Well, I think that there is no doubt that gross national product has gone up. Corporate profits have gone up magnificently. They are at their highest level now in the history of the world. But from the standpoint of the unemployed, it's not a very happy economic picture. We have almost twice as many unemployed today as when President Nixon took office. Phase II has not been a success. The rise in the wholesale price index during Phase II has been higher than the rise in that index in the six months before August 15, before price controls started. And more and more there is something approaching a taxpayer's revolt, a real revulsion against what is felt to be the unfairness of our loophole-ridden tax system. So I think that it is fitting and proper that we have a Presidential election this year and I think there are issues on both sides.

AGRONSKY. Well let me ask you, do you think that the state of the economy is going to be a major issue in the Presidential campaign?

REUSS. Yes, I do.

AGRONSKY. Do Democrats intend to make it that?

REUSS. Yes. Well, nature made it such, and we Democrats would be remiss if we sat idly by. The fact is that unemployment is at an unacceptable level, the fact is that price controls have been ineffectively administered and the fact is that the tax system—quite unfair, I must say, when we Democrats passed it over to the Republicans—has become more unfair and more regressive and more outrageous. All of these things will be issues.

AGRONSKY. Mr. Stein.

STEIN. Well, of course the state of the economy will be an issue in the sense that the Democrats will not have much else to talk about and there will be a great deal of grumbling from them about it. But, I think it will not be a very persuasive issue, partly because everybody recognizes that the economy is in much better condition than it has been for a long time.

While we can talk about the increase of profits, and we have no objection to profits increasing. We think that that is part of the health of the economy. It is also important to note that real spendable earnings of workers have increased during Phase II at about 5 percent per annum as compared with an average rate of about 1 percent in the preceding ten years. And as for taxes, of course, this may be a debate between Congressman Reuss and Congressman Mills, who has been Chairman of the Ways and Means Committee for about 14 years now and has probably had more to do with the state of the tax system than anybody else now alive. But, you know, the state of the tax system is at best a nonpartisan condition. And we, like the Congressman, are interested in reforming it. But I think there is one thing to say about this taxpayers' revolt. I think what the taxpayers' revolt is about is a revolt against high taxes. It is not a revolt against a particular character of this tax system.

AGRONSKY. Don't you think it's a revolt really against the inequities of the tax system?

STEIN. No, I don't really think so.

AGRONSKY. You don't?

STEIN. No. I think that my experience in a long time is what everybody means by tax reform is that my taxes ought to be lower. Period.

REUSS. I think Herb is absolutely sincere about this . . .

AGRONSKY. Well, he thinks he's right beyond being sincere.

REUSS. I don't think he's right. I view it this way. The White House itself, a few weeks ago, got out a press release, a transcript of that Saturday night meeting at the ranch of Secretary Connally when President Nixon was down there. And right in that transcript it was written that President Nixon was promising his campaign contributors—the big oil men, big bankers of Texas—that not only would he not touch the rapid depreciation loophole, the oil depletion loophole, he actually wanted to make them bigger. I just think that Herb is mistaken and that people are going to be disgusted by that, and really will not accept the fact that there are some Democrats, too, who have lagged on tax reform.

STEIN. Well, there are quite a number of them as you know, of course. We've had a number of tax reform measures before Democratic Congresses in the last ten years. We had one in 1963–64. We had one in 1969. We had one in 1971, and the large Democratic majorities had plenty of opportunity to send up to the President, the Democratic President in one case, Republican in the other, something repealing percentage depletion if they had wanted to do so. But obviously they didn't.

And I think that we have a little responsibility to point out to people that these things commonly labeled as loopholes or preferences serve some function. I went through a large part of my adult life being shocked by percentage depletion, but as I now look at the probable growing dependence of the U.S. on unreliable foreign sources of supply for fuel, I'm less certain than I used to be that this is a mistake. But, as I say, we want these things to be examined. We submitted a number of tax reform provisions in 1969 which were adopted and we agree on the need for a thorough examination.

REUSS. Let me ask Herb right now: what loopholes do you think should be closed? Can you name any? I can name a dozen that I think should be closed, and which, if they were closed, could raise a good many billions of dollars. What would your list be?

STEIN. Well, I wouldn't submit a list. I'm in a somewhat different position than the Congressman is, since I am a member of a team which has to consider these things jointly over a period of time. But we have said we will be prepared to cooperate fully with the Congress in considering thoroughgoing revision of the federal tax system.

AGRONSKY. Let me name just one spectacular, one dramatic, if you like, demonstration. We know for example, it was demonstrated that last year there were somewhere in the neighborhood of 250 persons with incomes of a million dollars a year or better who paid no taxes. I regard that as an inequitable observation to make. It's true and I regard that as a demonstration that there are inequities in the tax system which indicate that those who make an awful lot of money relatively pay . . . well, in some instances pay nothing, and many others . . . a great number of people who are in high income brackets in terms of percentages—pay much less than people in the lower income brackets. I think that is what causes the feeling that there are inequities and there should be reforms. Is that unfair?

STEIN. Well, in some degree it is, that is, these cases, these cases of the high income people—a rather small number—who pay no tax have been analyzed in great detail. We have explained, the Secretary of the Treasury has explained, why this was in all cases. And in some cases there are justifications and in some cases there are not. I don't want to pretend that this tax system which has grown up since 1913 is perfect. I'm sure there is a great deal that needs to be done about it. I don't think there is any disagreement about that I think that there is a considerable exaggeration of the extent to which additional revenues can be obtained by closing loopholes which are considered to be of special benefit to the wealthy. I think that people who have looked into this recognize that in the early years, at least, of such moves the net revenue yield would probably be small.

AGRONSKY. Well, Congressman Reuss, you've certainly looked into it and very exhaustively. Is that right?

REUSS. It is certainly right that if you want to raise 70 billion of dollars in extra revenues, you have to close loopholes which to a large extent benefit the average person. And I wouldn't favor that. But there is a long list of loopholes that benefit solely the very wealthy, which if closed could yield at least 15 billion extra a year. Let me make a constructive suggestion. If Mr. Nixon really wants to be reelected, I would strongly recommend that this summer—in fact this month—he come before Congress with a constructive program for closing certain listed loopholes. I'm sure that with that kind of Presidential leadership, we'd have action from Congress. While this advice I'm giving might result in the election of Mr. Nixon, I would be willing to pay that price for patching up our tax system. As I see it we are heading for very serious trouble, Herb. We have about $110 billion of deficits, back to back, in the current 3 fiscal years. Now, sure, expenditures should be curtailed wherever possible, waste should be eliminated, but even the Administration doesn't advocate cutting a dollar out of its 1973 budget. So you've got to have more revenue.

AGRONSKY. Mr. Chairman . . .

STEIN. If I could just respond . . .

AGRONSKY. I would like you to respond. I would like to point out that when Congressman Reuss, who is one of the chief spokesmen, as you know, on fiscal policy and economic policy for the Democratic Administration has made you a rather extraordinary offer and a rather extraordinary admission. He feels that it would help Mr. Nixon be elected if he were to undertake such a tax reform program, and I think that that would interest you. Does it?

STEIN. Well, I'm sure that Mr. Nixon wishes to be reelected and I'm sure that he welcomes Congressman Reuss' advice. I'm not in the business of advising the President on his political processes. He has people around who know much more about that than I do. But I will be happy to convey the suggestion to him. I think that . . .

AGRONSKY. Would you recommend that it be undertaken? Do you feel that a tax reform is necessary or don't you? That's what we're really trying to get at.

STEIN. I feel that these preferences which have been listed, and I think very well listed by Congressman Mills need to be examined.

I myself believe that calendar 1972 would be an inappropriate year in which to go very far with this, because I am afraid of it's unsettling consequences for the business revival. I'm afraid that the form in which Congressman Mills made his proposal—that is to repeal all these things and then see which we decide to put back—is a particularly unsettling way of going about this. But I agree with the desirability of re-examining all these things and more. I would like to throw into the reexamination the question of the corporate profits tax which is usually overlooked, but which seems to me a great discrimination against people who earn income from the supplying of capital. However, I think there is no disagreement on this point.

I do believe that as a number of Democratic economists have recently pointed out that the issue of our tax reform, at least at the level of which the Congressman discusses it, is not a revenue issue. What we are going to get out of it is greater equity, maybe more efficiency in the operation of the economy, but not very much in the way of revenue. And all our experience has been—and the Congressman will certainly remember—that whenever we throw a tax reform proposal to raise revenue into the Congress what we get back is an enormous revenue reduction, as we did in 1969.

REUSS. Well, the moral is to get the reform without the leakage. I think you've made a very fair statement, Herb, of the advantages of tax reform; you pointed out that equity is a principle consideration, or revenue . . . I think that reasonable men may differ. You think it yields somewhat less, others of us think it would yield somewhat more. I'd like to raise several other advantages of plugging some of these loopholes. One that commends itself to me is in terms of jobs here in America. Many of these loopholes lose us jobs. Take the fact that under our present tax system, if an American corporation establishes a manufacturing subsidiary abroad, in Belgium, or Mexico or Taiwan or Hong Kong or wherever, as long as it keeps its earnings overseas—doesn't repatriate them in dividends—it doesn't pay any corporate income tax on that income at all. So it has an unnatural incentive to close its plant here, fire its workers and plunk it down overseas.

AGRONSKY. How significant is that in terms of jobs and revenue?

REUSS. Well, you talk to the people in an electronics plant which has jumped ship to go over to Taiwan and it's their life's work. Those people are out of a job. So it's very significant to them. So all I'm saying is that by plugging that loophole you could not only raise several hundred millions of badly needed dollars for the Treasury but save thousands of American jobs.

AGRONSKY. Can I bring you back, Mr. Chairman, to the one observation that you did make about unemployment. It is 5.9 percent at this point; it's remained unchanged for three months. You recognize that it's bad and the question obviously is what are you doing about it? What do you intend to do about it?

STEIN. Well, I recognize that it's 5.9 percent, I think we should also recognize that the employment situation has greatly improved.

What we count on, what we are doing is following a policy which will bring about—which is bringing about—rapid expansion of the economy. I think I didn't get a chance to say that the economy in the last two quarters rose at a rate which is well in excess of the normal growth of the economy and which will absorb the unemployed, and I think every forecast . . .

AGRONSKY. Absorb them to what extent, Mr. Chairman?

STEIN. This is a difficult thing to predict, but I think we will see a very significant reduction of the unemployment rate. We've . . .

AGRONSKY. One percent, two percent, three percent?

STEIN. We've indicated that we expected by the end of this year . . . no, certainly not three percent. I mean three percent is an unreasonable expectation. We've said that we expect that by the end of this year to be in the neighborhood of five percent and that the unemployment rate would decline from then on.

AGRONSKY. That would be a decrease of nine-tenths of a percent. Now do you think, Congressman Reuss, that that is adequate and that they are doing enough? You have proposed legislation . . .

REUSS. I not only think it's adequate, I think this is a fundamental difference that we Democrats have with Republicans. By and large . . .

AGRONSKY. May I interrupt you for one second? Let's translate that 5.9 percent into numbers. How many unemployed is it?

REUSS. It's about a million unemployed per percentage point.

STEIN. About 800,000.

REUSS. So that reducing it to five percent would put roughly 800,000 back to work. I was just going to make the point that by and large the Republican economic philosophy—very sincerely held—is that by helping at the top by loans to Lockheed, bail-outs for Penn Central, tax reductions for corporations, fast depreciation, investment credits and so on, you thus enhance profits and

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somehow or other this trickles down and makes jobs. It's the old "feed the horses and the sparrows will thrive" philosophy.

Well, in practice it just doesn't work out that way. We're seeing it now. We've had 5.9 or 6 percent unemployment now for 18 months. I think that the economical and sensible way to deal with the unemployment that we've got is to have an expanded public service jobs program which would give the returned Vietnam medical corpsman veteran a job as a hospital orderly, would help the . . .

AGRONSKY. What numbers are you talking about?

REUSS. Well, I'm talking about a public service employment program of about 500,000 jobs. That would make enough extra demand so that the private economy could employ another two million. That could reduce our unemployment to the order of three percent which should be our goal.

STEIN. Well, I think, of course, that is a caricature of our program, this notion about feeding the horses. We have expanded . . . in the first place, the tax reductions that have been given during this administration have been enormously more to individuals than to corporations and enormously more to the lower income individuals than to the upper income individuals. And we are now running—have been running up to this point—an exceedingly expansive budget policy with . . . we have a big increase in expenditures this fiscal year. We are beginning to be concerned, as you indicated at the outset, that the rise of the economy is going too fast. We've had some talk earlier about this taxpayers' revolt. I think there is a taxpayers' revolt and I think that what this indicates is that the American people would like to see the federal establishment, the federal programs, not rise so rapidly. Because that's the only source out of which they are going to get tax reductions.

AGRONSKY. Mr. Chairman, may I ask you this? The wage-price control system, do you see any end to it, before the election if you like?

STEIN. Well, I'm sure it will end, and I don't want to forecast a date. We've indicated that we intend to stay with it until it has achieved its objective.

AGRONSKY. Which would be when? What do you foresee?

STEIN. That's a matter of forecasting and speculation and I certainly can tell you it's not around the corner, it's not going to be tomorrow. But I'm not in a position, nor do I think it would be wise if I were, to indicate what . . .

AGRONSKY. Very quickly, let me ask you another thing. Can you conceive of this Administration proposing any increase in taxes?

STEIN. Well, I can conceive of it but I would consider it extremely unlikely. Well, I could make this exception: we have considered, as you know, the possibility of some substitution of federal taxes for state and local taxes, but our goal is not to raise the total tax burden on the American people.

REUSS. May I just ask a question on that? One of the rumors we hear is that from time to time the Treasury and the White House are supposed to be considering putting a so-called value added tax on the American consumer, which would be the equivalent of a sales tax added on to current sales taxes by the state and would be the straw that broke the camel's back. Can you give me positive assurance that that idea has now been kind of purged out of the system and that this isn't going to be visited on the American people if Mr. Nixon is re-elected?

STEIN. That is not an accurate description of the idea. We are not in the business of purging ideas. We're in the business of considering and evaluating ideas, and I don't think that the Congressman would want us to purge an idea.

REUSS. This one I would.

STEIN. What we have thought about was the possibility of substituting this tax for some of the local property taxes which are very onerous, as the Congressman knows. But this idea, I should emphasize, is a matter for consideration like many others.

AGRONSKY. Listen, we've got a minute left. Let me ask you both, do you think in the election in November that the Democrats are going to make the state of the economy—unemployment and all the rest—the top issue, where do you think they are going to go in this area? Do you think that the Administration is vulnerable, very quickly.

REUSS. Yes I do. I think joblessness; ineffective administered price controls, huge feckless, "oops, sorry inadvertent budget deficits; tax loopholes—are all legitimate political issues. We Democrats intend to make what we may of them.

AGRONSKY. Mr. Chairman, do you think the Democrats are going to make anything of them?

STEIN. I think they will try. I think that they will be ineffective, and I think the Republicans will make an economic issue against the Democrats with respect to their proposals about spending, about income redistribution, about the tax burden and so on, which are things that the American people feel very deeply.

AGRONSKY. You dont' feel that the President is vulnerable on the state of the economy?

STEIN. I think that this will be something that will be argued but I think it will not be argued convincingly to the American people.

AGRONSKY. Thank you, gentlemen. Goodnight for Evening Edition.

A SALUTE TO AMERICA'S EDUCATIONAL POTENTIAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. STOKES. Mr. Speaker, the National Educational Association will be holding its "Salute to Education" this month here in Washington, D.C. In honor of the occasion, I would like to say a few words about the potential of the educational system in this country.

On an average school day in the United States, 42,626,558 schoolchildren get up in the morning and go off to school. At the same time, 2,089,623 teachers are en route to meet them there. This process takes place in 16,920 operating school districts every day, at an annual cost of $46,644,623.

There are times when we are aware of the importance and the magnitude of our country's educational system. For example, we will think of these factors this month, as 2,733,156 seniors receive their diplomas.

There are also times when we forget—when we lose sight of the fundamental goals involved in educating young people—1972 has been a year of such forgetfulness. It was a year when children's educations were made, in too many cases, subservient to their parents' politics. It has been a year when the word "busing" meant more to many people than the phrase "quality education."

It has been a year when all of those 45,633,748 students did not receive educations of equal caliber. This is amply demonstrated in the illiteracy rate. In 1969, 4.3 percent of all black males over the age of 14 could not read. The illiteracy figure for white males in the same age group was only 0.7 percent.

And the inequities of our educational system do not stop on graduation day. In 1970, 9.2 percent of all black Americans who had completed 4 or more years of high school were employed in service positions. By comparison, only 7.5 percent of the white high school dropouts were employed as service workers. In that same year, 26 percent of all black Americans had jobs in private homes or in the service industries. The figure was 10.7 percent for white Americans.

Only one out of every 36 American physicians is black. And only one of every 420 American Ph. D.'s is black.

There is untold potential in our educational system. For example, there is one teacher for every 20.3 students. And yet, there are many school districts in this country where the student-teacher ratio is as high as 50: 1. The expense of $867 per student should, obviously, guarantee a student's learning how to read at some point in the educational process.

I am still hopeful, though, that despite the setbacks of 1972 and the basic inequities in the system, some day our educational potential will be fulfilled. On that day, all school systems in this Nation will be comparable. And all students, too, will be equal, only to be judged on the basis of their educational attainment.

Rather than saluting education as it is, I would prefer to salute education as it could be.

MOORHEAD ANNOUNCES HEARINGS ON LEGISLATION TO REQUIRE INDIVIDUALS TO BE APPRISED OF RECORDS CONCERNING THEM WHICH ARE MAINTAINED BY FEDERAL AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee will hold hearings next week on a number of bills that would amend the Freedom of Information Act—5 U.S.C. 552—to provide that individual citizens be apprised of records concerning them which are maintained by Federal agencies.

The so-called Koch bill, sponsored by the gentleman from New York, has more than 135 cosponsors. There are some 20 bills, similar or identical to H.R. 9527, on which the subcommittee will hold its hearings.

Members of Congress and others interested in testifying on this legislation or in submitting statements for the hearing record should contact the subcommittee office—225-3741. We have scheduled Members' testimony for Thursday, June 22 at 10 a.m. in room 2154, Rayburn House Office Building. We have also invited witnesses from the Department of Justice and the Civil Service Commission to testify that day.

Hearings will continue the hearings on the Koch bill on Tuesday, June 27 at 10 a.m. in room 2154, Rayburn House Office Building with testimony from the Department of Defense, the General Services Administration, the Veterans' Administration, and from outside witnesses.

Written statements for inclusion in the record should be sent to room B-371, Rayburn House Office Building.

MR. LAWMAN, U.S.A.

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. COLLIER. Mr. Speaker, the June issue of Eagle, the publication of the Fraternal Order of Eagles, includes an editorial tribute to one of the organization's most famous members, J. Edgar Hoover, who died recently. The writer points out that, through the years, the Federal Bureau of Investigation and its dedicated director worked hard not only to fight crime but to prevent its occurrence.

The editorial follows:

MR. LAWMAN, U.S.A.

J. Edgar Hoover—the man—the symbol—our Brother Eagle.

J. Edgar Hoover, the man, has passed on, as all mortals must.

The only Director the FBI ever had, the determined foe of crime, corruption and communism, succumbed to a fatal heart attack at the age of 77.

Not all mourned his passing. As he himself once said, "You are honored by your friends and you are distinguished by your enemies. I have been very distinguished."

And, indeed, he was. No one would expect a John Dillinger or Al Capone to praise his work. Nor did he endear himself to the commies like an Earl Browder or Angela Davis. But it was not the infra-reds who pot-shotted at him most often. It was the ultra-violets who identify always with the law violator, never with the law enforcer. He never winced or waffled under their sniping, although once he did observe, quoting Alice, stepping through the looking glass in Lewis Carroll's story: "It takes all the running you can do to keep in the same place."

But J. Edgar Hoover, the symbol of effective law enforcement, will live on in the hearts of his countrymen.

This will be only in part because he built the world's finest investigative, crime-fighting force—the Federal Bureau of Investigation.

As much, it will be because he brought law enforcement across the nation into the era of test tubes, laboratories, fingerprint files, training academies and professional pay and stature for the profession of law enforcement.

Every local law enforcement agency in the nation has benefitted, not only from the FBI resources made available, but from J. Edgar's resolute spearheading of the drive for community support of community law officers.

And J. Edgar Hoover, for a quarter of a century a member of Alexandria, Va., Aerie, Fraternal Order of Eagles, has a special place in the story of the Eagles. When he joined the Eagles, he said, "I like the Eagles. I always have." But, early in the 40s, his interest in the Eagles went beyond liking. He had an idea of a special contribution that the Eagles could and ought to make to building a better America.

J. Edgar Hoover stood for fair and firm law enforcement. He was for law and order. No if's, and's or but's about it. But he wanted to prevent crime as well as to combat it. Back in 1944, he wrote in the Eagle magazine:

"Eagles can do a great deal to combat juvenile delinquency. Eagles are outstanding, experienced, respected men. By working with law enforcement agencies and providing guidance for selected children, Eagles might well direct many coming citizens away from the path of crime. Youth today needs our assistance more than ever before, and we cannot refuse its call."

Following the publication of that article, and the suggestion it made, a National Eagles Youth Guidance Commission was appointed, and there began the whole series of local, national and international youth-serving undertakings of the Eagles. The debt we, as Eagles, owe this distinguished fellow member of our Order from Virginia is clear. Whenever we expand and wherever we extend our youth guidance, projects, we will be helping keep green the memory and continuing the unique contribution to our Order of a great Eagle, a great lawman, and a great American.

MONEY SOUP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GAYDOS. Mr. Speaker, during the depression of the 1930's soup of any kind was the major dish on the unemployed American worker's dinner table. By continually adding water to it, you could stretch soup through several meals.

I was reminded of this depression delicacy by an editorial last week in the Daily News of McKeesport, Pa. The article pointed out the same stretching recipe is being used with today's dollar with inflation playing the part of water in making "money soup." The writer warns, however, there is a limit to how much water can be added to soup before it is no longer soup and he poses the intriguing question if this could happen to our money.

I am inserting the article into the RECORD for the attention of my colleagues. It may not be a tasty dish but it is food for thought.

The article follows:

MONEY SOUP

If you are a parent and want to teach your child the value of a dollar—you'd better act fast.

Getting the value of anything pegged these days is a tough job and the value of the dollar is the toughest job of all. We all know it isn't worth as much as it used to be and most of us are pretty confused about the entire subject. It's like instead of having money you haven't got, you have twice as much, but it's only worth half of what you'd have if you had what you don't have.

Did you follow that? Well, look at it this way. Any housewife can tell you that she can make a pot of soup stretch as far as need be if she just keeps adding water. Of course, the more water you add, the weaker the soup. The value of money must be something like that, with inflation playing the part of water in the money soup.

There's a limit to how much water you can add to soup. Eventually, you reach the stage where you can't palm it off as soup any more. Do you suppose the same thing could happen to our money?

NORTHERN IRELAND: A REGIONAL CRISIS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, I want to call the attention of my colleagues to a paper on the crisis in Northern Ireland which has been written in part by a constituent of mine. It is entitled "Northern Ireland: A Regional Crisis" and presents a brief history of events leading up to the current conflict.

One of the authors is Fred O'Brien of Melrose, Mass. He graduated from Syracuse University and from Suffolk University School of Law. In addition he has a master's degree in government from Southern Illinois University. The co-author Claudette Pelletier is a graduate of Northeastern University in Boston, and has her degree in law from the University of Baltimore. She has studied at the Hague Academy in the Netherlands where she received a certificate in international law.

Both Mr. O'Brien and Claudette Pelletier have traveled to Ireland, and they have done much of their research first-hand. They were in Ireland in August of 1971 and most recently in April of this year. This paper represents their view of the background of the tragic conflict which has become a major international concern.

The paper follows:

NORTHERN IRELAND: A REGIONAL CONFLICT

(By Claudette Pelletier and Fred O'Brien)

The policy of government by colonization is at best a short term one, for colonists soon develop a sense of their own interests as being distinct from those of a home government. The body of land this article deals with—Northern Ireland—is a classic example. The Scot-Presbyterians are no longer Scots, but have evolved to be Scotch-Irish, a distinctive kind of Irish resident. The English in Ireland became referred to as Anglo-Irish with interests distinct from those of other Britons. What became a problem between the "New Irish" and the "Native Irish" was the religious problems which resulted in a polarizing of politics around religion. The Catholics were to be Nationalists, sympathetic to the Republic of Ireland to the South and the Protestants were to be Unionists and loyal to Mother England.

In 1920 the Government of Ireland Act[1] established two separable governments, in the North and the South of Ireland. The Act, later amended, had as its original intention the reunification of Ireland when the problems pressing at that time could be worked out through reason rather than arms. In the 1920's and 1930's violence continued by groups pro and con on the question of one Ireland. The violence subsided in the South but has never really let up in the North.[1]

Intermittent violence over the years again surfaced in the Ulster riots of 1969 through

Footnote at end of article.

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the present time and no solution has as yet been reached. Religious bigotry resulted in street fighting in many cities, but particularly Belfast and Derry in Northern Ireland. Demonstrations for civil rights by Catholics and parades by the Protestants provoked each to violence against the other that will not subside due to refusal of compromise by both groups.

Today many domestic issues confront the people of Northern Ireland and a crucial factor is the high unemployment rate resulting from the violence and years of religious discrimination in awarding jobs. Unemployment is the highest in the Catholic areas [3] and as a consequence, emigration is also highest in the same areas; a fact pleasing to Protestants, who welcome a diminishing Catholic population.

The so called West of the Bann policy [4] which is supposed to provide employment for those forced from the land, has to say the least, never succeeded. The question is—Whether it was ever intended to succeed? The Wilson report of 1965,[5] adopted by the Government advocated the development of 9 industrial centres, but only one of these was west of the Bann. Unemployment is the greatest West of the Bann and in Catholic areas of the east. Example:

Town	Percent unemployed	East west
Enniskillen	17.7	West.
Newry	14.5	East (Catholic).
Derry	12.7	West.
Coleraine	8.1	East.
Bangor	4.5	Do.
Larne	4.3	Do.
Lisburn	4.2	Do
Ballymena	4.1	Do

The problem of unemployment is only a portion of the ills of Ulster, but fair employment would solve many other parallel problems.

The Republic of Ireland felt that the determination of the situation in Northern Ireland in 1969 had come to such a low point, that it was compelled to appeal to the United Nations on behalf of the minority Catholics and Nationalists in the North. Whether the topic was within the jurisdiction of the U.N. became the question. The Irish Government held it was under Article 56 [6] dealing with human rights, while conversely the British argued that it was solely a domestic problem and was, therefore, prevented from consideration under Article 2(7), which maintains that domestic jurisdiction prevails in matters of this kind.

In 1969 the Government of The Irish Republic did in fact raise formally with the United Nations the question of the North of Ireland.

In a press conference at New York on April 23, 1969, the Irish Minister for External Affairs to the U.N., Mr. Aiken, told of his purposes in coming to the U.N.: simply, to advise the Secretary-General of the situation in Ulster and that he would not make any request of the Secretary-General. Ireland's purpose was to demonstrate its serious view of the situation and that it expected civil rights to be restored to all sections of the community in the North of Ireland plus an end to all discrimination. This would be a first step toward reconciliation among the Irish people and eventual reunification of the country by agreement.

The Government of Ireland had requested the British Government to apply immediately to the United Nations for urgent dispatch of a peace-keeping force to the North. Following rejection by the British Government of this request and of an alternative proposal of Irish troops as well as British for a joint Irish-British peacekeeping force, the Irish government felt there was no other alternative but United Nations consideration. The Irish representative by virtue of Article 35 of the Charter requested an urgent meeting of the Security Council in connection with the situation in Northern Ireland.[7] The council convened on August 20, 1969 to consider the Irish problem.[8]

The Republic of Ireland's Foreign Minister, Dr. Hillary, further stated that denial of the civil rights to a large part of the population of the six northern counties has been the immediate cause of the demonstrations and resulting bodily harm. The Irish Government in accordance with a statement made by the British Secretary of State for Foreign and Commonwealth Affairs delivered before the General Assembly on another matter:

Article 56 of the Charter makes it clear that no country can say that the human rights of its citizens are an exclusively domestic matter. A country that denies its citizens the basic human rights is by virtue of Article 56 in breach of an international agreement.[9]

The Question, whether the Irish Resolution should be accepted on the General Assembly agenda and in the Security Council, was further supported by reference to statements made by United States Ambassador Henry Cabot Lodge in regard to application of Article 2(7):

In the period since the establishment of the United Nations certain principles and rules concerning the application of Article 2(7), have emerged. It has become established, for example, that the inscription and then discussion of an agenda item do not constitute intervention in matters which lie as initially within domestic jurisdiction.[10]

Continuing, Mr. Lodge said:

We hold the same views with respect to the Security Council that we do in the General Assembly. When a question such as the present one is involved, Article 2(7), must be read in light of Articles 55 and 56. Under Articles 55 and 56 of the Charter, all members of the United Nations have pledged themselves to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.[11]

Lord Caradon of Britain even with all these logical statements again invoked Article 2(7) as a bar to discussion of the matter while stating that action was being taken domestically to remedy the situation in Northern Ireland, and a debate could compromise peace there. What was done was to bring in troops as a peacekeeping force and the institution of the Downing Street Declaration of Reforms.[12] The Irish request was reasonable but the British alternative proved to be a disaster.

In the United Nations session in 1970, John Lynch, the Prime Minister of Ireland, again made a plea for U.N. intervention into the Northern Ireland problem, but again was turned down due to Britain.[13]

The Irish presented a good case based on humanitarianism to the United Nations both in 1969 and 1970. After the recent waves of violence in the North resulting in many dead and maimed, the Irish problem should be raised again at the U.N. and Britain would find it a bit more difficult to bar debate, since their promised reforms were passed but never enforced and her troops are despised by the people.

The violence continued in Ulster after the proposed reforms. It was a case of too little, too late, and the I.R.A. continued their terrorist campaign with retaliation from the Protestant militants. Mr. Faulkner, the Prime Minister of Northern Ireland, while admitting the Protestants threw a few bombs, blamed all violence on the I.R.A. He referred to the I.R.A. as a "whole unified group," implying all Catholics were involved in terrorism.[14]

When violence appeared to be getting out of control, Prime Minister Faulkner on August 9, 1971, under the Special Powers Act,[15] instituted the most repressive and hated law—Interment without Trial—directing it only against Catholics and the I.R.A.

The Prime Minister of Ireland issued a statement concerning interment without trial which is worth considering:

"The introduction of interment without trial in Northern Ireland this morning is deplorable evidence of political poverty of the policies which have been pursued there for some time and which I condemned publicly last week. Even if it succeeds in damping down the current wave of violence, it does nothing to forward the necessary long term solutions.

"The sympathies of the Government and of the vast majority of the Irish people, North and South, go to the Nationalist minority in the North who are again victimized by an attempt to maintain a regime which has long since shown itself incapable of just government and contemptuous of the norms of the British Democracy to which they pretend allegiance." [16]

This statement of the Irish Prime Minister is well put and echoes the sentiments of the author, who witnessed Northern Ireland during the imposition of internment.

The British, who complain that I.R.A. gunmen make raids in the North then slip back into the Republic, have now taken it upon themselves to pursue I.R.A. members into the Republic. This caused an uproar in Dublin, and Ireland lodged a complaint with Britain over the incident. This border incident could have serious repercussions. The Republic could have interpreted this as a show of force by Britain and a warning to curtail I.R.A. activity in the Republic or Britain would do so.

According to Article 34 of the United Nations Charter, the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute or situation, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

The fact of Britain deploying troops on the Irish-Ulster border is a clear indication that there is the possibility of a violation of the Irish border and its domestic territory. This is a threatening situation, since Britain has violated the border in the past.[17]

Article 35 gives the Irish Republic the right to bring the dispute to the attention of the General Assembly and Article 34 then permits the Security Council the authority to hear the matter.[18] Beyond this point there is the necesity of consent from Great Britain before the U.N. can proceed to arbitrate the dispute or to take any action at all.[19]

A great gesture in the interest of international peace would be for Britain and Ireland to sign a treaty to allow the U.N. to send representatives to travel freely through the North and South of Ireland and oversee peacekeeping operations and the institution of concrete reform to insure human rights. Consent could be requested and assuming it was given according to Articles 12, 13, 14, and 15 of the Vienna Convention [20] of the Law Treaties, it would be binding on the nations involved.

The nations (Ireland and Britain) would be obliged to comply with such a treaty by virtue of Article 18 of the Vienna Convention which would be a committal toward ending hostilities in Ulser. By consenting to a treaty, the U.N. observers would then be in a position of stopping the smuggling of arms over the border of the Republic and Ulster. The U.N. observers, including military, could be impartial while the British troops cannot. They could ensure the imposition of the reforms to the dissident groups and see that all persons received their rights in an equitable manner regardless of any other considerations.

In past operations the United Nations has accomplished worthwhile missions. In one such investigation over a dispute between Arabs and Israelis, there were similiar complaints that are parallel to those in Northern Ireland. The committee's recommendations are now stated:

1. To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions, and in particular to investigate and determine facts in the case of allegations of the violation of human rights provisions of those conventions or of other applicable international instruments.

2. To ensure that the population of the "occupied territories" is treated in accordance with the applicable law (in Northern Ireland to make sure Catholics got equitable treatment).

3. To bring to an end the indefinite and prolonged detention without trial of all persons, including those detained under security regulations and those under administrative detention, by releasing them or affording them a fair trial in accordance with the provisions of the Geneva Conventions.[21]

The Governments of Britain and Northern Ireland have failed to curtail violence and correct the grievances of the minority. There is the obvious necessity for the intercession of a third party. No faction in the North has any trust for any other and there is such historical evidence of this fact that only outsiders are going to be able to effectively communicate with all sides. There is little hope for peace in Ulster, unless Britain agrees to allow the U.N. to arbitrate the crises.

In an attempt to curtail violence, the Northern Ireland Civil Rights Association has re-instituted peaceful demonstration, but they were given a severe setback on January 30, 1972 in Londonderry when British soldiers killed thirteen innocent civilians. The following week Irish men and women all over the world paid tribute to the Derry Martyrs. In Newry just over the border in Ulster thousands demonstrated peacefully to the memory of Derry. Among the participants were members of the British and Irish Parliaments, the British actress Vanessa Redgrave and U.S. Congressman Mario Biaggi of New York. This incident in Derry insured world opinion was behind the minority in Northern Ireland in their quest for basic human rights.

Because of the actions of the British Government in its enactment of the Northern Ireland Act of 1972, legalizing all actions of the British Army in Ulster, the Government of Ireland has added to its dossier of information on Ulster, a protest of this action. This dossier will be put before the European Court at Strasbourg. This piece of legislation seems to give the Army a free hand for other incidents like Derry. The situation can only deteriorate from acts like this.[22]

EPILOG

On March 24, 1972, Mr. Edward Heath, The British Prime Minister, made the long anticipated announcement that Britain would assume responsibility for security in Northern Ireland. They would also appoint a commission that would rule the country and be under the direct guidance of London. Mr. Health also indicated that a plebicite would be held soon on the question of re-unification with the Republic of Ireland.[23]

These initiatives would have been the solution to the problem if taken in 1969 when serious outbursts of violence started, but today they could be the cause of even more violence and possibly war. London by previous inaction allowed itself to be put into a position where almost any solution would not be considered sufficient. A plebicite now would be premature. All factions must be allowed to present ideas both pro and con on the matter to insure success if enacted. The next few weeks are crucial to the British. If violence and bloodshed can be avoided, it is possible these initiatives might step toward eventual unity, when the plan is put to a vote in Parliament in the first week of April.

FOOTNOTES

[1] Government of Ireland Act of 1920 as contained in *A Sourcebook of Irish Government*, B. Chubb, P. 5.

[2] See *Divided Ulster*, Liam de Paor, Chapter 4.

[3] Crises in Northern Ireland, Nusight Magazine, Dublin, Ireland, August, 1969, P. 34.

[4] Id.

[5] Id.

[6] Article 56 of the Charter of the United Nations. All further reference to any Article will mean an Article of the U.N. Charter unless otherwise specified.

[7] S. 9394 . . . (Official U.N. Document Number) On August 17, 1969, the Permanent Representative of Ireland on the instructions of the Government requested the President of the Security Council to convene an urgent meeting of the Council.

[8] The Security Council met on the 20th of August to consider its provisional agenda (Document s/agenda/1503—"letter dated 17th of August, 1969, form the Permanent Representative of Ireland to the President of the Security Council—s/9394").

[9] Delivered 14th of October, 1968, in the general debate at the 23rd session of the General Assembly. Record of the 1693rd meeting of the Assembly. (A/PV, 1693, P. 42.)

[10] Discussion of the Irish Resolution can be allowed as competent for discussion before the General Assembly. The above quote by Ambassador Henry Cabot Lodge of the United States, at the 832nd Plenary Meeting of the General Assembly on October 20, 1959, bears this point out.

[11] Ambassador Henry Cabot Lodge of the United States, made this statement before the 851st meeting of the Security Council on March 30, 1960.

[12] See Factionalism in Northern Ireland, O'Brian, 92 C.R.E2071.

[13] Statement delivered by Prime Minister John Lynch, Republic of Ireland, at the 1879th Plenary Meeting of the General Assembly on October 22, 1970.

[14] The New Initiative, a report by the Government of Northern Ireland, delivered by Mr. Brian Faulkner, Prime Minister, in the House of Commons, Stormont (Belfast) on July 23, 1971, P.4.

[15] The position of Northern Ireland on Internment without Trial. Official Document delivered by Mr. Brian Faulkner, Prime Minister of Northern Ireland in Belfast, August 9, 1971, as published in British Information Services Publication 3/6/71—N.I.

[16] Internment in Northern Ireland, Official Statements of the Republic of Ireland, through Taoisesch (Prime Minister), Mr. John Lynch, T.D. published in Iris na Roinne Gnothal Eachtracha (Foreign Affairs Bulletin), No. 839, September, 1971. P. 2.

[17] Dublin Protests to Britain over Border Clash, Washington Post, 9/1/71,P A–14.

[18] See a New Concept of Consent and World Public Order; "Coerced Treaties" and the Convention on the Law of Treaties, published in the Vanderbilt International, Winter, 1970.

[19] Official statement on the Irish Border Incident, 9/2/71, published in British Information Services Bulletin, sec 12/71, N.I.–P. 1.

[20] Refer to A/conf 39/27, United Nations General Assembly, May 23, 1969, Vienna Convention on the Law of Treaties.

[21] Refer to Official U.N. Document A/7922.

[22] Irish Times, Editorial, March 9, 1972, P. 8.

[23] London Times, March 24, 1972, P. 1.

Footnote at end of article.

OWENS-ILLINOIS WINS ENVIRONMENTAL AWARD FOR TEXAS WATER POLLUTION CONTROL

HON. JAMES M. COLLINS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. COLLINS of Texas. Mr. Speaker, Owens-Illinois, Inc., headed up by president, E. D. Dodd, is an industry pacesetter in pollution control. The Texas Water Conservation Association has presented its first award for improving the quality of the State's water resources to Owens-Illinois for their outstanding leadership, accomplishments and service to Texas and the Nation in water quality enhancement.

This is the first environmental award ever given by the association which is composed of Texans interested in conserving and making the best use of the State's water resources. The member in all of Texas' 254 counties include representatives of river authorities, water and irrigation districts, navigation boards, municipalities, and industry.

President of the Texas Water Conservation Association, Beeman Fisher, and general manager, Bill J. Waddle, presented the award to Frederick A. Adams of Toledo, Ohio, vice president of Owens-Illinois' Forest Products Division. Fisher said:

Owens-Illinois was presented the award for the outstanding job it has done at its Orange Mill near the Sabine River in controlling water pollution. However, we also wanted to recognize the company's leadership in water pollution control at its older mills at Tomahawk, Wisconsin; Big Island, Virginia; and Valdosta, Georgia.

In building the Orange mill, which was officially opened in the fall of 1968, Owens-Illinois spent several million dollars on advanced systems for control of water and air pollution. Major water control items included a mechanical clarifier, a 37-acre aeration basin where oxygen during the manufacturing process is put back into the water by mechanical aerators, and a 1.7-billion-gallon holding pond to insure proper treatment of the mill's effluent.

Long before ecology became a household word Owens-Illinois installed, at a substantial investment of time and money, at its Valdosta mill a unique ponding system for control of water pollution that attracted worldwide attention.

Owens-Illinois' pioneering and continuing efforts in water pollution control won it the 1970 Gold Medal Award given by Sports Foundation, Inc., for outstanding achievements in control of water pollution. The company's contributions to improving the environment also have won it the Holiday Magazine Award for a Beautiful America, a distinguished service citation from Keep America Beautiful, Inc., and an Isaac Walton League Award.

Mr. Speaker, all Texas and the Nation should be proud of Owens-Illinois' fine work in water quality enhancement. We in Dallas continue to be impressed with

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the progress made in the Dallas branch which is under the capable leadership of Phil Friday. We applaud the recognition given these outstanding leaders in pollution control by the Texas Water Conservation Association in awarding Owens-Illinois their first Industrial Environmental Award.

FROM THE MOUTHS OF CHILDREN

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANNA. Mr. Speaker, recently I received two essays written by sixth grade students in my district. The lesson the stories contain is as deep as many of the lengthy speeches made in the Halls of Congress. The message concerning pollution is profound, but even more so are the concern and perceptiveness of these two young people.

I am sure that all of my colleagues in the House will join me in congratulating these two girls on their fine work. While their imagination exceeds the currently operative facts, what is important is that the essays represent a deep concern of two young people for the future well being of Americans. Furthermore, can we be sure that the threat of serious environmental catastrophy has been adequately balanced by the program, laws, and agencies brought into being by the Congress? We must, Mr. Speaker, pledge to these two young Americans and all those of their generation that we will leave no stone unturned to insure that these two essays remain fiction:

BROOKHURST ELEMENTARY SCHOOL,
Garden Grove, Calif., May 18, 1972.

DEAR CONGRESSMAN HANNA: These are two representative imaginary stories of the future written by my 6th graders. These girls wanted their letters shown to government officials and company leaders that cause pollution.

I find them very disturbing and I think you will too. Please show them to those people that support factories, etc.

Thank you,

MRS. LAURIE KNOX.

BY KATIE BATES

"What is a tree?" asked Peter. "Don't you know what a tree is?" I asked him, but I should have know better. The year was 2000 and all the pollution had ruined our once beautiful country. Peter is my grandson and is only 2 years old. "Well, Grandma, what's a tree?" he repeated. "A tree, Peter, is something that was once beautiful." I knew he would not understand this but I went on. "A tree is big and has long branches with leaves on them." "Oh, could you draw me one?" he asked. "I think I can." So I drew him one. He liked it very much and asked if he could keep it. I said, "Yes, you can," and I thought to myself it will probably be the only tree he would ever see. Then Peter asked what a flower is. I tried to explain it to him. I said, "A flower is a plant (which we have very few of now, I thought). And it grows in the ground. In the spring it grows beautiful leaves and petals." "What are petals?" he asked. "They are colorful things that are on a flower." "Boy, I wish I could see those things." And I practically turned away and cried. I thought, "So do I, so do I."

BY PATTY

"Mommy, what's this," cried Libby as she pointed to a page in her story book. "Well, the tall green and brown one is a tree." "What was a tree?" asked Libby. "A tree was a small or sometimes short brown stump with branches on it. Birds built their homes in trees until man polluted them. They also had little green pointed oval things on them called leaves." "Well, what's a bird," cried Libby. "A bird was a reptile; some were big and some were small. They all had wings, though. They could fly very high in the blue sky." "Is this a blue sky?" "Yes, but we don't have those anymore. The only time I remember when the skies were even half way decent was in 1972. A blue sky was something that supplied us with oxygen and was very beautiful. I'm sorry you weren't there to see it."

TRENDS TOWARD SLAVERY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SCHMITZ. Mr. Speaker, it was Bishop Fulton J. Sheen who once said that "History is memory and memory guides the present." If ever there was a need for this country to look to the lessons of history, it is at this very moment. Bishop Sheen once had a telecast on his "Life Is Worth Living" series and discussed the Soviet Constitution. In his introduction he stated that there were 19 chapters and 117 articles that one had to go through prior to coming to a single right. The first right cited was the right to work. Of more significance on the contemporary scene was the article on religion which is article 124, which states in essence that freedom of religious worship and freedom of antireligious propaganda is permitted for all its citizens. Bishop Sheen then pointed out that the Soviets recognized religion by closing 52,000 churches and liquidated the clergy. That happened back in the period following the Bolshevik Revolution. As J. Edgar Hoover stated so often:

The leopard never changes its spots.

I am submitting today for the RECORD three brief documents that should give Americans much food for thought on the recent agreements reached in Moscow which the Congress will be called on to approve. The first is a paper submitted by Commodore Perry before the American Geographical and Statistical Society, at a meeting held March 6, 1856. The second is a column by one of the more credible columnists in America, Mr. Paul Scott, and is dated June 2, 1972. The third is an extensive, yet abbreviated record of perfidy in all our past dealings with the Soviet Union. It was written by Mr. Dan Smoot, who spent almost 10 years with the FBI, has been a radio and TV commentator for 15 years while authoring his own Dan Smoot Report which had a circulation in excess of 40,000. Mr. Smoot currently writes exclusively for the Review of the News, and his article, "American-Soviet Relations" appears in the June 14, 1972, issue of the Review of the News. As Americans read these short articles, they would do well to reflect on the echo that some can still hear from the tattered Continental Army soldier at Valley Forge:

I gave you a Birthright of Freedom only in trust
And you are squandering it on a luxury labeled Expediency.
I stood in snow without shoes to give you a Right to Vote
And you stay home on election day whenever the weather is bad.
I left my family destitute so that you could have Freedom of Speech
And you remain silent because it might be bad for business.
I orphaned my children to give you a government to serve you
And through neglect you permit it to become masters of your children.

Pay heed, fellow Americans. The hour is late; yet not too late to reverse the trends toward slavery. The articles follow:

FROM PAPER BY COMMODORE M. C. PERRY, USN

"It requires no sage to predict events so strongly foreshadowed to us all; still "Westward" will "the course of empire take its way." But the last act of the drama is yet to be unfolded; and notwithstanding the reasoning of political empirics, Westward, Northward and Southward, to me it seems that the people of America will, in some form or other, extend their dominion and their power, until they shall have brought within their mighty embrace multitudes of the Islands of the great Pacific, and placed the Saxon race upon the eastern shores of Asia. And I think too, that eastward and southward will her great rival in future aggrandizement (Russia) stretch forth her power to the coasts of China and Siam: and thus the Saxon and the Cossack will meet once more, in strife or in friendship, on another field. Will it be in friendship? I fear not! The antagonistic exponents of freedom and absolutism must thus meet at last, and then will be fought that mighty battle on which the world will look with breathless interest; for on its issue will depend the freedom or the slavery of the world—despotism or rational liberty must be the fate of civilized man. I think I see in the distance the giants that are growing up for that fierce and final encounter; in the progress of events that battle must sooner or later inevitably be fought."

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, June 2.—Senate critics of the U.S.-Soviet arms limitation agreements will center their coming attacks on the substantial numerical advantage in strategic land and submarine based nuclear missiles provided the Soviet Union.

That's the strategy agreed to by a small group of Senators headed by Senator Henry Jackson (D. Wash.), who are deeply concerned that President Nixon went too far in granting concessions to Russia in the Moscow summit.

The Jackson group, as it is referred to here, includes Senator Barry Goldwater (R. Ariz.), and Strom Thurmond (R. S.C.), members of the influential Senate Armed Service Committee, and Senator James Buckley, the Conservative-Republican from New York.

Preliminary examination by this group of these "interim agreements", which do not require Senate approval as does the Treaty limiting anti-ballistic missiles, has raised grave questions whether they imperil the future security of the U.S.

The Senators' studies show clearly that the Moscow arms agreements give the Russians tremendous advantages over the U.S. in the expansion of strategic weapons systems. Most important of these Russian advantages are:

The Moscow agreements freeze the U.S. at a four to one disadvantage comparing our overall missile payload to that of Soviet Union.

The Soviet Union has three missiles for every two of U.S. and theirs are substantially larger. The agreements guarantees that this gap will continue and likely widen.

Soviet missiles carry payloads several times larger than U.S. These agreements not only protect the Soviet advantage, but authorizes them to increase it.

The agreements forbid U.S. to increase number of submarines but authorizes the Soviets to continue building them until they first equal and then greatly surpass U.S.

The Jackson group is now readying a reply to the Nixon Administration's main argument in defense of the Moscow arms accords. This argument is that the U.S. now has twice the number of nuclear warheads than the Soviets.

In countering this argument, the Jackson group plans to show that the arms agreements reached in Moscow are tailor-made to help the Russians overcome this U.S. lead in the shortest amount of time. Their memorandum, citing the Soviet advantages, puts it this way:

"It is no answer to say that we now have more warheads than the Soviets: for under the agreements they are not only free to multiply their warheads, but they are authorized to expand greatly the overall missile capability that makes such multiplication possible."

Linking the issues.—Whether the Jackson group will be able to force changes in these strategic arms limitation agreements is highly debateable since the President did not include them in the ABM Treaty he plans to send to the Senate.

The "interim agreements" covering the strategic weapons are known as executive agreements which do not need Senate approval. Because of this Presidential maneuver, the only course open to the Jackson group is to link their attacks against the agreement to the ABM Treaty. They could do this by threatening to hold up the ABM Treaty until the President agrees to renegotiate changes in the strategic weapons agreements.

The Jackson group will try to establish this link by presenting a strong case to the Senate that the concessions granted the Soviets in the strategic weapons agreements increase the need for a U.S. ABM system in order to protect our land-based ICBMs. It will be their argument that either the ABM treaty or the "interim agreements" must be changed.

The ABM Treaty.—In their study of the anti-ballistic missile (ABM) limitation Treaty, the Jackson group noted:

"The agreement prevents the U.S. from an effective ABM defense of its missile sites, while permitting the Soviets to expand their Moscow-area system and their strategic weapons capability."

The reference to the "Moscow-area" ABM system will be stressed by the Senators to show that this system is designed to defend a sizable portion of Russia in addition to the Soviet Capital. The U.S. has no similar ABM defense for Washington or any region of the country.

Since the Joint Chiefs of Staff were opposed to the concessions the President made to the Russians, the Jackson group is now trying to determine how many of them will publicly oppose the "interim agreements".

Should one or more of the President's military advisers publicly come out against the strategic arms accord, the Senators believe there would then be a good chance of forcing the President to renegotiate them. Without the public help of the military, however, the odds are heavily against either forcing a delay in the Senate ratification of the ABM Treaty or forcing any changes in the strategic weapons agreements.

AMERICAN-SOVIET RELATIONS

(By Dan Smoot)

President Nixon's recent visit to Moscow was a farce, a staged spectacular intended primarily to deceive the American public into believing that something good was being accomplished for America and the world. President Nixon, himself, being an intelligent and well-informed person, could not possibly believe that his agreements with the Soviets would produce any good for anyone except the Communists. The historical record repudiates any such belief.

In the 1950s the Senate Internal Security Subcommittee and the Legislative Reference Service of the Library of Congress spent two years on a study published in 1956 as *Soviet Political Agreements And Results*. The staff studied nearly a thousand treaties the Soviets had entered into with the United States and other countries since 1917—and found that the Soviets had broken their word to virtually every country to which they had ever given a signed promise. In 1964, the Senate published the third revision of *Soviet Political Agreements And Results*, updating it to August of 1963, showing that the Soviet record of treaty violations remained unbroken.

Just before President Nixon went to Moscow for the May, 1972, summit meeting, the Senate Judiciary Committee made available for him and his advisors a staff study which revealed that in seven previous summit meetings between U.S. Presidents and Soviet leaders, twenty-five specific agreements had been reached—and that the Soviets had violated twenty-four of them. The only summit agreement the Soviets ever kept was their promise to Roosevelt at Yalta to enter the war against Japan; but they waited to do this until we had already won the war, and did it then only to rape Manchuria, help sovietize China, and set up a Communist puppet regime in North Korea.

The fact that such Leftists as Senator Edward M. Kennedy praised the Nixon-Communist strategic arms limitations agreement is proof enough that the agreement will be detrimental if not disastrous to America. It will, in fact, freeze the United States into second place as a nuclear power, but will have no effect on future arms development, production, and deployment by the Soviets.

WHAT CAN WE EXPECT?

The trade agreement was not completed during Nixon's visit to the Kremlin; but negotiations are continuing; and we can safely predict what will happen. We will write off at least 90 percent (more likely about 95 percent) of the Soviet's more than $11 billion World War II debt to us, then grant them almost limitless credit to buy from us foodstuffs, industrial machinery, and highly sophisticated technological equipment. The Soviets will use the fact of getting American credits as a bargaining tool to get similar credits from industrial nations in Europe, and possibly from Japan. Following American leadership, the industrialized capitalist nations will thus, once again, finance the Soviet military machine whose sole purpose is to conquer and enslave the world, especially the industrialized capitalist nations.

Why is all this predictable? Because the Soviets have never changed the Lenin principle that treaties are made to be broken for the purpose of promoting the interests of Communism; and the United States has never abandoned the principle laid down by Franklin D. Roosevelt that the only way to negotiate with the Soviets is to give them everything they want and get nothing in return.

In this regard, it is most instructive to examine the one volume on American-Soviet relations which the State Department has compiled and released: *Foreign Relations Of The United States: Diplomatic Papers: The Soviet Union, 1933–1939*, published in 1952. This book is a chronological collection of confidential State Department official documents, reflecting the history of American-Soviet relations during the six-year period 1933–1939, and giving some background for that period. It would be interesting to review a later volume, dealing with a later period, but the State Department has not published one. Since the essentials of our government's relationship with the Soviets have not changed, however, we can use the pattern set in 1933–1939 to foresee what will happen in the future.

Here are highlights of what the 1952 State Department volume reveals:

From 1919 to 1933, the American government looked upon the Soviet rulers as a band of criminal conspirators and refused to recognize them as legitimate. By 1933, it was clear that if the Soviets could not get American recognition their regime would collapse. Japan threatened the Soviets militarily in the east. The starving and brutally oppressed population of Russia was on the edge of revolt. The Soviet's socialist economy could produce nothing; and, the Soviets could get no foreign credits to create agricultural, industrial, and military production.

President Franklin D. Roosevelt did not wait for the Soviets to ask him for help. He took the initiative. On October 10, 1933, he wrote to the President of the Soviet Union asking that a representative come to the United States for personal negotiations. On November 8, 1933, Maxim Litvinov, People's Commissar for Foreign Affairs, arrived in Washington. Litinov refused to negotiate with the Secretary of State or anyone else except the President. So, Roosevelt invited him to the White House. For six days and most of six nights, Roosevelt and Litvinov were alone, for the most part, in Roosevelt's study.

In the dying midnight hour of November 16, 1933, Roosevelt and Litvinov established diplomatic relations between the U.S.S.R. and the U.S.A. by drinking a toast in 3.2 beer.

The only written record of the Roosevelt-Litvinov agreements is contained in the "Gentlemen's Agreement" between them—which consists of twelve memoranda they exchanged in the White House on the evening of November 16, 1933. The next morning, Roosevelt released these twelve papers for publication, thus notifying Congress, the American public, and the world that he, acting in secret for the government and the people of America, had extended the hand of friendship to the bloody rulers of the Soviet Union.

Izvestiya, official newspaper of the Soviet Government, hailed the event as proof that, ". . . the United States . . . has at last been compelled to establish normal diplomatic relations. . . . Great interest in the Soviet experiment, attempts to introduce planned economy and to regulate the contradictions of monopolistic capital now going on in the United States, have all been a factor in that complex which has compelled the White House to remove the juridicial barrier between the United States and the USSR. . . ."

CONSERVATIVE WARNINGS PROVE TRUE

Prior to Litvinov's arrival in the United States, professional diplomats in the State Department, having studied the perfidious Soviet record of treaty violations, had urged Roosevelt not to extend recognition until he had obtained ironclad agreements concerning: (1) the $626 million in debts which the Soviets owed us from World War I credits to the Russian Government and from Soviet seizure of American property in Russia; (2) activities of the Communist Party inside the United States; (3) activities of the Communist International which were directed by the Soviet Government, and whose known published aim was to foment revolution inside the United States; and, (4) the religious and legal rights of American citizens in the Soviet Union.

As to the debts: The only thing put in writing was Litvinov's promise to stay in Washington to negotiate a settlement. Litvinov returned immediately to the Soviet Union. No beginning had been made on settlement of those debts.

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In February of 1934 the State Department sent to our Ambassador in Moscow, William C. Bullitt, a formal proposal. We offered to accept settlement of the $628 million Soviet debt for the equivalent of $90 million. When Bullitt presented this proposal to Litvinov in Moscow, he was amazed at the anger and vehemence with which Litvinov rejected it. Litvinov told Bullitt that the Soviet Union was not interested in building up trade with the United States, that it now had credits and could get needed industrial equipment elsewhere. Throughout the year 1934, the only concrete proposal that Litvinov ever made with regard to the debts was that the Soviet Union would settle the $628 million of American claims for $100 million, provided the U.S. Government would give the Soviets an unconditional, no-interest loan of $200 million.

On September 15, 1934, Secretary of State Cordell Hull said: "Personally, I have little idea that the Soviet officials will come to any reasonable agreement. Litvinov won his victory when he obtained recognition, and regards everything else as of minor importance." Hull kept trying, however. The American Government reduced its debt claims to practically nothing, and offered the Soviets an open-end loan to cover just about anything and everything they wanted to buy in the United States. On January 31, 1935, Cordell Hull recorded that the Soviets would make no agreement with us about the old debts and that negotiations had "come to an end." The old Soviet debt to us was never settled. It was merely forgotten.

In the "Gentlemen's Agreement," Maxim Litvinov promised Roosevelt that the Soviets would disband the Comintern in Moscow, and have nothing to do with the American Communist Party, although those organizations were not specifically named as such. The opposite, of course, happened. On direct and specific instructions from Moscow, the American Communist Party immediately intensified its subversive activities in the United States. The Comintern expanded its program of holding conferences in Moscow, attended by American delegates, to plan and foment subversive and revolutionary activity in the United States.

Our government ignored these violations of Litvinov's agreement for almost a year. In October, 1934, Ambassador Bullitt mentioned to Litvinov that the activities of the Comintern were a violation of his promise to Roosevelt. Litvinov snapped:

"No nation ever starts talking about the activities of the Comintern unless it wishes to have as bad relations as possible with us."

We made our second protest against the activities of the Comintern on August 25, 1935. The Soviets rejected our protest before reading it—announcing, however, that they would read it. After they read it, Litvinov closed the matter with a blunt remark:

"The Soviet Government would not in any way restrain the activities of the Communist International in the United States or the Soviet Union or of American Communists connected with the Communist International in the Soviet Union."

Our government never again protested against the Soviets' meddling in the internal affairs of our country.

PROMISES ARE LIKE PIE CRUSTS

From the beginning of the Bolshevik revolution, foreigners in Russia were harassed, jailed, and murdered. Religious worship, by foreigners as well as by Soviet citizens, was viciously persecuted. In the "Gentlemen's Agreement" with Roosevelt, Litvinov promised that the religious and legal rights of American citizens would be respected in the Soviet Union. This promise, like all the others, was broken from the moment it was given.

From the day our first Ambassador arrived in Moscow, the American Embassy had to deal with difficulties, harassments, and insults which Cordell Hull characterized as "not common to any other civilized nation, nor even . . . uncivilized nations as a rule." But, whenever a Soviet official did anything that was less insulting to us that was habitual with Soviet officials, the government and press of the United States would seize upon the event as an indication that the Soviets were mellowing and changing and that an era of constructive friendship was dawning. But William Bullitt, our Ambassador, warned: "We should not cherish for a moment the illusion that it is possible to establish really friendly relations with the Soviet government, or with any communist party or communist individual."

In January of 1937, Roosevelt replaced Bullitt with a new Ambassador, Joseph E. Davies, who was enthusiastically pro-Soviet. The change made no difference. By September of 1937, Stalin's purge trials were reaching a climax of indecency, and foreigners in Russia were being subjected to indescribable brutalities. Our Embassy continuously but futilely tried to protect American citizens arrested in the Soviet Union. In *all* cases, Soviet officials refused to notify us of the arrests, and held the Americans incommunicado, our Embassy finding out about them indirectly. Our Embassy officials were not permitted to communicate with the imprisoned Americans, and never knew whether we even had a record of all such arrests. Our Embassy did find out about 134 specific cases, and sent formal notes to the Soviet Government. The notes were not answered. In one case, more than a year lapsed before the Soviets notified us of the death of one detained American "in one of the northern regions of the Soviet Union." If our Embassy were able to effect the release and deportation of an American citizen within a year, it complimented itself that its efforts had been "crowned with success."

Soviet trade with the United States never did amount to much, despite the credits our government gave them, and despite Roosevelt's extravagant promises about the rich commercial harvests recognition would bring to American business. Soviet orders in the U.S. for the most part, were for small amounts of recently developed materials and were, obviously, attempts to copy trade secrets. Hence, not only private American businessmen, but subordinate officials in our Departments of State, Navy, and Army felt it unwise to do business with the Soviets. Roosevelt overruled them but Soviet harassment continued.

Laurence A. Steinhardt became American Ambassador to Moscow in August of 1939. He recommended reciprocity in our relations with the Soviets, saying we should treat them the way they treat us. President Roosevelt said we could not requite their "downright rudeness" in kind, but that "we should match every Soviet annoyance by a similar annoyance here against them."

Neither Roosevelt nor any succeeding President has ever done that, however.

The present Nixon round of giving the Soviets what they want, and getting nothing in return, is fairly close to the final round. When the Soviets complete their armaments buildup with our money, while we honor Nixon's agreements with them, they will be able to *take* what they want. The farce of negotiation will no longer be necessary.

Americans should bombard all U.S. Senators with demands that they reject *all* of the Nixon-Kremlin agreements.

TOURING FARMERS TELL FOOD PRICE STORY

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MAHON. Mr. Speaker, the price of food to the American consumer continues to be in the spotlight. A few months ago, four farmers performed a valuable service to producers and consumers. They traveled across the country on an 11-day tour to inform urban consumers about the important role that agriculture plays in our economy and, in particular, to respond to consumer concern over food prices.

The tour was labeled as Operation FACT—Food and Agricultural Communications Tour—and was sponsored by the National Agricultural Institute. The purpose was to open up a dialog between farmers and consumers on a wide range of issues and problems involving food production in the United States. FACT participants—J. S. Francis, Jr., a cotton and alfalfa producer from Peoria, Ariz.; Eugene Moos, a wheatgrower from Edwall, Wash.; Thurman Gaskill, a corn-hog-soybean producer from Corwith, Iowa; and John Barringer, a cattleman from Memphis, Tenn.—made a major effort to communicate directly with consumers and hear their views. They met with shoppers in supermarkets and shopping centers, participated in forums with consumer representatives, appearing before college and graduate school classes in business, marketing, and economics, and addressed a joint session of a State legislative body.

Through extensive news media coverage in the seven urban areas visited—Chicago, Seattle-Tacoma, Houston, Atlanta-Macon, Boston, New York, and Washington, D.C.—the group was also able to reach large numbers of consumers they were unable to meet with personally.

The ability of American agriculture—with only 5 percent of the population of this country on the farm—to feed the American people is the economic miracle of this century. The maintenance of this highly efficient and productive agricultural plant in the years ahead will require a great deal of public understanding and support. I believe that the best way of achieving that understanding and obtaining that support is through direct face-to-face communication between those who produce our food supply and the consuming public. Operation FACT has taken an important first step in this direction and I want to congratulate the participants and the National Agricultural Institute for undertaking this most worthwhile project.

Mr. Speaker, I insert for the RECORD a representative news article on the tour from the Boston Globe of April 27, 1972:

FARMERS' SIDE ON FOOD COSTS

(By Bruce Davidson)

Farmers are feeling tender because they think the public misunderstands their role in the cost of food and they have mounted a campaign to tell their story around the country.

The campaign is being run by the National Agricultural Institute and four of its members have included Boston in a seven-city swing from coast to coast—J.S. 'Jack' Francis Jr., co-chairman of NAI, John Barringer, Thurman Gaskill and Eugene Moos. All are active farmers.

The heart of the farmers' argument is that "we're not getting rich on high food prices, that this country enjoys the lowest food prices in the world, that the average American is spending a smaller proportion of his income for food than ever before, and that farm productivity is advancing at twice the pace of industrial productivity." Those are all familiar arguments to anyone who has been listening to farm spokesmen in recent weeks and months.

President Nixon, in effect, backed the farmers on this score when he accused "middlemen" of being responsible for the sharp rise in food prices during February. That sent the Price Commission scurrying out in search of someone to blame.

"For several days we looked for the elusive middleman, sort of like the abominable snowman," Price Commission chairman C. Jackson Grayson told a congressional committee the other day. "But I'm not so sure there is a culprit," he went on.

Interestingly, the farmers here yesterday tend to agree with him in the sense that they doubt that there is flagrant profiteering at any given level. But Francis adds a dimension to the controversy by suggesting that "it may not be any particular set of middlemen that is doing too well, but that there are too many middlemen."

Barringer, a cattleman from Tennessee, seconds that by saying that "from the time it leaves me and reaches the packer, it has been through five other hands—and then 11 more people before it reaches the buyer."

Like Francis, Barringer is not automatically critical of those middlemen. Every one of them who handles cattle between his farm and the packer actually owns the animal, subject to all the fluctuations of market prices, rather than just adding on to the price as he passes it along. Barringer says it costs him about $125 a head for feed, capital costs and care of a calf until it is large enough to be sold at 400 pounds to someone who will pour more feed into it to get it up to slaughter weight in the neighborhood of 1,000 pounds. If he's lucky, he may get 40 cents a pound when he sells the 400-pound animal, a gross profit of $35. He criticized a recent Life magazine article on meat prices for claiming that farmers were making $66 a head on cattle, laughing that "if you could make $66 a head on cattle, there'd be a million people doing it."

Moos, a wheat farmer from Edwall, Wash., says it costs him $1.40 a bushel to grow wheat, a fairly standard figure—and that he gets $1.25 a bushel in the grain markets. "The only profit we make is from what the government gives us," he says. And the government's total direct subsidies to farmers in the form of price supports and such programs as soil bank subsidies for the retirement of farm acreage, amounts to $4 billion annually compared with a Defense Department budget in excess of $70 billion.

Gaskill, a corn-hog-soybean farmer from Corwith, Iowa, argues that Commodity Credit Corp. reserves of feed grains have served consumers well by stabilizing prices during crisis periods. During the 1970 corn blight, for example, when nearly 10 percent of the crop was affected, "we could have had a dollar-a-pound increase in meat prices," Gaskill said, had it not been for feed-grain reserves.

The farmers have persuasive arguments on the productivity question with our food supply and an extensive export market produced by a farm population of less than 10 million (and that includes wives and children), less than 5 percent of the population. As recently as 1950 persons living on farms accounted for 15 percent of the population. During this same interval output per man-hour has risen 3.3 times while manufacturing output has gone up 1.6 times. The long-term point of this, they contend, is that for the most part we have a growing and successful system as it stands, the envy of and model for the rest of the world. Under these circumstances, they say, it would be a mistake to let the recent flap over prices obscure that central fact.

COMMEMORATING THE 50TH ANNIVERSARY OF HAWTHORNE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ANDERSON of California. Mr. Speaker, on July 12, the city of Hawthorne will celebrate its 50th year as an incorporated city.

I have a great affection for this community, Mr. Speaker, for this is the area in which my parents chose to reside when they first came to California. In fact, they were the first family to build a home in Hawthorne near the turn of the century.

This is where I was born, where I went to school, and where I grew up; this is where I began my career in both business and public service, as I was once mayor of Hawthorne; and this is where my life has been centered.

Originally a cattle ranch, this area in the heart of the Centinela Valley later became a leading producer of barley, and by 1880 it was producing a million bushels a year to be shipped all over the world.

Named by a land developer's daughter, Mrs. Laurice Harding Woolwine, who shared her birthday with author Nathaniel Hawthorne, the area became a community of families interested in poultry raising and vegetable growing. In those days, the "downtown area" was only a single grocery store, and meat was brought in by wagon from Inglewood three times a week. Another small building was used as both a school and a church. The school had 16 pupils ranging from kindergarten to 18 years of age.

Offering a mild, temperate climate, a convenient location, and in esthetically pleasing surroundings, Hawthorne has grown from a community of 2,000 in 1922, to a thriving city of over 57,000 residents today.

But this growth has been orderly and planned by past and present city administrators and community leaders. Expansion has been marked by the retention of a balance between industrial, commercial, and residential development.

Located between the "city and the sea," Hawthorne is ideal from the point of view of the employer and the employee. Approximately 187 industries manufacture a wide variety of products ranging from aircraft to steak platters, and from toys to vacuum systems. This industrial diversification is undoubtedly one of the most important factors contributing to the stability and prosperity of the community.

In the center of the transportation area, Hawthorne is only 15 miles north of the giant port of Los Angeles, known as the cargo capital of the West, and is approximately 2 miles from the Los Angeles International Airport. The southern California freeway network, especially the San Diego and harbor freeways, offer easy access to the manufacturing and industrial plants and the transcontinental truck lines which are located within the city. In addition to the rail freight service provided by both the Southern Pacific Railroad and the Santa Fe Railroad, Hawthorne has a municipal airport which is widely used by businessmen and industrialists.

The citizens of Hawthorne, naturally, take great pride in the educational system which has grown from the one room schoolhouse serving 16 students to a system serving over 17,800 students today. Quality education, however, is far more important to the citizens, and emphasis is placed on individualized instruction which allows the student to progress educationally as far as his capabilities will allow. This is illustrated by the small size of a class in the school system which averages 24 students for each teacher.

The attractions of Hawthorne are even greater when one examines the wealth of recreational activities in the Los Angeles area. Some of the finest beaches in California are but a few minutes away where a day of fishing, swimming, surfing, or simply a day of taking in the warm California sun can be enjoyed. With a total of eight parks open to the public in Hawthorne, the residents can take advantage of the picnic areas, baseball diamonds, shuffleboard, tennis, handball, croquet, basketball, and volleyball courts. As a result, the people of this area enjoy a reputation of being advocates of outdoor living.

Declining property tax rates, coupled with a steady increase in assessed valuation, is an attribute that speaks for itself. Since incorporation in 1922, the property tax rate has been more than cut in half, while assessed valuation has increased in excess of four times.

A pay-as-you-go philosophy with respect to capital expenditures, significant increases in sales tax collections and business license revenue have all contributed to the city's sound financial position.

Mr. Speaker, it is with great pride that I pay tribute to the city of Hawthorne, Calif.; her accomplishments; her people; and her outstanding educational, industrial, and residential facilities.

Hawthorne is truly a great city and will continue to be a most enjoyable place to live and work.

ASBESTOS—A TREACHEROUS KILLER TO WORKERS AND A COMMUNITY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ASPIN. Mr. Speaker, the American people are slowly realizing that community pollution has its beginning at the workplace. There is a close interrelationship between the outside and inside of many factories. There is no other situation in which this is more true, than in the studies which show what is happening as a result of asbestos exposures.

Asbestos happens to be a substance which has been rigorously researched,

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and it is also a substance whose deadly effects are not felt until 20 to 30 years after an exposure. Asbestos, if improperly handled, can infect a worker, can infect members of his family, and can infect a nearby community.

The basic research regarding asbestos has been done by the great epidemiologists, Irving Selikoff and Cuyer Hammond, whose paper "Mortality Experience of Amosite Asbestos Factory Workers" presented at the Fourth International Pneumoniosis Conference last September contains much of the information we have on what asbestos exposure does to human beings.

I ask unanimous consent that this scientific paper be included at this point in the RECORD.

MORTALITY EXPERIENCE OF AMOSITE ASBESTOS FACTORY WORKERS

(By I. J. Selikoff, M.D., E. Cuyler Hammond, Sc. D. and J. Churg, M.D.)

(NOTE.—This research has been supported in part by research grant ES 00358 of the National Institute of Environmental Health Sciences, U.S. Department of HEW.)

Possible gradations in the disease potential of the several commercially important asbestos fiber varieties has been considered important, since the industrial use of asbestos might be guided accordingly.(1) Experimental observations have not indicated any critical differences, at least insofar as mesothelioma is concerned. The tumors can be produced easily by intrapleural inoculation of various types of asbestos.(2) There is less information concerning experimental lung-cancer.

There are few data concerning the comparative neoplastic potential of the several kinds of asbestos in man. Some information is available for chrysotile(3), crocidolite(4) and anthophyllite(5). However, there has been no evidence to indicate that the amosite variety is so implicated. In large part this has been the result of epidemiological difficulties. Since, under industrial circumstances, there is often admixture of fiber varieties, the experiences of employed populations are not always readily ascribed to a single fiber variety. Diligent efforts have been made to investigate the occurrence of disease in the Transvaal in South Africa, the only area in which amosite is mined, and where populations exposed only to amosite could be identified. Environmental studies in this area, reported in 1964, showed no instance of mesothelioma in amosite miners and only isolated instances of carcinoma of the bronchus, although asbestosis was found(6). This survey has since been complemented by a study of miners in the area. The fate of white miners employed between 1954 and 1958 was investigated. Unfortunately, the records turned out to be imperfect and incomplete, since the caucasian work force in these mines was unstable. Moreover, no attempt was made to study the Bantu workmen, who are in the majority, since labor turnover is very high and ". . . records kept are such that follow-up of individuals over a period of time is impossible."(7) Only 147 white miners could be followed at all, and only 20 of these were observed for more than 20 years after first exposure to asbestos. Of these 20, there was 1 instance of lung cancer and none of mesothelioma. Elsewhere, comment is made that "The position of amosite is not clear . . ." with only 1 pleural mesothelioma stated to be known in the Transvaal (8)

INCREASING USE OF AMOSITE IN THE UNITED STATES

Whether or not amosite is carcinogenic is of some practical importance. Because this variety of asbestos has not been reported to cause cancer, there has been a tendency, as in Great Britain, to substitute it for other kinds of asbestos, especially crocidolite. Moreover, increasing amounts of amosite are being sent to the United States from South Africa. There is no record of amosite being imported before 1930 and to 1940, only small amounts were received. Since the second world war, the situation has changed. Annual imports have risen from less than 500 tons in 1935, to 4500 in 1945, 18,000 in 1955 and 21,400 tons in 1965 (Table 1).

These data should be considered with appreciation of the long lapsed period between onset of asbestos exposure and appearance of asbestos cancer—usually 20, 30 or more years. Such cancers as may be associated with the amosite now being imported will not become clinically evident until the 1990's or after the year 2,000.

CURRENT INVESTIGATION

We have investigated the mortality experience of a group of workmen occupationally exposed solely to amosite, whose employment started June 1941-December, 1945. This cohort has been followed through June 30, 1971.

Employed population

933 men were employed for varying periods of time in an asbestos products factory in an eastern city of the United States, starting work at some time between June, 1941, when the factory began production and December, 1945. The plant continued production until November, 1954, when it closed its doors. It manufactured amosite asbestos insulation, primarily for use in shipbuilding and ship repair.

We have sought to trace each of these men and have successfully done so in 868 instances (93%). In 65, tracing is still incomplete. Data concerning date of birth, onset of employment, duration of employment and type of work are known.

For the purposes of this report, we have investigated the mortality experience of those individuals who had at least one year of employment. There were 333 such men who began work, as noted, 1941–1945. 88 had died by Dec. 31, 1959. 15 were lost to follow-up. 230 were alive on Jan. 1, 1960 and each of these men has been followed since.

We have calculated expected death rates for these men Jan. 1, 1960-June 30, 1971, using age, year and sex specific rates for U.S. white males. Expected deaths were then compared with those observed.

Amosite exposure

No information is available concerning dust levels in this plant. Although exhaust ventilation was used, discussions with surviving workmen and plant management indicate that dust exposures, at least in some circumstances, could have been high Respirators were issued to the work force but were inconstantly used.

We have ascertained that only amosite asbestos was used in this factory, in several ways:

1. Review with plant management indicated that only this fiber variety was purchased and utilized. This is consistent with the ship insulation specifications under which the products were made.

2. We have obtained samples of the products made and examination by polarized light microscopy, electron microscopy, electron diffraction and electron microprobe analysis, showed only amosite to be present.

3. Asbestos was still present in the factory building's storeroom. When retrieved and examined, this was found to be amosite, using the same analytical methods.

4. Several workmen had kept the respirators used by them during their period of employment. The filters in these respirators were studied. Fibers retained on the filters were removed and analyzed. They were invariably amosite.

5. We have extracted mineral fibers from the lungs of individuals in this cohort, who had died. Very large numbers of fibers were present. Electron diffraction and electron microprobe analysis showed them to be amosite, (10) except for the occasional chrysotile fibril expected to be present in the lungs of urban dwellers in this area. (11)

Results

The mortality experience of this group of workmen, 1960–1971, demonstrates that a serious health hazard was associated with this industrial use of amosite.

Total deaths were among more than twice anticipated; 46.4 were expected and 105 occurred. This excess mortality was limited to two categories, cancer of various sites, and asbestosis.

14 deaths were due to asbestosis, whereas virtually none were expected. That amosite could result in asbestosis has been previously recognized.(7) In physiological studies of a select group of workmen in this factory from 1954,(12,13) serious pulmonary insufficience was demonstrated.

Both lung cancer and mesothelioma were also found in considerable excess. 2.4 deaths of lung cancer were anticipated, 25 occurred. In calculating expected rates, smoking habits have been disregarded, since the smoking habits of individuals not examined by us are not accurately known. In prospective studies from this point on, smoking habits will be taken into account. (14)

Mesothelioma caused 5 deaths; 2 pleural and 3 peritoneal. Each has been histologically verified, in material obtained at operation in 2 instances and at autopsy in 3. In one case, there had been prior chrysotile exposure; in 4 only amosite asbestos exposure had occurred. Parenthetically, additional instances of mesothelioma have occurred among men working in this plant, other than in the cohort reported here.

It may be of interest that more deaths of cancer of stomach, colon and rectum have occurred than expected. The increase is only threefold, however. As with similar previous experiences, it is considered that further observations are required before this association be regarded as clearly established. (15)

CONCLUSIONS

These data indicate that occupational exposure to amosite asbestos can be associated with serious hazard of lung cancer, pleural and peritoneal mesothelioma, pulmonary asbestosis, and perhaps cancer of stomach, colon and rectum.

Its continued industrial use requires rigorous control, with appropriate industrial hygiene measures to eliminate this totally unacceptable occupational health hazard.

ACKNOWLEDGMENT

We are indebted to Mrs. Dorothy Perron, Mrs. Shirley Levine, Mrs. Rayla Margolies and Charles V. Nolan for their meticulous field investigations which have allowed us to establish the current status of this cohort of workmen.

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TABLE 1.—CAUSES OF DEATH AMONG 230 AMOSITE ASBESTOS FACTORY WORKERS, JAN. 1, 1960, TO JUNE 30, 1971 [1]

Cause of death	Observed deaths	Expected deaths [2]
Total cancer, all sites	43	8.5
Cancer of lung, pleura, bronchus, trachea	27	2.4
Lung cancer	25	[3]
Pleural mesothelioma	2	[4]
Peritoneal mesothelioma	3	[4]
Cancer of stomach, colon, rectum	5	1.6
Cancer of all other sites	8	4.5
Asbestosis	14	[4]
All other causes	48	37.9
Total deaths	105	46.4

[1] 333 workmen were employed in this factory 1 year or longer, 1941–45. 88 died by Dec. 31, 1959. 15 were lost to follow-up. The remainder, 230, have been studied to June 30, 1971. Analysis of lifetime work experience indicates that, for the very large majority, this was the only occupational asbestos exposure.

[2] Expected deaths 1960–64 are based on U.S. age-specific rates for white males in 1962. For 1965–71, rates for 1968 were utilized.

[3] U.S data not available, but the figure should be only slightly less than 2.4.

[4] U.S. data not available but these are rare causes of death in the general population.

COAST GUARD RESERVISTS RECEIVE THEIR DUE PRAISE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. YOUNG of Florida. Mr. Speaker, since the Coast Guard Reservists are often an overlooked part of our national military force, I would like to take this opportunity to present this article for the review of the Members of Congress because I feel it expresses clearly the very vital role these men play in the defense of our Nation:

CGR's PRAISED FOR WORK ON CRUISE TO GUAM

GUAM.—Three aging former seaplane tenders, making their final cruise under Coast Guard colors, may have signaled a new era for the Coast Guard Reserve.

The 311-foot high endurance cutters Absecon, Chincoteague and McCulloch were turned over to the Navy here May 9 after a 10,000-mile journey from Little Creek, Va.

For the trip, however, instead of their normal crews, the vessels were manned by nearly 50 percent Coast Guard Reservists.

It was the first time since World War II that such a large number of Reservists had been used to augment active-duty forces for a period of more than two weeks.

In addition to providing training for the Reservists, the project freed active-duty Coast Guardsmen who otherwise would have had to man the cutters.

The vessels, which eventually may be turned over to the South Vietnamese, were organized as Coast Guard Squadron 2 for the trip. In all, 275 Regulars and Reservists manned them.

Most of the Reservists took leaves of absence from school or jobs to participate in the cruise and some even quit their jobs to sail with the squadron.

Said Regular Master Chief Yeoman Orlion McWhorter, who served aboard Chincoteague, "I guess most of the Regulars were understandably apprehensive of the large number of Reservists we were going to have with us.

"But I think we found them more eager and more capable than we thought they would be."

McWhorter made his first cruise as a Coast Guardsman aboard Chincoteague in 1949 when she, too, was brand new to the service. He volunteered to serve on her last cruise as a Coast Guard vessel and with his retirement coming in August, the trip also will be his final cruise.

Capt. Herbert M. Hartlove, chief of the Reserve Planning Division of Coast Guard Headquarters, temporarily stepped down from his regular duties to serve as squadron commander and commanding officer of Absecon.

"I was fantastically satisfied with (the Reservists)," he said. "I always said our Reservists are a capable group of people. The experience of our Regulars and the enthusiasm of our Reservists are unbeatable."

All three ships had active-duty commanding officers but two of the three executive officers were Reservists.

Executive officer of Absecon was Cmdr. Dan H. Briganti, a marketing specialist for a Philadelphia industrial concern.

Briganti brought along his two high-school-age sons and planned to continue west with them after being detached from active duty in Guam. They were to complete an around-the-world trip, visiting the Philippines, Vietnam, Thailand, India, Pakistan, Saudi Arabia, and Spain before returning to the United States.

McCulloch's commanding officer was Cmdr. Ted L. Gannaway with Lt. Cmdr. Robert F. Boysen, Jr., XO. Boysen plans to spend the summer teaching Reservists at the Alameda, Calif., training center before returning to civilian teaching this fall.

Cmdr. Benjamin R. Shaeffer commanded the Chincoteague with Lt. Cmdr. Albert C. Buechler, executive officer. An active-duty Reservist, Buechler was to report to the 1st District at Boston at the end of the cruise to join the Reserve staff there.

Chincoteague also boasted a father and son aboard. Reserve Commissaryman First Peter T. Vinnette, Jr., took a leave of absence from his job in Syracuse to participate in the cruise and his son, active-duty Commissaryman Third Peter III, asked to be transferred to Chincoteague for the trip.

Summed up Hartlove: "The cruise proved to be a vivid example of how Regular and Reserve Coast Guardsmen can work together as one Coast Guard.

"Once some initial minor frictions were out of the way, the active-duty personnel gained a new perspective of the Reservists. And the Reservists had renewed regard for the professional capabilities of their active-duty counterparts."

As for the future, can Reservists be counted on to augment active-duty forces in other Coast Guard operations?

"There is no question about it," said Hartlove.

AFRICA—A PROSPECT OF RECONCILIATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRASER. Mr. Speaker, the heading preceding my remarks refers to the possibility of a reconciliation between the blacks and whites of Southern Africa. It is the title of a report by Colin Eglin, leader of the Progressive Party of South Africa on his tour of African states with Mrs. Helen Suzman in 1971.

The optimism of this heading and the report may or may not be warranted. But as Mr. Eglin's report indicates, there are some whites and blacks in South Africa still committed to peaceful multiracial development in that part of the world.

The report follows:

AFRICA—PROSPECT OF RECONCILIATION

At the end of 1971 I undertook a journey to seven countries in Africa. Botswana close to our border; Senegal, Gambia and Ghana in West Africa; Kenya and Tanzania in East Africa; Malawi, that attractive strip of land situated in a key position between Mozambique and its hostile neighbours Zambia and Tanzania.

During our tour Mrs. Suzman, M.P., who accompanied me to six of these countries, and I had the unique and valuable experience of having frank discussions with Government leaders in these countries. With President Seretse Khama in Botswana, President Leopold Senghor in Senegal, President Dauda Jawara in Gambia, Prime Minister Dr. Kofi Busia (recently deposed during a military coup), Vice-President Arap Moi and Attorney-General Charles Njonjo in Kenya, President Julius Nyerere in Tanzania and President Kamuzu Banda in Malawi.

Some of the leaders are regarded by South Africans as friendly and others as hostile. Some are advocates of dialogue, others oppose it. Some are against the use of force, while others are already involved in it. All are hopefully waiting for a sign of change in South Africa, all are affronted by the policy of apartheid—a policy which they see as one regarding Blacks as inferiors and treating them as such.

Why did I undertake my journey? What were the people like that I met? What about their countries, their citizens, their problems and achievements? And, what were the attitudes of these leaders towards the White in South Africa?

I return from my trip through Africa with a kaleidoscope of impressions, and yet there is one which dominates all others. It was the absence of race tension in the seven states I visited.

In fact, it was more than an absence of

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tension. It was an apparent lack of race or colour consciousness.

Wherever I went—in the lounge of an hotel in Dar-es-Salaam, being served by a Black bank teller in Nairobi, being introduced to members of the Club Nation et Development in Dakar, shopping in the market place in Accra, on the crowded launch crossing the Gambia River or flying to Addis Adaba on Ethiopian Airlines—I could not help feeling that somehow colour and race were irrelevant.

This relaxed racial atmosphere was reflected not only in the mood of the people it was reflected in the attitudes of the Black leaders we met. Leader after leader proclaimed his commitment to non-racialism.

Take President Leopold Senghor of Senegal, for example. He asked, "How can race possibly be the test of a man's ability?"

Such a view was typical. Having cast off colonialism and the racialism which was part of it, it is as if the leaders of today are determined to show that in rising to independence their countries would also rise above policies of discrimination on the grounds of colour.

SOMBRE NOTE

It was President Julius Nyerere who struck a more sombre note when expressing his fear that a gulf could develop between White and non-White people around the world. "I am concerned for mankind. There is a risk that the non-White people will see the struggle against imperialism, colonialism and racism as a struggle against the White man. Race could become identified with issues. . . . The fact that there are White people in South Africa working for peaceful change provides a hope that in Africa we will be spared a catastrophic clash between White and Black."

The absence of race tension was one of the factors which turned my journey, undertaken originally as a political exercise, into a rewarding human experience. It is one of the reasons why I can say, too, that whatever the political advantage, either to the Progressive Party or even perhaps to South Africa as a result of my 18 days in Africa to the north, I feel a richer person for having been there.

My journey to the north was partly to satisfy an urge. I had always wanted to return there since being in Kenya in 1960 and 1965, in Zambia in 1964, and in Botswana in 1967.

For a long time I—and no doubt other South Africans—felt a sense of isolation here in Southern Africa, with no first-hand knowledge of the African continent which is having so profound an impact on South Africa's politics in the field of defense, foreign affairs, economics and race relations. I believed the time had come to attempt to establish contact with the African leaders in the states to the north.

LUSAKA MANIFESTO

I wanted to go to these countries to see for myself something of their problems and of their achievements, to discuss with these leaders their attitudes towards South Africa and to attempt to evaluate their attitudes, using the Lusaka Manifesto as a yardstick.

Incidentally, what a pity it is that we in South Africa have not paid more attention to this manifesto for, in spite of the knife-edge difference which it draws between the methods of negotiation and the method of violence, I believe it is a restrained and hopeful document—one of the most significant to come out of Africa in the 1960s.

Of course my journey was not without tensions, and doubts and apprehensions, but in the end Mrs. Suzman and I were overwhelmed by the warmth of the reception we received. We went to make political contacts, we returned having made personal friends.

There were moments when we were received with restraint and given critical or quizzical looks. This was when we were first introduced as South Africans. It was as if there was a veil between us and our hosts.

"What does it feel like to sit between two Black men?" I was asked over lunch when I was seated next to two lecturers from Legon University at Accra.

"What would you feel like if you, as the mother of two White daughters, found that one of your daughters had brought a Black man home to tea?" Mrs. Suzman was asked by an aggressive interviewer for a Ghanian newspaper.

But the veil soon lifted when our hosts realised we were relaxed in their company. Soon their aloofness changed to warmth. We left with invitations to us to come back again, and with quite a few inquiries about the prospect of visits to South Africa.

In particular I recall the Kenya Parliament's enthusiastic reception of the Speaker's reference to "two distinguished friends in the gallery". President Jawara of Gambia's comment. "This is an historic occasion. I have often spoken about South Africans but this is the first occasion that I have spoken to White South Africans here in my country. And Prime Minister Dr. Kofi Busia of Ghana's quiet words, "I thank you for coming."

AFRICANISATION

During the past decade we have frequently heard the word Africanisation. In the countries to the north of us it is more than a slogan. It is a reality. Wherever we looked as we toured seven African states we found Black people doing work which in South Africa is generally done only by Whites.

There were Black bank tellers and Black bank managers. Black people were running the hotels, the shops, the factories.

There were the computer operators, the journalists, the broadcasters, the postmasters and the judges in the high courts.

Black women were air hostesses. And on some flights Black men piloted the aircraft.

I could not help thinking: How stupid we are in South Africa to endure a so-called labour shortage when millions of our own Black citizens are undertrained and underemployed. Surely, given the opportunity, Black South Africans will prove to be just as competent as Ghanaians, Kenyans or Senegalese.

To keep pace with the demand for sophisticated labour new high schools, polytechnics and universities—most of them with faculties of science, engineering and medicine—have been built. Dakar, Accra, Nairobi, Dar-es-Salaam Universities each have fine modern campuses. Even in tiny Gaberone, Botswana, a new campus of the University of Lesotho, Botswana and Swaziland has just been opened.

An interesting feature of all the countries we visited was the impact of the French and English language. Not only is French or English the language of commerce and industry, it is the official language of the country. It is used in Parliament, in the courts, on government business. It is also the medium of instruction in the schools, right from the primary standards.

DIFFICULT TO BELIEVE

Black educationists in the north found it difficult to believe that Mr. Vorster's White Government insisted that Black South Africans be educated through the medium of the vernacular.

We saw evidence of solid economic progress. Much of this progress is still dependent on the infusion of capital and know-how through various international agencies, nevertheless one felt that the people were moving ahead.

Progress, however, has not been evenly spread and some states are desperately poor.

This is shown in some of the figures of the annual average income a head of population in the states we visited. These figures, compared with R462 for South Africa, are given in parentheses below.[1]

[1] These figures were corrected before the world-wide monetary adjustments were made.

Botswana (R73, 50) is excited following the discovery of diamonds at Arapa and copper and nickel in the Selebi-Pikwe area. Malawi (R35, 70 in 1969) has experienced a dramatic upturn in the gross national product in the last four years. Tanzania (R54, 60) is attempting to grapple with real poverty through its policy of African socialism. Kenya (R71, 40) has its capital, Nairobi, shooting skywards—five new first-class hotels and a new 23-story building crowned with a revolving restaurant.

The Gambia (R63) has a population of only 320,000 living in what is said to be a smugglers' paradise. There are package tours for Scandanavian holiday-makers and even a Swedish nudist colony at the mouth of the Gambia River! Senegal (R136, 50) has Dakar, once the commercial hub of what was formerly the French West-African empire. Now it is the chief city and port of the Senegal River States Organization.

Ghana (R225, 20) has a capital, Accra, with its harbour town of Tema, bustling with activity. Industrial development is taking place in the hinterland as well. Incidentally, the sharp drop in the world price of cocoa which annually forms more than 80 percent of Ghana's foreign currency, together with the annual payments of millions of rand which Ghana had to make to settle the debts made by the previous President Nkrumah, brought about an enormous rate of inflation. Just before Dr. Kofi Busia's rule was overthrown this year, he was forced to devalue the Ghanaian *cedi* by no less than 44 percent!

But what we found especially fascinating was the attention that these African states were giving to rural development. A strenuous attempt is being made to stabilise the population and so prevent a massive migration to the towns.

The tribal system of land tenure is giving way to individual land ownership. In these countries they realise that the stability which comes from the ownership of land is an essential factor in the development of a sound community.

Again I could not help saying to myself: "How crazy we are to allow our Bantu homelands to degenerate into vast rural slums." In Black Africa they encourage individual land ownership. In our country the White Government insists on the tribal system of land tenure for our Black citizens.

Incidentally, more than one person with whom I discussed our situation pointed out that in spite of the average income a head of population in South Africa being many times that in their countries the income a head earned in the Bantu homelands was actually less than that in the poorest African countries.

Remarked one Ghanaian wryly: "And this is the part of your country in which Mr. Vorster's Government say Black South Africans can have their independence!"

ISOLATION OF OUR COUNTRY

One further impression. Even before I left South Africa I was struck by the isolation of our country from the rest of Africa. I soon realised it was easier to communicate with Dakar, Dar-es-Salaam, Nairobi and Accra through Paris, London, Bonn and New York than it was from either Johannesburg or Cape Town.

And while I travelled I sensed the insecurity of travelling in Africa on a South African passport. For the first time in my life I sensed what it must be like to be a Black man in the urban areas of South Africa. My freedom, my security and my movement depended on a stamp in a book and so often in getting that stamp I was at the mercy of some petty Government official.

The heads of government I met on my tour of seven African states were all sophisticated, intelligent and well-educated men, men who would be a credit to any Cabinet anywhere in the world.

All have travelled widely, all have a good grasp of modern problems and all have post-graduate degrees.

There is President Seretse Khama of Botswana, who studied at Fort Hare and Witwatersrand Universities before going on to read law at Oxford and the Middle Temple, London. President Leopold Senghor of Senegal is a member of the Agreges de Grammaire, the highest French academic society. As a poet he was in 1962 a strong contender for the Nobel Prize for Literature. He has twice represented France at UNESCO. In 1969 and 1960 he was the minister-counsellor for Cultural Affairs, Education and Justice in the French Government.

President Dauda Jawara of Gambia is a veterinary surgeon with six years of study behind him at Edinburgh. Dr. Kofi Busia of Ghana has a Ph. D. is history and sociology and was a lecturer for six years at St. Anthony's College, Oxford.

In Kenya, Vice President D. T. Arap Moi was formerly a teacher, while our host, Mr. Charles Njonjo, the Attorney General, received a BA degree from Fort Hare University before going on to the London School of Economics and to a practice at Grey's Inn in London. President Julius Nyerere of Tanzania has an MA degree from Edinburgh University and Dr. Kamuzu Banda of Malawi has a Ph. D. degree from Chicago University and an M.D. degree from Nashville, Tennessee, in the United States.

But it was not only the heads of government who impressed us in this way. It was the breadth of knowledge of the assistants as well.

The young man in the president's office, the secretary in the department of foreign affairs, the newspaper editors, the broadcasters, the academicians.

Time and time again one found that these people had obtained degrees at Makerere University in Uganda or Legon University in Accra or at the University of Dakar and had then gone on to do post-graduate study at the Sorbonne, Columbia, Chicago, Edinburgh, London or Leningrad Universities.

These younger men, who will be the leaders of tomorrow, are modern men with a grasp of the politics of the 20th century.

MESSAGE FOR SOUTH AFRICA

We asked the leaders we met: "What message can we take back to the people in South Africa"?

Different leaders put it in different ways, but the message was basically the same.

"We are not anti-South African per se. We are not opposed to South Africa because of its four million Whites, not even because it has a White Government. We are not opposed to your people but we are unalterably opposed to your policy of race discrimination."

The leaders with whom Mrs. Suzman and I spoke understand the complexities of the South African situation. They appreciate the fears of the minority groups in Southern Africa. They realise, too, that change could best come from within South Africa.

They recognise the permanence of the White man in South Africa. They acknowledge the case for the protection of minorities. They recognise, too, that the time table for the implementation of a new policy cannot be forced from outside.

They made no attempt to prescribe a detailed policy to South Africa, but they made it clear that as long as South Africa had a policy of race discrimination entrenched in its law, as long as men were denied dignity and opportunity because of their colour, the country could not be accepted into the African community.

I believe that all the leaders we met want to see a resolution of the situation in Southern Africa, that they are all looking for signs of a change, that they would all prefer peace to violence.

In the words of the Lusaka Manifesto to which they subscribed: "We would prefer to negotiate rather than destroy, to talk rather than to kill."

But their attitude to dialogue with South Africa differed widely. President Julius Nyerere of Tanzania would have nothing to do with dialogue with the South African Government until it changed its policy of race discrimination.

President Kamuzu Banda of Malawi said that he was prepared to engage in dialogue in the hope that this would bring about a change. President Seretse Khama said that for dialogue to be meaningful it should start in South Africa among South Africans.

The Kenyans, perhaps because a number of them were educated at South African universities, adopted a somewhat cynical view towards dialogue and asked: "Do you really think that talking will cause Mr. Vorster to change?"

WILLINGNESS TO TALK

President Senghor and President Jawara showed no special interest in talking to the apartheid government, but did indicate a willingness to talk to people who wanted change in South Africa.

Prime Minister Dr. Busia of Ghana has already declared himself in favour of contact as a means of bringing about change.

He was, however, prepared to consider dialogue as "another weapon in the armoury of the strategy for the elimination of apartheid." Because of his attitude he was strongly criticised by the Opposition in his country.

I return to South Africa more than ever convinced that it is possible for us to resolve the problems of our multi-racial country; that Black, White and Brown can cooperate within South Africa. I believe that there can be a reconciliation between South Africa and the states to the north.

But there can be neither co-operation within South Africa nor reconciliation with the rest of Africa as long as we treat men of colour as lesser beings. When there is a meaningful change in the direction of human dignity and equal opportunity for all South Africans not only will the doors of dialogue be thrown wide open but we will be able to play our full part as the leading independent state on the African continent.

The ball is in our court.

SENATE—*Monday, June 19, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, infinite, eternal, and unchangeable in Thy holiness, justice, goodness, and truth, we acknowledge our dependence upon Thee for life and liberty and national well-being. Preserve this Nation under Thy sovereignty that it may increasingly serve Thy purposes for all mankind. Keep the President and all our leaders under Thy grace and guide them by Thy wisdom through the perilous times in which we live. Direct us in our labors in this Chamber that what we think and say and do may enhance the Nation's welfare and promote Thy kingdom among men and nations.

And to Thee we ascribe all glory and praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 19, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. RANDOLPH thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on June 16, 1972, the President had approved and signed the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. RANDOLPH) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 16, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 828, S. 3443.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3443, to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1972".

SEC. 2. Section 2 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"FINDINGS AND PURPOSE

"SEC. 2. The Congress finds that delinquency among youths has reached a crisis situation which can be met by assisting and coordinating the efforts of public and private agencies engaged in combating the problem, and by increasing the number and improving the quality of the services available for preventing and combating juvenile delinquency. It is, therefore, the purpose of this Act to assist States and local communities in providing diagnosis, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provisions of such services, to provide support for development of improved techniques and information services in the field of juvenile delinquency, and to provide technical assistance in such field.".

SEC. 3. (a) The heading of title I of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"TITLE I—PLANNING AND DEVELOPING COORDINATED PREVENTIVE AND REHABILITATIVE SERVICES".

(b) The headings for parts A, B, C, and D of such title are deleted.

(c) Section 101 of such title is amended to read as follows:

"GRANTS TO DEVELOP AND OPERATE PREVENTIVE AND REHABILITATIVE COORDINATED SERVICES

SEC. 101. The Secretary may make grants to, or contracts with, any State, county, municipal, or other public or nonprofit private agency or organization, for establishing or operating programs for the prevention and treatment of juvenile delinquency, which insure coordinated services. Such grants or contracts may be provided for paying all or part of the cost of establishing or operating coordinated youth services, including the cost of planning such programs, of providing youth services either by contract or through other arrangements, or directly, only for those services which are not being provided in the community and for which payment is not available from other sources.".

(d) Sections 102, 111, 112, 121, 122, 123, 131, 132, 133, and 134 of title I of such Act are hereby repealed.

(e) Section 13 of title I shall be redesignated as section 102 of such title and is amended to read as follows:

"APPLICATIONS

"SEC. 102. (a) Grants under this part may be made only upon application to the Secretary which contains or is accompanied by satisfactory assurances that—

"(1) the applicant will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations, furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

"(2) the applicant will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths or youth in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

"(3) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services;

"(4) public and private agencies and organizations providing the services referred to in paragraph (1) will be consulted in the formulation by the applicant of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part;

"(5) in developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant will be given the opportunity to present their views to the applicant with respect to such development; and

"(6) the applicant or lead agency or organization is responsible for both accountability for and continuity of services for youth.

"(b) Such application shall contain such information as may be necessary to carry out the purposes of this Act, including—

"(1) a description of the services for delinquent youths or youths in danger of becoming delinquent;

"(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services;

"(3) the functions and services included;

"(4) the procedures which will be established for protecting the rights, under Federal, State, and local law, of the recipients of youth services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under coordinated youth services developed by the applicant;

"(5) the procedures which will be established for evaluation; and

"(6) the strategy for phasing out support under this Act and the continuance of a proven program through other means.

"(c) No grant or contract may be made under this title unless the application therefor has first been submitted to the chief executive officer of the State in which the coordinated youth services are to be established in order to provide him with an opportunity (in accordance with regulations of the Secretary) to review and comment upon such application.".

SEC. 4. Section 133 of title I shall be redesignated as section 103 of such title and amended to read as follows:

"Labor Standards."

"It shall be a condition of any grant under this Act which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of title 40."

SEC. 5. (a) Section 135 of title I of such Act shall be redesignated as section 104 and the first sentence of such section is amended by deleting "part B or C of" and "the State agency or, in the case of grants under section 132,".

(b) SEC. 302 of title III of such Act is amended by adding at the end the following sentence: "Particular emphasis should be placed on providing technical assistance in the development of juvenile delinquency componenta or plans."

(c) Section 402 of title IV of such Act is amended to read as follows:

"SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, $75,000,000 for the fiscal year ending June 30, 1973, and $75,000,000 for the fiscal year ending June 30, 1974."

(d) The first sentence of section 408 of title IV of such Act is amended by deleting "the Secretary" and inserting in lieu thereof "the Interdepartmental Council".

(e) Section 410 of title IV of such Act is amended (1) by deleting paragraph (2) thereof; (2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and (3) by adding at the end thereof the following new paragraphs:

"(5) 'Delinquent youth' refers to any youth who has been found by a court to be delinquent, or to be in need of care of supervision.

"(6) 'Youth in danger of becoming delinquent' refers to any youth whose conduct is such as to bring him within the jurisdiction of the juvenile court.

"(7) The term 'youth services' means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social, cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facilities or services, and legal services.

"(8) The term 'coordinated youth services' means a comprehensive service delivery system, separate from the system of juvenile justice (which encompasses agencies such as those currently provided in the geographic area covered by such juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

"(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization, which desires to provide such services through such system;

"(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

"(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

"(d) use available resouces efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

"(e) identify the types and profiles of individual youths who are to be served by such a comprehensive syatem."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-867), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The committee bill is designed to extend the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1972, and to strengthen its operation by clearly delineating the scope of activities to be undertaken by the Department of Health, Education, and Welfare in the juvenile delinquency field. The 1972 amendments provide for grants to State, county, municipal or other public or nonprofit private agencies to plan, develop, and operate coordinated youth services systems. These systems are defined as comprehensive delivery systems, separate from the system of juvenile justice, for providing youth services to an individual who is delinquent or is in danger of becoming delinquent and to his family. Thus, the primary focus of activity under the Juvenile Delinquency Prevention and Control Act as amended will be the development and operation of these coordinated youth services systems in various parts of the country.

A majority of the committee intends that this extension be viewed as a means of encouraging the Department of Health, Education, and Welfare to improve its efforts to prevent juvenile delinquency by more precisely defining the scope of its activities. However, a majority of the committee agrees that a much more comprehensive approach to the problems of juvenile delinquency at the Federal level should be considered. The extension will permit the committee to develop a full hearing record on the type of restructuring that may be needed before recommending new, comprehensive legislation. At the same time, the extension will allow the Department of Health, Education, and Welfare to continue its important contribution to the Federal effort to combat delinquency, while increasing its effectiveness by more clearly defining its scope.

The other amendments are designed to repeal sections of the Juvenile Delinquency Prevention and Control Act which are rendered superfluous or redundant by the major changes in title I. Specifically, the sections regarding grants for rehabilitative and preventive services and for state plans are repealed, since these services are an integral part of the proposed coordinated youth services systems. The 1972 amendments provide authority for grants to accomplish essentially similar purposes as those set forth in the original act, with the differences that services must be provided as part of a coordinated system designed to maximize the impact of available Federal, State, and local resources. In addition, amendments designed to sharpen the focus of the technical assistance effort authorized under title III are made, so that special emphasis will be placed on providing technical assistance in the development of juvenile delinquency prevention and control plans. Further, the requirement of making an annual report is shifted to the Interdepartmental Council, established by the 1971 amendments, as a means of increasing coordination among Federal agencies responsible for juvenile delinquency prevention and control. The amendments also provide adequate fiscal authorization for the operation of the act.

BACKGROUND

The Juvenile Delinquency Prevention and Control Act was enacted by Congress in 1968 to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement, and other agencies which deal with juveniles, and was to encompass a wide range of preventive and rehabilitative services to delinquent and predelinquent youth. The act also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for comprehensive planning, development of improved techniques and information services in the field of juvenile delinquency. The Department of Health, Education, and Welfare was charged with administering the act, because that Department was believed to have particular expertise in dealing with the preventive and rehabilitative aspects of delinquency.

The report accompanying the act clearly sets forth the congressional intent that the act be administered as part of an integrated network of antipoverty, antislum, and youth programs. The report states that the legislation should not be just another categorical program administered in relative isolation from much larger efforts such as the community action program, model cities, and the Manpower Development and Training Act. Thus, Congress clearly intended that the programs administered under the act serve to coordinate all Government efforts in the area of juvenile delinquency and to provide national leadership in developing new approaches to the problems of juvenile crime.

As the committee noted in the report accompanying the 1971 amendments, the original promise of the Juvenile Delinquency Prevention and Control Act has not been fulfilled. The first 3 years of the administration of the Juvenile Delinquency Prevention and Control Act of 1968 were marked by delay and inefficiency in implementing the broad legislative mandate. More than a year and a half elapsed before a Director was appointed for the Youth Development and Delinquency Prevention Administration, the agency within HEW charged with administering the act. To date, only one annual report has been published, despite a legislative requirement that such reports be made each fiscal year. In this March 1971 report, YDDPA conceded its own failure to implement the goals of the 1968 Act. With the exception of the portion of the YDDPA budget spent on State comprehensive juvenile delinquency planning, funds were spread throughout the country in a series of underfunded, scattered, unrelated projects. The subcommittee found that juvenile delinquency programs have not been a major priority of the Department of Health, Education, and Welfare even though it has had responsibility for administering the Juvenile Delinquency Prevention and Control Act.

This lack of priority by HEW has been compounded by the consistent failure of the Department to request more than a small proportion of the amount authorized by Congress for each fiscal year, resulting in pitifully small appropriations for YDDPA. In fiscal 1970, example, $50 million was authorized under the Juvenile Delinquency Prevention and Control Act. However, only $15 million was requested and only $10 million appropriated. In fiscal 1971, $75 million was authorized, $15 million requested, and $15 million appropriated. From 1968 to 1971, HEW requested only $49.2 million for operation of the act out of a total authorized amount of $150 million. The serious deficiencies in HEW's administration of the Juvenile Delinquency Prevention and Control Act are further demonstrated by the failure of YDDPA to expend the limited resources appropriated. From 1968 to 1971, out of the small sum of $30 million appropriated, only half, or $15 million, was actually expended.

The fiscal record of the administration of the 1968 Act reflects HEW's limited view of the Department's role in developing a program commensurate with the delinquency problem. Thus, the fulfillment of the original purposes of the act has been rendered virtually impossible because of inadequacies both in appropriations and in administration.

One of the major problems in the administration of the 1968 act has been the confusion of roles in the juvenile delinquency field between HEW and the Law Enforcement Assistance Administration of the Department of Justice set up under the Omnibus Crime Control and Safe Streets Act of 1968. Under the Juvenile Delinquency Prevention and Control Act of 1968, HEW was intended to provide assistance to States in preparing and implementing comprehensive State juvenile delinquency plans. But LEAA, with vastly larger resources than YDDPA, soon became dominant in the criminal justice planning field.

In an exchange of letters on May 25, 1971, the Secretary of HEW and the Attorney General acknowledged the existing inadequacy in coordinating the juvenile delinquency activities of their respective agencies. The May 25 letters specified that each State should develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act. The Secretary and the Attorney General agreed that HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to focus its efforts on programs within the juvenile correctional system. Despite this allocation of responsibility for delinquency prevention to HEW, the minimal level of funding for the operation of the Juvenile Delinquency Prevention and Control Act raises serious doubts about the possible effectiveness of YDDPA in providing national leadership in the prevention of delinquency.

The problems of the role of HEW under the Juvenile Delinquency Prevention and Control Act should be viewed in the larger context of the lack of primary responsibility in any one Federal agency for all juvenile delinquency programs. Juvenile Delinquency programs are presently spread among more than 40 different agencies. There are no central goals and priorities to guide the planning and development of these diverse and scattered programs. The national direction and coordination of delinquency programs envisioned by the Juvenile Delinquency Prevention and Control Act for HEW has not engaged in that Department.

In a response to the clear need to develop more effective coordination of the Federal juvenile delinquency effort, the committee in the 1971 amendments to the Juvenile Delinquency Prevention and Control Act established an Interdepartmental Council consisting of representatives of the major Federal agencies involved in the area of juvenile delinquency. The Council was to meet on a regular basis to review the efforts of the various agencies in combating juvenile delinquency and make certain that the overall Federal effort was coordinated and efficient. The 1971 amendments also gave YDDPA an additional year to prove its effectiveness in

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the fight against juvenile crime and to develop a strategy which would efficiently deploy the limited resources of HEW.

NEED FOR LEGISLATION

Juvenile crime in this country has reached crisis proportions in the past decade. Arrests of juveniles for violent crimes have increased by 167 percent. Arrests of juveniles for property crimes, such as burglary and auto theft, have jumped 89 percent. Almost two-thirds of all arrests for serious crimes are of young people under the age of 21. Our failure as a nation to deal with this crisis is tragically clear. The recidivism rate for institutionalized delinquents is the highest of any age group—between 74 and 85 percent. Many if not most adult criminals have a juvenile record.

Congress responded to the alarming increase in juvenile crime by enacting the Juvenile Delinquency Prevention and Control Act in 1968. The first 3 years of the act's operation were marked by administrative weakness and lack of direction. In extending the act for 1 year, in 1971, Congress clearly indicated its intention to review carefully the administration of the 1968 act.

At committee hearings on April 28, 1972, representatives of the Department of Health, Education, and Welfare testified on the progress that YDDPA has made during the past year in increasing its effectiveness. In defining the Department's role in preventing juvenile delinquency more clearly, YDDPA has specifically concentrated its work on the development of systems which provide coordinated youth services as well as funds for initiation of needed services which are otherwise not available. Twenty-three youth services systems were started in fiscal 1971, and YDDPA estimates that there will be 13 more such systems by the end of fiscal 1972. YDDPA also testified that the present act, with its emphasis on state juvenile delinquency planning perpetuates the confusion about HEW's role in the criminal justice planning process and in providing grants for preventive and rehabilitative services.

It was in light of this testimony that the committee developed the 1972 amendments to the Juvenile Delinquency Prevention and Control Act. These amendments are designed to reflect the focus on youth services systems which HEW itself feels would be the most effective use of its limited resources in the juvenile delinquency area. The principal amendment, the new title I, would encourage the development of coordinated youth services systems separate from the juvenile justice system through grants to public or nonprofit private agencies. YDDPA is to serve as a catalyst to bring together resources from a broad range of public and private health, education, employment, and other agencies which would provide services to delinquents or youth in danger of becoming delinquent and their families. YDDPA's funds will be concentrated on selected youth services systems to maximize fully the impact on this program.

The committee believes that the administration of the Juvenile Delinquency Prevention and Control Act has improved during the past year and can be substantially improved in the future by defining the scope of its activities in accordance with the 1972 amendments. Therefore, the committee recommends repeal of the sections of the 1968 act relating to grant authority for State planning and for preventive and rehabilitative services. Under the 1972 amendments, grants may be made for preventive and rehabilitative services if such services are part of a coordinated youth services system and are not already available in the community.

The committee recognizes the great need for improved training of personnel working with youths who are delinquent or who are in danger of becoming delinquent. Therefore, the training authority established under title II of the Juvenile Delinquency Prevention and Control Act has been retained. The committee also understands that YDDPA's responsibility for providing training will cease when and if H.R. 45 is enacted into law. H.R. 45 would establish an Institute for Continuing Studies of Juvenile Justice, one of the primary purposes of which is to provide training.

The committee also recognizes the importance of the Federal role in providing technical assistance to State, local, and private agencies in the area of delinquency prevention and rehabilitation. The 1972 amendments retain the technical assistance authority contained in title III with the requirements that particular emphasis be placed on technical assistance relating to the development of juvenile delinquency plans. The special expertise developed under the act should be readily available to LEAA and to state planning agencies in the preparation of comprehensive State juvenile delinquency plans.

The committee retains its concern about the administration of the 1968 act, particularly with regard to the level of funding. The 1972 amendments provide for a $75 million authorization. However, the pattern of severely limited budget requests and appropriations appears to be a continuing problem. In fiscal 1972, for example, although $75 million was authorized, only $10 million was requested and $10 million appropriated. In fiscal 1973, although the committee's amendments contain a $75 million authorization, only $10 million has been requested.

In reporting the 1972 amendments to the Juvenile Delinquency Prevention and Control Act, the committee accepts the YDDPA program in its present form as a possible means for improving the administration of the act, but does not consider this to be a comprehensive response to the delinquency crisis. At the April 28, 1972, hearings, a representative of the National Council on Crime and Delinquency (NCCD) testified that the youth service system is a worthwhile concept but does not present the total answer to the national problem of juvenile delinquency prevention. The NCCD concluded that the low level of funding of YDDPA as well as the emphasis on utilizing existing services assures that juvenile delinquency prevention will be an appurtenance to other program goals.

In moving into programing youth services systems, YDDPA has relinquished responsibility for coordinating the current diverse array of juvenile delinquency programs. The need for such coordination remains. At the April 28 hearings, representatives of the Department of Health, Education, and Welfare and LEAA testified favorably on the progress of the Interdepartmental Council. The Council, under the chairmanship of the Attorney General, has met regularly during the past year to review ways in which the Federal effort might be made more effective. Since the Council appears to be a useful mechanism for providing communication between Federal agencies concerned with juvenile delinquency, the committee recommends the transfer of the annual reporting requirement regarding Federal juvenile delinquency activities from YDDPA to the Interdepartmental Council.

In reaching its decision to recommend a two year extension of the Juvenile Delinquency Prevention and Control Act, the committee had extensive discussion of how long an extension would be appropriate. Some members were concerned that the 1972 amendments might be regarded as a comprehensive answer to the delinquency problem of this Nation. They emphasized the need for continued study of the entire Federal juvenile delinquency effort with a view toward enacting new comprehensive legislation next year. Those committee members who supported a longer extension of the act were concerned about the difficulties of administering the program on a short-term basis. However, a majority of the committee is agreed that the 1972 amendments are no substitute for the vigorous national leadership, coordinating authority, and substantial resources necessary for an effective Federal response to the problems of juvenile delinquency.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLAMMABLE FABRICS ACT—AUTHORIZATION OF APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which H.R. 5066 was passed last Friday, and its third reading, be reconsidered, for the sole purpose of offering a technical amendment which is made necessary by the changes that were made in the bill by the floor amendments adopted by the Senate last Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 5066, an act to authorize appropriations for fiscal year 1972, to carry out the Flammable Fabrics Act.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, after line 7, insert:

"SEC. 2. That the Flammable Fabrics Act be amended by adding a new section at the end thereof, as follows."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) I ask unanimous consent to insert a statement regarding the Flammable Fabrics Act amendments adopted by the Senate on Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

On Friday the Senate took a major step toward protecting our nations' children from the risks of injury by fire from childrens' sleepwear.

Our amendment to H.R. 5066, adopted as amended by a vote of 65 to 0, directs the Secretary of Commerce to promulgate a flammability standard for children's sleepwear to be effective no later than July 1, 1973.

Under the procedures of the Flammable Fabrics Act routine standards are not effective for one year after the date of their final promulgation. However the Act does contemplate some occasions when more rapid action is necessary. In the case of flammability standards for Children's Sleepwear, sizes 7 to 14, the Secretary is directed to utilize the procedures of the Act in so far as practicable. This means that he will hold hearings and receive public comment on the standard he promulgates for Children's Sleepwear, but the standard once developed will not wait for the routine twelve months delay for it to take effect. As a result of the action of the Senate, if joined in by the House, the standard for Children's Sleepwear will be effective not later than July 1, 1973.

I commend the able senior Senator from New Hampshire (Mr. COTTON) and the other able members of this body who worked with me to arrive at a solution to the problems confronting our nation's children arising out of the intrinsic flammable character of most fabrics.

I am looking forward to the support of the members of the House and the responsible members of industry. The Secretary of Commerce will need our support as he seeks an appropriate standard. If this effort receives the attention it deserves there should be a major improvement in the availability of flame resistant farbrics for all types of children's garments in the marketplace within the next few years, and at least for children's sleepwear, an absence of any garment which does not meet an adequate test for flame resistance, after July 1, 1973.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that H.R. 5066 be printed as it passed the Senate.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

THE NIXON-BREZHNEV TREATY

Mr. MANSFIELD. Mr. President, the hearings on the Nixon-Brezhnev treaty start this morning in the Committee on Foreign Relations. They will be most important, I think, to the future of this Nation, to the Soviet Union, and very likely to the rest of the world.

The President has indicated that one of his principal goals is a generation of peace. I want to assure him that that is the goal of the Senate, the Congress, and the American people, as well.

I wish to express the hope that the hearings will be gone into in detail and that then a favorable report from the Committee on Foreign Relations will be issued expeditiously so that the Nixon-Brezhnev treaty can be taken up on the floor of the Senate as soon as possible.

If things work out, I would hope it would be possible to do so before we recess at the end of this month. If not, then certainly when we come back between the two national conventions.

Mr. President, I ask unanimous consent to have printed in the RECORD three editorials which were published in the Great Falls Tribune of Great Falls, Mont., under date of May 25, 1972, entitled "Generation of Peace"; May 28, entitled "The Arms Treaty"; and June 6, entitled "Harnessing the Missiles"; and an article entitled "The Rationale for Defense Spending Grows More and More Irrational," written by D. J. R. Bruckner, and published in the Los Angeles Times of June 19, 1972.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

GENERATION OF PEACE

A "generation of peace," which President Nixon has declared is one of his principal goals, may be assured if he and Russian Party Chief Leonid I. Brezhnev agree on an arms limitation program.

President Nixon's journey to Moscow already has succeeded in several significant areas. The delegations of the two superpowers have agreed to cooperate in research on environmental problems. They also formalized an earlier agreement for coordinated health research on cancer, heart disease and environmental health.

It's encouraging that President Nixon and Soviet Party Chief Brezhnev are realistic enough to attempt to set limits on the nuclear arms race. Each knows that the chances for peaceful coexistence in a troubled world will be enhanced greatly if the superpowers agree to establish a ceiling on both offensive and defensive nuclear weapons.

President Nixon and Party Chief Brezhnev know that the two nations now have a nuclear capacity to destroy the world, that each power has sufficient intercontinental nuclear missiles to accept a devastating surprise strike and still have enough nuclear might to destroy the attacking nation. They know that the U.S. has an estimated nuclear capacity equivalent to 18 billion tons of TNT and that Russia has an estimated 19-billion-ton arsenal of nuclear weapons. There won't be much left on earth if the weapons in the two arsenals are exploded.

The best wishes of the entire world, concerned about the possibility of a nuclear holocaust if an atomic war breaks out, will rest with President Nixon and Party Chief Brezhnev.

THE ARMS TREATY

The nuclear arms limitation agreement signed in Moscow Friday by President Nixon and Russian Party Chief Leonid I. Brezhnev marks an historic milestone in world history.

The treaty, if ratified by the U.S. Senate, may bring an end to the costly arms race in which both superpowers have been competing for more than two decades. Without such a treaty, the two great nations will continue the shaky state of equilibrium called the "balance of terror," a state in which each nation has more than enough nuclear weapons to demolish the other within a few hours.

Under the arms limitation agreement, each of the superpowers still is left with the ability to accept a surprise strike and be able to retaliate with sufficient power to destroy the attacking nation.

Military experts say the U.S. has nuclear warheads with the power of 18 billion tons of TNT and that Russia has a nuclear arsenal with the power of about 19 billion tons of TNT. The other nuclear nations, Britain, France and China, also have nuclear weapons so the total world nuclear tonnage is equivalent to more than 40 billion tons of TNT.

Only two atomic bombs have been exploded in war. The first killed 78,150 persons in Hiroshima, Japan, Aug. 6, 1945; the second killed 73,394 persons three days later when dropped by a U.S. plane over Nagasaki, Japan. The two bombs, each with an atomic power equivalent to 20,000 tons of TNT, injured about as many persons as they killed and the effects of radioactive damage still linger in the two cities.

The two bombs dropped over Japan are baby ones when compared to the giant nuclear warheads in the intercontinental missiles Russia and the U.S. are able to launch at 15,000-miles-an-hour speeds against targets as far as 10,000 miles away.

President Nixon and the Russain leaders know that if the nuclear weapons are turned lose, no nation will win—that it will be a case of murder-suicide if one nation starts such a nuclear war.

President Nixon and the Russian leaders rate a "thank you" from all nations for agreeing to limit the nuclear race. President Nixon is entitled to great personal credit for his efforts to obtain the agreement, one he has maintained is needed to assure a "generation of peace."

HARNESSING THE MISSILES

The nuclear arms limitation treaty which President Nixon signed in Moscow May 26 has been greeted with a favorable response throughout the nation but also has raised strong opposition in many quarters.

The treaty, which must be ratified by the Senate before it goes into effect, will be debated thoroughly in Congress in coming weeks.

Many who are criticizing the agreement are saying that the pact gives the Russians an edge in the nuclear weapon field. President Nixon answered such fears by saying that the nation will continue to be stronger than any other nation on earth.

Opponents apparently fail to understand that each of the two superpowers has an overkill capacity almost beyond comprehension. Each nation possesses the nuclear capability to accept a surprise attack and still retaliate with sufficient might to destroy the attacking country.

Many fail to appreciate that war has changed so radically in the nuclear age that began at the end of World War II. In that war, the United States exploded a total tonnage of bombs equivalent to 2 million tons of TNT—bombs dropped over a period of four years.

Two of the 200 nuclear-tipped Minuteman missiles now deployed in Montana pack as much explosive fury as all the bombs we dropped over Germany and Japan in World War II. A Minuteman missile can race through space at 15,000 miles per hour and rain nuclear death on an entire city within a half hour from the time the signal is flashed in Washington, D.C.

The Minutemen missiles in Montana have 100 times more explosive power than all the bombs we dropped in World War II. The Montana missiles are only part of the 1,054 intercontinental missiles in the U.S. arsenal—which also include powerful missiles in our submarines—and giant nuclear bombs in our bombers.

Military experts estimate the U.S. has a nuclear arsenal equivalent to 18 billion tons of TNT and that Russia's arsenal may be equivalent to 19 billion tons of TNT.

That's enough nuclear power to devastate the entire earth—a fact opponents of the arms limitation treaty may want to think about as they attempt to defeat the treaty.

THE RATIONALE FOR DEFENSE SPENDING GROWS MORE AND MORE IRRATIONAL

(By D. J. R. Bruckner)

NEW YORK—Early this year the Administration justified its increased military budget requests by arguing that it would need funds for new weapons if the Strategic Arms Limitations Talks failed. Last week it was arguing that it needs more funds for new weapons to give the Russians an incentive to proceed with SALT II and agree to a treaty limiting offensive weapons.

Some congressional critics of the military budget have been trying to find a way to tie the arms agreements to the debate over spending, in an effort to cut funds, but the Administration could have ignored that effort safely. The arms agreements and the budget are two quite distinct matters which could be handled separately. Evidently the President finds some advantage in co-opting the tactic of his critics; it is probably a political advantage in an election year.

The rot set into our thinking about the military when Congress agreed 25 years ago to eliminate the War Department and call the new combined services agency the Defense Department. And last week the President was telling more than 100 members of Congress at the White House that his aim is to insure the "security" of the nation. The Russian leaders were telling their people the same thing in one of those long, allusive, code-worded articles in Pravda defending the summit agreements. Neither leadership

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suggested to its constituency that security might be best achieved by disarmament rather than by armament. In fact, the chief U.S. arms negotiator Gerard Smith told the Russians on May 9 that an objective of the Salt II talks on offensive weapons "should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces." That means, in translation, that our safety lies in our unrestrained ability to bomb one another to hell.

Mr. Nixon displayed his mastery of this weird language of the politics of war when he told the congressmen that the Russians told him that "they were going forward with defense programs in the offensive area . . ." His conclusion was that "since they will be going ahead with their programs, for the United States not to go forward with its programs would mean that any incentive that the Soviets had to negotiate the follow-on agreement would be removed." Do you understand?

This is all of a piece with the American threat to abrogate an ABM treaty if SALT II does not produce an offensive weapons treaty within five years. Henry Kissinger actually argued in the congressional briefing at the White House that it was our deployment of the Safeguard ABM missile that made the new ABM limitation treaty possible.

We are invited to conclude that, if one step up in the arms race made one treaty possible, another step up will make another treaty possible. The theory that an increase in military spending will encourage Russia to make more arms limitation treaties gains an illusory persuasiveness from the fact that there is an ABM treaty before Congress. But why would not a cutback in military spending encourage the Russians to negotiate just as well? We do not know; we have never tried that method.

The proposed $83.2 billion Defense Department budget includes initial funds for Minuteman II and Poseidon missiles, a new B-1 bomber for the strategic arsenal, a new Trident submarine to cost something more than $1 billion. Wonderful. In 25 years we have spent more than $1,000 billion on our war machine. This commitment, we are supposed to believe, has persuaded the Russians to sign a treaty limiting additions to one part of the machine; spending billions more to improve other parts of the machine will lead to another treaty. And then?

If a new and different reason is needed to justify this increased military budget, you must expect that one will be found, treaty or no treaty. We have seen the unsettling spectacle of Admiral Thomas Moorer, chief of the Joint Chiefs, telling Congress that the military might withhold its approval of the ABM treaty unless the military budget for offensive weapons goes up. Defense Secretary Laird then issued a warning that the Russians are building multiple warhead missiles, although it turns out in fact that there has been no testing of such weapons by Russia and that the situation has remained unchanged all year. Then Laird was up in the Capitol arguing that the arms limitation agreements would be dangerous unless we become better armed.

International affairs might be in fact as totally unreasonable, perhaps lunatic, as these guys want to make us believe. But I suspect there is another angle to this effort, a political angle. A storm will be stirred up in Congress, but Mr. Nixon's treaty and agreement will be approved anyway, and he can go before the voters as a victor in a tough fight with a stubborn Congress. And Sen. Hubert Humphrey, in his California campaign, demonstrated to the White House the effective use of frightening people about any cuts in the military budget, convincing them that restraint is weakness abroad and a source of unemployment at home.

The words are used in different ways now, and the arguments sound different, but in fact, the condition of the war machine will be a chief concern of this campaign as it has been the chief concern of every campaign since 1940.

Mr. SCOTT. Mr. President, I merely want to underscore the statement just made by the distinguished majority leader that the hearings on the Nixon-Brezhnev treaty began at 10 a.m. today. I hope that they can be conducted as expeditiously as is necessary for a full hearing. It would be an excellent thing if we could act on this treaty before we adjourn for the first of the two national conventions. If not, of course, I think we really must be prepared to do it between the conventions. But I hope we can do it, as the distinguished majority leader says, in the near future.

There is, so far as I know, no great, no massive objection to the terms of the treaty in any area of which I am aware. It is another way to bring about a betterment of our chances for peace. It is another step in the search for peace. Meanwhile, other steps are going on with Mr. Podgorny in Hanoi, Mr. Kissinger in the People's Republic of China, and, perhaps, Mr. Le Duc Tho in the People's Republic of China.

The number of nations interested in putting an end to this ulcer which bleeds away the strength of the North Vietnamese, the South Vietnamese, the United States, and its allies is, of course, of the greatest importance to all of us. It is the prayer of all Americans and of people of good will everywhere that we find an end to this utterly miserable condition in which we find ourselves.

We wish success to all who are engaged in this common search for peace.

THE NIXON-BREZHNEV TREATY AND THE INTERIM AGREEMENT

Mr. MANSFIELD. Mr. President, last week the President and Dr. Henry Kissinger met with approximately 130 Members of Congress to discuss and explain the Moscow agreements on the Arms Limitation Treaty and Agreement.

Because these talks encompassed such vital elements on these particular matters, I ask unanimous consent that the President's statement, Dr. Kissinger's statement, and the question-and-answer session—all at the White House—be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE REMARKS OF THE PRESIDENT—THE STATE DINING ROOM

Ladies and gentlemen, we are beginning a little late because I understand traffic is quite heavy around the White House this morning due to the arrival of the President of Mexico. We must go forward with the schedule, because there is a Joint Session, as you know, today and we do want the members of the committees present here today to be able to attend that session. We will have to adjourn this meeting at approximately 12:00 o'clock, or at best, five minutes after 12:00, to give you plenty of time for questions.

A word about the format of this meeting. I will make a statement, and then I will have to depart in order to prepare for the arrival of the President of Mexico. Dr. Kissinger will then make a statement, and then it will be open to questions to members of the committees who are present here.

In order to facilitate recognition of Members, someone who knows all of the Members who are here, Clark MacGregor, will moderate the question and answer period, but we will try to be just as fair as possible among the members of the committees and between the House and the Senate, and Clark will, of course, be responsible in the event it isn't fair.

In any event, let me come directly now to my own remarks, which will not be too extended, because Dr. Kissinger today will be presenting the Presidential views. He will be telling you what the President's participation has been in these negotiations. The views he will express I have gone over with him in great detail, and I will stand by them.

I noted in the press that it was suggested that I was calling down the members of these committees for the purpose of giving you a pep talk on these two agreements. Let me lay that to rest right at the outset. This is not a pep talk and Dr. Kissinger is not going to make you a pep talk either.

When I came back from the Soviet Union, you will recall in the Joint Session I said that I wanted a very searching inquiry of these agreements. I want to leave no doubt about my own attitude.

I have studied this situation of arms control over the past 3½ years. I am totally convinced that both of these agreements are in the interest of the security of the United States and in the interest of arms control and world peace.

I am convinced of that, based on my study. However, I want the members of the House and the members of the Senate also to be convinced of that. I want the Nation to be convinced of that.

I think that the hearings that you will conduct must be searching because only in that way will you be able to be convincing to yourselves and only in that way will the Nation also be convinced.

In other words, this is not one of those cases where the President of the United States is asking the Congress and the Nation to take on a blind faith a decision that he has made in which he deeply believes.

I believe in the decision, but your questions should be directed to Dr. Kissinger and others in the Administration for the purpose of finding any weaknesses that you think are in the negotiations or in the final agreements that we have made.

As far as the procedures are concerned, as you know, you will be hearing the Secretary of State, the Secretary of Defense, the head of the CIA, and of course, Ambassador Smith, in the sessions of your various committees.

I know that a number have suggested that Dr. Kissinger should appear before the committees as a witness. I have had to decline that particular invitation on his part, due to the fact that Executive privilege had to prevail.

On the other hand, since this is really an unprecedented situation, it seemed to me that it was important that he appear before the members of the committee in this format. This is on the record.

All of you will be given total transcripts of what he says. All of you will have the opportunity to ask these questions and in the event that all of the questions are not asked on this occasion, he, of course, will be available to answer other questions in his office from members of the committee as time goes on, during the course of the hearings.

What we are asking for here, in other words, is cooperation and not just rubber-stamping by the House and the Senate. That is essential because there must be follow-through on this and the members of the House and Senate, it seems to me, must be

convinced that they played a role as they have up to this point, and will continue to play a role in this very, very important field of arms control.

Now, let me go to the agreements, themselves, and express briefly some of my own views that I think are probably quite familiar to you, but which I think need to be underlined.

I have noted a great deal of speculation about who won and who lost in these negotiations. I have said that neither side won and neither side lost. As a matter of fact, if we were to really look at it very, very fairly, both sides won, and the whole world won.

Let me tell you why I think that is important. Where negotiations between great powers are involved, if one side wins, and the other loses clearly, then you have a built-in tendency or incentive for the side that loses to break the agreement and to do everything that it can to regain the advantage.

This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

I would like you to examine Dr. Kissinger, and the other witnesses, before the committee on that point. I think you also will be convinced that this was one of those cases where it is to the mutual advantage of each side, each looking to its national security.

Another point that I would like to make is Presidential intervention in this particular matter, Presidential coordination, due to the fact that what we have here is not one of those cases where one department could take a lead role.

This cut across the functions of the Department of State, the Department of Defense, it cut across, also, the AEC, and, of course, the Arms Control Agency.

Under these circumstances, there is only one place where it could be brought together, and that was in the White House, in the National Security Council, in which all of these various groups participated.

There is another reason, which has to do with the system of government in the Soviet Union. We have found that in dealing with the system of govenment in the Soviet Union, that where decisions are made, that affect the vital security and in fact, the very survival of a nation, decisions and discussions in those cases are made only at the highest level. Consequently, it is necessary for us to have discussions and decisions at the highest level if we are going to have the breakthroughs that we have had to make in order to come to this point of a successful negotiation.

The other point that I would make has to do with what follows on. The agreement that we have here, as you know, is in two stages: One, the treaty with regard to ABM defensive weapons; and second, the offensive limitation, the Executive Agreement, which is indicated as being, as you know, not a permanent agreement—it is for five years—and not total. It covers only certain categories of weapons.

Now we are hoping to go forward with the second round of negotiations. That second round will begin, we trust, in October. That means that we can begin in October, provided action is taken on the treaty and on the offensive agreement that we have before you at this time, sometime in the summer months; we would trust before the 1st of September. I don't mean that it should take that long, but I hope you can finish by the 1st of September so we can go forward with the negotiation in October.

The other point that should be made with regard to the follow-on agreements is not related to your approval of these agreements. It is related to the actions of the Congress on defense. I know there is disagreement among various Members of Congress with regard to what our defense levels ought to be. I think, however, I owe it to you and to the Nation to say that Mr. Brezhnev and his colleagues made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements.

Under those circumstances, since they will be going forward with their programs, for the United States not to go forward with its programs—and I am not suggesting which ones at this point; you can go into that later—but for the United States not to go forward with its offensive programs, or worse, for the United States unilaterally to reduce its offensive programs would mean that any incentive that the Soviets had to negotiate the follow-on agreement would be removed.

It is for that reason, without getting into the specifics as to what the level of defense spending should be, as to what the offensive programs should be, I am simply saying that if we want the follow-on agreement, we have to take two steps: First to approve these agreements; and second, we need a credible defensive position so that the Soviet Union will have an incentive to negotiate a permanent offensive freeze. That is what we all want.

These are just some raudom thoughts that I had on this matter. I will simply close by saying that as one stands in this room in this house, one always has a tendency to think of some of the tragedies of history of the past. As many of you know, I have always been, and am, a great admirer of Woodrow Wilson. As all of you know, the great tragedy of his life was that after he came back with the Treaty of Versailles and the League of Nations, due to ineffective consultation, the Senate rejected the treaty and rejected the League.

We, of course, do not want that to happen. We do not think that it will happen. We have appreciated the consultation we have had up to this point, and we are now going forward with this meeting at this time.

I will only say that in looking at what Wilson said during that debate, when he was traveling the country, he made a very, it seemed to me, moving and eloquent statement. He said: "My clients are the children. My clients are the future generation."

This is an election year, and I realize that in an election year it is difficult to move as objectively as we ordinarily would move on any issue, but I would respectfully request the Members of the House and Senate, Republican and Democratic, to approach this in the spirit that Wilson explained in that period when they were debating whether they should go forward with the League of Nations, remembering that our clients are the next generation, that approval of these agreements, the treaty limiting defensive weapons, the agreement limiting offensive weapons in certain categories, and also the continuation of credible defense posture, will mean that we will have done our duty by our clients, which are the next generation.

Thank you.

CONGRESSIONAL BRIEFING BY DR. HENRY A. KISSINGER

Dr. KISSINGER. Gentlemen, the President has asked me to present to you the White House perspective on these agreements, and the general background, with the technical information and some more of the details to be supplied by the formal witnesses before your various committees.

I will read a statement to you which we will distribute. It is still in the process of being typed.

In considering the two agreements before the Congress, the treaty on the limitation of available missile systems and the interim agreement on the limitation of offensive arms, the overriding questions are these: Do these agreements permit the United States to maintain a defense posture that guarantees our security and protects our vital interests? Second, will they lead to a more enduring structure of peace?

In the course of the formal hearings over the coming days and weeks, the Administration will demonstrate conclusively that they serve both of these goals. I will begin that process this morning by offering some general remarks on the agreement, after which I will be happy to take your questions.

UNITED STATES-SOVIET RELATIONS IN THE 1970'S

The first part of my remarks will deal with U.S.-Soviet relations as they affect these agreements. The agreement which was signed 46 minutes before midnight in Moscow on the evening of May 26th by President Nixon and General Secretary Brezhnev is without precedent in the nuclear age; indeed, in all relevant modern history.

Never before have the world's two most powerful nations, divided by ideology, history and conflicting interests, placed their central armaments under formally agreed limitation and restraint. It is fair to ask: What new conditions now prevail to have made this step commend itself to the calculated self-interests of both of the so-called superpowers, as it so clearly must have done for both willingly to undertake it?

Let me start, therefore, with a sketch of the broad design of what the President has been trying to achieve in this country's relations with the Soviet Union, since at each important turning point in the SALT negotiations we were guided not so much by the tactical solution that seemed most equitable or prudent, important as it was, but by an underlying philosophy and a specific perception of international reality.

The international situation has been undergoing a profound structural change since at least the mid-1960s. The post-World War II pattern of relations among the great powers had been altered to the point that when this Administration took office, a major reassessment was clearly in order.

The nations that had been prostrate in 1945 had regained their economic strength and their political vitality. The Communist bloc was divided into contending factions, and nationalistic forces and social and economic pressures were reasserting themselves within the individual Communist states.

Perhaps most important for the United States, our undisputed strategic predominance was declining just at a time when there was rising domestic resistance to military programs, and impatience for redistribution of resources from national defense to social demands.

Amidst all of this profound change, however, there was one important constant—the continuing dependence of most of the world's hopes for stability and peace upon the ability to reduce the tensions between the United States and the Soviet Union.

The factors which perpetuated that rivalry remain real and deep.

We are ideological adversaries, and we will in all likelihood remain so for the foreseeable future.

We are political and military competitors, and neither can be indifferent to advances by the other in either of these fields.

We each have allies whose association we value and whose interests and activities of each impinge on those of the other at numerous points.

We each possess an awesome nuclear force created and designed to meet the threat implicit in the other's strength and aims.

Each of us has thus come into possession of power singlehandedly capable of exterminating the human race. Paradoxically, this very fact, and the global interests of both sides, create a certain commonality of outlook, a sort of interdependence for survival between the two of us.

Although we compete, the conflict will not

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admit of resolution by victory in the classical sense. We are compelled to coexist. We have an inescapable obligation to build jointly a structure for peace. Recognition of this reality is the beginning of wisdom for a sane and effective foreign policy today.

President Nixon has made it the starting point of the United States policy since 1969. This Administration's policy is occasionally characterized as being based on the principles of the classical balance of power. To the extent that that term implies a belief that security requires a measure of equilibrium, it has a certain validity. No national leader has the right to mortgage the survival of his people to the good will of another state. We must seek firmer restraints on the actions of potentially hostile states than a sanguine appeal to their good nature.

But to the extent that balance of power means constant jockeying for marginal advantages over an opponent, it no longer applies. The reason is that the determination of national power has changed fundamentally in the nuclear age. Throughout history, the primary concern of most national leaders has been to accumulate geopolitical and military power. It would have seemed inconceivable even a generation ago that such power once gained could not be translated directly into advantage over one's opponent. But now both we and the Soviet Union have begun to find that each increment of power does not necessarily represent an increment of usable political strength.

With modern weapons, a potentially decisive advantage requires a change of such magnitude that the mere effort to obtain it can produce disaster. The simple tit-for-tat reaction to each other's programs of a decade ago is in danger of being overtaken by a more or less simultaneous and continuous process of technological advance, which opens more and more temptations for seeking decisive advantage.

A premium is put on striking first and on creating a defense to blunt the other side's retaliatory capability. In other words, marginal additions of power cannot be decisive. Potentially decisive additions are extremely dangerous, and the quest for them are destabilizing. The argument that arms races produce war has often been exaggerated. The nuclear age is overshadowed by its peril.

All of this was in the President's mind as he mapped the new directions of American policy at the outset of this Administration. There was reason to believe that the Soviet leadership might also be thinking along similar lines as the repeated failure of their attempts to gain marginal advantage in local crises or in military competition underlined the limitation of old policy approaches.

The President, therefore, decided that the United States should work to create a set of circumstances which would offer the Soviet leaders an opportunity to move away from confrontation through carefully prepared negotiations. From the first, we rejected the notion that what was lacking was a cordial climate for conducting negotiations.

Past experience has amply shown that much heralded changes in atmospherics, but not buttressed by concrete progress, will revert to previous patterns, at the first subsequent clash of interests.

We have, instead, sought to move forward across a broad range of issues so that progress in one area would add momentum to the progress of other areas.

We hoped that the Soviet Union would acquire a stake in a wide spectrum of negotiations and that it would become convinced that its interests would be best served if the entire process unfolded. We have sought, in short, to create a vested interest in mutual restraint.

At the same time, we were acutely conscious of the contradictory tendencies at work in Soviet policy. Some factors—such as the fear of nuclear war; the emerging consumer economy, and the increased pressures of a technological, administrative society—have encouraged the Soviet leaders to seek a more stable relationship with the United States. Other factors—such as ideology, bureaucratic inertia, and the catalytic effect of turmoil in peripheral areas—have prompted pressures for tactical gains.

The President has met each of these manifestations on its own terms, demonstrating receptivity to constructive Soviet initiatives and firmness in the face of provocations or adventurism. He has kept open a private channel through which the two sides could communicate candidly and settle matters rapidly. The President was convinced that agreements dealing with questions of armaments in isolation do not, in fact, produce lasting inhibitions on military competition because they contribute little to the kind of stability that makes crises less likely. In recent months, major progress was achieved in moving toward a broadly-based accommodation of interests with the USSR, in which an arms limitation agreement could be a central element.

This approach was called linkage, not by the Administration, and became the object of considerable debate in 1969. Now, three years later, the SALT agreement does not stand alone, isolated and incongruous in the relationship of hostility, vulnerable at any moment to the shock of some sudden crisis. It stands, rather, linked organically, to a chain of agreements and to a broad understanding about international conduct appropriate to the dangers of the nuclear age.

The agreements on the limitation of strategic arms is, thus, not merely a technical accomplishment, although it is that in part, but is must be seen as a political event of some magnitude. This is relevant to the question of whether the agreements will be easily breached or circumvented. Given the past, no one can answer that question with certainty, but it can be said with some assurance that any country which contemplates a rupture of the agreement or a circumvention of its letter and spirit must now face the fact that it will be placing in jeopardy not only a limited arms control agreement, but broad political relationship.

PREPARATIONS FOR THE ARMS TALKS

Let me turn now to the more specific decisions we had to make about what the agreement should do and how it could be achieved.

We knew that any negotiations on arms control, especially ones involving those central weapons systems which guarantee each side's security, were found to be sensitive and complicated, requiring frequent high-level decisions.

The possibility of a deadlock would be ever present, and the repercussions of a deadlock could not help but affect U.S.-Soviet relations across the board. We had to begin, therefore, by assessing what the situation was in terms of armaments in place and under construction; what realistic alternatives we had at the negotiating table; and how a tentative or partial agreement would compare with no agreement at all.

For various reasons during the 1960s, the United States had, as you know, made the strategic decision to terminate its building programs in major offensive systems and to rely instead on qualitative improvements. By 1969, therefore, we had no active or planned programs for deploying additional ICBMs, submarine-launched ballistic missiles or bombers. The Soviet Union, on the other hand, had dynamic and accelerated deployment programs in both land-based and sea-based missiles. You know, too, that the interval between conception and deployment of strategic weapons systems is generally five to ten years.

At the same time, both sides were in the initial stage of strategic defense programs, each approaching the anti-missile problem from a different standpoint. The Soviets wanted to protect their capital. The United States' program concentrated on protecting our retaliatory forces. Both sides also possessed weapons which, although not central to the strategic balance, were nevertheless relevant to it. We have aircraft deployed at forward bases and on carriers. The Soviet Union has a sizable arsenal of intermediate-range missiles able to attack our forward bases and devastate the territory of our allies.

A further complication was that the composition of forces on the two sides was not symmetrical. The Soviet Union had given priority to systems controlled within its own territory while the United States had turned increasingly to sea-based systems.

The result was that they had a panoply of different ICBM's while we essentially had one general class of ICBM's, the Minuteman, together with a more effective and modern submarine force operating from bases overseas and equipped with longer-range missiles.

All of this meant that even arriving at a basic definition of strategic equivalency would be technically demanding and politically intricate.

Looking beyond to the desired limitations, it appeared that neither side was going to make major unilateral concessions. When the national survival is at stake, such a step could not contribute to stability. The final outcome would have to be equitable and to offer a more reliable prospect for maintaining security than could be achieved without the agreements.

With these facts in view, the President, in the spring of 1969, established a group of senior officials responsible for preparing and conducting the SALT negotiations.

I acted as Chairman, and the other members included the Under Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, and the Director of the Arms Control and Disarmament Agency.

This group, called the Verification Panel, has the task of analyzing the issues and factors and submitting for the President's decisions those options which commanded support in the various departments and agencies.

The Verification Panel analyzed each of the weapons systems which could conceivably be involved in an agreement. It compared the effect of different limitations on our program and on the Soviet programs, and weighed the resulting balance. It analyzed the possibilities of verification, and the precise risk of evasion, seeking to determine at what point evasion could be detected and what measures would be available for a response. This was done in various combinations so that if one piece of the equation changed, say the ABM level, the Government would be able to determine the effect of that change upon the other components of a particular negotiating package.

Our aim was to be in a position to give the negotiations a momentum. We wanted to be sure that when stalemates developed, the point at issue would not be largely tactical, and that the alternative solutions would be analyzed ahead of time and ready for immediate decision by the President.

SUMMARY OF THE NEGOTIATIONS

In the first round of the talks, which began in November of 1969, the two sides established a work program and reached some tentative understanding of strategic principles.

For example, both sides more or less agreed at the outset that a very heavy ABM system could be a destabilizing factor, but that the precise level of ABM limitations would have to be set according to our success in agreeing on offensive limitations.

In the spring and summer of 1970, each country put forward more concrete proposals, translating some of the agreed principles into negotiating packages. During this period, we, on the American side, had hopes of reaching a comprehensive limitation. However, the initial search for a comprehensive solution gradually broke down over the question of defining the scope of the forces to be included.

The Soviets believed that strategic meant any weapons system capable to reaching the Soviet Union or the United States. This would have included our forward-based aircraft and carrier forces, but excluded Soviet intermediate range rockets aimed at Europe and other areas.

We opposed this approach, since it would have prejudiced our alliance commitments and raised a distinction between our own security and that of our European allies.

We offered a verifiable ban on the deployment and testing of Multiple Independent Reentry Vehicles. The Soviets countered by offering a totally unverifiable production ban, while insisting on the freedom to test, thus placing the control of MIRV's effectively out of reach.

At this juncture, early in 1971, with the stalemate threatening, the President took a major new initiative by opening direct contact with the Soviet leaders to stimulate the SALT discussions and for that matter, the Berlin negotiations, and providing progress could be achieved on these two issues, to explore the feasibility of a summit meeting.

The Soviet leaders' first response was to insist that only the ABM's should be limited, and that offensive systems should be left aside. But as far as we were concerned, the still incipient ABM systems on both sides were far from the most dynamic or dangerous factors in the strategic equation. It was the Soviet offensive programs, moving ahead at the average rate of over 200 land-based and 100 sea-based missiles a year, which we felt constituted the most urgent issue. To limit our option of developing the ABM system without at the same time checking the growth of the Soviet offensive threat was unacceptable.

Exchanges between the President and the Soviet leaders embodying these views produced the understanding of May 20, 1971. As any workable compromise in the field must do, that understanding met each side's essential concerns. Since the offensive systems were complex and since agreement with respect to all of them had proved impossible, it was agreed that the initial offensive settlement would be an interim agreement and not a permanent treaty, and that it would freeze only selected categories at agreed levels.

On the defensive side, the understanding called for negotiations towards a permanent ABM solution with talks on both issues to proceed simultaneously to a common conclusion.

This left two major issues for the negotiators, the precise level of the allowed ABM's, and the scope of the interim agreement, specifically what weapons would be included in the freeze.

Devising an equitable agreement on ABM's proved extremely difficult. The United States had virtually completed its ABM site at Grand Forks, and we were working on the second site at Malmstrom. Hence, we proposed freezing deployments at levels operational or under construction, that is to say, two ICBM sites on our side, and the Moscow defense on the other.

The Soviets objected this would deny them the right to have any protection for their ICBM's, a new formula was then devised allowing each side to choose two sites, one each for national capital and ICBM defense or both for ICBM defense. The resolution of the ABM issue was completed after our Chiefs of Staff, supported by the Secretary of Defense, decided that a site in Washington to defend the National Command Authority was to be preferred over the second ICBM-protective site at Malmstrom. They reasoned that while a limited defense would not assure the ultimate survival of the National Command Authority, it would buy time against a major attack while the radars in both the NCA defense and the defense of ICBM's would provide valuable warning. Moreover, an NCA defense would protect the National Command Authority in the event of a small attack by some third country or even an accidental or unauthorized launch of a weapon toward the United States.

The President accepted their recommendation.

What about the offensive weapons freeze? Early in the discussions about the implementation of this portion of the May 20 understanding between the President and the Soviet leaders, it was decided to exclude from the freeze bombers and so-called forward-based systems. To exclude, that is, the weapons in which this country holds an advantage.

We urged the Congress to keep this fact in mind, when assessing the numerical ratios of weapons which are subject to the offensive freeze.

There was also relatively rapid agreement following the May 20 breakthrough that intercontinental ballistic missiles would be covered. This left the issue of the inclusion of submarines.

With respect to ICBM's in submarines, the situation was as follows: The Soviet Union had been deploying at the average annual rate of 200 intercontinental ballistic missiles and 100 sea-based ballistic missiles a year. The U.S. had completed deployments of Minuteman and the 41 Polaris submarines in 1967. Of course, as you know, we are engaged in increasing the number of warheads on both our ICBM's and submarine-launched missiles. We were, and are, developing a new submarine system, although it cannot be deployed until 1978 or until after the end of the freeze. In other words, as a result of decisions made in the 1960's, and not reversible with the time-frame of the protected agreement, there would be a numerical gap against us in the two categories of land- and sea-based missile systems whether or not there was an agreement. Without an agreement, the gap would steadily widen.

The agreement would not create the gap. It would prevent its enlargement to our disadvantage. In short, a freeze of ICBMs and sea-based systems would be overwhelmingly in the United States' interest.

These basic considerations undoubtedly impelled the recommendation of the Joint Chiefs of Staff that any freeze which was to command their support must include the submarine-based system. The only possible alternative was a crash program for building additional missile-launching submarines. The President explored this idea with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Chief of Naval Operations. Their firm judgment was that such a program was undesirable. It could not produce results before 1976—that is, toward the very end of a projected freeze—and only by building a type of submarine similar to our current fleet, and without many of the features most needed for the 1980's and beyond.

The President once again used his direct channel to the Soviet leaders, this time to urge the inclusion of missile-launching submarines in the offensive agreement.

After a long period of hesitation, the Soviet leaders agreed in principle at the end of April. Final details were worked out in Moscow between the President and the Soviet leaders.

My purpose in dwelling at such length upon the details of our internal deliberations and negotiations has been to make one crucial point: Neither the freeze of ICBMs nor the freeze of submarine-launched missiles was a Soviet idea, and hence, it is not an American concession. On the contrary, in both cases it was the Soviet Union which reluctantly acceded to American proposals after long and painful deliberation.

PROVISIONS OF THE AGREEMENT

I will not spend this group's time in further review of the frequently arduous negotiations in Vienna, Helsinki, and during the summit in Moscow leading to the final agreement. I do want to pay tribute on behalf of the President to Ambassador Smith and his delegation, whose dedication, negotiating skill and patience contributed decisively to the outcome.

Let me summarize the principal provisions of the documents as signed. The ABM treaty allows each side to have one ABM site for defense of its national command authority and another for the defense of intercontinental ballistic missiles.

The two must be at least 1,300 kilometers, or 800 miles apart in order to prevent the development of a territorial defense. Each ABM site can have 100 ABM interceptors.

The treaty contains additional provisions which effectively prohibit either the establishment of a radar base for the defense of populated areas or the attainment of capabilities to intercept ballistic missiles by conversion of air defense missiles to anti-ballistic missiles.

It provides for withdrawal by either party on six months' notice, if supreme national interests are judged to have been jeopardized by extraordinary events. By setting a limit to ABM defenses the treaty not only eliminates ones area of potentially dangerous defensive competition, but it reduces the incentive for continuing deployment of offensive systems.

As long as it lasts, offensive missile forces have, in effect, a free ride to their targets. Beyond a certain level of sufficiency, differences in numbers are therefore not conclusive.

The interim agreement on offensive arms is to run for five years, unless replaced by a more comprehensive permanent agreement which will be the subject of further negotiations, or unless terminated by notification similar to that for the treaty.

In essence this agreement will freeze the numbers of strategic offensive missiles on both sides at approximately the levels currently operational and under construction. For ICBM's this is 1054 for the United States and 1618 for the Soviet Union. Within this overall limitation, the Soviet Union has accepted a freeze of its heavy ICBM launchers, the weapons most threatening to our strategic forces.

There is also a prohibition on conversion of lights ICBM's into heavy missiles. These provisions are buttressed by verifiable provisions and criteria, specifically the prohibition against any significant enlargement of missile silos.

The submarine limitations are more complicated. In brief, the Soviets are frozen to their claimed current level, operational and under construction, of about 740 missiles, some of them on an older type nuclear submarine. They are permitted to build to a ceiling of 62 boats and 950 missiles, but only if they dismantle older ICBM's or submarine-based missiles to offset the new construction.

This would mean dismantling 210 ICBM's and some 30 missiles on some nine older nuclear submarines. Bombers and other aircraft are not included in this agreement.

In sum, the interim offensive agreement will keep the overall number of strategic ballistic missile launchers both on land and at sea within an agreed ceiling which is essentially the current level, operational or under construction. It will not prohibit the United States from continuing current and planned strategic offensive programs, since neither the multiple-warhead conversion, nor

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the B–1 is within the purview of the freeze and since the ULMS submarine system is not, or never was planned for deployment until after 1977. The agreement will stop the Soviet Union from increasing the existing numerical gap in missile launchers.

Finally, there are a number of interpretative statements which were provided to the Congress along with the agreements. These interpretations are in several forms: Agreed statements initialed by the delegations, agreed interpretations or common understandings which were not set down formally and initialed, unilateral interpretations to make our position clear in instances where we could not get total agreement.

In any negotiation of this complexity, there will inevitably be details upon which the parties cannot agree. We made certain unilateral statements in order to insure that our positions on these details was included in the negotiating record and understood by the other side.

The agreed interpretations and common understandings for the most part deal with detailed technical aspects of limitations on ABM systems and offensive weapons. For example, it was agreed that the size of missile silos could not be significantly increased and that "significantly" meant not more than 10 to 15 percent.

In the more important unilateral declarations we made clear to the Soviets that the introduction of land mobile ICBM's would be inconsistent with the agreement. Since the publication of the various unilateral interpretative statements, suggestions have been heard that the language of the treaty and agreement in fact hide deep-seated disagreements. But it must be recognized that in any limited agreements, which are between old time adversaries, there are bound to be certain gaps.

In this case the gaps relate not so much to the terms themselves, but rather to what it was impossible to include. The interpretations do not vitiate these agreements, but they expand and add to the agreements.

WHAT DO THE AGREEMENTS MEAN?

Taking the longer perspective, what can we say has been accomplished?

First, it is clear that the agreement will enhance the security of both sides. No agreement which fails to do so could have been signed in the first place or stood any chance of lasting after it was signed. An attempt to gain a unilateral advantage in the strategic field must be self-defeating.

The President has given the most careful consideration to the final terms. He has asked me to reiterate most emphatically this morning his conviction that the agreements fully protect our national security and our vital interests.

Secondly, the President is determined that our security and vital interests shall remain fully protected. If the Senate consents to ratification of the treaty and if the Congress approves the interim agreement, the Administration will, therefore, pursue two parallel courses.

On the one hand, we shall push the next phase of the Strategic Arms Limitation Talks with the same energy and conviction that have produced these initial agreements.

On the other hand, until further Arms limits are negotiated, we shall push research and development and the production capacity to remain in a fully protected strategic posture should follow-on agreements prove unattainable and so as to avoid giving the other side a temptation to break out of the agreement.

Third, the President believes that these agreements, embedded as they are in the fabric of an emerging new relationship, can hold tremendous political and historical significance in the coming decades. For the first time, two great powers, deeply divided by their divergent values, philosophies, and social systems, have agreed to restrain the very armaments on which their national survival depends. No decision of this magnitude could have been taken unless it had been part of a larger decision to place relations on a new foundation of restraint, cooperation and steadily evolving confidence. A spectrum of agreements on joint efforts with regard to the environment, space, health, and promising negotiations on economic relations provides a prospect for avoiding the failure of the Washington Naval Treaty and the Kellogg-Briand pact outlawing war which collapsed in part for lack of an adequate political foundation.

The final verdict must wait on events, but there is at least reason to hope that these accords represent a major break in the pattern of suspicion, hostility, and confrontation which has dominated U.S.-Soviet relations for a generation. The two great nuclear powers must not let this opportunity slip away by jockeying for marginal advantages.

Inevitably an agreement of such consequence raises serious questions on the part of concerned individuals of quite different persuasions. I cannot do justice to all of them here. Let me deal with some of the most frequently asked since the agreements were signed three weeks ago.

Who won?

The President has already answered this question. He has stressed that it is inappropriate to pose the question in terms of victory or defeat. In an agreement of this kind, either both sides win or both sides lose. This will either be a serious attempt to turn the world away from time-worn practices of jockeying for power, or there will be endless, wasteful and purposeless competition in the acquisition of armaments.

Does the agreement perpetuate a U.S. strategic disadvantage?

We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.

Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.

When the total picture is viewed, our strategic forces are seen to be completely sufficient.

The Soviets have more missile launchers, but when other relevant systems such as bombers are counted there are roughly the same number of launchers on each side. We have a big advantage on warheads. The Soviets have an advantage on megatonnage.

What is disadvantageous to us, though, is the trend of new weapons deployment by the Soviet Union and the projected imbalance five years hence based on that trend. The relevant question to ask, therefore, is what the freeze prevents; where would be be by 1977 without a freeze? Considering the current momentum by the Soviet Union, in both IOBM's and submarine launched ballistic missiles, the ceiling set in the Interim Agreement can only be interpreted as a sound arrangement that makes a major contribution to our national security.

Does the agreement jeopardize our security in the future?

The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area which is limited by the agreement.

Thus the agreement confines the competition with the Soviets to the area of technology? And, heretofore, we have had a significant advantage.

The follow-on negotiations will attempt to bring the technological race under control. Until these negotiations succeed, we must take care not to anticipate their outcome by unilateral decisions.

Can we trust the Soviets?

The possibility always exists that the Soviets will treat the Moscow agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. If this happens, the United States will have to respond. This we shall plan to prepare to do psychologically and strategically and provided the Congress accepts the strategic programs on which the acceptance of the agreements was predicated.

I have said enough to indicate we advocate these agreements not on the basis of trust, but on the basis of the enlightened self-interests of both sides. This self-interest is reinforced by the carefully drafted verification provisions in the agreement. Beyond the legal obligations, both sides have a stake in all of the agreements that have been signed, and a large stake in the broad process of improvement in relations that has begun. The Soviet leaders are serious men, and we are confident that they will not lightly abandon the course that has led to the summit meeting and to these initial agreements. For our own part, we will not abandon this course without major provocation, because it is in the interest of this country and in the interest of mankind to pursue it.

PROSPECTS FOR THE FUTURE

At the conclusion of the Moscow summit, the President and General Secretary Brezhnev signed a Declaration of Principles to govern the future relationship between the United States and the Soviet Union. These principles state that there is no alternative to peaceful coexistence in the nuclear age. They commit both sides to avoid direct armed confrontation, to use restraint in local conflicts, to assert no special claims in derogation of the sovereign equality of all nations, to stress cooperation and negotiation at all points of our relationship.

At this point, these principles reflect an aspiration and an attitude. This Administration will spare no effort to translate the aspiration into reality. We shall strive with determination to overcome further the miasma of suspicion and self-confirming preemptive actions which have characterized the Cold War.

Of course the temptation is to continue along well worn paths. The status quo has the advantage of reality, but history is strewn with the wreckage of nations which sought their future in their past. Catastrophe has resulted far less often from conscious decisions than from the fear of breaking loose from established patterns through the inexorable march towards cataclysm because nobody knew what else to do. The paralysis of policy which destroyed Europe in 1914 would surely destroy the world if we let it happen again in the nuclear age.

Thus the deepest question we ask is not whether we can trust the Soviets, but whether we can trust ourselves. Some have expressed concern about the agreements not because they object to their terms, but because they are afraid of the euphoria that these agreements might produce.

But surely we cannot be asked to maintain unavoidable tension just to carry out programs which our national survival should dictate in any event. We must not develop a national psychology by which we can act only on the basis of what we are against and not on what we are for.

Our challenges then are: Can we chart a new course with hope but without illusion, with large purposes but without sentimentality? Can we be both generous and strong? It is not often that a country has the opportunity to answer such questions meaningfully. We are now at such a juncture where peace and progress depend on our faith and our fortitude.

It is in this spirit that the President has negotiated the agreements. It is in this spirit that he asks the approval of the treaty and the Interim Agreement and that I now stand ready to answer your questions.

QUESTION AND ANSWER SESSION AFTER A BRIEFING BY DR. HENRY KISSINGER

Mr. MACGREGOR. Gentlemen, as the President indicated in his report to the Joint Session of Congress two week ago tonight, he places the highest importance on executive-legislative partnership in the further carrying forward of the constitutional process with respect to the treaty and the agreement.

This session this morning is designed to further that commitment on the President's part and to give to you and through you the American people, an opportunity for the fullest possible debate and the fullest range of questions.

The President has asked me, and I would like to do so, to recognize the Chairman of the Senate Committee on Foreign Relations, Senator Fulbright.

Senator FULBRIGHT. Thank you, Mr. MacGregor.

Dr. Kissinger, first, may I say I think that was an extraordinarily thorough and enlightening statement. The only regret I have is that he didn't make it public so all the country could have heard it, because I think it is a very great description, I think, of what these agreements mean.

I am thoroughly in accord with the spirit with which you have given them and the way the President has presented this agreement for our country. I have only one serious question about it.

There does appear to me to be an inherent inconsistency in the attitude as expressed by the Secretary of Defense the other day. For background, I will read one sentence. This is a quote from his testimony before the Armed Services Committee: "I could not support the agreements if the Congress fails to act on movement forward of the Trident system, the B–1 bombers or other programs that we have outlined to improve our strategic offensive systems during this five-year period."

Now, the explanation that Mr. Kissinger has made about maintaining our security during the five-year period I accept as a general statement, but in view of the fact that we know the Soviets have no aircraft carriers whatever, they have a very small and not very modern bomber force, they have no forward bases similar to ours, unless you consider Cuba perhaps a forward base.

But so far, we have no evidence that it is being so prepared. They are not planning a Trident system that I know of. Their system of submarines is traditional and similar to the ones they already have.

In view of this, it seems to me to couple the approval of the ABM and the interim agreement with Congressional approval of these vastly expensive programs raises a serious question about our determination to accept this agreement in the spirit in which I think it was negotiated and the spirit which you have stated. That is a gradual relaxation of the tensions, and not to use these agreements as an excuse for a greatly enlarged arms system of our own.

This is the only thing that has bothered me about them. I, of course, am personally extremely pleased with the overall agreements with the sole exception, do we mean it, as I have said, and you yourself so offer, put yourself in the place of the Russians, if we proceed immediately to a very large expansion of our weapons system, would this not leave in the mind of General Grechko and his colleagues a question about our sincerity in really moving toward a reduction in the arms race.

This is the only question I have and it is the one which bothers me and I wish you would enlarge upon the necessity of proceeding at once and tying these agreements with the approval of programs about which there were serious questions even before this agreement was made, there were very serious questions about the A–14 and B–1 before these negotiations were agreed on.

Now, we seem to be put in the position of being pressured into that in order to get an agreement with which I thoroughly in accord.

Dr. KISSINGER. As the President pointed out, and as I also said in my statement, Mr. Chairman, we intend to move on two tracks: One, we hope to start the second round of SALT negotiations as soon as the Senate ratifies the treaty and the Congress approves the interim agreement.

If the schedule that was tentatively suggested to you by the President were met, that is to say, approval by the end of August, we would hope to have the first session of the second round of SALT sometime during October and then to begin the process again. We will pursue those negotiations with the attitude towards bringing about a change in the international climate that I have described.

At the same time, the question arises of what we should do in our national defense posture while we engage in these negotiations. It has been the judgment of this Administration that we must continue these programs which preserve our strategic position. I do not, in this setting, want to go into each individual weapon system because I believe that the appropriate committees will examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with respect to them.

Our view, however, is that we must continue those strategic programs which are permitted by the agreement and those research and development efforts in areas that are covered by the agreement in case the follow-on agreement cannot be negotiated.

Our experience has been that an on-going program is no obstacle to an agreement and, on the contrary may accelerate it. That was certainly the case with respect to Safeguard. We are in the position with respect to various categories of weapons that the Soviet Union has an accelerated program, and we have none. Therefore, our position is that we are presenting both of these programs on their merits. We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs, and we hope that the Congress will approve both of these programs as it examines each of them on its merits.

Mr. MACGREGOR. I am sure if the President were here, he would like to have recognized the Chairman of the House Foreign Affairs Committee, Chairman Morgan.

Congressman MORGAN. Thank you, Clark, and I want to thank Dr. Kissinger in inviting us to brief us on it.

When the President appeared here in the short appearance he made before this group, he spelled out the reason why this had to be done in Moscow at such a high level, because it crossed over so many agencies and because of the form of government of the Soviet Union.

He also ended up by saying that you would not be available for testimony on Capitol Hill, in which I agree. But I just wondered, with the five committees who are represented here today, who are going to consider over in the Senate side the Treaty of the ABM's and over on the House side this, the limitation that has been set by you and the President, of September 1, whether you would be available by these committees for consultation as we go along.

Dr. KISSINGER. I would be delighted to meet with members of these committees in groups, on an individual basis, or in the kind of setting that we have worked out before, in which I will meet with the committees at the invitation of the Chairman in some setting that maintains the position of Executive privilege.

But I will be fully available to answer any questions and we are prepared to go as far as is humanly possible with respect to Executive privilege.

Certainly, to make available to the Congress any answers that we can.

Congressman MORGAN. I want to assure you that the Committee on Foreign Affairs will go to work on this as soon as we get back from the Democratic Convention.

Mr. MACGREGOR. I am sure we would like to hear from the Chairman of the Senate Committee on Armed Services, the Honorable John Stennis.

Senator STENNIS. Well, Mr. Chairman, and colleagues of the Congress, I certainly didn't come here to make a statement. I came to listen and to learn. I did respond when I walked in, to a request that I would say just a word.

Gentlemen and ladies here in the Congress, I have been on the Armed Services Committee since before we had ICBM's and I have thought many times the growing realization I had of what these could mean and now what they do mean in our hands and then this same weapon in the hands of our adversaries.

So, I have been driven into a corner of wanting very much to have some kind of an agreement that would be the germ, perhaps, of something that would relieve the tensions and assure our safety.

I do have one major reservation about this situation I am going to mention, but I do believe if we can approve it, it is a start, maybe not much of a start, but it is a start. That is the biggest thing I see about it.

I do have one major reservation about this situation I am going to mention, but I do believe if we can approve it, it is a start, maybe not much of a start, but it is a start. That is the biggest thing I see about it.

May I just respond one moment to the very major point that the Senator from Arkansas made, about if we get these agreements, why go on with the ULM's. I remember so well the ABM debate that we had in the Senate. The most outstanding point in my mind, I was convinced that the great probability was that by putting in the ABM for whatever it was worth, it might increase the chances of getting some kind of a start on agreements.

Not that I have any perception, but as I have understood, from the President at other briefings, they thought that was a major point in getting this.

This same reasoning applies, I think. I am going to support the B–1 and the ULM's and frankly, I am going all of the way on ULM's now, even though I had in mind supporting it only for a limited amount this year, and not on an all-out program.

I have in mind now, the statement you made, Dr. Kissinger, but I am not under its impact exactly, and I have said these things because they were old thoughts. But it is quite helpful.

By the way, is this an open meeting, is the

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press here? Anyway, the reservation I have is on this surveillance, our power to detect any cheating. That hadn't been gone into here and it hasn't been gone into in other briefings that I have been to, and I don't insist on any question being answered on it, but I raise that point.

If you want to comment on it, you may. I want to make this observation. I think that we are more than doers out there in the Congress. We are not going to say just Yes or No. We have to actively make up our mind on this, and take a position for future generations.

I believe that will help us approach it. Do you want to comment on that detection and surveillance?

Dr. KISSINGER. Well, I am sure that when Mr. Holms testifies in executive sessions, that he can go into more detail than I can. In fact, all I can do is to make the statement that we are confident that national means of verification are sufficient to monitor the numerical limitations of this agreement.

We studied this problem in great detail before we entered negotiations, and determined for each category of weapon the margin of error that we thought our collection systems had and what we could do to react once we found out that there had been a violation.

In each of these cases, we found that the margin was well within tolerable limits. In this case, however, where we are dealing with numbers, we are confident that the national means of verification are sufficient to give us the highest degree of confidence that this agreement will be lived up to, or that we will know it almost immediately if it is not lived up to.

Mr. MACGREGOR. The President is aware that the members of the Joint Committee on Atomic Energy have developed a tremendous expertise which applies directly to the Strategic Arms Limitation Treaty and to the interim agreement and we are delighted to see the Chairman of the Joint Committee on Atomic Energy, the Honorable John Pastore, from Rhode Island.

Senator Pastore, do you have a question?

Senator PASTORE. Not exactly a question for the moment because I have asked it before and I think it has been answered. I think the one dominant question here is whether or not in these agreements we have reserved to ourselves the military potential that will constitute a deterrent against an attack upon us, and also whether or not in consultation with the Joint Chiefs of Staff they are all unanimous that this is a good agreement.

Dr. KISSINGER. Mr. Chairman, we would not have entered into this agreement if we thought it impaired our capacity for deterrence. As was pointed out in my statement, we believe that it maintains the capacity of deterrence and at the same time, enables the world to start toward turning away from the arms race as well as improving the whole international climate.

Secondly, at every stage of this agreement we consulted in the greatest detail with the Joint Chiefs of Staff. This has been pointed out, both in my statement, but it was done throughout the work of the Verification Panel in which the Chairman of the Joint Chiefs of Staff is represented and at every decision that the President made, the International Security Council

I do not know of any significant decision—I don't know of any decision with respect to this agreement that was made which the Joint Chiefs of Staff have not unanimously supported.

During the final stages of the negotiation in Moscow, we were in direct touch with the Joint Chiefs of Staff as the various proposals unfolded, and, of course, you will be calling Admiral Moorer yourself, but I am certain that he will confirm the unanimous support of the Joint Chiefs of Staff for this agreement.

Mr. MCGREGOR. Yes, Congressman.

Congressman NEDZI. Dr. Kissinger, on March 14, the President gave as a rationale for the broad safeguard system, part of his rationale, was the defense of the American people against the kind of nuclear attack which the People's Republic of China is likely to be able to mount within the decade.

Has anything happened to that threat, and in that connection, are you able to tell us anything about your forthcoming visit to China?

Dr. KISSINGER. Our estimate of the Chinese nuclear capability is still approximately what it was at the time that Safeguard was developed. Our estimate of the likelihood of our being involved in any nuclear conflict with the People's Republic of China is considerably less than it was at the time that the Safeguard program was submitted to the Congress, because of the political developments that have happened since then, specifically the opening toward China.

Therefore, we accept now that in the overall context of the contribution that this agreement could make toward world peace and toward improving general relationships, and in the light, also, of improvement of relations with the People's Republic of China, that we could pay this price of foregoing the additional protection that the President requested in his original statement.

We could do this all the more so because if our estimates turn out to be incorrect, we have such an overwhelming retaliatory capability vis-a-vis any other country other than the Soviet Union, that the idea of a third nuclear country attacking the United States is a rather remote possibility

Congressman NEDZI. Didn't we have it three months ago?

Dr. KISSINGER. I was talking about the justification which the President gave when he started the Safeguard Program. I don't know what March 14th statement you are talking about. It must have been March 14, 1969.

Congressman NEDZI. My apologies.

Dr. KISSINGER. It was not March 14th of this year.

Congressman NEDZI. I stand corrected.

Dr. KISSINGER. That was 1969. Then with respect to my visit to the People's Reublic of China, it was foreseen in the Shanghai Communique. It was tentatively agreed to at the time of the President's visit to Peking that sometime during the course of the summer we would send a senior representative to the People's Republic. We intend to review the whole range of international problems as they affect American-Chinese relationships.

Mr. MACGREGOR. When I recognized Congressman Nedzi, I was looking unsuccessfully for the Chairman of the House Committee on Armed Services, Congressman Hébert of Louisiana. I don't see Eddie, but I do see the ranking majority Member of the Committee, and the Vice Chairman of the Committee on Atomic Energy. I would like to recognize Congressman Mel Price.

Congressman PRICE. Mr. MacGregor, Mr. Hébert has important business in Louisiana today and could not be here. But I would like to advise the group that the committee will mark up the Procurement Bill and all the items in there are going to be approved this afternoon.

Senator BENNETT. My question is partly a request for additional clarification. Do I understand that Mr. Kissinger's statement will be available to us as well as that of the President?

Dr. KISSINGER. That is correct.

Congressman HANSON. Dr. Kissinger, as I understand the ABM Treaty, it anticipates the construction of an ABM site at the capital of each of the two countries, plus one other site.

Dr. KISSINGER. That is correct.

Congressman HANSON. With respect to an ABM system to protect our Nation's Capital, is it the intention of the Administration to push forward for authorization and construction of this system around Washington and how important is it to the credible defense to which reference was made that we do proceed to authorize and construct this protection for the Nation's Capital? Will our position be significantly weakened in terms of future negotiations if we fail to take this step?

Dr. KISSINGER. First of all, we will request this authorization. Secondly, it was the judgment of our senior military leaders that a second site in the Capital area would be more useful than a second site in Malstrom. It would give additional warning time in case of a major attack and it would give protection against an attack by a third country. It is for this reason that we are recommending to the Congress and requesting the Congress to authorize its construction.

Senator JACKSON. Dr. Kissinger, first I want to compliment you on a very fine statement. I think we all want to see an end to the arms race, but I think we all should agree that if you are going to have an agreement it should be one that will stabilize and not destabilize. When you have a number of ambiguities such as we have in the present arrangement, I think it is fraught with some trouble.

For example, I just want to illustrate a couple: There are a lot of them. But we do have, for example, a bilateral understanding on the number of advanced strategic type submarines, the Y Class, Polaris. That is defined specifically. But there is no specific limitation other than our unilateral statement as to the number of land-based missiles, intercontinental, that are permitted.

Would you comment? The same is true of "What is a heavy missile?"

Dr. KISSINGER. With respect to the numbers of missiles actually being deployed, the Soviet Union has been extremely reluctant to specify precise numbers, that is true. We have operated with a number of 1618. There is absolutely no question that if our intelligence should reveal that the Soviet numbers significantly exceed that figure that the whole premise of the agreement will be in question.

Now, what will maintain this agreement is not the fact that we can wave these provisions and take it to court at any particular moment, but what will maintain this agreement is the consequences the other side will face if it turns out that it has turned into a scrap of paper and that it is being circumvented.

If this agreement were being circumvented, obviously we would have to take compensatory steps in the strategic field. But beyond that, as is pointed out in my statement, the two countries have a unique opportunity right now to move into an entirely different relationship of building additional trust.

If it turns out that through legalistic interpretations of provisions of the agreement of through failing to specify numbers about which we have left absolutely no doubt as to our interpretation and where are hereby reaffirmed, if it should turn out that those numbers are being challenged in any significant way at all, then this would cast a doubt. It would not only threaten disagreement, but it would threaten the whole basis of this new relationship which I have described.

We are very confident that our national means of detection give us the highest degree of confidence that these numbers cannot be exceeded without our knowing and that if they are exceeded that the consequences I described will follow.

Now, with respect to the definition of heavy missiles, this was the subject of extensive discussions at Vienna and Helsinki, and finally Moscow. No doubt, one of the reasons for the Soviet reluctance to specify

a precise characteristic is because undoubtedly they are planning to modernize within the existing framework some of the weapons they now possess.

The agreement specifically permits the modernization of weapons. There are, however, a number of safeguards. First there is the safeguard that no missile larger than the heaviest light missile that now exists can be substituted.

Secondly, there is the provision that the silo configuration cannot be changed in a significant way and then the agreed interpretive statement or the interpretive statement which we made, which the other side stated reflected its views also, that this meant that it could not be increased by more than 10 to 15 percent.

We believe that these two statements, taken in conjunction, give us an adequate safeguard against a substantial substitution of heavy missiles for light missiles. So, we think we have adequate safeguards with respect to that issue.

It is, however, true, Senator Jackson, that within these limitations, improvements, qualitative improvements, are possible which will increase the capabilities of each of these missiles and this is one of the reasons why we have advocated qualitative improvements in our strategic forces. But as far as the break between the light and the heavy missiles is concerned, we believe that we have assurances through the two safeguards that I have mentioned to you.

Congressman STRATTON. Dr. Kissinger, I have one question with regard to one of the unilateral statements that was published the other day. Under the agreement, as I understand it, we have 41 Polaris submarines and we could go to 44 if we turned in our Titans. But the Soviets say that they are considering the British and the French Polaris submarines to be part of our force and that if the total goes over 50 they will consider the agreement breached. The British have four. The French have one and three others in construction, which means that if the French ones are completed, then we could only have 42 without putting it over the total of 50.

Could you comment on how we can hold down the British and French as part of this agreement?

Dr. KISSINGER. First of all, the Soviet Union has not said that they would consider the agreement breached. The Soviet Union has said that they would then reserve the right to ask for additional compensation.

Secondly, we have emphatically rejected that interpretative recitation and have written our rejection of that into the record. So, we do not consider that we have agreed to this Soviet interpretation. You have to remember the interpretative statements are in a number of categories. There are those that are agreed and initialed. There are those orally agreed. There are those that are unilateral and not challenged and then there are those that are unilateral and challenged.

I would think that a unilateral statement that was challenged at the time it was made would not be the most determining feature in our own policy with respect to this.

But, finally, the provisions that permit the trading in of one type of missile for another do not have to be implemented. We have the right, but we don't have the obligation, to trade in the Titans for additional submarines and given our construction program at this moment, with no additional submarines of the Polaris type being built, we may well decide not to exercise the option and keep the Titans, in which case your question would be moot.

But in any event, we have not accepted this Soviet interpretation.

Congressman PIKE. Dr. Kissinger, if I understand the philosophy whereby one of these agreements requires a treaty and the other is an executive agreement, it has to do with the fact that the executive agreement is limited to a term of years. As we look ahead to SALT II, I would like to ask this question: For how long a period of years could an executive agreement be made which was not required to be a treaty? Could it be for 25 years, for example?

I would also like to ask a question in this regard: the tentative agreement was fairly well leaked or publicized in some manner before the President went to Moscow. I would simply like to ask whether there were any substantive changes made at Moscow.

Dr. KISSINGER. The first question is an important Constitutional question: At what point does an executive agreement achieve character of such permanence that it should really more properly be in the form of a treaty?

There were two reasons why the executive agreement was put into that form. One was because of its limited duration and secondly because of its limited scope. That is to say, here we had an agreement, the major categories of which were going to be included again in a more comprehensive negotiation leading to a more permanent arrangement.

For example, the disparity which is involved for a limited period of time might not prove acceptable for a more permanent arrangement.

For this reason, that is to say, the limited duration and the limited scope, it was decided that an Executive Agreement which, however, is submitted to the entire Congress, was more appropriate.

If you got to the point where you made a 25-year agreement, I don't want to prejudge that issue, but as a political scientist and not as a presidential assistant, it would look more like a treaty to me. But I don't want to get into that.

Now, with respect to the second question, the general outlines of the agreement were shaped, really, in three ways. One was by negotiations in Helsinki and Vienna, which did most of the detail. But the policy decisions that were brought about through direct contact between the President and the Soviet leaders which led to the May 20, 1971 breakthrough and then, again, to the formula which led to the inclusion of the submarines—which we were in Moscow there were four major issues that had not been resolved in Helsinki, which were known as issues, but the solution of which could not have been leaked because it hadn't been achieved. Those were the subjects that were most intensively discussed between the President and the General Secretary, primarily the issue of how you calculate the submarine limits, and at what point the replacement of submarines has to start, and which submarines had to be counted for replacement purposes, and questions of this type.

There were subsidiary issues having to do with the silos, I mentioned interpretative statements, and matters of this kind, none of which had been settled in Helsinki, and had to be settled in very extensive conversations between the president and the General Secretary and between members of our delegation in Moscow and their Soviet colleagues.

Mr. MCGREGOR. Senator Javits?

Senator JAVITS. I would like to revert to the question asked by Senator Fulbright and Senator Stennis, because they raise some, to my mind, very serious points.

On the assumption that the treaty can be denounced in six months, but the agreement cannot be denounced at all, it is is breached, either party can treat it as an end. What do you advise us to about the September 1 date the President names, if by then we have not determined that we wish to authorize any additional weapons systems in view of the fact that the President has made it clear that he made this agreement on the assumption that we, too, would press forward with our weapons plans as the Russians are?

And the second part of that question is: Is this the total bill or are there more weapons systems to come within the next five years that we are going to have to authorize because we have made this deal?

Dr. KISSINGER. First, I think it is not correct to say that you have been asked to authorize weapons because we have made this deal. All of the weapons that you are being asked to authorize had been requested prior to the deal and were judged to be necessary before the deal. The question is not whether the deal impels them, but whether the deal makes them dispensable.

This is the shape of the debate.

Secondly, I am frankly not sure about the withdrawal provisions of the defensive agreement. I thought it had the same withdrawal provisions.

It is my impression that the offensive agreement has exactly the same withdrawal provisions of the defensive treaty, so that we are protected.

Thirdly, as I have said, we are requesting both of these programs on their own merit, and, therefore, it is up to the Congress to decide how to deal with them.

Senator PERCY. Dr. Kissinger, I would like to first express that in dealing with our two major adversaries, you will always be as skillful and successful as you have in skirting around the Executive privilege question.

I think in the case of the treaty and the agreements, you have been, and the President has been, and Secretary Rogers.

My question pertains to the second allowable site that each party can have. Neither one of us has even begun the preparation of those two sites. Neither one of us have either site in our original defense strategy plan. Is it possible that we could reach an agreement that neither one of us go ahead with those two sites and would we take the initiative in suggesting that might be a possibility?

Dr. KISSINGER. The question of the deferral of the second site had been considered and had been rejected by both sides. The Soviet Union had taken the position that it could not agree to an ABM limitation that did not give it the right as long as we were in a position to defend ICBM's in which they could not also defend some ICBM's of their own.

So, therefore, our failure to go ahead with our second site would, in effect, give them two sites to our one. The only possibility for us would have been to scrap the site we had and build an entirely new one in Washington, and it seemed to us not a good policy to begin a disarmament agreement by which we had to scrap everything that we had done in order to build something entirely different from what we started out to do.

Mr. MACGREGOR. If you have any complaint about this process, I am the one to complain to, but I have not identified to date the following hands, and I would like to recognize you in this order, if I may. Senator Ervin, Congressman Gubser, Congressman Fascell, Congressman Leggett, and Congressman Frelinghuysen, and then we will go on from there.

Senator ERVIN. I would like to ask this question. I think we had the wisest of all Americans in Benjamin Franklin, and he said, "Beware of being lulled into dangerous security." My question is this: Wouldn't a ratification of the treaty and the approval of the Limited Arms Agreement make it all the more imperative for us to go forward with the Trident and with the B–1 bomber, and other programs to keep from being lulled into a dangerous sense of security?

Dr. KISSINGER. That is the position of the Administration.

Congressman GUBSER. I seem to get from your remarks that we do, under the treaty, have the option of going ahead with Malmstrom instead of the protection of the National Capital. Is that correct or was that possible at one time?

Dr. KISSINGER. This was considered at one time, and then when we reached a point

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where we were talking about two sites, the Secretary of Defense and the Joint Chiefs of Staff concluded that if there were to be two sites, they would rather have the second site around the National Command Authority than in Malmstrom. Whether we could have obtained Soviet acquiescence in two ICBM sites rather than having the second site in Washington, we cannot judge today, because we accepted the recommendations of our military leaders that if there were to be a second site, that second site should be in Washington.

Congressman FASCELL. Dr. Kissinger, what does the protocol address itself to, and what were the circumstances which brought it about; and, secondly, we know what is excluded from the Interim Agreement and we know what we can proceed with in terms of, qualitative improvements because they won't be deployed until 1975. What is it that the Russians have excluded from the Interim Agreement and what is it that the Russians can proceed with in terms of qualitative improvement that might not be deployed until after 1975?

Dr. KISSINGER. The protocol came about because the submarine question could have been an extraordinarily complicated one, and the complications arose from this fact. We do not have a program for building missile-carrying submarines until 1978 at the earliest. The Soviet Union had been producing over the last last few years at the rate of eight missile-carrying submarines a year. It has built additional facilities which would enable it nearly to double this production rate, although up to now they have used it mostly for the conversion of older submarines into more modern types. But they do have a very substantial production capability.

Therefore, a freeze on submarine construction was bound to stop a very dynamic Soviet program, and it was not affecting any on-going American program. Therefore, a formula had to be found which at one and the same time met our needs for some equivalent, and took account of the reality that the Soviet Union without this agreement could have produced at the rate at least of eight to nine a year, so that over the period of the freeze, the Soviet Union could have built up to eighty to ninety submarines, that is an additional 40 to 45 to something like 43 to 44 they now have under construction.

This was the situation we faced. So we developed a formula which enabled the Soviet Union, if it wished, to go beyond their present level up to 62, which is well short of their capacity, but only at the price of trading in some of the older ICBMs and some of the older missiles on earlier nuclear submarines, so that the Soviet Union has to trade in 240 missiles in order to be able to build up to this agreed level.

So the submarine agreement has the dual advantage of stopping the Soviet program on construction well short of its capacity; and secondly, retiring for the first time by international agreement a substantial number of other missiles that we, in our annual statements, had been carrying as part of the Soviet missile force.

So we needed a protocol to determine those things.

Then there was the second question of at what level does the process of trading-in start? That is to say, at what point do you determine that the Soviet Union must trade in these ICBMs and older submarine missiles for newer ones. The ambiguity here arose from the fact that while our intelligence is adequate to tell us when they are putting submarines at sea, and how many submarines are under construction in the sheds at any given moment, there is some difficulty in defining the term "under construction."

If you start the process of "under construction" when the hull sections are being built, before they are moved into the sheds, you get a different figure than if you get the figure in the sheds. Therefore, this was a subject of some complicated negotiation to determine the level at which the trade-in would start, which is, as expressed in the communique, at the level of 740 ballistic missiles on submarines, which includes 30 older ones, which is to say, therefore, at the level of 704 to 710 of the newer submarines.

This is the explanation for this rather complex calculation of the protocol.

Now as far as the Soviet Union is concerned, their bombers are outside of this system and theoretically they could start building up their bomber force without being limited by this agreement.

Historically, the Soviet Union has not put the emphasis on its bomber force that we have. Its operating procedures and experience is far below the level of our Air Force. We do not consider it probable that they will make a major effort in that field, but this is one field in which they could make progress.

The field in which it is most likely that they will make progress is in the modernization of the missiles that are permitted under the agreement. That is, they will not violate the numbers of the agreement, but they will improve the quality, accuracy, number of warheads and this is what will represent a threat to our strategic forces.

Congressman LEGGETT. Doctor, I want to commend you and the Administration on the negotiation of what I think is an extremely remarkable agreement. I have my reservations that perhaps the Department of Defense is stampeding in the opposite direction, though, of the spirit of the negotiations.

I am concerned that in the bill that we marked up yesterday in the Armed Services Committee we increased the hard site Sprint nuclear program clearly outlawed as far as deployment 100 percent.

We accepted the budget figures which had a 900 percent increase in the ULMS or Trident program. Of course, the answer you originally gave was that we needed this as a bargaining chip perhaps for Phase 2 or 3, however, it seems to me we have successfully negotiated the limitation on the number of land-based missiles without an accelerated program, limited the submarine tubes without an accelerated program.

We perhaps have wasted several million dollars in the ABM program in making that a bargaining chip and aren't we perhaps doing the same thing in developing the big bargaining things which obviously will never be deployed if you are successful in your negotiating program?

Dr. KISSINGER. Let me say two things: One, it is not easy to prove the motivations of the other side in making an agreement. I would think it probable however that we could not have negotiated the limitations on offensive weapons if it had not been linked to the limitations on defensive weapons and to their desire of stopping the deployment of the ABM system.

So, what drove these negotiations for the first year was their desire to limit our ABM deployment. And it was not until we insisted that we could not agree to an ABM treaty without offensive limitations that they reluctantly included the offensive limitations.

Secondly, I think we will deploy, even if we are successful in the negotiations that it is very likely we will deploy ULMS and Trident and then retire a similar number of the older submarines, use them for replacement purposes rather than additions to the current submarine fleet.

So, I cannot fully accept the assumption that they will not be deployed. What would almost certainly happen though if an agreement were successful is a substantial replacement of the older Polaris boats.

Congressman LEGGETT. Of course, those older Polaris are a quarter billion dollars a piece, zero defects and a third of a mile CPI. It is hard to conceive that they are obsolete or will be.

Dr. KISSINGER. I don't want to go into the technical weapons characteristics. I think you will get more competent witnesses than me on that subject.

Congressman FREYLINGHUYSEN. I am sure we all appreciate both your presentation and the question and answer period which you have given us. I would like to congratulate you on a masterful presentation. I think Clark is to be congratulated on the music that he has provided to supplement the high points.

My question gets back to this level of defense spending. The President and you both said you hoped for an earlier resumption of the SALT talks. Assuming ratification of the treaty, you didn't really answer Senator Fulbright's question as to whether the Soviets might not consider defense spending an indication of our sincerity or insincerity. Do you think that there is any chance that there is not an expectation on the part of the Soviets with respect to defense spending that might jeopardize successful talks following the ratification of the treaty?

In other words, does the other side hook our spending and our attitude towards defense to further talks?

Dr. KISSINGER. First of all, this last round of talks took nearly 2½ years. So, even if the talks start again this fall, they are likely to be prolonged. We would expect that the first session will deal with general principles rather than with detailed negotiating packages.

All the more so in the next round, we are getting into the more complicated issues of how to control technological change where national means of inspection are not as reliable as they are with respect to sheer numbers.

Now, there is no question that the Soviet Union will judge our intentions in part by the level of our defense spending, for good or evil, and that we cannot take the position that our defense spending is irrelevant to our general political relationship.

The question is: If we speed too little on defense, if we create such a unilateral weakness then we destroy their incentive to negotiate seriously. If we spend too much and give them the idea that we are gearing up simply for getting a tremendous spurt to get ahead of them, then we create the other problem.

So our problem is to get our defense expenditures at a level that does not create a unilateral weakness and give them pressure for agreement but does not get us into an area where it had the counter-productive tendency of generating a new round on their side.

We believe that we are navigating that course. But it is a serious question and it is a serious problem and we have to be alert to both of these dangers.

Mr. MACGREGOR. John Hunt wishes to make a statement in explanation for the departure of a number of members of Congress.

Congressman HUNT. Let me thank you for the clear and concise explanation of your mission this morning. On behalf of the Armed Services Committee, you will notice some of us are leaving. It is not because of any discourtesy to you, sir, or because we are not interested.

The fact is we have a conflicting schedule of subcommittees that are getting ready for an important mark-up of the legislation this afternoon in the absence of Mr. Hébert.

So, if you permit me for a moment to explain, that is the reason they are leaving.

Dr. KISSINGER. Thank you. I thought they were like my Harvard students. (Laughter.)

Congressman HARRINGTON. At the risk of being repetitive, to follow on Congressman Freylinghusen's question and Senator Fulbright's question, I am puzzled that this

year and last year we saw a $6 billion increase in defense spending requested and if the estimates given us by the Assistant Secretary of Defense Moot are correct, we can expect a $5 billion increase in Southeast Asia.

I have seen before the tide was even out, before our committee, hundreds of millions of dollars sought for additional spending in the procurement bill for the betterment of systems that were not part of your agreement in Russia.

On three levels I am puzzled, one, sound economic policy which appeared to be both centered in the White House as a concern prior to the present occupancy in the White House looking toward the era of 1964 and 1968, public confidence that has been led to believe that somehow out of this whole business will come a reduction, not an increase, in the overall spending in the defense area and in general, whether or not in going to these talks you didn't have enough of an outline of questions in coming before Congressional committee and members of the Executive Branch did to be able to live this year with the procurement and appropriations bill as they were without adding to them in the way and with the timing I think has been chosen to do it.

I would like to have you address yourself to some of those considerations, particularly as a constituent might say to me, "What do you mean it is going to cost more for defense? I thought you fellows were negotiating for reductions in tensions and costs." I think that is the problem most of us have.

Dr. KISSINGER. It is our intention and conviction that as these talks proceed into other areas that we will be able to bring about a substantial reduction in defense expenditures as a result of these talks.

There are, of course, certain savings in the ABM program. What we are finding out is that the combination of certain trends has produced requirements which are not themselves the cause of the agreement, but which have come to a head at about the same time by accident as the agreement.

One of these problems is that for a number of years we had significantly slowed down the modernization of our strategic programs so that our strategic weapons now were essentially designed in the early 60s, while those of the Soviet Union were designed in the late 60s and this has created a certain technological requirement.

This is the reason for this additional expenditure. This other figure for Southeast Asia that you mentioned is a projection forward of current rates and may or may not be necessary, depending on how long current rates are being sustained.

Congressman HARRINGTON. I am quoting Assistant Secretary Moot.

Dr. KISSINGER. I know and he projected them forward over a period of months which may or may not be necessary because he was being proper with the Congress by giving his best estimate, but he was projecting current expenditure rates.

If there were negotiations, for example, if the offensive slows down, there are many factors that could affect this. I am just trying to give you an idea.

Thirdly, the increase in the defense spending has been caused to a considerable extent also by military pay increase which now consume about 54 percent of our defense budget. I have seen a chart—I think the Secretary of Defense can do it much better than I—that shows what the present defense establishment would cost if the pay scales were still those of eight or 10 years ago.

So, it is a combination of these factors that have produced the increase of defense costs while forces have actually been shrinking.

Senator COOPER. I would like to join with others in thanking you and showing appreciation for your very fine statement.

The first question I will ask is not one that I suggest myself, but it was asked the day the agreement was announced. I am sorry Senator Jackson is not here, but he wouldn't mind my saying he asked the question.

Are there any other understandings, secret understandings, which have not been made public or will not be made public? I think we will be asked, and it is just as well to ask it now.

Dr. KISSINGER. There are no secret understandings. We have submitted to the Congress the list of all the significant agreements and interpretive statements, and so forth. What we have not done is to go through the record to see whether Ambassador Smith might have said something that they interpreted in a certain way, and this is why we put on the qualification "significant", because otherwise we would have to submit the entire record.

According to the best of our judgment, there are no secret understandings, and all the significant interpretive statements have been submitted to the Congress.

Senator COOPER. May I ask one more question? I notice in your explanation, it is said that the United States asked for a prohibition on mobile land-based missiles. You later withdrew that. But you did say that if the Soviet Union went ahead with deployment, you would consider it serious enough to break the agreement. Is the Soviet Union going ahead with mobile land-based missiles?

Dr. KISSINGER. Let me make one other comment with respect to the first thing about secret understandings.

There are, of course, in the discussions, general statements of intentions. For example, we have conveyed to the Soviets what I have also said here publicly on the record: that the option of converting the Titans into submarines, given our present construction program, was not something we would necessarily carry out. But we do not consider that as a secret agreement, that sort of thing. This was simply a statement of general unilateral intentions.

Now, with respect to the land-based mobile missiles, we have made an interpretive statement according to which the deployment of land-based mobile missiles would be inconsistent with the purposes of the agreement. Then this raises the question of whether our national means of verification are adequate to monitor this.

The national means of verification are adequate to monitor over a period of time whether a land-based mobile missile is being deployed. The margin of error with respect to total numbers would be great, if you have a margin of error of five percent, and I am giving you a fictitious figure; it might be 15 percent with respect to mobile missiles.

But the fact of the matter is, what we have to monitor is not total numbers of land mobile missiles; what we have to monitor is the fact that they are deploying any of them. We are quite confident that within a reasonable period of time after the initial deployment, and maybe not in the first month, but over a three- to four-month period, and well before they can develop a subatantial capability, we will be able to tell whether they have deployed a land mobile missile and we can draw the appropriate conclusions.

So as to the fact of deploying a land mobile missile, we are confident that we will discover it well before they could deploy enough to have any effect.

Congressman MONAGAN. Dr. Kissinger, you have said that these agreements, our confidence in them, is not based on trust, but enlightened self-interest, and yet I think you would agree with any bilateral arrangements, with the credibility of the other party to the contract, where that is very important, you have also said that there is reason to believe that the area of distrust and suspicion may be at an end.

I just wonder, in view of that question of credibility, is there any specific reason that you have for coming to this conclusion?

Dr. KISSINGER. We are not basing this agreement on trust, and we believe that this agreement can be verified; and secondly, that it has adequate safeguards to prevent its being violated. We also believe that we have started a process by which we can move international relations into a new era, and we base this on the fact that we agreed with the Soviet Union over the past two years on the issue of Berlin, which has removed one of the primary causes of tension in the world for the foreseeable future, and a whole spectrum of agreements on health, space, environment, rules of navigation, that we are on the verge of making progress with them in other fields such as commercial agreements, and finally, we have signed a Declaration of Common Principles which it would have been no point to sign unless we meant to move in a major effort in that direction.

So, for all of these reasons, we believe that there is a basis, that we have an opportunity both in the Soviet Union and in the United States, to move into a new era. Whether both sides have the wisdom to do it, and even if they have the wisdom they are not caught by events in areas in which they cannot control their decision, this remains to be seen. But I think we have the opportunity to turn a significant page in history, and as far as this Administration is concerned, we are going to make a major effort in that direction.

Senator PELL. It is an excellent presentation. I have three short questions.

First, if the Soviet expenditures for arms remains static, or should decline, or ours go up, wouldn't that have a reverse effect on their willingness to move into SALT II?

Secondly, are any of the provisions of the seabed disarmament treaty in conflict with our own treaty which you have negotiated, in view of the fact that we apparently still consider the possibility of weapons of mass destruction stored on the seabed floor, and they are prohibited by the seabed disarmament treaty?

Third, why, in this set of negotiations, was the constitutionally normal course of Congressional consultation, advise as well as consent, not engaged in?

Mr. MACGREGOR. When did you stop beating your wife?

Dr. KISSINGER. With respect to the seabed, I am not aware that we have any intention of deploying weapons on the seabed, and we have no intention of violating the seabed agreement, so unless you know of some weapon that I am not aware of, I would have to say that this is not planned.

We believe that the defense expenditures will stay roughly in balance and that the Soviet incentive to come to an agreement will not be reduced by our being stronger. On the contrary. So the judgment has been that our strength, if anything, gives them an additional incentive to make a negotiation, if we do not carry it to a point where they are convinced that this is just a subterfuge for a massive effort to get ahead of them. If that should become their conviction, then, in fact, we have a problem.

I have to repeat: We have to navigate between that, on the one hand, weakening ourselves unilaterally, and on the other hand between having them see these negotiations simply as a stage by which we try to achieve superiority. Either of these things would be self-defeating.

As for the process of consultation with the Senate, as Senator Fulbright knows, this is not my specialty, but it has been my understanding that Mr. Smith and the appropriate Secretaries have been in close consultation, and we have tried from here to be on a personal basis in contact with key Senators.

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Mr. MACGREGOR. Might I add in that respect, Senator Pell, that at least since I have been here, that is, January 4, 1971 to date, it has been Ambassador Gerard Smith's intention, following the directions of the President, to make himself readily available to the Members of the Senate and the House of Representatives, here in Washington as well as in Helsinki and Vienna. I would be delighted to talk to you further about that, but I had thought that was worked out to the reasonable satisfaction of the Members of the Congress.

Congressman FRASER. Dr. Kissinger, let me say first that I have thought that the consultations with Ambassador Smith have been good, both here in Washington and in Vienna.

I listened with some care to the answer you gave to Senator Percy's question on the ABM sites. I can appreciate the Soviets would want to have a symmetrical arrangement with ours, but I was not quite clear from your answer whether in fact you have evidence that the Soviets intend to go ahead with their option to protect an offensive missile site.

The reasons I ask that is that since building the National Capital Defense is not a bargaining chip clearly because we have now put a cap on ABM and since we have a two to three times lead over the Soviet Union building a site over the Capital is not going to give us any significant benefit from the possibility of attack. It will not even give us more time.

Unless we already know the Soviets are going to build a second ABM, why couldn't we wait on ours and save the taxpayers several billions of dollars?

Dr. KISSINGER. It depends on how you define "how do we know". We have no evidence that they have started construction. We have the impression that they have the firm intention of proceeding. I have no evidence whatever to the contrary that they do not intend to proceed.

All the conversations the Presidential party had with them left the impression that they have a firm intention of proceeding with their second site. As for the argument of how much time you gain, the effort to overwhelm, in itself, is apt to give some additional time but I would not insist that this will add a huge span of time to the warning.

Congressman ZABLOCKI. Dr. Kissinger, the President and you have made it quite clear that it would be desirable to have the treaty ratified and the Executive Agreements approved by Congress in order that Phase II could begin in October.

We fully understand the system of the Soviets and there is no ratification on their part as we have it here, and I am sure the Soviets understand that this is an election year and we have political conventions and there may be an opportunity not to meet, that is a ratification and approval of the Executive Agreements.

Is it absolutely necessary that the treaty be ratified and Executive Agreements approved by Congress before Phase II can begin, sometime in October? Indeed, cannot Ambassador Smith meet with his counterparts, even though the Senate and the Congress have not finished their work as far as the treaty and Executive Agreement are concerned?

If I may ask just a second question, I think it is in the report, but what problems were there, or why didn't we pursue with greater determination the inclusion of MIRV's in the Executive Agreement?

Dr. KISSINGER. With respect to the first question actually, the Soviets do go through a ratification procedure. They have their Supreme Soviet approve it but with all respect, it is a little more tractable than our Congress.

The reason why, really, we can have some exploratory informal talks and we probably will at various levels, but the reason it would be difficult to start formal sessions is because we have to know from what base we are operating. It is rather an embarrassing position to have a senior negotiator operate on the basis of the assumption of a ratification.

Also, it would be somewhat presumptuous towards the Congress to assume a ratification that has not in fact taken place. Yet, on the other hand, unless you make some assumption, you really have not got a fixed base from which you can operate.

Therefore, the beginning of the second phase of SALT really has to follow congressional ratification. We understand the pressures of this year and this is simply a fact.

Now, with respect to MIRV, MIRV is a complex issue for this reason: You can count numbers with national means of verification, but it is much more difficult to determine how many warheads are confined in the master warhead.

Now, you have some indications but it is not very easy. Therefore, with respect to the deployment of MIRV, the inspection requirements have to be a little bit more rigid than would be otherwise the case.

Now, we have made two proposals, two linked proposals, one is a ban on the testing of MIRV, this we are prepared to monitor by national means of inspection, and second, a ban on the deployment of MIRV for which we asked for spot-checks on on-site inspection. Now we considered the test ban absolutely crucial because we could have been somewhat more lenient on the frequency of on-site inspection if there had been a test ban on MIRV's because without testing, by definition, it is not easy to deploy them. It is, in fact, impossible to deploy them.

The Soviet Union, for not ununderstandable reasons, because they are behind in MIRV technology, refused a test ban. They also refused a deployment ban as such. What they proposed was a production ban but without inspection. A ban on production is totally unverifiable in the Soviet Union while they could verify ours through our budget and other methods through which our industrial production generally becomes known.

So, the Soviet counter-proposal for a production ban without a test ban was generally unacceptable to us and when we reached that stalemate, we could not proceed any further. This was the obstacle to proceeding on the MIRV's.

Congressman ZABLOCKI. What encouragement do you see, or optimism that this may be an area that in Phase II we may find some common ground on?

Dr. KISSINGER. Phase II, Mr. Congressman, will be very much more difficult than Phase I, because there, we will deal with technological problems and there we will require even more ingenuity with respect to Phase II than was shown in Phase I.

If one can have optimism with respect to it, it is because now the Soviet technology has gone somewhat further probably so that they may be more willing to accept a test ban which will at least put a limit on further deployments, and secondly, you will remember when we started these negotiations in 1969, we were going through a crisis in the Middle East and the Berlin Crisis. We were emerging out of this whole miasma of suspicion and it was the first time we engaged with the Soviets in any major negotiation, so the climate was different.

Now, we have established a pattern in which the Chief of State on our side, the President and their political leaders, can be in constant contact with each other and I believe we can perhaps move a little more creatively in the early stages of SALT II than we could in the early stages of SALT I.

I must also say that the subject is more difficult. Certainly, we had conversations of the breadth and precision in Moscow that would have been unimaginable three or four years ago with respect to strategic questions, but this gives us some hope that at least we can talk about the gut issues.

Senator FULBRIGHT: Can I ask you to comment on one aspect, on the significance of ABM, so much more has been said about the agreement.

How do you evaluate what appears to me to be a renunciation of the effort to create a defense? What you have left in the ABM is surely nothing more than a token. Hasn't each country, in effect, said, "We recognize, we have no defense to almost total devastation in view of the capacities for destruction, or within the existing weapons", and if that is true, isn't this the experience, and I don't know why you would say it would be much more difficult.

If they live up to that and we give them no reason to believe we haven't accepted in good faith that our population is hostile to their weapons, and vice versa, and it seems to me it ought not to be more difficult if you believe in that.

Dr. KISSINGER: I believe, Mr. Chairman, this is a very good point. The limit on ABM's or effective ABM's of both sides, really creates a situation, as I said in my statement, in one sentence, in which the offensive weapons of both sides really have a free ride into the country of the other.

So that therefore, the difference in numbers is somewhat less signficant than you would assess otherwise. There is still a danger that one side will get such an enormous numerical advantage in warheads that it can completely obliterate the force of the other.

But in the absence of significant defenses, even relatively small forces can do an enormous amount of damage.

Therefore, too, if we can move into the second phase of SALT, into an explicit recognition that both sides will try to stay away from counter-force strategies, from the one danger that now exists, or the overwhelming danger, that they will try to destroy each other, then perhaps the premium on MIRV's will be reduced, because, as you remember very well, Mr. Chairman, MIRV's were developed at first as a hedge against ABM.

So I think we will find, in perhaps unexpected ways, that the new strategic relationship that is created by this treaty will create realizations on both sides as to the significance of usable strategic power that over a period of the next negotiations could have quite dramatic impacts.

I am very glad that you asked that.

Mr. MACGREGOR: It is very close to 12 noon. We appreciate your participation and your presence and your patience, and we thank you for launching what the President has called an effective Legislative-Executive partnership.

MEXICO'S PRESIDENT— AN OUTSPOKEN VISITOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the U.S. News & World Report for June 26, 1972, entitled "Mexico's President—An Outspoken Visitor."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO'S PRESIDENT—AN OUTSPOKEN VISITOR

It is a concerned and frank-speaking President of Mexico who has been touring the United States on a six-day visit.

From the start, Luis Echeverría Alvarez made it clear that he had no intention of confining himself to the sort of "hands across the border" platitudes that have characterized previous state visits between the two nations.

Addressing a joint session of the U.S. Congress, President Echeverría strongly criticized an American foreign policy of coming to terms with other strong countries while "ignoring the rights and interests of less-developed nations."

Mexico's leader noted that the U.S. "is encouraging dialogue with other world powers that have different ideologies"—namely, Russia and Communist China.

"Nevertheless," Mr. Echeverría told Congress, "these changes have not yet been reflected in the policy of the United States toward the Third World and toward the Latin-American countries, in particular."

The Mexican President, both in his speech to Congress and in talks at the White House, pinpointed specific problems that, in his view, now cloud relations between his nation and the U.S.

Biggest of these is the high salt content of the Colorado River. The U.S., in agreeing to share its water, had also agreed to improve its quality. Mexicans maintain the salinity in the Mexicali Valley had sharply reduced farm output.

"It is impossible to understand," Mr. Echeverría told Congress, "why the United States does not use the same boldness and imagination that it applies to solving complex problems with its enemies to the solution of simple problems with its friends."

The Mexican leader's words drew a quick response. President Nixon, the next day agreed that Mexican farmers should get water as purs as Americans do. He pledged prompt action to achieve this.

TRADE PROBLEMS

Trade between the two nations has emerged as a special concern of President Echeverría, who warns of the damage caused by protectionist measures taken at the behest of American "minority groups."

An example cited by Mr. Echeverría is imports into the U.S. of Mexican winter fruits and vegetables. These now are controlled by strict "voluntary" quotas set in consultation with Florida and California growers. They sometimes have forced the Mexicans to destroy strawberry and tomato harvests.

Another worry "south of the border" is the possible passage of a measure currently before Congress, which would affect more than 300 "in-bond" factories, American-owned, operating in Mexico. Organized labor in the U.S. is giving considerable support to the bill as a means of blocking the "export of U.S. jobs."

On this point, the Mexican President is believed to have received assurance from President Nixon of his opposition to the bill, as well. Studies carried out for the White House conclude that the bill would cause little change in the job picture—and might even worsen it. The bill's prospects for passage are rated as "very dim."

The visit of President Echeverría is a break with the past in another important respect—after two days in Washington, he became the first Mexican President in history to cross the U.S. on a series of personal appearances. Cities on the schedule included New York, Chicago, San Antonio and Los Angeles.

President Echeverría's plans on this whirlwind tour of major cities include meetings with Mexican-American groups.

The changes in Mexico's foreign policy that caused President Echeverría to do things differently on this U.S. trip have been dictated by economic problems at home as well as by a changing world picture.

Mexico, after years of rapid growth, is beset with the sort of economic headaches that plague many other developing countries. It runs a trade deficit of 1 billion dollars, has a foreign debt of 4.5 billion dollars, and a heavy debt-servicing burden.

DRIVE TO EXPOAT

To improve its foreign-payments position, the nation has pushed a major export drive, sending trade missions to Asia, Europe, parts of Latin America. Mr. Echeverría went to Japan on such a mission early this year.

At the same time, the Mexican Government has begun to show more interest in association with other Latin-American countries and with the so-called Third World of underdeveloped countries on other continents. Last April, Mr. Echeverría went to Chile to speak before the United Nations Conference on Trade and Development—a rallying place for developing countries in their campaign to obtain trade concessions and aid from the industrialized nations.

But President Echeverría has made clear throughout his American tour that Mexico's ties to U.S. must remain strong. "Mexico proposes to the people and Government of the United States," he told Congress, "that we begin a new phase in our relations. Thus you would conform to the action you have taken in other areas, and we would attain the objectives that have always guided our foreign policy."

SLOWDOWN IN GI WITHDRAWAL FROM VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the U.S. News & World Report for June 26, 1972, entitled "Why the Slowdown in GI Withdrawals?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SLOWDOWN IN GI WITHDRAWALS

SAIGON—President Nixon's carefully designed withdrawal of American troops from Vietnam is running into complications.

Since the massive Communist invasion of March 30, the U.S. has boosted sharply the number of fighter-bomber squadrons based in South Vietnam.

These units must be protected by U.S. ground troops. Other Americans are needed to advise and support South Vietnamese forces battling the enemy.

As a result, the number of nonessential men available for withdrawal has been drastically reduced, putting the pull-back behind schedule.

Now, more than 4,000 men must be taken out each week if Mr. Nixon's July 1 ceiling of 49,000 is to be reached. Over the past six weeks, withdrawals have averaged no more than 1,100 a week.

SHIFT TO THAILAND

The solution hit upon by military planners: Move three Marine and four Air Force squadrons from Da Nang in South Vietnam to base in neighboring Thailand. This would cut the U.S. troop total in Vietnam by 5,000 and would keep the planes in the war zone for the bombing campaign against North Vietnam.

"This is a kind of numbers game," says a U.S. official in Saigon, "but it is the way we have been told to do it."

When the switch is completed, the Da Nang base will be returned to South Vietnamese jurisdiction, releasing U.S. guard units for withdrawal, including 3,000 soldiers in three combat battalions of the 196th infantry Brigade.

The withdrawal is complicated further by this development: Despite a steady drop in the number of Americans in South Vietnam itself, a major build-up of the U.S. Seventh Fleet off the Vietnam coast and of fighter-bomber units in Thailand actually has increased over-all American strength in Indo-China.

For the first time in the war, the Army is outnumbered by both the Air Force and Navy. As of June 8, there were 40,900 soldiers in Vietnam. The Air Force had 15,800 men in Vietnam and another 40,000 in Thailand. Navy strength totaled 2,700 in Vietnam and had almost tripled, from 15,000 to 42,000, aboard Seventh Fleet warships.

DECISION COMING

In coming days, President Nixon is faced with yet another crucial decision: How many more American troops can be safely pulled out in the next stage of the pull-back schedule to be announced before July 1.

Ranking officials say that despite the offensive by the North Vietnamese, President Nixon is determined to press ahead with his program which already has removed nearly half a million Americans from Vietnam in three years.

Administration sources predict that at least another 15,000 men will leave Vietnam between July 1 and August 31—barring a renewed Communist thrust.

This would be just one step away from an eventual "residual force" of 20,000 to 25,000 men expected to remain until the Communists release all American prisoners.

Military sources caution, however, that Mr. Nixon could be hard-pressed to find enough GI's to pull out beyond July 1. U.S. forces in Vietnam, they say, already are near an irreducible minimum.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR ROTH TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order granted to the distinguished Senator from Delaware (Mr. ROTH) be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 30 minutes.

DEMOCRATIC PLATFORM PROPOSALS

Mr. RIBICOFF. Mr. President, today I am proposing to the Democratic Party platform committee my ideas on what this year's platform should include. In my presentation, I point out that the 1972 election offers the Democratic Party, as well as the country generally, a unique opportunity to reassess the direction we are to follow in the decade and beyond. The end of the next Presidential term will coincide with the 200th anniversary of our country's founding. Great progress has been made these past 2 centuries, but our focus must be on the future, its challenges and opportunities as well as its problems.

This is not the year to strike up the band with "Happy Days are Here Again" and then cart out the old rhetorical cliches about the dignity of man, the worth of the individual and the rest of yesterday's high-sounding, windy talk. This may have worked in the past, but

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people want constructive, workable solutions today. We should promise only what we can deliver and discuss only what we know.

The Democratic Party has always led the way with a program directed at today's reality, not yesterday's history. We must continue in that tradition. Where programs—even our own—have failed, we should be the first to admit it. When new approaches are needed, we should devote the resources and imagination necessary to develop them.

In that light, I would like to present several proposals for consideration based on legislation I have developed to attack some of the basic problems confronting this country.

I. BUILDING A UNIFIED SOCIETY

People scoffed at the Kerner Commission's prediction in 1968 that we were becoming a divided nation—one black and poor, the other white and wealthy. All the evidence in the intervening 4 years has only shown this warning to be true.

The principles of equality the Nation was founded on and the Democratic Party has championed are being severely tested. A gap has always separated the myth of equal opportunity for all Americans and the reality of inequality. But the Democratic Party has always led the fight to close the gap.

Now, however, we are governed by an administration intent on widening the gap between rhetoric and reality. We have a President who calls for equal educational opportunity, but introduces legislation which would subvert the Constitution and turn back the clock to pre-1954 America, when "separate but equal" was the standard. If we fail to oppose such a policy and to reiterate our support for equal opportunity, everything the Democratic Party has fought for will be lost.

Every day we debate the issue the growing division in America increases. Only 27.8 percent of the black students in the North and West now attend majority white schools. In the South, where we always assumed the problem was the greatest, the figure is now much higher—43.9 percent. This still means that over half the black students there attend basically segregated schools.

Segregated schools are only a manifestation of a segregated society. For years we have talked about open housing while allowing virtual apartheid to sweep across the country.

Our central cities are becoming blacker and our suburbs whiter. During the last decade 2½ million whites left the cities and 3 million blacks moved in. At the same time, the suburbs in our 66 largest metropolitan areas gained 12.5 million whites and only 800,000 blacks.

Poor families, black or white, are becoming trapped in the inner cities, unable to move to the suburbs because of rising housing costs resulting from restrictive land use controls. Approximately 80 percent of the housing on the market, most of which is in the suburbs, is priced above the level a family with an income of $8,000 can afford. At the same time most of the jobs for inner city residents are opening up in the suburbs, but cannot be reached because of high housing costs and inadequate mass transportation systems.

North and South, in schools as well as housing, we must recognize that the divisiveness undermining the strength of this country will end only when we develop a national commitment to attack segregation on a metropolitan-wide basis. In view of the absence of any presidential initiative in this direction, the Democratic Party must provide the leadership needed to solve this crucial problem.

I have developed two proposals designed to deal with this problem.

The first involves long-term, metropolitan-wide integration of our Nation's urban schools. Under my plan the schools in our urban areas would have 12 years to devise and implement a plan for insuring that each individual school had a percentage of minority group students equal to one-half the percentage of minority group students in the entire metropolitan area.

For example, if the minority group school population of the entire area was 20 percent—a figure that includes most major cities—10 percent of the students in each school would have to be minority-group students at the end of the 12 years. This would mean that only two or three minority-group students would be in each class. I cannot believe anyone is so bigoted that they would object to sending their children to school with two or three blacks or Spanish-speaking Americans.

This proposal is the only major piece of civil rights legislation which has gained the support of Democrats from every section of America including men like Senators STENNIS, MUSKIE, ALLEN, MCGOVERN and CRANSTON.

Even my education plan will ultimately fail if we continue to have all-white suburbs and black central cities. We simply cannot shuffle enough students around fast enough by buses, trains, or automobiles to overcome the effects of residential segregation. On the other hand, if neighborhoods were integrated, supporters of the neighborhood schools concept would find that they had also achieved integrated schools.

For this reason, I have introduced legislation that would use the immense power of the Federal Government to open the burgeoning suburbs to all citizens. Under my proposal, no Federal Government agency or contractor could build or expand a facility until the town where it would be built provided a sufficient supply of housing for the facilities' expected low- and moderate-income employees. Thus, if a community desired to obtain the economic benefits of such a facility, it would also have to bear the responsibility of providing housing for workers of the facility.

The Senate has incorporated portions of my plan in the 1972 housing legislation by requiring that cities and towns must build low- and moderate-income housing for employees of Government agencies before they could receive community development grants. If approved by the House, this will represent an important first step in the struggle to eliminate economic discrimination in our housing markets. Nevertheless, much more needs to be done.

The Nixon administration talks a lot about "forced integration."

But is it forced integration to allow families to escape the ghetto and own a home of their own?

Is it forced integration to allow a man to live near his job?

And is it forced integration to provide this Nation with a national goal and commitment to end the racial isolation that threatens more than anything else to tear this country apart?

The Democratic Party knows it is not and must continue to lead the Nation toward achievement of our goal of a unified society.

II. WELFARE REFORM

Everyone agrees that the present welfare system is a mess. No one supports it and it supports no one adequately.

The current public assistance program, aid to families with dependent children—AFDC—is made up of 54 different State and territorial programs, each administered by a separate jurisdiction under broad Federal guidelines. Including the county-administered programs, there are at least 1,152 distinct operating welfare systems.

As a result of this diversity of programs, there is a wide variance in benefit levels and rules and regulations for determining eligibility and need. There are as many different interpretations of the Federal welfare guidelines as there are interpreters.

At the same time, costs for the States are rapidly growing out of control. At the present rate, costs will double at least every 3 years.

And yet the beneficiaries of the welfare system are no better off. In fact, welfare cutbacks are taking place all over the country. Payments to recipients in almost half the States have been decreased in the last 2 years.

Other problems abound in the welfare system. By limiting payments to those families in which the male head is absent family disintegration is encouraged. Families with an unemployed father are eligible for limited assistance in only 23 States. The "working poor," that is, those who work full time but still live in poverty, are not helped at all. And yet 40 percent of the poor in this country live in families headed by full-time workers. Single people and childless couples are also completely ineligible for Federal assistance. Our welfare problem is a national one which requires a national solution.

In January of 1968 President Lyndon Johnson commissioned a study of income maintenance programs. After 22 months of intensive study and hearings the President's Commission on Income Maintenance Programs—the Heineman Commission—issued its recommendations to create a family assistance plan. Based in large part on the work of the Commission, President Nixon introduced in October of 1969 a family assistance plan.

During the 3 years of debate on welfare reform the President has revised and revised the originally sound proposal to a point where, in its present form in H.R. 1, it is completely unacceptable.

As passed the House and pending in the Senate, H.R. 1 is reform in name only. While it sets up a guaranteed annual income of $2,400, it does little to assure that payment levels in States whose levels exceed $2,400 will be maintained. Thousands of impoverished Americans would face potential massive welfare cutbacks. H.R. 1 sets work requirements for employable adults which would result in welfare recipients being forced to accept jobs at the subpoverty wage level of $1.20, only three-fourths of the Federal minimum wage. H.R. 1 sets up stringent and punitive administrative procedures, provides inadequate day care, inequitable methods of determining eligibility and need, and no aid to single people and childless couples.

I have therefore introduced a major welfare reform proposal based on the family assistance plan concept. My amendment to H.R. 1—amendment No. 559—cosponsored by 18 Democratic Sentors would establish a single national welfare program for all citizens in need, with uniform benefits, rules, and administration.

It would establish a national Federal floor of benefits at a level of $3,000 for a family of four. Benefits would increase over a 5-year period so that all people in need of public assistance would be receiving at least a poverty level income by the time the program is fully federalized.

My proposals also embody the following principles which must be included in any program of welfare reform:

First. We must assure that no recipient receives less following welfare reform than he or she now receives. In States where payments are higher than the Federal guarantee level, States must be required to make supplemental payments up to the level at which they were paying in January of 1971 or any previous or subsequent higher level. This will rescind most of the State welfare cutbacks.

Second. Benefit levels must increase automatically on an annual basis according to increases in the cost of living. Such a principle has recently been adopted for social security benefits.

Third. We must adopt a national welfare system with equitable and humane uniform rules for determining eligibility and need under Federal administration.

Fourth. Fiscal relief for the States must be part of a welfare reform system. By assuring that State costs for welfare will not have to rise above their 1971 levels—as envisioned in amendment 559 and H.R. 1—States will be able to plan their budgets on a rational basis.

Fifth. Any jobs that are provided to employable welfare recipients must be at no less than the Federal minimum wage. The present $1.60/hour is already $700 less than the poverty level on an annual basis. Surely there is no justification for paying lower wages.

Sixth. Adequate protections to assure that mothers are not forced to work and leave their children against their will are mandatory.

Seventh. The method of determining eligibility and need must be placed on a "current need" system. That is, welfare payments must provide for the needs of recipients at the present, notwithstanding income earned in the past. Safeguards can be built into the accounting period to assure that those with high incomes cannot take advantage of the system.

Eighth. Administrative procedures assuring fairness, dignity, and due process to the recipients must be afforded, including right to counsel, hearings meeting the standards of the Administrative Procedure Act, written decisions, quick determination of eligibility, the rights to appeal, and simplified administrative procedures easily understandable and responsive to the recipients' needs.

Ninth. Income supplements must be provided to those who work full time to support themselves and their families, but still have a subpoverty level income. By aiding the working poor, an incentive is built into the system assuring that it is always more profitable to work than to receive welfare.

Tenth. Any system of public assistance must provide jobs for those willing to work—either in the private or the public sector. It has been estimated that State and local government could use as many as 4 million additional people to provide the basic services expected of government. All such jobs must meet Federal minimum wage standards as well as health and safety criteria.

Eleventh. A social services component, including comprehensive day care meeting the 1968 Federal interagency day care requirements is also needed to provide the ancillary assistance enabling a family to move, if possible, toward full self-support.

Ultimately, we must recognize that a welfare system cannot solve the problems of poverty. Public assistance is only a short-term means of alleviating the deleterious long-term effects of a society which has yet to solve the basic problems of providing good jobs, housing, education and health care for all its citizens.

III. THE WORKING CLASS

We are only beginning to discover that the working class of this country has legitimate problems of its own that we have long ignored. From womb to tomb, the American working class is in constant economic insecurity. Unemployment, recession, inflation, medical bills, a lack of educational opportunities, poor housing, and the fear of retirement in poverty are major problems that haunt working families wherever they turn.

Working Americans have done everything we told them to. They have worked hard—done their best to save what they can—and they still cannot make it.

They feel their Government has forgotten them, that their leaders are preoccupied with the problems of blacks and other minorities. Working men and women increasingly sense a prejudice against them in academic, intellectual, and liberal political circles.

The working class has noted that there are few people to articulate their thoughts for them. When leaders do pay attention, they often play to the biases of workers rather than their strengths.

President Nixon has claimed an interest in the working class. He terms them the "forgotten" Americans. But his solution to their problems is not a positive program. All the President has done is to give working people scapegoats to dislike—TV networks, militant blacks and college students—and very few positive reforms and accomplishments to improve their lives.

Providing only scapegoats is smart politics because everyone knows the poor and the black and the young do not vote. But it clearly is not responsible politics for a country that faces a growing polarization between white working people and the rest of society.

Some political observers have noted that because blacks and other minorities have nowhere to move but into the lower middle class, Federal efforts should be directed at improving the white families' conditions. This thinking asserts that we will never solve the problems of minorities until we solve the problems of the lower middle class. For a time, I advocated that approach. Yet as I thought about it, I came to realize that it is not the right reason for helping working white families. The deserving deserve assistance because they deserve it—not because somebody else is more deserving.

We should set out to help the lower middle class because it is the right thing to do, not because it will indirectly help some other group. We should help middle Americans because they are vitally important and essential to the success of this country. They erect our skyscrapers, dam our rivers, unload our ships, pave our roads, drive our trucks, police our streets, man our defense. They are the muscle and heart that keeps the country moving. America needs them as much as they need America.

A. JOBS

Our highest priority must be to insure that every able-bodied American who wants a job is able to find one. We should establish the concept of the Government as "employer of last resort" for men and women who have lost or cannot find jobs in the private sector.

We have a great paradox in American society today: We have over 5 million unemployed men and women in a country burdened with a huge backlog of public service needs—in our parks and streets, slums and countryside, schools and colleges, libraries, hospitals, nursing homes, public buildings—indeed, throughout the public and nonprofit sectors of this economy. The Government as "employer of last resort" would insure that all Americans are able to lead meaningful, productive lives.

B. EDUCATION

1. STUDENT AID

Our goal should be to open the doors of our universities to all intelligent and interested youngsters, regardless of their parents' financial resources and to encourage those who, for one reason or another, are just filling up desk space to use their time more profitably. Academic ability is not a gift only the rich enjoy any more than an interest in nonacademic subjects is limited to the children of working people. Scholarship

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funds need to be increased so that all qualified students are able to continue their education past high school.

2. COMMUNITY COLLEGES

Our focus should not be only on 4-year colleges. Enrollment in 2-year colleges tripled from 1960 to 1970. Over 2 million students now attend community colleges across the country, and new colleges are being built at a rate of about one a week.

To provide more diversity and balance in the academic world, the country's system of smaller, community oriented colleges must be expanded and their doors opened to everyone with a desire to learn and grow intellectually.

In a dynamic society, each citizen should have the opportunity to develop his or her mind for an entire lifetime. That is why the community college, with its emphasis upon meeting the educational needs of the local people, is so vitally important. That is why the student body should not be composed only of young people preparing for the professions. The student body should be a "civic body," represented by all aspects of American life—and all ages.

A cornerstone of State and Federal policy should be to support the growth of community colleges. Every high school graduate should have the opportunity to attend a community or State college within driving distance of his home.

3. TUITION TAX CREDIT

In addition to scholarships, other forms of assistance must be found to enable working class parents to send their children to college. I have proposed for several years a tax credit plan for tuition payments.

My bill proposes a maximum tax credit of $325 per student. The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition, fees, and books; 25 percent of the next $300; and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. Two percent of the amount by which a taxpayer's adjusted gross income exceeded $15,000 would be deducted from the credit available to that taxpayer. Thus, no taxpayer with an income above $31,250 would be eligible for a credit.

I have proposed a similar program for those who pay to send their children to private schools. More is involved than simply the cost to parents.

The President's panel on nonpublic education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public services. In the 20 largest cities nearly 2 out of 5 schoolchildren are enrolled in nonpublic schools. The public school system in New York City would have to expand to accommodate over 358,000 new students if private schools closed. In Chicago, 208,000 students would be added, and in Philadelphia 146,000.

My own State of Connecticut faces a similar potential burden. Over 100,000 students, 14 percent of all students, now attend parochial and private schools. Twelve of these schools closed in 1971 and more may close this year. We all have a stake in this problem.

Some critics of aid to nonpublic schools argue that public assistance will weaken support of our public school system. They point out that less than half of the public school bond issues were ratified last year.

We cannot ignore, however, the enormous costs involved in transferring nonpublic students into the public schools. It has been estimated that collapse of our nonpublic schools would cost local taxpayers an additional $5 billion a year. Taxes would have to increase or more public schools close to meet this expense. The American public should not be forced to assume this additional tax burden unless it is absolutely necessary.

In the past, cities and States have been most ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurtzman, summarized the cumulative criteria it had developed. First, the program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe that tax credits meet these tests. First, the program's purpose is to lower the expense of education to the student's parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

Unless some Government aid is forthcoming, most of our nonpublic schools will eventually disappear. Those that survive will do so by requiring exorbitant tuitions which only the very wealthy can afford. The result will be that private and parochial schools, rather than being educational options open to all, will be sanctuaries for the rich.

My proposal would avoid these problems. By allowing middle and lower income families the ability to send their children to nonpublic schools, it will guarantee the continued existence of these schools plus a well balanced student body.

C. NATIONAL HEALTH INSURANCE

No problem affects the working class more than the absence of adequate health care and insurance. This Nation is facing a health care crisis. Spiralling costs, inadequate insurance, maldistribution of resources and a shortage of medical manpower characterize our nonsystem of medical care. Despite growing Federal expenditures for health care programs, no coherent national plan has been developed to deal with these problems.

For most Americans, the symbol of American medicine is not the Red Cross, the Blue Cross or the physicians insignia. It is the dollar sign. In the decade between 1960 and 1970, hospital costs almost tripled and doctors' fees nearly doubled. The average day in the hospital that cost $32.23 in 1960 cost $79.83 in 1970. The complete physical that cost $57 as recently as 1968 cost $100 in 1970.

An individual in most cases is forced to rely on luck to protect himself against backbreaking medical bills. He hopes he lives in the right city, works for the right union, and earns enough money. In the last analysis, these factors determine the kind of medical security his family has. Many people do not have much but luck to rely on. In the face of rising costs, there are still 24 million Americans—one out of every seven persons under age 65—who have no hospital insurance at all. One person in five is without surgical insurance—35 million. One in three is not covered for extra in-hospital medical expenses, such as doctors visits—61 million.

Absence of adequate insurance is only one factor contributing to the health care crisis. The Nation is currently faced with a gross misallocation of resources. Many rural communities are unable to attract the services of even one qualified, primary care physician while many larger, affluent areas have an excess of specialists.

Hospitals are further compounding the problems. In the battle to attract more patients and doctors, they rely on the prestige of new programs, research, and medical specialties. It is the average patient who pays for the duplication and reduplication of narrowly channeled expertise.

Many proposals have been introduced in the Congress which propose at least some revision in the financing of medical care. However, few adequately address the larger problem of the deficiencies in the health care delivery system. We must direct our attention toward effecting needed improvements in this system if we are to insure the success of a national health insurance plan.

Our strategy must include consideration of methods to increase the numbers and distribution of health manpower, means to optimize the utilization of resources, outreach programs to bring all persons into the mainstream of the health care system, and cost control guidelines to curtail the rising costs of needed health services.

The development of a coherent national health strategy will provide a sound basis for the implementation of a national health insurance plan. In the development of a platform proposal for national health insurance the Democratic Party should consider the following essential principles:

First. National health insurance must guarantee universal entitlement and universal coverage of benefits.

Every individual in this country, regardless of financial status, age, race, medical history, or geographical location should be entitled to the same amount, duration and scope of benefits. The coverage of benefits should be broad enough to assure that no person will be unable to obtain needed medical care.

Second. National health insurance should insure the patient as well as it insures the hospital and the doctor.

Most hospitals and insurance plans do a much better job of insuring the hospital and the physician against the cost of their doing business than they do of insuring the patient against the cost of doing business with them. If the Nation decides to grant private insurance companies the privilege of providing national health insurance, we must have guarantees that the industry will be fully accountable to the public.

Third. National health insurance should have as few restrictions, clauses, qualifications, and limitations as possible and it should be administered in the simplest and easiest way possible.

We should fit the health care system to the individual and stop asking the individual to fit his medical needs to the existing health care system.

Fourth. National health insurance must be accompanied by dramatic new solutions to the problem of medical manpower.

Not only is this country short on primary care physicians, but many of our medical schools are on shaky financial ground. A year ago, 40 percent were in such severe trouble that they needed financial distress grants from Washington. Their condition has not improved. The country cannot train more doctors if our medical schools continue to live on a hand-to-mouth basis.

Another crucial manpower need is the paramedical man, the physician's assistant, the civilian equivalent of the Armed Forces medical corpsman. He is needed both by overworked urban doctors and by people in isolated rural areas. We are producing very few of them in this country at this time.

Fifth. National health insurance must also include establishment of alternatives to the present pay-as-you-go and fee-for-service medical care that most people now receive.

The most common alternative suggested is the prepaid group practice plan. Its virtues are well known. Subscribers pay a fixed monthly sum, arranged in advance, and receive all the medical care they need. There is a heavy emphasis on diagnostic screening and preventive medicine. And these plans also seem to have the additional advantage of stimulating cost consciousness in the providers of medical care. This is not to suggest that fee-for-service should be abolished, but it should not be the only choice a patient has.

Sixth. Continuing health planning must be considered an essential component of any national health insurance plan.

Planning must have real authority and sanctions. If planning agencies had the power to do their job properly, we probably wouldn't have the duplication of expensive equipment that exists in so many cities. Nor would we have an oversupply of one type of institution or hospital, and an undersupply of others.

Seventh. National health insurance legislation should include provision for statewide pilot projects to be conducted in five or six selected States and a specific date when the program is to be implemented nationwide.

There are currently many unknowns that we face when we attempt to develop a national health insurance plan. Establishment of pilot projects prior to national implementation and careful assessment of the variables built into the experimentation projects will enable us to determine which concepts should be incorporated into the national system.

D. AN ADEQUATE RETIREMENT INCOME

Finally, to help working class Americans, we must guarantee them a decent, reasonably comfortable, dignified retirement. If society is to be judged by the care it takes of its elderly members, American society is a failure. To be old in America is too often to be poor. Most working class couples have seen their friends retire and find themselves living at or near the poverty level.

In 1969 the aged had less than half the income of those under age 65. By December, 1970, according to the Senate's Special Committee on Aging, approximately 5 million of the 20 million aged Americans lived in poverty, an incidence of poverty twice the rate of society generally. The number of those living in poverty decreased somewhat in recent years in this country for every group but older Americans. For them, the number arose.

Many of the aged poor are simply those who have been poor all their lives and have grown old. But an increasing number are working class Americans who made enough while working to stay out of poverty but were unable to save much for retirement and find that pensions and social security have not kept them from growing into poverty.

The Federal Government has ignored this plight of working people, contributing to some of the resentment felt by workers against a government that cares for the rich and attempts to provide for the poor but ignores the average man.

The first thing we need to do is to insure that those on social security receive more adequate incomes. A Social Security Administration study showed that one-fourth of aged couples and two-fifths of single beneficiaries receiving social security depended solely on it for their entire support.

Democrats in Congress are working for a 20 percent social security increase. This should be part of our party's platform as well.

This will require a larger investment in social security by working people, but I do not think they will mind if, at the same time, they understand that this will guarantee them a comfortable retirement.

As social security deductions are increased, however, the system should be made more equitable. Social security taxes now are regressive, forcing lower paid workers to pay a much higher percentage of their income than higher paid employees. The injustice arises because everyone in social security is taxed 5.2 percent on their first $9,000 of earnings.

A man making $40,000 a year pays $468 or 1 percent of his total income in social security taxes. A worker making $9,000 this year pays the same $468. But this is 5.2 percent of his salary, a rate five times greater than that paid by the other man.

There is no justification for this difference. The financing of social security should be reformed so that everyone pays a more reasonable share of their income and receives more adequate benefits.

Another inequity for the working class in the social security system is the limitation on income by social security pensioners. Many elderly persons are eager to work and help support themselves. But the Government discourages work by penalizing them for every dollar earned above $1,680 a year.

The effect of this earnings limitation penalizes the working class. While an elderly worker loses benefits for every dollar earned, the wealthy are allowed on retirement to receive all of their income from investments, stocks, bonds, copyrights, patents, rentals, dividends, and other pensions without losing a penny of social security benefits, even if their outside income is $100,000. Two million elderly workers meanwhile are losing some or all of their social security benefits for which they paid a higher percentage of their salaries.

This is wrong and must be changed if social security is to be a program that meets the needs of the lower-middle class. Proposals are pending now to raise the income ceiling; but, again, this is only a start in the right direction.

Social security is not the sole means of providing for the retirement of our citizens. Approximately $140 billion is now invested in 34,000 private pension funds covering 30 million workers. Unfortunately, more than half of the private work force are not employed by a company or union that has a pension plan. As many as one-half of those workers who have a plan may not receive pension benefits when they retire and more than half of all persons who will receive private pension benefits will receive less than $1,000 a year.

The fine print in many pension plans rivals those famous life insurance policies that, once you get through the disclaimers, covered you against being run over by a herd of buffalo in downtown Detroit. Many pension plans provide no benefits for widows or widowers, require years of work before a worker has a right to any pension and cause him to forfeit all rights if he changes jobs. As a New York Times survey showed last year, private pension plans are "a phantom for millions of workers who never collect them."

We should support legislation to allow workers to transfer their interest in one pension plan to another when they change jobs, to shorten the years of work necessary to qualify for pension rights and to give tax deductions to those investing in pension plans for themselves or their employees.

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Whatever we do, we must help workers to insure that their retirement years will not be years of poverty and insecurity.

IV. NEW DEPARTMENTS OF HEALTH AND EDUCATION

Much talk has been heard about the need to reorganize the Federal Government. President Nixon has proposed that we make the Federal bureaucracy even larger by consolidating existing agencies into four superagencies. In particular, the President has suggested increasing the size of the Department of Health, Education and Welfare.

As a former Secretary of Health, Education and Welfare, I seriously question the desirability of such a move. No Secretary can keep up with the activities of the agency as it is now structured, let alone an even larger institution. Since its establishment in 1953, HEW has grown into a bureaucracy of 108,000 employees with an overall budget of nearly $79 billion, one-third of the entire Federal budget.

For several years I have supported creation of a separate Department of Education and this year have introduced a similar proposal for a Department of Health.

A. DEPARTMENT OF EDUCATION

Today 29 Federal agencies spend over $14 billion on education, often with no coordination and little cooperation. Millions of Americans are educated through Federal programs as diverse as those of the Office of Child Development, the Defense Department, the Job Corps and the Bureau of Indian Affairs.

My bill consolidates and coordinates responsibility for education at the Federal level and affords an opportunity for the first time to rationalize, analyze, present, and carry out Federal policy for education in this Nation.

But arguments of scale are only one part of the reason for better coordination and execution of the Federal role in education. We must also recognize the present importance of education and educational policy to American society, and the increase in that significance in the decades ahead. Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation.

The time has come to end the uncertain status of education in the Federal Government. Education must be represented at the highest levels of policy discussion. Its weak voice must be strengthened through the consolidation of programs which rightly belong together.

B. DEPARTMENT OF HEALTH

As already discussed, this Nation is currently facing a health care crisis. Despite growing Federal expenditures for health care programs, no coherent national plan has been developed to deal with this problem. We must reshape and streamline our existing institutions now if we are to assure the success of whatever new national health care system is adopted.

The Department of Health, Education and Welfare is clearly too large to handle the task. Over 40 separate Federal health grant programs are operated by HEW which will spend over $18 billion in fiscal 1973 on medical and health-related activities.

I am convinced that health policy can be more rationally developed and the health programs of our Nation better handled if they are placed under the jurisdiction of one agency of manageable size, a Department of Health. At present a sizable portion of the $25 billion we are spending throughout the Federal Government for medical and health related activities is being lost through inefficiency, lack of coordination, and overlapping of programs.

As a result of the scattering of programs and the lack of a centralized health policy mechanism, the only place in the Federal Government where health priorities can be set is in the Office of Management and Budget when the budget is being developed. Major policy decisions affecting the Federal Government's health policy should be made by experts in the health field, not by OMB employees who cannot be expected to formulate national field priorities, much less understand the intricacies and interrelationships of the myriad health programs now in existence.

Twenty-five Democrats in the Senate joined with me last March to introduce S. 3432, which would create a new Department of Health. All of the Democratic presidential candidates joined in this effort; 60 House Members, the vast majority of whom are Democrats, supported the companion measure introduced in the House by Congressman PAUL ROGERS, Democrat of Florida.

The Democratic Party should support this move to end the uncertain status of health in the Federal Government. Responsibilities must be focused in one department and health policy must be developed and coordinated by those who are knowledgeable in the health field.

V. CONSUMER PROTECTION

To be credible our platform must include a creative and far-reaching program for protecting consumer interests, combating consumer fraud, and providing a meaningful voice for consumers in the private and public decisions which affect their lives. I propose that the Democratic Party pledge to adopt a new definition of the rights of American consumers in both the marketplace and the institutions of government.

Specifically, I propose that the Democratic Platform support—

First, legislation to create an independent Consumer Protection Agency to represent the interests of consumers before Federal agencies and courts;

Second, vigorous enforcement of the food, drug, and consumer product safety laws and the establishment of an independent agency to enforce these laws;

Third, passage of important consumer protection bills sponsored by Democrats in the last two Congresses;

Fourth, establishment of a Council of Consumer Advisers, or similar organization, in the Executive Office of the President;

Fifth, broad reform and restructuring of existing regulatory agencies and programs for protecting consumers; and

Sixth, substantial increase in Federal assistance to States and local communities for consumer protection programs.

The most urgent need of consumers today is to have an effective representative in the many decisions of the Federal Government which determine the choice, cost, quality, and safety of goods and services in the marketplace.

I have sponsored a bill, S. 1177, to create a new independent Consumer Protection Agency—CPA—to represent the interests of consumers before Federal agencies and courts. My bill also sets up a Council of Consumer Advisers in the Executive Office of the President to advise the President on consumer matters and provides grants to States and local communities for consumer protection programs.

The bill has been reported by my subcommittee of the Committee on Government Operations and soon will be considered by the Senate. I strongly urge that the Democratic Platform commit our Party to this legislation and to its underlying purposes.

Despite the existence of many regulatory agencies—for example, Federal Trade Commission, Food and Drug Administration, Interstate Commerce Commission—and many ambitious new consumer protection laws—for example, Truth in Packaging, Toy Safety, and Truth in Lending Acts—which are supposed to protect, consumers are not receiving the protection which they have been promised and are demanding in 1972.

Every day the newspapers carry alarming stories of serious injuries caused by food additives, detergents, toys, prescription drugs, credit schemes, and corporate mergers. During the last year, my subcommittee has released studies showing that deplorable sanitary conditions continue to exist in the meat and poultry plants; that tens of millions of subpotent influenza vaccines were licensed for 3 years by an agency which was fully aware of the vaccine's ineffectiveness and that the Federal Government lacks an effective means of testing the effects of the many chemicals in the human food supply and environment.

The most important reason for the failure of Federal agencies to protect consumers adequately is that consumers have no choice in the day-to-day decision-making processes of these agencies. Big business is the only group with the incentive and the resources to maintain a close relationship with Federal agencies. These agencies hear only one side of most issues.

Consumers are too fragmented to provide effective representation for themselves. Few consumers have a large enough stake in a specific agency or the money to hire a professional representative to argue their case in Washington for months or even years.

During recent years, a few dedicated men and women have established organizations to represent the consumer viewpoint to Federal agencies. It is unrealistic to expect, however, that these organizations will ever obtain sufficient nongovernmental funds to be an effective counterweight to the overwhelming resources and talent at the disposal of business.

Thus, the best hope of consumers for equal representation is through the Consumer Protection Agency established by my bill.

The CPA, as an advocate, will be a totally new kind of Federal agency. It will have no authority to regulate any industry, to make any decisions for existing regulatory agencies, or to overrule their decisions. The CPA will be the lawyer for consumers; the regulatory agencies will continue to be the judges.

One of the most serious defects in consumer protection programs is the conflict which results when one agency has responsibility for both protecting consumers and promoting the production or sale of consumer products. No person or agency can faithfully serve these two different masters for long.

Congress now has an opportunity to remedy this conflict in Federal food inspection programs. In March, the Senate Commerce Committee reported a bill, S. 3419, to authorize Federal safety standards for hazardous household products. The bill also creates a new regulatory agency—the Food, Drug, and Consumer Product Agency—by transferring the FDA from the Department of Health, Education, and Welfare.

My subcommittee strengthened the independence of the new agency and transferred the meat, poultry, and egg inspection programs of the Department of Agriculture into it. Consolidation of food inspection programs has been recommended by the Congressional General Accounting Office, the White House Conference on Food and Nutrition, and the President's Advisory Council on Executive Organization.

This legislation represents a long overdue reform and an important model for improving other Federal consumer protection programs. It, first, combines similar consumer protection programs in a single agency, and, second, places consumer protection programs in an agency whose primary responsibility is consumer protection.

VI. THE ECONOMY

The American economy is in deep trouble. Our tragic 6 percent unemployment figure persists—in my own State of Connecticut it is more than 8 percent, in some localities 20 percent. Our trade deficit is mounting—more than $2 billion in the first quarter of this year alone. The dollar, despite devaluation, is under new attacks and our balance-of-payments deficit remains huge. Twenty-five percent of our industrial capacity remains idle while our Nation desperately needs rebuilding.

Clearly, both workers and businessmen need effective help now.

There is a desperate need to develop long-range policies that are better designed to achieve the twin objectives of full employment and relative price stability—the prerequisites for a healthy American economy.

We must encourage and stimulate growth in those areas where we can still compete successfully particularly in the area of high technology. The United States continues to enjoy a large trade surplus in technology intensive goods. But greater and more imaginative federal R. & D. support is necessary to maintain this lead into the 1980's.

Workers' skills must be upgraded so that people who are unemployed as a result of changes in the economy will be equipped to fill the new jobs. New job training programs should be made available—not only to those already unemployed, but to workers in danger of being laid off.

We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for allocating civilian priorities. I have proposed the establishment of a new Economic Priorities Commission to chart the future direction of the civilian economy and encourage economic expansion into new areas such as pollution control, housing, and mass transit.

Our use of technology will determine whether or not America will maintain a viable, growing economy and remain competitive in international markets.

We must expand and coordinate government efforts to ease the economic dislocation that will inevitably result by changes in Federal spending patterns and in the conversion of noncompetitive industries. Under our proposal a new administration would be created in the Commerce Department to administer these activities to assist workers and failing companies.

When we speak of economic dislocation we must bear in mind we are talking about people, their families, and their communities.

Actual experience to date with the adjustment assistance legislation on the books shows that it is too restrictive, too infrequently granted, and invariably help comes too late to be of use.

The emphasis today must be put on spotting in advance those industries and companies which are running into trouble. Under my proposed legislation, assistance would be available before a company is a financial basket case, and workers could begin retraining before their skills become obsolete.

The thrust of my proposal is on readjustment and retraining in order to best utilize our technological and managerial and manpower resources—and to avoid serious trade conflicts and world economic disorders.

VII. NORTHERN IRELAND

The violence and bloodshed in Northern Ireland have been a source of deep concern for many Americans. The recent signs of moderation are most welcome. But the underlying causes of the violence still exist.

America, and the Democratic Party, must speak out against injustice and discrimination wherever it exists. It will be a sad day in this Nation when we think in terms of the freedom and well-being only of Americans. The persistent and oppressive discrimination against the Catholic minority in Northern Ireland deserves to be condemned. But more than this, our own Government should be able to suggest equitable, just solutions upon our friend and ally, Great Britain. Our friends certainly do not hesitate to advise us on such matters.

Senate Resolution 180, which I introduced in the Senate and which has been cosponsored by Senators KENNEDY, HARTKE, and PASTORE, was also introduced in the House by HUGH CAREY and 61 cosponsors. Some of the measures it has called for—such as the dissolution of the Stormont Parliament—have already been taken. But it should still serve as the basis for an eventual settlement of the conflict.

Our platform should promise to express at the highest levels to the Government of the United Kingdom our concern over the tragic situation in Northern Ireland calling upon the British Government to take the following steps consistent with the principles of nondiscrimination and justice:

First. The termination of the current policy of internment without trial and release of all persons detained.

Second. Full respect for the civil rights of all the people of Northern Ireland and the end of all political, social, economic, and religious discrimination.

Third. The prompt implementation of the reforms promised by the Government of the United Kingdom including those reforms in the fields of law enforcement, housing, employment, and voting rights.

Fourth. The establishment of law and order with justice leading to the withdrawal of all British forces from Northern Ireland.

In addition, the Governments of the Republic of Ireland and the United Kingdom should cooperate in creating appropriate forums for discussing the eventual unification of a united and independent Ireland with the rights of all citizens fully protected.

We must also seek appropriate use of the good offices and facilities of the United Nations to assist in the quest for peace in Northern Ireland.

VIII. MIDDLE EAST

The recent massacre at Lod Airport and the undisguised glee expressed over this bloody event in Cairo and Beirut demonstrates the continuing threat to Israel. At the same time, Soviet military and economic penetration in the Middle East continues unabated. The Iraqi takeover of the British Petroleum Co. and Moscow's eagerness to exploit this seizure highlights the danger to vital American interests in the Mediterranean and Persian Gulf areas.

The maintenance of a strong and secure Israel should be the cornerstone of American policy in the Middle East. Israel has proven its steadfastness, courage, and dedication to democracy. It deserves our continuing military, economic, and diplomatic support.

Our platform should pledge to continue our diplomatic efforts to bring Israel and the Arab States to the peace table where they must negotiate directly. Any result-

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ing peace treaty to be lasting must include agreement on secure and recognized boundaries.

We should oppose any revival of the administration's Rogers Plan of December 1969 and any efforts by outside parties to dictate the terms of any settlement.

In order to prevent a resumption of hostilities, we must maintain Israel's deterrent strength, providing it with the advanced planes and weapons essential to carry out this task. Israel must also have the appropriate economic supporting assistance to maintain the viability of its economy threatened by a crushing defense burden brought on by the Soviet Union's presence in the Middle East and its lavish military assistance to the Arab States.

The Democratic platform should also support a strong and credible U.S. defense posture in the Mediterranean Sea and in the Persian Gulf to deter Soviet aggression in the area.

We should oppose any efforts to divide Jerusalem and turn the clock back to former Arab misadministration of the Holy City. Under Israeli administration Jerusalem has been united and the holy places are now accessible to all faiths.

We should support the movement of the American Embassy from Tel Aviv to Israel's capital, Jerusalem. as well as our position that the Suez Canal and the Straits of Tiran are international waterways which must remain open to the shipping of all nations.

Large-scale assistance must also be provided to the Palestinian Arab refugees, along with U.S. cooperation in any international programs designed to facilitate their resettlement in Arab lands. The Arab States must begin to welcome Arab refugees in the same way that Israel resettled hundreds of thousands of Jews from the Arab countries.

We must urge the Soviet Union to permit the emigration of Jews from the Soviet Union and express the hope that the Soviet Union will grant exit permits to those who seek to go in Israel and that they will cease the harassment and intimidation to those who have applied for visas. Israel should receive our assistance to cover a portion of the costs of absorbing these new emigrants.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for an additional 6 minutes.

The PRESIDING OFFICER Without objection, it is so ordered.

EDUCATION IN THE 1970'S WILL BE A CRITICAL CHALLENGE TO AMERICA

Mr. RANDOLPH. Mr. President, on June 21 the National Education Association will sponsor a "Salute to Education" in Washington. This event comes, coincidentally, shortly after Congress has approved the most far-reaching education legislation in recent history. It also comes at a time when educators and laymen are suddenly questioning the old methods, discounting innovative experiments, and professing puzzlement about the educational system itself. We can agree, however, that the American educational system is the greatest movement in mass education of all time.

Statistics show that total pupil enrollment during the fall term of the 1971–72 school year totaled 46,168,540 in public elementary and secondary school systems. This figure represents only a slight increase of 0.6 percent over the previous school year, but it is evident that nearly one out of every four Americans was enrolled in public school systems last fall.

It is interesting to note, too, that the 17,218 school districts in the United States during the 1971–72 school year represent a decrease of 444 districts, or 2.5 percent of the total. The number of high school graduates was 2,733,156, a 2.4 percent increase over the previous year.

During the past school year, the number of classroom teachers increased 1.3 percent to a total of 2,089,623, and their average annual salaries rose 4.6 percent to $10,146.

To finance this colossal system of public education for our youngsters, Americans provided a total of $50,127,357,000, an increase of 5 percent over the previous school year.

Of the total revenue receipts, the Federal Government provided $3,305,707,000, the States raised $19,062,836,000, and $24,276,080,000 came from local, intermediate and other sources.

A renewed emphasis on adult education, community services and other programs operated by local school districts is evident in the 8.1 percent jump in expenditures for these programs. The total amount was $1,202,515,000 devoted to education on the local level outside the normal pupil enrollment.

Mr. President, I commend the National Education Association in its efforts to focus national attention on our schools. I hope that the "Salute to Education" will serve to revive the spirits and strengthen the faith of both teacher and taxpayer in our American system of elementary and secondary education. We will need this uplift, for the 1970's will be a time of critical challenge to America in the field of education.

A vital part of that challenge will be the development of comprehensive career education programs.

I believe that in a sense we have cheated our young people in the high schools of this country by not stressing the need for career education, for occupational education, for vocational education, for technical education. I feel that in these coming years we must give more attention at several levels of learning to our commitment to occupational education, so that young people are prepared to fill available jobs. Now too often they are unprepared for productive work at the close of their high school education.

A fundamental purpose of education is to prepare the young to live a productive and rewarding life. For far too many young Americans our schools are failing in this essential mission.

Nearly 2.5 million students leave the formal education system in this country each year without adequate preparation for a career. Only about one in six high school students is enrolled in occupational preparation. More persons are graduating from colleges with bachelor's degrees than there are jobs for degree holders. By the end of this decade, eight out of every 10 jobs available will not require a college degree. Yet today, three out of every 10 high school graduates are enrolled in college.

These statistics show where we are heading—obviously many thousands of our young people are being cheated by our educational system. It should be just as obvious that the mere attainment of a college diploma is no longer the "open sesame" to success.

A recent survey of parents in a large innercity school which revealed that 93 percent of the parents expected their children to go to a 4-year college. This, in spite of the fact that the actual college entrance record of the school's graduates was less than 6 percent. And almost 70 percent of the school's student body had a negative academic performance.

As a concerned member of the Senate Subcommittee on Education, I am gratified that the conference on S. 659, the education amendments of 1972, which recently passed by the Senate and the House of Representatives, places a greater emphasis on career education and vocational training. We are beginning to face the challenge of providing a more meaningful education for our young people.

The challenge is clear. Change is coming. If, as a recent President said, education is "the keystone and the arch of freedom and progress," then each of us has a special responsibility to this and future generations.

I am confident that the National Education Association will discharge its responsibilities as we move forward in the 1970's.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. RANDOLPH) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1973, FOR DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92-314)

A communication from the President of the United States, transmitting proposed amendments to the budget for the fiscal year 1973, in the amount of $140,000,000 in budget authority and a decrease of $20,000,000 in proposals not affecting budget authority for the Departments of Labor and Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1973, FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92-313)

A communication from the President of the United States, transmitting a proposed amendment to the budget for the fiscal year 1973, in the amount of $968,712,000 for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED OIL AND GAS INVESTMENT ACT OF 1972

A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the registration and regulation of oil and gas programs, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT OF OIL POLLUTION ACT, 1961

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, and for other purposes (with accompanying papers); to the Committee on Commerce.

PUBLICATION ENTITLED "SALES BY PRODUCERS OF NATURAL GAS TO INTERSTATE PIPELINE COMPANIES, 1970"

A letter from the chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1970" (with an accompanying document); to the Committee on Commerce.

REPORT RELATING TO EXTENSION AND FINANCING OF THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

A letter from the Secretary of Labor, reporting, pursuant to law, on recommendations with regard to extension and financing of the Emergency Unemployment Compensation Act; to the Committee on Finance.

REPORT ON SCIENTIFIC RESEARCH GRANTS

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on scientific research grants, for the calendar year 1971 (with accompanying report); to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED EXTENSION OF CERTAIN INSURANCE TO U.S. NATIONALS

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States Nationals employed by the Federal Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. RANDOLPH):

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautical and Space Sciencc:

"SENATE JOINT RESOLUTION No. 11

"Relative to space shuttle research and development facilities

"Whereas, There is an acute economic need to level out and avcid the sharp rises and pitfalls in sporadic aerospace employment; and

"Whereas, The initial development and manufacturing of the space shuttle is particularly sought to prevent an acute employment and economic slump, which will occur at the conclusion of the next six years unless corrective steps are taken now; and

"Whereas, Decisions are being taken now that will affect the long-term economic stability of California at the conclusion of this decade and through the remainder of this century; and

"Whereas, The skills developed in the manufacture of the space shuttle can best be utilized in the followup to the shuttle's manufacture; and

"Whereas, The space shuttle base site is anticipated to hire 19,000 employees which will contribute to the approximately 60,000 residents expected to be located at the base site; and

"Whereas, The income and expenditures associated with shuttle launch operations are now estimated to approximate from $2.5 billion to $4 billion per decade; and

"Whereas, The employees associated with the current Vandenberg and Edwards operations might be diminished and drawn elsewhere if a base site is selected for a location other than California; and

"Whereas, The launch operations currently conducted at Vandenberg contribute over $1 billion to the California economy each decade, and might otherwise be drawn elsewhere if California is not selected as a launch and landing site; and

"Whereas, The history of the space program during the past decade has indicated that the increasing size of the missile components has required manufacturing and employment to gravitate within a convenient geographic and logistics relationship with ultimate launch site, and

"Whereas, California has suffered a consistent decline in relative share of aerospace manufacturing, aerospace activity, aerospace employment; and

"Whereas, There are highly logical, scientifically warranted, technically justified, and economically sound reasons for locating the research, development, launch and landing site, as well as the long-term operational base site, in California; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the National Aeronautics and Space Administration to locate the initial space shuttle base site, as well as the research and development site for the space shuttle, in California; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Aeronautics and Space Administration."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION No. 3

"Relative to United States military medals

"Whereas, The Los Angeles County Council of the Veterans of Foreign Wars has requested the President of the United States to release a complete set of United States military medals, to be donated as a gift to the citizens of the City and County of Los Angeles for a permanent historical display in Patriotic Hall, located in the Los Angeles metropolitan area; and

"Whereas, The display of these United States military medals would be an inspiration to all the people of California and would make an outstanding contribution to the celebration of national holidays and patriotic events throughout the year; and

"Whereas, The donation of these medals would be particularly important in contributing to an understanding and appreciation of the tremendous sacrifices made by our veterans, both living and dead, who have served the American people in the highest tradition of gallantry and honor; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President of the United States to issue an executive order releasing a complete set of United States military medals, to be donated to the citizens of the City and County of Los Angeles and of the State of California and to be presented to the Commander of the Los Angeles County Council of the Veterans of Foreign Wars for use in a permanent historical display in Patriotic Hall in the County of Los Angeles; and be it further

"Resolved, That the Secretary of Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Army, to the Secretary of the Navy, to the Secretary of the Air Force, and to the Commandant of the United States Coast Guard."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 1

"Relative to grape tariff

"Whereas, The Trade Expansion Act of 1962 provides for a diminution of the tariff on imported table grapes; and

"Whereas, Such act establishes minimum protection during the California table grape harvest; and

"Whereas, Foreign imports during this calendar period are increasing rapidly; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That in order to recognize the growing importance of the California table grape industry to the United States economy and to prevent irreparable injury to that industry, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, the United States Department of State, *and the United States Tariff Commission* to adjust the tariff on grapes, other than hothouse grapes, which would provide the degree of protection for California table grapes warranted by these circumstances; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, *the United States Tariff Commission,* to the Speaker of

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the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the board of directors, South Louisiana Electric Cooperative Association, Houma, La., opposing certain advertisements relating to investor-owned light and power companies; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 632. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning (Rept. No. 92-869) (Together with minority and additional views).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2270. A bill for the relief of Magnus David Forrester (Rept. No. 92-870);

S. 2489. A bill for the relief of Judy A. Carbonell (Rept. No. 92-871);

S. 2575. A bill for the relief of William John West (Rept. No. 92-872);

S. 2591. A bill for the relief of Doctor Constante S. Avecilla (Rept. 92-873);

S. 2625. A bill for the relief of Giuseppe Paul Pinton (Rept. No. 92-874);

S. 2704. A bill for the relief of Rita Rosella Valleriani (Rept. No. 92-875);

S. 2822. A bill for the relief of Alberto Rodriguez (Rept. No. 92-876);

S. 2937. A bill for the relief of Slobodan Babic (Rept. No. 92-877);

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera (Rept. No. 92-878);

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips (Rept. No. 92-879);

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera (Rept. No. 92-880);

H.R. 4050. An act for the relief of Maria Manuela Amaral (Rept. No. 92-881);

H.R. 6201. An act for the relief of Lesley Earle Bryan (Rept. No. 92-882);

H.R. 6907. An act for the relief of Matyas Hunyadi (Rept. No. 92-883); and

H.R. 7641. An act for the relief of Chung Chi Lee (Rept. No. 92-884).

By Mr. EASTLAND (from the Committee on the Judiciary, with an amendment:

S. 465. A bill for the relief of Mrs. Hang Kiu Wah (Rept. No. 92-885);

S. 1950. A bill for the relief of Mrs. Josefita Esther Worley (Rept. No. 92-886); and

S. 2562. A bill for the relief of Guido Bellanca (Rept. No. 92-887).

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3722. A bill to provide for the establishment of a Foreign Service grievance procedure (Rept. No. 92-888).

By Mr. ROBERT C. BYRD (for Mr. LONG) from the Committee on Commerce, without amendment:

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936 (Rept. No. 92-889).

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs:

S. 3726. An original bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity to establish a Council on International Economic Policy, and for other purposes (Rept. No. 92-890) (together with additional views.)

Mr. MONDALE. Mr. President, from the Committee on Banking, Housing and Urban Affairs I report a bill, to extend and amend the Export Administration Act of 1969, to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, and request that the report, together with additional views be printed; and also request permission to deliver the copy to the Government Printing Office by midnight tonight.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE:

S. 3720. A bill for the relief of Josefina and Antonio Macias Garcia. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3721. A bill for the relief of Raffaele Colangelo. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3722. An original bill to provide for the establishment of a Foreign Service grievance procedure. Ordered to be placed on the calendar.

By Mr. COOK:

S. 3723. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA:

S. 3724. A bill to amend the Federal Hazardous Substances Act to require manufacturers of toxic substances to file certain information with the Secretary of Health, Education, and Welfare regarding such substances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 3725. A bill to amend the Small Business Act to authorize the Small Business Administration to make loans to small business concerns which are adversely affected as a result of certain international agreements. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs:

S. 3726. An original bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity to establish a Council on International Economic Policy, and for other purposes. Ordered to be placed on the calendar.

By Mr. SCOTT:

S.J. Res. 246. A joint resolution authorizing the President to proclaim the first Sunday in December as "National Fellowship Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COOK:

S. 3723. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

THE ENERGY CRISIS AS IT RELATES TO COAL

Mr. COOK. Mr. President, power, strength, vigor, and resolution are all synonymous with energy. I would like to add one word to that list and that being America. To the free world, America has always represented strength, power, and above all, energy. The source of this energy has been the abundance of natural resources which provided unlimited amounts of cheap fuel. We now face the realization that this fuel is not unlimited and with this realization comes the disagreeable fact that it is no longer cheap. The decision we as Americans face is very simple. Either we pay the price and find ways to develop and use our natural resources within the limits established by recent environmental legislation or we sacrifice a considerable portion of our way of life and our national strength and independence.

There is general acceptance that we do have an energy crisis. What concerns me is the "business as usual" way we are seeking the solution to this problem. There seems to be an attitude that we have almost unlimited time to find these solutions. Unfortunately this unlimited time is just as unlimited as our unlimited resources. The shortage of fuel is here with us today and unless the executive branch, the Congress, the scientific community, the ecologist, the producer of fuel, and the consumer band together to solve our problem, we very soon will be locked into fixed procedure and find our alternatives to be very limited.

To my way of thinking the problem is not a shortage of our natural resources but rather the finding of an acceptable method of using these available resources to meet our fuel requirements.

We all look to nuclear power as the panacea. I support these programs and I wish them well. However we are told by the most optimistic nuclear boosters that fossil fuel will still furnish 50 percent of our energy in the foreseeable future and certainly beyond the year 2000. When we consider that our energy requirements are forecast at three to four times our present requirement it is obvious that fossil fuel will be required in ever-increasing amounts. The Interior Department and the Federal Power Commission both agree that there is sufficient coal in our reserves to meet our fuel requirements for many years to come. In fact coal constitutes 73 percent of our recoverable fossil fuel. This fuel has always been the backbone of the energy producing industry. At a time when our fuel requirements are increasing and coal is attempting to meet this requirement the very use of coal as well as the coal industry itself is threatened. This threat arises from the increased restrictions Federal legislation is placing on the coal operator and consumer, making it most difficult to produce and use this valuable fuel.

I supported the Coal Mine Health and Safety Act of 1969. I had severe reservations then and I still have reservations concerning what I consider to be unrealistic restrictions on nongassy mines. Typical of the many letters I have been receiving from my State is the one from Mr. B. W. Whitfield which I ask unanimous consent to have printed in the RECORD.

There being no objection. the letter was ordered to be printed in the RECORD, as follows:

KENTUCKY-JELLICO COAL CO.,
Brookside, Ky., June 13, 1972.

Hon. MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have been in the coal business since 1923 and I have owned and operated mines in four counties of Kentucky; namely, Knox, Harlan, Bell and Letcher Counties. I have also owned and operated mines in Lee and Wise Counties, Virginia. I believe that I have been fairly successful in my business and I have a good safety record of which I am justly proud.

For many years I enjoyed my work as a coal operator and I have made many friends among my employees and with my fellow coal operators. I have mined over thirty million tons of coal in various operations and enjoyed every minute of it. However, since the enactment of the Federal Coal Mine Health and Safety Act of 1969, my career as a coal operator has been destroyed. I have been harassed by Federal inspectors, penalized and fined by assessment officers and I have seen my business decline until I can no longer operate at a profit.

I have sold all of my mining properties and my sons and I will no longer attempt to continue a business that was started by my father in 1890. If the Mine Safety Law had included exemptions that would have recognized the difference between a dangerous gassy mine and a non gassy mine we would have continued in business. However, this does not seem possible and so we are being forced out of business along with hundreds of other operators. On the other hand the tremendous increase in cost of producing coal which we estimate to be at least a billion dollars is an added burden that the public will have to bear.

We appreciate your efforts to help the coal industry. I hope you succeed—if not for our sake, perhaps to keep the coal industry alive for the benefit of future generations.

Sincerely,

B. W. WHITFIELD, Jr.

Mr. COOK. Mr. President, since 1890 this family has been mining coal in Kentucky. They have now sold their business. The letter states:

If the mine Safety Law had included exemptions that would have recognized the difference between a dangerous gassy mine and a non gassy mine we could have continued in business. However, this does not seem possible and so we are being forced out of business along with hundreds of other operators.

I question that this was the intent of the Congress when the Coal Mine Health and Safety bill was passed in 1969. To this end, in a letter, I ask unanimous consent to have printed in the RECORD, I have requested Senator WILLIAMS to hold oversight hearings on this legislation at the earliest practicable date. Now that the law has been in effect for 2 years, I believe a very worthwhile purpose could be served and hopefully some remedial action could be initiated. I do not advocate the weakening of the safety now afforded the miner but I do favor a commonsense approach to the safety requirements.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Labor Committee, New Senate Office Building, Washington, D.C.

DEAR PETE: Now that the Federal Coal Mine Health and Safety Act has been in effect for more than two (2) years, it has been brought to my attention in correspondence from coal operators and miners alike that there may be inequities in the law regarding coal mine safety which Congress should address.

In the last several years, Congress has considered numerous amendments to improvise title IV of the Coal Mine Health and Safety Act, the most recent being the Black Lung Benefits Act of 1972 (P.L. 92-303), to compensate miners having black lung disease. I have supported these attempts to broaden coverage for those who are disabled. However, we in Congress may have inadvertantly avoided assessing the safety related aspects of the Coal Mine Health and Safety Act since its passage.

Having dispensed with coal health legislation, I would recommend that the Senate Labor Subcommittee conduct oversight hearings to officially evaluate the safety provisions of the law. I am deeply concerned over the plight of the coal industry in this nation and am hopeful that a Congressional inquiry will not only resolve many questions which are of primary concern to those in the industry but will also offer suggestions to reconcile the problems of safety in our Nation's coal mines. I will be happy to discuss this matter with you at any time.

Sincerely,

MARLOW W. COOK,
U.S. Senator.

QUESTIONS TO STUDY

(1) Does the 1969 Act in fact perpetuate unsafe conditions because of inability to comply and are miners jeopardized because the safety regulations may be too stringent or ineffective?

(2) Do the injury fatality records lead one to conclude that the safety regulations adequately insure the safety of the miners so that they do not face death or serious injury while working in mining operations?

(3) Do the safety requirements work unnecessary financial hardships upon the operator by forcing the purchase and use of unnecessary equipment and does this lead to the eventual elimination of small mining operations?

(4) Do the safety regulations create a strain upon the environment by making surface mining more attractive than underground operations?

(5) By what means can the problems of complying with the safety regulations be minimized so that excessive fines do not unnecessarily force the shut-down of mining operations?

Mr. COOK. Mr. President, the Black Lung Benefits Act of 1972 passed recently by the Congress amending title IV of the Coal Mine Health and Safety Act of 1969 will correct many inequities. I recognize that many of the personnel now covered by this bill have in the past years suffered inequitable benefits. I applaud this new action. However, I am most concerned as to the effect of this bill on the operator, the Federal Government, and the individual. To this end I am introducing an amendment to title IV of this act which would create an Interdepartmental Commission composed of representatives from the Department of Health, Education, and Welfare, the Department of Labor, and the Department of the Interior. This Commission would be charged with the responsibility of assessing the cost and the effects of the Coal Mine Health and Safety Act, as amended, which would be imposed upon the various States, the coal industry, and, specifically, the small coal operators.

Many in the coal industry are fearful of the consequences that this legislation will have, not only upon themselves, but upon the economy as well. It is important that we acknowledge these apprehensions and explore this potential problem so that it cannot be said that Congress acted blindly.

With a cost projection in the neighborhood of nearly $3 billion, it is clear that the costs to the coal industry will be staggering, but at this time, it is impossible to ascertain its total liability under this new legislation. All of the figures, estimates, and projections are just what they imply—only estimates. We can only make offhand guesses. At this time no one knows for certain what the actual costs will be. However, there is considerable room for doubt in the present $3 billion estimate, particularly when one recognizes that the original cost estimate of the black lung program turned out to be 40 times below that which was actually incurred. If this situation applies to HEW's new estimates, can it be true that the $3 billion cost projection is, in reality, 40 times below what the actual cost will be?

Mr. President, the point is that the full financial impact on the national economy, and the effect on the consumer as reflected in the costs of goods and services has never been thoroughly considered. The 20 largest coal companies, employing half the work force, produce 55 percent of the annual tonnage from 350 mines. Forty-five percent of the annual tonnage is produced by the other half of the work force in the 5,200 small mines. Thus, a major portion of the cost of this legislation will fall on the small, independent coal producers who may not be able to afford insurance to cover the expected costs under this program. Moreover, the ability of all coal producers, large and small, to meet the present and future energy demands of the Nation may be seriously impaired. Also, the much-needed coal export market may be threatened. No one has assessed its impact on the balance of payments.

Very shortly we will be asked to consider surface mining legislation which will have a significant impact on the coal operator. I have always opposed uncontrolled strip mining as well as the stripping of land which cannot be reclaimed

I believe that the operator should reimburse the Nation for a portion of the value of the natural resource extracted from our Reserve and I introduced S. 3444 which would require a 4-percent severance tax to be paid by the operator on every ton of coal extracted. I have sent a letter to Senator LONG, the chairman of the Finance Committee requesting the scheduling of hearings on this bill at an early date and I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 19, 1972.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: On March 30, 1972 I introduced S. 3444, the Federal Coal Severance Tax and Revenue Sharing Act. This bill will assist the States in raising revenues

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by making more uniform the incidence and rate of tax imposed by States on the severance of coal.

In the statement I made on the floor of the Senate at introduction, I noted the benefits of this bill as several. More than ever am I convinced that a uniform tax of 4 percent is essential to place all companies and all coal producing states on an equal footing. Moreover, this bill will create an important incentive for state governments to enact their own severance taxes, which in turn will create new sources of income for many of our tax-starved states.

Certainly a measure which can provide over $140 million in new revenue is urgently needed at this time. I recommend, therefore, that the Senate Finance Committee judge the merits of this legislation by conducting hearings at the earliest possible date.

With kind regards,

Sincerely,

MARLOW W. COOK.

Mr. COOK. Mr. President, if all these proposals are successful the production of coal will increase. But production is just half the problem and we must solve the problems related to the emission of offensive oxides which occur during the combustion of coal having a high sulphur content.

There are two entirely separate problems which must be resolved; the first being the removal of offensive sulphur from coal prior to its use and the second being the provision of a suitable system to remove offensive oxides from the stack emissions resulting from the combustion of high sulphur coal.

The gasification of coal provides us with the best answer to this first approach. I am very pleased with the joint industry—Government—Bureau of Mines—effort underway to produce pipeline quality gas from coal. The willingness of industry to contribute $10,000,000 of their capital coupled with the $20,000,000 in Federal support argues well for the interest of both entities. This limited program along definite lines should permit the concentration of effort and hopefully produce acceptable results.

I am concerned about the paucity of effort to develop a process for the low B.t.u. gas combined with advance cycle turbine—steam powerplants can generate electrical energy in a most efficient and acceptable manner. For some time there was a small low B.t.u. program in the Environmental Protection Agency. As of fiscal year 1973 this effort has been transferred to the Bureau of Mines to capitalize on the knowledge gained from related gasification programs. There is $3,000,000 in the fiscal year 1973 budget for this purpose. I am informed that this amount would be ample if the effort is concentrated on a limited program which shows significant promise. While I do not assume to instruct the Interior Department, I have requested that they select a specific limited program as soon as possible and concentrate their effort in this area I ask unanimous consent that a copy of this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Hon. HOLLIS DOLE,
Assistant Secretary of the Interior,
Interior Building, Washington, D.C.

DEAR MR. DOLE: My concern for the adverse impact the shortage of energy is having on this nation is well-documented. Just recently, on the floor of the Senate, I defended rulemaking Procedure R441 proposed by the FPC to create an incentive for the producer to encourage him to increase his exploration efforts. This program will assist but will not solve the energy shortage problem.

As you have stated in your appearance before Senate Committees coal is the one fossil fuel which is capable of meeting our energy requirements. An inherent problem in using fuel is the excessive emission of sulphur oxides which result from the combustion of high sulfur coal. As my state of Kentucky is now the leading coal producer in the Union, I am most interested in pursuing the use of this valuable resource. One solution to this emission problem is the gasification of coal. It is to this solution I wish to solicit your comment and support.

The FY 73 budget includes funds to support a substantial gasification program to develop a process for the economical manufacture of high BTU gas. I am encouraged by the efforts in this regard and look forward to excellent results. A companion program makes available $3 million dollars for a low BTU program. I am under the impression that these funds are ample to support a program dedicated to a very limited number of specific projects. The recent transfer of this low BTU program from the Environmental Protection Agency to the Department of the Interior could cause a slippage in the overall program and I am sure that you are doing everything possible to prevent this unsatisfactory condition from occurring.

I have been briefed on programs designed to combine a low BTU gasifier with an advanced cycle generator which have been initiated by Westinghouse and United Aircraft. I am sure that there are others. While I refrain from supporting a specific proposal I do encourage the adoption of a specific course of action and urge that this course be pursued with all expediency to achieve a viable system in the shortest possible time.

To this end it would be most helpful to me to learn of your evaluation of the processes which have been presented to you as well as the program you have decided to support. I assure you that I will lend my voice to assist you in any way possible in your pursuit of a solution to this problem.

Sincerely,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, while the gasification of coal furnishes promise, there is the problem of lead time as well as the actual tonnage of coal which can be utilized by this process, and we are still faced with a requirement to burn high sulphur coal for fuel. The problem facing the powerplant operator who desires to burn this coal is that he does not have an effective commercially tested desulphurization system available for installation which meets the emission standards established by the EPA. Legislation has overtaken technology. Unless he is provided with a system by the scientific community he will no longer be able to burn coal. I have dispatched a letter to Dr. Edward E. David, Director of the Office of Science and Technology, requesting that a dynamic program be initiated to develop such a desulphurization system. I ask unanimous consent that this letter also be printed in the RECORD. To me, this problem is the single most important problem facing the energy industry today. We must find a solution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

DR. EDWARD E. DAVID,
Director, The White House,
Office of Science and Technology,
Washington, D.C.

DEAR DR. DAVID: I am greatly concerned that the nation's utilities may in the very near future be unable to meet the requirements for electrical power. This inability will be even more acute when these utilities are required to meet stack emission standards established by the Environmental Protection Agency for 1975.

Coal is recognized as the backbone of the fossil fuel reserve of this nation and constitutes 73% of the total recoverable fuel. There is sufficient coal to meet our needs, however regulation has outrun research and in order to meet the emission standards industry is forced to import residual fuel oil. The facts are that the equipment is not commercially available to remove offensive oxides from stack gas where other than low sulfur coal is used as fuel.

If we continue at the present pace the results are inevitable. We will be dependent on imported fuel. At a time when we are very much concerned over trade deficits we will be importing billions of dollars in oil at a billion dollar loss to the coal industry.

We must find a way to use our natural resources. I recognize that the gasification of coal will provide a patrial solution by 1980. However it is imperative that this nation develop a stack gas desulfurization system within the next twelve months if we are to remain a nation capable of meeting its energy requirements from domestic resources.

I urge that an intensive accelerated program be initiated immediately to meet this requirement

Sincerely,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, there is of course an alternate solution to the energy problem and that being the ever increasing importation of residual oil. I find this unacceptable for several reasons.

First, we would sacrifice our independence and become dependent on foreign powers for our energy. To an unacceptable degree I question if we can afford to do this.

Second, in a period when we are concerned for our balance of payments we would be importing billions of dollars in residual oil with no offsetting export.

Third, we would be crippling our billion dollar domestic coal industry.

Mr. President, I realize that there are other facets of this problem to be addressed. My purpose has been to address the energy crisis as it relates to coal. I believe that we have some excellent programs and that we are making progress but I urge each Member of the Congress to study this problem carefully and lend his support.

I do not desire to alarm this body or the Nation but I believe that the time has come to face the facts and to take action. As the famous Hebrew scholar Hillel said some 2000 years ago:

If not us, who. If not now, when?

By Mr. MONTOYA:

S. 3724. A bill to amend the Federal Hazardous Substances Act to require manufacturers of toxic substances to file certain information with the Secretary of Health, Education, and Welfare regarding such substances, and for other purposes. Referred to the Committee on Commerce.

POISONOUS SUBSTANCES REGISTRATION ACT OF 1972

Mr. MONTOYA. Mr. President, today the Nation is virtually being inundated by a flood of new commercial products emerging from industry's laboratories. As new combinations of ingredients are put together, they are packaged and promoted with a fine disregard for consequences involved insofar as health and well-being of the eventual consumer are concerned.

More often than not, a manufacturer is determined to enter the marketplace with that product, come what may. As a result, even a cursory perusal of packaging periodicals reveals a bewildering procession of spanking new items, complete with glittering packages and noisy promises of performance.

An increasing number of such items contain very hazardous ingredients. In the past year and a half, I have been intimately involved in seeking strict enforcement of the Poison Prevention Packaging Act. This measure calls for childproof safety packaging for any product containing dangerous substances.

In the course of my efforts, it has been discovered that literally thousands of products are sold across Amreica without anyone outside of the actual manufacturer knowing their composition fully.

It is quite possible, as of today, for any given producer with laboratory and manufacturing facilities, to create a product, test-market, produce, and sell it everywhere in the United States—all without revealing what it contains.

An unsuspecting public, attracted by packaging and enticed by clever advertising, purchases the item, bringing it into millions of homes without knowing what the consequences will be if it is ingested.

It is in the interest of the entire consuming public that such products and their composition be made known to some central agency of Government before any more such combinations are placed on sale in the Nation's marketplace. The public today is completely unprotected.

Such knowledge is available to the U.S. Government only on a purely voluntary basis. If any manufacturer decides to register his product with an appropriate Federal agency, it is only done as an afterthought.

In the course of my Poison Prevention Packaging Act work of the past 18 months, it was fairly common to encounter instances of child poisonings by new products. In the case of Clorox II, a child ingested some and immediately became very ill.

Her parents had the presence of mind to rush her to Walter Reed Hospital in a matter of minutes.

The Food and Drug Administration has tried to set up a series of poison control centers which would be able to respond to such happenings with product ingredient information. In this case, according to the report on the case, the Walter Reed poison control center did not have the product listed at all. Hence, no knowledge was immediately available on the product's makeup and of course no projection could be made by physicians in attendance as to reactions going on inside the child.

Hence, they could not proceed with treatment, even though she was right there in one of the most sophisticated medical facilities in the world. We already know labeling of all contents is still a question that is in question insofar as consumer protection is concerned.

The physician at the Medical Center made an emergency call to the Clorox Co., yet it was almost 3 hours before he finally received the information required. It seems, to quote the child's mother, that "everyone who knew anything about Clorox II was out to lunch."

Our conclusions are obvious. The child could have easily died while both doctors and parents stood by helplessly. This situation is compounded daily around the Nation. In the case we are considering today, the child was extremely lucky immediate action was not required.

My bill, the Poisonous Substances Act of 1972, is very simple and amply fills this need. It simply states that whenever a manufacturer is about to place a commercial product on the market, he must register its contents with an appropriate Federal agency if that product contains toxic ingredients. This would be required even before he test-markets the product.

Further, he must also indicate the level of toxicity of such ingredients, and the appropriate antidote. This would have the effect of insuring that whenever there is a poisoning, an attending physician will be able to contact a central directory in Washington to ascertain what exactly was in the substance ingested by his patient.

Once this rule was instituted, it would be a simple matter to notify each physician, hospital, and clinic of the existence of the central data source, which in turn could operate in tandem with the existing network of poison control centers.

As offered, the measure calls for registration of toxic ingredients in any product with the Secretary of Health, Education, and Welfare. No test marketing or sale of any new product could be undertaken without such toxic substances registration. No damage would be sustained by industry as a result of this measure. No public revelation of industry secrets is sought. Only registration of toxic substances in any given product.

Once the rule is instituted, manufacturers of products not registered and already being marketed would have 90 days in which to register appropriate information with government.

Presently, any manufacturer goes through a series of elementary processes before marketing any new item. Now, he would simply have to insure that his scientific personnel notified the appropriate Federal agency of potential hazard posed by a given ingredient.

No major new cost would be incurred by industry. Nor would the Federal Government incur any major additional expense. A central card file available yearround to medical personnel is all that would be needed.

Here is the simplest, most effective way of plugging a gaping loophole in clementary consumer protection laws. Passage of this measure in tandem with or as part of an excellent consumer protection measure shortly to be offered by the distinguished Senator from the State of Washington (Mr. MAGNUSON) would be very much in order.

I offer this measure at this time.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 632

At the request of Mr. JACKSON, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 632, the Land and Water Resources Planning Act of 1971.

S. 3530

At the request of Mr. BEALL, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 3530, a bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.

S. 3604

At the request of Mr. BROCK, the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. TAFT), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3604, to provide for the establishment of safety standards for mobile homes in interstate commerce.

S. 3613

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 3613, to amend title 38, United States Code, so as to make presumption relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Iowa (Mr. HUGHES), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

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SENATE CONCURRENT RESOLUTION 85—SUBMISSION OF CONCURRENT RESOLUTION RELATING TO NEGOTIATIONS TO PREVENT ACTS OF TERRORISM AT INTERNATIONAL AIRPORTS

(Referred to the Committee on Foreign Relations.)

Mr. PERCY. Mr. President, on May 30 there was another brutal act of airline terrorism. Three fanatics coldly and calmly murdered 26 people, 16 of them American citizens, at Lod International Airport in Tel Aviv. The never-ceasing campaign to destroy the State of Israel took the lives of innocent passengers of international aviation. No claim that this was a political act in the continuing war against the State of Israel can hide the ugly fact that what occurred was the murder of innocents.

Civilized people everywhere were shocked by this outrage, but shock should not prevent us from promptly moving to seek new and more effective ways to cope with the growing menace of terrorism—particularly in the area of international civil aviation. The United States has consistently taken the lead in this area and must do so again. It is to this purpose that I am introducing a resolution which calls upon the President to undertake negotiations with the governments of all countries in which international commercial airports are located, with a view to achieving an international agreement designed to prevent such terrorist acts as took place at Lod Airport.

Terrorism in or around airports and directed at their related facilities such as ticket offices and downtown terminals has occurred before. On November 27, 1969, terrorists struck at the ticket office of El Al International Airlines in Athens, Greece, wounding 15 people. On February 10, 1970, a group of terrorists struck at the international airport in Munich, killing one person and wounding or maiming 11 others.

International society simply cannot allow itself to remain defenseless against criminals who seem bound and determined to use every available opportunity to commit their outrageous acts at crowded airports. One can only sadly agree with the observation of Prime Minister Golda Meir after the tragedy at Tel Aviv when she pointed out that it takes a special kind of coward to hire gunmen to murder defenseless men, women, and children.

The resolution I present today cannot, of course, cure the spiritual and psychological sicknesses of those who sponsor or commit such criminal acts as at Lod Airport, but it can serve to focus world public opinion on this problem and lead to strong and effective international arrangements which could diminish the likelihood of such acts.

The resolution does deal with specific problems and issues and seeks concerted international action to cover those areas that are not currently covered by existing international treaties.

It recognizes that airport terrorism is an international problem that must be dealt with by the international community. In the Lod case, the murderers were Japanese, the airline that carried them was French, the airport where they boarded the plane that took them to Tel Aviv—and where internationally agreed upon security procedures were not carried out—was in Italy, and the men behind this tragedy were Palestinian with their headquarters in Lebanon.

Although Israel has been the primary target of such terrorism, similar acts could strike with equal ferocity at travelers of any nation, on any airline, in any airport, in any country. The resolution recognizes this and calls for an international effort at the governmental level as well as through international organizations.

The resolution fills a gap not currently covered by either the Hague Convention or the recently negotiated Montreal Convention. Both of these very useful and desirable conventions focus primarily on the aircraft itself. Neither would cover the murder and destruction that took place inside the Lod Terminal. Neither would have covered the incidents in Athens or Munich. This resolution specifically calls for a treaty that would cover airports and related facilities such as terminals, airline ground transportation, storage facilities, ticket offices, and downtown passenger terminals. It will not be easy to negotiate such coverage, seeking common definitions, in sum, dealing with the problem of reaching an agreement that would cover areas and events normally considered to be the sovereign responsibility of the state in which they are located. However, the President has directed the successful negotiation of even more complex issues such as were involved in the strategic arms limitations talks, and our negotiators are second to none in skill and determination.

This resolution encourages action which, through existing international organizations, would strengthen the implementation of treaties and agreements already in force. Obviously the diligent implementation of airport, aircraft, and passenger security measures is a case in point.

Most importantly this resolution calls for an agreement containing a number of specific mandatory actions to be taken in the event an act of airport terrorism occurs. It provides that any agreement should require mandatory classification of acts of airport terrorism as common crimes, not political acts, and therefore not excludable from the list of extraditable offenses.

It has been made quite clear that it would take only a few fanatics to commit such an act, an act which they would no doubt seek to justify as a political act committed against a state or group against whom the terrorists have a grievance. The world abounds in highly emotional issues, which have been used to justify as political acts the most vicious examples of common criminality. Terrorism of various kinds has been directed against innocent third parties in numerous countries and there is no reason to suspect that such criminality will cease unless strong measures are taken to curb it and insure that the criminals who commit such acts will find no refuge or sanctuary anywhere. Equally important the resolution calls for the mandatory apprehension and extradition of such persons alleged to have committed acts of airport terrorism. In such cases where national law makes extradition impossible, it commits the signatory state to try such person under the appropriate law of that jurisdiction in which he has been apprehended. These provisions are clearly designed to cope with a situation that could arise if terrorists were not apprehended by local authorities, as in the case of Lod, but managed to escape and sought the protection of the laws of another state or of refuge within its borders.

International conventions must, after being successfully negotiated, be signed and ratified by a large number of states before they become truly effective. I have no illusions that certain states will refuse to sign a convention dealing with airport terrorism or even participate in its negotiation. This, however, should not deter us from seeking such an agreement. Attention must be focused on this problem. Pressure must be exerted upon states to act in concert and exercise the responsibilities that we all share as members of an international and civilized society. Let those who refuse to exercise this responsibility be exposed and be forced to justify their refusal in the full glare of world public opinion.

I call upon this Chamber and our colleagues in the House of Representatives to act on this resolution so that progress can be made to stop the threat of violence from disrupting international civil aviation.

The concurrent resolution reads as follows:

SENATE CONCURRENT RESOLUTION 85

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should, at the earliest practicable date, undertake negotiations with the governments of all other countries in which international commercial airports are located with a view to achieving an agreement among all such countries and the United States for the initation and carrying out of such actions as may be necessary and appropriate to protect against or prevent the commission of acts of violence or terrorism at international airports which are related to international civil aviation.

SEC. 2. It is further declared to be the sense of the Congress that the President should, through official representatives of the United States, present to appropriate international organizations for consideration the matter of acts of violence or terrorism at international airports which are related to international civil aviation, including consideration of appropriate actions to protect against or prevent such acts.

SEC. 3. It is further declared to be the sense of the Congress that any agreement or other arrangement entered into by the United States and other countries pertaining to acts of violence or terrorism committed at international airports and related to international civil aviation should include provisions requiring all parties to any such agreement or arrangement to—

(1) consider such acts as extraditable offenses, but provide that, in any case where extradition is not possible that the trial be conducted in the country in which the person or persons alleged to have committed such acts are apprehended;

(2) provide for the immediate apprehension and extradition of persons alleged to have committed such acts to the country in which such acts were committed; and

(3) afford certain safeguards to insure that any person accused of committing such acts will receive a fair trial.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1244 THROUGH 1248

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY, for himself and Mr. TOWER, submitted five amendments intended to be proposed by them jointly to the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

AMENDMENTS NOS. 1249 THROUGH 1253

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted five amendments intended to be proposed by him to the bill (S. 3617), supra.

AMENDMENT NO. 1254

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK, for himself, Mr. BEALL, and Mr. TAFT, submitted an amendment intended to be proposed by them jointly to the bill (S. 3617), supra.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1255

(Ordered to be printed and to lie on the table.)

Mr. COOPER submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 364

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Washington (Mr. JACKSON) be added as a cosponsor of amendment No. 364, intended to be proposed to the bill S. 1684, the Powerplant Siting Act of 1971.

Amendment No. 364 is a proposal to establish a Federal power research and development program, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON CORPORATE SECRECY: INDUSTRIAL AND NATURAL RESOURCES OWNERSHIP AND CONTROL

Mr. NELSON. Mr. President, I announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on the role of giant corporations in the American and world economies on Wednesday, June 28, 1972, at 10 a.m. in room 318, Senate Office Building. The session will open part 4 of the hearings. This part will be entitled "Corporate Secrecy: Industrial and Natural Resources Ownership and Control."

The witnesses will be:

Hon. LEE METCALF, U.S. Senator from Montana.

Mr. Richard Ney, Richard Ney & Associates, investment counselors, 10708 Stradella Court, Bel-Air, Los Angeles, Calif. 90024.

In opening the corporate secrecy phase of the hearings on corporate giantism, we identified seven aspects of corporate secrecy which we wished to explore as fully as possible. These were the withholding by corporate giants of valuable information about—first, the separate organizational, industrial, and geographical segments of the business, and the interrelationships of the segments; second, industrial and natural resources ownership and control; third, product quality and performance characteristics; fourth, new discoveries and the processes by which decisions are made to market or withhold from the market new products and techniques; fifth, Government procurement and Government contracts; sixth, environmental impacts; and seventh, employment policies and working conditions.

It would seem unreasonable to assume that the larger and more powerful a corporation is, the more it should be required to and should expect to live in a goldfish bowl, subject to careful public scrutiny. Unfortunately, the exact opposite is the case. The larger and more powerful a company is, the more lives it affects, the less we know about it. These hearings will continue to try to improve and eventually reverse the existing situation, which is gravely dangerous to the free enterprise system itself.

The witnesses at the next session of the hearings are qualified to discuss all of these aspects of corporate secrecy, but we expect their testimony to center chiefly on the second: The secrecy that conceals from the public vital economic information on industrial and natural resources ownership and control. Senator METCALF, with Vic Reinemer, has written "Overcharge: How Electric Utilities Exploit and Mislead the Public, and What You Can Do About It." Mr. Ney is the author of the best-selling, "The Wall Street Jungle," described as a "survival kit for investors."

Senator METCALF and Mr. Reinemer have recently published two articles in the Nation, dealing with the secrecy that surrounds the identities of the principal controlling stockholders of giant corporations. Because of their great relevance to the forthcoming hearing, at which the Senator from Montana will testify, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE NOMINEE LIST: UNMASKING CORPORATE OWNERSHIP

(By Senator LEE METCALF and Vic Reinemer)

WASHINGTON.—Aftco, Byeco, Cadco, Cepco, Ninco. A space age counting system? No. Those are "front" names used by American corporations to hide their identity. The names above—and thirteen others, when translated from the Corporate Code—identify financial interests of the Prudential Insurance Company of America.

Use of multiple pseudonyms is common corporate practice today. The biggest name-dropper is the Bank of America. It uses 111 front names—which the securities trade calls "street names," "straws" or "nominees"—to hide its identity in financial affairs.

Occasionally the name of the nominee offers a clue to the identity of the owner or trustee. The University of Pennsylvania proudly lists its investments under Franklin & Co. The Wisconsin Alumni Research Foundation uses the acronym Warf & Co. St. Mary's Convent at Notre Dame handles the Foreign Mission Fund of the Sisters of the Holy Cross through the Annunciata, Angela, Augusta or Pauline companies.

Usually, though, the name of the nominee affords no clue. The *Nominee List*, a publication closely held by the American Society of Corporate Secretaries at 9 Rockefeller Plaza, New York, runs the alphabet from AAB and Co., which is the Virginia National Bank in Norfolk, to Zyzco, which is also the Virginia National Bank, but its Bristol branch. Mellows & Co. is Bankers Trust at 9 Queen Victoria St., London. Fixfund, Funfund and Pride are among the Bank of California's fifty nominees. (Senator Metcalf inserted the *Nominee List* into the *Congressional Record* of June 24, Part II.)

Attentive Lockheed watchers may know that Kane & Co. and Cudd & Co. translate into a few of Chase Manhattan Bank's accounts. But there are pitfalls to trap the unwary. Davidson & Co. is the nominee for First National Bank of Boston, Manufacturers Hanover Trust in London and also the Farmers Bank of the State of Delaware. D. A. Davidson & Co., which is a Montana investment firm, chose as its pseudonym dear old Dad & Co.

The tail-wagging watchdogs on regulatory commissions often don't even know whom they are supposed to be regulating. Commissions ask corporations to identify their principal stockholders. The reporting requirement varies. The Federal Power Commission, for example, asks electric power and gas pipeline companies to name the ten principal security holders. The Interstate Commerce Commission asks for the top thirty. Whatever the requirement, the response is usually meaningless, because the companies habitually list nominees rather than beneficial owners. The Commissions simply let the companies get by without furnishing the basic information on corporate ownership and control. Commissions aren't interested in this subject and their staffs have neither the time nor the temerity to pursue the question.

About three weeks ago we walked down Capitol Hill to the Securities and Exchange Commission. The new commission headquarters looks out over quiet, cavernous Union Station, so it was appropriate that we inquire of the SEC regarding the ownership of the companies which formerly provided the American public with railroad passenger service. We already knew that conglomerates—Rio Grande Industries, Northwest Industries, Kansas City Industries and the like—had added major railroads to their investment portfolios and had undisputed control of the railroads. What we sought to determine from the SEC records was the ownership of the third generation in the corporate family tree—the grandfathers who through holding companies control the railroads and thousands of other companies.

We were well received and guided through requested files by an experienced staff attorney. But neither he nor we could find the answer to the big question. Companies sometimes disregarded the SEC's question on corporate ownership. In other instances "Kane & Co." and the other street names hid the

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beneficial owner. We learned that a lot of railroad holding companies have moved into executive stock options in a big way, now that they have escaped what little regulation of options they formerly were subject to at the ICC. We learned all about the cost and number of railroad ties and cabooses. But we couldn't find out who owned the companies.

Like other regulators and trust busters in Washington, our able guide was unaware of the *Nominee List* and its potential usefulness in breaking the Corporate Code. Had he known of it he might not have been able to get a copy. The publisher doesn't push it. Last spring a Tucson attorney, Stuart Herzog, tried to obtain a copy. He represents consumers in the Tucson Gas and Electric rate case and wanted to discover whether large industrial customers of the utility, who enjoy much lower rates than his clients, owned part of the company. The American Society of Corporate Secretaries told him distribution of the list was limited to the membership. The managing editor of a string of suburban Washington newspapers, W. J. Elvin III, received a similar response this summer. He then asked for the membership list to which the *Nominee List* is sent. No, he was told, the membership list is circulated only to the members.

Knowledge of corporate ownership, possessed by neither government nor the public, is basic to law enforcement. The Attorney General and regulatory commissions need the information to enforce antitrust law. The Federal Trade Commission, which is contemplating some ground rules for truth-in-ecology ads (and needs some encouragement and support in this effort), needs to compare the pollution in Florida by Rayonier with the ads of its parent, ITT. Congress, if serious about the expressed concern of some members and committees regarding the energy crisis, needs current data on the acquisition by oil companies of coal companies, uranium companies, mineral leases and options on rights to water in federal reservoirs.

And Congress needs to know the relationship—through both ownership and interlocks—between those oil companies and what we perhaps improperly term the railroad conglomerates, such as the Union Pacific Corporation and Burlington Northern. They are primarily land and mineral companies, now free at last of the bothersome business of transporting the public and able to devote all energy to making the maximum profit from natural resources and real estate. Glancing at the back of one SEC file, we saw that a subsidiary of Union Pacific Corporation and a subsidiary of Eastern Gas & Fuel Associates have just created Rocky Mountain Associated Coal Corporation. It purchased the Reliance Coal Mine, a strip mine in Wyoming, and plans considerable coal development.

Knowledge of corporate ownership is also critically important to achieve the fundamental objective, generally agreed upon, of changing policy by working within the system. Public policy is determined by the private as well as the public sector. The two methods relevant here by which private corporations determine public policy are through withholding information and through cumbersome administrative procedures which exclude reformers and protect and perpetuate corporate owners and managers.

Consider the procedures for an annual stockholders' meeting. The agenda and the candidates are determined well in advance by the corporate management. Great effort and considerable expense, months prior to the meeting, are required to obtain consideration of the most modest proposals that have not been offered by management. If the attempt to get on the ballot is successful, identification of the voting stockholders and timely communication with them is difficult or impossible. At the meeting, company management counts the proxies it has received from Kane, Cudd, Cede* and all those other nebulous nominees, casts them for its candidates and proposals, winning in a 99 per cent landslide vote.

The overwhelming vote for itself is then publicly construed by the corporation as a ringing endorsement of its past activities and a mandate to continue doing whatever it decides to do. "Your management is most grateful for the Shareowners' continued evidence of support. [Shareowners and Stockholders are capitalized to make them feel wanted.] The thirteen incumbent directors were re-elected and independent auditors for 1971 were approved."

We quote above from Virginia Electric and Power's June 20, 1971 report to Shareowners (again with a capital S), but the procedures and results are typical. The directors, of course, had no opposition; nor did the "independent auditors" who were designated by the board of directors and simply ratified by proxies. *The corporate election process in America today is as rigged as elections are in the Soviet Union, the outcome as predictable, and the accompanying propaganda as self-serving.*

That is one reason why the sons and daughters of corporate executives turn away from Westchester, preferring to leave the Establishment, perhaps to become part of the tremendously important effort to inject democracy into the totalitarian corporation state.

Ralph Nader's Washington-based Center for the Study of Responsive Law and Public Interest Research Group, along with the Project for Corporate Responsibility—which spearheaded efforts to change General Motors from within—have led the way. But there are similar cadres within environmental groups and universities. In the latter case the work is usually done by students or young faculty members who have chosen not to grab for the ring that pulls hundreds of professors into consultancies for industry and corporate directorships, from which they contribute to the problem rather than its solution.

It has been more than thirty years since the last detailed study was made of economic and financial concentration. That study was undertaken by the TNEC—the Temporary National Economic Committee headed by the late Sen. Joseph C. O'Mahoney (D., Wyo.). By 1968, the 200 largest manufacturing corporations controlled a share of assets equal to that held by the top 1,000 corporations when the TNEC made its final report in 1941.

The Federal Trade Commission reported two years ago that the top 200 industrial corporations control more than 60 per cent of the total assets held by all manufacturing corporations. Insurance, oil, real estate, banking, utilities and industrial giants are tightly interlocked, through directors, banks and stock ownership. Control or mere influence on public policy slip further and further away from both the public and its elected representatives, while the decision makers of the corporate state think up new names to hide behind. That is why it is time for the Senate to institute a special committee to investigate economic and financial concentrations, as proposed in Senate Joint Resolution 113, now before the Senate Judiciary Committee. Change from within the system depends upon revelations of facts on ownership and control which the public has a right to know. Armed with that information we can proceed to reshape our institutions so that they will be responsive to the needs of our times.

*Cede & Company is a nominee partnership composed solely of employees of Stock Clearing Corporation, a wholly owned subsidiary of the New York Stock Exchange. It engages in no business whatsoever and acts merely as the registered holder of securities deposited by members of the Exchange. Yet Cede & Co., Box 20, Bowling Green Station, New York, is a principal—sometimes the largest—security holder in major airlines, utilities and other corporations, according to companies' reports to regulators.

"Privileged and Confidential": Who Owns the Private Governments?

(By Senator Lee Metcalf and Vic Reinemer)

Sen. James Couzens of Michigan used to say that whoever held 2 or 3 per cent of the stock of a corporation could usually get "the majority to do the wishes of the minority." He spoke from experience half a century ago as president of the Bank of Detroit and a director of Detroit Trust. Rep. Wright Patman's House Banking Subcommittee on Domestic Finance considers 5 per cent significant when judging the potential influence that a bank trust department's stockholding may have on a particular corporation, but emphasizes that "even 1 or 2 per cent of stock in a publicly held corporation can gain tremendous influence over a company's policies and operations." Because common stock is widely held, an institution with only a small percentage may nevertheless be the biggest stockholder. Control can be exercised through interlocking directorates or credit policy. The most fundamental control is through voting of stock, thereby selecting the corporations' leadership and setting the general policy, as in a government election.

The American public knows a great deal about the voting constituencies of New Hampshire, Florida, Wisconsin, Maryland and other states where Presidential primaries have been held. The voters in these states have been canvassed, analyzed, photographed, interviewed, and polled. In contrast, no one knows much about who votes stock in the superstates—the major corporations whose wealth and power rival that of national governments—except the people who vote it. They don't brag publicly about the number of proxies they cast. They don't volunteer much hard information and not much is dug out by others. In fact, no one has even publicly identified the voters in the multi-billion-dollar corporations whose decisions dwarf, in political, economic, environmental and social consequence, actions taken by individual states or even the Congress.

The men who cast the ballots in the superstates can check on you. They determine your financial situation from a retail credit data bank, your medical condition from an insurance industry computer. But you can't check on them. And neither their tail-wagging regulators nor the leaderless little antitrust division of the Justice Department can give you a list of the key voters in Corporation X. The $126 million Justice Department-FBI edifice going up on Pennsylvania Avenue is destined to house the records of millions of individuals, but not of Fortune's 500 corporations.

There are enough data available to show that the list of key voters in major companies is not very long, and that some of them cast millions of votes in many constituencies. One source is the Securities and Exchange Commission Institutional Investors' Study Report, which the House Committee on Interstate and Foreign Commerce printed last year as House Document 92-64.

Part Five of the study analyzed concentration of stockholdings of the 230 largest institutional investors—bank trust departments, investment houses, insurance companies, employee benefit plans, educational endowments and foundations. They hold about three-fourths of all corporate share holdings. The companies in which stock is held—the 800 companies listed with the New York and American Stock Exchanges or traded exclusively over the counter—are named in the study, although their institutional investors are not.

The tables in the SEC report show the number of institutional investors which hold and vote various percenatges of stock in each company. In some cases the institutional investors have only partial voting rights, but in many instances they have exclusive voting rights—and enough of them to get "the majority to do the wishes of the minority;" as Senator Couzens put it, with plenty of proxies to spare.

Proctor & Gamble has an institutional investor who can cast at least 10 percent of the votes. So do Gulf Oil, Ford and Northwest Industries. The big boy behind Sears Roebuck has at least 20 percent. Some of these big blocks are employee benefit funds, and it is pertinent here to say that banks have sole voting rights in 81.5 percent of the 11,087 such funds surveyed by the Patman subcommittee.

From one to three institutional investors have sole voting rights for at least 10 percent of the stock in more than one-fourth of the companies in the SEC study that have a stock market value exceeding $15 million. This category includes another oil company, Standard of Indiana, and an auto company, Chrysler. It includes six airlines—Eastern, Twa, United, National, Delta and Northwest, plus Boeing. There are Holiday Inns and Hilton Hotels, Upjohn, Parke Davis and A. H. Robins, Aetna Life and Casualty, Hartford Fire Insurance, Connecticut General Insurance and Farmers New World Life, Collins Radio and Lafayette Radio, Benrus Watch and General Time, Fairchild Camera and Polaroid, Avon Products and Revlon, Control Data Corporation and Sperry Rand, Celanese, and Syntex, Xerox, Textron, Sunbeam, International Paper, Reynolds Tobacco, Loew's Theatres, National Steel, Freeport Sulphur, Colt Industries, Hercules, Grand Union and Ideal Toy, among many others.

The SEC study documents the concentration of economic power, at a level above that of company officials, but it doesn't show where the power lies. Nor does it show how many companies are subjected to control by one institutional investor. That information is basic to achieving law and order in the antitrust field, especially if one or two of these unknown voters dominate an industry, such as the commercial airlines.

There is not much point in telling people to work for change "within the system" if they can't find out who the system is. So we asked the SEC to send over the names of the thirty top stockholders of major corporations. Chairman Casey of SEC responded that the information was not required to be filed with the Commission and did not volunteer to try to obtain it. We therefore used the direct approach, and put the query to the presidents of the nine largest industrial corporations of America. Three of them are oil companies—Standard of New Jersey, Texaco and Mobil—and three are car manufacturers—General Motors, Ford and Chrysler. The others are IBM, General Electric and ITT.

Texaco replied that the stockholders information was "privileged and confidential." GM said that "it is our policy not to disclose specific information concerning individual stockholders, as such individuals or organizations may regard their holdings as a matter that is private to them."

Standard of New Jersey used the "third party" excuse: "We regard the relationship between the Company and the shareholder as a private one, somewhat like that between a bank and its depositors, and, in the absence of some legal requirements, would not wish to be guilty of disclosing a shareholder's private affairs for the purposes of third parties. Normally, of course, third party inquiries arise out of marital difficulties, creditors' claims, or just plain curiosity of, say, a relative or a newspaper columnist."

IBM doesn't even trust the second party, the stockholders, with such basic information about themselves: "The By-laws of our corporation restrict the availability of this type of information even to our own stockholders."

ITT neglected to respond until a follow-up letter was sent along with the other responses, after they appeared in the April 25th *Congressional Record*. But ITT had been busy, and the first letter may even have been shredded. In declining to divulge, ITT said: "I am sure you understand that in view of their confidentiality, it would represent a breach of our fiduciary responsibility to stockholders if we were to disclose their shareholdings without their consent, unless of course it were pursuant to a statutory or legal requirement."

But the other four companies, to their credit, supplied the requested information. True, some of the ownership was hidden behind street names or nominees—those phantom companies that are nothing more than post office boxes of the banks and other institutions which use the dummies to hide their concentrated power. But it is possible to find who the nominee fronts are by using the Nominee List, published and at last publicly available from the American Society of Corporate Secretaries in New York.

The data reported by the four companies showed that banks dominate the top stockholders and that the New York Stock Exchange itself, operating under the nominee "Cede and Company," is a significant stockholder. The thirty top stockholders in Chrysler hold 41 per cent of its common stock. The banks included in the top thirty and the Exchange account for 39 per cent of Chrysler's total stock. Ford's top thirty hold 35 per cent of the total common stock, with the banks and Exchange accounting for 33 per cent. Comparable figures for GE are 21 per cent and 19.6 per cent, and for Mobil 28 and 26 per cent.

While we did not ask and do not know precisely how much of this stock is subject to complete voting control by the stockholder, studies by the House Banking and Currency Committee show that most of the stock held by banks is voted by them. Members of the New York Stock Exchange can vote its "Cede and Company" holdings under certain conditions.

The "top thirty" stockholders are in some cases actually the top twenty or so, because of the practice of institutional investors, amazingly allowed by regulators, of hiding holdings through multiple nominees. [See Metcalf and Reinemer: "Unmasking Corporate Ownership," *The Nation*, July 19, 1971.] Thus to use examples, involving five of the largest banks based in New York, General Electric included among its top thirty stockholders Barnett & Co., Eddy & Co., and Salkeld & Co., all of which are pseudonyms for Bankers Trust, Chrysler listed Kane & Co., Cudd & Co. and Egger & Co., all of which translate to Chase Manhattan. Ford listed Gerlach & Co., Stuart & Co., Thomas & Co. and King & Co., all of which are nominees for First National City Bank. Mobil listed Carson & Co., Kelly & Co., Reing & Co., and Shaw & Co., all of them nominees for Morgan Guaranty Trust.

The concentration spreads horizontally as well as vertically. Sigler & Co. is listed as a principal stockholder by all four of the companies which divulged holdings. Call Manhattan telephone information and the girl will tell you she doesn't have a listing for Sigler & Co., or any of the other nominees. But Sigler & Co. is actually a post office drop for the bank empire built by Peter Flanigan's father, Manufacturers Hanover Trust.

So the pyramid of power tops at the banks and New York Stock Exchange, among persons unidentified. Those are the voters who must be lifted from low profile to sharp silhouette. Change within the system is possible only in an open society, in which the people know where the power lies and whom to petition for redress of grievances.

ANNOUNCEMENT OF HEARINGS ON CERTAIN BILLS

Mr. EASTLAND. Mr. President, I hereby announce the Subcommittee on Environment, Soil Conservation, and Forestry of the Committee on Agriculture and Forestry will hold hearings July 20 and 21 on the following bills:

S. 3224, to designate the Sipsey Wilderness and establish the Sipsey National Recreation Area, Bankhead National Forest, in the State of Alabama;

S. 3225, to establish Southeastern wild areas in the U.S. national forests, with the Sipsey Wild Area in the Bankhead National Forest as a prototype; and

S. 3699, to establish a system of wild areas within the national forests in the Eastern half of the United States.

The hearings will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ANNOUNCEMENT OF HEARINGS ON S. 3231

Mr. COOK. Mr. President, as chairman of an ad hoc subcommittee of the Committee on Rules and Administration, I wish to announce that we have scheduled an open hearing on S. 3231, sponsored by the Senator from Oregon (Mr. Packwood) and 11 cosponsors, relating to the reimbursement of actual travel expenses of Senators and employees of Senators, to be held on Tuesday, June 20, 1972, at 10 a.m., in room 301 of the Old Senate Office Building.

ADDITIONAL STATEMENTS

DEFINITE IDEAS ABOUT LIFE IN AFRICA

Mr. SCOTT. Mr. President, I invite the attention to the Senate to an interview with a young man who has spent some time in Africa and who has definite ideas about life there. Without commenting on the merits of his presentation I say simply that the spirit of "getting out and doing" is most important to remember in our foreign aid undertakings. I ask unanimous consent that the interview, which was published in the Philadelphia Times Chronicle, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Personality Magna Cum Laude Finds "Usefulness" In Africa

(By Bonnie Dalzell)

Talking with Jeff Seder in his parents' cavernous home on Meetinghouse Rd., Jenkintown, is like being in the middle of a prairie and watching a tornado approaching.

All the while he is spilling out his rapid-fire stream of uncensored language there is muffled activity in the wings and a steady stream of stage walks-ons by a bulldog named Archie, a monstrous German Shepherd and Jeff's own special love, Armin, a formidably tough white African dog whom he found

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half-frozen and crawling with lice abandoned in a marketplace in the capital of Botswana.

On the short side of 25 years old, Jeff Seder is a magna cum laude graduate of Harvard who claims he "didn't know who he was" but wasted no time finding out.

"I majored in Social Relations a composite major of sociology, psychology and social anthropology," he explained, "and although I was taken in by a lot of radical crap I was really deeply interested in government and economics. I wanted to be an observer in an underdeveloped country for a while; I needed to test the book psychology; I had to see how true it all rang.

"Above that, I wanted to be useful."

Jeff applied through the Jenkintown Rotary Club for Rotary Foundation sponsorship in a Special Grants Program, and after many alterations of plans (including extensive technical training offered him free by General Motors Training Center), set off for the independent country of Botswana in southern Africa.

"I got to the Shashi River School, expecting to be a mechanic," he said, "and they promptly informed me they needed a chemistry and economics teacher. So I did my damndest to organize and expedite a good educational program with plenty of visual aids. And in my spare time I repaired broken machinery."

His hands black with grease even as he spoke, Jeff made no secret of the fact that the challenge of a recalcitrant piece of machinery still gives him as much stimulation as varsity wrestling did at Harvard.

He threw every ounce of creative and physical energy he had into repairing a 100-year-old carding machine which, he said, "some English schnook with a black heart had sold them at an outrageous cost." Seder spent four days picking the brains of a South African textile technician and about four months stripping off junk, fashioning parts, and welding brackets in a frenzied but fruitful passion to get the thing running.

His days in Botswana initially averaged about 17 hours' work, including weekends and vacations. Later, when personality conflicts with others at the project arose, he summoned his knowledge of human psychology to play the role of calm manipulator, goading his antagonists to out-do his own mechanical achievements.

For a guy who went halfway around the world seeking personal peace, Jeff Seder plunged into one traumatic challenge after another. He lived in a thatched roof, one-room round hut, and ate what the natives ate without abandoning his own American values; he picked scorpions off his body and carried a snake club for his own safety, then turned around and put to use his knowledge of clinical psychology on a deeply disturbed young girl who was being fed tranquilizers by the overworked local doctor.

Most of all, Jeff Seder fortified his conviction that what underdeveloped countries need most from the great world powers is a stream of people with vocational skills who can set up self-help programs that will grow.

"There's no time to question whether or not industrialization is right for them," he said. "With the population explosion in Botswana, they'll all starve in a few years unless they industrialize."

Back in the States since January, Jeff believes he has found a course for his own future.

"I've begun my own African entrepreneurship," he said. "My intent is to find markets here for a very fine African hand-crafted, dye-processed fabric so that the income can be used by the African workshop to blow it up into a full-scale factory. I've already sold a thousand dollars worth of the fabric, and I'm determined to provide a steady source of income until they are independent."

The other area of concern to Jeff is something he terms "intermediate technical aid"; that is, using simple machinery—"something with four wheels and a frame"—that the people can understand and maintain themselves.

"The imbalance of technical skill in Botswana is a regular horror show," Seder said. He believes Rotary has taken an important step in sponsoring people with technical skills, particularly in light of its refreshing lack of accompanying political or religious rhetoric.

"I was known to many people as 'that Rotary guy,'" Seder said. "And in terms of being an 'Ambassador of Good Will' I look on my mechanical skill as the most important thing I could give."

THE STAR SHINES ON RURAL DEVELOPMENT

Mr. TALMADGE. Mr. President, it has been a matter of concern to me that the media in the large cities of the Nation have seemingly been unable to understand the important implications which rural development has as it regards the future growth of the metropolitan centers.

The cities will grow to alarming proportions from national population growth in any case, but the annual migration of about 600,000 rural people a year to the cities will simply make them unmanageable.

I am pleased to say that one major, metropolitan newspaper has recognized the importance of the Senate and House efforts on behalf of rural revitalization. I ask unanimous consent that an editorial entitled "Saving the Small Towns" published in the Washington Evening Star of June 15, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SAVING THE SMALL TOWNS

About everyone realizes by now that the rescuing of the big cities is a matter of critical importance. Many of us tend to forget, however, that the saving of those shriveling small towns across the country is one of the requisites for urban salvation. For the great migration that has caused the cities' staggering problems hasn't ended. Every year, from thousands of small communities, come 600,000 poor people, more or less, to swell the overcrowded metropolitan centers. Many of those bring no skills; hence they only increase the unemployed rolls.

Without much fanfare, Congress has taken full account of this in a number of hearings, and seems about to take constructive action. Last week a Senate-House conference committee reached a good compromise on the Rural Development Act which Senators Talmadge of Georgia and Humphrey of Minnesota have been pushing for many months. The measure is designed to improve rural economies, mainly by stimulating industrial development through infusions of capital and betterment of small-town living conditions. It would authorize about $500 million annually in grant funds, and greatly expand the loan authority for federal rural-development activities.

Many a little town, with people in need of work, has failed to qualify for a new industry because it had an inferior waterworks or sewer system, or none at all. This bill would provide much more federal assistance for these and other standard community facilities—and also for industrial parks, employment centers and planning services. For the first time, the Farmers Home Administration would be able to make small business and industrial loans, and there are devices to encourage private investment in rural areas.

All this is a product of much battling over several months to consolidate several divergent bills. Dropped along the way were President Nixon's proposal for rural revenue sharing, and Senator Talmadge's plan for creation of a National Rural Development Bank. There's no damaging loss in either case; certainly the bank would have been superfluous.

As it stands, the bill is a moderate but imaginative experiment. It might be a start toward stemming the flight to the cities, and in any event the quality and rewards of life in rural America need to be improved.

THE OCEAN DUMPING BILL

Mr. ROTH. Mr. President, nearly 6 months ago, on November 24, 1971, the Senate passed H.R. 9727 the ocean dumping bill. While this legislation has foundered in conference since then, millions of gallons of raw or partially treated sewage, industrial wastes—some of them dangerously poisonous—and dredged material from shorelines and harbors have been indiscriminately dumped into the oceans off the Atlantic, gulf, and Pacific coasts.

In my own State of Delaware, a recent serious crisis was averted, only through the last minute personal intercession of Governors Peterson of Delaware and Holton of Virginia. In that instance 2,500,000 gallons of raw sewage and sludge was destined for a Federal dumping site, 8 to 10 miles off the ocean beaches of Rehoboth. Although this particular incident was precipitated by a mechanical failure at the Hampton Roads, Va., sewage treatment plant—necessitating this alternative disposal—it brings to light the shameful neglect for our ocean resources which occurs every day.

The Cape Henlopen dumping grounds off the Delaware shoreline have become a marine graveyard, a section of the Atlantic 12 miles in diameter where solid and liquid wastes have been dumped for years. The tragedy, of course, is that this deadly contamination cannot be contained. As anyone familiar with this part of the coast knows, strong ebb and flow tides course in and out of the Delaware Bay, carrying with them a putrid plume of pollutants, originally dumped at the federally specified location.

There are several sources of these pungent waste materials: first, the municipal sewage systems of Philadelphia, Pa., and Camden, N.J.; second, industrial plants and oil refineries located along the Delaware River; and third, dredge material from operations of the Army Corps of Engineers all along the river and ocean fronts of Delaware, Maryland, Pennsylvania, and New Jersey.

The sewage sludge has been partially treated, but other more dangerous toxins, arsenic compounds, various concentrated acid and alkali solutions and organic substances are periodically barged to this dump, and various points up to 50 miles out. The sewage and dredge material are constant, almost daily additives; the others come at times when companies empty their holding lagoons built as interim storage facilities for their waste by-products.

While this painful practice strongly underscores the need for prompt action by the Senate-House conferees on the ocean dumping bill, I am convinced that firm action should be taken on this problem right now.

It is critically important that all agencies, public or private, be immediately prohibited—and I emphasize the word "immediately"—from dumping in all areas endangering our shorelines and coastal areas.

If practical, it would be desirable to have a complete moratorium on ocean dumping until such time as adequate criteria could be established for setting standards for disposing of material in the sea. Undoubtedly, the larger nearby cities will insist that they need to continue to dispose of their waste in the ocean. If they are to be permitted to continue to do so, then it is essential that they be required immediately to carry it out far enough to sea that it does not threaten our coastlines. The question of whether this should be off the Continental Shelf, 100 miles out to sea, or elsewhere, I think should be based upon the best possible scientific advice available.

But I repeat, this dumping of sewage sludge and other contaminants as close as 12 miles from the Delaware coastline must be halted immediately and alternate means of disposal developed.

This would not, of course, lessen the urgent need for swift approval of the ocean dumping bill. This legislation would give the Environmental Protection Agency the statutory muscle it needs to put a stop to the shameful desecration of our coastal waters. Under the Senate version, the Agency would have final authority to regulate all ocean dumping by American ships and to prohibit foreign-flag ships from taking on cargo in the United States for the purpose of discharge, within or beyond our territorial waters. I understand that a compromise measure has been suggested which would continue the Corps of Engineers authority to issue dredge and fill permits, subject to EPA approval. Sewage, though, and any other material would come under the exclusive purview of EPA.

But, Mr. President, I should stress that regulation must embody careful study and selective elimination of certain kinds of dumping—radioactive or other dangerously poisonous substances. The bill speaks strongly to these hazards. With these effective controls, EPA could begin the urgent task of reviewing all dumping activities, to halt certain kinds of disposal, and perhaps relocate existing sites, until more acceptable permanent solutions can be achieved. In the meantime, nothing short of an immediate end to this dumping can be tolerated.

DR. PETER GOLDMARK'S "NEW RURAL SOCIETY"

Mr. TALMADGE. Mr. President, in March of this year the Committee on Agriculture and Forestry named Dr. Peter Goldmark as a special advisor on rural development.

Dr. Goldmark, former president of CBS Laboratories, is involved in a new endeavor—applying his genius to the task of improving the quality of life in rural America through the use of communications technology.

The entrance of a distinguished scientist like Dr. Goldmark into the field of rural development has been extremely welcome. In addition to his practical work, he has become an effective evangelist for the people of rural America, with articles on his work appearing in national magazines and newspapers.

Mr. President, I ask unanimous consent that a summary of the remarks by Dr. Goldmark made to our committee upon his appointment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF REMARKS BY DR. PETER C. GOLDMARK

In order to curb the migration of people from rural areas to the cities and to reverse the continuing trend of urban deterioration, a national program has been proposed by Dr. Peter C. Goldmark, President of Goldmark Communications Corporation. The "New Rural Society" program is an outgrowth of the results and recommendations of a distinguished panel of experts sponsored by the National Academy of Engineering in cooperation with a Presidential Advisory Committee.

The two-year NAE study proposes the use of communications technology to solve the problems of rural-urban imbalance and provide people in small towns with the choice of living and working in rural communities or urban centers.

The electronic innovations to make the New Rural Society possible are here now. What is needed is the willingness to move from planning to action to bring about the following:

EMPLOYMENT OPPORTUNITIES

People will have a choice of working in an urban environment or in a smalltown atmosphere because the use of existing communications technology will make it practical and attractive for companies to set up operations in controlled-growth towns.

Sophisticated audio-video equipment will enable large companies to decentralize their operations into moderately-sized units for servicing all areas of the firm's widespread activities through instantaneous two-way, multi-channel communications facilities to conduct everyday business or meet emergencies. Such functions as procurement, accounting, research, general administration and others which operate across-the-board for an organization can be housed in their own individual centers in smaller communities and be in complete contact with corporate headquarters and branch and plant operations anywhere. Companies will not be faced with the maintenance of huge, crowded skyscrapers, housing thousands of employees, where communications frequently bog down because of the sheer weight of their volume. The fact of its present availability will enable communications technology to take over the lion's share of numerous administrative procedures which have traditionally been handled by conferences or correspondence or one-to-one contact.

Through broadband video cable installations—providing up to 40 channels in use simultaneously—meetings can be held with groups of any number required, without the individuals leaving their own offices. Multi-channel audio-video facilities literally bring the people participating in these meetings face-to-face.

Visual material, from letters to blueprints, computer output and the like can be instantly transmitted by facsimile to as many locations as are involved. Videophone installations make it possible for one-to-one contacts or group discussions with each participant in his own office with all of his own documentation readily available to him to pass on to others.

These innovations, involving existing techniques, mean that rural areas can house operational departments of national organizations and provide employment for people in small towns who previously have had to seek productive occupations in the cities.

HEALTH CARE

Smaller communities today are faced with a shortage of doctors, experienced medical assistants and hospital facilities to insure adequate health care for community residents.

Health care can be brought to these residents from central medical centers through communications technology. Small community centers and mobile units can make it practical for on-the-spot diagnoses and treatment decisions by doctors located miles away at the main medical centers via audio-video, two-way communications. Emergency methods can be ordered and provisions made for any necessary follow-up treatment at the main centers.

Businesses located in small towns can bring employees to satellite operations with the knowledge that the workers and their families will have expert medical attention available to them.

EDUCATION

Smaller communities, generally speaking, have limited facilities for higher education. Rising costs of resident attendance at the great universities is keeping many high school graduates from further studies.

Satellite campuses can be an integral part of life in the new small-town communities. The same communications techniques which can enable business to maintain close-knit operations between remote locations and the central operation can be applied to education.

Local campuses will have two-way, audio-video communications with the nearest larger university. Local students will "attend" classes at this university via telecommunications. They will be able to participate in classroom discussions, listen to lectures by outstanding faculty members, draw upon the university's library for research material (via facsimile and other methods) and benefit from all of the facilities of the institution without traveling to the main campuses. People working in the business operations located in these small towns will be relieved of the economic burden of their children's residency in out-of-town schools. At the same time, they will be assured that every available educational facility is available. Company operations will be relieved of many personnel problems since their employees will have the advantage of small-town living along with the advantages of educational advancement for their children.

GOVERNMENT RELATIONS

Telecommunications facilities in the smaller communities will enable state governments to set up local operations which can be in complete contact with their headquarters in the state capitols. Local residents will be able to deal directly with state departments on problems which today require voluminous correspondence, telephone communication, and delayed action because of distance from the source of the problem.

Local government can keep its finger on the pulse of the people's needs and wants. Polling on local issues to learn the will of the majority can become a simple matter of electronic "yes-or-no" response by taxpayers without the necessity of leaving their

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homes. Town meetings can be held by closed-circuit two-way television. Audio-video communications with all phases of the community's essential public services will mean instant action in emergencies.

Taxpayers will know that they are a part of the community's active operation and will have a better understanding of the problems of running the public services essential to a town's well-being.

CULTURAL-ENTERTAINMENT OPPORTUNITIES

Important attractions of the big cities such as theatres, concerts, broadway shows, sport events, museums and lectures, can be transported to rural communities by a synchronous satellite. This satellite would be parked in such a way through directional antenna that it would illuminate the entire United States. The satellite would pick up live performances from broadway theatres, concerts, sport events, etc., and re-transmit these programs to small towns equipped with electronic low-cost receiving antennae for simultaneous viewing. Cable television systems could also receive the satellite signals and make available special events programs to the community either on large screens and special theatres with high-resolution projection equipment or over local channels directly to the home. In such a manner the audience of a single broadway performance would be numbered into the millions instead of thousands.

SENATOR MANSFIELD'S COURTESY

Mr. GRIFFIN. Mr. President, some observations made recently by the Columbia, S.C., Record deserve notice in the Senate and beyond. I ask unanimous consent that an editorial published on June 15, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAYBE PRUDISH, BUT—

A lesson in decency and ordinary courtesy, too often missing in partisan politics, is found in a recent utterance of U.S. Sen. Mike Mansfield, the Democratic leader of the Senate. What he said in the Senate speaks clearly for itself, and was, in part:

"Mr. President, the distinguished Republican leader of the Senate is to be honored at a dinner this evening given by the American Technion Society, on which occasion Senator Scott will receive the Albert Einstein Award.

"As Pennsylvania's senior senator, Hugh Scott represents the people of his state with integrity, intelligence and ability. Always calm, unfailingly courteous, possessed of good judgment and a dedication to public service, he is the delight of his colleagues and a tribute to the good sense of the voters of Pennsylvania."

It is not at all unprecedented for a senator of one party to commend one of another on the Senate floor, and so-called "senatorial courtesy" is a part of the political nomenclature of the country.

Nevertheless, when the leader of the majority party in the Senate speaks in such generous and obviously sincere terms of the leader of the minority (in an election year at that), it would seem to us a wholesome example for all in politics—in South Carolina or wherever.

It is not to be expected, of course, that two candidates running against each other for office, at whatever level, would extend "courtesy" to the point of lauding each other in the way Senator Mansfield so highly estimated Senator Scott. But perhaps some of the practitioners of raucous and vitriolic electioneering might find it, in these times, more profitable to proceed less harshly.

If this be political prudishness on our part, so be it.

THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, the Journal of the American Bar Association for June 1972, contains an excellent editorial supporting the equal rights amendment. The editorial points out that the bleak predictions of those who opposed the amendment are unfounded, and expresses the Journal's "confidence that our system will be able to prevent 'legal chaos' if the amendment is ratified." I share that confidence, Mr. President, for the amendment was carefully, almost painstakingly, studied by successive Congresses before being approved, and the intentions of the framers of the amendment are clearly laid out for all to see in the committee reports which preceded passage.

The House of Delegates of the American Bar Association has also approved the amendment. Just before the Senate debate on the amendment last March, the house of delegates passed a resolution favoring "constitutional equality for women" and urging the "extension of legal rights, privileges, and responsibilities to all persons, regardless of sex." This, of course, is just what the equal rights amendment does. This support from the association was very helpful to those of us in Congress fighting for the amendment.

Mr. President, I am happy to report that as of today 19 States have ratified the equal rights amendment: Alaska, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin. We are now, just 3 short months after congressional approval, halfway to final ratification of the amendment. I am confident that the remaining States will ratify the amendment very soon.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS AMENDMENT ARRIVES

The margins by which both houses of Congress approved the equal rights amendment and sent it to the states for ratification give promise that there may be a successful conclusion to the fifty-year campaign for a formal constitutional declaration that legal rights do not depend on the fortuity of sex. The House of Representatives approved the amendment 354 to 23, the Senate 84 to 8, both considerably better than the two-thirds vote required and both indicating that the climate may be right for thirty-eight states to ratify the proposal as the Twenty-Seventh Amendment to the Federal Constitution. In fact, Hawaii ratified the amendment within one hour after the Senate's vote.

The House of Delegates seemed to put the American Bar Association in favor of the amendment last February when it adopted a resolution supporting "constitutional equality for women" and urging the "extension of legal rights, privileges and responsibilities to all persons, regardless of sex".

The proposed amendment declares in its operative portion (Section 1): "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The second section gives Congress the power to enforce the amendment by legislation, and the third delays the effective date of the amendment until two years after ratification. The Senate report states, "The basic principle on which the amendment rests is that sex should not be a factor in determining the legal rights of men or women." The report also points out that the amendment affects only governmental action and not the private actions or relationships of men and women.

It may seem odd that the Constitution and the Fourteenth Amendment do not provide in themselves a sufficient basis for equality of the sexes under the law. But that has not been the course of judicial decision. In 1872 the United States Supreme Court affirmed Illinois' exclusion of Myra Bradwell from its Bar on the ground of her sex (15 Wall. 130), and Justice Bradley was able to say, "The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator."

Even when a woman won her case, it was in the fact of a continued judicial declaration that the Constitution permitted classification on the basis of sex. In the landmark case *Muller* v. *Oregon*, 208 U.S. 412 (1908), the Supreme Court upheld Oregon's statute limiting the hours of work for women, but to do so it had to draw a distinction between men and women, as a similar state law had been invalidated as to men in *Lochner* v. *New York*, 198 U.S. 45 (1905). Justice Brewer put it this way: "As healthy women are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race." As recently as 1968 the Supreme Court refused (393 U.S. 83) to entertain a direct appeal challenging a California statute limiting the hours of employment of women only.

The legal debate on the equal rights amendment has revolved around the question of whether the amendment is necessary. Opponents have insisted that there is ample constitutional authority without the amendment to secure equal rights for women. And, they have added, the amendment opens up thorny questions that might lead to what Senator Ervin, the principal Congressional opponent of the amendment, calls "legal chaos." Professor Paul A. Freund of Harvard Law School thinks that discrimination on the ground of sex "should be left to be worked out under the equal protection clause as are other questions of group classification." Even Roscoe Pound and Felix Frankfurter have been resurrected by way of quotation. Dean Pound, opposing the same amendment many years ago, said that it was a "mistake to pile up specific prohibitions in addition to the general guaranties of the Bill of Rights." In opposing the amendment in 1924 when it was sponsored by the Woman's Party, Justice (then Professor) Frankfurter declared: "Nature made men and women different; the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature."

But proponents of the amendment have pointed out that judicially condoned classifications based on sex still stand in many fields. "The Supreme Court has been slow to move", the Senate report on the amendment noted. "The Court has consistently refused to apply the Fourteenth Amendment to discrimination based on sex with the same vigor it applies the amendment to distinctions based on race . . . On the whole, sex discrimination is still much more the rule than the exception." The most recent Supreme Court case, *Reed* v. *Reed*, 404 U.S. 71 (1071), struck down an Oregon statute that automatically preferred men over women as administrators of estates, but it did not do so with a decision that had enough sweep to make sex a suspect classification under the Constitution.

Proponents and opponents agree on one thing: the amendment will make many changes in federal and state law. Perhaps the most startling will be that military service and the draft will become equally applicable to women. In fact, both houses of Congress turned down specific modifications of the equal rights amendment that would have saved the validity of laws exempting women from service. Many state employment statutes relate to women only—for instance, prohibition on performing certain jobs and limitations on hours of work. While these protective laws were enacted from humanitarian motives, in practice they have hampered the ability of women to move upward into higher-paying and managerial jobs. Some state criminal laws provide different punishments for men and women who commit the same crime. Many state and some federal educational institutions do not admit women or discriminate against them in other ways. In the field of family law, many established practices will become invalid, and the possible demise of one of them—the preference of women over men for child custody—would show that the equal rights amendment operates for men as well as women.

These are only a few of the fields and practices that the amendment will touch. True it is that litigation will be required to resolve many of the knotty issues that will arise. But it was litigation that developed much of the discrimination at which the amendment is aimed, and we have confidence that our system will be able to prevent "legal chaos" if the amendment is ratified. To act fifty years after an amendment was required to give women the vote hardly seems to be rushing something that should have been accomplished without another amendment but wasn't.

ALLIANCE FOR RAIL COMMUTER PROGRESS

Mr. MATHIAS. Mr. President, I know that every Senator is interested in relieving the many problems which plague our Nation's transportation system. I am today releasing a survey, prepared by the nonprofit Alliance for Rail Commuter Progress, which concludes that expanded commuter service on existing Washington area railroad lines could reduce street congestion, parking problems, and air pollution by eliminating 25,000 automobiles from the area's daily traffic flow. I ask unanimous consent that the survey be printed at the conclusion of my remarks along with other relevant information.

This study estimates that an expanded rail commuter system would have as many as 30,000 daily rush hour commuters—more than double the projection of the 1971 Englund survey commissioned by the U.S. Department of Transportation. Using a reasonable figure of 1.2 commuter per car, this means that 25,000 automobiles would be removed from rush hour traffic, which now averages around 75,000 cars according to a recent District of Columbia Highway Department study.

The survey was conducted by ARCP members on three commuter trains and on Amtrak's Washington-Parkersburg train during the week of April 24. Over 300 questionnaires were returned from regular passengers on these routes.

Other findings of this survey include the following:

An overwhelming majority—68 percent—of commuters on the Baltimore & Ohio Railroad's Brunswick line are new riders, not "standbys" as previously thought.

Thirty-five percent of the commuters have started to use the service within the last year and 68 percent have used the service 3 years or less.

Ridership gains have been made despite the fact that the railroad does not advertise the service.

Seventy-eight percent of Brunswick line commuters drive to pick up the service and, of these, 58 percent drive from 2 to 4 miles to meet the train.

The finding that 58 percent of those who use the train drive up to 4 miles to get to the station contrasts with the Englund study which projected that people would drive no more than 2 miles to reach such service.

Using the 2-mile figure, the Englund survey estimated that rail commuter service would have a rush-hour patronage of 14,000. Extrapolation of the Englund survey, based on the results of the ARCP study, shows that the Washington Metropolitan Area could support a viable rail commuter system to carry as many as 30,000 daily rush-hour commuters and take 25,000 cars off the streets.

Like the weather, everybody talks about his rush-hour experiences, but nobody does very much about it. However, unlike the weather, it may be possible to do something toward reducing the crush of automobiles that daily clog the streets, highways, expressways, lanes, and avenues of metropolitan Washington.

I am asking Secretary of Transportation John Volpe and Secretary Harry Hughes, of the Maryland Department of Transportation to comment on ARCP's finding.

While the Washington Metro system is under construction, it will not begin to offer any relief to the area transportation crisis until late in this decade. A system that uses existing rail lines could bring immediate relief and serve to supplement and complement Metro when that service gets underway.

Mr. President, I believe this survey will be of interest to all Senators, and I hope that it will help both State and Federal officials to build a better, balanced transportation system that will meet our urgent local needs and serve as a model for the rest of the Nation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ALLIANCE RAIL
COMMUTER PROGRESS,
Kensington, Md., June 6, 1972.

Hon. CHARLES MCC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: During the week of April 24th, the Alliance for Rail Commuter Progress (A.R.C. for Progress) conducted a survey as previously arranged with Mr. John Fogarty of your staff.

The survey of rail commuters who use the service on the B&O Brunswick line was very successful and we believe that you will find the results informative and supportive of your stand for a balanced commuter transportation system in the Washington Metropolitan Area. The report, together with pertinent data collected, is attached to this letter.

The State of Maryland, according to news reports on Friday, June 2, 1972, in the *Washington Evening Star*, is currently considering an expanded rail commuter system. We believe that the attached report which indicates that there is a potential of *30,000* daily rail commuters for an expanded system using rail tracks, is very attractive and will help you in your efforts in behalf of area commuters.

Sincerely yours,

DAVID G. SPOKELY,
Coordinator, A.R.C. for Progress.

SUMMARY TOTALS: SENATOR MATHIAS' COMMUTER TRAIN QUESTIONNAIRE

1. Do you regularly commute to work by train? Yes 306. No 5.

2. Why? Convenient 264. Safe 137. Personal preference 169.

3. How long have you commuted by train? Under one year 108: 35%. One to three years 99: 33%. Three or more years 98: 32%.

4. How many days do you use the train each week? Five 290, Four 16, Three 4, Two 1, One 1.

5. Does the train schedule suit you or would you prefer other times? Prefer present schedule 147. Prefer other times (indicate) 168.

6. Do you favor expansion of the service? Yes 269. No 10.

7. Is service prompt? Yes 280. No 15.

8. Are there adequate seats on the train? Yes 64. No 235. (at survey time).

9. How do you get to the station? Walk 65: 22%. Drive 234: 78%. Distance (see report).

10. Is parking space adequate at your station? Yes 195. No 90.

11. Is public transportation from Union Station to work ok? Yes 143. No 95.

12. Has the train ever broken down? Yes 182. No 95. Frequently 12.

13. Is the equipment safe in your judgment? Yes 188. No 44.

14. How did you hear about the commuter service? (See report).

15. Please use additional space for any other comments you may care to make about the commuter service: (See report).

REPORT OF RAIL COMMUTER SURVEY FOR SENATOR CHARLES MCC. MATHIAS, WEEK OF APRIL 24, B. & O. BRUNSWICK LINE

BACKGROUND

The Department of Transportation sponsored the Englund Study, which was issued in May, 1971, and concluded that the Washington, D.C. Metropolitan Area can support a viable rail commuter system using *existing* rail tracks in the District of Columbia and reaching into suburban points in Maryland, Virginia, and West Virginia. Such a system, subsidized at a nominal cost of only a few cents per rider, was projected to handle 14,000 riders during rush hour based on a corridor of rider interest of two miles on each side of the rail tracks.

At the suggestion of the Office of Senator Charles McC. Mathias, Maryland, a survey of current rail commuters (approximately 850 daily) on the B. & O. Brunswick Division line was conducted by *A.R.C. for Progress*, a non-partisan civic alliance of 262 participating members using a survey questionnaire form prepared in conjunction with the Senator's office (Attachment III). Questionnaire forms were distributed to all riders on three commuter trains and the AMTRAK Parkersburg train during the week of April 24th by *A.R.C.* members. Over 300 questionnaires were returned representing an appreciable response of *35 percent of the total ridership*

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with over 100 being returned by mail. Summary and analysis by *A.R.C. for Progress* is given below.

SUMMARY AND ANALYSIS

Summary and analysis of questionnaires show that:

An overwhelming majority—68 percent—of the rail commuters are *new* riders, not old "standbys" as previously thought.

Another great majority—78 percent—of the rail commuters drive to pick up the service. More than one-half, in fact 58 percent, of the total commuters drive *over two miles* to their departure station. (Figure 1).

The gains in ridership (40 percent since September, 1971) on the B. & O. Brunswick line have been achieved with *absolutely no advertising.*

Extrapolation of the Englund Study, based on the results of this survey, shows that the Washington Metropolitan area could support a viable rail commuter system to carry as many as 30,000 daily rush hour commuters and thereby take 25,000 cars off the highways.

SIGNIFICANT FINDINGS

Following are significant findings from the survey:

1. An overwhelming majority—68 percent—of the rail commuters are new riders, not old "standbys" as previously thought.

35 percent of these riders have started to use the service within this last year; the 68 percent total (majority) have been using the service three (3) years or less.

All of these gains have been made in rail commuter utilization with absolutely no advertising.

2. Another great majority—78 percent—of the rail commuters drive to pick up the service. The following table displays the percentages of riders by distance from home to departure station:

Distance from home to departure station	Percent of riders	Percent
More than 4 to 25 miles	25	
2 to 4 miles	33	58
0 to 2 miles	42	42
Total	100	100

These percentages and the graph in Figure 1 clearly show that 58% of the riders use a travel corridor of greater than 2 miles on either side of the rail tracks and in a growing population and living area.

3. The great majority of riders became aware of the service by word of mouth. Only a few (less than 5%) heard of commuter rail through realty services, employers, or other organized approaches. There is no B&O advertising.

4. An overwhelming majority—96%—of riders would favor expansion of the existing rail commuter service.

5. More than one-half of the riders indicate that they would prefer additional times for trains to arrive and depart Washington, D.C. In particular, a later morning train and later evening trains are favored with a midday train to prevent being "trapped" in Washington.

6. Almost all written comments on questionnaires were positive and constructive in nature with some of the following predominant and typical:

(a) The service ought to be advertised by B&O as an important part of their total services.

(b) Subsidization of service is needed to expand and make it more frequent and attractive to riders. Formation of a Regional Transportation Authority (Md.-Va.-W. Va.-D.C.) should have high priority.

(c) "It is tragic that service is not extended to the Southwest area of Washington (L'Enfant Plaza) to tap that growing work area."

(d) "Extend the service past L'Enfant Plaza to Virginia."

(e) Additional service would provide greater flexibility and more riders.

(f) Parking facilities at departure stations need to be upgraded and increased.

(g) Rail commuting could significantly reduce auto congestion and air pollution caused by autos.

(h) "More highways for more commuters is not the answer to the future."

(i) "Once the subway is built, rail commuting will become a feeder to Metro. They do not compete."

(j) Train crews are capable and friendly.

(k) "This is one of the few civilized amenities we have left."

(l) "Keep 'em rolling."

CONCLUSIONS

Existing rail commuter service in the Washington Metropolitan Area should be expanded as quickly as possible to reduce auto congestion, D.C. parking problems, and air pollution caused by automobiles according to a large sample of current rail communters who use the service daily. Using existing rail tracks, and based on actual current ridership distance from home to departure station (58% of riders use a travel corridor of greater than 2 miles on each side of the tracks), the expanded service could serve daily potentially more than 30,000 area commuters during rush hour. This represents 25,000 cars off the highways using an average of 1.2 persons per car.

The phenomenal growth rate of 40% since September, 1971, on the Brunswick line of B&O, with absolutely no advertising, and the fact that 68% of riders have used the service three years or less illustrates the fact that the Washington area commuters will use rail commuting as a feasible and welcome mode of public transportation. If the service is made more frequent, goes into Virginia with commuting in both directions, and remains economical, many more will be attracted to this form of Public Transportation, as well as those using the service for purposes other than commuting (e.g., travel into the District for shopping, theater, sight-seeing).

The potentially untapped market of 30,000 riders can be obtained through advertising, expansion of the service, and community interest in development of the departure station as a hub for public commuting and transportation. Parking facilities must be adequate at each station.

Rail commuter complements Metro and will significantly reduce air pollution by attracting motorists out of their automobiles which would otherwise emit thousands of pounds of pollutants into the air each day.

SENATOR MATHIAS' COMMUTER TRAIN QUESTIONNAIRE

1. Do you regularly commute to work by train? Yes -- No --

2. Why? Convenient -- Safe -- Personal Preference --

3. How long have you commuted by train? Under one year -- One to three years -- Three or more years --

4. How many days do you use the train each week? Five -- Four -- Three -- Two -- One --

5. Does the train schedule suit you or would you prefer other times? Prefer present schedule -- Prefer other times (indicate) ----------

6. Do you favor expansion of the service? Yes -- No --

7. Is service prompt? Yes -- No --

8. Are there adequate seats on the train? Yes -- No --

9. How do you get to station? Walk -- Drive -- Distance ------

10. Is parking space adequate at your station? Yes -- No --

11. Is public transportation from Union Station to work ok? Yes -- No --

12. Has the train ever broken down? Yes -- No -- Frequently --

13. Is the equipment safe in your judgment? Yes -- No --

14. How did you hear about the commuter service? ----------

15. Please use additional space for any other comments you may care to make about commuter service: ----------

Please complete and mail to: ARC for Progress, P.O. Box 247, Kensington, Md. 20795.

Yes, I want to join ARC for Progress:
Name: ----------
Mailing Address ----------
City ----------
State ---------- ZIP --------
Telephone ----------

HANDGUNS SHOULD BE BANNED

Mr. TUNNEY. Mr. President, people who oppose handgun controls have a number of simplistic slogans which they employ against stronger laws. But when you look at those slogans closely, they are contradicted by the facts.

One such slogan is that only the honest citizen will turn in his gun, leaving him helpless against the criminal who will keep his. But the fact is that practically every handgun used in a crime was at one time owned by an honest citizen.

Each year, thousands of guns are confiscated by police officers in every city in the country. Where then do the guns come from which replace them? They come from the homes and stores of honest citizens. The millions of handguns owned by law-abiding citizens are nothing less than a national warehouse from which the criminal can select at random. And even those handguns which do not fall into the hands of criminals have an all too familiar potential for tragedy. Accidental shootings by children playing with father's pistol, shots fired in anger in a family quarrel, these are the real uses to which handguns are put.

People say that they need a handgun to protect their home against burglars. But the facts sadly contradict that argument. A recent study by a national commission in Detroit and Los Angeles showed that only 2 percent of home robberies and 1 percent of home burglaries result in the robber or burglar being shot by the occupant.

Who is it then that the gun is used upon? All too often it is a husband or wife, friend or relative. A study of homicides in Chicago recently showed that 71 percent of all killings in that city involved relatives, friends, and neighbors.

A final argument, one that I believe is the most compelling of all, is the toll which the handgun is taking among our police officers. In 1970, 100 police officers were killed in the United States; of that number, 73—73 percent—were killed by a handgun. In 1971, 121 were killed, 94—76 percent—by handguns. It is no wonder then that some of the strongest advocates of laws banning handguns are the police themselves.

And that brings me to my responsibility as a U.S. Senator.

Gun control is not an easy issue for a politician. Although every poll that I know of shows that the vast majority of Americans want strong laws against guns, there is a powerful and vocal minority which has managed to intimidate us. It is not a very subtle intimidation—what it says is we will beat you when you run for reelection. And true or not, it is a sadly credible threat—because there are private citizens today who 2 and 4 and 6 years ago were Senators and Congressmen. And while there are other explanations for their defeats, there are a lot of gun advocates who carved notches on their pistols when those men lost.

I have not been immune to those kinds of pressures. No Senator likes to alienate deliberately any part of the electorate. But I think the time has come to stand up for what tens of millions of Americans know is right. The killing has got to stop, and it will not stop until we stop the proliferation of handguns.

For this reason, I have decided to support and vote for S. 2815 the strongest gun control bill now being considered by the Senate. It was introduced by the Senator from Michigan (Mr. HART), a man who I believe is one of the most honest and courageous Members of the Senate.

The bill is a very straightforward one. It bans the possession of handguns by anyone except law enforcement officers and security guards. Other handguns would be bought at fair value by the Government and destroyed. A limited exception is available for target shooting clubs which would be allowed to own handguns if they were stored in a secure place. Similarly, antique guns—those manufactured before 1890—would be exempt along with some modern weapons judged to be collectors items.

All other handguns must be sold to the Government within 6 months after passage of the law at fair market value or a minimum of $25. After that time period, any unauthorized person with a handgun in his possession would be subject to a jail term of 5 years and/or a fine of $5,000.

Next Tuesday, June 20, 1972, the Senate Judiciary Committee will consider the issue of handgun control. I have no illusions that the debate will be an easy one. But if there is one message from the many primaries which have been held this year, it is that the people of the country are fed up with politics as usual. I hope the committee will act favorably on S. 2815. As a member of the committee, I will urge my colleagues on the committee to do so.

THE RHODESIAN ORE ISSUE

Mr. MOSS. Mr. President, when the U.S. Senate voted nearly 3 weeks ago to continue this country's violation of U.N. sanctions against Rhodesia, it was emphasized during the floor debate this action not only imperiled our standing in the United Nations, but it also damaged our image in black Africa as well.

Newsday for June 12 contains an editorial entitled "Selling (Out) in Africa."

The editorial noted that as a result of the Senate vote—

We are forced into being the only country, other than Portugal and South Africa, overtly doing business with Rhodesia and a regime dedicated to denying fundamental rights to the 5,000,000 blacks who make up 95 per cent of its population.

The editorial raises some very poignant questions concerning the impact of the Senate vote on the Rhodesian chrome ore issue. As was pointed out in the editorial:

Our dealings with Salisbury and other white governments of southern Africa smack of "collaboration" and are "both morally wrong and practically self-defeating in terms of the long run interests of the U.S.

It would behoove all Senators to give close attention to the thoughts contained in this editorial.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SELLING (OUT) IN AFRICA

American prestige and influence in black Africa are fast crumbling as the U.S. draws closer to the white colonialist and racist regimes of southern Africa, in defiance of its commitment to racial justice and international law.

Disregarding principle, the administration has moved to increase trade with Portugal, stiffening that country's resolve to hang on to its Africa colonies. Tacit White House approval has promoted bigger American investment in racist South Africa's economy. All the while in the UN, the U.S. has been casting negative votes or abstaining on motions condemning apartheid and white supremacy.

Most serious is the administration's behavior during the Senate's recent debate over economic sanctions against Rhodesia. Binding sanctions were imposed by the UN Security Council after an unrepresentative colonial government of minority whites declared independence from Britain in 1965 and vowed to keep the black majority out of power. Britain, prodded by the U.S., called for economic sanctions rather than force to bring Rhodesia around.

Last fall, Congress voted to flout our UN treaty obligations by exempting chrome ore and other strategic metals from the trade ban. Congress was unmoved by the argument that the U.S. can get all the chrome it needs elsewhere. In fact, chrome is so abundant now that the U.S. wants to sell off half its strategic stockpile, still keeping enough to satisfy defense needs for a decade.

Anyway, metal availability wasn't the real issue. More important, it seems, was a desire to punish the UN for admitting mainland China and ousting Taiwan. Some congressmen displayed unconcealed sympathy for Rhodesia's white rule, as well. That's how we started illegally buying unneeded Rhodesian chrome and unwanted African enmity.

In the Senate last month, an effort was mounted by Sen. Gale McGee (D-Wyoming) to return to the rule of law and reimpose the boycott. He got a letter of support from Acting Secretary of State John Irwin. But that's all he got. There was no other White House intervention or follow-through—not as much as a telephone call to an indecisive senator—and so the McGee effort went down to defeat by a vote of 40 to 36, with McGee accusing the administration of being "basically dishonest" on the Rhodesian chrome issue. The argument will continue in the House, where chances of a reversal are even slimmer than in the Senate.

So we are forced into being the only country, other than Portugal and South Africa, overtly doing business with Rhodesia and a regime dedicated to denying fundamental rights to the 5,000,000 blacks who make up 95 per cent of its population.

The administration of Prime Minister Ian Smith, negotiating with Britain on terms for independence, promised to seat a few blacks in Parliament. But the offer was grudging and limited; blacks wouldn't achieve real power until after the year 2000 if all the promises were kept. As shown by a British canvass of African opinion, few blacks believed them anyway, and the proposed settlement was rejected by a ratio of more than 36 to 1.

For Britain, the UN and most of the rest of the world, secessionist Rhodesia remains under outlaw rule. Among black Africans, that rule provokes shame and rage, and invites violence. Fears are intensified by a scheme to checkerboard the country in an apartheid system of separating the races.

Our dealings with Salisbury and other white governments of southern Africa smack of "collaboration" and are "both morally wrong and practically self-defeating in terms of the long run interests of the U.S." This is the view of 15 former State Department officials, who have jointly asked for a U.S. embargo on any form of military cooperation. (Full text of their letter on Page 43.) They urged the President specifically to seek restoration of the Rhodesia sanctions. They warned:

"There can be no peaceful change in southern Africa if the emphasis is solely on the maintenance of the status quo. If peaceful change in that area does not come at an acceptable pace, change will come anyway—but it will not be peaceful. Our national interest in Africa is with the majority of Africans. Business as usual will hasten the day of violence as usual."

THE GENOCIDE CONVENTION 23 YEARS LATER

Mr. PROXMIRE. Mr. President, it has been 23 years since the Senate first received the Convention on the Prevention and Punishment of Genocide. On June 16, 1949, President Harry S. Truman transmitted this treaty to the Senate for its advice and consent. In his letter, President Truman wrote:

One of the important achievements of the General Assembly's first session was the agreement of the members of the United Nations that genocide constitutes a crime under international law . . . America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and . . . we must maintain their belief in us by our policies and our acts.

By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

The Foreign Relations Subcommittee held hearings on the treaty in 1950. During the next 2 decades, the Genocide Convention was ratified by 75 nations—while it languished here. In 1970 and 1971 there were new hearings, and the treaty has been reported favorably by the committee. Action by the Senate is long overdue, and I urge that it come immediately. An anniversary commemorating inaction becomes increasingly disgraceful as it occurs again and again. The United States should after 23 years wait no longer to finally affirm its commitment against genocide.

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A 237 COUNSELING PROGRAM IN DECATUR, ILL.

Mr. PERCY. Mr. President, I am pleased to announce that the East Side Housing and Economic Development Corp. of Decatur, Ill., has been selected to conduct an FHA section 237 credit and homeownership counseling service in Decatur and Macon County.

This is a voluntary program carried on under a contract with the Department of Housing and Urban Development. Although Congress appropriated $3.25 million for 237 counseling services for fiscal year 1972, these funds have been used only for a few demonstration projects and for evaluation of the voluntary efforts which HUD has been encouraging under section 235 and 237 authority.

The East Side Housing and Economic Development Corp. was formed by a group of citizens in a proposed urban renewal area of Decatur. The board of directors includes not only residents of the renewal area, but of other parts of the city as well. The corporation's primary function is to combat community deterioration and to secure adequate housing and related social services.

The planned 237 counseling program for low-income families goes well beyond the usual scope of these programs. Not only will the ESHEDC offer classes to families rejected for homeownership because of poor credit ratings, but classes will be made available to all mortgage insurance applications and other persons interested in such areas as debt management, credit buying with attendant information on interest rates, possible purchase frauds, home maintenance, how to hang pictures, fix faucets, repair minor home damages, and other related information.

I firmly believe the serious problems we currently face with our homeownership programs for low-income families could have been avoided, at least in part, had programs like this one been implemented on a systematic basis under the authority of the Housing Act of 1968. I have consistently urged funding for the counseling provisions of this legislation. I hope this year we shall make a commitment to reach all those low-income families in need of counseling services with a program similar to the one offered by the ESHEDC.

I commend the East Side Housing and Economic Development Corp. for its initiative in developing a voluntary counseling program.

THE CONTINUING REPRESSION OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I had the privilege last week of meeting with Mr. Ishai Branover, an Israel citizen who previously lived in the Soviet Union. In an impressive and convincing manner, Mr. Branover discussed the problems that confront the Jewish scientists in the Soviet Union who wish to emigrate to Israel.

Although the Soviet authorities allowed Mr. Branover to emigrate to Israel, they have refused the same permission to his brother, Rabbi Herman Branover. Even while the Soviet leaders talk of detente and cooperation, they refuse to allow Jewish scientists such as Rabbi Branover the fundamental right to leave Russia.

Ishai Branover talked to me about his brother. He explained, amply and directly, his brother's case. I believe that case is important, Mr. President, and I would like to take several minutes to explain it to my colleagues. For it demonstrates again, in vivid and disturbing detail, the tragedy and the travail of the Jewish people who are still trapped in Soviet Russia.

Rabbi Branover's case is important in itself. For it illustrates the insensitivity sometimes shown by governments and and the cruelty by which man can deal with his fellows. I believe also that it is important because it is representative. For it is instructive evidence of the way the Soviet Union continues to treat its Jewish scientists. It represents the current Soviet hard-line response to those Jewish scientists who wish to join their families and coreligionists in Israel.

Rabbi Herman Branover, at the age of 40, is a unique person who combines a brilliant intellect with a deeply religious commitment. Herman Branover finished high school at the age of 15, after skipping 2 full years of academic study. He received the highest possible honors upon his graduation from high school and indicated that he wished to embark upon the pursuit of a career in nuclear physics. Because he was a Jew, he was denied the opportunity to study nuclear physics. He then decided to pursue a career in the science of hydrodynamics.

While he was studying hydrodynamics in Leningrad in 1952, he witnessed the burning of 24,000 Jewish books from the library of the Kaleinen Institute. He was deeply disturbed by the bookburning. He could not believe that people could burn the books of great philosophers. He was drawn to wonder what lessons these books held; what ideas could be so powerful as to provoke such a response.

As a result of the book burning and the questions it raised in his mind, he decided to study a variety of religions and philosophies. He read extensively—from Buddhist, Christian, and Jewish works. He decided that Judaism was the philosophy most attractive to him. He became increasingly religious. His scientific pursuits were soon coupled with a deep philsophical and religious attraction to Judaism. His attraction became a commitment. It complemented his dedication to science.

As he became increasingly observant, he soon developed a reputation as one of the most learned scholars of Judaism in the Soviet Union. He has been granted the credentials of rabbi both from the chief rabbi of Israel and the chief rabbi of the United Kingdom. He has an honorary rabbinical degree from the Yeshiva University in New York.

It became apparent to Rabbi Branover that he could not continue to be a successful scientist in the Soviet Union and also a deeply religious person. He, therefore, left his work at the Academy of Science in Riga in April of 1971. Several months later, he appealed for permission to emigrate to Israel.

His wife, Fania Branover, a medical doctor, was immediately fired from her job. In January of 1972, the Soviet Union denied the appeals of Rabbi Herman Branover and Dr. Fania Branover to leave for Israel.

In February 1972, Herman Branover started to teach the Bible to Jews from Riga, Kovno, and Vilna. He was teaching some 35 to 40 Jewish students. Almost immediately after he began his Bible teaching, he was advised by the Govment that he would be imprisoned for 3 years if he continued to teach the Bible. He was warned also that if the Bible lessons were continued in the synagogue that the synagogue would be closed.

In early May 1972, in an effort to persuade the Soviet Government to allow them to emigrate, the Branovers went on a hunger strike. They were joined by 39 other Jews, all of them professionals, most of whom were Bible students of Rabbi Branover, and all of whom had been denied permission to emigrate but nevertheless fired from their jobs.

Shortly before President Nixon visited the Soviet Union, Rabbi Branover cabled President Nixon and appealed for an opportunity to meet with him. As a result of that cable, the Rabbi was asked by the KGB to pledge that he would not travel from Riga to Moscow. He refused. Subsequently, he was imprisoned on the pretext he had killed a girl in a traffic accident. The car was tested soon thereafter and the tests revealed that it had not been used for more than a month. Nevertheless, he was held in prison for 2 days and was instructed to return the following day.

But he went into hiding. Since that time, it has been impossible to obtain further information pertaining to the rabbi. Congressmen PODELL and BRASCO joined Ishai Branover in an attempt to telephone the Soviet Union. They recently called 19 different telephone numbers, homes of Jews in Riga, Moscow, and Leningrad between 4 and 5 a.m., Moscow time. None of the numbers answered.

Rabbi Branover's status is uncertain, but evidently critical. He and his wife, as well as the 41 families which are in touch with the Branovers, cannot be reached. They have been tormented and harassed by the Soviet authorities. They are not allowed to emigrate. And they are not allowed to live in peace.

Mr. President, I am afraid that the case of Rabbi Branover is more typical than we would like to believe. The Soviet Union, faced with enormous courage and unexpected resistance from the Jewish community, has allowed many Jews to emigrate to Israel.

Jews have emigrated in larger numbers than many people originally anticipated.

But the Soviets continue to impede the free emigration of numerous others. They continue to oppose the emigration of scientists and other professional Jews—often despite the fact that none of them have or ever had access to sensitive material. Forty-five percent of those Jews who wish to emigrate are denied the opportunity. At the same time, they are denied the basic privileges of Soviet citizens, are barred from work, are ostracized by every possible apparatus and mechanism of the Soviet system. Frequently the applications are denied without reason or excuse.

Mr. President, I am afraid that Rabbi Branover's case is all too typical. I am afraid that the Soviet Government, despite its protestations of good will and its talk of detente, seems determined to sustain its policies of repression and resistance, its reliance upon coercion and fear. I am afraid that it remains necessary for men of goodwill in the United States and elsewhere to renew their protests; to reiterate their despair; and to remind others of the anguish which pervades the lives of the Soviet Jews. The simple demands of justice and fairness are still denied by the Soviet Union.

It is because that problem continues, because the Soviet Government does not respond more fairly and sensitively, that I have felt compelled today to advise the Senate of the tragic circumstances which surround Rabbi Branover, his wife, and his friends.

THE COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT

Mr. HATFIELD. Mr. President, in a short time, the Senate will consider S. 3524, a bill to extend the Commercial Fisheries Research and Development Act of 1964 for another 5 years. When our distinguished colleague, Senator MAGNUSON, introduced this bill in April, I asked to join him in cosponsoring this legislation, for I knew firsthand the numerous benefits to my State from operation of this bill over the past 5 years. I want to add at this point that it has been my good fortune to work in several instances with Senator MAGNUSON on behalf of the commercial fishermen of the Northwest, and I have benefited from his counsel on many occasions. Our fishermen face many similar problems, and it is my good fortune to join once again in efforts for the benefit of Northwest fishermen.

FISHERMEN FACE ECONOMIC HARDSHIPS

Mr. President, I cannot turn to a detailed discussion of the merits of this bill without prefacing my remarks regarding the general economic plight of the commercial fishermen of this country. I have spoken on numerous occasions about the declining economic fortunes of the commercial fishermen of this country. Their goal is merely to stay afloat—if you pardon the weak joke—as they see foreign fishing incursions, greater imports of fish products, and other inroads being made into their livelihood.

Recently, I solicited the latest fish-catch statistics from the Oregon Fish Commission. My colleagues may recall that I have mentioned these in past years during debate on related subjects. The statistics point out the declining catch of Oregon fishermen. I ask unanimous consent that the most recent statistics and cover letter appear at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FISH COMMISSION, RESEARCH LABORATORY,
Newport, Oreg., June 1, 1972.

MR. WALTER EVANS, care of
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MR. EVANS: Enclosed is a copy of the fishing information you requested last month. It is essentially the same table sent to you last year by Mr. Schoning with the 1971 data added.

Sincerely,

JAMES M. MEEHAN,
Program Leader,
Groundfish and Shrimp Investigations.

LANDINGS BY OREGON FISHERMEN FROM OFF WASHINGTON AND OREGON, MAY 31, 1972

	1965	1966	1967	1968	1969	1970	1971
Pacific Ocean perch:							
Landings [1]	13.5	3.8	1.6	0.8	0.6	0.6	0.9
Catch rate [2]	1,200	1,000	700	400	400	300	300
Other rock fish: Landings [1]	4.0	4.8	4.0	3.6	4.0	3.1	2.9
Arrowtooth flounder: Landings [1]	2.3	2.2	2.1	1.0	.9	.4	.5
Total, all species:							
Landings [1]	32.5	24.2	20.3	18.2	19.8	18.4	18.6
Catch rate [2]	1,100	1,100	1,000	800	800	700	700
Hours fished [3]	28.5	22.6	19.6	22.4	24.2	25.9	26.7

[1] Landing figures represent millions of poonds.
[2] Catch rate, unit of effort/pound per hour.
[3] Hours fished figures represent thousands of hours.

The Russians first appeared off Oregon and Washington in April 1966. The declines are not caused by adverse market conditions. The Russian and American scientists have agreed the Pacific Ocean Perch stocks have been over-fished and are in need of protection. We have clearly demonstrated, in our judgment, that the Russians are responsible for the decline. The Arrowtooth Flounder are found in deeper water where the Russians are known to have fished and their fishing has caused the reduction in the population.

JAMES M. MEEHAN,
Management & Research Division.

Mr. HATFIELD. Mr. President, I call these alarming statistics to the attention of the Senate because the inattention of the Federal Government threatens the extinction of one of the oldest industries in the country. Listen to these statistics:

Perch catches falling from 13.5 million pounds in 1965 to 900,000 pounds in 1971;

Catches of arrowtooth flounder, a deeper water fish and, therefore, more susceptible to overfishing by the Russians, falling from 2.3 million pounds in 1965 to 500,000 pounds in 1971.

The total fish catches paint a distressing picture for the future of the industry: a catch that has fallen from 32.5 million pounds in 1965 to only 18.6 million pounds in 1971. This is little more than half the prior catch, with almost the same amount of hours spent in fishing.

Mr. President, I have opened my remarks about the fishing industry with this rather bleak report because I want to stress that steps must be taken by the Federal Government to improve the economic outlook for our fishermen.

PAST OPERATION OF LAW SHOWS NUMEROUS PUBLIC BENEFITS

The legislation we are considering now, S. 3524, has helped greatly in solving some problems facing the industry. I hate to think what the economic picture in Oregon would be if the existing law had not been in effect. Under terms of 88–309, the law that is due to expire if S. 3524 is not enacted, valuable research has been carried out in several research projects.

OREGON BENEFITS

The amount of Federal assistance to Oregon that has been allocated from fiscal year 1966 through fiscal year 1972 is $901,000. The fiscal year 1972 amount is $135,800. This money from the Federal Government, coming to Oregon under the terms of 88–309, has meant that 25 projects, with a total cost of $1.7 million, could be undertaken. Sixteen of these are completed, at a cost of $956,504. Nine projects still are underway with a total cost of $744,400.

In my opinion, concrete examples can be shown of benefits that have flown from this research that greatly outweigh the cost of such projects.

EXAMPLES OF OREGON RESEARCH EFFORTS

A few primary examples come to mind in Oregon that illustrate this point. I am sure that Senators could echo sentiments about how this has helped their States.

One of the best examples of specific, dollarwise results from the operation of 88–309 has taken place in the town of Astoria, located at the mouth of the Columbia River. Fishing long has been an important factor in the region's economy. Located in Astoria is the seafoods laboratory. This operates under the auspices of Oregon State University's Department of Food Science and Technology. It is located in a structure constructed by Economic Development Administration funds, and dedicated in 1968. In summary, the research centers on development of new food products from underutilized fish species, such as protein from hake, new human food products from shad, and utilization of dogfish for human food.

I contacted Dr. David L. Crawford, program director at the seafood lab, to ask for further details about the fine research now underway under 88–309 programs. At this point in the RECORD, I ask unanimous consent that the opening section of his letter appear at this point in the RECORD.

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There being no objection, the item was ordered to be printed in the RECORD, as follows:

OREGON STATE UNIVERSITY, DEPARTMENT OF FOOD SCIENCE AND TECHNOLOGY,
Astoria, Oreg., June 8, 1972.

Subject: Commercial Fisheries Research and Development Act, Public Law 88–309; importance to industry and people of Oregon. Review of research and development.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.
Attention: Mr. Walt Evans.

DEAR SENATOR HATFIELD: At the request of Mr. Walt Evans, of your office, I am writing you to convey my views on the importance of PL 88–309 to the industry and people of Oregon and to outline the research activities of our Laboratory supported by PL 88–309. Hopefully, they will provide you with information and views to help develop and formulate your support for continuing this program beyond June 30, 1973.

By way of introduction and identification, I am a Associate Professor in the Department of Food Science and Technology at Oregon State University. I function as a researcher and Program Director for the Seafoods Laboratory in Astoria, Oregon which operates as a branch laboratory of our Department through the Oregon State University Agricultural Experiment Station.

The PL 88–309 program is vitally important to the State of Oregon and particularly to the economy of our coastal counties. The three for one supplementation of state funds by this program provides the means by which adequate programs can be developed at the state level for the systematic and scientifically based management and development of Oregon's valuable marine resources. Our seafood industry provides many jobs for Oregon's people and adds significantly to the state's economy. It should be pointed out that this industry converts a self-replenishing resource into a product which adds something new to our state and national economy unlike other industries which only transfer capital and/or skills. Continuing programs such as PL 88–309 are necessary to support, develop and expand this fraction of our state's economy. Without this federal support, such programs would be very difficult for individual states to fund with the heavy demands being placed upon the resources of state government today. In fact, if one looks at the potential value of Oregon's marine resources, the present and projected programs under PL 88–309 are insufficient. I might suggest the program could be profitably expanded by increasing total funding with an increase in the proportion supported by the federal program coupled with a reduction in the state's share of the cost.

The program provides for a unique mechanism for cooperation. I am not referring to federal-state cooperation as such, but cooperation between researchers. In Oregon, PL 88–309 funds come to the Fish Commission of Oregon and provide support for both biological and technological investigations. Since projects under this program are reviewed by the National Marine Fisheries Service, the PL 88–309 program fosters unique cooperation between researchers with the National Marine Fisheries Service, the Fish Commission of Oregon and Oregon State University.

To be more specific, PL 88–309 programs provide vital support for the management and research programs of the Fish Commission of Oregon as well as the research program of the Department of Food Science and Technology at the Seafoods Laboratory. Although I cannot speak specifically with regard to the programs of the Fish Commission of Oregon, the PL 88–309 program supports a vital part of the program of our Laboratory. This program involves applied and basic research activities in the areas of improvement of fishery product quality and utilization of fishery by-products for human and animal food. The Seafoods Laboratory was established in Astoria by Oregon State University so these activities could be carried out in close cooperation and with the participation of the seafoods industry.

Continued funding of PL 88–309 is the key to continuing our Laboratory's program of research and development which is geared to aggressively supporting the growth and well-being of Oregon's seafood industry. Without support from PL 88–309 it is certain our program could not be maintained at its present minimal level and could put in question the viability of our Department's branch laboratory activities on the coast.

Our research program supported by PL 88–309 is largely directed toward utilizing species of fish not presently caught or marketed by Oregon's fishing industry. This program was in response to a considerable reduction in the availability of preferred commercial species in Oregon's coastal waters by heavy, uncontrolled foreign fishing pressure. Shad, Pacific hake and dogfish shark were singled out as target species.

Shad, an anadromous species available in large quantities in Oregon's coastal waters and rivers, is a species highly prized on the East Coast, but only caught for its roe on the West Coast. Product development investigations have shown this very fat and bony fish very adaptable to the preparation of minced fish products such as sausages, fish loaves, etc. Methods of bone comminutation and separation were developed and/or evaluated. Formulations of product concepts were developed and acceptance and frozen shelf-life characteristics were characterized and documented using expert and student taste panels. In addition, research showed that salted shad was as acceptable as herring for the preparation of pickled products. Large quantities of salted herring are imported for this purpose.

The utilization of shad in the preparation of minced prepared food products has created a lot of interest in Oregon's seafood industry. However, application of these product concepts by industry is slow and will require continued persistent consultation and technological help. The technological information for this species utilization is available, but the movement of a commodity oriented industry to one oriented toward prepared products is slow.

Our research and development work with shad as a raw material for preparing a pickled product has been applied commercially. Presently, this species is being processed according to our formulations and marketed in Oregon. A small step, but complete success is composed of a series of these small step. This result has been very gratifying.

Mr. HATFIELD. Mr. President, to me this is very exciting news. While at first, the thought of a fish sausage stains even my taste for fish, I know such products can be made to be very tasty. The point that is important here is that the research is direct in its application. Some people have criticized various federally funded research efforts in various disciplines as being far from practical in their application, and too abstract for any benefits to accrue to the public at large. Here, however, are good examples of real, tangible payoffs from a modest expenditure of Federal funds.

In addition to the research directed to better utilization of the shad, research is going on at the Astoria Lab directed at Pacific hake. As a resident of Newport, Oreg., myself, I know from my fishermen friends that hake has been known as a trash fish, and one with little or no commercial utilization. Dr. Crawford describes some of the hake research in his letter, and I ask unanimous consent that this section of his letter appear at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

PACIFIC HAKE

Another species of great potential importance to Oregon is the Pacific hake. The standing stock of Pacific hake in waters off Oregon and Washington is estimated to range from 609.5 to 1206 thousand short tons with a sustainable yield of 174–349 thousand short tons. Hake of the Pacific coast are regarded generally as a trash fish having flesh of poor keeping quality. Only small amounts are used for animal food. Hake of the genus *Merluccius* are valuable human food in the U.S.S.R., Chile, Spain, Argentina, and South Africa.

Our research activities have been directed toward the development of numerous avenues for the utilization of this important species. Our research has brought about the use of this fish in the formulation of hatchery fish rations. Through development activities this species was included as a possible ingredient in the formulation of the Oregon Moist Pellet. Presently, this formulation can use up to 40 percent raw fish as a component. Over 16 million pounds are produced in Oregon and Washington annually. Although this is a poor use for this species which has great human food potential, it does create a market and help develop a fishery.

Research was carried out in cooperation with the National Marine Fisheries Service in evaluating hake processed into a meal as a supplement in broiler rations. Nutritional investigations showed its meal to compare well with meals presently used.

Presently, we see a great market potential for this species in the production of frozen blocks to be used for the preparation of fish sticks, portions, etc. Present research is directed toward characterizing and documenting comparative acceptance and frozen shelf-life characteristics. Market evaluation studies in cooperation with the Otter Trawl Commission of Oregon are planned in the near future. Results to date from preference taste panels show portions prepared from blocks of frozen fillets to have a high degree of comparative acceptance. If handled properly, frozen shelf-life is comparable to other commercially utilized species.

As a part of our over-all Laboratory research program we have evaluated various deboning and skinning machines. Processing with this type of equipment separates the flesh from the bone and skin of whole dressed fish. Flesh is yielded in a coarse minced form. The advantage of this type of processing is that edible flesh yields are increased as much as 100% over routine hand or machine filleting procedures.

A multitude of new fishery products produced by machine extrusion or continuous cooking extrusion is possible using this machine-processed minced flesh. A new mixed food product produced by machine extrusion, in the form of a breaded patty composed of 50% shrimp and 50% minced hake, has been developed by our laboratory. This product concept utilizes hake as an extender for a high priced seafood item to produce a high quality and highly acceptable product. Presently, acceptance and frozen shelf-life characteristics are being evaluated and documented. Our laboratory is working very closely with an Oregon firm who has expressed considerable interest in producing and marketing the new product concept. Commercial production is in the early test marketing stages of development. If market development is successful, a new market for this species will be developed. Also of considerable consequence will be the fact that an Oregon resource will be manufactured into a prepared food product in Oregon, rather than being marketed as a commodity, thus providing more job opportunities and a greater contribution to the economy of our state.

Mr. HATFIELD. Mr. President, I want to pay particular attention to the potential for new jobs in the processing of hake products that can flow from development of these new fish products. As one who as Governor of Oregon for 8 years, worked hard for the creation of new job opportunities throughout Oregon, I welcome this news.

The closing section of Dr. Crawford's letter discusses aspects of the Astoria Seafood Lab research directed to processing of the Dungeness crab. I ask unanimous consent that this section of Dr. Crawford's letter appear at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SECTION OF LETTER

Another phase of our PL 88–309 program deals with problems related to the processing of Dungeness crab. Every year the development of a blue discoloration in fresh cooked crab results in thousands of dollars loss to Oregon processors. Also, this same discoloration problem results in a reduction in the quality of Oregon's canned crab pack.

Research efforts have found the problem to be caused by degradative enzyme activity in the live crab prior to processing. Research is being directed toward eliminating the mechanism of the degradative process and developing handling and processing procedures which will eliminate or greatly minimize the problem. The cost-benefit ratio from the research could be considerable in addition to providing considerable information on post-extraction biochemical changes which could greatly affect the quality of other seafood products.

Our projected research efforts beyond June 30, 1973, if support is available, will be directed toward (a) the utilization of Oregon's bay clams and (b) the utilization of seafood industry waste in Oregon.

The demand for bay clams for food products far exceeds the available supply. Large beds of many varieties of bay clams are located throughout Oregon's coastal bays and estuaries. The soft shell clam, in particular, is very similar to the East coast soft shell clam. This clam is the most important species harvested on the East coast. However, at the present time, the soft shell clam is not being utilized in the Northwest. Present tentative plans call for a joint biological and technological attack on this problem by the Fish Commission of Oregon and Oregon State University.

In many food industries, large shares of the total profit are obtained from conversion of processing wastes into acceptable and marketable products and commodities. The seafoods industry has a greater potential for utilization of waste than other segments of the food industry in that a major fraction of their waste is composed of more valuable protein. As an example, landings of trawl species in Oregon and Washington alone in 1968 amounted to over 51 million pounds. This would represent a calculated 40 million pounds of waste and over 6 million pounds of protein. Processing waste from Pacific shrimp and Dungeness crab also represent a large and under-utilized source of raw material. In these days of environmental concern, motives other than profit are also drawing industry to utilize waste. This capacity in the seafoods industry has not been exploited to any great degree.

The purpose of this proposed research program will be to develop means and methods for incorporating fish processing waste into acceptable products for consumption by fish, mammals and humans. Compositional and nutritional evaluation and documentation will be an important part of the program.

I hope this rather long and rambling informational letter will be of value to you. However, it does not adequately detail all of my views concerning the importance of PL 88–309 research programs or represent our entire research program. If we can be of further help in any way please feel free to call upon us.

Very truly yours,
DAVID L. CRAWFORD, Ph. D.
Program Director.

FISH WASTE IS HIGH

Mr. HATFIELD. Mr. President, I want to restress one point Dr. Crawford makes in his discussions of fish waste. He says:

In many food industries, large shares of the total profit are obtained from conversion of processing wastes into acceptable and marketable products and commodities. The seafoods industry has a greater potential for utilization of waste than other segments of the food industry in that a major fraction of their waste is composed of more valuable protein.

I cannot overstate the importance of this: We are talking about better utilization of one of our basic energy sources—protein. Naturally, in authorizing these various projects, and in approving the funding for them, we need to see that these tax dollars are not wasted. The central point here is that there is a practical, people-related benefit that flows from every tax dollar that is spent under this program. The goal of this research is to better utilize our fish products. What evolves from this is better protein enriched fish products. Protein, as a vital part of our diet, is even more important to people that lack enough balance in their diet from other food sources. I think here of the poor urban resident, or the senior citizen on a fixed, modest income. My colleagues recall that during the debate on the fish inspection bill last fall, I raised this same point. In summary, fish products are of such high protein value that they should form a greater part of the diet of such people who face severe problems meeting their dietary needs. I need not point out the current concern about rising meat prices, and a family that is unable to eat recommended amounts of meat to meet dietary standards can recoup to some degree by purchasing less expensive fish products.

Mr. President, I call attention to this because an examination of many of the research projects under this law have a direct public goal of meeting the dietary needs of future generations of Americans as their goals. I applaud this, and I suggest that Senators should see the wisdom in this.

In closing, Mr. President, I want to urge approval of this legislation when it is considered by the Senate in a short time. It is not expensive, and the many benefits far outweigh the costs of the bill.

In Oregon, this program has support all over the State. As a resident of Newport, Oreg., a beautiful town on the coast where many of my friends work as commercial fishermen, this bill is widely endorsed.

I ask unanimous consent that a representative sampling of projects either completed or underway under terms of Public Law 88–309 appear at this point in the RECORD.

There being no objection, the projects were ordered to be printed in the RECORD, as follows:

OREGON COAST FISHING PROGRAMS AIDED BY P.L. 88–309

I–3–R. Study on the distribution and abundance of pink shrimp in the Pacific Ocean off Oregon. Sampling of commercial pink shrimp landings at Warrenton, Newport. frequency, catch, and effort data by area of and Coos Bay has been completed. Length-catch were reported. The vertical distribution and migratory behavior of this species by diel, lunar, and seasonal periods, and the environmental factors which may influence these movements were investigated off the Oregon coast near Astoria and Newport. Begun: 1965, Finished: 1970. Total cost: $141,832.

I–4–R. Investigation of the abundance and recruitment of bottomfish off Oregon, with emphasis on Dover sole—Data on fluctuations in abundance and year-class strength of Dover, English and petrale soles and Pacific ocean perch were evaluated. Techniques for determination of spawning success and abundance were investigated also. Begun: 1965, Finished: 1970. Total cost: $165,390.

I–5–R. Controlled rearing of dungeness crab larvae and the influence of environmental conditions on their survival—This project at Oregon State University's Marine Science Center at Newport was to develop techniques for the identification and rearing of dungeness crab larvae and to study how dissolved oxygen concentrations, temperature, and salinity affect the larvae distribution and survival of larvae. The feasibility of hatching and rearing crab larvae on a commercial basis was explored. Date Begun: 1965, Finished: 1970, Total Cost: $67,774.

I–10–D. Development of the shad industry—Oregon State University Seafoods Laboratory at Astoria developed new products using American shad and ground fish. Shad and striped bass have been used to make an acceptable smoked pepperoni product. The shelf-life of this appetizing fish product was evaluated. A frozen brown-and-serve fish sausage with a fresh pork sausage seasoning has been formulated. Development of a fish loaf of the luncheon meat type was considered. Dates Begun: 1966, Finished: 1970. Total cost: $71,771.

I–12–R. Utilization of hake, dogfish, and by-products of the fillet industry for protein supplements—The State of Oregon has a large quanity of hake and dogfish, both sources of animal protein, and, in addition, the bottomfish industry provides fillet scrap that amounts to over 60 percent of trawl fish landed. Oregon State University, Corvallis, and their seafood laboratory at Astoria, experimented with these fish to develop stable protein producta and to determine possible uses of such products. An 8-week broiler production feeding trial combining herring and hake to improve body weight and decrease food consumption was completed. Preparations to evaluate hake meals as a source of protein for trout were investigated. Date Begun: 1966, Finished: 1970. Total Cost: $134,167.

I–15–R. Processed hake in feed for mink.—This study was made to determine if Pacific hake could serve as the source of protein in mink ration. Date Begun: 1965, Finished: 1968. Total Cost: $18,153.

I–25–R. Utilization of hake for human food.—The purpose of this study was to investigate the use of hake as a high-quality food for human use, with emphasis on the autoxidation of the oil of hake and means of rancidity control in fresh, frozen products. Date Begun: 1969, Finished: 1970. Total Cost, $16,000.

I–27–R. Laboratory hatching and rearing of Pacific Coast clams and oysters.—The de-

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velopment of methods to spawn and rear several species of clams and oysters for planting was the major objective of this study. Growth was observed from spat grown in the laboratory to placement in Netarts and Yaquina Bays. Date Begun: 1967, Finished: 1970. Total Cost: $62,983.

I–34–R. Preparation of marine protein concentrate from hake.—Studies at Oregon State University Seafood Laboratory, Astoria, using drum drying to make fish protein concentrate indicate that oil will separate from hake during the drying process. Experiments were made to evaluate the use of antioxidants and their effect in preventing deterioration, oxidation, or extractability of lipds. Date Begun: 1967, Finished: 1970. Total Cost: $60,000.

I–38–R. Biology of Columbia River shad and the development of selective commercial fishing gear.—Since little was known about shad in the Columbia River and no studies had been made since the early 1950's, this study provided current information on the status of this available resource. Studies of life history and of the reproductive potential and natural mortality of this species were made. Selective commercial fishing gear and methods necessary to allow the salmon to escape were developed. Date Begun: 1967, Finished: 1969. Total Cost: $12000.

I–46–R. Boat Charter.—A 55-foot trawler was chartered on an annual basis for research on the tunas from northern Oregon coast to Cape Mendocino, Calif., and on shrimp and crabs in the coastal waters between Astoria and Newport. Albacore were tagged and released for migration studies. Date Begun: 1967, Finished: 1970. Total Cost: $76,800.

I–58–D. Development of new human food products from shad.—Conventional methods of processing and preparing fishery products, such as canning, salting, pickling, and smoking, that are compatible with shad flesh are investigated. The use of commercial shad flesh derived from deboning machine will be investigated also. Date Begun: 1970, Finished ——, Total Cost: $12,000.

I–59–D. Utilization of hake for human food.—Hake for food for human use is investigated, with emphasis on the autoxidation of the oil and means of controlling rancidity and texture changes in fresh and frozen products. Date Begun: 1970, Finished: ——, Total Cost: $50,000.

I–60–R. Clam-oyster-abalone larval rearing—The purpose is to develop techniques for mass culturing clams, oysters, and abalone to assess the feasibility of artificial propagation as a supplement to natural production. Date Begun: 1970, Finished: ——. Total Cost: $52,000.

I–61–R. Data analysis—Dover sole stocks—Provides for completion of data analysis and submission of reports for publication on Dover sole population dynamics. Also results of survey of Dover sole stocks in deep coastal waters will be distributed. Date Begun: 1970, Finished: ——. Total Cost: $38,500.

I–62–R. An evaluation of methods for determining movements of shrimp—This study is twofold: (I) to evaluate the feasibility of various techniques of determining the movements of Pacific pink shrimp, and (2) to develop holding and rearing techniques of pink shrimp in aquaria. Date Begun: 1970, Finished: ——. Total Cost: $28,500.

I–63–R. Discoloration in fresh and frozen crab meat—To improve methods and techniques in the handling and storage of dungeness crab and crabmeat and of maintaining the natural color and quality of canned crabmeat. Date Begun: 1970, Finished: ——. Total Cost: $44,250.

I–64–R. Preparation of fish protein concentrate—Methods and procedures for the preparation of low-fat fish protein concentrate from machine deboned and skinned, round and eviscerated hake are investigated. Date Begun: 1970, Finished: ——. Total Cost: $18,000.

I–66–R. Crab larval rearing—To develop techniques for rearing dungeness crab larvae in mass culture. Crab larvae will be challenged to different current velocities and height intensity to gain information for development of techniques for sampling larvae at sea. Date Begun: 1970, Finished: ——. Total Cost: $50,000.

I–69–R. Preparation of fish protein hydrolysates from fish fillet scrap and and waste fish including hake and dogfish. Date Begun: 1970, Finished: ——. Total Cost: $28,000.

THE ALCOHOLISM BILL

Mr. MOSS. Mr. President, The distinguished Senator from Iowa (Mr. HUGHES) has introduced a bill, S. 3644, amending the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

In the 2 years of its existence, the Institute of Alcohol Abuse and Alcoholism had made an impressive start toward reaching the goals of the act. But more needs to be done.

In the first stages of its development, the authorizations and appropriations for the Institute were purposely kept low so that the Institute would have time to plan and prepare to administer the funds needed to cope adequately with alcoholism. Now the time has come for the Institute to take the offensive. The groundwork has been laid, plans made, a course of action prepared.

The amendments submitted by Senator HUGHES would extend the authority of the act for an additional 3 years and authorize $480 million in formula grants and $420 million in project grants for the same period.

In addition, the amendments provide more personnel for the Institute, require hospitals receiving Federal funds to treat alcoholics on a nonprejudicial basis the same way as drug addicts are now treated under the Drug Abuse Act, a significant step in recognizing the true nature of the disease.

The amendments also rearrange the project grant authorities by shifting them from the Community Mental Health Centers to the Comprehensive Alcoholism Act.

The adoption of the amendments will not, of course, immediately end alcoholism. To get the job done will require an enormous amount of effort at every level of government and the dedicated support of the public. While the asked for appropriation is a significant increase over previous funding, in the long run it will certainly prove much less than the lost working hours, broken careers, and wasted lives that now is the toll of alcoholism.

There is no easy or quick solution to the problem. Its roots go deep into the pressures and failings of our society. But the amendments to the already existing legislation are unprecedented in their comprehensiveness.

These amendments mean that the future is beginning to look brighter for those millions of American families now facing the tragedy of alcoholism. If Congress will agree to provide the needed funding, the massive counter attack on the disease can finally begin. The countless victims of the sickness can be saved, and America will be a richer place for it.

As the Senate's earliest advocate of Federal legislation to control alcoholism, and as one of the three principal sponsors of the Hughes-Javits-Moss Act of 1970, I am pleased to cosponsor the amendments to this act submitted by Senator HUGHES.

ADEQUATE PROTECTION FOR MOBILE HOME BUYERS

Mr. BROCK. Mr. President, mobile homes are the fastest growing mode of housing in the United States today.

In view of this, careful and considered steps must be taken to insure that this housing is safe and reliable. In my bill, S. 3604, now before the Senate Committee on Banking, Housing and Urban Affairs, I have proposed the establishment of national standards for the construction of mobile homes.

While other initiatives to provide protection to mobile home purchasers have been discussed, no one committee has addressed itself in a substantive way to an exhaustive examination of what is really needed to guarantee an adequate level of safety. I believe such an examination is imperative before we can act. Recognizing the pervasive influence a mobile dwelling has on its occupants, to ignore the complexities of what have been the experiences of State and local officials, owners, and private organizations involved in mobile home safety would be a miscarriage of legislative responsibility.

I am aware of language contained in the Senate Commerce Committee report on S. 3419, Consumer Safety Act of 1972, which states:

Because many inquiries concerning mobile home safety have been directed to the Committee, it would seem appropriate to express the Committee's intent with respect to mobile home safety. It is the Committee's intent with respect to mobile home safety. It is the Committee's intent to include mobile homes under the definition of "consumer product."

The report language would perhaps be better stated if it had read, "Despite specific statutory language to the contrary, it is the Committee's intent" and so on. For if my reading of the bill is correct, then mobile homes are specifically excluded from coverage under the proposed act.

The contradictions of the Commerce Committee's position on mobile homes coupled with the fact that more thorough legislation is needed to provide adequate protection to the mobile homeowners will give my legislation, the National Mobile Home Safety Act, the chance for active consideration by the Senate. I feel that such study is necessary.

My legislation offers a comprehensive approach to the problem and hearings are expected before the close of this session of Congress.

Mr. President, the reasons for the astounding growth in the use of mobile homes are manifold. Most importantly, the spiraling cost of conventional homes has literally made it impossible for the average family to purchase its own home. In 1965, the cost of single family dwellings averaged $23,600; in 1970, the price has skyrocketed to over $32,500.

The enormous cost of site-built homes coupled with the fact that 95 percent of homes sold for under $15,000 are mobile homes has led over 7 million Americans to choose this type of dwelling.

Incredibly enough, in 1970 there were more mobile homes constructed than single family housing starts in all the United States.

Whatever the reasons for this development, it remains clear that mobile homes are very apt to continue their phenomenal increase in sales and should be viewed as a pervasive and futuristic element in America's housing capabilities.

Such a home, although technically mobile, is for all intents and purposes a dwelling which meets the objective and legal definitions of a domicile. In most instances, the only time a mobile home is mobile is for the trip between the point manufacturer and the home's park. Statistics show that the average mobile home is moved once every 40 months, that it spends less than 12 hours on public roads in 18 to 20 years, and that it only spends 0.055 percent of its useful life on the highway. The average size is 12 feet wide and 60 feet long. Despite the traditional shoebox configuration required for transportation purposes, mobile homes may now be purchased in double or even triple width.

A mobile home, regardless of its mobility, is a residence. However, unlike conventional housing it is not subject to local building ordinances. In their stead some 26 States have adopted standards covering mobile home construction.

Unfortunately, protection for the purchaser is spotty and enforcement of existing guidelines dubious. In most States which have adopted mobile home construction guidelines, most only apply to homes manufactured and sold in the State. Mobile homes manufactured in a State with no regulations and sold in a State with specific criteria are not regulated at all. Equally important is the matter of enforcement of official State regulations. In Florida, the country's leading consumer of mobile homes, there are three inspectors who handle all complaints against manufacturers of mobile homes and recreational vehicles, as well as the inspection of the construction of all such vehicles. It could hardly be expected that such a program could eliminate risks to the consumer.

In sum, Federal legislation covering mobile homes of the type I have proposed in S. 3604 is imperative. All attempts to subvert its importance by burying it in other so-called consumer legislation must be resisted. This issue demands thorough examination to determine its various ramifications and to consider the collective experiences of State and local authorities in order to provide the potential mobile home buyer with assurance that the home he purchases meets certain standards of quality and safety. I would add, however, that since virtually all mobile homes are delivered with components such as convenience appliances and furnishings, these components will and should be covered by pending consumer legislation. Nevertheless, mobile homes in and of themselves should be considered as dwellings.

Mr. President, in order that Senators may know how mobile homes use relates to their separate States, I ask unanimous consent that statistics provided by Mobile Home Manufacturers Association concerning production sales volume be printed in the RECORD at the conclusion of my remarks.

It will be noted that the use of mobile homes runs heavily in the more temperate climes of our South and West; however, production of these mobile dwellings is spread throughout the country with little relation to geography or climate.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

MOBILE HOME SHIPMENTS TO DEALERS

	1966		1967		1968		1969		1970	
	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent
Northeast	28,563	13.1	30,342	12.6	37,283	11.7	44,917	10.9	46,705	11.6
Connecticut	1,104		1,273		1,315		1,114		1,052	
Maine	1,885		1,775		2,686		3,827		4,833	
Massachusetts	1,239		1,433		1,716		1,716		1,585	
New Hampshire	1,409		1,674		1,715		2,446		2,302	
New Jersey	1,558		1,261		1,544		2,706		2,710	
New York	9,183		10,132		13,031		13,415		13,585	
Pennsylvania	10,654		11,142		13,552		16,776		18,768	
Rhode Island	241		259		216		655		262	
Vermont	1,290		1,393		1,508		2,242		1,608	
East North Central	41,751	19.2	39,925	16.6	51,946	16.3	68,706	16.6	67,781	16.9
Illinois	8,332		7,703		9,238		11,273		10,634	
Indiana	8,316		6,932		9,260		12,410		13,176	
Michigan	11,737		12,248		16,112		20,676		19,612	
Ohio	8,711		8,649		11,428		15,990		17,446	
Wisconsin	4,655		4,393		5,908		8,357		6,913	
West North Central	19,033	8.8	23,434	9.7	27,707	8.7	36,356	8.8	32,390	8.1
Iowa	2,116		2,526		2,658		3,889		4,609	
Kansas	3,296		4,029		4,828		6,408		5,007	
Minnesota	3,936		4,937		6,230		7,700		7,413	
Missouri	5,331		5,936		8,413		10,147		8,850	
Nebraska	1,468		2,455		2,353		3,941		2,944	
North Dakota	1,376		1,558		1,325		1,773		1,479	
South Dakota	1,510		1,991		1,900		2,498		2,088	
South Atlantic	49,812	22.9	60,764	25.3	78,178	24.6	108,156	26.2	115,752	28.9
Delaware	1,538		1,803		1,820		1,755		2,152	
Florida	14,183		18,732		26,012		33,618		37,854	
Georgia	9,379		11,680		16,109		24,268		22,976	
Maryland	2,092		2,096		2,275		2,789		2,979	
North Carolina	8,884		11,790		14,616		22,678		23,606	
South Carolina	5,321		6,603		7,632		10,657		10,694	
Virginia and District of Columbia	6,501		6,139		6,715		8,050		9,619	
West Virginia	1,914		1,921		2,999		4,341		5,872	
South Central	39,578	18.2	47,652	19.8	67,812	21.3	94,597	22.9	79,118	19.7
Alabama	6,755		7,521		8,304		12,718		12,463	
Arkansas	3,257		3,982		4,872		5,919		4,796	
Kentucky	4,287		4,325		5,279		7,008		8,225	
Louisiana	4,304		5,004		6,943		11,235		6,371	
Mississippi	4,454		4,295		5,543		10,226		6,823	
Oklahoma	2,432		3,290		4,601		7,111		5,016	
Tennessee	6,256		5,348		7,850		11,353		8,822	
Texas	7,833		13,917		24,420		28,987		26,692	
Mountain	14,959	6.9	15,581	6.5	20,424	6.4	27,287	6.6	29,383	7.3
Arizona	2,970		2,913		4,949		7,134		8,735	
Colorado	3,469		4,572		4,773		6,333		6,503	
Idaho	1,721		1,701		2,126		3,001		3,737	
Montana	2,342		2,476		2,379		3,410		2,722	
Nevada	1,176		912		2,065		2,224		1,967	
New Mexico	1,824		1,594		2,528		2,570		2,673	
Utah	784		686		781		1,364		1,722	
Wyoming	673		727		823		1,251		1,324	

XUM

MOBILE HOME SHIPMENTS TO DEALERS—Continued

	1966		1967		1968		1969		1970	
	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent	Homes	Percent
Pacific	23,051	10.6	21,390	8.9	33,396	10.5	31,389	7.6	28,678	7.2
California	13,306		10,828		19,287		18,911		17,796	
Oregon	4,919		4,351		5,975		5,033		5,495	
Washington	4,826		6,211		8,134		7,445		5,387	
Alaska	553	.3	1,242	.6	1,204	.5	1,228	.4	1,361	.3
Hawaii							54		22	
Total United States	217,300	100	240,360	100	317,950	100	412,690	100	401,190	100

UNIT SHIPMENTS TO STATES IN 1970, MOBILE HOMES ONLY (REVISED)

	1969	1970	Percent change
Northeast	44,917	46,705	+4
Connecticut	1,114	1,052	−6
Maine	3,827	4,833	+26
Massachusetts	1,716	1,585	−8
New Hampshire	2,466	2,302	−7
New Jersey	2,706	2,710	(1)
New York	13,415	13,585	+1
Pennsylvania	16,776	18,768	+12
Rhode Island	655	262	−60
Vermont	2,242	1,608	−28
East North Central	68,706	67,781	−1
Illinois	11,273	10,634	−6
Indiana	12,410	13,176	+6
Michigan	20,676	19,612	−5
Ohio	15,990	17,446	+9
Wisconsin	8,357	6,913	−17
West North Central	36,356	32,390	−11
Iowa	3,889	4,609	+19
Kansas	6,408	5,007	−22
Minnesota	7,700	7,413	−4
Missouri	10,147	8,850	−13
Nebraska	3,941	2,944	−25
North Dakota	1,773	1,479	−17
South Dakota	2,498	2,088	−16
South Atlantic	108,156	115,752	+7
Delaware	1,775	2,152	+23
Florida	33,618	37,854	+13
Georgia	24,268	22,976	−5
Maryland	2,789	2,979	+7
North Carolina	22,678	23,606	+4
South Carolina	10,657	10,694	(1)
Virginia and District of Columbia	8,050	9,619	+19
West Virginia	4,341	5,872	+35
South Central	94,597	79,118	−16
Alabama	12,718	12,463	−2
Arkansas	5,919	4,706	−20
Kentucky	7,008	8,225	+17
Louisiana	11,235	6,371	−43
Mississippi	10,266	6,823	−34
Oklahoma	7,111	5,016	−29
Tennessee	11,353	8,822	−22
Texas	28,987	26,692	−8
Mountain	27,287	29,383	+8
Arizona	7,134	8,735	+22
Colorado	6,333	6,503	+3
Idaho	3,001	3,737	+25
Montana	3,410	2,722	−20
Nevada	2,224	1,967	−12
New Mexico	2,570	2,673	+4
Utah	1,364	1,722	+26
Wyoming	1,251	1,324	+6
Pacific	31,389	28,678	−9
California	18,911	17,796	−6
Oregon	5,033	5,495	+9
Washington	7,445	5,387	−28
Alaska	1,228	1,361	+11
Hawaii	54	22	−59
Total United States	412,690	401,190	−3

(1) Less than 1 percent.

MOBILE HOMES SHIPPED TO STATES

	1970	1971 (1)	Percent change
Northeast	46,705	41,824	−10
Connecticut	1,052	726	−31
Maine	4,833	3,645	−25
Massachusetts	1,585	1,248	−21
New Hampshire	2,302	1,980	−14
New Jersey	2,710	2,179	−20
New York	13,585	12,073	−11
Pennsylvania	18,768	18,433	−2
Rhode Island	262	295	+13
Vermont	1,608	1,244	−23
East North Central	67,781	74,613	+10
Illinois	10,634	11,688	+10
Indiana	13,176	14,875	+13
Michigan	19,612	22,887	+17
Ohio	17,446	18,345	+5
Wisconsin	6,913	6,818	−1
West North Central	32,390	35,260	+9
Iowa	4,609	4,789	+4
Kansas	5,007	5,179	+3
Minnesota	7,413	6,783	−8
Missouri	8,850	10,162	+15
Nebraska	2,944	3,708	+26
North Dakota	1,479	2,307	+56
South Dakota	2,088	2,332	+12
South Atlantic	115,752	133,427	+15
Delaware	2,152	1,933	−10
Florida	37,854	49,366	+30
Georgia	22,976	22,821	−1
Maryland	2,979	2,425	−19
North Carolina	23,606	27,445	+16
South Carolina	10,694	12,263	+15
Virginia and District of Columbia	9,619	10,522	+9
West Virginia	5,872	6,652	+13
South Central	79,118	110,707	+40
Alabama	12,463	15,999	+28
Arkansas	4,706	8,620	+83
Kentucky	8,225	12,062	+47
Louisiana	6,371	8,336	+31
Mississippi	6,823	9,584	+40
Oklahoma	5,016	7,282	+45
Tennessee	8,822	15,215	+72
Texas	26,692	33,609	+26
Mountain	29,383	47,147	+60
Arizona	8,735	17,380	+99
Colorado	6,503	10,669	+64
Idaho	3,737	4,154	+11
Montana	2,722	3,464	+27
Nevada	1,967	2,576	+31
New Mexico	2,673	5,156	+93
Utah	1,722	2,475	+44
Wyoming	1,324	1,273	−4
Pacific	28,678	52,580	+83
California	17,796	32,578	+83
Oregon	5,495	12,433	+126
Washington	5,387	7,569	+40
Alaska	1,361	969	−29
Hawaii	22	43	+95
Total United States	401,190	496,570	+24

(1) Revised.

MOBILE HOME PRODUCTION IN STATES

(Units)

	1970	1971	Percent change 1971/1970	Percent of total 1971 production (1)
Northeast	32,300	32,975	+2	7
Connecticut	0	0		
Maine	0	0		
Massachusetts	0	0		
New Hampshire	(2)	(2)		
New Jersey	(2)	(2)		
New York	0	(2)		
Pennsylvania	32,090	32,461	+1	6
Rhode Island	0	0		
Vermont	0	0		
East North Central	81,760	98,207	+20	19
Illinois	1,270	1,494	+18	
Indiana	49,500	61,527	+24	12
Michigan	15,060	13,558	−10	3
Ohio	9,080	9,775	+8	2
Wisconsin	6,850	11,853	+73	2
West North Central	37,710	44,328	+18	9
Iowa	(2)	(2)		
Kansas	17,710	19,572	+11	4
Minnesota	5,470	5,974	+9	1
Missouri	4,750	7,218	+52	1
Nebraska	7,040	8,803	+25	2
North Dakota	(2)	(2)		
South Dakota	1,670	1,699	+2	(4)
South Atlantic	108,510	133,567	+23	26
Delaware	0	0		
Florida	26,700	35,432	+33	7
Georgia	48,160	56,711	+18	11
Maryland	(2)	(2)		
North Carolina	18,880	26,090	+38	5
South Carolina	7,740	6,660	−14	1
Virginia and District of Columbia	5,690	7,177	+26	1
West Virginia	(2)	(2)		
South Central	90,140	119,257	+32	24
Alabama	23,440	29,470	+13	6
Arkansas	8,550	9,655	+13	2
Kentucky	2,850	5,171	+81	1
Louisiana	5,330	5,774	+8	1
Mississippi	5,430	9,587	+84	2
Oklahoma	3,850	5,317	+38	1
Tennessee	4,830	7,989	+65	2
Texas	35,860	45,894	+28	9
Mountain	(3) 14,130	(3) 23,350	+65	5
Arizona	1,510	7,231	+379	1
Colorado	1,240	2,369	+91	(4)
Idaho	10,220	11,285	+10	2
Montana	(2)	(2)		
Nevada	0	0		
New Mexico	(2)	(2)		
Utah	(2)	(2)		
Wyoming	(2)	(2)		
Pacific	43,800	55,536	+27	11
California	33,550	42,622	+27	8
Oregon	7,300	9,241	+27	2
Washington	2,950	3,673	+25	1
Alaska	(3)	(3)	(3)	
Hawaii	0	0		
Total, United States	408,350	507,220	+24	100

(1) Detail may not add to total because of rounding.
(2) Production in this State has been concealed to prevent disclosure of individual plant production. The region total includes the production of this State.
(3) The production in Alaska is included in the Mountain Region total.
(4) Less than ½ of 1 percent.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired, and routine morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment (No. 1223) of the Senator from Alabama (Mr. SPARKMAN). Time on the amendment is controlled, and is limited to 2 hours, to be equally divided between the Senator from Alabama and the Senator from New Jersey (Mr. CASE).

The amendment will be stated.

AZORES AND BAHRAIN AGREEMENTS

The assistant legislative clerk read as follows:

On page 11, beginning with line 19, strike all through line 2 on page 12.

On page 12, line 6, strike "SEC. 14" and insert "SEC. 13".

Mr. SPARKMAN. Mr. President, what is the limitation on time?

The PRESIDING OFFICER. There is a time limitation of 2 hours, to be equally divided.

Mr. SPARKMAN. One hour to each side?

The PRESIDING OFFICER. That is correct.

Mr. SPARKMAN. Mr. President, the effect of my amendment would be to strike section 13 out of the bill. Section 13 is a part of what is known as the Case amendment. There are two parts to that amendment, section 13 and section 14. Section 13 would have the effect of stopping the expenditure of all funds with reference to the Azores and with reference to Bahrain unless and until treaty with each of those countries is submitted to the Senate for ratification.

These arrangements are now operating under executive agreements; and I believe it would be bad, but against the interests of the United States, to adopt this provision. I go a long way toward supporting the argument—and I have supported the argument—that there ought to be more consideration given to the utilization of treaties, particularly where there is something that might tie us down with respect to the security of the particular country with which we are acting. I believe, however, that that can be accomplished through our working with the executive department of the Government, and that we can prevail upon the executive department to submit treaties when a treaty is required.

However, I do not feel that a treaty is required in either of these cases. In neither case do we in any way whatsoever make any commitment toward the area covered that we would participate in any action looking to the preservation of their security. They are operating agreements.

With reference to the Azores, following the ratification by the Senate of the North Atlantic Treaty in 1949, the United States concluded executive agreements for the stationing of U.S. forces in a number of NATO countries—Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom, as well as Portugal. The agreement with Portugal was signed on September 6, 1951. This agreement formally expired on December 31, 1962, but the Portuguese chose not to require us to withdraw. The new government which took office in Portugal in 1968 asked for a reactivation of the base negotiations, which the Portuguese had broken off in 1962. We, of course, had no choice but to agree. Substantive discussions began in the fall of 1970 and lead to the exchange of notes of December 9, 1971, which provided for the extension of our base rights to February 3, 1974, and for certain U.S. assistance for economic development in Portugal.

The December 9, 1971, exchange of notes and letters merely extended our Azores base rights and involved no political or military commitments to Portugal—indeed, no commitments at all except to provide a modest amount of aid and export credits. To submit an agreement of such limited nature to the Senate for advice and consent would involve a major departure from long established practice. It would also give the agreement a formality which implies an importance and a U.S. commitment which are neither involved nor desired.

XUM

A question which has repeatedly come before the Senate has been raised again in recent days by the new series of executive agreements signed by the President with foreign nations. These agreements raise the question of the responsibility of the Senate to advise the President in advance of his action on questions of foreign affairs and, subsequently, to consent to his actions in this field. This power is at the heart of the Senate's constitutional powers in the field of foreign policy; and the recent inquiries by Senator CASE, Senator ERVIN, and Senator FULBRIGHT into the propriety of executive agreements reflect a well-justified and discerning concern for our constitutional system of checks and balances.

At the present time, no agreement is signed by the Department of State without a so-called circular 175 authorization. This is a legal review to determine whether any bilateral agreement should be submitted to the Senate in the form of a treaty or whether it can appropriately be concluded as an executive agreement. Clearly, any basic political commitment to come to the defense of another country must be presented to the Senate in the form of a treaty. No President has the power under the Constitution to accept on his own authority an obligation to make war without the clear and specific declaration of the Senate. The treaty clause of the Constitution is an ancillary safeguard against abuse of executive responsibilities in the field of defense and security.

On the other hand, a great number of other subjects can be appropriately concluded under an executive agreement. Essentially, the test is one of the importance of the subject. Moreover, the importance of any particular agreement should be measured not only in the eyes of our own Government, but in the eyes of the officials of foreign countries which are parties to the agreement. A smaller State may see an agreement with the United States as essential to its own defense or well-being even though the United States does not regard the facilities or benefits obtained as being essential to American interests. Thus, not only mutual defense agreements which should be submitted to the Senate as treaties, but also any agreement which assumes a vital importance in the security of another country. This is especially true if it involves the stationing of American military personnel abroad.

In concluding this brief discussion of the subjects that should properly be included in a treaty or an executive agreement, I should note a related concern of Congress—that is, a desire for openness in foreign affairs. Congress has an equal concern and an equal responsibility to the executive branch in these fields. Misunderstanding and misrepresentation can result when Congress is not consulted in advance on certain executive agreements. Much of the value in the treaty clause in the Constitution stems from the broad and open discussion which precede the advice and consent of the Senate to any formal bilateral agreement, and it is my judgment that much of the opposition to executive agreements would cease if the executive branch clearly and fully explained its purposes to Congress. This need not be in formal committee session of the appropriate congressional committee, but could also occur through the medium of letters or even informal conversations.

The Senate should insist on its full measure of power in this vital area of the review of important bilateral agreements, but I feel its anxiety has been misplaced in the recent case of the executive agreement to station naval personnel on Bahrain. This agreement does not relate to the defense of Bahrain, anyway. In fact, misleading publicity about the agreement has been a cause of some embarrassment to the Government of Bahrain, which is a thriving state on good terms with all its neighbors and is determined to preserve its new independence. Therefore, as one might expect, the stationing agreement does not obligate the United States in any way to support or defend the Government of Bahrain against aggression; nor is there even any agreement to consult in times of international tension. It recognizes administrative arrangements to lease buildings to be used for housekeeping, communications, and recreational purposes, and for part-time use of a commercial pier. As it is the intention of the Department of Defense to continue to maintain a homeport for a U.S. vessel in Bahrain, the published agreement mainly spells out arrangements relating to legal jurisdiction, tax exemptions, and import privileges of naval personnel on Bahrain. None of these matters reaches the degree of importance which is required for a treaty; and the Department of State, like the Foreign Ministry in Bahrain, does not see any reason to drape such mundane matters in the mantle of a treaty. This would give the arrangements an importance and a diplomatic significance which are completely unfounded.

The executive agreement in this case is merely a device to continue courtesies which the U.S. Navy has enjoyed for more than 20 years on the island of Bahrain. These courtesies were previously extended by the Bahrainis informally through the British, who had long acted for the Bahrainis in matters of foreign affairs. When this British relationship with Bahrain was ended last year, it became necessary to regularize the status of the small U.S. naval Mideast force with the new Government of Bahrain. The openness of the long-standing U.S. naval arrangements on the island of Bahrain has always been public and the need to adjust to new circumstances is obvious. When the United States decided it was in our interest to maintain these arrangements in the period following British withdrawal, it undertook to provide a formal basis for this small American military presence to remain in this crucial area, which is the principal source of oil for the world.

Let me conclude by saying that I believe an executive agreement was the appropriate form in which to provide for an extension of COMIDEASTFOR's activities on the island of Bahrain. The agreement sets no new policy. No new Navy mission is established in the Persian Gulf. The agreement most definitely does not contain any defense or political commitment, nor is any necessary in the eyes of Bahrain or the United States. The agreement is clearly within the authority of the President, as Commander in Chief, to provide facilities for our military personnel. The agreement provides for the rental of certain commercial facilities like a pier and cold stores which are useful to the maintenance of a vessel in foreign waters. The provisions of the agreement are public and commonplace and are subject to termination by either party at any time.

Mr. CASE. Mr. President, the Senate will soon be voting on whether or not to uphold the constitutional requirement for Senate advice and consent on treaties.

The specific issue before us, with the Sparkman amendment, concerns recent agreements which the executive branch has made with Portugal and Bahrain. But beyond these two important pacts is the broader question of what is a treaty. Does an agreement with a foreign country become a treaty only when the executive branch tells us this is the case? I think not.

An executive agreement for military bases outside the geographical territory of the United States is an important matter, I suggest, Mr. President. I think that is so on its face. But the executive branch says that the agreements with Portugal and Bahrain are executive agreement, not treaties, and that the Senate has no business—may I say in a polite way—involving itself in this area.

Does the Constitution mean anything? Does it mean only that the Senate is becoming a facade, to be pointed at when the teacher tells his pupils that we have a democracy, a constitution, and a representative government?

Is the Senate purely for the sake of window dressing? Is the whole thing a a sham? If it is not, then what does the Constitution mean when it talks about treaties? Well, the Senate did not think that these arrangements for bases in the Azores and in Bahrain should not have been treaties. The Senate thought otherwise.

On March 3 the Senate voted overwhelmingly in favor of the resolution which I introduced, which stated that the administration should submit the two agreements to the Senate as treaties. As I say, the vote was overwhelming. The administration, however, chose only to "note" the sense of the Senate and still refused to submit the agreements to the Senate for consideration as treaties under the Constitution of the United States.

Well, I do not know of any way we can compel the Executive to submit these agreements as treaties. I do not know that there would be any "writ that runs" in our favor against the President of the United States in any court of law. But, on the other hand, the Senate does not have to approve the funds to implement agreements which should be submitted to us for consideration as treaties and which are not submitted to us.

Accordingly, I presented an amendment to the Foreign Assistance Act of 1972 in the Committee on Foreign Relations, when it was considering that act, to cut off all funds for the implementation of these agreements until the administration had submitted them to to the Senate as treaties.

In fact, the Sparkman amendment, as the Senator from Alabama correctly noted, would, if it passes, eliminate this section. Its effect would be to acquiesce in the executive claim that we have no business meddling in these matters. Passage of the Sparkman amendment would be a clear signal that we are capable of passing a nonbinding resolution or, in other words, making stump speeches for the reassertion of the constitutional rights of the Senate, but that we are not willing to pass legislation with any teeth in it..

Do you think, Mr. President, that this is the way a Senator of the United States should treat the obligations of his office, to make stump speeches and then humbly bow the knee when the executive indicates that it prefers to have us do so?

What does that do to the Government of the United States? The Government is supposed to be composed of three equal and independent branches of government. What does it do to the proud tradition of this body, Mr. President?

We were not given authority under the Constitution for our own aggrandizement. We were not given it to flaunt it as evidence of the prestige of this body. That was not its purpose. Its purpose was a check on the use of arbitrary power by the executive branch. That is the purpose, Mr. President.

And so when we attempt to assert a claim to involvement by the Senate in agreements with foreign nations, we are not trying to show our own muscle as Members of the Senate of the United States. We are not trying to build ourselves up in any sense. We are trying to perform our constitutional duty. And when we refuse to do it and when we accept the assurances of the executive that in its judgment we had better not do this or that, we are not just demeaning ourselves, but we are also refusing to assume an obligation which the Constitution of the United States puts upon us and which our oath of office requires us to fulfill.

That is what we have been doing. I know that it is customary for most Members of the Senate to assert the dignity of the Senate and its importance in their belief in this independent role in general terms. And of course it is very easy to make stump speeches. We made them before in this matter when we said that it is the sense of the Senate that the agreements should be submitted as treaties.

It is much more difficult when we have to bite the bullet and do something about it and when we have to take action, the only kind of action we can take within our power.

I know that over many decades the U.S. Congress has become what one of our Members in days gone by called the sapless branch. He was speaking in another vein, perhaps. However, what he said is directly applicable here. Either we do or we do not move to fulfill our obligation under the Constitution of the United States as members of an independent branch of the Government of the United States.

I think it would be a sad commentary on the Senate of the United States once we have made our position known to back down when the administration says, "No, boys, this isn't possible. These are important matters. These matters are not for children. This is for the President to decide."

Of course, my remarks are not directed at this President. It is directed at all Presidents who, over many years, have usurped the Senate's authority to the point where the treaty power has become almost an exclusive authority of the occupant of the Office of President.

Mr. President, a curious thing has come about in the reversal of feelings that has taken place in many quarters of American intellectual thought. For a long time, as we know, a strong President was the ideal. The academicians, the editorialists, the writers, and others all extolled a man who exercised the powers of the President with authority. And they ridiculed those they called bumblers, like President Eisenhower, who had a strong sense of the limitations of office of the Presidency.

How ironic the change has been. These same people are now looking to Congress to reassert its authority. They have discovered that there is danger in an all-powerful President. They are talking about evil intentions. This is not the question. The founders of our land in their great wisdom—and they were a most extraordinary bunch—struck off an instrument, the Constitution, that was the marvel of the world. They did not think of the President of the United States and his successors as evil men. They simply recognized that no man is wise enough to run everything all by himself—no man nor any little group of men.

That is what we are talking about. And the only way we can check power is with countervailing power. That is why the Founding Fathers set up a system of checks and balances. And that is what we are talking about here. We have no authority in this matter to enforce the observance of the Constitution except the power of the purse. That power ought to be used sparingly. That power is very drastic, indeed. But, Mr. President, if it is not ever used, not only will that power atrophy but so will the Government of the United States as a democracy, as a representative government, as a government of divided authority.

Mr. President, I invoke that authority here because a vital constitutional question is involved.

Mr. SYMINGTON. Mr. President, will the distinguished Senator from New Jersey yield?

Mr. CASE. I will yield to the Senator from Missouri in a moment.

Mr. SYMINGTON. I am sorry. I thought that the Senator was finished. I was hoping that he would yield to me when he is through.

Mr. CASE. I will be pleased to yield to the Senator from Missouri when I am through. I am so cheered by the presence of the Senator from Missouri because of his great authority and the interest he has taken in this matter. He has been a shining light and a beacon to all of us. I will be very happy in a moment or two to yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. CASE. Mr. President, I have not taken any position on these agreements as substantive matters. I am not complaining about their terms. I am saying that the Senate of the United States ought to pass on them. That is what I am saying. So any discussion of the importance of these agreements is irrelevant except that it indicates their importance and that they therefore should be considered by the Senate of the United States as treaties.

We are not put in the Senate to deal only with treaties on copyrights, extradition, stamp collections, and minor questions of protocol. If that is the meaning of the Constitution, then I think the Founding Fathers wasted their time, and they did not waste their time unless we choose to have it so.

We can do this. We have done it in the past. It has become fashionable to say that politics stops at the water's edge. So politics does stop at the water's edge. But not when it comes to a serious consideration by the Senate of the United States of important matters proposed by the President of the United States. That is not the kind of politics that should stop at the water's edge. There should be no boundary to the discussion of these matters at all, no boundaries and no limit.

Mr. President, I would rather not sit in this body if it is to be a matter of passing upon questions of protocol. It is a great honor. However, it is not an honor if we choose to dishonor it by refusing to exercise and by not insisting on our right to exercise our constitutional authority.

One point has been made, and it is a very important one because of the great prestige of the Senator from Alabama (Mr. SPARKMAN), the mover of the amendment. He is chairman of the Committee on Banking, Housing and Urban Affairs. And he is naturally particularly interested in a special aspect of the Portuguese agreement, the agreement referring to the matter of credits or guarantees by the Export-Import Bank. That is the product of his committee. It is one of his babies in a sense. It has grown to be rather a large baby. However, he still has a paternal interest in it. And this is right and correct. He rather resents the idea that the actions of the Foreign Relations Committee—of which he is also a member, of course—should in any way limit the authority or activities of this bank.

I understand this. I want to make this point here. I understand that he and the Senator from Texas (Mr. TOWER) have another amendment. I am not sure about all the language in the amendment but, in effect, it would provide that nothing in this act, if the amendment is rejected, would prevent the Eximbank from carrying on its activities in the normal way. I agree. Passage of the bill with section 13 in it would not prevent the Export-Import Bank from conducting its ordinary business. It would take away an obligation of the United States of America to use the Bank in

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political matters which it never should do in any event.

The Senator from Alabama has a very good mind. He understands this distinction. I will accept the other amendment, assuming this one fails. I offer now to do so because I want to eliminate from the consideration of the constitutional question here involved, any question of an effort on our part to question an agency set up for entirely different purposes. That is not the intention and I agree it should not be the result. If an amendment is necessary, I will join in sponsoring it.

Under the last six Presidents, the executive agreement has gradually but steadily replaced the treaty as the principal means of making agreements with foreign governments. Lend-lease and destroyers-for-bases have led to Korean mercenaries for Vietnam, secret military bases in Ethiopia and Morocco, and even a secret war in Laos.

It was to avoid just such unilateral entanglements that the Founding Fathers wrote into the Constitution the requirement for Senate advice and consent to treaties. They felt that if a particular agreement could stand up to senatorial scrutiny, it was much more likely to involve the United States in a beneficial course of action. I am not saying that any of the agreements I have mentioned necessarily were not beneficial to our country. But I am saying that we have a Constitution; that ours is a system of laws; and that we should follow this Constitution in our foreign as well as domestic policies.

Opponents of section 13 have raised several arguments about the importance to the United States of military bases in the Azores and Bahrain. I do not dispute these arguments, but I believe them to be irrelevant to the central issue of whether or not the American constitutional process has been followed in the administration's use of executive agreements. I would remind my colleagues that the executive agreement is nowhere even mentioned in the Constitution, and I cannot conceive that the Founding Fathers would not have included arrangements for foreign military bases in their definition of a treaty.

It is also argued that to submit the Azores and Bahrain agreements to the Senate for advice and consent would give the agreements a formality which might imply some new type of American commitment to Portugal or Bahrain.

I would say to this that executive agreements have the same force in international law as treaties, and the Portuguese and Bahrain pacts could be redrafted as treaties which grant no greater and no less commitment than the present executive agreements. If this somehow were not considered to be enough, then a simple declarative sentence could be added which stated that nothing in either agreement should be interpreted to imply a new commitment.

I might add, somewhat parenthetically, that the Portuguese Prime Minister has referred publicly to the Azores agreement as a treaty, so the fine distinction between an executive agreement and a treaty would seem clearer to our own Government than to the parties we are dealing with.

There have been suggestions, although Congress has never been officially advised to this effect, that the Bahrainis insist upon the arrangement being included as an executive agreement. Even if this is so, is it tolerable for the Senate to permit the application of the American Constitution to be determined by a foreign government? I think not.

In conclusion, let me say that both the Azores and Bahrain agreements concern the stationing of American troops overseas, and that this is simply too important a matter to be left to an executive agreement. We have seen how in recent years the presence of our soldiers in a foreign country can lead to a commitment toward the host country and ultimately to war. For both practical and Constitutional reasons, the Senate should participate in making a decision of this sort.

And if the Senate does not start to take action now, then we shall only have ourselves to blame for our own impotence.

Mr. President, I ask unanimous consent that the remarks I made on April 4, 1972, when I introduced the legislation the Sparkman amendment would strike, be included in the RECORD along with various supporting documents.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CASE

Mr. CASE. Mr. President, I am today introducing a bill which would block all assistance to Portugal and Bahrain promised in recent executive agreements. This ban would remain in effect until the executive submits to the Senate as treaties these two executive agreements. I expect to offer the substance of this legislation as an amendment to the Foreign Aid Act.

I would have preferred that this matter be handled in a less drastic fashion. For several months now, I have been taking actions which urge the executive to submit to the Senate the agreements for U.S. military bases in the Portuguese Azores and in Bahrain—but to no avail.

I started out by writing to Secretary of State Rogers on December 9, 1971, urging that the agreement with Portugal for a 25-month extension of U.S. bases rights in the Azores in return for about $435 million in U.S. assistance and credits be submitted as a treaty.

I wrote:

"There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process."

And I added that—

"The furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa."

When it became clear that the administration would not react favorably to my letter, on December 16, 1971, with the consponsorship of four other senior members of the Foreign Relations Committee, I introduced a resolution which called on the executive to submit the Portuguese agreement as a treaty.

Then on January 6, I read in the newspaper that the United States had entered into an "unpublicized" agreement with Bahrain for the establishment of a naval base on that island in the Persian Gulf. Again, the administration intended not to submit the agreement to the Senate but to settle the whole matter with a stroke of a diplomat's pen. Again, I pointed out on the Senate floor that the stationing of American troops overseas could lead to a commitment toward the host country and ultimately to war, and that the United States was becoming involved in a volatile part of the world where previously we had never had our own base.

On that day, I announced my intention to expand my resolution on the Azores to include also the submission to the Senate of the Bahrain agreement. The Foreign Relations Committee then held 3 days of public hearings during which the State Department testified it still would not submit the Azores and Bahrain agreements.

Nevertheless, on March 3, the Senate passed my resolution 50–6. The vote was significant not only because of the overwhelming majority by which it was adopted but also because Senators of all ideological persuasions joined in the effort to reassert the Senate's explicit constitutional role in the treatymaking process.

On March 6, I wrote again to the Secretary of State asking, in view of the Senate's passage of my resolution, if and when the executive would submit the two agreements to the Senate for advice and consent.

I have now received the State Department's reply—dated March 21—which says that after "serious consideration," it still will not submit the Bahrain and Azores agreements to the Senate. Claiming that the agreements "were appropriately concluded as executive agreements," the State Department's only reaction to the overwhelming vote of the Senate on my resolution is to "have noted the sense of the Senate."

I understand full well that a Senate resolution is not legally binding, so the State Department technically has the right only to "note" it. Yet, I must say that the attitude of the Department is most unwise and is shortsighted in the extreme.

The framers of the Constitution were explicit in their inclusion of the requirement for advice and consent of the Senate in the making of a treaty. And nowhere in the Constitution did they mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement.

But the Department still refuses to take heed of the Senate's will on this question. So, I am faced with two choices: Either I can let the matter drop—content to have a resolution with my name on it passed by the Senate—or I can at least try to take further action. I have chosen the latter course because I believe a fundamental constitutional question is at stake.

The Senate cannot compel the executive to submit the agreements, but the same time the Senate does not have to appropriate any money to pay for the agreements' costs.

I am today calling on my colleagues to uphold the Senate's vote of March 3 and cut off the funds needed to implement the agreements with Portugal and Bahrain until they are submitted as treaties.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of my bill, various background documents, and earlier editorial comment on the Portuguese and Bahrain deals.

(There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:)

S. 3447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress declares that, until the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain have been submitted to the Senate as treaties for its advice and consent, assistance to be furnished Portugal and Bahrain as the result of such agreements should be terminated, and that Senate Resolution 214, 92d Congress, agreed to March 3, 1972, expressed the sense of the Senate that such agreements should be so submitted to the Senate as treaties.

(b) Therefore, notwithstanding any other provision of law, on and after the date of enactment of this Act—

(1) no vessel shall be loaned or otherwise made available to Portugal;

(2) no agricultural commodities may be sold to Portugal for dollars on credit terms or for foreign currencies under the Agricultural Trade Development and Assistance Act of 1954;

(3) no funds may be provided to Portugal for educational projects out of amounts made available to the Department of Defense;

(4) no excess articles may be provided by any means to Portugal;

(5) no defense articles may be ordered for Portugal from the stocks of the Department of Defense under section 506 of the Foreign Assistance Act of 1961; and

(6) the Export-Import Bank of the United States may not guarantee, insure, extend credit, or participate in any extension of credit, with respect to the purchase or lease of any product by Portugal, or any agency or national thereof, or with respect to the purchase or lease of any product by another foreign country or agency or national thereof if the Bank has knowledge that the product is to be purchased or leased principally for the use in, or sale or lease to, Portugal; until such agreement with Portugal is submitted to the Senate as a treaty for its advice and consent.

(c) Notwithstanding any other provision of law, on and after the date of enactment of this Act, no funds may be furnished by the United States to Bahrain for the use of any such base in Bahrain until such agreement with Bahrain is submitted to the Senate as a treaty for its advice and consent.

DEPARTMENT OF STATE,
Washington, D.C., March 21, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of March 6, 1972 asking to be informed if and when the Administration plans to send the recent agreements with Bahrain and Portugal to the Senate for its advice and consent.

The Department has given serious consideration to S. 314, as is deserving of any resolution expressing the sense of the Senate on a matter of this nature. However, as Under Secretary U. Alexis Johnson stated in his testimony before the Senate Foreign Relations Committee on February 1, the Department of State believes that the agreement with Portugal to continue United States rights to station forces in the Azores and the agreement with Bahrain to permit the Middle East Force to continue to use support facilities in Bahrain were appropriately concluded as executive agreements. The agreements involve no new policy on the part of the United States nor any new defense commitment. Indeed, to seek Senate advice and consent would, in our view, carry a strong implication of new commitments that were not in fact intended by the parties. Of course the agreement with Portugal is in supplementation of our already existing commitments under the North Atlantic Treaty, which was approved by an overwhelming majority of the Senate.

We realize, of course, that there may be a difference of view on the form an international agreement should take, and we have noted the sense of the Senate with respect to the Bahrain and Azores agreements as expressed in the vote on S. 214. We will continue to make every effort to keep the appropriate Congressional Committees informed of important agreements under negotiation and to consult with those Committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty or otherwise.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

TREATY WITH PORTUGAL AND
U.S. ECONOMIC AID,
December 9, 1971.

The Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: In this morning's *New York Times,* it was reported that the United States and Portugal had negotiated an agreement regarding the future use by the United States of air and naval bases in the Portuguese Azores. It was further reported that the United States would furnish Portugal with economic aid in return for the use of the bases.

While not questioning the right of the Executive to negotiate agreements of this sort, I would like to receive your assurances that any final agreement will be submitted as a treaty for the Senate's advice and consent, and that no economic assistance will be furnished to Portugal without affirmative action of both Houses of Congress.

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process. It is unfortunate that American forces have been in the Azores since World War II only on the basis of executive agreements, but that past oversight in no way justifies the enactment of a new agreement without conforming to our Constitutional processes.

Similarly, the Executive has the right to discuss with any foreign government the furnishing of foreign assistance, but the Constitution clearly establishes that the Congress must appropriate (and hence authorize) the funds to institute such a program. Congress has provided the President with certain discretionary authority to make changes in the allocation of foreign aid funds, but the clear intent of Congress has been for this discretionary authority to be used in emergency situations. The new agreement with Portugal is not a matter on which the Executive must act immediately and thus would not and have time to come to Congress for authorization.

Finally, I would point out that the furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa. You stated on March 26, 1970: "As for the Portuguese territories, we shall continue to believe that their peoples have the right of self-determination. . . . Believing that resort to violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories."

Yet there would seem to be a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies. *The New York Times* said this morning: "The loans could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because of the need to import foodstuffs in part because of the war against the guerrillas in Angola, Mozambique and Portuguese Guinea."

This additional complication is an added reason for the Executive Branch to seek the advice and consent of the Senate before final action is taken on the reported agreement with Portugal. I am confident you will agree and I await your affirmative response.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., December 17, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of December 9 regarding the recent exchange of notes with Portugal formalizing continuance of the rights of the United States to use certain military facilities in the Azores.

The basis of our defense cooperation with Portugal is the North Atlantic Treaty, which was, of course, overwhelmingly approved by the Senate on July 21, 1949. The bilateral Defense Agreement of 1951 with Portugal, which was executed in implementation of the North Atlantic Treaty, provided for wartime use of the Azores facilities by United States forces "during the life of the North Atlantic Treaty" and for the peacetime presence of American personnel during a specified time for the purpose of preparing the facilities for possible wartime use, storing matcriel, and otherwise achieving a state of readiness. These rights to peacetime presence of United States forces in the Azores, in pursuance of the goals of the North Atlantic alliance, were extended by agreement on November 15, 1957, to December 31, 1962.

Upon the expiration of our agreed rights of peacetime use under this bilateral agreement in 1962, those rights were extended unilaterally by the Portuguese Foreign Minister in a letter of December 29, 1962, to the American Ambassador. The exchange of notes which took place last week restored those rights to a bilaterally agreed basis, as was the case from 1951 to 1962. This exchange of notes did not, of course, expand in any way our presence in the Azores, which has remained substantially the same for many years. Likewise, it does not expand our commitments beyond those accepted by the Senate in giving advice and consent to ratification of the North Atlantic Treaty.

The various forms of assistance we intend to make available to Portugal will come under existing programs of the Departments of Defense, Agriculture and the Export-Import Bank of the United States. All assistance is expressly conditioned on the availability of authorizing legislation and appropriated funds. The Department does not agree that there is "a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies." Contrary to the press article you cite, there is no strain on Portugal's foreign currency reserves, which, in fact, have been rising continually and now stand at an all-time high of $1.6 billion. The main effect of the Eximbank and PL-480 credits we are offering Portugal should be to increase the United States share of Portugal's import market, which is lower than our share of the market in any other Western European country.

I am enclosing for your information, a complete set of the documents exchanged last week between the the Secretary and the Portuguese Foreign Minister. If you have any further questions about them, please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DECEMBER 9, 1971.

His Excellency, RUI PATRICIO,
Minister of Foreign Affairs of Portugal

EXCELLENCY: I have the honor to acknowledge receipt of Your Excellency's Note dated December 9, 1971, which reads as follows:

"I have the honor to refer to the letter of the Foreign Minister of Portugal to the Ambassador of the United States of America, dated December 29, 1962, and to the notes of this Ministry and of your Embassy, dated January 6, 1969, and February 3, 1969, respectively, relating to the conversations regard-

ing the continued stationing of American forces and personnel at Lajes Base in the Azores and its use by the same.

"I have the honor to propose that the continued use by American forces of the facilities at Lajes Base be authorized by the Government of Portugal for a period of five years dating from February, 1969.

"The continued use of such facilities will be regulated by the mutual arrangements affirmed and described in the letter of the Foreign Minister of Portugal dated December 29, 1962. Either party may propose the commencement of conversations regarding use of such facilities beyond the period described in this note six months before the expiration of such period, but not determination that a negative result has arisen in such conversations shall be made for at least six months following the expiration of such period. In the event neither party proposes the commencement of further conversations, a negative result shall de deemed to have arisen upon the expiration of the period described in this note.

"I should like to propose that, if agreeable to your Government, this note together with your reply, shall constitute an agreement between our two Governments."

I confirm to you that the above quoted proposal is acceptable to the Government of the United States, and that Your Excellency's note and this reply shall be regarded as constituting a formal agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

WILLIAM P. ROGERS,
Secretary of State of the United States of America.

THE SECRETARY OF STATE,
Washington, D.C., December 9, 1971.

His Excellency RUI PATRICIO,
Minister of Foreign Affairs of Portugal.

DEAR MR. MINISTER: I refer to the series of discussions that have taken between our two Governments designed to enhance our political, economic, and cultural relations and in particular to the discussions that have centered on Portugal's development programs in the fields of education, health, agriculture, transportation, and science.

As a result of these discussions, the United States agrees, within the limitations of applicable United States legislation and appropriations, to help Portugal in its development efforts by providing the following economic assistance:

1. A PL–480 program that will make available agricultural commodities valued at up to $15 million during FY-1972 and the same amount during FY-1973. The terms of the agreements under PL–480 will be 15 years at 4½ percent interest, with an initial payment of 5 percent and currency use payment of 10 percent.

2. Financing for certain projects of the Government of Portugal, as follows: The two Governments have reviewed development projects in Portugal valued at $400 million and the United States Government declares its willingness to provide, in accordance with the usual loan criteria and practices of the Eximbank, financing for these projects.

3. The hydrographic vessel USNS Kellar on a no cost basis, subject to the terms of a lease to be negotiated.

4. A grant of $1 million to fund educational development projects selected by the Government of Portugal.

5. $5 million in "drawing rights" at new acquisition value of any non-military excess equipment which may be found to meet Portuguese requirements over a period of two years. The figure of five million dollars is to be considered illustrative and not a maximum ceiling so that we may be free to exceed this figure if desired.

As soon as the Government of Portugal replies to this letter, discussions shall be initiated to implement the details of each of the individual items listed herein.

Sincerely yours,

WILLIAM P. ROGERS.

THE SECRETARY OF STATE,
Washington, D.C., December 9, 1971.

His Excellency RUI PATRICIO,
Minister of Foreign Affairs of Portugal.

DEAR MR. MINISTER: During the recent discussions between our two Governments regarding possible participation by my Government in the plans which your Government has drawn up for the economic and social development of your country. Portuguese and American technicians have reviewed various Portuguese proposals with a total value of some $400 million. These included, inter alia, projects for airport construction, railway modernization, bridge-building, electric power generation, mechanization of agriculture, harbor construction and town planning, and the supplying of equipment for schools and hospitals.

I am pleased to inform you that the United States Government is willing to provide, through the Export-Import Bank of the United States, financing for U.S. goods and services to be used in these projects, in accordance with the usual loan criteria and practices of the Bank. Applications for loans or preliminary commitments covering specific projects may be submitted to the Bank through the Portuguese Embassy in Washington or directly at any time and will receive expeditious handling.

Sincerely yours,

WILLIAM P. ROGERS.

JANUARY 14, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: As you may know, I have already informally told the Department that I plan to include the Bahrain base agreement in my resolution on Azore bases (S. Res. 214). I am enclosing for your information a copy of the amended resolution.

Since we are now in the process of preparing for hearings on S. Res. 214, I would be grateful if you could send me the details of the Bahrain agreement as the Department did earlier on the Azores pact.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., January 26, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of January 14 requesting details on the agreement between the U.S. and Bahrain providing for the continued stationing of the U.S. Navy's Middle East Force in Bahrain.

I enclose a copy of the text of the agreement, which was concluded December 23, 1971, and will soon be published in the Treaties and Other International Acts Series. The Chairman of the Foreign Relations Committee has also been provided with a copy.

I would like to stress that this agreement is essentially a logistics arrangement to permit Middle East Force to continue to carry out its mission of visiting friendly ports in the Persian Gulf and Indian Ocean area as a manifestation of the United States interest in the states of the region. The agreement with the Government of Bahrain was necessary because the British have relinquished the naval facilities in Bahrain, a small portion of which our Navy has utilized on an informal basis for over two decades. In addition, the British retrocession of legal jurisdiction over all foreigners in Bahrain as that state became fully independent last year necessitated a direct U.S.-Bahraini arrangement on the legal status of the personnel of Middle East Force.

The agreement with Bahrain involves no change in U.S. naval presence or mission in the area and the agreement in no way involves a political or military commitment to Bahrain or any other state.

Department officers would, of course, be pleased to have the opportunity to discuss with you the Bahrain agreement and its relationship to U.S. policy toward the Persian Gulf.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Enclosure: Text of Bahrain Agreement.

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the attached is a true and faithful copy of the original this day exhibited to me, the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and affixed the seal of the American Embassy at Manama, Bahrain this day of December 23, 1971.

RICHARD W. RAUH,
Vice Consul of the United States of America.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Manama, Bahrain, December 23, 1971.

His Excellency SHAIKH MOHAMMAD BIN MUBARAK AL-KHALIFA.
Minister of Foreign Affairs, Government of the State of Bahrain.

EXCELLENCY: I have the honor to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements:

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passports and visa requirements shall not be applicable to military members of the United States Force except as shall be agreed upon between the two governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reasons of their entry into Bahrain be regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible. All such claims will be expeditiously processed and settled by the authorities of the United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain (without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than to those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale;

10. Personal purchases by members of the United States Force from Bahraini sources shall not be exempt from Bahraini customs, duties and taxes except for certain articles to be agreed upon between the two governments;

11. The Government of Bahrain shall exercise civil jurisdiction over members of the United States Force, except for those matters arising from the performance of their official duties. The Government of the United States shall exercise criminal jurisdiction over members of the United States Force. In particular cases, however, the authorities of the two governments may agree otherwise;

12. The term "members of the United Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honor to propose that this note and your note in reply confirming acceptance with constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, Jr.,
Charge d'Affaires ad interim.

STATE OF BAHRAIN,
MINISTRY OF FOREIGN AFFAIRS,
December 23, 1971.

JOHN N. GATCH, JR.
Charge d'Affaires ad interim, Embassy of the United States of America, Manama, Bahrain

SIR: I have the honour to acknowledge the receipt of your note dated December 23, 1971, reading as follows:

"His Excellency,

SHAIKH MOHAMMAD BIN MUBARAK AL-KHALIFA, *Minister of Foreign Affairs, Government of the State of Bahrain.*

EXCELLENCY: I have the honour to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements.

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passport and visa requirements shall not be applicable to military members of the United States Force, except as shall be agreed between the two Governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reason of their entry into Bahrain be regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible.

All such claims will be expeditiously processed and settled by the authorities of the United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain, without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale.

10. Personal purchases by members of the United States Force from Bahraini sources shall not be exempt from Bahraini customs, duties and taxes except for certain articles to be agreed upon between the two governments.

11. The Government of Bahrain shall exercise civil jurisdiction over members of the United States Force, except for those matters arising from the performance of their official duties. The Government of the United States shall exercise criminal jurisdiction over members of the United States Force. In particular cases, however, the authorities of the two governments may agree otherwise;

12. The term "members of the United States Force" means members of the Armed Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honour to propose that this note and your note in reply confirming acceptance will constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, Jr.,
Charge d'Affaires ad interim.

It is my pleasure to inform you that the Government of Bahrain agrees to all that was said in this note.

Accept, Sir, the assurance of my highest consideration.

MOHAMMAD BIN
MUBARAK AL-KHALIFA,
Minister of Forcign Affairs, Government of Bahrain.

[From the Washington Post, Dec. 18, 1871]

TRADE LEADS THE FLAG

Eager to sell more American goods overseas, the United States discovered that Portugal had (1) a long list of civilian needs and (2) a tradition of buying from West Europe. So the State Department went to work to open the Portuguese market. It succeeded handsomely. The other day it announced for the Export-Import Bank that the bank would finance American exports for Portuguese development projects (Lisbon happens to have an excellent credit rating) valued at about $400 million. Exim currently is financing only $17 million worth of exports to Portugal; the total since 1934 is only $175 million. Portugal, whose economic and political lag continues to keep it out of the European Common Market, had obvious economic reasons of its own to make the deal.

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In return, Portugal got several things. First, it got a base-extension agreement from Washington. We have used Lajes field in the Azores since 1962 without a formal accord and, assured of use anyway, we didn't want or seek a renewal. But Lisbon sought the political imprimatur which, it felt, a formal renewal would bestow on its general policy. Second, Portugal got a visit from Mr. Nixon, who met Prime Minister Caetano (and French President Pomipdou) there this week. Mr. Caetano may not do much for Mr. Nixon's political image but Mr. Nixon does plenty for Mr. Caetano's. And third, Lisbon got a few other conspicuous goodies, such as $30 million worth of PL 480 food, $5 million worth of civilian gear (roadscrapers) from Pentagon "excess" stocks, and a $1 million grant for education projects "selected by the government of Portugal."

Well, these days export promotion is all the rage. And if the United States in fact needs an Atlantic base to track Soviet subs and to keep an eye on the mouth of the Mediterranean, then it's not outlandish that it should sign for it. Often, after all, as with Spain last year, base agreements are paid for in military supplies or in credits for such supplies, not in credits for development goods, as is the case now with Portugal.

There is, however, a high price to pay; many Americans, and black Africans, wish we weren't willing to pay it. It is to give Europe's last colonial power extra status and encouragement in its dominion over Portuguese Guinea, Angola and Mozambique. By allowing trade priorities to lead it into closer association with Lisbon, Washington unavoidably identifies itself further with a colonial regime. It did so without a word to indicate it may have some residual sympathies for Africans fighting for independence. It did so with a gratuitous visit to the Azores by Mr. Nixon. And it did so without any visible effort to separate the negotiation or at least the announcement of the base and credits details so as to avoid the damaging impression that the credits were some kind of aid given in return for the base.

There is also the question raised by Senator Case's resolution calling on the President to submit the new pact to the Senate as a treaty demanding ratification: "I cannot believe that the founding fathers would not consider to be a treaty an agreement, such as the reported one with Portugal, which calls for the stationing of American troops overseas and which furnishes a foreign government with a reported $435 million in assistance." We don't think the $400 million in export credits can fairly be counted as aid, but Mr. Case has a good point anyway. "Nowhere in the Constitution," he said, "did [the founding fathers] mention that the Executive could skirt senatorial approval simply by calling a pact with a foreign government an Executive agreement."

[From the Trenton Evening Times, Dec. 20, 1971]

ADVICE AND CONSENT

The five senators who are seeking to have the administration submit the recent agreement with Portugal to the Senate for its advice and consent may be batting their heads against a stone wall. But they deserve an A for effort and their proposal merits the thoughtful consideration of their colleagues and the American public.

Under the accord, which the administration describes as an executive agreement not legally subject to congressional ratification, the United States promises Portugal up to $435 million in economic and social development credits in return for continued use of air and naval bases in the Azores.

Senator Case of New Jersey, a member of the Foreign Relations Committee, immediately wrote Secretary of State Rogers demanding that the pact be submitted to the Senate as if it were a treaty because it involves the stationing of American troops overseas. The Case move was not unprecedented. Senator Fulbright, the chairman of the committee, had sought unsuccessfully last year to have the administration submit a bases agreement with Spain to Senate consideration. Now Sens. Case and Fulbright have been joined by Sens. Javits of New York, Symington of Missouri and Church of Idaho in the introduction of a resolution that would declare it to be the "sense of the Senate" that any new agreement with Portugal for military bases or foreign assistance be submitted as a treaty for the Senate's advice and consent, and that no economic assistance be furnished Portugal without affirmative action by both houses of Congress.

The justification of an arrangement with a highly authoritarian regime that has been engaged for a decade in wars against nationalist guerrillas in Africa might be a distasteful and difficult problem for the administration. But that does not justify the bypassing of the constitutional role of the Senate in the treaty-making area. And, as Senator Case said, the framers of the Constitution "did not mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement."

[From the Long Island Newsday, Dec. 22 1971]

THE AZORES AGREEMENT

The recent decision of the Nixon administration to negotiate a five-year agreement with Portugal allowing this nation to use air and naval bases in the Azores has distressed one member of our United Nations delegations to the point of resignation.

And—as a black man and an American—Rep. Charles Diggs (D–Mich.) had good reason to be upset. The Azores agreement, said Diggs upon leaving the UN mission, was just another example of the "stifling hypocrisy" that characterizes this nation's policy toward black Africa.

For, the agreement comes complete with a $436,000,000 American donation to Portugal—money, said Diggs, that will be used to the disadvantage of suppressed blacks in Portugal's African territories.

Diggs is not the only person in Washington perturbed by the agreement. Sen. Clifford Case (R–N.J.) and four other senators, all members of the Foreign Relations Committee, last week introduced a "sense of the Senate" resolution that would put the upper house on record as opposing any new agreement with Portugal involving aid and military installations not first cleared by the Senate as a treaty.

The State Department says the White House was able to act unilaterally in this instance because the pact was an "executive agreement" and *not* a treaty. But Case and his co-sponsors—including Sen. Jacob Javits (R–N.Y.) and J. William Fulbright (D–Ark.)—are not satisfied with that answer.

On humanitarian and economic terms, the agreement with Portugal is questionable, at best. And, as an instrument of practical necessity, it is of doubtful purpose. An outpost in the Azores hardly seems vital to our national defense.

We urge the Senate to pass the Case resolution quickly when Congress reconvenes next month. Perhaps then the White House will get the message and re-think its position, at the very least when it considers future arrangements with foreign governments. Major U.S. support for the Portuguese—and the concomitant loss of respect for U.S. intentions among emerging African nations—is too vital a matter to be settled by Presidential decree.

[From the New York Times, Dec. 26, 1971]

IN CONTEMPT OF THE CONSTITUTION

Since World War II, the United States has had the privilege of refueling its military planes at an air base in the Portuguese Azores. This arrangement included port facilities for the U.S. Navy. A so-called "executive agreement" was entered into between this Government and Portugal and regularly renewed since 1962, when the Portuguese allowed it to lapse because of their resentment against the Kennedy Administration's anti-colonial policy in Africa. Use of the facilities continued, however, without a formal agreement. About 1,500 American servicemen have been stationed in the Azores for many years.

Earlier this month, President Nixon revived the agreement and not only renewed it for five years but also granted $435 million in economic aid to Portugal without consulting Congress.

Air and Naval bases, the stationing of troops overseas, the granting of money—these are the very substance of foreign policy. If the Senate is to exercise its constitutional authority to advise and consent in the making of foreign policy, it has an obligation to pass judgment on these issues.

Under the North Atlantic Treaty, of which Portugal is a signer, and under various laws enacted in the past the Nixon Administration can find a color of legality for the latest Azores deal. But the truth is that the President did not submit this agreement to the Senate as a treaty because he knew that he could not get two-thirds approval. It is doubtful if he could get the support of a simple majority. Rather than put the question to a test, he has put himself in contempt of the plain intent of the Constitution. It is an odd posture for a President who claims to be a "strict constructionist."

It is worth recalling that in 1947 when President Truman wanted to extend a smaller amount of aid—$400 million—to Greece and Turkey, he addressed a joint session of Congress and committees of Congress held lengthy hearings before approval was granted.

The amount of assistance granted to Portugal is enormous in terms of that small country's limited budget. It is also politically significant because it eases Portugal's budgetary difficulties when her finances are strained by the cost of combating the guerrilla warfare of the black rebels in the African colonies. Do the American people with their anti-colonial traditions wish to provide a subsidy to this last ramshackle little empire?

Senator Case, Republican of New Jersey, and four other members of the Senate Foreign Relations Committee from both parties have challenged Mr. Nixon's righthanded behavior by introducing a resolution calling upon him to submit the Azores agreement to the Senate for ratification as a treaty. If the Senate wishes to restore its constitutional credibility as a partner in the making of foreign policy, it will adopt this resolution.

[From the Washington Post, Jan. 9, 1972]

WHAT'S OUR GAME IN THE INDIAN OCEAN?

The stated grounds for the new American naval role planned in the Indian Ocean are so flimsy that one can only wonder if it has not been undertaken merely to provoke "the lady," as Indian Prime Minister Gandhi is apparently known in the White House these days. On the one hand, the larger and more frequent patrols will supposedly fill the "vacuum" being left by the British; on the other, they will offset the expanding but still modest presence (10 ships) of the Russians. Take your pick—or take both; they're small.

The Pentagon makes no effort to identify any newly threatened American interest. Rather, it says the Navy is eager for Indian Ocean "operating experience," vessels are available from the Vietnam war, and "we do have the capability." In a similar pose of innocence, the Pentagon calls attention to its new mid-Ocean "communications center" on Diego Garcia, as though to say, we've got it so let's use it.

Just last July, addressing a House Foreign Affairs subcommittee, administration witnesses could discern no pressing reasons for enlarging the then-modest American naval presence in and about the Indian Ocean. Since then, of course, the Indo-Pakistani war has taken place. In a gesture intended, according to the "Anderson papers," to distract Indian forces from Pakistan, the United States sent a task force including aircraft and helicopter carriers into the Indian Ocean. The administration's explanation that the ships were meant to evacuate Americans, if a threat to them materialized, must be set against the fact that three weeks after the war, the ships are still there. Is this not the spirit in which the new patrols have been ordered?

For the United States substantially to upgrade its politico-military role in an ocean heretofore spared the excesses of great-power competition is, however, a major move deserving of thorough public discussion. It goes well beyond the administration's disturbing step, just revealed, to take over from the British a naval base on Bahrain in the adjoining Persian Gulf; Senator Case has correctly demanded that this new executive agreement be submitted to the Senate as a treaty. Just what American interests are being served, and how? Will the American move solidify or loosen the Soviet purchase in India? Should we move unilaterally into a new theater, international sea though it be, when no litoral state has invited us and when all litoral states have just demanded in a General Assembly resolution that the big powers stay out? Should we consider responding in kind to the public Soviet offer of last July to negotiate naval limits in the Indian Ocean and elsewhere? Will our increased presence there give the Russians a stronger claim to increase their presence in the Caribbean?

We would have thought that the vaunted "Nixon Doctrine" militated against such an initiative as the President has now taken in the Indian Ocean. Or is this Doctrine already extinct?

[From the New York Times, Jan. 10, 1972]

NEEDED: CANDOR AND CONSENT

From the strategic viewpoint it makes good sense for the United States to maintain a modest naval task force in the Persian Gulf, as it has done for twenty years. What concerns us about the new arrangement for a permanent American naval station on Bahrain is the same problem that bothers Senator Case of New Jersey and four of his Foreign Relations Committee colleagues.

The agreement, signed with the newly-independent Government of Bahrain Dec. 23, was not announced; it was confirmed by Washington only after a New York Times dispatch had disclosed its existence, it was not in the form of a treaty, which would require Senate advice and consent, but an executive agreement, which does not have to be submitted to Congress at all.

It thus fits the pattern of Administration behavior illustrated only last month by revival of a pact with Portugal for continuing use of bases in the Azores in return for $535 million in credits, and by the signing last year of a new agreement with General Franco for bases in Spain at a comparable price. Mr. Case and his colleagues, who have already asked the administration to submit the pact with Portugal as a treaty, say they will broaden their resolution to include the Bahrain agreement.

The presence in the Persian Gulf of even a converted seaplane tender and two destroyers—the current size of the task force—could bolster stability in a volatile area. Along with the decision to deploy Seventh Fleet patrols more frequently in the Indian Ocean, the force at Bahrain could offset an expanding Soviet naval presence and fill a vacuum left by Britain's withdrawal last year.

But if anything is clear about American military deployment and American bases in Asia after the bitter disillusionment in Indochina, it is that the Administration must make its case openly for every major move—with Congress and the country. Senator Case deserves plaudits, as usual, for reminding the Administration that establishment of an American base abroad is "a very serious matter" on which the Congress should be consulted.

[From the Philadelphia Evening Bulletin, Jan. 10, 1972]

SHOWING THE FLAG OFF INDIA

The U.S. Senate is restive over the emerging American presence in the Indian Ocean. And properly so, despite the Navy's argument that the "showing of the flag," in the shape of the giant nuclear carrier Enterprise, is necessary to counter Soviet penetration in this area of fast fading British influence.

Several senators have posed two critical questions: Could the deployment and the simultaneous leasing of an old British base from the Sheikdom of Bahrain precipitate the same disastrous sequence of events which culminated in the Vietnam War? And shouldn't the Bahrain agreement be submitted to the Senate for ratification?

There is, of course, a distinction to be made between the deployment of a carrier off the Indian subcontinent to assert "freedom of the (Indian) seas" and the leasing of a base.

The former suggests a transient presence, to be augmented, reduced, or, as the Navy asserts in this instance, to be withdrawn altogether, periodically.

But a base, in anybody's definition—the Senate's or the Nixon Administration's—is just the dangerous stuff unwanted commitments are made out of. There's always the danger the Bahrain agreement might escalate to a commitment far exceeding Mr. Nixon's "low (Asian) profile . . ." And this possibility is all the more real for the fact that Bahrain views the agreement as an effective counter to territorial demands by Iran and Iraq.

Thus, the understandable anxiety of U.S. Senator Case (R–NJ) and Senator Fulbright (D–Ark). It may well be that the senators overreach in demanding that not only the Bahrain accord but the recent agreement with Portugal for expanded U.S. use of the Azores be submitted to the Senate for ratification. But one thing is certain. Only such demands, registered in firm and uncompromising language, can set the stage for the comprehensive debate such agreements dictate.

The debate may not bring the vote on ratification Mr. Case wants, or even prove that the accords are "treaties," properly subject to Senate action. But surely debate on such a critical constitutional question would serve to set and illuminate the limits of the U.S. commitment, on Bahrain and the Azores.

It is knowing, precisely where the limits are that prevents or, at least substantially reduces, the threat of another Vietnam.

BACK TO THE CONSTITUTION

With no fanfare at all President Nixon has now entered into an agreement to establish a naval base on Bahrain, an island in the Persian Gulf that recently proclaimed its independence. Sen. Case of New Jersey rightly protests that the agreement is actually a treaty, and he insists it should be submitted to the Senate as the Constitution directs.

President Nixon is probably quite right in supposing that the base on Bahrain makes sense. He might even have been right in suppositions leading up to another so-called executive agreement with Portugal concerning bases in the Azores. But his rightness should not be permitted to obscure the central point, that major agreements with foreign nations should be submitted to the Senate for its review and advice.

The President's power in foreign affairs is enormous, which has been demonstrated for years in Vietnam and lately again in the war between India and Pakistan. But the Constitution and common sense insist that it be not unlimited. Congress does have its role.

There is need for debate of an issue like a naval base in the Persian Gulf. That is a dangerous part of the world. As Sen. Case points out, Iran has lately occupied certain islands in the Persian Gulf, and there is a territorial dispute among several Arab countries about islands there. The United States could become involved, and the Senate should have full knowledge of the possibilities.

Sen. Case has been joined by Sens. Javits, Fulbright, Church, and Symington in sponsoring a resolution calling for submission of the Azores agreement to the Senate for confirmation as a treaty. He now intends to submit a new resolution on Bahrain or to extend the Azores resolution to cover Bahrain.

Mr. Case stated the case well when he said:

The Senate's treaty-making role is so clearly defined in the Constitution that it should be redundant to be introducing resolutions calling for the Senate to give its advice and consent to treaties. Yet the Senate's role in the treaty-making process has become so eroded that we have no choice.

Mr. CASE. Mr. President, I wish to reserve the remainder of my time. I yield to the Senator from Missouri.

The PRESIDING OFFICER (Mr. CHILES). The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, first, I would respectfully commend the able and distinguished senior Senator from New Jersey for the logical, persuasive, intelligent approach he has established here this morning with respect to these two proposals. If the Senate is to have anything to say about foreign policy on any basis, it must be in the form of treaties.

On June 9, I received a letter from the distinguished Senator from Alabama stating that he planned to submit an amendment to the foreign assistance bill to strike the provision proposed by Senator CASE, and adopted by the Foreign Relations Committee, to cut off funds for implementing agreements re U.S. military bases in the Azores and Bahrain unless said agreements were submitted to the Senate as treaties for its advice and consent.

In this letter the Senator from Alabama itemized why he believed these two facilities are important to our national security.

May I say with great respect to my able colleague, the Senator from Alabama, however, that he has not addressed himself to the basic issue.

That issue is whether or not the Senate should have any role in the establishment of such agreements with other countries, particularly when it is the Senate which is subsequently asked to appropriate funds to implement such agreements.

The question: Is the Senate to be a rubberstamp body that agrees to whatever is requested by the executive branch,

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and regardless of the stipulations contained in the Constitution? That is the basic question.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I want to say to the Senator that I regret very much he was not able to be in the Chamber when I presented my opening remarks in which I stressed very strongly the desirability of submitting agreements to the Senate in the form of treaties when it was proper to do so. I explained then some of the things I thought. But in both of these instances those conditions do not exist. We do not in any way make any commitment to either one on any defense, security, or anything of that kind.

I hope the Senator will read my remarks in the RECORD.

Mr. SYMINGTON. I certainly will, and express my deep regret for not being here when the distinguished Senator opened this discussion.

Unfortunately, this morning also the Secretary of State and Ambassador Smith, head of the Arms Control Disarmament Agency, appeared for the first time before the Committee on Foreign Relations with respect to the proposed SALT agreements, and I felt obligated to listen to the proposal for a treaty, a treaty which I shall support in the arms control field.

As was brought out by members of the Committee on Foreign Relations, however, the Secretary of Defense has stated that he would not support this treaty until the Senate and the House approved these heavily increased requests for money for new weapons systems being made simultaneously with the presentation of this treaty to the Senate, and the agreements to both houses.

That is why I was not here when the Senator from Alabama made his original statement. After asking a couple of questions of the Secretary of State, and presenting to him my thoughts re the heavy escalation in the cost of arms, I promptly came here.

Mr. SPARKMAN. I did not intend to be critical. I knew the Senator was there. As a matter of fact, I was there. I had presented this amendment and I had a call and I had to come to the Chamber. I wish I could have stayed for the very interesting session that was held.

Mr. SYMINGTON. I thank the able Senator. I just wanted to be sure he did not, in any way, think my absence was lack of interest in support for the position taken by the able senior Senator from New Jersey.

Mr. SPARKMAN. Not all all. I understood why it was.

Mr. SYMINGTON. I mentioned at the hearing, and know the Senator from Alabama will be interested, that during the briefings held at the White House, the President spoke for about 15 minutes, Dr. Kissinger then spoke for about an hour, and then there was another hour for questions. Not one statement by the President, or by Dr. Kissinger, or in any question from Members of the Senate or the House questioned the cost of this escalation in the arms race, its relation to the economy, whether the United States could afford this gigantic increase.

I asked Secretary Rogers this morning why he thought this was true. He replied one reason was he thought the economy was in very good shape and getting better. Each Member of this body has the right to form his own conclusions about that, as the already heavy Federal debt increases every day.

In any case, the central issue here is does the Senate have any role in the formulation of the foreign policy of this Nation. That is the central issue, not the merits of these two relatively unimportant bases in our vast network of overseas installations.

The Senate could agree with the need for U.S. installations in Bahrain and the Azores; but does not the Senate have a right, a duty, to give its advice and consent on behalf of the American taxpayers which they represent?

The able Senator says "there are no practical acceptable-risk alternatives to use of the Azores," and particularly with respect to ASW capability.

Now it would seem that, whenever an attempt is made to cut back on any of our commitments around the world, there is always justification as to why this particular base is vital to the security of the United States. As a result, the already heavily overburdened taxpayers of the United States continue to maintain, not hundreds, but thousands of bases, all around the globe, and at heavy cost.

Why, for example, cannot the already established American base in Rota, Spain, serve as an ASW base as well as the Azores?

The Senator has also noted the importance of the high frequency radio direction finding facility in the Azores, including its capability to provide 360 degree coverage of the area.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for another 5 minutes.

Mr. CASE. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from New Jersey yields an additional 5 minutes to the Senator from Missouri.

Mr. SYMINGTON. Is it not a fact that we have at least a dozen other stations that all monitor the same general area?

Why could not this same 360-degree coverage be provided from Iceland and why could not this particular operation be consolidated?

With respect to Bahrain and the apparent belief that the U.S. agreement with that country does not imply any new commitment, surely the Senator would agree that the role of the British Navy and Armed Forces in the Persian Gulf over the last century has been an important role.

Were the British not the final arbiters of disputes in the area, in fact the peacekeepers?

Did they not, in effect, provide for the defense of the Persian Gulf and exert a vital influence over the policies of the states and sheikdoms around that gulf?

I am sure the Senator is aware that the U.S. Navy has characterized its mission in the Gulf recently as that of taking over functions previously performed by the United Kingdom?

Surely the Senator would agree also that there is a significant difference between our operating in the Gulf under the auspices of the British, as we have in the past, and our becoming the one major power with a naval base of its own in the entire area?

This is not a simple question of continuing something we have been doing before. Once we are established in a naval base of our own, our presence will assume a vastly different character than before. Even the position paper of the State Department acknowledges that point. It states:

> The importance of this U.S. presence has increased since the British withdrawal from the region.

The executive branch asserts that the agreement in question is "a simple logistical support agreement." Perhaps our initial mutual security agreement with the South Vietnamese was originally only "a simple logistical support agreement." Simple agreements such as these however, should not be regarded as real estate transactions, this as we now know the executive branch would have us do. It is the future political obligations inherent in such agreements which make essential their approval by the Senate.

Based on sad recent experience, surely the Senator would agree that the time to consider such potential obligations is before they are called into question, rather than afterward.

Every Senator, regardless of his committee assignments, has the right to ask why the executive branch has never requested the views of the Senate as to the desirability of either the Azores or the Bahrain agreements?

In the case of the Azores we were all informed after the agreement was made.

In the case of the Bahrain agreement, we were not told the agreement was being negotiated until shortly before it was signed; in fact Foreign Relations Committee members were even told they could not be shown its terms until after said agreement was signed.

Let me ask my colleagues this question: if the executive branch does not consider itself under any obligation to engage in such prior consultations, what recourse does the Senate have except to insist upon the exercise of its constitutional prerogatives?

Does any Senator agree with the executive branch position paper which states that "the proper constitutional function" of the Senate in this instance is limited to the denial of funds to carry out the agreements?

Should the executive branch, on a unilateral basis, determine by itself the scope of the Senate's authority in the field of foreign affairs?

If the United States established a naval base in Bahrain, and then Bahrain is attacked by a third country—with their women and children—how could this nation avoid becoming involved in the conflict?

The administration states we have gone from confrontation to negotiation with the Soviet Union. With that premise, how would the latter regard the establishment at this time of a U.S. naval base in the Persian Gulf? Would they regard it as a "simple logistic support arrangement?"

If this base is established, based on precedent, we can be confident that some day Bahrainis will be seeking military assistance from the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I yield another 2 minutes to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

If that assistance is given and the Bahrainis become involved in a dispute with the Saudis, or the Persian Gulf Federation, or the Iranians, or the Russians, what then will be our position?

In closing, Mr. President, in asking these various questions I am not arguing against any assertion of U.S. interest in the area, rather whether we should establish a military base without any action by the Congress.

Originally we were informed by the State Department that Bahrain wanted a formal agreement; but now the letter from the Senator from Alabama of June 9 implies in any case that Bahrain is afraid of the consequences of dealing with the United States.

In any case, is this an auspicious beginning for any new arrangement with Bahrain?

The Senator from Alabama stated in his letter that the agreement involved "no change in U.S. naval presence or mission in the area." Already, however, the Navy Department has informed the Congress that U.S. personnel stationed in Bahrain will be quadrupled by the end of 1972; and that the number of U.S. service families there will have doubled.

It is for these reasons that I oppose this amendment and fully support the logical and sound position taken by the Senator from New Jersey; and I thank him for his courtesy in yielding to me.

Mr. CASE. Mr. President, I yield myself such time as I may consume.

First, I want to express the satisfaction the support the Senator from Missouri always gives any man in this body. It is enormously helpful. It is enormously reassuring. He is in a unique position. He is a member of the Committee on Foreign Relations and he is a member of the Armed Services Committee, and he has finally achieved, after a good deal of apprenticeship, the dignity of that very select body called the Joint Committee on Atomic Energy, which, he assures us, on several occasions opened his eyes to matters that were never disclosed to him before as a member of the other two committees, although they are considered as important as any in the Congress. But the chief contribution he brings is the clarity of his thought and the broad wisdom that he has attained over many years in his enormous experience in public and private life, and I am most grateful to him.

I would like to ask him a question or two, if I may. It has been said that these matters are, in a way, too delicate to treat in the rough area of parliamentary discussion; that arrangements for matters of state have to be handled with deftness and great delicacy. It has always seemed to the Senator from New Jersey that if a matter is of that delicacy, we the United States ought not to be involved with it. Would the Senator have any comment about that?

Mr. SYMINGTON. First, Mr. President, let me thank the able Senator for his undeserved but deeply appreciated remarks. There is nobody in the Senate from whom I would rather receive such commendation than from my able colleague from New Jersey.

I would answer his question this way: if these matters are too delicate to be discussed in the Senate of the United States, in executive session when necessary, then I think we had better change the Constitution of the United States.

Mr. CASE. I agree with the Senator. I could not agree more. I think one of the problems we have had in foreign relations over many years has been the idea that these were matters for a very small group of people to deal with, and not matters that the average person had any right to be informed about. I think it is about time we gave the average person a chance, and I think the average person might do very much better than some of the experts and some of the elite who have ascribed to themselves the authority to handle international relations.

Mr. President, if my colleague from Missouri will be good enough to comment on this aspect of it, too, is it not really an indication that if these matters are so delicate that they cannot be discussed in the Senate, where of course we can go into executive session, then are our constitutional procedures too fragile to deal with the collective security of the United States? And if the leaders of these foreign countries are afraid that their discussion of these matters without censorship is going to hurt them with their own people, then they have no real authority, in any event, and their commitment to us is worth nothing. Would the Senator agree that that is so, and that this is not the kind of bridge of sand on which to build sound U.S. security arrangements?

Mr. SYMINGTON. I would. As the Senator implied if he did not actually so state as we get into these arrangements with these countries, everybody knows about it but we cannot even talk about it. That is not democracy.

For many years we had tens of thousands of Americans in Thailand, but were not allowed to admit a single American was in Thailand, even though hundreds were walking their streets. Today, the increase in the number of Air Force personnel in Thailand—and Naval personnel increase on the seas is greater than the reduction of ground troops in Indochina, and yet, as you read the newspapers, you would think the net reductions were much greater than any increases we have made in our forces.

This is the type and character of development which disturbs the people and raises the issue of credibility, and in my opinion, if we continue to operate on the basis of these executive agreements, as is now planned in the case of Bahrain and the Azores, we will get into the same type and character of problem in parts of the world that are much more important to the United States than is the Far East.

Mr. CASE. I thank my colleague. I am most grateful to him indeed.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, if the Senator is ready to yield back his remaining time, I will yield back my time.

Mr. CASE. As far as my own personal pleasure is concerned, I will be glad to, but there are certain Senators who are counting on the use of the time agreed upon. Therefore, I would not be willing to do that at this time.

I would be willing to suggest a recess for half an hour, if the Senator will agree.

Mr. SPARKMAN. May I ask, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alabama has 46 minutes, and the opponents have 16 minutes remaining.

Mr. SPARKMAN. I have no request for time on this side, and I am perfectly willing to agree to either a recess or, if there is other business to be transacted——

Mr. CASE. If the Senator is agreeable, I would, then, request that the Senate stand in recess until 12:15.

Mr. SPARKMAN. I would submit that to the majority leader.

Mr. MANSFIELD. And then have a vote?

Mr. PASTORE. Mr. President, before we reach that stage, may I ask a question?

The PRESIDING OFFICER. The time on the amendment would not be up until 12:47, if all the time is used. The proponents have 46 minutes remaining, and the opponents 16 minutes.

Mr. SPARKMAN. I proposed that we yield back our time, but the Senator from New Jersey says he has made certain commitments to other Senators who will not be able to be here if we yield it back now.

Mr. CASE. And I am morally committed to see that the vote does not occur until the time has expired. If that is agreeable, make it 12:30, and I will take 5 minutes and the Senator from Alabama can take as much time as he has.

Mr. MANSFIELD. Mr. President, after the Senator from Rhode Island gets through asking his questions, I ask unanimous consent that the Senate stand in recess until 12:20, and that Senators then have 10 minutes on each side to sum up their arguments before the vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. This would follow the colloquy of the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I would like to ask the Senator in charge of the bill a question with reference to this very serious matter.

Have these agreements already been signed?

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Mr. SPARKMAN. As I understand, yes, they were signed in December, if I am not mistaken.

Mr. PASTORE. I think that is quite important. In other words, I want to know whether or not Congress is already familiar with what is contained in these agreements.

Mr. SPARKMAN. It is an extension of agreements that have been running since 1951.

Mr. PASTORE. In other words, this is nothing new.

Mr. SPARKMAN. It is not a new agreement. It is an extension. There are provisions in it that may be different from some that have been in it before, but if so, they are dealing with the same thing. There is no item relating to defense or security. We make no commitments whatsoever. It is simply an extension of the operating agreements we have had running since 1951.

Mr. PASTORE. The reason I am asking the question is that I am one of those who feel that all future arrangements that have to do with military installations whereby American combat troops may be committed ought to come up here by way of treaty. But in this particular case, as I understand, the executive department has already consummated this agreement, it has been brought to the attention of the foreign relations committees both of the House of Representatives and of the Senate, and the question I am asking now is, Why are we insisting at this juncture that we reduce this to a treaty, when we have already gone through it, the agreement is already consummated, and Congress knows all about it? Is it because we want a two-thirds vote, or what is it?

Mr. CASE. Mr. President, will the Senator permit me, on my time, to make a comment at this point?

Mr. SPARKMAN. I am perfectly willing, yes.

Mr. CASE. It is a logical question. All treaties are signed before they are sent up here. The mere fact that an agreement is signed does not mean it is beyond our consideration. There is no document to send up until an agreement is signed, and they are signed, in the case of treaties, subject to Senate ratification and later formal delivery.

Therefore, I do not think there is any real substance to the suggestion that because an agreement has been signed we cannot look at it.

Mr. PASTORE. If the Senator will yield on that point, I think there is a big difference.

Mr. SPARKMAN. Mr. President, may I say that I have checked that question. There was an exchange of notes that was completed in December 1971, extending very much the same terms that we had had ever since 1951.

Mr. PASTORE. To come back to the question, there is a distinction between an agreement being signed with the understanding of a foreign government as against any negotiations that transpired that are going to result in a treaty because that foreign government knows it has to be ratified by the Senate.

Mr. CASE. I would suggest that all foreign governments ought to be, if they are not, be informed of the constitutional requirements of the United States, and realize that when they are dealing with the President of the United States, they do within our constitutional limitations.

Mr. PASTORE. That is true. There is an original agreement. That is the point I am making. But this agreement has been in existence.

To pursue it further, an attempt will be made to delete section 14, which is on the next page.

Mr. CASE. That is correct.

Mr. PASTORE. I am for subparagraph (1), and I am for subparagraph (2), but I am going to offer an amendment to delete subparagraph (3), which has to do with storage of nuclear weapons, because in that case I am afraid that we are opening a can of worms here.

That is the reason why I am raising the question now. I feel that any original agreement for the installation of military bases abroad, where combat troops may be committed by the United States, ought to come up by way of treaty. But in this case I think a distinction can be made with reference to the Azores situation, and that is the reason why I shall support the Senator from Alabama on this point.

Mr. CASE. Of course, the Portuguese agreement is an extension of an earlier arrangement, with some changes; but merely because it is an extension does not seem to me to obviate the requirement that the extension be brought before the Senate. Circumstances change over years. It seems to me that if an agreement is made for a period of 5 years, it is at an end so far as the constitutional authority of the President is concerned to act without the consent and the consideration of the Senate as to the possibility of extension.

Mr. PASTORE. Why does it have to come up by treaty? Let us just deny the money.

Mr. CASE. We are not considering here the substance of this agreement. We are considering whether we should consider the substance of it, and that is not a little point. That is the whole question. I think I support these arrangements. Perhaps I would want to have them modified in some sense. In general, I think I will support them.

That is not the question. The question is whether we should be permitted to look at them or whether we should, because the President of the United States says, "Boys, this is not your business," bow the knee and doff the hat and say, "Thank you, Mr. President," and then leave.

I think the Senator from Rhode Island was absolutely correct when he voted recently to support my resolution stating that it was the sense of the Senate that this matter should come before us for consideration—not for rejection, but for consideration and possible approval as a treaty.

Mr. PASTORE. Generally, I would agree with the Senator from New Jersey; but from a letter I received from Senator SPARKMAN I understand that this raises a question of sensitivity at this point and could affect the governments with which we are now negotiating, because we are changing the rules of the game in midstream. That bothers me no end, and I think that was the position taken by the Senator from Alabama when he wrote us his letter with reference to this section.

Mr. SPARKMAN. May I make this comment. I agree completely with the statement made by the Senator from Rhode Island. In fact, when I submitted this amendment this morning, I discussed somewhat the essential differences between executive agreements, which the executive department should be able to execute, and other matters that should be submitted by treaty.

I said this, essentially: If at any time there is any question of our supporting a country in its national defense or its national security, that certainly should be settled only in a treaty. I think that is equivalent to what the Senator has said with reference to opening a base and settling a military installation there. Those are matters that I think should be submitted to the Senate for advice and consent. With respect to many of these perfectly proper executive agreements, I believe it would be a much happier situation if the executive department would at least meet with and talk with the Committee on Foreign Relations.

As a matter of fact, I recall that some time in the 1950's I had printed as a Foreign Relations Committee document a list of all the meetings that had been held between the Foreign Relations Committee and the President or the Secretary of State over a period of years, and it was quite revealing. But I must say that I am rather sorry that in the past several years that seems to have died down considerably. I hope we can revive it.

I can recall when almost any time anything of importance came up, the Foreign Relations Committee would be given that information. We would be invited down there to discuss it with them. I hope very much that that kind of interchange and exchange can take place again even with reference to agreements which I would consider perfectly allowable to the executive to execute.

Mr. CASE. Mr. President, I appreciate the remarks of the Senator from Alabama. I suggest that the revival of a greater sharing by the executive of its activities, in terms of agreements, will be enhanced by the bill we passed in this body by a unanimous vote, 81 to nothing. This was my bill requiring the Executive to submit all executive agreements to the Senate within 60 days. I think the Senator was here, and I am sure the Senator from Rhode Island also supported it. In any event, neither opposed it. The measure is pending in the House, and it is my hope that it is going to become law in this session.

On the question of whether or not this is an extension, I point out to the Senator from Rhode Island that the original agreement expired 9 years ago, in 1962, and we have been running along without an agreement since that time.

Mr. SPARKMAN. But on the terms.

Mr. CASE. We have been living with each other, but we have not had any formal agreement. The present agreement with Portugal is now an attempt to enter a new arrangement in return for which the U.S. will pay specific consideration for this extension. I think, therefore, that this is not just a continuation of an existing agreement.

Mr. PASTORE. My question has not been answered by the Senator from New Jersey or the Senator from Alabama. Is it true, at this particular stage, with reference to the Azores and Bahrain, that doing this is going to embarrass our country? That question has not been answered. Is it or is it not true?

Mr. SPARKMAN. I do not see how it could embarrass our country in any way. It does not tie us to any agreement, if that is what the Senator means.

Mr. PASTORE. No. My question is this: If section 13 is enacted at this point, is it going to be embarrassing?

Mr. SPARKMAN. I thought the Senator was talking about the amendment.

Mr. PASTORE. Yes, about the amendment.

Mr. SPARKMAN. I would say it would.

Mr. PASTORE. That is what the Senator said to me in a letter. I would like to have it elaborated upon.

Mr. CASE. Mr. President, before we recess, I want to go into the question of embarrassment. The potential embarrassment of a foreign power is not sufficient cause to put aside the Constitution of the United States. We ought to understand that ours is a government of divided powers, and so must every country dealing with us understand that. This is not to derogate from the authority of the President or to unduly elevate the standing of Congress. This is a plain matter of fact. If this is different from the way matters have been conducted before, so be it. The Founding Fathers intended things to be different. If this suggests that the old ways of diplomacy carried on by an elite should end, so be it, too.

Mr. TOWER. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that during consideration of the Sparkman amendment and the Tower amendments, I may be allowed to have two staff members in the Chamber.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, one more comment in connection with the question propounded by the distinguished Senator from Rhode Island (Mr. PASTORE). The original agreement was in 1951, which was an implementation of the terms of the NATO Treaty of 1949. In other words, it was executed in accordance with the terms of that treaty and we have operated under it ever since, even though there was a gap when there was actually no formal existence of the agreement.

Mr. PASTORE. I want to make my position clear. The Azores is a base essential to the security of America. There is no question about that. It is in a convenient geographical part of the world. We have been using it extensively.

My point is that in all this hassle now going on in the Chamber in connection with the general proposition of agreements, that agreements in original forms should come up as treaties not as agreements, with that I agree.

However, in this particular case, an exception can be made at this juncture because I am afraid that if we change the rules at this point, many questions will be asked by foreign governments.

We are not there in order essentially to help them so much as we are there to help them and help ourselves as well.

I would not want to do anything at this point that might disturb the situation.

For that reason, I shall vote to remove section 13 from the bill.

Mr. MANSFIELD. Mr. President, would the Senator from New Jersey, when the Senate reconvenes after the short recess, allow me 1 minute to speak on behalf of his position and the position of the Committe on Foreign Relations?

Mr. CASE. Reserving the right to object, and I shall not object, my only purpose would be that I should like to yield to the Senator 2 minutes for that purpose.

Mr. MANSFIELD. Two minutes at the most, then. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator from Alabama yield me 1 minute to submit an amendment?

Mr. SPARKMAN. I yield.

Mr. PASTORE. Mr. President, on behalf of myself and the distinguished Senator from Vermont (Mr. AIKEN), I send to the desk a perfecting amendment on section 14 of the bill which appears on page 12, and ask that it be printed.

The PRESIDING OFFICER (Mr. CHILES). Without objection, the amendment will be received and printed, and will lie on the table.

RECESS TO 12:20 P.M.

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, the Senate will now stand in recess until the hour of 12:20 p.m. today, at which time the proponents and the opponents of the amendment will each have 10 minutes to conclude their remarks, after which the vote will occur on adoption of the amendment.

At 12:03 p.m., the Senate took a recess until 12:20 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BENTSEN).

The PRESIDING OFFICER. As a Senator from Texas and without objection, the Chair suggests the absence of a quorum. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I wish to inquire as to what the arrangement is. I believe each side has 10 minutes for summation. Is that correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. SPARKMAN. At the conclusion of that time the rollcall vote will be held?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. SPARKMAN. Mr. President, at least, when the 20 minutes is up a vote will occur on the amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Alabama is correct.

Mr. SPARKMAN. Mr. President, I am going to use a very few minutes now in summation. I frankly do not know that there is much I can say. I am not sure I know anything that I can say that would add to this debate.

Mr. President, I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, this agreement originally was made with the Azores in 1951 to implement the NATO Treaty that we had agreed to in 1949. In other words, in practically every treaty we adopt there will be certain things provided that have to be implemented. If each provision had to be implemented with another treaty it would never get through. That is what happened here.

There was an executive agreement that lasted until 1962. In 1962 they started negotiations but for some reason they dropped negotiations and let it run on under the terms of the agreement that was made in 1951. Now, last year negotiations were started. The extension was agreed to on December 9, 1971. The agreement was signed extending the same type of agreement we have had since 1951.

It has been pointed out that the Azores occupy one of the most strategic positions so far as our own interest is concerned. It has certain facilities there that we would not have anywhere else. It has a great communications center. We have had the use of the bases on the islands ever since the end of World War II, and even during World War II.

Furthermore, Mr. President, I want to say that should the Case provision in the bill, section 13, be allowed to stay in, our relations with Portugal would be severely damaged.

Here is an agreement that has already been made. It was made on December 9, 1971. It was signed into effect. This action would amount to a one-party, unilateral cancellation of an agreement that has already been made. It was negotiated in good faith on both sides. A full agreement was entered into. It was signed, and is in effect now. It could be taken—would be taken, I should think—as a gratuitous insult by Portugal.

The facilities on the Azores are highly important. I suppose it is about the most important place of operations that we have so far as surveillance of Soviet submarine activity in the mid-Atlantic is concerned. Also if we were denied the use

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of those facilities, aircraft staging in the area would be jeopardized. It is highly important that we continue to do just as we have been doing now for over 20 years.

I could say the same things with reference to Bahrain. We do not hear as much about that as we do about the Azores, but it is a strategic position with reference to shipping. By the way, both of these rights we have had are highly important in connection with navigation of ships carrying oil. We know of the necessity of moving oil from the Near East both to Western Europe and to the United States, which will become more important as time goes on.

With reference to Bahrain, it seems to me, as I pointed out this morning, a good deal of the discussion on executive agreements revolves around the idea of not giving sufficient notice about it. I call attention to the fact that the Behrain agreement was submitted to the Foreign Relations Committee a month before it was signed, and there was never a word of complaint so far as I know. There was no question as to its being all right. So I do not think that argument applies there. It cannot apply as far as the Azores are concerned, because that arrangement has been running for over 20 years. Certainly there has been openness in all of that.

I submit that this amendment ought to prevail and that the Case provision, section 13 in the bill, ought to be stricken so we can continue to operate in good faith as we have in the past.

Mr. CASE. Mr. President, I yield myself such time as I may require.

Mr. President, these are important agreements, as the Senator from Alabama has said. That, in my judgment, is the criterion we have for it to be considered by the Senate as a treaty. Not only should routine matters absorb the time of this body, but important matters should. The very argument the Senator from Alabama makes is the strongest argument I know of why these agreements should be considered by the Senate, under the Constitution of the United States, as treaties.

This body determined that that is so, as I pointed out in my previous remarks, on March 3 of this year. The Senate, by a vote of 50 to 6 stated that it was the sense of the Senate that these agreements should have the advice and consent of the Senate.

Either we meant what we said, Mr. President, or we did not. Either we were making a stump speech, or we were not. Or if we meant it before and now change our minds and turn tail, tip the hat, bend the knee, and say, "Yes, Mr. President," that marks the Senate as that kind of body which our former colleague from Pennsylvania suggested when he applied to the Congress the term "the sapless branch."

I do not think that is what we are sent here to do. It seems to me we are sent here to consider all important agreements, and that these are important not only has been attested by the Senator from Alabama but is inherent in the contents of the agreement. Anything concerning the stationing of American troops abroad and the commitment of that stationing implies it is a matter important enough to be considered by the Senate. It is its constitutional duty. Not only does it have that right, but it has the obligation to perform its constitutional duty. I am not for abdicating that duty because the State Department says it will be difficult to do that.

If there are difficulties in our constitutional process, they were difficulties intended to be a part of the operations of our democracy by the Founding Fathers and they are essential to the successful operation of this country as a democracy in the world.

Mr. President, I ask unanimous consent that there be included in the RECORD, at the end of the remarks to be made by the Senator from Montana, the majority leader, the yea-and-nay vote taken in the Senate on the resolution I just referred to, Senate Resolution 214, which stated that it was the sense of the Senate that these agreements should have the advice and consent of the Senate in order to make them treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASE. Mr. President, I yield the remainder of my time to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, the distinguished Senator from New Jersey has just referred to Senate Resolution 214, which was agreed to in the Senate on March 3, 1972. I think what we are confronted with is a determination of just where, as Senators, we belong. Are we members of the executive branch, or lackeys of the executive branch, or are we Members of the Senate, with separate constitutional authority and responsibility. Are we members of a coequal branch of the Government? The Constitution says so. What does the Senate say?

Senate Resolution 214 reads as follows:

> Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;
>
> Whereas an agreement with Bahrain, which would provide for the establishment of a new American military base on foreign territory and the stationing of American troops overseas, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty: Now, therefore, be it
>
> *Resolved*, That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

Mr. President, the pending amendment would have the Senate reverse the position it took only 4 months ago when, by a vote of 50 to 6, it—the Senate—said that the Azores and Bahrain base agreements should be submitted to the Senate as treaties. The Committee on Foreign Relations thought the Senate meant what it said. It adopted Senator CASE's proposal to carry out the principle endorsed by that eight-to-one vote. The Senator from Alabama's amendment would have the Senate say now, "We really didn't mean it."

The executive branch has made it clear that they will ignore the Senate's pleas for observance of the constitutional requirement that important agreements with foreign governments be submitted to the Senate for its advice and consent as long as the pleas are not backed up by action.

The executive branch, in effect, has told the Senate to put up or shut up. A majority of the Committee on Foreign Relations believe that the Senate must back up words with deeds if the Senate and Congress are to play a significant role in the making of foreign policy. Section 13, which the distinguished Senator from Alabama seeks to strike out, speaks in the only way that will make the executive branch listen—by cutting off the money if the agreements are not submitted as requested.

I urge that the amendment be defeated.

EXHIBIT 1

The result was announced—yeas 50, nays 6, as follows:

[No. 87 Leg.]

YEAS—50

Aiken, Allen, Allott, Anderson, Bayh, Beall, Bennett, Bentsen, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Church.

Cooper, Curtis, Fong, Fulbright, Gambrell, Gravel, Gurney, Hughes, Inouye, Javits, Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Metcalf, Miller,

Mondale, Montoya, Nelson, Pastore, Pearson, Pell, Proxmire, Randolph, Roth, Smith, Spong, Stevens, Stevenson, Symington, Talmadge, Tunney.

NAYS—6

Dole, Dominick, Fannin, Schweiker, Scott, Young.

NOT VOTING—44

Baker, Bellmon, Brock, Buckley, Chiles, Cook, Cotton, Cranston, Eagleton, Eastland, Ellender, Ervin, Goldwater, Griffin, Hansen.

Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Humphrey, Jackson, Jordan, N.C., Mathias, McClellan, McGee, McGovern, McIntyre, Moss.

Mundt, Muskie, Packwood, Percy, Ribicoff, Saxbe, Sparkman, Stafford, Stennis, Taft, Thurmond, Tower, Weicker, Williams.

So the resolution (S. Res. 214) as amended was agreed to.

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

Mr. MANSFIELD. Mr. President, I believe it is time now for the yeas and nays. They were agreed to at 12:30.

The PRESIDING OFFICER. There are 3 minutes remaining to each side.

Mr. CASE. I am happy to yield back mine.

Mr. MANSFIELD. Mr. President, was not the unanimous-consent agreement that we would reconvene after a recess at the hour of 12:20, there would be 10 minutes on each side, and then we would come to a vote?

The PRESIDING OFFICER. The majority leader is correct. There was a quorum call that was not counted.

Mr. MANSFIELD. Very well. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. Who yields time?

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENTSEN). All remaining time has been yielded back. The question is on agreeing to the amendment (No. 1223) of the Senator from Alabama (Mr. SPARKMAN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. LONG) is paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senators from New York (Mr. BUCKLEY and Mr. JAVITS), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from New York (Mr. JAVITS). If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 36, nays 41, as follows:

[No. 223 Leg.]

YEAS—36

Allen	Dole	Miller
Allott	Dominick	Montoya
Anderson	Eastland	Pastore
Baker	Fong	Saxbe
Beall	Griffin	Scott
Bennett	Gurney	Sparkman
Brock	Hansen	Stennis
Byrd, Harry F., Jr.	Hruska	Taft
Byrd, Robert C.	Jackson	Thurmond
Cannon	Jordan, N.C.	Tower
Cook	Jordan, Idaho	Young
Curtis	McClellan	
	McGee	

NAYS—41

Aiken	Ervin	Pearson
Bayh	Fulbright	Pell
Bentsen	Hatfield	Proxmire
Bible	Hollings	Randolph
Boggs	Hughes	Ribicoff
Brooke	Humphrey	Roth
Burdick	Inouye	Smith
Case	Magnuson	Spong
Chiles	Mansfield	Stevenson
Church	Mathias	Symington
Cooper	Mondale	Talmadge
Cranston	Moss	Tunney
Eagleton	Nelson	Williams
Ellender	Packwood	

NOT VOTING—23

Bellmon	Hart	Mundt
Buckley	Hartke	Muskie
Cotton	Javits	Percy
Fannin	Kennedy	Schweiker
Gambrell	Long	Stafford
Goldwater	McGovern	Stevens
Gravel	McIntyre	Weicker
Harris	Metcalf	

So Mr. SPARKMAN's amendment (No. 1223) was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The question now is on agreeing to one of the two amendments to be offered by the distinguished Senator from Texas (Mr. TOWER).

AMENDMENT NO. 1242

Mr. TOWER. Mr. President, I call up my amendment No. 1242 and ask that it be stated

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 10, line 11, before the title "EXCESS DEFENSE ARTICLES", insert the following:
>
> "(4) In section 33(a), relating to aggregate regional ceilings, strike out 'of cash sales pursuant to sections 21 and 22,'
>
> "(5) In section 33(b), relating to aggregate regional ceilings, strike out 'of cash sales pursuant to sections 21 and 22,' ".

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time of 1 hour is now controlled, and equally divided. Who yields time?

Mr. TOWER. Mr. President, for the benefit of my colleagues, I might note that possibly the full hour will not be taken, so I should like to advise my colleagues that the vote might——

The PRESIDING OFFICER. The Senator will please suspend until the Senate is in order. Senators will please cease conversations. If they desire to converse, will they please retire to the cloakroom.

The Senate will be in order.

The Senator from Texas may proceed.

Mr. TOWER. Mr. President, I want to advise my colleagues that there is a strong possibility the full hour will not be used and that the vote will come much earlier than that.

I now yield myself such time as I may require.

Mr. President, the proposed legislation we have before us, S. 3390, maintains the present expenditure ceiling of $100 million on foreign military sales credits and grants military assistance to nations of Latin America. The present ceiling, however, covers not only sales made with U.S. credit assistance, but also sales made on a purely cash basis. Because these cash sales account for about half of the $100 million ceiling and because our Latin American partners have an increasing requirement for force modernization, I propose the removal of cash sales from this ceiling.

Latin American nations have legitimate internal security requirements. Many face extremely active and increasingly violent insurgency movements. Others, such as Uruguay, are plagued with the spread of urban terrorism. To combat these increasing security problems, the Latin American people must rely on obsolete World War II and Korean war weapons—weapons that are approaching the end of their useful lives, weapons whose reliability can be questioned.

We do not want to encourage an arms race in Latin America and I do not feel our allies are purchasing equipment with that in mind. It is, instead, these internal security requirements that have forced our allies to the south to modernize their forces. From 1967 through 1971, they spent well over $1 billion for

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new equipment from Europe and Canada. Most of these orders were placed during the period our legislative restrictions were imposed. During this same period sales from the U.S. foreign military sales program amounted to about $250 million. It is clear that the Latin Americans feel they have a requirement for force modernization and it is just as clear that if we refuse to help them they will go elsewhere for modern equipment.

What I propose would not fuel an arms race in Latin America that would be detrimental to economic development. In fact, Latin American expenditures for military purposes have been modest in relation to their economic capacity. Throughout the continent these expenditures have averaged only about 2 percent of the gross national product. But they realize, as should we, that to continue this economic and social development, they require the stability brought by a secure environment. To the degree that it contributes to that security, adequate but not excessive levels of modern equipment—not only weapons, but also helicopters, radios, trucks, and so forth—fosters economic growth.

With the regional ceiling set at $100 million, and with the inclusion of cash sales in this ceiling, our Government is simply not able to respond to many reasonable requests for purchases of military equipment by our Latin American friends. Nearly half of their requirements will be for cash purchases of spare and replacement parts for equipment. This means that about half the ceiling would be used just to maintain equipment already purchased, leaving about $50 million for modernization of forces; $50 milion spread over all Latin American countries is wholly inadequate for updating equipment with the current high cost of aircraft, helicopters, and communications apparatus. In recent years we have reduced our military assistance program in Latin American countries from about $80 million in fiscal year 1966 to $20 million in fiscal year 1973. As part of our growing partnership with our sister republics, we have encouraged them to buy what they need rather than give it to them under a grant aid program. But now we refuse to let them buy with their own money what they need.

I propose to amend the committee bill by exempting cash sales from the regional ceiling. The $100 million ceiling should remain for the present and will be applicable to the major sales of expensive, sophisticated equipment that is virtually always purchased with credit. Placing cash sales outside the ceiling would insure that our friends in Latin America would have the opportunity to purchase spares and replacements for their U.S. origin equipment without impinging upon our ability to help them modernize that equipment.

We cannot afford to take Latin America for granted. President Echeverria's firm statement last week before the joint session of Congress makes clear the need for America to continue to mature in her relationship with her hemispheric allies. Our curtailment of cash and credit sales to Latin America is not consistent with this maturity.

Mr. President, I believe that it would be unfortunate both for us and more importantly for the Latin American people if we were to allow this bill to pass unamended. I, therefore, ask your support in exempting cash sales from the limitations imposed by the regional ceiling.

Mr. CHURCH. Mr. President, I yield myself such time within the limitation as I may require for the purpose of this statement.

Mr. President, the Foreign Military Sales Act now imposes a ceiling on the amount of U.S. Government military aid and sales and the value of ship loans that can be furnished to Latin America and Africa each year. The ceiling does not cover commercial sales or Government grants for training. Before the enactment of the foreign aid bill for the 1972 fiscal year, the annual ceiling was $75 million for Latin America and $40 million for Africa.

The ceiling was intiated by the Foreign Relations Committee a number of years ago in an effort to limit U.S. encouragement of unnecessary spending on arms by the nations of Latin America and Africa. Our objective was to keep the United States, insofar as possible, from stimulating an arms race either in Latin America or in Africa. It was felt by the committee that nothing could be more damaging to the prospects for economic progress on either continent than this kind of arms competition. In its report on the 1966 foreign aid bill, which recommended a $50 million ceiling for Latin America, the committee said:

> This committee does not wish to be responsible for encouraging in any way arms races in Latin America. The committee is not impressed with the argument that if the United States does not sell military equipment, the Latin Americans will buy it in Europe. One might as well argue for legalizing slot machines in the District of Columbia on the grounds that otherwise people will go to southern Maryland to gamble.

At the administration's urging, the committee last year approved an increase in the ceiling for Latin America from $75 million to $100 million. In conference agreement was reached to allow the President to waive the ceiling up to 50 percent—for a total allowable ceiling of $150 million a year—if he found that "overriding requirements of the national security" justify an increase in the ceiling. That is the state of the law today. The President has made such a finding for this fiscal year. The ceiling for Africa has remained at $40 million since it was set at that level in 1968.

The Senator's amendment would create such a huge loophole that the ceiling would be meaningless. He would exempt U.S. Government sponsored cash sales to both Latin America and Africa. Only $147 million in military grants—excluding training—sales, and ship loans are scheduled for Latin America in the 1973 fiscal year, which is within the allowable total if the President again exercises the waiver authority available. That is to say, the administration's own program comes within the ceiling established in this bill. The committee's action does not represent a cutback in the arms sales program proposed by the administration for Latin America.

The Senator's amendment would exempt the $60 million in planned Government cash sales from counting against the ceiling, making it a nullity, thus, in effect, increasing the ceiling by at least that amount.

There is nothing to prevent these countries from buying as many planes or tanks here as they want—as long as they do it through regular commercial channels, and not use our Government as their agent.

Mr. President, I simply cannot accept the argument that we are preventing these countries from coming to the United States to buy what they are determined to buy anyway and forcing them to go elsewhere, to Europe, for example, to buy the equipment that they feel they need.

They can come to the United States. They can buy all they want here. There is nothing in the ceiling that makes them go to Europe, because there is nothing in this bill that prevents them from purchasing armaments through ordinary commercial channels.

All the ceiling pertains to is the amount of military aid and credit sales that may be provided by the Government of the United States to the countries in Latin America and Africa.

The committee believes that these countries already spend too much on arms. Although we cannot prevent their diverting even more of their scarce resources to useless military spending, at least Congress can impose some practical restraints on our Government's involvement in this waste of their resources.

As to Africa, $44 million in military grants and sales are scheduled against a $40 million ceiling. In other words, Mr. President, this ceiling is so modest that it does no more than to cut back by $4 million the amount that the administration has programed for Africa in its own budget. After allocation to Africa of the reduced amounts for grants and credit sales recommended by the committee, this total will be well within the $40 million ceiling. So there is no practical reason to exclude the $6.6 million in cash sales scheduled for that region.

Mr. President, the committee believes that the restrictions in the law concerning military sales and grants to these poor countries are already too generous. It would prefer to see them tightened, not made meaningless as the Senator from Texas' amendment would do. But it would like to make these ceilings meaningful and prevent these arms programs from ballooning even larger without any form of statutory restraint.

That is why we have placed these reasonable limitations in the bill, and that is why I hope the Senate will see fit to reject the amendment offered by the Senator from Texas.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation listing the regional ceilings in millions of dollars for Latin America and Africa in fiscal year 1973.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Regional ceilings

[In millions]

LATIN AMERICA—FISCAL YEAR 1973	
Military assistance grants	$20.3
Military credit sales	75.0
Government cash sales	60.0
Excess defense articles	2.5
Ship loans	.9
Total	158.7
Less: MAP training	10.9
Covered by ceiling	147.8
Commercial sales	43.5
AFRICA CEILING—FISCAL YEAR 1973	
Military aid grants	17.9
Military credit sales	18.5
Government cash sales	6.6
Excess defense articles	3.5
Total	47.5
Less: MAP training	3.5
Covered by ceiling	44.0
Commercial sales	15.2

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, it seems to me that the Senator from Idaho has admitted that the actions of the Foreign Relations Committee does nothing to discourage and deter an arms race in Latin America because arms are available elsewhere. As a matter of fact, if they could not buy them from the United States, they would probably buy more because the arms cost more in the United States than in Europe.

Therefore, I do not buy the argument made that we must assume some sort of moral posturing to discourage an arms race in Latin America, because we cannot do that anyway.

The fact of the matter is that we are taking, I think, an arrogant and a presumptious attitude, a paternalistic attitude perhaps at best when we say that we will discourage the immature Latin American countries from engaging in an arms race.

What we are saying here is that their governments have not matured to the extent that they can exercise good judgment. So we here in the United States are going to exercise good judgment for them.

Again, I refer back to the joint meeting of last week when we heard President Echeverria of Mexico. He warned us that we had better start regarding them as equals and treating them as mature partners in the community of nations.

I think that we had better start that now. I do not think it is up to us to determine what individual Latin American countries need in the way of arms. I think we must assume that they can make that judgment for themselves far better than we.

So the time for us to begin a new era in our relations with Latin American countries is now. I therefore urge adoption of my amendment.

Mr. CHURCH. Mr. President, I have a few words more to say in rebuttal.

First of all, I do not think there is anyone in the Senate who has more often spoken against attitudes of paternalism towards Latin American countries than has the Senator from Idaho. I have been critical of our general policy towards Latin America for some years.

Our position here has nothing to do with the desires of Latin American Governments and how much they won't spend on arms. They are free to spend as much as they please on arms. And they are free to purchase them wherever they please, either in Europe, in Japan, or in the United States through normal channels.

The question we are facing then is to what degree the Government of the United States should make itself an agent for the purchase and furnishing of arms to Latin America and elsewhere. It is true that the Senator's amendment applies only to cash sales. But the ceilings we are talking about apply to all types of sales in which the United States Government is directly involved, by acting as a purchasing agent, by extending credit or by providing subsidized interest rates.

In other words, the ceiling applies to an American policy, a policy of the United States, the purpose of which is to make it easier for Latin American countries and others to acquire arms at subsidy prices for which the American people ultimately pay. It is a national policy of the United States we are determining here, not an attempt to decide for other countries what their arms programs should be.

The committee has long opposed programs on the part of the United States, at the cost of the American taxpayers, the purpose of which is to encourage the flow of arms in larger and larger amounts into these areas of the world.

Therefore, I think the argument presented by the Senator from Texas really misses the point. The committee is simply trying to preserve a policy that was placed in the law some time ago and that is consistent with previous votes in the Senate to try to hold our own Government's arms supply program within reasonable limits as it applies to Latin America and Africa.

Mr. President, I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I wonder if the Senator from Idaho would explain to the junior Senator from Florida a little detail as to the difference between a cash sale as we are referring to it in this amendment, and the right of the country to be able to buy on the market in this country from arms manufacturers or dealers.

Mr. CHURCH. In the case of a cash sale that would come within the limitation of this ceiling, our Government would act as a purchasing agent.

Mr. CHILES. What does that entail when we act as agent? Does that entail a guarantee?

Mr. CHURCH. No. It means the United States is the purchasing agent.

Mr. CHILES. It means the United States is the purchasing agent. Does that entail credit in and of itself?

Mr. CHURCH. No, not in and of itself; but in acting as purchasing agent the Senator knows the U.S. Government maintains permanent military missions in 17 Latin American capitals. The purpose of these missions is to make arrangements for and promote sales of weapons or the transfer of weapons under one of several arrangements that the Government of the United States is willing to work out. One such arrangement is the cash sale. Another is the credit sale, which provides subsidized terms, the tab for which is picked up by the American taxpayer.

Mr. CHILES. What are the terms of a cash sale? How does the foreign government make payment to the United States under cash sales?

Mr. CHURCH. As I recall, the terms may vary from contract to contract, but on the whole a cash sale would require the purchasing government to pay within a short period. A 3-month period would probably be typical of the provision in a cash sale arrangement.

Mr. CHILES. And there is no credit provision in that cash sale at all?

Mr. CHURCH. No, except that the cost to the U.S. Government of maintaining the agency through which all these arrangements are made is not deducted from the cash sale; that is borne by the taxpayer. These military missions in Latin America, and elsewhere, are maintained at our expense.

I was correct in recalling that cash sales terms may not extend beyond 120 days after delivery. But we engage, as the Senator knows, in credit sales too; we engage also in the sale of surplus equipment, equipment we have declared to be surplus, and we sell it at prices that are greatly reduced from the price the Government of the United States originally paid for the weapons at the time it acquired them. So on the whole these arms transfers are made on a subsidized basis.

Mr. PASTORE. Mr. President, will the Senator yield? I wish to ask a question for curiosity.

Mr. CHURCH. I yield to the Senator from Rhode Island.

Mr. PASTORE. To follow up the line of questioning pursued by my colleague from Florida, I understood the Senator to say that any Latin American country can come to this country and by going to an arms manufacturer buy all the arms it wants to buy.

Mr. CHURCH. Yes. The Senator is correct. For the coming fiscal year 1973 our Government estimates that Latin American governments will probably purchase $43.5 million worth of arms through commercial sales directly from U.S. manufacturers without the direct involvement of the U.S. Government.

Mr. PASTORE. Does the Senator mean that a government like Chile could come to the United States and buy 100 tanks?

Mr. CHURCH. It may if the State Department provides the necessary export license.

Mr. PASTORE. In other words, a country could not buy any arms unless it gets permission of the U.S. Government.

Mr. CHURCH. Commercial sales are subject to Government approval.

Mr. PASTORE. I am not being critical of that but I would be surprised that foreign government could come here and buy arms without sanction of the Government.

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Mr. CHURCH. The Senator is correct. It is subject to the veto of the Government.

Mr. PASTORE. It does come under the ceiling, but it is subject to veto.

Mr. CHURCH. Commercial sales are not subject to the ceiling but are subject to export licensing requirements.

Mr. PASTORE. I think the record should be clear about that.

Mr. CHURCH. The Senator helped to make that point clear.

Mr. President, if there are no further questions I am prepared to yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, even though with an appropriate export license Latin American Governments can come here and buy arms without having to go directly through Government channels to do so, the fact of the matter is, there are a number of items already in our military inventory that are surplus or redundant, or for our purposes obsolete, and languishing in our military inventory unused. They could be sold through the agency of our Government rather than having them go buy something in the market in this country.

Some mention was made here of credit sales and the cost to American taxpayers. My amendment only applies to cash sales. It is the policy when such sales are made that if there is any lag in payment, and any interest to be paid, that the purchaser is required to pay the cost to Uncle Sam of the money and, of course, the American taxpayer is not out any money. To say the cost of our military missions in 17 countries is attributable to military sales is incorrect. These missions would exist if there were no sales. This is the cost of the military doing business. I doubt whatever time and energy is put into these sales by military missions abroad really amounts to very much money in the scheme of things.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged against both sides.

Mr. CHURCH. Mr. President, I wish to make a few final remarks.

Mr. TOWER. Mr. President, I withdraw the request.

Mr. CHURCH. Mr. President, I wish to make two final comments.

The Senator from Texas mentions surplus military equipment, and makes the argument that it may be to our advantage to sell weapons of this kind. I only want to point out that weapons declared to be surplus can be disposed of under the ceilings in the Senate bill.

Those ceilings represent figures very close to what the administration proposes to do anyway in Latin America and Africa. Our real purpose is not to force the administration to cut back in any appreciable way at all on what it plans to do. It is simply to prevent this program from getting bigger every year. At least with a ceiling it is necessary to come back to Congress and justify a bigger program if one is desired. That is why we did this in the first place. That is why it has been done in the past. This is not a new provision. We are just trying to keep in a provision which has been sanctioned by the Congress in past years.

Finally, with reference to the Senator's comments on military missions, I would not want to let that statement go unchallenged. The military missions in Latin America are there primarily for the purpose of transferring arms from the United States to those countries. That is why they were set up in the first place. If we did not have this kind of program going, we would not need those missions, which have caused us embarrassment from time to time, because they tend to identify the interests of the United States with the military rather than with the general interests of the country.

I think we pay a political cost for these permanent and ostentatious military missions in Latin America that far outweighs anything we gain from them.

If we did not have this program, we would not have to have these missions. We would go back to the regular military attachés, who do the normal work of representing the military of the United States in foreign lands. The faster we get back to that day in Latin America, the better it will be for the United States.

I am happy now to join with the Senator from Texas in calling for a quorum, with the understanding that the time for the quorum call will be equally divided between the two sides.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

RECESS

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate stand in recess until 1:55 p.m., that the time consumed by the recess be equally divided between the two sides on the pending amendment, and that the time between 1:55 p.m. and 2 p.m. be equally divided between the two sides.

The PRESIDING OFFICER (Mr. NELSON). Is there objections to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Thereupon, at 1:40 p.m., the Senate took a recess until 1:55 p.m.; whereupon the Senate was called to order by the Presiding Officer (Mr. NELSON).

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself such time as I may require.

Mr. President, back when the British offered the United States their assistance in the enforcement of the Monroe Doctrine, John Quincy Adams said that the United States will not suffer itself to be a "cock-boat in the wake of a British man-of-war." I think John Quincy Adams would whirl in his grave if he understood what we would be doing here today if we were to fail to adopt my amendment. What we would do would be to encourage the Latin Americans to become increasingly dependent on the Europeans for the military resources necessary to defend their territorial integrity against the elements that we know exist which would subvert their governments and bring them under the influence of a power that resides without this hemisphere.

So I think that, to a certain extent, the integrity of the Monroe Doctrine is at stake today, and I therefore urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. I yield myself the remainder of my time.

Mr. President, I hope this amendment is rejected. Nothing in the ceiling adopted by the committee would prevent any country in Latin America or Africa from coming to the United States and buying such quantities of weapons that it desires from our weapons manufacturers, just as it may go to Europe or to Japan to do so.

It is true that the Government of the United States possesses a veto and that in a case where we feel that it is against our best interests for commercial sales to certain governments to take place in this country, the Federal Government can refuse to issue an export license. What the committee is trying to do is keep some control over the size of this program and the amount of arms that flows through the Government, whether by way of grant, credit sale, or cash sale. The ceiling in existing law is eminently reasonable. It conforms to the administration's own program. By retaining it, we will be assured that if in the future any administration wants to increase the size of these programs, it will have to come back to Congress and secure the consent of Congress. Therefore, consistent with the position that this Chamber has taken so often in the past, I would plead that we retain this provision in the law, which has long been a congressional policy approved by the Senate and already written into law.

For these reasons, Mr. President, I hope that the amendment will be rejected.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Church. In accordance with the unanimous-consent agreement, I ask that the Senate now proceed to vote.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to amendment No. 1242 of the Senator from Texas (Mr. TOWER).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from Michigan (Mr. HART) are necessarily absent.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. McGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from New York (Mr. JAVITS). If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 38, nays 43, as follows:

[No. 224 Leg.]

YEAS—38

Allen	Dominick	Miller
Allott	Eastland	Packwood
Baker	Ervin	Percy
Beall	Fong	Saxbe
Bennett	Griffin	Schweiker
Bentsen	Gurney	Scott
Boggs	Hansen	Sparkman
Brock	Hollings	Stennis
Cannon	Hruska	Taft
Cook	Jackson	Thurmond
Cooper	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Young
Dole	McGee	

NAYS—43

Aiken	Ellender	Pastore
Anderson	Fulbright	Pearson
Bayh	Hatfield	Pell
Bellmon	Hughes	Proxmire
Bible	Humphrey	Randolph
Brooke	Inouye	Ribicoff
Burdick	Long	Roth
Byrd, Harry F., Jr.	Magnuson	Smith
	Mansfield	Spong
Byrd, Robert C.	Mathias	Stevenson
Case	McClellan	Symington
Chiles	Mondale	Talmadge
Church	Montoya	Tunney
Cranston	Moss	Williams
Eagleton	Nelson	

NOT VOTING—19

Buckley	Hart	Mundt
Cotton	Hartke	Muskie
Fannin	Javits	Stafford
Gambrell	Kennedy	Stevens
Goldwater	McGovern	Weicker
Gravel	McIntyre	
Harris	Metcalf	

So Mr. TOWER's amendment (No. 1242) was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1243

Mr. TOWER. Mr. President, I call up my amendment No. 1243.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 10, line 7, strike out "1972" and insert in lieu thereof "$400,000,000 for the fiscal year 1972"; also in line 7, strike out "1973" and insert in lieu thereof "$527,000,000 for the fiscal year 1973"; in line 9, strike out "1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1972"; and in line 10, strike out "1973" and insert in lieu thereof "$629,000,000 for the fiscal year 1973".

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please come to order. Those Senators carrying on conversations will please retire to the cloakrooms. The Senate is not in order. The Senator from Texas may proceed.

Mr. TOWER. Mr. President, I strongly oppose the reductions in the foreign military sales program recommended by the Foreign Relations Committee. The administration requested authorization for $527 million in new funds to carry out a credit program of $629 million. The committee has recommended only $400 million in new funds and a program of $550 million, of which $300 million is earmarked for Israel. This reduction will seriously limit the scope of the foreign military sales program which is a key instrument of the Nixon doctrine.

This doctrine is the keystone of U.S. strategy of the seventies. We have seen two of its three elements—strength and negotiations—yield rewards. But we have yet to fully realize the potential of the third element of the Nixon doctrine—partnership. Our foreign military sales program is designed to foster the kind of strong bonds necessary for full partnership. We have consistently tried to move away from grant aid to a more mature relationship by encouraging nations to purchase those military equipments they require. This modern equipment purchased through the sales program, together with the sharing of the responsibility for planning in joint national security matters, will be the foundation upon which these partnerships will flourish.

The credits and credit guarantees authorized by this legislation would be made available to allies and selected friendly countries for the purchase of military equipment manufactured in the United States for a number of reasons. First, they encourage and enable friendly nations to assume a greater portion of their own defense burden within their budgetary capabilities, and to achieve greater self-reliance in the area of security. All of this at little cost to the U.S. taxpayer. This self-reliance contributes to a reduced American role abroad.

A lowered U.S. profile overseas is, after all, the ultimate goal of the Nixon doctrine. This goal should be achieved through negotiations. And negotiations are successful to the degree that they are achieved from a position of strength. How strong we are, the outcome of negotiations, will largely depend upon how strong our partners are. Therefore, it seems clear to me that strong partners with adequate weaponry are essential to our hopes for a diminished U.S. profile abroad.

Credit sales are important to the United States for a second reason. They permit the United States to ease the transition of friendly nations from grant military assistance to cash sales. Thus, countries that have depended on our aid are not suddenly confronted by a sharply increased burden of military expenditures that could severely affect their developing economies.

A third aspect of credit sales of advantage to the United States is their impact on the balance of payments. While we would certainly not wish to sell arms and equipment solely to improve our balance-of-payments position, it has been clearly demonstrated that if we fail to make this equipment available to our partners for their legitimate needs, they will go to Canada or Europe for their purchases. Some of these suppliers have demonstrated a flushed eagerness to supply arms and credits. It therefore seems preferable to me to keep this market which is expected, because of inflation and technology, to be large in the 1970's for the United States.

Of course, Congress itself has enacted in the legislation provisions aimed at avoiding arms races and controlling armaments. The U.S. Government has on the whole made laudable efforts to carry out these purposes. However, the United States no longer has a monopoly on arms production. Other countries are prepared to provide credit and sell arms without restraints or concern for politi-

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cal consequences. While I would argue that we should maintain that concern, it would seem more appropriate to provide our Government with the means of making legitimate sales. This will enable us to exercise some controls and offer weapons more appropriate to the needs of our allies.

I have mentioned that, of the total program, $300 million is specifically earmarked for Israel. I do not believe that I need to elaborate on the importance of these credits to Israel. But of similar importance to our entire Middle East policy is the $143 million that will be provided to other countries in that area, including some of the moderate Arab States. These programs alone constitute over 70 percent of the administration's request, which I think is a clear indication of the importance of this area to the United States.

Mr. President, I believe that the foreign military credit sales program makes good sense. It provides the United States with a valuable tool to carry out its security assistance program. The credit program contributes directly to the security of our friends and allies, especially Israel, thus affecting positively the security of the United States as well. It is unfortunate that nations of the world have not yet learned that there are better ways of settling differences than resorting to arms. However, we live in a less-than-perfect world and the United States must continue to provide its allies and friends with the weapons they need within appropriate restraints.

For these reasons, Mr. President, I ask that the Senate restore the foreign military sales program to the levels requested by the administration.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

Mr. President, just a few short months ago, Congress approved the Foreign Assistance Act of 1971 and in its wisdom appropriated $400 million for military credit sales and established an overall credit ceiling of $550 million, of which $300 million was earmarked for credit sales to Israel.

In the bill before us, the committee recommends that the credit sales program for the coming fiscal year be maintained at the fiscal 1972 rate: $400 million in new obligational authority; $550 million as the overall credit ceiling; and $300 million of the credit ceiling earmarked for Israel.

The committee believes that the executive branch has not made a persuasive base for increasing the amounts above the level for the current fiscal year. The committee weighed the amount requested against our economic conditions here at home—conditions which, to say the least, are less than encouraging. Despite the forecasts of the administration's economic advisers, the United States is still subject to huge budget deficits, record-breaking balance-of-payment deficits, seemingly endless inflation, and an unemployment rate that has not dropped below 6 percent in 18 months. The economic indicators simply show that we cannot afford to underwrite a larger military credit sales program—a program subsidized by the American taxpayer.

In judging the committee's recommendation to hold the line on military credit sales, I hope my colleagues will also bear in mind that, for the most part, the countries which purchase military equipment under this program are the underdeveloped countries. These countries are, by definition, already strapped for funds to meet their pressing economic and social needs. The United States should not be in the position of encouraging them to purchase bigger and better armaments.

Mr. President, I hope the committee's recommendation on military credit sales will be sustained.

Mr. President, I am ready to yield back the remainder of my time.

Mr. TOWER. Mr. President, I would like to note that on these credit sales the interest paid by the purchasers is the same as that paid by the United States. In other words, the price they pay includes price of the money to the United States, with the exception of Israel. They get it at 3 percent, which is more favorable than anyone else gets it. We are not imposing additional costs on the American taxpayer.

There is one aspect I would like to mention and that is the possibility that of the $300 million allowed for Israel, the administration might regard some of its other programs as being so important it would dip into that $300 million and Israel would have to go to private financing. That would impose an additional burden on the Israeli economy.

I am prepared to yield back the remander of my time and apparently the Senator from Arkansas is ready to yield back the remainder of his time.

Mr. FULBRIGHT. I wish to make one further comment on the Senator's last remark. The Senator mentioned Israel in particular. In some cases we give Israel grant aid. The State Department authorization bill which was approved a couple of weeks ago carried $85 million for Jewish refugees. We have given them $50 million in economic aid and another $50 million is in this bill. Very few countries get military credits and not economic aid—with which they can then pay us back.

Mr. TOWER. I think it would be wrong to say the economic aid is given for the specific purpose of furnishing arms.

Mr. BROCK Mr. President, I support the amendment of the Senator from Texas (Mr. TOWER). We must give the administration the resources it needs to continue to move forward in implementing the Nixon doctrine. This security assistance program lets us meet our international responsibilities not by sending our troops abroad but by bringing them home and providing the equipment and training which enables foreign troops to replace them. This bill is a good investment. It enables us to place the primary responsibility for meeting nonnuclear threats to the peace where it belongs—on the nations most directly affected.

Mr. President, in the last 4 years this administration has taken more than 500,000 troops out of the East Asia and Pacific area alone. And from Korea to Thailand troops of other nations now bear the primary responsibility for halting aggression on the ground. There has been encouraging progress in other areas as well. Our NATO allies are sharing much more of the common defense burden in the NATO area—they have agreed to a $1 billion program over the next 5 years. And in the Middle East our assistance to Jordan and Israel has helped sustain and strengthen these nations whose continued stability is crucial to the hope of eventual peace in that troubled part of the world.

Mr. President, these policies and the funds provided by this legislation are the foundations without which the President's dramatic trips to China and to the Soviet Union could not have been made.

For when our allies have the resources with which to defend themselves, both their attitudes and the attitudes of those who would be our enemies create a climate in which meaningful negotiations for a generation of peace become possible. The administration which has made these new policy initiatives deserves our continued support, and I urge Senators to provide this support by supporting this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 32, nays 47, as follows:

[No. 225 Leg.]

YEAS—32

Allott	Eastland	Saxbe
Baker	Fong	Schweiker
Beall	Griffin	Scott
Bennett	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hruska	Stennis
Chiles	Jackson	Taft
Cook	Jordan, Idaho	Thurmond
Curtis	Miller	Tower
Dole	Packwood	Young
Dominick	Percy	

NAYS—47

Aiken	Eagleton	Montoya
Allen	Ellender	Moss
Anderson	Ervin	Nelson
Bayh	Fulbright	Pastore
Bellmon	Hatfield	Pearson
Bentsen	Hollings	Proxmire
Bible	Hughes	Randolph
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Roth
Byrd, Harry F., Jr.	Jordan, N.C.	Spong
Byrd, Robert C.	Long	Stevenson
Case	Magnuson	Symington
Church	Mansfield	Talmadge
Cooper	Mathias	Tunney
Cranston	McClellan	Weicker
	Mondale	Williams

NOT VOTING—21

Buckley	Harris	McIntyre
Cannon	Hart	Metcalf
Cotton	Hartke	Mundt
Fannin	Javits	Muskie
Gambrell	Kennedy	Pell
Goldwater	McGee	Stafford
Gravel	McGovern	Stevens

So Mr. TOWER's amendment (No. 1243) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3104) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. TAYLOR, Mr. UDALL, Mr. SKUBITZ, and Mr. MCCLURE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCFALL, Mr. BOLAND, Mr. YATES, Mr. STEED, Mr. MAHON, Mr. CONTE, Mr. MINSHALL, Mr. EDWARDS of Alabama, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. RANDOLPH).

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time for the distinguished senior Senator from Texas to offer an amendment.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed in the consideration of my amendment be limited to 20 minutes, 10 minutes to a side, to be equally divided, the time on my side to be under my control and the time on the other side to be under the control of the chairman of the Committee on Foreign Relations or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposal of this amendment—I understand there will be no rollcall vote on it; it is a mutually agreeable amendment which will be explained—the distinguished senior Senator from Rhode Island (Mr. PASTORE) be recognized for the purpose of offering an amendment, with a time limitation of 1 hour on that amendment, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the manager of the bill, the Senator from Alabama (Mr. SPARKMAN), or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the Pastore amendment.

Mr. PASTORE. Mr. President, if the Senator will yield, let me state what my amendment would do. It would remove from the bill subsection (3) of section 14 on page 12, which has to do with the storage of nuclear weapons or the renewal of agreements relating to such storage.

Mr. MANSFIELD. Mr. President, I repeat my unanimous consent request that it be in order to order the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER's amendment is as follows:

At the end of the bill insert the following:

"APPLICABILITY OF SECTIONS 13 AND 14 TO THE EXPORT-IMPORT BANK OF THE UNITED STATES

"SEC. 15. The provisions of sections 13 and 14 do not affect the authority of the Export-Import Bank of the United States, in accordance with its established procedures and practices, to consider and act on any application for a guarantee, insurance, extension of credit, or participation in an extension of credit with respect to the purchase or lease of any product by any foreign country, or an agency or national thereof."

Mr. TOWER. Mr. President, the purpose of this amendment is to remove from the proscription of sections 13 and 14 of the bill the functions of the Export-Import Bank, because of the adverse impact that these provisions would have upon U.S. exports.

Section 13 of the bill provides that:

No funds may be obligated or expended to carry out the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

As it happens, an understanding was reached between the United States and Portugal regarding the availability of Export-Import Bank assistance to help finance Portuguese imports of U.S. goods, in conjunction with the various negotiations taking place regarding the military base arrangements. The letter of understanding from Secretary Rogers to the Portuguese Foreign Minister merely states what in fact is standard practice as far as Ex-Im assistance is concerned: that it is available to help finance U.S. goods and services to be used in Portugal for the various social and economic development programs which Portugal is pursuing currently. Actually, Ex-Im assistance is available for virtually any financially sound, civilian-related purpose in most free world countries; the Rogers letter merely served to emphasize its availability for these high-priority development purposes.

Section 13 would operate to restrict the implementation of this formalized offer of assistance, since it is arguably part of the military base agreements. However, this offer merely stated what was in fact a standing offer of the United States to help finance its exports to countries in specific instances where export financing is not reasonably available through normal commercial processes. It should not be included in the package of arrangements which may have been made as part of the military base agreement, since it was an arrangement that was already a standing practice of the United States and would continue to have been such even without the military base agreement.

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Section 14 would simply reinforce the effect of section 13, as far as the Eximbank aspects of the Portugal military base agreement are concerned, and for that reason the amendment exempting the Eximbank from the impact of section 13 also extends to section 14.

Mr. President, we are currently very concerned with the international economic situation of the United States, since in the years after 1964 our trade balance has been on a negative trend, that has for the first time in some 80 years left us with a negative balance in 1971. The impact of this deficit on the U.S. balance of payments and on the stability of the dollar have been substantial, and helped lead to the devaluation of the dollar this year. While we fight the fundamental battle for price stability and improved productivity at home, in order to turn this trade balance around and strengthen the external position of the United States, we cannot ignore the great tactical assistance which the Eximbank can lend to channeling foreign purchases to the United States. We cannot allow the substantial U.S. export potential to Portugal to be lost due to the unreasonably wide coverage of sections 13 and 14 of this bill.

I urge my colleagues to support this amendment.

It is my understanding that it does have the approval of the members of the committee, and at this time I would be delighted to answer any questions that the distinguished Senator from New Jersey might have.

Mr. CASE. I thank the Senator. He is correct in stating that I do approve this amendment. I join him in urging its adoption. I think there is no objection to it.

What we are attempting to do by his amendment is to make it quite clear, as we had originally intended, that we are not changing or restricting or hampering the normal operations the bank would conduct in the absence of a special agreement.

Mr. TOWER. In the absence of an agreement or a treaty.

Mr. CASE. What we are doing is taking out the forced draft that the executive agreement did involve.

Mr. TOWER. That is correct.

Mr. CASE. I thank the Senator.

Mr. TOWER. I thank the Senator from New Jersey.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I am very glad that we have reached an agreement on this matter.

As a matter of fact, it is on of the provisions in the Case amendment that disturbed me because I thought it was curbing the Export-Import Bank, when, as a matter of fact, we have been encouraging people in this country who had things to sell abroad, helping them to develop business, helping to build up our trade returns, to cure the trade deficit we have and to help remedy our balance of payments. I am glad that we have worked out an agreement.

I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read the amendment, as follows:

On page 12, line 12, insert the word "or" after "duty" and delete beginning with "or" on line 13 down to and including the word "storage," on line 15.

Mr. PASTORE. Mr. President, it will not take me more than 5 minutes to explain this amendment.

On page 12, section 14 is broken down into three parts. The first provides that in the case of the establishment of a military installation in any country at which combat units of the Armed Forces of the United States are to be assigned to duty, that agreement should come up in the way of treaty. I do not question or challenge that.

The second part refers to the fact that revising or extending the provisions of any such agreement also should come up by way of treaty. I do not question or challenge that, either.

But the third part is very disturbing, because I think it really is directed toward the security of this country. It could threaten our security. I think this would be a very dangerous course to pursue at this time. It reads, in part: "for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent." That means by way of treaty.

Mr. President, under the Atomic Energy law, the President of the United States, as Commander in Chief, is the only person in this country who can order the firing of an atomic weapon. I repeat, no one can do it but the President of the United States. When we begin to discuss, perhaps rather glibly in some cases, just where these bombs are and how many, I am afraid that we are damaging the future security of this country.

Once a military base has been established, then at all times these atomic weapons have to be under the exclusive control of U.S. military forces. No one can give one of these weapons to any country in the world. Even the President of the United States cannot give away an atomic bomb. Wherever those weapons happen to be, they have to be under the exclusive control of the U.S. military, and they can be fired only on the order of the President of the United States.

To say that a matter of this sensitivity, which goes right to the heart of American security, has to be discussed by way of treaty is a questionable proposal. Even though it might be a classified protocol, the fact still remains that that is a dangerous course to pursue. Under the atomic energy law, our Joint committee is entitled, by provision of law, to be fully and currently informed on everything in connection with atomic weapons, I think that that serves the purpose; and anyone who needs to know can find out where they are, provided he has a right to know.

For that reason, while I support the remainder of section 14, I think it would be dangerous for us to include subsection (3). My amendment would merely strike out subsection (3), and I hope the Senate will adopt my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I have sent for the Senator from Missouri (Mr. SYMINGTON). He thought this matter would come up tomorrow. He has shown more interest in this subject than any other member of the Committee on Foreign Relations. The Subcommittee on Security Agreements Commitments Abroad, of which he is chairman, did a great deal of work last year and the year before along with others, on the subject of our commitments abroad. It is my impression that he feels that this is a justifiable requirement, but I leave him to speak for himself.

Much of this becomes common knowledge. It is in the press. All of us, without having been briefed or having been given any secret information, know that nuclear weapons are scattered about the world in such places as Greece and Turkey and on ships off Vietnam. This has been in the press time and again. Reporters know it, and I think that the public who are interested generally know it. I think the time has come when Congress should play a role in these commitments, which have the effect—whether or not they so provide in the actual wording—of committing us to many countries throughout the world.

I am reminded of the Spanish bases agreement. There is no formal treaty, formal obligation in a written document, that we defend Spain. But the agreement creates a situation in which the Chairman of the Joint Chiefs of Staff said that Spain is given a greater assurance of our support than if there were a treaty to that effect.

Nuclear weapons have become such a great part of our strategic power and so significant in modern warfare that I think there is little to distinguish them from troops in the degree to which they commit the United States to the support of various countries. About all this really is saying is that when the United States is involved and when it is putting itself in the position under which it is obligated to support other countries by military means, such a commitment should be made the subject of a treaty and require the advice and consent of the Senate.

To put it in a different way, what we are trying to say here is that the Executive should not have this power alone. I am told by the Senator from Rhode Island that they are informed on a classified basis about the location of the

weapons, and that is sufficient. The committee is saying that an obligation of this gravity, with as much danger of involvement in warfare, should be a matter for the decision of the Senate as a whole.

I am very much pleased that the Senator from Rhode Island approves of subsection (1) and subsection (2). These have not been subject to treaties in many cases any more than the Vietnam war today is an authorized war under the Constitution.

On the issue of nuclear weapons storage abroad, I think this is a perfectly proper issue for Congress to pass upon. It would not be news if we put it in the RECORD, or in the newspapers, because there are very few surprises. Most people know where they are now. But it would lead to more sober consideration of our involvements abroad.

I do not agree with the Senator from Rhode Island that this is a matter that is so sensitive Congress should not be allowed to exercise its judgment on it. I think it does have implicitly within it the probability of involvement in war if those countries where the weapons are located are involved in conflict. So that is about the sum and substance of it. I would not be willing to accept the Senator's amendment.

I would hope that the Senator from Missouri (Mr. SYMINGTON) would express himself on this issue because he has, for a couple of years now, shown deep interest in the matter. He will be in the Chamber shortly.

I suggest the absence of a quorum and ask unanimous consent that it be taken out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in the absence of the Senator from Missouri (Mr. SYMINGTON)—I am told they have not been able to locate him yet—for the RECORD at least, let me read this language from the subcommittee report on the nuclear weapons subject—page 30:

The stationing of nuclear weapons in foreign countries represents a special kind of commitment between the United States and the host country. In almost every one of these countries a veil of secrecy hides the presence of such weapons. Nowhere is this veil stronger than in the United States.

Most people here are unaware of the fact that United States tactical nuclear warheads have been and are stationed in countries all around the world, a pattern of deployment which results in arousing deep concern in both the Soviet Union and Communist China.

. . . we should recognize the political implications involved in placing nuclear weapons in other countries, along with the need for continuous re-examination of such a policy.

What this means, I would think, is that a lot of people know where these weapons are. That is true. Most people do not pay much attention to this subject but I recall reading time and again about nuclear weapons in Turkey, and talk about we should be agreeing, at the time of the Bay of Pigs, to withdrawing our nuclear weapons if they would withdraw theirs from Cuba. I am sure I have seen many times references to nuclear warheads in Germany, in the recent discussion on the treaty with the Russians, that we have forward bases with nuclear weapons on them and airplanes to deliver them. There is no secret about this. Since this is not a deep, dark secret, and since it has these implications of commitments growing out of it, the committee believes that the arrangements for the overseas shortage of nuclear weapons should be a matter for the Senate to pass upon. I do not believe it has any serious effect upon our security in the sense that we are fooling the Russians.

I do not quite see how it prejudices our security if the enemy knows—and, presumably, that is Russia or possibly in the future, China—because the Russians know all about them. I do not see what difference it makes to our security, that this matter is discussed and passed on by the Senate unless, of coure, we assume that the Senate is an irresponsible body and should not be involved in decisions of this character.

Well, going back to the commitments, resolutions, and several legislative acts since, I had assumed that most Senators believe that the Senate is a responsible body and should be given some role in the determination of the policies which are likely to involve the United States in warfare.

Mr. President, I should like to yield now to the distinguished Senator from Missouri (Mr. SYMINGTON), since this is a matter in which his subcommittee has had much to do with and which he has, on numerous occasions, discussed.

I yield to the distinguished Senator whatever time he desires.

Mr. SYMINGTON. Mr. President, I appreciate the distinguished chairman of the Committee on Foreign Relations yielding to me on this subject.

At the suggestion of the distinguished chairman of the Joint Atomic Energy Committee, I went abroad with him a year ago last April. I have said, and repeat, that I learned more about the true military strength of the United States in Europe in 6 days with that distinguished chairman than in the previous 18 years on the Senate Armed Services Committee. In the latter committee we are not given adequate information with respect to this all-important subject.

In addition, Mr. President, as chairman of the Foreign Relations Subcommittee on Commitments Abroad, we found that in one country we were blackmailed at a cost of millions of dollars to maintain our nuclear weapons in that country. This is in the committee record, but some of it is classified; therefore, I will not give the details on this floor. Everyone knows in the countries where the weapons are. There is no secret about it. I have been in such countries and have for years been told about it by the people in the governments of the countries in question. For anyone to think for a minute we can put nuclear weapons in a country without its having an effect on foreign policy, taxes the credulity of any person interested in the subject.

They know where these weapons are, but do not know the nature of them, type and yield and so forth. Nor should they. I say, however, that one of the great tragedies is the degree of secrecy we have had about this whole nuclear situation. A small airplane in Europe, with one refueling, could be over Moscow and drop many times the lethal blast of the Hiroshima bomb. That is something all Americans should consider as in turn we consider the SALT talks and the reached agreements. Ignorance of Americans with respect to the overall aspects of this subject is unwarranted ever since the issue of the Smythe report, which came out in the 1940's.

We continue to authorize and appropriate billions upon billions annually for our military establishments, much of which we do not need for National Security. It would be more clear that we actually do not need some of these requests if we got out some of the facts about the new force in the world which is contained in the atom; facts which could in no way affect our Nation's security.

There is not a man in the Senate but who could walk in this Chamber today with a nuclear weapon that would correspond in force to the Hiroshima bomb. That is the type of information which should be disseminated as we discuss these matters. All other countries, especially the six or so in the nuclear club, know this to be true.

We cannot have constructive relations with another country, we cannot locate nuclear weapons in that country, without affecting foreign policy, because we always have made commitments to these countries to in turn get them to permit us to have nuclear weapons on their shores.

We are already having trouble with many countries as to whether they should allow our ships that use nuclear power—not necessarily war ships, any ship—to come into the harbors of their country. Among such countries are those we consider among our strongest allies.

Mr. President, I did not know this subject was coming up so rapidly this afternoon else I would have had more of a prepared statement about our relations with countries in which we have stored nuclear weapons, but not known to the American people.

I would hope, therefore, that the amendment of my good friend, the able chairman of the Joint Atomic Energy Committee, will be rejected. A Secretary of Defense testified in open hearings years ago that there were 7,000 nuclear warheads in Europe; and everyone knows that, if there were 7,000 nuclear warheads years ago, there are more today.

I cannot understand why it is necessary for us to be so secretive as to where we have these weapons. If they are there, they are fundamentally a problem to us as well as a problem—often welcomed—to the country in which they are located.

I would hope when this matter is considered by the Senate the importance of

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nuclear knowledge, previously denied the American people, will be released to the public. Much should remain classified, but much that could be released but is not released, if made a matter of public knowledge, would help in the growing effort to prevent further escalation in the arms race.

Mr. CASE. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, I would be glad to yield to my able friend from New Jersey.

Mr. CASE. Mr. President, I associate myself with the remarks of the distinguished Senator from Missouri and with the remarks of the distinguished chairman of the committee, the Senator from Arkansas.

I fully appreciate the concern that the Senator from Rhode Island has expressed. I appreciate his diligence in expressing himself on this matter. However, I think that really the question is not really so much technical as political. I think it is quite clear that in a general sense the world knows where our arms are.

If there is any question as to tactical dispositions which are about to be made for some special reason for some short term not being made a matter of public record, that information can be included and it can be agreed to keep it secret. We consider treaties in executive session. In any event, any matters of that sort can be dealt with and handled in the Senate by its full processes.

As the Senator from Missouri has so well pointed out, these are matters that should be known to all people, Americans and foreigners alike.

I think it would be a good idea as soon as we can to get away from the idea that the Senate is extremely esoteric about nuclear weapons in their disposition. The only thing esoteric about it is the secrecy.

This is a matter that the public should be fully aware of.

Mr. SYMINGTON. Mr. President, I appreciate the remarks of the distinguished Senator from New Jersey. Obviously there are many aspects concerning the details of the type and character of nuclear weapons and other weapons designed for our protection and the protection of other countries that should not be released.

We are not talking about those details. We are talking about the overall knowledge of installing our nuclear weapons in other countries. When that is done it is certainly known to the people of the country in question. Why should it be kept from the American people?

If there is any real reason why this knowledge should be kept a secret from the American people, I would say to my friend that this in itself would seem to make it clear that the weapons we question should not be placed in the country in question.

Mr. PASTORE. Mr. President, I would really hope that in our enthusiasm this afternoon we do not lose understanding of what we are actually saying and doing here this afternoon.

There is no man in the Senate who loves to speak more informatively than the Senator from Rhode Island. There is no man in the Senate who desires that the American public have information more than the Senator from Rhode Island.

I hope that we do not argue this afternoon that the American public really wants to know what is going on in the war rooms of the Joint Chiefs of Staff. When we begin to tell everyone in the United States and everyone in the world the numbers and locations of our atomic weapons we defeat the very basis of security, we are beginning to cut off our noses to spite our faces.

The Senator from Missouri knows that not until he became a member of the Joint Atomic Energy Committee and went abroad with me did he know where certain weapons were and how many. This is highly secret information and there was good reason for classification. That is the reason why we put it in the Atomic Energy Act. We put classification in that act for the security of this country.

If any Senator wants to know and has a need to know, he can find out very quickly.

What does this provision do here? It says, talking about the storage of nuclear weapons in any country, that the matter has to come up here. That is the question before us. I say that with that information disclosed we could tumble down as well as some of these governments. We had better recognize that in some countries of the world the Communists have the largest sinlge party within the framework of that government.

Do we want to begin to toy with America's security interests? America is interested in any every American is interested in keeping his home safe and in keeping this country free.

If anybody in this Chamber has an idea we are placing these bombs in other parts of the world helter-skelter just because we would like to see them spread all over the world, I tell Senators frankly they should come to our committee some time and listen to some of the information that come before us. I say this afternoon that not one time has there been a leak from that Joint Committee on Atomic Energy. That is a record to be compared with the record of any other committee of Congress.

What I am saying this afternoon is: Do not begin to play loosely with American security. There are many places in the world where rebellion could start if some of the information went out.

They are there for what reason? They are there to make sure we maintain the security of our country. After all, in Europe we have not had a major incident since the end of World War II. Why? Because the Russians knew of the American power. Why did they call off their bombs or their missiles in Cuba in October 1962? They did it when John Kennedy flexed his muscles.

To proceed as in section 14 with respect to establishing a foreign base in another country for the location of American troops is one thing, but when they talk about where atomic bombs should be and how many, when the President is the only man who can order the firing of any bomb—not Congress, but the President—is another matter.

We have a PAL system on our bombs in Europe, which means they cannot be fired unless the President of the United States give the order. That is how careful we are and should be.

When you come before this body and put atomic weapons in the same category as proceeding under section 13, I am telling you you are comparing appies to oranges and it just does not fit. You are as far apart as the North and South Poles.

What I am saying this afternoon is that this is a very sensitive area. This is the zone that has kept us safe from an onslaught of communism in Europe. Do not begin to change it this afternoon.

You tell the Russians how many there are and where they are and I am telling you they can begin to make different plans.

Mr. SYMINGTON. I would say to my good friend from Rhode Island that to the best of my knowledge nobody talked about giving the details of these weapons in the country in question. There is no idea of going into secret rooms of the Pentagon on nuclear details.

I add to what my able friend stated by saying I would hate to see the question of communism per se become dominant in the minds of those responsible for the security of the United States. I salute the President for going to a Communist country, the Peoples Republic of China, and I salute him for going to Moscow. There is surely nothing wrong in attempting to develop policy that will result in fewer young Americans being killed, all over the world. In effect, this change would appear to be one of the major premises in establishment of our new foreign policy, and I support it all the way.

Our religion emphasizes the importance of brotherhood, love of our fellow man and respect for human rights. I do not buy any arbitrary raising of great Communist monolithic danger each and every time we discuss something having to do with our foreign relations and the saving of money for the taxpayers in the field of national defense.

Another point has to do with what the Committee on Foreign Relations knows. We were at one time refused information in this committee on the grounds that under section 202 of the Atomic Energy Act, the only committee of the Congress, in both Senate and House, that should be allowed this information was the Joint Committee on Atomic Energy. We gave the question to respected and able lawyers. They said such a conclusion was ridiculous. But that information was denied the Committee on Foreign Relations until about the time I went on the Joint Committee. Said information is now a matter of knowledge in the Committee on Foreign Relations. Nobody at any time has said or could say that in any way has jeopardized the security of the United States. The Committee on Foreign Relations knows today where these weapons are, and more about their types.

We are talking about two aspects. First, should it be known where we locate nuclear weapons on foreign soil? I believe it should because the people in that country in question know. The people in the United States also have a right to know.

Second, details of the weapons in question should not be known. I have had some inspection experience in government and also in private industry. After I became a member of the Joint Committee I asked a staff member, as a matter of routine, "Do we do 'this and that' to protect our nuclear position all around the world?" I cannot get into detail on this because it is classified, but was told, "Of course, this is what we do everywhere." I said, "Just check it to be sure."

A few weeks later an able member of the staff of the Joint Committee came to me and said, "How did you know?" I said "Know what?" He said, "You are right." We thought we had these policies over the world, but have not got them all over.

I replied:

I did not know, but do know that when something goes on for a number of years without being checked, you can bet your hat what you thought was going on has not been going on.

I am glad to report that as a result of this investigation on the part of the Joint Committee that matter has been corrected.

Again, the American people have as much right to know about these installations, which they pay heavily for as do the heads of government and people of the countries in question.

Mr. COOPER. Mr. President, I wish to ask a question of the chairman of the Senator from Missouri.

Would the adoption of this amendment have any bearing on the location of our technical and nuclear weapons in Europe, which everybody admits are stationary? The reason I ask that is this: Up to this point and during the SALT talks, of course, the technical weapons there and the airplane bases with the aircraft were able to carry a bomb, if necessary, to eastern Europe and perhaps even to Russia, and that has been a part of the deterrent.

Similarly, as the Russians have, there are intermediate range missiles which are centered in Europe, and our planes can reach Europe.

Would this alter a deterrent if we agreed to the treaty and moved into the second stage? Would this alter the deterrent? The measure states, "You cannot enter into any agreement after this date or extend any agreement."

Mr. FULBRIGHT. I refer the Senator to the committee's report. It is very clear on page 31. It states:

The provision is prospective only. It does not affect current agreements relating to foreign bases or the storage of nuclear weapons. However, it will require submission to the Senate of any agreements to renew or revise existing agreements.

Then, it states that no funds should be obligated and so forth on or after the date of enactment. It is prospective. It is not to affect any existing agreement related to nuclear weapons.

Mr. PASTORE. Mr. President, I would like to make a little comment on the question asked by the Senator from Kentucky. Of course, this would weaken the deterrent. I can give the Senator an example. If the Senator were playing stud poker, would it not mean something to him to know what the other player had as his covered card? Does not the Senator think it is going to make a difference if the Russians know where our weapons are and how many?

The argument made here is that everybody knows. Yet my good friend the Senator from Missouri did not know until a few months ago when he got on the committee. If everybody knows, why did he not know? The idea that everybody knows is nonsense. I dare anyone to stand on the floor and tell me how many bombs are in Germany and where they are this afternoon, if everybody knows. We cannot tell them and we should not tell them. That is one of the most sensitive elements, one of the most classified elements of our deterrent force in Europe—the fact that they do not know how many there are and where they are. The minute they know, the Senator can bet his bottom dollar the reentry missiles will be retargeted to make sure they are going to knock us out in a nuclear attack. Then he will see the Autobahn closed and the Berlin Wall and and Berlin freedom a shambles.

As to the hope that we are promoting a detente with Russia and China—do not let us become kissing cousins too soon, I suggest to the Senator from Missouri. We have not reached that stage yet.

The Senator rises and properly says, "I am a Christian and I have a big heart." I say to the Senator from Missouri that I too am a Christian, and even though I may be smaller in stature, my heart is as big as his.

Mr. SYMINGTON. I am sure the Senator's heart is as big as mine, but do not want excessive fear of communism to continue to add unnecessary additional expense for our defenses. Of course, I have known where these weapons were for many years, as Secretary of the Air Force and later. What I thought was proper was that members of the Foreign Relations Committee should be told in executive session. There has never been a leak out of that committee since I have been on it to the best of my knowledge. Its members should have enough information to determine the right thing to do, in their opinion, from the standpoint of our relations with these other countries.

The Armed Services Committee should take more interest in the number and type and location of nuclear weapons, because it is a subject which bears much on the security of the United States.

From what the Senator said, I gather the impression of a card game, stud poker, and a hole card. I hope we are not going to play a game with these countries and that we put our cards on the table. We have pledged that, on the part of the United States. The President did. Dr. Kissinger did in the White House. They said we were going to lay our cards on the table and believe our possible opponents are laying their cards on the table. But if this is going to be primarily a poker game, then we should not lay our cards on the table.

The only reason we should have an agreement—and a treaty—is that it would be in the interest of both countries to have such an agreement.

The PRESIDING OFFICER. The Chair wishes to know who yielded the half minute to the Senator from Missouri.

Mr. PASTORE. Mr. President, take it out of my time. That shows how much I love the Senator from Missouri.

Mr. SYMINGTON. The Senator knows that affection is reciprocated, along with deep respect.

Does the Senator know of any country outside the borders of the Soviet Union in which the Soviet Union has put nuclear weapons?

Mr. PASTORE. No; because they would not tell me.

Mr. SYMINGTON. Does the Senator believe they have put any in South America, or Cuba?

Mr. PASTORE. I do not know.

Mr. SYMINGTON. Yes.

Mr. PASTORE. But it would be of great help to us if we knew.

Mr. SYMINGTON. Our intelligence says they have not, and we fashion our policies on their combined estimates.

Mr. PASTORE. But does the Senator know?

Mr. SYMINGTON. I think our intelligence is as reliable as theirs. In any case, I do not know what we are trying to prove when we segregate all knowledge about nuclear weapons from all other weapons, just because we have a Joint Atomic Energy Committee and an Atomic Energy Act.

Mr. PASTORE. The Senator himself said nuclear weapons should have special consideration.

Mr. SYMINGTON. Because they are the strongest weapons does not mean they should be treated with unusual and special secrecy.

Mr. PASTORE. The Senator stated this. He said atomic weapons have special significance.

Mr. SYMINGTON. They do.

Mr. PASTORE. For that reason they ought to be considered in a different category.

Mr. SYMINGTON. I did not say they ought to be considered in a different unique and special category—not at all. When a country caught us putting them in that country, we paid millions of dollars, because we had placed them in that country. I hope such activity does not become characteristic of how the United States operates its foreign policy.

Mr. PASTORE. I hope we do not throw out the baby with the bath water. The idea, the cliche, is that the American people should know. The American public does not want to know how many bombs we have in Germany. All the American people want to know is, Are we safe here at home? That is our responsibility. It is the responsibility of the President and the Congress to make sure we are safe at home. The idea that we open up this sensitive area which has been classified is a very dangerous thought. It has been a secret classification. The suggestion that the American people really want to know how many bombs are in Germany and where they are does not make much sense to me. The American wants to know one thing—the

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American people want to ask, Are we safe?

Mr. SYMINGTON. The Senator has said there are atomic bombs in Germany. Is that information classified?

Mr. PASTORE. No.

Mr. SYMINGTON. If it is not classified, what is wrong with telling about them being located in other countries?

Mr. PASTORE. How many and where they are?

Mr. SYMINGTON. It has never been publicly stated on the floor that there are atomic bombs in Germany.

Mr. PASTORE. Oh, it has been.

Mr. SYMINGTON. In Europe—but not in Germany, not in any particular country.

Mr. PASTORE. Is the Senator going to be picayune? Is not Germany in Europe?

Mr. SYMINGTON. Are they only in Germany?

Mr. PASTORE. No.

Mr. SYMINGTON. Then they are all over?

Mr. PASTORE. I gave the Senator that as an example. Does the Senator know why? Because they are right on the other side of the Berlin Wall. That is where the Autobahn is. That is where our troops are. That is where our armaments are. When there is storage, then we talk about places and numbers.

Mr. SYMINGTON. Are they on our ships?

Mr. PASTORE. Sure, they are.

Mr. SYMINGTON. Are they on our ships in the Mediterranean?

Mr. PASTORE. Sure, they are.

Mr. SYMINGTON. I thank the Senator. Is this the first time that has been known.

Mr. PASTORE. I do not know about that, Mr. President.

Mr. SYMINGTON. The more information we get out of this character the better for the American people, the better for the security of the United States, because of the importance in a democracy for the people to have all information that will not help a possible enemy.

Mr. PASTORE. Come on, Senator, take it easy. The Senator knows we have bombs in our ships. Do not tell me the Senator thinks they are in closets in the Pentagon; or does he think they take them home as lollypops?

Mr. SYMINGTON. I have been talking here today about continuing to use the fear of communism, along with the fear of nuclear weapons as a means to make the United States spend many billions of dollars for unnecessary weaponry when these billions could be spent for better purposes right here at home. I will say to my friend, however, for whom I have very great respect and affection, that I am just as interested in the security of the United States as is he, anxious therefore for us to have all weapons and military personnel that is really needed.

Mr. PASTORE. I am sure of that.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FULBRIGHT. I yield myself 3 minutes.

Mr. PASTORE. Mr. President, I will give the Senator some of my time.

How much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. PASTORE. I yield the Senator as much time as he needs.

Mr. FULBRIGHT. I agree with the Senator, first, that the American people are not panting to know the details of where the bombs are. What they are interested in is not getting the country in a position to get involved in wars like we have in Vietnam or in commitments such as we have in Spain, which have not been submitted for discussion or consideration by the Congress. It is the effect of these agreements that bothers all of us. By bringing these matters into the open, we hope to avoid adverse effects.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I would be very much interested. They do not care about that.

Mr. PASTORE. Will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. That is the reason why I agree with the Senator's (1) and (2). I think when the bases were established in Spain, it should have been by a treaty. I go along with that, and also as to any extension of that agreement. But when we begin to store bombs, anywhere and how many of them, after we get such an agreement, I do not think that ought to be the subject of another treaty. That is an intensely military affair at that point. If the Senator wants to stop the political side of it, in the establishment of those bases, I go along with that. I can see that.

Mr. FULBRIGHT. Well, I think maybe we are arguing here about two different things. I did not contemplate, and do not now, that in the discussion of an agreement for the storage of weapons, say, in country X, we would include, as a part of that, all the details of how many, what form, and just exactly where. That might be a matter of classification for the committee alone, in executive session. It certainly should not, I would think, be a part of a treaty. The treaty could be a general agreement in which we make the deliberate decision as to whether to have such a relationship with country X. I think that is a much more responsible way to do it.

While the Senator says it is not generally known, what the Senator from Missouri was saying, I think, is that Americans do not know in any great detail. I do not believe the Senator from Rhode Island believes for a moment that the Russians do not know we have those weapons in Germany or in Turkey.

Mr. PASTORE. That is right.

Mr. FULBRIGHT. They have complained about them being in Turkey.

The PRESIDING OFFICER (Mr. WEICKER). All time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. I see no point in belaboring the matter. It is the general proposition that is involved in these agreements, rather than the precise number, that is important.

Mr. PASTORE. Mr. President, I want to make my position clear, very precisely.

I have no objection to the proposition that the establishment of foreign bases should be by treaty. All I am saying is that when you get into the nuclear weapons business, once that treaty is formulated, you do not need a second treaty. To argue that is to get yourself into serious trouble. My experience on the committee since 1952 tells me that. That is not to deprecate anyone else's opinion; I do not want to be misunderstood on that. But this is a very sensitive business, when we begin to tell everyone in the entire world how many, and where.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield the Senator whatever time he would like.

Mr. AIKEN. Mr. President, I hope the time will come when it is not considered advisable to store nuclear bombs in any country, anywhere, any time. But until that time does come, I think the United States would be very unwise to divulge to the world the location of those nuclear bombs. They may be in the mountains of central Europe, they may be somewhere in Asia, they may be in the ports of the eastern Mediterranean. They might be on icebergs in the Arctic, for all I know. But I do not think we should divulge to the world where they are located, unless we are willing that every potential enemy should also know where those weapons are stored.

Even the people of the United States do not know where nuclear weapons are stored in this country. They may know where some of the planes used to deliver those weapons in time of war are stationed, but they do not know where the weapons themselves are stored. I doubt if one on this floor knows how many nuclear weapons are stored in Rhode Island, or Missouri, or Arkansas, or Kentucky. I do not think there are any in Vermont, but I am not sure.

I think it is in the interests of our own security that we should not tell the world where these bombs are stored. If they are stored in a foreign country by agreement with the United States, then that agreement, under this item number (3) of section 14, would have to be submitted to one, two, or probably three committees of Congress, eventually, and it would not take long for it to be made public knowledge, of course, if the agreements had to be approved by this body.

So I think it would be most shortsighted indeed to divulge to the rest of the world the presence of those weapons which we rely on to keep us out of a third world war. I do not know why anyone should advocate that, and I hope that the amendment of the Senator from Rhode Island, which I cosponsored with him, will be approved, in the interests of the security of the United States.

Mr. PASTORE. I am ready to yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER (Mr. WEICKER). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. PASTORE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT E. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. McGOVERN).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from New York (Mr. JAVITS) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 65, nays 17, as follows:

[No. 226 Leg.]

YEAS—65

Aiken	Dole	Miller
Allen	Dominick	Montoya
Allott	Eastland	Packwood
Anderson	Ellender	Pastore
Baker	Ervin	Pearson
Beall	Fong	Pell
Bellmon	Griffin	Randolph
Bennett	Gurney	Ribicoff
Bentsen	Hansen	Roth
Bible	Hatfield	Saxbe
Boggs	Hollings	Schweiker
Brock	Hruska	Scott
Brooke	Humphrey	Smith
Buckley	Inouye	Sparkman
Burdick	Jackson	Spong
Byrd, Harry F., Jr.	Jordan, N.C.	Stennis
Byrd, Robert C.	Jordan, Idaho	Stevenson
Chiles	Long	Taft
Cook	Magnuson	Talmadge
Cooper	Mathias	Thurmond
Curtis	McClellan	Tower
	McGee	Young

NAYS—17

Bayh	Hughes	Proxmire
Case	Mansfield	Symington
Church	Mondale	Tunney
Cranston	Moss	Weicker
Eagleton	Nelson	Williams
Fulbright	Percy	

NOT VOTING—18

Cannon	Harris	McIntyre
Cotton	Hart	Metcalf
Fannin	Hartke	Mundt
Gambrell	Javits	Muskie
Goldwater	Kennedy	Stafford
Gravel	McGovern	Stevens

So Mr. PASTORE's amendment was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ALLOTT and Mr. BIBLE moved to lay that motion on the table.

The motion to lay on the table was agreed to.

SECTION 12—U.S. WITHDRAWAL FROM VIETNAM BY AUGUST 31

Mr. STENNIS. Mr. President, I have long since learned to discount the many rosy reports that came during many years past regarding the progress of the war in Vietnam. In fact, what I have said regarding the program of the war has been quite conservative indeed and somewhat on the skeptical side.

Now I believe, however, we finally have tangible proof of facts that are definitely on the encouraging side. A great deal has happened since the initial success of the North Vietnamese Army's drive across the DMZ on March 31, and the advances into South Vietnam that they made in early April. For instance, Hue, or Kontum, or both, were supposed to fall to the enemy rather rapidly. But this has not happened, due to a stiffening of the troops of South Vietnam and their counterattacks. There have been South Vietnamese raids against North Vietnamese positions in Quangtri and Kontum Provinces, and An Loc is now held by the South Vietnamese.

This is the way I see it now. The North Vietnamese launched their attack, expecting to capture many of the key spots and meet little effective resistance on the ground. They further expected, as I see it, that we would not retaliate, certainly not by mining the harbors and indepth, effective, extensive bombing in North Vietnam.

To their surprise, the South Vietnamese rallied after the initial setbacks. Many of the South Vietnamese units have shown sustained, hard fighting that demonstrated purpose, skill, determination, and endurance. Ample and skillful American air cover was necessary in this ground fighting and was given and, of course, this was an important factor in these favorable results. However, this was by no means all of the battle. Formidable ground forces of the North Vietnamese were resisted and defeated; ground was retaken by skillful and effective fighting by the South Vietnamese ground troops. These facts are vouched for in many strong statements and reports, including statements by our own American observers and advisors. This shows strength on the ground and it was a surprise to North Vietnam. It is also highly significant that there has been comparatively little activity by any native Vietcong. On the whole, the people of South Vietnam have rallied behind the government and against the invasion.

The North Vietnamese were surprised in another way. President Nixon made the hardest of all decisions, that is, he decided to mine the harbors of North Vietnam and cut off the supplies coming by sea and also to fully and effectively bomb the supply lines and other warmaking capacity in the critical areas of North Vietnam.

These steps have been carried out in a highly effective way, and have brought results already. Critical warmaking capabilities and war materials have been destroyed in North Vietnam. Transportation routes have been greatly affected, it seems, far beyond what has been done by bombing in years past, partly due to the use of so-called smart bombs. If this condition is continued, there is firm cause to believe that within 60 to 90 days the supply lines to South Vietnam will be thin indeed, and the same kind of extensive fighting by the North Vietnamese forces cannot be sustained.

Furthermore, Mr. Podgorny of the ruling hierarchy of the Soviet Union, has made a trip to Hanoi. No one can foretell the effects of this trip, but at least there is encouraging talk by Mr. Podgorny of resumption of the peace talks in Paris. Mr. Kissinger is now on a mission to Peking. No one can foretell the results of his trip, but it is hoped that this trip will have some favorable meaning.

So it seems to me, Mr. President, that the North Vietnamese made a grave error by this invasion. Now they see their manpower having been cut up by heavy casualties in the fighting to the south. Much of their modern ground war machine is also captured or otherwise used up. Some of the territory they took is now retaken and much that they threatened is no longer in grave danger. They find themselves with their harbors mined and sea traffic cut off. They find their railroad bridges destroyed, the lines of transportation otherwise cut, and their warmaking potential, much of it, either destroyed or greatly damaged.

No one can say definitely what all of this means. But certainly, since things have started moving against them, and at least somewhat in our favor at long last, it is no time for us now, in the midst of these facts, to restrict or restrain in any way our own position, much less to cut off funds supporting our own forces in South Vietnam and mandate their withdrawal within less than 70 days from today, June 19, 1972. It would not only weaken, but it will destroy our position in the present situation, and that means it will strengthen our adversaries, although this is not intended by the authors of section 12 of S. 3390, now before the Senate for consideration.

It seems to me, Mr. President, that the contrast is too plain and clear to require further comment. I know that we all want to end this war just as soon as possible, and that is the sole motive that prompts the authors of this provision in section 12. I do not question their motives, I applaud their motives, but the cold logic of the facts themselves shows the contradiction on the face of their amendment with events that are happening now. We are on the way out, I submit, in the manner that we should get out, by effectively insisting on rightful respect for our position of an offer to get out after a ceasefire internationally supervised and the delivery of our POW's.

The President's program guarantees this. As announced, on May 8 he proposed the following peace terms:

First, all American prisoners of war must be returned.

Second, there must be an internationally supervised ceasefire throughout Indochina.

Once prisoners-of-war are released, once the internationally supervised ceasefire has

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begun, we will stop all acts of force throughout Indochina. And at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months.

These are extremely fair proposals, Mr. President. Compared to them section 12 is sadly inadequate. It would require without any conditions whatsoever, the absolute withdrawal of all American forces from South Vietnam by the end of August, less than 2½ months from now. Such withdrawal is forced, absolutely forced, by a congressional cutoff of funds—enacted into hard law. Section 12 further requires the end of American air support and sea support for South Vietnamese forces as soon as there is a "verified" cease-fire between American forces and Communist forces. Others have spoken about the ambiguity of this proposal, Mr. President. It is not at all clear who would do the "verifying" of such a cease-fire or how anyone could tell whether or not continued fighting between the South and North Vietnamese did or did not violate the required cease-fire involving U.S. forces. The President's proposals offer a far better way for us to be assured of obtaining the release of our prisoners of war and an accounting for the missing in action than the vague and inadequate conditions included in section 12 of the bill.

The prospects for any real peace are infinitely greater if we are negotiating from a position of strength rather than a position of weakness. Section 12, which says this country must pull out by August 31, undercuts the efforts which the President has made to place us in a stronger position for negotiating an honorable peace in Indochina.

Section 12 of S. 3390, I submit, should be stricken from the bill. Because of the foregoing fact and for this purpose, I trust that the authors of this section reconsider their position in the light of the existing fact and request that section 12 be stricken from the bill.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The PRESIDING OFFICER (Mr. WEICKER). Under the previous unanimous-consent agreement, the unfinished business will now be temporarily laid aside until disposition of S. 3617, which the Senate will now proceed to consider.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

S. 3617, to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, having consulted with the distinguished Senator from Minnesota (Mr. MONDALE), the distinguished Senator from Wisconsin (Mr. NELSON), the distinguished Senator from New York (Mr. BUCKLEY), the distinguished Senator from Colorado (Mr. DOMINICK), and others, that time on S. 3617 be limited to 6 hours, the time to be equally divided between the distinguished Senator from Wisconsin (Mr. NELSON) or his designee, and the distinguished Senator from New York (Mr. JAVITS) or his designee; that time on any amendment be limited to 1 hour, to be equally divided between the mover of such and the distinguished Senator from Wisconsin (Mr. NELSON); that time on any amendment, to an amendment, debatable motion, or appeal, be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. NELSON), except in any case in which the manager of the bill (Mr. NELSON) should favor such, in which instance time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and, ordered further, that no nongermane amendment be in order.

Mr. DOMINICK. Mr. President, reserving the right to object, I just raise this inquiry. I do not see the senior Senator from New York (Mr. JAVITS) here. I wonder whether it would not be proper, as he is the number two Republican on that committee if, in his absence, time could be allocated to me so that I could allocate it, in turn, to others who might be in agreement or in opposition to the bill.

Mr. ROBERT C. BYRD. Mr. President, I so revise my request.

Mr. BAKER. Mr. President, reserving the right to object, did I correctly understand the Senator from West Virginia (Mr. ROBERT C. BYRD) to request as a part of his unanimous consent agreement, that no nongermane amendments might be offered?

Mr. ROBERT C. BYRD. The able Senator from Tennessee is correct.

Mr. BAKER. I shall not object to that in this particular proceeding, but I believe that the Senator from West Virginia (Mr. ROBERT C. BYRD) knows the position of the senior Senator from Tennessee on this particular subject. I will state once more that I hope this will not become a habit that I find it necessary to renew my objection to it. I do not object at this time.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from West Virginia (Mr. ROBERT C. BYRD)? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on behalf of the Senator from Wisconsin (Mr. NELSON). At the suggestion of the distinguished majority leader, may I say that for the remainder of today the Senate will consider the pending measure S. 3617, and, on tomorrow, the Senate will continue to consider S. 3617 until some point during the afternoon when, hopefully, the Senate will dispose of the measure, at which time the Senate will return to the consideration of the unfinished business, S. 3390.

At that time, it is the understanding of the leadership that the distinguished Senator from Wyoming (Mr. MCGEE) will be ready to offer an amendment to S. 3390. No time agreement on that amendment has yet been ordered, but, hopefully, such a time agreement can be reached.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the two leaders on tomorrow under the standing order, and the remarks of the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE S. 3617 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the Senate will stand in recess at the close of business today until 9 a.m. tomorrow, I ask unanimous consent that, on tomorrow, following the remarks of the able Senator from New York (Mr. JAVITS) the Chair lay before the Senate what is now the pending business, the Headstart bill, S. 3617, and that the Senate continue its consideration thereof until S. 3617 is disposed of, or until the close of business, whichever is the earlier; at which time the Chair lay before the Senate the unfinished business, S. 3390, and that, at that time, the amendment by the distinguished Senator from Wyoming (Mr. MCGEE) be made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, may I ask a procedural question? I gather that the distinguished Senator from Wisconsin (Mr. NELSON) would like to proceed at this time and explain the purposes of the bill; is that not correct?

Mr. NELSON. I am going to yield to the distinguished Senator from Minnesota (Mr. MONDALE) to open.

Mr. DOMINICK. Fine

Mr. NELSON. Mr. President, I yield to the distinguished Senator from Minnesota (Mr. MONDALE), for whatever time he may desire, for the presentation of his opening statement.

Mr. MONDALE. Mr. President, I thank the Senator from Wisconsin very much.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I ask unanimous consent for the privilege of the floor for the following staff members during the course of the deliberations: A. Sidney Johnson, William Spring, Richard Johnson, and Bertram Carp.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I am pleased that the Senate begins consideration today of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972. This measure reflects the efforts of the Committee on Labor and Public Welfare to provide legislation serving the needs of families and their children. It is a substantially modified version of the child development provisions in S. 2007, which the Congress adopted last year, but which was vetoed by the President. As the committee report explains in detail, the bill has been specifically and substantially revised to address the concerns expressed by the President in his veto message.

The committee bill is a broadly bipartisan measure. It represents a compromise between revised child development legislation introduced this year by myself, Senator NELSON and 12 Democratic cosponsors and similar legislation introduced by Senators JAVITS, TAFT, STAFFORD, SCHWEIKER, PACKWOOD and nine Republican cosponsors.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, would the Senator add my name as a cosponsor also?

Mr. MONDALE. Mr. President, I thank the Senator from Arkansas (Mr. FULBRIGHT).

I ask unanimous consent that the name of the Senator from Arkansas (Mr. FULBRIGHT) be added as a cosponsor. I thank him for his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. I would like to commend at this time the junior Senator from Wisconsin (Mr. NELSON) for his leadership on this issue as chairman of the Subcommittee on Employment, Manpower and Poverty; the senior Senator from New York (Mr. JAVITS), ranking minority member of the full Committee on Labor and Public Welfare, for his long-standing and continuing initiatives in this area; and the junior Senator from Ohio (Mr. TAFT), the ranking minority member of the Subcommittee on Children and Youth, who has made a deep commitment and contribution to this compromise measure.

I also thank the other members of the subcommittee and the full committee as well for their work and for their contributions to this measure.

The bill we are considering today seeks to better meet the need for quality, family-oriented preschool programs among millions of young children whose mothers are working or who because of poverty, are denied adequate health care, nutrition or educational opportunity.

It is designed to strengthen and support family life in an era when increasing numbers of mothers are working—when increasing numbers of children are being raised in one-parent families—and when, for reasons of accelerated mobility and changing life patterns, more and more young families are called upon to raise their children in isolation from their parents and other family members who contributed so much to the upbringing of children in previous generations.

It recognizes and specifically provides that child care programs must be totally voluntary, and must build upon and strengthen the role of the family as the primary and fundamental influence on the development of the child.

It assures that parents will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Headstart, after school or full day developmental day care for children of working mothers, in-the-home tutoring and child development classes for parents and prospective parents.

Finally, by clarifying and modifying the vetoed bill with respect to the President's concerns about the administrative delivery system, the State role, the cost and the relationship of these programs to the family, the measure we propose today is designed to gain not only passage by the Congress, but also the cooperation and support of the administration.

THE NEED

The committee bill is a product of extensive deliberation and study including 13 days of hearings over the past 3 years. These hearings document the need for strengthened and expanded family services and child development programs. They demonstrate how the promising Headstart program, although enormously successful, has reached only 10 percent of the impoverished preschool children and families who are eligible for it and who could benefit from it. And they document the recent increase in the employment of mothers—which has produced a growing and largely unmet need for quality developmental day care in homes, neighborhood community settings and day care centers—and for other services to strengthen and support family life.

Testimony reveals that one-half of all mothers with school age children are working today and that one-third of mothers with preschool children—a total of over 4½ million women—are employed full or part time. As a result, over 5 million preschool children currently need full- or part-time care while their mothers are away from home. Yet there are less than 700,000 spaces in licensed day-care centers to serve them. Some of these children of working mothers are receiving adequate care now—either in the home, in family day care or in a quality day care setting—but many are not.

As the committee report indicates, numerous prestigious commission and conference reports have recommended the kind of preschool and family service programs contained in this bill. They include:

The 1971 Report of the Education Commission of the States;

The 1971 Report of the Committee for Economic Development;

The 1972 Report of the National Council of Jewish Women entitled "Widows on Day Care";

And perhaps most significantly, the President's 1970 White House Conference on Children which voted as its first priority the provision of "comprehensive family-oriented child development programs, including health services, day care and early childhood education."

THE ADMINISTRATIONS CONCERNS

In the veto message, the President listed nine specific concerns about the child development provision in last year's bill. The committee has developed this new legislation in order to address each of these concerns. Since the modifications and revisions are discussed in detail in the committee report, I ask unanimous consent that that portion of the report discussing these changes appear at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MODIFICATIONS IN RESPONSE TO ADMINISTRATION CONCERNS

In the veto message, the President listed 9 specific concerns about the Child Development bill.

The Committee has developed this new proposal in order to address each of these concerns expressed in regard to the vetoed bill. Our responses and concessions include the following:

1. *Need.*—The President stated that "neither the immediate need nor the desirability of a national Child Development program of this character has been demonstrated."

The Committee considered this concern, reviewed it in light of new studies and new testimony, and concluded that it should not apply to the modified and reduced version of this bill being proposed this year.

The Committee agrees with an earlier statement in the veto message that "there are some needs to be served and served now" and that "one of these needs is for day care to enable mothers, particularly those at the lowest income levels to take full-time jobs." The veto message further suggested that a combination of day care to be provided under the welfare proposal (H.R. 1) and under increased income tax deductions for child care, will meet some of these needs.

The Committee agrees that these new proposals will meet some of the need, but concludes that these new efforts are not sufficient in and of themselves. We found, for example, that a combination of existing Head Start programs and day care under the proposed welfare reform measure would together serve only 1¼ million of the 5½ million poor children who could benefit from preschool education or after school care.

We found, moreover, that the recently adopted child care deductions in the Revenue Act of 1971 will provide no assistance to families living in poverty and very little if any assistance to families with incomes between $4,000 and $8,000.

Treasury Department statistics reveal, for example, that a family of four with an income of $5,000, spending $500 on child care, would realize no tax savings under this Act; and a family of four, with an income of $7,000, which spends $700 on day care would realize a savings of only $77.

As a result, even with these other efforts, there are too few child development and day care opportunities for the children in pov-

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erty, and practically none for the 1 million children with working mothers in families with incomes between $4,000 and $7,000—incomes which are just a little too high to qualify for most federally assisted day care programs such as those under Head Start and Title IV of the Social Security Act, and too low to afford quality day care in private programs. Indeed, these working families living in near poverty have perhaps the greatest unmet need for quality day care.

The need for expanded developmental day care opportunities has been documented in other ways as well. The facts about working mothers are one of the indices of this need:

"In 1971, 43% of the Nation's mothers worked outside the home compared to only 18% in 1948.

"One out of every three mothers with preschool children is working today, compared to one out of eight in 1948.

"In 1971, 1.3 million mothers of children under 6 were single parents bringing up children without a husband, and half of these mothers worked.

"Yet, there are fewer than 700,000 spaces in licensed day care centers to serve the over 5 million preschool children whose mothers work."

Although some existing Federal programs help provide day care for these children, they often do not provide the option for developmental care which this bill offers. Dr. Edward Zigler, Director of HEW's Office of Child Development, has estimated, in testimony to our Committee that only about 20% of these day care programs are developmental, or comprehensive—and that in "many instances we are paying for service that is harmful to children."

A recent OEO publication entitled: "Day Care: Resources for Decisions", concluded:

"Over 90% of all full-day centers in the United States are privately operated for profit.

"Most are custodial programs because that's all that most working mothers can afford * * * Day care in America is a scattered phenomenon; largely private, cursorily supervised, growing and shrinking in response to national adult crises, largely unrelated to children's needs ***"

These findings are supported by the recently released Report of the National Council of Jewish Women, entitled "Windows on Day Care." On the basis of extensive surveys in 90 cities throughout the nation, the Report concludes that most day care facilities lack adequate services for children and their families, and some are downright damaging. It found that:

"Only a very small percentage of the children whose mothers are employed now benefit from developmental day care services. The large majority are cared for in their own homes or in the homes of others and most of them receive only custodial care. Well under ten percent are enrolled in licensed day care centers. Of the centers visited by Council members, only about a quarter provided developmental care including educational, nutritional and health services, the components of quality care. Survey participants found that far too many children of working mothers were grossly neglected latch-key children on their own, children who went with their mothers to their places of work because no other arrangements could be made for them, children in day care centers and homes of such poor quality they may suffer lasting injury. The first five years of a child's life are the period of the most rapid mental, personality and physical growth. Deprivation in the early years can have disastrous effects."

Dr. Harold H. Howe, Vice President of the Ford Foundation and former U.S. Commissioner of Education, described in detail the results of these inadequacies during his recent testimony to a Senate Committee. He said:

"Perhaps the best way to illustrate the idea of an environmental handicap is to describe an actual situation in which working mothers typically return to work some two months after giving birth to a child. During the time that they are working, the child will be placed with another mother whose business is taking in children of working mothers, each of whom might pay a dollar a day or so to have her children cared for during working hours. In such a center will be children from several months of age up to four or five years, and an individual caretaker might look after up to ten or twelve such children in her home.

"For the caretaker who has neither training nor equipment and facilities to provide a stimulating environment the entire emphasis is frequently on the passivity of children. The child who doesn't cry, who doesn't need attention, who doesn't ask questions after he has learned to speak, who doesn't move about—in other words the child who does not seek, demand, and get stimulation and is least troublesome to the person in charge—is the child who gets rewarded. Such an environment discourages the early and very significant development of every aspect of human sensitivity and potential. The qualities fortified in children so treated are the qualities which lead to failure in school. The lack of positive stimulation from human contact, from active exploration of objects, from verbal interchange, and from the kind of play through which a child learns shapes and sizes and colors depresses and inhibits the development of capabilities which are extremely important not only for success in school but for success in life. The development of language as a more important component of any individual's growth often suffers in this sort of environmental handicapping system.

"Contrast this situation with many well-financed day care or preschool arrangements staffed by trained personnel in which stimulation of all kinds is provided. Children get all sorts of attention and praise for their achievements on a regular basis from interested adults, they are encouraged to talk over their ideas and feeling, to handle objects, explore the differences of sound, shapes, color, texture in all kinds of materials, to solve problems—and therewith their early intellectual development is much advanced. Further they are offered choices and a range of independent activities that exercise initiative, allow the child to set his own pace, and develop goals of his own—thereby giving him a sense of power over his environment.

"Add to this the situation in the home for many of the kinds of families which would make use of the type of day care activity described two paragraphs above, homes in which economic handicaps deny proper nutrition and certain aspects of stimulation, even though just as much love and care may be present as in the middle class home, and you get a picture of environmental denial which pyramids in its effect on children as they mature."

These problems and our increasing ability to understand and prevent them, were stated by President Nixon in his 1969 message creating the Office of Child Development in HEW. He said—and additional evidence in the intervening years has added more support to his statement—that:

"We have learned, first of all, that the process of learning how to learn begins very, very early in the life of the infant child. Children begin this process in the very earliest months of life, long before they are anywhere near a first grade class, or even kindergarten, or play school groups. We have also learned that for the children of the poor, this ability to learn can begin to deteriorate very early in life, so that the youth begins school well behind his contemporaries and seemingly rarely catches up. He is handicapped as surely as a child crippled by polio is handicapped; and he bears the burden of that handicap through all his life. It is elemental that, even as in the case of polio, the effects of prevention are far better than the effects of cure.

"Increasingly, we know something about how this can be done. With each passing year—almost with each passing month, such is the pace of new developments in this field of knowledge—research workers in the United States and elsewhere in the world are learning more about the way in which an impoverished environment can develop a "learned helplessness" in children. When there is little stimulus for the mind, and especially when there is little interaction between parent and child, the child suffers lasting disabilities, particularly with respect to the development of a sense of control of this environment. None of this follows from the simple fact of being poor, but it is now fully established that an environment that does not stimulate learning is closely associated in the real world with poverty in its traditional forms. As much as any one thing, it is this factor that leads to the transmission of poverty from one generation to the next. It is no longer possible to deny that the process is all too evidentally at work in the slums of America's cities, and that is a most ominous aspect of the urban crisis.

"It is just as certain that we shall have to invent new social institutions to respond to this new knowledge."

A whole second set of "needs to be served now"—relating to what the veto message called the "protection of children from actual suffering and deprivation"—are also unmet.

Despite expanded nutritional systems, improved medical care for poor children and more effective targeting of maternal and child health services—all of which were cited by the President in his veto message, and all of which we commend and support—many children and families in need of health, nutritional, educational and other social services are still not being served.

Recent findings by the Mississippi Medicaid Commission indicate the magnitude of unmet health needs alone. The extent of undetected and untreated health problems among poor children examined by that commission—and their implications for child development—are frightening. The Commission found 1,301 medical abnormalities in the 1,178 children it examined, including: 305 cases of multiple cavities; 97 cases of faulty vision; 217 cases of enlarged tonsils; 57 cases of hernia; 48 cases of intestinal parasites—mostly hookworm; 53 cases of poor hearing; and 32 other medical conditions requiring immediate treatment.

And Administration estimates of the unmet needs for prenatal care—which are included in detail in the back of this report—indicate that it could cost approximately $380 million to provide prenatal care and hospitalization to the 1.6 million poor and near poor women who deliver children each year without necessary medical attention.

For these reasons, the Committee concludes that the need and the desirability for the wide variety of child development and family services in our new proposal have been demonstrated.

2. *Duplication and redundancy.*—The veto message suggested that "day care centers for poor children are already provided in HR 1 and that child development programs would be a duplication of these efforts", and would be "redundant in that they duplicate many existing and growing federal, state and local efforts to provide social, medical, nutritional and educational services to the very young."

For many of the reasons cited above, the Committee concludes that this bill will supplement and strengthen existing and proposed efforts, not duplicate them or be redundant. Despite the progress being made the task is far from complete. Only one-

fourth of the poor children who could benefit from preschool or after school services are being served. Hundreds of thousands, and in some cases millions, of children are still not being reached with the medical, nutritional, educational services they need.

Thus, our child development program deliberately seeks to build on and improve the successful Head Start program, which is currently reaching fewer than 10% of the poor children who might benefit from it, and provide additional support for prenatal, nutritional and other efforts which—as the President noted—are currently being expanded, but are by no means reaching all those who need them.

Rather than competing with, replacing or duplicating existing or proposed efforts the programs authorized under this bill are designed as a much needed supplement. The Committee believes that they will strengthen the efforts we have begun in these fields.

3. *Costs.*—The veto message suggested that "the expenditure of $2 billion a year in a program whose effectiveness has yet to be demonstrated cannot be justified."

The Committee considered this concern and made the following modifications in the new committee bill with this in mind.

First, the effective date of the bill has been postponed an entire year, so that the planning and training year begins in FY 1973 and the first operational year is delayed until FY 1974.

Second, the authorization for the first operational year has been reduced by 40%—from $2 billion, objected to by the Administration, to $1.2 billion.

Third, the bill has been clarified to indicate that even that $1.2 billion authorization in the first operational year represents only a $700 million authorization increase. That is, the $1.2 billion authorization includes the $500 million authorization for Head Start already contained in the EOA extension bill reported by our Committee.

Thus, although this 3 year child development bill we are proposing has a total authorization of $2.95 billion—$150 million for planning and training in FY 1973, $1.2 billion in FY 1974 and $1.6 billion in FY 1975—this represents less than a $2 billion authorization increase over the next 3 years—a substantially more gradual rate of authorization increase than under the vetoed bill. And since it specifically builds and improves upon the successful and popular Head Start program, the Committee is convinced that it represents a program whose effectiveness has been demonstrated.

4. *Effects on the family.*—The veto message described one of the objectives of welfare reform as an effort "to bring the family together," but suggested that "the child development program appears to move precisely the opposite direction."

The Committee has considered that concern and made specific clarifications in the modified bill to remove any misunderstandings. We intend this to be a family-strengthening bill and we have built in a number of specific safeguards to insure that.

First, child development programs under our bill are totally voluntary. This differs sharply from some other day care proposals before the Congress, including some of the provisions in H.R. 1 as passed by the House of Representatives. Under our bill, no family is required to place their child in a day care program, a Head Start program, a part-day program or a nutrition program. These programs are offered solely and exclusively to families who chose to benefit from them. The bill specifically states in its first paragraph, that "child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents or legal guardian request them." (Section 2(a)(1)).

Second, the bill offers a whole series of services to children and families. It is not restricted to day care generally, or programs in day care centers specifically. Indeed, it doesn't even place a priority on day care. Instead, it assures that parents will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Head Start, after school or full day developmental day care for children of working mothers, prenatal services, in-the-home tutoring and child development classes for parents and prospective parents.

Third, the bill has increased and clarified the priority on strengthening family life by making full day, day care available only to children whose parents are out of the home all day. Services for children whose mothers are at home are limited generally to part-day programs or in-the-home-tutoring that builds on the mother-child relationship.

This limitation is designed to underscore the Committee's desire to build on existing parent-child relationships. If a parent is in the home the bill would offer nutritional and educational services in a way that keeps the parent and the child together. That child would not, unless he were severely handicapped or had other special needs defined by the Secretary, be eligible for full-day, full-week day care. Instead, the bill would make that child eligible for part-day, or twice a week pre-school programs like Head Start or nursery school, or in-the-home tutoring for him and his parents—for the expressed purpose of building on and strengthening family life.

Only if the parents are working, or are participating in training or education, and the child is one of the 5 million preschool children in this category who needs day care and in many cases is not receiving adequate day care—would a child be eligible for full-day, full-week day care. This provision—like the others cited—reflects the Committee's desire to provide quality day care for the children and families who need it, not encourage day care for all children whether they need it or not.

5. *Parental involvement.*—The veto message emphasized that "good public policy requires that we enhance, rather than diminish both parental authority and parental involvement—particularly in those decisive early years when social attitudes, and conscience are formed and religious and moral principles are first inculcated."

The Committee agrees completely. That is why we have written in the limitations of eligibility described above, and the requirement that programs under this Act shall be available "only to children whose parents or legal guardian requests them." And that is why the bill contains extensive provisions for parental involvement in all aspects of the programs—as volunteers, paraprofessionals and professionals employed in these programs, and as 50% or more of the members of the councils that approve policy, curriculum and other basic elements of these programs.

Specifically, the bill requires that the Child and Family Councils, the Local Program Councils and the Project Policy Councils all be composed of at least 50% parents whose children are served under this program. The Committee believes strongly in this policy and in these provisions—which reflect the policy under the existing Head Start program.

We believe in increasing "parental authority and parental involvement" and we have included these provisions to assure that this very important goal is met.

6. *Staff.*—The veto message stressed concern about "who the qualified people are and where they would come from to staff child development centers."

The Committee responded to this concern by increasing the authorization under the bill for preservice and inservice training of both professional and paraprofessional staff members—at the same time we made substantial reductions in the total authorization for the program. That is, at the same time we reduced total authorizations by 40%, we increased authorizations for staff training by 50%.

In addition, the resources available for staff training during the operational years of this bill were increased from a maximum of 10%, to a maximum of 15% of the total authorization. In addition, the Committee notes that an estimated 40,000 individuals, skilled and trained in education, are graduating from college each year with education degrees but are unable to find employment in education. With appropriate retraining, these highly trained teachers could provide a major source of professional employees for child development programs. Moreover, the Committee finds that one of the most encouraging aspects of the successful Head Start program has been its ability to recruit and train nonprofessionals—especially mothers and other family members—for important staff responsibilities in these programs. The Committee proposal seeks to build on that success.

7. *Administrative workability.*—The veto message expressed concern about administrative workability. It noted that "by making any community of over 5,000 population eligible as a direct grantee for HEW child development funds, the proposal actually invites the participation of as many as 7,000 prime sponsors."

The Committee made several major changes in response to this concern.

First, the revised bill requires, in general, that a community have a population of 25,000—rather than 5,000—in order to become eligible as a direct grantee. This one change reduces the previous administrative and coordinating responsibilities by over two-thirds. Previously, 7,000 localities were eligible for prime sponsorship. Now, under the 25,000 population cut off, only 2,000 communities are eligible.

An amendment was offered in Committee to raise this population cut off to 100,000—which would have limited the number of eligible communities to approximately 500. The Committee considered it and rejected it by a bipartisan vote of 14 to 2.

A similar amendment seeking to raise the population cut off to 50,000—which would have limited eligibility to approximately 1,000 localities—was also considered and defeated by a 12 to 5 bipartisan vote.

The Committee felt that the 25.000 population cut off represented the best way to provide administrative workability in a program designed to encourage local flexibility, responsiveness and parental involvement.

In addition, the Committee considered and rejected by a bipartisan vote of 14–3, an amendment which would have removed the priority on local prime sponsors who qualify under the population and discretion requirements. It would have provided instead complete discretion of the Secretary of HEW to fund competing local and state applicants on the basis of whichever he decided "would be more effective". The Committee felt that this arrangement would: (1) represent a shirking of Congressional responsibility on a central policy issue; (2) encourage expensive, unnecessary and disharmonious competition between States and localities; and (3) place the Secretary of HEW in a difficult political and policy position on judging applicants from competing political jurisdictions without any Congressional guidance or criteria.

Second, the Committee further simplified the administrative arrangement by increasing the Secretary's discretion to determine whether applicants eligible under population criteria actually had the necessary capability to provide comprehensive child development and family service programs. The new language added in the bill states that the Secretary, before designating an applicant as prime sponsor, must determine that

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the applicant "has the capability of effectively carrying out comprehensive programs under this act."

Third, in order to further simplify program management responsibilities, the Committee bill reflects the simplified administrative structure in the minority's bill (S. 3228) which makes the public official of a prime sponsor (Mayor, Governor or county executive) responsible for the day-to-day administration of the programs, and responsible for determining policy, selecting the delegate agencies and preparing program statements. Under the vetoed bill, the Child Development Councils had these responsibilities. Under the revised bill, the councils have no day-to-day administrative responsibilities. They are required to approve the decision of the prime sponsor with respect to basic policy, delegate agency selection and program statements. The Committee believes this change substantially strengthens and simplifies the management and administration of this program.

8. *State role.*—The veto message suggested that "the States would be relegated to an insignificant role".

The Committee considered this and made several substantial changes on this point in the new bill.

First, by raising the general population cut off for prime sponsors from 5,000 to 25,000 this bill provides that approximately 5,000 localities which could have administered their own programs in the vetoed bill will now be served under programs administered by the States.

Second, the Committee bill has increased from 5% to 10% the set aside for States for the technical assistance, personnel exchange, dissemination of research and evaluation. Additionally, it has added to this State role a requirement for comprehensive state coordination and planning. In order to qualify for these funds, a State must reach adequate agreement with local prime sponsors in the State on comprehensive and coordinated statewide child development planning. And the State may use any of this additional funding for its own programs or programs operated by local prime sponsors in that State.

The Committee believes that this change—in addition to doubling the funds for States—provides a real incentive for cooperation among state and local prime sponsors.

Third, the Committee adopted an amendment providing the Secretary of HEW with discretion to select, on a demonstration basis, 5 States to serve as a sole prime sponsor for child development programs in these States, even where localities would otherwise qualify.

The provision states that the Secretary shall "designate as state-wide prime sponsors not more than five States which have demonstrated capability and leadership in the field of child development and which are located in various regions of the Nation and have a variety of characteristics, including differing population sizes and urban, metropolitan, and rural area and industrial and work force composition."

It further provides that a State may be designated as a State-wide prime sponsor only if the Secretary determines that: (1) the population of such State does not exceed 5% of the national population; (2) a reasonable opportunity has been provided for each otherwise eligible prime sponsor in that State to submit comments to the State and the Secretary; and (3) the State prime sponsorship plan submitted takes into account the comments submitted by these localities.

The Committee believes this demonstration authority along with the changes described above, provides substantially expanded opportunity for state involvement in this program and represents a major concession on this point.

9. *Communal versus family centered child rearing.*—Finally, the veto message suggested that "child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach."

For many of the reasons stated above—such as substantially reducing authority; the limitation of eligibility for full-day care; the emphasis on parental involvement and control; and the wide variety of non-day care services offered under this Act such as prenatal services, part-day day care services, in-the-home services, family planning services and others—the Committee believes this concern does not apply to this revised bill.

In the first two years the additional new authority for child development programs under this Act—and day care represents only part of the programs authorized—is smaller than, and supplementary to, the additional new funds for day care under the Administration's proposed welfare reform program.

Moreover, the sliding scale fee basis in the program provides little or no financial incentives for families with incomes in excess of $10,000 to purchase day care for their children. In contrast, the increased child care income tax deductions signed into law last year provide considerable financial incentives to families in these income ranges to purchase day care, if both parents work.

In addition to making these modifications in response to the concerns expressed in the President's veto message, the Committee sought further cooperation and consultation with the Administration.

At the suggestion of minority members of the Subcommittee on Children and Youth, a hearing on the new child development bills was called in order to give the Administration an opportunity to testify.

For various reasons, including scheduling, neither Secretary Richardson nor any of his representatives was able to accept the invitation. And no Administration specifications nor proposed amendments were offered to the Committee during mark-up. Thus we sought to meet what we knew from the veto message to be the Administration's major concerns, and we are hopeful the Committee bill will have Administration support.

At the hearing, however, the Committee did have the opportunity to receive testimony from Senator Buckley, a representative of the Emergency Committee for Children, and Mr. Dale Meers—all of whom had reservations about last year's bill—as well as two supporters of the legislation, Dr. Milton Senn, Sterling Professor Emeritus, Pediatrics and Psychology at Yale University; and Dr. Bettye Caldwell, Director of the Center for Early Development and Education in Little Rock, Arkansas.

This testimony—particularly that offered by Mr. Meers—influenced the Committee and resulted in amendments clarifying the bill's special safeguards for very young children, its insistence on high standards, its provision preventing dilution of staff or other essential program components, and its strong research and evaluation requirements.

In summary, the Committee has sought to address and resolve all of the objections raised to last year's child development bill in the veto message.

FAMILY STRENGTHENING PROVISIONS

Mr. MONDALE. Mr. President, I would like to emphasize in the strongest way possible the family strengthening objectives in this bill, and the specific provisions designed to support and assist families and their children. A great deal of misunderstanding and concern surrounded this point in last year's bill, and I think it is important to spell out the intentions and safeguards in detail.

First, the major objective of this bill, which appears in its first paragraph, states that:

Child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents and legal guardians request it.

That means very simply and very importantly that child development programs authorized under our bill are totally voluntary and that under no circumstances can a family be required or coerced to participate in any program offered under this act. The committee feels very strongly that this program must be absolutely voluntary and has drafted the bill to insure that it will be.

Second, contrary to the impressions of some, this bill is not just a day care bill or a day care center bill. Indeed, it does not even place a priority on day care. Rather it offers a whole series of services to families and their children. And it assures that parents will have the opportunity to select among the greatest variety of family supporting services—including prenatal services, in-the-home tutoring, child development classes for parents and prospective parents, part-day programs like Headstart, twice a week nursery school programs and others.

Third, the bill reflects in specific terms our desire to build on existing parental-child relationships in child development and preschool education efforts. Thus, it makes full-day, full-week day care available only to children whose parents are out of the home—working or participating in education or training. Services for families in which a parent is at home during the day are limited to part-day Headstart programs or in-the-home tutoring efforts that build on the mother-child relationships. Thus we seek to provide development—rather than custodial—day care programs for those families which need them, and alternative preschool programs for families where day care is not necessary, and existing parent-child relationships can be built upon, supplemented, and strengthened.

Fourth, the bill retains extensive provisions for parental involvement in all aspects of the program. It encourages the use of parents as volunteers, the employment of parents and other family members as paraprofessionals and professionals in these programs. And it requires that 50 percent or more of the members of the councils created to approve policy, curriculums, and other basic elements of these programs will be parents of children served.

BROAD-BASED SUPPORT

Mr. President, through the consideration of this legislation over the past 3 years, perhaps one of the most remarkable aspects of the long debate and hearings and legislative process through which we have gone has been the great encouragement and support of a broad-based group of organizations concerned about the needs of families and their children. The support for this measure is growing and broadening as public understanding of the need for this measure has grown.

Last year's bill was developed in conjunction with, and supported by a wide range of organizations interested in children and families, including the Amalgamated Clothing Workers; AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies' Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization for Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

The members of this coalition and others adopted a set of principles for any new child development bill this year, which the committee believes are embodied in the bill we propose.

Mr. President, I ask unanimous consent that those principles be printed in the RECORD at this point.

There being no objection, the principles were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE COALITION'S STATEMENT OF PURPOSE

The undersigned organizations are committed to certain principles which were embodied in the legislation which was passed by bipartisan majorities of both houses of Congress last year. We reaffirm those principles as follows:

(1) that programs must be of high quality, comprehensive, and developmental, oriented to the needs of children and available to all children;

(2) that parents must be directly involved in policy decisions affecting their own children;

(3) that programs must be locally controlled and flexible enough to meet individual community needs;

(4) that programs must be designed to include children with a variety of socioeconomic backgrounds;

(5) that adequate protections must be provided to assure that the needs of minority group and economically disadvantaged children are met; and

(6) that this nation must make a substantial commitment of new public funds to begin to meet the compelling and immediate need for these services.

Amalgamated Clothing Workers.
AFL–CIO.
Americans for Democratic Action.
Americans for Indian Opportunity Action Council.
Black Child Development Institute.
Center for Community Change.
Child Welfare League of America.
Children's Foundation.
Common Cause.
Friends Committee on National Legislation.
Health and Welfare Council of the National Capital Area.
International Ladies Garment Workers Union.
Interstate Research Associates.
Leadership Conference on Civil Rights.
League of Women Voters.
National Board of the Young Women's Christian Association of the U.S.A.
National Council of Churches.
National Council of Jewish Women.
National Council of Negro Women.
National Council on Hunger and Malnutrition.
National Education Association.
National Urban Coalition.
National Urban League.
National Welfare Rights Organization.
United Auto Workers.
Thelma C. Adair, Coordination of Education Strategy, United Presbyterian Board of National Missions.
Mary Jane Patterson, United Presbyterian Church of the U.S.A., Washington Office.
Women's International League for Peace and Freedom.
Washington Research Project Action Council.

Mr. MONDALE. In addition, I have received the following specific letters of endorsement from a number of organizations and individuals in this field and I ask unanimous consent that they appear at the end of my remarks.

Mr. President, I believe this bill our committee proposes is similar to the measure the Senate approved overwhelmingly last year; enjoys greater bipartisan support than did last year's measure, and includes substantial revisions designed to address and accommodate the concerns expressed by the administration. I think it is a long overdue and deeply needed initiative, and I urge my colleagues to support it.

There being no objection, the material was ordered to be printed in the RECORD, at the close of the Senator's remarks:

Senator WALTER F. MONDALE,
Chairman, Subcommittee on Children and Youth, U.S. Senate.

AFL–CIO strongly supports S. 3617, the comprehensive headstart child development and family services act. This legislation is badly needed to provide decent day care services for the children of working parents and of the poor. The President's unfortunate veto of prior legislation needlessly has delayed start of this important program. S 3617 meets many of the objections raised in the veto message while maintaining key principles of the comprehensive program.

ANDREW J. BIEMILLER.

BOARD OF CHRISTIAN
SOCIAL CONCERNS OF
THE UNITED METHODIST CHURCH,
June 19, 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of our Board staff I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Our 1968 General Conference of The United Methodist Church favored the objective of "supplemental educational and cultural experiences for pre-school children." In addition, the Social Principles of The United Methodist Church, adopted in Atlanta in April, 1972, declared: "We urge social, economic and religious efforts to maintain and strengthen families in order that every member may be assisted toward complete personhood." This document also stated: "We support the development of school systems and innovative methods of education designed to assist each child toward full humanity."

We believe that these objectives will be at least partially achieved through the enactment of S. 3617. This measure should help to strengthen family life by providing the assurance of meaningful day care for those children whose parents, of necessity, must work outside the home. The developmental services for children in terms of education and health should be most advantageous. Also, the after-school and part-day care will help to relieve anxious parents of the burden of otherwise inadequate supervision and training of their children, thus substantially strengthening family life. In addition, the child development classes for parents should greatly enhance the quality of family living for all who are its beneficiaries.

We strongly urge Members of the United States Senate to back this bi-partisan effort to provide adequate child development and family services for the nation's families.

Yours sincerely,

Dr. A. DUDLEY WARD,
General Secretary.

AMERICAN BAPTIST CONVENTION,
DEPARTMENT OF GOVERNMENTAL
RELATIONS, DIVISION OF CHRISTIAN SOCIAL CONCERN,
June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Please find enclosed a letter from our Department of Ministry with Children in support of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Please utilize this letter in whatever way that you think best suited to help bring passage of this legislation.

Thank you for your concern and leadership in this important area of family life and responsibility. If our office can be of any further assistance, please do not hestiate to call upon us.

Sincerely,

JOHN W. THOMAS,
Director, Department of Governmental Relations.

AMERICAN BAPTIST CONVENTION,
Valley Forge, Pa., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of the American Baptist Convention, Department of Ministry with Children, I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

We realize the crucial importance of the early years in a child's life, not only for physical and intellectual growth but for social and emotional as well. These are the formative years in which permanent foundations are laid for a child's feeling of self-worth and confidence in his ability to achieve.

We believe that the Senate, through S. 3617, has the opportunity to improve the quality of health, nutrition and education services to young children. This measure should help to strengthen family life by providing meaningful day care for children whose parents, of necessity, must work outside the home. In addition, the child development classes for parents, provided for by this bill, would greatly enhance and augment the quality of family living for all; consequently, a whole generation of children and parents would be the beneficiaries of the kind of learning experiences which would enrich both the children's personalities and the parents' understanding.

For these reasons, we strongly urge members of the U.S. Senate to support this bipartisan effort to provide adequate child development and family services for the nation's families.

Sincerely,

LINDA ISHAM,
Director, Department of Ministry with Children.

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CHURCH OF THE BRETHREN,
Washington, D.C., June 19, 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: The members of the Church of the Brethren have always been concerned about the social welfare of all persons and have consistently supported legislation which furthers social welfare for all persons. As a body, the Church of the Brethren has said that "as some of the deepest concerns of our church, we favor continued and more effective provisions for needy Americans, such as the aged, the poverty-stricken, the unemployed, delinquent or predelinquent youth, and underprivileged children."

We, therefore, wish to lend our support in favor of the Child Development Bill, S3617, since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

Sincerely,

RALPH E. SMELTZER,
Washington Representative and Social Justice Consultant.

UNITED PRESBYTERIAN
WASHINGTON OFFICE,
Washington, D.C., June 19, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Washington Office of the United Presbyterian Church U.S.A. supports the comprehensive head start, Child Development and Family Services Act of 1972, Senate Bill 3617.

A careful reading of this bill leads us to the conclusion that its provisions will help to straighten family life.

The United Presbyterian Church U.S.A. has a long history of concern for the total development of children. We believe this bill is a step in the right direction.

Sincerely,

MARY JANE PATTERSON,
Associate Director for National Affairs.

RELIGIOUS ACTION CENTER, UNION OF AMERICAN HEBREW CONGREGATIONS,
Washington, D.C., June 16, 1972.

HON. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Union of American Hebrew Congregations and the Central Conference of American Rabbis, which we represent in Washington, strongly support the pending *Comprehensive Head Start, Child Development and Family Services Act of 1972* (S. 3617).

For many years our organizations, which comprise respectively the congregations and rabbis of American Reform Judaism, have advocated legislation that would enhance the lives of and opportunities for children who are reached by your bill. We believe that the pending legislation enhances the quality of family life in America, and would represent a significant legislative aid both with reference to the current deficits of disadvantaged children in education and in terms of social and economic opportunity. We are particularly attracted to the fact that the legislation seeks to deliver services to children, of a comprehensive character, which goes far beyond prior federal programs, and which we believe can have, if adopted, a significant multiplier effect that may dramatically improve the quality of life for poor people generally and poor children in particular.

Last year, we were heartened by Congressional passage of similar legislation and disappointed when the President vetoed it. We hope that this year both Congress and the President will see it through to fruition. To you, we express our admiration and appreciation for the leadership you have furnished in continuing to press for this program.

Kindest regards,

Sincerely,

MARVIN BRAITERMAN.

JOINT WASHINGTON OFFICE FOR SOCIAL CONCERN,
Washington, D.C., June 16, 1972.

Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Joint Washington Office for Social Concern, representing the American Ethical Union, the American Humanist Association and the Unitarian Universalist Association, wishes to record its long-standing support for S. 3617, the child development bill.

We are convinced that the adult society is morally responsible for the prevention of child deprivation and the providing of developmental services for its children. We have been appalled by the high infant mortality rate in this affluent land and by the many recorded (to say nothing of the unreported) instances of child neglect and abuse. All three of our organizations have called for the funding of child care facilities and the creation of child development and family service centers throughout the country (see attached resolutions) because we are convinced that services of this nature will strengthen family life, reduce tensions which lead to family break-up and insure that all children be free of the medical, nutritional, and psychological handicaps which need not mar their lives in a society such as ours.

We further applaud the provision in S. 3617 that these services be provided free to families of four earning less than $4320 and for only modest fees for those earning up to $6960. This guarantees that the poor can raise their children without anxiety for the child's basic welfare, an anxiety which has plagued poor people for too long.

Who doubts anymore that early child deprivation and abuse is linked to later asocial and criminal behaviors? The adoption of a comprehensive child development bill is in the interests not only of children and parents but of all the nation's citizens as well. We urge its early and uncompromised passage.

Sincerely,

ROBERT E. JONES,
Executive Director.

AMERICAN HUMANIST ASSOCIATION
(Resolution on Child Development and Day Care Centers, May 14, 1972)

Specialists in child care agree that the period from two to five years in a child's life is strategic in the development of physical and mental health and good social adjustment. Working mothers, therefore, must have assurance that the day care of their children will be more than a babysitting process. There is urgent need for quality day care and family service centers open to all families.

We urge the prompt enactment of federal legislation to create such centers throughout the country, available free to low-income families and on a sliding scale to all others.

AMERICAN ETHICAL UNION—1972—64TH ANNUAL AEU ASSEMBLY

Approved Resolution on: Child Development Centers—Family and Day Care Centers.

Recognizing, that the nation's children are its most precious asset; and

That, specialists in child care lay great stress on the importance of the period between birth and five years, when children respond most favorably to health and education programs; and

That, parents must have assurance that the day care of their children will be more than a baby-sitting process; and

That, there is need for quality day care and family services centers open to all families.

Therefore, be it resolved, that we urge Congress to pass, and the President to sign, the necessary legislation for the creation of child development and family services centers throughout the country, available to the poor free of charge and on a sliding scale for all others, to be administered locally and with community involvement; and

Be it further resolved, that the Congress appropriate funds immediately so that legislation can take effect as soon as possible during this period of serious economic stress.

CHILD CARE CENTERS

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention;

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.

2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.

3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.

4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

THE WASHINGTON OFFICE, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C., June 16, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I understand that the Senate will soon consider the "Comprehensive Headstart Child Development and Family Services Act," which would provide for a network of developmental day care programs for children from families with low income and children whose parents are working. I write to express our support for this piece of legislation. The bill is, we think, a realistic and workable compromise.

The need for a national network of day care centers is clear. Mothers who are already working, mothers who want to work but cannot because there is no one to care for their small children, children who need the kinds of services that a developmental day care center can provide—all indicate that this is a public need to which the Congress ought to respond.

Yet fully as important as the need for day care itself is that the day care provided be of high quality. Custodial day care such as that provided in Title IV of H.R. 1 is not enough and ill serves both the child and his family. The day care center must first of all be child centered. It must provide a range and quality of services that serve to develop the capacities of the child both cognitively and noncognitively. So that the day care center is a supplement to and not a substitute for the role of the family, there should be opportunity for significant input from the parents of the children served. S. 3617, we believe, amply provides both this focus on the child as a person in his own right and a significant role for parents.

For these reasons we hope that the Senate will act favorably upon your bill and express to you our great appreciation for your leadership on this legislation.

Sincerely yours,

DAVID M. ACKERMAN.

NATIONAL COMMITTEE AGAINST MENTAL ILLNESS,
Washington, D.C., May 26, 1972.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I have had a chance to study S. 3617, the Comprehensive Child Development bill.

Our organization has been strongly in support of child care legislation during the past two years of hearings. I have made at least twenty-five speeches during that period of time in various parts of the country and have received an enthusiastic response to the concepts of Child Care Development Centers from a number of organizations in the human resources field.

We have a liaison group of mental health organizations which meets monthly in Washington. I append to this letter a list of these organizations. At our last meeting, on May 24th of this year, we again discussed the status of the child care development legislation and agreed informally to give it the highest priority. While I cannot speak formally for the entire liaison group, I do wish to convey to you the feeling of the group that the passage of this legislation would probably be one of the most important—if not the most important—developments in the human resources and mental health field in the current year.

I congratulate you for your efforts on behalf of the legislation.

Sincerely,

MIKE GORMAN.

THE AMERICAN PARENTS COMMITTEE, INC.,
New York, N.Y., May 8, 1972.

Re. Child Development legislation.

Chairman, Senate Committee of Labor and Public Welfare, New Senate Office Building,
(Attention: Mr. Sidney Johnson).
Washington, D.C.

DEAR MR. CHAIRMAN: As national chairman of the American Parents Committee, and as publisher of Parents' Magazine, I would like to record our strong support for the "Comprehensive Headstart, Child Development, and Family Services Act of 1972", to be reported to the Senate by May 12.

The American Parents Committee, at our annual Board of Directors meeting on January 27, 1972, unanimously recommended support of such a comprehensive bill, and our Washington Report of April 1972 specifically advocated provisions of both S. 3193 and S. 3228. In addition, the May 1972 issue of Parents' Magazine, an issue devoted entirely to the unmet needs of American children, carries a special article on the goals of developmental Day Care, entitled "What Does Our Country Owe Its Children?" Because of the timeliness of this article, I hope it may be placed in the Congressional Record's proceedings of the Senate.

Sincerely,

GEORGE J. HECHT,
Chairman.

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF UNITED NEIGHBORHOOD HOUSES CONCERNING FEDERAL COMPREHENSIVE CHILD CARE LEGISLATION, FOR TRANSMISSION TO ALL MEMBERS OF THE U.S. SENATE

The Board of Directors of United Neighborhood Houses at its meeting on May 25, 1972:

Notes that the Senate Committee on Labor and Public Welfare has reported favorably a new bipartisan Comprehensive Headstart, Child Development and Family Services Bill to the 2nd Session of the 92nd Congress;

Congratulates the authors of the bill for obtaining a bipartisan compromise between the child development provisions introduced in the bill by Senators Mondale, Nelson and 12 co-sponsors, and the bill introduced by Senators Javits, Taft, Stafford, Schweiker, Packwood and 9 Republican co-sponsors;

Calls attention to the fact that this bill (S. 3617) and its accompanying report (No. 92-793) takes account of the criticisms raised in the President's veto on December 10 of the Comprehensive Child Development Act of 1971;

Urges all Senators to vote for the bill and do everything possible to obtain its enactment.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, D.C., May 8, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is written to indicate the wholehearted support of the American Psychological Association for the principles embodied in the Comprehensive Head Start Child Development and Family Services Act, recently reported out of the Senate Labor and Public Welfare Committee. You are to be congratulated on the revision of the original bill; we believe it retains the provisions essential for the welfare of the nation's children while meeting the objections of the President.

For your information I am enclosing a copy of the resolution passed by this Association in September 1971.

Sincerely yours,

KENNETH B. LITTLE,
Executive Officer.

Be it resolved that the American Psychological Association call upon President Nixon to reaffirm the national commitment to early child development, as stated by him in April 1969, and to implement the resolution of the White House Conference on Children calling for the permanent establishment of the Office of Child Development; and

Be it further resolved that the American Psychological Association call upon the President and members of Congress to support programs of comprehensive child development.

10. At the invitation of President Clark, Council heard a statement from Edward J. Casavantes, representing the Association for La Raza, urging concern and support from APA for Spanish-speaking Americans. Mr. Casavantes was encouraged to submit his proposals to the *Ad Hoc* Committee on Social and Ethical Responsibility.

WASHINGTON RESEARCH PROJECT ACTION COUNCIL,
Washington, D.C., March 30, 1972.

Senator GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty and
Senator WALTER F. MONDALE,
Chairman, Subcommittee on Children and Youth, Senate Committee on Labor and Public Welfare, Senate Office Building Annex, Washington, D.C.

DEAR CHAIRMEN NELSON AND MONDALE: We wish to reiterate our strong and continuing support for a comprehensive child development bill which will provide quality, developmental community-based and parent-controlled child care programs. As we indicated in our testimony before your Subcommittees on May 25, 1971, such legislation is urgently needed by children and families from every economic sector and geographic section of this country. It is particularly needed by economically disadvantaged families who otherwise may be forced to place their children in damaging custodial care in the name of "welfare reform," and by low and middle-income working families who cannot afford the costs of developmental care and for whom adequate facilities simply are not available.

Experience with Headstart has demonstrated the educational, health, and social benefits of quality early childhood programs, not just for children but for their families and communities as well. That experience must now be expanded in a child development program with the firm commitment of resources this national need requires.

The President's rejection of the comprehensive child development bill, which Congress passed last year, was a heartless sacrifice of millions of American children and families for the sake of politics. Contrary to the allegations in the President's veto message, the need for such a program has been clearly and repeatedly demonstrated, and the effectiveness of early childhood programs has been proven. They provide critically needed supports for family life; and the economic resources are there if we are willing to assign the proper national priority to this essential program.

Support for a quality comprehensive child development program has been and continues to be broadly based—in the civil rights community, among women's organizations, among educators and early childhood specialists, church groups, community and parent organizations, labor unions, minority and poverty groups, mayors, and within the Congress. Opposition has been narrowly focused in right-wing organizations and in the White House.

We commend your leadership in the effort last year which led to bipartisan passage of the child development bill. We urge you to resist efforts to "accommodate" such new legislation to the unfounded charges raised by the President's veto message, but to continue to insist instead upon a comprehensive child development bill which assures the highest standards of services, parents in decision-making roles, community-based and locally controlled programs, and a substantial commitment of new public funds. Such legislation is the best investment this Congress and this nation can make in the lives of our children and the future of our society.

We shall appreciate your consideration of our views on this important subject. We request that this communication be included as part of the child development hearing record.

Sincerely,

MARIAN WRIGHT EDELMAN.

AMALGAMATED CLOTHING WORKERS OF AMERICA—AFL-CIO.
Washington, D.C., April 4, 1972.

Senator GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty and
Senator WALTER F. MONDALE,
Chairman, Subcommittee on Children and Youth, Committee on Labor and Public Welfare, U.S. Senate, Senate Office Building Annex, Washington, D.C.

DEAR CHAIRMEN NELSON AND MONDALE: I would like to take this opportunity to express to you and your respective Subcommittees the continuing support of the Amalgamated Clothing Workers of America for comprehensive child development legislation in this session of Congress.

As you know from our testimony before your Subcommittees last year, the Amalgamated Clothing Workers has been providing day care services for the children of our members in several areas of the country. We know from that experience that comprehensive, quality care, supported by parent and community participation can make a difference in the lives of children of working par-

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ents. We also know that our efforts cannot begin to meet the pressing national need. We are grateful to you for your leadership in Congress in sponsoring a broadly-conceived Federal program of day care for all the Nation's children.

There can be no doubt that last year's veto of the child development bill was a keen disappointment to the hundreds of thousands of working women in this country who recognize a need for such services for their children even if the President does not. We urgently hope that you and your fellow Senators will pass another child development bill in this session of Congress embracing the concepts of last year's bi-partisan legislation. The Amalgamated Clothing Workers of America will support you in that effort.

Sincerely yours,

JANE O'GRADY,
Legislative Representative.

THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, D.C., April 4, 1972.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: The League of Women Voters of the United States is pleased that the Senate Subcommittees on Employment, Manpower and Poverty and Children and Youth held joint hearings on the major comprehensive child care bills pending: S 3193 and S 3228, and on S 3010, introduced as an amendment to the Economic Opportunity Amendments.

The League does not believe that a significantly expanded Headstart program will meet the nation's needs. Even if adopted, there would still be a need for a comprehensive child care program. We appreciate the fact that you are pushing to create just such meaningful and comprehensive child care programs to serve a broad constituency.

Last year we filed a statement in support of S 2512, the act vetoed by President Nixon. I attach a copy because we still stand behind the principles endorsed at that time. We believe the need for greatly expanded child care facilities and developmental child care has been well documented from many sources. The achievement tests and learning rates in inner city and suburban schools, for example, should be all the evidence the nation needs that children who start out at a great disadvantage wind up being the ones deprived, in the end, of equal opportunity for full education and for full employment potential.

As you have doubtless noticed, the League endorsed the "Statement of Principles" and the eleven "Legislative Recommendations" filed by the Child Development Coalition, and submitted to both Subcommittees. Our primary concerns are that the legislation make available a very comprehensive range of child development and child care services which would at the same time require:

Complete protection to assure that participation would be voluntary;

Mandatory parental participation in determining the quantity and quality of child care services in their communities;

Availability of services to all children, free of charge to those unable to pay and on a scaled ability-to-pay basis;

Assurance of local prime sponsorship, so that small as well as large communities could be eligible for federal assistance under the program;

A substantial commitment of federal funds.

The League recognizes the necessity of educating major presidential candidates, Senators and Congressmen, to the needs for comprehensive child care legislation and of dispelling the fears—however irrational they may be—about "Sovietizing of children's brains." But every year of delay in getting good pre-school programs underway on a national scale is a year lost for thousands of children. The League, therefore, urges that legislation be enacted this year.

Sincerely,

Mrs. BRUCE B. BENSON,
President.

STATEMENT TO THE SENATE LABOR AND PUBLIC WELFARE SUBCOMMITTEE ON CHILDREN AND YOUTH IN SUPPOAT OF S. 1512—THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1971

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
June 2, 1971.

The League of Women Voters of the U.S. supports S. 1512 which provides a comprehensive approach to day care by initiating federal support for child development programs. We have supported Head Start since its inception, primarily out of concern that disadvantaged children should have early learning experiences to prepare them to take advantage of educational opportunities in the regular school system. In addition, the League has recognized the need for public support of day care facilities and programs to allow low-income parents to take advantage of training, education and work opportunities. It is clear that the early years are crucial to the child's total life development—in fact 50% of his learning takes place during his first six years of life. Thus, we believe that day care must be more than elementary custodial care for children of working parents and more than "Head Start" efforts to compensate when it may be too late. It must be comprehensive attention to the child's growth needs and potential at the earliest possible stage.

We are particularly pleased that S. 1512 gives priority to children from low-income families by providing that 65% of the federal share will be allocated for such children, and that children below the Bureau of Labor Statistics (BLS) lower living standard will be eligible to receive free services. We see an additional value in that S. 1512 provides for the inclusion of children from families above the poverty level with priority given to those from single- or working-parent homes. These stipulations accomplish two essentials: they insure that those with the greatest need are served first, and they create the socioeconomic diversity so crucial to quality learning situations. We believe this is the soundest basis on which to build toward the goal of day care and child development services for all children.

The prime sponsor delivery mechanism by local units of government is sensible and will undoubtedly prove to be very successful. The proposal to establish area-wide Child Development Councils to receive input from Local Policy Councils and to act as conduits for funds is a viable concept. Allowing cities of any size to act as prime sponsors assures local control and thus local flexibility in determining the type of day care needed. The full involvement of parents and community on Local Policy Councils as provided in S. 1512 is crucial to program effectiveness. We think the experience of Community Action under OEO has proved the validity of involving people in programs that directly affect them and their children. By emphasizing the role of parents, comprehensive day care becomes a family program—one in which parents control and are accountable for their children's lives. The provision for hiring low-income persons and for training them in career opportunities is consistent with a comprehensive approach to meeting needs of low-income families.

We believe the level of authorization—$2 billion the first year, $7 billion the second, and $10 billion the third—is the absolute minimum. All the cost figures that we have seen indicate that providing comprehensive day care for preschoolers and after-school programs for latch-key children is expensive. The $2 billion the first year should make a start toward the goal of adequate services to meet the health, social and educational needs of this nation's children.

It is because S. 1512 would provide real progress toward national comprehensive child care programs that we file this statement of support for the official hearing record.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C., April 5, 1972.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With his veto of a landmark child development program, President Nixon has broken his own promises to the children of our nation. It is clear from Mr. Nixon's veto message that the only child development program this Administration wants is in H.R. 1 which would set up a system of custodial day care centers to house children of mothers who are forced to register for and accept employment as a condition for receiving welfare assistance.

We must instead provide—for all children—development programs and high quality, integrated education from preschool through post-secondary schools. Americans for Democratic Action therefore urges Congress to enact a program, modeled after last year's vetoed bill, which would include an emphasis on parent participation and control, delivery of health and nutrition services, construction of facilities, and training of personnel. Such a program should be operated on at least a 40-hour week basis, at a cost of no less than $3,000 per child. It should be free for all children of the poor. Families with higher incomes should be charged according to their ability to pay.

We commend you for your inspiring work on behalf of this country's children and hope that progressive legislation in this area will finally become law.

Very truly yours,

LYNN PEARLE,
Legislative Representative.

NATIONAL COUNCIL OF NEGRO WOMEN, INC.,
Washington, D.C., March 27, 1972.

STATEMENT OF DOROTHY I. HEIGHT, NATIONAL PRESIDENT, NATIONAL COUNCIL OF NEGRO WOMEN, INC., FOR THE SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH, AND THE SENATE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY

The National Council of Negro Women, Inc., was founded in 1935 by the distinguished educator and Presidential adviser, Mary McLeod Bethune. NCNW is an organization of organizations composed of 25 national affiliate bodies and individual members in 145 local sections in 40 states. In total, we have an outreach to some four million women. We have throughout our history been concerned with all that affects women and girls. This specifically means a commitment to children and to their well being.

Our experience as black Americans, as women, and often as mothers gives a particular urgency to our awareness of the critical need for quality child development programs in communities all across the country. For many of us, the lack of good programs for our children's care (thereby making work and training impossible), has held us captive in the bonds of racism and poverty.

The statistics showing that there are six million preschool children whose mothers work compared with 700,000 licensed day care "slots" amply demonstrate the need for a national commitment expressed by congressional enactment and funding of a quality, comprehensive, developmental child care program available to all children. At the same time, we know this need in a pressing way from our own experience in our families, in our neighborhoods, and wherever we live.

Surely nothing must be allowed to be more important to this country than its children. While the children are the future of the nation, their need is now. We therefore strongly urge that the Congress expedite the enactment of legislation which does no less than the following:

Provide for programs which are of high quality, comprehensive, developmental, oriented to the needs of children and available to all children;

Involve parents directly in policy decisions affecting their own children;

Provide for local control and enough flexibility to meet needs of individual communities;

Design programs to include children with different socio-economic backgrounds;

Assure that needs of minority group and economically disadvantaged children are met, and

Authorize sufficient new public monies to fund adequately the program.

Legislation of the type described is, we believe, long overdue. We hope that this nation's obligation to help its children develop to their full potential as human beings will be delayed no longer.

STATEMENT SUBMITTED TO THE SUBCOMMITTEE ON CHILDREN AND YOUTH, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, ON THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM OF THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

NATIONAL COUNCIL OF JEWISH WOMEN, INC.,
New York, N.Y., March 28, 1972.

The National Council of Jewish Women, an organization established in 1893, and with a membership of over 100,000 in local sections throughout the United States, has concerned itself with the welfare of children since its inception.

At the last biennial convention held in April of 1971, in Detroit, Michigan, the delegates adopted the following resolution:

"The National Council of Jewish Women believes that a healthy community, sound family life and individual welfare are interdependent and thrive when barriers of poverty and discrimination are removed. It believes, therefore, that our democratic society must give priority to programs which meet the economic, social and physical needs of all the people, and that the public and the private sector must work together to help individuals function successfully and independently in a changing society.

"It therefore resolves:

"To work for the expansion and development of quality comprehensive child care programs, available to all children, and to work for adequate financing."

The unmet needs of our children constitute one of the most important challenges our nation faces today. It is vital that these needs be met wisely on the basis of the intensive analysis their importance merits. As a society, we have, for all too long given little more than lip service to these needs, meeting only a tiny, fractional part of them. Literally millions of our little children suffer unconscionable harm due to the acute shortage of child development services. Many millions more, while cared for, if mere custodial care can be so described, are denied the opportunity to realize their potentials because they lack the developmental opportunities which should be the birthright of every child.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., March 30, 1972.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower and Poverty, Committee on Labor and Public Welfare, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: We have reviewed S. 3193, the *"Child Care Centers and Services Act"*, and S 3228, the *"Comprehensive Headstart Act"*, in light of the *Statement of Principles* (attached) which NEA signed on February 8.

While there are many similarities between the bills, we believe S 3193 more nearly conforms to the *Statement of Principles*.

Specifically, we prefer the 25,000 population minimum for prime sponsors in S 3193 to the 50,000 figure in S 3228. We believe that S 3193 safeguards maximum parental involvement, especially of low-income parents. We believe S 3193 zeroes in on the child care centers more specifically than does the broader provision in S. 3228. In light of reduced authorization in both bills, we believe the language of S 3193 is preferable.

We are opposed to authorizing participation of profit making agencies in any child care program. While neither bill is satisfactory in this regard, we believe S 3193 is the least objectionable since Sec. 517 at least provides that special consideration be given to public and non-profit private agencies.

One feature of S 3228 which is commendable is the provision to provide 5% of program funds to educational agencies for cooperation with project applicants in order to provide continuity between child development projects and educational programs, including cooperative use of professional, technical, and administrative personnel. We hope the bill which emerges from the Committee will contain this provision.

We commend the sponsors of S 3193 and of S 3228 for their sincere interest in developing child care and development legislation which may be enacted this session of the Congress.

Sincerely,

STANLEY J. MCFARLAND,
Assistant Executive Secretary for Government Relations.

THE MARYLAND PSYCHOLOGICAL ASSOCIATION, INC.,
Darnestown, Md., April 26, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maryland Psychological Association would again like to extend its support to you for your reintroduction of the Comprehensive Child Development Act of 1971 (S. 3193—Economic Opportunity Amendments of 1972). Enclosed is a copy of our newsletter which addresses itself to the issues raised by the veto of President Nixon. Hopefully, you might find this of interest and we would be pleased to be of any additional assistance to you in your continuing efforts on behalf of the nation's families and children. Please keep us informed of your bill's progress.

With best wishes,

Sincerely,

JAMES W. PRESCOTT, Ph.D.,
President.

CHILD CARE IS MAJOR CONCERN OF MPA

Message from MPA President James W. Prescott:

The two themes of this year's annual MPA meeting are: (a) Child Care and Development; and (b) The Management of Aggression. As the members of MPA know, considerable attention has been given to the Comprehensive Child Development Act of 1971 and the issues which that Act were addressed to. On December 9, 1971, the Maryland Psychological Association, the Maryland Psychiatric Society and the Maryland Chapter of the American Academy of Pediatrics cosponsored an evening symposium on the above bill which brought together health professionals, labor leaders and state and county government officials. Minutes before the opening of the symposium, I had the unpleasant task of announcing the veto by President Nixon of the Comprehension Child Development Act of 1971. Insofar as our annual meeting is concerned with child care and development it would appear appropriate and relevant to summarize the reasons given by President Nixon for his veto of that bill.

In his message to Congress which rejected the proposed national child development program, President Nixon stated: "First, neither the immediate *need* nor the desirability of a national child development program of this character has been demonstrated . . . for the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing and against the family-centered approach."

Further, Mr. Nixon stated that "for more than two years this administration has been working for the enactment of welfare reform (H.R. 1), one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction . . . good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religion and moral principles are first inculcated."

Given the above stated concern and objectives, Mr. Nixon proceeded to outline the provisions in his welfare bill—H.R. 1. He stated: "Further, in returning this legislation to the Congress, I do not for a moment overlook the fact that there are some needs to be served, and served now. One of these needs is for day care, to enable *mothers*, particularly those at the lowest income levels, to *take full time jobs* . . ." (and I will) "provide a significant Federal subsidy for day care in families where *both parents are employed*" (italics mine). (Veto message—economic opportunity Amendments of 1971. Document No. 92-48; December 10, 1971, 92nd Congress. Senate.)

Clearly, the provisions of H.R. 1 to forcibly separate both parents from their children by requiring them to work full time is nothing less than national legislation for parental deprivation and would achieve just the opposite of Mr. Nixon's stated objectives . . . "to bring the family together" and to "enhance rather than diminish both parental authority and parental involvement with children."

These issues transcend partisan political considerations, as Congressman Ogden R. Reid's (R-N.Y.) statement on President Nixon's veto attests: "The Administration has clearly bowed to politics and broken faith with the children of America. This historic bill would have given millions of our children an opportunity for a meaningful start on life. The President's veto now kills that hope.

"As a result of this veto, which undermines the credibility of the President's pledged commitments to social progress, this Administration cannot escape much of the blame for the children who, in the next decade become dropouts, addicts, misfits and costly burdens to society. The program the President killed would have helped many of those children to grow into constructive citizens.

"For the middle income working mother, this is just one further proof that this Administration is insensitive to the tremendous problems that burden her family." (December 9, 1971).

MPA members are probably aware that Rep. Ogden Reid, whose forebears helped found the Republican Party 100 years ago, has quit the Republican Party and joined the Democratic Party. His article *The Day-Care Veto: A Republican Congressman's Challenge to the President* in the current issue of *Redbook* portrays the depths of dissension, alienation, and tragedy associated with the day-care veto.

Given the two themes of our annual meeting; child care and development and the management of aggression, the MPA mem-

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bership may be interested in a slide which I presented at our symposium on the Comprehensive Child Development Act of 1971. This portrayed in Figure 1 which relates infant mortality rates to that of homicide. I have suggested that since the U.S. has one of the highest infant mortality rates of advanced industrialized nations and since this nation has all the resources to reduce this figure to minimum but does not, this reflects a national indifference to and neglect of our infants. Many other studies have linked asocial and criminal behaviors to early infant-child neglect and abuse variables. Figure 1 represents a national picture of this relationship for the years 1930–1969. Infant mortality in the thirties and forties significantly predicts 15–30 percent of homicides in future years; infant mortality in the fifties and sixties significantly predicts 30–75 percent of homicides in future years.

Infant mortality has a different meaning in this country today than it had in the 1930's and 1940's. One interpretation of this finding is that violence is intimately linked with those variables associated with our high infant mortality rate. If these variables are human indifference and neglect, as I believe them to be, then the management of aggression must necessarily involve the management and improvement of the quality of human relationships between the adults, infants and children of this nation during the formative periods of development. This cannot be achieved by forcing separation of parents from their children by requiring both parents to work full time, as envisioned by H.R. 1.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. FULBRIGHT. Mr. President, I am very pleased to join as a cosponsor of the bill. I compliment the Senator from Minnesota and the Senator from Wisconsin for the fine work they did in bringing back this bill after the veto, which was most unfortunate. I hope this bill is not vetoed.

Does the Senator recall the testimony by Dr. Bettye Caldwell who is the director of the Kramer School in Little Rock?

Mr. MONDALE. I certainly do. Her testimony was one of the most impressive statements I have heard in the years we have worked on this measure because it was based not only on her brilliance but also her work in this area and her entire experience in the Little Rock area. Her testimony was most impressive.

Mr. FULBRIGHT. I call attention to her testimony because not only have I talked with her but also I had one of my representatives in Little Rock to take a personal look at the Kramer School.

This school in Little Rock has been going on now for 3 years. It is an experimental project. It is well financed and it has the support of the Arkansas State Department of Education, the University of Arkansas, the local school district and the Federal Government. The school has been a remarkable success. It has been accepted in one of the poorer areas of Little Rock, which is about evenly divided between blacks and whites. The acceptance by the community has been remarkable.

I submit that it is not only useful for the individuals involved but also it has great implications far beyond in the area of race relations. In time I think it will have a great impact on the very difficult problem of our welfare program. The program that H.R. 1, when it is reported, will present to the people of this country is much bigger than this bill. This bill is not only beneficial to the people involved but it is also a bill that deals with difficult social problems in this country. It is difficult to take care of all those matters in one bill. I think the committee did an excellent job.

It is difficult to draw the attention of the people to a problem of this kind because this type bill is not as glamorous as treaties in Moscow. However, it is far more important in many respects. I am pleased with the work of the Senator from Minnesota and his colleagues.

There is a misunderstanding between the difference in a child development center such as Dr. Caldwell has and merely custodial day care. In many cases custodial day care does not seem to give any affirmative treatment, but rather negative because it encourages characteristics that are not beneficial to the child later on in life.

In the bill H.R. 1, I suggested to the Finance Committee some amount of money be made available for developmental child care, not trying to duplicate or infringe on this bill, but from another source, to make available in every State at least one place where we may see the difference in custodial day care and the kind of developmental program that is in this bill. I think that is very important for the country to understand.

Mr. President, I am pleased to join as a cosponsor of S. 3716, the Comprehensive Headstart, Child Development and Family Services Act of 1972. As the title of this bill suggests, it would commit this Nation's resources to the most worthwhile of causes—that of assisting American families in providing their children a better start in life through local, family oriented, child development programs.

Far from undermining the family as the basic unit of our society or "creating a nation of orphanages" as some have implied, this legislation would provide the kind of sensitive family and child-oriented programs that are unavailable today to millions of American families. In addition, it is specifically designed to meet the need for quality day care created by increasing numbers of mothers who work.

While recognizing that parental participation is essential in the planning and operation of day care programs, this bill is drafted with a knowledge of the weaknesses of purely custodial preschool programs and is designed to avoid these mistakes. Moreover, it is based on an understanding of the risk involved in separating children from their parents and includes standards designed to minimize and overcome that danger.

Perhaps most important, however, the bill's provisions, along with those in H.R. 1 relating to child care, authorize sufficient funds to plan and deliver the comprehensive health, education, nutritional, and developmental components that are necessary to help all children in this country reach their full potential.

In his 1969 message to the Congress, the President indicated his administration's commitment to provide every American child with "an opportunity for healthful and stimulating development during the first 5 years of life." In spite of this pledge, and because of the President's veto of S. 2007, the Economic Opportunity Amendments of 1971—which included a comprehensive child development title—present day care and early childhood programs remain relatively small items in the Federal budget. The $1 billion which the proposed budget allocates to this range of programs in the current fiscal year palls in comparison with the $83.4 billion which has been requested by the Department of Defense. In addition, it has been well documented that most of the $1 billion, which goes into the Headstart and AFDC programs, will reach only a fraction of these programs' potential recipients. In the case of Headstart, the committee report notes that the current program is reaching fewer than 10 percent of the poor children who might benefit from it. It also concludes that a combination of the existing Headstart programs and day care programs provided for in the welfare reform measure would together serve only 1¼ million of the 5½ million children who could benefit from preschool education and afterschool care.

These 5½ million children generally come within either of two groups that various studies have found to be in urgent need of this kind of attention. The first is comprised of children of employed mothers who cannot arrange for satisfactory care for them at home. The second group of children is that whose mothers are economically disadvantaged, who are not now working, and who are unable to provide them the kind of preschool care which would give them an equal start with others.

Although all children have nutritional, educational, medical, and psychological needs, it is clear that children from economically disadvantaged families have far less opportunity to receive these services than their more affluent counterparts. It is this lack of opportunity that degrades the lives of many millions of children who live in poverty today and enhances the chance that they will soon become misfits and wards of society requiring repair and rehabilitation in later life.

In recent years, we have increasingly recognized that this poverty, the forces which create it, and the opportunities for development of the poor child are mutually reinforcing. The poverty and Headstart programs were implemented on this rationale, and in approving the Economic Opportunity Amendments of 1971—which included a comprehensive child care and development title—the Congress clearly reaffirmed its realization of this principle.

The child care, family services, and preschool programs envisioned in the pending legislation are designed to help reach children in poverty in this country by assisting their families in providing them with the kind of environment which will stimulate rather than retard their development. The bill authorizes $2 billion over the next 3 fiscal years for the creation of a network of preschool educational services for low income and developmental day care programs for youngsters whose parents are working. Participation in all of these programs will be voluntary. In addition, $500 million of the funds authorized are reserved for the Headstart program which has proved highly successful.

These programs assure parents that they will have the opportunity to choose among the greatest possible variety of family supporting services—including part-day programs like Headstart, afterschool or full-day developmental day care, prenatal services, and in-the-home tutoring and child development classes that strengthen the family relationship.

Also worthy of mention is the fact that S. 3617 focuses on our growing awareness of the importance of early childhood in the mental, physical, and social development of the individual. The committee report states:

> The central requirement is that child development programs must, in fact, be developmental—centered on the needs of the children and the family—and not custodial in nature.

Of the many millions of day care arrangements made in this country today, most involve merely custodial care for the child. Today, we know that in numerous instances this can damage a child for life by creating conditions of "environmental denial" and "learned helplessness." Such conditions were set forth and contrasted with the developmental day care anticipated by S. 3617 in the testimony of Dr. Harold H. Howe, former U.S. Commissioner of Education, which is referred to in the committee report:

> Perhaps the best way to illustrate the idea of an environmental handicap is to describe an actual situation in which working mothers typically return to work some two months after giving birth to a child. During the time that they are working, the child will be placed with another mother whose business is taking in children of working mothers, each of whom might pay a dollar a day or so to have her children cared for during working hours. In such a center will be children from several months of age up to four or five years, and an individual caretaker might look after up to ten or twelve such children in her home.
>
> For the caretaker who has neither training nor equipment and facilities to provide a stimulating environment the entire emphasis is frequently on the passivity of children. The child who doesn't cry, who doesn't need attention, who doesn't ask questions after he has learned to speak, who doesn't move about—in other words the child who does not seek, demand, and get stimulation and is least troublesome to the person in charge—is the child who gets rewarded. Such an environment discourages the early and very significant development of every aspect of human sensitivity and potential. The qualities fortified in children so treated are the qualities which lead to failure in school. The lack of positive stimulation from human contact, from active exploration of objects, from verbal interchange, and from the kind of play through which a child learns shapes and sizes and colors depresses and inhibits the development of capabilities which are extremely important not only for success in school but for success in life. The development of language as a more important component of any individual's growth often suffers in this sort of environmental handicapping system.
>
> Contrast this situation with many well-financed day care or preschool arrangements staffed by trained personnel in which stimulation of all kinds is provided. Children get all sorts of attention and praise for their achievements on a regular basis from interested adults, they are encouraged to talk over their ideas and feeling, to handle objects, explore the differences of sound, shapes, color, texture in all kinds of materials, to solve problems—and therewith their early intellectual development is much advanced. Further they are offered choices and a range of independent activities that exercise initiative, allow the child to set his own pace, and develop goals of his own—thereby giving him a sense of power over his environment.
>
> Add to this the situation in the home for many of the kinds of families which would make use of the type of day care activity described two paragraphs above, homes in which economic handicaps deny proper nutrition and certain aspects of stimulation, even though just as much love and care may be present as in the middle class home, and you get a picture of environmental denial which pyramids in its effect on children as they mature.

Mr. President, a model for the kind of day care which Dr. Howe compares to "environmental denial" already exists in my State. It is the Center for Early Development in Little Rock, Ark. The center is housed in Little Rock's Kramer School, a renovated structure in a mixed black and white neighborhood. It is dedicated to the principle that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day.

Dr. Bettye Caldwell, the director of the Kramer School, views this project as "a new kind of educational delivery system in which day care and education are combined." The Office of Child Development has such high regard for this idea that it is investing $2 million in it. The center's participants also include the Arkansas State Department of Education, the Little Rock school system, and the University of Arkansas. I ask unanimous consent to insert in the RECORD at this point an article from the Pine Bluff Commercial of April 6 describing the center and its accomplishments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW PROJECT AT LITTLE ROCK ELEMENTARY SCHOOL COULD BE MODEL FOR THE FUTURE

(By Dala McKinsey)

LITTLE ROCK.—The Frederick W. Kramer School is housed in a traditional two-story brick building. The education inside is not at all traditional.

When a discipline problem erupted in the fourth grade classroom, the new metal and wood furniture was replaced by boxes and for a week students worked in isolation—separated by cardboard barriers.

The next week the boxes were replaced by old couches and other household furniture to create a more homey atmosphere. The problem disappeared and the original furniture was returned.

When four-letter words began appearing in the boys' bathroom, a teacher decided to turn it into art. She outlined on the wall a sketch of a black boy and a white boy swinging on vines and the boys painted in the figures. The walls have not been written on since.

A little over two years ago, Kramer was a sub-standard school in a decaying neighborhood of transient black and white families, with a few upper-middle class young couples in renovated apartments and a small hippie culture, attracted by MacArthur Park and the Arkansas Art Center, two blocks away.

Under the leadership of Dr. Bettye Caldwell, the Little Rock School District and the University of Arkansas at Little Rock received a federal grant to design a school for the future.

"I think everyone sees this as a model of the future," Mrs. Caldwell said.

The result was a combination day care center and elementary school, with more than 300 pupils, ranging in age from six months through 12 years.

Mrs. Caldwell moved from Syracuse, New York, where she was working on a similar project, when her husband, a surgeon, joined the University of Arkansas Medical Center staff.

She says she thought she was moving to the end of the earth.

"I found there are more true liberals in Little Rock, than where I was," she said.

Children are brought to the school at 7 a.m. They stay until one of their working parents can pick them up. Some stay as late as 7 p.m.

Mrs. Caldwell says the school fulfills several needs, among them child care for the working mother and direction for children from culturally deprived backgrounds

She said the school did not attempt to teach that being a white collar worker is better than being a blue collar worker.

"We teach the children that every kind of work has dignity," she said.

However, she said she believed that the school would open more options for the students than they might otherwise have.

Mrs. Caldwell said she also wanted the children to be able to "fit in perfectly well" in their own neighborhoods.

Mrs. Caldwell said that she did not advocate taking children away from their families but she said the school could offer children advantages some mothers couldn't.

"If the family is so poor that all she (the mother) can do is get the rats and cockroaches out of their apartment: the school has something to offer," she said.

The infants are cared for in a portable metal building behind the school where their older brothers and sisters are enrolled.

Mrs. Faustenia S. Bomar, vice-principal of the school, called to a 15-month-old child playing in a crib, and he smiled.

"When he first came here, he couldn't do that," she said. "He probably never saw anyone smile before."

Mrs. Caldwell tells of the child of a retarded mother who came to the school through the state Social Services Division.

The child, Susan, was "the most forlorn looking child" when she was first brought to the school, said Mrs. Caldwell. "She was so sad, it hurt to look at her." Now Susan is walking, talking and offering cookies to visitors.

The children eat breakfast and lunch at the school. They also get snacks.

Although the school building is ancient, Mrs. Bomar says that the building lends itself to the activities of the school.

Upstairs there are individual booths, where a pupil who earns free time may go to read, or just to be alone. The students have covered the walls of the booths with paper, so that they may draw or write on the walls if they wish.

The window shades are covered with bright flowers made from contact paper and flowers are painted behind the drinking fountains.

The preschoolers have their own second-hand piano, painted bright orange, that they can play.

Mrs. Bomar pointed to the walls, covered with murals and paintings by the children.

"This is their school, they know that it is theirs," she said.

Since the school opened, several persons have visited to view the operation for similar projects in other cities.

Although the 1969 legislature authorized the organization of public school kindergartens, it provided no money for them and, to date, there are only a few university-sponsored and private kindergartens in operation in Arkansas.

Mrs. Caldwell says she hopes that when Arkansas begins organizing kindergartens,

the day care center idea will become the standard.

"I hope that this community and this state won't let this idea go," she said.

Mr. FULBRIGHT. Mr. President, Dr. Caldwell, in her testimony before the Subcommittee on Children and Youth during its hearings on S. 3617 stressed the following conclusions from her experiences in the Kramer School:

Children in day care or child care can develop motivationally and in terms of the skills that are considered adaptive in today's world.

Day care does not weaken the primary family ties nor does the early day care program signify a new invasion of the family domain.

High quality developmental day care settings do not create emotional disturbances, but in the majority of instances create happy and alert children.

Day care and institutionalization are not at all comparable and it verges on the dishonest to imply that they are.

I am pleased that this bill is drawn upon the experiences of model projects such as the Center for Early Development and that its provisions will expand and build upon the achievements of such centers.

I might add that based upon my belief in the pioneering work of the Center for Early Development and its possibilities for alleviating the conditions that ultimately result in many of our social problems, I submitted an amendment in executive session of the Finance Committee—which the committee adopted—to the child care provisions of H.R. 1. This amendment would provide $60 million in grants to States over the next 3 years for model day care centers in each State to develop the potential for better educational achievement in day care.

Mr. President, nothing is more critical to the future of this country than that every child have the opportunity to develop fully his physical, intellectual, and social potential as a human being. As an enlightened society, we must be prepared to commit our resources to help families realize this potential in their children when they seek such support outside the home. Passage of S. 3617 by the Senate will mark the beginning of this commitment, and I am pleased to lend my support to the enactment of this measure.

Mr. MONDALE. I strongly endorse the observations the Senator has made. I think one of the most dangerous things this country could do would be to pursue a maximum strategy of cold custodial day care centers as an alternative for the American family. Even during the depression most of us grew up with strong family unity, and we had the support and stimulation which a family provides.

Mr. FULBRIGHT. And which other children provide.

Mr. MONDALE. Yes, and the security that comes with it. That is the most important thing we receive as human beings.

We are not going to make gains toward a healthy America by creating warehouses in which we stack children and do nothing for them, and provide no emotional support, no sense of security, and none of the things which are needed for child development.

Mr. FULBRIGHT. And no intellectual stimulation.

Mr. MONDALE. And no intellectual stimulation. We are creating a generation of young people that scares me. They will be denied the essential ingredient that a healthy person must have. That is what scares me so much about custodial centers. That is not speculation.

Recently a report was issued by the National Council of Jewish Women, based on the study they made of day-care centers in 90 cities. It is absolutely scary in terms of how emotionally ignored and untended these children are all day long. That is the worst possible thing.

Psychiatrists, psychologists, experts in the field, Bettye Cardwell being one of them, warned about that situation.

We are just concluding 2½ years of work by the Committee on Equal Educational Opportunity, of which I am privileged to be chairman. Every year we pay a tremendous economic bill, which includes a welfare bill of $12.5 billion; a crime bill, and nobody knows how big that is; we pay it in terms of lost life; we pay it in other ways such as lack of political participation. And one generation tends to produce another generation that is consigned to the same tragic condition.

One of the most hopeful things we come up with is that we should provide assistance to strengthen and support family life. In many instances these children come from broken homes where they do not have enough to eat, where the family often is not able to provide intellectual stimulation, where there is no hope, no music, no books, no aspirations for better life. Many times these children are destroyed before they go into the front door of any school. This happens up to the time they are 5 years of age. Because of the explosive development period, the first 5 years of life are the years when the foundation of a child's life is laid.

That can be a period of great development and growth or it can be a period of shocking, emotional, and mental destruction. We are trying to reach down and help these families give their kids a chance before we have another generation of broken young children. That is what this is all about.

Mr. FULBRIGHT. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Labor and Public Welfare Committee be admitted to the floor during the consideration of S. 3617, the Headstart, Child Development, and Family Services Act of 1972: Richard E. Johnson, William J. Spring, Sidney Johnson, Jonathan Steinberg, John Scales, and Richard Siegel.

Mr. NELSON. Mr. President, the Committee on Labor and Public Welfare has reported to the Senate S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972. As chairman of the Subcommittee on Employment, Manpower, and Poverty, which held some 13 days of hearings in child care legislation over the last 2 years, I hope the Senate will approve this bipartisan compromise measure by an overwhelming vote.

There is no need in America more fully documented nor more pressing than the provision for quality child care opportunities for disadvantaged children. In February 1969—1 month after his inauguration—President Nixon recognized this need in a message to Congress. He said at that time:

So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

The child development legislation contained in the Economic Opportunity Amendments of 1971 (S. 2007) was, as Members of the Senate know, killed by a Presidential veto. The veto message raised objections which bore no resemblance to the legislation actually passed. For anyone who took the words of the veto message at face value, the Congress of the United States stood accused of passing legislation aimed at weakening the American family and "Sovietizing American children." Nothing could have been farther from the truth. Quite obviously whoever wrote the veto message never read the bill.

With over 5 million preschool children of working mothers in the country and only 700,000 places in day care facilities, the need for additional facilities cannot be doubted. For the poor, the Headstart program has provided a magnificent demonstration of what can be done in centers that provide not only warm and adequate day care but also health and education programs crucial to the future of so many of the Nation's children in poverty homes. But the Headstart program now reaches only some 10 percent of the number of poor children who could potentially use its services.

After the veto, members of the Labor and Public Welfare Committee went to work on revised legislation attempting to respond to the criticisms raised by the veto message. Senator MONDALE and I, together with 14 other cosponsors, introduced child-care legislation providing for an enlarged State role (S. 3193), and Senator JAVITS, and 12 other cosponsors introduced new child development legislation separate from the OEO legislation (S. 3228). The Committee on Labor and Public Welfare accepted the suggestion of the minority members that it would be best to separate the child-care bill from the extension of the Economic Opportunity Act of which it was a part in 1971. Furthermore, last year's proposal was changed in a number of ways in efforts to make the legislation more acceptable to the administration. In brief, the changes are as follows:

First, the cost. Rather than authorizing $2 billion a year for the program, S. 3617 authorizes only $150,000,000 for planning in the coming fiscal year—fiscal 1973—and $1.2 billion in fiscal year 1974 and $1.6 billion in fiscal year 1975.

Second, administrative workability. Last year's bill provided that any community of 5,000 population could be a prime sponsor. The new bill provides that local communities of over 25,000 population are entitled to prime sponsorship if the Secretary determines they have the capability to carry out child development programs. All other geographical areas of the State would be served by the State government as prime sponsor. Whereas there would have been a potential of 7,000 prime sponsor applicants under last year's bill, this year's higher population cut-off figure would reduce the number to 2,000 prime sponsors. That is approximately the number of Head Start grantee and delegate agencies HEW now deals with.

Third, the responsibilities of the child development councils. The committee has rewritten the bill to make it clear that mayors and Governors have full operating responsibility for child development programs. Under the revised bill the councils approve basic policies and guidelines but day-to-day administrative responsibility for carrying out child-care programs rests with the Governor or the mayor.

Fourth, the role of the States is substantially expanded under S. 3617. As previously mentioned, the State serves as prime sponsor in all parts of the State not covered by a local prime sponsor which has a minimum of 25,000 population. In addition, twice as much money—an increase from 5 percent to 10 percent—is set aside for State coordination and comprehensive planning, in cooperation with local officials, for child-care programs. Furthermore, the committee has authorized a major demonstration program for State-administered child development programs. In up to five States, the Secretary would be authorized to designate the State as the prime sponsor for the entire State including those localities of over 25,000 population that would otherwise be eligible to deal directly with Washington as local prime sponsors. These States would have to be selected on the basis of a record of leadership and demonstrated capabilities in the child development area.

The fee schedule negotiated by the committee and the administration last fall has been included in the bill. That schedule provides free services to children whose families earn up to $4,320 per year in the case of a family of four. That figure is the same as the cutoff point for aid to the working poor under the family assistance plan. For families of four earning more than $4,320, the fee schedule limits the cost to 10 percent of income between $4,320 and $5,916 and then limits fees to those with higher income to 15 percent of income between $5,916 and $6,960. That figure of $6,960 is the low adequate budget as calculated by the Department of Labor's Bureau of Labor Statistics for an average urban family of four.

How would the program work? Funds would flow from Washington to cities and States according to a distribution formula based on the number of children eligible for services under the legislation.

At the State and local level, mayors and Governors would set up child development councils. Half of the membership of these councils would be parents of children to be served; the remaining half would be appointed by the Governor or mayor to represent the public, including education agencies, community action agencies, health and welfare organizations. These councils would be responsible for approving program goals, basic policies, and approving arrangements for programs.

Headstart agencies, schools, charitable organizations, or any other local groups that wished to run child development programs would apply to the prime sponsor for funds. Each operating agency would be required to set up project policy committees composed 50 percent of parents of children to be served to oversee the day-to-day operation of child-care programs. Within a community of any size there would be a network of centers serving children, guided by project policy committees. The prime sponsor, the Governor or the mayor or the county executive, would oversee all projects in the prime sponsorship area and allocate funds among the various centers.

As I indicated earlier in these remarks, cities of over 25,000 population would have the right to be designated as prime sponsors to administer child-care programs in their own areas if they had the capability. Where local prime sponsors are so designated, the State would serve as prime sponsor for all the rest of the State. In the balance of the State, the Governor would be the prime sponsor and the State would be responsible for administering the overall program. In a provision new to this particular piece of legislation, the Governor would establish local program councils for regions within the State, serving areas of 50,000 population. In this way, State decisions with respect to a particular area of a State would be subject to review in the appropriate area of the State where programs are being carried out.

The existing Headstart program is one of the most successful of our antipoverty efforts. In order to assure that these programs will not be cut back, the bill insures that the first $500,000,000 available under the legislation would be used to continue ongoing Headstart programs. In addition, the bill provides that 10 percent of the opportunities available in child development programs go to handicapped children. In the past, handicapped children—very often the most in need—have not received the degree of representation among the children served in preschool programs that they should have, considering the proportion of handicapped children in the population.

Let me close by addressing the charge that the provision of child-care services somehow weakens the family. The fact of the matter is that millions of mothers now work based on their own choice or economic necessity. The legislation before the Senate today is merely an attempt to meet our responsibilities to the children who need adequate child care because a parent is not at home during the day. Presently available child-care facilities are often grossly inadequate, as described by witness after witness before the committee. It is more than a little ironic that S. 2007 was vetoed last year at the very time the administration was urging passage of welfare legislation containing provisions that would require mothers of young children to take low-paying jobs or lose welfare benefits.

The legislation now before the Senate is a bipartisan attempt to draft sound and responsible child development legislation. I urge Senators to support its passage.

Mr. President, I ask unanimous consent that a section-by-section analysis of S. 3617 be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

This section sets forth the congressional findings concerning the need for child development and family services and the purpose to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes the appropriation of $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out this Act. Any unobligated amounts at the end of such fiscal year may be obligated in the succeeding fiscal year.

Subsection (b) authorizes the appropriation of $150 million for fiscal year 1973 for the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems appropriate to prepare for the implementation of this title.

Subsection (c) provides that the amounts appropriated under subsection (a) shall be made available as follows:

The amount of $500 million shall be for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, with priority for Headstart projects.

Up to 15 percent of the amounts which remain thereafter may be made available, as the Secretary of Health, Education, and Welfare deems appropriate, for titles II and III of this Act, but not to exceed 5 percent of such remaining amounts shall be used for title III.

The remainder of the appropriation is to be used for carrying out title I.

Subsection (d) sets forth advance funding authority.

SECTION 4. DEFINITIONS

This section defines terms used in the Act.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

SECTION 101. PROGRAMS ASSISTED

This section provides that the Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development and family services programs under this title to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans, program statements, and applications approved in accordance with this title. The purposes for which financial assistance may be used are set forth in this section.

SECTION 102. STATE AND LOCAL PRIME SPONSORS

Subsection (a) provides that a State, a unit or combination of units of general local government of at least 25,000 population or, if less, which demonstrates capability and a particular need, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor of child development and family service programs in accordance with the provisions of the legis-

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lation upon approval by the Secretary of a prime sponsorship plan.

Subsection (b) provides that the plan must provide for a child and family services council, must provide assurances that staff and other administrative expenses of the council and local program councils and project policy committees will not exceed percent of the total cost of child development programs administered by the prime sponsor (unless increased to reflect higher start-up costs or other special needs), and must provide assurances to provide or to enter into arrangements with appropriate State or local or other agencies for linkages to provide services related to child development.

Subsection (b)(8) provides that, in the case of a State applicant for designation as prime sponsor of areas not served by a local prime sponsor, the plan must also provide for designating local family service areas serving the area of one local government or of units of local government serving not more than 50,000 population unless Secretary allows area of up to 100,000 population. For each local family service area, a local program council must be maintained consisting of at least half parents and the remainder public members appointed by the local government official. These local program councils participate in developing and approve the State's program statement for the area and arrangements for projects in the area.

Subsection (c) provides that any local program council may appeal directly to the Secretary when it alleges a failure to comply with the program statement or the provisions of the Act.

Subsection (d)(1) provides that the Secretary shall approve a satisfactory State prime sponsorship plan for areas not served by local prime sponsors.

Subsection (d)(2) authorizes the Secretary to designate five States to carry out demonstration projects as Statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. No State with a population of 5 percent of the national population or more could be so designated.

Subsection (e) provides that the Secretary shall approve a prime sponsorship plan submitted by a city or county or other unit of general local government if it meets the requirements of subsection (a) and has a population of 25,000 or more. The Secretary has discretion to choose either a city or a county as prime sponsor for an area which covers a common geographical area.

Subsection (f) provides that the Secretary shall approve a prime sponsorship plan submitted by a combination of localities if the plan meets the requirements of subsection (a) and has a population of 25,000 or more.

Subsection (g) provides that the Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if the plan meets the requirements of subsection (a).

Subsection (h) provides that the Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or a public or private nonprofit agency if he determines that the plan includes provisions setting forth arrangements for serving children in a neighborhood which is not covered by a prime sponsor or in any portion of an area where the prime sponsor is not satisfactorily implementing child development programs, or for making available special services designed to meet the needs of economically disadvantaged or preschool children. He may also approve such a prime sponsorship plan setting forth arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers, or arrangements for carrying out model programs, especially projects for economically disadvantaged minority group, or bilingual preschool children.

Subsection (i) provides that the Governor of the State shall be given between thirty and sixty days to review and make recommendations on prime sponsorship plans submitted under this section.

Subsection (j) provides that a prime sponsorship plan may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary provides written notice, a reasonable time for corrective amendments or action, and an opportunity for a hearing upon which an appeal to the Secretary may be based.

Subsection (k) provides for review by the court of appeals of the Secretary's final action with respect to prime sponsorship under subsection (j).

Subsection (l) provides that the Secretary shall approve the application of an alternate unit of Government or a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where any unit of general government or other prime sponsor is practicing discrimination against minority group or economically disadvantaged children.

Subsection (m) provides that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted or the Secretary has not approved a program statement under this section, or where a prime sponsorship designation is not in effect or where the needs of migrants, preschool-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

SECTION 103. CHILD AND FAMILY SERVICES COUNCILS

Subsection (a) provides that each prime sponsor shall establish and maintain a Child and Family Services Council consisting of not less than 10 members half of whom must be parents of children served in programs under this Act and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public.

(Half of the public representatives must be persons broadly representative of the general public including community agencies and organizations, and the remaining members must be persons who are skilled in child development, child health, child welfare, or other child services.)

Subsection (b) provides that, in accordance with regulations which the Secretary shall establish pursuant to regulations, each prime sponsor shall provide that the parent members of child development councils shall be chosen by the membership of local program councils described in section 102(b)(8), in the case of State prime sponsors, and participants in federally assisted day care programs especially Headstart, in the case of local prime sponsors. Not less than one-third of the total membership of such council shall be persons broadly representative of the economically disadvantaged. The council is entitled to approve program statements, basic goals, policies, actions, and procedures, and the selection or establishment and annual renewal of the administering agency or agencies, for the prime sponsor. The council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants.

SECTION 104. PROGRAM STATEMENTS

Subsection (a) provides that financial assistance to a prime sponsor may be provided for any particular fiscal year only pursuant to a program statement approved by the Secretary. Provisions which such program statement are to include are set forth in this subsection. Among these provisions are the requirements that not less than 65 percent of the financial assistance from apportionments under section 3(c)(3) must be used for programs and services for economically disadvantaged children; and that priority thereafter must be given to other children of single parents and working mothers.

Subsection (b) provides that no program statement shall be approved unless opportunities to submit comments to the prime sponsor and to the Secretary have been provided to each community action agency or single-purpose Headstart agency previously responsible for a Headstart program, to the local educational agency and other appropriate educational and training agencies and institutions, and the Governor of the State.

Subsection (c) provides that a program statement may be disapproved or a prior approval withdrawn only if the Secretary has provided written notice, reasonable time for corrective amendments or action, and an opportunity for a public hearing upon which an appeal may be biased.

Subsection (d) provides that the Secretary shall establish procedures to permit prime sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

SECTION 105. PROJECT APPLICATIONS

Subsection (a) provides that financial assistance may be provided to a project applicant for any particular fiscal year if the project application is submitted by a public or private nonprofit agency and contains other provisions set forth in this subsection. Among these provisions are requirements that funds be provided only to qualified public or private agencies and that project policy committees be established and maintained Such project policy committees must consist of not less than 10 members and half must be parents of children served in such projects and the remaining half shall be comprised of persons who are representative of the community approved by the parent members and one person who is skilled in child development.

Project policy committees must participate directly in the development and preparation of project applications and have responsibility for approving basic goals, policies, actions, and procedures for the project applicant. The bill provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

Subsection (b) requires that the project application otherwise further the objectives and satisfy the requirements of the prime sponsor's program statement.

Subsection (c) provides that a public or private nonprofit agency which is a prime sponsor shall submit a project application directly to the Secretary.

Subsection (d) provides that a prime sponsor may disapprove a project application only if it provides a statement of reasons to the applicant and that the project applicant may appeal to the Secretary for direct approval thereof.

Subsection (e) provides that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

SECTION 106. ANNUAL FAMILY SERVICE PLANS

This section provides that, upon submission of an annual family service plan by any State, the Secretary is authorized to provide financial assistance for carrying out activities for the purposes of determining child development and family service goals and needs, assisting in the establishment of Child and Family Service Councils, and strengthening their capabilities, and arrangements under which State agencies assist in providing child development and related services where requested by prime sponsors in the development and implementation of program statements.

SECTION 107. SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES AND OTHER PROJECT SPONSORS

This section provides that the Secretary shall use funds made available under section 108(a)(1)(E) to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs.

SECTION 108. ALLOCATION OF FUNDS

Subsection (a)(1) provides that, of the amounts available for this title, the Secretary shall reserve the following:

For apportioning among programs for children of migrant agricultural workers, not less than that proportion of the total amounts available for this title, as the proportion which the number of such children bears to the number of economically disadvantaged;

For apportioning among programs for children on Federal and State Indian reservations, not less than that proportion of the total amounts available for this title as the proportion which the number of such children bears to the number of economically disadvantaged children:

For special activities for handicapped children, not less than 10 percent of the total amount available for this title; and

For model programs, not to exceed 5 percent of the total amounts available for this title.

For special cooperative programs with educational institutions, not to exceed 5 percent of the local amounts available for this title.

Subsection (a)(2) provides that the amounts remaining after such reservations shall be allocated by the Secretary to the extent practicable so that such funds shall be apportioned among the States and localities within each State as follows: 50 percent in proportion to the relative numbers of economically disadvantaged children, 25 percent in proportion to the relative numbers of children up to age 6, and 25 percent in proportion to the relative numbers of children of working mothers and single parents.

Subsection (a)(3) provides that not to exceed 10 percent of the total funds allotted for use within a State may be made available to the State to carry out its annual family service plan under section 106.

Subsection (b) provides for reapportionment of unused apportionments.

SECTION 109. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

This section provides that applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, lease or lease-purchase, renovation, or remodeling of adequate facilities is not practicable. Federal assistance for construction may not exceed 50 percent of cost in the case of funds to be paid to other than public or private nonprofit agencies and organizations. A maximum of 15 percent of a prime sponsor's total financial assistance may be used for construction.

SECTION 110. USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

This section requires reports as to the extent to which facilities owned or leased by Federal agencies and other agencies may be available for child development programs during times when such facilities are not being utilized fully for their usual purposes.

SECTION 111. PAYMENTS

This section sets forth the Federal share provisions. A Federal share of 90 percent is provided for child development programs ordinarily, but the Secretary has discretion to exceed that percentage and he is required to pay 100 percent of programs for migrants and Indians.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

SECTION 201. PRESERVICE AND INSERVICE TRAINING

This section authorizes the Secretary to provide financial assistance for preservice or inservice training for professional and nonprofessional personnel.

SECTION 202. TECHNICAL ASSISTANCE AND PLANNING

This section provides that the Secretary shall make technical assistance available to prime sponsors and project applicants to assist them in planning, developing, and carrying out child development programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SECTION 301. SPECIAL RESPONSIBILITIES OF THE SECRETARY

Subsection (a) provides that the Secretary shall make an evaluation of Federal involvement in child development activities and services. The Secretary must reserve 1 percent, and may reserve up to 2 percent, of the funds under this Act for the evaluations required by this section.

Subsection (b) provides that the Secretary shall carry out research and demonstration projects, including research on the nature of child development processes, research to test alternative methods of providing child development and related services, evaluation of research findings, and the dissemination and application of research and development efforts.

Subsection (c) provides that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Subsection (d) authorizes the Secretary to make grants in contracts with public or private nonprofit agencies to carry out research and demonstration projects under this section.

Subsection (e) authorizes the transfer with the approval of other agency heads, of funds to the Secretary for research purposes under this part, provides that the Secretary shall through the Office of Child Development coordinate all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare.

Subsection (f) authorizes financial assistance for child development and family service programs for the children of employees of the Federal Government.

Subsection (g) provides that the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this Act. Such services shall make use of the special food service program for children as defined in section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with such acts.

SECTION 302. FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

This section provides that the Secretary shall promulgate a common set of program standards to be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. Such standards shall be consistent with the Federal Interagency Day Care Requirements. A special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, is to be established for the purpose of participating in the development of such standards.

SECTION 303. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

This section provides for a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities dealing principally with matters of health, safety, and physical comfort. Upon approval by the Secretary, standards contained in the code are to be applicable to all projects assisted under this Act.

SECTION 304. MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This section establishes a program of mortgage insurance for child development facilities, to be administered by the Secretary of Health, Education, and Welfare.

SECTION 305. OFFICE OF CHILD DEVELOPMENT

This section provides for the Office of Child Development to be the principal agency in the Department of Health, Education, and Welfare for the administration of this title and for the coordination of programs and other activities relating to child development and family service research, training, and development efforts.

SECTION 306. SPECIAL COORDINATING COUNCIL

This section establishes by statute the Child Development Research Council.

SECTION 307. SPECIAL PROHIBITIONS

This section contains administrative provisions of the same kind usually set forth in similar legislation.

SECTION 308. WITHHOLDING OF GRANTS

This section provides that the Secretary may withhold funds for failure to comply with requirements of this Act after notice and opportunity for a hearing.

SECTION 309. FEDERAL CONTROL NOT AUTHORIZED

This section sets forth the prohibition against Federal control of education.

SECTION 310. SPECIAL PROHIBITIONS AND PROTECTIONS

This section provides that nothing in this Act shall infringe upon parental rights and directs the Secretary to establish procedures to insure that no child shall be the subject of research or experimentation under this Act unless the child's parent or guardian is informed and has the opportunity to except such child therefrom. This section also provides that the Secretary shall assume that programs providing care outside the home for very young children shall be reviewed periodically and frequently by the Secretary and that no such program shall be approved for assistance unless it is specifically authorized and approved by the Secretary.

SECTION 311. REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

This section provides for repealing, effective July 1, 1975, the authorization for Headstart and provides that where day care authorized elsewhere in the Economic Opportunity Act shall be provided, wherever feasible, through child care programs under this Act.

SECTION 312. TRANSITIONAL AUTHORITY

This section permits the Director of the Office of Economic Opportunity to waive al-

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lotment and Federal share provisions under title II of the Economic Opportunity Act to relieve hardship resulting from the failure to continue the authorization for Headstart under the current section 222(a)(1) when this Act takes effect.

SECTION 313. ACCEPTANCE OF FUNDS

This section authorizes the Secretary to accept, for use under this Act, funds appropriated to carry out other laws if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President I support the Comprehensive Headstart, Child Development and Family Services Act of 1972. This bill, which was reported from the Labor and Public Welfare Committee, is the result of a bipartisan compromise between S. 3228, which I cosponsored along with 13 of my Republican colleagues, and S. 3193 introduced by the Senator from Wisconsin (Mr. NELSON) and co-sponsored by other Senators.

I believe that this measure represents a substantial improvement in several respects over title V of S. 2007, which the President vetoed last December.

I want to commend all concerned for their tolerance and patience in working out the terms of the compromise. Particularly I would like to say a word for the Senator from Minnesota (Mr. MONDALE), who has taken the leadership in this connection.

I am pleased that this bill is being considered separately, and not attached to the OEO extension, as it was previously the bill which was vetoed. At that time Members of the Senate may recall, I moved to attempt to separate the child development section from that bill, and had that been done, I feel we might have had a better chance of achieving workable legislation at an early date and also given more certainly to the existence and continued life of the OEO.

I have consistently urged that this important measure be debated on its own merit without delaying or hampering the consideration of the OEO extension.

This bill would make it possible for thousands of parents to work or further their education to improve the well-being of their families with the confidence that their children have the opportunity to participate in quality educational day care programs. I believe that this measure would be a desirable complement to the welfare reform legislation which we will soon be considering. While there are guidelines to insure that the various programs are of a high quality, flexibility is provided so that these programs can be designed to meet the needs of the families who choose to participate.

I believe that the administrative workability of the programs in this act has been improved substantially. This bill gives State and local prime sponsors clear responsibility for planning and implementing the programs. The role of the family service and child development councils has been changed from a policy making one to that of approving the plans developed by the prime sponsor. I believe that this arrangement is much sounder than the prior arrangement in which the councils themselves had some really administrative responsibility, and I did not feel they were bodies set up to take advantage of that administrative responsibility. All of the responsibility for proposing the type of programs to be carried out in the entire project is now left to the prime sponsor.

Other improvements in the bill include a more realistic authorization—$150 million for start up in 1973 and $1.2 billion for fiscal 1974, as opposed to $2 billion authorized for fiscal 1974 in S. 2007.

I call to the attention of the Senate that, in using these figures, I include the level of planning and authorization in the Headstart program of approximately $500 million per year. That amount is included in the $1.2 billion figure which I mentioned for fiscal 1974.

The provision for annual family service plans is to be submitted by the States to insure statewide coordination, and there is an increased authorization for training.

Later today, or tomorrow, I hope to introduce a clarifying amendment further extending the wording of the bill as proposed presently with regard to providing opportunity for individuals to receive training for the increased need which already exists, and which will become even more apparent as we go ahead with this program, for trained both professional and nonprofessional personnel to properly carry out this program.

I support also the basic fee schedule provisions in the bill, which were worked out with the administration last year. This represents one of the principal compromises which was arrived at, and erases one of the objections that the President expressed in his veto message. Under the plan as it is presently in this bill, free services would be provided to families with incomes up to $4,320 for a family of four, with modest fees between that level and $7,214, the so-called lower living standard of the Bureau of Labor Statistics. The Secretary of Health, Education, and Welfare would establish the fee schedule for families with incomes above that level.

I support the committee report and the additional views. Significantly, the committee bill includes an additional provision to insure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumstances.

Mr. President, I believe this bill will go a long way in providing a sound basis for profitable and effective day care coverage for many, many young Americans who are not getting it today. The Headstart program has been an important start forward. I think those of us who participated in its inception—back in my first term in Congress I recall we had the hearings and started out to authorize this program—it has certainly done much good. This program has the potential to expand and achieve an additional amount of good over and above present efforts being carried out by Headstart. I believe it deserves the support of the Senate, and I hope we will act favorably upon it.

Mr. DOMINICK. Mr. President, I yield 10 minutes to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, at the outset, lest there be any misunderstanding, let me state my categorical opposition to this legislation.

Mr. President, why must we deprive the children of this Nation of parental and kindred care by creating incentives to effectively deposit a bundled baby on the steps of an institution each day

If one accepts the premise that child rearing is best done by parents and families, then why we do not seek programs to encourage the family or neighborhood to take care of their own children?

Why not institute incentives to elderly family members who spend time in child care? Such a program could have any number of salutory effects in sustaining the family unit. What we are being asked to vote on today, while somewhat less bad than the measure vetoed by President Nixon last December, gives impetus to the forces wrenching at today's family.

Mr. President, this bill attempts to inject its plethora of councils and committees, interpositions and bureaucracies, in the lives of children. Such bureaucracies are sterile, infinitely preconditioned and arrogant, serving only to deprive the individual of social skills which would help him to strengthen his family and his community.

In the press of important business in this session, many have not had the opportunity to give this bill the thought it deserves. Many of us who have studied the proposal have come away deeply disturbed about the assumptions upon which it is predicated. Certainly one person who was concerned by the previous child development program, vetoed by the President last December, was William Shannon, editorial writer for the New York Times. In his article in the New York Times Magazine of last April 30, Mr. Shannon, who clearly considers himself a liberal, expressed his nearly complete agreement with the reasoning behind the President's veto. In particular, he pointed out that "much hard-earned human wisdom" lay behind the President's contention, expressed in his veto message, that:

All other factors being equal, good public policy requires that we enhance rather than diminish both parents involvement with children.

Mr. Shannon declares that he can only agree with this principle, and asks rhetorically:

Are child-development centers desirable for any children other than the most damaged and deprived? The unpopular truth is that any community facility—call it a day-care center or a child-development center—is at best an inadequate, unsatisfactory substitute, and at worst a dangerous, destructive substitute for a child's own mother.

If the scope of this bill were reduced to this central issue, the overwhelming majority of American citizens would agree with its position. Perhaps, even the great majority of my distinguished colleagues would agree with it too. I certainly do.

How do we develop the premise that effective means should be found to strengthen the family rather than weaken it? By forcing the Federal Government to interfere in family structure? Hardly. Mr. Shannon suggests that if we really wish to strengthen the family—and the bill's proponents claim that this is in fact what they wish to do—then it would be preferable to make direct money grants to mothers to take care of their own children. This would reduce their incentive to take outside employment, to leave their sons and daughters in the care of people who have no direct interest in them. By such an action, Mr. Shannon states the Government would make it clear that it considers child rearing an important task, too important, one might add, to be left to impersonal experts.

Mr. Shannon remarks:

It is a rare and exceptionally gifted woman who does something more important in the outside world than she does during those critical first six years when she is helping to form the personality and character of a child.

He is right.

President Nixon, Mr. Shannon, and a number of other people who have written on this subject are pointing us in the right direction, whereas the proposed legislation would take us very much in the opposite direction.

I cannot state that Mr. Shannon's idea of direct money grants to mothers is the best way of approaching the matter, but it is infinitely preferable to the arrogance underlying this proposed legislation. Should we not test his and other suggestions before being stampeded? Cries that opponents of this bill are "antichild" are ridiculous. There are many preferable alternative approaches to child development, and only a fool would refuse to seek new and better ideas.

One avenue which strikes me as meriting more thorough investigation than it has received up to now is the voucher system. It could be aimed more precisely at the economically disadvantaged. It would give them infinitely more "control" over the programs in which their children are enrolled than membership on any number of the child and family service councils, local program councils, and project policy committees, envisioned by the drafters of the current bill.

A parent armed with voucher will have an effective "economic vote," for those who run child development centers will be aware that they must tailor their programs to meet the wishes of parents and the needs of children or else go out of business. In fact this was said by the National Urban League in its written statement of June 3, 1971, to the Subcommittee on Children and Youth and the Subcommittee on Employment, Manpower, and Poverty:

We recommend some type of direct appeals process for parents who can demonstrate that a center does not serve the best interests of their children and themselves. One alternative might be to provide temporary vouchers to allow them to seek services on the "open market" in order to provide needed services until they are able to obtain either the changes deemed necessary in the center in which they enrolled or until they no longer require the service.

The idea of an appeals process in the proposed programs seems extraordinarily clumsy, but the notion of vouchers here is very much in order.

Moreover, Mr. President, it would be desirable, and probably possible, for a voucher system to be devised in such a way that a premium could be placed upon child care in the family—preferably the child's own family, as in the instance of Mr. Shannon's proposed direct money grants. The problem of designing a system based upon either direct money grants or vouchers for improving the raising of children is a very complex one.

Of course, it is difficult at best to devise a procedure to insure with reasonable certainty that the funds allotted are used for the purpose allotted, to see to it that funds are not diverted for other uses or misspent. It will be impossible to guarantee that all vouchers, say, will be used wisely by parents in the lower income groups. But then, even high-income individuals do not always spend their money well, nor does this Congress. The Government must not put itself in the business of supervising the decisions of every individual.

Mr. President, by rejecting the bill before us today and going on to work along the lines I have sketched—those of either a direct money grant or voucher system—the Congress of the United States will affirm its belief in the family as the fundamental building block of any society. It would, at the same time reject the view that each child, viewed atomistically as only one component of the mass, should become the ward of the State.

By leaving the ultimate responsibility for decisions relating to a child's welfare in the hands of parents rather than government bureaucrats, we by no means ensure that these decisions will always be wise ones, but we will affirm our belief that decisions as to the welfare of a child are best made by those closest to him.

The tie of "flesh and blood" is still basic. We should seek to strengthen it, rather than replace it with that desiccated link which we usually find between social worker and client. We should make it clear by our actions here today that we have faith in the ability of the individual to make decisions about his own future, in the ability of the family to resolve its own problems. We should limit our assistance only to those instances in which the individual or the family has so clearly failed that they recognize their plight themselves and feel they have nowhere else to turn.

In sum, the Federal Government should be the court of last resort rather than that of first resort. The proponents of this child development legislation would now encourage us, and later perhaps compel us, to look first to the State for the resolution of purely personal problems. This is an approach which I reject, Mr. President, and I urge my colleagues to join me in rejecting it.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield the Senator from Tennessee an additional 3 minutes.

Mr. BROCK. I yield.

Mr. TAFT. Mr. President, I know that the Senator is a fiscal conservative and that he would seek a solution to these problems which would be consistent with the overall economic well-being of the Nation. I am interested in his apparent espousal, or almost espousal, of the concept of a direct payment to the mothers involved. I think the figures in connection with the proposal merit some attention.

The figure we have as to the number of families in which there is family income of $7,000 or less is 6,806,000. If we take a family allowance and start throwing around the kind of allowance it seems to me the Senator is talking about, and if we are asking a working mother—there are approximately 1 million of them with family incomes at those levels—to leave the job market, I think we are talking about an amount that might be estimated at $2,000 per family.

Is the Senator suggesting that we ought to be talking about a direct grant program running in the neighborhood of $14 billion, just on the arithmetic of 7 million such families and children involved? It seems to me that the cost involved about which the Senator is talking is enormous.

It does point out what I have attempted to point out and what I think the Senator from Minnesota has attempted to point out—that this program goes hand in hand, really, with H.R. 1 and a family allowance type of approach to the problem. It is not anything more than a mere extension of the Headstart program, which I do not believe the Senator opposes, into a slightly broader realm, broader scope, in an attempt to handle problems that apparently are not being handled.

I hope the day will come when all children can be taken care of in their own homes, and adequately so, and we will not have the problem of working mothers that we have today.

I should like to get the Senator's figures pinned down as to how he feels the problem could be handled from a fiscal point of view, if we take the view suggested by the New York Times editorial.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield 3 additional minutes to the Senator from Tennessee.

Mr. BROCK. That was an extensive question. I will try to answer it briefly.

I really think that the fundamental premise we have here is what the cost is for the child who is, by incentive or otherwise, taken from its family. This bill would motivate the dissolution of family care, family sharing, family concern. To me, there is no possible way to calculate the cost of that to the child.

The studies I have seen are from really good child care centers—some in Chicago and Israel. They still reflect an enormous psychological impact upon the child.

For the life of me, I cannot see how the Government could create an incentive program to encourage a woman to

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choose the work market over her responsibility of trying to provide her child with every ounce of love available to it, so that it can grow up with dignity and love for other people. I do not think that can be found in a child development center.

The pressure is going to come on Congress and the Government to provide the centers in every community. No one can stand before this body and say there are enough people with Ph. D.'s in psychology and all the rest to staff those centers. The result is that you are going to have wards, you are going to have warehouses, in which you take the responsibility of these babies from their mothers.

So that the question is not employment. I think there is a better way to do it. I think the mother, when she has that child, accepts the responsibility. I see no reason not to recognize that. We do it in the family assistance program. We do take cognizance of that. We are not requiring them to work until the child has reached the age of six. Why create an additional system of motivation which puts economic pressure on that family to dissolve itself and to abdicate the most fundamental principles a family has, which is the rearing and loving of their children?

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself 15 minutes.

Mr. President, I congratulate the Senator from Ohio, who is the ranking minority member of the subcommittee, the Senator from Minnesota, and the Senator from Wisconsin for the work they did on the bill when it was considered in subcommittee and in committee. It is an enormously complex problem, and the further one gets into the bill the more complicated it becomes.

We had some executive hearings on the bill in the markup. A considerable number of changes were made to it. I believe there was some study and some consideration of the philosophical points involved. But I am not a bit certain that, under the pressure of work within which the Committee on Labor and Public Welfare operates, sufficient attention was given to the mechanics of this bill in order to avoid the pitfalls that the previous bill contained or in order to avoid what I think is the fundamental pitfall; namely, promising more than we can produce. Over and over again in the past few years Congress has, through legislation, with high ideals, promised to the American public great, flaming new programs which will solve all the social evils of the country. This is one more of that kind of idealistic approach. I have nothing against ideals. I am for them myself, but I wish Congress would not go on spending the taxpayers' money thinking it will be a panacea for all our country's social ills and then not be able to solve most of the ills to which the legislation addresses itself.

I made some individual comments on the bill in the report, some of which I think are worthwhile repeating here. I voted to report the bill so that we could get it out on the floor and consider more fully many of the problems which I felt were inadequately dealt with in committee. I hope, in the process of consideration of this bill, in the limited time we have, through consideration of the amendments which I will propose and other amendments which other Senators will propose, that we can correct some of the defects in the delivery system.

But, frankly, even if we do correct them, even if we are able to make this one of the more efficient bureaucratic systems, I doubt that we will get to solve the basic problem the Senator from Minnesota is trying to address himself to.

First, I would say that last year's veto talked about fiscal irresponsibility, pointing out that there was $2.1 billion authorized for the program over 2 years. Now that is not $2.1 million, that is $2.1 bill.

What we have done in this bill?

We have authorized $2.9 billion over a 3-year period, the first year's authorization to be devoted to planning and mechanics and then the major proportion of the authorized amount will be spent in following 2 years.

In fiscal years 1974 and 1975, 2 years, we will authorize for appropriation $2.8 billion, when a lesser amount in the previous bill was categorized as being fiscally irresponsible.

So it seems apparent that this has not been cured. As a matter of fact, we have put a little additional custard on top of the pie.

One other point that came up was a series of extended discussions, arguments, and votes, in connection with the size of the prime sponsorship. Last year's vetoed bill contained a prime sponsorship population requirement of 5,000.

In the process of the veto measure, it was pointed out that this would create so many operating units that it would be totally impossible to find personnel to staff the centers.

This year, the bill contains a prime sponsorship population requirement of 25,000 people or more.

Now, every person who has a knowledge of the presently available number of trained personnel, everyone I have heard of, including HEW, and Jules Sugarman and a significant number of others, have said that we should have a population requirement of 100,000—not 25,000, but 100,000.

If we had 100,000, we would reduce the eligible sponsors to 484 which would bring this program within the realm of administrative workability.

With 25,000, there would be 2,100 eligible applicants which is about 900 more than the present Headstart program with which they have had grave difficulty getting the program into operation.

So I would say to you, Mr. President, that, mechanically speaking, 25,000 simply does not make any sense.

Furthermore, the 25,000 is put in without any doubt whatsoever—as can be determined from the members of the committee who took part in the debate—to try to get the prime sponsorships to be within a State instead of being "a" State, in order to have the local areas within the State competing against each other for funds, instead of letting the State be the sponsor and thereby working out within the State what the necessary areas are for the centers, and how they can be best coordinated with existing programs.

I argued this point before the committee. I got nowhere with it there. But I bring it up again because I prophesy that if this bill gets through and does not get vetoed—and I think that is somewhat unlikely if it is still in its present form—then when we get into the actual operation and get into the number of applicants called for under the 25,000, we will be in serious administrative trouble.

We then have an absolute bureaucratic monstrosity, if I may say so with all due deference to the distinguished Senator from Minnesota (Mr. MONDALE), of committees, councils, and subcommittees—not advisory committees, but actual operating committees. I drew a diagram of this, which appears on page 58 of the report. Reference to that diagram clearly demonstrates that we have so many overlapping local councils, State councils, program committees, that the prime sponsor, in fact, does nothing. The Secretary has very little discretion left to try to decide which will work and which will not. In fact, there is no requirement that any councils or committees ever reach a decision. Nevertheless, that decision has to be reached and made before any program can go forward, so that any one of the councils could sit on its hands as long as it wants to. No matter how many other people want a program to start, it could not even operate. I would say that that is another very vexing problem.

It is interesting to me that on the calendar the bill is listed as the Headstart bill. The bill itself is said to strengthen and expand the Headstart program. The fact is, there is about as little relationship between this program and Headstart as it is now operating as there is between a monkey and an elephant. There is no relationship.

Let me indicate some of the things which are supposed to be carried out under the program.

Child development and family services program. That means programs—this is found on page 5 of the bill—as follows:

"Child development and family service programs" means programs on a full-day or part-day basis which provide the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members related to the full educational and other development of children;

Now, Mr. President, I submit that there is a built-in determination already made that someone knows what the educational, nutritional, health, and other services are which are needed in order to raise a child to his full potential. Well, with all due deference, I do not even know that with respect to my own children.

But I do not know how we are going to find experts who can do this with regard to children who will go into the day centers so that the mothers can go to work. I do not understand where we will find the expertise in order to provide an answer as to what services are needed in order to allow children to obtain their full potential.

Mr. President, I have seen many children, and I am sure the Presiding Officer has, that have been well cared for, who have been well educated and who have come to the determination that they did not want to do anything, and they have not. They have either dropped out or have not realized their full potential. They have been taken to psychiatrists and psychologists, and they have not proven very much to themselves or to anyone else. However, they have had the benefit of all the services that are supposed to be the very best from the very beginning.

I would say once again and try to emphasize as I have ever since I have been in Congress that there are differences between people, and we cannot get some kind of predetermined standard set up by an expert in Washington and determine that this is the mechanism by which a child will reach his potential. It takes far more than that.

There are other items dealing with the same thing, whether this is Headstart or not. Home services and consultation must be provided for the families of preschool age in providing for the healthy growth and development of each child's full potential. Once again we will send people in and say, "Your kid isn't reaching his potential, friend." And you will have to do something to correct this.

This is what this bill is about. Already some programs provide for day services and activities for children when there are no parents to provide any. There is a list on pages 8 and 9, and we can go back to the definition on page 5.

I referred to the size of the sponsorship once before, saying that it was 25,000. And it is true that on page 13 it says that a prime sponsor may be any State or any unit of local government or any combination of such units having a total population of 25,000 or more persons.

Then it goes on to another one. Then it goes on to No. 3. That says "any unit of local government or any combination of such units, without regard to population, subject to a demonstration by the applicant that it has the capability to carry out adequately a comprehensive child development and family service programs, and that is a particular demand for services and availability of resources within the area to be served."

Presumably, 10 people could be eligible under this bill. Certainly we could have any local educational institution or any local governmental institution which thought it had the eligibility, make the application, and it would be eligible, whether it had 25,000 or not.

So when I said in my original views 2,100, I am only talking about 2,100 eligible applicants. If we talk about 25,000 or more, if we include paragraph 3 on page 13, we could have as many prime sponsors as there are organizations in the country.

Any Indian tribal organization, regardless of size could be a prime sponsor. Then it goes on in (5) to any other public or private nonprofit agency meeting the requirements of subsection (h) of this section.

All I can say with respect to this is that it is wide open, that 25,000 really does not limit the applications at all. We will have far more applicants than the 2,100 that I referred to in my individual views, or at least there is an opportunity for them to apply.

I would say that we have not met the veto objection on this point.

Then we go on to the question of bureaucracy. And this is a honey. I am not sure I can explain it. I am not sure I can stand here, having been all the way through the hearings and all the way through the markup by the committee and having read the bill and having looked at the wording of the language, and try to explain it to the Senate.

I certainly cannot, at least not without the chart on page 58, showing what the various areas of responsibility of the committees and councils are. In any event, we have to set up a child and family service council. And usually when we set up committees and councils in addition to a prime sponsor, we set them up in an advisory capacity. However, we do not do that here.

This is what we do with the child and family service council in this case. They will be entitled to approve annual program statements, basic goals, policies and procedures, and the selection, establishment, or other renewal of any agency or agencies under paragraph 3 of this section, and will be responsible for annual and ongoing child development and family service programs contained in the prime sponsor area.

This is what the child and family service council does. It is an operating group. Then we come to local program councils and project policy committees. The project policy committee is found on page 37. It has responsibility for approving basic goals, policies, actions and procedures for the project applicant and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects.

So, we have one child and family service council doing one thing. We have the local program council, not the project policy committee, doing more than that. And on page 30 of the bill we have the provision that all project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area.

So, we have three separate groups depending upon who the prime sponsor is; and either one or any one of them, as far as I can determine, has a veto power over whether or not the prime sponsor is making any sense in its application or in fact can operate this as a prime sponsor; and in fact in each case reviewing, what the other has done.

It is so complicated that I doubt very much whether any area is really going to be able to get off the ground insofar as this maze of bureaucracy is concerned.

Now we have something else that is interesting—the formula as to how this money, $2.8 billion in 2 years, is going to be spent.

I did not bring this up in my individual views at all.

Page 46 of the bill says that 50 percent will be apportioned among the States and then within each State among the local areas in proportion to the relative number of economically disadvantaged children in each State.

That means that for a change, at least, we are giving one-half of the money in the area where needed. In other words, it would be where the economically disadvantaged kids are. I think that is good.

Then, it states:

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

That means that any child, even if his father is a multimillionaire, is included in the formula.

The next section reads:

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

This is an incentive to go to work and an incentive to be a single parent, then you get more money in the State for the purpose of developing these programs.

But there is something very interesting about this. I have not gotten to the bottom of it yet. I may make further comment on it tomorrow. I turn now to page 78 in connection with the formula and I find there are charges in the formula grants for other programs which have been developed very carefully within the bill, so that the method by which people have determined what allocation of funds they will get under OEO or under other pieces of legislation which bear on child development or economic development have been changed by this bill. I have not yet been able to make an analysis to find out what the changes are and to what extent they will bear on the formula allocation given on page 46 of the bill.

Then, we have Federal control of individual citizens. It is not actually as strenuous as it was in the previous bill which was vetoed. Some of the saving provisions may take it out of a condition which would let people say, as they did before, that this was some kind of youth camp, similar to the ones Germany had, but we have some interesting provisions here.

On page 57 of the bill we have the Secretary with power to conduct demonstration and experimental model programs "subject to the fullest extent practicable to each of the requirements with respect to project applications under section 105." In other words, the Secretary can run his own program with respect to nutrition, health, and developing the full potentials of a child.

There is nothing wrong with trying to do research in these programs but I have some doubt as to whether or not we should have the Secretary of Health. Education, and Welfare running one of the centers, and still saying that we can do this, because you have to get consent of the parent.

This is clear on page 74 under section 310(a)(2).

The PRESIDING OFFICER. The time of the Senator has expired.

XUM

Mr. DOMINICK. I yield myself 2 additional minutes.

Then, you have to go a long way to find it and you have to go through the bill item by item before you can find a number of things.

I shall not take any more time of the Senate tonight. I send to the desk several amendments and ask that they be printed.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I do not plan to use much further time this evening. I tried to make the points which I think needed to be made in my opening remarks.

This is a measure with which the Senate is quite familiar. We had a long debate and several votes on essentially the same amendments which I think will come before us in the next day or so. I think the Senate is quite familiar with the issues with which we are here concerned.

One of the key arguments used by some opponents of this measure and one which is frequently seen in right-wing journals is that this measure is designed to undermine and weaken the family. This is a charge which I dismiss categorically as being unfounded. In fact, the reverse is true. This measure recognizes that the best place for a child is at home with a healthy, stable, united family. The trouble is, however, that we have millions of families which are either tragically impoverished, deeply divided, or in which, for economic reasons, both parents find it necessary to seek employment. This is not an opinion; it is a fact which I think cannot be denied.

One-third of all mothers with preschool children are working today. One-half of all mothers with school-age children are working today. This trend was not caused by this measure. This trend was caused by the economic predicament in which families now find themselves.

There is an alternative we could take which has been suggested by some, and that is a massive, multibillion dollar subsidy program for families of limited income to make it possible for one of the parents to remain home and not to work. I have not heard any of the opponents of this measure remotely suggest they would support anything near that kind of proposal. So the children of poor families are left with advice but no help. And particularly the tragically cheated children from many broken homes and tragically impoverished homes are left with insufficient food, no health care, no emotional support, no educational stimulation, and no hope. The question is whether they are going to be caught in the crossfire of political debate or whether Congress is going to act upon the almost unanimous advice of people in this field, and practically all organizations that represent experience and understanding in this field. The question is whether we will respond to the top recommendation of the President's White House Conference on Children, and begin a program along that line embodied in the measure before the Senate today.

I have seen, as have many of my colleagues, the predicament which many of these children face and confront in those highly vulnerable first years of life.

This proposal seeks to strengthen the family, assist the family where it needs help in fulfilling those fundamental obligations and responsibilities of a family to its young. It seeks to help families where, because of enormous poverty or because of the need to work, it becomes necessary for both parents to be working during the day. In those cases it seeks to provide an alternative which is helpful, supportive, and developmental during the hours when that becomes necessary.

We tried to establish a system of help which assures that these programs will be under the control of the parents whose children are involved. We have a program which is totally voluntary. There is no compulsion whatsoever in this proposal.

One of the key disputes in the development of this measure has been between those of us who favor heavy parental control on the one hand and those, on the other, who want it run by remote State welfare bureaucracy far distant from the home and usually operated under a system of incentives which I think would be destructive of family life and destructive of the best interests of these children.

So I am hopeful that some of the scare rhetoric that we hear from time to time and exaggerated talk about warehousing of children, and expressions of that kind, would be rejected and that we could have a responsible, balanced discussion of what this measure involves.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. TAFT. I want to commend the Senator particularly because of certain remarks that were made earlier by some of our colleagues who used the word "warehousing." This implied something that is directly contrary to my understanding of the purposes of this legislation. In fact, if there is a major purpose of the legislation, I think it is to prevent the warehousing of children that is growing with the growth of day-care centers without adequate controls and without adequate leadership and without adequate research or study of exactly what is being done.

In the committee hearings, as I listened to what is the problem, it is that we have an increase really in what amounts to warehousing of children today with the growth of working mothers. We are trying, as I felt, to go in the opposite direction, to provide meaningful hope for those who want to remain in their homes rather than mere custodial function performed by the day-care center.

Mr. MONDALE. I think the Senator from Ohio is inarguably correct. A recent survey of the National Council of Jewish Women reported on their survey of day-care centers around the country, and they concluded regrettably that most are in the custodial rather than in the developmental category; and that many of them provide such few services to the children as to pose a very serious danger of psychological damage. The child should be at home with his parents, if it is possible. If, for the reasons we have cited, an alternative becomes necessary, we ought to be sure that that child gets the emotional support, educational help, health care, and stimulation that are needed. Regrettably, some people are trying to find a way out through these custodial kinds of warehousing which, in order to save a few dollars more, lose a generation of children who have just been denied what is needed. So the whole thrust of this measure is, No. 1, to help parents and families in the home.

People call this a day care bill. It is not a day care bill. Its first purpose is not that of day care. Its first purpose is to help the family and it is to furnish the child developmental help, which is distinct from the custodial warehousing of children. That is a distinct element of this proposal.

If I might impose on the Senator from Ohio for a moment, I would like to report what kind of organizations support the measure which the Senator from Ohio helped to write.

I have a letter here from the Board of Christian Social Concerns of the United Methodist Church, signed by its general secretary, strongly supporting the pending legislation.

I ask unanimous consent that the letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF CHRISTIAN
SOCIAL CONCERNS OF THE
UNITED METHODIST CHURCH,
Washington, D.C., June 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of our Board staff I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Our 1968 General Conference of The United Methodist Church favored the objective of "supplemental educational and cultural experiences for pre-school children." In addition, the Social Principles of The United Methodist Church, adopted in Atlanta in April, 1972, declared: "We urge social, economic and religious efforts to maintain and strengthen families in order that every member may be assisted toward complete personhood." This document also stated: "We support the development of school systems and innovative methods of education designed to assist each child toward full humanity."

We believe that these objectives will be at least partially achieved through the enactment of S. 3617. This measure should help to strengthen family life by providing the assurance of meaningful day care for those children whose parents, of necessity, must work outside the home. The developmental services for children in terms of education and health should be most advantageous. Also, the after-school and part-day care will help to relieve anxious parents of the burden of otherwise inadequate supervision and training of their children, thus substantially strengthening family life. In addition, the child development classes for parents should greatly enhance the quality of family living for all who are its beneficiaries.

We strongly urge Members of the United States Senate to back this bi-partisan effort to provide adequate child development and family services for the nation's families.

Yours sincerely,

Dr. A. DUDLEY WARD,
General Secretary.

Mr. MONDALE. I have a letter from the American Baptist Convention, signed by John W. Thomas, director of the Department of Governmental Relations, supporting the measure now before the Senate.

I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAPTIST CONVENTION,
Washington, D.C., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Please find enclosed a letter from our Department of Ministry with Children in support of S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

Please utilize this letter in whatever way that you think best suited to help bring passage of this legislation.

Thank you for your concern and leadership in this important area of family life and responsibility. If our office can be of any further assistance, please do not hesitate to call upon us.

Sincerely,

JOHN W. THOMAS,
Director, Department of Governmental Relations.

AMERICAN BAPTIST CONVENTION,
Valley Forge, Pa., June 19, 1972.

Hon. WALTER MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: On behalf of the American Baptist Convention, Department of Ministry with Children, I would like to indicate our support for S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

We realize the crucial importance of the early years in a child's life, not only for physical and intellectual growth but for social and emotional as well. These are the formative years in which permanent foundations are laid for a child's feeling of self worth and confidence in his ability to achieve.

We believe that the Senate, through S. 3617, has the opportunity to improve the quality of health, nutrition and education services to young children. This measure should help to strengthen family life by providing meaningful day care for children whose parents, of necessity, must work outside the home. In addition, the child development classes for parents, provided for by this bill, would greatly enhance and augment the quality of family living for all; consequently, a whole generation of children and parents would be the beneficiaries of the kind of learning experiences which would enrich both the children's personalities and the parent's understanding.

For these reasons, we strongly urge members of the U.S. Senate to support this bi-partisan effort to provide adequate child development and family services for the nation's families.

Sincerely,

LINDA ISHAM,
Director, Department of Ministry with Children.

Mr. MONDALE. Mr. President, I have a letter from Ralph E. Smeltzer, representing the Washington office of the Church of the Brethren, strongly supporting the measure as embodied in S. 3617. They say:

Since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHURCH OF THE BRETHREN,
Washington, D.C., June 19, 1972.

Hon. WALTER F. MONDALE,
Chairman, Senate Subcommittee on Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: The members of the Church of the Brethren have always been concerned about the social welfare of all persons and have consistently supported legislation which furthers social welfare for all persons. As a body, the Church of the Brethren has said that "as some of the deepest concerns of our church, we favor continued and more effective provision for needy Americans, such as the aged, the poverty-stricken, the unemployed, delinquent or predelinquent youth, and underprivileged children."

We, therefore, wish to lend our support in favor of the Child Development Bill, S. 3617, since we feel it would not only aid the individual child, but would strengthen the family unit, by helping each member of the family unit feel a sense of personal worth.

Sincerely,

RALPH E. SMELTZER,
Washington Representative and Social Justice Consultant.

Mr. MONDALE. Mr. President, I have a letter from the United Presbyterian Church of the United States, signed by Mary Jane Patterson, its associate director for national affairs, strongly supporting this proposal, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED PRESBYTERIAN
CHURCH IN THE U.S.A.,
Washington, D.C., June 19, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Washington Office of the United Presbyterian Church U.S.A. supports the comprehensive Head Start, Child Development and Family Services Act of 1972, Senate Bill-3617.

A careful reading of this bill leads us to the conclusion that its provisions will help to straighten family life.

The United Presbyterian Church U.S.A. has a long history of concern for the total development of children. We believe this bill is a step in the right direction.

Sincerely,

MARY JANE PATTERSON,
Associate Director for National Affairs.

Mr. MONDALE. Mr. President, I have the following letters, which I ask unanimous consent to have printed at this point in the RECORD:

A letter from the Religious Action Center, Union of American Hebrew Congregations, signed by Marvin Braiterman, strongly supporting this bill; a letter from the National Council of the Churches of Christ in the United States, signed by David M. Ackerman, strongly supporting this proposal; a letter from the National Committee Against Mental Illness, signed by Mike Gorman, strongly supporting this proposal; a letter from the American Parents Committee, Inc., signed by George J. Hecht, strongly supporting this legislation; a telegram signed by Stanley J. McFarland, director of government relations, National Education Association, strongly supporting this proposal; a resolution adopted by the resolutions committee of U.S. Conference of Mayors; a letter signed by the Joint Washington Office for Social Concern, representing the American Ethical Union, American Humanist Association, and a Unitarian Universalist Association; a letter signed by the American Psychological Association; a letter signed by the Maryland Psychological Association; a letter signed by the AFL–CIO.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

RELIGIOUS ACTION CENTER,
Washington, D.C., June 16, 1972.

HON. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Union of American Hebrew Congregations and the Central Conference of American Rabbis, which we represent in Washington, strongly support the pending Comprehensive Head Start, Child Development and Family Services Act of 1972 (S. 3617).

For many years our organizations, which comprise respectively the congregations and rabbis of American Reform Judaism, have advocated legislation that would enhance the lives of and opportunities for children who are reached by your bill. We believe that the pending legislation enhances the quality of family life in America, and would represent a significant legislative aid both with reference to the current deficits of disadvantaged children in education and in terms of social and economic opportunity. We are particularly attracted to the fact that the legislation seeks to deliver services to children, of a comprehensive character, which goes far beyond prior federal programs, and which we believe can have, if adopted, a significant multiplier effect that may dramatically improve the quality of life for poor people generally and poor children in particular.

Last year, we were heartened by Congressional passage of similar legislation and disappointed when the President vetoed it. We hope that this year both Congress and the President will see it through to fruition. To you, we express our admiration and appreciation for the leadership that you have furnished in continuing to press for this program.

Kindest regards.

Sincerely,

MARVIN BRAITERMAN.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
Washington, D.C. June 16, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I understand that the Senate will soon consider the "Comprehensive Headstart Child Development and Family Services Act," which would provide for a network of developmental day care programs for children from families with low income and children whose parents are working. I write to express our support for this piece of legislation. The bill is, we think, a realistic and workable compromise.

XUM

The need for a national network of day care centers is clear. Mothers who are already working, mothers who want to work but cannot because there is no one to care for their small children, children who need the kinds of services that a developmental day care center can provide—all indicate that this is a public need to which the Congress ought to respond.

Yet fully as important as the need for day care itself is that the day care provided be of high quality, custodial day care such as that provided in Title IV of H.R. 1 is not enough and ill serves both the child and his family. The day care center must first of all be child centered. It must provide a range and quality of services that serve to develop the capacities of the child both cognitively and noncognitively. So that the day care center is a supplement to and not a substitute for the role of the family, there should be opportunity for significant input from the parents of the children served. S. 3617, we believe, amply provides both this focus on the child as a person in his own right and a significant role for parents.

For these reasons we hope that the Senate will act favorably upon your bill and express to you our great appreciation for your leadership on this legislation.

Sincerely yours,

DAVID M. ACKERMAN.

NATIONAL COMMITTEE
AGAINST MENTAL ILLNESS,
Washington, D.C., May 26, 1972.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I have had a chance to study S. 3617, the Comprehensive Child Development bill.

Our organization has been strongly in support of child care legislation during the past two years of hearings. I have made at least twenty-five speeches during that period of time in various parts of the country and have received an enthusiastic response to the concept of Child Care Development Centers from a number of organizations in the human resources field.

We have a liaison group of mental health organizations which meets monthly in Washington. I append to this letter a list of these organizations. At our last meeting, on May 24th of this year, we again discussed the status of the child care development legislation and agreed informally to give it the highest priority. While I cannot speak formally for the entire liaison group, I do wish to convey to you the feeling of the group that the passage of this legislation would probably be one of the most important—if not the most important—developments in the human resources and mental health field in the current year.

I congratulate you for your efforts on behalf of the legislation.

Sincerely,

MIKE GORMAN.

THE AMERICAN PARENTS
COMMITTEE, INC.,
New York, N.Y., May 8, 1972.

Att: Mr. Sidney Johnson.
Re: Child development legislation.

CHAIRMAN,
Senate Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As national chairman of the American Parents Committee, and as publisher of Parents' Magazine, I would like to record our strong support for the "Comprehensive Headstart, Child Development, and Family Services Act of 1972", to be reported to the Senate by May 12.

The American Parents Committee, at our annual Board of Directors meeting on January 27, 1972, unanimously recommended support of such a comprehensive bill, and our Washington Report of April 1972 specifically advocated provisions of both S. 3193 and S. 3228. In addition, the May 1972 issue of Parents' Magazine, an issue devoted entirely to the unmet needs of American children, carries a special article on the goals of developmental Day Care, entitled "What Does Our Country Owe Its Children?" Because of the timeliness of this article, I hope it may be placed in the Congressional Record's proceedings of the Senate.

Sincerely,

GEORGE J. HECHT,
Chairman.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.:

The National Education Association Supports S. 3617, the comprehensive Headstart, Child Development and Family Services Act of 1972 as major step toward strengthening family involvement in early childhood programs, providing local control, and establishing proper relationship of education agencies to total program.

STANLEY J. MCFARLAND,
Director of Government Relations, NEA.

RESOLUTION ADOPTED BY THE RESOLUTIONS COMMITTEE OF THE U.S. CONFERENCE OF MAYORS REGARDING CHILD DEVELOPMENT:

Now therefore be it resolved that the U.S. Conference of Mayors urges the enactment of legislation which will provide for a comprehensive range of quality family centered child care services in order to assist parents if they so choose to provide their children with an opportuity for healthy and stimulating development. Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level. Be it further resolved that such programs be made available to families and children with economic or other special needs in direct proportion to that need.

JOINT WASHINGTON OFFICE
FOR SOCIAL CONCERN,
Washington, D.C., June 16, 1972.

Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Joint Washington Office for Social Concern, representing the American Ethical Union, the American Humanist Association and the Unitarian Universalist Association, wishes to record its long-standing support for S. 3617, the child development bill.

We are convinced that the adult society is morally responsible for the prevention of child deprivation and the providing of developmental services for its children. We have been appalled by the high infant mortality rate in this affluent land and by the many recorded (to say nothing of the unreported) instances of child neglect and abuse. All three of our organizations have called for the funding of child care facilities and the creation of child development and family service centers throughout the country (see attached resolutions) because we are convinced that services of this nature will strengthen family life, reduce tensions which lead to family break-up and insure that all children be free of the medical, nutritional, and psychological handicaps which need not mar their lives in a society such as ours.

We further applaud the provision in S. 3617 that these services be provided free to families of four earning less than $4320 and for only modest fees for those earning up to $6960. This guarantees that the poor can raise their children without anxiety for the child's basic welfare, an anxiety which has plagued poor people for too long.

Who doubts anymore that early child deprivation and abuse is linked to later asocial and criminal behaviors? The adoption of a comprehensive child development bill is in the interests not only of children and parents but of all the nation's citizens as well. We urge its early and uncompromised passage.

Sincerely,

ROBERT E. JONES,
Executive Director.

AMERICAN HUMANIST ASSOCIATION

Resolution on Child Development and Day Care Centers (May 14, 1972)

Specialists in child care agree that the period from two to five years in a child's life is strategic in the development of physical and mental health and good social adjustment. Working mothers, therefore, must have assurance that the day care of their children will be more than a babysitting process. There is urgent need for quality day care and family service centers open to all families.

We urge the prompt enactment of federal legislation to create such centers throughout the country, available free to low-income families and on a sliding scale to all others.

AMERICAN ETHICAL UNION

1972—64th Annual AEU Assembly

Approved Resolution on: Child Development Centers—Family and Day Care Centers.

Recognizing, that the nation's children are its most precious asset; and

That, specialists in child care lay great stress on the importance of the period between birth and five years, when children respond most favorably to health and education programs; and

That, parents must have assurance that the day care of their children will be more than a baby-sitting process; and

That, there is need for quality day care and family services centers open to all families.

Therefore, be it resolved, that we urge Congress to pass, and the President to sign, the necessary legislation for the creation of child development and family services centers throughout the country, available to the poor free of charge and on a sliding scale for all others, to be administered locally and with community involvement; and

Be it further resolved, that the Congress appropriate funds immediately so that legislation can take effect as soon as possible during this period of serious economic stress.

CHILD CARE CENTERS

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention;

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.

2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.

3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.

4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, D.C., May 8, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is written to indicate the wholehearted support of the American Psychological Association for the principles embodied in the Comprehensive Head Start Child Development and Family Services Act, recently reported out of the Senate Labor and Public Welfare Committee. You are to be congratulated on the revision of the original bill; we believe it retains the provisions essential for the welfare of the nation's children while meeting the objections of the President.

For your information I am enclosing a copy of the resolution passed by this Association in September 1971.

Sincerely yours,

KENNETH B. LITTLE,
Executive Officer.

Be it resolved that the American Psychological Association call upon President Nixon to reaffirm the national commitment to early child development, as stated by him in April 1969, and to implement the resolution of the White House Conference on Children calling for the permanent establishment of the Office of Child Development; and

Be it further resolved that the American Psychological Association call upon the President and members of Congress to support programs of comprehensive child development.

10. At the invitation of President Clark, Council heard a statement from Edward J. Casavantes, representing the Association for La Raza, urging concern and support from APA for Spanish-speaking Americans. Mr. Casavantes was encouraged to submit his proposals to the *Ad Hoc* Committee on Social and Ethical Responsibility.

THE MARYLAND PSYCHOLOGICAL
ASSOCIATION, INC.,
April 26, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maryland Psychological Association would again like to extend its support to you for your reintroduction of the Comprehensive Child Development Act of 1971 (S. 3193—Economic Opportunity Amendments of 1972). Enclosed is a copy of our newsletter which addresses itself to the issues raised by the veto of President Nixon. Hopefully, you might find this of interest and we would be pleased to be of any additional assistance to you in your continuing efforts on behalf of the nation's families and children. Please keep us informed of your bill's progress.

With best wishes,

Sincerely,

JAMES W. PRESCOTT, Ph. D.,
President.

AFL–CIO

AFL–CIO strongly supports S. 3817, the comprehensive headstart child development and family services act. This legislation is badly needed to provide decent day care services for the children of working parents and of the poor. The President's unfortunate veto of prior legislation needlessly has delayed start of this important program. S. 3617 meets many of the objections raised in the veto message while maintaining key principles of the comprehensive program.

ANDREW J. BIEMILLER.

Mr. MONDALE. Mr. President, it is hard to believe that these organizations, representing almost the full spectrum of religious leadership in this country, would support this measure if they thought it was designed to undermine family life. Practically every letter that we have read states they are supporting it because it strengthens family life and deals with the profound issue of social justice that has been ignored for so long when it comes to the area of the formative and development years.

I yield further to the Senator from Ohio.

Mr. TAFT. Mr. President, I would like to comment further that the criticism we heard just a few minutes ago of the participation of the various councils and policy committees seems to me to be a safeguard and assurance that we will have participation of the parents, of the family units, and of the institutions of the various communities involved in the program, and assure us that this will not be Government-dominated, Government-run program. This will come from a prime sponsor which will give the political responsibility and financial backing for it, but in addition to that, carrying this program we will have the deep involvement of the community to prevent the warehousing of children from becoming the sole result.

Mr. MONDALE. The Senator is absolutely correct.

There has been some discussion about the system of delivery we have designed here. It is patterned closely after the existing regulations which govern Headstart.

It does two things, basically. First of all, it requires the approval of local governments, local mayors, local town boards, before there can be a program in one of the local communities. Second, it requires that the programs that are proposed be approved by boards, the child and family services council, the local program council, and the project policy committee, which have strong representation of the parents whose children are in the program. We do not want outside bureaucrats deciding what is best for somebody else's children. We want the community, right there, their own parents and those in the local communities where the children live.

We want it so there will be flexibility What might make sense in Harlem may not make sense in a smaller community in Ohio. There may be some communities which do not want day care at all, which want simply to provide services in the home or provide parental care. There may be other areas where day-care centers make eminent good sense. It is our desire to leave those decisions, not in the hands of a national bureaucrat or a State welfare bureaucrat, but in the local communities, and above all, in the hands of the parents of the children in the program; once again, because we do not think we should be tampering with family life through the divine guidance of outsiders.

I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, if the Senator is prepared to yield the floor, I have an amendment which I might offer at this time.

Mr. MONDALE. Mr. President, I yield the floor.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 53, beginning with line 8, strike out through line 18 and insert in lieu thereof the following:

CHILD DEVELOPMENT AND FAMILY SERVICES PERSONNEL TRAINING PROGRAMS

SEC. 201. (a) The Secretary is authorized to provide financial assistance to enable individuals employed or preparing for employment in child development and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by institutions of higher education, State and local child development and family service agencies, State and local educational agencies, agencies carrying out child development and family service programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development and family service organizations, and producers of television programing. The Secretary is authorized to make grants or enter into contracts under this section for the purpose of establishing, developing, or upgrading child development and family services personnel training programs which shall include, but shall not be limited to, the development of programs to—

(1) provide postgraduate level training for teachers of professional and paraprofessional child development and family services personnel and for teachers of teachers of such personnel;

(2) attract and recruit personnel, both male and female, including parents, students, and older persons, to training for and subsequent employment in child development and family services programs;

(3) retrain personnel prepared for or experienced in education at levels other than childhood so as to enable them to function effectively in child development and family services programs;

(4) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative positions in child development and family services programs, including the training and certification of Child Development Associates;

(5) help parents and high school students understand and practice sound child development and family techniques; and

(6) develop educational television programs and accompanying materials for training child development and family services personnel, parents, and high school students in the principles of child development and family services.

(b) The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored child development and family services personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for such personnel.

Mr. TAFT. Mr. President, this amendment is offered on behalf of myself, the Senator from Maryland (Mr. BEALL), the Senator from Vermont (Mr. STAFFORD), and the Senator from New York (Mr. JAVITS).

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MONDALE. I would like, if possible, to be added as a cosponsor.

Mr. TAFT. And the Senator from Minnesota (Mr. MONDALE).

Mr. President, I have introduced today an amendment to the Comprehensive Headstart, Child Development, and Family Services Act of 1972, which would provide for the training of high caliber professional and nonprofessional personnel. I believe that the success of these programs depends in large part upon the quality of the trained staff who will be working with these participating children.

The shortage of trained personnel was well documented during the subcommittee hearings by Dr. Jule Sugarman, former director of Headstart and John Niemeyer, president of Bank Street College of Education in New York. In his testimony, Dr. Sugarman estimated that a total of 7,500,000 children are currently in need of some type of child-care services on a paid or nonpaid basis. One million of these would be children of working mothers in families with incomes between $4,000 and $7,000. Several hundred thousand additional professionals and nonprofessionals would be required if the program grew to meet this current need, according to Dr. Sugarman.

This amendment authorizes the Secretary to provide financial assistance to make it possible for individuals to participate in training programs conducted by colleges, universities, teacher training institutions, State and local child development agencies, States and local educational agencies, national child development organizations, private training organizations, and producers of educational television programing.

These programs will be geared to the recruitment and training of nonprofessional as well as professional staff. To require each staff member to have a college or masters degree would be too costly both in terms of financial resources and human resources. With professional supervision, nonprofessional personnel, including parents, volunteers, students, and the elderly, can be very effective in working with children.

The Office of Child Development in HEW has developed a midlevel profession of child development associates. These qualified personnel are nonprofessionals who will be certified in all States. These CDA training programs are included in this amendment.

The amendment also provides for the retraining of already certified elementary and secondary school teachers. This will provide additional employment opportunities for these people and will effectively utilize their talents and prior training.

This amendment makes a change in the more limiting provisions of section 201 of the bill as it is presently before the Senate, and I believe it provides an additional opportunity for the training of the trained people who are needed that is absolutely vital to the success of this program and, therefore, ought to be included in the bill.

Mr. MONDALE. Mr. President, if the Senator will yield, I think this is an important amendment, which improves the bill. It makes it much clearer in terms of its personnel training aspects, and on behalf of the majority, I would be very glad to accept it if the Senator will move its acceptance.

Mr. DOMINICK. Mr. President, on my own behalf, I would say that I think this is going to be very helpful, and I am happy that the Senator from Ohio has introduced it.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I must begin by expressing my agreement with those of my distinguished colleagues opposed to the legislation before us, the "Comprehensive Headstart, Child Development and Family Services Act of 1972." I supported the President in his veto, and heartily agree with that portion of his veto message in which he argued that the weight of Federal authority ought not to be lent to communal approaches to child rearing without broad public debate on the subject and general acceptance of its principles. Some of my colleagues who support the bill dwell upon the necessity for corrective action to help the severely disadvantaged children of our Nation; the good which these new programs may do, and so forth. Some of my colleagues opposed to this legislation have treated the question of possible burgeoning costs, potential damage to the children in these programs, and so forth. All these are legitimate concerns. At the same time, with the unceasing press of business in the Congress, we too often concern ourselves with very immediate problems and consequences, without pausing to take a longer view of the direction in which we are headed. With the Senate's indulgence, I should like to occupy a few minutes in doing just that: considering some general propositions relevant to this legislation.

As a rough generalization it may be said that in modern political life there exists two great competing theories of the state. One of these begins with the individual and views the state as made up of individuals possessing independently sovereign rights and deriving its legitimacy from the consent of the governed. The other begins with the social collective and sees the individual as a component of the mass who derives what rights and privileges he has from the state. The United States of America was founded upon the assumptions of the first of these theories; the second theory leads to the establishment of the social systems now existing in the Soviet Union and the People's Republic of China.

The first theory, that starting from the primacy of the individual and individual responsibility, views the state as simply one of several social entities. It may be a very important one—in our day it has become increasingly so—but still it is only one. Many other groupings exist independently of the state, since our citizens enjoy freedom of association: such organizations as churches, private schools and universities, businesses, fraternal organizations, labor unions, and so forth, have an independent right to existence and, as a matter of principle, should operate in areas where the government does not and should not function. It is certainly the better part of wisdom that we should be exceedingly careful about permitting the state to encroach upon and limit the powers, and consequently the responsibilities, of such social organisms as these. When the power of the state becomes all pervasive, a society is no longer free in our sense of the word.

The second theory of political organization, that which derives from the primacy of the state, holds that there can be no social organisms independent of the state. In countries adhering to this approach many of the same sorts of organizations as those just mentioned do exist, but they have their being in order to advance the political objectives of the state, and to serve it. Such organizations may take no initiatives on their own; all initiative must flow from the state. The sole employer of labor is the state, and that means that all citizens are directly dependent upon it and, therefore, upon the government. What right the individual possesses are grants from the state, subject to revocation by the same state. This conception of the state is one which obviously the overwhelming majority of Americans would reject.

It is astonishing, Mr. President, given the relatively simplicity of these two opposing political theories, how few people understand what they lead to in their logical development. Let me cite a recent example from the Soviet Union. Not long ago there was published in the United States a book entitled, "A Question of Madness," by Zhorés and Roy Medvédev, two heroic dissenters who have fought against the abuses of the Soviet system, and especially the misuse of psychiatry to repress political disagreement there. Their personal courage is worthy of the greatest admiration. Now Zhorés Medvédev is an educated man and a scientist, one who has thought deeply about political and social matters. Nevertheless, he still considers himself a supporter of the premises upon which the Soviet system is based, and fails to graps its fundamental essence. When in 1970 three secret police agents and two psychiatrists burst into his apartment to seize evidence against him, the following exchange took place:

"Stop," (Zhorés Medvédev) shouted, "this is a private apartment."

"It belongs to the state," a hulking sergeant at once answered back, "And the police have the right to enter any apartment."

The "hulking sergeant" spoken of here was not intended to be a sympathetic figure, but the truth is that in his dull way he knew his political theory much better than Medvédev: in a State based upon the abolition of private property and derivation of rights from the consent of the state, the individual has no right to privacy. The rights, privileges, and powers of the state are paramount, as are its responsibilities.

Mr. President, I hope you will forgive my digression, but it does have a point. The drafters of the child development bill now before us were actuated, I am sure, by the best of motives. They were particularly moved by the plight of extremely disadvantaged children. But in seeking to alleviate it they have proceeded to expand the responsibility—and also the powers and privileges—of the State into very large areas which have always been rightly closed to Government in this country. If this bill is enacted, the State will take over greater and greater responsibilities for the entire process of the rearing of young children which has always been the family's private preserve. In doing so, it will drastically reduce the area of activity left to private organizations and institutions—and of all our private institutions the family is certainly one of the most important. The responsibility of the state would be extended not just to the child from 3 to 6, not just to the infant, but even to prenatal care for expectant mothers, and beyond that to the counseling of adolescents before they have thought of marriage as a serious proposition. If the family has not done so well as it might have in some of these areas, this is no excuse for undermining it even more fundamentally. If we look at child development from the perspective which I have outlined above, we see that its introduction would be equivalent to a drastic circumscription of the areas left in the care of private organizations, and a large step toward a system which can fairly be called "totalitarian," a system in which every important function within a country is directed and controlled by the central authority. We need not argue over whether that control is exercised well or badly: In a fundamental sense that is beside the point. Some child development centers already existing do a good job, others a poor one; some families are excellent at raising children, others are not. On balance, however, it seems to me that the family still does a very creditable job of raising children, at least when its authority is not undermined by the schools. It is in our interest to reaffirm our faith in the institution of the family by rejecting this legislation and seeking to deal with the real problem of disadvantaged children in a way which will strengthen our free institutions. And it is in our interest to affirm that there are many areas—and the family is certainly one of them—where the State on principle should not tread. For if we forget this principle, we shall move steadily closer to the structure of the totalitarian state. We shall have done so with the best of motives, undoubtedly, but we shall have done so, nonetheless.

Mr. President, I can only agree with the editorial writer of the Wall Street Journal, who said on March 23 of this year:

All in all, though, the day care proposal strikes us as being flawed from just about every perspective: Financially, philosophically and practically. It is a splendid example of the mentality that whenever a problem arises Washington must do something, even if it means taking over responsibilities the bulk of the individuals concerned are already handling pretty well themselves.

I urge my colleagues to join with me in opposing this legislation because it will place the Federal Government in the form of a vast new bureaucracy in another large area where it should not be, to the further detriment of our free institutions.

AMENDMENT NO. 1251

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, in accordance with my understanding with the Senator from Minnesota and the Senator from West Virginia, I send an amendment to the desk and ask that it be made the pending business, but that we do not go forward with any debate on it until tomorrow.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.

On page 18, line 8, beginning with the word "except" strike out through line 10.

On page 20, between lines 3 and 4, insert the following new paragraph:

"(2) In the event that a state has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraphs (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."

On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

The PRESIDING OFFICER. Does the Senator from Colorado request that these amendments be considered en bloc?

Mr. DOMINICK. Yes, I ask unanimous consent that the amendments be considered en bloc. They all relate to the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the remainder of the day, no time be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH ON TOMORROW VACATED; REINSTITUTED FOR WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Delaware (Mr. ROTH) on tomorrow be vacated and that the order be reinstituted for Wednesday next, immediately following the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS RELATING TO PROCUREMENT OF VESSELS AND AIRCRAFT FOR THE COAST GUARD

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13188.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. LONG, HART, HOLLINGS, GRIFFIN, and STEVENS conferees on the part of the Senate.

WATER RESOURCES PLANNING ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14106.

The PRESIDING OFFICER laid before the Senate H.R. 14106, a bill to amend the Water Resources Planning Act to authorize increased appropriations, which was read twice by its title.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, this measure (H.R. 14106) was passed by the House of Representatives on June 5, and later on the same date the Senate passed S. 3384, a companion bill having the same purpose. Both of these measures are based upon an administration recommendation of the Water Resources Council. They would provide authority for additional appropriations to the Council amounting to $3,500,000 annually to carry out functions which were assigned to the Council by the Water Resources Planning Act of 1965 but which have been financed thus far through appropriations to the agencies which are Council members rather than through the Council's own appropriations.

The Senate, in passing S. 3384, amended the bill to limit this additional au-

thority to fiscal year 1973 only, pending a review of the Council's activities which the Interior Committee expects to make in the near future. The House version does not include that limitation.

Mr. President, I ask unanimous consent that the Senate amend H.R. 14106 by striking all after the enacting clause and inserting in lieu thereof the language of S. 3384 as it was reported by the Committee on Interior and Insular Affairs and passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and was passed.

U.S. MEMBERSHIP IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11350.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. McCLELLAN, ERVIN, and HRUSKA conferees on the part of the Senate.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

DEPRIVED CHILDREN: THE SHAME OF AMERICA

Mr. HUMPHREY. Mr. President, as a joint sponsor of original legislation, I rise in strong support of the Comprehensive Headstart, Child Development, and Family Services Act of 1972, S. 3617.

I found it incredible that the President could veto legislation last December to authorize the establishment of child care and development programs critically needed in communities across the Nation. That veto was a cruel, heartless blow to hundreds of thousands of American families. In his veto message, the President saw no need for these programs. But the harsh fact is that well over 5 million preschool children need full- or part-time day care services while their mothers are away from home, and there are less than 700,000 spaces in licensed day care programs to serve them.

Moreover, I have been deeply concerned, as an author and legislative leader in the fight to establish the Headstart program, that this program now serves only 263,000 children on a full-year basis and 208,000 children during the summer. Even under the proposed welfare reform legislation, Headstart programs and day care centers would be able to serve less than one-fifth of the children who desperately need adequate care and services to overcome profound educational and social handicaps.

Meanwhile, there are practically no day care opportunities at all for some 1 million children with working mothers in families with incomes between $4,000 and $7,000—too high to qualify for services under Federal antipoverty programs, but too low to afford the fees for private day care programs. This unmet need for quality day care has been almost totally ignored.

I find it unconscionable that it is the children who must pay a heavy price for the inequities that exist in our society. It is they who must enter the first-grade classroom severely handicapped by their environment and the lack of early childhood learning experiences, because of administration complaints about administrative and cost provisions in vitally needed legislation to correct these abuses. It is time for the President to live up to his early commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

I believe the present legislation as reported by the Senate Labor and Public Welfare Committee represents a genuine bipartisan effort to meet the President's initial objections and to fulfill our national commitment to families and their children. This bill carries through the first priority voted by the President's 1970 White House Conference on Children to provide "comprehensive family-oriented child development programs including health services, day care, and early childhood education."

The programs provided for in this legislation are to be on an entirely voluntary basis for parents, recognizing, at the same time, that parental participation is essential in the planning and operation of these programs.

Cost problems raised by the President are met in this legislation both through delaying the first operational year until 1974, to enable effective planning and staff training, and through reducing the authorization for the first operational year to $1.2 billion, which would include $500 million already authorized for Headstart under separate pending legislation.

Building on the strengths of the Headstart program, the present legislation calls for a variety of family-supporting services—including part-day programs, after school or full day developmental care for children of working mothers, prenatal services, and in-the-home tutoring and child development classes for parents and prospective parents. It properly stresses medical services and adequate daily child nutrition—key elements of the legislative program I have presented on behalf of America's children. The present bill also places a higher priority on authorizations for preservice and inservice training of both professional and paraprofessional staff members in these programs.

In response to objections voiced by the President on the administrative workability of the child development program enacted by Congress last year, the present bill makes several substantial changes. Governmental entities are designated as prime sponsors, and with day-to-day administrative oversight, with direct grantees limited to communities with a population of at least 25,000. And a sponsor must determine that a program applicant has the capability of carrying out comprehensive programs under this act. States will play a vital role under this legislation, administering programs serving small localities, being responsible for comprehensive State coordination and planning—with 10 percent of authorized funds set aside for States for technical assistance, and the dissemination of research and evaluation—and being eligible for a special demonstration program on State prime sponsorship.

I applaud the approach taken in this legislation to extend participation eligibility to children from all income levels. Priority is placed on the provision of free services to children from families with incomes below the Department of Labor's—BLS—lower living standard, adjusted for regional, and metropolitan, urban, and rural differences—an important recognition of varying cost-of-living requirements. Up to one-third of the authorized funds are made available to serve children from families with incomes above the BLS lower living standard on a sliding scale fee basis established by the Secretary of Health, Education, and Welfare.

I also welcome the recognition taken in this legislation of the critical need of mentally and physically handicapped children for quality day care opportunities and special educational services, for which 10 percent of authorized funds will be reserved. This specific emphasis is in line with the intent of legislation I have introduced to prohibit discrimination on the basis of a mental or physical handicap in programs receiving Federal assistance. American society dare no longer isolate and ignore these children.

The 3-year authorization of $3.95 billion, a significant portion of which constitutes continued funding for the Headstart program, is a modest step toward meeting the critical need of millions of children for developmental opportunities. I strongly urge the adoption of the Comprehensive Headstart, Child Development, and Family Services Act.

THE AMERICAN ECONOMY

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate a critical situation which continues to exist in the American economy.

The economy of the United States is in serious trouble, and every American knows it. But it did not used to be that way. At one time, inflation was under control. At one time, plant utilization was booming at more that 90-percent capacity. At one time unemployment was minimal. At one time interest charges were low.

Mr. President, the current administation has a record which can be summarized in these words: the highest unemployment in a decade; the highest inflation in two decades; the highest balance of trade deficit in eight decades; the highest interest rates in 100 years; and the highest budget deficits in four decades.

That is a record that will require a considerable amount of explanation of any explanation can be made at all.

Yes, the Nixon administration stands guilty of forcing millions from the work force onto the unemployment rolls.

The Nixon administration stands guilty of allowing family paychecks to be devoured by skyrocketing living costs.

The Nixon administration stands guilty of mismanaging the economy—resulting in abnormal budget deficits, the first trade deficit in 80 years, a devalued dollar, and billions upon billions of lost production.

The Nixon administration stands guilty of a Government-corporate coziness typified by the ITT affair and characterized by big business tax breaks that have shifted more of the taxpaying burden from the giant companies to the individual taxpayer.

The Nixon administration stands guilty of inflation controls that are unfair, inequitable, and not evenhanded—controls that mean profits for big business and peanuts for the workingman.

THE END OF PROSPERITY

What ever happened to prosperity—jobs and prosperity? The answer is—Republicans were elected. Richard Nixon took over the White House. And, big business took over the economy.

When Richard Nixon ran for President 4 years ago, he said:

If I am elected, I pledge that I will adopt this approach of redressing the present imbalance without increasing unemployment or controls.

But what has happened?

Unemployment in January 1969 stood at 2.7 million, or 3.4 percent of the labor force. By May 1972 unemployment was 5.1 million persons, or 5.9 percent of the labor force. In fact, during the Nixon administration, the unemployment rate was as high as 6.2 percent. Over 700,000 more persons are classified as the "hidden" unemployed. And more than 17 million people each year have felt the pains of unemployment.

In January of 1969, only six areas in the United States were classified as areas of substantial unemployment. By March 1972 there were 55 such areas. In January of 1969, less than 335,000 persons were unemployed 15 weeks or more. By March of 1972, that figure stood at 1.22 million. In January of 1969, the number of part-time employees stood at 1.6 million. By March of 1972, that figure had increased to 2.4 million persons.

Youth unemployment continues at catastrophic high levels. Black teenagers living in the city have an unemployment rate of more than 30 percent. Black females have an unemployment rate of better than 45 percent. Teenagers totally have unemployment rates ranging anywhere from 17 to 19 percent.

There simply were no jobs for the youth. And, the American young would be forced to spend the summer of 1972 on a street corner.

For blacks, for Vietnam veterans, for construction workers, for women—the results were the same. The Nixon administration by its policy of inflation control through forced unemployment has put this Nation in the employment doldrums. People want to work. But there are not enough jobs. People want to be productive. People are looking for work, but there are no jobs.

NIXON VETOES JOBS

And, when Democrats in Congress attempted to meet the problem through legislation designed to create jobs, Richard Nixon exercised his veto—he vetoed employment and possibilities for job-searching Americans.

Richard Nixon vetoed construction funds for our hospitals. He vetoed public service employment for our jobless. He vetoed accelerated public works—to build the badly needed public facilities for our communities. He minimally expanded youth jobs.

He proposed a policy of tight money and high interest that made consumer savings zoom and caused American industrial capacity—once the greatest in the world—to operate at less than 75 percent of its potential.

This is not how the economic might of our Nation should be used. We should not be trying to increase the welfare rolls as they have been in the last 3 years—from 9.9 million to 14.7 million—or to reverse the uninterrupted trend since 1960 of reducing the number of Americans living in poverty.

The Nixon economic performance is a bleak record. This is a shameful record. This is a record that should bring forth sobering thoughts—not rosy predictions, or pledges of "good years" or "very good years."

On jobs—the Nixon administration has failed.

HUMPHREY—POLICIES FOR NEW JOBS

First. I have sponsored legislation to create 1 million jobs. I disagree with those who say public jobs are meaningless or dead end. My Employment Opportunities Act of 1972 makes Government the employer of first opportunity as well as last resort.

There are things to be done in this country. Our Nation has massive unmet public needs. And jobs that put people to work, that place consumer spending power in their hands, that take men and women off the unemployment rolls and put them on payrolls—these jobs are well worth the expenditure of funds required. The return in tax dollars, the stimulation of consumer demand, the expansion that will come about in industrial production—all of these would be a direct result of the Employment Opportunity Act of 1972.

Second. I have proposed a program of 250,000 additional jobs for youth. This job program—in addition to job slots already slated in the Neighborhood Youth Corps, will make a frontal attack on high teenage unemployment in our cities and suburbs.

The young of America do not want to waste away their summers. They want to work, to be doing, to be contributing.

A program of youth jobs will meet this need.

Third. For the working poor and those in job training, we need expanded training opportunities that lead to actual job slots, not more and extended training. And this means job slot training in the service sector as well as in the manufacturing sector of the economy.

Fourth. We must have an expanded job program and adequate day care centers in welfare reform legislation.

Fifth. I have proposed a top-to-bottom reform in unemployment compensation—to extend benefits, increase minimum and weekly benefits, provide Federal standards, and secure coverage to first time workers, agricultural workers, domestics, and other workers presently not eligible for unemployment compensation.

Sixth. Increased funding and other governmental assistance into technological development programs—programs that will provide benefits in expanded job opportunities.

Seventh. Special emphasis job programs for Vietnam veterans, defense-related skilled personnel presently unemployed through community conversion corporations and special programs for elderly forced out of jobs through early retirement programs.

Eighth. Expansionary Federal monetary and fiscal practices continued support for the Investment Tax Credit, to improve the overall economic climate, increase demand for consumer goods, and assure an available money supply for private expansion. An expansionary fiscal and monetary policy must be coupled with judicious Federal spending on public works, and metropolitan affairs programs such as water and sewer facilities, housing, and neighborhood renewal.

Ninth. A tax reform program that will close the door shut on loopholes, place spending power in the hands of those who will utilize it, and provide a fair incentive for American enterprise to expand.

INFLATION CONTROL

The history of the Nixon administration's efforts to control inflation is little more than a comic opera—marked by many players, all shouting good things, but in the end throwing up their hands in failure.

This administration has said of its program time and time again: "effects will be felt in 2 or 3 months," or "the worst of inflation is behind us."

But, what the Nixon administration never learned is that press releases are no substitute for action. And, news conferences are no substitute for inflation control programs.

THE NIXON RECORD

While the Nixon administration talked inflation control, inflation was skyrocketing. The year before Mr. Nixon took

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office, the cost of living rose 4.7 percent. In his first year in office, living cost rose 6.1 percent. During the second year, living cost increased 5.5 percent. During the third year, living cost had increased more than 4.9 percent. In short, during the 3 years of the Nixon administration, inflation had increased more than 14.3 percent.

Overall inflation figures tell only part of the story. Medical and health costs have increased some 6.6 percent. Homeownership costs have increased 4.8 percent. Transportation costs increased 6.6 percent, food costs up more than 3.5 percent. Utility rates are up 7.7 percent, and clothing costs are up 3.1 percent, and lumber costs are up some 29.3 percent.

What it means is that if a workingman earns $10,000 a year, then just 1 year later, he has lost about $600—vanished into sky-high prices.

And, all the while, the Nixon administration refused to examine its own policies. It chose instead to blame inflation on the workingman. "It was the workingman's fault," claimed the Nixon administration, "for his wages are too high."

The Nixon administration claimed that worker productivity was low—that American workers were not producing. Yet, the administration's own statistical figures show conclusively that American productivity has seldom been higher. American workers are productive, creative workers. And the blame for inflation ought not be placed on their shoulders.

The administration refused for almost 3 years to change its game plan. It refused to use the credit and interest control bill passed by a Democratic Congress in December 1969. It abandoned the encouragement of voluntary wage restraint. It refused to begin an incomes policy. It chose instead to issue inflation alerts—calling public attention to increases in prices but doing little about those increases.

THE NIXON RESPONSE TO SKYROCKETING INFLATION

The Nixon administration announced a freeze—on wages and prices. And the "beginning of a new economic policy."

But, it was not a new economic policy, just window dressing for the same trickle-down theory held dear by Republicans—put the money in the top, in large amounts of corporate largess, executive compensation, and profits, and sooner or later, some effect will get to the people at the bottom of the economic ladder.

The new economic policy was accompanied by one of the largest big business tax giveaways ever proposed.

Under the Nixon plans the giant corporations through an increase in the asset depreciation range, the investment tax credit, and the Domestic International Sales Corporation would get a first-year total benefit of about $6.3 billion. Individuals would get first-year tax cuts of about $1 billion. Over the years, from 1971 to 1980, the total tax cuts for big business would be $69.1 billion. The total tax cuts for individuals would be $2.3 billion.

The Nixon administration opposed putting money where it would be spent. The administration opposed legislation to increase the personal deduction, to eliminate the asset depreciation range, to give poor people a break on their taxes, and to give families with children in college a tax credit for tuition costs.

The "trickle-down" theory is bankrupt.

And the freeze was bankrupt also. There were attempts to abrogate legitimately negotiated contracts. There was mass confusion. There was inflexibility in the interpretation of the rules which led to suspicion and chaos over retroactive pay. The freeze placed an inequitable burden on the workingman while there was little policing of prices.

In short, there was a freeze for some and a frolic in profits for others. During the freeze period, profits for automobile industry increased over 999 percent. Profits for savings and loan industry went up 131 percent in the fourth quarter. Conglomerates such as AVCO, Gulf & Western, Litton, and others had a 266-percent increase in profits.

But the wages of the average American working family were held down.

PHASE II—MORE UNFAIRNESS

In November, the administration launched the next part of its inflation control program—called phase II. A Pay Board, a Price Commission, and a Cost-of-Living Council were established. These agencies have the responsibility to formulate prices and wage control regulations.

NIXON'S "NEW NEW" PROGRAM

These agencies began a program that can only be termed unfair.

Control regulations are weakest where control needs are the greatest.

The Nixon administration has systematically decontrolled large segments of the economy: 75 percent of all retail stores; 28 percent of total national sales form business firms; 45 percent of all rental units; no controls on interest rates, credit, utilities, used goods or home buying;

And prices in clothing stores and in food chains soared.

The Price Commission, with its lenient policy of automatic price approval and the administration, with its refusal to prosecute quickly and firmly have made price and pay controls nothing more than a rubber stamp for big business desires.

The system is unfair. It has a built-in business bias. It robs the workers while providing huge profits for the giant corporations.

Few Americans have confidence in it. All Americans know it will not control prices but it will control wages.

HHH ALTERNATIVES—INFLATION CONTROL PROGRAM

First. The administration of price and wage controls must be fair and even-handed. Public officials responsible for price and wage decisions must never forget that they are exercising power for the public interest. Fairness, equity, and justice are values that simply must be guiding all price and wage decisions.

A Humphrey administration will assure fairness. A Humphrey administration will guarantee equity. Both labor and business have stated that they will participate and cooperate completely if the system is evenhanded.

Under a Humphrey administration, it will be so.

Second. Tough, strict enforcement is a prerequisite to a fair and efficient control system. Violators must be prosecuted. Fines must be levied. The American consumer must be protected.

Enforcement cannot simply be a reaction phenomenon. There must be an active program of price monitoring—in the neighborhoods, in the shopping centers, and in large super markets. Agents must search out infractions.

The American working family must feel that the price stabilization program is working for them rather than against them.

Third. Price controls must be as effective and as stringent in the service area as in the manufacturing area. Services are much more difficult to control than manufacturing; but because of the nature of family spending, it is critical that service costs be effectively stabilized.

Special attention needs to be focused on medical, transportation, and housing services. Limits must be set. Enforcement activities must be likewise concentrated.

Forth. Price control decisions must be made in the open—with open hearings and open decisionmaking. All supporting documents for or against price increases for individual companies must be made publicly available, except in these few cases where such information would reveal trade secrets.

Fifth. The present test of company profit margins as the main guide for price increase decisions must be supplemented by a second test—the additional cost impact of individual product line increases on consumers. Requests from subsidiaries of large holding companies must be examined for the individual increases in revenue and profit that the increase would mean to that company and not calculated into the profit margin of the parent conglomerate.

Companies simply must absorb more of the cost increases rather than automatically passing through such increases to consumers.

Sixth. The Price Commission and Justice Department working together must initiate activities for immediate price rollbacks in those areas where prices have shown marked increases. Food costs, for example, must be rolled back, with the processors, the large grocery chains, and handlers limiting their cost increases. Rollbacks in other areas such as automobile industry and other high-profit manufacturing enterprises are imperative—if the system is to be even-handed and fair.

Seventh. Profits that are in excess must be taxes—either through a higher corporate rate or an excess profits tax.

Eighth. The Price Commission must become the people's advocate.

MISMANAGED ECONOMY: BUDGET DEFICITS, TRADE DEFICITS, A DEVALUED DOLLAR, AND BILLIONS IN LOST PRODUCTION

In fiscal year 1971, Mr. Nixon projected a budget surplus of some $1.5 billion. The year ended with a $23-billion deficit. A year later, he projected an $11 billion deficit and ended with a $38.8 billion deficit. And, in 1973 budget projected a $25.5 billion deficit. In short, in the 3 years of the Nixon administration, the deficits mounted to almost $90 billion.

What did the American people get for this huge deficit? Little or nothing. They did not get more jobs. They did not get decreased prices. They did not get better public facilities of a streamlined government.

Almost all the deficit was incurred to make up for a tax collection shortfall because the economy was not producing.

On top of huge deficits, under the Nixon administration, this Nation suffered its first trade deficit in over 80 years.

Our traditional trading posture of consultation with our partners has become one of surprises and confusion that can only lead us down the path to an action-reaction trade war. And, because of our weak trade position, the dollar was devalued.

The costs of the Nixon recession in terms of lost production is great.

In the middle of 1969, within 6 months after Nixon took office, the gross national product fell below potential production. We were producing less than we had the capacity to produce. From mid-1969 through the first quarter of 1972, the loss in production in present dollars has been over $150 billion. This waste can never be recovered. It is totally inexcusable in the face of the tremendous needs for housing, slum clearance, mass transit, improved schools, fresh water supplies, pollution control and endless other needs for public facilities and public services.

This year things are not different. Economists are now projecting a gap of at least $60 billion between actual and potential production.

The Nixon management of our economy is totally inept.

SPECIAL INTEREST COZINESS

Hardly anywhere in this Republican administration's public policy is the blatant special interest bias so obvious as in the relationship between the Nixon administration and giant companies.

There is a kind of coziness that translates itself into tax breaks and profits for giant business, peanuts for the working man, and allegations about the propriety of Government antitrust relations with large conglomerates such as ITT.

The administration's fiscal policy is ample evidence of its onesided, big business orientation. When the Nixon administration has a chance to propose tax changes, it gives the companies a 6-to-1 advantage over the individual—asset depreciation range, domestic international sales corporation, investment tax credit—while the administration fights against an $800 deduction for the working family.

The Nixon administration has embarked on a calculated policy of decreasing the corporate tax burden and increasing the burden on individuals. In 1969, corporations paid 20 percent of the taxes. Now, in 1972, corporation tax load has decreased to 16 percent. At the same time, payroll taxes on workers increased from 21 percent to 29 percent.

On top of this, the administration floated a trial balloon on the value-added tax, nothing more than a giant-sized national sales tax—a tax on individuals, a regressive tax that will force up the cost of goods and eat further into the workers' paychecks.

NEW ECONOMIC AGENDA

The fundamental problem with the economic analysis of the Nixon administration is that they have forgotten that the economy of a Nation should serve its people.

The people of this country are demanding a new kind of economy. They want an economy with purpose—an economy that has as its focus the fulfillment of mankind's aspirations for a life of quality as well as quantity.

They want an economy that is growing, that allows the Nation to attack some of its massive problems in the cities, in rural America, in our air, and in our waterways.

And, they expect Government to act differently toward the economy than it did 10, 20, or 30 years ago. The American people expect their Government to protect them against economic catastrophy. They expect Government to pursue policies that will eliminate gross dislocations in their economic condition. They expect Government to be the breakwater against economic disaster. They want a government that will see to it that forced unemployment does not become a possibility or a reality. They want a government that will utilize all the tools at its command to make the people part of the economy—rather than isolated from it.

It is not enough anymore for business to be concerned completely about profits. It is not enough anymore for Government merely to act as an observer of the market place. It is not enough anymore for citizens to be left to the mercy of unseen forces.

A Humphrey administration pledges the kind of programs, policies, and leadership committed to this new economic agenda.

QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

COMPLETION OF WORK IN MISSOURI RIVER BASIN

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3284.

The PRESIDING OFFICER (Mr. HUMPHREY) laid before the Senate the amendment of the House of Representatives to the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior which was to strike out all after the enacting clause, and insert:

That there is hereby authorized to be appropriated for fiscal years 1973 through 1977 the sum of $94,000,000 for continuation of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether or not included in said comprehensive plans; nor for prosecution of the Garrison diversion unit, reauthorized by the Act of August 5, 1965 (79 Stat. 433).

And amend the title so as to read: "An Act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HUMPHREY) appointed Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. HANSEN conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1972—LIMITATION OF TIME ON McGEE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished Senator from Wyoming (Mr. McGEE) should call up his amendment to S. 3390, there be a time limitation on that amendment of 3 hours, to be equally divided between the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN) or his designee; with time on any amendment to the amendment, debatable motion, or appeal in relation thereto to be limited to 30 minutes, to be equally divided between the mover of such and the Senator from Wyoming (Mr. McGEE), unless the Senator from Wyoming (Mr. McGEE) should favor such, in which case the time in opposition thereto to be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess. After the two leaders have been recognized, the distinguished Senator from New York (Mr. JAVITS) will be recognized for 15 minutes, the order for the recognition of the distinguished Senator from Delaware (Mr. ROTH) having been vacated at his own request.

The Senate will then resume its consideration of S. 3617, the Headstart bill. The pending question at that time will be on adoption of the amendment by the Senator from Colorado (Mr. DOMINICK), No. 1251.

Consideration of the bill will be under a time limitation of 6 hours—part of which has already been consumed, of course—with 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion or appeal.

There will be several rollcall votes during the day on amendments to the Headstart bill, S. 3617.

It is anticipated that the first rollcall vote will not—will not—occur before 10:30 a.m.

After the Headstart bill is disposed of—hopefully, on tomorrow—the Senate will return to the consideration of the unfinished business, S. 3390. The first amendment to the Foreign Assistance Act which would be considered tomorrow afternoon would be the amendment by the Senator from Wyoming (Mr. MCGEE), which deals with Cambodia.

It is my understanding that a sizable number of amendments are in the offing and are proposed to be called up and offered to S. 3617, the Headstart bill.

It is the intention of the leadership to complete action on the Headstart bill, S. 3617, on tomorrow, which then, hopefully, will permit the Senate to resume consideration of the unfinished business tomorrow early enough for progress to be made thereon.

RECESS TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and, at 6:09 p.m., the Senate recessed until tomorrow, Tuesday, June 20, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1972:

INTERSTATE COMMERCE COMMISSION

Chester M. Wiggin, Jr., of New Hampshire, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973, vice Donald L. Jackson, resigned.

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1975. Reappointment.

HOUSE OF REPRESENTATIVES—*Monday, June 19, 1972*

The House met at 12 o'clock noon.

Rev. Charles D. Beatty, Lovely Lane United Methodist Church, Baltimore, Md., offered the following prayer:

Almighty and Eternal God, we invoke Thy blessing upon this company of our Nation's legislators, that Thou wilt inspire and strengthen them to lead us in the way of truth and justice, in the achievement of sound manners and pure laws.

Bless our people, that we may never forget where we have come from, nor lose sight of what has brought us along.

Let not the hard beginnings be forgotten, nor the struggles farther along.

Restore the unity and common understanding that has been our strength.

Help us to gainsay the mockers and deniers: And let vision and hope never fade.

May we, whose forefathers would go anywhere, holding nothing impossible in the genius of man, follow in their train: To be a nation of people, free and brave. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes;

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14989) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15097) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBERT C. BYRD, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, Mr. COTTON, Mr. STEVENS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 2699. An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes;

S. 3105. An act to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes;

S. 3414. An act for the relief of Alexandria Nicholson; and

S. 3645. An act to further amend the United States Information and Educational Exchange Act of 1948.

THE REVEREND CHARLES DAVID BEATTY

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, it is a pleasure to welcome today to the House of Representatives the Reverend Charles David Beatty.

Reverend Beatty has been since June of 1965 the pastor of the Lovely Lane United Methodist Church in Baltimore. This church is the lineal successor to the Lovely Lane Meeting House in which the Methodist Episcopal Church was organized at the famous Christmas Conference in 1784 and it is widely known as "the Mother Church of American Methodism." This pulpit has over the years been occupied by outstanding leaders of the Methodist Church and Reverend Beatty has strengthened and contributed significantly to that great tradition.

Reverend Beatty served for 20 years in the Armed Forces of the United States as a chaplain in the U.S. Navy serving both on ships at sea and at various shore stations. Upon his retirement from the Navy he came to Baltimore and served as the assistant pastor at Towson United Methodist Church, 1963–65.

Prior to his naval service he was, from 1938 to 1942, pastor of the Freedom, Pa., Methodist Church.

He is a native of Pittsburgh and attended the public schools in that city and graduated from Duke University and the Drew Theological Seminary.

Those of us in Baltimore are happy that he married a Baltimore girl, Carolin Riefle. They have three daughters, Carolin Beatty Head, Ann Beatty Welch, and Florence Elizabeth Beatty.

Reverend Beatty is giving outstanding leadership to our community, Mr. Speaker; he is one of our most respected churchmen and we are privileged to have him here with us today.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

The Clerk will call the first bill on the Consent Calendar.

COTTON STATISTICAL REPORTS

The Clerk called the bill (H.R. 13169) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee, the distinguished gentleman from Texas (Mr. POAGE), what this will do for the producers of the agricultural commodities covered by the bill.

Mr. POAGE. It will give them all the crop reports at one time. Heretofore they have had the cotton crop report coming out at one time and the grain reports coming out at another time.

The Department of Agriculture thinks it will be a little more convenient for them to handle these crop reports all at one time.

Mr. GROSS. What will it do for the actual producers, if anything?

Mr. POAGE. It gives them the crop reports all at one time rather than giving it to them at several different times throughout the month.

Mr. GROSS. Of course, the producers are interested in crop reports. There can be no question about that. But what will this change do? Is this in the interest of the investor or speculator, or is it in the interest of the producer, or is it in the interest of all three? The reports are made at 3 o'clock in the afternoon, as I understand it, on given dates in the month. Does this give the producer as much time as it does, for instance, to those who may be interested in speculation in grains as a result of crop reports?

Mr. POAGE. Yes.

Mr. GROSS. Does this do as much for the producer as it will do for others who are interested?

Mr. POAGE. It will put the cotton producers on the same basis on which we now have other producers. Frankly, I do not think it will change the producers' position materially one way or the other, but it will put them on the same basis with other producers.

Mr. GROSS. Is the cotton crop report now to be issued, or has it been in existence for a number of years?

Mr. POAGE. Oh, it has been in existence for a great many years. It is probably one of the oldest crop reports.

Mr. GROSS. There are five members on this board?

Mr. POAGE. It is the same board. We did not enlarge it.

Mr. GROSS. Do they all draw a per diem?

Mr. POAGE. No, they are all regular officials of the Department of Agriculture who are ex officio.

Mr. GROSS. All five are employees paid by the Department of Agriculture; is that correct?

Mr. POAGE. Yes.

Mr. GROSS. There are no public members who have to be called in?

Mr. POAGE. No, the board is exactly the same as it is at the present time. There is no change in the board. There is a change only in time.

Mr. GROSS. How are these reports disseminated? Through the press, the news service, and that sort of media?

Mr. POAGE. The news services and in other ways we know what the reports will be.

Mr. GROSS. I thank the gentleman for the explanation. I withdraw the reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 3104), to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports, be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the Senate bill as follows:

S. 3104

An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12th" by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports.

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4 Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13169) was laid on the table.

RURAL TELEPHONE BANK FUNDS

The Clerk called the bill (H.R. 14423) to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know if there has been any reaction at all in the committee, or in hearings held by the committee, from those who at the present time provide the moneys for the Rural Telephone Bank fund under existing law?

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Texas.

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Mr. POAGE. This is a matter which was considered at the time we passed the original Rural Telephone Bank bill. At that time it was felt that we should not authorize the Treasury Department to buy these debentures. There were certain Members who frankly representing your side felt that it would be inadvisable to do so. After operating a few months the Treasury Department asked for this bill.

This is a bill that was requested by the Treasury Department because they feel, as many members of the committee felt last year when we passed this bill, that it is wise to let the Treasury buy when they see that it is desirable to do so.

This bill only allows the Treasurer to come in and buy at his own discretion. It does not require him to buy. It only lets the Treasurer buy at his discretion, and the Treasurer has decided that it strengthens his position if he has an opportunity to come in and buy this paper at times it is offered.

The committee feels that having gone through this whole matter within such a recent time, if the gentleman will recall, last year, there was no need of going through it again, and therefore we would not hold hearings to cover the same matter we had covered.

Mr. HALL. Mr. Speaker, I would presume, therefore, from the gentleman's attenuated answer, that he means there were no hearings held; and that private enterprise or the lenders who would be called on to furnish this funding at the going rate of interest up until now, have not been consulted.

Now, as far as the reference to "my side" is concerned, I am not quite clear. As I understand my likeable friend, the gentleman from Texas, whom I admire and revere; this request came from the Department of the Treasury, which was headed by someone on "his side," not "my side." I would say that I am not the least bit interested in partisanship, but I am interested in principle; and I have been known to oppose "my side" as a matter of principle when it upsets the marketplace, the laws of supply and demand, or free enterprise.

My question simply goes to the doubt as to whether or not private enterprise—or the money suppliers—have been consulted; because the existing law says they may borrow only from the private money market, which the gentleman has stated in his reply, and now we are taking that away from the money market and assuring the telephone bank the money at less than the going price for funding on the open market. Is that not true?

Mr. POAGE. The gentleman misunderstood me, or probably I did not make myself plain when I referred to the gentleman's side. What I referred to was what was happening in the committee last year at the time we were holding hearings on this matter, and this very matter was discussed in those hearings. What I meant to imply was that it was not the chairman or those who had the same feeling that I did on the matter when I placed the limitation in the bill at that time.

Mr. HALL. For which I certainly would applaud the gentleman and his committee. I do not like these changes.

Mr. POAGE. And now the Secretary of Agriculture is the one who sent the message—not the Secretary of the Treasury—but he does say in his statement that:

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

A similar letter is being sent to the President of the Senate.

Mr. HALL. I appreciate the gentleman's reply. I do not mean to press the point too far. I think we have had good fun and good faith in the colloquy between us on it, but is it not a fact that this may be a bit like funding under the participation sales certificates or the interagency borrowing that would be at a price less than they could get on the open market in times of high interest rates?

Mr. POAGE. It may or may not be. It gives the Secretary the authority if he sees fit to use it. It does not require the Treasury to furnish these funds.

Mr. HALL. I understand.

Mr. POAGE. It simply authorizes him to furnish these funds if he, in his discretion, feels it is for the good of managing the public debt.

Mr. HALL. I understand that. But would it not then be putting the Rural Telephone Bank in the position of getting the money from another agency, as we do in the participation sales certificates, at less than the going or commercial rate of interest; or would it be at the same rate as the costs at which other banks are supplying the funds?

Mr. POAGE. I think we would have to say it would depend upon the Treasurer of the United States. There is no requirement that the Treasurer provide any money even at any rate whatsoever.

Nor is there any requirement here that he give any special advantage in the rate. It does authorize the Treasurer, when he sees fit, to come in and buy these debentures. It also authorizes him to sell them.

It is the same authority that is now exercised by the Federal National Mortgage Association, the U.S. Postal Service, and the Federal home loan bank. They all have this same authority. The Secretaries of the Treasury and Agriculture say it is a good thing to have this authority in this case.

Mr. HALL. Mr. Speaker, that may well be, but here we are asked unanimous consent, and this one Member, at least, and some others I know, do not feel even those branches or quasi-civilian branches of Government, ought to necessarily have this authority. So I repeat, we are talking about a question of principle here.

I should like to ask the gentleman if, under any manner, this might put the telephone bank fund in the same situation of being able to borrow 2-percent money from other branches of Government which it could reinvest before implementing it for the primary use intended by the Congress?

Mr. POAGE. No; it would not.

Mr. HALL. I thank the gentleman.

Although I would much have preferred private enterprise had been heard and concurred before this was brought up under the Consent Calendar, I intend to withdraw my reservation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to my friend and colleague, the gentleman from Iowa.

Mr. GROSS. I will try not to ask an attenuated question; therefore, I hope I will not get an attenuated answer.

Will the gentleman tell me what is the limit of the obligations under this bill?

Mr. POAGE. Does the gentleman mean of the telephone bank?

Mr. GROSS. That is right.

Mr. POAGE. $30 million a year, I believe.

Mr. GROSS. There is nothing in the report or the bill or anything accompanying it that states the total obligations.

Mr. POAGE. The reason for that is that this does not change the law in that respect one iota. It leaves it just as it is.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the Rural Telephone Bank should have the capability of obtaining adequate funds for its supplementary financing program at the lowest possible costs. In order to effectuate this policy, it will be necessary to expand the market for debentures to be issued by the Telephone Bank. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

SEC. 2. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by inserting "(a)" immediately preceding the first sentence thereof and adding at the end thereof the following:

"(b) The Telephone Bank is also authorized to issue telephone debentures to the Secretary of the Treasury, and the Secretary of the Treasury may in his discretion purchase any such debentures, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of telephone debentures by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the telephone debentures acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such debentures under this subsection shall be treated as public debt transactions of the United States.".

SEC. 3. The right to repeal, after, or amend this Act is expressly reserved.

SEC. 4. This Act shall take effect upon enactment.

With the following committee amendment:

Committee amendment: Page 3, line 8, strike out "after" and insert in lieu thereof "alter".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. COLLIER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 209]

Abernethy	Fish	Minshall
Abourezk	Flowers	Monagan
Abzug	Flynt	Moorhead
Addabbo	Fountain	Murphy, N.Y.
Anderson, Tenn.	Fraser	Nelsen
	Fulton	Patman
Ashbrook	Fuqua	Pelly
Ashley	Galifianakis	Pepper
Aspin	Gallagher	Perkins
Badillo	Gettys	Peyser
Bevill	Grasso	Pirnie
Biaggi	Gray	Podell
Bingham	Hagan	Price, Tex.
Blanton	Halpern	Pryor, Ark.
Blatnik	Harsha	Rangel
Brasco	Hawkins	Rarick
Broomfield	Hébert	Reid
Brown, Mich.	Helstoski	Roe
Cabell	Hollifield	Rogers
Caffery	Horton	Rooney, N.Y.
Carey, N.Y.	Hunt	Roush
Celler	Keith	Roy
Chisholm	Kluczynski	Ryan
Clark	Kyros	Satterfield
Clay	Landrum	Scheuer
Cleveland	Link	Schmitz
Conyers	Lloyd	Sebelius
Corman	Long, La.	Smith, Iowa
Cotter	McCloskey	Staggers
Daniels, N.J.	McDonald, Mich.	Steiger, Wis.
Davis, S.C.	McEwen	Stephens
Delaney	McKinney	Stratton
Dellums	McMillan	Stuckey
Diggs	Macdonald, Mass.	Symington
Dingell	Mann	Talcott
Dorn	Mathias, Calif.	Teague, Calif.
Dow	Melcher	Terry
Dowdy	Metcalfe	Thompson, N.J.
Edwards, Ala.	Miller, Calif.	Vander Jagt
Erlenborn	Mills, Ark.	Whalley
Esch		Winn
Eshleman		

The SPEAKER. On this rollcall, 310 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the next bill on the Consent Calendar.

IMPROVEMENT OF FEDERAL LEAVE SYSTEM

The Clerk called the bill (H.R. 12602) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

There being no objection, the Clerk read the bill as follows:

H.R. 12602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out ", except that it may not exceed pay for a period of annual or vacation leave in excess of thirty days, or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater"

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2)(x)(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)(xii) of this title became applicable to him.".

SEC. 2. Section 6303(b) of title 5, United States Code, is amended by inserting the first sentence immediately after "an employee" the words "whose current appointment is limited to less than ninety days".

SEC. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section";

(2) by striking out the word "or" at the end of clause 1 of subsection (c);

(3) by adding the word "or" at the end of clause 2 of subsection (c);

(4) by adding a new clause to the first sentence of subsection (c) to read as follows: "(3) under subsection (a) or (b) of this section which was accumulated under subsection (d) of this section;"; and

(5) by adding at the end thereof a new subsection to read as follows:

"(d) Annual leave accruing to an employee during a year which is in excess of the amount allowed under subsection (a) or (b) of this section and which is not used because of the exigencies of the public business, administrative error, or sickness of the employee shall accumulate for use in succeeding years without limitation.".

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

H.R. 12602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out ", except that it may not exceed pay for a period of annual or vacation leave in excess of 30 days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater".

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accruded annual leave to which an officer excepted from subchapter 1 of chapter 63 of this title by section 6301(2)(x)–(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)(xii) of this title became applicable to him."

SEC. 2. The first sentence of section 6303(b) of title 5, United States Code, is amended to read as follows: "Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.".

SEC. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) Annual leave which is lost by operation of this section because of—

"(A) administrative error when such error causes a loss of annual leave otherwise accruable after June 30, 1960;

"(B) exigencies of the public business when such annual leave was scheduled in advance; or

"(C) sickness of the employee when such annual leave was scheduled in advance;

shall be restored to the employee.

"(2) Annual leave restored under paragraph (1) of this subsection which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Civil Service Commission. Leave credited under this paragraph but unusued and still available to the employee under the regulations prescribed by the Commission shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title.".

SEC. 4. Section 6302 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title.".

SEC. 5. With respect to former employees who are not on the rolls on the date of enactment of this Act, except former employees under section 6 of this Act, annual leave which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed by or for the former employee, with the agency by which he was employed at the time the loss of leave occurred, within three years immediatetly following the date of enactment of this Act. Payment shall be at the salary rate in effect on the date of separation from the employment during which the loss of annual leave occurred.

SEC. 6. (a) With respect to an employee of the United States Postal Service or former employee of the former Post Office Department or of the United States Postal Service, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error, was lost before July 1, 1971, by operation of section 6304 of title

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5, United States Code, shall be liquidated by a lump-sum payment only if a claim therefor is filed or for such employee or former employee with—

(1) the Postal Service, if such leave was lost while such employee or former employee was an employee of the Post Office Department; or

(2) the agency (other than the Post Office Department) by which such employee was employed at the time the loss of leave occurred;

within three years immediately following the date of enactment of this Act.

(b) The lump-sum payment authorized under subsection (a) of this section shall be made at the salary rate in effect on—

(1) June 30, 1971, or the date of separation or transfer from the Post Office Department, as applicable, in the case of a claim filed under subsection (a) (1) of this section; or

(2) the date of separation or transfer from the agency (other than the Post Office Department) in the case of a claim filed under subsection (a) (2) of this section.

SEC. 7. Section 5562 of title 5, United States Code, is amended by inserting at the end of subsection (a) thereof the following sentence: "Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status. Such payment shall be made at his rate of basic pay in effect at the time of forfeiture.".

The committee amendment was agreed to.

(Mr. MATSUNAGA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of H.R. 12602, along with my friend and distinguished colleague from New York (Mr. HANLEY), I strongly urge its unanimous approval. I wish at the outset to commend the gentleman from New York (Mr. HANLEY) for the leadership he assumed in bringing this important piece of legislation to the floor. Without his sincere interest the measure would have been dead in committee.

On the first day of the 92d Congress I introduced a bill which contained the major provisions of H.R. 12602, marking the third consecutive Congress in which I introduced such legislation. By working closely with the distinguished chairman of the concerned subcommittee (Mr. HANLEY) we were able to develop a sound piece of legislation to benefit Federal employees who are presently being forced to forfeit hours, sometimes days, of annual leave, through circumstances completely beyond their control.

Briefly, H.R. 12602 would permit Federal employees to carry over leave earned during the workyear beyond the presently allowed ceiling, in cases where one of the following three circumstances exist to prevent the use of the leave: First, administrative error; second, sickness of the individual; or third, the exigencies of the public business.

In addition, the bill would make several minor administrative changes, permit annual leave during the first 90 days of employment, allow lump-sum payment for leave over present maximums in the year of an employee's separation, and improve provisions covering repayment for overcredit of leave.

Another major provision of H.R. 12602 would permit Federal civilian employees who are "missing in action" to accumulate leave over and above statutory maximums.

While there are many cases which may be cited, just one example should suffice to illustrate the inequities to which H.R. 12602 is addressed. In my files is the case of a man who lived for many months at a weather station at the South Pole. He could not, as you might well imagine, schedule any annual leave, and lost a number of hours because he exceeded the maximum carryover.

Mr. Speaker, the rationalization of our Federal leave policy, which H.R. 12602 proposes to accomplish, would entail negligible cost to the Government. If anything, the benefits from improved employee morale and cooperation would make this bill a profitmaking measure for the Government and the taxpayer.

H.R. 12602 was reported unanimously to the full committee by Mr. HANLEY's Employee Benefits Subcommittee and the full Post Office and Civil Service Committee ordered it reported by a unanimous 26-to-0 record vote. I strongly urge my colleagues to approve it, also unanimously, in order that the relatively minor, but very real, inequities might be eliminated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMISSION ON AMERICAN SHIPBUILDING

The Clerk called the bill (H.R. 15048) to amend the Merchant Marine Act of 1970.

There being no objection, the Clerk read the bill as follows:

H.R. 15048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41(2) of the Merchant Marine Act of 1970 (Public Law 91-469) is amended by inserting before the period at the end thereof a colon and the following: *"Provided, however,* That members of the Commission who are not full-time employees of the United States may waive entitlement to per diem compensation for service heretofore or hereafter rendered".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF FEDERAL REPRESENTATIVES ON SOUTHERN AND WESTERN INTERSTATE NUCLEAR BOARDS

The Clerk called the bill (H.R. 14974) to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone conversant with this bill what services these Boards perform?

Mr. KASTENMEIER. Mr. Speaker will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. These Boards are established under interstate compacts The representatives of the States meet, together with our Federal representatives and others, in pursuit of developing atomic energy within the regions.

The Board itself is created to perform these functions. I can say further to the gentleman that there are two acts under which the Congress defines in some detail what precisely the Board does.

Reading from the act of 1970, Public Law 91-461, which consented to the Western Interstate Nuclear Compact, the Board meets for the purpose of developing, coordinating, and correlating the sources of nuclear energy in each State in the Western Compact, consistent with the development of the economy of the region, and with the optimum benefit from nuclear and related scientific and technological resources.

Mr. GROSS. Is there any record of accomplishment? There are two boards, are there not?

Mr. KASTENMEIER. There are two.

Mr. GROSS. They are paid at the rate of $138.40 a day, are they not? This is the rate paid to the members thereof.

What is the record of accomplishment, if any?

Mr. KASTENMEIER. Well, of course, we are talking only about the compensation of two individuals here. The accomplishment of the Board is really related to the States involved. We have a single Federal representative on each of the Boards. He represents the Federal point of view as far as the Atomic Energy Commission, the President of the United States, and the executive branch are concerned, and so represents the interests of the United States. That is his whole function. What the regional board does beyond that is the business of the States collectively involved ir. the compact. They are not accountable to us, that is to say, to the United States. These are inter-State compacts affecting the collection of the States themselves. What we are talking about in this particular legislation is making the compensation of the two Federal represenatives—and there are only two, one for each of the compacts—consistent with each other.

Mr. GROSS. In other words, to keep up with the pay as established for the other Board.

Mr. KASTENMEIER. It is for the purpose of making the compensation of the two coincide. I must say that what we have done in this bill is reasonable, and actually it places a limitation which did not exist in the 1970 act on the compensation of one of the representatives.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes", approved July 31, 1962 (76 Stat. 249), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount which is the daily equivalent of the maximum rate for grade GS-18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided,* That if the representative be an employee of the United States, he shall serve without such additional compensation.".

SEC. 2. The third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes", approved October 16, 1970 (84 Stat. 979), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount which is the daily equivalent of the maximum rate for grade GS-18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided,* That if the representative be an employee of the United States, he shall serve without such additional compensation.".

With the following committee amendments:

On page 1, line 8, strike out "which is" and insert in lieu thereof "fixed by the President not to exceed".

On page 2, line 9, strike out "which is" and insert in lieu thereof "fixed by the President not to exceed".

(Mr. McCULLOCH (at the request of Mr. POFF) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCULLOCH. Mr. Speaker, I join with my colleagues from the Committee on the Judiciary in supporting the enactment of H.R. 14974, a bill to establish a uniform ceiling on compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards, respectively.

The present disparity between the authorization for compensation of the Federal representative on the Southern Interstate Nuclear Board and that of the Federal representative on the Western Interstate Nuclear Board is an historical accident which fails to reflect the equivalency of the two positions.

Both officers perform exactly the same functions for the respective Boards on which they serve, and there is no practical reason for their being compensated differently.

Rather than adopt either the once generous but now too restrictive limitation contained in the act passed a decade ago approving the Southern Interstate Nuclear Compact, or the completely open-ended authorization contained in the more recent act approving the Western Interstate Nuclear Compact, the bill allows the President to fix the per diem compensation of both Federal representatives as high as the GS-18 level. Hereafter, it will not be necessary for Congress to legislate changes in these compensation ceilings to take account of pay raises affecting comparable positions, since the ceilings will rise automatically in step with the GS-18 level.

Mr. Speaker, as a member of the Joint Committee on Atomic Energy, I have come to know the importance of the Federal interest in the use of atomic energy for the development of all regions of our Nation. I am satisfied that H.R. 14974 is appropriate legislation to promote that interest, and I urge its passage.

Mr. POFF. Mr. Speaker, on May 15, 1972, I introduced H.R. 14974, to change the statutory ceiling on compensation of the Federal representative on the Southern and Western Interstate Nuclear Boards.

In 1962 Congress, by Public Law 87-563, consented to the Southern Interstate Nuclear Compact, whereby several Southern States undertook to cooperate on a continuing basis in the development of nuclear energy facilities, materials and products and in their application toward the industrialization and economic growth of the region.

The act granting such consent authorized the President to appoint a Federal representative to serve on the Southern Interstate Nuclear Board created by the compact and provided that such appointee shall be compensated "in such amount not in excess of $100 per diem, as the President shall specify, but the total amount of compensation payable in any one calendar year shall not exceed $15,000" (76 Stat. 254).

Eight years later, in 1970, Congress passed similar legislation consenting to the Western Interstate Nuclear Compact and authorizing Presidential appointment of a Federal representative on the Western Interstate Nuclear Board, which serves the same functions within the western region as the Board created by the Southern Compact. However, Public Law 91-461 differed from the Southern act in providing that the Federal representative should be compensated "in such amount as the President shall specify" without limitation as to the amount payable either per diem or per annum (84 Stat. 986).

In reporting on H.R. 7705 which I introduced last session to change the formula for compensation of the southern representative, the Atomic Energy Commission recommended that both representatives be paid at the GS-18 level. The bill, as amended by the subcommittee, authorizes payment of a per diem as high as that of the GS-18 level.

Both representatives are Presidential appointees. There is no significant difference, either in theory or in practice, between the job qualifications or duties attending the two positions. They are, in short, exact analogs in the scheme for implementation of the two compacts. For precisely this reason, the President has exercised his discretion by setting the per diem compensation of the new Federal representative to the Western Board at the same rate as the ceiling set forth in the Southern Act.

The discrepancy in the two statutory compensation provisions was not noted in the committee reports on the Western Act, nor was it mentioned on the floor at the time of passage. There is no reason to believe that this discrepancy was intended as a device to relegate the Southern representative to a position of inferiority vis-a-vis the Western representative, though the statutes as presently worded do convey that impression. Rather, the compensation provision of the Western Act simply embodies the more flexible approach to such matters favored in recent years, as illustrated by the Federal Salary Acts of 1967 and 1970, wherein the President has been delegated by Congress the authority to adjust pay schedules for large classes of Federal officers and employees in light of rising pay rates for comparable work levels in private enterprise.

The imposition, by statute in one case and by administrative action in the other, of fixed per diem and per annum dollar limitations upon the allowable compensation of the Federal representatives to the Southern and Western Boards work to the representatives' economic disadvantage both in absolute terms and relative to other Federal officers and employees.

On the one hand, it is obvious that as a result of inflation the real economic value of the allowable compensation has steadily decreased during the 9 years since the Southern Act was passed. Roughly speaking, it would take $132 today to equal the $100 per diem specified in the statute in 1962. The Federal representative to the Southern Board, therefore, has suffered the equivalent of a 32-percent cut in pay and cannot now legally be compensated at the true rate, in constant dollars, at which Congress in 1962 authorized his compensation.

On the other hand, he has lost ground economically in relation to other classes of Federal employees whose rates of compensation have been increased in recent years to take account of the shrinking value of the dollar and rising pay rates in private enterprise. Many persons supplying personal services to the Federal Government on a part-time basis, such as consultants, are paid a per diem which is equivalent to the per diem pay of level GS-18 Government employees. In July 1962, when the Southern Act became law, the per diem equivalent of a level GS-18 salary was slightly over $71—less than the amount payable to the Federal representative. Today, however, the per diem equivalent of a level GS-18 salary is $139, for a 9-year increase of nearly 95 percent, while the Federal representative's per diem has nominally remained constant.

In August 1969, the Atomic Energy Commission—which, by Presidential directive, actually pays the two Federal representatives—compensated its consultants at a rate of $100 per diem; today the rate is $139 per diem for such consultants. And they are not Presidential appointees.

If both acts are amended to authorize compensation up to the daily equivalent of the GS-18 level, it will hereafter not be necessary for Congress to enact new legislation if economic conditions require adjustment of these rates; such adjustments could and assuredly would be made by executive action. Since compensation for only two individuals is involved, that would be a more efficient and equitable manner of effecting whatever adjustments might be necessary in the future.

An additional reason for removing the present ceiling on annual compensation

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is that, assuming a reasonable per diem payment, the Federal representatives should not be put in the position of possibly having to choose between first, working without pay near the end of a calendar year, or, second, not working at all, regardless of what they perceive the requirements of the job to be, because "the funds have run out." Even if a new per diem pay rate were fixed by statute, the Federal representatives should be entitled to compensation at that rate for every day that they actually serve in their official capacity, with no limitation of annual compensation to an amount smaller than what would be due them if the per diem rate were applied to full-time working conditions.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6957), to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, UDALL, SKUBITZ, and MCCLURE.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Treasury-Postal Service appropriation bill for the fiscal year ending June 30, 1973, and for other purposes.'

Mr. ROBISON of New York reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BROTZMAN. Mr. Speaker, pressing business kept me away from voting on rollcall No. 204 on June 15, and I would therefore like to have the RECORD show that had I been present I would have voted "aye."

ATTEMPTED WIRETAPPING OF DEMOCRATIC HEADQUARTERS

(Mr. WALDIE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, illegal wiretapping, electronic surveillance, and breaking and entering are despicable activities under all circumstances. They are particularly despicable when used as tools in a political campaign.

It is unbelievably despicable when such activities are engaged in by a national political party as a part of a presidential campaign.

The recent incident involving an attempt to plant electronic devices in the Democratic National Headquarters, allegedly masterminded by the chief security officer of the Republican National Committee and the Committee to Reelect the President demands an inquiry by the Fair Campaign Practices Committee as well as the Federal Bureau of Investigation.

It may be, as John Mitchell, the former Attorney General and now campaign manager for the reelection of Richard Nixon, states that James McCord was not authorized to bug the Democratic National Committee Headquarters—it may also not be.

APPOINTMENT OF CONFEREES ON H.R. 15097, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. MCFALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MCFALL, BOLAND, YATES, STEED, MAHON, CONTE, MINSHALL, EDWARDS of Alabama, and Bow.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON THE PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Public Works and Atomic Energy Commission appropriations bill for 1973.

Mr. RHODES reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ATTEMPTED BUGGING OF DEMOCRATIC NATIONAL HEADQUARTERS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute.)

Mr. VAN DEERLIN. Mr. Speaker, no one has asked me to serve this body as its poet laureate. But events of the weekend and, indeed, the preceding remarks by the gentleman from California (Mr. WALDIE) have prompted me to update an ancient political ditty. Properly paraphrased, it would go like this:

> Mother is merely a shoplifter,
> Sister picks pockets with me.
> Brother prowls only in pawn shops—
> But Dad's with the G.O.P.!

SETTING THE RECORD STRAIGHT

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I take this opportunity to set the record straight. Congratulations to my good friend and distinguished colleague, Congressman PAUL FINDLEY, and Pike County, which he represents, for their No. 2 position in U.S. hog sales for 1969.

On the House floor last Monday, Representative FINDLEY commended that well-deserving constituency and also commended Henry County—in my district—for its No. 1 position in U.S. hog sales—554,834 in 1969. He also added a challenge to the people of Henry County: "Do not look back; someone is gaining." Hogwash. Henry County has long been No. 1 in hog sales, and the people of Henry County are not about to relinquish their title. I have worked with Congressman FINDLEY on many matters of benefit to all Illinois residents, but on this one I must state that he has stars in his eyes.

Bravo, Henry County.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 16, 1972.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12 Noon on Friday, June 16, 1972, and said to contain a Message from the President transmitting the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.

REPORT OF THE COMMODITY CREDIT CORPORATION FOR THE FISCAL YEAR ENDED JUNE 30, 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 16, 1972.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12 Noon on Friday, June 15, 1972, and said to contain a Message from the President transmitting the second annual report on Hazardous Materials Control.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.

SECOND ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the Second Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act and covers calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Clerk read as follows:

H.R. 13694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7 (a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $6,712,000 for fiscal year 1973, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided,* That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify."

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS-16, GS-17, and GS-18, under section 5108 of title 5, United States Code, not to exceed ten positions may be placed in GS-16, GS-17, and GS-18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Commission."

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

Mr. SCHWENGEL. Mr. Speaker, is the gentleman from New York opposed to the bill?

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. SMITH of New York. I am not, Mr. Speaker.

The SPEAKER. The gentleman from New York does not qualify.

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. SCHWENGEL. In its present form, Mr. Speaker, I certainly am.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Massachusetts (Mr. DONOHUE) will be recognized for 20 minutes and the gentleman from Iowa (Mr. SCHWENGEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 13694, was introduced in accordance with the recommendations of an executive communication from the American Revolution Bicentennial Commission. As outlined in the executive communication, the enactment of the amendments contained in this bill are now required to enable the Commission to carry forward its work. At the present time, an important aspect of its work includes giving assistance and advice in connection with developing programs and activities planned by the States and local communities, civic and service organizations, Federal agencies and foreign governments.

Previously, the Bicentennial Commission has been engaged in preparing a basic blueprint for a national commemoration. Now, during the year 1973, the Commission will be emphasizing the actual initiation of programs and activities in connection with the observance of the bicentennial. Thus the authorization for appropriations for fiscal year 1973 contained in this bill is the first authorization which would have the purpose of beginning to fund implementation of the Commission's national plan.

This bill would authorize the amount of $6,712,000 to be appropriated for fiscal year 1973, and this figure would include provision for $2,400,000 for the second and final year of equal grants to the States, a program initiated in fiscal year 1972. Under Public Law 92-236, approved March 1, 1972, the 2-year program of grants to each State, the District of Colubia, the Commonwealth of Puerto Rico, and the territories was authorized to assist in the establishment and implementation of a Bicentennial Commission.

Section 2 of the bill, H.R. 13694, adds two new subsections to section 9 of the joint resolution establishing the American Revolution Bicentennial Commission. Section 9 concerns grants in aid and includes in subsection 1 the provision for grants in aid to the States which I have just referred to. The new subsection 2 which would be added by this bill, as amended by the committee, would make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico, or their subdivisions for the purpose of assisting them in developing or supporting bicentennial programs or projects. It is further provided that these grants may be up to 50 percent of the total cost of the program or project to be assisted. At the hearing it was explained that projects would be reviewed by the Commission and approved for grant support under the authority provided in the new subsection 2 on the basis of general criteria now being developed by the Commission.

At the hearing on April 13, 1972, the witness representing the Commission stated that the grant programs contemplated under section 9 are viewed as an essential inducement and stimulus for a truly national bicentennial commemoration. The Commission takes the position that these actions on a State and local basis both deserve and require encouragement and support by the Federal Government. It is contemplated that the limited financial support provided by the programs for Federal grants will have a catalytic effect in other areas of the public and private sector.

New subsection 3 added to section 9 of the bill authorizes the Commission to accept donations, bequests, or devises earmarked for specific nonprofit entities

for bicentennial programs or projects. The Commission would be authorized to grant that money or property to the specified nonprofit entity, plus an amount not to exceed the value of the donation, bequest, or devise on the condition that the recipient will agree to match the combined value of the grant for the program or project. It is hoped that these programs can be financed without the need of any appropriated funds. It was explained at the hearings that no appropriated funds were authorized or requested for these grants in fiscal year 1973. It is contemplated that the Commission will use revenues generated from the sale of bicentennial commemorative medallions and possibly from other licensing programs and donations for such grants during fiscal year 1973. It was stated that it is the Commission's hope that revenues and donations of this character will be adequate in subsequent years to preclude the need for appropriations.

Section 3 of the bill adds a new section 11 to the existing law which would authorize the President when he determines it to be in furtherance of the purposes of the act creating the American Revolution Bicentennial Commission to authorize the Commission to carry out its functions without regard to specified provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of grant funds. The committee amendment is to provide that this authority would be granted for a period of 1 year from the effective date of the section.

The new section added by section 3 has the purpose of permitting a determination by the President that a waiver authorized by the section would further the purposes of the act. In the executive communication transmitted to the Congress on March 7, 1972, it is pointed out that the pressing time schedule under which the Commission is presently operating, together with the absolute deadline of the years 1975–76, as a practical culmination of its efforts for commemoration of the bicentennial dictates a requirement of flexibility in its operations.

At the hearing it was pointed out that the language of proposed section 11 is patterned after section 108a of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458a). It was explained at the hearing that the Commission had concluded that the considerations which led to the enactment by the Congress of the waiver provisions contained in the Mutual Educational and Cultural Exchange Act are also valid consideration for granting similar authority to the American Revolution Bicentennial Commission. It is also relevant to note that the legislation providing for the George Rodgers Clark Sesquicentennial Commission (45 Stat. 723) and the Civil War Centennial Commission Act (36 U.S.C. 745(b); 71 Stat. 626) contains similar language.

The fourth and final section of the bill would amend section 6 of the law by the addition of a new subsection 4 which would authorize 10 supergrade positions to carry out the functions of the Commission. At the hearing it was explained that these positions are necessary in view of the expansion of the scope of the Commission's work as the observance gains its full momentum. It was explained that the positions will be subject to applicable Civil Service Commission procedures under section 5108 of title 5 of the United States Code. These procedures permit a position to be placed in GS–16, –17 or –18 only by action or approval by a majority of the Civil Service Commissioners. In addition, the qualifications of the individuals to be placed in such positions must be approved by the Civil Service Commission. The committee further notes that new subsection 4 expressly provides that the positions authorized under that section will be limited to the life of the Commission.

The committee has concluded that these amendments are necessary to the effective functioning of the Commission and it is recommended that the bill be considered favorably.

Mr. GROSS. Mr. Speaker, will my friend, the gentleman from Massachusetts, yield?

Mr. DONOHUE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Will the gentleman explain why this new section 11 was added to the bill?

Mr. DONOHUE. I might point out to the gentleman if he will permit me to, that we were following a precedent that was established when two other commissions were authorized by the Congress. Similar language is now included in the Mutual Education and Cultural Exchange Act. As to commissions, the precedent was established at the time the George Rodgers Clark Sesquicentennial Commission was established, and also in the case of the Civil War Centennial Commission some years ago.

It was requested by the Commission that the authority be granted during the full life of the Commission. We amended that request by limiting it to 1 year, so that at the end of each year the Commission would have to come back to us and tell us in what way they waived the provisions of the existing law.

Mr. GROSS. This is one of the broadest delegations of power I have ever heard of. I understand that it is for a period of 1 year, but a great deal of abuse can occur in that period of time. It says:

> For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

I would not vote for any bill with that kind of provision in it, no matter how meritorious it might be. Congress has already delegated far too much power to the executive branch of the Government.

Mr. DONOHUE. The explanation that was offered to us, I might suggest to the gentleman from Iowa, was this, that in negotiating with the Federal Government for contracts, there is a very time-consuming process and procedure that must be followed and because of the shortness of time necessary to get the activities of this Commission into proper perspective, it was necessary, as it was in a number of cases, to have such a provision in the authorizing legislation.

Mr. GROSS. If my friend from Massachusetts—and I do admire him—would yield further, let me say this. Here again we are yielding to expediency, overturning the orderly procedures, and delegating too much power to any President.

Mr. DONOHUE. I quite agree with the gentleman, up to a certain point, but in a situation such as this, where they requested the waiver of those provisions for the time the Commission will be in existence, we did not subscribe to that, and we eliminated that provision to the point where it could only be waived for a period of 1 year, and then they would have to come back to the Congress again and explain to what degree and on how many occasions they have waived the provisions of existing law.

Mr. GROSS. Once having been waived, it can be waived again and again. The time to stop it is now.

Let me say to the gentleman, I will not be surprised if this bicentennial observance goes on for 10 years.

Mr. DONOHUE. I will suggest to the gentleman from Iowa, when they come back and we have an opportunity to review any of the contracts they have waived, if there have been any abuses the gentleman can be sure it will not be in the next bill before the Congress.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find myself in a peculiar position today, apparently opposing the commemoration of the bicentennial. This is not true. I am not against the bicentennial. Indeed, I am very much in favor of a proper and adequate commemoration of the bicentennial.

The record is quite clear that Congress can respond adequately, when we set up the Commission for the Civil War Centennial, for the Centennial of the Lincoln First Inaugural, and the Second Inaugural, and the sesquicentennial of the birth of Lincoln, which was commemorated here, we created, as reports will show, a magnificent display of literature relating to these events. In addition, we quickened the interest in American history while we evolved a better understanding of the history and its effects.

Mr. Speaker, one of the high points of the sesquicentennial of the birth of Lincoln was in this Hall and some of you were there when Carl Sandburg spoke. It was a high moment and it evolved one of the best bits of historical literature of that time.

So I am not against commemoration; indeed, I am for commemorating what I believe is the greatest birthday and the most significant birthday of any nation in all the history of time. But I believe that under the present leadership of the Commission nothing really good is going to happen, certainly based upon the record so far.

For awhile, when Wallace Sterling, retired president of Stanford, was chairman, he started heading this in the right direction. He did what the leaders and officers of the present Commission should have done; that is, go to those who have had experience. Wally Sterling did. He went to Dr. James Robertson, now head of the departmental of history of the Virginia Polytechnic Institute, as executive director of the Civil War Centennial Commission and he counseled earlier with Allan Nevins, who was Chairman of the Civil War Centennial Commission, a historian of great note. He counseled with Carl Haverlin, one of the great and respected historians, and a successful businessman, now retired, president of Broadcast Music, Inc. Wally Sterling was beginning to head this thing in the right direction.

Now the Commission has come under new leadership.

From the beginning, Mr. Speaker, I tried my best to reach the Chairman. I wrote him a letter. It took 6 weeks to get an answer, and it was inadequate.

Mr. Speaker, when I was Chairman of the Civil War Centennial Commission and when I was vice chairman of the other commemorations dealing with that time, with the leadership of the Commission, we made some of the right things happen by working with people all across our Nation who understand history and who have had experience in promoting these kinds of things. This the present Commission has not done.

People like we have in the Library of Congress, where they had a symposium not long ago, are intensely interested, and the Chairman of the Bicentennial Commission was not even there, nor was the executive director there. What a shame.

Here was a collection of America's greatest historians, among them Dr. Henry Steele Commager, and Mr. Mahoney, who was invited to be there, was not even present.

Mr. Speaker, there is much evidence of the inadequacy of the Commission's leadership. Their concepts of the commemoration indicate a lack of understanding and appreciation of what can and cannot be done. Let me cite a bicentennial newsletter, volume III, No. 1, special bicentennial parks issue. Here are some pictures of a proposed park they are going to build in every State and spend between $15 million and $20 million and then give it to the State, without even asking of the proper officials of the State whether they are interested or have a place or the ways and means to maintain it. This idea might have been worthy of consideration if we did not already have the finest park system in the world—a park system that has been dedicated to recalling, displaying, and promoting a better understanding of history wherever the opportunity is presented. This has happened, of course, because of the leadership in this country of former President Teddy Roosevelt, who set up the original park system and other great men who had a feel for this, including former President Franklin Roosevelt, President Harding, President Hoover, indeed, all the Presidents, who aided and abetted the building of the park system so as to cultivate the history that was made there. The result is a happy conclusion we can recall and that is that we have the greatest park system telling the story, indeed, the American story that can be found in any part of this globe and it is a tragedy that representatives of the Bicentennial Commission have not even counseled or used the talent of the park system in evaluating this kind of program. It is tragic, too, that we have wasted the time and talent in presenting the kind of display that the Bicentennial Commission has presented.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. SCHWENGEL. I will be glad to yield to the gentleman.

Mr. FINDLEY. I share the gentleman's concern about the lack of progress under the Bicentennial Commission, but I am wondering what would be accomplished by rejecting this bill. What would then follow?

Mr. SCHWENGEL. I am glad the gentleman raised that question. I think that the bill needs amending. We ought not to spend $6 million until we are sure it is going to be spent for what it was really intended to be spent for; that is, to cultivate, to recall, and to promote the history of this great country.

One thing we can do, I think, is arrange somehow to get new leadership in the Commission. I have mentioned the Civil War Centennial Commission, which provided in a bill passed by this Congress that the Commission name the Chairman of the Commission from its own ranks. They could counsel and find out who on that Commission could spend necessary time to fulfill the responsibilities of the Chairman. This is one reason the Civil War Centennial Commission selected Allan Nevins when he became Chairman. He was here every week and, on every occasion he could, he attended conferences in every State of the Union and did those things necessary to enlist the help of volunteers, individuals, and organizations, to promote enthusiastic interest, writings, and understanding. This is the kind of Chairman we need.

The present executive director of the Commission has no background in this, apparently no interest in history or experience that justifies being hired as executive director of this Commission.

While I am on that, let us talk about employees. During the Civil War centennial celebration, because we had a tremendous amount of help, voluntary help, and there were thousands of them in every category of American life, we had only five paid employees, and for a while we loaned—or, rather, we borrowed—two from the Department of the Interior. And historians—and everyone who knows anything about the activities of that Commission knows that was one of the greatest commemorations in the history of our country.

So, Mr. Speaker, this bill needs to go back into the committee so that we can look at it again, and let us have the Commission come before the Congress so we can hear from people like Julian Boyd, who is one of the leading authorities on the Declaration of Independence.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. I understood from your remarks that you are strongly in favor of celebrating the 200th anniversary of the founding of our country. Is that correct?

Mr. SCHWENGEL. I certainly am.

Mr. DONOHUE. That being so, are you not willing to provide for certain financial funds to carry out that objective?

Mr. SCHWENGEL. I certainly am, but not until we have some adequate leadership.

Mr. DONOHUE. Having that in mind, under what authority were members of the Commission named and who appointed the members of this Commission?

Mr. SCHWENGEL. The gentleman knows the provisions of the law. I am not satisfied with some of those appointments.

Mr. DONOHUE. It was the President who selected the members of this Commission.

Mr. SCHWENGEL. That is right. And if we will not respond to this request now, maybe we will get some people to take a second look at this down in the White House and find some better leadership for this Commission. But, more than that, I think that the Congress has a responsibility in this matter also. We can, if the bill comes up under the proper rule, amend and improve it as we did when we created the Civil War Centennial Commission.

Mr. DONOHUE. If the gentleman will yield further, in the event that the White House has confidence in the members that it selected who are on the Commission, and will not change them, are we then going to hold up this entire commemoration?

Mr. SCHWENGEL. My consideration is this: That if we do what we ought and should do, withhold this, then I am sure they will act very quickly.

Mr. DONOHUE. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Speaker, I have one suggestion, and that is if we really want to have a change then as the gentleman from Iowa suggests vote Democratic in November, and that will settle this committee.

Mr. Speaker, I wish to say as a member of the American Revolutionary Bicentennial Commission appointed by the very distinguished Speaker of this House, that in the discussions we have had in the Commission—and they have been long and extensive—there are three things that the Commission is emphasizing: one is heritage, the past; second, open house, that is our present; and the third is horizons.

Just burying ourselves in what American revolutionary history gave us is but one phase of this entire matter. What do we do with the goals that were set out in one of the greatest documents ever written for mankind? So we have looked ahead, and we have not spent all our energies merely on history. But if it were history—and may I point out that we have many distinguished people working on the various committees, and we have people representing all facets of the most learned groups in the United States—I also happen to have some high regard for history, myself.

I have done a lot of research on this. I just do not speak as a political character trying to assassinate the bill.

But I want to point out that in America today groups of young people, the

blacks, the Indians and women are looking for what our horizons are going to be in the future—which are guaranteed if you please by other immortal documents. And immortality is something that lives on, goes on and moves on.

I have in my hand a review from the woman who is in charge of the women's part of the ARBC program, a group representing 20 million American women who voted on which phase of the bicentennial meant most to them. By an overwhelming vote it was the "horizons."

So I think, and this has been said in my committee where we review their budgets, that a well thought out program is: yesterday, today, and tomorrow. But the horizons are really our greatest heritage from the American Revolution. I speak not only as a member of appropriation, but as a descendant of several of those men who fought and died during the American Revolution.

Mr. Speaker, I urge this House—and not for the sake of politics and a few other things that I might go into, such as the matter of change because of personalities—that we support this bill today and get on with the job of commemorating and celebrating those magnificent men's gift to the America of yesterday, today, and tomorrow.

Mr. SMITH of New York. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. SMITH of New York. Does the gentlelady also speak as a member of this Commission?

Mrs. HANSEN of Washington. Yes. Who really knows what the Commission is doing or trying to do? All I know is that the bicentennial is a very complex subject, and there are many people who would make it into just a commemorative thing—just a matter of the issuance of commemorative medals as was the implication. This is not another civil war. This is the lifeblood of our Nation today and 200 years from now—its development and its freedom.

In discussing a certain project I said at a Commission meeting, I think it is important that we look at all of our national goals—what are they? An opportunity for everyone to have an education; an opportunity to eliminate poverty; an opportunity to eat and an opportunity to realize what the Bill of Rights gives us—freedom. It is more than a mere look backwards. This is a look ahead.

Mr. SCHWENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker and Members of the House, I was appointed to the American Revolution Bicentennial Commission by the Speaker of this House. I have attended the meetings with great regularity. I have done everything within my power to try to move along with the work of this Commission and I find it to be a virtually impossible task under the present setup.

I agree with the gentleman from Massachusetts (Mr. DONOHUE) when he says that the celebration of our 200th anniversary is very, very important.

I agree with the gentlewoman from Washington (Mrs. HANSEN) when she states that we must stress the past, the present and the future. I just do not believe that the way we are structured right now that we are going to accomplish this.

Let me tell you the sort of thing that is going on in the ARBC right now.

The law says that the Director of the ARBC shall be appointed by the Chairman with the advice of the ARBC, the entire Commission.

At last December's meeting the Chairman Mr. Mahoney introduced to us a Mr. Levant and reported that Mr. Levant was going to be taking on the duties of Director who then was Mr. Spector and Mr. Spector was going to return to the State Department.

At no time did we take any vote. That is the complete and entire report that we received on Mr. Levant. Yet on April 19 Mr. Levant, a former employee of the company of which Mr. Mahoney is president, was sworn in as Director of the ARBC at a salary of $38,000 annually.

At the February 21 meeting, which was Washington's Birthday, I returned to Washington to attend a meeting of the ARBC. The meeting started at 9 o'clock. At 10:30 we had a coffee break, and when we came back, the door was locked. We were finally let in, and there was a model of the so-called American Revolution bicentennial park system. The model was about as big as the top of a normal desk, and we received a speech about how great these parks would be—one for every one of the 50 States.

We were then permitted to look at the model, and then we were shown colored slides of the model. It looked something like the picture in my hand, if you can imagine these colored slides being taken from something approximately the size of a normal desk top.

After the presentation we were handed a two-page resolution all ready to be passed, virtually making this an official project of the ARBC.

I raised the point immediately that the next day we were meeting with the State representatives of the various State ARBC's, and I said, "Why should we be taking an action like this before we even consult with the various States?"

When the staff was asked certain questions, like, "How much is this going to cost?" and "Do we have 100 to 500 acres of surplus Federal land near urban centers?"—which is what the proposal contained—nobody knew any answers.

So finally we passed a resolution to have the ARBC staff make a feasibility study of the bicentennial parks, using also the facilities of the executive agencies of the Government, and report back to the ARBC as soon as possible. This was on the 21st of February.

As of today the ARBC staff has not started the feasibility study. Rather, a small group from the executive branch of the Government started a study. As of last Thursday they have found zero feasible sites for these parks near urban centers, and they have gotten very little input from any one member of the ARBC staff.

This bill calls for 10 more supergrades. No one knows exactly what anybody is doing about the past, the present, or the future in the ARBC, even though we have 87 employees. The salaries paid to date for the balance of this year, we have 21 people making over $30,000 annually, for a total payroll in excess of $1.7 million.

If we are going to accomplish our aim of celebrating properly the 200th birthday of this country, we are not going to do it with this type of organization.

My district borders the city of Philadelphia. The staff projected a cost of a Philadelphia International Expo to the Federal Government at between $1.5 billion and $1.7 billion. Yet, when Philadelphia made their presentation, they said the cost would be $600 million. When I asked the representative of Philadelphia that if we allow them a 2-percent overrun up to $612 million, would they accept that, they said, yes. I then asked the question that if more money was needed "Where will the rest of the money come from?" and the representatives said, "From the city of Philadelphia and the Commonwealth of Pennsylvania."

It is already provided for in the resolutions passed by the city and the Commonwealth.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCHWENGEL. I yield the gentleman from Pennsylvania 30 additional seconds.

Mr. WILLIAMS. Mr. Speaker, I would like to recommend that what we do is defeat this bill today, and then bring it up just as soon as we can next week or after our July recess under a rule. Only by doing this are we going to be able to make amendments and have an organization that can move forward to put on the type of bicentennial celebration we need.

In conclusion, if I did not make the point clear before, on May 16 the ARBC killed the Philadelphia International Exposition, therefore excluding wide international participation in our bicentennial commemoration.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. BARRETT. Mr. Speaker, in 4 years our Nation will celebrate its 200th birthday. Coming from the great city of Philadelphia, this occasion is of great moment to me. And, I know it is of great import to the people of Philadelphia, the "City of Brotherly Love." We very much have a personal interest and concern because it was in our fair city that this great Nation was born.

We are, therefore, particularly concerned with the plans and programs being prepared for the celebration of that occasion. Our Government expressed its foresight and concern with the upcoming event by establishing the American Revolution Bicentennial Commission on July 4, 1966. The Commission was established to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observances and activities focusing on the national and international significance of the American Revolution, and its implications for present and future generations.

The bill before us, H.R. 13694, is in furtherance of that purpose, and while I may not wholeheartedly agree with all of the decisions of the Commission, I urge its adoption.

The selection of Philadelphia as a center of activity during our 200th birthday celebration is an excellent choice, for it is the most historic spot in our country. As the birthplace of freedom in the modern world, no better selection could be made. This occasion will serve as a great opportunity for people from all over the world to visit our country and particularly Philadelphia, the cradle of our Nation.

It was in Philadelphia, in September 1774, that the delegates from 12 Colonies assembled as the first Continental Congress. On October 14, 1774, the assembly adopted what has come to be known as the Declaration and resolves of the first Continental Congress. In that instrument, addressed to His Majesty and to the people of Great Britain, there was embodied a statement of rights and principles, many of which were later to be incorporated in the Declaration of Independence and the Federal Constitution.

The following year, 1775, by general necessity and by common consent, for the battle of Lexington had been fought, the delegates again met in Philadelphia as the second Continental Congress and assumed control of the "Twelve United Colonies," which soon became "Thirteen United Colonies." It became a de facto government; it called upon the other Colonies to assist in the defense of Massachusetts; it issued bills of credit; it took steps to organize a military force and appointed George Washington commander in chief of the Army.

It was on June 7, 1776, that a resolution was introduced declaring the union with Britain dissolved, proposing the formation of foreign alliances, and suggesting the drafting of a plan of confederation to be submitted to the respective colonies.

Independence was declared in Philadelphia on July 4, 1776.

The site of all this activity is preserved as a historic shrine in Independence Square.

The people of Philadelphia are proud of their heritage and the history of our city and I hope that the Bicentennial Commission will duly consider these factors when programing the activities of our country's 200th anniversary.

Mr. SCHWENGEL. Mr. Speaker, again I want to say I am regretful for having to take the position I am taking, because by some it will be misunderstood, but I would not be faithful to the historical interests if I did not stand here and tell the Members what I think are the facts of life.

We are not, under the present leadership with the kind of concept they now have, going to have a commemoration worthy of the name, except as the commemoration might happen with the association or organizations entirely independent. Mr. Speaker, North Carolina has a master plan. North Carolina's plan makes a great deal more sense, and it conceives some ideas that have been completely ignored by the present Commission, and especially by the leaders. Some people who are on the Board of the Bicentennial Commission, understand, but the leadership does not understand. The only way to do something about this is to say no, to vote "no" on this question, and then have the President do something about it. Only he, now, as I see it, can do something about it, meeting this challenge, this greatest opportunity any country has ever had to commemorate a birthday, a 200th anniversary.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to point out to the Members and to the Speaker that I have had extensive communication with the State's ARBC's that have been formed. They are moving ahead with plans to celebrate their own ARBC's in their own way, but they do not feel—in almost every instance—that they have not received sufficient cooperation from the Federal ARBC.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. DONOHUE), that the House suspend the rules and pass the bill H.R. 13694, as amended.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 165, not voting 93, as follows:

[Roll No. 210]

YEAS—174

Adams	Edmondson	Matsunaga
Alexander	Edwards, Calif.	Meeds
Andrews, N. Dak.	Esch	Miller, Calif.
Annunzio	Evins, Tenn.	Mills, Md.
Arends	Fascell	Mink
Aspin	Foley	Mizell
Aspinall	Ford, Gerald R.	Moorhead
Baring	Ford, William D.	Morgan
Barrett	Forsythe	Mosher
Begich	Fraser	Moss
Bell	Frelinghuysen	Murphy, Ill.
Blatnik	Frenzel	Myers
Boggs	Garmatz	Natcher
Boland	Gibbons	Nedzi
Bolling	Gonzalez	Obey
Brademas	Green, Pa.	O'Hara
Brinkley	Griffiths	O'Neill
Brooks	Hamilton	Patten
Brotzman	Hanley	Pike
Broyhill, N.C.	Hanna	Poage
Broyhill, Va.	Hansen, Idaho	Poff
Burke, Mass.	Hansen, Wash.	Preyer, N.C.
Burleson, Tex.	Harrington	Price, Ill.
Burlison, Mo.	Harvey	Pucinski
Burton	Hathaway	Purcell
Carlson	Heckler, Mass.	Railsback
Carney	Hicks, Mass.	Randall
Casey, Tex.	Hicks, Wash.	Rees
Cederberg	Holifield	Reuss
Chamberlain	Howard	Riegle
Chappell	Johnson, Calif.	Roberts
Clancy	Jones, Ala.	Robison, N.Y.
Clausen, Don H.	Karth	Rodino
Collier	Kastenmeier	Rooney, Pa.
Conable	Kazen	Rostenkowski
Conte	Keating	Roybal
Curlin	Kee	St Germain
Danielson	Latta	Sandman
Davis, Ga.	Leggett	Shipley
de la Garza	Lujan	Shriver
Denholm	McClory	Sikes
Dennis	McCloskey	Sisk
Derwinski	McCormack	Skubitz
Dickinson	McCulloch	Smith, Iowa
Donohue	McDade	Smith, N.Y.
Dorn	McFall	Springer
Drinan	McKay	Stanton, J. William
Dulski	McKevitt	Stanton, James V.
du Pont	McKinney	Steele
Dwyer	Madden	Stratton
Eckhardt	Mahon	Stubblefield
Sullivan	Van Deerlin	Wolff
Taylor	Vanik	Wright
Teague, Tex.	Vigorito	Wyatt
Thomson, Wis.	Waggonner	Wydler
Tiernan	White	Young, Tex.
Udall	Wiggins	Zablocki
Ullman	Winn	

NAYS—165

Abbitt	Grover	O'Konski
Anderson, Calif.	Gubser	Passman
Anderson, Ill.	Gude	Pettis
Andrews, Ala.	Haley	Pickle
Archer	Hall	Powell
Ashley	Hammer-schmidt	Quie
Baker	Harsha	Quillen
Belcher	Hastings	Rhodes
Bennett	Hays	Robinson, Va.
Bergland	Hébert	Roncalio
Betts	Hechler, W. Va.	Rosenthal
Bevill	Heinz	Rousselot
Biaggi	Henderson	Runnels
Biester	Hillis	Ruppe
Blackburn	Hogan	Ruth
Bow	Hosmer	Sarbanes
Bray	Hull	Satterfield
Brown, Ohio	Hungate	Saylor
Buchanan	Hunt	Scherle
Burke, Fla.	Hutchinson	Schneebeli
Byrne, Pa.	Ichord	Schwengel
Byrnes, Wis.	Jacobs	Scott
Byron	Jarman	Selberling
Camp	Johnson, Pa.	Shoup
Carter	Jonas	Slack
Clark	Jones, N.C.	Smith, Calif.
Clawson, Del	Jones, Tenn.	Snyder
Collins, Ill.	Keith	Spence
Collins, Tex.	Kemp	Staggers
Colmer	King	Steed
Conover	Koch	Steiger, Ariz.
Coughlin	Kuykendall	Stokes
Crane	Kyl	Teague, Calif.
Culver	Landgrebe	Terry
Daniel, Va.	Lennon	Thompson, Ga.
Davis, Wis.	Lent	Thone
Dellenback	Long, Md.	Vander Jagt
Dellums	McClure	Veysey
Dent	McCollister	Waldie
Devine	McMillan	Wampler
Downing	Mallary	Ware
Duncan	Martin	Whalen
Eilberg	Mathis, Ga.	Whitehurst
Findley	Mayne	Whitten
Fisher	Mazzoli	Widnall
Flood	Michel	Williams
Fountain	Mikva	Wilson, Bob
Frey	Miller, Ohio	Wilson, Charles H.
Gaydos	Minish	Wylie
Giaimo	Minshall	Wyman
Goldwater	Mitchell	Yates
Goodling	Mollohan	Yatron
Green, Oreg.	Montgomery	Young, Fla.
Griffin	Nichols	Zion
Gross	Nix	Zwach

NOT VOTING—93

Abernethy	Eshleman	Mills, Ark.
Abourezk	Evans, Colo.	Monagan
Abzug	Fish	Murphy, N.Y.
Addabbo	Flowers	Nelsen
Anderson, Tenn.	Flynt	Patman
Ashbrook	Fulton	Pelly
Badillo	Fuqua	Pepper
Bingham	Galifianakis	Perkins
Blanton	Gallagher	Peyser
Brasco	Gettys	Pirnie
Broomfield	Grasso	Podell
Brown, Mich.	Gray	Price, Tex.
Cabell	Hagan	Pryor, Ark.
Caffery	Halpern	Rangel
Carey, N.Y.	Hawkins	Rarick
Celler	Helstoski	Reid
Chisholm	Horton	Roe
Clay	Kluczynski	Rogers
Cleveland	Kyros	Rooney, N.Y.
Conyers	Landrum	Roush
Corman	Link	Roy
Cotter	Lloyd	Ryan
Daniels, N.J.	Long, La.	Scheuer
Davis, S.C.	McDonald, Mich.	Schmitz
Delaney	McEwen	Sebelius
Diggs	Macdonald, Mass.	Steiger, Wis.
Dingell	Mann	Stephens
Dow	Mathias, Calif.	Stuckey
Dowdy	Melcher	Symington
Edwards, Ala.	Metcalfe	Talcott
Erlenborn	Meyner	Thompson, N.J.
	Michel	Whalley

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Monagan with Mr. Steiger of Wisconsin.

XUM

Mr. Thompson of New Jersey with Mr. Pirnie.
Mr. Rooney of New York with Mr. Horton.
Mr. Dingell with Mr. McDonald of Michigan.
Mr. Brasco with Mr. Halpern.
Mr. Stephens with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. Cleveland.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Roe with Mr. Brown of Michigan.
Mr. Carey of New York with Mr. Pelly.
Mr. Blanton with Mr. Nelsen.
Mr. Gray with Mr. Lloyd.
Mrs. Grasso with Mr. Ashbrook.
Mr. Kyros with Mr. Sebelius.
Mr. Bingham with Mr. Diggs.
Mr. Conyers with Mrs. Abzug.
Mr. Scheuer with Mr. Metcalfe.
Mr. Hawkins with Mr. Badillo.
Mr. Anderson of Tennessee with Mr. Schmitz.
Mr. Stuckey with Mr. Edwards of Alabama.
Mr. Link with Mr. Talcott.
Mr. Caffery with Mr. Price of Texas.
Mr. Cabell with Mr. Fish.
Mr. Addabbo with Mr. Peyser.
Mr. Flynt with Mr. Mathias of California.
Mr. Perkins with Mr. Eshleman.
Mr. Podell with Mr. Clay.
Mrs. Chisholm with Mr. Galifianakis.
Mr. Landrum with Mr. Long of Louisiana.
Mr. Murphy of New York with Mr. McEwen.
Mr. Cotter with Mr. Rangel.
Mr. Davis of South Carolina with Mr. Abernethy.
Mr. Mann with Mr. Flowers.
Mr. Pepper with Mr. Fulton.
Mr. Mills of Arkansas with Mr. Broomfield.
Mr. Melcher with Mr. Hagan.
Mr. Abourezk with Mr. Corman.
Mr. Delaney with Mr. Evans of Colorado.
Mr. Helstoski with Mr. Dow.
Mr. Daniels of New Jersey with Mr. Rogers.
Mr. Ryan with Mr. Symington.
Mr. Fuqua with Mr. Gettys.
Mr. Roy with Mr. Pryor of Arkansas.
Mr. Reid with Mr. Gallagher.
Mr. Roncalio with Mr. Rarick.
Mr. Roush with Mr. Dowdy.

Messrs. NIX, NICHOLS, BYRNE of Pennsylvania, KOCH, RUNNELS, HALEY, BAKER, COUGHLIN, BRAY, DEL CLAWSON, HILLIS, and PETTIS, and Mrs. GREEN of Oregon changed their votes from "yea" to "nay."

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 15495, MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file a report to accompany the bill H.R. 15495, the military procurement authorization bill for fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

NATIONAL COMMISSION ON CONSUMER FINANCE

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 211) to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

The Clerk read as follows:

S.J. RES. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Consumer Credit Protection Act (82 Stat. 165) is amended as follows:

(1) in section 404(b), by striking out "July 1, 1972" and inserting "December 31, 1972" in lieu thereof;

(2) in section 406(c), by striking out "Ninety days after" and inserting "After" in lieu thereof; and

(3) in section 407, by striking out "$1,500,000" and inserting "$2,000,000" in lieu thereof.

The SPEAKKER. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a general impression among Members of the House that national commissions, once established to carry out a specific assignment within a fixed period of time at a set cost, never seem to finish their work within the time allotted and always end up costing more money than anticipated. I know that this has happened often enough in the past to make many of the Members wary of any proposal to establish a commission or to extend its life.

I served on one very major Commission which accomplished its task within the time specified in its authorizing legislation and never had to come back for additional time or funds. It was the National Commission on Food Marketing, on which Representatives PURCELL and ROSENTHAL and former Representatives Catherine May and Glenn Cunningham also served, along with Senators MAGNUSON, HART, MCGEE, and HRUSKA, and former Senator Thruston Morton, and five public members. From 1964 to 1966 this Commission conducted the most far-reaching investigation ever made into the operations of the Nation's food industry, from farm gate to supermarket shelf and checkout counter. The work of the Commission gave us the best and most reliable economic information ever made available about the food industry, on profit margins, advertising costs, price spreads, middleman costs, and so on. This information has been of invaluable help to the Congress, to Government agencies, to businessmen, and consumers and has been used and cited over and over again by Government and private economists in establishing or recommending economic policy in food distribution.

The report and 10 technical studies were not filed and forgotten. They were widely used. I also served on the National Commission to Study Mortgage Interest Rates. As in the case of the Food Marketing Commission, the members of this Commission disagreed on specific recommendations but there was complete agreement on the great value of the basic data assembled in the study. That data formed the basis for important subsequent legislation. But, as I remember, we had to extend the life of the Mortgage Interest Rate Commission because we could not complete the work within the time originally estimated.

The main justification for the creation of any national study commission is not to have a few Members of Congress and a few outsiders sit around a table and debate policy issues based on their own predelictions or hunches or prejudices or ideas, but to dig through all of the available information in the field and find out what gaps there are in this information which need fillings in and fleshing out, and then obtaining that information so that when Congress does legislate on a complex issue, it has the kind of facts necessary to make informed judgments. This is particularly important in an area such as the $138 billion consumer credit industry, on which so much of the private enterprise of the United States depends for distribution of its goods and services; in addition, there is more than $300 billion of residential real estate credit outstanding, in one-to-four family units, most of which is issued subject to the provisions of the Truth in Lending Act and thus within the purview of the National Commission on Consumer Finance.

So we are dealing here with the economic lifeblood of our competitive enterprise system. The work is of vital importance to every one who uses credit, or extends credit, and to the Congress, to the executive agencies which administer programs involving such credit, to the legislatures of all of the States, and to the general public.

When we were working in 1967 on the drafting of the bill which became the Consumer Credit Protection Act of 1968—one of the most important consumer laws ever enacted—I included in the original bill a number of provisions dealing with the regulation of creditor-debtor relationships in areas which were then covered only in State laws. The State laws varied so widely that there was truly a chaotic situation for creditors operating nationally. The States themselves recognized this problem and attempted to solve it through the development of a proposed uniform consumer credit code. But the more I looked into this problem, the more impressed I became with the lack of reliable statistics and basic information on how the credit industry actually functions in the respective States and how many gaps there were in our knowledge.

Remembering the work done by the National Commission on Food Marketing between 1964 and 1966, in assembling such heretofore unavailable information in that field, I included in the draft of the consumer credit protection bill a title creating the National Commission on Consumer Finance, and this was agreed to by five subcommittee cosponsors on the bill, Congressmen GONZALEZ, MINISH, ANNUNZIO, BINGHAM, and HALPERN. The House later confirmed this proposal when we debated the consumer credit protection bill, and the Senate conferees also agreed to it. So it was an integral part of the Consumer Credit Protection Act from its inception. In conference on the consumer credit protection bill, we had to make many compromises on House-passed provisions of the truth-in-lending title of the bill, so

we assigned to the National Commission additional responsibilities to research and evaluate these compromises in truth-in-lending legislation to see whether they would reduce the effectiveness of truth in lending or whether they would be justified in operation—such things as exemptions from truth in lending annual percentage rate disclosure of certain minimum charges for both revolving and installment credit, the special exemption for utilities late charges, and so on. But basically, the Commission's assignment was to establish an encyclopedia of factual economic data on how credit is extended, who receives credit and under what terms and conditions, the impact on credit availability of State usury laws and creditor remedies which vary widely from State to State, and the role of finance companies and small loan companies in the overall credit picture.

There are now pending before the Banking and Currency Committee numerous bills to expand or amend the Consumer Credit Protection Act which are very controversial. No one is more anxious that I am, as the principal sponsor of that law, to speed the work of the National Commission so that we may have available for the committee's deliberations the kind of economic data we need in order to act intelligently on some of these additional proposals.

However, the National Commission was plagued with delays in getting started. Although authorized in 1968, it was not made operative until 2 years later. The estimated cost of $1,500,000 which we set in 1967—when the bill creating the Commission was written—was based on the money actually spent by the National Commission on Food Marketing. Despite the fact that average Government salaries have risen 40 percent since 1967, and printing costs more than 50 percent, we tried our best to keep within the same figure as the Food Marketing Commission. But unanticipated delays within the Census Bureau in structuring and carrying out the most important study undertaken by the Commission, and unanticipatable increases in the cost of that study, which doubled and then nearly tripled during the course of the work, have made it necessary for us to ask for this 6 months' extension, until December 31, and for an increase of $500,000 in the authorization for appropriations to cover the extra cost of the census work, the printing of the reports, and staff salaries and rent for the remaining period.

The surveys undertaken by the Commission are now being put into form for the Commission's review and for our policy determinations in deciding upon our eventual recommendations. We cannot report, as scheduled, by July 1. We must have this additional 6 months. Otherwise, much of the $1,500,000 already spent or committed would be for material which is not yet in usable form.

The Commission consists of Representatives GONZALEZ and WILLIAMS and myself, from the House, Senators SPARKMAN, PROXMIRE, and BROCK, and three public members, Chairman Ira M. Millstein of New York, Dr. Robert W. Johnson of Purdue University, Indiana, and former Minnesota Attorney General Douglas M. Head. Mr. Head succeeded Prof. Robert Braucher of Harvard Law School, who had been Chairman of the Commission from its organization in 1970 until his appointment last year to the Supreme Court of Massachusetts.

All of the public members were appointed by President Nixon. The congressional delegation is bipartisan. Among congressional Members who have served on the Commission are Chairman PATMAN of the Committee on Banking and Currency, Congressman HALPERN, and Senator TOWER. They all helped to develop the basic approaches the Commission has taken. Congresswoman DWYER and Senator BROOKE were appointed to the Commission during the 90th Congress but the Commission did not begin to function until the second session of the 91st Congress.

The Commission, through its public hearings, has already accomplished very significant improvements in consumer credit practices. These include the elimination of a debtor's prison provision from Maine law, under which individuals were still being sent to jail for debt as recently as 1 or 2 years ago; the curtailment of "flipping" practices operating in some States where small debts were pyramided into very large ones by unconscionable added fees and charges; action by the FCC to end harassment of debtors by collection agencies calling at all hours of the day or night; and exposure of other reprehensible procedures practices on the poorly educated, low-income borrower. We also brought about a coordination of the work of the Federal and State bank regulatory agencies in investigating violations of both Federal and State consumer protection laws during their periodic examinations. And in recent hearings we spotlighted—and thus, I hope, have speeded the correction of—untenable and outmoded discriminations against working women in obtaining credit which they are fully qualified to handle.

But our biggest task remains unfinished because of the delays in the work contracted out to the Census Bureau for basic data gathering. This particular survey will show in documented detail what amounts of credit are being extended in each of the 50 States in all areas of consumer credit—and at what rates; what creditor remedies are used and how they are used and how effective they are in making more credit available to creditworthy individuals or in reducing the availability of credit. As a result of this study, when we talk about creditor remedies and consumer defenses in the consumer credit field, we will have for the first time the facts to show whether low ceilings on credit terms result in higher prices for goods, whether high ceilings on credit rates encourage competition in actual rates or lead to everyone charging the maximum, to what extent garnishment is used and by whom, the necessity, or lack of it, of the "holder in due course" doctrine in making credit available, the role of confession of judgment notes in actual transactions, and so on and on.

I might point out that one of the reasons the Census Bureau took much longer than expected in developing the data we asked it to obtain was that the response from the credit industry to the questionnaires was unusually heavy—up to 90 percent of those contacted, and in some fields of credit the response was as high as 98 percent. Normally, a 60-percent response is considered excellent. The high response added to the cost of the survey, but it also increased the accuracy and scope of the information obtained. So it has been worth the expense. The credit industry's cooperation and assistance have been excellent, reflecting the fact that the information which will finally come from the Commission will be of great importance to creditors as well as to consumers.

Ahead of us yet are many long hours of Commission deliberation on the meaning and legislative implication of the facts we are developing. That six Members of Congress, four of whom are candidates for reelection this year, are willing to devote the additional time through the fall and early winter that this assignment is going to require from us is certainly evidence of the fact that we consider the work vitally important in the national interest.

So I respectfully ask, Mr. Speaker, that the House agree to this Senate-passed joint resolution and permit the work to go forward to its conclusion by the end of this year.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I will be happy to yield to the distinguished gentleman.

Mr. GROSS. Do we now have assurance that this report, with the expenditure of another half a million dollars, will be completed and made available by the end of this year?

Mrs. SULLIVAN. We are certain that we will complete the work by then, I will say to the gentleman from Iowa. The Census Bureau gave the commission an estimate that fell far short. This is the first time a survey of this type was ever done by them. It took much longer than Census had expected and it cost far more than estimated.

At first we were given one figure and then it was nearly doubled and later went up to almost three times the original amount the Census intended to charge us in compiling these figures. That is the big reason for the fact that we must have an extension of time and more money, plus the fact that they have gone so deeply into this. It is such a tremendous job they could not bring the data back to the commission members in time for us to be able to digest it, and have the report written by this July 1.

Mr. GROSS. If the gentlewoman will yield further, we may be assured that the report will be evaluated and ready by the end of this year, is that right, without additional expenditure?

Mrs. SULLIVAN. That is right. I can assure the gentleman that is so.

Mr. GROSS. One minor observation. Apparently there is a Member of this House with whom I am not acquainted whose name is on this report, Mr. P-A-T-N-A-M.

Mrs. SULLIVAN. I am not sure what the gentleman from Iowa means.

Mr. GROSS. On the first page of the report.

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Mrs. SULLIVAN. I now see what the gentleman is referring to, a typographical error on the committee report. I see that Mr. PATMAN's name was misspelled.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mrs. SULLIVAN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to concur with the answer of the gentlewoman from Missouri that the report will be ready by the end of this year. The fact of the matter is that almost all of the chapters have been completed in rough draft, and they have to be revised. We are truly going down the homestretch, and this is not something that is going to drag on. I am sure that the $500,000 will be enough to complete the job, and we will have the report ready by the end of this year.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 211. When we went into the hearings before the Consumer Affairs Subcommittee on Senate Joint Resolution 211, I was somewhat skeptical, just as the gentleman from Iowa (Mr. GROSS) apparently was, but I was impressed with the testimony of the witnesses who appeared before the subcommittee, especially the chairman of the committee, Mr. Ira M. Millstein. And we were assured that all of the studies would be completed by the end of the year, and that the Commission is not initiating any new inquiries or any new studies. It is merely completing the studies which have already been commenced, and for reasons, as stated by the gentlewoman from Missouri (Mrs. SULLIVAN) have been delayed.

This Commission on National Consumer Finance has done in my judgment an outstanding job.

In fact, I think it is fair to say that the need for the additional amounts of time and money provided by this resolution are the results of the commission's successes. I think it is important that we study all aspects of credit extensions, who extends the credit, to whom it is extended, whether there are discriminatory practices, if any, in the lending business, the various types of credit being extended, who collects the debts, how they are being collected, garnishment procedures, and so forth. All of these things are being taken into account and being studied by the Consumer Finance Commission.

Mr. Speaker, the Commission's achievements in the collection of information relative to the extension, uses, and abuses of consumer credit will be of immeasurable help to the Congress and the administration in the formulation of laws and regulations. In an economy which uses billions of dollars of credit annually we cannot afford to be without such sound factual information about its use. Recognizing this, both those who use credit, and those who extend it, have cooperated with the Commission to such an extent that it has been overwhelmed. The extension of the Commission's life by 6 months, and the provision of an additional $500,000 are necessary if the valuable information the Commission has collected to date are to be put in usable form for us. As a member of the Banking and Currency Committee I know how badly this information is needed. It can provide the basis for uniformity of information so a consumer can shop intelligently which is the real purpose of the original legislation. Again, I urge favorable consideration of the resolution.

Mrs. SULLIVAN. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate Joint Resolution 211.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri that the House suspend the rules and pass the Senate Joint Resolution 211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION AND RELIEF ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15439) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The Clerk read as follows:

H.R. 15439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Compensation and Relief Act of 1972".

TITLE I—COMPENSATION AND OTHER BENEFITS

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu tereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";;

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$500" and "$764" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$46" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 103. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 104. (a) Subsection (a) of section 3203 of title 38, United States Code, is repealed.

(b) Subsection (d) of such section 3203 is redesignated as subsection (a) of such section 3203.

(c) Paragraphs (1) and (2) of subsection (b) of such section 3203 are redesignated as paragraph (1) and as so redesignated are amended to read as follows:

"(b)(1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, and his estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran's death before payment of such lump sum no part thereof shall be payable."

(d) Paragraphs (3) and (4) of subsection (b) of such section 3203 are redesignated as paragraphs (2) and (3), respectively; and the references in said redesignated paragraph (2) to "paragraph (2)" and "Paragraph (2)" are changed to "paragraph (1)" and "Paragraph (1)", respectively.

(e) Subsection (c) of such section 3203 is amended by deleting "(a) or".

(f) Subsection (e) of such section 3203 is amended by deleting ", compensation, or retirement pay"; and as so amended is redesignated as subsection (d).

(g) Subsection (f) of such section 3203 is redesignated as subsection (e).

SEC. 105. (a) Subsection (d) of section 3202 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability."

(b) Section 3021(a) of title 38, United States Code, is amended by deleting "section 3203(a)(2)(A) of this title and".

SEC. 106. All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act, shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the $1,500 and $500 limitations of subsection (b)(1) of such section 3203 as amended by this Act. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day before the effective date of this Act. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable.

SEC. 107. Section 536 of title 38, United States Code, is amended by adding the following new subsection at the end thereof:

"(d)(1) Any widow eligible for pension under this section shall, if she so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to widows of veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

"(2) The Administrator shall pay each month to the widow of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to her under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a widow of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor."

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

SEC. 201. Section 210(c) of title 38, United States Code, is amended by adding an additional subsection (3), reading as follows:

"(3) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto."

SEC. 202. (a) Section 3102 of title 38, United States Code, is amended to read as follows:

"§ 3102. Waiver of recovery of claims by the United States

"(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

"(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

"(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

"(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

"(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable."

(b) The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act, or such an application is made within two years from the date of enactment of this Act.

SEC. 203. The analysis of chapter 53 of title 38, United States Code, is amended by striking therefrom "3102. Waiver of recovery of overpayments." and inserting in lieu thereof the following:

"3102. Waiver of recovery of claims by the United States.".

SEC. 204. Section 1817 of title 38, United States Code, is amended by inserting "(a)" immediately before "Whenever any veteran" and by adding a new subsection (b) as follows:

"(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder."

SEC. 205. Section 1820(a)(4) of title 38, United States Code, is amended by striking out that part of the section beginning with "and the authority to waive" and ending with "a severe hardship upon the veteran;".

"SEC. 206. Subsection (d) of section 3503 of title 38, United States Code, is amended by inserting "(1)" after "(d)" and adding at the end thereof the following:

"(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the foreiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title."

TITLE III—EFFECTIVE DATES

SEC. 301. (a) Sections 101 through 107 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

(b) Sections 201 through 206 of this Act shall take effect upon the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. TEAGUE) will be recognized for 20 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the first of two veterans' bills which we are considering today was developed, after 2 days of open hearings, by our very diligent and capable Subcommittee on Compensation and Pension headed by the gentleman from South Carolina (Mr. DORN). I wish to commend him and his fellow members, the gentleman from Texas (Mr. ROBERTS), the gentleman from Mississippi (Mr. MONTGOMERY), the

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gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from Pennsylvania (Mr. SAYLOR), and the gentleman from Virginia (Mr. SCOTT).

H.R. 15439 is basically a disability compensation increase bill, but it also provides for the first time an annual clothing allowance for service-disabled veterans who must wear or use a prosthetic or orthopedic appliance and, finally, it embodies several recommendations made by the Veterans' Administration for improvements in our various veterans' benefit programs.

I yield such time as he may desire to the chairman of the subcommittee, the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I appreciate the kind remarks of the chairman of the Committee on Veterans' Affairs, the gentleman from Texas, concerning the activities of our Subcommittee on Compensation and Pension which were only possible, of course, through his full cooperation and support.

The major purpose of H.R. 15439 is to increase the rates of disability compensation payable to service-connected disabled veterans by 10 percent. While the Veterans' Administration recommended a 6-percent bill, this was based on price indexes up to last January. As we are now midway in June and additional time will be involved before the law is finally approved and even further time before the new rates become effective, our committee felt that a 10-percent figure is both reasonable and justified. The first year's additional cost is estimated at $260 million.

The bill would also authorize for the first time a clothing allowance of $150 per year for veterans who must wear or use a prosthetic or orthopedic appliance, including the use of a wheelchair, which the Administrator determines tends to wear out or tear the clothing of the veteran. This provision was strongly supported by practically all of the veterans' organizations who testified at our hearing. The cost has been estimated at $6.6 million the first year.

The following additional provisions were either specifically recommended by the Veterans' Administration or were the subject of a no objection position:

First, abolish the withholding, after 6 months, of compensation of single veterans while they are in a hospital or domiciliary. This was recommended by the Veterans' Administration and there is no cost involved.

Second, extend to Spanish War widows the option to elect, if to their benefit, to receive pension under the "new" pension law we enacted in 1959, now available to widows of veterans of World Wars I and II, the Korean conflict, and Vietnam era. The Spanish War veterans themselves have had this option since 1960 and the failure to include their widows was obviously inadvertent. The Veterans' Administration does not object to this provision and the cost would probably not be significant.

Third, existing law authorizes the Administrator to extend certain relief in cases where veterans or their dependents have been denied benefits because of administrative error. This provision liberalizes the existing authority, is recommended by the Veterans' Administration, and the cost would be insignificant.

Fourth, this provision liberalizes and simplifies the authority of the Veterans' Administration to waive recovery of overpayments. It also liberalizes a veteran's release from liability under loan guaranty when he has disposed of the property. I am sure many of my fellow Members have run into hardship cases in this area and we are pleased to note that the Veterans' Administration has recommended this long-overdue change in the law.

Fifth, this final provision would authorize the Administrator to review all forfeiture for fraud cases which had been applied prior to September 1, 1959. On that date the law was changed to abolish forfeitures for fraud under the rationale that since criminal statutes were also applicable the administrative forfeiture was, in effect, a double penalty. Unfortunately, the 1959 law was prospective in effect only. This proposal is also recommended by the Veterans' Administration and they are unable to estimate the cost.

Mr. Speaker, H.R. 15439 carries the joint sponsorship of 25 members of our committee.

I believe it represents a reasonable and fully justified increase in the rates of monthly compensation payable to our service-connected disabled veterans—a group which deserves our prime consideration. I strongly recommend approval of the bill.

Mr. Speaker, under consent previously granted, I include at this point in my remarks a detailed explanation of the various provisions of the bill, together with relevant statistical data which I believe will be of interest to the Members:

SECTIONAL ANALYSIS OF THE BILL

TITLE I—COMPENSATION AND OTHER BENEFITS

Sections 101 and 102

These sections provide the new increased rates of disability compensation and additional allowances for dependents previously discussed. There follows at this point a chart showing the history of wartime service-connected compensation increases since the modern program was instituted in 1933, up to and including the rates payable under current law, and finally, the increased rates for each category proposed by the bill.

HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION [1] INCREASES FOR DISABLED VETERANS,[2] JULY 1, 1933 THROUGH JULY 1, 1970

Disability [1]	July 1, 1933	+ Percent increase =	Jan. 19, 1934	+ Percent increase =	P.L. 312, 78th Cong., June 1, 1944	P.L. 182, 79th Cong., Oct. 1, 1945	+ Percent increase =	P.L. 662, 79th Cong., Sept. 1, 1946	+ Percent increase =	P.L. 339, 81st Cong., Dec. 1, 1949	+ Percent increase =	P.L. 356, 82d Cong., July 1, 1952	+ Percent increase =	P.L. 427, 82d Cong., Aug. 1, 1952
(a) Rated at 10 percent [1]	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75		
(b) Rated at 20 percent [1]	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50		
(c) Rated at 30 percent [1]	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25		
(d) Rated at 40 percent [1]	36	11.1	40	15	46.00		20	55.20	8.7	60	5	63.00		
(e) Rated at 50 percent [1]	45	11.1	50	15	57.50		20	{ 69.00 / 60.00 }	8.7	75	15	86.25		
(f) Rated at 60 percent [1]	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50		
(g) Rated at 70 percent [1]	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75		
(h) Rated at 80 percent [1]	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00		
(i) Rated at 90 percent [1]	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25		
(j) Rated at total	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50		
(k) (1) Additional monthly payment for anatomical loss or loss of use of, any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), 1 or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss [2]	$25		40.0		$35	20	$42.00						11.9	$47
(2) Limit for veterans receiving payments under (a) to (j) above														
(3) Limit for veterans receiving payments under (l) to (n) below					300								33.3	400
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	150		33.3		200	20	240.00						10.8	266
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veteran so helpless as to require regular aid and attendance	175		34.3		235	20	282.00						11.0	313
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis or anatomical loss of both eyes	200		32.5		265	20	318.00						11.0	353
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	250		20.0		300	20	360.00						11.1	400

See footnotes at end of table.

HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION [1] INCREASES FOR DISABLED VETERANS,[2] JULY 1, 1933 THROUGH JULY 1, 1970—Continued

Disability [1]	July 1, 1933	+ Percent increase =	P.L. 695, 83d Cong., Oct. 1, 1954	+ Percent increase =	P.L. 85–168, Oct. 1, 1957	+ Percent increase =	P.L. 87–645, Oct. 1, 1962	+ Percent increase =	P.L. 89–311, Oct. 31, 1965	+ Percent increase =	P.L. 90–493, Jan. 1, 1969	+ Percent increase =	P.L. 91–376, July 1, 1970	Percent increase from July 1, 1933, to July 1, 1970	Rate proposed by H.R. 15439
(a) Rated at 10 percent [1]	7.9	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	177.8	$28
(b) Rated at 20 percent [1]	4.8	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	155.6	51
(c) Rated at 30 percent [1]	5.8	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	159.3	77
(d) Rated at 40 percent [1]	4.8	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	166.7	106
(e) Rated at 50 percent [1]	5.5	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	200.0	149
(f) Rated at 60 percent [1]	5.3	109	10.1	120	6.7	128	6.3	136	8.1	147	10.9	163	201.9	179
(g) Rated at 70 percent [1]	5.2	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	206.3	212
(h) Rated at 80 percent [1]	5.0	145	10.3	160	6.3	170	9.4	186	8.1	201	10.9	223	209.7	245
(i) Rated at 90 percent [1]	5.0	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	208.6	275
(j) Rated at total [1]	4.9	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	400.0	495
(k) (1) Additional monthly payment for anatomical loss or loss of use of, any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), 1 or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss [2]											(4)		88.0	
(2) Limit for veterans receiving payments under (a) to (j) above											$500	12.0	560	616
(3) Limit for veterans receiving payments under (l) to (n) below	5.0	420	7.1	450	16.6	525	14.3	600	16.6	700	12.0	784		862
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	4.9	279	10.8	309	10.0	340	17.6	400	25.0	500	12.0	560	273.3	616
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veteran so helpless as to require regular aid and attendance	5.1	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	252.0	678
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis or anatomical loss of both eyes	5.1	371	8.1	401	9.7	440	19.3	525	19.0	625	12.0	700	250.0	770
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	5.0	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	213.6	862
(p) (1) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	5.0	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784		862
(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 40 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of 1 ear next intermediate rate is payable, but in no event may compensation exceed								600	16.7	700	12.0	784		862
(q) Arrested tuberculosis, minimum monthly compensation rate											(4)			
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to (o) or (p) rate				150	33.3	200	25.0	250	20.0	300	12.0	336		370
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound				265	9.4	290	20.7	350	28.6	450	12.0	504		554

ADDITIONAL FOR DEPENDENTS* (NONE IF DISABILITY LESS THAN 50 PERCENT IN DEGREE)

Degree of disability	Wife only	Wife, 1 child	Wife, 2 children	Wife, 3** children	No wife, 1 child	No wife, 2 children	No wife, 3 children**	Dependent parent or parents (each)
50 percent	$14	$24	$31	$38	$10	$17	$24	$12
60 percent	17	29	37	45	11	20	29	14
70 percent	20	34	43	53	13	23	34	16
80 percent	22	38	49	60	15	26	38	18
90 percent	25	43	55	68	17	30	43	21
100 percent	28	48	61	75	19	33	48	23

[1] The basic rates payable for those 10 percent through 100 percent disabled, subsection (a) through (j), may be increased if the veteran qualifies for additional payments listed in subsection (k) or (q), and if veteran is 50 percent or more disabled, the following additional amounts are payable for dependents:

[2] Rates for wartime service. Rates for peacetime are 80 percent of wartime rate.

[3] Payment generally made for 1 loss only, until enactment of Public Law 90–77, effective Oct. 1, 1967, which permitted payment to be made for each loss, to a maximum monthly payment of $500 per month.

[4] Veterans who have active tuberculosis are rated as totally disabled, and receive compensation at the 100 percent rate. When the disease become inactive, the degree of disability is reduced over a period of several years, so that after it has been inactive for at least 6 years, the veteran receives the monthly payment of $67. Public Law 90–493 repealed subsection (q) on Aug. 19, 1968, with a savings provision under which any veteran who was receiving or entitled to receive the $67 minimum on that date continues to receive this payment.

*In lieu of foregoing rates for children, $44 monthly is payable to 100 percent disabled veterans (proportionate amounts for veterans disabled 50 to 60 percent for each child age 18 to 23 who is pursuing course of instruction at approved educational institution.

**$14 for each additional child of 100 percent disabled veterans (proportionate amounts for disabled 50 to 90 percent).

XUM

Section 103

This section provides, for the first time, a clothing allowance of $150 per year to each veteran who, because of a service-connected disability which is compensable, wears a prosthetic or orthopedic appliance or uses an appliance or device (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran.

For many years various veterans' groups have urged such an allowance and have cited specific examples of the added expense for torn and worn clothing which has to be borne by so many of the amputees, paraplegics and others who suffer such crippling disabilities. The VA has pointed out that under existing law (38 U.S.C. 623) it may furnish "special clothing made necessary by the wearing of prosthetic appliances" to veterans entitled to medical services from the VA. However, this applies only to *special* clothing and it has been interesting to learn that only about 200 cases were benefited by this provision last year at a total cost of less than $4,000. The Committee is persuaded that adequate justification has been presented for including this new benefit in the bill.

Sections 104, 105, and 106

For many years the law has provided that where a single veteran is furnished hospital treatment or domiciliary care by the VA his disability compensation or retirement pay shall be reduced after the first 6 months of treatment or care to $30 monthly or 50 percent of the benefit, whichever is greater. Upon authorized release from such treatment or care, however, the veteran is paid in a lump sum the amount by which his benefit was reduced.

Time and experience have shown that the withholding of compensation and retirement pay in the case of a single hospitalized veteran has caused undue hardship, since his needs are not necessarily substantially met merely because he is receiving bed and board from the Veterans' Administration. While such withheld amounts are payable to him upon release from hospitalization, there exists the temporary dislocation and possible inability to satisfy continuing obligations caused by his reduced income while hospitalized. Even though hospitalized, the single veteran has continuing obligations, such as payments on a house, rent, furniture, automobile, etc. These expenses often cannot be met while he receives reduced benefits. Thus, the current system often leaves a veteran with the difficult choice of remaining in the hospital until well, and losing his home and personal possessions, or of leaving the hospital prematurely in order to meet his continuing obligations.

The Committee agrees with the Veterans' Administration that considering all aspects the withholding provision does not in general serve the best interest of the single hospitalized veterans concerned and, moreover, does not justify the administrative costs involved. Accordingly, the mentioned withholding authorization is abolished.

SECTION 107

In 1959, by Public Law 86–211, the Congress established the so-called "new" pension program for veterans of World War I, World War II and the Korean Conflict, and their widows and children. This law was effective January 1, 1960. Shortly thereafter (Public Law 86–670), a law was enacted to permit veterans of the Indian Wars and the Spanish American War to make an irrevocable decision, if they felt it to be to their advantage, to receive pension under the "new" law rather than under their separate pension programs. Apparently, through an inadvertence, the widows of such deceased veterans were not afforded the same opportunity. This section of the bill would extend to Spanish American War widows the same right of election which has been the privilege of veterans of the earlier wars. It would also extend to such widows in need of aid and attendance the automatic feature which section 111 of Public Law 90–77 provided for veterans of the earlier wars who need aid and attendance. In the case of such veterans, payment of the greater pension is automatic without any action on their part. The Veterans' Administration interposes no objection to this legislation.

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

Section 201

Since 1966, with the enactment of section 301, Public Law 89–785, the Administrator has been empowered under section 210(c)(2) to provide equitable relief to any person to whom "benefits administered by the Veterans Administration have not been provided by reason of administrative error" by officials or employees of the Government. This provision applies, however, in limited cases and only where basic entitlement to the particular benefit already existed, and where because of administrative error, a claim therefor was improperly denied.

It should be borne in mind that prior to this enactment the only means of providing relief from administrative errors of this sort was by private legislation. This remedy, of course, was time-consuming and burdensome for the Congress.

However, even with the present liberalized provision in section 210(c)(2) there is no authority under which the Administrator may grant any form of relief where the agency has erroneously determined that eligibility existed and a veteran, his dependent or some third person, without knowledge, has relief and changed his position to his detriment. This situation is illustrated by a case involving an erroneous issuance of a certificate of entitlement for an automobile and adaptive equipment for a disabled veteran under chapter 39 where basic entitlement did not in fact exist. The veteran, having applied for and been granted benefits, albeit erroneously, purchases the new car and trades in his old car. The dealer makes delivery of the new car in reliance upon the erroneous certificate. The veteran incurs a further indebtedness which he may not be able to afford and would not have incurred, but for the erroneous issuance by the Veterans Administraton of a certificate of eligibility. Other similar situations have arisen resulting in losses to innocent veterans, their dependents, or third parties.

The proposed legislation, contained in this section, and recommended by the Veterans Administration, would permit the Administrator to extend relief to veterans, their dependents, and other innocent third persons, from the consequences of reliance on such an administrative error where loss is suffered without knowledge of the error. The Administrator would be authorized to provide such relief as he determines equitable, including the payment of monies, to the person or persons whom he determines equitably entitled.

The Veterans Administration advises the Committee that the current equitable relief provisions in section 210(c)(2) have been most conservatively construed and applied. The implementing regulations require a personal determination by the Administrator on a recommendation which may originate only with a Department head or other staff official and it must be reviewed by the General Counsel. The Veterans Administration plans to implement this new provision by applying the same restrictive procedures.

Sections 202, 203, 204 and 205

These sections concern another proposal introduced at the request of the Veterans Administration. They apply to both the general authority in section 3102(a) of title 38, USC, to waive recovery of overpayments, and the authority for waiver of an indebtedness to the Veterans Administration after a default and loss occurs with respect to a loan guaranteed, insured, or made under chapter 37.

Section 3102(a) now provides, in substance, that the Administrator may waive a recovery of payments or overpayments on the basis of a determination that the payee was without fault in creating the overpayment, and either that a recovery would defeat the purpose of benefits or would be against equity and good conscience.

Two basic changes regarding the general waiver authority which would be effected by the first section of the bill are: (1) removal of fault on the part of the payee as a bar to waiver; and (2) deletion of the present alternative standard for waiver—"recovery would defeat the purpose of benefits otherwise authorized". Thus, "equity and good conscience" would remain as the only substantive standard for a waiver of recovery. Equity and good conscience, however, would not apply if, in the opinion of the Administrator, there exists in connection with the request for waiver an indication of fraud, misrepresentation, material fault or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of overpayment or recovery of collections. Except for a minor difference, the waiver authority sought is the same used by the Comptroller General in waiving an indebtedness arising out of overpayment of pay.

The proposed new subsection (b) to be added to section 3102 of title 38 would clarify the Administrator's authority to waive an indebtedness of a veteran or his wife which resulted from a default and loss of the property securing a loan guaranteed, insured, or made to the veteran, and thus, would consolidate the Administrator's waiver authority to apply the single criterion of "equity and good conscience." The Committee is well aware that the interpretative regulations implementing section 1820(a)(4), as amended by Public Law 88–151, have been the subject of continuing controversy. Enactment of this proposal will resolve the matter in a manner which, we believe, will be more acceptable to all concerned.

The purpose of subsection 3(a) of the proposal is to liberalize the authority now contained in section 1817 of title 38, United States Code, to permit the Administrator to release the original veteran-borrower from liability on the Veterans Administration guaranteed, insured, or direct loan after the veteran conveyed title to residential property securing such loan, provided the veteran disposed of the property in a manner which would have qualified him for release if he had applied therefor incident to his sale or transfer of the property. There are many instances where a veteran disposes of property, without applying for a release from liability on the note and mortgage, and the position of the Veterans Administration would be substantially the same as it would have been if he had previously obtained a release from liability to the Government under the present section 1817.

Section 206

This section of the bill, also recommended by the Veterans Administration, would authorize the Administrator to review certain forfeiture actions imposed by the VA prior to September 2, 1959, because of the submission of fraudulent evidence in connection with gratuitous veterans' benefits, and to grant remission of those forfeitures if they would not have been imposed under the law in effect after September 1959.

From 1921 until 1959, the Veterans Administration had authority to administratively forfeit the rights of veterans and dependents to gratuitous VA benefits for the submission of a false or fraudulent statement made in connection therewith. Those provisions of law still appear in section 3503(a) through (c) of title 38, United States Code. This forfeiture for fraud was in addition to the penalties imposed by Federal criminal statutes. In 1959, the law was amended discontinuing the administrative forfeiture for fraud in domestic cases where the person who submitted the fraudulent statement would be subject to criminal prosecution for such act. The change was predicated upon the conclusion that criminal conviction should constitute sufficient penalty.

There were approximately 4,100 forfeitures for fraud prior to 1959. The Veterans Administration has become aware of a number of cases in which the forfeiture penalty, in retrospect, is obviously too severe. Since the 1959 remedial act is specifically limited to situations arising thereafter, authority would be extended under this proposal to review those cases and grant remission of those forfeitures imposed prior to 1959 which would not be forfeited under the 1959 law. This would, in effect, apply the philosophy of the 1959 enactment so as to cover similar cases which arose prior to that amendment.

TITLE III—EFFECTIVE DATES

Section 301

This section provides that sections 101 through 107 of the Act shall take effect on the first day of the second calendar month which begins after the date of enactment. Sections 201 through 206 shall take effect upon the date of enactment of the Act.

Cost

The Committee has ascertained the following cost estimates of sections 101 and 102 for the first five years as follows:

	Millions
First year	$260.0
Second year	262.4
Third year	263.9
Fourth year	264.2
Fifth year	264.4

The Committee has ascertained the following cost estimate of section 103, for the first five years as follows:

	Millions
First year	$6.6
Second year	6.9
Third year	7.2
Fourth year	7.5
Fifth year	7.8

The Committee has been advised, and concurs in the conclusion, that the remaining sections of the bill will either involve no additional cost or the cost aspects are not ascertainable. In the latter case, however, the Committee is confident that they would be relatively insignificant.

DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971

Degree of impairment	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Total	2,146,085	100.0	$226,113,336	$105.36	65,541	100.0	3.1	$121.46	466,987	100.0	21.8	$174.95	1,613,557	100.0	75.1	$84.57
No disability	29,211	1.4	1,889,154	64.67	27,289	41.6	93.4	66.04					1,922	.1	6.6	45.73
10 percent	846,834	39.5	21,135,993	24.96	1,187	1.8	.1	57.47	147,660	31.6	17.4	24.84	697,987	43.3	82.5	24.93
20 percent	332,651	15.5	15,421,774	46.36	9,113	13.9	2.7	65.45	26,221	5.6	7.9	46.82	297,317	18.4	89.4	45.71
30 percent	307,508	14.3	21,628,837	70.34	12,500	19.1	4.1	68.33	80,915	17.3	26.3	69.33	214,093	13.3	69.6	70.83
40 percent	173,405	8.1	17,036,678	98.25	1,690	2.6	1.0	98.49	25,877	5.6	14.9	96.74	145,838	9.0	84.1	98.51
50 percent	110,399	5.1	17,326,556	156.94	3,118	4.8	2.8	153.57	40,254	8.6	36.5	152.50	67,027	4.2	60.7	159.77
60 percent	107,507	5.0	27,420,311	255.06	1,698	2.6	1.6	242.57	18,241	3.9	17.0	223.69	87,568	5.4	81.4	261.83
70 percent	65,152	3.0	20,490,279	314.50	1,362	2.1	2.1	247.90	30,669	6.6	47.1	334.26	33,121	2.1	50.8	298.94
80 percent	34,001	1.6	11,649,669	342.63	2,092	3.2	6.2	286.51	9,029	1.9	26.6	349.91	22,880	1.4	67.2	344.76
90 percent	11,634	.5	4,525,436	388.98	151	.2	1.3	372.13	3,013	.7	25.9	395.07	8,470	.5	72.8	387.12
100 percent	127,783	6.0	67,588,649	528.93	5,341	8.1	4.2	406.73	85,108	18.2	66.6	515.49	37,334	2.3	29.2	566.14
World War I: Total	78,261	100.0	12,721,698	162.55	12,100	100.0	15.5	124.89	16,032	100.0	20.5	242.00	50,129	100.0	64.0	146.24
No disability	967	1.2	56,829	58.77	569	4.7	58.8	67.00					398	.8	41.2	47.00
10 percent	11,715	15.0	362,898	30.98	34	.3	.3	59.74	774	4.8	6.6	31.88	10,907	21.8	93.1	30.82
20 percent	18,670	23.9	1,125,686	60.29	8,486	70.1	45.5	66.38	2,146	13.4	11.5	59.94	8,038	16.0	43.0	53.96
30 percent	10,106	12.9	777,502	76.93	738	6.1	7.3	80.07	1,842	11.5	18.2	77.81	7,526	15.0	74.5	76.41
40 percent	7,774	9.9	818,488	105.29	420	3.5	5.4	107.69	1,315	8.2	16.9	107.48	6,039	12.0	77.7	104.64
50 percent	6,709	8.6	1,020,380	152.09	125	1.0	1.9	151.32	2,373	14.8	35.4	152.19	4,211	8.4	62.7	152.06
60 percent	6,677	8.5	1,840,332	275.62	141	1.2	2.1	340.13	1,065	6.7	16.0	202.05	5,471	10.9	81.9	288.28
70 percent	3,063	3.9	898,062	293.20	49	.4	1.6	270.53	1,093	6.8	35.7	294.33	1,921	3.8	62.7	293.13
80 percent	1,876	2.4	608,583	324.40	23	.2	1.2	320.70	519	3.2	27.7	291.05	1,334	2.7	71.1	337.42
90 percent	411	.5	156,434	380.62	10	.1	2.4	322.70	51	.3	12.4	369.29	350	.7	85.2	383.95
100 percent	10,293	13.2	5,056,504	491.26	1,505	12.4	14.6	473.53	4,854	30.3	47.2	489.06	3,934	7.9	38.2	500.75
World War II: Total	1,395,911	100.0	136,989,397	98.14	33,920	100.0	2.4	124.17	317,650	100.0	22.8	154.29	1,044,341	100.0	74.8	80.21
No disability	18,194	1.3	1,202,110	66.07	17,349	51.1	95.4	67.00					845	.1	4.6	47.00
10 percent	577,561	41.4	14,598,216	25.28	749	2.2	.1	59.10	115,148	36.3	20.0	25.10	461,664	44.3	79.9	25.27
20 percent	210,107	15.0	9,727,147	46.30	425	1.3	.2	66.70	17,882	5.6	8.5	46.18	191,800	18.4	91.3	46.26
30 percent	206,164	14.8	14,675,855	71.19	7,039	20.8	3.4	70.14	58,781	18.6	28.5	70.15	140,344	13.5	68.1	71.67
40 percent	114,401	8.2	11,307,261	98.84	807	2.4	.7	98.20	18,268	5.8	16.0	96.88	95,326	9.1	83.3	99.22
50 percent	70,076	5.0	11,213,598	160.02	1,274	3.7	1.8	163.22	25,515	8.0	36.4	155.96	43,287	4.1	61.8	162.32
60 percent	68,276	4.9	17,601,093	257.79	1,098	3.2	1.6	242.26	11,580	3.6	17.0	222.72	55,598	5.3	81.4	265.41
70 percent	40,166	2.9	12,973,079	322.99	1,104	3.3	2.7	248.32	18,784	5.9	46.8	352.78	20,278	1.9	50.5	299.45
80 percent	21,431	1.5	7,265,946	339.04	1,880	5.5	8.8	289.06	5,462	1.7	25.5	359.99	14,089	1.3	65.7	341.08
90 percent	6,801	.5	2,600,169	382.32	126	.4	1.9	377.77	1,606	.5	23.6	386.35	5,069	.5	74.5	381.16
100 percent	62,734	4.5	33,824,923	539.18	2,069	6.1	3.3	514.62	44,624	14.0	71.1	530.64	16,041	1.5	25.6	566.11
Korean conflict: Total	239,606	100.0	28,559,686	119.19	11,452	100.0	4.8	87.91	45,345	100.0	18.9	258.63	182,809	100.0	76.3	89.40
No disability	7,552	3.2	499,890	66.19	7,248	63.3	96.0	67.00					304	.2	4.0	47.00
10 percent	86,703	36.2	2,223,330	25.64	244	2.1	.3	64.16	10,521	23.2	12.1	25.35	75,938	41.4	87.6	25.56
20 percent	37,186	15.5	1,728,389	46.48	102	.9	.3	66.43	2,063	4.5	5.5	46.35	35,021	19.1	94.2	46.43
30 percent	33,101	13.8	2,377,708	71.83	2,530	22.1	7.6	70.16	6,519	14.4	19.7	70.31	24,052	13.2	72.7	72.42
40 percent	20,215	8.4	2,017,876	99.82	278	2.4	1.4	96.85	2,371	5.2	11.7	98.01	17,566	9.6	86.9	100.11
50 percent	11,732	4.9	1,955,616	166.69	398	3.5	3.4	160.63	3,746	8.3	31.9	163.35	7,588	4.2	64.7	168.66
60 percent	12,656	5.3	3,362,586	265.69	211	1.8	1.7	228.43	2,171	4.8	17.2	248.48	10,274	5.6	81.1	270.09
70 percent	8,416	3.5	2,838,129	337.23	105	.9	1.2	270.00	3,924	8.7	46.7	356.28	4,387	2.4	52.1	321.80
80 percent	4,046	1.7	1,518,384	375.28	78	.7	1.9	320.36	1,104	2.4	27.3	389.67	2,864	1.6	70.8	371.23
90 percent	1,497	.6	610,617	407.89	7	.1	.5	423.00	428	.9	28.6	416.46	1,062	.6	70.9	404.34
100 percent	16,502	6.9	9,427,161	571.27	251	2.2	1.5	501.38	12,498	27.6	75.7	560.02	3,753	2.1	22.8	613.42

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DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971.—Continued

Degree of impairment	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Vietnam era: Total	244,567	100.0	$29,972,703	$122.55	2,095	100.0	.9	$297.81	48,391	100.0	19.8	$204.00	194,081	100.0	79.3	$100.35
No disability	121	.0	5,807	47.99	6	.3	2.5	67.00					115	.1	95.0	47.00
10 percent	49,223	38.5	2,382,511	25.29	56	2.7	.1	25.00	11,612	24.0	12.3	25.13	82,555	42.5	87.6	25.31
20 percent	38,305	15.7	1,773,985	46.31	10	.5	.0	46.00	2,634	5.4	6.9	46.20	35,661	18.4	93.1	46.32
30 percent	30,736	12.6	2,196,534	71.46	42	2.0	.1	70.00	7,626	15.8	24.9	70.42	23,068	11.9	75.1	71.81
40 percent	18,722	7.7	1,882,220	100.54	30	1.4	.2	96.00	2,529	5.2	13.5	98.71	16,163	8.3	86.3	100.83
50 percent	14,511	5.9	2,190,883	150.98	854	40.8	5.9	151.75	5,142	10.6	35.4	146.05	8,515	4.4	58.7	153.88
60 percent	11,194	4.6	2,642,153	236.03	103	4.9	.9	195.84	2,197	4.5	19.6	219.53	8,894	4.6	79.5	240.58
70 percent	8,082	3.3	2,347,979	290.52	30	1.4	.4	234.10	3,524	7.3	43.6	286.80	4,528	2.3	56.0	293.78
80 percent	4,450	1.8	1,594,460	358.31	11	.5	.3	325.18	1,296	2.7	29.1	356.20	3,143	1.6	70.6	359.29
90 percent	2,275	.9	938,307	412.44	1	.0	.0	293.00	752	1.6	33.1	417.65	1,522	.8	66.9	409.95
100 percent	21,948	9.0	12,017,864	547.56	952	45.5	4.3	478.11	11,079	22.9	50.5	510.17	9,917	5.1	45.2	596.00
Regular establishment: Total	187,712	100.0	17,857,906	95.13	5,973	100.0	3.2	101.49	39,564	100.0	21.1	195.29	142,175	100.0	75.7	67.00
No disability	2,377	1.3	124,518	52.38	2,117	35.5	89.1	54.23					260	.2	10.9	37.60
10 percent	76,631	40.9	1,569,013	20.47	104	1.8	.1	46.78	9,605	24.4	12.5	20.23	66,922	47.1	87.4	20.47
20 percent	28,383	15.1	1,066,567	37.58	90	1.5	.3	52.82	1,496	3.8	5.3	37.36	26,797	18.8	94.4	37.54
30 percent	27,401	14.6	1,601,237	58.44	2,151	36.0	7.9	56.20	6,147	15.5	22.4	56.52	19,103	13.4	69.7	59.31
40 percent	12,293	6.5	1,010,834	82.23	155	2.6	1.3	78.47	1,394	3.5	11.3	79.16	10,744	7.6	87.4	82.68
50 percent	7,369	3.9	945,795	128.35	467	7.8	6.3	125.14	3,478	8.8	47.2	125.18	3,424	2.4	46.5	132.00
60 percent	8,701	4.6	1,973,085	226.77	145	2.4	1.7	203.75	1,228	3.1	14.1	215.31	7,328	5.2	84.2	229.14
70 percent	5,423	2.9	1,432,578	264.17	74	1.2	1.4	200.96	3,343	8.4	61.6	267.46	2,006	1.4	37.0	261.02
80 percent	2,196	1.2	661,554	301.25	100	1.7	4.6	228.71	648	1.6	29.5	307.62	1,448	1.0	65.9	303.42
90 percent	650	.3	219,909	338.32	7	.1	1.1	301.71	176	.4	27.1	333.59	467	.3	71.8	340.66
100 percent	16,288	8.7	7,252,816	445.29	563	9.4	3.5	392.45	12,049	30.5	74.0	428.78	3,676	2.6	22.5	597.47
Spanish American War: Total	28	100.0	11,946	426.64	1	100.0	3.6	478.00	5	100.0	17.9	413.80	22	100.0	78.5	427.23
No disability																
10 percent	1	3.6	25	25.00									1	4.5	100.0	25.00
20 percent																
30 percent																
40 percent																
50 percent	2	7.1	284	142.00									2	9.1	100.0	142.00
60 percent	3	10.7	1,063	354.33									3	13.6	100.0	354.33
70 percent	2	7.1	453	226.50					1	20.0	50.0	213.00	1	4.5	50.0	240.00
80 percent	2	7.1	742	371.00									2	9.1	100.0	371.00
90 percent																
100 percent	18	64.4	9,379	521.06	1	100.0	5.6	478.00	4	80.0	22.2	464.00	13	59.2	72.2	541.92

DISABILITY: CLASS OF DEPENDENT, PERIOD OF SERVICE—JUNE 1971

Class of dependent	Total			World War II		World War I		Korean conflict		Vietnam era		Regular Establishment		Spanish-American War	
	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total veterans	2,146,085	$226,143,336	$105.36	1,395,911	$98.14	78,261	$162.55	239,606	$119.19	244,567	$122.55	187,712	$95.13	28	$426.64
Veterans less than 50 percent disabled (no dependency benefit)	1,687,955	76,913,137	45.57	1,126,426	45.73	47,578	61.82	184,758	47.89	182,108	45.26	147,084	36.52	1	25.00
Veterans 50 percent or more disabled	458,130	149,200,199	325.67	269,485	317.19	30,683	318.76	54,848	359.41	62,459	347.92	40,628	307.32	27	441.52
Without dependents	121,869	39,490,265	324.04	57,431	332.40	11,993	304.50	10,843	353.89	29,367	332.34	12,220	304.34	15	441.73
With dependents	336,261	109,709,934	326.26	212,054	315.78	18,690	327.91	44,005	360.76	33,092	361.75	28,408	308.60	12	441.25
With only	135,742	43,250,093	318.62	89,691	312.82	18,093	327.00	8,624	354.93	10,928	341.16	8,394	295.68	12	441.25
With child or children	168,173	54,086,024	321.61	103,918	307.98	474	354.67	28,803	350.50	19,049	365.51	15,929	304.77		
With child or children, and parent or parents	4,038	1,731,854	428.89	2,422	409.14	1	784.00	956	477.90	282	448.33	377	416.00		
With parent or parents	1,857	768,535	413.86	1,344	406.19	5	316.80	218	453.96	175	432.05	115	404.00		
Child or children only	16,523	5,529,482	334.65	8,942	320.95	104	343.91	3,456	360.92	1,734	383.57	2,287	311.03		
Child or children and parent or parents	680	302,390	444.69	325	428.86			193	485.54	63	469.81	99	401.01		
Parent or parents only	9,248	4,041,556	437.02	5,412	434.97	13	462.46	1,755	468.40	861	445.42	1,207	394.32		
Total dependents on whose account additional compensation was being paid	759,968			457,482		19,391		137,822		71,788		73,473		12	
Wives	309,810			197,375		18,573		38,601		30,434		24,815		12	
Children	431,971			249,589		799		95,532		39,518		46,533			
Parents	18,187			10,518		19		3,689		1,836		2,125			

(Mr. DORN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I support H.R. 15439. This bill will increase by 10 percent the monthly compensation payments to 2,177,000 service-connected disabled veterans. It has been approximately 2 years since the monthly payments to this deserving group have been adjusted. Meanwhile the cost of living has risen by more than 7 percent in this same period.

The bill, Mr. Speaker, contains additional provisions that will provide more equitable treatment to the Nation's veterans, their dependents, and survivors of deceased veterans. The ranking Republican member of the Subcommittee on Compensation and Pension, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), will explain them in detail.

I want to commend Subcommittee Chairman DORN and the members of his subcommittee for developing this legislation that will benefit the Nation's service-connected disabled veteran.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the subcommittee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 15439. This bill will authorize a 10 percent increase in the monthly rates of compensation payable to more than 2 million service connected disabled veterans. Included in the group that will share in this modest increase are our war wounded. These are former service personnel who have suffered physical or mental disability in this Nation's struggle for freedom and national security.

This group, Mr. Speaker, has always received the highest priority consideration from the Congress, in recognition of the sacrifices they have made. The rates of compensation for this deserving group were last increased July 1, 1970. Since that time, almost every segment of our society that receives Federal payments for any reason have received an increase in those payments. We can do no less for the Nation's disabled veteran.

The bill also authorizes a clothing allowance of $150 annually for amputees and other seriously disabled veterans who must wear a prosthesis or an orthopedic appliance. The committee has received testimony that artificial limbs, braces, and other devices tend to wear out or rip clothing at an unusually accelerated pace, much faster than the normal wear and tear experienced by the average person. The committee believes a clothing allowance is justified.

Another provision of the bill, Mr. Speaker, will permit Spanish-American War widows to elect pension benefits presently available only to widows of veterans of later wars. Under existing law, a Spanish-American War widow may receive a maximum payment of $75 monthly. In many cases, particularly in the case of the widow with no additional income, it would be to her advantage to elect the benefits available to later war widows, with a maximum payment of $87 monthly if she has no dependents. This discrimination contained in existing law appears unwarranted.

Finally, Mr. Speaker, the bill revises the provisions of existing law that permit relief from administrative error, overpayment, and forfeiture. These provisions have been requested by the Veterans' Administration and the cost is estimated to be relatively insignificant. They will, however, permit the Veterans' Administration to extend relief in cases where the agency has erroneously determined that eligibility existed, and the veteran, without knowledge, has relied and changed his position to his detriment.

It will permit the Veteran's Administration to more equitably determine when overpayments should be recovered and when they should be waived.

It will permit the Veterans' Administration to review certain cases in which benefits had been forfeited prior to September 1959 and grant remission of forfeiture, if otherwise warranted.

Mr. Speaker, this is a carefully drawn bill. It has been cosponsored in a bipartisan basis by 25 members of the Committee on Veterans' Affairs. It authorizes needed increases in monthly payments to a most deserving group—the Nation's disabled veterans. I urge that it be passed.

Mr. TEAGUE of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 15439, the Veterans' Compensation and Relief Act of 1972, and as a cosponsor, urge the House to pass the bill immediately. To reiterate that inflation has caused great hardship among our veteran population states the obvious. In reaction to the rise in the cost of living, increased rates for veterans' compensation were enacted into law by the 91st Congress effective July 1, 1970. Since the effective date of that legislation, the cost of living index has again registered an increase. I feel there is an acute need to increase the service connected compensation to veterans by 10 percent. And we should provide additional allowances for dependents, payable to the service-connected disabled veterans who are rated 50 percent or more disabled.

In a predecessor bill to the measure at hand, the Veterans' Administration recommended a 6 percent boost in the aforementioned rates of compensation. When you consider the time period involved since this was first offered, and the further delay involved before the increased benefits are received, I share the committee's view that the 10-percent rate boost in the reported bill is entirely reasonable.

I urge the House to vote in favor of this bill as justifiable recognition of those who have so valiantly defended, and sacrificed so much for their country.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, H.R. 15439 has as its most important element a cost of living increase of 10 percent for all veterans and their dependents who are receiving compensation. This is considerably overdue. The last increase was effective July 1, 1970.

The bill also provides for the payment of a $150 clothing allowance annually to the veteran whose service-connected disability requires the wearing or use of a prosthetic appliance or device. These devices cause unusual wear and tear on wearing apparel.

At the present time if a single veteran receives hospitalization or domiciliary care for a period in excess of 6 months, his compensation or retired pay is reduced to $30 or 50 percent of the benefit whichever is the greater. The amount withheld is paid to him upon his release, but in certain instances this procedure causes a hardship. There are times when a veteran has continuing expenses such as maintenance of a home or purchase of an automobile and the reduction in benefits prevents him from meeting his obligations. H.R. 15439 will eliminate the withholding requirement.

The "new" pension program as established by Public Law 86–211 and subsequently amended permitted veterans of the Spanish-American War to elect to receive their pension under the "new" law. Inadvertently, this right was not extended to their widows. The bill before us will correct this.

There are certain other changes that are authorized, providing a liberalization of the law as it relates to administrative error, overpayments, and forfeitures.

There is a provision of particular interest to the veteran who may be confronted with an indebtedness arising from a default on the GI loan. This bill will permit the Veterans' Administration to release the original veteran borrower, if it is shown that he would have qualified for a release of liability had he applied at the time he sold his GI home. At present a release of liability may only be requested at the time the home is sold. It is granted in those instances where the purchaser is accepted as being sound financially and able to afford the costs of the mortgage and general maintenance of the home.

This is necessary legislation and I will vote for it.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 15439, the Veterans' Compensation and Relief Act of 1972.

The major purpose of this bill is to provide a 10-percent increase in the rates of compensation for service-connected disabled veterans.

The following is a chart illustrating the effect this measure would have on the monthly compensation rates of service-connected disabled veterans:

Disability (percent)	Current monthly allotment	Monthly allotment as proposed by H.R. 15439
10	$25	$28
20	46	51
30	70	77
40	96	106
50	135	149
60	163	179
70	193	212
80	223	245
90	250	275
100	450	495

Disability rates were last adjusted July 1, 1970. Since that time and by the end of this year, the cost of living will have increased by an estimated 9 percent.

Thus, a 10-percent increase will do little other than allow the disabled veteran to retain the same purchasing power that he had in 1970.

Mr. Speaker, I am not convinced that we are computing rates to reflect the actual loss suffered by the veteran. Let us compare the 100-percent disabled veteran with his counterpart who also served, but through the grace of God, was spared from receiving disabling wounds. The totally disabled veteran presently receives $450 a month, or $5,400 per year. His comrade, without a disability, earns $721 a month, or $8,660 per year—based on the median income of male veterans in the civilian noninstitutional population for 1970.

Thus, the disabled veteran not only receives $271 a month less than his comrade, he also suffers the psychological burden of not enjoying a prosperous career, such as a skilled carpenter or dentist.

Mr. Speaker, we all know that there is no way to adequately compensate a veteran who has lost a limb or an eye in service of our country. But, we have an obligation to at least insure that we are compensating our veterans for their average economic loss resulting from a disease or an injury.

Therefore, I feel that this bill is only

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a stopgap measure. I feel that a comprehensive reform is needed so that the rates reflect the actual loss suffered by the veteran.

But, until that reform is forthcoming, I believe that we must take every step to insure that the compensation due those who gave so much of themselves in the service of our country is adequate to meet their basic needs.

The bill before us today is such a step, and it deserves our strong support. Thus, I urge my colleagues to join with me in voting for the passage of H.R. 15439, a bill to increase the rates of compensation for service-connected disabled veterans by 10 percent.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 15439. It provides for a cost-of-living increase of 10 percent in compensation for veterans and their dependents, and since compensation is paid only to those whose disabilities were the result of their service in the Armed Forces, it will go to the most deserving of our veteran population.

This bill would authorize certain liberalizations of the existing law, pertaining to administrative error, overpayments, and forfeitures. These changes have been recommended by the Veterans' Administration in order that the agency may deal more fairly with its beneficiaries.

The agency also has proposed a change with regard to veterans who incur an indebtedness resulting from the foreclosure on a GI home loan, where the veteran failed to obtain a release of liability prior to selling the house. The change in law would permit the Veterans' Administration to release the veteran if the facts showed that at the time he sold his home he would have been eligible for a release of liability had he applied for it. This could provide relief to a number of deserving veterans.

For a period of years, legislation has been sought which would reimburse certain veterans for the wear and tear on their clothing, resulting from prosthetic devices or equipment they are forced to employ by reason of the nature of their service-connected disabilities. This bill provides for an annual clothing allowance of $150.

Another important change in law that would be permitted, is one that affects the single veteran who is hospitalized for a period in excess of 6 months. At present his compensation or retired pay is reduced to $30 or 50 percent whichever is the greater beginning with the seventh month. In many cases this has caused a hardship where the veteran has continuing expenses such as maintenance of a home or apartment, extended payments on furniture, appliances or an automobile. As soon as his income is reduced because of his hospitalization he can no longer meet his financial obligations. Under this bill the withholding of compensation or retired pay will cease.

There is another provision which would overcome an earlier legislative inadvertence. It would permit the widow of a Spanish-American War veteran to elect to come under the provisions of the "new" pension program, Public Law 86-211, as amended. This is a privilege that was granted previously, to the veteran, and, of course, should be extended to the widow as has been customary.

I am voting for this bill because it is absolutely necessary that we keep our veterans compensation payments in step with the expanding economy and I believe that the other features of the bill are very meritorious.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of H.R. 15439, to increase the rates of compensation for disabled veterans and to provide a clothing allowance for veterans whose disability requires him to wear an appliance which tends to wear out or tear his clothing.

Since the disability compensation program was first established the Congress has periodically reviewed the rates of compensation and has made adjustments when deemed necessary. The rates of compensation were last increased on July 1, 1970.

The bill before us today, H.R. 15439, would, if enacted, provide for a 10-percent increase in the monthly rates of compensation payable to veterans with service-connected disabilities and a similar increase in the rates of additional allowances for dependents payable to service-connected disabled veterans who are rated 50 percent or more disabling. Over the past weekend, I was privileged to attend the annual convention of the State of Florida Disabled American Veterans as a member of DAV Chapter 41 in Hollywood, Fla. Further, I was accorded the privilege of addressing this convention held in the Galt Ocean Hotel, in Fort Lauderdale, on the matter of legislation passed by the Congress which benefits them. Happily the 92d Congress has compiled a good record in the area of veterans legislation. Nonetheless, the basic purpose of the disability compensation program—to provide relief for the impaired earning capacity of veterans disabled as the result of their military service—is still not wholly implemented.

In talking with the members of the DAV in attendance at the Florida State Convention, I found they were intensely interested in the passage of an increase in disability compensation. These people suffer doubly: First, because they live on a fixed income in a period of upward spiraling inflation, and second, because the wounds they received prevent them from earning a decent living for themselves and their families, as other Americans are able to do.

Income maintenance programs, like service-connected disability compensation have been exempted from coverage under the President's economic stabilization program. Further, the amount payable varies according to the degree of disability which represent the average impairment in earning capacity resulting from such disability or combinations of disabilities in civil occupations. Additional compensation for dependents is payable to any veteran entitled to basic compensation for disability rated at not less than 40 percent.

H.R. 15439 contains six other improvements and liberalizations in addition to an increase in compensation. They are: First, a clothing allowance of $150 per year to each veteran who, because of a service-connected disability which is compensable, wears a prosthetic or orthopedic appliance or uses an appliance or device which tends to wear out or tear the clothing of such veteran; second, abolishes the withholding authorization whereby a single veteran who was furnished hospital treatment or domiciliary care by the VA has his disability compensation or retirement pay reduced after the first 6 months of treatment or care to $30 monthly or 50 percent of the benefit and the amount of the reduction was paid to him in a lump sum upon his release; third, extends to Spanish-American War widows the privilege of making an irrevocable decision to receive pensions under the "new" pension plan passed in 1959 rather than existing program; fourth, permits the Administrator of the Veterans' Administration to extend relief to veterans, their dependents, and other innocent third persons, from the consequences of reliance on an administrative error where loss is suffered without knowledge of the error; fifth, liberalization of the authority of the VA to waive recovery of overpayments and the authority for waiver of an indebtedness to the VA after a default and loss occurs with respect to a loan guaranteed, or insured by VA; and sixth, authorizes a review of forfeiture actions imposed by the VA prior to September 2, 1959, because of the submission of fraudulent evidence in connection with gratuitous veterans' benefits, and to grant remission of those forfeitures if they would not have been imposed under the law in effect after September 1959.

It is my feeling that this measure is very timely and will relieve some of the hardships facing those whose earning capacity has been reduced as a result of their military service. I, therefore, urge speedy passage by the House of Representatives.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of H.R. 15439, the Veterans Compensation and Relief Act of 1972. As a member of the House Committee on Veterans' Affairs, I have worked closely with our distinguished chairman, Congressman TEAGUE of Texas. I know of his tireless dedication to the problems of our veterans, particularly those who are disabled in the course of serving their country. I am proud to join as a cosponsor with Chairman TEAGUE, and proud to cast my vote today for final passage of this important legislation.

Those who have followed the hearings and other deliberations of the committee know of the need for the improvements that this bill would bring. The major purpose of the bill is to provide a much-needed increase in the rates of compensation for veterans with service-connected disabilities. This would amount to a 10-percent increase in the monthly payments. There would be a

similar increase in the rates of additional allowances for dependents payable to service-connected disabled veterans who are 50 percent or more disabled.

Throughout its history, the compensation program has been designed to furnish relief to a veteran to the extent that his earning capacity has been impaired as a result of his military service. This requires that there be periodic reviews and adjustments of the rates. Congress last took action to increase the rates in July 1970, and we are all aware of the economic changes and price increases which have occurred since that date.

However, the bill includes more than this increase in monthly compensation. It provides for payment of a "clothing allowance" of $150 per year to a veteran who requires special clothing or medical devices; it revises the system for the payment of pensions to widows of veterans of the Spanish-American War; it allows new procedures for the redress of grievances when a person suffers loss due to an administrative error; and it creates several other necessary revisions within the Veterans' Administration.

For too long we have neglected our veterans and their dependents, who have given this Nation so much, and it is my hope that this bill will receive the prompt approval by both the House and the Senate so that these much needed reforms may go into effect as soon as possible. It is only a small measure of the debt we owe the American veteran.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE), that the House suspend the rules and pass the bill H.R. 15439.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3338

An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15"; respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 3. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator, under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who, because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The table of sections at the beginning of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 4. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title and subject to the limitations thereof."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable.".

SEC. 5. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: Strike out all after the enacting clause of S. 3338 and insert in lieu thereof the provisions of H.R. 15439, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15439) was laid on the table.

HOUSING FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3343), to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, as amended.

The Clerk read as follows:

S. 3343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out "$12,500" and inserting in lieu thereof $17,500.

SEC. 2. Section 1803(c)(1) of title 38, United States Code, is amended by striking out the semicolon and all that follows thereafter and inserting in lieu thereof a period.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the second veterans' bill which has recently been favorably reported, with amendments, by our committee is S. 3343, a bill designed to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans. A major amendment of the bill gives the Administrator of Veterans' Affairs independent authority to adjust the rate of interest on guaranteed home loans consistent with changing market demands. His present authority, held jointly with the Secretary of Housing and Urban Development, expires June 30 of this year—less than 2 weeks hence.

This bill and its amendments are the product of recommendations of our Subcommittee on Housing, ably chaired by

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the gentleman from Ohio (Mr. CARNEY). I am pleased to note the diligent and prompt action taken by the chairman and his fellow members, the gentleman from Nevada (Mr. BARING), the gentleman from Texas (Mr. ROBERTS), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from New Jersey (Mr. HELSTOSKI), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from Kansas (Mr. WINN), and the gentleman from Indiana (Mr. HILLIS).

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CARNEY), chairman of the Subcommittee on Housing.

Mr. CARNEY. Mr. Speaker, this bill would increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to provide specially adapted housing for disabled veterans. Under present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and necessary land up to a maximum of $12,500. The bill, as passed by the Senate, would amend section 802 of title 38, United States Code, to increase the maximum grant authority to $20,000.

Veterans eligible for housing assistance grants are principally service-connected quadriplegics, paraplegics, and others who require the use of a wheelchair. Their condition requires ramps, special bathroom equipment, extra large rooms, exercising facilities, and other devices which are essential for many of them to live comfortably outside a hospital.

In 1948, Public Law 80–703 was enacted, which legislation authorized the granting of $10,000 for paraplegic and quadriplegic veterans whose disability is service connected of a permanent and total quality resulting in the loss or loss of use of both lower extremities so as to preclude locomotion without the aid of crutches, canes, or a wheelchair. The original enactment covered all those individuals who served on or April 20, 1898, and was subsequently amended to broaden its eligibility—Public Law 81–286—and in 1959, Public Law 83–239, to include those veterans who had blindness in both eyes with loss or loss of use of one lower extremity.

In 1969, by Public Law 91–22, the eligible classes were enlarged to include those veterans who from service-connected causes have lost or lost use of one lower extremity together with a residual of a disease which so affected the functions of balance or propulsion as to preclude locomotion without resorting to a wheelchair. In the course of this legislation, the bill was amended by our committee to increase the original amount of the grant to an amount which was ultimately compromised at $12,500. Now, just 3 years later, the Senate is proposing to raise the grant to $20,000, an increase of 60 percent. Our committee believes that such an increase is unduly excessive.

The Veterans' Administration advises that the average cost of a new house under the regular loan guaranty program is presently $25,502. On the other hand, it has been estimated that the average price today on a specially adapted house for paraplegics is slightly over $38,000. In view of the fact that housing costs are continuing to rise, the committee fully agrees that there is some justification for raising the special housing grant. In opposing the $20,000 grant recommended by the Senate, the Veterans' Administration expressed the view that "we consider the present $12,500 maximum grant to be generous." The committee definitely disagrees with this observation but feels that an increase to $17,500—40 percent—would be reasonable and represent a justifiable increase in the benefit afforded to this group of service disabled veterans who are making every effort to lead a normal life under such serious physical handicaps. The first committee amendment, therefore, would set the new grant figure at $17,500.

As of March 31, 1972, the Veterans' Administration had made a total of 11,863 grants since the inception of the program, involving total expenditures of $118,501,627.

The second committee amendment would eliminate the existing statutory requirement in section 1803(c)(1) of title 38, United States Code, that the interest rate on Veterans' Administration loans shall not exceed that rate in effect under section 203(b)(5) of the National Housing Act.

Section 1803(c)(1) now reads as follows:

> Loans guaranteed or insured under this chapter shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter, and shall bear interest not in excess of such rate as the Administrator may from time to time find the loan market demands except that such rate shall in no event exceed that in effect under the provisions of section 203 (b)(5) of the National Housing Act.

The amendment would strike out the present language, reading "except that such rate shall in no event exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act."

The effect of this amendment would be to give the Administrator of Veterans' Affairs independent authority to adjust the rate of interest on guaranteed loans commensurate with changing loan market demands without regard or reference to the maximum interest rate on FHA home loans insured under section 203(b) of the National Housing Act.

Prior to the approval of Public Law 90–301 on May 7, 1968, the maximum interest rate limitation under section 203(b)(5) of the National Housing Act was 6 percent. Public Law 90–301 authorized the Secretary of Housing and Urban Development to adjust mortgage rates above the statutory limitation of 6 percent, as he finds necessary to meet the mortgage market, after consulting with the Administrator of Veterans' Affairs. This authority of the Secretary to adjust home mortgage rates was extended by Public Law 91–351 until January 1, 1972, and again extended for 6 months by Public Law 92–213. Accordingly, the authority will terminate on June 30 of this year.

Unless the authority of the Secretary is further extended or some other provision is made to permit interest rates above 6 percent on FHA loans, the maximum rate on such loans will revert to the statutory limitation of 6 percent under section 203(b)(5) of the National Housing Act. Under the present provisions of section 1803(c)(1) of title 38, United States Code, the maximum interest rate on VA guaranteed loans would also revert to 6 percent. The same rate would also be applicable to direct loans.

Under current mortgage money market conditions, a maximum interest rate of 6 percent on VA guaranteed loans would seriously curtail the availability of mortgage funds for such financing. It is apparent that a reduction of the maximum interest rate to 6 percent as of June 30, 1972, will seriously jeopardize the availability of financing for GI loans, and such financing as would be available would involve discounts that would be considered prohibitive by most sellers and many lenders.

The flexible authority to adjust home loan interest rates is desirable in that it makes possible the prevention of a substantial cutback in available funds for VA home loans. It allows veterans to better compete for funds in tight money periods and, by minimizing loan discounts, increases the number of properties builders and other sellers offer for sale through VA financing.

The omnibus housing bill now under consideration in the Banking and Currency Committee contains a provision which would continue the authority of the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs to administratively set rates, but there appears to be no prospect that the housing bill will be passed by June 30. We cannot, under any circumstances, allow our veterans' housing program, which is very vigorous, to go into default; therefore, the Veterans' Affairs Committee strongly urges legislative action, as proposed in the second amendment, at the earliest possible date.

COST

The first full fiscal year cost of the first section of the bill, as amended, is estimated to be $3.5 million. This estimate is based upon an average of 700 grants a year at an additional outlay of $5,000 per grant. This annual cost would continue at approximately the same level for each of the succeeding 4 years, resulting in a total cost for the first 5 years of approximately $17.5 million.

Enactment of section 2 of the amended bill would not result in any significant cost impact on the administration of the VA loan guaranty program.

Mr. Speaker, at this point I would like to place in the RECORD for the information of the Members a table setting forth the history of the FHA and VA interest rates on loans since the inception of each program.

HISTORY OF FHA AND VA INTEREST RATES

[In percent]

Period	FHA rate, sec. 203		VA rate, guaranteed loans		
	Prescribed	Authorized	Prescribed	Authorized	Statute
November 1934 to June 1935	5½	6			
June 1935 to July 1939	5	6			
July 1939 to June 22, 1944	4½	6			
June 22, 1944 to Aug. 10, 1948	4½	6	4	4	Public Law 346, 77th Cong.
Aug. 10, 1948 to April 1950	4½	6	4	4½	Public Law 901, 80th Cong.
April 1950 to May 1953	4¼	6	4	4½	Do.
May 1953 to Dec. 3, 1956	4½	6	4½	4½	Do.
Dec. 4, 1956 to Aug. 5, 1957	5	6	4½	4½	Do.
Aug. 6, 1957 to April 1958	5¼	6	4½	4½	Do.
April 1958 to June 30, 1959	5¼	6	4¾	4¾	Public Law 85–364.
June 30, 1959 to July 2, 1959	5¼	6	4¾	5¼	Public Law 86–73.
July 2, 1959 to Sept. 23, 1959	5½	6	5¼	5¼	Do.
Sept. 23, 1959 to Feb. 1, 1961	5½	6	5¼	5¼	Do.
Feb. 2, 1961 to May 28, 1961	5½	6	5¼	5¼	Do.
May 29, 1961 to Feb. 6, 1966	5¼	6	5¼	5¼	Do.
Feb. 7, 1966 to Apr. 10, 1966	5½	6			
Mar. 3, 1966 to Apr. 10, 1966	5½	6	5½	6	Public Law 89–358.
Apr. 11, 1966 to Oct. 2, 1966	5¾	6	5¾	6	Do.
Oct. 3, 1966 to May 6, 1968	6	6	6	6	Do.
May 7, 1968 to Jan. 24, 1969	6¾	(1)	6¾	(1)	Public Law 90–301.
Jan. 24, 1969 to Jan. 4, 1970	7½	(1)	7½	(1)	Do.
Jan. 5, 1970 to Dec. 2, 1970	8½	(1)	8½	(1)	Public Law 91–152.
Dec. 2, 1970 to Jan. 13, 1971	8	(1)	8	(1)	Public Law 91–351.
Jan. 13, 1971 to Feb. 18, 1971	7½	(1)	7½	(1)	Do.
Feb. 18, 1971	7	(1)	7	(1)	Do.

1 Loan market demands.

Mr. Speaker, as a freshman Member of this Congress, I want to say it is a great honor to serve on the Veterans' Affairs Committee under the leadership of the gentleman from Texas (Mr. TEAGUE) and the able and astute assistance given him by the ranking minority Member, the gentleman from California (Mr. TEAGUE). The great firm of Teague and Teague are doing a great job for the veterans of this Nation. I salute them.

Mr. Speaker, I urge Members to pass this very much needed legislation.

Mr. TEAGUE of California. Mr. Speaker, I support this bill also.

I concur in the statement just made by the gentleman from Ohio (Mr. CARNEY), except with a degree of modesty I believe I had better go no further than to thank the gentleman regarding the fine words he said about the ranking minority member of the Committee on Veterans' Affairs.

Mr. Speaker, I support this legislation that will adjust the special housing grant payable to certain seriously disabled veterans so that it is more compatible with today's housing construction costs. Equally important, Mr. Speaker, the committee amendment will permit the continuing flow of mortgage financing for the GI home loan program.

The authority for adjusting the interest rate on FHA and VA home loans above the statutory FHA ceiling of 6 percent is scheduled to expire June 30 of this year. The committee amendment will eliminate the provision that the VA rate cannot exceed the FHA rate. This will insure a continuation of the present 7-percent rate on VA home loans, despite the expiration of the authority to adjust the FHA rate above 6 percent.

Mr. Speaker, the Subcommittee on Housing is to be commended for their vigilance and prompt action in bringing this matter to our attention. I urge that the bill be passed.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as she may consume to the ranking minority member of our subcommittee, which had charge of this bill, the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of S. 3343 with House committee amendments thereto.

This bill liberalizes a benefit available only to certain veterans with serious service-connected disabilities. Under existing law, veterans with service-connected disabilities that preclude locomotion without the aid of crutches, canes, or a wheelchair, are entitled to a $12,500 grant toward the purchase of a specially adapted home. These are homes having ramps instead of steps, hand rails in strategic locations, extra wide doorways, special bathroom equipment, and other devices that are necessary for the safety of the occupant.

The grant, of course, is designed to help defray the added costs of these specially constructed homes. Since housing costs continue to rise, there appears to be some justification for increasing the existing grant. Our committee believes that a 40-percent increase to $17,500 is warranted.

The other committee amendment, Mr. Speaker, will have the effect of extending the Veterans' Administrator's authority to adjust the interest rates on GI home loans.

Existing law, Mr. Speaker, vests the VA Administrator with authority to adjust interest rates provided the rate does not exceed the FHA rate. Existing law also permits the Secretary of the Department of Housing and Urban Development after consulting with the Administrator of Veterans' Affairs to adjust the interest rate above the statutory limitation of 6 percent. This authority, granted by Public Law 92–213, will expire on June 30 of this year.

Should this authority be permitted to expire, the permissable interest rate on FHA and Veterans' Administration home loans will revert to 6 percent. This action would seriously impede the flow of mortgage financing for both programs. Even today, the more competitive existing interest rate of 7 percent is not sufficient to attract all of the needed mortgage capital to the two programs. If we permit the rate to revert to 6 percent, I fear the home buying veteran will be unable to avail himself of this benefit of the GI bill because of circumstances beyond his control.

The committee amendment will preserve the status quo with respect to GI home loans by eliminating the statutory requirement that the VA rate cannot exceed the FHA rate.

Mr. Speaker, the bill is sound and the committee amendment is essential if we are to have a viable GI home loan program. I urge that it be passed.

Mr. Speaker, I join with my colleagues in complimenting the leadership on both the majority and minority sides of the Committee on Veterans' Affairs, on which it is a privilege to serve.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of S. 3343, as amended. This bill as it reached us from the Senate proposed to increase the current grant of $12,500 to $20,000 for the so-called "wheel chair homes." These are homes either specially constructed or remodeled to accommodate and make as comfortable as possible certain veterans whose service-connected conditions are of such severity that without special housing they might well be confined to a nursing home.

The program of specially adapted housing was launched in 1948 by the enactment of Public Law 702, 80th Congress. The aim has been to defray the costs of special equipment and adaptations necessary to make the veteran comfortable. It has never been the goal to purchase the entire home for him. Accordingly, the present law authorizes the payment of 50 percent of the total cost, but not to exceed $12,500. In my opinion, the committee amendment limiting the maximum grant to $17,500

should be ample to provide for the increased construction costs in today's market.

The second amendment would permit the Administrator of Veterans' Affairs to adjust interest rates on guaranteed loans according to the prevailing rates of the loan market. The existing statute requires that adjustments be made by the Secretary of Housing and Urban Development in consultation with the Administrator of Veterans' Affairs. This statute expires on June 30 of this year. The authority to continue it is contained in the omnibus housing bill under consideration by the Banking and Currency Committee, but there seems little expectation of its passage by June 30.

It is essential that GI loans remain competitive in the changing loan market. If the existing statute expires, the maximum loan rate permissible will revert to 6 percent. Obviously, this will almost close the door to the loans for veterans and certainly whatever financing that may remain will be subject to exorbitant discounts to make up for the low interest rate.

It is my opinion that the Administrator of Veterans' Affairs should be vested with the flexible authority to adjust loan rates in keeping with the prevailing market. This is the most satisfactory solution that I can think of if we are to maintain the integrity of the GI loan program.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of S. 3343, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

This past weekend it was my privilege to address the annual convention for the State of Florida Disabled American Veterans which was held in Fort Lauderdale, Fla., in my congressional district. Many of those who attended this convention expressed strong support for an increase in the maximum amount of a grant payable by the Veterans' Administration to provide specially adapted housing for disabled veterans.

Under the present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and the necessary land up to a maximum of $12,500. We are all aware that land prices and home costs have gone up at a faster rate than most other items in the present upward inflationary spiral. Veterans eligible for housing assistance grants are principally service-connected quadriplegics, paraplegics, and others who require the use of a wheelchair. Their various conditions require ramps, special bathroom equipment, extra large rooms, exercising facilities and other devices which are essential to many of them to live comfortably outside a hospital.

Mr. Speaker, the Veterans' Administration says that the average cost of a new house under the regular loan guaranty program is $25,502. It has been estimated that the average price today on a specially adapted house for paraplegics is over $38,000.

The Senate passed S. 3343 calling for an increase to $20,000 as the maximum amount of the grant payable for specially adapted housing for disabled veterans on April 26. The Committee on Veterans' Affairs of the House of Representatives feels that a 60-percent increase is too much at this time and recommends instead of a 40-percent increase of $17,500.

While I personally feel that the $20,000 figure is more realistic, I am voting for this measure today to expedite an increase this year. It is my hope that when the conferees meet to iron out the difference in the amount between the Senate-passed version and the House-passed version, that the higher figure will be recommended for adoption.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill being considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE), that the House suspend the rules and pass the bill S. 3343, as amended.

The question was taken.

Mr. GROVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 0, not voting 91, as follows:

[Roll No. 211]

YEAS—341

Abbitt	Broyhill, N.C.	Davis, Wis.
Adams	Broyhill, Va.	de la Garza
Alexander	Buchanan	Dellenback
Anderson, Calif.	Burke, Fla.	Dellums
Anderson, Ill.	Burke, Mass.	Denholm
Andrews, Ala.	Burleson, Tex.	Dennis
Andrews, N. Dak.	Burlison, Mo.	Dent
Annunzio	Burton	Derwinski
Archer	Byrne, Pa.	Devine
Arends	Byrnes, Wis.	Dickinson
Ashley	Byron	Donohue
Aspin	Camp	Dorn
Aspinall	Carlson	Downing
Baker	Carney	Drinan
Baring	Carter	Duiski
Barrett	Casey, Tex.	Duncan
Bevill	Cederberg	du Pont
Bevill	Chamberlain	Dwyer
Bevill	Chappell	Eckhardt
Bevill	Clancy	Edmondson
Bennett	Clark	Edwards, Calif.
Bergland	Clausen, Don H.	Eilberg
Betts	Clawson, Del	Evans, Colo.
Bevill	Collier	Evins, Tenn.
Biaggi	Collins, Ill.	Fascell
Biester	Collins, Tex.	Findley
Blackburn	Colmer	Fisher
Blatnik	Conable	Flood
Boggs	Conover	Foley
Boland	Conte	Ford, Gerald R.
Bolling	Coughlin	Ford, William D.
Bow	Crane	Forsythe
Brademas	Culver	Fountain
Bray	Curlin	Fraser
Brinkley	Daniel, Va.	Frelinghuysen
Brooks	Danielson	Frenzel
Brotzman	Davis, Ga.	Frey
Brown, Ohio	Garmatz	Ruppe
	Gaydos	Ruth
	Gettys	St Germain
	Giaimo	Sandman
	Gibbons	Sarbanes
	Goldwater	Satterfield
	Gonzalez	Saylor
	Goodling	Scherle
	Green, Pa.	Schneebeli
	Griffin	Schwengel
	Griffiths	Scott
	Gross	Selberling
	Grover	Shipley
	Gubser	Shoup
	Gude	Shriver
	Haley	Sikes
	Hall	Sisk
	Hamilton	Skubitz
	Hammer-schmidt	Slack
	Hanley	Smith, Calif.
	Hanna	Smith, Iowa
	Hansen, Idaho	Smith, N.Y.
	Hansen, Wash.	Snyder
	Harrington	Spence
	Harsha	Springer
	Harvey	Staggers
	Hastings	Stanton, J. William
	Hathaway	Stanton, James V.
	Hawkins	Steed
	Hays	Steele
	Hébert	Steiger, Ariz.
	Hechler, W. Va.	Stokes
	Heckler, Mass.	Stratton
	Heinz	Stubblefield
	Henderson	Sullivan
	Hicks, Mass.	Taylor
	Hicks, Wash.	Teague, Calif.
	Hillis	Teague, Tex.
	Hogan	Terry
	Holifield	Thompson, Ga.
	Hosmer	Thomson, Wis.
	Howard	Thone
	Hull	Tiernan
	Hungate	Ullman
	Hunt	Van Deerlin
	Hutchinson	Vander Jagt
	Ichord	Vanik
	Jacobs	Veysey
	Jarman	Vigorito
	Johnson, Calif.	Waggonner
	Johnson, Pa.	Waldie
	Jonas	Wampler
	Jones, Ala.	Ware
	Jones, N.C.	Whalen
	Jones, Tenn.	White
	Karth	Whitehurst
	Kastenmeier	Whitten
	Kazen	Widnall
	Keating	Wiggins
	Kee	Williams
	Keith	Wilson, Bob
	Kemp	Wilson, Charles H.
	King	Wolff
	Koch	Wright
	Kuykendall	Wyatt
	Kyl	Wydler
	Landgrebe	Wylie
	Latta	Wyman
	Leggett	Yates
	Lennon	Yatron
	Lent	Young, Fla.
	Lloyd	Young, Tex.
	Long, Md.	Zablocki
	Lujan	Zion
	McClory	Zwach
	McCloskey	
	McClure	
	McCollister	
	McCormack	
	McCulloch	
	McDade	
	McFall	
	McKay	
	McKevitt	
	McKinney	
	McMillan	
	Macdonald, Mass.	
	Madden	
	Mahon	
	Mailliard	
	Mallary	
	Martin	
	Mathis, Ga.	
	Matsunaga	
	Mayne	
	Mazzoli	
	Meeds	
	Michel	
	Mikva	
	Miller, Ohio	
	Mills, Md.	
	Minish	
	Mink	
	Minshall	
	Mitchell	
	Mizell	
	Mollohan	
	Montgomery	
	Moorhead	
	Morgan	
	Mosher	
	Moss	
	Murphy, Ill.	
	Myers	
	Natcher	
	Nedzi	
	Nichols	
	Nix	
	Obey	
	O'Hara	
	O'Konski	
	O'Neill	
	Passman	
	Patten	
	Pettis	
	Pickle	
	Pike	
	Poage	
	Poff	
	Powell	
	Preyer, N.C.	
	Price, Ill.	
	Price, Tex.	
	Pucinski	
	Purcell	
	Quie	
	Quillen	
	Railsback	
	Randall	
	Rees	
	Reuss	
	Rhodes	
	Riegle	
	Roberts	
	Robinson, Va.	
	Robison, N.Y.	
	Rodino	
	Roe	
	Rogers	
	Roncalio	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Rousselot	
	Roybal	
	Runnels	

NAYS—0

NOT VOTING—91

Abernethy	Cotter	Halpern
Abourezk	Daniels, N.J.	Helstoski
Ayres	Davis, S.C.	Horton
Addabbo	Delaney	Kluczynski
Anderson, Tenn.	Diggs	Kyros
Ashbrook	Dingell	Landrum
Badillo	Dow	Link
Bell	Dowdy	Long, La.
Bingham	Edwards, Ala.	McDonald, Mich.
Blanton	Erlenborn	McEwen
Brasco	Esch	Mann
Broomfield	Eshleman	Matbias, Calif.
Brown, Mich.	Fish	Melcher
Cabell	Flowers	Metcalfe
Caffery	Flynt	Miller, Calif.
Carey, N.Y.	Fulton	Mills, Ark.
Celler	Fuqua	Monagan
Chisholm	Gallifianakis	Murphy, N.Y.
Clay	Gallagher	Nelsen
Cleveland	Grasso	Patman
Conyers	Gray	Pelly
Corman	Green, Oreg.	Pepper
	Hagan	
	Perkins	Rooney, N.Y.
	Peyser	Roush
	Pirnie	Roy
	Podell	Ryan
	Pryor, Ark.	Scheuer
	Rangel	Schmitz
	Rarick	Sebelius
	Reid	Steiger, Wis.
		Stephens
		Stuckey
		Symington
		Talcott
		Thompson, N.J.
		Udall
		Whalley
		Winn

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. McEwen.
Mr. Kluczynski with Mr. Edwards of Alabama.
Mr. Mills of Arkansas with Mr. Broomfield.
Mr. Celler with Mr. Cleveland.
Mr. Patman with Mr. Ashbrook.
Mr. Perkins with Mr. Bell.
Mr. Carey of New York with Mr. Nelsen.
Mr. Daniels of New Jersey with Mr. Fish.
Mr. Flynt with Mr. Sebelius.
Mr. Fulton with Mr. Schmitz.
Mrs. Grasso with Mr. Pirnie.
Mr. Roush with Mr. Esch.
Mr. Murphy of New York with Mr. Horton.
Mr. Metcalfe with Mr. Erlenborn.
Mr. Helstoski with Mr. Halpern.
Mr. Addabbo with Mr. Peyser.
Mr. Anderson of Tennessee with Mr. Pelly.
Mr. Bingham with Mr. Steiger of Wisconsin.
Mr. Brasco with Mr. Mathias of California.
Mr. Flowers with Mr. Whalley.
Mr. Hagan with Mr. Talcott.
Mr. Thompson of New Jersey with Mr. McDonald of Michigan.
Mr. Udall with Mr. Winn.
Mr. Symington with Mr. Brown of Michigan.
Mr. Kyros with Mr. Eshleman.
Mr. Monagan with Mr. Pepper.
Mr. Podell with Mr. Link.
Mr. Reid with Mr. Melcher.
Mrs. Abzug with Mr. Caffery.
Mr. Ryan with Mr. Conyers.
Mr. Cabell with Mr. Long of Louisiana.
Mr. Clay with Mr. Corman.
Mr. Roy with Mr. Davis of South Carolina.
Mr. Rarick with Mr. Cotter.
Mr. Rangel with Mr. Dow.
Mr. Dingell with Mr. Diggs.
Mrs. Chisholm with Mr. Gallifianakis.
Mr. Abernethy with Mr. Mann.
Mr. Stephens with Mr. Landrum.
Mr. Miller of California with Mr. Pryor of Arkansas.
Mr. Delaney with Mrs. Green of Oregon.
Mr. Gray with Mr. Fuqua.
Mr. Scheuer with Mr. Blanton.
Mr. Badillo with Mr. Gallagher.
Mr. Stuckey with Mr. Dowdy.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An Act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, and for other purposes."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9580, DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS

Mr. McMILLAN. Mr. Speaker, I call up the conference report on the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on the District of Columbia, the gentleman from South Carolina, what happened so far as the Senate amendments were concerned, and particularly with reference to those adverse to the position of the House or increasing costs?

Mr. McMILLAN. I do not believe I understood the question.

Mr. HALL. I am asking what the Senate amendments are, whether or not they are germane, and if there is an increase in cost in the agreed-to conference?

Mr. McMILLAN. No, sir. There is no change either in the bill or in the cost.

Mr. HALL. In other words, it is the same as the House-passed version?

Mr. McMILLAN. That is correct.

At present, large dump trucks—65,000 pounds maximum weight—operating from points within the District of Columbia, regardless of where they are registered, must pay the District an annual registration fee of $269.50, plus an annual hauling permit fee of $680, for a total of $949.50 per year.

Similarly, such trucks operating from point to point within the State of Maryland, regardless of where they are registered, must pay an annual fee of $845 to the State of Maryland.

Many dump truck operators in the District and in Maryland are obliged to operate in both jurisdictions in the normal course of their business, and thus are obliged to pay both of these large annual fees. This is a real financial hardship at least to the small operators.

The bill H.R. 9580, as approved by the House on August 4, 1971, and by the Senate with amendments on May 23, 1972, provides a solution to this problem by authorizing the District of Columbia Commissioner to enter into interstate agreements with Maryland and Virginia, whereby such dump trucks may operate in all these jurisdictions without payment of any fees except in the jurisdiction in which they are registered. The Maryland legislature has already authorized that State to enter into such agreement.

At this time, the State of Virginia poses no problem in this respect, because they do not allow dump trucks heavier than 50,000 pounds to operate on their roads, and they do reciprocate with the District regarding registration fee payments for such vehicles. However, it is anticipated that Virginia may soon permit the modern larger trucks in that State, and in this case there is no doubt that substantial fees will be levied for such operation. Thus, the inclusion of Virginia in this legislation is a precautionary measure for future use.

The one Senate amendment to this bill agreed upon in conference was the addition of a new section authorizing the District of Columbia Commissioner to enter into interstate agreements with Maryland and Virginia also to the effect that each jurisdiction will refuse annual registration of motor vehicles to its residents who have outstanding traffic violation tickets in either of the other two jurisdictions. In calendar year 1971, the District lost $118,700 in revenues from unpaid parking violation tickets issued to Maryland and Virginia motorists.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 12, 1972.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

A MAN OF COURAGE AND INTEGRITY, A CHAMPION OF FAIR PLAY AND JUSTICE: CHET HOLIFIELD

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, long before I began my career as a Member of the House of Representatives, I knew of CHET HOLIFIELD'S outstanding service to his country as a Member of this body.

He was elected to the House for the first time in 1942, the very year when the tragic Executive order was issued which resulted in the uprooting of 110,000 Americans of Japanese ancestry from their west coast homes, and their eventual imprisonment in what were called "relocation centers." Along with only a few others, CHET HOLIFIELD spoke out, at great financial and political risk, against that outrageous act.

As a young man lobbying for Statehood for Hawaii, I found in CHET HOLIFIELD one of my most sympathetic listeners.

Mr. Speaker, a recent article paid well-deserved tribute to the dean of the California delegation. Written by Mike Masaoka, Washington representative of the Japanese American Citizens League, the article expresses quite well the esteem in which CHET HOLIFIELD is held among those who value human rights and dignity. At this point, I offer for inclusion in the RECORD the text of Mike Masaoka's column, so that my colleagues might share this tribute to CHET HOLIFIELD, a man I am proud to call my friend.

[From the Pacific Citizen, June 2, 1972]

CHET HOLIFIELD

(By Mike Masaoka)

WASHINGTON.—We have known Chet Holifield since he first was elected to the National House of Representatives in 1942. We know that during the World War II period, when persons of Japanese ancestry were most unpopular, Chet Holifield was among the very few, about five in number, who consistently advocated fair play and justice for Japanese Americans in the halls of Congress, who fought against repressive and racist bills directed against those of our ancestry, and who took advantage of every possible opportunity to use his good offices with the Administra-

tion to promote our welfare and civil rights. Indeed, those who can remember some of those campaigns of the 1940s and early 1950s will recall that his political opposition charged him with being "a Jap lover." He was always willing to stake his political and business life on his belief in Japanese Americans.

After World War II, he was among the most aggressive in working for the enactment of corrective and remedial legislation, such as those providing partial compensation for some of the property losses suffered in the Evacuation, for naturalization privileges for Japanese and other Asian aliens, for the elimination of the Japanese and other Oriental Immigration Quota System and the doubly racist Asia-Pacific Triangle, for Statehood for Hawaii, and many, many other good and beneficial statutes.

A progressive, liberal, and humanitarian lawmaker, he helped found and was twice President of the Democratic Study Group, that unofficial group of about 150 Congressmen who work for civil and human rights, for decency and dignity, for equality of opportunity in employment, housing, education, public facilities etc.

Today, after serving more than 30 consecutive years in Congress, he is the dean of the entire West Coast Congressional Delegation. He is also Chairman of the House Government Operations Committee and has been chairman of the Joint House and Senate Atomic Energy Committee. His seniority, his friendship with the leadership and other members, and his legislative craftsmanship have accomplished much for the constitutents of his District, the State of California, and the Nation.

Last year, he joined with Congressman Spark Matsunaga in the leadership that resulted in the repeal of Title II of the Internal Security Act of 1950, which authorized arbitrary detention and concentration camps under certain conditions. At this moment, he and his office are helping to make the 1972 National JACL Convention in Washington the great success that it deserves to be.

In spite of JACL's prohibition against endorsements, as the Washington Representative for more than a quarter of a century I wish to pay tribute to Congressman Chet Holifield for all that he has done to help Japanese Americans and others who are denied, disadvantaged, deprived, and disillusioned. Few, if any, in the entire Congress has done more. Without doubt, he deserves the support of every American of Japanese ancestry, not to mention others of decency and goodwill.

PERSONAL ANNOUNCEMENT REGARDING VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was required to be in my district on official business which necessitated my leaving during legislative business late Thursday afternoon, June 1, and being absent from proceedings of the House during the following week. Had I been present, I would have voted as follows:

THURSDAY, JUNE 1, 1972

Rollcall No. 179—An amendment to H.R. 13918. I would have voted "no" on the amendment to the Public Broadcasting Act to prohibit the corporation from conducting voter polls or public opinion surveys pertaining to Federal, State, or local elections. The amendment was agreed to by a vote of 203 ayes to 135 noes.

Rollcall No. 180—An amendment to H.R. 13918. I would have voted "no" on the amendment that sought to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972. This amendment was agreed to while the House was in the Committee of the Whole by a vote of 169 ayes to 165 noes.

Rollcall No. 181—I would have again voted "no" on the amendment to H.R. 13918 described in Roll No. 180. The amendment was rejected by the House on a vote of 166 yeas to 170 nays, following a demand for a separate vote by the House.

Rollcall No. 182—I would have voted "yea" on the passage of H.R. 13918, the Public Broadcasting Act of 1972. The bill was approved by a vote of 256 yeas to 69 nays.

Rollcall No. 183—I would have voted "yea" on House Resolution 965, authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva. The resolution was approved by a vote of 192 yeas to 80 nays.

MONDAY, JUNE 5, 1972

Rollcall No. 185—I would have voted "yea" on the conferenec report on S. 1736, the Public Buildings Amendments of 1972. The conference report was approved by a vote of 277 yeas to 40 nays.

Rollcall No. 186—I would have voted "yea" on H.R. 12674, to establish a national cemetery system within the Veterans' Administration. The bill was approved by a vote of 310 yeas to 4 nays.

Rollcall No. 187—I would have voted "yea" on H.R. 10310, to establish the Seal Beach National Wildlife Refuge. The bill was approved by a vote of 314 yeas.

Rollcall No. 188—I would have voted "yea" on H.R. 14731, to provide for the effective enforcement of the provisions of the Fish and Wildlife Act of 1956 prohibiting the shooting at birds, fish, and other animals from aircraft. The bill was approved by a vote of 310 yeas to 5 nays.

Rollcall No. 189—I would have voted "yea" on H.R. 14106, to amend the Water Resources Planning Act to authorize increased appropriations. The bill was approved by a vote of 317 yeas.

WEDNESDAY, JUNE 7, 1972

Rollcall No. 192—I would have voted "yea" on H.R. 15259, making appropriations for the District of Columbia for the fiscal year 1973. The bill was approved by a vote of 302 yeas to 67 nays.

Rollcall No. 193—I would have voted "yea" on H.R. 14990, to authorize appropriations to the Atomic Energy Commission. The bill was approved by a vote of 367 yeas to 2 nays.

THURSDAY, JUNE 8, 1972

Rollcall No. 195—I would have voted "yea" on the conference report on S. 659, the Higher Education Act of 1972. The conference report was approved by a vote of 218 yeas to 180 nays.

AIR PIRACY

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the effort by American pilots to force positive action against sky pirates is commendable. The effort is, in part, abortive because it does not take in a broad enough group of pilots and it could not be fully effective because it does not reach the countries chiefly responsible for international hijacking. Nevertheless, it shows the American pilots are in a mood to demand action.

The United Nations could be helpful in this area and should be. All of the nations which encourage hijacking are members of the U.N. The member states which deplore this practice should make the subject an important part of the United Nation's agenda until something constructive is achieved. The U.S. State Department has not worked as hard at achieving the cooperation of other nations as it should. The Congress should tighten the laws which deal with air piracy.

The fact remains that the pilots have broken the ice in an effort to discourage one very serious aspect of hijacking. For this they should receive gratitude and commendation. It is to be hoped their efforts will continue.

WORKING TOGETHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, communication between constituents and Members of Congress is the vital ingredient in a successful representative democracy.

There is no such thing as too much communication. Because understanding begins with communication and there cannot be too much understanding if this Republic is to grow and prosper.

This is the reasoning behind my latest newsletter and the questionnaire it includes which has been mailed to 175,000 constituents in Massachusetts. I submit it as "exhibit 1" in making a case for a continuing dialog between the people and those they elect to represent them:

WORKING TOGETHER

A continuing dialogue with the people of the Tenth District is most important. Communication between constituents and member of Congress is the key to good representation in Washington. Our communication enables me to act upon your views and assist in your dealings with the Federal Government.

The lines of our communication in the Tenth District are strong and varied. There are two offices in the District, one in Wellesley, telephone 235-3350, and one in Fall River, telephone 672-1855. They are in constant telecommunication with me in Washington for the instant transmission of information and/or documents.

And I am happy to announce that we will soon have a third office in the Tenth District, this one in Taunton to serve that area plus the Attleboros and the Bridgewaters. Watch for the grand opening.

In addition, I will be visiting many other communities in my mobile Office and I will be pleased if you can join me to discuss your views and problems.

The mail bag brings us more than 500 letters a week on every imaginable subject. I am always glad to hear from you.

I have personal visits with many of you, both in the District and in Washington, in meetings with businessmen, union members, state, city and town officials, housewives, students, senior citizens and other groups. I find these meetings most valuable.

Your communications—in person, by mail, by phone—provide me the information I need to represent you in Washington, to bring your views to the Congress, and to get the Government to respond to your needs.

Some examples of how this can work are listed in the box on your left.

COMMUNICATION=ACTION

The Taunton Neighborhood Youth Corps project was in danger of being transferred to New Bedford. I objected and the Regional Manpower Administration yielded, leaving the program under Taunton control.

The North Attleboro Industrial Development Commission sought my assistance in untangling government red tape delaying its application for Federal aid. We were successful and the application is presently close to final approval.

Several months after her husband's death, a widow complained that she could not obtain the Social Security death benefits due her. I contacted the Social Security Administration and within a short time the widow received a lump sum for past benefits and will continue to receive payments on a monthly basis.

In Israel last year, I met Dr. Michael Zand, who was having trouble getting a visa to this country to lecture on the problem of Jews in Russia, from which he had recently fled. I was able to arrange for the visa and he began his talks at Brandeis University.

The Environmental Protection Association of Southern New England, centered in the Mansfield-Rehoboth area, sought my help in interesting Federal officials in its proposals to bring the ecology story to the public. The responsible officials were contacted and a meeting was arranged.

Another widow, the wife of a veteran who died from service-connected illness, was finding it difficult to obtain information from the Veterans Administration on benefits for her family. Regular monthly checks are now being received by the widow and her children.

THE ECONOMY=JOBS

The economic reawakening in the rest of the nation is not being duplicated in Massachusetts.

The best way to cope with the situation is to meet it head on. And the best weapon is jobs.

There are two sources of jobs: expansion of existing industries and the attraction of new industry.

I have been meeting with the other members of the Massachusetts Congressional delegation, with economists, employers, labor representatives in a continuing effort to solve the problem.

At the same time, I have been working with city and town officials in the Tenth District on developing the best climate for keeping and attracting industry.

I have also supported the Emergency Employment Act which has created 500 jobs in public service areas in the Tenth District as well as legislation to extend Unemployment Compensation Benefits for those who have exhausted their normal payments.

Mansfield and the Attleboros, to cite two examples, have done very well in attracting industry. Taking advantage of their location near the anchor point for Interstate 495, they have succeeded in attracting new industry into a climate in which it can flourish.

It is going to take the best efforts of all of us—industry, labor, government at all levels and private citizens—to restore Massachusetts to a healthy, growing economy.

REVENUE SHARING

An important first step toward much-needed tax reform is being taken as the Congress debates revenue sharing.

The return of Federal tax revenues to states and communities, which I support, is not tax relief as such, but it is tax reform because it is designed to pave the way for a reordering of state and local tax systems.

Basically, the revenue-sharing bill before the House provides a total of $5.3 billion to be apportioned among state and local governments the first year.

Massachusetts' share of these funds in 1972, if the bill passes, will be $104.4 million to local communities and $74.6 million to the state, for a total of $179 million.

Under the formula in the bill approved by the House Ways and Means Committee, the estimated first year fund allocation to Tenth District cities is:

$598,007 to Attleboro; $1,973,469 to Fall River; and $867,383 to Taunton.

Under the same formula, the approximate amounts for Tenth District towns are:

Berkley, $10,000; Bridgewater, $119,000; Dighton, $24,000; East Bridgewater, $84,000; Easton, $62,000; Foxboro, $182,000; Freetown, $22,000; Halifax, $36,000; Hanson, $72,000; Lakeville, $44,000.

Mansfield, $50,000; Medfield, $126,000; Middleboro, $137,000; Millis, $73,000; Natick, $226,000; Norfolk, $60,000; North Attleboro, $94,000; Norton, $48,000; Plainville, $63,000; Raynham, $34,000.

Rehoboth, $33,000; Seekonk, $56,000; Sharon, $159,000; Sherborn, $24,000; Somerset, $92,000; Swansea, $64,000; Wellesley, $360,000; West Bridgewater, $72,000; Westport, $50,000; Wrentham, $94,000.

The money given to city and town governments cannot be used as local funds to match Federal grants for other programs.

Fundamental purpose of the bill is to supply the additional revenue municipalities say they must have to meet their increasing needs. A five-year period is written into the legislation to give local and state governments "breathing room", not only to solve revenue shortages, but also to reform their own tax structures.

SENIOR CITIZENS

The country owes senior citizens something for the investment of themselves in decent, hard-working, law-abiding lifetimes that, in the aggregate, built America.

I believe it owes them economic security, comfort, ease, good health care, Social Security income equal to their needs, adequate housing suitable to their needs, easy transportation, protection from crime, and the opportunity for social activities.

Thus I have been supporting and working for a 20-percent increase in Social Security benefits and other legislation needed to provide these things for seniors.

Of more immediate importance is the Federal money I was recently able to obtain for additional senior citizens' housing in Taunton.

The Department of Housing and Urban Development has provided initial funds for planning and design work on an 80-unit complex for seniors.

The project had been snarled in red tape, but we worked it out with city and Federal officials, and it is now proceeding on schedule.

SOME OF MY OTHER MAJOR LEGISLATION

Urge definite withdrawal date from Viet Nam, concurrent with release of American prisoners.

Create a Joint Committee on the Environment.

Prohibit discrimination against the physically and mentally handicapped.

Provide tax credits for private non-profit elementary and secondary education and for higher education expenses.

Authorize programs to promote the cultural heritage of ethnic groups.

Established a Comprehensive Child Development Program.

Permit tax exemption of the first $5,000 of retirement income.

Establish a Commission on Penal Reform.

Establish a Consumer Protection Agency.

Recognize Bangladesh.

Establish a Department of Peace.

Establish a quota on imported shoes and textiles.

Provide additional compensation for prisoners of war.

Provide improved medical care for veterans.

Provide funds for Coast Guard protection of U.S. fishermen.

CONSUMERS

Two issues affecting Massachusetts consumers the most are food and fuel oil.

I have been working to bring price relief on both.

I called for a White House study of the entire food price situation which finds neither farmer nor housewife the beneficiary. Uncontrolled food prices defeat any attempt to check inflation by controlling wages and other prices.

The price Commission held hearings on the subject, as I urged, but whatever little result there has been is not enough.

Massachusetts oil consumers—victimized by high prices resulting from restrictions on imports of foreign crude oil—may be helped by two recent developments, but, again, not enough.

One is that the foreign oil import quota for New England has been slightly increased, boosting the supply and, hopefully, lowering prices.

The other is the decision is to build a pipeline to bring Alaskan oil to California. I urged that the pipeline be built in Canada to bring the oil closer to New England. I just hope some of the additional oil from Alaska finds its way to Massachusetts to ease the price pressure.

I have been working on the oil situation with the bipartisan Congressional delegation from Massachusetts since I came to Congress. But the problem is that the big oil-producing states in the West and Southwest, which have money and a lot of votes, want foreign imports controlled to protect the domestic oil industry. That is New England's chief competition and it is formidable.

REPRESENTATIVE MARGARET HECKLER'S SIXTH ANNUAL QUESTIONNAIRE

(Please check appropriate spaces and mail it back to me at 318 House Office Building, Washington, D.C. 20515)

Vietnam: Would you favor a national referendum on the war?

Which alternative would you vote for?

A. The present mining and bombing policy.

B. Immediate and total withdrawal of U.S. forces.

C. Withdrawal by a date certain concurrent with release of U.S. prisoners.

D. Total military victory.

Tax reform: Would you favor appointment of a blue-ribbon national commission to conduct a two-year study of our tax system and recommend needed reforms?

Equal rights: Should the Massachusetts Legislature ratify the proposed U.S. Constitutional amendment granting men and women equal rights?

Education: Which would you support?

A. Continued public school financing by local property taxes.

B. State financing of public school system.

C. Increased Federal financing of public schools.

D. Federal income tax credits for private non-profit elementary and secondary education expenses.

Power-environment: Would you like to see a New England Regional Power Commission representing the six states which would decide power usage, plant sites, and the environmental impact for the whole region?

XUM

Day care: Do you favor a Federal program to provide day care facilities?

Health insurance: Do you favor a national health insurance program?

Which of several proposed programs do you prefer?

A. Complete medical and hospital coverage for everyone financed by payroll tax and employer and Federal matching contributions.

B. Limited coverage financed by 75–25 employer-employee contributions with separate Federal plan for poor and low-income families.

C. Limited coverage with employer-employee or individual financing options and separate state-Federal plan for poor and low-income.

D. Limited coverage with individuals granted credit on their Federal income tax liability for health insurance premiums they pay.

OFFICERS ACCUSED OF ILLEGAL ACTIVITY IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a series of Defense Department and U.S. Customs documents that reveal several senior American military officers "violated military laws and regulations" by giving merchandize to one of Danang's most notorious black marketeers and smugglers.

According to these documents, American officials cooperated with Miss Hoang Thi Nam by providing her with goods that apparently were in turn sold on the black market. These documents named five U.S. colonels, two lower ranking officers and an enlisted man who allegedly illegally gave Miss Nam air conditioners, refrigerators, motor scooters and stoves.

Two of these documents were written by officers of a special Crime Suppression Team of the military police and another by the U.S. customs advisory team in Vietnam.

A check I had made with independent sources familiar with the situation in Danang had revealed Miss Nam has been the recipient of major U.S. contracts since 1962 and has been involved in alleged corruption and kickbacks.

The documents also indicate that Miss Nam holds a bank account with a U.S. bank in Guam containing millions of dollars. The documents raise the possibility that some American income tax may be owed on these accounts that have been accruing interest at approximately $100,000 per year.

Mr. Speaker, there is no doubt in my mind that Miss Nam's black market business has been in existence for at least 5 years and undoubtedly involves millions of dollars of goods. I have called upon Secretary of Defense Melvin Laird to disclose what actions, if any, he has taken concerning these alleged illegal activities. While many Americans are fully aware of corruption by the South Vietnamese, it is shocking to hear allegations that our own senior military officers work hand-in-glove with top Vietnamese officials.

It is interesting to note that earlier attempts to raid Miss Nam's home by U.S. and Vietnamese officials were thwarted on at least two occasions by the presence of either an American or Vietnamese general at her home. As a result I have asked Secretary Laird to initiate an investigation to determine if there were any illegal involvement between the American general, whose presence prevented one of the raids on Miss Nam's home. The presence of Vietnamese and American generals at Miss Nam's home only raises new questions about the involvement of senior American officials with this alleged criminal.

The letter to Secretary Laird follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 19, 1972.

Hon. MELVIN R. LAIRD,
Secretary of Defense, Department of Defense, the Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am writing to you today in order to inquire about the progress of an investigation of the alleged illegal activities of Miss Hoang Thi Nam in Danang.

About a year ago, U.S. and South Vietnamese officials raided her home and removed approximately three and one half truckloads of merchandise intended for the black market. Information I have obtained indicates that the South Vietnamese were not being fully cooperative in the investigation of Miss Nam's activities.

I have also learned that the special Crime Suppression Team of the military police in Vietnam and the U.S. Customs Advisory Team in Vietnam, believe that at least five U.S. colonels, two lower ranking officers and an enlisted man illegally gave Miss Nam air-conditioners, refrigerators, motor scooters, stoves and other goods.

I hope that you can disclose what actions, if any, have been taken concerning these alleged activities. While many Americans are fully aware of corruption by the South Vietnamese, it is shocking to hear allegations that our own senior military officers worked hand in glove with a top Vietnamese criminal.

I also understand that two earlier attempts to raid Miss Nam's home were thwarted because of the presence of an American and a South Vietnamese general. I hope that you will immediately initiate an investigation to determine if there was an illegal involvement between the American general whose presence prevented one raid on Miss Nam's home and Miss Nam. The presence of Vietnamese and American generals at Miss Nam's home only raises new questions about the involvement of senior American officials with an alleged criminal.

I hope that you will forward me a complete report on what has been done to investigate allegations against these American officers and an enlisted man as well as what actions have been taken to curtail Miss Nam's illegal activity.

I believe that the American government and the American military should not tolerate any form of corruption within its ranks. I hope that your Department through its investigations, will determine if any senior American officials have been involved.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

BEEF PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, I rise to express my dismay at the skyrocketing price of beef in this country. On April 12 I addressed a Price Commission hearing on the subject of food prices and called for the imposition of controls on raw agricultural products so that food prices could be stabilized.

At that time, I cited the Department of Labor's figures for the month of February which showed a consumers' price index rise of one-half of 1 percent, the largest increase in 1 year, which was, of course, before we had any controls at all. Three-fourths of that increase was in higher food prices. Grocery prices rose by 2 percent, the biggest monthly increase in 14 years.

The news today with regard to beef prices is even worse. In that record month of February, the average weekly price of 100 pounds of choice-grade beef on the hoof reached a 24-year high of $36.68. Mr. Speaker, I was appalled to read that despite all of the efforts which we have made to hold the line on food prices, the comparable figure for beef last week had jumped to $37.36.

I am deeply distressed about the fact that the average American is being called upon, in a controlled economy, to make huge personal sacrifices in order to obtain the basic necessities of life. I think, frankly, that the continued increase in food prices is a very sad commentary on the effectiveness of our economic stabilization program.

It is very difficult for me to advocate that the consumer make yet another sacrifice when it is really the producer who should help to hold the line on inflation. But considering the way in which the administration has acted in the past, it seems that only by direct consumer action to cut the demand will the producers cut the prices at the wholesale level. Both ends of the pipeline must take steps to stop inflation. If the producers would not do it voluntarily, and if the Government would not undertake the necessary action, then consumers must take action themselves. The only real answer to the problem in view of regulatory inaction is to cut down demand. I know of no better way than to propose a return to "Meatless Tuesdays." If the housewife does not serve meat 1 day each week and the restaurants do not serve meat 1 day per week we can cut demand by about 15 percent.

Yesterday's edition of Newsday quoted Mr. Russell Ives, vice president of the American Meat Institute, to the effect that:

You're going to have some higher prices. . . . Meat is one of the things that is truly supply-and-demand-influenced.

The same article quotes a Government economist, John Larsen, as saying of the public:

They'll write and complain about it, but they'll still pay the prices.

Meanwhile, C. W. McMillan, vice president of the American National Cattlemen's Association, said that cattlemen were "in the net-profit picture solidly for the first time in 20 years" and he predicted that the heavy demand would keep beef prices high for the rest of the year.

Mr. Speaker, my analysis and recommendations on this intolerable situation are twofold. First it is painfully obvious that the lack of controls on raw agricultural products—and I am aware of the difficulties involved in setting controls on this—the lack of controls is directly responsible for the continued unconscionable rise in food prices. In the case of beef in particular, the continued heavy demand and apparently smaller than expected supply has forced the prices beyond all reasonable bounds.

At this time, I renew my demand that the Price Commission take affirmative action on the matter of controlling raw agricultural product prices. I find it entirely inequitable that farmers be allowed to charge what the traffic will bear at a time when the average consumer is living in a controlled economic situation.

However, I do not expect any more action by the Price Commission on this matter than it has made to date, which is zero and since that is the case we, the consumers, are the ones who must take action. I am calling on the American public to begin a voluntary program of meatless Tuesdays. Everyone whom I quoted above spoke on the supply-and-demand correlation in beef prices. Let us join together to lower the demand and thereby lower the prices.

I plan to bring this program for lowering beef prices to the attention of the people in my district through whatever means I can: the media, my regular newsletter report, my walking tours and speaking engagements. I urge my colleagues who are similarly outraged at the high cost of beef to call on their constituents to join in this important effort by having meatless Tuesdays.

A BILL TO RESTORE THE INDEPENDENCE OF THE REGULATORY COMMISSIONS

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, a few weeks ago the House passed legislation intended to bring order to the establishment and use of governmental advisory committees. During the floor debate, I expressed my concern, however, that in acting to impose needed controls, the Congress was about to give the Office of Management and Budget and the President still another means of influencing the decision-making processes of the independent regulatory commissions which we have created to regulate highly sensitive aspects of our economic system.

The administrative powers given to OMB under that bill relating to the function and use of advisory committees, by themselves, do not offer great potential for abuse. However, they fit into a pattern which extends over the past 35 years by which the executive branch has gained extensive control of the regulatory agencies. In each case, these administrative controls have been achieved by the Executive with the acquiescence or express permission of the Congress in the interest of economy and organization.

One of the most highly respected men to serve on a regulatory agency, former ICC Commissioner Joseph Eastman, once observed:

That to be successful, (the Regulatory Commissions) must be masters of their own souls, and known to be such.

I sincerely believe that the erosion of regulatory independence of the agencies has now progressed to the point where no agency is seriously regarded as the "master of its own soul." And today many doubt whether these agencies are any longer able to faithfully and vigorously carry out their assigned legislative functions with the cold neutrality that the public and the Congress has a right to expect of them.

As my colleagues know, each of these agencies was created as a subordinate arm of the Congress to carry out assigned legislative and judicial functions within general statutory standards of legislative policy. Great care was taken in the enabling statutes to create agencies which would be as far removed as possible from partisan politics or political influence. From the first day of their creation, however, every President who has held office—whether Republican or Democratic—has attempted to subject the regulatory agencies to Executive control and dominance. Indeed, Presidents of my own party—Roosevelt, Truman, and Kennedy—have been most responsible for encroaching on the independence of these agencies.

I believe that the time has come—and is perhaps long overdue—for Congress to act affirmatively to return to the legislative branch the influence over these regulatory commissions which through the years we have permitted the executive department to acquire and abuse. I am today, therefore, introducing legislation designed to restore to these agencies the regulatory freedom which the Congress originally intended them to have.

Reduced to its barest terms this legislation would break the influence of the executive branch by narrowly limiting its exercise of administrative control over the independent agencies and, in some cases, by revoking existing authority. To briefly summarize its basic provisions this legislation would—

First. Require Senate confirmation for appointments of agency chairmen. Today the Senate only examines the appointment of chairman if a Commissioner is designated as chairman at the time he is appointed to the Commission.

Second. Require that chairmen, once designated, shall continue to serve as such for the duration of their terms as members of the Commission.

Third. Prevent removal of agency chairmen or Commissioners except for neglect of duty or malfeasance in office.

Fourth. Permit the regulatory commissions to control civil litigation to which they are a party and to appeal lower court decisions of their own motion and on their own behalf.

Fifth. Eliminate the requirement that the agencies obtain the prior approval of OMB before distributing questionnaires or requests for information—however the agencies would still be required to submit such questionnaires and requests to OMB and allow a reasonable opportunity for the Director to comment on them.

Sixth. Direct the agencies to submit legislative recommendations or comments on pending bills directly to Congress and not to seek or obtain prior clearance or review of such submissions by any department of the executive branch.

Seventh. Require the President, in submitting his budget to the Congress, to include the agency requests originally submitted to OMB together with any supporting materials furnished by the agency so that Congress may have a clear understanding of what resources the agencies themselves believe are necessary to carry out their assigned duties.

I should note parenthetically that this legislation deals only with the regulatory commissions subject to the jurisdiction of the Committee on Interstate and Foreign Commerce of which I am a member. Thus, its terms will relate to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Federal Power Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission. It does not attempt to restore the regulatory freedom of the Federal Maritime Commission which is subject to the jurisdiction of the Committee on Merchant Marine and Fisheries; nor does it deal with the National Labor Relations Board which has a different cross-industry function and a peculiar status among the regulatory commissions.

I will not take the time to discuss the merits of each of these proposals today. In passing, however, I would like to make one point with respect to the suggestion that the budgetary process be amended to provide greater visibility of the agencies' determination of need. As we all know, the independent agencies are vested with enormous powers to regulate the essential industries of land and air transportation, gas and electric power, communications, and the securities markets and to control competitive practices employed by all business enterprises.

As one commentator has noted:

The decisions of these agencies directly affect the national economy and influence the quality, service, and prices paid by consumers in well-nigh every category of trade and commerce.

Yet, in a total budget for fiscal year 1973, of $271 billion, only $159 million has been requested for these agencies—or less than one-tenth of 1 percent of the Federal budget. Perhaps no other single fact than the failure of the executive branch to request adequate funding for these vital agencies argues more strongly for this legislation.

I have incorporated in this bill what I believe to be a workable plan to restore the independence of the regulatory commissions. Hopefully, it will serve also to restore public confidence in the ability of these agencies to fairly and impartially administer their regulatory responsibilities.

In the words of Mr. Justice Jackson, while the power to legislate belongs to the Congress, "only Congress itself can prevent power from slipping through its fingers." This we have allowed to hap-

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pen. Accordingly, we now must act to return that power to the Congress, to clarify the role of the regulatory agencies, to provide them with the direction which they need and which the President now seeks to give them in the place of the Congress, and to greatly improve and augment our means of legislative investigation and oversight over these agencies so that they may more properly carry out their functions as arms of the legislative department. This legislation is an important first step in that direction.

LEAA: SETTING THE RECORD STRAIGHT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in 1968 Congress enacted the Omnibus Crime Control and Safe Streets Act which established the Law Enforcement Assistance Administration. Under the block grant programs of LEAA, States receive specific amounts of Federal assistance based on their relative populations. Shortly after LEAA was established, as the then chairman of the Legal and Monetary Affairs Subcommittee, I directed the subcommittee to closely monitor LEAA's programs because of the great importance of that agency's mission. After the House rules were amended, the chairmanship of the subcommittee was assumed by my distinguished colleague from Connecticut (JOHN S. MONAGAN) who continued the review of LEAA's programs and intensified the investigation when it became apparent that serious management deficiencies were impeding the attainment of congressional goals. The culmination of the subcommittee investigation is a recently issued report by the House Government Operations Committee titled "Block Grant Programs of the Law Enforcement Assistance Administration"—House Report No. 92–1072.

There has been considerable public and press attention to the report on LEAA and to the investigation by the Legal and Monetary Affairs Subcommittee, as there should be, because an agency of this importance should receive greater scrutiny.

Recently the Wall Street Journal editorialized about the committee's work relative to LEAA. Subcommittee Chairman MONAGAN responded to that editorial, and his response as published in the WSJ on June 14, 1972, deserves the attention of my colleagues:

[From the Wall Street Journal, June 14, 1972]

LEAA CRITICIZED

EDITOR, THE WALL STREET JOURNAL: I take this occasion shortly after the official release of the report by the House Government Operations Committee on the block grant programs of the Law Enforcement Assistance Administration (LEAA) to address matters raised in your editorial "Is LEAA a Flop?" (May 16). First of all, the editorial is a welcome continuation of the dialogue on the operations of that important agency. Unfortunately, it contains certain inaccuracies and draws conclusions that distort the function of the Government Operations Committee and depreciate a thorough and fully documented two-year investigation.

LEAA received 698 million taxpayer dollars last year and was just voted $850 million for next year by the House. This agency has had no discernible effect upon the incidence of crime in this country and millions of dollars have been misapplied through its ineptness. It is not encouraging to those of us trying to ride herd on the activities of free-spending bureaucrats to find The Wall Street Journal taking such a benign view of waste and incompetence in government. The record of the subcommittee's investigation uncovered numerous examples of poor management, poor planning and poor administration of the tax funds entrusted to LEAA.

The question really is simple enough—accountability. Given enactment of the block grant concept the issue is whether the block grant programs can achieve measurable results under the lax management that LEAA and the states have given them. Whether I was "in the forefront" of the legislative attempt in 1968 to defeat the block grant concept of the Safe Streets Act, a statement which is not correct, is not in point. I do not wish to "replay" that debate, but merely want these programs to provide results commensurate with the $1.5 billion taxpayer investment.

With regard to auditing by LEAA and the states, the report makes clear that at both levels little has been done. In 1969 LEAA promised to perform annual audits of every state program. After three years of operation, LEAA had completed audit reports on only two states. In fact, LEAA does not have an "auditing staff of 50" as you say. The President's budget requested only 43 audit positions at LEAA. The states themselves have shown very little interest in a thorough self-auditing process as the report documents.

It is useful to highlight a few of the disturbing deficiencies and abuses highlighted therein:

(1) Of the $552 million in block grants awarded to the states in the program's first three years, the states had disbursed to their subgrantees only $138 million as of June 30, 1971, a rate of 25 cents to the dollar. Federal and state bureaucratic tiers between the crime problem and the source of funds, many of which added nothing to the sufficiency of program supervision, are among the principle causes of this inertia. In New York City, for example, more than 170 procedural-bureaucratic steps must be taken for the funding of a single project.

(2) Tens of millions of block grant dollars have been spent in the purchase of law enforcement equipment, most of it not evaluated and often purchased under very lax and highly irregular procurement procedures. The inordinate commitment of state block grant funds to hardware and the improper procurement procedures have taken place with the acquiescence of LEAA or without its awareness. It was not until the subcommittee's hearings that LEAA realized an expenditure of $84,000 in federal funds had been made by Indiana for an airplane which served as a handy air taxi for the governor, his family, and state LEAA officials.

The result of this type of "supervision" by LEAA in the state of Arkansas is underscored by the fact that 37% of that state's block grant funds in the first three years of the program was spent on police two-way radio equipment. During that same period about 7% of that state's block grant funds were committed to corrections programs despite corrections facilities within the state that are so inadequate that they have been declared unconstitutional.

(3) Consultant abuses have also plagued the programs of a number of states. In Alabama, for example, a consultant firm with no demonstrated criminal justice experience was incorporated on one day and received a $91,000 payment the next day for preparation of the 1971 state LEAA plan. The plan produced by the consultant was merely a compilation of other LEAA-funded consultant-prepared plans.

(4) In Alabama, Florida and Indiana, partisan political meddling in the programs weakened public confidence, caused substantial waste, and retarded attainment of the goals of the Safe Streets Act. In one case, $117,000 was used to establish an Alabama "police cadet" program which evolved into a source of free tuition for sons and relatives of high state officials.

Numerous other examples could be cited. The disturbing aspect of the Committee's finding is that LEAA simply has no information to assure that what has been uncovered is not the "tip of the iceberg."

JOHN S. MONAGAN,
Chairman, Legal and Monetary Affairs Subcommittee of the Committee on Government Operations, Washington.

INDIANA DUNES NATIONAL PARK

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the conservationists in the Middle West are happy over the increase of $1,177,000 which was allocated this week for additional expansion of the Indiana Dunes State Park. I do hope that the Interior Committee and the administration will take immediate steps to proceed with the necessary work in developing this exceptional, wooded, sand-dune area on the South Shore of Lake Michigan into one of the most outstanding national parks of the Nation.

Hundreds of thousands of families in the Middle West are waiting anxiously for complete development and construction of all facilities necessary to accommodate the vacationers awaiting the grand opening of the Indian Dunes National Park. Three weeks ago I was present at a big anniversary dinner by the "Save the Dunes Council" of Indiana celebrating the 20th anniversary of the organization of this group who sparked the plan and worked hard over the years to get legislation to bring about this necessary recreational area for the Middle West.

Mr. Speaker, I include with my remarks a letter from President Nixon to Mrs. Sylvia Troy, president, Save the Dunes Council, Munster, Ind., for the great work which they have done for conservation and environmental enhancement.

THE WHITE HOUSE,
Washington, D.C., May 2, 1972.

MRS. SYLVIA TROY,
President, Save the Dunes Council,
Post Office Box 303, Chesterton, Ind.

DEAR MRS. TROY: It is my pleasure to congratulate each member of the Save the Dunes Council for their dedicated work in the cause of conservation and environmental enhancement. I understand that the interest you have shown over the past decade in Indiana Dunes National Lakeshore greatly influenced its establishment and is now a major factor in the proper development of the Lakeshore. It is also encouraging to note that the Council has cooperated with other citizen groups and individuals in furthering the best use of natural resources in the entire Lake Michigan area.

In a time when Americans are more concerned than ever before about the ecological health of the nation, it is heartening to know that a major volunteer effort is being exerted to assure a bright future for the Great Lakes region.

With my best wishes,

Sincerely,

RICHARD NIXON.

CONGRESSWOMAN LEONOR K. SULLIVAN RECEIVES DISTINGUISHED SERVICE AWARD FROM THE CONSUMER FEDERATION OF AMERICA

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, one of our distinguished and outstanding colleagues last week received a special recognition from the Consumer Federation of America at a banquet honoring her at the Mayflower Hotel in Washington.

The formal presentation of this outstanding honor was made by Mr. George E. Myers, CFA vice president. I hereby ask unanimous consent to include his tribute made on that occasion honoring our colleague, Congresswoman LEONOR K. SULLIVAN:

PRESENTATION REMARKS BY GEORGE E. MYERS, CFA VICE PRESIDENT

Mr. Chairman, distinguished guests, ladies and gentlemen:

George Bernard Shaw, the great English playwright, made this observation in his work, "The Devil's Disciple," early in this century: "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: "that's the essence of inhumanity."

Tonight we are here to pay well deserved honor to a distinguished member of the United States Congress whose record proves beyond all question that she is not indifferent to her fellow citizens and their needs; we are here to show our gratitude to a woman of compassion and understanding for the "little man". We are here to extend tribute to a public official who has proven time and time again that she is a champion of the average citizen—the American consumer.

No elected public official in America today has done more to improve the lot of the American consumer than Congresswoman Leonor K. Sullivan. It is not surprising that the voters in her district in Missouri have enthusiastically returned her to the House of Representatives time after time, until she is now serving her tenth term. And we consumers hope fervently that this is just the beginning of her legislative career!

Long a defender of the cause of the ordinary American citizen, Congresswoman Sullivan gained national fame with her brilliant legislative leadership which resulted in the enactment of the Consumer Credit Protection Act of 1968, popularly known as the Truth-in-Lending law. Mrs. Sullivan, as chairman of the Subcommittee on Consumer Affairs of the House Banking and Currency Committee, took a weak, watered down, Senate-passed bill and built it into a strong, workable measure with real teeth in it. She added provisions on garnishment and extortionate credit transactions—provisions which seasoned political observers said were ahead of their time. She won support for her greatly strengthened bill in the full committee; she forced big business interests to capitulate; and with the support of her Committee chairman, Rep. Wright Patman, she led a determined and successful fight for passage of the bill on the House floor. Then in a major legislative achievement, she battled for the bill in the Senate-House Conference Committee and came through with a strong, protective measure which has become a landmark in effective consumer protective legislation. They said it couldn't be done, but the gracious lady we honor tonight didn't hear them. She fought doggedly ahead, and proved that determination and dedication, coupled with legislative know-how, can win the people's battle despite overwhelming odds.

The Consumer Credit Protection Act may well be Congresswoman Sullivan's major victory for the American consumer, but it is far from being her only consumer triumph. They include such subjects as fair credit reporting, wholesome meat and poultry, hazardous substances labeling, food and drug measures, and liberal housing provisions—these and many more consumer protective laws clearly bear Congresswoman Sullivan's unmistakeable imprint upon them. The impressive list of consumer legislation which she has written or supported is far too long to repeat here tonight.

Today this champion of the American consumer carries on her battles just as aggressively in Congress. Her loyalty and devotion to the consumer cause continue unabated as in the past.

Congresswoman Sullivan: to a charming and gracious lady with a fighting heart and a compassion for her fellow men, on behalf of the consumers of America for your dedicated and distinguished service in their cause, the Consumer Federation of America is honored to present to you its Distinguished Service Award.

A FEDERAL LIGHT ON CRIME PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the response to the questionnaire I recently sent constituents reflected a great concern with the menace of street crime. For many people the streets have become corridors of fear after dark.

One practical way to deter street crime is to improve street lighting. On March 22, I introduced a bill, H.R. 14022, to establish a "Federal light on crime program." This legislation would mandate the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high-pressure sodium-type lights. The funds would come in grants made directly to local governments on a 75 percent Federal, 25 percent local share basis.

High pressure sodium lights are able to illuminate a city street far better than our traditional street lighting; using the same amount of electrical power, high-pressure sodium lights give approximately four times the lighting level provided by traditional lights. In a sense, they turn night into day and their effectiveness as a deterrent against crime is undeniable.

In Washington D.C., after installation of high-level lighting in high-crime areas, crime decreased by 31 percent.

Gary, Ind. installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent.

In Chattanooga, Tenn., crime in a 12-block area dropped 70 percent after lighting.

The program I have proposed involves relatively low costs and can have an immediate impact on reducing street crime. This is a program designed to light our streets for people rather than just for cars; it is a program designed to return the streets to the people.

New York City and other localities have initiated their own high-level lighting plans on a limited scale, combining private and local government funding. Some such lights illuminate parts of our own East Side even now. But in a time of budgetary crisis in local government, it is clear that the Federal Government should provide funding for high-intensity lighting.

An infusion of Federal funds would allow the type of massive lighting program which I believe we need in our urban areas, and which localities can never finance alone. Rather than having only individual blocks sporadically lighted, Federal funding could conceivably insure that whole communities would be illuminated, to the benefit of residents and merchants alike.

I hope that the Congress will give prompt consideration to H.R. 14022. We must do what we can to move the country to the date when we can all "see the light" and end the terror in our streets.

A PARK FOR SZOLD PLACE INSTEAD OF A RAT'S NEST

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is no surprise that many people in our central cities have become disillusioned with Government. Surely New York and other cities need vast amounts of Federal aid. But when a city uses its available resources ineptly, no Federal aid can cure the resentment that is bred.

On New York's Lower East Side, I have recently witnessed an example of how local government, through error and inaction, breeds alienation and discontent. Henrietta Szold Place is located at 10th Street and Avenue D in my new congressional district, and in the heart of a predominately Puerto Rican community. Recreational facilities are scarce in the area, so when a public outdoor pool was completed late last summer an important step was taken to improve the quality of life. However, a large area surrounding the pool, scheduled to be a park some distant day, has been left covered with garbage and other rubble ever since the pool's completion. In fact, much of the debris on the site results from the pool construction.

Now, almost a year later, the area around the pool, despite the pleas to city government by local leaders, remains rubble strewn. Rats inhabit the lot and in all probability swim in or drink from the pool.

One child was allegedly infected by pool water last year.

The city, of course, should never have let the pool's builder leave rubble all around. But the city's failure to remedy

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this initial error during the many months that have passed is inexcusable.

On May 16 of this year, I wrote to the heads of three city departments—parks, sanitation, and highways—urging immediate coordinated action to clear, level, and transform the area into a temporary park before summer. I have received assurances from Administrators Heckscher and Kretchmer that the Departments of Parks will provide benches and plant greenery, and that the Department of Sanitation will clear the lot of all except the heaviest rubble. That job is up to the Department of Highways which has made no commitment yet.

No more planning is necessary, no more delays are tolerable, work must begin now. I have written to Mayor John V. Lindsay urging that he intervene personally to insure that Szold Place is cleared for temporary park use. I have also asked that he allocate the necessary funds in the city budget for construction of a permanent park there.

Mr. Speaker, on Saturday, June 17, the day the pool officially opened, I joined local residents of this community in a demonstration to protest the city's inaction. I joined the picket line and heard the people chant:

I've got a feeling
I've got a feeling this pool is full of rats
And we ain't going to take no filth like that
Cause the brothers and the sisters
Are going to fight them back

If local governments do not use their present resources more responsively, then I have a feeling that we are heading for a confrontation that is totally unnecessary.

GOVERNMENTAL EFFICIENCY BILL INTRODUCED

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, our present budget situation is unenviable. Our large and continuing deficits clearly indicate that our Government is living beyond its means. This is, perhaps, an almost inevitable result of our hit-and-miss process of creating Government programs to deal with the problems of our people.

I am not suggesting that the Government has no role to play in the solution of these problems. It certainly has. But our deteriorating budgetary situation demands that we take some action to either stem the continuing rise of Federal expenditures, provide for additional revenues, or institute new efficiencies in our programs.

Today I am introducing a bill which I hope will, upon enactment, give the Congress means to improve the efficiencies of the program which it calls into being.

The bill I offer today provides that every new Federal program which is anticipated to cost $500 million or more per year will be field tested in three States for a period of 2 years. These pilot tests would enable the Congress to see how effective the program is in dealing with the problem at which it is aimed. The Congress could then write into law an improved program which would enable the administering agency to avoid many of the built-in administrative difficulties common to all programs passed under our present system. The legislation provides that the Congress can specifically exempt any bill from coverage of this field test program if it feels a field test would be inappropriate.

We need a program of field testing to stretch our tax resources and to tighten up the administration of programs that miss their marks or are based more on fancy than on fact.

No business would commit millions of dollars to new programs or products without testing to determine if they work or not. But the Government does. Continuing this needless and wasteful process is a betrayal of the public trust.

WHY DOES NOT THE U.N. SPEAK OUT ON VIETNAM?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is a remarkable thing that in the United Nations, the world forum for peace and understanding, so little is heard about bringing an end to the conflict in Vietnam. The U.N. could at any moment intervene in an effort to bring about a cease-fire as a first step toward peace negotiations but it has not done so. Even the prospect of a cut in the generous appropriations to the U.N. by the Congress has failed to stimulate that body into worthwhile action.

There have been many times when the United States and South Vietnam were denounced in the U.N. Many times when the North Vietnamese were praised. Why is it there have not been more protests against the tactics of the Communists and particularly against the massive and cruel invasion of South Vietnam in recent weeks.

In the not so distant past, statements by the then Secretary of the U.N., U Thant, made it appear that he was actually sympathetic to Communist aims. Let it be said for the present Secretary General, Kurt Waldheim, that he has appealed for the "utmost restraint" by all parties and has been considering the convening of an urgent meeting of the Security Council. At least he appears neutral.

The U.N. could well perform the task of international supervision of the cease-fire which President Nixon has called for. Notably the U.N. could undertake negotiations as a neutral tribunal and hopefully achieve a settlement acceptable to both sides. American POW's-MIA's could be processed through a U.N. group.

The field of potential contribution by the U.N. is unlimited. It is unfortunate that it accomplishes so little. There are many areas of world concern. There is the matter of airplane hijacking. Only about one-third of the nations of the world have agreed to join forces for concerted effort to stop hijacking, yet practically every country is a member of the U.N. Is this not an area for a studied and determined effort to bring about an end to hijacking and air piracy? However, there is no better example of immediate need for U.N. action than Vietnam and no more disheartening area of failure by the U.N. From the time the U.N. was born there has been conflict in Southeast Asia. The U.N. looks the other way. Its only accomplishments are in the field of world relief organizations and there also we are expected to pay the major share.

Those who seek to maintain the exorbitantly high level of payments by the United States to the U.N. will do well to think on the lack of return for our investment.

A SALUTE TO TEACHERS AS WELL AS TO EDUCATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is appropriate that we pause during this month to offer a salute to education, for it is during June that graduates traditionally leave colleges or high schools and embark on further studies or on careers which place stress on the knowledge they have acquired during their years in school.

Perhaps too often we are prone to forget that it is this basic education which stands graduates in good stead. So today is a proper time for us to pause and say "thank you" to the more than two and a quarter million teachers who undertake each year to guide more than 48 million young people to and into the world of knowledge.

True, this is a salute to education and not a salute to teachers, but I believe that to a great extent they are one and the same. For every young man or woman who gets a good education, there are dedicated, sensitive teachers who have helped provide the incentive and the encouragement which are so essential to a good and useful life.

For many years the school system of America was upheld as an ideal, but it has multiplied in size and in cost. There have been demonstrations and disturbances, and growing concern about dope and crime. Now questions are being raised all across the land. Are our schools on the right track? Is there too much permissiveness, not enough discipline? Are there too many people who see education as a social tool rather than an educational process?

In addition to the social pressure applied to our schools, there also is the very real problem of financing the classrooms. Inflation has hit the schools just as hard as it has hit everything else. Costs continue to soar, yet classroom expenditures, including teacher salaries, have not kept pace. Education is perhaps the most imporatnt victim of the inflationary pinch, for unless education does its job our young people will not be able to fulfill their mission for America in the years ahead.

Despite all these problems, I am convinced that the teachers, the administrators and the majority of the students have held fast to the goal of learning rather than evolution as the prime aim of education. This is a heartening realization.

Somehow, I am confident education will manage to fulfill its mission, but it remains to those in public and private life to help provide the money, the moral support and, as is the case today, occasional expressions of gratitude for all that educators are doing for America and for all mankind.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLUCZYNSKI (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. HAGAN (at the request of Mr. O'NEILL), for June 19 and the balance of the week, on account of official business.

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today and tomorrow, on account of official business.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CORMAN, for Monday, June 19, on account of official business.

Mr. MANN (at the request of Mr. O'NEILL), for June 19 and 20, on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of continued recuperation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOLDWATER), to revise and extend their remarks, and to include extraneous matter:)

Mr. SCHWENGEL, today, for 1 hour.

Mr. FREY, today, for 5 minutes.

Mrs. HECKLER of Massachusetts, today, for 10 minutes.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks, and to include extraneous matter:)

Mr. ASPIN, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. WOLFF, today, for 10 minutes.

Mr. REUSS, on June 20, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include extraneous material.

Mr. DONOHUE to revise and extend his remarks on H.R. 13694, today.

(The following Members (at the request of Mr. GOLDWATER), and to include extraneous matter:)

Mr. HASTINGS.
Mr. SCHWENGEL.
Mr. SPRINGER, in four instances.
Mr. WHALEN.
Mr. STEIGER of Arizona.
Mr. WYMAN in two instances.
Mr. GOODLING.
Mr. SCHNEEBELI.
Mr. ZWACH.
Mr. MCKEVITT.
Mr. CHAMBERLAIN.
Mr. DERWINSKI in two instances.
Mr. PRICE of Texas.
Mr. TEAGUE of California.
Mr. BROYHILL of Virginia.
Mr. RAILSBACK in five instances.
Mr. THOMPSON of Georgia.
Mr. COLLINS of Texas in three instances.
Mr. VEYSEY in two instances.

(The following Members (at the request of Mr. MAZZOLI), and to include extraneous matter:)

Mr. CELLER.
Mr. CASEY of Texas in two instances.
Mr. GAYDOS in 10 instances.
Mr. MILLS of Arkansas.
Mr. NIX.
Mr. DELANEY.
Mr. KARTH.
Mr. LEBERT in two instances.
Mr. JAMES V. STANTON.
Mr. VANIK in two instances.
Mr. RONCALIO in six instances.
Mr. HUNGATE in three instances.
Mr. HELSTOSKI in 10 instances.
Mr. PATTEN in three instances.
Mr. WRIGHT.
Mrs. ABZUG in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. ROGERS in five instances.
Mr. PUCINSKI in six instances.
Mr. HAGAN in three instances.
Mr. HARRINGTON.
Mr. BRASCO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

S. 2699. An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

S. 3105. An act to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

S. 3414. An act for the relief of Alexandria Nicholson; to the Committee on the Judiciary.

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 20, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on June 15, 1972, the following report was filed on June 16, 1972:*]

Mr. HOLIFIELD: Committee on Government Operations. Report on U.S. Economic Assistance for the Khmer Republic (Cambodia) (Rept. No. 92-1146). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2085. A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1973 relating to appropriations for the General Services Administration (H. Doc. No. 92-312); to the Committee on Appropriations and ordered to be printed.

2086. A letter from the Secretary of Defense, transmitting 12 reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense," pursuant to section 3679(l)(2), Revised Statutes; to the Committee on Appropriations.

2087. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2088. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2089. A letter from the Chairman, U. S. Civil Service Commission, transmitting a draft of proposed legislation to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U. S. Nationals employed by the Federal Government; to the Committee on Post Office and Civil Service.

2090. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report covering made by the Department of the Interior during calendar year 1971 to nonprofit institutions and organizations for support of scientific research programs, pursuant to 42 U.S.C. 1891; to the Committee on Science and Astronautics.

2091. A letter from the Secretary of Labor, transmitting a supplemental report on experience under the Emergency Unemployment Compensation Act of 1971, containing recommendations for extension and financing

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of the act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2092. A letter from the Deputy Comptroller General of the United States, transmitting a report on U.S. disaster relief to Pakistan following the November 1970, cyclone in East Pakistan; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on District of Columbia food inspection and licensing (Rept. No. 92–1147). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 12101. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; with an amendment (Rept. No. 92–1148). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 92–1149). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. H.R. 15585. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1150). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 15586. A bill making appropriations for public works for water and power development, including the Corps of Engineers-Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1151). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15569. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System and the Highway Revenue Act of 1956 by extending the duration of the highway trust fund for the construction of certain highways, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California:

H.R. 15570. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 15571. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BURKE of Florida:

H.R. 15572. A bill to liberalize the granting of assistance for certain Vietnam disabled veterans requiring specially equipped automobiles; to the Committee on Veterans' Affairs.

H.R. 15573. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. CÓRDOVA, Mr. DINGELL, Mr. GALLAGHER, Mr. HALPERN, Mr. HELSTOSKI, Mr. MEEDS, Mr. PODELL, Mr. SISK, and Mr. VANDER JAGT):

H.R. 15574. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. DINGELL, Mr. GALLAGHER, Mr. HALPERN, Mr. HELSTOSKI, Mr. MEEDS, Mr. PODELL, and Mr. SISK):

H.R. 15575. A bill to amend section 203 (e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been State "off" indicator; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 15576. A bill to establish a Commission on Medical Technology and Dignity of Dying; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 15577. A bill to give the consent of Congress to the construction of certain international bridges, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. FORSYTHE, Mr. FRASER, Mr. GUDE, Mrs. HICKS of Massachusetts, Mr. KYROS, Mr. MAZZOLI, Mr. MITCHELL, Mr. MOSS, Mr. RUPPE, Mr. RYAN, Mr. SCHWENGEL, Mr. WARE, Mr. WINN, and Mr. STEELE):

H.R. 15578. A bill to protect art collectors by requiring disclosures in connection with the sale of certain fine prints and reproductions; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mrs. ABZUG, Mr. BELL, Mr. BYRNE of Pennsylvania, Mr. CONTE, Mr. GUDE, Mr. HOSTON, and Mr. PETTIS):

H.R. 15579. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MCMILLAN:

H.R. 15580. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOSS (for himself, Mr. CELLER, Mr. DINGELL, Mr. ADAMS, Mr. ECKHARDT, and Mr. CARNEY):

H.R. 15581. A bill to restore the independence of the Civil Aeronautics Board, to the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 15582. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 15583. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 15584. A bill to provide for the field testing of each new Federal program; to the Committee on Government Operations.

By Mr. STEED:

H.R. 15585. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. EVINS of Tennessee:

H.R. 15586. A bill making appropriations for public works for water and power development, including the Corps of Engineers-Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. HATHAWAY:

H. J. Res. 1230. Joint resolution to establish a Joint Committee on Foreign Information and Intelligence; to the Committee on Rules.

By Mr. KEMP:

H. Con. Res. 634. Concurrent resolution: Policies and procedures to end the war in Indochina; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

399. By the SPEAKER: Memorial of the Legislature of the State of California, relative to resource recovery; to the Committee on Interstate and Foreign Commerce.

400. Also, memorial of the Legislature of the State of Michigan, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SUMMARY OF THE FIFTH WORLD CONFERENCE OF THE WORLD PEACE THROUGH LAW CENTER, BY JUDGE RAYMOND PACE ALEXANDER

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 19, 1972

Mr. SCOTT. Mr. President, less than 1 year ago, July 21 to 25, 1971, an important conference was held in Belgrade, Yugoslavia. The results of this Fifth World Conference of the World Peace Through Law Center should not be taken lightly or forgotten. For these reasons I ask unanimous consent that an excellent and informative summary of the proceedings written by Judge Raymond Pace Alexander, of the Court of Common Pleas in Philadelphia, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BRIEF SUMMARY ON THE FIFTH WORLD CONFERENCE OF THE WORLD PEACE THROUGH LAW CENTER AND THE WORLD ASSEMBLY OF JUDGES

(By Judge Raymond Pace Alexander)

From July 21–25, 1971, over 4,000 jurists, lawyers, law teachers, scientists and legal scholars from 114 nations attended the Fifth World Conference on World Peace Through Law in Belgrade, Yugoslavia.

This Belgrade World Conference was sponsored by the World Peace Through Law Center—created in 1958 by Charles S. Rhyne, former President of the American Bar Association as a Special Committee. The Center has grown into an international association of the legal profession with members in 130 nations.

The Belgrade World Conference was the largest international law conference ever held. Following the highly successful previous World Conferences in Athens (1963), Washington (1965), Geneva (1967) and Bangkok (1969), it was also the first ever held in a Socialist Country.

While the major theme of the Conference was "Law and the Environment," delegates participated in a number of topics whose relevance to today's world is urgent. The Honorable Earl Warren, Chief Justice of the United States (Retired) enunciated one of the topics considered most urgent by the assembled lawyers: the enlargement of the powers and jurisdiction of the International Court of Justice.

"There is no more flagrant example of the disregard to nation-states for world order than the chronic under employment of the International Court of Justice. Secretary of State Rogers recently advanced suggestions that could mark a new start toward the use of the Court. They include . . . the convening (of the Court) outside the Hague to make the Court more visible in other areas, establishment of regional chambers to make the Court more attractive to Latin-American, Asian and African States in disputes . . . and more frequent use of summary proceedings. These suggestions merit prompt response.

Chief Justice Warren recommended the following in order to increase the effectiveness of the United Nations, which he described as ". . . the only institution in the history of man that has become indispensable before it had become possible."

1. The early admission of mainland China;
2. Also the two Germanys;
3. The two Koreas, and
4. Both Vietnams.
5. Re-assessing the United Nations concentration on passing resolutions by formal votes;
6. Re-appraise priorities with respect to the United Nations contribution to Economic and Social Programs. As an illustration, in 1970–71 the United Nations is directing less than seven billion dollars to development assistance and over two billions to armaments!

The Conference adopted a strong commitment to the further development of international law and legal institutions—a work program to build a world rule of law to structure change and channel international disputes systematically and effectively. The assembled lawyers called for observance of the humanitarian principles regarding the treatment of war prisoners of the 1949 Geneva Conventions; the creation of an interantional authority to control and prevent environmental pollution; the creation of an International Development Charter to aid the developing nations; the creation of an International Investment Insurance Agency; the development of uniform rules of international arbitration; and study of the untold effects of overpopulation on the World's environment; a study of the control of narcotics; the creation of a vast program of uniform model laws for Nations on such subjects as aircraft hijacking, trade, travel, air and water pollution and weather control; and the creation of a Draft Treaty on an International Criminal Court.

In the important field of Human Rights, the lawyers at the Belgrade Conference reaffirmed their dedication to the principles upholding the dignity of man as expressed in the Universal Declaration of Human Rights, and other international conventions; called for the ratification and implementation of the U.N. Declaration on the elimination of all forms of Racial Discrimination; and strongly objected to the following violations of human rights:

1. Holding secret trials;
2. Denying an individual his right to counsel of his choice;
3. Permitting censorship of the press;
4. Refusing admission to the legitimate international press and to members of all legal professions of all nations to observe trials; and
5. Allowing persons to be committed to mental institutions without a fair trial or as a substitute for a fair trial.

Perhaps the most important topic considered by the Conference was the revision of the United Nations Charter. A Special Committee with a world-wide membership of 100 distinguished jurists, under the direction of Dr. Max Habicht of Switzerland, prepared and presented a Special Report on United Nations Charter Revision. The Report studied and suggested those improvements in the United Nations system that the participating legal scholars felt were most necessary. Some of the suggested revisions included making the United Nations responsible for the economic development of developing nations, implementation of Security Council, direct popular election of some UN delegates, criminal jurisdiction of the International Court of Justice and the compulsory adjudication of international disputes by that Court.

In the opinion of this writer, this Conference has stimulated a considerable grass roots movement from coast-to-coast to encourage citizen participation to raise the level of awareness of the average American in the policy making of the United Nations.

THE NATION SALUTES REV. DR. JERRY D. VAN DER VEEN, M.A., B.D., S.T.M., D.D., CHURCH OF THE COVENANT, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ROE. Mr. Speaker, the eloquence and richness of the wisdom of the members of the clergy throughout the breadth and scope of our Nation has been an inspiration and haven of solace to all of our people throughout history. Their thought-provoking expressions of understanding and good will are cherished and stored away in one's mind to be recalled by each of us on many occasions and particularly during a time of need.

I recently had the good fortune and honor to receive in my offices here in Washington the Reverend Dr. Jerry D. Van Der Veen, minister of the Church of the Covenant—Reformed Church of America—Paterson of my congressional district of New Jersey. I was especially moved by his prayer of thanksgiving with which he opened the May 24, 1972, session of the House of Representatives as visiting chaplain on that date and would like to share it again with you and the constituents of my congressional district, as follows:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

Eternal God, our Heavenly Father, we bow in Thy presence humbly and gratefullly, acknowledging that all our blessings come from Thee.

We praise Thee for Thy greatness, Thy righteousness, Thy loving-kindness, and for Thy guidance throughout our life.

We thank Thee for our great country and for all those leaders who have guided her through difficult times.

Grant wisdom and guidance to our President. May his present journey prepare the way for peace across this turbulent world.

Bless and guide our Vice President, the Speaker of the House, and every Member of Congress along with all those who endeavor to lead us in a path of righteousness and peace.

Through Jesus Christ, our Lord, we pray. Amen.

Dr. Van Der Veen is a most distinguished outstanding citizen of the State of New Jersey. The quality of his leadership in religious and civic affairs in the cities of Paterson and Hawthorne, his hometown for the past 20 years where he presently resides with his wife Grace, has truly enriched our community, State, and Nation. He has been elected to the Hawthorne Board of Education and has

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served as its president. A member of the Religious Counseling Association, he has been active in the New Jersey Council of Churches and the Gospel Magazine Association of America. His hobby—the art of magic—has delighted young and adults alike.

Through this historic journal of Congress, I respectfully request my colleagues here in the House to join with me in applauding Dr. Van Der Veen in national recognition of all of his good works in his ecclesiastical pursuits redounding to the spiritual and moral integrity of those of his religious belief and materially contributing to the ecumenical spirit of brotherhood, good will, and understanding among all men.

FINDING AMERICA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. STEIGER of Arizona. Mr. Speaker, my State of Arizona is fortunate to have 22 of its most precious natural and historical areas included in the national park system. This heritage of America is enjoyed by millions of visitors each year. Recently, the man who directs the operations of the National Park Service, Mr. George B. Hartzog, Jr., was recognized by the University of Arizona for the high quality of his leadership by the awarding of the honorary degree of doctor of laws at commencement exercises on May 27. I note that this is the third honorary degree that Mr. Hartzog received in the month of May for his devotion to the never-ending job of preserving and protecting our national heritage. He received similar degrees from Wofford College, Spartanburg, S.C., and Lincoln University, Lincoln, Ill.

At the University of Arizona exercises Mr. Hartzog made a very moving speech to the graduates, in which he effectively noted that the greatness of America is based on its ability to assimilate many points of view and opinions and to effectively use mileposts from the past in charting our course into the future

I believe many Americans would find Mr. Hartzog's address pertinent, and I am including it in the RECORD.

FINDING AMERICA

(Address by George B. Hartzog, Jr., Director, National Park Service)

A well-known journalist recently returned from a journey across the country and published an account of his search for America. His report seemed to give evidence that he was not entirely sure that he had really found America. But he is not the only one having difficulty in finding America today.

Down through our history Americans have consistently sought to "find" themselves—from Huckleberry Finn to the Easy Rider. And finding one's own identity may not be far different from finding America.

Each generation looks at the world through the prism of its own experiences, and the present always is in some conflict with the past. My own generation came to maturity at a time of great trouble. Our economic system had collapsed; totalitarian dictatorship ruled vast lands and ancient peoples; ruthless aggression destroyed hope for peace; and, we went to war.

Today, a new generation has grown up in a world of similar anxieties and profound social discontent.

Vocal members of this generation have framed a troubled indictment, that the American social and political system has lost its relevance in the face of rapid and pervasive changes.

They say there are two Americas in our midst: the one, affluent and indifferent—able to spend billions of dollars in order that men might walk on the moon and wage tragic war here on earth; the other, marked by inequality of opportunity, of hunger, unemployment and educational deprivations, particularly, among the submerged one-fourth of our population.

They seek to humanize our institutions, to broaden the base of participation and to open to all the avenues of opportunity. Filled with impatience and indignation over the failure of America to be what it is capable of being, their harsh rhetoric is often characterized as the Generation Gap.

Generations, I suggest, have rarely understood each other. Why else should Moses have said: "Honor thy father and mother"? I am sure that it was *not* because fathers and mothers were being honored consistently in Biblical times!

Gibran's widely read book "The Prophet" treats of the so-called "generation gap" by suggesting:

"Your children are not your children. They are the sons and daughters of life's longing for itself.

"They come through you but not from you. And though they are with you they belong not to you.

"You may give them your love but not your thoughts, for they have their own thoughts.

"You may house their bodies but not their souls, for their souls dwell in the house of tomorrow which you cannot visit."

Surely Gibran is correct in suggesting that each of us is unique. Each must build his own house—and live in it!

History mocks those who suggest, however, that the past is wholly dreadful and ignoble.

It is from beachheads secured at great personal sacrifice by individuals and generations gone before that society has been able to find the higher ground. Each of our lives has been enriched by the works of a Gandhi, a Rembrandt and a Woody Guthrie.

We must preserve the independence of the youthful spirit and the continuing values of the past. For every future is shaped by the past. Only in knowing the past may we judge wisely what is obsolete and what is not, what to discard and what to preserve.

In planning for a celebration of the Bicentennial of our Republic, all are agreed on one thing—the American Revolution is not yet over! Americans have always had a dream of the better life. Both the young and the old share the burden of transferring that dream and the vitality of civilization from one generation to another.

As Aristotle observed: "Youth has a long time before it and a short past behind: on the first day of one's life one has nothing at all to remember and can only look forward." By contrast, the elderly "live by memory rather than hope; for what is left to them of life is little compared with the long past."

The capacity to love and to cherish ideals with intransigent commitment is a marvelous trait of youth. On the other hand, the wisdom and earthbound experience that come with age, are necessary balance wheels on the soaring fantasy, the untested ideas and the despair of youth.

Surely, we are in the midst of a revolutionary period that is literally a watershed of history. Isolated from our natural and cultural inheritance by a brutal network of concrete and asphalt, dehumanized by a heartless technology that has robbed us of personal identification, we are asking anew the questions: "Who am I"? "Where have I come from"? "Where am I going"? "What am I contributing"? and "Where shall I find America"?

One of our great novelists, a genius constantly in search of America, Thomas Wolfe, spoke for all generations when he said: "Out of the billion forms of America, out of the savage violence and the dense complexity of all its swarming life; from the unique and single substance of this land and this life of ours, must we draw the power and energy of our own life, the articulation of our speech, the substance of our art."

Ours is a society in which scientific knowledge is a chief source of wealth and power. But what the environmental crisis tells us is that this Nation's future, as President Nixon has emphasized, rests upon new and profoundly fundamental judgments of how this knowledge, and the power that it creates, shall be used.

In our searching inquiry into the causes of a deteriorating environment, we must seek to articulate an environmental ethic to guide personal and corporate conduct.

We must come to believe that the just use of science is not to conquer nature, but to live in harmony with it. We may yet learn that to save ourselves we must save the world, which is our habitat.

Recently, William Pennel Rock, a descendant of Francis Scott Key who had determined to be an alien for the rest of his life, returned to America after a voluntary exile of seven years. He observed:

"What is utterly unique about America is that dissent—the challenge to moral values, the modification of alternatives, the criticism of cultural standards—is taking place within the context of the American situation as a whole.

"It is a fact that only America has the basic elasticity to change its cultural structure at this incredible pace because the margin of revolutionary action, cultural, social and institutional—that is freedom—is greater in America than in any other country.

"America," he concluded, "is proving its greatness by exercising the capacity to call itself into question."

As you set out to revise and rebuild the Establishment into which you are about to enter, I suggest that you do not deny your birthright, nor reject the proud heritage which is rightfully yours.

This land of ours is a noble land. It is rich not only in its natural inheritance, but in the stories and legends which are its history. Here and there, scattered across the country, are the milestones left behind by men and women seeking to "Find America."

These pioneer Americans hammered out a way of life which continues to provide hope to a troubled world.

Henceforth, from this joyous occasion you join the continuing search to "Find America."

Today is your opportunity for greatness!

Go, then. Build your houses of tomorrow.

In them may you experience a new quality in life.

May you, through your example, establish a new ethic, by which we may live in harmony with our world and with each other.

UPSIDE-DOWN POLITICS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHNEEBELI. Mr. Speaker, a recent editorial in the Christian Science Monitor by Roscoe Drummond points up an excellent analysis of the reasons for shortcomings of the Federal Government in the past four decades:

UPSIDE-DOWN POLITICS

(By Roscoe Drummond)

WASHINGTON.—We are witnessing some of the most upside-down politics the nation has ever experienced.

The theme of the opposition party has invariably been: "throw the rascals out"; the theme of the opposition candidates this year is: "put the rascals back in."

In the primary melee, which is now beginning to thin out, the leading candidates Senators George McGovern and Hubert H. Humphrey and most of the others have been attacking the Democratic Party far more than the Republican Party—but without saying so.

What they are saying is that for the past several decades the national government has been neglecting its job, has failed to do what most needed to be done and at best its actions were inadequate, tardy, and ill-conceived.

It is Senator McGovern's central thesis that the present mess, which he finds the country in, is the result of past failures. That is a reasonable thesis.

But who is most responsible for the failures and shortcomings of the past which Senator McGovern and Senator Humphrey most often cite?

Somehow it gets overlooked that the Democratic Party has controlled Congress for 36 of the last 40 years. And that a Democratic president has been in the White House for 28 of the last 40 years.

It is objective history that almost all of yesterday's actions and inactions, which Senators McGovern and Humphrey say created today's "mess," were the actions of a Democratic Congress and a Democratic president.

Here are their main indictments:

On going to war—The indictment is that presidents have put the U.S. into war too hastily and too recklessly. Yet a Democrat has been president at the outset of this period's four major wars—from World War I to Vietnam.

On ignoring Congress—The indictment is that presidents have taken the nation into war without congressional approval. Two Democratic presidents have done that—Harry Truman in the Korean war and John F. Kennedy in the Vietnam war.

On inflation—The indictment is that inflation is terrible. Inflation was at its highest under the Johnson administration and is being checked under the Nixon administration.

On Congress's eroding powers—The indictment is that congressional power and initiative have been waning for many years. But nobody forces Congress to neglect its lawmaking role. The Democratic Party has controlled 18 of the past 20 Congresses during which congressional power and initiative waned.

On tax reform—The indictment is that it is scandalous that tax reform has been so long delayed and that tax loopholes are not plugged. But Congress writes the tax laws and the Democrats put the loopholes in and have thus far refused to take them out.

On welfare reform—The indictment is that the welfare system has proved to be unworkable and unjust. Democratic Congresses wrote the welfare laws and have done most to resist reform.

If the present is the result of past neglect, as Senator McGovern repeatedly contends, then the responsibility must rest on those who have done the neglecting most of the time.

One conclusion seems justified: that Senator McGovern ought to be campaigning as an anti-Republican, anti-Democratic third-party candidate to be consistent.

GEORGIA JAYCEES ADOPT RESOLUTION SUPPORTING OUR ACTIONS IN SOUTHEAST ASIA

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, there is no finer, more active group of young men in the United States than the Georgia Jaycees.

These young men are dedicated to God and country, and are helping to develop the future of this Nation. They are determined, aggressive leaders and when this group enacted this resolution, I believed it to be something all America should read.

It is for this reason, Mr. Speaker, that I include this in the RECORD:

RESOLUTION

Whereas, Georgia is a dynamic, prosperous and progressive State, and presents an environment second to none, in which its citizens may work, live and raise their children so as to become qualified citizens of the State of Georgia and the United States of America, and

Whereas, because of decent actions and stands by our nations highest elected officials and our military forces in Southeast Asia to put a stop to the invasion of South Viet Nam by the Communist backed aggressors, and

Whereas, said actions were not only necessary, but long in coming, and,

Whereas, these actions and stands have caused much unrest and dissent among students and other groups, and

Whereas, the news media always plays these violent actions up more than those of the working American, who believes in our nation and its actions abroad, and

Whereas, the Georgia Jaycees are a dynamic young men's organization, dedicated to community involvement and civic service, and one concerned with continued success and progress of its State and Nation, and,

Whereas, the Georgia Jaycees have listened to and discussed the unrest and dissent by many groups against the actions and stands by these United States in Southeast Asia, and

Whereas, the Georgia Jaycees in its efforts and attempts as a concerned public civic organization herewith states its position and reasons upon which it bases its opinion on the actions and stands by these United States in Southeast Asia, and

Now therefore be it resolved, by the Georgia Jaycees that they are in favor of the present actions and stands by these United States in Southeast Asia, and it is hereby resolved by the membership of Georgia Jaycees, in accordance with its Constitution and By-Laws, that they go on record as being in favor of the actions and stands by these United States in Southeast Asia for the following reasons:

1. That the United States, being the main economic and military backer of South Viet Nam, cannot allow the Communist inspired invasion to succeed and take over free South Viet Nam.

2. That the United States has paid a price of over 50,000 dead, 300,000 wounded and 1,000 MIA and POW, and cannot allow these sacrifices to have been in vain.

3. That the United States must continue to protect all remaining forces of the American military, and continue to try to have our POW's released.

4. That the United States must continue to support the Vietnamization program in any manner put forth by our officials and military forces.

5. That a vast majority of American people want out of Viet Nam, but only at the price of getting our POW's back and stopping aggression forever.

6. That a vast majority of American people support our Nation's recent actions and stands in Southeast Asia, but the news media has not shown this side of the story.

7. That if more Americans would stand up and support actions and stands by these United States in Southeast Asia, they would counteract all the unrest and dissent.

WASHINGTON REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activties in their behalf. The following is the text of my report of June 5, 1972:

BUTZ SEES FARMERS' INCOME UP $2 BILLION

In his first annual report as Secretary of Agriculture, Earl L. Butz recently said American agriculture is moving into a "new and promising future." Farm income should be up $2 billion from last year and exports will hit a record $7.8 billion level this year, he declared. Farm production is up 9 percent over last year.

Rural development programs hit $2.8 billion, double that of 1969, with housing loans more than triple the 1969 total of $500 million—up to $1.6 billion this year.

FOOD IS A "BEST BUY"

Although food prices have gone up (178%, in fact, from 1957 to 1971), the average American's disposable income has gone up faster (222% during the same period). Result is that a smaller percentage of the pay check goes for food than ever before in history. In 1947 Americans spent 25% of their pay check for food. By 1950 this had dropped to 22.2%, by 1959 to 20%, and in 1971 food expenses took just over 16% of the average pay check.

That is nothing short of amazing when you consider that many people of the world spend over half their income for food. While food takes only 16.3% of the U.S. consumer's income, in Canada it takes about 20%; Western Europe and Japan 37–39%; Eastern Europe 36–54%; India 60%; and some African countries 70%. The American farmer is the most efficient in the world, and he is producing the best quality food in history.

GROCERY BILL NOT ALL FOR FOOD

Nearly 28 cents out of each dollar a shopper spends at a grocery store goes for items other than food.

This interesting bit of information was revealed by Dr. Don Paarlberg, Director of Agricultural Economics for the United States Department of Agriculture, at a House Subcommittee hearing. The breakdown in percent of what the average supermarket spending was in 1970 is as follows:

Food items 72.3 percent; alcoholic beverage 5.0; tobacco 4.0; health and beauty aids 3.6; soap and laundry supplies 2.4; housewares and household supplies 2.1; paper products and foil 1.7; pet food 1.2; magazines, books and records 0.3; and other items 7.4.

XUM

SALUTATORIAN SPEECH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. RONCALIO. Mr. Speaker, we hear much today about the apathy and cynicism of modern youth, but I think this salutatorian address by Ronald Miller at the high school commencement exercises in Rawlins, Wyo., shows that some young people are still idealistic and eager to serve their country at every level. Ronald has proved his own patriotism by accepting an appointment to the U.S. Military Academy at West Point. I insert his remarks in the RECORD:

SALUTATORIAN SPEECH, RAWLINS HIGH SCHOOL COMMENCEMENT, 1972

(By Ronald Lee Miller)

Honorable Teno Roncalio, Superintendent of Schools Shultz, Board of Education of School District No. 1, Administration and Faculty of Rawlins High School, parents, friends, guests, and most importantly, fellow graduates:

Tonight, May 23, 1972, will be long remembered by each and every one of us. To some, this ceremony marks the end of all formal education; to others, this night is just a springboard to higher goals, Yet, all of us must remember that high school graduation is a stepping stone into life. No matter what we choose to do or where we choose to go, from now on, we will be on our own. We will cease to have contact with parents, friends, teachers, and others who have influenced our lives and sheltered us from the real world. Each of us must decide for himself "Where am I going?" The answer to this question will be one of the most important decisions of each of your lives, for your whole future could be affected by its outcome. Some of you have already decided upon your plans. To you I say "Congratulations" because you are starting your career in the finest manner possible. But many of you do not know what lies ahead for you. You may have thought that these decisions do not have to be made for long periods of time to come. But, as was once said, "The Future is something which everyone reaches at the rate of sixty minutes an hour, whatever he does, whoever he is". You must decide as soon as possible on your future goals so that these goals may be reached that much more quickly. Remember, "The Future comes like an unwelcome guest". Be ready for it.

As the graduates of 1972 step out into society for the first time, they are faced with more pressures and problems than any other graduating class in our nation's history. Never before have jobs been so scarce, even for the most learned of persons. Never before have politics and the government been scorned and mistrusted by so many citizens. Never before has one single issue, such as the Viet Nam situation, split the country to so great an extent. Pollution and ecology have never played so important a role in each of our lives as they do now. Crime, drugs, and other pressing problems of today are indeed threatening the very foundation of our society's structure.

Now is the time for each of us to decide how to handle these problems and then to take deliberate measures to alleviate the conditions that presently plague every person in this country. Not only must each of us decide "Where am I going?", but we must determine, as a whole, "Where is our country going?" Will democracy as we know it crumble or will the citizens of the United States decide to make an effort to solve these problems? The younger generation—you and I—must take the initiative in this struggle because we are the leaders of tomorrow. In a very few years the responsibilities of this country will be ours to handle. We must be ready for these important duties which will occur at every level of government and society from the family level to levels of international importance. These responsibilities, no matter how large or small, are ours and they cannot be shunned or ignored. Public apathy is at its highest level ever in our country. We, as a society, cannot allow the so-called "silent majority" to exist in the next generation as it has in the present one. This is easily said but not so easily done. Neither proclamation nor legislation will make people care about their surroundings. It is up to all of us to do our part with the hope that others will follow suit. Becoming active in government and politics from the "grass roots" level up, participating in civic, social, and service organizations, doing your job to your fullest capabilities, working in your church organizations and taking an active interest in social programs for various underprivileged groups are all ways of "doing your part".

You cannot afford to wait, for hesitation and apathy on the part of its citizens will eventually cause the downfall of our great country as we know it today. Good Luck.

RIGHT TO KNOW

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HARRINGTON. Mr. Speaker, for some time now Massachusetts has been operating a State lottery as a means of helping to raise necessary revenues without adding unnecessarily to a heavy tax burden. Unfortunately, the newspapers and broadcast stations of Massachusetts are hampered in giving full coverage to this official State function by an outmoded Federal law that treats lotteries as some sort of unspeakable crime which the media are forbidden to discuss.

The following editorial from the Thursday, June 15, edition of the Boston Record American outlines forcefully and persuasively the case for repeal of the Federal laws which hinder dissemination of information about official State run lotteries. I hope the Members of the House will read it, and support the bill to correct this situation now pending before the House Judiciary Committee when it is reported to us, as I hope it will be.

The editorial follows:

RIGHT TO KNOW

So many states, like Massachusetts, have turned to public lotteries as sources of revenue, they have created entirely new demands for public information which could never have been anticipated—and, of course, were not—when the 51st Congress, in 1890, enacted strict lottery information regulations.

Congress' concern at that time was prompted by privately promoted—and often crooked—schemes. The need for this protection still exists. But the time has now come to exempt the so-called state lotteries from the general prohibition and for the same general reason—the protection of the public.

Existing federal laws not only still require the Postal Service to impose outmoded restrictions on newsworthy information about state-operated public lotteries as on those privately and illicitly promoted, but also forbid states from using newspaper advertising as a means of disseminating it.

These papers believe they have the same obligation to give full coverage to all aspects of this state's lottery—and those in New Hampshire, Connecticut and other nearby states, too—as they would any other newsworthy event.

These are no private games of chance—as earlier illegal promotions were—but lawful and important producers of public revenue. All the funds are public; and certainly the public has a right to know every detail of how those funds are distributed between prize winners and the state treasury. That is, certainly, a matter of primary public interest.

When the handling of huge sums of money escapes examination and disclosure, that is the time opportunities for abuse and fraud increase.

It is for these reasons that we urge Congress to amend Title 18 of the U.S. Code to exempt state conducted lotteries from pro. hibitions against publication and advertising which now force the states to resort to less efficient—and more expensive—methods.

FARMERS MUST LIVE, TOO

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ZWACH. Mr. Speaker, last April a lot of people were concerned over advertisements of a Washington-based food store chain which advised its customers to eat meat substitutes, because the price of meat to the producers was too high.

We pointed out at that time that producer meat prices had just returned to the level of 20 years previous and that they were then, in fact, on another downward slide.

The other day, I read a newspaper report that this food store chain reported a profit increase of 85 percent against a sales increase of 17 percent over the previous year.

Mr. Speaker, producers are not getting too much for their food products. They are not getting enough.

Carroll Fey, editor of the Edgerton Enterprise, in southwest Minnesota, recently wrote a pertinent editorial on farm prices which I would like to call to the attention of my colleagues by inserting it in the RECORD:

FARMERS MUST LIVE, TOO

Food prices have risen, but before condemning farmers and ranchers and threatening them with a wave of controls, a few facts must be considered if the nation wishes to continue eating in the style to which it has become accustomed.

Foremost among these facts is that farm prices still remain at preinflation low levels. Food prices have risen because of inflationary increases in handling costs. The plight of the farmer is well expressed in an article appearing on the editorial page of a major daily newspaper. It is pointed out that, "Farmers and ranchers are expected to stay on the land rather than join the job-seekers in the city . . . On the other hand, farmers and ranchers are not expected to make more money ever, because if they do the cost of food will go up. When beef prices rise to levels of 20 years ago, the protest is loud and clear . . . Bear in mind that farmers and ranchers are consumers, too, and as consumers their expenses have gone up more than 100 percent during the same period that prices they receive for their products have remained stable."

The conclusion reached in the article quoted above is much to the point—the food we buy today is one of the best bargains in the marketplace, ". . . even if beef prices have climbed up to 1952 levels."

MEAT PRICES RISING TO ALL-TIME HIGH: IMMEDIATE REPEAL OF MEAT QUOTA ACT NEEDED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. VANIK. Mr. Speaker, recent newspaper articles and food market studies indicate that, after a brief decline this spring, meat prices are again skyrocketing upwards. It is probable that by midsummer, the price of meat will be even higher than it was this winter. In fact, the price of meat may reach an alltime high, forcing this important element of the American diet off the dinner table.

Part of the reason for the rise in meat prices is due to a piece of anticonsumer legislation passed in 1964—the meat import quota law. This law restricts the amount of foreign meat—the type used in hamburgers—entering the American marketplace. This creates a scarcity of supply in this type of meat—known as processing meat—which our own meat producers cannot fill. The meat import quota law must be repealed. I have introduced legislation to repeal this law, and my bill has been cosponsored by some 50 Members of the House. Recent trends, however, indicate that the meat price situation is becoming more critical, and it is imperative that this legislation receive consideration early this summer.

In a speech in the House on May 11, I pointed out that a number of Department of Agriculture economists were predicting that meat prices would rise during the summer months. I also provided an analysis of price quotes on the Chicago livestock market which clearly showed that the price of cheaper cuts of meat, which those with large families and those on fixed and low incomes rely on, were being artificially maintained at high levels by the meat import quota.

Since then, new data has become available which indicates that the meat price situation is becoming more critical.

CHICAGO MEAT MARKET

For example, I would like to enter in the RECORD at this point an update of the daily price quotations of the Chicago market, as reported by the National Provisioner Daily Market Service. The first column of figures is the highest printed prices for the 30 days preceding August 15, 1971—the base period on which prices would have been frozen if the phase I controls had been extended to meats—as they should have been and as they were during the Korean war. The second column of figures is the market quotations for May 5, 1972. The third column is the price quotations for June 16, 1972:

	Top half		
	Base	May 5	June 16
F.o.b. Midwest River points:			
Ch. Strs. 5/600	53	55	58
Ch. Strs. 6/700	53½	55	58
Ch. Strs. 7/800	54	54	57–57½
Ch. Strs. 8/800	53½	53	56–56½
Carcass, cows and bulls (CHGO) cows, North:			
C.C. 350/up	48½	52½	52½
Bng. Util. 400/up	45½	49	59½
N. Bolo Bulls 500/up	50	54	55
Boneless processing beef—Fresh C. & C. (packed), frozen:			
65, bufs. beef 90% In	65	72	73½
66, Bnls. chucks	66	72	73½–74
61, Trmgs. 85/90%	61	68	69
50, Trmgs. 75/85%	50	57	59
Froz. Shank Meat (percent)	65	72½–73	72½–73
Froz. Shldr. Clods	68	74	74½
Aust.-N.Z. frozen imported meats f.o.b. port of entry (30 days):			
Cow meat 90% Vis. In	61½	67½–68	70
Bull meat 90% In	63½	69–69½	72½
Shank meat	64½	69½	72½
Bnls. mutton 90% In	38	44½–45	44½–45
Primal cuts beef—U.S. Choice or equal:			
Less than carlot	(1)		101–102
Trad. loins 40/50	98	93	101–102
Trd. loins 50/60	1.00	93	101–102
Trad. loins 60/70	1.00	93	101–102
Ribs 25/30	72	73–74	75–76

[1] Choice.

These columns show several things. First, by May 5, the price of the better cuts of meat which the American growers specialize in had fallen back from their highs of February to approximately the level of last August. But now, the price of these choice cuts—the steaks and roasts—have risen sharply, and not all of this price increase has reached the retail supermarkets yet. Second, the price of processing meat has been consistently above the level of last August. This means that the Meat Import Quota Act is working—and the consumer who can least afford it is suffering.

CLEVELAND, OHIO, FOOD PRICES

These price trends have been documented by the Community Committee on Consumer Prices, a volunteer civic organization of 250 individuals from my Cleveland, Ohio, congressional district, which has been watching prices since the start of phase II on last November 13.

In the latest price survey finished in late May, the committee recorded 1,712 items in various Cleveland area stores. The committee found that 522 or 30 percent of these items increased in price between last November 10 and the latter part of May. It is particularly interesting—and distressing—to note that of the 1,082 food items checked, 467 or 43 percent have increased in price since the start of phase II.

While meat, fresh fruit, and vegetable prices were never covered by the price controls of last August 15—a terrible mistake—they are a major part of the food purchases of the average family. These fresh food items have been those which have had the most numerous and largest price increases. This situation is absolutely intolerable at a time when the wages of most Americans have been frozen or limited to small increases. It is even worse for retirees who have not received an increase in social security benefits for 18 months. The 22d District Consumer Committee found that of 68 beef items checked in May, 53 or 78 percent had increased in price since last November. Six out of eight lamb prices had increased. Seven out of 14 luncheon meats had increased; 37 out of 40 pork prices—or a total of 92 percent of the pork items—had increased in price. Forty-seven out of 109 dairy items increased in price. Even in canned fruits, 14 out of 33 items had risen in price. Fifty percent of the canned vegetable items also rose—22 out of 44 items checked—while a fourth of the frozen vegetable items were most costly. Among the fresh foods not covered by the price freeze, only poultry appears to be fairly stable.

I would like to list some of the price changes found over the last half year in various Cleveland-area food stores.

The list follows:

Item and quantity	Early November	Late May
Beef per pound:		
Liver	$0.54	$0.78
Hamburger 24 to 30 percent fat	.59	.69
Ground chuck	.79	.89
Sirloin butt	1.19	1.38
Sirloin—Super right	1.09	1.37
Chuck steak	.69	.79
Round—Top steak	1.14	1.34
Swiss steak	.99	1.29
Rib roast	1.36	1.54
Fish:		
Starkist tuna, solid	.49	.59
Frozen haddock fillets	.89	1.09
Bumble Bee—Red salmon	1.09	1.19
Canned fruit:		
Motts applesauce—35 ounces	.42	.52
Kroger's pears—16 ounces	.29	.35
Cell-u, peaches, unpeeled halves—16 ounces	.43	.51
Fresh fruit:		
Sunkist oranges—6 medium	.59	.79

The magnitude of the price increases in beef can be seen by adding up the cost of 53 items checked in early November and comparing the cost of buying those same items today. In November one could have purchased these 53 pounds of various cuts of beef for $62.23. Today, those items would cost $67.57, an increase of 8.5 percent.

This list of price increase goes on and on, and while the subject of my remarks today is meat prices, I would like to mention a disturbing finding of the Consumer Committee: For the first time since the start of phase II, these volunteers have begun to find a general upward drift of prices in a broad range of items. The previous surveys found that, in general, phase II was working. It now appears to be starting to disintegrate. For example, bread prices are drifting up. Fundamentals such as soups and cereals are increasing in price—only a few cents here and there—but when wages are stabilized, these increases add up. Also, for the first time, categories other than foods are beginning to increase in price. Soaps and detergents have increased significantly. A 5-pound, 4-ounce box of Tide laundry detergent has increased from $1.39 to $1.49 since the start of phase II. The price line on small appliances appears to be breaking down.

XUM

A chrome Kenmore two-slice toaster has gone from $7.97 to $8.99. The Waring Blender, Futura 900 model has gone from $25.95 to $27.95. These price changes are an ominous sign to the American consumer, and may soon force a complete reconsideration of the wage-price controls policy.

WHAT IS THE FUTURE OF FOOD PRICES

These findings indicate what every shopper knows—food prices are high and are rising. The question is, will they continue to rise?

The quotes from the Chicago livestock markets indicate that they will. Those quotes are wholesale quotes, and indicate rising prices which have not yet been passed on to the consumer. The wholesale price index for May, released on June 2, indicates that while the wholesale index of all commodities rose 0.6 percent between April and May, the prices of farm products and processed foods and feeds increased by 1.4 percent. The index for farm products, processed foods, and feeds rose at an annual rate of 7.8 percent from November to May. Beef on the hoof cost 4.5 percent more in May than in April and 17.5 percent more than last May. In the period from February to August 1971, it advanced at an annual rate of 3 percent. In terms of food prices, we were better off before the freeze of last August—and it is obvious that the freeze should have been applied to all food items.

Speculation that beef prices will decline in July and August—the traditional marketing period—has been seriously questioned by consumer analysts. Many of the producers appear to be holding back, waiting for higher prices. Beef prices will also be increased by one of the worst droughts to hit southern California, Arizona and parts of Utah, New Mexico, and Colorado in years. The drought is causing many ranches to cut their operations by 25 to 30 percent. Consumer demand is higher, particularly since other types of meat will be scarce this year and will therefore be increasing in price faster than beef. For example, the production of veal, lamb, mutton, and pork will all be down this year. Thus the total production of all American meats this year is estimated at 37 to 37.5 billion pounds, down from 37.78 billion pounds last year. Thus, even though beef supplies are increasing, they are not increasing fast enough to meet total consumer demands for meat.

There is more bad news for the grocery shopper in the months ahead. Because of the unusually warm winter, the fruit trees did not "harden off" or rest and revitalize themselves. Then, in the budding period, there were severe frosts, particularly in the Great Lakes area. I recently asked the Department of Agriculture what this would mean for this year's fruit harvest. They have informed me that the peach crop will probably be down 12 percent from last year and that some other fruit crops may be damaged. This, of course, means that fresh fruit prices will be much higher this summer than last year.

There are a number of things that can be done. Controls on meats might be established. The price commission might take a closer look at the prices charged producers, the rates charged for the shipping of livestock, and the markup of the processors and retailers—though it appears that the retailers are generally reflecting only the higher prices they are being charged. The consumer can try to purchase other items in less demand, such as poultry and, often, fish.

The Congress, of course, should take this opportunity to review the entire range of agricultural programs. At the present time there is a wide range of supply-limiting marketing orders and price support programs which not only cost the taxpayers $5 billion per year in Government programs, but are also estimated to increase the cost of all foods on the American dinner table by 15 percent.

The Congress should also immediately repeal the Meat Import Quota Law. While the world meat market is rather tight this year and repeal of the law might not lower prices, it would certainly help stabilize them, particularly the prices of the cheaper cuts and processed items—hot dogs, hamburgers, luncheon meats, and others. The 1964 Meat Quota Act, was an anticonsumer piece of legislation when it was first passed and we are feeling its effects today. It is absolutely senseless to continue this program which gouges the pocketbooks of our urbanized society for the benefit of a few thousand large cattle producers.

SENATOR THURMOND GETS L. MENDEL RIVERS AWARD FROM NCOA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HÉBERT. Mr. Speaker, on May 25, 1971, it was my pleasure to inform this body of the continuing interest shown by the Noncommissioned Officers Association of the United States of America (NCOA) with regard to legislative actions of concern to the American military community and their encouragement to their worldwide membership to accept the challenge of American citizens by citing their views directly to their Congressmen.

At that time I reported also that the NCOA, through their legislative committee, initiated a special annual recognition award for the national legislator who, in their opinion, is most worthy of recognition for his efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved Nation.

During this 11th annual NCOA convention in San Antonio, Tex., on April 7, 1972, Senator STROM THURMOND of South Carolina was honored as the first recipient of the L. Mendel Rivers Award for Legislative Action. I strongly endorse their selection of Mr. THURMOND as being first deserving of such coveted recognition because he has, indeed, and continues to serve as a great champion of all legislation dedicated to furthering the ideals which comprise the criteria for such an award.

I further note with pride and ask that each of you join me in extending appreciation to the NCOA for their sustained interest and unwavering dedication to the principles on which this great Nation is founded.

I consider it a personal honor to again apprise you of an organization (NCOA) which has in the period of 1 year esteemed itself as a representative body of a most important element of American society which allows us the opportunity of their collective thinking and has bestowed highest honors of their own on two of our great colleagues, Senator STROM THURMOND, and the late L. Mendel Rivers.

DEFENSE OUR FIRST PRIORITY ACCORDING TO FORMER SPEAKER JOHN W. McCORMACK

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLIER. Mr. Speaker, on June 8, following my remarks about priorities, I placed in the RECORD excerpts from three of the Federalist papers. These excerpts, from the pens of James Madison and Alexander Hamilton, demonstrated that one of the principle reasons for establishing our Union of States was to provide for the common defense.

There are undoubtedly many who will say that these are dead voices speaking from the dim and all but forgotten past and that the views that prevailed in 1787 are irrelevant to the last third of the 20th century. In refutation I would like to quote the words of a great American who sat in this body for 42 years and for 30 of those years served as majority leader, minority whip, and Speaker.

I hope that those who choose to ignore and disregard the eloquence and wisdom of Madison and Hamilton will listen to and heed the down to earth commonsense of John W. McCormack.

Mr. Speaker, the advice that former Speaker McCormack has given us came in the form of an interview with Bill Duncliffe of the Boston Record American-Sunday Advertiser. The pertinent paragraphs follow:

Men talk in good faith about "first priorities" like water and air pollution, conservation, and other things.

I agree with them, on the domestic level—but they don't specify that. There are so many matters that are our "first priorities" on the domestic level. But what really is our first priority?

You can't have any of these questions solved in the American way of life unless we preserve this country of ours. So our first priority is to take those steps that will reasonably guarantee the preservation of the United States of America.

Now those other things are vitally important, but if a foreign government took over our nation or changed our form of government none of them would be priorities at all.

So they are all priorities now only if we have the American institutions of government in existence.

Whether we like it or not we must have a strong America because there are forces in the world today who would take advantage of a weak America.

It could be that in the future the Soviet Union—and I'll name names, they're our immediate potential enemy—could create a weaponry system that will overshadow all others.

If they develop it before we do, they're not going to let us catch up. They'll either blackmail us, or force us to be subject to them. And if we don't, they'll destroy us.

And yet, so many people in America will probably misunderstand what I say—but I've always spoken my view.

There are people who think, "Well, the Soviet Union isn't bent on world domination."

Are they bent on it? Yes. Will they attain it? That's another question. Have we seen any evidence of any change in their intent? No, we've seen evidence of a change in their tactics, based on necessity.

Have we seen any evidence of a change of intent on the part of Red China? No. Their tactics, yes, but their intent, no.

Does that mean that I think they are going to take over country after country themselves? No, but they can do it through having governments established that are subject to their domination and dictation, like Czecho-Slovakia, Poland, and Hungary today, beginning with an imposed coalition government.

North Vietnam started out the same way. Even Red China, with a coalition government that had Communists in it. But they got rid of the non-Communists very quickly, and what could the people do?

The Communists controlled the army, the internal police, and the jails, so what could the average person do, if they wanted to live? And the first law of human nature is self-preservation.

I believe its vitally important for the people of America to realize that the Atlantic Ocean is no longer our first line of defense. And that means we've got to be prepared before the fact.

We'll never get another opportunity, like after Pearl Harbor, to prepare ourselves after the fact. Back then, we had time to build up our great natural resources, our economy, manpower, and military strength. It took us three years before we started affirmatively on the road to victory in both Europe and the Far East.

But today, we won't have three seconds.

If we are going to be prepared, our national defenses will have to be prepared before the fact. We'll never have another opportunity to prepare ourselves after the fact.

The price for defense is the premium we pay for peace in America, because the only thing the leaders of a nation like the Soviet Union fear is power.

Now, we want power for peace, but they want it for other things, the internal subversion of other countries.

If the Soviet Union would disavow in principle and in fact trying to engage in internal subversion with the forces within a nation to overthrow a form of government they don't like, if they want to be a Communist nation economically, why I don't agree with them, but we can live with them.

So, if they want to disavow their intent of constant interference in the internal affairs of other nations, we'll get along with them all right.

But until they do, we've got to be on our guard.

No matter what the view of any American might be on this or that question, we should be solid in having a strong and adequate national defense.

THE HISTORIC RENEWAL AND DEDICATION OF THE MURRAY HOUSE AS A HAVEN FOR MENTALLY HANDICAPPED ADULTS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ROE. Mr. Speaker, I recently had the great privilege and honor of participating in the dedication of the Murray House located on Main Street, Paterson, in my congressional district of New Jersey. The commentary of the guest speakers and particularly the remarks of Bishop Lawrence B. Casey of the Diocese of Paterson, Mayor Arthur Dwyer, Mrs. Anthony Ventimiglia, and Mr. Arthur Rigolo eloquently described the new horizons and lasting renewals that can be recreated through the action of people motivated by the warmth and indepth feeling of caring for each other—"selfless love" was the conclusion expressed by the staff of Murray House in the program that evening.

Through the creativity and vitality of Rev. John B. Wehrlen "Father Jack" and the help of many volunteers, elementary, high school, and college students and friends of Father Jack who assisted in a comprehensive renovation program, the Murray House now stands recreated, shining in its new role as a shelter home for mentally handicapped adults after over a century and two decades of providing a headquarters for the art of healing, a religious and recreation center. Donations of food, clothing, furniture and money were also made to the cause of Father Jack.

In September 1971, Murray House received its first two residents and the beginning of what promises to be an even more exciting and rewarding achievement in the life of this historic site: A haven and self-sustaining family life experience for mentally handicapped adults.

I would like to call to the attention of my colleagues here in the House and preserve in this historic journal of Congress the following real life story that provided the name for the Murray House which was dedicated on May 19, 1972. It seems fitting and appropriate that I relate to you the story behind the name as it was written by the Murray House staff in commemoration of this home, renewed with hope and promise by those who cared to help improve the quality of life for others less fortunate and enable them to experience the warmth and security of the communion of people as a family unit:

LIFE OF JIMMIE MURRAY

Along with her new role she also received a new name—The Murray House.

Her new life she received from the dream and faith of Father Jack. Her new name she received from a special little boy, Jimmie Murray.

Jimmie was the first born of five children born to Kit and James Murray. Jimmie was a physically healthy baby filling the lives of James and Kit with happiness and joy. When he was six months old however, Kit noticed that often Jimmie would get a tense, frightened expression on his face. This would last only for a few seconds and then he would return to his normal play. It happened frequently enough to cause his mother concern, yet at that time the pediatrician's examination showed nothing wrong. When Jimmie was approximately nine months old, he developed a cold, with a fever of 104. He was taken to the hospital for observation and tests. Jimmie was found to have brain damage. What this meant for Jimmie in the Doctor's words to his mother was that "He will never become the President but he'll always make a living." Jimmie was retarded.

The rest of Jimmie's life story and that of his parents could have been a sad, guilt ridden, story. It would be wrong to say that James and Kit accepted Jimmie's defect as a matter of course. It was heart breaking, but their love and faith enabled them to accept Jimmie as he was. They placed no conditions on life and happiness. Jimmie had taught them not to take life for granted. Because he could not speak, he taught them to listen in a different way, he taught them to love and showed them the depth of their own capacity to love. Even his little brothers and sister learned and shared their love with him.

Because James and Kit refused to hide Jimmie or over shelter him, he developed as any other child, only a little slower. He took his first steps when he was five years old. At six he spoke his first word, "MA."

Jimmie's growing years were never easy. He constantly suffered from convulsions, high fevers and required almost constant attention day and night. James and Kit had one weakness—they were not made of iron.

Kit herself was eventually rushed to the hospital suffering from fatigue. While in the hospital, Jimmie's father made the most important and hardest decision of his life. With the help of Monsignor Joseph Brestel, a life long friend, Jimmie's mother was convinced it was best to place Jimmie in a Special School where trained people could care for him.

Shortly after Jimmie's tenth Birthday he was admitted to Woodbine State Home. This was to be his home for the next few years. On May 29, 1969 Jimmie's parents received a call from the school. Jimmie had died.

Since Jimmie was one of God's Special Children, it was decided to have friends donate to Father John Wehrlen as it had been Jimmie's parents good fortune to meet this wonderful man of God through Jimmie's aunt, who had worked with Father Wehrlen while he was assigned to St. Philip's, Clifton. Jimmie's parents became very close friends with Father and when Father Jack finally got his home for his special children he called them and asked if he could name the home after Jimmie.

Jimmie's memory wil be lasting forever in the home named after him. Jimmie's name on the Murray House reminds and teaches us what love means and the limits to which love sometimes calls us. It teaches us too that the greatest service we could give to our family here is the gift that made Jimmie's life happy and full—the gift he received from his Mom and Dad—selfless love.

In closing, may I ask my colleagues to join with me in commending the Murray House staff and wishing them continued success and happiness in this highly noble cause that they have unselfishly dedicated themselves to on behalf of our handicapped. Our heartiest congratulations and best wishes are extended to Murray House Staff: Rev. John Wehrlen,

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Rev. Richard Oliveri, Miss Lillian Gallagher, Carl Zipper, Louis Tatil, Joseph Duffy, and Kathy Bradley, Michelle Duffy, Tom Ramseyer, Bob Anygi, and Mary Lee, Secretary.

PEOPLE HELPING PEOPLE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHWENGEL. Mr. Speaker, local organizations play an important role in communities across the Nation. Burlington Aerie No. 150, Fraternal Order of the Eagles, established on Apr. 28, 1901, is an example of a local group furthering community projects and ideals through positive self-direction and service. Membership today numbers 3,675.

The Aerie sponsors a number of social activities throughout the year. Saturday night dances are held for members, their families, and their guests. Mother-daughter and father-son banquets are another example of family oriented entertainment. An annual "Salute to Teachers" banquet, especially honoring those teachers who have retired in the previous year, is also held. At the banquet, a tuition scholarship is awarded to a high school senior for Southeastern Community College in Burlington.

The list of donations by the Eagles to community projects, made possible by volunteer fundraising functions, is impressive. Donations are: $5,400 to the Burlington Municipal Swimming Pool; $1,500 to the Dankwardt Park Shelter House; $1,000 to the swimming pool at Boy Scout Camp Eastman; $500 for the Salvation Army New Building Fund; $500 to the YMCA Remodeling Fund; $3,000 to the Des Moines County Association—Hope Haven School—Fund; $800 to the establishment of the "Ten Commandments" Monument, in front of the Burlington Memorial Auditorium; $700 to the shelter house at the West Burlington Civic Park; $1,500 to the Burlington Community Field; $1,000 to the reconstruction of the Community Field Grandstand after it was destroyed by fire; a $1,825 donation to Productions, Inc., for a sheltered workshop type operation for retarded children and adults; tuition payments for 11 Burlington police officers for a short course in law enforcement at Southeastern Community College; and yearly contributions to the Burlington United Fund.

A $1,000 grant was secured from the "Golden Eagle Fund" by the Aerie for the senior citizen groups of Burlington. And a $1,000 grant was obtained from the Order's "Jimmy Durante Children's Fund" for both the Hope Haven School, and Productions, Inc.

In manpower activities, volunteers have donated more than 500-man hours in cleaning the YMCA outdoor camping facilities, and stockpiling firewood for use during the summer camping season.

The Eagle's have a slogan—"People Helping People." Certainly, members of Burlington Aerie No. 150 deserve credit for their unselfish service in Burlington and Des Moines County. They are fine representatives of the value of community spirit in the United States.

NIXON'S SUMMIT STATECRAFT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, having just returned from Russia, I have had the opportunity to watch the Nixon efforts at trying to reach some kind of agreement on several matters with the Soviet Union. It is certain that much was accomplished which never would have been done without this effort on the part of the President.

No one has said it better than Rowland Evans and Robert Novak in the May 31 issue of the Washington Post which I am sure all of my colleagues will want to read.

The article follows:

NIXON'S SUMMIT STATECRAFT

(By Rowland Evans and Robert Novak)

Moscow.—Three nights running last week, Henry Kissinger, President Nixon's national security adviser, sat until 3 a.m. with Soviet SALT negotiators and refused to be panicked into concessions on the last two sticking points.

Then, at 11 a.m. on Friday, Soviet Foreign Minister Andrei Gromyko informed him the Soviet government had finally accepted compromise formulas on these two questions: whether missiles on the obsolescent Soviet G-class submarine would count against the 950 submarine-launched missiles authorized by the freeze; and a complex, delicate question dealing with SS-9 silos, which house the giant Soviet intercontinental missiles.

At the end of the Wednesday night session in the Kremlin, the exhausted Kissinger woke up the equally fatigued President Nixon with a phone call a few minutes before the break-up at 3 a.m. Thursday to report no progress. The President's response: hold fast; don't cave in.

What this incident reveals is not that the Nixon-Kissinger team can claim bargaining triumphs over the Russians. Which side got the most out of the dramatic agreement on strategic arms limitation (SALT), if either one did, will not be known for a long time. What the incident does illustrate is the fundamental principle that has guided the President during three years of the most wide-ranging and now successful negotiations ever conducted with the Russians.

The principle: the U.S. wants agreement with the Soviet Union on many issues, starting with SALT, but not a single one of the issues is so important that it can be purchased at cut rates by the Russians.

In short, the President sought by a variety of tactics to inform the Kremlin that, however unfavorable the impact on his reelection prospects, failure was always an acceptable possibility.

Kissinger himself made that fact inescapably clear when, at the invitation of Communist Party chief Leonid Brezhnev, he made his secret visit to Moscow in mid-April. Contrary to reports that Kissinger went to Moscow to warn Brezhnev in advance about mining the harbors of North Vietnam, his real purpose was to try to break the SALT deadlock.

Kissinger's implicit message to Brezhnev was this: the President can come to the summit conference and comfortably leave it without signing a SALT agreement. Moreover, Kissinger rejected an appeal that the U.S. use its influence to encourage the Christian Democratic Party of West Germany to support the Moscow–Bonn treaty. That would have been American money in the summit bank, but it went beyond Mr. Nixon's formula of businesslike negotiating based on facts not gimmicks.

Likewise, the President's decision to mine Haiphong harbor was the clearest possible signal to Moscow that he was willing to sacrifice the long-planned summit meeting itself to prevent disaster in Vietnam. That message was not lost on the Kremlin.

There are other, lesser examples of the President's studied, restrained approach toward negotiating with the Russians, an approach calculated not only to obtain equity but also to transform a generation of Soviet love-hate for the U.S. into something very different—a healthy, genuine respect.

Certainly Mr. Nixon's extraordinary success here confirmed his judgment that the Soviet leaders respect bargaining strength if wisely employed. With China looming always in the background, Mr. Nixon's bargaining power was obviously enhanced. But Soviet fear of that most ominous threat—an anti-Soviet alliance between the U.S. and China—simply will not suffice as the whole explanation of the President's success in Moscow.

Brezhnev has more in mind than China. One week before Mr. Nixon arrived, Vietnam disappeared from its customary leading position in Pravda. The color television presentation of the President's arrival and of his astute speech to the Russian people on Sunday was unprecedented, and certainly not essential. The explanation lies partly in China, but much of its lies far beyond, in a genuine stirring for a new order.

As Prime Minister Alexei Kosygin told us at the glittering Kremlin reception that capped the eight-day summit: "Events like this are made by men, not by the elements." As a principal in the event-making, Mr. Nixon and his prudent, painstaking negotiating approach are an example of statecraft not easily praised too much.

COLLINS RADIO PRESIDENT SAYS U.S. INDUSTRY NEEDS AMERICAN SUPPORT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLINS of Texas. Mr. Speaker, all of Texas was proud to see the AFCEA present Bob Wilson its gold medal of achievement. Collins Radio is a world pacesetter in communications. Collins Radio comes from a different Collins family, and I am no stockholder.

But I am an enthusiastic booster of their electronic genius. We are all impressed with the dynamic Bob Wilson who now heads the Collins Radio Co.

Here are some sections of a news report from the Dallas Morning News of June 7, 1972:

Robert C. Wilson, President and Chief Executive Officer of Collins Radio Company, has been named recipient of the Distinguished Service Gold Medal Award presented by the Armed Forces Communications and Electronics Association, it was announced in Washington, D.C.

Colonel W. J. Baird, USA (Retired), General Manager of AFCEA, said the Medal is given annually "In recognition of Executive Leadership, Professional Guidance, and outstanding and meritorious Service to Country."

Wilson was named President of Collins last November. He previously was Executive Vice President of North American Rockwell Corporation."

United States industry is having to fight a dual battle against unfair foreign competition and against antitechnology Americans at the same time, the president of Collins Radio Co. charged.

Robert C. Wilson called upon this nation's industry to "address head-on" the antitechnology mood that he said is evidence among many Americans who fail to realize that society as a whole benefits from industrial and technological growth.

Speaking before the 26th annual convention of the Armed Forces Communications and Electronics Association in Washington, Wilson also said:

Few (Americans) seem to recognize the penalties our society will pay if we lose the struggle now taking place for world communication leadership. And make no mistake, "we are losing."

Wilson said that foreign governments recognize the importance of communications while in this country the industry is attacked by "accusing voices" attacking the industrial and technological saga upon which their nation's strength has been built.

He said that "technology is moving very rapidly" and the United States position is slipping.

"As communicators," Wilson said, "we can't sit back and watch our central nervous system decay and hope that someone else will save it before it is too late."

A DEEPLY CONCERNED CITIZEN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, my good friend W. H. M. "Bill" Stover, recently called my attention to a short message he hopes to convey to all Members of Congress, urging them to back up the President in his new approach to ending the conflict in Vietnam.

As I agree with Bill Stover that his message deserves the careful attention of all my colleagues, I insert it at this point in the RECORD:

A DEEPLY CONCERNED CITIZEN

Every patriotic American expects you to back the President in the present emergency, regardless of political persuasion; or of your personal assessment of why our forces now are in Vietnam; or who initially was responsible for getting us involved.

And this means finances as well as words. It might be well to recognize that the vast majority of citizens approve this too-long delayed action the President now undertakes to end the stupid, needless slaughter of the flower of our youth.

Unless you gentlemen on the Hill do close ranks soon, this Nation is doomed. Some are content to blame Communism for all our ills. But I believe that much of the violence in America during the past decade is the direct result of irresponsible rhetoric by persons in high places who are supposed to know better.

I suggest that far too many such persons sit in elective seats in the Congress. These should not forget that the same people who voted them in—can and surely will vote them out—if sufficiently provoked. And that point, for some, already has been reached.

Our country is almost down the drain. With lawlessness and rebellion and treachery encouraged from the top, many now lack the courage to fight for freedom, or the will to live with decency. But, it's our country—right or wrong.

What can you do about it, Mr. Legislator? What will you do to help return America to a truly American people? At least you can think twice before you speak. I hope.

HERBERT HARMAN—OUTSTANDING CITIZEN

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. CASEY of Texas. Mr. Speaker, I would like to bring to the attention of my fellow Members a man whose dedication and service have done much to advance the community spirit of my district.

Herbert A. Harman of 18506 Kingstown Court in Houston has been an outstanding member of the Bay Area Lions Club for the past 4 years, and his service in that organization has been so outstanding that his fellow members have asked me to take this opportunity to acquaint you with his record.

I would like to quote from a letter I recently received from a friend and constituent, Mr. Robert D. Sheets, president of the Bay Area Lions Club, concerning Herb Harman's outstanding service to the club and his community, which is located in the NASA Manned Spacecraft Center area of my district.

BAY AREA LIONS CLUB,
Houston, Tex., May 30 1972.

Hon. BOB CASEY,
Congress of the United States
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CASEY: I understand that individuals are sometimes nominated for special honors and recognition by the Congress and by the President, particularly when their contribution to their community, church and nation is outstanding and continuing.

I would like to nominate an individual for consideration of award and recognition. His name is Herbert A. Harman and he resides at 18506 Kingstown Court in Houston. He has been a member of the Bay Area Lions Club over four years and during that time he has held nearly every office and has done a magnificent job in anything he has undertaken. He has served on various committees and projects throughout his involvement in Lionism. He headed our non-profit Christmas Tree Project which is designed to supply Christmas trees at our cost to the community or to allow people who could not afford a Christmas tree to get one at no cost. He led our White Christmas Project which collected food, toys and clothing from donors in each of the Clear Creek School District schools and donated them to 365 needy children in 60 families in the Bay Area last year. He initiated two spectacular fund raising campaigns almost single handedly—one selling fertilizer and the other selling glasses commemorating the Apollo missions—the proceeds supporting our Lions Club charities and projects.

Herb has been very interested in children, particularly children who are less fortunate than most. He has been very active in recruiting children to attend our Crippled Children's Camp in Kerrville and led a Bicycle Rodeo in Nassau Bay where children were instructed in bicycle safety and had their bikes registered by the Harris County Sheriff's Department. He is the sole dual-award winner as Lion of the Year in two successive years, which is the highest honor Lions Clubs award their members. Herb has been President, First Vice-President, Projects Chairman, Membership Chairman, Director and Tail Twister in our Club. His enthusiasm for service to mankind is contagious and many Lions respect Herb for his leadership, devotion and committment above all.

Herb's activities are not limited to Lions. He is particularly active in church and community affairs too. He recently was Co-campaign Chairman for Clare Schweikart in the local school board election; is a leader in developing facilities and fund raising for the Boy Scouts in Friends of Scouting, and has served the Clear Lake Methodist Church as Sunday School Superintendent, and as Chairman of the Commission on Education as well as a member of the Council on Ministry and the Administrative Board. He is indeed a well-rounded Christian idealed individual whom it is a pleasure to nominate for official recognition by the Congress, the White House and our Country.

Very truly yours,

ROBERT D. SHEETS,
President.

I join Mr. Sheets' sentiments—Herb Harman is truly an outstanding individual.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DELANEY. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague, the Honorable Philip J. Philbin of Massachusetts.

It was my privilege to have him as a close personal friend, and I have never known a finer or more considerate person. His genial disposition and warm concern for humanity gave him a natural friendliness which won the lasting affection of Members on both sides of the aisle.

A graduate of Harvard University and Columbia University Law School, he served for some years as an aide to the late Senator David I. Walsh of Massachusetts. Subsequently, in 1940, he was elected to serve as Congressman for the Third Congressional District of his State, a position he held until he left Congress in 1970.

Phil Philbin was an outstanding legislator, and served his constituency, his State, and the Nation with deep dedication and marked distinction. As a longtime member of the Committee on Armed Services and, at one time, its chairman, he became an expert in the complex area of national security.

Also, one of his major areas of concern was for the welfare of our servicemen and women. He devoted himself to working for better pay, working conditions, housing, and retirement benefits for our service personnel, and, as an attorney, maintained an intense interest in matters of military justice.

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A learned and cultured man, Phil had an inexhaustible fund of knowledge on a wide variety of subjects. He was widely read in the classics and an accomplished pianist. A star athlete at Harvard, he played with their great team in the Rose Bowl in 1919.

Phil Philbin will be greatly missed by those of us who were privileged to know him. We were enriched by his friendship and we are diminished by his death.

I join my colleagues in mourning his passing, and I extend my deepest sympathy to his family.

VALEDICTORIAN SPEECH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. RONCALIO. Mr. Speaker, last week at the graduation ceremonies of Notre Dame Academy of Middleburg, Va., the valedictorian was Miss Adair Frances Montgomery, daughter of Mr. and Mrs. Edward C. Montgomery of Hillsboro, Va.

Her message sounded a note of optimism, and I feel it is of sufficient impact also to be made a part of the CONGRESSIONAL RECORD.

The speech follows:

VALEDICTORIAN SPEECH, NOTRE DAME ACADEMY, MIDDLEBURG, VA., JUNE 4, 1972

As the time approached for the graduation of the class of 1972, our comments about the swift passage of years became more frequent. And truly the years have flown for us as we look back over the many days we've spent here at Notre Dame and realize they have come to an end.

In looking at the world around us, we must acknowledge the accelerating pace of change and the resulting increase in confusion for our minds. Much of the literature that the seniors have studied in English, Moral Guidance and social studies has concentrated on rapidly expanding technology. The most emphasized aspect of this advancing technology is the vast "un-humanness" present in today's society. Many writings are depressing and the authors, pessimistic. They say Man has become a tool, instead of a builder; a follower, rather than a leader.

But is this true? Or more importantly, can we afford to let it be true? A decisive "no" is the answer voiced by one graduate and echoed by her fellow classmates. This is what Notre Dame has taught us.

We must not sink into the depths of despair and depression. We can not allow ourselves to indulge in escapism through drugs, despondency, alienation or any other form of suicide. We must not be overcome by the pressures and decisions of life in a highly complex and transient culture.

Instead we must turn to the knowledge we have absorbed here at Notre Dame. Knowledge that has prepared us for the future by proposing a solution to all life's difficult problems. It can be stated in one word: optimism. It is the ability not merely to cope with reality but to appreciate it. Our answer lies in finding the joy in simply being alive, in noticing the way a cat walks on silent feet or the hundreds of different shades of blue in a summer sky, in seeing a butterfly draw nectar from a lilac blossom or a horse shimmer in the sunlight as he shakes flies from his back. These are the beauties of life that God has made for us that we may take heart in them.

Just as realities such as these are not bound by time, but rather are eternal, so does friendship transcend age. Friends are certainly a source of happiness and comfort and we graduates of 1972 thank all you friends for coming this afternoon. And as we commence a new journey, we hope that bound by our mutual friendship, you will share the optimism of Notre Dame for developing a better world with us.

ADAIR F. MONTGOMERY.

TRAGIC SITUATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BIAGGI. Mr. Speaker, the bombings and the bloodshed in Northern Ireland grows increasingly worse and the death toll continues to rise. The latest tragic death figure in that land has risen to 374. Since the beginning of 1972, 168 people have died. Over the course of the last 2 years I have continually voiced opposition to the tragic situation in Northern Ireland. I have opposed the British use of the Special Powers Act, which permits British troops to snatch up civilians in the middle of the night and detain them in internment camps for an indefinite period of time—without trial. In these camps, citizens are subjected to the worst sort of inhumane treatment.

In light of these events, I would like to bring to the attention of my colleagues a significant event which took place recently in New York City. On Saturday, June 3, 1972, a group of 22 courageous individuals began a 48-hour "hunger strike" to protest the internment policies in Northern Ireland. I had the honor of visiting with these people during the course of their strike and was struck by the intensity of their feelings against the repressive and dangerous British activities directed against their brethren in Northern Ireland.

I would like to bring to the attention of my colleagues the participants in this memorable event. Their names follow:

Eileen Crimmins, 1245 Park Avenue, New York, N.Y.

Brian McGeever, 109 Seaman Avenue, New York, N.Y.

Linda Siobhan Israel, 300 North Broadway, Yonkers, N.Y.

Jim Connolly, 153 West 188th Street, Bronx, N.Y.

Connie Buckley, 2523 Aqueduct Avenue, Bronx, N.Y.

Bridget Brannigan, 2707 Briggs Avenue, Bronx, N.Y.

Maureen McKenna Armstrong, 137 McLean Avenue, Yonkers, N.Y.

Sister St. Hugh, 325 East 194th Street, Bronx, N.Y.

Robert McCann, 67–35 Yellowstone Boulevard, Forest Hills, N.Y.

Jim O'Gara, 2473 Davidson Avenue, Bronx, N.Y.

Kathleen Walsh, 206 East 17th Street, New York, N.Y.

Bob Murray, 32 Morgan Place, North Arlington, N.J.

Angela Power, 306 East 96th Street, New York, N.Y.

Michael Skeahan, 73–19 53rd Avenue, Maspeth, Long Island, N.Y.

Sean Enright, 176 East 81st Street, New York, N.Y.

Martin Lyons, 2671 Briggs Avenue, Bronx, N.Y.

Gabriel Kennedy, 2544 Valentine Avenue, Bronx, N.Y.

Mary Kennedy, 2544 Valentine Avenue, Bronx, N.Y.

Frank Grady, 85 St. Andrew's Place, Yonkers, N.Y.

Catherine Heggarty, 353 West 57 Street, New York, N.Y.

Peter McGowan, 86 Camp Street, Springdale, Conn.

Kathleen Carmichael, 2850 Paulding Avenue, Bronx, N.Y.

Matthew P. Higgins, 35–61 92 Street, Jackson Heights, N.Y.

Liam Hogan, 119 East 233rd Street, Bronx, N.Y.

Thomas Egan, 114 Nagle Avenue, Bronx, N.Y.

Frank O'Boyle, 118–16 Rockaway Boulevard, South Ozone Park, N.Y.

Ed. McGuinness, 238 East 9th Street, New York, N.Y.

MAINTAINING AN INDEPENDENT VETERANS' ADMINISTRATION HOSPITAL SYSTEM

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. TEAGUE of California. Mr. Speaker, considerable apprehension has been expressed during the past several months about the possible effect of pending national health insurance proposals upon the Veterans' Administration hospital system. Officials of the veterans organizations and Members of Congress have voiced the fear that the Veterans' Administration system would lose its identity as an independent hospital system devoted to the care and treatment of the Nation's veterans.

President Nixon is ever mindful of the Nation's obligation to its veterans. Last week, at the dedication of a new Veterans' Administration hospital at Columbia, Mo., the President issued a statement in which he expressed the intention of maintaining and reinforcing the independent system of Veterans' Administration health care facilities when and as required.

This clear, concise expression of President Nixon's philosophy on veterans' medical care should serve to allay the fears of those who express concern about the future of the Veterans' Administration hospital system. The President's statement of June 16, 1972, follows:

PRESIDENTIAL STATEMENT, DEDICATION OF VA HOSPITAL, COLUMBIA, MO.

Today the Veterans Administration is dedicating a new hospital in Columbia, Missouri. This brings the nationwide system of veterans' hospitals to a total of 167, with more under construtcion and in the planning stage.

This latest addition will provide health care services primarily to the veterans of central Missouri. But its opening also symbolizes the strong and continuing commitment of this Administration to making the best possible medical care available to every eligible veteran.

Fulfilling the Nation's obligation to its veterans is a matter of justice and national honor. Meeting their medical needs is one of our highest national priorities. To insure that they are met, I intend to maintain and reinforce the independent system of Veterans Administration health care facilities when and as required.

THE LITHUANIAN SPIRIT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BRASCO. Mr. Speaker, this week is the anniversary of the independence of Lithuania, one of those brave nations along the Baltic littoral which was formally absorbed into the Soviet Union years ago. Although the territorial boundaries of that nation have been erased in name by Russia's action, in spirit the identity of that small but spirited republic remains fresh in the minds of millions of people who love freedom.

In past history, it is not difficult to encounter examples of how a nation, overrun by a conqueror, has kept its culture and ethnic heritage alive and well in spite of all efforts to assimilate its people by the authorities. This is done through overseas colonies of people who remain true to their backgrounds and by the loyal attachment of the native population to the language, culture and ethnic background that is uniquely theirs.

Poland is a classic example of this. In fact, so strong was this desire to keep all that was Polish alive and thriving, that a Polish cultural rebirth was created by Poles in exile. Lithuania is no exception to this kind of occurrence.

Persecuted by the czars and militarily subjected by the Bolsheviks, Lithuanians abroad kept the language and culture alive and well. Today in America it can be found in many States and cities, where colonies of these citizens tenaciously remain attached to all the appurtenances of their origin.

Meanwhile, in Lithuania itself, the people stubbornly refuse to allow themselves to be Russianized and homogenized so they will be assimilated into the great Russian culture and life style.

In fact, there has been a rebirth of ethnicity in Lithuania, as young Lithuanians, determined to reassert their ethnic identity, have stood up to the ruling regime. There has been some violence and even reports of self-immolation by young activists.

This holds a lesson for us all. Here in America we have seen a rebirth of ethnic pride in a dozen different immigrant communities. Millions upon millions of ethnic Americans or hyphenated Americans have reasserted their heritage with pride and an insistence upon recognition.

Fortunately, in America, there is no need for a violent reassertion of ethnic identity and individuality. Here, there has never been forceful demand by Government upon immigrant groups to merge their identities into an anonymous mass. In Russia, unfortunately, the authorities still feel that identifiable minorities must be stamped out and made good Soviet citizens, or else.

As a result, these people, especially the young among them, have stood up for who and what they are or wish to be, living examples of the impossibility of forcing assimilation upon a strongly defined cultural group. Surely the Kremlin will eventually and inevitably come to this belated but vital realization.

Just because a man or woman insists on the right to be a Jew, a Lithuanian, a Latvian an Estonian, or any one of a dozen other heritages, does not mean that the Soviet regime should bring to bear all of its forces to prevent that right from being exercised.

Only tyrants act in this manner. They have never yet succeeded in stamping out the yearning of a free people to be themselves. It has failed with the Jews and shall fail with the Lithuanians.

CONSUMER MOVEMENT'S TOP AWARD TO CONGRESSWOMAN LEONOR K. SULLIVAN

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. MADDEN. Mr. Speaker, it was my great privilege and pleasure last Wednesday night to attend the second annual Distinguished Service Awards Dinner of the Consumer Federation of America at the Mayflower Hotel, where a most impressive honor and a well-deserved one—was paid to our charming and conscientious colleague from Missouri, the Honorable LEONOR K. SULLIVAN.

Congresswoman SULLIVAN, who has been working for consumer causes and for progressive legislation in every field during her great career in Congress, was presented the Consumer Federation's Distinguished Public Service Award "for understanding the dimensions of the consumer interest, for recognizing the need for a more rational, humanitarian, and purposeful system, and for active participation and outstanding leadership in achieving increased protection for all consumers."

It was the second such award to be made to a public official by the Consumer Federation of America. Last year's award, the first to be made, was given to Senator PHILIP HART, of Michigan.

All of us in the House have for years looked to LEONOR SULLIVAN for leadership, guidance, and wisdom on consumer issues coming before the Congress. She has been the author of, and the driving force behind, some of the most important measures passed by Congress to improve the lot of the American citizen, from the food stamp program to the Truth in Lending Act.

In presenting the award to Mrs. SULLIVAN on behalf of the consumer movement in the United States, Mr. George E. Myers of the Credit Union National Association—CUNA—a vice president of the Consumer Federation of America, said of her that, "No elected official in America today has done more to improve the lot of the American consumer than Congresswoman LEONOR K. SULLIVAN."

REMARKS BY CONGRESSWOMAN SULLIVAN IN ACCEPTING AWARD

As usual, the gentlewoman from Missouri spoke with great sincerity and deep insight when she delivered her acceptance speech upon receipt of the Distinguished Public Service Award. It was an outstanding talk by the ranking woman Member of the House who has learned how to make the American legislative system work effectively in the public interest. I was deeply impressed by her remarks. Under unanimous consent, Mr. Speaker, I submit the text of Congresswoman SULLIVAN's remarks at the Consumer Federation of America awards dinner, as follows:

REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN

I have no idea what it would be like to receive the Nobel Peace Prize or the Fermi Award for Atomic Energy Research or the Pulitzer Prize for Journalism or Letters, because none of these is in my field of special competence, but I can tell you what it is like to receive the Second Annual Distinguished Public Service Award of the Consumer Federation of America—it is one of the nicest things that has ever happened to me as a Member of Congress. It is an award I shall always treasure because of what it stands for in a field to which I have devoted most of my energies in the Congress for nearly 20 years.

I feel particularly honored in receiving this award following its presentation to only one other person so far—Senator Philip Hart of Michigan who is certainly one of the great figures of the consumer movement in this country. He has been a worthy successor as chairman of the Senate Subcommittee on Antitrust and Monopoly to the late Estes Kefauver of Tennessee who mastered the technique of Congressional investigative procedure and then used it relentlessly and brilliantly in the public interest, and especially, as Senator Hart has done also, in the consumer interest.

To be honored at the same affair as Sidney Margolius makes my award even more meaningful to me tonight because he was the first of the professional consumer writers, whose column in *The Machinist* newspaper pioneered in a field which the daily newspapers and the magazines assiduously neglected for so many years.

Today, however, every major newspaper in the country has at least one writer, and sometimes teams of them, specializing in consumer news, using brand names and company names and specific details such as we once found only in Sidney Margolius' column in the Labor press and in the other publications which had the courage and imagination to carry his enlightening dispatches. Fortunately, the pioneer has not been resting on past laurels nor has he been eclipsed by his many successors in the field of consumer journalism; his influence has grown with the national interest in this field and I am proud indeed to be honored alongside Sidney Margolius tonight.

The Consumer Federation of America is comparatively a come-lately in the field of national organizations—is it only six years since David Angevine organized the first consumer assembly which provided the inspiration and the impetus for the formation of this healthy and vibrant consumer organization? But while the organization itself is very young, the men and women who have been the architects and builders of this Federation in most instances have been active in the consumer movement all of their adult

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lives. Long before there was a Consumer Federation of America, these men and women were working effectively together informally in ad hoc committees on all of the major pieces of legislation of the past generation which have erected the framework of the consumer protections we now enjoy in this country.

I know this from long personal experience because any legislative achievements I have had in the consumer cause in the last 20 years have been due at least in part—and often to a great degree—to the efforts of men and women in this room tonight and some who would undoubtedly be here to night if they were still among us.

When I started 18 years ago on the legislation which eventually became the Food Stamp Program, about the only support I received outside of my own City of St. Louis and a handful of Members of Congress—Senator Aiken, Senator Humphrey, and a few of the Pennsylvania Members of the House—came from some of the people in this room tonight. They were among the few Americans who could understand in 1954—during the 1954 recession—the urgency of outlawing hunger in the United States.

And it was that year also when Arnold Mayer first came to see me about the horrible conditions under which the poultry workers in this country were forced to work—in filthy plants where the product often arrived in diseased condition but was nevertheless processed and packaged and shipped for sale in interstate commerce. Heaven only knows how many consumers were made ill by this garbage, but Arnold Mayer knew that poultry workers were contracting diseases in the plants and that some had actually died from this exposure. We were able to establish from government medical sources that something like 27 diseases carried by poultry could be transmitted to humans. Yet there was no Federal inspection of poultry except on a voluntary basis, paid for by some segments of the industry as a sales promotion tool. This was not in some ancient or medieval period of history—it was just 18 years ago, 1954. Within three years we have a compulsory poultry inspection law enacted—not only for all poultry in interstate commerce but even, under some circumstances, for poultry moving only within a state.

I believe it was the first law ever enacted to provide machinery for compulsory Federal inspection of any food item moving only in intrastate commerce.

Even though the 1957 law was never used to regulate intrastate poultry sales, it nevertheless established the principle of Federal concern and responsibility for food safety within the states, and from that beginning came the subsequent Wholesome Meat and Wholesome Poultry Acts of the late 1960's, when we had far more help than we had in 1957.

And I remember, too, what Evelyn Dubrow did over the years in developing support for the great Senator Paul Douglas's Truth in Lending idea, and what the late John Edelman did for elderly consumers, and how the women of the REA co-ops were organized by Erma Angevine to work for consumer legislation, and how she and her then boss, former Congressman Clyde Ellis and also the Farmers Union fought for inclusion of agricultural credit under Truth in Lending in the 1967 hearings, when Sidney Margolius and Sarah Newman and Esther Peterson and Father McEwen and Pat Greathouse of the UAW, and William Hutton, and I. W. Abel of the Steelworkers, and spokesmen for CUNA, and other groups represented here came forward to testify in favor of the strong provisions of what became the Consumer Credit Protection Act of 1968; and I recall the help given me by Ralph Nader and his people on the Fair Credit Reporting Act of 1970; and I can only say I am grateful indeed for all of this invaluable assistance from so many groups and individuals in the consumer movement.

The danger in citing some names is that you leave out many others also or equally entitled to credit. One name I must mention here—in any discussion of the work I have tried to do in the Congress—is that of Charles Holstein, for the past nine years on my Consumer Affairs Subcommittee staff, who has worked with me for 19 years in a multitude of consumer battles—and staff people who have worked with him to enable me to do the things you have honored me for accomplishing.

Of course, in this audience nearly everyone here knows who has done what in the consumer movement in these past years, and it would take all evening to recount each role and its significance, but not many of you may know how I actually got started as a consumerist Member of Congress. The women of what is now one of the constituent organizations of CFA, the nationally recognized St. Louis Consumer Federation, approached me after my first election in 1952 and asked me to speak to their members about my plans and intentions on pending consumer issues in the Congress. So I went to the library in St. Louis and started reading up on these issues, and found they were far more complex than I imagined. So I went to their meeting and threw myself on their mercy: I am going to be your Congresswoman, I said, and I want to work for consumer causes, but you're going to have to tell me what the problems are, and what can be done about them. That was the start. From then on, they fed me ideas, criticisms, and suggestions, and constantly raised questions. I hope I haven't ever let them down. The moral of the story is that if you want to influence Congressional votes on consumer issues, you can turn lots of Members of Congress into consumerists by teaching them what they should know about these issues. Once they get their feet wet in consumer causes—and you can always get them interested in some consumer issue regardless of their politics—you will find them working hard to impress their voters on how much they care. We have all seen some of the unlikeliest Members of Congress at some time or other turn into consumer activists on a particular issue. But you usually have to reach them through people in their own home districts—people with problems which cannot be solved except through Federal legislation. Once the problem registers on the Member's mind, then it is time to talk about solutions. But you must keep after them, as you all know.

Too often, when consumer issues come up on the House Floor, the "consumer-alert" system hasn't been brought into play—no one is in the galleries watching to see who is absent and calling their offices to find out why. We almost lost the garnishment title to the Consumer Credit Protection Act in 1968 because of absenteeism in the Committee of the Whole House on the State of the Union. We saved it by only four or five votes. The food stamp program was dehumanized in 1970 because of absenteeism during a teller vote. The rollcall votes are of course important, but what happens in Committee of the Whole House on the State of the Union under the five-minute rule is often more critical to the outcome. I have seen you people work your hearts out on great causes when you are really steamed up about them, counting noses, checking on absentees, and buttonholing Members outside the chamber, after organizing the writing campaigns back home, so I know you can mount an effective lobby when the stakes are clear enough to your organizations. The consumer causes don't always get that kind of support when it is needed—so don't depend upon the few conscientious ones to do all of the work; back them up with your potent presence and assistance.

Right now, in the Committee on Banking and Currency, we are deeply involved in bitter controversy over the rights of consumers in buying homes. The Subcommittee on Housing has agreed to a bill which would write into law far-reaching and badly needed consumer protections in the purchase of FHA-insured homes and in the settlement charges and fees assessed on all home-buyers at that fateful and financially disabling moment of closing.

We have had a parade of industry witnesses come before the full Committee in the past week to mourn that writing these protections into law will bankrupt the building industry, or make the purchase of homes even more difficult financially for the average family. How do we get word to consumers of their stake in this legislation?

The Committee is deeply divided. Some key Members are wavering. An effort in the Subcommittee to strike these protections out of the bill failed by the dangerously narrow margin of a 7 to 7 tie vote. Whatever happens in the Committee we are going to have this battle again on the House floor. It will be a bruising one. I hope I will be able to look up in the galleries and see a lot of consumerists keeping score—and see some in the corridors, too, lining up wavering Congressmen. And I would like to hear some mail coming into Congress endorsing my Housing amendments.

If we lose, then the average family buying a home will continue to go the mortgage closing ceremonies as the inevitable victim of a traditional system of kickbacks to lawyers and developers and real estate dealers, unearned fees, mysterious charges of all kinds, and other forms of tribute to ancient custom or to deliberate, fast-dealing; if we win, we will really have something for consumers everywhere to celebrate. Are you prepared for the battle? Not many consumer voices have been heard from as yet on this issue which hits people where they live—or hope to live.

In every Committee of the House and Senate are other bills which can be made into effective vehicles for important consumer reforms. There is no standing Committee with legislative powers which is a "minor" Committee from the consumer standpoint—from Agriculture to Ways and Means.

In each of the standing Committees a resourceful and conscientious Member of Congress can always accomplish worthwhile improvements in behalf of consumers if he knows what the issues are and how to attack them, and what questions to ask or amendments to offer.

The 93rd Congress will provide an excellent opportunity for the consumer movement to score tremendous advances, because there will be an unusually large number of new Members learning the ropes and anxious for help and advice. Many of them will land on the so-called minor committees where they will fret about their lack of influence. What they will need to become effective are some good ideas, which the men and women in this room, and the organizations you represent, can help provide them with.

At the same time, don't neglect the rest of us—those of us with seniority who are in a position to shape major bills which will help make this a more consumer-oriented society. We will always need informed suggestions, and the public support for our bills or amendments, which you can bring about.

You have done much—you have already worked some near-miracles in the legislative field—in the few years since this organization was formed, and I am looking for more of those achievements from you in the years ahead. That's why your award means so much to me tonight—as recognition, yes, from citizens whose consumer dedication I respect; but also as a commitment between us that we will continue to fight on together for what we believe this country should be to even the lowliest among us. Thank you very much.

THE GOLDEN BULL OF HUNGARY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHERLE. Mr. Speaker, 750 years ago, Hungary, the land of my grandparents, established the firm foundation for centuries of constitutional government. Shortly after the English nobles exacted the Magna Carta from King John, the free people of Hungary won strikingly similar concessions from their monarch, Andrew II. Called the Golden Bull of Hungary, this historic document guaranteed certain basic rights, including personal freedom and the right to resist tyranny. The fascinating story of how the people of Hungary secured these liberties is well described in the account which follows below.

Americans who are accustomed to thinking of the evolution of constitutional government solely in terms of the Anglo-Saxon experience may be surprised to learn that parallel developments were taking place simultaneously elsewhere in Europe. Unfortunately we are also apt to forget that, while we still enjoy the freedoms first guaranteed to English-speaking people by the Magna Carta, history has been less kind to the people of Hungary. The Communist regime which usurped power in 1945 abrogated the principles of the Golden Bull and, in less than a generation, nullified the traditions which endured for three-quarters of a millenium.

The anniversary of the Golden Bull thus provides a timely reminder that ideals of the American Revolution will not be realized completely until all those who share them can enjoy their benefits.

Include the following:

THE SIGNIFICANCE OF THE GOLDEN BULL OF HUNGARY

(Prepared by Dr. William Sólyom-Fekete, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, June 1972)

Hungarians and their freedom-loving friends all over the world celebrate this year the 750th anniversary of one of the most important events of Hungarian history: the issuance of the Golden Bull (Bulla Aurea) by King Andrew II of Hungary. This constitutional document was granted in 1222, only seven years after the issuance of the Magna Carta of England to which it bears a striking resemblance in content despite the geographical distance and the ethnological and historical differences between England and Hungary. This anniversary presents an excellent opportunity to take a look at this important part of the thousand-year old Hungarian Constitution

The Hungarians appeared in Central Europe at the close of the ninth century. At that time they already had an ancient constitution based on an agreement of the dukes of the seven tribes, one provision of which assured the leadership of the nation to Duke Árpád and his descendants. The prince formed a council from among the leaders and officers of the nation which assembled frequently.

Árpád's descendant, St. Stephen, obtained the royal crown from Pope Sylvester II in 1001 and assumed the title of King of Hungary. He was recognized by the Pope as the converter of the Hungarians to Christianity. From the earliest stages of the Kingdom, the laws were adopted by the royal council which consisted of the King and the nobility.

King St. Stephen's laws included a statement of human rights that was unique for that age: "Henceforward no earl or knight shall dare to place a free man in bondage."

The successors of King St. Stephen in the eleventh and twelfth centuries strove to consolidate the Kingdom and continued to strengthen the centralized administrative organization. This system was based on the counties led by administrators who were appointed or removed by the sovereign. These lord-lieutenants were responsible for the administration of the extensive real property owned by the king which was the source of both the economic and the political power of the Hungarian kings.

As a result of this centralized system of administration, the tendency toward autocratic and absolutistic rule by the kings became more prevalent, but such efforts usually met with vehement resistance by the nation.

The events immediately preceding the issuance of the Golden Bull were very similar to those in England which led to the issuance of the Magna Carta in 1215. King Andrew's succession to the throne after the death of his brother may be compared with the succession of King John to the throne of England. The political and economic conditions of Hungary also resembled those of England, and that is probably the reason why the contents of the Magna Carta and the Golden Bull are so similar.

The Hungarian nobility and the freemen enjoyed several privileges under the unwritten, ancient constitution of the nation, which were jeopardized by the absolutistic efforts of King Andrew II. The King nurtured extensive economic and political reform plans to strengthen his own power at the expense of the nation. This led to a serious conflict between the nation and its King.

The conflict was resolved in 1222 at the Diet of Fehérvár, where King Andrew II was confronted with the demands of the nobility and the freedom. He agreed to affirm their "ancient rights and liberties obtained from King St. Stephen."

The Golden Bull did not establish any new rights or privileges for the nobility but confirmed, for the first time in written form, the existing rights. However, by doing this the wisdom of the framers of this document avoided the weakening of the royal power, as Count Julius Andrássy, the well-known statesman, pointed out by saying that the Golden Bull, in contrast to the Magna Carta, "was designed to strengthen the King's power, as well as to assure the privileged classes their rights."

The great importance of this constitutional document is attributed to the fact that the King recognized that the nation had rights inviolable even by the King himself.

The most significant of these rights were: direct contact with the King at the annual diet; personal freedom; freedom from taxation; and the right of resistance.

As was mentioned before, the kings of Hungary usually held a royal council frequently where legislation was discussed. The Golden Bull provided that the King must call a diet annually, and each member of the nobility had the right to appear there in person and participate in the management of the affairs of the nation.

The personal freedom established by King St. Stephen was corroborated by the provision that no freeman should be seized or his property destroyed without—to use a modern phrase—"due process of law" that is, without first being duly cited and convicted of a criminal action.

The freedom of the nobility from taxation was a privilege which at the time of its origin was not detrimental to the state because the crown properties yielded enough revenue to sustain the economic power of the country. The Hungarian nobility enjoyed this privilege until 1848, when the nobility itself renounced it voluntarily to strengthen the independence of the country.

Probably the best-known and, according to many scholars, the most important feature of the Golden Bull was the codification of the right of resistance. King Andrew declared that if he, or any of his successors, should violate the dispositions of the Golden Bull, the nobility had the right to resist and contradict without incurring the crime of treason.

This provision of the Golden Bull was also a confirmation of the customary law existing in the 13th century, and was so deeply embedded in the spirit of the Hungarian nation that it survived through the centuries, even after its formal repeal in 1687. This right of resistance constituted the legal basis of Hungary's struggle for independence and freedom from oppression through the centuries.

TAKING A LOOK AT LITTLE LEAGUE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. KARTH. Mr. Speaker, every summer we encounter the annual debate on the value of organized sports for children. Eventually the argument often comes down to: is the child's development better served by participating on a Little League team, or playing on his own without adult supervision.

Both sides to this question have specific examples to back up their position. Those who favor organized play point out that the child is properly taught the fundamentals of the game and is protected from serious injury. The proponents of sandlot ball say that screaming moms and dads and win-at-all costs coaches ruin the fun of the game for the youngsters.

Frankly, Mr. Speaker, there is no answer to this endless argument. Rather, much like any debate concerning an institution that has been established by man, the ultimate question mark concerns the individual. The most perfected institution can be destroyed by a single individual. This, more than anything else, is the central point of dispute over Little League baseball.

Last summer I recall vividly a story written by Washington Star staff writer, J. D. Bethea. This was a chilling account of a tyrannical Little League coach who apparently believed himself to be a combination of Vince Lombardi and Ted Williams. His brutalizing tactics on the young men under his command were disturbing, to say the least.

This summer J. D. Bethea took another look at Little League baseball, and, happily, found a different story. He discovered a man of compassion whose first concern was not for winning, but for the development of the youngsters on his team—not only as baseball players, but as individuals.

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Mr. Speaker, obviously this other-side-of-the-coin story does not resolve the eternal controversy of Little League baseball—to be or not to be. It does point out that the determining factor about the worth of an institution is the individual. Observing how well established the Little League program has become, it is our hope that more and more of the men who coach our youngsters are of the type that Mr. Bethea discovered this summer:

With that in mind, I place in the RECORD "Taking a Look At Little League," by J. D. Bethea from the June 15, 1972, edition of the Washington Star:

TAKING A LOOK AT LITTLE LEAGUE

(By J. D. Bethea)

The kid at bat was an interesting study. He was a nice youngster, but as a Little League baseball player he was sort of out of it. As an outfielder Frank was impossible. As a batter he was horrible. His only strong point was being short. Frank managed to get a lot of walks because of his minimal strike zone.

The bases were loaded. Frank swung his bat and, shockingly, made a slight connection with the ball. It dribbled about three feet in front of home plate.

Frank simply stood at the plate as if transfixed. His coach, Dave Jones of Reston, Va., was yelling, "Run, run." Frank yelled back, "Where, where?" The opposing catcher, in the meantime, calmly picked up the ball and tagged him out.

In many instances the youngster would have been afraid to return to the bench after such a play. With Jones, however, the player was complimented upon finally making contact with the ball.

There is every possibility that Jones would make the perfect model of a Little League baseball coach. Particularly if, as a parent, your emphasis is not necessarily on winning games.

A jovial, outgoing individual whose sense of humor is most appealing to youngsters, Jones earns his living as Washington correspondent for the Tulsa, Okla., Tribune. He also coaches a Little League team called the Cobras.

The Cobras have indicated that they are a good team, but they haven't been winning. Jones' team has now lost seven of its last eight and spirits are, naturally, less than ebullient.

"Look, I want to win. I always want to win. I'm a very poor loser," Jones said "My main problem is the feeling that I can't transmit this to grade school kids. Hell, I'm a guy who watches a game on television and ends up screaming at my set."

A typical example of Jones' influence on his team was evident following a recent 2–1 extra-inning loss. In Little League a 2–1 score, in extra innings yet, is about as rare as a pterodactyl.

As his team slowly trudged off the field, tears streaming down the faces of some players, others fighting them back, Jones gave one of his patented pep talks. Then he told his boys to give the opponents a cheer and go over and shake their hands.

"Little League to me means emphasizing sportsmanship and respect for others," Jones said. "I also don't allow the players to criticize one another. A child at this level is very sensitive. You can't tear him down without making him cease to produce.

"I've got one boy now by the name of Steve. He's an outfielder and he's a good player. In our last game Steve struck out three times. He slammed his helmet down and cried and talked about quitting. Heck, the kid has talent. Another year and he's going to be a fine player. Right now he's in a slump. So I try to build confidence."

Jones is not alone in his attempt to instill in youngsters a competitive spirit, tempered with adjusting to adversity and having fun at the same time. There are other Little League coaches who believe that the youngster's welfare is more important than winning.

They'll probably all be bald soon from pulling out their hair in frustration at errant calls by umpires and defensive lapses in the field. What's important, however, is that they will eventually develop the ulcers and not the kids.

GALLUP POLL SHOWS NIXON STRONGER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, the Field Enterprises, Inc., through the Gallup poll has been releasing repeatedly the standing of the President versus other candidates in the other party. The Gallup poll has been remarkably accurate on past occasions and I felt that the placing of this in the RECORD would be of help to my colleagues who might not have noticed it. This is taken from the Champaign-Urbana News-Gazette of Sunday, June 11:

GALLUP POLL—NIXON STRONGER

(By George Gallup)

PRINCETON, N.J.—Gov. George Wallace has registered sharp gains in the latest test elections, at the expense of Sen. Hubert Humphrey, and to a lesser extent, Sen. George McGovern. This has produced President Nixon's widest lead to date over both Humphrey and McGovern, despite the fact that the size of Nixon's vote has not increased since the previous measurement, taken in early May.

McGovern makes a better showing than Humphrey in the latest trial heats, conducted in late May. He trails Nixon by 13 points, 43 to 30 per cent, while Humphrey lags behind Nixon by 17 points, 43 to 26 per cent.

In the previous (early May) trial heats, McGovern trailed Nixon by eight points while Humphrey was 11 points behind.

The tables below show the trend in the trial heats since mid-April with Gov. George Wallace included as a possible third party candidate:

[In percent]

	Nixon	Mc-Govern	Wal-lace	Un-decided
1972				
May 26–29	43	30	19	8
Apr. 28–May 1	43	35	15	7
Apr. 21–24	45	32	16	7
	Nixon	Hum-phrey	Wal-lace	Un-decided
1968				
May 26–29	43	26	22	9
Apr. 28–May 1	45	34	15	6
Apr. 21–24	44	31	16	9

The latest findings indicate that a "sympathy vote" may be operating for Wallace following the May 15 attempt on his life.

Wallace's current vote of 22 per cent in a match-up with Nixon and Humphrey represents his highest score yet recorded. His previous high of 21 per cent was recorded during the presidential campaign in late September, 1968. His support steadily fell off from then until the election when he won 13.6 per cent of the vote to 43.0 per cent for Humphrey and 43.4 per cent for Nixon.

Remarkably, the September, 1968, trial heat figures almost exactly match these recorded in the latest Nixon-Humphrey-Wallace trial heat. Nixon won the support of 43 per cent in the earlier survey, compared to 28 per cent for Humphrey and 21 per cent for Wallace, with 8 per cent undecided.

From that time, however, the Wallace vote started to fade, with his losses translating into gains from Humphrey. By election eve, as the Gallup Poll indicated, Nixon had only a slim margin over Humphrey.

Wallace's gains in the latest trial heats up (seven points from the previous test against Humphrey, up four versus McGovern) reinforce survey findings reported Friday. These showed Wallace now tied with Humphrey and McGovern is the top choice of the nation's Democrats for the nomination, and far ahead of his two rivals among Independents, winning 36 per cent of their support to 25 per cent of McGovern and 11 per cent for Humphrey.

With many political observers of the opinion that Wallace will not run as a third party candidate this year, it is important to see where his vote would go in the event he does not enter the races.

To determine this, registered voters choosing Wallace were asked to select between just the two major party candidates in each of the two trial heats.

The national findings show Nixon benefitting over each of his two leading rivals, if Wallace is not in the picture.

Nixon would gain 10 points with Wallace out, while McGovern would pick up only four points. The President would gain nine points to only six for Humphrey.

The following tables show the vote in the latest test runs, with and without Wallace:

	Nixon	Mc-Govern	Wal-lace	Un-decided
3-way race	43	30	19	8
2-way race	53	34		3
	Nixon	Hum-phrey	Wal-lace	Un-decided
3-way race	43	26	22	9
2-way race	52	32		16

The latest trial heats are based on in-person interviews with a total of 1180 registered voters out of a total sample of 1540 adults interviewed May 26–29 in more than 300 localities across the nation. These questions were asked:

Suppose the presidential election were being held TODAY. If Richard Nixon were the Republican candidate and George McGovern (Hubert Humphrey) were the Democratic candidate, and George Wallace ran again as a third party candidate, which would you like to see win? And suppose Wallace is not in the race, which candidate would you prefer—Nixon or McGovern (Nixon or Humphrey)?

OUTSTANDING ACHIEVEMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. WOLFF. Mr. Speaker, I should like to call to my colleagues' attention an example of outstanding achievement by a high school team in my District. I am referring specifically to the Carle Place High School Physical Fitness Team, consisting of six young men, ninth grade, through senior, who walked away with top honors in the Northeast Regional Competition, and finished eighth in the national meet, which was held on Thursday, June 15, at the U.S. Marine Corps Base in Washington, D.C.

The Carle Place High School team was in competition with 17 of the country's finest teams, and the tests were exceedingly difficult. Therefore, it is with great pride that I offer my congratulations to Coach Victor Travaglianti, and to the members of the Carle Place High School Physical Fitness Team, namely: Wayne Giglio, Art Lavery, John Madeo, Ray Izzo, Mike Fenster, and Russ Kohn. I am sure all of my colleagues will join me in applauding these young men, not only for the desire to excel physically, but more importantly, for the dedication, sacrifice, and self-discipline that we required in order for them to do so. At a time when many young people have been receiving negative publicity, it is gratifying to know that the so-called "generation gap" is not as wide as some would have us believe.

SUDDEN INFANT DEATH SYNDROME: TRAGEDY, YES; GUILT, NO

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BRAY. Mr. Speaker, there is no more heart-breaking affliction that can be visited on parents than the incredibly tragic and unfortunately unsolved "crib death," or sudden infant death syndrome.

A member of my district staff and her husband went through this horrible experience. The following article from the New York Times of June 19, 1972, tells the agonizing experiences suffered by parents when this occurs.

A TRAGEDY WITH AN AFTERMATH OF GUILT

"A simple child,
That lightly draws its breath,
And feels its life in every limb,
What should it know of death?"

—WILLIAM WORDSWORTH.

(By Judy Klemesrud)

Wordsworth's "We are Seven" is one poem that Mrs. Judith Choate can recite by heart, and often does. Early one morning in 1965, the willowy, former fashion model tiptoed into the nursery of her West Side apartment and found her 5-month-old son, Robert, dead in his crib.

The baby was the victim of "sudden infant death syndrome" (S.I.D.S.), or "crib death," the mysterious disease that is the nation's No. 1 killer of infants under 1 year of age. Each year approximately 10,000 babies die of crib death—1 in every 350 live births. The cause is still unknown.

The grief-stricken Mrs. Choate immediately sought out other parents who had suffered the same tragedy, and today she is the executive director of a growing national organization dedicated to helping parents who have lost a child to crib death.

It is the National Foundation for Sudden Infant Death, a tax-exempt charitable corporation whose headquarters are in a tiny office on the 20th floor of 1501 Broadway.

From here, Mrs. Choate, now 32 years old, and one secretary spend much of their time mailing out literature on crib death, which, as letters the foundation has received testify, can have devastating psychological effects on the family involved.

Marriages have broken up following a crib death (or "cot death," as it is known in England) because a husband refused to live with a wife who "let a baby die." Older siblings of the victims have become emotionally scarred. (Nightmares and bed-wetting are frequent results.) Guilt-ridden mothers have withdrawn from friends and relatives and refused to leave their homes for months. Suicides have been reported. Couples have refused to have further children for fear of another crib death.

Other couples, like Arthur and Ann Siegal (he is president of the R & H Advertising Agency) decided upon adoption. The Siegals adopted two children after their 16-month-old son, Danny, died of S.I.D.S. in 1966. They also have two natural children, one born after the adoptions.

"My pediatrician recommended we have another child right away," said Mrs. Choate, whose husband, Edward, is manager of the Music Box Theatre in Manhattan. "He told my husband, 'Get her pregnant right away,' and we had another child 11 months later."

Today, in addition to two adult children from his first marriage, the Choates are the parents of Michael, 10, who was with his mother the morning she found her infant son dead in his crib, and Christopher, 6.

"That was the longest period of my life," Mrs. Choate said, talking about Christopher's first year—the period when infants are most susceptible to crib death. "I had to fight myself from going into his room every five minutes to check on him."

The National Foundation for Sudden Infant Death was founded in 1962 as the Mark Addison Roe Foundation, started by a Connecticut couple whose infant son was a victim of S.I.D.S.

SOME THEORIES HAVE BEEN DISCOUNTED

Today the foundation has 20 chapters throughout the country, plus 12 others in formation. There are no dues paying members as such, but the foundation has a mailing list of 12,000 couples and individuals, Mrs. Choate said.

The literature details the latest theories as to what causes crib death, plus those that have generally been discounted: External suffocation in bedclothes, allergy to cows' milk, bleeding in the spinal cord, lead poisoning, radiation fall-out, smoking, adding bleach to the diaper wash, air pollution, fluoridation and suffocation by pet animals.

The theory advocated by Dr. Abraham B. Bergman of Seattle, the boyish-looking 39-year-old president of the foundation, is that a sudden spasm of the vocal cords closes off the airway during sleep.

The pediatrician repeated his theory at a recent meeting of the foundation's New Jersey chapter in a Lutheran church in Englishtown, N.J., then called for a "bill of rights" for S.I.D.S. parents.

These rights, he said, would include an autopsy of every suspected crib death victim by a competent medical examiner; the results given to the parents within 24 hours ("This is medically possible," he said); and accurate counseling and information about S.I.D.S. for the family, to make the loss of the child easier to bear.

One of the major efforts of the foundation, and also of a smaller group working with S.I.D.S. parents—the International Guild for Infant Survival, in Baltimore—is to acquaint medical examiners, law enforcement officials and the public with S.I.D.S. (As a result of the two groups' efforts, crib death was the subject of a recent "Marcus Welby, M.D." television program.)

Dr. Bergman said that public officials who are not informed about S.I.D.S. often immediately assume that any baby who died in his crib was a victim of child abuse. "As a result," he said angrily, "they treat the parents like criminals."

PARENTS TREATED "LIKE CRIMINALS"

"I highly resent this association between crib death and child abuse," Dr. Bergman told the 60 persons at the meeting. "It's very easy for a doctor to recognize the difference."

Mrs. Choate, who was also at the meeting, said that among the questions she was asked by a medical investigator following the death of her son were:

"How many times did you hit the baby?"

"Did your other child choke or in any way abuse the infant?"

"Did you let your dog bite the baby?"

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Last year the Federal Government spent only $46,000 on research and prevention of the disease. This summer, according to Dr. Bergman, 20 college students, operating under a $90,000 Federal grant, will conduct interviews on how crib deaths are handled in 150 American cities.

"Just what do doctors know about crib death?" a distraught sounding father who had lost a son the week before asked Dr. Bergman from the audience.

"Not much," the pediatrician admitted. He said that crib death was neither predictable nor preventable, that it has been around since antiquity and is not increasing, that slightly more boys die of it than girls, and that it is most likely to occur in the winter among 2-to-4-month-old infants born prematurely or of low birth weight to low income families.

He reassured the parents that crib death was not hereditary, and that an S.I.D.S. death does not mean an increased likelihood that a subsequent baby will suffer the same fate.

After the speeches, several of the New Jersey couples were interviewed about their S.I.D.S. infants and the situations they had encountered after the deaths.

Unlike most of the parents, Kevin and Mary Ann Deas of East Brunswick, N.J., were actually present and only inches away from their 11-week-old son, Michael, when he died of S.I.D.S. last April 21. The Deas had just returned from an afternoon drive to the Jersey Shore when they discovered their son dead in a baby bed on the second seat of their station wagon.

"There was no sound, absolutely nothing," the 27-year-old Mrs. Deas said. "It was really eerie because, for some reason, I'd been thinking about crib death all day—and I wasn't even sure what it was."

The couple said they considered themselves fortunate in that most of the officials they dealt with knew about S.I.D.S. A policeman assigned to their case had lost an infant to crib death a few months earlier, and so had a rescue squad driver.

Like many of the parents, the Deas said that they now were probably over-protective of their surviving son, Kevin, who is 2.

"I BLAME MYSELF"

"I'll go to his room in the middle of the night," said Mr. Deas, a 29-year-old salesman of hospital equipment, "and I'll twitch him, just to see if he is still alive."

Crib death and guilt feelings tend to go hand-in-hand, and one mother who suffered severely was Mrs. Donald Hill, 25, of Belleville, N.J., whose first and only child, Monica, died last February 1 at the age of one month.

"I blamed myself," Mrs. Hill said. "The baby was crying the whole day before she died, and I kept picking her up. Then I decided the next time she cried I wouldn't pick her up, and when I went into her room I found her dead."

Mrs. Hill was so distraught that she refused to return to her apartment after the

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death. She and her husband stayed with relatives for two months, then moved to an apartment two miles from the old one. She has since returned to her job as an X-ray technician at East Orange General Hospital, and is expecting another child next January.

To Mrs. Harris Goldberg, of Englishtown, N.J., who with her husband heads the New Jersey chapter, the thing that was most disturbing after the death last June of her 16-month-old adopted daughter, Jennifer, was the complete indifference of her pediatrician.

"She didn't bother to contact us in any way," Mrs. Goldberg said, "and I had taken Jennifer to see her many times. A few months later I saw her in the supermarket, and she snubbed me completely. But from what I've learned in this group, doctors feel terribly guilty, too, and perhaps that was what was wrong in her case."

The meeting came to an end when Dr. Bergman told the couples he hoped the foundation would "self destruct" in five years as people come to understand crib death and S.I.D.S. parents learn to cope with their guilt feelings.

"That's when we will have achieved our goal," he said, "when a family feels no more guilty about losing a child to crib death than they would if the child died of pneumonia, meningitis or leukemia.

THE HONORABLE RICHARD H. POFF

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HALL. Mr. Speaker, it is with a sense of sadness that I learned of the decision of our colleague, RICHARD POFF, not to seek reelection to the 93d Congress, in order to accept an appointment as an associate justice of the Supreme Court of Appeals of Virginia. He has one of the greatest judicial minds that I have known, and his ability is being recognized as he leaves his seat in the U.S. Congress, for a seat on the highest judicial branch of the Commonwealth of Virginia.

"DICK" has served almost 20 years in the U.S. Congress—that lengthy term is an open manifestation of the esteem in which he is held by his constituents in the Sixth District of Virginia, where I have visited and confirmed. He has served his district, and the Nation, with dedication, devotion, integrity, and quality. His legal abilities have been well brought out in his long years of service on the House Judiciary Committee, and repeatedly demonstrated on the floor. I know that his clear and perceptive mind will faithfully and excellently serve any legal body. In the future, as in the past, when he received the Distinguished Flying Cross in World War II, to the present where he has worked and labored so many years, his superior abilities will be recognized.

I am sorry to see him leave the Congress, as we all are, but I am confident he will give many more years of meritorious and dedicated service to Virginia, and to the Nation, in his new role.

FLAG DAY REMARKS BY ALEXANDER CONTRACT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. GOODLING. Mr. Speaker, Fourth of July is just around the corner, and our American flag always plays an important part in the celebration of this patriotic event.

Just recently, Mr. Alexander Contract, a constituent of mine from Carlisle, Pa., delivered an address for Flag Day services conducted at the Middletown Elks Lodge No. 1092 in Middletown, Pa. Because this address presents some very technical and interesting background information on our Old Glory, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues.

I would like to mention that Mr. Contract's presentation is particularly significant and moving because during the late 1930's and early 1940's, he was a member of the Russian Secret Police and a bodyguard for Josef Stalin. He defected to America after World War II and was naturalized in 1955.

Mr. Contract loves our free America because he has lived in a society where the freedom of the individual is subordinated to the interests of the State. The wonderful thing about Mr. Contract is that he does not appreciate America passively but, instead, demonstrates this appreciation dynamically, convincingly, and effectively. He is, indeed, a very fine example of a good American, and he is, certainly, deserving of his fellow Americans' deep respect.

I am, indeed, pleased to have the privilege of inserting Mr. Contract's remarks into the CONGRESSIONAL RECORD:

SPEECH DELIVERED BY ALEXANDER CONTRACT

The story of the origin of our national flag parallels the story of the origin of our country. As our country received its birthright from the peoples of many lands who were gathered on these shores to found a new nation, so did the pattern of the stars and stripes rise from several origins back in the mists of antiquity to become emblazoned on the standards of our infant republic.

The star is a symbol of the heavens and the divine goal to which man has aspired from time immemorial; the stripe is symbolic of the rays of light emanating from the sun. Both themes have long been represented on the standards of nations, from the banners of the astral worshippers of ancient Egypt and Babylon to the 12-starred flag of the Spanish Conquistadors under Cortez. Continuing in favor to the present patterns of stars and stripes on the flags of several nations of Europe, Asia, Africa, and the Americas.

The first flags adopted by our colonial forefathers were symbolic of their struggles with the wilderness of a new land. Beavers, pine trees, rattlesnakes, anchors, and various like insignia with mottoes such as "Hope," "Liberty," "Appeal to Heaven," or "Don't Tread on Me" were affixed to the different banners of colonial America.

The first flag of the colonists to have any resemblance to the present stars and stripes was the Grand Union flag, sometimes referred to as the "Congress Colors." It consisted of thirteen stripes, alternately red and white, representing the thirteen colonies, with a blue field in the upper left-hand corner bearing the crosses of St. George and St. Andrew, signifying union with the Mother country. This banner was first flown by the ships of the colonial fleet in the Delaware River in December 1775.

In January 1776, the Grand Union flag became the standard of the Continental Army which had come into being some months before—in June 1775. It was also carried by American Marines and Bluejackets comprising an expeditionary force to the West Indies in 1776.

Some Americans still believe that Betsy Ross made the first flag, although historians dispute this story. Another disputed story is that the first stars and stripes displayed in the face of armed enemy was at Fort Schuyler, August 3rd, 1777. The flag was improvised. The white part came from a soldier's shirt; a captain's cloak supplied the blue of the union; and the red stripes came from the flannel petticoat of a soldier's wife, who gladly donated it for the purpose. However this was probably a Grand Union flag.

Continental Congress passed a resolution that established the stars and stripes on June 14th, 1777, but did not specify the arrangement of the thirteen stars on the blue union, except to say that they should represent a new constellation.

General Washington, when the star-spangled banner was first flown by the Continental Army, is reputed to have described its symbolism as follows: "We take the stars from heaven, the red from our Mother country, separating it by white stripes, this showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

Realizing that the flag would become unwieldly with a stripe for each new state, Captain Samuel C. Reid, USN, suggested to Congress that the stripes remain thirteen in number to represent the thirteen colonies, and that a start be added to the blue field for each new state coming into the Union. A law of April 1, 1818 that resulted required that a star be added for each new state on the 4th of July after its admission but that the thirteen stripes remain unchanged.

A 48-star flag came with the admission of Arizona and New Mexico in 1912. Alaska added a 49th star in 1959, and Hawaii a 50th star in 1960.

There is no fixed order for numbering the stars in the flag, nor are stars assigned to particular states. The stars represent the states collectively, not individually, and no particular star may be designated as representative of any particular state.

One of our most memorable flags is the one that flew over the Capitol in Washington on December 7, 1941 when Pearl Harbor was attacked. This same flag was raised again on December 8th when war was declared on Japan, and three days later at the time of the declaration of war against Germany and Italy. President Roosevelt called it the "Flag of Liberation" and carried it with him to the Casablanca Conference and on other historic occasions. It flew from the mast of the USS "Missouri" during the formal Japanese surrender on September 1945.

Another historic flag is the one that flew over Pearl Harbor on December 7, 1945. It also rippled above the United Nations Charter meeting at San Francisco and over the Big Three Conference at Potsdam. This same flag was flying over the White House on August 14, 1945, when the Japanese accepted surrender terms.

Now that I have talked about the origin and history of our great flag, let us reflect on the respect and pride due our flag by practicing Americanism.

Americanism is best explained in such simple phrases as; the goose bumps that run up and down your spine, while you stand at attention and the colors pass by, or the angered repulsive feeling you get when you read of the desecration of our flag, or the tear that rolls into your eye when they bury a young soldier who didn't forsake America—instead he died.

You can promote Americanism by sponsoring parades, participating in patriotic services, and encouraging the flying of the flag Daily, not only on holidays. See that there is a flag displayed at all meetings you attend, and by renewing your allegiance to our flag Aloud at the start of these meetings and services.

There is good reason to believe that the majority of the people of the United States favor the orderly processes of the law as a means for resolving disputes.There is also good reason to believe that our social order, which is founded upon law and order, is strong enough to withstand the challenges of today, and many days to come. The real tragedy is not that our society may surrender to lawlessness, but that those who attack the law, in an effort to achieve social reform, have gone to the wrong "battlefield."

Some of the most influential voices in our midst deride our allies and applaud our enemies, bewail our shortcomings and ignore our virtues.

These influential critics would have us believe that Theirs is an accurate impression of America today. But we would make a mistake to regard Them as representative of the majority in this country.

The knockers may outshout the boosters, but they will never outnumber them.

The important thing is to do something, and not to excuse oneself with the thought that "I can do so little it will make no difference." It Does make a difference. America is People—Not Things. If each of us does his own particular job a little better, and raises his personal standards a little higher, our country will gain in strength and character.

SALUTE TO EDUCATION

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I think it well that we stop to salute our educational establishment with all its ramifications. During the school year that is just closing, over 50 million people—48 million students and 2 million teachers—were a part of our elementary and secondary schools. No other activity in the country involves one-fourth of the population on a full-time basis. The revenues of our elementary and secondary schools alone, not counting our many institutions of higher education, amounted to $50 billion. In the truest sense, this represents a massive investment in the future.

I have always regarded education as the bridge from the past to the future. The great ideas and disciplines which we have learned throughout history are transmitted to a new generation who will become our leaders and our workers. Young minds are challenged with knowledge and they are taught specific skills, but most important of all, they have an opportunity to learn how to think for themselves.

I think our schools are doing a good job preparing students both for life and for careers. We must strive always to do a better one.

GAO REPORT SUBSTANTIATES NIX HEARINGS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. NIX. Mr. Speaker, I have moved for the inclusion in the RECORD today excerpts from a General Accounting Office report, dated June 13, 1972, which confirms testimony before my Postal Facilities and Mail Subcommittee that the U.S. Postal Service has thrown away $8 million in architectural drawings by canceling 20 large postal projects after planning on each of the projects had been completed. The excerpts include the transmittal letter from the Comptroller General and a schedule showing the amounts spent on the planning of these projects.

These projects were canceled for no better reason than the fact that postal planners came up with the idea that parcels should be sorted in different buildings than regular mail. In order to justify their theorizing, the planners eliminated projects which had been designed over 2-year periods in order to avoid the unfavorable comparisons that could result when new projects are completed.

Postal planners have determined for themselves that $8 million is not a great deal of money. In fact, considering the amount of money they are spending today, they believed that it would not be noticed.

It would not have, but a dedicated postal employee, Mr. John Tracy, a retired colonel, protested to postal officials. He had noticed that some architects were being paid standby fees months after projects had been canceled. A little further study revealed the size of the mess within his area of knowledge, some 20 projects. There are at least 20 other projects that have been closed down for the same reason. We learned about Mr. Tracy because of his courageous action. He retired from the Postal Service soon after. He appeared as a witness before our subcommittee this spring.

My thanks go to the General Accounting Office, to Mr. John Ols, and Mr. Frank Medico who worked so hard on this report.

What can the Congress do about the casual destruction of $8 million worth of planning?

I think that all we can do for the present time is to try to prevent further waste. But, we surely must consider whether or not legislation will be necessary in the future to reassert a congressional interest in a public agency that wastes public money. Wasting public money will not contribute to the solving of postal problems. So-called postal managers must be reminded that throwing tax dollars away, raised from postage, will not bring better mail service.

The excerpts follow:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C.

Hon. ROBERT N. C. NIX,
Chairman, Subcommittee on Postal Facilities and Mail, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: In a letter dated February 28, 1972, you requested that we prepare a study on the costs resulting from canceling certain postal building projects which were so advanced that architectural and mechanical design plans had to be put aside. As agreed to with your office, we verified the financial data furnished to us by your staff concerning architect-engineer (A-E) contract amounts and related payments for 20 Postal Service projects. We reviewed in detail the projects in Atlanta, Georgia; Chicago (North Suburban), Illinois; Dallas, Texas; Inglewood, California; and Murray Hill Station, New York, N.Y.

The results of our study are summarized below and are presented in greater detail in this report.

The Postal Service paid A-E contractors about $2.8 million for the architectural design of five multistory postal buildings in which preferential mail (letters) and bulk mail (advertising circulars and packages) were to be processed. Of the $2.8 million, about $2.4 million was for A-E design work, and the remaining amount was for such items as subsoil tests, travel, foundation investigation, and termination fees. The A-E contracts for the design of the five multistory buildings were terminated because the Postal Service decided that it would be more economical to process preferential and bulk mail in separate specialized buildings rather than in one multistory building.

The Postal Service plans to build, at an estimated cost of about $950 million, a network of 21 major and 12 satellite buildings to handle bulk mail. It also plans to either construct new or modify existing buildings to handle preferential mail. This preferential mail network is to consist of 177 buildings costing about $4 billion. The Postal Service expects that the bulk mail and preferential mail networks will be fully operational by June 1975 and July 1978, respectively. The Postal Service estimated that these two networks would reduce annual operating costs by about $300 million and $1 billion, respectfully. Our Office is in the process of reviewing the implementation of these two networks, and therefore we are not in a position to comment on the validity of the estimated savings or on the desirability of the networks.

We believe that the Postal Service will receive little, if any, benefit from the work performed by the A-E contractors on the design of the five postal buildings. The buildings being designed to handle both preferential and bulk mail were multistory postal buildings, whereas the buildings to be used in the preferential and bulk mail networks are designed to handle either preferential mail or bulk mail in separate specialized buildings.

We were informed by several of the A-E contractors that very little benefit could be obtained from the design work performed under the terminated contracts. The A-E contractors also stated that their design work would be of no value if a different site was acquired or if a different A-E contractor was subsequently selected to design a postal building.

Our verification of the financial data showed that the Postal Service had made payments totaling about $5.2 million to A-E

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contractors for the remaining 15 A–E contracts before terminating them. Of the $5.2 million, about $4.9 million was for design work performed by the A–E contractors and the remaining amount was for such items as subsoil tests, travel, and a termination fee. Selected data relating to the 20 terminated A–E contracts are contained in the appendix.

We have not requested the Postal Service or the A–E contractors to review or formally comment on the information contained in this report. In accordance with your request, this report is also being furnished to Congressman H. R. Gross. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

APPENDIX I

SELECTED DATA FOR CERTAIN TERMINATED A–E CONTRACTS

Facility location	A–E contractor	Date of contract	Contract amount: Design fee	Contract amount: Construction services and supervision fee	Payments: Design	Payments: Other [1]	Payments: Suspension costs or termination fee [2]	Payments: Total	Date contract terminated or suspended
Atlanta, Ga	Stevens and Wilkinson, Partnership; Cooper, Carry & Assoc., Inc.	Jan. 17, 1969	$1,027,000	$313,800	$513,500	$19,192	$27,471	$560,163	Dec. 12, 1969,[3]
Carbondale, Ill	R. A. Nack & Assoc., Inc	Dec. 17, 1968	89,524	39,450	89,244	6,484		95,728	May 7, 1970.
Chicago, Ill. (south suburban)	Perkins & Will Partnership; Illinois Belti & Belti Co.	Feb. 6, 1968	170,00	219,120	170,000	15,544		185,544	Do.
Chicago, Ill. (north suburban)	do	do	536,895	219,120	536,895	57,022		593,917	Do.
Dallas, Tex	Harwood K. Smith and Partners	Oct. 18, 1968	815,315	309,685	813,770	45,035		858,805	Do.
East St. Louis, Ill	Hellmuth, Obata & Kassabaum, Inc	Apr. 15, 1968	213,000	101,000	213,000	24,382		237,382	June 5, 1970.
Gary, Ind	Fred Collins	Nov. 20, 1968	164,224	79,570	164,224	3,538		167,762	May 7, 1970.
Inglewood, Calif	Angel/Mock Assoc., Inc	Mar. 30, 1970	256,030	78,728	167,949	1,135	83,068	252,152	June 26, 1970,[3] Jan. 29, 1970.
Jacksonville, Fla	Willis, Veenstra, Register & Cummings	Jan. 6, 1969	311,397	85,961	229,687	9,256		238,943	May 7, 1970.
Madison, Wis	John J. Flad & Assoc.; Daverman Assoc	Jan. 10, 1969	318,700	91,300	381,814	10,211		329,025	Do.
Morgan Station, New York, N.Y.	Edward Durrell Stone & Assoc.; Ames Assoc.; Frederick Harris Assoc.	June 29, 1967	2,538,000	(4)	1,926,491	58,357	58,498	2,043,346	May 15, 1969.
Murray Hill Station, New York City, N.Y.	Frank Grad & Sons; Hart, Benvenga & Assoc.	June 12, 1964	378,000	126,000	402,827	119,555	29,000	551,382	May 12, 1970.
Pittsburgh, Pa	Deeter, Ritchey, Sippel and M. Baker, Jr., Inc.	Jan. 15, 1969	1,125,000	410,600	237,298	2,465		239,763	Aug. 15, 1969,[3] May 7, 1970.
Rapid City, S. Dak	Kirkham, Michael & Assoc., Inc.; Meese, Peterson & Foss, Inc.; Dunham Assoc.	June 25, 1968	74,900	37,300	74,900	15,126		90,026	Do.
Riverside, Calif	Ruhnaw, Evans & Steinmann	Nov. 27, 1968	143,500	58,100	144,858	3,960		148,818	Do.
Salem, Oreg	Carkin & Sherman	Jan. 16, 1969	163,874	107,055	163,874	5,807		169,681	Do.
Salt Lake City, Utah	Ashton, Brazier, Montmorency & Assoc	Sept. 4, 1968	276,269	128,460	276,269	5,187		281,456	Do.
San Antonio, Tex	Ford, Powell & Carson	Jan. 14, 1969	340,618	115,870	340,618	18,274		358,892	Do.
Syracuse, N.Y	Quinlivan, Pierik & Krause; Heuber-Hares-Calvin.	Jan. 17, 1969	388,000	190,175	367,973	21,088		389,061	Do.
Tacoma, Wash	Seifert, Forbes & Berry	Sept. 30, 1968	222,792	92,500	222,662	4,937		227,599	Do.
Total			9,553,038	2,803,794	7,374,853	446,554	198,037	8,019,444	

[1] Other payments were for such items as travel and subsoil investigations.
[2] Several A–E contractors did not charge the Postal Service for suspension costs or a termination fee.
[3] Indicates the date contract was suspended.
[4] Not applicable.

A SALUTE TO EDUCATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. CELLER. Mr. Speaker, it has been estimated that in the year 1971–72 there will be a total enrollment in our elementary and secondary schools of some 48,204,104 pupils and that there will be over 2 million classroom teachers in these schools. What these figures say is an irreversible commitment to education.

While there are differences in approaches to educational methodology, the fact remains that there can be no quarrel with that commitment to education as an indispensable instrument to insure the welfare and progress of our citizens and, consequently, our country.

Education speaks for a mobile, upward society, for the cultivation of the inquiring mind, for the understanding of interpersonal relationships as well as for the development of each individual's highest potential.

Our dollars for education are investment and not expenditure. Our returns are manifold and immeasurable in terms of human values.

SALUTE TO EDUCATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. WHALEN. Mr. Speaker, years ago education often was synonymous with rote memorization. Today in our increasingly complex and problem-filled society, the spectrum of education is considered to range far beyond that process. Late 20th century education continues to involve the dissemination and acquisition of knowledge. However, knowledge is but one of its components.

Education now means learning to understand and empathize with other cultures and peoples. Education means learning to analyze problems clearly and searching for solutions to those problems. Education means recognition of a world outside of one's self and one's community. And education means allowing natural curiosity and creativity to surface—to be stimulated by life's experiences and the joy of discovering new things.

It is through this type of education that the characters of free men are most fully developed. Thus, it is indeed appropriate that it is given an important place in our society. Certainly, it is a crucial element in our effort to make this Nation—and this world—a better place in which to live.

As a former teacher, I am particularly proud to have this opportunity to salute our country's 50 million educators and students.

WELCOME VIVIAN SPITZ

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. McKEVITT. Mr. Speaker, today we welcome as a new reporter to the U.S. House of Representatives, Mrs. Vivian Spitz.

I had the great pleasure of having Mrs. Spitz report a number of my trials during my days of practice in Denver, Colo.

She is not only a gracious woman but an outstanding reporter. I wish to extend my congratulations not only to her but to you and members of your staff on selecting such a competent person to record the proceedings from this day forward in the U.S. House of Representatives.

HON. SAM GIBBONS' LATEST QUESTIONNAIRE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. GIBBONS. Mr. Speaker, each year, I send out a questionnaire to those living in my congressional district to ask for their opinions on major issues facing the Congress and our country. The responses I receive will be helpful to me. The following is the questionnaire which I recently sent out. Each question provided for "his" and "her" answers with multiple choices:

CONGRESSMAN GIBBONS ASKS YOUR OPINION

CHINA

What do you think the United States' position should be toward China? (a) immediate recognition of China, (b) limited trade and cultural exchanges with the Chinese, (c) we've done too much already.

UNEMPLOYMENT

Unemployment nation-wide is approximately six percent of the labor force. The federal government should: (a) provide public service employment opportunities, (b) increase unemployment compensation benefits, (c) assume no further responsibility.

AMNESTY

Should the federal government grant: (a) unconditional amnesty to both draft-evaders and deserters? (b) amnesty upon condition of equivalent public service in the United States? (c) no amnesty?

HEALTH INSURANCE

The federal government should: (a) pay for health care for all Americans, (b) pay for health care for poor persons and for "catastrophic" illnesses, (c) continue present health care programs, (d) have no role in providing health care.

TAXES

Would you like to see: (a) the system simplified and corporations and wealthy individuals pay more? (b) the system simplified but tax distribution stay the same? (c) no change? (d) corporations pay less?

REVENUE-SHARING

The federal government should: (a) share its tax revenues with the cities and states for whatever programs *they* decide on, (b) share its tax revenues only when there is a surplus, (c) continue providing grants and loans for specific purposes rather than "sharing revenues", (d) not provide cities and states with federal tax funds when Congress has no authority over how the funds are spent.

PRICES

Do you think that the government's control of prices has been: (a) ineffective, (b) fairly effective, (c) very effective.

TRADE

What should our trade policy be? (a) increase trade by lowering tariffs and quotas so that goods can flow freely between nations, (b) keep policy as it is, (c) further restrict trade by increasing tariffs and quotas.

PRIORITIES

The most urgent national problem facing us today is: (a) the economy, (b) tax reform, (c) pollution, (d) the Vietnam war.

CONSUMER PROTECTION

On behalf of consumers, the federal government should: (a) conduct tests on products and issue public reports, (b) create a special agency to handle consumer complaints, (c) do nothing under the philosophy of "let the buyer beware."

FAULT, NO FAULT OR STRICT LIABILITY?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HUNGATE. Mr. Speaker, the following article from the American Bar Journal contains further interesting insights into the continuing debate on no-fault insurance:

FAULT, NO FAULT OR STRICT LIABILITY?

(By C. L. Gaylord)

In 1910, a small town lawyer from Outagamie County in Wisconsin argued to his Supreme Court that the automobile was a dangerous instrumentality and should be put in that legal category with "the locomotive, ferocious animals, dynamite and other dangerous contrivances" so as to render the owner absolutely liable for its use. In view of the comparative sorrows and hardships the automobile has caused since then, he may well have understated the case. The court rejected his argument and started Wisconsin law down its long tortuous road of liability based on fault in automobile accident cases (Steffen v. McNaughton, 124 N.W. 1016). Five other states were already travelers on that same road. That lawyer is dead, and it probably cannot cheer him that he may have been right after all, as unsuccessful appellants often are.

At that time, the automobile was a new factor, legally and socially. The court had to decide issues arising from its operation as matters of first impression. They had to search for precedents arising out of situations before the automobile was known. They chose the "negligence and fault" doctrine instead of absolute or strict liability. We may now have come full circle. Automobiles are again posing new legal and social problems, perhaps not foreseeable by the judges who made the first decisions. But the road these judges chose has come to a dead end and things are piling up. Legislators and courts may have to start over again, as a matter of first impression, to find solutions.

One of the solutions proposed is "no-fault" insurance: theoretically, the elimination of the fault concept in compensating accident victims for their losses. It is popular with most legislators and laymen. It is unpopular with the American and most state bar associations.

"NO FAULT" IS UNPOPULAR WITH ASSOCIATIONS

Generally the belief is that it is unpopular with professional associations because it is against the economic interests of their members. It is suggested that much revenue would be lost to the legal profession if "no-fault" were adopted, which is very likely true. The associations give other reasons for their opposition, but the explanations are suspect to the laymen. They seem negative in nature, and what affirmative proposals are presented appear designed to divert attention from the issue. The layman still believes that attorneys are a devious bunch of rascals and mainly dedicated to self-interest.

The reaction is unfortunate because it may prevent a careful analysis of the merits of the no-fault proposals. If some of them, as now proposed, are passed, the remedy may be worse than, or at least inappropriate to, the ailment. But when the professional explanations are considered, the layman probably should not be faulted for his attitude. Many lawyers themselves are embarrassed by the public statements opposing no-fault, even though they may also be wary of the suggested no-fault plans.

When a pamphlet of the American Trial Lawyers Association declares that, instead of no-fault insurance, safer cars should be designed, a merit rating system introduced to reduce premiums for safe drivers and law enforcement improved, can the layman be blamed for looking a litle peculiar and saying that, of course, these are all very worthwhile proposals, but what have they to do with no-fault insurance? Can't we have these things and no-fault insurance? And when it is suggested that insurance companies should pay interest on successfully litigated or settled cases from the date of injury and that claims adjusters should be licensed to make them more responsible, can he be blamed for wondering why these recommendations have to be separated from a no-fault program?

Or when the moral approach is made that eliminating the fault concept allows the wrongdoer to avoid paying for the wrong he's done, should we be surprised that even lawyers have difficulty rationalizing why the burden of enforcing this punishment should rest on the innocent injured person? Why should he bear the economic loss and emotional trauma occasioned by having to prove the other fellow wrong? Hasn't he suffered enough already? Why should society require him to assume the prosecution of the guilty? If the wrongdoer is to be punished, why shouldn't it be done through the criminal laws? If he is guilty of an offense, he should be charged criminally, but why should the civil remedies be used for punitive purposes?

SHOULD A WRONGDOER RECOVER FOR HIS INJURIES?

It is not infrequently said that no-fault should be opposed because justice requires that a wrongdoer should not be allowed to recover for his own injuries. Eliminating the fault concept will allow him to be rewarded for his own wrongdoing. Is it unreasonable for the thoughtful layman to reply that he hopes there aren't very many drivers around who are insane enough to risk death and criminal prosecution merely to become seriously injured so they can profit from their own wrongdoing? And he suggests that most persons who have been in accidents, or who have much to do with the investigation or litigation of issues arising from them, know that usually there is very little difference, even legally, between the innocent and the wrongdoer; that most persons involved in accidents aren't intentional "wrongdoers" or criminals but rather just folks that something "happens" to without their being "good" or "bad" having anything much to do with it.

Why should we feel so vindictive about them? If the so-called "wrongdoer" loses an arm or leg, isn't he as disabled as an innocent person so injured? Isn't he as unable to care for himself and his family? Does the fact that he may have been more negligent mean that he will not need medical attention? Will the grocer give him free food and the landlord free rent? Should his family be punished vicariously for what he may have done or failed to do?

One can reasonably infer from what some members of the legal profession have said that if a person is not responsible in damages for what he does, he will go wild on the highways, mayhem will result, and the highways will become a playground for the uninhibited irresponsibles.

Is there any wonder that some laymen feel the legal profession is putting them on a bit? Laymen don't want persons like that driving cars on the highways with or without liability insurance. They don't want "uninhibited irresponsibles" playing "bump-a-car" on the roads under either a no-fault or fault plan. Obviously these drivers are uninsured anyhow. The insurance companies are not fools and neither are persons who purchase uninsured motorist coverage. They know that the

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fault concept is not keeping the jockeys off the racetrack.

There are also lawyers who oppose no-fault plans because the plans fail to cover all victims of accident and illness. They say they oppose these programs until a general national health insurance plan is provided for everyone. For instance, a statement of A.T.L.A. objects that the plans provide coverage for the drunken driver but "not for the hapless housewife who falls down the basement steps."

There is, of course, logic to this approach. But the layman wonders if the insistence that economic salvation must be universal and simultaneous for everyone before it is acceptable for anyone is really in good faith. He knows there is no chance of a general national health insurance plan of such scope being acceptable in the foreseeable future. He also knows that the "drunken driver", while the most inflammatory comparison, would constitute a small percentage of the no-fault beneficiaries. And, while he doesn't know the statistics of hapless housewives who fall down the stairs each day, nor how many more do so on holidays and weekends, he is aware of the auto accident toll and that serious problems are resulting from it.

And then of course, we have the unanswerable: It is not the "American Way" to allow a person to escape individual responsibility for what he is and what he does. But is the layman to infer that it is the "American Way" to be without compassion for the injured and disabled because of a fraction of negligence on their part; to punish a man economically for years because of a momentary, often unintentional error; to visit his sins, if sins they are, upon his family, and to force him and them on to the welfare rolls? If so, then workmen's compensation laws, which do not depend on fault, should be abolished as un-American, as should social security for the permanently and totally disabled.

CONCEPT OF "NO-FAULT" SHOULD NOT SOUND NEW

Should lawyers be surprised that the parade of these horribles does not alarm laymen? Why should the superficially reported concept of no-fault insurance sound new or ominous to them? For years they have taken out hunting insurance, flight insurance and carried regular accidental death and dismemberment policies. They have also had collision and comprehensive insurance on their automobiles. They know that under those policies negligence doesn't have to be proved to recover for their losses. If they are injured they receive the amount of coverage purchased for the injury. If they are killed, their beneficiary gets the death benefits. If their car is damaged, they collect the deductible coverage. All without fault being involved. Could something like this be adopted and eliminate the complex problems we now encounter in trying to collect damages from the other person?

Leaving everyone to take out his own accidental injury and property damage insurance, as distinguished from liability insurance, would be fine if everyone operated a motor vehicle and if this were all there were to the no-fault proposals. An applicant for a driver's license could be required to purchase a minimal amount of accidental injury, death and property damage insurance to protect himself against loss as a condition of being licensed. If someone placed greater value on himself and wished more coverage, he could buy more. But everyone would have to provide for himself.

However, not everyone drives an automobile, and not all injured persons are drivers of automobiles. Pedestrians would not be protected by the driver's policy, for example, since it would not be a liability policy. And it isn't reasonable to expect everybody to take out some accident insurance to protect themselves against injuries from the operation of an automobile by someone else. If they don't drive, why should they have to buy insurance to protect themselves against those who do? And that, of course, is not all there is to the no-fault proposals.

No-fault proposals can't remain merely academic concepts if they are to do any good. They must be implemented, and the implementation causes the problems. Some of the plans—the actual Massachusetts program and the proposed Wisconsin Assembly Bill—deal primarily with claims of under $2,000, plus medicals and other specials. They are extremely bland legislative acts and should not be objectionable to even the most economically motivated attorney. These smaller claims are generally paid by insurers to claimants without attorneys' intervention unless there are substantial liability issues. The marginal cases which the lawyers do get involve a great deal of difficulty for nominal compensation because of these liability factors. Since this legislation eliminates the liability problem, the attorney could conceivably do better on these cases than he does now.

If these plans are acceptable because of their blandness, they should be unacceptable to serious legislators and lawyers for the same reasons. They do not greatly help those who need help the most: the seriously injured.

Proponents of no-fault argue for it because of the claimed great financial losses incurred by long work lawoffs, delays in getting cases to trial and claimed exorbitant fees of lawyers. However, these factors are generally not present in the minor cases covered by the plans. Persons with claims of under $2,000 generally do not have these hardships. The arguments apply to claimants' having serious injuries, but the legislation does not. Something has taken a curious turn.

Other plans depend on a pseudo-workmen's compensation arrangement. The surgeon who loses a finger or two from his suturing hand and cannot continue his profession receives the same few hundred dollars as the janitor who loses the same fingers but who can continue with his job without loss of income. This should be satisfying to those who are democratic by nature and who believe in the equality of man. The plans are great levelers. But are they really fair?

All of the plans are urged because it is represented that claimants will not have to hire attorneys to get adequate compensation. It takes a real believer to accept the proposition that once these bills are passed, some magic transformation will occur and neither claimant nor insurer will be unreasonable, that each will agree as to the nature and extent of injuries and disability, and that each will trust the other. It has not happened in workmen's compensation cases. There is no reason to believe self-interest will not enter into no-fault cases.

SETTLEMENT OF CLAIMS WILL BE ACCELERATED

It is also claimed that settlement of claims will be greatly accelerated and hardships accordingly reduced by some administrative system. Nothing in the history of administrative agencies encourages anyone to think this.

What is understandably least publicly discussed by no-fault proponents and, therefore, least understood by laymen is that no-fault plans also involve sacrifices. If fault is eliminated, there will be more claimants and a much larger percentage of them will successfully prosecute their claims. There is nothing necessarily wrong with this since this is the intent and purpose of no-fault. But who will pay the bill? It is reasonably safe to assume that insurers are not going to become suddenly philanthropic and reduce their margin of profit. And, since no-fault proponents proselytize on the appealing promise that motorists will have lower insurance premiums, it seems apparent they don't intend to have motorists, as a class, assume the increased costs. Only two other groups remain: taxpayers and the victims themselves. Who picks up the tab depends on the social attitudes of the planners.

Whether the no-fault proposal is a social security arrangement, a workmen's compensation plan, or a Massachusetts-type plan, a limited amount of funds is spread among more claimants through a scheduling or limitation of damages. The victims pay by receiving less compensation than they would receive under the fault system. The victims, of course, can generally least afford it. These plans exhibit a strange compassion.

The taxpayers, of course, will not be neglected since they will share the cost of the numerous personnel that will be required to administer the particular system. The more complex the system, the more personnel required. Assuming the fondest hope of no-fault proponents—the elimination of private legal counsel—all that has happened is that the taxpayers are now providing legal counsel at taxpayer's expense in the form of personnel, to represent claimants and insurers. Realistically, of course, there will still be private legal counsel in addition to the personnel hired by the taxpayers, as in workmen's compensation cases.

Is it necessary for no-fault insurance proposals to be complex and to involve costly administrative systems? Some think not. They believe that the difficulties arise from the failure to separate the concept of "no-fault" from the matter of damages. The legislative proposals are really misnamed. They aren't just "no-fault" proposals. They are also enactments to dictate and limit damages. If, as the proponents of no-fault suggest, it is the fault concept that is slowing up settlements, forcing people into lawyers' offices, tying up court calendars and causing the hardships, why not simply eliminate the fault concept and leave damages to be determined as they now are?

That is the simple solution proposed by the lawyer from Outagamie County years ago: Make the driver of an automobile strictly liable for injuries to others which arise from his use of the automobile, without regard to fault, but utilize the traditional method of determining damages. The strict liability concept has been applied to certain situations for many years by most courts. They hint at it in others. Other countries have successfully utilized it in automobile cases. Perhaps it is time to recognize the automobile as a dangerous instrumentality and impose that standard of care with reference to it. The only questions would be: Were you injured or have property losses arising from the operation of a motor vehicle by someone else? What amount will make you as economically whole as you were prior to the accident?

Some will say, of course, that allowing an injured person to recover without regard to his own fault is the ultimate in freedom from responsibility and is objectionable for all the reasons mentioned. But maybe the reverse is true: It is the ultimate in human responsibility. If the other person can recover for injuries arising from your operation of a motor vehicle, negligent or not, it means that you are responsible for all of your acts and the consequences therefrom. Your intentions, good or bad, careful or careless, make no difference. It recognizes a basic truth of life: All acts have consequences. The intent of the actor is irrelevant to the consequence. Things happen regardless of the motives or character of the initiator.

This strict accountability, retaining the common law measure of damages, should meet with the approval of the opponents of no-fault. What is more individualistic than this concept? What should cause a driver to be more careful than the knowledge that he is fully responsible for someone else's injuries if he has an accident? The courts recognize that strict liability is a deterrent when they impose it on persons using other dangerous instrumentalities. These devices are used at the peril of the user. Why shouldn't it have the same deterrent effect on automobile drivers? Shouldn't it promote defensive driving? And, if an accident happens, attention can then be concentrated on making the injured persons as whole, physically and economically, as possible, instead of niggling over who was most to blame and thereby increasing the hardships on the injured persons.

Isn't it time to free the courts and attorneys from the imposed preoccupation with whose fault an accident was and the fetish of apportioning blame? Who, except the moralists, care who is to blame? The injured need help. The distressed need relief. A physician who would let a person suffer because that person may have been in the intersection a second or two later than the other would be severely rebuked. He should and does do what he can to give relief based on need, not on fault. Perhaps legal remedies should attempt to do the same.

AUTO ACCIDENT COURT CASES WOULD BE REDUCED

A review of almost any state's supreme court's reports reveals a high percentage of the court's time devoted to appeals in automobile accident cases. In most of these the court has had to decide arguable issues of fault. When one considers pretrial investigations and preparations, the trials in the lower courts, the appellate preparation and the work of the supreme courts, the total judicial and lawyer time devoted to haggling over whose fault the incident was, in just these reported cases, is cause for dismay.

Surely judges, as well as laymen and many lawyers, must become exasperated with the enforced continuous contemplation of the many legal and factual uncertainties involved in determining and apportioning blame. Surely, they have something better to do with their time and talents than this.

In February of 1969, an article appeared in the *American Bar Association Journal* which recommended that other states try Wisconsin's limited comparative negligence doctrine as the answer to no-fault compensation schemes. The article asked: "Why experiment with an untried scheme that dispenses with the adversary system when the Wisconsin doctrine is successfully meeting the test of time?" Under the limited comparative negligence doctrine, the defendant, if he is guilty of the greater negligence, pays the plaintiff an award diminished by a percentage equivalent to the plaintiff's negligence. Recently, in a reasonable effort to moderate escalating tensions, the American Bar Association recommended the adoption by other states of the Wisconsin system as an alternative to no-fault plans. The impression apparently is that Wisconsin is relatively free from discontent because of its unique doctrine.

The unrest among laymen, spontaneous or otherwise, has been underestimated by the Bar. There was and is no reason for complacency in Wisconsin. Within eighteen months of the appearance of the article, the Wisconsin Supreme Court in *Vincent* v. *Pabst Brewing Company*, 177 N.W. 2d (1970), was asked to adopt a "pure comparative negligence system", to eliminate the necessity of plaintiff's negligence being less than defendant's in order to recover damages but diminishing the award by the percentage of negligence apportioned to plaintiff. The court denied the request, and urged the state legislature as the proper deliberative body, to study the two doctrines—"limited comparative" and "pure comparative" negligence—thoroughly and to make the choice between the two. The warning that there was a third choice was mentioned by Justice Hallows, who dissented, and wrote: "What I do fear is that if the doctrine of pure comparative negligence is not adopted, the whole fault system in torts will be repudiated and a no-fault system akin to workmen's compensation adopted."

The legislature did not pay much more attention to the majority's suggestion that it choose between the two comparative negligence doctrines than the majority paid to Justice Hallows' warning. By that time, the assembly members had discovered the political popularity of no-fault and have been lambasting the legal profession with it ever since. Hearings have been held by the assembly and no doubt many of its members are attempting to find the better solution to the problem, but the media releases have been more in the nature of vituperative attacks on the legal profession than a discussion of the merits of the proposals.

LEGAL NICETIES WILL NO LONGER SUFFICE

What should be clear from the Wisconsin experience is that legal niceties in the negligence field are no longer going to suffice. It may have been already too late, when Justice Hallows wrote his dissent, for the acceptance of the pure comparative negligence doctrine as a specific to quiet the restlessness of the proponents for no-fault. Introspective court decisions, hidden in advance sheets and sepulchered in books, are having difficulty being heard above the hostile clamor of the news media. And, along with the noise, there is great confusion. Something new and dramatic and simple is needed.

Perhaps that something "new" is something old. We often get the best view from a distance and maybe we can now see a little more clearly that the old argument for strict liability has considerable merit after all.

It takes the proponents of "no-fault" at their word that it is "fault" that is causing the problems and injustices, and it eliminates "fault." If the proponents are candid and not merely using the no-fault programs to insinuate more currently unacceptable proposals into eventual legislation, this should satisfy them.

On the other hand, it salvages the common law measures and method of determination of damages. For those who oppose no-fault plans but are aware of the intensity of the plans' supporters, this may be a wise settlement.

Justice Hallows' recently quoted Justice Frankfurter of an earlier era and said: "Wisdom too often never comes, and so we ought not to reject it merely because it comes late." Perhaps the time has come at last for the wisdom of those who argued years ago, and lost, for the concept of strict liability in automobile accident cases.

THE REAL ROAD TO PEACE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, many of us have known for months that the President has been preparing his own analysis of American foreign policy. We know that much of this was being done before his historic mission to China and also before the United States/Soviet meeting in Moscow. He has finally completed an exclusive article for U.S. News & World Report titled, "The Real Road to Peace: A New Foreign Policy for a New World."

I have just returned from 2 weeks in the Soviet Union. Sometimes the backwash of an ocean wave tells far more in the sands about the impact than the wave actualy does when it occurs. I was there during a portion of the President's visit and for a full week after he had departed. It was during these days that I think I picked up the backwash and could read some of his imprint in the sands. It was easy to understand from talking with the average man on the street that the Nixon visit had a terrific impact on the average Russian person—not only those who had seen him in person, but those who had watched him on television.

His words would have been dazzling if they had not been accompanied by a low profile and sober earnestness.

When the President talked of peace, he hit the Russian people in their softest spot. Most of those living in the Soviet Union had gone through a traumatic experience in World War II during which time millions of countrymen had given their lives.

I cannot speak for those who lead Russia, but I came away with a firm feeling that the people themselves would make almost any sacrifice and take any journey or route, no matter how difficult, if they could truly achieve peace in their lifetime. The President, in this article, demonstrates how peace can be achieved and is willing to accept his responsibility in helping to achieve a lasting peace:

THE REAL ROAD TO PEACE

(By President Richard M. Nixon)

(EDITOR'S NOTE.—About this article: President Nixon began preparing this analysis of American foreign policy—written expressly for "U.S. News & World Report"—before his historic mission to Peking. The Chief Executive refined and revised the paper after his return from China, and did more work on it as he flew home to the United States from the Moscow summit. He completed the final version that appears on these pages on Sunday, June 11. This is the first signed article prepared exclusively and specifically for any publication that Mr. Nixon has written since he became President.)

A NEW FOREIGN POLICY FOR A NEW WORLD

Every generation can truthfully say that it lives in a new world. But in our time, the world has been changing more rapidly and more drastically than in any previous age. An intelligent foreign policy must not merely keep abreast of this change, but anticipate it; it must not merely ride with the tides of history, but seek to direct these toward the great goals that we as a Nation believe in.

In the past three years, the foreign policies of the United States have undergone sweeping and far-reaching changes—but they have also preserved a basic consistency. We have retained our basic sense of America's purpose, but have adapted the way in which that purpose is pursued to the changing circumstances of a changing world.

In the years immediately following World War II, the United States was left inescapably with the primary responsibility for maintaining peace in the world, and for helping those nations which had been devastated by war to get back on their feet.

But the world has changed profoundly since those days. The conditions which then shaped American policy have been fundamentally transformed.

The nations of Western Europe and Japan—prostrate and exhausted after World

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War II—have experienced, with our help, a near-miraculous recovery. Our allies everywhere have become more independent and self-assured.

Developing nations have also acquired a new capability to provide for their own security and well-being. A new sense of national autonomy now guides most of their decisions.

The overwhelming dominance of our earlier military might vis-a-vis that of the Soviet Union has given place to a more balanced military situation. Our military capacities are still second to none, but we can no longer expect the sheer fact of a massive American superiority to keep the peace everywhere on earth.

The solid bloc of Communist nations which confronted us after World War II is a solid bloc no longer. And even as the Communist nations have moved from solidarity to diversity, and even to intensive rivalry in their relationships with one another, so they have changed in the post-Stalin period from unremitting belligerence to a posture of at least partial accommodation with the rest of the world.

The result of all these changes has been a movement away from the rigid bipolarism of the 1950's and 1950's toward a more fluid and heterogeneous, multipolar international order—one that is more balanced and stable because it rests on broader, more diversified foundations.

When I came to the Presidency, I felt strongly that American foreign policy could not advance American interests unless it adapted promptly to this new diplomatic environment. That adaptation—in its simplest form—required us to place a greater emphasis on negotiation with our adversaries and on partnership with our allies.

These new requirements, in turn, presented us both with tough challenges and with exciting opportunities. The fact that we could no longer carry out certain responsibilities singlehandedly may have restricted our autonomy, but it also lightened some of our burdens. The fact that simple military superiority was no longer an adequate response to a stronger and more diversified Communist challenge complicated our diplomacy, but it also provided new avenues to progress and peace.

Despite all the changes in the world, one key reality has remained unchanged: American participation is still the *sine qua non* of any stable and harmonious international order. That mature wisdom that we cannot make peace all by ourselves must not be confused with the dangerous illusion that peace can possibly be achieved without us. If the United States were to follow the course advocated by the new isolationists, peace and freedom in the world would be placed in mortal danger. The new conditions of the 1970's call for creative redefinition of American leadership, not for its sullen abdication.

If we were to turn inward, if we were to lay down our world responsibilities, if we were to indulge in an orgy of self-concern and self-gratification, then we could be very certain that the vacuum we left in world affairs would rapidly be filled by others. We could also be certain that such a world would be less safe for America, less safe for democracy, and less safe for mankind.

Neither security nor peace can be found in hiding from reality. Already too many generations, on too many occasions, have paid the terrible price of self-indulgent efforts to travel that escapist route.

It is not our aim to make this an American century—but neither can we be content to let it be the century in which America is eclipsed. We cannot achieve a just and stable world order solely by our own exertions. But such an order cannot be built without the active participation of the United States.

We have chosen, then, to continue our active leadership role in the world, even as we have decided to carry out that role in new ways. The fundamental goal of that leadership is the building of an effective—and lasting—structure of peace.

In building a structure of peace, the most important consideration is the achievement of a set of agreements, of understandings, and of practices, by which those seeking change will undertake to do so only through peaceful means.

This is the way to a generation of peace. This is the heart of our foreign policies.

Already those policies are bearing fruit:

After a generation of hostility, a new and more promising page has been turned in our relations with the People's Republic of China.

After an era of confrontation, an era of negotiation has now opened, as evidenced most strikingly in the whole range of our talks and agreements with the Soviet Union.

After a period of uncertainty and adjustment, our alliances are being renewed and strengthened.

After 10 years of war, our involvement in Vietnam is coming to an end—in a way that leaves our purposes intact, and that will contribute to a lasting peace in the Pacific.

After a decade of recurrent crisis, a beginning has been made in building an international monetary system fair to the United States and fair to the world.

THE SUMMITS

The absence of healthy interaction, verging at times on policy paralysis, in this country's relations with the two major Communist powers was one of the most dangerous elements in the world situation when this Administration took office in 1969. George Washington's perceptive warning from the Napoleonic era—that indulgence of "permanent, inveterate antipathies against particular nations would render a nation "a slave to its [own] animosity"—had come alive in the cold war era, the more grimly because missiles, not the muskets of Washington's day, now bristled in the arsenals of all three parties to this deadly impasse. If the world was to be freed from confrontation as a way of life, we saw in 1969, new relationships must be developed with both the Soviet Union and the People's Republic of China.

As we pursued this goal, we recognized that certain changes had taken place in the expectations of the Communist leaders. Whatever hopes they might once have cherished that the capitalist nations would collapse in a cloud of Marxist dogma had been dissipated. Consequently, they had come to seek ways of living with a United States, a Western Europe and a free Asia that were growing stronger, not weaker, and that had enough experience with unpreparedness to maintain their guard rather than lowering it.

This was a policy change of profound importance; but it is important to recognize that it was a change of the head, not of the heart. It was a rational, calculated assessment that the old tactics would not work.

Neither the Soviet Union nor China abandoned its particular view of the world. But both accepted the idea that their own best interests would be served better by negotiation than by confrontation. We held the same view concerning the best way of serving American interests. Thus began a series of initiatives which have culminated this year in the first visits of an American President to Peking and to Moscow.

With China, the opening was perhaps more dramatic because the hostility and isolation between us had been more stark. As I had written in the quarterly journal *Foreign Affairs* back in 1967, before coming to the Presidency:

"Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation."

Pursued patiently from the first days of this Administration, this logic began moving matters forward—imperceptibly at first, then a year ago with the first high-level diplomatic contact between our two countries since the Korean War era, and finally this February with my "journey for peace" to Peking.

With that journey, we began to bridge a gulf deepened by 22 years of bitter silence between the world's most powerful nation and the world's most populous nation. We demonstrated that nations with very deep and fundamental differences can discuss those differences calmly, rationally, and frankly, without compromising their principles or sacrificing their vital interests.

Our meetings with the Chinese leaders did not produce any magic formula by which our differences would be dissolved. We did, however, make some important beginnings toward the expansion of cultural, journalistic, and educational contacts, toward broadening trade, and toward strengthening and expanding the communications we established.

Most importantly, we agreed on some basic principles of international conduct which will reduce the risk of confrontation and war in Asia and the Pacific. We agreed that we are opposed to the domination of the Pacific area by any power. We agreed that international disputes should be settled without the use or the threat of force, and we agreed to apply this principle to our relations with one another. And we reached these understandings without giving up any of our previous commitments to the Republic of China* or to our other friends.

In sum, the visit represented a long first step toward establishing a continuing, fruitful dialogue with the People's Republic of China, in a way that will contribute to peace not only in the Pacific but in the entire world. The second and succeeding steps are already being taken with visits to Peking by legislative leaders, periodic ambassadorial meetings in Paris, and other contacts which would have seemed impossible only a year ago.

In charting the course to better relations with the Soviet Union, we faced a different and in many ways more complex situation than we faced in dealing with Peking. The USSR by the late 1960's was conducting, as the United States had long done, a global foreign policy; each of us had interests and activities impinging on those of the other at many points around the world. Each of us possessed a nuclear force capable of destroying civilization should total war break out.

This latter fact alone argued powerfully for United States-Soviet meetings at the highest level to help lessen the danger of war. Yet the concrete reality of our differences—and of the armaments those differences had called into being—also argued that any worthwhile summit conference must hold out correspondingly concrete prospects for settlements on some of the really tough issues. Summit atmospherics, we felt, would be worse than nothing; too often in the past the world had seen false euphoria, the "spirit" of this or that meeting site, lead only to complacency, miscalculation, and disappointment.

We therefore embarked on a process whereby the American and Soviet leaders, rather than being "airlifted", as it were, to the summit—with the current necessities of going there in haste, of traveling light, and of returning quickly to the lowlands of old relationships—would be able to come up to the summit on a solid road built all the way to the top, so that the heavy negotiating

*Editor's note: Chinese Nationalist Government on Taiwan.

baggage could be brought along and real gains could be made. We therefore entered into negotiations with the Soviets across a broad range of issues, hoping to create a momentum of achievement by which progress in one area would contribute to progress in others.

That momentum developed. In the area of arms control, in addition to seeing the Treaty on the Non-Proliferation of Nuclear Weapons brought into force, the United States and the USSR reached agreement on treaties barring weapons of mass destruction from the ocean floor and prohibiting the possession or production of biological and toxin weapons. Our talks on limiting strategic arms produced accords on a more reliable Washington-Moscow "hotline" communications system and on measures for notification and consultation designed to reduce the risk of an accidental nuclear war. They also made significant progress toward nuclear arms curbs, with personal intervention on my part and on that of the Soviet leaders helping to break deadlocks in the negotiations at several points along the way.

It was this progress at the talks in Vienna and Helsinki, together with the historic four-power agreement concerning Berlin, which last fall finally paved the way for the Moscow summit.

Plans for this meeting were not altered by the events of the seven months between their announcement in October and my trip in May—a fact which contrasted sharply with the derailment of summit hopes in 1960 by the U-2 incident and in 1968 by the invasion of Czechoslovakia. This in itself was evidence of a new maturity and stability in American-Soviet relations.

Events in Moscow in May fully corroborated that evidence. While we did not negotiate instant peace, or perfect an imperfect world overnight, or liquidate a quarter century of fundamental differences between us, we did lay the foundation for a new relationship between the two most powerful nations on earth. The hallmarks of that new relationship are without the use or threat of force, and emphasis on areas of cooperation rather than points of conflict.

Our agreements for joint American-Soviet efforts to combat pollution, advance medical science and public health, and work together in science and technology can be expected to broaden with the passage of time, creating a steadily growing vested interest in peace between our two countries. The dramatic space cooperation agreement, including an Apollo-Soyuz rendezvous and docking mission in 1975, points in this same direction. So does the comprehensive trade agreement which should be worked out in a matter of months by the U.S.-USSR Commercial Commission which we set up at the summit.

But we did more at Moscow than construct valuable bridges in these relatively noncontroversial areas: we also dealt head-on with the principal military issues between us.

With respect to Europe, there was joint agreement to build on the reduction of tensions begun by the recent Berlin and West German treaties. Exploratory consultations will soon begin leading toward a Conference on Security and Cooperation in Europe and toward special talks on mutual and balanced force reductions in Central Europe.

With respect to the dangers implicit in contacts at sea between the world's two largest navies, we concluded the first high-level U.S.-USSR military-to-military agreement since the end of our World War II alliance, aimed at preventing naval incidents.

Third, and most important to the prospects for peace, we signed an unprecedented agreement limiting the strategic nuclear missile forces of the United States and the Soviet Union.

The treaty limiting each nation to two ABM sites and the interim agreement freezing certain categories of offensive missiles for five years mark the beginning of the end of the unchecked nuclear weapons spiral that began in 1945. They enhance the security of both parties, at the same time that they substantially lessen the danger of global war. The accords protect the existing strategic balance by freezing weapons categories in which we could not in any case have fielded new systems by 1977, and in which the USSR could and would have done so in large numbers. Thus they maintain a situation in which United States defenses are fully sufficient and second to none in the world.

The choice for both sides has really been whether to limit arms, or to have a runaway nuclear arms race—and in such a race there would be no winners, only losers. Neither the United States nor the Soviet Union would, over the long run, allow a situation to develop in which either would confront the other with the sort of overwhelming nuclear advantage which the United States held at the time of the 1962 Cuban missile crisis. To continue the nuclear arms spiral unchecked would set up a contest in which neither side could win, because neither would feel it could afford to let the other win.

The achievements in Moscow, of course, were only a beginning, in each area where gains were made, there is still a long road ahead. Just and enduring peace settlements must be fashioned in Indo-China and the Middle East; detente in Europe must move from possibility to realization; arms limitation negotiations must press toward a permanent curb on offensive weapons.

But I believe that a good basis for progress is provided both by the specific agreements signed at the summit and by the declaration of "Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics" which was agreed to on my final day in the Soviet capital. The mutual commitments in these principles—to avoid direct confrontation; to exercise restraint and constructive influence in dealing with smaller conflicts which could trigger a major war; to assert no claims of special privilege or spheres of influence; to emphasize consultation, negotiation, and cooperation in our relationships—all these pledges look away from the pattern of a hostile past toward a safer and more open world.

Like the rules for conduct on which we agreed with the Chinese leaders in Peking, these principles must now be proved in practice. But if they are proved, then the world will be well on the way from a season of summits to a generation and more of lasting peace.

It would be a mistake to regard either of these summit journeys as a cure-all for the world's ills. In international affairs the concoctions labelled "panacea" are all too often poisonous. One reason the summits were so successful was their purposes were so realistic. As I said to the people of China, "While we cannot close the gulf between us, we can try to bridge it so that we may be able to talk across it;" and to the Soviet people, "We shall sometimes be competitors, but we need never be enemies." Similar in motive though independent in conception, the two meetings have moved us closer to our great objective: the end of perpetual confrontation between the free world and the Communist powers, and the establishment of better American relations with all the peoples of the world.

OUR ALLIANCES REMAIN ESSENTIAL

The energy with which we pursued new relationships with those who have been our adversaries has been matched in every respect by our efforts to build a new spirit of partnership in relations with our friends.

As I told the Congress on my return from Moscow:

"Maintaining the strength, integrity and steadfastness of our free world alliances is the foundation on which all of our other initiatives for peace and security in the world must rest. As we seek better relations with those who have been our adversaries, we will not let down our friends and allies around the world."

The fact that our friends and allies are stronger now means that we can and should cast off any remnants of paternalism, along with any expectations that our prescriptions will always or automatically be heeded. It means that we can and will expect our allies to contribute more of the human and physical resources required for defense and development around the globe. Our task, however, is not to default to them, but to join with them in this effort.

A balanced reordering of responsibilities will draw upon the new self-confidence which many of our friends are now experiencing—and, indeed, will help to further it. A heedless shedding of our responsibilities, however, would undermine that self-confidence and imperil peace.

In particular, the security of the Atlantic Alliance and the strength and prosperity of the Atlantic world have been cornerstones of American policy ever since World War II. This is still the case today.

One of my first moves as President was to help shore up the NATO alliance, then 20 years old and considered by many to have a proud past but no future. In revitalizing this alliance, we made clear that we considered the day of American domination of NATO to be over; we broadened the process of consultation within the alliance; and we took the initiative in expanding its concerns—through the Committee on the Challenges of Modern Society—to embrace a wide range of the social, environmental and technical challenges that now confront industrialized nations.

The results have been heartening. The obituaries that were pronounced so freely over NATO in the late 1960s proved decidedly premature; few have been heard in these first years of the 1970s. Not only has NATO maintained the security of Western Europe, but its European members agreed in 1970 to pick up an extra $1 billion of the security costs, and in 1971 they assumed an additional $1 billion of the burden. Meanwhile, movement toward economic and political cooperation in Europe—including agreement on entry of Britain, Ireland, Denmark and Norway into the Common Market—has proceeded in a way that gives great promise for the future.

Across the world in the Pacific, we have given special attention to maintaining the strength of our ties with Japan—and we have reinforced those ties by our voluntary agreement to the reunification of Okinawa with the home islands of Japan. The task of the 70's is to reshape and strengthen our ties with Japan to move from the paternalism which characterized our post World War II relations to a mature partnership which is more attuned to the realities of Japan's new economic vigor.

There is a tendency in some quarters to overreact to the frustrations of the conflict in Southeast Asia and to the accumulated burdens of America's quarter century of post-World War II leadership. There are well-intentioned but world-weary Americans who would have the pendulum swing away from dominance on the one extreme to diffidence on the other, from the danger of overextension to the danger of inward preoccupation. These people hope—and some other people fear—that the new doctrine of this Administration prescribes a unilateral withdrawal from the world.

Such observers are wrong about what this country should do and wrong about what this Administration is doing. The ostrich is not about to replace the eagle.

To be sure, we have been able to scale down substantially the American military presence abroad, not only in Vietnam but elsewhere. But this is a reflection of the

growing strength of our allies, not a jettisoning of our commitments. An effective American presence abroad, and a strong military assistance program in many free nations, will continue to be required for the foreseeable future.

We are able to look to others to join more fully in economic assistance efforts. But here, as well, we must maintain strong leadership—which is why the Congress and the executive branch must work together to shape a new approach to foreign assistance.

We are placing heavy emphasis on negotiations with potential adversaries. But we have no intention of bartering away time-tested friendships. Our negotiations can and should lower barriers with our opponents; but we shall continue taking every precaution to prevent them from raising barriers with our allies.

THE NIXON DOCTRINE

What has come to be known as the Nixon Doctrine is essentially a plan for strengthening our alliances, for spreading more equitably the burdens of peacekeeping, for enlisting more nations more fully in the task of securing their own defenses, and for helping ensure that future conflicts which are peripheral to the central interests of the great powers should not directly involve the great powers themselves.

Small powers can start small wars, but only the great powers can bring on large wars. The entire world has an enormous stake in ensuring that the nuclear arsenals of those nations possessing them should never be used.

We of course all hope for a world in which there will be no war of any sort. But we must nevertheless prepare for the likelihood that disputes will break out between smaller nations, and that these will involve the use of arms.

There have already been more than a hundred armed conflicts of one sort of another between nations since the end of World War II. While our ultimate goal must be the elimination of such conflicts, our intermediate goal must be to prevent them from triggering a disastrous war on a world scale.

In my State of the Union Address last January, I summarized the Nixon Doctrine this way:

We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

We will help other nations develop the capability of defending themselves.

We will faithfully honor all of our treaty commitments.

We will act to defend our interests, whenever and wherever they are threatened any place in the world.

But where our interests or our treaty commitments are not involved, our role will be limited.

We will not intervene militarily.

But we will use our influence to prevent war.

If war comes, we will use our influence to stop it.

Once it is over, we will do our share in helping to bind up the wounds of those who have participated in it.

VIETNAM

One area in which our new approaches to foreign policy faced a very special challenge was that of Vietnam. We have met that challenge successfully over the past three and a half years. We are coming out of Vietnam, but we are doing so with our purposes intact.

When this Administration took office, the war in Vietnam dominated America's attention. It occupied our minds, drained our resources, and sorely tried our patience.

There were nearly 550,000 American troops in Vietnam when I took office—and no plan for bringing them home. United States combat deaths were averaging more than 1,000 a month. The increasing Americanization of the war, along with a paternalistic attitude toward the Vietnamese, has demoralized our allies while escalating our own involvement.

Faced with this compounding problem, we moved immediately on two tracks: on the one hand, we made serious and sustained efforts to end the war as swiftly as possible through a negotiated settlement. On the other hand, we undertook to prepare the South Vietnamese, both militarily and psychologically, to assume the principal burden of their own defense in case the negotiations should not be successful.

The intensity with which we pursued both open and secret diplomacy to achieve a negotiated settlement is now a matter of public record. The South Vietnamese Government has cooperated fully with us in this effort. Simultaneously, the government and people of South Vietnam have been working hard at establishing new and more representative constitutional processes, even while fighting a war for national survival. Few countries in history have experimented with the development of representative institutions in the midst of war, and even fewer have done so with the degree of success that South Vietnam has achieved. And as American troops have been steadily withdrawn, the South Vietnamese steadily—and for the most part successfully—have taken over the fighting.

When North Vietnam launched its massive invasion of the South on Easter weekend of this year, the war in that beleaguered country was suddenly and drastically re-escalated—and the character of the fighting was changed.

No longer could there be any pretense that this was a civil war, as Hanoi deployed almost its entire field army outside of its borders. Tanks, heavy artillery, armored personnel carriers, sophisticated ground-to-air missiles, and 12 divisions of North Vietnamese regular troops invading South Vietnam completely transformed the nature of the fighting. Not only has there been no domestic uprising in South Vietnam, but the stream of refugees has all been away from the "liberators," and toward safety behind the South Vietnamese lines. North Vietnam has thus stripped away the last shred of justification for treating the conflict as anything but a brutal armed aggression by the Communist North against a South Vietnam struggling to preserve its independence.

The massive North Vietnamese invasion confronted us with a new situation. It required a massive response—by South Vietnamese forces on the ground, by combined South Vietnamese and American air strikes and by United States naval power.

That response was launched. At the same time, we undertook another major effort to end the war through negotiations—with Dr. Kissinger's mission to Moscow, and with our return to the bargaining table in Paris. But the response of the North Vietnamese made clear that they still were unwilling to settle, except on terms that would impose a Communist government on South Vietnam.

Faced with Hanoi's continuing invasion and intransigence at the conference table, I decided on May 8 to take decisive military measures to help bring the war to an early end. After carefully weighing all the considerations involved, I announced my decision to mine all entrances to North Vietnamese ports and directed our forces to interdict the delivery of any supplies and cut rail and other communications to the maximum extent possible. These actions have not been directed against any other nation. They are solely designed to deny Hanoi the weapons and supplies it needs to continue its aggression.

This swift and effective response was necessary for several reasons.

First, it was necessary to protect our remaining forces in Vietnam, and to maintain the leverage needed to secure the release of our prisoners of war.

Second, it was necessary for the sake of the 18 million people of South Vietnam, wearied and tormented by more than two decades of war, who by any standard of international law or human decency have a right to determine their own destiny, and not to have it imposed upon them by an invading army.

Third, it was necessary for the sake of future stability in Southeast Asia. With North Vietnamese armies already in Laos and Cambodia, with Hanoi already supporting a growing insurgency in Thailand, to have allowed this attempted knockout blow against South Vietnam to succeed would have raised the level of danger to all of Vietnam's neighbors—as the leaders of those nations have stressed.

Fourth, it was necessary in order to make clear to the leaders of other nations that America's pledges would be kept, and that such a direct challenge could not be made with impunity. I had said repeatedly during the preceding three years that if North Vietnam attempted to take advantage of our troop withdrawals to escalate the war, we would make an appropriate response.

Fifth, it was necessary in order to support a principle that is central to the world's hopes for a lasting peace; the principle that no nation has the right to attack the territory of its neighbor. For seven long years Americans had been fighting alongside the South Vietnamese, and more than 45,000 had died in combat. We and the South Vietnamese had labored jointly to achieve a negotiated settlement; we had been helping them prepare to defend themselves if a settlement proved impossible. At the time of the invasion nearly 85,000 American troops were still in Vietnam. Given these facts, to have stood aside when the assault was launched would have been an abject abdication of responsibility for which history would not have forgiven us.

Eleven weeks have now passed since that North Vietnamese invasion. The fighting continues, but the South Vietnamese have held. Not only have they held militarily, but the way in which the people of South Vietnam have rallied to their nation's defense should persuade even the most committed apologists for the enemy that Saigon, not Hanoi, speaks for the South Vietnamese people.

Militarily and politically, Hanoi is losing its desperate gamble. We are nonetheless prepared to settle the conflict on honorable negotiating terms which would not require surrender and humiliation on the part of anybody. We stand ready to cease acts of force currently underway against North Vietnam when our prisoners of war have been returned, our missing accounted for and an internationally supervised ceasefire throughout Indo-China has begun. We will then proceed with a complete withdrawal of all American forces from Vietnam within four months.

These are generous terms. They would end the war and bring our prisoners home. They would permit the United States to withdraw with honor. They would allow negotiations on a political settlement among the Vietnamese themselves. Now it remains for Hanoi to choose: the path of war, or the path of peace.

INTERNATIONAL ECONOMIC POLICY

A nation's foreign policy embraces more than its diplomacy—and in the case of the United States, our foreign economic policies are a vital part of the mix. This is true in part because of the enormous volume of our foreign economic activity: American private investments abroad now total some $86 billion; the combined value of our merchandise exports and imports last year was $89 billion. It is true also because of the vital role U.S. trade plays in the economies of most of the world's nations, and because for many years the U.S. dollar has been the cornerstone of the international monetary system.

Foreign trade and foreign investments contribute to the vitality of our own economy and the variety of our consumer goods; many nations depend on the availability of U.S. capital; our trading partners depend on U.S. markets; the world economy depends on the stability of the U.S. dollar.

During the last decade the American position in the international economy changed dramatically. Major changes took place in the structure of the world economy. We found ourselves confronted with intense and increasing competition from other major industrialized nations. As one measure of this, between 1960 and 1971 Japan's exports increased by 493 percent and West Germany's increased by 242 percent, while those of the United States increased by only 115 percent.

The heightened competitiveness on the part of our trading partners is not something we shy from; on the contrary, we welcome it. It testifies to the success of our unprecedented efforts after World War II to help rebuild the shattered economies of victors and vanquished alike, and to provide a helping hand for the many new nations that came into being with the dissolution of the old colonial empires. Because it represents greater productivity, greater abundance, more rapid growth, it holds high promise of a better life for people, everywhere. But it also poses a new challenge to the United States. It means that the old days, in which we were willing to accept arrangements which put us at a competitive disadvantage with respect to our trading partners, are gone—and the old policies must go with them.

In 1971 we embarked on new policies designed to bring about a new international economic order. Operating under the International Monetary Agreement signed at Bretton Woods over a quarter century ago, the world in recent years had lurched from monetary crisis to monetary crisis, and it responded to them by simply putting a patch here and a patch there. For its part, the United States has run an almost unbroken series of basic balance of payments deficits since 1948. In 1971, for the first time since 1888 we experienced a trade deficit as well. Our total reserves dwindled from $21 billion in 1946 to roughly $12 billion at the end of 1971. And, while all of this was happening, many of our major trading partners still maintained distorted exchange rates—which favored their exports and hampered ours—and trade barriers which had the effect of limiting the access of U.S. products to their markets.

As we examined these problems last year, it was clear that far-reaching reforms were necessary. Thus, when I announced our new economic policies to deal with jobs and inflation last August 15, I included measures designed to bring about a much-needed realignment of currencies, to secure removed of barriers to American exports, and to press the other major nations toward the overdue creation of new international monetary arrangements that would be adequate for the needs of coming decades.

The aim of these moves was nothing less than a fundamental, long-term reform in the international economic system. Our goal has been to assure our products equal access to world markets and to ensure that the products of our workers, farmers, and businesses can compete on an equal footing with those of other nations.

But equal access and an equal opportunity to compete will do us little good unless the American people rise to the challenge of increased competition abroad. Faced with intensified foreign economic competition, the first reaction of many is simply to try to build a wall around America, and to hide behind it. This will not do. In today's world, there can be no prosperity behind a wall, just as there can be no security behind a wall. Only if we look outward can we go forward. And only if we show the national spirit that meets competition by becoming a more vigorous competitor rather than by running away from competition can we maintain our greatness as a nation and our vitality as a force for good in the world.

THE DEVELOPING NATIONS

The need to think and act in new ways was also evident as we reshaped our approaches to the developing nations of Latin America, Africa and Asia—what we have come to call "the third world."

One of our central discoveries has been the fact that the very term "the third world," may imply a similarity or cohesion among developing countries which is not as strong as was once thought. For as these countries have become more dynamic, they have also become more diverse. To be sure, we are seeking to encourage a sense of regional identity among developing nations which can provide a vital impetus for progress, and for the cooperation which makes progress possible. But we are also learning to take account of unique circumstances which distinguish country from country and region from region.

Above all, we have been learning that it is not within our unilateral power to determine the future for these countries—economically, socially, or politically. This does not mean we have lost our interest in these questions, but it does mean that we see our role not as one of direction but as one of support. The potential for progress in the developing world is enormous, but it will be fully realized only as developing nations shape their own futures in their own ways.

We believe in our own system. It has worked well for us, providing more freedom for all and greater abundance for more of our people than any other system in any other country. But we also recognize that what is best for us may not necessarily be best for other countries with dramatically different histories, traditions and problems; and even more important, we believe in the right of each nation to choose its own system. Thus, however much we cherish our system for ourselves, we will not seek to impose it on any other nation.

One important manifestation of our philosophy has been a new approach to foreign assistance around the world, some elements of which have already been put into action while others are pending before the Congress.

Generally speaking, this new approach recognizes the growing capacity of other developed countries to provide foreign aid, the growing effectiveness of multilateral institutions in channeling such aid, and the growing ability of recipient nations to make their own decisions about how aid should be used.

Our new approach also gives a greater emphasis to private aid, to investment and to international trade as positive influences on development. It includes strong penalties designed to discourage the expropriation of American property abroad.

It is essential that we resist the temptation to cut sharply back on our aid, especially at a time when we are encouraging other nations to share more actively in the burdens of their own defense and development. To cut them off precipitously before they are able to stand on their own would freeze them in a dependent status. The result of such an attempt to realize small savings for America in the short run would surely be far greater burdens for America in the long run.

By continuing and reforming our foreign assistance efforts we can bring closer the day when all nations will fully share in—and fully contribute to—a growing world prosperity. And by doing this, we will also bring closer the day when all nations will share in a lasting world peace.

A STRONG AMERICA

As we look to the future, it is essential that our potential adversaries retain their respect for American strength. It is essential that others recognize, as I put it in my Inaugural Address, that ". . . we will be as strong as we need to be for as long as we need to be." It is essential that they understand fully our desire to live in a world at peace and our determination to do what is necessary to keep this world at peace.

No nation, as long as it respects the rights of its neighbors, need ever fear the power of the United States. Our military power is maintained not to pursue American interests but to defend American interests—and in particular, our interest in maintaining a structure of peace, stability and progress in the world.

There are those who seek to discredit the idea that peace requires strength. They condemn it as a relic of a "cold war mentality" and ridicule military expenditures as wasteful and immoral.

However popular this attitude may be, and however it may be couched in the rhetoric of "idealism," it nevertheless flies in the face of all human experience. As we have learned again and again, especially in this century, there is simply no substitute for military strength sufficient to deter aggression. An America that was inadequately defended would present so tempting a target that war would become inevitable. By the same token, a weakening of our alliances would also increase temptation to the danger point. For potentially aggressive ambitions in some countries are held in check not by idealism, but by a clear recognition that they cannot be achieved except at an unacceptable cost. If we expect to maintain the peace, we must ensure that the cost remains unacceptable.

Those who scoff at "balance of power diplomacy" on the world scene should recognize that the only alternative to a balance of power is an imbalance of power—and history shows us that nothing so drastically escalates the danger of war as such an imbalance. It is precisely the fact that the elements of balance now exist that gives us a rare opportunity to create a system of stability that can maintain the peace not just for a decade, but for a generation—and we hope beyond.

The years ahead will not be easy ones. They will demand sacrifice. They will demand wisdom. They will present a challenge of the most serious sort, testing whether a nation democratically governed can do what is necessary to maintain the peace.

I believe we can and will meet this challenge, just as we have met the others that have confronted us during these past two centuries. But we should all be very clear in our own minds that it will require of us a particular kind of discipline. It will require us to exercise an extra measure of care in distinguishing between rhetoric and reality, between the easy temptation and the hard necessity. We will be told there are shortcuts. We will be told that all the things we want to do at home could be painlessly financed if only we would cut back our military spending. We will be told that we can have peace merely by asking for it, that if we merely demonstrate "good will" or "good faith" our adversaries will reciprocate and we will have no need to do more. This is specious nonsense.

A heavy responsibility lies on the shoulders of those who hold or seek power in today's world: a responsibility not to court the public favor by fanning illusions that peace can be either achieved or kept without paying its price.

TOWARD A STRUCTURE OF PEACE

The final test of a foreign policy is whether it works. As we survey the world today, we find that we have nearly completed the ending of America's involvement in the war in Vietnam—and that we have done so in a way that enables the people of South Vietnam to defend their own country while strengthening the stability of all Southeast Asia—an area of 300 million people which is

of great importance to the entire world's future hopes for peace.

We find that the dispute in the Middle East remains unsettled, but that at least a cease-fire has been maintained now for nearly two years.

We find that America's alliances are stronger, and that resentment at what was once America's heavy-handedness has given way to a renewed sense of common purpose.

We find that the dangerous isolation of the People's Republic of China has been broken, and a new pattern of communication established between the world's most populous nation and its most powerful nation.

In our relations with the Soviet Union, we find that more significant and more far-reaching agreements have been negotiated during these past three and one-half years than were achieved in all the prior years since World War II.

We still have a long way to go in fashioning a stable and lasting structure of peace. But we also know that the framework has been erected. We are moving toward a goal which has eluded the world's statesmen through all the previous decades of this century, and we are moving toward it in a more businesslike way than at any time since World War II. This would not have been possible if we had not carefully geared all of our policies toward this central purpose. It would not have been possible if we had failed to maintain our strength, to show our determination, to demonstrate our perseverance, to be courteous but firm in our dealings with potential adversaries as well as with friends, to take measures which at the time were unpopular—indeed, to take certain risks for peace.

I have often used the term "a structure of peace." I have used it again in this discussion. It is important that we understand what that term means—important because it gets to the very heart of the way in which we seek to achieve peace in the years ahead.

Many people speak very sentimentally about peace—but sentimentality cannot achieve it. It cannot be wished into being. It has to be carefully built. A sound structure of peace must embrace a worldwide network of alliances; it must include sufficient armed force to deter aggression; it must depend upon patterns of understanding among a wide variety of governments. These patterns of understanding, in turn, do not simply involve a knowledge of what other countries and other peoples are like, or what they are thinking. Rather, they must be very concrete mutual understandings as to which patterns of international behavior are acceptable and which are not, and in which nations undertake to perform in specified ways under specified conditions. Some of these understandings are written into treaties or executive agreements. Many others are not but they nevertheless constitute an important part of that written and unwritten code by which the relations among nations are regulated.

Nothing could be more destructive of our hopes for peace than failure to recognize the need for such disciplines.

If there is one lesson above all that history teaches us, it is that in seeking peace good intentions are no substitute for patient building, for hard work, and for the maintenance of sufficient strength to preserve the peace. The world has never yet been able to agree on a set of international institutions which could keep the peace by themselves. Peace has been kept or lost by the wisdom or folly of individual nations. A balance of power is still an essential element in maintaining peace. The new agreement we have reached with the Soviet Union on limitation of strategic arms will be an important factor in maintaining such a balance. So, too, will the developing pattern of interrelationships among the principal powers and among the various groupings of nations. It is vital that no nation which might have or develop aggressive designs should ever be led to believe that it could safely pursue those designs.

STRENGTH OF SPIRIT

Finally, as we shape our foreign policy for the future, we must also look to our spiritual, intellectual, economic and political strength here at home.

Our ability to build peace abroad depends upon this strength.

Our influence abroad depends not only on the military might of our arms, but also on the moral force of our example—and for nearly two centuries now, the example America has held out to the world has inspired the hopes of millions on every continent.

The past decade has been one of division, and of often bitter dissension. It has become fashionable to see only the evil in America, to paint every shortcoming—no matter how ancient—as an urgent crisis, to denigrate not only the policies but the motives of those in positions of leadership, to substitute diatribe for debate, and in the process to drive out faith and hope with despair and alienation. It has become fashionable to say that America has lost its sense of purpose, and has to find it again. But that fashion is false. We have a sense of purpose. What we need is to rekindle our pride in that purpose—the pride that has been so mauled by the legions of petty detractors. We need to recover our confidence that we shall attain our purpose.

Looking back over this nation's record in the field of foreign policy, Americans have a right to feel proud—and we should all hold our heads high because of that record. Ours is the first nation to become a great world power without seeking power. We have recognized that with great power goes great responsibility, and we have sought to use our influence not merely in our narrow national interest but in the world interest. Young Americans have fought in four wars in this century not for conquest, not for territory, but to help ensure the right of other people to be free from aggression. Our goal has been a more peaceful world—one in which the weak will at least be as safe as the strong and in which all nations, large and small, can be secure in their independence.

Our purpose in the world is peace—not the sullen peace of defeat, not the silent peace of despair, but the solid peace that makes progress possible, and that liberates the spirit of man for the tasks of freedom. No nobler purpose has moved any nation in the whole of human history.

We pursue peace as an end in itself. But our goal is also something more. For the peace we seek is an essential pre-condition if man is to pursue those great, humane ideals that are rooted in our religious heritage and that have inspired our highest civilizations. In seeking to prevent war, we seek also to make possible those advances in human well-being in the arts and science and philosophy, in the enriching of human experience, that define man's highest destiny here on earth. If we succeed in building a lasting structure of peace, not peace alone but a chance for mankind to fulfill this higher destiny will be the monument to our success.

ON THE REVENUE SHARING RULE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. VANIK. Mr. Speaker, later this week, the House of Representatives will consider the Revenue Sharing Act, which represents a landmark in fiscal relations between Federal, State, and local governments. A bill of this dimension and scope, which touches every State and every community in this land, should be given the fullest scrutiny by every Member of this body. It is the beginning of a permanent law.

Full participation by the House of Representatives is only possible if this bill is debated with an open rule. An open rule is fundamental to the democratic principles of representation in the Congress.

A closed rule ties the hands of House Members and places its Members in the "back seat" of the legislative process. The Senate, which is a coequal body, will be in the position to offer amendments to revenue sharing when it comes to the Senate floor. The closed rule denies House Members this opportunity—as if our legislative competence were less. Our constituents have elected us to stand up and be counted on every piece of legislation which comes before us. We are expected to amend, to improve the legislative work of a committee.

There is no excuse for any legislation going to the floor with a closed rule. When a closed rule is requested, it assumes that the wisdom of a small group is greater than the collective wisdom of the 435 Members elected from all corners of this land. A closed rule is not democracy and carries blatant overtones of "tyranny of the minority"—this is no way to inspire the confidence of the American people in the House of Representatives.

When this bill was reported out of the Ways and Means Committee, I voted against the closed rule. I spoke against the closed rule before the Rules Committee.

I have always supported Federal help for distressed cities; but I cannot support a "closed rule" which would prevent the House from eliminating the retroactive feature of the revenue-sharing proposal.

It would be unwise to distribute a "doubled-up" payment to State and local governments in the first installment. Many units of Government have not programed this expenditure. All would take it— and all would spend it. The potential exists for a wasteful and hurried distribution of $2.65 billion. With retroactive legislation, the prospects are not bright for prudent spending of Federal revenues, which the Treasury cannot afford to lose.

An open rule would permit tax reform amendments which would raise additional revenue to pay for this program.

If revenue sharing cannot survive an open rule in the House of Representatives, which would permit reasonable and necessary amendments to the bill, it does not deserve to be the law of the land.

SENIOR POWER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. JAMES V. STANTON. Mr. Speaker, although the needs of senior citizens for income, health care, and other benefits are obvious to all, and although their claim to such benefits is unquestioned, the Government has acted to meet their needs, if at all, in a halting and even grudging manner. Too often their interests have been compromised away to the short-sighted and the tight-fisted. Even the limited health benefits of Medicare took almost 20 years to enact into law.

Such neglect is now causing a new political movement among senior citizens, a movement which will ensure that new policies, which give them the benefits they need and deserve, will be effected.

I would now like to commend to the attention of my colleagues an article on senior citizen needs and politics written by Sun Newspapers' columnist Bill Randle, and which appeared in the June 8 issue of the Southeast Sun.

The article follows:

SOUND OFF

(By Bill Randle)

I read the other day about a little old lady who had had it with the way American society treats older people. She's forming action groups involving old people to focus attention on and get programs started and expedited that will benefit the more advanced in age in America.

And I say "right on!" to use the contemporary social and political cliche.

We have heard for years now of black power, youth power, the military-industrial complex, the oil lobby, the railroad influence. Why not some organized way for older people to be heard other than around election time when the promises flow like wine and the glib phrases pour like melted butter to try to influence the Social Security vote?

Actually, this country treats its older citizens atrociously and has for most of its history, whereas in other countries, including some of the most "primitive" societies known to man, age is respected, depended on for guidance and wisdom, focused and organized around for stability and cohesiveness, even catered to for psychological and sociological reasons.

In this counrty, age is something to be rejected and feared. The beginning of the end for the person whose advancing years puts him (and her) in the category of useless objects . . . no longer capable of earning . . . a drain on the emotions and economy of their children and other relatives . . . still taxed and abused politically with very little if any recourse or ability to retaliate or influence events.

Now I don't really think this little old lady I mentioned above is going to have a great deal of success with her particular organization. It's kind of "Pie in the Skyish" to me as a realistic observer who makes decisions and estimates based on sophisticated information. However, as such a realistic observer, I can tell you this . . . and bluntly.

The day of the ignoring of older people in American society is through. The winds of change are blowing and have been for some time. If you want to talk about dissident members of the society . . . collectively there is no more potential and dynamic political and social force in America than the mass of people 55 and older who feel common interests in actual or potential social security, medical care, tax relief, and political acceptance and power. And they are going to be heard.

What political and social thrust this movement is going to have is still questionable. Obviously, the primary thrust will be the satisfying of definite and immediate economic needs; extensions of social security, not just little token raises but heavy, meaningful increments to meet and beat the consistent drains of inflation; extensions of medical services to where, ultimately, all older people, the ones who most need such care, will have totally free and readily available first quality medical care; tax relief at a level where no person who has worked and contributed during his lifetime will live to see the products of that effort drained away to a point where the gap between poverty and self maintenance narrows to non existence.

This batch of absolute needs could be met by almost any type of political structure.

The neo-populism of a George Wallace satisfies many older people who live in a kind of social paranoia induced by the uncertainties of contemporary America (the drug scene, rock music, long haired and abusive young people, uncaring and manipulative politicians lack of safety on the streets . . . the whole string of problems we carry in America like a giant series of albatrosses around our collective necks) and if a George Wallace, or someone with the same kind of populist charisma begins to focus on older people's problems, this is where they'll go . . . regardless of the implications of the rest of Mr. Wallace's programs.

On the other hand . . . Mr. Nixon's programs are beginning to pay lip service to the real needs of older Americans. If he begins to produce real benefits and objectively analyzes the potential power of these disadvantaged and disaffected people, then the satisfaction of those needs within this major political party structure may save it from the growing wrath of millions of newly focused and viable voters—and potential demonstrators and protestors to gain their rights—actual or imagined.

The recent successes of Mr. McGovern, who has, without much attention paid by the press, been saying very real things to please older voters, are clearly reflective of how semi-populist, vaguely anti-status quo arguments can get response that amazes the hard shelled, pragmatic political wheeler-dealer who didn't originally give him a chance.

But then the political analysts and campaign directors really don't know much about what's really happening in American society . . . or on the streets . . . or in the hearts and minds of millions of people who, for one or more reasons, are very disturbed with our established political and social powers.

Older people, among others, have had it with promises and transient hand outs and economic and psychological rejection. And, you have to remember older people have lots of time, energy and real power.

If you think you've ever seen demonstrations . . . or protests . . . just for a moment envision an army of little old ladies with umbrellas marching down Pennsylvania Avenue or closing down the Pentagon or just demanding their rights in Congress. Now that would really be something to see. And you're going to see it in the next few years in this country unless somebody starts listening closely to those winds of change.

EMERGENCY TRANSPORTATION STRIKE LEGISLATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, whatever happened to the drive for permanent strike legislation for the transportation industry? As one committee staffer put it, as far as this body is concerned, the drive is dead—unless, of course, we have another transportation strike. An attempt to dislodge such legislation from subcommittee failed by one vote, and that was that. I am reminded of the testimony delivered by the gentleman from Michigan (Mr. HARVEY) before the Rules Committee last February when we were considering temporary legislation to end the west coast dock strike. At that time, Mr. HARVEY said, and I quote:

Ironically, it has been said that the Education and Labor Committee should not report out permanent legislation under the pressure of the dock strike. But from our experience with permanent rail strike legislation, we have observed that once the pressure of an on-going strike is removed, the desire for permanent legislation dissipates also.

Oh, how unfortunately true that has been. This Congress continues to insist on acting only in times of crisis, and then, only to temporarily allay the immediate crisis. The irony in this, of course, is that by so doing, the Congress is simply guaranteeing the inevitability of future crises. We have seen this happen time and time again, whether with rail strikes or dock strikes or what have you. And we are bound to see it happen time and time again in the future unless we take action on some permanent mechanism to deal with these situations. And yet we refuse to take this eminently reasonable and necessary course of action, and instead we sit back and practically invite another big transportation strike.

I recently received a letter from the Governor of our State of Illinois, the Honorable Richard B. Ogilvie, in which he pointed out that the last series of national dock strikes cost the State of Illinois $75 million in lost agricultural export dollars. Secretary Volpe has estimated that the west coast strike alone cost our country $83 million a week.

Earlier this year, Governor Ogilvie appointed a committee of Illinois farm leaders to study farm income problems and they reported back to the Governor with the recommendation that the Congress should pass "sound Federal legislation to establish a structure within which transportation disputes can be resolved without crippling strikes which destroy markets for farm products."

Mr. Speaker, way back in March of 1970, over 2 years ago, President Nixon sent to the Congress his message on "National Emergency Labor Disputes," along with his legislative proposal to establish just such a permanent mechanism through the Emergency Public Interest Protection Act of 1970. That bill was reintroduced in this Congress as the Crippling Strikes Prevention Act. In addition, several other bills have been introduced to accomplish the same objective by slightly different means, including H.R. 12848 which I was privileged to cosponsor with Congressman HARVEY on February 2 of this year. That measure alone has some 76 cosponsors in this body. And yet, despite all the support in the Congress for permanent transportation strike legislation, despite all the editorial and public support for such legislation, these vital measures continue to languish in committee. How many strikes, how much damage to the economy and the public interest will it take before this or a future Congress will

take the necessary action on such permanent legislation?

I would hope, Mr. Speaker, that we would have the wisdom and good sense to act before we have another major crippling transportation strike. At this point in the RECORD I include the full text of the letter I received from Governor Ogilvie:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, May 31, 1972.

Hon. JOHN B. ANDERSON,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The loss in agricultural export dollars to Illinois during the recent prolonged transportation disputes at our several national ports was in excess of $75 million.

With the continuing threat of shut-downs resulting from the Pay Board's action of reducing the West Coast longshoremen's contract, Illinois remains deeply concerned with the resultant effect on net farm income.

Last August I asked a committee of Illinois farm leaders to undertake a study of farm income problems. Their recommendations were made to me at a Cabinet meeting on March 4. I quote from their Report:

"We recommend that every effort be made to secure the full support of the Illinois congressional delegation in securing sound federal legislation to establish a structure within which transportation disputes can be resolved without crippling strikes which destroy markets for farm products."

There are several bills before the Congress which if enacted would do much to protect the nation generally and agriculture specifically from loss due to dock strikes. Secretary Volpe has estimated that nationally the loss was $83 million a week in the West Coast dispute.

I would ask that you directly and indirectly use your influence and your vote to help effect the much needed and long overdue legislation to prevent further crippling of the orderly movement of farm products into international trade.

Sincerely,

RICHARD B. OGILVIE,
Governor.

SALUTE TO EDUCATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HELSTOSKI. Mr. Speaker, I would like to take this opportunity to congratulate the National Education Association for its fine work toward the goal of improving the quality of education for all of our citizens. But, moreover, I think that this is an appropriate time to pay tribute to education itself.

As a former educator I am familiar with the value that a good education has for our young people. I have no fonder memories than of the times in my high school classes when I could broaden the world of my students with new knowledge and new understanding. To be complete men and women we must all try to expand our views of the world around us. We must learn tolerance and understanding by becoming more familiar with the hopes and fears of our neighbors. We must employ our talents and abilities to the fullest possible extent by being better informed of the many opportunities which exist in our society.

Education is an invaluable tool in achieving these necessary elements of adulthood. I am proud to have been a part of the educational system in my community, and since coming to Congress I have sought to do everything possible to see that the good educational system in our country is maintained.

"NONE DARE CALL IT CONSPIRACY"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHMITZ. Mr. Speaker, last fall I agreed to write the introduction for a most interesting and significant book by Gary Allen entitled "None Dare Call It Conspiracy," which I will soon be bringing before you serial fashion in the RECORD. It explores the evidence for a concerted plan and pattern in the many reverses freedom, law, and faith have suffered in this century.

This book included a prediction that, like virtually all others on this subject, it would be attacked by the Anti-Defamation League of B'nai B'rith—an organization which, as William Buckley once said, itself frequently engages in defamation. This prediction was right on target, and the attack began with the letter to me which follows, together with reply:

ANTI-DEFAMATION LEAGUE OF
B'NAI B'RITH,
June 1, 1972.

Hon. JOHN G. SCHMITZ,
Irvine, Calif.

DEAR CONGRESSMAN SCHMITZ: We were distressed to read your introduction to and endorsement of *None Dare Call It Conspiracy* by Gary Allen, and we hereby call upon you to withdraw your endorsement and repudiate this anti-Semitic propaganda book.

Because you are a political scientist, we would have expected you to detect quickly the long discredited anti-Jewish charges that allege an insidious role being played by so-called "international bankers" which this book exhumes.

Despite Mr. Allen's pitifully weak disclaimer about anti-Semitism, his book revives anti-Semitic campaigns of the 1920's carried out by agents of the late Henry Ford, Sr. through the *Dearborn Independent*—charges later repudiated publicly by Mr. Ford—and again revived in the 1930's by Father Charles E. Coughlin, the notorious radio-priest.

We can only assume that you read the book too quickly or that you did not read it at all, a not uncommon problem plaguing very busy public officials who, too often, unfortunately rely upon the judgment of others.

As a political scientist, we urge you to check with Professor Carroll Quigley, of Georgetown University, whose writings are cited extensively in *None Dare Call It Conspiracy* as being supportive of Gary Allen's thesis, whereas the exact opposite is true.

The Birch Society's campaign to distribute millions of copies of *None Dare Call It Conspiracy* is a very serious matter because the kinds of anti-Jewish lies contained in the Allen book have been used by hate groups throughout the world for more than 50 years to foster hatred of Jews. During the 1930's and the 1940's we saw the ugly consequences of such campaigns.

Mr. Schmitz, in the name of human decency and honest scholarship we urge you to publicly withdraw your name from this book and to dissociate yourself from this insidious campaign.

We await your reply.

Sincerely,

HARVEY B. SCHECHTER.

JUNE 16, 1972.

Mr. HARVEY B. SCHECHTER,
Anti-Defamation League of B'nai B'rith,
Los Angeles, Calif.

DEAR MR. SCHECHTER: Your letter of June 1 to me regarding Gary Allen's book None Dare Call It Conspiracy, occasioned by the fact that I wrote the Introduction to it, is one of the most remarkable confirmations of the book's thesis I have seen. For if you turn to pages 39 and 40, you will read:

The Jewish members of the conspiracy have used an organization called the Anti-Defamation League as an instrument to try to convince everyone that any mention of the Rothschilds or their allies is an attack on all Jews. In this way they have stifled almost all honest scholarship on international bankers and made the subject taboo within universities.

"Any individual or book exploring this subject is immediately attacked by hundreds of A.D.L. committees all over the country. The A.D.L. has never let truth or logic interfere with its highly professional smear jobs. When no evidence is apparent, the A.D.L., which staunchly opposed so-called 'McCarthyism,' accuses people of being 'latent anti-Semitics.' Can you imagine how they would yowl and scream if someone accused them of being 'latent' Communists?

"Actually, nobody has a right to be more angry at the Rothschild clique than their fellow Jews. The Warburgs, part of the Rothschild empire, helped finance Adolf Hitler. There were few if any Rothschilds or Warburgs in the Nazi prison camps! They sat out the war in luxurious hotels in Paris or emigrated to the United States or England. As a group, Jews have suffered most at the hands of these power seekers."

Gentlemen, you are right on cue.

Of course, I would not deny that some bigoted individuals might distort the facts and conclusions in Gary Allen's book to fit their own prejudices, just as they might do with many other books. As a Catholic, I have seen anti-Catholic bigots do this just as anti-Semites have done it. Gary Allen specifically warns on page 10 against those who "because of racial or religious bigotry . . . will take small fragments of legitimate evidence and expand them into a conclusion that will support their particular prejudice, i.e., the conspiracy is totally 'Jewish,' 'Catholic' or 'Masonic.' These people do not help to expose the conspiracy, but sadly play into the hands of those who want the public to believe that all conspiratorialists are screwballs." But if the possibility of distortion is to be accepted as a reason for the suppression of truth, then all of us are the losers.

Insofar as you speak for one of the world's major religious faiths, going back to Abraham who is the "father in faith" for Christians, Jews and even Moslems, I believe you have a duty to make an objective examination of the evidence which suggests that many of the principal manipulators of twentieth century history are characterized by a deep and abiding hostility to any genuine belief in and worship of God and any attempt to live and work according to His commandments. My experience in public life has shown me that I have much more in common with believing Jews than with the secular humanists who have gained such a predominant position in our nation today. It would be most interesting to see with which of these two groups you find yourself and your organization most often in alignment.

There is not a word in Gary Allen's book which could possibly be construed by any reasonable man as an attack on any religious faith. Rather, he points out repeatedly that the conspirators of our time are dedicated to the destruction of all religious faith. Even for those who do not accept his thesis, the hostility of the dominant forces in the modern world to religion is very obvious and should provide a solid basis for cooperation and alliance among all believers as against nonbelievers. Gary Allen and I and The John Birch Society and many others are ready and eager for such cooperation and alliance. We have not attacked your faith. Why then do you attack us?

As for your objections to his thesis itself, it is a subject on which reasonable men may differ—but not one which you can reasonably claim to be "discredited." The arguments for it deserve to be considered on their merits. Your letter gives no indication that you have done so. In fact, I can only describe your position on the issues raised by this book as betraying a deeply entrenched intellectual bias of your own. In the interest of the honest scholarship to which you refer in your concluding paragraph, I would urge you and your colleagues to try to free your minds of this bias and then take another look at this question.

Jews and Catholics suffered and died together in both Nazi and Soviet concentration camps. You may have read of the recent beatification at the Vatican of Blessed Father Maximilian Kolbe of Poland, who was starved to death in a Nazi death camp after volunteering to take the place of a young father originally selected for the same kind of death. By your campaign against those who are making every effort to arouse the American people to the danger of totalitarian world conquest, you are making it more likely that similar horrors will take place here in America. If this happens, those on what you call "the right" will be among the first victims—I sincerely hope, not with your approval.

Yours very truly,

JOHN G. SCHMITZ,
Member of Congress.

THE TOWN OF BIG FLATS—150 YEARS YOUNG

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HASTINGS. Mr. Speaker, on April 16, 1822, the New York State Legislature by official act, brought into being the town of Big Flats.

Located in the green rolling hills of Chemung County, once the hunting grounds of the Seneca and Cayuga Indians, Big Flats this week is marking its 150th birthday with a gala 4-day program, recalling its historic past and underscoring its burgeoning future.

The people of this fast-growing community characterize the high ideals of America's heartland and reflect in their sesquicentennial observance a faith in our Nation which should serve as an inspiration for all.

I am both pleased and proud at this time to make official note in the CONGRESSIONAL RECORD of the town of Big Flats' 150th birthday anniversary.

SALT: THE ACCORD DESERVES OUR SUPPORT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SPRINGER. Mr. Speaker, Alton Frye, a joint fellow of the Council of Foreign Relations and the Woodrow Wilson International Center for Scholars has written a number of studies on the United States and foreign strategies as well as foreign policy.

He has written an extremely detailed article in the Sunday Star of June 18 in which he says:

Nothing Richard Nixon has done speaks so well of his judgment and his courage as the beginning he has made on strategic arms limitation.

In view of the length of the SALT talks and the details that were considered as well as the need of the discussions, I felt sure my colleagues would want to read the splendid article by Mr. Frye titled, "SALT: The Accord Deserves Our Support."

The article follows:

[From the Washington Star, June 18, 1972]

SALT: THE ACCORD DESERVES OUR SUPPORT

(By Alton Frye)

Cynics say it is a typical American failing to know the price of everything and the value of nothing. This human frailty is serious enough in the routine exchanges of everyday life. In the great transactions of international politics, the tendency can be fatal to the most enlightened and essential undertakings.

The point comes to mind because of the surprising reaction in some quarters to the historic Nixon-Brezhnev agreements to limit strategic arms. The general enthusiasm for this momentous breakthrough in the Strategic Arms Limitation Talks (SALT) has been tempered not only by grumblings on the far right but by the disturbing response of a few respected commentators and congressmen.

Crosby Noyes alleges in The Star that the agreements give Russia nuclear "superiority on a silver platter." Seeking to ward off unjustified euphoria. The Wall Street Journal wonders whether the accords should be approved "anytime during a presidential campaign." Paul Warnke terms the agreement to limit offensive weapons "slightly worse than none at all," although he warmly endorses the ABM treaty. Sen. Henry Jackson, D-Wash., reserves his final judgment on the understandings, but blasts the "comic opera" procedures in Moscow and charges that the agreements give the Soviets "more of everything."

These are thoughtful and knowledgeable observers. Their opinions will carry weight with many of their fellow citizens. But close analysis reveals that the hasty critiques of the SALT agreements share a common fault: They are preoccupied with short-term balances which are totally inadequate to measure the long-term investment in mutual security which the United States and the Soviet Union have now made. And even in gauging the short-term balances, they badly misread the ledger written in Moscow. In effect the early criticisms of the Moscow summit overstate the price and understate the value of what was done there. Let us see why this is so.

THE CONTEXT OF SALT

In 1970 the Senate urged President Nixon to make a freeze on further deployment of strategic weapons the first priority of the SALT negotiations. While a freeze then would have set somewhat lower and more advantageous ceilings, the Moscow agreements contain a reasonable approximation of this objective—which was recommended by an overwhelming majority of senators.

The proposed treaty limits anti-ballistic missile deployment to no more than two sites with a maximum of 100 defensive missiles each, a force totally insufficient to weaken the credibility of either side's capacity to retaliate and hence to deter war. The interim agreement on offensive weapons halts ICBM deployments at the existing levels (about 1,618 on the Soviet side and 1,054 on the American) and limits modern submarine-launched missiles (SLBMs) to those now operational and under construction (710 on the Soviet side and 656 on the American).

Unnecessary confusion has grown out of the provision permitting conversion of some land-based missiles into sea-based weapons; briefly put, the Soviet Union can build to a total of 950 missiles on subbmarines but only if it phases out 240 launchers already deployed, i.e., if it actually reduces its land-based force to 1,400 missiles or so.

In sum, the ceilings provided in the interim agreement would permit the Soviets to deploy up to 2,350 long-range missiles on land and sea, compared with a total of 1,710 for the United States. It is the starkness of this numerical contrast which suggests, at first glance, that the United States accepted less equitable terms than it should have demanded.

But these gross figures do not reflect the crucial dimensions of the strategic bargain struck at SALT. Imbedded in that bargain are other commitments and detailed restraints which leave little doubt that the outcome of SALT is a decisive turn toward greater security. It is remarkable how far these understandings go toward fulfilling the U.S. conceptions of the requirements of strategic stability.

The United States sought explicit confirmation that mutual deterrence would be the basis for erecting a stable balance. The Soviets agreed. By curtailing ABM deployment, both sides have ratified the principle that mutual deterrence depends on mutual vulnerability. They may not welcome the condition of reciprocal terror, but they recognize the fact and acknowledge that neither has yet conceived a safe way to alter it.

The United States sought explicit acceptance of the de facto "open skies" arrangements, through which satellites keep each side appraised of the other's strategic inventory and innovations. The Soviets agreed. By committing themselves to avoid interference with observation satellites and other verification techniques, and by foregoing deliberate measures to conceal strategic capabilities from observation, the two countries have installed a necessary building block for confident progress on more substantial arms arrangements.

The United States sought to test Russian acceptance of the principle of mutual deterrence by demanding that the overall freeze include a firm limit on the gigantic SS-9 class missile, weapons which have perplexed U.S. planners because of their potential capacity to destroy American missile silos. The Soviets agreed. The interim agreement suppresses the number of supersize boosters to around 300, a level well below the danger point calculated by the Department of Defense.

The United States insisted that the freeze cover ballistic missile submarines, since the Soviet Union has been building such systems at a rapid clip (eight or nine a year) while the United States in the next five years will add no subs to the 41 it now has in service. In a decision critical to the success of the negotiation, the Soviets agreed. Without such

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a limit, the present building rate would have given the Soviets more than 80 missile-launching submarines by 1977, just as their present pace of ICBM construction would have produced by that year a land-based force alone in excess of 2,800 missiles.

The blunt truth is that no U.S. effort, even on a crash basis, could have matched this Soviet rate launcher for launcher and boat for boat, during the five years governed by the interim agreement. The interruption of the massive Soviet building program is a stupendous gain to American security and international stability.

Any genuine negotiation must produce movement toward accommodation by both parties. One can only gain a distorted picture of the process by focusing exclusively on the concessions made by one side. Yet some commentators have done precisely that, implying that the United States has been too eager in conceding presumed advantages to the Soviets. As a partial corrective, one ought to understand the numerous and substantial concessions made by Moscow in its determination to promote a mutually acceptable balance.

The foremost issue on which the Soviet Union yielded is one which casts an utterly different light on the gross balance in ICBMs and Strategic Land-Based Missiles. At the outset the Russians had insisted with considerable justification that a fair definition of "strategic weapons" would include all systems capable of delivering a nuclear attack on the homeland of the other party. In order to facilitate a preliminary understanding they reluctantly agreed to treat only long-range missiles, excluding not only the U.S. strategic bomber fleet of about 460 planes but also the enormous number of forward-based systems maintained by the United States in Europe and on aircraft carriers.

These latter types of weapons are unique to the United States, in the sense that Moscow has no true carriers and no forward bases from which to mount a strike on this country with tactical fighter-bombers.

What this means is that the Soviets have granted the Americans at least for the short run, more than 2,000 additional aircraft capable of devastating all of the Soviet Union west of the Ural Mountains. Furthermore, the U.S. B–52s are being modernized with the Short-Range Attack Missile (SRAM) which will vastly increase the lethality of the force; each plane can carry 24 such missiles. And, expensive though they are, the B–52s have demonstrated over Haiphong in recent days that they can survive and function in the densest anti-aircraft environment yet tested in combat.

Those who are tempted to toss off the significance of the Soviet concession on this point should ask themselves how we would view an understanding which left the Russians with a free and unrestricted ride on more than two thousand delivery vehicles, each one of which is quite capable of demolishing any city in the United States. Had the Soviets been adamant in demanding immediate limits on forward-based systems—which play a dual conventional-nuclear role in the NATO posture—SALT could well have collapsed.

Clearly, SALT II and the coming conferences on European security will face hard and complex negotiations on these systems and similar Soviet weapons targeted on Western Europe, including particularly the several hundred Soviet intermediate- and medium-range ballistic missiles.

Another factor is central to evaluating the simple numbers of launchers controlled by the interim agreement. The superficial Soviet advantage in numbers and sizes of missiles is paired against a staggering American advantage in deliverable warheads. Roughly described, the Soviets will have a three-to-one lead in "throw-weight" or megatonnage, while the United States will have a three-to-one lead in warheads.

The ongoing U.S. deployment of Multiple Independently Targetable Re-entry Vehicles (MIRV) on both Minuteman III and Poseidon missiles is sure to maintain that advantage for the period of the agreement; the U.S. warhead inventory may well exceed 10,000 by 1977.

Having flight-tested no MIRV system to date, the Soviet Union can hardly convert its throw-weight advantage into a warhead advantage during these years. Even if they successfully develop MIRV technology, only the larger Soviet missiles look promising as MIRV platforms, and it is not realistic to expect a complete replacement of their existing missile force with MIRV-capable boosters. Judgments may vary, but no one can doubt that Soviet acceptance of continued U.S. MIRV deployment represents a concession of the first magnitude.

The tough Soviet delegation made other adjustments in its original positions, as did the American team. The illustrations here suffice, however, to highlight the fact that SALT I began an important learning process for both sides and persuaded each that its own security required realistic consideration of the other's security needs. There were no one-sided or disproportionate concessions.

PRELUDE TO PARITY

One can only appraise the achievements of SALT I by examining the agenda for SALT II, the second phase of the negotiations which is expected to begin later this year. The true worth of the ABM treaty and the five-year missile freeze lies in what President Nixon has rightly termed the "unparalleled opportunity" they create.

Critics may damn the frenetic atmosphere surrounding the last hours of diplomatic activity, although the issues resolved in those final moments were relatively marginal ones on which the options had been thoroughly explored in advance. Arms control advocates may lament the tardiness and scope of the strategic freeze. Yet the delay in setting the freeze may prove invaluable, because the long and methodical diplomacy preceding it has engendered a degree of mutual confidence which is indispensable to further steps toward reinforcing strategic stability. SALT I has made the cautious decision; the time is at hand for bolder action.

The tight limits on ABM have virtually removed the threats to stability which might arise from defensive deployments. The pressing need now is to curb the instabilities which might arise through offensive deployments threatening the survivability of either side's deterrent weapons. Ambassador Gerard Smith stressed this point on May 9 when he told the Soviet SALT delegation that the follow-on negotiations should seek "to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces." Both countries well understand that, unless progress is made on this front, the ABM limits may not endure.

Two central threats loom on the offensive side of the equation: (1) Highly accurate, multiple warhead systems which could destroy land-based ICBM silos, and (2) developments in anti-submarine warfare (ASW) capabilities which might jeopardize the sea-based forces.

The logic and the structure of the ABM treaty open promising possibilities for coping with these problems. The prohibition of extensive defenses greatly simplifies the deterrent problem. No feasible attack could destroy all of either side's retaliatory weapons; even a small fraction of surviving, single-warhead systems would be able to deliver unacceptable damage to an attacker.

Thus, there is no longer any need for the United States or the Soviet Union to retain the option of MIRVing its boosters, since MIRV is superfluous to deterrence in a situation where there are no defenses to penetrate. Indeed, in the new strategic environment the effect of MIRV systems is not to bolster deterrence by hedging against a non-existent ABM system but to weaken it by posing a threat to the survivability of land-based ICBMs. Thus, in light of the guiding standard of stable deterrence, both sides should perceive their common interest in seeking a ban on MIRV systems.

The potential centerpiece of SALT II could well be a trade of the U.S. MIRV systems now in deployment for a comparable number of Soviet missiles, including the gigantic SS–9s which have caused such consternation. Land-based forces might be phased down to 500 single-warhead systems, while the U.S. Poseidon fleet could be converted to single warhead systems.

The Soviets have been reticent about entering a MIRV limit until they perfect the technology, but skillful diplomats should be able to underscore the advantages Moscow would reap by foregoing MIRV development in return for a suspension of U.S. MIRV programs before they are fully deployed and refined to pinpoint accuracies. The President has stressed that U.S. MIRV systems are intended exclusively for retaliatory purposes, but the Soviets must realize that unrestricted testing in the future may push the technology to such precise delivery accuracies that even relatively small U.S. warheads would jeopardize hardened missile silos. That prospect is still some years away, but only concerted measures to inhibit MIRV testing and deployment can guard against it.

Each side clearly has a greater interest in persuading the other not to deploy MIRV than it has in deploying such systems itself. So long as the United States persists in its own MIRV deployment, it cannot hope to induce the Soviet Union to refrain from similar weaponry. There is a powerful case for the United States to slow its MIRV programs and to offer SALT II a chance to devise mutual restraints on this provocative and unnecessary technology.

MIRV is the principal qualitative innovation which might undermine the quantitative limitations sketched by SALT I. Henry Kissinger has intimated that "questions of technological change" will be addressed in SALT II. The ABM treaty not only facilitates such an effort; it offers vital precedents, for it specifically establishes a number of qualitative limits on defensive systems. Under the treaty, development, testing and deployment of rapid-reload launchers and multiple-interceptor launchers are banned. Sea-based, air-based, space-based or mobile ABM components are ruled out and radars are strictly controlled in numbers and characteristics. Test activities are restricted to designated ranges and the upgrading of anti-aircraft systems is closely regulated.

All of these controls deal with qualitative features of defensive systems. Parallel controls applied to offensive systems and monitored by the highly effective means planned for the ABM treaty could provide a strong barricade against destabilizing modifications of offensive missiles.

A sensible course would be to limit future missile tests to perhaps 10 or 20 a year, and to specify that there be no testing at all of multiple warheads or penetration aids. To convince the Soviet Union that the United States actually eliminates its existing MIRV boosters should pose no difficulty. Satellites could monitor the destruction of Minuteman III silos, just as they could the SS–9 and other complexes.

In the radically altered setting of joint planning for mutual security, it is conceivable that the two sides can agree to more intimate inspection to guarantee that Poseidon and analogous Soviet missiles are carrying only single warheads. The exchange of technical information and crew training arrangements for the proposed joint space venture afford encouragement that the ancient shrouds over the advanced technology of both sides may now be partially removed.

Even without local inspection, however, a stringent prohibition against testing multiple payloads could be verified reliably; since neither side could maintain MIRV systems and crews without frequent operational tests, this kind of ban would provide high confidence that neither, was retaining such weapons. Elimination of large "MIRV-able" boosters would mean that any clandestine work on a Soviet MIRV would be futile, since there would be no significant force to carry such payloads.

In short, having forestalled the instabilities that might flow from large-scale ABMd deployment, the two powers could drastically reduce the potential installibities on the offensive side by precluding MIRV systems. And such a measure could be enforced through precisely the kinds of test constraints they are relying on to verify compliance with the ABM limitations.

ANTI-SUBMARINE WAREFARE

If limits on MIRV would enhance the survivability of the land-based deterrent, there is comparable value in measures to reduce the likelihood that sea-based forces will become vulnerable. This suggests that SALT II should give intensive study to controls over anti-submarine warfare capabilities.

A first and urgent goal would be to limit the number of hunter-killer submarines and other ASW forces to levels consonant with the maximum survivability of the SLBM fleets. It may be helpful to constrain certain undersea surveillance systems, since the invulnerability of the subs hinges directly on their ability to evade detection. One important possibility would be to carve out sizeable areas of the oceans as SLBM sanctuaries in which no ASW forces would normally intrude.

A third major objective of the coming phase of arms control discussions ought to be a comprehensive ban on nuclear weapons tests. There is growing confidence that national means of verification can monitor such an agreement and the administration is actively considering the proposal. By inhibiting further refinement of warheads for either offensive or defensive missiles, an end to underground nuclear tests could contribute markedly to other efforts to prevent destabilizing breakthroughs.

In weighing these and other options for SALT II a cardinal rule of systematic arms control comes into play. It is extremely helpful to have a broad and diverse set of reinforcing agreements, the violation of any one of which would be insufficient to destabilize the balance—but quite sufficient to indicate that one or the other side was acting in bad faith. Conversely, compliance with a number of interlocked arrangements would testify powerfully to the continued dedication of the partners to the common interest enshrined in the agreements.

As the two countries approach SALT II, they face a special hazard. Both sides may be so busy hedging against possible violation of the first accords—by all-out programs to modernize their allowable missiles, submarines, and bombers—that they will lose sight of the unprecedented chance to reduce their need for such hedges.

President Nixon has won some vindication for his thesis that he needs on-going strategic programs to gain bargaining leverage in the negotiations. But it would be tragic indeed if that proposition were taken to warrant full-speed ahead on a host of possibly superfluous programs. That tragedy can only become more likely if the administration feels compelled to defend the agreements of SALT I by buying off its critics with promises of major new weapons.

The United States certainly will wish to continue gradual improvements in its arsenal, but SALT I justifies a moderate, not an accelerated, pace in this realm.

From the diplomatic standpoint, it is fortunate that the planned modernization efforts take time; for example the Soviets could not reach their potential ceilings on SLBM deployment for several years. The U.S. Trident SLBM system would not go on station until late in the decade and the B–1 bomber, if approved, is some years away from operation. There is ample time to use them as bargaining chips, and absolutely no necessity to become wedded to them before diplomacy determines whether both sides can safely content themselves with lower hedges against some hypothetical future attempt to upset the equilibrium.

The imperative task now is to sustain the momentum toward a reliable system of mutual security, a momentum which will be seriously threatened if either nation embarks on a campaign to pacify domestic criticism by intensifying the qualitative arms race.

Nothing Richard Nixon has done speaks so well of his judgment and his courage as the beginning he has made on strategic arms limitation. If SALT II is to fulfill the immense promise of SALT I, the President's diplomacy needs—and deserves the confidence of the Congress and the country. He has earned it.

LEGISLATION BY HYSTERIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. BRAY. Mr. Speaker, the following editorial from the June 12, 1972, issue of Indianapolis News speaks eloquently of the follies of legislation by hysteria. This always crops up in the case of firearms legislation. The editorial makes the point that social problems come from people—not material objects.

GUN CONTROLLERS

We have become familiar in recent years with a political technique which might best be described as "legislation by hysteria."

There is nothing very complicated about this procedure. It is simply a matter of seizing on some national tragedy which has shocked the electorate and demanding that certain measures be taken instantly on pain of having such horrors recur in the future. Usually the measures proposed would do little or nothing to correct things, but the disorientation of public opinion frequently lets the legislation ease through anyway.

This is exactly what is happening now in the aftermath of the attack on Gov. George Wallace. We are being told the assault on Wallace proves the need for controls on handguns, and that we must move at once in Congress to put such controls into effect. A similar outcry went up four years ago after the assassinations of Senator Robert F. Kennedy and the Rev. Martin Luther King, and five years before that following the murder of President John F. Kennedy. In each case the outcry has been mistaken.

To begin with, we may note that a gun control bill was passed in 1968 after the murders of King and Robert Kennedy, and even advocates of further regulation acknowledge that this law has had no discernible effect in restraining violent crime. Predictably enough, the controllers say this is because the law was too weak and watered down, but the facts of the case suggest that further enactments would not be appreciably more successful. There is copious evidence that such efforts totally miss the point.

What kind of gun law, for example, could have stopped the attacks on Sen. Kennedy and Gov. Wallace? Anyone who is willing to make such a close-range assault, in effect trading his life for that of his victim, is hardly going to be deterred by the requirement of gun registration. He can do the deed as well with a registered gun as with an unregistered one, and will hardly be fazed by the idea of having his weapon traced when he knows he will be captured with it smoking in his hand. Gun control is totally unresponsive to such situations.

For more routine criminals, the registration requirement is equally unreal. Someone who is out to commit a crime and want a gun for that purpose can steal one; or, alternatively, can commit violence with a knife, club, razor, or jackhandle. It is noteworthy that New York City, with its tough gun control law, is infested with violent crime. Studies of homicide show it is motivation, not the weapon used, which is decisive in criminal acts.

The gun control furore is a further example of the leading delusion of our age—that social problems derive from material implements rather than people. That conception have been proved wrong in countless different ways. The proper cure for crime is to punish criminals, not to regulate physical objects.

HOUSE CONCURRENT RESOLUTION 228 CALLING FOR A UNITED NATIONS CHARTER REVIEW

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HUNGATE. Mr. Speaker, with regard to our resolution calling for United Nations Charter review (H. Con. Res. 258, and so forth), which has the cosponsorship of more than 130 Members—and a similar resolution cosponsored by 67 Senators—and is still pending in the House Foreign Affairs Committee, I would like to call to the attention of my colleagues an example of the increasing support of such legislation.

Mr. Bruno V. Bitker, chairman of the State of Wisconsin Governor's Commission on the United Nations, has just forwarded to me the following resolution which the commission unanimously adopted on May 30, 1972:

RESOLUTION NO. 2

GOVERNOR'S COMMISSION ON THE UNITED NATIONS

Adopted unanimously at Commission meeting, State Capital, May 30, 1972.

Re Hungate-Cranston Joint Resolution calling for a conference to review the United Nations Charter.

Whereas the Secretary General of the United Nations has requested Member states to submit to him before July 1, 1972, their views and suggestions on the review of the Charter of the United Nations; and

Whereas the Wisconsin Governor's Commission on the United Nations has urged for the past 13 years the need to strengthen the Organization; and

Whereas the lack of agreement by major powers on amending the Charter should not further delay positive action by the United States to assume a leadership role in calling such a Conference; Now therefore be it

Resolved, That the Wisconsin Governor's Commission on the United Nations does hereby endorse the basic concepts contained in the Hungate-Cranston resolutions now pending in Congress, and do hereby urge their immediate adoption.

Mr. Speaker, I believe this resolution is representative of growing interest throughout the Nation in the United Nations and support for a congressional initiative in working toward revitalizing this international organization.

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"GENIAL JIM"

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. DELANEY. Mr. Speaker, so often we take for granted many of our national institutions. For this reason millions of people were shocked to learn that one of America's great and revered institutions, the Honorable James A. Farley, former chairman of the Democratic National Committee, distinguished prior Postmaster General, statesman, and a legend to legions, had been incapacitated by exhaustion and forced to rest in the hospital.

Jim Farley has for so many years shared his wisdom, counsel, and insight with the Nation at large it somehow seemed he would go on and on, not even having time to rest.

I know his great multitude of friends will be delighted to know that he is recovering quickly and will soon resume his arduous schedule. In this connection, I would like to share with my colleagues a recent article by Ernest Cuneo concerning the hectic pace maintained by "Genial Jim," which recently appeared in the Paterson, N.J. News.

The article follows:

HOW DARE FARLEY GET CHEST PAINS

(By Ernest Cuneo)

WASHINGTON.—A wave of indignation swept New York City, as it became known that the ubiquitous General James A. Farley, following a few pains in the chest, had ordered himself off to a hospital for an examination.

It must be explained to outsiders that the health of General Farley, eighty-four this month, is regarded as the final proof that New York City is the healthiest city in the world, come hell, high water or smog, which, incidentally, frequently happens.

Farley fans were quickly reassured, however, as the burly giant from Grassy Point brushed aside the medicos to issue his own bulletins. He was feeling fine, he reported, but the doctors had insisted on a rest and, a reasonable man, he had met them more than half-way.

He would confine his working day while in the hospital to a strict eight hours and utilize only two of his battery of secretaries. Incoming calls would be restricted to members of his family because, following the old Farley formula, if you receive one you receive all, and there's no point in tying up the switchboard of the hospital.

He also agreed to restrict outgoing calls; this he has faithfully done, confining them to his famed far-flung network of prominent Democrats, and confining his inquiries into the health of his beloved Democratic party, which, of course, has been in more or less failing health since Mr. Farley departed as its national and New York State chairman.

The Hon. James A. noticed the pain in his chest as he prepared to go to a banquet. He has attended 105 banquets and 131 luncheons within the last 12 months, which is enough to give most people a pain just to think of it. During this time, an average of 120 letters a day went out over his famed green-ink signature.

At the end of this month, as he has for years, he will receive over 6,000 birthday cards from every state of the Union and every quarter of the globe, remarkably enough. Even more remarkably though, they will be answered on a first name basis. His record of personal thank-you letters still stands, and presumably will for some time.

More particularly, after the 1936 Presidential Election, James A. sat down and dictated no less than 36,000 letters to the Democratic workers, precisely enumerating what each did and assuring each that his efforts made the total possible.

This crash job wore out six secretaries; it was completed just in time to get out the Christmas cards.

Let no man decry the power of the letter. On contributed volume alone, James A. Farley was entitled to hold his Cabinet office of Postmaster General. Actually, however, the general dates his success in politics to a single letter he wrote when he was a young Democrat in a Republican county. His town was about even when James A. became a candidate for town clerk, which he won by one vote.

As the new town clerk made his way down the village street in the fall night, an elderly pillar of the Republican party accosted him.

"Jim," he said, "I voted for you, because you were the only one who wrote us a letter of sympathy when our daughter died. I think anybody that much interested in other people would be good for the town as its clerk."

Well, of course, letters have taken America's most prolific letter writer a long way since—and so has his interest in people. It is said of him that he is the only man who can walk from Seattle to Key West and never be out of hailing distance of a friend.

The personnel is different, of course, but the patttern is the same; younger people come up to him and say, "Mr. Farley, you were my father's friend, and you wrote him when he was ill," etc. etc.

The Hon. James A. Farley doesn't amoke, and pursuant to a promise he made his mother when he was a boy, he has never taken a drink, nor indeed, does he take the Lord's name in vain.

All this adds up to proof that none of these are needed to be the merriest man and the warmest companion in New York City. Like Central Park, James A. Farley is a New York landmark, the living symbol of its open-handed and open-hearted traditions.

That's why everybody is a bit indignant at the general, in violation of his own ebullient tradition, getting a pain in the chest. Thousands, of course, have written him in conventional manner. This, perhaps, explains his terrific spirit, hospital or not; James A. Farley always feels well when there are mountains of mail to answer, and from the amount of it being delivered where he's at, it is perfectly apparent that the U.S. Mails are about to receive another massive transfusion of James A. Farley's famous green ink.

CAPT. ROLAND BRANI—AN OUTSTANDING POLICE OFFICER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. COLLIER. Mr. Speaker, I rise to pay tribute to the memory of Roland Brani, who died recently after having served as a member of the Cicero, Ill., police department for three and a half decades.

During my postcollege days when I was a news reporter and columnist, I had occasion to cover the Cicero Police Department and local court sessions. It was during this time that I met and came to know Patrolman Brani. He was a sincere, dedicated officer of the law who moved from the bottom of the ladder in his department to the rank of captain and then chief of detectives. He maintained this post up until the time of his death.

One of the truly great tributes paid to him was by the International Association of Chiefs of Police which voted him one of the 10 outstanding police officers in the Nation. Certainly the best way to judge an individual and his professional worth is by the esteem in which he is held by those who are most closely associated with him in his field.

Mr. Speaker, the town of Cicero has adopted a resolution which I insert in the RECORD as further recognition that Captain Brani served his community with great distinction throughout his long career.

The resolution follows:

RESOLUTION

Whereas, the Good Lord is his infinite wisdom has chosen to take unto his fold Captain Roland Brani, an outstanding member of the Police Department of the Town of Cicero for the past 35 Years, and

Whereas, notwithstanding his mild, friendly and modest nature, he was the recipient of the greatest respect of each and every man who served in his command, and

Whereas, Captain Roland Brani, known by his many friends as "Beef", had achieved an enviable record, second to none in the entire Nation, filled with feats of bravery, courage, wisdom and accomplishment in the finest tradition of American Law Enforcement, and

Whereas, his reputation as a "Law Enforcement Officer" was justly recognized and complimented when he was chosen by the International Association of Chiefs of Police, an organization comprising over 400,000 members, as one of the "Ten Most Outstanding Police Officers In The Nation",

Now, therefore, be it resolved by the President and Board of Trustees of the Town of Cicero, individually, and as duly elected representatives of the industrial, commercial and residential citizens of the Town of Cicero, and on behalf of the many Judges of the Circuit Court of Cook County, Court Personnel, Police Officers throughout the State, and all others who had the privilege of knowing or working with the "Captain," we offer his bereaved family our deepest and most sincere sympathy for the great loss they have suffered by his passing.

Be it further resolved that Captain Brani will forever be in our hearts and thoughts and we shall be eternally indebted to him for the unselfish and total dedication of his entire self to the health, welfare, safety and betterment of this Community and all of its people, and "Our Captain Roland Brani" will always be remembered by the proud citizens of the Town of Cicero as "The Most Outstanding Police Officer This Nation Has Ever Known."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Tuesday, June 20, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now therefore, O God, strengthen Thou my hands.—Nehemiah 6: 9.

Our Heavenly Father, who hast guided us amid the differences of the past, lead us through the difficulties of the present that nothing may shake our confidence in the future of our beloved country.

May Thy cleansing power flow through us and through our people guiding our youth in right paths and our adults in wise ways. Make us all mindful of Thy presence, eager to do Thy will and ready to work for the highest good of our land.

We humbly beseech Thee to bless our President, to strengthen our Speaker, and to encourage these servants of our Government as they seek to keep our Nation strong and free.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5066. An act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3284) entitled "An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11350) entitled "An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ERVIN, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13188) entitled "An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. HART, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention and Control Act of 1968.

THE LATE HONORABLE GORDON CANFIELD

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, I have the unpleasant duty of informing the House that former Congressman Gordon Canfield, of Passaic County, N.J., died in his sleep last night.

Gordon Canfield was one of the most beloved colleagues I have known in my years of service in the House. He was dedicated and well informed. He concentrated his efforts in the Committee on Appropriations on so many worthwhile projects that actually became law, and was responsible for much legislation that was constructive toward the development of our country.

Gordon is survived by his lovely wife, Dorothy, and by two sons, Carl and Allen. He also had five grandchildren.

Gordon Canfield had 37 years of continuous service to the House and in the House. First he served for 17 years as administrative aide to Congressman George Seger, and was then a Member of the House for 20 years of continuous service.

Mr. Speaker, I will obtain time later on next week when I hope Members who wish to do so may make their remarks about him, and may place them in the RECORD.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I was saddened when I learned this morning that Gordon Canfield had passed away. I was happy, however, that recently Gordon was down in Washington when tribute was paid to him at a luncheon where all of his friends who knew him so well had an opportunity to see him, talk to him, and pay their respects to him on that occasion. It was a wonderful gathering and Gordon looked very well.

Gordon was an outstanding leader on the Committee on Appropriations. He was a diligent worker for his district and a conscientious Member of the Congress on all legislative matters. He had a tremendously broad vision of the problems of the Nation because of his long and faithful service on the Committee on Appropriations where I was privileged to serve with him. In every respect Gordon was an outstanding citizen.

Mr. Speaker, I join the gentleman from New Jersey in extending to his wonderful family our deepest condolences.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I should like to join the distinguished gentleman from New Jersey and the distinguished minority leader in expressing our sadness at the passing of our former colleague.

Gordon Canfield was indeed an able and dedicated and hardworking Member of the House of Representatives. He might best be described as a "House man." By that I mean a Member who was perfectly satisfied to give all of his time and all of his efforts and all of his talents in the work of this great body.

He did that, as I said a moment ago, well and ably for many years and in various capacities.

I attended the luncheon given for him by the Coast Guard in recognition of the contribution that he made to the Coast Guard.

I was pleased to visit with him and his wife, and he looked extremely well at that time and, I must say, I am surprised and saddened by his passing and join in extending deepest sympathy to his family.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, Gordon Canfield was a power in the House during his service here.

He was a senior man on the Committee on Appropriations, and when his party was in power, he was the chairman of one of the appropriations subcommittees. He did an outstanding job.

A gentleman in every sense of the word, Gordon Canfield was a great legislator and a great American.

I, too, was at the luncheon in his honor and I am glad we had that opportunity to pay tribute to this noble citizen of our country.

May the Lord bless his memory.

I extend deepest sympathy to his loved ones.

Mr. PATTEN. Mr. Speaker, the news today of the passing of our former colleague Gordon Canfield was indeed a shock. Gordon was more than a colleague; he was my longtime friend and I believe he considered me a friend of his. While Gordon served on the other side of the aisle there was no dividing line between us. As both the majority and minority leaders have stated here today he was a kind and gentle person ever willing to give of himself and to be helpful to others. There is little wonder his constituency loved him and returned him to office time and time again for he was truly a dedicated public servant—and served them well. He loved people—loved to be doing things for them. Mr. Speaker, Gordon had a motto by which

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he lived during all of his 37 years of public service spent right here on Capitol Hill. He would say: "Few of us are permitted to do the big things in life but all of us are permitted to do the little things in life—and it's the little things that count." How true—and how important today is his philosophy of life. I have lost a real friend and New Jersey and the Eighth Congressional District has lost one of the truly outstanding legislators and public servants of the past half century. May his soul rest in peace. To his beloved Dorothy and his two sons, Carl and Allan, I extend my very deepest and sincerest sympathies.

Mr. WIDNALL. Mr. Speaker, in closing may I just say we wish to extend our very sincere sympathy to his beloved wife and children and call to their attention the fact that we never had a more beloved colleague and a more dedicated colleague in the House of Representatives. His virtues were many and his dedication was great.

His dedication was a determined dedication and he made a great contribution during his lifetime to the welfare of the people of the United States.

GENERAL LEAVE

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the passing of our late colleague.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rosa Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342), for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

There being no objection, the Clerk read the bill, as follows:

H.R. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Antonio Benavides may be issued a visa and admitted to the United States for permanent residence if the said Antonio Benavides is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

There being no objection, the Clerk read the bill as follows:

H.R. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Mrs. Concepcion Garcia Balauro may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia Dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

There being no objection, the Clerk read the bill as follows:

H.R. 7946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jerry L. Chancellor, of Wichita Falls, Texas, is relieved of liability to the United States in the amount of $131.55 representing overpayments of salary paid to him during the period from June 21, 1967, through April 10, 1969, by the Department of the Navy, United States Marine Corps, as a result of administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jerry L. Chancellor, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$124.77" and insert "$131.55".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA BADALAMENTI

The Clerk called the bill (S. 513) for the relief of Maria Badalamenti.

There being no objection, the Clerk read the bill, as follows:

S. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212 (a)(1) and 212(a)(25) of the Immigration and Nationality Act, Maria Badalamenti may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILMA JUGUILON KOCH

The Clerk called the bill (H.R. 10713) for the relief of Wilma Juguilon Koch.

There being no objection, the Clerk read the bill as follows:

H.R. 10713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Wilma Juguilon Koch may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Harry G. Koch, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status, under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 4, strike out the name "Wilma Juguilon Koch" and insert the name "Wilma Busto Koch".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Wilma Busto Koch".

A motion to reconsider was laid on the table.

KYONG OK GOODWIN (NEE WON)

The Clerk called the bill (H.R. 9256) for the relief of Kyong Ok Goodwin (nee Won).

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There being no objection, the Clerk read the bill as follows:

H.R. 9256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kyong Ok Goodwin (nee Won) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, KKyong Ok Goodwin (nee Won) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Andrew L. Goodwin, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLAND. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 212]

Abernethy	Flowers	Miller, Calif.
Abzug	Flynt	Minish
Addabbo	Ford,	Mizell
Alexander	William D.	Murphy, Ill.
Anderson,	Fountain	Murphy, N.Y.
Tenn.	Fraser	Nix
Ashley	Frenzel	Patman
Badillo	Fulton	Pelly
Baring	Fuqua	Pepper
Barrett	Galifianakis	Peyser
Biaggi	Gallagher	Pike
Bingham	Grasso	Pirnie
Blanton	Green, Pa.	Podell
Blatnik	Hagan	Preyer, N.C.
Brasco	Halpern	Pryor, Ark.
Broomfield	Harrington	Rangel
Brown, Mich.	Hathaway	Rarick
Byrne, Pa.	Hawkins	Reid
Cabell	Hays	Rooney, N.Y.
Carey, N.Y.	Hébert	Roush
Celler	Helstoski	Ryan
Chappell	Henderson	St Germain
Chisholm	Horton	Sandman
Clark	Howard	Scheuer
Clay	Jacobs	Schmitz
Colmer	Jonas	Springer
Conyers	Jones, N.C.	Stelger, Ariz.
Corman	Keating	Stelger, Wis.
Cotter	Koch	Stratton
Curlin	Kuykendall	Stuckey
Davis, Ga.	Kyros	Taylor
Davis, S.C.	Long, La.	Teague, Calif.
Delaney	McDonald,	Teague, Tex.
Diggs	Mich.	Thompson,
Dow	McEwen	N.J.
Dowdy	Madden	Wiggins
Dwyer	Mann	Winn
Erlenborn	Mathias,	Wydler
Esch	Calif.	Yatron
Eshleman	Melcher	Young, Fla.
Findley	Metcalfe	

The SPEAKER. On this rollcall 315 Members have answered to their names, a quorum.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15586, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

We bring you today the public works for water and power development and Atomic Energy Commission appropriation bill for 1973.

Mr. Chairman, this is one of the most important annual appropriations bills considered by the Congress.

This is a vital bill—an all-American bill.

This is a significant bill as it represents a program of sound investments in America—investments in flood control, power generation, navigation, reclamation, recreation, water supply, beach erosion, shore protection, nuclear power development, and related programs and purposes.

This bill represents this Nation's continuing commitment to provide needed and essential services for our people at a time when the threat of power shortages—blackouts and brownouts—and power crises faces many areas of the Nation.

I hope the American people understand the true significance of this bill with respect to their own security, safety, and well-being.

Put in the simplest terms, this bill funds projects which will provide:

Essential electric power, flood control, water supplies, irrigation programs, environmental protection, and expansions and improvements in our network and system of internal waterways and navigation.

Essential programs of the Atomic Energy Commission, including continued development of nuclear power production with a promising new reactor program, the liquid metal fast breeder reactor—LMFBR; and

Vital and important programs and projects of the Bureau of Reclamation; the Appalachian Regional Commission; the Federal Power Commission; the Tennessee Valley Authority; the Water Resources Council; and other vital water commissions, boards, and agencies related to water resource and power development.

CAPITAL INVESTMENTS IN AMERICA

These are some of the specific benefits of this bill, Mr. Chairman, and I include herewith a table of cumulative benefits for these programs over the years:

Project benefits

	Total
Annual water supply benefits:	
Gallons of water furnished	11,049 billion
Number of people served	20 million
Annual power benefits:	
Installed generating capacity (kilowatts)	41 million
Net generation (kilowatt hours)	198 billion
Gross revenues	$1.1 billion
Flood control benefits to date:	
Estimated value of flood damage prevented	$21 billion
Expenditures for flood control facilities	$7 billion
Annual navigation benefits: Annual traffic tonnage	1.6 billion
Reclamation benefits:	
Acres irrigated	9 million
Annual value of crops produced	$2 billion
Recreation benefits: Annual visitor days	401 million

This bill represents capital investments in the future of America. Without this continuing program of public works, America would find itself weakened internally and unable to meet the challenges of population growth and economic expansion.

I would point out in the words of a great champion of internal improvements, Henry Clay, that—

> We are not legislating for this moment only, or for the present generation, or for the present populated limits of the United States; but our acts must embrace a wider scope.

And, indeed, this bill embraces projects from Maine to California—Alaska to Hawaii.

We are thus looking ahead and moving ahead with the necessary internal improvements to assure our people and future generations of an America fully capable of relating its public services to growth and progress and the multiplying gross national product with all of the implications of an expanding and growing economy.

PREDICTION OF NEED

The Water Resources Council in an assessment of the Nation's water resources has predicted that by the year 2020 the Nation will have a population of 468 million people—more than double our population today.

The Council made these predictions:

Requirements for municipal water supplies will triple and requirements for industrial water use will increase 300 percent.

Annual flood damage will triple and flood control programs continued at their present rate of construction will at best hold residual losses to $2 billion annually.

Steam electric powerplants will increase water withdrawals more than six times over the present rate of use.

Water tonnage on the Nation's system of internal waterways will increase six times in the next 50 years. The number of pleasure craft alone is expected to increase from 8 million today to 30 million in the year 2020.

And—as we all know—the demand for electricity is doubling every 10 years—a hard fact of geometric progression that must be accepted and necessary power-generating sources provided to accommodate the ever-increasing public demand and consumption.

This bill addresses itself to this need and demand.

NATIONAL POWER SURVEY

The Federal Power Commission in its national power survey released recently declared:

> We foresee recurrent and spreading power shortages unless positive steps are taken, and taken soon, to remedy conditions which are slowing the orderly development of essential power supplies.

The report warned that—

> Contradictory public attitudes about electric power are presently on a collision course.

With the demands for electricity accelerating, and vital power projects delayed or blocked on environmental grounds, the report stresses the need and importance of moving ahead with speed and dispatch to meet public and consumer demands.

The report concludes:

> It will take the best coordinated efforts of the industry, the government, and the general public to prevent this potential threat from proving real.

Predictions of power shortages in many areas have come from Chairman John Nassikas of the Federal Power Commission, Chairman James R. Schlesinger of the Atomic Energy Commission, Chairman A. J. Wagner of the Tennessee Valley Authority, and others.

A number of power-generating facilities—including nuclear powerplants—and water resource projects have been blocked and delayed by lawsuits, injunctions, and bureaucratic enforcement procedures.

NEED FOR A BALANCED POLICY

All of us recognize the need to preserve and protect our environment; and the Corps of Engineers, Federal Power Commission, and TVA and other agencies have developed detailed guidelines to assist in this effort.

However, we must strike a balance between the preservation of our environment and the need for progress.

We must establish a rule of reason that will assure the people of our great Nation adequate electric power and other essential services.

A great conservationist, Theodore Roosevelt, said:

> Conservation means development as much as it does protection.

This statement underlines the balance that must be achieved between conservation and protection—between the preservation of our environment and moving forward with progress essential in the public interest.

Mr. Chairman, as a matter of policy, I want to announce that no project funded in this bill, and not under construction, will be placed under construction unless and until a final environmental impact statement has been prepared and filed.

Every effort is being made to prepare environmental impact statements on all projects and especially on the many projects under construction for many years prior to passage of the National Environmental Policy Act.

Environmental impact statements are being prepared concurrently with all studies and investigations.

Although the Environmental Policy Act was enacted in 1970—just 2 years ago—a total of 306 final environmental impact statements have been prepared by the Corps of Engineers and transmitted to the Council on Environmental Quality.

In addition, 236 environmental impact statements are in the drafting stage. There were 140 projects underway prior to passage of NEPA.

I repeat—environmental impact statements are being prepared for all projects under construction, prior to passage of the act, as rapidly as possible—all studies and investigations carry concurrently the preparation of environmental impact statements.

Certainly no one wants to halt projects under construction for many years and far advanced toward completion.

For example, the John Day lock and dam on the Columbia River in the Pacific Northwest has been under construction more than 10 years and is 98 percent completed.

An environmental impact statement on this project is also being prepared and will be filed in 1972.

The halting of this project under construction would result in needless construction delays—increased costs—delays in placing benefits on the line—and defaults in contractual commitments.

I wanted to make this policy statement for the RECORD and information of all concerned.

As we consider the specifics of the bill, first I want to commend all the members of our subcommittee who have contributed to the preparation of this bill—all have participated and all have been most helpful.

This bill is a product of the entire subcommittee—and we bring you a unanimous report.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from West Virginia (Mr. SLACK), and the gentleman from Louisiana (Mr. PASSMAN), the ranking minority Member, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON).

I want also to commend our excellent committee staff: Gene Wilhelm, George Urian, John Plashal, and Michael Walker.

Our committee has conducted 4 months of hearings on this bill. The testimony fills five volumes and 6,500 pages of transcript.

A total of 1,500 witnesses testified—including 140 Members of Congress.

OVERALL SUMMARY

By way of overall summary, the President's budget recommends $5,542,058,000 for public works and related water resource and power programs—and the Atomic Energy Commission for next fiscal year.

The committee is recommending $5,490,727,000.

This is $51,331,000 under the budget request.

This is a phenomenal achievement.

Almost every appropriation bill reported by the committee this year has exceeded the budget request.

However, I repeat, this bill is $51,331,000 under the budget—less than the President's budget request.

As you may recall, last year when we brought our bill to the floor we were sharply critical of the policy of the Office of Management and Budget in arbitrarily freezing, withholding, and impounding funds. We pointed out at that time, that this negative attitude on the part of officials of OMB could well contribute to power shortages—water shortages—flood damage—other adverse effects and loss of benefits on the line because the impoundments of appropriations were resulting in slowdowns, stretchouts, and delays in many important projects.

I am pleased to advise you at this time that the administration budget request had a new look this year.

The administration's budget request

was more responsive to our committee's request and the needs of the people.

The committee strongly endorses the increases requested in the President's budget for fiscal year 1973 to expedite work on projects under construction.

The reversal of policy from slowdown to acceleration will result in significant savings in project construction costs and speed up availability of essential benefits from additional flood control, water supply, power and other water resource projects.

The committee urges the administration to continue its current policy of optimum funding levels in future budgets to facilitate the completion of projects under construction at the least possible cost to the Government.

The budget this year provides for the largest public works-AEC appropriations in history.

We have been able to effect a net reduction in the budget request primarily because of carryover balances—slippages—and delays in construction schedules.

Our subcommittee exercised its collective judgment and the bill we bring you today is the end result of our hearings and extensive deliberations.

We made some recommendations and set some priorities of our own.

This $5.5 million bill reflects a balance in cuts and reductions—50 percent of the cuts and reductions were made in the budget of the Corps of Engineers and other agencies—and 50 percent in the budget for the AEC.

NEW STARTS

The committee recommendations provided for $178 million in increased construction on appropriations for the Corps of Engineers.

The budget recommended $110 million in increased construction appropriations for the Bureau of Reclamation.

The budget made allowances for only a limited number of new construction starts—15—the committee increased this number by 10 to a total of 25.

We are recommending 25 new construction starts.

A breakdown on new starts recommended in the budget and additions by the committee is as follows:

	Budget	Committee additions	Total
Studies	8	20	28
Planning	10	21	31
Construction	15	10	25
Loan program (reclamation)	4	----	4

In initiating these new starts and increasing appropriations for construction our committee is seeking to compensate for delays—stretchouts, slowdowns, and the prior freezing and impoundment of funds—by restoring the project timetables and returning projects to their original construction schedules.

Yet by exercising fiscal discretion and prudence, the committee was able to effect an overall net reduction.

A total of 482 projects are funded in this bill—either for planning or construction.

You will find the projects listed in the report and we commend to you a reading of the Committee report.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers the committee recommends $1,807,701,000—which is $30,210,000 less than the budget estimate.

Included within this amount are $1,181,098 for general construction; $400 million for operation and maintenance; $54.2 million for general investigations; $105 million for flood control of the Mississippi River and tributaries; and $31,483,000 for general expenses and Office of the Chief of Engineers.

With these funds we are endeavoring to return construction schedules to a reasonable timetable.

Also carried in the bill for the Corps of Engineers are funds for continued work on the new State park development at Center Hill Reservoir in DeKalb and Putnam Counties, Tenn., and other similar developments.

Concerning appropriations for the Corps of Engineers, I want to point out that the bill recommends $6.8 million for continued work and construction on the Cordell Hull Lock and Dam on the Cumberland River in the Upper Cumberland area near Carthage, Smith County, in the area where my distinguished predecessor, Cordell Hull—a great American and a great Tennessean—was born and reared and served.

This great project, costing $74 million, is nearing completion—80 percent completed at this time—with the water closing and impoundment scheduled for September of this year.

The project will be completed with the lock in permanent operation in June 1974.

This project will provide benefits in the following amounts annually:

Power generated	$2,330,000
Navigation	346,300
Flood control and area redevelopment	680,000
Recreation	809,600
Total	4,165,900

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the Committee is recommending $2,615,860,000—which is $41,232,000 less than the budget request.

More than $35 million of this reduction was from anticipated unobligated balances—$15,352,000 in operating expenses and $20 million in plant and capital equipment.

The committee has continued in the bill its full support of the budget request of the AEC for development of an economic liquid metal fast breeder reactor.

A total of $285 million is included in the bill for research, development, and demonstration of this technology which is expected to make a major contribution toward meeting the rapidly growing energy needs of the Nation.

The committee believes that only uranium offers the potential of meeting the fantastic increase in demands for clean and economical electric power which are expected to nearly quadruple by 1990.

The importance of the liquid metal fast breeder reactor is that it is expected to utilize uranium 40 times more efficiently than today's nuclear plants—thus extending for centuries the energy resources available for generating electric power.

This program has been recommended by the President and the Joint Committee on Atomic Energy—and authorized by the Congress.

I want to say at this point that I shall oppose the amendment to strike from this bill appropriations to fund a demonstration plant for the liquid metal fast breeder reactor.

This reactor project is vital—it is needed—it is safe and the only way to develop this technology and evaluate its potential is through research and development—including a demonstration plant.

I also want to say, Mr. Chairman, that I have joined my colleague, the gentleman from Arizona (Mr. RHODES) in urging that this plant be built jointly by TVA, AEC and private industry in the Tennessee Valley area.

The committee also recommends an increase of $5 million for the Cascade improvement program to provide a total of $25 million—the 1972 level—to continue the upgrading of uranium enrichment facilities—the source of fuel for nuclear power plants.

BUREAU OF RECLAMATION

The committee is recommending $463,520,000 for the Bureau of Reclamation in the Department of the Interior.

This is $1,416,000 under the budget request.

Perhaps not all of my colleagues are aware of the ongoing program called Project Skywater by the Bureau of Reclamation.

This is officially known as the "atmospheric water resources management program" and involves seeding the skies in an effort to induce rain over arid regions.

The committee has allowed $6 million for this program, a reduction of $200,000 in the budget request.

Although the committee continues to support this effort which has involved expenditure of $35 million to date, the committee in the report expressed the view that the time has come for the Bureau of Reclamation to seek legislation on this research project to define the scope of this program and the nature of such research in the future.

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The programs of the Appalachian Regional Commission are having a beneficial impact in the 13-State Appalachian region.

The committee is recommending a total of $327 million for the Commission this year, which is $25 million over the budget request.

We are providing for funding for the Federal cochairman and staff as the Federal share of 50 percent of administrative expenses.

The $25 million increase is recommended by the committee for the Appalachian highway program to expedite high priority projects and to assist those States which are fully utilizing their current allocations and prefinancing the Federal share of urgent projects with State funds.

New highways are opening up isolated areas for economic development under this program.

Supplemental grants are assisting communities with limited resources in securing needed public facilities—vocational and technical schools, hospitals, health centers, airports, and libraries, among others.

As one drives through the Appalachian area, the impact of the Appalachian development program is highly visible.

The following table indicates the breakdown on allocations to various components of the Appalachian program.

The committee allowance is allocated to the following programs and activities:

Highways	$205,000,000
Health demonstrations	48,000,000
Housing fund	2,000,000
Mine area restoration	2,000,000
Vocational education	25,500,000
Supplemental grants	37,000,000
Research, demonstrations, and local development districts	7,500,000
Total appropriation	327,000,000

FEDERAL POWER COMMISSION

The committee is recommending $23,500,000 for the Federal Power Commission—a cut and reduction of $390,000 from the budget request, but an increase over this year's appropriation of $1,300,000.

This Commission is assuming greater importance as the problems of energy and fuel supply continue to command the spotlight.

The Commission administers the Federal Power Act and the Natural Gas Act and performs other important work related to both Federal and private electric power development and related natural resources.

I want to commend Chairman John Nassikas and the Commission for its excellent report—the 1970 National Power Survey—released this year.

This report provides an excellent analysis and assessment of the Nation's power problems and needs.

The $1,300,000 increase in the budget over this year was allowed to finance increased Pay Act costs and for additional costs brought on by the increased workload at the Commission.

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of $60,800,000 for the Tennessee Valley Authority which is $2,900,000 less than the budget request.

The appropriation for the Tennessee Valley Authority includes further and additional funding for the Duck River project in Tennessee—$2,500,000 each for work on the Normandy and Columbia Dams in Coffee and Maury Counties.

This $5 million appropriation will make available a total of $12.8 million for construction work on these projects which are urgently needed and long delayed.

These projects enjoy broad popular support from leaders and citizens in the area. There is the urgent need for water supplies to serve five cities—Tullahoma, Manchester, Shelbyville, Lewisburg, and Columbia—and four counties—Marshall, Bedford, Coffee, and Maury—in the immediate area in a multi-county water grid system that has received national attention, as an example of regional cooperation.

The committee in the report also directed TVA to halt and delay plans for dismantling the Reno Bridge in White and Van Buren Counties, Tenn., because of requests by the people in the area that this bridge be retained and continued. The delay will provide an opportunity for further negotiations and discussions between local officials and TVA.

Mr. Chairman, I want to make some additional comments and observations concerning the impact of the Public Works-AEC appropriations bill for 1973 in Tennessee.

Appropriations to the Tennessee Valley Authority are limited to the water resource development program and related activities in the area normally financed by the Federal Government.

The TVA power program is financed from revenues from the sale of power and bond financing in the private markets.

The TVA's power program is self-sustaining, self-supporting, and self-liquidating.

To date the TVA has repaid into the Treasury a total of $1,108,955,272 and is making an additional annual repayment this year of $83,000,000, including $20 million in repayment of the appropriation investment and $63 million in dividends representing the return on appropriation investment.

All TVA power projects begun since the mid-1950's have been financed from its electric power revenues and through the sale of bonds and notes authorized by Congress in 1959.

Capital outlays during fiscal 1973 are estimated at $555.4 million including design and construction of a pumped-storage project, four nuclear plants, a steam plant, and initial work on additional planned generating plants.

WATER RESOURCES COUNCIL

Mr. Chairman, in this bill we are also recommending $6,886,000 for the work of the Water Resources Council.

This appropriation provides for the expenses of the Council and the river basin commissions—the Council is concerned with providing financial assistance to States in developing comprehensive water and related land use plans as authorized by the Water Resources Planning Act of 1965.

The Commission is also concerned with coordinating the overall work of the Corps of Engineers, Bureau of Reclamation, Department of the Interior, TVA and State and local water boards and commissions.

Mr. Chairman, the allocations of funds for other power agencies and water commissions are included in the report and I commend the report for more details to the Members and others interested.

CONCLUSION

Mr. Chairman, again I would emphasize that after facing the budgetary red light from OMB last year, the committee this year welcomes the green light—the go-ahead thrust of the current budget for public works.

We have much unfinished business in water and power development—we have fallen behind because of fiscal stringency brought about in large part by the war in Vietnam.

We welcome the reversal in policy and a departure from the policy of slowdowns, stretchouts, freezes, and delays.

The committee has exercised its prerogatives and discretion by making some of its own recommendations and setting some priorities—and in the process the budget recommendation of the President has been cut and reduced by more than $51 million—$51 million under the budget.

This bill—as I said at the outset—is one of the most important appropriation bills the House will consider this year especially in view of the importance of providing an adequate power supply for the people of this Nation today and in the future.

It hardly seems necessary to point out, Mr. Chairman, that the recent devastating floods in the Nation underscore the need and necessity for public works to protect life and property in the United States.

Mr. Chairman, we are responding to a national need in the national interest with the funds recommended in this appropriation bill.

This bill is a springboard for progress throughout America.

An historian has said that the true law of mankind is progress.

The growth and strength of our economy has been built on this concept and premise.

We are committed to providing a better life for our people by providing essential services.

We all love to hear the chirp of the crickets—the warble of the birds—the throaty bass of the frogs.

But the sounds of progress must also be heard. This bill today is a song of progress that will be heard throughout the land.

This bill serves the public interest and I urge approval of this vital appropriations measure.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question?

Mr. EVINS of Tennessee. I will yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, it would be inept not to compliment the distinguished gentleman from Tennessee who chairs the subcommittee, on his straightforward presentation and certainly his hopes for the future. I rise only for a point of information: On page 20, line 8, there is a "proviso", that pertains to the operation and maintenance of the administrator of the Southwestern Power Administration.

Mr. EVINS of Tennessee. Is the gentleman referring to page 20 of the report or page 20 of the bill?

Mr. HALL. No, it is not in the report; it is in the bill itself. I believe it is on page 65 of the report. Anyway, that portion of the bill simply says:

Provided, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

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I understand that that has been similar language present in modified form before.

What is the committee's thinking and intent as to the amount of dollars involved there in this continuing fund?

Mr. EVINS of Tennessee. It is a very limited amount. The fund is limited by law to $300,000. The provision is to permit the use of the fund in the event of emergencies. The procedure would be identical to that in effect for the Southeastern Power Administration.

Mr. HALL. Mr. Chairman, I have absolutely no objection to that, and I do understand it. Does that mean that within the construction of the 16 U.S.C. 825 S–1, which I have in front of me, and this further proviso, that it would be only for the purpose of maintaining services and for facilities?

Mr. EVINS of Tennessee. This is correct, to meet any emergency that might develop requiring the purchase of power when adequate funds are not available under the operation and maintenance appropriation. This spring, for example, the Southwestern Power Administration had a power shortage involving the hydroelectric projects because of the lack of rainfall to maintain reservoir levels.

Mr. HALL. Would Congress or even this committee consider or countenance construction of a new line under the connotation of "emergency"?

Mr. EVINS of Tennessee. No. Transmission lines would have to be requested and funded under the construction appropriation.

Mr. RHODES. Mr. Chairman, if the gentleman will yield, the item to which the gentleman from Missouri refers pertains only to the operation and maintenance funds and the proposed language as solely for the purpose of allowing the Southwestern Power Administration to use the continuing fund to purchase power to meet contract commitments in the event of an emergency arising from inadequate generation from the hydropower facilities from which the Southwestern Power Administration markets power in the area.

I would say to the gentleman from Missouri that certainly this language provision would not authorize the construction of any transmission facilities. It is intended solely for emergency power purchases and related emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. EVINS of Tennessee. The gentleman from Arizona has stated the position of the committee very well.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate the statement of both gentlemen in making this legislative record. I full well understand the need for meeting peak load demands for commitments by the administration, and the necessity for this. My concern is that it might be used in further extension without the surveillance or oversight and review by this distinguished committee.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I commend the distinguished gentleman from Tennessee, the chairman of the subcommittee, and the gentleman from Arizona, the ranking minority Member, and all Members of this subcommittee, for this legislation.

Mr. Chairman, I would call to the attention of the Members the fact that we who serve on the Public Works Committee this coming week will go out to South Dakota to inspect some of the ravages of the terrible disaster there. Our mind goes back also to the West Virginia disaster. I am merely thanking this committee for their action. Many people like to call this a "pork barrel" bill, but the projects in this bill authorize millions of dollars to correct the damage to the States as a particular function of this bill.

Mr. Chairman, I particularly commend the committee for its action.

Mr. EVINS of Tennessee. Mr. Chairman, I thank the gentleman from Illinois for his comments.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I commend the distinguished gentleman from Tennessee and the entire committee for what I think is an outstanding job. I particularly commend the committee for the statement made in the report in opposition to this new 7 percent discount rate in connection with the construction of reclamation projects and so on, because to me this amounts to disaster if we permit the administration to get away with that. I commend the committee for the interest and the concern and the study that went into this report.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman from California is very astute. It is evident he has already studied the report. His kind words are always appreciated.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman and the committee.

Mr. Chairman, I rise in support of the Public Works-AEC appropriations bill in behalf of the thousands of Missourians who will benefit from the appropriations for our vital public works projects contained in this bill.

The House Appropriations Committee has recommended $8,000,000 for the Clarence Cannon Dam and Reservoir for fiscal year 1973. I commend the members of the committee for recognizing the importance of this project which is an integral part of the continuing economic development and growth of northeast Missouri.

Also included in the committee's bill is $1.5 million for the Long Branch Reservoir in Macon County, Mo., and I understand the reduction reflects a reduced capability of the Corps of Engineers since submission of the budget estimates due to project delays. Again, we appreciate the committee's support of this meritorious project.

The Elsberry Drainage District in Lincoln County, Mo., has been recommended for an appropriation of $120,000 and we are glad the committee has recommended an appropriation to continue planning on the project which will eventually afford protection to over one-third of a million acres of farmland, in addition to towns and industries along the Mississippi River.

The bill contains $140,000 for the North County Levee District in St. Charles County, Mo.—Unit L–15 of the Missouri River levee system. This appropriation will make possible the preparation of a comprehensive environmental impact statement and study on the project. This continued attention to the project and for this funding recommendation will, hopefully, eliminate, through an in-depth study, any misunderstandings or inaccuracies which might now exist.

Mr. Chairman, I cannot overemphasize the importance of these projects to the residents of the Ninth District of Missouri. I am sure all of these public works projects included in this bill will benefit constituencies of many of my colleagues throughout the Nation, particularly those in rural areas where much of their continued development depends on our support here today.

I urge my colleagues to join me in support of this important and urgently needed appropriations bill.

Mr. RHODES. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, whenever we consider this bill, I always like to look at the quotation from Daniel Webster which is behind the platform and recall those famous words of Daniel Webster, which are these:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

I think when we consider this bill, as when we consider much legislation on this floor, it is well to recall these famous words by a very famous American.

Mr. Chairman, it is also with a great amount of satisfaction when we consider this bill that I took at the perennial occupant of the chair, the distinguished gentleman from Colorado (Mr. ASPINALL), who is also chairman of the Interior and Insular Affairs Committee, which has had such a great part to play in the development of the resources of this country and in the authorization of many projects which have been of great benefit to the country.

It has been my personal satisfaction, as well as the satisfaction of the other members of the subcommittee, I am sure, to have worked with the gentleman from Colorado, the present occupant of the chair, and his great committee for many years to better the interests of the country.

I was also pleased that the gentleman from Illinois (Mr. GRAY) made the remark he did, because one of the other great committees which prepares legislation considered in this appropriation bill is the Public Works Committee of

which he is a member. I commend the Public Works Committee for going to South Dakota to look at the flood damage.

It is my hope, Mr. Chairman, that the Public Works Committee will consider the possibility of legislation which would empower the Corps of Engineers and the Bureau of Reclamation to inspect private dams in this country from time to time to determine whether or not they constitute a danger to life and property.

Many of the dams which were built some years ago are getting old now. I am sure there are many which have been weakened, because of storms, material fatigue, and the like, which may well cause the loss of life and property. We have seen this occur just within the last few weeks in South Dakota and within the last few months in the State of West Virginia.

It would certainly be my hope that some permanent program could be established so that the facilities of these great Federal agencies might be brought to bear to prevent similar occurrences in the future.

Mr. Chairman, there are several innovative programs in this bill which, I believe, deserve some mention.

In the first place, we are taking into consideration the fact that water pollution comes not only from man, but also from nature. In this bill there is money for the beginning of a study to control salt water springs in the States of Oklahoma and Texas. Also there is money for the control of springs which are saline in content which flow into the great Colorado River, which is so important to the southwestern part of the United States.

It is with these types of studies that we can proceed to develop techniques for damming off polluted waters which flow naturally into these streams. This will reduce the saline content of the streams and reservoirs and make the water potable, and of higher quality for the use of our citizens in the country.

We are also deeply involved, Mr. Chairman, in the necessity of meeting the energy crisis. If we have one crisis which exceeds any other in magnitude or in scope of its effect on the country, it may well be the environmental crisis, but certainly second and close behind it is the energy crisis.

In this country we have made great strides in past years in recognizing the problems we have with regard to the despoilment of our environment. We have been thinking some thoughts we should have been thinking many years ago and taking some actions we should have taken many years ago. As so often happens, when we realize there has been a great vacuum in areas of endeavor which should have been attacked, we overreact and take some actions which may not in the long run be beneficial to the overall welfare of the country. It is difficult sometimes to find the fine degree of balancing of interests which we must have in order to improve our quality of life in some areas without hurting it in other areas.

This has certainly been true of the fight for the environment. In being zealous in protecting and restoring the environment we have in many instances taken actions which have exacerbated an already bad situation so far as the availability of energy is concerned. It is necessary that we find better ways to burn coal and to burn gas. It is necessary that we burn them in such a way that the particulant matters and the sulfur dioxide from the burning will be at a minimum, and that the air which comes from the smokestacks of our factories and our powerplants is as clean as it possibly can be. But we must not expect miracles. In working for ideal environmental conditions, we cannot postpone indefinitely the fulfillment of other requirements for maintaining the life styles a great majority of our people desire. We must balance these two objectives, and work toward both of them at a sound, efficient, progressive pace.

It is necessary that we support research to advance the state of the art in furthering these two objectives. We are doing well along these lines, but we can do better.

Thus, it is also necessary that we develop new means of providing the power required by our people. I am thinking right now of the liquid metal fast breeder reactor, which is such an important part of the program of the Atomic Energy Commission. There are $285 million in this bill, the full amount that the Atomic Energy Commission can utilize, for the further development of this liquid metal, fast breeder reactor.

Mr. Chairman, the great store of uranium which we have in this country is still not an inexhaustible store. It is necessary when we utilize that uranium for the purpose of making power that we do it as efficiently as possible. The liquid metal fast breeder reactor and the gas cooled fast breeder reactor will result in the utilization of uranium at an efficiency rate which is 40 times that of the reactors which we now have, which are comparatively primitive in their efficiency. The Tennessee Valley Authority together with the Commonwealth Edison Corp. is in the midst now of completing plans for and operating criteria for the construction of the first liquid metal fast breeder reactor plant of a commercial type in this country. The President of the United States made it a national goal to have not only this plant, but also another liquid metal fast breeder reactor plant on the line by the year 1980. I commend the President and the administration for its farsightedness in putting the national power behind this great effort to do what we can to solve the energy crisis before it gets to be a tragic situation.

Mr. SIKES. Mr. Chairman, will my distinguished friend yield to me?

Mr. RHODES. I am delighted to yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Chairman, I have listened with much interest to the learned discussion of the distinguished gentleman. I believe he is making a profound contribution to the records of the House and it seems to me this is a very good time to pay testimony to the excellent work done by this subcommittee. The distinguished chairman, the gentleman from Tennessee and the distinguished ranking Member who now holds the well, and the members of the committee and their staff, perform a great service to the country and to Congress. Yours is one of the most difficult of all subcommittee assignments. You are very patient and listen to many witnesses. You have custody of a great responsibility. You are helping to build America. I am proud of the job that I see you do year after year.

Mr. RHODES. I thank my distinguished friend from Florida and say that praise like this coming from a man who is one of the most effective and efficient Members of Congress is high praise indeed.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to my good friend from Oklahoma now.

Mr. EDMONDSON. I thank the distinguished gentleman for yielding to me. I would like to join the distinguished gentleman from Florida (Mr. SIKES) in a tribute to one of the more farsighted and constructive subcommittees I think serves in this Congress. Under the leadership of the able gentleman from Tennessee, with the able cooperation of the gentleman from Arizona, this subcomittee has indeed helped to advance some of the most important causes in the service of America that exist in our country today. Having pinpointed as you have the energy crisis which we confront and the shortsightedness of this proposed 7-percent discount rate which is a slowdown factor in our meeting our water problems is typical of the great work done by this subcommittee.

I want to extend my personal appreciation to the entire subcommittee, and to its able staff, for the great job they have done.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. RHODES. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I want to thank my good friend from Oklahoma for those fine words. Coming from a person who has also been deeply involved in developing the national resources of our country, these words of praise are very welcome indeed.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the distinguished gentleman and my friend, and the minority leader of the Committee on Public Works of the House, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I thank the distinguished gentleman from Arizona for yielding to me, and I want to join my colleagues in expressing my deep appreciation for the effective and very necessary work that this subcommittee of the Committee on Appropriations has done with this public works appropriation bill. I know the difficulties you have in trying to allocate the limited amount of funds avaliable for projects in this country, but as usual you have done an excellent job. I appreciate the attention that was given to projects that effect the State of Ohio and my particular district.

I want to commend also the chairman of this subcommittee, and all of the members of the committee, and their

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most effective staff, for the very fine job they are doing, have done, and will continue to do in providing projects that will make America great in the years to come.

Mr. RHODES. Mr. Chairman, I thank the gentleman from Ohio, and I just want to add further that without the effective work done by the gentleman and the fellow members of his Public Works Committee and their staff, our work could not be possible, for you do your work first, and you do it well.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to join the gentleman from Ohio (Mr. HARSHA) and the gentleman from Oklahoma (Mr. EDMONDSON) and others on the Public Works Authorizing Committee in paying our highest tribute to the members of this Public Works Appropriations Subcommittee.

I particularly wish to note the exceptional efforts of the subcommittee chairman, the distinguished gentleman from Tennessee (Mr. EVINS) and the ranking minority member on the subcommittee (Mr. RHODES), the distinguished gentleman from Arizona. They, with their colleagues on the subcommittee have been able to bring out one of the most constructive and effective public works appropriations bills this Congress has seen in many years.

The very able staff of the subcommittee has scrutinized each item and has made important revisions and additions to the original budget requests that reflect a responsible and responsive approach to the total public works program throughout the United States.

As one who has followed the subcommittee's work quite closely for nearly 10 years, I believe I speak for all Members of the House when I say that the country and our constituents will remain deeply in the debt of these gentlemen for years to come.

It should be made clear that President Nixon and the Office of Management and Budget are deserving of thanks and appreciation for submitting this most realistic and generously funded construction proposal to the Congress for our consideration.

The President's leadership is reflected by budgetary proposals that show a continued effort to build a better America and a better quality of life for all Americans.

The public works projects relating to flood control, water conservation, and navigation are, in my judgment, essential to the areas involved, and will benefit substantially not only my congressional district, but the entire State of California and the Nation. I would like to mention just briefly those public works projects in the First Congressional District of California for which I earnestly seek your support.

For Bolinas Beach in Marin County, I am requesting the amount of $5,000 for a general investigation. The cliffs of this headland are receding at the rate of 2 feet per year—more than 120 feet since the year 1906. Over the years, much private and public property has been destroyed, and roads and buildings have disappeared. I strongly urge support of this request.

Bolinas Channel consists of a study to determine the feasibility of constructing a small-craft harbor of refuge, one of a chain of harbors of refuge that I am recommending for the north coast of California. The subcommittee recommends $5,000 for this study, and I ask your approval of that amount.

The Cache Creek Basin project is to determine the advisability of constructing or contributing toward flood control improvements in Cache Creek Basin. I am asking your approval of the recommended amount of $30,000 for this important project.

The coast of northern California study is to determine the feasibility of establishing a chain of harbors of refuge for light draft vessels. I feel very strongly that we must place greater emphasis on a system of harbors of refuge to serve light draft fishing, commercial and pleasure craft. Experience has established that a distance of more than 35 miles between ports of refuge is an unsafe condition for small craft. Along the northern California coast, the average distance is 150 miles—five times the safe distance. For this urgently required study, I request approval of $15,000.

Northern California streams is a project to formulate a comprehensive plan for the development of the water resources of streams in northern California. This important study will include multipurpose projects for flood control, navigation, municipal and industrial water supply, power generation, and fish and wildlife. The President's budget requests—and the subcommittee recommends—$120,000 for this study, and I ask your approval of that amount.

The Novato Creek survey is to determine appropriate flood control improvements for this area of great population growth which has suffered flood damage in the past. I am asking $41,000 to complete this important survey.

The Russian River Basin project is to formulate a water resources development plan for the river basin, including consideration of multipurpose reservoirs for flood control, water supply, recreation, and other purposes. For this project, I ask your approval of the amount of $16,000.

The San Francisco Bay and Sacramento-San Joaquin Delta water quality and waste disposal project is for a general investigation for flood control purposes, and I am asking you to approve $710,000, the full amount recommended by the subcommittee for this project.

The purpose of the San Francisco—In Depth—project is a general investigation of the bay for navigational purposes. For this important work I am asking for approval of $190,000.

The Upper Putah Creek project is to determine the advisability of providing improvements for flood control, water conservation, and related purposes in the Putah Creek area upstream from Lake Berryessa. I urge approval of $23,000 to complete this survey.

The Butler Valley Dam-Blue Lake project in Humboldt County, Calif., is located in one of the most economically depressed areas in my district. Of primary importance as a flood control measure this project is also urgently needed for the conservation of water to meet growing municipal and industrial demands, and to provide employment on a local level. It is extremely important that this item be sustained because important decisions have to be made relating to this municipal-industrial facility, and I am requesting $1,280,000 to complete preconstruction planning.

The Crescent City Harbor project is vitally important to the economy of economically depressed Del Norte County which depends heavily on waterborne commerce utilizing the harbor. The harbor serves the fishing fleet, commercial shipping, and as a harbor of refuge. The project is to continue construction of a protective inner breakwater to protect the fishing fleet and harbor facilities. The subcommittee has recommended, and I urge approval of the sum of $1,150,000 to continue this work.

The Dry Creek—Warm Springs—Lake and Channel is the most urgent item I bring to your attention. Continued construction of this very important flood control, water conservation, and recreation project is of the utmost urgency. The annual flooding of downstream areas, which has resulted in millions of dollars in damage over the years would be ended once and for all. Additionally, continued construction will substantially reduce unemployment in this severely depressed area. I strongly urge approval of the amount of $10,400,000 for this project.

The Humboldt Harbor and Bay project is to modify existing improvements. Modifications will consist of widening and deepening existing channels, enlarging and deepening the turning basin and dredging to form an anchorage area. The strategically located harbor is one of the few deepwater harbors on the west coast. I am asking your approval of $50,000 for planning for this urgently needed project.

The Lakeport Lake project is urgently needed for flood control and water requirements of the immediate area. The lake has the potential, during the dry seasons, of releasing fresh water not needed for other purposes, into Clear Lake to improve the water quality. I urge your approval of $310,000 for this important project.

The Russian River and Russian River Basin project consists of continued construction of flood prevention works in the Russian River Basin including downstream channel stabilization and bank erosion protection, and formulation of a water resources development plan for the river. I strongly support approval of $450,000 for this very important work.

Sonoma Creek project is a flood control project urgently required to stem recurring extensive damage in the rapidly expanding San Francisco North Bay Area. The project consists of channel enlargement and levees designed to provide flood protection to an area of approximately 10,000 acres. I am asking your approval of $221,000 to complete advance engineering and design for this project.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note that the Appalachian program funds keep going up year after year and year after year. Is any progress being made as a result of these funds? Is there any way of ever getting that pit filled with dollars, or is there to be a continuation from now into eternity of dropping Federal money into Appalachia?

Mr. RHODES. As the gentleman from Iowa knows, the Appalachian regional development program and the Appalachian Regional Commission were legislated by the Congress, and signed by the President, and are still on the books. The money is being appropriated and is being spent by the States which are involved.

The Appalachian Commission is made up of the Governors of the various States of the area.

I would say to the gentleman from Iowa that the oversight by our subcommittee on this particular endeavor is superficial indeed, and I could not tell the gentleman from my own knowledge whether or not these funds are being spent as the gentleman would like to have them spent. However, in looking at the legislation which established this program it appears that the States were allowed great latitude in what they did, and they certainly do exercise that latitude.

Mr. GROSS. I note that the General Accounting Office has issued a report that is highly critical of the program pointing out that in Johnson County, Ky., they dumped $21.5 million in a period of 5 years in outright grants. This amounted to annual grants of $243 for every man, woman, and child in Johnson County, Ky. I do not know of any other county in the Nation that is so favored, and I cannot help but wonder who is really administering this Appalachian program under those circumstances.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I will say to my distinguished friend, the gentleman from Iowa, funds for the Appalachian regional development program are appropriated to the President. As you are aware this is a unique program to provide special assistance to the economy of the Appalachian area. After only a few years of the program being in operation you can see trade schools, health centers, hospitals, and new roads all contributing to the upsurge in the economy.

I think we are making a very significant contribution and the money is generally being well spent.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. RHODES. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. GROSS. I do not find that kind of information in the General Accounting Office report.

Mr. EVINS of Tennessee. You know the reports of the committee of necessity have to be somewhat brief. I believe our printed hearings point up the benefits which have resulted from the program.

I have heard the testimony of the Commission since its inception and since the act was passed by Congress, and I can say that today significant progress is being made.

Mr. GROSS. There ought to be some progress for that kind of money. I believe you have in this bill over $300 million—an increase of $25 million or $30 million over last year—and this one is above the budget.

Mr. EVINS of Tennessee. Most of the money is for the Appalachian corridor highway program. It is very difficult to build roads in mountain areas. This is where the large costs are.

The funds, as I indicated, are appropriated to the President and allocated to the Governors of our respective States, and the Governor of each State sets his project priorities within the various program categories, such as highways, vocational education, mine area restoration, and health demonstrations and hospitals.

So the decision is made by the respective Governors of the States as to how the money should be spent.

Mr. GROSS. When $243 is distributed to every man, woman, and child in a county, I am not sure the money is going for hospitals or some of the things the gentleman says it is going for.

Mr. EVINS of Tennessee. In reference to Johnson County, Ky., I would hope that the economy of that county would be improved by the expenditure of such funds.

Mr. GROSS. It is impossible to spend hundreds of millions of dollars and not get some benefit out of it.

I am thinking in terms of the rest of this country that is not getting grants of $243 for every man, woman, and child per county. But they are putting up the money. It seems to me that some progress—some real progress ought to be shown out of the hundreds of millions of dollars that have gone into this Appalachian program.

Mr. EVINS of Tennessee. The testimony we received was to the effect that most of the money in this instance went to building roads and it is impossible to evaluate the benefits per individual in the area. The highway would be shared by all areas along the corridor.

Mr. GROSS. But they want roads into Johnson County, Ky., do they not, in order to bring in tourists and industry?

Mr. EVINS of Tennessee. The gentleman is correct.

They want to get tourists there and they also want to attract industry to create jobs.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I rise to support what I believe is a realistic appropriations proposal for our Golden State.

As many of my colleagues know, my district is the largest in California and contains most of the State's water supply. Having most of the supply also means we have most of the problems—especially too much water at the wrong place at the wrong time. My district also is greatly and adversely affected by the struggling economy. Unemployment is running from 8 to 14 percent, well above the national average. Therefore, public works projects are vitally needed not only for the normal requirements of providing flood control and supplying irrigation water, good quality drinking water, and recreation for this country's most populated State, but also to create jobs.

This Appropriation Committee and its fine Public Works Subcommittee has been most understanding in meeting the needs of my area but now the needs are more desperate than ever before. Public works construction can provide work and bring in dollars to the local people and eventually the U.S. Treasury, but they are high quality projects that mect the needs of the people in that they will provide employment, flood protection, irrigation and drinking water, open space, swimming, boating, and fishing.

Because of the sensitivity to our needs as shown by the Appropriations Committee in the past, the Bureau of Reclamation has made great strides forward on the Auburn Dam project. Once again the committee has seen fit to move ahead on the great project, adding $600,000 for the start of an essential unit of the overall project, the Sugar Pine Dam and Reservoir which is the key unit in the development of the Foresthill divide water system. The reservoir is relatively small, consisting of 16,500 acre-feet of storage capacity, but would permit the agricultural and industrial development of an area stricken by unemployment and having an extremely expensive and poor quality water supply. The Bureau of Reclamation has a capability of approximately $600,000 on this project. I hope that this House will concur with an additional $600,000 for the start of the Sugar Pine unit. This is an area where our investment in the project could be quickly realized if we move ahead at this time.

It also is imperative that we get full funding on our other projects—such as the Auburn Reservoir. The $24,159,000 requested for Auburn will continue construction of the Foresthill Bridge and diversion tunnel, purchase right of way, and will permit advertisement for bids on the keyway, foundation, and spillway excavation in the fall of 1972.

The $13,491,000 recommended for the Tehama-Colusa Canal will finish the Thomes Creek syphon which is critical to the operation of the canal and the fish facility.

The $5,841,000 on the Folsom-South Canal will allow completion of 26.6 miles of canal so water will be available to the Rancho Seco powerplant and permit design of the next sections.

Similarly, Mr. Chairman, I would like

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to make special mention of a program which the Bureau of Reclamation is carrying out in the Imperial Valley of southern California—which may prove to be one of the more significant developments in the water resource field in our time. I refer to the geothermal investigations which are being done in concert with the westwide water plan study.

The appropriations bill before us today contains $1,150,000 for continuance of this work and most of this money will be used for drilling the first exploratory well. I endorse this item most strongly and feel we must move deliberately—to prove up this resource. I do not feel, however, that we should engage in the drilling of a number of wells until we have the benefit of the experience and knowledge to be gained from our first attempt.

Mr. Chairman, turning now to the other portion of the public works appropriations, those relating to the projects of the U.S. Army Corps of Engineers, I would comment that the appropriations bill which we have before you is realistic and will provide for continuing development of our water resources, especially as they relate to flood control. I would like to single out a few projects for special mention.

First of all, the Buchanan and Hidden Reservoirs—the twin projects getting underway in Madera County. I was very pleased that last month we received a favorable bid for construction of both of them. It looks like we are soon to see the dirt fly on both of these projects. The $4.5 million for Buchanan and the $6 million for Hidden Reservoir will meet the contractor earnings for the 12-month period commencing July 1. It is essential that we meet this timetable for if we experience any slippage in these two projects we will lose a full flood season. Both dams are scheduled for completion in the late fall of 1974. This will be close, but I am quite confident that if we can meet this schedule we will have protection for the cities of Madera and Chowchilla during the winter of 1974 or 1975. This is our goal.

On the New Melones project on the Stanislaus River, the next major contract which will be construction of the dam itself, we have experienced some slight delays on the award of this contract. Here again I hope that these delays will not delay the final completion project which is slated for the fiscal year 1978.

The $26 million included in the budget will finance the start of the dam and continue the work on the diversion tunnel and relocation of Highway 99 and Parrot Ferry Road.

Mr. Chairman, there is one area which is critical but has not been funded—that involves the Cottonwood Creek project in northern California. Proposed is a two-reservoir multipurpose project on Cottonwood Creek, a major uncontrolled tributary to the Sacramento. In recent years this creek has been responsible for heavy flood damage in many areas along the Sacramento River for dozens of miles below the convergence of the Sacramento River and the Cottonwood.

In 1970, the Congress authorized the Cottonwood Creek project, however, in this authorization there was a prohibition against construction until the problem of marketing the water was resolved. This prohibition was against construction, not against design.

It is anticipated that the preconstruction work will consume 5 years or more which would be ample time to resolve the internal differences between the agencies of the Federal Government now in disagreement. Accordingly, Mr. Chairman, I had hoped for an appropriation of $300,000 in fiscal year 1973 to permit us to commence this design work. Not only would this not be in conflict with the prohibition against construction, but I feel if the design work were started it would act as a catalyst for discussions for marketing the water and I hope would result in a resolution of this disagreement. The committee did not concur in this recommendation and I will redouble our efforts on this for fiscal year 1974.

In conclusion I want to again express my deep appreciation to the full Appropriations Committee chaired by the distinguished gentleman from Texas (Mr. MAHON) and to its Public Works Subcommittee chaired by the outstanding gentleman from Tennessee (Mr. EVINS).

Throughout my 14 years in the House of Representatives these committees have demonstrated great wisdom and farsighted concern for the conservation and wise utilization of the Nation's water resources. Throughout the country and the State of California and my own congressional district the development of these resources for the many many beneficial uses provided for under the multiple-use concepts have resulted in genuine growth and progress for our people and community.

The Appropriations Committee and its Public Works Subcommittee can be mighty proud of their acknowledgement in this field and I know that it will continue.

Mr. RHODES. Mr. Chairman, I thank the gentleman from California not only for his contribution now but for his great contribution as a distinguished member of the Committee on Interior and Insular Affairs.

Mr. Chairman, I would like to mention briefly, if I may, a subject which was mentioned by the very distinguished and very able President of the United Mexican States, speaking in this Chamber only last week. That had to do with the salinity content of the Colorado River. It is a well known fact that as a river is developed and its waters utilized that its saline content rises. That has happened to the Colorado River.

Some years ago a treaty was made between the United States and the United Mexican States involving the division of the waters of the Colorado River, in which it was agreed that a million and a half acre-feet per year would be allowed by the United States to cross the international boundary each year. Nothing was said, Mr. Chairman, about the quality of that water, and that omission was not accidental. It was purposeful. It was purposeful because the million and a half acre-feet of water which Mexico gets is much more than anybody dreamed Mexico could use or would be legally entitled to. The excess water took into consideration, and compensated for, the fact that the quality of the water would go down as the water was put to use upstream. So there is no legal requirement on the part of the United States to guarantee the quality of the water as it crosses the international boundary.

However, as the President of Mexico said so eloquently, the United States has been able to put to use its great technology, its knowledge, and its abilities to solve problems to work for the benefit of people who had previously been our enemies, and it certainly behooves us to do all we can to help those who are our friends. The people of the United Mexican States are our friends. So as a matter of friendship and international comity I think it behooves the United States to do what we can to make the saline content of the Colorado River as it crosses the international boundary as low as possible.

I have given much study to this problem, and I think I have a solution which, over a long period of time, will satisfy both the United States and the United Mexican States. The main and underlying problem is the fact that there is not enough water in the Colorado River to do all the things which the river is supposed to do. When we divided its waters between the States of the upper and the lower basin in 1924, and when we concluded the treaty with Mexico, we thought we were dealing with much more water than we have subsequently found to be the case. One of the solutions, of course, is to increase the supply of water. This would solve two problems. One is the need for water higher up in the stream for use in the United States; the other is the need to control the salinity of the water which goes to Mexico.

We should construct in the littoral of the Gulf of California, in partnership with the Mexican States, a plant to desalinize some of the waters of the Gulf of California, and to do so by using power which would come from a nuclear plant to be built in partnership with Mexico, either in the United States or just across the border in Mexico. This plant could be a liquid metal fast breeder. It could be the second plant which the President of the United States has said he wants to build. It could be a more conventional type. It could be a plant built by public money, or by private industry. The power utilities of the State of Arizona and the State of California are considering now the construction of a nuclear plant to provide more electric power for that area, which is now short of conventionally generated power.

But be that as it may, it is known this comprises a great opportunity for the people of the United States and the people of Mexico to go into partnership on something which will be for the mutual benefit of both of us, and will allow us to cement the great friendship which we have enjoyed with our sister republic through the years. I recommend very highly to the President of the United States and the President of the United Mexican States that this project, which is one of great magnitude and one of great importance, be given very serious consideration.

In closing, I want to congratulate the Office of Management and Budget. When I was here last year I took them to task, because of the fact that we did not have enough funds authorized in the budget to do all the things which needed to be done. This budget, as far as construction is concerned, is quite adequate. We hope there will be more funds in the future for further projects, general investigation, and the like. Even better, Mr. Chairman, the funds which had been impounded by the Office of Management and Budget last year have been released. I really feel that at the present time this office, which certainly performs a great function for the U.S. Government, is working on the side of developing this country, as I am sure they want to do, and as I am sure they should.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I compliment the chairman and the gentleman from Arizona and the committee for the bill which they have brought before us today.

Mr. RHODES. Mr. Chairman, I thank my friend, the distinguished gentleman from Virginia.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, today we bring to you our bill providing funds to continue to have the Federal Government assist in the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standards of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

Mr. Chairman, it is a pleasure to serve on the 55-member Committee on Appropriations where I rank right next to Mr. MAHON, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I especially wish to compliment my chairman, JOE EVINS of Tennessee, and the ranking member, JOHN RHODES, of Arizona. They, with our fine staff headed by Gene Wilhelm, do a wonderful job, as do other members of the subcommittee.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation is fearsome to contemplate.

For, I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country, if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in natural resources, rich in the things that provide our high standard of living, then we truly will have left them a fine heritage.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill. However, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $105 million for the Lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $375,000; the upper auxiliary or alternate channel, $475,000, the full amount that can be used for preliminary planning and construction; Yazoo backwater, $3,615,000; Tombigbee River and tributaries, flood control, $1,500,000; Tennessee-Tombigbee Waterway $12,000,000; Yellow Creek Port project—TVA—$3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs—Arkabutla, Enid, Grenada, and Sardis—for regular development toward the master plan the sum of $1,603,000.

The committee has provided an additional amount of $300,000 under construction, general, and $150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step in bringing recreational development up to national levels.

OUR REPORT

In our report we provide the following directive. I quote:

In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads. Yazoo Basin: Within the funds provided the committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91–566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will compliment and in fact initiate a project that will total $9,000,000 under the recommendation of the Corps of Engineers now before the legislative committee—

The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The committee reiterates its directive that planning shall proceed from south to north so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

RURAL ELECTRIFICATION AND RURAL WATER SYSTEMS

Mr. Chairman, you can understand why I enjoy serving on the Appropriations Committee. It gives us such a wonderful opportunity to aid in things so essential to our well-being. My subcommittee provided funds for rural electrification, where we will never be satisfied until we reach everybody that we possibly can and eventually have area coverage here; for school milk funds for which we added over the budget; for school lunches where we made great increases which the Department is trying to divert; for 4–H Club work, where we made 4–H available to youth in our cities; for nutrition aids in city and county; for the ACP—now REAP—and the SCS—and now our most pressing problem is that the executive branch is holding up the funds, thereby adding to costs and further damage to our environment.

Funds for REA, water and sewer grants, SRS, are still being held up. My subcommittee expects to reappropriate these frozen funds next week, and further we are going to provide that not less than 20 percent of the loan funds for water systems shall be available for existing

borrowers to serve new customers and improve service.

RURAL HOUSING

We are proud of our record on rural housing where, by changing one word "farm" to "rural" in the housing program, we led to the building of millions of rural homes. The money will be repaid. We are merely providing for rural people Government guarantees for loans which those in our urban areas have had for many years.

Again, Mr. Chairman, I repeat what I said several years ago when the Congress overrode the President's veto on our second effort: The more we owe, the greater our problems, the more important it is that we protect the base on which it all depends—our land, our rivers and harbors, and natural resources—for without them not only could we not make it, but our children would not have a chance. They can set up their own monetary system, but leave them a wornout and flooded land and they have nothing on which to build.

I am glad to see the apparent united support of the Congress of the actions of our Appropriation Subcommittee on Public Works.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I compliment the House Appropriations Committee for its overall economic stance on the public works appropriations bill, H.R. 15586, yet I must at the same time express regret in its failure to include $300,000 for preconstruction planning of the deepening of Tampa Harbor.

Sometimes, Mr. Chairman, I believe we lose our perspective as to what is important and what is not. We fail to appropriate a small amount of money to continue a vital, national project because the administration has not requested it, yet often we embrace programs running into the billions because they are in the budget.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy.

I urged the Appropriations Committee to place $300,000 on Tampa Harbor this year, which is the Engineers capability, so that preconstruction planning could begin. The following is my testimony before the committee on May 17, 1972, which I would like to be made a part of my remarks today.

I hope that the Senate will act favorably on the request for $300,000 so that no more time will be lost in getting the needed deepening of the Tampa Harbor channels underway.

The statement before the Appropriations Committee follows:

STATEMENT OF CONGRESSMAN SAM M. GIBBONS

FUNDS REQUESTED FOR TAMPA HARBOR

Mr. Chairman, and Members of the Committee, I appreciate the opportunity to appear before you in behalf of the most important project within my Congressional District—the deepening of the channels of Tampa Harbor from their present 34-foot depth to 44 feet.

I urge your Committee to appropriate $300,000, which is the Corps of Engineers' capability for fiscal 1973, so that preconstruction planning and environmental studies can begin on this vital national project. The deepening was authorized under PL 91-611. I also request that $60,000 be appropriated for a study to include in the project maintenance of the North Part of East Bay. Resolutions were adopted in 1971 by the House and Senate Public Works Committees calling for this study.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy. Deeper channels are essential to handle deeper draft vessels now plying international trade.

BACKGROUND INFORMATION

To review a little background history, as you know, the Corps of Engineers studied the proposal to deepen Tampa Harbor channels and concluded that the channels should be deepened to accommodate existing and prospective traffic of large bulk carriers. In its report, the Corps concluded ". . . the plan is economically justified and worthy of construction. . . ."

The Corps' recommendations were approved by affected governmental and state agencies, including the Office of Management and Budget, and authorized by the Congress (PL 91-611). The project enjoys a favorable benefit-to-cost ratio of 2 to 1.

Last year, Mr. Chairman, your Committee recognized the importance of Tampa Harbor to the economy of the nation and placed $200,000 on Tampa Harbor even though no budget request had been made for these funds. These funds were to be used by the Corps to update its comparative costs for a 44-foot depth, which was the depth *authorized*, as against the 42-foot depth, which was the *original* recommendation of the Corps of Engineers; to *again* review offshore loading alternatives, and to consider new environmental concerns.

Several days ago when I was talking with Lt. General F. J. Clarke, the Chief of the Corps of Engineers, he stated that the funds had been utilized and the studies were nearing completion. During our conversation, he remarked about Tampa Harbor ". . . it is one of the best projects we have in terms of economic benefits. . . ."

So the Corps will be ready in a matter of weeks to move ahead with detailed preconstruction planning, engineering, and environmental review, for which the Corps has advised me its capability for 1973 is $300,000 and that is what I am requesting today.

At this point, Mr. Chairman, I would like to call especial attention to the detailed report which is being submitted today by the Tampa Port Authority in which is discussed among other things, the plans and priorities for the deepening, the study of offshore loading alternatives, and the environmental concerns for which the $200,000 was appropriated last year. I concur in this report. Briefly, the points to be emphasized are:

(1) The increase in depth for the main channel from 42' x 500' (originally proposed by the Corps to 44' x 500' (as authorized) increases the quantity of material to be removed by only 10.4 million cubic yards and would increase the costs over a 42' x 500' main channel by not more than $11.4 million, considerably less than the estimated $30 million.

(2) The second part of the study for which the $200,000 was appropriated was to again review the offshore loading alternatives. There has been no change in circumstances to warrant consideration of offshore facilities or facilities closer to the entrance. The Corps thoroughly studied these alternatives and concluded they were not feasible.

(3) The Tampa Port Authority has been farsighted in moving ahead in responsible environmental planning. At the request of the Tampa Port Authority, and financed in part by the Authority, the U.S. Geological Survey conducted an in-depth study of Tampa Bay, the flow of water, and the formation of the Bay bottom and water quality. The results provide data to insure that the dredging will not interfere with the natural environment of the Bay. Assurance has been given by the scientists of the Geological Survey that spoil could be so placed as to enhance the quality of the Bay rather than to damage it. Computerized data will provide a mathematical model of the Bay which will assist in making decisions as to spoil placement. The Jacksonville District Engineer has advised me that this study will "greatly assist the Corps in its planning and shorten the time required for the planning."

To summarize: the project is in excellent shape for the utilization of funds to plan the construction in detail and coordinate the environmental aspects of it.

ECONOMIC BENEFITS

The Corps of Engineers' reasoning for a deeper Harbor is sound. It has stated that the present 34-foot channels will not accommodate the deep draft vessels which now serve the Port when they are fully loaded. Without the deepening of the channels, the ships which ply the major sea lanes of the world increasingly will be lost to Tampa's port trade, because the vessels are growing deeper in draft year by year.

Florida is the second fastest-growing state in the nation and Tampa Harbor is one of its economic assets. It is strategically located not only to serve Florida, but to serve the water-borne transportation needs of the Nation. Tampa Harbor handles half of all of Florida's port tonnages.

Tampa Harbor is an important national economic asset. It contributes more than $50,000,000 annually to the U.S. balance of payments; provides some $18,000,000 annually to the Federal Government in import duties and taxes; provides the facilities for handling 83% of all U.S. exports of phosphate rock. Tampa Harbor provides jobs for at least some 36,000 wage earners with an annual payroll in excess of $210,000,000 from businesses related to port activities in the immediate 8-county area.

But Tampa Harbor is now handicapped and handicapped severely. While it ranks 8th in major ports in the United States, and 4th largest in total tonnage of goods moved to world markets, it is the shallowest port of any of the 20 largest ports in the United States. Seventeen have channel depths of 40 feet or more, in comparison to Tampa's 34 feet.

Outlined below in table form are important facts about Tampa Harbor's contributions to the economic health of the Nation.

THE PORT OF TAMPA, FLA.: PORT FACTS

Total tonnage in 1971—36,032,198
Total foreign tonnage—14,859,797
Value of foreign tonnage—$380,116,840
Rank in nation—8th in total tonnage handled, 8th in total foreign trade, 4th in total exports, 15th in total imports, 3rd in export rail cars unloaded
Trade with more than 75 countries
Principal exports—Phosphate, phosphatic products, scrap metal, citrus products, livestock, tallow, wood pulp, naval stores, general
Principal imports—Petroleum products, sulphur, nitrate of soda, lumber, potash, newsprint, cement, bananas, fertilizer chemicals, coal, steel and general
Customs receipts—$16,611,220
Rank among State ports—Handles 47.5% of all Florida waterborne commerce
Benefits—Provides jobs for some 36,000 wage earners with annual salary of $210,000,000; annual tax revenues of $16,000,000; crews from vessels handled through port spend $5 million annually in area

Facilities—7 general cargo terminals; 5 phosphate elevators; 6 chemical terminals; 2 cement terminals; 19 petroleum terminals; 2 scrap metal facilities; 3 grain, feed elevators; banana unloading facility; USDA approved cattle export facility; 3 ship repair yards; 440 acres of public land available for lease

Vessels—4,084 entered in 1971: 1889 ships, 981 barges, 829 tugs, 385 shrimp boats

SUMMARY

Mr. Chairman, one of the problems we constantly wrestle with on the Ways and Means Committee is how to finance the operations of government. We ponder on how to work out the trade problems we have, and how we are going to work out the problems that have to do with our balance of payments. Sometimes, a project presents itself as a "real winner" in the balance of payments problems—one that *brings in* dollars to bolster our economy—such a project is Tampa Harbor.

We have in Tampa Harbor a great national asset that must be kept operable. I believe that our Tampa Port typifies how our great Government and private industries can work together for a strong national economy.

I do not believe there should be a further lapse of time in getting the deepening underway, and for that reason, I urge you to place funds on Tampa Harbor in the amount of $300,000 for preconstruction planning and design, and $60,000 for the study of the maintenance of East Bay for inclusion in the project.

FOUR RIVER BASINS

The Four River Basins project for flood control and water conservation has a most important impact upon my district. I am, therefore, pleased, Mr. Chairman, that the President has requested in his budget $7,600,000 to continue the construction work of the Four River Basins. I thoroughly concur in the request and hope that your Committee will place funds on the project in the requested amount. I understand that this is the Corps' capability.

Thank you, Mr. Chairman, for allowing me to present testimony before your Committee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I commend the committee for the excellent job they have done in allocating funds under this bill.

Mr. Chairman, I want to make particular reference to some projects in central Iowa which I have been supporting for several years and to thank the committee for including appropriations for them in the full amount requested. This bill provides an additional $10,100,000 for fiscal year 1973 for the Saylorville Reservoir. The $10,100,000 would be applied as follows:

Complete acquisition of land in reservoir area	$627,000
Continue construction of relocation items	8,100,000
Continue record monumentation and removal of structures in reservoir area	20,000
Initiate construction on the final stage of the dam and continue operation and maintenance on the dam and appurtenances	666,000
Continue installation of permanent operating equipment	24,000
Engineering and design	170,000
Supervision and administration	493,000
Total	10,100,000

Allocations for this project to date total $29,595,000 and together with this $10,100,000 just referred to, the project will be well on its way to completion. It is estimated that the total balance needed in future years would be $22,605,000 and that would include the cost of some recreational facilities, permanent operating equipment and other costs which would not be needed until the construction has been completed about 3 years from now.

At one time, it had been hoped that the project would be completed about this year. However, two things primarily have been responsible for the delays. After the project had been underway, local interests and State interests decided that they would like to have a State recreational area on Big Creek. Had this desire been cranked into the original proposal, the project could possibly have been completed one and one-half years sooner. I recommended the delay necessary in order to include this project and that additional substantial sums of money be provided by the Federal Government in order to amend the project as requested because I do believe the Big Creek project will be a good one and should have been included from the beginning. Construction of that Big Creek dam has been completed and the reservoir is now filling with water. It will be a quiet type place where citizens can get closer to nature and relax in a calm and more inactive atmosphere.

On the other hand, the principal Saylorville Reservoir will provide a place for boating and active type recreation. The two together will be a great boom to the needs of the people in central Iowa for recreational facilities of this type, in addition to permitting the kinds of conservation practices in the valley and in Des Moines which have not been followed because periodic floods have made it economically impossible to do so.

The other project I want to refer to is the one on Skunk River, which in the hearing record is called Ames Lake. In 1964 or 1965, I discovered that one of the few sites in Iowa where a reservoir can be constructed on an economic and beneficial basis was about to be destroyed together with the valley involved and that this was about to occur with the approval and consent of the State conservation commission, natural resources council and local citizens groups. It was about to be destroyed in order to construct a divided interstate highway right through the middle of it with an access nearby. It is located near the city of Ames and the economic interests could see development and dollar signs much more clearly than they could see the need for enhancing our environment and preserving an outdoor recreation area for future generations. Some of the same persons who are now opposed to a permanent preservation of this area were eager to see the area covered with a highway, houses, paved streets, and under private ownership in small parcels.

The area involved is in the headwaters of the Skunk River. Surrounding this area is an abundance of rich, flat farmland. This farmland, only a relatively few years ago, had been covered with swamps and the drainage into the river immediately following rains was in rather small amounts. When the heavy rains fell in that area, the water was spread out over many sections of land until it evaporated. Over a period of hundreds of years, the valley accommodated itself to this kind of a water drainage situation. In other words, the river basin simply did not accommodate itself for the huge increase in runoff that has occurred since this area has been drained through tiles and drainage ditches. In addition to the huge increase in the volume of water dumped into the valley as a result of farmland drainage, the city of Ames has grown rapidly nearby and as streets were paved and parking lots and large areas were hard-surfaced, more and more water has been channeled to the river instead of soaking into the ground where it fell. Altogether this change of the past 50 years has resulted in such a tremendous increase in the volume of water dumped into the river immediately following the rains that the little valley has no chance whatever to handle it on anything like a reasonable basis. Constructing a dam in the area proposed will help to hold some of this water back in the headwaters area and restore the volume that goes down the valley below the dam more nearly to the volume the river had over a period of hundreds of years developed an accommodation for. There will, to be sure, still be excess water in the valley, but at least it will be reduced to more manageable proportions.

The only way to save this valley and this site from being covered up by a highway in 1965 was to quickly secure its approval as a site for a proposed reservoir. With the cooperation of my colleagues in the Congress, this was done with great speed and thereby the money was secured to pay for rerouting the highway around it and give future generations some hope of using this area for public purposes. No local or State group made any alternative offer of a financial arrangement to save the valley from being covered up by the highway.

This was before many people were talking about the environment—but this was a measure taken to save the environment. Many of those who now claim they are for enhancing the environment were strangely silent at that time or in favor of constructing a road over the area. The action taken to make it a Federal project was one in favor of preserving and enhancing the environment in that area.

In spite of the fact that a new environmental impact statement was secured in 1970, another was recently ordered and is due about 6 months from now. It does not take any great amount of study but rather only a little commonsense to see that if this area is not used for a reservoir and the area surrounding it used for public purposes with money secured through Federal appropriations, this area will simply be destroyed as far as the public is concerned and converted into housing and used for private purposes. Anyone that can add two and two can see that economically this situation will occur. While some have vaguely talked about making horseback trails in the area and using it for such purposes, they have not come forth with any plan for financing, have not proposed any in-

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creases in local taxes to pay for it and many of them are the very ones who want to benefit from subdividing and using it for private purposes. Because they have been unable to find better reasons, some are now even trying to latch onto claims that they are even for a good environment; but it was obvious to the subcommittee that the decision for the environment was made in 1965 when this project was started as a way of saving the area and purchasing it from private sources to make it into a public recreation and wildlife area. It is not possible to roll back the physical characteristics of Story County to the time before Ames was developed and the farmland was drained. However, we can, through this project, reduce the abuse that has been heaped upon this river, use the water that is held back to increase the quality of water below the dam and provide many, many additional miles of shoreline shows the dam as a habitat for wildlife. I want to commend the committee for seeing through the phony arguments presented by the commercial interests and also by the well-meaning, but in most cases ill-informed, opponents who by their opposition would preserve the area for destruction by private economic interests; and I urge the House to approve the request of $700,000 for fiscal year 1973 which will be added to the amount on hand from previous appropriations for land acquisition preparatory to beginning construction and to relieve hardships by persons who want to sell but are now at the mercy of speculators.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 15586 as it has been reported by the Committee on Appropriations. Today people are greatly concerned about our national priorities and the need to concentrate Federal programs on domestic problems.

The problems of flood control, water supply, irrigation, conservation and recreation certainly deserve high priority.

I especially want to concur with the committee's action in deploring the slowdown and stretchout of projects in recent years. Appropriate action has been taken to increase certain budget estimates for fiscal year 1973 to expedite work on a number of projects.

For example, the Committee on Appropriations has recommended $230,000 for fiscal 1973 for an ongoing study of the Arkansas River from Great Bend, Kans., to Tulsa Okla. This investigation was authorized by Congress in 1965. The failure to provide funding to the full capability of the Corps of Engineers has caused a slippage in the completion date to 1977. There are many questions to be answered by this important study. One of the most important is whether or not navigation from Tulsa to Wichita, Kans. is economically feasible.

The action taken by the committee to provide funding in keeping with the full capability of the Corps will accelerate this investigation by at least 6 months.

There are instances, however, where funding has been provided for investigations by the Congress but bureaucratic redtape and footdragging have resulted in long delays which in the end threaten necessary public works projects.

I especially want to bring to the attention of the House the long and continuing delay of the completion of feasibility studies of the Kanopolis Unit of the Missouri River Basin Project, Kansas, which were initiated in fiscal year 1967, following settlement of litigation concerning formation of the irrigation district. I am greatly disturbed over the failure of the Bureau of Reclamation to meet its own completion dates for this investigation.

On a number of occasions, I have met with Bureau officials, including the Commissioner, to express my interest and to urge that the completion of the studies be expedited in order that the Congress might be able to consider reauthorization of this irrigation project at the earliest possible time.

The report was originally scheduled for completion in fiscal year 1970, and here we are 10 days away from the end of fiscal year 1972 and this feasibility study is being held up, at the request of the Bureau of Reclamation, until another reanalysis of the irrigation needs of the basin is completed.

One bureau or another has played its part in footdragging on this study. For many months the Bureau of Sport Fisheries and Wildlife was a major roadblock. There have been many excuses for the delays offered by the Commissioner such as changes in laws affecting such projects; expansion of the scope of the project to provide municipal and industrial water supply for the city of Salina, Kans.; and at last report, the Corps of Engineers was withholding its cost allocation report at the request of the Bureau of Reclamation, until the Bureau completes a reanalysis of the irrigation needs.

Last year I met with the Assistant Secretary of Interior for Power and Water Resources to discuss what actions might be taken to complete the study at the earliest possible time. The Assistant Secretary did deliver to me in December 1971, a copy of the Regional Director's proposed report.

He outlined for me the established procedures for review and comments which the report must undergo before its final review and action. According to the schedule outlined, the report should have been submitted to the Secretary of Interior by June 1, 1972. By September 1, 1972, it should be submitted to Congress for its consideration.

However, as I stated previously it has again been delayed by the Bureau of Reclamation.

Needless to say, my patience, and that of many local citizens who have long supported and worked for this project, is being severely tested. I have today requested the Secretary of Interior to investigate the reasons for further delay in the finalization of the study. I believe the people of the area and the members of the Irrigation District are deserving of immediate and frank answers for the continuing footdragging on this project.

Mr. RHODES. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I shall take only a relatively short period of time to comment on the Public Works appropriations bill, as now before us, even though it is a measure deserving of our colleagues' careful scrutiny between now and the time, later on this week, we shall get around to voting upon it.

First, however, I wish to extend my respects to both our distinguished chairman, the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES), our ranking minority member. Though I have served on the subcommittee now for 8 years, I am aware of the fact that I am still the junior minority member thereof and supposed, more or less, to "keep my place." Nevertheless, despite that tradition, both our chairman and Mr. RHODES have been most kind to and patient with me—allowing me to develop our record in numerous areas in my own way though also in ways, I certainly hope, that have been constructive. For that opportunity, I am grateful to them both.

I would, accordingly, recommend to all our colleagues, Mr. Chairman, their attention to our several volumes of printed hearings, for there is a wealth of background information contained therein which can, in this environment-conscious age, be useful reference material for all of us.

Our report mentions—on page 4—the serious energy situation facing the Nation, and it is a serious situation, to say the very least, if not one also approaching crisis proportions. It is proper—if perhaps unnecessary—for us to so call your attention to that situation. Our report a year ago, however, gave almost equal attention to the need for preserving, promoting, and protecting man's environment, and to the need for establishing a proper balance as between the demands for energy and for water resource development of one kind or another on the one hand, and for the conservation and wise use of the natural resources of our Nation for the benefit of future generations.

I regret, a bit, that this year's report does not similarly refer to the importance of environmental considerations, and similarly call for a balanced policy of energy programs and water resource development. But no one should read into that omission a lessening of this subcommittee's environmental awareness or concern; as a matter of fact, a perusal of our hearings will dispel any such notion for there are constant references to environmental considerations throughout the same and I, for one, believe this subcommittee under the able leadership of our chairman has steadily and persistently brought its influence to bear upon our constituent agencies in such a way as to maximize their own, separate environmental concerns.

In commenting on the report, I believe I also must—for the sake of the record—register at least some reservations about the thrust of the comments set forth on pages 5 and 6 having reference to the discount rate to be used in evaluating proposed water resource projects

and having further reference to the review of authorized, but not yet constructed, projects having a "shelf-life" of less than 5 years when it comes to the application of the still-pending "new principles and standards" for such evaluation purposes as proposed in a Water Resources Council task force report.

I know that the chairman feels very strongly along the lines so expressed on pages 5 and 6, and I respect his position as I do that of other members of the subcommittee who share his thinking, but I wish to reserve my freedom of future action on all such considerations.

As to the bill, itself, it is a good bill, and I recommend it to my colleagues. It is the product of the subcommittee and reflects, here and there as all such bills inevitably do, a spirit of compromise. But it also reflects some excellent staff work—and we are proud of our staff people—and, lastly, it bears the stamp of the personality of our chairman, and of his dedication—which is total—to the wise development of our natural resources after the fashion of the Daniel Webster admonition which appears on the wall of this Chamber, over the Speaker's desk.

Mr. Chairman, putting together a bill such as this—covering the wide range of developmental programs as it does, and involving far more than it used to the settlement of some very complex, collateral policy questions, is no easy task.

Take, for instance, the issues passed by the Atomic Energy Commission's request for developmental moneys for the liquid metal fast breeder reactor—or LMFBR, as it is called for short. There is no doubt that such an energy source, if successfully and safely made available to the people of this Nation, could go a long way toward meeting their rapidly growing energy needs.

At the same time, however, none of us can be unaware of the public concerns which have been expressed, over and over again, by opponents of this type of reactor. Those concerns are real to those who state them, and are sincerely held. They cannot be easily dismissed, or dismissed out of hand, for no one can be certain of the precise answers.

We have carefully considered these concerns, along with the justifications and assurances as preferred by the AEC for the research, developmental, and demonstration work it here has in mind, and it is our opinion—as well as our recommendation—that such work should go forward, under the careful guidelines established, since we see no other way by which the answers to the questions concerning this technology that have been raised can be supplied.

At the same time, we should guard against any AEC tendency to put all its "eggs"—so to speak—in this particular "basket." There are alternative avenues for both research and development AEC should pursue between now and that imprecise date when that environmentally utopian dream of safe, fusion reactors—which will pose vastly reduced hazards of radioactivity and virtually eliminate the threat of "nuclear runaways"—can become a reality.

One of these alternatives involves work on the gas-cooled fast breeder reactor, for which the subcommittee added $1 million over the budget request.

We similarly approved of the increase in the budget request for further research into fusion power, or into controlled thermonuclear possibilities, of $38 million, an increase from $31 million a year ago. In light of the potential great value of a breakthrough on this research front, and in the light of the progress we understand the Soviets may be making on this process, this seems a modest increase indeed.

However, $38 million is the limit of the authorized level for such work, and we have also been told by the Director of the new AEC Division of Thermonuclear Research, Dr. Roy Gould, that this was all he could responsibly use for the time being.

There are other avenues to explore I might speak to if time permitted, regarding research into the non-nuclear field of energy sources for which we have allowed the Atomic Energy Commission the $3 million which was its first request in this area. The Atomic Energy Commission has vast technical competence to venture into such fields and I, for one, hope it will give some consideration to the possibilities inherent in solar energy; but I can assure you that our subcommittee will continue to give careful scrutiny both to the promise of and the problems inherent in whatever the Atomic Energy Commission may attempt in these regards.

Now, Mr. Chairman, I would like to make some comments concerning the progress being made by the Atomic Energy Commission and leading toward the success of the artificial heart program. A few days ago in this Chamber the distinguished gentleman from Missouri (Mr. HALL), whose attention I would seek, made some remarks about the urgency of developing an implantable artificial heart. He told us at the time, and I am sure he is well qualified to make such comment, that he had previously stated and again now stated to us that the solution to the cardiac replacement problem must lie with an implantable artificial heart just as we now use pacemakers properly implanted in the chest and heart wall to regulate rhythm in the uniform contraction of the unique heart muscle itself. I am happy to report to you all, and to Mr. HALL, specifically, that the Atomic Energy Commission is completing its 4-year effort to develop the nuclear powerplant for such a totally implantable artificial heart. In May of 1973, the Atomic Energy Commission will meet a major decision point. That decision will be whether or not it can build a safe and suitable power plant for such a machine—a nuclear powerplant that will last, unattended, in the human body for a minimum of 10 years. The spokesman for the Atomic Energy Commission told us that it considered this was a goal it had to meet and it is my judgment, in advance of that decision date, that it is a goal that can be met. The major effort here on the part of the Commission has been, of course, toward the development of the nuclear engine which would then be hooked up, in turn, to a blood pump which, in effect, would be the artificial heart, itself, of which Mr. HALL spoke to us a few days ago. If this program goes forward, I think it will be, in large part, because of the interest of this subcommittee and also the efforts and the interest of members of the Joint Committee on Atomic Energy for having pursued this aspect of this essential effort. I am sure we all share an interest in its success and in its progress at whatever rate is appropriate to the technological capabilities both of the Atomic Energy Commission and of the cooperating National Heart and Lung Institute.

Eventually, I suppose we are going to have to ask ourselves certain difficult questions: If such a device could cost several thousands of dollars when there are some people not getting basic medical care, then should such a device as this be made available at what is certain to be substantial Federal expense?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. ROBISON of New York. Another question is: Should a large public expenditure be made for this type of a device when a better payoff in public health might be in a program for the prevention of heart disease. Again, if there is a short supply of these devices how would we decide who would get it. Theoretically, there should be no such shortage, but will there be enough heart surgeons to install such devices? In my judgment, all of these questions will have to be addressed by some future Congress and, of course, by the medical profession itself. However, I feel the continued support of this program by this subcommittee at whatever level and speed the Commission tells us would be proper is most desirable and I am proud of the subcommittee for its continuing interest in this regard.

Finally, Mr. Chairman, I would like to say just a few words about one of the projects under the program of the Corps of Engineers with which there is an unresolved environmental problem.

This is the Tocks Island project, which involves cooperation by the States of New York, New Jersey, Pennsylvania, and Delaware.

As the Members will note, on page 44 of the committee report, the details of this particular problem have been outlined for their information.

The budget estimate for its multipurpose project was $14.8 million. Of that amount, $7.5 million would have been applied to land acquisition and $6,080,000 would have been added to the $1.65 million we appropriated, or recommended be appropriated, in the current fiscal year for preliminary construction work on the proposed embankment, and for relocation purposes.

None of the previously appropriated $1.65 million has been spent, however, by virtue of an agreement between the Corps of Engineers and the Council on Environmental Quality that such construction work would not go forward until certain assurances had been given by both the Delaware River Basin Commission and/or the Governors of the four member States relative to their commit-

ment to the implementation of a regional sewage treatment system in the vicinity of the proposed reservoir.

One of the corollary problems going along with the need for that regional sewage treatment system was what to do about the poultry and dairy farm wastes that would flow from farm operations along the upper reaches of the Delaware River, mostly in New York State, itself. And so CEQ had asked for special assurances from Governor Rockefeller of New York that his State—my State—would give priority to bringing all sources of pollution affecting this particular project, particularly the poultry and dairy farm wastes from the upstream areas, under an abatement plan designed to protect the reservoir from nutrient enrichment and, therefore, eutrophication.

In light of the fact that, within the last few weeks, Governor Rockefeller has advised Governor Shapp of Pennsylvania and chairman of the Delaware River Basin Commission, that he does not feel New York State could responsibly give such assurances—and I think his position is entirely understandable under the circumstances. It has been the decision of the subcommittee, accordingly, that while the amount budgeted for this project is approved, the total that would otherwise be appropriated for construction purposes, together with the amount appropriated for such purposes a year ago, would be applied only toward an accelerated program of land acquisition in the project area until the required assurances have been received, or other acceptable actions has been taken.

Mr. Chairman, I think this is the only responsible decision for us to offer our colleagues in light of this particular problem.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, during the last several years I have had the opportunity on many occasions of testifying before the Subcommittee on Appropriations for Public Works, and I never cease to admire and marvel at the dedication and patience of the distinguished chairman of the subcommittee, Mr. EVINS, and the ranking minority member, Mr. RHODES, and all the Members on both sides of the aisle. Hour after hour, day after day, the committee members and its outstanding staff patiently hear witness after witness gathering the facts with which to intelligently develop the resources of America. I take this opportunity to commend the subcommittee and its great chairman. Their districts, their States, their Nation are greatly indebted to them for the service they perform.

I wish also to thank the Subcommittee on Public Works for their timely approval of the appropriations for a construction start of the Meramec Basin project, which is located in the foothills of the Ozarks, in my home State of Missouri. This is a project for which I have worked hard for many years and the $3,000,000 approved in this bill will permit a construction start within the capability of the corps.

The total overall cost of this much needed project is $73 million dollars. Seemingly a large figure, however, when taken into consideration with losses occurring almost annually from floods in the area it is rather small.

Much fertile riverbottom land will be available for produce once the dams are constructed and the floods stopped.

The lake will consist of 12,600 acres and will afford a much needed recreation area for the citizens of Missouri and across the Nation. With more than 2½ million people located within a few moments of the lake, the project will bring water recreation to a large metropolitan area which is not now available.

Meramec is not something new, nor an overnight project. All impacts have been studied, and I commend those with the foresight which today makes available this much needed project.

This basin is one of the most studied areas in the Middle West. Numerous reports have been made by various Federal, State, and local agencies since 1880. Consideration was given to flood control, navigation, water power, and irrigation in these studies. There is no doubt in my mind that the construction of the Meramec Reservoir is the best possible use of the river. We have already waited too long to proceed with construction.

I believe that our water resources involves the total future welfare of our Nation. Water resources development must be undertaken not merely because it is profitable, or so that we may live more comfortably. It must be taken to preserve our national economy, our security, our way of life. It is one of the foundation stones of national defense and our country's future greatness. No task is more urgent. It is a challenge to us all.

The committee has risen to meet that challenge with the approval of the Meramec Basin project.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the committee for the consideration it has given to the items in this bill for the support of the Nation's atomic energy program.

This subcommittee has worked diligently not only this year but in the past over the all important items in the nuclear program. I think this year they have done an exceptionally fine job. They have carefully examined the items and they have, in my opinion, done an excellent job this year.

The committee has been dedicated, as the Joint Committee on Atomic Energy has been dedicated throughout the years in providing a substantial program in this particular field. I want to commend the members of the subcommittee for the fine job they have done.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I just want to take a couple of minutes to thank the chairman of the subcommittee and the Members on both sides of the aisle for the work they have done on the Atomic Energy Commission appropriation bill.

I am glad that they have gone ahead with the fast breeder concept money.

I call to the attention of the Members of the House that just a little over a year ago President Nixon decided after a full meeting with the Cabinet on a presentation of the reasons for this concept and for this project that he endorsed the breeder program in his energy message.

Subsequent to that, the administration has supported its development.

We have tremendous assistance from private industry. Something like $250 million has been pledged, for the first fast breeder reactor, from private industry. They are all agreed upon the type of concept that we are programing.

I would just say this for the individuals who may not know exactly what we are talking about when we talk of the fast breeder reactor.

This is a concept for the utilization of uranium which will increase the heat that we can extract from a gram of uranium by a factor of 100. We are now getting fissionable material of .7 percent out of a given amount of uranium. This will give us 70 percent or 100 times as much material for utilization.

This offers to the people of the United States and to the people of the world an assured source of energy to create electricity. When we take into consideration that here in the United States we are going to have to double every 9 to 10 years our total generating capacity of electricity in order to keep pace with our standard of living and in order to keep pace with the population growth of our society and the growth in the use of electricity we are talking of something that is very important because all of the fossil fuels, particularly gas and oil, are depletable and are going to be in very scarce supply by the end of this century.

While coal may last another 100 years, it involves many problems such as strip mining and the restrictions on strip mining. Over half of the coal now comes from strip mining.

So we are facing depletable sources of fossil fuel and a scarce source and the rapidly increasing prices for fossil fuels.

Coal, oil and gas have gone up almost double in price in the last 3 years. This all has an impact on the cost of electricity.

These people who are fighting against the establishment of generating plants, whether they be coal, oil, gas or nuclear, and who think they are doing something to help the environment, are actually standing in their own light because you cannot clean water and you cannot clean air and you cannot recycle wastes or reusable materials of any kind, and you cannot treat sewage unless you have adequate sources of cheap electricity.

So if we are going to really tackle the problem of pollution in our Nation, we are going to have to have an abundant supply of safe, clean energy. We do have this in nuclear energy. We do have a clean source and we have a safe source.

Those people who are making up scare stories about the danger of it, just simply do not know what the background of research and development has been in the field of nuclear technology. They refuse to look at the fact that we have been operating these nuclear reactors now for more than 25 years. We have more than 100 different sizes and/or types of reactors in the country.

We have 100 submarines, and these submarines have nuclear propulsion reactors in them, and they are producing an incredible supply of motive fuel. We have in each submarine from 100 to 135 men, many of them sleeping within 10, 15, or 20 feet of the reactors. There has been no case of radiation damage. I understand we will have some opposition tomorrow to the further development of this fast breeder reactor, and I hope that my colleagues will realize we have spent several hundred million dollars in this technology. We know how to do it. We know how to handle this material safely. Electricity from nuclear reactors is the hope of this generation, not only the people of the United States but the people of the world, that we will have an adequate source of energy for the next 1,000 years. We firmly believe, with the scientists and engineers, that this fast breeder concept which has been proven in the laboratories and is ready to be proven now in large nuclear plants, will bring to us an inexhaustible source of electric energy for the next 1,000 years.

I again wish to thank the Appropriations Committee for their calm consideration of the presentation of this matter and the other matters in the atomic energy budget and express my personal as well as the personal thanks of every member of the Joint Committee on Atomic Energy to Mr. EVINS, Mr. RHODES, and their colleagues on this important committee.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, first I wish to commend the committee on the outstanding work they have done, especially the two flood control projects on the Arkansas and the Mississippi Rivers.

Second, I do feel there is one place we could save a little money.

I would hope that the $126,000 budgeted for the ongoing study of deepening the Mississippi River channel to 12 feet be deleted from this public works appropriations bill.

Based on the information at hand, it appears to me that the costs of this project would far outweigh the economic advantage for shippers to have larger and fewer barges. Some $117,000 was spent during the current fiscal year, bringing to $1,212,000 the total spent on the study so far. The estimated cost to complete the study by fiscal year 1976 is another $1,125,000, for an estimated total cost of $2,580,000 just to study the feasibility of the project.

The project, moreover, poses grave environmental and ecological questions. For instance, one of the several means for providing the deepened channel would be by means of dredging. This method would require 20 percent of the 800-mile channel between Cairo, Ill. and Minneapolis, Minn., to be dredged, the remainder being at least 12 feet already. Or, the method chosen could be that of raising the pool levels or of combining raising pool levels with dredging or of building more locks and dams and dikes at various locations along the river.

The final, and to me the most desirable, alternative would be no change in the channel depth. Nothwithstanding the previous Federal investment in the study, I believe that the facts available so far, the environmental implications, and the limited beneficiaries of the deeper channel indicate a congressional decision to cut off funds is advisable.

While many may feel that $126,000 is not much of a savings, over the years stopping the study would save $1,455,000 estimated just in the study costs alone.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding.

Mr. Chairman, I wish to commend the committee for its thoughtful consideration of three items relating to Lake Michigan shore erosion control and a flood control study in my district.

Mr. Chairman, the first item is shown on page 15 of the committee report and is described as Illinois shore of Lake Michigan, in the amount of $10,000. It is my understanding that this is the total obligation which will be incurred during the fiscal year 1973 for the study of shore erosion between Waukegan, Ill., and the Illinois-Wisconsin State line, authorized pursuant to a resolution of the House Public Works Committee of December 2, 1971.

Mr. Chairman, the total estimated cost of this study is $132,000, for which additional appropriations are expected to be made during the next 2 fiscal years.

Mr. Chairman, a large part of the study covered by this authorization relates to Illinois Beach State Park, which extends along many miles of the Lake Michigan shore—and is a State park under the control of Illinois Department of Conservation, whose director, Henry M. Barkhausen, is one of my constituents and a valued friend.

Mr. Chairman, I appreciate the action of the committee in adding this item, which was not budgeted because of time factors over which neither I nor the department of conservation had any control. The action of the House Appropriations Committee enables the work to get underway promptly and assures shore protection facilities at the earliest possible time.

Mr. Chairman, I am also pleased to note on this same page of this report, funds for studying flood control measures on the Fox River in Illinois and Wisconsin—a most vital project for my constituents in the Fox River Valley area of Lake and McHenry Counties and continuing down in Kane County—part of the new 13th Congressional District.

Mr. Chairman, page 30 of the report also provides funds totaling $32,000 for reimbursement of the city of Lake Forest for shore protection facilities constructed in that community, another valuable project in the interest of conservation of the Lake Michigan shoreline.

Mr. Chairman, it had been my hope that funds would be appropriated for construction of shore protection facilities at Lake Bluff. However, it is my understanding that the study for the immediate construction having been completed and authorized in 1954, the construction is capable of proceeding with reimbursement to be provided in the appropriation for fiscal year 1974 consistent with the funds which the Corps of Engineers may expect to budget for this project.

Mr. Chairman, I understand further that the reason for failure to include an appropriation at this time is that there is no capability of completing any part of the construction work to justify inclusion of funds in the bill now before us—but that we may expect funds to be appropriated in the measure for fiscal year 1974.

Mr. Chairman, I appreciate the care with which the committee has given consideration to these requests and for the detailed study which is involved in the committee's work with respect to appropriations for such specific public works projects as those involved in my congressional district.

Mr. Chairman, I particularly commend the subcommittee's chairmen, the gentleman from Tennessee (Mr. EVINS), and the ranking minority member, the gentleman from Arizona (Mr. RHODES), for their conscientious attention to these vital public projects in which the individual Members of the House are so keenly interested.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. DAVIS), a member of the subcommittee.

Mr. DAVIS of Wisconsin. Mr. Chairman, I think this bill reflects many of the statements that have been made by those who are concerned with the Atomic Energy portion of it, and it reflects a recognition on the part of all members of the subcommittee of the needs for expanding energy supplies in this country in the years that lie ahead.

In some years in the past we have been told that we did not need to develop hydroelectric power because within a very short period of time nuclear power would be there to take its place, and we were wasting money by the development of hydroelectric power projects. But I think probably the most enlightening and interesting day that we spent in our hearings was in a discussion with Secretary of Interior Morton on the overall energy problems of our country and his comments as well as the comments of the people from the Atomic Energy Commission, that we need to accelerate in all the areas of energy supply, whether it be fossil, whether it be hydroelectric, or whether it be nuclear, in order to meet the ever-increasing demands for industrial and population expansion in this country.

I think this bill does reflect that kind of recognition on the part of the members of our subcommittee.

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Last year's bill, you probably will recall, was also somewhat under the budget, but that was accomplished mainly in two ways. One was through some rather substantial reductions in the Atomic Energy portion of the bill, and the other was the basic, although not complete, acceptance of the stretch-out theory with respect to the projects of the Corps of Engineers and the Bureau of Reclamation.

With costs of heavy construction continuing to increase at an accelerating rate, it became apparent to the people in the Bureau of the Budget as well as the construction agencies that this was not a wise nor an economic thing to do.

So this year's budget presentation as well as the action of our committee comes very close to meeting the schedule of capability—and I suspect economic development—of the major projects that are included in it.

I think we need to concern ourselves, however, with a word of caution in doing this. Last year we put in a great many projects without funding them to the level of capability. This year we have a great many projects and in most cases they have been funded at or near the level of capability, but I think there is always the danger that in doing the easy thing, and certainly the popular thing, of putting small amounts of money in here for studies—and these do not amount to a great sum of dollars—but the natural sequence is for the study and then the planning and then the construction. I think we need to exercise restraint that we do not get ourselves spread so thin and into so many areas in the study and in the planning field that we find ourselves with clamors which we cannot resist as far as the overall appropriation in this area in the future.

One item I wanted to bring to the attention of Members relates to the revolving fund which is discussed on pages 48 and 49 of the committee report. This is a fund that was started in 1953 or 1954. It is similar to what is known as the stock fund in the Defense Department appropriation, where funds are there, to be made available immediately for the accumulation of the necessary equipment, and then the cost of the use of that equipment is charged off to the various projects in accordance with the individual appropriations.

There is always the temptation with a fund of this kind to expand its use, usually much beyond the contemplation of the Congress at the time these revolving funds were established. I think that has happened with respect to the Corps of Engineers and that they have expanded the use of this revolving fund beyond anything that we had contemplated, or beyond what we would normally approve.

So in our report, based upon a report from the the General Accounting Office, there appear several limitations, particularly with the Government-owned dredging programs, that have tended to expand over the years. I think this revolving fund to some extent has been somewhat characterized by empire building and an accentuation of the Government operation as contrasted to contracting with the skilled and more economic private dredging operations which ought to be accentuated.

This is particularly true at a time when the private dredging capability of this country is not being used to anywhere near its capacity. Yet the request did come in for greatly expanded Government-owned capability in this area. I think it is somewhat similar to the Navy shipbuilding alteration, and conversion and repair in the Defense Department, where the private capability has been permitted to sort of wither on the vine while Government-owned and operated capabilities have continued to expand.

Our committee has sought to deal with that problem and has limited the funds available and the capabilities of the Corps of Engineers to expand in that particular area, and I believe that is wise.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. BOLAND), a very valued member of the subcommittee.

Mr. BOLAND. Mr. Chairman, I want to point out that this bill calls for a $445,000 appropriation to help carry out a searching ecological study of the Connecticut River Basin—a study that will identify and evaluate the environmental effects of a long-range plan for the river basin's development. The plan, proposed by the Army Corps of Engineers in cooperation with the Water Resources Council and the New England River Basin Commission, has been embattled ever since it was made public. Fundamentally, most people will agree, the plan is a sound and sober one, recommending a series of projects—in flood control, pollution abatement, water use, recreation—that the Corps of Engineers considers necessary if the river is to meet New England's needs in the second half of the 20th century. Many people, however, dispute the merits of specific projects—the height of a dam, for example, or the site of a dike. Even more people challenge the plan from an ecological point of view. No one, they point out, can predict the plan's ultimate environmental effects without an exhaustive study. Such a study, spanning 3 years, has been authorized.

Yet the administration—astonishingly, I think—sought no funds whatever for the study in fiscal 1972 and fiscal 1973: the first 2 years of the study, and its most vital years. As a ranking member of the Appropriations Subcommittee on Public Works, I made certain last year that $110,000 was made available to initiate the study. Chairman EVINS, as well as the other members of the committee, agreed with me about the pressing need to begin this study promptly. This year, I am delighted to report, they agreed again: The bill now before us seeks $445,000 for the study's second year.

Clearly, Mr. Chairman we should not plunge headlong into a river development project without considering the environmental consequences.

The study financed by this public works appropriations bill will help assure the ecological stability of the Connecticut River Basin—its wildlife, its plantlife, its potential for recreation, its natural beauty.

Mr. EVINS of Tennessee. Mr. Chairman, I yield briefly to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the courtesy and wisdom of the subcommittee in including a number of items, particularly in the Ohio River Basin. I regret that $200,000 has been included for the Rowlesburg Lake for land acquisition.

By abandoning this Rowlesburg project, a lot of money and grief could be saved. Here is a great way to save $150 million of unnecessary Federal and local expenditures. Why destroy Saint George and Holly Meadows, erode the tax base of Tucker County, and ruin the beautiful Cheat River? I think the Congress ought to put its foot down and call a halt to this great mistake called Rowlesburg. Let us use some commonsense and save both the land and the taxpayers' money.

Mr. EVINS of Tennessee. Mr. Chairman, I yield back the remainder of my time.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, as many Members probably know, I am leaving the Congress at the end of this term. I have elected not to run for reelection.

Of all the problems that have been brought to my attention since I have been in the Congress, I believe nothing is more important to our Nation, and to the world than this question of energy. I was pleased to learn about the progress that the committee is making toward the funding of the fast breeder reactor.

The Committee on Interstate and Foreign Commerce, through the Federal Power Commission, has responsibility for the regulatory aspects of the power creation process.

There has been a great deal in the newspapers recently about this cresting energy crisis, which can become a catastrophe if we do not have success with such processes as the fast breeder reactor to which Mr. HOLIFIELD, our colleague from California, referred.

I have just recently returned from a visit to one of the OPEC countries, OPEC headquarters in Vienna, and to the "consumer" countries of England, France, Belgium, and Austria. I have noted a transformation in the whole energy posture of the consumer countries on the world scene, as contrasted with the countries which now have the energy resources.

We have become potentially, if not presently, a "have not" power.

Those countries which are fortunate enough to have the present usable sources of energy—oil and natural gas—really can exert much more leverage on the world scene than we ever visualized they would have and we have commensurately lost our leverage.

Nuclear power now accounts for a very small portion of our total energy picture. The fast breeder reactor, as beneficial as it may be, is still many years away. We must begin our work on it now—never losing sight of the fact that oil, natural gas, and coal will be with us—or used against us—for some time to come.

I know, too, of the widespread interest other committees have in this problem, and I am aware of the fact that the Committee on Interior and Insular Affairs recently held a series of meetings and heard witnesses testify, as did Rogers Morton, that there are 61 Federal agencies involved in this energy problem.

We as a nation are lacking direction in the energy field and we must have more leadership—not only in the Congress but also in the executive branch—if we are not to be seriously threatened by these other countries which have, overnight, become the potentially powerful nations of the world.

I am suggesting to the Congress and particularly to the Committee on Interstate and Foreign Commerce that we should create a Council on Energy policy so that we can have at the highest levels of Government a perspective of the problem. This office, unlike some of the other offices, such as Telecommunications Policy, should not be solely in the executive branch of the Government.

It should be subject to the Congress in that it should report not only to the executive branch but to the committees here. It must be responsible to us.

If we do not have a policy which is understood by the private and public sectors we will find it difficult to get private corporations to invest amounts of money such as, that which we are appropriating in this bill for research in the fast breeder reactor. What private corporation is big enough or strong enough to take such financial chances when they may find themselves competing with Government initiatives which are not known or comprehended?

The present policy of this administration is to keep close to the White House our future plans for energy policy. It should not just be in the White House but rather in an office like the Council of Economic Advisors which has to report to the Congress as well as to the executive branch.

I want to congratulate the committee and particularly the gentleman from California for recognizing this problem. The Russians are ahead of us; they have a fast breeder reactor in the testing stage. The English are ahead of us too. Our energy demands are going up and our supplies are going down. We are in a period of crisis in our Nation's history.

The fuels we are now using to create power are finite. Nuclear power is a possible solution to the dwindling supply of gas and oil. The fast breeder reactor—which produces its own fuel—is one of the best solutions proposed.

We need a Council on Energy Policy. We need more research and development. Our R. & D. efforts must be accelerated. The AEC is working in that direction and we owe it our all-out support.

Mr. RHODES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would not want to close this debate without paying tribute to my good friend, the chairman of this committee, for the fine work he has done, to the other members of the committee who have been so cooperative, and also to the fine staff headed by Eugene Wilhelm. This is a committee which has disagreements but they are never political disagreements. We work together and when we do disagree we do it without being disagreeable. It is a real pleasure to serve on the committee and I hope the gentleman from Tennessee and I can keep working together on this committee for many years. I would like to change places with him next time but I hope we will be working together for many years in some capacity.

Mr. Chairman, I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I rise in support of the public works appropriation bill of 1973. It represents long and thoughtful work on the part of the committee, and I commend the members for their diligence in the preparation of this legislation. Indeed, the distinguished chairman, the able ranking minority member and the other members of this committee have consistently demonstrated their deep dedication to their duty and to their country. I would especially commend the members for meeting two serious problems in my own congressional district.

Included in the bill is the item of $14.8 million for the Tocks Island Lake in Pennsylvania, New Jersey, New York, and Delaware. For 10 years, the work of preparation for the construction of the Tocks Island Dam has progressed slowly, and the acquisition of land for the project has progressed most slowly. These delays in acquisition have visited great hardships upon the residents of the area of the planned water impoundment, who will be forced to move, who obviously cannot sell their land under these circumstances, and who have yet to have their land purchased by the Corps of Engineers.

At the same time, some serious questions have been raised concerning the wisdom of constructing the dam; and the corps has very prudently done no work in the field of construction, although $1,650,000 was appropriated in the last fiscal year for construction work on the proposed embankment. In view of the economic and ecological questions which have been raised, the committee has wisely directed that the full $14.8 million be used for land acquisition.

I commend the members of the committee for this decision. I hope and anticipate that the Corps of Engineers will proceed with this $14.8 million in the rapid acquisition of land in the Tocks Island Lake area, with particular attention to the hardship cases which should be attended to immediately.

In a second most important action, the committee has, through the language concerning the Appalachian regional development programs in the committee report, directed the Commission to proceed with the first stage of the Hill Section subsidence project in Pennsylvania, to be financed within available funds at an estimated Federal cost of $4.5 million.

This is a wise decision on the part of the committee and one that will be welcomed by any thoughtful person. It was my difficult duty to inform the residents of the Hill Section some 3 weeks ago that there had appeared ominous signs of caving in two of the mined out coal veins underlying that section. This represented a threat to the whole area with property assessed at some $70 million—a fraction of its real value—including a major university, three of our finest hospitals, and a great number of the churches and other buildings of immense importance to the community. The situation has been described by the U.S. Bureau of Mines as the most serious mine cave situation we face in America today. It is now my delightful pleasure to inform those same residents of the Hill Section that the members of this committee have taken the most extraordinary rapid action to meet this serious situation. It is most important to have the money available in the Appalachian Commission when the Commonwealth of Pennsylvania submits its flushing proposal to the Commission to commence the first phase of a project to give the most permanent stability possible to the land under this section of the city. Certainly this action will reinforce the faith of the people of this section, and the people of my whole congressional district, in the intelligence and resourcefulness of the Congress of the United States.

I thank the members of the committee, not only in my own name, but in the name of all of the people of my congressional district, and I urge the passage of this appropriation bill by the Members of the House.

Mr. CONTE. Mr. Chairman, this public works appropriations bill contains three flood prevention and recreational improvement projects of direct benefit to my First Congressional District. While these projects can be extremely helpful to economically hard-pressed communities, as well as enhance the recreational potential of western Massachusetts, I would like at this time to clarify two important considerations.

First, the moneys contained within this bill for these projects are only for the preparation of authorization reports. Only after these reports are prepared and approved by the Congress can construction begin on the revised Westfield local flood protection project, the Knightsville Dam project, and the recreational boating improvements between the Holyoke Dam and the Northampton-Hatfield line. In other words, by approving this appropriation this afternoon, we are not committing ourselves to the realization of these projects, but rather proceeding ahead with planning should they be ultimately judged beneficial to the area.

Second, one of the bases for this final judgment on the desirability of these projects must be the ecological impact of these projects on the Connecticut River Basin area. I am supporting this appropriation, therefore, because of the funds contained in this measure for a thorough study of the environmental impact of these projects on the Connecticut River Basin. The committee has recommended $445,000 to fund the second year of review of the Connecticut River Basin comprehensive study.

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I feel that these two areas of the bill are integrally related. While we proceed with planning for these three projects, we must give our full attention to the environmental impact of all such projects on one of the most beautiful areas of our country: the Connecticut River Valley.

Mr. VANIK. Mr. Chairman, today we have been asked to appropriate $463.5 million for the Bureau of Reclamation of the Department of the Interior. It is time that the continuation of this massive program receive thorough reevaluation. In my opinion, this program should be phased out.

The Bureau of Reclamation has outlived its usefulness. Today it creates more problems than it solves. In the area of the environment, many of its projects have caused pollution problems. In the area of agribusiness, the Bureau of Reclamation tends to help the rich get richer and the poor poorer. Most important of all, in the area of farm surplus, the Bureau of Reclamation creates the very surpluses the Department of Agriculture is trying to prevent.

While I would favor programs which would insure adequate supplies of low-cost food for the American dinner table, the Bureau of Reclamation's programs do not do this, since the price of food, on irrigated land and throughout the country, is artificially maintained by a wide range of publicly financed price support programs.

The activities of the Bureau of Reclamation are in direct contradiction to the purposes of the farm support programs. Billions have been and are being wasted by the continuation of these two programs. One or the other must be terminated.

ORIGINAL PURPOSE OF THE BUREAU

The Bureau of Reclamation has its origins as far back as the Homestead Act of 1862, which had as its purpose the bringing of settlers into the western territories of this country. But much of this western land was arid. The Federal Reclamation Act of 1902 was passed to provide irrigated land for the farmers of the West. One of its most important sections in the law is the requirement that no one with more than 160 acres of land be entitled to the Bureau of Reclamation's water. It also allowed for a 10-year repayment period by the user of the water to the Bureau of Reclamation.

In 1911 the passage of the Warren Act increased this repayment period to 20 years. In 1926, the Omnibus Extension Act extended this period further, to 40 years. Finally the Reclamation Project Act of 1939 allowed for a 10-year free period and then a 40-year repayment period thereafter.

Over the many years of the Bureau of Reclamation's operation, actual cost have been $6,156,000,000 and the total estimated costs when all current Bureau of Reclamation projects are completed will be $11,476,000,000.

The history of the Bureau of Reclamation shows us that its original purpose was to help the settlers, the small landowner. Today, however, the Bureau of Reclamation hurts these people, helps agribusiness, hurts our environment, and cripples efforts to solve the farm surplus problem.

THE COST OF BUREAU PROGRAMS

The Bureau of Reclamation initiated in the mid–1940's what is called benefit-cost analysis. When the Bureau of Reclamation researches the feasibility of a program, it uses this benefit-cost analysis. If the benefits of a program outweigh the cost, then a project is almost certain to meet with congressional approval. But the Bureau of Reclamation's benefit-cost analysis is often faulty, as a recent Nader task force report "The Damming of the West," shows. Not only are the Bureau's estimated costs consistently far below actual costs, but the Bureau of Reclamation never accounts for the negative aspects of its programs.

What are these negative aspects? One, irrigation provide new farmland and thus contributes to this country's surplus problem. Two, Bureau of Reclamation's projects result in costly environmental problems. Three, the Bureau of Reclamation contributes, through its lack of enforcement of the 160-acre rule, to large farm and corporate control of land, and thus to the movement to our urban centers of the rural farmers.

The Bureau's 1969 Summary Report of the Commissioner showed that for 120 projects the estimated cost at the time of authorization had been $1,392,142,000. Federal expenditures for those same projects totaled, as of June 30, 1969 $2,968,436,000. Thus, the result was an excess of estimated costs of $2,576,294,000. A 200-percent increase as seen in the above data, can not be explained away by inflation. It can only be explained by a blatant misrepresentation to us by the Bureau of Reclamation of its estimated costs.

THE BUREAU CREATES UNWANTED SURPLUSES

The most serious problem created by the Bureau of Reclamation's programs is its contribution to the surplus crop problem in this country. As of June 30, 1970, Bureau water served ten million acres of land and Bureau of Reclamation irrigated land produced 50 million tons of crops. The questions that must be asked are, "Do we need more farm land?" and "Do we need more crop production?"

Currently, the Department of Agriculture through the Cropland Conversion program, Commodity Diversion programs, the Cropland Adjustment program and other programs, has tried to reduce the amount of land being cultivated. Marion Clauson, a prominent agricultural economist recently stated:

> Over 50 million acres of cropland are currently lying idle as a result of government programs.

USDA estimates that there is another 110 million acres of U.S. cropland lying idle which has not been retired by government efforts. Yet the Bureau of Reclamation continues to spend money to bring land into production.

One of the Bureau of Reclamation's responses is that it is providing for future needs. But the Bureau's claim is not true. If current production continues to progress the way it has, aided by advanced technological farming methods, additional cropland will not be needed. In fact, the consensus of agricultural experts prove this out. The USDA Agricultural Stabilization and Conservation Service made the following statement:

> Less and less land is being planted and harvested. Of the 460 million acres of cropland, farmers now harvest only about 300 million acres. This is the smallest harvested area since 1909. . . . Ever since 1950, after the accured benefits of science and technology had really hit agriculture, yields almost doubled and are still climbing.
>
> Higher yields make it possible to divert crop acres from intensive production to grass, trees and other conservation uses.

To sum up, the Bureau of Reclamation's reclaiming of land only creates problems, for it makes available more land that is not needed now and will not be needed in the future. It reclaims land at the taxpayer's expense and then the farmers are paid not to grow crops on the land or are provided with price support subsidies—all at the taxpayer's expense. This is shown by an analysis of the Bureau of Reclamation's role in the crop surplus problem.

The Bureau of Reclamation's irrigated land generally provides four types of crops. They are forage: pasture, alfalfa, corn fodder, hay; cereal: barley, corn and wheat; field crops: sugar beets, cotton and beans; and fruits, nuts and vegetables.

Forage—over 40 percent of the Bureau of Reclamation land is used to grow forage. Forage production has had an impact on USDA surplus products like butter, cheese, milk, wool, and mohair. Indirectly, through increased forage production on Bureau of Reclamation land, more and more of these products are produced, causing a surplus problem.

Cereals—25 percent of all Bureau of Reclamation land produced cereals USDA's Commodity Credit Corporation pays out nearly $50 million every year in price support and surplus for these cereals grown on reclaimed land. Bureau of Reclamation irrigated projects have increased corn acreage since 1944 by 246,000 acres. Wheat production has increased by 52,000 acres on Bureau of Reclamation land. Barley acreage also increased by 143,000 acres. While Bureau of Reclamation land use in this area has increased, farmers all over the country, especially in the North and South, have been forced by excess production to sow fewer acres of corn, wheat, and barley.

Field crops—16 percent of all Bureau of Reclamation irrigated land is utilized for field crops. In the South, between 1944 and 1964, cotton acreage dropped one-third, while on Bureau of Reclamation land an increase of almost 300 percent or 369,000 acres took place. Bean acreage shows a similar story. In the North and South between 1944 and 1964 a decline of 10,000 acres each, and in the West a 429,000-acre decrease. On Bureau of Reclamation land the opposite has happened—bean acreage has doubled, with 147,000 new acres becoming available. 500,000 acres of sugar beets were produced on Bureau land. In figures provided by two economists, Professors Howe and Easter, Reclamation land costs the taxpayers $19 million annually in sugar beet payments alone.

Fruits, Nuts, and Vegetables—7 percent of Bureau of Reclamation land is used to grow fruits and nuts. Howe and Easter found:

> Between 1944 and 1964 the acreage of fruits and nuts fell 50% in the North and dropped by 6% in the South. In contrast to these declines, overall acreage in the West increased by 23,000 acres while the acreage on reclamation-served lands increased 237% or 270,000 acres. Hence, acreage in the nonreclamation West must have declined by 247,000 acres or 13%.

Vegetable production tells a similar story. Between 1944 and 1964 vegetable acreage in the North and South fell by 500,000 acres in each area. Only in the West was there an increase. However, statistics show that on non-Reclamation land a decrease took place while on Bureau of Reclamation land—excluding potatoes—there was an increase of 111,000 acres.

Potato production follows this same path. Howe and Easter concluded that "$69 million of the $173 million decline in the farm value of potatoes can be attributed to increased production on land served by reclamation." which has created such a glut on the market that farmers elsewhere have suffered significantly. As for our taxpayers, USDA programs for feed, grains, cotton, wheat, and sugar, produced on Bureau of Reclamation served land have cost the American taxpayer between $129 million and $258 million annually.

Thus we see that the Bureau of Reclamation's irrigated land not only contributes to this country's surplus problem, but is one of the major contributors. If one-third of our farm land lies idle because of the surplus problem, how can we appropriate more money for irrigated land, which will only result in a bigger surplus problem?

THE BUREAU CREATES ENVIRONMENTAL PROBLEMS

In a recent address to a joint session of Congress, the President of Mexico, President Echeverria, talked of the high saline count that is found in the Colorado River as it flows into Mexico. Not only has the Bureau of Reclamation's projects effected the domestic environment, but they have also polluted Mexican lands. How did this high salt count come about? Through the Bureau of Reclamation's projects in the Southeastern United States.

An increase in the Bureau of Reclamation's irrigation projects resulted in an increase in the Colorado River's salt content. Chemical salts leach out of irrigated soils and accumulate in water used for irrigation. The salinity of a river increases with the amount of salt added and the amount of water taken away. The Bureau of Reclamation's irrigation projects have done both things.

The environmental hazards of a high salt count are many. The Bureau has done little to remedy the situation. The situation continues and the plant life in the area and in the Mexicana Valley is affected. Who is to blame? The Bureau of Reclamation.

The Snake River is another example of the Bureau of Reclamation's disregard for the environment. The water condition of the river has been becoming progressively worse year by year. Between 1960 and 1968 over 1.4 million fish died in several mass fish kills as a result of the Bureau's failure to maintain adequate water conditions. Thermal pollution and waste pollution have been the major causes. The more crops produced, the more processing is needed, and more waste accumulates.

THE BUREAU'S AID TO AGRIBUSINESS

Finally, to add to the Bureau of Reclamation's blunders, we have the case of the 160-acre limitation rule, first incorporated in 1902 by the Reclamation Act. It states:

> No rights to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood (i.e., within 50 miles).

The Bureau of Reclamation has not enforced these regulations. It has provided water to many a person who lives farther away than 50 miles. It has interpreted the "any one landowner" not to mean "any one person." Thus separate stockholders in a corporation and wife and husband combinations, can get around these regulations. The Bureau of Reclamation has also exempted large landowners through the Engle Formula, which allows the landowner, if he assumes some of the cost of the project at a low interest rate, to receive as much land irrigation as he desires.

But most important of all is the Bureau of Reclamation's turning its back and closing its eyes to agribusiness' violations. The honorable FRED R. HARRIS, Senator from Oklahoma, points out agribusiness' abuse of Reclamation water. He held a hearing on agribusiness in March of this year; in remarks on the Senate floor he stated that:

> The intent of Congress as well as President Theodore Roosevelt (at the time of the passage of the Reclamation Act of 1902) was to protect the small farmer and encourage the use of Federally irrigated land by as many people as possible.

But this has not been the case. HARRIS' many witnesses documented how big landowners have been pushed off their land by agribusiness. Peter Barnes of the National Coalition for Land Reform stated:

> The total value of corps harvested in 1969 in the Imperial Valley was $246,731,000. The entire irrigated acreage of 437,500 acres is irrigated with Colorado River water carried to the valley in canals from Boulder Dam. Two hundred, thirty-three thousand of these irrigated acres are held in individual ownerships in excess of 160 acres, 91.5% of the land is cultivated and farmed in units exceeding 160 acres in size. It is estimated that 60 to 70% of the irrigated land is owned by absentee landowners, persons and corporations who do not live on their land.

The statistics in table 1 also show this land concentration. At random, I chose four Bureau of Reclamation projects: Florida—La Plata County, Colo.—Yellow Tail—Big Horn and Carbon Counties, Mont., and Big Horn County, Wyo.—Smith Fork—Delta and Montrose Counties, Colo.—and Greater Wenatchee Division of the Chief Joseph—Douglas and Okanogan Counties, Wash. The Florida project was begun in June 1961, and completed in December of 1963. Yellow Tail began in May of 1961 and is virtually completed at this time and serving its customers. Smith-Fork project began in 1960 and was completed in 1962. Greater Wenatchee Division of the Chief Joseph Dam project was begun in 1960 and completed in 1964.

The statistics show the county where these projects took place, the average size of a farm in that county in 1959, 1964, and 1969, the number of farms in each of those years, and the total dollars of income from farm products. All except one county show a decrease in the number of farms. All except two show an increase in the average size of farms between 1959 and 1969. This surely does not prove that the Bureau of Reclamation is helping as many people as possible. Rather it shows that the Bureau of Reclamation is hurting many a farmer while helping a few—and those few are receiving fantastic public subsidies.

In conclusion then, the Bureau of Reclamation's irrigation projects seem to be hurting the small farmer, taking him off his land, and forcing him into our urban centers. The Bureau of Reclamation is helping agribusiness, the large land owner, get richer. This is not what Congress had in mind in 1902 when it appropriated funds to irrigate Western land.

Thus we see the result of the Bureau of Reclamation's projects. Through a faulty cost-benefit analysis they have persuaded us time and time again to appropriate money that will only cause us more problems. The Bureau of Reclamation land produces directly or indirectly many surplus crops and products that only hurt the farm economy and established farm communities. We pour money into the Bureau of Reclamation and then pour money into subsidy programs. Both defeat the other's goals. The Bureau of Reclamation also provides more farmland than is needed, thus hurting nonreclamation farmers throughout the Nation, forcing them off their land. Finally the Bureau of Reclamation's lack of enforcement of the 160-acre limit has helped big landowners get rich at the taxpayer's expense, forcing the small landowner off his land and into the already crowded urban centers.

The money that this bill appropriates will only continue this destruction of our economy and our environment. It is a waste of money to give this program money when no more farmland is needed today or in the foreseeable future.

TABLE NO. 1

	1959	1964	1969
La Plata County, Colo.:			
Number of farms	677	647	595
Average size of farms in acres	992.5	1001.2	1125.8
Dollars of farm income	$4,049,505	$4,182,050	$6,628,488
Delta County, Colo.:			
Number of farms	1,224	1,553	892
Average size of farm in acres	273.1	293.1	341.5
Dollars of farm income	$8,177,197	$11,060,500	$11,222,565
Montrose County, Colo.:			
Number of farms	1,068	941	805
Average size of farm in acres	547.9	613.6	595.6
Dollars of farm income	$9,315,555	$9,371,950	$13,114,669
Big Horn County, Mont.:			
Number of farms	620	583	540
Average size of farm	5,124.9	4,095.7	5,216.6
Dollars of farm income	$11,674,481	$10,680,500	$17,808,984
Carbon County, Mont.:			
Number of farms	812	749	674
Average size of farm	838.8	898.5	973.3
Dollars of farm income	$7,968,944	$8,245,750	$13,505,319
Big Horn County, Wyo.:			
Number of farms	694	621	539
Average size of farms	740.6	1,056.3	975.0
Dollars of farm income	$11,413,000	$10,146,500	$12,859,478
Douglas County, Wash.:			
Number of farms	935	866	1005
Average size of farms	1083.0	1187.6	1022.2
Dollars of farm income	$14,053,019	$11,279,500	$19,286,629
Okanogan County, Wash.:			
Number of farms	1762	1618	1307
Average size of farms	1162.5	1065.1	1097.1
Dollars of farm income	$16,405,121	$20,341,500	$26,293,877

Table 2 shows the amount of subsidy given to three counties that receive benefits from the Bureau's Yellow Tail project. The subsidy figure is the lump sum of money given to the county through various USDA programs. Yellow Tail project was begun in May 1961 and is virtually completed at this time.

The statistics show that in the latter 1960's significant increases in subsidies occurred in these counties at the time when the Bureau's water was irrigating and developing more land.

It seems that as more irrigated land has been made available in these counties, more subsidies have been given to them. Why irrigate land that will only have to be subsidized because there is too much farm produce in the country already?

TABLE 2.—TOTAL DOLLAR SUBSIDY

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Big Horn County, Wyo	849,036	623,216	648,426	688,190	637,354	661,569	687,161	520,419	537,364	834,612	847,191	780,886	783,447	738,381
Big Horn County, Mont	350,832	456,169	430,881	397,563	724,281	671,556	989,281	1,058,497	1,579,359	1,593,020	1,645,460	1,742,861	2,096,034	1,416,569
Carbon County, Mont	397,031	339,605	336,920	433,304	452,604	501,396	589,249	684,924	849,260	1,078,226	1,165,048	917,281	1,051,819	939,860

Mr. BETTS. Mr. Chairman, the Public Works Subcommittee of the Appropriations Committee certainly deserves our praise and commendation for this bill. To have accomplished so much good for the whole country and at an expenditure less than called for in the budget, is an accomplishment of considerable importance.

I am also personally grateful for the consideration the committee gave the Eighth Congressional District of Ohio by initiating a project for improvement of the harbor at Huron, Ohio. This is something that has long been needed and the people of the city of Huron share my appreciation and I am sure they would want me to extend their official and individual expression of thanks to all the members of the committee.

The CHAIRMAN. All time has expired. The Clerk will read the first paragraph.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 7, insert:

SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

Page 4, line 8, strike out "SEC. 6" and insert "SEC. 7."

Mr. MALLARY. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Michigan whether this has been discussed with the ranking minority member?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer to that is yes, the matter has been cleared with the the Speaker, with the senior minority member of the Committee on Merchant Marine and Fisheries, with the minority member and the author of the legislation, the gentleman from Pennsylvania (Mr. WILLIAMS) and with the committee.

Mr. MALLARY. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. ROBISON) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15585, with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. STEED) will be recognized for 1 hour, and the gentleman from New York (Mr. ROBISON) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at the outset I would like to state that bringing this bill here today has been made possible only by a lot of very hard work, and by a lot of very fine cooperation that I have had from all the members of the subcommittee, and by one of the most efficient and dedicated staffs in the Congress.

I want to express my appreciation especially to the minority members who have gone beyond the call of duty in cooperating with me so that we could have the bill here today. I think our staff is entitled to special commendation because we have had a number of deletions and add-ons to the budget since we started, and we have had quite an unusual problem in getting all the material ready so that we can have the bill here today. They have done such an outstanding job that I want to pay my thanks to them.

Mr. Chairman, the bill which is here today provides funds for some of the most vital and important functions of our Government, the Treasury, the United States Postal Service, the Executive Offices, and the independent agencies, including the General Services Administration and the Civil Service Commission.

It provides for a total appropriation of $5,057,145,000 which is $9,458,000 below the final budget estimate.

This is $128,692,397 more than was expended for these very same functions in the year just ended, with two or three add-ons that I will discuss later.

The committee has confined most of the increases in this bill to those automatic mandatory increases largely for pay and for increased workload.

Most of the money in this bill goes for wages, because the bill covers more Federal employees, I believe, than any other bill outside of the military that we consider. You have these pay increases which have to be coped with, and the fact that we are here with a net increase of considerably less than the mandatory increases, indicates better than anything else that I can cite, that we have tightened up on almost all of the agencies contained in this bill.

Mandatory increases in the field of pay costs alone amount to $82,632,000.

We have had a new add-on of considerable size that you are all familiar with—the economic stabilization activities, for a total of $26,000,000. The funds for the conduct of these activities for this fiscal year were made by transfers from other sources.

The Government pay for annuitants and employees' health benefits is up $28,040,000 for a total mandatory increase in just these three areas of $136,672,000.

There are two other new items that I would like to call to your attention. We have $900,000 in an item for which we only appropriate once every 3 or 4 years, and that is for the transition of a new President. Of course, depending on what happens in November, this amount may or may not be needed in the transition of the new President.

We also have in the bill a new activity called records declassification for which we allowed $1,200,000, under the jurisdiction of the National Archives and Records Service. This is a program which will probably go on for several years, as we complete the work of declassifying the records of the World War II period.

There has been a lot of interest about this. The British are declassifying their records and we think the time has come when we also should make available many of those records that have been classified all these years.

There is a very significant deletion in the bill that shows savings at this point, but which may not eventually be a saving. I refer to $118,585,000 which the committee denied, without prejudice, for payment into the civil service retirement and disability fund. This budget request was in connection with the unfunded liability created in the fund because of the wage increases negotiated by the Postal Service with employee unions for fiscal year 1972. This is consistent with the action of the committee in denying, also without prejudice, a request for $62,991,000 in the Second Supplemental Appropriation Act for this same purpose.

This is the first time these two items have come up since the Postal Service became an independent corporation.

The law is not clear and we have not been able to get a clean determination as to whether retirement costs for Postal Service employees should be paid for by the taxpayers or whether it is a cost that should be borne by the U.S. Postal Service.

We have asked the General Accounting Office to give us some clarification on it. Studies are being made and the answers are not yet available. So we have deleted the two items—one in the supplemental and this one here, depending on the final authoritative decision.

The retirement fund is in good shape and the omission of this money at this time in no way impairs the fund. We will have plenty of time to pick it up if, and when, the final determination is made.

But it is an important matter. If it is decided that the taxpayers are required to pay this, we are beginning what will amount to at least $1,800,000,000 before these costs are completed some 30 years from now, for the postal wage increases alone—and for 1972 only.

Of course, that will mean that any additional wage increases granted to the postal workers will require substantial additional amounts for this purpose in future years. We have been in touch with the legislative committee, and some effort is being made to resolve the issue, but there are differences of opinion and it is going to take some time before we can get the kind of action we feel that we need.

Now, in the area of actual expenditures, the impact of this bill is going to mean, from the reductions made, that there will be about $37 million reduction in the expenditures during the fiscal year. This is mainly not because of the actual reductions made but because the amounts added for Federal construction do not normally result in a high rate of actual expenditures in the year in which the funds are appropriated. But this is a sizable impact on the outlays of money that will result from this bill during the next fiscal year.

This bill always makes a heavier impact expenditurewise than most of the bills because, as I mentioned before, so much of the total included here is for wages. We have an increase in personnel of 3,585 positions, all of which are justified by workload increases. We made a cut of about 266 from the positions requested, but this part of the increase we thought was very well justified by identification of actual workload increases that these agencies will be faced with this coming year.

Now, in the Treasury Department the Members will find if they read the bill Bureau of Alcohol, Tobacco, and Firearms for a total of $73,727,000. I want to point out to you that this does not mean that there is an increase in the total Treasury figures of this amount. These activities have been performed in the past by the Internal Revenue Service. The Secretary of the Treasury established the new bureau to become effective on July 1, 1972, in order to centralize Treasury Department responsibilities in these areas. We felt that a better control of this activity by the Treasury Department as well as by Congress could be obtained under a separate bureau and if we had the manpower and the resources involved in these items separate and apart from other Treasury functions.

There is one comment I want to make about the item of $1,410,000,000 we allowed for the U.S. Postal Service. We made a token cut of $14 million. We have followed the same policy this year that we used last year in making a lump sum appropriation instead of the two separate items that the Postal Service requested.

I want to emphasize that what we have done here is leave the Postal Service complete freedom in the operation of its business. We have taken the only course we can that would keep us from participating in any of the arguments now going on between postal patrons and the Postal Service and the Postal Rate Commission.

When Congress passed the law establishing a postal corporation, it wanted to divorce itself of these responsibilities, and we think that the position we followed here supports that position. We emphatically want it understood that our action here can in no wise whatsoever be construed as taking sides in any shape or

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form in the arguments still going on about what postal rates and other types of postal costs should be. We think that the Congress definitely intended to stay out of that particular activity, so we have followed that course.

Mr. GROSS. Mr. Chairman, will the gentleman yield on that point?

Mr. STEED. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I do want to commend the committee for writing into the bill section 608, dealing with the right of employees to communicate with Members of Congress on any question connected with the Postal Service.

Mr. STEED. The gentleman knows that that is a matter of great concern and a source of irritation. We thought this would clear the matter up. I think the current managers of the Postal Service agree with this. They have indicated to us that prior misunderstandings will be eliminated, and this will be a step in the right direction.

Mr. GROSS. Would the gentleman explain, before he leaves this subject, the increase to the Postal Service and the reason for the increase?

Mr. STEED. Actually, there is no increase, either over the budget or over 1972. The funds, the dollars vary, because there are two items. One provision of the postal reorganization law entitles them to up to 10 percent of the 1971 budget. Then the other would be involved in what is called "revenue foregone" on the difference between the rates actually charged and the actual cost. So most of this fluctuation is in the revenue foregone. Volume and rates and all this are involved in that, so each year we will have a different figure on that item than we had the year before, whereas in the 10-percent phase that will always be more or less the same item, because it is based on the 1971 budget, under the law.

We think we have been very fair about it, and we think we are within the bounds of fairness and reason, and that we have not done anything here that will compromise or otherwise involve or interfere with what is going on under the terms of the postal corporate act.

Mr. GROSS. If the gentleman will yield for a very brief observation, I want to call his attention, if he has not already seen it, to the announcement of the Postal Service only yesterday that overnight mail service is being established between the United States and Brazil. I hope that we can have overnight mail service from Oklahoma City to Washington and from Waterloo, Iowa, to Washington some time in the distant future at least.

Mr. STEED. Maybe if they do it for Brazil, it will be contagious, and we will find improvements all over the place.

Mr. ALEXANDER. Mr. Chairman, if the gentleman will yield for a brief comment on this Postal Service, the gentleman said that the committee and the Congress wanted to continue its policy of giving to the Postal Service wide latitude over the management of its affairs. The gentleman did not mean that the Congress would condone waste or indiscreet matters dealing with fiscal decisions, fiscal irresponsibility. Is that what the gentleman meant?

Mr. STEED. Absolutely. Of course, in the field of oversight, I think Congress has a very deep responsibility to continue its interest in what the Postal Service does, but we do not think the amount of money appropriated should be used to settle their types of arguments. If these are problems, they should be brought before the legislative committees for redress in the appropriate way.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEED. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I turn now to the Executive Office of the President. I understand there is some unhappiness with the items contained herein, but I call to the attention of the House the fact that we have made a net cut of $8,075,000 in these items. Some of them are items where we have always felt free to exercise our own will. Some of them we think are highly sensitive because they not only involve the President's own salary but also those of his staff and his own activities. Many of the items contained in this area are there by Act of Congress. Some are there by Executive order. But all of them are there, I think, because they are part and parcel of what the man sitting in the White House has to do to carry out the heavy responsibilities of his office.

We have tried to be careful and scrutinize these items as carefully as we could, and we think we have exercised the best judgment possible in the decisions we have reached. I, of course, very much hope the House agrees with us.

An expert recently made a survey of the power and scope and the fullness of the President's duties, and he discovered that at any given hour of the day or night, the powers that are held by the man we call President require 41 people to execute. So all up and down the line, we find little bits and pieces of the powers of the Presidency being executed by aides of the President, because it is physically impossible for any one man to fill all the functions of the office.

We found, going through a number of Presidential terms, they more or less all followed the same policy in the way they equipped themselves with staff and other facilities to try to carry out their heavy responsibilities.

This subcommittee has always followed the policy of being as fair with the President as we knew how, because we realize he does have one of the most difficult jobs on earth, if not the most difficult, to fulfill, and we want to make sure he has ample resources to carry out this very awesome responsibility.

Mr. Chairman, I reserve the remainder of my time.

Mr. ROBISON of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has once again been a real privilege to have worked with the distinguished gentleman from Oklahoma (Mr. STEED) in bringing this bill to you.

No one could ask for a finer, steadier, more patient person to be associated with, as chairman of one's subcommittee, than TOM STEED. He is a true gentleman, in every sense of that word, as well as a true scholar insofar as the subject matters over which he has jurisdiction are concerned. This subcommittee has been blessed, in the past, by having had some outstanding legislators assigned to its chairmanship—men such as Vaughan Gary, of Virginia, and Gordon Canfield, of New Jersey—but it has never had a finer, nor better chairman than TOM STEED.

I should also like to pay my respects to all the other members of the subcommittee, and particularly to my own colleagues on the minority side of the aisle who were so loyal in attendance during our lengthy weeks of hearings, and who have been of such great assistance to me, as ranking minority member.

Mr. Chairman, we strongly recommend this bill to you, and to our colleagues. We believe it to be a good bill, well and carefully considered.

The nature of the Treasury Department, and its numerous constituent agencies, as well as of the U.S. Postal Service—as the old Post Office Department is now called—and of those major independent agencies, such as the Civil Service Commission and the General Services Administration, whose budgetary needs we also consider, are all such as to require the services of very substantial numbers of Federal employees. This is because these are, essentially, all "service" agencies—dealing, in one way or another, with the general public, and performing some of the basic housekeeping chores that every government must provide.

The workload thus involved is a constantly growing one, as well as virtually uncontrollable. Ours is a dynamic, and growing society. No matter how some of us strive to slow the process, the services its central governmental agencies are called upon to perform will tend to keep pace.

Let me give you just one example out of many that could be offered.

The Treasury Department's Bureau of Accounts—central disbursing office for all Federal purposes except the Defense Department, the Postal Service, and a few smaller operations—will issue more than 531 million checks and other items in fiscal 1973, an increase of over 21 million pieces, or 4.1 percent, over fiscal 1972.

There is nothing very glamorous—and certainly nothing controversial—in an operation such as that, as compared, for instance, to the educational programs we argued about last week. Instead, this is simply a governmental housekeeping task that has to be done, and done as efficiently and as economically as possible.

I offer this illustration—and could offer many others, as I said—to help those listening to better understand that this is not an appropriation bill in which substantial reductions from budget estimates can be made; and to better understand the fact that we who serve on this subcommittee spend our efforts, in the main, in what can only be called an "oversight" capacity—doing our best, that is, to review the practices and procedures of these essential service agencies

to insure that they add up to the optimum in both efficiency and economy.

Mr. Chairman, I would encourage my colleagues to be aware of our responsibilities in such regards, and to report their problems with, or complaints against, any of our constituent agencies to us, so that we might be better qualified to carry out those responsibilities to the end that this portion of the overall operations of our Federal Government functions to the complete satisfaction of our citizens.

I am not sure—given the historic fact that no one loves a tax collector—that we can guarantee such satisfaction on the part of our citizenry when it comes to the Internal Revenue Service, which serves as "Uncle Sam's" tax-collecting arm.

And, yet—each year—we spend additional time, as we did again this spring, discussing with the representatives of the IRS their problems and opportunities.

Because of that, and because of the essential, yet sensitive, nature of the functions performed by the IRS, I would strongly recommend to all who may be interested at least a perfunctory reading of that portion of our hearings, volume 1, beginning on page 545 thereof.

This year's appearance was the first before us by the IRS's new Commissioner, the Hon. Johnnie M. Walters. I think it is fair to say that all members of the subcommittee were favorably impressed with Commissioner Walters, with the alacrity with which he had approached the challenges implicit to his office, and with the honest and open answers he provided to our questions. It seems to me, in retrospect, that one of the real problems this particular agency has had—so important as it is—has been that we have seen too many Commissioners come and go, almost before they could get on top of their job. I know this is an election year, and the future therefore more uncertain than ever, but I, for one, would express the hope that someone of Commissioner Walters' obvious qualifications would have the opportunity to stay on in his present position long enough to see this agency through what has been an especially demanding and difficult time.

One major reason for such difficulty has, of course, been that IRS—and I think quite properly—was called upon, in addition to its other duties, to assume a key role in attempting to make the economic stabilization program succeed. I say "quite properly," because only IRS—among all other alternative Federal agencies to call upon—had the personnel and the training and the expertise to perform this vital function in the way it ought to be attempted. So, beginning last August, with what was called phase I of the economic stabilization program, IRS rapidly became the public's main point of contact for the 90-day freeze—answering during that time over 800,000 inquiries. handling over 46,000 complaints, and making over 85,000 compliance "spot-checks." Under phase II, the Service was handed an even larger role in a much more complex operation to which, during this fast-ending fiscal year, it will contribute an estimated 1,900 man-years.

Phase II's efficacy, overall, is a matter for proper political debate. I, myself, think it is a far larger success than the public realizes or than its congressional critics will admit but, where it can be said to have failed, that failure cannot, by and large, be laid at the IRS doorstep for its employees who have been assigned to this unexpected and unrequested extra task have performed admirably, and we owe them a vote of thanks.

But that task has not been carried out without incidental cost elsewhere—and those costs have to be of concern to the members of this subcommittee, as well as to all Members of this Congress. For it is manifest that this assignment of manpower to this, and other critical programs mandated in recent years by Congress to the service, has reduced its effectiveness and its capacity to carry out its primary tax-collecting functions. Though the overall strength of the service has continued to expand, as measured in personnel, its normal workload expands, too, to reflect both a growing economy and a growing population. Thus, when one considers the availability of personnel to handle that normal workload one finds that IRS' total audit strength—today—is only about what it was in 1963. It is evident that the Service's audit capability has been stretched too thin, and that the certain result of that is lost revenue—how much in actual dollars is difficult to put a precise finger upon.

No Federal taxpayer should pay a dime more than he owes this Government in taxes, but each such taxpayer—if voluntary compliance is to continue to be the unique moving force it always has been in this Nation—must be assured that his counterparts are each paying all that they owe; and the subcommittee was provided with rather serious information indicating that the formerly high level of voluntary compliance which has been the keystone of our tax-system is deteriorating.

Thus, while we surely do not intend to allow the IRS to get back to a position from which it could harass the honest taxpayer—as was the occasional complaint in past years—neither do we intend to ignore the gathering warning signals indicating we are facing a substantial compliance problem.

Accordingly, while all members of the subcommittee are dedicated, I am sure, to holding the levels of Federal employment as low as practicable, we have allowed, by and large, the additional people Commissioner Walters indicated he felt were needed to sustain the desired high level of compliance—having approved the requested additional positions, if the same can be funded within our recommended allowance, so as to provide a total of 33,735 permanent full-time positions in the accounts, collection and taxpayer service operation, and 33,423 similar positions in the compliance operation.

These are a lot of employees, to be sure, but when we are told that a lack of adequate personnel in the audit program, over the past few years, has "cost the Treasury an estimated $1.5 billion in direct revenue," it is apparent that this is one "loophole" in our tax system that ought to be plugged and probably can be plugged a lot sooner and easier than some of the other kind of "tax loopholes" those contesting for the Democratic presidential nomination are talking about.

We also had to face the fact that there simply are too many delinquent taxpayer accounts—a backlog thereof numbering some 800,000, tying up over $3 billion in uncollected revenue. Again, we hope the additional people we are allowing will able the service to forcefully tackle this backlog.

By coincidence, Mr. Chairman, on the day before the subcommittee welcomed Commissioner Walters and his people, a Wall Street Journal article appeared, headlined: "Overtaxed IRS—As Tax Time Nears, Revenuers Are Busy: On Other Matters."

The article—which was made a part of our record—reminded us of the nature of some of those other matters which run the gamut from hassling, now, with businessmen and landlords over consumers' rent and price-control complaints, to tracking down dynamiters and gun-law violaters, and on through such miscellaneous chores as measuring the rhubarb juice used in rhubarb wine, of all things.

Perhaps we have asked the IRS to do too many other things than administer our tax system as it should be administered—to devote its attention and its stretched-thin personnel to too many "other matters." If so, there is a policy question here involved which this subcommittee cannot resolve, but we wish to call it to the urgent consideration of those who can.

Since phase II is scheduled to expire next April 30—unless extended by action of President and/or Congress—the estimated 3,000 IRS people now working full or part time on some aspect of that effort might then be released back to their original duties. We considered whether or not, in light of this possibility, we might prudently reduce the new positions requested accordingly, but the situation here is so uncertain and the additional people so badly needed anyway that it was our opinion that, even if those 3,000 people become available for the Service's normal functions on or prior to next April 30, there will be no shortage of duties for them.

Turning, now, to the Bureau of Customs, Mr. Chairman, this agency continues to serve a vital frontline function in the fight against illicit drugs imported to reap their harvest of death in this country. Its record of seizures of heroin, cocaine, marihuana, and hashish during calendar year 1971 is a commendable one—the street value of the same being estimated at over $327 million. But the problem of drug abuse continues almost unabated, and the effort to prevent the entry of such drugs must continue and must be expanded. Accordingly, we have allowed the funds requested in full to give Customs the additional 152 people it wanted to expand that effort.

We have also taken action to elimi-

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nate—as mentioned on page 11 of our report—that loophole in the drug drive which so-called preclearance procedures as heretofore carried out for the convenience of air travelers at Nassau, Bermuda, and at four points in Canada, have become. There may be some "flak" as a result of our decision in this regard—from either air travelers or airlines—but if we can thereby save one young person from narcotic addiction, the inconvenience we may thus have precipitated for a relative handful of people will be more than justified.

Skipping ahead, now a bit, in both the bill and report, I should also like to call our colleagues' attention to that portion of our hearings—volume 3, beginning on page 522—wherein are covered the colloquy we had with Dr. Jerome Jaffe, Director of the new Special Action Office for Drug Abuse Prevention, as it is called.

I think it fair to state that all of us were much impressed both with Dr. Jaffe's so evident competence for dealing with this problem of drug abuse which, in his words, has "reached epidemic proportions," and with the realism with which he is approaching his difficult assignment.

Mr. Chairman, as I said during these hearings this is a problem that tears at the very fabric of our society and is also one which, if not resolved, could destroy this Nation just as surely as any nuclear bomb or any unwise foreign policy that might precipitate a nuclear exchange. In general agreement in that regard—though we would undoubtedly put it separately in different words—the subcommittee unanimously agreed to allow this new effort its full budget estimate of $6,856,000, which is, of course, but a drop in the bucket when compared to the human cost of this problem.

In the interests of time, I shall comment on only two other items in the bill before you, Mr. Chairman, though there are numerous others I should like to have discussed.

The first of these is the $1,410 million recommended for the Postal Service. All of you realize, of course, that neither this subcommittee nor this Congress has, any longer, much control over the budget of the fledgling Postal Service Corporation. If you still believe in "postal reform"—and some who originally did apparently no longer do—this is as it should be, and the Postal Service will have to stand on its own two feet, as a Government corporation, or eventually fall as the case may be.

This is, at least, the way most people put it nowadays even though, of course, the more than $1.4 billion still put up by the taxpayers to keep the corporation from falling is considerably more than an insubstantial prop.

Perhaps one could take away several millions of dollars worth from the undergirding provided by this taxpayer subsidy—which is, need I point out, in line with the spirit and intent of the Postal Reorganization Act—but, if we were to try that, I am certain we would indirectly be also voting for yet another across-the-board increase in postal rates which is something that the new Postmaster General, E. T. Klassen, is desperately trying to avoid. General Klassen—as most of us know—has already taken some "Draconian" actions in his efforts to stave off the possibly inevitable next round of rate increases which, to the tune of $450 million, was cranked into the Corporation's fiscal year 1973 budget. Understandably, these actions have not met with cries of approval from the postal employees or their union leaders. Speaking personally, however, I do not know what else Mr. Klassen could have attempted, and I wish him well in this endeavor for there are increasing signs to the effect that the Postal Service may, if its rates are not held down, inadvertently price its only product—service—right out of a substantial portion of its market.

Again—as already explained by Mr. STEED and as outlined on page 17 of our report—the subcommittee recommends to you a lump-sum appropriation in the amount already mentioned to the Postal Service fund. The reason for our so acting should be obvious: We wish to stay out of the rate-making business while, at the same time, giving General Klassen and his people maximum latitude in the use of their funds and personnel. Having said as much, however, let me also add that it is the subcommittee's intention—most of us being unhappy in one way or another with some aspect of this whole and still-uncertain picture—to "ride-herd" on the postal operation as best we can in the years ahead and to move it, as fast as we responsibly can, towards that self-sustaining status that is desired by nearly everyone including, I am sure, General Klassen.

The final item I wish to cover—really a series of items—relates to that growing crescendo of complaints offered, as we are told, in a "politically neutral" fashion in this election year, about the "unprecedented" manner by which staffs in both the Office of Management and Budget and the Executive Office of the President have "sky-rocketed beyond all previously known limits" under President Nixon's tutelage.

Mr. Chairman, whenever we get to the amending stage for this bill which, for all I know, may not be until Thursday, or even Friday, I expect certain amendments will be offered by certain of those critics to "do something" about this supposed problem.

If we are, indeed, prepared to ignore that unwritten "rule-of-comity" which has heretofore impelled prior Congresses to give prior Presidents such staff assistance as they felt they needed, and if we are serious about "bringing under control the growth of the Executive Office of the President"—as that goal is being stated—then let us also be honest enough with one another to recognize the fact that the EOP staff budgets are far more honest, today, than they were in the past in the sense that those personnel which were "on-loan" from other Federal departments or agencies to prior occupants of the White House, and did thus not appear on EOP staff budgets, have now been made permanent OMB or EOP staffers with a consequent increase, as would necessarily follow, in both OMB and EOP personnel. Let us also be honest enough to recognize the fact that it was Congress which gave its approval to handing that old whipping boy, the Bureau of the Budget, certain new management responsibilities that, in turn, created what we now call the Office of Management and Budget—even if OMB is not quite sure, yet, what its proper "managerial" functions ought to be.

And, finally, let us also be honest enough—as we consider those possible amendments—to recognize the fact that it is Congress, again, that is mainly responsible, through the glut of new programs it has given the Chief Executive to administer, for making the President's task today far more complex and consuming in staff time than it was, even during the tenure of Lyndon Johnson against whose personnel requirements the Nixon requirements may well be measured.

Perhaps both OMB and the various Executive Office agencies have more people than they should have. Who is to say? Your subcommittee has considered their respective justifications for such personnel and, with a few possible reservations by one or two of our members, not found them wanting.

Sure, we could lop some more people off—here or there. But would that make the President's task any more manageable—or somehow improve the effectiveness of the overall Federal operation at a time when its effectiveness is already being so widely questioned? And where would one begin this budget-cutting operation—with the Special Action Office for Drug-Abuse Prevention, for instance? Surely not. With the National Security Agency, then, at a time when, with both the Peking and Moscow visits still fresh in our mind, that delicate operation has taken on some new responsibilities of unforeseeable dimensions? Or with OMB, itself, when that is voluntarily down 25 people from what its ceiling allowed a year ago? Or with the White House Office, itself, that is similarly down 30 people?

Mr. Chairman, I think my questions answer themselves, and I accordingly hope that, when we come to the amendment stage, the subcommittee's recommendations in these—as in other regards—will be sustained.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman.

Mr. PICKLE. Mr. Chairman, it has been reported that the Postal Service has retained two advertising agencies with a budget of $17.5 million to improve its image.

First, I think, the Postal Service needs a product. Madison Avenue cannot sell a nonexistent service or a service being constantly reduced.

And the only product they have to sell is service.

Unfortunately, the Washington officials in the Postal Service have, by their own admission, reduced service goals to "tolerable levels concurrent with less drastic rate increases to support that

service." This, in plain English, means they are systematically reducing service throughout the Nation—in the name of economy.

This means that the Postal Service is actually encouraging people to leave their work through increased retirement inducements. Too, those people lost to attrition may be lost forever.

The direct result is fewer man-hours on the job.

Unfortunately, it appears the Postal Service puts as much faith in machines as they do in their men. We are witnessing a downward spiral of service, but do not blame your local postman or postmaster—they are following orders. As usual, the postmasters and employees do an outstanding job based on the orders they are given.

Already, we have seen severe cutbacks in rural mail service. No longer are many post offices kept open on Saturday. Many are being replaced with window operations only which merely sell stamps and process no mail.

In fact, some sectional centers are being closed down with somewhat crazy results: Instead of moving mail from point A to point B—a distance of 15 miles—the mail goes from point A to point C—which could be 50 miles away—and then makes a round trip back to point B. It is hard to understand this kind of logic.

I think the Postal Service built their own trap—they purchased all these fancy machines—then they had to force-feed rural mail into city centers in order to let the machines pay for themselves. As a consequence, service to the public falters.

Further, the Postal Service at one point had a quiet survey underway to investigate closing not only the third- and fourth-class post offices, but the first- and second-class facilities as well. I anticipated the denials which came later, but you can mark your calendar and I predict that this action will surface this winter after we pass that magical equinox which we call November and national election time.

Then, should the Congress try to regain the ground lost during the Postal Reorganization Act, the Postal Service issued a gag rule whereby they actually forbade postmasters and postal employees to have any communications whatsoever with their Congressman. Talk about censorship.

It is unthinkable that any other governmental official could make investigative inquiries to postal employees—but not a Congressman. Later, this gag rule was somewhat modified by a further interpretation issued in committee hearing by the Postmaster General.

However, I would go a step further. I would encourage and insist that all postmasters write their Congressman. Further, this week, I am writing all the postmasters in my district to ask specific questions, such as:

How is the Postal Reform Act working now?

Is there an order out now requiring a cut in personnel?

How many employees are they losing?

Will these be replaced?

If not, how does this affect service?

How much has the operations budget been cut back for each post office?

Have they been required to close on Saturday whether or not this is desirable?

Are they losing their postmark, in many instances?

Has an inspection team been around on a feasibility study to close their post office?

And other pertinent questions of a nonpartisan basis.

And, I hope this information will come in and we can provide our congressional committee with genuine information—information which too often is hidden by the Postal Service.

My guess is: Few postmasters will write. Every postmaster in the Nation is fearful of writing to his Congressman because of the heavy-handed manner in which the Washington Postal Service officials forbid the release of information. It is a national shame.

I do ask that my postmasters write me and I do this not out of "political" or partisan issues. If your mail is slow in coming, it does not matter if you are Republican or Democrat or something else.

One last thought, Mr. Chairman: you and I recognize that the post office in a small town is more than a post office. It is a community center, it is a tangible monument to local history and pride; and it is a service center. Sadly enough, not only does the Postal Service want to close most of these smaller post offices—they want to obliterate the name of those remaining.

I refer to elimination of the local postmark and replacing it with the sterile "U.S. Postal Service 000." Not often do you get a letter from home—it is from someplace masked in terms which would warm a mathematician's heart—but not a mother's.

Think of the color, the history, and the pride which the Postal Service has eliminated with a decision from the red-tape factory on the Hill.

Mr. Chairman, there is more than nostalgia at stake. I am convinced this elimination of the postmark will have a direct adverse affect on the tracking of criminal mail. Obviously, law-enforcement agencies will face more difficulty in locating which of the 50 or 60 towns bear the innane postmark "U.S. Postal Service 000" than they would in tracking the postmark from a single town.

I wonder if John Mitchell approves.

In closing Mr. Chairman, I am compelled to mention the recent awards ceremony conducted here in Washington by the National Association of Professional Bureaucrats—NATAPROBU—under the dynamic inactive leadership of Dr. Jim Boren.

Dr. Boren ran a sample test sending first-class and special delivery mail across the Nation. Most of the time, the first-class mail arrived first, or at least in a dead heat with the special delivery. In fact, only 15 percent of the 60-cent mail beat the regular 8-cent mail. And the Postmaster General says service is all they have to sell?

Recognizing this invaluable service by the Postal Service to ineptness, Dr. Boren awarded them the coveted Order of the Bird.

I only hope he did not mail them the award.

Mr. STEED. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I rise in support of the legislation before us. I would first like to take the opportunity of complimenting the chairman of the committee, the gentleman from Oklahoma (Mr. STEED) for the excellent job that he does in running the affairs of this subcommittee.

May I also take the opportunity to compliment members of the subcommittee on both sides of the aisle for their tremendous dedication to this committee and for the thoroughness with which they do their job. May I say it is, indeed, a pleasure and an honor for me to serve on this subcommittee.

Second, I would like to call attention to the recommended appropriation for the Bureau of Customs of $210 million, which is $2,336,000 below the budget estimate, but an increase of $16,660,000 over the appropriation for 1972.

The committee fully supports an additional 152 personnel requested by Customs to help them continue their fight against illicit drug importation. The committee directs, however, that at least 53 of these positions be allocated to the highest priority stations along the Mexican border in order to partially alleviate manpower shortages at these ports of entry.

During the public hearing which the committee conducted in San Diego in connection with complaints about mistreatment of persons crossing the border from Mexico it was noted that 80 percent of those crossing the border are Spanish-speaking and that Customs officers of Mexican descent are almost nonexistent, all of this in spite of the fact that they are understaffed and each officer is required to work many long hours of overtime.

I can well understand how individuals working these long hours can eventually become irritable and perhaps even sometimes discouraged.

But I still do not believe that this is an excuse for some of the rudeness that has been alleged to exist at the hearings held in San Diego.

The committee at the hearings received testimony in which it was revealed that customs officers detained at least 1,800 women for a strip and body search. It was alleged by the women who testified that intrusive body searches including body cavity probes were done under most unsanitary conditions and not done by a doctor. Of the 1,800 searches made on women under this procedure, 285 were found to be carrying contraband, and a very small percentage, if any, were found to be carrying narcotics in their body cavities.

This procedure has resulted in strong protests from women on both sides of the border and a great number of allegations about other border crossing irregularities have resulted.

In order to alleviate this situation, I,

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as chairman of the subcommittee that conducted the San Diego hearings believe that immediate administrative reforms should be made at U.S. customs stations along the Mexican border in line with the following recommendations:

First. I believe the customs department should adopt and implement immediately an affirmative action program designed to increase the percentage of Mexican American employees in the Bureau of Customs, particularly increase the number of Mexicans assigned to serve at the Mexican border where Spanish is spoken almost exclusively.

Second. Establish a recruitment program for Mexican-American high school or college students and graduates using all available recruiting techniques, including special internship programs.

Third. Establish a comprehensive staff training program, beginning at the entry level, to prepare officers to be culturally sensitive of the people they serve, fluent in Spanish, as well as courteous and fair and professional in their conduct at all times.

Fourth. Require that all U.S. Customs and other Federal officers working along the border wear a nameplate, visibly shown at all times, and with his or her name printed in bold letters.

Fifth. Establish and enforce uniform procedures for inquiries, inspections, and searches, with a mandate that they be conducted in a reasonable, courteous, and expeditious manner, protecting the person and his property from injury or damage.

Sixth. Require that all strip and intrusive body searches, including body cavity probes, stomach pumping, and other internal methods be conducted only after it is carefully determined that substantive evidence supports such a search, and that a qualified medical doctor conduct the search under sanitary and medically approved conditions and procedures.

The officer detaining a person for the purpose of a strip or body search will, before proceeding with such a search, file and sign a report showing the substantive evidence on which he has based his decision.

Seventh. Require that any person to be detained, strip searched, or subjected to a body search, be informed of his rights and of Customs' procedures in either English or Spanish, whichever is appropriate.

Eighth. Establish an interagency council to coordinate the activities of all agencies working along the Mexican border and at all inspection stations.

Nine. Initiate immediately serious discussions with Mexican-American representatives and Mexican officials on establishing an office of ombudsman at each border station with authority to receive and document complaints on the spot; reconcile problems and potential problem areas; and provide people crossing the border with all possible assistance, including legal counsel.

This can all be done administratively, and with the approval of this appropriation goes the insistence of the committee, and I hope the Congress, that the Bureau of Customs address itself to the task of solving these problems immediately.

I, therefore, urge the approval of the legislation before us, and I sincerely hope that this appropriation will be wisely used to improve the services that the Customs Department can render our citizens as well as those of foreign countries as they cross the borders into the United States.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I want to pay my respects to the chairman and the ranking minority member of the subcommittee first, for the usual thorough job they have done and for the way in which they handled the work of the subcommittee, particularly with reference to the junior members of the subcommittee. Because of their attitude about the handling of the subcommittee all of the members are in a position to participate actively and fully, and I believe this is a credit to their leadership, and certainly it works to the benefit of the House and of the people.

I should like to comment on two portions of this bill, or the committee report, for I believe they should be mentioned and made a part of the RECORD.

First is the Department of Defense, Civil Defense Preparedness Agency. The Civil Defense Agency has been for years a part of the Department of the Army. This year it was changed to the Office of the Secretary of Defense, and somebody over in the Defense Department got the bright idea to change the name to the Defense Civil Preparedness Agency. Why on earth they would decide to disrupt something that has been going on all these years is beyond me.

Hundreds and thousands of people in this country who have worked in the civil defense program all of these years are rather unhappy, judging from the mail we have been getting.

We found that the work of the new Agency is going to be the same as the work of the old Agency. There are no real changes in it. So we have appropriated the money to this Agency this year in the name of the Civil Defense Preparedness Agency rather than in the name of the Defense Civil Preparedness Agency.

Perhaps this sounds like nit-picking, but the Civil Defense Agency has been a great thing to many people for many years, and we feel they deserve to be able to continue with their old name or something similar to their old name.

Next, members will notice in the committee report, on page 41, that we have declined to appropriae any money this year for the Department of Health, Education, and Welfare, Health Services and Mental Health Administration, Emergency Health program. I believe Members are entitled to know why we have declined, and the committee report, in my opinion, does an adequate job of explaining that, but it would seem to me a little more is required.

Last year in our committee report we made it very clear to this Agency we were not happy with the way they were operating; that, in fact, it appeared no program at all would be better than the way the program was being run; and we admonished the Agency to take the necessary steps between last year and this year so that they could come back to our committee and show to the House and to the Congress that, in fact, the package hospitals, disaster relief hospitals, and the entire program they were operating, was going along smoothly and making progress.

We were amazed when they came before our subcommittee this year to find very little, if anything, had been done since the year before.

I believe we should say in all fairness that it appears to the subcommittee those responsible for the emergency health program have tried to carry out the admonition of the Congress last year, but they got absolutely no cooperation and support from the Department of Health, Education, and Welfare. Personally I find this almost unbelievable, but nevertheless it is true.

We found, for example, that of the 2,116 prepositioned disaster hospitals approximately 1,380 were so deteriorated as to be almost useless. We had a staff study made. We brought into the committee room some of the rubber goods, surgical knives, hypodermic needles and other medical types of equipment.

We found them rusted and beyond use. We found medicines had completely gone beyond their useful shelf life. No real progress had been made in this direction. The thought that came to my mind as I listened to the testimony and looked at the exhibits that our staff prepared was what if we had a disaster and one of these prepositioned hospitals was moved into the disaster area and a doctor walks into the operating room and opens up some of this equipment only to find rust, corrosion, and rubber goods all stuck together.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. This was a great concern to me, Mr. Chairman. The whole medical relief program under the emergency health part of the program would be useless in such an event. Finding that the Agency had not corrected any of these deficiencies the subcommittee felt the only way to resolve the problem was to decline to appropriate any money. Maybe this means they will find some way to work out their problems more thoroughly and more quickly, although I doubt it from past experience. At any rate under this appropriation for last year, funds were to remain in the agency until expended. There are some $65,000 still in that fund. We have suggested or urged that the Department of Health, Education, and Welfare use this money to phase out this program. Also we have urged the Civil Service Commission to see to it that the employees of this agency are put into some appropriate use in other parts of the Federal Government. We just cannot have this type of program on our books in this country when people are depending on relief from disaster and depending on emergency equipment and health facilities only to find when a disaster does occur that the equipment is absolutely useless and not available during the disaster.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to the distinguished gentleman.

Mr. HALL. I appreciate the gentleman yielding. I know the dilemma of which he speaks. I have known it for many years. Having been one of the original civilian manmade or natural disaster planners in this country following World War II, I can well understand the dilemma. I wonder what adequate means there are going to be for substitution by those who have the responsibility if and when, after all of the millions of dollars of postexpenditure, we have other disasters of any type in this Nation or elsewhere, and are called upon to provide such material?

Mr. EDWARDS of Alabama. I cannot answer the gentleman for the committee. I would say for myself it is my hope the drastic action, and this is drastic action we have taken, will cause a shock effect in HEW and bring about some rejuvenation or some reorganization of worthwhile programs. I think it is fair to say that our subcommittee would be pleased to fund an adequate program. We have said this in subcommittee and on the record, but we cannot continue to fund a program that is as useless as this.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's forthright comment and I appreciate the philosophy of getting a mule's attention by hitting him in the head with a single tree first, before you tell him to giddyap or halt, or gee or haw. I hope this happens because with all of the countless millions of dollars and with all of the storage, and indeed with a rotation system of expendables in these supplies in both prepositioned and other medical and hospital supplies, there has in the past been a great effort, and there has been a great expenditure of funds and there has been diversification.

Indeed, there has been underground storage with constant temperature control, humidification, and as I did say, rotation of supplies. I think, rather, that the trouble behind all of this program is that the Department of HEW, as the gentleman from Alabama so aptly says, the heads thereof, are in the process of trying to phase out the Commissioned Officers' Corps of the U.S. Public Health Service which is responsible by law, and has been even back as far as the Constitution for the emergency interstate care under the health and welfare clause, of our people. That being what it is, in spite of this rotation program with existing civilian hospitals which would take care of expendables and prevent the deterioration of rubber goods, and so forth, and would protect from bomb effects or other types of disaster, including many of these supplies we have expended millions of dollars on, I think the rampant question is still how are we, who are responsible for the legislative branch, or how is the executive branch going to answer the great, glaring publicity when it is suddenly turned on the lack of anything with which to meet a disaster?

Mr. EDWARDS of Alabama. I agree with the comments of the gentleman from Missouri. It is not up to the Committee on Appropriations, as I am sure the gentleman from Missouri knows, to formulate a new program. However, it is up to this committee, I think, to weigh the caliber of the program and determine whether in fact we can afford to spend more of the taxpayers' money on something as useless as this.

Mr. HALL. The gentleman will agree that it is also up to the committee to see that there is no duplication, or overlapping; in the elimination of one program with the building of another one at great expense to the taxpayers, would he not? The Appropriation Committee is taking the action, and my fear is that the cure is too drastic, that we discard the baby with the bath water.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The point made by the gentleman from Missouri is well taken, and I would urge the gentleman if he has not already done so, as well as others Members, to come by the subcommittee hearing room and have a look at the display that we have there. And I am informed by the staff that made the study that what we have there in the hearing room is not some wild example, or something drawn out to prove a point, but that what we have on display is typical of the deterioration that has been found throughout the country.

I would also say that we have discussed at great length the subject of rotation of expendables with the agency. The gentleman from Missouri has suggested that rotation has been going on. Perhaps it has in some areas, but certainly what we have seen would not indicate that it has been handled very effectively. And by the admission of the agency, as I recall the testimony, rotation has not been done with any great frequency.

Mr. HALL. Mr. Chairman, I thank the gentleman for his invitation, and I want to assure him that I am familiar with the way this program has deteriorated, and it is because I go along with the gentleman that I am protesting so vehemently. Indeed, I think if you will search the records and the background carefully you will find that I am the one who suggested that the committee staff make this investigation.

Mr. EDWARDS of Alabama. I know the subcommittee protested, and the gentleman from Missouri protested to the Department of Health, Education, and Welfare. As I said earlier, maybe a little shock treatment will work wonders in this case.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I appreciate the opportunity you are giving me this afternoon to address this subject which is before the committee on this occasion.

I notice on page 7 of the bill that we are to appropriate $1,410,000,000 for the use of the U.S. Postal Service for its operations.

Mr. Chairman, although I agreed with and voted for the law which created a separate agency for the Postal Service to carry on its responsibilities, I am very much concerned about the wisdom of appropriating money in this manner for any Federal agency which is deaf to, or provides false or misleading information, to the inquiries of a Member of Congress, or to any citizen, who is requesting data that should be available to every citizen of the United States.

In addition, I find it of grave concern to me that the Congress may be helping to finance actions which appear to be in direct violation of Federal law.

I am here today to advise the Members who are here that the U.S. Postal Service is currently being investigated by two oversight committees having jurisdiction over postal affairs—one chaired by the gentleman from Arizona (Mr. UDALL) and the other chaired by the gentleman from Pennsylvania (Mr. NIX).

I am raising these points because of the events which make up my search for information concerning the selection of a site for the Midsouth bulk mail center to be located in Memphis, Tenn.

This study began more than a year ago. Initially, I was principally concerned with and interested in the need to assure that the taxpayers received full value for their dollars and that the intent of the Congress with regard to the pursuit of a balanced national growth policy would be complied with.

During the months which I have spent wrestling with this matter, I developed a third and a fourth concern. Is the U.S. Postal Service violating the National Environmental Policy Act of 1969, as it seems to be doing?

Why does the Postal Service refuse to provide a Member of Congress with honest answers to questions relevant to its multimillion-dollar decisions, or, indeed to any decisions which may be inquired about?

I came to the conclusion that neither the taxpayer's dollar interest nor the national growth interest, nor the environmental interest is being protected.

My attempts to obtain data from the Postal Service have met with reluctant cooperation, with misleading or false answers and with flat refusals to provide information.

We voted to abolish the Department of the Post Office and to establish a U.S. Postal Service on the theory that mail service could more efficiently, effectively,

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and economically be provided to the people of this great Nation in a businesslike way. But we agreed to continue at least some financial support of the Postal Service. That agreement carries with it the explicit right of the Congress—of the citizens of this Nation—to be provided with the true and complete answer to questions about its operations.

I know that the informational responsibility the USPS owes to the Congress and the people has been ignored. I am convinced that the service is not acting in a fiscally responsible manner.

There are several recent examples which lead me to make this conclusion and which I would like briefly to bring to your attention at this time.

The chairman, ROBERT N. C. NIX, of the Subcommittee on Postal Facilities and Mail brought to the attention of this subcommittee, recently, that before construction was begun on the facility to be established at Seacaucus, N.J., the project had totaled up a 109-percent cost overrun.

Just yesterday the gentleman from Pennsylvania (Mr. NIX), the chairman of the Subcommittee on Postal Facilities and Mail, placed in the CONGRESSIONAL RECORD of June 19, 1972, on page 21457, a statement from the General Accounting Office which shows that the Postal Service has wasted over $8 million in architectural and engineering services. Thrown it away without any sort of justification for its activities.

Third, I have been told by officials at the U.S. Postal Service that they have committed themselves to pay an average cost of $62,000 an acre for a site acquisition and preparation for a tract in Memphis, Tenn., on which to locate a bulk mail facility.

Mr. Chairman, all Members of Congress, and especially the members of the House Committee on Appropriations, have a very heavy responsibility to shepherd carefully the allocation and spending of dollars paid into our Federal Treasury and to see that our taxpayers are protected from waste and indiscretion, particularly at a time when people in this Nation are expressing deep concern about the high cost of Government.

We in this Congress need to redouble our vigilance over agencies such as the U.S. Postal Service in order to scrutinize their operations. Mr. NIX, as chairman of the Subcommittee on Postal Facilities and Mail, on last Wednesday agreed to issue subpenas, if necessary, in order to obtain the relevant information with reference to the chosen site to be constructed in Memphis, and I note that in the report on page 17 you say consistent with the position of this Congress, and so on, that the bill does not contain specific recommendations over the fiscal matters of the Postal Service in order to give the maximum latitude in the use of their funds.

Mr Chairman, I think it is high time that we look very closely at the operations of the Postal Service.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, in reading the hearings, the bill, and the report, I came across several items that are especially interesting. First of all, the good old Bureau of the Public Debt gets an increase to enlighten us to the fact that we have a huge debt. Presumably that Bureau has the answers as to how to go about keeping this country afloat by borrowing money—in other words, servicing the debt. In that connection the committee had before it the then Secretary of the Treasury Connally, now ex-Secretary of the Treasury Connally, who has gone to his reward with a tour around the world. For what purpose I am not quite clear. At any rate, Mr. Connally gave the committee some information with respect to our balance-of-payments situation, which has long been bad and continues that way. I should like to quote what he said for the hearing record:

> They can't just look to the Treasury to perform some monetary miracles, because we are not going to be able to do it.

Continuing, he told the committee:

> The truth of the matter is that we have approached the point that most of the countries, or a great many of the industrial nations of the world, don't want dollars any more. We are out of credit, so to speak. We are going to have to get our monetary house in order. We are going to have to recognize some of the limitations on some of the things we do.

Reading further in the hearings we find the United States owns the equivalent of approximately a billion dollars worth of rupees in India, which allegedly are earning interest.

I should like to ask the distinguished chairman of the subcommittee (Mr. STEED) what rate of interest is being paid and how it compares with the rate of interest this Government pays on money that it borrows from foreign countries?

Mr. STEED. Mr. Chairman, will the gentleman yield,

Mr. GROSS. I am glad to yield to my friend.

Mr. STEED. I do not recall that we went into that particularly this year. We have in years gone by, and the highest interest I can recall of us drawing on any of our foreign currencies was 6 percent, which, as the gentleman knows, is somewhat lower than interest rates we are paying in this country for our own borrowings. I am sure that is true of Egypt, where we also have a very heavy amount of these so-called counterpart funds or Egyptian pounds. In most of the countries where we have counterpart funds the amounts are lower than this, but in the area the gentleman mentions and in one or two other countries they are still very heavy.

As a matter of fact, I do recall one bit of information about our holdings in Egypt. The earnings on the amount of currencies we hold is far in excess of our total operating expenses in the country, so the amount we own is increasing each year. I am sure that is also true in India.

Mr. GROSS. But we do not stand a ghost of a chance of recovering any of this money to put back into the Treasury of the United States, do we?

Mr. STEED. No. Under our agreements with them I understand we cannot do that. We have to spend their money for their benefit in their country.

Mr. GROSS. That is one of the prices the U.S. taxpayers pay for foolishly trying to bankroll and police the world.

Mr. STEED. The gentleman can call it that.

Mr. GROSS. According to figures I have seen, opium production in Turkey increased from 51 metric tons in 1970 to 200 in 1971, with no figures presented to the committee as to how much of this amount reached the United States. How does this increase reflect on our financial assistance program to Turkey to bribe them to curb opium production? Can the gentleman shed any light on that?

Mr. STEED. If the gentleman will yield, as the gentleman knows, we are currently in the process of working out with the Turkish people and the Turkish Government a curtailment of the acreage that can be planted in opium-bearing poppies inside Turkey. We have an AID program that is working with that. It is my understanding this year and next year there will be substantial reductions in the acreage planted, and that in a matter of a few years the illicit production there will be greatly reduced. I think there are only seven States or areas inside Turkey which are now allowed to produce opium poppies at all.

Mr. GROSS. That reduction will be in proportion to how many more dollars we plow into Turkey, I assume. They would not be satisfied with counterpart funds, would they?

Mr. STEED. If the gentleman will yield, I do not know what the dollar amount of it is. It is mostly, as I understand it, a program that helps the Turkish farmer find another crop to grow in place of the opium poppy, which has been the only cash crop for some farmers for many years. We have sent some agricultural experts, machinery, and seed and other facilities to help the Turkish Government help its farmers to convert to other types of crops. There are some payments for taking acreage out of production that farmers in Turkey are to receive, I believe.

Mr. GROSS. According to the hearings, the General Services Administration bought $2,395,687 worth of knives and forks in the first 6 months of fiscal year 1972, by comparison with $1,666,833 worth of knives and forks in all of fiscal year 1970. For whom were they buying this hardware?

Mr. STEED. If the gentleman will yield, as the gentleman knows, they are the housekeepers for nearly all the Federal Government. They operate the stores at which all the agencies buy, and they buy about $3.5 billion worth of merchandise a year for all the agencies of the Government. The agencies get the appropriations from us themselves and turn the appropriations over to the GSA which, in turn, makes these purchases for the agencies.

Mr. GROSS. Is that where it is obtained for instance, for the House eating facilities?

Mr. STEED. It is the same process we use when we buy typewriters and all other facilities.

Mr. GROSS. About half the money increase went for the purchase of foreign cutlery. Is that correct?

Mr. STEED. It could well be. Of course, GSA acts as a purchasing agent for the various agencies of the Government. I think they have something over 600 items they buy off the shelf, and mainly their purchases are made at the request of the agencies.

Mr. GROSS. Two and one-half million dollars worth of knives and forks is a lot of them, whether purchased at home or abroad.

Mr. STEED. It certainly is.

Mr. GROSS. I just do not understand what they do with all of this.

Mr. STEED. I might say to the gentleman, there are a lot of interesting statistics which go along with the GSA activities, but the more I learn about them the more convinced I am that any national total is astronomical, for almost any item we can mention.

Mr. GROSS. I note, too, that the General Services Administration claims it is the greatest purchaser in the world of "the pill" and birth control devices.

Mr. STEED. That could well be, because of all the health activities we are engaged in. A lot of that is for the foreign aid program.

Mr. GROSS. To whom do they dispense? Do these go along with the knives and forks?

Mr. STEED. As I understand it, the biggest customer they have for "the pill" is in the foreign aid program.

Mr. GROSS. Are we sending pills to Turkey to get them to stop producing opium?

Mr. STEED. I do not know where they send them, but I understand it is a part of some international program for what we call family control or family planning.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. One former administrator testified on one occasion that the most frustrating thing of all about "the pill" was to go into some foreign countries and find them around people's necks being used as beads.

Mr. GROSS. Perhaps they extract one from the necklace and gulp it every now and then.

I notice that the GSA says it owns 416,406 motor vehicles, and that the number of Government automobiles has grown from 54,000 last year to 62,000 this year. That is an increase of 8,000 cars in 1 year, and it is not explained. That is a lot of automobiles.

I note also that the GSA says the Government owns only 22 limousines, 20 of which are owned by the State Department.

I see far more official Cadillacs and Lincolns around here than that.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Oklahoma.

Mr. STEED. I would call the gentleman's attention to the fact that in almost all of the appropriations bills for the various agencies there is language which permits them to use their funds for the rental of cars. A lot of these are limousines not under GSA control, which are rented by the agencies themselves. The GSA provides only vehicles as the various agencies of Government request. So what their inventory is is whatever the need is at the time.

Mr. GROSS. What is the reason why the State Department does not get this free-wheeling deal from the auto manufacturers, or whoever it is?

Mr. STEED. Somehow, in its wisdom, the Congress has set it in the budget and made this available. It all has to come through the budget process. Apparently that has been more fortunate, than in some of the other agencies.

Mr. GROSS. They would rather buy their cars than get this bargain-basement deal; is that correct?

Mr. STEED. I believe the gentleman will find, if he will talk with the GSA people, they will insist they can provide these vehicles more efficiently and at a better cost to the taxpayer than the agencies can provide their own. They have some very interesting reports to prove this.

Mr. GROSS. I thank the gentleman.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I applaud the subcommittee for its usual fine job on this bill. I thought the committee showed great foresight and wisdom in particular by putting $5.4 million in for a badly needed new Federal building in Tucson, Ariz. That was not the only wise decision in the bill and in the work of the subcommittee. As always, they have done a good job.

Mr. Chairman, this morning the Postal Service Subcommittee—which I chair—had before it representatives of the Magazine Publishers of America who have many problems in connection with the new postal rates. A great deal of discussion ensued regarding the appropriations in this bill and a similar appropriation last year with regard to the public service appropriations contained herein. I would like to ask the chairman of the subcommittee whether there was any intention on the part of the committee to deny an appropriation specifically to third-class mail?

Mr. STEED. As the gentleman knows, there are two ways under the law that would permit the Postal Service to request funds of the Congress. One is under the 10-percent 1971 budget and the other is under the so-called revenue figure. The reason why we made a lump sum appropriation here instead of dividing it between the two items is because we look at the $1,410,000,000 which we appropriated as a part of their total budget which mingles with all of their other moneys, making them a new total of $11.6 billion with which to operate during the current year. We have given them complete freedom to use these funds here along with the way they use their own funds in the operation of their business. So there was no intention of any kind, shape, or form for the appropriation made here to carry any weight whatsoever in the use of the funds by the Department.

Mr. UDALL. I would be correct then in paraphrasing the chairman to say that your subcommittee is not going into the ratemaking business and this reduction can be applied to first class, second class, or third class or simply as an indication that through overall efficiency expenditures could be reduced by the entire amount.

Mr. STEED. The gentleman is entirely right. Also I point out the law very specifically gives this authority to the ratemaking Commission and the use thereof to the Postal Service. One of the major intents of the law is to take it all out of the hands of the Congress and we tried to follow that.

Mr. UDALL. I appreciate the gentleman's clarification. Now, Mr. Chairman, on another subject let me say when we reach the 5-minute rule I propose to offer an amendment on page 38, line 18, to add a new section 611, which will read as follows:

On page 38, line 18, add a new section 611, as follows:

> SEC. 611. No part of the appropriation made by this Act shall be expended for the compensation of more than 1,555 employees in the Executive Office of the President, including not more than 50 employees of any Department or agency detailed to serve in the Executive Offices;
>
> nor shall the total amount appropriated to the Executive Office of the President for personnel compensation exceed $26,378,000;
>
> nor shall any part of the appropriations be expended for the compensation of more than 95 ungraded employees in the Executive Office of the President, whose individual salaries shall not be in excess of the maximum rates of pay established at the pay level of GS–10 of the General Schedule (5 USC 5332);
>
> nor shall any part of the appropriation be expended for the compensation of more than 549 employees in the Executive Office of the President whose annual rates of pay are not less than the minimum rate in effect for GS–13 of the General Schedule (5 USC 5332) nor more than the annual rate of pay for Level II of the Executive Schedule (5 USC 5313);
>
> except that no part of this section shall apply to the compensation of any employees of the White House Office, or the Compensation of the President.

This is designed to put some limitation on the fastest growing bureaucracy in America, namely, the so-called Executive Office of the President. Every week up here a great impassioned speech on the subject of economy in Government, usually by some of my friends from the other side of the aisle and I always pose a hypothetical question: that may be a little bit painful. Suppose for a moment that HUBERT H. HUMPHREY had been elected President in 1968 and promised to have the smallest White House staff in the history of recent years, and at the end of 3 years that staff had grown in size from $19 million, the last budget of Lyndon B. Johnson who was never widely known for his reductions in the White House staff to $33 million, an increase of something well over 60 or 70 percent.

This is an increase of shocking magnitude. Imagine the shock that would occur to my friends on the west side of the Chamber if during that time a new Democratic President had increased the total personnel of the EOP by 20 percent in less than 4 years. I can imagine the shock if nine new bureaucracies had been created within the Executive Office of the President during that time, and if the number of highly paid bureaucrats, top executives in the levels of GS–13 to GS–18, including Cabinet levels, had in-

creased from 553 to 908. And yet that is precisely what has occurred in the first 3 years of the Nixon administration, and now they are back here today asking for even more than that.

The limits that I propose are simple—For those offices within the Executive Office of the President which are covered by the present bill, approximately 2,133 employees with personnel compensation of $38,392,000, have been requested. This compares with the last Johnson budget which authorized 1,305 employees with a budget of $17,733,000. We will recommend limitations which reduce the current requests approximately 30 percent. This will still leave the appropriate offices covered by this bill with 250 more employees than President Johnson had and $8,645,560 more in salaries to pay them. Certainly this is growth enough for a short 3 years in the White House.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, as I look at the gentleman in the well I am on the right side of this Chamber, not on the west side, the right side.

Mr. UDALL. I think the gentleman from Iowa can characterize it in that fashion. Sometimes I agree with the gentleman, but not very often.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I just want to say that Herbert would not think of doing anything like that.

Mr. UDALL. I thank the gentleman for his analysis.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. STEED. Mr. Chairman, I yield 2 additional minutes to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, when we reach the amending stage we are going to have a chance to fish or cut bait on this issue, and the amendment that I will propose will not touch the Office of the President himself. I think the President is entitled to have as many employees as he can possibly stuff into the White House, but it will cut down on this growth of the special assistants, special assistants to special assistants, chauffeurs and drivers, and all the apparatus that goes with it.

This amendment will provide for a substantial reduction that will save the taxpayers of this country $11 million, and will cut down by approximately 350 of these highly paid "anonymous" bureaucrats who are withholding money that Congress appropriated, and who are doing all kinds of things we do not know about.

President Nixon will still be given substantially more people and substantially more dollars than we had in the last administration of Lyndon B. Johnson.

I think we are going to find out on Thursday or Friday who is really for economy around here. The President has called for sacrifices. All of the other departments of the Government have been asked to take reductions in personnel, and yet here we are seeing an example in the White House of the most fantastic growth of any bureaucracy in modern times. I think it is dangerous. I think it aims directly at the power of the Congress and the responsibility of the Congress under our unique system of government.

We are going to have an opportunity to see whether Congress wants to continue this sort of thing or whether we want to do something constructive about it.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I would ask the gentleman does the gentleman's amendment contemplate any substantial reduction in the Office of Management and Budget?

Mr. UDALL. I am glad to respond to the gentleman's question by saying that it would place an overall limitation on the highly priced individuals in OMB, and those in the EOP. It does not change the OMB as such. I have in my file an amendment that I will offer if I do all right on this first amendment, because it is obvious that the OMB has arrogated powers that belong to the Committee on Appropriations, and that belong to this Congress, and that belong to the Senate and the House. I think they ought to be cut back, and my amendment would certainly have that effect, but we do want to get at these bureaucrats, and I would be happy to get the gentleman as a sponsor.

Mr. PICKLE. I might add that they have some 655 employees, and I think it would be interesting for us to find out just what this enormous number of employees actually do.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. ROBISON of New York. Mr. Chairman, I will be happy to yield the gentleman from Arizona 1 additional minute if the gentleman would be pleased to answer a question.

Mr. UDALL. I thank the gentleman for the additional time, and I yield to the gentleman from New York.

Mr. ROBISON of New York. I would just say to my distinguished friend, and he is my friend, from Arizona, whether he has in fact joined in the ranks of those who have been converted to the gentleman from Iowa's (Mr. GROSS) fiscal responsibility?

Mr. UDALL. Yes, I enlisted in the gentleman from Iowa's fight many years ago, and I have tried to follow him religiously.

Mr. ROBISON of New York. If the gentleman will yield further, I suggest to the gentleman, for reasons we will go into whenever we get to the 5-minute rule stage, that he has found the wrong place in which to apply his new-found philosophy.

Mr. UDALL. I thank the gentleman from New York for his kind advice, and I will analyze it before we get to that point.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me, and I shall not take the entire 5 minutes allotted to me.

In line more or less with what has just been spelled out by the gentleman from Arizona (Mr. UDALL) on Thursday, at the appropriate time, on Thursday or Friday, as I understand it, I intend to offer an amendment directed at curbing the appetite of the administration to add affiliated offices to the White House staff and to encourage those offices to go far beyond the powers originally conferred on them.

As chairman of the Subcommittee on Communications, the particular office that has occupied my time and attention is the Office of Telecommunications Policy, headed by Dr. Clay T. Whitehead and now swollen to 65 jobs with innumerable consultants and groups doing esoteric research studies, all adding up to an annual budget of more than $3 million. In addition, there has been created in the Commerce Department an even more bloated bureaucracy of nearly 250 people and a budget that goes to $7.5 million in fiscal 1973. This substantial group is also directed by the Office of Telecommunications Policy of the White House. That means more than 300 bodies and more than $10 million, doing work which the Congress assigned to the independent Federal Communications Commission nearly 40 years ago.

I am gravely disturbed at the proliferation of these anonymous, unaccountable agencies and their incursions on the prerogative of Congress, and the arms of the Congress which have been legally set up.

Therefore, Mr. Chairman, at the appropriate time I will offer the following amendment to the bill, H.R. 15585:

On page 13, line 12, delete "$3,000,000" and substitute "$1,000,000".

And on page 12, line 13, delete "$1,025,000" and substitute "$500,000".

Mr. STEED. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise to explain an amendment which will be offered to this bill under the 5-minute rule and to supply for the RECORD and for the consideration of the Members two excellent legal statements which explain the need for and the constitutional basis of this amendment.

The amendment will restrict the appropriation of moneys under this bill, with certain exceptions, for the salaries of executive branch officials who refuse to appear before committees of the Congress.

This amendent is a partial resolution of one of the most important issues facing the Nation—the problem of the people's Representatives in Congress of obtaining information from the Executive necessary to fulfill the constitutional obligation to legislate. This is not a new issue, but events of the past decade have tended to reduce the Congress from a coequal branch to almost a figurative board of directors merely endorsing management decisions. Time and again congressional committees are denied access to information and witnesses necessary for the adequate consideration of legislation before them.

What is involved is a fundamental shift in our constitutional system of checks and balances—a gradual erosion of the ability of the legislative branch to be a check and balance on the power of the executive branch.

As Alan C. Swan of the University of Chicago has said:

> In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. * * * now, gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. * * * I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House.

Under the guise of the so-called doctrine of executive privilege, current and past Presidents of both parties have denied Congress the most vital information necessary to fulfill our duties as the people's legislative Representatives. This is not a partisan issue. It affects both sides of the aisle and has been caused by Presidents of both parties.

The debate over the constitutional status and reach of executive privilege has raged for years. The Foreign Operations and Government Information Subcommittee, which I chair, has received extensive testimony from eminent legal authorities, and the preponderance of evidence clearly debunks the myth of the unlimited privilege of the President to withhold information from the Congress.

I feel it is incumbent upon this body to keep the record clear on this matter, and I intend to include with my remarks learned legal analysis to support my position that the so-called doctrine of executive privilege has no constitutional basis whatsoever.

It is a matter of comity between coequal branches of Government.

It is nothing more.

As a matter of comity Congress has in the past and should continue in the future to relieve the President and his closest personal advisers from the constitutional obligation to appear before the Congress or provide the Congress with information on matters of a close and confidential nature.

The President—any President—should be able to confer in privacy with his closest advisers. But, such privilege must be granted, as a matter of comity, by the Congress. Constitutionally, it cannot be unilaterally assumed by the President.

The amendment to be offered strikes the delicate balance between Congress' right to know and the President's need for private advice. This amendment, which could be called the "Kitchen Cabinet amendment" will authorize the President to name up to 10 persons on his immediate staff who shall not be required to appear before the Congress. This will fully satisfy the needs of the Executive without shutting the door on congressional access to information.

Since 1954 when the Civil Service Commission reported figures, the President's Executive Office staff has grown from 1,466 to 6,040. The breakdown is as follows: The number of presidential advisers has grown from 25 to 45; the number on the White House staff has grown from 266 to 600; and the number of employees of the Executive Office, other than presidential advisers and White House staff, has grown from 1,175 to 5,395.

Our most important domestic and international policies are today being developed not in the appropriate departments clearly subject to congressional scrutiny but in the White House. The Congress should not, and cannot allow our senior policymakers total insulation from legislative scrutiny. To do so would be to adjudicate those responsibilities which we have to the citizens of this country.

This amendment is one way we can reach a reasonable solution to this dilemma.

If some of my colleagues feel that we are treading on unbroken ground, I wish to point out that in the past many presidential advisers—even the closest advisers—have appeared before Congress without the dire consequences forseen by strict advocates of executive privilege. Just recently Mr. Peter Flanigan appeared before the Senate Judiciary Committee. Just last year Mrs. Virginia Knauer appeared freely before Congress in her capacity as the Special Assistant to the President for Consumer Affairs. By these appearances the White House has recognized that this privilege is not absolute.

On the other hand, when the Foreign Operations and Government Information Subcommittee was holding hearings on security classification, the primary drafter of the new Executive order governing this important issue was unavailable to us. This gentleman, an assistant in the office of the National Security Council, was considered an adviser to the President and barred from appearing. His knowledge of the Executive order was essential to our deliberations. We did not wish to question him on any possible conversations with the President but merely to gain the benefit of his technical knowledge in this area. The subcommittee was stymied. Congress was denied access to important information. The American people suffer for it.

I urge all my colleagues to support this amendment. Again, it is not a partisan issue. It is a legislative enactment going straight to the heat of our responsibilities to our constituents and the Constitution. Congress must assert its responsibilities as a coequal branch of the Government.

The text of the proposed amendment is as follows:

> No part of the appropriations made by this Act shall be expended for the Compensation of any person other than those designated by the President, not to exceed ten persons employed in the White House Office, who refuses to appear before any committee of the Congress solely on the grounds of "executive privilege"; nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office.

Mr. Chairman, at the proper time I will ask unanimous consent to include statements by two eminent authorities, Prof. Raoul Berger of Harvard Law School, and Prof. Alan Swan of the University of Chicago. These statements are closely reasoned briefs thoroughly destroying any legal basis for the existence, on constitutional grounds, of the so-called doctrine of executive privilege.

I will also ask unanimous consent to include a study done by the Congressional Research Service for the Subcommittee on Foreign Operations and Government Information outlining the phenomenal increase in Executive Office manpower and a study of instances of refusal of Executive Department officials to testify or appear before congressional committees.

The material follows:

STATEMENT OF RAOUL BERGER

It is a privilege to respond to your invitation to appear before you. You are grappling with a grave national problem—the growing and dangerous practice of the Executive branch to withhold vital information from both the public and the Congress. My concern will be with the legal problems that attend the assertion of executive privilege to shut off Congressional inquiry. About the need of Congress to know if it is not to legislate and appropriate in the dark, you know full well. Much of what I shall say is familiar to this Committee. But our task is to bring the entire Congress up to the informed level of this Committee, and to educate the American people as to the flimsiness of executive privilege claims.

Let me begin with the most recent example of how history is being manufactured under our noses, the claim of privilege for Peter Flanigan on the ground that he is a member of the White House staff. Counsel for the President, Mr. John W. Dean III, explained that Mr. Flanigan's immunity was grounded on "long established historical precedent." What are these precedents? When Assistant Attorney General William Rehnquist appeared before you in June, 1971, the instances he mustered for the refusal of the President's "intimate advisers to appear" went back no further than the Truman administration, i.e. about 1950 or 1951. These refusals were based on the principle, said Mr. Rehnquist, that the advisers "ought not to be interrogated as to conversations . . . with the President or advice given or recommendations made to the President." III 363.[1] It required only twenty years to transform those incidents into "long established historical precedents." It will hardly be presumed that the President would claim that he discussed the settlement of the ITT antitrust case with Mr. Flanigan. So the claimed immunity for Flanigan constitutes a brand-new "historical precedent," mere membership in the White House staff immunizes from Congressional inquiry. Let me postpone the immunity claimed for Presidential advisers to my discussion of the case of Henry Kissinger.

I shall discuss a number of basic problems, beginning with executive reliance on the sep-

[1] References are to hearings before this Subcommittee in June, 1971, and the volumes I, II, and III will merely be cited as I, etc.

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aration of powers; then I shall delineate the historical basis of the Congressional power of inquiry, which, at the adoption of the Constitution, was deemed to extend to surveillance of executive performance. Then I shall show that there is no comparable history for executive privilege, and that the earliest precedents invoked by Executive spokesmen, which were incidents in the Washington administration, will not withstand scrutiny. Next I shall comment on the recent shelter claimed for "candid interchange" of opinions by subordinates, and then upon the shaky basis for the claim of immunity for confidential advice to the President. Finally, I shall comment on the refusal of the Defense Department to comply with your request for information under the Act of 1928, and on the measures open to Congress to bring executive refusals of information to a test.

The first appeal of the Executive branch, repeated before you by Assistant Attorney General Rehnquist, is to the separation of powers, II 359, which postulates that Congress is encroaching on the Executive prerogative. Was there an executive prerogative to withhold information from Congress at the adoption of the Constitution? Only if there was such a prerogative can it claim the protection of the separation of powers. In other words, it is necessary to demark the attributes of each department before the separation of powers comes into play. To look to the Article II "executive power" for the answer is like looking into a crystal ball. When former Justice Arthur J. Goldberg testified before you in March, 1972 that "It is true that Article 2, vesting the Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments are privileged,"[2] he assumed the answer.

For what the Framers meant when they employed the terms "legislative power," "executive power," we must look to history, exactly as the Supreme Court did when it inquired whether the "judicial power" included a power to hold in "contempt."

History discloses an established virtually untrammeled parliamentary power of inquiry; whereas the Executive Branch has *not advanced a single precedent prior to the Washington administration* which shows the existence of executive power to refuse information to Parliament. Nor do the Washington incidents stretch so far.

The great William Pitt, speaking in 1742 to the proposed investigation of the ousted Premier, Robert Walpole, said:

"We are called the Grand Inquest of the nation, and as such it is our duty to inquire into every step of public management, either abroad or at home, in order to see that nothing is done amiss."

RB 1058. Remember the words "grand inquest." Pitt's statement was echoed in 1774 by James Wilson, second only to Madison among the Framers:

"The House of Commons have checked the progress of arbitrary power, and have supported with honor to themselves, and with advantage to the nation, the character of grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censures, and have appeared at the bar of the house, to give an account of their conduct."

RB 1288n. Reference to the "grand inquest" was made in the Massachusetts Ratification Convention by Fisher Amers, 2 Elliot's Debates 11, and in North Carolina by Archibald Maclaine, 4 Elliot's Debates 44. In the Second Congress, Elias Boudinot stated in 1792, respecting a proposed investigation of the affairs of the Secretary of the Treasury, Alexander Hamilton, that "we're now exercising the important office of the grand inquest of the nation," and noted that the inquiry was "into the conduct of an officer of the Government in a very important and highly responsible station." 3 Ann. Cong. 947–948. The investigation, I may add, was welcomed by Washington. RB 1081 n.200. That the separation of powers interposed no obstacle to such inquiry may be gathered from the high priest of the doctrine, Montesquieu, who was endlessly cited by the Founders. The legislature, he said, should "have the means of examining in what manner its laws have been executed by the public officials." RB 1059–60.

All this was summarized by the Supreme Court in *McGrain* v. *Daugherty*, 273 U.S. 135, 161 (1927) in the wake of the Teapot Dome scandals:

"power to secure information by such [investigatory means] has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution."

"A legislative body," said the Court, "cannot legislate usefully or effectively in the absence of information . . . and where the legislature does not itself possess the requisite information . . . recourse must be had to others who do possess it," as Roger Sherman had said with respect to the Act of 1789. That Act made it the duty of the Secretary of the Treasury to furnish information required of him by either branch of Congress, and Sherman said, "we must procure it where it is to be had." RM 1061. The Court also declared that an investigation "of the administration of the Department of Justice . . . and particularly whether the Attorney General and his assistants were performing or neglecting their duties" was within the jurisdiction of Congress. 273 U.S. at 177. True, there the brother of the Attorney General, an Ohio banker, sought to resist the investigation; but it is absurd to argue, as did Attorney General Rogers, that the Attorney General himself could not be called in an investigation of his own derelictions. RB 1055. The Act of 1789 specifically provided that the Secretary of the Treasury must appear in person.

That Act, drafted by Alexander Hamilton, enacted by the First Congress, virtually an adjourned session of the Convention, and approved by President Washington, who had presided over the Convention, made it the duty of the Secretary of the Treasury "to give information to either branch of the legislature in person or in writing (as he may be required) respecting all matters . . . which shall appertain to his office." 1 Stat. 65–66, 5 U.S.C. § 242. Both the Secretaries of War and of the Treasury appeared before the House in the St. Clair investigation. 3 Ann. Cong. 1106 (1792). RB 1060.

Where is the comparable history of executive privilege? When Assistant Attorney General Rehnquist appeared before you in June, 1971, he stated that the privilege is "firmly rooted in history and precedent." II 360. He avouched no pre-Constitution precedent to show that legislative surveillance of the executive was in any wise limited; instead he relied on two incidents during the Washington administration: the St. Clair investigation and the Jay Treaty incident. Neither constitutes a precedent.

In 1792 the House examined into the failure of General St. Clair's expedition against the Indians and called on the Secretary of War for documents. According to what Mr. Rehnquist described as "an excerpt from Jefferson's notes of the cabinet meeting," II 360, it was agreed that the "house was an inquest, therefore might institute inquiries," but that the President had discretion to refuse papers, "the disclosure of which would injure the public." RB 1079. However, all the details of the disastrous expedition were in fact turned over, so that the case is hardly a case for a *claim* of the Executive to withhold information from Congress. Jefferson's "notes" did not find their way into the executive files; there was no evidence that the meditations of the cabinet were ever disclosed to Congress. Indeed, it would have been unsettling and unwise to excite the House by a claim of discretion to withhold when all the information was in fact turned over. The Jefferson "notes" were found amongst his papers after his death and first published many years later, under his "Anas,' what he described as "loose scraps," and "unofficial notes." RB 1089n. There this "precedent" slumbered until it was exhumed in a memorandum submitted to the Senate in 1957 by Attorney General Rogers. What a "precedent!" If it is a precedent, it teaches that Washington would not claim privilege to hide a shameful failure within his administration.

The second "historical precedent" invoked by Assistant Attorney General Rehnquist is Washington's refusal to turn over the Jay Treaty papers to the House. II 360–361. The papers had been *delivered to the Senate*, but were refused to the House because, said Washington, the House had no part in treaty-making and hence no "right" to the papers. But he emphasized that he had no disposition to withhold "any information . . . which could be requested of him as a right," as, for example, had the House required the papers for purposes of impeachment. RB 1086. In sum, this was not a case where executive privilege defeated a "right" of inquiry, for the papers were delivered to the Senate, but an alleged absence of a "right" of the House to inquire. Indeed, the very terms "executive privilege" are a relatively late newcomer on the scene.

The "executive power" was conceived by the Framers as a power to "execute the laws," RB 1071–76, and the legislature necessarily, in the words of Montesquieu, "should have the means of examining in what manner its laws have been executed." We need to recall that the prevalent belief at the end of the Colonial period was that the executive, in the words of Edward Corwin, "was the natural enemy, the legislative assembly, the natural friend of liberty." RB 1070. And despite Madison's disenchantment with State legislative excesses in the post-Revolutionary period, he concluded that "in republican government, the legislative authority necessarily predominates." Federalist, No. 51. Today the Executive branch tells Congress, the senior partner in government, that disclosure to it of certain information is "inappropriate" or not in the "national interest."

Another "precedent" cited by Assistant Attorney General Rehnquist arose in 1953, *Reynolds* v. *United States*, 345 U.S. 1, III 360. There a private litigant in a suit against the government sought disclosure of an Air Force report respecting secret electronic equipment. The claim of a private litigant to such disclosure stands far lower than that of Congress. Concealment of departmental derelictions, for example, the Teapot Dome frauds, or of foreign commitments, may be far more damaging to the national interest than a failure of justice in a private litigation. Then too, there is a long history of parliamentary inquiry into executive conduct, which is much older than, and entirely independent of, the right of a litigant to executive disclosure in the courts. *Reynolds*, in fact, speaks against the exaggerated executive claims, for the Supreme Court said that it is for the Court, not the Executive, to "determine whether the circumstances are appropriate for the claim of privilege." 345 U.S. at 8. Although the Court found that the litigant had not proven the need for disclosure in light of an "available alternative," it was yet at pains to state that "judicial control over evidence in a case cannot be abdicated to the caprice of executive officers."

[2] Cong. Rec. March 24, 1972, E299C.

[3] Berger, Executive Privilege v. Congressional Inquiry, 12 UCLA Law Rev. 1044 (1965), hereafter cited as RB.

Indeed, Mr. Rehnquist concedes that the "President's authority to withhold information is not an unbridled one," but concludes that the "potential for abuse" must still be left "for the exercise of presidential discretion." II 361. A "bridle" on the Executive which he alone can check is no bridle at all. In short, the Executive branch asserts a right finally to determine what is "appropriate" for Congress to see after the Supreme Court decided that the Executive has no such right against a private litigant.

The claim of privilege for "candid interchange" among officials is illustrated by your own recent experience. You had requested "Country Field Submissions" for Cambodia, the type of information the "past three administrations" have routinely furnished. (Press release, Chairman Moorhead, March 16, 1972). These submissions, your Chairman explained, "describe the real political and economic situation in a country, what the goals and objectives of the United States assistance program are," and the like. When access to these submissions was refused, the Committee invoked the statutory cut-off for aid to Cambodia. At the last minute President Nixon forestalled the cut-off by an appeal to executive privilege. A similar rebuff was experienced by the Senate Foreign Relations Committee. President Nixon explained that "unless privacy of preliminary exchange of views between personnel of the Executive branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of government would be muted." Hearings before the Senate Subcommittee on Separation of Powers on Executive Privilege (July–Aug. 1971) p. 46.

No trace of this branch of privilege appears in history until it was put forth in 1954 by President Eisenhower in defense of the Army against the onslaughts of Senator McCarthy. RB 1309–10. It is therefore a recent made-to-order doctrine, altogether without historical foundation, which cannot be justified as the exercise of a *constitutional* power to withhold. Moreover, this principle of "candid interchange" was laughed out of court by the highest judicial tribunal of England, the House of Lords, in *Conway* v. *Rimmer* [1968] 1 All.E.R. 874, a private litigation. In the words of Professor Wade of Oxford, "The flimsiness (as Lord Reid called it) of this overworked argument has long been obvious and their Lordships have now shattered it without mercy." 84 L.Q. R. 173. Nevertheless, the President solemnly invokes as a sufficient reason for withholding from Congress information as to how the Defense Department plans to spend appropriated funds an excuse which the Lords rejected for withholding from a private litigant.

Such presidential frustrations of Congressional attempts to obtain information vital for the performance of its functions reveal how futile it is to make a cut-off of funds turn on presidential invocation of executive privilege. A Department determined to withhold information, as these incidents disclose, will generally procure presidential concurrence. I would therefore recommend that all future cut-offs be made dependent *solely* on departmental refusal of information to Congress. As the President's abandonment of the claim of executive privilege for Peter Flanigan, in order to save the appointment of Richard Kleindienst as Attorney General indicates, the President may conclude that some claims of privilege are too dearly bought.

We have seen that the claim of privilege for members of the White House staff, according to the "precedents" mustered by Assistant Attorney General Rehnquist, is newminted. Suppose Peter Flanigan were charged with violation of the Corrupt Practices Act and that Congress launched an investigation to ascertain whether there were grounds for impeachment. Can it be maintained that Mr. Flanigan's plea of immunity from investigation would be sustained? Impeachment lies against "all civil officers" regardless of location in the government; and Congress, as President Washington recognized, may investigate before it impeaches.

I propose to show that even the claim for confidential advice to the President, for example, by Mr. Henry Kissinger, has very shaky underpinning. There is no need to rehearse Mr. Kissinger's omnipresence in foreign affairs. That he has taken over high-level functions of the Secretary of State is open and notorious. Although the Secretary, in the words of Chief Justice Marshall in *Marbury* v. *Madison*, is a "confidential agent" of the President, he enjoys no blanket immunity from inquiry. Mr. Kissinger, however, is claimed to be unaccountable to Congress.

This area of privilege has been highly overrated. In the memorandum Attorney General Rogers submitted to the Senate, he claimed "uncontrolled discretion" in a department head to withhold "confidential" information, citing *Marbury* v. *Madison*. RB 1101, 1110. But Mr. Rogers himself quoted Chief Justice Marshall as saying on the trial of Aaron Burr that "the principle decided there [Marbury] was that communications *from* the President to the Secretary of State could not be extorted from him." RB 1110. Even this much was pure dictum, because *Marbury* involved a claim to delivery of a commission which had been signed by the President and sealed by the Secretary of State, about which there was nothing confidential at all. So far as *Marbury* is a precedent, it does not, according to Marshall himself, shelter a communication from a high officer *to the President*. A private letter from General James Wilkinson to President Jefferson was in fact held subject to subpoena by Marshall on the *Burr* trial and it was turned over to the court by Jefferson.

In truth, *Marbury* is altogether irrelevant to Congressional inquiry. It was a litigation by a private individual, and Marshall stated that the "province of the court . . . is not to inquire how the executive or executive officers perform their duties." Precisely that function lies within the province of the legislature, as Pitt, Montesquieu and James Wilson made clear, and as the Supreme Court held in *McGrain v. Daugherty*. In 1792 Washington welcomed an investigation of the Secretary of the Treasury; RB 1081n; and he turned over all documents in the investigation of General St. Clair, thus recognizing the inquiring function of Congress.

It also needs to be remembered that a number of British Ministers were impeached for giving "pernicious advice" to the King, Berger, Impeachment for "High Crimes and Misdemeanors," 40 So. Cal. Rev. 395,413 (1971), and that in the Virginia and South Carolina Ratification Conventions Francis Corbin and Henry Pendleton alluded to such "advice" as within the scope of impeachment. Id. at 431. If such "advice" is impeachable, inquiry whether it was given cannot be barred on *constitutional* grounds whatever may be the merits of the practical arguments for confidentiality. Practical desiderata cannot be translated into constitutional dogma.

Now I come to what seems to me the most glaring example of bureaucratic recalcitrance—the refusal of the Defense Department to comply with the request of this Committee for information under the Act of 1928, now codified in 5 U.S.C. § 2594. The Act provides that upon request of the Committee on Government Operations every executive department shall "furnish *any* information requested of it relating to *any* matter within the jurisdiction of said Committee" (emphasis added). Senate Report No. 1320 (70th Cong., 1st Sess.) recites that the Bill repealed the requirements of a large number of statutes covering certain listed reports on the ground that the "requirements are obsolete . . . have no value and serve no useful purpose. . . . To save any question as to the right of the House of Representatives to have furnished any of the information contained in the reports proposed to be abolished a provision has been added to the bill requiring such information to be furnished . . ." On the basis of this report, the Assistant to the President, Mr. John D. Erlichmann, argues that the Act was merely designed to apply to the "discontinued reports." III 785, 788.

On this interpretation, the Act preserves the right of Congress to require obsolete and valueless reports while barring access to reports of immediate value and need. It reads a statute designed by Congress for its own benefit against Congress and in favor of the Executive. In effect, the Executive would revise the Act of 1928 to read, "notwithstanding the provisions of this repealer, the Committee may require the discontinued reports." But the Congress went beyond this: it provided for the requirement of "*any* information . . . relating to *any* matter within the jurisdiction of said Committee." The prototype of this provision is the Act of September 2, 1789 (1 Stat. 65–66, 5 U.S.C. § 242), which made it the duty of the Secretary of the Treasury "to give information . . . respecting *all* matters . . . which shall pertain to his office." In 1854, Attorney General Caleb Cushing advised the President that "by legal implication" every branch of the Executive Department is under the same duty. 6 Ops. Atty. Gen. 326,333. The broad language of the Act of 1928 may be read as declaratory of this duty.

Mr. Erlichmann admitted that the language of the 1928 Act "unquestionably is rather broad," III 788; and Assistant Attorney General Rehnquist "cheerfully conceded" that "the extremely broad purpose . . . is a permissible interpretation of the language." III 785. Why must we prefer a narrow to a broad reading of a statute designed by Congress for its own benefit? Our guide rather should be the statement of Chief Justice Marshall:

"It is not enough to say, that this particular case was not in the mind of the Convention, when the article was framed. . . . It is necessary to go farther, and to say that, had this particular case been suggested, the language would have been so varied, as to exclude it . . ."

Dartmouth College v. *Woodward*, 4 Wheat. 518,644 (1819). Would the Congress have excluded a request for the SST report from the words "*any* information . . . relating to *any* matter" and have restricted the request to "obsolete and valueless" reports? The answer is self-evident. It follows, in my judgment, that a refusal of information required by your Committee under the Act of 1928 is a violation of law.

STATEMENT OF ALAN C. SWAN OF THE UNIVERSITY OF CHICAGO ON EXECUTIVE PRIVILEGE

I am flattered by the Committee's invitation to express my views on S. 1125. I heartily endorse the changes it proposes. Its enactment would, I believe, give promise of a new vigilance by Congress in the defense of its Constitutional prerogatives and might even induce greater concern in the Executive for the consequences of its own assertions of power. For either of these, I as a citizen, would be grateful. And perhaps I can best make my modest contribution to these ends by what must necessarily be a too cursory review of the central precepts governing the exercise of the privilege.

The history of the President's right to withhold information from Congress is a remarkable chapter in our Constitutional story. Scarcely touched by judicial authority, the record abounds with self-serving efforts to endow each favorable outcome with the authority of precedent. Too little care is devoted to squaring with the facts of historical

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citation. And the very frequency with which the Separation of Powers Doctrine has been invoked induces a feeling that something of our understanding of that doctrine and of its true and vital import for our form of government has been lost.

Under this state of the record, renewed attention to first principles is badly needed. I would, therefore, like to start with a brief discussion of the Separation of Powers Doctrine. Then, I would turn to testing four major types of cases against these principles and against the precedents, but not before noting some recent claims for the privilege which suggest that renewed vigor in Congress' assertion of its rights would come none too soon.

I

It would seem elementary, yet too often forgotten, that the Separation of Powers Doctrine was not devised for the convenience of the several branches of the Government, but as a means of securing to those branches power to so check and balance each other that the people would be free from arbitrary power. As Mr. Justice Brandeis in *Myers* vs. *United States* put it:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

This fundamental observation ought to be received without question; but apparently not so. I think it fair to say that by the end of the Eisenhower Administration we had arrived at a point where the Executive claimed a plenary authority under the Separation of Powers Doctrine to withhold from Congress anything it saw fit to withhold.

In 1957, then Attorney General Rogers, in a memorandum to the Subcommittee on Constitutional Rights claimed that while heads of departments "have frequently obeyed congressional demands, . . . and have furnished papers and information to congressional committees, they have done so only in a spirit of comity and good will, and not because there has been an effective legal means to compel them to do so." Such a claim, and others like it, shows I suggest, a total disregard of the need for checks and balances. The power of determining secrecy has slipped imperceptibly into the hands of a single Branch of the Government.

Nor do I believe that the situation has changed in the years since. While Presidents Kennedy, Johnson, and now President Nixon, in admirable expressions of self-restraint, have drastically revised the earlier directives, nothing they have said or done retreats one whit from the broad assertions of Executive power laid down by Mr. Rogers. In the background—apparently untouched by any Presidential disclaimer—lie the precedents of the earlier period, ready to be resurrected whenever present or future administrations consider the provocation sufficient to do so.

II

A search for principles to guide in restoring the balance might usefully begin by setting aside cases where one House of Congress requests information on a subject given exclusively by the Constitution to the President or to the President jointly with the other House. If a particular subject is clearly not within the Congressional purview, it takes no citation of authority to acknowledge the Executive's right to resist a Congressional inquiry. Indeed, we could drop the matter at this point were it not for the propensity of Executive spokesmen to treat such resistance as precedent for a Privilege over matters clearly within Congress' jurisdiction, a wholly distinguishable case.

Two examples will suffice.

First, in the celebrated Jay Treaty Affair of 1796, an Executive Branch favorite. President Washington, in rejecting the House's request for all documents relating to the Treaty, emphasized the need for secrecy in foreign relations only to explain why the Constitutional Convention had put the treaty power in the President and the Senate, the latter being the smaller legislative body. He noted that all the requested papers had been submitted to the Senate, reviewed the history of the debates over the House's role in treaty-making, and concluded:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office . . . forbids a compliance with your request."

In short, the Senate had a right to all the documents, the House to none, because it lacked the Constitutional authority to act upon the subject to which those documents related.

The second incident, often cited to support a plenary privilage, occurred in 1886 when President Cleveland refused a request for all documents concerning the suspension of one George Durkin as a United States District Attorney. The President denied that the documents were pertinent to Senate action on Durkin's successor and contended that the Senate had no authority to inquire into his exercise of the removal power. The Senate was not prepared to acquiesce on either count, and a Resolution of censure against the Attorney General was approved.

III

The center of our concern is with the privilege to withhold information that is clearly pertinent and possibly necessary to discharge by Congress of its Constitutional responsibilities. Here three types of information appear to account for the bulk of the cases: Defense and foreign policy secrets; documents, such as FBI investigative reports, containing confidential information usually gathered in the course of law enforcement activities; and internal working papers of the Executive. This last is the most difficult, and perhaps the most mischievious, yet subtle, of the cases and I should like to defer it to the end.

In refusing to supply defense and foreign policy secrets or confidential investigative reports to Congress, the Executive has invariably—and I know of no exception to the rule—equated disclosure to Congress with public disclosure. The often cited opinion of Mr. Justice Jackson when, as Attorney General, he explained his denial of certain FBI reports to the House Naval Affairs Committee, is a perfect case in point. The Attorney General argued that disclosure to the Committee would: (1) prejudice law enforcement by giving advance notice of the Government's case to defendants and their lawyers; (2) prejudice national defense by warning away those suspected of subversive activity; (3) prejudice the usefulness of the FBI by breaking its pledges to informers and (4) perpetrate an injustice upon innocent individuals. A similar line of reasoning was followed only a few weeks ago by the Assistant Attorney General in testimony before a House Subcommittee, when he gave as one example of the need for a Privilege to withhold information from Congress, the fact that the negotiation of a treaty is often a delicate matter, which does not "admit of being carried on in public."

These are quite remarkable arguments in light of the literally hundreds of state secrets and other pieces of confidential information entrusted by the Executive to the Congress, its members, and its Committees virtually every day. One must, I think, read between the lines, and construe the claim of privilege as a right to withhold any information which the Executive thinks should be kept confidential whenever it perceives that Congress might disagree with that judgment. In short, the question under the Privilege is not what Congress should know, but whether the Executive Branch is to be the exclusive authority for determining what the public should know.

Such a claim is extremely difficult to square with the Separation of Powers Doctrine. The Executive's own arguments tacitly admit that Congress by itself is entitled to the information when pertinent to its legislative responsibilities. If so, I can think of no more important application of the checks and balances principle than the right of Congress to information carries with it the right to determine how much of that information is to be made public. The power of one Branch to check the other in determining the need for secrecy is of the essence of liberty.

On this point it should be noted in *Reynolds* vs. *United States*, the Supreme Court refused to abdicate judicial control over the evidence in a case—in that instance highly classified military information—to what it called the "caprice of executive officers." If the Judiciary cannot be asked to abdicate to the Executive in choosing between the public's need for information and the need for secrecy, Separation of Powers might properly dictate a comparable stand by Congress.

One might also observe the seeming incongruity between the Executive's claim and Article I, Section 5 of the Constitution which provides in pertinent part:

"Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their Judgment require secrecy."

The framers of the Constitution certainly evinced no lack of confidence in the ability of the Legislature to judge when secrecy was required in the public interest. Indeed, there was concern that too much would be kept secret.

At this point clarification is in order. The Executive cannot be blind to the fact that at times individual members of Congress and even congressional committees, whether out of policy disagreement or a desire for personal or partisan advantage, are prepared to make confidential information public or use it to injure innocent people. The Executive cannot be expected, nor should it respond in these cases. Nothing in the Separation of Power's Doctrine equates the individual legislator's judgment or even the judgment of a Committee, with that of the Senate or the House. Here I suggest Congress has a responsibility by establishing appropriate procedures to undercut some of the legitimate fears which surely have contributed much to the erosion of the Congressional prerogative.

IV

Thus far, I have addressed myself mainly to the principle of the matter. Now let me turn to the more hazardous task of reviewing the precedents. I am fully cognizant of a long line of Attorney Generals' opinions upholding the Executive Privilege with respect to investigative materials. Likewise, there are statements of fairly recent vintage by distinguished Senators and members of Congress concurring in these opinions and confirming a plenary privilege with respect to State secrets. I am sure that the Executive Branch's witnesses will not fail to bring these statements to the Committee's attention.

Nevertheless, I believe an examination of the history justifies a reassessment of these positions. The precedents from the period when members of the Constitutional Convention were still active in Government, and upon which the Attorneys General have relied are entirely equivocal. There is ample precedent to sustain our argument with regard to state secrets. And finally the importance of the matter to the health of our democracy, warrants, I suggest, a reassertion by Congress of its historic rights.

I am sure the Committee is acquainted with Jefferson's famous notes of the meeting at which Washington's cabinet discussed the St. Clair expedition documents. According to the notes, the Cabinet acknowledged that the House could mount the investigation and call for papers generally, but also that the Executive:

". . . ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public."

Several things are notable about this statement. There is no evidence that these views were communicated to the Congress; Jefferson's own annotations to British Parliamentary precedents fall in important respects to support the assertions stated; all documents were turned over to the Committee and the Secretaries of War and Treasury both appeared to offer "explanations." In short, this was no withholding.

Next, in 1807 during Jefferson's Presidency, the House requested the President for all information on the Burr Conspiracy "except such as he may deem the public welfare to require not to be disclosed." The President complied with the request subject to "the reserve therein expressed." By way of explaining his use of that reserve, Jefferson noted the conjectural nature of much of the evidence and stated that ". . . neither safety nor justice will permit the exposing of names, except that of . . . (Burr) . . . whose guilt is placed beyond question." The President's explanation for using an authority expressly conferred upon him by Congress, can hardly be interpreted as a claim of a constitutional right to withhold information. Moreover, the Congressional grant of discretion was, as we shall see, a matter of courtesy and not a recognition of right. Yet at least three Attorneys General have cited the case as the first definitive authority for a Constitutional privilege to withhold investigative reports from Congress.

In contrast to Jefferson, Andrew Jackson in 1835 withheld from the Senate copies of charges of fraud made against one Gideon Fitz, because the information was to be used in Executive session. This would, according to the President, have deprived Fitz of his right to a "public investigation in the presence of his accusers and of the witnesses against him."

On these authorities we must wonder, what is the true basis for an Executive withholding of investigative reports. Apparently, protection of the innocent requires not only that information be kept confidential but confidential within the Executive Branch. It alone, we are led to believe, is capable of exercising a proper regard for a citizen's rights; an assumption that finds no warrant in the Separation of Powers Doctrine.

Finally, in 1842, President Tyler refused the House an investigative report concerning frauds perpetrated on the Cherokee Indians, because to do so would, according to the President, visit "irremediable injury upon innocent parties by throwing them into libels most foul and atrocious." Earlier the Secretary of War had declined the House's request and the House had passed a Resolution asserting its right to demand any information from the Executive "relating to subjects . . . within the sphere of its legitimate powers." Tyler also claimed that the courts had recognized his discretion, and what could be withheld from the courts, he argued, could certainly be withheld from Congress.

This incident is far from definitive. The House dissented from the President's assertions each step of the way. The President eventually turned over most of the documents, requesting that they be kept confidential until the appropriate Committee had judged "what portions . . . should not at present be printed." His claim of judicial sanction, of doubtful validity then, has since been completely undermined by the *Reynolds* case.

These are, I believe, the main precedents from the first fifty years of our history upon which the Attorneys General have built their doctrine of an unqualified privilege to withhold investigative materials. They are entirely equivocal. At most they show ambiguous action accompanied by brave words in which the Congress never acquiesced. On this record, I would urge a return to first principles, the more so today than in Jackson and Tyler's time. At the same time it cannot be denied that the progress of the Executive on this matter has been aided, perhaps decisively, by the occasional abuses of the investigative power.

In contrast to the Executive's claims of discretion to withhold investigative reports, information pertaining to foreign and military affairs early became the subject of a special accommodation.

The first telling event occurred in 1798 when following receipt by the President of dispatches from our envoys in Paris, a resolution was introduced in the House calling for the dispatches "or such part thereof as considerations of public safety and interest, in his (the President's) opinion, may permit." This clause was objected to because it proposed to transfer to the President the House's right to determine what should be made public. In the debates, the asserted right of the House was not questioned. It was argued rather that in a matter of such sensitivity the House ought to extend to the President the courtesy of a discretion. On the vote, the grant of discretion was struck from the resolution.

Then, in complying with the resolution, President Adams requested that the dispatches be held confidential:

". . . until the members of the Congress are fully possessed of their contents, and shall have had an opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom."

The House, after considering the papers in secret session, authorized their publication. These were as famous X, Y, Z papers, which undoubtedly increased popular hostility toward France and influenced Congress in its decision to authorize the "Naval War" with France of 1798–1800.

Perhaps out of this experience—one can only conjecture—the practice developed of regularly including a grant of discretion in requests to the President for documents concerning the Nation's foreign relations. This explains the exception granted Jefferson in the request for the Burr Conspiracy documents, it being widely held that those documents would reveal the complicity of at least three foreign governments. What is most important for our purposes, is that as late as 1850 and probably as late as 1904, this grant of discretion was well understood to be a Congressional dispensation and not a Constitutionally based, Presidential right.

President Monroe used the discretion in 1821—explicitly recognizing the House as its source—and again in 1825. Jackson and Polk also used it where the information concerned negotiations in progress. In 1846 Polk fully acknowledged the right of Congress to publish the documents if they were made available. He therefore used the discretion granted him but invited members of the Senate personally to peruse the documents at the State Department.

Along with this custom, it also became the habit, at least in the Senate, of reviewing the documents in Executive session. This meant that disclosure to the Senate and disclosure to the public were kept quite separate. Indeed, by 1904 the view was expressed that the Senate's right to confidential information was contingent upon a willingness to consider it in Executive Session. Although some Senators were also of the opinion that if considered in Executive Session, the Senate should dispense with the customary courtesy. What is clear is that nothing in the practice of holding Executive Sessions implied abdication of the Senate's right to make the documents public. It merely assured the President that the Senate had assumed responsibility for maintaining confidentiality until public release had been approved by the affirmative action of the whole Senate. Such a posture, as we have argued, is based upon sound Constitutional principle.

Finally, as late as 1904, a motion in the Senate to insert the customary grant of discretion in a call for the Hay-Harran Treaty correspondence, was objected to because it might be taken as a Senatorial recognition of a Constitutionally based Executive Privilege. While the argument was made that with or without the clause the President could withhold the documents, this was hotly contested. It seemed to be the more general view that the President should be given the customary courtesy and the motion was agreed to.

On this record, we may conclude that throughout our history up to the first decade of this century, President and Congress alike recognized that the latter, particularly the Senate, had a right to all information, without qualification, necessary to the discharge of its responsibilities concerning the Nation's foreign relations and that the Congress was free to make its own independent determination of what confidential information might be made public. At the same time, in recognition of the sensitivity of these matters and of the great weight to be attached to the President's judgment, the practice developed of extending to the President the courtesy of a discretion to withhold information. So long had this practice persisted, that toward the end of the period some partisans of the President, including some Senators, began attributing to it a mandatory character; a courtesy which had matured into a right upon which the President could insist. Such a view, however, was certainly contrary to the precedents and the theoretical foundations of the practice and appears never to have commanded a majority in the Congress.

In the years since, the record becomes much less clear. Further systematic investigation is needed. Yet it does seem that calls to the President by Resolution of the Senate or House appears with less frequency. The increased reliance upon Committees, although essential, has bred a tendency to equate disclosures to and consultations with Committee leaders as disclosure to the Congress. And while this has at times been a very effective way of imposing Congressional views upon the Executive, it most surely has made it more difficult to preserve Congress in its historic role of guardian against excessive Executive secrecy. Nor should we lose sight of the fact that in the intervening period the Executive has with increasing vigor asserted its claim to a plenary power to direct the Nation's foreign affairs. Under these circumstances, the Executive has been able without great difficulty to convert a historic courtesy into an unqualified claim of right, and to go largely unchallenged by Congress. I for one urge that this continue no longer.

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Finally, a word concerning the most difficult and perhaps most deceptive grounds asserted for the Privilege: the protection of the internal deliberative processes of the Executive Branch. In theory it can be readily defended. It is not difficult to perceive that the power of Congress to scrutinize the opinions, the recommendations, the thinking processes, of the Executive could inhibit the giving of candid and unpopular advice and the exercise of independent judgment, and in so doing render the Executive wholly subservient to Congress. Not surprisingly,

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therefore, the precedents for this privilege go back at least to 1833 when Andrew Jackson irately refused the Senate's request for a document purportedly read by him to the Cabinet regarding the removal of deposits from the Bank of the United States.

Yet, this is potentially a most mischevous privilege. Virtually every scrap written in the Executive Branch can, if desired, be labelled an internal working paper. Rarely are matters neatly labelled "facts", "opinion", "advice". It can be used as readily to shield opinion corrupted by graft and disloyalty as to protect candor and honest judgment. And it can be used as a "back door" device for withholding state secrets and investigative reports from Congress.

But it has a more subtle effect. In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. Even the scanty bits offered up in this statement are witness to this change. It is not the growth in size of the Executive establishment, nor the fact that the Executive commands most of the engines that get things done. It is rather that now gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. Perhaps this is the way things should be. At times past it has seemed so, when Congress appeared blind to people's needs, or to the rights of individuals or paralyzed by a handful of willful men. But on balance, I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House. To this end, I see S. 1125 as one, albeit modest, first step.

I thank the Committee for having heard me out. I know I have taxed your patience but would be happy to answer any question you may have.

THE DEVELOPMENT OF THE WHITE HOUSE STAFF

The Constitution of the United States mentions only indirectly that the President might make use of subordinate administrative officials in an advisory capacity. But the language of Article II, Section 2, wherein it is stated that the President may "require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices," is generally regarded as the authority for the Cabinet. Thus it was that for many years the President's chief advisors probably were his Cabinet members and only in rare instances did a Chief Executive rely upon other officials. Those individuals attached to the President's office were secretaries and aids who provided clerical assistance to the Chief Executive but no advisory support.

The actual arrangements for an enlarged White House staff can be credited to the report of The President's Committee on Administrative Management, issued in 1937. This report called for executive assistants to assist the President "in dealing with managerial agencies and administrative departments of the Government." The report went on to say:

"These assistants, probably not exceeding six in number would be in addition to his present secretaries, who deal with the public, with the Congress, and with the press and the radio. These aides would have no power to make decisions or issue instructions in their own right.

"They would not be interposed between the President and the heads of his departments. They would not be assistant presidents in any sense. Their function would be, when any matter was presented to the President for action affecting any part of the administrative work of the Government, to assist him in obtaining quickly and without delay all pertinent information possessed by any of the executive departments so as to guide him in making his responsible decisions; and then when decisions have been made, to assist him in seeing to it that every administrative department and agency affected is promptly informed. Their effectiveness in assisting the President will, we think, be directly proportional to their ability to discharge their functions with restraint. They would remain in the background, issue no orders, make no decisions, omit no public statements. Men for these positions should be carefully chosen by the President from within and without the Government. They should be men in whom the President has personal confidence and whose character and attitude is such that they would not attempt to exercise power on their own account. They should be possessed of high competence, great vigor, and a passion for anonymity. They should be installed in the White House itself, directly accessible to the President. In the selection of these aids the President should be free to call on departments from time to time for the assignment of persons who, after a tour of duty as his aides, might be restored to their old position." [1]

The idea for and statement on executive assistants was provided by Louis Brownlow, chairman of the President's Commission. Commenting on the suggestion of establishing executive assistants, a later analysis of the reorganization report noted:

"These men were to act as anonymous servants exercising no initiative independently of the President's wishes. No authority was delegated to them. Their function was to extend the President's power to listen wherever useful information could be gathered and to see whatever needed to be seen to provide the information required for decisions. In order to give them the utmost responsibility, to presidential will, as well as ultimate flexibility, their functions were not to be defined except as the President saw fit to define them. As such they would not constitute either an additional institution or certainly not an independent one; but rather an extension of the presidency itself." [2]

A reorganization act authorizing administrative assistants for the President was passed in early April of 1939. On September 8, 1939, when issuing his "Limited National Emergency" Proclamation after the outbreak of war in Europe, Roosevelt also quietly released an executive order which called for the reorganization of the Executive Office and involved the transfer of the Bureau of the Budget from the Treasury Department as well. When the changes were effected, the Executive Office staff counted some 800 individuals in 1939.

Since 1939 the Executive Office of the President has included various emergency panels, specialized agencies and policy councils. As of this year these units include: the White House Office, created in 1939; the Office and Management and Budget, transferred (then as the Bureau of the Budget) in 1939 from Treasury; the Council of Economic Advisers, established in 1946; the National Security Council, initiated in 1947; the National Aeronautics and Space Council, set up in 1958; the Office of Emergency Preparedness, established in 1961; the Office of Science and Technology, initiated in 1962; the Office of the Special Representative for Trade Negotiations, instituted in 1963; the Office of Economic Opportunity, legislated in 1964; the Office of Intergovernmental Relations, created in 1969; the Domestic Council, created in 1970; the Council on Environmental Quality and Office of Environmental Quality, set up in 1970; the Office of Telecommunications Policy, established in 1970; the Council on International Economic Policy, created last year; the Office of Consumer Affairs, created last year; and the Special Action Office for Drug Abuse, also a 1971 addition to the Executive Office.

The number of presidential advisers and special assistants has, as the following table indicates, exhibited generally steady growth, regardless of national or international events, changes of administration, or differing management styles of the Chief Executives. While the number of advisers was reduced during the Kennedy Administration, the size of the White House staff continued to mount. As Theodore Sorenson, a Kennedy adviser, has explained:

"Kennedy wanted his staff to be small, in order to keep it more personal than institutional. Although in time a number of "special assistants" accumulated for special reasons, he kept the number of senior generalists to a minimum. Both my office, which dealt mostly with domestic policy, and that of McGeorge Bundy, which dealt exclusively with foreign policy, combined in relatively small staff the functions of several times as many Eisenhower aides. I relied on the excellent staff work of the Bureau of the Budget and Council of Economic Advisers." [3]

Thus, while statistics might reflect a reduction in the number of advisers to the President, there was, in effect, no reduction in the number of White House aides. Similarly, the statistics for the Johnson Administration indicate a further reduction in the number of presidential advisers but an increase in Executive Office staff, again reflecting no real reduction in the number of White House aides.

The following table indicates the growth of White House advisers, the White House Office, and the Executive Office of the President. The number of advisers was computed by examining the individuals and their titles listed in each year of the *U.S. Government Organization Manual*.

GROWTH OF THE WHITE HOUSE STAFF

Year	Advisers	White House staff [1]	Executive office staff [1]
1939	6		
1940	6		
1941	8		
1942	9		
1943	11		
1944	11		
1945	12		
1946	11		
1947	11		
1948	12		
1949	12		
1950	13		
1951	12		
1952	13		
1953	22		
1954	25	266	1,175
1955	32	290	1,167
1956	35	374	1,196
1957	33	387	1,218
1958	34	394	1,255
1959	37	495	2,769
1960	37	446	2,887
1961	24	411	1,838
1962	21	467	1,676
1963	23	388	1,664
1964	23	349	1,542
1965	19	333	2,871
1966	20	295	4,683
1967	20	272	4,815
1968	21	273	5,305
1969	39	328	4,896
1970	51	331	4,265
1971	45	600	5,395
1972	48		

[1] U.S. Civil Service statistics as of June for each year cited.

Footnotes at end of article.

Such "advisers" might be referred to as Counselors, Assistants, Counsels, or Consultants. Clerical aides were not included as "advisers" in the computations for the table. Beginning with fiscal year 1971, personnel statistics and cost estimates for the White House Office were changed to reflect the actual number of people employed and monies spent in that office. Previously the statistics for that office had included personnel and related funds which, though credited to executive departments, were actually detailed to the White House Office.

The principal reason for suggesting an increased presidential staff, and the main reason given for the continuous growth of the White House Office, is better management of the growing and uncoordinated government. As the Report of the President's Committee on Administrative Management noted:

"In addition to . . . assistance in his own office the President must be given direct control over and be charged with immediate responsibility for the great managerial functions of the Government which affect all of the administrative departments, as is outlined in the following sections of this report. These functions are personnel management fiscal and organizational management, and planning management. Within these three groups may be comprehended all of the essential elements of business management." [4]

But, as Prof. Richard F. Fenno has noted, managerial authority has been given over to the President's advisers because other executive management instruments, such as a Cabinet, have proven unsuitable for this function. Fenno comments:

"Whether manifested by a benign lack of interest or by purposeful competition, departmentalism operates to reduce the potentialities of the Cabinet as a coordinating mechanism. Yet in view of the extent to which executive decisionmaking must now be conducted across department boundaries, it does not seem too much to say that the Chief Executive's primary managerial task is precisely this one of coordination. From the seminal recommendations of the President's Committee on Administrative Management in 1939 to the present day, the President's need for assistance in this area has been widely recognized. This, indeed, is the *raison d'être* for the phenomenal proliferation of those staff organs with interdepartmental planning, operating, and advisory functions which now comprise the Executive Office of the President. The expansion of this Office—of, for instance, the Budget Bureau, the National Security Council, the Office of Defense Mobilization, the Council of Economic Advisers, the White House Office—must be considered in part as an inevitable response to the new dimensions of governmental activity, but also in part as an adverse reflection on the ability of the Cabinet in coping with the difficult problems of coordination involved." [5]

Thus it is the White House Office which has come to better serve the President as a coordinator of executive functions. And as managers of the government as well, they have come to play policy roles, refining policy suggestions and, often, even a potential policymaker's access to the Chief Executive. But, as Theodore Sorensen has noted, such a role carries with it certain dangers.

"A White House adviser may see a departmental problem in a wider context than a Secretary, but he also has less contact with actual operations and pressures, with Congress and interested groups. If his own staff grows too large, his office may become only another department, another level of clearances and concurrencies instead of a personal instrument of the President. If his confidential relationship with the President causes either one to be too uncritical of the other's judgment, errors may go uncorrected. If he develops . . . a confidence in his own competence which outruns the fact, his contribution may be more mischievous than useful. If, on the other hand, he defers too readily to the authority of the renowned experts and Cabinet powers, then the President is denied the skeptical, critical service his staff should be providing." [6]

Indeed, what may be fast becoming a profound problem with the White House Office is noted here by Sorensen: that is, the development of the presidential advisory staff, or some arm of the Executive Office, into an entity equal to a department. Reflective of this possibility is the growing amount of money spent each year by the Executive Office of the President. Indeed, the entire Executive Office of the President has greater expenditures than such important bodies as the Federal Communications Commission (FCC), the Federal Power Commission (FPC), or the Federal Trade Commission (FTC).

Fiscal year	EOP	FCC	FPC	FTC
1971	46,961	26,715	19,493	22,405
1972	56,922	30,683	22,164	24,957
1973	64,044	32,582	23,054	26,986

Note: Expenditures in thousands of dollars.

As the White House Office and/or the presidential advisers move toward the possibility of departmental authority, whether such authority be measured in fiscal or political influence terms, the wrath of official department heads can, and often is, incurred. As Theodore Sorensen notes:

"No doubt at times our roles were resented. Secretary Hodges, apparently disgruntled by his inability to see the President more often, arranged to have placed on the Cabinet agenda for June 15, 1961, an item entitled "A candid discussion with the President on relationships with the White House staff." Upon discovering this in the meeting, I passed the President a note asking "Shall I leave?"—but the President ignored both the note and the agenda." [7]

Such disputes within the executive "family" can be viewed as merely matters of paternal favor. When these encroachments of power become enmeshed in executive relationships with other branches of government, then a constitutional crisis may be in the offering.

A short time ago, in testimony before the House Foreign Operations and Government Information subcommittee, former White House Press Secretary George Reedy made the following observation on the increasing authority of the White House staff and the significance of this development both in terms of information flow and accountability.

"At one time, the White House staff was a relatively small group of people. They consisted of personal advisers to the President, and here you have the whole question of Executive privilege which has been exercised, in my judgment, in an extremely legitimate form. I do not think that you should be able to pry loose from a President what he does not want to be pried loose. But even if you should be allowed to do it, there is simply no way of getting at it. I do not care what law you write, or what you put through the Congress, or how many safeguards you set up, there is another branch of the Government, and to really try to pry loose from the President his thoughts, and his personal advice, I think, would even come close to precipitating a Congressional crisis. But, because the authority lies within the White House, rather this ability lies within the White House, of exercising Executive privilege, what has happened with the proliferation of White House staff members is that you are to the point where you are gradually getting a shift of the operating agencies into the White House itself." [8]

What seems to be fast approaching is a government controlled by exclusive decisionmakers, untouchable by either the Congress or perhaps even the departmental bureaucracy. The most notorious of these elite policymakers is Dr. Henry Kissinger and his National Security Council staff which has usurped the field of American diplomatic affairs. Not only has Kissinger and his staff undermined the State Department in this policy sphere, but Congress cannot compel him or any member of the NSC to provide an account of any aspect of their activities. [9] Sen. Fulbright has recently noted that "Mr. Kissinger and his entire staff have taken the position of executive privilege." [10]

But the matter is no different when domestic policy is considered. In a speech given last May in San Jose, California, Sen. Ernest F. Hollings (D.-S.C.) remarked:

"It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose Department had jurisdiction over that program. Not any more. Now, if I want to learn the policy, I must go to the White House and consult John Price.

"If I want the latest on textiles, I won't get it from the Secretary of Commerce, who has the authority and responsibility. No, I am forced to go to the White House and see Mr. Peter Flanigan. I shouldn't feel too badly. Secretary Stans has to do the same thing." [11]

Price was a Special Assistant to the President and a staff member of the Domestic Council. Flanigan is simply acknowledged as an Assistant to the President.

Even officials in the executive agencies are becoming distraught over the growing authority of the White House staff and the usurpation of line department functions. A top Commerce Department bureaucrat recently complained in a New York *Times* interview that "the business community pays no attention to this department; if you have a policy problem, you go see Peter Flanigan—and he is available."

"Peter Flanigan," the official said with a sigh, "is to the Department of Commerce what Henry Kissinger is to the Department of State." [12]

The problem posed is not merely one of obtaining information from the Executive, but more importantly a matter of accountability. And even if the dispute were considered at the information level, history records very few denials of records to the Congress. Noting that Washington was the first President to, on at least one occasion, refuse information to Congress, Telford Taylor writes:

"In the years to come, Jefferson, Monroe, Jackson (thrice), Tyler (twice), Polk, Fillmore, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, and Hoover (twice) encountered Congressional demands for information which they saw fit to reject. Secure and powerful in his relations with Congress during his first two terms, Franklin D. Roosevelt did not confront the problem until his third term, during which no less than six such requests were refused, and under Truman the issue was drawn to a still higher pitch of intensity. Although partisan politics have frequently generated these conflicts, it is apparent from the foregoing list that party affiliation has never affected the basic position of the President." [13]

At present the White House staff is at its largest number with an accompanying operating budget which equates it with certain of the important independent agencies of government. In brief, the White House staff is claiming an exclusive prerogative in terms of information, decision-making, and policy priorities. Such a trend has been evident throughout past administrations and has reached a culmination of exclusive authority during the present presidential regime.

The foregoing paragraphs raise certain points of consideration which are essential to any analysis of this subject. The general presentation seeks the portray a bend in governmental activity, a trend which has been

Footnotes at end of table.

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viewed by various authorities both within and outside of the governmental system. No conclusion is reached by this analysis except the obvious view that a problem—of both a constitutional and operational nature—exists, and is rapidly reaching crisis proportions. Solutions to this problem are, however, outside the scope of this analysis.

FOOTNOTES

[1] The President's Committee on Administrative Management, *Report of the Committee* (Washington: U. S. Government Printing Office, 1937), p. 5

[2] Barry Dean Karl, *Executive Reorganization and Reform in the New Deal* (Cambridge: Harvard University Press, 1963), p. 241

[3] Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), p. 262

[4] The President's Committee on Administrative Management, *op. cit.*, p. 6

[5] Richard F. Fenno, Jr., *The President's Cabinet* (New York: Random House, originally published 1959), pp. 141–142

[6] Theodore C. Sorensen, *Decision-Making in the White House* (New York: Columbia University Press, 1968), pp. 71–72

[7] Sorensen, *Kennedy*, op. cit., p. 259

[8] Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives, *U.S. Government Information Policies and Practices—Administration* and *Operation of the Freedom of Information Act*, 92nd Congress, 2nd session, taken from hearing transcript for March 6, 1972.

[9] For a view of the National Security Council and its position vis-a-vis the State Department in the Nixon Administration see: I. M. Destler, "Can One Man Do?" *Foreign Policy*, No. 5 (Winter 1971–1972), pp. 28–40; John P. Leacacos, "Kissinger's Apparat," *Foreign Policy*, No. 5 (Winter, 1971–1972), pp. 3–27. Dr. Kissinger's views on elite decision-making are discussed in George Sherman, "A Sickness at State," Washington *Evening Star* (March 7, 1972), pp. A–1, A–6.

[10] Committee on Foreign Relations, United States Senate, *War Powers* Legislation, 92nd Congress, 1st session (1971), p. 453.

[11] Dom Bonafede, "Ehrlichman acts as policy broker in Nixon's formalized Domestic Council, "*National Journal*, III (June 12, 1971), p. 1240.

[12] New York *Times*, March 20, 1972.

[13] Telford Taylor, *Grand Inquest* (New York Ballantine Books, 1961), p. 119.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., May 25, 1972.

To: Foreign Operations and Government Information Subcommittee. Attn: Honorable William S. Moorhead, Chairman.

From: Government and General Research Division; Charles W. Harris, Division Chief. Research by Harold C. Relyea. Subject: Listing of instances during the period 1961–1972 when the executive branch withheld information or witnesses from Congressional committees.

In response to your request for a comprehensive study of the instances when the executive branch withheld records of witnesses from congressional committees, we enclose such a listing of those cases. The yield of information in this research effort has been, in terms of both illustrative and comprehensive information, somewhat disappointing. This is due almost exclusively to two factors. First, our research sources for this study do not index information of the type sought so that many examples of witness or document withholding remain "lost" from our view. Second, while many committee and subcommittee chairmen frequently refer, either in hearing transcripts or published statements, to the refusals by the executive of records and/or witnesses, nowhere are specific citations of the document or person in question made. Thus, while Dr. Henry Kissinger may be reported to have repeatedly refused to appear before the Senate Foreign Relations Committee, there is no precise account of these refusals. In brief, the problem we have encountered with this project is one of mechanics, not necessarily one of substance.

Our sources for this research have been the New York *Times*, the *Congressional Record*, the *Congressional Quarterly* reports and almanacs, and selected hearings. These were consulted for the period 1961 to 1972. The only useful rubric in the New York *Times* index for retrieving sought information was "Congress-Relations with the Executive." In searching the *Congressional Record* the following key terms were consulted: censorship, executive privilege, documents, secrecy, information, freedom of information/witnesses, refusal of witnesses/information/records/documents, records, public records, withholding of witnesses/information/records/documents, government information, government agencies.

Our research has revealed thirteen instances of document or record withholding and eleven instances involving witness withholding or refusal to testify in whole or in part. Those panels having the most difficulty in obtaining records and/or witnesses appear to be the Senate Foreign Relations Committee, the Senate Constitutional Rights Subcommittee, and the House Government Operations Committee.

The following is a chronological list of instances of record withholding and witness withholding or refusals in whole or in part to testify. Dates in parentheses are approximate to within one or two days of actual occurrence. In these cases it was not clear from the citation source as to the precise date involved.

RECORDS AND DOCUMENTS

Date and case

March 22, 1961: The State Department refuses to supply documents to the Government Operations Committee on the administration of the foreign aid program. (New York *Times*, 3/23/61; Committee on Government Operations, House of Representatives, *U.S. Aid Operations in Peru*, 87th Congress, First Session, p. 13.)

(June 9, 1961): National Science Foundation refuses to disclose recommendations of University of Illinois group to the House Committee on Un-American Activities. (New York *Times*, 6/10/61)

(June 21, 1962): The Food and Drug Administration refuses to comply with a request from the House Interstate and Foreign Commerce Committee for files on MER–29 drug. (New York *Times*, 6/21/62)

(June 27, 1962): The State Department refuses to provide a copy of a working paper on the "mellowing" of the Soviet Union to the Senate Foreign Relations Committee. (New York *Times*, 6/27/62)

(February 2, 1962): The Commerce Department refuses to supply records on trade with Communist bloc nations to the House Select Committee on Export Control. (New York *Times*, 2/2/62)

April 4, 1968: The Department of Defense refuses to supply a copy of the Command Control Study of the Gulf of Tonkin incident to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 39.)

June 26, 1969: The Department of Defense refuses to supply the five-year plan for military assistance programs to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 40.)

(August 9, 1969): The State Department refuses to provide defense agreement between U.S. and Thailand to the Senate Foreign Relations Committee. (New York *Times*, 8/9/69)

December 20, 1969: The Department of Defense refuses to supply the "Pentagon Papers" to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress; First Session, pp. 37–38.)

March 2, 1971: Department of Defense General Counsel J. Fred Buzhardt refuses to release an Army investigation report on the 113th Intelligence Group requested by Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 402–405.)

April 10, 1971: The Department of Defense refuses to supply continuous monthly reports on military operations in Southeast Asia to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 47.)

June 9, 1971: The Department of Defense refuses to release computerized surveillance records and refuses to agree to a Senate Constitutional Rights Subcommittee report on such records. (Committee on the Judiciary, United States Senate, *Exclusive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 398–399.)

August 31, 1971: The Department of Defense refuses to supply foreign military assistance plans to the Senate Foreign Relations Committee. (New York *Times*, 9/1/71).

WITNESSES

Date and case

January 31, 1962: Willis D. Lawrence, Assistant Director for Policy and Procedure, Directorate for Security Review, Office of the Assistant Secretary of Defense (Public Affairs) refused to answer "any question in a manner which associates a particular reviewer with a particular speech or article" by order of the Secretary of Defense. Executive privilege invoked. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 338.)

February 1, 1962: Secretary of Defense Robert McNamara invokes executive privilege in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases; letter transmitted for record. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 369–370.)

February 8, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by Defense witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 508–509.)

February 9, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by State witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 725.)

February 27, 1962: Under Secretary of State George Ball invokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 730–731.)

February 28, 1962: Assistant Secretary of State (Public Affairs) Roger W. Tubby invokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 826.)

February 7–8, 1963: General Maxwell D. Taylor appeared before the House Subcommittee on Department of Defense Appropriations and refused to discuss the Bay of Pigs invasion as "it would result in another highly controversial, divisive public discussion among branches of our Government which would be damaging to all parties concerned." (*Congressional Record*, 4/4/63, p. 5817)

(October 5, 1963): Secretary of State Dean Rusk refuses to testify before the Senate Internal Security Subcommittee on the Otto Otepka case. (New York *Times*, 10/5/63)

(September 18, 1968): Treasury Under Secretary Joseph W. Barr and Presidential Associate Special Counsel W. DeVier Pierson refuse to testify before Senate Judiciary Committee on the nomination of Abe Fortas to be Chief Justice. Executive Privilege formally invoked. (*Congressional Record*, 9/18/68, p. 27518 and Washington *Post*, 9/17/68)

(March 19, 1970): Secretary of Defense Melvin Laird declines invitation to appear before Senate (Foreign Relations) Disarmament Subcommittee. (New York *Times*, 3/19/70)

April 19, 1971: The Department of Defense refuses to allow three designated generals appear before the Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 402.)

Mr. ANDERSON of Illinois. Mr. Chairman, traditionally the Post Office has encouraged the open dissemination of ideas by facilitating the access of millions of Americans to the magazines, newspapers, and public notices which make up an integral part of our educational network.

The proposed postal rate increases threaten this essential educational service for the reader by mistaking a subsidy for the reader as a subsidy for the magazines and newspapers.

Although balancing the Postal Service budget is a goal to be encouraged, we should not be so shortsighted as to ignore the adverse repercussions which a profitable Postal Service might have on the puplications essential to an informed and democratic society. Small, new, and nonprofit periodicals which tend to depend on subscriptions rather than advertising for their revenues, are particularly affected by the new rates. The impact of a sharp postal increase and resulting subscription hikes could well mean insolvency and, very importantly, discourage new periodicals from entering the market. Moreover, excessive increases discriminate in favor of newsstand publications which often rely on provocative covers, not the Postal Service, to bring their message to the public. Rural readers, who depend on the mailman for their newspaper, will be forced to pay a disproportionately higher price for the privilege of reading about the events of the day. Similarly, increased subscription prices will force periodicals to cater to the affluent instead of a broader populace.

Yet, even disregarding these philosophical considerations, this Congress should dispassionately examine the economic realities of the proposed rate increases. Projections in a 1971 study prepared for the U.S. Postal Service by Mathematica of Bethesda, Md., entitled "A Study of the Demand for Advertising, Newpaper, and Magazine Mail," which assumes all of the additional mail cost is shifted to the subscribers, indicated that if the mail cost is increased 145 percent, mail volume will decrease 48.7 percent and the increase in mail revenue will be only 25.7 percent. Thus the cost will come not only in a probable decrease of periodicals and circulation but also in a very inefficient gain in revenue at the expense of the subscriber. I do not believe that this was the intent of Congress in 1970 when the Postal Reorganization Act was passed.

An excessive rise in third-class rates could also backfire on the Post Office. Today, several large utility companies are hand-delivering their more convenient billings; and mass advertisers, who like many second- and third-class mailers do much of the required handling themselves, are on the verge of implementing their own delivery systems. In 1962, the Post Office carried 85 percent of the bulk mail: Today, United Parcel Service delivers more bulk mail than the Postal Service. New bulk facilities are being built, but it remains to be seen whether this will improve service and profits or become another inefficient overhead cost.

These problems are for the most part unresolved, and I feel the importance of the issue demands that this body carefully examine the complex philosophical and economic issues which underly the proposed postal rate increases.

Mr. ROBISON of New York. Mr. Chairman, I have no further requests for time.

Mr. STEED. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk proceeded to read the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROBISON of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Treasury, Postal Service, and General Government Appropriation bill, 1973, on which general debate has been concluded; and, also, on the Public Works for Water and Power Development and Atomic Energy Commission Appropriation bill, 1973, which was considered earlier in the day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

STATE DEPARTMENT INACTION MAY DOOM U.S. FISHING INDUSTRY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, the State Department, either through ineptness, inefficiency, or inaptitude, has done it again.

Thanks to the inaction of those who collect a Government paycheck to practice international diplomacy—allegedly representing our interests—the Government of Mexico, like so many of our Latin American neighbors, has stuck it to our domestic fishing fleet.

We are all familiar with the mismanagement of our relations with Ecuador which led to the seizure of over 50 U.S. fishing vessels last year.

We are all familiar with the State Department's reaction to those seizures which was about as weak as a rained-on bee.

Now, with the backbone of your average jellyfish, the State Department has again shown that it is incapable of protecting our fishing fleet from the arbitrary actions of foreign governments.

On June 13, the Government of Mexico began a new policy which requires American tuna boats to hire 50 percent of their crews from Mexican nationals within the territory of Mexico.

Again, it is our fishing fleet which will suffer, as this could well be another step toward eliminating the American fisherman from the seas.

Mr. Speaker, I do not know what the people at the State Department do to justify their getting paid, but I do know that they certainly do not represent our U.S. fishing industry.

At this point, Mr. Speaker, I include in the CONGRESSIONAL RECORD copies of telegrams from Mr. John Royal and Mr. August Felando to President Nixon, and an article that appeared in the San Pedro News-Pilot on June 15, 1972:

[Night Letter]

SAN PEDRO, CALIF.,
June 15, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.:

DEAR MR. PRESIDENT: I am wiring you on a matter of utmost urgency and seriousness which was brought about by the recent passage of the new fisheries law by the government of Mexico. This law was passed by the Mexican Congress May 10 and went into effect on June 13, 1972. If enforced by Mexico it would require that American tunaboats will have to hire 50 percent of their crews from Mexican nationals within the territory of Mexico. This plus eight other points of this law would bring about greater unemployment of American fishermen and could well be the first step towards the elimination of American fishermen on U.S. flag vessels should other countries see fit to do the same. I respectfully request and urge most strongly that you intercede on our

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behalf with the President of Mexico who is now visiting with you in Washington, D.C.

Respectfully yours,

John J. Royal, Executive Secretary-Tressurer, Fishermen & Allied Workers' Union of San Pedro and San Diego, California, Local 33, International Longshoremen's and Warehousemen's Union.

AMERICAN TUNABOAT ASSOCIATION,
SAN DIEGO, CALIF.,
June 16, 1972.

PRESIDENT RICHARD M. NIXON,
The White House,
Washington, D.C.:

The New Mexican Fishery Law in forcing U.S. vessel owners to hire Mexican citizens as 50 percent of its crew and to make such contract in Mexico as a condition precedent for permission to fish within Mexican territorial waters illustrates in best fashion why granting coastal nations the power to regulate fishery resources within 200 miles would lead to the virtual destruction of the tuna industry. We urge you to use this new fact caused by Mexico to fight more effectively against foreign countries who are trying to force the 200 mile concept as U.S. policy. We remind you that for 1971, the ex-vessel value of all fishery landings in California was $88.4 million, of which $35.8 million is attributed to tuna; further, that California ranked first in value for all fisheries in the United States for 1971 and second in volume. We urge you to take strong, effective and thoughtful reaction to this threat to a billion dollar, basic food industry.

AUGUST FELANDO,
General Manager.

NEW MEXICAN FISHERY LAW MAY COST S.P. BILLIONS

(By Peggy Luedtke)

One more straw has been added to the fishermen's back—this time in the form of a new Mexican fishery law.

And, according to John Royal, secretary-treasurer of the Fisherman's Union ILWU, this may be the straw that breaks the camel's back.

"The fishing industry has been getting worse by the day," Royal said. "We have 15-year moratoriums on everything from polar bears to porpoises.

"Senate Bill 2871 which will go before the Senate next Tuesday would require that American tuna industries get a permit from the Secretary of State to catch tuna in cases where porpoises may be caught.

"But Mexico's new fishery law, which we just learned about today (Wednesday), tops them all. Unless the United States government acts forcibly or President Nixon intervenes personally on behalf of fishermen to get Mexico to remove this new law, the California fishing industry won't have to worry about any more problems," he said.

One of the most devastating parts of the new law, which went into effect Tuesday, is a requirement that foreign vessels fishing in Mexico's national waters must hire Mexicans for at least 50 per cent of the crew.

"It's one thing to claim the high seas, but its another to come in and say you've got to hire Mexican nationals. If I had a $3 million tuna boat, I would be concerned about turning responsibility over to someone I don't even know is capable.

"If Mexico is allowed to go this route, what will happen when these boats go into other countries and they demand that 25 per cent of the crew be from their country."

Royal explained that the implications of the new law are even more far reaching. "What about the insurance? The delays? and the American fishermen left at home on the docks," he asked.

Another section of the new law which will seriously affect American fishermen is the prohibition of commercial fishing in connection with sardines, anchovy and the exclusion of taking live bait. "This exclusion of live sardines would wipe out our bait resources," Royal said.

According to Royal, the tables have been turned on American fishermen since World War II. "It started with the massive influx of imports from 6 per cent before the war to 75 per cent now. For years we've tried to get decent tariffs.

"Then the Japanese government began subsidizing Japanese fisheries with money actually given to Japan by the U.S. for economic development. After that, came a mass exodus of American canneries to Puerto Rico until now, Puerto Rico handles better than one-third of the American fishermen's catch.

"Every time incidents like this happen, the American fishermen just think I might as well transfer my boat to another flag and get out of this strangle-hold.

"But," Royal added, "every time I say the fishermen are being driven to foreign countries to fish, people think I'm exaggerating."

If Royal's hunch is right, and the new Mexican fishing law is allowed to exist wiping out California fishing and eventually the entire West Coast fleet, it will mean a billion dollar a year loss to San Pedro.

"There are 4,000 cannery workers in San Pedro alone who depend on the fish caught by American fishermen. Plus the warehouses, markets and truck drivers."

And why would the new Mexican law affect San Pedro fishermen? According to Royal, Mexico has one of the longest coastlines of Central and South America. The entire San Pedro fishing fleet fishes in this area and 25 per cent of the tuna catch coming into San Pedro and San Diego is caught off Mexico. "Mexico is even considering a 200-mile territorial limit, and if they do, this could be devastating.

"In taking this action, the Mexican government acted in extremely bad taste," Royal said, "because they are presently involved in a bilateral negotiations with the United States discussing terms for American fishermen to fish in Mexican territorial waters.

"Furthermore, we don't know the rules of the new law. We don't know what's going to happen to our fishing vessels down there now. Nor what will happen to those which are leaving San Pedro daily."

Royal said he hoped to rally American labor behind the cause of the fishermen.

As to the marine mammal bill (Senate Bill 2871), Royal pointed out that fishermen are not against protecting marine mammals as long as foreign fishermen are under the same restrictions.

Fishermen have spent a lot of money developing preventive nets to keep from catching porpoises and we have a selfish reason for doing so—porpoise leads us to the tuna.

"Since we started working towards prevention, we have reduced the porpoise catch to two per cent of the animal catch.

"But it's not going to help if we're not fishing the tuna where porpoises are involved and Mexico is. That's like the government closing down the only whaling station in the United States when it caught only 40 whales a year. * * *

The Los Angeles Board of Harbor Commissioners passed a resolution requesting that no legislation be imposed on American fishermen that is not on other fishermen of other countries. Royal also said the fishing segment is hoping the bill will be amended but there is slim chance.

"If it is not amended and tuna boat operators are required to secure permits to take porpoises, it could drive them out of business.

"We're trying all kinds of new things. But the government has yet to step in and help us. When it comes to setting the good example and going out of business, I'm sure American fishermen will choose to leave the country," Royal said.

BEWARE THE EASY ANSWER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, in line with our continuing consideration of the effects of world trade on our domestic well-being, I would like to insert at this point in the RECORD an analysis of the serious effects which protectionist trade legislation would have on just one of our large companies, American Cyanamid Co.

At a time when our domestic economic situation is none too healthy, we should be particularly wary of simplistic answers to our economic problems which can only do far more harm than good.

I look forward to comprehensive hearings on our trade opportunities and problems which will serve as a guide to us in formulating appropriate trade legislation.

The analysis follows:

AMERICAN CYANAMID CO.,
Wayne, N.J., May 24, 1972.

HON. VANCE HARTKE,
Senate Office Building
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for sending me a copy of the Foreign Trade and Investment Act of 1972, which you have introduced, and especially for the invitation to submit comments.

Cyanamid has been well aware of this legislation because of the far-reaching impact its enactment could have on both our domestic and international operations. We have calculated its effect on Cyanamid's performance and the implications it holds for our employees in the United States and abroad.

Our study indicates the tax provisions of your bill would force Cyanamid to withdraw from many foreign markets and would increase rather than decrease unemployment in the United States.

Cyanamid's total sales in 1970 (the year of our study) were $1,256,000,000, of which $325,167,000 or 26 per cent were made outside the United States. The company had a favorable balance of payments to the United States of $97,500,000.

In the same year, Cyanamid had total exports from the United States of $93,800,000, more than 50 per cent of which consisted of raw material or intermediate exports to our own subsidiaries abroad. Because our export business is largely dependent upon our subsidiaries, any reduction in our subsidiary operations abroad would reduce the company's operations in the United States.

The Foreign Trade and Investment Act of 1972 assumes that if we are forced to close down our subsidiary manufacturing plants abroad, we could automatically supply these markets from plants operating in the United States employing American labor.

We believe this is the key fallacy of the bill. Cyanamid's manufacturing plants were only built abroad to meet competition or to overcome tariff and non-tariff barriers erected by other countries.

If we close our manufacturing operations overseas, we will not be able to replace them with U.S. export production; we will, instead, hand over hard-won markets to local or third-country competitors.

Cyanamid also takes issue with those provisions restricting the transfer of capital and technology abroad. In view of the current restrictions on direct investment abroad, Cyanamid sends little money outside the United States so the proposed capital restrictions would have little direct effect. However, we do not believe that any governmental body should be created to sit in judgment on the investments of private individuals or companies.

The restrictions on the working of U.S. patents abroad would not prevent their actual use abroad as nearly all countries have compulsory licensing laws which grant copiers permission to manufacture and sell foreign-researched products if the patent holder does not work the patent by manufacturing locally after an initial period, usually three years. If Cyanamid is prevented from working its patents abroad, other foreign based companies will manufacture our products in our stead.

This provision would strike at the heart of our research-oriented operations. Cyanamid spends some $40,000,000 in research in the United States, a substantial part of which is associated with our international operations. Loss of Cyanamid's patents abroad or its failure to use its technology abroad would cause a reduction in this research effort and cause the loss of many jobs in our domestic research departments.

While the other provisions of the bill, most particularly the provisions for quotas on all U.S. imports, are not subject to quantitative analysis, Cyanamid does believe they could have a damaging effect on U.S. employment. Even in the unlikely event that they did not result in retaliatory action by other governments, they would threaten international trade and eventually our economic growth.

We agree with you, Senator, that free trade is not fair trade, and that other nations cannot continue to negotiate free trade at Geneva while imposing new non-tariff barriers at home. We believe a new round of trade negotiations is necessary and that the United States must take a stronger stand in eliminating the many non-tariff barriers that prevent the reasonable growth of U.S. exports.

We also fully appreciate the problems of unemployment, inflation and lower productivity in the United States and will support legislation designed to increase job opportunities here. We believe the solution to U.S. unemployment, however, lies in greater balanced growth in the nation's economy rather than in restrictive and punitive measures which, in the long run, will cause conflict with our international trading partners and limited growth at home.

Since a letter on such an important and complex subject cannot be all inclusive, I am taking the liberty of enclosing an analysis of the Foreign Trade and Investment Act of 1972 prepared by Mr. Ernest G. Hesse, Vice President for International Operations.

I am pleased to know that you will take our opinions into consideration and will gladly amplify any point in our position or supply additional information you might request.

Sincerely,

C. D. SIVERD,
President.

THE U.S. POSTAL SERVICE—HAVE WE MADE A MISTAKE?

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, it is almost 2 years ago this month that we in the Congress approved a proposal by the President to create a new quasi-public corporation called the United States Postal Service. That service was to usher in a new era for the postal worker and the postal patron alike in our country. It was to be the end of a costly and politically dominated system, and the beginning of a fresh new vital national service run along business lines but responsive to public needs.

Today, as we consider the fiscal 1973 appropriations for the Postal Service, I must sadly confess that some of the misgivings I had two years ago are being borne out. The transfer of the U.S. Post Office to a corporation not under the control of the U.S. Government has raised a number of aggravating questions. In my own State of West Virginia, I have received a growing number of complaints from long-time postal employees who charge that they are being shifted from job to job without any regard for the functions they perform or the experience they have. Their efficiency has been impaired and their morale has been brought to a very low ebb. I have also received complaints that satisfactory employees with years of seniority are being given jobs well below their experience and ability.

I have also experienced extremely slow mail delivery from my State to my office in Washington. And finally, I know of a number of instances in West Virginia where supervisors from outside the area are being brought in to administer offices it will take 2 to 3 years to know thoroughly. I do not understand why when a supervisory position opens up in an area, that an experienced employee from that area is not upgraded into that supervisory position. This would seem to me to be efficient, rather than bringing in someone who will have to learn the area from the bottom up over a period of 2 or 3 years.

We are told by those running the Postal Service that they are operating it as if it were a private business, a pay-as-you-go operation. But I must underscore what we all know—to the American taxpayer the postal service, under any name, is not a private business, but a public service. As such its ultimate goal must be service, rather than some abstract goal of business efficiency. And I am not even sure that we are getting real efficiency in spite of numerous statements from the Post Office.

Mr. Speaker, we are told that the new U.S. Postal Service will under its present administration be more efficient and responsive to the average postal user. But I call your attention to the kinds of appointments the President has made to the Board of Governors of the Postal Service. One wonders how at $10,000 a year plus $300 a day every time they meet, this group could place themselves in the shoes of the average taxpayer. The Board of Governors of the U.S. Postal Service, according to a recent article in the Washington Post, is made up of a wealthy oilman, a corporate executive, a rancher with large holdings, the chairman of a steamship line, an ex-university president, the former head of one of America's largest corporations, and the president of a large cosmetics firm among others. One wonders whether such a group oriented toward corporate enterprise can understand the postal needs of the average citizens of West Virginia or any other State. One wonders whether their idea of postal efficiency matches our idea of postal service.

For these and other reasons, I have serious reservations about the direction of the new Postal Service.

I hope the appropriate House committee will hold hearings on the workings of the new Postal Service so that when the 1974 fiscal year appropriations come up, we will be armed with an in-depth evaluation of what the American taxpayer is getting or not getting in postal services from this new corporation.

DIETHYLSTILBESTROL, A CARCINOGENIC FEED ADDITIVE

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOUNTAIN. Mr. Speaker, I want to bring to the attention of the House the extraordinary action announced last Friday, June 16, 1972, by the Commissioner of the Food and Drug Administration in connection with the drug diethylstilbestrol—DES. DES, a synthetic hormone which is a known carcinogenic, or cancer-causing drug, is used as a feed additive to stimulate more rapid growth of cattle and sheep.

The Commissioner announced that FDA will shortly publish a proposal in the Federal Register to withdraw approval of the new drug applications for the use of DES in animal feed. In making this announcement, he stated that FDA does not have sufficient information to act in this matter and is proposing the order to ban DES as a means of accumulating additional information at a public hearing.

This is a curious approach to law enforcement. Either FDA has the necessary evidence to ban DES as a feed additive, in which case the agency has the responsibility to take forthright action, or else it is not justified in beginning a formal revocation procedure of this kind before obtaining such information. Congress has given FDA ample resources to develop the necessary evidence prior to taking regulatory action.

What are the facts in this matter? They can be stated very simply. The Delaney Clause of the Animal Drug Amendments does not permit the use of a proved cancer-causing drug as an additive in animal feed if any residues are found in edible animal tissue.

It is an indisputable fact that DES has been shown to cause cancer in numerous species of animals and was associated early last year with a form of cancer in young women. It is also well established that DES residues have been found for some time, and continue to be found increasingly, in the livers of cattle and sheep which have been fed mixes containing DES.

The only relevant issue here is the FDA Commissioner's responsibility to enforce the law on the basis of the evidence as it relates to the carcinogenicity of DES and the existence of residues. FDA has the evidence now upon which to make a decision.

It is significant that FDA has already published a similar notice in the Federal Register for banning the use of DES in liquid premixes, but without indicating the need for additional information. That action was taken on March 11 of this year after an FDA investigation re-

vealed that the crosss-contamination of nonmedicated feeds is a very serious problem when DES is used in feed in liquid form. Although more than 3 months have now passed, FDA has not yet scheduled a hearing preparatory to taking final action to withdraw the DES permits for this purpose.

The Intergovernmental Relations Subcommittee, which I chair, held extensive hearings in March, November, and December of 1971 on FDA's regulation of DES as a drug for animal feed use. It was disclosed during these hearings that the incidence of DES residues in edible animal tissue, particularly liver, was one-half of 1 percent of all animals sampled. Both FDA and the U.S. Department of Agriculture assured the subcommittee that new controls adopted by the agencies in December 1971 would eliminate these residues.

At the same time, the subcommittee heard expert testimony that DES could not be adequately controlled to prevent drug residues in animal tissue, but FDA again assured the subcommittee that DES would be controlled under the stricter requirements involving a lengthened withdrawal period—7 days prior to slaughter—and mandatory certifications that DES had not been used during the withdrawal period. As indicated in the FDA press release of last Friday, DES residues in edible animal tissue have increased almost fourfold since imposition of the more stringent requirements.

The fourfold increase of DES residues in liver is not in dispute. This is a fact accepted by FDA on the basis of careful sampling by the Department of Agriculture.

Last year the FDA Commissioner gave assurance in testimony to the subcommittee that he would ban the use of DES if the USDA continued to find residues of the drug in one-half of 1 percent of the slaughtered animals sampled.

Now that the stricter controls have been in effect for more than 6 months and DES is being found in 1.9 percent of all animals sampled, it is incomprehensible to me that the Commissioner would delay taking the action which he testified is required of him in these circumstances. The requirements of the law are clear regardless of what any of us may think about the economic advantages of the feed additive in question.

The FDA announcement appears to be merely a tactic for delaying the regulatory action which the law requires. No information is provided on when the contemplated hearing will be held, or how long it will continue. Our experience in such matters is that hearings, if held at all, occur long after an FDA notice is published, and final decisions, even then, are not made promptly. For example, on March 31, 1971, almost 15 months ago, FDA published in the Federal Register a notice of "Opportunity for Hearing" in which FDA announced its intention to revoke approval of the new drug application for Nihydrazone, a drug used in animal feeds for the prevention of certain infections in chickens. In this notice, FDA stated the conclusion that because it produces tumors in laboratory animals, the drug is not considered to be safe under the approved conditions of use.

Fifteen months after publication of this notice, no hearing date has yet been set and there is no indication of when it will be held. Meanwhile, the drug continues to be used in animal feeds. Other drugs in the same category are also carcinogenic, and FDA has indicated its intent to revoke approval of their applications in formal Federal Register statements. But here, too, no hearings have been scheduled, nor has FDA indicated when these hearings will be scheduled.

The FDA press release openly states that the purpose of publishing the notice of intent to revoke the new drug applications for DES is to provide the opportunity for a fact-gathering hearing rather than to remove the drug from meat. It should be pointed out that under applicable court interpretations and FDA regulations, FDA may revoke its approval for the use of a new drug without granting a hearing when the relevant facts are not in dispute. The Administrative Procedures Act and the Food, Drug and Cosmetic Act provide ample protection for affected parties to contest FDA's proposed action, and for appeals to the courts.

Mr. Speaker, this is a most serious matter. The American people, acting through Congress, have declared total war on that most dreaded enemy—cancer. Congress and the President have joined forces to make available whatever resources can be spent effectively for the conquest of cancer. One of the major targets in this fight is the identification of chemical carcinogens and their removal from our food supply and our environment. It has been conclusively demonstrated that DES is a powerful chemical that is carcinogenic. There is incontestible evidence that it has been found and continues to be found in the livers of animals fed this drug.

There has been much misleading talk about the quantity of liver that would have to be ingested for harmful exposure to DES and the statistical chances of a person being so exposed. I say "misleading" because our most knowledgeable scientists in the area of cancer-causation tell us that no one today can say how much or how little of a carcinogen will produce cancer in humans. On this basis, it is idle and foolhardy to speculate, especially when the resulting cancers will probably not become evident in an individual until after a decade or more. I have seen for myself, at the National Institute of Environmental Health Sciences, cancers that developed in experimental animals in their middle years after a single exposure to a carcinogen during their infant or foetal stage. It was a sobering experience.

The law, moreover, does not permit residue tolerances; no amount of a carcinogen, no matter how small, is permitted in meat.

The suggestion has also been made that the elimination of DES from animal feed would result in a large increase in the price of meat. While economic considerations are completely extraneous to the regulatory requirements under existing law, I think we should also address ourselves to this question. All of us are concerned about inflation.

What are the facts? On the basis of a detailed economic study made by the Department of Agriculture at the subcommittee's request, it is estimated that the added cost that would result from the elimination of DES would amount to about $3.85 per year per person. This figure is based upon an added cost of 3½ cents per pound and an average annual consumption of 110 pounds of beef per capita.

I do not know whether anybody has or has not developed cancer from DES residues in meat. I do not believe anyone really knows. But what I do know is that cancer mortality rates are on the increase and we do not know why. We do not know how these carcinogens act on the body cells to render them cancerous. That is precisely why Congress enacted the Delaney clause—to protect the public in the absence of such knowledge.

Under these circumstances, would the consumer, if the facts were made known, choose to risk exposure to a cancer-causing drug for the sake of saving $3.85 a year? I think not.

It should be noted, also, in this connection, that the United States has a huge surplus of grain so no shortage of animal feed is in prospect, and, further, that industry is presently working on the development of new safe additives to increase feed utilization in the production of cattle and sheep. I might add that to the extent that additional grain is fed to livestock instead of stored in surplus stocks, the cost of Government price-support programs will be reduced. We should recognize, too, that in the absence of DES, all domestic cattle and sheep producers would be in an equally competitive position.

In summation, Mr. Speaker, I think it is highly improper for the FDA Commissioner to initiate a revocation action for fact-gathering purposes and to act contrary to the assurances given in testimony before the Intergovernmental Relations Subcommittee that he would ban DES if the residues situation did not improve.

Frankly, I find this situation deeply disturbing. It is hardly surprising that public opinion polls disclose widespread distrust of Government, when high Government officials resort to subterfuges to avoid discharging the duties entrusted to them. If the FDA does not act responsibly to enforce the law and enforce it expeditiously in this and other similar matters, I believe the Congress will have no alternative but to take firm corrective steps to protect the American people.

JOHN PAUL VANN

The SPEAKER pro tempore (Mr. MOORHEAD). Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, John Paul Vann was killed in the service of his country on June 9. He died as he had lived, giving his full effort and total commitment, without thought of personal safety or consideration. He had devoted the greater part of his adult life to Vietnam, and, knowing this man, he would never have thought of leaving. He wanted to be with the action, and he would never have left a job before finishing it. He died in Vietnam, and our country and the Vietnamese have suffered a great loss. He was an extraordinary man, and the epitome of the word "patriot." It is almost trite to say we shall not see his like again, but his countless friends, American and Vietnamese, are tragically aware of this bitter truth.

John Vann was born in Norfolk, Va., in 1924. He received his B.A. at Rutgers and masters from Syracuse. During World War II, he first entered as a private in 1942, then was commissioned in the Air Force and served as a B–29 navigator in the Pacific. Following the war, he was given a regular commission in the infantry and served in Korea and Japan. He came to Vietnam in 1962 where he served as adviser to the 7th Division of the Vietnamese Armed Forces, in the Mekong Delta, south of Saigon.

It was here that Vann's penchant for keen analysis and blunt speaking first came to the fore. He saw serious flaws in the South Vietnamese military structure and performance in his area of responsibility. Never one to hide his feelings or thoughts, he spoke out loud and clear to whoever would listen about what was wrong and what he thought needed to be done. He felt his message was not heeded, and he resigned from the Army in 1963. Later events in Vietnam showed the correctness of his judgments, a scenario frequently repeated throughout his career. Many people have been angered by his frank talk, but since he was so often proved right, there was little they could do.

Following his resignation from the Army, he spent several years in the United States, traveling and lecturing on Vietnam. He returned to Vietnam in 1965 as a civilian adviser with the Agency for International Development. He thus embarked on a career which was to make him intimately familiar with three of the four major corps areas in Vietnam. He was the leading civilian adviser in military region III, which surrounds Saigon and is highly significant, militarily and politically. He then returned to the delta, where he had started but this time in a better position to put his ideas and philosophy into practice. He was the top American civilian here too. And finally, in recognition of his unique combination of military expertise and grass roots knowledge of the Vietnamese country and people, he was named senior advisor to the second military region, with full responsibility for both military and pacification matters. This was the position he was filling so valiantly when he died. In addition to the Medal of Honor he was posthumously awarded, Vann in 1969 received the Distinguished Honor Award and the Christian Herter Award.

What were the qualities that made Vann so effective in Vietnam? Why have his predictions on the course of events in that complex nation proved so often accurate? On my regular trips to Vietnam, I had the occasion to meet John Vann many times and I tried to isolate his special qualities. He had, first of all, the necessary military knowledge and experience in a situation which is governed to a large extent by military factors. But there have been many brave military men in Vietnam. Without reflecting on them, what distinguished Vann was his extraordinaray dedication, knowledge, capacity for hard work and ability to inspire his subordinates to similar efforts. Vann was that rare bird, a sound military man with a keen understanding of the Vietnamese and their convoluted, intrigue-filled politics. With his unique combination of knowledge and ability to translate it into action, he could make realistic judgments and do something about them. He was of course extremely knowledgeable about the pacification program, the necessary supplement to our military effort. Vann's unfailingly realistic and hard-headed comments, his firsthand knowledge of every aspect of the program including its impact in Vietnamese terms, and his suggestions for improvement made a major contribution to this unique effort.

He did not speak Vietnamese, but he had more Vietnamese contacts and friends than many Americans who did. He was able to draw on these links with various levels of Vietnamese society to make his judgments on what the Vietnamese were thinking and how they were reacting to stimuli; ours, the South Vietnamese Government's, the enemy's. Again his judgments were almost always on the mark. As I indicated earlier, he was able to inspire his subordinates with his own zeal and unflagging dedication. As a result, he used those around him as additional eyes and ears to the Vietnamese.

He always found competent, alert young officers from various agencies to work for him, and he tested his judgments against theirs. His sources of information and the breadth of his knowledge about Vietnam were a constant source of amazement. Vietnamese, accustomed to Americans who stayed only a short time and who gained only superficial knowledge of the country, recognized his knowledge and respected it. They also sensed his genuine admiration and friendship for Vietnamese and the depth of his commitment. It goes without saying that he was as frank and honest with them as with all others.

This combination of experience, intelligence, dedication, and ambition made Vann not only an extraordinary public servant, but a memorable, remarkable man. He exemplified the laudable goals and the idealism in the often criticized American effort in Vietnam. Vann never lost faith. Through all the difficult years, despite all the obstacles and reverses, he saw what the United States was trying to do and should do, often before his perceptions received official sanction. He never faltered in his judgment that we should be in Vietnam, that the Vietnamese deserved our support and that our joint cause would prevail. His was not a soft, wishful optimism, however.

He never hesitated to speak his mind, and his comments were sometimes distasteful to Americans and Vietnamese alike. Unpalatable as his actions may have occasionally been, they stemmed from his devotion and uncompromising search for excellence. He was not the most popular man in Vietnam, but he was certainly one of the most respected.

He was one of the most consistently vocal of those Americans who decried an overly possessive and active role by the United States in Vietnamese affairs. He realized that the Vietnamese had much more capacity to get the job done than many impatient Americans gave them credit for. He saw that for our side to prevail, the Vietnamese would have to do more and that the Americans would have to stop trying to run the show. He saw the essence of Vietnamization, that it is their country and that they must take the actions and have the determination to save it. He was in fact an exponent of what is now called Vietnamization, long before it became our official policy. It was a seemingly simple truth, but one very difficult to grasp and apply in the frenetic, charged atmosphere in Vietnam. It is to his credit that he held to this philosophy through all the years when the current of events was against him. He was, again, shown to be right.

It is ironic now to realize that Vann, as previously, was going against conventional wisdom when he died. He was out of step, it seemed, back in 1962 when he warned against Vietnamese weaknesses. He was similarly prescient, when it was unpopular to be so, prior to the Tet offensive of 1968. And, just before his death, he was again defying the easy analysis. He thought, and documented his opinion with hard facts, that the South Vietnamese had improved a great deal and could, in fact, turn back their foes. This is, apparently, an unpopular view to have today. But more and more people, as they survey the course of the current offensive, are beginning to realize, albeit reluctantly, that John Vann, once again was right.

In a circulated letter to his friends, dated April 12, he predicted, at the very outset of the offensive, that the North Vietnamese would fail in what he called their "desperation attempt." He predicted that the enemy offensive would result in a South Vietnam "increasingly stronger than North Vietnam and better able to maintain its viability." And, as always, John Vann did not hedge and did not equivocate. He stated his views in clear, concise, uncompromising language and took full responsibility for his judgments. He ended his letter by saying:

> I stand ready to be challenged on the foregoing analysis by the events that take place subsequent to this date.

Two months later, his predictions have proven remarkably accurate.

John Vann died as he lived, going at full speed, without compromise and without sparing himself. He died, as he lived, totally fulfilling his commitments as he saw them. He would probably wish no other testimonial than the assurance that this country will do what it has to do in assisting the South Vietnamese to defend themselves against a cynical, blatant outside aggression. It is what he gave his

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life for. I am confident we will not betray his memory.

I wish to salute this outstanding public servant and human being. His contribution was immense, the stamp of his personality enduring. He was an honest man, intelligent, and dedicated. We will sorely miss him. We need and will need others like him. They are not easy to come by.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I am glad the gentleman from Mississippi has taken the floor in behalf of John Vann. I knew him, also, in Vietnam. I was over there with a group of people to make evaluations and studies and to try to analyze that problem. No greater help came to us there than the help we got from John Vann.

The gentleman has stated it for the RECORD correctly when he has said this man really understood the real problem there. It truly is unfortunate he is not alive any more, because he understood the problem. Had we listened to him from the beginning we would have saved thousands of lives and the South Vietnamese would have been in shape to fight their own battle long ago, and a lot of other problems which persist there would have been solved, also.

I am very glad to associate myself with the gentleman's remarks, and I commend the gentleman for taking the floor and putting in the public record the magnificent record of this great and fine man who was so devoted and who did contribute so much.

It is a privilege to participate today in this tribute to John Paul Vann. A man with foresight and great determination, he never wavered from his purpose of providing a rational and realistic base to American involvement in Vietnam.

To his great credit he recognized the true nature of the Vietnam conflict far in advance of most people, but particularly his military colleagues. Resigning his commission in 1963, he, in many respects, was one of the first to protest the manner of American involvement in Vietnam.

But John Paul Vann was not content to sit on the sidelines. Instead, he worked within the system to seek the changes needed. He has been vindicated. His analysis of the situation and his prescriptions were right on the mark. What is tragic is that it took his country so long to recognize he was right.

Men like John Paul Vann are never replaced. They leave a void that can never be filled. What they leave us is a heritage from which we must learn. Let us make sure we do not ignore the lessons John Paul Vann taught us.

Mr. MONTGOMERY. I thank the gentleman for his comments. I am familiar with what the gentleman from Iowa says, for he did go to Vietnam and he has taken a task force over there. He did know this great man John Vann.

I certainly agree with what the gentleman says, that probably, if we had listened to John Vann more back in 1966 and 1967 we would have been in better shape on the war in Vietnam.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman from Mississippi for yielding.

I want to take this opportunity to congratulate the gentleman for his thoughtfulness in taking this special order to comment on one of the really authentic heroes to come out of this Vietnam conflict. This is not to take anything away from the many other heroes of whom we are aware, who have served faithfully and dutifully in Vietnam, but I believe in the case of John Vann one would be hard-pressed to come up with an example of anyone who gave more in behalf of the people of South Vietnam than John Vann did.

This is abundantly clear, I know, to the gentleman from Mississippi, because of the many trips he has made there, probably more than any other Member of the House.

So it is quite fitting and proper that the gentleman should take this special order, for us to have an opportunity to add our little bit to his very proper and fitting remarks in behalf of John Vann.

With the exception of "The Green Berets," the Vietnam war, unlike our other 20th-century wars, has not resulted in the production of any movies. Apparently, owing to the passions generated by this confusing and complex conflict, the movies will have to wait until the war has ended.

Surely, there are a wealth of fascinating stories of valor, intrigue, and romance attending this war as there have been in any war. Wars inevitably elicit the full range of human behavior—from cowardice to bravery, degeneracy to humanity, hate to love.

Hopefully a movie will someday be made of the life of John Paul Vann. A James Cagney personality will have to be cast in the lead role. James Cagney comes quickest to mind when one thinks of a Hollywood personality who comes closest to embodying the qualities of John Vann: short, wiry, dynamic, single-minded, occasionally abrasive, fearless, outspoken, dedicated, and deeply human.

I first met John Vann by accident. I was flying from Saigon to Con Son Island. It was the rainy season and after several unsuccessful attempts to find the landing strip at Con Son in the heavy downpour, we elected to fly over to Can Tho to wait out the rain.

The American officials accompanying me suggested that I take advantage of this departure from our itinerary to get a briefing from John Vann, who was headquartered at that time in Can Tho. Vann was in charge of pacification for the Mekong Valley area.

There was respect and a certain amount of awe in the attitudes of my companions as they described some of Vann's exploits while we were flying from Con Son to Can Tho. At that time Vann had been in Vietnam—off and on—for 8 years, perhaps longer than any other American.

His early years were spent in uniform. But in 1963, owing to disagreements with superiors over our Vietnam policy, Vann resigned from the Army with the rank of lieutenant colonel. He returned to the States for several years during which time—among other things—he secured a Ph. D. on the subject of Southeast Asia.

In 1965 he returned to Vietnam in a civilian capacity working with the Agency for International Development. By late 1967 he was in trouble again, this time for contradicting the views of superiors in Senate testimony when he insisted that Saigon was not secure from enemy attack. Owing to these disagreements, Vann submitted his resignation which was on the desk of his superiors when the Tet offensive was launched. Vann stayed on.

In fact, he was promoted. Placed in charge of our pacification program in IV Corps, Vann was the only civilian in charge of both military and civilian efforts at pacification of an entire corps area in Vietnam. He rapidly distinguished himself.

During these years he had many brushes with death. He was shot several times—both as a military man and a civilian—he was shot down from a variety of aircraft, and once he almost died from stomach poisoning. The number of hair-raising close calls Vann experienced probably developed in him a certain fatalism. He was notoriously incautious in his work in Vietnam.

When I arrived at his office after our plane landed at Can Tho it was close to lunchtime. He briefed me in his office and then suggested that we drive up north to the village of Omman where he explained they served the best Chinese soup in the area.

Dodging heavy Army trucks and potholes big enough to swallow up a Honda, we presently found ourselves on a deserted ribbon of blacktop highway that separated rice paddies and occasional Vietnamese hootches.

After hearing so many stories of Vietcong ambushes, I was nervously watching the tall grass on either side of the road half expecting to be shot at. I asked Vann about the prospect.

It's safer than riding through any big city back home.

He said confidently:

Oh, last week a village official was murdered several miles west of here and that sort of thing persists, but look at the number of murders that go on in New York City every day.

He did concede that his white, American made car did provide a more conspicuous target than the Toyota which he owned and drove in the past. In fact, he acknowledged that his official car had been hit with gunfire. But Vietnamese tariffs made it too costly, he felt, to continue to use his own Toyota, so he chose to run the risks involved in using the company car for business.

He took delight in showing me the TV antennas sticking out of the primitive dwellings as we passed.

He said:

A year ago you wouldn't have seen this.

He commented on the economic revolution caused by American construction of roads, such as the one we were traversing.

Vann noted:

The roads, coupled with the Hondas you see everywhere, enabled the farmers in the area to get out from under dependence upon the middleman.

The farmers now have transistor radios and they listen to rice quotations in Saigon and Can Tho. They then seek the best market for their rice without having to sell to a middleman on his terms as they were forced to do before we built the roads.

Vann considered this development, coupled with the introduction of "Miracle Rice," a primary reason for the fall-off in Vietcong recruiting.

Van said:

Why should a fellow pick up a rifle to fight the government when all around him he sees the opportunity to achieve the good life?

After driving for about half an hour we entered a small, typically dirty village, Vann said:

This is Omman.

I was somewhat taken aback, for when Vann suggested lunch, I assumed we would be visiting some restaurant approved by the U.S. Government or else a restaurant on an American facility. Instead, we drove straight to the village square and parked.

There was a large, open-air market and restaurant with just a roof to protect customers from sun and rain. We sat at a coarse wooden table and Vann ordered for us. Just beyond our table was an outdoor stove and kitchen. An ancient mama-san, with several teeth missing, was the cook. I watched, with no little apprehension, as she chased flies off the meat and vegetables that had been sitting out in the open before she scooped them up with her bare hands to throw into our soup bowls.

Vann read the apprehension in my glance.

He said:

Don't worry about germs, the boiling water she pours over everything kills all the bugs.

The steaming bowls were set in front of us. Then a waiter brought us chop sticks from an adjacent table. To clean them from use by other customers, the waiter simply wiped them off with a paper towel.

Vann said:

Just swish them around in the soup to sterilize them.

Which I did, and, while we dined, Vann waved to several Vietnamese friends and chatted briefly with others whom he recognized. It was as friendly and informal as a small-town mayor in the States stopping into the restaurant on the village square and waving salutations to his neighbors. And Vann manifested the proprietary interest and pride in his community that any mayor back home would have.

The next time—and the last time—I saw John Vann was in August of 1971. I was only going to be in Saigon for 24 hours on this trip and a good friend arranged a dinner party for me. He had asked me, before I left Washington, if there were any special guests I wanted to invite to the dinner. One of the people I wanted most to talk to was John Vann.

Since my trip of the year before, Vann had been moved up to II Corps. As the American withdrawal proceeded apace, the vulnerability of II Corps was obvious. The terrain is mountainous, the area sparsely populated, and it is readily accessible to North Vietnamese invasion down the Ho Chi Minh Trail. John Vann was given the assignment of duplicating his pacification successes in IV Corps. Vann tackled the assignment with the same energy and optimism he had brought to his job in the Mekong Delta.

I wanted to talk to Vann because of his reputation for outspoken candor and honesty. Beyond this, I was eager to get his appraisal of Vietnamization in II Corps. Finally, I looked forward to the privilege of another visit with this remarkable man.

My dinner host explained to me that Vann would probably be unable to attend since it was the eve of the congressional elections in Vietnam and the Vietcong had promised trouble. But Vann was there and he remained for the entire evening. As usual, some of his views did not coincide with others present. But he was convinced that Vietnamization was working and he was confident that his pacification achievements in IV Corps could be duplicated in II Corps. John Vann was one of those men for whom the impossible only requires a little time. He obviously thrived on challenge and had a respect and esteem for the people of South Vietnam in their struggle. He was a driver, but one got the impression that he never demanded as much of others as he did of himself.

Then the massive invasion by North Vietnamese regulars began this spring. Predictably, II Corps became the scene of some of the major fighting, particularly at Kontum. John Vann, equally predictably, was in the thick of the fight. He was determined to prevent the North Vietnamese from overrunning his city.

A Time correspondent wrote just before Vann's death:

There is nothing else for him now, but the saving of Kontum. Like a French colonial, he has no real ties any more with home. He will live out at least the last of the creative part of his life in Indochina.

Within days after these lines were penned, John Paul Vann was dead at the age of 47. Many have lived longer. Thousands of other Americans died much younger in Vietnam. All who served have made contributions in varying degrees, but one cannot imagine any American putting more of his creative talents and energies into the effort to, as John Vann himself said: "Bring some reason and justice to our effort."

The freedom-loving people of South Vietnam have lost one of their best friends. America has lost one of its finest sons. Mankind is richer because of John Paul Vann, but the quality of life is diminished with his passing.

ON HATING VICTORY

By Joseph Alsop

By a cruel irony, a friendly letter from John Paul Vann arrived last Tuesday. Four full days earlier, the tragic news had come that Vann, the single most experienced and prescient American in South Vietnam, had been killed in a helicopter crash in line of duty.

This, then must have been one of the last letters written by this wonderfully brave and patriotic man. (He always handled his own private correspondence, in a rather crabbed long hand, and always at the end of one of those long days of dangerous work in the field that would have put most younger men to bed for a week. The letter also had a wider message, so those parts which are not overly personal deserve reproduction.)

"It is true," wrote Vann, the American organizer of the defense of Kontum, in the central highlands . . . "We're going to hold Kontum . . . The enemy is beating himself to death against it . . . the best defense of Pleiku (the main position in the highlands) was to hold Kontum. We got (the reinforcement of Kontum with the 23d ARVN Division) accomplished just one day prior to the enemy's opening assault . . ."

(Here followed technical and detailed estimates of enemy losses, amounting to the equivalent of close to a division at Kontum and two and one half North Vietnamese divisions, over all, since mid-February in Vann's II Corps area.)

"My 12 April predictions (of enemy defeat, already reported in this space) are holding quite well . . . And they were made without the certainty of the tremendously courageous and timely decisions by the President (concerning the North Vietnamese ports and the bombing, obviously). With those decisions, I now have absolute certainty that (the Hanoi leaders have) committed a blunder equal to or greater than that of Tet '68. . . .

"Barring a negotiated settlement at Paris, the enemy has had it—and will constitute a credible threat for several years hence, which will then be irrelevant."

The letter closed, heart-breakingly, with word that John Paul Vann could not be in Washington "in July . . . could not afford to miss the (a planned counter-offensive) we're going to have that month." One day after John Vann's letter, still another came from the chief American in command on the approaches of Saigon, Maj. Gen. James Hollingsworth. Gen. Hollingsworth, another exceptional American, was reporting on the failure of the North Vietnamese siege of Anloc.

"I would think the enemy is fully aware of their total disaster," he wrote. "Two and two thirds divisions (of North Vietnamese troops) is one helluva rent to pay for 25 per cent of a small, inconsequential province capital for less than 30 days occupancy by two battered companies."

That letter arrived simultaneously with the news of the final relief of Anloc in the morning papers. As the letter was being opened, a smooth-faced young man on the Columbia Broadcasting System's morning news program was telling the world all about Vietnam. One listener wondered idly how much of danger, and indeed, how much of his country's service, this young man had seen.

At any rate, he sounded quite as sure of himself as Vann or Hollingsworth, when he told his vast audience that it began to seem Hanoi had made a voluntary decision to call off the big offensive. The idea, was, of course, that there had been no North Vietnamese defeat at Anloc; that Hanoi's leaders had just said to themselves, "Oh, shucks, why not call it a day?"

Of course Hanoi's leaders have not said that, at least not yet.

By all the signs, despite the hideous North Vietnamese losses and heavy defeats, there are still battles to be fought. Battles can always bring bad news. Ad interm, however, even the newspapers utterly failed to convey how good the news was from Anloc.

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ARVN's feat at Anloc appears more and more admirable, the more one learns. It was a resolute, unyielding defense of a wretched perimeter about a thousand meters square, under much heavier artillery and infantry attack than the French suffered at Dienbienphu.

Suppose, in contrast, that Anloc had fallen instead of holding. That would have been made to seem truly catastrophic. In short, there seem to be some people in the woodwork who positively hate news of victory.

John Paul Vann was a soldier and a diplomat. He knew that the enemy had to be defeated on the battlefield, and he also knew that the peace had to be won by developing in the South Vietnamese people the confidence and ability to order and defend their own country.

In its statement concerning his tragic death, the White House called him "a truly extraordinary public servant." It declared that:

For more than a decade he worked tirelessly in the forefront of our efforts to achieve an honorable peace in Southeast Asia, and to bind up the wounds of its ravaged people. . . . There he has now given the last full measure of devotion.

In an age when we hear so much of demonstrators and protesters, of those who care so little about the fate of countries subjected to attack by the forces of aggression and tyranny, the virtues of men such as John Paul Vann shine ever brighter. We must see to it that we do not break faith with such men, that their sacrifices have not been in vain. Their lives are a challenge to us and, hopefully, we will rise to meet it.

Mr. MONTGOMERY. I thank the gentleman from Illinois for what he has said.

I might say, Mr. Speaker, at the suggestion of the gentleman from Illinois I did take the special order, and I do thank him for his comments.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I would be glad to yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to commend the gentleman for taking this special order also and to pay tribute to the fine American, John Vann, a man with great insight into the problems that we and all the world face in Southeast Asia. Certainly if we had paid more attention to his words of wisdom perhaps the turn of events would have come sooner. I would like to take this opportunity also to commend the gentleman for his fine works of tribute to a great American.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California (Mr. GOLDWATER) for participating in this special order.

Mr. COLLIER. Mr. Speaker, the tragic death of Col. John Paul Vann is a grievous loss that will be felt not only by the people of America and South Vietnam, but by the entire free world. Not only free men but those in occupied countries who yearn to be free will suffer because of his untimely passing.

Colonel Vann spent nine of the last 11 years in South Vietnam, having first arrived there in 1961. He was, throughout his years of service there, a courageous and dedicated soldier who inspired and encouraged those who were joined with him in the effort to drive out the invaders.

Colonel Vann remained at his post of duty and made the supreme sacrifice while lesser men dodged the draft and fled the country.

Just before his death in a helicopter crash, Colonel Vann expressed his optimism that the war would soon be over, that America would win a final victory over its enemies, and that the cause of freedom for small as well as great nations would be advanced. He was concerned, however, that the victory achieved in battle might be frittered away at the peace table. Let us hope that his optimism for victory on the battlefield will be sustained and that his pessimism regarding defeat through negotiations will be proved groundless.

Mr. Speaker, I want to express my sympathy to those who survive Colonel Vann. May the rest of us prove worthy of his sacrifice, may others be inspired by his example, and may the enemies within our gates be shamed into silence.

Mr. DERWINSKI. Mr. Speaker, I join the many members who are participating in this special order to commemorate the outstanding service that John Paul Vann performed in the service of our country and that of freedom of South Vietnam. His death in combat was extensively reported by the press and his career in Vietnam recalled in substantial detail. I believe that it is proper this afternoon that we recognize the personal dedication to the cause of freedom that Mr. Vann's career exemplified. He recognized the complications in foreign policy, the internal difficulties within South Vietnam, but above all else he recognized the determination which the North Vietnamese Communists pursued their goal of conquest of the south.

He served for approximately 11 years in civilian as well as military positions in South Vietnam. It is obvious that he was dedicated to seeing that the basic goals of the United States and that of South Vietnam—the development of a viable country free from Communist aggression—was a goal worth his constant effort.

Too many brave Americans who have given lives, suffered permanent wounds, or served in South Vietnam have not received the respect and appreciation from their countrymen as have our military heroes in previous wars.

Perhaps in commemorating the dedicated service of John Paul Vann this afternoon, those Members of the House who are participating in this commentary are also speaking of the positive role of the military and civilian and military advisers in South Vietnam. Quite apart from the dispute over policy, we should be proud of the individual Americans who have served and in so doing exemplified the spirit that makes America a great country.

John Paul Vann died for this country in the cause of freedom. I join other Members here this afternoon in extending my deepest and sincere sympathy to members of his family in their loss and bereavement.

Mr. ROBISON of New York. Mr. Speaker, it was with far more than passing regret that I noted, a few days ago, the death of John Paul Vann—a brave American and dedicated patriot who fell inevitable victim, finally, to the very forces he had so valiantly struggled against in Indochina for the past decade.

My acquaintance with this legendary figure was brief, but most memorable. When I was in South Vietnam in June of 1970 with the gentleman from Mississippi (Mr. MONTGOMERY), it was my privilege to spend an entire day with former Colonel Vann—first listening to him welcome and brief a new contingent of U.S. civilian advisers who had just arrived in South Vietnam to work with Mr. Vann and South Vietnamese officials on one aspect or another of the Vietnamization program of which Vann was a major architect.

Later that same morning, Vann and I—accompanied only by an unarmed civilian interpreter—rode by jeep all the way down Route 1 in the delta region from the city of Can Tho to the village of Ca Mau, where the highway ended for all intents and purposes. This was a trip of perhaps 150 to 175 miles, and through country that, until only lately, had been unsafe for American travellers even in daylight hours unless they went under heavy military escort. I was the first Congressman to venture such an experience, and I have always suspected that Vann undertook to take me—as a more or less willing guinea pig—to prove his point that both Vietnamization and its corollary pacification program had succeeded in the delta, and could be made to succeed elsewhere throughout South Vietnam.

He pointed out to me, along the way, the spot where a few months earlier he had been ambushed, and shot off his motorbike, in broad daylight—an anecdote which, in the telling, gave me some temporary pause as to my situation, but which his complete air of assurance quickly dispelled. We went freely into and through several village areas—walking, still unescorted, along village streets and into several shops and marketplaces where I talked, as best I could through the interpreter, with the natives. We visited a number of province chiefs, as they are called, and I had an opportunity to have extended discussions with several of them as to their problems and challenges, as well as to try to understand from their American advisers what the military and political situation was in their provinces.

We had an extensive lunch with one such province chief, and then drove like mad—for Vann never did anything halfway—the rest of the way down a rapidly deteriorating highway, in the inevitable afternoon downpour, to Ca Mau where we spent several hours with that province chief of whose recent successes in restoring order to his area Vann was especially proud. Later, there, we were met by helicopter which Vann took over from the Army pilot and, himself, flew back to where we would meet the rest of our group for dinner and the evening.

But the best part of the trip—and the

day—Mr. Speaker, was to have this chance to talk with Vann, alone, as I did, about his so firmly held viewpoints concerning the military mistakes the United States had earlier made in Vietnam, how those mistakes could be and were being corrected, and how it was necessary for us to carry on along the lines that Colonel Vann, himself, had in such large part laid out.

There is much that is tragic, Mr. Speaker, in our whole Vietnamese experience, and one supposes that in that context one more human life lost does not mean very much. And, yet, I also believe that it was an additional tragedy—for all of us—that John Paul Vann, who did his level best to set our feet on the right course in Vietnam, did not live to see, if any of us do, the justification for and success of his theories.

I extend my personal sympathies to Colonel Vann's family, and to his countless number of grieving friends and admirers, on the occasion of this great soldier's death and I hope it can be eventually written that he did not die in vain.

Mr. WAGGONNER. Mr. Speaker, last week an official North Vietnamese statement on the death of John Paul Vann characterized him as perhaps the cruelest of the American advisers in Vietnam. A man who deserved to die. These are harsh words for a fallen foe but in a sense they comprise the greatest tribute possible to a man who spent 11 years in Vietnam in both military and civilian capacities. A tribute in that John Vann was beloved and respected by South Vietnamese and Americans alike because of his great courage, human compassion, and constant devotion to duty. These qualities in conjunction with an incredible insight and understanding into a war not meant to be understood made him so remarkably effective as an adviser that he achieved a position as the third most influential American in Southeast Asia. In addition he became such a legend among his enemies that even in death they could feel only bitterness toward him.

A recent example of his devotion and tenacity was successful direction of the effort to hold Kontum against overwhelming odds. He held to it as he held to the conviction that defeat in Southeast Asia would have catastrophic repercussions for the United States. He could not tolerate the idea of the South Vietnamese under Hanoi's control. To the prevention of such a tragedy John Paul Vann committed his mind, his body, and his life. It is one of the tragedies of all time that it takes a war to recognize the talents of such a truly great American.

I extend to his family, friends, and other fellow Americans my heartfelt sympathy in this time of grief. His loss like that of the thousands of others who have made the same sacrifice will be felt throughout the free world.

Mr. EVANS of Colorado. Mr. Speaker, the United States has lost a true patriot. John Paul Vann was undoubtedly one of the most knowledgeable American officials in Vietnam in addition to being one of the most experienced. When it came to a strong sense of commitment, there are few who can surpass the commitment of John Paul Vann.

The Rocky Mountain News said of Vann, "He was utterly fearless." Now that the U.S. role in the war in Vietnam has been winding down to that of an adviser, the tough little man who called Littleton, Colo., his home, was destined to play an even bigger part. As the senior U.S. adviser in Vietnam, his work there was becoming more and more important. And also more dangerous.

John Paul Vann's daughter, Mrs. Patricia Buhl, lives in my hometown of Pueblo. I am enclosing a copy of a newspaper story that appeared in the Pueblo Star-Journal and Chieftain on June 11, 1972, in which Mrs. Buhl remembers John Paul Vann as a father and as a dedicated human being. I am also enclosing an editorial from the Rocky Mountain News.

I only hope that his family will have the comfort of knowing that the job he did was a job well done. Mrs. Evans joins me in extending our sympathies to John Paul Vann's family. The material follows:

[From the Pueblo (Colo.) Star-Journal and Sunday Chieftain, June 11, 1972]

PUEBLOAN, DAUGHTER OF KILLED ADVISER, RECALLS HIS SPUNK

(By Bill Racine)

"I still have a hard time believing he's dead. I have a feeling that I'll see him again.

"He's been in so many close calls that I keep thinking I'll wake up and it'll all be a mistake."

But it won't be that way at all.

John Paul Vann, 47, senior American adviser to the Vietnamese Second Military Region, a man who had spent 11 years in the Vietnam war, died Friday in a fiery helicopter crash near Pleiku, South Vietnam.

Mystery still surrounds the crash. Officials aren't certain if the helicopter in which he was a passenger along with the pilot and another American adviser was shot down by North Vietnamese gunners or whether there was a mechanical malfunction. Vann was investigating the military situation in the Pleiku area.

MORE MYSTERIOUS

Mrs. Patrica Buhl, 58 Scotland Road, in Belmont, daughter of Vann, hard-pressed to believe that her father is really dead, said the crash was all the more mysterious to her because she had always understood that he made it a practice of flying his own aircraft. He often told the family that he never went anywhere unless dozens of checks, both of the aircraft and of personnel on the ground, were made.

Jack Buhl, while roughhousing with his son, Josh, 3, told of one narrow escape. Vann had just boarded a military plane for a return flight to Vietnam when he was called off the aircraft for a routine passport check. The plane left without him and later crashed, killing all personnel aboard. The death list carried Vann's name, but he had just telephoned his wife and it all turned out to be a mistake.

Vann, who knew and reported to President Richard M. Nixon frequently as well as other top American officials, predicted in 1960, to his daughter, Pat, that Vietnam would become a household word in America.

Not that Vann was a staunch supporter of the war or of American policy. To the contrary, reported Mrs. Buhl. He wanted to present a report to the joint chiefs of staff in the early 60s about the military situation there (Vietnam), that we shouldn't let it slide. She said she thinks he advocated bombing the North at that time, but he was refused an audience. He became so frustrated that he retired from the Army after 21 years and went to work for the Martin Marietta Co., south of Littleton.

"STRONG COMMITMENT"

But, according to the Buhls, he just couldn't get Vietnam out of his blood. "He was such an energetic and dynamic man," said Mrs. Buhl. "He just had a strong attachment and commitment to the Vietnamese people."

"Once," she related, "a close friend of his, a roommate, was captured and became a POW (prisoner of war). He was so upset and concerned. He always kept in touch with the prisoner's family here in the States."

Beside offering hope and encouragement, Vann was a diplomat.

Buhl, still playing tag with his son, told of how his father-in-law would bring representative government down to the villages and hamlets of Vietnam by sitting down with the chiefs.

A duck would be caught, its head chopped off and the blood from its neck poured into a bowl. Then while the blood was still warm, Vann would drink duck's blood soup. He would make a pleasing sound and drink a second bowl.

"That was the way the people learned how to accept the Vietnamization program," explained Buhl.

Vann, who made the news frequently, wasn't talked about so much in the late '60s. But since the American adviser role is returning to the war with the withdrawal of American soldiers, Vann's highly specialized work became more important, thereby sharply increasing the danger for him.

It was characteristic of Vann to get involved, especially with his family.

KEPT IN CONTACT

"He had a remarkable quality to keep in contact even while he was half way around the world" said Mrs. Buhl.

She broke off into another story about her father. "When Peter, my brother, was 3, he nearly died from what was described as hepatitis. The doctors said he was dying, that they could do nothing, that funeral arrangements should be made.

"Well, my father became furious. He flew Peter to a Boston hospital, and literally pounded on the door with his fists and actually begged the doctors to help Peter," she said.

"It was only because a doctor's patient had died that they could help him. There was something about scheduling involved. They found an obstruction; Peter lived. I'll just never forget that about my father."

She explained how he went out at nights and sold pots and pans to pay the staggering hospital bills.

"FOUGHT HIS WAY UP"

"Persistence is where it all is. I guess that's how he got where he was," she said quietly. "He was born into poverty and he fought his way up. He always said he was being guarded by something. He had so many close calls with death."

Mrs. Buhl wasn't the only one to eulogize the memory of her father. The Air Defense Command in Colorado Springs released the following statement from Gen. William C. Westmoreland, Army chief of staff.

"It is with a profound sense of personal loss that I join with Americans across the nation and around the world in mourning the death of a devoted servant of freedom, John Paul Vann. . . .

"Strong imagination and loyal, Vann, by personal example, inspired countless men of the free world forces of many nations to make a full and complete pledge toward the defense against tyranny and aggression in Vietnam.

"He will be remembered as a man who lived up to his convictions and will be greatly missed by all who served with him."

Vann, who worked for the U.S. Agency for

XUM

International Development in Vietnam, earned a master's degree in business and had nearly completed a doctorate program. He commanded a ranger group behind enemy lines during the Korean War.

David Halberstan, New York Times war correspondent, author of "Vietnam Diary," used many references to Vann's important work in his book.

ADORED GRANDSON

But Mrs. Buhl didn't talk about her father's many interests and accomplishments. She kept looking at Josh, her son.

"My father planned to come to visit us here in Pueblo this summer. He just adored Josh." The boy is Vann's only grandson. "He wanted to come to see us and Josh and the new grandchild."

Mr. and Mrs. Buhl are expecting the arrival of their second child in a matter of days. They still don't know if they'll be able to go to funeral services. They are incomplete, but a service will be held in Denver. The body will be flown to Washington, D.C., for interment in Arlington National Cemetery.

Meanwhile, in Pueblo a young boy waits for his brother or sister to come into the world.

All young Josh knows is that his grandfather is dead, and that there will be no more toys from Vietnam.

[From the Rocky Mountain News, Denver, Colo., June 13, 1972]

JOHN PAUL VANN

John Paul Vann was a hero and a patriot.

He first saw Vietnam in 1961 as a Lieutenant Colonel sent to advise a South Vietnamese division in the Mekong Delta. He quickly proved two things: He was utterly fearless, and he would never become a general in the U.S. Army.

A tough little man from the Virginia Piedmont and later a Littleton resident, Vann spoke his mind in blunt, rude terms to the press and his military and civilian superiors alike. The press loved it. The higherups did not.

He was not the careful team player who gets ahead in the military or in business. In 1963, he was forced to retire as a colonel. But Vann, who learned the psychology of the Vietnamese better than most, was fascinated by their struggle with the Viet Cong and in 1965 returned as a civilian adviser.

Vann's knowledge of Southeast Asia was employed in 1963 when he was recalled to the Pentagon to brief Henry Cabot Lodge on Asian affairs preparatory to Lodge's assignment as ambassador.

When he retired from the Army, he chose Colorado as his new home, serving from 1963 to 1965 as a marketing specialist for the Martin Marietta Space Center here. He dabbled a bit in politics here, serving as state co-ordinator for a Draft Lodge for President group. Later he switched to coordinating Colorado Republicans and Independents for Lyndon B. Johnson. Last Christmas he managed to get away to spend the holiday with his family in Littleton.

Vann became head of the pacification program in the Delta. He flew his own helicopter over the battlefields. He deserved and got much credit for Saigon's success in the country's richest rice growing region.

As a "reward" they made Vann senior advisor in Military Region II, the indefensible central highlands that the Communists could attack from the jungled mountains of Laos and Cambodia. Ironically, the post had always been filled by a major general.

He literally took over the war in the highlands. He called for the B52 strikes that decimated the enemy. He repeatedly exposed his helicopter to ground fire, so he would know where to send the bombers.

Vann always went to see for himself. Last Friday night he went once too often. Near an obscure South Vietnamese fire base that needed help, his helicopter was shot down or crashed, killing him and two U.S. Army officers.

To North Vietnam's ambition to take Kontum and Pleiku, Vann's death is worth an extra division. To the South Vietnamese people he sought to help, it is a cruel loss. They are not likely to get another John Paul Vann.

Mr. SPRINGER. Mr. Speaker, John Paul Vann was a man who had the courage of his convictions in the strict sense of that much used, and much abused, term.

He believed that the South Vietnamese had the capacity to defend themselves provided they received the proper training and leadership. To this end, he devoted many dangerous years of service, both military and civilian, in Vietnam and in this cause he finally died.

John Paul Vann's death in a helicopter crash was not only a personal tragedy, but also a great loss for the country.

Mr. KEATING. Mr. Speaker, the recent death of John Paul Vann, America's top civilian adviser in Vietnam, certainly represents a tremendous loss for the people of the United States and South Vietnam. Both were the object of his devotion and service for many years, and it is not likely that he will be forgotten easily.

Many things have been written and spoken about this dedicated American citizen over the past several days, and almost everyone agrees that John Vann was one of the most widely respected and courageous Americans ever to serve in Vietnam. This is certainly quite an achievement in view of the many sacrifices which so many people have made during the U.S. commitment to that country.

In spite of the deep divisions caused in our Nation as a result of America's commitment to South Vietnam, John Paul Vann remarkably enough won the respect and admiration of persons representing all ideologies and points of view surrounding this conflict.

He was completely dedicated to the preservation of South Vietnam as a free and independent nation. At the same time, he pursued that goal with a deep and abiding compassion for the Vietnamese people—always cognizant of the importance of maintaining their allegiance, and always determined to assist in every way possible those who were the helpless victims of war.

John Paul Vann also won an enviable reputation among members of the press corps for his candid and knowledgeable assessments of military and political problems throughout South Vietnam. Many persons, in fact, came to regard him as the most reliable authority on any subject dealing with the war. No President, no Cabinet official, no newsman ever received an account of the war from John Vann which did not represent the situation exactly as he saw it.

The life of John Paul Vann certainly represents a proud chapter in the history of human achievement, as he achieved astounding successes in the face of tremendous obstacles. That he did so was partly a result of his intelligence, courage, determination, and frankness, and partly a result of his unwillingness to compromise his basic convictions or his integrity. His successes were indeed great. But he has paid a heavy price for them.

Mr. Speaker, I am certain that all Americans grieve the loss of one of America's finest citizens. John Paul Vann is no longer with us, but his memory and his achievements will certainly endure throughout the history of our country.

Mrs. HICKS of Massachusetts. Mr. Speaker, the American people have noted with regret and sorrow the tragic death of John Paul Vann—a brave and dedicated public servant.

Mr. Vann, the Director of the U.S. Second Regional Assistance Group in South Vietnam, was killed in a helicopter crash in the central highlands of Vietnam serving as a civilian the Nation he once served so well in uniform.

As a young lieutenant colonel, John Paul Vann went to South Vietnam in 1962 as an adviser to the South Vietnamese Army. He early saw that the war was a Vietnamese war—one that had to be fought primarily by the people of Vietnam themselves. And he had the insight, perhaps novel at that time, to state:

This is a political war. . . .

His views were not popular with the official optimism of both Saigon and Washington in the 1960's, and he resigned from the Army in 1963—although he appeared to be at the beginning of a promising career that would have led inevitably to a general's stars.

A man of intense conviction—as well as deep moral and physical courage—John Paul Vann worked over the period of a decade to see that South Vietnam would not fall to the Communists. He saw the American role in South Vietnam grow from that of a few thousand advisers in 1962 to well over a half-million fighting men at the height of U.S. involvement in the late 1960's. And he saw that commitment gradually reduced as the South Vietnamese Armed Forces became able to bear the load of fighting their own war themselves.

His life was a short one—as lives are measured in years—but those years were spent serving, as best he knew how, the peoples of both his own beloved United States of America and the beleaguered but courageous Republic of Vietnam. His untimely death is a tragic loss to both nations.

Mr. KEMP. Mr. Speaker, I commend the gentleman from Mississippi, my friend, Mr. MONTGOMERY, and I join him in paying reverence to John Paul Vann. Those of us who have felt the John Paul Vann spirit will agree that his last conscious thought must have been outrage at the shortness of life while there is still so much to do. We will all remember the John Paul Vanns who maintain their courage, humanity, and loyalty in the face of great odds.

Mr. Speaker, I had the personal pleasure and high honor to spend a day and a half in the II Corps area with John Paul Vann whose character was definitely etched on the minds of the Vietnamese people whose lives he touched. To me, it was obvious in that short period of time that I was with him, he was that type of standup American who believed the real solution to the war in Vietnam was in helping the South Vietnamese to build a nation and he was doing just that; trying to build a nation in the middle of a naked Communist aggression.

I take this moment also to extend my gratitude to my distinguished colleague from Mississippi (G. V. "SONNY" MONTGOMERY) who requested this special order so that we might all have an opportunity to remember John Paul Vann for his extraordinary contribution to the cause of peace and humanity in South Vietnam.

We, in this body, can look upon his accomplishments with renewed spirit to commit ourselves to our tasks with the same devotion to people that John Vann had for the people in whose service he has now given his life, both here at home and in Vietnam.

I wish to make part of my remarks at this point the eulogy of John Vann by Ambassador Komer.

EULOGY TO JOHN PAUL VANN

(By Ambassador Robert W. Komer, Former Chief Pacification Advisor in Vietnam (1967–68)

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the inexhaustible energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-haired guy with a rural Virginia twang always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was a mighty controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or to his own troops, but to Presidents, Cabinet officers, ambassadors and generals—letting the chips fall where they may. In fact, I was once told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

But John was more than a talented AID advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. He believed the role of a leader is to lead, regardless of risk. He was the epitome of the "can-do" guy. And I've never met one of the thousands of Americans who served with or under John who didn't look up to him. He educated and inspired a whole wartime generation of Vietnamese and Americans caught up in a tragic war—he was our colleague, our hairshirt, and our friend.

But John's greatest achievement, and one which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. For long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached.

When I last visited him this February in Kontum, Pleiku, and Binh Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending employment of its only remaining option—bringing down the rest of its regular army from the North—would fail to reverse this trend.

John always saw clearly why he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials and tribulations, than any other American. And he was more at home in the hamlets where he so often spent the night than in the offices of Saigon.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letter to me he forecast that Kontum would hold. As so often, he seems proved right.

It's also fitting that John should lie in Arlington, among our nation's fallen soldiers. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood as few did that firepower alone was not the answer to Vietnam's travail, and too few did more to protect and build. So let us hope that his real monument will be the free and peaceful South Vietnam for which he fought and died.

Yet, whether or not this tragic conflict ends with this aim fulfilled, all of us who served with John Vann will long remember him. He is not a man who will be easily forgotten. So we say farewell to one of the few authentic heroes of a grim unpopular war, respected by all who knew him. He gave all of himself to the cause he served, finally even his life. We shan't forget you, John. You were the best we had.

Mr. BUCHANAN. Mr. Speaker, for years John Paul Vann was the symbol of the efforts by the United States to bring a better way of life to the people of war-torn South Vietnam.

He became a legend in his time because of his courage and determination and because his efforts produced results to the benefit of the people.

As the senior American civilian adviser, John Vann was uniquely qualified to command. He had served in World War II, the Korean conflict, and later in Vietnam in the military. In 1965 he returned to Vietnam in a civilian role to work with the Vietnamese people to assist in defense and to work toward pacification.

His work there earned him the respect of the Vietnamese and of Americans on all sides of this controversial war.

John Vann's willpower and determination that his programs would succeed were contagious. They spread to all with whom he came in contact.

He worked with a determination that peace would be achieved in South Vietnam and he had many successes along that route. The recapture of the Mekong Delta by the South Vietnamese following the Tet offensive and the pacification of that area are a credit to his efforts.

It is fitting that the defense of Kontum City is one of the efforts for which he will be greatly remembered by the people of Vietnam and those of the United States. For it was there that he rallied the military and civilian forces of South Vietnam to fight off the Communist aggressors. It was there that the support which had grown for him and his programs over the years came to fruition.

His efforts increased the morale of the South Vietnamese wherever he went.

John Vann will be remembered here, in the United States, and in Vietnam. He was a man who worked for a cause in which he believed and a man who proved that a goal could be achieved by sheer determination.

My only regret, Mr. Speaker, is that he did not live to see the final chapter in a book which so indelibly bears his mark and in which he played such a vital role.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MOORHEAD). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE IMPACT OF IMPORTS AND EXPORTS ON U.S. EMPLOYMENT AND UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, as a committee chairman and as a citizen, I have had over 12 years of study, public hearings, onsite inspection and interviews in many States and foreign countries on the impact of imports and exports on U.S. employment and unemployment. I am firmly convinced in a return to a sound trade policy that can serve this Nation as well as the world's needs for economic survival in a competitive world, a policy that considers employment and investment for production, distribution, and consumption for each nation's top priority.

No nation can afford to open its markets up to goods and services produced under conditions where costs of production are below that nation's ability to compete in its own market. In our modern production world all production will flow to countries with low cost, low wage, nonunion workers, and their products will be exported to high cost nations.

Our history proves this point beyond a doubt. We have had the misfortune as a Nation to be lulled to economic slumber in the belief that external balances of payments are more important than our internal balance between production, distribution, and consumption. Our own Government is the leader in setting aside any consideration for our mandated high cost production when making purchases with tax dollars.

Our sophomoric economics has taught us the unsound theory that we must increase our exports in order to have a healthy and growing economy. Only nations underdeveloped, emerging industrially have to have exports until their wage levels create an internal market. We can and have consumed our production. Soon all nations will have to look inward for survival.

This theory started in the fateful days of the early thirties when many of our

business and technical experts believed our domestic market had ceased to grow.

We followed this mistake with a new trade economics policy. We decided it was necessary to expand our exports in order to expand our domestic markets.

The third step soon followed as a natural sequence to the erroneous decisions and trade policies previously adopted. We now decided it was time we must accept more imports to pay for exports.

What followed is history and the major cause for the dilemma of our specialty steel, and other essential industrial productions.

We had to reduce tariffs in order to allow more imports into this country. The workers were told that by doing so other nations would have money to buy our exports and thereby it would create more jobs.

At first, the only industries to feel the impact of lower priced imports were the age-old productions, certain agricultural items, handmade glasswares, ceramic tile, clay products, textiles, and other labor intensive, unsophisticated productions.

Our basic steel industries, specialty and stainless steels, fabrications of highly technical production, automobiles, machine tools, electrical products, electronics—plus our subsidized farm program which produces so-called surpluses in foodstuffs were exported and so our external balance of payments gave us a false sense of economic security. All the while our unemployment was obscured by welfare programs, social security, and unemployment compensation payments.

Let us look at the age-old theories, cliches, and claims of the free traders. One, they claim that free trade creates free exchanges in the world, thereby setting in motion the basis for world peace. Two, free trade creates jobs and prosperity. Three, we gain more jobs from exports than we lose by imports. Four, the consumer deserves to buy at the lowest price regardless of where the products are produced. Five, protectionism is all bad and creates isolationism. Six, finally the worst and oldest lie of all—protectionism was the cause of the 1929 collapse of the market and the worst depression in our history.

If we can convince the American Congress of the truth of the real cause behind the depression of the thirties, we can easily set aside the other claims of the free traders.

The truth stands out, in congressional hearings, public speeches, and in publications.

The seeds of the depression were sown in 1914–18. Its instigators were the international bankers, who panicked when Germany confiscated their assets in Germany. Fearful of the same action by the allies, the bankers made unsecured loans of $15 billion to Great Britain, France, Holland, and Italy. The crash has been blamed on Congress for passing the Smoot-Hawley Tariff Act. The facts behind this charge against Congress belie the charge.

The crash came in the late summer of 1929; the Smoot-Hawley Tariff Act was passed in 1930. It never really became operative because right after the election of President Roosevelt, Cordell Hull and others started a drive—1932—for a reciprocal trade agreement.

This brought to a standstill the Smoot-Hawley higher tariff rates and reciprocal trades became our policy from early 1934 to the present date.

Another little noted fact is the enormous amount of import products dumped into the U.S. market from 1919 to 1929, a sum total of $43,000,000,000. In spite of U.S. wage levels of 5 to 25 cents an hour the flood of products from Europe increased yearly while employment, investment and production in the United States decreased.

Our farms felt the impact most seriously; lower priced farm products were imported and sold in order that foreign countries could build up U.S. currency and credits to pay off their debts to the international bankers. Germany, in the meantime, floated $33 billion worth of reparation bonds. The Allies received the bonds, sold the bulk of them to the United States, received cash from the United States which turned their paper bonds into real cash. The Allies could then in turn pay off the bankers.

The United States was left with its pants down, its farmers desperate for cash to pay taxes and to purchase essential farm needs. Our workers were unemployed, owing foreign countries $3½ billion—an enormous sum at that time.

The foreign nations immediately claimed their piece of flesh, and $3½ billion of our gold reserve was claimed. The Government forced the bankers to reduce their deposits by $3½ billion to maintain our gold reserve. The bankers were forced to foreclose mortgages, notes, and so forth, and call in collateral protected borrowings. All this happened in the 11-year period after the war up to 1929.

Let us look at the trade picture and then judge whether we had so-called isolationism and protectionism during the decade of the 1920's. The free traders have told this lie so often they believe it themselves. The truth is seldom publicized.

From 1910 to 1920 we imported $22 billion worth of products. In 1910 the average tariff rate was 41.5 percent. Average rate on all goods, dutiable and free, was 5.3 percent—Payne-Aldrich Act.

In 1920, the average tariff rate was 16 percent. Average on all goods, dutiable and free, was 5.3 percent—Underwood Act.

In 1929, the average tariff rate was 40 percent. Average on all goods, dutiable and free, was 14.5 percent—Fordrey-McComber Act.

In 1930, average tariff was 44 percent and average on all goods, dutiable and free, was 15.9 percent—Smoot-Hawley Act.

In 1934, average tariff was 44 percent. Average on all goods, dutiable and free, was 18.3 percent—Reciprocal Trade Agreements.

From 1934 to 1947, under the RTA, tariffs dropped from 44 percent on dutiable goods to 19.4 percent. The Geneva agreements—1948—in 2 years dropped tariffs—1947–49—from 19.4 to 13.8 percent. In 1950 the international agreements moved rates down to 13.3 percent. In 1951 the Torquay agreements were signed and rates dropped to 12.8 percent in 1952.

The story from 1952 on requires another telling. It is so unreal that perhaps it should be titled "fiction" instead of with a dull Japanese knife; 1929 is history is a lesson in economic hari-kari, with a dull Japanese knife; 1929 is history—the crash, the liquidation of billions of dollars of property, businesses, stocks, and bonds. Soup kitchens, more closed factories, more idle farms, and a new theory of international trade came in at the same time.

We got over the other results of our panic policies of the thirties mainly because of Roosevelt's bank moratoriums, price increases equal to costs of production, our world leadership in productivity of new and useful products, radios, electronics, machinery, tool steel, stainless and specialty steels so important to war and peace, the passage of minimum wage and maximum hour legislation, embargoes on farm products, emergency measures that decreased imports and built up U.S. production.

We were stuck, however, with a Trojan horse trade philosophy—reciprocal trade agreements—impossible of achievement, dependent entirely upon the reciprocal action of other nations. There has been no reciprocity in any area where it hurt the exporting nation's job economy. This the records will prove.

We arrived at what is for all practical purposes, a negative tariff position, while all other nations live entirely within the self-serving trade policy based upon every type of open and hidden barriers against competitive imports.

In 1919 we ignored the facts of life as a nation. We made ourselves believe we could continue to prosper while ignoring the irrefutable economics of prosperity in an employment oriented economy—namely, production, distribution and consumption.

By importing, we stopped production, the source of the seed money for transportation and consumption payrolls. Our economy is built like a milking stool; it needs all three legs for support, otherwise it falls. We are falling fast.

In 1919, the United States had no need for foreign goods. Our factories were capable of turning out all the manufactures we needed. Our farmers were capable of producing all the food, fiber, and feed that we needed. Our labor supply was adequate for every purpose. Our economy had become adjusted to a high level of prices and volume.

We were enjoying the best economic experience of our history. Nobody was being hurt except the international bankers who had loaned their money to England, France, Holland, and Italy. If we had followed the sane course, we could have marked off those war debts and kept our own national economy on a high scale and have told the international bankers to go jump in the ocean.

Instead of doing this, we lowered the tariff bars and we started importing goods, merchandise and commodities to collect the war debts. From 1919 to 1929, over a period of 11 years, according to Government figures, we imported goods to a total of more than $43 billion. By the time Mr. Coolidge was going out of office,

it was apparent to all students of national and international economy that the American economy setup had been wrecked by these wild imports.

In the late 1950's and early 1960's we were already feeling the impact of imports on employment, employment being the basic ingredient for a solvent and growing economy. The pinch was serious enough to start the free traders working to preserve their disastrous course. Their chant of the siren song of depression—Freer Trade for World Prosperity—continued. Peace—reduced tariffs, import to export, and other slogans again put the public to sleep. We are on the same route again with major stops in Peking and Moscow. Can we stop the train and get off? We had better.

President Kennedy, being oriented to free trade philosophy—except for products of his native State, Massachusetts—started a do-or-die tariff reduction plan called the Kennedy round.

As chairman of the Impact-Import Ad Hoc Committee, I met with the President for an hour. I presented facts, figures, and my beliefs and theories on the damages to industry and the devastation to our job economy that would follow any further tariff or customs reductions.

The President appeared to be impressed and asked that I send him daily reports of my hearings and any pertinent information on the trade picture. I was instructed in the matter of how to send the reports and to whom they were to be addressed.

Weeks later, after passage of the "Kennedy round," I met the President at a reception prior to a Marine Corps ceremony at the Eighth Street Barracks. I expressed regrets on the passage of the bill as well as my disappointment on his silence and apparent disregard for my reports and suggestions. I was astonished at his reaction; he said he had not received one single report of the rather detailed and documented transmittals made by my office.

In fact, he had been convinced that I had ignored his request for the reports and proceeded accordingly. My reports may not have made a difference in the final draft of the Kennedy round, but again President Kennedy was a reasonable person. No legislation has been more harmful to our economy and to employment than the Kennedy round.

Our effective tariff rate on dutiable goods is the lowest in history and with the effective rate on all goods dutiable and the enlarged free lists, we have few customs restraints left. Add to this the import discounts given to U.S. multinationals and you can understand our unemployment.

We had a deficit balance of payments from 1961 to 1972, with the staggering deficit of $9 billion plus in 1971. A deficit of this magnitude—the largest in our history, and about three times what it was in 1970—indicates something seriously out of joint in our economy. Even a free trader like Secretary of Commerce Peter G. Peterson admits:

> A nation should over the years earn enough selling its products and services to foreign countries to pay for what it imports or otherwise spends abroad.

When you add up all the pluses and minuses, what stands out in 1971 is a dismaying deterioration in our exports as compared with our imports. In the mid-1960's, we were exporting about $5 billion more than we were importing. In recent years, however, our trade surplus has declined dramatically; exports could total about $2 billion less than imports for 1971. That massive deterioration was the largest factor in increasing our ballance of payments deficit.

The results of such competition from Japan and Europe can be seen on all sides. Today we buy more than 50% of our sewing machines from abroad, some 60% of our calculating machines, 95% of our audio-cassette recorders, and all of our 35mm. still cameras.

It would be difficult for Secretary Peterson, under any circumstances, to give a fair appraisal of the impact of imports on the U.S. economy and jobs. His past connections with Bell & Howell made him a free trader. An open-mind evaluation could not have motivated his public statements during his term of office at the Geneva Conference.

In the early 1960's I invited CHARLES PERCY—now a U.S. Senator—to appear before our committee after a television debate on free trade between PERCY and a cotton textile spokesman. The Senator headed Bell & Howell at that time.

I had information that in spite of Senator PERCY's public statements on television, his company was playing footsie with the Japanese preparation to have Bell & Howell products made in Japan. Of course, he refused; he was out of the country. He may have been away finalizing the Japanese deal which was negotiated shortly thereafter.

The failure of Congress and the President to recognize the dangerous course we follow in international trade can be traced to the persons who control the propaganda sources that support free trade and U.S. economic deterioration.

I know of no time in my years in legislative government—a period of 40 years—that a member of a policymaking body affecting tariffs and customs has been a laboring man, a family type farmer, or an official of a seriously import impacted business.

This word "protectionist" has a double face; if you are a trade protectionist in the sense that you disbelieve that free trade is the woof and the warp of our destiny, you disbelieve that imports make exports and exports make national well-being, then you are an isolationist protectionist.

However, if you belong to the big corporate farm block, the international banker block, or the multinational executive block that perennially raid the Treasury for high subsidies, high interest rates, and tax rebates in world markets, while at the same time you demand and get built-in embargoes and trade relief that amounts to a virtual embargo in competition, you are considered a free trade protectionists. These are the front runners for international trade and commerce and freeloaders in the atmosphere of internationalism, but are the last to belly up to the bar to pay the bill.

These same free trade advocates scream to high heaven when restrictions are proposed for manufactured goods but do not fail to appear before my committee and others to protest imports of cotton textile, tomatoes, melons, strawberries, citrus fruits and other farm and agricultural products such as timber products, meat, cheese, cream products, bank rates, foreign investments and overseas aid. Free trade too often is the hideout of a political hypocrite and a profiteering middleman. Those who advocate subsidies to help export tobacco, wheat, cotton, feed grains, peanuts, and other products because they are in surplus, fight any attempt to restrain imports of steel, autos, glass, and other products which have been and can still be produced in surplus. Almost every item produced for export is subsidized in one form or another here at home or abroad by U.S. foreign aid programs.

The same treatment for the manufacturing industries of products injured by imports would soon make our trading partners sit up and take notice.

Of course, we would be even more insolvent than we are today but that is inevitable anyway. We can't keep buying at retail and selling at wholesale prices.

We have no real surplus in feed grains. If we fed all the livestock necessary to supply our own needs, we would not have to subsidize shipments to Japan, Russia, and elsewhere.

The difference in manufacturing costs between the United States and our trading partners would be very little if we quit subsidizing their food suppliers, thereby freeing their farmworkers to produce hard goods for our already oversupplied markets.

At the same time, if we put a compensating charge on all goods to meet our parity of cost of production, or paying their exports the same parity price as our costs reflect, we would produce free trade in its purest form. It would be based upon trade in needed goods and production for use rather than the profiteering production for export and dumping into a high cost, high earnings area from a low cost, low earnings area.

We also have the "not too smart" main street merchant who chants piously for free trade on the grounds that the consumer is entitled to buy as cheap as he can regardless of where the products come from. We all know he wants free trade to get cheaper products so he can sell them at a greater profit. Check your prices on American brand name products made in foreign countries and you will find that they are the same as the U.S.-made products.

This merchant raises cain about his taxes and politicians, but seem to forget that many of his customers for whom he shows such public concern for their welfare, are displaced workers because of imports.

The only reason they are still his customers is because his tax dollars are used to give his customer the money to spend for the cheap products from abroad. He has few foreign workers for customers.

When the Congress and the people realize that the customer is the worker and vice versa, then and only then will we be tough and honest in our trade relations with other countries.

The argument that buyers or consumers benefit from lower prices is only hog-

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wash and, at best, a temporary benefit. The minute we quit any market with a U.S. product, the importers raise their prices to meet the U.S. market price. All merchants get what the market will pay regardless of any other consideration.

For instance, there is a great hue and cry over meat prices, and at the same time, we imported a record amount of beef, veal, pork, and goat meat. I have checked many markets and talked to many consumers, and I have yet to find a person that has seen a differential in price in the marketplace, between United States and imported hamburger, et cetera. In fact, I never saw beef labeled as to its source of origin.

The same is true for all products. As soon as the U.S. production fails to compete, the foreign products jump in price. Distinguish, if you can, between a Japanese TV and a U.S. TV, or a U.S. brand-name foreign-made against the same brand made in the United States.

Price-wise, the U.S. consuming public is paying the difference in Japanese wages and U.S. wages; wages to U.S. importers in exhorbitant profits.

The multinational corporations are spending millions of dollars to defeat the Hartke-Burke bill. The fight is not against the quota proposals, because they know they are meaningless and can be circumvented, it is against the removal of $3,200 million of tax credits allowed on foreign profits of U.S. corporations.

The multinational corporation is just what its name says it is. It flies the flag of any nation so long as that nation is profitmaking.

The forgiveness of taxes, the investment credit, et cetera, is as damaging to U.S.-based industries as the free trade policy and our exorbitant local, State, and Federal tax programs.

We are asked to do even more for our runaway industries. We are going to put the charge for polluted waste and air, the destructive industrial practices of the past 50 years squarely on the shoulders of our remaining American production facilities and their workers, allowing the runaway multinationals off scot free. In fact, we will have to add to our tax bite the amount of profit these runaways hold out and never return to the United States except in the form of goods and services; thereby killing off more and more domestic production and jobs.

We politicians have failed, labor has failed, the academicians have failed, the bankers have failed, the media has failed, the business people have failed. We have all failed to realize that the injury to the least of us is an injury to us all. We are achieving free trade, but we will not have anything to trade.

The only answer lies in the classrooms and on the campuses of our schools. Education, wrongly directed, got us into this mess. Education put on the right course must get us back onto the road to realism. No high living standard—high cost nation can survive in a free trade world.

We can only survive free and independently with production distribution and consumption. If we realize this goal, we will have achieved the main ingredient for a sound economy. Work—with a job for every person who wants one.

IMPORT QUOTAS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, I wish to compliment my colleague from the adjoining congressional district for his dedication to this subject over the last 12 or 15 years. I would like to have him respond at this time, before I begin, to the accusations we hear regularly through all of the news media, editorials, and from Government officials and businessmen to the effect that import quotas drive the consumer costs up.

Mr. DENT. Well, of course, that is one of the cliches that has been fed to the American people as part of the sophomoric economic teachings still being continued in our universities, colleges and high schools. Quotas in and of themselves never solve anything. Three years ago we developed a so-called voluntary quota with the steelmakers of the world including Japan as a bulk shipper for 13.7 million tons of steel a year.

In 1971 that same voluntary quota was in effect, but they shipped into the United States 18,300,000 tons, and during that whole period there was no increase in price to the consumer because the foreign steel came into this country and found the level of our prices and charged for it.

Mr. GAYDOS. I thank the gentleman for his evaluation, and his opinion, because he has been studying the subject, as mentioned before, for the last 15 years.

Mr. Speaker, from the latest monthly bulletin of the Department of Commerce reporting our export and import trade we learn that in April, we suffered the second largest monthly trade deficit in our history. Already the 1972 deficit is higher than the total for the whole of 1971.

Last year, it was the view of the Department of Commerce that by the end of that year our balance of trade would right itself. Earlier this year the hope was expressed that surely the deficit would give way to a surplus in a matter of months. Now we have had 4 successive months of trade deficits in 1972; and the end is not in sight.

A variety of explanations have been advanced. A few years ago our heavy imports were explained by saying that the prosperity of our country drew in unprecedented imports. The slower growth of our exports, on the other hand, was explained by a lack of interest on the part of our manufacturers in foreign markets because of the lively home market. Therefore, imports were creeping up on exports.

Then, however, when the 1970 recession hit the home market, the lively place of imports, which continued, was explained as the preference of our consumers for imports because of the generally lower price tags on imported goods. The lagging exports also had a new explanation. The bloom was off the boom in our foreign markets. Therefore, other countries did not buy as much as before. How many explanations will be found as we go from here remains to be seen.

Our higher costs are sometimes mentioned while at the same time it is being said that foreign costs are rising more rapidly than our own; that inflation has been at a liveller pace in Europe than here. The thing we need to do, therefore, is to promote exports more vigorously with the help of the Government, and so forth. We need to concentrate on the exportation of "high technology" goods such as computers, in which we are said to enjoy an advantage over other countries. Also, we must increase our productivity so that our costs can be lowered.

Now, Mr. Speaker, there may be some merit in these claims and in the emphasis on higher productivity, and concentration on "high technology" items for exports.

Yet, it seems pretty clear that the fundamental difficulty has not been faced; and it has not been faced because of the stubborn adherence to the free-trade philosophy that has ridden our foreign trade policy the past 35 years and has indeed ridden it into the ground.

There is an almost total unwillingness to face the facts. These include the changed conditions in our world of trade compared with the conditions in which we operated during the first half of this century until well after World War II. There is an unwillingness to face the obvious fact of the great difference brought on by the rapid technological advancement of the other industrial nations among our trading partners.

By itself, that phenomenal advancement does not say everything. If it is read, however, in the light of accompanying developments it shapes up as a formidable alteration in the world from which we draw our imports and to which we send our exports. One of these is the bare fact of lagging foreign wages compared to our levels.

This is no surprise. It was this country that first detected the direct relationship between higher wages and higher productivity, on the one hand, and a rising market for the products of industry and agriculture, on the other. The European countries and the Far East were not impressed. They stuck by the old idea that the wages should be kept as low as possible in order to keep down the cost of production. They saw little relation between wage levels and the home markets for goods.

It was not until after World War II that, faced with a choice between our system and communism, most of Europe and Japan elected our approach as superior. Our industrial strength as demonstrated during the war was sufficient, no doubt, to shape the decision.

We had earlier gained and long held the world lead in mass production and after the war we had the "know-how" or technological and managerial skills, ready-made, accumulated over a generation or two, for dissemination to the countries of the free world. We not only did help them to our technology with few strings, if any, attached, we also helped them financially to restore their shattered industrial base.

As a result, a new industrial world soon appeared on the very scene that had so long been a virtual monopoly of this country. Our system of mass production spread rapidly in Europe and Japan.

Meantime, we had reduced our tariff to an average level of about 10 percent on dutiable goods, compared with a little over 50 percent in the early thirties. Since foreign wages did not take their cue from us the cost gap between us and the new mass production countries began to widen. This might have been expected from the higher productivity that spread so rapidly abroad. It had taken us many years to make the same progress.

To overcome this handicap many of our industries joined the other side through heavy foreign investments. If imports were taking their home market away from our manufacturers or threatening to do so, it was the better part of wisdom to locate factories abroad or to buy into foreign companies where the lower wages still prevailed. Up to this year some $80 billion have gone abroad in the form of private direct investments. By now this is an old story. Some of our foreign based industries ship their foreign made goods into this country. Also they are supplying foreign markets from within rather than exporting from here. Otherwise, it is alleged, these markets would have been lost because we were no longer competitive. In other cases they ship to third markets from abroad instead of exporting from this country, for the same stated reason.

It is true that these foreign investments have in some instances greatly stimulated our exports; but this in itself is not the whole story. Most of the rising exports were in the form of machinery, and this machinery improved the foreign competitive position. In 1971, 45 percent of our total exports consisted of machinery, including aircraft and automotive products. This fact concealed the gaping deficit we were developing in nearly all other lines of goods, including steel, textiles, electronics, meat, glass, and so forth. Our exports of parts and semimanufactures also grew in some instances, but machinery was the principal beneficiary.

Unfortunately, the great surplus in machinery exports is eroding in several respects. Our machinery imports are growing distinctly more rapidly than our exports. They may close the gap one of these years. Already our automotive trade has switched into a large deficit. Aircraft faces a doubtful export future. In other words, our one big source of exports surplus is failing. In the nonmachinery field we have lost heavily. In steel we switched from surplus to a deficit after 1958, and are in a bad deficit position now, despite the international arrangement by which foreign countries limit their exports to us. Our surplus in chemical exports has also been narrowing. We have slipped from trade surpluses to deficits in typewriters, office machinery, petroleum, automobiles, textiles, sewing machines and other products.

Because we still enjoy a long lead in computer exports it is suggested that we should concentrate on "sophisticated" products. Indeed, it has been our policy to let the so-called labor-intensive industries slide, in favor of the "capital-intensive" ones. We cut the tariff sharply in industry after industry and if many of them could not meet the additional import competition this loosed on them, it was just too bad. The "labor-intensive" industries were said to be inefficient and not worth saving. We would help them adjust and move into new product lines. The Trade Expansion Act of 1962 provided for just such adjustment assistance. To date its value has been negligible.

However, the new competitive climate soon showed us that even our "capital-intensive" industries were not immune to the new competition. Why should our steel manufacturers, for example, be able to compete with Japan when the latter built the most modern plants from the ground up, manned by labor that was soon as skilled as any in the world, but favored with wage rates a third of ours or less? We could not write off our whole steel plant investments overnight and replace them with the most up-to-date facilities. We needed the going plants for production and could infuse the new with the older parts as rapidly as possible but not in one stroke.

Our automotive industry also soon faced foreign producers operating production lines as modern as ours. The latter too enjoyed much lower wages than our levels, hand in hand with high output per man-hour. Where productivity was as high as ours the foreign manufacturers naturally came away with a much lower cost than we.

This is what happened in industry after industry. We have virtually lost the sewing machine industry, the watch industry, cameras, typewriters, household radio, television, athletic goods, motorcycles, and other industries.

Without much reflection on the implications, the cry is now for higher productivity. Unfortunately, higher productivity cannot be achieved in any meaningful sense without displacing workers. Displacement of workers is necessary because employee compensation represents some 80 percent of corporate cost of production. Yet, we are striving for full employment, or at least for a substantial reduction of unemployment. Simultaneous labor displacement leads in the opposite direction.

Right away our economists will say that cost reduction through higher productivity per man-hour is exactly what we need, because it will lead to increased consumption; and that it is import competition that provides the needed spur.

Here again there is some lack of reflection. Those who urge this course of action harken back to our own industrial history of the 20th century. The way to higher sales lay precisely in cost reduction made possible by the installation of labor-saving machinery. Even though this meant initial loss of jobs, before long the higher sales enjoyed would lead to hiring more workers than ever before. That course was in fact the very one we followed in our march to world industrial leadership—hand in hand, of course, with higher wages in keeping with the increase in productivity.

This latter was an essential part of the formula since merely producing a torrent of goods could only lead to fatal surplus accumulation unless the goods were absorbed by consumer purchasing power; and this resides principally in the hands of the employed.

So the question arises, why can we not continue the same formula that served us so well in the past? The answer is: The international competitive capabilities have changed. We no longer have a technonology monopoly and we have very little tariff left. One thing that is still much the same as before is the wage gap. Therefore, the foreign competitive advantage is sharper than in former years; and the foreign volume of production of all sorts of products has reached high and growing levels. Because of their lower wages these countries need foreign markets for goods that their consumers cannot absorb.

Yet, it is not that our consumers no longer respond to lower prices as they did in the past. If a desirable new product is developed and marketed its sales will, as surely as in the past, increase as the price is reduced materially. A veritable mass market can be reached if the product has a potential national demand and the price is brought within reach of the tens of millions of people who are the market. Tens of thousands, if not hundreds of thousands of jobs will be created, not only in production but in selling, advertising, and so forth.

The same thing will happen if the price of an established product that has a potential universal demand is reduced by introduction of radical labor-saving machinery or production formula. If the price is cut 25 percent, 50 percent or more, the response will be phenomenal, with some exceptions that we should always keep in mind. The additional people hired will after a time exceed those who were dismissed by the radical new invention.

Yes, consumers will respond in the form of more buying when goods become available at materially lower prices, unless the goods are of a kind that are of limited use or limited consumption such as food. If consumers are not starving they will not eat appreciably more than before even if prices drop. They then merely have more money to spend on other items.

Most of the goods we consume are not of that variety. When the price of radio and television sets came within the reach of the middle and lower ranges of income the market ran into the millions.

So what is to stop us?

To repeat, some things have changed. In the past we pretty well had our market to ourselves when we came out with a new product. The automobile was a classical example. We did not need import competition in 1905, 1910, 1920, or 1930 to prod us. In fact, there was none; but there was a vision of a national market if we could reach it; and we did. The same was true of innumerable other products: Household appliances, electrical devices, refrigerators, dishwashers and driers, power lawn mowers, air coolers, telephones. and what not. We needed no import competition to give us a spur.

The time we needed to bring down the cost of production and to develop the

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market was provided by patent protection. The incentive we needed was twofold. The vision of a mass market, and after patent expiration, competition for the mass market, meaning both price and quality rivalry.

How is all this changed today?

It is changed radically.

New products no longer have a long time in which to prove themselves. Patent owners themselves may license foreign producers or manufacture the product in foreign subsidiaries under their own control, because of the lower wages and available skilled labor.

While the potential market is still here it will be supplied in considerable part from foreign sources. Therefore, a part of the employment that formerly would have taken place here will occur outside of this country. If the new product replaces an existing one, as the automobile displaced the buggy, the displaced workers may not all be hired. In any event not so many new ones will be hired—not enough to absorb many of the hundreds of thousands of new workers who appear on the scene each year.

If the product is not a new one but one that can be made, at a substantially lower cost because of some new machine, device or formula, the patent owner again has the option of having some of the manufacturing done abroad. Once more the domestic market is robbed of its higher employment potential.

In the past, moreover, a world market might have been developed for the goods made here. Today, the foreign market potential might more likely be exploited by foreign-based manufacturing, either American owned, or foreign owned operating under a license. Instead of exporting from this country the foreign markets can be supplied from within.

Again, the rising employment that in the past would have re-absorbed the displaced workers or their substitutes, and added still others to the employment rolls, would not fully materialize, if to any extent at all.

The point is we are now faced as we were not faced in the past when we depended on new products, or innovations applied to established products, to provide expanding employment, by a foreign rival who has what is often an insurmountable cost advantage over us and a ready access to our market. This is a known and experienced fact that confronts every entrepreneur or owner of risk capital in this country as he contemplates embarking on a heavy investment for manufacturing, sales and distribution organization and market development.

Will he plunge in or will he hesitate? Will he commit his finances solely to the American market or will he also look overseas and consider the possibilities of foreign manufacture? If he decides to confine himself initially to this country, will he modify this decision later in favor of adding foreign manufacture? He can, of course, do quite well abroad, as experience in recent years has shown, or possibly even better than at home: But, what happens to employment and payroll on the home front?

Whatever he does, it is clear that he will no longer concentrate on the domestic market without considering alternative action that will divide his employment potentials between the United States and foreign countries.

Thus, even if lower costs achieved through invention will continue to increase sales, there is no longer assurance that the workers who will be hired to make the additional goods will be hired in this country. This lack of assurance acts as a distinct damper on domestic economic expansion. We can no longer rely on "high technology" or other improvements to do yeoman service for us in assuring ever widening job opportunities.

Aside from this damper there is, of course, the ordinary import competition that contests the market for established products in which new invention or innovation are not involved.

It is in this sphere that we hear the plea for higher productivity. It is in regard to the labor-intensive industries that we hear the urging of economists for greater innovation, new departures, greater efficiency.

An example of the effect of import competition on established industries is provided by the employment trend in four industries that have experienced heavy import competition for a number of years.

Employment in four "industries" that were strickened by heavy imports in recent years lagged by 427,000 from 1960 to 1970 in comparison with manufacturing employment as a whole, which grew 15.4 percent in that period, including employment in the four industries in question. These were textile and apparel, steel, leather footwear, and stone, clay, and glass. The total lag was, of course, nearer 1 million workers, if we take into account the employment in the earlier stages of these industries, such as iron ore and coal mines, cotton growing, tanneries, quarries, sandpits, and so forth. The workers who were not hired naturally became a burden on the economy as a whole.

We need no import competition to remind us that there is gold in lower prices if the demand for a particular product is elastic. There is no entrepreneur, we may be sure, who is not aware of the great lift a new and acceptable product or modification of an old one would bring him if only he would bring it off; but invention cannot be scheduled or even ordered. There is much spontaneity and uncertainty in it. Indeed today the incentive may not be so great precisely because of foreign competition, which means that all the effort and expense might be lost or dissipated by imports that might soon despoil the market.

Where does all this leave us?

Obviously, contrary to predictions 10 years ago, that foreign wages would catch up with ours as foreign productivity came up to our levels, foreign wages continue far below the wages prevailing here—except Canada. For this reason our vulnerability to import competition remains wide open; and we will see more of the same that we have experienced in the past several years. Recession at home, prosperity abroad, or vice versa, or simultaneous prosperity or recession here and abroad will not overcome the wide competitive gap; and we cannot cure the malady through higher productivity alone.

Higher productivity will indeed help if—and this is the key to the whole problem—if imports are prevented from despoiling our market. Otherwise rising productivity will only mean more displaced workers who cannot find new jobs because there will not be enough new openings to go around. Foreign employment will be stimulated, not our own.

Imports can be held in check by a variety of means but it will not be necessary to halt them. They can even be allowed to grow as our market grows. What is needed is assurance of a growing market here at home when costs and prices are lowered sufficiently by higher productivity to attract new buyers or more purchases by existing consumers. It is not necessary to disrupt our foreign trade to accomplish this, but if we do not restore the hope of selling more goods at home in response to higher productivity we may as well forget about full employment or anything near it.

Mr. Speaker, I believe that one of the most important actions which has been filed in our district court was filed some 30 days ago by this Nation's largest consumer organization, here in Washington. The Consumers Union filed a suit, which constitutes the first serious challenge to voluntary import quotas as a violation of the antitrust laws. This suit is very important, and I believe it is a milestone insofar as we who have been concerned and talking about the subject for years are concerned.

I include the gentleman from Pennsylvania (Mr. DENT), as one of the most knowledgeable Members of Congress in this field.

We know import quotas have to be set in some form at some level. There is no other practicable way anybody has come up with at this time, as to devising an answer that would substitute for quotas as we know them.

In this suit the defendants named were the Secretary of State William P. Rogers; the Deputy Assistant Secretary of State, Mr. Katz; United States Steel Corp.; American Iron & Steel Institute; Japan Iron & Steel Exporters Association; Nippon Steel Corp.; Fried Krupp Huttenwerke A.G.; and the British Steel Corp. All these were named defendants.

The thrust of the suit is, the Consumer Union says, during the 3 years of the initial steel restraint arrangements domestic steel prices without vigorous foreign competition increased five times as much as they did during the preceding 8 years when no restraint agreements were in effect.

The arrangements have also induced cartelization abroad with increased prices of imported steel even here in this country. That is one of the allegations in this suit. The suit also challenges the method by which these voluntary arrangements were reached. The suit contends the 1962 Trade Expansion Act authorizes the Executive Office to seek and negotiate voluntary trade restraints with foreign countries only after Tariff Commission investigation, finally, finding that increased imports of a product will seriously injure or are injuring domestic industry involved. The suit also filed in the U.S. district court charged that the recently arranged quoto limiting imports of steel from Europe and Japan restrains trade in violation of the Sherman Antitrust Act.

A 3-year extension which we now have was announced by the White House here in the early part of last Monday. If these people, the Consumers Union, and I again emphasize they are this Nation's largest consumer organization, are successful, then I do not know what our ultimate answers will be. Maybe the gentleman from Pennsylvania may have an idea in this area, assuming that this suit is successful and the voluntary arrangement is set aside as being a violation of the Sherman Antitrust Act.

Mr. DENT. I do not know that that act would go to this particular problem because under the GATT agreement the President of the United States may use any or many advantages that he has either by quoto, embargo, tariff, or customs, to stop the inflow into the United States of exports or imports that are injurious to the American economy.

So, that is already a right under the law and given to him by the Congress of the United States, and it supersedes anything that the act might do in the event that it comes to that in court. I do not think that the case has a chance, but the serious thing is that the quotas themselves are not—you cannot possibly police them. We went from $13.7 billion to $18.3 billion in less than 3 years. Take the quota, or the so-called voluntary agreement on cotton. By changing the mix of the cotton and man-made fibers they more than quadrupled the amount of textiles coming into the United States in less than 3 years. The whole situation is one where this country has to make up its mind.

You mentioned something about sophisticated goods. We are just about to sell $3.2 billion worth of sophisticated machinery with American know-how to put it into operation to Russia. It is all a part of the trip to Russia and Moscow.

Then they are going to send back to the United States products from these factories we are building for them, in a period of 5 years, $3.2 billion worth of products. There will be the further agreement that for 20 continuing years we will buy each year the same amount that we bought for a year in the previous 5 years. In 5 years this Nation may not be in the manufacturing business at all.

Mr. GAYDOS. I thank the gentleman from Pennsylvania.

Mr. Speaker, I would like to put in the RECORD here a statement on import quotas and prices, which is a review by O. R. Strackbein, president of the Nation-wide Committee on Import-Export Policy.

The document referred to follows:

IMPORT QUOTAS AND PRICES—A REVIEW

(By O. R. Strackbein)

Constant repetition of unsupported comment tells us that import quotas will raise domestic prices of the products that are the subject of such quotas. Further, it is said that the only purpose of import quotas is to raise prices.

It should be possible to test the soundness of these unsubstantiated assertions. To do so we need do no more than to trace the wholesale price trends of products that are "protected" by import quotas compared with the price trend in general and the price on particular products that are not so "protected."

COTTON TEXTILES

One of the products that is the subject of an import quota or its equivalent is cotton textiles. An arrangement was made with Japan alone, effective January 1, 1957, whereby that country restricted its cotton textile exports to this country. This arrangement was superseded October 1, 1961 with the so-called Long-Term Arrangement negotiated under GATT. This arrangement covered some 30 countries and about 90% of our total cotton textile imports.

The wholesale price of *cotton products* (1967 equaling 100) was 104.5 in 1968. It remained at 104.5 in 1969. The wholesale price of *all commodities* in 1968 was 102.5, which was below the 104.5 for cotton products; but in 1969 the all-commodity index had risen to 106.5 while cotton products remained at 104.5.

By December 1970 the index for all commodies had risen to 111.0, while the level for cotton products had reached only 106.9. One year later the all-commodity level had reached 115.4 while the cotton products level, while also rising, nevertheless continued to lag at 113.6. (Survey of Current Business, U.S. Dept. of Com., Feb. 1971, pp. S–8–9; Feb. 1972, pp. S–8–9.)

If we go back to the index that used 1957–59 as 100 we will find that by 1968 the wholesale price index on cotton products stood at 105.2 compared with 104.5 on the basis of 1967 equaling 100. In other words very little price movement had taken place between the 1957–59 base and the 1967 base so far as cotton products are concerned.

The evidence as reflected in cotton-products price movement does not support the claim that import quotas of themselves raise prices. The index for household furniture from 1968–1971 was respectively 103.9, 108.3, 111.6, ending at 115.5 in December 1971. It kept pace with the all-commodity index, while the index on cotton products, as just noted, fell behind.

Yet household furniture was not "protected" by an import quota. The wholesale price of footwear, also without benefit of an import quota, moved from 104.8 in 1968 to 109.1 in 1969, to 113.9 in December 1970 and on to 117.1 in December 1971.

Motor vehicles and equipment, also without import quota restrictions, rose from an index of 102.8 for 1968 to 117.5 in December 1971. Tobacco products moved from 102.0 to 116.7. No import quota exists on tobacco products.

To maintain that import quotas lead to higher prices in the face of these facts merely represents unfounded assertion. Yet such assertions are widespread, found very frequently in newspaper editorials and columns as well as in speeches of public officials.

In a pamphlet recently issued in 1970 by the United States-Japan Trade Council it is asserted (p. 10) that "Textile Quotas Would Have Slight Benefit but Very High Cost."

"In sum," it says, "proposed textile quotas would be enormously costly to the United States.

"Quotas would accelerate inflation, raising clothing prices to consumers.

"They would boomerang against U.S. export sales and harm the economies of port cities." etc.

Against this cry of alarm, the wholesale price trend of *cotton textiles* of the past ten years while these products have been under import limitation, stands as a complete rebuttal.

PETROLEUM

A favorite whipping boy of those who say that import quotas raise prices is oil, or petroleum. An import quota was established in 1958, first on a voluntary basis, followed by a mandatory quota, effective March 1959.

The wholesale price of refined petroleum products expressed in an index form, where 1957–59 equals 100 had risen to only 100.3 in 1968 and 101.8 in 1969.

The more recent price index is based on 1967 as 100. By that measure the 1969 price stood at 99.8 and rose in 1970 to 101.1 for the year as a whole but reached 107.5 in December of the year. However, the December 1971 level was at 106.1, representing a slight decline. This level compares with that of all commodities, as already given, at 115.4 for December 1971, where 1967 equals 100.

"All commodities," of course, include those on which we have import quotas. Therefore it will be desirable to compare the refined petroleum price level with that of other products that are not subject to an import quota. If we select another fuel, namely, coal, which has no import quota and should therefore not be so free to move upward in price because it is not "protected," we find a sharp contrast. The wholesale price index where 1967 equals 100 stood at 103.7 in 1968, rose to 112.5 in 1969 and zoomed to 175.8 by December 1970 and on to 190.2 by December 1971.

Surely if there were an import quota on coal, the quota would be blamed for this runaway price. Obviously other factors were at work.

We find, in other words, that the wholesale price of refined petroleum increased distinctly less than wholesale prices of all commodities and very much less than the price of its competing energy fuel, namely, coal. (For confirmation, see Survey of Current Business, U.S. Department of Commerce, Feb. 1971 and Feb. 1972.)

SUGAR

Yet another product that is under import quota control is sugar. This quota has been in effect antedating World War II.

In 1955 the retail price of sugar was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢. In 1968 the price was 12.2¢. In 1969 it was 12.4¢ and in December 1970 it was 13.5¢. By December 1971 the price had reached 14.1¢. (Statistical Abstract of the U.S., 1970, Table 530, p. 349; and Survey of Current Business, Nov. 1970 and Feb. 1972, p. S–29.) The increase in retail sugar prices from 1955 to December 1971 was 35.5%.

If we compare the retail price increase of sugar from 1955 to April 1971 with the increase in other food products, i.e., with those that were free of import quotas, we would be hard put to it to maintain that the sugar quota was costly to consumers. A brief table will serve adequately:

RETAIL PRICE IN CENTS PER UNIT

Product	1955 (cents)	1971 (Apr.) (cents)	Percent increase
Sugar (pound)	10.4	13.7	31.7
Bacon (pound)	65.9	[1] 79.5	[1] 20.6
Potatoes (pound)	5.6	8.4	50.0
Apples	15.1	23.5	55.6
Onions (pound)	8.1	13.4	65.4
Lettuce (head)	16.4	30.2	84.1
Tomatoes (pound)	27.4	52.1	90.1
Chickens frying (pound)	57.4	40.8	[2] 28.9

[1] The average 1970 bacon retail price was 94.9 cents per pound. This was 39.9 percent above the 1955 level. (Sta. Abs. 1972, table 541, p. 344.).

[2] Decline.

The index of all food retail prices rose 40.8% from 1955–1970 or 29% more than the retail price level reached by sugar in 1971. (Stat. Abs. 1971, Table 540, p. 343.)

It follows that the sugar quota also cannot be used to demonstate that import quotas raise prices unreasonably, or even as much as the rise in other prices.

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WHEAT

Wheat is under a severe import restriction that permits less than 1% of domestic production to be imported, in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act in 1941.

The price of wheat (hard winter, No. 2, Kansas City) has fallen quite sharply in recent years. The price per bushel was $2.22 in 1950. In 1955 the price was $2.25. By 1960 the price had dropped to $2.00. In 1968 it had sunk to $1.46 per bushel, and in January 1972 it was $1.62.

Corn is not the subject of an import quota. The 1950 price (yellow, No. 2, Chicago) was $1.50 per bushel. In 1955 the price was down to $1.41. The decline, as in the case of wheat, continued. In 1960 it stood at $1.15; in 1968 it was $1.18 and in January 1972 it was $1.22 (yellow, No. 3, Chicago. The difference from No. 2 is very slight, as note, that in 1968 the price of No. 2 in Chicago was $1.14 while that of No. 3 was $1.11). (See Statistical Abstract of the U.S., 1969, Table 504, p. 343; and Survey of Current Business, February 1972, p. S–27.)

Comparing the price trend in wheat with that in corn we find that from 1950 to January 1972 the price of wheat *dropped* 27% while that of corn dropped only 23%. *Yet it was wheat and not corn that was "protected" by an an import quota.*

Since 1960 the price of wheat dropped from $2.00 per bushel to $1.53 in May 1970, a decline of 23%. The price of corn, by contrast, *rose* from $1.15 per bushel in 1960 to $1.30 in May 1970. This was an increase of 13%. Thus while the price of the "protected" wheat dropped 23%, that of corn which was not under import quota, rose 13%.

In comparison with other commodities the price of both wheat and corn has dropped while the other prices rose rather sharply, especially in recent years.

RAW COTTON

The price of raw cotton has also declined. The decline was greater than that of wheat and corn, dropping from some 34c per lb. in 1951–55 to some 22c in 1970 or by more than 35%. Yet raw cotton imports have been limited under Sec. 22 of the Agricultural Adjustment Act for many years to a quantity less than 5% of domestic production. (Statistical Abstract of the U.S., 1972, Table 965, p. 592). A decided increase in the price of raw cotton has occurred in the past year, bringing it to 32.9c per lb. in January 1972 (Survey of Current Business, February 1972, p. S–39.) No change has been made in the import quota to make it in the least more restrictive. Therefore the cause of the rise must be sought elsewhere.

DAIRY PRODUCTS

Dairy products have enjoyed an import limitation under Sec. 22 of the Agricultural Adjustment Act since 1953.

With a base of 1957–59 equaling 100, the wholesale price index of dairy products stood at 94.0 in 1955, at 105.0 in 1960. In recent years the price rose to 118.5 in 1966, to 127.7 in 1968 and on to 136.5 in October 1970. This was an increase of 30% since 1960, and compares with an increase since 1960 of 24.9% in wholesale price of "Farm Products, Processed Foods and Feeds," which, of course, includes grains, on which the price, as we have seen, dropped considerably and pulled down the average.

Where 1967 equals 100 the wholesale farm price index stood at 108.8 in 1969 compared with 108.2 for dairy products. In 1970 the two indexes were 111.0 and 111.2, respectively. By December 1971 the dairy product index had moved slightly ahead to 117.4 compared with 115.8 for farm products as a whole. The dairy index while moderately outpacing farm prices in general did not run wild. Dairying has, indeed, declined quite sharply per capita. Milk produced on farms was less than 1% higher in 1968 than in 1950, despite the considerable increase in population. The number of cows and heifers kept for milk declined by more than 40%. The loss of the butter market to margarine has had a very harsh effect on dairying. Unquestionably these factors have influenced the price of dairy products much more than the import quota.

The wholesale price of agricultural machinery and equipment on an index base of 100 for 1967 rose to 118.6 by December 1971. This was a shade higher than the 117.4 reached by dairy products. Yet, there is no import quota on this machinery and equipment. Moreover, agricultural implements are duty free! If imports exert such a salutary effect on prices the effect must have failed in this instance.

MEAT—BOVINE

In 1964, a ceiling that would trigger a quota if imports of beef should breach the ceiling, was established by law. Once when a breach was imminent in 1970, the ceiling was lifted slightly to permit more imports. In 1971 an actual import quota was imposed.

It will be of interest to examine the trend in beef prices.

MEAT PRICES—WHOLESALE

It is true that meat prices have moved upwards since 1964, the year in which the ceiling legislation was passed. The U.S. Department of Agriculture, Statistical Reporting Service, keeps an account of prices on cattle meat, hogs and sheep.

The 1964 average price of beef was $18 per 100 lbs. In January 1971 the price was $25.80, representing an increase of 44%. Prices rose in 1971, reaching $29.80 in December. The rise continued in 1972, up to $32.60 in February. This was an increase of 80% since 1964. The table below shows the price trend from 1964:

BEEF PRICES

Year	Dollars per 100 pounds
1964	18.00
1965	19.90
1966	22.20
1967	22.30
1968	23.40
1969	26.20
1970	27.10
1971:	
January	25.90
April	29.10
July	28.40
October	29.10
December	29.80
1972:	
January	31.40
February	32.60

This record of beef prices may be compared with that of hogs (pork):

HOG PRICES

Year	Dollars per 100 pounds
1964	14.80
1965	20.60
1966	22.80
1967	18.90
1968	18.60
1969	22.20
1970	22.70
1971	
January	15.20
April	16.00
July	19.10
October	19.50
December	19.70
1972	
January	22.70
February	25.70

From these tables, to repeat, we find that beef prices rose from $18 per 100 lbs. in 1964 to $32.60 in February 1972, an increase of $14.60 or 80%. We find also that pork prices rose from $14.80 per 100 lbs. in 1964 to $25.70 in February 1972, after having reached a peak of $27.40 in February 1970. The rise from 1964 to February 1972 was $10.90 per 100 lbs., which is to say, 74.0%, or a shade less than the price of beef.

However, at the pre-1971 peak, which was $28.80 for beef in March 1970, and $27.40 for pork in February, beef had risen 60% since 1964, the year the import ceiling on beef was established, while pork has risen 85% compared with 1964.

In 1971 the price of both beef and pork again rose after declining. Beef went from $25.90 in January 1971 to $32.60 in February 1972, representing an increase of 26%. During the same period hog prices rose from $15.20 to $25.70, an increase of 70%. In other words pork prices during the 14 months ended in February 1972 rose over twice as fast as beef. Yet, *it was beef and not pork* that was and is under import restriction.

Thus, while beef prices did rise more than the general wholesale price level and more than other farm products in general, the rise was little different from that on its companion product, pork, which had no import restriction. Indeed in the past year pork prices rose more rapidly than beef prices.

In 1970 beef prices dropped to $24.50 from $28.80 in March. Could this drop have been explained by the relaxation of import restrictions? Hardly, since the price of pork dropped from $27.40 to $15.10 in the same period; and there were no import restrictions to be relaxed.

STEEL PRICES

In the case of steel an international arrangement was concluded toward the end of 1968 under which the principal foreign suppliers of this country agreed to limit their exports to the United States. The arrangement took effect at the beginning of 1969.

According to the Survey of Current Business of July 1970, the wholesale iron and steel price index, where 1967 equals 100, stood at 106.1 in December 1968, or immediately before the export restriction by other countries took effect. In December 1971, the index had moved to 125.3. This was a rise of 19.2 points or 18%.

The index for all commodities had risen to 115.4 in December 1971 from 100 in 1967. However it had already reached 109.8 in December 1968, ahead of steel by 3.7 percentage points. The wholesale prices of iron and steel exceeded the rise of all commodities since 1967 by 10 percentage points. This is a somewhat serious rush ahead of the general price level, but not so when the earlier lag just mentioned is taken into account, nor when compared with the rise in nonferrous metal prices which jumped from a base of 103.5 in 1968 to 130.0 in May 1970, an increase of 26½ percentage points. Among the metals that made up these rising prices were nickel, copper, aluminum, lead. The increase was 23%.

Also, the wholesale price of coal far outstripped the price of steel, rising from a base of 103.7 in 1968 to 140.2 in December 1971. Coal, as it happens, is an important raw material used in the production of steel.

Neither nonferrous metals nor coal have import restrictions in effect. The rise in price in each instance was well in excess of the rise in steel prices.

There is nothing in the price trend of iron and steel since 1968 that would support the inflationary charge leveled against import quotas, especially when other metal prices which were not under a quota rose appreciably more sharply, and also coal.

PEANUT PRICES

Another product that is under an import quota limitation is peanuts.

The Department of Agriculture reports the season-average prices of peanuts annually; and these are available through 1971.

Peanuts are under price support and an import quota limitation established in 1953 under Section 22 of the Agricultural Adjustment Act.

The 1953 "season average price" was 11.1c per lb. By December 1971 this average price had risen to 13.6c per lb. (est.) or 22½%. The wholesale price of "all commodities" increased from 81.8 in 1950 to 115.4 in 1971 where 1967 equals 100. This was a rise of 41%, or nearly twice the rise in the price of peanuts.

The experience with peanuts as with the price trend on all the other products that are under quotas except dairy products, supports the conclusion that import quotas cannot be saddled with the objection that they are inflationary.

CONCLUSION

What might indeed be said is that one of the prime purposes of our import quota or similar limitation on imports is to *prevent* a drop in prices to a level so low that it would be disastrous to domestic producers but that might still return a profit to foreign exporters to this country because of their lower costs.

To say that the purpose of quotas is to raise prices is to say that to date nearly all our quotas have failed because most of them have not succeeded in keeping up with the general price level. They could then apparently be discarded with safety; but that is not the essential purpose of the quota.

However, the fact that prices might break through the floor if the quotas were removed, and thus produce an untenable price level for domestic producers, be their product textiles, sugar, petroleum, wheat, peanuts, meat or steel, represents the motivation for such quotas as a preventive measure, rather than a windfall or the possibility of gouging the consumer.

A further condemnation of the import quotas is expressed by the notion that under their protection producers will become complacent and inefficient. The whole record of the agricultural price support program, sustained by import quotas, stands as a complete refutation. Output per man-hour in agriculture has risen phenomenally and surpassed the increase experienced in the industrial field. One reason lay in the yet greater return to be gained under a guaranteed price and limited acreage if the yield per acre were lifted, and this was unquestionably the moving incentive toward greater effort. Assurance of a merely fixed return that could not have been increased by greater effort would hardly have led to the great increase in productivity.

DRAFT RULE MAKING FISCAL RESPONSIBILITY AMENDMENT IN ORDER

The SPEAKER pro tempore (Mr. MOORHEAD). Under a previous order the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the following is the text of the amendment to the rule and of the amendment to H.R. 15390 which I intend to offer when the measure comes to the floor:

DRAFT RULE MAKING FISCAL RESPONSIBILITY AMENDMENT IN ORDER

No amendments shall be in order, except that sections 2 and 3 of H.R. 14830 may be offered as amendments either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

H.R. 14830

(In the House of Representatives, May 8, 1972, Mr. REUSS (for himself, Mr. OBEY, Mr. FRASER, and Mr. VANIK) introduced the following bill; which was referred to the Committee on Ways and Means:)

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by repealing certain provisions relating to the allowance for depreciation and increasing the amount of minimum tax imposed on tax preferences

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility Amendment".

SEC. 2. REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) REPEAL OF ASSET DEPRECIATION RANGE.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

SEC. 3. AMENDMENTS TO MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $12,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$12,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preferences in case of returns for less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(g)(1) The amendment made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

NONPOINT SOURCE POLLUTION FROM AGRICULTURAL, RURAL, AND DEVELOPING AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 30 minutes.

Mr. KEE. Mr. Speaker, today on every side we have cries of alarm about the pollution of our water and air. Strong new legislation is being proposed to combat these critical conditions.

However, one source—indeed the greatest source of pollution—is the nonpoint pollution from agricultural, rural, and developing areas. Nonpoint source pollution is created by soil erosion, erosion from both water runoff and wind-blown dust. If these sources are not eliminated, all the billions we will spend under other legislation could well be wasted.

Accordingly, my able and distinguished colleague, my very dear friend, Congressman FRED SCHWENGEL and I today introduced a bill to rectify this problem. Mr. SCHWENGEL completely understands the need—the justification for this legislation.

H.R. 15596, a bill, nonpoint source pollution from agricultural, rural and developing areas.

The crux of this bill is the fact that when rains occur and water flows over the land, the running water is completely indiscriminate; it will pick up and move anything that is movable. It matters not to the hydraulic forces in overland flow whether the materials moved are soil particles, organic residues, manure, plant nutrients, pesticides, or infectious organisms.

The principal means whereby pesticides, plant nutrients, nuclear fallout, and infectious organisms leave the land and enter water bodies is by attachment to sediment particles. Rough estimate of the suspended solids loadings reaching the Nation's streams from surface runoff shows these to be at least 700 times the loadings caused by sewage discharges. It is estimated also that up to 500 million tons of soil dust float over the United States annually.

Therefore, controlling overland flow and establishing the proper land cover to reduce wind and water erosion are vital to the attainment of clean air and

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clean water in our streams, lakes, and reservoirs.

Based on the 1969 annual report of the Corps of Engineers, the Mississippi River delivers approximately 250 million tons of sediment to the Gulf of Mexico during the average year. This is equivalent to the weight of 250,000 acres of topsoil measured to plow depth—average 7 inches—each year. This is 0.36 ton of sediment per acre per year for each of the 695 million acres in the Mississippi drainage basin, but much of the sediment comes from the 250 million acres of cropland in the watershed. Annual suspended sediment delivery by all of our rivers to the sea averages around 500 million tons.

Another 1.3 billion tons of sediment are deposited in our major reservoirs each year.

Total annual sediment movement exceeds 4 billion tons during the average year.

Forty-six million acres of agricultural land need attention against wind erosion. Actual yearly damage ranges up to 16 million acres. Dust in suspension is usually less than 10 percent of soil moved by wind. Dust densities in air vary from 3 to 1,500 tons per cubic mile or 675 to 280,000 micrograms per cubic meter, whereas 80 micrograms per cubic meter are considered a tolerable rate by the Department of Health, Education, and Welfare.

Windblown material destroys or damages many acres of crops per year which must be reseeded. Soil deposition occurs in channels, drainageways, irrigation canals, and along roadsides and waterways. Blowing soil also creates a driving hazard by cutting down visibility.

Virtually all of our water supply—4.75 billion acre-feet for conterminous United States in the average year—arrives as precipitation upon the land. Seventy percent of this supply is used up as evaporation from the soil surface and the vegetative cover. Beneficial use of this evaporated water is entirely dependent on the extent that good land management enables good growth of crops, grass, and trees. The other 30 percent of our precipitation becomes runoff to the sea. As indicated in the foregoing, the nature of the land and its treatment become major determinants in the quality of water flowing down the stream.

The land in the watershed and the water associated therewith cannot be treated as separate entities.

AGRICULTURAL AND RELATED POLLUTANTS

THE PROBLEM

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in watercourses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop productions and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist state and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and advanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

ANIMAL WASTES

About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in the Missouri River basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand—BOD—would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300 head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per million of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200 to 300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

PLANT NUTRIENT MATERIALS

In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between 1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutritive balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorous and other nutrients generally are the result of heavy point loading of streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

INFECTIOUS AGENTS

Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

IMPROPER DISPOSAL OF SOLID WASTES

Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

FOOD AND FIBER PROCESSING WASTES

These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

PESTICIDES

There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals—worms, snails, frogs—living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Miss., showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternative than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. Nevertheless, such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user.

OTHER CHEMICALS—HEAVY METALS

This source of pollution does not originate on the farm, but once there it becomes one of the more difficult to solve. Exhausts from various transportation media and industrial smoke and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like fluorine into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

SEDIMENT

NEED FOR ACCELERATED LAND TREATMENT TO CONTROL EROSION AND SEDIMENT

Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainageway—gully-channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land suface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

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Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire, construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semi-arid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gullying was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorous, one of the main contributing factors to lake eutrophication, is transported by attachment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is an essential first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

STRIP MINING

There are some 2 million acres of nonfederally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from $100 to over $300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize onsite benefits. Also, in many cases, some structural-type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the onsite benefits cannot be expected to equal the treatment costs. Effective offsite benefits from sediment reduction and pollution control require public action on sizable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report, "Surface Mining and Our Environment," resulting from the national study of surface mining completed under Public Law 89–4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of $360 per acre for basic reclamation and $600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of offsite damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

ROADSIDE EROSION

Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not constructed with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal Aid System. Cities and municipalities are responsible for the erosion problem on the .5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of a sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 133 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost.

The Soil Conservation Service, through its watershed protection and flood prevention program and the resource conservation and development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

DEVELOPING RURAL AREAS (URBAN)

Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use prin-

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ciples and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

STREAMBANK EROSION

Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destoyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some $90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property.

IMPLEMENTATION

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal Department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. KEE. I am delighted to yield to the illustrious and dedicated Representative, the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, H.R. 15596 is the result of special interests and studies by many Members of the Congress.

The leadership of the Subcommittee on Conservation and Watershed Development has been recently unusually and importantly dedicated to the exploration of real problems in this area.

At the outset, I want to certainly thank the gentleman for the kind words he spoke in my behalf and I must say I especially appreciate having worked with him as chairman of this Subcommittee on Conservation and Watershed Development—that, incidentally, that is a new name with a broadened concept, and properly so, as a result of his leadership and his suggestion to the committee.

For years many of us have felt that we should study this whole question in depth more than we have, and have suggested some field studies and some trips.

Under the very able leadership of the gentleman from West Virginia (Mr. KEE), we did make such a study here in the United States. We traveled to Ardmore, W. Va., Georgia, Mississippi, Iowa, and Kansas. We heard testimony from the people from those States and from many other States. They told us of their experience and their studies and of their success with projects that have been evolved through the very wise decision of this Congress when we enacted Public Law 566, the small watershed program for America.

So as a result of the leadership of the gentleman from West Virginia we have a report of those hearings that were made in all those places, and have invaluable testimony, and they are the basis largely of the legislation that we have offered.

Mr. Speaker, I should like to say at the beginning that I believe that Congress will eventually—and I hope very soon—act on this bill, and when it does, it will be landmark legislation. We are concerned, as the gentleman from West Virginia has said, with the resolution of the water pollution problem, and we passed some legislation authorizing up to $24,000,500,000 to deal with municipal pollution and industrial pollution. I supported that, as he did. We both worked on it in the committee, and we think it is the most meaningful step made so far; but, my friends, it is as nothing as the impact that could come from the adoption of the provisions and the philosophy of this bill. I hope this Congress will note the testimony we gave here and will read the bill, become interested in it, and join us in completing the job of water pollution solution.

Mr. Speaker, I should like to say that Public Law 566, which established the Federal watershed program, serves many of the country's needs in handling the interrelated problems of erosion and flood control.

As of June of 1970, $180 million in agricultural and nonagricultural damage was prevented, and 281,000 people were assured of dependable water supplies.

However, some analysts have stated that even in the Corn Belt, net erosion was probably greater in 1970 than 40 years before the extensive erosion control program was begun.

This unbelievable state of affairs can be explained by one word—"delay."

The watershed program was intentionally a decentralized program, so that the people closest to the problems would have the resources to deal with them. But the system we have produced has become such a bureaucracy composed of mismatched, uncoordinated functions, that no one can be sure that the resources will be used where they are needed.

Delays have cost hundreds of thousands of dollars already. Rising land prices and construction costs add to the expense. Valuable topsoil, the most fertile of all soils, washes into our waterways, becoming silt and causing the most pervasive, yet uncontrolled pollution in our Nation. While this soil washes into our rivers, erosion increases at a geometric rate, similar to the population explosion, and watershed control programs will face greater problems even before they start. In short, while erosion and pollution are building speed like a spring flood, our watershed program rolls along like "Old Man River."

We obviously need a structure that will make sure the needed energy reaches its destination. In my home state, where the Little Sioux watershed has an estimated completion date of 2021, the Soil Conservation Service, local district officials, and the academic community alike are urging that the Secretary of Agriculture be given power to make binding agreements, and that he require assurance that needed steps will be taken.

This bill authorizes the Secretary of Agriculture to enter agreements with State and Local public agencies in planning for watershed programs. The Secretary may also enter agreements binding for up to 10 years with owners and occupiers of land, covering areas such as engineering operations, methods of cultivation, and waste treatment facilities. He may furnish financial and other assistance as he himself decides, and he may make loans under contract for the new Federal share of the costs.

The Secretary is empowered to make agreements covering five major areas:

First, farms and ranches; second, developing rural and urban areas; third, roadsides and related areas; fourth, tributaries of major rivers; and fifth, lands damaged by strip mines.

Each authorization lists specific assurances which the Secretary may and sometimes shall require. For instance, in agreements for farm and ranch programs, the Secretary may require agreements for up to 10 years for installation and maintenance of needed works, to be approved by the Secretary. In agreements for upstream tributaries, the Secretary shall require that local agencies:

First, bear at least 25 percent of the costs;

Second, obtain all necessary land rights;

Third, make arrangements for defraying costs; and

Fourth, share in costs for engineering services.

Generally, the Secretary is also authorized to initiate nationwide research and education on erosion and related pollution problems. He is also authorized to develop a summer job program for students in agriculture and related fields.

To make sure that resources and assistance do, in fact, go to those who use them in positive ways, the bill provides that wherever the Secretary has agreed on a plan and the promisors—the landowner—is found to be causing pollution, all assistance from any Federal program will be withdrawn until the pollution is stopped.

This act also amends section 10 of the Water Pollution Control Act by providing a 3-year interim period for compliance by livestock and poultry enterprises. If these enterprises comply with interim standards set by the Administrator of the EPA, abatement actions may not be initiated against them.

By outlining the areas where positive control is most needed and explicitly authorizing the Secretary to make binding agreements, this bill will furnish the assurance that the U.S. Government is getting results from its efforts. This assurance is badly needed. Delay has been uncovered and is now recognizable—as the worst problem for anyone concerned about the pollution of our environment. Perhaps, as some people believe, we will not recognize erosion as the country's biggest single source of pollution until it is either too late, or after the problem is solved.

I believe my fellow Congressmen are aware of this country's needs and will join me in this simple correction to avoid problems that will only worsen as time passes.

Mr. Speaker, at this point I will discuss a breakdown of this legislation.

I would like to begin by discussing agricultural and related pollutants.

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in water courses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop production and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist State and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and advanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

A fairly new and rapidly growing problem is pollution from animal wastes. About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in the Missouri River Basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand (BOD) would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300

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head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per million of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200–300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

Plant nutrient materials have ironically done considerable environmental damage. In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between 1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutritive balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorus and other nutrients generally are the result of heavy point loading of streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

Infectious agents are carried and kept alive by uncontrolled farmland drainage. Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

Improper disposal of solid wastes is one of the most obvious and repugnant pollution sources. Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

Other direct sources of pollution are food and fiber processing wastes. These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

Pesticides are the subject of loud complaints and have become a highly emotional issue. There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals (worms, snails, frogs) living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Mississippi, showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternatives than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. There is abundant and sufficient reason why such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user and equally for the benefit of our children who must depend on the food supply to feed themselves.

Heavy metals are a source of pollution and do not originate on the farm. Once there, however, they become some of the more difficult problems to solve. These metals come from exhausts from various transportation media. The industrial smokes and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like flouride into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

There is great need for accelerated land treatment to control erosion and sediment. Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainageway—gully channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land surface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire; construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semi-arid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gullying was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorus, one of the main contributing factors to lake eutrophication, is transported by attachment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is a most important first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

Strip mining has been one of man's most reprehensible contributions to the erosion of our Nation's lands. There are some 2 million acres of non-federally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects

and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from $100 to over $300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize on-site benefits. Also, in many cases, some structural type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the on-site benefits cannot be expected to equal the treatment costs. Effective off-site benefits from sediment reduction and pollution control require public action on sizeable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal technical and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report "Surface Mining and Our Environment" resulting from the national study of surface mining completed under Public Law 89-4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of $360 per acre for basic reclamation and $600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of off-site damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

Roadside erosion is an often neglected, but widespread and serious problem. Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not considered with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal aid system. Cities and municipalities are responsible for the erosion problem on the 0.5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 123 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost. The Soil Conservation Service, through its Watershed Protection and Flood Prevention program and the Resource Conservation and Development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

Developing rural and urban areas cause erosion and pollution, often through sheer negligence and ignorance of the problem. Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit.

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or Nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use principles and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

Streambank erosion is one of the hardest problems to solve. Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destroyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some $90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property. Our implementation programs have failed to take the fullest advantage of available resources.

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

This bill authorizes the Secretary of Agriculture to make agreements in all of the five major erosion problem areas, and provides specific requirements to be included in the agreements.

For farm and ranch land agreements, the Secretary may require as a condition to providing assistance that the landowner enter agreements for up to 10 years concerning installation and maintenance of needed works, according to the Secretary's specifications.

For rapidly developing areas, the Secretary shall require the cooperating agency to enact and enforce development negotiations and to bear proportionate development costs.

For roadside and streambank erosion agreements, the Secretary shall require the cooperating agency to: First, bear at least 25 percent of the construction costs; second, give assurance of getting the needed land rights; third, make arrangements for defraying costs, and fourth, bear proportionate costs of engineering services.

For non-Federal lands damaged by strip or surface mining, agreements may include requirements that the landowner enter agreements for up to 10 years for installation and maintenance of needed works, build works according to the Secretary's specifications, and provide protection from future damage.

These requirements should provide the Secretary with the power he needs to see that watershed programs actually do get results. They are general, flexible grants of power, yet they are specific enough to furnish guidelines. The Secretary should be able to mold the agreements into meaningful programs and finally make the program and his advantageous position work as they must to meet this pressing problem.

THE REVENUE-SHARING TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 20 minutes.

Mr. HOLIFIELD. Mr. Speaker, I intend to oppose H.R. 14370, the State and

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Local Fiscal Assistance Act, when that bill is considered in this Chamber tomorrow, for several reasons.

First, I am appalled by the huge deficit which we have experienced over the past 3 years, and the equally huge Federal deficit forecast for fiscal year 1973—more than $123 billion in a 4-year period.

I am equally concerned about the interest on the public debt, which has more than doubled since 1965. In 1965, we paid $10.4 billion in interest; in 1973 we will be paying $22.7 billion.

These are the debt and interest burdens which have already been shared with the American people.

It is proposed that we now act to increase the burden of that debt by $30 billion over a period of 5 years at an additional interest burden of at least $1.5 billion per year.

We must not mislead the American people by referring to H.R. 14370 as a "revenue sharing" measure when, in fact, it is a debt and interest sharing bill.

Next year, when the elections are over, a Democratic President or a Republican President will see the light. I believe that I can safely predict that the next budget submitted to the Congress will be accompanied by a request to increase taxes. The individual and corporate taxpayer will be asked to cough up enough additional revenue to cover the Nation's bills plus the more than $30 billion to provide for the "Debt and Interest Sharing Act of 1972."

If the cities, counties, and States are in trouble, the above facts should convince any observer that the Federal Government is also in trouble and I can predict with reasonable certainty that an increase in Federal taxes will be just as firmly resisted as an increase in State or local taxes.

My second reason for opposing this insidious legislation is based upon the constitutional roles which are to be played by different levels of government.

The congressional role is to provide for the general welfare, among other things by levying taxes and making appropriations. In fiscal year 1971 we did this, to the extent that $117 billion out of a total budget of $212 billion was shared with individuals, cities, counties, States, and institutions. The figure for the current year will be much higher.

These appropriations, however, have been for specific Federal programs for specific national purposes, to fulfill specific national needs. We have never placed ourselves in the ridiculous position of collecting taxes or enlarging the Federal debt for the sole purpose of merely returning these funds to the local tax spenders. That is a needless exercise which accomplishes nothing.

H.R. 14370 erodes the traditional and legal distinctions established by our federal system of government. The success of this system, over the past 200 years, has depended upon each governmental entity exercising its own powers, in its own way, under its own laws. The intrusion of the Federal Government into the functions of tax collection and appropriations for purely local purposes erodes this system.

This bill (H.R. 14370), in my opinion, violates the basic principles of fiscal responsibility for Federal, State, and local elected officials.

It provides for separation of the responsibility of raising revenue through levying of Federal taxes from the responsibility of spending the revenue which has been raised.

I know of no tax levying body that has abdicated its responsibility for accountability in the expenditure of the revenue it raises.

The U.S. Congress is asked to break a principle of responsibility which has survived for hundreds of years.

We are asked to levy taxes as Federal Government representatives for State, county, city, school districts, and so forth, to spend for purposes and programs that are not designated as national in need, but can be determined by an echelon of locally elected officials for local purposes not necessarily related to a comprehensive national need, a need that has been screened and certified by a majority of a national body of elected Representatives charged with our national welfare and progress.

This bill also violates a time tested principle of placing authorization legislation for national needs in committees of the House with clearly defined jurisdictional duties, responsibilities and many cumulative member years of expertise in specific jurisdictional fields.

It ignores the time tested principle of dividing the authorization process from the appropriation process.

Can we so lightly violate these basic principles of division of committee responsibilities and duties?

Are we ready to reject, by a single legislative act, our complete basic system of responsible legislative process?

We compound this dangerous procedure by freezing this violation of time-tested legislative procedures into a time frame of 5 years. This is incomprehensible. We have zealously guarded the right of annual review of programs and annual authorization and annual appropriation.

I am not saying that 1-year annual review is sacred. Perhaps we need to go to 2-year authorization and 2-year appropriation for programs. I am willing to consider such a procedure as it could coincide with the two sessions of a specific 2-year term of a Congress.

But 5 years: A period of time that would bind 2½ terms of separate Congresses.

How can we abdicate our specific responsibility for the 2 years of our elective term and an additional 3 years of potential future Members of future Congresses?

No extensive hearings have been held on these major changes in the procedures of our committees.

Suddenly, because of pressure from locally elected officials, who have panicked in the face of their own electors, they now turn to someone else to discharge responsibilities for which they were elected.

We are opening a Pandora's box of trouble for ourselves as Federal representatives which we will be unable to close.

The pressure for more and more "free no-string" funds will grow and grow.

We the elected Members of Congress will become the subservient tools of locally elected officials.

We will bear the onus of blame for levying more taxes and we will bear the blame for increasing an ever mounting annual Federal deficit.

In the meantime the spenders of "no-string Federal funds" will reap the harvest of praise from their local recipients, for the funds we raise.

Let us turn back from the siren song of Federal fiscal irresponsibility before it is too late. H.R. 14370 should be considered under an open rule and it should be defeated.

THE ART COLLECTORS PROTECTION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, during the last decade the market for prints and graphics has grown dramatically. In the past, prints were sold largely by small art galleries to a select clientele. As more Americans have begun to demand quality works of art at moderate prices, however, the sale of prints has become big business. According to an article this year in the Wall Street Journal:

> Parke-Bernet, America's leading auction house, sold close to 4,000 graphic works last season, and it's estimated that more than a million original graphics are brought in America annually.

Unfortunately, this boom in art appreciation has been accompanied by the growth of some rather unscrupulous practices on the part of some art dealers. Ordinarily an original print, although it is produced by mechanical means, is distinguished from a reproduction by the fact that it is hand signed by the artist in pencil and numbered to show it is part of a limited edition. According to the Print Council, "limited" means an edition of a few hundred at most. The value of a print is thus in part a function of its scarcity. Some dealers have been known, however, to issue a print in a "limited edition" on one kind of paper and, unknown to the collector, issue a second printing of that same "limited" edition.

Other sharp practices include passing off photo mechanical reproductions as originals, using such terms as heliograph and pochoir to suggest their authenticity when in fact these terms refer to mass production processes. Edwin Darby in the Chicago Sun-Times quotes art collector Scott Hodes, who observes:

> It is relatively easy to duplicate an existing print. Unscrupulous dealers have even been known to cut one of these very fine art books that you see now, the ones that sell for $75 and $125. They'll forge the artist's name—anyone can forge a name with enough practice, put a frame around the reproduction, and sell it as an original print for $500.
>
> Others have been known to make an under-the-table deal with a master lithographer. He'll create a plate from an original print and run off a couple of hundred copies. How's the buyer to know that he's not getting an original?

It is estimated that print sales have gone up by at least 500 percent in the last 10 years, and that 20 percent of the fine prints now being sold are not what they are represented to be. Clearly the consumer is in need of protection from those dealers who would take advantage of the amateur collector's lack of experience and expertise in this rather complex field.

For this reason, I am today introducing the "Art Collectors Protection Act of 1971." The bill provides that any fine print which is published in a limited, numbered, or signed edition shall be accompanied by a receipt or certificate disclosing:

First, the date of printing, if known.

Second, the name of the artist, if known.

Third, the name of the printer, if known.

Fourth, the size of the edition, if known.

Fifth, the total size of any previous editions, if known.

The sale of such a print without proper identification would constitute an unfair method of competition and a deceptive practice in commerce under section 5(a) of the Federal Trade Commission Act.

Reproductions of fine prints or paintings would have to be labeled as such.

Under the act "fine print" is defined as "any print sold for an amount in excess of $50 and includes any engraving, etching, woodcut, lithograph or serigraph." "Reproduction" means "a reproduction, imitation, or copy." The act would not apply in the case of any artist selling his own work, and the Federal Trade Commission would be authorized to prevent violations of this act and prescribe regulations to carry out its intent.

The only States which now offer art buyers specific protective legislation are New York, California, and Illinois. The Illinois law, passed in June, according to the Sun-Times:

> Requires dealers to make a full disclosure (as with a stock offering) of the pertinent information concerning a print: the name of the artist, date of the print, type of print, the number of signed and unsigned prints in the edition, etc. It makes violation a misdemeanor with fines up to $1,000 and provides that the buyer may recover triple damages for willful violations.

The act, however, applies only to prints made after July 1, 1972. And, of course, collectors in the 47 remaining States are still at the mercy of any dealer who would stoop to unscrupulous means to make a quick profit.

Most of the established gallery owners, dealers, and publishers in the graphics field are reputable men, but the boom in print sales has created a market which is wide open to those who need not concern themselves with protecting a long-standing tradition of honest business practices. Even the dealers themselves are sometimes victimized by the wholesalers they buy from.

The problem is further complicated by the differing definitions of "an original print." According to Elizabeth Stevens, writing in the Wall Street Journal:

> In the recent print boom the question turned into a metaphysical hall of mirrors with answers often reflecting whatever a dealer was selling.

She quotes one well-known dealer whom others have accused of selling reproductions rather than originals as saying:

> You have to loosen up the definition of what is original. I'm trying to take the snob part out of this art and put it on Main Street, U.S.A.

The legislation which I have introduced today, would help put an end to this confusing state of affairs, as well as providing consumers throughout the United States with the protection they need. General consumer statutes are not relevant to this issue, for in the art market as it now exists, there is no way to prove that the collector didn't get what he thought he was getting, since there is no written guarantee of the work's origin or authenticity.

Although some dealers believe that the market peaked in the late sixties and is now on the decline, others report that business this year is up 300 percent. According to A. Lublin of Consolidated Fine Arts:

> We haven't even begun to scratch the surface.

As more and more Americans are exposed to the arts through education, museum attendance, and the media, it is more than likely that interest in the arts, both as a financial investment and a source of personal pleasure, will continue to increase. It is therefore essential that we act now to prevent any further abuse of this heartening trend in American culture.

FEDERAL LEAA ASSISTANCE FOR STATE FISH AND GAME DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 5 minutes.

Mr. WYMAN. Mr. Speaker, we are justly proud of our far-reaching system of State parks and forests which provide us with needed recreation as well as with temporary relief from the pressures of urban life. These areas are becoming increasingly popular and are used by more and more people each year. It will be even more necessary in future years for us to have them at hand as population pressures result in less and less breathing space for each of us.

The continued availability of these park lands depends on their successful management by State fish and game departments. Unfortunately, there are continuing law enforcement problems in our parks and forests as in our cities. Yet, under the present law, the Law Enforcement Assistance Administration is unable to include State and fish and game departments in its programs. These agencies face unprecedented challenges as the vacationing public visits State parks in greater numbers than ever before. Campsites are filled to overflowing, unbroken lines of hikers crowd the trails, and the commission of crime from malicious vandalism to serious felonies bear witness to the growing enforcement burdens placed on fish and game departments.

I am today introducing legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make State fish and game departments eligible to receive aid from the Law Enforcement Assistance Administration. Mr. Speaker, these agencies are responsible for safeguarding much of America's natural resources and making them available to us and to future generations. To insure that they will be able to continue and improve their handling of this responsibility, I believe that it is essential that assistance be provided to them by the Law Enforcement Assistance Administration.

HON. PHILIP J. PHILBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the recent passing of Congressman Philip J. Philbin has been a source of deep sadness and regret to me, as it has been to so many. Phil Philbin was a warm and dear friend, and I valued very much his friendship and his counsel.

His notable career of public service, which extended several decades, began with his service as personal secretary to then Senator David I. Walsh. Congressman Philbin held many high administrative positions, serving as he did as the special counsel to the Senate Committee on Education and Labor; as an appointed referee of the Department of Labor; former president of the Clinton Chamber of Commerce, chairman of the Clinton Finance Committee, and also as a member of the advisory board of the Massachusetts Unemployment Compensation Commission.

His service in the Congress spanned 28 years, highlighted by his participation on the Armed Services Committee, and his assuming the chairmanship in his final days of service in the Congress. Congressman Philbin served with great dedication and diligence, for a more peaceful world, and for increased services to the veterans and servicemen in posts throughout the world.

He enjoyed the high esteem and respect of all his colleagues for his warmth and kindness, and his remarkable parliamentary knowledge and skill. His death leaves a void that will be difficult to fill, and in his passing all Americans have lost a champion of freedom and human rights. I extend my heartfelt sympathy to his loved ones.

BAN OF SPORTS ON CLOSED CIRCUIT TV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, as you know, 33 other Members of the House and I have sponsored legislation (H.R. 7679) in the House that would, in effect, require that all major sports events—including

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boxing matches—be shown on free home television. This legislation would also prevent sports events such as the Super Bowl, the World Series, and other professional sports events from being lured away from network TV because of potentially lucrative profits from closed circuit television.

While many of us are avid sports fans and look forward with great anticipation to the possibility of a second Ali-Frazier fight, I am very concerned that the average price for closed-circuit television tickets for this fight could be as high as $25 per ticket. Increased demands by the two fighters—Ali is reportedly asking for $6 million and Frazier is asking for $3.5 million—increased costs and a desire by the promoters for even greater profits on the second Ali-Frazier fight could cause the average price of tickets for this fight to almost double over the cost of tickets for the first Ali-Frazier fight.

But there is still time for Congress to act so that the average sports fan does not get completely shut out of the next Ali-Frazier fight. Immediate passage of H.R. 7679 would insure that the next Ali-Frazier fight will be shown on home television for the benefit of all boxing fans. While passage of this legislation would adversely affect closed-circuit television promoters, I believe we should be more concerned about keeping professional sports open to 120 million American sports fans than allowing a handful of already wealthy promoters to reap windfall profits through the use of closed-circuit TV.

The primary purpose of H.R. 7679, however, is preventive. For instance, CBS paid only $2.5 million to the NFL for the rights to broadcast the Super Bowl. Yet, the $2.5 million CBS paid for the Super Bowl rights was sufficient to handsomely reward 40 highly paid players on both teams, the owners of the teams, and the NFL itself. Compare that with the $2.5 million that was paid to each of the two boxers by the closed-circuit TV promoters for the first Ali-Frazier fight. Obviously, the TV networks are simply unable to compete with closed-circuit TV promoters and it is clear that if the NFL turns to closed-circuit TV for the broadcast of future Super Bowls, it could quadruple its profits. It is indeed hard to know how long the NFL and other professional sports will resist such an incredible temptation. I think it is clear that the burden falls on Congress to insure that the average sports fan does not get shut out of spectator sports in America.

THE SHARPSTOWN FOLLIES—XLVII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, one of the enduring mysteries of the great Sharpstown scandal is the question of just how Frank Sharp got away. How was it that the man who engineered the corruption of a good part of the Texas State government, who plundered any number of corporations and destroyed the financial integrity of an array of institutions ranging from his own bank to an order of Jesuit priests, got off with a suspended sentence and a grant of immunity from Federal prosecution? Just how it was possible that of all the people in the Sharp scandal, only a few little minnows got caught, while the big fish, including the biggest one of all, got clean away?

Part of the answer is that the Justice Department thought that letting Sharp off was politically expedient and advantageous. I have explained how this was so, how the Justice Department hoped to have a political field day, and how at the same time it hoped to protect Assistant Attorney General Will Wilson from being exposed as part and parcel of the Sharp gang. But a good part of the answer is also the sheer incompetence of the U.S. district attorney, one Anthony J. P. Farris. It seems that Farris, by a simple and incredible blunder, made the immunity grant almost inevitable, because it rendered Federal prosecution practically impossible.

The story, which I have on good authority, is this:

Frank Sharp, after the scandal broke, hired a good attorney, Morton Susman, who happened to have just left the position of U.S. district attorney in Houston. Susman's replacement was this Anthony J. P. Farris, whose qualifications are minimal, except that he has good political credentials. Like any good attorney in our adversary system, Susman sized up his opponent, Farris, and found him to be a lightweight. Susman had every reason to believe that Farris did not really know how to handle something as big as the Sharp case, and that Farris was so anxious to make a big splash that he would perhaps make a tremendous bungle of the whole affair. After all, greed and incompetence make a powerful combination.

One fine day, Susman and his client, Sharp appeared in the offices of the U.S. District Attorney Anthony J. P. Farris. I do not know what Mr. Farris' thoughts were at that time, but I can imagine that he had visions of a grand coup, and was anxious to see what Mr. Sharp had to say. Farris had read a lot about the scandal, but did not really know too much. The Justice Department was handling this more or less outside his office, perhaps because the matter was not yet ready for prosecution, perhaps because they already knew that it was a delicate problem, since their own Assistant Attorney General Wilson was mixed up in it, but perhaps also because Farris was simply not competent to be trusted with the case.

Farris, with visions of triumph in his head, readily agreed to see defendant Sharp and his attorney. Not long after the meeting started, Sharp startled everyone present by telling his whole story. It was obvious almost immediately that Sharp was confessing to a whole series of crimes, and that these were crimes of a most serious nature. Farris, fascinated and dumb, listened to what Sharp had to say.

Unfortunately, Farris was so fascinated that he forgot about his position as a prosecutor. He listened to the whole story without once warning Sharp that he had certain constitutional rights, that what he said might be used against him, and that he did not have to make any statement at all. It was a mistake that no cop would make, and no lawyer should, but there Farris sat, no doubt dreaming that he had in his hands the greatest confession of all time. Too bad for him that it was all invalid, because he had not warned Sharp of his rights.

So after it was all over, Attorney Susman reminded Farris that he believed that these matters were subjects of a possible prosecution against his client, and he would not want Farris to refer to the conversation in any court case. In fact, Susman said, he thought that in light of the invalid confession perhaps no prosecution at all would be possible.

Farris, of course, must have been shocked to discover the enormity of his mistake. He had committed the most elementary of all possible procedural errors, and invalidated much possibility that Sharp could ever be prosecuted at all because of the invalid confession.

I do not know what Farris' superiors had to say about all this. But as it turned out, Susman was right, and when it came down to the brass tacks, Sharp really could not be prosecuted. He had won all the chips on the table, without ever even having to go before a grand jury, much less face a trial.

The Justice Department, which had hoped to capitalize on the Sharp case—hopefully without embarrassing the chief of its own criminal division—had no other recourse than to strike the only deal it could with Sharp, which turned out to be a guilty plea on two counts, for which he got a 3-year suspended sentence and a $5,000 fine. And, of course, complete immunity from any further prosecution.

The Sharp scandal is far from over. Hundreds, even thousands of people, are still hopeful of recovering some of their money. Here and there, a bankruptcy proceeding or civil suit related to the case is filed; the State of Texas prosecutes those it can; and Sharp is as free as a fish in the sea, and safer than any of them.

How did Sharp get away? You might ask Anthony J. P. Farris, who cut the nets through his own incompetence.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. ROY), is recognized for 10 minutes.

Mr. ROY. Mr. Speaker, much has been written about our ever-changing world and the demands that such change makes upon the school. We recognize the tremendous gaps between various areas of our culture and decry the fact that our social processes have not kept pace with our scientific inventions and discoveries. We resent the situations which concentrate on the destruction of man and deplore the resistance displayed when man faces the problems of improving human relations. We realize that many of the children and youth whom we teach know more than we do about nuclear fission, interplanetary space, and

even sex education. We bemoan the fact that family life "is not what it used to be." We talk glibly about the world becoming a little neighborhood with the basic changes in national and international alliances. Here in the 20th century, when we thought we were just beginning to develop wisdom, we have been jolted, for the life we had assumed to be timeless and universal has become fluid and ever changing.

The response to the needs we now see must be made in the political arena, for education has always been a major political issue. The difficulty is that too few citizens have realized how political it really is. In the deepest sense, our entire economy and political structure depends on the educational system. Neither the economy nor the political system could work without it. The economy would not work because we would not have the skills and the manpower to run it; the political system would not work because the voters would not know whom or what to vote for.

But in a more immediate sense, education has become political. If the people want a truly productive society, the only way they can hope to achieve that goal is by the development of a productive educational system. The fact that the politician knows this, and that he also knows nearly every voter who has a child wants more than anything else an education of high quality for that child, gives us hope that at last we may get the financial support for the educational system this country deserves. We are now talking about practical politics. We are talking about the fact that Senators, Congressmen, mayors, Governors, and State legislators have to pay attention to education if they want to get elected. The voters want education for their children. In the case of public officials who do not pay attention, there are now political means to make sure that they do.

STATE AND LOCAL FISCAL ASSISTANCE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, we will shortly begin consideration of H.R. 14370, the State and Local Fiscal Assistance Act. If the attempt by Congressman H. ALLEN SMITH to vote down the previous question on the rule is successful, I intend to offer an amendment that will strike out the language beginning at page 35 which would reduce the District of Columbia's benefits under this legislation by an amount equal to any moneys received as the result of any tax imposed by the District government on income earned in the District by a nonresident.

The amendment is as follows:

An amendment by Mr. FAUNTROY to H.R. 14370: On page 35, strike out line 23 and all that follows down through line 14 on page 36.

CANADIAN NEEDS FOR THEIR OWN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, in recent weeks opponents of the trans-Alaska pipeline system have made much of recent comments by Donald S. MacDonald, Canadian Minister for Energy, Mines, and Resources. He has said the U.S. security of crude oil supply could be enhanced by U.S. importation of more Canadian crude oil during the years of delay that would surely result if a trans-Canadian oil line were built instead of the trans-Alaska line. His comments have been cited as proof that the delay would not necessarily be detrimental to U.S. national interests. There is, in fact, doubt that Canada would be able to make good Mr. MacDonald's offer.

In this regard, I would like to bring to my colleagues' attention two articles that recently appeared in the Oil Daily. The first, "Alberta Output Based on High Crude Demand"—Oil Daily, June 2, 1972—points out that the demand for oil from western Canada is now at record levels, and not likely to decrease.

The article says:

Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorationing system is expected to end and provincial reserves enter an accelerated period of decline.

This raises serious questions about Canada's ability to provide the extra oil that will be needed by the United States if the trans-Alaska pipeline is delayed any longer.

The second article, however raises serious questions of even greater magnitude. In this artcle, "New Supertanker Port Planned Near Quebec,"—Oil Daily, June 5, 1972—the energy chief of Quebec, Real Boucher, is referred to as having gone on record "advocating that Canada's possible Arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the United States is permitted."

It is obvious that there is not unanimity of opinion among Canada's energy officials about what should be done with Canada's supplies of crude oil.

Both articles are included here for the information of my colleagues:

ALBERTA OUTPUT BASED ON HIGH CRUDE DEMAND

CALGARY.—Alberta set June crude oil production from provincial fields at 1,024,667 barrels a day, complying with record level of demand for the time of the year from refinery purchasers in Canadian and export markets.

May output of oil was initially set at 1,015,446 b/d but revisions later in the month because of refinery "turnarounds" and high inventories, was reduced to 987,128 b/d.

Total oil production this month will be 31,764,680 barrels, while pentane plus will total 4,542,000 barrels or 146,500 b/d.

In the same month of last year, Alberta producers were permitted under the provincial system of prorated production to pump 27,421,290 barrels of oil or 926,072 b/d. Byproducts in that month, for which the American market is providing growing outlets, totaled 3,444,000 barrels. In June 1970, Alberta produced 25,870,180 barrels of oil and 3,105,000 barrels of byproducts.

Alberta oil production set an all time record last January when the province produced 37,390,823 barrels or 1,206,156 b/d.

Besides gradually easing entry of Canadian exports to the U.S. markets east of the Rocky Mountains, Alberta's oil production is on the increase because depleting fields in Saskatchewan, and to a smaller extent Manitoba and British Columbia can not meet increasing oil demands from Canadian and export buyers. The three other western provinces have never been substantial oil producers but their proximity to the export and the Ontario markets permitted producers there to pump at full capacity for years.

Current oil exports are nudging 800,000 b/d, with some 260,000 b/d going to the U.S. West Coast. Total western Canadian oil and byproducts output is at 1.6 million b/d.

Alberta has a theoretical production capacity of up to 2.2 million b/d but that top level is now unlikely to be realized, particularly because of lack of new discoveries here and the reluctance of producers and transmission companies to invest in additional field and pipeline capacity, in view of uncertainty over markets and provincial taxation on oil reserves that will be in effect on the 7 billion barrels of Alberta oil reserves from next January.

Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorationing system is expected to end and provincial reserves enter an accelerated period of decline.

NEW SUPERTANKER PORT PLANNED NEAR QUEBEC

CALGARY.—Plans will be announced this month for a supertanker port by the Quebec and Canadian federal governments at Ile Verte downstream in the St. Lawrence River from Quebec City, to serve as a terminal for offshore crude oil shipments and as a possible port of entry for oil from the arctic and east coast offshore regions.

The project, to cost between $500–$700 million, will also include additional refinery facilities onshore, besides providing feedstock for existing installations both in Quebec and bordering U.S. states.

An alternative site further downstream on Ile Du Bic has also been picked in the event definite engineering and marine studies now nearing completion should recommend the secondary location for navigational reasons.

Completion of the project at either location is set by 1975. It would be owned and operated by a Quebec government corporation, it was learned.

According to industry sources in Calgary, the port is the opening bid by the Quebec government to channel frontier oil from the arctic and eastern offshore areas of Canada, where discoveries have already been made, into the province to give a new lease on life to its ailing petrochemical industry as well as to redress its precarious oil supply situation, which at present makes it entirely dependent on overseas imports.

The port would be receiving offshore crude from overseas sources until arctic and east coast supplies are phased in growing volumes, possibly, after 1978. The port would also be designed to handle ships transporting liquified natural gas, again from overseas sources, at first, yielding to arctic fuel later in the decade.

Quebec energy chief Real Boucher has recently gone on record here advocating that Canada's possible arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the U.S. is permitted.

The eastern seaboard has only a few suitable harbors or waterways to accommodate supertankers in excess of 250,000 dwt. The location near Quebec City would also require icebreaker assistance during winter months.

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INTERSTATE 219: "TO BE OR NOT TO BE?"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, time and time again Members of Congress and citizens from Pennsylvania, West Virginia, Maryland, New York, and Virginia have urged that U.S. Route 219 be designated as a Federal project under the Interstate Highway System. Each year has witnessed a new attempt toward this end and evidence in favor of this project continues to mount.

No one can deny that new highways have become triggers for dynamic industrial development. In fact, most industries mention "proximity to good highways" as a primary locational factor. Thus, since the area surrounding Route 219 abounds with open country, the construction of this expressway will definitely generate significant investment in industrial plants from North to South.

Let it be known here, Mr. Speaker, that New York and Pennsylvania, and I refer to the Pennsylvania Turnpike and the New York State Thruway, have been beguiled in the allocation of Interstate mileage. These specific highways were assigned to the Interstate mileage without proper restitution because at the time some officials felt they were within reasonable proximity of the standards for the Interstate System and followed the general routes for proposed Interstate Highways.

Authorities felt that new Interstate Highways did not have to be built in New York and Pennsylvania because the existing highways were considered "adequate." Thus, such funds were not allocated to New York and Pennsylvania but were used elsewhere. Although a great amount of Interstate mileage has since been constructed in New York and Pennsylvania, these States were actually, perhaps unwittingly, swindled in the original Interstate System allocation. The consequences of this action are being felt today.

As a result, other areas of this Nation are ahead of Pennsylvania and New York in construction of new interstate mileage and this is patently unfair to our citizens. I have offered a solution to this maladjustment. My proposal was embodied first in House Concurrent Resolution 145 in the 91st Congress and later as an amendment to H.R. 19504 in the same Congress. In this Congress, House Concurrent Resolution 78 would achieve the goal of adding Route 219 to the Interstate System. Yet the Committee on Public Works is reluctant to act favorably on my own proposal because of the adamant opposition by the Federal Highway Administration.

House and Senate committees, and Federal and State highway departments have contributed to the frustration and demise of the project. Promises have been made and broken. There have been proposals and public hearings, but little planning and actual construction has resulted.

How can such an indispensable, job-producing project fall as often as the Route 219 project, especially when genuine evidence sustains a conclusion to build—and build now?

The time has arrived when delay for any reason is unthinkable. The time has arrived for action—congressional action. Further delay would push costs out of sight. Governors, Congressmen, Senators, and State and Federal transportation officials should recognize that the Route 219 project is a necessity not only for the five States mentioned above and Appalachia as a whole but also for the entire eastern seaboard.

Once Route 219 is completed, Pennsylvania, New York, West Virginia, Maryland, and Virginia will once again contribute their full share of the economic prosperity of this great Nation. But, until that time, the area fails to reap the economic benefits of the Interstate Highway System from which the rest of the Nation profits.

As a frequent advocate for the completion of this project, I appeal to my colleagues for the initiation of and swift action toward the goal of reutilizing the "219 corridor."

AUTHORIZE ADDITIONAL FUNDS FOR PISCATAWAY PARK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill that would authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland. The text of the bill follows:

H.R. 15597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended (80 Stat. 319), is further amended by deleting "$4,132,000" and inserting "$5,657,000".

The act of October 4, 1961 (75 Stat. 780, 782), establishing Piscataway Park provided for acquisition in two areas. Section 2(b) of that act identified a "fee acquisition area," in which the Secretary of the Interior was authorized to acquire lands and interests in lands "by such means as he finds in the public interest." The 1961 act authorized $937,600 for that purpose, and the act of July 19, 1966 (80 Stat. 319), increased that authorization to the sum of $4,132,000.

Section 2(c) of the 1961 act identified a "scenic protection area." In this area or zone, the Secretary was authorized to accept donations of scenic easements, and to acquire easements by other appropriate means "when, in his judgment, such action appears necessary to assure the uniform application of scenic control."

The legislative history of the original enactment discloses that the land acquisition funds which were previously authorized were all allocated for the acquisition of land and interests in the "fee acquisition area." Prior to March 9, 1970, interests in lands in the "scenic protection area" were to be acquired by donation only. On that date, however, the Secretary of the Interior wrote to the chairmen of the House and Senate Interior and Insular Affairs Committees advising them that he was prepared, if necessary, to file a complaint in condemnation for the acquisition of scenic restrictions of the Moyaone-type over the Marshall Hall property. This ultimately resulted in an expenditure of $900,000 for the scenic easement over the Marshall Hall property. Also, in this area the National Park Service has purchased scenic controls amounting to an additional $438,895 for interests in land, or a total of $1,338,895 without considering administrative expenses, which have amounted to $249,467 for the total project to date, a goodly portion of which are attributable to the scenic protection area.

It is the purpose of this bill, therefore, to provide the necessary added funds to purchase uniform controls over the remainder of the properties which is estimated to cost $1,525,000 including necessary reserves for escalation if there is a delay in appropriations, potential for overages in cases which will undoubtedly go to condemnation, and the usual costs for program direction, facilitation services, surveys, updating appraisals, title, closing, and trial preparation, and so forth, thereby increasing the total authorization for appropriations from $4,132,000 to $5,657,000, as set forth in the bill.

This amount is $1,315,000 less than that which would have been provided by H.R. 11391, to authorize additional funds for land acquisition. The reason for this is that this latest amount does not include funds for purchase of fee now covered by Moyaone-type scenic easements in the fee acquisition area, and the fact that the recent settlement of the Marshall Hall suit was at a figure less than anticipated if the case had gone to trial.

GOING TO POT?

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, many citizens are continually vocalizing their discontent with this Nation and its policies. Few people, however, approach the problems and tribulations of the country with a patriotism that unquestionably merits our listening to them for the good of the Nation. Those who have suffered the loss of sons, and those who now have, or did have, sons fighting our battles represent a voice that should be heard—a viewpoint that deserves to be considered. Elwyn S. Woods, past national president of "American War Dads," recently wrote in Missouri Reveille an open letter to all war dads which covers a wide ranging subject matter of issues that confront us today. In the interest of allowing a strong patriotic segment of our population to have the attention of this body and to have its opinions heard, I insert the following letter of Elwyn S. Woods:

ELWYN S. WOODS,
PAST NATIONAL PRESIDENT,
Springfield, Mo.

DEAR WAR DAD: I was shocked by the report of the commission appointed to evaluate and recommend solutions regarding drug abuse. Perhaps we should not have been surprised. It would seem that most of these committees, after much time and I assume much expense, come up with worthless recommendations and "hoity-toity" ideas. One wonders on what basis the members were selected.

How easy it is to follow the broad road of expediency. How self-comforting to suggest agreeable permissiveness. How soul-satisfying to find a solution in perfect harmony with the ideas of the law-violator. That is the kind of mental junk they arrive at after months of exploration. It is a mental replica of Fibber McGee's closet. As Mollie used to say, "Tain't funny, Fibber."

Is it going too far out on a limb to ask—is our America going to Pot? We mean not only the smoking of the weed but the many other loose and lawless expressions of the un-American activities, some candidates and some of our courts.

Have we as Americans arrived at the point where only laws we like are to be obeyed? Have we gotten to the place where only easy enforcements are even attempted? Suspended sentences, quick paroles and minimum fines are becoming the court's answers to conviction. In California and many other states, there is no longer penalty by death for murder or assassination. In a few short years the murderers and assassins will again become the playmates of society.

Two wars we could have won and should have won. They are tragic testimony to loose political thinking. Korea and Vietnam have been utter failures—not on the part of our brave sons who fought and died but on the part of those who decided their fate and refused to let them win. Only winners receive acclaim and respect, the losers just meager sympathy. The un-seating of National China was proof of the losers share.

And now we come to amnesty for those who thought so little of their birthright that they fled rather than defend it. That kind of population decrease is helpful and wholesome. There should be no place in our America for cravens to benefit from the sacrifices of bravery. There are those favoring amnesty, who have never evidenced any personal bravery. In our opinion, they have again taken the wrong turn and are on the wrong road. Wasn't it Benedict Arnold who fled to Canada?

The red signal of danger is flashing its warning. Better to wake up to Reveille than to "Rip Van Winkle" until Taps is sounded. Dads should know this!!!

NEED FOR ADEQUATE MOBILE HOME TIEDOWNS

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, high winds and tornadoes associated with Hurricane Agnes have caused considerable property damage and human suffering for the residents of many mobile homes throughout Florida.

In many cases this could not have been avoided. However, adequate mobile home safety standards properly enforced, I am informed, would have substantially reduced the financial and human suffering now being endured by the residents of these homes.

At Big Coppit Key West north of Key West 35 persons were injured by a tornado and accompanying high winds. Eighty mobile homes were rendered unusable as compared to the destruction of four conventional homes. At North Fort Meyer 41 mobile homes were destroyed and a woman was killed in her mobile home at LaBelle, Fla.

Late yesterday a large mobile home park in southern Brevard County which is in my congressional district, was ripped apart and $47,000 worth of damage was done.

Only a few counties in Florida have enacted ordinances requiring tiedowns and, according to the Office of Civil Defense, those ordinances which have been enacted are inadequate or not enforced. The State itself has no requirement for tiedowns although a bill was introduced in the State legislature last year which failed to go anywhere.

Dade, Broward, and Monroe Counties do have local ordinances which no doubt prevented even greater damage or human injury from Hurricane Agnes and the accompanying tornadoes. However, these ordinances only require that they be tiedown to the bedrock.

The Office of Civil Defense after long and careful study have developed a tiedown regulation which is considerably stronger than those adopted in the three Florida counties.

It requires over-the-coach ties as well as frame ties to secure the home to the ground to prevent movement and overturning. In addition, their approach permits the homeowner to select the desired level of protection in terms of wind velocity. Their recommendation would provide protection against hurricane wind forces up to 130 miles per hour. The cost, I am told, would be about $150 per home.

Mobile homes that are not required to be tied down can be destroyed or rolled in winds of only 50 or 60 miles per hour. Recently for instance, 35 mobile homes were destroyed in Boulder, Colo., during a windstorm of only 65 miles per hour. The State did have a tiedown regulation but it was similar to the local ordinance in Florida and was not enforced.

The local ordinances, I am informed, are inadequate because they do not require over-the-coach ties, nor a sufficient number and kind of ties and anchors. Without over-the-coach ties, the home itself can be blown away and the frame will remain.

In order to determine the extent of damage and injury to mobile homes and their occupants as a result of "Agnes," I have requested the Office of Civil Defense and the Office of Emergency Preparedness to make a full and complete report to me on the damage to mobile homes throughout the State and whether such damage could have been minimized by more extensive use of proper tiedowns.

They expressed their concern and agreed to provide me with a detailed report in 7 to 10 days.

Legislation which I have introduced in the Congress would require the use of tiedowns such as those recommended by the Office of Civil Defense. Although some manufacturers build in tiedown straps under the skin of the home, all manufacturers should be required to do so.

Florida with its 1,300 mobile home parks and its location in the hurricane belt must have strong tiedown requirements properly enforced. Let us not wait for another tragedy to bring the lack of such requirement to our attention.

GOVERNMENT OPERATIONS COMMITTEE REPORT DOCUMENTS INEPTNESS, CORRUPTION, AND WASTE OF U.S. TAX DOLLARS IN U.S. AID PROGRAM FOR CAMBODIA

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, all Members who are concerned about Foreign Assistance legislation should be aware of the issuance by the House Government Operations Committee of House Report 92–1146, entitled "U.S. Economic Assistance for the Khmer Republic (Cambodia)."

Based on careful investigation and hearings on the Cambodian assistance program by the Foreign Operations and Government Information Subcommittee, the report is critical of the economy and efficiency of our AID program in Cambodia.

The report was adopted by the committee without a dissenting vote and had the bipartisan support of Members of our subcommittee and the full Committee as well.

The Cambodian report documents widespread ineptness on the part of AID officials, lack of proper import priorities, failure of AID officials to keep their word on assurances given to Congress on Cambodian program details, the use of economic assistance funds for military purposes prohibited by the Foreign Assistance Act, and profiteering and corruption on the part of Cambodian officials and importers, resulting in the waste of many millions of hard-earned U.S. tax dollars. Similar criticisms have been made by our subcommittee in previous reports on AID programs in Vietnam and Laos.

Mr. Speaker, as I reported in remarks on the House floor last March 16, the President, at the eleventh hour, exercised so-called "executive privilege" to prevent a cut-off of aid funds under section 634(c) of the Foreign Assistance Act in order to deny to your subcommittee access to the Cambodian AID "Country Field Submission." Copies of similar documents for Laos and Vietnam had been supplied only a few months prior to the Cambodian denial. In fact, over the past several administrations, such information had been routinely furnished the subcommittee for use in its investigations upon request.

As the committee report states (p. 46):

It may have to be assumed that there must be facts and positions in the Cambodian Country Field Submission which administration officials do not want Congress to see, such as matters regarding the Exchange Support Fund, the $20 million cash grant, and failures of the U.S.-financed commodity import program.

Denial of unrestricted access to all records of the Government may well preclude Congress from discharging its legislative and policymaking functions. Clearly, Congress must have reliable information about the public business. Unilateral decisions by administration officials as to what information Congress will be privileged to see, can—and freqeuntly does as shown in this report—result in administration officials presenting Congress with an incomplete and distorted picture of the programs which Congress is funding. Denial of unrestricted congressional access to records can only lead ultimately to undermining support for the programs involved.

Certainly the subcommittee investigation found that AID has made essentially no effort to determine specifically what truly essential commodities are needed by the average Cambodian. They admitted to our subcommittee that they do not have data on the demands of the Cambodian economy for essential imports. Consequently, AID officials have been approving for U.S. taxpayers' financing such imports as television sets, automobiles for Cambodian government and banking officials, soft drink concentrates, household air conditioners, electric typewriters and other luxury goods which AID told congressional committees would not be financed under the U.S. assistance program for Cambodia.

Mr. Speaker, these hardly seem like the kinds of priorities that would benefit the average Cambodian citizen. They are luxuries, not "essential commodities," by any rational judgment. Such frivolous imports by the Cambodian Government, with AID approval, do not indicate a serious determination on the part of Cambodia to survive relentless military pressures by the Communist forces that already occupy huge chunks of the Cambodian countryside.

The committee report calls for massive reforms of the U.S. economic assistance program for Cambodia and warns against continued abuses in expending U.S. tax dollars for luxury goods for Cambodians. The report states (p. 4):

• • • U.S. officials made it clear in their testimony that economic assistance to Cambodia was to be limited to supplying essential commodities needed to meet the minimal import needs of the Cambodian people. The fact remains, however, that AID's concept of essential assistance appears to contain too much of a "luxury" flavor. The Government of Cambodia is, or should be, fighting for its political and economic survival. The U.S. has agreed to assist it. In doing so, however, it neither benefits Cambodia nor future U.S. public support for U.S. economic assistance if a "business-as-usual" attitude is maintained.

The report states (p. 7):

If Cambodia desires to obtain economic assistance for the maintenance of a "business-as-usual" victory, it should approach affluent neighbors and trading partners. The United States can no longer sustain such affluent practices, especially in light of its tenuous international economic conditions. The sooner the Department of State and the Agency for International Development, as well as other nations, recognize this fact the better off the American economy will become.

The subcommittee's investigation uncovered the fact that part of U.S. aid commodities shipped to Cambodia were being reinsured by a Soviet state-owned insurance company. AID officials admitted in testimony that such Soviet-bloc companies could well be providing such insurance for millions of AID-financed commodities in the Far East.

Mr. Speaker, the committee report is also highly critical of the role of the Cambodian exchange support fund as a device to finance needs of the Cambodian civilian population. Last December, the committee issued a report showing wide corruption and administrative failure of a similar fund in Laos, the foreign exchange operations fund. (See RECORD, page 21211, June 15, 1972.)

The present report also calls upon the administration to collect, as soon as possible, the $2 million owed to the United States by the Cambodian Government in delinquent claims from the pre-1964 U.S.-financed assistance program to Cambodia.

The report likewise criticizes certain project assistance to Cambodia, not authorized by Congress, and the use of economic assistance funds for military purposes, clearly prohibited by the Foreign Assistance Act.

Most of us have supported foreign aid programs in the past, Mr. Speaker, but it becomes increasingly difficult when there is so much waste and bungling such as that we have uncovered during our Cambodian investigation and failure by AID officials to keep faith with Congress to do what they tell us they will do.

AID officials became so obsessed with "stabilizing" the Cambodian economy and installing "economic reforms" that—even before Congress appropriated fiscal year 1972 funds—AID officials gave $20 million of U.S. tax dollars to Cambodia as a no-strings-attached gift. Of that amount, $10 million was to "buy" devaluation of the Cambodian currency. The other $10 million was to encourage Cambodian officials to establish an "exchange support fund" so that AID officials would be able to give away American taxpayers' dollars to Cambodia for those kinds of goods that AID could not—legally—finance out of its commodity import program from the United States. Virtually all of that business went elsewhere; goods were imported from other nations and benefited foreign workers and foreign industries, not American producers or American workers.

Mr. Speaker, in a short time it is difficult to summarize the many shockingly incredible findings of waste and corruption in the Cambodian assistance program that are documented in our 61-page report. Copies may be obtained from the subcommittee office—extension 5-3741.

I ask unanimous consent to insert at this point the recommendations for cleaning up the Cambodian AID mess, as contained in our report:

III. RECOMMENDATIONS

The committee recommends that the Secretary of State, the Administrator of the Agency for International Development, and the appropriate committees of Congress:

1. Reexamine the desirability and acceptability of committing U.S. financial resources to the Exchange Support Fund for Cambodia.

2. Reexamine the desirability and acceptability of preferential exchange rates for U.S. financed commodities for Cambodia.

And, the committee further recommends that the Secretary of State and the Administrator of the Agency for International Development take immediate action to:

3. Collect, as soon as possible, the $2 million due from Cambodia for irregularities in the pre-1964 U.S. assistance program to Cambodia.

4. Assign experienced, well-qualified personnel to determine specific essential commodity needs of the Cambodian civilian population and to adequately audit and monitor U.S. economic assistance in Cambodia.

5. Redirect the U.S. economic assistance for Cambodia into a true U.S. source commodity import program limited to minimal essential import needs of the Cambodian civilian population as clearly intended by Congress. Full consideration should be given to utilizing authority granted in titles I and II of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

6. Arrange to the maximum extent practical for prompt procurement of U.S. financed commodity needs for Cambodia by full use of other U.S. government agencies, such as the General Services Administration.

7. Insure that U.S. economic assistance is not used for project funding, or to meet military needs in Cambodia—either directly or indirectly—unless specifically authorized and funded by Congress.

SALUTE TO EDUCATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, now that we have approved and sent to the White House a landmark higher education bill, it seems appropriate that we should address ourselves to the Salute to Education being planned by the National Education Association for June 21.

I am pleased to join in this Salute to Education because the primary thrust of it is a salute to that most outstanding and precious individual in our midst, the dedicated and devoted teacher.

I have fond memories of several teachers, going back to my high school days. These were teachers who would have had a tremendous impact on my life whether the classroom in which they held forth was excellently equipped or poorly furnished. It was the personality and the spirit of the teacher that sparkled. They loved to teach, and they found every boy and girl a challenge—an individual to be inspired to achieve his greatest potential.

This, of course, is the basic objective of education—to develop the potential of the young, to encourage them to accept responsibility and to channel their creative idealism productively—for the good of themselves, their families, their community, and the Nation.

Many of our teachers are doing an excellent job. This is one of the reasons young people today are more knowledgeable about national and international affairs than was any previous generation.

In my view, the teacher is the most important individual in a community. It is he or she who is entrusted with the most precious resource our community and Nation possess—our young people. So it is that teachers need to be dedicated, inspirational, judicious, patient and firm. Theirs must be the spirit of genuine dedication, and this must be the spirit of education.

I hope this spirit of dedication will spread ever farther and faster as we carry out this month this Salute to Education and to our Nation's teachers.

LATVIA, LITHUANIA, AND ESTONIA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, 32 years ago this month the Soviet Union invaded Latvia, Lithuania, and Estonia and took over these peace-loving Baltic republics. In June of 1941 the Soviet Union began mass deportation of the Baltic peoples, sending more than 150,000 Latvians, Lithuanians, and Estonians to slave labor camps in Siberia.

Since June of 1940, Lithuania, Latvia, and Estonia have lost more than one-fourth of their combined populations through the deportation and resettlement programs of the Soviet Union. According to the National Executive Committee of the Lithuanian American Community of the USA, Inc., this practice continues even today, with no end in sight.

Lithuania's Roman Catholics appear to be the primary target of the Soviet Union's repressive actions. Two recent events point up their plight.

In March 1972 a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signers were appealing to the United Nations to relay their protest to Leonid Brezhnev, secretary-general of the Russian Communist Party, because three previous letters to Brezhnev had gone unanswered.

A few days before President Nixon's visit to Moscow last month, a young Lithuanian burned himself to death after dousing his clothes with gasoline. His funeral in Kaunas, Lithuania's second city, touched off 2 days of riots involving mainly young people shouting "Freedom for Lithuania." It is said that 200 of the demonstrators are in jail awaiting trial.

Mr. Speaker, the Soviet Union has signed the U.N. Declaration of Human Rights. The United States and other free world nations should urge the Kremlin to make the rights described in the declaration available to the Balts and other captive peoples. If the Soviet leaders had the courage to carry out such reforms there would be no acts of self-immolation to shock the conscience of the world.

THE LATE HONORABLE PHIL J. PHILBIN

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, all of us who knew him mourn the death of former Congressman Phil J. Philbin.

Phil was a fine man, and a good personal friend of mine. He served in this House for 28 years and performed conscientiously on the House Armed Services Committee, which he headed for a few days after the death of L. Mendel Rivers.

Phil was not just a good-natured grey eminence. He lived quite a colorful life. While attending Harvard University as a youth, Phil was a spirited debater and a rugged center on the last Crimson football team to play in the Rose Bowl. Incidentally, that team defeated Oregon for Rose Bowl honors.

After receiving his degree from Harvard, Phil became line coach at Columbia University under former Harvard coach P. D. Houghton. While coaching, Phil resumed his studies and earned a law degree.

In Massachusetts, Phil was an attorney, a businessman and a farmer. He also served as secretary, campaign manager and personal representative to U.S. Senator David L. Walsh.

Before coming to Congress, Phil served as special counsel to the Senate Committee on Education and Labor, referee with the U.S. Department of Labor, and member of the advisory board of the Massachusetts Unemployment Compensation Commission.

First elected to the House in 1942, Phil served under six presidents and served in the House with three men who later became president—John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon.

Mr. Speaker, we will all miss Phil Philbin especially those of use who knew him well. He was a gentleman and an all-around great guy. I extend my condolences to his two daughters.

The House has lost an outstanding legislator and the Nation a real American.

COOLEY'S ANEMIA—A FACT SHEET

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Cooley's anemia presently afflicts about 200,000 persons in the United States, and tragically most of them are children. The disease, specifically identified about 1925 by Dr. Thomas B. Cooley, is a disorder of the hemoglobin of the blood and is transmitted generically. The victims of this disorder suffer malformed development leading to brittle, easily broken bones and alteration of facial appearance. In most instances, death occurs before the 20th year.

The existing programs in the research of the causes and possible cure for this disease are totally inadequate. There is no known cure. Treatment consists solely of the frequent administration of costly blood transfusions to alleviate the constantly recurring anemia. These research programs must be given adequate monetary resources to carry their activities to positive effect. Earlier this year, I introduced H.R. 14109, National Cooley's Anemia Control Act, to provide $7.1 million for research, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia. I urge my colleagues to support this necessary legislation.

I commend the following excellent concise fact sheet prepared by the Life Sciences Division of the Library of Congress to the attention of my colleagues:

COOLEY'S ANEMIA: A FACT SHEET

Cooley's anemia is an inherited blood disease characterized by a diminished production of hemoglobin, the substance in red blood cells which enables them to carry oxygen to the tissues of the body. The result of this inadequate production of hemoglobin is a particular form of anemia. Dr. Thomas B. Cooley, an American physician, discovered and labeled this disease around 1925.

Cooley's anemia, also known as Mediterranean anemia or thalassemia major, is found in children whose ancestors were natives to the countries surrounding the Mediterranean Sea. In America, these children are of predominately Greek and Italian origin, although because of widespread intermarriage the disorder is also found in children of Irish, Scandinavian, Jewish, Oriental, and Turkish descent.

There are two forms of Cooley's anemia: the severe form, called thalassemia major; and the carrier or trait form, thalassemia minor. The difference between these forms depends on whether the individual has inherited half or all of the genetic code or defective hemoglobin synthesis from his parents. Following Mendelian laws, two carriers of the trait who marry may have the possibility of producing the trait in 50% of their offspring, and the disease, Cooley's anemia, in 25% of their offspring.

Individuals with the carrier form of thalassemia minor are not handicapped with any physical defects; in fact the only physical sign or symptom of the trait may be a change in the size and shape of the red blood cells. Individuals with the carrier form of the disorder have a normal life span and enjoy normal health. The trait (thalassemia minor) never increases in severity or converts to the severe form of the disease. At present the chief methods of detecting the carrier form involve a number of hematologic tests including electrophoresis.

Thalassemia major is usually detectable during the first year of life; its early signs include pallor, listlessness, loss of appetite, and irritability. An examination of the victim's blood will show changes in the size, shape, and numbers of red blood cells, and a variety of abnormal characteristics in special properties of the blood cells, in addition to severe anemia. Individuals with thalassemia major rarely live beyond the age of 20, and from their first year of life may have to undergo blood transfusions almost daily in order to maintain a blood count sufficient for survival. The anemia itself is basically caused by a reduction in the rate at which red blood cells are formed in the bone marrow and released to the blood stream. In Cooley's anemia, these defective red blood cells do not survive more than one-third to one-half of the life span of normal red blood cells. There is often an enlargement of the spleen which causes further complications in the rate of blood cell production. The anemia created from this low rate of production leads to severe handicaps in its young victims. Cooley's children tend to be small for their age because bone growth is poor. In addition, they suffer malformed bone development leading to brittle, easily-broken bones and an altered, somewhat monogoloid, facial appearance. The child afflicted with Cooley's anemia cannot usually engage in strenuous physical activities since the anemia causes fatigability.

There is no know cure for Cooley's anemia. At present the only effective treatment is supportive therapy such as the administration of blood transfusions to alleviate the constantly recurring anemia. Some children require transfusions several times a week; some very rarely. Besides the inconvenience of these transfusions, they also add the prob-

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lem of creating excess amounts of iron in the body which then collects in the liver, heart, pancreas, and other vital body organs. This iron overload may eventually lead to failure of the liver, pancreas and endocrine organs, and heart. There are chemicals that can remove this excess iron, but those presently available are too toxic for clinical use.

There are no statistics available on the exact number of cases of Cooley's anemia in the United States. It is estimated though that there are around 200,000 individuals in this country who are carriers of the trait.

TAXING ART

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 30, I introduced H.R. 15215 to rectify what is clearly a significant inequity in the charitable contributions sections of the Internal Revenue Code. Under present tax laws, an artist who donates any of his artistic works to a museum or to any charitable organization is permitted to deduct only the cost of the materials he used to create it. Thus, if a painter donates any of his paintings, he may deduct only the cost of his canvas, paint, and other materials, regardless of the worth of the painting on the market. If a composer creates and contributes a musical score, he may deduct only the value of the supplies he used to write that score.

My legislation would correct this inequity by permitting the artist to deduct the full fair market value of a literary, musical, or artistic composition which was created by his personal efforts and which he has donated to a charitable organization. If passed, this proposal would help not only the many thousands of artists who today are unable to deduct the full market value of their creations, but the museums and the viewing public who would benefit from such donations.

I am pleased to have editorial support for this legislation. I would like to include at this point an excellent editorial from the Trumbull, Conn., Times, which concisely sums up the issue at hand, and the need for reform.

TAXING ART

In this season when presidential candidates are stomping one another in the race to see who can find more tax loopholes to close, Connecticut Fifth District Congressman John S. Monagan is surely running counter to the prevailing wind when he proposes to open one.

Not only is the Waterbury Democrat displaying courage, he is also making sense.

Mr. Monagan wants to change a section of the income tax laws which states that an artist who donates a painting, a sculpture, a manuscript, or a musical score to a museum or charitable organization may only deduct the cost of the materials used to create it.

In other words, Michaelangelo, supposing he were alive and here, could substract only the price of the marble used as the raw material of his recently abused Pieta if he desired to donate it to the Metropolitan Museum of Art.

Leonardo Da Vinci would only recoup the value of a few square feet of canvas and perhaps a few pints of paint, if his gift was the Mona Lisa.

Ernest Hemingway would hardly find it worthwhile to mention the typing paper he uses for the first draft of "Farewell to Arms," nor would Beethoven get much satifaction from listing the parchment on which he scored the "Fifth Symphony."

With all respect to the Internal Revenue Service, it is not the material that matters, but the genius of the artist which shapes it into a thing of beauty, a masterpiece that will inspire men for ages to come.

When a man parts with such a creation for the benefit of others, he deserves due credit for the sacrifice he makes.

Mr. Monagan would allow him to deduct the full market value of his composition.

How does one assess the value of a masterpiece?

The question is difficult but not impossible to answer. Another artist or a connoisseur should make the appraisal. One thing is sure. It will come to more than the going rate for canvas—or typing paper.

HURRICANE AGNES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am concerned at information reaching me about inept reporting on Hurricane Agnes by the Weather Bureau in the northwest Florida gulf coast area. Apparently the hurricane was portrayed as much more dangerous than it proved to be. Now it must be said for the Weather Bureau that they seek to save lives and property and this is what they should do. Yet the reports which were received in the local area and the resulting calls for evacuation frightened many people unduly. These situations can readily produce a panic situation. It produced a serious adverse effect upon the local economy at the height of the summer tourist season.

Local sources have advised me that winds which were reported nationwide, were stated to be 85 miles per hour in velocity when they actually were clocked locally at 45 miles per hour. This is not good publicity for any community.

There were spotty reports and for long periods nonexistent reports during the period just before the storm struck, nor was there up-to-the-minute reporting during the progress of the storm over land.

Possibly the storm was not a hurricane during its passage through upper gulf waters, but a tropical disturbance, a very important difference. This faulty reporting could have resulted from failure to send out a sufficient number of hunter planes to obtain accurate information on the force and progress of the storm.

I expect a full accounting from the Weather Bureau on this matter and if the statements which have been reported to me are substantiated, I will seek an investigation into this phase of Weather Bureau services.

THE GREAT WIRETAP AFFAIR—FROM THE FOLKS WHO BROUGHT YOU ITT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, it is a measure of how far we have come in the past 4 years that no one was really very surprised by the newspaper accounts this morning of the arrest of five men who were hired to bug the Democratic National Convention.

Increasingly over the past 4 years, President Nixon's projected "father image" has come to resemble a "big brother" image.

The Nixon administration has taken the position in congressional testimony and in court that electronic surveillance is a useful weapon in the Government's arsenal to deal with criminal elements and with individuals or organizations considered by the Attorney General to represent a threat to the Government and political system of the United States.

There are those who might argue that some of our Attorneys General are a greater threat to the Government and political system than the groups they seek to monitor.

Senator ERVIN's hearings last year disclosed widespread electronic eavesdropping by the Army, directed at all kinds of public and private figures, most of whom became candidates for official snooping by virtue of their opposition to the war in Vietnam.

And now, with these latest arrests, it appears that mere opposition to the reelection of President Nixon is sufficient to open people's private lives to official scrutiny.

Needless to say, we can expect to hear indignant disclaimers from administration spokesmen to the effect that these five men were acting on their own, without the authorization or knowledge of the administration or of the Republican Party.

Their disclaimers will enjoy about as much credibility as ITT received when it explained that Dita Beard's files were shredded overnight as part of a general office cleanup.

It is not mere coincidence that one of the men arrested has been affiliated with the CIA and was named by the Republican National Committee to direct convention security for the Republicans in Miami. It is not mere coincidence that one of the men arrested has a history of doing undercover work for hire at the request of the White House.

Mr. Speaker, it is apparent that the Nixon camp has forgotten which end is supposed to be up in a democratic government. Governments exist to serve the people, not to enslave them. Governments ought to work to eliminate fear, not to instill it.

I am hopeful that the chickens will come home to roost in November, when the voters of America will remind Richard Nixon just how much his administration bugs us all.

THE IMPORTANCE OF EDUCATION IN A FREE SOCIETY

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, a free, self-governing society, if it is to remain so, requires a broadly educated citizenry. In a society where the policymaking power is wielded by the people, the people must be well educated for the Nation to be governed in a wise manner.

This characteristic of our society has been recognized since the initial days of the Republic, and has spurred us to create the most extensive and generously financed education system on earth. Americans have always pursued education with an almost religious fervor. Yet, in order to maintain a society that is truly free, the quality and type of education is even more important than the size of the system. I believe our education leaders have been successful in providing us with quality educational programs while, at the same time, accommodating ever-increasing numbers of students. I believe it is good for us to pause from time to time and pay tribute to those people who have contributed so much toward making our system what it is today. Teachers, administrators, and everyone associated with education are to be commended for their dedication and service to their Nation.

This is certainly the proper time of year to offer a "Salute to Education." To the teachers and other personnel in my congressional district and State I want to thank you for your efforts this past year and offer my continuing support during the coming years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BRASCO (at the request of Mr. O'NEILL), for Monday, June 19, and Tuesday, June 20, on account of official business.

Mr. CORMAN, for today on account of official business.

Mr. MURPHY of Illinois (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. RANGEL (at the request of Mr. O'NEILL), for Monday, June 19, and Tuesday, June 20, on account of official business.

Messrs. KEATING and SANDMAN (at the request of Mr. GERALD R. FORD), on account of official business with the Select Committee on Crime.

Mr. WINN (at the request of Mr. GERALD R. FORD), for June 19 and 20, on account of official business with the Select Committee on Crime.

Mr. PREYER of North Carolina (at the request of Mr. MAZZOLI), for today, on account of official business.

Messrs. FOUNTAIN and HENDERSON (at the request of Mr. MAZZOLI), until 2 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KEE, for 30 minutes, today, and to revise and extend his remarks.

Mr. HOLIFIELD, for 20 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MALLARY), to revise and extend their remarks, and to include extraneous matter:)

Mr. HALPERN, on today, for 5 minutes.

Mr. SCHWENGEL, on today, for 30 minutes.

Mr. WYMAN, on today, for 5 minutes.

Mrs. HECKLER of Massachusetts, on today, for 10 minutes.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks, and to include extraneous matter:)

Mr. ASPIN, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. ROY, today, for 10 minutes.

Mr. FAUNTROY, today, for 5 minutes.

Mr. BEGICH, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD, on his special order today.

Mr. STEED to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

Mr. MOORHEAD, and to include extraneous material with his remarks today in the Committee of the Whole.

(The following Members (at the request of Mr. MALLARY, and to include extraneous matter:)

Mr. ROBISON of New York.

Mr. HALPERN in three instances.

Mr. SPRINGER in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. CHAMBERLAIN.

Mr. CONOVER in two instances.

Mr. BROOMFIELD.

Mr. ZWACH.

Mr. HOSMER in two instances.

Mr. MCDADE.

Mr. WYMAN in two instances.

Mr. LENT in three instances.

Mr. WYATT.

Mr. DERWINSKI in two instances.

Mr. KEMP in two instances.

Mr. GOLDWATER.

Mr. MCKINNEY.

Mr. LANDGREBE in two instances.

Mr. BOB WILSON.

Mr. GUDE in five instances.

Mr. PRICE of Texas in two instances.

(The following Members (at the request of Mr. MAZZOLI), and to include extraneous matter:)

Mr. DENT.

Mr. ULLMAN in five instances.

Mr. O'NEILL in two instances.

Mr. ROYBAL in 10 instances.

Mr. MACDONALD of Massachusetts in three instances.

Mr. BIAGGI in 10 instances.

Mr. MINISH.

Mrs. GRIFFITHS.

Mr. REES.

Mr. JAMES V. STANTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HUNGATE.

Mr. HAGAN.

Mr. BRINKLEY.

Mr. HANNA in five instances.

Mr. BEGICH.

Mr. ROE in two instances.

Mrs. HICKS of Massachusetts in three instances.

Mr. HAMILTON in 10 instances.

Mr. ANDERSON of Tennessee.

Mr. ICHORD.

Mr. DAVIS of Georgia in five instances.

Mr. STOKES.

Mr. WOLFF in two instances.

Mr. CELLER.

Mr. DRINAN.

Mr. WALDIE in six instances.

Mr. JACOBS in two instances.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention Control Act of 1968; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S. J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 15, 1972:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

On June 19, 1972:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

On June 20, 1972:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to

enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2093. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971–March 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2094. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a determination by the Secretary of State permitting an increase in military assistance for Ethiopia, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2095. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

2096. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend section 707 of the Social Security Act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2097. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Government National Mortgage Association for fiscal year 1971, Department of Housing and Urban Development (H. Doc. 92–313); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on defaults on FHA-insured home mortgages, Detroit, Mich. (Rept. No. 92–1152). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15003. A bill to protect consumers against unreasonable product hazards; with an amendment (Rept. No. 92–1153). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 1021. A resolution providing for the consideration of H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation (Rept. No. 92–1154). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15507. A bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes (Rept. No. 92–1155). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 15587. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 15588. A bill to amend the Disaster Relief Act of 1970 to provide aid to public recreation facilities; to the Committee on Public Works.

By Mr. EVANS of Colorado:

H.R. 15589. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 15590. A bill to provide for the safety of motor homes, campers, and mobile homes in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 15591. A bill to amend the Railroad Retirement Act of 1937 to provide for the payment of spouse's and widow's annuities to certain divorced wives of retired or deceased employees; to the Committee on Interstate and Foreign Commerce.

H.R. 15592. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts (for herself and Mr. PODELL):

H.R. 15593. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr. ASPINALL, Mr. HUNT, Mr. ZION, Mr. HUTCHINSON, Mr. STEIGER of Arizona, Mr. HOGAN, Mr. SCHMITZ, Mr. GOLDWATER, Mr. DAVIS of South Carolina, Mr. MATHIS of Georgia, Mr. SPENCE, Mr. MONTGOMERY, Mr. COLLINS of Texas, Mr. ROY, and Mr. ROUSSELOT):

H.R. 15594. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. COLMER, Mr. BURLESON of Texas, Mr. RHODES, Mr. HULL, Mr. BROOMFIELD, Mr. LENNON, Mr. COLLIER, Mr. ROBERTS, Mr. KING, Mr. HENDERSON, Mr. PIKE, Mr. ASHBROOK, Mr. BURLISON of Missouri, Mr. CHARLES H. WILSON, Mr. CLEVELAND, Mr. BROYHILL of North Carolina, Mr. VANDER JAGT, Mr. KUYKENDALL, and Mr. THOMPSON of Georgia):

H.R. 15595. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. KEE (for himself and Mr. SCHWENGEL):

H.R. 15596. A bill; non-point source pollution from agricultural, rural and developing areas; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 15597. A bill to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 15598. A bill to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian fork and to the eastern boundary of Oklahoma as it existed at the time of the Treaty at Doak's Stand, October 18, 1820, 7 Stat. 210, Proclamation, January 8, 1821, and lands accreted thereto and lands which have since emerged by evulsive action; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 15599. A bill to provide that the terms of pension, retirement, and similar insurance plans which call for different retirement ages for men and women shall be unlawful; to the Committee on Education and Labor.

By Mr. BOB WILSON:

H.R. 15600. A bill to provide retroactive pay to certain members of the Armed Forces held as prisoners of war during World War II; to the Committee on Armed Services.

H.R. 15601. A bill to amend section 410(a) of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 15602. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 15603. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 15604. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 15605. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 15606. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. HOSMER, Mr. CHARLES H. WILSON, Mr. DULSKI, Mr. MCKINNEY, Mr. STEELE, Mr. KEITH, Mr. ANDERSON of California, Mr. VAN DEERLIN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. BELL, and Mr. LEGGETT):

H.R. 15607. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. HOSMER, Mr. CHARLES H. WILSON, Mr. DULSKI, Mr. MCKINNEY, Mr. STEELE, Mr. KEITH, Mr. ANDERSON of California, Mr. VAN DEERLIN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. BELL, Mr. LEGGETT, and Mr. DIGGS):

H.R. 15608. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. GRAY (for himself, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. SMITH of California, Mr. O'NEILL, Mr. ANDERSON of Illinois, Mr. MARTIN, Mr. QUILLEN, Mr. LATTA, Mr. ABERNETHY, Mr. WHITTEN, Mr. GRIFFIN, Mr. MADDEN, Mr. MONTGOMERY, Mr. DELANEY, Mr. BOLLING, Mr. SISK, and Mr. YOUNG of Texas):

H.R. 15609. A bill to provide that the Federal building to be constructed in Hattiesburg, Miss., shall be named the "William M. Colmer Federal Building"; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 15610. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 15611. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

By Mr. HOGAN (for himself, Mr. SARBANES, Mr. DELLUMS, Mr. COUGHLIN, Mr. GUDE, Mr. MCKINNEY, Mr. SCHWENGEL, Mr. BROYHILL of Virginia, and Mr. MITCHELL):

H.R. 15612. A bill to amend the Washington Area Transit Authority compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOCH:

H.R. 15613. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. MARTIN:

H.R. 15614. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 15615. A bill to improve the private retirement system by allowing individuals to establish their own pension plans; to the Committee on Ways and Means.

By Mr SCHWENGEL:

H.R. 15616. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Res. 1022. Resolution amending the rules of the Houes by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMMERSCHMIDT:

H.R. 15617. A bill for the relief of Lucie Stein; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 15618. A bill for the relief of Cornelia Lydia Holder Littlejohn; to the Committee on the Judiciary.

SENATE—*Tuesday, June 20, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, before whom the generations rise and pass away, we thank Thee for days that are past and work that is done. We thank Thee now for the new day and for work yet to be done. By Thy strength and in Thy wisdom help us to undertake our tasks as did our forefathers, holding firmly to truth and justice, striving for the better world that is yet to be—

"March on, O soul, with strength,
As strong the battle rolls,
Gainst lies and lusts and wrongs,
Let courage rule our souls:
In keenest strife, Lord, may we stand
Upheld and strengthened by Thy hand."
—GEORGE T. COSTER.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 19, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 829, S. 3715.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 3715, to amend and extend the Defense Production Act of 1950.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(b)), is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1985".

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2166(a)), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–868), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would extend the Defense Production Act of 1950 for 2 years—from the present expiration date of June 30, 1972, to June 30, 1974. The bill would also amend the Defense Production Act by extending from June 30, 1975, to June 30, 1985, the time in which purchase and sales contracts may be entered into concerning materials in the Defense Production Act inventory.

GENERAL STATEMENT

The bill would extend for 2 additional years, through June 30, 1974, the remaining temporary powers of the President under the Defense Production Act of 1950. These include power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans made in connection with defense contracts; authority to make loans and purchases to build up our defense capacity and assure supplies of defense materials and to carry out existing contracts; authority to employ without compensation and when actually employed employees, including advisers and consultants; and pro-

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vision for the establishment of a reserve of trained executives to fill Government positions in time of mobilization. The Act also establishes the Joint Committee on Defense Production.

These powers are scheduled to expire on June 30, 1972. They must be extended. Some of the powers are needed now to maintain production schedules on missiles and all other defense contracts; others are needed for longer range preparedness programs; and other powers must be maintained in readiness for immediate use in possible future emergencies.

The bill would also amend section 303(b) of the act to extend from June 30, 1975, to June 30, 1985, the authority to enter into commitments to purchase materials for the Defense Production Act inventory and sell materials already contained in that inventory. The extension of this restriction is important not only from the standpoint of new purchases which might be contemplated, but it is critical from the standpoint of ongoing disposal programs for the sale of excess Government contracts which would extend beyond 1975. The bulk of the remaining Defense Production Act inventory consists of materials which can best be disposed of through long-term contracts which permit introduction of these materials into markets with minimum disruption. The General Services Administration would be precluded from entering into favorable long-term agreement for the disposal of such excess materials unless this extension is made. The most recent amendment of this section was contained in Public Law 88-343, approved June 30, 1964, which extended from June 30, 1965, through June 30, 1975, the maximum period which these sales could be made.

Hearings were held on two bills to amend the Defense Production Act, S. 669 and S. 1901, on April 12 and 13, 1972. Testimony was received from Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, Hon. Elmer B. Staats, Comptroller General of the United States, and other interested persons. The committee voted unanimously to report this committee bill to the Senate.

PREVIOUS LEGISLATION

The Defense Production Act of 1950 (Public Law 774, 81st Congress, 64 Stat. 799, 50 app., U.S.C. 207) was approved September 8, 1950. The original act contained seven titles:

Title I. Priorities and allocations.

Title II. Authority to requisition.

Title III. Expansion of productive capacity and supply.

Title IV. Price and wage stabilization.

Title V. Settlement of labor disputes.

Title VI. Control of consumer and real estate credit.

Title VII. General provisions.

The various titles of the act were amended, extended, or terminated by the following public laws:

Public Law 69, 82d Congress, approved June 30, 1951 (65 Stat. 110).

Public Law 96, 82d Congress, approved July 31, 1951 (65 Stat. 131).

Public Law 429, 82d Congress, approved June 30, 1952 (66 Stat. 296).

Public Law 94, 83d Congress, approved June 30, 1953 (67 Stat. 121).

Public Law 95, 83d Congress, approved June 30, 1953 (67 Stat. 129).

Public Law 94, 84th Congress, approved June 28, 1955 (69 Stat. 180).

Public Law 119, 84th Congress, approved June 30, 1955 (69 Stat. 225);

Public Law 295, 84th Congress, approved August 9, 1955 (69 Stat. 580).

Public Law 632, 84th Congress, approved June 29, 1956 (70 Stat. 408).

Public Law 85-471, approved June 28, 1958 (72 Stat. 241).

Public Law 86-560, approved June 30, 1960 (74 Stat. 282).

Public Law 87-305, approved September 26, 1961 (75 Stat. 667).

Public Law 87-505, approved June 28, 1962 (76 Stat. 112).

Public Law 88-343, approved June 30, 1964 (78 Stat. 235).

Public Law 89-348, approved November 8, 1965 (79 Stat. 1310).

Public Law 89-482, approved June 30, 1966 (80 Stat. 235).

Public Law 90-370, approved July 1, 1968 (82 Stat. 279).

Public Law 91-151, approved December 23, 1969 (82 Stat. 856).

Public Law 91-300, approved June 30, 1970 (84 Stat. 367).

Public Law 91-371, approved August 1, 1970 (84 Stat. 694).

Public Law 91-379, approved August 15, 1970 (84 Stat. 796).

Public Law 92-15, approved May 18, 1971 (85 Stat. 38).

Titles II and VI terminated June 30, 1953. Titles IV and V terminated April 30, 1953. The remaining powers of titles I (except section 104), title III, and title VII (except sections 708, 714, and 719) under present law will terminate June 30, 1972.

RECORDS OF EMERGENCY LOAN GUARANTEE BOARD

During the hearings on S. 699 and S. 1901, the Comptroller General testified about access to information on the Lockheed loan guarantee. The Comptroller General indicated that while the GAO has received all the data it has requested from Lockheed Aircraft Corp., his office has not been able to obtain certain records of the Emergency Loan Guarantee Board established by the Emergency Loan Guarantee Act (Public Law 92-70). These records involve the information on which the Board relied in approving a $250 million loan guarantee for the Lockheed Aircraft Corp., including several credit analyses of the company prepared by the New York Federal Reserve Bank. The Act requires the Board to make certain statutory findings before approving a loan guarantee, including a finding that the prospective earning power of a loan guarantee applicant furnishes reasonable assurance that the loan will be repaid.

The Comptroller General has testified that the chairman of the Emergency Loan Guarantee Board has clearly violated the Budget and Accounting Act of 1921, as well as other statutes in not giving the GAO access to the aforementioned records of the Emergency Loan Guarantee Board. On the other hand, the General Counsel of the Treasury has written that the Board is not legally required to make such information available to the General Accounting Office.

This committee does not wish to referee a legal dispute between the Comptroller General and the Emergency Loan Guarantee Board. However, there are certain overriding questions of public policy which transcend the legal arguments involved. In view of the highly controversial nature of the Lockheed loan guarantee and the size of the U.S. financial commitment, this committee believes the Emergency Loan Guarantee Board should cooperate fully with the GAO in making its records available. In passing the Emergency Loan Guarantee Act, the committee does not believe that Congress intended to deny to the GAO any information of a type which it has customarily collected in the past from other Government agencies, or authorize GAO access to records which it has not customarily collected in the past from other Government agencies.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The distinguished Republican leader is now recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for not to exceed 15 minutes.

THE ISSUE OF CONGRESSIONAL AUTHORITY AND THE SALT AGREEMENTS

Mr. JAVITS. Mr. President, the SALT agreements now before the Congress represent probably the most important international accords presented for congressional approval since the Versailles Treaty following World War I. I think it is highly significant that the President himself made this analogy, in his remarks to Members of Congress at the White House on June 15. It is an analogy which highlights the authority and responsibility of Congress with respect to these agreements—and the life and death issues they deal with. The SALT agreements are easily the most outstanding achievement of President Nixon's administration—an administration which already had a number of outstanding diplomatic accomplishments to its credit.

Thus far, the role of the executive branch has been primary with respect to these agreements; and its conduct of the complex negotiations leading to the SALT agreements has been excellent. Within the spectrum of the negotiating possibilities, the results must be judged a maximal rather than a minimal achievement.

But, the focus of attention now has shifted to the Congress, and particularly the Senate. In my judgment, the Senate already has played a very important role in success of the SALT negotiations. The great Senate debates of 1968, 1969, and 1970 on strategic arms issues helped importantly to guide the executive branch of our Government and the Soviet Government—for we know that the Soviets avidly read the Senate debates. The issues and the principles which were established and clarified in the Senate debates have now found expression in the SALT agreements.

I urge the President to accelerate the pace of negotiations with the Soviet Union to limit these weapons systems which might be pursued by each as "bargaining chips," so that both sides can avoid expenditures and obligations for new weapons systems which could be justified only as "bargaining chips." The relationship established with the Soviet Union should now be such as to make this entirely feasible.

As the primary role with respect to the SALT agreements now passes to Congress we should consider at the same time Congress role with respect to the vital issues involved in these particular agreements, and the constitutional question of the relationship of congressional and Executive authority on arms agreement and warmaking powers.

I believe that President Nixon by untying our hands on the new offensive weapons systems has consciously created an opportunity for us jointly to restore a good measure of the proper constitutional balance between the Executive and the Congress in national security affairs and thus to reduce the strain which has resulted from the constitutional imbalance which reached crisis proportions with respect to the Vietnam war.

In his June 1 report to the Congress at the conclusion of his trip to the Soviet Union, President Nixon said:

We can undertake agreements as important as these only on a basis of full partnership between the executive and legislative branches of our Government.

This statement, together with the very act of making an immediate report to a joint session of Congress, represents a marked departure from the approach contained in President Nixon's April 26 and May 8 speeches in which he took the position that the strength and authority of the office of the President is the keystone to our national security and morality.

On June 15, in quite a different vein, President Nixon told Members of Congress:

I think that the hearings that you will conduct must be searching because only in that way will you be able to be convincing to yourselves and only in that way will the Nation also be convinced . . . What we are asking for here, in other words, is cooperation and not just rubber-stamping by the House and the Senate. That is essential because there must be follow-through on this and the members of the House and Senate, it seems to me, must be convinced that they played a role as they have up to this point, and will continue to play a role in this very, very important field of arms control.

In the same spirit, on June 19 Secretary Rogers told the Senate Foreign Relations Committee:

We are pleased to know that the Congress plans full consideration of these two documents, both with officials of the Executive branch and with the public. This is a process that is fundamental to our American system.

This new spirit in the executive branch respecting the authority and responsibility of Congress in national security matters could lead to enactment of a war powers bill, settle vexing questions of the invocation of executive privilege and overclassification of documents, and limit the use of executive agreements without congressional consent. It could in this way signal an important transformation in the politics of our Nation and help significantly to restore unity and concord within our deeply divided society. Healing the wounds of Vietnam is an overriding challenge and a necessity to our well-being as a nation.

As the President himself has said in a spirit of respect—cooperation by the Congress does not mean "rubberstamping"—if the Congress is to fulfill its own responsibilities. With respect to the SALT agreements the President has thereby facilitated a responsible and independent role for Congress. The main issue before the Nation is not ratification of the SALT agreements. The treaty and agreement, quite rightly, enjoy overwhelming support in the Congress and will certainly be approved, but the key question is what the United States should do respecting new offensive strategic weapons systems not prohibited by the SALT agreements. What is there to the bargaining chip arguments as to induce Congress to authorize major weapons systems as bargaining chips?

President Nixon and Dr. Kissinger, quite properly, have forcefully stated the sincere view of the executive branch that rapid development of such new offensive strategic systems as the B-1 bomber and the Trident/ULMS submarine system are needed for national security—and especially as "bargaining chips" for the next round of SALT negotiations.

But quite significantly, Dr. Kissinger, speaking for the President respecting the relationship between the SALT agreements and the new arms requests, said:

Our position is that we are presenting both of these programs on their merits. We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs, and we hope that the Congress will approve both of these programs as it examines each of them on its merits.

In this respect, the President has left us free by untying our hands on the new weapons systems issue for the next 5 years. It is a tribute to the President, as well as to the Congress that he has chosen to do this, without of course sacrificing his own right of advocacy and persuasion.

Together with some of my colleagues, I approach the need as well as the prudence of pushing ahead with expensive new offensive strategic weapons systems with concern and doubt. I shall, of course, reserve final judgment on each system respectively pending full investigation of all the pertinent considerations respecting each system.

The reasons for my skepticism concerning the need to push ahead now with new offensive weapons systems, as well as my concern regarding the efficacy of such measures as "bargaining chips" for SALT II, found expression in Dr. Kissinger's own extraordinary briefing of June 15. On that occasion, Dr. Kissinger told us:

But to the extent that balance of power means constant jockeying for marginal advantages over an opponent, it no longer applies. The reason is that the determination of national power has changed fundamentally in the nuclear age . . . now both we and the Soviet Union have begun to find that each increment of power does not necessarily represent an increment of usable political strength. With modern weapons, a potentially decisive advantage requires a change of such magnitude that the mere effort to obtain it can produce disaster. The simple tit-for-tat reaction to each other's programs of a decade ago is in danger of being overtaken by a more or less simultaneous and continuous process of technological advance, which opens more and more temptations for seeking decisive advantage. . . . In other words, marginal additions of power cannot be decisive. . . . There was reason to believe that the Soviet leadership might also be thinking along similar lines as the repeated failure of their attempts to gain marginal advantage in local crises or in military competition underlined the limitation of old policy approaches.

Later on in his briefing, Dr. Kissinger told us:

As long as it—ABM Treaty—lasts, offensive missile forces have, in effect, a free ride to their targets. Beyond a certain level of sufficiency, differences in numbers are therefore not conclusive.

Dr. Kissinger also told us:

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

It is evident that the issue resolves down to the question of basic judgments respecting the best way to enhance our national security and strengthen the structure of world peace. As a Senator and member of the Foreign Relations Committee, I am deeply gratified by the approach taken by President Nixon in the SALT agreements and in his attitude of partnership with the Congress.

It is the duty of Congress to reciprocate and to join with the President in finding the best means to protect our security. Equally, we must respond to the offer of partnership by seeking a new stability of relationship between Congress and the Executive on national security issues. I hope the new partnership can be consummated by enacting, with Presidential concurrence, the War Power Act recently adopted by the Senate.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.). Under the previous agreement, the Chair lays before the Senate S. 3617, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 760 (S. 3617), a bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK), which the clerk will report.

The legislative clerk read as follows:

On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.

On page 18, line 8, beginning with the word "except" strike out through line 10.

On page 20, between lines 3 and 4, insert the following new paragraph:

"(2) In the event that a state has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraphs (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."

On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

The ACTING PRESIDENT pro tempore. The Chair will state that debate on this amendment is limited to 1 hour, to be equally divided and controlled by the Senator from Colorado (Mr. DOMI-

NICK) and the Senator from Wisconsin (Mr. NELSON) or his designee.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1251

Mr. DOMINICK. Mr. President, I yield myself 15 minutes and call up my amendment No. 1251.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

The legislative clerk read the amendment (No. 1251) as follows:

On page 16, lines 5 and 6, beginning with the word "which" strike all through the word "sponsor" in line 6.

On page 18, line 8, beginning with the word "except" strike out through line 10.

On page 20, between lines 3 and 4, insert the following new paragraph:

"(2) In the event that a State has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraph (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area."

On page 20, line 4, strike out "(2)" and insert in lieu thereof "(3)".

Mr. DOMINICK. Mr. President, the committee, in drafting the legislation which we have before us, foresaw and provided for the possibility of two or more local applicants seeking designation as the prime sponsor to serve the same area, insofar as the child development facilities may be concerned. What they did not do, however, was to make any determination, except by implication, as to what should be done where a State and local applicant also applied to be the prime sponsor in any given geographical area.

It strikes me that, instead of setting up a predetermination, which the committee bill has in fact done, to see that whenever there is an application by a local sponsor for a geographic area and by the State which would cover the same area, the local sponsor would succeed in this, what we really should do is give the Secretary the discretion to select, from among competing applicants, the one which he determines has the capability of more effectively carrying out the purposes of the title. This amendment reaches that result.

If my distinguished friends from Minnesota and Wisconsin will follow the amendment, they will see that what we have stricken is the material which would give at least an implied priority to the local sponsor—material which really does not give the Secretary any discretion because of the use of the key words within those lines and which in effect say that the Secretary will have to move forward with a local application regardless of whether it happens to be the most effective person or group to sponsor the child development programs within that area.

What we have done, therefore, is to say that the State is going to be the last one that will be really considered; that a local applicant will probably be chosen, in case there is a conflict between the State and the local applicant; and in fact that, if there is a conflict between two local applicants, the probability is that the first one in will be the first one chosen regardless of whether that local applicant happened to be the most effective or not.

Mr. President, the bill in its present form mandates the selection of local applicants over State applicants if the Secretary determines that the local applicant has the capability of carrying out comprehensive programs and has submitted a satisfactory plan.

The word "capability" is, to say the least, a word of considerable ambiguity. Someone may have capability to do something but never, as the Senator from Wisconsin and the Senator from Minnesota were saying yesterday, develop the potential to carry it out. They can have capability to do all kinds of things, but they may not have the potential for actually carrying out that capability.

In addition to all this, it operates to the exclusion of State applicants, which cannot be designated as prime sponsors if the area is "otherwise served by a prime sponsor" or if the local applicants "are or will be otherwise designated" as prime sponsors for the area.

The clear implication is that local prime sponsors must be selected if they satisfy minimum requirements described in such terms as "capability" and "satisfaction."

As I said, Mr. President, "capability" to my mind is a hazardous guess at best from the children's point of view; and "satisfactory" is a standard which I would neither urge nor accept against which child development should be judged.

We are talking about legislation which authorizes an expenditure level of $2.95 billion over 3 years—even more than the level of expenditure of the bill that was vetoed by the President last year. It seems to me that if we are going to move forward in terms of expenditures of this magnitude, we should put into the bill more than just the question of whether programs are satisfactory in order to give the Secretary the discretion to determine which sponsor, in case of competing applications, can be more effective. This discretion, as I have stated, is not given to him at the present time, particularly if the State happens to have applied.

I want to make it clear that I am not advocating a complete system of State prime sponsorship; indeed, Secretary Richardson testified that he had no such intention. Certainly some areas will best be served by local prime sponsors, and others, because of the scope and comprehensiveness of the services envisioned, would require State prime sponsorship, so that the State agencies can fit together the various services which they already have within their areas. What I am advocating is that the Secretary be allowed to translate that $2.9 billion into the maximum benefit possible to serve the purposes for which the bill was intended.

The thrust of this amendment, therefore, is to allow the Secretary to make the quality of the programs and the maximization of benefits to the children the criteria against which prime sponsors will be designated. To do otherwise is to allow unfounded preconceptions and conjecture to distort a judgment which should only be based on program and quality and delivery ability.

The same logic which impelled the committee to this conclusion with regard to competing local prime sponsors should persuade the Senate now to an identical conclusion with regard to local prime sponsors and the State competing for prime sponsorship. If we are going to do it in the first case, then the logic which led the committee to provide for that should also lead the committee and the Senate to do the same in the case of competing State and local prime sponsors.

Mr. President, how much time do I have left of my 15 minutes?

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 4 minutes remaining.

Mr. DOMINICK. Of the 15?

The ACTING PRESIDENT pro tempore. Of the 15.

Mr. DOMINICK. I withdraw that time, and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON. Mr. President, I yield the Senator from Minnesota whatever time he may require.

Mr. MONDALE. Mr. President, the committee, by a very strong bipartisan margin of 14 to 3, rejected this same amendment when it was proposed in committee.

It is the view of the committee, and it was the view of the Senate the last time we acted on this measure, that to the fullest extent possible these child development programs should be locally controlled with a strong voice from parents whose children are in the program.

The measure as it is now before us gives priority to local prime sponsors provided that the population is at least 25,000. The pending amendment would effectively repeal that description and, in the light of the record, threaten to turn this program into a State-administered program under the control of the welfare departments of the various States—a development which the committee considers would be a serious error.

The present proposed statutory system recommended by the committee provides, in effect, that an applying local prime sponsor must have an adequate program. An applying local prime sponsor does not qualify for funding unless the applicant has shown the capability of effectively carrying out the comprehensive programs under this act, a determination which the Secretary of HEW makes. So there is no question about requiring the adequacy and the competency of the local prime sponsor, or of the power of the Secretary to make that determination.

The administration, in testifying, has repeatedly and clearly stated its preference for State administration of these programs. The administration does not want local control. It has repeatedly opposed it. The administration's position suggests that this amendment could result in the naming of 50 States to be prime sponsors, of all these programs, with the possible exception of those in communities of 500,000 or more—because the administration representatives have said on several occasions that communities of 500,000 or more are capable of handling their own programs, and those below that population are not—a conclusion which I think is utterly without support in the record or in the experience of the Headstart program. In fact, I think a much stronger case can be made for turning it just the other way around.

The other point to be made, which was made, I thought, very impressively by the Senator from New York (Mr. JAVITS) the last time we debated this bill in committee, was that the proposed amendment would create a political nightmare for any administration. It would mean that every program could be fought over by applicants at the local level and by State applicants, and the result would be that, without any criteria at all except the words "more effective," Federal Administrators would be left in the middle, trying to decide which of the two or more applicants should be awarded the program. This would be, I think, an absolutely impossible administrative situation, and for that reason as well, the amendment should be rejected.

Finally, it seems to me that Congress has a duty to accept its own responsibilities here, not to try to duck out of the issue of whether we want locally controlled programs or not, and to say as distinctly as it can what it expects the administrative apparatus to be.

That is what the committee has done by an overwhelming margin. We have said that we want local control wherever it can be achieved, provided that the local applicant has established to the satisfaction of the Secretary that it has the capability of effectively carrying out comprehensive programs under this act. That is the issue which we threshed out on the Senate floor during the last debate, and the Senate repeatedly and overwhelmingly voted for local control.

The experience we have had with Headstart, and my own observations in looking at school programs and the rest, convince me that we should be for local control. The original bill as introduced would have permitted a community of any size to apply directly for funding. But in trying to meet some of the objections of the administration, we agreed to a much higher population figure—25,000—which reduces the number of potential applicants from approximately 7,000 under the vetoed bill to 2,000 applicants under this bill.

Therefore, for all these reasons, I am very hopeful that the pending amendment will be rejected.

Mr. NELSON. I yield myself whatever time I may need.

Mr. President, as the distinguished Senator from Colorado knows, we have made several changes in this child care bill since the President vetoed the first one a year ago. We did increase the requirement for population of a prime sponsor from 5,000 to 25,000.

We did one more thing that goes to the concern of the Senator from Colorado: We provided for a five-State demonstration program; that is, five States and not to exceed 5 percent of the population of the country.

It is my feeling that, after we have some experience with these five States in which the State has the total responsibility as a prime sponsor, we may very well then go the route of the State being the prime sponsor in all these programs.

As the Senator from Colorado knows, from a philosophical standpoint, I have no objection to that. I think it is very likely that, in 2, 3, or 4 years, that may very well be the way that Congress will go. But only after we have experience under the demonstration programs authorized in this bill and after the States have developed some expertise in that field, which a majority of the States have not yet done.

So it seems to me that for the purposes of this year and this bill, raising the population requirements from 5,000 to 25,000, the creation of five States, involving not to exceed 5 percent of the population, in which the State will be prime sponsor, is a long step in the direction that the distinguished Senator from Colorado has been advocating for quite some time.

I hope that this amendment will not be adopted and that we will go ahead with the program as agreed upon in the committee, and then reevaluate it again when the authorization period arrives for the next bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMINICK. I yield 5 minutes to the Senator from Maryland.

Mr. BEALL. I thank the Senator for yielding.

I should like to speak to the point just raised by the Senator from Wisconsin. As the author of the amendment that gives the Secretary the discretion to pick five States and make them demonstration projects, I hesitate to enter into too much colloquy with the distinguished Senator, because I do not want to lose this part of the bill. But I think the point he makes really is a point in favor of the amendment offered by the Senator from Colorado.

It seems to me that if it is the desire of Congress eventually to have the States more actively involved in the administration of these programs, as I think they should be, then we had better do it now, before the bureaucracy is built up downtown that is going to resist any effort to get the States involved later. I think history has shown that with the involvement of the Federal Government in various programs at State and local levels, once the Federal role has been established, it is difficult to overcome the tremendous pressures of the bureaucracy with their vested interest in their own programs. It is difficult to reverse directions and, for example, turn over the administration of a program to the States even when the evidence indicates that programs are not being operated and administered as effective as they should be.

It seems to me that if we want to get the control of these programs in the hands of local people, so that we can minimize the redtape, improve program effectiveness, and get the Federal assistance to the areas where the problems are, we had better do it now and adopt an amendment such as that offered by the Senator from Colorado. Otherwise, we will never get the job done.

Mr. NELSON. I yield myself such time as I may require.

Mr. President, as the distinguished Senator from Maryland recognizes, we accepted his amendment in committee as a compromise position. If we accept the amendment of the Senator from Colorado, we do not need the amendment of the Senator from Maryland; because we all know the position of the administration and the Secretary. They would like to have the prime sponsor not be smaller than a city of 500,000. So we do not need the experimental program if we are going to give the Secretary the option to select between two competing prime sponsors, one of them a city of 25,000 or more and the other the State government, with the policy position of the Secretary being that he wants all prime sponsors all to be 5,000 or more, anyway.

Second, as the Senator from Colorado and the Senator from Maryland know, the compromise came about because there was also the question of what agreement we can reach with the House in conference. As the Senator knows, last year the House insisted upon a prime sponsorship of 5,000, and we have moved that up to 25,000 and have gone the experimental route, expecting that if the State sponsorship turns out to be the best method in this competition, Congress may well go ahead in 2 or 3 years and follow the procedure proposed in the amendment from the Senator from Colorado.

Mr. DOMINICK. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 17 minutes.

Mr. DOMINICK. I yield myself such time as I may require.

Mr. President, I have listened to the Senator from Minnesota and the Senator from Wisconsin with considerable interest. The Senator from Minnesota said, to begin with—and so did the Senator from Wisconsin—that this prime sponsorship was going to be limited to units of local government of 25,000 or more.

I submit that all one has to do is to look at page 13 of this bill, where it says who the sponsors can be. It says that a sponsor can be any State or any unit of general local government with a population of 25,000 or more. Then subparagraph (3) says it can be "any unit of general local government—without regard to population." In other words it can be any unit of general government, regardless of size, and the 25,000 limit is not applicable under subparagraph (3);

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and wherever a prime sponsor can show the capability and wants to put its application in, whether it has any size to it or not, it is entitled to as much of a hearing as any unit of 25,000 or more.

But that is not true of the State. Why? Because the Senator from Wisconsin and the Senator from Minnesota have said all the way through, "We want local control." But in a State situation, a prime sponsorship, where it might get this situation granted to it—and I think it is very doubtful that any State ever will—but if it does, then there is the child and family services council, there is the local project committee, there is the local program council; and the State cannot turn around until the local councils have approved what they are going to do, anyhow.

So the State is just as hamstrung by those councils or just as controlled by them or just as much governed by them—whichever way one wants to put it—as is any unit of local government.

So the question of local control, although it sounds great, really does not come into this picture at all; because all units are bound under the direction of the same local councils, whether it is a State, a unit of general government and local government of 25,000 or more, or a unit of local government with no population.

Now the third thing, I think, which is important in this whole miasma go-around is that every bill that comes out of the committee—and I can say this with deep conviction—is designed to downgrade the State government. It is not just this bill. It is not just an OEO bill. It is not just any other bill. Practically every bill is designed to avoid the State government and go directly from the Federal Government to the local government.

For the life of me, I cannot understand why that should be true, when what we should be doing is trying to diversify and control the power of the Federal bureaucratic monstrosity that we have created and get it back to the 50 States where they can use their own expertise to determine what is best to solve the problems in their particular areas.

But that is not what the majority of the members of the committee seem to want to do. What they want to do is in reverse, to go directly from the Federal Government to the local government so that they can control what they will do regardless of what the State does or does not want to do.

Over and over again, I have heard the Senator from Minnesota (Mr. MONDALE) get up and say that we cannot rely on State governments, that we know that they cannot do this or that. He is always careful to exclude his own State government from that——

Mr. MONDALE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. In just a moment, yes. Let me finish my thought. Over and over again, I have heard him saying that on the floor of the Senate——

Mr. MONDALE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. Yes.

Mr. MONDALE. Can the Senator cite me one case where I have said that?

Mr. DOMINICK. I can cite the Senator any number of cases. I do not have the exact words with me now, but I have heard the Senator say them in debate over and over again.

Mr. MONDALE. I have never said that. The Senator from Colorado is not quoting me correctly.

Mr. DOMINICK. If I am wrong, then I will be happy to correct the RECORD.

Mr. MONDALE. I look forward to that.

Mr. DOMINICK. I have heard it not only from that, but in this bill. We had a provision for five experimental States. What happened? Two of the members of the committee said, "We do not want particular States being involved in prime sponsors, so we will put a population deal in so that those States cannot be even considered on an experimental basis." That was adopted. So that those two States could not even be considered by the Secretary on an experimental basis for prime sponsors.

What I am saying to the membership now in the Chamber, and those who read the RECORD, is that we can reverse this trend. We can change this around so that once again the State can be at least on an equal basis with the local governmental unit.

If the State can do a better and a more effective job of putting through these programs than can the local government, I do not see why they should not be given the right to do so. Yet that right is not given to them in the bill as it now stands, and it will not be given to them unless or until we adopt this amendment.

Mr. BEALL. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BEALL. I agree with the points the Senator from Colorado has just made. Let me state one other thing, if the Senator will bear with me, to make a comparison—I do not necessarily like using my own State of Maryland as an example—but under the bill as now written, the State of Maryland has 23 counties, and Baltimore City, all major political subdivisions and generally over the 25,000-population limit. So if, in the State of Maryland, each subdivision wants to create a child development program, they will have at least 24 separate prime sponsors coming to the Federal Government. I would assume, therefore, that the same situation would exist all over the country. So, multiply Maryland's 24, which is a small number, by the 50 States, and we come up with a minimum number of prime sponsors. The alternative is, under the Senator's proposal, for the State of Maryland itself to be a prime sponsor. That does not preclude the local government from participating, because what the State of Maryland would do will be what it does with its educational system. It says, "We are a prime sponsor from the State and we will designate the local school board to administer the child development program." So, in effect, we still have a minimum of 24 local prime sponsors. Rather than all the 24 people having to come to Washington and knock on the Federal door and wait in line with everyone else in the country, we could have one person from Maryland coming to the Federal door and getting the money and going back to the State to distribute the money to its own prime sponsors. Is that not a fair analogy to make?

Mr. DOMINICK. That is perfectly correct, as pointed up by the fact that on the 25,000 basis, which is, as I said, not a binding concept under subsection (3) of page 13 of the bill, we will have 2,100 prime sponsors eligible to apply. They have got to come to Washington and they have to filter them out in between. The only States are the five under the amendment that the Senator from Maryland got in, which was helpful, rather than no State prime sponsorship at all.

Mr. BEALL. I wonder how long it would take if each of the 2,100 prime sponsors went to HEW to get approval for the prime sponsorship; has the Senator any idea?

Mr. DOMINICK. I do not know, because Jules Sugarman, who is certainly not a Republican within this administration, but who is pretty knowledgeable in this field, came up with the statement that it is impossible to operate this unless we have a limit of at least 100,000. He said they do not have enough personnel, or training, or anything else. How in the world could we work it that way, then.

Mr. BEALL. According to a report from a regional health organization in Maryland, they filed an application on the 25th of October last year for participation in a program, which is supposed to be automatic. They are not involved yet, because the application is still making the rounds of the various desks in the bureaucracy. I do not suppose the situation would be much better under this program—probably worse

Mr. DOMINICK. It would probably get buried at the bottom of the pile and it would not see the light of day through the whole time this bill is supposed to be in effect. So I think that the Senator from Maryland has a very good point there.

Mr. President, it just does not make any sense to me to say that we are going, once again, through this role of downgrading the State governments at a time when we are trying to upgrade it, and to say that the State cannot be eligible or allowed to coordinate the programs within their areas, or go to a State agency and say, "These are the resources we have and will you put this around the country so that it works right?" No, we have got all the applicants competing in and saying to the State government, "You do not have any role to play in this, friend, I am very sorry." That is what we are saying under the bill as it is done now.

What I am saying is that five States can operate on an experimental basis if the Secretary decides that this is a good idea and if he wants to do it. Even then, we have a built-in exclusion so that certain States cannot be considered in the five experimental areas.

For the life of me, I do not see why we do not put it on an equal basis so that we can have competition not only as to

capability, but also as to the potential effectiveness of the program. That is exactly what my amendment would accomplish.

I reserve the remainder of my time, Mr. President.

Mr. NELSON. Mr. President, I yield myself whatever time I may need.

In response to the comments of the distinguished Senator from Colorado, about the committee and the members of the committee running down State government, let me say that I have no recollection ever of having heard the Senator from Minnesota (Mr. MONDALE) downgrade State government. He was a distinguished attorney general of his State. He is a great defender of State government. Furthermore, as the Senator knows, one of the strong and persistent supporters of State governments on that question, time after time, has been the Senator from Wisconsin. As I have said to the Senator in the committee, and on the floor, a number of times, the ultimate route is to turn that program over to the State government. I was saying that long before the President gave his first message about revenue sharing, manpower sharing, turning functions back to the State. I was saying that in 1958.

Further, I have not run down State government. I happen to think that the States are the best forms of regional government in the United States, and that all kinds of programs that are being handled now by the Federal Government should be returned to State government and to local government. I have no difference on that philosophical position with the Senator from Colorado. At this point in time, however, a good many States, as to manpower programs, and as to programs like Headstart, have not gotten tooled up to manage it.

As the Senator probably knows, some months ago, when we were holding hearings on the manpower bill, we had half a dozen State employment service State officers before the committee, and there was not, to my recollection, a State manpower council established yet in any one of those States. And that is one of the problems.

The Senator goes on and suggests that, because we support local government, we are against State government. I want to state to the Senator that we have listened to the Republicans for so long telling us how things ought to be put back at the local level that we bought their argument. We find that they have now deserted their position.

I think that these programs can be handled best at the local level and ought to be handled there.

The distinguished Senators from Maryland and Colorado were talking about all of the applications the Secretary would have to deal with. We have 1,400 prime sponsors of Headstart programs now and, when you include delegate agencies, there are 1,700 or more sponsors of Headstart programs now.

The committee bill itself would take a long step toward greater State participation through a very creative and sensible amendment proposed by the Senator from Maryland, to designate five States as statewide prime sponsors in a demonstration program. We think it is a good idea. I do not know why we did not do it sooner.

The Senator from Maryland proposed it. It was accepted unanimously by the committee.

We decided these five States could cover 15 percent of the population of the United States so that we could have a mix of industrial and rural States and the Secretary can conduct the experiment of the proposal for State. We will then have two competing systems to look at. And if it looks best to go by the State prime sponsor route, I will be on the floor with the Senator from Maryland and the Senator from Colorado supporting the turning over of these programs to the State as the prime sponsor. The period has not arrived as yet, in my judgment, because of the lack of experience at the State level. It has not arrived at all from the political standpoint, because as the Senator knows, we could not get by the House on a conference with that proposal.

Mr. DOMINICK. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 8 minutes remaining.

Mr. DOMINICK. Mr. President, I will take such time as I require. I hope that it will not be more than 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I welcome the support of the Senator from Wisconsin on this position, especially in the State government. And I know that the Senator from Wisconsin was a very distinguished Governor of his own State.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, I understand that he believes that these are good units of government. This is what we have been saying for a long period of time. However, the bill does not do that. It says that we cannot do this as far as a State is concerned. We have to give them more time to make sure that they know what they are doing.

We will turn it over to a local unit of government which does not have any idea what they are doing any more than a State does. Do they have more expertise in this field than a State? Perhaps they do. If they do, they should be chosen over the State. However, the States ought to be put on the same basis as a local unit of government so that someone can determine which route is better.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Wisconsin on his own time.

Mr. NELSON. Mr. President, so that the RECORD shows this fact, the proposal in the bill is that localities of 25,000 population can be local prime sponsors. That automatically leaves 60 percent of all the population in the country under the jurisdiction of the States as prime sponsors.

Mr. DOMINICK. Mr. President, the Senator from Wisconsin is somehow missing the point that I have brought up three times, in which subsection (3) on page 13 provides for any unit of general local government or any combination of such units without regard to population. So, any unit of local government, whether it happens to be an incorporated village or a town, could presumably be a sponsor. And the only condition in there is that it has to demonstrate that it has the capability to carry it out and that here is a demand for it in the area. It does not have any population limit there at all.

Mr. NELSON. Mr. President, will the Senator from Colorado yield on my time?

Mr. DOMINICK. Mr. President, I yield to the Senator from Wisconsin on his own time.

Mr. NELSON. Mr. President, I am sure the Senator understands that that is language that would permit a prime sponsor to be a unit of government smaller than 25,000 if the Secretary decides that it is desirable to recognize such units. That is discretionary language. That is to say it would only be done if the Secretary of HEW decides, here in Washington, that the best way to provide programs in that locality is to designate that size of unit of government.

But if the Secretary does not decide that, they are not entitled to be prime sponsors. Whereas units of 25,000 or more, if they meet all of the criteria in the bill, are entitled to preferential treatment—if they meet the criteria showing that they are capable of managing a program and meeting the standards. If they are not, the Secretary does not have to recognize them as the prime sponsor.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I will yield to the Senator from Minnesota on my own time if the Senator from Colorado does not have any objection.

Mr. DOMINICK. Mr. President, I have no objection. However, I want to make a couple of more statements while I have the floor. I think the Senator knows that we are arguing a point that is of great, deep political significance. I think that what we are saying here in the bill is that a unit of local government of 25,000 or more within a State—24 of them around Baltimore, as the Senator from Maryland has pointed out—automatically have more expertise than the State does, and that by so doing and by putting it in that area, they can go ahead with an effective program more effectively than the State, even if the State is set up for it. That is what it says in the bill.

We cannot put a State on a competitive basis with a local unit of government under the bill as it is written. We can only do that if we adopt my amendment.

For the life of me, I cannot see what is wrong with going at least to the extent of saying that a State ought to be on the same basis as a unit of local government. Why not? In my State we have an enormous geographical difference. We have the Rocky Mountains cutting us in half, north and south. The western slope of our area deals in many cases with the eastern slope and sometimes rightly is depriving them of their resources in the way of water. They do not want to operate overall, generally speaking. Maybe

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they would want to have their own unit. But it has a very sparsely settled population. We would not get any unit at all with the exception of one on the western slope that could do this.

Mr. President, if it were the other way, we could get one or two or three over there. However, we cannot do it this way unless we go to the basis of subsection (3) where they do not have to have a population of 25,000. And the minute we do that, we multiply the number of applicants. And the bureaucracy will be such, as the Senator from Maryland so aptly said, that no application will ever see the light of day until the whole authorization bill is passed.

So I cannot understand why we cannot at this point put the applicants on an equal basis and then let the Secretary determine whether it has not only the capability but also the most effective program to fulfill the idealistic purposes for which this bill was created.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 10 minutes remaining.

Mr. NELSON. Mr. President, I have just one observation to make with respect to the schools of this country.

The schools of this country are run at the local level by local school boards under statutes and regulations established by State government. No one that I know of has been arguing on this floor or anywhere else that the local government and local school boards should be deprived of their authority to run the local schools. These are local schools, not State school systems.

If the Senator from Colorado thinks that State government ought to run preschool and child-care programs and ought to have exclusive jurisdiction over them and deprive local government of their authority to run them, then why does he not say that for the schools, too?

Mr. DOMINICK. I say to the Senator I did not say that. I said to put them on an equal competitive basis. Let us not put that in the RECORD.

Mr. NELSON. Well, I wish to put this in the RECORD. The Secretary wants the prime sponsors to be limited to sponsors of 500,000 or more. We all know that. It has been said dozens of times. So what the Secretary wants is to deprive the local people of the opportunity to run these programs as they run the local school districts, unless it is a city of 500,000 or more. The Secretary's position is that they are incompetent to run them. That is all I can determine from his position.

All the committee bill provides is that communities of 25,000 or more population shall have preferential treatment if they meet the appropriate criteria. All I am doing is defending local government. I think someone has to defend local government, even if we cannot get the Republicans to do it.

Mr. MONDALE and Mr. BEALL addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Minnesota is recognized.

Mr. MONDALE. The question of administrative sense here, I think, would dictate rejection of the pending amendment.

First of all, the present delivery system embodied in the pending bill is drawn almost exactly from the present regulations providing for the delivery system under the present Headstart program. This delivery system, which is working, is providing services for 1,700 prime sponsors at the local level.

Mr. NELSON. But the Senator should not make that argument. They have abandoned that position. They used to be for local prime sponsors running it, but they have abandoned that now.

Mr. MONDALE. The Senator is correct.

Either they are going to turn it entirely over to the States, as I suspect they are going to do—the Secretary said no community smaller than 500,000 should be permitted to run its own program—either they will do that and have 50 State welfare department-run child development programs or they will have a law in which every community can apply for a child development program in competition with its own State. That would be one of the most unbelievable, political, and administrative nightmares that anyone could possibly imagine. It would lead to bitterness, uncertainty, conflict, and delay.

The committee said, "Why do that?" Why not, first of all, agree—and I think it is demonstrated that this is the case—that smaller communities closer to the people being served, with a strong voice from the parents of the children in the program, can do a better job than the bureaucracy. That is the first judgment we made, to keep this program under local control and control by parents whose children are being served. Local government is the ideal form of government for delivery of services to be provided in the program, where it can demonstrate capability.

The second point is with respect to State involvement. The committee report, on page 12, points out several ways in which the States will and can be involved:

> First, by raising the general population cut off for prime sponsors from 5,000 to 25,000 this bill provides that approximately 5,000 localities which could have administered their own programs in the vetoed bill will now be served under programs administered by the States.

I regret that change. It is a compromise I now support in order to reach some of the President's objections.

I read again from page 12 of the report:

> Second, the Committee bill has increased from 5% to 10% that set aside for States for the technical assistance, personnel exchange, dissemination of research and evaluation. Additionally, it has added to this State role a requirement for comprehensive state coordination and planning.

In addition, we accepted with modifications the amendment offered by the Senator from Maryland for five State-run programs as experiments to determine how programs would work on a State basis. So I think we have gone as far as we can go and still offer a responsible plan for quality development care.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMINICK. I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, I am interested in the conversations around the Chamber about the great affection for local government. It seems to me that if Senators have an affection for local government, they will have some sympathy for those people from local government who are required to come to every office of every Senator and beat on doors to get the assistance of Senators in breaking down barriers the Federal bureaucracy has erected to prevent these people from getting the help to which they are already entitled.

It has taken 7 years to implement the Headstart program to the extent it is now implemented. Yet, there is a great need to expand the opportunities offered by Headstart. If we are going to make the Federal program meaningful, it is necessary to get the program in the hands of the people who have the problem. The only way to do that is to reduce the red-tape we have built into the program.

I suggest the amendment of the Senator from Colorado does just that because it allows the States to say to local governments, "If you want to become involved in this program we will go to the Federal Government for you and get what is rightfully yours and you will not have to beat a path to Washington."

I was interested in the remarks of the Senator from Wisconsin about State governments. He was the Governor of his State and he has a high regard for the States but I suggest that he show that regard by putting them on at least an equal footing with others in the bill.

All the Senator from Colorado and I are saying is that some States do have the capability of administering programs. Let us assume some States are better than others and let us give at least those States the responsibility for implementing the program. I suggest if we do this, more technical assistance will be available to those States that do not have the capability. Otherwise, we are saying no State can do the job, and that experts in Washington can do the job better than all the States. The result of such a policy is that those States capable of administering programs effectively are denied that opportunity. On the other hand, those States in need of help and technical assistance are denied such assistance because the Federal officials are overwhelmed by the paperwork from all the States.

If Senators have a fondness for local government and an interest in seeing the programs implemented at the local level, and if Senators wish to recognize that some States not only can but are doing the job, they will agree to the amendment of the Senator from Colorado.

Mr. NELSON. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE Mr President, I think the question of what is good for local government perhaps can best be resolved by the people running those governments. I would like to place in the RECORD a statement by the U.S. Conference of Mayors which strongly supports the committee version of the child development program on the ground that it best serves local government.

> Now therefore be it resolved that the U.S. Conference of Mayors urges the enactment of legislation which will provide for a comprehensive range of quality family centered child care services in order to assist parents if they so choose to provide their children with an opportunity for healthy and stimulating development.
>
> Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level.

These are the mayors talking. It does not happen to be only the Senator from Wisconsin or the Senator from Minnesota; this is the Conference of Mayors, representing local government:

> Be it further resolved that cities be given the opportunity to plan and coordinate such comprehensive programs at the local level.

Also, the record clearly shows that we have 1,700 locally controlled Headstart programs now, and, without any doubt, the people in those programs, the parents, and the children, want to continue.

For that reason, and for the other reasons we have cited, I hope the amendment will be rejected.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BEALL. The Senator has quoted from the mayors. He has not quoted the Governors. I would point out that the Governor of my State, who is a member of the Senator's party, and who has just been selected chairman of the conference of Governors, I believe, sent me a telegram when this legislation was being considered before and said, "Please do not support this bill, because you are putting the States out of the child-care business," and as a result of the bill we passed, the State of Maryland did not proceed with its own child-development plans.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. NELSON. Mr. President, I yield time on the bill to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the first point I want to make is that, as a matter of fact, this is a resolution from the conference of mayors on this bill. It is not the last bill, but it is relevant to both bills because in both cases the conference is for local control. Second, the point the Senator from Maryland made is that we have to be conscious of the needs of local government. My answer to that is, Who knows best the needs of local government? I would say the mayors who run those communities know best, and they want the Senate committee's version, and not the version embodied in the State control mandate embodied in the amendment of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I think my time has expired.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum, not to be charged to either side, until we can get the yeas and nays ordered.

The PRESIDING OFFICER. Without objection, the time will not be taken out of either side. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Florida (Mr. GURNEY) is detained on official business.

On this vote, the Senator from Florida (Mr. GURNEY) is paired with the Senator from Vermont (Mr. STAFFORD). If present and voting, the Senator from Florida would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 45, nays 38, as follows:

[No. 227 Leg.]

YEAS—45

Aiken	Byrd, Robert C.	Fong
Allen	Chiles	Griffin
Allott	Cook	Hansen
Baker	Cooper	Hruska
Beall	Curtis	Jordan, N.C.
Bellmon	Dole	Jordan, Idaho
Bennett	Dominick	Long
Brock	Eastland	McClellan
Buckley	Ellender	Miller
Byrd, Harry F., Jr.	Ervin	Pearson
	Fannin	Percy
Roth	Spong	Thurmond
Saxbe	Stennis	Tower
Scott	Taft	Weicker
Smith	Talmadge	Young
Sparkman		

NAYS—38

Anderson	Hart	Nelson
Bayh	Hatfield	Packwood
Bentsen	Hollings	Pastore
Bible	Hughes	Pell
Boggs	Jackson	Proxmire
Brooke	Javits	Randolph
Burdick	Kennedy	Ribicoff
Cannon	Magnuson	Schweiker
Case	Mansfield	Stevenson
Church	Mathias	Symington
Cranston	Mondale	Tunney
Eagleton	Montoya	Williams
Fulbright	Moss	

NOT VOTING—17

Cotton	Hartke	Metcalf
Gambrell	Humphrey	Mundt
Goldwater	Inouye	Muskie
Gravel	McGee	Stafford
Gurney	McGovern	Stevens
Harris	McIntyre	

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

What is the will of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message also announced that the House had passed without amendment the joint resolution (S.J. Res. 211) to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and

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ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1254 AS MODIFIED

Mr. BEALL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 43, line 19, insert "(1)" after the word "designed".

On page 44, line 4, delete the period following the word "organizations" and insert in lieu thereof a comma and add the following: "and (2) to maximize community involvement in child development and family service programs by providing model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers, or both, so as to give secondary students practical work opportunities and firsthand experiences in child development and family service, and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children. Such projects shall, to the extent feasible, foster a home-school relationship by employing the parents of the children enrolled in the center as teacher aides on a rotating basis. The Secretary shall encourage all agencies within the Department of Health, Education, and Welfare, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the provisions of this subsection.".

On page 45, line 20, strike "5 per centum" and insert in lieu thereof "8 per centum".

Mr. BEALL. Mr. President, I ask unanimous consent that the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. TAFT), and the Senator from New York (Mr. JAVITS) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, this is an amendment to section 107, "The Special Cooperative Program With Educational Institutions," which was added as a result of my urging for the last 2 years for a larger role for educational institutions in child care programs.

Basically, this section, as now in the bill, sets aside 5 percent of the funds for educational institutions for planning, carrying out, and evaluating cooperative programs and activities designed to provide continuity between preschool programs and regular education programs.

The amendment that I offer now would increase that set-aside from 5 to 8 percent, redesignate the present provisions as (1) and add a new part (2) to the section designed to encourage greater community involvement in child care programs, particularly for senior citizens, secondary students, and parents.

Specifically, the program would authorize model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers or both, so as to give secondary students practical work opportunities and firsthand experiences in child care and development and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children.

Mr. President, I would like to discuss some of the rationale that prompted me to offer this amendment providing for such model projects. As the ranking minority member of the Senate Labor and Public Welfare Subcommittee on Aging, I strongly support the Senior Citizens Centers, which have been funded under the Older Americans Act. One of the problems faced by senior citizens is the problem of isolation.

Senior citizens, I am convinced, do not want to withdraw from society; they want to continue in constructive and creative efforts and use their many talents. They want the opportunity to meet with their peers, but I also believe many would like the opportunity to make the generation gap a myth.

Thus, the purpose of the experimentation with the location of senior citizens centers within or near child care centers is to give retired citizens, most on a voluntary basis, the opportunity to work or to merely observe preschool children. Anyone who has seen his or her children with "grandparents" know their special magic with children. The foster grandparents program has demonstrated that this "magic" can be present notwithstanding the absence of a blood relationship.

Senior citizens in senior centers located, as envisioned here, would be a ready pool of volunteers to help, assure more personal attention, and guide preschool children. Such an arrangement would be good for the children and good for the grandparents. There are ancillary benefits in such a situation. For example, the school cafeteria would be an ideal place for serving senior citizens a good, nutritious and inexpensive meal.

Locating child care centers within or near secondary schools, also opens intriguing possibilities. One of the problems of today's society is that young people are not provided, in my judgment, enough real world work opportunities. Again, the location of a child development center within or near a secondary school, would provide our young citizens with the opportunity to gain firsthand experience in child care and development. This would be valuable as a work experience and also as an opportunity to learn about children, their education, and development, all of which should be invaluable in preparing them as future parents. Certainly, the enthusiasm and eagerness of secondary students could be of much benefit to the preschool children.

The amendment also encourages projects, to the extent feasible, to employ the parents of students enrolled in the child care center on a rotating basis. This basically is the cooperative arrangement under which as many of the parents of the children are hired or volunteer as teachers aids and spend perhaps one day in every month in the child's classroom. Now, I know this is not easy to bring about. Parents are busy. Many work. Their employees would not release them for this purpose. Yet, I believe these problems are not insurmountable.

Employers, both public and private, can be persuaded to see the value of real participation and involvement by the parents of the children. This is particularly true when the salary of the parent as an aid would equal the salary at the job. I personally hope that this kind of arrangement is encouraged throughout the child development programs, for parents can perform many critical roles in nursery schools, including that of "expert" on her child as well as a learner about her child and other children and their development.

This home-school partnership can foster the working together of parents and the school that will be good for the community and good for the children.

Finally, the project directs the Secretary of Health, Education, and Welfare to encourage all agencies within his Department, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the intent of this proposal. The purpose of this is to give special consideration to the funding of programs which move in this direction.

Mr. President, I believe this proposal is exceedingly sound, designed to encourage the schools, child care centers, and senior citizens centers, to become community centers to the mutual benefits of all the groups and the society at large.

I urge its adoption.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BEALL. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I commend the Senator from Maryland on his amendment. I express my strong support for the amendment.

The Senator from Maryland has shown great leadership in the committee in pointing up the ways in which senior citizens can become more involved in the delivery of various services in the community and at the same time build themselves up in the communities and give the communities the strength of their experience and dedication by demonstrable examples, as they have done in a number of circumstances.

I think this is an excellent amendment and is an excellent improvement in the bill.

I am very happy to support the amendment.

Mr. BEALL. Mr. President, I thank the Senator for his support and his cosponsorship and his agreement with the principles of the amendment.

Mr. NELSON. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I agree with the amendment offered by the Senator from Maryland and I am perfectly willing to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. NELSON. Mr. President, I yield back my time.

Mr. BEALL. Mr. President, I thank the Senator from Wisconsin for his willingness to accept the amendment.

Mr. President, I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered.

Mr. BEALL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 18, line 18, insert before the period a comma and the following: "except that if any unit of general local government having a population of one million or more persons within any such State elects to apply for prime sponsorship designation and submits a plan meeting the requirements of this section the Secretary shall designate such unit as the local prime sponsor, and in such case the Statewide plan described in this paragraph shall cover the balance of the State".

On page 18, strike out all that appears on lines 19 and 20 and insert in lieu thereof the following: "as Statewide prime sponsors under this paragraph not more than five States, having a combined population of not more than 20 per centum of the total population of all of the States in the Nation, which have demonstrated capability and".

On page 19—(1) strike out all that appears on lines 3 through 5; (2) on line 6, redesignate subparagraph "(B)" as subparagraph "(A)"; (3) on line 12, redesignate subparagraph "(C)" as subparagraph "(B)"; (4) on line 14, strike out "(B)" and insert in lieu thereof "(A)".

Mr. BEALL. Mr. President, this amendment is not complicated. Its effect would be to make all States eligible for selection under the State demonstration program, which I authored and which was adopted by the committee, but in a modified form.

One of the major issues before the Congress last year and before the committee, and now the Senate this year is the role of the States in child development programs. I personally believe that child care programs will be more effective, will be better coordinated, and will be supported with more resources if States are active, and not primarily passive partners, in early childhood programs. It has been demonstrated that the Senate is in agreement with this principle with the recent adoption of the Dominick amendment.

As a fairly recent member of the Maryland State Legislature, I can assure Senators that the States are not apt to become very interested or involved in a program without a meaningful role.

As a compromise and perhaps as a new approach in Federal aid programs, I offered an amendment that would allow the Secretary of Health, Education, and Welfare to turn over the entire administration of child care programs to five States. This amendment was adopted but the committee modified the proposal to eliminate from eligibility States whose population exceeded 5 percent of the total population of the Nation. I cannot understand the rationale for such a restriction. Such an exclusion, in my judgment, represents both bad policy and bad principle and an insult to those excluded States. The merits of a State's program, not the size of its population, should determine eligibility and selection under the demonstration program.

Mr. President, during the last decade, a plethora of programs have been enacted, all with the noblest attention, to solve the Nation's domestic problems. Despite the growing evidence that programs planned, packaged, and delivered from Washington have not been as effective as they should be, we have not brought about the necessary and needed reform.

The reason often given for not giving the States a greater role is the fear of what would happen to the program in a few States if such action were taken. Even conceding this point for discussion purposes, this is legislating to the lowest common denominator, rather than trying to achieve the highest quality available. This is penalizing many of the States for the defects of a few. I advocate consideration of a different approach. Rather than having the policies and inadequacies of a few States prevent all the States from running their programs, we should at least encourage and reward excellence in various areas by turning over the administration of programs to those States who are leaders in various fields.

Competition stimulates efficiency and economy in the private sector; competition between States to be selected for this honor could stimulate similar results in the governmental sector. An added advantage is that such a program would help eliminate some of the redtape and paper shuffling that characterizes some Federal agencies today and would enable such agencies to concentrate on providing the technical and other assistance needed by weaker States in various program areas.

Commissioner Marland has frequently indicated that the paper shuffling effort at the Office of Education prevents the Office from really being effective in those areas and in those States where its expertise would be particularly welcomed and needed.

In a recent Wall Street Journal article by Mr. Richard Jensen, entitled "What Federal Money Didn't Buy," the author discusses the recent Brookings Institution book on "Setting National Priorities." After commenting on the general disappointment and ineffectiveness of Federal programs launched in the last decade, the author concludes as follows:

What the Brookings Panel ultimately proposes, along with admittedly modest procedural changes such as budgeting more programs for several years instead of one, is basically a resort to more "social experimentation" to find out how individuals and institutions actually respond to federal efforts.

That may not make a very exciting platform for any political candidate, but it just might provide a firm foundation for a more rational fiscal future. Once the public and the government realize that experimentation is about all that has been going on all along, the many inevitable failures would not be so costly and frustrating. If successes are a few, they still might stand out all the more clearly as guides to the ultimate solutions which must be out there somewhere.

In summary, my proposal to turn over to five States, based on the excellence of their proposals, is just such an experiment.

I would like to point out that, although I prefer that there should be no limitations on which States are eligible for the State demonstration programs and that merit alone should be the determining factor, I am aware that some compromise should be reached on this particular matter.

Under this amendment, all States would be eligible to participate in the State demonstration program, rather than exclude a State because its population was in excess of 5 percent of the Nation's population. There would be two limitations; namely, that the aggregate population of the five States selected could not exceed 20 percent and a political unit with a population of 1 million or more could opt out of the program operated by the State if it desired. I would prefer no restrictions, but I think that is a reasonable compromise. I am hopeful the manager of the bill will accept the amendment.

Mr. NELSON. Mr. President, as I said previously, I think the suggestion for the demonstration project as proposed by the Senator from Maryland which we accepted in committee was a very creative and useful suggestion.

I am also perfectly happy to accept his amendment to increase the total population of States eligible to be participants in the demonstration projects from 5 to 20 percent, with cities of 1 million having the option to exclude themselves if they desire. I am willing to accept the amendment.

I yield back the remainder of my time.

Mr. BEALL. Mr. President, I thank the Senator from Wisconsin for accepting the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that the time used in the calling of a quorum be taken from the bill, equally divided, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

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The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. In behalf of the Senator from Colorado, I yield 20 minutes to the Senator from Alabama (Mr. ALLEN).

IN OPPOSITION TO CHILD DEVELOPMENT BY GOVERNMENT

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Maryland for yielding time to me at this time in order that I might discuss the due merits of this bill.

Mr. President, once again we have before us a bill to provide among other things, for "Comprehensive child care programs." On December 2, 1971, the Senate passed a conference report containing very similar provisions to those now under consideration and on December 10, 1971, the President vetoed the bill.

Mr. President, there were several reasons cited by the President for his veto. In the President's message he stated:

But the most deeply flawed provisions of this legislation is Title V. "Child Development programs." . . .

Though Title V's stated purpose, "to provide every child with a full and fair opportunity to reach his full potential" is certainly laudable, the intent of Title V is overshadowed by the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions. We owe our children something more than good intentions.

Mr. President, I spoke in opposition to adopting the conference report, and I applauded the President's decision to veto the bill. In this connection, I ask unanimous consent that my remarks which appeared in the CONGRESSIONAL RECORD on Thursday, December 2, 1971, page 44135 be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, I stated then and repeat now that I would be pleased to support legislation to expand the number of and to improve the quality of our traditional day care facilities of the type with which we are all familiar. On the other hand, I cannot support the type of program envisioned by the provisions of this bill. Such programs have a tendency to undermine the family as the basic unit of society. That remains the pernicious thrust of this bill. In the President's words, "The fault of the bill lies in its family weakening implications." Other differences between the bill before us and the bill vetoed by the President are more apparent than real.

The committee report accompanying the bill before us seeks to assure us that the major objections raised by the President's veto message have been met in this new version. I find the alterations to be only superficial, and those which are more substantial can be interpreted as mere tactical maneuvers. The most significant of these changes, perhaps, is to be found in the language of section 511 of the bill, which is intended to convey the idea that the program will be entirely voluntary, and that the numerous services enumerated in the bill shall simply be made available to those who request them. This, in my opinion, is merely a tactical move, as will be indicated later when I discuss the implications of child advocacy.

In the meantime, there are serious implications in the type of programs envisioned as they relate to the role of Federal Government in traditional family relationships.

Nobody can accurately predict the future, of course, but it is not difficult to project a trend and foresee where the bill may very well take us.

The bill provides funding to initiate a substantial bureaucracy headquartered in Washington, staffed by people whose views on child development can reasonably be expected to be substantially similar to those of Dr. Reginald Lourie, president of the Joint Commission on the Mental Health of Children, who testified in favor of the bill. Among other things he said, speaking about the timing of intervention in the life of a child:

. . . the timing of appropriate intervention is crucial. In the first eighteen months of life, the brain is growing faster than it ever will again. This is the time when it is most plastic and most available for appropriate experience and corrective interventions.

On another occasion, when Dr. Lourie was testifying before the Senate Committee on Labor and Public Welfare, he made it clear that even the first 18 months of life did not take things back far enough for him. In his testimony he spoke of the importance of the prenatal period:

I would like to stress the increasing importance with which we view this period, and how much we would feel that there are needs for greater emphasis on it. We think that a baby should be viewed like the ancient Chinese did, as being 9 months old at the time of its birth. By the time it is born, it has well-developed patterns which will last for the rest of its life.

. . . We have increasing indications of how important the prenatal period is. . . . Increasingly ingenious devices for defining what's going on in the uterus are becoming available as well as interventions that will be diagnostic and corrective.

We are entering a new era from this point of view, and we are very pleased to see that this bill makes provision for prenatal services. (Joint Hearings on the Comprehensive Child Development Act of 1971, Part 1, page 178.)

So when we stop to think a bit about the ultimate implications of this bill, we see that we are considering, not legislation which would provide something on the order of day-care centers for the children of working mothers, as its proponents often paint it, but rather a very far-ranging and comprehensive bill which involves day care and child development of children which goes into training even below the age of 2 and prenatal care with the possibility of interventions in the womb supervised by the Federal Government.

In fact, the clamor currently being raised over zero population growth suggests that it is not too farfetched to envision in the not too distant future some sort of variant of the old eugenics program for raising the quality of the population, with the Federal Government deciding whether individuals ought to have children, and how many they should have.

If this were to happen, we should be faced with an unparalleled degree of governmental intervention into areas that have hithero been reserved to the private decision of the individual. The "new era" of which Dr. Lourie spoke in his testimony will truly be upon us, and it will be the era of the total state. It will be administered by people like Dr. Lourie, who may be motivated by the best of intentions but who will as surely destroy our individual freedoms as the most malignant of tyrants. For after all, if freedom is to mean anything, it must include the freedom to make the wrong choices as these might be defined by the doctors and psychiatrists. When the possibility of making the wrong choice is denied us, we are left with the Marxist definition of freedom as the "recognition of necessity," the necessity now being that of making the correct choice. And at that point we have become a totalitarian state—perhaps by our own choice, perhaps by a decision of the majority democratically arrived at, but a totalitarian state nonetheless.

Mr. President, I have spoken of bureaucracy created to administer these programs. For whom will the bureaucracy work?

In the first place, it goes without saying that the staff will be convinced of the importance of their preconceptions concerning child rearing, and that they will wish to see their theories applied to as many children as possible, although initially their attention may be concentrated upon the economically disadvantaged. However, spokesmen who worked for the passage of this bill put it quite bluntly, asserting that:

Programs must be . . . *available to all children*; . . . programs must be designed to include children with a variety of socio-economic backgrounds.

The bill even as written now emphasizes the importance of making extensive services available to all levels of the population, so that this program is not really intended for the disadvantaged alone, but to serve as an instrument for universal day care. But, it is argued the services are voluntary. What if the parent, of whatever social or economic class, does not wish his child to receive the benefit of these services?

In the first place, we know that the availability of free services of this type is a great temptation to anyone, regardless of other factors. But if the parent resists this temptation, there is something else looming in the background. That something else bears the name "child advocacy," and it is a concept familiar to the bureaucrats and one with which we should familiarize ourselves. In his testimony before the distinguished Senator from Minnesota (Mr. MONDALE), Dr. Lourie spoke of the recommendations of the joint committee of which he was president. He mentions one category of services to be provided as follows:

. . . *the creation of a system that could insure that services would be available. This is what has been called the child advocacy system.* (Emphasis added.)

Mr. President, child advocacy is not a part of this bill, primarily. I believe, because its backers realize that it would not get through Congress. But child advocacy means that if a parent were so benighted as not to want his child to receive the benefits to be dispensed through the child development system, some sort of mechanism, legal or otherwise, would be established to see that the child does in fact receive these benefits, regardless of the wishes of his parent or guardian. With that, any pretense of parental control will be eliminated, and the language in the present bill suggesting voluntary participation will become meaningless.

Is such a conclusion unreasonable? Is it imagined that no one would consider going to such extremes? Note that the Office of Child Development under the Department of Health, Education, and Welfare has recently announced the establishment of a National Center for Child Advocacy. Child advocacy is not in this bill, but if the bill's prime sponsors have anything to do with it, it will before long be upon us. And if the principle is accepted, the idea of family authority in child rearing will be completely discarded, and the ultimate decisionmaking power in this crucial area transferred to the state. By "the state," I mean Government as a whole, the Federal Government, not the 50 States.

The objections which may be raised against this bill are truly legion, and I have had time to discuss only a few of them, though they are very central ones.

A major point which I would ask Senators to remember is that this bill, for all the alterations wrought upon it, is essentially the same one which the President so wisely vetoed last winter. He pointed out at that time that:

The bill "would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach.

The current bill most definitely continues to do that.

If Members of the Senate believe that the family should have the basic responsibility for the rearing of children in our society, they should vote against this bill. If, on the other hand, we maintain that the State, in the form of the Federal Government, should be the prime arbiter of the way in which our children are to be raised, then we should vote for the bill. That is the crux of the issue.

I take my stand with the family, with all its imperfections, for I believe that the potential damage done to our society by the system to be established by this bill would be appalling.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Dec. 2, 1971]

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Colorado for yielding to me.

Mr. President, the parliamentary situation is that the conference report on S. 2007 is before the Senate for consideration. Those of us who oppose the comprehensive child development program are not able, in view of the parliamentary situation, to obtain a vote up or down on the comprehensive child development program without first defeating the conference report.

Mr. President, the defeat of the report does not kill the bill. All it does is defeat the report. The bill itself would be before the Senate, so that those of us who would like to approve the bill with the comprehensive child development program eliminated from the bill would have that opportunity. The Senate has many options, once the conference report is defeated. It can send the bill back to a new conference with instructions, send it back without instructions, concur in the bill, or concur with an amendment, and that would be the effort that would be made by those who oppose the comprehensive child development program, in the event we can first defeat the conference report.

So by a vote against the report, one is in no sense voting against the bill itself, because the bill will be very much alive in all of its aspects and before the Senate for consideration. This child development program actually was not a part of S. 2007 at the time that bill was introduced in the Senate, because at that time there was pending in the Senate S. 1512, by the distinguished Senator from Minnesota (Mr. MONDALE), and a number of other Senators. It is added as an appendage to S. 2007. So if we could eliminate the comprehensive child development program from S. 2007, we would leave that bill exactly as it was introduced. It would certainly do no violence to the OEO program. But first we must defeat the conference report, which would leave the bill before the Senate for its further consideration.

Mr. President, in the beginning let me make it clear that I do not oppose a realistic program of Federal assistance to State and local governments to help establish and maintain child day-care centers for working mothers. It seems to me that if we intend to require work of a parent or parents as a condition of eligibility for welfare assistance, then it would be appropriate to make provisions for the care of dependent children.

On the other hand, there is a world of difference between day-care centers for working mothers and the comprehensive child development program such as contemplated by the conference report.

Day-care centers for care of children of working mothers is neither a new idea nor is it a radical approach to a longstanding problem. Day-care facilities have been operating successfully throughout the United States, either on a private enterprise basis or by nonprofit organizations such as churches and labor unions, for a long time. Such facilities have proven their value, and I would be pleased to support legislation to expand the number of and improve the quality of day-care centers of the type with which we are all familiar.

On the other hand, I cannot support the type of program envisioned by the provisions of this bill. The proposed program is radical and socialistic. In my judgment, some of the services are totally incompatible with a free society. Neither is this radical type of program new nor is it untried, except in the United States. Communist Russia and Socialist nations have long had such programs. So long, in fact, that experience with such programs in Communist Russia has occasioned serious second thoughts on the ultimate value of such programs because of their admitted tendency to undermine the family as the basic unit of society. That is the pernicious thrust of this bill, Mr. President—that it would undermine the family as the basic unit of society.

Mr. President, the committee report on S. 2007 recognizes the risk involved in separating children from their parents but claims that the provisions of the proposal minimize and overcome that danger. I doubt it. This proposal would create a gigantic bureaucratic monstrosity with near-complete control over the lives of children.

Here is a program to authorize among other things, the creation of thousands of of laboratories, in effect, with children as subjects. What parent wants his child conditioned to perform like an animal in a circus? The techniques for human conditioning have been mastered. Given a doctrine that denies the existence of a human spirit, children become merely another form of animal life and, as such, the social experimenters have no inhibition against training the human animal to respond by the same techniques as wild animals are trained to suppress their natural inclinations and to perform their unnatural routines.

In short, the program offers a sort of hog heaven for those whose faith is rooted in the man-made order. By the same token, the program offers only nightmares for those who believe in a divinity ordained order in all forms and manifestations of life. The idea that the taxpayers of this Nation should be made to bear the cost of conditioning our children to respond like robots to programed behavior patterns is intolerable to think about. Such programs, however, in the opinion of the junior Senator from Alabama, are implicit in the term "comprehensive child development."

Mr. President, I do not exaggerate. Here is a program that contemplates prenatal and infant care; a wide variety of social and cognitive developmental services including those designed to develop physical and mental health which can be carried on in after school, summer, weekend, and overnight programs.

The estimated cost of day care services for a single group of children within the 3 to 5 years of age bracket is $2,372 per child. It is estimated that 6 million children of working mothers need comprehensive developmental day care services.

The distinguished Senator from New York (Mr. BUCKLEY) disputed the fact that there are actually 6 million children who are in need of day-care services.

The last figure does not include the additional number of children who would fall into the category of need when and if work is made a condition of eligibility for public welfare. The ultimate cost of prenatal and infant care services including the cost of training to be offered in the homes is anybody's guess.

Mr. President, from the standpoint of cost, we should bear in mind that the comprehensive child development program is not intended to be limited to children of working mothers, nor is it limited to children from 3 to 5 years of age. It is intended to be comprehensive both from the standpoint of developmental services offered and from the quantitative standpoint of numbers of children served. The program anticipates the eventual mixing of socioeconomic classes which can be accomplished only by expanding the programs and services to reach children from upper and middle income families.

Mr. President, an initial authorization in the amount of $100 million is requested for fiscal year 1972 and $2 billion—jumping from $100 million to $2 billion—for fiscal year 1973. These sums are sufficient to get the program firmly embedded in the already vast and rapidly expanding permanent welfare state apparatus.

Mr. President, it is not only the initial cost of the program that disturbs me. Given the current condition of the economy, this is not the time to take on vast new welfare

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programs. The initial cost is merely the tip of an iceberg.

It is generally conceded that the authorizations requested at this time are merely to get a foot in the Treasury door. Thereafter, the sky's the limit. For example, an aide to one distinguished Senator described the tactic behind the conference committee compromise on family income eligibility for free participation in the child development program. The November 20, 1971, issue of National Journal quotes this person as follows:

"The key thing is that the Democrats want a bill. They don't want a veto. The Democrats feel like they've got most of what they wanted. The spirit now is let's get this on the books and we'll improve it in two years."

Mr. President, who can realistically estimate the ultimate cost of this far-reaching and revolutionary proposal?

Mr. President, putting aside all considerations of cost, there is another and more compelling reason for opposing the idea that the Federal Government has the primary responsibility for comprehensive, mental, physical, and social development of children as contemplated by this program. Child training and development is a primary function of and the responsibility of parents, churches, schools, and other autonomous institutions of authority in our society. Already too many heretofore independent institutions of authority in our society have been harnessed to the oxcart of the State and subjected to collective domination and control. If this trend is not halted—and soon—we will be caught up in an irreversible revolutionary trend. This conclusion is supported by the prediction by the French author, Jean-Francois Revel, who said:

"The revolution of the twentieth century will take place in the United States. It is only there it can happen. And it has already begun."

The revolution conceived by Mr. Revel is currently manifested in what is referred to as a transition from political democracy to economic democracy. It is also manifested in the erosion of separate institutions of authority in our society among which the family is most important.

Mr. President, let me elaborate on this point. I take it that all Senators will agree that the word "government" in its fullest meaning is the aggregate of all the institutions of authority in a society. Civil government is but one institution of authority to which we, as a free people, turn for direction and guidance in making everyday decisions. The home is the institution of parental authority and the first with which children become acquainted. At an early age children are introduced to religious institutions of authority represented by our churches and to the institution of authority represented by our schools. As adults we become acquainted with the institutions of authority in scientific, cultural, and economic aspects of our lives. Day after day we turn to similar institutions of authority represented by the innumerable professions. Each of these institutions speaks with authority which inherent in knowledge and expertise in separate areas of specialty.

Mr. President, our Constitution and the principles upon which it is founded are designed to protect these separate institutions of authority from domination and control by the Central Government.

The opposite theory of the relationship of people to their government prevails in nations characterized by dictatorial, authoritarian, and totalitarian governments. In such nations no institution of authority can be permitted to survive if it perpetuates values and ends which are inconsistent with those chosen by the heads of state.

Mr. President, we are rapidly shaping up as a socialist, collectivist society under an authoritarian central government. The proposed comprehensive child development program is but another step in that direction.

The home, family, religion, schools, the economy and most of the professions are already dominated by the Federal Government. Where do we draw the line? Shall we permit the Federal Government to assume responsibility for comprehensive development of our children?

Mr. President, in order that we may clearly understand the Socialist antecedents of this program, let me refer to the CONGRESSIONAL RECORD of October 7, 1971—35547. Here, the distinguished Representative from Minnesota (Mr. FRASER) had printed in the CONGRESSIONAL RECORD a study of day care facilities in the Soviet Union by Urie Bronfenbrenner.

The author quotes from a renowned Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustovovich Strumilin, whose traditional Communist conceptions of state responsibility for child care are contained in the following excerpts:

"Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Just as they are expanding in the Soviet Union so they would expand in this country:

"Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .

"The question arises: will not this kind of early separation of this child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?

"This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.

"The 'vitamins of love' are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.

"The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated into a large economic collective, will dissolve within the context of the future social commune."

Mr. President, from the same article by Mr. Bronfenbrenner, the following responses are recorded to Mr. Strumilin's views:

"An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:

" 'Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side.'

"Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:

" 'We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him "Sasha, my son." But he just runs away. No I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise. I can't stand it.'

"But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage."

Mr. President, are we to follow in the footsteps of Communist Russia in shifting major responsibility for the care and training of children to the state itself? That is the fundamental question which will be answered by our votes on the conference report on this bill.

Mr. President, the highly respected nationally syndicated columnist, James J. Kilpatrick, has written persuasively on this subject in his column, "A Conservative View," released October 23, 1971. I ask unanimous consent that the column and a copy of Mr. Kilpatrick's commentary on this subject on radio station WTOP, November 4, 1971, be printed in the CONGRESSIONAL RECORD.

(There being no objection, the material was ordered to be printed in the RECORD, as follows:)

COMMENTARY—CHILD DEVELOPMENT

A House and Senate conference committee is struggling to come up with a child development compromise bill that will satisfy liberals without provoking a White House veto. A better idea would be simply to bury the bill for good, and try to forget it ever happened. In either its House or its Senate form, the bill is monstrous.

The House version, adopted through a parliamentary railroad job on September 30, runs to 23 columns of fine print in the Congressional Record. The general idea is to create a vast new bureaucracy charged with the "comprehensive" development of American children, starting at infancy and carrying on to age 14. This is no mere "day care" bill for working mothers. Forget that misconception.

On the contrary, this is a bill to provide, Soviet-style, for making children virtual wards of the state. The proposed development programs would include "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." Does anyone have any idea what that mush conceals? The bill covers medical, psychological, and nutritive services. It provides for utilization of "child advocates," whoever they are. The programs would go on all day long, year in and year out, and they would cost billions.

This nightmare proposition grew out of Mr. Nixon's modest little dream of day care centers where welfare mothers could dump their children while they went to work. That idea may have merit—but the comprehensive child development act has none.

A CONSERVATIVE VIEW

When the House met on the afternoon of September 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committees.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for Federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

Mr. BUCKLEY. I yield myself a half hour.

Mr. President, before discussing my specific objections to S. 3617, the child development bill, I would like to say that it represents a very substantial improvement over the legislation which was vetoed last year, and that I am much impressed by the obvious good will and concern exhibited by its sponsors. Yet many of the bill's basic features, as well as its implicit intent to establish a system of nationwide day-care centers, remain the same as in the vetoed bill, and it is, therefore, deserving of similar criticisms.

Although I have reservations as to the propriety of having the Federal Government assume a broad responsibility for a number of the services contemplated by the legislation, I wish to concentrate my remarks on the goal of establishing day-care centers available on a broad basis for the children of working mothers. Whereas this goal is not explicitly stated, it is clear from the bill itself, from the joint press release issued by the offices of Senators MONDALE and JAVITS last May, and by the opening remarks made by the distinguished Senator from Minnesota (Mr. MONDALE), that the establishment of such a system of day-care centers is a prime objective of this legislation.

I would like to summarize my principal criticisms at this time, reserving a more detailed exposition of the most important of them for the discussion of certain amendments which I propose to introduce later today.

First of all, there is the question of the propriety of the Federal role. While the Federal Government has assumed a general responsibility in the area of poverty, the bill under consideration does not limit its scope to the children of welfare families or of those living under the poverty level. Quite the contrary, it proposes to establish full-day or part-day child care services to be made available on a sliding-scale fee basis to the preschool age children of working mothers without regard to income.

Although broad local and State participation is encouraged, the final arbiter of the nature of the services to be provided under the bill will be the Federal Government. This introduction of the Federal presence into what has hitherto been an area of State or local responsibility threatens to make the delivery of the contemplated services more difficult and costly.

Two Governors who would have to deal with the competing authority and jurisdictional disputes resulting from legislation such as S. 3617 gave testimony to Congress last year concerning the problems which they anticipated from this bill's vetoed predecessor, S. 2007. Governor Moore of West Virginia, a member of the Education Commission of the States and an ardent supporter of improved care and education for preschool children, said:

In short, the proposed system would, I feel, not only become yet another competitor for scarce funds for children, but it would also spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns.

Governor Rampton of Utah stated that the implementation of such a program would—"Result in such additional fragmentation and confusion that those very children and families who most need such assistance would suffer."

And in a telegram to the Honorable CARL PERKINS, chairman of the House Education and Labor Committee, Gov. Marvin Mandel of Maryland said:

You contend that S. 2007 leaves the states with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated state program of day care and early childhood development; this statewide approach would be effectively sabotaged by the Conference Bill. I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive to our comprehensive statewide program."

Although the present bill attempts to broaden State authority, I am not positive that the objections voiced by these Governors have been fully met.

A second consideration is that of cost. The Federal Government is already badly overextended financially, yet this legislation proposes to initiate broad new Federal programs which within a very few years will inevitably cost billions of dollars, even though the first year's incremental cost is a not immodest sum of half a billion dollars. Given other commitments already undertaken by the Federal Government, it is quite clear that the services to be provided under the pending legislation will have to be paid for out of increased taxes.

Third, there is the question of need. The press release to which I have referred stated that the bill would provide for "development day care programs for youngsters whose parents are working." In his opening remarks, the Senator from Minnesota stated that while there are more than 5 million preschool aged children of mothers who work, existing day-care centers can only accommodate 700,000 of them. This leaves the clear implication that there is a current need for a vast number of additional day-care slots.

Yet the need for legislation establishing widespread public child care has yet to be proven. The most recent national statistics reveal that nearly half of the 5 million preschool age children of working mothers are cared for in their own home, often by relatives. Another 40 percent are looked after in the home of a relative or neighbor. These arrangements often approximate the idea of the extended family, which is an effective and desirable social institution. A large majority of the working mothers of these children prefer such arrangements, feeling as they do that a home and family atmosphere is superior to the institutional atmosphere of a day-care center, a view that is supported by nearly all child welfare workers and child specialists.

The remaining children receive care

under a variety of arrangements, including group care in centers. Less than one-half of 1 percent of the preschool ages—perhaps 15,000 children—are grossly neglected by mothers who leave them on their own as they go to work.

The children in the last category obviously need immediate attention, as do many, many additional children who are entrusted to the care of older children or adults who are demonstrably incompetent to give them the normal care and affection required for healthy development. However, the overall figures do not demonstrate a national crisis such as to justify the language used in connection with the vetoed legislation to the effect that "millions of children are suffering unnecessary harm," thus requiring care in Government child development centers.

Furthermore, it is quite clear that there is no substantial demand for such centers. A recent report prepared by Westinghouse Corp. for the Office of Economic Opportunity—"Day Care Survey 1970"—found that more than 80 percent of the working mothers surveyed were at least reasonably well satisfied with their child care arrangements. Less than 10 percent of these working mothers chose institutionalized group care as their ideal.

These conclusions were supported by a study published in 1970 by the Auerbach Corp., which also found that 73 percent of nonworking mothers would prefer care in the home rather than in a center if they were to decide to work. Nor is there an overwhelming demand for institutionalized day-care arrangements on the part of welfare mothers who are enrolled in the federally sponsored work incentive program and who are thus entitled to free child care services. With respect to these, the Auerbach report found that—

> Many mothers do prefer to develop their own plans, and are in fact distrustful of centers and services which are offered to them. They want to know the person providing the care, and they want it in their neighborhoods. Some mothers simply do not want day care, they are afraid of the training or lack of it that children are receiving. Some are even afraid that their children are being indoctrinated in such centers.

The fact that there is not a substantial demand for child day-care services does not mean, of course, that such should not be made available for those children who are developmentally handicapped and disadvantaged, or who are neglected and abused. These are in need of the remedial services which can be made available through professionally staffed centers of the highest quality.

Fourth, the legislation does not take into adequate account the fact that for the average child, especially those under 3 years of age, a day-care center can prove to be positively harmful. The atmosphere of such centers can exhibit the normal mental and emotional development of a child, because of its removal during most of its waking hours from the affection and individual attention found in his home. It is quite clear from the evidence offered by experts on child development that institutionalized centers should be made available only in cases where children require specialized help or are otherwise being neglected or harmed if left to the devices of their parents. This is an area which I will examine in far greater detail in connection with certain amendments which I will be introducing.

A fifth objection to the bill as it now stands has to do with the ability of a federally designed and supported system of child care centers of the scope envisioned by the child development bill to assure the quality of care which is essential if the centers are not to do more harm than good. The Senator from Minnesota has emphasized that he would not favor the creation of a system which would merely "warehouse" children while their mothers are at work. He indicates that he understands the need for a degree of professional competence in the centers which will to the extent possible compensate for the loss of the normal home environment and encourage the development of each child's potential.

I would suggest, however, on the basis of past experience, both abroad and at home, that the inevitable effect of the proposed legislation will be to establish a system in which it will be impossible as a practical matter to maintain the required quality. Furthermore, the legislation in its present form would inevitably have the effect of encouraging the idea that day care for young children is not only safe and acceptable, but even desirable. Thus it will create a demand for more and more centers capable of handling ever larger numbers of children which will so tax the availability of properly trained professionals so as to make it ever more difficult to maintain minimum standards of quality.

We will be told, of course, that the required high quality standards for development care will be enforced under this new act. But the history of Government regulation in this and many other fields does not lend support to this assumption. For example, the Westinghouse report, "Day Care Survey 1970," found that—

> Although ninety per cent of existing centers are licensed, it would be a mistake to assume that possession of a license assures compliance to state and local regulations.

Another illustration of this problem is found here in Washington, D.C. In his recent book, "The State of Welfare," Gilbert Steiner of the Brookings Institution reported that most centers in Washington could not meet the Federal interagency day-care requirements, in particular the child-adult ratios and the educational requirements for staff, even though a number of the centers were receiving Federal funds through the WIN and AFDC programs. He says that—

> In the District welfare department the view is that the requirements are unrealistic and that widespread complaints from private users who cannot afford the costs involved may result in a lowering of standards.

Dr. Dale A. Meers, in his article on international day care, found some important lessons in the experience of other nations:

> The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every day care center should have its ombudsman.

Secretary Richardson of HEW is one who has had ample experience with the difficulties of quality control and bureaucracy. He told the Senate Finance Committee last fall about these difficulties and the problems inherent in S. 2007, the child development bill later vetoed by President Nixon:

> Our experience with the Headstart program is that the children are the ones who pay the price of unmonitored programs and that there is a limit to the number of individual programs which the federal government can effectively monitor. Project Headstart has produced many benefits, but one of the negative aspects has been the number of direct grantees with which the Office of Child Development must now deal. It is almost impossible for the 10 regional offices of OCD adequately to monitor and provide technical assistance to the more than 1,000 grantees. Program quality suffers under these circumstances. This situation would be aggravated under S. 2007, as recently passed by the Senate, under which the federal government could be required to deal directly with as many as 10,000 to 40,000 local grantees. This is not a trivial or bureaucratic concern. It would be a travesty if the swift expansion of child care facilities brought with it a great many shoddy operations in which children were merely stored away or neglected or abused.

It seems clear from the above, and from our general experience with Federal programs, that the maintenance of quality will be almost impossible of achievement unless the day-care centers which would be authorized under the pending legislation are limited to those which are remedial in purpose and therefore limited in number. Yet any compromise in quality can do positive damage to the children entrusted to the centers. As a group of six distinguished psychoanalysts in the Washington area have pointed out in a statement issued recently in support of S. 3617:

> There is considerable evidence that less than "quality services" would inflict both immediate and long-range damage to the development and potential of vast numbers of children. Especially vulnerable are those children who are less than two years of age, or those who have had to contend with deficits in the supports from their parents and other factors in their environment on which children are critically dependent for healthy development.

Supporters of this and similar legislation have made much of the fact that these programs are voluntary. While this is true, I would put the word voluntary in quotation marks. Surely the existence of relatively free day-care services is a powerful inducement for mothers, for a variety of reasons, to take a job at what may be the expense of their children's well-being. And the governmental sponsorship of such day-care programs lends them a seductive air of approval and legitimacy which the facts do not warrant.

Much also has been made of the amount of parent participation in this legislation. It is alleged that S. 3617 will insure parental control and authority over the policies and programs of this act. Yet all programs must meet the Federal standards for child development and family services and all plans of local and State authorities must be approved by the Secretary of Health, Education, and Welfare. In reality, and especially when faced with the professional credentials of those advocating specific policies, it can be anticipated that most parents on the various councils will become rubberstamps endorsing the programs which the Federal Government approves and authorizes.

While this legislation is couched in humanitarian terms and concern for the welfare of America's children and families, it seems to me that insofar as it results in establishing child-care centers of other than a remedial nature, it will have the inevitable and insidious effect of subsidizing parental neglect and avoidance of responsibility for the care and rearing of their children. The child specialist Dr. Jerome Kagan gives evidence of this from his observations in Czechoslovakia, where there has been an extensive public day-care center system. In recent congressional testimony he stated that—

> When I visited Czechoslovakia two summers ago and was taken to day care centers in Prague I asked the supervisors what was their main problem. The salient complaint was that parents began to assume that the center was responsible for their children. They stopped picking them up at 5:00 and began to assume that the responsibilities for character training, education, and health, belonged to the state-controlled center.

Encouragement of indiscriminate use of day-care programs will tend to have a disuniting effect on parent-child relationships, particularly in the areas of family values, authority, learning, role identification, and increase child alienation and hostility toward his parents. Such programs will not strengthen the family, but rather, by accommodating the strains placed on it and subsidizing its separation, they will hasten the further dissolution of the family. The oversell of child-care services has created serious conflicts within the bill. On the one hand, its supporters emphasize the pressing need for child-care services for those children who are deprived, handicapped, or neglected. On the other hand, they laud the use of so-called child development for the children of all working parents, middle class as well as poor. In connection with S. 2007, they even advocate their day-care programs for average children whose mothers do not work. In addition, day care is hailed as a cornerstone of women's liberation.

Amidst these competing and artificially stimulated demands for scarce resources, those children whose needs are most desperate and immediate—children who are developmentally disadvantaged, handicapped, abused, or neglected—are likely to receive short shrift. It is these children for whom the remedial nature of developmental day care is meaningful and valuable. And it is expensive. Trying to undo damage already done requires a lot of money, but the effort to meet the politically appealing demands of numerous and diverse populations will almost certainly result in dilution of resources and in fact if not on paper, a lowering of quality standards, which are in any case largely unenforceable. What is needed is a concentration and targeting of our limited resources and manpower on those particular groups of children who desperately require remedial and developmental services, rather than a broad program encompassing ever larger populations.

I would like to quote again from the statement issued by a group of five Washington area child psychoanalysts, generally supporting S. 3617. While they state that they do "unequivocally approve the implementation of Federal programs of quality day care for the remedial and emergency use for the developmentally handicapped and disadvantaged, neglected and abused children of all ages," they go on to state:

> We are unequivocally opposed to the general application of full-scale, full day care for children in the general population. We also underscore that quality day care should be used as an adjunct to those services available or provided to the child and his family in the home and only when individual consideration has determined the specific need for day care in addition to the home-based services.

Dr. Nagera, in the paper "Day Care Centers: Red Light, Green Light, or Amber Light," echoes this concern:

> In my view, day care centers should for the time being, strictly restrict its admissions to the groups of children described above, and only after being well satisfied that no suitable alternative methods can be implemented to improve the home situation, the family climate.

At the close of my remarks I will submit amendments intended to remedy this and other deficits in the bill.

As President Nixon stated in his veto of the previous child development legislation:

> All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated.

I heartily agree with that view.

Instead of spreading our resources too thinly among too many children and very possibly harming them in the process, instead of subsidizing the separation of parents and children, we should rather target our scarce resources on those children who are truly in the greatest need, and we should investigate ways by which we can in truth help strengthen and preserve the family unit structure, upon which the health of our society in large part depends. In the interest of America's children and its families I urge the Senate not to support this ill-conceived and quite possibly harmful child development proposal, S. 3617, in its present form.

Mr. President, I have a number of thoughtful and valuable articles on the subject of day care and child development and I request unanimous consent that they be inserted in the RECORD.

They are: First. "Day Care Centers: Red Light, Green Light, or Amber Light," by Dr. Humberto Nagera, director of the child psychoanalytic study program at the University of Michigan.

Second. "The Family and the Educational Process," by Dr. Earl S. Schaefer, University of North Carolina, from the book "Families of the Future."

Third. "How To Be a Better Parent," by Theodore Irwin, in Parade magazine, May 14, 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAY CARE CENTERS: RED LIGHT, GREEN LIGHT OR AMBER LIGHT

(By Humberto Nagera, M.D.*)

The possible impact of poorly conceived Day Care Centers on the intellectual, emotional and psychological development of children is of such proportions, in the negative sense, that an examination of some of the factors involved becomes imperative.

Naturally, the nature of the impact will be different according to a number of variables such as the "quality" of the "care" provided in any such given institution, the amount of time that the child remains in the Day Care setting every day, the type of relationship between the child or infant and his parents both generally, and more especially the amount of interaction between mother and child during the number of hours left (of his awaken life) after he is back from the Day Care Center to the home every day, and most important, of the age of the child

In my view, the greatest potential danger concerns those infants ranging in age from a few days or weeks to one and a half years of age. The second most endangered group (but less fundamentally so than the earlier age range) concerns those children between one and a half to two and a half or three years of age. The type of damage that can accrue to children outside these two groups is so significantly reduced that we will not pursue a discussion of the problems involved for them (though there are some) in this publication.

If we consider the first the dangers involved in this practice to children in the age group of up to one and a half years of age we have to examine at least three distinct sets of variables. Each one of them plays a fundamental role in the healthy development of the infant (healthy implying here not only physical health but including a good intellectual, emotional and phychological development). The first set of variables comes from the child itself. The second from the type of environment in which the child lives including those human objects responsible for his care. The third is the resultant of the interaction between the endowment, the genetic make-up of all humans as a specie (and that peculiar to each individual) and the environment (including the human objects).

Those variables that concern the infant itself are in part genetically determined and are of the essence of certain characteristics specific for the development of the human brain. Thus, comparatively speaking the infant of the human species is born with an extremely immature, unfinished brain, to the point that it takes one and a half to two years after birth to reach the level of maturity that is typical at the time of birth in other mam-

*(NOTE.—Professor of Psychiatry, University of Michigan and Director of the Child Psychoanalytic Study Program at Children's Phychiatric Hospital, Department of Psychiatry, University of Michigan.)

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mal species. It is embryological maturational forces that push brain development in the anatomo-physiological sense to its completion. Such forces though genetically determined need, in order to complete their tasks, *the collaboration of specific forms of environmental stimulation*. In other words, the genetic developmental embryological forces cannot unfold the anatomo-physiological blueprint of the brain to its ideal potential without the essential contribution of environmental factors. This environmental contribution is in the nature of a diversity of stimuli that must reach the brain. The function of that stimuli is to trigger and stimulate those genetic embryological mechanisms to complete its task.

Admittedly, this is still an obscure area but the evidence available nowadays is at least quite suggestive, if not conclusive. Different forms of external stimulation (usually contained in the multiplicity of interactions of the mother with her baby) seem to influence the internal, anatomical-maturational processes by at least three different types of mechanisms:

1. It seems to favor significant increases in a progressive and more complex arborization of dendrites during the first few months of life. The importance of this phenomenon should be clearly understood. More dendrites mean increased and more complex pathways in the brain. More pathways, mean more functional capabilities and better possibilities of performance for that brain.

Conel's (1939) studies of the cerebral cortex of babies have demonstrated that though the number of cells (neurons) in the cortex is fixed at birth, complex morphological changes continue to occur for long periods of time. Thus, he found progressive arborization of dendritic processes during the few months following birth without quantitative cellular increase. The situation here would be similar to a sophisticated piece of electronic equipment that has been poorly wired, where the connections between the systems are not as many in number as they could have been. Such a situation will naturally restrict unnecessarily the functional capabilities of the total equipment. Richmond and Lipton (1959) stated that "since it is now accepted generally that neurons are connected in a network and not merely in a linear series, and that nerve impulses pass about the connections in a circular, more or less continuing fashion, the potential significance of this growing arborization of dendrites for the development of the infant may be appreciated" (p. 80). Possibly then, understimulation of the brain during the first few months of life, as is bound to happen in a Day Care Center situation (the reasons for this will be discussed later) may well lead to an inferior quality brain structure (less dendritization, less connections, less functional pathways). Furthermore, such developmental maturational processes as lead to appropriate dendritization can only occur during a limited period of time after birth. If they do not take place then, during that critical period, they cannot be brought about at a later date. The damage, in the sense of loss of capabilities and function is permanent.

2. By increasing the degree of vascularization in certain anatomical structures of the brain.

The relationship between function, functional capacity and the degree of vascularization of an organ (implying here the amount of oxygen available to the organ) is a well established medical fact. If the heart's vascular system deteriorates with aging and through arteriosclerosis, the organ functional capabilities are seriously reduced. Angina symptoms appear, a heart attack may follow, etc. imposing marked restrictions in the functional capacities of the patient. Similarly, an arteriosclerotic brain interferes with brain functions, memory suffers, the quality of the thought process is affected. In extreme cases a senile dementia ensues.

Comparative anatomical studies of the brain of different species clearly shows the relation between the excellence of a function in a given specie and the degree of vascularization pertaining to that area of the brain controlling the function. Craigie (1955) for example found that the "more acute sense of hearing of snakes probably is reflected in vascularity of the cochlear nucleus notably in excess of that in other reptiles, and the mobility of the tongue is suggested by a capillary supply in the hypoglossal nucleus about twice as rich in snakes and lizards as in the turtle and the alligator" (p. 28). The extreme importance of these findings for child development is highlighted when we consider that the process of vascularization of much of the brain is far from finished at birth. In various species it seems to take several months after it to complete itself and even more, there seems to be a direct correlation between external stimulation of specific areas of the brain (after birth) and the final degree of vascularization that such areas will obtain.

Thus, for example, Rao (1955) removed the eyes of rats at birth and when they reached maturity proceeded to study the capillary beds in the visual centers. He concluded that there was a marked retardation of development of the contained blood vessels as the result of the removal of the eyes sometime before they would have normally begun to function. He thought it "as due to the absence of that portion of the functional activity in visual correlations centers of the brain which would normally have been stimulated by impulses coming through the optic nerves" (had he not removed the eyes). The same seems to be true of human babies according to Mall and Raiha (cited by Craigie, 1955). These authors examined premature infants at birth and concluded that the density of the meshes in the cerebral capillary beds is considerably less at birth than in later life.

3. By favoring the process of myelinization. Myelinization and function are very closely related. Here again there is hard evidence from animal experimentation suggesting clearly that environmental stimulation has significant effects upon ultimate structure and function.

For example, Langworthy's (1933) studies of kittens showed that myelinization is significantly influenced by neuronal function, that is, light stimulation. Blindfolding kittens from birth he could demonstrate histologically that the optic nerve of the one eye that was blindfolded showed less myelinization than the contralateral stimulated eye.

Sontag (1941) has stated that "animal experimentation suggests that the myelinization of specific nerves can be accelerated by stimulation of the nerves, and there is, of course, considerable relationship between the function of a nerve fiber and its state of myeliniztaion" (p. 1001). Kennard (1948) apparently has made similar findings in human infants. Human premature babies whose eyes were exposed to light since their premature birth show more mature optic nerve development than other full term infants of an equivalent age to the above group at their time of death.

Richmond and Lipton (1959) concluded that these "types of studies seem to give support to the contention that even after the fetal stage, environmental stimulation (or lack thereof) can modify developing structure in the central nervous system" (p. 82).[1]

Given that the adult brain weighs 1200 to 1300 grams and that at birth that same brain only weighs 300 to 350 grams, we can understand the enormous importance of the mother-child interaction (as the provider of essential stimulation) during the earliest stages. Significantly by two years the child's brain would have trebled its weight. In other words it would have reached 900 to 1050 grams of its total weight and much of its anatomical, histological and biochemical immaturity will be coming to a close.

Since the first two years of life seem to be the critical period for all these developments to take place, it follows that if the right kind of stimulation is not provided during this phase, the result may be a structure that though not necessarily "damaged" (in the sense of brain damage) has certainly not developed to its full potential.

If we take into account the possibility of cumulative effects of this type, leading to inferior development in multiple areas of the brain, it is conceivable that the finished brain is one of "inferior quality" for those unfortunate children whose fate it will be to grow, during their first two years of life, under conditions of deprivation and understimulation. Such conditions are typical of a variety of environments including, in my view, most of the existent Day Care Centers and no doubt those numbered in the thousands, that are to be created.

Students of child development and child psychoanalysts have known for many years that raising human infants outside the family model, such as orphanages, foundling homes, etc. leads to disastrous results. Observation over observation, and study after study by a large number of workers in the field have clearly demonstrated this. Naturally, poor family situations lead to similar results as the more extreme ones of the foundling homes and orphanages. The problems here, at least one of them, is what kind of balance will there be between the time the child spends in the Day Care Centers, very frequently understimulated and the time the child spends at home receiving adequate stimulation. *First*, we know nothing of how many hours a child can survive in an understimulated environment and still do well developmentally, always assuming that he will receive what he needs at some point during his daily awaken life. *Second*, many people are demanding Day Care Center services around the clock. If we go that way many children will no doubt be deposited for many days at a time in the Day Care Centers, sometimes legitimately such as in the case of severe parental illness with no possible alternative arrangement for the care of the child but at other times just out of convenience and with absolute disregard of the child's needs and the child's best interest. For example, parents that will go on vacation for extended periods and will not want to take their child or children along. Still, in many other cases children will be dumped in Day Care Centers simply because children have become burdensome to many in the new generations of parents. *Third*, I know of many Day Care Centers whose service extends from 6:30 a.m. to 6:30 p.m., that is, a block of twelve solid hours. During this time, there will be at least, two shifts of staff that raises the problems of multiple caretakers for the child and its complications. Further, even for those children that are picked up by their working mothers, let us say, at 5:30 p.m. we have to consider that many of these women, will still have a household to look after, a husband and perhaps other children to attend to, meals to prepare, personal needs for some desirable recreation, etc. It seems quite unlikely, that such mothers will have much time to devote to their infants, let alone that they may have had a long and wearing day at work or at school. These are, I think, far from the ideal conditions under which appropriate stimulation will take place.

As I, mentioned in another publication (1972) that Spitz (1945) has quite clearly demonstrated the tremendous developmental

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differences between the children of professionals, growing up in their parental homes (family model) and children raised in institutions. The first group (children of professionals growing up at home) showed a Developmental Quotient of 133 as the average for the first four months of life. In this group of children that average was maintained towards the end of the first year of life. The children raised in the Foundling Home showed an initial Developmental Quotient of 124 as the average for the first four months of life (pretty similar to the first group). But in sharp contrast with the first group, that average of 124 deteriorated markedly, to 72 by the end of their first year of life. Spitz's follow-up studies, though limited in nature, tended to show that this drop in Developmental Quotient and its behavioral manifestations are irreversible once a certain amount of time has elapsed.

Similarly, Provence and Lipton (1962) have clearly demonstrated by means of direct observations of infants, the appalling damage to the personality and more especially to ego and intellectual development resulting from growing under conditions of deprivation and understimulation that is, by lack of sufficient human contacts and interactions during the early stage of the child's development.

Some of such developmental lags can be "undone" by placing such children in a more suitable environment (a good foster home for example), at the appropriate time. As I said somewhere else (1972), "it seems to me that in another sense many such children are irreversible and permanently damaged. I mean now that though they will catch up to the levels of the normal, at least in many gross areas such as language and motility, normality has such wide variations that we may have a "normal human being who is permanently condemned to perform, in terms of his intelligence, at the lower end of normality. To be graphic, it is the difference between somebody digging holes in a road and somebody with the intelligence necessary for a university education. Thus, though "normal," our deprivational child rearing practices may have blunted his original genetic potential to such a point that his best is an I.Q. of 80, while genetically, and given more favorable circumstances in babyhood, he might have reached an I.Q. of 120". Clearly, no sensible society can afford to damage hundreds of thousands of its children by mass producing and officially condoning, institutionalizing and supporting child-rearing practices known to produce such disastrous results.

Observations such as those described by Provence and Lipton, Spitz, Bowlby, Ribble, Anna Freud and many others were essentially explained as the result of the lack of sufficient human contracts and interactions. The children observed were in reasonably good physical surroundings and their basic needs for food, cleanliness, hygiene etc., were well provided for. Essentially these authors' assumption was correct, though they had not clearly made the link between lack of stimulation and poorer development of the brain structure, in the anatomo-physiological sense.

Clearly then, the first step that we must ensure developmentally, is that the internal maturational embryological forces unfold as ideally as possible. That, as we have shown, requires external stimulation of the kind and quality contained "usually" in the mother-child relationship. This will ensure the best basic equipment in the form of the best brain that the child's endowment has provided him with. But that condition, essential as it obviously is, is not enough or sufficient in the human species. Most human behavior and controls are learned, a most significant difference with all other species. In the latter, most behavior is controlled instinctually. In other words is controlled automatically by innate, in-built mechanisms in the brain that triggers off adaptive responses after the reception of the significant signals and stimuli from the environment. Self-preservation, mating behavior, preservation of the species, food gathering, etc. are frequently regulated in this manner. Not so with the human infant.

To start with, his brain is enormously superior in functional capabilities to any other species. Evolution has not provided him with the type of instinctual patterns of behavior described above and observed in other species. He must when the time comes—since he is helpless and dependent on parental care and teaching for an inordinate large amount of time—use his intelligence to deal with his environment, with dangers, with one another. His specially developed brain has provided him with the capacity to learn to solve problems in a variety of ways. In other words, he can choose "intelligently" among several alternatives, the most adaptive response in a given set of circumstances. He is not restricted, like other species, to one single stereotyped solution. He has the capacity for language development as a tool of communication. He can and indeed has established innumerable forms of social organizations and cultures. He can store and teach his descendants that culture. He can modify his environment to suit his needs and for this reason he has to large measure the greatest capacity for survival, in terms of evolution, of any species known. By the same token he possesses the greatest capacity for destruction both intra-specie and of his environment.

All these differences clearly demonstrate that he must start learning from day one and at incredible pace at that, if he is going to join in an adaptive healthy manner his social group and its organization. This learning is predicated in an active and constant interaction *from birth onwards* with human objects. The intensity of the contact needed to achieve this aim *is generally lacking under the institutional conditions* of foundling homes, orphanages and most likely in ill-devised Day Care Centers. To use a comparison it is not enough to have acquired the best computer possible (the best brain possible for a given child), it is then necessary to program it wisely and efficiently. The best computer, if mishandled and badly programed will be an inefficient piece of equipment.

We have enough evidence in the field of human development to know that the best programmer of the human brain and as such of human behavior is a good mother-child interaction in the first few years of life. Once that basic and early programming has been achieved, many others (in the forms of teachers, etc.) can participate successfully in the further programming and teaching of the human brain.[2]

One essential factor in this regard, is the constancy of the object, the constancy of care of the object ministering to the child. The child's brain, at the same time that is developing and acquiring more complex capabilities, must be exercised. It must be exposed to innumerable experiences, not only so that it receives essential stimuli and continues to grow, but so that it organizes itself, learning slowly to distinguish (given its capacity to think) inside from outside, self from object, the body parts under its control and command, as that control is progressively acquired. Similarly, he must go successfully (if normality is to be achieved) through the process of separation-individuation and must learn to use his ego apparatuses as these become structured as well as understand the innumerable complexities of its environment. Most important he must learn to establish very early controls over its own primitive reactions and feelings. To further complicate the problem, all these developments must take place in a situation where the infant is not excessively subjected to undesirable forms of stimuli either. Thus, in the earliest stages it is imperative that the child (the child's brain) not be subjected to overwhelming, traumatic forms of experiences that it cannot handle and that are enormously disruptive in terms of personality organization. Such stimuli, capable of overwhelming the necessary homeostatic equilibrium in the child, can come from outside for example in the form of excessive handling or mishandling, excessive cold or heat, multiple sources of unorganized sounds and other undesirable stimuli impinging on the baby for prolonged periods of time, enforced separations, etc. It can come from the inside when the baby is left to suffer from hunger or from pain unduly.

Granting the kind of background that is ideal for human and brain development that is, *neither too excessive nor insufficient stimuli* but the right happy medium, the child still needs some *constancy of objects* to organize its experiences, to understand its world. An example may clarify this. When a newly born baby is sufficiently hungry his pleasure-pain equilibrium, his homeostatic equilibrium is disrupted. A disturbing feeling interferes with his well-being. This automatically leads to clear signs of distress on the part of the baby that are picked up by the baby's mother. This, in turn, activates the healthy mother's behavior who immediately relates to the baby and the baby's need. Usually, the mother has a very ritualized, stereotyped procedure while going about getting ready to satisfy the baby's hunger and thus alleviate or remove his distress. She might go and see her baby, talk to him, manipulate him to ascertain the cause of the cry or other signals released by the infant (he might be wet or uncomfortable for a variety of reasons). Then she may go to the kitchen to fetch bottles and to prepare the baby's milk. All this time the child is receiving a variety of sensory stimulation, the steps of the mother while she moves about, her voice if she talks to him (this tends to be stereotyped too), opening the refrigerator, closing it, sounds produced by the handling of bottles, glasses, spoons, pans, etc. The baby that must have been quite disturbed by his first few and new experiences of hunger, learns that after all this stimuli that reaches him, satisfaction arrives and his hunger and distress disappears.

Naturally, once he has established these links in his mind (after a few good experiences of satisfaction) one can observe how his crying stops automatically as soon as he can hear the noises resulting from the mother's activity in the preparation of his food. Thus, at this point the internal distress is not a frightening, disturbing experience of discomfort but one that is associated with relief and satisfaction. In short, despair becomes hope. Further, he has made in some primitive form the first connections between cause and effect, has learned that control pays, that waiting and being attentive can bring rewards, etc. Obviously, *these first steps in the organization of the mind and of the inner world* of feelings and affects, of learning and knowing something for the first time, is possible, or more feasible and easier, if the object who ministrates to the child is constant. Her stereotyped and routinized behavior, the sameness of the behavior allows the baby to find his bearings, to know the situation or rather to identify it as similar to previous experiences and consequently to predict the outcome. A constant change of caretakers, with different ways, different manners of ministering to the baby, in short the lack of sameness at the appropriate times will, I think, make it much more difficult for him to find his bearings, to learn about the situation, to predict the outcome, to acquire early control structures, to be confident and relaxed in the face of the internal distress. Clearly, sameness, familiarity, repeated similar experiences leads to

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learning, to *primitive understanding and to organization, in the mind.* Without this early and primitive processes of organization and integration later learning becomes difficult. Changing constantly the system by means of which we attempt to teach something to any child is disruptive and makes the mastery of the tasks more difficult, confusing and hopeless.

This simplified example, relating to feeding and its significance for mental organization and structuring can be multiplied ad infinitum in terms of what is happening constantly in the context of the mother-child interaction. It is for these reasons that I believe that in the early stages *of the process of the organization of the mind* the existence of essentially one caretaker for the child, the existence of sameness in certain experiences though not in all, is of enormous significance. After some time that is, after the ego structure has achieved a certain level of organization, the child is able to deal with more complex tasks even if some of the variables involved are changed frequently. The need for constancy of the caretaker still exists at somewhat later stages but that need is then based on factors other than the need for organization in the mind and for the organization of our first mental processes. These new factors concern the development of object-relatedness, its quality and the special dependence that is thus created between infant and mother.

Day Care situations will introduce, of necessity, a multiplicity of different caretakers to deal with the basic needs of the very young baby, precisely at the very time when he or she is in the greatest need of sameness of certain experiences. This problem will be discussed further later on in the paper.

The interesting electroencephalographic findings during the first three months of life seem to throw some light in the peculiar developmental processes of this period and on the enormous importance of the presence of an empathic mother during this time. As we know the electroencephalographic pattern characteristic for most of the first three months are the delta waves, that in the adult corresponds with a state of marked somnolence. These delta waves disappear only at those moments in which the baby becomes attentive in a special fashion (more frequently during the second and third month), at which points the functional capacity is heightened at this time alpha waves replace the delta waves.[3] The type of stimuli that causes the very young infant to emerge from his usually somnolent state can be presumed to be an increase of his internal needs, or some form of discomfort. At this point an empathetic mother will come to her baby. The communication and interaction between mother and infant thus take place during a stage of heightened alertness and functional capacity on the infant's side. It seems plausible that the baby's experience under these very special functional conditions are of special significance and that the contacts and interactions between the baby and his mother at such points (when the alpha wave displaces the delta pattern) facilitate and encourage not only the ego development of the child but also marks the beginning of an increasing awareness of the object.

I think it is most significant that the institutionalized child and the child at a Day Care Center will frequently miss this opportunity for contact and interaction with another human being when he is in a state of increased functional alertness. One reason for this, is that such states are of very short duration, especially if no appropriate interaction follows. Another is that they are quite likely to go unnoticed by a staff who is responsible for a large number of babies and who consequently must devote his time to cope with feeding, changing diapers, etc. Further, these occasional states of alertness during the first few weeks of life usually charm mothers who respond intensely and in kind to the child, as all those who have had the opportunity to observe babies and their mothers will confirm. Interestingly enough this response is not likely to be elicited in anybody else but the child's mother.[4]

I believe that this type of interaction has a chain effect: such states of alertness tend to arise more frequently when the child is responded to. Thus, the mothers response leads to increased alertness and to the wish for more contact.

It seems too that by the second and third month specific aspects of the mother's behavior, certain types of stimulation and play will have an arousing capacity similar to that of the internal needs of the baby. Conversely, a lack of response to these early occasional states of alertness in the institutionalized child probably contribute to, and perhaps determine, his later more withdrawn attitude, lack of alertness, etc.

Though I have highlighted the special value, during the first three months of life, of the infant mother—interaction during the states of alertness, the value of the ministrations of the mother at other times should not be underestimated. Many such ministrations take place when the functional condition of the baby's brain is of the somnolent type (delta waves pattern).[5] Naturally, their impact on the baby are of a different quality. At this time things happen to him when he is not alloplastically orientated (as in the alertness state). Nevertheless, the ministrations of the mother under delta waves conditions do provide him with a wide range of new sensory stimulation, that makes contributions to the functional awakening and the gradual development of different ego apparatuses and structures and, at the beginning, perhaps more especially the perceptual one. Through these ministrations the mother manages to provide much of the necessary and basic conditions of minimum comfort and well-being, without which ego development will not proceed normally.

One could discuss too the implications that the Day Care Centers will have at different developmental stages, i.e., the possibility of delays in the typical developmental milestones, smiling, hand-eye and ego integration, holding the head, babbling, sitting, crawling, walking, talking, etc., and the impact that such early developmental delays (and what they signify) might have in the final organization of the personality and on its quality. Such a task will lead us too far afield. Furthermore, the paucity of our knowledge in this regard may make the effort unrewarding at this time. Think for example of the phenomenon of the stranger anxiety, a phenomenon that appears usually around the tenth month of life, sometimes early, sometimes later. We can say with certainty that the child at such point is distressed at the recognition, or approach of a stranger, partly because it highlights his own mother's absence. Babies' distress in this situation varies greatly but some do become markedly upset and disturbed if handed to a stranger, or if a stranger forces his presence on the infant. One cannot but wonder what the Day Care situation will do to those babies suffering acutely from stranger anxiety, since many strangers will not only approach them but force their ministrations upon them. In this case, like in many others, we are not in a position to give definite answers as to the possible implications for the child's development of this type of mismanagement. Yet it seems, at the very least, unwise to force on the baby something against which his whole nature revolts, just because we are not aware of the possible consequences of this practice. What if we were to find in retrospect that it has undesirable effects on the child's development and mental health at a point at which we may have already subjected hundreds of thousands of babies to this experience?

By the time the child is approaching what Anna Freud has referred to as object constancy, the quality of the toddler relationship to the mother makes him extremely dependent on her, at a point when his ego development is so limited, that we know that he cannot handle separationa from his mother (or his primary objects) without in most cases being overwhelmed by anxiety of traumatic proportions. Repeated experiences of this type, especially if they have traumatic proportions, are well known to have damaging effects in the personality and mental health of the child. This reaction of young children is so well known in the field of mental health that we have coined the term "separation anxiety" to describe it. The term refers to the biological unity that exists between the mother and her infant, a unity that if disturbed leads in some cases to very unwelcome results regarding the final personality of the child. It must be clear that in this case we are not referring only to permanent separations but to transitory ones as well, separations that may last just a few hours at a time. Furthermore, we have sufficient clinical evidence to assume that though separations from his biological object are always unwelcome by the very young infant, there is a particularly vulnerable and critical period in this regard in the early part of the second year of life. From all we know, it must be said that special efforts must be made not to expose the child to unnecessary separations, during this especially critical period. At this time and for developmental reasons the child has little tolerance for the absence of his object. This is feared *per se* but further, when the child is confronted with the mother's absence, his *automatic response is an anxiety state* that in many occasions reaches overwhelming proportions. Repeated traumas of this type in especially susceptible children will not fail to have serious consequences for their later development.

The reasons explaining the above phenomena are not difficult to understand. They are based in a normal relative inbalance that exists in three fundamental lines of development during the second year of life. The first, concerns the ego that is, the degree of ego development reached or more generally speaking the child's capacity (or lack of it) to understand the happenings in the world around him, the quality and level of his thought processes, the child's ego capacity to bind and to cope with anxiety as it arises, the existence of an early capacity for introjection, etc.

The second reason concerns the line of development of object relations and reflects the level and quality that object relations have reached at this point in life. There has been a gradual development from the stage of need satisfaction that is, that stage when what is most important is the satisfaction of the baby's basic needs—somewhat irrespective of which object satisfies them—to that of object constancy. When the infant reaches the stage of object constancy it is no longer the child's needs or the object's need fulfilling functions that are important. Instead, *the object,* independently of its need-fulfilling functions, has become the child's primary concern. As we know, the transition from the phase of need satisfaction to that of object constancy happens very gradually. It starts during the third or fourth month of life, gaining momentum during the second half of the first year and is usually well established (object constancy) in the second year, more frequently towards the end of the first half of the second year.

At this time, the child's interests are centered on his mother. His feeling secure and safe is predicated on the mother's presence. His reaction to separation is based on this simple fact coupled with the ego's inability, the intellectual inability to distinguish as yet between temporary absence and complete disappearance or even the capacity to link absence with the subsequent return of the object. It is no wonder then if he reacts with anxiety when the mother is not around. A child of this age has no concept of time either. From his egocentric position and given that he feels most secure when with his mother, especially in situations of fear, distress and anger, he cannot understand that the mother is not there when he requires her presence.[6] Her absence, especially in situations of distress, fear, pain or danger, provokes an automatic anxiety response and since the child's ego is very easily put out of action by anxiety during the second year of life it follows that he cannot make use of the scarce resources that he has available in any attempts at understanding, coping and binding the anxiety, the terror, that overwhelms him in such occasions.[7] He has not yet developed sufficiently the capacity to delay his affective response, to *pause and consider the meaning of, and the reasons for the mother's absence.* Parenthetically I should say that no other animal species will subject their infants to experiences they are not endowed to cope with, except the human animal.

A few months later, this inbalance between the extreme fixation to the mother and the ego's inability to process information and delay anxiety is altered. The ego having developed further makes the child's response, to the same events, quite different. Thus, we have observed children who in the first part of their second year of life are overwhelmed by their mother's absence while in the second part of the same year they were quite able to cope with the same experience by ego means, intellectual means and without being overcomed by fear. One child I have in mind, as an example, woke up during the night and went searching for his mother. His grandmother told him that mommy had gone out, as he knew, but had left the message for him that she was going to be back soon. The small infant turned around, walked to his bed while saying to himself several times, "Mommy will be back soon," adding, "Mommy gone to the movies." In contrast with a few months earlier when he would have been in a panic, he fell asleep again without any difficulty of distress. He could now master the meaning of her absence as his own explanatory addition to the mother's message "gone to the movies" demonstrates. It is of interest that he was able now to bind the anxiety which otherwise, as in the past would have overwhelmed him, by means of meaningful thought process. You should notice that at this time "movie" was for him a place where mother went on occasion and from which she returned soon. He did not really know the actual and concrete meaning of the word "movie." Anny Katan (1961) has shown, how the ego's capacity to tolerate and to bind anxiety increases markedly during the second year because of the beginning of language development, which is no doubt correlated with an increased capacity to think conceptually.

Day Care Centers will presumably accept toddlers during this critical stage, something that ideally does not seem desirable. How to screen such children in their admissions procedure, how to minimize the distress of the child when powerful reasons force its admission, etc. are all questions in urgent need of answers.

It is of course true, that in spite of the close tie of the toddler to his mother, he takes notice and relates to other familiar persons, especially when they make efforts to earn the toddler's sympathy. Fathers, grandparents, older siblings and others become part of the toddler's enlarging world. Yet, it should be clearly realized that these other relations take place only under the shadow of the relationship to the mother. The two year old child can spend much time playing with grandparents and others away from the mother (if these people can appeal to the toddler's interest), secure in his knowledge that the mother is around in the house, though not necessarily in sight. To assume that this behavior suggests the toddler's independence from his mother is quite mistaken. If she were to leave the house, the toddler will immediately demand to go with her and will refuse to continue playing; if left behind he will break down in tears and anxiety. By the same token there are times and activities that as far as the toddler is concerned belong exclusively in the context of their relationships to their mothers. At such points he will demand her presence and refuse substitutes, even those with whom he has a good relationship generally speaking. Bedtime, frequently feeding time, or those occasions when the child wakes from his sleep, when he is unwell, has been hurt, is frightened, etc. are good samples of such situations. All the above shows, I believe, some of the violence that is introduced into the developmental patterns of the young baby and toddler, by a Day Care situation. The results of such violence to the system are not easily predictable, since children vary in their capacity to adapt and to tolerate stresses. The cumulative nature of the stresses introduced makes one fear the final outcome if such child-rearing practices become widespread. One thing seems clear, we will produce a different type of child and for all we know one that is liable of multiple handicaps for adaptation given our present social organization and needs.

We know too that by the time the child is two and a half or three years of age he not only can separate for long periods of time, but he can accept readily mother substitutes or subrogates during that time in the form of teachers for example in a good nursery school setting. Further, in a favorable setting (nursery school) he will be capable of profiting from the experience and of making significant developmental gains. Yet, even then, we are familiar with the fact that if the child feels unwell, gets hurt, or frightened, etc. he will cry bitterly for the presence of the mother, and this in spite of his increased capacity to tolerate her absence and accept substitutes.

There are many other areas where a good mother-child interaction is significant. To mention just one example, Moore and Ucko (1957) found that for most children an adequate amount of interplay with the mother is an important factor conducive to the establishment of an appropriate sleep rhythm. They called this form of contact "excess nursing"; that is, a measure of the time given by the mother to the baby for contact and play over and above what he may need for feeding. Those babies who in their samples received the least excess nursing time had the greatest tendency to wake, while those who had ten to twenty minutes in addition to the feeding time settled best in their sleep patterns. Here again, it is difficult to see how a Day Care arrangement, with a large ratio of babies to staff can fulfill such requirements. Theoretically, if Moore and Ucko observations are correct, the potential for sleep disturbances in these babies, with frequent waking-up in the evening, is there. One cannot but wonder what this will do to the mother-child relationship, especially in the case of mothers who have a busy day for reasons of work, studies, etc., and badly need their sleep.

Day Care Center physical facilities should provide a suitable environment for a population of children that ranges widely in age. For our purposes we are restricting the discussion to children up to two and a half years of age. A hygienic and safe environment; adequate lighting and ventilation; sufficient space for each age group needs; flexibility for separation of children according to their ages (since the needs of a three month old are enormously different from those of a toddler); rooms to rest; appropriate space and provisions to deal with the feeding situation; flexible, multi-purpose utilitarian furniture; appropriate bathroom facilities to include toilets of appropriate size for toddler's usage; potties for the younger toddler; appropriate washing facilities for babies, an isolation room for sick children (especially important in cases of contagious diseases in order to avoid small epidemics); first class facilities for the preparation of food; ideally suitable playground facilities; a good provision of adequate and stimulating toys selected for their appropriateness according to age and their suitability to promote perceptual, cognitive, motoric and conceptual development; good first aid facilities; easy access to nurse's services and pediatricians; a good provision of appropriate milk, food, bottles and other utensils, as well as easy access to emergency services; facilities for the sterilization of bottles, etc, are some of the essential requirements. This is by no means a comprehensive list of basic needs for a setting where large numbers of small children are going to be looked after for substantial periods of time on a daily basis. Nevertheless, it is easy to see that present ordinances regulating Day Care facilities leave much to be desired and do not ensure all that a reasonable environment and reasonable care be provided for the children.

Many Day Care Centers as they exist now are about the most inappropriate lodgings one can think of, such as damp, dark, not sufficiently heated church basements and the like. This is not only prejudicial to the children but demoralizing to a staff on whom extraordinary demands are going to be placed. Over-crowded conditions in the Centers will be self-defeating. Not only will they interfere with safety, create dangerous conditions for the spread of many potentially dangerous infectious diseases of childhood but will create a chaotic environment, with multiple sources of loud noises, occurring simultaneously all the time, a situation that makes adults tired and inefficient rather quickly and that proves extremely disrupting to babies and toddlers. It is true that babies have (especially early on) a high threshold for sound. Yet, this means mostly one type of loud sound but a multiplicity of sources of loud sounds is a different problem. One in fact that at the early stages affects negatively the development of the mind interfering with the development of perceptual-cognitive capacities, discrimination, orientation in the world around, establishment of cause and effect connections, etc., as our multiple clinical observations demonstrate.

Further, crowded conditions will interfere to some degree with motor development and the necessary exploration of the world around that goes with it. Under such conditions babies will have little opportunities for example for crawling and consequently for exploring, learning, and exercising their already acquired skills, as well as acquiring new skills, etc. Much the same will apply to the toddlers, let alone the fact that toddlers are naturally uncomfortable in limited space and in over-crowded conditions. In the toddler's case one has further to consider their normal need to be frequently on the move as well as the fact that they do not normally engage in constructive play with other children and toddlers (that would somewhat reduce the need for space and equipment). As we know there is only essentially parallel play in a toddler's organization, a fact that increases the need for space so that they do not clash or interfere unnecessarily with one another, and so that the more aggressive toddlers are not constantly hitting and attacking other

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less aggressive or smaller toddlers or snatching and grabbing away their toys. Such a situation will only terrify the less aggressive, more passive toddler who already feels more or less fearful because of the absence of his familiar object, the mother. For the more aggressive toddler this environment will reinforce his aggressive tendencies unduly, making it all the more difficult (and more conflicting) for him to acquire necessary controls over his aggression as well as the ability to impose the necessary restrictions over it. Observations of children demonstrate quite clearly that this type of toddler, with an excess of motoric and aggressive energy, needs special handling if he is not to find himself later on in serious difficulties with his aggression, with others and with himself.

If we consider now who is going to staff the Day Care Centers we find that present law provisions for the regulation of the Centers leave much to be desired. For example, in the state of Michigan all the qualification that is required for the director's position is *any college degree*. Most college degrees offer little, if any, information regarding the developmental needs of children especially in the age group from birth to two and a half years of age. The qualifications of other staff is totally unspecified. One implication being that Day Care Centers will contribute to alleviate in some measure the unemployment situation and perhaps more especially the *hard to employ* problem. I seriously doubt that being unemployed should be sufficient criteria to entrust anybody with the most precious and delicate possession of our society, our very young infants. Clearly some screening procedure is essential here, to ensure that neither the disturbed, the unsympathetic or the cruel to children will assume caretaking positions in Day Care Centers for the very young, indeed not for any age group. Some experience with infants, some forms of training, some natural maternal qualities are highly desirable qualities in those selected to fill these positions. Obviously too, a minimum of training regarding infants needs and ideal conditions for their development should be a sine qua non. Similarly, highly informative and simple courses on the major causes of accidents in babies and toddlers are necessary if many unnecessary tragedies are going to be averted. We have only to consider that the toddler group has an enormous incidence of fatal or otherwise very serious accidents, frequently by the ingestion of toxic substances. The toddler as we know tends to ingest the contents of whatever happens to be within his reach. Similar dangers exist in relation to electrical appliances, unsafe toys, etc. Effective prevention of serious accidents has to be based in appropriate supervision, vigilance and in an increased awareness of the major causes of accidents for the age group. The above considerations refer mostly to the very minimum of "quality" to be required of the staff. Another essential consideration concerns the quantity of staff required. In this regard the ratio of staff to number of children should be much greater when we are thinking of young infants than of older age groups.

Since large numbers of children will spend no less than eight hours a day at the center we must ensure that there is sufficient interaction with babies so that they receive the necessary stimulation. That interaction, as we have pointed out earlier, is more effective at certain times than others. The staff must be alerted to this so that it is ready to go to the baby at the right time. The interaction should not be reduced to the time of feeding, cleaning or changing diapers. It is obvious that if the ratio of staff to babies is not large enough, they will be reduced to perform the most peremptory function of changing diapers and feeding. Frequently, babies will be left to suffer from hunger and other undesirable stimuli simply because the staff cannot get to them within reasonable time, if they have to handle an excessive number of babies. Babies place enormous demands on their caretakers, more so at certain stages than others. Babies within the first few weeks of life spend much time sleeping but especially after six months and onwards require a great deal of attention, handling and human interaction. Naturally, they should be held and carried around sufficiently. They should be played with. Otherwise there will appear retardations in their developmental milestones, speech development, etc. Ideally then, there should be one caretaker for three babies (at the most) in this age group. As mentioned in the first part of this paper it will be most important that so far as possible the same caretaker be responsible for the same group of babies in a consistent manner. This may be very difficult to accomplish, since vacation time, holidays, sickness, days off, etc. will complicate matters here and more especially so in those Centers that run more than five days a week.

Another complicating factor is the number of shifts of staff taking place during the working hours of the Center. We know of Day Care Centers running from 6:30 a.m. to 6:30 p.m. and there are demands for services around the clock. Many Day Care Centers' directors feel that shifts of six hours is about as much as staff can reasonably handle. The question introduces the problem of multiplicity of handlers and caretakers for babies that is, lack of constancy of objects, the importance of which has been discussed earlier. We must take into account that even in the case of those Centers that will try to provide constancy of objects for the babies, the babies will, of necessity, have been handled by at least two staff plus the mother. The development of the babies' capacity for suitable object relationships later on in his life is very much dependent in the nature and quality of these earlier experiences. What we have described earlier as the stage of object constancy in children, which incidentally is an essential step to reach developmentally, if a "normal" personality is to evolve in terms of a good capacity for object relations and otherwise, is somewhat similar to the so-called process of imprinting in other animal species. One essential difference is that the "imprinting" to an adult human takes place in a much slower fashion than in other species. For this attachment to take place a multiplicity of interactions with the same object, through at least a year is necessary. This type of attachment reaches its summit when object-constancy is fully established.

This is in sharp contrast with the same process in for example the geese, where attachment behavior (imprinting) takes place instantly and immediately after birth. The little geese getting attached automatically to whatever large size object moves within his range of sight immediately after hatching.[5] Without wanting to stretch the similarities too much between human and animal attachment behavior and imprinting (and acknowledging obvious differences), the fact still remains that in both cases, such processes are essential conditions for the normal development of object relationships with members of the specie. In the human, basic faults in the capacity to attach oneself to other humans lead indeed to veritable catastrophic results in extreme cases, and to very undesirable outcomes even in the less extreme cases.

On the basis of the information available regarding different types of child-rearing practices and their known outcomes, as well as our present day knowledge of the basic needs of the human infant to develop normally and ideally, I cannot but seriously question (for the age group I have been referring to) the advisability of moving to the establishment of Day Care Centers in the grand scale that this country is now planning. I fear that widespread and unthoughtful use of such facilities in this country, for infants in the age range between birth and two and a half years of age, could someday result in the United States mass producing large numbers of children with serious emotional problems and psychopathology. Furthermore, we may mass produce large numbers of low achievement, low I.Q. youngsters. Babies whose brains are understimulated and mismanaged, whose emotional development has been interfered with by inappropriate Day Care Center's practices. These children will later on need Head Start programs, special remedial classes in school and will probably continue to be in general and in spite of every effort, low achievers. We are all painfully aware of the small return that Head Start Programs has brought to those unfortunate children whose fate it was to grow under poor environmental conditions in early life. This painful awareness has led to the realization that programs such as Head Start reach the child far too late to be effective. Hence the move towards identifying the "problem family" earlier, thus helping to prevent the damage to their children during their babyhood and their toddler stage. This is a much more sensible approach since the disturbances that Head Start Programs try to remedy have their origin in early life.

From the considerations in this paper it seems likely that Day Care Center facilities for children (in the age group we have been discussing) is to say the least, pregnant with dangers for their healthy emotional and intellectual development. Some but not all of these dangers, can be minimized and even averted if we devote substantial amounts of time, money and research efforts, to understand and then to supply, artificially, those ingredients that make for the recipe of healthy development in a family setting, to children in Day Care settings. At the present time we are far from able to do this efficiently and with certainty. Careful design of the Day Care Centers, extensive and sound training of its staff may go a long way in the right direction. Anna Freud (1971) recently restated what she said forty or forty-five years ago that is, "that in this field [child care] we proceed to action without inquiring into the quality of the material with which we deal. . . . Work with metal, and ideas about what can be constructed from it, are based on the quality of this particular material. Whatever plans are made for it are made on the basis of the knowledge of these qualities—whether you can bend it, heat it, etc.

But it has not been so with work with children. This has been determined by extraneous factors—by feelings about them, financial possibilities, social opportunities, religious motives, or the very personal motives of a child worker. I think that many of the unexpected outcomes and many failures have been simply due to the fact that the handling of children has not been based on knowledge of their nature. . . . I think very seldom has a conference [at the Child Study Center of Yale University in 1966] expressed as clearly as this one that we should start with the developmental needs of children, and that plans for children should be based on detailed knowledge about their needs and the possibility of meeting those needs" (p. 227–228).

I am willing to admit readily that many families and many mothers do not or cannot give their infants the time and attention that they so essentially require. The reasons for this are multiple. Sometimes they just have too many children, or physical or emotional incapacities, or obligations outside the home such as working to meet the basic needs of food, shelter, etc. At others it is the appalling socioeconomic conditions under which they live that have led to emotional despair and apathy. A Day Care Center may be a welcome

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addition to the lives of these unfortunate children, providing much of what is missing at home in the form of stimulation, enrichment of the environment, adequate diets, a minimum of structure, adequate medical care, etc. There can be no question either, that some children will be better off fostered, in residential care, or in Day Care Centers, than they are at home. Indeed, the life of some children, let alone their emotional health, can be in jeopardy if they remain with their parents as the increasing instances of battered and murdered children demonstrates. Nevertheless, in my view, Day Care Centers should for the time being, strictly restrict its admissions to the group of children described above, and only after being well satisfied that no suitable alternative methods can be implemented to improve the home situation, the family climate. Anna Freud (1971) has rightly remarked that if we really believe in the superior advantage of family care to any other form of care, much effort should be concentrated on helping home life to fulfill children's needs. Financial support, advice and guidance, with supplementation of home care by intensive Day Care geared to implement the lack of family care only when no other alternative is available. She questions if the authorities really do everything possible to promote family care, to enhance it, to make it financially possible. She points out how many children who are deserted or because unwanted burdens to their unmarried mothers, children that in many cases could be kept by the mother or relatives and at less cost to society if support were forthcoming. But we should not turn what is a tragedy of certain socioeconomic, lower class groups into an institutionalized norm for all children, condemned and supported by the state. After all, neglect in this area is not simply a job not done with the possibility of making up for it later. It is a wrong that is not redressable.

There are as well, of course, other genuine conflicts between the best interest of the infant and that of many young mothers still in the midst of their educational careers, at colleges and universities, not to mention high school that seem to make Day Care Centers desirable. Here again innovative solutions are required and some have been produced. I recall a television program showing a special class for unmarried high school mothers where they were allowed to take their babies and minister to them while being instructed. Similarly, we could provide video-taped versions of the courses that young mothers could watch at home, while on campus. A video-taped lecture can be interrupted at any time, while the mother attends to her baby's needs, and continued afterwards at her leisure. They can be watched while young babies sleep, etc.

It is most unfortunate that many spurious issues have attached themselves to the question of Day Care Centers. For example, women liberation movements, that in their legitimate search for equality of rights and opportunities make blind demands for Day Care facilities without considering *the equal rights of the child to develop intellectually and emotionally as fully as possible*. I am aware that it is only a small minority of extremists in this movement that will be unwilling to examine rationally the implications of some of her demands. Nevertheless, since they tend to be the most vocal and outspoken group we have an obligation to educate and alert all women and specially those who have reached motherhood, to the possible dangers for their infants involved in this demand. Bettye Caldwell (1971) remarks that at the 1970 White House Conference on Children last December, delegates of various women's groups were among the most vocal demanding that Day Care Services be made available around the clock, year in and year out, for all who want it (p. 48). I want to make it quite clear that I have no objection whatsoever to women's legitimate rights for equality of opportunities, education and the like. But I do have, as I state elsewhere (1972), the strongest objection to neglecting the similarly legitimate rights of infants, especially since they cannot speak up for themselves and cannot look after their best interest.

Another spurious issue that has attached itself to the Day Care Center is a political one. The social-welfare, liberal-minded person and politician sees in this development a highly desirable aim. He is, of course, considering the issue essentially in the socio-political, philosophical sense. For the conservative minded person and the politician (with similar views), this development has an unpleasant flavor of a movement in the direction of an unlimited, unrestricted and unqualified social-welfare organization. They, too, are taking a socio-political, philosophical point of view. I want to suggest that both approaches are incorrect and neither of them should decide this issue. The issue should be decided by a rational and professional examination of the factors involved, based on sound knowledge of the child developmental needs and his best interest, under present societal conditions. It will be ironic if the noble intentions of the welfare, liberal-minded citizen, supports a plan in the hope of a betterment of social conditions that in the end does not really contribute to the welfare of the child, of the parents or of society at large, in the positive sense, but just the opposite. It would be similarly ironic if the conservative minded were to be successful in defeating a plan, out of socio-political considerations, that could greatly benefit large numbers of the children of this country and their families. Clearly if made into a political issue the outcome could be disastrous.

Finally, it is perhaps not widely known in this country that Day Care Center programs of the type we are now considering were widely implemented at the end of the war in several of the Iron Curtain countries. The rationale in their case was their desire to transform what were essentially agricultural economies into industrialized countries. For this purpose they needed more manpower (in this case womenpower) and in order to free women to work in industry they embarked in wide programs of Day Care run by the State. Meers (1971) has studied this and visited these countries recently. I have been told (personal communication by Meers) that after some twenty-five years of experience these different countries are quickly changing and modifying this practice. Apparently, many of the children under such care have become severe social casualties, burdens to themselves and to society, to the point that the human losses thus incurred far outweighs the gains that were hoped for initially.

FOOTNOTES

[1] More recently Cragg (1963), in a chapter in "Functional Plasticity of Nervous Tissue" has stated: "The effects of function on neuronal structure are of fundamental importance to the problem of how neurons acquire the right connections in the developing brain, and how the function of the brain matures. In recent years there has been a great advance in detecting morphological correlates of more sophisticated 'educational' influences as well as the cruder effects of neuronal damage. . . . In the visual system it is possible to apply some degree of sensory deprivation without the use of neuronal damage, and to study the effects upon the morphology of successive orders of visual neurons. It must be admitted that there is no physiological evidence that depriving the eyes of light reduces the rate of firing in the optic nerve, yet this procedure has been shown to be effective in reducing the amount of AChE in the retina, in retarding the myelination of the optic nerve, in reducing the RNA content and size of retinal ganglion cells, and in stopping the growth of neurons in the lateral geniculate nucleus post-synaptic neurons project to the visual cortex, and here a reduced nuclear diameter, a reduction of the internuclear material (cytoplasm, axons, dendrites, and glia) and a reduction in the density of blood capillaries has been detected. Conversely a visually enriched environment combined with training in visual problems has been claimed to result in an increased thickness of visual cortex in rats, an increased cortical content of AChE, an increase in dendritic branching, and an increased number of glial cells.

More subtle changes in neuronal connections as the result of disuse have been detected by electrophysiology, but cannot as yet be approached by neuroanatomy. Thus if cats are reared from birth with one eye closed and tested at 3 months, the closed eye is found to have lost the ability to alter the firing rate of the majority of cells in the visual cortex. When both eyes are deprived of light, the effects are less severe, so that competition for neuronal connections appears to be involved. When the eyes are prevented from working together by alternating an opaque ocluder between them or by artificially deviating one of them to produce a squint, the majority of cells in the visual cortex are driven by one eye or the other only, and not by both as in normal cats." (pp. 30–34).

[2] None of this should be taken literally. Programming is a graphic word of some explanatory value but as a term it possesses connotations that are inappropriate and insufficient to describe human development. Still it expresses graphically some of the problems at hand.

[3] Oswald (1966) remarked that "the alpha rhythm is an indication that the brain is functioning at one particular level of efficiency, alertness or 'vigilance'. . . . When the alpha rhythm is lost in drowsiness, the brain is functioning at a lower level of effectiveness"(p. 21).

[4] After all mothers gain as much pleasure as the child does from these interactions. A healthy, emphatic mother, takes enormous pride in her infant, in what she does for him, in his little achievements as they occur and radiates back this pleasure and warmth to the child. It is of course not possible to expect that quality and warmth in the communications between a stranger and an infant. After all, the mother has been prepared for this response biologically and psychologically by her nine months of pregnancy. That pregnancy and that infant have an emotional and psychological value to her (in a normal situation) that is unique and cannot easily be replicated by somebody that is "doing a job" and that is dealing with a multiplicity of infants simultaneously.

[5] Much feeding of very young infants takes place under this condition.

[6] Here he is not different behaviorally from any number of other species of animals. For as long as they are not mature to have acquired independency, safety only exists in the pack and by the side of the mother.

[7] Adults too, cannot think clearly when overcome by fear or when in a panic.

[8] In other higher species such as dogs and other mammals for example the procedure is not as simple as in the geese. There is an ideal time during which it takes place, usually not immediately after birth, requiring further, certain types of interaction during more prolonged periods of time. After this, the attachment behavior has been established and the imprinting process completed.

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THE FAMILY AND THE EDUCATIONAL PROCESS

(By Earl S. Schaefer)

My goal is to inform, to persuade, and to move each of you to accept personal responsibility for social change in programs that relate to families and children. I would like to tell you of an anecdote of an event that increased my awareness of personal responsibility to apply knowledge to promote human welfare. I had developed spherical conceptual models for parent behavior and child behavior (Schaefer, 1971) and told Dr. Babska, a Polish psychologist of my dream of studying the relationships of the two models to one another. She looked at me and said, "If you really understood these things, you would go out and try to change them." That is my challenge and the challenge of the conference to you. If you really understand the importance of the family, you will go out and try to develop an effective support system for family care and education of children.

An interpretation of research on early education and the role of the family in child development suggests the need for family-centered child care and education programs. My work on early education has evolved through several stages since 1964, at which time I began to realize the need for education during the period of early development of relationships and language. That insight led to the development of the infant education project, a tutoring program in the home during the second and third years of life. However, when the tutoring ended at three years of age, the children's I.Q. began to drop, suggesting the need for continuing education. The need for early education and for continuing education suggested that the family is an important educational institution from birth to maturity, in fact, that the family is the major educational institution of society. However, just as the child cannot function effectively as an isolated monad, the nuclear family cannot function effectively as an isolated unit. Therefore, we must develop the community as a support system for families and we must integrate the child care and education professions into a support system for family care and education of children.

Going beyond our current professions and institutions, we must ask, "Where are the agencies in society that are promoting the cause of the family?" We have major health agencies and education agencies, but where are the major family agencies? Very few exist, at national, state, or local levels. Therefore, we need to develop family agencies and what is more, we need to develop a national family lobby or family union. Recently, the education professions have been successful in their legislative programs by organizing an educational lobby. The health professions have been successful in many of their legislative goals by organizing a health coalition. The development of family agencies and of a family lobby may be necessary to develop programs that support families in their major role in child care and education.

The definition of education in Webster's Unabridged Dictionary as "the act or process of rearing or bringing up" suggests the major educational role of the family. A second definition—"the process of providing with knowledge, skill, competence or usually desirable qualities of behavior and education"—also applies to the family. However, the definitions of an educator "one skilled in teaching" and "a student of the theory-practice of education" are applied almost exclusively to professional educators. Yet, if parents are engaged in education, then they should truly be educators, should be skilled in teaching, and should be students of the theory and practice of education.

This analysis suggests the need to emphasize the role of the family in the educational process.

A common sense analysis of major characteristics of family care and education will support the importance of the family. Ten characteristics of families that suggest the great cumulative impact of the family upon child development are listed in Table I (Schaefer, In Press).

TABLE I

1. *Priority*. The family influences the early development of relationships, and interests and language.
2. *Duration*. The family maintains contact with the child from birth to maturity.
3. *Continuity*. Prolonged separations of parents and children are rare. Separations are often investigated under the concept of maternal deprivation.
4. *Amount*. The total amount of interaction of children with parents tends to be greater than with any other adults.
5. *Extensity*. Parents and children interact in many different situations and share many different experiences.
6. *Intensity*. The degree of involvement of the child with the parent tends to be more intense than with other adults.
7. *Pervasiveness*. The parent influences the child's contact with other persons and institutions and controls the child's access to society and society's access to the child.
8. *Consistency*. The parent's behavior with the child tends to be consistent over time.
9. *Responsibility*. Both parents and society recognize the parent's primary responsibility for the child's welfare and development.
10. *Variability*. The extreme viarability of family care and education, from extremes of acceptance, involvement, and stimulation to extremes of neglect, abuse, and physical deprivation, is related to variability in child development.

The cumulative effect of these different characteristics and family care of children is the basis of the primary importance of the family in the educational process.

Although one would expect these characteristics of family interaction to influence the child's development, the degree of that apparent influence in one recent study was startling. Alex Rode (1971) had children report their parents' behavior toward them and had them report their own alienation on Keniston's alienation inventory and found that 79 percent of the variation in the child's report of his own alienation was related to his descriptions of his parents' behavior. Alienated high school students described their fathers as neglecting, ignoring, detached, distant and hostile and their mothers as rejecting, hostile, and overinvolved—controlling through withdrawal of relationship, through instilling persistent anxiety, and through guilt. The somewhat different patterns for mothers and fathers increase the credibility of the finding that children's perceptions of their parents behavior is highly related to the degree of alienation.

Another study suggests that studies of parent-child relationships alone are insufficient in considering family influence on child behavior. Danjczek (1971) had principals and teachers nominate well adjusted and maladjusted children from intact families in their classrooms and then asked the fathers to describe their wives' behavior and the mothers to describe their husbands' behavior. With small samples of intact families of adjusted and maladjusted children, she found highly significant differences in marital adjustment related to the child's functioning in the classroom. This study suggests that parent-child interaction alone is not an adequate measure of family interaction. Apparently, the husband-wife interaction and perhaps the whole network of family relationships also influence the child's development.

Merill Roff (1950) in a review of intra-family resemblances, reported that the child's character development—moral attitudes and opinions—are highly related to those of his parents. He also reviewed studies that the child's attitudes toward the church, war, communism, and his political loyalties correlated with those of his parents.

A recent study by Smart and Fejer (1970) suggests that even drug use by adolescents may be highly related to their experience in the family. It fascinated me that if the child reported his mother used tranquilizers almost every day, as contrasted to reporting that his mother never used them, the child was eight times as likely to report that he used tranquilizers. But the similarity in drug use did not stop with tranquilizers, if the mother frequently used tranquilizers the child was also more likely to report use of barbituates, marijuana, LSD, and other drugs. The child's report of his father's drug use was also related to his report of his own drug use. Smart and Fejer concluded that parents are models for the drug use of their children. The other studies reviewed above suggest that their generalization is also true of many other behaviors.

Since intelligence test scores are highly related to educational achievement, a review of studies of parent influence on intellectual development will provide further evidence of the importance of the family in the education process. My interest in early education was aroused by the fact that major differences between socio-economic groups in mental test scores emerge during the second and third years of life, i.e., the period of early language development. The mean mental test scores of different social groups stabilize before school entrance. The schools typically do not change levels of intellectual functioning, they merely educate at the level established prior to school entrance. The family initially establishes the child's level of intellectual functioning, maintains it, and the schools have been relatively powerless to change it. These data again indicate that the family is the major educational institution, both in priority and in amount of influence on the child's intellectual functioning.

Among the many studies that show that mental test scores of different social groups develop during the first three years is the Binet by Terman and Merill (1937). They reported that differences among children from different occupational groups were approximately as great for children between two and a half and five years as for any subsequent age period. A number of studies show that the difference can be shown by standard mental tests at the end of the second year of life, during the period of early language development. Since early language measures are the best predictors of later IQ, and vocabulary scores correlate highly with total mental test scores (Schaefer, 1970), it is not surprising that several studies find that language development that is influenced by the child's early experience in the family is the best predictor of the child's academic achievement. Perhaps learning the language during the second and third year of life is the most important learning of the child, and the family is influencing that early learning. The family not only influences early language development, but also much of the child's subsequent informal language learning during the school years.

Research data on early intellectual development motivated the design of the infant education project, a home tutoring project during the second and third year of life. Data on family influence on intellectual development should have motivated an attempt to work with the family on the child's intellectual development. However, at that time I had too little faith in the ability of families to support the development of their children, or too little faith in our ability to work with parents on the child's intellectual stimulation. Therefore, we decided to go into the homes and to tutor the infants to foster their intellectual development. We made several major errors in that project, from which we have learned a great deal about early education programs. Because the errors we made are frequently made by child care and education professions and institutions, I would like to describe them.

The infant education project began home tutoring a group of poor black infants at fifteen months (Schaefer and Aaronson, in press). We discovered that fifteen months is a rather late period to begin an educational program because some of the children were very withdrawn, apathetic, and unable to relate to the tutor because of their early experiences. For some children, it took months to develop a relationship that would allow the tutor to provide appropriate educational experiences to the child. Thus the first major error of our project was that we began too late. We tutored the children for approximately four hours a week until they were three years of age and then stopped, as we had planned in our research design. That was the second major error of our program—we stopped too early. However, at the time we stopped tutoring, the mental test scores suggested that the project had been a success for the tutored infants had a mean IQ of 106 and the control group a mean IQ of 89, and the 17 point difference between groups was highly statistically significant and apparently socially significant. However, three years after we stopped tutoring the experimental group, there is only a small insignificant difference between the infants who had the early child-centered tutoring and the control group. Thus, the data confirm the thesis—the need for early education—and suggest the antithesis—the need for continuing education.

An analysis of the relationships between data on the maternal behavior of the mothers of the tutored children and their children's intellectual development, found that the hostile, rejecting, detached, neglecting mothers who did not provide verbal stimulation and were not interested and involved in their educational experiences tended to have children with low IQ's. Both tutoring and the quality of maternal care had influenced the child's intellectual development during the second and third years of life.

The tutoring could be interpreted as supplementary maternal care, for the tutors' activities of developing a positive relationship with the child, providing enriched experience and language stimulation were similar to the pattern of maternal care that fosters the child's development. These data, as well as other studies to be reviewed below, suggested that we had made a third major error—we had intended to supplement but implicitly had supplanted maternal care of the infant. Our actions had implicitly said, "We (the tutors) are the experts, we will take responsibility for the education of your infant." In the long term evaluation, this policy has been unsuccessful, for the results of the early intervention did not result in significant differences three years after the tutoring ended. I now believe we should have focused upon working with the parents and our actions should have said, "You have the primary responsibility for your child, you can develop the skills needed to educate your child. We will help you with methods and materials to do the job yourself." From the experience of the infant education project, we confirmed the thesis—the need for early education, we developed the antithesis—the need for continuing education, and we began to grasp the synthesis—the need to develop the family as an educational institution from birth to maturity.

Additional evidence of the importance of the family in the education of the child is provided by a study of the development of children in an orphanage as contrasted to children in families. Skeels et al. (1938) reported that the language scores of children in an orphanage were only one-fourth to one-half those of children reared in families. The authors interpreted their findings as revealing the effectiveness of family care and suggested as an explanation of their finding:

". . . the orphanage situation was characteristically deficient in the factors known to be associated with good language development—such factors as adult-child ratio, parent goals for child achievement, standard of acceptibility of verbal expression, number of hours being read to and being told stories, breadth of experiences, and extensions of environment."

Other Iowa studies show that genetics influence the intellectual development of the child but that differences in environment may influence the degree of development of the child's potential. Skeels and Harms (1948) found that children of mentally retarded mothers and laborer fathers, when placed in good adoptive homes, achieved a mean IQ of 104 and Skodak and Skeels (1949) reported that children whose natural mothers had a mean IQ of 89 achieved a mean IQ of approximately 110 in good adoptive homes. These data suggest that a radical change in environment may produce a radical change in intellectual functioning between generations. Jensen (1969), in emphasizing the genetic influence in intellectual development, quoted data from Skodak and Skeels (1949) that showed the correlation between the IQs of the adopted children and those of their natural parents but did not cite the differences in intellectual functioning between parents and children that are probably related to differences in environment.

A study of parent behavior and child development by Rupp (1969) quantified cultural pedagogical milieu, which was related to parent educational levels. Among a group of children from the lowest educational level variations in the cultural-pedagogical milieu of the home were significantly related to reading achievement in the first grade. Kent and Davis (1957) studied parents of delin-

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quents, of normal school children, and of children referred to psychiatric out-patient clinics. Parents of delinquents tended to be unconcerned, neglecting, and ignoring. Parents of normals tended to have normal affection and discipline in the home. Children referred to psychiatric treatment had parents who were seen as more demanding and overanxious. Within the school sample, parents of children with high IQs tended to be more demanding and parents of children with low IQs tended to be unconcerned. Apparently, the variables that are related to emotional development and intellectual development differ to some extent. Werner, Bierman, and French (1971) quantified educational stimulation and emotional support and found education stimulation more related to academic achievements and emotional support more related to absence of emotional problems. Thus, different patterns of parent behavior may develop different strengths and skills in children.

Data from several major longitudinal studies also support the conclusion that parent behavior influences the intellectual development of children. A study of a national sample of approximately 5000 children from England, Scotland, and Wales by Douglas (1964) quantified the quality of the schools the children attended and the degree of parent involvement in the child's education as shown by mother's visits to the teacher and principal and father's visits to the school. The degree of parental involvement in the child's education explained approximately four times as much of the variance in the child's mental test and achievement test scores at age eleven as did the quality of the schools. After controlling for socio-economic status of the parents, variations in parental involvement were still related to variations in child test scores. The quality of family care of the child also tended to be related to socio-economic status of the family.

A study by Milner (1951) had similar findings on socio-economic status, child care and education, and child achievement. Children with low test scores came from homes with very few books, were read to infrequently, and were given harsh physical punishment.

Milner also reported that the child's test scores and parent behavior were both related to socio-economic status of the family. Perhaps different socio-economic levels lead to different styles of life, different types of child-rearing, and different achievement levels of children. This suggests that responsibility for rearing children does not rest in the family alone but also in a society that assigns a given role and style of life to families and either supports or does not support family care and education of children.

A study by Moore (1968) in England showed that early observations of parent behavior can predict the child's later intelligence and reading skills. From home visits at the child's age of two and a half years, Moore qualified the quality and quantity of verbal stimulation; the toys, books, and experiences provided, and the quality of the parent-child interaction. These early ratings were significantly related to the child's I.Q. at three years but more highly related to the child's I.Q. at eight years, perhaps showing the early and continuing impact of parent behavior, correlations were found with the child's reading at seven years. Even after controlling for socio-economic status of the parents, sizeable correlations were found between early ratings of parent behavior and the child's development. Since the home tends to be a relatively stable, consistent educational environment, parents who educate early probably educate later also. The longitudinal studies, which find sizeable relationships between early parent behavior and child development even after controlling for socio-economic status, can be interpreted as revealing the cumulative impact of parent behavior.

Perhaps even more convincing is the intervention research on family education of children. Levenstein (1970) directed a fascinating study in which she conceptualized books and toys as verbal interaction stimulus material. Social workers took books and toys into homes, demonstrated their use to the mothers, had the mothers use them with their preschool children, and left the materials there. With approximately thirty-two visit over a seven-month period, during which they left approximately a dozen books and a dozen toys, the children gained approximately seventeen points in IQ. With fewer visits the next year, they were able to maintain and even increase the child's level of intellectual functioning. Levenstein's program is almost a feasible social program for supporting family education. It is of interest to me to contrast Levenstein's program with my own child-centered infant education program in which we saw children approximately 300 times over a twenty-one month period. Both my child-centered program and Levenstein's parent-centered produced approximately the same gains in intellectual functioning, but her program was less costly and probably will have much greater long-term effect. Therefore, I try to persuade others not to do my child-centered program but to adopt a parent-centered program such as Levenstein's, Karnes' or Gray's.

In Karnes', et al (1970) program, small groups of mothers were brought into a center and taught skills in early education by working with them on the development of materials and methods and also by visits to their homes at least once a month to support the group work in the center. With mothers who were not working, the group program in the center was very effective, producing approximately a seventeen point IQ gain in the children of the mothers who remained in the program. The finding that working mothers were less motivated to participate suggests that parents should be trained very early in child development skills, perhaps before and during pregnancy, in order to insure that they will have the motivation and skills required to effectively participate in the care and education of their children.

Both Weikart (1968) and Gray (1970) have used home programs that teach mothers skills in early education to supplement preschool programs. These programs have been relatively effective; in fact, Weikart (1968) has reported approximately a thirty point gain in low IQ children in a one year home and school program. However, in these early education programs that show very promising immediate results, long-term follow-up shows that year by year, after the special intervention program has ended, the differences between the experimental and control group decline. Perhaps we need not only continuing education for children, but also continuing education for parents on the skills needed to support the continuing education of their children. The skills needed to teach a one-year-old are quite different than those needed for a three-, six-, nine-, or twelve-year-old. For that reason, plans should be made to work with parents on the child's education from birth to maturity.

Gray (1970) recently reported contrasting a child-centered preschool program with a parent-centered weekly visit in the home. The two programs had equal short-term effectiveness, but working with the mother had greater long-term effectiveness. Gray reported vertical diffusion of the effects to younger children in the family and horizontal diffusion in the neighborhood and also stated that working with the mother cost one-fifth as much as the preschool programs. Gray's report suggested that a program might work with the mother from birth through five years for the cost of a year of pre-school. Thus, parent-centered programs might be far less costly and far less expensive than our current child-centered early education programs.

The experience of the parent-centered early education programs that the children's IQ's drop after termination of the program is also true perhaps even more true of child-centered programs. Just as the infant education project found that differences decreased year-by-year Caldwell and Smith (1968) reported results of the follow-up of a good university day care program that had resulted in relatively high levels of intellectual function. A year after the children left the day care center their mean IQ dropped approximately eight points. Thus, they also found the need to follow through and to provide for continuing stimulation. Apparently, brief child-centered programs may have minimal long term effect. That conclusion may also be true of children at older ages in school, because it is not the intensive, brief program that produces the child's cumulative development, but the continuing effect of his total social environment—family, community, mass media and the school—that shapes the child. The evidence of the major role of the family should influence cild care and education institutions, professions, and programs.

Results of these cross-sectional, longitudinal, and intervention researches clearly demonstrate that children have far more potential than is being developed by the current educational programs. I interpret the research as indicating the need for a major objective of increasing the effectiveness of family education of children. I am concerned with that objective from the point of view of equality of oportunity. If we have equal education in the schools, but unequal education in the home and community, many children will not develop their potential and will not be able to compete effectively with children from more favorable home environments. Studies by Moore, Rupp, Douglas, Milner and others show that early and continuing parent behavior influences heavily the child's mental test scores and reading scores during the school years. Thus, if we neglect the family as an educational institution we are not going to achieve our educational objective of equal opportunity for all.

The studies I have cited and other studies suggest that the quality of the early and continuing maternal and paternal care in the family influences the child's adjustment, alienation, character development, drug addiction, delinquency, task-oriented behaviors, language development, mental test scores, reading scores and academic achievement. These studies suggest that child-centered programs alone, that ignore the influence of the family and community, in the long run are not going to be effective in significantly influencing the child's adjustment and achievement.

The evidence is clear that the child's education should begin prior to his enrollment in school or preschool; in fact, the child's education should begin prior to his development of early relationships and early language, at birth. In order to call attention to the need for development of this area of early education in the family, I have proposed a new concept of *Ur-education*—basic, primitive early education (Schaefer, 1970). I developed this new concept because if I said "early education" people would assume I mean preschool education, and I don't. The first stage of Ur-education is the development of a positive, loving attachment to the child by the parent. The child responds to the parent's positive attachment by developing a positive attachment to the parent during the first year of life. In the context of their positive relationship, the parent and child share activities and experiences that educate the child. An example of Ur-education would be a parent looking at a picture book with a child. During the shared

activity, the positive relationship is reinforced; the child developed the ability to listen, attend, concentrate and persist at a task; as well as interests and language skills. Since successful Ur-education may be a necessary basis for subsequent academic education, to solve our current educational problems we must focus upon improving the process of Ur-education—basic, primitive early education in the family.

We must develop education as a process that begins at birth and ends at death, not at school graduation or maturity (Schaefer, 1971). We must recognize the family as the major educational institution. Although we now have an Office of Education, I see the present Office of Education as the office of schooling, operating an a restricted model of education which focuses on the school age child in the classroom with a professional educator learning the academic subjects through formal instruction in order to earn academic credentials. That may be schooling, but it isn't all of education. Schools may be necessary, but they aren't sufficient to foster the child's education as defined by Webster's Unabridged Dictionary. In fact, learning goes on in the family and in the community and through the mass media, and our educational professions and institutions have largely neglected and ignored that learning, almost denied the existence and desirability of that learning.

As a result of our current definitions of education, we teach children they are merely students until they graduate from high school, college, or graduate school. Yet children can be teachers also; apparently very effective teachers. Therefore, we should be motivating and training children to teach one another and we should be teaching them the skills they will need as future parent educators. If we would teach them to participate as both teachers and students throughout their lifespan, they might become parents who would have the motivation and skills they will need to educate their children. The schools should develop an objective of not only developing future citizens and workers, but also future parent educators as part of the curriculum from kindergarten through school graduation.

The skills and attitudes that would be useful to future parent educators would also be useful to future workers and citizens; for education, teaching and learning in their varied forms, is a major component of our entire life experience.

The research on family influence on the child's development suggests the need to extend the current classroom perspective on education into a lifetime and lifespace or ecological perspective that recognizes that education begins at birth and ends at death, that everyone is a student and everyone a teacher, and that recognizes the family as the major educational institution (Schaefer, 1971). I am also concerned with the effectiveness of the mass media in this educational process. Shramm, Parker, and Lyle (1961) reported that the average child spends more time with television during the first sixteen years of life than in the school, that the child spends approximately thirty hours a week with the mass media, with approximately 60 per cent of that time with television. Yet we haven't planned use of the mass media as education, haven't attempted to influence the educational value of the mass media, and haven't taught parents and children how to use it effectively. The mass media could be an efficient and effective force for lifetime and lifespace education. Yet little attention has been given to training parents and children how to use the mass media as an educational resource.

What can be done to influence the effectiveness to family care and education to children? Perhaps an examination of our major influences on family effectiveness would contribute an answer. An obvious variable is parental *skills* in child care and education: Some parents, through their experiences and training, have many skills in child care and education, a knowledge of methods and materials and how to utilize them effectively with children of different age levels. Many of the interventions programs in early childhood education have had success in developing such skills, at last for the period of the project. Perhaps an equally important goal would be to develop parents who are constantly attempting to learn new skills, parents who are students of better child care and education methods.

Another variable that is related to effectiveness of parental care is parental *strengths*, which might include parental education, qualities of personality and character, financial resources, etc. Perhaps building strengths in families is the long term goal of many health, education, and welfare programs but the goal of increasing family strength and ability to cope with problems might be made more explicit and be given higher priority in society.

Increasing awareness is developing of the extent to which major *stresses* influence the quality of family care and education of children. Studies of samples of the general population and studies of families that abuse and neglect their children find that poor health, financial distress, marital conflict, many closely-spaced births, crowding and other stresses influence the quality of parent-child relationships, maternal care, and the child's development. Thus, a major approach to increasing the effectiveness of family care would be to reduce the stresses on families.

The last of the major influences on the quality of family care and education that should be stressed is the amount of *support*, social and emotional, as well as financial and material support. In the past, this support was largely provided by the informal support system of relatives, friends, neighbors, and neighborhood social groups. Within our mobile society, this informal support system is, to some extent, breaking down.

We now must ask "How can we develop again an informal support system for family care and education? How can the child care and education professions and institutions develop a formal support system that will strengthen and complement the informal support system? How can we reduce the isolation of nuclear families by building the community? How can we develop communities and a society that will provide for the needs of parents so they, in turn, can provide for the needs of their children?"

The studies of neglected and abused children are very impressive in their demonstration of the lack of *Strengths* and *Skills*, of the presence of many *Stresses* and of the absence of *Supports* in their families. The importance of the family in child care and education and the degree of importance of these major influences suggests we need to provide for the needs of parents as well as the needs of children.

In view of the apparent success of the parent-centered intervention projects, the question must be asked, "Who is training children and young adults for their roles as parents?" Do we still assume that training is provided by the nuclear or extended family or by the community? If so, that assumption in a mobile society with isolated nuclear families, increasing age segregation, and unstable and fragmented neighborhoods is probably often false. Many children of all social groups are not well prepared for their roles as parents. Both the training and experience that would develop skills in child care and education they will need as parents are presently lacking. Therefore, we need to build a system for training parents and future parents in the care of children.

Parents often need training, guidance, consultation, and support during pregnancy and during the first weeks and months of the child's life. Some research suggests that the mother-child relationship may stabilize during the first weeks of life. Broussard found that television instruction in child care and development on obstetrical wards significantly improved a mother's perception of her infant, as contrasted to the average infant at approximately four weeks of age. Later Broussard and Hartner (1969) found that the mother's description of her child at four weeks was related to a judgment that the child needed psychiatric care at four and a half years of age. The period of pregnancy, delivery, and first weeks of life may be a critical period for the development of the parent-child relationship. Perhaps this is a most important period to provide training and support for parents to facilitate the development of a positive attachment to the child.

Hopefully, the evidence of the importance of family care and education and the evidence that family care can be influenced will provide the *motivation* for the development of a comprehensive support system for family care and education. That *motivation* will provide the impetus for the development of the *manpower*, the *money*, the *methods*, the *materials*, and *models* that will contribute to a support system for family care and education of children.

Setting standards for family care and education might increase our motivation to work with families. If we can set standards for day care, can we also set standards for family care of children? If a consensus were developed about standards of family care, we might then develop the training needed by the personnel in the family care system, the kind of support system needed, the resources, methods and materials needed to meet the standards. We might recognize that the isolated nuclear family cannot achieve the goals set by the standards without an informal and formal support system.

The need for standards of family care is illustrated by some of our current attempts to solve social problems. In some ways the school lunch program is rather ridiculous. Should we only worry about feeding the child while he is in school? During the first two years, during which most of the development of the brain is completed, the child's need for adequate nutrition is clear. If we feed children in the school lunch program during the school year, what about week-ends, holidays, and vacation periods? Just as the child's need for education extends from birth to maturity, the child's need for adequate nutrition extends from the prenatal period through maturity. Therefore, we should be concerned with an adequate standard of nutrition and education in the home, not merely in the school lunchroom and classroom.

Clearly, adequate nutrition in the home is essential, but we should go beyond nutrition to provide for the other basic needs of children. If the child's early education is important and if we believe in equality of educational opportunity, should society provide the necessary educational materials in the home as well as in the school? Doesn't the child need books—picture books, nursery rhyme books, storybooks, books of all kinds—to foster his early language learning, to develop the interests, skills, and behaviors necessary to master reading? Perhaps this is the type of thinking we would do if we made a commitment to help families to achieve minimal standards of child care and education.

However, my perception of child care and education professions and institutions is that they are largely child-centered in their focus. Although their explicit goal is usually to supplement family care and education, the implicit effect is often to supplant it. I heard a teacher say to a group of parents, "Please don't teach your child how to read, or do arithmetic. Your methods may be different than mine. Just send me a happy child and I will educate him." That is not supplementing family education, that is sup-

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planting it. I fear that is what most of our child care and education institutions, professions, and programs do. Implicitly, they communicate to parents, "We are the experts and we will take responsibility for the development of your children." But the professions and institutions haven't been able to care for and educate children without the help of families. They haven't done it and they can't do it. Therefore, our professions and institutions must change their major focus to strengthening and supporting family care and education of children. If the professions and institutions would do the job that Levenstein, Gray, Karnes, and Weikart have shown can be done, they might be far more effective at lower cost than the current child-centered programs.

When we realize the importance of programs that strengthen and support family care and education, we will find many specific ways of achieving that goal. I have spoken of the need to view the child as a future parent and of providing training and supervised experience in child care. One way in which this might be done is through a four generation approach to child care in which an older, experienced mother might work with a young mother with her first infant and include as part of this unit one or more school age—high school or even elementary school—children. Each of the four generations could contribute and profit from working together on child care. The older mother would have an opportunity to utilize her knowledge and experience in a constructive way, the young mother would be trained and supported during the critical period of learning how to care for her infant, the infant would be receiving additional care and stimulation, and the school age children would be trained for their future roles as parents.

Although professionals often speak of parents, typically both the speaker and the audience interpret parents as mothers. Yet, the research evidence suggests we should also train males for their roles as fathers. The study on alienated high school students who perceived their fathers as neglecting, ignoring, distant, and detached suggests that mothers should also have other interests apart from childrearing. In families in which women also work outside the home, it is unjust that the total responsibility for child care and education be assigned to the mother. If fathers were to become more involved with children and mothers were to develop more interests outside the home, both fathers and mothers might be teaching their children and might be learning to become more effective educators. Perhaps children would be more adjusted and competent, women would be happier, and men might learn to be more concerned with human needs and human relationships.

As well as preparing children for their future roles as mothers and fathers, perhaps it would be equally as important to prepare them for their future roles as husbands and wives. The study by Danjczek (1971) which suggests that the husband-wife relationship may correlate with the child's adjustment and competence in the schools as much as the parent-child relationship suggests that we must analyze the problem of man-woman relationships as much as adult-child relationships. Perhaps we might find answers to the questions, "How can a man support a woman in child care? How can a woman support a man in his role as father?" When we have found ways of training for family living and of strengthening and supporting families, the current emphasis on marriage and the family as a source of social problems and psychopathology may be replaced by an emphasis on marriage and the family as a positive force for human development.

What is the response to the increasing recognition of the need to support families? As might be expected from our fragmented and specialized services, a fragmented approach to provision of family services seems to be developing. Current programs are sending into homes family planning aides, nutrition aides, health aides, education aides, social workers, and public health nurses. How many different persons can be sent into homes? Currently, parents are expected to be generalists with skills in health, nutrition, child care, education, recreation and the entire range of skills required to rear a child. Yet our current course is to fragment the supportive services to families. Perhaps we need a more integrated approach of a generalist, a family child care and education consultant, who could provide most of the help needed by families to rear children. The family generalist might provide training and support, might be a resource person who might assist the family in obtaining more specialized assistance, and might be an advocate for family needs. Since these generalists would have a very personal knowledge of family needs, for housing, food, clothing, books, toys, and experiences, I think they would become advocates for family needs.

In order to provide for family needs, we need to develop family agencies at all levels of government. I believe we need a National Institute on the Family much more than we need a National Institute on Alcoholism or a National Institute on Schizophrenia. Why should we focus our efforts only on remedial treatment after problems develop instead of attempting to prevent problems? Perhaps an emphasis on human ecology, on the healthy positive forces of family and community, might prevent many of our social problems. We need family agencies to be advocates and organizers. We need family research to find more effective ways of strengthening families. We need to develop a national family policy that includes but goes beyond family planning. I have been told that in France the national family union is represented at the cabinet level on social policy decisions. We need family programs and family training for a wide variety of people, both for the public and for professional personnel.

To develop political support for family agencies and family programs, we need a family lobby. Apparently organized political power is necessary to obtain legislation, funds, and programs. Labor unions have political power because they are organized. The health professions have influenced legislation through organization and the education professions are able to influence legislation by lobbying. Who is presenting the needs of families, who is organizing an effective voice for family programs? Clearly, we need a coalition of organizations that are interested in family welfare to support family legislation, programs and agencies.

In order to mobilize latent support for family programs, a group of people have developed an informal organization at the University of North Carolina to discuss family needs and possible ways of meeting these needs. The interest and enthusiasm expressed at the initial meetings suggests that many other people might be interested in such groups. If such groups would organize at universities, in communities, in the states, and at the national level, I think that effective support would be developed for that most neglected, but most important institution—the family.

We are at a critical period of choice for our child care and education institutions and professions. Are we going to continue to neglect and ignore the role of the family? Are we going to continue to supplement and implicitly supplant families? Are we going to develop preschool programs that ignore families? Are we going to develop day care centers that neglect families? Or are we going to use all of our child care and education programs to strengthen and support families and to develop a support system for family and community? The choice of supplementing and supplanting or of strengthening and supporting families will be a critical choice for the future of American families, communities, institutions, and professions. What the choice will be is uncertain, but the choice should not be made blindly but after careful consideration of both alternatives. Clearly I believe that we need to make major changes in our current child-centered approaches to child care and education, that our major effects should be devoted to integrating our professions and institutions into an effective support system for family and community.

In order to mobilize the potential energy of families and communities, we must recognize that all members of society are involved in helping relationships and teaching relationships, that everyone can be a helper and everyone can be a teacher. Fostering the child's health, welfare, and education is not merely the role of the professional but of all family and community members. We must recognize the need for a comprehensive integrated system of child care and education that integrates the work of the professions and institutions with the contributions of family and communities. Therefore, I repeat my initial challenge to you, "If you understand the importance of the family, and the need to develop a support system for the family, why don't you go out and change our professions and institutions?"

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[From Parade magazine, May 14, 1972]

How To Be a Better Parent

(By Theodore Irwin)

BINGHAMTON, N.Y.—On a shabby side street in this medium-sized industrial city, two women knock at the door of a rickety wooden building, soon to be demolished. Nora Kane, the only remaining tenant, answers. As she opens the door, her two small children rush past her and hug the visitors.

The two women, 41-year-old Sonobia Page and 60-year-old Julia Borsavage, are "outreach workers" in a federally-funded program called Home Start. The program, which now operates in 15 cities, tries to help low-income parents to understand and take care of their small children. While other government projects set up day care centers for underprivileged youngsters, Home Start works through the family. Instead of taking the child away from a troubled home, it seeks to improve the quality of life inside it.

After, the mothers in these families are harried, over-worked, impatient. Take Mrs. Kane, for instance. "When we first called on the family," reports Mrs. Borsavage, who has 12 grandchildren herself, "the kids were unsmiling, unemotional, apathetic. You can notice how different they are now. Mrs. Kane had been withdrawn, walked round barefoot in sloppy clothes, and just couldn't handle the children. Today she's really perking up and the kids are benefiting."

Mrs. Kane agrees. Her husband, long unemployed, is now working at a job obtained through Home Start. "He's stopped hollering at the kids," she says, and their marriage is on a more stable footing.

TEAMWORK

Mrs. Page and Mrs. Borsavage are two of five outreach workers in the Binghamton project. Traveling in pairs for protection in rough neighborhoods, they knock on doors, inquiring whether there are children inside. Today the five work with 121 families, with 227 children.

There has been a somewhat similar Home Start in Binghamton for six years now. Until recently, however, it was sponsored jointly by the local Catholic Social Services and the Office of Economic Opportunity (OEO), and concentrated mainly on referring families to various agencies. When, a year ago, the U.S. Office of Child Development launched an experiment in "home intervention," Binghamton was selected as one of the test cities partly because of its success in sustaining the earlier program.

Often, says Binghamton Home Start Director Dr. Dorothy Gradel, low-income mothers like Mrs. Kane suffer from malnutrition, as well as inadequate pre-natal and post-natal care. Project workers occasionally uncover cases of the "battered child syndrome," when frustrated parents reach the end of their emotional resources.

During the home visits, which take place on a regular basis, the workers try to put the mother at her ease. At Mrs. Kane's house, for instance, they compliment her on her new curtains and the neat clothes on the youngsters. While the principal targets are the mothers, fathers are also involved whenever possible, often during the evenings. "We try," says Mrs. Page, mother of four, "to build up the self-confidence of parents and make them realize what they can do for themselves and their children. We want to make them enjoy raising families."

Once the mother relaxes, the two workers gently give child-rearing hints. Most of these seem commonplace enough to middle-income, educated parents. But to low-income mothers, many of whom have never received proper instruction, they come as revelations.

SOFT APPROACH

Instead of berating the child, suggest the visitors, speak softly: "When you yell, a scared child tunes you out." The mother is encouraged to smile at the youngster, to touch and hold him as often as possible. "Take time to talk to him and hear what he's saying," explains Mrs. Borsavage. "Praise him for whatever he does well, whether it's hopping or riding a tricycle. And don't just leave him in his crib except to feed and diaper him. Talk to him and cuddle him often, to let him know you're there."

Parents are also encouraged to help develop their children's intellectual skills, utilizing simple household items. Counting and muscle control, for example, can be taught by pitching clothespins into an empty coffee can. Toothpicks or egg cartons can be used to make designs.

And of course, the visitors add, the mother should read to the child and act out what she reads—by drumming on the table, for instance, if a drum is mentioned in the story.

"The parent," explains Dr. Gradel, "is the first and most important educator of the child. Without intellectual stimulation and language development in the home, children become withdrawn, and have a hard time when they get to school later on."

In addition, visitors frequently refer parents to other agencies. If a mother on drugs threatens suicide, they call the local Drug Crisis Hot Line. A violently disruptive youngster is brought to a mental health clinic. Some parents are introduced to alcoholism

centers. Others are referred for jobs or job-training.

Home visits are only one of the program's tools. Another is a biweekly meeting, rotated among the homes of the participating families, where 10 to 15 mothers listen to experts, then discuss their problems in "rap sessions."

At one of these meetings, the moderator, Danish-born Inger Thomas, poses the first topic of the day: "What has Home Start done for you as a mother?"

Hesitantly, a heavy-set woman ventures: "I used to take my problems to a beer joint. Home Start brought me out of myself, to get a good look at what I could do for my kids."

Another woman, tired-looking but neatly dressed, chimes in: "All I could look forward to was a nervous breakdown, suicide, or having another baby. Now I know people, the home visitors, who really care about me."

In a whisper, the youngest member of the group adds: "Without Home Start I would crawl back into my hole."

The program's impact may reach far beyond the 121 families which it presently serves. According to Dr. Gradel, the parents pass on the lessons they learn to neighbors relatives and friends.

"What's more," she observes, "by educating mothers, we are helping to shape their children, so that they in turn will be better parents when their time comes. Without a program like ours, whole generations of families would grow up grounded in the same hopeless despair."

Nor, cautions Dr. Gradel, is the concept applicable only to poor families. Even college-educated parents may unwittingly slight their role as "home influentials"—by sending their children off to nursery schools instead of their development at home. Day schools may indeed be valuable, Dr. Gradel declares, but they mustn't become substitutes for parental care.

DIFFICULT JOB

In Washington, Home Start Director Ann O'Keefe agrees.

"Middle-income and even wealthy parents," she says, "are also searching for support and help in the very difficult job of child rearing. The time is long overdue for professional educators to recognize and proclaim openly that parents can contribute more to their children than the professional can. I'm convinced that parents have a far greater influence on how well their children succeed in school, and in later life, than all their schoolteachers put together.

"If we can demonstrate that Home Start is an effective way of helping parents to help their own children, perhaps many parents, rich and poor alike, will try to adapt that approach to their own families."

Mr. TOWER. Mr. President, I cannot support S. 3617, the Comprehensive Headstart, Child Development and Family Services Act of 1972.

On December 9, 1971, President Nixon vetoed the Office of Economic Opportunity authorization bill, S. 2007, among other reasons because it contained a title on child development. I consider the President's veto statement one of the best statements issued by the White House in this administration. One of the President's chief objections to the bill was:

For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach.

Now the legislation reported out on May 16, of this year by the Committee on Labor and Public Welfare would do essentially the same thing the previous bill would have done: It would still "commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach." This is true even though the language of S. 3617 has been altered to make initiation of the program for particular children upon the parent's request. Essentially, the Federal Government is still saying, at the very least, that it considers these programs very excellent ones, and urges all parents to take advantage of them, to the extent that funding will allow.

Mr. President, in his veto message of December 9, President Nixon also argued—and quite correctly, in my opinion—that—

Such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit, and broad public acceptance of its principles.

Certainly no one in this Chamber would deny that in fact no such debate has taken place. Indeed, not much more has been said about it since December. None of the many Democratic presidential candidates has discussed it in any detail. Even the Committee on Labor and Public Welfare, as I understand it, held only one supplemental day of public hearings since the veto. Quite probably, few of my colleagues in the Senate have really taken the time to examine this legislation carefully and to consider its implications. However, it can be said that the reporting out of a separate child care bill distinct from Office of Economic Opportunity legislation does now present us with an opportunity to conduct this debate.

Let me say before continuing, that I object to the inclusion of the term "Headstart" in the title of S. 3617. While the 3-year authorization under the bill includes Headstart, it should be clear that the main programs envisioned by it are quite distinct from a Headstart-type program, which is oriented specifically toward the needs of disadvantaged children at an older age. Certainly some of the concepts employed by Headstart are carried over into comprehensive child development. However, unlike project Headstart, comprehensive child development has the potential of reaching the infant below the 4- to 6-year-old category.

In my State of Texas, I think it is safe to say that Headstart has been somewhat successful, particularly when contrasted with the other components of the war on poverty effort. However, the type of comprehensive care called for in this pending bill cannot be logically defended on the grounds of the Headstart project. It certainly jeopardizes the standing of the Headstart program which, while contributing some very important experiences to disadvantaged children, is still in its experimental stage.

It is also incorrect to assume, as some have, that this legislation has as its main purpose the expansion of day-care services that some of our citizens need so vitally. Because the legislation is not at all related to welfare reform and because participation is not limited to children in the Headstart age group, it is clear that the program's major intention is not to move parents from the welfare rolls to the payrolls. Even if I were to accept the concept of universal child development, and I do not, a conservative estimate of the cost of the program in fully operational form would be $20 billion per year. This is the price tag President Nixon and Selma Mushkin, a Georgetown University economist, have given to the program.

Because the authorization is for $2.9 billion over a 3-year period, it is obvious that this bill only represents a beginning of an attempt by the proponents to establish a universal child development program. Furthermore, the limited, as opposed to national debate that the President called for, is being entertained because the sponsors of the legislation wish to use passage of this legislation as an excuse to defeat any day-care component of the welfare reform bill, H.R. 1, which is not to their liking.

Mr. President, the primary role of the Federal Government in the child care areas should be to afford our citizens the opportunity to move from the welfare rolls to the payrolls and not the experiment in a development program that has not been properly tested.

Mr. President, it would seem that a debate on comprehensive child care legislation should take as its point of departure the linkage between the raising of children and the family, and not the desirability of freeing some women so that they may join the work force, or of giving employment to large numbers of college graduates in child psychology, sociology and other such disciplines who otherwise might not find employment in their fields. Our prime consideration should be the good of the child and the strengthening of the family as the chief child-raising unit in society.

In its hearings the Senate Committee on Labor and Public Welfare was seemingly not at all anxious to hear from opponents of the legislation. However, at the insistence of Senator BUCKLEY, two specialists—Dr. Dale Meers and Dr. Ernest van den Haag—were allowed to make presentations. Dr. Meers in particular has made a number of studies on the way already existing child development programs actually work, and the effect they really have on children. We should consider his findings very soberly while we are debating this legislation—incidentally, the committee report quotes Dr. Meer's testimony extensively but also very selectively, in such a way as to leave the absolutely false impression that he was basically in favor of the bill—which was not the case. Dr. Meers, for example, visited a number of child care centers in Eastern Europe and the Soviet Union. He found that Czechoslovakia is now encouraging its citizens not to place children in the state child centers. He also quotes a Hungarian official in the field of child care to the effect that Hungary hopes to limit day care programs only to those in dire economic need. This same Hungarian official was astonished that the wealthy United States would voluntarily wish to embark upon a program

of the type the Eastern European countries are striving to eliminate.

Dr. Meers' observations of the children directly involved in these programs in Eastern Europe are scarcely more encouraging. He said:

In speaking with staff about the age at which different children had entered particular day care centers, it seemed to me that one could visually discern a direct relationship between the passivity (of the children) and the length of time the children had been enrolled.

Although Dr. Meers discounts the fear which I have felt and which Senator BUCKLEY and others expressed during debates last year that the apparatus that would be established by this legislation could instill in the child particular sets of values not endorsed by the society as a whole, Dr. Meers was quite concerned about these programs' overall effect on children at a later time:

But I am most concerned that the conditions of group child care may lead to inhibitions in independent functioning as an inevitable consequence of early conditioning. If social disaster is to come insidiously through massive programs in childhood experiments, then it will come, I am convinced, via depersonalization, subtle developmental failures in personality structure, and in marginal intellectual capabilities.

Thus Dr. Meers makes it clear that we should entertain serious reservations about the inevitability of doing good for the children for whom we are supposed to be legislating.

Perhaps the crux of the problem of possible damage to small children from such programs, Mr. President, lies in the substitution of what is in truth the "cash nexus" for the love, affection, and discipline which the family should provide its youngest members. However weak the link between parent and child may be now, at least it is a human one, and not one determined by a day's pay for a day's work. Although this is a question which would require more detailed consideration, it is germane at this point to stop and consider what the eventual fiscal costs of this proposed program may be.

The current bill asks for $2.9 billion spread over the next 3 years. However, once the Congress accepts the principle of child development, may be quite certain that these costs will balloon. The committee offered an estimate of $1,600 per child, but there are a number of indications that this figure is far too low for quality child care. For example, during last year's subcommittee consideration of child development legislation, a representative of the AFL-CIO described a child care center run by a union in Chicago which is regarded as a model for development of this type of institution. Now the union does not dispose of such unlimited resources as the Federal Government, and it assuredly made a serious attempt to keep costs down. Still, it spent some $140,000 in 1 year to operate a quality day care center for the children of its workers, only about 60 in number. The union maintained a high adult-child ratio, and estimated that the cost per year per child was about $2,800. This is surely more realistic, but if the Government were involved in operating such day care centers the costs per child would probably be even higher. In any case, though nobody really knows exactly how much these programs might cost in the end, President Nixon has estimated they might run as high as $20 billion, a figure apparently concurred in by Selma Mushkin. Others have placed the price tag as high as $40 billion, which may be excessive, but perhaps not really if we genuinely wish to undertake all the things for children described in this bill. As a means of comparison, let us note that all governments in the United States spend a total of only some $12 billion for the first five grades of elementary school.

Mr. President, I could raise a number of questions about the mechanics of the proposed programs, but this is essentially pointless since I believe the program to be erroneous at the core. Instead of embarking upon programs which have not been notably successful in other countries where they have been tried, we should build upon the positive features of the Headstart program and orient our efforts specifically toward the impoverished and those on welfare, as we shall when H.R. 1 comes before the Senate. Mr. President, I do not see how the presently proposed legislation can be corrected in such a way as to meet the objections which I have just raised—and several others which I have not discussed. I urge my colleagues to join me in considering the serious questions I have discussed, and then to vote with me in opposition to this bill.

Mr. DOMINICK. Mr. President, I send to the desk three amendments which have been revised in handwriting. I ask the clerk to read them, and following that, I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the amendments.

The assistant legislative clerk read the amendments, as follows:

On page 27, lines 21 through 25, and page 28, lines 1 and 2, delete subsection (3) and insert the following subsection in lieu thereof:

(3) Such Council shall be entitled to exercise the power of approval consistent with section 102 (b)(4), and the Council's disapproval shall require a majority vote of the Council present and voting within thirty days after submission of the issue to the Council for such a vote and in the absence of such action by the Council, the issue will be deemed to have been approved. A majority of the Council shall constitute a quorum for the purpose of transacting business.

On page 17, line 22, delete the period and insert in lieu thereof a semi-colon and the word "and", and add the following new paragraph:

"(E) to assure that the local program council's disapproval shall require a majority vote of the council present and voting within thirty days of submission of the issue to the council for such a vote and in the absence of such action by the council, the issue shall be deemed to have been approved. A majority of the council shall constitute a quorum for the purpose of transacting business."

On page 30, line 10 after the word "area" insert the following: ", in accordance with section 102(b)(8)(E);".

On page 37, between lines 14 and 15 insert the following new paragraph:

(6) that the project policy committee's disapproval shall require a majority vote of the committee present and voting within thirty days of submission of the issue to the committee for such a vote and in the absence of such action by the committee, the issue shall be deemed to have been approved; and a majority of the Council shall constitute a quorum for the purpose of transacting business.

On page 37, line 15, strike out "(6)" and insert in lieu thereof "(7)", and renumber succeeding paragraphs accordingly.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate while the Senator is addressing the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, under this bill the Child and Family Services Council is charged with the responsibility of approving program statements, basic goals, policies and procedures, and the selection or establishment and annual renewal of an administering agency or agencies and is responsible for annual and ongoing evaluation of the programs.

The local program councils must approve the program and must approve all operational contracts. Each project applicant must secure project policy committee approval for basic goals, policies, actions, procedures, planning, overall conduct, budgeting, location of centers and facilities, and direction and evaluation of projects.

Mr. President, I gather that I have obtained unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, this amendment is simply designed to stop what could be a major source of irritant, namely, that the councils would not take any action or that they would have a divided vote and that they would have no way of proceeding, because of the operational authority which these councils and committees have, unless approval were obtained.

In order to prevent these delays, what I have proposed, with what I hope will be the concurrence of the manager of the bill, is that if they do not act within 30 days by a majority of a quorum, it will then be considered as approved, so that the whole thing will not be bogged down in the local project committees and local project councils and child and family service councils.

The amendment retains parental participation. It does not alter the membership of the councils and the committees. It retains the requirement that the councils and committees approve of the prime sponsor's operational decisions. But it seems to me that a prompt indication one way or another by these committees can only enhance the effectiveness of the programs and make their administration far more effective.

So I would ask my friend the distinguished Senator from Wisconsin if this amendment as modified would meet with his approval.

Mr. NELSON. Mr. President, I think that this is a good suggestion that will make the functioning of the councils more effective, and I am perfectly willing to accept the amendments. I will accept

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the amendments, and I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back.

The question is on agreeing to the amendments, en bloc.

The amendments were agreed to.

QUORUM CALL

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NELSON. The time to be taken equally from each side of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

AUTHORIZATION FOR THE COMMITTEE ON COMMERCE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file committee reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same conditions as heretofore agreed to.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. HOLLINGS. Mr. President——

Mr. ROBERT C. BYRD. How much time does the distinguished Senator from South Carolina wish?

Mr. HOLLINGS. Five minutes.

Mr. ROBERT C. BYRD. On behalf of the Senator from Wisconsin (Mr. NELSON) I yield the Senator from South Carolina 5 minutes.

Mr. HOLLINGS. I appreciate that, and thank the distinguished assistant majority leader.

Mr. President, more than 3 years ago, in considering the problems of the poor and disadvantaged in my own State, South Carolina, I recommended a far-reaching program of day care centers for young children. In my book, "The Case Against Hunger," I said:

> Children must escape from the poverty cycle. To help them achieve this, day-care centers should be made available throughout the United States. These centers should incorporate the Headstart ideals of reaching children, not only with the most advanced training, motivational techniques and health practices, but with good food as well. These centers should be available from infancy on.

My proposal was based upon the observation that children from homes of poverty and disadvantaged often are far behind their more privileged classmates when they enter the first grade. From that point on they fall farther and farther behind, often dropping out before they even reach the sixth grade.

The legislation being addressed by the Senate today, S. 3617, can stop this vicious cycle in its tracks. We have found that one-third of the mothers with preschool children in this country, more than 4½ million of them, are working full or part time today. Because of this more than 5 million preschool children need some kind of day care services while their mothers work. But, as the Committee on Labor and Public Welfare has so aptly demonstrated, fewer than 700,000 spaces are available in licensed day care programs to serve these children.

My position on this legislation has always been clear. On December 10, 1971, I opposed President Nixon's veto of the day-care bill. At the same time President Nixon was working in favor of the guaranteed annual wage, he was vetoing a bill which would have been a sensible, tried, and true program. When President Nixon recommended his welfare reform program, he tried to do away with food stamps, he tried to do away with the prescription feeding program for expectant mothers and young minors under the age of 6, and he tried to do away with the expanded school lunch program. These were programs which were tested and were found to be workable. They were eliminating hunger and malnutrition in this country. But what did President Nixon do? He instituted the guaranteed annual wage, claiming that this would eliminate all the problems, and then turned around and tried to wipe out all these really effective programs.

The bill before us today approaches the poverty problem at its center—the child—and we can begin to turn that cycle around. We know the problem of poverty is like a multiple injury in an automobile accident. A person has a broken arm, broken leg, a broken neck, or a fractured skull. Many injuries cause suffering to one person. Many factors can lead to recovery. Here in America we have problems on health, on housing, on job training, and rehabilitation. We have hunger and malnutrition in the most wealthy nation in the world.

We have children who never reach their full capacity because they are held back emotionally and intellectually and physically because of malnutrition and because of the inability to participate in the world around them. This bill will go toward solving this problem. This bill will allow these children to have some contact with the outside world, to learn while their mothers work and not be shut away in some room in a custodial care situation.

We have heard charges that children in day-care centers will have their minds molded. But how are they being molded now? They are being molded by the despair, the lack of instruction, the lack of food, and the lack of health care.

The idea provided by this legislation is that many of these children would be brought into society for the first time. If we leave them alone, many will never even know how to turn the page of a book by the time they reach the first grade. We are paying for our mistakes now. When President Nixon complains about a "$2 billion extravaganza" that is a fallacious charge. This is a well-studied program to get down to the problems which have been perpetuated in this country for generations. This child development program will deliberately improve upon the successful Headstart program ideals which at present are only helping about 10 percent of the poor children in this country. In addition, this legislation will provide the proper prenatal, nutritional, and other needs which, even as President Nixon has noted, are currently being unmet in this country for those who need them most. Rather than disturbing the family, this kind of legislation will actually strengthen it.

It will provide child development programs which are totally voluntary. In addition it provides an entire series of services not only to children, but to families as well, so as to improve the family unit. And the program makes day care available only to those children whose parents are out of the home all

day. This is not going to be a glorified babysitting service. It is going to get right to the heart of our problem in this country of providing good day care for children who need it so that their parents too, can participate in the free enterprise system of this Nation.

I say, Mr. President, that now is the time to act on this legislation. For too long we in Congress have sat by and watched while the Chief Executive vetoed important programs or allowed others to die through inactivity. We have seen it in food stamps, we have seen it in commodity feeding, we have seen it in prescription feeding, we have seen it in the day care bill, we have seen it in the health legislation, and we have seen it in the all-important prescription feeding program for young children. Are we going to let it happen on this bill too? I think not. We must save the children. The children are the future of this country. We cannot visit upon the child the sins of the parents. I believe there are many who would like to punish children because the parents have not met the standards which our country might impose upon them. This is forcing us to pay the costs not only of our criticism of the parent, but also of our blind neglect of the child. We are paying in spades in this country, and that is why the bill to solve the welfare problem continues to go up and up and up. In my own State, I know the need is great. There are literally thousands and thousands of children who receive only custodial care while mothers work at borderline employment. This could be changed. These thousands of children in my own State could be assured a better future, and this legislation is the way to go about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 additional minutes to the Senator from North Carolina against the time on the bill under the control of the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. HOLLINGS. I thank the Senator.

Mr. President, the proposed legislation is really only part and parcel of the overall reform of the welfare mess. Some days ago, I issued in a newsletter to my constituents a discourse on the welfare mess, stating what I thought to be an analysis of what others consider the welfare mess constitutes—exactly the approaches of Senator MCGOVERN, President Nixon, and others—and then I tried to outline a solution. I ask unanimous consent to have this portion of my newsletter, entitled "The Welfare Mess," printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WELFARE MESS

Everyone talks about the welfare mess, but no one does anything about it. The reason: the Congress is kept too busy trying to block the guaranteed annual income plans of the President, Sen. McGovern and the National Welfare Rights Organization. All these proposals for "Family Assistance" and "Welfare Reform" will, in fact, create a bigger mess.

What is the welfare mess? Most people think: (1) too many people are on welfare; (2) administrative costs are prohibitive—there is too much time and money spent investigating; (3) too many welfare cheaters; (4) welfare promotes freeloading; and (5) welfare imprisons the poor with such a pittance that they can never escape.

Now for the proposals. President Nixon proposes to give every family of four in poverty $200 per month or $2,400 per year. Sen. McGovern proposes $4,000 a year and the welfare rights group demands $6,500 a year. President Nixon and the Welfare Righters would double the welfare rolls from 14 million to 28 million recipients. And, Sen. McGovern would put 104 million Americans or half the nation's population on welfare. The Nixon proposal costs $11.7 billion, the Welfare Righters' costs $50 billion and Sen. McGovern's costs $72 billion. The Nixon and Welfare Rights proposal would require 80,000 more Federal employees and it would be 18 months before the first check could be issued. McGovern says he doesn't know how many more employees his program would require. It is obvious that these proposals make the welfare mess messier. And once again we have overpromised and underperformed. We tell the taxpayer the welfare mess has been eliminated and we tell the welfare recipient, "Your problems are over." But the problems for both have just begun. None of these plans provides for education, local participation, or for needed institutions. Supposedly welfare families will get their $2400 or $4000 or $6500, which in theory will not only solve their food problems—but also health, housing, education, and jobs. Not one of these plans provides one more doctor or hospital bed or classroom or a single additional dwelling. Even with money, where will the poor find these?

Without local participation and local administration—with just mailing out that check—where will the money end up?

Higher grocery bills because of increased food prices, higher rents because the landlord knows he can get more money, excessive finance costs because the loan shark sees an opportunity for more profit and rising health care costs like we have seen with Medicare. Just throwing money at a problem will not solve it. Look at New York City—they have tried it. They give $1 billion each year to their 1 million citizens on the dole—$1,000 a person. And New York has the biggest mess of all.

Today we are heading in exactly the wrong direction. Instead of building up institutions and service programs, the Administration is tearing them down. Give them cash, the President says, as he eliminates day care centers and emergency feeding programs, plays numbers games with school lunch statistics while millions go hungry, and phases out food stamp and other feeding programs. A year after the guaranteed annual wage goes into effect, the overburdened taxpayer will be shouting, "Now you have the money—shape up, you bums." And the poor will still be distraught and hungry.

HUNGER

The Supreme Court has just ruled that states may pay families with dependent children smaller welfare benefits than those paid to the aged and disabled. The rationale is that "the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them." Thus we have enshrined into American jurisprudence the fallacy that the critical time in life is old age—that dependent children can improve their situation. False! Absolutely false! Forbid that we deny either the aged or the child. But of one thing we are sure: the greatest injury to the human brain is caused by malnutrition at infancy; and once suffered there is no "hope of improving their situation in the years remaining to them."

The human brain consists of 13 billion brain cells. Ten of these 13 billion develop the first five months in the mother's womb, but as many as two billion or 20 per cent of the cells never develop in some infants because of malnutrition of the mother. Once lost, these cells never repair. Later, the child can drink milk, take vitamins; body and bones will grow strong but the child will still end up a drone. From birth until five years of age, the brain continues its rapid development. During this critical period, children born with normal brains can still lose growth from malnutrition and for the rest of life, the brain won't concentrate, it won't assimilate, it won't respond. All the rehabilitation and training you can give it will be just like water off a duck's back. And this injured human will be labeled a lazy bum. Everyone always asks who is going to pay for all this welfare.

Already we have been paying through the nose. Those with underdeveloped brains fall behind in school, get out of sorts with their own age groups, resort to mischief, and end up in jail. And the retarded suffer illnesses to a greater degree. Accordingly we build bigger jails, we readily pay $70 a day for hospital rooms, we appropriate millions for rehabilitation and mental institutions—continuing to treat the result rather than the cause. Hunger is the beginning of poverty. The poverty cycle goes from hunger to poor housing to inferior environment to ill health to faulty training to jail or joblessless to welfare. There are families who have been on welfare for five generations. To me, this is the welfare mess that must be corrected.

SOLUTION

First, the child in the mother's womb must be adequately nourished. Society scorns the expectant mother who cannot identify the father. But rather than penalizing the expectant mother, we should be worrying about breaking the vicious cycle by improving her offspring. Regardless of what we think about the mother's morality or deservedness, the child is not immoral. The child is coming, and it is society's child. This means nourishment for the child during those all-important months in the mother's womb. If the child is denied that, we can forget about he or she ever becoming a fully productive member of society.

Step Two—Give the child a hot breakfast.

Step Three—Provide a day care center. Then the mother can work, or at least the child can receive training in the proper environment. We voted for this in Congress, but President Nixon vetoed it calling it communal living. It is a cruel joke to look upon the welfare child's situation as a normal home. Rather than communal living, day care centers provide their only chance.

Step Four—Complete the food stamp program and school lunchroom program. These have had shaky starts but are now proving their worth. The biggest objection we have to food stamps is that the poor swap the stamps for luxury foods or liquor. We should improve the policing of this but certainly the solution is not to give cash.

Step Five—Get at our health needs with comprehensive health centers that have worked extremely well along with our feeding programs but have for all intents and purposes been eliminated in this Administration.

Of course, feeding programs for the elderly as well as children would be provided. Thereupon you would have the hunger and health problems being properly treated and you could move on up the line to housing, education and job training. Poverty must be treated on a case basis. The programs of government are all there. The elements of local participation and local administration so necessary to the success of any program are all there. We have the categories of hunger care, health care, dependent children, welfare mothers, the aged, blind, sick and

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disabled. What adulterates all the proposals before Congress is the attempt to bring poverty families above the poverty line—$4,110 for a family of four. This involves putting millions of marginal wage earners on welfare. It involves massive forced-work schemes costing billions to create jobs and administer, which in turn creates more mess than before. Income maintenance for the marginal wage earner can be supplied by extending the food stamp program to the 15 million that are eligible and have yet to receive them, and putting food services in the 23,000 schools in America that still lack feeding facilities. We can complete the housing program and institute health insurance. But let's hold up on cash until we get some facilities built and these basic problems solved.

I don't believe we ought to tax one man to pay another man who won't work, and I don't think government should make welfare more attractive than work. But this is no reason why we can't go to the heart of America's welfare mess—hunger. After giving 81,000 complete physicals in 10 States, the National Nutrition Survey found there were 15 million hardcore hungry in America. We were on course and about to solve this problem until Mr. Nixon came along with his grandiose guaranteed annual wage. Since that time we have been squabbling over workfare and welfare. The hungry have gone hungrier, and the taxpayer pays more and receives less.

COST OF SOLUTION

1. The number of people on welfare would remain practically the same—8 million children under the age of 21; 4 million disabled and elderly; 2 million mothers of dependent children; with 126,000 able-bodied men—less than one per cent on welfare able to work.

2. The cost for expanded family feeding programs—$3 billion; for an adequate school lunch program—another $1 billion; for a school breakfast system—$500 million; for day care centers—$2 billion; for comprehensive health centers—$5 billion. That is $11.5 billion.

Where do we get the money? Last December, I voted against the $15-billion tax cut. Granting business investment credits and depreciation allowances—these are the tax loopholes that everyone now wants to close.

The cost of 535,000 troops and dependents in Europe is $19 billion a year. Cut this back like President Eisenhower suggested in 1963 to 100,000, saving $12 billion. Spend $2 billion on the Sixth Fleet strengthening defense, and take $10 billion to solve the welfare mess. Eliminate the President's proposed Volunteer Army, saving $3 billion. This is $28 billion for starters—and all we need is 11.5. There is no need to increase taxes.

Mr. HOLLINGS. At this point, I also wish to bring into issue an article by James J. Kilpatrick, published in the Washington Star of Sunday, June 11, entitled "Child Development: Once More Into the Swamp." I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILD DEVELOPMENT: ONCE MORE INTO THE SWAMP

(By James J. Kilpatrick)

If our Republic dies before the end of this century, it likely will die not from Soviet missiles, but from our own internal frustrations. For an agonizing example of frustration in motion, consider the latest child development bill: It offers a fine manifestation of our national talent for making bad matters worse.

The bill was reported May 16 by the Senate Committee on Labor and Public Welfare. Even Colorado's conservative Sen. Peter H. Dominick, though he voiced reservations, voted to send the bill to the floor. It is entirely probable that the bill will pass.

By any rational standard, or so it seems to me, this is a bad bill. To be sure, it is not as bad as the monstrous measure that President Nixon vetoed last December. In its revised form, the proposed child development program would cost a little less than the earlier version, at least at the outset, and perhaps it would not be quite so impossible to administer. When that has been said, the best has been said.

The new bill is directed toward some 2,000 cities of more than 25,000 population. In each of these, one or more child development centers would be created. These would not be mere day-care facilities. The bill makes that clear. The purpose of the program is not merely to care for children, but to develop them. The idea is to provide "educational, nutritional, health, and other services," including the diagnosis and treatment of "physical, mental, psychological, and emotional barriers to full participation in programs."

The cost per pre-school child is estimated at $2,372 per year.

The bill proposes a start-up authorization of $150 million for the coming fiscal year, to be followed by authorizations up to $1.2 billion in fiscal '74 and $1.6 billion in fiscal '75.

The senators who have sponsored this bill, chiefly Mondale of Minnesota and Javits of New York, are not lunatics. They are good and decent men who are searching conscientiously for some way to break an iron ring that hobbles society.

All of us are dimly aware of this imprisoning circle. The ghetto child, born to poverty, passes his first few critical years in an atmosphere of social disruption. There is typically no father around; the mother works; the infant is dumped with any baby-sitter who may be handy. The child's medical and emotional needs are left unattended. He gets off to a poor start in kindergarten or the first grade. It is hardly to be wondered that the male child of this milieu grows up to rob service stations and the female child to spawn illegitimate offspring. Whereupon the process all begins anew.

If this depressing cycle could be broken for $2,372 per year per pre-school child, it might be the best money the taxpayers ever spent. Twenty years down the road, the program might deliver productive, law-abiding citizens. The ring might be broken.

But it is part of the frustration that no convincing evidence exists to suggest that the program will work. On the contrary, there is sound reason to believe it would fail. As Dr. Ernest van den Haag emphasized in testifying before the committee, we know little about the "right" way to deal with children. Who could insure that the centers would be staffed by competent persons? The nation's experience with teacher selection and with social workers, as he said, "is highly discouraging."

Add to the difficulties of competent staff the difficulties of efficient administration: The bill proposes a maze of overlapping councils and committees. Admit the virtual certainly that the costs are underestimated. Consider the failure of the present program of Aid to Families with Dependent Children. And let us pray over the wisdom of shifting to the state—to the taxpayers—one more obligation that ought to be the responsibility of the family instead.

I don't pretend to have a good and workable answer; but I have read this 79-page bill, and thought about the costly and cumbersome swamp the bill would provide, and I am satisfied this isn't it.

Mr. HOLLINGS. With respect to Mr. Kilpatrick's article, I bring into issue in my newsletter the very points we are trying to make in the present debate. I wish I could get into a debate with someone who has worked on this program; but, barring that, I would debate with my good friend, for whom I have the highest regard, Mr. Kilpatrick. He finds the same things we find—that it a mess and we have failed. Then he states further on that these day centers would not be mere day-care facilities, that the program is not only to care for children but to develop them.

The idea is to provide "educational, nutritional, health, and other services," including the diagnosis and treatment of "physical, mental, psychological, and emotional barriers to full participation in programs."

He speaks of that with alarm, just as many others refer to the present program, that this would give custodial care.

The President stated in his veto message that it would result in communal living. The inference is that something is wrong with day-care centers at ages 1 to 6. If there is a greatness to this land, it is the public school system. On what do we pride ourselves? On taking a child at 6 years of age and putting him in the first grade in the public school program, which means just that—public, publicly supported, and publicly operated and administered, at the local level, by the local PTA. But as soon as we propose a similar program for the 2-year-old or the 3-year-old or the 4-year-old, President Nixon calls it communal living and others call it communism and say that we are trying to mold the minds of the young children. Nothing could be further from the truth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. I yield the Senator 1 additional minute.

Mr. HOLLINGS. The point is that their minds are being molded now. We are just on another program.

The Senator from Massachusetts (Mr. KENNEDY) and I are trying to help Bobby Lee Hunter, the two-time AAU flyweight champion of America, who has competed in the U.S. Olympics and is prepared to go to the International Olympics. He was born in "Do-As-You-Choose Alley" in my hometown. His mother was retarded. There was no family. He was a dropout from school, and he found himself charged with and convicted of manslaughter. He is serving his time. We are trying to rehabilitate him. But I am trying to prevent future Bobby Lee Hunters, so that they will have a home and will not grow up in "Do-As-You-Choose Alley."

Mr. Kilpatrick and the opponents of this bill say that all children in America can continue to be born and raised and exist in "Do-As-You-Choose Alley." I am trying to eliminate that with this bill, and I support the Senator from Wisconsin and the Senator from Minnesota in their very fine efforts in this regard.

I thank the distinguished Senator from West Virginia for yielding me the time.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A 20-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 20 minutes and that the time not be charged against either side.

The motion was agreed to; and at 1:27 p.m. the Senate took a recess for 20 minutes.

The Senate reassembled at 1:47 p.m., when called to order by the Presiding Officer (Mr. Moss).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3343) to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12602. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; and

H.R. 15048. An act to amend the Merchant Marine Act of 1970.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports;

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws; and

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. HARRY F. BYRD, JR.).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 12602. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; to the Committee on Agriculture and Forestry.

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; to the Committee on the Judiciary.

H.R. 15048. An act to amend the Merchant Marine Act of 1970; to the Committee on Commerce.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER (Mr. Moss). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate continued with the consideration of the bill (S. 3617) to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. JAVITS. Mr. President, with the permission of the Senator from Wisconsin, I yield myself 10 minutes on his time.

Mr. President, I urge the passage of this bill, having been closely a party to the way in which it was worked out.

Mr. President, I urge passage of the committee bill, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972, and it is my hope that a similar measure will be adopted by the other body and signed into law by the President.

This is a bipartisan proposal based upon S. 3228, a bill of that same title which I introduced on February 24, with Senators TAFT, SCHWEIKER, PACKWOOD, and STAFFORD—each members of the committee—and Senators BOGGS, BROOKE, CASE, COOK, HATFIELD, MATHIAS, PERCY, SAXBE, and STEVENS, and a similar measure contained in S. 3193, proposed by Senators NELSON and MONDALE.

The committee bill is designed to provide a legislative framework for increased educational and other developmental opportunities for preschool and other children whose parents request them in order to engage in employment, training or education or otherwise to enhance the well-being of their families; it authorizes $2.95 billion over a 3-year period for that purpose, with fiscal 1973 as a planning year. The program would become fully operative in fiscal year 1974.

Mr. President, in vetoing S. 2007, the Economic Opportunity Amendments of 1971, referring to the child development title, which had been included therein, the President said:

I . . . hold the conviction that such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit, and broad public acceptance of its principles.

We now can have that debate free of other issues because, at my urging and that of other Members of the minority, the bill is presented and the issue is framed free of the extension of the poverty program. The latter will be considered separately by the Senate in S. 3010, reported by the committee at the same time as this measure.

Mr. President, there are, in my opinion, two key questions before the Senate and the Nation. First, is a Federal commitment to developmental child care opportunities and related services in the interest of children and thus desirable as a matter of policy? Second, if so, does this particular proposal represent a viable means of implementing that commitment?

DESIRABILITY AS A MATTER OF POLICY

Mr. President, there can be little doubt that there is a substantial need for increased developmental child care opportunities and related family services.

At the present time, there are only 700,000 licensed child care "slots" available in the Nation.

In contrast, there are currently:

One million poor children under the age of 6 whose mothers work, and approximately 2 million children between the ages of 6 and 14 in such families.

One million preschool children, and 1 million schoolchildren in families with income between $4,000 and $7,000 with mothers in the working force;

Two and a half million preschool children in families below the poverty line where the mother is not working.

One and one third million mothers in all socioeconomic groups who are bringing up their children without a husband.

In 1971, 43 percent of the Nation's mothers worked outside the home compared with only 18 percent in 1948.

One in every three mothers is working today, compared with one in eight in 1948.

With only 700,000 licensed child care slots available in the Nation, and 8.8 million children who might benefit there-

from, it is legitimate to ask who is taking care of the children. The answer in thousands of cases is "no one." A survey conducted by the Women's Bureau of the Department of Labor in 1965 identified 18,000 latch-key children.

But for the most part, children of working mothers are being dropped in substandard child care facilities or in inadequate home care situations.

The report of the National Council of Jewish Women entitled "Windows on Day Care," issued just a month ago concluded, on the basis of an extensive survey, that only a small percentage of the children whose mothers are employed now benefit from developmental day care services.

The President's 1970 White House Conference on Children—bringing together parents, pediatricians, health, welfare, and other experts on children—voted as their first priority the provision of comprehensive family oriented child development programs.

And indeed this opinion of experts is supported by the public at large. A 1969 Gallup poll—conducted long before the issue was raised nationally—established that 65 percent of Americans support expanded funding for child care centers.

The sponsors of this legislation believe that the States and the cities cannot provide these opportunities without Federal assistance; thus, we feel that a legislative framework should be established in which communities themselves may provide opportunities for children and families in their own way.

REBUTTAL OF ARGUMENTS AGAINST CHILD DEVELOPMENT LEGISLATION

Mr. President, the opponents of child development legislation have put forth a number of arguments against such a commitment. Let us examine them closely.

First, they say that we do not know enough about child development programs to mount any significant Federal effort and suggest that programs may be damaging to children.

But the President himself said, in his February 1969 message to the Congress concerning child development:

> Much of our knowledge is new. But we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment of providing all American children an opportunity for healthful and stimulating development during the first five years of life.

And in his veto message regarding S. 2007, the President referred to the Headstart program—upon which we have based this legislation—as a "tried and tested program which paves the way for a wider application of successful techniques."

Mr. President, because some of our knowledge is new, we took great pains to include in the bill safeguards designed to insure that programs benefit and are not detrimental to children.

To this end, the bill provides that all programs are voluntary, for continual review of the appropriateness of activities with respect to each child, and special safeguards for young children.

Second. Opponents say that the provisions of Federal funding for a child development will act as an incentive for mothers to leave the home, encouraging a kind of "de facto desertion."

The issue is not whether mothers should be encouraged to leave the home but whether we are going to make it possible for mothers already in the labor force to have adequate developmental child care available to them.

Even with our bill, assuming that the $1.6 billion authorization for the third year were appropriated and applied to preschool opportunities—we could add less than 800,000 opportunities, to the 700,000 in being for a total of 1.5 million opportunities against the potential need of 8.8 million.

Third, opponents say that we are undermining the chance of the administration's welfare reform measure, H.R. 1, and its child care provisions and that any other child development legislation would be "redundant" to or "duplicative of" that proposed effort.

Mr. President, generally speaking, the sponsors of this legislation support welfare legislation; in fact last year we wrote the President to that effect and that commitment still holds.

We do not see this measure as a substitute for child care under welfare reform, rather we view it as a necessary supplement in both a qualitative and quantitative sense.

As a qualitative matter, our bill focuses on developmental activities, building on the Headstart program; in contrast H.R. 1 focuses on child care designed primarily to assist low-income persons to work their way off the welfare rolls.

Quantitatively, it may be noted that even if all of the 700,000 existing "slots" were applied to the poor and added to the 875,000 contemplated under H.R. 1, the resulting 1.7 million opportunities is inadequate to the 7.5 million poor and near poor children who are in or on the edge of welfare dependency, much less to meet the needs of other children whose mothers work.

Therefore our bill contains the fee schedule provisions worked out with the administration last year under which there would be no charge for services up to $4,320 for a family of four, and modest fees could apply for the "near poor" between $4,320 and $7,200, the Bureau of Labor Statistics "lower living standard"; the Secretary of Health, Education, and Welfare would establish the schedule beyond that point.

Fourth, and in my opinion most misleading, is the suggestion made by the opponents of Federal legislation that it would somehow "Sovietize" or "communize" the Nation's children or families.

Nothing could be further from the fact. Those who have studied programs in Communist countries know that there is a great distinction between their state-run compulsory system and the parent-controlled voluntary system which we propose.

MEANS OF IMPLEMENTATION

Mr. President, in his veto message, President Nixon said that the purpose of the vetoed title was "laudable" but that it had been "overshadowed by fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections.

First, with respect to fiscal responsibility, the committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

Second, with respect to administrative workability, we have given sponsors clear responsibility for conducting the program vis-a-vis the child development councils to be established at each level of administration, provided for statewide planning, and established coordination with other efforts.

Significantly, the bill requires that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. State governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify.

The most important result of these actions is that State governments—which the President described as having an "insignificant" role under the vetoed bill—would now have a substantial role.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to insure that child development programs will serve to strengthen the family. These include provisions emphasizing that child development services are voluntary; providing a greater number of options to parents; emphasizing the provision of child related services to other members of the family, such as prenatal care; providing for the involvement of parents in programs and extending special protection for young children. Importantly, at least half of the membership of councils to be established at the prime sponsorship area and project level are to be parents of children enrolled in child development programs.

Mr. President, I shall close as I began, with reference to the President's statement that such legislation should be enacted only after a debate upon its merit and broad acceptance of its principles.

The basic merit of this legislation is the provision of developmental child care for children who would otherwise be completely neglected or subjected to arrangements not clearly in their interest.

And the basic principles of this legislation are opportunity, decisionmaking at the community level, and parental involvement.

Mr. President, while I know that there will be amendments to this bill regarding the delivery system, I hope that there will be agreement on its general merit and on these principles, which I believe are so essential to the future of the Nation's children.

Mr. President we really have no alternative, because there is no greater and dearer responsibility of government than with respect to damage to the children. The fact is that there is ongoing damage today, that there are enormous areas in which the parental responsibility simply will not extend unless the State extends it to the kind of care to which a child is entitled in order to be a decent American citizen, not only with security to himself or herself but also with security to the whole community in which he or she lives.

I ask unanimous consent to have printed at this point in the RECORD a memorandum of supplemental views which I submitted with Senators SCHWEIKER, TAFT, PACKWOOD, and STAFFORD, together with an editorial published in the May 19, 1972, issue of Parents magazine, by its publisher, George Hecht, as being upon our support of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, SCHWEIKER, PACKWOOD, TAFT, AND STAFFORD

We support the "Comprehensive Headstart, Child Development and Family Services Act of 1972", which is a bipartisan compromise proposal based upon S. 3228, which we introduced on February 24 with 9 other Republican co-sponsors, and a similar measure contained in S. 3193.

We are pleased that the Committee chose to report this measure separately from the extension of the Economic Opportunity Act, as we urged, so that there will be full opportunity for debate on child development legislation, and the essential extension of our anti-poverty efforts will not be further delayed.

A separate bill, the Economic Opportunity Amendments of 1972, S. 3010, has been reported by the full Committee simultaneously with this measure.

We believe that a legislative framework should be provided for increased educational and other developmental opportunities for preschool and children whose parents request them in order to engage in employment, training, or education or otherwise to enhance the well being of their families.

At the present time there are only 700,000 licensed child care "slots" available in the Nation, while there are five million children of working mothers in families with incomes under $7,000, as well as 2.5 million low-income preschool children whose mothers are not employed. Overall, in 1971, 43% of the Nation's mothers worked outside the home compared with 18% in 1948.

The unfortunate result has been that millions of working mothers and many others who need supplemental educational and other services for their children have been unable to find adequate child development opportunities.

In his message of December 9, 1971, vetoing S. 2007, the Economic Opportunity Amendments of 1971, President Nixon stated that the "laudable" purpose of the child development title had been "overshadowed by": "fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections relating to the system established under the vetoed bill.

First, with respect to fiscal responsibility, the Committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts to be fiscally responsible both in terms of the extent to which new resources may be effectively channelled through the system each year, and in light of the amounts spent upon remedial programs that attempt to correct the damage inflicted upon many children who lack such opportunities during early childhood.

Second, the bill contains a number of new provisions, many of which were adopted from S. 3228, to ensure its "administrative workability"; they include provisions:

Requiring that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. Importantly, state governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify;

Giving state and local prime sponsors clear administrative responsibility for conducting the programs. Under the vetoed bill, the lines of administrative responsibility between the prime sponsors and the child development councils established were unclear. The Committee bill limits the role of such councils to approving certain basic actions taken by the prime sponsor;

Providing for "annual family service plans" to be submitted by State governments, in conjunction with local prime sponsors, to ensure statewide coordination and maximum utilization of resources; and

Ensuring coordination with other efforts for children, including those conducted in the schools.

These provisions also will ensure a substantial role for State governments, which the President described as "insignificant" under the vetoed bill.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to ensure that child development programs will serve to strengthen the family. These include provisions:

Emphasizing that child development services are voluntary, that is provided only at the request of parents who choose to use them and not as a matter of universal application;

Providing a greater number of options to parents, ranging from full or part day services in centers to in-home services, in each case considered supplemental to family efforts;

Emphasizing the provision of child related services to other members of the family, such as prenatal care, so that child development centers will be family centers; and

Providing for the involvment of parents in programs.

Importantly, at least half of the membership of councils to be established at the prime sponsorship, area and project level are to be parents of children enrolled in child development programs.

In our opinion, these provisions distinguish the programs contemplated under the Committee bill from the state run compulsory system which exists in other countries.

We support the basic fee schedule provisions of the Committee bill, worked out with the Administration last year, under which free services would be provided to families with incomes up to $4320 for a family of four, with modest fees between that level and $7214, the so called Bureau of Labor Statistics "lower living standard". The Secretary would establish the fee schedule for families with incomes above that level.

Significantly, the Committee bill includes an additional provision from S. 3228 to ensure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumstances.

We also note that the bill authorizes greater funding for training than S. 2007, an aspect which the President considered deficient.

In conclusion, we believe that the Committee bill represents a viable means of implementing the objective, which the President articulated so well in February 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

We urge that the Committee bill be approved by the Congress and signed into law so that the Nation's commitment to full opportunity may be implemented fully.

Jacob K. Javits, Richard S. Schweiker, Bob Packwood, Robert Taft, Jr., Robert T. Stafford.

[From the Philadelphia Inquirer, Apr. 29, 1972]

ANTIPOVERTY BILL VOTED TO AVOID NIXON VETO

The Senate Labor Committee has passed a $9 billion antipoverty bill that comes closer to the requirements President Nixon sought when he vetoed a similar bill last December.

The committee added a key provision to the bill transferring the legal services program from the Office of Economic Opportunity to an independent corporation. It now goes beyond last December's measure by giving Mr. Nixon absolute control of the new agency.

The Persident turned down the previous bill because it didn't allow him direct control of the corporation.

Sen. Jacob Javits (R., N.Y.) added the provision giving Mr. Nixon that privilege because, Javits said, it was essential to prevent another veto.

The bill authorizes about $3 billion for the current fiscal year and each of the coming two fiscal years. The allotments would include $1 billion for regular OEO programs, $950 million for manpower training programs, $500 million for the Neighborhood Youth Corps., $500 million for pre-schoolers in Head Start and $100 million for the Follow Through program for children after they enter school.

[From the Washington Post, May 4, 1972]

SENATE PANEL PASSES ALTERED DAY CARE BILL

The Senate Labor and Public Welfare Committee yesterday approved a toned-down version of the day care bill vetoed last year by President Nixon.

The measure would provide free, high-quality day care for the children of the poor, subsidized care for low-income families, and care at fees set by the government for other children.

The bill authorizes expenditures of $1.2 billion for the year starting in mid-1973 and $1.6 billion the following year.

The bill was approved by voice vote with considerable Republican support. But Sen. Peter H. Dominick (R-Colo.) said he remained opposed and would fight the bill on the Senate floor. Sen. Jacob K. Javits (R N.Y.) said he felt changes made by the committee would meet Mr. Nixon's objections.

XUM

[From Parent's magazine]

WHAT MUST BE DONE TO MEET THE NEEDS OF ALL AMERICAN CHILDREN

(By George J. Hecht)

Why, in this, the richest nation of the world, do more than ten million children live in bitter poverty? Why is our infant mortality rate higher than that of twelve other countries, including England, Sweden, and Germany? And why is our illegitimacy rate so high—close to half a million babies born out of wedlock each year, nearly a third of them to mothers who are teenagers?

Why do we provide day care services for only 650,000 boys and girls when there are six million preschool-aged children of working mothers who desperately need such care, and more than a million more youngsters under fourteen who are left alone to look after themselves while their mothers work?

What about the need for good expanded foster care services for our hundreds of thousands of homeless children, the majority of whom are legally unadoptable? And what of those adoptable children for whom it is so hard to find a home—minority group youngsters and those who are physically or mentally handicapped? What of the heretofore largely hidden problem of the abused and battered children, estimated by authorities to vastly exceed the 7,000 reported last year?

What does it indicate about our nation that 50 per cent of all crimes are now committed by boys and girls under eighteen years of age? Did you know that about a million children will drop out of school this year because of the widespread, generalized failure of the schools to reach and teach the children who attend them, and because of inadequate preventive and remedial mental health programs?

These are among the urgent problems discussed in our special issue this month on the continuing needs of American children and what can—and must—be done to meet them.

In this issue of the magazine we describe some of the many fine programs, both public and private, which are now underway or being planned to foster the physical, emotional, and intellectual well-being of children, and to help them become productive and happy members of their families and of society at large. But unfortunately we also find that these programs are only a small fraction of what is—urgently—needed. Not nearly enough is yet being done for our youngest citizens.

We must have more federal legislation and more adequate appropriations, and we must have one central governmental body, perhaps an Office of Services to Children and Youth, to coordinate federal programs and funds so that all aspects of child welfare services are available, on ability-to-pay basis, to everyone who needs and wants them. All parents should write to their Congressmen urging them to support comprehensive child care programs. Our children are unable to speak for themselves; we must be their spokesmen, their advocates, working on their behalf to see that society as a whole plays its proper role in helping parents provide for, protect, and nurture our leaders of tomorrow.

Mr. MONDALE. Mr. President, I express my deep appreciation and admiration for the leadership which the Senator from New York (Mr. JAVITS) has provided in the area of care for the children of our country. No person in the Senate has been more concerned, in a more responsible way and for a longer period, than has the Senator from New York. Some of the earliest legislation in this field was introduced by him.

The fact that we have been able to develop, over the past 2 years, a bipartisan approach has been due largely to the commitment and genius of the Senator from New York. I am grateful to him for his message today, and even more so for his continued leadership and bipartisan spirit as we try to develop a measure to meet the profound need which the Senator has described.

Mr. JAVITS. I am very grateful to the Senator. There are few things in my entire legislative career that I have enjoyed more.

Mr. MONDALE. Mr. President, recently, the Senator from New York delivered a magnificent speech on this subject at Cornell, and I ask unanimous consent to have the speech printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR JACOB K. JAVITS

I am very pleased to have this opportunity to participate in this "Institute on Children" and especially to return to Cornell University which has contributed so much to education generally and to the matter to which we address ourselves today.

We have, indeed made progress in our efforts on behalf of children. The child welfare movement which began by freeing children from exploitation in the factories of the early industrial revolution has more recently established the basic right to an education.

And yet, while children and youth make up nearly 40 percent of the Nation's population, they receive less than 2 percent of our Nation's gross national product.

We are stalled short of two necessary federal commitments regarding the affirmative rights of children: the Administration's "Family Assistance Act"—which would establish a basic national benefit level of $2400 for a family of four; and comprehensive child development legislation.

These proposals reflect different strategies. In the first case, there is an "income strategy" geared to the problems of poverty; in the second, a "services strategy" directed at the needs of parents and children generally. Both signify a growing concern with the rights of children and both are necessary.

We can still entertain a basic hope that welfare reform, as passed by the House, will be refined and win eventual acceptance in the Senate, where it may be considered next month.

But child development—despite the established truth that children develop intellectual skills and capacities at a rapid rate in the first five years of life—has a harder course to follow. It lacks full commitment and leadership from the Administration.

In vetoing the Economic Opportunity Amendments of 1971, which contained the child development title, President Nixon said:

". . . neither the immediate need nor the desirability of a national child development program of this character has been demonstrated."

The President noted that the "laudable purpose" of the legislation had been "overshadowed by":

"Fiscal irresponsibility, administrative unworkability and family weakening implications of the system it envisions."

Unfortunately, the Congress was unable to override the veto.

The principal sponsors of the legislation in the Senate, Senator Mondale (D. Minn.) and I determined not to let the matter drop but to pursue the matter again this year seeking bi-partisan support for proposals designed to meet the President's specific objections.

On February 24, with 13 Republican co-sponsors I introduced S. 3228, the "Comprehensive Headstart, Child Development, and Family Services Act of 1972," a bill separate from the new legislation to extend the poverty program.

Another modified version of the vetoed title was proposed by Senator Gaylord Nelson (D. Wis.) and Senator Walter Mondale (D. Minn.) again as a part of legislation extending the Economic Opportunity Act.

The bill is separate from the OEO extension, as I had urged; another bill extending the Economic Opportunity Act was reported the same day.

It is with great satisfaction that I report that the Subcommittee on Employment, Manpower and Poverty, of the Senate Committee on Labor and Public Welfare reported to the full Committee, only twelve days ago a new bi-partisan bill, and including the best elements of both child development proposals.

The Subcommittee bill, entitled "The Comprehensive Headstart, Child Development and Family Services Act" would authorize, beginning in fiscal year 1974 and continuing in the following year a full range of quality developmental services and child care opportunities to children under the age of fourteen.

Like the vetoed bill, it would give particular emphasis to the needs of pre-school children and of the economically disadvantaged, with strong provisions for parental involvement and decision making at the local level.

The services to be made available from funds under the bill will be primarily developmental in nature as under the Head Start program, and thus they will include educational, health, nutritional and other services necessary for each child to reach his or her full potential.

It includes also the fee schedule provisions of the vetoed bill—which had been painstakingly worked out with the Administration last year. Under these provisions free services would be provided to poor children, modest fees would apply to children in families with income between $4320 and $7000 (based upon a family of four) and the Secretary would establish a sliding scale above that level.

Relevant to many areas in New York, it includes a new provision which I sought under which local prime sponsors would have some leeway in charging fees below those prescribed by the Secretary, in order to take into account actual living expenses in the particular area.

You may be interested also in another provision which I authored, to ensure that the experience of the public schools is channelled into programs and that there is continuity between pre-school programs and programs in the schools.

It is expected that this bill will be considered within the next week by the full committee and that a similar bill will be introduced in the House of Representatives after final committee action in the Senate.

Whether it will be signed into law may be determined by the extent to which it meets the President's specific objections which I cited earlier.

We believe that it should, in each major respect:

First, in terms of fiscal responsibility, it authorizes $1.2 billion in the first fully operative year, fiscal year 1974, and $1.6 billion in the second, with an authorization of $150 million for planning and training in fiscal 1973. This represents a substantial reduction from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts clearly to be fiscally responsible both in terms of the extent to which new resources may be effectively "pumped into" the system in each year, and in light of the amounts spent on defense, and upon remedial programs that attempt to erase the damage inflicted upon many from underprivileged families during early childhood.

Second, in terms of administrative workability, we provide that any city, county or combination of local units of government having a population of 25,000 or more persons may be eligible for prime sponsorship and may submit plans directly to the Secretary of Health Education and Welfare. Under our proposal, the Secretary would approve approximately 2,000 plans of prime sponsors rather than 7,000 under the provision of the vetoed title, which established a 5,000 population requirement.

This means that many more localities will come under the provision of state administration than under the vetoed bill.

To ensure that parents and children in areas not eligible for prime sponsorship enjoy the same degree of autonomy and protection in their relationship to the states as the largest units of government would to the federal government, the bill requires the establishment of local family service areas and local approval of the applicable portion of plans for each area by a parent council.

Third, in terms of family strengthening aspects, the bill makes it clear that child care is to be provided only at the request of parents who choose to use them, not as a matter of universal application, and then as a supplemental service to family efforts.

The bill emphasizes that child care centers are to be extensions of the family, with services provided to older children and parents as well.

Basic decisions regarding programs would be approved at each level by a council at least one half of which would consist of parents of children in the program.

But even with these substantial changes, we cannot be sure that child development legislation will be signed into law. I am concerned that beyond these details related to the "hardware" of the delivery system, the public and the Administration itself still harbor some basic reservations about the general necessity for child development and the form that it should take.

First, is the conception that federal child development legislation would act to encourage mothers to leave the home, acting as an incentive as a kind of "de facto desertion".

The fact is that for many different reasons mothers are choosing to enter the labor force, without regard to the availability of child care—in most cases because they have to do so. With or without child care, this trend is likely to continue.

There are currently one million poor children under the age of six whose mothers work, and approximately 2 million children between the ages of 6 and 14 in such families.

In the $4,000 to $7,000 range—the so-called "near poor"—there are more than one million pre-school children and one million school age children in families with mothers in the working force.

In 1971, 43 percent of the Nation's mothers worked outside the home compared wtih only 18 percent in 1948.

One in every three mothers is working today, compared with one in eight in 1948.

With only 700,000 licensed child care slots available in the Nation, it is legitimate to ask who is taking care of the children. The answer in thousands of cases is "no one". A survey conducted by the Women's Bureau of the Department of Labor in 1965 identified 18,000 "latch-key" children.

But, for the most part, children of working mothers are being dropped in substandard child care facilities or in inadequate home care situations.

The report of the National Council of Jewish Women entitled "Windows on Day Care", issued early this month, confirms, on the basis of extensive surveys, that most current day care facilities lack adequate developmental child services.

Moreover, any Federal legislation should include continued authority for Head Start and similar programs which will be available to poor children without regard to whether or not the mother is working. There are currently 2.5 million poor children under six whose mothers are not in the labor market—many of whom could benefit from such supplementary educational and other services.

Second there is a conception that child development is suitable only for low-income persons and then principally to "get them off the welfare rolls."

This focus is best exemplified by the Administration's proposed child care provisions under H.R. 1, the welfare reform measure.

Under its provision 875,000 opportunities will be provided in each year.

It is important that any welfare reform measure include a special quotient for child care and these provisions will have my basic support subject to a number of amendments which Senator Mondale and I have proposed to ensure that they meet children's developmental needs.

But I reject the Administration's viewpoint that child care, under welfare reform, is about as far as we should go in terms of new programs and that any other more comprehensive proposal such as we now advance is merely "redundant."

The fact is that without comprehensive child development legislation existing and projected resources available solely to the poor will be inadequate even to cover that group not to mention the millions of others who need developmental child care. While there are 5.5 million poor children who could benefit from pre-school education or after-school care the Head Start program and the proposed family assistance act would together provide only 1.25 million slots.

The real injustice of excluding other persons is seen in the fact that there are currently 1.3 million mothers in all income groups who are bringing up children without a husband and thus need child care as an absolute necessity.

And to exclude other families is to overlook the basic fact that the poverty population is not a static group, but a class into which and out of which the working poor slide almost on a daily basis.

Third, is the notion, expressed also in the President's veto message, that the child care we propose is to be "communal" in nature—a term designed to bring to mind the worst aspects of communist society.

Nothing could be further from the truth. Those who have studied programs in communist countries know that there is a great distinction between their state-run compulsory system and the parent-controlled voluntary system which we propose.

In conclusion, I urge the Administration to support comprehensive child development legislation, which is now separate from legislation extending the poverty program and to abandon the misconceptions I have mentioned, to the extent that they may still exist. If they disagree with us still with respect to the details of the program, then let them come forward with positive alternatives.

The question before the Nation is not whether the expansion of developmental child care opportunities is desirable—as we believe they are—but whether they are to be expanded in a legislative framework established at the federal level.

With or without federal legislation, the legitimate needs which I have cited will find expression in greater funding for child care under existing authorities, which are now so splintered and unrelated to each other.

Nothing promises to be more administratively unworkable, fiscally irresponsible or family weakening than to pump more money into the existing system of isolated programs which are funded through different federal sources often without any guarantee as to parental involvement.

We can take warning from the existing manpower training system which has grown in much the same way without an established procedure for decision-making at the local level and which the Administration and the Congress, after ten years of experience, now struggle belatedly to reform.

Unlike manpower reform, child development is now in its infancy and the question is whether it is going to grow up unattended—like a "latch-key" child—or with federal direction and support.

In his veto message the President said that no commitment to child development should be made in the absence of a great national debate on its merits, and broad public acceptance of its principles.

The bill now moving through the Congress affords that opportunity for debate on the merits. I hope the Administration will be guided by it.

But let the Administration agree with us now on the basic principle, which the President himself articulated so well in February of 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

The key word is opportunity—not universality—a goal which all Americans should be able to agree upon as one of the highest priority. It is time that goal be given federal legislative sanction.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, I join the distinguished Senator from Minnesota (Mr. MONDALE) in his remarks respecting the valuable and creative contribution that the Senator from New York (Mr. JAVITS) has made to the development of this bill, and also to all the other members of the minority who cooperated with the majority on the committee in working out what I think is a very good bill, modified substantially from the bill the President vetoed.

The bill was reported from the committee on a voice vote—without one dissenting vote.

We needed and found valuable the contribution of the Senator from New York as well as the contributions of the other members of the minority.

Mr. JAVITS. Mr. President, I thank my colleague from Wisconsin. I emphasize not only the bipartisan spirit in which we have worked together but also the spirit of complete dedication to the basic purposes of the bill which we are trying to serve, and which has been shown so well by the Senators from Wisconsin and Minnesota in their leadership as majority members on both the subcommittee and the full committee.

Mr. RIBICOFF. Mr. President, in February of 1969 President Nixon expressed his concern for child development when he said—

So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

The opportunity to fulfill that commitment exists today in the Comprehensive Headstart, Child Development and Family Service Act of 1972.

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This bill is the product of months of study, revision, and bipartisan consultation in response to the President's veto last year of S. 2007, the Economic Opportunity Amendments of 1971.

Everyone agrees that this Nation faces a critical shortage of quality day care and child development programs and facilities. One-third of all mothers with preschool children—a total of over 4½ million women—are working at full or part-time jobs. Some 5 million children need full- or part-time day-care services while their mothers are away from home. Yet there are less than 700,000 spaces in licensed day-care programs to serve them. And not all of these really provide quality day care.

We are not faced with a situation, as the President implied in his veto message, of legislation with "family weakening implications." Instead, we are faced with a changing society in which women voluntarily choose to work.

The problem, then, is to provide the programs and facilities which will enable these women to hold jobs and will provide the opportunity for children to develop—physically, intellectually, emotionally—in wholesome and safe surroundings while their parents are away from home—by choice—at work.

Other Senators including the distinguished Senator from Minnesota (Mr. MONDALE) have already described in full detail the elements of this landmark legislation. Therefore, I will confine my remarks to one aspect of this legislation—child-care standards.

Given the overwhelming shortage of day-care programs and facilities it is tempting to try to solve the day-care shortage problem immediately by diluting standards so that limited programs and facilities can be made available to more children.

I believe we should move more cautiously. Given a choice between many programs with weak standards and fewer programs with strong standards I would opt for high standards.

In that context I introduced an amendment last year to S. 2007 which set the 1968 Federal Interagency Day-Care Requirements as the floor below which the Department of Health, Education, and Welfare could not go in developing comprehensive day-care regulations. This amendment passed the Senate and was accepted by the conference. Such a standard is also included in my welfare reform legislation.

Although S. 2007 was vetoed by the President, it was my expectation that the administration would take note of the intention of Congress regarding the development of day-care regulations. In order to provide the administration with some flexibility in improving the 1968 requirements we wrote in language to S. 3617 allowing HEW to develop standards "consistent with" the 1968 requirements.

After reviewing drafts of the proposed 1972 standards, we find it is clear that there has been a misunderstanding as to what "consistent" means. Simply stated, "consistent" means that the standards must be at least as strong and comprehensive as the 1968 regulations.

The 1972 standards are seriously flawed in a number of respects and in no sense can they be termed "consistent."

First, they dilute child-staffing ratios so that fewer staff members would be caring for larger numbers of children. Under the 1968 standards group day-care home ratios would be set at five children to one adult when preschool children—age 3 to 6—are involved. No children under 3 could be placed in this type of care.

The proposed 1972 HEW standards requirements for babysitting, called in-home care and care provided by close relatives, specify neither the age nor the number of children that can be cared for even though it is apparent that HEW intends to provide a Federal subsidy for such care. HEW also moves one classification of group day-care homes—those serving more than 12 children—into the day-care center classification, thus avoiding certain restrictions as to the number and ages of children that may be served. Homes serving 12 children may have as few as two caregivers. Since HEW would allow four of the 12 children to be infants or toddlers under age 3, the remaining eight children could be as young as 3. This could very easily lead to situations where four infants were cared for by one caregiver and eight 3-year-olds by another.

In day-care centers, the 1968 requirements for children aged 3 to 6 involved an average ratio of 6 to 1. The 1972 requirements would set the ratio at 9 to 1. For school-age children, the 1968 requirements set the ratio at 10 to 1. The 1972 requirements set the ratio at 12 to 1 for children ages 1 through 8, 15 to 1 for ages 9 through 11, and 20 to 1 for ages 12 through 14.

Also critical are the inadequate staff-child ratios and the lack of any reference to the sizes of groups of children which are to be served; "herding" results in the kind of depersonalization that damages young children.

The 1972 requirements do not stop at increasing the number of children assigned to each care giver and allowing "herding" of young children—they also fail to require any ratio of care givers to children to be maintained at any one time. Instead, the 1972 requirements substitute "care giver hours" ratios which would allow ratios to be technically complied with but would make enforcement of even custodial standards extremely difficult.

Using HEW's own example, an operator seeking greater profits could staff a center receiving Federal funds as follows:

First, the owner is the director and works from 6 a.m. to 6 p.m., with 1 hour for lunch—from 12 to 1;

Second, five part-time employees are expected to work from 8 to 1 each day;

Third, another five part-time employees are expected to work from 3 to 6 p.m. each day.

This staffing meets the requirements of the 1972 draft; yet, there is only one person—the owner-operator—required to be on hand from 6 a.m. to 8 a.m. and from 1 to 3 p.m. each day. That one person has the sole care of 3 infants, 6 toddlers, and 18 preschoolers—27 children in all—during those four hours. Such an operation could be extremely profitable: part-time housewives and students could be employed for the brief periods required. A case could be made, in defense of the staff plan, that sufficient staff are present for the "important" times of day.

This staffing pattern assumes that the owner-operator is attempting to staff for maximum effective care of children while avoiding hiring full-time employees. Many other patterns could be used, all of which meet the "divisor ratio" suggested in the new draft guidelines, that would be less expensive and less able to meet children's needs.

For instance, an owner-operator could meet the new guidelines by relying solely on available part-time personnel from one of two pools—mothers with some child care responsibilities who are currently working "in the home" only; students, of either high school or college age, working for pay or as volunteers.

The owner-operator could hire seven housewives or obtain the services of seven students and schedule one shift from 9 to 12; a second shift of seven part-time employees could come to work from 12 to 3. In total, 42 hours of "care givers" would be tallied. If the operator worked from 6 to 10:30 a.m. and from 12:30 to 6 p.m., the requirement of 51 "care giver" hours would be met. Although the new guidelines would technically be complied with, there would only be one adult on the premises from 6 to 9 a.m.—caring for as many as 27 children. During the hours of 3 to 6 p.m., one adult would have the care of 39 children.

Such practices, were they to be allowed through imprecise rewriting of guidelines, could become widespread. May Dublin Keyserling's recent study, "Windows On Day Care," cites several such instances. A licensing worker was making an unannounced visit to a Florida center at 8:20 a.m. when she found one caretaker with 54 children.

The new guidelines are sufficiently loose to allow cooking and housekeeping duties to be performed by personnel counting as "care givers." One employee could work full time at such noncare giver tasks each day, on a rotating basis, without reaching the maximum percentage of time specified in the guidelines.

A second major flaw in HEW standards involves parental involvement in day care programs. Under the 1972 drafts it is effectively eliminated.

The current requirements are very specific, if somewhat modest. The requirements state that "—at that administrative level where most decisions are made—" there must be a policy advisory committee or its equivalent. Further, membership of that advisory committee "—should include not less than 50-percent parents or parent representatives, selected by the parents themselves in a democratic fashion." Seven specific functions are listed that must be performed by policy advisory committees.

In the draft requirements, two kinds of parent participation are discussed. Each facility serving more than 15 children must have an advisory council, and at least 50 percent of the members of the council must be parents of children served—note that there are no functions that must be performed by the advisory council at this level, and that the membership is not selected by the parents themselves in a democratic fashion.

At the level of the administering agency, even less is required for evidence of satisfactory compliance. An unspecified percentage of parents of children enrolled in day care are to be included in a policy advisory group. That percentage may or may not be 50 percent; parents need not be representative or democratically selected. Instead of seven specific functions that must be performed, these parents are only to be provided, upon their request, information on administering agency policies, budgets, and evaluations. At best, parents are to be provided information.

There is one new addition to the requirements. Administering agencies must have a written grievance procedure by which parents may take complaints to the administering agency; the written grievance procedure must be presented and explained to each parent.

Under the current requirements, parents must have a voice in day care programs. Under the new HEW draft, parents have no voice but they must be given a piece of paper which tells them how to take their grievances to an administering agency.

Much of text of the new HEW draft contains definitions and generalizations—too little of it is devoted to specific actions required to give evidence of satisfactory compliance. An example is health requirements under the 1968 requirements and the new HEW draft.

The sole evidence required under the HEW draft to assure satisfactory compliance with health requirements for staff is that each staff member: "is free from communicable tuberculosis and communicable syphilis."

Are all other communicable diseases—and mental illness—allowable?

Compliance with the requirements outlined in the current interagency requirements would seem to be more advisable:

Staff of the facility and volunteers must have periodic assessments of their physical and mental competence *to care for children.* (Emphasis added.)

Tuberculin tests or chest x-rays should ensure that all persons having contact with the children are free of tuberculosis. Physical and mental competence are better assured by regular visiting and supervision by competent supervisors than by routine medical tests or examinations. The operating or administering agency must ensure that adequate health records are maintained on every child and every staff member who has contact with children.

Another area of significant difference is in the provision of social services. Six specific requirements are listed in the 1968 requirements. All that is required under the new HEW draft is:

The administering agency possesses and makes available a current *list* (emphasis added) of the social services and social services agencies in the community. The phone number to call for information about social services is posted at each facility and a general description of the kinds of services available has been provided to each operator.

Perhaps these "social services"—a list and a phone number—can be provided within the day care cost projections supplied by the Office of Child Development during hearings before the Senate Finance Committee.

It is clear that the level of social services contemplated in HEW's 1967 cost projections for center day care at an "acceptable" level—$65 per child per year—is not to be provided. Eliminating this one requirement from the budget projections, by eliminating the required service from the new HEW draft, can "save" $65 for each of the preschool children that the administration proposes to serve under H.R. 1. If the administration only economizes to the extent of cutting out social services for preschool children, almost $10 million can be "saved." It is such subtle changes in rules and regulations that short circuit Congress intention to adequately serve America's children; it is such moves that shortchange America's children.

A full discussion of the shortcomings of the new HEW draft would fill many pages and would certainly prolong, needlessly, consideration of this obviously deficient document.

I put it to HEW once again, plainly and clearly: Congress has no intention of allowing this administration to alter by rule and regulation what it cannot alter by the legislative process. Whether for the aged, the youngsters who go to camp, or the children whose parents wish day care to be available for them—the Congress will insist on quality services, guaranteed by standards that are enforced, not weakened.

Without quality standards and enforcement, child care legislation is worthless. It is imperative then that more public attention be focused on this issue.

For that reason Senator MONDALE and I recently wrote the Secretary of HEW urging him to consult fully with legislators, parents, communities and organizations which have as their concern the children—especially the poor and minority-group children of this country—before regulations are published in the Federal Register. I ask unanimous consent that this letter be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, too often Congress has allowed itself to believe that the seeds of success or failure of new social programs are to be found in the semantics of legislation. But success or failure, as we are learning, depends on implementation of programs based on sound regulations. Congress must begin to assume more of the responsibility of insuring that such regulations are formulated and enforced if programs such as comprehensive day care are to succeed.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., June 12, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As members of the Senate Finance Committee and the Senate Labor and Public Welfare Committee, we were alarmed by the reports of efforts in the Department to seriously lower standards for federally-supported day care services.

If there is difficulty in enforcing the current standards, as has been suggested, then we must consider legislative and administrative action to assure effective monitoring and enforcement and to provide the resources and technical assistance to enable child care operators to meet these requirements. Under no circumstances are we willing to sacrifice the quality of care our youngest children receive because of bureaucratic inability to enforce decent standards or reluctance to finance them.

We herewith formally request the opportunity to review the requirements you are considering before they are published, and urge you to consult fully with the broadest possible range of parents, communities and organizations which have as their concern the children—especially the poor and minority children—of this country.

Sincerely,

ABRAHAM RIBICOFF,
WALTER F. MONDALE.

AMENDMENT NO. 1247

Mr. BUCKLEY. Mr. President, I call up amendment No. 1247 and ask that it be stated.

The PRESIDING OFFICER (Mr. RIBICOFF). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 74, line 15, insert a new section (2) as follows and renumber succeeding sections:

(2) In the case of parents who request full day child care services made available under this Act, the Secretary shall inform them in writing of the following: (a) that the mother-infant relationship is the cornerstone of healthy development for the vast majority of children; (b) that group day care is primarily a remedial or emergency device whose value extends mainly to children who are developmentally disadvantaged, handicapped, abused, neglected, or are otherwise receiving harmful care; and (c) that separation from the mother or mother figure on a systematic basis, or for long periods of time, combined with placement in a group care facility, can cause psychological harm to the child, and especially to those under three years of age.

Mr. BUCKLEY. Mr. President, the purpose of my amendment is not dissimilar to the purpose of those who sell medicines, who alert the patient to certain possible harmful side effects of the medicine. I am very much concerned that the potential for harm to young children under the day care programs provided for in this bill far outweighs the good contained in other parts of the bill now before us. While there is unquestionably a need for remedial services for "developmentally disadvantaged" or neglected children, no convincing demonstration has been made for the type of broad-reaching programs here authorized.

A fundamental objection to the overall tone and intent of this bill is what I would call the overselling of the concepts of child development and day care. In the first place, the assumption is conveyed that the Government and its agents know how to provide "healthful and stimulating development" of children. As Dr. Ernest Van Den Haag, psychoanalyst and sociologist at New York University, recently observed in congressional testimony:

If the government has such knowledge it is a well kept secret of which the scientific

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community is quite unaware. . . . The assumption that social science has as yet produced a tested theory of child rearing is sheer fantasy. Only a few variables have been detected. And they suggest that family care should be encouraged, not replaced.

The simple fact is that the state of the art of child development is as yet primitive. Mr. Jule Sugarman, former Director of the Office of Child Development, underscored this fact in testimony before Congress in December of 1969 when he said:

As we enter the 1970's we are still seriously deficient in (a) our understanding of how children develop, (b) the causes and nature of the deficits found among disadvantaged children, (c) the techniques for appraising the state of development and (d) the design and delivery of programs and curriculum to prevent or overcome developmental deficits.

He went on to say:

Early childhood programs are being created and operated on an inadequate base of knowledge. There is general agreement that the early years have great importance in the growth and development of the child. There is also general agreement that high proportions of children from economically disadvantaged families begin to show developmental deficits very early in life.

But, he added—and I wish to emphasize this very strongly, Mr. President:

There is far less agreement on what constitutes effective intervention to improve the opportunities for development of such children.

I am informed that Mr. Sugarman is a supporter of the pending legislation, as indeed he was of last year's bill. But if what he said in December of 1969 is true—and I believe it is—I cannot for the life of me see how he can be so bold in his support of the current bill. Has there been some dramatic breakthrough in the art or science of child development since December of 1969? Has some hitherto undiscovered body of knowledge come to light since then? I do not believe it has, and know of no one who claims it has. While some progress has been made, the description of the state of the art offered by Mr. Sugarman in December 1969 holds true today. As Dr. Zigler indicated in testimony in 1971, and if it is true, Congress would be premature to enact such a far-reaching program as that proposed today.

There is, in short, much disagreement in the field of child development today. At present, the educational approach to child development seems to be most popular. Indeed S. 3617 reflects this preoccupation with educational preschool programs. Yet there is widespread criticism by respected child specialists of the current emphasis on academic training for young children. It is argued that attempts at programed cognitive stimulation can destroy the creative and developmental value of play and, by pressure for performance, virtually make our children old and gray before their time.

In addition, attempts to increase the cognitive level of children outside of the home have usually been relatively ineffective, or else the successes have been of short duration. On the other hand, efforts to increase the parents' knowledge of good child-rearing techniques, such as the Homestart program, have been markedly successful in their resulting effects upon the development and well-being of the children, while at a much lower cost than preschool programs like Headstart.

My purpose in mentioning these disagreements is only to point out that a Federal program of child development will necessarily tend to impose one approach to child development on perhaps millions of children—and it could turn out to be the wrong approach.

The field of child development and preschool education is not a value-free, objective science. It is a field of controversy involving diverse value judgments about a variety of sensitive issues, from permissiveness versus discipline to the teaching of belief in God or sex education. It is an area in which Congress would be well advised to tread cautiously.

The fact is that group day care has been oversold. It has been made to appear to be a safe, indeed desirable, form of child rearing and education for virtually all children. S. 2007 is intended to make day care centers eventually available to all children, from birth to 14. The distinguished Senator from Minnesota (Mr. MONDALE) even stated last year, "I hope that we can come up with a national, pre-school developmental program. . . ." While S. 3617 is not as explicit in this regard, nonetheless, the spirit remains the same and both its wording and provisions enable and encourage future expansion on a universal basis. But such an optimistic view of the potential of day care, even the developmental kind, is erroneous on at least two counts. First, child specialists have accumulated strong evidence indicating that the institutional environment of day care centers, even the better ones, can actually be harmful to the psychological well-being and development of young children. Second, as Dale Meers, child psychoanalyst at Childrens Hospital here in Washington, and an authority on international day care recently pointed out, the notion that day care offers some general educational advantage is in error.

I do not understand where this idea originated—

He said—

Though I once shared it as a prejudice. The U.S.S.R. does not try to use day care as an educational vehicle; indeed, that country initiates its educational efforts a year later than we do in our public schools.

Mr. Meers explained that developmental day care has potential value as a remedial measure for those children who have been socially deprived, neglected, or handicapped in order to circumvent developmental decline. He further stated:

In failing to designate that day care is remedial in its intent, the legislation infers that intact families can securely use such facilities; and . . . since day care is only remedial at best, it bypasses the basic problem of prevention.

The potential harm in day care involves the by now fairly well established fact that the early childhood years, especially 0 to 3, and to a lesser extent 3 to 5, are crucial to a child's later emotional and intellectual development. The quality of parental care and the experiences, or lack thereof, during these years significantly affect how well a child will eventually develop physically. mentally, and emotionally.

In connection with this finding it was learned through years of experience and research that many children who were raised in institutions, who spent long periods of their early years away from their mothers and a normal family environment, were significantly retarded in their development and suffered from psychological disturbances of varying degrees of severity. The primary cause of these problems was determined to be "maternal deprivation," that is, the absence or the inadequacy of (1) a relationship to a mother figure who need not be the real mother, (2) the continuous loving care of such a person, as well as (3) the lack of proper emotional and sensory stimulation as a result of such absence or inadequacy.

John Bowlby, a distinguished British doctor, reviewed the extensive research on the effects of many child specialists in his famous monograph "Maternal Care and Mental Health" (1951). He concluded from the evidence that—

It is plain that, when deprived of maternal care, the child's development is almost always retarded—physically, intellectually, and socially—and that symptoms of physical and mental illness may appear. Such evidence is disquieting, but skeptics may question whether the retardation is permanent and whether the symptoms of illness may not easily be overcome. The retrospective and follow-up studies make it clear that such optimism is not always justified and that some children are gravely damaged for life. This is a somber conclusion which must now be regarded as established.

In the succeeding years a great deal of research and investigation into these issues has shed valuable light on the processes of child development and the circumstances and effects of "maternal deprivation." Nearly all studies have tended to confirm Bowlby's basic hypotheses, with several qualifications. Maternal deprivation can mean the absence of a "mother figure," which need not be the real mother; maternal deprivation also refers to the absence of the emotional relationship and sensory involvement which the mother figure uniquely provides; the effects of institutional care are not always as severe or irreversible as he had thought.

Now, how do these findings relate to the question of a large increase in the number of day care centers which this bill encourages?

First, we must realize that day care centers are institutions and offer institutional care. Second, the essential factor of institutional care is not the nature of the facilities, but rather the institutionalization of human relationships—the impersonal, the necessarily formal and homogeneous nature of the care. Third, the time an infant spends in a center represents most of his formative, waking hours. Thus, the quality of the center experience is critical and can have a great effect on a child's development.

Because, in nine cases out of 10, care in a center is much the same as that in a full-time institution, there is widespread agreement among child specialists that center care should be avoided, if possible, for children under the age of 3.

The Federal Government's interagency day care requirements state that:

Day care centers should not accept children under three years of age unless the care available approximates the mothering in the family home. Centers usually do not attempt to stimulate family living.

The Child Welfare League of America recommends that a family day care home or some other variation of family environment be used if a mother is unable to care for her children. The league also advises that for children over the age of 3, careful consideration ought to be given to each child's needs and condition in determining whether or not he should be placed in a center. In general, the domestic atmosphere and personal scale of care in a decent family day care home is preferred as safer and more appropriate than care in a center.

The reason for this caution and concern about center care or, indeed, any form of group care, is that group day care exposes children to many of the same conditions and hazards which are found in full-time children's institutions. The hazard of the "material deprivation" syndrome exists in nearly all centers, due to the lack of trained staff, high child to staff ratios, and the necessarily lesser concern and interest felt by the staff toward the children, as opposed to the concern of the children's parents or relatives. In an article in 1970 Margaret Mead noted that—

Paid, well trained nurses who are trustworthy, intelligent and have the character appropriate for the continuous care of an infant are almost nonexistent today. And no State-supported child care center can afford enough well trained, nurturing persons.

The Child Welfare League of America, in a 1962 policy statement, observed that "research and clinical experience have given evidence that group care of preschool children may result in emotional and intellectual damage." The multiple and intermittent mothering that is—infrequent care given by several different people—and lack of sufficient personnel in day care centers results in a situation where a young child cannot form the vital, continuous and close relationship with one particular adult. Furthermore, the child almost never receives sufficient stimulation, especially verbal, necessary for his cognitive and other developmental needs. Indeed, the common absence of socially stimulating conditions in exchanges with adults, for example, probably accounts for the backwardness in speech often found in children in day care centers.

PRIVILEGE OF THE FLOOR

Mr. President, at this time I ask unanimous consent that a member of my staff, Mr. Michael Uhlmann, be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, this situation arises not only from lack of sufficient personnel, but, more fundamentally, from the depersonalizing nature of institutional child care. Psychoanalyst Meers, whom I earlier quoted, points out in a recent article on day care that:

The most consequential and controversial question of early day care is that of potential danger and damage to the very children for whom the centers are designed. . . . The significant causal variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation. . . . Depersonalization can readily take place in institutions. . . . It is a chronic potentiality in group care of children.

In a cautionary article, "Psychiatry and Day Care Centers" in the care of children in day care centers, published by the World Health Organization in 1964, Dr. S. Lebovici, the noted French child psychiatrist, remarks that some day care centers which pride themselves on maintaining quiet and order and cleanliness, and which point proudly to rapid progress in certain areas of development may create an excellent first impression on the superficial observer. But, he says:

It is easy, perhaps, in such cases to lose sight of the fact that the children are dull and apathetic, respond passively to the demands of their educators and demand too much of themselves. This may have serious effects upon personality formation.

A study of emotional deprivation in a nursery by M. David and G. Appel in 1962 found much evidence of depersonalization:

The routine of day-nursery as a rule protects the nurse against establishing any link with the children by obliging her to pass quickly from one to the other. Accomplishing her tasks conscientiously and skillfully, able to obtain a smile here and a look there, the question of real contact with the children does not arise, and she feels no need of it in the tasks she performs. This attitude prevents any attachment but also any feeling of aversion to a child—which is painful—and it also avoids any painful separation at the end.

It is easy to see from this that the nursery routine "is useful to the nursing staff, and why they oppose change—even apparently simple and obviously necessary change. Such change in fact exposes the nurse to a frustrating experience, either because she cannot give sufficient time to her favorite child—from whom, moreover, she must eventually separate—or because she finds herself faced with indifference or hostility which makes her feel guilty and risks giving her misgivings about her capacity for motherhood.

Meers points out that the greatest potential for harm to children exists—

In the early years since babies will adapt to anything. The price of accommodation to noise, confusion and different types of handling in day care centers is that babies retreat involuntarily into passivity. They respond by apathy, they stop crying and retreat within themselves. For example, I've seen one nursery in Budapest where hungry infants under the age of six months were almost totally silent. They appear to abandon their genetic potential for crying and activity (as expressions of distress) as they retreat into passivity. If some measure of pain and distress were the only question, that is if babies would outgrow the consequences, it might be alright. But the evidence is anything but clear that this is so. "The price of adaptation may be a severe psychiatric disability, and it seems probable that even physiological damage may ensue, as in our 'failure to thrive children. In East Germany, Czechoslovakia, and Hungary, it looked to me, as a clinical observer, that one could visibly discern, by age five, which children had been placed in day care centers since birth, since two or four years of age. That is, the *older* they were when they went in, the more alert and responsive they were. Conversely, the earlier they went in, the more passive, retiring and perhaps retarded."

Dr. Lebovici explains that even temporary separation of the child from the mother may result in frustrational pathology:

In the opinion of many authors, frustrational pathology includes certain mental disorders in the fields of psychopathy, delinquency and even schizophrenia. In any case, the study of frustrational pathology should be extended to cover not only the limited field of sudden complete separation but also the more subtle effects of temporary and partial separations and especially of what has been called emotional or sensory deprivation.

This, as indicated above, may represent ill-timed and delicate changes in the mother-child relationship (and may throw light on the conflict between the mother's contribution and social demands in regard to the child's needs.)

In addition to the psychological problems associated with day care centers, there is the question of the social effects of group care. As the Auerbach Corporation's report on the work incentive program comments, in its section on child care—

Health and education authorities are continually discussing the merits of all-day care, because children growing up in groups are different from children who do not grow up in groups. Young children who spend most of their time with a group of other children (and "day care" covers most of a young child's waking hours) learn to function in a group environment; they do not necessarily function equally well without the group. There is a possibility that "day care" and other full-time group facilities for children may develop too conforming a group of children—children who are more comfortable in the group setting and who will find it difficult to function alone.

Mrs. Mary Rowe, a noted child care economic consultant, commented in congressional testimony on the loss of individuality amongst children in Soviet day care centers:

In the Soviet Union I have seen groups where women were taking care of 15 or 30 small children, ages 3, 4, and 5. Those children are decorous, well-behaved, they move in circles, in groups. The child who steps out of the circle to pick up a leaf or to run around a tree, as a child will, is quietly and gently called back to the circle. The circle moves together to eat, moves together to the bathroom.

Meers notes that in Russia and the Eastern European countries, where day care and preschool centers have long been provided by the government for preschool children, there is growing concern over the effects of such care on the children. Recent research has led to a reevaluation of the desirability of these programs. In Czechoslovakia, for example, the Government no longer allows infants under 3 to be placed in centers, and child researchers are reviewing their desirability for the 3- to 5-year-olds. In other countries child specialists would like to cut down on day care programs, which were once necessitated by a post-war shortage of manpower.

Dr. Sally Provence of the Yale Child Study Center poses some important questions concerning group care in her book, "The Care of Infants in Groups":

Will there be significant differences in the

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personality structure of children reared in groups by persons not their own parents compared with children reared in families? Will children reared largely in group settings be able as adults to form families and care for their own children? How does a long period of group care, with the many parent figures inevitably involved, influence such aspects of personality as the development of internalized controls over behavior or the capacity to love? What are its effects on intellectual development and on creativity? How will our society be influenced if large numbers of its members are reared from infancy in group care settings?

Can we as legislators authorize such a program as is here proposed without concrete answers to these vital questions?

Prof. B. Gornicki, Director of National Research at Poland's Mother and Child Institute, in an article on day care centers published by the World Health Organization in 1964, felt obliged to point out that—

The environment of a well organized day care center does not *markedly retard* the child's psychomotor development or, in the majority of children, cause behavior disorders or particular difficulties other than those found in children of the same age brought up in their own homes.

But this very statement is an admission that the center experience causes retardation in most children and significant behavior disorders in at least some children.

Dr. Humberto Nagera, director of the child psychoanalytic study program at Childrens Hospital, University of Michigan, has recently written an impressive paper on the developmental and psychiatric problems of day care centers entitled "Day Care Centers: Red Light, Green Light, or Amber Light?" in it he speaks of the "violence that is introduced into the developmental patterns of the young baby and toddler, by a day care situation." He concludes that—

On the basis of the information available regarding different types of child-rearing practices and their known outcomes, as well as our present day knowledge of the basic needs of the human infant to develop normally and ideally, I cannot but seriously question (for the age group I have been referring to) the advisability of moving to the establishment of day care centers in the grand scale that this country is now planning. I fear that widespread and unthoughtful use of such facilities in this country, for infants in the age range between birth and two and a half years of age, could someday result in the United States mass-producing large numbers of children with serious emotional problems and psychopathology. Furthermore, we may mass-produce large numbers of low achievement, low I.Q. youngsters, babies whose brains are understimulated and mismanaged, whose emotional development has been interfered with by inappropriate day care center's practices.

We in the United States must ask ourselves whether or not we are willing to give unqualified endorsement and support to a program, such as is authorized in this pending legislation which could have these kinds of adverse effects on significant numbers of our children.

As Meers warns:

I think that the dangers of a comprehensive day care program for children under three years of age are so problematic that it's like asking Congress to approve a new drug for the market that will relieve headaches, though we already suspect that this drug may have a carcinogenic side effect. There are so many real and significant dangers we know of in institutional type care (and institutional care is not confined to four walls, but refers to institutionalization of human relationships) that this proposal entails a potential and very real danger. To establish day care centers across the country without having empirical, psychiatric assessments over time, is an undue and foolhardy risk. Why should be expose large percentages of our children to such risk when there are potentials for severe psychiatric danger?

It can be argued that the dangers outlined above may in fact be present in existing day care centers, and that one of the purposes of this legislation is to eliminate them by providing quality, comprehensive day care and development centers. This may be possible, but I believe it is unlikely for the following reasons:

First. There is as yet insufficient knowledge and an uncertainty both as to just what constitutes good developmental care and as to what causes and how to prevent early developing psychological and emotional disorders;

Second. Quality standards of care, especially in terms of personnel will be very hard to meet and maintain for a large scale program; and

Third. The problem of impersonal, comparatively uninterested care by paid attendants will continue indefinitely.

The problem of the lack of knowledge in the field of child development has been discussed earlier in an attempt to remedy these deficits in understanding concerning proper child development and child care policies. The Department of Health, Education and Welfare is currently involved in a variety of experimental child care programs designed to evaluate the different kinds of approaches and their effects and costs. Training programs are also being devised. Final results will begin to accumulate after 1973, when the experiments are completed. The very important longitudinal study which will describe the long range effects of the different approaches is to be completed in 1976.

If, rather than mounting the large scale day care program that will report from this bill, we instead expand a systematic program of research and experimentation into various approaches to center care and environment, we may at least be able to identify the more effective techniques for cushioning the impact of the potentially traumatic conditions arising in day care centers, and perhaps develop more desirable alternatives.

In the absence of such concrete knowledge, I ask you whether the implementation of a large-scale day care program, with its attendant risks, should be permitted.

Realizing that day care centers are a reality and, in some cases, a necessity for children who are developmentally disadvantaged, handicapped, abused, neglected, or otherwise receiving harmful care, we must insure that centers have high standards, not only for facilities—which, given certain minimums, are secondary in importance—but especially for quality of staff and programs. The Child Welfare League of America sets forth the requirements for good developmentally oriented centers in its standards for day care service. Most important, of course, is the number of staff and their training and attitudes. The CWLA recommends, when there is no superior alternative available, that infants be cared for in groups of not more than four, with one adult per two children, and that they receive "individualized, consistent, and continuous care from one person with whom the child can interact . . ."

But finding qualified and appropriate staff personnel is a difficult task. Staff members are thus expected to understand the developmental processes and needs of children and to be trained in the methods of transmitting the appropriate skills and assisting children in discovering themselves and the world around them. They must be of a temperament which is willing and able to relate to and give continuous and individualized care to each of their charges.

Good care, in short, should try to approximate the concern and attention of a good, average mother.

Good care, then, necessarily costs a lot of money; the operating cost of good, developmental care is usually considered to run about $2,500–$3,000 per child, with staff expenses accounting for approximately 75 percent of the total. But to meet the desirable staff/child ratios, the costs of care in a center may be as much as $4,000 per child, not including any construction costs.

Before Congress passes a major program, it must consider whether the goals of the legislation can be achieved in fact, and whether there is reasonable hope that they will be achieved. Let us consider S. 3617 in this regard.

The effect of the legislation before Congress would be the establishment of federally supported and regulated child care and development facilities across the Nation. Its supporters claim that it will not only meet the existing need for such facilities, but also provide the desired high quality, developmental care. The original legislation, which was vetoed, was intended to establish centers for millions of children, eventually making them available to all children through age 14, regardless of whether or not their mothers work, but for the time being this aspect has been toned down.

Such proposals, idealistically conceived and intended, may sound good on paper. But, aside from the issue, which I have discussed above, of the desirability of launching a full scale program of public child care as opposed to family oriented approaches, there are good grounds for questioning whether the reality of such a program will correspond to its theory.

Mr. President, I submit that it will be nearly impossible to achieve and maintain the high quality care required to prevent damage to young children if the number of day care facilities is swelled significantly by a large increase in Federal funds for that purpose. The reasons for this are essentially threefold: First, the high cost of care, second, inadequate knowledge, and third, lack of trained and capable human resources. The high cost per child for good care is related in particular to the number of staff. The large increase in demand for staff which would result from a major Government program, would force up the costs of staffing significantly. Gwen Morgan, day care consultant to the State of Massachusetts, says that—

Many day-care operators think they can pay the staff low wages, because most States only require the director of a day care center to have full credentials in the field of early childhood development. But, as the industry grows, there will be a lot of pressure for parity with the teaching profession—look at what happened in New York City.

She refers to a several-week-long strike by day care employees in the fall of 1969, out of which the employees won a 25-percent pay increase in 1970, followed by a 13-percent hike in 1971.

Even more important than costs is the lack of the necessary knowledge. As discussed earlier, specialists are uncertain as to how a child develops and as to what specifically should be done to promote a child's optimum development. They are even more in the dark as to the prevention of childhood psychological, emotional, and behavior disorders. We simply do not know enough at present to give the right answers.

As regards to the problems of staffing, the number of trained personnel available to staff future centers is woefully inadequate, even for present needs. The Auerbach report on the work incentive program found in 1970 that—

As the situation now stands, the number of graduates from early childhood education (child development nursery school management, or whatever name it is given), who have also had a few years experience and could therefore qualify as head teachers and directors, is too small to meet the present need, much less any expansion in the number of facilities. . . . The major barrier is still lack of training of staff.

Currently there are very few colleges or universities offering undergraduate or graduate degrees of this nature.

Dr. Humberto Nagera, director of the child psychoanalytic study program at the University of Michigan, Ann Arbor, was reported in a recent interview in the Detroit News as feeling that there are no more than 300 people in America knowledgeable and qualified enough to be directors of developmental day care centers. Yet estimates of the number of new facilities to be set up under recently proposed legislation run as high as 40,000.

His view brings to mind again the statement of Margaret Meade that the type of persons needed to make a good day care center are "amost nonexistent today."

The shortage of good staff is perhaps the major concern, for it is at the crux of good care as Dr. Lebovici noted in regard to the Paris system.

Mr. Meers has some pertinent comments regarding personnel problems:

We sometimes assume that recruitment, staffing and training of day care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarchy of U.S. social conventions. Since we lack the emotional nest of the kibbutzin or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

The mobility of staff is a serious matter because it further reduces the possibility of continuity of care and results in the breaking up of whatever close personal relationships the caregiver may have established with some children. It is an aggravation of the problem of "multiple mothering." Meers adds that it is a widespread problem in European day care center operations, as well as our own.

Finally, Mr. President, we can expect to see a widespread substitution of these centers for the current arrangements of working mothers, mothers taking advantage of this subsidy to seek work, and a number of mothers who find it easier to let the government rear their children than to accept and fulfill this responsibility themselves—which, by the way, seems to be a perfect inducement to parental neglect. As Muriel Katz, director of New York City's day care program observed in 1970:

Every time we open a new center, especially in a new neighborhood, it just seems to stimulate demand that much more.

Dr. Zigler, Director of the Office of Child Development, recently made a revealing observation in regard to this problem:

If nothing else, women's liberation will see to it that we have day care. I know it is coming, but I am apprehensive. I am concerned that we may destroy family life.

Given the numbers of children potentially involved under the proposed Federal program and the lack of qualified personnel available, not to mention facilities, it seems that the quality of care given to children will necessarily have to suffer. Standards will have to be waived or lowered in order to accommodate the crush of children created by the availability of relatively free, Government subsidized and approved day care facilities. The first thing to go will undoubtedly be the very important high staff/child ratio requirements. Indeed, because of complaints from States and localities that the high staff/child ratio requirements of the existing Federal interagency day care standards are too expensive and inhibit this expansion of facilities, the Department of HEW is currently circulating a proposed revision of standards which lowers staff requirements.

In the Soviet Union, Meers found that—

The vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners.

The Soviet experience has great relevance to our own situation. If we greatly expand day care facilities, as is proposed, not only may we have to make do with less staff than is required for good care, but we will be forced to hire people who are both inadequately trained and who lack the warmth and the concern so necessary for the successful development of children. In fact, we run the serious risk not only of putting the children of working mothers and others into depersonalized and potentially hazardous institutional settings, but also of putting them into the hands of people who may be less capable of and less interested in giving them good care than many of those who now look after them.

Mr. President, I want to say that I had marvelous cooperation with the sponsors of the bill, the Senator from Wisconsin and the Senator from Minnesota. I agreed I would not ask for the yeas and nays on this amendment but rather that I would submit it for a voice vote, which I am prepared to do at this time.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Is the Senator from New York prepared to yield back the remainder of his time?

Mr. BUCKLEY. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. (Putting the question.)

The nays appear to have it. The nays do have it. The amendment is rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUCKLEY. Mr. President, the sponsors of the bill and I have agreed to a series of amendments which I would like to call up one at a time and have a vote for them all en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BUCKLEY. Mr. President, the first amendment is an amendment which is not printed, which I send to the desk. This amendment would make clear that nothing in this act shall be construed to authorize the creation or maintenance of child advocacy programs unless specifically authorized by statute.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 76, line 11, before "Repeal" insert the following additional paragraph (c):

"(c) Nothing in this Act shall be construed to authorize the creation or maintenance of Child Advocacy programs, nor shall any funds appropriated under the authority of this Act be used for the creation or maintenance of Child Advocacy programs unless specifically authorized by statute."

Mr. BUCKLEY. Mr. President, I believe that the amendment is self-explanatory. I have no further remarks to make on it.

Mr. President, my second amendment is a substitute for my amendment No. 1248, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

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The amendment was read as follows:

On page 3, between lines 9 and 10 insert the following new subsection:

"(c) Congress finds that the family is the cornerstone of healthy physical and psychological development for children, that the value of day-care services extends primarily to economically disadvantaged children, with special emphasis upon those children who have special developmental needs or other hardships, and to other children for whom suitable care is not otherwise available, and that day-care services outside the child's own home must be designed to supplement and support, and never to replace, the parent-child relationship. This Act is not intended or designed to provide a framework for the universal application of outside-the-home care to children in general."

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BUCKLEY. I yield.

Mr. JAVITS. I believe the clerk read "physiological" and I think the amendment states "psychological."

Mr. BUCKLEY. That is correct. I thank the Senator.

Mr. President, the amendment is self-explanatory. The purpose is to focus the resources under the bill to those who are mostly in need. The resources are limited and I am sure that all concerned want them to go to those who cannot get suitable care.

Mr. President, the next amendment I call up is amendment No. 1246.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

The Senator from New York (Mr. BUCKLEY) for himself and the Senator from Texas (Mr. TOWER) propose an amendment as follows:

On page 68, line 14, strike the period and insert the following at the end of the line: "operated or funded by the Federal Government."

Mr. BUCKLEY. Mr. President, this is purely a technical amendment. The amendment would make sure that where the Federal Government is authorized to coordinate 16 programs in the child-care field, we are talking about programs operated or funded by the Federal Government.

Mr. President, my next amendment is No. 1245.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. The sponsors and I have agreed to certain modifications which I ask be incorporated in amendment No. 1245; namely, on line 3, strike out the word "three" and insert the word "two"; on line 8, strike out the word "three" and insert the word "two"; on page 2, line 2, insert the word "suitable" after the word "other"; on line 5, strike out the word "three" and insert the word "two"; and on line 8, page 2, insert "to the extent possible" after the word "receive".

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

MR. BUCKLEY, for himself, and Mr. TOWER proposes an amendment:

On page 59, line 3, after the date "1968.", insert the following: "*Provided, however,* That in the case of group care facilities, the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for in groups of not more than four."

On page 75, line 8, after the word "served—", insert the following and renumber the succeeding paragraphs:

"(1) Children under the age of two shall not be placed in group care facilities unless it is deemed necessary and unless other suitable alternatives are unavailable. In any case where group care is provided for such children, the ratio of caregivers to children under the age of two shall not be more than one to two, such care to be provided for in groups of not more than four. Such care must approximate the mothering in the family home. Each child must receive to the extent possible individualized, consistent, and continuous care from one person with whom the child can interact."

Mr. BUCKLEY. Mr. President, the next amendment which I send to the desk is technical in nature.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 6, line 12, after "homes" and before the period (.), insert the following: ", including family day care homes."

Mr. BUCKLEY. Mr. President, again, the purpose of the amendment is clear. It is to make plain that it includes not only the child's own home, but any other home where the child can receive suitable environment and care.

Mr. President, those are the lot. Again I want to express my very great appreciation for the cooperation and help which I have received from the sponsors.

Mr. NELSON. Mr. President, the Senator from Minnesota (Mr. MONDALE) and I worked with the Senator from New York (Mr. BUCKLEY) in modifying some of his amendments.

We agreed upon modifications of some of the amendments he had introduced, and accepted some unmodified amendments, in particular technical amendments. We reached agreement on each of his proposals.

I am prepared to yield back the remainder of my time on all these amendments. My understanding is that the Senator from New York (Mr. BUCKLEY) has requested that they would be voted on en bloc.

The PRESIDING OFFICER. The amendments will be considered and voted on en bloc.

Mr. NELSON. Mr. President, unless a Senator wishes some time, I yield back my time.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. BUCKLEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendments is yielded back. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, third reading——

Mr. DOMINICK. Mr. President, if the Senator from New York would yield to the Senator from Maryland on the bill, I think it would help, and then I will have an amendment.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Maryland.

Mr. BEALL. Mr. President, I would like to engage the manager of the bill in a colloquy for the purposes of clarifying congressional intent with respect to section 107, the "special cooperative programs with educational institutions and other projects sponsored." In other sections of the legislation nonpublic schools are eligible for participation in the program. A question has been raised regarding the eligibility of nonpublic schools to participate in section 107 programs. The actual language found in the section 107 does not cause any difficulties, but it is the wording of the committee report found on page 14 which uses the heading "public schools," and in the descriptive language the term "public schools" is also used.

Specifically, I would ask the manager of the bill if I am correct in my understanding that it is the intent of the committee that nonpublic schools, where appropriate, should be permitted to participate in the section 107 programs as they are able to participate in other sections of the legislation. I do believe that the wording of the committee report creates an ambiguity and I believe it is important that this matter be clarified as part of the legislative history of this measure.

I would appreciate it if the manager of the bill would make a clarification.

Mr. NELSON. Mr. President, the Senator is correct in his interpretation of the intent of the committee.

Mr. BEALL. I thank the Senator.

AMENDMENT NO. 1252

Mr. DOMINICK. Mr. President, I call up my amendment No. 1252.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 13, line 7, strike out the word "twenty-five", and insert in lieu thereof the words "one hundred".

Mr. DOMINICK. Mr. President, I want to start out by congratulating the Senator from New York on what I think have been very constructive amendments, worked out with the distinguished Senator from Wisconsin. I think the amendment of the Senator from Maryland, giving priority to those areas where there are eligible seniors and students to participate in the programs, is of great assistance. So I think we are making progress so far as the bill is concerned, both in making it more effective and also in providing the necessary impetus so that no child need fear he is being dragooned in any kind of situation which would be difficult for him to live with.

In the same light, I am calling up this amendment, Mr. President. You will recall that when the President objected to and then vetoed the bill last year, one of the objections he had was to the number of eligible prime sponsors. At that time it was a unit of local government of 5,000 people or more, and it was computed that this would result in 7,000

potential grantees, which would have, in my opinion, swamped HEW and anybody else that was trying to review it.

It was stated by the President, in his veto message, as being "administratively unworkable" and creating "a new army of bureaucrats." He pointed out that since 1965, I believe, or whenever Headstart started, we have finally gotten 1,200 grantees under that program—this is in his veto message—and that it proved a very difficult management problem.

I can vouchsafe that, having been in the middle of a number of problems of Headstart, trying to work them out in my own State. Now we have them worked out, and I think the program is going quite well, as far as my State is concerned, although there are some problems in other areas still.

We have changed that 5,000 to 25,000 in this bill, and by so doing we have the approximately 7,000 eligible sponsors down to 2,100. That is still a great number of prime sponsors. It is at least 900 potential sponsors above the Headstart figure, and, as I pointed out, we have already had management problems with Headstart. So to jump into this program at this time in this massive way seems to me to be taking an administrative situation and making it very, very difficult to work out.

If we should move forward into my amendment, which calls for 100,000, we would be cutting the 2,100 potential grantees down to 484, which would be a manageable amount.

Is there any testimony or support behind this? First of all, I would say, for the purposes of the RECORD, that HEW suggested 500,000—not 100,000, but 500,000. This would have very substantially reduced the number of eligible grantees and perhaps even reduced them below what any of us would want.

Mr. Jule Sugarman, who is the administrator for the New York City Human Resources Administration, and a former Director of Headstart, testified that 100,000 should be the lowest figure allowed for prime sponsorship in order to facilitate Federal administration and to assure a sufficiently large population so that we could have a variety of programs offered and also to insure against unreasonable overhead costs.

It should be made plain that by putting in 100,000, as opposed to 25,000, we are not cutting out small areas. As I have said in this debate before, on page 13 of the bill we set forth who may be the prime sponsors, and subsection (3) provides that it can be any unit of general local government or any combination of those, without regard to population, if it can show that it has the capability to carry out the comprehensive child development and family service program and if there is a particular demand for services and availability of resources within the area to be served.

Consequently, this figure can be put in at 100,000 and we would still leave room to take care of the eligible participants in other areas, under subsection (3), under the definition of prime sponsorship.

A population requirement of 100,000 for prime sponsorship obviously, as I have said, is not an ironclad rule, but it will meet many of the objections set forth by the President in his veto message, it will insure that administrative costs are within reason, and it will insure that a sufficiently large enough number of children could be included within the program so that we could offer a variety of economically feasible services.

It is totally possible that since we have this provision in—which I think is a very good one—that no child can go to any of these centers without the family's consent, that in many areas of 25,000 or more they may have very limited use for the programs authorized under this bill. It seemed to me, therefore, that enlarging the scope of prime sponsorship would make available more of the resources with which we are trying to be of assistance to the young people as they progress from prekindergarten up to the secondary level of education. So it would be my hope, Mr. President, that this proposal will be adopted.

I reserve the remainder of my time.

Mr. NELSON. Mr. President, in the bill that we passed a year ago, we agreed in conference that the prime sponsor-area would have a population of ,000 or over. We agreed in committee, by a 14-to-2 vote, that prime sponsors should be of 25,000 population or over. Earlier in the day, the Senator from Colorado succeeded in getting an amendment adopted which gave the Secretary the discretion to choose between an applicant for a prime sponsorship with a population of 25,000 or more, and the State government, on an equal basis.

Since it is the position of the administration that they would have preferred to have the prime sponsors have a population of 500,000 or more, the actual effect of this amendment is to say that no community is eligible to be a prime sponsor, as a matter of right, unless its population is 500,000 or more; and we find the Senator's amendment adopted this morning giving the Secretary discretion; so I assume, then, that no one in a population area of 100,000 or more may be a sponsor as a matter of right, but again must have his application given to the Secretary, and have his application compete on an equal basis with an application from the State.

So now if this amendment is agreed to, we will have places where cities of 100,000 do not have the right to be prime sponsors under the law, even though they could meet adequate standards and prove that they could perform the functions authorized under the law.

When this matter was before the committee, the following organizations supported the bill, including the provisions for prime sponsorship:

Black Child Development Institute.
Center for Community Change.
Child Welfare League of America.
Children's Foundation.
Common Cause.
Friends Committee on National Legislation.
Health and Welfare Council of the National Capital Area.
International Ladies Garment Workers Union.
Interstate Research Associates.
Leadership Conference on Civil Rights.
League of Women Voters.
National Board of the Young Women's Christian Association of the U.S.A.
National Council of Churches.
National Council of Jewish Women.
National Council of Negro Women.
National Council on Hunger and Malnutrition.
National Education Association.
National Urban Coalition.
National Urban League.
National Welfare Rights Organization.
United Auto Workers.
Thelma C. Adair, Coordination of Education Strategy, United Presbyterian Board of National Missions.
Mary Jane Patterson, United Presbyterian Church of the U.S.A., Washington Office.
Women's International League for Peace and Freedom.
Washington Research Project Action Council.

All of these groups were perfectly satisfied with the sponsorship at the 25,000 level. I think it would be a mistake for us now to adopt an amendment which, in effect, says that no city in America which has a population under 100,000 is eligible as a matter of right to be a prime sponsor of one of these programs, though I believe there is plenty of expertise within the cities of 25,000, 30,000, 40,000, 50,000, 60,000, 70,000, 80,000, or 90,000 to manage most effectively the kind of programs authorized in this bill.

This means that if the Secretary simply decided to follow the amendment, 72 percent of the population of the United States, then, would be under State programs, and the other 28 percent would be eligible to be considered to sponsor programs, and if the Secretary decided that he really did not want to sponsor cities of 100,000, he wanted them to be 200,000 or 300,000, under the amendment we adopted earlier in the day, he could eliminate local prime sponsors for almost the total population of the United States, and I think that would be the case.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield the Senator from Minnesota whatever time he needs.

Mr. MONDALE. The Senate, in dealing with the same amendment the last time this measure was before this body, overwhelmingly defeated this proposal. I do not have the exact vote, but I believe it was somewhere on the order of 2 to 1.

The key issue here, of course, is whether this program is intended to be one under local control, one which fits the needs of local communities—which is what the committee overwhelmingly decided was the best and what the Senate decided would be the best the last time we dealt with this measure—or whether it is to become essentially a State-run program, remote from the local community, conducted and directed by, in most cases, State welfare departments.

We think the experience of Headstart has shown that local parentally controlled programs are, without any doubt, the best. They are the closest to the people concerned. They guarantee that the children will be most sensitively handled. They are programs which build upon and

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strengthen the family, and which build upon the strength of the community itself.

The notion that larger communities can do an exceptional job and that smaller communities cannot, I think, is without any basis. In fact, it has been my observation that just the reverse is true. If you look at the most troublesome programs, they are usually found in the major, massive central cities. This is not to be critical, because many times their problems are overwhelming. But in many of the larger communities, there is a lack of community, a lack of cohesiveness, and a difficulty in personalizing and humanizing these programs which smaller communities often do not face. That is one of the great strengths of rural America. If I were asked to say which communities are most likely to do a quality job in this field of helping children, and do it in a way which is sensitive and humane, I would say that the smaller communities are most likely to do the best job.

If this amendment were adopted, there would be many States in this Union in which not a single community of 100,000 would be entitled to be a direct prime sponsor in a single community. I do not think the State of Montana has a single community of 100,000. That is true of the State of West Virginia, and many others. My State has just three communities, Minneapolis, St. Paul, and Duluth, that would be considered eligible to run their own programs. Yet there are hundreds of other communities which are just as capable, just as qualified to establish and run their own programs. But what we would say by this amendment is, "You are too small."

I think one of the great problems with the institutions of this country is that they are too large. And we have, for too long, ignored the magnificent strengths of rural communities.

I have had a chance to see many poverty programs in smaller rural communities, and almost always they impress me by the sensitivity and humanity and compassion with which they conduct their affairs. Usually, they are the least expensive. They are almost always more sensitively adapted to the needs of an individual community than are remote bureaucratic programs.

We really want this program to be one which fits creatively the needs and desires of individual communities. And I believe the adoption of this amendment will weaken that much-desired objective.

Therefore, just as we rejected it the last time we dealt with this measure, I hope we will reject this amendment today.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. It is my understanding that Senator TAFT would like to offer an amendment to my proposal. What is the procedure by which this can be accomplished?

The PRESIDING OFFICER. The amendment would be in order when all time has been yielded back or used by the Senator from Colorado.

Mr. DOMINICK. I yield myself 2 minutes to reply briefly to the Senator from Wisconsin and the Senator from Minnesota.

Mr. President, we are dealing here not with a question of trying to cut out any small community. We have the saving clause to which I have referred, subparagraph (3) on page 13, which lets any governmental unit come in as long as they show the capability and have the resources to provide it.

What we are talking about is the prime sponsorship which the army of HEW faithful workers will have to wade through before they can decide who is going to be a prime sponsor in any area.

It seems to me that to the degree we can cut this down, to that degree we will get progress much more rapidly, we will get more diversification, we will get programs in effect more rapidly, and we will be going along with the advice of a man who probably knows more about this than anybody else, Mr. Sugarman, who is the former director of Headstart, under the Democratic administration, and who is now the head of the division of human resources in the city of New York. I think he has quite a good deal of knowledge on this subject, and I would hate to see us just say, "Well, forget what he told us; we're going to go down our own road on this," and go through all the mistakes that were made before, when we have evidence before us to show what we should do.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TAFT. Yesterday, the Senator made considerable mention of the Project Policy Committee and the Family Service Council. I would not want the discussion on this amendment to omit mention of those bodies, because even where the State or a larger unit of Government is the prime sponsor, we still have the requirements of local participation and, in effect, the local veto power that exists in those bodies.

It seems to me that the danger that the Senator from Minnesota has attempted to point out with regard to a failure of local participation if we make this unit too big is not true, with the safeguards written into this bill.

Mr. DOMINICK. The Senator is correct, and I am glad he put that into the RECORD, because I think it is significant in this argument. I appreciate that contribution very much.

Mr. President, I yield back the remainder of my time, if the Senator from Wisconsin will yield back his time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. TAFT. Mr. President, I call up my amendment which is at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 1, line 2, of the amendment of the Senator from Colorado, No. 1252 strike "one hundred" and insert in lieu thereof "fifty."

Mr. TAFT. Mr. President, for the benefit of the Senate, the facts with regard to the relationship of the number of possible primary sponsors to the size of the unit of Government which might be a primary sponsor are set out on page 11 of the committee report.

In the considerations in the committee, an amendment was offered and—as the Senator from Minnesota indicated—was defeated on a 14 to 2 vote, on limiting the size of the prime sponsor to the 100,000 figure.

However, another amendment was offered, along the lines of the amendment to the amendment that I am proposing at this time. That amendment would have called for a minimum size of a prime sponsor governmental unit of 50,000 or less. The vote on that amendment, while unfavorable, was considerably more favorable than the vote on the prior amendment referred to.

It is my feeling that the 50,000 figure is about right. The effect of the 50,000 figure, as indicated on page 11, would be to make the number of possible prime sponsor governmental units of this size about 1,000. It has been estimated that the number of primary sponsors of various Headstart programs today is around 1,200, possibly somewhat higher over the entire life of the program, with some other contracts with special projects being involved. But we are dealing with a number with which the Department of Health, Education, and Welfare, in the case of Headstart, already has been able to work with a considerable degree of success—the 1,200 figure—and it seems to me that the 1,200 figure would not impose undue burden upon the Department of Health, Education, and Welfare in going through the applications for prime sponsorship.

But even more important than that, during this debate we have talked to a great extent about the degree of professionalism. I am sure we do not want to have all professionals in these programs. As indicated by my amendment which was agreed to yesterday, I think we ought to bring into this training process volunteers, the elderly, youth, and the entire community right across the board, for participation in these programs.

It is true that in order to run an effective program of this type, a degree of professional competence and professional guidance is necessary at the top of the program. I think it is unrealistic to expect a prime sponsor with a population of less than 50,000 to be able to carry the kind of financial burden that is involved in having the degree of professional competence and professional guidance that is required. There is a shortage of people trained in this field, anyway, in this country, in the group care area. We are attempting to remedy that with some provisions in this bill.

It seems to me that the 50,000 figure would take care of this to a greater degree. On the other hand, I think there are many cities of 50,000 which, from the point of view of administration, are as good as or even better than some other cities of larger size. When we get much below that figure, I feel that we are stretching reason to believe that we can consistently obtain a degree of professional competence that is desirable in a program of this type that is to be sponsored by such a unit of Government.

Mr. President, I feel that this issue is one on which there is bound to be a good deal of discussion in conference with the House. That occurred in the conference committee on which I served when the bill the President vetoed came before the conference committee. For that reason, I anticipate asking for the yeas and nays on this amendment at an appropriate time.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I just want to say to the Senator from Ohio that we came far closer to getting the 50,000 in committee than we did the 100,000. Although I would like to see the 100,000, I will be happy to support his amendment. It is a step in the right direction in order to try to get rid of some of the harmful bureaucratic morass we otherwise will find ourselves in. That is what we both are trying to avoid. I congratulate the Senator from Ohio on what I think is a useful and will be a fruitful amendment. I am happy to support it.

Mr. TAFT. I thank the distinguished Senator from Colorado for his remarks and his cooperation.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. JAVITS. I wish to make an observation or two.

Mr. President, the bill that was introduced largely by Republican sponsorship—about 14—carried the figure of 50,000. I am glad that the Senator from Colorado (Mr. DOMINICK) has seen fit to join in that figure. I supported my colleagues in reporting the bill, but I did vote to support the 50,000, which was in my original bill. I shall do so again.

My reason is that it is pretty much an arbitrary proposition as to what figure we will get in order to break it down by any particular governmental unit. For example, there are some 230 standard metropolitan statistic areas in the country. A population of 100,000 will produce 450 sponsors; 50,000 will produce about 1,200 sponsors; 25,000 will produce 2,000 sponsors. The agency complains strongly about the problem of having too many sponsors to deal with.

On the overhead question, again we have taken care of that in the bill through an amendment introduced by the Senator from Maryland (Mr. BEALL). We have limited the overhead, except under unusual circumstances, to 5 percent. That is found at the bottom of page 14 of the bill. So I do not believe, on that ground, that we can make an argument either way. In deference to the strong departmental view that it does not want to deal with many sponsors and in deference to the fact that the 100,000 was thought to be too low in the committee in total number of sponsors, we have limited the overhead cost to the 5 percent figure. We have now given the Secretary authority, through adoption of the Dominick amendment, to pick a State over a locality. We also have a provision where we have no other way to deal with the problem to take a locality particularly able to carry out a program. As it is understood that the State will administer programs in areas which simply do not have enough population to warrant a program of their own, and we have provided for some degree of autonomy through councils in such areas, I believe that 50,000 is reasonable. As more funds are provided in later years, it may be desirable for localities to be permitted "spin off" and have their own programs.

It is pretty much the Republican alternative which we had offered, as I say, in respect of our bill.

While I appreciate the problems that my colleague, the manager of the bill, will have in accepting this figure, in view of the fact that it was voted on and rejected in committee, I shall support it.

Mr. NELSON. Mr. President, I think we are all aware of what the argument is as to the number involved as a prime sponsor. I oppose the figure of 50,000, the reason being that I believe that cities of 25,000 are perfectly capable of operating a child-care program.

Mr. President, I am prepared to yield back the remainder of my time, if the other side is.

Mr. TAFT. I yield back my time.

Mr. NELSON. I yield back my time.

The PRESIDING OFFICER (Mr. BUCKLEY). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT) to the amendment of the Senator from Colorado (Mr. DOMINICK).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "nay."

The result was announced—yeas 36, nays 49, as follows:

[No. 228 Leg.]

YEAS—36

Aiken	Dominick	Percy
Allott	Eastland	Roth
Beall	Fannin	Saxbe
Bennett	Fong	Scott
Boggs	Gurney	Stennis
Brock	Hansen	Taft
Buckley	Hruska	Talmadge
Byrd, Harry F., Jr.	Javits	Thurmond
Cooper	Jordan, Idaho	Tower
Cotton	McClellan	Weicker
Curtis	Miller	Young
Dole	Pearson	

NAYS—49

Allen	Ervin	Packwood
Anderson	Fulbright	Pastore
Bayh	Hart	Pell
Bellmon	Hatfield	Proxmire
Bentsen	Hollings	Randolph
Bible	Hughes	Ribicoff
Brooke	Jackson	Schweiker
Burdick	Jordan, N.C.	Smith
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Spong
Case	Magnuson	Stevens
Chiles	Mansfield	Stevenson
Church	McGee	Symington
Cook	Mondale	Tunney
Cranston	Montoya	Williams
Eagleton	Moss	
Ellender	Nelson	

NOT VOTING—15

Baker	Harris	McIntyre
Gambrell	Hartke	Metcalf
Goldwater	Humphrey	Mundt
Gravel	Inouye	Muskie
Griffin	McGovern	Stafford

So Mr. TAFT's amendment to the Dominick amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment by the Senator from Colorado (Mr. DOMINICK). (Putting the question.)

The nays appear to have it. The nays have it. The amendment is rejected.

The bill is open to further amendment.

AMENDMENT NO. 1253

Mr. DOMINICK. Mr. President, I call up my amendment No. 1253.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 3, line 12, strike out "$1,200,000,000 and insert in lieu thereof "$950,000,000".

On page 3, line 13, strike out "$1,600,000,000" and insert in lieu thereof "$1,250,000,000".

Mr. NELSON. Mr. President, may we have order in the Chamber so we may hear what the Senator from Colorado has to say?

The PRESIDING OFFICER. The Senate will be in order. Senators will please be seated.

Mr. DOMINICK. Mr. President, while the membership is here I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, this is a money amendment and I think it is pretty important. The amendment would cut back $650 million from the proposed authorization. I shall take only 5 or 6 minutes of the Senate's time because I think the amendment is easy to understand.

The President characterized last year's authorization of $2.1 billion over a 2-year period as "fiscal irresponsibility." It was one of the major reasons he gave for vetoing the bill.

Now, what we have done in this bill,

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if Senators will look at page 3 of the bill, is to put in a 3-year authorization of $150 million for fiscal year 1973, which I am not touching by this amendment.

Then we go to fiscal year 1974 and 1975. In that 2-year period we are proposing to spend $2.8 billion, or $700 million more than the President vetoed last year, when he called it "fiscal irresponsibility."

I have heard on a number of occasions many Members of this body say we have to be extremely careful as to what we are doing in the expenditure of taxpayer funds, both in terms of authorization and appropriations.

I have no doubt whatever that the Committee on Appropriations would substantially cut down the amounts we are authorizing. One of the things we get hit with every time we go to conference with the House is, "Why does not the Senate bring an authorization somewhere within a reasonable limit of what the expected appropriation might be?"

Testimony before the committee by Mr. Jule Sugarman, former director of project Headstart, indicated that anything more than modest annual increases in expenditures would be wasteful and ineffective. Mr. Sugarman urged that annual increases be held to a $300 million limit due to the fact that there presently is not a sufficiently large number of qualified, competent child care personnel to either staff and run the programs or train others for this task.

Inherent in gearing up for a program of this magnitude is a significant timelag for training competent child development staffs. Based on the number of graduates with degrees in the early childhood field and utilization of these people in training others, Mr. Sugarman indicated that it would take a minimum of 3 or 4 years to train a sufficient number of qualified staff people.

Take note, Mr. President, that what we are doing is providing $150 million for training purposes in fiscal year 1973, just 1 year. Then we are jumping in with a proposed expenditure of $1.25 billion for 1974 and $1.6 billion for 1975.

We will not have the personnel. The testimony will go that far. The Committee on Appropriations is not going to appropriate that much money, and once again we will be building great iridescent dreams in the minds of those interested in this program and then not have the ability to fulfill those dreams.

Dr. Sugarman also cautioned that early childhood as an area of expertise is significantly different from the field of elementary education and the latter should not be relied on as a source of teachers or trainers for early childhood personnel.

Postponing the effective date of this bill for 1 year will not overcome the time lag problem described by Mr. Sugarman.

In line with his analysis, I offer an amendment which would reduce the authorization levels from $1.25 billion in fiscal year 1974 to $950 million and from $1.6 billion in fiscal year 1975 to $1.2 billion. Starting with the $150 million figure for the first year's planning, $500 million for Headstart and $300 million as recommended by Mr. Sugarman is added to fiscal year 1974, for a total authorization of $950 million for fiscal year 1974. An additional increase of $300 million for fiscal year 1975 brings that year's authorization to $1.25 billion.

I think it only fair to point out that the President who claimed that the $2.1 billion last year was fiscally irresponsible, even under my amendment, would be faced with a bill which is in excess of $2.1 billion. So I am not even cutting it down as much as the President indicated it should have been in past year's veto. What I am doing is retaining the committee theory that we can stretch this over 3 years and make more profitable use out of it. It seems that to cut $600 million out of a series of authorizations—which will not be appropriated, which will not be used, for which we do not have personnel—will bring this bill more in line so that perhaps we could avoid a veto.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally apportioned to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield whatever time the Senator from Minnesota needs.

Mr. MONDALE. Mr. President, I ask for 5 minutes.

I hope the present, pending amendment will be rejected. The committee, hoping to develop a bipartisan consensus, has gone a long, long way already to reduce authority for spending and for appropriations below that which was contained in the Child Development Act, adopted by the Senate and vetoed by the President earlier this year.

Last year's bill, passed by both Houses, authorized $2 billion in the first operational year. First, we sliced that figure by 40 percent, to $1.2 billion. In addition to that, we postponed the act for one full year. So funding was delayed for a full year, following the adoption of this measure, except for money which has been set aside for the purpose of training personnel, an objective which I think has been broadly supported by practically everyone in the Senate, and which is further highlighted by an amendment which we accepted, offered by the Senator from Ohio (Mr. TAFT), spelling out the need for training of personnel as we prepare for the operational commencement of this program.

That is the second step, the delay for one year which was taken in the hope that we could have a bipartisan consensus concerning funding levels for this proposal and for the measure itself.

Thirdly, a good deal of the money authorized in this bill is not for anything new. $500,000 of each year's program is not for the new initiatives under this measure, but for the purpose of funding on-going Headstart programs. So the additional authorization of only $700 million in the second year of the bill and $1.1 billion in the third year, a total of less than $2 billion over a 3-year period, is, as I have indicated earlier, a 40 percent reduction below the amount authorized in the bill adopted by the Senate earlier this year.

The present Headstart program reaches only 10 percent of those who are eligible for its services. If we slash the authority carried in this new bill, once again we will have resorted to the old process by which we authorize dreams and appropriate peanuts, only this time we will declare a new program, raise hopes and expectations in this country, and then destroy and crush them by the absence of any money to fulfill the objectives and purposes of the legislation.

This is not a minor reduction. This is a massive, bloody, and fatal cut in the program, to the extent that much of its hope will be taken away if the amendment is adopted.

I therefore hope that the amendment will be defeated.

Mr. JAVITS. Mr. President, will the Senator, on behalf of the Senator from Wisconsin, yield my 5 minues?

Mr. MONDALE. I yield the Senator from New York 5 minutes.

Mr. JAVITS. Mr. President, I oppose this amendment, because I think that the bill as now constituted provides affirmatively less money than the measure the President vetoed. This is a basic question of fact, and to me the facts seem very clear. In the bill the President vetoed, we had $100 million for start-up, and then $2 billion for the first operating year. Under this bill, we have $150 million for start-up, and $1.2 billion for the first operating year. The second operating year we have $1.6 billion, but if the bill the President vetoed had become law, we would have had a second operating year with a materially increased figure, probably over $2 billion. So I deeply feel that the argument that this bill provides more money than the bill the President vetoed simply does not square with what the bill says.

The critical point, to me, is the shortfall in what we are trying to accomplish. There seems to be general agreement in the country—even the Gallup polls show it—that the time has come to provide opportunities for working mothers. The bill which we have before the Senate would provide just about double the number of opportunities now in being and, even if doubled, it would still not come to a third, probably even less than that, of the opportunities which are urgently needed. This is one of the grave deficiencies of America. Therefore, why short-change it even more in the authorization?

If this were more than adequate, or if we were trying to do something which could not be handled or absorbed, it would be different, but communities and States are crying for this money. It is not a matter of giving them anything they cannot use or do not want. They want it very urgently, very badly, and it is one of the crying social needs of our time.

I noticed with great interest the statement of my friend from Colorado, who

used the phrase, "iridescent dreams," that there would be iridescent dreams created if we allowed $1.2 billion and $1.6 billion, respectively.

I would like to ask Senators the question whether anyone believes there will be no iridescent dreams that did not exist before if we allow $950 million and $1.25 billion. It is strictly a matter of our judgment as to what is necessary in order honestly to try to do as much as we can do in this field.

I do not see that the order of magnitude is greatly different, and that people will have some illusions about an authorization of $1.2 billion that they would not have about $950 million. To the people who have these dreams, $950 million is a lot of money, too. But we understand, or at least we should, what is required in this situation, and how far short we are falling, actually, of the very urgent need testified to by every witness from the local communities and the States.

I would like my colleagues to take a look at the record and ask themselves, "Did anyone from my State come in and say, 'This is too much, we cannot use it'?" Did anyone from your State say, "You are giving us dreams we cannot realize," and so forth?

Not at all. From small States, big States, rural States, city States—that is, States with large cities—southern, northern, eastern, western, everybody felt this was an extremely urgent need, and they were devastated by the veto of the bill.

We have made some effort to repair it, I think in good faith, to meet the President's view, by materially scaling down the authorization. Again I come back to that basic point: The Senator from Colorado said we are providing $700 million more than the President vetoed, but he does not take account of the fact that the President vetoed a 2-year bill, and this is a 3-year bill; or, put another way, that the President vetoed a bill which, for the first operating year, had $2 billion as against $1.2 billion in this particular bill.

So, Mr. President, I feel that we would not be measuring up to the responsibility which we assume by agreeing to this amendment, in view of the fact that it does not by any means meet the need, anyway, but nevertheless, in deference to the President's views we have not increased it but cut it $800 million for the first operating year. No one knows what we could have gotten for the next operating year, because it was not in the vetoed bill, but we have cut $800 million from the first operating year, and that is a fact.

Therefore, I hope the Senate will sustain us and defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I am glad to yield the Senator from South Carolina such time as he may require.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Minnesota.

I have tried my best to fathom the amendment of the Senator from Colorado relative to the amounts, and how he arrived at these particular cuts. It seems to me that in an orderly approach to the day care center program and the Child Development Act, we cannot arbitrarily be cutting millions and millions of dollars, when we know that the number of children far exceeds what has already been authorized. Quite to the point, the first year authorization of $150 million is not going to do it, and I think the committee has already compromised too much in this regard. As I understand, the authorization for the first year would be about $150 million, the second year $700 million for an operational amount, and, going to the third year, $1.1 billion.

The Senator from Colorado proposes to cut out, for that particular program, some $250 million the second year and an additional $350 million for the third year. It strikes me, Mr. President, that we are in real need of anywhere from $2 to $3 billion to go into a program. We just cannot stop at this time and say, "Which of the children are going to be cared for?"

For an adequate day care center program, some of the best authorities that I could find have said that we would need immediately some $2 billion. I tried to arrive at this figure by talking to various authorities making surveys. I have spoken with the authorities of the National Nutrition Survey. These are not political judgments. These are medical findings. The National Nutrition Survey went into some 10 States in America over a 3-year period after the Surgeon General of the United States came before Congress and we asked how many hungry we have in America. The Surgeon General replied that he knew how many hungry they had in 33 other countries, but in the United States he was appalled at the question. So Congress gave him $5 million and sent him into 10 States, and in 3 years they took 81,000 complete physicals.

When Elmo Roper, Louis Harris, George Gallup, or anybody else takes a poll, they think a good national poll is testing between 1,700 and 2,300 persons. But medically, with dental tests, blood tests, and the like, at the direction of this Congress, we have gone into 10 States and found 15 million hard-core hungry, and at least half of them are minors under the age of 6.

I was talking with the sponsors of this bill and they were talking first of a 3 million figure, but then they corrected me and said that was 3 million without working mothers. With working mothers, it was another 3 to 4 million. This conforms to the National Nutrition Survey of those who need to be brought out of the hovels and shanties and the ghettos and given some chance, and in turn, as taxpayers, if we are conservatives, as I am, save taxpayers' money.

We are paying through the nose. This amendment does not save 1 red cent. It continues to pay on the other end of the line at a higher rate than what it would cause to prevent the problems by building day care centers. Oh, they say give us a rehabilitation center, a retarded children's center, a jail. There is no shortage of jails in America. We will build the jails and fill them up with the children. But if we want to build a day care center, we get high and mighty about the whole thing and start talking about communalism, communism, conforming minds, and everything else. There are no families out there.

I have found in my State that in the three retarded children's centers we are paying $137,000 per retarded child, because once admitted they never come out. So when the amendment purports to save the taxpayers' money, it is really wasting the taxpayers' money because of continuing higher cost at the other end of the line.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Eleven minutes.

Mr. NELSON. I yield the Senator whatever time he requires.

Mr. HOLLINGS. I have been sitting with the Subcommittee on Health, Education, and Welfare on Appropriations, of which Senator MAGNUSON is the distinguished chairman. We have been adding x millions of dollars to manpower training. We have a bill in HEW that approximates $29 billion. One-third of that goes into the shortsightedness of this particular amendment. We have been treating the results rather than the cause. That is what we have been doing in government over many, many years—all on the premise of so-called communal living.

Ask anybody at the country club where their kid is, and they will say, "It's a kindergarten." But ask any poor folks and it is a day care center, and then all of a sudden the kindergarten becomes communism and communal living and you are trying to conform their brains, as if they are not being conformed now by negligence and lack of care by this Congress.

The Senator from Wisconsin and the Senator from Minnesota give leadership to this particular program. To turn around and act as though you are saving money is pure poppycock. We have been wasting millions and billions of dollars. Every time health care goes up, the jail bills go up. Where do you think they get the jails from?

The Senator from Massachusetts and I are now engaged in helping one young lad who has responded to rehabilitation—Bobby Lee Hunter, two-time AAU champion—admitted into the Olympics.

Do you know where he was born? In "Do-As-You-Choose Alley" in Charleston, S.C. That is where this amendment wants to put everybody, back in "Do-As-You-Choose Alley." His mother was retarded. He was a dropout from school. He got into crime. He is serving 18 years for manslaughter. Now we are trying to rehabilitate him. Nobody came with a shortage of jails. We got him a big enough jail. We will keep building the jails. But if he had had some kind of environment, some kind of hot breakfast and meals, a Child Development Act, a day care center, that fellow would have been saved, in my judgment, and he would not be the subject of a manslaughter charge, and the taxpayers would not be paying to keep him in jail.

The Child Development Act goes to the poverty question, the child itself.

When the distinguished Senator from

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Colorado goes for the integration process, the emergency provisions, I find by the record that in the emergency school assistance fund, $1.5 billion went back on a district basis. To how many districts? To 20,000. But when this one comes along, all of a sudden he starts talking about it being cumbersome, that you cannot handle it. If you can handle it for integration in busing, you certainly can handle it for the poor children.

By cutting it down now $250 million and $350 million and talking about saving, what is really attempted to be done is to oppose the very concept and to waste money by paying in spades. We are not saving money.

The only time we can break that cycle, I say to the Senator from Minnesota, is to help that little child and not try to penalize the parent. I do not know of any greater scourge in society than to have an expectant mother who has had eight children and is going to have the ninth and cannot identify the father.

They say, "We are going to take care of her. We are going to cut her off from aid to dependent children. She is not going to get food stamps. She is immoral and degenerate, and we are going to penalize her."

The fact remains that that child is going to come; and the child is not immoral; and that child, we hoped, would have had 13 billion brain cells, just as you and I. Medically speaking, we know that 10 billion of those 13 billion cells are formulated in the mother's womb, and that child is going to lose as much as 20 percent of brain cell development—2 billion cells—because the mother is not going to get proper nourishment, as she would get under the Child Development Act. That brain will continue to grow from birth until 5 years of age.

Ask George Wallace. He will tell you. Those cells do not repair. You can put all you want into rehabilitation centers, jails, schools for the retarded, and the like. Our society will take them on once they get to be 16 or 18 years of age. Those nerve cells do not repair. You can drink milk and get stronger bones, but you will never get a repaired mind.

Every time we get around to getting something for the poor children of America, to give them a chance and make them useful citizens of America, we get an economy mood. The space shuttle will cost $35 billion to $40 billion. It started with an appropriation of $250 million. To put a man in space, we are willing to start at $250 million, and the Senator from Colorado voted for that, and so did I. Why cut this proposal to start a man on his feet to $150 million and then put in an amendment to cut it the second year? The Senator is not saving money. Does he think more of getting a man in space than he does of getting a man on his feet? I think it is ridiculous. I think we ought to understand what this bill is all about. I strongly oppose the amendment.

Mr. MONDALE. Mr. President, that is one of the best speeches I have heard in the 8 years I have been in the Senate.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. DOMINICK. I yield myself 8 minutes.

Mr. President, I listened to the speech of the Senator from South Carolina, and I covered myself with sack cloth and ashes and put high fins on and breathed smoke out of my mouth, because I am obviously an evil man, according to his statement. As a matter of fact, I probably would vote against the whole bill. Maybe that is what the Senator is trying to get me to do—I am not sure.

Apparently, the Senator does not listen very carefully Apparently, the Senator has not looked into this very thoroughly. What I said this time is, I hope the bill will not get vetoed. I would like to see it get through. I think the Senator would, too, from his speech.

Last year, when the bill was vetoed, we had $2.1 billion in the bill over 2 years. This time, if we separate the operating funds and the training funds which are for next year, we have $2.8 billion in the bill.

The President said about the state of the budget, just as Members here talk about the budget, that we have got to do something about expenditures. Well, why does not Congress do something about it? This has been an effort to try to do something about it.

Let us go beyond that for just a minute.

We are trying to make a program that will work. We have a child care program going on right now in my State. I do not know whether the Senator from South Carolina has one going on in his State. I presume that they do. The OEO is investigating it now, saying it will not get any more funds unless they change the board of directors and change the management. If they do not have the necessary personnel to be able to run it properly, then we will put in 1 year of funds to try and train the specialists to run the centers and the development programs, as well as the in-house services, including medicine, nutrition, in-home service, day care, education, and reading. We will spend $150 million in 1 year in order to get the expertise possible to run the $2.8 billion program over 2 years.

Well, I will say to the Senator from South Carolina, the Senator from Wisconsin, and the Senator from Minnesota, that this does not jibe with the views of the person who has had probably more experience in developing these things than any other single person—Mr. Jule Sugarman—whom I have quoted again and again and whom most members of the Democratic Party seem to want to forget these days, because they do not like what he says. He is now head of the Human Resources Administration Division in New York City, and a former head of Headstart. He says that we cannot develop the personnel and that we can effectively put in only a $300 million a year increase if we are going to have any kind of efficient program.

That is where my figure came from, to try to add the amount on that he recommended, so that we can have an effective program, and not simply sitting around and saying we have great good in our hearts, it is a beautiful dream, and then pour the taxpayers' funds out, when you and I, Mr. President, know that the Appropriations Committee will not appropriate the money to begin with; and if it does, they cannot spend it because we do not have the personnel to be able to take care of it and do it effectively.

So I would say to the Senator from South Carolina that it was a great speech he made, but just because we are trying to make this an effective program does not mean that we do not like children, or that we do not want to do something about their problems, or want to see them all going to jail. That is not reasonable debate, if I may say so.

What I am saying is, we will retain the $150 million for fiscal 1973 for training personnel. The Senator from Ohio (Mr. TAFT) has an amendment, which was accepted, which helps that. Then I am suggesting that we spend $950 million in operating funds, $500 million for Headstart, $300 million in order to be able to put it into an operating program.

Next year, we will spend the $500 million plus $1.2 billion, which is another $300 million added on top, going along the same way. Mr. Sugarman, who has more expertise than anyone in this Chamber, including myself, has recommended this annual increase to the committee.

So, with all due respect to the Senator from South Carolina, I would say to him that this is not an effort to try to shove more people in jail, that this is not an effort to do nothing for the little people. This is an effort to try to make an effective program that people can use, that people can enjoy, and from which we can get some hopeful results.

We cannot get it by saying we will turn the tap loose in the U.S. Treasury and pour the money upon everyone, which is what the Senator from South Dakota (Mr. McGOVERN) is proposing with his $1,000 a year—which does not work very well, so far as I can see.

So all I say to you, Mr. President, at this point, is that I hope the amendment will be adopted, but I presume it will have some tough sledding.

Mr. HOLLINGS. Mr. President, if this were turning the tap loose, I would not support it. In fact, that is why I differ with the Senator from South Dakota (Mr. McGOVERN) on his hunger program. I do not believe we can solve problems by just throwing away money.

The Senator from Colorado referred to the New York psychiatrist. I have some knowledge of the kindergarten program and the training and taking care of children. As a matter of fact, we started it down in Beaufort County some years ago, where Joe Frazier was born. He put on an exhibition boxing match at Parris Island, the Marine depot, and he got money enough to start up day-care centers. Two were completed and two ran out of money. We therefore came to Washington, and do you know what those Washington-New York psychiatrists told us, Mr. President? They said that they were running a program. They said, "Senator, you need $40,000 to complete the program. We have two $20,000 items we can put in and we can give you two consultants." Two men who were psychiatrists, mind you, but not $40,000 to build day-care centers. Finally, under a State program, we are now beginning to

do just that. We have over 15,000 children in kindergartens but do not have enough people to take care—I do not know why it is they can run all the private kindergartens and private schools in America that blossomed when desegregation began. They blossomed in my backyard, and there was no shortage of personnel to run them The Senator from Alabama knows what I am talking about.

We found that the poor can be trained. Clemson University—not the New York psychiatrists—but Clemson University took some women who had never been to public school in their lives and trained them in a matter of 6 weeks as aides to nutritionists and sent 33 into the area to teach the people, using the free food stamp program, what to buy, how to buy it, how to care for the home, and how to care for their little children. They are now serving in the day-care centers and Clemson University trained them. The very same personnel give guidance on how the children are to be kept clean, and the children learn good manners and good personal habits. That is what the Child Development Act is.

But coming in out of New York and spending $300 million on 67 million needy children—and the only reason New York is spending $300 million is that they do not have the personnel—that is foolishness, and the Senator from Colorado knows it. We can take all the psychiatrists' statements made in New York—I do not want to start in on the State of New York, but that is what they have got in New York State, 1 billion for 1 million. There are 1 million persons on welfare at a cost of $1 billion. That is $1,000 per person. That is like the McGovern plan.

It is the biggest mess in the United States. When we talk about the welfare mess, what we are talking in the main about is New York.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator has expired.

Mr. NELSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes remain to the Senator.

Mr. NELSON. Mr. President, I yield my time to the Senator from South Carolina.

The PRESIDING OFFICER. Two minutes has been yielded to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I appreciate the indulgence of the Senate. I have just seen the situation, and I have studied it. I backed into this thing. All one has to do, Mr. President, is to bring industry into his State like I did, thinking that when I got through everyone was going to have a job. I traveled day and night stealing industry from Rhode Island and New York and Wisconsin. We got industry from Wisconsin. We got Elgin Watch Co. from Illinois. If the Senator wants me to name the people we stole from his State, I can do so.

We started the momentum and it has continued with the ensuing Governors for over 10 years. However, we look around and we still have unemployment. We still have 300,000 on food stamps in South Carolina—360,000, to be exact. It is not a matter of just getting them jobs. We are talking about the people who are incapable of performing work. We are talking about the person who as a child was rendered inadequate for work.

I learned the hard way and not from the New York psychiatrists. They have not gotten a job for anybody. I want to invite the New York psychiatrist down to show him the situation in South Carolina.

We need a great deal more money than is provided in the bill. I hope that we reject the amendment.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes on the bill.

Mr. JAVITS. Mr. President, if there were not some open questions of fact, I would not speak to the matter. However, I have listened to the arguments of my friend, the Senator from Colorado, and one of the nicest elements about working with him has been our work together in the committee.

I have listened to him state that we are authorizing more than the President vetoed. I believe deeply that we are not. We are cutting the figure $800 million. I wish to repeat the fact. The fact is that the bill the President vetoed provided $100 million for startup in 1 year and $2 billion for operations in the next fiscal year. This bill provides $150 million for startup and $1.2 billion in the next fiscal year.

The bill that the President vetoed did not deal with the second operational year at all. This one does and authorizes $1.6 billion. That should not give us the right to accumulate the two figures so as to compare this bill with the bill that was vetoed.

My friend, the Senator from Colorado, has depended heavily upon the testimony from Jules Sugarman. He testified over a year ago that an increase of $250 to $350 million a year was appropriate.

I have great respect for Mr. Sugarman.

Mr. President, that was over a year ago. We are talking about a period 2 or 3 years after that in terms of the amounts we provide under the pending bill. His view would not necessarily be what is actually needed now, although I think he gives his honest and sincere judgment. However, we are not bound by that in the order of magnitude. The amount of money involved, $1.2 billion and $1.6 billion is within the ball park.

We add his figure to the $500 million that we basically provide for Headstart.

So I would feel that the arguments made in support of the amendment are not conclusive.

I hope very much that the Senate will reject the amendment.

We know that we will have to go through the appropriations process. We know that if we appropriate the whole amount, it would still only be one-third of what is needed. And I do not believe that we ought to cut it at this authorization stage.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Colorida has 10 minutes remaining on the amendment. The opponents of the amendment have used all of their time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from South Dakota (Mr. McGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "nay."

The result was announced—yeas 25, nays 61, as follows:

[No. 229 Leg.]

YEAS—25

Allen	Curtis	Miller
Allott	Dole	Roth
Beall	Dominick	Saxbe
Bellmon	Ervin	Taft
Bennett	Fannin	Talmadge
Buckley	Gurney	Thurmond
Byrd, Harry F., Jr.	Hansen	Tower
Cooper	Hruska	Young
	Jordan, Idaho	

NAYS—61

Aiken	Griffin	Packwood
Anderson	Harris	Pastore
Bayh	Hart	Pearson
Bentsen	Hatfield	Pell
Bible	Hollings	Percy
Boggs	Hughes	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, Robert C.	Jordan, N.C.	Schweiker
Cannon	Kennedy	Scott
Case	Long	Smith
Chiles	Magnuson	Sparkman
Church	Mansfield	Spong
Cook	Mathias	Stennis
Cotton	McClellan	Stevens
Cranston	McGee	Stevenson
Eagleton	Mondale	Symington
Eastland	Montoya	Tunney
Ellender	Moss	Weicker
Fong	Nelson	Williams
Fulbright		

NOT VOTING—14

Baker	Hartke	Metcalf
Brock	Humphrey	Mundt
Gambrell	Inouye	Muskie
Goldwater	McGovern	Stafford
Gravel	McIntyre	

XUM

So Mr. DOMINICK's amendment No. 1253 was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I yield 2 minutes to the Senator from Nevada (Mr. BIBLE).

ESTABLISHMENT OF SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6957.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. CHURCH, Mr. MOSS, Mr. HANSEN, and Mr. JORDAN of Idaho conferees on the part of the Senate.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, June 20, 1972, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed without amendment, the bill (S. 513) for the relief of Maria Badalamenti.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

The Senate resumed the consideration of the bill (S. 3617) to strengthen and expand the Headstart program with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes.

Mr. NELSON. Mr. President, when we were taking up the amendments by the Senator from New York (Mr. BUCKLEY), he neglected to bring up one that we had previously agreed upon. I yield to the Senator from New York, so he may bring up that amendment, which I am prepared to accept.

AMENDMENT NO. 1244

Mr. BUCKLEY. Mr. President, I thank the Senator.

I call up my amendment No. 1244, on behalf of myself and the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 1244) as follows:

On page 9, line 19, after the word "and", insert the following: ", with the prior written consent of the parent or parents,".

On page 74, line 21, strike section (3) and insert the following:

"(3) No child participating in a program assisted under this Act shall be required to undergo medical or psychological examination, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment without the prior written consent of the child's parent or guardian."

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself 1 minute.

The purpose of the amendment is to make sure that no child involved in one of the programs authorized under this legislation will undergo medical or psychological examination, immunizations, and so forth, without the express consent of the child's parent or guardian.

It is similar to an amendment which was adopted in connection with S. 2007, which was vetoed earlier this year.

As the Senator from Wisconsin has indicated he has no objection to the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. JAVITS. The Senator said "express consent." It is a fact, however, that it calls for written consent.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. JAVITS. I will yield myself 1 minute on the bill.

There is no question of the fact that this amendment will slow up the administration of the law, make it more cumbersome, and produce an additional bureaucracy, and I appreciate that although the Senator used the word "express," he meant "written consent." I know how difficult it is to get that, and the number of gyrations we have to go through. Nevertheless, I am inclined to agree with the Senator from Wisconsin that that is our intent—that no child, without full consent, as the Senator has said, should undergo any examination. So even though it will make it more expensive and slow it up I agree with the Senator from Wisconsin that we should accept the amendment.

Mr. NELSON. Mr. President, I am ready to accept the amendment. I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 30, lines 8, 9 and 10, strike all language after the word "only" in line 8, and insert "after the local program council has adequate opportunity to comment and make recommendations."

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 5 minutes.

In offering this amendment, I would like to say that I appreciate very much the work that the Labor and Public Welfare Committee has done and also those who are engaged in managing the bill, the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from New York (Mr. JAVITS). I have served on the Committee on Labor and Public Welfare when I had the opportunity to work closely with legislation in this area for several years. During my service in the Senate I have continually supported legislation to advance the educational opportunities of the children of this country.

I have read the bill and studied it, as well as the report. I must say I find it one of the most difficult bills, from the procedural standpoint, to understand as almost any bill dealing with education that I have seen. It is terribly difficult to find what body or what council actually has any authority under this bill

I believe there was merit in the amendment offered earlier today by the Senator from Colorado (Mr. DOMINICK), which cleared from the bill a gross discrimination, which practically forbade a State from being a prime sponsor. As I understand the substance of the amendment which was offered and adopted by the Senate, it removed various prohibitions against the State as a prime sponsor and declared that if the State was an advocate and there was a conflict between the State and some other body, the Secretary had to make a decision on the merits.

My interest in the administrative procedures of this program also arose from the fact that I have had the opportunity to observe the operation of various Federal programs in my own State including the poverty program under the Office of Economic Opportunity. I have sponsored and supported some of those bills because I believed the programs authorized provided needed services in the areas of health, nutrition, and education. Yet I have seen, throughout the years, great sums of money appropriated and wasted with little or no coordination of the programs. I think, whatever our views are on any of these bills, we certainly want these programs to go for the benefit of those for whom the money is intended, rather than the building up of a bureaucracy.

Now I get to the point I want to make in this amendment. I hope the Senate will consider the reasons for my offering it.

On page 28 of the bill, under the heading "Program statements," section 104 (a) provides that financial assistance under this title may be provided by the Secretary for any fiscal year to a price sponsor. However, before any approval by the Secretary is given, the State shall provide a comprehensive program statement which is the basis for the approval of the application. Following that, there are several sections which provide the criteria which must be observed in the program statement. Otherwise, it cannot be approved.

This leads me to my amendment.

On page 30, in subsection (8), the language in the bill which would be affected reads as follows:

(8) provides in the case of a prime sponsor which is a State—

It does not require this against other prime sponsors, but only a prime sponsor which is a State—

That project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area;

Senators will recall the local program council is to be composed of not less than 50 percent of parents of the children to be served and the remainder to be representatives of the community.

This, in my mind, unless I am persuaded otherwise gives the veto to the local council—although the State is the prime sponsor and although it must provide the funds. As the bill stands, the council must approve the project applicant before the State, as prime sponsor, can grant approval of the applicant.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COOPER. I yield myself 5 more minutes.

I do not think that is right. My amendment would do this: It would eliminate this language "only if previously approved by the local program council for the appropriate local family service area," and place in lieu of that "after the local program council has adequate opportunity to comment and make recommendations." So the section, as amended, would read as follows:

(8) provides in the case of a prime sponsor which is a State that project applications shall be approved by the prime sponsor only after the local program council has adequate opportunity to comment and make recommendations.

States would present the project applications, and the local council would have an adequate opportunity—and I assume the Secretary would be regulation provide for the period of time—to review that project application and to make recommendations.

It may be argued that we would be taking away from the local council its authority and its interest, and making it impossible for it to work on its own program. However, other provisions of the bill, require the participation of the local program council in the development of the State's program statement as well as the council's approval of such statement. I believe this gives the local policy council a strong voice in the program. This same section, 102 subsection (c) provides that the local program council may appeal to the Secretary if it is thought that the State does not properly meet the provision of the program statement provisions of this act.

So it seems to me that my amendment would clarify the authority and duty of the State, in the first instance, and would give full opportunity to the local council to make such recommendations or objections to the project applicant as it desires, and then—and this is to protect the local council—if the objections and recommendations are not accepted by the State and if the council believes that the State's decision violates the provisions of the act, the council could appeal directly to the Secretary for his decision.

I believe that is very proper. I think this would also give to the State some possibility for coordination of programs, something which is lacking almost entirely today in such programs as OEO and others which I have observed.

I offer this as an amendment which I think is fair both to the State and to the local council, with review by the Secretary, and would make more clear the lines of authority.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield the Senator from Minnesota such time as he may require.

Mr. MONDALE. Mr. President, I would suggest to the manager of the bill that I hope he will oppose this amendment.

The amendment seeks to make the local program councils purely advisory. Under the amendments which were adopted by the committee, and under the changes that have been made today on the Senate floor, a substantial proportion of the programs conducted under this bill will be run by the States, usually through the State departments of welfare. In a few States it may be the State departments of education.

It was the feeling of the committee that where the programs are run by the States, there ought to be some mechanisms by which the State would be required to shape programs in a form wanted by the local communities. The way we agreed this should be done was through the establishment of a local program council, which is made up of the public officials in the area, mayors and county board members typically, and parents whose children are in the program, about 50 percent of each.

This council would not run the program in the local community, but its approval would be required as a matter of policy, as a condition for the State program in that community, and it would pass on the annual program, on the budget, and on local projects. It would not be a management organization; it would simply assure that State-run programs would be sympathetic and responsive to the needs as seen by the local elected officials and the parents whose children are in the program.

We felt that without this it would be possible for State administrations to be unresponsive to the local needs of the communities, and that it was better, if we wanted to be sure that the local desires were responded to, that the locally elected officials have the power, not to run the programs, but to pass judgment in terms of policies bearing upon those programs.

The amendment offered by the Senator from Kentucky would deny that power to the local program council. It would be entirely possible for a State to go completely around the desires of local governments and establish programs which may not be wanted, or establish programs with undesirable parts to them, in complete derogation of the desires of the local communities. One would hope that that would not always occur, and I assume it would not always occur, but it could occur. We felt that this modest amount of local consent as a condition to establishing such programs was a minimal compromise to assure responsiveness to local desires. It was the result of a compromise worked out in the committee by a bipartisan majority, and I hope the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 3 minutes.

I appreciate the fact that the Senator from Minnesota has worked very faithfully on this bill, and I know his humane interests. But he has stated that this local program council, as I understood him, had no authority to operate the program.

On page 17, paragraph (D), line 18, one of the functions and powers of the local program council is stated as follows:

To assure that contracts for the operation of programs through public or private agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local family service area.

I am very conscious of the fact that the basis of this program and similar programs, like OEO, is to secure local participation and local decisions in programs which relate to the needs of that community. On the other hand, looking more at OEO—I do not know specifically how it would work with respect to this program—I believe that a great many of those programs have not been run very well. They have wasted millions of dollars. There have been instances of corruption. I do understand that this could happen, perhaps, in any body.

Under my amendment project applications would be presented to the local program council which then have the opportunity to review it, to make such recommendations as the council thought appropriate. If the State would not be responsive, the local program council, under this bill, has the authority to appeal directly to the Secretary and have his decision upon the merits.

XUM

It seems to me that it protects the local body; it protects the State in trying to coordinate programs; it protects the purpose of the bill. Certainly, we have to assume that the Secretary is going to carry out its purposes. Also, it would tend to insure that the great sums of money we appropriate—and if they are used properly, I have no objection to it—will go to the benefit of the actual beneficiaries rather than being used up in this bureaucracy which has been built up.

I hope the Senate will adopt the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. NELSON. Mr. President, I will comment briefly on this matter.

We went into the question of whether or not the program council should be advisory or should have some real authority, and we came down on the side of giving some real authority to the program council. We took into consideration the viewpoint expressed today by the distinguished Senator from Kentucky who wishes to make the program councils only advisory. We think they ought to be participants in a real way. They are, at the local level. The councils are made up of parents and local officials. They understand the local circumstance better than the State government understands it.

This does not block action, of course. This simply says that the program council must approve the project plan that is sent down to them by the State. If they do not approve, there will not be a program. So there will be a strong inclination on the part of the program council to approve a project that comes to them. But if they have real reasons not to approve it, there is no doubt in our minds that the necessary adjustments in the project proposal will be made and agreement reached, and then there will be approval by the local program council.

So I would hope that this amendment would not be adopted.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MONDALE. I should like the attention of the Senator from Kentucky on this point.

The Senator from Kentucky made reference to some of the unhappy experiences that have been had with some of the local community action programs under the poverty program. It is true that some of these community action programs, which were composed almost wholly of local citizenry who had not been regularly elected to public offices, often were inexperienced; and, regrettably, in a few rare instances there were examples of corruption as well as waste.

The board we have established here seeks to learn from that experience. It is not a board made up exclusively of citizenry not in public office. This board is an entirely different matter. Fifty percent of this board is made up of elected local officers. These are local mayors and county board members. The other half is composed of parents whose children are in the program.

So this is a board designed to be responsive to the will of the people who elect public officers, who are serving in office, because of the respect of the citizenry of that community. I think that far more stability and far more responsibility and experience will be possessed by this local program council than was the case with some of the earlier experiences with the so-called community action program. I think that distinction may help somewhat in assuring a sense of responsiveness and responsibility by this council.

Mr. DOMINICK. Mr. President, will the Senator yield 5 minutes to me?

Mr. COOPER. I yield.

Mr. DOMINICK. Mr. President, the Senator from Kentucky is dealing with a very complicated area, one to which I addressed myself in my opening statement, and one on which I offered an amendment which was accepted by the Senator from Wisconsin and the Senator from Minnesota—the suggestion that we should have some provision in here which would require a decision by these councils. With some modification, to make sure that I was just talking about a majority of the quorum, this was accepted and is now part of the revised bill.

I ask all Senators to look at page 58 of the report, where we drew up a chart to try to depict visually some of the problems involved in the areas of control in this bill.

In the Cooper amendment, we are dealing with the State as a prime sponsor. This particular amendment just indicates what control a local program council will have over whether it ever becomes a prime sponsor. If Senators will look at the left-hand side of that chart, they will see that the State has to go under the Child and Family Service Council, which is responsible for all types of things, including the program statement annually, the goals, the policies, the procedures, and the selection and establishment or renewal of a project applicant.

Then we go down from there to the local program council, which is what the Senator from Kentucky has been talking about. Below that, we go to project policy committees. These are locally sponsored. They are in the control of the parents of the children who will be in these development camps. Here, those parents are responsible for approving the basic goals, the policies, the actions, and the procedures for the applicant. So there certainly is an enormous amount of local control in the policy committees and in the child and family service council. To interpose still a third one, as this local project council is, as a bellwether as to whether or not a State can even get its application certified for approval, seems to me to be going a little far.

The amendment I was going to offer would have made the child and family service council advisory instead of doing it this way. But it seems to me that either way we go, we ought to have one of them as advisory, so that we do not have overlapping of necessarily conflicting groups. We will not get anywhere that way, insofar as getting any kind of effective administration of the program is concerned.

So I am happy to support the amendment of the Senator from Kentucky (Mr. COOPER), and if it is adopted, I do not plan to offer my amendment.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. COOPER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Kentucky (Mr. COOPER).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "nay."

The result was announced—yeas 33, nays 53, as follows:

[No. 230 Leg.]

YEAS—33

Aiken	Dominick	McClellan
Allen	Eastland	Roth
Allott	Ellender	Saxbe
Beall	Ervin	Smith
Bellmon	Fannin	Sparkman
Bennett	Gurney	Stennis
Buckley	Hansen	Talmadge
Byrd, Harry F., Jr.	Hruska	Thurmond
Cooper	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	Young
Dole	Long	
	Mathias	

NAYS—53

Anderson	Eagleton	Miller
Bayh	Fong	Mondale
Bentsen	Fulbright	Montoya
Bible	Griffin	Moss
Bogga	Harris	Nelson
Brooke	Hart	Packwood
Burdick	Hatfield	Pastore
Byrd, Robert C.	Hollings	Pearson
Cannon	Hughes	Pell
Case	Jackson	Percy
Chiles	Javits	Proxmire
Church	Kennedy	Randolph
Cook	Magnuson	Ribicoff
Cranston	Mansfield	Schweiker
Curtis	McGee	Scott
Spong	Symington	Weicker
Stevens	Taft	Williams
Stevenson	Tunney	

NOT VOTING—14

Baker	Hartke	Metcalf
Brock	Humphrey	Mundt
Gambrell	Inouye	Muskie
Goldwater	McGovern	Stafford
Gravel	McIntyre	

So Mr. COOPER's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 12, after line 7, insert the following:

"(8) programs operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;

Renumber subsections 8 through 11 of section 101(b).

Mr. TAFT. Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the bill before us in section 101(b) actually lists various types of financial assistance that may be used for various purposes.

My amendment adds another category to include States where colleges or universities wish to participate in programs of this type.

I found on investigation that Kent State University in Ohio is already operating such a program.

The PRESIDING OFFICER (Mr. ALLEN). The Senate will be in order.

The Senator from Ohio may proceed.

Mr. TAFT. Mr. President, I also on inquiry found that a number of other universities and colleges which I know of are anxious to get into the communities in which they are located and to participate and assist in the conduct of this kind of program. I believe that this is an excellent idea and it is well to assure specifically under language of the bill that this can be done.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator. This is a very desirable addition. I certainly would favor it strongly and also hope very much that the manager accepts the amendment.

However, I would like to ask this. The word "program" is not connected with any definition. What program? If the Senator will look at the language on page 9, line 3 he will see that it states, "Financial assistance under this title may be used for—" without referring back to section 101(a), which is the basic purpose of the legislation.

Therefore, I would like the Senator to consider whether it would not be proper to say, "Programs pursuant to section 101(a) operated by" and so on.

This is just a suggestion, but it is not all programs that the Senator wants to assist.

Mr. TAFT. I concur in the suggestion. I have no objection to the language. I had hoped we covered it by the proviso at the end of the amendment, but it might be well to spell it out.

I modify my amendment to provide as the Senator suggests.

Mr. NELSON. Mr. President, I find the amendment to be a constructive addition to the bill and I am perfectly willing to accept it.

Is the amendment in proper form?

Mr. JAVITS. I would suggest after the word "programs" to insert the words "pursuant to subsection (A) of this section."

The PRESIDING OFFICER. Does the Senator from Ohio agree to the modification?

Mr. TAFT. I so request.

The PRESIDING OFFICER. Will the Senator from New York send the modification to the desk in writing?

Mr. TAFT. Yes.

The amendment, as modified, is as follows:

On page 12, insert the following: after line 7 insert the following:

"(8) programs pursuant to subsection (a) of this section operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;

Renumber subsections 8 through 11 of section 101(b).

Mr. TAFT. Mr. President, I am ready to yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Ohio, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I am pleased to support S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

Last December when the President vetoed the child care measure along with the Economic Opportunity Amendments of 1971, I expressed my dismay at the callous way that the Chief Executive brushed aside that legislative proposal. It was clearly designed to begin meeting the vital concerns of our needy children. The President argued that there has not been adequate national debate to sufficiently assess the merits of the need for a comprehensive child care program. With a detailed list of nine objectives he told the Nation that:

Such far reaching national legislation should not, must not, be enacted in the absence of . . . broad public acceptance of its principles.

Yet, his response denied the delivery of seriously needed care to 5 million preschool children whose mothers work.

There are more than 12 million working mothers in this country. Only one-third of them have preschool age children, but the child care facilities simply are not available to serve the demand. Child care facilities exist for only 700,000 children.

Prof. Urie Bronfenbrenner says that the worth of a nation may be measured by "the concern of one generation for the next." According to the Bronfenbrenner yardstick, the value we place on our youth at the most critical time of their lives is shamefully low.

I am confident that Senate approval of S. 3617 will assure high quality developmental services for children in those families that most require help in providing for their developmental needs. Moreover, I am certain that the extensive review this legislation received under the leadership of the distinguished chairman of the Subcommitee on Poverty, Senator NELSON, simply increases existing widespread public understanding of the need for a broad based child care program.

When the President says, this legislation "deserves national debate upon its merits," he implies that low- and middle-income families of this Nation do not deserve to enjoy the benefits and services that higher income has delivered to the children of wealthier families.

If that is what he meant when he refused to sign the child care bill into law last December, then maybe we should hold a national debate on the credibility of the President's message in 1969 that:

So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

I believe that the American people accepted that statement as a good faith expression or our Government's concern for needy children. It was in this context that the committee reviewed the objectives and answered them in the provisions of S. 3617. This bill has the bipartisan support of 14 Democrats and 14 Republicans. Its development by the subcommittee is a direct tribute to the deft care and attention from the able direction of the chairman of the Subcommittee on Children and Youth, Senator MONDALE. He has worked diligently to produce a measure that provides the necessary fundamentals of adequate child care assistance in a bill that has been tailored to answer each of the specific concerns expressed by the President.

Child care is clearly one vital, national concern that has received broad public support from the White House Conference on Children, educational groups, civil rights organizations, labor unions, mayors, church groups and women's groups—a coalition of many people who have devoted interest, time and energy to the creation of an effective child care program.

I share their belief that comprehensive child development makes sense in many ways. Comprehensive child development legislation is the best long range welfare reform legislation the Congress can enact. For, it can be effective in ending the cycle of dependency of the poor.

Comprehensive child development is an effective national health insurance program because it will detect and pro-

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tect against the debilitating effects of early childhood disease.

Comprehensive child development legislation is the best public service employment program we can invest in, for, it will meet the critical demands for jobs that parents and unemployed youth want so badly.

Comprehensive child development legislation is the most direct anti-hunger program we might enact, because it includes mechanisms for family nutritional counseling and guarantees balanced meals to young during the years of greatest need.

Finally, this measure is the optimum in educational programs because it starts early to develop the potential of our youth.

Mr. President, I strongly support the bill pending before the Senate and I urge each Senator to vote for its passage. This is not a measure that presents new concepts to the Senate. But rather, this is a revised version of the proposal approved by the Senate as part of the economic opportunity amendments of 1971. We have carefully studied and reviewed all of the bill's provisions. This bill will provide for the delivery of a whole series of services to children and families. It is not restricted just to day care, or to programs in day-care centers. Instead this bill creates opportunities for families to choose from a wide variety of familty supporting services, like Headstart, after school, or full day developmental day care for children of working mothers, prenatal services, inhouse tutoring and child development classes for parents and prospective parents.

Thus, the package authorizing nearly $3 billion to begin delivering the kind of services that every child in this Nation deserves to receive, has been produced after testimony from many witnesses during 13 days of hearings over the past 2 years.

The Comprehensive Headstart, Child Development and Family Services Act of 1972 clearly deserves the full support of the Senate. I will be pleased to see its approval by the Senate.

Mr. WILLIAMS. Mr. President, I strongly support the enactment of S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

A critical shortage of day care and child development facilities exists for working women with young children, especially for low-income families. Approximately 43 percent of the Nation's mothers now work outside the home, in contrast to 18 percent in 1948. Moreover, about one out of every three mothers with preschool children is working today, compared to only one out of eight in 1948. But, there are fewer than 700,000 spaces in licensed day care centers to serve the more than 5 million preschool children whose mothers work.

And there is clear and convincing evidence to suggest that the demand for day care and child development programs will accelerate during the 1970's. First, the dramatic rise of working mothers is expected to continue during the years ahead. In fact, leading experts have projected that 50 percent of all women will be in the work force by 1985.

The need, I believe is clear. It is imperative therefore that we insure that programs set up for the care of children provide good care, that they provide comprehensive services, and that the care provided is supervised by the parents and run in the community where the family lives. In my judgment S. 3617 represents a sound effort to provide this developmental care for working parents with children.

As the former chairman of the Senate Committee on Aging and now the chairman of the Labor and Public Welfare Committee I derive special satisfaction from the fact that this legislation will include a proposal of mine to encourage the employment of older Americans in child development programs.

This is particularly wise, it seems to me, because the foster grandparents program has already amply demonstrated the natural empathy between the elderly and the young. Besides providing badly needed supportive services for young children, the foster grandparent program has an added dividend. It has provided a dignified means for thousands of low-income persons 60 and over to help themselves out of poverty by helping others.

In my own State of New Jersey, I have had a personal opportunity to observe the effectiveness of older persons in working with young children.

The potential opportunity to maximize employment opportunities for older persons in day care facilities cannot be understated because individuals 55 and over have been particularly hard hit by the widespread joblessness throughout our Nation. More than 500,000 are now unemployed, approximately 97 percent more than in January 1969. Another 640,000 men and women aged 55 to 64 have withdrawn from the labor force during this same period. In many cases this departure is involuntary.

And this trend undoubtedly has contributed to the rise in poverty by nearly 100,000 for persons 55 and over from 1968 to 1970, reversing a longstanding downward trend.

However, the measure which I have sponsored can provide thousands of jobs for these older Americans, while at the same time offer important supportive services for young children whose mothers work.

Mr. President, for these reasons, I again urge the adoption of S. 3617.

Mr. MONDALE. Mr. President, two of the underlying principles of this legislation and overriding concerns of its supporters, are that: First, programs be developmental, rather than custodial; and second, that parents maintain control of the lives of their children through involvement in the decisions of programs in which their children are enrolled.

S. 3617 attempts to accomplish the first of these objectives by requiring comprehensive programs with education, health, nutritional, and social services components, and the second by establishing 50-percent parent councils which share in decisionmaking at both the project and the prime sponsor level.

We also attempt to insure these principles by a recommitment to the 1968 federal interagency day care requirements, the standards which now must be met by all day care programs receiving currently available Federal funds. We do not say that they cannot, or should not be changed—in fact, we established the mechanism for a regular review of these standards. What we do insist upon is that these Requirements, however they may be revised to meet changing needs, continue to embody the principles of developmental programs and parental involvement.

For example, the interagency requirements mandate maximum child-staff ratios, so that every program serving 3- and 4-year-olds has at least 1 staff person for every 5 children. A program serving 4- to 6-year-olds must maintain a 7-to-1 child staff ratio; and one for 6- to 14-year-olds must have at least 1 staff person for every 10 children. Some would like to see those ratios even lower, such as one staff member for every four young child, instead of one for every five—and there is nothing in the requirements that would prohibit a program from adopting lower ratios. Others would prefer higher child-staff ratios, and there are disturbing reports that the administration is now moving in that direction.

All of the evidence indicates that child-staff ratios are the single most important factor in determining the cost and quality of child care. It is true that costs can be cut by increasing ratios, but this can be done only by sacrificing the quality of services provided for children.

Mrs. Mary P. Rowe, a child care economic consultant with ABT Associates and an adviser to the Office of Child Development, presented impressive testimony during the Senate Finance Committee hearings on child care last September, in which she analyzed the differences between custodial and developmental care.

She said:

> One role of the Federal Government is clearly to prevent abuse, and preventing abuse requires an objective criterion. The best single objective measure that we have seems to be the number of staff working with children.

She continued:

> Favorable ratios are the implicit mechanism of ensuring quality.

Mrs. Rowe analyzed three separate studies which have been done recently for the Federal Government by outside organizations: ABT Associates, the Day Care & Child Development Association, and Westinghouse Learning Corp., and Westad Research. Each of these studies delineated custodial, adequate and desirable or developmental programs. In each study, Mrs. Rowe concluded:

> The teacher-child ratio thus appears by far the most powerful influence on both costs and "quality" . . . and is mainly responsible for the designations "desirable" and "developmental."

Mr. President, if we are serious about developmental programs which meet the needs of children, if we are going to insure that children in day-care program—to the greatest extent possible—receive the kind of warmth, affection and attention they would have at home with their parents, then we cannot afford to water down these child-staff ratios.

Another essential feature in the 1968 Interagency Requirements is the strong insistence upon parent involvement in child care programs. Every operating and administering agency which provides care for at least 40 children must have a policy advisory committee, at least 50 percent of whom are parents, democratically selected. These committees share fully in the essential decisions affecting program operations, including applications for funding, development of programs and program improvement, complaints and communication with other parents. That kind of real parent participation is absolutely essential if programs are truly to meet the needs of children, as those needs are perceived by parents as well as by professionals. Any move to eliminate or water down the parent involvement provisions of the 1968 requirements is a move against parents and against family centered programs and cannot be justified or permitted. President Nixon has expressed concern about day care programs which would remove parental authority and control over the lives of their children. Maintenance of these 1968 requirements is one way to assure that this does not happen.

In the conclusion of her testimony on the quality and costs of child care, Mrs. Rowe made an eloquent charge to the Senate and to the Nation:

> Children have no powerful lobby; poor parents often feel they can only vote with their feet—trying to avoid poor child care which does not really meet their needs, trying to seek warm responsive care that is as good as a good home. But one-third of the nation's children now live in poor and near-poor families. Their present lives need support and encouragement. Their future lives will inescapably affect those of us who are presently adult. Today you have a chance to make a difference in the lives of children; tomorrow they will have the chance to make a difference in our lives. How will we plan for children—the nations' chief resources.

We have a chance today, to make a difference in the lives of children, and thus to make a difference in our own lives, both by enacting this major new commitment to our youngest children and by guaranteeing that the principles which have already been established in the administration of Federal programs will not be destroyed.

Mr. CHILES. Mr. President, I am pleased to support the Comprehensive Headstart, Child Development, and Family Services Act of 1972. Last year I voted against the conference report on S. 2007, because I felt funding for these programs should be at the State and local level rather than in Washington. The report would have required a massive new Federal bureaucracy because it enabled many individual groups to deal directly with the Federal Government instead of working through States and local governments. I fully supported then, as I fully support now, the concept of child care support and felt this concept should be implemented and funded adequately if we are to ever break the vicious welfare cycle. But I was and remain opposed to enlarging the Federal bureaucracy and keeping the control center of these kinds of programs here in Washington, D.C.

With the adoption of the Dominick amendment, the reservation I experienced the last time the Senate considered this measure is removed.

The recent report of the President's Commission on School Finance stated:

> We cannot ignore many research findings which lead us to believe that much of the lack of success of past efforts has been because we started too late in a child's life.
>
> We believe that the Federal Government should encourage the development of early childhood education programs for all children and that financial assistance should be provided for children from low-income families.

This bill assures that early childhood education programs will be available. It puts the emphasis where we need to put it—in providing an opportunity for all American children for a healthful and stimulating development during the first few years of their life. I feel our money is better spent in these kinds of programs for early childhood development than in welfare assistance or in assistance to school dropouts. In Florida we have had encouraging success with our early education programs and our programs with migrant workers. This bill will allow for expansion of these services which I believe are badly needed.

Without preschooling for the disadvantaged there is little possibility of achieving equality in education. S. 3617 will go a long way in enabling all children to develop their full potential.

Mr. FANNIN. Mr. President, the Comprehensive Headstart, Child Development, and Family Services Act of 1972 now before us for consideration is based on some fundamental assumptions which require careful scrutiny and discussion. Indeed, the President made a point of this in vetoing the legislation containing this bill last December, when he said that a step of this nature should not be taken without extensive discussion of its "family weakening" implications. The supporters of the legislation argue that it will strengthen rather than undermine the family, and thus they have implied that they, too, consider that the family should be the social unit bearing the prime responsibility for child rearing. In particular, they maintain that family services provided in the home rather than in outside day care centers will have the effect of strengthening the family as a viable social unit. In addition, of course, they argue that the comprehensive services which they back will benefit the child. Indeed, some of the bill's language has a utopian flavor to it; the programs it would initiate are to include: diagnosis, identification, and treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in programs.

In any case, before we appropriate the $1.2 billion requested in this bill for the fiscal year ending June 30, 1974, we should pause awhile to consider what impact these child development programs are likely to have upon the structure of the family and the well-being of the child, quite independently of the good intentions of the bill's proponents.

As for the likely impact upon the family, let us note to begin with that this legislation, no matter how it may be interpreted, certainly legitimizes a much greater degree of Federal control and interference in private and family matters than we have seen in this country up to now. This circumstance in and of itself will cause troubled families to look more and more, not to themselves or to private and church-related agencies for assistance, but rather to the State. This will develop in the citizenry, even more than is now the case, the sort of attitude which holds that we must run to the State for solace whenever anything goes wrong. The State thus becomes the final arbiter of the most private arena still left to us, that of the family.

The American family, we all know, has its problems. The family unit is becoming less and less cohesive, and even the "nuclear" family has a difficult time maintaining itself. The rapid expansion of private and public nursing homes and Federal medical aid programs have made it possible for the older members of the extended family to be put out of sight and therefore, out of mind; the expansion of day care centers under the aegis of the Federal Government will make it ever easier for children to be treated the same way. At that point, the family becomes very "nuclear" indeed, and probably will explode, or at least disintegrate, because there will be so little of shared responsibility to keep husband and wife together. Their principal function will be procreation. Once this function is accomplished, there will in many cases be no more reason for the family to continue in being. Now it may well be that the family will develop in this way with or without legislation of the type now before us. But there can be little doubt that the establishment of widespread child development centers to take over one of the family's crucial functions would speed the process of that deterioration markedly. If you believe that the family should be basically responsible for raising children in our society, you must oppose this bill.

An additional point to consider in this debate is the fact that under the proposed bill what would happen in effect is that families in which only one parent works and the other—presumably the mother—stays at home to attend to her children, that such families would be subsidizing families in which both parents work. By their tax money, they would be supporting child care centers so that families in which both parents work, could earn a larger income. Whatever else this may be, it is not just, and it certainly does not support the family as the chief child-raising entity in society.

Second, let us consider what the effect of this bill upon the child will be, leaving aside for the moment the question of the extremely disadvantaged and impoverished children of the slums. Although we know little enough about the psychology of child rearing, we can be relatively certain that in his first 5 or 6 years, a child is extremely impressionable, and if the family wishes to inculcate its values and outlook in him, raise him

in the way he should go, then it must be the dominant environmental factor in his first years. It seems to me indisputable that in the first 2 years or so of life the presence of a mother is of crucial importance to an infant, and that a mother's love can under no circumstances be replaced by institutional care without extreme damage to the child. Dr. Ernest van den Haag, in testifying before the Senate Committee on Labor and Public Welfare against this legislation, on behalf of the Emergency Committee for Children, said:

Nothing could be more harmful than the repeated disappearance of adult figures in whom the child has vested affection. Depending on age, the development of object relations and later of a superego will suffer if the child is repeatedly having important relationships with people who disappear. And nothing could be more cruel to impose on small children than these perceived abandonments."

I think we can almost all agree that "institutionalization" of children at very early ages can have most harmful effects.

When we consider children between the ages of, say, two and six, the potential damage done by this sort of legislation is not quite so severe. Currently nearly everyone agrees that at least by age 6 a child may relatively safely be removed from the family environment for large parts of the day. And certainly there are many families which have made use of kindergartens and similar establishments for children of 4 and 5 without great detriment to them. However, in this bill we are speaking of establishing a centrally controlled chain of schools and putting the great resources of the Federal Government behind what may well turn out in effect to be a lowering of the age for mandatory school attendance. Moreover, these schools, unlike the established elementary and secondary schools, would begin with the assumption that they would not simply train a child's intellectual capacities, but they would be responsible for his "whole being," his emotional, psychological and physical welfare. In addition, they would not be locally controlled, as are our school districts now; they would ultimately be run from the center, despite all the provisions for local control written into the bill. Funding is, after all, the ultimate control, and if local child development centers do not meet the requirements of the Department of Health, Education, and Welfare they will almost certainly cease to exist, no matter how well they may satisfy local needs.

Mr. President, if my analysis of the likely effects of this legislation upon the family is accurate, then this legislation is indeed harmful, and contrary to the best interests and the wishes of the vast majority of the American people. I urge that it be rejected.

S. 3617, COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972: AMERICA'S CHILDREN DESERVE NO LESS

Mr. CRANSTON. Mr. President, I rise to add my strong support to that of my colleagues who have been urging passage of S. 3617, the proposed Comprehensive Headstart, Child Development, and Family Services Act of 1972.

This legislation is the result of a bipartisan effort to shape a comprehensive child development bill which would meet both the needs of underprivileged children and the objections of President Nixon to the comprehensive child development provisions of S. 2007, a bill to extend the Economic Opportunity Act, which he vetoed last December. I was pleased to have had the opportunity to contribute to the development of this vital legislation as a member of both the Subcommittee on Children and Youth and the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare.

I am grateful to Senator MONDALE, chairman of the Subcommittee on Children and Youth, and to Senator NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, for exerting the kind of leadership necessary for the formation of such a strong, bipartisan measure, reflecting an awareness of and sensitivity to the needs of America's children. And without the cooperation and insight offered by the ranking minority member of the full committee (Mr. JAVITS) and the contributions of Senator TAFT, ranking minority member of the two subcommittees, this bill could not have come to fruition. I would like to add a special thanks, too, to the very able staff members—Richard Johnson and William Spring for Senator NELSON, Sidney Johnson for Senator MONDALE, John Scales for Senator JAVITS, and Patricia Gwaltney for Senator TAFT, whose incisive understanding of the issues involved facilitated the development of S. 3617 throughout our subcommittee and full committee deliberations.

EXPANSION OF HEADSTART

S. 3617 is a bipartisan compromise measure between the child development provisions in S. 3193, a bill to extend the Economic Opportunity Act, which I cosponsored with Senators MONDALE and NELSON and 11 of our colleagues, and S. 3228, introduced by Senators JAVITS, TAFT, STAFFORD, SCHWEIKER, PACKWOOD, and nine of our colleagues from the other side of the aisle. It builds on the present successful Headstart program by authorizing the appropriation of $150 million for fiscal year 1973 for the purpose of providing training, technical assistance, planning and other activities appropriate for the preparation for implementation of the measure; $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out the purposes of the act. Any unobligated amounts at the end of a given fiscal year may be obligated in the succeeding fiscal year.

It should be noted that although this 3-year bill has a total appropriation authorization of $2.95 billion, this represents less than a $2 billion authorization increase over the next 3 years, since a portion of these moneys are presently authorized under the Economic Opportunity Act for the Headstart program. Section 311 of the bill provides for a repealing, effective July 1, 1975, of the authorization of appropriations for Headstart and provides that where day care is authorized elsewhere in the Economic Opportunity Act it will be carried out through the child care programs under this act wherever feasible.

FEE SCHEDULE

S. 3617 further builds on the Headstart program by specifying that free services are to be provided to children from families earning equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary of Health, Education, and Welfare based on ability to pay. Such fees may not, however, exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

I would like to note here, Mr. President, that during our deliberations in conference with the House of Representatives on the child development provisions of S. 2007, the committee spent a great deal of time working out a compromise on the fee schedule which would be agreeable to the administration. We have gone even further in modifying this fee schedule in S. 3617, and it is my hope that the administration will make every effort to cooperate with us on this particular point.

PARENTAL INVOLVEMENT

The committee has attempted to build on the successful Headstart concept and experience by increasing parental authority and involvement in all aspects of the comprehensive child development programs. S. 3617 provides that each prime sponsor shall establish and maintain a child and family services council consisting of not less than 10 members, half of whom must be parents of children served in programs under the act elected by those parents, and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public. Half of these public representatives must be persons broadly representative of the public, including community agencies and organizations, and the remaining members must be persons who are skilled in child development services. The child and family service councils shall be responsible for approving annual program statements, basic goals, policies and procedures, and for the selection, establishment or annual renewal of project applicants. These are provisions based on amendments I offered in this bill and the predecessor, S. 2007. I think these are vital provisions, and I feel—although we made some modifications in committee—we maintained the essential thrust of the prior bill's provisions.

In addition, S. 3617 provides for the establishment of local program councils and project policy councils—each of which must be composed of at least 50 percent parents whose children are served under the provisions of the act selected by those parents. It is the responsibility of the local program council to approve the local portion of the annual program, local program contracts, and local project applications and report to the child and family service council. The project policy councils, which also report to the child and family service council, are responsible for approving basic goals, policies, actions and procedures for individual project applicants, and for the planning, overall conduct, personnel, budgeting, location of centers and facilities and direction and evaluation of projects.

PRIME SPONSORS

Section 102 of the bill, as reported, provides for both State and local prime sponsors. Any unit or combination of units of general local government of at least 25,000 population, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor, providing of course it meets the provisions of the act. The population cutoff figure in the vetoed measure was 5,000, which would have made 7,000 localities eligible for prime sponsorship. The compromise figure of 25,000 makes 2,000 communities eligible, and should contribute greatly to the administrative workability of the programs authorized under the bill.

The committee also provided a bypass provision enabling any program council to appeal directly to the Secretary when it alleges a failure to comply with the program statement or provisions of the act, and I personally feel that this is a most important provision which must be retained in the bill.

The committee agreed to a provision under this section which authorizes the Secretary to designate five States to carry out demonstration projects as statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. I introduced an amendment to this provision in committee to exclude any State with a population in excess of 5 percent of the Nation's population from eligibility to participate in demonstration projects involving States as sole statewide sponsors. This amendment insured that "experiments" could not cover more than 25 percent of the Nation's population and was supported by a bipartisan majority of the members of the full committee. I feel that this is necessary to preserve local involvement in and direction of the child development programs. The amendment offered by Senator BEALL today preserves this concept as well as integrity of the local programs in States having such diverse populations in large concentration, such as California. This amendment limits the total U.S. population in the "experiment" States to, 15 percent and provides that areas with 1 million or more people may run that program directly.

SPECIAL PROGRAMS

I am delighted that the committee included in the bill a provision for special cooperative programs with educational agencies and other project sponsors. This provision—section 107 of the bill—enables the Secretary to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs. I had introduced a similar provision as a committee amendment to the child development title of S. 2007, which is included in section 101(b)(5) of the pending bill, to provide for programs designed to extend comprehensive prekindergarten early childhood education techniques and gains—particularly parent participation—into kindergarten and early primary grades through the use of former assistant Headstart teachers or similar early childhood education teachers as assistants working closely with classroom teachers in those kindergarten and primary grade classrooms where children they previously taught are enrolled. A pilot project to this effect which has my strongest endorsement and personal involvement has been funded by the Office of Child Development through the Foundation for Early Childhood Development in Los Angeles. I ask unanimous consent, Mr. President, that excerpts from correspondence received recently in my office from the program director of this project, Mrs. Shirley Cloke, be included at this point in my remarks since her description of the Los Angeles demonstration program beautifully describes what can be the effect of these innovative sections in reported bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FOUNDATION FOR EARLY CHILDHOOD EDUCATION,
Los Angeles, Calif., January 31, 1972.

There are many exciting moments in this Headstart-Kindergarten Continuation Program that I would like to share with you. One occurred in the Watts area in a school that has a record of vandalism equal to any. We have a kindergarten team at this school that has learned to work together in a way that expands the children's experiences and joy, involves parents in the classroom, and demonstrates an optimism, enthusiasm and harmony that is possibly more beneficial to those children than their obvious accomplishments in recognition of letters, shapes, numerals, etc.

"The kindergarten teaching team has worked energetically each Monday at our workshop making learning materials for the classroom. As an example, the classroom teacher would not join the group for a luncheon on the final day of the pre-service session as she was determined to complete a set of building frames she was making. "I can eat anytime," she said, "but there is only a limited period of time to complete this project." During the ensuing weekly workshops, this teacher and her assistant made a puppet theatre, a three-sided felt board (one side of slate), and numerous other imaginative pieces of equipment.

Three weeks ago, a fire at her school destroyed her classroom and all of the teacher-made equipment with it. The teaching team became so downhearted and depressed that we knew we would have to change this tragedy into its opposite. In a meeting with the parent coordinator for the area (Clara Godbouldt) and the assistant teacher of the classroom (Paula Gulley), we decided that we would ask the classroom parents to come to the workshop and rebuild the equipment which had been destroyed. The assistant teacher at 75th Street School (Maydell Clark) offered to bring parents from her classroom to lend a hand.

For three Thursday afternoons, parents (and all their children—who outnumbered the parents, by the way) came to the workshop with the assistant teachers Maydell and Paula and worked all afternoon. I set up a nursery school for the children so that they didn't walk into a saw or can of paint. The parents worked until dark each afternoon. On the last day of school before Christmas vacation, the assistant teacher (Paula) arranged an excursion for the class to see reindeer on Wilshire Blvd. at the May Company.

While the children and teachers were away, the parents brought the equipment they had made into the classroom, set it up, prepared a banquet table with cakes, candy and punch for all the children, and decorated the room. I cannot describe the emotions of the teacher when she returned to this scene. What I can describe is the complete amazement of the principal who kept muttering, "I have never seen anything like this!"—and the words of the school parent coordinator who nonchalantly explained that this was an example of school-community cooperation.

There is an epilogue to the story. The seven parents who prepared the party have offered to assist each of the other five kindergarten teachers in 112th Street School organize active-parent groups in their classrooms. Further, the principal has asked us to show the video tape of the party to the school Parent Advisory Council and also to his teachers staff meeting. Although the events speak loudly enough, the underlying theme that quietly asserted itself is evidence of the strength, resources, and concern of the parents working with the teacher to maximize the educational possibilities of their children.

Further events at that school include the employment of one of the Head Start parents from our Head Start-Kindergarten classroom who participated daily at the school (with the encouragement of the assistant teacher). The parent has been employed by the school as an educational aide in another classroom. . . .

At our weekly workshops, at least two other kindergarten teachers and the teacher of the Educationally Handicapped class from this school are now attending, making learning materials, and participating in the educational discussion. This is one example of the "radiation effect" of our project.

Cordially,

SHIRLEY CLOKE,
Program Director.

TRAINING

Mr. CRANSTON. Mr. President, this is the kind of parental participation which the committee seeks to enhance through S. 3617. Mothers and other family members of Headstart children have been recruited and trained as nonprofessionals for staff responsibilities in the past, and through the provisions of title II—training, technical assistance, planning and evaluation—of the act, expanded authorizations of appropriations for this purpose are provided. Indeed, the committee has increased the authorization level under S. 3617 as compared to the child development authorizations for appropriations under S. 2007 for preservice and inservice training. While the total amounts were decreased by 40 percent, authorizations for staff training appropriations were increased by 50 percent. In addition to training for these staff responsibilities, this new figure increases the amount of funds available for training of professional and paraprofessional staff members. This provision will serve to insure the best possible staffing for the child development programs proposed under this act.

MAINTENANCE OF STANDARDS

In a related action to assure high standards for any day care program established under the authorization of S.

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3617, the committee, in section 302, provided that standards of child development programs under the act must be consistent with the 1968 Federal interagency day care standards which currently apply to all federally assisted day care programs. The intent of this section is to guarantee that low child-to-adult ratios necessary for high-quality programs be maintained. The section further provides for a special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, to be established for the purpose of participating in the development and improvement of the Interagency Day Care Requirements and promulgating a revised set of standards to be known as the "Federal Standards for Child Development Services."

In his veto message on S. 2007, President Nixon, in referring to his objections to the comprehensive child development title of that legislation, indicated that he would sign legislation providing day care which would enable mothers, particularly those at the lowest income levels, to take full-time jobs—legislation similar to that which would be provided in the welfare title of H.R. 1, the proposed Social Security Amendments of 1971, which have just been ordered reported by the Senate Finance Committee.

I vigorously object to programs to "house" the preschool children of welfare mothers who under H.R. 1 would be required to register for work even if they prefer raising their own children rather than warehousing them in a low-quality day care program just so that they could take a meaningless, demeaning job. I believe that if a parent of a preschool child wishes or needs to work, that his or her child should be cared for in a comprehensive, compassionate, healthful program of the type we propose through S. 3617 as reported. Only by providing such an environment for early childhood development can we break the cycle of poverty and welfare dependence which so plagues and troubles our Nation.

CONCLUSION

The present Headstart program reaches only 10 percent of the impoverished preschool children who are eligible for it and could benefit from it. S. 3617 seeks to supplement and strengthen this effort by providing additional support for prenatal, nutritional and other services, and by reaching a greater percentage of those who could benefit by them.

Unlike the provisions to be included in H.R. 1, S. 3617 stipulates that:

> Child development programs must build upon the role of the family as the primary and most fundamental influence on children and must be provided only to children whose parents or legal guardians request them.

Further, the full day child development programs provided under the act will be made available only to children whose parents are out of the home all day programs or afterschool programs, of selecting support services such as part-day programs or afterschool programs, in-home tutoring, or child development classes for parents and prospective parents.

In this way, the committee has sought to provide the best possible family-strengthening comprehensive child development legislation. I believe we have successfully accomplished this goal in S. 3617 despite the adoption of the Dominick amendment. I urge my colleagues to vote for final passage.

SENATOR RANDOLPH STATES HIS SUPPORT FOR S. 3617, THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES ACT OF 1972

Mr. RANDOLPH. Mr. President, I support fully the goals and purposes of the pending measure, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972. In my estimation this bill fully meets the objections voiced by the President last year when he vetoed S. 2007, which included comprehensive child development provisions.

On December 10, 1971, I urged the Senate to vote to override the veto of S. 2007. In like measure I urge today that the Senate give its strong support for this worthy legislation. The Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT), along with other members of the Committee on Labor and Public Welfare, have given much of their time in developing S. 3617 to meet the objections of the President. In the committee I gave the measure my support.

The need for this program has not eased, much less disappeared, since S. 2007 was vetoed last December. There are over 5 million preschool-age children of working mothers in this country, and only 700,000 places in day-care facilities. I am compelled to ask my colleagues who oppose this measure what, if anything, should be done for the 4.3 million children who may not now be cared for in America? Is their development to be restricted to the mindless viewing of television programs all day long, or can we provide these youngsters with some quality care, education, and development? This is the issue.

Innuendoes suggesting that this measure will in some way break up families or create little Communists, are mischievous, unfair, and untrue.

As I said during the debate to override the President's veto of S. 2007:

> Families which are comfortably situated need no child care. Their family structures may be stable and sound. But the low- and middle-income families need this bill. Because of the pride and dignity it will provide to those who can climb out of the welfare rut to become taxpayers rather than tax-takers, and because of intellectual stimulation, the nutrition and the medical care it will provide to children, who are the hope of the future, America needs this bill.

Mr. President, the opponents of this legislation ascribe to its supporters some dark purpose—or at least suggest that its misguided direction will create irreparable harm to the fabric of American society.

A full understanding of the deeply serious problems associated with the absence of such a program—street gangs, unemployment, drug abuse, runaways, and underachievement, just to name a few—would dispel any doubt as to its desperately urgent need.

I urge my colleagues in the Senate to support the passage of S. 3617.

Mr. MONDALE. Mr. President, may I express again my deep appreciation and admiration of the leadership provided on this measure by the junior Senator from Wisconsin (Mr. NELSON), the senior Senator from New York (Mr. JAVITS), the junior Senator from Ohio (Mr. TAFT), and the other members of the committee. Permit me to state again my gratitude to the junior Senator from South Carolina (Mr. HOLLINGS) for his enlightened and eloquent efforts on behalf of this bill.

Mr. President, I would also like at this point to express my appreciation to the following members of the staff who have provided magnificent assistance to the committee during the development and consideration of this legislation: Mr. Sidney Johnson and Ms. Rita McDonald of the Subcommittee on Children and Youth; Mr. Richard Johnson, Mr. William Spring, and Ms. Carole Dunn of the Subcommittee on Employment, Manpower, and Poverty; Mr. John Scales, Mr. Martin Klein, and Mrs. Sheer of the minority; Miss Pat Gwaltney with Senator TAFT; Mr. Bert Carp of the Select Committee on Equal Educational Opportunity; and Mr. Jon Steinberg of the Labor and Public Welfare Committee.

The PRESIDING OFFICER (Mr. HUGHES). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. NELSON. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Is all time yielded back on the bill?

Mr. NELSON. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The question is, shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BEALL (after having voted in the affirmative). On this vote I have a live pair with the Senator from Tennessee (Mr. BROCK). If he were present and voting, he would vote "nay." I have already voted in the affirmative; therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. McGOVERN) and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are necessarily absent.

The Senator from Vermont (Mr. STAFFORD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "yea."

The pair of the Senator from Tennessee (Mr. BROCK) has been previously announced.

The result was announced—yeas 73, nays 12, as follows:

[No. 231 Leg.]

YEAS—73

Aiken	Fong	Pastore
Allott	Fulbright	Pearson
Anderson	Griffin	Pell
Bayh	Gurney	Percy
Bellmon	Harris	Proxmire
Bentsen	Hart	Randolph
Bible	Hatfield	Ribicoff
Boggs	Hollings	Saxbe
Brooke	Hughes	Schweiker
Burdick	Jackson	Scott
Byrd, Robert C.	Javits	Smith
Cannon	Jordan, N.C.	Sparkman
Case	Kennedy	Spong
Chiles	Long	Stennis
Church	Magnuson	Stevens
Cook	Mansfield	Stevenson
Cooper	Mathias	Symington
Cotton	McClellan	Taft
Cranston	McGee	Talmadge
Dole	Miller	Tunney
Dominick	Mondale	Weicker
Eagleton	Montoya	Williams
Eastland	Moss	Young
Ellender	Nelson	
Ervin	Packwood	

NAYS—12

Allen	Curtis	Roth
Bennett	Fannin	Thurmond
Buckley	Hansen	Tower
Byrd, Harry F., Jr.	Hruska	
	Jordan, Idaho	

NOT VOTING—14

Baker	Hartke	Metcalf
Brock	Humphrey	Mundt
Gambrell	Inouye	Muskie
Goldwater	McGovern	Stafford
Gravel	McIntyre	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Beall, for.

So the bill (S. 3617) was passed, as follows:

S. 3617

An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) child development programs must build upon the role of the family as the primary and the most fundamental influence on the development of children, and must be provided only to children whose parents or legal guardians request them;

(2) in exercising their moral and legal rights and responsibilities in respect to their children and families, many mothers, and single parents have determined it necessary or desirable to seek child development services for their children in order to engage in employment, training, or education on a full- or part-time basis during hours when their children would ordinarily be in the home or otherwise to enhance the well-being of their families; and

(3) while there have been increased developmental services for children of working mothers and single parents and while Headstart and similar programs have provided supplemental educational and other services for children, such services have not been made available to families to the extent that parents consider it necessary to contribute to the full development of their children and to improve the economic well-being of their families, with the result that there are millions of children living in poverty who do not receive adequate educational and other services, and there are millions of other children whose mothers are working full or part time without adequate child development arrangements for their children.

(b) It is the purpose of this Act to provide a variety of quality child development and family services in order to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development, with priority to those preschool children and families with the greatest economic or social needs, in a manner designed to strengthen family life and to insure decisionmaking at the community level through a partnership of parents, State and local governments and the Federal Government, building upon the experience and success of Headstart and other existing programs.

(c) Congress finds that the family is the cornerstone of healthy physical and psychological development for children, that the value of day-care services extends primarily to economically disadvantaged children, with special emphasis upon those children who have special developmental needs or other handicaps, and to other children for whom suitable care is not otherwise available, and that day-care services outside the child's own home must be designed to supplement and support, and never to replace, the parent-child relationship. This Act is not intended or designed to provide a framework for the universal application of outside-the-home care to children in general.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out this Act, there is authorized to be appropriated $1,200,000,000 for the fiscal year ending June 30, 1974, and $1,600,000,000 for the fiscal year ending June 30, 1975. Any amounts appropriated for each fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

(b) For the purpose of providing training, technical assistance, planning, and such other activities (including activities authorized under section 106) as the Secretary deems necessary and appropriate to prepare for the implementation of this Act, there is authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1973.

(c) From the amounts appropriated pursuant to subsection (a) the Secretary shall make funds available in the following manner—

(1) $500,000,000 shall first be used for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

(2) not to exceed 15 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out titles II and III of this Act, as the Secretary deems appropriate, but not to exceed 5 per centum of such remaining amounts shall be used for the purpose of carrying out title III of this Act; and

(3) the remainder of such amounts shall be used for the purpose of carrying out title I of this Act.

(d)(1) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which it shall be available for obligation.

(2) In order to effect a transition to the advance funding method of timing appropriation action, paragraph (1) of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child development and family service programs" means programs on a full-day or part-day basis which provide the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members related to the full educational and other development of children;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, physically handicapped, crippled, or other health impaired children or children with specific learning or other disabilities who by reason thereof require special education and related services;

(7) "program" includes any program, service, or activity, which is conducted full or part time, in special facilities, in schools, in neighborhood centers, or in homes, including family day-care homes;

(8) "parent" means any person who has primary day-to-day responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who needs child development and family services under this Act in order to undertake or continue full- or part-time work, training, or education outside her home;

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, "Spanish-surnamed Americans" include, but is not limited to, persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

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(12) "bilingual" includes, but is not limited to, persons who are Spanish-surnamed Americans, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "local educational agency" means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

(14) "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965;

(15) "low-income family" means a family whose annual income is less than the "poverty level" as defined by the Director of the Office of Economic Opportunity;

(16) "unit of general local government" means any political subdivision of a State having general governmental powers.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

PROGRAMS ASSISTED

SEC. 101. (a) The Secretary shall provide financial assistance to prime sponsors and to other public and private agencies and organizations pursuant to plans, program statements, and applications approved in accordance with the provisions of this title for the purpose of carrying out child development and family service programs for children and their families where parents or local guardians request them, including—

(1) preschool programs providing part-day services and activities designed to prepare children for school in the years before they enter the elementary school grades;

(2) in-home services and consultation to assist families with children of preschool age in providing for the healthy growth and the development of each child's full potential;

(3) preschool programs providing full-day services and activities for children when there is no parent at home to provide care;

(4) child development programs providing services and activities (including recreation and tutoring programs) for school-age children at times when school is not in session and there is no parent at home to provide care.

(b) Financial assistance under this title may be used for—

(1) other comprehensive child development services and programs designed to meet individual needs of children, to assist children in attaining their full potential and to prepare them for school, including but not limited to—

(A) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups, including minority groups, which belong to their communities;

(B) diagnosis, identification, and, with the prior written consent of the parent or parents, treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in programs.

(C) special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities as an incorporated part of programs conducted under this title and, where necessary because of the severity of such handicaps, establishing, maintaining, and operating separate child development and family services programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

(D) special food and nutritional services; and

(E) emergency child development programs for children of parents who are sick, incapacitated, or for other urgent reasons, temporarily unable to provide adequate care for their children.

(2) other programs designed to support and enhance family life and contribute to the full development of children, including but not limited to the following—

(A) (i) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and (ii) postpartum and other medical services to recent mothers;

(B) referral services for family planning, and purchase of such services when not otherwise available;

(C) programs including home services to prepare adolescents and other family members for family responsibilities, including assistance to public secondary schools and nonprofit organizations to implement courses for adolescents and provide opportunities for the participation of adolescents in child development and family service programs authorized under this title;

(3) preservice and inservice education and other training designed to prepare professional and paraprofessional personnel and parents and other family members to provide child development and family services;

(4) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development and family service programs available to them and may become directly involved in such programs;

(5) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three) in cooperation with local educational agencies;

(6) parent and child centers, homestart, followthrough and other supplementary services and activities.

(7) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alternation, acquisition of necessary equipment and supplies, and to the extent authorized in section 109, construction or facilities;

(8) programs pursuant to subsection (a) of this section operated by or with the assistance of students or faculty members of a college or university located in the community served, provided the program otherwise meets the standards established by this Act;

(9) allowances for transportation and other costs with respect to children in cases where such costs are necessary to and directly related to such child's participation in programs under this title;

(10) examination and inspection of child development and family service facilities for lead poisoning and other hazards and the correction of such hazards in the facilities;

(11) staff and other administrative expenses of child and family service councils, local program councils, and project policy committees established and operated in accordance with the provisions of this title; and

(12) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this title.

STATE AND LOCAL PRIME SPONSORS

SEC. 102. (a) In accordance with the provisions of this section, the Secretary may designate as a prime sponsor for the purpose of entering into arrangements directly with the Secretary to carry out programs under this title within a State the following:

(1) any State;

(2) any unit of general local government or any combination of such units having a total population of twenty-five thousand or more persons on the basis of the most satisfactory current data;

(3) any unit of general local government or any combination of such units, without regard to population, subject to a demonstration by the applicant that (A) it has the capability to carry out adequately a comprehensive child development and family service program, and (B) there is a particular demand for services and availability of resources within the area to be served;

(4) any Indian tribal organization;

(5) any other public or private nonprofit agency meeting the requirements of subsection (h) of this section.

(b) Such applicants under this subsection may be designated if the Secretary determines that the applicant has the capability of effectively carrying out comprehensive programs under this Act and has submitted a satisfactory prime sponsorship plan which—

(1) describes the prime sponsorship area to be served;

(2) sets forth satisfactory provisions for establishing and maintaining a child and family services council which meets the requirements of section 103;

(3) provides that the prime sponsor shall be responsible for developing and preparing for each fiscal year a program statement in accordance with section 104 and any modification thereof and for selecting or establishing an agency or agencies to administer and coordinate child development and family service programs in the prime sponsorship area;

(4) sets forth arrangements under which the Child and Family Service Council will be entitled to approve program statements, basic goals, policies, and procedures and the selection or establishment and annual renewal of any agency or agencies under paragraph (3) of this section and will be responsible for annual and ongoing evaluation of child development and family service programs conducted in the prime sponsorship area according to criteria established by the Secretary;

(5) provides assurances that staff and other administrative expenses for the Child and Family Service Councils and Local Program Councils and Project Policy Committees will not exceed 5 per centum of the total cost of child development programs administered by the prime sponsors unless such per centum limitation is increased to give special consideration to initial cost in the first operational year, in accordance with regulations which the Secretary shall prescribe;

(6) provides assurances that the prime sponsor will provide, in an effective, coordinated, and comprehensive manner (through the administering agency or agencies established or selected pursuant to this subsection), directly or by contract or arrangement with State, local, or other public agencies or private nonprofit agencies or organizations, where available—

(A) child-related family, social, and rehabilitative services;

(B) coordination with educational agencies and providers of educational services;

(C) health (including family planning) and mental health services;

(D) nutrition services;

(E) training of professional and paraprofessional personnel;

(F) where necessary full-time administrative personnel to conduct the program;

(7) sets forth procedures to insure that all project applications for financial assistance in the area to be served are given due consideration, in accordance with regulations promulgated by the Secretary;

(8) in the case of an applicant for prime sponsorship which is a State applying for designation as prime sponsor for geographical areas within the State, in addition to the provisions otherwise required to be included in its prime sponsorship plan in accordance with this section, sets forth adequate provisions—

(A) for designating local family service areas each of which shall serve a geographical area covered by (i) a unit of general local government, or (ii) units of general local government serving a total population of not more than fifty thousand persons except that the Secretary may, upon application by such prime sponsors, permit designation of one or more local family service areas serving a population of not more than one hundred thousand persons where necessary in order to carry out most effectively the purposes and provisions of this Act;

(B) for establishing and maintaining with respect to each local family service area a local program council composed so that (i) not less than half of the members of each such council shall be parent members who shall be chosen initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees, and (ii) the remainder shall be public members broadly representative of the general public, as described in section 103(a)(2)(A), appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(C) to assure that the program statement to be submitted by the State which affects each local family service area is developed and prepared with full participation and approval of the appropriate local program council; and

(D) to assure that contracts for the operation of programs through public or private agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local family service area; and

(E) to assure that the local program council's disapproval shall require a majority vote of the council present and voting within thirty days of submission of the issue to the council for such a vote and in the absence of such action by the council, the issue shall be deemed to have been approved. A majority of the council shall constitute a quorum for the purpose of transacting business.

(c) Any local program council may appeal directly to the Secretary whenever such council alleges that with respect to its portion of the program statement the State has failed to comply with the provisions of the program statement or the provisions of this Act.

(d)(1) The Secretary shall approve a prime sponsorship plan submitted by a State if he determines that the plan so submitted meets the requirements of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction.

(2) Notwithstanding subsections (e), (f), and (g) of this section, the Secretary is authorized, in accordance with this paragraph, to approve Statewide prime sponsorship plans which he determines set forth satisfactory arrangements for carrying out demonstration projects providing for the State to be designated as prime sponsor for the entire State and which meet each of the requirements of subsections except that if any unit of general local government having a population of one million or more persons within any such State elects to apply for prime sponsorship designation and submits a plan meeting the requirements of this section the Secretary shall designate such unit as the local prime sponsor, and in such case the Statewide plan described in this paragraph shall cover the balance of the State. The Secretary shall designate as Statewide prime sponsors under this paragraph not more than five States, having a combined population of not more than 20 per centum of the total population of all of the States in the Nation, which have demonstrated capability and (b) and (c) of this section, leadership in the field of child development and which are located in various regions of the Nation and have a variety of characteristics, including differing population sizes and urban, metropolitan, and rural area and industrial and work force composition. A State shall be designated as a Statewide prime sponsor under this paragraph only if the Secretary determines that—

(A) a reasonable opportunity has been provided to each unit of general local government or combination thereof or Indian tribal organization within such State eligible under paragraph (2) or (4) of subsection (a) of this section to submit comments to the State and to the Secretary; and

(B) the prime sponsorship plan submitted by such State takes into account, to the extent appropriate, the comments submitted in accordance with clause (A) of this paragraph.

(e)(1) The Secretary shall approve a prime sponsorship plan submitted by a unit of general local government which is (A) a city eligible under subsection (a)(2) of this section, or (B) a county or other unit of general local government eligible under subsection (a)(2) of this section (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of this paragraph), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in the area covered by such unit of general local government.

(2) In the event that a State has submitted a prime sponsorship plan under subsection (a) of this section to serve a geographical area covered by the plan of an applicant under paragraph (2), (3), or (4) of subsection (a), the Secretary shall designate to serve such area the applicant which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area.

(3) In the event that the area under the jurisdiction of a unit of general local government described in clause (A) or (B) of paragraph (1) of this subsection includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this title with respect to such area and which has submitted a plan which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in such area.

(f) The Secretary shall approve a prime sponsorship plan submitted by a combination of units of general local government eligible under subsection (a)(2) of this section (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of subsection (e)(1)), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family services programs in the area covered by the combination of such units of general local government.

(g) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development and family service programs in the area to be served.

(h) The Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes provisions setting forth—

(1) arrangements for serving children in a community or neighborhood or other urban or rural area possessing a commonality of interest (A) with respect to which there is no prime sponsorship designation in effect, or (B) with respect to any portion of an area where a designated prime sponsor is found not to be satisfactorily implementing child development and family services programs which adequately meet the purposes of this part, or (C) for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children or children of working mothers or single parents; or

(2) arrangements for providing comprehensive child development and family services programs on a year-round basis to children of migrant agricultural workers and their families; or

(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, bilingual, or preschool children or to demonstrate the feasibility of conducting child development and family services programs on the basis of a neighborhood or other area possessing a commonality of interest in any locality.

(i) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(j) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(k)(1) If any party is dissatisfied with the Secretary's final action under subsection (j) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further

proceedings. Such new or modified findings of fact shall be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(l) When any unit or combination of units of general government or other prime sponsor is maintaining a pattern or practice of discrimination against minority group persons or against economically disadvantaged children, the Secretary shall approve the application for prime sponsorship of an alternative unit of government or public or private nonprofit agency or organization in the area which will equitably serve minority group and economically disadvantaged children.

(m) In the event that a State, a unit or combination of units of general local government, or an Indian tribal organization has not submitted a program statement under this section or the Secretary has not approved a plan so submitted, or where the Secretary has not designated or has withdrawn designation of prime sponsorship under this section, or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund projects, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

CHILD AND FAMILY SERVICES COUNCILS

SEC. 103. (a) Each prime sponsor designated under section 102 shall establish and maintain a Child and Family Services Council composed of not less than ten members as follows—

(1) not less than half the members of such Council shall be parents of children served in programs under this Act chosen in accordance with the provisions of paragraph (1) of subsection (b) of this section;

(2) the remaining members shall be appointed by the chief executive officer or the governing body, whichever is appropriate, of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as education, economic opportunity, health, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and (B) the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, education or other child and family services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served; and

(3) in establishing a Child and Family Services Council under this section, the prime sponsor shall give due consideration to the membership of day care coordinating bodies then existing in the area to be served.

At least one-third of the total membership of the Child and Family Services Council shall be persons who are economically disadvantaged. Each Council shall select its own chairman.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 102 shall provide, with respect to the Child and Family Services Councils established and maintained by such prime sponsor, that—

(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen as follows:

(A) in the case of Councils established by prime sponsors which are States, by the parent members of local program councils established under section 102(b) (8); and

(B) in the case of Councils established by prime sponsors other than States (and by States with respect to local program councils), initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees and, at the earliest practicable time by the parent members of project policy committees;

(2) the terms of office and any other policies and procedures of an organizational nature including nomination and election procedures, are appropriate in accordance with the purposes of this Act;

(3) such "Council shall be entitled to exercise the power of approval consistent with section 102(b)(4), and the Council's disapproval shall require a majority vote of the Council present and voting within thirty days after submission of the issue to the Council for such a vote and in the absence of such action by the Council, the issue will be deemed to have been approved. A majority of the Council shall constitute a quorum for the purpose of transacting business; and

(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before action is taken by the prime sponsor upon applications for financial assistance submitted by project applicants under this title.

PROGRAM STATEMENTS

SEC. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated under section 102 only pursuant to a program statement which is submitted by such prime sponsor directly to and approved by the Secretary in accordance with the provisions of this title. Any such program statement shall set forth a comprehensive program for providing child development and family services in the prime sponsorship area which—

(1) provides that programs or services under this title shall be provided only for children whose parents request them;

(2) identifies child development and family service needs and goals within the area to be served and describes the purpose for which the financial assistance will be used;

(3) meets the needs of children and families in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority to children who have not attained six years of age;

(4)(A) provides that funds received under section 3(c)(1) of this title will be used for child development programs and services focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects by reserving for such projects from such funds in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies and organizations within the prime sponsorship area for programs during the fiscal year ending June 30, 1973, under section 222(a)(1) of the Economic Opportunity Act of 1964, and (B) provides that programs receiving funds under section 3(c)(3) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of such funds for the purpose of serving economically disadvantaged children.

(5) gives priority thereafter to providing child development and family services programs and services to children of working mothers and single parents not covered under paragraph (4);

(6) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(7) provides procedures for the approval of project applications submitted in accordance with section 105;

(8) provides in the case of a prime sponsor which is a State that project applications shall be approved by the prime sponsor only if previously approved by the local program council for the appropriate local family service area, in accordance with section 102(b)(8)(E);

(9)(A) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangement for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development and family services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(B) provides for coordination of other federally funded child development and family service, child care, and related programs (including those relating to manpower training and employment) with the programs assisted under this Act, as required pursuant to regulations established by the Secretary under Section 311(b) of this Act.

(C) assures that procedures and mechanisms for coordination have been developed in cooperation with agencies and organizations carrying out preschool programs and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this title and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965; and

(D) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

(10) provides that, to the extent feasible, each program within the prime sponsorship area shall include children from a range of socioeconomic background;

(11) provides comprehensive services (A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for the development of skills in English and in the other language spoken in the home, and (B) to meet the needs of all children to understand the history and cultural background of minority groups which belong to the communities;

(12) provides equitably for the child development and family services needs of children from each minority group and significant segment of the economically disadvantaged residing within the area served;

(13) includes a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(14) provides that, insofar as possible, persons residing in communities being served by such projects will be employed therein, including in-home and part-time employment and opportunities for training in programs under title II of this Act, with special consideration for career opportunities for low-income persons;

(15) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and other interested persons in the community are fully informed of the activities of the prime sponsor, Child and Family Services Council, local program councils, and of delegate agencies;

(16) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child and Family Services Council, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this Act or for planning or evaluation services to be made available with respect to programs under this Act;

(17) contains plans for regularly conducting surveys and analyses of needs for child development and family services programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation;

(18) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(19) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(20) provides that special consideration will be given to project applications submitted by public and private nonprofit agencies and organizations with on-going programs;

(21) provides procedures for the Council to select, and establish policy with respect to tenure and status of, its employees.

(b) No program statement or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) the local educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

(3) in the case of a plan submitted by a prime sponsor other than the State, the State Child and Family Services Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(c) A program statement submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

PROJECT APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides—

(1) that funds will be provided for carrying out any child development and family services program under this title only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, or employee or labor-management organization;

(2) for establishing and maintaining project policy committees composed of not less than ten members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) one persons who is particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause (ii) where he determines, in accordance with regulations which he shall prescribe, that such person is not available to the area to be served;

(3) for direct participation of such project policy committees in the development and preparation of project applications under this title;

(4) that adequate provision will be made for training and other administrative expenses of such project policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

(5) that project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

(6) that the project policy committee's disapproval shall require a majority vote of the committee present and voting within thirty days of submission of the issue to the committee for such a vote and in the absence of such action by the committee, the issue shall be deemed to have been approved, and a majority of the Council shall constitute a quorum for the purpose of transacting business;

(7) that programs assisted under this title will provide for such comprehensive health, nutritional, education, social, and other services, as are necessary for the full development of each participating child;

(8) that adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(9) that with respect to child development and family services provided by programs assisted under this title—

(A) no charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320 with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party (including a public agency); and

(B) such charges as the Secretary may provide will be made with respect to any child of any other family, in accordance with an appropriate fee schedule established by him, designed to permit enrollment or continued participation in the program as family income increases and based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget (as determined in accordance with paragraph (5) of section 4) shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds the highest income level at which no charges would be made with respect to children of such family under subparagraph (A) but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and, if more than two children from the same family are participating, additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each such additional child or, the actual cost of services, whichever is less, except that charges less than those prescribed by the Secretary pursuant to this paragraph (B) may be made with respect to any program, where the Secretary, upon application of any prime sponsor, determines that such lower charges are necessary in order to take into account actual living expenses within the prime sponsorship area, or to meet the special needs of economically disadvantaged persons within such area, or to insure consistency with fee schedules for similar services under other laws.

(10) that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(11) that programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development programs;

(12) that no person will be denied employment in any program solely on the ground that such person fails to meet State or local teacher certification standards;

(13) that there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

(14) that provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

(b) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's program statement as approved pursuant to section 104.

(c) A project application from a public or private nonprofit agency which is also a prime sponsor under section 102 shall be submitted directly to the Secretary, together with the program statement.

(d) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project

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applicant's response to the prime sponsor's statement of reasons for disapproval, as the project applicant may deem appropriate or as the Secretary may require.

(e) A project application submitted directly to the Secretary may be approved by the Secretary upon his determination that it meets the requirements of subsection (a) of this section.

ANNUAL FAMILY SERVICE PLANS

SEC. 106. (a) In addition to any program statement submitted with respect to fiscal years beginning after June 30, 1973, any State desiring to receive additional financial assistance pursuant to section 108(a)(3) for its own use, or for grants to or contracts with prime sponsors within such States, for activities authorized in this title, shall submit an annual family service plan.

(b) Such plan shall be approved by the Secretary upon a determination that it sets forth adequate agreements between State and local prime sponsors for maximum coordination of child development and family services within the State and for full utilization of resources within the State, including, but not limited to agreements with respect to—

(1) the determination of general child development and family service goals and needs throughout the State;

(2) comprehensive planning and coordination of child development and family service programs to be conducted within the State;

(3) arrangements under which State agencies shall assist in the establishment of Child and Family Services Councils and in strengthening the capability of such Councils to participate effectively in programs under this Act where requested by local prime sponsors;

(4) arrangements under which State agencies shall assist in providing health, educational, family planning, education, nutrition, and other components of child development and family service programs and facilities and training related thereto where requested by local prime sponsors in the development and implementation of program statements submitted by local prime sponsors;

(5) arrangements for conducting programs for the exchange of personnel involved in child development and family service programs within the State;

(6) procedures for assessing State and local licensing codes and teaching standards as they relate to child development and family service programs within the State; and

(7) procedures for disseminating model program information and the results of research on programs for children and families.

SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL INSTITUTIONS AND OTHER PROJECT SPONSORS

SEC. 107. (a) The Secretary shall provide assistance made available for the purpose of this section pursuant to clause (e) of section 108(a)(1) of this title to educational agencies and institutions to be used by such agencies and institutions in cooperation with other project applicants pursuant to program statements for the purpose of planning, carrying out, and evaluating cooperative programs and activities designed (1) to provide continuity between preschool programs, afterschool programs and educational and related programs conducted by such agencies and institutions, including those conducted under the Elementary and Secondary Education Act of 1965, such as joint design of programs, provision for interchange and progression of children between programs, cooperative use of professional, technical and administrative personnel and development of sequential programs to be conducted by several component agencies or organizations, and (2) to maximize community involvement in child development and family services programs by providing model projects which provide for the location of child development centers within, adjacent to, or in close proximity of secondary schools, or senior citizens centers, or both, so as to give secondary students practical work opportunities and first-hand experiences in child development and family services and to give senior citizens the opportunity to become involved and to share their experiences and talents with preschool children. Such projects shall, to the extent feasible, foster a home-school relationship by employing the parents of the children enrolled in the center as teacher aides on a rotating basis. The Secretary shall encourage all agencies within the Department of Health, Education, and Welfare, including the Office of Child Development, the Office of Education, and the Administration on Aging, to carry out the provisions of this subsection.

(b) Nothing in this section shall be construed to limit the opportunity of any agency or institution receiving assistance under this section from otherwise receiving assistance under this title.

ALLOCATION OF FUNDS

SEC. 108. (a)(1) From the amounts available for carrying out comprehensive child development and family services programs under this title (after making the reservations provided for in clauses (1) and (2) of section 3(c) of this Act), the Secretary shall reserve the following:

(A) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

(B) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children in each such program;

(C) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 101(b)(1)(C) of this title (relating to special activities for handicapped children);

(D) not less than 5 per centum nor more than 10 per centum of the total amount available for carrying out this title, which shall be made available under section 102(h)(3) of this title (relating to model programs); and

(E) not less than 8 per centum of the total amount available for carrying out this title (special cooperative programs with educational institutions).

(2) The Secretary shall allocate the remainder of the amounts available for this title (except for funds made available under pargaraphs (1) and (3) of section 3(c) of this Act) among the States, and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of economically disadvantaged children in each State and local area, respectively, excluding those children who are eligible for service under clauses (A) and (B) of paragraph (1) of this subsection.

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

For the purposes of clauses (A) and (B) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (a)(1) of this section.

(3) Not to exceed 10 per centum of the total funds allotted for use within a State pursuant to paragraph (2) may be made available to enable States to carry out the provisions of section 106 of this title.

(b) Any portion of any apportionment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period for which such apportionment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

(c) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(d) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

SEC. 109. (a) Applications for financial assistance for projects including construction or acquisition may be approved only if the Secretary determines that construction or acquisition of such facilities is essential to the provision of adequate child care services, and that rental, lease or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 110. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child care programs under this title during times and periods which not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this title, that any prime sponsor under this title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities, owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development and family services programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 111. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 108 the Federal share of the costs of programs, services, and activities, in accordance with plans, program statements, or applications which have been approved as provided in this title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child and Family Services Councils, local program councils, and project policy committees, consistent with limitations contained in this title.

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 90 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development and family services needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development and family services programs for children of migrant agricultural workers and their families under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development and family services programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated or union or employer contributions. Fees collected for services shall not be used for the non-Federal share, but shall be used by the project applicant for the same purposes as payments under this section, except that, in the case of projects assisted under a program statement, such fees shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allocation under section 108(a)(2).

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions or any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child care programs by reason of assistance under this title.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

CHILD DEVELOPMENT AND FAMILY SERVICES PERSONNEL TRAINING PROGRAMS

SEC. 201. (a) The Secretary is authorized to provide financial assistance to enable individuals employed or preparing for employment in child development and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by institutions of higher education, State and local child development and family service agencies. State and local educational agencies, agencies carrying out child development and family service programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development and family service organizations, and producers of television programing. The Secretary is authorized to make grants or enter into contracts under this section for the purpose of establishing, developing, or upgrading child development and family services personnel training programs which shall include, but shall not be limited to, the development of programs to—

(1) provide postgraduate level training for teachers of professional and paraprofessional child development and family services personnel and for teachers of teachers of such personnel;

(2) attract and recruit personnel, both male and female, including parents, students, and older persons, to training for and subsequent employment in child development and family services programs;

(3) retrain personnel prepared for or experienced in education at levels other than childhood so as to enable them to function effectively in child development and family services programs;

(4) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative positions in child development and family services programs, including the training and certification of Child Development Associates;

(5) help parents and high school students understand and practice sound child development and family techniques; and

(6) develop educational television programs and accompanying materials for training child development and family services personnel, parents, and high school students in the principles of child development and family services.

(b) The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored child development and family services personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for such personnel.

TECHNICAL ASSISTANCE AND PLANNING

SEC. 202. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis, to assist them in planning, developing, and carrying out child development and family services programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 301. (a) The Secretary is authorized to make an evaluation of Federal involvement in activities and services for children and families by contract with any public or private agencies, organizations, and individuals. Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under this subsection. The Secretary shall reserve for the purposes of this subsection not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under this Act for any fiscal year.

(b) The Secretary is authorized to carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and family services programs conducted in either home or institutional settings affect child development processes;

(2) research to test preschool programs emphasizing reading and reading readiness;

(3) preventive medicine and techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases and learning disabilities of preschool children;

(4) research to test alternative methods of

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providing child development and family services, and to develop and test innovative approaches to achieve maximum development of children;

(5) evaluation of research findings and the development of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to child development and family services and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act;

(8) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development and family services programs carried out by multicounty local development districts established in the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended.

(d) In order to carry out the program provided for in this section, the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

(e)(1) Funds available to any Federal department or agency for the purposes of this title shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

(2) The Secretary shall coordinate, through the Office of Child Development established under section 305 of this title, all child development research, training, and development efforts, conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(f) The Secretary is authorized to provide financial asistance for the purpose of establishing and operating child care programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) subject to the fullest extent practicable to the requirements of section 105, for the children of employees of the Federal Government;

(g) The Secretary shall—

(1) conduct special demonstration experimental and model programs, which demonstration, experimental and model programs shall be subject to the fullest extent practicable to each of the requirements with respect to project applications under section 105;

(2) establish procedures to assure that adequate nutrition services will be provided in programs conducted under this Act, which services shall make use of the special food service program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts; and

(3) report to Congress not later than September 1, 1975, summarizing his activities and accomplishments under this section during the preceding fiscal year and the grants, contracts, or other arrangements entered into and making such recommendations (including recommendations for legislation) as he may deem appropriate.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

SEC. 302. (a) Within six months after the enactment of this Act, the Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child development and family services under this Act, to be known as the Federal Standards for Child Development and Family Services. If the Secretary disapproves the Committee's recommendations, he shall state the reasons therefor.

(b) Such standards shall be consistent with the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968: *Provided, however,* That in the case of group care facilities, the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for in groups of not more than four.

(c) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal Standards for Child Development and Family Services, which shall include parents of children enrolled in Headstart, child care and family services programs, representatives of public and private agencies and organizations administering such programs, specialists, and other interested in services for children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under this Act and section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development and Family Services and modifications thereof as provided in subsection (a).

(d) In no event shall any prime sponsor or program or project receiving assistance under this Act reduce the quality of services provided under this Act below the standards established in this section and section 302, in order to reduce expenditures per child or to extend services to larger numbers of children.

DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

SEC. 303. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development and family services facilities receiving assistance under this Act or in which programs receiving assistance under this Act are operated. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children, their suitability for projected uses, and the relationship of such matters to the Federal Standards for Child Development and Family Services under section 302.

(b) The special committee appointed under this section shall include parents of children participating in Headstart, child care and other programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering such programs, and national agencies or organizations interested in services to children and families. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under title I and section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act.

(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving Federal financial assistance under this Act are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 304. (a) It is the purpose of this section to assist and encourage the provision of facilities for child development and family services.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development and family service programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary of Health, Education, and Welfare is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary of Health, Education, and Welfare, which demonstrates ability successfully to operate one or more child development and family service programs. The Secretary of Health, Education, and Welfare may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary of Health, Education, and Welfare may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary of Health, Education, and Welfare under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary of Health, Education, and Welfare shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary of Health, Education, and Welfare finds necessary to meet the mortgage market.

(4) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Minimum Code for Facilities approved by the Secretary pursuant to section 303.

(5) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has also received from the prime sponsor designated under title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(e) The Secretary of Health, Education, and Welfare shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary of Health, Education, and Welfare is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary of Health, Education, and Welfare may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary of Health, Education, and Welfare shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary of Health, Education, and Welfare as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary of Health, Education, and Welfare may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary of Health, Education, and Welfare in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

OFFICE OF CHILD DEVELOPMENT

SEC. 305. The Secretary shall take all necessary action to coordinate child development and family service programs under his jurisdiction. To this end, he shall establish within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which office shall be the principal agency of the Department for the administration of this Act including research and evaluation and for the coordination of programs including all child development and family service research, training, and development efforts operated or funded by the Federal Government.

SPECIAL COORDINATING COUNCIL

SEC. 306. A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 305 of this title (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet on a regular basis, as they may deem necessary, in order to assure coordination of child development and related family service activities under their respective jurisdictions so as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this Act;

(3) the establishment and maintenance of an information bank to insure that each office or agency of the Federal Government conducting child development and family service, child care and related family service activities is aware of the administrative actions of other offices or agencies with respect to the provision of financial assistance to eligible applicants; and

(4) recommendation of priorities for federally funded research and development activities related to the purposes of this Act.

SPECIAL PROVISIONS

SEC. 307. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

(c) The Secretary make make such grants, contracts or agreement, establish such procedures, policies, rules, and regulations, and make such payments in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 308, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(d) The Secretary shall not provide financial assistance for any program service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(e) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of

section 603, of the Economic Opportunity Act of 1964.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program in the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

(g) Prime sponsorship plans, program statements, annual family service plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the State, the prime sponsor, the applicant, and by the Secretary.

WITHHOLDING OF GRANTS

SEC. 308. Whenever the Secretary, after reasonable notice and opportunity for a hearing for any State, prime sponsor, or project applicant, finds—

(1) that there has been failure to comply substantially with agreements contained in the State annual family service plan relating to coordination (in accordance with section 106); or

(2) that there has been a failure to comply substantially with any requirement set forth in the program statement of any such prime sponsor approved under section 105; or

(3) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 105; or

(4) that in the operation of any plan, program, or project carried out by any such State, prime sponsor, or project applicant or other recipient of financial assistance under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such State, prime sponsor, project applicant, or other recipient of his findings and that no further payments may be made to such State, sponsor, project applicant, or other recipient under this Act (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in any noncompliance.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 309. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SPECIAL PROHIBITIONS AND PROTECTIONS

SEC. 310. (a)(1) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, physical, or other development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

(2) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

(3) No child participating in a program assisted under this Act shall be required to undergo medical or psychological examination, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment without the prior written consent of the child's parent or guardian.

(b) The Secretary shall establish policies and procedures, in accordance with regulations which he shall prescribe, to assure that all programs and projecta assisted under this Act address, on a continuing basis, the individual needs of and the appropriateness of child development services for the very young and other children served—

(1) children under the age of two shall not be placed in group care facilities unless it is deemed necessary and unless other suitable alternatives are unavailable. In any case where group care is provided for such children, the ratio of caregivers to children under the age of two shall not be more than one to two, such care to be provided for in groups of not more than four. Such care must approximate the mothering in the family home. Each child must receive to the extent possible individualized, consistent, and continuous care from one person with whom the child can interact.

(2) any program or project providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary, to insure that it meets the highest standards of quality; and the Secretary may reserve such funds as he deems necessary from funds available under this Act for the purpose of evaluation, by appropriate persons, of programs under this Act in order to insure compliance with subsections (a) and (b) of this section.

(3) no program or project described in clause (1) of this subsection shall be approved for assistance under this Act unless it is specifically authorized and approved by the Secretary.

(c)(1) Upon determination that a prime sponsor or project is in violation of one or more of the provisions of this section, the Secretary shall give immediate public notice of such determination to such prime sponsor or project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 308.

(2) Upon determination that a project is in violation of one or more of the provisions of this section, the prime sponsor shall give immediate notice of such determination to such project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 308.

(d) Nothing in this Act shall be construed to authorize the creation or maintenance of child advocacy programs, nor shall any funds appropriated under the authority of this Act be used for the creation or maintenance of child advocacy programs unless specifically authorized by statute.

REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

SEC. 311. (a) In order to achieve, the greatest degree feasible, the consolidation and coordination of programs providing services for children, while assuring continuity of existing programs during transition to the programs authorized under this Act, the Economic Opportunity Act of 1964 is amended, effective July 1, 1975, as follows:

(1) Section 222(a)(1) of such Act is repealed.

(2) Section 162(b) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(3) Section 123(a)(6) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(4) Section 312(b)(1) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under the Comprehensive Headstart, Child Development, and Family Services Act of 1972)".

(b) After consultation with the head of any agency of the Federal Government immediately responsible for providing Federal assistance for child development and family service, child care, and related programs, including Title I of the Elementary and Secondary Education Act of 1965, section 222(a)(2) of the Economic Opportunity Act of 1964, Title VII of the Housing and Urban Development Act of 1966, Title I of the Demonstration Cities and Metropolitan Development Act of 1966 and the Social Security Act, the Secretary of Health, Education and Welfare shall establish regulations to assure the coordination of all such programs with the programs assisted under this Act.

(c)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities", and

(C) by inserting after "public health purposes" and the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child development facility' means any such facility as defined in section 304(b)(1) of the Comprehensive Headstart, Child Development and Family Services Act.".

TRANSITIONAL AUTHORITY

SEC. 312. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director of the Office of Economic Opportunity to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222(a)(1) of such title by this Act.

(b) The Director of the Office of Economic Opportunity may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the programs costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a)(1) of such Act to an extent which justifies such additional assistance.

ACCEPTANCE OF FUNDS

SEC. 313. In carrying out the purposes and provisions of this Act, the Secretary is authorized to accept and utilize funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the consideration of S. 3390, a bill to amend the Foreign Assistance Act, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment by the Senator from Wyoming (Mr. McGEE), which the clerk will read.

The legislative clerk read the amendment, as follows:

On page 9, line 25, strike out the figure "$275,000,000" and insert in lieu thereof "$345,500,000."

The PRESIDING OFFICER. There is a 3-hour limitation on the amendment. Who yields time?

Mr. SPARKMAN. Mr. President, it was my understanding from the Senator from West Virginia (Mr. ROBERT C. BYRD), that this amendment would be called up the first thing in the morning.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask unanimous consent that no time be charged against this amendment today; that there now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes; and that on tomorrow, immediately following the remarks of the Senator from Iowa (Mr. HUGHES), the Chair lay before the Senate the unfinished business (S. 3390). The pending question at that time will be on agreeing to the amendment of the Senator from Wyoming (Mr. McGEE).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

What is the pleasure of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO TAKE UP THE PRODUCT SAFETY BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately upon the disposition of the amendment (No. 1262) of the Senator from Wyoming (Mr. McGEE) the unfinished business be temporarily laid aside; that the Senate proceed to the consideration at that time of S. 3419, the so-called product safety bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of S. 3419 or the close of business tomorrow, whichever is earlier.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3230.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the bill (S. 3230) to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes which was to strike out all after the enacting clause, and insert:

That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 739–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket numbered 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

And amend the title so as to read: "An Act to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.) laid before the Senate the following letters, which were referred to as indicated:

PROPOSED REVISION OF SECTION 731, TITLE 2, OF THE CANAL ZONE CODE

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for July, 1971–March 1972 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED EXTENSION OF SECTION 707 OF SOCIAL SECURITY ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend section 707 of the Social Security Act (with an accompanying paper); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Government National Mortgage Association for Fiscal Year 1971", Department of Housing and Urban Development, dated June 20, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 9

"Relative to resource recovery

"Whereas, It is in the public interest that greater resource recovery be obtained through the recycling of solid waste materials into new raw material and products; and

"Whereas, Greater recycling of resources will conserve our natural resources and provide a better environment for the people of the United States; and

"Whereas, Congress, through the enactment of the Resource Recovery Act of 1970, established national policy to stimulate the development of resource recovery methods which will provide for more economic use of waste; and

"Whereas, Recycling is the most constructive response that has been developed to answer the challenge of environmental management; and

"Whereas, Transportation is a significant economic cost in the collection, recovery, processing, refining, converting, and manufacturing of new raw materials and products from solid waste matter; and

"Whereas, The transportation rate structure affects the utilization of recycled materials; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to ensure that rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery will be reasonable and that rates for the transportation of virgin materials used for the same ultimate purposes will not be unreasonable in relation thereto; and be it further

"Resolved, That the Legislature of the State of California memorializes the Interstate Commerce Commission to review rates for the transportation of materials for the purpose of the collection, recovery, processing, refining, converting, and manufacturing of solid waste for the purpose of resource recovery to ensure that such rates for these materials are reasonable and that the rates for the transportation of virgin materials used for the same ultimate purposes are not unreasonable in relation thereto; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairman of the Interstate Commerce Commission."

A resolution of the House of Delegates of the State of Maryland; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 136

"House Resolution expressing strong opposition to HR 12532, which was recently introduced in Congress and requesting that this Bill not be enacted into law by the Congress of the United States

"Whereas, On January 20, 1972, HR 12532 was introduced in the Congress of the United States; and

"Whereas, This Bill provides 'that employees of States and Political Sub-Divisions thereof shall be subject to the provisions of the National Labor Relations Act'; and

"Whereas, This Bill is presently before the House Committee on Education and Labor in the Congress of the United States; and

"Whereas, The 'Governor's Commission to Study Negotiations Within Public Education Agencies' was appointed prior to the 1971 legislative session of the Maryland General Assembly and has met on numerous occasions since to study the question of public employee-employer labor relations among professional and non-professional employees employed by various agencies in the State; and

"Whereas, The Commission has recommended legislation in this area which was introduced and passed by the General Assembly of Maryland during the 1971 session and signed into law by the Governor of Maryland; and

"Whereas, The House of Delegates is of the strong opinion that the questions concerning employee-employer labor relations among employees employed by the State and its Political Sub-Divisions, is a question to be resolved by the State and not the Federal government; now, therefore, be it

"Resolved by the House of Delegates of Maryland, That the House is strongly opposed to HR 12532 and requests that this Bill not be enacted into law by the Congress of the United States; and be it further

"Resolved, That copies of this Resolution be sent to the Governor of Maryland, to the leadership of both Houses of the United States Congress, to the Chairman of the Congressional Sub-Committee on Education and Labor, to both United States Senators from Maryland, to the Maryland Congressional delegation and to the Secretary of State of each of our forty-nine sister States.

"By the House of Delegates, March 25, 1972."

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for a study of the long-term energy needs of our society; to the Committee on Commerce.

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for the enactment of legislation relating to the collection and return to commercial channels of all abandoned motor vehicles; to the Committee on Finance.

A resolution adopted by the Acadia Parish Farm Bureau, Crowley, Louisiana, praying for the enactment of legislation to secure the exemption from taxes as imposed upon agricultural aviation by the Airport and Airways Tax of 1970; to the Committee on Finance.

A resolution adopted by the Conference of State Sanitary Engineers, Jacksonville, Florida, praying for the enactment of legislation relating to proper management of solid wasted in the various States; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce with an amendment:

S. 945. A bill to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, highways, and other lands open to automobile use by the public in order to promote and regulate interstate commerce (Rept. No. 92–891) (Together with minority and additional views).

By Mr. PASTORE, from the Committee on Commerce, without amendment:

H.R. 13918. An act to amend the Communications Act of 1934 to provide for improved financing for the Corporation for Public Broadcasting and for other purposes (Rept. No. 92–892) (together with supplemental and additonal views).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 92–893)

Mr. BURDICK, from the Committee on the Judiciary, pursuant to section 10, Senate Resolution 32, 92d Congress, first session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard Reserve which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Robert M. Bissey, and sundry other officers of the Coast Guard Reserve, to be permanent commissioned officers in the Coast Guard Reserve, in the grade of captain.

By Mr. EASTLAND, from the Committee on the Judiciary:

John T. Elfvin, of New York, to be U.S. attorney for the Western District of New York;

Douglas M. Gonzales, of Louisiana, to be U.S. attorney for the Middle District of Louisiana;

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the Middle District of Louisiana;

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon;

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals;

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States;

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole; and

William C. Smitherman, of Arizona, to be U.S. attorney for the district of Arizona.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. YOUNG:

S. 3727. A bill for the relief of Li Su Chin Huang, Huei Chung Huang, Huei Rung Huang, Huei Luen Huang, and Yang Nene Huang. Referred to the Committee on the Judiciary.

By Mr. PASTORE:

S. 3728. A bill for the relief of Thomas Raymond Pomaski. Referred to the Committee on the Judiciary.

By Mr. HUGHES:

S. 3729. A bill to require the public disclosure of certain information relating to U.S. combat air activities in Southeast Asia. Referred to the Committee on Armed Services.

By Mr. McCLELLAN:

S.J. Res. 247. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. BURDICK, Mr. JAVITS, Mr. PACKWOOD, Mr. SCHWEIKER, Mr. SCOTT, and Mr. TOWER):

S.J. Res. 248. A joint resolution to authorize and request the President to proclaim February 11 each year as "National Inventors Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGHES:

S. 3729. A bill to require the public disclosure of certain information relating to U.S. combat air activities in Southeast Asia. Referred to the Committee on Armed Services.

AIR WAR DISCLOSURE ACT

Mr. HUGHES. Mr. President, I am today introducing legislation to provide the American people regular, consistent information on the extent of our air war activities in Indochina.

We need a yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

The old yardsticks of U.S. troop strength in Vietnam and the weekly death toll are no longer meaningful, for there are more Americans fighting the war from outside Vietnam than from inside. In fact, some Air Force units are being shifted from Vietnam to Thailand in order to meet the troop ceiling without withdrawing any forces from the combat area.

Now that the air war is the major American activity in Indochina, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of the incomplete dribbles of data, they need regular reports.

Had such information been available to the Congress and the people this past year, the extent of American airstrikes on North Vietnamese targets would have been out in the open and American aircrews might have felt more constraint about making unauthorized offensive strikes under the label of "protective reaction."

We might have avoided the dangerous situation, recently brought to light, where an Air Force general conducted his own air war in defiance of Presidential orders.

We might never have seen the offensive air war against North Vietnam escalated in defiance of the 1968 bombing-halt understandings.

We might never have seen the Paris peace talks collapse in our laps last November.

The hazards of provocation and escalation are greatly increased when information the public is entitled to know is withheld or distorted.

Even now, Mr. President, the issue is not moot. The American people retain their right to know, in measurable terms, the extent to which we have shifted our combat activities from the ground to the vastly more destructive air war.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

What remains classified are the figures on airstrikes in Laos, Cambodia, and North Vietnam—both sorties and tonnages. Even the data for the early years of the war are still labeled "secret"—long after they could be of any conceivable military benefit to our opponents.

For several months I have been trying to get the Defense Department to remove the classification from this information, so that we all would have a monthly measure of the air war.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department: Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

The enemy may be developing precise data concerning our air activity in SEA through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on "enemy air defense planners" now. And as for current data, I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B–52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the significance of these figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is a law declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. The law would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand, as well as the tonnage of munitions expended in each country.

In order to provide a timelag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

Mr. President, the revelations in the past few days about unauthorized attacks against North Vietnam raise the urgency for the legislation which I propose. We can no longer rely on assurances and statistics conveniently cloaked in secrecy. These figures must be open to public scrutiny and debate, so that accountability can be assured.

If bombing has intensified in secret while we were publicly extending an olive branch, we need to know.

If nations were being bombed when our officials denied such facts, we need to know.

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If we are to make informed and intelligent decisions on how to end this war, we need to know.

Since the American people clearly have the need to know these facts about the air war, I hope that this Air War Disclosure Act will receive prompt and favorable consideration by the Senate.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the classification imposed on certain information reported to the Congress is unnecessary and that public disclosure thereof would not be harmful to the national defense or foreign relations of the United States. Accordingly, the President shall, within thirty days after the date of enactment of this Act, take such steps as may be necessary to remove the security classification from, and publicly disclose (1) the number of aerial attack sorties conducted each calendar month after December 31, 1964, through the end of the calendar month immediately prior to the month in which this Act is enacted by United States aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand, and (2) the tonnage of munitions expended in each such country in each such calendar month. Beginning on the tenth day of the calendar month following the month in which this Act is enacted, and not later than the tenth day of each calendar month thereafter, the President shall publicly disclose (1) the number of aerial attack sorties conducted by United States aircraft during the preceding calendar month in each of the countries named above, and (2) the tonnage of munitions expended in each such country in each such calendar month.

By Mr. McCLELLAN:

S.J. Res. 247. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights I introduce a joint resolution to extend the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1974, the renewal term of any copyright subsisting on the date of approval of the joint resolution, or the term as extended by previously enacted public laws, where such term would otherwise expire prior to December 31, 1974. The justification for the prolongation of the renewal term of copyrights is that the pending legislation for the general revision of the copyright law includes a proposed increase in the length of the copyright term. The Congress has repeatedly expressed its will that the owners of expiring copyrights should not lose the benefits provided in the proposed new copyright law only because of the unfortunate circumstances which have delayed final action by Congress on the copyright bill.

Any substantial progress by the Congress on copyright revision legislation has been virtually impossible during the past several years because of the protracted delay of the Federal Communications Commission in adopting new cable television rules. A resolution of the cable television copyright issues was necessarily dependent upon the determination of the many regulatory issues. The FCC rules became effective on March 31 and it was only on June 16 that the Commission completed action on petitions for reconsideration of the rules. The completion of the Commission proceedings now paves the way for real progress in the Congress on the copyright bill.

It is apparent that adequate time does not remain in this Congress for the processing of this complex legislation. I presently know of no reason why the Subcommittee on Patents, Trademarks, and Copyrights cannot promptly report a revised bill in the next Congress. It shall be my intention to bring that bill to the floor at the earliest feasible date. Because certain provisions of the bill are highly controversial it is uncertain if it can be enacted into law during the first session of the 93d Congress. It will also be necessary to allow the Copyright Office a period of time to prepare for the administration of the new law and consequently the effective date of the legislation will have to be several months after its enactment. Under these circumstances it appears advisable to provide that the temporary extension of copyrights should continue until December 31, 1974.

The pending version of the copyright revision legislation, S. 644, other than for perfecting amendments, is identical to the text of the bill reported favorably by the subcommittee in the 91st Congress. The subcommittee has already determined its position on each of the many issues and in the absence of significant new developments I do not believe there is any necessity to repeat this detailed consideration. I know of no issue on which additional hearings are necessary.

One provision of the bill that will require some modification is the cable television section. The section approved by the subcommittee contains a coordinated resolution of copyright questions and of those regulatory issues that are necessarily related to copyright matters. The new rules of the FCC are generally consistent with the recommendations of the subcommittee and it is anticipated that the regulatory provisions now contained in S. 644 will be eliminated. The subcommittee determined that all cable television systems should be subject to the copyright law and that the statute should grant such systems a compulsory license, subject to certain limitations relating to program exclusivity and sporting events, to carry the programs transmitted by specified broadcast signals. The subcommittee also approved a statutory CATV royalty schedule and established in chapter 8 of the legislation a copyright royalty tribunal to provide for periodic impartial review and adjustment of royalty rates.

Since the subcommittee action there have been two important CATV judicial decisions. In Columbia Broadcasting System, Inc. against TelePrompter, Inc. a Federal district court interpreted the existing copyright statute as not applying to the secondary transmissions of a cable system even if the system is transmitting distant signals, using microwave, inserting advertising or originating its own programs. Previously the U.S. Supreme Court in United Artists against Fortnightly held that the activities of the cable system involved in that litigation did not constitute violation of the copyright law. Since the CBS case is now on appeal I do not wish to discuss the merits of that decision. The decision in that case does not change my opinion that cable systems should be under the provisions of the copyright law.

In another important cable television decision a sharply divided Supreme Court, in which there was no majority opinion, upheld the authority of the Federal Communications Commission to require certain cable systems to originate their own programs regardless of whether there is sufficient public demand to make such programing feasible. I have long felt that the action of the Commission was a dubious extension of its jurisdiction under the Communications Act and even if authorized by the Communications Act was not sound policy under existing conditions. The deciding vote in the Supreme Court was cast by the Chief Justice. I concur in his view that "I am not fully persuaded that the Commission has made the correct decision in this case and the thoughtful opinions in the Court of Appeals and the dissenting opinion here reflect some of my reservations." It is currently unclear what immediate action on this issue will be taken by the Commission. It may be appropriate for the question of mandatory origination to be further reviewed in conjunction with the resolution by the Congress of the remaining cable television issues.

The only other issue in the revision bill concerning which there has been significant developments subsequent to the action of the subcommittee concerns photocopying by libraries and other nonprofit institutions. A Commissioner of the Court of Claims has rendered the first judicial interpretation of the application of the Copyright Act of 1909 to library photocopying. He held that the systematic and widespread duplication of articles from copyrighted periodicals by the National Library of Medicine constituted infringment of copyright. Since this case is also on appeal I again shall refrain from discussing the substance of the litigation. I observe only that the subcommittee anticipated this problem and had consequently added a special library photocopying section to the revision bill.

The subcommittee has been advised that the representatives of authors and book and periodical publishers are now meeting with library associations and other nonprofit users to explore whether agreement can be reached on the photocopying section of the copyright bill. I also understand that there is some prospect of discussions among interested parties on other issues of the bill. I have instructed the counsel of the subcommittee to prepare a modified version of the pending bill for consideration of the subcommittee in the 93d Congress. Therefore, it is to be hoped that any discussions among the parties will proceed expeditiously so that the outcome of these deliberations may be known in sufficient time to be considered in the draft being prepared by the subcommittee staff.

By Mr. McCLELLAN (for himself, Mr. BURDICK, Mr. JAVITS, Mr. PACKWOOD, Mr. SCHWEIKER, Mr. SCOTT, and Mr. TOWER):

S.J. Res. 248. A joint resolution to authorize and request the President to proclaim February 11 each year as "National Inventors Day." Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, for myself, and the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER), a joint resolution to designate February 11 of each year as "National Inventors Day."

At a time when this country is quite properly concerned with improving its competitive position in international trade and encouraging needed innovation in important areas of public activity, it is appropriate for the Congress and the Nation to recognize the crucial role of inventors in contributing to the health, welfare, and pursuit of happiness of our citizens.

The observance of February 11 as "National Inventors Day" is particularly appropriate, for it is the anniversary of the birth in 1847 of Thomas A. Edison, our most prolific and famous inventor. Mr. Edison received his first patent in 1868 for an electrical recorder and obtained 1,033 patents during his life.

The President in the message on science and technology that was transmitted to the Congress on March 16 of this year announced his intention to institute a new program of awarding research and development prizes for outstanding achievements by individuals and institutions which foster useful innovation. I commend the President for his initiative in recognizing the contribution of inventors to meeting the scientific and technological challenges confronting this Nation. I suggest that it would be most appropriate for these awards to be presented each year on February 11 as a major feature of the annual observance of "National Inventors Day."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, I am pleased to announce that the distinguished Senator from Arizona (Mr. GOLDWATER) has "officially" agreed to cosponsor S. 325, which would establish a survivor annuity program for widows of military personnel.

I say "officially" because Senator GOLDWATER has been an active supporter of this legislation for some time and his advocacy of expanded widow's benefits is widely known. Certainly, as a member of the Armed Services Committee, he is a key to the success of this bill and those of us who hope that legislation will be enacted this year are delighted that he has added his name as a cosponsor. I am, of course, pleased that the chairman of the Armed Services Committee has announced that hearings will be held on this important measure this year.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3614

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), the Senator from California (Mr. TUNNEY), the Senator from Utah (Mr. Moss), the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. STEVENSON), the Senator from New York (Mr. JAVITS), the Senator from Rhode Island (Mr. PELL), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 3614, the Education For All Handicapped Children Act.

S. 3639

At the request of Mr. ROBERT C. BYRD, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 3639, a bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions.

S. 3644

At the request of Mr. HUGHES, the Senator from Utah (Mr. Moss), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. MANSFIELD), the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 3659

At the request of Mr. WILLIAMS, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3670

Mr. BEALL. Mr. President, on June 5, 1972, I introduced S. 3670, which would amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan.

I am pleased that Senators HARRY F. BYRD, JR., WILLIAM B. SPONG, JR., and LOWELL WEICKER have joined in sponsorship of this measure and I ask unanimous consent that their names be added at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Delaware (Mr. BOGGS), the Senator from Wyoming (Mr. HANSEN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Kentucky (Mr. COOK) were added as cosponsors of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Pennsylvania (Mr. SCOTT), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), the Senator from Utah (Mr. Moss), the Senator from South Carolina (Mr. THURMOND), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Colorado (Mr. ALLOTT) and the Senator from Utah (Mr. Moss) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

SENATE RESOLUTION 322—SUBMISSION OF A RESOLUTION REFERRING A BILL FOR THE RELIEF OF THOMAS RAYMOND POMASKI TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. PASTORE submitted the following resolution:

S. RES. 322

Resolved, That the bill (S. 3728) entitled "A bill for the relief of Thomas Raymond Pomaski", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

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FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972—AMENDMENT

AMENDMENT NO. 1256

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

AMENDMENT NO. 1258

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 3419), supra.

AMENDMENT NO. 1259

(Ordered to be printed and to lie on the table.)

Mr. PERCY, for himself and Mr. MAGNUSON, submitted an amendment intended to be proposed by them jointly to the bill (S. 3419), supra.

AMENDMENTS NOS. 1260 AND 1261

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, I am today introducing two amendments to S. 3419, the Food, Drug, and Consumer Product Safety Act. The purpose of these two amendments is to provide for emergency protection of the public from any possible exposure to imminently hazardous products, while retaining the most efficient and reasonable enforcement procedures for laws and regulations administered under the supervision of the Food, Drug, and Consumer Product Agency.

The first of these two amendments, amendment No. 1260, the emergency protection amendment, would provide the Administrator of the Food, Drug, and Consumer Product Agency with clear authority to petition a court to stop immediately activities which, in the Administrator's opinion, could result in the public being exposed to imminently hazardous products. During the preliminary injunction period, the Food, Drug, and Consumer Product Agency would have adequate time to take proper administrative action in relation to these products without their continued or impending danger to the public.

The second amendment, amendment No. 1261, the efficient administration amendment, is a series of technical changes, predicated on the passage of the emergency protection amendment, which would avoid unnecessarily assigning to the Food, Drug, and Consumer Product Agency enforcement powers duplicative of those now administered by the Department of Justice.

The effect of both amendments would be to give the Administrator of the Food, Drug, and Consumer Product Agency the power directly to seek the extraordinary preliminary injunction remedy for the protection of consumers, as well as the power directly to seek enforcement of subpenas and the issuance of inspection warrants, while providing for a more efficient separation of powers by assigning normal enforcement activities to the Department of Justice. Having the direct and immediate powers to assure first, prevention of public availability of harmful products, and second, adequate access to and collection of information upon which the Food, Drug, and Consumer Product Agency can act in the public's interest, there is no need to modify further or interfere with traditional efficient law enforcement through the Government's lawyer, the Department of Justice.

Granting the Food, Drug, and Consumer Product Agency enforcement powers duplicative of those of the Justice Department beyond those proposed in these amendments would be not only contrary to the spirit of the Constitution, but would also be an extremely dangerous precedent, leading to fractionalization and hampering efficient and coordinated enforcement activities within the Justice Department. The substantive enforcement power is not changed by these amendments; only the duplication of enforcement responsibility between the Food, Drug, and Consumer Protection Agency, and the Department of Justice is eliminated.

Without these amendments, this legislation can well lead to extremely expensive and inefficient duplication of enforcement powers—it would not be unreasonable to expect a situation wherein every Federal agency would maintain separate battalions of enforcement attorneys, with district offices throughout the Nation.

In addition to the need for avoiding inefficient duplication of enforcement activities, these amendments would work to separate the powers of regulation promulgation from those of legal enforcement. Maintaining this basic principle of separation of powers within a democratic government is extremely important as rapidly growing and multiplying Federal agencies tend more and more toward bureaucratic independence of congressional review.

I am confident that amendments similar to these, and very possibly several others involving judicial processes, would have been added by the Committee on the Judiciary had this legislation been considered by that committee. In light of this, I ask my colleagues to individually give careful consideration to the effects of the Food, Drug, and Consumer Product Act on Government enforcement procedures, and follow that consideration with approval of these amendments.

Mr. President, I ask unanimous consent that these amendments be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1260

On page 65, beginning with line 2, strike out through line 17 and insert in lieu thereof the following:

"Sec. 311. (a) Whenever the Administrator has reason to believe that a consumer product presents an unreasonable risk of injury or death, necessitating immediate action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act, he or the Attorney General may bring suit in a district court of the United States having venue thereof to enjoin any person from engaging in the manufacture for sale, sale, offering for sale or otherwise offering for public consumption, in commerce, or the importation into the United States of such an imminently hazardous consumer product. Upon a proper showing, and after notice to the defendant, a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. Notwithstanding the existence of a consumer product safety standard applicable to such product, such an action may be filed or the pendency of proceedings initiated pursuant to section 303 of this Act."

On page 65, line 21, strike out the words "or permanent".

On page 65, line 23, insert before the period "prior to completion of administrative proceedings held pursuant to this Act".

AMENDMENT No. 1261

On page 2, line 13, strike out the word "enforce" and insert in lieu thereof the words "assure the enforcement of".

On page 2, line 15, strike out the first comma and the words "prosecute court actions".

On page 3, line 23, strike out "(17)" and insert in lieu thereof "(16)".

On page 12, beginning with line 22, strike out through line 2 on page 13.

On page 13, line 3, strike out "(17)" and insert in lieu thereof "(16)".

On page 13, line 12, strike out the word "enforce" and insert in lieu thereof "assure the enforcement of".

On page 13, line 16, strike out "(18)" and insert in lieu thereof "(17)".

On page 13, line 20, strike out "(19)" and insert in lieu thereof "(18)".

On page 29, line 12, strike out the words "of the Agency" and insert in lieu thereof the words "of this Act".

On page 73, beginning with the word "upon" in line 3, strike out through the word "the" the first time it appears in line 5, and insert in lieu thereof the following: "The".

On page 73, beginning with the word "on" in line 16, strike out through the comma in line 17.

AMENDMENT NO. 1263

(Ordered to be printed and to lie on the table).

Mr. COTTON submitted an amendment intended to be proposed by him to the bill (S. 3419), supra.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1257

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK, for himself, Mr. BENNETT, Mr. EASTLAND, Mr. STENNIS, Mr. TOWER, and Mr. YOUNG, submitted an amendment intended to be proposed by them jointly to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1262

(Ordered to be printed and to lie on the table.)

Mr. McGEE submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

AMENDMENT NO. 1264

(Ordered to be printed and to lie on the table.)

REFUGEE ASSISTANCE TO CAMBODIA

Mr. KENNEDY. Mr. President, on behalf of myself and my distinguished colleague on the Subcommittee on Refugees, Senator MATHIAS, I am introducing today an amendment to the Foreign Assistance Act of 1961 to provide $2 million for humanitarian assistance to refugees and war victims in Cambodia. This amendment will simply earmark funds authorized under the supporting assistance program. I understand that a similar amendment is being proposed in the House by Congressman FRASER.

Nowhere has our sense of national priorities overseas, and the traditional humanitarian concern of the American people, been more distorted than in our aid program to Cambodia. Despite estimates which put the number of Cambodian refugees at more than 2 million in just 2 years, and the number of civilian war casualties in the thousands, our Government has not only rejected appeals for help, but the record suggests that it is our policy not to become "involved" with the problem of war victims in Cambodia. Yet, at the same time, we are willing to become "involved" in providing vast amounts of military hardware and supporting assistance which serves to fuel the war in Cambodia.

This policy of neglect was most evident during the recent hearings of the Subcommittee on Refugees. It was revealed during the hearing that a request from a Cambodian Government official for medical supplies was simply bucked back to Washington with no priority and no support. Months passed with no decision, and finally the request was sent over to the American Red Cross which responded by offering vitamin pills. This is the level of concern our Government now shows toward the humanitarian needs of the war victims in Cambodia.

Mr. President, I believe that until this tragic war comes to an end, our Nation bears a heavy responsibility to help repair the damage caused to the lives and land of the civilians of Cambodia. This amendment will provide the minimum funds necessary to help the war victims of Cambodia, and carry out our humanitarian responsibilities to them—through the Cambodian Government, private voluntary organizations, or international agencies.

This is a modest sum which I urge the Senate to authorize.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 638

At the request of Mr. PERCY, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of amendment No. 838, intended to be offered to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ANNOUNCEMENT OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce hearings on Thursday, June 22, 1972, at 9:30 a.m. in room 6226, New Senate Office Building, on the District of Columbia Police and Firemen's Salary Act Amendments by the Senate District of Columbia Committee.

Because this bill is still pending in the House and, therefore, the Senate District Committee technically has no bill before it, I ask unanimous consent that the legislation proposed by the Commissioner of the District of Columbia, along with a letter of transmittal and explanatory material be printed at this point in the RECORD. This legislative proposal will be the basis of these hearings.

Persons interested in testifying on this matter should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 11, 1972.

THE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit a draft bill "To amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes", which may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

The proposed bill would increase the salaries of police and firemen in the District of Columbia, make certain changes in their retirement benefits, and increase certain District of Columbia sales taxes to provide most of the revenue needed for these purposes.

For the reasons stated in the attached "Statement of Purpose and Justification", the Commissioner of the District of Columbia urges early and favorable consideration of this draft bill by the Congress. He believes action on this legislation is imperative in order to provide adequate compensation for policemen and firemen in the District of Columbia. Moreover, the bill would authorize a sufficient increase in local tax revenues to insure that the proposal is financially sound.

On May 8, 1972, the Federal Pay Board, pursuant to the Economic Stabilization Act of 1970, indicated it had no objection to the submission of the attached proposed legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner

H.R. ——

A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled.

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SEC. 101. (a) Effective on the first day of the first pay period beginning on or after the date on enactment of this title, the annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

POLICE AND FIRE SALARY SCHEDULE I

"Salary class and title	Service								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Class 1	$9,500	$9,785	$10,260	$10,735	$11,495	$12,255	$12,730	$13,205	$13,680
Fire private, police private.									
Class 2	10,900	11,520	12,140	12,760	13,380	14,000	14,620		
Fire inspector.									
Class 3	11,875	12,470	13,065	13,660	14,255	14,850	15,445		
Detective, assistant pilot, assistant marine engineer.									
Class 4	12,890	13,520	14,150	14,780	15,410	16,040			
Fire sergeant, police sergeant, detective sergeant.									
Class 5	14,915	15,660	16,405	17,150	17,895				
Fire lieutenant, police lieutenant.									
Class 6	16,230	17,040	17,850	18,660					
Marine engineer, pilot.									
Class 7	17,550	18,425	19,300	20,175					
Fire captain, police captain.									
Class 8	20,535	21,560	22,585	23,610					
Battalion fire chief, police inspector.									
Class 9	24,060	25,705	27,350	28,995					
Deputy fire chief, deputy chief of police.									
Class 10	28,500	30,500	32,500						
Assistant chief of police, assistant fire chief, CO executive protection service, CO U.S. Park Police.									
Class 11	33,000	35,000							
Fire chief, chief of police."									

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"(b) Effective on the first day of the first pay period beginning on or after July 1, 1972, such salary schedule is amended to read as follows:

POLICE AND FIRE SALARY SCHEDULE II

"Salary class and title	Service								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Class 1 Fire private, police private.	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$13,400	$13,900	$14,400
Class 2 Fire inspector.	11,400	12,100	12,800	13,500	14,200	14,900	15,600		
Class 3 Detective, assistant pilot, assistant marine engineer.	12,500	13,125	13,750	14,375	15,000	15,625	16,250		
Class 4 Fire sergeant, police sergeant, detective sergeant.	13,580	14,260	14,940	15,620	16,300	16,980			
Class 5 Fire lieutenant, police lieutenant.	15,700	16,485	17,270	18,055	18,840				
Class 6 Marine engineer, pilot.	17,150	18,005	18,860	19,715					
Class 7 Fire captain, police captain.	18,600	19,530	20,460	21,390					
Class 8 Battalion fire chief, police inspector.	21,560	22,640	23,720	24,800					
Class 9 Deputy fire chief, deputy chief of police.	25,300	27,015	28,730	30,445					
Class 10 Assistant chief of police, assistant fire chief, CO executive protection service, CO U.S. Park Police.	30,000	32,000	34,000						
Class 11 Fire chief, chief of police."	34,700	[1] 36,800							

[1] The salary for employees at this rate is limited to the rate for level V of the executive schedule.

SEC. 102. (a) Subsection (a) of section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–824(a)) is amended to read as follows:

"(a) The rates of basic compensation of officers and members in service on the effective date of the salary schedule in section 101(a) of this Act shall be adjusted as follows:

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 1, subclass (a) or (b): Longevity step A To—Class 1: Service step 7.

"From—Class 1, subclass (a) or (b): Longevity step B To—Class 1: Service step 8.

"From—Class 1, subclass (a) or (b): Longevity step C To—Class 1: Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 2, subclass (a) or (b): Longevity step A To—Class 2: Service step 5.

"From—Class 2, subclass (a) or (b): Longevity step B To—Class 2: Service step 6.

"From—Class 2, subclass (a) or (b): Longevity step C To—Class 2: Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 3: Longevity step A To—Class 3: Service step 5.

"From—Class 3: Longevity step B To—Class 3: Service step 6.

"From—Class 3: Longevity step C To—Class 3: Service step 7.

"From—Class 5: Longevity steps A and B To—Class 5: Service step 5.

"From—Class 6, 7, 8, or 9: Longevity steps A and B To—Class 6, 7, 8, or 9: Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—Class 2, subclass (a) or (b): Longevity step A To—Class 2: Service step 5.

"From—Class 2, subclass (a) or (b): Longevity step B To—Class 2: Service step 6.

"From—Class 2, subclass (a) or (b): Longevity step C To—Class 2: Service step 7.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—Class 10: Service step 4 To—Class 10: Service step 3.

"From—Class 11: Service step 3 To—Class 11: Service step 2."

(b) Subsection (b) of section 201 of such Act (D.C. Code, sec. 4–824(b)) is amended to read as follows:

"(b) Each officer or member receiving basic compensation immediately prior to the effective date of the salary schedule in section 101(b) of this Act at one of the scheduled service rates of a salary class in the salary schedule in section 101(a) of this Act shall receive a rate of basic compensation at the corresponding scheduled service step in effect on and after such date."

SEC. 103. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, section 4–825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned to perform the duty of a helicopter pilot on or after the effective date of the salary schedule in section 101(a) of this Act shall receive in addition to his scheduled rate of basic compensation the amount of $635 per annum, so long as he remains in such assignment. Further, at such time as scheduled rates of basic compensation in section 101(b) of this Act become effective, such additional rate shall be increased to $680 per annum."

SEC. 104. Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826) is amended to read as follows:

"SEC. 203. The aide to the Fire Marshal shall be included as a fire inspector in class 2."

SEC. 105. Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826a), as added by the Act of October 24, 1962 is repealed.

SEC. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–828) is amended to read as follows:

"(a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are hereby authorized to establish and determine, from time to time, the positions in salary classes 1, 2 and 4 to be included as technicians.

"(b) Each officer or member who immediately prior to the effective date of the salary schedule in section 101(a) of this Act was receiving a rate of pay in subclass (b) of class 1 or 2 or subclass (c) of class 4, or was performing the duty of a dog handler in class 4, or whose position is determined to be a technician under (a) above shall receive on or after such date in addition to his scheduled rate of basic compensation an additional $635 per annum. Further, at such time as the scheduled rates of basic compensation in section 101(b) of this Act become effective such additional rate shall be increased to $680 per annum.

"(c) Each officer or member who immediately prior to the effective date of the salary schedule in section 101(a) of this Act was assigned as a Detective Sergeant in subclass (b) of class 4 shall receive on or after such effective date in addition to his scheduled rate of basic compensation an additional $500 per annum, so long as he remains in such assignment. Each officer or member who is subsequently promoted to the rank of Detective Sergeant from the eligible list in force on such effective date shall receive in addition to his scheduled rate of basic compensation an additional $500 per annum, so long as he remains in such assignment."

SEC. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended to read as follows:

"SEC. 303. (a) Subsequent to the salary adjustment provided in sections 101 and 102 of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, or 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service;

"(2) Each officer and member in service step 4, or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service;

"(3) Each officer and member in service step 6, or 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service;

"(4) Each officer and member in salary class 2 through 11 who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service, except that in the case of an officer or member in service step 4, or 5, or 6 of salary class 2 or 3; service step 4 or 5 of salary class 4 and service step 4 of salary class 5 he shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service;

"(b) As used in this title the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

SEC. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows:

"SEC. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

SEC. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

SEC. 110. Section 401 of the Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832) is amended to read as follows:

"SEC. 401. (a) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the salary schedule in section 101(a) of this Act shall receive an amount in addition to the rate of basic compensation prescribed in the salary schedule in section 101 of this Act to be known as a total service longevity rate. Such total service longevity rate, fixed at the nearest dollar, shall be established as follows:

"(1) Each officer and member in the active service shall receive 5 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least fifteen but less than twenty years of continuous service; 10 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least twenty but less than twenty-five years of continuous service; 15 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of at least twenty-five but less than thirty years of continuous service; 20 percent additional compensation, computed on service step 1 of the class he occupies, upon completion of thirty years of continuous service. For purposes of this paragraph, continuous service as an officer or member includes service in the Armed Forces of the United States but excludes any period of time determined not to have been satisfactory service.

"(2) Each officer and member shall accrue total service longevity compensation as provided in the first paragraph of this subsection so long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled; shall be subject to deduction and withholding for retirement and insurance; and shall be considered as salary for the purpose of computing annuities pursuant to the provisions of the Policemen and Firemen's Retirement and Disability Act and for the purpose of computing insurance coverage under the provisions of Chapter 87 of title 5, United States Code. At such time as an officer or member for any reason retires under the provisions of the Policemen and Firemen's Retirement and Disability Act the total service longevity rate to which he was entitled at the time of retirement shall remain fixed for purposes of computing his retirement compensation and, at the time of his death, the annuity of any survivors.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of title I of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section, except that each individual whose retirement was effective from and after December 31, 1971, but prior to such effective date shall, on the first day of the first month following such effective date, be entitled to receive the increase in his pension relief allowance or retirement compensation to which he would have been entitled by reason of the enactment of this section had such retirement occurred on or after such effective date."

SEC. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–833) is amended by (1) adding "and the Executive Protective Service" immediately after "United States Park Police", and (2) striking out "or Subclasses" at the end of such section.

SEC. 112. The Act approved May 25, 1926 (D.C. Code, sec. 4–131) is amended (1) by inserting "(a)" before the first word and (2) by adding at the end thereof the following new subsection:

"(b) The Chief of Police, Metropolitan Police force, Commanding Officer, Executive Protective Service, or Commanding Officer, United States Park Police force, is authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned in plainclothes. Such clothing allowance is not part of basic compensation and shall not be used for the purpose of computing overtime, promotions, or retirement benefits. Such individual allowance may be discontinued at any time upon written notification by the authorizing official."

SEC. 113. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police Department and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to

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establish the eligibility requirements for and pay to any officer or member who meets such eligibility requirements, except officers and members in salary classes 10 and 11 in section 101 of this title, additional annual compensation for having successfully completed educational course work leading to a degree in police or fire science or administration. Such additional compensation, fixed at the nearest dollar, shall be payable at the rate of 2 percent of the salary for service step 1 of salary class 1 in the salary schedule in section 101 of this title in effect at the time of payment for each 15 acceptable credit hours of educational course work, except that the rate payable may not exceed 16 percent of such salary.

(b) The additional compensation authorized by this section shall be in addition to the basic compensation to which such officer or member is entitled and shall be paid in the same manner as such basic compensation. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance and shall not be considered as salary for the purpose of computing annuities pursuant to the provisions of the Policemen and Firemen's Retirement and Disability Act, or for the purpose of computing insurance coverage under the provisions of Chapter 87 of title 5, United States Code.

(c) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

(d) The effective date of this section shall be the first day of the first pay period which begins more than sixty days after the date of enactment of this title.

SEC. 114. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 4–904(h)), is amended by deleting "class 10" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

SEC. 115. Notwithstanding section 301, title III of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518), each individual retired from active service prior to the effective date of section 101(a) of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act whose pension relief allowance or retirement compensation on the day next preceding such effective date was an amount computed upon the scheduled salary rate for longevity step C. of subclass (a), (b), or (c) of salary class 4, longevity step B of salary class 5, longevity steps A and B of salary class 6, 7, 8, or 9, service step 4 of salary class 10, or service step 3 of salary class 11 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall be entitled to receive an increase in his pension relief allowance or retirement compensation in an amount at least equal to the ratio between the scheduled salary rate for the highest service step of the respective salary class in the salary schedule in effect on and after such effective date and the scheduled salary rate which corresponds thereto in the salary schedule in effect on the day next preceding such effective date. For the purpose of this section, the corresponding scheduled salary rates for service step 6 of salary class 4 and service step 5 of salary class 5 in the salary schedule in effect on and after such effective date are the scheduled salary rates for longevity step B of salary class 4 and longevity step A of salary class 5, respectively, in the salary schedule in effect on the day next preceding such effective date.

SEC. 116. (a) Section 2 of the Act of September 8, 1960 (74 Stat. 868; D.C. Code, sec. 4–823b) is hereby repealed.

(b) Section 2 of the Act of October 24, 1962 (76 Stat. 1240; D.C. Code, sec. 4–823c) is hereby repealed.

(c) Section 102 of the Act of September 2, 1964 (78 Stat. 881; D.C. Code, sec. 4–823d) is hereby repealed.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966, approved November 13, 1966 (80 Stat. 1592; D.C. Code, sec. 4–823d–1) is hereby repealed.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968, approved May 27, 1968 (82 Stat. 142; D.C. Code, sec. 4–823d–2) is hereby repealed.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970, approved June 30, 1970 (84 Stat. 355; D.C. Code, sec. 4–823d–3) is hereby repealed.

SEC. 117. Except as otherwise provided in sections 101 and 113, the effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after the date of enactment of this title.

SEC. 118. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

TITLE II—REVISIONS IN THE RETIREMENT BENEFITS FOR POLICEMEN AND FIREMEN

SEC. 201. (a) Section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended (D.C. Code, sec. 4–521 et seq.) is amended as follows:

(1) Subparagraph (5)(B) in subsection (a) of such section (D.C. Code, sec. 4–521) is amended by striking out "or" immediately after "residence".

(2) Paragraph (5) of subsection (c) of such section (D.C. Code, sec. 4–523) is amended by adding at the end thereof the following new sentence: "No deposit shall be required for days of unused sick leave credited under subsection (h) of this section."

(3) Subsection (h) of such section (D.C. Code, sec 4–528) is amended by adding at the end thereof the following new paragraph:

"(4) In computing an annuity under this subsection, the police or fire service of a member who has not retired prior to the effective date of this paragraph shall include, without regard to the limitation imposed by paragraph (3) of this subsection, the days of unused sick leave credited to him. Days of unused sick leave shall not be counted in determining a member's eligibility for an annuity under this subsection."

(4) The first paragraph of subsection (k) of such section (D.C. Code, sec. 4–531) is amended to read as follows:

"(k)(1) In the event that any member dies in the performance of duty, and such death is determined by the Commissioner to have been the sole and direct result of a personal injury sustained while performing such duty, leaving a survivor, or if there be none a parent or a sibling, who received more than one-half his support from the member, such person shall be entitled to receive a lump sum payment of $50,000: *Provided*, That if such death is caused by the willful misconduct of the member or by the member's intention to bring about the death of himself, or if intoxication of the injured member is the proximate cause of such death, no such lump sum payment shall be made: *And Provided further*, That if such member leaves more than one survivor, or if there be none, more than one parent or sibling, who received more than one-half his support from the member, each such person shall be entitled to receive an equal share of such lump sum payment."

(b) Paragraphs (1) and (4) of subsection (a) of this section and the amendments made thereby shall be effective on and after November 1, 1970. Paragraphs (2) and (3) of such subsection and the amendments made thereby shall be effective on the first day of the first pay period beginning on or after the date of enactment of this title.

SEC. 202. (a) Section 3 of chapter 226 of the Act of July 11, 1947, as added September 27, 1959 (D.C. Code, sec. 4–183a) is amended by striking out "on the effective date of this section".

(b) Section 4 of chapter 226 of the Act of July 11, 1947, as added September 22, 1959 (D.C. Code, sec. 4–183b) is amended by striking out "on September 22, 1959".

TITLE III—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

SEC. 301. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

SEC. 302. Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended to read as follows:

"(1) the rate of tax shall be 2 per centum of the gross receipts from sales of food for human consumption off the premises where such food is sold;"

SEC. 303. Section 125(2) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(2)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

SEC. 304. Section 125(3) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(3)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

SEC. 305. Paragraph (a) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(a)) is amended by (1) striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients", and (2) striking out the comma following the word "transients".

SEC. 306. Paragraph (c) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(c)) is repealed.

SEC. 307. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

SEC. 308. Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(1)) is amended to read as follows:

"(1) the rate of tax shall be 2 per centum of the sales price of sales of food for human consumption off the premises where such food is sold;"

SEC. 309. Section 212(2) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(2)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

SEC. 310. Section 212(3) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(3)) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

SEC. 311. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

ADDITIONAL STATEMENTS

TELEGRAM TO THE NEW YORK TIMES, JUNE 20, 1972

Mr. DOLE. Mr. President, I am deeply disturbed, but not surprised, that the New York Times, in a front-page news article this morning, has invented and published completely false and suspiciously misleading information concerning a telegram over my name which in fact I did not send and does not exist.

The Times smugly states that I attempted to instruct key members of the Republican National Committee and others by telegram not to discuss with anyone the deplorable events of Saturday morning at the Democratic headquarters.

This is another obvious attempt by the Times to make news where none exists and to create the illusion of some mysterious connection between the committee and the events when such is simply not true.

I state once again that the Republican National Committee is in no way involved in this matter and that there is no telegrams, no memorandums, and no instructions issued over my signature.

I demand that the Times either produce the alleged telegram or print a front-page retraction of their story.

SALUTE TO EDUCATION

Mr. MOSS. Mr. President, the National Education Association on June 21 is sponsoring a "Salute to Education" aimed at emphasizing the importance of education in a free society.

More than 46 million pupils now in the public elementary and secondary school system are taught by more than 2 million teachers. The Nation's schools, as guardians of our future generations, perform a tremendously important function, caring as they do for nearly a fourth of our population.

It is interesting to note that the total revenue receipts for running the entire public school system are abcut $46.6 billion or slightly more than $1,000 per pupil. At today's astronomical prices this is a bargain.

Is there any man or woman who does not recall, either with fondness or bitterness, his experiences in school? I say this because too many of our children today are shoved into ill-equipped, inadequately staffed schools that too easily degenerate into determent camps where the primary struggle is to maintain discipline rather than instill a love of learning.

Without the proper cultivation of our children's minds, the other natural resources of this Nation are meaningless. It is tragic to shortchange ourselves when it comes to education. No matter what indignities a man may suffer, no matter what material misfortunes may befall him, if he has the ability to think clearly, and the education to dispel fear and ignorance, then that man is rich indeed.

This, after all, is the meaning of education. Whether the end product is a philosopher or a manual laborer is, in a sense, not important. Both are needed by our society. What is important is the quality of the person, the ability to judge between right and wrong, and the ability to respect fellow human beings in their own right.

SUPPRESSION OF HUMAN RIGHTS AND LIBERTIES IN LITHUANIA

Mr. TAFT. Mr. President, I invite attention to the suppression of human rights and liberties of the people of Lithuania by the U.S.S.R. These actions by the Soviet Government violate the Universal Declaration of Human Rights and should be immediately ceased.

I ask unanimous consent that a resolution of the Cleveland Chapter of the Lithuanian American Council on this subject be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

We, Cleveland Lithuanians and representatives of other nationality groups, whose homelands have been enslaved by the Soviet Union, gathered here in Public Square in Cleveland, Ohio, this 1st day of June, 1972, to protest the severe suppression of human rights in Soviet enslaved Lithuania, have adopted the following resolution.

Whereas, the Soviet Union, acting in conspiracy with Hitler's regime, broke all existing treaties with the Republic of Lithuania and on June 15, 1940 militarily occupied its territory and two days later repeated the same criminal act against Latvia and Estonia; and

Whereas, the tyrannical clique of the Soviet Union has not only refused to leave the Baltic States, but has and still is carrying on physical annihilation, religious and other forms of persecution, together with Russian colonialization and mass deportations of the native population to Siberia and other places with the expressed intent to destroy their national identities; and

Whereas, such prevailing inhuman conditions caused Romas Kalanta, a young Lithuanian to burn himself to death on May 14th of this year in the city of Kaunas in protest to Soviet denial of basic human rights in Lithuania; and

Whereas, Kalanta's funeral precipitated a youth riot, which was brutally suppressed by special Soviet troops, who acting in their barbaric ways inflicted death and injury to many and to this day continue to arrest people by the thousands and in other ways terrorize them.

Now, therefore, be it resolved, that we condemn these savage acts of the Soviets, who use troops to squash the quest for freedom by the Lithuanian patriots and once again remind all that these acts are a direct result of Soviet imperialistic policies that have illegally occupied Lithuania and the other Baltic States; and be it

Further resolved, that we demand the withdrawal of Soviets and the complete restoration of independence of Lithuania and ask the President of the United States to use the position of his office to influence the Soviet leaders to cease their barbaric acts and to stop persecuting the people involved in this ill-fated uprising and all other peoples behind the Iron Curtain; and be it

Finally resolved, that copies of this resolution be forwarded to the President of the United States, Members of U.S. Congress from Ohio, other public officials and to the news media.

Resolution adopted, approved unanimously. On motion of the Hon. Ralph Perk, Mayor of Cleveland, it is also requested that this Resolution be printed in the Congressional Record.

ENFORCING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as I have often stated in this Chamber, the International Convention on the Prevention and Punishment of Genocide is an important contribution to the structure of international law. Some people, however, question whether international law can ever have any meaning. After all, they argue, no power is available to forcibly impose the dictates of international law, so there is no reason to expect it will be obeyed.

But such a view is contrary to experience. The fact is that many treaties are indeed adhered to. Those who denigrate international law often overlook the fact that sanctions are available. Nations have been known to enforce international law with their own power; under the Genocide Convention, the United Nations is empowered to take whatever action it finds necessary for enforcement.

Moreover, the fact is that neither domestic law nor international law depends completely for success on the club of physical prevention and forcible punishment. Drivers obey traffic regulations even when police are not present. Men may obey laws for the sake of mutual advantage, or simply because they believe the laws are just. These motives exist in international law as well. At a Senate subcommittee hearing in 1970, U.S. Ambassador to the United Nations Charles W. Yost said:

I am well aware that the building of a body of law in the community of sovereign nations is an agonizingly slow and difficult process. But surely the necessary foundation of any effective law, whether domestically or internationally, is public opinion, and a broad public consensus as to what is right and what is wrong.

This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national, or ethnic, or racial, or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that State, but wrong also in the law and opinion of the community of nations itself.

If such a consensus exists, it might be asked why a formal law is necessary. Mr. Bruno Bitker, a Milwaukee attorney, provided the answer at the 1970 hearings:

The requirements of morality are more likely to be recognized, if they are also the requirements of the law. Who dares now assert that the existence of such a treaty would have been without any effect on the international community, and more specifically on the United States, in the earlier days of the Nazi regime?

The enforcement of international law, like the enforcement of domestic law, cannot be perfectly guaranteed. But surely a precondition for obedience is a clear statement of what should be enforced. Seventy-five nations have agreed that genocide is criminal. The United States ought not continue to dissent from that judgment by its inaction.

I urge the Senate to take up and ratify the Convention on Genocide immediately.

BEEF PRICES ARE REASONABLE

Mr. DOLE. Mr. President, in 1952, the average American citizen consumed 56 pounds of beef. Today, that average citizen is consuming 115 pounds of beef and

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by 1980, he will be consuming 130 pounds of beef. It is easy to see that we like beef, and over the years we have developed our taste for beef. This increase in consumption has brought about a tremendous demand for beef at the same time our population has expanded greatly.

PRODUCTION UP 2½ TIMES

Typical of the ability of the American farmer, he has rallied to this demand and is now producing 2½ times as much beef now as he was 20 years ago. And he is making the plan to produce more to meet future demands. He does not receive a subsidy for raising cattle. He receives what the market pays, according to the demand that is created by the housewife.

As long as our farmers are able to receive a good price for their cattle, they will continue to expand their production, and beef prices will remain stable and reasonable. Regardless of what one hears or reads, the prices we are paying in the markets today are reasonable, and produce a reasonable margin for the farmer.

The farmer is receiving about the same price he was 20 years ago.

Would we be satisfied to receive the same income we did in 1952?

BEEF PRODUCTION INCREASING

Some pressure groups recommend price controls for meat and foods. This is not the answer. Farmers are responding to the increased demand. They are producing more calves, but they have to operate under the gestation limit of mother nature and the time it takes to feed out these animals to produce the type of beef you want to buy. Price controls would merely stifle this production increase and promote circumvention of such regulations as were experienced during the war years.

INCREASED MEAT IMPORTS?

Others have suggested that the imports of red meat be increased. This would increase the supply of the cheaper meat used in hamburger and processed meats. Cattle produced in foreign countries are grazed on ranges and not fed the controlled feed ration and supplements that our cattle receive. As a result, this beef is not as tender as the type of beef we like for steaks and roasts, and is used for hamburger, hot dogs, luncheon meats, and the like. An increase in these imports might provide some temporary decrease in a few meat prices; however, the constant demand for better beef cuts would maintain those prices.

FARMERS DESERVE A PROFIT

With cattle prices now at the same level as 20 years ago, the farmers raising these animals have faced the same continuing increased costs as all segments of the economy. He pays more for his trucks, for his feed grinders, for his lumber and concrete, and, yes, for his food. He deserves a raise—an increase in income the same as the rest of the economy.

Mr. President, I ask unanimous consent that the remarks of Secretary of Agriculture Earl Butz at the Fourth Annual Symposium of the California Livestock Association, Fresno, Calif., on June 15, be printed in the RECORD. Secretary Butz explains in detail the importance of maintaining the present supply and demand posture in the livestock business in order to assure a continuing increase in meat supplies.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ANATOMY OF THE BEEF PRICE SITUATION

(By Earl L. Butz)

We've been fighting a rather extended public and private battle these last few months over food prices, meat prices specifically, and beef prices in particular. The charges and the counter-charges in the controversy sometimes have been as thick as victory claims before a primary election. I've made it quite clear where I stand on the matter.

When cattle prices in Omaha reached the level of 20 years earlier, I said—it's about time! And I meant it. After all, during the same period, farm production costs doubled and hourly wages of the Nation's labor force more than doubled.

When the Price Commission wanted to investigate beef prices, I said—go ahead! And I meant it. I know farmers and ranchers have nothing to hide. And, as the facts have been examined, the beef producer has grown in stature in the eyes of the public as the public gained a better understanding of the farmer's contribution to the economy, his magnificent performance in feeding the nation, and his burdensome problems.

Most important of all, the increased understanding of the soundness of the beef producer's position prevented controls from being placed on meat prices. I'm proud to have been in this fight. Shortly after the Academy Awards were presented, the Newspaper Farm Editors of America presented me with a symbolic "Wounded Steer Award" for my efforts to fight off beef price controls. And that trophy sits proudly behind my desk.

No fierce competitor can afford to stand—or sit—on his laurels, however. After a couple of months' decline in meat prices, there was a slight upward movement again in late May. The Price Commission and the cheapfood advocates are growing restless again, so I'm now back on my horse again, riding the same trail—firing the same facts—seeking public understanding of beef prices and beef production. Tonight, at this great livestock gathering, in this great cattle state, I want to set forth some hard facts and a very straightforward explanation of the reason why beef prices have improved and what we can expect in beef prices down the road.

To begin with, let's take a look at beef prices. Beef prices are demand-dominated prices. In the short run, you just can't get any more beef—the supply is invariable because beef is so perishable. Price, then, at the moment is basically determined by consumer demand. If demand surges upward, beef prices will climb. If demand falls off, beef prices will drop.

This is in contrast with something like refrigerators which are supply-dominated. Refrigerators are made at a factory and factory prices reflect all the costs of production along the way as well as a profit for the manufacturer. Refrigerators won't spoil. They can be stored or moved from San Diego to Sacramento. If demand is off, refrigerators are held. If demand is up, more refrigerators can be brought from the warehouses or can be built quickly. Another fact: Refrigerator prices climb each year, usually with a new model, but they seldom fall. These are hard consumer costs—they are firm—they keep moving up. Meat prices are soft consumer costs; they fluctuate; they move up and down.

So, the beef price situation is affected by this fundamental principle—beef is a demand-dominated market.

Farmers and ranchers have increased their beef production by a magnificent 2½ times in the last 20 years—from 8.8 billion pounds in 1951 to 21.9 billion pounds in 1971. Now that's a tremendous increase. Normally, an increase of 2½ times in beef production—while the population increased by only about one-third—would tend to depress beef prices. But it has not.

Beef prices have not been depressed because this increase in production has been in response to a remarkable increase in beef demand. In fact, in the last 20 years, annual beef consumption per person in this country has doubled—from 56 pounds per person 20 years ago to 115 pounds per person today.

Several factors are responsible for doubling our demand for beef:

The rising affluence of the American Consumer—Rising real wages have had a marked affect upon buying habits. People want beef—and, as they have enjoyed more and more real wages, they have been buying more and more beef—and better quality beef, too. This is by far the greatest single factor in increased beef consumption.

Substantial increases in the Food Stamp Program—Food Stamp expenditures have leaped from $250 million in fiscal year 1969 to $1.9 billion during fiscal year 1972—a 660% increase. In April of 1972, 11.5 million people were participating in the Food Stamp Program. One of the first items purchased with added dollars in the food budget by consumers eligible for Food Stamps is meat, preferably beef.

Widespread boosts in welfare payments—Programs at all levels of government have vastly increased welfare payments to those on the lower end of the economic ladder. The tendency to transform added income into an improved diet is greater at lower income levels. So, a substantial portion of each welfare dollar goes for good food. In a preponderance of cases—that means an increase in meat purchases, beef wherever possible.

This is as it should be. Not only are we dedicated to eliminating hunger, we also want people to enjoy the great productive affluence of this nation.

Since beef is a demand-controlled market, it is only reasonable that the constantly increasing affluence of the American consumer, abrupt increases in Food Stamp use in the last three years, and rising welfare benefits would have a marked upward effect on beef prices. This is precisely what has happened. The supply of beef could not change quickly. The only way supply could really have increased measurably in the short run would have been to slaughter cows and heifers. And when that happens the piper really has to be paid 18 months later. Instead, prices have increased—giving signals through the market to the beef producer that increased supplies are needed. In a nut-shell, beef prices have risen because of increased consumer demand, and this is a market signal to induce increased beef production.

To better understand the beef supply situation, let's look at how farmers have increased beef production by 2½ times in the last 20 years, and meat imports as well:

Increased Beef Cow Numbers—The size of our beef cow herd has expanded over the past 20 years. The number of beef cows was about 20 million in 1952. Cow numbers now total nearly 39 million. That has been a gradual increase—but it's been a key factor in increasing beef supplies.

Switches from Dairy to Beef Production—In the last 20 years, the number of milk cows has dropped from 21 million to just over 14 million. Some cows once kept for dairy purposes—and entire herds in many cases—have been replaced by beef animals.

Increased Beef Feeding—This is by far the largest single factor in increasing our beef production. Evidence is clear—20 years ago only ⅓ of our beef was Choice grade; now 60% is Choice grade. Whereas about ⅓ of our beef was fed beef in the mid-40's, and less than half was fed beef 20 years ago, more than three-quarters of it is fed beef today.

We've got to where we feed out almost anything that can hold a mouthful of feed. We used to knock some dairy bull calves in the head—now we feed them. We used to slaughter the meatier dairy calves for veal at 150 pounds—now we feed many of them to 1000 pounds. Veal production has dropped drastically—from nearly one billion pounds in 1951 to just over a half billion pounds in 1971.

Increased Beef Imports—Beef and veal imports have increased even faster than our beef production—they are 3.7 times larger than 20 years ago. However, beef imports amount to only a small percentage of our total U.S. beef consumption—less than 5%.

Now, the real question is, given our sources of increasing beef supply, how do things look down the road? First of all, to get the full picture, we need to look at projected consumption trends.

Annual beef consumption per person will soon reach 120 pounds, and the projection for 1980 is 130 pounds per person. This, coupled with the projected population increase, will demand a one-fourth increase in beef tonnage in just the next eight years.

No matter how we slice it, that increased beef tonnage is going to be hard to come by. To see why, let's look closely at the potential in the various sources of increased beef supply:

We don't have a place for very many more cows—We can't add too many to the range where grass is already short and where the water supply is limited. In the Corn Belt, on level land where corn is king and soybeans are queen, beef cows can't really compete; the economic facts are that Corn Belt farmers can make more profit per acre raising corn and soybeans than beef calves. Some increase in cow numbers is possible in the fringe area of the Corn Belt—at the margin we say. These are usually rough areas where some years a farmer can make more money with corn and beans, and other years beef cattle would be more profitable. He will go with the one that looks like the best bet—so there is marginal potential for increasing cow numbers on the fringe of the Corn Belt. The South is the primary area where cow numbers are likely to increase.

We have made most of the shift from dairy to beef—Most of the marginal dairy cows have been culled and most of the marginal dairy herds have already given way to beef herds. This transformation is nearly completed.

We have closed the greatest part of the feeding gap—The prospects for increasing beef production through feeding really boil down to increases in efficiency. Probably we cannot achieve the increases in efficiency through feeding which we have in the last twenty years—though it is possible to make further improvements.

Meat import supplies just aren't there—Even without meat import quotas, it would be difficult to import more beef and nearly impossible to get the more costly high quality beef the American consumer prefers. Worldwide meat demand has escalated in relation to supply. The European Community has become an extremely competitive market for the major beef exporters—Argentina, Australia, and New Zealand. United Kingdom beef markets are taking Irish beef which might have come to us. Internal beef demand in Canada will reduce potential Canadian shipments to the U.S. And New Zealand's beef supply is down. And around the world, because of attractive prices, cattle producers are holding back cows and heifers for herd building that might otherwise have been slaughtered. It is simply a fact that a cow produces just one calf a year, and in times like these modern livestock industries save females for breeding.

So, the prospects down the road are for beef prices to be strong as long as beef demand is strong. In the long run, increased beef production will occur at the margins: 1) in those fringe areas of the Corn Belt and elsewhere as beef production is weighed against other attractive alternatives; 2) in shifts from dairy to beef production, which from now on will be limited; 3) at the feeding margin where maximum efficient feeding periods and maximum feeding efficiency have been nearly reached; and 4) in the international market as the growing worldwide demand for beef makes other markets an increasingly better outlet for beef export nations.

No matter which margin is approached, there must be ample inducement if beef production is going to be increased. That inducement must come in the form of beef prices—prices substantial enough to induce the Corn Belt farmer to raise cows and calves instead of corn and soybeans, prices substantial enough to make beef production more profitable than dairying, prices substantial enough to make longer feeding pay, prices substantial enough to outbid beef buyers in other parts of the world.

The chief source of increased beef production will be in this country, with the people who are now in the beef business. But it must be clearly understood that increased beef production will not be automatic. There must be profit in it. If we are going to get more beef production—it's got to be profitable enough to pull the resources involved—financing, land, labor, equipment, and management—away from other alternatives.

I'm really saying that the facts of the matter don't indicate markedly cheaper meat prices down the road. But the way to increase meat supplies is to have strong prices. That will induce gradually increased beef production.

But beef prices are not high. Every American needs to understand that fact. What has happened with meat prices happens all the time with other goods we buy. We demand better quality in a product—greater safety, more convenience, freedom from pollution. These items cost more, and when they are built in, we pay for them. This is true with services, too. We expect it. We know that if we're willing to pay more, we'll get more.

Well, it's time that every citizen faced the same cold facts in agriculture—in the food industry, especially with meat. If we want more meat—and we seem to—then we've got to pay a fair price for it if we expect the farmer to produce it. It's as simple as that.

Looking still further down the road, if we want to assure a still larger supply of good meat for the increased numbers of our children and grandchildren who are growing up, the best way to achieve that will be to put a little profit on the range and in the feed lot. In this respect, the beef industry is just like every other sector of our great American economy.

RUNAWAY FATHERS

Mr. MOSS. Mr. President, the Committee on Finance has made several important recommendations on child support in the welfare provisions of H.R. 1, the social security bill, which it recently ordered reported. Notable among them is the amendment extending access to Federal records to any parent seeking support from a deserting spouse regardless of whether the family is on welfare. This step is long past due.

The heartbreak and frustration of attempting to find fathers who have fled from one State to another to escape contributing to the support of their children is equally as great for nonwelfare families as it is for those on welfare. However, until now nonwelfare families have had few resources to help locate runaway fathers. State and local law enforcement agencies have had neither the staff or the funds to run down deserting fathers who disappear without a trace or who are adept at playing hide and seek, eating up the time and resources of those trying to locate them.

Three-fourths of the 1,630,000 families on welfare live in homes where the father is absent. In 44 percent of these situations the fathers have deserted their wives or never married the woman in the first place. One can only guess at what the figures might be for nonwelfare families in similar situations since there is no information available. However, the problem does exist and we must deal with it.

I have been interested in locating runaway fathers for many years. As a former Salt Lake County attorney and a two term president of the National District Attorneys Association, I know from firsthand experience how tragic and often hopeless locating a deserting father can be. Recognizing the need for a satisfactory system to locate these fathers and secure support money from them, I introduced a bill in the Senate in July of 1959 that would allow the Secretary of Health, Education, and Welfare to supply from the social security files the most recent address of fathers certified as having failed to support their families who were receiving welfare. The bill created enough pressure that this was made possible through administrative action and I withdrew my bill.

The amendment proposed by the Committee on Finance goes one step further and allows those files to be opened up to any parent or the attorney of that parent seeking information on a deserting spouse.

We therefore no longer discriminate against nonwelfare families in not providing the same information provided to welfare families. By assisting nonwelfare families in this manner, it may be possible for mothers to obtain the support for their children, which is rightfully theirs, before it becomes necessary to look to welfare for that support.

We must take all possible action that will discourage child abandonment. In far too many instances, fathers today simply ignore their responsibilities to their own children leaving the burden of caring for them to the taxpayer through the welfare system. We need to expand our present machinery to locate these deserters and compel them to live up to the responsibilities which they assumed when they became parents. I hope that Congress will see fit to retain this amendment.

TRAUMA CENTERS

Mr. BEALL. Mr. President, improving emergency care and services has been one of my major goals. In my State, we have the most sophisticated trauma centers in the Nation.

The President has rightfully recog-

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nized that the know-how and technology that is saving lives in Vietnam can perform similar "miracles" here at home.

The current issue of U.S. News & World Report features this problem and discusses some of the efforts that are underway in the country. I am convinced that once the American public understands the gap between what we are capable of doing in this area and what is actually being done today, for the most part that they will demand that we improve our domestic emergency care and services. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE MINUTES COUNT: DRIVE FOR BETTER EMERGENCY CARE

Getting under way across the country is a medical offensive aimed at keeping people alive after often fatal kinds of emergencies such as auto accidents, shootings and heart attacks.

It's a drive that involves the whole range of emergency care—from quicker dispatching of ambulances to the initial treatment a doctor furnishes in a hospital.

More than a million lives are lost each year in crisis situations. Medical authorities estimate that wider use of new techniques and equipment could prevent 60,000 of these deaths.

The condition of most emergency care in the United States today has prompted some doctors to say a soldier wounded in the rice fields of Vietnam gets quicker and better care than he would as the victim in the average automobile accident in a big city back home. That is beginning to change, although slowly in many areas, as studies by governmental and medical authorities indicate. In more detail:

HALF THE BATTLE: GETTING VICTIMS TO THE HOSPITAL

Some 16 million people in 185 U.S. communities already can avoid needless—and often fatal—delay in getting an ambulance simply by dialing 911 on their telephones.

When the number is dialed, a switchboard automatically sends the call to a central dispatching office. There, a dispatcher alerts the nearest vehicle which is equipped to handle the emergency.

American Telephone & Telegraph Company, which installs the system in cooperation with its Bell affiliates and local governments, plans eventually to place it in every part of the nation. Red tape, however, is holding up installation in many areas. One example:

Several local governments often share one 911 system. In metropolitan Birmingham, Ala., 47 separate communities are on a single emergency circuit.

In such cities, before the system can operate, local agencies must agree on who has jurisdiction in a particular crisis and how much of the costs each will pay. This is a slow and controversial process. Birmingham took years to get its 911 system into operation, and officials say that some problems remain unresolved.

CRITICAL 4 HOURS

Ambulance delay accounts for needless death for thousands and pain for millions each year. More than half of the 675,000 heart-attack fatalities occur within an hour of an attack. On a national average, victims must now wait about four hours before receiving expert care.

The big drive is to reduce this delay. Some health officials are doing this by stationing ambulances, with two-way radios, at strategic spots around a city—such as parking lots or shopping centers. When an emergency occurs near the ambulance, the crew is dispatched via radio, saving perhaps an hour or more.

A problem is that relatively few of the nation's 44,000 ambulances are equipped with radios. Only 6 per cent have two-way sets. Only 57 per cent have even one-way, dispatch radios.

Top-notch ambulance service—such as that in Baltimore, Chicago, Seattle, and Jacksonville, Fla.—is using not only two-way radios, but such items as electrocardiograph (EKG) machines, telemetry systems and defibrillators.

LONG-RANGE DIAGNOSIS

EKG machines are used to measure heartbeats, and telemetry is the system that monitors the health of astronauts on moon flights. By linking the two in an ambulance, doctors at work in a hospital are able to keep track of a patient's condition—even though he is miles away, still en route.

The doctors can radio the ambulance team instructions aimed at keeping the victim alive. Using this system, highly trained ambulance attendants can perform many services normally reserved for doctors—when State law permits.

As a practical example: One third of all heart-attack deaths are accompanied by fibrillation—a wild shuddering of the heart that prevents it from pumping blood. With proper training, an ambulance crew that finds such a victim can use a defibrillator to administer an electrical shock.

This stops the shuddering and allows the heart to resume its normal function. Doctors says this technique could save lives if the equipment is available and the crew trained. With defibrillators, a mobile coronary-care unit in Seattle was able to save 42 of a total of 324 victims—13 percent—over an 18-month period.

Ambulance teams, under a doctor's supervision via two-way radio, can handle several other "paramedical" duties, including:

Giving transfusions and medication—orally, intraveneously or by hypodermic needle.

Performing such minor surgery as tracheotomies—opening a small hole in the neck's air tube in order to prevent suffocation.

More and more ambulance teams are learning these functions, in addition to providing such advanced first-aid services as stopping bleeding, applying splints and tourniquets, and giving closed-chest heart massages.

Says Dr. Roy M. Baker, medical adviser to Jacksonville's highly regarded ambulance service:

"With telemetry and under supervision, our ambulance technician *is* the doctor on the scene. He is simply an extension of the doctor's arm."

Jacksonville's ambulance service, a branch of the city's fire department, is staffed with 63 experienced firemen who volunteered for the duty. They receive 50 hours of first-aid training, followed by 100 hours of hospital training.

SPEEDY VIRGINIA SQUAD

Former President Lyndon B. Johnson got a sample of first-class ambulance service in April, when he suffered a heart attack while visiting his daughter in Charlottesville, Va. An ambulance from the Charlottesville-Albemarle Rescue Squad—stopping at the nearby University of Virginia Hospital to pick up a doctor and an unusual cardiac-rescue system—sped to the former President.

This rescue system, consisting of a battery-powered EKG machine and a defibrillator, carried in two small boxes, can be taken to the patient's bed.

But the experts say that most ambulances are poorly equipped and often manned by untrained attendants.

The fact is, only 37 percent of the vehicles used across the country to rush patients to hospitals are actually ambulances, according to a survey by the Department of Health, Education and Welfare. Another 9 per cent are rescue vehicles. The remaining 54 per cent are hearses, station wagons, vans and trucks.

Another HEW survey shows that in 27 States, only 42 per cent of the ambulances carry even such rudimentary equipment as leg splints. Typical ambulances may carry little more than oxygen tanks and bandages.

One reason for the sparse equipment: Few ambulance teams are trained to use the sophisticated equipment and techniques that are available today. Medical authorities say that up to 300 hours of training is needed for attendants to master such procedures as defibrillation. In fact, officials would like to see all attendants eventually become paramedics—technicians with two or more years' formal training.

That is a distant goal, they admit. At present, only an estimated 5 per cent of the 220,000 ambulance drivers in the United States have received even the 80 hours of training recommended by the Department of Transportation's National Highway Traffic Safety Administration. Nearly 40 per cent have had only standard first-aid training or none.

COSTLY PROGRAMS

Main reason for poor training and equipment is expense. Nearly 60 per cent of U.S. ambulances are operated by commercial concerns—including 44 run by funeral homes and 14 per cent by other businesses.

In addition, 24 per cent are provided by volunteer groups, and 13 per cent by police or fire departments.

Ambulance service is seldom a moneymaking proposition. Across the country, such services are able to collect only 60 to 65 per cent of their charges, and in some areas as little as 10 per cent.

Three quarters of the undertakers say their ambulances are losing money, and continue to operate only as a public service. Losses are written off as a form of advertising and good will.

But costs of this service are rising rapidly. So is pressure from federal and State governments for better equipment and training.

One third of the undertakers surveyed by HEW said they intend to drop the ambulance service as soon as 1966 federal standards become effective in their States. This trend has already started, even though many States have yet to enforce the standards.

In many cases, undertakers are replaced by commercial services, branches of local government, or volunteers. But in some cases they are not replaced at all, and ambulance service stops.

"ATROCIOUS" MINORITY

The economic plight of the business has encouraged what authorities call "atrocious" conduct by a few unscrupulous ambulance operators. Some undertakers have taken away the dead at disaster scenes and left the injured to wait. A few commercial operators have refused to pick up patients who could not pay the fee.

Some communities, in an effort to avoid these abuses, have organized volunteer rescue units. About a quarter of the nation's ambulance service is provided by such groups. Government surveys rate their services from poor to quite excellent.

To pay for highly expensive equipment, volunteer groups must often turn to cake sales and door-to-door canvassing. Says one federal official:

"These volunteers are highly motivated people, but it may take as many as 30 of them to provide two-man, round-the-clock, seven-day service."

Alabama Governor George C. Wallace was provided with volunteer service at its best in early May, when a would-be assassin shot him at a Laurel, Md., shopping center.

An ambulance from the Laurel Rescue Squad, stationed only four blocks away, sped

the Governor to Holy Cross Hospital in nearby Silver Spring, where a team of surgeons saved his life.

Laurel's squad is made up of 200 volunteers—some of them firemen and policemen from Washington and Baltimore. Squad members receive up to 200 hours of training. They regularly donate time to man the squad's fleet of emergency vehicles—including ambulances, rescue trucks, even an airplane and a 60-foot boat.

"It's just something we felt had to be done for the community," says Lt. Finley G. Docarmo, a squad officer. "Either the volunteers do it, or it doesn't get done."

In an effort to bring ambulance service up to grade nationwide, Congress in 1966 passed the National Highway Traffic Safety Act, which ordered the Department of Transportation's National Highway Traffic Safety Administration to set federal standards.

This agency has provided 50 percent matching funds for localities to buy 1,500 modern ambulances costing as much as $15,000 apiece. Also, 25,000 ambulance attendants are expected to receive the recommended 80 hours of minimum training by July 1.

THE OTHER HALF OF THE BATTLE: IMPROVING EMERGENCY ROOMS

Getting the patient to an emergency room rapidly is part of the fight. But in hospitals, too, advances are under way—in the face of growing problems. The number of patients crowding into emergency rooms has tripled in the past 14 years, as the chart on page 78 shows. In 1972, 60 million American may have to use them.

Dr. Reinald Leidelmeyer, a cofounder of the American College of Emergency Physicians, cites two reasons for the avalanche of patients:

"In the first place, the American people have become enormously mobile. It is a rare occurrence, indeed, that a newcomer to an area takes the time to find himself a physician before he really needs one.

"Secondly, the family physician—who had been the focal point of initial medical care through the ages—became more and more scarce. And when he was available, he was in a chronic state of overexhaustion."

As a result, a patient now has two choices: He can spend weeks waiting for a doctor's appointment, or he can turn up at a hospital's emergency room where he may wait several hours before eventually getting treatment.

Actually, only a third of the millions of patients have true, life-threatening emergencies. Another third have serious, but nonfatal, conditions that need treatment, such as broken bones or sudden illnesses. The other third have relatively minor complaints—such as viruses and influenza. They turn to emergency rooms often because they cannot find or afford a private physician to help them.

UNREADY HOSPITALS

This army of the ill has caught the nation's 7,000 hospitals unprepared. For one thing, only 17 per cent of the emergency rooms have a physician on hand 24 hours a day. And even if a doctor is on duty, he may not be competent to handle a particular situation. Dr. Leidelmeyer put it this way:

"In the hospital where I work, an ophthalmologist—who had done nothing for years and years except measure refractions and write prescriptions for glasses—was suddenly forced to deliver a baby. Everything apparently worked out well, but it was obvious that the patient came out of it in a better condition than the physician."

Increasingly, many hospitals no longer man their emergency rooms by rotating their entire staff of physicians, interns, nurses and technicians. Instead, they are turning to new methods to provide well-trained personnel 24 hours per day.

In Pontiac, Mich., about 30 doctors with a variety of specialties contract to staff the emergency room at all times. Such a large number enables each of them to maintain a private practice.

In an Alexandria, Va., hospital, on the other hand, the emergency ward is run by only four doctors who do not keep a private practice.

Variations of both plans are being adopted across the country.

Behind these changes is a growing conviction among doctors that emergency medicine is becoming more and more a professional specialty. Some medical schools are setting up residency programs to train emergency physicians. Some hospitals are upgrading their emergency rooms to departmental status—with bigger budgets, better-trained staffs and more clout in hospital hierarchies.

Medical authorities report that a big problem for emergency rooms is the same one that faces ambulance services—expense. Hospitals also have a difficult time collecting bills from emergency patients. Many hospitals say they cannot afford to maintain well-equipped and staffed emergency wards.

REMOVING DUPLICATIONS

Now beginning is a major effort to cut out needless duplication in larger cities with many hospitals. In such cities, instead of each hospital trying to maintain a full emergency department capable of handling all problems, the institutions are encouraged to specialize in a particular medical problem, such as burns or childhood diseases.

It is agreed that problems for ambulances and emergency rooms are complex and even formidable. Yet there is evidence that enough progress is being made so that, in the next decade, many thousands of lives now lost to heart disease and trauma will be saved.

Accidents, the chief cause of trauma, in 1971 cost the United States—in terms of property damage and the victim's lost productivity—an estimated 28 billion dollars. President Nixon commented in his 1972 state-of-the-union message:

"These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively."

One question is: Who will pay? Authorities say it will cost about 2 billion dollars a year—beyond the estimated 75 billion now spent on health—to supply the country with adequate emergency medical care.

As a starter, President Nixon has authorized 8.2 million dollars to be spent by the year ending June 30, and 15 million the following year, to build five model emergency medical systems around the country.

Many doctors would like to see more federal funds invested in emergency medicine—enough to help insure the saving of 60,000 lives a year.

THE THREE "SUDDEN KILLERS" THAT TAKE A MILLION LIVES A YEAR

Heart attacks claim 675,000 lives a year in the U.S., are the leading single cause of death. Sixty per cent of the victims never reach the hospital.

Stroke, a sudden blood clot or vessel rupture in the brain, kills 211,000.

Trauma—often called "the neglected disease of modern society"—strikes down nearly 155,000 people each year. Trauma is a little-understood condition inflicted by a serious wound. It can be caused by highway accidents, shootings, burns, other catastrophes. Trauma has become the fourth leading cause of death for all ages.

A LESSON FROM VIETNAM: SAVING LIVES BY HELICOPTER

To speed medical aid to injured and seriously ill, a growing number of States and localities are lifting a technique right out of Vietnam:

They are using helicopters to transport trained "paramedics" to isolated patients, then fly the patients back to hospital emergency rooms.

Helicopters can whirl into a spot so remote—such as a mountainside or swampland—that an ambulance could never reach it, and deliver relief that would otherwise be delayed for hours.

One example: When a school bus overturned near Salida, Colo., nine football players aboard the bus died immediately, and many others were seriously injured. Salida's tiny hospital could not handle the sudden deluge of patients.

The local sheriff summoned three Army helicopters, manned by medical corpsmen from Fort Carson. The copters arrived an hour later and airlifted 15 of the most serious cases to St. Luke's Hospital in Denver, 125 miles away.

FEDERAL AID

These helicopters were a part of a joint project of the Departments of Defense, Transportation, and Health, Education and Welfare called MAST (Military Assistance to Safety and Traffic).

In the project, military helicopters at five Air Force and Army bases in Arizona, Colorado, Idaho, Texas and Washington are on constant call to provide emergency medical services for isolated areas nearby.

Project officials say the effort costs little or nothing extra, because the helicopters and crews are members of air-rescue units already stationed at the bases. Instead of training runs, they fly humanitarian missions—more than 1,000 since the program began two years ago.

The aircraft are the kind used in Vietnam—Army "Hueys" and Air Force "Huskies." They are manned by a pilot, copilot and two medical corpsmen, and can carry three patients easily.

MAST has been so successful that officials are considering expanding it to include 18 more bases across the South and West.

State and local governments also are beginning to use helicopters, often bought for civil-defense or law-enforcement purposes, as ambulances. State National Guards and Army Reserves are now operating 1,800 helicopters, and State law-enforcement agencies, with grants from the Justice and Transportation Departments, have purchased an additional 100.

In Maryland, three State-police helicopters serve as ambulances to deliver serious accident or heart-attack victims to the University of Maryland Hospital's trauma-study center.

"The helicopters put everybody in the State within one hour of the trauma center," says Dr. R. Adams Cowley, director of the center.

LANDING, COST PROBLEMS

Most medical authorities warn, however, that helicopters have their limitations as ambulances.

Says Dr. Dawson Mills, director of the National Highway Traffic Safety Administration's emergency medical service:

"The troubles with helicopters are twofold.

"First, they're no good in an urban environment. They can't land amid traffic jams, high-rise apartments and power lines. Their usefulness begins 30 miles outside cities.

"Secondly, they're too expensive for most agencies. The helicopter alone can cost $130,000—without the crew's salary."

XUM

Still, where they are in use, helicopters are providing quick ambulance service and saving lives.

ADDRESS BY MRS. ESTHER PETERSON

Mr. MOSS. Mr. President, Mrs. Esther Peterson was awarded an honorary doctorate at the commencement exercises of the University of Utah in Salt Lake City on the third day of June 1972. Mrs. Peterson delivered the commencement address at that time. I have known Esther Peterson for many years. She is a native Utahan and many of her family live in our State today. They are leaders of our community. Esther has not lived permanently in Utah for a good many years.

Nearly all of the members of this body know her for her work here in Washington, where she served as the first Consumer Affairs Representative in the Executive Office of the President under Lyndon B. Johnson. She established that office, which has become so important in our Government. Presently, she is working for private industry in the Washington area.

What she said in her commencement address is thoughtful and challenging, and I believe should be brought to the attention of the Senate. I therefore ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

1927–72

(By Esther Peterson)

I am honored and moved to be here today: honored, because this is a fine university with a great tradition; moved, because Utah is home. And when you come home, things come together—you think about what you carried away years ago . . . and where you've been in the meantime.

During the last few weeks, I've been wondering what I could say to you that would be meaningful. I asked a friend at the university what I should talk about. "Just talk about what it was like for you when you were starting out and what it's been like since," he told me.

I remember my own graduation day at BYU in 1927, 45 years ago, but for the life of me I can't remember the commencement speech.

My youth was a time of great innocence. Like so many others in my graduating class, my concerns centered around school—grades, dates, and social affairs. I comprehended little of what transpired beyond BYU's halls, and, to tell the truth, I didn't care very much either.

In a sense, my class reflected the period in which we lived—a period so unlike yours today. America was riding a wave of hope then. We had won the "War to End All Wars," or so we thought. At home, universal prosperity had been proclaimed—a chicken in every pot, a Ford in every garage. America was keeping cool with Coolidge; and the business of America, according to substantial citizens, was business. Horatio Alger was the mythic hero of the day, setting us an example of success through will power. The social gospel was if you failed, you had only yourself to blame. Women had won the vote, but it was still a man's world, much more than it is today.

Of course, there was a world I and my class did not know about. Underneath the calm surface was a seething discontent. If we had had radio or TV then, we might have known about it. This other world was one of low wages with no security and little protection for most working people. There was hunger and sickness for thousands of would-be Horatio Algers, but people of substance took little notice of them. Anyone who questioned this order of things, in even a gentle way, as Norman Thomas did, was said to disturb the peace. Even now, some people would like to return to those days of not seeing and, therefore, not knowing.

My first encounter with people disturbing the peace, or "troublemakers" as they were called, came in 1918 during the great railroad strike. One of the students who boarded in our house was hired to help break the strike at ten dollars a day, about twice what railroad workers then earned. When he was taken to the job in Salt Lake, I went along for the ride. I was twelve at the time. I remember the turmoil, and police on horses pushing back the crowds to form a path for our open car. We were forced to stop for a moment next to a woman with two children. She was so close I could have reached out and touched her.

"Why do you do this to us?" she asked, her eyes full of hurt more than anger.

Her look and her question haunted me, but I did not begin to understand what she meant until years later when I first saw working conditions and started to disturb the peace a little myself.

What lay before the young college graduates in 1927? For men it was business or profession—my sisters married doctors and a lawyer. My brothers went into business and the law. For women it was largely teaching or nursing. I set off on what was one of the few professions open to women—teaching school. At least that was what I thought at the time. Why not law or medicine, science, economics or mathematics? Girls just did not go into these fields. A few did, but most of us just didn't try. Of course all of us had the usual alternative—get married. We didn't even consider doing both. The idea was to rear a family, be a helpmate to your husband moving up the career ladder. Achieve through his career. Entertain his clients and customers. Participate in community activities which reflect to his credit. Protect him as much as possible from the worries of family life and the disciplining of the children, and by all means, don't get involved in any controversial, political, or social issues. For that would hurt your husband's career, besides being most unorthodox.

How fortunate I was a few years later at Columbia University to meet, fall in love with, and marry a man who thrived on social controversy and believed everyone, including women, including his wife, should participate in it. Looking back as a long-liberated woman I feel that my husband was and is one of the first liberated men, one who never felt threatened by his wife's work or interests. One who shared the problems, chores and worries of rearing a family of four children, while also sharing all the joys of that condition, and who allowed and encouraged me to be my own person in the maelstrom of politics and in the pursuit of a succession of unexpected careers.

We used to go to meetings where current issues were hotly debated, then sit on a park bench afterwards, arguing, until the park closed. Gradually, the philosophy I had been raised with fell apart—the philosophy that nobody was making too much money, that it had to be only your fault if you were not successful.

In these days of affluence, it is difficult to imagine America of the Thirties. People were frightened and desperate, and suicides were common. People worried about having children they might not be able to feed.

I started teaching in Boston and did volunteer work on the side at the YWCA, working with women from the factories. (We were raised in the Mormon Church to give freely of our time.) That's where I first started thinking about measuring reality against principle.

We talked a great deal about the principle of brotherhood at the YWCA. If we believe in brotherhood, we asked, why do we have separate Y's for Negroes? Why don't we integrate? We were just beginning to wrestle with a simple question like that. Several years later, the YWCA was integrated. It wasn't easy, and it still isn't perfect, but the principle had been established, and there was no going back.

The work at the YWCA led to involvement in the Amalgamated Clothing Workers, which led to the opportunity to work at the Bryn Mawr Summer School for Women Workers in Industry and then as a lobbyist in Washington. None of this was planned; if I had tried to plan it, it probably would not have worked out this way.

During the '40s in Washington, I came to know Utah's own Senator Elbert Thomas, the man who had much to do with the new social and economic underpinnings of our present society. He used to say that the future of America depended on its ability to measure its actions and achievements against the principles set down in the Constitution and the Bill of Rights. (It was a sad day when he was voted out of office as the result of the vicious and dishonest campaign waged against him.)

In working with Senator Thomas, I learned more about the importance of reaching agreement in *principle* with people of other views, then working to make reality conform with that principle.

The Minimum Wage Act of 1938 was an example of this approach. The *principle* was that if you worked full-time, you should be paid enough to live on. It took a lot of work and time to get a bill at all, and in the end compromises were made. Large groups on the fringes of labor were shut out—restaurant and laundry workers, retail clerks, and farm workers, to name a few. The real results were not so dramatic as either the pros or cons predicted, but they were rewarding.

The point is that the principle of a living wage had been established, and in the years since, we have gradually extended the law to include most of the groups which were at first shut out. Even the people who clean up after you in dorms and football fields are covered. The highest price of the compromise—and sometimes I wonder if it wasn't too high—was paid by the agricultural workers. These people still face the most stubborn opposition to their claim for a decent living in exchange for their labor.

The Minimum Wage Act is only one of a number of legacies passed on to you by your parents' and grandparents' generations, underpinnings for a better society. These goals that represented radical change in the Thirties and Forties—Social Security, Workmen's Compensation, Unemployment Insurance, to name a few—now find broad acceptance. They still require refinement and improvement. But they are there, irreversibly so, and nearly everyone agrees that they benefit society as a whole and that there is no going back.

No sooner were those underpinnings there than it was time to move on, to tie up the loose ends and to measure reality against principle in other ways—no time to rest on our laurels, however human the impulse may be. The Fifties and Sixties presented new lessons and problems. We found out there are limitations to legislation: What was the use of creating a Food and Drug Administration without "teeth," without enough inspectors to do the job? We learned that some of our reforms had been badly conceived—we found out that urban renewal, for example, could mean moving people out and giving them no other place to live.

We were forced to see the dilemma experienced by black Americans.

We began to realize that poverty is largely inherited, and we tried to break its vicious cycle.

What hurt most of all, in the early Sixties we stumbled into the war in Vietnam. We found out that the strong and powerful president we had wanted in the Thirties to give us social change could also almost single-handedly push us into war.

As we sank more and more resources into the war, we were humiliated by the realization that our enormous war machine could not defeat these little people. And in the process of learning this lesson, we killed so many of the ones we were trying to save from totalitarianism. "Peace with honor"—isn't it time we got together as a people to figure out what honor really means?

I hope maybe the disillusionment of our experience in Vietnam will be health in the end. It has made us question ourselves and our values as never before. At the same time, we are questioning our sacred institutions—religion, business, even the family. I wonder if there has ever been a society challenged to change so much so fast . . . and in a relatively peaceful, humane way. There's the problem, of course: in a peaceful, humane way. For it is not acceptable in America simply to wipe out the opposition as Stalin did.

I don't need to spell out to you the tasks that lie ahead—your generation has helped define and create awareness of them. If we can describe these tasks in simple terms, I suppose it would be the struggle for human rights in America . . . of still trying to make reality measure up to the principles established in the Constitution. This does not mean "do goodism," but rather a healthy sense of self-interest in view of the whole, a kind of human ecology: What happens to my brother happens to me.

It's the old philosophical problem with which democracy began, the problem of balancing my rights with the rights of others. We have won enough in the struggle for human rights, I think, to bear out Jefferson's observation that we could not enslave others without enslaving ourselves. Purging the old philosophy of *narrow* self-interest will surely move us closer to our original goal of hope for all who live in America.

If our society is to survive in a human way, we must reorder some of our priorities. Can't the engineers of Lockheed and Boeing turn wheels for rapid transit just as well as for the SST? When you think of the talented, highly trained people out of work today, their skills lying idle. . . . Can't we find ways to use these skills toward human ends? And on a personal level, can't we begin to scale down our use of natural resources? For example, do we have to continually expand our use of electric power at the price of clean air and water? Maybe we'll walk more. Maybe we'll open our cans the old way. Maybe "whiter than white" will not be the standard for neighborhood acceptance, and just clean will be good enough. Maybe public possessions we can all enjoy will begin to mean more to us than private possessions.

The questioning is beginning. Young and old—"people of substance," as well as the underprivileged—are asking radical questions. The disturbers of the peace are everywhere.

What lies ahead for you, the Class of 1972? Professions, business, etc.—just as in 1927—but with a difference. Now there is a kinder climate for disturbers of the peace. Today if you become a doctor, you will find some doctors experimenting with new ways of practicing medicine in groups, some challenging vested interests (within the profession). If you practice law, you have options which did not exist in the '20s—to follow the paths of the Naders, legal aid people, bringing equal justice under law to many who had never known it. If you teach, you will find room for stimulation and exploration which existed only on a limited scale before. If you go into business, you will find the beginnings of breathing room for the idea that social responsibility and honesty are good business. There are new careers . . . for ombudsmen and public advocates of all sorts. No matter what the field, the time is ripe for innovation and change. And if the job doesn't exist, you can always start it yourself!

You have been nurtured here. Now comes the time to break away, to test yourselves, to adjust to a harsher climate and get involved. Certain things underlie the philosophy that has guided me through my experiences and perhaps they may be helpful to you. These four things are: measuring reality against principle, a desire to get involved, a policy of flexibility, and willingness to take a risk.

How do we involve ourselves, you ask. How do we change the existing order of things? The task is so great, what can we do? We have no movement of our own, you say; unlike the older generation, we've no organized source of power and comfort such as the labor movement provided in the old days.

It is exhilarating to be part of a movement, but don't depend on mass movements to bring social changes. In fact, I wonder if the time for the mass movement approach to social change hasn't passed. Can it be that we have reached an era of more searching and lasting change in which all of us as individuals participate in the struggle for human rights? This does not mean that we all have to become public advocates. Whether you dance or farm, practice law or type, doesn't matter. It's the way you use your life that matters.

The prospect of involving yourself is exhilarating, partly because it involves risk. The more involved you become, the more mistakes you will make—and it will hurt. At the same time, the more you involve yourself in work you enjoy, the stronger and more effective you will be. You will experience satisfaction. And you will never be bored.

Keeping flexible as far as your job goes gives you options you might not otherwise have. Throw yourself into the work at hand, but be ready to change if you outgrow it or if you find that another sort of pursuit will use your abilities more fully. If you can keep your financial commitments fairly modest, you will be freer to move around.

Compromise among differing people is the essence of the democratic system. And isn't it the essence of life and living with each other? It doesn't mean giving up what you believe in; it means respecting other points of view and still getting the job done. How discouraging it is to find people who want to improve society actually hindering progress by their failure to learn constructive tactics. The Constitution and Bill of Rights would not exist in the first place were it not for the art of compromise. It was the genius of the people who bequeathed us this system to make certain that the very diverse people who followed would continue to use this art as the means of reconciling differences and effecting change.

Get to know "the enemy" and he becomes many people, some of whom you will share some attitudes with. It will take imagination and humor to reach out and find that common ground. In my own experience with industry, I have found that the stereotype of industry's refusal to change has often proved unfounded. Some of their fears have been almost a matter of habit, and for the fears that did have some basis in reality, we have been working out good compromises.

We talk about saving the system from the threats which menace it today. Aren't we talking about making the system work in the way it was intended? It was meant to be a living system, to be bent, to be shaken, and to grow. Why not use the tools at hand? There are many examples of this approach: nineteenth century water pollution laws have been dusted off and put to work by dedicated lawyers; the voting privilege is being strengthened and used by young people—a process in which your own Hinckley Institute plays a valuable role. Across the country your generation is recognizing the power of the electoral process.

Attacking the system or withdrawing from it—aren't these two sides of the same coin? Frankly, I see no great difference between the individual who refuses to throw himself into the process for fear of losing his heritage and the one who uses it to his own selfish ends. One's withdrawal makes the other's acts possible. As for attacking the system with violent means, I can only quote Martin Luther King, who continually reminded the people he led through long and painful trials, that "the means *create* the ends." Haven't we learned in this past decade that there is no such thing as saving the nation by destroying it?

Now more than ever, there is personal hope—of fulfilling the potential of human relationships, of better understanding how children grow, of pleasure in work, of the end of sharp distinctions between work and play. Most important, perhaps we can move toward a society in which each human being feels needed and useful in some way. It's beginning to happen. People are groping toward new arrangements to give the shelter once provided by the extended family and the small community, seeking an end to isolation. We are admitting the need to care and be cared for, to love and be loved.

If I can read from Ecclesiastes, Chapter 3:

"To every thing there is a season, and a time to every purpose under the heaven;

"A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted;

"A time to kill, and a time to heal; a time to break down, and a time to build up;

"A time to weep, and a time to laugh, a time to mourn, and a time to dance;

"A time to love, and a time to hate; a time of war, and a time of peace."

This will be your season for a while. Let it be a time to plant . . . a time to heal, and a time to build up . . . a time to laugh, and a time to dance . . . a time to love, and a time of peace.

THE YOUTH OF MONROE COUNTY, KY.

Mr. COOK. Mr. President, at a time when many believe that the youth of our Nation are failing to become productive citizens, I think we should take note of those who are pursuing this worthy goal. Michael Carter, Deborah Ray, and Pamela Emberton, of Monroe County, Ky, are fine examples of youth striving for both the betterment of themselves and society. Young Mr. Carter, for example, not only won the Kentucky State class A championship in pole vaulting but also placed first in a national annual high school mathematics test given at Tompkinsville High School in Tompkinsville, Ky.

I ask unanimous consent that the article published in the Glasgow, Ky., Daily Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOMPKINSVILLE YOUTH CITED

Michael Carter, 16, young Tompkinsville High School student, excells in sports as well as in mathematics.

In the state Class A Regional Pole Vaulting Contest held in Glasgow on May 19, he won easily by vaulting 11 feet 10½ inches, thereby establishing a Regional Record.

XUM

On May 27, Michael competed at Lexington Sport Center, Lexington, Ky., and this time won the State Class A championship in pole vaulting.

Carter also plays on the Tompkinsville High Football team as defensive guard.

On March 14, 1972, in a National Annual High School Mathematics test which was given at Tompkinsville High School, Michael Carter was high scorer, Deborah Ray, daughter of Mr. and Mrs. Harold Ray received second highest score and Pamela Emberton, daughter of Mr. and Mrs. Eagle Emberton was third.

On May 4, 1972, the high school was informed that these three students ranked first, second and third respectively in the test in the State of Kentucky. Michael and Deborah have been selected to participate in the first U.S.A. Mathematical Olympiad to be given to 100 students throughout the United States.

Our community is justly proud of these fine young students and their achievements. Their parents and the Tompkinsville High School faculty are also to be commended for their guidance and instruction in making this possible.

The Tompkinsville High School on May 5, presented Michael an award for placing first in the high school.

Michael is the son of Dr. William Carter and Mrs. William Carter. He is the grandson of Commonwealth's Attorney, Paul Carter and Mrs. Carter. He is a member of the First Baptist Church and is active in church affairs.

JUSTICE IN HAWAII

Mr. TUNNEY. Mr. President, Mr. Tersh Boasberg, a former employee of the Office of Economic Opportunity and at present a distinguished practicing attorney in Washington, D.C., recently journeyed to Hawaii as the attorney to defend a recipient of an OEO program grant. The alleged purpose of the hearing that Mr. Boasberg attended was to develop facts relating to the issue of whether this antipoverty grant should be refunded. Mr. Boasberg—in a witty, droll, and lucid style—has written his observations of the way the wheels of justice grind out decisions under the watchful eye of Mr. Thomas Mercer, the director of the San Francisco region of the Office of Economic Opportunity. Not so carefully concealed by the author's intentionally breezy style is a trenchant condemnation of bureaucratic decision-making gone awry. Humans fade into pathos, and what remains is a graphic depiction of why many people in this country say that OEO is unresponsive to the needs of the disadvantaged.

I ask unanimous consent that Mr. Boasberg's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JUSTICE IN HAWAII

I spent Memorial Day weekend in Hawaii on the Kona Coast of the Big Island. "God's country", said the airline representative, "the most beautiful sunsets in the world. Have a nice weekend." Visions of hula girls, macadamia nuts and mai tais. I packed my madras bathing suit, French suntan oil and my summer whites with the permanent press.

I went to Hawaii as the attorney to defend the Mil-Ka-Ko (Miloli-Ka'u-Kona) Research and Development Corporation and its sister, the Mil-Ka-Ko Fishing Cooperative. These anti-poverty projects were being closed down by Mr. Thomas Mercer, the Director of the San Francisco Region of the Office of Economic Opportunity. Well, they weren't technically being closed down. As OEO likes to put it, their grants were expiring on May 31, 1972 "by mutual agreement of the parties." Mr. Mercer was terminating the grants allegedly for reasons of corporate mismanagement, poor records, and the programs' inability to serve the poor. The funds remaining in the grant would have to be returned to the U.S. Treasury, together with Mil-Ka-Ko's few secondhand trucks and cold storage boxes for the fish.

OEO didn't like to discuss the real reason for the termination, namely, that on Mr. Mercer's one day trip to Mil-Ka-Ko on January 5, 1972, he took an immediate and intense dislike to Shirley Mesher, Mil-Ka-Ko's voluntary consultant. Shirley isn't the easiest person to get along with if you happen to be an OEO Regional Director. She's spent the last two years helping to keep Mil-Ka-Ko alive, living with Mrs. Maggie Basinga and her six children in what used to be the projection room of an abandoned movie house in the village of Captain Cook. The preceding five years she spent near Selma, Alabama, organizing SWAFCA, an indigenous Black co-op, long a nemesis of OEO.

Shirley tends to alienate officials by encouraging the eligible poor to go down to local welfare offices to ask for food stamps, social security benefits and medicare. She doesn't recruit maids and busboys for the local hotels and she doesn't support the airlines. In Hawaii, there are some people who don't like this kind of welfare activism and they don't like to be reminded of the pock-marked face of young girls or of fishermen's swollen eyes, running mucous from the ocean's glare.

So the next week, Mr. Mercer took aside Confessor Riveira, the president of the R & D Corp. and Louis Paulo, the head of the Fish Co-op, and told them (in front of three other witnesses), "Either Shirley Mesher goes or your program goes." Riveira and Paulo said they needed Shirley. Mr. Mercer began to shut down the programs.

After all, Mr. Mercer was the new Regional Director. Wasn't his mission to clean up the poverty mess? And anyway, what did a bunch of uneducated Hawaiians, Puerto Ricans and Filipinos know about federal program and financial management?

After making conditions intolerable for Mil-Ka-Ko, Mr. Mercer commenced termination proceedings on March 30, 1972, barely 13 months after the program had started. (He just couldn't wait another two months until the grant expired of its own accord.) On April 10, Mr. Mercer summarily suspended Mil-Ka-Ko, froze their bank accounts, set a quick hearing for April 12, and named himself as the impartial hearing officer.

But Mr. Mercer had erred. Under OEO's regulations, Mil-Ka-Ko was entitled to hire a lawyer (pay him $12.50 an hour) and have a public hearing since their grant authority, technically, was being "terminated" rather than "not extended". A federal court in Washington told Mr. Mercer he had to give Mil-Ka-Ko's lawyers more than three days to prepare their defense. Mr. Mercer decided that facing a public hearing on the Kona Coast in front of all those poor people and their lawyers was too risky. He withdrew the termination proceedings on April 19 and cancelled the public hearing.

Instead, Mr. Mercer waited. Then, on May 12, he told Mil-Ka-Ko that their authority to operate would be terminated on May 31. Under another OEO regulation they were entitled only to an "informal meeting" with an OEO official "to show cause" why they should be refunded. Unfortunately, they were not entitled to a public hearing, an independent hearing officer, or to confront and cross-examine OEO witnesses.

OEO set the "informal meeting" for May 27. Mr. Mercer was to give his "objective" decision after hearing the recommendations of the presiding OEO official. Mil-Ka-Ko went back to federal court, where the judge "suggested" to OEO general counsel that perhaps Mr. Mercer was overly involved. Consequently, Mr. Mercer named his new deputy director, Mr. Gonzales, to make the final decision.

The informal meeting started on Saturday, May 27, not on the Kona Coast, but at Hilo—a full three hour drive over tortuous roads from Kona. OEO calculated that the meeting might be more manageable if it was held at Hilo since few of the poor fishermen and farmers had their own cars and since all of Mil-Ka-Ko's records were at their office in Kona. Holding the meeting over Memorial Day weekend also should tend to discourage press and T.V. coverage.

But Mil-Ka-Ko rented old trucks and vans and 150 people showed up at Hilo: fishermen from Miloili, farmers from Captain Cook, busboys from Kailua, construction workers from Ka'u, and their wives, children and grandparents. A few others also gave up their weekend because they couldn't believe the federal government was taking away the few old trucks and cold storage boxes that Mil-Ka-Ko owned.

They testified in broken English and pidgin Hawaiian. Arthur Kuahuia and his 18-year-old wife, Evelyn, said now that they had the Co-op, they didn't have to get up at 1 o'clock in the morning; drive to the nearest store two hours away to buy cube ice; fish for 10 to 12 hours straight; and then drive another six hours to peddle their fish at the auction in Hilo. Twenty-three-year-old Cam Spencer and Steven Kuahuia, cradling their two infants, described how they still braved the ocean in outrigger canoes with 25 HP motors.

Mr. Kasuga testified that since he could buy ice from the Co-op, he now could get his fish to market without them "burning" (turning white from the heat). Mrs. Kasuga wanted the OEO official to know that it was sometimes difficult for her to raise 14 children (two had already died) in Miloili because the village still had no electricity, running water or sewage. And Mrs. Akiu, Mrs. Kaliwali and Mrs. Basinga told about their twice-monthly meetings, the written agendas, election of directors and the myriad records, financial statements, balance sheets, MIS data, regulations and guidelines, which OEO's San Francisco office had thoughtfully required.

William and Sarah Kahele, Kalani Gregg, Louis and Mona Paulo, Shigi Takayama, Mrs. Rentigrada and Confessor Riveira testified that the fishermen who earned $1,000 a year before the Co-op were now earning $4–5,000; about the youth program which had been started; that for the first time on the Big Island a land reform project was underway; and that food co-op was being organized.

For three days and two nights the people of the Kona Coast tried to "show cause" why Mr. Mercer should let them continue to operate their meager program and second hand trucks. Most had never even met a federal official. Few had ever testified before anyone.

At the end, 20-year-old Shirley Kasuga read a poem that the young people of Miloili had written:

"Auwe! We sorry Hi Makamaka
We forget our place,
Da next time We No!

"We sorry we listen about
Da kine Rights and Believe dem,
Da next time, We No....

"So, we sorry for da kine pilikia
An for liking more dan been poor,
An smile 'aloooha' and serve for da tourist,
The next time We No...."

The court reporter couldn't finish transcribing the whole poem. She had to leave by the rear door of the meeting room so no one could see her crying. And the official tape recording would never show the tears on Kalani's cheeks, or on Shirley's or mine.

The "impartial" OEO official had to leave promptly at 3 p.m. on the 29th in order to catch the last plane to San Francisco. It did not matter that much remained to be said. Three days were enough. And besides, didn't Mr. Gonzales have to give his reasoned decision no later than May 31st?

Later that evening, Louis and Mona Paulo brought out their guitars, and William and Sarah Kahele, their ukuleles. They played and sang in Hawaiian. The Paulos' daughter danced hula. We ate sashimi. (The airlines were right.)

They thanked me profusely. They were even grateful to OEO for sending such an "objective" official. No one had testified against Mil-Ka-Ko. Surely, the program would continue.

When I left, Shirley Mesher put a lei around my neck. Shirley Kasuga took my picture. They all sang "Aloha." I kissed them goodbye.

The OEO telegram came on May 31st from Mr. Gonzales. "After considering all the evidence, the government feels that you have not been able to show cause why you should be refunded . . . a GSA official will pick up the trucks and cold storage box . . ."

Have a nice weekend. Aloha.

COMMENT ON JOINT COMMUNIQUE BY PRESIDENT NIXON AND PRESIDENT ECHEVERRIA

Mr. JAVITS. Mr. President, when I met President Luis Echeverria, I was enormously impressed with his energy, dedication, and philosophy. Here was one leader of the developing world who was concerned not only with relations between the countries of the developed world and those of the developing world, but also with closing the gap between the haves and have-nots within his own country as soon as he could.

One of the worrisome facts about the impressive Mexican economic development prior to the Echeverria administration was that a serious problem of income distribution was developing. President Echeverria's policies have consciously attempted to diffuse the fruits of this impressive and continuing rate of economic growth more evenly throughout the nation.

I was impressed with President Echeverria's address to the joint session of the Congress. In my view he was "telling it as it was" from the point of view of a respected leader of Mexico and of the developing world. This is a point of view we do not hear frequently.

At the conclusion of the state visit of President Echeverria, a joint communique was issued by both Presidents. The purpose of my intervention today is to bring this communique to the attention of Members of Congress. The communique makes clear not only that the meetings between President Nixon and President Echeverria were amicable, but also that progress was made on the substantive issues troubling United States-Mexican relations and U.S. relations with the rest of the developing world.

I note in particular that in the joint communique President Nixon "recognized the important role developing countries could and should play in erecting a new international monetary system and in progressing toward a free and fair trading system. In endorsing trade policies more responsive to the problems of both developed and developing countries, he reaffirmed his intention to seek congressional authorization at the appropriate time for the United States to participate with other industrialized countries in a system of generalized tariff preferences for imports from developing countries."

As Senators know, following the leadership of, first, President Johnson and then of President Nixon, most other countries of the developed world—the United Kingdom, the Common Market, Japan, Sweden—have now extended generalized tariff preferences to the countries of the developing world. President Nixon has now reaffirmed the U.S. intention to seek the legislative authority to allow the United States to live up to its pledge and it would be my expectation that generalized preferences legislation would be an integral part of any trade package sent to the Congress late this year or early next year. I also point out that our trade balance with Mexico and with the developing world as a whole remains in healthy surplus.

I also applaud President Nixon's statement that the developing nations "could and should" play an important role in erecting a new international monetary system. It is my feeling that there may be a strong community of interest between the type of new monetary and trading system that the United States wants to see evolve and that which the developing world wishes to see evolve. I note also that in making this statement President Nixon wisely was being responsive to one of the areas of greatest interest to the developing world as these issues developed at the recently concluded UNCTAD III conference.

I ask unanimous consent that the joint communique issued by President Nixon and President Echeverria be placed in the RECORD.

There being no objection, the joint communique was ordered to be printed in the RECORD, as follows:

JOINT COMMUNIQUE FOLLOWING TALKS BETWEEN RICHARD NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, AND LUIS ECHEVERRIA ALVAREZ, PRESIDENT OF THE UNITED MEXICAN STATES, JUNE 15–16, 1972

President Richard Nixon and President Luis Echeverria Alvarez welcomed this opportunity to renew their personal friendship and the cordial dialogue which began at their first meeting here in 1970. They regarded this visit as particularly appropriate at a time when the eyes of the world have been focused on President Nixon's recent visits to Peking and Moscow. The visit of the Mexican President to the United States serves to direct broad attention to the equally important tasks of advancing new approaches to Latin America and the less developed nations of the world.

They also agreed that their meetings had contributed to the establishment of a new era, an opening characterized by a spirit of frankness with Mexico and which they hoped would characterize intra-Hemispheric relations.

The two Presidents exchanged impressions on world and Western Hemisphere affairs in considerable detail. President Nixon described his talks with the Chinese and Soviet leaders. President Echeverria recounted his experiences on recent visits to Japan, Chile and Peru. They found this review informative, useful as well as stimulating. They were firmly united in the view that world peace with social justice is essential to the well-being of all mankind.

The Presidents discussed overall relations between their two countries—political and economic affairs, and cooperation in the scientific, technical, cultural and other fields.

The President of the United States recognized the important role developing countries could and should play in erecting a new international monetary system and in progressing toward a free and fair trading system. In endorsing trade policies more responsive to the problems of both developed and developing countries, he reaffirmed his intention to seek congressional authorization at the appropriate time for the United States to participate with other industrialized countries in a system of Generalized Tariff Preferences for imports from developing countries.

Regarding the problem of the salinity of the Colorado River, President Echeverria told President Nixon that Mexico reiterates its position as regards receiving its assignment of original waters from the Colorado River, to which the Treaty of February 3, 1944 refers, and therefore, with the same quality as those derived from the Imperial Dam.

To this, President Nixon replied that this was a highly complex problem that needed careful examination of all aspects. He was impressed by the presentation made by President Echeverria and would study it closely. It was his sincere desire to find a definitive, equitable and just solution to this problem at the earliest possible time because of the importance both nations attach to this matter.

As a demonstration of this intent and of the goodwill of the United States in this connection, he was prepared to:

(a) Undertake certain actions immediately to improve the quality of water going to Mexico;

(b) Designate a special representative to begin work immediately to find a permanent, definitive and just solution of this problem;

(c) Instruct the special representative to submit a report to him by the end of this year;

(d) Submit this proposal, once it has the approval of this Government, to President Echeverria for his consideration and approval.

President Echeverria said that he recognized the goodwill of President Nixon and his interest in finding a definitive solution to this problem at the earliest possible time. He added that based on two recent trips to the Mexicali Valley and his talks with farmers there, his Government, while reserving its legal rights, had decided to stop using waters from the Wellton-Mohawk project for irrigation purposes while waiting for receipt of the US proposal for a definitive solution.

Both Presidents agreed to instruct their Water and Border Commissioners to prepare and sign a Minute containing the above program and commitments as soon as possible.

The Presidents discussed the many areas of ongoing cooperation between Mexico and the United States, and their conviction that such cooperation serves to bind our people even closer together in mutual effort and understanding. They took note of the agreements concluded during the visit by their respective Secretaries for Foreign Relations: a bilateral agreement with regard to the exchange of information, training and research in the fields of science and technology; a subsidiary agreement which contemplates the exchange of young technicians and scientists (including the training of some 100 young Mexican technicians and scientists

through US Government agencies); renewal of the agreement on Cultural Relations.

President Nixon and President Echeverria discussed the serious nature of the illicit international traffic in narcotic drugs. They reviewed the joint enforcement measures which their countries have successfully undertaken over the past two years. President Nixon informed President Echeverria of recent measures taken to combat the drug problem in the United States. They agreed to acquire and employ additional equipment in the antinarcotics campaign and to make available increased training of personnel for this purpose.

With regard to the question of migratory Mexican workers, the two Presidents discussed the economic, social and political factors that produce this problem and agreed it was desirable for each government to undertake immediately a study of this question with a view to finding a mutually satisfactory solution.

Recognizing the communality of many environmental problems and the need to seek cooperative solutions through the exchange of research and experience, the two Presidents have agreed that appropriate policy level officials from Mexico and the US will meet on a regular basis for discussion and consultation concerning current and future environmental problems of mutual concern and the methods for dealing with them in a more systematic way.

The conversations between Presidents Nixon and Echeverria were at all times cordial and marked by the spirit of good neighborliness which exists between Mexico and the US. At the same time problems were discussed frankly and openly as between true friends in an atmosphere of mutual respect and trust. President Echeverria particularly wished to convey on behalf of Mrs. Echeverria, his party and himself, his deep appreciation for the warm hospitality which was extended to them by President and Mrs. Nixon.

President Nixon expressed his great pleasure that President and Mrs. Echeverria will now have an opportunity to visit other areas and cities of the United States and assured them they will receive a warm and friendly welcome from the American people.

LAND-GRANT STATUS TO COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

Mr. MOSS. Mr. President, the Higher Education Act Amendments of 1972 (S. 659), which has been cleared by both Houses and sent to the President, contains an amendment I offered to give land grant status to the College of the Virgin Islands and the University of Guam. I am delighted.

The amendment, which I originally offered as S. 1148 in the 91st Congress, goes a long way toward correcting an inequity. Before passage of this bill, Guam and the Virgin Islands were the only two areas under the American flag which had schools of higher learning and no participation in the land-grant college programs.

The population of Guam is about 100,000 and that of the Virgin Islands about 65,000. The young people in these territories who seek careers in agriculture, the extension service, community services, environmental sciences, dietics, home economics, mechanical arts and the many other disciplines in which land-grant colleges traditionally excel, have had to apply to colleges in the States or Puerto Rico. This has raised many problems. Mainland schools often have stringent out-of-State student enrollment policies and tuition is beyond the means of the average student from Guam or the Virgin Islands. Now these problems will disappear.

Also, the residents of the two territories can now take advantage of the cooperative extension programs which are connected with land-grant universities. Over the years, the Cooperative Extension Service has vastly increased its services in home living, community improvement, and youth development. All of these services are helpful and welcome in both the territories.

The passage by Congress culminates a lengthy legislative struggle. S. 1148 was favorably reported by both the Senate Interior and Agriculture Committees, was passed unanimously by the Senate and referred to the House Agriculture Committee where it was killed in the final days of the 91st Congress by a 2-to-2 Agricultural Subcommittee vote.

The bill was then reintroduced in the 92d Congress and offered as an amendment to S. 659. It was also incorporated in the House-passed bill.

I am especially pleased that the final version of the measure includes the full $3 million I had requested originally, rather than the lesser amounts recommended by Senate Agriculture Committee in the 91st Congress. Each college will now receive the $3 million as an endowment in accordance with the intent of the first Morrill Act. Both of the schools, far removed from the mainland United States, need and deserve this added assistance.

The funds made available to the colleges can be used for instruction equipment and supplies in agriculture, mechanical arts, English, mathematics and natural and physical sciences, and the special preparation of teachers. The funds cannot be used for the purchase or preservation of buildings or the purchase of land. I also anticipate that the courses of instructions which have particular importance to the evolving needs of the citizens of each of the territories would be added to the college curriculum.

Both schools are comparatively young. The University of Guam was founded in 1952 and the College of the Virgin Islands 10 years later.

It is time that both of them had the advantages that the Congress, down through the years, has made available to land-grant colleges.

It is also time that the citizens of these island territories get the advantages of quality education both for the present generation of students and those yet to come.

FIRST NATIONAL CONFERENCE ON STRIP MINING

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent to have printed in the RECORD a statement by him relative to the First National Conference on Strip Mining, held in Middlesboro, Ky., on June 17, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HARRIS

On June 17, 1972, I took part in the First National Conference on Strip Mining held in Middlesboro, Kentucky. The conference was attended by some 500 representatives of various local organizations dedicated to stopping the exploitation of land resources and people through strip mining. They came from eleven states—Kentucky, Tennessee, West Virginia, Alabama, Ohio, Indiana, Montana, Wyoming, Oklahoma, Arizona and New Mexico. There were also approximately 100 people in attendance at the hearing who were local strip mining operators and workers. A spokesman for them addressed the conference.

Following statements by all the groups represented, the conference broke into workshops on: federal legislation and national energy policy; state legislation, legal action and tax action; methods and strategies for effecting political party platforms; Tennessee Valley Authority and public utilities. After hearing and discussing the reports of the various workshops the whole conference went on record in favor of a general policy statement as follows:

"First and foremost, we want strip mining *stopped*. Then we can turn our attention to alternative energy sources and a national energy policy—with more jobs for all, saving our people and our land. We now know the growing threat and our growing strength. We will work together until the job is done.

"We endorse all measures which will make more efficient use of our present energy supply and which will help curb our outrageous growth in energy consumption."

As a cosponsor of a bill principally authored by Congressman KEN HECHLER of West Virginia, I believe that strip mining should be abolished, and I urge senators to support this position when this matter comes before the Senate. I am also the principal sponsor in the Senate of a bill to prohibit the Tennessee Valley Authority from purchasing strip-mined coal. The government itself through this agency is one of the worst culprits in this whole ugly scramble from purchasing strip-mined coal. The government itself through this agency is one of the worst culprits in this whole ugly scramble and causing great harm to ordinary people who are looking to the political process for help.

Furthermore, I believe that until strip mining is stopped altogether we should prohibit the exportation of strip-mined coal. Foreign countries, such as Japan, which buys as much strip-mined coal each year as is produced in the entire state of Kentucky, would not themselves allow this devastating practice in their own country; yet we allow them to purchase this cheap product of our exploited land and people and sell their final product—steel, for instance, back into this country at low cost. Thus, we are not only exporting cheap coal but thousands of jobs as well. This ought to be halted.

I am urging the Senate Interior and Insular Affairs Committee to take the strong and vital action necessary to stop strip mining and prevent the continued wasting of our land, streams, resources and people which strip mining necessarily entails.

THE CONTINUING CRISIS IN BURUNDI

Mr. TUNNEY. Mr. President, I again invite the attention of the Senate to the tragic situation in Burundi. Last week I introduced three resolutions designed to elicit information and respond to the recent conflict between the ruling minority tribe, the Tutsis, and the ruled majority tribe, the Hutus. I am encouraged by reports that the mass slaughter has subsided, although we still lack authoritative news reports to verify this fact.

However, there is one facet of this devastating revolt which continues to merit the consideration of us all: the widespread destruction and impending famine which threaten to cripple southern Burundi. This morning on the "Today" show on NBC, a member of the Catholic Relief Service, Mr. Joseph Payton, discussed the problem from personal insight he had gained in the small African nation. Mass confusion still exists among Burundians in the aftermath of the slaughter in which at least 50,000 people were killed. According to Mr. Payton, if a massive effort is not mounted immediately, thousands more will die of starvation.

Our Nation should respond at once to the call for aid. Senate Resolution 317, which I submitted on June 12, requests the United Nations to report on the most effective ways to channel humanitarian assistance into Burundi. I urge all Senators to consider our moral obligation to act in this time of tragedy. It is my sincere hope that the Senate will recognize the desperate plight of Burundians and respond to their needs.

ENERGY RESEARCH PRIORITIES

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD the very timely and provocative remarks of the distinguished Senator from West Virginia (Mr. RANDOLPH), urging a realistic ordering of our energy research priorities, in a statement before the Committee on Interior and Insular Affairs on June 7, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REALISTIC FEDERAL ENERGY RESEARCH PRIORITIES ARE NEEDED

(Statement of Senator RANDOLPH)

Mr. Chairman, I appreciate this opportunity to file a statement this morning as an ex-officio member of the Committee on Interior and Insular Affairs for the National Fuels and Energy Policy Study. The subject of this hearing—Federal energy research priorities and programs—is, as never before, the key to our nation's future energy economy.

As I have stated before, our nation, and numerous other nations, are embarking on a gigantic gamble in attempting to maintain reliable and abundant production of crude oil, natural gas, and coal from other than domestic reserves. The assumption, hopefully, is that some substitute source, or sources, of immense amounts of energy will be developed in time to replace depleted non-renewable fossil fuels. Yet, should available energy supplies falter, or the requisite technology not develop, the American people and, perhaps, even large portions of the world, may experience economic and social depression verging on catastrophe.

DEPENDENCE ON OIL IMPORTS

During recent months I have become increasingly concerned for our Nation's policy of continually increasing dependence on foreign energy resources, in particular on oil imports. When the vagaries of the policies of the oil producer countries are examined the current trend is even more disturbing. In fact, the oil import program is the subject of hearings before the House Committee on Foreign Affairs this morning.

An article in last Sunday's Washington Post highlighted recent activities of the Organization of Petroleum Exporting Countries (OPEC) in their striving to obtain control over not only production facilities but also over oil's transportation systems, especially over oil tankers. As each month passes our energy economy is becoming more captive of and dependent upon imported oil.

In recent years, oil has become the dominant fuel for electric power generation along the East Coast. Today, 90 percent of the electric power generation in the Atlantic seaboard region is dependent on imported oil. In New York City, for the first time in 90 years, the Consolidated Edison Company consumes not one pound of coal for electric power generation. By the end of this year, fossil fuel electric generation in the State of Maryland will be totally dependent on imported oil.

Even more dramatic, however, is the export of dollars to pay for this oil. The value of the imported oil in Petroleum Administration District One in 1964 was $629 million. This had risen to $1.4 billion last year for District One alone. In 1970, total national imports of crude oil, distillates, and residual fuel oil cost this Nation's balance of payments approximately $2.3 billion.

Several weeks ago Treasury Secretary John B. Connally stated that "the potential impact of unrestrained oil and gas imports is of such a great magnitude as to pose a special threat to our trade balance and to the very viability of the international trading system."

ASSURING A FUTURE DOMESTIC ENERGY ECONOMY

Energy research and development is but a small part of the larger issue of people and energy, with all its ramifications—land use, mass transit, security, economic growth, mobility, etc. Perhaps the most significant of these is the location of future populations. Ever expanding patterns of concentration of population in certain areas of our Nation could place unmanageable regional burdens on all fuels and energy sources. Perhaps the most significant constraint is on our practical ability to extract and transport energy resources in the quantities envisioned.

During today's hearing testimony by Administration and other witnesses doubtless will place emphasis on the same need for a comprehensive Federal energy research program that was acknowledged in 1962 by the Senate Interior Committee's National Fuels and Energy Study Group. As a nation we are more dependent today on imported energy resources than at any time in our nation's history. And we lack the technologies so necessary to assure the future of our domestic energy economy in many regions of the country.

Clearly, our nation's long-term energy posture depends on the successful development of solar energy, the nuclear breeder reactor, and controlled fusion. First, however, we must successfully meet the requirements of the 1970's and 1980's when there will be need for the development of sulfur oxide control technology, both high- and low-BTU coal gasification, and geothermal energy sources. And there also must be the development of improved efficiencies in the conversion and end uses of energy.

These are several references to technological areas where Federal support offers potential for resolution of both our environmental and energy dilemmas. While many of these areas, and others, were reflected in the President's message on Clean Energy last July, we have not seen any enthusiastic commitment on the part of the Administration to assure their development. For example, the two new sulfur oxide control technologies cited by the President for demonstration have yet to be announced, and a year has gone by.

Perhaps the most significant long-term potential for relieving the emerging energy crisis exists in improving the feasibility and capability for the more efficient conversion and utilization of energy resources. Improvement in the efficiency of energy-conversion would relieve our dependence on imports and mitigate the environmental impacts of energy production and use.

CURRENT RESEARCH PRIORITIES

Today's hearing is to consider current and planned Federal support of energy research and development. Clearly, no achievement or national goal is more critical to our nation's future than assuring adequate and reliable domestic sources of energy that also preserve a quality environment.

Last year extensive hearings were held as part of the National Fuels and Energy Policy Study on the Department of the Interior's coal gasification program. Under that program, three different processes for production of pipeline quality gas from coal are being demonstrated in Illinois, South Dakota, and Pennsylvania under joint government-industry sponsorship. The Federal share in this energy development is $15.9 million in fiscal year 1972—and an estimated $29.2 million in fiscal 1973.

As laudable as these programs are they are only partially responsive to the obvious national energy needs. They are under-funded and are unresponsive to the critical reality that only about 18 percent of the steam coal produced in the Appalachian and Interior regions can be expected to meet 1975 environmental standards. Thus, 82 percent of current coal production will die.

Loss of this coal supply would represent a loss of $1 billion annually in sales—and a reduction of about 30 percent of the current work force employed in the bituminous coal industry. It would affect adversely 44,500 mine workers, including 15,000 in my home state of West Virginia alone. I find this situation unacceptable. Improved technology can save this valuable fuel from under-utilization at a critical time in our energy history.

This year I had the privilege of chairing hearings, pursuant to the National Fuels and Energy Policy Study, on Federal programs to develop synthetic low-Btu gas from coal. This type of gas would be acceptable for the generation of electricity in existing boiler and in new advanced power cycles, while still using high-sulfur coal and oil.

The principal differences between advanced power cycle developments and the coal gasification program, as I understand it, is the emphasis placed by the Environmental Protection Agency's program on on-site production of a low-Btu gas for use in gas turbines. The Department of the Interior's program, on the other hand, has emphasized synthetic high-Btu quality gas which can be mixed with natural gas for distribution through existing natural gas pipeline systems. Both the EPA and Interior Department objectives are good—and necessary. Neither should get short-circuited in funding and effort.

Although several industry groups have indicated a willingness to demonstrate this high risk low-Btu gas development with joint Federal-private sector funding, proposals submitted almost one year ago remain pigeon-holed within both the Department of the Interior's and the Environmental Protection Agency's archives. The question must be asked: Has the Office of Management and Budget set up fiscal roadblocks?

Considering this and past records of performance on Federal energy research directed

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at using our domestic fossil fuels, we cannot say that such Federal performances have been other than totally inadequate. Considering the anticipated adverse impact of proposed and existing air pollution standards on Appalachian and other sources of high-sulfur coal supplies, better pollution abating technologies must be found. EPA Administrator Ruckelshaus has stated that the only truly satisfactory way for Eastern coal to continue to serve as a large scale source of energy is to convert it to synthetic liquid or gaseous fuels.

ACTION IS NEEDED NOW

Action, not rhetoric, is needed now to increase Federal and industry support of energy research and development. Although, I do not usually favor independent agencies for research purposes, unless the necessary steps are taken immediately to decrease our dependence on foreign sources of fuel and to increase the dependence on domestic energy resources, I am prepared to suggest that an independent body be established to spearhead energy research similar to the corporation proposed by Senator Jackson in S. 1846 for coal gasification and the corporation proposed by Senator Moss in S. 2510 for the development of new energy sources. Such an Energy Development Corporation could serve as a focus for both government and industry research and, conceivably, could obtain its revenues from a fee such as that proposed by Senator Magnuson in Amendment No. 364 to S. 1884.

I have mentioned this proposal as a last resort alternative to what I consider to be the unresponsiveness of current Federal energy research programs and priorities to the obvious issues and problems facing our energy system and our national economy.

REPORT FROM ISRAEL ON SOVIET JEWS

Mr. RIBICOFF. Mr. President, last month my good friend Representative ROBERT DRINAN visited Israel as a representative of the National Interreligious Task Force on Soviet Jewry. This group was formed in 1971 to mobilize Christian concern for Soviet Jews.

In the comparatively short time he has been in office, BOB DRINAN has been an eloquent and clear voice in support of Israel and the oppressed Jews of the Soviet Union.

During his visit to Israel the Congressman spoke with key Israeli officials, including Foreign Minister Eban, and many of the new Soviet immigrants themselves. He has recommended the convening of a second Brussels Conference by Christian religious leaders to highlight the plight of Soviet Jewry. Representative DRINAN has also underscored, on the basis of his firsthand experience, Israel's desperate need for assistance in absorbing thousands of new Jewish immigrants from the Soviet Union. Hopefully, the Senate will soon be taking its final action on legislation to provide $85 million in U.S. aid to assist in this formidable task.

Upon his return from Israel, Representative DRINAN wrote three newspaper articles about his trip. I recommend them to all those who share our concern for the future of Soviet Jewry. I ask unanimous consent that the three articles, which were published in the Boston Globe on June 3 and June 4, and in the Jewish Advocate on June 15, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ISRAEL NEEDS U.S. AID FOR RUSSIAN JEWS

(By Representative ROBERT F. DRINAN)

The fate and future of Soviet Jews dominated the news and the concerns of Israelis during my days in the Holy Land.

More than 200 recent immigrants from Russia fasted and prayed day and night at the Western (Wailing) Wall during the period when President Nixon was in the USSR. These Soviet Jews pressed me to try to discover what Mr. Nixon might say to Russian officials concerning the arbitrary denial of visas to the estimated 80,000 Soviet Jews who have applied. I could only assure these immigrants that the members of the United States Congress would continue to press for justice for Jews within the USSR and for the recognition of their right to emigrate.

During my stay in Israel, Patriarch Pimen of Moscow's Orthodox Christian Church visited Jerusalem. His coming prompted demonstrations against the policy followed by the Kremlin since at least 1939, of suppressing every manifestation of Jewish culture and religion.

Israeli officials confirmed to me that the in-gathering of Soviet Jews—40,000 of whom may emigrate to Israel in the next 12 months—had approached a turning point and a moment of crisis. Israel's Minister of Immigration and Absorption Nathan Peled stated that his nation confronts, in the task of absorption of Jews from Russia, one of the most severe challenges in its history.

Peled insisted that the care of Soviet Jews was "first on the list of national priorities." It is, he asserted, Israel's privilege and duty to assure that the "aliyah" of the Russian Jews to return to the "promised land" will fulfill the meaning of "aliyah," a "rise to a better place."

Louis Pincus, chairman of the worldwide Jewish Agency, felt that President Nixon's presumed raising of the question of Soviet Jews with the Kremlin might improve the situation drastically. But he felt that the continued efforts of Americans, especially non-Jewish Americans, would be essential if Russia were to grant visas to at least a small percentage of those who apply.

I spoke with the Foreign Minister Abba Eban about a number of things—including Presidential politics in America—but the conversation always came back to the new exodus, the 13,000 Russian Jews who, contrary to all expectations, had been allowed to leave the USSR.

Eban expressed his gratitude at the anticipated passage of a bill in the United States Congress which would furnish to Israel $2,000 in American assistance for each Soviet refugee, a measure along the lines of similar assistance given in the past by the United States to refugees from Hungary, Czechoslovakia and Cuba. (The $2,000 hardly covers the sum of about $1,000 required for the purchase of each visa in Russia and for the substantial transportation costs to Vienna and thence to Israel.)

The most touching manifestation of concern came from a letter to a newspaper written by a high school girl named Mira Shahar of Haifa. She described the message she heard on the radio. "We still don't know what will happen to the Jews of Leningrad". She told of her "sharp feeling of guilt which became worse and worse." She concluded her letter with these moving words:

"Suddenly I felt the meaning of identification in its deepest sense. I wanted to help to do something for them. I wanted to ask God many things for my brothers in Russia but I could only whisper: 'Please give them power to continue to fight'."

[From the Boston Sunday Globe, June 4, 1972]

SOVIET JEWS IN NEW EXODUS

(By Robert F. Drinan)

Dr. Pintah Hanoch and his wife Dinah made their exodus from Riga, Russia, to Israel at Passover time in 1971. They left a city of 700,000, with a Jewish community of 40,000, because they finally had decided that they were determined to live as Jews and to do so was not possible in Riga.

At a luncheon in the cafeteria of Afula Hospital the Hanochs told me that they had no rabbi in Riga but only a government-appointed clerk to care for the synagogue. Religious instruction was almost unknown although family-transmitted piety in a Yiddish-speaking community survived almost miraculously in the 54 years after 1917.

Dr. Hanoch and his wife applied for a visa to Israel in 1969. Mrs. Hanoch came to her decision in a different way than her husband. She never had religious instruction and her mother was a militant Communist. She hardly identified herself as Jewish until the Six-Day War in June 1967. The pride she felt in this event made her determined not to allow her daughter, then one month old, to spend her life in Russia where anti-Zionist calumnies are repeated daily in the press and other media.

Dr. Hanoch and his wife described to me one of their relatives who, they said, was imprisoned for visibly exercising his Jewish faith. They asked me to try to intervene. They also urged me in the strongest terms to exhort increased numbers of American Jews and especially non-Jews and to write to those in Russia who are imprisoned because of religious beliefs and also to write to those 80,000 persons who suffer the wrath of the Kremlin because they have publicly declared that they want to leave Russia.

Talking with Pintah and Dinah Hanoch was one of the most moving experiences of my life.

I talked one afternoon at an absorption center in Tel Aviv with a widow named Raissa. Her husband had been killed in Russia under frightening if obscure circumstances. Now, Raissa took care of her two infant sons and learned Hebrew. Her descriptions of the culture shock she had been through in her first four months in Israel were characteristic of the psychological trauma which escapees from a police state must undergo as they adjust to a free society. Raissa said simply but beautifully that "I've learned not to be afraid" and "I've almost accepted the fact that I am now a person who is respected." Raissa shocked the government official who was with us when she said that "I've lost my identity as a Jew by becoming an Israeli."

My last morning in Jerusalem I chatted for some time with Boris and Mary Tsukerman and their sons Boris and Lev. Helping to fulfill their great desire to leave Russia was money sent to them by their cousin who, to my astonishment, turned out to be one of my constituents! When asked if they wanted to come to America, the Tsukermans replied quietly that their prayers over many years for a spiritual homeland had finally been answered in Israel. In view of the attitude of this family, and of Soviet immigrants I spoke to in Israel, I was not surprised to learn that of the 13,000 Russian Jews who have gone to the international relocation center at Vienna only 56 elected to go to the United States although virtually all of them would be eligible to do so.

It is impossible to underestimate the exultation which exists in Israel over the current exodus of Soviet Jews. Israelis openly express the hope and even the expectation that 500,000 or more Russian Jews will come to Israel in the 1970s. Some members of the knesset and some professors at Hebrew University with whom I spoke expressed the view that the influx of Soviet Jews would open up a whole new era in the cultural and religious development of Israel.

To be sure, dissatisfaction and misunderstandings exist on both sides. Some immigrants of an earlier period and some sabras complain that too much is given too soon to the Soviet emigres. The migrants, on the other hand, complain that they have too little choice regarding their place of residence or their occupation. A good one-third of the male immigrants are professional or skilled. One-third of the 2500 new citizens who arrive each month are under 18. Practically none of the new arrivals know any Hebrew and few appear to have relatives who can help them. As a result difficulties exist and there is no indication that greater problems will not arise.

During my days in Israel studying the meaning of the new exodus of Soviet Jews I could not help but think that it should have been Christians who convened the Brussels Conference. Have Christians learned nothing from their virtual silence during the holocaust when six million Jews were killed? Would a second Brussels Conference convened by Protestant, Catholic and Orthodox Christians focus world opinion on Russia and the Arab states so that finally these nations would terminate their oppression of Jewish culture I think that it would. And I hope that Brussels II will be organized.

Leaving Israel I was overwhelmed by the searing truth that the oppression of Jews in modern times can be prevented only by Christians mobilizing world opinion against the oppressors. Perhaps Christians will do so only after they have realized the full implications of what Reinhold Neibuhr, the famous Protestant theologian, meant when he told us that no one can be a good Christian until first he is a good Jew.

CONGRESSMAN STUDIES IMPACT OF ISRAEL'S SOVIET REFUGEES

(By Rev. ROBERT F. DRINAN)

I was honored and delighted to be able to accept in early April an invitation from the National Interreligious Task Force on Soviet Jewry to visit Israel as their representative and to report to them and to the nation on the problems related to the extraordinary new migration of Russian Jews to Israel, an exodus which sometimes reaches 1,000 arrivals per week in Tel Aviv.

I had the opportunity to meet at length with Israel's distinguished Foreign Minister, Abba Eban, and with a number of other high ranking government officials—including the Minister of Immigration and Absorption, Mr. Nathan Peled—as well as the Chairman of the world-wide Jewish Agency, Mr. Louis Pincus, and many recently-arrived Soviet Jews.

Let me give some of my reflections about 1.) the economic situation in Israel, 2.) the political stability of Israel which I observed and 3.) the critical problems related to the ingathering of Soviet Jews.

ECONOMIC SITUATION

No one can fail to see in Israel the manifestations of its expanding and booming economy. The gross national product continues to rise, unemployment is unknown and the median per capita income has substantially increased despite the impact of worldwide inflationary trends.

Unfortunately the continued massive expenditures required for defense keep individual and corporate taxes at very high levels. Despite the concededly high taxes, however, there still is not enough money for many of the things that Israel desires to do to improve itself. All of the universities in Israel confront sharp deficits and are pleading for assistance from the government. The number of university students has almost quadrupled since 1960. Capital expenditures for Hebrew University have gone up sharply, for example—particularly in view of the fact that the site of Hebrew University prior to 1948, Mount Scopus, is now the scene of the construction of at least 20 new buildings for academic and residential services.

Israel's total expense for medical care has risen so sharply in the past five years that this area is also cause for serious alarm. One of the heaviest expenditures in the medical field derives from the excellent care which the Israeli government seeks in every possible way to extend to the million Arabs who reside in the territories administered by Israel since the end of the war in June, 1967.

The economic stability of Israel is aided by the flourishing condition of its citrus industry, expanding foreign markets for Israeli-made products such as chemicals and, of course, the ever-growing tourist industry.

Every analysis of the economic future of Israel, however, must begin and end with the military predicament of this small nation. Israel's tragic "simmering war" is perpetuated by a dozen surrounding nations inhabited by 100 million Arabs hostile to the very existence of Israel, and shows no apparent sign of being defused. Indeed there are ominous indications that the situation might be worsening. In the recent past Iraq formed a treaty of "friendship" with the Soviet Union similar to the inflammatory 15-year pact negotiated several months ago between the USSR and Egypt.

If Israel were not afflicted with hostile Soviet-assisted nations all around her the economic growth of Israel would in all probability surpass all of the other accomplishments that have occurred in this fantastic land since 1948. That Israel has progressed so far economically in the first twenty-five years of its existence is nothing short of miraculous.

POLITICAL STABILITY

As a member of the United States Congress it was of course fascinating to talk to members of the Knesset and to compare their viewpoints with those of typical voters in Israel.

Many Israelis complain about the high average age of members of the Knesset and the apparent almost total absence of representation in that body of the newer, non-European elements of the Israeli population. There does not appear to be in Israel, however, that same alienation from government which is so frequently evident in the United States.

The key and the unfathomable political question in Israel is, of course, the future political status of the more than one million Arabs who reside in the territories administered by Israel since June, 1967. Young persons at the age of 18 within these Arab communities are not drafted into Israel's army. Only 200 young adults from all of this vast new population attend Hebrew University, despite vigorous recruiting activities by the officials of this institution. Endless speculation continues among everyone as to the best plan by which Israel may deal with the administered territories while maintaining for itself that military security which is indispensable for its survival as a nation.

Israel seeks in a number of creative and imaginative ways to explain its purposes and objectives to the Arab nations which surround it and also to the people of the Soviet Union. I was pleased to tape a radio program over the facilities of the Voice of Israel for the people of Russia. From the testimony of several of the Soviet Jews with whom I conversed the Voice of Israel beamed in Russian, Yiddish, and English to Russia is extraordinarily effective.

Our own Voice of America is also apparently effective in Russia, although the relatively few programs broadcast by the Voice of America in Yiddish is totally unjustifiable, in my judgment—a point of view I have been expressing for many months.

The training programs conducted in Israel for citizens of African and Asian nations continue to expand in number and in influence. Israel expends a very generous and indeed an extraordinary amount of its resources on these programs which bring young people from the developing nations of the world for training in the colleges and technical institutes of Tel Aviv, Haifa and other Israeli communities. Perhaps I could sum up my conclusions with regard to the political stability of Israel by saying that one has a right to be cautiously optimistic. The State of Israel, although surrounded by imminent external dangers, has a highly sophisticated and democratic form of government which will survive and flourish.

HOW MANY SOVIET REFUGEES?

One of the questions which arose in almost every discussion I had about the emigration to Israel of Soviet Jews concerned the speculation about the motivations which finally led the USSR to release first a trickle and now possibly a torrent of emigrees to come to Israel. If anything is explainable about the foreign policy of the Soviet Union in this regard it would appear that this USSR policy was prompted by the intensive world-wide protest against the oppression of the Russian Jews. I believe that protest led the Kremlin to its decision early in 1971 to grant exit visas to about 20 percent of those 80,000 Soviet Jews who have applied.

A second point of speculation in my discussions in Israel centered on the question of what world events would cause Russia either to revert to its policy of forbidding emigration or, on the other hand, open up the doors even wider to a larger number of Soviet Jews who might apply to go to Israel or to some other nation. Perhaps the only clear conclusion from all of my discussions on this subject was the inescapable inference that continued, massive and international protest on behalf of the right of Soviet Jews to emigrate will be indispensible for the forseeable future.

It would appear that the emigration of Jews from Russia is the only even partial resolution of the problems resulting from their oppression. Despite the world-wide clamor for freedom of religion for Soviet Jews it does not appear that the Russian government is prepared to yield at all on the severe restrictions which the Kremlin, at least since 1939, has imposed on Jewish seminaries, synagogues and on all religious and cultural activities of the three million Jews who reside in the USSR. Indeed, the official attitude of the Kremlin during the past five years has hardened. I saw in Israel, English translations of diatribes and vicious cartoons against everything Jewish which appear regularly in the Soviet press. The tone and content of this material was horrifying. In view of the pervasiveness of this material in the mass media in the Soviet Union it is not difficult to imagine the derision cast upon the members of those Jewish families who apply for a visa to leave Russia. Sad and depressing tales of the cruelty visited in their schools upon the children of these Jewish families came to my attention in Israel.

Speculation by Israelis as to the number of Soviet Jews who may eventually come to Israel ranges from 100,000 to a million. Fortunately, Israel will receive at least some modest assistance in the enormously expensive resettlement of the Soviet refugees—expected to cost one billion dollars this year alone—by the enactment of a bill now pending in Congress under which the government of Israel would be entitled to 2,000 dollars for each refugee who comes to Israel seeking asylum. This bill would grant financial subsidies in the same way that the United States assisted the refugees of Hun-

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gary, Czechoslovakia and Cuba. This bill, which passed the House of Representatives several weeks ago, will hopefully pass the Senate and be signed by the President within the relatively near future. Every effort must be continued, however, to educate the American people—Jews and Christians alike—about the new exodus to Israel and all of the problems which this new wave of immigrants has brought to this small nation. Most Americans for example, do not recognize the fact that if the same proportionate number of refugees were coming to the United States as are now coming to Israel from Russia, the United States would have some three and a half million refugees to resettle within one calendar year!

While Israelis exult in the liberation of some of their brothers and sisters in Russia, everyone in Israel is profoundly concerned about the dreadful plight of the thousands of Jews who remain in Arab nations. Israelis expreas fear, for example, that the 4,500 Jews left in Iraq may now follow in the footsteps of the 130,000 Jews who resided in Iraq prior to 1948.

In other nations Jewish prospects are similarly bleak. The 4,500 Jews left in Syria of the 40,000 who lived there prior to 1949 are now afflicted in unbelievable ways. Only 450 Jews remain in Egypt out of that country's pre-1948 Jewish community of 80,000. In all of North Africa less than 50,000 Jews remain. with 35,000 of these residing in Morocco. The emigration to Israel of Jews in Arab lands poses dangers and difficulties even beyond those to which Soviet Jews are subjected.

There appears to be very little concern, or at least little discussion, about the plight of Jews who remain in the Communist nations of Eastern Europe. Several individuals, however, made the obvious point that possibly the strategy of Russia allowing Jews to migrate may become an accepted practice in Communist-dominated nations.

As I flew out of Tel Aviv on El Al after six unforgettable days, days of listening to Israelis from every walk of life, I was profoundly grateful for the efforts of the National Interreligious Task Force on Soviet Jewry. The work of this group has hardly begun. I have the hope that the members of this group and individuals everywhere will persuade Christians to act on the new crisis in Israel.

COMMENCEMENT ADDRESS BY SENATOR BIRCH BAYH

Mr. WILLIAMS. Mr. President, on June 3, the distinguished Senator from Indiana (Mr. BAYH) delivered the commencement address at Fairleigh-Dickinson University, in Madison, N.J. I believe his speech is especially appropriate during a time when so many of our college students are sincerely evaluating and testing the workings of our Government.

Senator BAYH has long been a defender of our constitutional rights and an advocate of full and indiscriminatory protection of our civil liberties. He has continually demonstrated, through his work in the Senate, his profound capability of serving all people of this country and his deep dedication to the American system of government.

But Senator BAYH, in his fight against those forces and causes he truly believes to be detrimental to our constitutional rights, has never been insensitive to our obligations to this Nation. Senator BAYH warned the newy graduated students that "dissent must be kept within the bounds of the law." He went on to remind all citizens of this country that—

Patriotism, today as in the day of Nathan Hale, requires that we support our country when she is right and use our energies to make her right when she is wrong.

Mr. President, I ask unanimous consent that this significant speech by Senator BAYH be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIRCH BAYH

Very frankly, I am concerned about the relevancy of a commencement speech in these troubled times. Of course, I shall attempt to be relevant by discussing a subject that I believe should be of fundamental concern to all of us and by sharing with you my thoughts on this subject.

It may seem a bit unusual to ask you—the Class of 1972—who have labored through advanced biochemistry, 17th Century literature or seminars in primeval anthropology, to reflect on basic civics of years gone by.

However, I think this is necessary because too many Americans tend to take our basic freedoms, our Bill or Rights, for granted. And, in my judgment, it is a sad but nevertheless basic truth that the freedoms embodied in the Bill of Rights are threatened today. They are threatened not by some sinister external force. Rather they are threatened from within, by well-meaning Americans who confuse patriotism with acquiescence and protest with treachery.

As Justice Brandeis once observed, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding."

Actually, going back to this nation's formulative years, there was a significant group of national leaders, including Alexander Hamilton, who questioned the need for the Bill of Rights. They said that such basic rights were implicit in the very existence of the union and logical extensions of English common law.

Fortunately, the forces which wanted an explicit expression of these freedoms, including Thomas Jefferson, prevailed and the Bill of Rights was adopted as Amendments one through ten of the Constitution. I say "fortunately" because through the decades scores of Supreme Court decisions protecting basic individual liberties have relied upon the first ten Amendments.

Historically there have been several attempts to undermine these rights. The first significant attempt to roll back the blanket of democracy came soon after the Bill of Rights was ratified. In the 1790's Congress passed the Alien and Sedition Acts, some of which were soon repealed, but one of which remained on the books for almost a century before being ruled unconstitutional by the Supreme Court.

Among the more frightening provisions of the Alien and Sedition Acts, as some of you may recall, was that providing prison terms up to two years for publishing material viewed as false or malicious in relation to the Nation, the President or Congress. In short, beware of criticism. This overt contradiction of a free press was used, before it was declared unconstitutional for the most base political purposes. The real question, of course, was who should interpret what was false or malicious in relation to the Nation, the President or Congress.

It is interesting to note that during the term of Federalist President John Adams ten individuals were fined and imprisoned under the Sedition Act. It must be more than mere coincidence that all ten were Republicans.

In the period immediately following World War I the Bill of Rights suffered dramatically while Attorney General Palmer created and then exploited the "Red Scare" to chase blindly after alleged communists anarchists with little regard for the protections of due process embodied in the Bill of Rights.

For example, Palmer ordered that individuals holding divergent political views be incarcerated indefinitely while ignoring the following basic rights: grand jury hearing, due process, speedy and public trial, confrontation by witnesses, no excessive bail and no cruel or unusual punishment. All these rights were suspended for simply holding different political opinions in a supposedly open society.

Besides holding political prisoners in violation of their rights, Palmer gave short shrift to the rights of privacy, assembly and free speech with wholesale raids on individuals and groups suspected of so called unpatriotic acts.

Armed with 3,000 deportation warrants, his agents made simultaneous raids on "radical" meetings throughout the country. Everyone attending was arrested. Others were apprehended in their homes. Persons attempting to visit jailed members of their own families were arrested on suspicion of affiliation with proscribed groups. Deportation hearings were conducted without benefit of legal counsel or other judicial safeguards.

All in all, 2,700 people were convicted, including, it is well to remember, a Presidential candidate, Eugene Debbs, who had polled a million votes.

At its worst it was not unlike the procedures followed by the gestapo in Nazi Germany 15 years later.

A generation after Attorney General Palmer was doing his thing at the expense of liberty, Senator Joseph McCarthy unleashed his wholesale attacks on Communists and alleged Communists who, according to the late Senator, were lurking behind every doorway and under every bed in Washington. He, too, paid little attention to Constitutional protections for the accused. For his reckless disregard of individual liberty he was censured by the Senate.

I share these notes from history because today the Bill of Rights, the fundamental freedoms which distinguish our society from a totalitarian society, are facing another serious test.

The unhappy reality, from which we must not run lest we condemn future generations to life without liberty, is that for the past three years our government has pursued policies which if followed to their logical conclusions will mean serious and lasting erosion of individual liberties.

There is the ongoing attempt to intimidate the media and render freedom of the press as obsolete as the penny newspaper. TV stations are constantly reminded that their licenses have to be renewed by FCC. The second highest official in the land has suggested that news commentators undergo a test of philosophy before being permitted to go on the air. One of the leading national news commentators, Daniel Schorr, was the subject of an FBI investigation after criticizing the President.

There is the lingering memory of May Day last year when Constitutional rights were suspended for mass arrests which, because of their gross illegality, resulted in a conviction rate of less than one-tenth of one percent. I do not believe that anyone has the right to overthrow the government by violence. As much as I despise the Vietnam war—and I have voted to end that war time after time—opposition to the war does not justify throwing bricks through windows at the Justice Department, bombing Federal buildings, nor burning down ROTC headquarters.

We simply cannot run a nation of 200 million people if anarchy prevails. Illegal demonstrations have also been unfortunate because they have made it possible for those who want no protest to resort to severe tactics against all demonstrations, even those which are legal and proper, something which would otherwise be unacceptable to most Americans.

Dissent must be kept within the bounds of the law. But this does not condone an arrest policy which itself violates the law of the land. Perhaps even worse than the illegality of the May Day arrests in the long run will be the unfortunate precedent they established.

Now, there is in this country today a legitimate concern about the increase in crime. People fear for their safety—they fear for the safety of their families even in their own homes. But is our society so lacking in innovative ideas that we must destroy the basic tenets of the Bill of Rights in order to fight crime.

There is no place in a free society for a legal system which permits knocking down the doors of private homes without a search warrant; there is no place in a free society for a legal system which grants the chief executive the power to bug and wiretap without a Federal court order; there is no place in a free society for a legal system which disregards the right of each of us to be secure in the privacy of our own homes.

We can and we must control crime. But I am confident that if we only have the will we can control crime without preventive detention, without no-knock, without preying on innocent civilians, without photographing peaceful demonstrators, without bugging and without a retreat from the basic freedoms which distinguish our society from a totalitarian society.

Last but not least there is the Vice President, who presumes that anyone who disagrees with administration policy is a cowardly traitor. The Angewisms of radilib, nattering nabobs of negativism and pussillanimous pussyfooters have replaced the mud pall and fellow traveler of Joe McCarthy. Anyone who dares to disagree somehow becomes disloyal and unamerican.

There are those in high places who have forgotten the words of President Eisenhower when he said, "If human rights and freedoms are to flourish, government must operate with its power sharply defined and limited by the governed."

In recent years well intentioned officials have permitted the steady erosion of basic individual liberties to such a degree that today we face a crucial test of the survivability of our system of government and our historical commitment to individual liberty.

Last year then-Assistant Attorney General William Rehnquist, now Mr. Justice Rehnquist, attempted to explain away the suspension of basic freedoms during the May Day demonstrations by saying, "The circumstances were extraordinary."

In Germany in the 1930's, in Greece in the 1960's, in country after country that has evolved into a police state, the first step came when constitutional liberties and guarantees were dispensed with because of extraordinary circumstances. Almost invariably this was done in the name of preserving order and maintaining the safety of the public—the same excuses put forth by Mr. Rehnquist and the others who have sought to justify patently unconstitutional acts and the erosion of individual rights.

I yield to no one for the love of my country. For me patriotism is not out of style. But I disagree with those modern day patriots who say if you don't go along you are unpatriotic or disloyal. They define patriotism as the blind allegiance to policies which may be wrong. I disagree.

Patriotism, today as in the day of Nathan Hale, requires that we support our country when she is right and use our energies to make her right when she is wrong.

The ultimate test of our belief in liberty and freedom is not the license which we give to those with whom we agree. Rather, the true test is the tolerance with which we insist on protection of the rights of those with whom we disagree. It is easy to defend the right of free speech for one who is praising you. It is much harder, and therefore perhaps more important, to defend the right of free speech for one who is damning you.

This should be a matter of special measure of concern to each of you in the Class of 72. As you face this watershed in your lives you must not forget that your dreams, your opportunities, and your rights as an individual will be diminished in proportion to the loss of freedom in society at large.

Some may say that I am an alarmist. There are those who say it can't happen here. Well, I hope and pray that they are right. But lest we forget how precious our freedom really is, and lest we relax our vigilance in protecting that freedom—to you who say it will never affect me, let me remind you of the words Pastor Neimoller uttered in Nazi Germany a quarter century ago:

"They came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics. And I was not a Catholic. So I did not object.

"Then they came after the trade unionists. I was not a trade unionist. So I did not object.

"Then they came after me. And there was no one left to object."

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FINANCING BANK—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having discussed this request with the distinguished Senator from Alabama (Mr. SPARKMAN), the distinguished Senator from Texas (Mr. TOWER), the distinguished Senator from Wyoming (Mr. MCGEE), the distinguished assistant Republican leader, and the distinguished majority leader, I propound the request as follows:

I ask unanimous consent that at such time as S. 3001, a bill to establish a Federal financing bank, is called up and made the pending business before the Senate, there be a limitation of time on that bill of 2 hours, to be equally divided between the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Utah (Mr. BENNETT); that there be a limitation of time of 1 hour on any amendment thereto in the first degree; that there be a limitation of time on any amendment to an amendment, debatable motion, or appeal, of 30 minutes, the time to be equally divided in each instance between the mover of such and the manager of the bill, except in any instance in which the manager of the bill supports such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess.

After the two leaders have been recognized, the distinguished Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, following which the Chair will lay before the Senate the unfinished business, S. 3390.

The pending question at that time will be on the adoption of the amendment by the distinguished Senator from Wyoming (Mr. MCGEE), amendment No. 1262, on which there is a time limitation of 3 hours.

Upon the disposition of amendment No. 1262 by Mr. MCGEE, the Chair will temporarily lay aside the unfinished business, and S. 3390 will remain in a temporarily laid aside status until the disposition of the so-called product safety bill, S. 3419, on which there is a time limitation of 2 hours, with a time limitation on an amendment by Mr. COTTON of 3 hours, a time limitation on an amendment by Mr. GURNEY of 2 hours, and a time limitation on any other amendment, debatable motion, or appeal of one-half hour.

Mr. President, there will be rollcall votes tomorrow. The calendar will be called during the time that the distinguished majority leader is being recognized.

I assume that we may very well expect a rollcall vote on the amendment by Mr. MCGEE. The product safety bill is somewhat controversial, and controversial amendments will be offered thereto. So the Senate may be alerted to the fact that there unquestionably will be yea and nay votes tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 5:55 p.m. the Senate took a recess until tomorrow, Wednesday, June 21, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20 (legislative day of June 19), 1972:

DEPARTMENT OF JUSTICE

Ralph E. Erickson of California to be Deputy Attorney General, vice Richard G. Kleindienst, elevated.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officer for promotion from class 3 to class 2 and to be also a consular officer of the United States of America:

James A. May, of California.

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For appointment as Foreign Service officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Milton Kovner, of Maryland.
James M. Snyder, of Florida.
John F. Troy, of Louisiana.

For appointment as Foreign Service information officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Fred D. Hawkins, of Tennessee.
Marlin W. Remick, of Virginia.

For reappointment in the Foreign Service as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Charles A. Cariddi, of California.
Paul W. Deibel, of the District of Columbia.
Deion L. Hixon, of Virginia.
Samuel Karp, of Pennsylvania.
Earl A. Kessler II, of Florida.
Frank E. Wallace, of Tennessee.

For appointment as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Roland P. Amatels, Jr., of Florida.
Kenneth E. Cox, of Florida.
E. Lewis Crosson, of Texas.
Charles E. Gates, of California.
James F. McKinlay, of Virginia.
Larry G. Piper, of Texas.
Lawrence J. Robert, of Michigan.
Richard T. Salazar, of the District of Columbia.
John D. Sinozich, Jr., of Illinois.
Byron P. Walker, of California.
Charles E. Watkins, of Virginia.

For appointment as Foreign Service information officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Stanton H. Burnett, of Washington.
Robert A. Collinge, of Virginia.
Eddie Deerfield, of Illinois.
Ernest E. Goodman, of California.
Clement Don Jones, of Florida.
Richard McKiernan, of Illinois.
James Perrin, of Florida.
Robert A. Riccio, of Rhode Island.
Irwin K. Teven, of Illinois.
James P. Thurber, Jr., of California.
Herbert W. Timrud, of Missouri.

For reappointment in the Foreign Service as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Roy J. Apel, of California.
Miss Margaret J. Barnhart, of Pennsylvania.
Jack Beni, of West Virginia.
Miss Anne L. Carroll, of Idaho.
Wilbur W. Hitchcock, of New Jersey.
Miss Frances Dodd Howell, of North Carolina.
Charles J. Konya, of Maryland.
Mrs. Olga Lepo, of Florida.
George W. Small, of West Virginia.
Franklyn E. Stevens, of California.
Elwin Trafton Vangas, of New Hampshire.
Miss Olga Marie Zhivkovitch, of Illinois.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Richard C. Andre, of Ohio.
Raymond M. Bailey, of Ohio.
John Condayan, of Virginia.
Douglas K. Davidson, of Maine.
Robert G. Deason, of California.
Charles R. Doscher, of California.
Miss Marjory J. Fiebig, of Michigan.
John G. Gilmore, of New Hampshire.
George Iacono, of Maine.
Franklin E. Jackson, of Kentucky.
Howard T. Jackson, of New York.
Gus P. Peleuses, of Ohio.
Edward Joseph Perkins, of California.
Sunao Sakamoto, of Hawaii.
Miss M. Virginia Schafer, of Washington.
Donald R. Schoeb, of Maryland.
Leonard J. Scioli, of Pennsylvania.
Philip Meade Smith, of Pennsylvania.
La Rue H. Veiott, of California.
Harold E. Vickers, of California.
Christopher P. Vlachos, of Maryland.
Frederick Warner, Jr., of California.
Donald A. Wetherbee, of New York.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Dion Anderson, of the District of Columbia.
Frank P. Catanoso, of Ohio.
Donald E. Creager, of Wisconsin.
John L. Dennis, of California.
Terry C. Eakin, of Colorado.
Aurelius Fernandez, of New York.
Kent A. Herath, of Ohio.
Vincent J. Hovanec, of Florida.
Ray Peppers, of South Carolina.
Joseph Sadlik, of Virginia.
David G. Smith, of New York.

For reappointment in the Foreign Service as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

John B. Moody, of Georgia.
Walter John O'Grady, of New York.
Edward B. Pohl, of Louisiana.
Cecil S. Richardson, of New York.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Seervice of the United States of America:

James E. Baldridge, of Illinois.
Thomas F. Barron, of California.
Miss May A. Belair, of Massachusetts.
Donald J. Bouchard, of Maine.
James F. Brackman, of West Virginia.
Mrs. Mary Reed Cencetti, of the District of Columbia.
Miss Helenann Clarke, of California.
Terrance M. Day, of Maryland.
Francis J. Dennett, of Florida.
Miss Faye E. Dunn, of Alabama.
Jake M. Dyels, Jr., of California.
Joseph F. Fagan, of Pennsylvania.
Charles A. Gillespie, Jr., of California.
John R. Graham, of Pennsylvania.
Miss Caroline M. Hasenkamp, of Florida.
Edward F. Height, of California.
Henry M. Howe, of Georgia.
Miss Catherine M. Hurley, of Connecticut.
Bernard Johns, of the District of Columbia.
Mrs. Patricia P. Kemper, of Florida.
Lewis A. Kert, of California.
Miss Velma H. Lewis, of New Hampshire.
Miss Frances T. Lide, of Mississippi.
Robert N. McGovern, of California.
Miss Judith M. McHale, of Maryland.
Thomas F. Milliren, of Pennsylvania.
Peter K. Murphy, of Massachusetts.
Miss Marie F. O'Shea, of New York.
Miss Margery J. Palmer, of California.
Vincent A. Ragone, of New York.
Charles P. Reilly, of Washington.
Oscar A. Reynolds, of Texas.
Kenneth J. Robinson, of Florida.
Miss Erma Schumacher, of California.
Allan D. Silberman, of Maryland.
Manuel Silberstein, of California.
Miss Mildred P. Tamny, of Pennsylvania.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Alfred M. Crocker, of Texas.
William T. Hines, of the District of Columbia.

For promotion from Foreign Service officers of class 7 to class 6:

Roger A. McGuire, of Ohio.
Richard H. Zorn II, of Illinois.

For reappointment in the Foreign Service as a Foreign Service officer of class 6, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Mrs. Marian L. Tipton, of Idaho.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss Carolyn M. Allen, of Oklahoma.
Joseph F. Aronhime, of Maryland.
John A. Bastek, of Connecticut.
Phillip V. Battaglia, of Illinois.
Michael Billick, of Florida.
Maurice L. Brooks, of New Jersey.
Bruce J. Christopherson, of Colorado.
Miss Betty J. Collins, of Texas.
William A. Colwell, of New York.
Herbert D. Dunhaver, of California.
Quetzal Doty, of Illinois.
Richard C. Faulk, of New Jersey.
Miss Janice F. Friesen, of California.
Rudolph F. Glasl, of Wisconsin.
James J. Grusheski, of Tennessee.
Richard G. Haegele, of Illinois.
Miss Anna M. Hafey, of New Hampshire.
George A. Hannemann, of Texas.
Francis P. G. Hearne, of New Jersey.
Irvin Hicks, of Maryland.
Stephen J. Hobart, of Florida.
Paul M. Hooper, of Texas.
Thomas C. James, of California.
Herbert Klee, Jr., of Illinois.
Albert D. Krehbiel, of Hawaii.
Miss Jean R. Langhorst, of Ohio.
Duane T. Linville, of Indiana.
Kenneth Longmyer, of California.
Alfred J. McGinness, of Ohio.
James W. McGunnigle, of New York.
Gregory L. McLerran, of Texas.
Miss Mary Ann Meysenburg, of Nebraska.
Edward M. Milburn, of Illinois.
John D. Moller, of North Carolina.
John Monioudis, of Virginia.
Roberto R. Munoz, of Texas.
James F. Myrick, of the District of Columbia.
Alfred H. Neal, Jr., of the District of Columbia.
Robert K. Nelson, of Washington.
Ralph L. Nider, of Pennsylvania.
Joseph P. O'Neill, of New York.
Spencer W. Phillips, of Connecticut.
James W. Roodhouse, of Illinois.
Carl N. Schmidt, of Virginia.
Miss Monica J. Schmitt, of Florida.
Miss Elaine Barbara Schunter, of Michigan.
Fredrick G. Shirley, of Kentucky.
Thomas J. Sinclair, of Maryland.
Norman A. Singer, of Illinois.
William G. Smallwood, of Washington.
Moffett R. Smith, of Texas.
Gerald R. Toney, of Texas.
Donald R. Tremblay, of California.
Richard L. Weeks, of New Hampshire.
Miss Frances Lee Weinmann, of Washington.
Daniel R. Welter, of Massachusetts.
Edward H. Wilkinson, of Indiana.
Russell M. Winge, of Minnesota.
Bernard J. Woerz, of New Jersey.
Johnny Young, of Pennsylvania.

For promotion from a Foreign Service officer of class 8 to class 7:

Lawrence Marshall Grossman, of Nebraska.

For appointment as Foreign Serivce officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

William W. Allen, of Oregon.
Robert D. Arthur, of California.
Miss Joyce A. Bednarski, of the District of Columbia.
R. Rand Beers, of Michigan.
James P. Bell, Jr., of Maryland.
John E. Bennett, of Massachusetts.
Edwin L. Brawn, of Maine.
Donald S. Bryfogle, of Virginia.
Landon C. Carter, of Virginia.
Geoffrey W. Chapman, of New Jersey.
Gene Burl Christy, of Texas.

Haley D. Collums, of Tennessee.
James P. Covey, of New York.
J. Michael Davis, of Florida.
Wesley W. Egan, Jr., of North Carolina.
George P. Fourier, of Oregon.
Miss Arlene I. Gemmil, of New York.
James Hogan Glenn, of Nebraska.
Miss Ann E. Griffin, of California.
James M. Griffin, of Massachusetts.
Dennis M. Grimmer, of Wisconsin.
Alan Shaw Hegburg, of the District of Columbia.
Dale Roy Herspring, of California.
Donald K. Holm, of Minnesota.
James R. Hooper, of Michigan.
Joseph S. Hulings III, of South Carolina.
Jerrell G. Keathley, of Texas.
Willis D. King, of Oklahoma.
Douglas S. Kinney, of Florida.
Miss Therese Ann Kleinkauf, of New York.
Richard P. Livingston, of Tennessee.
Michael K. Lyons, of New York.
Ronald L. Main, of Oklahoma.
Thomas H. Martin, of Illinois.
Drew Stephen May, of New Jersey.
Gerald McCulloch, of Michigan.
Donald James McNally, of New Jersey.
Adriaen M. Morse, of Arkansas.
Michael A. Nayor, of New York.
Kenneth N. Peltier, of Texas.
David C. Pugh, of Florida.
Ronald Benjamin Rabens, of Illinois.
Miss Margot Ellen Reiner, of New Jersey.
Thomas Lee Robinson, of Michigan.
Roger Keith Rutledge, of Tennessee.
Jack W. Ryan, of Ohio.
Joseph Philip Saba, of Pennsylvania.
Louis D. Sell, of Kentucky.
James Gary Seyster, of California.
LeRoy C. Simpkins, of California.
Richard J. Stemple, of Illinois.
Charles R. Sten, of Washington.
Domonic Vallese, of Pennsivania.
Theodore J. Villinski, of Iowa.
Miss Rhoda Weinstein, of New York.
Thomas M. Widenhouse, of Illinois.
Miss Sharon P. Wilkinson, of New York.
Edward L. Williams, of New Jersey.
Robert A. Windsor, of Florida.
Eugene C. Zajac, of Illinois.

For appointment as Foreign Service Information officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Sheridan W. Bell III, of Delaware.
Cesar D. Beltran, of California.
Csaba T. Chikes, of Georgia.
Miss Margaret M. Converse, of New York.
Miss Katherine M. Griffin, of North Carolina.
Stevan M. Horning, of Indiana.
Victor L. Jackovich, of Iowa.
Joe B. Johnson, of Texas.
John F. Kerr, of Texas.
Francis William Lowrey, of New Mexico.
Miss Carol E. Ludwig, of Iowa.
Miss Diane E. Mayer, of Ohio.
Gary P. McElhiney, of Massachusetts.
Kenneth A. Simms, of California.
Christopher M. Wallace of Washington.
Miss Veda B. Wilson, of the District of Columbia.
Van S. Wunder III, of Ohio.

For appointment as Foreign Service Officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss JoAnne Arzt, of New York.
Ryan Clark Crocker, of Washington.
Arnold Jackson Croddy, Jr., of Maryland.
Miss Holly Gosewisch, of Wisconsin.
John E. Hope, of California.
Wayne Stephen Leininger, of Florida.
Bruce McKenzie, of California.
William Howard Moore, of Virginia.
Richard A. Morford, of Indiana.
Ronald J. Neitzke, of Minnesota.
John F. Tefft, of Wisconsin.
John J. Tkacik, Jr., of Virginia.

For appointment as a Foreign Service information officer of class 8, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Mrs. Ann Hume Loikow, of Virginia.

Foreign Service Reserve officers to be consular officers of the United States of America:

Charles J. Cusick, of Maryland.
William R. MacLauchlan, of Maryland.
Neil E. McPherson, of Maryland.
Paul G. Nyhus, of New Jersey.

Foreign Service Reserve officers to be consular officers and secretaries in the Diplomatic Service of the United States of America:

Ronald T. Allen, of Maryland.
William J. Amshey, of Virginia.
Edmund L. Andrews, of Maryland.
Anthony Arredondo, of Colorado.
Ernest J. Ballesteros, of California.
Miss Pamela K. Balow, of Illinois.
Julian L. Bartley, of New York.
Milton A. Bearden, of Texas.
Edwin L. Beffel, of the District of Columbia.
Henry M. Bennett, of Texas.
Martin J. Bergin, Jr., of Virginia.
Roger Blattberg, of Virginia.
Richard L. Branche, of Ohio.
Miss Terrezene Brown, of California.
James A. Bruha, of Virginia.
Thomas A. Brunton, of California.
James E. Burkart, of Maryland.
Claude P. Connelly, of Virginia.
Frank Cummins, of Maryland.
John J. Devine, of Virginia.
J. Patrick Donohue, Jr., of Virginia.
Joseph F. Fernandez, of Florida.
Bernard M. Fitzgerald, of Virginia.
Robert T. Francis II, of Virginia.
Oliver P. Garza, of Texas.
Michael H. Goldman, of Virginia.
Todd D. Hagenah, of Virginia.
Roman J. Halla, of Virginia.
Lowell V. Hammer, of Maryland.
George Hawks, Jr., of Maryland.
Otis L. Hayes, of Tennessee.
McCrea Hazlett, of New York.
George B. Holmes, of the District of Columbia.
Miss Joszet S. Hudson, of Georgia.
Wyatt B. Johnson, of the District of Columbia.
Sidney L. Jones, of Michigan.
Miss Agnes T. Kang, of Maryland.
Ronald L. Kates, of New Jersey.
David N. Kelling, of Virginia.
James Kim, of Virginia.
Richard B. Leach, of Virginia.
Miss Concetta Leonardi, of Massachusetts.
George E. Lichtblau, of Maryland.
Miss Linda H. Louie, of Maryland.
Bruce MacMaster, of the District of Columbia.
Herbert Manell, of California.
David C. Martin, of Maryland.
Edward S. McCarthy, of Virginia.
John F. McCarthy III, of Virginia.
Raul A. Mendez, of Virginia.
Richard H. Miller, of Maryland.
George H. Mitchell, Jr., of Virginia.
V. Miro Morville, of the District of Columbia.
Patrick N. Murphy, of Virginia.
Bruce L. Pearson, of California.
David M. Ransom, of Virginia.
Richard L. Ratcliff, of Maryland.
William A. Read, of Wyoming.
Thomas Joseph Rice, of Washington.
Gary G. Roberts, of Maryland.
Montgomery L. Rogers, of Maryland.
Glenn A. Rounsevell, of Virginia.
Joseph G. Sancho, of Ohio.
Robert K. Simpson, of Massachusetts.
Richard A. Smith, of Virginia.
Miss Mary Cynthia Smoot, of the District of Columbia.
Laurance Stanley, of New York.
Justice B. Stevens, of California.
Dale E. Sumption, of the District of Columbia.
Gerald J. Svat, of Virginia.
Miss Frances F. Switt, of New Jersey.
Melvin M. Tano, of Hawaii.
Edward William Tatge, of Maryland.
Leonard D. Therry, of Virginia.
Darryl R. Thibault, of California.
Wade E. Thomas, of Virginia.
Miss Susie J. Tucker, of the District of Columbia.
Richard D. Van Winkle, of New Jersey.
Daniel K. Webster, of Virginia.
Frederick L. Wettering, of Illinois.
Ben B. Wickham, Jr., of Connecticut.

Foreign Service Reserve officers to be secretaries in the Diplomatic Service of the United States of America:

Marian D. Bowe, of Nebraska.
Charles B. Dickens, of the District of Columbia.
Louis V. Ebert III, of Maryland.
William Richard Ford, of Michigan.
Kenneth M. Kauffman, of California.
Arnold C. Long, of Washington.
Stephen E. Montgomery, of Texas.
Richard W. Rauh, of Illinois.

Foreign Service Staff officers to be consular officers of the United States of America:

Leroy E. Beal, of Missouri.
Theodore A. Dawson, of Iowa.
Lyle A. Dittmer, of Washington.
Gilbert H. C. Giegling, of California.
Eugene C. Harter, Jr., of Ohio.
R. Dennis Jones, of Maryland.
Miss Marilyn A. Miller, of Pennsylvania.
Ward D. Morrow, of Pennsylvania.
James J. Murray, of New York.
William C. Poole, of Virginia.
Miss Carol B. Reavis, of the District of Columbia.
Richard A. Reiser, of Ohio.
Dennis R. Shaw, of South Dakota.
Jimmy P. Tinsley, of Alabama.

IN THE U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. John Hersey Michaelis, 116-28-8221, Army of the United States (major general, U.S. Army).

DEPARTMENT OF JUSTICE

Carl E. Hirshman, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Anthony T. Greski, resigned.

DEPARTMENT OF DEFENSE

Adm. Thomas Hinman Moorer, U.S. Navy, for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 2 years.

U.S. ARMY

Gen. William C. Westmoreland, 251-64-1893, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

Gen. Creighton W. Abrams, 226-54-1073, Army of the United States (major general, U.S. Army), for appointment as Chief of Staff, U.S. Army, under the provisions of title 10, United States Code, section 3034.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. John W. O'Neill, 029-07-5907FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the Presi-

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dent under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Edmund F. O'Connor, 018–14–4088FR (major general, Regular Air Force) U.S. Air Force.

U.S. NAVY

Rear. Adm. Marmaduke G. Bayne, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

U.S. MARINE CORPS

Lt. Gen. John R. Chaisson, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Foster C. LaHue, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

EXTENSIONS OF REMARKS

WEST VIRGINIA'S 109TH ANNIVERSARY, JUNE 20, 1972, IS SIGNIFICANT DATE FOR OUTLINING PROGRESS IN MOUNTAIN STATE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 20, 1972

Mr. RANDOLPH. Mr. President, 109 years ago, President Abraham Lincoln signed the proclamation which created the 35th State of the Union. On this anniversary, I invite Senators to join with me in marking this significant birthdate of the State of West Virginia.

Much that has been written about the Mountain State in recent years has served to obscure the richness and diversity of its human and natural resources. We read of disasters and of economic upheavals. These have occurred in West Virginia and in other States in varying proportions.

We have a good heritage. The lands that now make up West Virginia were once the outward reaches of American civilization. Old Fields, near Moorefield, was one of the earliest settlements on the western frontier. West Virginia is the fourth richest State, minerally speaking, in this richest Nation on earth. Its deep reservoirs of coal and oil and natural gas, timber, and limestone and silica sands undergird our great eastern industrial complex. Over the past two decades, the complete mechanization of our mining industry has strengthened West Virginia's role as a major producer of bituminous coal.

With its plethora of natural resources, the Mountain State has attracted in increasing numbers the major industrial companies of America. From this industrail base has sprung a broad diversity of industry.

But West Virginia's richest resource is its people, who were committed to shaking off the economic agonies of the 1950's, when the transitions of coal mining from hand labor to machinery ended thousands of jobs. I should note that this mechanization process is now affecting other major industries throughout the Nation, and the experiences of West Virginia can be of great benefit to all.

Today West Virginia is alive and well, with new job opportunities opening along a network of interstate and Appalachian developmental highways which provide new accessibility to its natural resources. Its lofty mountains and sparkling streams have long attracted knowing tourists. Today, these and other attractions have actually created an immigration of new citizens seeking the serenity of the open spaces. West Virginia is in the forefront in environmental concerns, facing such current issues as surface mining and stream pollution and timber management early in the game.

In their commitment to strengthening the economic and social resources of our State, West Virginians are following a heritage that compounds into a bright and golden page in history. When, after Fort Sumter, the Southern States seceded one by one from the Union, and formed a separate nation, the people of what was then western Virginia chose not to go along. As some historians still say, it might have been an illegal act on their part, their breaking away from the rest of Virginia. But they felt constrained not to compound a greater wrong. They formed a new State, because they felt that America as a Nation was worth saving. And they contributed heavily to that salvation in both manpower and resources.

Mr. President, my colleagues and many other Americans, do recognize that this 109th birthday of the State of West Virginia is in a sense a year of challenge for us, as well as a time of looking back. We are working to build a better West Virginia as a part of a better Nation and a better world.

CANADA'S CONTINUING EFFORTS TO GET A CANADIAN PIPELINE ROUTE CONSIDERED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, the Canadian Government has made strenuous efforts—so far unsuccessful—over a long period of time to get the U.S. Interior Department to seriously consider a Canadian route to the Midwest for both natural gas and oil pipelines.

I would like to include in the RECORD today an excerpt from the Commons Debates of the Canadian House of Commons on June 9, 1972. This excerpt summarizes very well Canada's continuing, if frustrating, attempts to get the Interior Department to undertake an objective, thorough analysis of the relative merits of a Canadian route. The excerpt follows:

A massive leak from a pipeline, difficult to construct and maintain over and through the permafrost territory, could in itself destroy the northern ecology. In conjunction with the ecology problems, the two transport methods and routes would have to be weighed in light of the economics of getting the product to the consumer. In brief, which method and route would be more beneficial to Canadian consumers, and indeed to the ecology of North America? It is just that simple a question, but it requires a decision. I hope the minister will make an announcement today. As I said, Mr. Speaker, the Conservatives for some time have recommended that a study be carried out.

Tanker oil pollution near the western shoreline of Canada, in conjunction with the increase in the price of gasoline, are among the foremost problems facing Canadians.

You cannot divorce oil pollution from unemployment or the economic growth of the nation, but it can be done with judgment, with rules, regulations and decisions based on facts. As I said, Mr. Speaker, there is an increasing demand for fuel and gasoline throughout the world.

Now, I want to turn for a few moments to deal with the question of the dangers that have arisen simply because no decisions have been made. On February 15, 1970, the Liberian tanker *Arrow* was wrecked on the Cerberus Rock in Chedabucto Bay off Nova Scotia. Only 1.3 million gallons, of an estimated 2.5 million spilled into the water, were recovered. The remainder contaminated 190 miles of shoreline in the bay, miles of beaches on Sable Island 100 miles away, and 4,800 birds lost their lives. The *Arrow* was Canada's major oil spill disaster. What happened? Who paid the shot? Read the Henderson report. The Canadian taxpayer paid the shot. They cannot determine who owned the tanker. There has been no way of measuring the damage, and so the taxpayer has paid the shot.

At the beginning of May U.S. Interior Secretary Morton issued preliminary approval for a go ahead of the TAPS tanker system to ship oil from Prudhoe Bay to Valdez by pipeline and from there to the west coast by giant oil tankers. One terminus for these tankers is Cherry Point in the state of Washington, which is exactly 20 miles away from the place in Canada which is polluted today. The tanker *Arrow* was 18,000 tons dead weight. The tankers for the TAPS route are to be over 100,000 tons dead weight. What will our shoreline be like if one of these large tankers is wrecked? Where will the government be then? Where will its supporters in British Columbia be then? It is a sad story.

The ACTING SPEAKER (Mr. LANIEL): Order, please, I regret having to interrupt the hon. member, but the time allotted to him has expired.

Hon. DONALD S. MACDONALD (Minister of Energy, Mines and Resources). Mr. Speaker, I am glad to have the opportunity to follow the hon. member for Calgary North (Mr. Woolliams) in this debate because I can put to him directly the very extensive record, which has already been outlined in this House, of work done both with regard to the question of the Mackenzie Valley pipeline route and the dangers involved for Canada's west coast because of the TAPS route.

[Mr. WOOLLIAMS.]

The hon. member made a number of points, saying there has been no indication on the part of the government of its views with regard to the TAPS route, that the government has not undertaken any feasibility studies with regard to the Mackenzie route, and has failed to let the United States government know its views. I am glad to have this opportunity to point out to the hon. member, from documentation tabled in the House, and from statements made in the House and outside it, that on all three points he is dead wrong and his assertions to the House are all false.

Dealing first with the question of feasibility studies, he said that the Conservatives for some time had recommended a feasibility study. If the hon. member was on the ball and was doing his job. Mr. Speaker, he would know that on April 18, 1972, I tabled in this House copies of documents dealing with 30 various aspects of a feasibility study preparatory to informing the two agencies of government concerned with regard to the Mackenzie valley pipeline.

Some hon. members: hear, hear!

Mr. Macdonald (Rosedale): These are studies that have been under way for the past three years, and that we would hope to have finished by the end of the summer season. This has been indicated repeatedly. I suppose the only way to get a message across to the hon. member would be to have a chisel, engrave the message on a tablet of stone, and hit him over the head with it, because he does not learn easily. This question has been under extensive study. Over $15 million have been expended to put the government into a position to make a judgment about the Mackenzie valley pipeline. As I have said repeatedly in this House, Mr. Speaker, at the end of this year when the companies themselves are ready to come forward, we will be in a position to evaluate proposals for a Mackenzie valley pipeline. So, on the first of the hon. member's points that there has not been any preparatory work, he is dead wrong. If there has been any lack of preparatory work it has been by the hon. member in preparing for his speech. He just has not done his homework.

The hon. member also said that I have made no speeches in the House on this question. I spoke extensively, in fact probably too extensively on it, in the Throne Speech debate. I reviewed the question extensively—

Mr. Woolliams: Not on this.

Mr. Macdonald (Rosedale): On this and the question of energy, and I dealt at length with the matter of studies before the standing committee. Further, I dealt with the question of energy policies during an opposition day debate. Once again there is lack of preparation. Mr. Speaker, but it has been lack of preparation by the hon. member for Calgary North who has been lying down on the job.

The hon. member also suggested that members of the government have not been in the position to set before the House, the country, and the United States government its position with regard to the proposals for a tanker route and the Mackenzie valley pipeline. I would like to take a few minutes of the time of the House to go through the very extensive documentation on this point, to show just how badly informed is the hon. member.

As a start I should like to bring to his attention the statement made by my predecessor, the hon. member for Niagara Falls (Mr. Greene) in a debate in this House on March 12, 1971. He said:

As I have said, the Prudhoe Bay oil discovery was disclosed in June of 1968. As early as within one month from the time of that declaration the chairman of the National Energy Board met with the presidents of the oil companies who owned that oil—Arco, Humble and BP—and pointed out to them that the Mackenzie Valley line had advantages, as an alternative and should be considered by them.

Mr. Speaker, previous to that, in a statement made to the Canadian Club in Vancouver on February 12, 1971, my predecessor also said:

The Canadian government is not opposed to the construction of oil and gas lines from Alaska through Canada to the continental United States and the government of Canada has already acted in a broad way to define the national goals of such a development. On August 13, 1970 I announced some definitive guidelines to assist industry in their planning.

He went on to say to that audience.

Personally, I think that the United States oil indusry has been too hasty and too unplanned in its decision to move Alaska North Slope oil across Alaska from Prudhoe Bay to Valdez and then by sea to receiving points in the U.S. northwest. Too hasty, because they did not give proper care and attention to the problems of the physical security of the oil line, the security of the environment in Alaska, the protection of the Alaska, British Columbia and Washington coastlines from sea-going tanker disasters, and to the question of the long term economics of the operation of such a line—

Once again, Mr. Speaker, my predecessor the hon. member for Niagara Falls made the government's concern about the risks to the coast amply clear. He also made it clear that the government was taking careful steps to make certain that it knew all about Arctic ecology and the impact of a pipeline in northern Canada before going ahead to issue permits.

My colleague, the Secretary of State for External Affairs (Mr. Sharp), made reference to a series of meetings he had with officials of the United States government. To the hon. member who asserted that no attempt had been made to bring to the attention of the United States government the views of the Canadian government, I would refer an aide memoire delivered by the Canadian Embassy in Washington to the United States authorities on June 29, 1971, precisely on this issue, which reads in part:

"At a meeting in Washington, D.C., on June 10 the Secretary of State for External Affairs and the Minister of the Environment expressed to the U.S. Secretary of State, the great concern of the Canadian government regarding proposals to move oil by tanker along Canada's Pacific coast and to the Puget Sound area. The Canadian ministers held the view that because of the virtual certainty that oil spills would occur if the proposed tanker movements were permitted in these confined coastal waters, present plans should be reviewed with the objective of diverting these oil shipments to destinations other than Puget Sound."

The aide memoire continues:

"The Canadian ministers drew attention to the widespread public concern in Canada about the environmental risks involved in the proposed Alaska oil movements. This concern has been expressed by the unanimous approval given in the Canadian House of Commons on June 21 for the adoption of the third report of the special committee on environmental pollution. A copy of this report is attached."

That unanimous approval, Mr. Speaker, must have been in the absence of the hon. member for Calgary North (Mr. Woolliams) or maybe he was here and as usual did not know what was going on. The aide memoire goes on to indicate to the United States government the proposed line of discussions to deal with the oil tanker problem and to carry out additional research into the possible damage to fish and bird life, the question of monetary damages, the question of shipping control—all proposals that dealt with these questions long before the United States government had made its decision to go on with this route.

The aide memoire of June 29 was followed by an aide memoire to the United States government on August 20, 1971, in the following terms:

The great concern of the Canadian government regarding proposals to transport oil by tanker from Alaska to the Puget Sound area has been made known to the United States government on a number of occasions during the course of this year. This concern is based upon the certainty that any movement of oil by tanker on the scale which has been proposed will eventually result in oil spills. The most recent occasion was at a meeting of United States and Canadian officials in Washington on June 29. At that meeting a proposal was elaborated in an aide memoire for detailed consultations to be held as soon as possible,—

The aide memoire goes on to say:

In general terms, as outlined on earlier occasions, the Canadian government is convinced that if the full economic costs of the substantial environmental risks are taken into account it will be found desirable to avoid introducing large and hazardous tanker movements into the inner waters of the Pacific Coast. The Canadian government is concerned, however, that there has so far been no indication of sources of oil supply for the States in the Pacific northwest. In order to explore this aspect of the question the competent Candian authorities would be prepared to discuss the technical and other factors which might affect the continuing contribution to the oil needs of the region from Canadian sources.

Mr. Speaker, coupled with my responsibilities as Minister of Energy, Mines and Resources, I had the opportunity to meet with the United States Secretary of the Interior, under whose jurisdiction this comes, on March 30 of this year and to point out to him the great concern of Canadians as echoed unanimously by this House with respect to the danger of heavy movements of oil in the northwest Pacific coast area, particularly Puget Sound, the progress that has been made by the Canadian government in the studies I have referred to, the progress that has been made in defining the area for a Mackenzie Valley pipeline—

Mr. Woolliams: Who did you meet with?

Mr. Macdonald (Rosedale): The United States Secretary of the Interior, the member of the United States government responsible for the pipeline.

Mr. Woolliams: What was his name?

Mr. Macdonald (Rosedale): Rogers Morton. The hon. member seems to be as ignorant of that as he is—

Mr. Woolliams: I wanted to find out if you knew.

Mr. Macdonald (Rosedale): What is your name, do you know?

Mr. Nielsen: Who the hell are you?

Mr. Macdonald (Rosedale): In my letter to Secretary Morton of May 4 this year, I said:

I found most useful my meeting with you in your office in Washington on March 30 last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay.

In four pages, the letter goes on to cite in detail the arguments in favour in moving the oil down through the Mackenzie Valley rather than through Alaskan waters. The document has been made public, but of course one cannot make documents like that public for the hon. member for Calgary North (Mr. Woolliams) because he is too idle to do his homework on these important questions.

Mr. Speaker, the hon. member has said that the government has done no feasibility studies. I pointed out by a document laid before this House, and it must have been available to the hon. member, that there has

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been an expenditure of $15 million over the last three years for defining the problems involved in building a Mackenzie Valley pipeline and for the purpose—

Mr. Woolliams: Would the hon. Minister permit a question?

Mr. Macdonald (Rosedale): By all means.

Mr. Woolliams: I have listened to the argument and—

Mr. Macdonald (Rosedale): Ask your question.

Mr. Woolliams: I will ask my question if you will be patient. Have you then concluded, and have you reached a decision or made an agreement with the United States government that TAPS in fact will not be built, that the crude petroleum and natural gas will be carried by pipeline down the Mackenzie Delta? Answer that question.

Mr. Macdonald (Rosedale): Of course there is no agreement because the American administration has decided that they are going to move American oil through American territory and international waters down to the American markets. The hon. member, who is supposed to be a lawyer, should know that there is no legal action that the government of Canada can take to prevent that.

Mr. Nielsen: The government has not decided that, industry has. The government gave a permit.

Mr. Macdonald (Rosedale): If Secretary Morton is not the government, who is?

Mr. Nielsen: All he did was issue the permit; industry moves it.

Mr. Macdonald (Rosedale): He issued the permit to build the line. The hon. member knows better than that. The hon. member for Calgary North has suggested that our position has not been made clear to the United States government. I pointed out that repeatedly in personal meetings between various members of this government and members of the American administration, and in aides memoire placed before that government and, as long ago as 1968 within a month of the time that the Prudhoe Bay field was disclosed to the public, representatives of this government already proposed the Mackenzie route as a favourable one for bringing the oil to market. It seems to me that little more need be said about the contribution of the hon. member for Calgary North in this debate.

Several points raised by the hon. member for York South (Mr. Lewis) require a reply. The hon. member said, raising the same rather incredible proposition put forward by the hon. member for Calgary North, that in some way we should get inside the American jurisdiction and the Canadian government should prevent that government from making a decision with regard to oil coming from within its territory and going to its markets.

The hon. member of York South said—and I appreciate his courtesy in indicating why he would not be present when I spoke—that we should have protested the construction of refining facilities in Puget Sound at the time they came into being. Mr. Speaker, the refining facilities in Puget Sound have been in operation at least since 1961. Ninety per cent of the oil used in those refining facilities in use comes not from overseas but is Canadian oil, Alberta oil that travels via the Trans-Mountain pipeline overland from Canada. The hon. member is really suggesting that the government of Canada should have protested the construction of oil refineries in Puget Sound built expressly to take advantage of hydrocarbons coming from Alberta. I can say one thing for the hon. member for Calgary North; at least that is one objection he did not raise.

Mr. Woolliams: I thank the minister for his generosity.

Mr. Macdonald (Rosedale): I should like to take this opportunity to repeat an offer I made in the House of Commons on April 19, 1972, as reported at page 1440 of *Hansard*—the offer was repeated, as I have indicated to the United States government—namely, that we are prepared to put the United States in the position, with regard to the Puget Sound refineries, where not one ounce of oil need be brought by seaborne traffic to those refineries. Once they had established oil supplies which would come via the Trans-Mountain route and provided the oil requirements of those refineries, there would be no need to bring seaborne oil into that area. We are prepared to make that undertaking. We hope the United States government, which of course will have to seek and obtain approval of the courts with respect to these proposals, will take advantage of that offer and will meet the particular problem we face by using Canadian oil that is available via overland routes, thereby making it unnecessary for oil to be brought by sea which is the problem involved in this debate.

The government of Canada in the last four years has been active in this area. Commencing, as I said, immediately with the discovery of Prudhoe Bay oil, the government has indicated to American companies Canada's willingness to consider the Mackenzie Valley route and has set up the extensive feasibility studies necessary to determine whether a Mackenzie Valley pipeline for oil and gas can be constructed to transport these products through our country to the markets of the central continent.

Furthermore, the government has been active in putting forward, by diplomatic memoire, by personal contact and by public statement both in this House and otherwise, the danger to Canada and to the American west coast which would result from the TAPS route. Of course we are disappointed. We regret that the American government notwithstanding this, has decided to go ahead with the TAPS route. We must acknowledge, however, that it is their decision and they have the right to do this. I would not go so far as the hon. member for York South and suggest that this is an unfriendly act.

Even now it is not too late for the United States administration, as an act of comity, to reverse its decision, to be prepared to halt construction of the TAPS pipeline and come forward with a new proposal; that is, to participate with the companies which probably today or early next week will be announcing their intention to go ahead with a Mackenzie Valley route. On that basis we could be assured that in future the kind of damage which occurred in Puget Sound and which has been experienced in Canada will not be caused to the west coast.

Mr. Nielsen: Mr Speaker, would the minister permit a question?

Mr. Macdonald (Rosedale): By all means.

Mr. Nielsen: The day before yesterday I asked the minister whether he had received an application from any company or consortium for the construction of a Mackenzie Valley pipeline, and he answered that no formal application had been received.

Mr. Macdonald (Rosedale): That is right.

Mr. Nielsen: What he has just said comes as a startling revelation. He has indicated that he expects applications to be made sometime next week for the construction of a pipeline.

Mr. Macdonald (Rosedale): No, Mr. Speaker, that is not what I said, as the hon. member will see if he reads *Hansard*. I said previously that we have received no formal application. However, we have received an indication that consortiums are getting together with regard to making an application. So my statement stands that no formal application has been made.

Mr. Nielsen: The minister said, "Next week." He suggested there would be an application next week.

Mr. Macdonald (Rosedale): I expect that next week or, shall we say, in the very near future there may be such application. There have been a number of indications to suggest that applications will be coming to the Minister of Indian Affairs and Northern Development with regard to the land route. In large measure he and I will have to wait for those submissions to be made. We have reason to believe, from certain statements—the hon. member has had as much opportunity as I have had to gather this impression from news reports—that the consortiums expect to get together and make an application.

Therefore, it would be constructive and would help the proposal made by the hon. member for Fraser Valley East, and supported by the Secretary of State for External Affairs, if we put under the jurisdiction of the International Joint Commission the resolution of the problem regarding tanker shipments both in the east and in the west, both in the waters of Puget Sound and in the international waters of eastern Canada. I would therefore hope we might have the support of the whole House, not only for the resolution but for the amendment.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, I am certainly glad that I was present today to hear the speech delivered by the minister, for it represented 30 minutes of exculpation without information. What it lacked in common sense is made up in vociferous delivery. I have always liked listening to the hon. member because one has no difficulty hearing what he has to say.

Mr. Macdonald (Rosedale): I am very glad to hear that.

Mr. Diefenbaker: This is an occasion that illustrates exactly the degree to which this House has been made to look ridiculous. The government either has not come with information or it has provided information that is not in accordance with the facts.

Mr. Macdonald (Rosedale): Not at all.

Mr. Diefenbaker: The minister laughs because he has been one of the main destroyers of this institution.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Macdonald (Rosedale): I have heard enough.

Mr. Crouse: The minister cannot take it.

Mr. Diefenbaker: His leaving is in keeping with the courage he has always displayed.

Some hon. Members: Hear, hear!

Mr. Diefenbaker: He makes a speech, we listen to him, he realizes it is foolish, ridiculous and full of incongruous statements, and away he goes because he does not want to be present when one reveals his total lack of consideration for the rights of Parliament. He does not want to hear what one says and thinks, apparently, that no one else will hear it. His leaving means that two ministers out of 30 remain in the House. Ministers of the Crown have responsibilities, but they are not held although this is supposed to be a most serious debate.

Mr. Basford: They will be here for the vote.

Mr. Diefenbaker: There is no question about that. Those automatons who are controlled by the government will be here for the vote. I am glad to receive the admission from the hon. gentleman. That is a most irresponsible statement and shows the degree to which his government has polluted Parliament. In other words, debate is no longer important.

ENVIRONMENTAL PROTECTION IN MARIN COUNTY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 20, 1972

Mr. TUNNEY. Mr. President, many valuable programs to clean up our environment have been started throughout the country. I am always pleased to hear of individuals or local groups who initiate constructive action to enhance or improve our rapidly deteriorating environment.

In Marin County, Calif., just such a program has been run by Survival, Inc. This organization has set up a system of recycling centers and of distribution of ecological information to the public. The county board of supervisors has contracted with Survival to continue this dual program, and recently a $25,000 grant was approved to enable the program to continue for another year. I am sure that the program will gradually expand as more citizens become aware of its value to the community as a whole.

I sincerely hope that Survival will serve the local people well, and I encourage other communities to follow the example of Marin County.

LATIN AMERICAN DEVELOPMENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HANNA. Mr. Speaker, for some time many of us have been concerned as to our international priorities in recent years, especially in terms of our economic assistance policies. Our emphasis for the past two decades has been overwhelmingly centered on Europe, with mere residuals, as it were, being directed to certain of our less fortunate and less developed allies.

It is time, however, for these priorities to adjust to what I see as a new reality in our future economic relations with the rest of the world. As Europe and other past recipients of our beneficent policies have overcome the needs which prompted our policy orientation in the past, those who have been neglected must now move to the forefront of our list of commitments.

I have been working recently on a reorientation of our economic policy in Latin America. Past programs have foundered on the government interfaces which failed to deliver funding at a point where meaningful impact on the life of the "Campesino" was achieved. New and more effective instrumentation must be forged for these Southern Hemisphere nations. We have frequently suggested and again urge that an organization similar to the original European Payments Union be formed. Such a vehicle by undergirding trade could make more effective such institutions as LAFTA and the Central American Common Market. At the same time it could encourage stabilization of currencies and an ever-increasing trade. This mechanism could well provide the structural catalyst for a financial "unification" of the Latin American region.

One requirement of such a catalyst, however, is seed money. This we unhesitatingly provided in the late 1940's and early 1950's for the rebuilding of a war-devastated Europe. Still remaining in the original EPU fund is a sizable amount—$123.5 million, to be exact. As noted in the correspondence which follows, the Department of Treasury is of the opinion that there is "no longer a need for a European monetary organization such as the EMA." I heartily concur in this analysis and offer as well my full and active support to the Department's efforts to "recapture" these moneys and put them to a much more profitable, significant and vital use.

I include my correspondence with the Department of Treasury at this point in the RECORD:

MARCH 17, 1972.

Mr. MICHAEL BRADFIELD,
Assistant General Counsel,
Department of the Treasury,
Washington, D.C.

DEAR MR. BRADFORD: I have been researching the status of the United States' contribution to the European Payments Union, predecessor to the existing European Fund, which was originally established under the Marshall Plan following World War II. My interest in these monies is directly the result of discussions of a program similar, both in form and goals, to the European Payments Union in Latin America.

My research reveals that approximately $123.5 million of the original capital contribution of $350 million has not been expended and is currently being held in a special trust account by the Department of the Treasury for the Secretary General of the Organization for European Economic Cooperation. Some doubts exist, however, as to the status of these funds and their susceptibility to redemption efforts by the United States—to wit: was it a loan or a grant?

Your assistance is therefore requested in two areas: first, the reactions of the Department to a redirection of these funds to a Latin America effort and, second, an analysis and report on the status of the funds.

Thanking you for your attention in this matter, I remain

Yours sincerely,

RICHARD T. HANNA,
Member of Congress.

THE DEPARTMENT OF THE TREASURY, OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., May 23, 1972.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: You have inquired as to the status of the United States contribution to the European Monetary Agreement (EMA) and to the reaction of the Treasury Department to a proposal to redirect the contributed funds for use in Latin America.

With respect to the status of our EMA contribution, these funds are an outright grant, although the United States retains some rights over the final disposition of EMA assets upon liquidation. In 1958 the United States committed $271.6 million to the EMA. The origin of these funds was a grant of $350 million made by the United States in the framework of the Marshall Plan in order to establish the working capital of the European Payments Union (EPU). When the EPU expired in 1958, $148.1 million was transferred immediately to the EMA. The remaining United States contribution of $123.5 million has never been called upon and is held in a special Treasury trust account, but is fully committed in a legal sense to EMA.

The United States does not have the contractual right to repossess its capital contribution or earnings attributable to this contribution. Furthermore, since the United States is not a contracting party of the EMA, we have no vote and thus no power to compel termination. However, the consent of the United States is required to any substantial modification of the EMA as a consequence of the agreement under which we made available to the EMA the residual capital of the EPU.

Moreover, in the event the members of EMA decide to liquidate the organization, the agreement provides for distribution of the U.S. capital among the members in accordance with an agreed formula. The United States retains a veto over the application of this formula but must work out with the European members any alternative uses of the U.S. contribution.

It has been apparent to us for some years that there was no longer a need for a European monetary organization such as the EMA. Since the early 1960's we have from time to time considered devoting the U.S. contribution to other purposes, including the use of these funds in Latin America. However, these efforts proved fruitless. It appears now that the best approach is simply to seek return of these funds to the United States.

Discussions are once again in progress to determine the future of the EMA and the disposition of its capital. We are hopeful that we will see agreement by the end of the year on a proposal which will permit the United States to recapture its EMA contribution.

If I can be of further assistance to you in pursuing this matter, do not hesitate to contact me.

Sincerely yours,

MICHAEL BRADFIELD,
Assistant General Counsel.

FISCAL AND BUDGETARY INFORMATION FOR THE CONGRESS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. O'NEILL. Mr. Speaker, under the extremely capable leadership of my friend and colleague, Chairman JACK BROOKS, the Joint Committee on Congressional Operations has just completed an extensive review of efforts to create a modern fiscal and budgetary information and automatic data processing system for use by all branches of the Federal Government.

As Chairman BROOKS pointed out in a speech at the annual conference of the Agency Management Analysis Officer's Group, Congress desperately needs not just more but better and more timely information about financial operations of National Government. I am delighted that Chairman BROOKS and the joint committee are working to extend the information reach of the Congress in this area, as intended in title II of the Legislative Reorganization Act of 1970.

So that all Members may have an opportunity to familiarize themselves with this vitally important activity, I am submitting for the RECORD the full text of the chairman's remarks delivered on June 12, 1972:

FISCAL AND BUDGETARY INFORMATION FOR THE CONGRESS

The growth of Federal programs and activities—their size, number and complexity—has challenged our government's capacity to monitor their operation and evaluate the results.

No one who has served for any length of time in Congress, or elsewhere in the Federal establishment, is unaware of this problem.

Over the past decade, for example, outlays for Federal grant programs have jumped from

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$7.7 billion to $38.3 billion—a 483 percent increase. In 1962, there were about 200 individual programs. Today there are more than a thousand. And their emphasis, meanwhile, has shifted toward innovative programs in the human resources and environmental areas, such as education, health, manpower training, community development, housing and public safety.

We are not equipped with the informational and analytical tools necessary to deal sensibly with this escalating quantity and complexity. Congressional inability to acquire, process, and apply sufficient policy-relevant information, a matter of grave concern during the 1960's, is even more painfully apparent as we enter the 1970's.

To narrow this intelligence gap, numerous provisions for development of new information resources were included in the Legislative Reorganization Act of 1970. For instance, to strengthen our independent capability, we authorized additional staff and other assistance for the Committees. We also directed the General Accounting Office and the Congressional Research Service to provide more substantial—and sophisticated—research assistance. Both are working toward this now.

Tonight, however, I want to describe our efforts to carry out another of the Reorganization Act's provisions. In Title II, we directed the Executive Branch to establish—in cooperation with Congress—a standardized fiscal and budgetary information and data processing system for use by all Federal agencies.

As you know, there is a very long history of Congressional concern and legislation relating to federal accounting and reporting procedures. The basic assignment of responsibilities was made in the Budget and Accounting Act of 1921.

Since then duties and requirements have been clarified by additional laws, the objectives always being to improve the quality of information for managing federal activities. Changes and additions were made in 1946 as part of the Legislative Reorganization Act of that year, and in 1950 and 1956 as a result of the Hoover Commissions' studies. The requirements of the 1970 Act came out of the work of the Joint Committee on the Organization of the Congress, which began its deliberations in 1965, the same year that PPBS and similar efforts to enhance the planning and budgeting activities of agencies were being widely publicized.

What we are saying in Title II is:

First, that this effort must be continued, *with* Congressional participation;

Second, that the design and operating procedures of the standardized fiscal and budgetary system must provide adequately for congressional needs and applications; and,

Third, that government-wide standard classifications of programs, activities, receipts, and expenditures of Federal agencies must reflect and serve not only Executive requirements and purposes but those of the Congress as well.

In addition, both before and after the standardized syatem is in operation, provision must be made for Congressional access to—and full information about—fiscal, budgetary, and program-related data available in the Executive Branch.

The intent of the Title II requirement is clear:

We are not seeking to strengthen either the Congress or the Executive at the expense of the other. Our purpose is to supplement and overhaul existing fiscal, budgetary, accounting and management information systems to better serve the needs of both branches.

What we are looking for is a parallel development, to make more meaningful information more readily available to Congress and to other users throughout the Federal government.

Establishment of a Government-wide system is a large order. We realize that it won't be accomplished overnight, that dramatic break-throughs are unlikely.

We have made significant progress, however, during the first year: The systems developers within the Executive, in the Office of Management and Budget and the Department of the Treasury, gained a better understanding of Congressional expectations. And the Comptroller General—who is the agent of the Congress for this project—moved forward with an extensive survey of Congressional information needs.

Perhaps understandably, the OMB started with a limited view of what was intended. Last October, as Chairman of the Joint Committee on Congressional Operations, I wrote to the Director, then Mr. Shultz, and questioned the pace and direction of their initial work. Development of the classifications—the critically important first step—had been assigned to several *ad hoc* study groups, without any ties ot agency management. Priorities for development of the various classifications had been set, without reference to Congressional interests and needs.

Overall, there was no evidence that a broad-gauge plan for this project was either being worked out or contemplated. No plan or timetable for defining its scope, for implementation, for exchange of documentation, for incorporating congressional requirements, etc.

But it appears that the OMB is now rethinking its approach. In a statement submitted in April of this year, in connection with hearings held by the Joint Committee, the office conceded that—and I quote—"The scope of the system development effort as anticipated by the Congress is substantially greater than previously incorporated in our plans." Once Congressional needs are clearly defined, it was added, "A detailed plan to meet the expanded requirements can be developed."

Although belated, OMB's realization of what Congress anticipates is encouraging. Their willingness to consider and accommodate Congressional needs is constructive. We will give them all possible assistance in their further planning. We expect to work closely with them on this.

Meanwhile, in consultation with the Joint Committee, the Comptroller General began surveying Congressional information needs last August. Since then, his researchers have interviewed the staffs of all but one of the Committees as well as 68 individual Members of the House and Senate.

This survey is designed to help us in defining patterns of Congressional information use. Our needs are extensive and diverse, and continually change. They vary from Committee to Committee, from Member to Member, and from policy area to policy area.

What we are attempting to do is to sort out one-time information needs from those which reoccur and can be met systematically; to identify those which can be met, periodically, with printed documents and those which may require immediate response, perhaps on-line through a computer terminal; to describe the various Committee's requirements in terms of content, format and frequency of use.

Federal accounting systems cannot be set up to meet, without clerical manipulation, all Congressional data requirements. We must specify which elements of basic information are to be acquired and reported within the various classification structures adopted Government-wide.

To indicate the scope of this project, let me summarize some of the findings of our hearings and the Comptroller General's preliminary survey report:

Fiscal, budgetary and program-related data is now acquired within and reported by a maze of classification schemes and information systems. Comparisons between data produced by these systems are at best difficult to make. At worst, they are misleading. Because program terminology and coding procedures differ from Agency to Agency—and even between bureaus within Agencies. Both necessity and common sense dictate the requirement for standard definitions and uniform accounting procedures, so that we can identify and review programs and activities which have similar objectives but are operating in different agencies.

Highly generalized program information which may be suitable for use in the Executive Office of the President is not necessarily sufficient for most Congressional committees. We will require program and project classification structures to provide the kind of detail included in such documents as agency justifications.

This means that standardization and systems compatibility will have to extend deep into the Departmental hierarchy, where the transactions are, at the project manager and operating level. For example, we will need a uniform method of linking projects and funding status, the amount provided by Congress and the amount actually spent by the Executive.

So-called "impoundments" should not be covered up by semantics or defined out of sight. I do not see why we cannot devise procedures to notify Congress automatically—and immediately—whenever any Executive action effectively precludes the obligation or expenditure of appropriated funds. And Congress should be provided regular summaries of such actions, including the amounts and projects or activities involved.

In many instances, Congressional committees review individual grants, loans and contracts. The classification structure will have to permit us to easily acquire financial and program data about these, individually or in groups, from numerous operating organizations in the Executive Branch.

Federal grant programs are of particular concern to us. The Federal Domestic Assistance Catalogue, much improved in recent years, is a useful tool in identifying grant programs and in informing the American people of their objectives and application procedures. But this document should be brought up to date and published on a regular schedule, probably more frequently than at present. Moreover, a printed document alone will not meet all our needs in this area. For sensible review of these programs we should have available, on demand, current status information, including funds available and applications on file.

Congress needs to be able to identify programs and projects with the Executive organization responsible for their day-to-day management. We must also link programs and projects to their legal base, not only classifying them by appropriations but by authorizations and committee jurisdictions as well. For more intensive program review, as intended by the 1970 Act, we must be able to compare performance with the objectives and criteria intended by the Congress in authorizing and appropriating funds.

Looking to the future, as research techniques for performance measurement and evaluation become more fully developed, we will need classifications for impact data, by target groups and by geographic areas. Because of their complexity, these structures must be given extra effort now. The target group concept must be carefully defined, and a wide range of geographic area definitions must be considered, including regions, urban and rural, states, counties, and cities.

Finally, there is access. Without this—ready availability of information, as needed—we will be right back where we started. Precisely what mechanisms and procedures will ultimately have to be devised can only be determined when the systems plan has been more fully developed.

Meanwhile, we must begin assessing the capabilities of existing sources of fiscal, budgetary and program-related data. Unless we know what presently is available, our efforts could lead to duplication of reporting procedures and unnecessary costs.

Last year, in May, the Director of the OMB and the Acting Secretary of the Treasury asked Executive Department heads to provide "a brief description of any inventories of data available . . . that could be used to meet" Title II requirements. OMB reported, in July, that "virtually none of the Agencies have composite inventories of data available within their systems."

An inventory of sources is essential—now. We understand that OMB, the Treasury, and GAO are working on ways to accomplish this. We expect them to come up with realistic and feasible alternatives in the very near future.

As I indicated earlier, we are fully aware that development of the Government-wide system envisioned in Title II is a major undertaking.

Much remains to be done. Some of the Congressional needs we have identified thus far can be met through minor adjustments in existing Executive plans or practices. Others will require the sustained attention of the Congress—particularly on the part of the Committees—plus a long-term commitment by the Administration, and the active cooperation of agency managers throughout the Executive Branch.

The costs of this project wil be substantial. But these costs will be only a minor percentage of its benefits to the taxpayers.

We are all in thia together. You and I are being asked today to anticipate problems before we become bogged down in them; to make decisions, more quickly, in response to pressing and increasingly complex social and human needs.

You and I are being asked to conserve the Nation's tax resources, by eliminating Federal programs that are no longer needed and replacing them with ones that are, by terminating those that do not work and starting ones that do.

There are many ingredients essential to creative public policy decisions. Reliable, timely information is one of them. We must work together to meet this vital need.

BAD TIMING

HON. WILLIAM S. CONOVER II

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CONOVER. Mr. Speaker, the Pittsburgh Press recently published an editorial concerning the poor timing of the efforts in Congress to legislate a quick end to the Vietnam war.

It is hoped that this body will follow the recent vote of the Foreign Affairs Committee which endorsed the President's policy.

I include the editorial below:

BAD TIMING

Congress is debating new efforts to legislate a quick end to the Vietnam war at a particularly bad time.

In the House, the Foreign Affairs Committee has rejected a resolution to order withdrawal of all remaining U.S. military forces from Indochina by Oct. 1. Instead, it approved by a 19–18 vote a resolution endorsing President Nixon's Vietnam policy.

However, some Democrats say they will carry the fight for the end-the-war resolution to the House floor.

Most Americans probably would like to see us out of Vietnam even sooner than Aug. 31. But yanking 62,000 U.S. troops out of there in so short a period—and in the midst of a continuing North Vietnamese invasion of South Vietnam—seems militarily unwise.

Such a development would undermine the morale of the South Vietnamese army and risk its collapse.

Also, Sen. Mansfield's amendment proposes to end all U.S. ground, naval and air operations in South Vietnam, Cambodia and Laos if the Communists agree to return American prisoners and not fire on our departing forces. In effect, Sen. Mansfield is saying to Hanoi: "Give us our prisoners and let us go in safety. As we leave, you may, of course, continue to shoot at the South Vietnamese who fought on our side for so many years."

That is far from the honorable end to America's involvement in Vietnam that President Nixon has been promising.

Mr. Nixon's latest offer to Hanoi, which is extremely fair, calls for a complete American withdrawal from Indochina within four months of a cease-fire and a release of prisoners.

Under the President's plan, the United States at least wouldn't be walking away while its allies or friends in Vietnam, Laos and Cambodia were getting shot up. And, in the context of a cease-fire, it would leave the political future of Indochina to be worked out by the people who live there.

Ironically, Sen. Mansfield's most drastic end-the-war move comes when the desperate military situation on the ground in South Vietnam seems to be improving and there are background maneuvers toward a resumption of peace talks.

From all this, the Senate should see that this is no time to ban the use of U.S. airpower and the presence of American advisers, which are our highest bargaining cards. It is the time for steady nerves and quiet diplomacy not for the legislative meat ax.

DE FRANZO VFW POST CELEBRATES 40TH ANNIVERSARY

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, this year marks the 40th anniversary of VFW Post 2346 in Saugus, Mass. The history of this fine post has been an interesting one, and I would like to take this opportunity to share some of that history with my colleagues here in the House of Representatives.

The post was chartered in 1932 in memory of Maj. R. Gordon, a veteran of veteran of World War I. The first home of the post was the Grand Army Hall, Webb Place, Saugus Center. However, soon the quarters there became too crowded and the post was relocated in the old fire station on Lincoln Avenue. The membership continued to grow rapidly, and another move was made to Pythian Hall. The next post home was the old West Cliftondale Improvement Association Building, and just prior to this relocation the Post was renamed in honor of the first man from the North Shore area to win the Congressional Medal of Honor, S. Sgt. Arthur F. DeFranzo of Saugus.

At its new location and bearing its new name, Post 2346 became very active with a large increase in membership. By 1951, it was apparent that larger and more permanent quarters were needed and over the next 3 years funds were raised so that plans could be formally developed.

Plans were drawn up by President Alfred Walker, Vice President Flore DeFranzo, Clerk William Merrithew, Quartermaster Charles Cooper, Directors William Smith, Norman Hanson, Henry Romie, Richard MacDonald, William McGrath, and Stanley Wladknowski.

On Sunday, April 24, 1955, the new quarters at 190 Main Street were dedicated. Membership in the Post continued to grow, and to such an extent that within 3 years the mortgage was completely paid off, and plans were begun for additional space. In 1963, a $100,000 addition was completed to the quarters. By now the Post was one of the largest in the Commonwealth.

Then, on the morning of April 4, 1971, a fire completely destroyed the upper floor and all its furnishings. Later that same day Corporation President William Muldoon called a special meeting of the Board of Directors, and their tireless efforts to renovate the building began immediately.

An architect and contractor were engaged and rebuilding was completed on February 29, 1972. The building was rededicated on April 9, 1972, and the inscription reads:

With the help of God we will always truly honor the dead by helping the living.

This inscription accurately embodies the spirit of the S. Sgt. Arthur F. DeFranzo Post 2346. In each of the last 10 years, the Post has received an award for community service. Their contributions to the people of Saugus and to the entire State of Massachusetts stand as examples of their dedication to this goal.

I would like to take this opportunity to make their achievements known to my colleagues and to congratulate Post President George Hickey, Clerk Ed Heartquist, Vice President William Merrithew, Cmdr. Andrew G. Busalacchi, and president of the Ladies Auxiliary Rita Hannify for their efforts. After visiting the Post on several occasions, I realize that the 1,300 members of the Post and of its Ladies Auxiliary should be commended for their wholehearted cooperation and untiring support.

I am personally proud of their work and urge them to continue in the fine tradition which they have established for themselves.

STOP THE PERIPHERAL CANAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WALDIE. Mr. Speaker, a proposed public works project that will have a great and potentially damaging effect on the environment of northern California—the Peripheral Canal—may soon be before the Congress.

A recent editorial on KTVU, an Oakland television station, I think demonstrates the true views of the people of northern California about the dubious merits of this project. I am hopeful that

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the Members who will be studying this project are aware of the preponderance of unfavorable public opinion to its authorization and construction.

The editorial follows:

OUTLOOK: PERIPHERAL CANAL

In case you thought the Peripheral Canal was a dead issue, it's not. That's the scheme to ship northern water by canal behind the Delta and on to the south, allowing some to leak into the back stretches of the Delta.

The idea is great for Los Angeles and it's bad news for us. But when the legislature and the governor's office are both controlled by Southern California, you can understand how that can happen.

The fight will be won or lost in *Congress*, and we call on all Northern California congressmen to form a coalition to plug up all the plans to build the Peripheral Canal.

FREEDOM OF THE PRESS—A LICENSE FOR BIAS?

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. PRICE of Texas. Mr. Speaker, "bias" is an interesting word, and one definition according to the dictionary calls it "a tendency of a statistical estimate to deviate in one direction from a true value."

Of course, everyone in this world is biased in some way or another. Any person who would claim not to be afflicted with this human frailty would, of course, be either lying or frightfully ignorant of his mortal limitations. Sometimes bias can be constructive; other times, not. Bias can take the form of pride in one's self, his community, his company, his school, or his Nation. Within limits bias can promote a spirit of competition and stimulate a feeling of camaraderie among those who share a distinguishing kinship. However, without control or direction, bias can be a negative and insidious force, lashing out at those who become the targets of suspicion or blind prejudice. We all know and recognize the standard forms of bias—bias against a certain religion, race, or creed. These forms of intoleration are rightfully to be rejected as they are counterproductive to the society as a whole.

However, there is another type of bias, equally bad, but far more subtle—and that is the blind vendetta of journalistic bias which masquerades as "freedom of the press." Perhaps more than anyone else, Vice President AGNEW is to be commended for pointing out for all to see the unquestioned prejudice and slant of the liberal-dominated news media in this Nation. No one questions the right to freedom of inquiry in an open free society. But the anti-American, anti-Government vindictiveness of a great many of our news disseminating organizations is unparalleled in example anywhere else in the world. Every day our fellow citizens are fed a diet of disaster and told what is wrong with this society. It is this bias of our news media against our own Nation which is most puzzling, and, in my opinion, destructive and divisive of the best interests of our Nation.

The liberal news gathering agencies attempt to heighten and promote dissention and emotionalism and to divide and segment our people into clever but melodramatic categories. The media is quick to offer a stage to forces in this society which represent the offbeat, the bizarre, and the misfit. But demand "equal time" for those who support and defend our Nation, and immediately the cry goes up about "censorship," and Walter Cronkite bristles about ominous threats to the "freedom" of the press.

It is a modern tragedy that this good land is worthy only of contempt and scorn by faithless and fickle elements within our news media who will stop at nothing to vent the wrath of their own frustrations and ineptness upon the American public. These people have expanded the concept of "yellow journalism" in that they will not hesitate to drag the entire Nation through the mud or to condemn our most sacred institutions if it will help expand their audience or increase circulation.

Mr. Speaker, there is no question that the news media of this Nation is guilty of bias—and I use that word in a negative and accusatory sense. Regretfully, those journalists who are a credit to their profession must feel an extra measure of frustration that their credibility and sense of ethics are threatened and undermined by the reckless and abusive acts of certain of their colleagues.

Mr. Speaker, it is an old wise proverb that says, "He who knows not that he knows not is a dangerous man." Most tragic of all, our liberal-dominated news media is so caught up in its obsession with "freedom of the press" that these people are not only biased, which they vehemently deny, I believe many of them do not even realize they are biased. The lack of this realization is not only injurious to the journalistic profession, it is detrimental to the welfare and best interests of all the American people. And that cannot be allowed to continue.

A most interesting editorial appearing recently in the Amarillo Sunday News Globe identifies specific examples of bias in news reporting, and offers some suggestions to remedy the situation. If only the New York Times could read and heed:

[From the Amarillo Sunday News Globe, June 4, 1972]

WE CAN HEAL A NATION

While waiting for the President's helicopter to touch down on the Capitol grounds Thursday night, TV network reporters prowled the corridors beneath the big dome, asking members of the Congress for their views on the Nixon visit to Russia.

Among those interviewed was Sen. Edmund Muskie of Maine. What did the Senator think of the disarmament agreements signed by the President?

The gentleman from Maine felt his way cautiously. After all, members of the Congress did not yet have the full story. But obviously some progress toward peace and cooperation had been made.

The interviewer was Bob Clark, White House man for ABC; and he sounded a bit impatient when he asked, "But what about the failures?"

That may not have been the precise expression. But reporter Clark did use the word "failures," and it was obvious he wanted something controversial as his contribution to the evening's grist of television news.

And right there we may have the big clue to the national "sickness" so many Americans deplore.

"But what about the failures?"

Howard K. Smith, commentator for the same network, and a member of the Nixon press party in Moscow, offered a similar diagnosis earlier in the week in a comment just before leaving for home.

He had picked up a copy of the New York Times, freshly arrived from the states, and found it filled with accounts of American doubts and fears and failures. After spending several days in a nation, regarded in many quarters as our enemy, whose people were proudly putting their best foot forward, defending their own country and its system while ignoring its manifold failures, this journalistic self-flagellation was particularly glaring.

One area in which the determination of some correspondents to emphasize the negative is especially galling is the Vietnam war. Kenneth W. Clawson, deputy director of White House communications, took sharp issue a few days ago with a New York Times report from Correspondent Anthony Lewis who is now—or was until quite recently—visiting North Vietnam.

"In contradiction of all journalist standards," Clawson said, "the New York Times is guilty in at least two specific instances of being a conduit of enemy propaganda to the American people.

"In a report from Haiphong featured on Page 1, the Times said that independent sources confirmed North Vietnam claims that the enemy is clearing American mines from Haiphong harbor and moving ships in and out.

"That claim is entirely untrue. In answer to a query the Times was told in advance by the American government that no ship has entered or left Haiphong harbor since May 11."

Which makes us wonder—what country is the Times serving? North Vietnam or the United States?

Concluded Clawson: ". . . The Times stooped to bad journalism when it published a long irresponsible propaganda line indicating there is ship movement in and out of Haiphong."

Another outspoken critic of some recent weighted news from American correspondents in Vietnam is the publication "Monday," issued weekly by the Republican National Committee. A week or so ago it published this complaint:

"On the evening of May 6, 1972, CBS evening news viewers were greeted by anchor man Roger Mudd telling them: "The South Vietnamese suffered two more defeats today . . .'"

NBC, however, according to the "Monday" account, reported one of the same attacks and stressed that the Communists were unsuccessful in overrunning the firebase involved and were "beaten off" by elite South Vietnamese airborne units.

"Monday" also cites chapter and verse of many other recent reports slanted toward emphasis on enemy successes and derogatory to the efforts of the ARVN, the U.S. supported force arrayed against General Giap's Communists from the north. It is no secret that many of our newsmen are openly contemptuous of South Vietnamese efforts.

In a speech not long ago at Kenyon College in Ohio, Robert Novak, a syndicated columnist, explained it this way:

"Both the correspondents in Saigon and their editors back in Washington and New York share, in overwhelming numbers, axiomatic beliefs about the war.

The correspondent consciously or not, tends to look at the worst side of things. The editor, consciously or not, tends to select news that is negative."

Are things so bad with us; are the times so cruel and events so overwhelming, that we have nothing but evil to report? Or is the sickness within ourselves?

We, the American people, need healing and we can heal ourselves. We can refuse to listen to slanted news reports; refuse to read newspapers that display the failures and minimize the successes of our system. We can use our own common sense to reason that a people which for three generations has shared its own largesse with the world and has lifted millions of human beings to new levels of freedom and awareness, cannot by the most tortured twisting of logic be accused of failure.

The United States is a success. We must proclaim this with pride and abandon the nit-picking, grubby search for problems and failures.

Then our sickness will go away.

RICHARD C. VAN DEUSEN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. McDADE. Mr. Speaker, the name of Richard C. Van Deusen, Undersecretary of the Department of Housing and Urban Development, is one of the most respected names here in the city of Washington, and indeed across this entire Nation. He has served with distinction in one of the most challenging jobs in this country—as a guiding force in the enormous task of providing decent housing for all Americans.

I would call Mr. Van Deusen the perfect model of the complete dedicated civil servant, but he is even more than that. He came to Washington at a great personal sacrifice, not only financially, but even more significantly in his family relations. He was a partner in one of the finest law firms in Detroit when he was asked to take up the task of Undersecretary, and on February 7, 1969, his appointment to that position was announced by President Nixon. He knew that in accepting this position he would have to give up so much of his personal life with his wife and his three young daughters, but he came with the same spirit of intelligent enthusiasm he had given every other venture in his life, and all of us must be grateful for the work he has given us.

Richard Van Deusen was born in Jackson, Mich., on July 18, 1925. He attended Deerfield Academy and the University of Minnesota, from which he was graduated cum laude. He played on the Minnesota football team, was selected as captain of that team, and was chosen on the All-Big Ten.

He served his country in the U.S. Navy during World War II from 1943 through 1946, and upon release as an ensign in the Naval Reserves, attended Harvard Law School. Following his graduation in 1949, he joined the Detroit law firm of Dickinson, Wright, McKean & Cudlip, and remained with that firm until his appointment as Undersecretary.

He entered vigorously into the community activities. He served in the Michigan State House of Representatives from 1954 through 1956. He was a director of the Detroit Bar Association, the Michigan State Chamber of Commerce, the Automobile Club of Michigan, the Detroit Automobile Interinsurance Exchange, and the Boy's Republic of Farmington, Mich. He served also as a trustee of the Cranbrook, Kingswood, and Brookside Schools in Bloomfield Hills, Mich.

He served also as a delegate to the Michigan Constitutional Convention in 1961 and 1962, when that convention was called to reform the State's archaic constitution. It was in this position he became closely associated with the president of American Motors, who was to become Governor of Michigan and who, as Secretary of Housing and Urban Development, was to call upon Mr. Van Deusen to lend his many talents to the service of all Americans.

We are losing a most distinguished public servant in Mr. Van Deusen. I have had so many occasions to work with him at HUD. I found him most intelligent, most deeply committed, and above all most dedicated to a program of action to provide the housing for America.

I know that he and his wife, the former Barbara Congdon, and their three daughters, Amanda, Lisa, and Katy, will find relaxation away from the very demanding job as Undersecretary. But I want all of them to know that we will miss sorely Richard Van Deusen. He has served his country with distinction in time of war and in time of peace. I wish his God-speed through all the days of his life.

TOM BRADLEY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. REES. Mr. Speaker, this Friday the citizens of Los Angeles will be honoring City Councilman Tom Bradley at a dinner at the Beverly Hilton Hotel. Tom has served the people of Los Angeles well for 30 years, first as a member of the police force and then, for the past 9 years, as a member of the city council.

I have worked closely with Tom for many years on legislation and projects relating to metropolitan problems. As chairman of the State, County, and Federal Affairs Committee, he has cooperated often on Federal legislation affecting Los Angeles.

One of his special areas of interest concerns the need for a more regional approach to the problems of cities. Tom has been a leader in this field and is presently a member of the Southern California Association of Governments, an organization formed for the purpose of developing greater cooperation and efficiency among the governmental units of our area.

When more and more Americans are moving to the cities, it is fortunate that we have leaders like Tom Bradley who are devoting their talents to finding solutions to the many problems that have arisen in our growing and congested metropolitan areas. I know that concerned Angelenos will join me in honoring this outstanding councilman.

INTERIOR DEPARTMENT REFUSED NATIONAL ACADEMY OF SCIENCES' HELP ON ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD today a letter from the President of the National Academy of Sciences to Interior Department Secretary Rogers C. B. Morton, dated March 2, 1971, noting the Academy's special interest in Arctic environmental problems and volunteering to help the Interior Department assess the expected environmental impact of the proposed 780-mile pipeline. Unfortunately, the Interior Department refused to help fund the Academy study and, thus, it was never undertaken.

This important document raises very grave suspicions about whether Interior believed its conclusions in favor of an Alaska pipeline could stand up to close scrutiny. It is another important piece of evidence that the Interior Department has gone out of its way to avoid getting the facts on the Alaska pipeline issue.

I urge those of my colleagues interested in this important issue to read the National Academy of Sciences' letter which follows:

NATIONAL ACADEMY OF SCIENCES,
March 2, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I write to you, Mr. Secretary, concerning our views with respect to the proposed trans-Alaskan pipeline and to offer our assistance as an organization that was established by Act of Congress to provide advice to the federal government on matters of science. As you may know, the National Academy of Sciences has a long standing interest in problems concerning Alaska and the arctic region, and we have followed with interest the problems that have emerged in connection with plans for utilizing the oil resources of the Alaska North Slope area.

As an example, a committee of the Academy, acting at the request of the federal government, exhaustively studied the 1964 Alaska earthquake and is now publishing a series of volumes on various scientific aspects of that event. Another example of our interest is the continuing work of the Committee on Polar Research on scientific problems of the polar regions and on specific problems relating to Alaska. We also are currently establishing, in cooperation with interested government agencies, an Arctic Assessment Group to consider ways in which an interdisciplinary framework can be established to assist and augment efforts by government for systematically assessing emerging economic development problems in northern Alaska. More specifically, the Environmental Studies Board, a joint undertaking of the National Academies of Sciences and Engineering, has followed closely the problems of the Alaskan pipeline and was thoroughly briefed by Dr. William T. Pecora and his associates on these developments in October 1970.

I believe these examples will describe the interests of the Academy in the problems of Alaska and underscore its usefulness in providing assistance to both government and industry for mobilizing scientific and technological resources to deal with problems of national concern in that region.

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Until recently, we have been reluctant to take the initiative in making inquiries concerning the technology assessment support that we might offer with respect to the considerations raised by the oil pipeline. This has been due to our awareness of the political complexities involved in plans for its construction. However, the request for comments on the draft Environmental Impact Statement for the Proposed Trans-Alaskan Pipeline that was issued in the Federal Register on January 15, 1971, by the Bureau of Land Management, has invited comments from interested groups. Our Environmental Studies Board, at its meeting on February 12, considered this statement and voted to advise the Council of the National Academies of Sciences and Engineering of its concerns.

The Council, at its meeting on February 20, 1971, accepted the following resolution of the Environmental Studies Board:

"That the Environmental Studies Board recommends to the Councils of the National Academy of Sciences and National Academy of Engineering that the services of the National Academies be offered to the Council on Environmental Quality and the Department of the Interior for a review and assessment of the Section 102 Statement on the Alaska Pipeline, provided adequate time and funds are made available for such assessment. The Environmental Studies Board also calls attention of the Councils to the fact that the filing date of February 27 is completely inadequate for such an assessment, and that this particular project is of such national interest that it deserves a review."

The Council of the Academy has instructed me to bring this action to your attention, and I am taking this opportunity to do so before the record closes. I understand that the time for submitting statements for the record has been extended beyond February 27.

I would be very happy to discuss this matter further with you, particularly if you see a way in which the National Academy of Sciences could be of service to the Department of the Interior in problems that deal with the Alaskan pipeline. The Alaskan pipeline represents one of the great technological and environmental challenges of the day. We must find ways to bring our best effort to bear on this problem, and I hope that we can all work together for the greatest benefit of the nation.

Sincerely,

PHILIP HANDLER,
President.

IN AID OF LAW ENFORCEMENT OFFICERS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ICHORD. Mr. Speaker, on May 8, 1972, I introduced H.R. 14822 which is aimed at providing a measure of protection for law enforcement officers who are sued in Federal court resulting from the performance of their duties. In addition to the support of the International Association of Chiefs of Police, the National District Attorneys Association, and the National Association of Police Legal Advisors, I have received many letters of support for the enactment of this measure from Attorneys General, State highway patrolmen, and policemen from all corners of the United States.

In response to the request of several colleagues to reintroduce this measure so that cosponsors may be listed, I am doing so today and I commend to all of the Members of this House a thorough reading of this bill. With appreciation to those colleagues who have joined me in support of law enforcement officers, Mr. Speaker, I am today reintroducing, with cosponsors, H.R. 14822 and urge my colleagues on the House Judiciary Committee to promptly schedule this measure for consideration.

TRIBUTE TO WASHINGTON, D.C.

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CHAMBERLAIN. Mr. Speaker, we have all heard stories of how travel and sightseeing has sometimes been a harrowing experience for visitors to our Nation's Capitol. It was not too long ago that the news seemed to be nothing but stories of crime and violence. That this situation has decidedly improved is evident from the firsthand report provided by a recent visitor to Washington, Andrea Reid, of Lansing, Mich., who was so impressed that she wrote a letter to the editor of the State Journal of Lansing, Mich., which appeared in the Wednesday, June 7, 1972, edition. While such positive statements and experiences somehow never seem to make the headlines, I believe that this letter should not go unnoticed in our Nation's Capital, and I am pleased to insert it in the CONGRESSIONAL RECORD.

The statement follows:

TRIBUTE TO WASHINGTON, D.C.

LANSING.—Recently, while on a vacation in Washington, D.C., my husband and I had the privilege of seeing the nation's Capitol, the White House and the many monuments and historic landmarks Washington boasts.

I had heard much about the slums of Washington and the demonstrations and filth, but much to our surprise we didn't find these things when we arrived. We saw lovely architectural masterpieces, monuments worth picture-taking, and breathtakingly beautiful gardens and grounds around the sights.

The White House is a magnificent structure with huge yards and lovely grounds, surrounded by a wrought iron fence, enclosing the area. The Lincoln Memorial stands impressively at the end of a long body of water with the Washington Monument gracefully reaching for the sky at the other end, showing its reflection in the water. The Capitol is as majestic as the name implies.

We were amazed at the scenery and the cordiality with which we were received by the people of Washington. Most of all, we were impressed by the fact that you can drive up in front of the Lincoln Memorial and the Washington Monument and others, and stop your car and get out and take pictures . . . You don't even have to put money in parking meters because there aren't any. It seems a nice gesture for tourists and they make you feel welcome instead of "no parking" signs posted all around these areas.

O ir visit to Washington was most inspirational and very enjoyable. I feel much happier with the government of our country, knowing that they support such a lovely capital. I hope everyone treats it with the respect and dignity which it deserves.

ANDREA REID.

THE SHOOTING OF WALLACE: A NEW RETURN TO VIOLENCE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ZWACH. Mr. Speaker, the shooting of Presidential candidate George Wallace, some weeks ago, gave rise to a wave of editorial protests in our Nation's newspapers.

One of the best of these editorials, which I read, was one written by Chuck Rathe, editor of the St. Cloud Daily Times in our Minnesota Sixth Congressional District.

While deploring the shooting of Wallace, Editor Rathe pointed out that there is other violence which is just as deadly in preventing the effective use of the ballot.

For the edification of my colleagues and the thousands of other people who read the CONGRESSIONAL RECORD, I insert Mr. Rathe's editorial in that publication:

THE SHOOTING OF WALLACE: A NEW RETURN TO VIOLENCE

It had all started off—this political year of 1972—with the bitter, divisive past behind. That was the hope. In fact, it was so tranquil the hope became the reality. The war that had festered into the raw political debates of four years ago appeared to be winding down. An America sick of a decade of fighting was almost euphorically lulled into a sense of well-being. The debate was to center on the economy—the wage-price freeze, Phase II and all that and a new populism marched to the fore. The riots that had scarred the cities had subsided and indeed disappeared. The demonstrations that tore up the political life were a thing of the past.

In a week all that changed. The shooting of Gov. George Wallace of Alabama came exactly a week after President Nixon announced the mining of North Vietnam ports and increased bombing raids which raises the threat of a direct confrontation with the Soviet Union.

A chill swept the nation as the pieces of a replay of the fearful days at the height of the war began falling into place. Protests and demonstrations in only the space of a few days followed, some of them near-violent, some of them erupting in bombings, burnings, loud and noisy shouting, and broken heads and tear gas and cops hit by rocks.

All the old fears that tear at the fabric of what we are doing here came rushing back with another act of political violence everyone was so sure that after the turbulent 1960s could never happen again. But it did.

In the agonized shock of a people trying to blot out what they cannot believe the first question is why. And then who. Why do they gun down a man who is taking his case to the people, however controversial? Who are these sickened people? Do they get guns too readily? Do they hear the noisy and angry shouts too loudly? Do they misread dissent and suddenly plunge into the ultimate violence? Who knows.

We all share the shock to the nation. We all share the grief of the family. We are all maddened, and saddened and alive to the treachery. This is to the way we pick our leaders. They would deny us the right to vote them in or out. And they alter the political process abnormally in one wrenching incident and we may all feel cheated they take things into their own hands. And we should. Who do they think they are that they preempt our collective prerogative to do what we want to do?

But unless we are a people morbidly turning this unjust act into a national hairshirt, we cannot all share the guilt. We have not all been guilty of a climate that may breed this. We cannot all be guilty of one man's finger on the trigger.

But this and the rising tide in the streets has thrown back into the center stage the angry word—violence—and there are those who can share the guilt in this.

There is something dark and sinister here when violence is used in any form to get a political end. The apologists may point, as they do, to the American Revolution, the Civil War, the history of our riots, the history of our warring and say, see, we are a violent people. But riding over the violence is another strain of the American mind and a people who have managed with the ballot what they cannot do with the bullet. Violence by itself does indeed alter the course of things but it is a twisting, unhappy thing that so futilely presupposes that shooting one man or another will change it the way they want it changed. But it won't. Dissent, yes—it is the structure of compromise. Violence, no—it is mean and it is ugly.

We are back to the fear that political leaders can no longer in safety take to the streets, to the airport runways, the shopping parking lots to spell out their views and this alone is bad enough.

But those who would still use violence—burning, looting, bombing for peace—are as misguided as those who pull triggers on little snub-nosed guns. You don't have to shoot a man to be politically violent. You don't have to shoot a man to take from the people their right to choose who shall lead them and the direction they want to go.

HIGHER EDUCATION BILL CENTRALIZES MORE POWER IN WASHINGTON, FAVORS BUSING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf.

The following is the text of my report of June 12, 1972:

HIGHER EDUCATION BILL CENTRALIZES MORE POWER IN WASHINGTON, FAVORS BUSING

The higher education bill that passed the House and went to the President last week is another step to centralize more power in Washington than ever before over this nation's educational system. Additionally, this bill provides federal support for busing in specific instances.

Because I am opposed to further concentration of power in Washington and because I am opposed to busing in order to achieve a racial balance, I did not support the bill.

I believe the country has the obligation of providing an opportunity for our young people to further their education but not by creating more bureaucracy in Washington. We already have approximately 158 different educational programs being administered by 29 different agencies of the federal government. This bill would create a National Institute of Education, a new centralized educational planning center and give it a billion dollars. The one thing we do not need, in my opinion, is more bureaucracy.

Two good anti-busing amendments that were in the original House version of the bill were dropped in the compromise final bill. The end result is that this bill allows federal funds to be used for busing. I also see provisions in this bill that could provide grounds for endless court interference in the drawing and redrawing of school boundaries.

All in all, the bill is not, in my judgment, in the best interests of students, schools, higher education or the taxpayers of this country. I regret that the committee did not come up with a better bill, and I regret that Congress passed it; at least it did so without my support.

A CITY OF TWO TALES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city:

It was the best of "ideas," it was the worst of "ideas"...

Indianapolis Star editorial, October 15, 1955:

J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1972:

The decision of Jane Hart, wife of Senator Ralph A. Hart [D-Mich.], to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

CHALLENGING FEDERAL COLOSSUS

The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.

Mrs. Manual Miller of Bethel, Vt., also broke the law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.

A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security sysem was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.

Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 percent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.

Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.

Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.

We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our only recourse most of the time. Let's hope the law gets a chance to work this time.

LIBERAL DEATH-WISH

The decision of Jane Hart, wife of Senator Philip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The first reaction of anyone who does not share Mrs. Hart's dovish outlook on the war is likely to be:

"Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revolutionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."

In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.

She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to revere as "the democratic process."

But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.

The loss of Mrs. Hart's approximately $25,000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.

Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.

And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.

What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. They are willing to stake lives—usually other people's—on this delu-

sion whose falsity is written in the blood of millions.

But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

MINORITY LEADER FORD EFFECTIVELY DEFENDS SALT AGREEMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, as controversy grows around the recent SALT agreement and confusing contradictory statements are heard from both sides, it is important to listen to those who present a clear and balanced view of the implications of this historic first step designed to limit the proliferation of strategic weapons. Therefore, I would like to call to the attention of the entire House an excellent speech on the implications of SALT delivered by the distinguished minority leader (GERALD R. FORD) before the VFW State convention in Grand Rapids, Mich. In his presentation, Congressman FORD argues effectively against both those who warn that the treaty grants the Soviet Union a guarantee of nuclear superiority and those who urge that it be coupled with drastic cuts in our military defense budget.

Mr. FORD asserts that in securing a limitation on the quantities of nuclear weapons the President has achieved a true balance of strategic power with the Soviet Union: the Soviets' "greater number of rocket launchers and more powerful warheads" are effectively counterbalanced by our "greater number of warheads" and our "more accurate and advanced technology." He points out that since the two nations are also about the same in terms of nuclear tonnage, we not only did not "give anything away" but also accomplished two very important goals by means of the agreement: we averted a senseless "stockpiling of nuclear weapons launchers by both the United States and the Soviet Union," and "we slowed the Soviet momentum in the nuclear arms race," thus perhaps avoiding a "future nuclear holocaust touched off by a Soviet first strike."

However, the distinguished minority leader is careful to note that agreements such as the SALT treaty are accomplished only from a position of strength and that it would be folly to heed the advice of those like Senator MCGOVERN who advocate deep cuts in our defense budget. In order to facilitate further progress toward arms limitation and world peace, Mr. FORD urges that even though we have placed a "checkrein on the number of U.S. and Soviet rocket launchers," we must nonetheless be prepared to continue to improve the quality of our strategic weapons. I would certainly hope that we can soon achieve a companion agreement limiting qualitative improvements in strategic arms, but if the SALT agreement has any lesson it is that the Soviets will not likely be amenable to such a further limitation unless they are firmly convinced that we are prepared to continue these qualitative and technological improvements in its absence. Mr. Speaker, I believe my colleague from Michigan delivered an able, realistic defense of the President's historic achievement in Moscow and would commend the speech to all of my colleagues.

The speech follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD

The SALT agreements entered into by the United States and the Soviet Union have, in effect, already become a part of history.

The SALT Treaty will in time become part of the heritage of our past. "The heritage" that, in the words carved on the National Archives Building in Washington, "is the seed that brings forth the harvest of the future."

What of the seed—the SALT Treaty itself? Have we made unwise concessions to the Soviet Union? Have we placed our national defense in danger? Have we placed ourselves in a position of nuclear inferiority?

The terror remains, but the balance is frozen in terms of a standoff in strategic weaponry. It is true that the Soviets have more rocket launchers than we have and more powerful warheads. But we have greater numbers of warheads and we have the advantage in accuracy and in advanced technology. In terms of nuclear tonnage, the total is about the same.

Have we, then, achieved anything at all? Indeed, yes. We have slowed the Russians' headlong rush toward nuclear superiority, a superiority which could have tempted them into a nuclear first strike against the United States.

Further stockpiling of nuclear weapons launchers by both the United States and the Soviet Union simply did not make any sense. Both of us have the power to destroy the other many times over. That, in effect, is insanity multiplied.

So what it all comes down to is this. We did not give anything away, and we slowed the Soviet momentum in the nuclear arms race and perhaps thus avoided a future nuclear holocaust touched off by a Soviet first strike.

As for the effect of the limitation on the United States, we can still improve the quality of our nuclear weapons. The only limitation is on quantities—and that limitation makes sense.

What of the harvest which may be produced by the SALT Treaty?

My fervent hope is that it will lead to future agreements further reducing the level of nuclear terror in the world and perhaps even to at least partial disarmament—mutual disarmament—of the world's two great superpowers.

It is worth noting, it seems to me, that no columnist or commentator spoke in the aftermath of President Nixon's mission to Moscow of what might have been called "the spirit of Moscow."

This is good. This is healthy. This is realistic.

Instead of the heady euphoria generated by the meeting between President Johnson and Premier Kosygin at Glassboro—a meeting that produced nothing—we have an attitude of good common sense that followed the productive summit meeting in Moscow.

The Moscow meetings were highly productive, but we did not come away from them with our heads in the clouds. Our feet are on the ground, and we are looking straight ahead. We are hopeful about the "harvest of the future" but we are not wrapping those hopes in foolish dreams.

There are, of course, those in the Congress who now are calling for deep cuts in our defense budget. They are demanding sharp slashes in our defenses despite the fact that the SALT Treaty was possible only because we bargained from a position of strength.

What of the harvest of the future? As we wind down the war in Vietnam, I believe we are entering on an era which holds great promise for the future peace of the world. I am hopeful that we can truly have a generation of peace—that future generations can settle the world's differences in some other forum than a vale of blood and tears.

But let there be no mistake. We can have peace in this age of nuclear weaponry and so-called wars of liberation only if we remain strong.

The most cursory look at history tells us that the possibility of armed aggression can never be dismissed. Let us, therefore, be on guard against those who preach the foolish doctrine of unilateral disarmament.

Our President has journeyed to Moscow and to Peking on missions of peace. He has opened up a new era of negotiations. He has thawed the hostility and suspicion that breed incidents and confrontation.

In less than a week I, too, will be making a trip to Peking and I expect to talk with top Chinese officials while there. I will be seeking to continue the dialogue the President has started and to open wider the door to China.

But I am fully cognizant, as is the President, that we in America must keep up our strength if we are to enjoy peace even in an era of negotiations.

Let us not forget the lessons of history. We must maintain our strength—both military and spiritual. We must make sure we can come to realize the harvest of the future which our present diplomatic endeavors are making possible.

I say we can and should be No. 1 in quality, if not in quantity.

I am aware, as is every taxpayer, of the heavy financial burden that military preparedness imposes on this country. But does anyone really believe that we cannot afford an effective defense against potential threats to our national safety? Are there really very many Americans who believe that it is better to suffer defeat than to fight?

Take a close look at the lessons of history. World War I erupted despite the Hague peace treaties.

World War II was caused by a power-hungry madman, not by an armaments race. It might well have been prevented if England, France and the United States had been better prepared.

It was for these very reasons that at the end of World Wars I and II we vowed never to be caught unprepared again. Are we doomed to once again repeat the mistakes we made following those world conflicts?

Unfortunately the passage of time throws a cloak of ignorance over the bitter errors of postwar history.

Half of today's Americans were not alive when we fought World War II. They, and other Americans in their early teens, had no direct connection with that war or any direct knowledge of it.

If indeed we are interested in preserving the peace we cannot ever again allow any foreign power to achieve overwhelming military superiority vis-a-vis the United States.

This is not to argue against attempts to negotiate an East-West detent. We should do everything possible to achieve such conditions. As I have already indicated, I strongly support President Nixon's missions to Peking and Moscow and the terms of the SALT agreements.

But the fact remains that weakness invites attack, and it takes only one aggressor nation to plunge the entire world into war.

Now that we have placed a checkrein on the numbers of U.S. and Soviet rocket launchers, there will be those in Congress who will oppose improvements in the quality of U.S. nuclear weapons and the President's plans to modernize our Navy. This, I say, is the height of folly.

There is no question that the Soviets will continue to work on qualitative improvements in their nuclear arsenal. And as for sea power, the Soviets have been and are continuing to move ahead with a naval and maritime program that is a technological marvel.

Soviet Russia is preparing a military establishment which by 1975 could be ahead of ours in many respects.

During the past 10 years the Russians have developed the world's fastest interceptor aircraft, the world's largest strategic missile, and the world's largest helicopter. They have also developed more than 50 new ships of all classes in addition to a new all-purpose land tank, new antitank weapons, artillery and aircraft. These new weapons did not evolve overnight. They were on the drawing boards in the 1950s.

With no visible letup in the Soviet research and development program, it is quite possible that the decade of the 1970s will see a steady flow of new Soviet weapons systems that have been blueprinted during the past decade.

This is why I strongly support the President's proposed $83 billion defense budget for fiscal 1973.

With this budget, President Nixon has initiated a buildup clearly intended to prevent the Soviet Union from outclassing the United States militarily.

I support the proposed stepup in the Navy's Underwater Long Range Missile System (Trident), the missile submarine program aimed at replacing our aging Polaris fleet with boats whose new missiles will have the same range as the Minuteman ICBM.

I support Navy modernization and the proposal to build three prototype B–1 superbombers for the Air Force.

And I support the proposed 17 per cent increase in defense research and development funding.

The emphasis in this fiscal 1973 defense budget rests on investment items such as research, development, modernization, ship construction, and creation of a strong technological base to offset the Soviet strides toward a more efficient and productive research and development effort. I endorse this course.

Will this defense effort constitute a distortion of priorities? Will we be spending a disproportionate share of the U.S. tax dollar on defense needs?

Defense outlays in fiscal 1973, if approved as proposed by the President, will be down to 30 per cent of all Federal outlays—the lowest level, proportionately, since 1950.

At the same time, human resources spending will be allocated 45 cents out of every Federal dollar.

Those who would attack the President's defense budget despite this priorities ratio should heed the words of Air Marshal Sir John Slessor, who said: "The most important social service a government can render is to keep its citizens alive and free."

Let us never forget, then, that strength remains the key to peace and national security.

Critics of military spending are fond of pointing out that President Eisenhower warned the American people against what he called "the military-industrial complex." But they never quote exactly what Ike said in that farewell address of his in 1961.

Ike said this: "Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. *But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions.* This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence, economic, political, even spiritual, is felt in every city, every State house, every office of the Federal government. *We recognize the imperative need for this development.* Yet we must not fail to comprehend its grave implications. In the councils of government, we must guard against the acquisition of *unwarranted* influence, whether sought or unsought, by the military-industrial complex. The potential for disastrous rise of *misplaced power* exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes."

Note that Ike called attention to the *possibility* of an abuse of power on the part of the military-industrial complex but he did not urge that this complex be dismembered or destroyed. Instead he said, "We recognize the imperative need for this development."

And in that same speech, Ike said: "Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Ike knew, as does Richard Nixon, that we could never move from an era of confrontation to an era of negotiation except from a position of strength.

It is a matter of sober fact that one can negotiate only from strength.

Yet today we have our unilateral disarmers and the "rather be Red than dead" crowd.

This produces what I call pollution of the American spirit. It is one of the most dangerous forms of pollution in America—and one we cannot fight with dollars.

We must fight against this adulteration of the spirit which has made America strong.

We must revive the virtues of Americanism—courage and honor, as well as justice, truth, sincerity and hardihood. We must recognize that among the things that will destroy America is peace at any price.

And as we approach the celebration of our Independence Day, let us reawaken patriotism—love of country, courage with conviction, faith in freedom, and devotion to duty.

As the late Gen. Douglas MacArthur said: "Be not deceived by strange voices heard across the land, decrying this old and proven concept of patriotism. From the very beginning, it has been the main bulwark of our national strength and integrity. Be proud to be called a patriot, or nationalist, or what you will . . . if it means that you love your Country above all else—and will place your life, if need be, at the service of your Flag."

Thank you.

LITHUANIAN INDEPENDENCE DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, today, June 20, marks a sad anniversary for all those who love freedom. Thirty-one years ago, during the week of June 14 to 20, the world observed the Soviet Union's campaign of aggression, terror, and mass deportation in Lithuania, and during that time the Soviets deported or killed over 30,000 innocent Lithuanian men, women, and children.

I think it is fitting, on this sad anniversary, that we, as Members of Congress, take time to reflect on the tragic fate of all the Baltic States—Latvia, Lithuania, and Estonia. This is all the more fitting, for we shall soon be observing the 50th anniversary of the United States recognition of the Baltic States.

The modern history of these peoples is the story of all men's struggle for the inalienable rights of freedom and self-determination. The Communist regime did not come to power in the Baltic States by legal or democratic means. The Soviets invaded and occupied those States in 1940 and the Baltic peoples have been suffering in Russian captivity ever since.

It is one of the ironies and tragedies of contemporary history that these gallant and gifted people, totalling over one million in the United States, have been fated to have their beloved homeland suffer under alien dictatorship for so long.

On June 10 of this year, the Boston chapter of the Lithuanian American Community met in Boston and adopted the following resolution, which I am proud to insert into the RECORD:

RESOLUTION

We, American citizens of Lithuanian descent, on June 10, 1972, at the South Boston Lithuanian Citizens' Association auditorium, at 368 West Broadway, South Boston, Massachusetts, do hereby commemorate the 31st anniversary of Soviet aggression and the mass deportations of June 14–20, 1941 during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women and children.

Therefore, we hereby have unanimously adopted the following Resolution:

Whereas, the Genocide Convention, which declares the destruction of nations, racial and religious groups to be an international crime, has been ratified by sixty-nine nations, including the Soviet Union, and

Whereas, the Soviet Union, through a program of deportations and resettlement of peoples, continues to pursue its policy to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offence of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as demonstrated by the heroic attempt of defection by Simas Kudirka, the attempted escape of Vytautas Simokaitis and his wife, the arrest of Liudvikas Simutis, two bishops, and three Lithuanian priests, Fathers J. Zdebskis, P. Bubnys and A. Seskevicius for teaching religion, and most recently the tragic self-immolation by Romas Talanta-Kalanta to arouse international opinion against continued Soviet oppression, and

Whereas, an extraordinary petition protesting religious oppression signed by 17,000 persons in Lithuania reached the United Nations a week before Easter,

Now, therefore be it resolved That we demand that the Soviet Government release all political prisoners, and withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights.

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended by the President of the United States, by the House Concurrent Resolution 416 of the 89th Congress.

That this Resolution be sent to the President of the United States, and copies thereof to the Secretary of State, the United States Ambassador to the United Nations, to the Senators and Congressmen from our Commonwealth, and to the press.

XUM

That resolution speaks of the urgency of the enforcement of House Concurrent Resolution 416, which was unanimously passed by the House and the Senate in the 89th Congress. I feel that it is important that we review that resolution, and I am proud to insert the text of the resolution in the RECORD:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS, *Clerk.*

That resolution was filed and passed 6 years ago, yet Soviet oppression continues in the Baltic States. Since June 1940 the Baltic States have lost more than one-fourth of their combined populations due to the ethnically genocidal deportation and resettlement programs of the Soviet Union. Those practices continue, with no end in sight. As recently as May of this year, in the city of Kaunas, Lithuania, several thousand youths battled police and Soviet soldiers after a young Roman Catholic, Romas Talanta, burned himself in a public park for political reasons. After his funeral rioting continued for several days in the city and spread through much of the rest of the country. Those events helped bring international attention to the tragic fate of the captive nations, but more needs to be done.

America's diplomatic representatives at the United Nations and elsewhere must be prepared to confront the Soviet Union with its acts of aggression against these nations. We must do all that we can to see that the United Nations Declaration of Human Rights, which has been signed by the Soviet Union, is made a reality in the Baltic States and other captive nations. The President must bring the issue of the liberation of the Baltic States before the United Nations, and demand that the Soviets withdraw from Latvia, Lithuania, and Estonia. Above all, we must review the meaning of House Concurrent Resolution 416 and renew our determination to see that it is enforced. All of these actions will have their effect, as world opinion and criticism are brought to bear against the Soviet leadership.

I hope that we never forget the lesson of the sad fate of the Baltic peoples, and may we always remember the ancient precept that so long as some men are enslaved, none of us is truly free.

LETTER FROM CONSTITUENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JACOBS. Mr. Speaker, I insert the following letter from a constituent of mine concerning closing cost on real estate transactions.

The letter follows:

DUTTON, KAPPES & OVERMAN,
Indianapolis, Ind., May 31, 1972.

HON. ANDREW JACOBS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I can appreciate the fact that Congress is anxious to put a stop to the real estate closing cost abuses by attorneys and others in the D.C., Maryland and New York areas which have recently been publicized by the Washington Post. The practice whereby a lawyer receives a split of the title insurance premium simply for referring title business to a commercial title insurance company is deplorable and should be proscribed by appropriate legislation. The Senate version of the Housing and Urban Development Act of 1972 (S. 3248) does proscribe this practice and deserves the support of every Senator and Representative. The House bill has a similar anti-kickback provision. However, in an attempt to strengthen the House version, the Housing Subcommittee has added a number of other well-intentioned but little understood amendments. The result is that the House version of the Housing and Urban Development Act of 1972 as reported by the Housing Subcommittee on May 11 contains provisions contrary to the public's interest. Title IX of that bill regulates closing costs on federally related mortgage transactions. The way Title XI is currently worded it will have the effect of depriving lower and middle income groups of the benefit of being represented by independent legal counsel at federally related real estate closings.

Section 907(a) states:

"No attorney who performs any legal services which are incident to or a part of any real estate settlement with respect to which any party to such settlement has obtained a federally related mortgage loan shall receive any commission in connection with the issuance of title insurance for any real property which is a part of such settlement."

This means that the family attorney must stop short of providing his client full legal service which includes issuance of title insurance, or he must do so without compensation. Section 912(a) states:

"Any title company and its agents qualified to issue title insurance are authorized to perform any and all title services in connection with the issuance of such insurance in any real estate settlement involving a federally related mortgage loan."

If Sections 907(a) and 912(a) become law they will have the effect of eliminating the family lawyer from these transactions. The reason for this is that the title insurance must be purchased from someone other than an attorney already representing a party to the transaction. Therefore, in order to have the family lawyer involved in the transaction, two fees must be paid—one to the title insurer and another to the attorney. Since the sections allow the title insurance company to provide all title services, most lower and middle income families will have to forgo the benefits of independent legal counsel and depend on a title insurance company which has no fiduciary responsibility with respect to them to provide closing services. Of course, the more affluent buyers and sellers as well as the financial institutions involved will be represented by their own lawyers even if they are forced to go elsewhere for their title insurance. However, it would be unwise for the Congress to place this burden on lower income families.

A middle or lower income home buyer needs complete title assurance, which is legal advice plus an insured title, as much as a more sophisticated real property buyer. The determination of the legal rights and explanation of those rights to a buyer are the greater services; the writing and issuing of the title insurance contract are the lesser. For the sake of economy and efficiency home buyers should be able to obtain all legal services from a lawyer. Prohibiting compensation in the form of commissions for drafting, writing, and issuing title insurance contracts is unreasonable and will result in denying middle and lower income families legal services in what could well be the most important transaction of their lives, the purchase of a home.

At a time when the federal government is spending large sums of money to assure legal services to the middle and lower income groups, it seems rather incongruous for Congress even to consider passing legislation which will eliminate the traditional neighborhood lawyer. It is the neighborhood lawyer, the family lawyer, who can best serve the legal needs of the local community, and any legislation should encourage the participation of the traditional neighborhood lawyer in the real estate transactions rather than the elimination of them.

It should also be noted that the House proposals would give the commercial title insurance companies a monopoly on issuing title insurance and furnishing legal services associated with federally related real estate closings. If Congress wants to keep closing costs down, the last thing they should do is to grant a few large corporations a monopoly by making it impractical for individual lawyers to compete by offering complete title service.

It is respectfully requested that you support the protection of home buyers by opposing legislation which discriminates against lawyers and which would deny the middle and lower income families legal services in real estate transactions. You can do this by opposing the Housing Subcommittee's amendments and encouraging the House Banking and Currency Committee members to adopt the Senate anti-kickback provisions as set forth in S. 3248. In terms of the bill currently before the Banking and Currency Committee that would mean substitution of the anti-kickback provisions in S. 3248 for Title IX of that bill.

Sincerely,

DUTTON, KAPPES & OVERMAN,
PHILIP S. KAPPES.

SEVENTY-FIFTH ANNIVERSARY—TOWN OF WESTWOOD

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, as the Congresswoman from the district, it was recently my great pleasure to participate in the celebration of the 75th anniversary of the town of Westwood, Mass.

The town of Westwood reflects the diversity and vitality of the district which I have the honor to represent in Congress, and its story in the story of America. On this important anniversary, I am pleased to insert in the RECORD for the attention of my colleagues the following history of Westwood, which was prepared by the chairman of the 75th aniversary committee and the selectmen of Westwood, with the special assistance of a former Westwood resident. Mrs. Marjorie Fenerty.

The history follows:

HISTORY OF THE TOWN OF WESTWOOD

Westwood, Massachusetts, incorpcrated April 2, 1897, was the last of fifteen towns to be carved from the 1636 Dedham Plantation. Settlements in this section of Dedham began in the late 1600's, once the danger from the Indians had more or less subsided.

A sawmill on Purgatory Brook which produced clapboards for "closing in of their houses" for protection in severe winter, became the center of one cluster of homes in the early 1700's. Other early farms in this area were located on Rock Meadow Brook to the west and Pond Plain Brook to the south.

After several years of petitioning by the residents of the land "beyond ye Rocks Westward," the Clapboard Trees Parish was established by order of the General Court January 10, 1736. There were fifty-two names on the first assessment roll. In time this section become known as the West, or Third Parish of Dedham. Ten years before the start of the Revolutionary War, West Dedham had forty-two houses and three hundred thirteen inhabitants.

Deacon Ellis's Tavern and Store was a stopping place for farmers on their way to and from market, a meeting place for the Sons of Liberty, the West Dedham Militia and other formal and informal groups. Important notices were posted here; the Liberty Club met here; the hall upstairs was the scene of many an educational and social gathering and the West Indies Goods Store evolved into a General Store. In 1824 the first post office was established here.

The first meeting house was nothing but a shell when erected in 1731 and parishioners were permitted to build their own pews. There were many stormy sessions over the location of this house of worship, which resulted in two small buildings, the other of which became the meeting house for the South, or Second Parish of Dedham. Later disputes erupted over the location of the "burying ground" and "hears house" constructed in 1752. Geography also played an important part in building the new meeting house in 1809.

West Dedham citizens participated in the Dedham Company of the Suffolk Regiment of Militia in earliest days and in Captain Moseley's Volunteers during King Philip's War. Although there seems to have been little suffering from the Indians, the first murder of King Philip's War is said to have taken place in the Dedham woods and Sachem Pumham was captured here in 1676. Dedham's "great gun" was procured for protection in these days and years later was "swung" after the alarm of April 19, 1775.

In pre-Revolutionary days the west parish had its Liberty Pole and Sons of Liberty which met at Abner Ellis's Tavern. Its men joined with others in Dedham in abhorring violence by a mob of the so-called Boston Massacre, but finally relented and voted indemnity for those suffering from this skirmish, only "on the ground of generosity" and out of gratitude for the repeal of the stamp tax. They refused to drink "foreign tea", banned all imported funeral gloves or other mourning garb and worked with others for the establishment of charter rights and privileges.

West Dedham formed three bands of minute men which answered the alarm of April 19, 1775, mustering in Dedham Center with other companies and marching to Lexington and Concord. All able-bodied men of the parish took part in one way or another during the long war and graves of thirty-seven veterans are found in the Westwood cemetery.

There were forty-three men with West Dedham connections who served in the "War of the Rebellion," twenty-six of them now buried in the West Dedham cemetery.

Eleven memorial squares in Westwood are dedicated to those who gave their lives in World Wars I and II.

As in other New England villages, West Dedham was full of small industries during the first half of the nineteenth century. Every stream had its mills of various types. Before long Mill Street was a thriving industrial complex with saw mills, cabinet shops, iron foundries and even a small tool mill powered by a windmill. Bradford Baker, who manufactured cradles, beds and coffins, advertised that he "had his customers all the way."

The first really major housing boom took place in the mid-1800's. In the 1840's many Irish families, fleeing the potato famine, settled in the High Rock-Hartford Street area.

By 1845 the West Parish had 124 dwelling houses. 192 polls and an assessed valuation, real and personal, of $388,462.

Dedham Center was becoming more and more industrial and the two sections of town grew apart in interests and needs.

"Mother Dedham", on the railroad, in the 1870's and 1880's joined the Metropolitan Parks District, talked about taking over the private water company serving the center, installed electric lights and was considering putting in sewers. West Dedham residents felt no need for these innovations and realized that they would be taxed for these improvements although it would be many years before they might benefit from them.

The separation was brought about peacefully, with only a change of name from Nahatan (too much like Nahant) to Westwood, and on April 2, 1897, West Dedham, together with a southeastern section of the First Parish, was incorporated into the Town of Westwood.

The infant town had 1015 inhabitants and 140 farms on its eleven square miles. There were 120 children in the three village schools, three fire companies and 225 voters to take part in town affairs.

The first major change that took place was the building of street railways on both sides of town. Before this, transportation was limited to the stage and private carriages.

The days of the quiet self-sufficient farming village with homegrown entertainment as well as food came to an abrupt end in the 1930's. Westwood's low tax rate attracted families of modest means, seeking homes away from the city. An enterprising real estate promoter bought up farms and subdivided some of them into small lots with correspondingly small and inexpensive houses.

The number of houses trebled between 1930 and 1950 and doubled again in the following seventeen years. The population increased at a greater rate, making necessary connection to a water system, construction of new schools and additions to old ones, installation of sewers and, of course, a spiraling tax rate.

Westwood of the 1970's is a town between 12,000 and 13,000, and has a developing, planned, industrial area (limited to light industry and warehouses) on the eastern portion near Route 1.

It is primarily a suburban town of well-kept commuter homes. There are seven churches, one junior high school, one senior high school and seven elementary school buildings.

In spite of the many changes and the rapid growth over the years, it retains much of the early New England charm in its old houses. It still has open town meeting form of government, is governed by a board of three selectmen and other elected boards, all of a non-partisan nature. Much of the newer building along High Street is in keeping with the Colonial style of architecture. Many of the older homes have been restored and, while modernized for convenience, the older features have been retained.

Through the cooperation of the town and the Westwood Historical Society, an organized celebration of the 75th Anniversary of its incorporation was planned for 1972. The high point of this event was a two hour long parade through the town, composed of some twenty brass bands, scores of floats representing many local groups, dozens of marching units and novelty entries, applauded by some 25,000 onlookers from surrounding towns. The Board of Selectmen from seven adjacent communities, with other local dignitaries, reviewed the parade, including Senator Leverett Saltonstall and Congresswoman Louise Day Hicks.

The 75th Anniversary Celebration of 1972 was heralded by raising the Anniversary Flag at the Town Hall and the erection of anniversary plaques at town boundaries. All the houses and structures built before 1850 were identified by date markers. Historical pictures and artifacts were displayed in the Public Library. An Anniversary Ball was organized by the Westwood Historical Society. Commemorative tiles were prepared and sold. All departments and grades of the school system conducted projects related to the anniversary and many of the town's private groups conducted their own anniversary activity. Westwood citizens were re-awakened to a vital awareness of their town's ancient heritage.

It may be of interest to note that in the Town's 75th year, a woman was elected to the position of Selectman.

SALUTE TO EDUCATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROBISON of New York. Mr. Speaker, it is a pleasure for me to join in the salute to education. The diverse institutions of American education are vital to our "free society" as initiators of progress and change. As the President's Commission on School Finance reported, "We cannot survive as a nation or as individuals without education." The value

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and necessity of an education today is unquestionable, not only as an academic learning process, but also as a tool for social, emotional, cultural, and physical growth.

I pay tribute to the millions of teachers and school administrators who have so ably handled the ever increasing and demanding student enrollment. They realize, as we all should, the intrinsic worth of education not only to the student, but to the country. As the number of high school and college graduates increases, we can be assured of the steady progression of our Nation toward our long-held goals and ideals. Yet, perhaps more importantly, education is a universal concept, which may, hopefully, lead us to peace. I, therefore, join my colleagues today in saluting our educators, and their aspirations and accomplishments, in the field of education.

THE 75TH ANNIVERSARY OF AMERICAN OPTOMETRIC ASSOCIATION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. O'NEILL. Mr. Speaker, I would like to call to the attention of my colleagues the start this week of a year-long observance marking the 75th anniversary year of the American Optometric Association, an organization whose members have made exceptional contributions to the health and general quality of life in America.

The American Optometric Association is right now holding its 75th annual congress in its headquarters city of St. Louis, Mo., and I believe it is fitting that we thank these health care practitioners for all they have done, and are doing, for their fellow Americans. Surely, we should wish them every success in their future efforts.

When a handful of dedicated men first recognized the need for a national professional organization to further the increase and application of scientific knowledge about the functions, anomalies, and correction of human vision, not even they could have predicted the tremendous advances their profession would make in its first three-quarters of a century.

Early records of the American Optometric Association show that the organization began with 183 charter members. Membership today is 17,020, a major percentage of the 18,400 optometrists actively engaged in full-time practice and some 2,000 more who are semiretired or in part-time practice. They are licensed in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

If those figures are not sufficiently dramatic, consider these:

Optometry is the third-largest independently prescribing health care profession;

Optometrists are located in nearly 6,300 different cities and towns of all sizes;

Optometrists provide over 70 percent of all vision care in the United States by servicing approximately 74 million patient visits per year.

Optometry has been aptly described as "America's first line of defense against blindness," because optometrists are most frequently the first to see a patient with a complaint about his visual performance. With the professional training and background today's optometrist has, he is able to detect the ocular signs of glaucoma and diabetes, two of the leading causes of blindness, and to promptly refer the patient for appropriate medical treatment of such conditions.

The optometrist of the 1970's provides a number of other highly specialized services for which he is specially educated. One of the most important is the visual rehabilitation of individuals with severe impairments which frequently render a person unable to work or to fully enjoy the many benefits of our advanced society. Intensive and broad-ranging work in this field has led to the development by optometrists of tremendously sophisticated lens and lens systems for the enhancement or restoration of severely impaired visual function.

All of us and all Americans owe a great debt of gratitude to America's optometrists, and it is my privilege to focus attention on them and their fine organization as the American Optometric Association begins its 75th anniversary year.

CONGRESSMAN McCLORY URGES TOOL AND DIEMAKERS TO SUPPORT METRIC BILL

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GOLDWATER. Mr. Speaker, our colleague, Congressman ROBERT McCLORY has been a principal proponent of legislation designed to effect a conversion of our hodgepodge system of weights and measures to the international metric system. The United States and Canada are the only major nations in the world which have not yet converted to the metric system or adopted a program for such conversion.

Mr. Speaker, following his report of legislation resulting in a 3-year study by the Bureau of Standards, Mr. McCLORY has now introduced a bill consistent with the recommendations contained in that study report calling for a comprehensive conversion to metric standards to be accomplished over a 10-year period.

Mr. Speaker, in addressing a recent meeting of the Tool and Die Institute, our colleague, Mr. McCLORY emphasized the urgency of his legislation and the apparent reluctance in some quarters to take action at this time.

Mr. Speaker, it is my understanding that following Mr. McCLORY's appearance at the Tool and Die Institute, the officers of that organization including Josef F. Klingler, president; Clifford W. Berglund, vice president; and F. N. Meredith, training director, and others indicated their active support of the legislation which Mr. McCLORY is sponsoring.

Mr. Speaker, I am attaching Mr. McCLORY's timely and persuasive remarks delivered to the Tool and Die Institute. I commend them to the attention of my colleagues.

The remarks follow:

SPEECH BY CONGRESSMAN ROBERT McCLORY

In addressing the Tool and Die Institute—including the graduates who are just now about to enter this exciting and vital discipline that enables our great industrial nation to function—I have a feeling that there may be no group that could be more influential in the success of a program to convert our existing system of weights and measures to the international metric system than you.

We must now recognize the fact that a tremendous momentum is behind the movement for a comprehensive conversion to the metric system. This may imply an eventual abandonment of the so-called English system, which we have followed with some modifications since our nation was founded. While I do not intend to reiterate the whole history of the movement which has now reached a decisive stage in our American life, I believe that some background information would be illuminating.

It is recorded that some 180 years ago, Thomas Jefferson, who was then Secretary of State under President George Washington, undertook to establish a uniform and stable system of weights and measures, including the decimal foot, in which all units of measure would be divisible by ten, in line with the decimal system of coinage which had been adopted for our monetary system.

In about 1790, the Paris Academy of Sciences established the "meter," which was considered to be a fractional part of the Earth's circumference. The meter became the basis of a system which was expanded to cover all weights and measures, and which was legalized in France in 1795. However, not until 1840 was the metric system finally made compulsory throughout the French nation. By 1900, some 35 countries in Europe and South America had adopted metric standards as their official system. By 1960, 78 countries had adopted the metric system.

At the request of President James Madison, in 1817, the U. S. Senate authorized a four-year study of our system of weights and measures. Secretary of State John Quincy Adams—soon to become President—undertook the study which he completed in 1821. Adams' report proposed alternative suggestions, among them:

(1) To adopt, in all the essential parts, the new French system of weights and measures

(2) To restore the old English system

(3) To establish a combination of both

(4) Do nothing, except to "fix" the existing standards

Adams is believed to have favored a plan whereby the President would immediately undertake negotiations with Britain, France, and Spain to establish uniform international measurements. However, nothing concrete developed from the Adams' study.

In 1889, our nation received official copies of the meter bars and kilogram weights from the International Bureau of Weights and Measures in France. Four years later, the Secretary of the Treasury issued an administrative order that these new metric standards should be the national standards for length and mass. Thus the United States became "officially" a metric nation back in 1893. The yard, the pound, and other customary units of measure were defined officially as fractions of the standard metric units.

In 1896, a bill providing that the government departments should use the metric system exclusively passed the House of Representatives; however, it was later reconsidered and referred back to committee, where it "died." It is reported that during the election campaign that year, farmers and small tradesmen exerted tremendous pressure on the Members of Congress to prevent us from adopting the metric system as our sole units of measure.

Despite occasional weak spurts of interest, legislative programs to convert to the metric system have been relatively dormant until about 1965. Meanwhile, a great many other nations—including Japan, India, New Zealand, and now, Great Britain—adopted the metric system. Indeed, the United States and Canada are virtually the only nations which continue to resist a comprehensive conversion to metric measurements.

For many years, the automobile industry, which utilized the traditional standards, was able to block any Congressional action to study and recommend a conversion program. However, as the American car manufacturers have been increasing production of automobiles for the foreign markets (where metric measurements are essential), their opposition has gradually softened. Indeed, one of the most convincing studies in favor of industrial conversion was produced by the Ford Motor Company in about 1966.

Subsequent to the diminution of the automobile industry's opposition, there developed an active opposition among certain tool and die makers (which I have never been able to understand) and among several fastener manufacturers. Despite this opposition, a metric study commission was authorized by the Congress in 1968. Its 3-year study—carried out by the Bureau of Standards of the U.S. Department of Commerce—was completed in August, 1971. The report contains four basic recommendations:

(1) A general conversion to the metric system.

(2) The establishment of a basically voluntary program to accomplish this result.

(3) The designation of a target date 10 years following the adoption of a conversion program.

(4) The costs for such conversion should lie where they fall.

Although the final report from the National Bureau of Standards was published last August (1971), the Administration did not forward to the Congress any kind of legislation to implement the recommendations at that time. Yet, even a purely voluntary program which would involve the Federal Government in no more than bare administrative costs would seem to me to have been an essential follow-on to a coordinating agency or commission, and some machinery for facilitating a general conversion program throughout our industrial, commercial, educational, and even social framework should have been forthcoming. Just before the Chirstmas (1971) recess, I prepared a very simple bill (H.R. 12307), designed to support the metric study commission's recommendations, as follows:

(1) A metric coordinating commission, composed of 9 members, would be appointed by the President, and would include representatives of (a) business, (b) labor, (c) education, (d) science, and (e) technology.

(2) The coordinating commission would be charged with carrying out the metric study commission's recommendations for changeover to the international metric system.

(3) Detailed plans and time tables for developing these plans through consultations with the various interests involved would be established.

(4) The commission would promote educational programs, primarily for the elementary and secondary schools but also for the public at large, designed to enable all Americans to think and work in metric terms.

(5) The commission would encourage appropriate American enterprise participation in international metric system activity.

(6) The target date for full conversion would be January 1, 1983—or about ten years hence.

(7) Beginning on January 1, 1983, the sole official weights and measures system in the United States would be the international system.

I should add that Senator Claiborne Pell of Rhode Island has introduced a metric conversion measure which is somewhat more detailed than my bill. It would provide for the payment of subsidies to companies which, in converting to the metric system, incur expenses that could not be absorbed in manufacture and sale of products. In March, 1972, I testified before the Senate Commerce Committee with regard to both of these measures.

It is my hope that the House Committee on Science and Astronautics also will schedule hearings within the next few weeks, and I further hope that the Congress will act at this session to implement the metric study commission's report.

The U.S. Department of Commerce did eventually submit a legislative measure just a day or two before the Senate Committee hearing. This measure is in the form of a joint resolution calling for the establishment of a 25-member committee which would not undertake to establish any program for conversion but would engage in further studies to be followed by a plan or program of conversion.

Most interested parties appear now to agree that the United States will follow in some way, and at some time, the recommendations of the metric study commission. In a recent issue of *Factory Magazine*, the lead article contains these words: "There is no doubt that the USA will go metric. The question is, 'when?'"

In the April, 1972, issue of the *Reader's Digest*, the lead article—entitled, "Here Comes the Meter!"—summarized the situation in these words:

Like it or not, the United States is finally joining the rest of the world on the metric system bandwagon. The only remaining question: Will the changeover result from costly drift—or efficient design?

I have been at a distinct loss to understand the delays on this legislation which have occurred at the Department of Commerce. No concrete explanation has been forthcoming. However, I am aware that there has been a strong undercurrent of opposition. In the surveys conducted by the metric study commission, over 80% of the some 4,000 medium and large size companies which were surveyed favored a changeover to the metric system. But 15% of the large manufacturers were opposed, and among the smaller companies, more than a third were in opposition.

The Department of Commerce, with its intimate contact with businesses and industries (including substantial personnel with experience in the private sector), must be sensitive to this lingering opposition. I don't want to suggest that the Department of Commerce has expressed active opposition. But its seeming inaction is all that is needed to destroy the momentum which would otherwise carry the metric conversion program to a relatively orderly and early fruition.

It is possible, too, that the Department of Defense, with its staggering annual budget of more than $80 billion, is exerting some influence, since the study report shows that defense costs will be increased over a thirty year period by $18 billion by reason of the conversion.

The International Fasteners Institute, with which I assume your organization has some very close relations, persist in its opposition. At the Senate hearings, the I.F.I. contended that it was not yet prepared to testify on this subject, arguing that more time and more study is required. Perhaps this opposition is persuasive with the Department of Commerce. At any rate, the measure to implement the 3-year study report is still awaiting action in the Congress. The many mysterious and obviously powerful forces at work make the next step extremely uncertain—as well as critical.

As you are no doubt aware, we are experiencing a conversion to the metric system of weights and measures without any legislation and without any plan. How long the industrial changeover will take under such an unorganized, or shall I say, disorganized, setup is most problematical.

It can be said, without fear of contradiction, that a long, drawn-out, industry-by-industry unplanned conversion program would be by far the most costly. The maintenance of a dual system over a period of 30 or 40 years would complicate the problems of manufacturers, test the patience of tool and die makers, require the establishment and storage of huge inventories, and pose many other complex problems.

Some who are opposed to any conversion program are demanding new studies. Yet, I sense that many of those who make this demand are precisely the same persons who objected to the 3-year study on the basis that conversion to the metric system had already been studied and no new research was needed.

The fasteners industry is in a special category, where international agreements are virtually a necessity. At the present time, fasteners are designed and produced according to both inch and metric measurements. However, I believe that the total number of different fasteners is being reduced, and that there is a gradual uniformity occurring, with many of the standards being based on the metric system.

The fastener industry may not like to hear this, but its reluctance to participate more actively on the basis of standards which are quite universal—except in our country—is apparently enabling the metric-oriented nations to gain influence at the expense of our American companies.

I would not want to oversimplify the problems inherent in a conversion program. I am aware that there are reported to be more than 20,000 major engineering standards in the United States which would have to be converted to metric measurements. However, I would like to suggest that adoption by our nation of the metric system will, in my opinion, contribute substantially to ultimate advantages for every segment of our industrial community—insofar as foreign trade and international agreements are concerned.

The pharmaceutical industry has used the metric system almost since its origin. The photographic and optical industries have done likewise.

The space and aeronautics program is almost entirely metric.

Automobile manufacturers and others who produce for foreign markets have been working in metric terms for years.

Our troops returning from Vietnam deal readily in metric terms of meters, kilometers, liters, and milligrams. Our Olympic athletes have converted to metrics in most sports events.

We are encountering increasingly aggressive industrial competitors in Japan and Western Europe. American products manufactured according to metric measurements may, indeed, be one of the major means by which we meet this competition.

Resistance to change on our part can advance their cause and prejudice our competitive position. The British experience has demonstrated that in effecting conversion to metric standards many inefficient manufacturing practices may be discarded and labor-saving and money-saving innovations may result.

While tool and die makers have appeared in the past to raise the danger signal and shudder in fear of a program that would re-

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sult in discarding their honored and traditional adherence to the millionth inch tolerance, it would seem to me that you could experience the greatest boom in tool and die making history by retooling American industry according to metric measurements. By providing tools and dies to American industry during the next ten years, through the precise use of centimeters and millimeters, you would not merely increase your own production, but also enable the productivity of American industry to increase as a whole, and domestic and foreign markets to expand.

Is it not possible that this evening we have an opportunity to work together in behalf of the broad objectives of a better America—a nation that is in step with the rest of the world? Together, we can establish a mechanism through which our nation could move promptly and in orderly fashion toward a universal system, a system that might contribute to improved understanding between our nation and other nations, and in all of our human relationships.

We have come a long way in history since Thomas Jefferson spoke of the new French system of weights and measures. In preparing for conversion to the metric system, we can use the best minds and advice which the nation has to offer. This means including your minds, your advice, and your energy in this task.

CONGRESSWOMAN GREEN FROM OREGON

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ULLMAN. Mr. Speaker, I believe it is most appropriate and fitting that the distinguished public service of my good friend and colleague from Oregon, EDITH GREEN, has been recognized and honored by so many organizations and institutions throughout the Nation. In the month of June of 1972 alone, Mrs. GREEN has received the following significant awards in recognition of outstanding career: Doctor of humane letters from Warner Pacific College in Oregon, doctor of public administration from Northeastern University in Boston, the Abram L. Sachar Award from the National Women's Committee at Brandeis University, and from Oregon State University she received the Distinguished Service Award, which is the highest accolade the school gives.

On Monday, June 12, 1972, the Christian Science Monitor printed a feature article on our distinguished colleague, EDITH GREEN, which appropriately recognizes her many fine qualities. The article follows:

CONGRESSWOMAN GREEN—SCHOOL-TREND WATCHER

(By Marion Bell Wilhelm)

WASHINGTON.—When Edith Starrett, the bright-eyed daughter of two dedicated teachers, yearned to become an electrical engineer, she was advised not to try for a "man's career."

Her second choice was law. Again, she was counseled out of a profession that would relegate a young woman to a "back office."

So Edith Starrett grew up to become a teacher, as was advisable for a woman looking for regular employment in the 1930's. Today she is one of the most powerful spokesmen for American education in the U.S. Congress.

After 18 years on the House Education and Labor Committee, Rep. Edith Starrett Green (D) of Oregon says philosophically: "As it turned out, the career that was chosen for me has been invaluable to my work in Congress, and I suppose it even makes me a little impatient with those of my colleagues who have never taught school."

As the chairman of the Special Subcommittee on Education, Mrs. Green keeps her eye on trends and changes throughout the 50 states and the District of Columbia. She has sponsored major legislation to help rescue the nation's schools from the gathering storms of "a social hurricane."

DECLINE OF CONFIDENCE

All over the United States, she notes, school tax levies and bond issues are being defeated. Property taxes are high and uneven. Too often, she says, those making school policy are untrained in educational and professional skills.

"People seem to be losing confidence in the public schools," she observed in a recent interview. "I fear the day may be coming when we just won't have an educated citizenry. Already, we can see some evidence of this in some of our big cities."

Representative Green's goal is to see the federal government eventually take over 35 percent of all educational costs from kindergarten through college. This would help equalize education for all Americans, she believes, while maintaining the quality of their best schools. She calls the coming changes in the financing of education "revolutionary."

However, the trend toward national financing contains some pitfalls, she cautions.

In a number of states, she points out, suits have been brought by citizens questioning the equality of education in school districts with widely divergent tax revenues. If the local property tax is abandoned for some kind of statewide tax, parents in states such as Mississippi or Alabama might also bring suits claiming inequality with states such as Connecticut. National equalization, though beneficial in some ways, could be disastrous, in Mrs. Green's opinion, "if we settle for mediocrity."

LEGISLATION INTRODUCED

"I introduced a bill last year in which I proposed that the federal government by the year 1976 would contribute 25 percent of the total cost of education in the average district," she says, "and this session I am introducing a bill that would provide one-third of the cost. At present, we are contributing 7 or 8 percent.

"But I am not persuaded that money alone is going to buy quality. Here in the District of Columbia, for example, our schools are decaying before our eyes. And yet they have the highest per capita expenditure for education of any city of similar size in the nation."

Nor does Mrs. Green think that busing is the way to achieve the best education. She says: "I think a careful reading of the evidence shows that a child's education and his ability to be educated depend more upon the environment in which he lives than on the six hours a day in which he is transported to a school outside his neighborhood. I think that the task is much greater than we have assumed. We're going to have to change homes, and we're going to have to change neighborhoods."

TOO BIG A BURDEN

Any attempt to place the major responsibility for social reform on the schools alone is doomed to failure, she asserts.

"It may be that a youngster who is attending a very poor school and is bused has an opportunity for a higher quality of education," she adds, "but I think that, overall, the reverse is accomplished. I had lunch with some school-board members in Los Angeles, for example, a year and a half ago. This last year they had to cut out $50 million in programs and services for children in the Los Angeles schools because they didn't have enough money.

"Then a state court came along and said, 'You're going to have to desegregate.' The superintendent's office told me last November that for the first year their estimate on the cost of buying buses and hiring bus drivers will be $42 million."

SETTLEMENT OF CLAIMS AGAINST COMMUNIST CHINA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HANNA. Mr. Speaker, in the aftermath of any extra-legal change in the government of any country, one matter of great concern to those having financial relationships with the prior governmental structure is that of the liabilities carried over to the successor government. In the international relations of the United States, this problem has been dealt with by the Foreign Claims Settlement Commission.

Subsequent to many of the governmental transitions which occurred in east Europe following World War II, this Commission made certain determinations as to the validity of alleged claims against the successor governments, these determinations then being the subject of negotiations with the successor government. Ultimately, whether through the use of impounded assets of the subject government held in and by the United States or with funds provided by the Government, some form of settlement of the claims has been accomplished.

As I noted, this process has been generally completed at this point—but with one outstanding exception. The Foreign Claims Settlement Commission has certified losses totalling $196,471,059.33 resulting from the Communist takeover of the mainland of China in 1949. These claims are still outstanding.

On September 28 of last year I sponsored House Concurrent Resolution 411 which urges the settlement of these claims as a condition to any further restoration of relations between the United States and the People's Republic of China.

Earlier this year I and five of my colleagues in letters addressed to the President and the Secretary of State went out of our way to make known our concern and that of many in this country for the prompt settlement of these claims. Responses have now been received and I am taking this opportunity to include this correspondence in the RECORD. As is obvious, these responses do not reflect a similar degree of concern or commitment to this goal. I would therefore question the interests the Government is serving in its pursuit of reconciliation with the PRC—are they the interests merely of the present administration in its efforts to find a place in history or are they the larger interests of the people the Government is committed to serve. I sincerely hope it is the latter and not the former—although I have my doubts.

The responses follow:

APRIL 25, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Foreign Claims Settlement Commission has now certified losses totalling $196,471,059.33 resulting from the Communist takeover of Mainland China in 1949. In September of last year, the attached House Concurrent Resolution was introduced regarding the discussion of these claims in any appropriate negotiations with the Mainland government.

It is our strong feeling that this matter is deserving of high priority in any such discussions and that the resolution of these claims ought rightly to be a condition precedent to any furtherance of the improving relations between the United States and the Peoples Republic of China.

Yours sincerely,

RICHARD T. HANNA,
FRANK E. DENHOLM,
GEORGE E. DANIELSON,
EDWARD J. DERWINSKI,
ROBERT L. LEGGETT,
GEORGE W. COLLINS,
Members of Congress.

[Identical letter sent to Secretary of State Rogers.]

THE WHITE HOUSE,
Washington, D.C., May 1, 1972.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: I would like to acknowledge and thank you for your April 25 letter to the President, in which you were joined by five of your colleagues, urging that resolution of the certified claims of nationals of the United States be given high priority in discussions with the People's Republic of China.

You may be assured your letter will be brought to the President's attention and also shared with the appropriate members of the staff.

With cordial regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

DEPARTMENT OF STATE,
Washington, D.C., May 31, 1972.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: Thank you for your letter of April 25, regarding the settlement of claims of United States nationals against the People's Republic of China which were adjudicated by the Foreign Claims Settlement Commission of the United States under the Chinese Claims Act.

We share your strong feeling that the settlement of these claims is a matter of high priority. We are aware of House Concurrent Resolution 411, introduced last September, and have taken into account the views it expresses.

As you may know, the United States and the People's Republic of China, in a Joint Communique of February 28, 1972, issued at the close of the President's visit, "expressed the hope that the gains received during this visit would open up new prospects for relations between the two countries." While we do not consider, as your letter suggests, that it would be advantageous to make the settlement of the above claims a condition precedent to any furtherance of the improvement of relations, we believe that this atmosphere of improving relations is a beneficial one for discussion of the question of the settlement of these claims. We consider such a settlement to be particularly important for the facilitation of the development of trade, toward which the Communique specifically looks.

I appreciate very much your interest in this matter and can assure you that we intend to give it the important attention it deserves in our discussions with the People's Republic of China.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

HOOSIERS GIVE MORE AND GET LESS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LANDGREBE. Mr. Speaker, taxes continue to plague our Nation with inequities. Moreover, the Federal bureaucracy is a beneficiary of much of the funds provided by our taxes. It is especially alarming to Hoosiers to learn that they pay more for every dollar of service from the Federal Government than any other state. The Tax Foundation reports that my constituents in the Second District of Indiana, along with the rest of Indiana, pay $1.63 for every $1 that we get in return. Is this equitable?

I have been provided with an article written by a friend of mine, Ben Cole, that appeared in the Indianapolis Star recently which I think explains the situation. I wish to insert that article here:

STATES THAT SCOFF AT INDIANA ARE SNEERING ON OUR MONEY

(By Ben Cole)

WASHINGTON.—Hoosiers are the prize chumps among all the nation's taxpayers, according to figures published by Representative Bill Scherle (R–Iowa) during an appropriations debate last week.

Scherle's table, prepared by the Tax Foundation, reveals that Indiana pays $695 million taxes every year to support Federal grant programs. And she gets back $431 million—a shrinkage of $264 million. That means every $1 Hoosiers get in Federal grants costs them $1.63.

Moreover, nobody else in the United States pays so much for a Federal buck as Indiana. Even Ohio, which comes next among the chumps, only pays $1.55 for a dollar's worth of Federal assistance.

There are 21 states that pay a premium for Federal grants. Hoosiers used to chant a bitter little lament about how "all our taxes go to Texas." But even Texans, nowadays, have to pay $1.05 for every $1 they get back from the banks of the Potomac.

The victim states after Indiana and Ohio are Connecticut, $1.55; Illinois, $1.54; New Jersey, $1.53; Delaware, $1.53; Florida, $1.49; Maryland, $1.38; Wisconsin, $1.38; Michigan, $1.29; Pennsylvania, $1.22; Nebraska, $1.19; Iowa, $1.17; Nevada, $1.14; Massachusetts, $1.12; Kansas, $1.08; New Hampshire, $1.06; Missouri, $1.04; Virginia, $1.04; Texas, $1.03, and Washington State, $1.02.

New York, where seldom is heard anything better than sneers about Indiana, reaps $1 back for every 98 cents paid in. The District of Columbia, wherein you can hear some of the most patronizing comments about Hoosiers is the champion taker of all, reaping a return of $1 for every 23 cents paid.

It is interesting that among the states receiving the most goodies from Uncle Robin Hood are those who hold themselves out as being so much more culturally refined and politically sophisticated than Indiana.

But thanks to Scherle's providing the figures, it is now evident that these enlightened states are able to afford their liberalism because, they live on Indiana's money.

PRIVATE PENSION PLAN SECURITY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WYATT. Mr. Speaker, one of the questions which should be faced by this Congress is definite action to unify and guarantee the security of private pension plans in the United States. Investigation into the status of these plans reveals some shocking facts. Today 30 million workers are under some form of retirement income hope as a result of 34,000 private pension plans. The majority of workers forfeit pension rights because of changing jobs or being discharged before vesting takes place, business failure, or business termination by merger, and so forth.

Private pension funds constitute the largest sum of unregulated capital in the United States. For an idea of the growth of the private pension funds it is interesting to note that in 1940 there were $2.4 billion in private pension plans. In 1970 there were $128.6 billion in these plans. It is estimated that there will be a quarter of a trillion dollars in these plans in 1980. This represents an increase of over 100 times in a 40-year period. Employees covered have increased from 4.1 million in 1940 to an estimated 42 million in 1980.

Present inadequate Federal law now requires only that administrators report annually the structure of the fund and its operations. The Federal Government can investigate suspected abuses. There are a few criminal penalties involving kickbacks, embezzlement, bribery, and false statements. More important there is no audit of these funds required by Federal law. There is no full funding or insurance requirement and there is absolutely no remedy for workers whose funds have been squandered either criminally or negligently.

Ninety-two percent of persons covered by plans which require 11 or more years of service before vesting never qualify for any benefits. Of 11.6 million workers covered in a recent study the average monthly retirement paid was $99.

The first industrial pension plan was established by the American Express Co. in 1875. It provided for annual payments of $500 per year for employees at the age of 60 with 20 years of service to the company.

A number of factors have led to the phenomenal growth of private pension plans this century. First the greater industrialization occurring in the early parts of the century moved many, many people away from farms. The great depression was an added impetus to the move toward retirement payments. With the advent of social security people became more conscious of the need for re-

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tirement income and with the fact that social security was meant to be a supplement and not in itself full retirement. Private plans were given additional impetus by the World War II wage freeze which did not freeze fringe benefits. In 1949 the U.S. Supreme Court left standing, thereby approving, a lower court decision that private pension plans were properly the subject of collective bargaining.

We have gone through a large number of collapses of private pension plans. A noteworthy example was the Studebaker Corp. which had a very liberal plan vesting retirement benefits fully at the age of 40 after 10 years of service; 4,500 workers under the age of 60 who were fully vested at the time of the collapse of the Studebaker Corp. received only 15 percent of their entitlement.

As a general proposition, both labor and management favor private pension plans with professional management and favor encouragement by tax incentives.

Big issues, however, remain to be coped with. It is my considered judgment that Federal standards should be adopted by statute. There should be Federal standards for vesting, meaning that an employee is given irrevocable rights at least to a portion of the benefits dependent upon his length of service. In addition, Federal law should regulate the administration of trust funds on a much more comprehensive basis. A company should be prohibited from investing pension funds in its own stock. It should not be permitted to make loans to the company from pension funds for working capital. Fiduciary standards should generally be set up for the trustees of pension plans. Trustee fees should be strictly regulated to prohibit windfalls and to prohibit investments by trustees for personal gains.

The U.S. Department of Labor advises that 500 private pension plans cease to exist each year.

Either full funding should be required under strict regulations or some form of federally insured program patterned after the Federal Deposit Insurance Corporation should be adopted in lieu of full funding.

The question of portability should be addressed—that is, the worker who changes jobs. This is an enormous problem and the cost may also be enormous.

Today I have introduced a comprehensive bill on this subject. I am not married to the provisions of this bill and have introduced it to voice my support for the proposition that some Federal legislation should be adopted in this area. We must see that there is reasonable protection offered to the worker from the collapse of funds which happens all too frequently at the present time.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AN EXCELLENT BUT DISTURBING REVIEW OF THE WORKER SAFETY AND HEALTH LAW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, the great expectations which millions of working people had for the first national safety and health law are, in the words of a keen observer, "being shattered by mismanagement, a callous view of human life and policies favoring industries the act was designed to regulate."

A recent article in the magazine Viewpoint, published by the AFL–CIO Industrial Union Department, tells what has happened to the golden promises of the new law after 1 year.

Congress has received an annual report in recent days, as required by this law, but only a handful of copies have been distributed. Until more copies are available, I suggest that my colleagues read the disturbing words of Sheldon Samuels, the occupational health, safety, and environmental expert on the staff of the Industrial Union Department.

I include this article with my remarks, along with section 26 of Public Law 91–596, the Occupational Safety and Health Act of 1970, which contains the explicit requirements of the annual report to Congress.

The article follows:

[From Public Law 91–596, Occupational Safety and Health Act of 1970]

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

TURNING IT OFF—THE ADMINISTRATION'S APPROACH TO JOB SAFETY

(By Sheldon W. Samuels)

Two years after one of organized labor's toughest battles in the halls of Congress, in the closing days of 1970, the President signed the Occupational Safety and Health Act. Although the administration and labor were often at odds on key issues during this struggle, indeed the bill was fought with tooth and nail by the administration, the bill was signed amidst amity and euphoria. Labor looked forward to what then seemed like the beginning of a period of close collaboration with government in the most worthwhile of endeavors; protecting the environment of the workplace.

To a large extent, the expectations created by the passage of the Act are being met. The very fact of the nation's first serious job safety program is forcing at least a few employers to clean up their shops. The effect of a tough law and a few inspectors with an armory of even a few inadequate rules is having some good results.

But to a larger extent, these expectations are being shattered by mismanagement, a conscious disregard for workers' rights, a callous view of human life and policies favoring the industries the Act was designed to regulate.

Between the signing and the effective date of the Act, April 28, 1971, two agencies, the Bureau of Labor Standards in the Labor Department and the Bureau of Occupational Health in the Department of Health, Education, and Welfare, were converted respectively into the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health. A new agency was formed: the Occupational Safety and Health Review Commission. All three agencies were mandated by the Act.

Organizational activity was, and remains, intense. The lights burned late in OSHA headquarters in downtown Washington and in the offices of NIOSH in suburban Rockville, New people were being hired and many of the old-timers, who for decades fought a lonely battle within the bureaucracy for recognition of the scandalous slaughter in the workplace, were stimulated by a new sense of mission and opportunity.

Feverish planning meetings were held between labor and government. At a specially called meeting of the AFL–CIO Standing Committee on Safety and Occupational Health, Secretary of Labor James Hodgson spoke of the commitment of his agency as if it were embarking on a crusade.

But all of this activity was not on behalf of the worker.

THEN ON APRIL 28 • • •

The first hint that something was wrong came when April 28 arrived and what was to be NIOSH lay in disarray, without a director, lacking in full administrative services, and generally with no serious effort being made to make it a functional organization. Its offices in six of HEW's regional offices were not even manned.

The role of OSHA is to see that American industry, by police action if necessary, applies available science and technology to the solution of job safety and health problems.

NIOSH is supposed to supply that knowledge, without which there will be no solution, through research and training. To fill its role NIOSH must become a vigorous partner of OSHA. But the administration has other plans.

The administration has proposed another major reorganization of the government, a cheap way to win political brownie points without really doing anything. NIOSH, if the Congress approves the plan, would become a part of what is now the Commerce Department. HEW is not about to channel scarce resources into an agency the White House says it is going to lose. The consequence is conscious underfunding, less than their share of administrative services, eliminated and truncated programs and a reduction in projected personnel levels.

Despite this treatment, NIOSH is building a reputation for outstanding performance. From the top down the agency is staffed by career civil servants and commissioned officers of the Public Health Service. There are no political appointees in the agency. This explains the quality of its work and pervasive high morale.

OSHA, too, has civil servants. When the agency opened its doors, many of them were in high positions. But by playing musical chairs, utilizing openings created by attrition and transfers while closing new top positions to civil servants, the Department of Labor has succeeded in filling key positions in OSHA with political appointments from the ranks of industries it is charged to police. The department itself is one of Washington's most politicized agencies. Morale is shaky and agency effectiveness has been hampered.

Not surprising for an agency in a department whose top ranks come almost entirely from big business, OSHA is also one of the most mismanaged agencies in the federal government. The myth that large corporate structures have administrative know-how applicable to government is destroyed by an examination of OSHA operations. Communication from headquarters to area offices through the regional offices is poor. The result is an uneven and inconsistent enforcement program, unacceptable employee training programs and little real input from the field force on agency policy. But the most important failure relates to the agency's inability to mount an effective industrial hygiene effort.

Early last summer a noise complaint was transmitted to OSHA's Chicago regional office by a lodge of the International Association of Machinists in St. Joseph, Michigan. Months went by without an investigation. Finally, after an industrial hygienist was borrowed from NIOSH at the demand of the union, a noise inspection was made in January and a citation was issued in February.

Why the delays? Among other reasons, OSHA inspectors generally receive little instruction in the health field. Those few with training do not have enough equipment. For example, a contract for 400 commercially-available sound meters was issued last June to the Columbia Research Laboratory of Woodlyn, Pa., (six months after the signing of the Act). As this is being written, in violation of the deadlines in the contract, the meters have not been delivered. There has never been serious consideration of obtaining the meters elsewhere.

Noise is only one health hazard being ignored by OSHA. The Labor Department has been warned by the IUD and the AFL–CIO that most complaints would be in the health area. In fact 60% of the complaints received in 1971 were on health issues.

Yet in adopting interim standards—as required by the Act—OSHA left out threshold limit values established by the American Conference of Governmental Industrial Hygienists for about 60 toxic substances. Asked in September, 1971, when some of the missing standards would be published, essentially a printing job, the reply was "later this year." Since then the reply always has been that they would be "published in a few weeks." Actually the full list has been scheduled for publication in June, 1972.

Among the missing are standards for a group of nine compounds so lethal that no exposure for any period of time is considered safe. They all cause cancer.

The manufacture or use of one, betanapthylamine, was outlawed in Pennsylvania only to reappear in plants of the Synaloy Corporation in Georgia and South Carolina. Questioned on this by the Industrial Union Department, AFL–CIO, the Labor Department's reaction was that "there are only a few workers involved." Their second response was that "there have not been any complaints!" (The plant is unorganized or there would have been complaints!) Even without a standard, and without formal complaints, the Labor Department can take action under the general duty clause of the Act. As this is being written a report of a NIOSH investigation of these plants sits on someone's desk in OSHA. Hopefully this will result in enforcement of the Act.

But even the publication of a standard does not insure meaningful enforcement.

Amidst reams of press releases, specially convened meetings for industry and labor, and urgent pronouncements, OSHA finally developed a primitive operation called the Target Health Hazard Program. With fewer industrial hygienists than are employed by several states, early in February of this year they proposed a concerted attack on five toxic substances, including asbestos.

Action on the asbestos hazard was initiated by the IUD lat November. The Secretary of Labor was forced to issue an "emergency standard" to replace a limitation that even industry found inadequate. Despite its weakness, especially in doing nothing to prevent asbestos-related diseases from afflicting the relatives of workers, the new standard should be enforced.

But enforcement has been virtually nonexistent. The IUD even gave the Labor Department a list of 27 plants compiled by HEW in 1969. These plants already had been surveyed and many could be expected to be in violatiton of the emergency standard. It took pressure from NIOSH and union complaints to produce any inspections. In one plant, neither a citation nor a clean bill of health has been issued four months after the investigation was initiated.

In this case, the Johns-Manville plant in Manville, N.J., state and federal government face the largest recorded epidemic of occupational cancer.

One civil servant in the Labor Department put his finger on one reason for the lack of response to the asbestos problem: "Industry has too much to say around here."

The investigation of a Mobil Oil Co. refinery in Paulsboro, N.J., is a case in point. A complaint by the Oil, Chemical and Atomic Workers on October 11, 1971, was acted upon quickly by OSHA's New York regional office. By October 15 teams of OSHA safety and health inspectors mounted a major survey of the plant conducted over several weeks.

INDUSTRY HAS INFLUENCE

The seriousness of the conditions in Paulsboro is indicated by the fact that so far the company has been cited for 93 violations (260) items. But not all hazards in the plant have been cited. One reason is company influence on OSHA decisions.

About half-way through the investigation, in response to company complaints, the department withdrew its prior approval for an international union staff specialist to aid the inspectors as a third party during the "walk-around." The company was still unsatisfied. To discourage future inspections and complaints, the company decided to dock the pay of the workers involved in the walk-around. OCAW, with support from the IUD, filed a brief in protest with the secretary of labor on the basis that both the Occupational Safety and Health Act and the Wage and Hour Act were being violated. The Department upheld the employer.

In acting in this way on this issue, the Labor Department had to revise prior policies and decisions. The effect of this policy will be to discourage workers—especially the unorganized—from exercising their walk-around right, a key mandate of the Act.

But this right is being attacked in other ways. Denial during labor disputes is one.

Recently, during a strike led by the Steelworkers for union recognition at the Seminole Asphalt Company in St. Marks, Florida, an "imminent danger" complaint was filed with the OSHA area office. The area director responded and was on the scene the next day.

Labor Department policy, even in the case of imminent danger, prohibited the striking workers or their representatives from participating in the "walk-around" to aid the inspection. The inspectors did not find the hazard and left the scene. The next day a tank of asphalt blew up. The hazardous condition had not been corrected. Luckily no one was hurt. But there is no question that serious injury or death could have been the result.

A complaint about cotton dust brought by the Textile Workers against Wellman Industries of Johnsonville, S.C., illustrates how attempts are being made to ignore any request for inspection during a labor dispute. After months of union protest, OSHA admitted the validity of this complaint only to delay action further with a plea that an industrial hygienist was not available.

Even greater failures of policy loom in the area of state-federal relations under the Act. Rather than face its difficulties, the Labor Department likes to wave the flag with loud shouts of "states rights" whenever their promotion of state programs is questioned.

When the labor movement challenged the downgrading of workers' rights—such as the walk-around—to mere procedures which could be substituted by the states for other procedures, their response was geared to create the image of fervent defenders of the states against the unions. The facts are that what labor is questioning is the perpetuation of weak state programs which do not guarantee rights established by the Act for all workers. Not only do many state program directors agree with the labor position, but they go further to say that without a strong and clear stand on this issue by the federal government their legislatures will not mandate these rights in the states.

OSHA IS UNLOADING

In reality OSHA is attempting to shake off the unpleasant and politically vulnerable policeman's role in occupational health and safety. In their haste to unload this responsibility on the states they are offering as bait millions in federal funds for phony "planning" projects. When the states don't bite fast enough, some state officials report that OSHA deals with state legislators and state agencies behind the backs of the governors and the agencies they designate as having the primary job safety responsibility.

At the same time, state officials charge, OSHA is demanding that the amount of red tape in their programs match that which is being required of OSHA's own field force. One state estimate is that OSHA inspectors are being required to spend three days a week in their offices filling out forms.

There is no question that most of the information being requested of the states, and of OSHA's field staff, is important. What is wrong is that there is no real state-federal information exchange system. The OSHA data processing systems are so primitive and incompatible with those of the states that they make interchange of information unnecessarily time consuming if not impossible. Further, there is no way in which information from other federal government sources—including NIOSH—can be automatically fed

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into a system for use by state and federal compliance officers. Many county law enforcement agencies are more sophisticated in this regard than the mighty United States Department of Labor.

But law enforcement is not a serious objective of the administration's job safety program. The plain fact is that the Occupational Safety and Health Act was in trouble as it approached its first birthday on April 28, 1972.

The administration has failed to ask for sufficient money to make the operation of OSHA and NIOSH meaningful. The creation of a set of rules to govern state action is shot through with employer bias, which if permitted to continue will inevitably destroy the spirit and letter of the law. The process of establishing health and safety standards moves along at elephantine pace. The factory and workshop inspection process drags and drags and drags.

In short, the administration, which together with the National Association of Manufacturers and the Chamber of Commerce desperately resisted the passage of the Occupational Safety and Health Act initially, now with almost equal tenacity seeks to abort the effective implementation of the Act.

HELLO, REMEMBER ME?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DERWINSKI. Mr. Speaker, I have repeatedly called attention to the Members for the need to acknowledge our respect and appreciation for our flag, traditions of our country, and the pride that we all should have in this great land of ours. The Calumet Index of Chicago in a front page editorial on Wednesday, June 14, emphasized feelings we should have on that particular day which was Flag Day.

Flag Day was celebrated very appropriately by an inspiring program here in the House. I believe this editorial in the Index very properly expressed the feelings of the publication's readers:

HELLO, REMEMBER ME?

Some people call me Old Glory, others call me The Star-Spangled Banner, but whatever they call me, I am your flag, the Flag of the United States of America. Something has been bothering me, so I thought I might talk it over with you—because it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze. When your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart . . . remember??

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart. Remember??

What happened? I am still the same old Flag. Oh, I have a few more stars since you were a boy. A lot more blood has been shed since those parades of long ago. But now I don't feel as proud as I used to. When I come down your street you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting . . . they don't seem to know who I am. I saw one man take his hat off, then look around. He didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic?? Have you forgotten what I stand for and where I've been? Anzio, Guadalcanal, Korea and now Vietnam. Take a look at the memorial honor rolls sometime to see those who never came back because they died to keep this Republic free, One Nation Under God. When you salute me, you are actually saluting them.

Well, it won't be long now until I'll be coming down your street again. So, when you see me, stand straight, place your right hand over your heart—and I'll salute you by waving back—and I'll know you remember!!

VERNER W. CLAPP

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CELLER. Mr. Speaker, in the Coolidge Auditorium of the Library of Congress this afternoon, tributes will be paid to the late Verner W. Clapp by his librarian peers in a public memorial ceremony. It is perhaps fitting for Members of the House to note the event, for Mr. Clapp was a dedicated employee of the Library of Congress from 1922 to 1956. As a Member of Congress these past 50 years, I am easily reminded of the tremendous growth and progress that has occurred, and is occurring, in our Library across the street. A listing of many of the high points in Mr. Clapp's career with the Library serve to remind one not only of this remarkable individual's dedication but also of the enormous and invaluable work being done in the Library of Congress and other libraries around the world. There has been a growing trend toward serving all the public with ever-increasing knowledge in ever-increasing forms. The services offered for the first time to Members of Congress less than 50 years ago by the Library of Congress are today in the process of being offered by many public libraries throughout the country to their broad constituencies.

When Mr. Clapp left the Library of Congress in 1956, it was not to retire but to assist the world's librarians to anticipate the knowledge explosion and to show them the direction in which some of their answers lay. As first president of the Council on Library Resources, established in 1956 with the support of Ford Foundation funds "to aid in the solution of library problems," Mr. Clapp approved over 400 council grants aimed at carrying out this mission. As a full-time consultant to the Council on Library Resources since his stepping down from the presidency in 1967, he has continued to be a major force in the field of librarianship. The New York Public Library, as well as other New York institutions, have also benefited from Mr. Clapp's guidance and the council's funding.

Presently the council, and its Ford Foundation benefactor, are generously assisting the New York Public Library in its financial crisis.

Verner Clapp "literally died with his boots on," one close associate in the library field commented on learning of his death. Dr. Fred C. Cole, Mr. Clapp's successor as president of the Council of Library Resources, observed that "to the last he pressed himself continuously to increase his own knowledge in order to serve his profession and his fellow man." Such tributes, and those that will be made to Verner Clapp at the Library of Congress this afternoon, should remind us of the tremendous task that lies in front of us in this vital field.

THE 750TH ANNIVERSARY OF HUNGARY'S "GOLDEN BULL"

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. McKINNEY. Mr. Speaker, President Nixon has just completed a series of meetings with Communist leaders in Peking and Moscow. These meetings could well mark the beginning of a new understanding between the United States and the Communist nations of the world. In light of these developments, I feel that the 750th anniversary of the Golden Bull, the Hungarian counterpart of the English Magna Carta, is of particular significance.

This significance stems from the fact that the Golden Bull was a forerunner in man's endeavor to strike a balance between economic and political forces which otherwise might stifle his right to self-determination. In this sense, the principles of the Golden Bull are similar to those of all freedom-loving peoples of the world.

The Golden Bull insured a citizen's right to resist injustice regardless of whether it was perpetrated by the King or feudal barons. This grant of rights to the masses of lesser Hungarian nobility—a substantial percentage of the nation—distinctly limited the King's power. Under the Golden Bull, the lesser nobles were authorized to use resistance, either collectively or individually, to any abrogation of their rights. This right of resistance also made it easier for the middle classes to stand up against the local petty monarchs.

Specifically, the Golden Bull exempted the clergy and the lesser nobility from taxation, permitted them to dispose of their property in any manner they preferred, protected them from such capricious exercises of regal power as arbitrary confiscation of property and imprisonment, and allowed them to refuse to perform military service in foreign countries. The nobles also were guaranteed the right to an annual assembly through which they could petition for a redress of their grievances.

Mr. Speaker, we who live in the United States too often take for granted the immeasurable personal liberties we enjoy. We tend to forget that the freedom we once struggled for is still only a dream to the people of Hungary. We also tend to forget our relative position in world history. Therefore, this anniversary of the Golden Bull should be a time for rededication and reexamination.

Primarily, we should reexamine our history as a free nation relative to other nations, Hungary in particular. As early as 1222, Hungry established the principles of the Golden Bull; our Constitution was signed in 1787 and we live by it today. Hungary has also found itself lost in two world wars and has been ruled by two successive totalitarian dictatorships; the United States has never lost a world war, or experienced a dictatorship. Therefore, we as a nation should rededicate ourselves to the Hungarian people. To fail in this rededication would be both a tragedy for the United States and a blow to the freedom-loving people of Hungary.

SALUTE TO EDUCATION

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DENT. Mr. Speaker, I would like to take this opportunity to say a few words in tribute to our Nation's education system.

It is a well-known fact that I have been a staunch supporter and initiator of countless pieces of legislation concerning education. I have supported all legislation which aimed to increase Federal funds for education in addition to being the principal sponsor of the Library Services Act and the Vocational Student Loan Act.

Such actions, I feel, are blatant evidences that I am a long-time admirer of our education system. I believe that this is an area which is most worthy of all of my efforts in addition to the efforts of my colleagues in the Congress. I have devoted my time to the improvement of education because I have a deep-felt faith that it is a system which is anxious for change and renovation when needed. Because of our education system's alacrity for self-improvement, our Nation is bestowed with its most precious product—the educated and enlighted citizens of this great country.

Though my contributions to education have warranted much of my time and energy, the outputs of such efforts have exceeded my inputs which is a fact that pleases me tremendously. Results of my contributions to education are that I know I have aided this great Nation in attaining the best education system in the world; the level of our achievements in all respects is evidence of this. Also, I have received honors from organizations such as the united business schools, the Association of Private Schools Administrators, and the Jeannette Teachers Association, to name a few. These tributes to my legilative efforts are encouraging in that they express my constituents' appreciation, which is one of the highest manifestations of support that a Congressman can have.

In closing, I would like to urge my colleagues to continue their efforts and support in behalf of education in America. I know that I will continue in my relentless endeavors to aid the great education system of the United States.

NUCLEAR POLLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WOLFF. Mr. Speaker, I respectfully call to the attention of the Members of the House an article in the current issue of Harper's Bazaar concerning the matter of nuclear pollution and its threat to the population of this Nation.

The Harper's Bazaar article, written by Natalie Gittelson, expresses great alarm over the effectiveness of safety measures now in force by the AEC.

I make no brief in behalf of the article, save that I believe it should be read:

THE SHAME OF ROCKY FLATS

RE NUCLEAR POLLUTION DOES THE AEC TELL THE WHOLE TAUTH AND NOTHING BUT TO THE U.S.A.?

(By Natalie Gittelson)

"What *is* Rocky Flats doing out there?" one of the wives whispered, as if the question had never been asked before. "That brown mist over the mountains . . ." another mused. "Is it really just pollution or . . .?" "Or is it plutonium dust?" a more strongly reality-moored participant in the discussion finished for her. *"Is the wind blowing plutonium dust into our backyards?"*

The conversion you have just read was not exhumed from some 1950's science fiction called Incredible Stories. Those were the words of some very real American housewives who have very good reason to feel very worried. They live, with their families, in the scenic state of Colorado—locality, Arvada—about five miles downwind from the famous (or more accurately, infamous) Rocky Flats Plutonium Plant, operated since 1953 by the Dow Chemical Company. In the spring of '69, Rocky Flats was the site of the most disastrous fire of America's nuclear age. Plutonium stored in a cabinet mysteriously ignited, spreading flames far and wide. Plutonium's primary use? Reactor fuel in nuclear weapons.

Inhaling only tiny quantities of this most virulent radiological poison damages living tissue, leads to cancer of the bone and lung and may cause death, scientists agree.

But by August, 1969, neither Dow Chemical nor the Atomic Energy Commission (which has control over every aspect of nuclear energy) had failed to make even the routine tests for traces of plutonium spread in the soil around Rocky Flats according to Roger Rapoport, author of *The Great American Bomb Machine*. So early that fall, exasperated by official inaction, Dr. Edward Martell, nuclear chemist with the National Center for Atmospheric Research, set out to conduct his own soil tests. Dr. Martell soon discovered that lethal plutonium particles had indeed escaped from Rocky Flats and had been carried by the wind all the way to Denver. Some of the worst contamination that he found lay in the suburbs of Broomfield, Westminster—and Arvada. As reported by Mr. Rapoport, "The contamination of Denver ranged from ten to 200 times higher than plutonium fallout deposited by *all* atomic bomb testing." It was also 100 times higher, said Rapoport, than the amount Dow Chemical spokesmen would acknowledge.

The housewives of Arvada were gathered together on an afternoon in the early spring of 1972. It was three long years after the fire on Rocky Flats—and *still* they were worrying and wondering. Still, they felt, nobody was leveling with them about the dangers of plutonium poisoning or the biological weapons stocked around Denver.

"Just recently, I heard that they did take the nerve gas out of the Rocky Mountain Arsenal. But I wonder what's left there? What's really stored in our area right now?"

"I tried to find out whether a list of hazardous materials stored in our state was available to the general public," another wife acknowledged. "The first office I tapped referred me to about, oh, seven or eight others. Finally I found a district director who told me that all of the information about what's stored in the Rocky Mountain arsenal is highly classified for security reasons. So the only thing we can do is guess."

More sighs. More guessing. More speculation.

"I don't think they've even taken the nerve gas out yet. They're still waiting for the okay to demilitarize those 21,000 nerve gas bombs . . ."

"All those weapons, supposedly for our security, are stored so close to us that we'll probably become victims of them in the end. One small canister of nerve gas can destroy this entire area. Why did they feel they needed 20,000 canisters?"

"A million-dollar contract, no doubt. Back to the old dollar again." The women considered that idea, soberly. It was out of grudging respect for the old dollar that most of them were living five miles away from the plutonium plant. "My husband works out there," an uncertain voice piped up. "This is a highly federally impacted area. Arvada's where the jobs are."

Other voices rose in quick support. "If my name is bandied about, my husband's employer, who thinks quite differently than we do, is going to say, "Sorry, but we don't need you anymore.' "

The crucial paycheck issue comes up, naturally, wherever nuclear installations are big business. In fact, it is fear of reprisal—economic and governmental—which causes reluctance among many employees to discuss the issues at all.

In her recent study, *Atomic Doubletalk*, subtitled "a review of matters withheld from the public by the AEC," Gene Schrader, former staff member of the Center for the Study of Democratic Institutions, examines our nuclear history. She touches all bases, starting with the first atomic explosion in Los Alamos in 1945. (Two months after that blast, a *Times* reporter revealed that radiometers showed scraps of crater glass "were actually still dangerous.") "New experiments continue and unlikely accidents happen," Mrs. Schrader warns. "But the AEC has no patience with those who question its safety policies."

The Commission's inordinate power may explain, if not excuse, its failure to cultivate patience with its critics. "Never before in the peacetime history of the United States has Congress established an administrative agency with such sweeping authority and entrusted with such portentous responsibilities," said the men who wrote the Atomic Energy Act in 1946. Roger Rapoport characterizes it bluntly as "one of the nation's major legislative disasters. The legislators merely totalitarianized nuclear power," he remarks.

As this issue of *Bazaar* goes to press, the Supreme Court has just reconfirmed that totalitarianization of power. In a 7-to-2 decision (Justices Douglas and Stewart dissenting), the Court upheld the principle that the AEC alone has the authority to regulate the discharge of radioactive debris from nuclear power plants. Minnesota met defeat asserting its right to set more rigid limits on the radioactive discharges of a plant near Minneapolis. Yet, more than a dozen other states sided with Minnesota in this dispute.

Paul Jacobs, who last year conducted yet

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another inquiry into the power and responsibilities of the AEC for *Atlantic* magazine, also deplores the Commission's imperious attitude. "The agency is uncomfortable presenting anything less than the most jovial view of nuclear energy," he says, then asks, "Is it possible that nuclear energy as a cure for the power crisis may be worse than the disease itself?"

Many of our most distinguished scientists answer that question in the affirmative, including Dr. Linus Pauling, twice winner of the Nobel Prize; Dr. John Gofman, research bio-physicist and director of the Committee for Nuclear Responsibility; and Dr. Arthur Tamplin, group leader of the bio-medical division of the AEC's own Lawrence Radiation Laboratory.

Dr. Tamplin: "The evidence concerning the hazard of plutonium to man suggests that if you can measure it in the air, it's probably already too hazardous . . . Radioactive wastes propose a disposal problem unique in human history. You have to protect them from getting into the atmosphere for a thousand, and in the case of plutonium, for hundreds of thousands of years . . . The Russians could set up a monitoring system and find out what is coming out of Rocky Flats. But the citizens of the United States don't know because nobody has set up the monitoring station to tell them."

Dr. Pauling: "According to my calculations, one 20-megaton bomb tested in the atmosphere is responsible for 500,000 grossly defective children and 500,000 people caused to have cancer. That's a million casualties for one 20-megaton bomb . . ."

Dr. Gofman: "In order to make the nuclear power industry safe, we will have to do 99.9% perfect work every step of the way, including the guardianship of the radioactive waste . . . That is, if there's not one accident . . . Unless we can do 99.9% perfection, the radiation all of us will get will start rising toward those numbers that would give us, for instance, 32,000 more cancers every year. . . . But I don't want to scare anyone to death, I want to scare them to life."

All those who will allow themselves to be scared to life by Dr. Gofman should get it clear in their heads that Rocky Flats is not an isolated pinhole of poison on the otherwise bland map of America. As of January, 1970, there were nearly 125 cities and towns in the United States where nuclear weapons were being manufactured, tested, deployed and stockpiled. Among them: New York, Chicago, Cleveland, Dallas, Las Vegas, Los Angeles and Miami, as well as Wichita, Kansas; Albuquerque, New Mexico; Aiken, South Carolina and Limestone, Maine. In mega-city or microvillage, how many of us are still "safe enough?" How many of us will still be safe enough in 1973?

Said Dr. Gofman, regarding the AEC request that the Commission issue "interim" operating licenses to nuclear power plants which failed to submit the final environmental impact statement required by the National Environmental Policy Act: "The AEC has failed to solve the problems of safety against major accidents at nuclear power plants. . . . The AEC has failed to solve the problems of radioactive waste disposal. . . . What is needed is a moratorium on the construction of nuclear power plants until safety problems have been solved and increased funding (made available) for the development of alternate, safe and fully adequate sources of power . . ." Harold Grey and Paul Ehrlich, among other eminent scientists, agree.

The nation is impaled on a tragic dilemma. In the last twenty years, we have built more than 40,000 nuclear bombs, more than enough to kill everyone in the world three times over. *And we live in an economy based on production-for-use.*

We have spent over $30 billion in the development and construction of nuclear weapons. This program carries with it the increasing risk of death, cancer, radiation poisoning, and literally inconceivable genetic damage.

More than 90 billion gallons of nuclear waste are already buried in the states of Washington, Idaho, South Carolina and Tennessee. In its own report, finally released to the public, the Atomic Energy Commission conceded, "None of the existing AEC disposal installations is in a satisfactory geologic location."

Recently Bess Myerson, New York City's Commissioner of Consumer Affairs, was narrator of a bold and probing radio show, *In the Name of Defense*. "Our scientists are more worried about nuclear dangers than our mothers," Miss Myerson said. "Because they have more information. . . . We, the American people, have a right to know of the dangers to our health from radioactivity. . . . We call on the Atomic Energy Commission to stop the testing of nuclear weapons. In the name of defense, we are poisoning our land, our air, our water and our children. There is no safe level of radioactivity. We who have given life must be dedicated to preserving it." If you would like to dedicate yourself to that goal, please write to Bess Myerson at Another Mother for Peace, Beverly Hills, California. This nonpartisan organization, dedicated to nonviolence and the elimination of war, has given the national issue of nuclear pollution top priority on its activities agenda for the coming year.

WASHINGTON REPORT TO INDIANA'S NINTH DISTRICT CONSTITUENTS ON THE MOSCOW ACCORDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the complete text of my recent Washington report on the Moscow Accords.

WASHINGTON REPORT

(By Congresman LEE HAMILTON)

Editor's Note.—This is the first of two Washington Reports on the President's Summit Conference.

The Moscow Accords, which crowned a period of extraordinary diplomacy at the Summit, are probably the most important agreements since World War II. In brief, the agreements are as follows:

1. *Nuclear Arms.*—The United States and Russia will limit their defensive missile systems to two relatively modest ABM sites apiece. They also agree to a five-year freeze of their offensive missile arsenals at the present levels.

2. *Environment.*—A joint commission will study problems of air, water and soil pollution, and measures to control man's impact on the environment.

3. *Incidents at Sea.*—Rules have been agreed upon for insuring the safety of naval vessels and planes operating in close proximity, and for avoiding collisions.

4. *Medicine.*—A joint commission will coordinate research on heart disease, cancer and public health generally.

5. *Space.*—A joint docking of manned spacecraft and flight of the linked craft will be carried out in 1975. There will also be cooperation in space meteorology, space medicine, remote sensing of earth resources, and exploration of the moon and planets.

6. *Technology.*—A joint commission will recommend exchanges and combined research in science and technology.

7. *Trade.*—A joint commission will resolve an entire range of trade problems including most-favored-nation treatment, credits, trade promotion and the study of joint resources development projects.

These specific agreements were concluded with a declaration of principles intended to make a new, more stable and constructive era of Russian-American relations. These principles include peaceful coexistence, restraint by both powers, a readiness to exchange views at the highest levels, and a disavowal of any intent to create spheres of influence.

These agreements are good news. They represent a distinctive breakthrough in the relationships between the two super-powers.

No one can be certain, of course, how important these agreements really are. It all depends on their implementation, but each of these agreements represents a giant and promising step in Soviet-American relations.

The basic concept of the Moscow Accords has been to create so many mutual interests through joint committees, common projects and negotiations that constituencies for cooperation will be developed in each nation and so that neither nation will allow other conflicts of interests to disrupt the great power cooperation.

Several of these agreements, like the ventures in environment and medicine, represent an ungrading of earlier agreements, and several were delayed in announcement to assure a successful Summit.

Even though there was significant progress at the Summit, there are disappointments. No major progress was made on trade. The formation of the joint commission to devise comprehensive trade agreements represents an admission that the United States and the Soviet Union have been unable to reconcile their differences on trade.

Nevertheless, the trade agreement represents a step forward, and the commission will seek to negotiate overall trade agreements, including reciprocal most-favored-nation treatment, arrangements under which credits will be provided to finance sales by each nation to the other, provisions for the establishment of business offices in each country by concerns of the other country, and mechanisms for arbitration of commercial disputes arising from trade. The two countries were unable to resolve the Soviet Union's World War II Lend-Lease debt to the U.S., last publicly valued by the U.S. at $800 million and by the Soviets at $300 million.

Also, perhaps the major disappointment is that apparently nothing was done to resolve the political conflicts between the United States and the Soviet Union in Vietnam and the Middle East, or to establish the rules of procedure in such conflicts, like consultation and arms supply limits.

By far, the most important agreement reached in Moscow is the one relating to nuclear arms. The importance of the agreement is that it marks a reduction in strategic arms rivalry and a mutual acceptance of nuclear parity. Perhaps more important than any specific provision in the agreement is the change in attitudes reflected in the agreement with both powers wanting to reduce the risks of nuclear war and to relax international tensions.

The central purpose of the nuclear arms agreement is to achieve, not disarmament, but a more stable "balance of terror" at the existing level of armaments, and to make certain that the two superpowers understand their dependence upon mutual restraint.

The agreement is made possible because both countries believe that they are now strategically equal, that they have enough weapons to deter nuclear attack, that they need to stop adding more weapons before they can reach agreements to reduce the number of weapons, that they need to conserve resources for better purposes, and that they must collaborate where it is possible, to avoid conflicts in other areas where collaboration is not possible.

Through a strange paradox in the arithmetic of strategic weapons, the treaties, by limiting defensive systems, bring offensive systems under control. Mutual deterrence against attack has depended upon each side being confident of its ability to destroy the other after absorbing a first strike. With each side confident of its deterrent, because of the limited defensive system of the other side, there is no need to fear a first strike, and there should be no reason to deploy new offensive systems.

The President has given his assurance that the national security is not endangered by this agreement, and that the U.S. will continue to have sufficient forces to deter potential enemies. He points out that verification can be achieved by space satellite reconnaissance, and without on-site inspection.

Although the Soviet Union will have 2,300 launchers to 1,700 for the U.S., the ongoing U.S. MIRV program will ensure a substantial margin of deliverable warheads. There is no chance the Soviets can reverse that advantage in the next decade. Without the agreement, the Soviet Union would increase its lead of missile launching submarines because the U.S. has no current building program for these weapons. The U.S. achieved a major goal in setting a limit on the giant SS–9 ICBMs. In addition, the U.S. has a larger, more modern bomber force than the Soviets.

In short, the U.S. is better off with the agreement than without it. The momentum of the Soviet buildup has been stopped and the U.S. has been spared the great expense of a new building program which offered no assurance of greater security.

This first strategic arms limitation treaty should be viewed as a major step forward, but only a beginning. The nuclear agreement does not stop the arms race. It does not limit the quality of the weapons. It does not stop the two superpowers from upgrading their offensive nuclear missiles, adding more warheads, or more destructive warheads, or from improving their missile defense systems.

So the United States should press ahead towards further limitations, and perhaps even some reduction in arms. Instant success should not be expected. It took seven years of effort, and thirty months of intense negotiations, to achieve this limited result. Hopefully, agreement will soon be reached to begin the next round of the Strategic Arms Limitations Talks in the fall. This round should seek permanent offensive weapons agreement, dealing with medium range missiles, long range missiles, long range strategic bombers and forward based weapons systems.

Overall, I think the American people have good reason to be pleased with the developments in Moscow. Beyond the specific agreements, which are very important, the personnel contacts between the two nations and the positive steps taken suggest even greater progress in the future. Enormous problems still exist between the two countries, as the total lack of progress between the two countries on Vietnam and the Middle East show, and the unresolved tensions are deep-seated and many. Strong political forces will operate in both countries to keep tensions high and to accelerate military competition.

But it is encouraging that the atmosphere of international relations has improved. The agreements present a real opportunity for a more realistic, less ideological approach to the competition between the U.S. and the Soviet Union, and to start a process of stabilizing the military balance at moderate levels.

CANCER RESEARCH AT CLEVELAND CLINIC

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, last year, the Congress expressed its deep interest in the efforts to find a cure for cancer through its approval of the Cancer Conquest Act. Nothing short of a full scale research effort is now required, and I am pleased to report to my colleagues on the excellent cancer research work being done at the Cleveland Clinic, work which is supported by legislation we in the Congress have enacted.

Under the guidance of Drs. Roenigk, Deodhar, St. Jacques, and Burdick, a new technique, in which metastatic melanoma is treated with vaccina virus, is being tried, and thus far the results have been very encouraging. I am proud of the work done by these dedicated and extremely competent men, and I believe that there could be no wiser use of Federal health moneys than to support work of the type in which they are engaged.

I would now like to call to the attention of my colleagues a more detailed report on their work, which is as follows:

IMMUNOTHERAPY OF MALIGNANT MELANOMA WITH VACCINIA VIRUS

Henry H. Roenigk, Jr., M.D., Department of Dermatology, Cleveland Clinic.

Sharad Deodhar, M.D., Department of Pathology, Cleveland Clinic.

*Robert St. Jacques, M.D., Department of Dermatology, Cleveland Clinic.

Kenneth Burdick, M.D., Syntex Research, Stanford Industrial Park, Palo Alto, California.

The field of tumor immunology has progressed very rapidly in the past decade in both animal and human tumor systems. In human cancer, this evidence has come largely from the demonstration of tumor specific antigens and from in vitro studies demonstrating both cellular and humoral immunity with cytotoxic effect on tumor cells.

Morton and co-workers demonstrated humoral antibodies to melanoma cells in patients with melanoma using indirect immunofluorescent technique. They found the highest titers of antimelanoma antibodies in patients with localized metastasis of melanoma.

In 1960, Burdick and Hawk reported a prolonged remission of metastatic melanoma after repeated injections of vaccinia virus into cutaneous metastatic nodules of melanoma. They were unable to demonstrate cytotoxic activity of the patients serum after therapy, at that time.

In the past ten years, at the Cleveland Clinic, twenty patients with metastatic melanoma have been treated by this technique and significant regression has occurred in eight patients who had stage II (regional metastasis) of their melanoma (Tables 1 and 2).

I have personally seen many of the early patients treated by Dr. Burdick and was impressed by the results. Three years ago, a 42-year-old lawyer was seen with the second recurrence of an amelanotic melanoma of the groin about the size of an orange. Reexcision resulted in a third recurrence in the suture line one month after surgery. Vaccinia virus therapy was used and a complete remission was obtained.

With newer culture techniques, immunofluorescent tests and colony inhibition tests as described by Hellstrom, we are now able to measure cellular and humoral antibodies to melanoma cells and possible cytotoxic effects of vaccinia virus immunotherapy. Four patients have been studied extensively by immunologic techiniques. In addition to producing clinical remission of metastatic melanoma, we have preliminary evidence to suggest that we may have stimulated cellular immunity against the metastatic melanoma.

METHODS AND MATERIALS

(1) Routine Studies:

All patients had a complete history, physical examination, routine hematological and biochemical tests (SMA–12), x-rays of the chest, abdomen, liver scan, brain scan, bone survey, quantitative immunoglobulins, melanin determinations on urine.

Delayed hypersensitivity skin tests to different agents (PPD, monilial extract, varidase, mumps vaccine) were performed. Sensitization to DNCB was performed in addition to PHA induced blast transformation study on peripheral lymphocytes as a measure of overall cellular immunity.

(2) Special Immunological Studies:

Detection of serum antibodies to melanoma cells by immunofluorescent techniques using acetone-fixed melanoma imprints and microcytotoxic techniques for detection of cell mediated immunity in vitro involving cell inhibition were performed.

These colony inhibition techniques were done with and without the patient's serum to detect possible enhancing antibodies. The tissue culture used was melanoma tumor cells grown on a special tissue culture medium (Waymouth) fortified with fetal calf serum. Appropriate controls include reactions against the patients own skin fibroblasts, or other tumor cells such as breast cancer cells, and normal lymphocytes against melanoma cells. In the test for humoral antibodies, human serum complement will be used. The ratio of lymphocytes to target cells is that recommended by Hellstrom. The possible presence of serum blocking antibodies was tested by these cytotoxic techniques. Studies were also performed to detect HL–A antigens on the melanoma cells, skin fibroblasts and lymphocytes.

(3) Vaccinia Virus Therapy:

Patients with stage II disease with regional metastasis (skin and lymph nodes) were considered ideal candidates for vaccinia virus therapy. Early in the study, some patients with stage III disease were treated. Before therapy, the largest tumor nodules were surgically removed, Regional lymph nodes were not removed. The vaccinia virus (Lilly, from the lymph of calves inoculated with the virus) in one glass tube is diluted with up to 0.5 ml. of saline and injected directly into the tumor nodules. Depending on the severity of local and systemic reaction to the virus, subsequent injections of up to five tubes of vaccinia virus diluted with 0.5 ml. of saline are injected at two week intervals. A modified, accelerated type of vaccinia reaction with redness, swelling and induration of the nodules will be observed in about four days. It may be accompanied by fever, chills and nausea.

RESULTS

During the ten year period from 1960–1970, 476 cases of malignant melanoma were seen at the Cleveland Clinic. Twenty patients with metastatic melanoma were treated during this ten year period with vaccinia virus therapy (Table 2). The clinicopathologic stage of these cases shows a much more prolonged survival in the stage II treated patients. Their survival after vaccinia virus therapy was 32.2 months average compared to only 4.6 months in the stage III.

* Fellow, Department of Dermatology, Cleveland Clinic.

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IN COMMEMORATION OF THE 60TH ANNIVERSARY OF THE SAINT ALOYSIUS CLUB OF PASSAIC, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROE. Mr. Speaker, I ask my colleagues here in the Congress to join with me in heartiest congratulations and best wishes to the St. Aloysius Club of Passaic, N.J., in celebration of their 60th anniversary as a social-athletic organization.

Sixty years ago, a young curate of St. Joseph's Church, the late Right Reverend Monsignor Lawrence Szorc, met with 12 young men of his parish marking the birth of the St. Aloysius Club. The club's first decade spanned the tumultuous years when the world erupted into World War I. It was during these first 10 years, however, that the St. Aloysius Club began its actual participation in the sports arena with many championship baseball teams among their membership. Some of their Passaic semiprofessional baseball greats immediately preceding World War I who keynoted the many successes of the club in the sphere of sports in the years to come were: Fischer, Marut, Grant, Lajeskie, Stazewski, Jesionowski, Roche, Siemienski, Ruskin, and Rutkowski. President Wilson's call to arms, heralding the beginning of World War I, recruited 38 members of the club. Of those who served with the American Expeditionary Forces, two did not return: Albert Danko and Frank Ruskin were killed in action.

The postwar reorganization of the St. Aloysius Club was effected under the guidance of the late Right Reverend Julius A. Manteuffel. The club's prime athletic endeavors turned to basketball with players Grant, Patlen, Jermalowitz, Kievitt, Roche, and Grabiec earning the club an outstanding reputation second to none on the basketball courts.

Through the outstanding efforts of Ted Fialkowski, Aldon Patlen, Ted Klemans, John Grabiec, and Henry Janowski, the club expanded its activities during the 1920's to include club socials, public social events, basketball, baseball, and track.

In the 1930's while Americans were recovering from the crash of 1929, the St. Aloysius Club, riding on the momentum it had acquired in the 1920's, fortified the niche they had carved out for themselves on the basketball court with new achievements on the baseball diamond. Spirited play in the Gersie League by the Reno brothers, Nowak, Gogal, Zarkowski, Staniec, Cajzer, and Sudol thrilled thousands of local followers of the national pastime.

It was during the 1930's that the club's membership focused increased attention on municipal affairs.

During the decade of the 1940's and before World War II had ended, 167 men from "St. Al's" had served in our Nation's uniform—five of them giving their lives in battle. During the postwar years, the 1946–47 season, the St. Aloysius Club fostered a professional basketball team managed by Stan "Chick" Gradzki which won the Tricounty League Championship with such stars as Ted Janeczek, Bobby Wanzer, Mike Hamner, Bob Pope, Whitey Macknonwski, and Lefty Halkard. The St. Al's seniors, with Gene Garlewicz, the Burek brothers, Ed Gradzki, Stan Wozny, Mitchell Bargiel, John Wagner, and Bill Mastrolia, took championship honors in their division winning 26 out of 28 games including a club record winning streak of 22. A fourth basketball team composed of boys of preclub age took championship honors in their division. In table tennis, the St. Al's led by Walter Biela, with Ted Soja, Walt Grembowitz, and Stan Spolnik, won all honors in the Passaic-Clifton-Garfield area. In softball, the St. Al's won the city championship with such players as Al Potosnak, Bob Neilley, Jerry Furst, Henry Kowal, Fred Kuren, Al Wasilewski, Bill Waksmudzki, and Wally Liptak.

In the 1950's the St. Aloysius Club continued their championship efforts. Twenty-three of their members served in the Korean conflict and, with God's blessing, all of them returned. They captured the softball championship in 1952 and another in 1956. Their basketball team held the spotlight in 1958.

The St. Aloysius Club with their diligence and dedication to the principles of sportsmanship and fair play in our American system and way of life has indeed been an inspiration to all of their members and has truly enriched our community, State, and Nation. The success of their efforts and the guidance they provided in their recreation athletic-social activities to the people of our district are reflected in the personal achievements of their membership. Over the years these men in their personal career pursuits have achieved prominence in all walks of life and we are especially proud of their professional expertise and outstanding contributions to the spiritual, moral, legal, political, civic, educational, industrial, and environmental integrity of our community.

Special commendation and best wishes are extended to the 1972 officers and committeemen of the St. Aloysius Club as follows:

Officers: John L. Salek, president; Louis Wolkensdorfer, vice president; Joseph Korczynski, financial secretary; Fred J. Kuren, treasurer; and John Bacha, secretary.

Committeemen: Walter Biela, Robert Biss, Zygmunt Dorski, Steve Drozdowski, Albert Galik, chairman, Stanley Gradzki, chairman, Andrew Iglody, chairman, Ed Janeczek, William Kachur, Fred Kobylarz, Ted Kozak, Walt Makowski, Al Pawlowski, John Piroch, Michael Sopoliga, Stanley Spolnik, chairman, Joseph Waksmundzki, Stanley R. Wozny, Stanley Zalewski, and Fabian Zolcinski.

We do indeed salute these officers, the parish priests throughout the club's existence, and all of the members of the St. Aloysius Club and extend our appreciation as they commemorate their 60th anniversary year in service to our people.

ATTACKING DRUG ADDICTION IN OUR PRISONS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HALPERN. Mr. Speaker, the high number of offenders who enter correctional institutions today with a history of narcotics addiction or drug dependency constitutes a serious problem in American society, both inside and beyond our corrections system. Although hard statistics concerning previous drug usage by offenders are scarce, there is evidence that in some of our jails and prisons up to one-half of the offender population have brought a drug abuse problem with them.

In August of 1969, the District of Columbia's Department of Corrections conducted a study which demonstrated that 45 percent of all men coming to the city jail were heroin addicts. In the State of Maryland, the corrections commissioner recently estimated that as many as 50 percent of newly committed Maryland prison inmates are drug users. Four years ago the figure was placed at 30 percent and, according to the commissioner, the percentage could climb as high as 80 percent in only a few years.

The problem is also severe in our Federal prisons. In hearings before the Subcommittee on National Penitentiaries of the Senate Judiciary Committee in March of 1971, the Federal Bureau of Prisons Director, Mr. Norman Carlson, testified that roughly 20 percent of all offenders confined in Federal institutions have significant problems of narcotics addiction, a number which has been increasing rather substantially over the past several years. This figure does not include the undoubtedly higher number of offenders who are merely drug abusers.

The large number of addicts populating our correctional institutions today is frightening, particularly considering the current crime crisis. It is generally recognized that addicts released from correctional institutions are a high-risk group. According to a recent study conducted by the Federal Bureau of Investigation, 69 percent of a sample group of Federal offenders arrested in 1965 on a narcotics charge were rearrested by 1969. Our correctional institutions are failing to rehabilitate drug addicted offenders, for most simply resume their habit upon leaving prison and promptly return to a life of crime in order to support it. What is particularly disturbing, however, is the increasing evidence that more and more of our addicts are turning to violent crimes such as assault and armed robbery to obtain their drug money instead of committing nonviolent offense such as shoplifting, which they traditionally have been known to do.

It is clear that unless our penal system can improve its performance in handling this special class of offender—the narcotic addict—we can expect to make little headway in reducing recidivism and its accompanying high-crime rate.

In this article, I would like to describe the present role of our Federal and State correctional facilities in fighting drug addiction and detail my proposals to improve the situation.

A specialized treatment program for narcotics addiction was established in the Federal correctional system with the passage of the Narcotic Addict Rehabilitation Act of 1966 (NARA). Prior to this time, only a small percentage of the total Federal prisoner addict population was selected for commitment to the two U.S. Public Health Service hospitals at Lexington, Ky., and Fort Worth, Tex. Most were simply committed to one of 27 Federal correctional facilities and received no special treatment for their drug problem. Following passage of this legislation, drug treatment programs were established in 1968 in three institutions: the Federal Correctional Institutions at Danbury, Conn., and Terminal Island, Calif., and the Federal Reformatory for Women at Alderson, W. Va. Since that time, an additional unit has opened at Milan, Mich., and the capacity of the Danbury unit has been doubled.

The Narcotic Addict Rehabilitation Act directs itself, however, to only a limited number of offenders. Excluded from treatment are persons convicted of crimes of violence, drug dealers—unless dealing for their own personal use because of a habit—those who have been convicted of a felony on two or more prior occasions or against whom there is pending a prior charge of a felony, and those who have been committed under the act three or more times already.

Because only a very small percentage of addicted offenders have qualified for treatment under NARA, there remains a large number of offenders in our correctional institutions with equally serious drug addiction or dependency problems who are not receiving treatment of any kind.

In light of this deficiency, the Federal Bureau of Prisons recently has developed programs in five other institutions, which are modeled after the NARA program, to accommodate these offenders. The non-NARA facilities are located at the Federal institutions at Lewisburg, Pa.; Terre Haute, Ind.; Lompoc, Calif.; El Reno, Okla.; and Petersburg, Va. In addition, a non-NARA program has been established at Fort Worth.

The capacity of both the NARA and non-NARA programs, however, is only 1,050 persons, barely one-quarter of the Federal offender population estimated to be addicted to heroin alone.

The treatment program, itself, has two phases—institutional treatment and aftercare services.

Although each NARA treatment unit has developed its own specific treatment methods, institutional treatment throughout the entire program is focused on redirecting the patient's behavior through a group therapy approach. The offender's personal life and attitudes, after all, were initially responsible for his addiction and participation in criminal activity. Emphasis is also placed on vocational training and developing offenders' basic academic skills. It is hoped the patient leaving the program will thus be better equipped to reenter society, having overcome his need for a narcotics habit.

The after-care treatment phase is key. Treating an offender while he is incarcerated can only prepare him, in part, to function in the community. Followup in the community is crucial to the success of the program, for it is here the offender undergoes the real test. Will he or will he not be able to withstand the pressures of community living without reverting to drug use? In addition to basic counselling and maintenance services, the scope of after-care services includes self-help groups led by ex-addicts, vocational guidance, education, training, and job placement. After-care services help the offender through the critical period immediately following his release from the institution, and can determine the success or the failure of the entire program.

Has the NARA program proved successful? According to Bureau of Prisons officials, the program is still in the experimental stages and citing conclusive statistics regarding its success would be premature. Nonetheless, preliminary results have been encouraging and there is room for optimism.

Plans for the future include establishing one drug unit in each of the Federal Bureau of Prisons' 28 institutions, although obtaining adequate resources and attracting competent staff remain significant stumbling blocks.

Although it has its drawbacks, at least the Federal Bureau of Prisons has an established program to treat drug addicts. This cannot be said of our State and local prisons and correctional facilities. One-half of this country's jails, for example, have no medical facilities whatsoever, much less treatment programs for drug offenders. And most State prisons have established few, if any, drug-treatment facilities for their inmates, regardless of the fact that the State prison population is 10 times that of the Federal system.

In order to make any significant headway in treating the drug addicted offender, we must make sure that our correctional facilities on the State level have the resources and the incentive to establish adequate treatment facilities to accommodate the growing numbers of drug addicts and drug-dependent offenders in their institutions.

To help meet this crisis, I have introduced in the 92d Congress legislation designed to encourage the establishment by States of narcotics treatment programs of offenders.

Presently, the major Federal program which provides financial aid to States and localities for the purpose of strengthening their crime prevention and control activities is the Law Enforcement Assistance Administration (LEAA) program established under title I of the Omnibus Crime Control and Safe Streets Act of 1968. A 1970 amendment to this act provides for a special program of grants for the improvement of correctional institutions and facilities and correctional programs. As of now, however, there is no provision specifically providing for the establishment of drug treatment programs in State and local correctional facilities. My bill would provide that States desiring funding from the LEAA for correctional institutions and facilities make provision in their funding application for the establishment and development of such narcotic treatment and rehabilitation programs. It also would direct the Attorney General to prescribe standards for the administration of these programs.

Two courses of action hold promise in combating the growing and alarming number of drug-addicted and drug-dependent offenders. First, we need to establish drug treatment facilities and programs in our State and local correctional facilities as rapidly as possible—best accomplished, in my opinion, by using the already existing LEAA program. And, second, we need to correct some of the problems existing in our Federal Bureau of Prisons program. Principally, we need to extend treatment to a greater number of drug-addicted and drug-dependent Federal prisoners.

Our ability to come to grips with the growing rate of recidivism and the concomitant increase in crime we have all been experiencing hinges, in large part, on our ability to come to grips with the drug-addicted offender.

THE GOLDEN BULL OF HUNGARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RODINO. Mr. Speaker, 750 years ago, the Hungarian nation planted its seed in the garden of democracy, personal freedom and constitutional liberties—the Bulla Aurea was written to stress and to guarantee the basic rights of man.

When one turns his thoughts to the men and women living in the year 1222, when one begins to picture the feudal social structure and the extremely narrow life style embodied in the tiny East European village, the significance of this Hungarian Magna Carta becomes increasingly recognized and respected. For the Golden Bull attacked feudalism at its deepest roots; it provided for the degradation of any lord who abused his office—promising safeguards to all nobles againstt arbitrary arrest; it sought to maintain a balance between the political and economic forces within Hungary; it authorized all persons to put up resistance, individually or collectively, against the violation of their human rights.

It is truly an irony of world history that this nation which was one of the very first to speak for freedom and social justice has had its growth in this vital area stunted and its seed of democracy prevented from germination. As I join my many friends of Hungarian ancestry in honoring the 750th anniversary of the Bulla Aurea, let us continue to rec-

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ognize the great contribution this nation has given to the rights of freedom and fairness for us all. Let us join, today, this brave people in reaffirming our commitment to the rebirth of these rights in their own native land.

A SALUTE TO EDUCATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BEGICH. Mr. Speaker, I am glad to have this opportunity to join in the National Education Association salute to education. Lincoln said of education that "I view it as the most important subject which we, as a people, can be engaged in.". No one can quarrel with this statement, least of all a person who has devoted all of his adult life to education, as I have.

We in Alaska are privileged to have many fine and dedicated educators. These men and women have demonstrated their professional abilities both in the classroom and by working to improve the educational system as a whole. A small representative group of Alaskan educators symbolize the profound influence educators can have on education in Alaska and throughout the United States. Let me say, initially, that for each individual I mention, there are dozens more who equally deserve recognition. Lack of space here cannot diminish the vital and all-encompassing role they play in their community and State.

Mrs. Doris Ray has been teaching in the Fairbanks area for 15 years and she is currently heading the social studies department at Lathrop High School there. She was just appointed to the National Education Association Council on Instruction and Professional Development. In addition, Alaska is honored to have Mrs. Ray as one of the 12 educators in the Nation selected to serve on the National Teacher Task Force, sponsored by the U.S. Office of Education. She will meet with the task force once a month here in Washington in an effort to upgrade American education.

Working with Mrs. Ray in Alaska are Bill Potter, of Juneau, president of the Alaska Education Association; Bob Lintott of Anchorage, president-elect of the Alaska Education Association; Sanna Green of Anchorage, former president of the State association and currently serving as Alaska's PACE chairman; Hank Harrison, Alaska teacher of the year this year and NEA director for the entire State; and Bob Van Houte, the executive secretary of the Alaska Education Association.

I cannot overstate the importance of education in our society. The efforts of these and many other educators in our 49th State cannot be commended sufficiently to the degree they affect the future of our civilization. The dedication educators bring to their profession can seldom be matched. As we continue to improve and expand our education system, we will need to call again and again on these fine people and their fellow professionals. With their efforts our schools and education will continue to progress to meet the unbelievable needs of the future.

Alaska has long been called the last frontier. We have pioneered so many innovative and creative education programs and educational legislation in the last 15 years, it can truly be said that with the professional dedication of 4,000 educators in Alaska we are and will remain "the first frontier." In "the great land" there is no question we will occupy that position for many years to come.

XEROX HEAD'S PLAN IS RECOPIED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DERWINSKI. Mr. Speaker, the State of New York primary for delegates to the national conventions being held today will bring to an end the hectic primary campaign battles.

The struggle for the Democratic Party nomination has been arduous and newsworthy. It is hard to tell the overall public reaction to the presidential primary. Certainly many citizens were entertained, others were confused by the rhetoric of the various Democratic presidential hopefuls.

One observer, who was certainly entertained and certainly not confused by it all, was Bill Anderson, national correspondent of the Chicago Tribune. He is one of the most respected political analyst among the working reporters. He has managed to survive the Democratic battles from New Hampshire, across the country and back to New York and still retain his objectivity.

He has also retained his sense of humor which is evident in his column of Friday, June 16, which I insert in the RECORD at this point:

XEROX HEAD'S PLAN IS RECOPIED

(By Bill Anderson)

WASHINGTON, June 15.—Max Palevsky of Los Angeles is board chairman of the Xerox Corp. That's the company making the machines which reproduce copies of almost everything but people.

Not since President Thomas Jefferson of Monticello, Va., invented a letter copying device has there been anything like Xerox. People use the machines to duplicate dirty jokes to mail to friends. Radicals steal copies of the Pentagon's papers and duplicate them for distribution to the New York Times and the Washington Post.

Some copy boys at The Chicago Tribune once used the machine there to print secretly an underground newspaper which was the forerunner of the Chicago Journalism Review. They wrote uncomplimentary things about editors and reporters, in that order. There are so many Xerox copies in industry today that proliferation of papers has started a whole series of machines—paper shredders. The paper shredders are sort of the antiballistic missiles of both government and industry.

But that's beside the point. The point is that Palevsky has made a pot of money out of the whole thing. A lot more than Jefferson, who died a poor man. In fact, Mr. Palevsky has so much money he has become what the politicians call a "fat cat" donor. In this particular election year, he has become to Sen. George McGovern what millionaire Clement Stone already is to Richard Nixon. A lot.

Mr. Palevsky has been heavily financing Sen. McGovern since McGovern started running for President, and that has been a long time. He did so even in the dark days of the McGovern campaign, when the senator's staff was sharing the cost of rental cars with reporters tramping around the country. [Now the McGovern press rooms have free booze.]

The man from Xerox has been so helpful in the cash department ha has won accreditation to give his senator advice, and this includes advice about money. Also our money. McGovern, as some readers may remember, got into trouble during the California debates with Sen. Hubert H. Humphrey about money. Also our money. This was because of the McGovern welfare plan to give every man, woman, and child in the United States $1,000 every year.

For some reason, the figures of the cost of this program got into the Mickey Mouse realm. This has confused a lot of people. Most everybody in the U.S. would like to have an extra dollar, and would be delighted with $1,000. But at least one or two persons, including Humphrey, wondered how much it would cost. Usually when the federal government makes donations, it costs about $1.40 to give away 1. Even Mr. Palevsky admitted that "these [McGovern] figures don't add up." He indicated he might even computerize all of the political statements about the new $1,000 program because "we want to bring it into focus." That's a tall order, if I may so, even if it comes from Xerox to a computer.

Strictly to save the computers all the extra work, I would like to suggest that Sen. McGovern abandon the $1,000 plan. I have a far better one anyway. It would be far simpler and less costly for everybody in the country just to automatically give all the money they have and make to the federal government. This would eliminate all withholding tax paperwork for industry and the requirement of individuals to fill out tax forms. Think of the advantages. It would remove the temptation to list an extra child as a tax deduction.

My plan would wipe out millionaires, including Eugene L. Wyman, the Los Angeles backer of Sen. Humphrey. McGovern has already said something should be done about Wyman because he is the wrong kind of millionaire.

Furthermore, my plan calls for giving everybody more money than McGovern's plan. After careful research, I have discovered there is enough money in circulation to give each person in the United States $16,-972.34 a year. Of course we would still need a defense establishment, but I propose to give President McGovern two shotguns and a 1.5 inch cannon for the White House yacht. This would cost $972.34 a year, leaving $16,000 for everybody else. I defy Xerox to duplicate this.

GREAT NECK SENIOR CITIZENS CENTER OF NEW YORK CELEBRATE 15TH ANNIVERSAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. WOLFF. Mr. Speaker, the Great Neck Senior Citizens Center of New York is celebrating this year its 15th year of service to the community.

I recently had the privilege of sharing the center's 15th anniversary reception and it was a most noteworthy occasion. Our senior citizens are often overlooked, if not forgotten, by the society at large, and this gathering served, Mr. Speaker, to remind me of the important contributions senior citizens make to this Nation.

Three of Great Neck's finest citizens, Mr. Jesse Markel, Mr. Fred Williams, and Mr. Joseph Grasso, helped to make possible the 15th anniversary reception at the center, and I wish here in the pages of the RECORD to note their very own special contribution. Indeed, the reception would not have been complete without the presence of Mr. Markel, known to many as "Mr. Great Neck."

I think it important that we note here all of those who played a part in making the anniversary reception a success. They are Ida Goldstick, Janice Hawley, Dr. Martin Hurvitz, Marjorie Kern, Herbert Kern, Jeanette Kramer, Frances G. Markel, Herbert Maurer, Frank Neubert, Alma Simons, Thomas J. Carroll, Henry Reed, and Fred A. Williams.

I take pride in the fact, Mr. Speaker, that we in Great Neck have such a center, and I would wish for every community in America the very same for their senior citizens.

SALUTE TO EDUCATION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. FAUNTROY. Mr. Speaker, since their birth in the 18th century, American educational institutions have always been at the center of the Nation's progressive forces in bestowing their benefits on America's children. Education has sought to perpetuate the best in American character: social responsibility, community consciousness, and the honest and continual reevaluation of society. As the Nation's bicentennial approaches, a salute to American education is more than appropriate. Not contented with intellectual concerns alone, American educators have always devoted themselves to the development of the whole child.

Given such an admirable history, we can be sure that American educational institutions today will rise with competence to the challenges of insufficient funding, internal strife, and incomplete fulfillment of the Nation's promise of equal education for all its children. And we look with pride and hope to American educators for the leadership needed in the hard struggle for equal employment opportunity.

Education is the key to progress for tomorrow's America. Every schoolchild deserves the kind of training that will allow him to realize fully his special potential, whether he is black or white, rich or poor. I am confident that the Nation's educators can and will surpass their commendable record in the next few years as we continue to fight toward fulfillment of the Nation's promises to its children.

A GOVERNMENT OF MEN, NOT LAWS: THE WIRETAPPING CASE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DRINAN. Mr. Speaker, the historic decision of the Supreme Court yesterday in United States against U.S. District Court for the Eastern District of Michigan, the wiretapping case, should cause all of us to reflect on the attitude of the current administration with respect to the Constitution and laws of the United States.

In that 8–0 decision, the Court held unconstitutional under the fourth amendment the announced and repeatedly exercised policy of the Nixon administration to wiretap citizens without any search warrant or other judicial authorization.

For many months I have spoken out against this policy. It is a policy of harassment, of dissent, of repression, and of unlawfulness--as demonstrated by yesterday's clear decision. On November 30, 1971, I inserted in the CONGRESSIONAL RECORD, at page 43583, an article I wrote on this subject which was published in the Boston Globe. In that article I stated:

"No [prior] Attorney General in the history of the country has claimed that the President is above the Fourth Amendment to the Bill of Rights which states categorically that all of us are protected from 'unreasonable searches and seizures' by the government. The Constitution requires the President to 'Preserve, protect and defend the Constitution of the United States.' The President is not carrying out this duty unless he states that the Fourth Amendment applies to the President of the United States just as it does to the rest of us."

As Mr. Justice Powell stated in the Court's decision yesterday:

History abundantly documents the tendency of government . . . to view with suspicion those who most fervently dispute its policies.

Mr. Speaker, the following statement of the Supreme Court in this case is so important that it should be carved in stone throughout the land:

The price of unlawful public dissent must not be a dread of subjection to an unchecked surveillance power.

The Court further stated:

The fourth amendment does not contemplate the executive officers of government as neutral and disinterested magistrates.

Therefore, when this or any other administration wants to pry into the lives of private citizens, it must, like other would-be snoopers, seek judicial authorization.

Of course, I am gratified that the power of the executive in this case has been appropriately limited, that this policy of unauthorized wiretapping has been declared unlawful. However, I take small comfort from this decision, Mr. Speaker, in view of the many other unlawful acts of the administration which have not yet been checked.

The list of unlawful acts perpetrated by this administration is so long, and reaches into so many areas of our national life, that it is in fact a pervasive pattern. This is the administration which:

First, continues to prosecute and, indeed, escalate, a war, the termination of which is a matter of national policy embodied in law;

Second, impounds billions of dollars in funds voted by Congress;

Third, in violation of the first amendment restrained the publication of the Pentagon papers until ordered by the Supreme Court not to do so;

Fourth, promulgated comprehensive tax laws—the asset depreciation range system—without any congressional authorization;

Fifth, withheld from public view unclassified material regarding the SST and Cannikin nuclear explosion in contravention of the Freedom of Information Act;

Sixth, unlawfully announced an expansion of the jurisdiction of the Subversive Activities Control Board—Executive Order 11605—without congressional approval;

Seventh, refused to prosecute those responsible for the Kent State killings;

Eighth, ordered arrested more than 10,000 demonstrators and bystanders in Washington one day last year, virtually all of the arrests being declared unlawful by the courts;

Ninth, has regularly converted Federal grand juries into tools of domestic surveillance;

Tenth, has summarily arrested, detained, and harrassed innocent aliens under Immigration and Naturalization Service policies;

Eleventh, in 1969 suspended the operation of Justice Department Civil Rights Act guidelines in order to permit certain school districts to remain segregated;

Twelfth, attempted to delay the effect of court-ordered integration plans in at least six major cities;

Thirteenth, reversed its milk price parity policy immediately after receiving a large political contribution from proponents of the reversal;

Fourteenth, settled under highly questionable circumstances the ITT antitrust case and sent representatives to Congress to lie about their involvement with the settlement; and

Fifteenth, nominated for the position of Attorney General of the United States an individual who was offered a bribe and did not report the offer until he learned a week later that the FBI had it under investigation.

The list of unlawful acts and policies of this administration is long and sordid and a discredit to the desire of most Americans for honesty—basic honesty—and fairness in government.

Fairness includes respect for the right of all individuals to privacy and I rejoice that we have a system wherein the courts will ultimately protect the people's privacy even if the executive branch will not.

In his concurring opinion in the wiretapping case, Mr. Justice Douglas refers to the "recurring desire of reigning officials to intimidate their critics—" He

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quotes the 1971 statement of Senator Kennedy, who stated that the unauthorized wiretaps of this administration:

Accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order—[There is a] frightening possibility.

Warned Senator Kennedy:

That the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time.

We should all be thankful that this policy has been ordered terminated. Now we must turn our attention to other unlawful practices in the executive branch of a government supposed to be of laws, not men.

The Supreme Court has rejected on grounds of unconstitutionality assertions of power by the executive on only a few occasions in the entire history of the United States. Two of those decisions—the recent "Pentagon Papers" case and this wiretapping case—have already been precipitated by unlawful policies of the current administration. I expect we will hear more along these lines from our Highest Court before the year is out.

Mr. Speaker, I insert in the RECORD at this point editorials from today's New York Times and Washington Post with respect to the Supreme Court's wiretapping decision.

The editorials follow:

[From the New York Times, June 20, 1972]

THE RESTRAINT OF LAW

The Supreme Court has delivered a sharp rebuke to those ideologues of the executive branch who consider the President's "inherent powers" superior to the Constitution. In an 8-to-0 decision the Court has rejected the assertion that the Government has the right without court orders, to tap the wires of "dangerous" radical groups. Justice Lewis P. Powell Jr., who wrote the opinion, said: "The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power."

Former Attorney General Mitchell's position that the Republic would be in danger if the Justice Department could not tap wires without court orders has now, fortunately been completely demolished by this unanimous vote of the "Nixon court," in which only Justice William H. Rehnquist, who was an advocate of the Government's case while he was in the Justice Department did not join. The Government claimed that in order to get the court's permission to tap wires, it would have to submit too much concrete evidence. But this fear of disclosure—even to the courts—goes to the heart of the matter: The Constitution means to protect all citizens against vague fishing expeditions by the executive.

It was Mr. Mitchell's view that civil liberties would be safe so long as it was he who had to give personal approval in each instance of electronic surveillance. Fortunately, the Court was not persuaded by a system of constitutional safeguards dependent on the Attorney General's, or even the President's infallibility or, as Mr. Mitchell put it, on the "self-discipline of the executive branch." Moreover, there has been growing evidence that there is far more domestic spying than has been authorized by the Attorney General.

The Supreme Court understood the historic lesson that a blank check of official powers is the prelude to their abuse. "Vigorous citizen dissent and discussion of Government action in private conversation," Justice Powell warned, must not be deterred by fear that unauthorized Government monitors are listening. Those who argued the Government's case admitted that they were asking for an "awesome power" but pledged to use it with "discretion."

The Supreme Court, ignoring the usual division between "liberal" and "conservative," has now reminded the Government that it is just because its powers are so awesome that their exercise cannot be left to the discretion of men without precise restraint of law, under the Constitution.

[From the Washing Post, June 20, 1972]

THE COURT AND ELECTRONIC SURVEILLANCES

The decision by the Supreme Court yesterday that the Federal Government cannot constitutionally use electronic surveillance devices in domestic security cases unless it gets judicial permission to do so is a landmark in the long struggle to maintain individual freedom in this country. The effect of it—if the Executive Branch complies with it, and we trust that will happen—should be to reduce substantially the near-paranoiac fears among some citizens that their conversations are being tapped or bugged by the government. Beyond this, the decision is a sharp slap at the Nixon Administration which had baldly attempted to justify as a legitimate exercise in presidential power a practice that had begun years ago and grown steadily more dangerous.

This decision, as far as we can tell, will have no substantial impact on the Executive Branch's legitimate efforts to gain information about those who would engage in acts of political espionage or terrorism. It simply requires the Department of Justice to handle its investigations into those areas as it already handles its investigations into other kinds of crime. What it does rule out is the procedure ardently advocated by this administration under which the Attorney General alone determined when wiretapping and eavesdropping equipment was to be used in domestic security cases. In the future, a judge is to make that determination under traditional standards of the Fourth Amendment. This rule, it should be noted, has not yet been extended to cover investigations into subversive activities by other governments.

It should be said that the procedure defended by the Nixon Administration in this case did not originate with it; what this administration did was give it a much more explicit rationale. For at least 25 years, the Department of Justice through the FBI has carried out electronic surveillance in domestic security cases without court approval. Lying behind these efforts to protect the domestic peace, at least in the beginning, were fears of Communist subversion and espionage. More lately, the fears have expanded to include other kinds of domestic unrest and the phrase "domestic security" seems to have grown in meaning to encompass many kinds of strong dissent against the status quo. The Court seems to have recognized this. In a powerful opinion by Justice Powell, it said:

History abundantly documents the tendency of government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the government attempts to act under so vague a concept as the power to protect "domestic security."

Underlying the Court's decision was an explicit rejection of the key argument which the Nixon Administration had used in claiming the right to broad surveillance power. That claim was that the President could not fully discharge his constitutional duty to protect domestic security unless his agents were free to engage in whatever wiretapping and eavesdropping the Attorney General might authorize. To this, Justice Powell replied, "We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment."

The Justice turned aside each of the arguments the government had made to support that assertion—that this kind of surveillance was primarily intelligence gathering, not law enforcement, that domestic security matters are too complex for courts to evaluate, and that secrecy would be compromised by requiring warrants in advance. The last two points were brushed aside and to the other, Justice Powell noted that security surveillances are particularly sensitive because, among other things, of "the temptation to utilize such surveillances to oversee political dissent."

Perhaps the most important effect of this decision will come outside of government. The idea that the government is always listening has become widespread in some areas of our society and has something to do, we think, with some of the bitterness loose in the land. Adherence to the spirit of this decision, or whatever minor modifications Congress might be able to make in it, by the Executive Branch would remove one of the grievances which is helping to increase the alienation of some citizens from their government.

GEORGIA STATE CHAMPIONS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BRINKLEY. Mr. Speaker, on June 3 of this year the West Point, Ga., High School baseball team won the Georgia Class B State Championship. The 13 fine young men who compose the team worked long and hard all season to win the first State championship for West Point since 1964. After being down one game, they came back to win the next two for the State crown. Mr. Speaker, in a day and age when some young men are deserting and demeaning our Nation's traditional values, it is certainly refreshing to find that there are many who still find fulfillment and pride in working together and winning at such an "All-American" activity as baseball. The 13 young men of the West Point team, their coach, and the West Point Quarterback Club—which has provided such outstanding support for the school's entire athletic program—are all deserving of our commendation.

Therefore, I would like to bring to the attention of our colleagues the names of the West Point High School State baseball champions:

Jimmy Williams, Coach.

Team members: Ronald Daniel, Jim Keith, Art Jones, Scott Crook, Joe Cooper, Eddie Singlton, Johnny O'Brien, Dickie McCarthy, Mike O'Brien, Randy Daniel, Andy Shirley, Kenneth Hoats, and Mike Crook.

Keith Powell, Manager.

Kelly Powell, Bat Boy.

As the Member who is privileged to represent West Point in Congress, it is with great pride that I will present to the school, in commendation of this excellent team, a flag which is being flown over the Capitol today.

AMENDMENTS TO THE FEDERAL PRIVACY ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. KOCH. Mr. Speaker, today I am introducing a revised version of H.R. 854, my Federal Privacy Act. I might note that this bill will be the subject of hearings by the House Government Operations Subcommittee on Foreign Operations and Government Information chaired by our distinguished colleague from Pennsylvania (Mr. MOORHEAD) on Thursday and several days next week.

H.R. 854 as amended responds to the problem that individuals face today in not knowing what Government agencies maintain files on them—and most important whether these files contain erroneous and unfairly damaging material. The number of records the Government maintains on individuals is growing with the retention and retrieval of information facilitated by computers which are becoming increasingly sophisticated. Even so, the Congress has yet to develop a policy governing the collection, evaluation, dissemination and use of this material.

The Federal Privacy Act would help the individual to protect his own interests against abuse by Government collecting practices and would necessarily reveal patterns of Government operations which are detrimental to individual liberties. The bill requires that any Government agency maintaining records on a person do the following:

First, notify the person that such a record exists;

Second, notify the person of all transfers of such information;

Third, disclose information from such records only with the consent of the person or when legally required;

Fourth, maintain a record of all persons inspecting such records;

Fifth, permit the person to inspect his records, make copies of them, and supplement them; and

Sixth, remove erroneous or misleading information from a person's file, and notify all agencies and persons to whom the erroneous material has previously been transferred of its removal.

Exception to the disclosure rule would be made in the case of records that are required by executive order to be withheld in the interest of national security and for purposes of criminal prosecution. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons.

H.R. 854, as amended, also creates a Federal Privacy Board to supervise the administration of the provisions of the bill. In particular, it would permit an appeal by an individual seeking the removal of erroneous or misleading information contained in his file. The Board also would hear complaints that an agency had not complied with other requirements of the bill.

The Federal Privacy Board would be composed of seven members appointed by the President, with the advice and consent of the Senate. If the Board found that one or more requirements of the Federal Privacy Act had not been met, it could issue a final order directing the agency to comply. The order would be binding on the individual and the agency. Appeals from the Board's decision could be made to the Federal district court.

The bill I am introducing today clarifies my original intent that these disclosure provisions should apply to files held on organizations and corporations, as well as individuals. Thus the word "person" has been substituted for "individual" where applicable.

The revised bill also adds a penalty, a fine of $1,000, for willful violation by an employee of a Government agency of a provision of the bill.

While H.R. 854 originally left to the individual agencies the responsibility to establish rules for the procedures with respect to how persons will be notified of records maintained on them and how the records will be made available, today's bill transfers that authority to the Federal Privacy Board.

Finally, this bill adds the requirement that an agency divulge information maintained on persons to individuals within the agency only if they have a "need to know."

Mr. Speaker, because of these and other technical changes in the bill, I insert in the CONGRESSIONAL RECORD, the full text of the revised bill as I have introduced it today. Printed under the number, H.R. 15613, it follows:

H.R. 15613

A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that maintains records, including computer records, concerning any person which may be retrieved by reference to, or are indexed under such person's name, or some other similar identifying number or symbol, and which contain any information obtained from any source other than such person shall, with respect to such records—

"(1) notify such person by mail at his last known address that the agency maintains or has augmented a record concerning said person;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except—

(A) with permission of the person concerned or, in the event such person, if an individual, cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure, or

(B) that if disclosure of such record is required under section 552 of this chapter or by any other provision of law, the person concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) refrain from disclosing the record or any information contained therein to individuals within that agency other than those individuals who need to examine such record or information for the execution of their jobs;

"(4) maintain an accurate record of the names and addresses of all persons to whom any information contained in such records is divulged and the purposes for which such divulgence was made;

"(5) permit any person to inspect his own record and have copies thereof made at his expense, which in no event shall be greater than the cost to the agency of making such copies.

"(6) permit any person to supplement the information contained in his record by the addition of any document of writing of reasonable length containing information such person deems pertinent to his record, and

"(7) remove erroneous information of any kind, and notify all agencies and persons to whom the erroneous material has been previously transferred of its removal.

"(b) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency possessing such memoranda or letters in litigation with such agency.

"(c) The President shall report to Congress before January 30 of each year on an agency-by-agency basis the number of records and the number of investigatory files which were exempted from the application of this section by reason of clauses (1) and (2) of subsection (d) during the immediately preceding calendar year.

"(d) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(e) Any employee of the United States who under color of agency authority knowingly and willfully violates a provision of this section, or permits such a violation, shall be fined $1,000."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, orders, records, and proceedings.".

SEC. 2. (a) There is established a Board to be known as the Federal Privacy Board (hereinafter referred to as the "Board").

(b) The Board shall establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to a person, and other-

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wise to implement the provisions of SEC. 552a of Title 5 of the U.S. Code.

(c) The Board shall promptly consider complaints from any person that one or more of the requirements of section 552a(a) of title 5, United States Code, have not been met, with respect to the records specified in such section, by the responsible agency. The Board upon finding that one or more of the requirements have not been met, shall issue a final order directing the agency to comply with such requirement or requirements, and this order shall be binding on the parties to such a dispute.

(d) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. The Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. No more than four of the members appointed shall be of the same political party, and shall be from the public at large and not officers or employees of the United States. Any vacancy in the Board shall be filled in the same manner the original appointment was made.

(e) Members of the Board shall be entitled to receive $100 each day during which time they are engaged in the performance of the business of the Board, including travel-time.

(f) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(g) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

(h) The Board shall hold hearings in order to make findings upon each complaint, unless it determines that the complaint is frivolous. The Board may examine such evidence as it deems useful, and shall establish such rules and procedures as it determines are most apt to the purposes of this section, including rules insuring the exhaustion of administrative remedies in the appropriate agency.

SEC. 3. Sec. 1 of this Act shall become effective on the ninetieth day following the date of enactment of this Act, and Sec. 2 shall become effective upon the day of enactment of this Act.

TAX REFORM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GAYDOS. Mr. Speaker, the issue of tax reform has been a major one in the current presidential election campaign. It should be, for the American taxpayer is shelling out more and more of his hard earned money to meet local, State, and Federal dollar demands.

A recent editorial in the Irwin, Pa., Standard-Observer pointed out this year the American household will average $4,530 in governmental taxes for 1972. The amount is $200 over last year's average and another "record" high.

Mr. Speaker, I am inserting the editorial into the RECORD for the consideration of my colleagues, particularly since it involves the Federal budget. According to the article, 71 percent of the Federal budget is "uncontrollable" or spending already committed by this and previous Congresses. It is long past time to reform our taxing programs and our spending.

NEW TAX HIGH

Bedraggled American taxpayers are having another record thrust upon them.

Each household will average $4,530 in state, local and federal taxes for fiscal 1972, according to the Tax Foundation. That's up $200 from 1971 and is, once again, an all-time high.

This year's hike is due to boosts in social security taxes and state and local taxes, which will more than devour some relief we all will enjoy in our federal income tax load, the Tax Foundation said.

In the past 10 years estimated total taxes have increased 77.5 per cent per household. Total current tax payments at all levels (federal, state, and local), amount to $295 billion—6.5 per cent above fiscal 1971.

The spending side of the picture is even more startling. The foundation predicts total spending to rise by 12 per cent from $363 billion in 1971 to $405 billion in 1972. This means, of course, deficits at all levels of government and, probably, higher taxes in the future to help pay the interest on money governments must borrow to pay their bills.

This accelerating tax burden is very nearly out-of-hand. It is estimated that 71 per cent of the federal budget is "uncontrollable"—that it involves spending already committed by previous Congresses. If Congress won't call a halt, others will have to by refusing to send the "big spenders" back for another spending spree.

IN COMMEMORATION OF THE GOLDEN BULL OF HUNGARY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HOGAN. Mr. Speaker, this year marks the 750 anniversary of the Golden Bull, the Hungarian Magna Carta. It is indeed fitting that we pause to commemorate this Hungarian cornerstone of man's continuous struggle for freedom and justice. The Golden Bull, issued in 1222 gave constitutional protection to a far greater part of the population than other similar letters of rights elsewhere in medieval Europe. Under the terms of the Golden Bull, Hungary's freemen were guaranteed personal freedom and other basic rights and privileges and narrowed the gap which separated the existing social classes. Furthermore, the document protected the lower classes from exploitation and stipulated that if the king violated the provisions of the document then the barons and nobles had the right to collectively or individually resist. This most important concept not only limited the monarch's power but enabled the middle class to defy the petty monarchs of the realm.

The Golden Bull of Hungary represents some of the noblest human aspirations guaranteeing personal freedom and forbidding the oppression and exploitation of the poor. The Hungarian struggle for freedom and the spirit of resistance, first expressed in the Golden Bull has continued to be a cherished ideal of the Hungarian people and nation. Let us all hope and pray that the principles of the Golden Bull will in the future once again become a reality for Hungary and its people.

"BULLA AUREA"—THE HUNGARIAN MAGNA CARTA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. KEMP. Mr. Speaker, I am proud to join my colleagues in paying tribute to the courageous and freedom-loving Hungarian people on the occasion of the 750th anniversary of the Hungarian Magna Carta—the Golden Bull of Hungary.

The April 1972 issue of "The Fight for Freedom," the newsletter of the Hungarian Freedom Fighters' Federation, contained an excellent study of the history of the Bulla Aurea and I include this article in my remarks at this time:

THE GOLDEN BULL OF HUNGARY

The 750th anniversary of the Hungarian Magna Carta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Carta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King, in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters of rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism", or Switzerland, the "flower-garden of individual liberties".

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individualy or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hungary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects.

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

Mr. Speaker, a very fine exhibition commemorating the Hungarian Golden Bull will be on view at the Library of Congress until June 30. I have visited this fine display and I heartily recommend it to anyone interested in the glorious history of the Hungarian people.

As we celebrate the anniversary of the Bulla Aurea—the introduction of rule by law to Hungary—let us renew our dedication to the goal of a free and independent Hungary and reaffirm to the valiant people of that country that they are not forgotten.

SALUTE TO EDUCATION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. MINISH. Mr. Speaker, I am proud to join in today's "Salute to Education" observance by paying tribute to our Nation's schoolteachers.

Teachers constitute one of our Nation's most valuable resources. Their idealism is clearly reflected in the fact that they dedicate their lives to this noble profession despite the low level of compensation usually afforded to them.

My interest in economic justice for teachers was reflected in the amendment I sponsored to last year's Economic Stabilization Act which authorized the payment of retroactive wages to teachers and others who had been denied salary increases called for in contracts signed before the wage-price freeze.

Mr. Speaker, as teachers continue their vital task of preparing our youth to meet the challenges of this complex age, we in the Congress have an obligation to support programs which enhance and improve this Nation's educational system. We owe America's 2 million teachers a debt of gratitude for the outstanding contribution they are making to our country's future.

SPACE PROGRAM PRODUCES IMPORTANT CIVILIAN APPLICATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, recently the Oklahoma City Times published a most interesting and enlightening editorial about some remarkable, newly devised items which are now available for civilian application as a result of America's manned space program. This aspect of our space program is often overlooked and taken for granted by the general public. The editorial which follows serves a most useful purpose in reminding all of us that our space program is of great benefit to all mankind:

[From the Oklahoma City Times, Apr. 25, 1972]

MORE TRACKS ON THE MOON

When the crew of Apollo 16 left the moon, the camera on the Moon Rover vehicle being left behind tracked their space ship for a second or so, and then picked up the receding spot of flame marking its path for another few seconds. The camera's aim was not good, and the viewer in his easy chair on earth had trouble picking out the right dot of light. It was something like trying to watch the puck in a televised hockey game.

So there were a few complaints registered at various TV stations. That is a measure of how much we have come to take this amazing feat of exploring the moon for granted.

That camera was being controlled from Houston's Manned Space Flight Center, which happened to be roughly 240,000 miles away. It was not only being remotely controlled from that distance, it was sending perfect, clear pictures to tens of millions of television sets in dozens of countries around the world, in full color. It recorded the liftoff of the Orion vehicle and allowed a slow-motion playback a few minutes later (obviously taken with another camera or lens). There was nothing ho-hum about the performance of men or machines.

The Moon Rover had set a new speed record for moon travel—over nine miles per hour. A number of things were done for the first time on the room by the crew of Apollo 16, prompting one newsman to marvel in passing that he was routinely saying that something had never been done on the moon before. "I hear my own voice saying that as if I were noting a new record for runs batted in," he said, "and it seems unreal."

All of the tracks on the moon to date are American. There are the huge footprints of the space-suited men themselves, the marks left by equipment dragged from one point to another, and the tracks left by the Moon Rovers. There is also a collection of abandoned scientific equipment, ordinary hardware, and landing modules.

These are the tangible evidences that man has set foot on the moon. But here on earth, there are still many who wonder whether it has been worth the cost. The Apollo flights cost three astronauts their lives, when their ship burned on the launch pad in Florida. They also have cost the nation billions of dollars.

Most of that money was spent in developing equipment that would take men there and return them safely to earth. Some of the new gear was designed to meet problems which were already assumed to exist. When they proved real, it had to be ready to deal with them quickly and effectively. Some of it was miniaturized from existing equipment. We knew how to make certain devices, but did not know how, or even whether, they could be made small and light enough to be carried on a long space journey, in a ship only 13 feet across.

Some of the most remarkable of the newly devised items made it possible for the monitoring crews on earth to keep track of the health and physical condition of each crew member during the flight. And from those ingenious, sturdy, and capable instruments came some of the most important civilian applications of space technology.

Space research technology has given us devices to measure blood oxygen in critically ill leukemic patients, notes Dr. J. R. Maxfield of Dallas. Among other "fallout" he lists are a new plastic for new arteries and for packaging food; new instruments now used in cataract surgery, infrared supersensitive detectors that permit early detection of some types of cancer; the computer used to enhance pictures televised back to earth from the moon and Mars which is now used also to analyze human chromosome pictures for further research into the mysteries of life itself, and even faster and painless dentists' drills.

Space research has also given us faster, more compact and more versatile computers. It has made possible the kitchen ware that the housewife takes from the freezer and places directly into the oven, and then places on the table when ready. It has given us the material from which the countertop range with the burners imbedded in a solid surface is made. The astronauts' helmets include sophisticated spun electrodes which have been adapted to detect hearing defects in small children. Even the live color television that will bring this year's Olympic Games to viewers around the world is a space age development.

In the final analysis, the value to each of us of all this space exploration is found in the spur to research and development it has provided. Since President Eisenhower responded to the first Russian Sputnik by ordering a full-scale space program (small by later standards), our gross national product has gone from around $440 billion a year to more than $1,000 billion.

HICKSVILLE, N.Y., REJECTS BUSING, SUPPORTS SCHOOL PRAYER, QUALITY EDUCATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LENT. Mr. Speaker, several issues which have been of prime concern to me since I came to Congress in 1971 have been forced busing, quality education, and prayer in schools. On June 13, the community of Hicksville, Nassau County, Long Island, N.Y., held a "straw vote" on these issues as a part of its school board elections. The questions were modeled after the questions put to the voters of the State of Florida in March, and the results are remarkably similar—thus bearing out the unanimity of opinion on these issues throughout the United States.

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I am including the results of the Hicksville voting in the RECORD at this point:

VOTING RESULTS

Do you favor an amendment to the U.S. Constitution that would prohibit forced busing and guarantee the right of each student to attend the appropriate school nearest his home?

	Percent
Yes (4,513)	78
No (1,249)	22

Do you favor providing an equal opportunity for quality education for all children, regardless of race, creed or color?

Yes (4,927)	87
No (724)	13

Do you favor an amendment to the U.S. Constitution to allow prayer in the schools?

Yes (4,307)	74
No (1,484)	26

AN OUTSTANDING ITALIAN-AMERICAN—THE HONORABLE NICHOLAS MARTINI OF PASSAIC, N.J., AND THE BOYS' TOWNS OF ITALY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROE. Mr. Speaker, my Eighth Congressional District of New Jersey was recently honored and privileged to have as our visitors to the 27th annual Passaic area committee assembly members and friends of Boys' Towns of Italy. Through the excellent chairmanship of the Honorable Nicholas Martini assisted by Messrs. Sol Eigen and Jasper Morici—all of Passaic, N.J.—over 325 persons convened at an anniversary luncheon meeting on May 18, 1972, at the Robin Hood Inn in testimony to the genuine enthusiasm and strong support that we all have for the good work that is being carried out by the Boys' Towns of Italy. It is interesting to note that Messrs. Eigen and Morici have been associated as cochairmen of this project with Mr. Martini for over 20 years.

The eminently distinguished Monsignor Carroll-Abbing, founder and president of Boys' Towns of Italy was the honored guest and received a warm reception by all of those in attendance. Miss Dana Valery, who was born in South Africa of Italian parents and is a most talented songstress of stage, screen, and television in both the United States and Europe and sister of singing star Sergio Franchi, highlighted her featured presentation on the program with her comment that in all of her travels throughout the world as an entertainer, "the single most outstanding character of American people is their great generosity, ability, and desire to help the needy and unfortunate.

Mr. Speaker, I respectfully request you and our colleagues here in the House to join with me in tribute and appreciation to Chairman Nicholas Martini whose personal unselfish efforts over the years have contributed so much to the cultural enrichment of our community, State, and Nation by the quality of his leadership and steadfast communion among all men that epitomize the grandeur and strength of pride in one's heritage, and particularly his Italian-American ancestry. We do, indeed, salute his integrity and exemplary lifetime of dedicated service on behalf of all mankind.

Mr. Martini was born in Paterson, N.J., in 1904, attended local public schools and graduated cum laude from Rutgers State University Law School in 1926. He was admitted to the New Jersey Bar in 1926 as an attorney at law and as a counselor at law in 1929. He has been admitted to practice before the U.S. Supreme Court, the Interstate Commerce Commission, and other Federal authorities. He is also a member of the Passaic County New Jersey State Bar Association, the American Bar Association, and the American Trial Lawyers Association.

He was elected to the honorary scholastic society of Kings Beach in 1926 and has served as a member of the academy of political science of Columbia University. He was elected city commissioner of the city of Passaic in 1935 where he served 5 consecutive terms or a total of 20 years. In 1943 he was elected mayor of the city of Passaic for a 4-year term. He was elected in 1937 as a freeholder in our Passaic County and was relected in 1940 to another term on the board of chosen freeholders of the county of Passaic, receiving consecutive reappointments until his retirement in 1961.

Mr. Martini was chosen as Passaic's outstanding citizen in 1951. In 1960 he was one of the founders, helped to organize and continues to be an active board member of the Passaic County Board of Technical Vocational Education. He headed many relief drives during World War II. He was especially cited by the President of the Republic of Italy and the Italian Government as national committeeman of American relief in Italy and for his outstanding efforts on behalf of Boys' Towns of Italy. In 1947 he was awarded the Star of Solidarity, the highest civilian award of the Italian Government.

He has been a member of this national committee since it was organized in 1943 and in 1945 it became Boys' Towns of Italy. He has been chairman of the Passaic area committee for the Boys' Towns of Italy for the past 28 years.

On May 14, 1970, Mr. Martini received the Golden Cross of Honor from the Italian National Foundation for Children. This was presented to him at the 25th anniversary dinner of the Passaic area committee of Boys' Towns of Italy by Monsignor Carroll-Abbing, Boys' Towns founder, in recognition of his extraordinary services to this organization.

Yes, we do indeed share the pride of his wife Theresa in Mr. Martini's outstanding achievements. I am pleased and privileged to be numbered amongst his many, many friends and to have him as a lifelong resident of my congressional district and ask my colleagues to join with me in national recognition and appreciation to all of his good works.

HON. ROBERT PRICE'S ATTENDANCE RECORD OF COMMITTEE ON SCIENCE AND ASTRONAUTICS IN HOUSE OF REPRESENTATIVES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, on page 20732 of the CONGRESSIONAL RECORD for June 13, 1972, Hon. ROBERT PRICE of Texas inserted a corrected copy of his special action report, a report which he mails to his constituency, which dealt with the attendance record of Members of the Texas delegation in the House of Representatives. In his original RECORD insertion which appeared in the RECORD for June 12, 1972 on page 20563. Mr. PRICE pointed with pride to his being the ranking Republican member of the Subcommittee on Space Science and Application. He also made mention of the fact of his other important subcommittee assignment, the Subcommittee on Manned Space Flight of which I am chairman.

Everyone in this body knows, Mr. Speaker, that the committee system is the heart of the Congress and most of the work of a Member is carried on within the committee. Since Mr. PRICE has made an issue out of attendance to support his bill that a Member of Congress should be expelled if he does not answer to at least 70 percent of rollcalls in the House; I took it upon myself to check upon Mr. PRICE's attendance on the "very important" committees on which he serves in the House Science and Astronautics Committee. The report follows:

Through June 14, 1972, there was a total of 85 full committee and subcommittee meetings held. Mr. PRICE was in attendance at 36 such meetings; being absent for 49. A breakdown of his attendance is as follows:

ATTENDANCE RECORD

FULL COMMITTEE (1ST SESSION, 92D CONGRESS)

January 26, 1971: Panel Meeting, Absent.
January 27, 1971: Panel Meeting, Absent.
January 28, 1971: Panel Meeting, Absent.
February 23, 1971: Organizational Meeting, Present.
February 25, 1971: National Science Foundation, Present.
March 2, 1971: NASA Authorization, Present.
March 3, 1971: NASA Authorization, Absent.
March 4, 1971: NASA Authorization, Present.
March 9, 1971: NASA Authorization, Present.
March 10, 1971: NASA Authorization, Present.
March 11, 1971: NASA Authorization, Present.
March 16, 1971: NASA Authorization, Absent.
March 30, 1971: NASA Authorization, Present.
April 1, 1971: NASA Authorization, Absent.
April 29, 1971: NSF Authorization, Present.
July 22, 1971: Tech Asst bill, Absent.
September 9, 1971: Apollo 15 Report, Present.
September 14, 1971: Metric bill, Absent.

October 21, 1971: Various Committee Items, Absent.

FULL COMMITTEE (2ND SESSION, 92D CONGRESS)

January 25, 1972: Panel Meeting, Absent.
January 25, 1972: Panel Meeting (PM), Absent.
January 26, 1972: Panel Meeting, Absent.
January 26, 1972: Panel Meeting (PM), Absent.
January 27, 1972: Panel Meeting, Absent.
February 8, 1972: Panel Meeting, Present.
February 9, 1972: NASA Authorization, Absent.
March 17, 1972: NASA Authorization, Absent.
March 22, 1972: Fire Safety, Present.
March 23, 1972: NASA Authorization, Present.
April 26, 1972: National Science Board, Present.
May 16, 1972: Apollo 16 Report, Absent.

MANNED SPACE FLIGHT SUBCOMMITTEE (1ST SESSION, 92D CONGRESS)

March 22, 1971: NASA Authorization, Absent.
March 24, 1971: NASA Authorization, Present.
April 2, 1971: NASA Authorization, Present.
April 3, 1971: NASA Authorization, Present.
April 5, 1971: NASA Authorization, Present.
July 23, 1971: KSC Land bill, Present.

MANNED SPACE FLIGHT SUBCOMMITTEE (2D SESSION, 92D CONGRESS)

February 10, 1972: NASA Authorization, Absent.
February 11, 1972: NASA Authorization, Absent.
February 17, 1972: NASA Authorization, Absent.
February 22, 1972: NASA Authorization, Present.
February 24, 1972: NASA Authorization, Present.
March 1, 1972: NASA Authorization, Absent.
March 2, 1972: NASA Authorization, Absent.
March 3, 1972: NASA Authorization, Absent.
March 8, 1972: NASA Authorization, Present.
March 8, 1972 (PM): NASA Authorization, Absent.
March 9, 1972: NASA Authorization, Present.
March 9, 1972 (PM): NASA Authorization, Present.
March 10, 1972: NASA Authorization, Absent.
March 10, 1972 (PM): NASA Authorization, Absent.
March 11, 1972: NASA Authorization, Absent.
March 14, 1972: NASA Authorization, Absent.
March 14, 1972 (PM): NASA Authorization, Absent.
March 16, 1972: NASA Authorization, Absent.
March 16, 1972 (PM): NASA Authorization, Absent.
May 31, 1972: U.S.-Soviet Program, Present.

SPACE SCIENCE & APPLICATIONS SUBCOMMITTEE (92D CONGRESS, 1ST SESSION)

March 18, 1971: NASA Authorization, Absent.
March 19, 1971: NASA Authorization, Absent.
March 19, 1971 (PM) NASA Authorization, Absent.
March 22, 1971: NASA Authorization, Absent.
March 25, 1971: NASA Authorization, Present.

SPACE SCIENCE & APPLICATIONS SUBCOMMITTEE (92D CONGRESS, 2D SESSION)

February 17, 1972: NASA Authorization, Absent.
February 22, 1972: NASA Authorization, Absent.
February 24, 1972: NASA Authorization, Absent.
February 29, 1972: NASA Authorization, Absent.
March 1, 1972: NASA Authorization, Absent.
March 2, 1972: NASA Authorization, Absent.
March 7, 1972: NASA Authorization, Absent.
March 8, 1972: NASA Authorization, Present.
March 9, 1972: NASA Authorization, Present.
March 14, 1972: NASA Authorization, Absent.
March 16, 1972: NASA Authorization, Absent.
March 16, 1972 (PM): NASA Authorization, Absent.
March 21, 1972: NASA Authorization, Absent.
May 2, 1972: Briefings, Present.

SUB-COMMITTEE ON NASA OVERSIGHT

(Member during 1st Session, 92nd Cong. only)

May 13, 1971: Organization Meeting, Present.
June 15, 1971: OAO & Mariner, Present.
June 16, 1971: OAO & Mariner, Present.
June 17, 1971: OAO & Mariner, Absent.
June 18, 1971: OAO & Mariner, Absent.

SUB-COMMITTEE ON INTERNATIONAL COOPERATION

(Member during 2nd Session, 92nd Cong. only)

June 13, 1972: US-Soviet Relations, Absent.
June 14, 1972: US-Soviet Relations, Absent.

RECAPITULATION

Full Committee (1st & 2nd Sess. 92nd Cong. thru June 14, 1972)

Absent, 15.
Present, 16.

Manned Space Flight Sub-Committee

Absent, 15.
Present, 13.

Space Science & Applications Sub-Commitee

Absent, 15.
Present, 4.

NASA Over-Sight Sub-Committee (1st Sess. only)

Absent, 2.
Present, 3.

International Cooperation Sub-Committee (2nd Sess. only)

Absent, 2.
Present, 0.

BALTIC STATES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. GRIFFITHS. Mr. Speaker, the history of the Baltic Nations has been one long tragic struggle against czarist and Soviet imperialist designs to secure outlets on the Baltic Sea. The middle of June marks the anniversary of two major events in the loss of independence by the Baltic States and their absorption by the Soviet Union. Between June 14 and June 17, 1940, the Soviets presented the three nations of Estonia, Latvia, and Lithuania with ultimatums and then invaded and occupied them. This was followed by incorporation of these nations as constituent republics in the Soviet Union.

Many years have passed since these tragic days. A whole generation has grown up which has never heard of the mass deportations of Baltic peoples into Russian slavery. Many do not even know that Latvia, Estonia, and Lithuania ever existed on the face of the earth as independent and free nations.

Despite the captivity in which they live, despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands. It is my hope that someday the Baltic States will again be able to resume their rightful place in the community of nations, and that the desire for freedom which so many of their peoples cherish will be rewarded.

F. M. LINDSAY—A NEWSPAPERMAN AND CIVIC LEADER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. SPRINGER. Mr. Speaker, F. M. Lindsay was a businessman and civic leader without peer in the central Illinois industrial city of Decatur.

Few other men in the last half century had as much impact on the life of that community.

His death on Sunday, June 11, at the age of 92, leaves a void that will be hard to fill.

At his death Mr. Lindsay was chairman emeritus of the Lindsay-Schaub Newspapers, publishers of the Decatur Herald and Review, the Champaign-Urbana Courier, and other daily newspapers in East St. Louis, Carbondale, and Edwardsville in Illinois as well as the Midland, Mich., Daily News and two newspapers in Florida.

Mr. Lindsay was born on November 9, 1879, the eleventh of 12 children of John and Edna Nicholson Lindsay, who were among the earlier families settling in Macon county. He began his newspaper career as a 7-year-old carrier boy for a local labor newspaper. He worked his way through the University of Illinois where he earned a bachelor of laws degree in 1904. He was admitted to the practice of law in Oklahoma but soon went into the newspaper business, first in Shawnee, Okla., and then in Decatur.

F. M. Lindsay gained control of the Decatur Herald in 1920 and became general manager of the Herald and Review when the two papers were consolidated in 1931. In 1947 he succeeded the late H. C. Schaub as president of Decatur Newspapers, Inc. The corporate name was changed to Lindsay-Schaub Newspapers in 1952.

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I have known F. M. Lindsay in many different ways during the 22 years that I have represented the Decatur area in Congress. Even before I came to Congress I knew him, first as an opponent to my candidacy, one of my worst opponents I may say, in the Republican primary campaign of 1948 when I challenged incumbent Congressman Rollo McMillen and lost. Two years later, however, when I was first elected to the Congress, F. M. Lindsay was one of my best friends. You might ask how this change was possible. The reason was quite simple. Rollo McMillen, a Decatur attorney, was a lifelong friend of F. M. Lindsay and Mr. Lindsay was a man who stood with his friends. In 1950, after Mr. McMillen decided to retire, Mr. Lindsay was quick to say that he had admired the way I conducted my 1948 campaign without making any personal attack on Congressman McMillen, who was a very honorable gentleman. This appealed to Mr. Lindsay and our relationship has been a friendly one through the years.

To say that F. M. Lindsay was one of our State's most successful newspaper publishers is the truth but not the whole truth. At the same time he was a dedicated worker for the good of the community in which he lived and a devoted family man.

After being honored for his service to the Community Chest in 1953, he said:

I have always felt that one should strive to do all that he can for his own family betterment; secondly, to do all that he can for his local community, in making it a healthy and most pleasing place to live.

Mr. Lindsay's first wife, the former Vivian Simpson, died in June, 1919. Their son, Merrill (F. M., Jr.), is president of Lindsay-Schaub Newspapers. In 1921, Mr. Lindsay married Marjorie Ruth McKay of Sarnia, Ontario, who survives with their three children, Donald M., of Champaign-Urbana, and Marjorie E. and Shirley J., both of Indiana Lakes Estates, Fla.

In extension of my remarks I include the following editorials from the Decatur Herald and the Champaign-Urbana Courier:

[From the Decatur Herald, June 13, 1972]

INDEPENDENCE GUIDED F. M. LINDSAY

Although F. M. Lindsay, chairman emeritus, of the board of Lindsay-Schaub newspapers who died Sunday, traveled extensively, and had interests that knew no boundaries, his home was in Central Illinois.

His mother and father came to Macon County in the period of 1845 to 1851 and in 1879 Mr. Lindsay was born. He was active in high school athletics, and was a 1904 graduate of the University of Illinois. He continued an interest in the growth of the university and its athletic program.

The family attachment to the area also meant a newspaper attachment as his father operated the Decatur Labor Bulletin in the later part of the nineteenth century. After the death of Mr. Lindsay's father the Bulletin was consolidated with the Decatur Herald.

Following a brief association with the Decatur Review in the advertising department, Mr. Lindsay bought the Decatur Herald in 1912. The names of Lindsay and the Herald were inseparable in those years prior to consolidation with the Decatur Review in 1931.

Mr. Lindsay developed a newspaper with a broad view of the local, state and national scenes. Because it was a morning paper, its delivery area covered large parts of Central Illinois just as it does today and many people outside Decatur became familiar with the paper.

Although Mr. Lindsay was a businessman he was vitally interested in the editorial content of the Decatur newspapers and particularly the editorial page. His interest in politics and life at all levels of society was reflected in the Herald and later in the Herald and Review through editors such as Warren Hardy and Edward Lindsay, his nephew.

In those early years, the Herald developed standards that have alwaya been a part of Lindsay-Schaub newspapers. Mr. Lindsay carried his interest in public services beyond the newspapers to personal service in a variety of Decatur activities, and he served on nonpaying state boards under governors Horner, Green, Stevenson, Stratton and Kerner.

Through it all he was a fiercely independent man, and he wanted his editorial pages the same way. He wanted editorials to comment on events without fear and without obligation to any political party.

His respect for the nation's political heritage and democratic system and his desire for independence were described in these writings of his:

"Over the years we have stressed the two-party system and have encouraged those who think independently to show their strength at the polls by supporting the party that represents best the most constructive modern thinking that comes with the changing needs as society progresses. . .

"Our newspapers should never be content to depend upon the two parties to completely monopolize the thinking and decisions for the future. Such a policy and principle would ultimately lead us to a one-party domination. Our two parties should always be forced to give full consideration to the ideas of the independent voters group."

Those words ripen with age.

[From the Champaign-Urbana Courier, June 13, 1972]

F. M. LINDSAY, 1879–1972

Persons throughout the newspaper industry, and especially this organization, will remember F. M. Lindsay for his dedication to the business and his contribution to its growth in public service.

Mr. Lindsay died Saturday at the age of 92. He was chairman emeritus of the board of Lindsay-Schaub newspapers.

While he was the kind of man who easily could have become an institution in his own time, those who encountered him over the years remembered his warm, friendly manner and his deep concern for individuals. Often he expressed his feelings for mankind most eloquently.

It was this concern that led him to considerable activity in public affairs that ranged far beyond the newspaper business. His interest in local, state and national politics left its imprint on the newspapers in this organization, and throughout his years he remained intensely interested in affairs of all communities served by Lindsay-Schaub newspapers.

Of course, he was most active in his home town of Decatur, where he served in a variety of public service activities.

In addition he served on a number of governmental boards and agencies concerned with orderly growth of the community.

He dearly loved the University of Illinois, from which he was graduated in 1904. Through the years he was active in alumni affairs, and was a devout Illinois athletic fan. Although he never served the university in an official capacity, he followed its growth and counseled its leaders.

Mr. Lindsay was a busy man all his life, but he also found time to serve at the state level as well as the local, and he particularly enjoyed service on the State Housing Board. He was appointed and reappointed by governors Horner, Stevenson, Stratton, and Kerner.

As one of the founders of this newspaper organization, Mr. Lindsay felt deeply about the public service role of newspapers and their leadership responsibilities.

As guidance for those who would come after him in the organization a book was published some years ago containing statements made by Mr. Lindsay to owners and employees of the company. The last paragraph of that book is a sample of what he left for us:

"We are living in one of the great history-making periods of government—local, state, national and international. I have great faith in the ultimate success of those who believe in individual freedom. Human minds with freedom of expression will ultimately succeed in bringing about a sounder and a better world."

EDUCATION IN AMERICA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. LANDGREBE. Mr. Speaker, the importance and value of education in America today cannot be overestimated. Although critics of the system demean teaching methods and students protest course selections, education remains the keystone to a successful life.

Statistics prove that more and more people are taking advantage of the classroom experience offered by a greater number of teachers. The number of high school graduates increased 2.4 percent this year alone.

Worthwhile education, of course, is not limited to schools. All of us should work hard at remaining "students" throughout our lives. My first employer, Bill Schleman, was a warm-hearted and knowledgeable old relator who taught me several invaluable lessons. One of his favorite proverbs has also become one of mine—"Do not make excuses—make good" and "always stay on good terms with your pocketbook."

An open mind and an inquisitive nature are the best tools a lifetime pupil can possess. In a country like the United States, our republic form of government encourages the common man to rise according to his abilities, a good education is the best foundation we can have.

I therefore want to salute education for the constantly increasing opportunities it offers the citizens of this great Nation.

FURTHER GUN CONTROLS ARE NEEDED

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mrs. DWYER. Mr. Speaker, what more need be said to convince this Congress and this Nation that the time for further, more effective gun control legislation is now? How many more Americans—public figures and private citizens, alike—need be shot before we take affirmative action to restrain the flow of firearms and regulate the purchase and sale of weapons?

In 1968, as we know, Congress was practically shamed into enacting the Gun Control Act of 1968 by the public outrage following the assassination of Senator Robert F. Kennedy. Now, Gov. George Wallace, of Alabama, is lying paralyzed in the Washington suburbs after an unsuccessful, but still despicable, attempt on his life, with the assassin using a store-bought handgun.

In my home city of Elizabeth, N.J., one young man was killed and five other innocent people injured recently by a gunman who had no apparent motive. But more importantly, neither this gunman, nor Governor Wallace's would-be assassin, nor anybody else seems to have any apparent difficulty in obtaining their choice of weapon, regardless of their previous record.

Further reasons for immediate action—carefully documented and supported by facts—are outlined in the following editorials from the Newark Evening News and the Daily Journal of Elizabeth, N.J.:

[From the Newark Evening News, May 17, 1972]

NOW, A FEDERAL GUN LAW

In the aftermath of the appalling attempt on the life of Gov. George C. Wallace, thoughts compulsively turn to what can be done to eradicate the cancer of violence.

The effort must be as forceful and as multi-faceted as the disease itself. Removing the incentive for one person to commit violence upon another will require continuous attention to removing gross social and economic inequities. To succeed entirely would necessitate the eradication of mental aberrations that grow out of real and supposed injustices. Complexity of such endeavor is sufficient to challenge every resource. Total success would seem to lie beyond attainment.

There is, however, a reachable goal which, while not eliminating all possibility of violence, could substantially limit the means of committing violent crime—both by limiting access to concealable weapons and by aiding apprehension and prosecution to a point of deterrence.

That is the imposition of federal controls on handguns.

In the shock waves of the assassination of Sen. Robert F. Kennedy, Congress was aroused to do something about the accessibility of guns in a nation where they could be bought as readily as a pair of mail-order nylons or slacks. Congress waa aroused, but not very far nor fervently.

It outlawed the purchase of guns and pistols by mail order. It left it to the states to deal with over- (or under-) the-counter sales. The same lobbyists that riddled tough federal legislation with softening amendments then went to work in state capitals.

To its credit, the New Jersey Legislature withstood such erosive pressure to the extent of enacting one of the most effective gun-control bills in the country. The nationwide void, however, is deplorable—and stands as an open invitation to pack a pistol, if not on the hip at least in a closet or drawer.

The basic expedient of control enacted in New Jersey—that of fingerprinting applicants and compiling individual records of mental instability, alcoholism or drug addiction—goes a long way toward keeping guns out of the hands of the irresponsible.

In turn, those who, by reason of registration, can be held accountable are inclined to carefully supervise the accessibility of the guns in their possession.

The Senate rejected federal registration of firearms in the wake of Sen. Kennedy's assassination. This was shortly before the National Commission on the Causes of Prevention of Violence—a study commission established after his brother's assassination in 1963—reported an alarming rise in the number of pistols and revolvers being produced or imported in the United States.

In the first six months of 1968, 1.2 million hand guns were made or brought into this country, as against 1.6 million in all of the preceding year. As such commissions usually do, this one went out of business after filing its report.

Not so the gun makers and importers. They're still thriving. In fact, business keeps getting better and better.

It should not have taken another attempt on the life of a political candidate to arouse Congress from the lethargy of evasion. But the crime having been committed on the person of Gov. Wallace, the compelling incentive exists once more.

Retreat behind "fancied self-defense" or "protection of home and health," or by way of distorting the "militia clause" in the constitutional right to bear arms can no longer be justified. Stringent controls on the possession of firearms, particularly handguns, can and must reduce their wanton use to the lowest limit that is humanly attainable.

[From the Elizabeth Daily Journal, May 19, 1972]

GUN CONTROLS: SHOOTING OF GOVERNOR WALLACE DRAMATIZES THE NEED FOR TOUGHER FEDERAL LAWS

The fact that it took federal agents only 10 minutes to trace the purchase of the gun that seriously wounded Gov. George C. Wallace proves that the 1968 Federal Gun Control Act is worthwhile. Without this form of registration, it would have been difficult to pinpoint ownership of the weapon in the event that Gov. Wallace's suspected assailant had escaped.

The Wallace shooting gives fresh impetus to attempts to strengthen existing gun control laws that still allow millions of handguns to be imported into the country and to cross state lines without any trouble. Gov. Wallace is the 10th man seeking or holding the office of the President to be an assassin's target, and in nine of the ten cases the weapon used was a handgun.

Strengthening the law won't be easy. The assasssination of Martin Luther King and Robert F. Kennedy in 1968 led to passage of the Gun Control Act, which prohibited the mail order or other interstate purchase of firearms and ammunition by persons who do not live in the dealer's state. But intensive lobbying by the National Rifle Association caused deletion of a provision requiring national registration of every firearm and licensing of every gun owner.

Experience has ahown that the 1968 legislation is easily circumvented. Cheaply imported parts for "Saturday Night Specials" still flood the market. The ban against interstate mail order sale of firearms has been sidestepped by the shipping of guns between licensed dealers in different states. A person need only place an order locally and wait for the weapon to arrive at the dealer for pickup. It is estimated that eight out of 10 handguns in such cities as Boston and New York came from other areas.

There were an estimated 24 million handguns in private hands in 1968, according to the National Commission on the Causes and Prevention of Violence. An additional 2.5 million are being manufactured domestically or imported every year. One new handgun is sold in the United States every 13 seconds, and used handguns are being traded at the rate of two a minute.

Not all of these guns get in the hands of criminals, of course. The Commission on Violence estimated that about half of all American households have firearms. That helps to explain why most murders are committed in the home.

It is just as important to keep guns out of the home as out of the hands of criminals, political terrorists and psychopaths. Federal controls would by no means bring about instant disarmament, but they would gradually reduce the supply of weapons and make it more difficult for crimnials and disturbed persons to secure firearms without some risk of discovery.

One of the ironies of the Wallace shooting is that he has been opposed to gun controls, and that the assassination attempt took place in a state which recently enacted a law banning concealed weapons and the transporting of handguns. The weapon used in the Wallace shooting, however, was bought in Milwaukee.

In the absence of effective laws in other states, guns can easily be brought into Maryland or New Jersey or Massachusetts, all of which have various control laws on the books. In Massachusetts, for example, a 10-year study by state police traced 87 percent of the guns used in crime in that state to out-of-state purchases.

Despite this evidence of daily murder, and the more sensational attacks on public figures, the gun lobbyists and the National Rifle Association are mobilized to the point where the 1968 Federal Gun Control Act might possibly be repealed and replaced with a federal law which the "American Rifleman" claims will be aimed at controlling criminals rather than harassing gun owners. Fourteen separate bills to repeal the law are pending in the House.

Meanwhile, a public terrorized by armed criminals and concerned over the future of democratic institutions must content itself with reading such scatter-brained slogans as "Register Communists, Not Guns," and "Guns Don't Kill People, People Do." Mull that over the next time someone waves a revolver at you and think how much easier it would be to avoid a knife, rope, brick, a pair of hands, a karate chop or even a bow and arrow.

BETHESDA-CHEVY CHASE CHAMBER OF COMMERCE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GUDE. Mr. Speaker, it is a distinct pleasure for me to have this opportunity to commend the Bethesda-Chevy Chase

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Chamber of Commerce for being the first business organization in suburban Maryland to receive full accreditation from the U.S. Chamber of Commerce.

One glance at the fine record of achievement of this chamber and the reasons for their unique and honored status are easily recognized. Last year alone 19 new businesses were brought into the Bethesda area; new buildings or additions to old ones were completed providing over 1,000 new parking spaces; 1,317 newcomers were given information about Bethesda and its businessmen; and marketing surveys for local businessmen were conducted. But the chamber's efforts were not confined to these areas of service alone. The chamber actively and effectively represented the interest of its members before the Montgomery County Council, the State legislature, and their representatives in Congress.

It is a worthy tribute that the Bethesda-Chevy Chase Chamber of Commerce should be the first to receive accreditation. It is a great pleasure for me to serve the members of this outstanding organization.

SALUTE TO EDUCATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. GUDE. Mr. Speaker, the education of our children is our best investment in the future of this country. Estimated expenditures for the past school year equal more than $46 billion, but dollar figures simply cannot measure the dedication of the entire educational establishment in encouraging our young people to reach their highest potential.

The education of America's youth must always be a matter of top priority. Elementary and secondary education encompasses far more than instruction in the basic skills or preparation for future careers. In challenging students to think on their own, in developing interaction skills and successful intergroup relationships, today's schools prepare our children for active roles in tomorrow's society—whether at work, at home, or in involvement in civic affairs.

With a pupil enrollment for last year of over 48 million, taught by more than 2 million teachers, our schools represent a vast commitment to the future progress of America.

ETHEL MARSDEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ASPIN. Mr. Speaker, I have recently been notified of the death of a most remarkable constituent, Mrs. Ethel Marsden. I would like to share a few thoughts on this admirable lady.

Mrs. Marsden was, in the words of a relative, "a model of self-reliance, in the Emersonian sense." She would never have thought of asking for public support, instead, working at a variety of jobs in order to raise her family. As her relative said:

It is sad that the courage and philosophy which mark the lives of men and women like Mrs. Marsden must pass unnoticed; while those who opt for the less honorable path achieve acclaim.

I think it is fitting that we pay tribute to this gallant lady, from whom we can all learn. Her integrity, courage, strength, and indomitable will reaffirm the real ideals of America.

YOUGHIOGHENY CLEANUP CAMPAIGN 1972

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. BYRON. Mr. Speaker, last year and again this year, it was my pleasure to be a part of the kickoff of the annual Youghiogheny River and Lake Cleanup Campaign. I want to congratulate Mr. Burl B. McVicker, reservoir manager of the Corps of Engineers, and the other officials who helped organize this year's events.

This has been an annual event on the Youghiogheny since 1967, and its success can be measured by the year-round interest in keeping the river and lake as clean as possible. I would like to commend all those citizens who have worked so hard to make the campaign a success. Once more these citizens have set an example that others should continue to try to emulate, and I wish them success during the remainder of the cleanup campaign.

HOUSE OF REPRESENTATIVES—*Wednesday, June 21, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I am doing a great work, so that I cannot come down.—Nehemiah 6: 3.

O Thou who art the Author of life and the Giver of every good gift, whose presence and power underlie all our lives, unto Thee do we lift up our hearts in prayer.

We confess that we often forget the greatness of sincerity, the power of love, and the influence of goodness. Grant that we may clothe ourselves with such devotion to duty and such dedication to deity that in daily life we may set forth the greatness and the glory of moral character.

We pray for our country that leaders and people may turn to daily tasks without doubt or fear, relying upon the guidance and the support of Thy Spirit. May we in America not be dismayed for Thou art with us and wilt take care of us every day and all the way; through Jesus Christ our Lord in whose spirit we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3230) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6957) entitled "An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. CHURCH, Mr. MOSS, Mr. HANSEN, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3617. An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; and

S. 3715. An act to amend and extend the Defense Production Act of 1950.

THE WELFARE PROBLEM—LESSON NO. 1

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs. GRIFFITHS. Mr. Speaker, I want to tell you the sad story of Charlie, a 53-year-old man whose case was reported in the June 11, 1972, Washington Star.

Charlie lost his $15,000-a-year job, but he and his wife and daughter could qualify for $284 a month under his State's welfare program. This money is tax free and unattachable for debt. He also received food stamps.

The article reports that Charlie was offered a $2-an-hour, 30-hour-a-week job. From this money he would have had to pay social security taxes amounting to $3.10 per week, plus union dues, plus the cost of getting to work. The food stamp bonus would have been reduced.

So Charlie faces a genuine welfare problem. Should he take the $71 a week his family could get, or the $2-an-hour, 30-hour-a-week job? Obviously, the $71 a week from welfare is a far better offer.

We purport to build into the welfare system work incentives, but truth is stranger than fiction. The welfare system is inequitable alike to the recipient and to the taxpayer. It does not have work incentives; it has work disincentives.

Mr. Speaker, the whole mess should be junked and we should start over.

SALUTE TO EDUCATION

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, today the National Education Association sponsors its first annual salute to education. The purpose of this occasion is twofold: first, to recognize the role the Congress has played in the support of our Nation's schools; and second to emphasize the importance of education to a free society.

It has been a distinct honor for me to have had over the years as a close personal friend, one whose life has been dedicated to work in these two areas. I am referring to Mrs. Catharine O'Connor Barrett, a teacher in Syracuse, N.Y., and the current president-elect of the NEA. She will become its president at the end of this month.

Mrs. Barrett's accomplishments and the numerous formal awards conferred upon her indicate, I feel, the range of her involvement in the effort to improve the nation's educational system. As a teacher she taught for several years in the inner-city district of Syracuse. As a reformer she has called for extensive political action by teachers. In her own words—

We've seen how teacher power—in the form of collective negotiation—has worked at the local level. This same teacher power—in the form of political action—is needed at the national level.

As a Member of this body and as a friend, I applaud Mrs. Barrett's past and current endeavors. Also, on the occasion of this salute to education I take this time to salute the thousands of other educators, administrators, and legislators who through their dedication and hard work have built and now seek to perfect, our institutions of learning.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on Thursday last, June 15, it was necessary for me to be in my congressional district on business and I missed the following votes:

Recorded teller vote No. 203, had I been present I would have voted "aye."

Recorded teller vote No. 204, had I been present I would have voted "aye."

Recorded teller vote No. 205, had I been present I would have voted "aye."

Recorded teller vote No. 206, had I been present I would have voted "no."

Rollcall No. 207, had I been present I would have voted "yea."

Rollcall No. 208, had I been present I would have voted "yea."

THE REVENUE-SHARING BILL

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, it has been interesting to watch the unfolding of the gyrations and manipulations with respect to this euphoniously labeled revenue-sharing bill.

Last week the news media informed us that Gov. Nelson Rockefeller of New York, and the gentleman from Arkansas (Mr. MILLS) who is also one of several presidential candidates, had finally decided they now have the votes to obtain congressional approval.

It can be assumed that some of the mayors feel the same way.

On behalf of at least some Members of the House, let me simply say, Mr. Speaker, that on this 21st day of June 1972, A.D., and after weeks of dilly-dallying, we thank Mr. Rockefeller, Mr. MILLS, and the assorted mayors for giving us permission to consider so-called revenue sharing.

A SALUTE TO EDUCATION

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. SHRIVER. Mr. Speaker, many of us will join this evening in a special salute to education, sponsored by the National Education Association. In joining this occasion, we will be paying tribute to the heart of our education system: Our Nation's teachers.

All of us have fond and grateful memories of our own elementary and secondary teachers. Perhaps their lasting influence is most obvious to those of us who have chosen public service as a career, for they themselves are our finest public servants.

In my own case, the favorable impressions I obtained during those early years led me to go into the teaching profession in South Haven, Kans., after graduating from college. I have benefited from a continued close relationship with the teachers in our local schools through my service for 9 years as attorney for the Wichita, Kans., Board of Education, 12 years on the Education Committee of the Kansas House of Representatives and Kansas Senate, and these 12 years in the House of Representatives.

As a member of the Appropriations Subcommittee on Labor—Health, Education, and Welfare, I value the advice and counsel I have received from many teachers in my congressional district concerning Federal education programs and the need for increased funding. As the Federal role in the financing of education grows, and it must, it is important for all of us to listen to these voices of experience.

It is with pleasure that I join in this tribute to our Nation's teachers.

CALL OF THE HOUSE

Mr. GIBBONS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 213]

Abernethy	Ford, William D.	Pryor, Ark.
Abourezk	Galifianakis	Rees
Alexander	Gallagher	Riegle
Badillo	Hagan	Rooney, N.Y.
Bingham	Hastings	Rosenthal
Blanton	Hogan	Scheuer
Blatnik	Hosmer	Schmitz
Celler	McCormack	Springer
Chisholm	McDonald, Mich.	Steiger, Ariz.
Clark	McEwen	Stokes
Clay	McKinney	Stratton
Conyers	Metcalfe	Teague, Calif.
Davis, Ga.	Miller, Calif.	Thompson, N.J.
Davis, S.C.	Pelly	Wyatt
Diggs	Pike	Yatron
Dowdy	Podell	
Erlenborn		
Esch		

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

POSTMASTER OF THE HOUSE OF REPRESENTATIVES

Mr. TEAGUE of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 1023) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1023

Resolved, That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives, effective on July 1, 1972.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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THE DRIVE AGAINST ORGANIZED CRIME—LONG AWAITED RESULTS NOW FORTHCOMING

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, 5 years ago the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, which I chaired until the start of the 92d Congress, undertook a comprehensive review of the adequacy of the Federal effort against organized crime. The study culminated in a report by the House Government Operations Committee issued on June 20, 1968 and titled "Federal Effort Against Organized Crime: Report of Agency Operations" (House Report No. 1574, 90th Congress, second session).

Basically, the report characterized the Federal effort as inconstant, uncoordinated, and, at times, ineffective. The committee report concluded that only through an upgrading of the strike force concept, whereby various Federal agencies concentrate on eradicating organized crime in a particular area, could the war against organized crime be won. It is very encouraging to learn that the strike force concept has been expanded and improved through the increased efforts of a number of agencies, including the FBI, and that greater success is being achieved against the forces of organized crime. A large portion of the credit for the improved Federal response to organized crime belongs to Henry E. Petersen, the recently appointed Assistant Attorney General for the Justice Department's Criminal Division, who is one of the country's leading experts on the workings of organized crime and the great harm that it causes.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 996

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources and to authorize Federal collection of State individual income taxes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, H. Res. 996 provides for a closed rule, waiving all points of order, with 8 hours of general debate for the consideration of the bill, H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

This is the so-called revenue sharing bill. The purpose of H.R. 14370 is to provide payments to localities for high-priority expenditures to encourage the States to supplement their revenue sources, and to authorize Federal collection of individual income taxes.

The legislation provides for the distribution of specific dollar amounts of fiscal assistance for a limited 5-year period and the Federal Government provides guidelines as to how the funds are to be spent. The funds made available to State governments are designed to encourage them to expand their revenue efforts either by greater use of income taxes or other revenue sources.

The total amount of money that will be distributed effective as of January 1, 1972, is $5.3 billion.

The total is: $1.5 billion to the States and about $3.5 billion to the local governments.

Direct appropriations to State governments; distribution to local governments used for "high priority areas" are as follows:

This is money for cities of 50,000 population or under and cities of 50,000 population or over—each one of them getting half of the $3.5 billion may be used for public safety, environmental protection, public transportation—maintenance and operation—sewage collection and treatment, refuse disposal systems and public transportation.

Mr. Speaker, the funds distributed to the States are for their unrestricted use and approximate $1.5 billion.

Now we know how effective this bill is so far as the cities are concerned. We have had the mayor of the city of Baltimore tell the leadership of this House that unless legislation of this type goes through, he is going to have to lay off, as I understood him, 15 percent of the police department of the city of Baltimore.

We have had the mayor of the city of Detroit and the mayor of New York City and the mayor of the city of Boston and the Governors of the 50 States pleading with us to get this bill out of the House.

So it is finally here. Two months ago it looked as though this bill was going to pass so easily. Suddenly, the liberal movement in this House thought there were other priorities. Then on the other side, there were the conservative group who said that this was an excellent opportunity for economy.

Then there was a group of the various committees, particularly the Committee on Appropriations who thought that we were transgressing on their rights.

So I think it is a very, very close bill.

The gentleman from Arkansas (Mr. MILLS) appeared before the Committee on Rules. When the hour of debate is through, I will move the previous question. If the previous question prevails, the vote will then be taken on the rule.

If the previous question does not prevail, I presume that the Chair will recognize the gentleman from California (Mr. SMITH) who will move to strike out all points of order.

What will happen then? The gentleman from Arkansas (Mr. MILLS) will not go forward, as I understand—but the bill will go back to committee.

Will it ever be reported again? I do not know. But it is on you—as to whether you want to vote for tax relief for the people of your towns.

If you want to give money to the cities that are so hard pressed and if you want to give money back to the States, it is up to you to make that decision.

The vital vote, in my opinion, is the vote on the motion to move the previous question.

If the previous question does not prevail, let me say this again to all of you who have told your Governors—"Well, I intend to vote for the rule." Then you have said to yourself—but I am going to vote against the previous question—you have kidded your mayor and you have kidded your Governor.

If you want to be true to yourself—if you have made a commitment to vote for the rule—then you have made a commitment to vote for the previous question.

I think this legislation is necessary. I think it is urgent for the cities and the towns. I hope the rule prevails.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am happy to yield to the Speaker of the House.

Mr. ALBERT. Mr. Speaker, apropos of what the gentleman has just been saying, the practical issue here is that the adoption of the previous question and of the rule is essential to getting a revenue sharing bill passed. The substantive issue is one which, if it is not important and if the legislation proposed is not necessary, then scores of mayors and Governors across the land are not informed about the needs of their cities and States. The problems of our cities are crying out for solution. This is a practical way of beginning a solution. We should vote up the previous question, vote up the rule, and proceed to the consideration of the bill.

Mr. O'NEILL. I thank the Speaker. I yield to the gentleman from New York.

(Mr. DELANEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DELANEY. Mr. Speaker, revenue sharing is an idea whose time has come.

The financial soundness of our State and local governments is essential to our federal system.

The critical problems that face our Nation today are primarily matters associated with our cities and urban areas. States, and particularly our local governments, bear the brunt of our most severe and difficult domestic problems.

While growing population and urbanization place more and more demands on States, counties, and cities for public services, these non-Federal government units are finding it almost impossible to raise sufficient funds to cope with the magnitude of jobs facing them.

To provide a more effective means of coping with this massive problem, and at the same time ease the heavy load on our taxpayers, I strongly supported—and cast the key vote—to report the revenue sharing bill out of the Committee on Rules.

This measure will provide $649.6 million to New York during the first year, and a slightly larger amount during the next 4 years.

The money provided by this legislation is to be used for high priority items—police and fire protection, environmental protection, and public transportation.

Under the bill, a certain amount of flexibility is allowed, and local governments are permitted to decide for themselves how much money should be spent on each of the priority items.

Because this is a new program, it is limited to 5 years. This assures a reasonable opportunity to see how the program works, and at the same time provides Congress a chance to make any adjustments or revisions that might be necessary.

By providing funds to alleviate some of the problems associated with these high priority items, States and local communities can use their own resources in other areas which demand attention.

Another aspect of this legislation would allow the Federal Government to collect State income taxes if at least five States, having a minimum of 5 percent of the Nation's taxpayers, agree to accept such a program.

Because of the efficiency of the Federal Government in collecting taxes, this would offer a more economical method of collection, and would simplify the annual problem of completing tax returns.

Revenue sharing offers a realistic approach to improving the quality of life in our communities—and at the same time lifts from our working men and women some of the heavy tax burden they now bear.

Mr. O'NEILL. Mr. Speaker, I yield to the gentleman from California 30 minutes.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the 30 minutes of time that each of us, the gentleman from Massachusetts (Mr. O'NEILL) and myself have available would not be sufficient to take care of all the requests we have. and so the time of everyone will be cut down a little bit. I will try to yield half the time to the proponents and half the time to the opponents of the rule. I would appreciate it very much if I am not interrupted during my remarks, so I can figure out accurately what time I will have left. After I have finished my remarks, if Members wish me to yield, I shall be glad to yield at that time, if I have time remaining.

Mr. Speaker, in view of the fact that we have so many requests for time, I now ask unanimous consent that all Members may extend their remarks in the RECORD on the rule (H. Res. 996), which we are now considering.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, the Rules Committee, by an 8-to-7 vote, reported House Resolution 996 which provides for a closed rule, waiving points of order, with 8 hours of debate for the consideration of H.R. 14370, the revenue-sharing bill.

I am certain that city, county and State officials throughout the United States would be more than happy to receive any amount of money they can from the Federal Government. No doubt they are having trouble in raising the tax money to pay for their large expenditures. However, it seems to me that if the people demand many, many services, they should realize that they are going to have to pay for them. Be that as it may, Mr. Speaker, I am not arguing for or against the passage of the bill. My comments will be confined to my oppposition toward the rule.

A waiver of points of order means that no objection can be made by any Member to any part of the bill subject to a point of order. So far as I am concerned, the only language in the bill which is subject to a point of order is the "appropriation language." This appears on pages 18 and 19 and pages 32 and 33.

A closed rule means that no amendment can be offered by any Member other than at the direction of the Ways and Means Committee. We usually do this on revenue bills so that the entire Internal Revenue Code will not be open to amendment. If we did not do so, days and possibly weeks could be spent in connection with amendments offered by various Members to change various revenue provisions.

H.R. 14370 is a 5-year authorization and appropriation bill. The Ways and Means Committee has no jurisdiction to appropriate money. This comes under the jurisdiction of the Committee on Appropriations. The rules prohibit any committee other than the Appropriations Committee to contain language in any of their bills which would appropriate money. I believe this is the first time that I can recall an effort being made by the Ways and Means Committee to appropriate money.

I am not certain that the Ways and Means Committee has authority to authorize appropriations, nor am I certain that they have the jurisdiction to do what they are attempting to do in this bill. They do have jurisdiction over revenue measures, generally. But as I say, I am not certain that this bill comes within that jurisdiction. It certainly has nothing to do with obtaining revenue. It is simply a distribution of Federal revenue to cities, counties, and States.

In taking this action, the Ways and Means Committee is not only circumventing the Appropriation Committee but several other committees who have authorization jurisdiction over certain subject matter in the bill; namely, Public Works, Banking and Currency, Judiciary, Education and Labor, and Interstate and Foreign Commerce.

During the time that this measure was being considered by the Rules Committee, it occurred to me that there might not be sufficient votes on the Rules Committee to grant a closed rule, waiving points of order.

Accordingly I prepared, with the cooperation of the Parliamentarian and two of his assistants, a modified rule. Subsequent to the action taken by the Rules Committee I introduced my modified rule as House Resolution 1006. All Members were provided with a copy of House Resolution 1006 under date of June 8. Some are available at the desk now.

During the executive session of the Rules Committee I explained the provisions of my modified rule. It provides for 8 hours of debate, does not waive points of order and will permit amendments to be offered by any Member to sections 1 through 143 of the bill. As I previously mentioned, the appropriation language is within that part of the bill. Further, it provides that no amendment can be offered by any Member except pursuant to the direction of the Committee on Ways and Means to sections 144 and title II, the remainder of the bill.

Those are the income tax provisions that have to do with the States. I have heard no comment one way or the other about amendments or criticism on those, so they will be closed, but the first 143 sections will be open to amendment by any Member, and also points of order can be made, which I believe is only on the appropriation language.

My modified rule specifically contains language on page 2 which will make it impossible to change any tax provisions. The language is as follows, and I quote:

"No amendment shall be in order that would have the effect of changing the Internal Revenue Code of 1954, as amended; increase or decrease any tax liability, or affect the administration of, or compliance with, any Federal tax law."

I wish to particularly stress this language because I have heard comments to the effect that if the previous question is defeated on House Resolution 996, it would mean that the bill would be considered under an open rule and the tax laws would thus be subject to amendment. This is not true with my substitute.

If the previous question is voted down the Speaker can recognize any Member he desires to recognize who has opposed

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House Resolution 996. I am certain that he would recognize the Member who, in his opinion, was the most logical person to be granted the 1-hour provided in the rules in order to offer an amendment to House Resolution 996. I would hope that he would recognize the gentleman from California. If he does, I intend to offer the language of House Resolution 1006 as a substitute for the language in House Resolution 996. As previously stated, this would provide for 8 hours of debate, would not waive points of order, would permit amendments to sections 1 through 143 and would prohibit amendments to the balance of the bill except pursuant to the direction of the Committee on Ways and Means. It would not permit any changes in any tax provisions presently in the law.

I have heard comments about possibly changing the formula. That is in the first 143 sections. Amendments could be offered to it. I think the Committee on Ways and Means has worked hard to set up this formula. I think they have a good formula, and they can justify it—or, if not, the bill should not be here today.

I explained this to the Rules Committee. In an effort to cooperate I moved my resolution in the Rules Committee for adoption, so the gentleman from Massachusetts (Mr. O'NEILL) could move House Resolution 966 as a substitute. In an effort to be fair, I felt that the members of the committee should have an opportunity to vote on the request made by Chairman MILLS. Had Mr. O'NEILL offered his first and then I offered mine as a substitute, and had it received eight or more votes, it would have been adopted and the committee would not then have had a chance to vote on Mr. MILLS' request. The Rules Committee adopted House Resolution 996 by a vote of 8 to 7. Thus, they did not have the opportunity to vote on my original motion which I intend to present, if recognized, and if the previous question is voted down.

I believe that if House Resolution 996 is adopted it will be the first time that we have ever taken this type of action on a bill from the Committee on Ways and Means. I think it will be a start in breaking down the legislative process. I sincerely believe that the bill can be supported under my substitute rule without being damaged. In fact, I think it will be a much better procedure to have the Appropriation Committee involved in the future and so far as I am concerned, if amendments are offered for an extra 1-year leadtime, it is perfectly satisfactory to me. I believe that the Ways and Means Committee can bring this bill up for consideration under my substitute and that they can prepare the necessary language to correct the situation—and probably they may have already done that. I am satisfied that that language has probably already been prepared.

I repeat, Mr. Speaker, that my substitute will not open any tax provisions. This would be an unthinkable thing to do. I repeat further, Mr. Speaker, that in my opinion the correct procedure would be to operate under the substitute which I intend to offer if recognized and if the previous question is voted down.

Mr. Speaker, I urge a "no" vote on the previous question on House Resolution 996.

Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, in view of the fact that I have so many requests for time, I ask unanimous consent that discussion on the rule be extended 30 minutes, with 15 minutes given to the gentleman from California (Mr. SMITH) and 15 minutes to myself.

The SPEAKER. The gentleman from Massachusetts asked unanimous consent that time for debate on the rule be extended an additional 30 minutes, the time to be equally divided between the gentleman from Massachusetts and the gentleman from California.

Is there objection to the request of the gentleman from Massachusetts?

Mr. COLMER. Mr. Speaker, reserving the right to object, my attention was elsewhere when the request was made. Do I correctly understand that the request is to extend the time on the rule?

The SPEAKER. The gentleman is correct.

Mr. COLMER. For how long?

The SPEAKER. For an additional 30 minutes for debate on the rule.

Mr. COLMER. Equally divided, Mr. Speaker, between whom?

Mr. O'NEILL. The reason why I am asking this is that the gentleman would like to have 10 minutes.

Mr. COLMER. I understand the reason why the gentleman is doing it.

Mr. Speaker, under my reservation, if I am in order, between whom is the gentleman going to divide the time?

Mr. O'NEILL. I asked unanimous consent for 30 minutes, with 15 minutes to the gentleman from California (Mr. SMITH) and 15 minutes to myself.

The reason I asked for this is that the gentleman, as chairman of the committee, asked for 10 minutes. I allotted five members opposed to the bill 3 minutes apiece. The gentleman was not satisfied with 3 minutes and is insisting upon 10. In order to satisfy him, as chairman of the Rules Committee, I have made this request.

Mr. COLMER. Mr. Speaker, on the basis of the statement of the gentleman from Massachusetts (Mr. O'NEILL) I am unwilling to set a precedent here in order that I may be heard for additional time. Therefore, I object.

The SPEAKER. Objection is heard.

Mr. O'NEILL. Mr. Speaker, under the circumstances, since there is an objection, I yield 3 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, my original inclination is to tell my friend from Massachusetts, a member of my committee, what he can do with that 3 minutes; namely, to assign it to others in spite of his commitment to me for 10 minutes.

Mr. O'NEILL. Mr. Speaker, how much of the gentleman's time has expired?

Mr. COLMER. Mr. Speaker, I cannot yield to the gentleman, under the circumstances.

Mr. Speaker, I have followed the policy, since I have been the chairman of the Rules Committee, of not bringing a resolution here to the floor under my name when I am opposed to that resolution. I do not believe that is a proper policy. So I have pursued a different policy of assigning such resolutions to members of my committee who favor the rule.

I have the right, of course, as chairman of the committee—of designating who will handle these rules. I am constrained to say now—although in deference to my friend from Massachusetts I will not say it—that I will be a little more careful in the future when I assign these resolutions.

Mr. Speaker, this is bad legislation; this is bad procedure.

Mr. Speaker, I admit I am out of temper, and I have stated the reasons therefor. I should not be, but the precedents of this House, the orderly procedure of this House, is such that I would not want to see the time extended, because once you start that, you are going to have that custom followed repeatedly. I would not be willing to do that, I say, in order that I may speak.

I thank the gentleman from Massachusetts for his generosity in yielding to me.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the resolution.

The vote that will shortly occur is not simply going to be on a procedural issue. It is going to go to the very heart of a substantive issue as to whether you want a revenue-sharing bill enacted in 1972.

I wish I had the time to point out the precedents for this kind of a rule—the 31 instances in this and two preceding Congresses where we have acted in similar fashion. I wish I had the time to go into the nine instances since June 29, 1971, when the Committee on Appropriations specifically requested the waiver of points of order on legislation it has brought to this floor.

But since I do believe the substantive issue is so important, let me take what little time I have to address myself to it.

Because the cynics among us, the skeptics, say revenue sharing is an idea whose time has come and gone, because it was conceived at a time when we anticipated a surplus and because now we are confronted with deficits, we should abandon forevermore the idea of revenue sharing. I do not happen to take that kind of dismal view of the future.

I believe if we build a strong, sound, healthy economy, Government revenues will rise, and if at the same time we can do something to curb the proliferation of categorical aid programs which have been coming forward in such profusion over the last several decades, maybe we can hold revenues and expenditures in some kind of a reasonable balance.

We had one bill alone in the Committee on Rules last week where a committee of this Congress asked to spend $5 billion in a categorical aid program in the next 12 months. We had 3 weeks ago the water pollution control bill asking for $18.5 billion over the next 3 years to

spend in a categorical aid type of program. We more recently, on last Thursday, had a $28 billion bill for the Departments of Labor-HEW. Most of that money is going to literally scores of categorical-type programs.

Let me say, Mr. Speaker, we need a new approach to the problems in this country. This is exactly what this bill is designed to be.

To my conservative friends over here who are quite properly concerned about correcting these distortions and the imbalance that has taken place in our Federal system, because of some of these trends I have just very briefly described, let me suggest to you that revenue sharing represents an opportunity not only to conserve our heritage of federalism but to strengthen and reinvigorate that system.

To some of my liberal friends over here who are concerned, and rightfully so, about the plight of our cities and about our inability to deal in a really effective manner with urban problems, let me suggest to them that they ought, of all people, to be willing in a progressive spirit, which they represent, to launch this progressive experiment in intergovernmental cooperation to see if we cannot encourage greater local initiative to find solutions, to free up some of our local governments from the relatively narrow constraints of the traditional categorical aid program.

I would suggest that it is only the traditionalists in this body who stand today between us and the enactment of a revenue-sharing bill.

They say we are going to circumvent the jurisdiction of one of the great committees of this House. Let me tell you this, that the administration's original bill which would have tied revenue sharing to a formula based on personal income tax was a permanent piece of legislation which realizes, and we realize in this bill, that unless we get away from the traditional categorical approach we are simply going to go down the road that we have been traveling so long, and so unsuccessfully to date.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, may I ask the gentleman from California if I may have 1 additional minute?

Mr. SMITH of California. I will say to the gentleman that he may have 1 of the minutes allotted to the gentleman from Michigan (Mr. GERALD R. FORD), if that is all right with Mr. GERALD R. FORD.

Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, in an attempt to further assuage the fears of some Members of Congress, I say that if you will look at section 711 of chapter 11 of title 31 of the United States Code you will find some 16—16—permanent and indefinite appropriations which include amounts running as high as $22 billion a year, such as the current payment on the national debt, and there are many other trust funds today on the books of the Federal Government that make provision for the appropriation of specific revenues for specific expenditure purposes without going to the Committee on Appropriations. This is true of the Old Age Survivors Trust Fund, the Health Insurance Fund, the Disability Insurance Fund, the Unemployment Compensation Trust Fund, and I could go on and on.

So I would say to the Members of the House that the precedents are there. We are not doing anything that is going to do violence to the committee system in terms of the traditions of the House, we are simply going to enact a much-needed program, and I hope you vote for the previous question.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time, and because the time is limited my remarks are going to have to necessarily be limited also. So I am going to address myself to the question as to whether or not this is a revenue bill, and entitled to a closed rule, or whether or not this is just an appropriation and an authorization bill.

I think if the Members will look at the bill they will recognize it as being an appropriation and an authorization bill, and a nonrevenue bill, and therefore not entitled to a closed rule.

Mr. Speaker, the charts that you will find on the last pages of the committee report, showing that if this is just an authorization bill and an appropriation bill the Committee on Ways and Means has not done the kind of job it ought to have done, so we ought not to grant a closed rule for that purpose.

There is nothing at all really complicated about this bill. It can be easily amended.

The distribution of revenue under this bill is extremely illogical. If we had more time, and after the previous question is voted down, I will go into further detail about these charts.

These charts merely show how the money is distributed. The longest bar on the graph shows the State that receives the most money, and the shortest bar on the graph shows the State that receives the least amount of money on a per capita basis.

There is no real logic why—and I hate to pick on New York, and I am not picking on New York, but there is no real logic as to why we should give the State of New York more money—on a per capita basis—than we give to its neighboring State of Pennsylvania, 39 percent more money; that is, we give New York 39 percent more than Pennsylvania gets, or 43 percent more money than we give on a per capita basis to the State of New Jersey. And why should we give New York State 48 percent more than the State of Connecticut on a per capita basis?

We would not do that in an ordinary authorization bill, and we would not do it in an ordinary appropriation bill, but we do it under this closed rule bill.

I am asking the Members of the House to vote down the previous question, and to vote for the Smith amendment to the rule so that the committee can make some changes in this distribution formula if it so wishes. I think this should be done.

I have a little graph back there that shows you where all of these provisions are in the bill, and it is very simple, and it would not take a very complicated amendment to get to them and correct them.

But this is nothing more than an appropriation bill, a 5-year appropriation bill on top of a 5-year authorization bill. There is no sense in giving to the State of New York on the basis of per capita four times as much as you give to the State of Arkansas.

There is just no reason or no rhyme to that. I think you can do a better job.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am sorry I do not have the time and I cannot yield to you now. Perhaps if I get some time after the previous question is voted down, I can yield to you.

Mr. Speaker, I have a chart here that I will pass out and there are other charts at the desk that you can examine as to the logical distribution of this money.

I think you should vote against the previous question and vote for the Smith amendment and then I think most of our problems will be solved.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I address these sentiments to Conservatives.

Something in the conservative psyche prompts resistance to anything politically popular. Because revenue sharing is popular is no reason for Conservatives to vote against it. Prove your ideological incorruptibility by voting against some other popular bill. Conceptually, revenue sharing is a part of the conscience of the conservative, close to the core of the conservative doctrine. Here in one glorious moment is the chance to be both doctrinaire and popular.

I respect those who oppose closed rules. I have often joined them. Ordinarily, it is better policy to operate under an open rule.

Ordinarily does not mean invariably. Even an open rule is never wide open. An open rule is not open to nongermane amendments. An open rule is closed to amendments in bloc and amendments in the third degree.

An open rule may be good policy, but it is also good policy to have a Consent Calendar, a Private Calendar, and a Suspension Calendar which forbids all amendments.

A closed rule is simply another rule of the House. It provides another mechanism by which a majority can work its will. It is a legitimate mechanism of legislative self-discipline.

The vote on the previous question is procedural. But its impact is substantive. If it is voted down, the Speaker will recognize a Member to offer a modified rule. If the previous question on the modified rule is voted down, another Member will be recognized to offer perhaps an open rule. An open rule means that revenue sharing is dead.

Historians who write of this day will record this vote as a watershed decision.

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I want to be recorded for revenue sharing. I want to be remembered for resisting the insidious drift towards a monolithic national government. I want to be counted in favor of a functional federal system.

I trust the States. I trust the cities. I trust the people to govern themselves at home.

Mr. O'NEILL. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of House Resolution 996, and urge my colleagues to vote "yes" on the previous question which will bring before this House H.R. 14370, the State and Local Fiscal Assistance Act of 1972. I want to take this opportunity to commend Congressman WILBUR MILLS, chairman of the House Ways and Means Committee, for bringing this important legislation to the floor of the House.

Revenue sharing is an important form of tax reform, for it allows the States and localities, with their disproportionately large fiscal pressures and responsibilities, to share in our national growth without forcing increased reliance on the regressive local property and sales taxes.

I support H.R. 14370 because I believe in the concept of revenue sharing as a means of distributing Federal moneys to those units of government which have the most limited tax resources to meet the demands for governmental purposes. Revenue sharing is an expression of confidence by the Federal Government in democratically elected local and State officials. State and local taxes, although they have climbed steadily over the past few years, cannot raise sufficient revenues. Local property taxes are so burdensome that homeowners everywhere are on the verge of a tax revolt. The property tax is inflexible and does not grow proportionately with the gross national product. Revenue sharing will permit us to meet these needs on a fair and reasonable basis.

The 1970's can be looked upon as the decade of the fiscal plight of the cities and towns of this country. The large urban areas face critical problems with the departure of the middle class to the suburbs, and the migration of citizens of other areas to the central cities. The plight of the cities is real—poverty, violence, soaring property taxes, decay, unemployment—plight which has too often been overlooked by the Federal Government. Most of these problems can only be met by prompt, direct action at the State and local levels; but action requires money. State and local authorities are in need of direct grants to provide an efficient and dispensable source of funds to help them make flexible and innovative responses to particular local problems. This bill, H.R. 14370, has developed separate funds and distribution formulas for State, city, and other local governments.

About $3.5 billion a year is to be distributed to local governments over a 5-year period. The amounts will be divided among the various States based on one-third population, one-third on the "urbanized population"—cities of 50,000 or more and the metropolitan areas surrounding them—and one-third on relative per capita income. The latter factor is population multiplied by a fraction in which the numerator is per capita income in the United States and the denominator is per capita income in the individual State. The application of funds will be limited to high-level national uses which will permit the Federal Government to set broad priorities for the use of the funds it distributes, while retaining flexibility at the local levels in order to meet specific local needs.

Funds distributed to local governments are to be used for, first, maintenance and operating expenses for public safety—including police and fire protection, and building inspection—environmental protection—including sewage collection and treatment, sanitation, pollution abatement—and public transportation—including transit systems and streets; and second, capital expenditures for sewage disposal, refuse disposal systems, and public transportation—including transit systems and street construction.

The Treasury Department is to have operating responsibility for these programs and it will make decisions with respect to distribution. The Treasury will also have responsibility for audits. The political accountability of State and local officials to the electorate would stand as a defense against wasteful fiscal practices.

The impact of this bill on the Commonwealth of Massachusetts will be a block grant of $75 million in the first year. The allocation of the cities, towns, and counties of the State will be $104,390,407.

It is anticipated that this legislation's annual impact on the Ninth Congressional District will be approximately as follows:

City of Boston	$13,748,589
Town of Canton	292,907
Dedham	460,196
Norwood	528,962
Needham	454,956
Westwood	193,329
Dover	61,036
Walpole	318,173

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri is recognized for 3 minutes.

Mr. BOLLING. Mr. Speaker, somebody has mentioned the fact that there have been a number of closed rules on important matters. I suspect I have handled a good many of those closed rules—I believe most of them—and I have done so, because I thought that they gave an opportunity to the majority of the House to deal with a complicated matter on which, if it were opened up in detail, all kinds of chaos could result, and I have supported those unashamedly.

This is not that kind of a matter. The bill that this rule would make in order, if it is a closed rule, makes two fundamental changes in major policy. It changes the representative system. It divides the responsibility of representatives of the people between those who in some respect collect taxes and those who spend the moneys collected for undesignated purposes. I do not believe that the Members of this institution in the majority wish to prevent a real debate on that subject. The only way there can be a real debate is by having some modification of a closed rule. If that were not enough, the second thing that it does is to reorganize the way in which the House of Representatives functions because this bill not only infringes on the appropriation process; it infringes on the authorization process and jurisdiction of committee after committee.

This bill could be amended so that it would be acceptable, but I do not believe that a majority of the Members of this great institution wish to bind themselves to making major policy changes without reasonable real debate.

Mr. Speaker, I will vote against the previous question and for the Smith resolution, and I will come back the next day with another closed rule that I believe is justifiable within this institution. This one is not.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, with the possible exception of a comprehensive tax bill, the pending rule makes in order one of the most important measures, and one of the most complex, ever to be brought to this floor. I rise in support of the rule. It comes before us only after a most careful inquiry by the Committee on Rules into the nature of the bill painstakingly prepared by the Ways and Means Committee.

The bill in substance establishes a 5-year program of general revenue sharing by the Federal Government with all the States and virtually all general-purpose units of local government. It is not the amount of money involved that makes this legislation so important, nor the fact that our States and cities face a fiscal crisis, nor that the proposal is a major part of the administration's program.

What makes this measure of major importance is that we will be reversing the bureaucratic centralization of power in Washington and restoring to the States their proper rights and roles in our federal system of government. We will be placing new emphasis on local responsibilities and local responsiveness. We will be giving recognition to the fact ours is a diversified economy, and that our strength as a nation springs from the diversity.

The concept of general revenue sharing is not new. It has long been advocated by outstanding men on both sides of the political aisle. The initiating legislation which President Nixon transmitted to Congress in February of 1971, and introduced by some 140 Members of this body, was developed out of long and painstaking consultations with key officials of State and local governments and various groups.

The bill reported by the Ways and Means Committee is a bipartisan product of that committee's long and extensive study of the subject. The public hearings, staff consultations, and executive sessions on this legislation have extended over a period of 9 months. As the committee states in its report, the "bill differs in several fundamental respects from other proposals which have been made."

It differs from what the administration recommended, but it has the administration's full support. The bill that the Ways and Means Committee has developed with such painstaking care is an exceptional and skillful blending of all of the principal proposals that have been advanced with respect to general revenue sharing.

I commend my colleagues of both parties, who serve on the Ways and Means Committee, for the conscientious and constructive work they have performed in developing this historic advance in the field of fiscal assistance to States and localities.

While the concept of general revenue sharing is quite simple and uncomplicated, the mechanics for implementing this concept and for assuring a fair and rational allocation of these funds involve many complex considerations and computations. I have no doubt that each of us may believe he or she could produce a more advantageous result for his own State and district. But each of us knows that sound and enduring legislation is not produced by any such parochial approach. And each of us knows that we cannot write on the floor of the House a sound formula for the fair and equitable sharing of Federal revenue with our States and cities. I venture to say no one of us can propose any approach that the committee has not itself explored from every possible angle.

Mr. Speaker, I submit that legislation of this complexity, which is the bipartisan work product of unusually comprehensive committee study and deliberation, presents a classic case for the use of the closed rule in the House.

I most earnestly urge that we adopt what the Rules Committee has recommended—that we vote for the pending rule and that we vote for the bill the Ways and Means Committee has presented.

We have here a historic opportunity to take a giant step on the path of bringing government closer to the people, and to make it more responsive to the essential needs of the people.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, the chairman of the Appropriations Committee (Mr. MAHON).

Mr. MAHON. Mr. Speaker, within less than an hour, the Members of this House will cast the most fateful vote of this decade and of their congressional service.

Whether a Member is for or against revenue sharing, there are overwhelming reasons why he or she should oppose this rule by voting against the previous question. And let me tell the Members why.

This bill does not raise a penny of revenue and is not a revenue bill. The bill is essentially nothing more than an appropriation bill—$30 billion for 5 years—with no required annual review by the Congress.

The bill represents an indefensible abrogation—by proud men I would say—of the power of the House for a 5-year period. Think of it—writing ourselves out of the action for a 5-year period.

In the name of commonsense, who can logically be against Congress, each year, taking action on the vital issue of multi-billion-dollar aid in the form of handouts to the States and local communities?

Of course, if the program is approved, a 1-year advance appropriation authorization must be provided to give the States and local communities adequate planning time—and there is ample precedent for that action.

Mr. Speaker, it is utterly incredible that one committee of the House, comprised of 25 members—and with the support of only 17 members of that committee, less than 5 percent of the Members of this House—should attempt to seize the authorizing authority of the legislative committees and ruthlessly—yes, ruthlessly—grab the appropriating jurisdiction of all 435 Members of the House, and at the same time be asking for a closed rule, in effect telling the 435 Members of the House, "You are not to be trusted. You cannot offer one single amendment to the bill, even though you are an elected Member of this Congress."

This is intolerable. It would humiliate us in the eyes of thoughtful constituents who consider us their responsible representatives.

Regardless of party affiliation; regardless of our views on revenue sharing; we simply should not downgrade ourselves by voting for the previous question. Let us vote down the closed rule, and let us preserve the dignity and the authority of the membership—the men and women of the House of Representatives. Let us stand up and be counted, and not seek popularity, as someone a few moments ago has indicated some Members might be seeking. I am seeking to help save the Nation, and that is the issue before us today.

Mr. Speaker, under leave to extend my remarks, may I add here—as I have pointed out to the House on several occasions—the Federal Government is now giving massive aid to the States, cities, and local communities. Such aid has been rapidly accelerating, reaching the rate of $37 billion per year. Next year, without revenue sharing, the aid figure will be about $38 billion. It will be about $7 billion more if revenue sharing is approved.

I oppose revenue sharing because the Federal Government is already doing more than it can afford to do; because it is an unsound approach to the problem; because a vote for revenue sharing is a vote for a tax increase by the next Congress.

Members of the House represent well-informed constituencies. The weight of the evidence indicates that the people realize revenue sharing is a politically impractical, pie-in-the-sky idea that should not be adopted and which is not the answer to our problems.

We realize that some of the big city mayors and some officials otherwise are frantically pressing for revenue sharing but there is no evidence that the rank and file citizen favors embarking on this big additional Federal handout. They realize the cost of revenue sharing would accelerate rapidly from year to year, shredding the fiscal fabric of the Federal Government. They realize this would sharply increase the national debt now approaching $500 billion, which would mandate a tax increase by the next Congress.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I agree with many of the speakers who have spoken before: The moment of truth has arrived in the House of Representatives today, the moment of truth for the Republican Party, for the Democratic Party, and for the many, many Members of this body who by word of mouth or by letter have committed themselves to revenue sharing.

This is no time for political hocus-pocus. This is no time for playing political games. The chips are down, and the time has come to vote "yes" on the previous question and "yes" for the rule.

If the House votes down the previous question, if the House votes against the rule, we will be further undermining American voter credibility in the greatest legislative body in the history of mankind.

Let me say this to you, my colleagues, let me say this. Many, many mayors, and many of our Governors are in desperate and dire financial straits in their respective bailiwicks—in your cities and my cities, in your States and my State.

These Governors, these mayors, have relied on the word of the Democratic Party, of the Republican Party, and of a majority of the Members of this body.

If the House today fails, if the Congress fails in 1972, those who have played these games, those who have been a part of some political hocus-pocus, will have to bear the responsibility for the loss of faith in our legislative body, for the loss of jobs of firemen, policemen, public service employees, for the loss of programs and projects that have been promised in good faith.

I say to every Member on both sides of the aisle, we must vote "yes" on the previous question and "yes" on the rule.

The Democratic Party said in its platform, in 1968:

To help States and cities meet their fiscal challenges, we must seek new methods for States and local governments to share in Federal revenues.

My Republican Party said, and I quote from its 1968 platform:

Additionally, we propose the sharing of Federal revenues with State governments.

My party and your party are on the line, and the Members of this body, who have written to many mayors, to many Governors, who have said verbally to many citizens that they are for revenue sharing, have an honest responsibility to vote "yes" on the previous question and "yes" on the rule.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SISK).

The SPEAKER. The gentleman from California is recognized for 3 minutes.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to my colleague from California.

Mr. HOLIFIELD. Mr. Speaker, I intend to vote against the previous question.

This is the day of a "moment of truth," and there is a lot of hocus-pocus going on, but the hocus-pocus is in putting every Member of this House in a position of levying taxes and letting somebody else spend the money.

If the Members of the House want to know what I think about this, let them look at page 21543, beginning at the bottom of the last column, of the RECORD for yesterday, June 20.

I shall vote against the closed rule because it condones the basic principle of our committee structure which provides for separate authorization committees and a separate appropriation committee.

Mr. SISK. I thank my colleague for his comments, because they agree completely with my comments.

Let me say, as a member of the Committee on Rules, I believe this probably represents the most tragic rule that has ever been granted since I have been a Member of this body.

I agree with my friend from Virginia, when he said a few moments ago that this is going to b a watershed vote. I am certain in my own mind it will be the most important vote I have ever cast, in my 18 years here, because if we vote for this proposed rule today I believe we will be voting to march down the road to destruction for any further Federal-State relationships as we have known them and that this Government is dependent upon.

Yes, it is hocus-pocus all right; there is no question about it. This is the greatest raid from the standpoint of procedure ever attempted to be perpetrated by any one committee of this House on the jurisdiction of other committees.

I am not questioning or calling in doubt any single individual, but this is not even a revenue-sharing matter. This is merely an appropriation bill, and it is a $30 billion appropriation, lock, stock, and barrel, without any oversight, without any control.

I would plead with you, my colleagues, today, to consider this as probably one of the most important votes that we will ever have an opportunity to express our feelings on. I would hope that we would vote against the previous question and then vote for the resolution to be offered by my colleague from California, which will at least give us an opportunity to see if out of this unbelievable monstrosity something might be developed that would meet some of the needs we know exist in our Nation.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not at this point going to discuss the merits or the demerits of revenue sharing. I will do that during the time of general debate under whatever rule may be adopted.

There is one question I must ask, however; that is why such hysterical insistence by the proponents of revenue sharing that the bill be considered under a closed rule?

Are the provisions of the bill bad, so bad that they cannot be defended against amendments by a majority of the committee and its chairman?

Or is the chairman and the majority of the committee so ineffective that they cannot manage the bill under the normal procedures?

Why are they so afraid to let the House work its will?

If we have no confidence in ourselves, how can we expect to enjoy the confidence of the American people?

There are times and subject matters that should be considered under a closed rule. Title II and section 144 of title I are of that nature because they would open up the whole Internal Revenue Code to amendment.

But the rest of the bill—some two-thirds—are not of that nature. Title I is no different than legislation that might be reported from other committees and would be considered under fully open rules.

There is nothing about title I of this bill—the so-called revenue sharing part of this bill—that is uniquely the jurisdiction of the Ways and Means Committee. It could just as well have been reported by the Public Works Committee, or the Interstate and Foreign Commerce Committee, or Government Operations or Judiciary. Parts of title I do deal with matters within the jurisdiction of these committees.

Let this be understood—nothing in this bill raises or affects the revenue by 1 penny. It is an expenditure bill. It authorizes and appropriates money that does not exist.

But ask yourselves: If revenue sharing, title I of this bill, had been reported by any other committee would anyone have even entertained the thought that it should be considered under a closed rule? Of course not.

Why is the Ways and Means Committee so different? It is not.

I have served on that committee for over 25 years. I am proud of the committee and its work. I have the highest regard and respect for the chairman of that committee. It is the greatest committee in the Congress. But why should that committee enjoy special privilege when it reports legislation that is no different than that reported by other committees of this House? Mr. Speaker, you are just asking for trouble when you ask for a closed rule where there is no special justification—mark my word you will end up being denied closed rules in the future where such rules are needed.

We consider very controversial and complex bills from the Committee on Education and Labor. Look at aid bills for education with their complex formulas—Open rules. Look at the highway aid program, with its complex distribution formulas, from Public Works. Or the airport development program from Interstate and Foreign Commerce—Open rules. We have before us today a situation very analogous to the Highway Act of 1956 and the Airport Act of 1970.

Title I of these bills authorized various aid programs and formulas for distribution. Exactly what title I of revenue sharing does. Title I was considered under an open rule. Title II of those bills amended the tax code. Title II of revenue sharing amends the code. In the highway and airport bills, title II was considered under a closed rule. Did the open rule for title I gut or defeat those programs? Of course not.

That is exactly the procedure proposed by the Smith substitute—Open rule for title I, closed rule for title II.

Title I of revenue sharing, just because it was reported by the Ways and Means Committee, does not entitle it to any different treatment than title I of the highway bill reported by Public Works or title I of the airport bill reported by Interstate. In addition, title I is an appropriation bill—in violation of the rules of this House and subject to a point of order. There is no reason for singling out revenue sharing for special treatment. The chairman argues that we are creating a trust fund, and that States and local governments must be able to make plans. But highway and airport aid programs have trust funds—and plans have to be made here also—yet they still go through the appropriations process.

The Ways and Means Committee is treading on dangerous ground—it is asking for a special rule to which it is not entitled. It is usurping the jurisdiction of the Appropriations Committee. And this should not be permitted by this House.

The previous question should be voted down and the Smith substitute adopted.

Let us have confidence in ourselves to act responsibly.

It is not the will of Ways and Means Committee but the will of Congress that should prevail.

It will probably be argued that to defeat the rule before us and substitute the Smith rule would jeopardize or delay the bill. Did a partially open rule jeopardize the airport bill—or the highway bill? It did not.

The chairman will no doubt say that he would have to go back to the committee for further instructions. That is a bunch of malarky.

A majority of the committee voted and I quote "to order favorably reported the bill and instruct the chairman to use all parliamentary means to secure its early passage."

True, it subsequently voted to ask the Rules Committee for a closed rule, but that was not a condition imposed on consideration. It was only on expression of desire.

The committee vote "to use all parliamentary means to secure its early passage" still stands regardless of the type of rule voted by this House. After the adoption of a rule, if the chairman does not call the bill up for consideration—that is his responsibility. And if he fails to call up the bill, he will be acting contrary to the instructions of a majority of his committee.

This historic legislation should reflect the will of this House. It cannot reflect that will if Members are to be gagged by a closed rule.

Mr. O'NEILL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I would just like to make three principal points with respect to the substantive issues of this bill. I do so because I am sure that none of my friends who are seeking to vote down the previous question really are against helping our cities and our States. If we are to help our cities and our States at this hour, and begin to save this Republic, then this bill is essential. I would further remind the Members that if there are important amendments that would help improve this program, then let me ask you, have they been laid upon your desks, or sent over to your offices? If they have, I have not seen a single principal amendment come through my mail, or a substantive amendment that would be addressed to this bill that has been sent to the membership on the formula or on the methods of distribution of the proceeds. Not one has been brought to the attention of the membership. So we would just be opening the rule for unknown amendments that could well do damage to this bill.

Second, a vote to vote down the previous question does not give you an open rule. You then get the minority closed rule of the seven Members who voted against the majority on the majority rule.

The minority closed rule is simply a modified open rule; the difference is between the internals and the interstices—the difference is nothing.

So it is a question of the majority of the rules committee or of the minority. In terms of what we are going to do with this bill as a procedural matter, you do not get an open bill.

Finally, I was in Philadelphia recently and visited the place where this country was born to Independence. I learned that during the conduct of the great Revolutionary War, the Committee on Ways and Means was empowered to vote for expenditures from day to day and to make appropriations from day to day to carry on the conduct of the greatest Revolution in the history of mankind.

They entrusted the Ways and Means Committee with such process so that they could win that Revolution.

I remind my colleagues, there is a need for a new revolution—the most dynamic in the history of this country. This bill will be a plus for the country and the peaceful revolution.

This bill will help us on transit. This bill will help us on sanitation. This bill will help us fight crime and violence. These are the areas which demand urgent Federal assistance.

The issue which you are voting on is whether we are going to have open cities or closed cities, cities closed down by an open rule or a society with new opportunities by an orderly rule.

To vote for the previous question is to vote up for the cities, vote up for this program, vote up for the new revolution and help the cities and the States to meet the very challenges for which we meet here.

This is a vote of confidence. A vote of confidence in the mayors and the Governors. They too have their responsibilities. Let us share their responsibilities and give them a chance to help the cities and to help all parts of the counties and the country.

This bill deserves your consideration and it will only get consideration if you vote for the previous question. I plead for your support for this bill.

(Mr. LATTA (at the request of Mr. SMITH of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. LATTA. Mr. Speaker, as everyone on this floor today is aware, this bill comes before the House under a resolution calling for a closed rule which was agreed upon by the Rules Committee by a vote of 8 to 7. I was one of eight members voting for a closed rule. I did so as I was convinced by the statement of the chairman of the Ways and Means Committee, Mr. MILLS, before the Rules Committee that he was not authorized by instructions from his committee to take the bill to the floor under any other conditions. To put it another way, it was either a closed rule or no revenue-sharing bill. Being for the revenue-sharing concept and having introduced a revenue-sharing proposal, I could hardly vote against a closed rule under these circumstances.

This bill is not unlike other bills in that it has cut out provisions not to my liking and provisions which I would like to see changed. For example, I am not satisfied with the distribution formula used in the bill, but it is something which can be changed in the Senate or in a future Congress. In discussing the matter of the formula with many of the mayors and county officials in my district, I learned that they were more interested in getting urgently needed funds now and in establishing the principle of revenue sharing at the Federal level than they were in running the risk of losing the bill by attacking that formula at this time. These people are disturbed and sometimes frustrated by all of the bureaucratic "redtape" involved in the present categorical grant programs and see revenue sharing as a means of eliminating or at least reducing some of this "redtape" and securing Federal funds to be put to use in areas which they determine to need them most. Hopefully, we can pass this rule today and the bill tomorrow. Should the Senate then follow the leadership of the House and pass this legislation, we can use it in the future as a legislative vehicle to return more and more dollars, and more and more programs, to local government.

Mr. MEEDS. Mr. Speaker, recently I have heard a great deal from the mayors and other local officials in Washington State. Not only are they asking that I support H.R. 14370, the revenue sharing measure, but they are also requesting that I support a closed rule on the bill.

If the rule assigned by the Rules Committee is upheld, then there will be no chance to offer amendments to H.R. 14370.

Let us hold a mirror up to this situation and get a reverse image. I would like to know if all these anxious mayors and local officials would accept revenue sharing in reverse. In other words, a resolution would be put before the local city council requiring that 10 percent of the city's tax collections be sent to the U.S. Treasury. The city council have no control over the tax revenues, and they would not be permitted to amend the resolution.

Would they accept this? I doubt it very much. Neither do I accept a gag rule on H.R. 14370.

Before us is not one but two bills and thus two closed rules. H.R. 14370 is an appropriations bill as well as an authorization measure. Once it passes, the money starts flowing.

By far the most important implication of the closed rule is that of financing the revenue sharing bill. As reported from the House Ways and Means Committee, the bill contains no way of paying for itself. This means that financing it will have to be done by adding to the Federal deficit or by cutting existing categorical grant programs such as education, job training, and pollution control.

Representative HENRY REUSS of Wisconsin has prepared an amendment to pay for the revenue sharing measure. His amendment would close or reduce tax loopholes to furnish revenue for this $30 billion, 5-year measure. But the amendment cannot be offered if the closed rule is upheld.

The revenue sharing bill is not a national security measure, but unlike the authorization and appropriations bills for national defense, it is being debated under a closed rule. Members of this House remember distinctly the amendments offered last year on the ABM, the B–1 bomber, and on other military spending projects. And on June 28 of last year we took a vote on the Nedzi-Whalen amendment to cut off funds for the war in Vietnam by December 31, 1971. Recently we approved a $20 billion higher education bill. Members of the House, I am sure, would have been outraged had the legislation been debated under a closed rule.

Moreover, there are many Members of this House with suggestions for improving the legislation. But they can make no proposals as long as the closed rule remains intact.

Mr. Speaker, no one disputes the need of States and cities for additional funds. No one is blind to their plight. But serving up a $30 billion bill and cramming it down the throat of the House is not the best way to meet these needs. I urge rejections of the closed rule.

Mr. LLOYD. Mr. Speaker, I will vote "yes" on the previous question. This is the cornerstone on which depends the action of this Congress on the emergencies which face local government in America.

Two principal objections have been emphasized in this debate on the rule: First, the action improperly goes around the Appropriations Committee; and second, an open rule will allow improvement of the final legislation. In the debate on the bill itself I will discuss my views as to the merits of the bill itself which, in the past 2 weeks, I have decided to support. These remarks are directed to the procedural objections.

First, this bill is one of overriding policy which should be decided not by a committee of Congress, but rather by Congress itself. We make the large decision as to whether Federal aid should continue to go down the road of categories or whether we should wake up now before it is too late and replace the growing suffocation of categorical aid

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with the freedom and economical administration of local government responsibility.

Second, it is possible, of course, that the House can improve the bill with an open rather than a closed rule, but I seriously doubt it and am convinced, on the contrary, that in the case of a bill of this complexity and this far-reaching influence an open rule would result in time consuming chaos. As the learned gentleman from Virginia (Mr. POFF) has so well stated, a closed rule is a proper and well-established method for this House to work its will. In legislation of this kind, where a skilled committee with extensive research tools has arrived at a consensus after many months of hearings and evaluation, the chances are that under an open rule, emotion would prevail over reason, and if some semblance of the original language did survive the amending process, it would be a less serviceable, rather than more serviceable piece of legislation upon which we would finally be asked to vote.

I have had many reservations concerning the concept of revenue sharing. As a member of the Utah State Senate I was the author of a local option sales tax enacted in Utah in 1959 and out of long personal experience and direct responsibility I have believed that the appropriating body should hold the strings on the methods in which the money is spent. This is a substantive matter, however, which I will discuss in the debate on the bill itself. For the moment it is enough that I make this record of my vote on the procedural issues.

Mr. DENNIS. Mr. Speaker, the closed rule is a legislative abomination, entirely contrary, in my judgment, to the most basic principles of a representative government.

We in this body are, each of us, elected representatives of the people; we each represent about a half million of our fellow citizens; these people expect us to speak for them here; as Members of this House that is what we are entitled and, in fact, duty bound to do; and it is a complete perversion of the entire legislative and representative process for us to surrender that right, that duty, and that privilege—in respect to any piece of legislation—because a few Members of this body, however distinguished, have decided in their wisdom that a particular item on the legislative calendar is too important to be subjected to the ordinary legislative scrutiny at the hands of individual members of this House.

Mr. Speaker, I submit, that no disinterested observer can find a logical or legitimate defense for the closed rule or can justify its continued existence as a part of a representative and parliamentary system. Even where really complicated revenue bills are concerned there are usually a few important possible amendments under consideration which could readily be made individually in order under the provisions of a modified type of rule. In respect to a bill such as that we consider today, submit that a closed rule is bottomed simply on a philosophy that the work of the Committee on Ways and Means is, ipso facto, above the consideration of ordinary Members of the House.

I cannot subscribe, and I doubt that you can subscribe, to such a philosophy.

My doctrine is that I am just as entitled to be heard on an amendment to any bill here as is any other Member of the House, and that so, equally, is each one of you.

It seems to me that only long familiarity with what is essentially an abuse can lead men of good intelligence and good will to support a parliamentary device which, on any basis of fairness or logic, is essentially and obviously inconsistent with and antithetic to the functioning of a representative system.

As Alexander Pope said in "An Essay on Man" written in 1733 and 1734:

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

Mr. Speaker, it is time—in line with the current drive for congressional reform—for the dawn of a new legislative day.

Let us defeat this closed rule and let revenue sharing with the States go up or down on its own merits after the full and fair consideration of and, if need be, amendment by, the full membership of this House.

Mr. SANDMAN. Mr. Speaker, I rise to oppose the closed rule on H.R. 14370, the State and Local Assistance Act of 1972, better known as revenue sharing.

This is by far one of the most revolutionary changes in our Government. For the first time, the Federal Government will be raising the revenue and what is passed on to the States will be spent by the States.

The spending agency will have no control whatever over the revenue-raising agency. The plan is being offered in an air of hysteria, generated by the chief executives of almost every State in the Union and the mayors of almost all the large cities in the Nation—a huge push for more money with no concern whatever on where the money comes from or least of all how it will be paid back; the exact atmosphere that drives a frenzied businessman into the hands of loan sharks—a more accurate parallel, I cannot imagine.

And here we are, at the highest level of government, in what is supposed to be the truest democracy on the face of the earth, in a position where the Representatives of the people—you and me—have no authority whatever to change the proposal that is here for consideration from the Ways and Means Committee.

The Rules Committee, by a vote of 8 to 7, approved a closed rule that waives all points of order against the bill or any of its provisions, prohibits amendments to any section of the bill, and eliminates the right of any Member to offer any ideas by way of a substitute.

As a Representative of one-half million people in the Second District of New Jersey, I can vote only to sustain or disapprove the rule, and if such a rule passes, I must fight against an air of hysteria that has been generated throughout the country to overcome a proposal that almost no one can realize the potential impact that it will have upon the fiscal condition of the country.

This measure undisputedly adds $5.3 billion to the already staggering deficit of $26 billion which is anticipated at the end of the current fiscal year. And by unknown arithmetical progressions, it adds to the deficits of 4 years thereafter a minimum of $25 billion more.

This measure, if it is going to be adopted by this House, should be contingent upon the passage of a revenue bill that will pay for the same over the 5-year life of the bill.

The vote upon the rule has profound significance because, if the rule prevails, in an air of hysteria where the States and cities will do anything to get more money, for all intents and purposes more than half the battle is won on the adoption of the rule, and 8 hours or 8 days or 8 months of debate that may follow is not going to change the outcome of the vote on this highly dangerous measure.

And now Mr. Speaker, we sit as 435 Members, representing more than 200 million Americans in the most democratic nation on the face of the earth. Under this rule, all of us collectively have only 60 minutes to debate the rule. If that time were divided equally, which of course it is not, then each Member would be entitled to 8½ seconds of debate upon the floor of this House which claims to be the most democratic government on the face of the earth. How hypocritical can we be?

The rule, of course, must be defeated no matter how good or bad the bill may be.

Every Member of this House who has the strong convictions that I have has the right to be heard. The alternative right that I have, on submitting my remarks to be included in the RECORD, is not adequate since the RECORD will be printed long after the debate on the rule has ended.

I have proposed revenue source sharing as an alternative. Approximately 1 year ago today, I delivered my message to the Ways and Means Committee. I circularized my idea which would repeal the alcoholic beverage tax and the tax on tobacco, and let the States have those. It would raise the same amount of money as this bill, and it would not cause the huge deficit.

Believe it or not, Mr. Speaker, while I was testifying, every member of the Ways and Means Committee who was present that day seemed to nod his head in approval that what I was saying was right.

My thoughts have been aired for over a year in the metropolitan press, and not a single newspaper has opposed revenue source sharing, and yet, under this rule, I have no right to submit my idea to the only body in this Government that has a right to make it a Federal law.

The closed rule before us today on this matter has no place in any government that claims to be a democracy. It should be defeated by an overwhelming vote.

I have two pressing reasons for opposing the rule:

First, I have an amendment to offer as a floor substitute to H.R. 14370. The closed rule, waiving points of order that was reported by the Rules Committee, would prevent me from offering an amendment that would vastly improve the proposed act.

Second, a proposal as historic and consequential as this one for the Federal Government to start raising taxes for States and cities to spend deserves the full and open debate on the floor of Congress.

I urge my colleagues to vote down the previous question on the rule.

It is my understanding, Mr. Speaker, that a substitute rule on H.R. 14370 is to be offered by the gentleman from California (Mr. SMITH) if the committee rule is voted down today.

I will not support the Smith substitute rule either simply because it—House Resolution 1006—provides that no amendment could be offered to change the Internal Revenue Code of 1954 or increase or decrease any other tax liability.

The amendment I wish to offer would repeal subtitle E of the IRS Code of 1954 and it would therefore not be in order under the Smith substitute rule either. So I will vote against that proposal if given the opportunity.

For the record, Mr. Speaker, I can identify at least six compelling factors about H.R. 14370 that should justify our efforts to defeat the closed rule so that my amendment is in order.

The six factors are:

The Federal Government has no revenue to share.

This bill would increase dependency of States and localities on the Federal Government.

Shared revenues would bypass the appropriations process of Congress.

The bill will damage the responsiveness of State and local governments by separating the authority to spend from the liability of imposing taxes.

Enactment of H.R. 14370 would automatically add almost $6 billion more per year to already huge deficits.

The bill would unfairly discriminate against States, including New Jersey, that do not have income taxes.

The amendment I would offer to H.R. 14370 would eliminate all six of these objections. At the same time, my substitute would provide far more money for the States and localities than H.R. 14370 would.

My substitute quite simply would abolish the Federal excise taxes on alcohol and tobacco so that State and local governments can increase their existing levies on these items.

Releasing these revenue sources would provide at least $6.5 billion for the States and localities to collect as needed without increasing overall taxes or the retail costs of the items taxed.

Under my proposed substitute, Mr. Speaker, 44 States would realize a greater return than under H.R. 14370. The other six States could amend their alcohol laws slightly to "catch up" under my plan.

The language of the substitute I wish to offer is very simple: it merely repeals subtitle E of the IRS Code of 1954. There would be no complicated distribution formulas, deficits or dangerous intergovernmental strings attached.

Therefore, Mr. Speaker, I urge that the rule on H.R. 14370 be defeated.

Mr. BROOMFIELD. Mr. Speaker, the tax sources and, consequently, the tax revenues of our State and local governments, have remained virtually static at a time when inflation and demands upon local tax dollars have risen to new heights. Throughout the Nation, State and local governments have been squeezed between the opposing pressures of shrinking revenue and vastly increased demands for goods and services.

Therefore, I intend to vote for the passage of this revenue-sharing legislation. In addition, I also support the closed rule for consideration of this bill. The bill which has come to the floor for our attention and scrutiny has been subject to extended and protracted study. It is the product of a tenuous compromise reached by the leaders of both sides of the aisle. To open it to the flood of amendments which would surely spring from an open rule would be to invite defeat of the entire measure. We cannot gamble with the security and interests of our local units of government. I for one will not subject this bill to such risks and for that reason oppose an open rule.

Returning to the question at hand, the merits of this revenue-sharing proposal, I urge my colleagues to consider the vast potential which this measure holds for local units of government. I am sure that all of us here agree that there is a crisis at local levels of government. However, to translate that concern into an effective remedy is a much more difficult task.

Yet that is exactly what this measure is designed to do. It will be effective. It appropriates $3.5 billion annually for the next 5 years to local governments to help defray the mounting deficits which they have been forced to incur. Without this measure local governments will be forced to the brink of administrative paralysis. I refuse to sit back and witness the advanced symptoms of this paralysis without seeking means to forestall it.

As a sponsor of similar revenue-sharing proposals in this and previous Congresses, I have long recognized a need for action on our part to set in motion the necessary machinery to channel a percentage of Federal revenue back to the localities where it is most desperately needed.

I know that in my own district of Oakland County, Mich., that this legislation is extremely necessary and vital if county, city, and township officials are to continue to provide the most basic goods and services to their people. I have received numerous communications from mayors, councilmen, and city managers, all men of experience and expertise. They have expressed a common plea that Congress pass this revenue-sharing legislation.

Mr. Speaker, most of the challenges of this coming decade—water and air pollution, waste treatment, solid waste disposal, transportation, and others—must by their very nature be met at the State and local level. The battle for clean air and water, for fast, efficient transportation, will be won or lost not here in Washington but throughout the broad expanse of this country.

Too often we have learned that despite the expertise, wealth, and experience of Washington, that we are too far removed, too distant from the storm of these controversies to identify, much less respond adequately to the needs of a particular crisis. As such, we should welcome the fact that local governments are willing and eager to frame their own responses to fit their own peculiar challenges. Further, we should provide the means, in dollars and cents, for them to begin these most difficult tasks.

However, this bill represents more than just monetary aid to our State and local governments; it signals a new era of increased cooperation between national and local governments in seeking solutions to mutual problems. It is the beginning of a new partnership of understanding and respect.

Mr. Speaker, I for one hold a deep and abiding respect for our federal system of government. Its strength resides in the fact that national and local governments can work in concert to solve the challenges that lie ahead. We should not ignore nor sacrifice the efforts of State and local officials. It is because the essence of this revenue-sharing proposal is to retain and strengthen that Federal partnership that I urge its passage.

Mr. BENNETT. Mr. Speaker, I favor revenue sharing which will get the Federal Government out of some areas, such as education, that it is now in. Revenue sharing should not plunge the Federal Government a great deal further into debt. Revenue sharing should not force States to increase their taxation. H.R. 14370 satisfies none of these criteria and, therefore, I cannot support this legislation.

Last year I sent out a questionnaire to all the postal patrons in the Third Congressional District of Florida which I represent in the Congress. I received 26,000 responses to that questionnaire and one of the questions which I asked was: "Do you favor Federal revenue sharing that increases deficit spending?" Sixty-six percent of those people who responded to my questionnaire checked "No."

I have also met on a number of occasions with members of the Florida State Legislature. They have also assured me that they do not favor revenue sharing which plunges the Federal Government a great deal further into debt. H.R. 14370 does plunge us further into debt, $5.3 billion worth per year, and this figure will increase greatly in the future just as other Federal programs have.

H.R. 14370 will distribute $1.8 billion yearly to the States. Half of that money will go to States in proportion to their general tax effort. The other half will be divided on the basis of the various States' income tax collections. Florida does not have a State income tax and it is my belief that Floridians do not want a personal State income tax. Therefore, the State would be continually penalized and discriminated against under the State and Local Fiscal Assistance Act of 1972.

Florida recently enacted a corporate income tax. During Gov. Reubin O'D. Askew's campaign to get that corporate income tax enacted, he said that the State of Florida would not need a personal State income tax. In a letter which he wrote me on May 5, he said:

The provision of the House Resolution using state personal income tax collections as a basis for distributing funds to the state, I believe, is unfair and discriminatory. Florida has a constitutional state personal income tax prohibition and there is a great sentiment within the state not to adopt one. To penalize any state for historical circumstances is very unjust.

It is my belief that Floridians cannot accept a revenue-sharing plan which clearly discriminates against them.

Another area that makes H.R. 14370 unacceptable is the involvement of the Federal Government in how revenue-sharing funds are spent. Although revenue-sharing money is distributed rather freely on the State level, it is not so on the local level. The committee seems to feel that it is wrong in principle for the Federal Government to collect taxes and then hand them over to the local governments to be spent without guidelines. Who is better able to determine local priorities than local government?

For the reasons I have outlined, I urge the defeat of this legislation.

Mr. FRENZEL. Mr. Speaker, most Members support, with greater or lesser enthusiasm, the concept of revenue sharing. I personally support revenue sharing with great enthusiasm.

Some of us, however, have hedged our commitment. Some Members like revenue sharing, but with their own distribution formula. Some like it, but only with tax reform. Some like it only if we have a surplus or if we recede from other grant programs.

Mr. Speaker, no matter what any of us would like to do to improve the revenue sharing bill, there is no escape from the fact that it is the only revenue sharing bill we are going to get. Also inescapable is the fact that any change in the rule or the bill will doom revenue sharing for this session.

The question of the vote on the rule should be made clear—again, and again, and again. If the closed rule is opened by our vote, there will be no revenue sharing bill. The chairman of Ways and Means has been pretty explicit on that point. Therefore another inescapable fact is that a vote against the rule is a vote against revenue sharing.

Revenue sharing may be the last hope for viable, effective local government and for the harassed local property taxpayers. It should be another important nail in the coffin of creeping grantsmanship.

The President has promoted it, and has endorsed this bill, even though he would prefer his own version. The mayors and Governors have also endorsed it. Perhaps, more accurately, they have demanded it.

I intend to vote for the rule and for the bill and hope my colleagues will do likewise. Our passage of this bill will not guarantee that the Senate will pass it too, but we will have done our part. We will have stood up for our local governments and challenged the Senate to follow our example.

Mr. LEGGETT. Mr. Speaker, today, we have arrived at the jumping off point in our long trek toward designing a system to aid cities and States through a sharing of Federal revenues.

Our trek began back in 1964 when, anticipating what could have been substantial surpluses from a full employment budget, then chairman of CEA, Walter Heller, proposed a sharing of this surplus with cities and States.

That surplus never materialized. And today we still do not have a surplus to share with States and cities. We do have a deficit, and a fairly substantial one, in the range of $80 billion for 2 years.

This bill could have the effect of redirecting and reordering of our national priorities. This act could stand above the legislation which usually occupies a good deal of our time, in that it is the Nation's commitment to the communities torn apart by inflation, war, and racked by the pestilences of crime and drugs. It may be the Nation's commitment for reordering of priorities. I hope so, though I am frankly mighty skeptical.

In 1970, practically three in every four persons lived in urban environment, more than two of every three lived in the expanding Nation's metropolitan areas. It is public knowledge that the cities are in desperate need of financial aid, being left largely to the very young, the very old, and the very needy. The cities have waited for 8 years while the concept perked and boiled through the halls of the academic world and Congress. Today they await a decision, a decision on where they will be 5 years from now.

This bill in fact is a city and county income tax collected at the Federal level.

For every $5 billion we borrow on the national debt to support this bill, the interest cost will additionally equal at least $6 billion more over a 20-year debt period.

I have said we do not have the money for this bill but that if the Congress could steal $5 billion additional this year for the Vietnam war, we could do no less for the cities. Mr. Laird, Secretary of Defense, and the mayors have made their demands clear. I have stated that I will support this bill to bring $10 to $20 million extra to every congressional district in the country annually. My taxpayers have not revolted. I therefore support the closed rule and the motion for the previous question.

Mr. HATHAWAY. Mr. Speaker, I rise to speak against the idea put forth by the previous speakers that those of us who vote against the closed rule on this bill are thereby voting against the whole concept of revenue sharing. This is illogical and patently untrue. I protest the intimidation tactics of those who make such statements, and I refuse to let their assertions go unchallenged.

First, I should like to point out that I am not opposed to revenue sharing. Revenue sharing basically means the Federal Government channeling some of its revenues back to States and localities for their use in fulfilling certain of their needs. I have supported numerous revenue-sharing programs of a more specific nature; namely, grants-in-aid for education, housing, transportation, and a host of other essential public services. The bill we have before us today is just a more general form of revenue sharing, and, with the proper amendments, I am prepared to support it as I have supported other measures to aid States, cities, and towns.

What I am opposed to here is the abdication of our responsibility as legislators and as representatives of our respective constituencies, to see that this Congress produces the best possible legislation in the best interests of the American people.

This is a very important bill we have before us today. It involves the spending of $6 billion in taxpayers' money annually for a period of 5 years. It will have an impact on all of the States and localities in this country and on all the people living in them. I believe it is our duty to debate this bill fully, to offer amendments, and to decide by majority vote what final shape this legislation will take.

One reason given for ordering a closed rule is that opening the bill for amendment would open up the entire Internal Revenue Code for modification and would cause statutory chaos. I challenge this contention.

This is not the typical bill to come out of the Ways and Means Committee, not a technical tax measure to which amendments might indeed open up the whole tax code in unforeseen ways.

Rather what we have before us today is an authorization bill and an appropriations bill—both combined in one of the most comprehensive and far-ranging measures to come before this Congress. It is no different from the Elementary and Secondary Education Act and other major bills, where Members have had the right to offer and debate any amendments they so desire, and have them voted up or down on the merits.

Furthermore, our purpose in opposing the closed rule is not to declare open season on any and all provisions of H.R. 14370. Rather our stated purpose is to obtain a new rule that will open up to amendment specific parts of the bill which require constructive modification—namely, the formula, and the revenue-sharing package. A number of us find grave problems with these sections of the bill, and I feel strongly that we should have the right to present amendments for consideration by the House. This is, after all, normal practice for a democratic legislative body. I see no reason to abrogate it for a particular piece of legislation, or a particular committee.

I am also disturbed at reports that the bill will be withdrawn from floor consideration if it is made subject to amendment. This refusal to play ball unless you can do it by your own rules strikes me as inappropriate behavior in a legislative body. If all bills were handled in this fashion, then we would not pass much legislation.

In closing, I repeat that I and other Members who join me in opposing the closed rule on H.R. 14370 do so as a matter of principle. Legislation should be framed by the House of Representatives as a whole, not by 25 people on a committee, or by one chairman. To accuse us of opposing revenue sharing because we take a principled stand against the closed rule, and beyond that against certain faults in the legislation itself, is an injustice. Given an open rule and proper changes to make it more equitable, I shall be pleased to give this measure my wholehearted support.

Mr. RANDALL. Mr. Speaker, at the very outset of my remarks I wish to make it clear that I intend to support H.R. 14370, a measure which will provide payments to our localities for their priority expenditures, more familiarly known as the revenue-sharing bill.

I have already explained to several of our mayors why I cannot support a closed rule. My opposition to the closed rule has been of many years standing. The present situation does not justify any departure from that long-standing practice.

It has been argued that if we do not vote for the previous question, we have somehow deceived our mayors and local officials. It is contended that, should a closed rule be adopted, H.R. 14370 will not be brought to the floor. I reject that reasoning and that prediction.

Today we are asked to swallow a rule which waives all points of order. To support a closed rule means that the rest of us agree that only the members of the Ways and Means Committee have the wisdom to approve or disapprove the detailed provisions in this bill.

Oh, we all know the reason the committee says they must have a closed rule. They say it is because, if the right of amendment is afforded, it would open up the entire Revenue Code to amendment. But let us remember this is not a revenue matter. But this is an expenditure matter.

I have listened attentively to the gentleman from California, the ranking member of the Rules Committee, Mr. SMITH, and I noted that he has prepared a modified rule which would permit amendment only to those sections which could not in any way impair the continuity of the Internal Revenue Code. He has made the point that if the previous question is voted down it will not mean, in this instance, that there will be an open rule, but rather that the Speaker could then be expected to recognize anyone in opposition to the closed rule. While the Speaker may recognize anyone he prefers, it would seem reasonable to expect he would recognize the ranking member of the Rules Committee to offer his modified rule. The proposal of the gentleman from California is a reasonable one. It would permit limited amendment but not open up the entire Revenue Code to unlimited amendment.

Mr. Speaker, I must respectfully differ from those who argue this is a revenue bill. When all is said and done it is nothing more than a 5-year appropriation bill and also a 5-year authorization bill all in one package. This kind of thing does not need a closed rule.

If the right to amend is so important the question should be asked, What kind of an amendment is needed to improve H.R. 14370?

Our answer is that while many of us favor the enactment of H.R. 14370, we do so solely upon the premise that the proposal is entitled to a fair test with a strict time limitation. I do not believe we should bind ourselves for 5 years to something that we are not sure may be successful.

Recognizing the fact that the concept of revenue sharing as it is written in this bill does infringe upon the appropriation process, and also infringes upon the authorization process, then we should not bind ourselves for a period as long as 5 years.

Perhaps the best arguments advanced in opposition to the closed rule were those suggestions offered by the chairman of our Appropriations Committee who observed that it is incredible that one committee could seize the appropriation, as well as the authorization process from all 435 Members. He pointed out that if we vote for a closed rule we are shutting ourselves off from any voice in these procedures for 5 years.

Mr. Speaker, I cannot believe there is a need for such hysterical insistence that this bill be considered under a closed rule. Only the one title, title II, involves the Internal Revenue Code. The rest of the bill, or two-thirds of it are not of that nature. The insistence by the Ways and Means Committee for a closed rule seems to convey the idea that the committee harbors the idea that the rest of us are not to be trusted. In a closed rule, of course, the House cannot work its will but only vote up or down the will of the Ways and Means Committee. I suppose it all boils down to a matter of confidence. Surely the Ways and Means Committee should have more confidence in their fellow Members and all the rest of us should have confidence enough in ourselves to oppose a closed rule.

As the ranking minority member of the Ways and Means Committee put it, if we do not display enough confidence in ourselves to oppose a closed rule, how can we expect the public to have much confidence in the Members of Congress?

The previous question should be voted down, which would open the way for a modified rule to enable us to make one or two needed amendments and promptly pass H.R. 14370.

Our localities face severe financial problems. Some are close to the brink of fiscal bankruptcy. Let us vote down the closed rule and proceed to reduce the term from 5 years to 2 years, which will give this new concept a fair test to see if it is workable and will serve the local governments as well as predicted.

Mr. SMITH of California. Mr. Speaker, for the benefit of those who were not here when I made my statement, I would like to reiterate.

The resolution which I will offer is House Resolution 1006 which will permit an open rule and amendments. It does not waive points of order on sections 1 through 143.

The only point of order, in my opinion, is appropriation language. The rest of the bill is closed.

Mr. Speaker, I would urge the Members to vote down the previous question so that we may have a chance to consider the substitute, House Resolution 1006, to consider the bill.

Mr. O'NEILL. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, none of us relish finding ourselves in the position where two of the great committee chairmen are on opposite sides.

But all of us recognize the fact that this is a very complex issue and one upon which reasonable men may disagree.

Yet, as in all matters of this kind, one must look at the facts and examine the problem and see whether or not a reasonable solution can be arrived at.

What is the problem before us? I think no one contradicts this—our cities, particularly our large cities, face a crisis all over this country. The mayors of all these cities have come in from New York, Detroit, Philadelphia, Los Angeles, New Orleans, Houston, Baltimore, Newark—all of them—Boston—and without exception they have pointed out their problems.

Let me give you just an example or two.

I remember Newark—that comes to mind. A $20,000 home in Newark today pays about $2,000 in real property taxes each year. That means that in 10 years one pays the entire value of that house.

It was testified that in Newark each year, hundreds of houses are being abandoned as are other buildings and other structures. In truth and in fact, the local governments in this country are almost entirely dependent upon either sales taxes, which in some instances run as high as 6 and 7 percent, or real estate taxes, which in many instances have become confiscatory.

Now some will say, "Why have not the cities helped themselves? Why haven't the local governments helped themselves?"

From 1955 until 1970, local revenues increased from $31 to $130 billion. I say, Mr. Speaker, that that is evidence that they have helped themselves. The main problem is that there has been a great internal migration in this country.

The distinguished minority leader, Mr. FORD, and I are going to China on Friday, and the literature that I read says that 80 percent of the 800 million people who live in that country live in the rural areas there. But in our country something over 72 percent of the people now live in the cities, and in the last 20 years they have come in from the country in great numbers—most of them poor and ill-equipped to live in the cities, and the cities are ill-equipped to pay for their care. The cities' revenues are declining while their expenses and their costs are increasing, and that is why this bill is here before us today—for no other reason.

We have revenue sharing of a type now, very substantial revenue sharing. As a matter of fact, something like $37 billion a year can be cataloged as revenue sharing, but in many instances that revenue sharing is not helpful in that it requires certain matching formulas. Many cities and many counties are unable to accept the funds, or in many cases they are spent unwisely in order to accept the funds. So this program has been devised. It is a bipartisan program.

Granted, we are confronted with certain procedural problems.

They say, well, we bypassed the Appropriations Committee. I say it is too bad that the Appropriations Committee is bypassed, but in an emergency you take emergency action, and certainly this is not any precedent. The law is replete with program after program, particularly the trust fund programs, where the authorization and the appropriation funds are all together.

This is a complex program, and if we are required to run the whole legislative gamut of authorizations and appropriation in this emergency, I say, Mr. Speaker, that we would not get any legis-

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lation, and the crises in the cities would grow greater, and the problems in our country would multiply tenfold.

I hope that the previous question is adopted.

The SPEAKER. All time has expired.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 185, answered "present" 2, not voting 22, as follows:

[Roll No. 214]

YEAS—223

Abzug	Frelinghuysen	Mosher
Addabbo	Frenzel	Murphy, Ill.
Alexander	Fulton	Murphy, N.Y.
Anderson, Calif.	Gaydos	Nedzi
	Goldwater	Nelsen
Anderson, Ill.	Grasso	O'Konski
Anderson, Tenn.	Gray	O'Neill
	Green, Pa.	Pepper
Annunzio	Griffiths	Pettis
Arends	Grover	Peyser
Aspin	Gubser	Pirnie
Badillo	Gude	Poff
Belcher	Halpern	Preyer, N.C.
Bell	Hamilton	Price, Ill.
Bergland	Hammer-schmidt	Pucinski
Betts		Quie
Bevill	Hanley	Quillen
Blaggi	Hansen, Idaho	Railsback
Blester	Harrington	Rangel
Bingham	Harsha	Reid
Boggs	Harvey	Reuss
Brasco	Hastings	Riegle
Bray	Hawkins	Robison, N.Y.
Broomfield	Hébert	Rodino
Brotzman	Heckler, Mass.	Roe
Brown, Mich.	Heinz	Roncalio
Brown, Ohio	Helstoski	Rooney, Pa.
Broyhill, N.C.	Hicks, Mass.	Rosenthal
Buchanan	Hillis	Rostenkowski
Burke, Mass.	Horton	Ruth
Burlison, Mo.	Howard	Ryan
Byron	Hunt	St Germain
Caffery	Jarman	Sarbanes
Camp	Johnson, Calif.	Scheuer
Carey, N.Y.	Johnson, Pa.	Schwengel
Carlson	Karth	Shipley
Chamberlain	Kastenmeier	Shoup
Clausen, Don H.	Keating	Shriver
	Kee	Smith, N.Y.
Clay	Keith	Springer
Cleveland	Kemp	Stanton, J. William
Collier	King	
Collins, Ill.	Kluczynski	Stanton, James V.
Conable	Koch	
Conover	Kuykendall	Steele
Conte	Kyl	Steiger, Ariz.
Conyers	Kyros	Steiger, Wis.
Cotter	Landrum	Stephens
Coughlin	Latta	Stokes
Culver	Leggett	Stratton
Curlin	Lent	Stubblefield
Daniels, N.J.	Link	Symington
Danielson	Lloyd	Teague, Calif.
Delaney	McClory	Terry
Dellenback	McCloskey	Thompson, Ga.
Dent	McCollister	Thomson, Wis.
Dickinson	McCulloch	Thone
Diggs	McDade	Tiernan
Dingell	McEwen	Ullman
Donohue	McKevitt	Wampler
Dorn	McKinney	Ware
Dow	McMillan	Widnall
Dulski	Macdonald, Mass.	Wiggins
Duncan		Whalen
du Pont	Madden	Whalley
Dwyer	Mailliard	Whitehurst
Eckhardt	Mann	Wilson, Bob
Eilberg	Mathias, Calif.	Wilson, Charles H.
Eshleman	Matsunaga	
Evins, Tenn.	Mayne	Winn
Fish	Miller, Calif.	Wolff
Flowers	Miller, Ohio	Wydler
Foley	Mills, Ark.	Wylie
Ford, Gerald R.	Mills, Md.	Zablocki
Ford, William D.	Minish	Zion
	Mink	Zwach
Forsythe	Mizell	
Fraser	Morgan	

NAYS—185

Abbitt	Flynt	O'Hara
Abourezk	Fountain	Passman
Adams	Frey	Patman
Andrews, Ala.	Fuqua	Patten
Andrews, N. Dak.	Garmatz	Perkins
	Gettys	Pickle
Archer	Giaimo	Pike
Ashbrook	Gibbons	Poage
Ashley	Gonzalez	Powell
Aspinall	Goodling	Price, Tex.
Baker	Green, Oreg.	Purcell
Baring	Griffin	Rarick
Barrett	Gross	Rees
Begich	Haley	Rhodes
Bennett	Hall	Roberts
Blackburn	Hanna	Robinson, Va.
Blatnik	Hansen, Wash.	Rogers
Boland	Hathaway	Roush
Bolling	Haya	Rousselot
Bow	Hechler, W. Va.	Roy
Brinkley	Henderson	Roybal
Brooks	Hicks, Wash.	Runnels
Broyhill, Va.	Holifield	Ruppe
Burke, Fla.	Hull	Sandman
Burleson, Tex.	Hungate	Satterfield
Burton	Hutchinson	Saylor
Byrne, Pa.	Ichord	Scherle
Byrnes, Wis.	Jacobs	Schneebeli
Cabell	Jonas	Scott
Carney	Jones, Ala.	Sebelius
Carter	Jones, N.C.	Selberling
Casey, Tex.	Jones, Tenn.	Sikes
Cederberg	Kazen	Sisk
Chappell	Landgrebe	Skubitz
Chisholm	Lennon	Slack
Clancy	Long, La.	Smith, Calif.
Clark	Long, Md.	Smith, Iowa
Clawson, Del	Lujan	Snyder
Collins, Tex.	McClure	Spence
Colmer	McFall	Staggers
Corman	McKay	Steed
Crane	Mahon	Stuckey
Daniel, Va.	Mallary	Sullivan
Davis, Ga.	Martin	Talcott
Davis, Wis.	Mathis, Ga.	Taylor
de la Garza	Mazzoli	Teague, Tex.
Dellums	Meeds	Udall
Denholm	Melcher	Van Deerlin
Dennis	Michel	Vander Jagt
Derwinski	Mikva	Vanik
Devine	Minshall	Veysey
Dowdy	Mitchell	Vigorito
Downing	Mollohan	Waggonner
Drinan	Monagan	Waldie
Edmondson	Montgomery	White
Edwards, Ala.	Moorhead	Whitten
Edwards, Calif.	Moss	Williams
Evans, Colo.	Myers	Wright
Fascell	Natcher	Wyman
Findley	Nichols	Yates
Fisher	Nix	Young, Fla.
Flood	Obey	Young, Tex.

ANSWERED "PRESENT"—2

Brademas	Randall

NOT VOTING—22

Abernethy	Hagan	Podell
Blanton	Hogan	Pryor, Ark.
Celler	Hosmer	Rooney, N.Y.
Davis, S.C.	McCormack	Schmitz
Erlenborn	McDonald, Mich.	Thompson, N.J.
Esch		Wyatt
Galifianakis	Metcalfe	Yatron
Gallagher	Pelly	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Randall against.

Mr. Thompson of New Jersey for, with Mr. Brademas against.

Mr. Esch for, with Mr. Abernethy against.

Mr. Hogan for, with Mr. Erlenborn against.

Mr. Podell for, with Mr. Schmitz against.

Mr. Hosmer for, with Mr. Davis of South Carolina against.

Until further notice:

Mr. McCormack with Mr. McDonald of Michigan.

Mr. Hagan with Mr. Pelly.

Mr. Pryor of Arkansas with Mr. Wyatt.

Mr. Metcalfe with Mr. Gallagher.

Mr. NIX changed his vote from "yea" to "nay."

Mr. EVINS of Tennessee and Mr. DENT changed their votes from "nay" to "yea."

Mr. BRADEMAS. Mr. Speaker, I have a live pair with the gentleman from New Jersey (Mr. THOMPSON). If he had been present he would have voted "yea." I have voted "nay." I withdraw my vote and vote "present."

Mr. RANDALL. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. CELLER). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, rule XXXII of the House reads as follows:

> The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases . . .

The SPEAKER. Would the gentleman withhold his point of order until the Chair has an opportunity to discuss it with him?

Mr. GROSS. Mr. Speaker, I do not believe there is very much to discuss.

The SPEAKER. The Chair thinks there is something to discuss and would appreciate it.

Mr. GROSS. Has the Chair recognized the gentleman, or has he not?

The SPEAKER. The Chair has recognized the gentleman.

Mr. GROSS. Then I will proceed.

The SPEAKER. But the Chair would request the gentleman to withhold his point of order until the Chair has had an opportunity to discuss it with him. Will the gentleman withhold his point of order temporarily?

Mr. GROSS. If the Speaker will agree to recognize me later if I am still unconvinced.

The SPEAKER. The Chair will discuss the matter with the gentleman.

Mr. GROSS. Would the Chair agree to recognize the gentleman from Iowa for the purpose of raising the point of order if the gentleman is still unconvinced?

The SPEAKER. The Chair will recognize the gentleman, but the Chair would like to discuss it with the gentleman.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14370, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 4 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 4 hours.

The Chair at this time recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, before beginning my statement on the bill let me express the hope that it will not be necessary for us to consume the entire 8 hours of general debate. I do not want to drag the matter out, and I know the members of the committee would not wish to do so. Perhaps we can get through in less time than that; and I should like, if we can, for us to vote by 3 or 4 o'clock tomorrow afternoon. It will not be necessary for us to go late tonight in order to do that, I feel certain.

Mr. Chairman, as many of the Members know, I opposed the administration's proposal for revenue sharing on grounds and for reasons which I outlined in a statement to the Members of the House last January a year ago. If I were voting today on that original proposal, my views would be unchanged. I would still be opposed to it.

However, I advised then, and on many occasions after that, that mine was not a negative attitude but more directed to certain specific weaknesses which I thought I saw in the original proposal.

At no time have I ever been unmindful of the financial problems of many of our cities and towns and counties. Nor have I been unmindful of the fact that State governments themselves have been unable for reasons which all of us know and which are very apparent, to keep their revenues coming at a rate equal to the increases in the demands for services. Of course, that also has been a problem for the Federal Government.

I know of no proposition that the Committee on Ways and Means considered at greater length or in more detail than it has the fiscal problems of the cities, the towns, the counties, and the States.

Bear in mind we had over 100 public and private witnesses. Their testimony covered about 1,500 pages and fills about eight volumes of hearings. There was a great amount of written material submitted in addition to the oral statements of witnesses.

We spent about 35 days, as I recall it, in intensive executive session on this problem. As a result of these extensive deliberations over a period of almost 2 years, I think the committee turned out a bill which meets the needs of the State and local governments and at the same time contains adequate safeguards to protect the interests of the Federal Government.

In saying this I know there is bound to be some feeling on the part of some that the bill might be improved in particular respects. Let me very frankly say to the membership of the committee——

POINT OF ORDER

Mr. HALL. Mr. Chairman, I raise a point of order about an excess number of committee clerks on the floor. I insist on my point of order, Mr. Chairman.

The CHAIRMAN (Mr. NATCHER). The gentleman insists on his point of order. As the Members will recall, recently the same point of order was made, and the Speaker of the House ruled that only four professional staff and the clerk of committees could be on the floor at the same time.

The rules of the House must be carried out. If there are more than four professional staff and the clerk on the floor they must retire.

Mr. MILLS of Arkansas. May I add to that, Mr. Chairman, on my own count there are, I think, six members of the staff, two on the minority side and four on the majority side.

JOHN, you keep your two, and we will keep two on our side.

The CHAIRMAN. There must be not more than four professional staff and the clerk on the floor at any one time.

Mr. BYRNES of Wisconsin. All right. That is fine.

Mr. MILLS of Arkansas. We will keep two on our side and you keep two on your side.

I do not know what Dr. HALL has in mind, but I am perfectly willing to abide by the rules of the House. I was not aware of that ruling.

You know, a great deal of individual knowledge is in the minds of the staff of the committees.

Mr. Chairman, I was about to say that the bill does not satisfy me in all respects. I offered suggestions that the majority of the committee saw fit not to adopt in three or four different respects, but I am not one of those, as maybe some of you are, who feel that the distribution formula in the bill should be varied in some particular way or other and that it might make it more equitable if we did so.

Let me tell you why. We ran through computers every conceivable suggestion that could be made by any and all members of the committee for the distribution of these funds in a formula. Sometimes we would come up with an idea that we thought was almost perfect. But by the time we ran the suggested formula through the computer it did not do what its proponents thought it would do. So it was not a simple thing by any means.

I finally suggested to the members of the committee that we probably could work on it from the time that we concluded until Christmas of this year, and limit our sole consideration to the various formulas that we might think of, and we still would not be fully satisfied with the end result on Christmas Eve. So it gives you some idea of the magnitude of the work the committee did, the extent of the committee's consideration of these matters of formulas and the difficulty that does exist in perfecting a formula that everybody would say treated his area equally or fairly by comparison with some other area.

Mr. Chairman, let me explain if I may the details of the bill, and then I will outline for you some of the considerations that prompted us to report the bill.

The bill provides for the distribution of $5.3 billion to States and local governments beginning January 1, 1972. This is retroactive for 6 months. In the 4 succeeding years the level of benefits increases until the $5.3 billion has increased by the fifth year to about $6.5 billion. I will explain the reason for the increase later.

Of these funds, $3.5 billion are made available to counties, cities, and other local governments, such as townships in the States where they perform governmental functions. An additional $1.8 billion for 1972 is made available to State governments.

It is this $1.8 billion which increases gradually over the next 4 years until it reaches a level in the fifth year of about $3 billion.

And, Mr. Chairman, I am going to insert at this point, by permission of the House, a table which is taken from page 3 of the committee report.

TABLE 1.—ESTIMATED 1ST YEAR DISTRIBUTION OF FUNDS UNDER H.R. 14370, STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972, BY STATE [1]

[Amounts in millions of dollars]

	State share	Local share	Total
United States, total	1,800.0	3,500.0	5,300.0
Alabama	14.9	65.2	80.1
Alaska	3.5	3.1	6.6
Arizona	14.0	32.1	46.1
Arkansas	8.0	30.4	38.4
California	241.1	369.7	610.8
Colorado	20.3	39.1	59.4
Connecticut	21.0	51.7	72.7
Delaware	7.8	9.5	17.3
District of Columbia	10.8	15.2	26.0
Florida	31.9	118.1	150.0
Georgia	28.3	75.1	103.4
Hawaii	13.2	12.7	25.9
Idaho	5.8	9.6	15.4
Illinois	105.1	196.6	301.7
Indiana	31.0	82.8	113.8
Iowa	26.2	41.6	67.8
Kansas	13.8	34.0	47.8
Kentucky	19.2	52.6	71.8
Louisiana	18.4	64.8	83.2
Maine	5.6	14.2	19.8
Maryland	50.1	67.4	117.5
Massachusetts	74.6	104.4	179.0
Michigan	91.0	152.7	243.7
Minnesota	51.7	62.4	114.1
Mississippi	10.1	35.9	46.0
Missouri	27.9	79.6	107.5
Montana	6.9	9.9	16.8
Nebraska	9.7	24.8	34.5
Nevada	3.7	8.5	12.2
New Hampshire	3.3	10.2	13.5
New Jersey	44.7	135.0	179.7
New Mexico	6.5	16.0	22.5
New York	317.4	332.2	649.6
North Carolina	36.3	76.8	113.1
North Dakota	3.6	8.4	12.0
Ohio	49.5	177.8	227.3
Oklahoma	11.4	41.4	52.8
Oregon	24.8	35.2	60.0
Pennsylvania	98.4	202.5	300.9
Rhode Island	7.8	18.0	25.8
South Carolina	14.3	43.5	57.8
South Dakota	3.7	9.8	13.5
Tennessee	14.3	65.0	79.3
Texas	46.2	202.0	248.2
Utah	8.8	20.2	29.0
Vermont	5.7	5.3	11.0
Virginia	38.3	77.3	115.6
Washington	20.9	58.2	79.1
West Virginia	10.0	26.4	36.4
Wisconsin	65.9	71.1	137.0
Wyoming	2.2	3.9	6.1

[1] These figures are shown on an annual rate basis. The first distribution is for a half year, Jan. 1, through June 30, 1972.

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You can look at that table if you have a copy of the report because it shows the distribution among the States of both the funds going to the State governments and the funds going to the localities within the States. The distribution of funds going to localities by individual counties and municipalities is shown in a separate part 2 of the committee report. It was too voluminous, we thought, to include in the regular report in the normal manner of filing reports by the committee.

Let me deal first with the funds to be distributed to the local governments. The $3.5 billion is distributed under various formulas which measure their need by taking into account their population, the extent of the urbanized area in a given locality, and the relative extent of poverty in the locality as is shown by the income levels of its residents relative to the income levels of residents of other localities.

The funds available in the first year and a half are distributed under formulas which generally give equal weight to those three factors. But in the remaining 3½ years—beginning on July 1, 1973—over which the bill operates the State legislatures are given the opportunity and the authority to modify substantially how the distribution formulas work within their areas so that the legislatures will retain the basic responsibility for meeting the problems of their localities.

In addition to those funds going to a State government for its own use are decreased if the State does not at least maintain its 1972 level of assistance to its localities.

The funds distributed to the local governments are available only for limited categories of expenditures. They are available for maintenance and operating expenditures for public safety, environmental protection, and public transportation. In addition, they may be used for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. These funds may not be used by a local government in any way which discriminates because of race, color, sex, or national origin.

Moreover, to prevent the Federal aid from constituting an undue proportion of the total revenue of the local government, the amount of that aid going to any particular local government cannot exceed 50 percent of its adjusted taxes plus intergovernmental grants other than those provided by this bill.

Let me turn to the distribution among the States of the $1.8 billion which is available for their unrestricted use. This distribution also is made over a 5-year period. But, as I said earlier, the $1.8 billion amount is increased by as much as $300 million a year in each of the four subsequent years. By the fifth year, this means that these funds may reach an annual level of slightly over $3 billion.

The funds going to the State governments are distributed on an incentive basis, a different type of formula. One-half is designed to encourage tax effort generally and one-half to encourage greater use of individual income taxes. General tax effort is measured by comparing the State and local tax collections in a State relative to its personal income level, with a similar measurement of revenue effort in such States. In other words, if you come out with one State under this formula having made a greater tax effort than another State, then that first State would receive more as a result of having made that greater effort.

Income tax encouragement is provided by distributing an amount equal to one-half of 15 percent of the State's individual income tax collections. In no event, however, even if the State has no income tax, is the basic income tax amount to be less than one-half of 1 percent of the total Federal individual income tax liabilities within a State nor may the maximum amount exceed one-half of 6 percent of those Federal income tax liabilities.

In order to prevent a State which is raising its tax effort and tax collections from taking away from a State which is already making a maximum effort, the bill provides an increase in the $1.8 billion of $300 million annually after the first full year. This makes it unlikely that a State that was making a maximum effort in the first year will receive less money in the second year just because other States increased their tax effort.

Let me turn to a feature of the bill about which there seems to be no question or argument. Under the bill States are given the option to request Federal collection of their State individual income taxes under a piggyback arrangement whereby the State tax is collected in conjunction with the Federal tax. That will be a great timesaver for the local citizens of a State not to have to figure out two separate income tax returns and go through all the complications of the two. This piggyback collection of the State income taxes by the Federal Government is to be available for 1974 and later years, but only after five or more States, representing 5 percent or more of individual income tax returns, request the Federal Government to collect the taxes for them. There is nothing compulsory about it. The State has to voluntarily request that the Federal Government do this.

I believe what I have just told you in a general way outlines how the bill works. Let me set out for you the reasons why I believe the legislation is needed at the present time.

First, let me turn to the problems of the local governments, and I might add that it was primarily their problems that finally led me to the conclusion that some kind of fiscal assistance must be provided. In the committee, our study led us to the conclusion that many localities really face very severe financial problems. In many instances, we became convinced on the basis of our own personal knowledge of the situation that a lot of these cities, a lot of these local units of government, were tottering on the brink of actual fiscal bankruptcy in their own operations. When it became apparent that in cities where crime is one of the major problems, that the city governments were having to cut back on their police forces, on their fire departments, on their sanitation officers, and when it became apparent to us that the cities were not in a position to put funds into programs that were highly needed within the cities to carry out the economic and the social responsibilities of city government, I think all of us became aware that there was a need for some degree of assistance being extended to these local levels of government.

A major reason for the problems is the substantial increase in urbanization that has occurred in recent years. In 1950 slightly over 45 percent of our population lived in what are called urbanization causes the need for local government services to rise in a geometric ratio. Cost of services, particularly services such as police, fire protection, sewage, refuse disposal, and other forms of environmental protection, and public transportation, rise disproportionately as people have come into closer and closer proximity to each other. The need for these and other services has placed very great financial strains, as I said, on many of these local governmental units.

Closely related to the problems of urbanization is the problem arising from a limited jurisdiction of many local governments. Many of them are called upon to provide services for persons who do not live in their taxing jurisdiction. At the same time those within their taxing jurisdictions are often poor and unable to pay their share of the cost of services that they must receive. This problem is probably most aptly illustrated by, although it is by no means limited to, the many core cities whose financial problems are particularly acute. The flight of the middle-income people and the higher income people to the suburbs has left cities with the financial burdens of providing for those outside their boundaries as well as large numbers of relatively low income people living within the cities who are, as I say, able to pay only a small share of the costs of government services—even those extended to them.

These problems of urbanization and of limited tax jurisdictions are compounded by the twin problems of rising costs resulting from inflation and the lower than normal increases in revenues because of the stagnant conditions of the economy. The inflation we have experienced since 1966 has added about one-third to the cost of State and local government services.

Despite these difficult problems, State and local governments in the past have tried, and in large part have succeeded, in meeting their increased expenditures by increasing taxes. Between 1955 and 1970, for example, State and local government revenues rose from $31 billion to $131 billion, and during this period their tax revenues alone more than tripled. But as these costs continue to rise, many of the local governments are having increasing problems in raising still further revenues.

It was because of the problems that I just outlined that the bill in distributing the funds to local governments has done so on the basis of the factors I just mentioned, namely population, urbanization, and relative poverty levels as measured by the incomes of the residents of the localities.

We also selected the lists of the high priority items on which local governments will be required to spend their grants with two objectives in mind. The first objective was to select expenditure items which are essential for the well-being of the local communities and enjoy what we think are high or top priorities. I think anyone who examines the list of these items in the bill—items which include expenditures for public safety, environmental protection, and public transportation—can have little doubt that these classes of expenditures are essential ones and of high priority need.

A second objective was to confine high priority to a relatively small number of categories in order to concentrate the grant funds on particular types of expenditures in sufficient amounts to accomplish significant results. Bear in mind that the amount of money made available here in relation to the total of expenditures of the State and local governments is really, I must admit, very small. So if it is going to be a small amount of money, we thought we would accomplish more in concentrating the expenditure of that money in these limited areas, rather than allowing it to be spent over 20 or 25 types of expenditures.

At this point, because there has been considerable misunderstanding on the subject, I want to explain why educational expenditures are not included in the list of high-priority items for which these moneys can be spent. The reason for this is not that we failed to recognize the vital importance of education. Education expenditures are thought to occupy a very high priority by Members of the House. Certainly I share that view. Rather, it is due to the recognition that other Federal programs have been designed to provide very substantial assistance to local governments for educational purposes.

There is an additional reason. If they had been included in the bill, there would be considerable danger that even a $3½ billion annual grant to local governments would be spread so thin that it would not be effective in accomplishing its purpose. Finally, there is the fact that some general purpose local governments such as cities, administer their own educational systems while in other cases there are independent school districts which perform this function. This introduces complexities which we thought made it impractical to include educational expenses in a way which would secure equitable results across the board.

The problems as I have described them so far are primarily those of local governments.

The problems of the State governments appeared to the committee, and certainly they appeared to me, to be less severe. This is one reason why the bill initially distributes about two-thirds of the funds to the localities and one-third of the funds to the States.

The problems of the States also seemed to be, at least to me, of a different nature. In the case of States, the primary difficulty seems to be that of making adequate use of possible tax sources. In particular, this is because in the past they have depended heavily on property and sales taxes which is not as flexible a source of revenue as the Federal income tax. In part, this also is because the States' financial problems have increased as they helped their local governments meet their increasing financial needs.

In addition, some of the States have not made effective use of the revenue sources available to them. This is suggested by the substantial variations on the tax effort of various States. For example, if all States and their localities had made the same revenue effort as was made in 1969 by the average of the 10 States having the highest revenue effort, State and local governments would have raised $18.6 billion more in revenue than they did. This suggested to your committee the desirability of encouraging revenue effort on the part of the States. In other words, we concluded the best thing we could do for the States was to help the States help themselves.

Some of the committee wanted to encourage a State income tax—a majority of the members. I had a different viewpoint, but I did not prevail. I wanted to look solely at the total of the revenues raised by the State in determining the States' revenue effort, but a majority of the members of the committee felt that heavy reliance on the income tax was the preferable system of taxation for States as well as the Federal Government. They felt that the States should be encouraged to make greater use of individual income taxes.

I have questioned whether we should put our sole reliance on encouraging the States to increase their income taxes. These differing views resulted in a compromise. This is better than the bill I introduced in this respect. In this respect in my view this bill before us is not quite as good a formula as one based entirely on tax collections generally. However, I am satisfied to go along with it. I would think it is perhaps the best we could do. The compromise we adopted gave the States half of what they receive, $900 million, on the basis of the total tax effort, and the other half they receive, the other $900 million, on the basis of their income tax collections.

However, we do say, if the State has no income tax, that we will give it not less under this formula than one-half of 1 percent of what the Federal Government takes from the residents of that State from the individual income tax collections so you will not be left out of even this half of the formula as a result of not having an income tax.

Then we say to the States that have income taxes, even though this half of the formula generally is based on one-half of 15 percent of income tax collections, we will never let you have more under this one-half than an amount equal to one-half of 6 percent of the Federal individual income tax take from the citizens of your State.

Some of the committee wanted to encourage State income tax effort specifically and others of us preferred encouraging general tax effort without emphasizing any particular source of revenue. We balanced these two different points of view by the formula in the bill which distributes half of the funds to the States on the basis of general revenue effort and one-half on the basis of income tax effort.

We in the committee, of course, recognized that the Federal Government has severe substantial financial problems too. The Federal Government's financial problems are all too clearly demonstrated by the large deficits we have recently experienced and are continuing to experience. The Treasury now expects the deficit for the fiscal year 1972 to be about $26 billion and the deficit in 1973 to be about $27 billion. I expect the deficit for the fiscal year 1972 to be nearer $25 billion but I fear the deficit for 1973 will be substantially above $30 billion.

Certainly, our committee as much as anyone in the Congress, believes that steps need to be taken to improve the Federal budget position. We do not believe, however, that the problems of these large deficits by themselves should preclude Federal fiscal assistance to State and local governments. In view of this vital need, to deny this assistance to State and local governments while the Congress continues other present expenditures implies that this assistance has a lower priority than all other forms of Federal spending. This is a position we cannot accept. We are convinced that the Federal assistance provided by this bill represents one of the Nation's most vital needs. As a result, even though the Federal budget is in a large deficit position—and as undesirable as this clearly is—we do not believe that this represents a justification for deferring State and local fiscal assistance any more than it is a reason for deferring any other vital needs.

I know that there has been some criticism of this legislation on the ground that it helps the wealthy States more than the poorer States. In the form in which this argument is generally presented, it usually rests on figures showing that the per capita grants to the poorer States—that is, the States where per capita income is relatively low—are smaller than the per capita grants to the wealthy States. I want to make clear, however, that this argument rests on a misunderstanding of the objectives of the bill.

For one thing, this argument does not take into consideration the fact that the wealthy States generally pay a relatively larger share of the Federal income tax while the poorer States pay a relatively smaller share of this tax. In evaluating the distributive effects, it is important to take into consideration not only the grants themselves but also the Federal income taxes that are collected to pay for these grants. When both the grants and Federal income taxes are taken into consideration, the net effect is to aid the poorer States.

For example, the States of Alabama, Mississippi, and Tennessee are three States with per capita incomes in the lower third of all the States. The local governments in Alabama will get 1.86

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percent of the total local grants, although Alabama accounts for only 1.04 percent of Federal individual income taxes. Similarly, local governments in Mississippi will get 1.03 percent of the total grants for local governments while Mississippi accounts for 0.47 percent of all Federal individual income taxes. And local governments in Tennessee will receive 1.86 percent of the total grants to local governments while Tennessee contributes 1.41 percent of total Federal individual income taxes.

For the wealthy States, the reverse situation is true—the share of the total aid provided to their local governments is less than the share of the total Federal individual income taxes that these States provide. Local governments in New York, for example, get 9.49 percent of the total aid for local governments, but New York State accounts for 11.34 percent of the Federal individual income taxes. Similar figures could be presented for other wealthy States such as California, Connecticut, and New Jersey showing that they pay a larger share of Federal income taxes than the share of the total grants to local governments that would be provided to their local governments under the bill.

I would like to insert at this point in the RECORD a table which shows for all States the local share per $100 distributed to the local governments under this bill and also the individual income tax the same State contributes toward the raising of each $100 of income tax required to finance this bill. You will notice that in almost all cases, those States where the local share received is high also have made a large contribution toward the revenues required by this bill. Similarly, those who receive a smaller share in virtually all cases made a small contribution toward the revenue required by this bill. The consistency in this regard as shown in this table is quite striking.

REDISTRIBUTION UNDER $3,500,000,000 LOCAL SHARE OF H.R. 14370: COMPARISON OF LOCAL SHARE PER $100 OF LOCAL DISTRIBUTION AND FEDERAL INDIVIDUAL INCOME TAX PAID BY STATE'S RESIDENTS PER $100 OF FEDERAL INDIVIDUAL INCOME TAX

	Per capita income rank	Local share per $100	Tax[1]
Alabama	3	$1.86	$1.04
Alaska	1	.09	.17
Arizona	2	.92	.72
Arkansas	3	.87	.52
California	1	10.56	10.83
Colorado	1	1.12	.96
Connecticut	1	1.48	2.38
Delaware	1	.27	.34
District of Columbia	1	.44	.44
Florida	2	3.37	3.05
Georgia	2	2.15	1.78
Hawaii	1	.36	.40
Idaho	3	.28	.22
Illinois	1	5.62	7.08
Indiana	2	2.96	2.51
Iowa	2	1.19	1.14
Kansas	2	.97	.92
Kentucky	3	1.50	1.08
Louisiana	3	1.85	1.21
Maine	3	.41	.36
Maryland	1	1.93	2.36
Massachusetts	1	2.98	3.27
Michigan	1	4.36	5.0
Minnesota	2	1.78	1.6
Mississippi	3	1.03	.4
Missouri	2	2.28	2.1
Montana	3	.28	.2
Nebraska	2	$0.71	$0.61
Nevada	1	.24	.35
New Hampshire	2	.29	.33
New Jersey	1	3.85	4.50
New Mexico	3	.46	.32
New York	1	9.49	11.34
North Carolina	3	2.19	1.73
North Dakota	3	.24	.18
Ohio	1	5.08	5.75
Oklahoma	3	1.18	.93
Oregon	2	1.01	.95
Pennsylvania	1	5.79	5.98
Rhode Island	2	.52	.45
South Carolina	3	1.24	.76
South Dakota	3	.28	.19
Tennessee	3	1.86	1.41
Texas	2	5.77	4.79
Utah	3	.58	.35
Vermont	2	.15	.17
Virginia	2	2.21	2.08
Washington	1	1.66	1.78
West Virginia	3	.75	.61
Wisconsin	2	2.03	1.97
Wyoming	2	.11	.14

[1] Tax contributed per $100 of Federal individual income taxes.

In addition, I want to emphasize that so far as the grants to the States are concerned, looking at the distributive effects in terms of per capita income misses the point. The objective of these grants, as I have indicated, is to encourage the States to help themselves by raising adequate tax revenue for their needs. This is the reason why the grants to the States are based on their tax revenues. I might add that in this respect the bill very closely resembles the proposal made by my good friend JOHN BYRNES to aid the States by allowing individuals to credit their State income taxes against their Federal income taxes. However, I believe that the provision in the bill is superior to his proposal because it funnels the aid directly to the State governments.

Moreover, I would like to emphasize that this bill will make an important contribution toward a more equitable tax system. The Federal tax system generally is acknowledged to conform more closely than State and local tax systems to the principle of ability to pay, inasmuch as the Federal tax system relies heavily on income taxes while the State and local taxes consist mainly of sales and property taxes. Accordingly, the $3.5 billion of annual grants that will be provided to local governments for high-priority items under the bill will be financed in an equitable manner. In this respect, the grants will aid homeowners who are already subject to heavy property taxes by siphoning off some part of the pressure for increased property taxes.

Finally, I would like to emphasize that while this bill agrees with the concept of revenue sharing in that it distributes funds to State and local governments, there are a series of differences between the fiscal assistance provided by this bill and the revenue-sharing proposal initially presented to us which in my mind are absolutely fundamental.

First, the bill provides for the distribution of specific dollar amounts of fiscal assistance rather than any percentage of Federal revenues. This gives us assurance that the Federal Government in approving this bill will not be adding an ever-increasing and uncontrollable expenditure category to the budget.

Second, this bill provides the fiscal assistance for a limited 5-year period. This gives assurance of the review of the financial problems of State and local governments after a period of time. As a result, changes can be made in this program as the need develops. To whatever extent we find that this need is not essential in the future, this means that we can cut down the program or possibly even eliminate it. This 5-year program, however, gives assurance that during the current period when, because of the economic situation and other problems, the need for this assistance may well be at a peak level, it will be available.

Third, under this bill, the Federal Government—which is the Government raising the revenues—provides controls on how the local governments will spend the funds distributed to them. They can spend these funds only for generally recognized national high-priority objectives—public safety, environmental and sanitary protections and public transportation. At the same time, there is enough flexibility in how the funds may be spent by the local governments to avoid the defects of the categorical aid programs.

Fourth, the funds made available to State governments are designed to encourage them to expand their revenue efforts—either by the use of revenue sources generally or specifically by State income taxes. In other words, the bill helps the States to help themselves.

This has not been an easy bill for the committee to work out. There were so many different considerations to be taken into account that it was difficult to reach a consensus. Moreover, probably none of us is completely satisfied with every aspect of this bill. We have tried carefully, however, over an extended period of time, to weigh the different considerations and reach as good a balance in dealing with the various problems as possible. I think that this bill achieves such a balance. It will provide urgently needed assistance to State and local governments and at the same time avoids the defects of prior proposals. It is a bill which merits your support and I urge you to adopt it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute to answer questions.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, I have appreciated and listened intently to my colleague and neighbor from the South's explanation of this bill. At one point in his first explanation of the objectives I believe he referred to the investigations of the committee and said they were concerned, as I would paraphrase it, lest essential services be dispensed with in municipalities or States because of near bankruptcy.

Mr. MILLS of Arkansas. This is the

local governments and not the States now.

Mr. HALL. Local governments. In both local governments and municipalities or whatever we call the basic levels of government, the States do and, of course, so do the counties and municipalities have laws against exceeding a debt limit, and by and large they do not. Does the gentleman believe by the greatest stretch of his imagination that we are other than bankrupt in this generation, as a nation?

Mr. MILLS of Arkansas. Let me say I think the gentleman's State has a constitutional amendment that prohibits the State from going in debt. My own State requires the legislature to have to raise taxes to cover their expenditures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

The gentleman's question goes to a point that does concern me.

Mr. HALL. It goes to a point, if the gentleman will yield further, that concerns many of us and about which we have heard nothing in all of the general statements thus far.

Then I have one further followup question, if the gentleman will take sufficient time.

Mr. MILLS of Arkansas. I do want to answer your question. There is no question about the validity of the gentleman's concern about the level of Government spending.

Mr. BUCHANAN. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. Chairman, I withhold my point of order temporarily.

Mr. MILLS of Arkansas. I am concerned about it, too, because the Federal Government is expected to spend substantially more in 1973 than we are spending in fiscal year 1972. Certainly we must reduce expenditures or at least hold down the increase in expenditures. But this should not mean that the expenditures provided by this bill are the expenditures which should be cut. It gets down to the question shall we because of need to hold down spending say that all of the other moneys that we propose to spend for 1973, just because they are in existing programs, are being spent on programs that occupy a higher need or a higher priority than this? I cannot conclude that. Frankly, I cannot say that moneys that we are spending outside of the United States to maintain the political and financial sovereignty and integrity of countries scattered throughout the world are more important than maintaining the fiscal integrity of our own cities and counties and States. I cannot say that.

Mr. HALL. I have heard many make a similar statement and I concur in it so far as foreign aid, World Bank, undeclared war, and so forth are concerned, and have so voted.

My other basic question to the gentleman will be——

Mr. BUCHANAN. Mr. Chairman, I will not withhold further.

I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 215]

Abernethy	Evans, Colo.	Mosher
Abourezk	Foley	O'Hara
Addabbo	Fulton	Pelly
Alexander	Galifianakis	Podell
Anderson, Tenn.	Gallagher	Pryor, Ark.
Ashley	Gettys	Pucinski
Aspin	Gray	Rees
Blanton	Hagan	Riegle
Carey, N.Y.	Hanna	Rooney, N.Y.
Carney	Hansen, Wash.	Rosenthal
Celler	Hébert	Ryan
Chisholm	Hogan	St Germain
Clark	Holifield	Scheuer
Clay	Hosmer	Schmitz
Conyers	Jonas	Sikes
Culver	Keith	Smith, Calif.
Davis, S.C.	Kuykendall	Stephens
Delaney	McCormack	Thompson, N.J.
Dowdy	McDonald, Mich.	Wyatt
Dwyer	Madden	Yatron
Erlenborn	Metcalfe	
Esch		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 369 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the Committee rose, the time of the gentleman from Arkansas (Mr. MILLS) had expired. The gentleman has consumed 35 minutes.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself an additional minute in order to yield further to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman yielding.

Having established that we have no source of revenue from which to refund this mythical largesse to the various States and localities; my basic second question is, if we are to have a new form of tax bill—why not leave the money in the communities or States in the first place rather than bringing it here where notoriously the inefficient Federal personnel inexorably use too much of it for administrative purposes before sending it back to the needy States and communities.

Mr. MILLS of Arkansas. Of course it should be understood that this bill involves very little administrative expense at the Federal level since the funds are paid out under formulas set in the bill. One way which was considered which would not bring the funds to Washington for distribution was to provide a tax credit against the Federal income tax for State income taxes. This, of course, would reduce our own taxes on individuals.

That would work in the 40 States where they have income taxes. If the State legislatures were willing they could pick up this amount which is given back to the individual taxpayers by increasing the State's income tax on them.

But in the 10 States where they do not have an income tax, I do not see how they could get any advantage through such a credit. Also I do not think most of us would want all of the funds returned entirely on this basis.

Mr. HALL. So we bow to the will of those who themselves by popular vote decide not to, and do it for them? It is just that simple.

Mr. MILLS of Arkansas. As a matter of fact, if we are to help all the States, we are caught in the situation where we cannot do it by using a tax credit for State income taxes since not all of the 50 States have State income taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Could the chairman give the Members an idea of what the intention is with respect to the proceedings on this bill, and ask permission for those Members who desire to do so to extend their own remarks in the RECORD.

Mr. MILLS of Arkansas. I thank my friend for reminding me to do that.

Let me say first that we have discussed the matter with the leadership on the gentleman's side and on this side also, and also with the gentleman, and we would like to carry on the debate tonight beyond 6:30 or 7 o'clock or somewhere in that neighborhood in the hope that we can get through with most of the debate, if not all of it, because we have to bear in mind that there are two appropriation bills that are unfinished. I do not know what the leadership plans to do about the rest of the weekend, but that will give us a pretty good day for Thursday, if we dispose of this bill and the other two appropriation bills.

Mr. ARENDS. Is it not possible that we might come in a little bit earlier tomorrow?

Mr. MILLS of Arkansas. That is not within my jurisdiction or at least it is not within the purview of the Committee on Ways and Means.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Chairman, I ask unanimous consent that all Members desiring to extend their own remarks on the bill presently being considered may be permitted to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think it has to be recognized that the vote on this bill, as far as the House is concerned, was pretty well decided with the adoption of the rule. I am not going to try to kid myself that anything I might say is going to change that situation. I think it ought to be made clear, though, that the principal reason for supporting this bill has been somewhat ignored. It has been somewhat ignored by the chairman of the committee in his discussion of what the bill contains.

This principal reason to which I refer is the appetite of the Governors and mayors, State legislators, city council-

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men, and county board members. Their appetite has been whetted for some free money, or new money, from Washington that they can spend as they see fit. Frankly, I cannot blame them too much.

We all know that demands are constantly being made on them for additional services, yet the people are not willing to bear the taxes that those services will cost. And so they are caught in a bind. They apparently envision a "Santa Claus" in Washington saying, "We will send you $30 billion in the next 5 years, and you will be able to take care of some of those requests for services, and you won't have to try to find any way to finance them."

That is a pretty good deal, so I am not criticizing the Governors and the mayors for taking that attitude, even though I must say that it is a pretty selfish one if balanced against the needs and interests of the country. But this is an election year, and it is nice to go home and have the Governor say, "I am with you because you sent me this check from Washington." Or you go to the mayor, and the mayor says, "I am all for you because you sent me a check." I think, frankly, that this reason for supporting the legislation is stronger than any substantive one related to the merits of the bill.

Mr. HALL. Mr. Chairman, will the gentleman yield on that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. Does the gentleman feel that these selfsame mayors and Governors will be in just as strong support next year and the next Congress that we are encumbering, when we have to raise revenue in order to pay out this $30 billion?

Mr. BYRNES of Wisconsin. They will not show up on the scene at that time, since they are asking Congress to assume the painful duty of imposing the tax burden necessary to finance their benefits. But if this becomes law they are going to be back in the very near future. They are using the tremendous political cloak they have demonstrated today to increase the amount of assistance that this bill provides. This bill is just the beginning, as testimony before the committee demonstrated. Governor Rockefeller, speaking for the National Governors' Conference said $10 billion "is absolutely essential." Mayor Gribbs of Detroit, appearing for the U.S. Conference of Mayors, in effect agreed when he stated:

> We feel it should be at the level of $10 billion to meet our needs but that does not mean we would not be pleased to have you pass it at $5 or $6 billion.
>
> Pleased, but not satisfied.

I would suggest that they are never going to be satisfied. Once we start down this road of financing the general governmental responsibilities of States and localities, the Federal allocation is going to become a line item of revenue in State and local budgets. As they total up their expenditures, and their revenues, if they find a deficit, they will put in a line to balance it out, saying "We are working in Washintgon to get this additional amount."

I think anybody who looks at it in a different way is just blinding himself to the true facts of the situation.

I am not going to go through all the arguments against this legislation. I would hope that those Members who are interested in a discussion of the problems involved, and the reasons why some of us think this is a most serious step in the wrong direction, would read the dissenting views that appear in the committee report on pages 88 through 109. When we get into the House, Mr. Chairman, I will ask for permission to include that discussion at the end of my remarks.

Let me emphasize some of the high points now. The President has called this a historic piece of legislation. Others have referred to it in a similar manner. I agree thoroughly. This bill would have long-range adverse effects upon our system of government, the relationship of the Federal Government to the States, the responsibilities of local government, and governmental responsibility generally. I sincerely believe we will regret the day that we start down the road built by this particular piece of legislation.

The bill, in my judgment, is wrong in principle. Once the Federal Government assumes the responsibility of raising the money local governments spend to provide basic services from garbage collection to police protection, we will have completely altered the governmental relationships underlying the success of our pluralistic system.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I commend the gentleman for his statement. I support him 100 percent. I believe this legislation, if passed, will go down in history as the biggest blank check for irresponsibility that this Congress ever passed.

I commend the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I thank the gentleman from Indiana.

Mr. Chairman, let me point out again to the Members of this House the chain of events we are starting here. I sympathize with the problems of our Governors and mayors, because I realize the great demand that is put upon them by their people for additional or expanded governmental services. We see those same demands here. I think there is some restraint today, however, on meeting all of those demands by reason of the fact that somewhere, some time, somehow, money generally has to be raised in order to pay the costs of those services if they are rendered.

Local governments in many cases simply tell the people, "There is the alternative; if we are going to have the services we have to have the increased taxes."

We do not enjoy that same situation here in the Congress, because we have the capacity to borrow, which has led us into a situation where we do not ask ourselves in connection with an additional service, "Are we going to raise taxes?"

For instance, under this bill, we would appropriate and expend $30 billion despite the fact that we will be going $100 billion further into debt over just a 3-year span. We would add new services with the recognition that we will go out and borrow.

Although there is some restraint at the local level today, what is going to happen after the Federal Government assumes responsibility for financing the general costs of local government? A group will come into the mayor and say, "We need this new service; it would be very desirable." He will say, "I think it is desirable, too, and I will do it, if we can only get the money. So if you will get our Congressman to increase the amount of revenue sharing, so that we will get some additional money back here, then we can have that additional service." So, in the future, rest the responsibility for the denial of any service that the people might want will rest on Congress doorstep.

The Congress of the United States will be held responsible, because the Congress is going to be raising the money. Make no mistake about it.

I believe that is going to mean the downfall of the restraint which exists in keeping our fiscal house in order and having a government responsible to the people.

We talk of this as aiding decentralization of government. How blind can we be? By making our States and localities more and more dependent upon Washington, we are centralizing government.

As Jenkin Lloyd Jones said, "Centralization is that device by which the taxpayer's normal prudence is overcome by his greed." Revenue sharing is the most invidious type of centralization. It centralizes the burden of taxes and decentralizes the dispensation of benefits. It makes the benefits immediate and the burden remote.

That is the road on which we embark as we get into Federal Government financing of the general operations of State and local governments.

Let me speak briefly about some other claims that have been made for this legislation.

One is that it is going to reduce local taxes, it is going to reduce the burden on those who pay property taxes. How far-fetched can we be in the rationalizations that we make?

In the first place, let us recognize that education consumes 43 percent of local budgets and 95 percent of the local tax revenue for education is derived from property taxes.

What does this bill do in the area of education? On the surface it says to local governments, "You cannot spend any of the aid we are giving you in this bill on education. You have to limit it to certain high-priority items, and education is not one of them." So how can anybody suggest this is going to really have any effect on local property taxes?

In fact, the "free money" revenue sharing provides may actually result in a proliferation of expensive programs, ultimately requiring even greater taxes at levels of government. Let me, in this regard quote from a highly respected columnist and student of government in Wisconsin, who recently wrote:

> Yet all the lessons of modern political history show that availability of free money generates new programs, new services, and new pressures for higher budgets. To the extent that such infusions will tempt local governments to enlarge their budgets, the pressure will grow for more and more billions from the national treasury in future years.
>
> Municipal officers are politicians and are obliged to support the idea of free money from Washington. Yet their own training in arithmetic must caution them about the futility of sharing federal revenues that are already many billions of dollars short and that the biggest federal deficit in history impends.

Mr. HALL. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding.

I think he is making one of the outstanding statements of the century pertaining to this landmark bill. We are discussing an appropriation without revenue for $31 billion.

Therefore, Mr. Chairman, I make the point of order that a quorum is not present. I want them to hear this.

The CHAIRMAN. The gentleman from Missouri makes the point of order that a quorum is not present. The Chair will count.

Forty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 216]

Abernethy	Ford, William D.	Pelly
Abourezk	Galifianakis	Pepper
Alexander	Gallagher	Pike
Anderson, Tenn.	Gray	Poff
Blanton	Hagan	Pryor, Ark.
Brasco	Hays	Rooney, N.Y.
Broomfield	Hébert	Ryan
Buchanan	Hogan	Scheuer
Byrne, Pa.	Horton	Schmitz
Celler	Hosmer	Scott
Chisholm	Jarman	Smith, Calif.
Clark	Kluczynski	Steiger, Ariz.
Clay	McCormack	Stephens
Coughlin	McDade	Stokes
Davis, S.C.	McDonald, Mich.	Teague, Tex.
Delaney	McMillan	Thompson, N.J.
Dingell	Madden	Tiernan
Dowdy	Metcalfe	Waldie
Erlenborn	Miller, Calif.	Whitehurst
Esch	Monagan	Widnall
Evans, Colo.	O'Hara	Winn
Evins, Tenn.	Passman	Wyatt
Ford, Gerald R.	Patman	Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 365 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Wisconsin (Mr. BYRNES) has 2 minutes remaining.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, before the quorum call was made, I was responding to the argument that this bill will have the effect of reducing property taxes at the local level. That is simply wishful thinking. No assistance is provided for education, to which a large proportion of the property taxes are attributable. The bill is simply an invitation to spend money and expand services at the State and local level.

Another argument made is that the bill will improve relationships between the Federal Government and our States and localities and that we will have a new partnership. It is alleged that the bill will diminish categorical grants, and the redtape associated with these programs.

Mr. Chairman, let us first recognize that we will be providing Federal aid through categorical grants to State and local governments totaling $38 billion in fiscal 1973. But this program is not a substitute for any of the categorical grant-in-aid programs. It does not convert any of these programs into general revenue sharing or bloc grants. This program simply piles still another tier on the existing mess. This bill will not alter the structure nor diminish the magnitude of these existing programs.

All we have to do is to look at the legislation pending in this Congress for enlarging categorical grants. Look at the appropriation we recently approved for education. The House added more than $1 billion over the amount proposed in the budget for that purpose.

When a Congressman or Senator or the President of the United States identifies a public problem that needs solution, the Federal Government will not stand idly by expecting the States to assume full responsibility. Politicians at the national level will want credit for resolving problems.

This is particularly true when the problem is of broad concern to the Nation. In our dynamic society, change is a continuing phenomenon, and the by-products of technological progress often require cooperative governmental programs in attacking specific problems. This is true in the environmental field, as the emphasis on ecology in recent years demonstrates, and as the $24.6 billion, 5-year water pollution bill that recently passed the House also demonstrates. Let us be honest and admit that our constituents expect us to develop solutions to these problems as they arise, and that as politicians we will want to respond. We are simply deluding ourselves and the American people by contending that this bill is in any way related to the categorical grant-in-aid programs.

The real way to attack the defects in the categorical grant-in-aid programs is through structural reform, through "special revenue sharing," or bloc grants as the President recognized in proposing his special revenue sharing programs. Let us get on with that important task instead of enacting an entirely new and potentially more expensive and harmful program.

This program is potentially more harmful, because sooner or later, "strings" or conditions will be attached to these grants. In the affairs of Government, human nature tells us that he who pays the piper calls the tune. If the money is going to come from Washington, sooner or later Washington is going to say how the money is to be spent and under what conditions.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. GIBBONS. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding to me.

The gentleman is making a very intelligent and a very important statement. I want to pay tribute to the gentleman who is the ranking minority member of the committee. When the gentleman retires, I shall certainly miss his service here and I know the Nation will miss the gentleman's service.

What the gentleman was saying a while ago about this program not discouraging categorical grants gives pause for reflection.

Is it not true that the States and localities can directly or indirectly use the $5 to $6 billion dollars of annual aid under this bill as matching money in applying for assistance in the categorical grant programs, getting ourselves into a cycle of having them want more and more and more?

Mr. BYRNES of Wisconsin. I appreciate the gentleman's remarks, and I think he is correct. The committee did pay lip service to preventing this result, but no effective means of implementing this desire was found.

The bill purports to tell local units of government that they must spend this money in three basic categories. You will notice there is no maintenance of effort required. Let me tell you what any community could do, by using my community of Green Bay, Wis., as an illustration. Under this bill Green Bay would get $1.3 million annually. Green Bay's budget for its police department is $1.7 million. Its budget for the fire department is $1.9 million. Under the bill it could take that $1.3 million and finance all except $400,000 of its police department. The $1.3 million that it would otherwise have budgeted from normal revenue for the police department then becomes available to spend in any way Green Bay wants—including using some of the money to match categorical grants in aid.

The cycle the gentleman described exists under this bill, because when the subterfuge is removed from the bill it is "no strings attached" general revenue sharing not in substance different from the administration's proposal. While some improvements have been made, this is in essential concepts and philosophy the administration proposal.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding and commend him for his statement. I am sure the gentleman from Wisconsin heard the opening remarks of the gentleman from Pennsylvania, Mr. FLOOD, in connection with the Labor, Health, Education, and Welfare appropriation bill only last Wednesday or Thursday, during general debate, when he said that in that bill alone there was

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more than $13 billion for grants to the various States.

Mr. BYRNES of Wisconsin. That is the point I make. We are getting to the point of the ridiculous.

Mr. MOSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty Members are present, not a quorum.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Abernethy	Evins, Tenn.	Passman
Abourezk	Findley	Pelly
Abzug	Fish	Pepper
Alexander	Fraser	Poff
Anderson, Tenn.	Fulton	Powell
	Gallifianakis	Pryor, Ark.
Ashley	Gallagher	Rangel
Badillo	Hagan	Rees
Barrett	Hanna	Reid
Bingham	Hansen, Wash.	Rooney, N.Y.
Blanton	Harsha	Rosenthal
Boland	Hébert	Ryan
Bolling	Hogan	St Germain
Brademas	Holifield	Satterfield
Broomfield	Hosmer	Scheuer
Burton	Jacobs	Schmitz
Byrne, Pa.	Jonas	Selberling
Cabell	Jones, Ala.	Sikes
Carey, N.Y.	Karth	Slack
Celler	Koch	Smith, Calif.
Chisholm	Kuykendall	Springer
Clark	Leggett	Staggers
Clay	Long, Md.	Stokes
Conte	McCormack	Teague, Calif.
Conyers	McDonald, Mich.	Teague, Tex.
Davis, S.C.		Thompson, N.J.
Delaney	Madden	Udall
Denholm	Metcalfe	Van Deerlin
Diggs	Miller, Calif.	Vigorito
Dingell	Mitchell	Waldie
Dowdy	Mollohan	Wiggins
Dwyer	Moorhead	Wilson,
Eckhardt	Mosher	Charles H.
Edwards, Calif.	Murphy, N.Y.	Wolff
Erlenborn	Nix	Wright
Esch	O'Hara	Wyatt
Evans, Colo.	O'Neill	Yatron

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14370, and finding itself without a quorum, he had directed the roll to be called, when 324 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself an additional 10 minutes.

Mr. Chairman, let me assure you and the Members of the House that it is not pleasant for me to oppose my President, to oppose my leadership on this particular subject. But let me say that I have long been opposed to this approach to meeting the problems some of our States and cities face. In the middle 1960's, I served on a task force which was set up by the Republican National Committee to consider the problems of State and local governments. The task force report was probably the forerunner of the position taken by the Republican Party in the 1968 convention. But I refused to sign that report because, among other ingredients which I favored very much, it proposed that the Federal Government assume the responsibility for the general costs of State and local governments. This is also the basic principle embodied in this revenue sharing bill. I could not change from that conviction simply because my President happened to recommend it or because my leadership supported it. I assure the Members it is not pleasant, but I feel very sincerely about the matter, and I, therefore, must take the position I am taking today.

I was sorry, Mr. Chairman, that when the chairman of our committee addressed this House and made reference to the fact that he had opposed the bill a year ago but now was supporting it he did not outline for us what changes had taken place in the basic concepts of this legislation which caused the change in his position.

Let me make very clear that I have the highest respect for the chairman of my committee. I believe everybody in this House knows of that respect.

I want to refer to arguments that he made during the last year or so—not in any way to disparage those remarks or the position taken by the gentleman from Arkansas, the chairman of my committee—but because his remarks succinctly and eloquently state the very basic reasons why I oppose revenue sharing today.

It was in June of 1971, just a year ago, in speaking before the Greater New Haven Chamber of Commerce in Connecticut, that the chairman said, and I quote:

> Ironically, this is one of the principal arguments used by supporters of general revenue sharing, the reversal of the concentration of government power in Washington. Contrary to their conclusion, I know of no proposal which would strengthen the hands of those who favor more centralization of power in Washington than this simple proposal to share Federal revenue with the States and through them with the local governments. I have described it many times as a Trojan horse. It is, indeed, just that.

There has been no change in the principle of this bill since that time. It is still subject to that very same criticism. I think the chairman was right then, and I continue to agree with the position he took at that time.

Additionally, the bill still separates the pleasure of spending money to dispense benefits from the painful necessity of imposing corresponding tax burdens. It is an inherent part of this revenue-sharing bill. The chairman of the committee on June 4, 1971, pointed out the harmful effects of such a division:

> Last and perhaps most important of all is the principle involved in revenue sharing in its separation of the spending function of government from the responsibility for revenue raising. Throughout my entire period of public service, both as a county judge in Arkansas in the depression years and nearly three decades on the House Committee on Ways and Means, I have known firsthand the difficulties and political hazards of raising revenue. I remain convinced that this is a necessary discipline on any governmental authority. I am not yet ready and I believe that when all of the facts are in this legislature will not be ready for a new American revolution that would remove this discipline from those who spend the revenues.

I agree with what the chairman said in June of 1971 before the Oklahoma Legislature.

Mr. Chairman, this bill takes us into a dark tunnel of fiscal chaos, with no light at the end. The chairman of our committee mentioned this in his speech on the House floor on January 26, 1971. He said:

> I should say I am not merely worried about the $5 billion or so dollars which the Administration currently would schedule for revenue sharing; rather, my concern is that once this road is begun, where does it end? Obviously, from the standpoint of State and local governments, nothing could be nicer than having no-strings-attached-funds for which they bear no responsibility for raising. As a result, once the $5 billion or so dollars is spent in this manner, what could be more natural than at some future time to demand in the strongest terms possible, further increases in funds available.
>
> In my view we already have too little restraint on spending programs at the present time. If the revenue sharing machinery is to be cranked up, I fear we will lose much of what restraint we now have. I am not at all sure that this was not really the intent of some of the originators of the idea of revenue sharing.

The argument made then, and subscribed to by the chairman of my committee, is as true today as it was in January of 1971.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

The chairman made the argument on several occasions last year that when one looks at the Federal fiscal situation it is difficult to imagine what revenue there really is for us to share.

Let me quote from the chairman's remarks when he reviewed our Federal fiscal plight before the Oklahoma Legislature on June 4 of last year:

> How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past 40 years is beyond me,.

At the time the chairman spoke of a combined deficit for fiscal 1971 and 1972 of $55.1 billion on a Federal funds basis. The current estimate is $62.1 billion. The combined deficits—and increase in our debt—for the 3 fiscal years 1971, 1972, and 1973 is projected at $100 billion. Next week we will again extend the debt limit, and a further increase will be needed in the fall. Events have only strengthened the chairman's arguments. They were correct when he made them a year ago; they have even more force today.

This legislation does not go to the root cause of the problems some State and local governments face. Revenue sharing simply throws money at the symptoms, leaving the underlying disease to subsist beneath the surface. The chairman recognized this also when he discussed revenue sharing before the Oklahoma Legislature in June a year ago, when he said:

> Frankly, however, I have never been one who is attracted to the idea that if you throw money at a problem it will go away. I believe that this attitude is shared by most every member of this body.

The chairman was right then, and his reasoning is equally applicable today. We are not resolving any problems. In fact, we could well be adding new problems on top of problems that already exist.

As I said when I began, it is not my belief that I am changing any votes on this matter. But I think that there are certain things that must be said before this House starts us on the perilous journey outlined by this bill.

I think it is going to be one that the Congress of the United States will regret, if this program comes to fruition. I think it is one that the executive branch of this country is going to regret. I think it is going to be regretted by the States and by the local units of government as they become more and more dependent upon the Congress of the United States and on the Federal Government for financing their basic governmental services.

But, more than by anybody else—it is going to be regretted by the American taxpayers who have to pay the bill. No matter where services are incurred, whether they be at the Federal level or the local level, it is the American taxpayer who has to fork out the money.

All we are doing here is adding another level of expenditures and we are going to be turning to these taxpayers for the additional taxes to finance it.

In the process we also will have removed what few restraints—and, frankly, the rather ineffective restraints that we have today—on public spending. By undermining public accountability we undermine the democratic process.

Who is going to suffer in that process? We all will suffer. But in the final analysis, the American taxpayer will suffer the most in order to appease the appetite of State and local officials.

Following is a reprint of Dissenting Views I filed with several of my colleagues in House Report 92-1018 on the State and Local Assistance Act of 1972:

IX. DISSENTING VIEWS OF THE HONORABLE JOHN W. BYRNES, THE HONORABLE HEBMAN T. SCHNEEBELI, THE HONORABLE JOEL T. BROYHILL, THE HONORABLE OMAR BURLESON, THE HONORABLE JAMES C. CORMAN, THE HONORABLE SAM M. GIBBONS, AND THE HONORABLE JOE D. WAGGONNER, JR.

INTRODUCTION

Let no one be deceived: This is historic legislation. For the first time in our history, state and local governments would become dependent on federal assistance to meet their general governmental responsibilities. The assistance is not related to a carefully defined problem involving a federal interest. This is an entirely new road, fraught with peril, with no end in sight. The one certainty is that the program will be permanent and ever rising in its costs.

This bill provides an annual appropriation of $5.3 billion for a five-year period retroactive to January 1, 1972. The states would receive $1.8 billion of this amount to spend in any manner they please; the remaining $3.5 billion would be allocated to the states to "pass through" to 39,000 units of local government, to be used for so-called "high priority" expenditures.

The "priorities" to which local expenditures are limited were not selected after careful analysis of the needs of the 39,000 units of local government involved. Education, for example, is excluded, although it consumes 43 percent of local budgets and 95 percent of the local tax revenue for education is derived from property taxes. The "priorities" were plucked out of thin air for the sole purpose of distinguishing the Committee bill from the Administration's "no strings attached" revenue sharing proposal which had been consistently denounced by some members of the Committee.

What remains is a hybrid structure, with no strings attached at the state level (these governments apparently can be trusted) and strings attached at the local level (these governments apparently cannot be trusted). This is the ultimate paradox; legislation recommended to revitalize local governments, *by the terms of the reported bill itself*, expresses the least confidence in the wisdom and responsibility of the level of government closest to the people.

THE COMMITTEE BILL IS WRONG IN PRINCIPLE

It may seem anachronistic to oppose on principle a bill with something for everyone, but it is essential that we do so. Under our constitution, the power to tax is carefully linked to and limited by the power to spend for specified purposes. Additionally, responsibility for originating revenue legislation was given to the House of Representatives, since it is the most representative branch of our national legislature, has the most direct contact with the people, and is accountable to the people at the polls every two years. The "power of the purse," a critical ingredient in our system of checks and balances, was safeguarded against abuse by the one indispensable condition of democracy: full public accountability.

Public accountability is severely undermined by this bill. The responsibility for raising taxes is divorced from the dispensation of public benefits. Congress will be unable to balance the burden of increased taxation imposed at the Federal level against benefits disbursed by the 50 states and 39,000 units of local government all across this land.

Conversely, the 50 states and 39,000 localities dispensing public benefits will be relieved of the obligation to carefully weigh the benefits of increased public expenditure against the burdens imposed on their community through increased taxation.

The most serious defect, however, will be the inability of the public to measure the performance of their elected officials at various governmental levels by balancing the tax burdens imposed by these officials against the public benefits they have provided.

The historical experience of the German government during the latter half of the 1920's in making "no strings attached" grants to the states and communes indicates the dangers inherent in the Committee bill. The program, although originally described as "provisional," continued throughout the decade to complicate the problems of Germany in meeting its World War I reparation payments. S. Parker Gilbert, Agent General for Reparations, made the following comments on the German experience in his 1930 Report to the Reparations Commission:

> "These recent developments illustrate what is indeed the underlying fault in the whole system of transfers to the States and communes, namely, the division of responsibility as between the authority which collects the taxes and the authority which spends the money. The Government of the Reich collects the taxes, but does not feel the full responsibility for them, since it must pass on a large share of the proceeds to the States and communes, and it now proposes, for the most part, to exclude the transfer to the States and communes from its budget—as if to emphasize its own lack of responsibility for them. The States and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits. One of the States, in fact, has recently entered "additional transfers from the Reich" as the balancing item in its draft budget, and with each new provisional settlement the States and communes generally unite to exert all possible pressure to get larger payments from the Reich as if the Government of the Reich were an external authority depending on some other body of taxpayers. *The financial relations between the Reich and the States and communes will not be on a sound basis until the responsibility for raising the money by taxation has been reunited with the responsibility for spending it . . .*" (emphasis added)

The Chairman of the Committee, in explaining the reasons why he was opposed to revenue sharing last year, stated that, "perhaps the most important [reason] of all is the principle involved in revenue sharing, in its separation of the spending function of government from the responsibility for revenue raising." The Chairman has also emphasized that, "each citizen has the right to expect that the government official who decides how government funds are to be spent should have the responsibility for justifying the needs in terms of the tax levels he is willing to support." We fully agreed when the Chairman made these remarks, and we continue to do so.

SERIOUS QUESTIONS EXIST AS TO CONSTITUTIONALITY OF COMMITTEE BILL

Although we do not intend to belabor the point, serious questions about the constitutionality of revenue sharing have been raised and not adequately answered. Members of Congress frequently complain—with some justification—that the Supreme Court does not interpret the constitution with due regard to its language. If we pass this bill, we will be doing exactly the same thing because this bill fundamentally restructures federal, state, and local fiscal relationship while paying virtually no attention to provisions of the constitution that raise serious questions about the constitutional propriety of the Committee's action.

The constitution gives Congress the power to tax "to pay the debts and provide for the general welfare of the *United States*." This language—and the division of powers and responsibilities within our federal system—requires Congress to make a fundamental policy decision as to what constitutes the general welfare of the *United States*. By providing a blank check to the states, the Committee's bill abdicates this responsibility. A blank grant to a federal agency to spend as it sees fit would clearly be an unconstitutional delegation of Congressional power. Why is a similar delegation to the states any less unconstitutional?

Additionally, the constitution contains many specific restrictions on the way Congress can spend money. Despite the specific direction to Congress itself to insure that federal expenditures comply with these constitutional restrictions, Congress abdicates its responsibilities to exercise its independent judgment on these issues when it simply turns over federal money to the states to spend as they see fit.

Our constitution is a flexible document. It was not cast in bronze at the dawn of creation, but neither is it a formless mass to be molded to whatever shape appears expedient. The failure of the Committee to thoroughly examine these issues illustrates the subordination of principle to the demands of the moment that characterized the development of this legislation.

COMMITTEE BILL WILL INCREASE DEPENDENCE OF STATE AND LOCAL GOVERNMENTS ON POWER CONCENTRATED IN WASHINGTON

Revenue sharing has been advanced as a program for decentralizing government in order to make it more responsive to the people. This is simply not true.

This bill takes the unprecedented step of underwriting, at the federal level, the general governmental expenditures of state and local

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governments. The dependence of state and local governments on federal largess to meet their basic governmental responsibilities will result in the federal government eventually prescribing how state and local governments must meet their responsibilities. The Chairman pinpointed the true nature of revenue sharing with a very apt metaphor last year when he stated that revenue sharing "is more in the nature of a Trojan horse from which at the appropriate time will spring new rules and strictures on the activities of those very governmental bodies who are being wooed by this gift from Troy."

While the states' $1.8 billion share is provided on a no strings basis as recommended by the Administration, the bill restricts use of the local share to three general areas: public transportation, public safety, and environmental protection. The general restrictions prescribed by the Committee already move in the direction of meeting the demands of those who desire to run state and local government by remote control from Washington.

The potential dangers to our federal system lurking beneath the surface appeal of revenue sharing were eloquently articulated by President Andrew Jackson, in his 1833 message vetoing a bill to appropriate the proceeds from the sale of public lands to the states according to their representation in Congress.

President Jackson stated:

"It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays the public officers of the states with all political power be substantially concentrated. The state governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the general government, and looking to its treasury as the source of all their emoluments, the state officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

"I am quite sure that the intelligent people of our several states will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their state governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gatherer and the paymaster of all their state governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy union."

These fundamental principles of public finance are as essential to the vitality and responsiveness of our federal system as they were when outlined by President Jackson nearly a century and a half ago. The Committee's revenue sharing bill directly contravenes these principles.

STATES AND LOCALITIES DO NOT FACE A COMMON FISCAL CRISIS

The Committee bill is based on an assumption that all states and localities face a common fiscal crisis. The facts, however, indicate otherwise. For example, a 1971 Brookings Institution study by Robert D. Reischauer produced data which do "not imply a grave and growing aggregate fiscal crisis" for either states or cities. Mr. Reischauer concluded that a "natural growth in state and local revenues not only will cover the built-in rise in expenditures, but also will be able to support a moderate improvement in the quality and scope of public services.

Some states and localities clearly confront difficult problems in meeting growing public problems, despite a high tax burden on their citizens. But it is equally clear that there is no general fiscal crisis common in origin, nature, and magnitude, to *all* states and localities.

The need for money varies widely among the states and localities, and so does the degree to which they have exhibited a willingness to help themselves, by raising revenues on their own.

Six states make no use whatsoever of the individual income tax, four others use it in a narrowly selective way, and in fiscal year 1971, individual income tax collections represented less than one percent of personal income in 22 states. It is ironic that revenue sharing purports to rely on the income tax to help finance many governmental units which make little or no use of it as a revenue source.

Perhaps the best measure of revenue effort is to look at general revenues raised by state and local governments from their own source as a percentage of personal income within each state. A ranking of the states by this gauge also shows substantial variation, ranging in fiscal year 1970 from lows of less than 12 percent to a high of almost 20 percent.

The average revenue effort made by all 50 states and the District of Columbia on this basis was 14.51 percent in fiscal 1970. If all states and localities had made a revenue effort equal to the average of the top 10, which was 17.31 percent, they would have raised nearly $21 billion in additional revenue—almost four times the annual allocation under this bill.

The revenue effort of the states and the additional revenues that would be raised by this increase in revenue effort is shown in the following table:

TABLE 1.—STATE AND LOCAL GENERAL REVENUE FROM OWN SOURCES BY STATE[1]

State	Personal income calendar year 1969 (millions)	General revenue from own sources fiscal year 1970 (millions)	Revenue effort (col. 2 as a percentage of col. 1) (percent)	General revenue from own sources under the average revenue effort of the 10 States with the highest revenue effort: Amount[2] (millions)	General revenue from own sources under the average revenue effort of the 10 States with the highest revenue effort: Excess over actual (millions)
	(1)	(2)	(3)	(4)	(5)
Wyoming	$1,073	$213.0	19.85	$185.7	−$27.3
North Dakota	1,852	340.6	18.39	320.6	−20.0
New Mexico	2,879	528.1	18.34	498.4	−29.7
Wisconsin	15,376	2,700.5	17.56	2,661.6	−38.9
Hawaii	3,060	534.8	17.48	529.7	−5.1
Vermont	1,426	248.2	17.41	246.8	−1.4
New York	81,384	14,006.3	17.21	14,087.6	81.3
South Dakota	1,995	340.9	17.09	345.3	4.4
Alaska	1,258	[3] 211.9	16.84	217.8	5.9
Arizona	5,709	957.2	16.77	988.2	31.0
Nevada	2,037	338.7	16.63	352.6	13.9
Mississippi	5,234	869.6	16.61	906.0	36.4
California	83,408	13,747.6	16.48	14,437.9	690.3
Utah	3,132	513.4	16.39	542.1	28.7
Minnesota	13,448	2,184.9	16.25	2,327.8	142.9
Louisiana	10,413	1,687.8	16.21	1,802.5	114.7
Montana	2,172	351.7	16.19	376.0	24.3
Colorado	7,569	1,194.6	15.78	1,310.2	115.6
Iowa	9,870	1,541.2	15.61	1,708.5	167.3
Washington	13,093	2,002.9	15.30	2,266.4	263.5
Oregon	7,261	1,108.9	15.27	1,256.9	148.0
Idaho	2,120	320.9	15.14	367.0	46.1
Nebraska	5,230	783.8	14.99	905.3	121.5
Maryland	15,336	2,297.3	15.98	2,654.7	357.4
Delaware	2,218	331.0	14.92	383.9	52.9
Maine	2,987	442.3	14.81	517.0	74.7
Michigan	35,010	5,100.3	14.57	6,080.0	979.7
Massachusetts	22,722	3,233.3	14.23	3,933.2	699.9
Kansas	$8,096	$1,148.4	14.18	$1,401.4	$253.0
Oklahoma	7,825	1,106.5	14.14	1,351.5	218.0
Alabama	9,116	1,269.9	13.93	1,578.0	308.1
West Virginia	4,735	658.7	13.91	819.6	160.9
Florida	22,396	3,109.7	13.89	3,876.7	767.0
Kentucky	9,202	1,261.5	13.71	1,592.9	331.4
Georgia	14,253	1,941.8	13.62	2,467.2	525.4
Illinois	47,340	6,270.4	13.25	8,194.6	1,924.2
North Carolina	15,030	1,983.8	13.20	2,601.7	617.9
Arkansas	4,963	648.8	13.07	859.1	210.3
Pennsylvania	43,182	5,612.6	13.00	7,474.8	1,862.2
Rhode Island	3,515	456.2	12.98	608.4	152.2
South Carolina	7,018-	909.5	12.96	1,214.8	305.3
Tennessee	11,189	1,442.1	12.89	1,936.8	494.7
Virginia	15,441	1,985.2	12.86	2,672.8	687.6
Texas	36,458	4,679.0	12.83	6,310.9	1,631.9
Indiana	18,868	2,393.2	12.68	3,266.1	872.9
New Jersey	30,312	3,787.3	12.49	5,247.0	1,459.7
Connecticut	13,784	1,712.9	12.43	2,385.0	673.1
Missouri	16,085	1,993.0	12.39	2,784.3	791.3
New Hampshire	2,489	303.4	12.19	430.8	127.4
District of Columbia	3,768	[4] 449.4	11.93	652.2	202.8
Ohio	40,145	4,732.5	11.79	6,949.1	2,216.6
Total, 10 States	116,012	20,081.5	17.31	20,081.5	
Total, 41 States	628,470	87,906.0	13.99	108,807.7	20,901.7
Total, 51 States	744,479	107,987.5	14.51	128,889.2	20,901.7

[1] Under the fiscal year 1970 actual relationship between revenue and personal income and under the average relationship between revenue and personal income of the 10 States with the highest percentage relationship between revenue and personal income.

[2] Derived by applying to the personal income of each of the States the average revenue effort (17.31 percent) of the 10 States with the highest revenue effort.

[3] Exclusive of $900,041,605 derived from bonus mineral lease—North Slope; also exclusive of interest on investment of this item.

[4] General revenue from own sources; does not include any Federal contribution or Federal aid.

Note: Details may not add to totals because of rounding.

Source: Compiled and computed by the Staff of the Joint Committee on Internal Revenue Taxation.

It is clear that state and local units of government differ broadly with respect to their need for revenue and their efforts to raise it. The Committee bill would, for the most part, perpetuate these disparities.

THERE IS NO REVENUE TO SHARE

Not only does the Committee bill undermine basic principles of fiscal federalism, it proposes to share revenues that are simply not available. The fiscal case for revenue sharing was outlined by economist Walter Heller in 1968:

"Looking beyond current rising Vietnam costs, big deficits, and contingent tax increases, one can visualize an $8 billion annual automatic growth in federal revenues generating new leeway for fiscal dividends—tax cuts, tax sharing, program increases—if Vietnam demands level off. If rising revenues are not to hold the economy back under such circumstances, we need to get our bets down promptly on the competing entrants in the fiscal drag race."

Dr. Heller, of course, bet heavily on his own entry, revenue sharing. Unfortunately, the race that he envisioned has never been run. Not only have surpluses failed to materialize, but the deficits have been growing even larger.

As the Chairman of the Committee put it in reviewing the large existing and projected federal deficits in a speech he delivered on June 4, 1971:

"How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past forty years is beyond me."

It is also beyond us. We agreed with the Chairman then, and subsequent events have only served to reinforce the strength of his arguments.

At that time, the Chairman spoke of a combined deficit for fiscal 1971 and 1972 of $55.1 billion on a federal funds basis. A deficit of $74.6 billion for the comparable period is now officially estimated. Additionally, a federal funds deficit of $36.2 billion is officially projected for fiscal 1973. The federal funds deficits for these three years are officially estimated to total $110.8 billion. And, no one can assure us that there is any light at the end of the tunnel.

Because of these rising deficits, the public debt has grown substantially. The Administration recently asked an increase in the debt ceiling of $50 billion—from $430 to $480 billion—to accommodate its borrowing needs through February of next year. The Congress granted instead a $20 billion advance—to $450 billion—through June 30 of this year. A further substantial increase in the debt limit will have to be provided in less than two months.

It is clear that in making $29.575 billion[1] available to states and localities over the next five years, the federal debt will simply be $29.575 billion higher than it would otherwise be. The proceeds from additional federal borrowing, rather than surplus individual income tax receipts, is what the Committee bill proposes to share.

THIS BILL IS JUST THE FIRST INSTALLMENT

It should be clear the nearly $30 billion provided by the bill is just the first installment of an indefinite mortgage on federal resources. Subsequent installments will be greater, and in fact, the mayors and governors already want more.

The Committee was served notice to that effect during public hearings, when state and local officials repeatedly testified that $5 billion for the first year of a permanent program, even with a built-in growth factor for future years was simply inadequate.

Governor Nelson Rockefeller of New York, testified on behalf of the National Governors' Conference, recommended that the annual payment be doubled. Ten billion dollars "is absolutely essential," he declared.

And Mayor Roman Gribbs of Detroit, appearing for the U.S. Conference of Mayors, agreed, stating:

"We feel it should be at the level of $10 billion to meet our needs but that does not mean that we would not be pleased to have you pass it at $5 or $6 billion."

Pleased but not satisfied. Yet once this first step has been taken, the same pressures responsible for this bill will insure rapid growth of the program to meet the insatiable appetites of state and local officials for "no strings attached" revenues they can use to finance benefits without the painful necessity of imposing taxes. Having cleared the initial hurdle, demands will increase, the program will grow, and Congress will have the painful necessity of imposing ever greater federal taxes to finance benefits dispensed by state and local officials.

Any responsibility for failing to meet the demands for governmental services in the states and the 39,000 units of local governments receiving assistance will be shifted to the Congress. Congressmen will be blamed by state and local officials for every deficiency in state and local government, because we are not making enough money available. Increased pressure will then be directed to Congress to raise the stakes higher or accept the blame for inadequacies in the quality and quantity of general governmental services of every kind at the local level—including poor trash collection, too few policemen on the beat, the failure of local buses to run on schedule, pot holes in village streets, an a hundred other problems.

Congressmen may have no real choice but to speed up the fiscal merry-go-round, providing longer free rides for state and local officials. A Congressman's only role will be receiving the complaints, providing the money, and presenting the final bill to the American taxpayers.

THE PROBLEM IS MORE THAN MONEY

The Committee bill provides a simplistic answer to a complicated set of problems, completely ignoring root causes. As Lyle C. Fitch, President of the Institute of Public Administration, pointed out, revenue sharing "leaves unsolved numerous problems basic to American society and its economic and social development. These include the incapacities of many existing state and local governments, quite apart from financial weaknesses . . ."

According to the Census Bureau, there are some 80,000 units of local government in the United States, including more than 3,000 counties, 17,300 townships, 18,600 municipalities, 20,000 school districts, and 21,000 additional special districts. The average number of governmental units per state is about 1,600, ranging from a low of 19 in Hawaii to a high of 6,453 in Illinois.

The Chicago area alone embraces more than 1,000 separate units; Philadelphia and environs have about 870; metropolitan New York, about 550; and the San Francisco-Oakland area, more than 300. The nationwide average is 91 units of government per metropolitan area.

The Committee for Economic Development has observed that these local units of government offer a multiplicity of duplicative services, that they overlap one another to the extent that 10 different levels may tax the same parcel of property, and that their broadly divergent powers and functions have led to unnecessary conflicts and competition. By providing assistance to every general purpose unit of local government, the Committee bill invites every hamlet—no matter how small—to incorporate and share in the federal bounty. Additionally, the bill encourages fragmentation of existing entities of local government.

The bill also does little to help existing governments cope with such regional problems as "spillovers."

Because of our achievements in communications and transportation, intricate patterns of commerce, and sheer economic growth, which one part of our society does—or fails to do—has an impact on the other parts. Needs and problems tend increasingly to cross local boundary lines, and when they do, "spillovers" result.

A "spillover" occurs, for example, when the residents of City A, which has inadequate recreational facilities, travel to City B to enjoy the parks and playgrounds its taxpayers have provided there; or when the residents of City C are unable to use a nearby waterway because of pollutants carried downstream from City D.

Either by freezing governmental structures, or by encouraging further proliferation, the Committee bill will aggravate such problems. It will help solidify all the vagaries, inequities, and contradictions that plague state and local institutions now, and drown in a sea of federal funds any efforts to attack root causes.

The Chairman of the Committee said last June 4 he has "never been one who is attracted to the idea that if you throw money at a problem it will go away." But that is precisely what this bill attempts to do.

NO RATIONALE EXISTS FOR THE AMOUNT OF ASSISTANCE OR THE METHOD OF DISTRIBUTION IN THE COMMITTEE BILL

There is no rationale for the amount of assistance provided by the Committee bill or the method by which it is distributed. Indeed, it is impossible to develop in Washington a general formula that can begin to encompass the wide diversity prevailing among our 50 States and 39,000 local general purpose governments.

After the Committee decided that the Administration's formula—population with a modest adjustment for tax effort—produced intolerable anomalies, the staff conducted a thorough study to identify the problems in the hope that a generally acceptable formula could be developed. The result was H.R. 11950, the Intergovernmental Fiscal Coordination Act of 1971, introduced by the Chairman.

The bill incorporated a two-part formula: "a no strings attached" grant of $1.8 billion to the States (15 percent of each State's individual income tax collections, subject to a maximum of six percent and a minimum of one percent of federal income tax liabilities in the state); and $3.5 billion for local units of government distributed to each State pursuant to a formula giving equal weight to population adjusted for urban areas (2,500 or more) and the number of families with income under $4,000. Further criteria were spelled out for dividing the local share between the counties and units of government within the counties.

When the Committee reviewed the computer print-out showing distributions under these formulae, intolerable defects were again discovered. The most difficult stumbling block proved to be distribution of the $3.5 billion to the 39,000 units of local government that are characterized by such great diversity. The staff was sent back to the drawing board several times to develop a formula pursuant to the same trial and error methods that proved inadequate in the de-

[1] The appropriation of $5.3 billion per year for five years totals $26.5 billion. However, the states' $1.8 billion allocation is increased by $300 million per year after the first year to provide some protection against a decline in the aid a particular state will receive due to increases in the relative overall tax effort or income tax collections of other states. When the increased amounts are prorated by entitlement periods (which include a half year at the beginning and another half year at the end of the five-year period), the total appropriation under the bill is $29.575 billion.

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velopment of both the Administration's bill and the bill introduced by the Chairman.

Intuitive judgments were made about old factors to be discarded, and new factors to be added, in the hope that still another formula would produce a generally acceptable distribution pattern. A garden variety of factors—population, urban population, urbanized population, relative per capita income, relative per capita revenues raised, number of families with income under $4,000—were evaluated, combined in varying patterns, and assigned different weights, all with the same result: further trials produced further errors. The Committee's bill is nothing more than the final error, reached as a result of exhaustion and despair, rather than a feeling that the Committee had finally stumbled on a workable formula. The Committee's bill will simply not withstand careful analysis.

Under the bill, half of the states' $1.8 billion will be distributed on the basis of overall tax effort (total state and local taxes as a percentage of personal income within the state), and half by giving each state 7.5 percent of its individual income tax collections (subject to a ceiling of three percent and a floor of .5 percent of federal individual income tax liability in the state). The state share will be increased by $300 million a year after the first year to reduce the diminution in a state's share that may result from an increase in the relative overall tax effort or in the income tax collections of other states.

One-third of the $3.5 billion local share will be allocated to each state on the basis of population, one-third on the basis of urbanized population, and one-third on the basis of relative per capita income. Unless a state takes action varying the criteria within limits provided by the bill, the same procedure will govern the distribution of each state's share to its counties. The county will then retain a portion of the amount it receives equal to its share of the aggregate revenues raised (excluding education revenues) by the county and local units of government within the county; the remainder will then be distributed to local governmental units within the county on the basis of population and relative per capita income.

If a state desires, it may adopt an alternative pass-through formula, effective for periods beginning after June 30, 1973. The basic formula (population, urbanized population, and relative per capita income) is adjusted by multiplying the population factor by the per capita tax revenues (excluding education revenues) of the counties and their local units of government. The rules of the basic formula continue to govern the amount of the distribution to a county that the county retains; however, the remainder is distributed to localities under the alternative formula one-half on the basis of population multiplied by the per capita tax revenues (excluding education revenues) and one-half on the basis of population multiplied by relative per capita income.

The state may alter the equal weights assigned to the three factors in either formula governing distribution to the counties, as long as no factor is decreased by more than 25 percent and no factor is increased by more than 40 percent. Additionally, a state may combine the county distribution criteria of the basic formula with the criteria for distributing the local share within a county contained in the alternative formula, or vice versa.

Despite the mantle of scientific respectability suggested by the complex details of these formulae, the plain truth is that the formulae respond to a nonexistent prototype rather than the real world diversity characterizing state and local fiscal relationships.

There is not even a rationale for the fundamental decision to appropriate a total of $5.3 billion annually for a five-year period. Normally, components of a problem are examined before arriving at a general solution. But the Committee did not examine state and local fiscal problems in detail, carefully arriving at solutions to specific problems that require total assistance of $5.3 billion a year for five years. Instead, both the Administration and the Committee, responding to pressure from state and local officials, started with an overall figure, plucked out of thin air, and then went about finding some way to distribute the money that would please all concerned.

There is no rationale for the equally fundamental decision providing one-third of the $5.3 billion to the states and two-thirds to local units of government. The decision was based on the theory that of total state and local direct expenditures, states currently spend about one-third and localities two-thirds. While this is correct if one accepts rough approximations, it is based on a generalization that becomes meaningless in the light of the prevailing diversity in state and local relationships. As the following chart reveals, the percentage of direct state and local general expenditures made by a state varies widely, from a low of 23 percent in New York to a high of 80 percent in Hawaii:

TABLE 2.—PERCENTAGE DIVISION OF TAX REVENUE AND EXPENDITURES BETWEEN STATE AND LOCAL GOVERNMENTS, BY STATE: 1969-70

State	State government percentage of—		
	Tax revenue	Direct general expenditure	Expenditure for personal services
United States	55.2	37.1	28.2
Alabama	73.7	49.1	35.7
Alaska	68.1	71.3	59.5
Arizona	62.9	39.9	29.3
Arkansas	72.6	44.6	39.3
California	49.2	30.7	25.3
Colorado	50.8	39.4	34.5
Connecticut	50.4	43.9	34.5
Delaware	79.3	55.3	41.6
District of Columbia			
Florida	60.3	33.0	24.8
Georgia	65.7	42.1	31.1
Hawaii	77.2	79.5	75.3
Idaho	62.9	49.7	37.1
Illinois	53.0	35.5	23.7
Indiana	54.0	35.6	28.9
Iowa	50.9	38.4	30.6
Kansas	48.5	33.5	34.6
Kentucky	73.0	54.0	38.5
Louisiana	69.5	49.4	36.2
Maine	54.9	52.0	43.3
Maryland	57.2	33.3	27.2
Massachusetts	49.2	45.7	27.0
Michigan	58.0	35.7	26.6
Minnesota	60.7	30.5	27.9
Mississippi	74.0	46.6	34.7
Missouri	51.1	41.3	30.9
Montana	46.6	51.8	41.1
Nebraska	44.4	34.0	29.8
Nevada	59.0	40.0	28.7
New Hampshire	38.5	48.5	40.4
New Jersey	41.5	30.2	22.0
New Mexico	74.9	51.4	38.6
New York	51.4	23.1	20.2
North Carolina	75.3	42.2	36.6
North Dakota	52.4	50.0	38.8
Ohio	46.5	33.1	22.7
Oklahoma	64.1	54.1	36.8
Oregon	51.5	44.2	36.6
Pennsylvania	58.6	44.8	28.4
Rhode Island	59.0	53.1	40.7
South Carolina	76.5	48.2	36.9
South Dakota	42.4	47.5	37.4
Tennessee	62.6	42.8	31.7
Texas	55.7	40.7	28.7
Utah	63.3	53.0	39.9
Vermont	64.5	65.1	50.6
Virginia	60.4	41.5	35.3
Washington	68.0	44.2	35.0
West Virginia	73.3	60.4	43.5
Wisconsin	59.3	32.5	29.0
Wyoming	58.6	50.7	38.0

Source: Governmental Finances in 1969-70 (Bureau of Census).

Additionally, the aggregate figures on which the Committee's bill is based include nearly $30 billion in state aid to localities in the direct general expenditures of local governments in determining that localities spend two-thirds of total state and local expenditures. And again, the amount of each state's aid to its localities varies sharply from state to state.

As a percentage of general revenues from the localities' own sources, state aid varies widely, from a low of 11.4 percent in New Hampshire to a high of 117.4 percent in North Carolina. New York and California, our two most populous states, differ substantially, California providing 53.4 percent of revenues raised locally, New York providing 77.5 percent. State aid to localities by major governmental purpose also shows great variation, both in the magnitude of the aid given and in the emphasis placed on particular governmental functions. These wide variations are shown in the following table:

TABLE 3.—STATE AID TO LOCAL GOVERNMENTS BY MAJOR PURPOSE, 1969

[Dollar amounts in millions]

States	Total State aid		General local government support	Education	Highways	Public welfare	All other
	Amount	As a percent of local general revenue from own sources					
United States, total	$24,779.3	54.0	$2,135.4	$14,858.3	$2,108.7	$4,402.5	$1,274.57
Alabama	336.5	78.1	9.1	254.5	60.4		12.5
Alaska	36.3	60.7	4.2	30.8			1.3
Arizona	259.5	78.4	50.1	183.5	22.3		3.6
Arkansas	171.2	79.4	10.1	129.5	26.5	.1	4.9
California	3,646.2	53.4	188.6	1,575.1	279.7	1,365.9	266.7
Colorado	222.0	42.1	.3	107.0	24.3	81.8	8.6
Connecticut	195.2	26.7	12.0	155.3	9.4	7.4	11.0
Delaware	78.7	100.8		75.5	2.1		1.2
Florida	756.9	57.5	1.2	690.2	21.8	.2	43.6
Georgia	454.8	61.9	16.7	370.3	32.4	14.7	20.6
Hawaii	16.8	13.8	12.4	1.0			3.3
Idaho	60.7	49.7	5.5	42.4	12.5		.4

States	Total State aid		General local government support	Education	Highways	Public welfare	All other
	Amount	As a percent of local general revenue from own sources					
Illinois	$824.7	30.4		$544.7	$157.3	$104.4	$18.3
Indiana	518.2	49.1	$52.2	300.2	86.8	63.1	15.9
Iowa	375.6	57.5	47.8	246.5	75.3	2.2	3.8
Kansas	234.4	42.6	11.1	126.3	15.7	77.2	4.2
Kentucky	254.1	64.8	1.8	235.0	3.3		14.1
Louisiana	453.6	90.3	70.8	335.7	24.8		22.3
Maine	53.8	32.9	.6	46.5	3.7	.5	2.4
Maryland	514.3	58.7	37.6	254.3	71.1	102.7	48.6
Massachusetts	444.8	30.7	99.6	221.5	14.8	52.8	56.1
Michigan	1,229.9	59.9	180.5	774.3	215.8	30.2	29.0
Minnesota	655.5	77.9	136.8	303.3	61.5	140.8	13.3
Mississippi	252.7	90.0	16.3	200.8	27.1		8.6
Missouri	307.2	32.8	5.6	274.1	19.6	.9	6.9
Montana	46.7	28.4		42.5		.2	3.9
Nebraska	111.6	27.8	1.3	38.2	23.2	45.0	4.0
Nevada	58.6	41.6	7.0	45.3	3.8		2.7
New Hampshire	17.2	11.4	3.7	11.1	.5	.06	1.7
New Jersey	577.8	29.1	10.2	312.3	21.0	191.3	43.0
New Mexico	149.3	112.6	4.7	133.9	5.8		5.0
New York	4,970.2	77.5	506.5	2,259.5	138.5	1,772.4	293.3
North Carolina	627.1	117.4	30.9	470.5	10.4	101.2	14.1
North Dakota	52.4	37.9	1.4	36.0	11.7	1.3	1.9
Ohio	811.5	35.0	84.9	465.6	191.0	52.3	17.7
Oklahoma	223.9	58.3	2.7	157.7	50.5	.4	12.7
Oregon	191.5	37.8	38.6	97.2	48.6	1.5	5.5
Pennsylvania	1,070.0	48.4	6.1	864.1	65.1	42.0	92.8
Rhode Island	67.5	41.4	8.1	50.6	.4	6.8	1.5
South Carolina	240.1	102.6	24.5	192.1	11.4		12.2
South Dakota	29.8	17.2	2.1	21.9	2.7	.1	2.0
Tennessee	329.5	59.7	26.3	234.8	57.8	.2	10.4
Texas	790.7	40.4	.1	763.8	7.5		19.3
Utah	113.5	63.0	1.0	103.3	4.6		.7
Vermont	39.1	52.5	.013	29.9	7.0	.4	1.8
Virginia	450.6	65.4	14.0	339.5	18.5	50.0	28.9
Washington	475.3	68.5	35.9	336.8	62.0	9.3	31.3
West Virginia	150.8	79.3		141.6		3.1	6.1
Wisconsin	760.2	77.9	348.2	207.0	95.5	75.2	34.3
Wyoming	41.4	47.6	6.4	24.9	3.1	4.5	2.4

Source: State-local finances and suggested legislation. (Advisory Commission on Intergovernmental Relations, 1971.)

Similar disparities exist if the figures are compiled on a per capita basis. Per capita state aid to localities in 1969 ranged from a low of $21.10 to a high of $271.28 on an overall basis. Additional variations on this basis exist in the distribution of state aid by major governmental purpose. State aid on a per capita basis is shown in the following table:

TABLE 4.—PER CAPITA STATE AID TO LOCAL GOVERNMENTS BY MAJOR PURPOSE, 1969

States	Total	General local government support	Education	Highways	Public welfare	All other
United States total	$123.20	$10.62	$73.88	$10.48	$21.89	$6.34
Alabama	95.30	2.57	72.07	17.12		3.54
Alaska	128.73	14.78	109.38			4.58
Arizona	153.26	29.60	108.40	3.15		2.10
Arkansas	85.81	5.08	64.90	13.29	.07	2.47
California	189.07	9.70	81.01	14.39	70.25	13.72
Colorado	105.72	.14	50.94	11.55	38.97	4.11
Connecticut	65.07	4.02	51.78	3.12	2.48	3.67
Delaware	145.75		139.76	3.80		2.19
Florida	119.12	.18	108.62	3.43	.03	6.86
Georgia	97.99	3.60	79.79	6.98	3.17	4.45
Hawaii	21.10	15.67	1.32			4.12
Idaho	84.51	7.61	58.99	17.39		.53
Illinois	74.66		49.31	14.24	9.45	1.66
Indiana	101.25	10.19	58.66	16.95	12.32	3.12
Iowa	135.06	17.20	88.62	27.07	.81	1.36
Kansas	101.01	4.77	54.40	6.78	33.27	1.79
Kentucky	78.63	.55	72.71	1.01		4.35
Louisiana	121.12	8.91	89.63	6.63		5.95
Maine	55.04	.64	47.57	3.80	.56	2.47
Maryland	163.59	9.99	67.54	18.88	27.28	12.90
Massachusetts	81.36	18.22	40.51	2.70	9.66	10.27
Michigan	140.30	20.59	88.33	24.62	3.45	3.31
Minnesota	177.20	36.96	81.97	16.61	38.07	3.59
Mississippi	107.09	6.91	85.06	11.47		3.65
Missouri	$56.05	$1.21	$58.94	$4.22	$.20	$1.49
Montana	67.25		61.27		.30	5.68
Nebraska	77.03	.91	26.36	16.02	31.05	2.69
Nevada	128.70	15.21	99.23	8.31		5.95
New Hampshire	23.93	5.18	15.49	.75	.08	2.42
New Jersey	80.83	1.42	43.69	2.94	26.76	6.02
New Mexico	150.17	4.70	134.75	5.80		4.92
New York	271.28	27.64	123.33	7.56	96.74	16.01
North Carolina	120.47	5.94	90.39	2.00	19.43	2.71
North Dakota	85.24	2.26	58.58	19.07	2.17	3.16
Ohio	75.56	7.91	43.35	17.79	4.87	1.65
Oklahoma	87.20	1.05	61.40	19.65	.15	4.96
Oregon	94.24	18.98	47.85	23.93	.76	2.72
Pennsylvania	90.65	.52	73.21	5.51	3.56	7.86
Rhode Island	74.06	8.88	55.60	.42	7.47	1.69
South Carolina	89.20	9.09	71.35	4.24		4.52
South Dakota	43.73	3.24	33.24	4.04	.18	3.05
Tennessee	82.69	6.60	58.92	14.51	.05	2.60
Texas	70.68	.01	68.28	.67		1.72
Utah	108.63	.96	98.81	4.36		4.51
Vermont	88.17	.03	68.15	15.89	1.01	4.10
Virginia	96.52	2.98	72.71	3.95	10.68	6.19
Washington	139.72	10.56	99.00	18.23	2.73	9.21
West Virginia	82.92		77.84		1.73	3.35
Wisconsin	179.59	82.25	48.89	22.57	17.77	8.11
Wyoming	129.28	20.14	77.79	9.67	14.67	7.60

Source: State-Local Finances and Suggested Legislation (Advisory Commission on Intergovernmental Relations 1971).

But even this does not tell the whole story. The amount of taxing authority which states accord to localities varies significantly from state to state. Some states permit localities to piggyback income, sales, gasoline, cigarette, or other taxes, at varying rates and under different circumstances. Other states do not permit piggybacking.

Additionally, the responsibility for government services assumed by state government or delegated to local governments varies all over the lot. As just one example: State assumption of the non-federal share of welfare ranges from 100 percent in some states to 50 percent in others. There is also great disparity in the delegation by the states of responsibility for various governmental services as between counties and cities.

Finally, no rationale, other than political expediency, exists for the inclusion of two entirely different distribution formulae for the states and for the local units of government. This may be the feature of the bill producing the greatest anomalies and damage. Consider first the anomalies:

The assistance provided to the states is on a no-strings basis; the localities must spend their money for so-called "high priorities".

A prohibition is specifically included to prohibit localities from using the money in a manner violating anyone's civil rights; no comparable provision is specifically included as it applies to the states.

The bifurcated state formulae are based partly on overall tax effort, partly on income tax collections without regard to tax effort. Although the state formulae are based in part on effort, the local share—two-thirds of the assistance—is distributed without any re-

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gard to the revenue effort a recipient government is making.

A maintenance of effort formula is included to require the states to continue to provide assistance from its own sources to its local governments at the same level as prevailed in fiscal 1972; no requirement is included to require the localities to maintain their expenditures at prevailing levels, even in the so-called "high priority" areas specified in the Committee bill.

The local share includes an adjustment for urbanization in both formulae in distributing the assistance to the county area; when the money not retained by the county is distributed to municipalities within the county, urbanization is not a factor.

The anomalies would be merely ludicrous if it were not for the damage to state and local relationships done by the federal government in dealing on a separate basis with the states and the local units of government created by the states pursuant to state constitutions and laws.

The separate programs for states and their localities imply that they are independent entities, with no basis for mutual trust. Any lack of confidence in one another will be sorely aggravated by the elaborate maintenance of effort formula in the bill that restrict the states in dealing with the local units of governments they have created. But in the final analysis, the cooperation of the states and localities is essential to the resolution of our problems.

The formulae do not represent a coherent response to a carefully defined problem. They are an odd-lot collection of criteria assembled on a trial-and-error basis to bridge the gap between the nonexistent prototype the Committee focused on and the diversity of state and local relationships as they really exist. But what they lack in logic they more than compensate for in complexity.

The bill leaves completely up in the air the serious question of adequate procedures for insuring the proper expenditures of federal funds allocated by this bill. Under the bill, there are no provisions requiring the states to account for their expenditure of the $1.8 billion they will receive each year.

While the bill pays lip service to requiring localities to insure the funds they receive are spent for appropriate purposes, the bill studiously avoids establishing any specific procedures. The Secretary of the Treasury is directed to provide for adequate audit procedures to insure local expenditures conform to the requirements of the bill, but he may rely on an audit of a local governmental unit by the state. The Secretary thus has the authority to virtually abdicate to the states the responsibility for insuring compliance by localities in spending the federal dollars made available, or he could send a federal auditor into every one of the 39,000 local governmental units receiving assistance under this bill. The Treasury apparently contemplates the former procedure, but the important point is the complete ambiguity of the bill on the issue of accountability. As in so many other areas of this bill, the Committee simply swept these problems under the rug.

Although the fundamental defects in the distribution formulae result from the completely erroneous assumption that state and local fiscal relationships can be adequately described by a prototype, serious defects of the formulae for distributing the local share also stem from the statistical quicksand on which they were erected. Much of the data underlying the formulae are, or will become, hopelessly dated, and most of the data are based on sampling techniques.

The factors common to the formulae for distribution of the local share are population, urbanized population, relative per capita income, and tax revenues by local governmental units.

Population and urbanized population are now available on a general basis only once every ten years. In a dynamic society with a highly mobile population, this data soon will become hopelessly dated as a basis for distributing money to our 39,000 units of local government. Twenty percent of our population moves every year, seventeen percent moving within a state and ten percent moving within counties. Even on a net migration basis, significant changes result in a short time.

The 1970 Census data, already two years old, will become progressively more outdated. Since 27,000 of the 39,000 local governmental units have populations of under 2,500, aggregate population data is simply inadequate. At the present time, data are not available to update estimates for these units of government.

Per capita income by governmental unit is available only once every ten years, from a 20-percent sample, based on questions asked by interviewers in connection with the census. In addition to the problem of inaccurate reporting (six percent on a nationwide basis), a sample will produce results that will deviate from those a full survey would produce, and this deviation will be greater for some of the small communities that will receive assistance under this bill. We were told that communities with as few as 10 to 15 people could receive benefits under this legislation.

Tax revenues raised by local governmental units are available on a comprchensive basis only once every five years when the census of governments is compiled. The last census of governments was conducted in 1967, and a new one is currently underway. During the intervening years, sampling techniques are used based on 16,000 of the 39,000 units of local government involved.

Money made available for the first half year of this program will be distributed on the basis of 1967 data already half a decade old. During the full year of the program, beginning in July of this year, money will be initially passed out on the same basis. In September, it is hoped that a *special* survey of the recipient governments being conducted for fiscal 1971 (at a cost of $800,000) will be available. Adjustments in quarterly payments subsequent to the receipt of this special survey will be made to insure that payments during the entire year reflect fiscal 1971 data as to state and local finances. Early in 1973, the 1972 Census of Governments data may be available, but presumably will not be used until the distribution to be made in July, 1973.

The bill frankly admits the inadequacy of the data. While requiring that the most recent Census Bureau data be utilized, the Secretary of the Treasury is given carte blanche authority to use "additional data (including data based on estimates)" when he determines that the most recent Census Bureau data "are not current enough or are not comprehensive enough to provide for equitable allocations."

The Secretary of the Treasury is, in effect, given blanket authority to make up for the statistical inadequacies underlying the distribution formulae. The additional data he may select and the estimates he makes are completely within his discretion, and no locality will have any remedy under the bill if it disagrees with the data he selects or the computations that he makes. Even this is deceiving: the Secretary is told to patch up the defects with data that are unavailable or may prove inadequate or by using unspecified "estimates" when there is no assurance they can be based on statistically workable information.

The Committee bill recognizes this by requiring that every individual supply additional information on his already voluminous income tax return each year (at an initial cost to the Federal Government of $7.5 million). But many individuals—particularly with the new low-income allowance and corresponding amendments related to filing requirements—file no income tax returns. These are the very people whose income would result in a community having low per capita income, an important part of the distribution formulae.

Additionally, *taxable income* excludes transfer payments (social security, unemployment insurance, welfare) and involves different definitions from the *per capita income* concept used by the Census Bureau and now in the formulae of the bill. The additional burden imposed on all taxpayers serves only to admit the inadequacy of the data rather than to provide meaningful correction.

The Committee made an unsuccessful attempt to bridge the gap by initially requiring the Secretary of the Department of Health, Education, and Welfare to collect income statistics on welfare recipients and members of their families by state and locality. This requirement was deleted from the Committee's working draft shortly before a clean bill was introduced and ordered reported when it was learned at the last minute from officials at the Department of HEW—who had not previously been consulted—that the provision was unworkable and would cost as much as $500 million.

The aimless grasping for data characterized by this procedure indicates the slipshod method employed to "paper over" real problems. The last minute deletion of the provision is an admission by the majority that it is not feasible to collect data they felt was important to at least a partial cure of the statistical inadequacies that exist.

The problems involved in collating meaningful data to administer the complex distribution formulae on a workable basis continually plagued the Committee's efforts to develop a bill. The Committee ordered the bill reported before being provided with any distribution figures for the local share within the states unless the state was represented by a Member of Congress on the Ways and Means Committee. And the data submitted on these 18 states was incomplete, containing omissions and errors that computer reruns failed to eliminate. In the final analysis, the Committee failed to carefully examine even the data we received on "Ways and Means Committee" states.

If this bill is enacted, no one seriously believes the program will be temporary. We will be required to collect much more data, and on a more current basis. Yet, the Committee has given no attention to the methods that may be required or the timetables that should be imposed. And, most importantly, no attention has been given to the substantially increased costs that may be incurred in collecting additional data.

COMMITTEE'S BILL WAS NOT COORDINATED WITH OTHER FEDERAL PROGRAMS OF ASSISTANCE TO STATES AND LOCALITIES

The Committee'a revenue sharing bill is wrong in principle, is fiscally unsound, and distributes a sum of money arbitrarily arrived at through methods with no rational basis. Furthermore, the bill is itself bad public policy, made far worse by the complete failure to coordinate the bill with existing and proposed federal programs to assist state and local governments.

Federal aid to state and local governments is already substantial even without general revenue sharing. On this basis, federal assistance to states and localities has risen from less than $8 billion in fiscal 1962 to an estimated $38.5 billion in fiscal 1973. As a percentage of federal outlays, this assistance has more than doubled from 7.4 percent in 1962 to an estimated 15.6 percent in fiscal 1973. As a percentage of domestic federal outlays, exclusive of payments from the trust funds which are set aside for the payment of specific benefits, federal aid to states and localities—again without this bill—will consume more than one-third, or

35 percent, of the federal budget in fiscal 1973.

In view of the magnitude of present programs—some of them in the same so-called "high priority areas" aided under the Committee bill—sound legislative procedure should have required the Committee to make at least some minimal effort at coordination. For example, the so-called "high priorities" for which localities must spend their share of the assistance are public safety, public transportation, and environmental improvement and protection. Yet, while designating these as high priority areas, the Committee made no review of existing and proposed federal assistance programs in precisely the same area, either as to the amounts being made available, the method of distribution, the efficiency of the programs, or the priorities implicit in these existing programs.

Programs of federal assistance in these "high priority" areas are extensive. In the field of public safety, for example, the federal budget for fiscal 1973 includes $923 million to be used in support of state and local crime reduction activities. This sum represents 40 percent of total federal outlays for those purposes.

In public transportation, the federal budget for fiscal 1973 includes outlays of $4.77 billion in federal-aid highway grants, plus outlays of approximately $535 million for other road-related projects. And the Urban Mass Transit Administration is budgeted to grant $351 million for construction of mass transit facilities such as subways, commuter railroads, and busways.

The 1973 budget also includes estimated outlays of 1.25 billion in financial aid to state and local governments for pollution control and abatement facilities.

In addition to existing programs, actions currently being taken by the Congress were totally ignored. As the Committee neared the end of its consideration of this bill, the House passed H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, which calls for the spending of $24.6 billion on environmental improvement over the next four years, most of it in direct allocations to state and local governments.

Possibly the most serious lack of coordination is the failure of the Committee in developing this bill to pay any attention to several major categories of state and local expenditures that are in the process of historic changes—education, public welfare, and medical assistance to the needy.

In the area of education, courts in at least four states (California, Texas, Minnesota, and New Jersey) have issued decisions that may, in the final analysis, require states to provide nearly all the costs of public education. Aside from these judicial developments, the President's Commission on School Finance (McElroy Commission) recently issued a report recommending "that state governments assume responsibility for financing substantially all of the non-federal outlays for public elementary and secondary education . . ."

The Commission proposed federal incentives to encourage the states to move in this direction that would cost the federal government as much as $7.8 billion over a five-year period. Even with this incentive, full state funding of education would cost the states at least an additional $20 billion per year. The Committee simply ignored these problems in framing its bill. None of the states' one-third share in the funds made available in this bill is specifically allocated to deal with this problem, and localities, which receive two-thirds of the money under the Committee bill, are forbidden to spend any of their share on education.

In the area of welfare, fundamental reforms have passed the House and are being considered by the Senate that would provide relief to states and localities estimated at $1.6 billion in the first year alone. More importantly, states and localities would be protected any costs attributable to future case load increases. While revenues states and localities currently devote to welfare programs will continue to grow, state and local costs for welfare will be substantially curtailed, providing budgetary latitude that may be used by states and localities to meet other pressing needs. Yet, in developing the Committee bill, no consideration was given to the fiscal relief states and localities may receive under welfare reform.

The medicaid program is another rapidly growing area of state and local expense. Although state and local expenses may well be sharply curtailed by congressional action on national health insurance, a subject on which the Committee has already held 4½ weeks of public hearings, no effort to coordinate the potential relief in this area was made in developing this bill.

Existing federal grant-in-aid programs are not well coordinated, involving duplication and overlap. Additionally, changes underway in such major areas of local expenditures as education, welfare, and medicaid, will substantially alter existing programs, redefining the magnitude and nature of state and local needs as well as state and local fiscal relationships. The complete failure to assess these problems in framing the bill is appalling.

By simply piling another program on top of the existing structure, the Committee makes a bad situation worse.

COMMITTEE BILL UNDERMINES LONG-ESTABLISHED PROCEDURES FOR CONSIDERATION OF LEGISLATION BY THE HOUSE

This bill provides for both an authorization and an appropriation. The Appropriations Committee, through its consideration of all appropriation bills, is the only Committee of the House that looks at federal expenditures on anything approaching a comprehensive basis. By examining the need for appropriations within the limits of authorizations provided, the Appropriations Committee can make a reasonably current determination as to the relative priority of specific needs in the light of other items in the federal budget, and with some regard to the level of overall federal expenditures. When the mechanisms that we already have are proving inadequate to meaningful expenditure control, the Ways and Means Committee—which should be keenly aware of the need for fiscal responsibility—establishes an extremely bad precedent in bypassing the Appropriations Committee.

It should be emphasized that the Ways and Means Committee, in end-running the Appropriations Committee, is not simply providing an appropriation for one or two years—but for a period of five years under the Committee bill. And no one seriously doubts that this bill is really establishing a permanent program appropriating a substantial and growing amount of the federal budget completely outside the normal appropriations process. Not only will the expenditures be uncontrollable as a practical matter, but they will be exempt from scrutiny by the Committee of the House charged with specific responsibility by the House for reviewing the overall level of federal expenditures.

Uncontrollable programs have proved a real problem for effective budgetary control. This bill launches a program that, as a practical matter, will be more uncontrollable than any we had in the past. And we do it in a manner that insulates the program from effective control.

If the precedent established by the Ways and Means Committee is followed by other Committees of the House, we will have to abandon all hope for dealing effectively with the federal budget. When we face a federal funds deficit of $81 billion, for the current and succeeding fiscal year, this is clearly the wrong time to drastically undermine existing procedures for promoting fiscal responsibility.

SOUND ALTERNATIVES ARE AVAILABLE

The case for revenue sharing has historically been predicated on the theory that state and local governments have responsibilities disproportionately large in relation to their revenue sources, while the federal government has revenue sources disproportionately large in relation to its responsibilities. This is the "fiscal mismatch" that revenue sharing proponents have emphasized.

The dismal picture of federal finances forces us to view this theory with skepticism. However, even if we assume the theory has validity, the correct remedy is to provide greater tax sources to states and their local governments commensurate with the responsibilities they face. By providing another federal grant, restricted in large part to specific categories, the Committee bill does nothing to provide a better alignment of tax resources with expenditure responsibility. In fact, the bill requires that Federal taxes must be higher than they otherwise would be in order to finance this vast new program.

More appropriate relief could be provided through a reduction in federal taxes, or through a federal tax credit. A tax credit could encompass all of the major tax sources used by state and local governments, or some taxes could be weighed more heavily than others. Title II of the Committee's bill in effect makes federal money directly available to the states pursuant to a formula combining several factors relating to state and local tax structures. A similar or different group of factors could be included in a tax credit provision.

Another possibility would involve updating the federal estate tax credit for state death taxes paid. Historically, death taxes have been regarded as a state revenue source. Under pressure for revenue, Congress has allowed a credit provision enacted in 1926 to become hopelessly out-of-date, and the federal government now collects 80 percent of the death taxes. Legislation is pending before the Ways and Means Committee to update the credit providing over $1 billion in increased taxing latitude to the states. The Advisory Commission on intergovernmental relations has recommended such a proposal.

These approaches would realign revenue sources with responsibilities while providing assistance to those making the greatest effort to meet locally defined needs. It would be directly responsive to any problem of "fiscal mismatch" that exists and would continue to maintain the indispensable link between the dispensation of public benefits and the imposition of taxes necessary to finance these benefits. Both local needs and the taxes necessary to meet the needs would be locally defined. Full public accountability would be maintained.

The Committee hearings on revenue sharing include many alternative proposals that were presented for the Committee's consideration, and many suggestions were called to the attention of the Committee during our executive sessions. While we may differ as to the specifics that any alternative proposal should include, we are in agreement that providing additional tax sources is a much sounder approach than simply making grants available pursuant to the cumbersome procedures included in the Committee's bill.

CONCLUSION

The Committee bill is bad medicine, prescribed without any real analysis of the patient's condition. The fiscal malaise afflicting all levels of government is dealt with by another overdose of spending. The diagnosis is based on a series of false generalizations, ignoring the real problems. The prescription is based on the assumption there is a political need to do something—anything at all.

The bill assumes all states and localities have a fiscal crisis common in nature and magnitude with which they are equally unable to cope.

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It provides for sharing revenue which really isn't there. The federal government is in worse fiscal condition than many states and localities.

It papers over the real weaknesses of state and local governments with money, ignoring the root causes of the problems.

It assumes that states and localities, highly diversified as to governmental structure, can be blithely aggregated into a prototype for the purpose of providing them relief.

It assumes the states and localities have done all they can do to help themselves, when in fact, their revenue efforts vary widely, and they have sufficient fiscal latitude to raise revenues considerably in excess of that provided by this bill.

It was devised and would operate in a vacuum; remaining uncoordinated with a host of other federal programs, current and planned, to assist the states and localities.

It would increase the dependency of states and localities on Washington, increasing centralization of government, and is of dubious constitutional propriety.

It would undermine a basic precept on which our system of government has operated successfully since its inception, by separating the responsibility for collecting taxes from the authority to spend revenue. The procedures employed in enacting the bill bypass the normal process established by the House for maintaining overall budgeting control.

Most importantly, the bill is a beginning step in the wrong direction. It contains potentially the biggest giveaway program ever enacted by the Congress. Once the bad precedent has been established, the pace will quicken, the program will grow, and all of its defects will be magnified many times over. We will have opened Pandora's box, and it will seriously weaken our federal system of government as we know it.

The only appeal the Committee bill has is based on one of the hoariest of hoaxes: That it is possible to get something for nothing. To some governors, mayors, and state and local legislators, it may seem to be manna from Heaven. But the money can only come from one source—the already overburdened American taxpayer. And the cost of this program, as well as the tax burden necessary to finance it, can go in only one direction—up!

JOHN W. BYRNES.
HERMAN T. SCHNEEBELI.
JOEL T. BROYHILL.
OMAR BURLESON.
JAMES C. CORMAN.
SAM M. GIBBONS.
JOE D. WAGGONNER, JR.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, we have agreed to rise at 6 o'clock. Will the chairman advise how much time is remaining?

The CHAIRMAN. The gentleman from Oregon (Mr. ULLMAN) has 3 hours and 22 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) has 3 hours and 13 minutes remaining.

Mr. ULLMAN. Does the gentleman from Wisconsin desire to yield time?

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BETTS), a valued member of the Ways and Means Committee, such time as he may consume.

Mr. BETTS. Mr. Chairman, I am completely aware of the forceful and eloquent argument that has been made by my distinguished minority leader, the gentleman from Wisconsin, whose sincerity and dedication I certainly admire and respect, but I hope I might have the opportunity to make a few comments about some of the objections that have been raised against this bill and some of the features and purposes of the bill which I do not think have been very fully explained in debate, or anyplace else for that matter.

In the first place, one of the principal arguments that has been made against this bill is that there is no revenue to share. Of course, that is a very attractive phrase which could be applied to any argument without actually amounting to a specific answer. We could say there is no revenue to share for education, and no revenue to share flood control, or no revenue to share for agriculture. So it resolves itself down to the question of not whether we have any revenue to share for this program, but rather, what priority we give to the program. I submit, and it is the position I have taken with respect to this bill, that the purposes of the bill, are ample reason for giving it first priority in the consideration of spending by the Federal Government.

In the second place, one of the arguments made against this bill is it is going to make the States completely dependent upon the Federal Government. The fallacy of that argument is that it is made about 30 years too late. Ever since the Federal Establishment began to be built up about 30 years ago, the local governments and State governments have had a continuing and increasing dependence upon the Federal Government.

If you do not believe that, just stop and think a minute about the tremendous lobbies of Governors and mayors that have been and will continue to be constantly on the scene. Somebody points out that one of the objections to this bill is that it means more Federal spending. Do not delude yourself that if you defeat this bill, you are going to stop Federal spending for local programs. The lobbies will continue to exist. The Governors are going to be down here; the mayors are going to be down here; and the pressure is going to be constantly on for more spending at the local level. So regardless of whether this bill passes or not, the pressure will continue for Federal spending.

I discount the argument that this bill is going to mean more Federal spending and more dependence by the local communities on the Federal Government.

In the third place, with respect to the arguments made that the formula is not completely fair and just so far as distribution to local and State communities is concerned, my answer to that is that I have received no single objection from any local community or State government about the formula in this bill. The formulas that we developed in the committee represent days and weeks of consideration, of amending, of reconsideration. and I point out that no one is going to come out with a bill satisfactory to any particular State and satisfy any one of the 50 States, or any one of the 435 Members of Congress.

So the claim that the formula is not fair is completely answered by the consideration the committee gave it. In fact, I do not think anybody has received any objection to the formula in the bill. So let me comment a bit about some of the features of the bill which I think have not been given adequate consideration.

I begin with this statement. I think one of the greatest dangers facing the Federal Government today is the buildup and expansion of the Federal Establishment, creeping bureaucracy. I do not have to call the attention of the Members, I think, here specifically to the delays we have experienced as far as securing projects back in our districts are concerned. My own experience, I think, can be matched by every Member here, which is that every project for any spending of Federal money in the district is an exhausting and time-consuming and irritating experience, lasting anywhere from 2 to 3 or 4 or 5 years with papers being shifted from Washington to some district office in the area where the project is to be considered, back to the community where it was originated, and then back to the Federal Government. The final decision as to where it is going to be and how much of the taxpayers' money is going to the community is made, not by any elected official, but by some bureaucrat downtown who is not responsible to anyone. He has built-in life tenure under civil service, and he has no elected position wherein he is responsible to any constituency for which the project is being considered.

What this bill does is simply bypass this bureaucracy, and it is saying to the local communities that we are sending their money back to them to be distributed by them in any way, within certain restrictions in the bill, that the community decides, under the recognized and time-honored constitutional concept of their right to make decisions at the local level.

The Constitution of the United States provides not only for the separation of powers between the executive and legislative and judicial in the Federal Government, but also for a division of powers between the Federal Government and the State and local governments. This is the thing that attracts me to this bill, because that relationship is being destroyed by the buildup of Federal bureaucracy which has taken upon itself a fourth dimension of government, usurping the legislative and judicial and executive functions of the local government and depriving our local communities of the right of self-expression.

To me, if this bill does nothing else than provide for the bypassing of this dangerous trend in our Federal Government today, I think it is worth the effort and worth the time and the expenditures provided in the bill.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I associate myself with the remarks of the gentleman. He has spoken not only eloquently but also very persuasively. He has been a star of constancy in the movement toward this very important legislation. I am very pleased to have been associated with his efforts, and I associate myself with his remarks at this point.

Mr. BETTS. I thank the gentleman from New York, because he has made a tremendous contribution to this bill, and I am happy to be associated with him in his efforts.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, I thank my friend, the gentleman from Ohio, for yielding. I am opposed to this bill, and I am sorry to have to speak at this time while my friend, the gentleman from Ohio, who is in favor of the bill, is speaking.

Mr. Chairman, this bill might properly be labeled "the fiscal follies of 1972." This legislation is wrong in so many aspects of its approach. It is wrong in its basic fiscal philosophy of the tax relationship between the Federal, State, and local governments; it is wrong in its allocation and distribution formula; it is wrong in being intiated during the period of the greatest 3-year Federal funds budget deficits in peacetime. It is so wrong that it received very little enthusiastic positive support among the 25 committee members. In essence, it substitutes political expediency for responsible fiscal accountability.

In the more than 11 years I have served on the Ways and Means Committee, this is probably one of the worst pieces of legislation that has emerged from committee deliberations. Potentially it could well become about the most expensive law this House will have approved for a long line.

The grandiose new proposed Federal giveaway and sharing of nonexistent funds could not come at a more inopportune time.

Chairman MAHON tells us in his letter of March 21, that the Federal funds deficits for fiscal years 1971, 1972, and 1973 will be more than $110 billion—which at 5-percent interest figures at about $15 million a day interest. I'd like to repeat this figure—$15 million a day interest on only 3 years current deficit. And to this deficit position, we have recently added two additional large-scale spending programs which will increase our deficits even further. I am referring to the recently approved pollution and higher education bills, which will total about $8 billion annually in increased expenditures. The conclusions of the recent Brookings Institution report add further proof our distress over our fiscal excesses and underscores further, the deterioration resulting from our decision on Federal fiscal matters. Our debt as of now stands at about $430 billion. Will someone please turn off the spending machine?

So in this background of being mired down in increasing deficits, we decide to inaugurate the potentially biggest spending program of all. What an environment for the debt of this giveaway of money we do not have.

I will not get into the matter of the lack of economic justification or the poor implementation of the intended objective—these matters have been dealt with thoroughly in the dissenting views which are recommended to you for reading and study.

This open-ended spending spree will help States and communities, many of which are in fiscal balance or running a surplus. Secretary Connally's reply to a question noted—

None of the 50 States is in as bad a shape fiscally as the Federal Government.

As an example, my own State of Pennsylvania will probably run a surplus of between $25 and $100 million this year, but still this program will give them an additional $98.4 million. The have-nots will be contributing to the haves. This is a new sophisticated tax philosophy which defies logic.

The Federal income taxes have been reduced five times in the past 10 years—in 1962, 1964, 1965, 1969, and 1971. Just the last two tax reductions alone have produced a dramatic impact in personal tax reductions. Take the typical family of a couple with two children. The tax changes have resulted in the following:

Income	1969 tax year	1972	Percent Decrease
$5,000	$290	$98	66
$10,000	1,225	905	26
$15,000	2,268	1,820	2

What does this mean? This means that as taxes are reduced on the Federal level, it gives the States and local authorities an area for a tax increase to meet their obligations. So why should Washington start a new allocation of nonexistent funds when our recent Federal tax actions make it possible for the States to improve their own fiscal position?

Why are we doing this? Merely to accommodate a handful of big city mayors who have gotten themselves into a fiscal bind and who have high pressured their colleagues into joining them in this raid on the public treasury. Let the taxpayer beware and be aware of this ploy—and to the argument that this is only a one-shot 5-year raid, I say "Political humbug." Of the myriad Federal programs supposedly generated to resolve an emergency, how many have been terminated? Let us not resort to this type of fiscal legerdemain and political doubletalk.

We are aware of the fact that the attitude of the people of this country toward officeholders is becoming increasingly bitter and hostile. This is most evident in the recent primaries in the expressed disillusionment and disappointment of the electorate in their elected officials. When the voters realize how the House is sacrificing its responsibility in the interest of expediency and pressure groups, the hostility toward Congress will become even more bitter.

In a recent questionnaire sent to my constituents, I received more than 22,000 replies. Included in the survey was the question:

Should the Federal Government share $5 billion of income tax revenues with state and local governments, for unrestricted use without Federal control?

The replies were 28 percent yes, 62 percent no, 20 percent undecided. The people answered more than 2 to 1 in opposition. The taxpayer is leery of this Federal largess. They wonder where the money is going to come from.

Those of us who oppose H.R. 14370 are not unaware of the great fiscal need of some of these State and local governments; however, we believe it can be met more responsibly by specific sharing of a present Federal tax base which would settle the matter of Federal cooperation at that point and not subject the Congress to the continuing and harassing pressures and lobbies from 50 States and 39,000 local units as their insatiable demands continue. Several proposals have been offered in transferring a specific tax base such as a high percentage of Federal estate and gift taxes, the Federal telephone tax—even the payment of real estate taxes by the Federal Government for its properties in each of these localities—but these proposals for more responsible transfer of tax base fell on deaf ears.

I am greatly opposed to this new raid on the empty Federal Treasury and I ask that H.R. 14370 be defeated.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I thank the gentleman for yielding. Although the gentleman from Ohio and the gentleman from Wisconsin, who spoke prior to the gentleman from Ohio, might disagree on this particular bill, each of the gentlemen has made a tremendous contribution to our committee, to the Committee on Ways and Means, and to this particular piece of legislation.

I would only say to the gentleman, we appreciate deeply what he has done. I would comment that each of these gentlemen will be sorely missed upon their resignations from the Congress.

Mr. Chairman, I rise in support of the State and Local Fiscal Assistance Act, H.R. 14370. This legislation is the final product of several months of arduous work in the Ways and Means Committee. Extensive hearings, involving both public and private witnesses, were held. Over 100 witnesses were heard, and their testimony fills eight volumes and more than 1,500 pages. For 35 days the committee met in executive session to consider this testimony and the underlying fiscal crisis which besets State and local governments.

It is this underlying crisis which compels the enactment of H.R. 14370. The provisions of the bill are carefully calculated to ease the financial difficulties of State and local governments in an equitable fashion. All localities in this country face severe financial problems, and for many of them the situation is approaching a critical point. These localities, as a result of increasing urbanization, find themselves politically separated from many of the people for whom they are called upon to provide services. Their taxing jurisdictions are limited, often to those who are poor and unable to pay for their share of local governmental services.

Even as the Nation's local governments are experiencing mounting financial troubles, so too are the States less able to provide for their citizens. States, of

course, do not have the limited jurisdiction problems which play so key a role in the financial difficulties of local governments, but their tax structures cause them hardships from the standpoint of their own needs and from the standpoint of their increasing levels of assistance to local governments.

H.R. 14370 seeks to treat these financial problems by recognizing that the situation of the States differs from that of the local governments. In so doing, the bill's provisions differ from many of those contained in earlier approaches to revenue sharing. These differences are worthy of note:

Specific dollar amounts are included in the bill to prevent the addition of a new category of uncontrollable Federal expenditures;

The authorization is for a 5-year period, thereby assuring future congressional review, while at the same time allowing the recipient State and local governments a measure of planning latitude;

Local governments must spend their revenue sharing funds in certain broad areas to assure some control by the level of government raising the revenue, but at the same time local governments are left discretion within the broad guidelines so that the pitfalls of categorical grants can be avoided; and

States, through the distribution formula and other features of the bill, are encouraged to improve their own revenue efforts.

To meet these important objectives the bill provides for $5.3 billion to go to State and local governments during calendar year 1972. The total amount will rise to about $6.5 billion in the fifth year of the program. Of the $5.3 billion for 1972, $3.5 billion is to be available to local governments and $1.8 billion will go directly to the States.

Turning first to the $3.5 billion for local governments, these funds are to be distributed on the basis of a formula which first determines how much will go to all local governments in a particular State. This formula weighs equally the three factors of population, the extent of urbanization, and need as measured by the relative income levels of the residents. Then these same factors determine how much money will be made available to each county and its component cities within the State. Finally, within each county, funds are divided among the cities and the county government in proportion to the tax revenues raised by each. After June 30, 1973, however, the States may vary the impact of the three factors, within the limits of a 25-percent minimum and a 40-percent maximum, to better suit their particular needs. Alternatively, if they believe it is desirable to give more emphasis to the varying costs of government within their jurisdictions, the States may substitute for the population factor, a factor taking into account variations in tax revenues raised.

The funds to local government, as I have noted, must be used within certain broad parameters. Specifically, the bill restricts these funds to being spent on maintenance and operating expenses for public safety, including police and fire protection; environmental protection, including sewage and garbage disposal; public transportation; and capital improvements for sewage collection, refuse disposal, and public transportation. These items encompass a sufficiently broad range of municipal services to greatly ease the financial plight of the 38,700 general-purpose local governments in the United States.

The funds for the State governments are to be distributed on an incentive basis which consists of two factors. One-half of the funds are to be distributed to encourage State tax effort generally. This is to be measured by comparing State and local tax collections relative to the personal income level in the particular State with similar revenue efforts made by the other States.

The other half of the funds are to be distributed to encourage greater State use of the individual income tax. This encouragement is provided by distributing an amount equal to one-half of 15 percent of a State's individual income tax collections up to a limit of one-half of 6 percent of the total Federal income tax liabilities within the State. In no event is this amount to be less than one-half of 1 percent of the total Federal income tax liabilities within the State. This is to protect those States which have yet to enact a State income tax.

The States will have no controls placed over their utilization of revenue sharing funds and the amount available to all State governments can be increased by as much as $300 million per year meaning that these funds may grow to an annual rate in excess of $3 billion by the end of the 5-year authorization period. Without this escalator feature States already utilizing the income tax would suffer reduced benefits as other States implement income taxes to take advantage of the incentives contained in the bill.

Beginning in 1974, another form of assistance is provided to the States under the provisions of H.R. 14370. After that date, States may request the Federal Government to collect their income taxes under a piggyback arrangement whereby the State tax is collected in conjunction with the Federal tax. To trigger this device it will be first necessary for five or more States representing 5 percent or more of the personal income tax returns to request the Federal Government to collect their State income taxes.

Mr. Chairman, I believe the passage of H.R. 14370 will help stem the erosion of State and local governments; it will assist those governments in their time of admitted financial crisis; it will strengthen the existing partnership between the Federal Government and State and local governments; and it will do this in the best interest of the one factor common to all—the citizens of this country.

I urge its passage.

Mr. BETTS. I thank the gentleman.

My good friend the minority leader on our committee has made the statement that this bill simply adds one layer of spending on top of the categorical grants we have. I want to comment on that.

What is the alternative? The alternative is—and it is the only alternative if the Members defeat this bill—to have a continuation of the present bureaucratic controlled categorical grant programs.

It seems to me the time has come when we ought to make some effort to break away from our 30-year practice of piling up program on program and bureaucracy on bureaucracy and send some Federal money directly back to local communities and permit them to determine how it will be spent.

This is what the bill does. It is the only opportunity I have had since I have been in the Congress—as a matter of fact, the only opportunity this House has had in the 30 years of buildup of the Federal establishment—to make some effort to register opposition and objection to this constant buildup of the Federal bureaucracy. It is one opportunity we have to bypass it.

We do not offer it as the final hope. We do not offer it as a 100-percent solution to the problem. But we do offer it as an opportunity to turn away from this insidious buildup of creeping Federal bureaucracy.

I conclude by saying that if anyone believes this bill is going to stop Federal spending for local communities on Federal projects, or is going to stop categorical grants, he is simply deluding himself. The pressure is on. This bill simply offers another way of sending the money back to the local communities.

I hope and trust the bill will receive favorable consideration by the House.

Mr. HARRINGTON. Mr. Chairman, the revenue-sharing legislation before us today must be passed without debilitating amendments. I am aware that there is a fight over the rule and I find myself in the anomalous position of voting for a closed rule.

In general I oppose closed rules because they prevent the Members of the House from voting on or even considering any alternative to the legislation before us. However, in this case, I am afraid that if the rule is open the revenue-sharing bill will be so changed and twisted that the original concept will be lost and the relief that our cities and towns so badly need will not be forthcoming. I therefore intend to vote for the closed rule.

No one can deny that State and local governments are in urgent need of financial help. Their present revenue-raising systems are heavily dependent on regressive property taxes which penalize the elderly, the middle-income worker, and the poor. For instance, the tax rate in the city of Lynn in my district is the highest in Massachusetts. If revenue sharing were to pass Lynn would receive $1,805,409.00—a substantial influx of funding which will help to alleviate the immense tax burden of Lynn's residents.

The revenue sharing bill before us contains an appropriation of nearly $30 billion in direct grants from the Federal Government to State and local governments. The bill is unusual in that it establishes a 5-year appropriation of funding. But, I believe that this 5-year funding is essential to allow States and localities the leadtime necessary to plan the most effective use of the funds.

Too often in the past—particularly in an election year—the Congress will authorize large amounts of funding for domestic programs only to fail in future years to appropriate the sum necessary to carry out the intent of the program. States and localities work hard and in good faith to plan their programs, based on a promise of adequate Federal funding, only to find that the funds have not been forthcoming. The program is then destroyed and the people lost faith in their government.

The revenue sharing bill, as presented to us today, will guarantee that the funds will be available and will allow the States and localities to make their plans accordingly. The stability of this advanced appropriation is essential.

The revenue sharing bill attaches no strings to the money distributed directly to State governments. It does, however, require that States maintain previous aggregate levels of aid to local governments. Money distributed to local government may be used only for certain high priority purposes. The purposes are:

Maintenance and operation expenses of public safety, environmental protection, and public transportation.

Capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

Local governments are not required to maintain past efforts to displace previous local expenditures.

The problems of our cities and towns cannot wait. Their needs are of the highest priority and the revenue sharing bill is the best means presently available of helping to solve these problems.

I will vote for the bill if the House acts this afternoon to retain the closed rule. I urge my colleagues to vote for the closed rule and for the final passage of the bill. A vote for the closed rule is the only way of assuring that the House will pass revenue sharing this year.

Mr. REUSS. Mr. Chairman, the House Committee on Ways and Means has presented us with a good revenue-sharing bill. H.R. 14370 deserves our support for at least four major reasons.

First, it provides meaningful fiscal relief to the States and localities, some $30 billion over a 5-year period ending in 1977. The amount includes an initial annual $1.8 billion for the States, to be increased by $300 million per year until an annual rate of $3.1 billion is reached in the last half of 1977. Three and a half billion dollars in yearly aid to local government is provided.

The somewhat lesser amount for the States reflects the probability that somewhere down the line, States will receive substantial additional sums under the Welfare Reform bill and under national health insurance legislation. The States will be additionally benefited to the extent that they choose under H.R. 14370 to have the Treasury Department collect State income taxes. Having the Federal Government perform this function could save the States an estimated $1 billion in the first year and some $200 million annually thereafter.

Given the fiscal plight of large metropolitan areas across the Nation, their share of the $3.5 billion set aside for local governments is palpably inadequate. To the rescue will come, I hope, the Housing and Urban Development Act of 1972, favorably reported by the Subcommittee on Housing of the House Committee on Banking and Currency on May 11, 1972, and now in markup status before the full committee.

The Housing Subcommittee bill would provide for $2.5 million a year for fiscal 1973 and 1974, of which 80 percent would go to metropolitan areas for broad purposes of community development. The grants would be free of the redtape associated with the Federal Government's existing housing and urban renewal programs. They would thus provide a necessary supplement to the local share of H.R. 14370.

Second, H.R. 14370 preserves congressional prerogatives to review and change national spending priorities. The original administration revenue-sharing bill based revenue sharing upon an automatic share of the Federal income tax base, thus eroding congressional prerogatives by setting up permanent drawing rights on the U.S. Treasury. H.R. 14370 provides for a 5-year automatic appropriation of the specified sums. Thus, H.R. 14370 provides State and local governments with some insurance of continuity in funding over a 5-year period, while allowing the Congress to revisit the subject of revenue sharing because the program lapses after 5 years.

Third, H.R. 14370 distributes local funds on the basis of need. The local distribution formula of the administration's revenue sharing bill—based on revenues raised as a proportion of total local government revenues in the state—over rewarded rich communities and over penalized poor communities.

H.R. 14370 distributes its $3.5 billion in yearly local aid under a three-part formula which gives equal value to population, urbanized population, and the inverse of the State's per capita income—States with higher per capita incomes receive less from this part of the formula than States with lower per capita incomes.

The community development block grants of the Housing Subcommittee's May 11, 1972, bill, incidentally, also take account of need. Both among metropolitan areas and within metropolitan areas, the distribution formula is based on population, extent of poverty, extent of housing overcrowding, and extent of program experience in the metropolitan area.

I regret, however, that H.R. 14370 is very little better than the administration's original revenue-sharing plan, in that it recognizes the entitlement to some revenue-sharing funds of almost every general purpose local government, no matter how lilliputian and inefficient. The administration bill gave the funds to every general purpose local government. H.R. 14370 denies funds only to local governments which under the formula would be entitled to $200 or less. H.R. 14370 thus offers precious little encouragement to tiny and inefficient communities to consolidate into more viable governmental units. But it should be remembered that the formula for distribution according to need will mean that communities that do not need very much do not get very much.

Fourth, H.R. 14370 includes important incentives to encourage the adoption of progressive State income taxes. The formula under which funds are distributed to the States allocates half the funds given each State according to the amount of its individual income tax collections, with some variations. While a total allocation under this formula would have been preferable, this should induce some of the 10 States which currently lack an individual income tax to enact such taxes. Other States which have narrowly based or flat-rate income taxes will have an incentive to make them more progressive.

States without income taxes, or which make only a token income tax, often compete unfairly with other States for industry. Worse, their reliance on property and sales taxes unfairly burdens their low- and moderate-income homeowners and poor people.

Another incentive for State enactment of State income taxes is title II of H.R. 14370, which authorizes the Treasury Department to collect income taxes for States which generally conform their State income taxes to the Federal income tax. If a large number of States exercise the option of Federal collection of their income taxes, the causes of additional State fiscal relief, and of efficient and progressive tax systems, will be served at one and the same time.

But there is one caveat. It will not profit a State to "piggyback" its income tax on the Federal income tax if the latter represents a swiss cheese more than it does a rational tax system. Until the Congress repairs some of the more flagrant loopholes and preferences of the Federal tax system, neither the Federal Government nor the States will have the fiscal systems they need.

These four solid achievements of H.R. 14370 make it landmark legislation. My one regret is that H.R. 14370 does not contain the incentives for the reform and modernization of State and local government, as a condition of revenue sharing, which were contained in the Humphrey-Reuss State and Local Government Modernization Act of 1971, H.R. 4617. H.R. 4617 would have required the States to prepare plans and timetables for modernizing and revitalizing State and local governments.

How can we move metropolitan areas across the United States toward streamlined two-tier governments—governments under which responsibilities are divided between authorities acting as wholesalers of goods and services on a regional basis and municipal retailers dealing with the people? How can we insure that all local governments of sufficient size and scope have adequate home rule and taxing and borrowing powers? How can we bring about more rational and equitably administered property tax systems? How can we assure dispersion of low-income housing throughout the metropolitan area? How can we equalize—at a high level—the quality of our schooling?

How can we decentralize power and functions back to the neighborhood to

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make local government more responsive and democratic?

Under the American system, the States are primarily responsible for determining the structure and powers of local government. But the Federal Government can prod the States into action—to reform their own as well as their local governments—with financial incentives. Though H.R. 14370 fails to contain the planning provision of H.R. 4617, a somewhat similar provision is contained in the Housing Subcommittee's bill of May 11, 1972.

I congratulate the House Committee on Ways and Means in presenting us the result of years of diligent study and draftsmanship. I enthusiastically support H.R. 14370.

Mr. ROSTENKOWSKI. Mr. Chairman, as a member of the Committee on Ways and Means, and as an original sponsor of the State and Local Fiscal Assistance Act of 1972, I am proud today to rise in strong support of this measure.

It is the end result of months of public hearings and committee deliberations designed to produce legislation that would best meet the challenge of the serious fiscal crisis which currently besets so much of our Nation.

Our State and local governments now face financial problems of a most severe nature. In this decade of the 1970's, it will be the States, and even more significantly, the local governments, which will bear the brunt of our more difficult domestic problems.

Almost 4 years ago, it was estimated that the gap between local needs and their revenues for the next decade would be $262 billion. Since that time, inflation has transformed rising costs into runaway costs. Many municipalities that have always been able to squeeze through are finding that even that is no longer possible. This crisis is most acute in our center cities, where local governments find their resources slipping away and their problems mounting. Their neighborhoods, bleeding and beleaguered, are losing their population and tax bases to the suburbs.

As a Representative of one of our Nation's largest metropolitan areas, I have long advocated programs to help rebuild and rejuvenate our Nation's cities. I have sponsored measures as diverse as legislation for emergency aid to mass transportation and legislation which would allocate more meaningful appropriations for summer programs for our Nation's youth. In my years in Congress, I have always supported any measure which I felt would benefit what is increasingly becoming, our urban Nation.

Mr. Chairman, I preface my statement here today with these thoughts because, as the hearings on the matter progressed in our committee, I became increasingly aware of the tragic wrong of urban life in our country. For the past 15 years, the Federal Government has devoted an increasing amount of its time and funds toward solving the urban problem. But, this problem has, if anything, become worse. America's cities are being squeezed by a powerful financial vice—one jaw of the vice is the rapidly increasing service needs of America's urban areas, while the other jaw is the inability of most cities to raise the revenues required to maintain even the present low level of services.

In the past 10 years, the Government has instituted vast new programs, organized and developed several new governmental agencies and departments—all for the purpose of constructively dealing with the problems of urban America. While these agencies and organizations have at times been successful, more often than not, they attempted to find uniform national solutions to what are individual, local problems. Problems whose causes and whose cures can only be found in the environment in which they exist.

The causes of the plight of the cities lie in large part with the programs and policies of other levels of government. In many cases, the need for vastly increased Federal services has been stimulated by nearsighted Federal programs.

In this respect, much of the dilemma of the American city is not of its own making. Local government is not responsible for the condition; in fact, it was powerless to prevent the situation and remains powerless to rectify it.

Our national farm policy disinherited millions of farm families, driving masses of them into already crowded cities. At the same time, the fragmentation of the old national welfare system often allowed certain rural States to pay as little as one-sixth as much for relief as, for example, Illinois, thus driving many more of our Nation's poor northward where their hopes were crushed and they became entrapped in some of our Nation's most squalid slums.

Certain Federal housing policies have also contributed to urban sprawl by subsidizing many times as many units of housing in the suburbs as in the inner city. And some of those units which have been placed in our cities have been poorly planned and certainly not conclusive to promoting a high quality of urban life. A tragic example of such an ill-conceived project was vividly depicted in a recent edition of Life magazine—an 18-year-old highrise housing project in St. Louis is being torn down. Years of misuse and decay clearly demonstrated that this was not the solution to this area's housing problems.

The national highway program further stimulated the suburban exodus, bisecting cities with concrete, subsidizing congestion and pollution and in most cases ignoring the need for mass transit.

In this way, national policies not only failed to stem the deterioration of our Nation's cities, they partially caused it. But, while certain Federal Government's policies have had adverse effects on urban life and growth, of greater importance, indeed the crux of the plight itself, has been the relation of the cities to their State governments. For since the cities are but creatures of the State, they are wholly dependent upon the States for their powers.

This dependency has created many porblems for the local municipalities; among them the limitation of municipal taxation and borrowing powers. And, needless to say, the State governments have been reluctant to take on the burden of increasing taxes. Taxation is never popular. Therefore, cities have been denied adequate means to raise their own revenues and the States, who have the power, have been reluctant to use it.

Cities have been denied relief from their legislatures so consistently that they began to seek help from Congress over 20 years ago. Congress has assisted them through the enactment of categorical grants-in-aid but even this financial arrangement has been far from effective in solving the real problem of urban decay.

The answer to this dilemma is not simple. Cities need operating money—money to hire police, firemen, and sanitation workers. Money to build sewage treatment plants and improve mass transit systems. Money to feed the poor and to give them medical treatment; to hire the unemployed and to return the needy addict to the real world.

Yet, what the people need in Baltimore is not necessarily what is needed in Chicago or Little Rock or New Bedford, Mass. Each community has its own list of particular priorities among these needs.

And, to meet these particular priorities, this bill was written. It is our hope that this "revenue sharing" bill, the result of almost a year of deliberation by our committee, will give the States and municipalities the flexibility they need to solve their own problems. The details of this measure have been quite sufficiently explained by our distinguished chariman and I should at this time only like to urge my colleagues to fully support this measure as the one method by which we may provide meaningful aid to our Nation's cities and towns.

Mr. ARCHER. Mr. Chairman, we are living in a time of change and stress when many established procedures and relationships are being reviewed. This is particularly true in government. The so-called urban dilemma has become one of the Nation's major concerns, while State and local governments almost without exception are searching desperately for new sources of revenue to meet escalating costs. Thus it is not unexpected that States and localities are turning increasingly for help to the Federal Government with its more flexible ability to borrow and its greater capacity to increase revenue through the income tax.

For many years the Federal Government has been responding increasingly to this need. Federal aid has risen from $1.8 billion in 1948 to $30 billion in 1971. In other words, the Federal Government already provides $1 out of every $7 spent by State and local governments. Most of this is in categorical grants for specific purposes and usually calls for matching funds. Guidelines are set for such expenditures from Washington.

The House Ways and Means Committee has now proposed, through H.R. 14370, to appropriate $17.5 billion over a period of 5 years to help local governments defray certain general expenses.

The $17.5 billion general revenue-sharing proposal has such a generous appeal that many people overlook the harsh reality that there is no such thing as a free Federal lunch counter. There is considerable evidence, in fact, that the general revenue-sharing plan is illogical, unsound, and inimical to the national interest.

It is illogical to use the guillotine efficiency of the Federal tax collecting system to raise funds to be spent by State and local governments. This fails to recognize political reality or measure up to fiscal responsibility.

It seems highly unrealistic to expect Congressmen, faced with reelection, to vote taxes to raise funds to be spent by State and local politicians who may include their opponents in their next campaign.

It would seem to be a departure from fiscal responsibility for Washington to turn funds over to State and local governments with "no strings attached." If the Congress hands over billions on this basis, it could well begin a dangerous dismantling of the control procedures designed to make sure that the Federal Government gets the best use out of its aid dollars. In other words, can Washington forsake responsibility without becoming irresponsible? What is truly at stake here is a shifting—perhaps a profound shifting—in the roles and missions of government between Washington and the States and cities. It would constitute the most basic change in public finance since the Federal income tax was imposed in 1913. We should be considering a reallocation of functions, rather than a reallocation of funds. It has not been surprising, however, to see an alliance of State, county and city officials mobilizing for this bonus march on Washington. Nation's Cities, a journal for public officials, said editorially in its March 1971 issue: "Only through practical political pressure will revenue sharing come to be." The taxpayer, though, should realize that if there are political forces strong enough to enact an initial $17.5 billion program, these same forces can then go for $30 or $40 billion. The taxpayer bears the financial burden, whether it is developed in the National Capitol, the State capitol, the county courthouse, or the city hall.

Higher public expenditures inevitably must come from an increased burden on taxpayers. The taxpayers are the producers who must work and produce goods and services at a rate which will build the national economic strength fast enough to continue to carry the enormous burden of escalating government costs. What we have been seeing develop for many years is a race between "gross national product" and "gross national prodigality."

In the second place, it is unsound for the Federal Government to propose general revenue sharing when the only way it can finance such a program is through enlarging the national debt or increasing taxes. It has experienced a budget surplus only 7 years out of the last 40 years. The Federal Government owes almost three times as much as all State and local governments combined. Expenditures built into legislation will absorb any anticipated increases in Federal income for the foreseeable future. General revenue sharing, under these circumstances, is comparable to the father whose son was leaving for college. He said to the boy: "Go ahead and write all the checks you want. When your account is overdrawn, the checks will be charged to my account." But the father's account was already overdrawn.

Next, general revenue sharing is inimical to the national interest. Since it is projected on the basis of "the more you spend, the more you will receive," it is an open invitation to unrestrained public spending. This proposal seems to be based on the great American myth that the more you spend, the better the solution—that solutions to Government problems are not possible unless they come from Washington. It will tend to discourage efforts for more efficiency in State and local governments. As a matter of fact, the general revenue sharing principle has much the same logic as loan-shark advertising: "If you fall behind on your payments, don't worry. Come in and we will increase your loan so you can pay what you owe—and have some cash left to spend."

Fourth, with State and local governments increasingly dependent upon Washington, revenue sharing will expand the centralization in the Federal Government. States and localities will become increasingly subservient to Washington. The source that supplies public funds always retains the right to withdraw or not to renew the funds. This is a reality that any recalcitrant State or local government could ill resist.

The assurance that revenue sharing plums will drop with "no strings attached" from the prolific money tree should not be taken at face value. Murray Weidenbaum, former Assistant Secretary of the Treasury, has commented that "no restrictions" does not mean "no controls." Thus, revenue sharing will always be subject not only to the whims of the Congress but also to the vagaries of Federal administrators.

General revenue sharing would not get to the root-causes of State and local problems. It would merely subsidize their weaknesses. It would not encourage more effective and efficient use of available funds. Non-Federal Government costs per person have increased 70 percent in 5 years. When a corporate body takes on weight that fast, it is reasonable to assume that it included considerable fat. In his health message, last year, President Nixon said:

> It's not how much we spend but how well we spend that matters.

Revenue sharing would not encourage efforts to modernize some of the archaic forms and structures found in State and local governments. Samuel Jackson, Assistant Secretary of the Department of Housing and Urban Development, says:

> Our major effort now should be to improve the capacity of local government to manage.

There is another, more immediate problem that is of great concern to me as a Texan: the fund distribution formula in this bill is designed in such a way that our State will receive less money than nearly every other State in the Union. In funds per capita provided to the State governments, Texas ranks 50th among the States and the District of Columbia. We would get $4.02 per person, as compared to $17.23 for New York and $8.73 for the national average. For all funds allocated under the revenue sharing program, Texas ranks 35th on a per capita basis.

Texas is 27th in tax revenue per capita paid to the Federal Government, but it is 35th in total funds it will receive. What this means is that we will be paying taxes to provide funds going to other States. This is indeed revenue sharing—sharing Texans' revenue with everyone else.

The reason for this inequity is that part of the formula for revenue sharing is based on the State income tax. In effect Texas, which has no State income tax, is being punished for collecting its revenue through other means. Penalizing the 10 States which do not have an income tax does great injustice to the spirit of federalism, which has long been a cornerstone of our republican form of government.

There is no overriding Federal interest that would justify legislation dictating the system of taxation practiced by the several States. Moreover, the fiscal condition of the Federal Government is certainly no shining example for the States to follow. Texas is run in a manner far more fiscally sound than is the Federal Government. Texas has no debt. We pay our own way.

The crunch on State and local governments has been caused largely by Federal policies, so why not remove the causes rather than subsidize the results. For example, inflation is the chief culprit in increasing costs faster than State and local revenue, and revenue sharing would be another inflationary pressure. If the Federal Government should ever reach that unlikely time when it will have surplus income, a reduction in taxes would do more to alleviate critical social problems and to resolve political disharmonies than would the further expansion of the Federal sector.

At a time when we are engaged in an agonizing reappraisal of the excesses of a welfare program for people, it would seem to be an inappropriate time to initiate a welfare program for State and local governments.

Mr. Chairman, I call for the rejection of H.R. 14370.

Mr. ABBITT. Mr. Chairman, I rise in opposition to H.R. 14370, the State and Local Fiscal Assistance Act, or better known as the "Revenue Sharing Act."

This bill is a good example of a transition from a commendable concept to an undesirable piece of legislation. Certainly all of us are aware of the tremendous need for additional revenue sources in all of the governmental jurisdictions throughout America. State and local debts are rising at an alarming rate and the demands upon all levels of government are increasing steadily.

All of us recognize these as realities but no jurisdiction of government has anywhere near the level of indebtedness under which the Federal Government is now operating.

The plain truth of the matter is that the discussion today is basically and primarily a question as to whether it makes any sense for the Federal Govern-

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ment to borrow money in order to share it with the localities. The Federal Government has no money readily available to distribute and already we have scheduled for consideration for next week a bill which will extend the Government's debt limit to the highest level in history. In other words, any moneys which we vote now to share with State and local governments must inevitably come from borrowing. Furthermore, any money that is borrowed is actually owed by the people of the United States and must be paid by American taxpayers.

It is abundantly obvious that the concept of getting "something for nothing" is finally catching up with us to the point where we must realistically face the question of where the money is coming from in order to finance this bill. Proponents of this legislation have argued that only through the taxing sources of the Federal Government is there sufficient power to extract the necessary revenues—but is this a fair statement?

I feel that the Federal Government should make some attempt to share sources of revenue with our States and localities in order to assist them in meeting the tremendous obligations and demands which are now pressing upon them. However, I feel that a much more propitious way of accomplishing this would be for the Federal Government to surrender to the States and local governments some of the tax sources which are now partially or exclusively held in Washington.

Sooner or later we are going to have to face up to the fact that the Federal Treasury is not a bottomless pit. The Federal debt has increased at an alarming rate and Americans are today paying well in excess of $20 billion annually in debt interest alone. It is the height of folly to suggest that this situation can be allowed to continue indefinitely and, in my opinion, the revenue sharing bill now before us would only open the door to far greater indebtedness.

Mr. MAHON. Mr. Chairman, under general leave granted to extend my remarks, may I say that Members of the House earlier today voted whether consideration of the pending bill—H.R. 14370, the so-called revenue sharing bill—should occur under a closed rule which waives points of order and prohibits any. Member other than the chairman of the committee handing the bill from offering a single amendment. They will have another opportunity tomorrow to vote on the question of whether the Federal Government—already approaching $500,000,000,000 in debt and going billions deeper every year and thus with no revenues to share—is to embark on this multibillion dollar road of further aid to States and local communities.

Before that final vote is taken, I would hope that all Members would ponder what seem to me to be some of the dangers to grabbing this tiger by the tail, and to take account of what the Federal Government is already doing in the way of aid to State and local communities.

I have spoken about these matters in the House on a number of occasions, particularly in recent weeks. I alluded to them in the House earlier today during the debate on the closed rule.

REVENUE SHARING: AN IDEA WHOSE TIME HAS COME—AND GONE

As was said in an editorial in one of our great newspapers a few days ago, revenue sharing is an idea whose time has come—and gone.

Revenue sharing, I believe, was conceived by Walter Heller, a well-known economist, in the early 1960's, when it appeared that the Federal tax structure was such that it would be generating vast sums of money for which we had no spending purpose insofar as the Federal Government was concerned. It was thought that a large, overwhelming surplus would be confronting us. There was worry about a fiscal drag.

Think of it. Was that not a grand and glorious moment, when we could ponder such a delightful problem? It vanished so quickly.

Yes, this was the atmosphere in which the idea of revenue sharing was conceived and brought to the forefront. But what brushed it aside? It was the programs of the Great Society, which rapidly accelerated, and the war in Vietnam. And so the vast potential surplus which some wanted to share with the States and local communities vanished. Instead of that, we have a desperately serious budget deficit situation.

THE CLIMBING FEDERAL DEBT

Yes, the average deficit in Federal funds to run the Government during the 1960's was about $10 billion a year. But in the 4-fiscal-year period concluding with the end of fiscal year 1973, we will be running a Federal funds deficit averaging about $28 billion per year, nearly three times as much per year as in the 1960's.

As a result of this borrowing to pay our bills, the debt will go up more than $110 billion during this 4-year period—representing about one-fourth of the total monumental national debt which has accumulated over the entire history of our Nation.

Here are the Federal funds deficit figures for the 4 fiscal years 1970 through 1973: $13 billion, $30 billion, $32 billion, $38 billion—climbing, climbing, climbing. And people talk about tax reductions and revenue sharing.

GROWTH IN FEDERAL ASSISTANCE TO STATES AND LOCALITIES

In view of our growing deficits, we are already doing more for the States and local communities than we can afford to do because of the terrible fiscal plight of the Federal Government at this time.

Then, when you start a program of revenue sharing at what will be called a low level of only $30 billion for 5 years, that is chickenfeed. That is a mere pittance of what it will become once it is begun.

With reference to the grants to the States and local communities in 1960, what did we spend? We spent $7 billion.

For the fiscal year which ends this month—fiscal 1972—how much are we spending in grants to the States and local communities? Not $7 billion—but $37 billion.

That is how rapidly these grant-in-aid programs climb. But revenue sharing will climb a lot more precipitously than that if it starts down the pike. I have no doubt of that, because of the broad based lobby groups it involves and helps to organize. I dare say that no one would undertake to dispute that fact.

If revenue sharing were being proposed as a substitute for the $37 billion in categorical grants—if we had been requested to authorize $5 billion less per year in categorical grants—then there might be some substance to the proposal. But it is proposed that we pile this $30 billion program at the rate of more than $5 billion a year on top of the $37 billion which we have made available in categorical grants for the fiscal year 1972.

A TIGER BY THE TAIL

Anyone knows that if we start this program of revenue sharing on the basis of what will be called an inadequate level of only $5 billion a year, it will grow very rapidly. When we start down that road it will indeed be at a gallop.

As I said once before in this House, if you grasp this tiger by the tail, you will find it difficult to turn him loose.

Never in this century would you ever turn that tiger loose, and everyone here knows it.

ASSISTANCE TO STATES AND LOCALITIES

Yes, we have done a great deal for the States and the local communities. They are in difficulty, but most of them are not in as much fiscal difficulty as the Federal Government. Some of them are in as much or more difficulty than the Federal Government, I agree. And it is a matter of great concern to all of us. But what have we done for them?

In Federal assistance to State and local communities, we went in the period 1960 to 1972 from $7 billion to $37 billion.

In 1960, of total nondefense Federal spending, 16 percent went to the States and local communities. But of total nondefense Federal spending in 1972—not 16 percent, but 26 percent is going to aid States and local communities. That is an additional 10 percent of the nondefense Federal dollar. It is about a 60-percent increase in Federal assistance to States and localities during that period.

In 1960, we provided State and local communities with 11 percent of their revenues. But in 1972, we provided them with 21 percent of their revenues for their expenditures, and yet some of the mayors—some of whom have not done such a brilliant job—come in here in the shadow of this Capitol and get the roll and check on Members of Congress and apply pressure for more, and more, and more.

But let us not be swept off our feet. Let us be strong. Let us be wise. Let us look beyond the ends of our noses at the future. It does not take a very wise man to see what is in prospect.

A VOTE FOR REVENUE SHARING IS A VOTE FOR A TAX INCREASE

I mark my words when I again say a vote for revenue sharing is a vote for a tax increase. Can there be anyone who thinks to the contrary?

If you add on to the $37 billion we are already providing for grants to States and localities in 1972 another $7 billion in 1973 for revenue sharing, expenditures will go up $7 billion more in the fiscal year 1973.

Spending will go up that much more precipitously. And that will only be the beginning.

Where will the revenues come from?

A vote for revenue sharing I say—and mark my words—will be a vote for a tax increase. You can tell your mayors and your folks back home that this would be a vote for a tax increase. Keep that squarely in mind.

THE RESPONSIBILITY OF REVENUE SHARING VOTE

There are a lot of distasteful problems here.

Revenue sharing is wrong in principle. This bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

Do Members want to bear the agony of raising taxes next year to support spending by States and local officeholders? Think about it.

Maybe as a temporary expediency revenue sharing might sound good. But in the long pull, I think those who become committed to this will find themselves in a box.

What will the States and the local communities do with this Christmas tree handout? Will they spend it as wisely since they do not raise these revenues as they would otherwise?

Of course, they do have their problems but revenue sharing is not the answer. If you cannot save the States and local communities with grants of $37 billion, how can you save them with this additional grant?

A MILE WIDE AND AN INCH DEEP

The revenue-sharing money would be spread so thin. How many local communities are there in the United States? There are 38,000. You are going to try to spread these funds out to these 38,000 governmental units in this country? Where will you find yourself? You will find yourself with a stream a mile wide and an inch deep and you will not solve the problems that confront the country and confront the States and the cities. It will not dent them. But it will more or less signal the takeover by the Federal Government. Everybody knows that if we appropriate Federal money, eventually there is going to be a Federal takeover. You know that. And why shouldn't the Federal Government eventually take over if the Federal Government is providing the funds?

The illustrious late Senator Dirksen, of Illinois once remarked that the day might come in this country when only Rand McNally would be interested in State lines. And I would add county lines and city lines. If that day is coming, I guarantee it will be hastened by the approval of revenue sharing.

THE BOGUS TRUST FUND CONCEPT

Mr. Chairman, another feature of this Ways and Means Committee 5-year appropriation bill is that it seeks to characterize the funds as "trust funds." Well you could just as rationally set up trust funds for the entire Federal funds budget and provide that the Federal Government—from such trust funds—is authorized to provide for operation of the State Department, the Department of Defense, the Agriculture Department, and so forth, for this year, for next year, and for the next 5 years.

Mr. Chairman, the bill deals with general Federal funds in the general fund of the Treasury, and it is a rank perversion of the trust fund concept, which is used for social security and other participating beneficiary programs, to label them as "trust funds" in any way, shape, or form.

THE REVENUE-SHARING LOBBY

If revenue sharing becomes the law of the land, Members of Congress could well become puppets on a string. We would be dancing to the tune played by the 38,000 governmental jurisdictions throughout the United States.

The lobby now is nothing by comparison to what it would be. It is small indeed compared to what it will be after we establish the vested interests that will grow out of these funds. Is that not clear to Members?

Some of our friends are here now lobbying. But, my, after the sweet taste of this painless $30 billion, what could they do? And how helpless might we be then unless we are quite strong in resisting the pressures for more and more now? The passage of the revenue-sharing bill will organize and galvanize the most powerful lobby group that this country has ever known.

I was reading one of the newspapers recently. Finally, over on a further page, I read, "Revenue-sharers say they have the votes." They had checked us off on their list. The article said, they have the votes. But that check will be nothing compared to what will happen in 1973, 1974, 1975, 1976, and 1977 up to the year 2000, and so on.

There is presently no ground swell of support for this legislation. Our constituents are better informed and wiser than some may think. They realize that all our problems cannot be solved with money—Federal money. They realize, however, that if you start a new, massive handout program, it will grow rapidly and the pressures for more and more will tend to become irresistible.

The adoption of this program of revenue sharing will tend to basically alter our federal form of government.

Mr. Chairman, it seems appropriate that as we face this momentous vote we should lay out the facts and have the best possible understanding of the implications of our actions. This is what I have undertaken to do.

Mr. COTTER. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

I will vote reluctantly for a closed rule. I do not like this type of parliamentary procedure, but I feel that House passage requires this approach.

As we have all known for many years, the State and local governments cannot continue to offer necessary services without increased costs. Some form of revenue sharing is needed to enable the Federal Government, with its wider scope of tax possibilities, to return funds where they are most urgently required. I have supported the concept of general revenue sharing as a useful approach in lessening the local tax burden.

Those of us who represent urban districts are intimately aware of the problems facing our towns and cities. I believe that revenue sharing can alleviate some of these problems. Our overburdened property taxpayers cannot accept an increased burden. I have made my support of revenue sharing clear on many occasions. The people of my district need these funds desperately to sustain their institutions and necessary services.

The plan before us today marks a beginning. H.R. 14370 does not provide the ultimate solution to the problems of State and local finances, but the passage of this bill does mark a decent beginning, and clearly commits this Congress to the goal of helping States and municipalities in their overwhelming financial difficulties.

We will have the opportunity to study the result of this novel approach to assure that this concept is effective in helping the State and local governments to provide necessary services.

Just this morning I received the complete figures to the cities and towns of Connecticut. I will include them at this point:

CONNECTICUT

Total State grant to all locals, $51,695,640.

Fairfield, area, $14,111,718; total to city governments, $8,358,202; total to township governments, $5,753,516.

Bridgeport City, $3,272,569; city of Danbury, $1,025,558; Norwalk city, $1,509,235; Shelton city, $550,825; Stamford city, $1,961,351; Bethel town, $105,850; Brookfield town, $93,469; Darien town, $195.401; Easton town, $2,811,673; Fairfield town, $543,602.

Greenwich town, $572,478; Monroe town, $116,493; New Canaan town, $167,112; New Fairfield town, $67,531; Newtown town, $163,856; Ridgefield town, $175,189; Stratford town, $480,495; Trumbull town, $302,620; Westport town, $262,850; Wilton town, $130,302; Redding town, $53,758; Weston town, $71,101.

Hartford area, $15,065,005; Total to city governments, $6,982,016; Total to township governments, $8,082,929.

Bristol City, $1,264,313; Hartford City, $3,808,505; New Britain City, $1,909,198; Avon Town, $118,370; Berlin Town, $219,540; Bloomfield Town, $265,520; Burlington Town, $69,738; Canton Town, $107,321; East Granby Town, $55,041; East Hartford Town, $923,141; East Windsor Town, $136,642; Enfield Town, $818,515; Farmington Town, $210,240.

Glastonbury Town, $309,077; Granby Town, $95,787; Manchester Town, $750,543; Marlborough Town, $48,365; Newington Town, $401,491; Plainville Town, $276,920; Rocky Hill Town, $173,666; Town of Simsbury, $258,463; Southington Town, $520,782; South Windsor Town, $251,448; Suffield Town $134,946; West Hartford Town, $917,224; Wethersfield Town, $388,895; Windsor Town, $354,224; Windsor Locks Town, $255,054.

Litchfield, area, $1,723,447; total to city governments, $564,315; total to township governments, $1,159,133.

Torrington City, $416,881; Winsted City, $115,668; Harwinton town, $43,785; Litchfield Town, $70,648; New Hartford Town, $42,184; New Milford town, $151,058; North Canaan Town, $33,318; Plymouth Town, $112,179; Salisbury Town, $30,537; Thomaston Town, $69,180; Washington Town, $20,115; Watertown Town, $198,872; Winchester Town, $117,514; Woodbury Town, $55,291.

Middlesex, area, $1,661,328; total to city governments, $649,857; total to Township governments, $1,011,471.

Middletown City, $649,066; Chester Town, $40,246; Clinton Town, $137,836; Cromwell Town, $94,238; Deep River Town, $48,492; Durham Town, $60,047; East Haddom Town, $59,472; East Hampton Town, $95,881; Essex Town, $56,616; Haddam Town, $64,714; Middlefield Town, $53,736; Old Caybrook Town, $106,332.

Portland Town, $114,032; Westbrook Town, $48,490.

New Haven, area, $14,475,223; total to city governments, $9,955,228; total to township

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governments, $4,519,995; Ansonia City, $459,-894; Derby City, $270,417; Meriden City, $1,-190,966; Naugatuck Borough, $482,660; New Haven City, $3,013,124; Waterbury City, $2,-325,304; Milford City, $1,049,575; West Haven City, $1,118,687; Beacon Falls Town, $62,607; Bethany Town, $57,469; Branford Town, $315,317.

Cheshire Town, $298,159; East Haven Town, $442,559; Guilford Town, $188,274; Hamden Town, $766,445; Madison Town, $150,178; Middlebury Town, $78,217; North Branford Town, $182,454; North Haven Town, $345,508; Orange Town, $193,311; Oxford Town, $76,-466; Prospect Town Hall, $114,034; Seymour Town, $214,487; Southbury Town, $123,306; Wallingford Town, $599,324; Wolcott Town, $212,442; Woodbridge Town, $99,438.

New London area, $2,518,663; total to city governments, $1,081,720; total to township governments, $1,436,943.

Colchester Borough, $43,470; Groton Borough, $100,660; Jewett City Borough, $42,439; New London City, $370,320; Norwich City, $507,965; Colchester Town, $62,105; East Lyme Town, $102,244; Griswold Town, $74,-642; Groton Town, $354,909.

Lebanon Town, $36,044; Ledyard Town, $130,429; Lisbon Town, $26,854; Montville Town, $148,178; North Stonington Town, $33,660; Old Lyme Town, $39,717; Preston Town, $34,078; Sprague Town, $28,836; Stonington Town, $143,227; Waterford Town, $150,923.

Tolland, area, $1,372,045; total to city governments, $30,415; total to township governments, $1,341,630.

Stafford Springs Borough, $30,415. Town of Bolton, $43,986. Columbia Town, $39,023. Coventry Town, $105,056. Ellington Town, $98,-604. Hebron Town, $47,824. Mansfield Town, $281,385. Somers Town, $85,673. Stafford Town, $114,018. Tolland Town, $99,433. Vernon Town, $344,106. Willington Town, $49,-550.

Windham area, $942,200. Total to city governments, $344,696. Total to township governments, $597,204.

Danielson Borough, $61,668. Putnam City, $91,268. Willimantic City, $192,060. Brooklyn Town, $35,465. Canterbury Town, $16,505. Killingly Town, $87,088. Plainfield Town, $90,068. Pomfret Town, $16,809. Putnam Town, $59,896. Thompson Town, $53,461. Windham Town, $136,124. Woodstock Town. $30,291.

Mr. QUIE. Mr. Chairman, I am not fully in accord with the State and Local Fiscal Assistance Act of 1972. For instance, I believe there are too many strings attached to the use of money on the part of local governments. I think they should have the freedom to expand the funds received under revenue sharing with the same latitude permitted the States. I am especially opposed to the fact local communities cannot spend any of their shared revenue for education, since in most communities a large percentage of their local revenues are spent for this purpose. There have been a number of other proposals on revenue sharing also that I would like to have considered during debate.

I would prefer an open rule. I am voting today, however, for the previous question. If we vote down the previous question it will not merely open up the rule, but the proposed new rule, which would be offered by the gentleman from California (Mr. SMITH), would drop all waivers of points of order. Under that rule, the House would not work its will as to whether the Appropriations Committee should be involved each year. One point of order could relegate the whole measure to the Appropriations Committee.

Many times in the past, the Congress has promised high authorizations with the Appropriations Committee subsequently providing substantially less. I know the Committee on Education and Labor has many times been guilty of setting such a high authorization figure that no one in his right mind, recognizing the other needs for Federal expenditures, would expect it to be fully funded. In general revenue sharing, however, it is my understanding that the Federal Government would be letting each State and local community know the amount each would receive under the formula so each could plan its budget accordingly. Communities would live in total uncertainty if it were necessary to go through the Appropriations Committee each year. For these reasons, I find that it is not possible to do anything but vote for the previous question in order to retain the waivers of points of order.

Mr. BURKE of Florida. Mr. Chairman, I rise in opposition to H.R. 14370, the State and Local Fiscal Assistance Act, but miscalled a revenue sharing program. I do so because I feel that the use of State personal income tax collections as a basis for distributing funds to the State is unfair and discriminatory. Florida has a constitutional prohibition against State personal income tax and there is great sentiment in the State not to adopt one. To penalize any State for historical circumstances is unjust.

I wholeheartedly support the concept of revenue sharing. In the most simplistic terms the concept is that of returning the power of the purse to the people. As a former member of the Broward County Board of Commissioners for 14 years, I am fully aware of the financial problems of local governments. However, fiscal responsibility must be maintained irrespective of immediate gains. It is unfair that the population of a wealthy State whose residents pay enormous sums of personal income taxes to the Federal Government should receive under any revenue sharing plan less money to solve its problems than a poorer State whose residents pay far less in personal income taxes to the Federal Government solely because, due to good management, it has no State personal income tax.

Mr. Chairman, as you know, Florida is one of the fastest growing States in the country and its county and local governments are in desperate need of more revenue. Because of its fast growth, Florida has been unable to keep pace with its population growth and the needs of its people. Further, interstate tax competition for Federal moneys has kept the return of Federal money to the State of Florida at an unfair low level.

As we know, H.R. 14370, if enacted, would provide $5.3 billion in Federal aid to State and local governments in the first full year of operation. Of this $1.8 billion goes to State governments and $3.5 billion to local government—cities, counties, towns, villages, et cetera. In addition, the bill authorizes the Federal Government to collect State individual income taxes at the request of the States—piggybacking—when the State laws olosely conform to Federal law.

The $3.5 billion a year is to be distributed to local governments for a 5-year period commencing with January 1, 1972. This amount is to be divided among the States—for distribution to local governments—under a formula based one-third on population, one-third on urbanized population—cities of 50,000 or over and the adjacent metropolitan areas—and one-third on relative per capita income. Funds distributed in this manner are to be used for: First, maintenance and operating expenses for public safety, environmental protection, and public transportation; and second, capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. Operating responsibility for these programs will be the Treasury Department. All of these sound good. In fact, money for all these are needed by every city and county in my district. But, it is for me to vote for a good bill and not one that sounds good, but which will in the long run be a disappointment.

The $1.8 billion is to be distributed among the States for their unrestricted use, under a formula involving two factors having equal weights, which is to be effective as of January 1, 1972, for a 5-year period. This is where part of my objection to H.R. 14370 arises. Nine hundred million dollars of the $1.8 billion is to be distributed to the States on the basis of their State income tax collections, and since Florida, therefore, has no personal income tax, it will not be allocated any part of these funds. The other $900 million is to be distributed on the basis of the combined general tax effort of the State and local governments. This is determined by multiplying the total State and local taxes for the State by a fraction, in which the numerator is total State and local taxes, and the denominator is personal income in the State.

Estimates of State income tax collections in 1972 are to be used in determining the State-by-State distributions in the first year. Since the estimate for Florida in this category is zero, it will not participate in this one-half of the funding. It is hoped that this exclusion will encourage States to supplement their revenue sources. However, it is my hope that this provision will not be effective in forcing Florida toward enacting a personal State income tax. There are many retired people living on fixed incomes living in the State, and they all have as heavy a financial load that they can handle, trying to make ends meet with today's inflation without having to shell out more money for a State income tax. In fact, the effect of a State income tax would probably mean less revenue to Florida. However, because Florida has no personal State income, it will also lose Federal money—to be exact, a difference of $10 million will result from this provision.

Figures from the Ways and Means Committee indicate that Florida will receive $31.9 million in State funds and $118.1 million in funds for local government which amounts to $150 million for both. This is a great deal of money and certainly sufficient to make the mouths of many local officials water, but the truth of the matter is that the people of the State of Florida deserve more than they will realize from this bill.

Mr. Chairman, on a per capita basis, the formula would mean $4.53 for each resident of Florida as compared with $17.23 for each resident of New York, and compared to the national average of $8.73 throughout the entire United States. To me that is a whopping difference. In fact, of the 50 States Florida ranks 45th in per capita income which it will receive under this so-called revenue sharing plan.

Since Florida is in the middle one-third of the States by wealth based on per capita income and terribly in need of capital improvements, any help is welcome. However, those city officials who think H.R. 14370 is fair would think differently if they examined the bill without the stars—or should I say, dollar signs—in their eyes. For instance, of the funds earmarked for local governments, Florida ranks 38th nationally on a per capita basis. Florida local governments will receive $21.30 per capita compared to $35.29 per capita for New York local governments and a national average of $25.70. To be true, the local government's allocation of funds is better than that to the States, but it still does not reflect Florida's standing in the middle one-third of States by wealth based upon per capita income.

In summary, I feel that H.R. 14370 will distribute moneys unfairly to both the State of Florida and to its local governments primarily by the diminution of moneys allocated to States without a State personal income tax. I believe this bill fails to establish parity between what the residents of Florida pay in Federal income taxes, and what the State of Florida will ultimately receive back. In other words, the residents of Florida are being asked to pay for the Federal improvements of other States. I think all of us know the problems of some of the larger cities, but in view of what I stated, and as tempting as it sounds, I cannot vote for H.R. 14370 as it is now written.

Mr. BELL. Mr. Chairman, I rise in strong support of H.R. 14370, a bill to revitalize State and local governments through a program of revenue sharing.

Over the past years, numerous bills to authorize revenue sharing have been introduced, each one meeting an untimely but not uncertain death.

The time has come, however, to firmly establish a new financial partnership between the Federal Government, the States and the localities, a partnership founded on the concept of mutual respect and cooperation.

The need for a restructuring of the relationship between these diverse political entities has existed for much more than a decade.

Today, this legislative body has within its power the ability to enhance the effort to insure the continued and improved existence of State and municipal governments.

This is our responsibility and it is one that cannot be avoided.

We are all greatly aware of the eroding ability of the towns and cities of this Nation to meet the increased needs and demands of its citizens.

The inability of these governing bodies to respond to the needs of their citizens is attributable to the increased fiscal pressures that the State and local governments are facing.

For example, from 1946 to 1968, spending by State and local governments increased by 650 percent, from $13 billion to $99 billion.

At the same time, State and local tax receipts rose by 546 percent, from $11 billion in 1946 to $72 billion in 1968, while gross State and local debt expanded from $16 billion to $123 billion, or 674 percent.

Moreover, the figures available for 1968 to the present indicate that the spiraling trend in State and local deficits has not been curtailed.

In fiscal 1972, the city of Los Angeles, for example, was forced to lay off more than 200 employees and cut back on every available public service, and at the same time was required to increase property taxes.

The proposed budget for the city of Los Angeles for the coming fiscal year contemplates a $16.5-million deficit with the likelihood of another property tax increase.

The passage of H.R. 14370 would mean a $30-million flow of Federal funds into the city of Los Angeles, funds that would allow the city to balance its budget and reinstate those services that had previously been cut.

While this bill does not provide total relief to the problems of the urban communities, it does represent a substantial effort in the right direction.

If State and local governments are to continue to function as viable political beings, it is important that not only they be given the necessary funds, but that they also be given control over the manner in which much of the money is spent.

Today, it is conservatively estimated that State and local governments receive in the form of grants-in-aid approximately $25 billion from the Federal Government.

While this figure represents a marked increase over previous years, it continues to be an insufficient amount to enable the State and local governments to meet all of their pressing needs.

Moreover, the State and local governments have less control over where these increased funds may be expended.

This lack of control is often due to the stringent standards, regulations, and guidelines that accompany Federal grants.

If the present system were to continue unchanged, the State and local governments would be relegated to little more than administrators of Federal programs.

This situation is certainly not intended, nor is it desirable.

What is desirable is a system that will relieve the fiscal crisis of the State and local governments by providing them with increased revenues and permitting them greater autonomy in determining where the funds should be spent.

Such a system is embodied in the bill before us today.

H.R. 14370 will allow the State and local governments to use Federal revenues to meet their individual needs, as those needs arise, without having to suffer through agonizing grant applications or having to observe the immutable guidelines accompanying the grants.

For these reasons and for reasons articulated by my colleagues, I urge you to cast your vote in support of H.R. 14370.

Mr. MINSHALL. Mr. Chairman, a word of explanation is due as I prepare to vote against a closed rule on H.R. 14370, the Federal Revenue Sharing Act.

My vote against the rule is not to be construed as opposition to revenue sharing. I have long supported this very innovative proposal of President Nixon's and am cosponsor of revenue-sharing bills in both the last Congress and this. I will vote for passage of the bill.

However, there are some obvious inequities in the bill that I had hoped might be corrected under an open rule on the House floor. I would not be playing fair with my constituency were I to vote otherwise on the rule because, as the bill is now written, our State of Ohio would be shortchanged. Ohio's tax contribution per $100 of Federal individual income taxes is $5.75, yet we would receive only $5.08 per hundred under the proposed formula. Although Ohio ranks among the top third of all States in per capita income, it drops to 43d in the amount of revenue that will be returned to our State government and 40th in the rate of revenue shared with State and local governments on a per capita basis.

My vote against the closed rule, therefore, is not a vote against revenue sharing, but rather, a vote for a parliamentary situation that will permit us to make this a better, more equitable bill for Ohio and other States in similar situations.

Mr. BADILLO. Mr. Chairman, as our colleagues know, I ran for election to Congress in 1970 primarily to determine whether there was any realistic possibility that our Nation's cities, struggling under incredible fiscal burdens, might receive new help from Washington. My first major speech in the House of Representatives dealt at length with our urban crisis and was designed to help stimulate among our colleagues a sense of urgency about alleviating it.

Today, some 18 months since I took office, I cannot, in all candor, report that either Congress or the administration reflects any great sense of urgency about what is happening to our cities. The war in Indochina—a prime cause of the dislocation in urban America—drags on endlessly and continues to drain precious American resources. With but a few exceptions, such as the Hathaway amendment increasing education appropriations, Congress has not really come to grips with the fiscal problems of our cities and continues to provide meager funds for vital problems. For its part, the Nixon administration has demonstrated a consistent and callous disregard for the cities. It has impounded sorely needed funds for housing and community development programs; it has refused to spend congressionally approved funds to feed the hungry; it has opposed innovative new programs such as the comprehensive child development program; and its ineptitude in bringing inflation and unemployment under control has denied to millions

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their opportunity to share in our Nation's overall affluence.

What small hope remains that the Federal Government will provide the resources necessary to save our cities stems from such legislation as the revenue sharing bill before us today. This is by no means a perfect measure. The distribution formula could be improved, and while the $30 billion to be distributed to State and local governments over the next 5 years seems like an awesome amount, in my judgment it will be barely enough to keep things on an even keel. In New York, for example, both the State budget and the New York City budget for the new fiscal year are dependent on the funds in this bill and neither budget does more than maintain existing levels of services.

Perhaps the most serious drawback to this bill is the fact that it is being considered in 1972 instead of last year. When I took the floor for my first speech, and again in testimony before the Committee on Ways and Means, I stressed the urgency of the fiscal crisis facing our cities and the need for immediate action. That urgency was the main reason behind my proposal to take the basic general revenue sharing formula and apportion its funds on a long-term, interest-free loan basis. That could have been done last year. It would have been fiscally sound, and vitally needed aid would have reached our cities and States before their fiscal crisis had a full additional year to worsen.

I think it is clear that we dare not delay any longer in enacting this program and I trust the Senate will expedite consideration of the revenue sharing bill.

The importance of this assistance to our cities and the opposition to the revenue sharing program underlie my decision to support the closed rule under which H.R. 14370 is being considered. As a matter of principle, I oppose the closed rule. It is basically undemocratic and it lowers the legislative process to the point where 435 duly elected Representatives are given no choice but to ratify or reject in toto the decisions of a committee—the decisions of perhaps as few as 15 or 20 Members.

I had tentatively decided, in fact, to vote against the previous question, defeat the rule and open this legislation to amendments dealing with tax reform. It would have been a relatively easy decision for me to justify. Certainly, the people of my district and my city—the low- and middle-income families—bear a terribly disproportionate share of the national tax burden and any effort to close loopholes and ease that burden is bound to be politically popular.

But, after long and careful consideration, I decided that studied and reasoned overhaul of our tax laws could not be achieved on the House floor, in the absence of hearings and under the limitations of the 5-minute rule, and I further determined that those bent on killing the revenue-sharing program outright would like nothing more than to defeat the rule and commence to cripple this legislation with amendments.

And so I decided to uphold the closed rule on this bill and in this instance only. Were I not convinced that the assistance this bill offers would be lost to our cities if the rule were not upheld, I would have voted otherwise. I am opposed to closed rules and will oppose them in the future as I have in the past. I will, for example, oppose the closed rule under which the debt-limit bill is to be considered next week.

In the final analysis, this revenue-sharing assistance is vital to our cities and States. But let no one delude himself with the notion that this is by any means going to get at the roots of the urban crisis. With this bill, we are buying time, that is all—and precious little of that. Much remains to be done to reverse the tragic decline of our cities and I remain skeptical that Congress and the administration will get together in this effort. I hope my skepticism is misplaced.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation. I am wholly convinced of its merits: Revenue sharing, or something closely kindred to it, may mean survival itself for the foundering economies of many States and cities. Beset with financial problems all but unparalleled in recent memory, the country's States and cities need assistance desperately. State taxes, even though they have slowly climbed to levels undreamed of a generation ago, still cannot generate enough revenue. And local property taxes are so burdensome and so nettlesome that homeowners everywhere are on the verge of revolt. Sources of revenue for many States and cities—indeed, for most of them—are withering away.

The principal goals of this revenue-sharing plan, like the goals of rival plans that the Ways and Means Committee has already dismissed, are twofold: First, giving States and cities a welcome new source of revenue; and, second, giving them an equally welcome opportunity to decide how to spend at least some of the Federal tax money their citizens pay. Governments must now grope their way through an almost impenetrable thicket of rules, regulations, guidelines, standards ad nauseam before receiving Federal grants—even the most routine grants, let alone the major ones. Applications are sometimes ensnarled in redtape for years. I am not suggesting, of course, that the grant application system is villainous in itself. I am merely pointing out that the bloc grants yielded by revenue sharing, unlike categorical grants, will be unencumbered by so unwieldly a process.

Any unit of government, however big or however small, would be eligible for assistance under the provisions of H.R. 14370.

Massachusetts, my home State, stands to receive roughly $180 million the first year—$75 million for the State itself, $105 million for its units of local government.

Let me sketch out, just briefly, precisely what these grants would mean for the beleaguered economies of the communities within my congressional district—the Second District of Massachusetts. Springfield, the principal city in my district, would receive $3,411,066 during fiscal 1973 alone. The grant for Chicopee, a smaller city on Springfield's periphery, would be $1,391,448; for Longmeadow, $173,855; for East Longmeadow, $164,919; for Hampden, $68,242; Ludlow, $252,670; Monson, $119,580; Palmer, $173,218; Wilbraham, $158,245; Charlton, $52,000; Douglas, $31,680; Dudley, $86,690; Holden, $117,719; North Brookfield, $43,301; Oxford, $115,556; Paxton, $36,938; Rutland, $33,354; Southbridge, $175,805; Spencer, $95,315; Sterling, $43,341; Sturbridge, $47,948; Templeton, $68,145; Webster, $159,413; West Brookfield, $28,663; Winchendon, $72,625; Orange, $60,983; Ashburnham, $37,428; Athol, $117,195; and Barre, $41,037.

As you know, Mr. Chairman, I voted against the closed rule for this bill. What I sought in casting that vote—a modest and reasonable request, it seems to me—is a modified rule allowing an amendment to assure yearly congressional review of this revenue-sharing program. The Congress has already relinquished enough of its fiscal authority—indeed, too much. About 70 percent of yearly Federal outlays are now beyond the grasp of both the executive and legislative branches. Like many of my colleagues, I question the wisdom of surrendering our powers of yearly oversight for a program costing $30 billion and spent in 5 years.

But, of course, the closed rule prevailed.

Even so, Mr. Chairman, I feel the obvious benefits H.R. 14370 far outweigh the single drawback I have cited.

This revenue sharing legislation answers a pressing need—in fact, a desperate need—and I urge its passage.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

This proposal would place the taxpayer's dollar at the level of government where it is most needed, and where it can have the most immediate effect.

We all know that our cities and localities are confronted with a basic revenue problem. While urbanization has increased the need for more extensive public services—such as police and fire protection, public transportation systems, and pollution control—the amount of revenue available to the local government has remained constant.

And the primary source of revenue for our cities is property and sales taxes—taxes which fall especially hard on the middle- and moderate-income family; taxes which have already reached the limit of public tolerance.

PROPERTY TAXES

In 1970, Mr. Chairman, State and local governments derived about 74 percent of their total tax revenue from property and sales taxes. Approximately $8.50 of every $10 collected on the local level comes from the property tax.

The total propery tax bill in the United States hit $37.5 billion in 1970, up 35 percent since 1967 alone, a rate nearly twice the average increase in the cost of living during the period. In many cities, the property taxes on a medium-priced house and lot have crossed $1,000 a year. In virtually every major city, a homeowner's property taxes now exceed $500 a year. According to a survey conducted by the National League of Cities, in 1968–69, a typical tax on a house and lot with a sale value of $25,000 was $645 in Los Angeles, Calif., $594 in Inglewood, $541 in Lakewood, $595 in Torrance, $560 in South Gate, and $656 in Long Beach.

Mr. Chairman, the property tax is far too high and must come down.

But, in order to cut property taxes, a locality must either reduce governmental services, or find another source of revenue.

REVENUE SHARING

Instead of cutting back on police and fire protection, education, pollution control, health services, public transportation, or any of the other vital services provided by a locality, I feel that the Federal Government—with its many sources of revenue, ranging from taxes on imports to gasoline taxes—should allocate Federal dollars, with no strings attached, to the localities.

In addition to relieving the tax burden on the property owner, revenue sharing has the additional advantage of replacing Federal dictates, bureaucratic ineptness, waste, and redtape, with local control, supervision, and participation. As a former mayor, I feel that local problems can best be solved by those most familiar with the situation.

For too long, bureaucrats in Washington have decided how to spend money in our local communities that are perfectly capable of making those same decisions themselves.

Mr. Chairman, the bill before us is designed to do just that.

It would allocate funds to the localities with the sole requirement that the money be spent on high priority items such as police and fire protection, environmental protection, and public transportation.

At this point, I am inserting in the CONGRESSIONAL RECORD the annual amount that would be allocated to some of the communities in the Los Angeles area:

City:	*Allocation*
Compton	$1,093,628
Gardena	439,371
Hawthorne	572,449
Hermosa Beach	171,624
Lakewood	911,753
Lawndale	297,298
Lomita	217,860
Long Beach	3,781,603
City of Los Angeles	29,715,295
Lynwood	489,895
Manhattan Beach	337,208
Palos Verdes Estates	114,029
Paramount	668,498
Redondo Beach	613,771
Rolling Hills Estate	59,572
Signal Hill	58,671
South Gate	624,130
Torrance	1,375,975

EFFECT ON LOCALITIES

Mr. Chairman, the revenue sharing bill, H.R. 14370, would, once again, allow citizens to look to their local government to fulfill the necessary functions.

This measure would allow the localities to continue to provide essential services, without resorting to increased property taxes.

Frederick Bien, city administrator of Carson, Calif., has stated that—

> The revenue from H.R. 14370 will enable us to increase our law enforcement coverage by a little over 50%.

Carson's present level of law enforcement, Mr. Chairman, is nearly 20 percent under estimated needs.

Inglewood, Calif., Mayor Merle Mergell states that—

> Except for revenue sharing, we will have to drastically increase the property tax or lay off firemen and policemen . . . With federal revenue sharing, we feel that we can avoid any property tax increase almost indefinitely other than those that might be voted to support bond issues.

The city manager of Long Beach, Calif., writes that revenue sharing must be adopted "in order that the city of Long Beach and other units of local government can avoid further serious fiscal problems and service reductions which will surely occur if the subject measure or similar legislation is not speedily enacted."

Torrance, Calif., officials "see this legislation as a major answer to provide funds to meet the expanding needs of a growing community. We believe that revenue sharing is a more viable alternative than continued reliance on the property tax."

Mr. Lloyd de Llamas, city administrator of Lawndale, Calif., writes:

> That a federal revenue sharing program is the only effective alternative available to help us meet the demands of all residents for increased social and public safety requirements.

The city of Los Angeles, already cutting back on essential services, has scheduled reductions in five fire stations for fiscal year 1973, simply because funds are not available.

CONCLUSION

Mr. Chairman, I support H.R. 14370, the revenue-sharing proposal.

The direct grants from the Federal Government to the State and local governments would provide a source of funds in order to allow the local officials to make flexible and innovative responses to particular local problems.

This would allow the local governments to meet the increasing costs of public services, without relying exclusively on the regressive property tax.

This is an excellent proposal, and I urge my colleagues to join me in adopting this very necessary reform legislation.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972, otherwise known as the revenue sharing bill.

This measure would authorize permanent appropriations aggregating nearly $30 billion for the 5-year period from January 1, 1972, through December 31, 1976, to assist State and local governments. If enacted into law, this would make an estimated $5.3 billion available to these governing units during the first year that such legislation begins operation. Of this total, local governments would receive the largest share—$3.5 billion—and State governments would be allotted the remaining $1.8 billion.

Because of the vast importance of this legislation to our municipal governments particularly, I was pleased to note that part II of the committee report on this bill included preliminary Treasury Department estimates indicating the amounts available for individual States and localities. According to these estimates, the State of Maryland would receive approximately $117.5 million during the first full year that this proposal becomes effective. Of this total, the State government would receive $50.1 million and local governments, $67.4 million. The Fifth Congressional District of Maryland, which I represent, would receive $12.6 million including $12,116,461 for Prince Georges County and $565,247 for Charles County.

More important to the over 30 municipalities in my congressional district is the amount to be allocated per municipality. As presently estimated the breakdown is as follows:

Prince Georges County government	$10,854,847
Bowie	215,842
College Park	177,551
Greenbelt	107,047
Hyattsville	90,844
New Carrollton	78,784
Laurel	65,799
District Heights	54,420
Seat Pleasant	53,469
Mount Rainier	53,002
Bladensburg	45,073
Cheverly	38,605
Riverdale	36,153
Takoma Park (part)	35,331
Glenarden	30,911
Berwyn Heights	24,164
Brentwood	23,739
Forest Heights	21,735
Capitol Heights	21,189
University Park	14,690
Other municipalities	73,466
Total Prince Georges	12,116,461
Charles County government	524,567
Municipalities	40,681
Total Charles County	565,247

Although the bill proposes several different formulas for determining the distribution of these funds, the primary emphasis is on need, taking into account such factors as population, urbanized population—cities with 50,000 or more inhabitants and the metropolitan areas surrounding them—the extent of poverty, and adjusted tax revenues.

Though generally billed as a "no strings attached" measure, this bill does require local governments to exercise proper fiscal, accounting, and auditing procedures; to submit annual and interim reports to the Secretary of the Treasury; and not to use the money in any way which will discriminate against individuals on the basis of race, color, national origin, or sex. Further, the funds are to be used for the following high-priority programs:

First. Maintenance and operating expenses for: Public safety—including law enforcement, fire protection, and building code enforcement; environmental protection—including sewage disposal, sanitation, and pollution abatement; and public transportation—including transit systems and streets; and

Second. Capital expenditures for: Sewage collection and treatment; refuse

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disposal system and public transportation—including transit systems and street construction.

Mr. Chairman, some of our colleagues may object to this latter provision but, for my own part, I believe the committee has summarily isolated the key problem areas for which additional funding is needed in suburban metropolitan areas, such as Prince Georges which has undergone unusually rapid urbanization in the past decade.

As a cosponsor of the special revenue-sharing measure for law enforcement, I am, of course, pleased that funding for law enforcement assistance has been singled out as a high priority in this general revenue sharing bill. Similarly, after the many, and continuing, battles for environmentally sound sewage treatment facilities in Prince Georges and the Washington metropolitan area, as well as the continuing battle for a balanced transportation system, it is eminently clear that these local government funds can be used wisely and well in the high-priority programs outlined in this bill before us today.

In order to meet more specifically the financial needs of individual communities, this bill also contains a provision which will permit a State, by July 1, 1973, to enact its own alternative formula for distributing the local government share among its subordinate political units.

Very few "Federal strings" are attached to the amounts allocated directly to State governments. The States are free to use their allotments for whatever purpose they consider most urgent. The only requirement imposed is that the States maintain the same level of payments to local governments out of their own resources as they disbursed during fiscal year 1971.

Mr. Chairman, Federal revenue-sharing legislation is urgently needed in order to give some measure of relief to our financially distressed State and local governments and to give to them the responsibility and wherewithal with which to manage themselves.

Our States, counties, and cities face an even greater financial crisis each year as they attempt to provide their growing population with essential facilities and services. And their financial plight becomes more aggravated as they find their dollar shrinking rapidly due to mounting price inflation.

This bill will provide an immediate and dependable source of additional income to these governing units during the initial 5-year life of this program.

Since an expiration date of December 31, 1976, applies to title I of this measure, it cannot be argued that this represents another program which, when once enacted, will continue indefinitely, necessitating even greater Federal funding. On the contrary, by 1976 the financial condition of State and local governments may be vastly improved, and such assistance may no longer be necessary. In any case, before this program ends, Congress will have ample time thoroughly to study and review its operation and make the determination as to whether to extend its life for an additional period of time, allow it to expire, or adopt some other alternative means of assisting State and local governments.

Federal-State-local revenue sharing is needed now. I urge my colleagues to give H.R. 14370 thoughtful consideration and approval.

(Mr. GOODLING (at the request of Mr. DEVINE) was granted permission to extend his remarks at this point in the RECORD.)

Mr. GOODLING. Mr. Chairman, H.R. 14370 is popularly referred to as the revenue-sharing bill. This is indeed a misnomer. More appropriately, it should be called the strangling of John Citizen-Taxpayer bill.

This is so, because the simple truth of the matter is that the Federal Government is no worker of miracles. It cannot just wave a magic wand and bring into existence the vast sums of money that will be necessary to run this program. And, to my knowledge, there is no Houdini serving in the Congress. The fact is, the Federal Government is a distributor, not a producer, of public funds.

The bill, for instance, provides an annual appropriation of $5.3 billion for a 5-year period retroactive to January 1, 1972. The States would receive $1.8 billion of this amount to spend in any manner they please. The remaining $3.5 billion would be allocated to the States to "pass through" to 39,000 units of local government, to be used for so-called high priority expenditures. Such expenditures would relate to maintenance and operating expenses for public safety, environmental protection, and public transportation, as well as capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. Oddly enough, however, the bill does not provide for education, an item which consumes 43 percent of local budgets.

It is understood that under this bill the State of Pennsylvania would obtain $300,877,000 with $202,500,000 of this being the share for localities and $98,377,000 representing the State share. These amounts, however, are far from absolute, because it should be borne in mind that this revenue-sharing program is another one of those "camel's nose under the tent" approaches. Various organizations throughout the country have already admitted they will strive for higher stakes after the program gets underway; hence, more of the camel will disappear under the tent.

This revenue-sharing concept might sound pretty good for people from some of the States, but I feel confident it does not to those folks in my State of Pennsylvania where, as a result of additional taxes, the State is expected to carry a surplus of millions of dollars in fiscal 1973. I might add, however, that as an ironic aside, there are many businesses and citizens leaving my State, because of this oppressive tax system.

It must be remembered, too, that under our system of government, the major source of revenue is the citizen-taxpayer; hence, he is the one scheduled to be operated on for the costs involved in H.R. 14370. The simple truth of the matter is that there just is no Santa Claus in Washington.

Of course, like all patients being prepared for an operation, the citizen-taxpayer is being properly anesthetized with the assurance that all of this is for his own good.

He is, for instance, being cocained with the idea that there need be no limit on his wishes and that he can have most of his wants satisfied, be it more education, a new bridge, a big park or dam, or a host of other things. In a paraphrase of a popular TV commercial, he is being told that he can have the whole thing. The Federal Government, through extensions of money to the individual States and localities will, the citizen-taxpayer is assured, pick up the tab.

But John Citizen-Taxpayer is not being told that before the Federal Government can give, it must first get. And the getting is going to be from him—right from his paycheck.

He is also lulled into a state of complacency by being assured that this revenue sharing is a sure thing. It cannot fail to work, he is promised, because the full weight of the Federal Government is behind the effort. Again, to paraphrase another popular TV commercial, he is being told that he should try it and that he will like it.

He is not being told, of course, that a lot of the Federal Government's weight takes the form of a national debt figure that currently is in the vicinity of $430 billion.

Nor is he being reminded that the Federal Government already extends very substantial aid to State and local governments. This aid has grown rapidly in recent years, as the record shows. In fiscal 1959, for instance, Federal income aid to State and local governments amounted to $6.7 billion. For fiscal 1973, it is expected to approximate $38 billion, outside of any of the aid that would be provided by this bill before us. In brief, over the last not-too-many years, Federal grants-in-aid have increased from 7 percent to about 16 percent of total Federal outlays.

John Citizen-Taxpayer also is being given the sedative that the States and localities are confronted with extra costs of urbanization, because of the great population expansion.

It should not be forgotten, however, that an increase in people means an increase in taxpayers; hence, if there is a need for additional citizen services, there also are more citizens on hand to pay the bill, through taxes, for these services.

John Citizen-Taxpayer is also being given liberal doses of the old dope that the inflation of recent years is adding greatly to the costs of State and local operations.

Undoubtedly this is true, but instead of this being an incentive for a revenue-sharing program, it serves to put us on guard against more of the same kind of inflation that can result from excessive Government spending. It is generally agreed that our inflation is largely the result of the Government spending money that it does not have.

As stated, our national debt is already in the vicinity of $430 billion. We are in a season of deficits. We will soon be asked again to raise the permanent debt ceiling. It will be most interesting to observe many Members of this body voting for this giveaway bill and then, for reasons of political expediency, voting against raising the debt ceiling. I expect to be consistent and to vote against both.

With respect to excessive Government spending, it is disturbing to note that the budget message sent to the Congress in January of this year estimated that the budget deficit for fiscal 1972 will be $39 billion. For fiscal 1973 it is expected that the budget deficit will be $25.5 billion, and this is a conservative estimate.

It is clear that in making $29.575 billion available through this program to States and localities over the next 5 years, the Federal debt will surely be $29.575 billion higher than it would be otherwise. What John Citizen-Taxpayer would truly be sharing, then, would not be revenue but debt.

While John Citizen-Taxpayer is being anesthetized for his revenue-sharing operation, he is not being informed about the postoperative pains.

The bill before us, through its Federal handouts, lays the groundwork for taking away the power of the States and giving it to the Federal Government. Power customarily follows the purse; hence, it will be only a matter of time before the Federal Government insists on establishing standards of performance on projects. The States will either comply with these requirements or lose the Federal assistance.

The case of revenue sharing is being justified on the grounds that State and local governments have responsibilities greater than their sources of revenue.

Why not, then, broaden the revenue bases for the States and localities, having the Federal Government pull back from certain tax areas and permitting the States and local units to move forward into them?

The legislation before us supposedly is designed, through incentives, to encourage the States to raise taxes. The American taxpayer, however, already is hard pressed, and State taxes will not hurt him any less than Federal taxes. The people of the State of Pennsylvania can attest to this. The practical solution, it would seem, is to have State taxes replace, not add to, some of the Federal taxes now in effect.

Federal tax credits could also serve as an incentive for more money to flow into State treasuries. Such credits, combined with Federal tax reductions, could provide an effective stimulant for State revenues.

The establishment of a priority system on State and local projects could also serve to limit some not-so-vital programs and, in turn, cut down on the cost responsibilities of the States and localities.

It is obvious that under a revenue-sharing program the superior tax power of Federal Government would be perpetuated. The tax authority of the States would, correspondingly, ultimately be reduced. The end result would be that the States would be unable to meet their responsibilities on their own.

Because the revenue-sharing bill would have an adverse effect on John Citizen-Taxpayer's State, his home stomping ground, it would not be in his best interest.

In still some other ways it would not be in his best interest. If, for instance, the revenue-sharing plan is to be financed on a "pay-as-you-go" basis, he is going to have to pay on the nose through increased taxes, sooner or later. If, as expected, the plan is to be paid for through borrowed money, the resultant deficit could invite more inflation, which would impose the tax of higher prices on him.

I think John Citizen-Taxpayer should be spared the scalpel of the revenue-sharing bill, and I urge your opposition to H.R. 14370.

Mr. MILLS of Arkansas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that I and all other Members may be permitted to include in their remarks on the bill under consideration today extraneous matter such as charts and tables and things of that sort.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD on the bill under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

RE-REFERENCE OF HOUSE DOCUMENT 92-296 AND EXECUTIVE COMMUNICATION 2006 TO COMMITTEE ON EDUCATION AND LABOR

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of House Document 92-296—the President's message proposing the Allied Services Act of 1972—and from the further consideration of Executive Communication 2006—a letter from the Secretary of Health, Education, and Welfare together with the accompanying proposed legislation to carry out the President's proposal—and that the message and the Communications be re-referred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REQUEST FOR PERMISSION TO CONVENE AT 11 O'CLOCK TOMORROW

Mr. MILLS of Arkansas. Mr. Speaker, on behalf of the majority leader, I ask unanimous consent that when the House adjourns today it convene tomorrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, to that I object.

The SPEAKER. Objection is heard.

SPECIAL REQUEST

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks which I made in the Committee of the Whole on the State and Local Fiscal Assistance Act of 1972 I may be permitted to include the dissenting views of myself and other members of the committee as set forth in the committee report on that bill and found at pages 88 through 109.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL SALUTE TO EDUCATION

Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it gives me a great deal of pleasure today to join in the national salute to education.

This is a time when we should reflect upon the individual satisfactions we have received through the national educational system and also realize what education has meant to us in our national development.

It is with particularly poignant thoughts that I look back upon my own interrupted college career. Hard necessity made it impossible for me to finish. But it has always been a source of satisfaction to me that I was able to complete 2 years, and a source of regret that I was not able to continue.

My curtailed educational experience resulted in a vow I made to myself. If I ever had the opportunity, I would see that to the extent I was able, equal opportunity of education was afforded to all, irregardless of social status, monetary wealth, race, color or religion.

My votes here in Congress have reflected this promise.

Mr. Speaker, today we are faced with grave financial problems in public school education in the United States.

Inflation and demands for a better education for all are driving the costs of education higher. State courts and taxpayers have at the same time challenged the sources of funds for education.

In the past few years, more than half the proposed school bond and tax increases have been rejected, twice the rate of only 5 years ago.

In about half the States, legal action has been undertaken to invalidate school financing systems which discriminate in expenditures on the basis of the wealth of the school district.

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I think everyone in this Chamber knows what the problem is. A wealthy school district can finance schools with a low tax rate on a high assessed valuation. A poor district even with high tax rates cannot raise enough revenue to provide an equal-quality education.

The quality of a child's education should not be a function of the wealth of his parents and neighbors. This is a problem of national scope and one which, I feel most deeply, must be resolved.

We as Americans have long believed that the Nation is obligated to provide every American child with the opportunity for an equal education. This obligation is going to place new demands on us who are legislators.

Therefore, I believe we should begin now considering the long-range solution of the problems of schools the National Educational Association has proposed. I do not say here and now that it should be endorsed in toto.

But by the time the 1976 goal for full operation and funding of our public school system set by the NEA rolls around, we should have an idea of where we are going.

The NEA has proposed the Federal Government supply one-third of the total cost of public elementary and secondary schools.

It is obvious that with old methods of school financing being successfully challenged in court, we, here in the Congress, will have to provide some answers to distribution of funds to support education.

We have the opportunity to provide the leadership in a new direction in public education and I do not want to miss the chance to fully participate.

Thank you, Mr. Speaker.

THE YOUNG EXECUTIVES PLAN TO LIQUIDATE FARMERS: PRODUCT OF AN OFFICIAL COMMITTEE CHAIRED BY THE UNDER SECRETARY

(Mr. MELCHER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, there is a great deal of interest in the plan developed by the Department of Agriculture Young Executive's Committee recommending that we forget about the importance and needs of agriculture by programs.

Since inserting the summary of the report in the RECORD of June 15, my office has been beseiged with calls for extra copies of the text, which I do not have, and I understand that the Department of Agriculture is issuing only a limited number, since they do not wish to be held responsible for the document at this time, before elections.

The Department copies are issued with a disclaimer attached to the front which reads:

Report of the Young Executives Committee has no official status in the U.S. Department of Agriculture. It was developed independently by the 15 members of the Committee of young employees of the Department. The opinions are those of the members of the Committee. The views expressed are not representative of the policy of the Department.

This disclaimer is signed by Assistant Secretary Richard Lyng, in the absence of the Secretary but it must be noted that the chairman of the committee is the Under Secretary of Agriculture.

In all fairness to the 15 young executives who thus have been given full responsibility for getting up their amazing recommendations independently, I think that the RECORD should show that their committee was set up by memorandum of the Secretary on April 26, 1971, and that they were handpicked, with the Under Secretary of Agriculture—the second highest official in both the Hardin and Butz regimes—serving as chairman. dated April 26, 1971, setting up the Committee was as follows:

APRIL 26, 1971.

SECRETARY'S MEMORANDUM NO. 1727

YOUNG EXECUTIVES COMMITTEE

1. *Objectives.* Throughout the Department of Agriculture we have many talented young executives who are in positions of high responsibility within their agencies. In an effort to increase their involvement in broad interagency matters, I am hereby establishing a Young Executives Committee.

This Committee will bring together individuals from all of the agencies and offices of U.S.D.A. to work on issues of department-wide concern which are generated by the Office of the Secretary, the agencies, and by the Committee itself. In this manner, it will serve to bring additional insights and perspectives to departmental problems and opportunities.

2. *Membership.* Committee members will be nominated by the agencies and the Secretary's staff. Each agency administrator and office director may nominate from one to three individuals. Selection will be made on a nationwide basis. Nominees must be 40 years of age or under, and GS–12 or above. Members will normally be appointed for one fiscal year, with the exception of the first group whose appointments will run through the end of fiscal year 1972.

The Committee will be chaired by the Under Secretary. The Chairman shall appoint an Executive Secretary and any other officers from among the membership, with the concurrence of the members.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Unfortunately, Mr. Lyng's disclaimer of the document does not specify which portions of the young executives' committee plan is not in accord with administration policy.

The low farm price policy certainly is.

Secretary of Agriculture Butz has boasted that he killed my bill to raise loan rates on grains 25 percent by getting in touch with the "financial angels" of some of the members of the Senate Agriculture Committee, which is a rather dubious boast that the influence of campaign fund money was deliberately used to make Government policy.

The young executives' proposal to put busted farmers on welfare is not new. The House Agriculture Committee was told that the President's family assistance plan, the new welfare bill, should be enacted to take care of them during discussions of a new farm program more than a year ago by the Secretary.

Actually, much of the young executives' document is a retread of policies that have been coming up to us piecemeal for some time.

I understand that one of our Republican colleagues has called for the dismissal of the 15 young executives in the Iowa press.

In my opinion, before such a demand is made we should determine just who lectured them at their seminars, and just what their instructions were when they prepared this document and how much influence the Under Secretary exerted on behalf of Secretary Hardin and Secretary Butz.

There may be extenuating circumstances which would entitle them at least to probation; it is pretty tough on a young man with a family and a career at stake to defy the boss.

Mr. Speaker, every Member of this body should read the document in full. And in view of the demand for copies of it, I am including the full text in the RECORD so the public can also know the scheme being touted by a portion of the USDA. It is a bad scheme that I believe the American people want rejected.

The material follows:

NEW DIRECTIONS FOR U.S. AGRICULTURAL POLICY

COMMITTEE MEMBERS

Gene S. Bergoffen, Executive Secretary, Forest Service.

Allan S. Johnson, Project Leader, Economic Research Service.

Carol G. Alexander, National Agricultural Library.

Karen L. Berke, Agricultural Marketing Service.

John S. Bottum, Extension Service.

John E. Carson, Animal and Plant Health Inspection Service.

Betty L. Dotson, Food and Nutrition Service.

Avram E. Guroff, Economic Research Service.

Clarence R. Hanna, Office of Information Systems.

James E. Haskell, Farmer Cooperative Service.

Homer R. Hilner, Soil Conservation Service.

Jerome A. Miles, Director, Office of Budget and Finance.

Gerald C. Puppe, Federal Crop Insurance Corporation.

William L. Ruble, Agricultural Stabilization and Conservation Service.

Robert P. Shiner, Commodity Exchange Authority.

STUDY BACKGROUND

The Young Executive Committee was established by Secretary's Memorandum No. 1727, April 26, 1971. Each of its 15 members represent an agency of the Department of Agriculture.

Shortly after the Committee was established and organized, then Secretary of Agriculture Clifford M. Hardin asked it to undertake a review of the "farm income question" and to present its views to him and his staff.

As part of its information-gathering activities, the Committee arranged seminars with a number of Department officials and others outside the Department. In November 1971, the Committee divided into subteams of three each and visited four areas of the country to talk with farmers, food producers, and others involved in agriculture. Teams visited South Central Texas, Mississippi, Washington, and California.

Viewpoints were developed on the basis of position papers developed by individual members and discussed by the Committee. When points of view were adopted by the Committee, individual members were assigned to draft report sections incorporating the Committee positions.

The entire report has been reviewed in detail by members of the Young Executives Committee and is submitted as a Committee document.

PREFACE

Farm income is a source, if not the sole source, of personal income for millions of rural residence. Increases or decreases in the level of farm income greatly affect the well-being of these people. But income is also a return to resources employed in agriculture—land, labor, and capital. The level of resources attracted to the farming industry depends upon the rate of return the resources can earn in agriculture compared to other alternatives.

The causes of national concern over the level of farm income are twofold. First, if returns to employed resources are low and remain low over an extended period of time, the Nation's ability to efficiently produce adequate supplies of food and fiber is jeopardized. Second, if returns to resources are low or, more importantly, the resources are underemployed, the owners of these resources will earn incomes below what they or the Nation deems desirable. In other words, the income of farm people would be insufficient for them to obtain a decent level of living. This problem becomes particularly acute if alternative employment opportunities for these resources do not exist.

Within this framework, we asked the question, "Is there a farm income problem and, if so, what is the nature of the problem?" Increases in productivity in agriculture have equaled or exceeded that of most other industries, ample supplies of food and fiber are being produced to meet national needs, and, as a percent of total income, consumer expenditures for food have continuously decreased. These are not characteristics of an industry suffering from insufficient resources. While the adequacy of returns to resources may be debated, the symptoms of inadequate returns upon which national concern should be based, do not exist.

However, not all individuals engaged in farming earn an income sufficient for a decent level of living. The income of many farm families is at or below the poverty line. But, since returns to resources are adequate, or nearly so, it follows that the farm income problem is primarily one of underemployed resources.

Having so isolated the farm income problem we then asked, "What is the public sector doing to improve the income of low-income farm families?" We found that nearly all resources devoted to the farm income problem are oriented toward increasing returns to resources—that relatively little was being done to increase utilization of the underemployed resources, and hence, the welfare of low-income farm families. This finding pointed to the need for adjustments in the present farm and other rural programs.

We recognize the sweeping political, as well as economic, ramifications implicit in some of our recommendations. However, we strongly hope that this report will serve as a framework for a thorough evaluation of the Nation's approach to agriculture and rural America.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Farm income—A new perspective

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. The statistics include establishments that cannot reasonably be called farms and are inconsistent with the Department's farm income mission. The Department's mission is stated in terms of equitable returns to resources whereas the statistical measures are concerned with income of farmers, a welfare concept. To overcome these deficiencies the Committee recommends: 1) farms be defined as establishments with annual sales of $5,000 or more, 2) elimination of the parity price ratio, and 3) development of a set of statistics which would compare the return to all resources, including family labor, used in the production of each agricultural commodity with what these resources could earn outside of agriculture.

A policy framework for agriculture

Failure to obtain public agreement on the basic goals for agriculture has resulted in the formulation of individual programs with conflicting objectives. While proposing a broad framework for agricultural policy, the Committee recognizes that its views may not necessarily represent the majority views of the Nation. But, the Committee hopes that, in making its proposals, it will have stimulated in-depth analyses and discussions of the basic issues which must be resolved. The need to obtain agreement with respect to the desired characteristics of agriculture is essential to the rational development and administration of agricultural policy.

The policy framework recommended by the Committee has the following characteristics:

1. Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society.

2. National policy for agriculture should be directed at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

3. National policy should not be directed at assuring any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the industry's ability to produce efficiently adequate supplies of food and fiber.

4. National policy should be directed toward maintaining agriculture as a viable industry and not as a way of life.

5. The agricultural industry should operate with a minimum of direct involvement by the public sector. The public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the total welfare of the Nation.

Effectiveness of the basic farm programs and recommended changes

The present basis farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. The programs are costly, they limit supplies of food and fiber, and they are a deterrent to the efficient production of agricultural commodities. Because the program benefits have been capitalized into land values, their income benefits to second generation owners is negligible.

The Committee recommends that the basic farm programs be phased out over a period of 5 years. This should be accomplished by reducing the payment per bushel of projected yield rather than by restrictions on total payments. Over the same 5-year period, non-resource loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops.

Comments and recommendations concerning other programs affecting farmers and farm income

Farm Credit

In concert with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. Private lenders, along with the Farm Credit System, should be capable of providing these credit needs. The Farm Credit System should continue to compete for funds in the money markets; their bonds should remain uninsured by the Federal Government; and their loans should be free of any interest subsidy to the borrowers. The Emergency Loan Program administered by the Department's Farmers Home Administration (FHA) needs to be continued. The Committee recommends elimination of the Farm Ownership Loan and Farm Operating Loan programs and questions the need for subsidized soil and water loans and loans to grazing associations.

Domestic Market Promotion

Expenditure of public funds for domestic promotion of agricultural products should be limited to those activities that can be justified on the grounds of improving human nutrition.

Foreign Market Promotion

The United States and other countries should strive to minimize artificial trade barriers. But increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This need to take the form of improved intelligence of trade potentials by commodity and by country. Promotional activities will also be needed.

Crop Insurance

To the extent that crop insurance is not available through the private sector it should be provided by the Federal Government. If provided by the Federal Government, the premiums charged and to reflect the actual risk assumed.

Production and Market Research

The abundance of low-cost food and fiber in the U.S. can be attributed in large part, to publicly supported production and market research and dissemination. Such research and associated dissemination activities must be continued if we are to meet the needs of a growing population and compete in world markets.

Market Information and Monitoring Activities

Transferring the functions of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. It will be necessary for the Department to monitor the agricultural economy to assure success relative to the Nation's objectives to provide adequate supplies of food and fiber at reasonable prices.

Farmer Bargaining

The Committee supports all assistance government can reasonably give producer cooperatives and market agreements and orders should be authorized wherever appropriate. But the Committee would discourage enactment of any legislation that would exempt farmer associations from antitrust laws. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

Improving the level of living in rural America

Agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present population base of rural areas. Neither can agriculturally oriented programs solve rural welfare problems. If rural towns and communities are to survive, and hopefully grow, off-farm employment must be found. Toward this end, the Committee makes the following recommendations:

1. Immediate enactment of the Family Assistance Plan.

2. Improved educational and vocational training for rural residents.

3. Tax incentives for industries locating plants in rural areas. Such tax incentives should be granted through the Federal tax system.

4. A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

5. Technical advisors, trained in community planning, should be made available to rural communities. These technical advisors need

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to be supported by an expanded research effort on the complex problems of rural development.

6. A national framework for land use planning should be developed to guide future growth and development.

7. A visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. The Committee firmly believes that stronger national direction is imperative and, therefore does not believe that Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

FARM INCOME—A NEW PERSPECTIVE

Society's perception of the farming sector is dependent in large part upon the statistical information published by the Department of Agriculture. This perception greatly influences public policy affecting agriculture. To the extent that the Department's statistics fail to adequately describe the real conditions which exist in the farming sector, perceptions of the farm sector are likely to be inaccurate and, hence, public policy less than optimum.

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. Those intimately familiar with the statistics are aware of this problem and can exercise necessary caution in their application to policy issues. But, it is the general public, who, through their Congressmen, established public programs affecting the farming sector. The general public cannot be expected to fully understand the limitations of a particular statistic published by the Department. Even if the limitations were fully understood, it would be unreasonable to expect caution to be exercised by those whose position is strengthened by these statistics.

The Department's stated objective with respect to farm income is to "assure that farm income is consistent with farmer investment in capital and management ability and with returns on investment elsewhere in the economy." This objective is stated in terms of equitable returns to factors of production and not in terms of the welfare of participants in the farming sector. Despite this stated objective, the key farm income statistics of the Department are welfare measures, i.e., income per farm operator, income per capita of the farm population, farm as a percentage of nonfarm per capita disposable income, etc. The Department's mission could be thought of as being concerned with income from farming, a return to resources concept, whereas the statistical measures are concerned with income of farmers, a welfare concept. With such fundamental differences between stated policy objectives and measures of accomplishments toward these objectives, it is understandable why there are differences of opinion as to the relative success of the Department's agricultural programs and the health of the farm sector.

Definition of a farm

The impact of such a fundamental difference would be less acute if it were not for the definition of a farm which is currently employed. A farm is presently defined as a place of 10 acres or more selling at least $50 worth of agricultural products. Places having less than the $50 or $250 minimum agricultural sales are counted as farms if they can normally be expected to produce agricultural products in sufficient quantity to meet the requirements of the definition. Using this definition, there were 2,924,000 farms in 1970.[1] Of this total number of farms, 789,000 had sales less than $1,000; 1,184,000 had sales less than $2,500; and 1,444,000 had sales less than $5,000. Only 1,480,000 farms had sales of $5,000 or more. But this latter category of farms accounted for 95 percent of the cash receipts from farming. In calculating average income from farming per farm, all farms are used in the denominator. This yields an average farm income per farm ($5,833 in 1970) considerably below the income of those farms producing nearly all of the Nation's agricultural products.

In 1970, the net income from farming per farm of those farms with agricultural sales less than $5,000 was $1,238. Average off-farm income totaled $7,506; therefore, total income for the average of this group of farms totaled $8,744, with income from farming accounting for only 16.5 percent.

For farms with agricultural sales greater than $5,000, average income from farming per farm was $10,617; average nonfarm income was $4,202; and total income per farm was $14,819. Nonfarm income accounted for only 28.4 percent of total income.

The above analysis points up some basic problems with respect to our present definition of a farm in light of the Department's stated mission. Average income from farming for nearly half of our presently defined farms accounts for only 16.5 percent of their total income. In total, these farms account for only 5 percent of the value of agricultural products produced. Clearly, these are farms in name only. Any reasonable increase in agricultural prices would provide them with little income assistance. A 1967 study by the Department's Economic Research Service (ERS) showed those farms with agricultural sales of less than $5,000 had returns of only 35 percent of parity (stockholders standard, excluding capital gains).[2] If that finding can be applied to conditions existing in 1970, then equitable returns to this group of farms would be $3,537; some $2,300 greater than was realized. That same study also showed that all farms on the average earned 96 percent of parity. If that finding can be applied to 1970 conditions, then the price increases required to get the returns to farms with sales of less than $5,000 up to 100 percent of parity would clearly result in returns to agriculture in excess of parity returns. The assumption here, of course, is that any price increase would apply to all producers of any particular commodity, a realistic assumption.

Including these small farms in the statistics tends to exaggerate the low-income position of commercial farmers relative to the rest of the economy and, hence, adds pressure to raise prices of farm commodities. But, increases in prices sufficient to have any significant impact on those farms with sales of less than $5,000 would push income above parity returns to those farms producing 95 percent of the agricultural output.

For the above reasons, the Committee recommends adoption by the Department of a definition that would identify farms as establishments with agricultural sales of $5,000 or more. The Committee is fully aware of the fact that allocation formulas for several grant programs to the states are tied, in part, to the number of farms within a state. We do not feel this should be a deterrent to changing the definition of a farm. Changes in the allocation formulas could be made so as to prevent any state from experiencing sizable increases or decreases in Federal funds.

A question that might be asked is, "Why $5,000 and not $10,000 or even some higher figure?" Any definition is somewhat arbitrary and our recommended definition is no exception. The definition used depends in large part upon the need to establish the definition in the first place. With respect to farms, it would seem the reason for establishing a definition would be to gather aggregate data on the farming sector of the economy—agricultural products produced, prices paid and received, value of sales, quantity and value of inputs used, etc.

The total number of farms is divided into these aggregates to get some idea what the average or typical farm looks like. Therefore, the definition used should be one that gets the maximum of aggregate data while minimizing distortions in the average. The definition adopted by the Committee would seem to satisfy this requirement. Farms with agricultural sales of less than $5,000 number 1,444,000—nearly one-half of all presently defined farms, but producing less than 5 percent of the Nation's agricultural products. Farms with sales of $5,000 but less than $10,000 total only 370,000 but produce nearly 6 percent of the Nation's agricultural products.

Parity price ratio

The parity price ratio, which compares the index of prices received to the index of prices paid by farmers using a 1910–1914 base, is neither a good barometer of return to resources employed in agriculture nor of the welfare of the farmer. It should be discarded.

The parity ratio has much philosophical appeal. Its creators and those adhering to it argue that it is only fair that prices received by farmers increase at the same rate as prices paid by farmers. On the surface this seems like a quite logical argument. But it completely fails to recognize increases in agricultural productivity. It could be argued that farmers should reap the benefits of increased productivity. But this argument fails to consider that most of the increase in U.S. agricultural productivity has been brought about by publicly supported research and research disseminstion. This being the case, the public at large (through lower foor prices), not just the farmer, should also benefit from increases in agricultural productivity.

In the 1967 ERS study, it was noted that 1966 farm prices would need to have been about 33 percent higher to have achieved 100 percent of parity prices. But a much smaller increase in farm prices, 11 percent, would have provided 100 percent of parity returns for all farms on the average. It is highly unlikely that conditions have changed sufficiently since 1966 to make the findings of this study invalid today. Since the Department's objective is equitable returns to resources, the parity price ratio is a very poor measure indeed.

Other needed improvements

Changing the definition of a farm to those establishments with sales of agricultural products of $5,000 or more and eliminating the parity price ratio would be major improvements. Simple as they might seem, such changes will not be made easily. But the Committee feels the Department should make every effort to present to the public as accurate a picture of the health of the farming sector as is possible. Other deficiencies in our statistical measures exist and, over time, these too should be eliminated.

It is assumed that every establishment defined as a farm has an operator and that the operator receives the income earned from the agricultural products sold from the farm. Such an assumption might have been valid in the past, but is not so today because of the structural changes which have taken place in agriculture. Take, for example, a farm operator in the broiler industry. The farm operator might own the land and buildings, but grow the broilers under contract. He never takes ownership of the broilers nor does he purchase the feed or other production inputs. He receives a fixed price per bird delivered to the contractor. Income from the farm, using present procedures, would involve estimating the value of production expenses less some inputed farm value for the broilers. This would be the net income of the farm, but clearly, not the net income of the farm operator. The income would go to the contractor who, in turn, might be publicly owned. To the extent that operators such as these become a significant factor in the agricultural industry, average farm income or average income of the farm population becomes quite meaningless.

In all industries except agriculture, the dominate measure is rate of return on investment with no concern given to who received the income. Measures of average net income per firm or establishment are not used to determine welfare of participants in the steel or food retailing industry or any other industry group. Only in agriculture do we attempt to come up with some sort of welfare measure from income per farm or establishment data.

Because a great deal of farm labor is provided by the operator and his family, a measure of rate of return on investment would not be appropriate for agriculture. But, given the present objective of the Department's farm income mission and its programs to achieve this objective, a set of statistics comparing the return to all resources used in the production of each agricultural commodity, including family labor, with what these resources could earn outside of agriculture—a measure similar to that developed in the 1967 ERS study for all farmers—would be more useful than present measures. The need for adjustments in the price for a particular commodity could then be supported on the grounds that existing prices are yielding returns greater or lesser than what the resources employed could earn elsewhere in the economy. In this way the operation of the Department'a commodity program would conform to its stated farm income objective. The Committee has not fully explored the feasibility of developing such statistics but recommends that such a study be undertaken. Even with the changes in Department objectives and programs proposed in subsequent sections of this report, such statistics would be useful in measuring the health of the farming industry.

Concluding comments

Inclusion in Department statistics of a large number of units that are clearly not farms yields an unrealistically low estimate of average farm income. This estimate is used to justify higher farm prices, prices which may actually result in returns in excess of equitable returns for most of the agricultural products produced. There is a more subtle but equally negative aspect of the present definition. By identifying these people as "farmers" and having public programs to support farm income, we have given the public the mistaken belief that the welfare of these people was being adequately cared for. It is likely this has tended to discourage the development of programs outside the scope of agriculture (but not necessarily outside the scope of the Department) that were and are needed to assist low-income rural people.

The Committee wants it fully understood that in recommending a change in the definition of a farm, it does not intend to define away any income or welfare problem existing among these people. To the extent these problems exist, they continue to exist regardless of the definition used. But they need to be treated in the broader context of rural development. The problem of low-income rural people and rural development is discussed in more detail in the last section of this report.

A POLICY FRAMEWORK FOR AGRICULTURE

Many of the Committee's views of agriculture are implicit in the preceding discussion of farm income statistics. The purpose here is to make these views explicit—to identify in greater detail the basic principals upon which the Committee feels agriculture policy should be based.

The need to establish a basic framework for policy determination

Public debate has tended to center on agricultural prices and program administration rather than the desired characteristics of American agriculture. As a result, price policy and its administration has tended to dictate the future of American agriculture rather than contributing to some desired end.

The "ideal" public policy, given an objective to increase the number of farms, or at least maintain the present number, would be considerably different from the "ideal" policy if the Nation were indifferent to the number of producing units. Critics of present farm policy point to the declining number of farms as evidence of poor policy and poor administration of that policy. But, the Committee found no evidence of an agreed upon goal with respect to farm numbers.

Present policy is affecting the number of farming operations. But, without a publicly agreed upon goal or objective, we cannot say whether the impact is good or bad and, hence, we cannot say whether the policy is good or bad. As a result, the Department has no defense against its critics. Obtaining agreement with respect to the desired characteristics of agriculture in the years ahead is essential to the rational development and administration of agricultural policy.

While proposing a broad framework for agricultural policy, the Committee recognizes that its views may not necessarily represent the majority views of the Nation. But, the Committee hopes that these proposals will stimulate in-depth analysis and discussion of the basic issues which must be resolved. Serious conflicts exist between objectives of individual agricultural programs because basic policy goals have not been agreed upon. These conflicts are costly and must be eliminated.

A policy framework—the committee's position

Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society. The Committee believes that national agricultural policy should aim at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

Farm Income

The level of farm income earned from the production of agricultural commodities, either per farm or in the aggregate, should not be an end in itself. That is, the Department's objective should not be to assure any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the level of resources attracted to the industry, and, hence, the industry's ability to produce efficiently adequate supplies of food and fiber. The industry should not be evaluated on its ability to provide an adequate level of living for all participants regardless of the size of their operation or managerial ability. If adequate supplies of food and fiber are being made available at reasonable prices, we should conclude that the Nation has a healthy, viable agricultural industry. If, at the same time, some individual producers are earning a level of income below what they or the Nation deem desirable, our assessment of the industry should be amended to state that it has certain human resource adjustments to make. The Nation should then make every effort to facilitate these adjustments at the least possible total cost (economic and social) to society. The Nation can ill-afford transfer payments to allow productive individuals to remain indefinitely in the industry of their choice.

Farming as a way of life

Agricultural policy should be directed towards maintaining agriculture as a viable industry and not as a way of life. The numbers of farms or farm population size is irrelevant except as these influence performance of the agricultural industry. There is no objective evidence to support the argument that there would be a net social benefit if the farm population were to increase or if its present size were maintained.

Clearly there is need to avoid further concentration of people in large urban areas. Maintaining or increasing the present farm population would reduce the rate of migration to urban areas, but more feasible and practical alternatives are available. Because the rate of substitution of capital for labor during the past 20 or 30 years has been greater than the rate of adjustment in the supply of agricultural labor and because the Nation has the ability to produce food and fiber beyond domestic and foreign requirements, there is need to reduce labor inputs in agriculture. This, of course, assumes a national objective to productively employ the labor force, i.e., the value of labor output should exceed its costs, including transfer payments. Although put in terms of an assumption, the Committee feels this should be an objective of our economic system. Given these conditions, agriculture cannot and should not be expected to provide employment opportunities sufficient to preserve the Nation's rural towns and communities. If these towns and communities are to grow, additional off-farm employment opportunities must be found.

Food prices

Although calling for the production of adequate supplies of food and fiber at reasonable prices, the Committee recognizes there are no objective measures to establish the level at which retail food and fiber prices are "reasonable." This fact must also be recognized by those monitoring the agricultural industry. We can measure the rate of return to industry participants given existing prices But, having done so, the conclusion that they are too high or too low cannot be objectively supported. We can also measure the percent of disposable income spent for food and fiber. But, here again, any conclusions that it is too high or too low is highly subjective. Reasonableness must be determined by what most people consider reasonable. If they think retail prices of food and fiber are reasonable, then they are reasonable. It should, however, be the role of the public sector to keep the public informed of both the level of prices and the consequences of forced adjustments so that society can determine within its sets of values whether it is willing to incur the costs of these adjustments.

Role of the public sector

The agricultural industry should operate with a minimum of direct involvement by the public sector. Ideally, the public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the national welfare. Such rules might include restrictions on the use of certain production practices or inputs, or restrictions on the use of land for purposes other than agriculture, or for purposes excluding agriculture. Once established, the industry through free market forces, would have to make the necessary adjustments. The public sector might provide assistance to alleviate the burden of such adjustments, but such assistance should be of limited duration.

In general, the rules established for the agricultural industry or any other industry should be limited to those which result in more efficient use of natural and human resources. The private sector will utilize resources efficiently only to the extent that the price structure reflects the true costs of these resources. We should not expect the private sector to cease dumping wastes into the Nation's rivers and lakes if it is not prohibited from doing so and does not have to bear the

[1] Data on number of farms, cash sales, and farm income obtained from "Farm Income Situation." Economic Research Service US.. Department of Agriculture FIS–218, July 1971.

[2] "Parity Returns Position of Farmers," Senate Document No. 44, 90th Congress, First Session, August 10, 1967.

cost of removing these wastes. The public sector must establish rules that cause the private sector to view these costs as internal rather than external.

There are those who argue that society's preoccupation with economic efficiency has been detrimental to the national welfare. This criticism needs to be directed at the price structure for production inputs, including the effect of public laws and regulations such as taxes on this price structure. If the true cost of resources used in agriculture, or any industry for that matter, is reflected in the price of those resources, the detrimental effects of efforts to improve efficiency could be avoided.

EFFECTIVENESS OF PRESENT FARM PROGRAMS FOR COMMERCIAL AGRICULTURE AND RECOMMENDED ALTERNATIVES

Effectiveness of the basic farm programs

The present basic farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. Not only do present programs result in a high degree of government intervention in the production and marketing system, they are also quite costly and there is sufficient evidence to question their effectiveness in meeting stated objectives.

Studies reviewed by the Committee point to increased supplies of food and fiber, at lower prices, if farm programs were removed. Although we are one of the best fed and clothed nations in the world, more lower priced food would be quite beneficial to low-income families. In addition, and of more importance to the agricultural industry, lower prices would allow the United States to become more competitive in world markets. But, associated with this change would be a reduction in aggregate farm income. In 1970, direct payments to farmers totaled $3.7 billion or about 21 percent of net farm income.[3] Without farm programs, these payments would be removed and aggregate farm income would fall accordingly. Given the low price elasticity of demand for farm products, increases in marketings would not offset reductions in price, causing a further reduction in farm income. Estimates of this reduction are in the range of $3 billion in the short-run and about $1–2 billion in the long-run as resource adjustments take place.[4] This loss, together with elimination of direct payments, would result in an estimated reduction in annual farm income of about $6.0 billion in the short-run and $4–5 billion in the long-run. The income effect of direct payments and price supports of some $6.0 billion can also be thought of as the price that society pays in terms of taxes and higher food and fiber prices to "assist" American farmers.

It is interesting to note that in the analyses reviewed by the Committee, additional food and fiber would be produced without present farm programs. The reduction in farm income projected in these analyses would not impair the Nation's ability to provide adequate supplies of food and fiber. In fact, it is the additional food and fiber produced that leads, in part, to the reduction in farm income.

There are two aspects of present programs that tend to support the contention that adequate supplies of food and fiber would be produced without these programs even though farm income is reduced. The first of these concerns the capitalization of program benefits into land values. Since the programs are tied so closely to land, their income benefits have been eroded through higher land prices. Capitalization of program benefits into land prices has resulted in windfall profits for first generation owners, but has left little for second generation owners. In fact, capitalization of program benefits in land prices presents one of the principal obstacles to elimination of the programs. A recent ERS analysis of proposed legislation to eliminate price supports for tobacco indicated that land values in the tobacco growing areas would decline about $2–3 billion if enacted. Those tobacco growers who purchased land at current market value, which includes the capitalized value of the tobacco allotment, would incur significant capital losses. But, at reduced land values, less net farm income would be required to yield adequate returns to resources. If, in fact, all program benefits have been capitalized into land values, their elimination would have no impact on the level of returns to resources employed in agriculture. The value of farm assets would be reduced, and, from a welfare point of view, farmers would be worse off. But, as pointed out earlier in this report, programs for commercial agriculture must be divorced from welfare considerations. A reduced income earned per acre would result in the need for larger farm units to provide adequate income for the farm family. This would tend to accelerate the reduction in number of farms, a fact which does not disturb the Committee, assuming adequate nonfarm jobs can be found in the rural communities and sufficient number of producing units remain to insure that the industry remains competitive.

The second factor deals with the distribution of farm program benefits. Income benefits of current programs are not evenly distributed among all farmers nor are they distributed on basis of need. Income transfer payments are usually thought of as being a means by which income of the less needy is transferred to the needy. Such is not the case with farm programs. The larger the farming unit, the greater the benefits received by the owner. The level of income earned by the owner of the farming unit, either farm or off-farm, is not considered in determining the magnitude of payments he will receive. As a result, only a very small portion of the program benefits reach those farmers with an income or welfare problem. The 1967 ERS study ("Parity Return Position of Farmers"), showed that, on the average, farms with value of sales of $20,000 or more (stockholders standard, excluding capital gains) earned 167 percent of parity returns in 1966. This group of farms received $2.1 of $3.7 billion of direct payments in 1970 and, since these farms accounted for 74 of the sales, it follows they received 74 percent of the income benefits of price support policy that so distorts the market system that a segment of society can earn, indefiports. The Committee cannot support a nitely, returns to their resources considerably greater than those same resources could earn elsewhere in the economy.

The Committee also feels that the present farm programs are a deterrent to efficient production of U.S. agricultural commodities. The attachment of program benefits to land has impaired movement of agricultural production to areas of least cost. The present geographical distribution of production, particularly for cotton and wheat, would likely be different in a free market environment and the cost of producing our present bundle of food and fiber would be less.

Despite these deficiencies, the basic farm programs have helped, to some extent, control the exodus of people from the farming sector and have contributed to a more stable U.S. agriculture. Perhaps these benefits have been sufficient to justify the existence of the programs over the past few decades.[5] But, the Committee feels that conditions in agriculture today are such that government intervention in the form of present farm programs and their associated costs can no longer be justified on these grounds. Although conditions do not warrant the present set of programs, their immediate elimination would create severe adjustment problems. It is, therefore, necessary to develop an optimal farm program for the future and also to map out a series of programs to reach the optimal so as to minimize the negative aspects of this adjustment process.

Proposed changes in basic farm programs

Economic and technological forces have caused marked changes in U.S. agriculture. Although we feel that these forces must be guided somewhat, they should not be counteracted. Rather, many of the agricultural programs which impede adjustments should be progressively reduced and finally eliminated. This is not to deny the many welfare problems which arise fairly directly from these adjustments. But welfare problems in agriculture cannot be ameliorated by the "higher agricultural price" approach since people with the greatest chronic income problems produce only a small volume of agricultural products for sale. Approaches to welfare problems are given in the final section of this report. Here we will deal with programs for commercial agriculture.

Government loan programs have reduced price instability at least on the downside for many commodities. Producers are guaranteed at least a minimum loan price for certain crops if they plant within the government price support program for these crops. In addition, for some of these crops, they receive a direct payment as well. If the price support loan programs are discontinued completely, then some substitute method should be developed so that individual producers have at least a minimum price guarantee prior to yearly planning decisions.

Providing a mechanism for guaranteeing minimum prices to individual producers prior to fertilizing and planting does not necessarily mean that the government must set a price and guarantee it. For most crops not under government price supports, a system of forward contracting has built up over a period of years. For example, canning plants have long contracted with farmers for the production of particular vegetables. Although contracts may not be renewed, for a particular year the farmer has a contract before planting these speciality crops.

Forward contracting would surely have developed more rapidly for many of our basic crops in the absence of government programs. In some cases, the lowering and removal of the government price support loan program will result in the rapid development of a forward contracting system. Tobacco and cotton are both crops which may be expected to fall in this category for, although there are many producers, there are relatively few buyers (Few tobacco companies in the case of tobacco and relatively few mills in the case of cotton).

For the feed and food grain crops such as corn, grain sorghum, and wheat, on the other hand, there are not only many producers, but many buyers as well. *In the future, cattle feeding and hog feeding are expected to become highly concentrated in very large feedlots.* As this takes place, a forward contracting system for feed grains may be expected to develop much more rapidly that would be the case at the present time.

Thus, although our long-term goal would be to eliminate all direct payment and price support loan programs, the Committee believes that this should be accomplished through a series of steps:

1. All direct payments would be reduced to zero over a period of 5 years. This should be accomplished by reducing the payment "per bushel of projected yield" rather than by restrictions on total payments. Restrictions of total payments encourage inefficient farm organization.

2. Over the same 5-year period, non-recourse loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops. The disaster price level would be one that is sufficiently low that it rarely sets the price although it may have a seasonal effect on price in many years. Rather than taking over a large volume of stocks in the event of a year encountered in which the market price would have remained below the loan level for crops, a reseal program extending if necessary over a few years should be instituted so that stocks remain in producers' hands rather than in CCC inventory. If reseal stocks start to rise, the disaster price should be lowered, since this would indicate that the loan price has apparently become higher than the equilibrium price.

3. Purchase programs such as the one for dairy products should be phased out over a few years. Price stability appears to be the principal justification of the program and milk marketing orders appear to be potent enough to give this stability.

4. All commodities presently supported due to a critical "national defense" requirement should be reviewed to see if they are really critical. Tung oil and gum naval stores surely are not critical to national defense. Due to the development of artificial sweeteners, domestic production of sugar seems no longer critical to national defense. Neither is domestic production of wool, due to the development of synthetics.

It is often argued that a progressive lowering of direct payments and loan rates is no better than letting the blow fall in a single year. If producers could foretell the adjustment which will be made, this might be the case. Land values would drop exactly to the levels reflected by their value in an "adjusted agriculture." We cannot, of course, anticipate many of the adjustments even from a national vantagepoint. Certainly we cannot expect individual producers to predict accurately the many institutional changes which will affect them.

Drastic shifts in agricultural enterprises may be expected from the above recommendations, but adjustments to alternative agricultural enterprises take time. It is for this reason that the Committee proposes a gradual phase-out of present programs over a 5-year period. *For example, should the raising of beef cow-calf herds become more profitable than cotton then it will take time to make this adjustment.* Beef cow herds can only be economically built up over time. A crash buildup could lead to disaster for an individual producer lacking managerial skills in beef cattle production. Too rapid a buildup would also mean chaos for present beef producers as it would cause precipitous changes in livestock prices.

Too rapid a switch between crops also causes managerial difficulties for producers as can be witnessed by talking to producers who are growing soybeans or grain sorghum or many of the speciality crops for the first time.

Even if price support adjustments are phased over a 5-year period, land prices will probably drop more than is warranted due to uncertainty as to the effect of the changing levels of support. But at least progressive decreases in support levels will give more time for the future to be known and should result in land prices not dropping to as low a level as they otherwise would.

The question of how to handle the reduction in land values resulting from elimination of present farm programs was debated at length by the Committee. Fairness would dictate a policy of reimbursing those who purchased land at prices including the capitalized value of farm program benefits, but such a policy would be impossible to administer. The question then becomes one of whether the inequities of eliminating the capital value of program benefits for those who paid for them is greater or lesser than the inequities of reimbursing all landowners, including those who neither earned nor paid for the benefits. The Committee felt that the inequities of the latter were greater and, therefore, concluded that land owners should not be reimbursed for their losses.

The Committee would not, however, want to see this issue stand in the way of elimination of present farm programs. Should political realities dictate that payment in total or in part be required, such payment should be made. The long-term benefit to the Nation would justify such a compromise.

OTHER PROGRAMS AFFECTING FARMERS AND FARM INCOME

The Department administers many programs other than price support and direct payments which have an impact on the farm sector and individual participants in this sector. These include credit, crop insurance, market information, domestic and foreign market promotion, and market research and dissemination. The nature and scope of this report prohibits a full and detailed analysis of these programs. What follows are the Committee's views on the general direction that should be taken by these programs and an identification of issues that should be explored in greater depth.

Farm Credit

The credit needs of agriculture are great and will likely increase in the future. Consistent with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. But the farm sector, to operate effectively within a free market environment, must not be given a competitive advantage in the capital markets. Discrimination in favor of agricultural borrowers would raise the possibility of over-investment in the farm sector.

There is some evidence to support the argument that our supply management problems are, in part, due to excess availability of capital in the farm sector brought about by discrimination in favor of agriculture in the national allocation of money.[6] Clearly, to avoid excessive availability of capital in agriculture over the long-run, the farm sector should compete for funds in the capital markets along with other industrial sectors. If farmers, in the aggregate, are receiving equitable returns to resources, sufficient capital, barring any imperfections in the capital markets, should be available.

Private lenders, along with the Farm Credit System, should be capable of providing the credit needs of agriculture. The Farm Credit System should continue to compete for funds in the money market; their bonds should remain uninsured by the Federal government and their loans free of any interest subsidy to the borrowers. It will, of course, be necessary for the Department to monitor the credit system to see that imperfections in the money markets do not impair the production of adequate supplies of food and fiber.

The large amount of capital required to develop an economically viable farming operation does serve as a formidable barrier to entry. For this reason, there are those who argue that subsidized credit should be made available to those wanting to enter the farming industry. If farming is to be treated as an industry rather than as a way of life, this position cannot be easily supported. A basic justification for subsidized loans to new entrants, regardless of the industry, is to maintain competition and allow for technical innovation. But in agriculture there are presently too many firms to provide adequate income for all participants, and technical innovation in agriculture has not been, nor will it be in the foreseeable future, dependent on new entrants who require subsidized credit. For these reasons, the Committee recommends elimination of the FHA Farm Ownership Loan and Farm Operating Loan programs.

The FHA Emergency Loan Program needs to be continued. Private sources of capital are not likely to be adequate to cover the credit needs of farmers affected by natural disaster nor are farmers generally prepared to meet the full cost of financing such loans. The Committee would, however, prefer to see increased use of insurance by farmers to cover such losses. In this way, the full cost of risk would be borne by the market system. The Committee feels that the subsidized soil and water loans to individuals and associations and loans to grazing associations need to be fully reviewed. There may exist a need for such loans, but it is unlikely they can be supported on grounds of aiding commercial agriculture or, as they are aligned in the Department's program structure, supporting farm income.

Domestic and Foreign Market Promotion

Domestic Market Promotion: The Committee feels that expenditure of public funds for domestic promotion of agricultural products, or for the administration of funds collected from producer groups for this purpose, is highly undesirable. At any given income, consumers will not likely increase their expenditures for food as a result of market promotion. Trade-offs between commodities might occur, but this is merely benefiting one group of farmers at the expense of another with little or no net social benefit. Expenditures for such purposes and with such known benefits can be justified by commodity groups whereas such expenditures by the public sector cannot. The same holds true for non-food items of agricultural origin. Here the trade-off is primarily with products of nonagricultural origin, but the argument against expenditure of public funds for promotion remains valid as no, or little, net social benefit is gained.

The exception to this line of reasoning would be promotional and educational activities aimed at improving human nutrition. The objective of such a program would have nothing to do with improving farm income, but, rather, would be directed at improving the diet of the target group. The Extension Service's Food and Nutrition Education Program is an example of this type of program. The expenditure of public funds for this purpose can be fully justified; in fact, increased effort needs to be aimed towards improving human nutrition and our knowledge of human nutrition needs.

The emphasis, domestically, is to produce adequate supplies of food and fiber and not to provide adequate demand for the output of agriculture. This being the case, public funds should not be expended on programs whose sole aim is to increase consumption of a particular commodity.

Foreign Market Promotion: National economic strength is dependent, in part, on avoidance of trade deficits over extended periods of time. One clear way to minimize trade deficits is to establish import restrictions. But, the Committee feels that the United States and other countries should strive to relax artificial trade barriers. It would be unrealistic to assume or to propose complete free trade in the near future—the impact on the world economy would be severe. But, steps in this direction need to be taken. Some degree of control will likely be needed with respect to agriculture to avoid dumping, by the United States or other countries, of large amounts of surplus commodities in any given year. Severe changes in the amount of agricultural commodities moving into world trade would exacerbate

[3] "Farm Income Situation," Economic Research Service, U.S. Department of Agriculture, FIS–218, July 1971.

[4] Schultze, Charles L., "The Distribution of Farm Subsidies—Who Gets the Benefits," Brookings Institute, 1971.

[5] One does have to wonder, though, if more efficient ways could have been found to alleviate the adjustment problems. What would the rural population be today if half of the dollars spent for farm programs had been developed to generating off-farm employment opportunities in rural areas and job training programs for displaced farm people.

[6] "Agricultural Finance Review," Economic Research Service, U.S. Department of Agriculture, August 1971.

the adjustment process in the farm sector throughout the world.

The system of import quotas on agricultural commodities should be reviewed. To the extent that any restrictions are needed, quotas should be converted to tariffs so that the direct effects of restrictions on imports are more apparent to consumers.

Increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This needs to take the form of improved intelligence of trade potentials by commodity and by country and also promotional activities. Although the private sector expenditures for these activities can be expected, their efforts need to be supplemented and coordinated with public funds. The importance of foreign trade to the U.S. economy and, more specifically, the U.S. farm sector is too great to rely entirely on the private sector.

Crop Insurance

Farmers will continue to need protection from such natural hazards as insect and wildlife damage, plant diseases, fire, drought, flood and wind. If unprotected by insurance, natural disasters could bankrupt farmers. A disaster covering a large geographic area could, in the short-run, impair the Nation's ability to provide adequate supplies of food and fiber.

To the extent that crop insurance is not available through the private sector, it should be provided by the public sector. If provided by the public sector, the premiums charged need to reflect the risk assumed. In this way, the risk of agricultural production can be properly reflected through the marketing system to the consumer.

Production and Market Research

Production Research: The abundance of low-cost food and fiber in the United States can be attributed, in large part, to publicly supported production research and dissemination. These activities must continue if we are to meet the needs of a growing population and compete in world markets. Although the index of output per unit of input increased significantly from 1970 to 1971 (8 percent, due largely to a 5 percent increase in planted acres), the increase in the index from 1961 to 1971 (10 percent) was considerably less than the increase from 1951 to 1961 (21 percent).[7] There certainly is little doubt about the Nation's ability to provide sufficient food and fiber in the immediate future, but these data suggest that, without new breakthroughs in production technology, additional food and fiber will be forthcoming only through use of additional resources.

Public support of such research is needed since it is doubtful that sufficient private resources will be devoted to the basic research from which most major technological breakthroughs originate.

Since agriculture is a polluter of the environment (pesticides, run-off from cattle feed lots, etc.), such research also needs to be aimed at developing technology which will result in food and fiber production with minimum environmental damage.

With the exception of early adopters, agricultural production research has probably had no positive impact on the income of individual farmers. But production efficiency research should not be justified on the basis of increasing farm income. The impact of technological breakthroughs, however, needs to be anticipated and properly considered by the public sector to minimize the social cost of adjustments that technology brings to bear on the farm sector. The development of a mechanized tobacco harvester is a case in point. Adoption of this equipment will greatly reduce employment in the tobacco industry. Development and adoption of the equipment should not be discouraged, but public assistance will be needed to aid displaced workers.

Market Research: In 1971, consumers spent $105 billion for domestic farm foods with farmers receiving $34 billion of these expenditures. The remaining $71 billion was added to the farm value of foods either in the form of manufacturing or distribution services. The magnitude of these costs seem to justify market research. In fact, it might suggest a reallocation of present research funds. In 1970, $111 million of USDA funds were expended for production research while only $46 million were expended for market research. Including state funds, the comparable figures are $242 and $59 million.

Allocation of research funds entirely on the basis of the relative magnitude of the production and marketing subsectors would not be advisable. The proper split, if it could be accurately measured, would be to allocate funds such that the marginal social value or benefit of the last dollar spent for market research equals that for production research. But present distribution of research funds, given the size of the production and marketing subsectors, warrant study. The figures cited for research expenditures exclude private funds; these would have to be taken into consideration in any such analysis.

Public expenditures for market research must be restricted to those areas which result in efficiencies in the food and fiber marketing system or lead to improved nutritional value of food (increased quality in the case of fiber). Research devoted merely to increasing consumption of a particular commodity through changes in form or selling techniques without contributing to increased efficiency or nutritional value must be avoided. Research aimed at developing synthetic food products should not be prohibited. The economic performance of food firms in serving farmers and consumers should receive major emphasis.

Market Information and Monitoring Activities

Transferring the function of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. Reliance on the private sector for market information would likely give buyers of farm commodities an unfavorable advantage over producers.

It is important that information be made available for both supply and demand conditions. Present data collection and dissemination activities of the Department are weighted heavily on the supply side. Although not intended, this has given undue advantage to buyers of farm commodities. Both producers and buyers of farm products have access to information on the supply of agricultural commodities, but producers have only limited access to data on the demand side. For example, USDA obtains data on intentions to plant from farmers, but obtains no similar data of purchase intentions of buyers of agricultural products.

The sensitivity of price to available supplies of agricultural products will require accurate projections of domestic consumption and exports. The latter will be extremely important to the effective operation of a free market. Wide and erratic fluctuations in actual exports or large errors in estimated exports would create severe problems for American farmers and, therefore, must be avoided or kept to a minimum. The Department's difficulties with supply management programs have been exacerbated by wide fluctuations in exports of certain commodities. The difficulty has been particularly acute for those crops such as rice, where a large amount of the production typically moves into world markets. These changes in exports have been caused, in part, by Federal policy. To the extent that American farmers fall victim to changes in U.S. foreign policy, the Federal Government must be prepared to provide them with adequate compensation.

There clearly exists a need for the Department to monitor the agricultural economy to assure success relative to the Nation's objective to provide adequate supplies of food and fiber at reasonable prices. This monitoring function will be extremely important during the transition from present programs to a free market environment. We must have available the best possible information with respect to the impact of program changes on farmers and their response to these changes so as to minimize adjustment problems. We must also have information on the changes in the relative bargaining strength of the participants in the industry, factors causing these changes, and their short-run and long-run impact on the industry and the Nation. Such information will be necessary to identify that point at which government intervention into the system is necessary to assure a viable agriculture consistent with national objectives.

Farmer Bargaining

The structure of the agricultural industry (large numbers of geographically dispersed producers and relatively far fewer buyers) has placed the farmer at a disadvantage in dealing with buyers of farm products. To strengthen the position of farmers, cooperative and bargaining associations and marketing agreements and orders have been authorized. The Committee supports assistance to producer cooperatives. Market agreements and orders should be authorized wherever appropriate (as defined by existing legislation). But, the Committee would discourage enactment of any legislation exempting farmer associations from antitrust laws. The long-term effects of such exemption could prove extremely detrimental to the total welfare of the Nation. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

IMPLICATIONS FOR AMERICAN AGRICULTURE AND THE NATION

As stated in the previous section of this report, present programs cannot be eliminated instantaneously. Time must be allowed for the industry to adjust. The most significant adjustment problems will occur in those geographical areas where production is highly dependent on the existence of present program benefits. Development of off-farm employment opportunities or assistance in adjusting to more profitable agricultural enterprises will need to be focused in these areas.

Other than geographical adjustments in production, the effects of the proposed changes will likely be nothing more than a slight acceleration of present trends in the agricultural industry. In the long-run the number of farms as defined at the outset of this report will likely not differ from the number of farms given present programs and policies.

Studies of economies of size in crop farming point out that most production efficiencies can be achieved by modern and fully mechanized one-or two-man farms—the family farm. The family farm will continue to dominate the farming economy, but it will become a larger and more sophisticated unit. The family farm of tomorrow, just as many are today, will be a highly specialized and mechanized business operation, involved not only in production but in processing and marketing decisions as well. Even if farm numbers should drop to 600,000, we should not conclude that the family farm is a dead institution. If there had been only 600,000 farms in 1970, sales of the average farm would have been about $90,000. This is well within the range of a one- or two-man operation for most agricultural enterprises.

But we do not feel it necessary to prescribe the number and size distribution of farms needed for an efficient agricultural system in the future. Individual farm size will be largely determined by how well each unit carries out its production and marketing activities in relation to all other units. Under an efficiency criteria, a production-distribution system can encompass farms of various sizes and numbers. Our major concern is not whether agriculture is composed of many small farms or few large farms, or some combination of number and size of farms. Rather, it is focused on how commercial agriculture in the aggregate can best serve the desires and needs of the Nation while adequately rewarding its own participants.

Removal of the government from supply management activities will likely accelerate integration in the agricultural industry. But integration should not be confused with corporate takeover of farming operations. While most indications are that farming will be part of a highly integrated production-marketing system, we do not feel that large nonfarm corporations pose a major threat, or will play a dominant role, in tomorrow's integrated agriculture.

There is a pressing need for production at the farm level to be geared more closely to final market demands. It is to the advantage of both the farmer and processor to minimize uncertainty. And, for reasons of efficiency and lower food prices, it is also to the advantage of the consumer. Producers must intensify their search for ways of becoming a vital part of the total process by which consumer demands for food and fiber are met.

Eric Thor identifies four types of industry organization that seem to be developing to meet these needs:[8]

1. Farmers organized into bargaining associations to negotiate price and terms of contract with processor and packer.
2. Large investor-owned, food-converting corporations integrated from the ultimate consumer back into farming.
3. Fully integrated multiple-product farmer cooperatives.
4. Joint ventures between farmer cooperatives and investor-owned corporations.

The direction in which agriculture is headed, and its implication to the Nation's farmers, should be obvious. In order to play a viable role in the future, today's producer must align his production, through the distribution system, more closely with the requirements and demands of the final consumer. The possible structural arrangements mentioned by Thor are potential vehicles through which this meshing process might occur. No doubt others could be identified. The Committee endorses public policies designed to assist agriculture become more market-oriented. The alternative is a higher cost industry—one which retains inefficient production patterns and inefficient producers dependent on income transfers from the rest of society. There is, of course, need to monitor these developments to assure maintenance of a highly competitive industry.

These trends—reduction in farm numbers and increasing coordination among industry sectors—are consistent with the basic policy framework of the Committee. It is important to note that these trends are taking place today. Existing policy and programs, with their annual cost of $4–5 billion to American taxpayers, are leading us in the same direction as the much less costly policy and programs proposed by the Committee. Agrarian fundamentalists shudder at the thought of fewer farms or the loss of independence of our American farmers as a result of integration such as has occurred in the broiler industry. To a large extent it has been the agrarian fundamentalists who have created and perpetuated our present policy and programs. But that which they want to protect or preserve is not being protected or preserved with present programs.

While evidence can be brought to bear in support of either position—an efficient agriculture with resulting bigness, integration, etc., vs. preservation of traditional agrarian values with small independent farms and farmers—the Committee's set of values leads it to place greater emphasis on an efficient agricultural industry. We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4–5 billion annually are not needed for these purposes.

It is a political reality that society which is 95 percent urban will be directed by urban priorities and these priorities will call for an agriculture which provides adequate supplies of food and fiber at reasonable prices. It would seem unlikely that they would be willing to pay the cost, either in the form of taxes or higher food prices, that would result from efforts to maintain large numbers of totally independent farmers. An efficient agriculture may, however, conflict with urban desires to improve the quality of the environment. Action taken in recent years indicates that society is willing to make some sacrifice in efficiency to gain environmental benefits. The Committee recognizes the need to improve the quality of the environment. But the consequences of actions to accomplish this end, both benefits and costs, must be fully explored and made an integral part of the decision-making process.

IMPROVING THE LEVEL OF LIVING IN RURAL AMERICA

The Committee's recommendations remove from agricultural policy the welfare considerations of small farmers and other rural residents. Present farm programs have attempted to combine the objective of maintaining a healthy agricultural industry and the objective of improving the welfare of small farmers. Our attempt to accomplish both objectives by a single approach has been inefficient in meeting the former and ineffective in meeting the latter. Removing from agricultural policy consideration of the small farmer and other rural residents does not imply removal of their problems from consideration by the public sector. But as pointed out earlier in the report, agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present rural population. If rural towns and communities are to survive, and hopefully grow, more off-farm employment must be found.

The purpose of this section of the report is to present the Committee's views on what must be done to revitalize our rural communities, to tackle present rural problems, and to adjust to present trends that may be accelerated if our other recommendations are adopted.

Rural America today—and beyond

The plight of our rural people has been well documented. In recent years, many task forces and commissions have been established to study and develop remedies to alleviate the problems of rural America. While descriptions of the problem and recommended remedies are in ample supply, direct action taken to implement the recommendations has been limited. A recent report of the Senate Committee on Agriculture and Forestry noted that while much has been done for rural people there are also many gaps which must be closed.[9] The report stated that "often the Federal response to the recommendations of the rural poverty report was a series of pilot programs, which, when they proved their merit, were discontinued. These projects were often begun with great fanfare, indicating to rural people that the government was going to get something done, and then the fanfare withered away into crushing disappointment."

The basic problem in rural areas is reflected in the history of relative rural population decline. In the past 5 decades, while total U.S. population has increased from 106 million to 203 million, the rural population has remained steady at just about 50 million.[10] The farm sector of the rural population, however, has declined from 32 million in 1920 (three-fourths of the total rural population) to fewer than 10 million (one-fifth of total rural population). Although the rate of movement of people away from farms has remained high, the number of people involved has dwindled, as the size of the farm population has declined.

While the farm population continues to decline, there is evidence of a net increase of people moving into rural areas. From 1960–70, the rural counties of the country grew in population by 6.7 percent, while the urban counties were gaining by 16.6 percent. However, if the farm population, with its pronounced downward trend, is subtracted from the total rural population, one finds that the nonfarm rural population (which comprised the great majority of all rural people) rose by 19 percent in the 1960's. Thus, the heavy decline of farm population has tended to mask the rapid growth of the nonfarm segment of the rural and small city population. In the 1960's, about 200 nonmetropolitan towns of 10,000 to 50,000 population grew by 15 percent or more; that is, at a rate above the national average of 13 percent, thus implying net immigration.

Although per capita income in rural areas has been rising at a faster rate than in urban areas for the past 40 years, the percentage gain has not been fast enough to narrow the gap between rural and urban incomes. In fact, the dollar gap has widened over the years. Rural personal income, which increased at an average of 7.4 percent per year compared with 5.9 percent in urban areas, would have had to grow at the rate of 8.5 percent per year for this 40-year period to have closed the gap.

In spite of improvement in rural income in the 1960's, there remains a disproportionate extent of poverty among families outside urban areas. The rural areas, accounting for about a quarter of the population, have 49 percent of the Nation's poverty and 59 percent of the substandard housing.

The present rural welfare situation is worrisome just on the basis that an important segment of our society is locked into a life devoid of the opportunities generally available to our nation as a whole. But it deserves concern for other reasons. This Nation needs to look increasingly to the rural sector to house and employ our still-growing population if we are to avoid further concentration of people in urban areas. In this regard, the Committee is impressed with and endorses the related recommendations of the President's Task Force on Rural Development and the National Goals Research Staff.

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[7] "Changes in Farm Production and Efficiency," Economic Recreation Service, U.S. Department of Agriculture S.B. 235, June 1971, together with unpublished data obtained from ERS.

[8] "Increasing Understanding of Public Problems and Policies" Farm Foundation, 1971.

[9] "Effectiveness of Implementation of the Recommendations of the Presidential Commission on Rural Poverty," 92nd Congress, First Session, November 30, 1971.

[10] Data presented in this section of the report were obtained from publications issued by the Economic Research Service titled "The Economic and Social Conditions in Rural America in the 1970's," May 1971 and "Rural Development Chartbook," March 1971.

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The thrust of their recommendations is that a national population distribution policy will be required for a more deliberate and planned dispersion of our total population. If this is to occur, the rural sector will have to offer realistic alternatives to the opportunities for jobs and basic amenities of life which exist in the urban sector.

Programs for action in rural America

The Committee has reviewed various program proposals for upgrading rural America and recommends Federal action in the following areas.

Income Assistance

Change often takes place at a greater rate than to which the economy, through normal forces, can adjust. During such periods, people are often without a source of income. Also, many poor, both urban and rural, are unable to earn a living because of age, illness, or other disabilities. The Nation has long recognized this problem and, over the years, has developed a series of programs aimed at providing income supplements to needy people. Although initiated with good intentions, the existing welfare programs have evolved into a bureaucratic nightmare. They have done more to perpetuate than eliminate poverty. For this reason, the Committee strongly supports the proposed Family Assistance Plan. Welfare reform is long overdue and must be given highest priority by both Congress and the Administration. Although applying equally to both urban and rural people, welfare reform would serve as a basic element in the development of programs to improve rural America.

The Committee feels that the Family Assistance Plan must incorporate the following features. First, payments to rural and urban people should be equal except for adjustments in cost of living. Second, eligibility standards should be established at the Federal level. Third, all payments should be in cash; payments in kind, e.g., food stamps should be eliminated. Fourth, the Plan should be financed through the Federal tax system. Payment in excess of the Federal minimum or to people not meeting Federal eligibility standards should be financed entirely by State and local governments.

Job Training

Greatly improved educational and vocational training are needed so that rural communities can adequately supply skilled labor and encourage new industry and business to their communities. Effective programs must meet needs of both workers and employers. Rural areas are now getting only about a third of their fair share (based on population) of present manpower development and training programs. Rural residents should have better access to these programs. Such efforts as the Concerted Services in Training and Education (CSTE) and Operation Hitchhike, as well as the Education and Employment Service program, should be expanded to assure that those transferring out of agriculture and other rural residents have the opportunity to upgrade their skills and have access to the full array of manpower services.

Rural Industrial Tax Credits

An attractive tax credit on plant and equipment should be offered new industries which locate in rural areas. Such an incentive would attract more industries to rural America and provide job opportunities locally so residents would not be forced to migrate to other areas. The tax credit could be a flat rate for all rural areas, or it might be graduated upward as one moves away from the large metropolitan centers. An objective should be employment of a substantial portion of local labor in relation to the skilled labor which might be imported from outside the community.

Such tax incentive should be granted through the Federal tax system. Local communities have often given tax privileges to new industries only to find they have insufficient revenue to meet the increased demand for services-schools, sewers, streets, hospitals, etc. Since both urban as well as rural people will benefit from a more even distribution of industrial production in the United States, it seems only proper that both should share in the cost.

Rural Development Credit Bank

A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

Research and Technical Assistance

Research on the complex problems of rural development should be encouraged in both private and public institutions. This research must be applicable to the problems of local communities. The rather limited amount of research directed toward rural development has been largely descriptive or fundamental long-term research generalized so that it applies to the numerous and various situation found throughout the country. While such research serves a useful function in the formulation of national programs, it is of limited value to individual rural communities.

Most rural communities cannot employ officials on a full-time basis who are capable of formulating and implementing long-term development plans. Lack of such technical support has placed rural communities at a distinct disadvantage relative to urban towns and cities. To help fill this gap, the Committee recommends that technical advisors trained in community planning be made available to rural communities. The organization and funding arrangements for this could be patterned after the system developed to provide technical assistance to farmers. The land-grant universities and other state colleges and universities should be made an integral part of the system.

National Growth Policy

To assure a sound pattern of development in rural America and proper use of natural resources, the Committee recommends development of a national framework for land use planning. The Committee believes it is the responsibility of the Federal government to analyze the various consequences of alternative growth strategies, choose among them, and delineate a national growth policy. All Federal programs, including tax policies, transportation, housing and urban development, resource conservation, and welfare, must be oriented toward attainment of the goals of that policy. To accomplish this will require a major, Federally coordinated analysis of natural and other resources we have available to meet existing and known future national needs. The approach suggested in the proposed land use policy legislation cannot do this kind of job. It does encourage a stronger state role in assuring land use planning on a local level—an essential first step. But it does not acknowledge the need for overall Federal guidance of growth and development.

Getting the Job Done

In this section, the Committee has reiterated an oft-repeated agenda for meeting the problems of Rural America. The critical issue is how to mark these agenda items "accomplished."

The Committee does not plan to suggest what specific agencies in government should do the jobs needed to upgrade the rural sector. However, a visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. Rural America must have a real voice with the power to assure that the voice is heard and heeded. Improvement of the rural sector must be a national goal affirmed by action programs designed to meet specific objectives. The Committee firmly believes that stronger national direction is imperative and, therefore, does not believe the Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

The rural emphasis we suggested here does not necessarily imply that existing Federal housing and planning programs be split into rural and urban components. But the leadership emphasis recommended, along with the rural directed programs suggested above, are essential to assure balanced consideration of rural concerns within the present Federal structure. Existing general programs are biased toward the urban sector. The Department of Agriculture, although it may speak for rural America, does not have the force of program options at its disposal.

A MOMENT IN AMERICAN HISTORY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the distinguished Senator from West Virginia, the Honorable ROBERT C. BYRD, majority whip of the Senate, used this striking phrase at an impressive ceremony far back in the hills of our wonderful State last Saturday, June 17.

The occasion was the dedication of a permanent memorial to Nancy Hanks. The place was the birthplace of this remarkable woman. The sponsoring agency was the Historical Society of Mineral County.

Forty years ago a stone marker was set up on the site. But due to neglect it was difficult to find in open country. Recently a camp for young people has been established there, and arrangements have been made to assure the mother of Lincoln the respect that is due her.

Considering the difficulty of access, a large crowd assembled for the ceremonies. The Governors assistant presented a State flag, and it was my privilege to present a flag previously flown over the Capitol. Both will be on display at the site daily.

Senator BYRD's dedication address pointed clearly and forcefully to the significance of a moment in history. His address demonstrates that he has equal claims on our admiration and respect as an orator. Both his subject and his treatment of it should be of interest. I include it in the RECORD:

SPEECH BY ROBERT C. BYRD, A U.S. SENATOR FROM WEST VIRGINIA

Mr. Chairman, Congressman Staggers, ladies and gentlemen:

It is indeed a pleasure for me to be with you on this occasion, when we are gathered to mark a moment in American history. I have always thought it unfair that, throughout the ages, so many great women have been born to blush unseen, because of the brilliance and success of the men they mothered or married.

The whole world knows of the greatness of Abraham Lincoln. The world is very apt to forget that the qualities that made him great were born and bred into him. I am not a student of genetics, but Nancy Hanks, whose birthplace this is, undoubtedly had a major influence on President Lincoln's life.

Every American schoolchild knows that Abe Lincoln was born in a log cabin in Kentucky, but I wonder how many of them know that his mother was also born in a log cabin in what is now West Virginia? Most schoolchildren, if asked the question "What do you know about West Virginia?", would answer "Well, I know it produces a lot of coal." Most of them probably would know that this great State of ours is also one of tremendous natural beauty.

I wish it were possible for all of them—indeed, for every American—to be with us today in this beautiful setting. There comes to mind, William Shakespeare's lines in "A Midsummer Night's Dream":

"I know a bank whereon the wild thyme blows,
Where oxlips and the nodding violet grows
Quite over-canopied with luscious woodbine
With sweet musk-roses, and with eglantine . . ."

We are a far cry from Elizabethan England, but beauty knows no time.

In the quiet and peace of a spot like this, it is easy to ruminate on what has been, what is, and, hopefully, what will be. One hundred years is but a moment in the history of the world, but to us in this young Republic, it is half of our whole existence. When, at Appomatox, the clash of the armies was stilled, and an exhausted, but undaunted President was vindicated, the United States of America was set on a path of reconstruction and suffering at first, but later of progress and glory, the like of which the world had never seen. Though Abraham Lincoln did not live to enjoy even the beginnings of the glory years, the examples he set of courage, wisdom, and forbearance have inspired this nation for over a century. Here, where Nancy Hanks Lincoln is being honored today might be a most suitable place to pause, and ask ourselves if we have kept the trust which Lincoln and his mother left to us.

The story of pioneer America in the early nineteenth century is one of backbreaking toil, grinding poverty, and little, if any, immediate reward. To Nancy Hanks—as to almost all of her contemporaries—life was a constant struggle against nature, marauders, and the elements. Despite the dawn-to-dusk labors of men, women, and children, it was about all a family could do to feed and clothe themselves, and keep alive through the rigorous winters.

Yet, through all the deprivations and despair, those early Americans kept the flame of hope burning in their hearts; and through their strength of character, their dogged determination, and their love of God, they built for us who came after them, a magnificent legacy.

Nancy Hanks had no learning, other than the hard, practical lessons that every frontier woman and mother had to know to survive and to protect her children. Her husband, Thomas Lincoln, had little, if any, more. But Tom was a skilled carpenter and his reputation for competent, conscientious workmanship was known and appreciated.

Modern America—unlike the America in Tom Lincoln's time—has almost no place today for the dignity of work—we have built false values on the foundation of affluent prosperity. We look too often with disdain on the men and women who work with their hands, and who earn their bread in the sweat of their brow. We have forgotten what William Shakespeare knew, that "honest labor bears a lovely face . . ."

When Tom and Nancy Hanks Lincoln left Kentucky to journey to their new home in Indiana, they had nought but their two young children, some household possessions, and Tom's carpentry tools. But they had an abundance of faith, fortitude and love, and when, only a short time after the family had settled in their new home, Nancy Hanks Lincoln died, her legacy to her daughter Sarah and to her 9-year-old son, Abraham, was not of material things. Her parting words to her children were "Be good to one another, love your kindred, and worship God." These words, spoken in pioneer days in Indiana, one hundred and fifty-four years ago, might well serve as a motto for all of us today.

In his essay "American Crisis", Thomas Paine wrote "Character is much easier kept than recovered." The most insidious influence that erodes character is an over-abundance of life's material comforts and the sybaritic trappings of great wealth.

By the sweat of their brows, the skill of their hands, and the blessings of a bountiful Nature, Americans have enjoyed a standard of living unequalled in the history of mankind. We are a generous people, and we have shared our abundance with many peoples less fortunate than ourselves, but with all our generosity to others, our bounty has been so great that we have come to look upon the horn of plenty as having no narrow end and no bottom. Unfortunately, that horn has a bottom, and unless the riches that are taken from it, are replaced, it can become sadly depleted.

And I am not talking only about the riches of the flesh; the horn of American plenty has always contained great riches of the spirit—riches that were put there by our Founding Fathers and by generations of our forebears.

We must revive some of the staid old values of which most Americans have been rightly proud and for which the world once admired us. We must cast away the false values that have crept into our society and we must put in their place a renewed appreciation of the spiritual qualities that sustained Nancy Hanks Lincoln, her son Abraham Lincoln, and so many of their contemporaries.

In 1777, when the crisis had been met and overcome, Paine wrote "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

Americans have supported that freedom through many crises—by the strength of arms and treasury. But most of all it has been supported by the character and the courage of the American people.

Our nation today is going through another crisis—a crisis of the spirit. It behooves us, always, to look to our military security. But it behooves us, equally, to look to the security of the spirit and of the heart.

We accepted an incomparable legacy from the generations of Americans who produced Nancy Hanks and Abraham Lincoln, and who built this country from a rich, but wild wilderness, into the colossus it is today. If we are to keep their trust, we must experience a recrudescence of the spirit; for only then will we have the flesh.

Nancy Hanks Lincoln will be remembered in history—not only because she bore and and nurtured the 16th President of the United States, but also because she personified so many of the sound human qualities that are bred in simplicity. She did not wave flags; she did not espouse causes or spearhead movements; she did not curse the darkness; but, in her own dedicated way, she lit whatever candles she could for her children and for her husband. She showed, as have so many others like her, that small, seemingly unimportant tasks, well done, are their own lasting monuments.

When, if ever, the history of the world, as we have known it, is written, there will be few words for the militants, the extremists, the demonstrators, or the flamboyant would-be revolutionaries. But history will save its finest chapters for the lowly woman who washed the feet of the Son of a carpenter from the tiny village of Nazareth, or the humble woman who mothered the son of a carpenter in the village of Elizabethtown, Kentucky, and others like them who, by their words and their actions, taught the world to "be good to one another, love your kindred, and worship God."

THE REVENUE SHARING BILL

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to comment briefly on the concept of revenue sharing and to express my intention to vote for H.R. 14370, the Federal revenue-sharing bill we are considering today.

The concept of revenue sharing is well known and the basis for its support is the desire to strengthen the role of local government in recognition of the maxim that it is the government closest to the people which can serve them best, providing it is efficient and has the revenues to meet responsibilities.

The revenue-sharing concept will effectively strengthen local governments by providing them with the necessary financial resources they need to do their job. All the good intentions of local government will be worthless unless backed up by money. Revenue sharing will provide the money.

Having served many years in local government, I am fully aware of its potential. However, I am equally aware of the fact that these governmental units have practically exhausted their sources of revenue. Property taxes, which have been the backbone of local governments revenue, have reached the point beyond which they cannot go. Passing this legislation will serve to broaden their tax base and can, with increased administrative efficiency, permit lowering of property taxes.

The time has come for a new redirection of the revenue allocation formula from the national Government to State and local governments. This new redirection will be coupled with a redirection of effort and responsibility to each community from faraway Washington.

People in a democracy demand effective and responsive government. They can most easily obtain it from the local level where they have the closest control.

The revenue bill before us today is not the one I have introduced nor is it the bill I would prefer to see enacted. It is not perfect. But, it is rare indeed when anyone can say a bill before the Congress is precisely and in each detail a perfect bill.

However, this bill will definitely initiate the revenue-sharing program. It will definitely provide much needed revenues to local governments. It will definitely increase the ability of local government to meet local needs with local solutions. And, it definitely should have the support of each one of us who believes in strengthening local government.

I have received many letters from mayors, city officials and county officials asking that I support this measure. I have received some letters opposing the legislation as it was approved and presented to the House by the Ways and Means Committee.

I am frank to admit I have some reservations about this bill and would have preferred the administration proposal as originally presented which Chairman MILLS has said he also preferred—in

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describing certain provisions of the proposal.

However, over the years I have consistently advocated the advancement and adoption of a new "Domestic Doctrine of the 3 R's—Rights, Responsibilities, and Revenues" in order to make the Federal system more efficient, responsive, and functional.

Further, with the mobility of our population and people "on the move," as a result of changing job opportunities, and the rapid improvements in our transportation and communications systems, we must recognize the need to supplement and broaden the tax base of State and local governments.

At the same time, the Congress must give more attention and serious consideration, in the very near future, to changing our philosophy away from categorical aid grants to consolidated revenue-sharing "block grants." This will minimize "redtape," eliminate the need for local "matching funds," leave the decisionmaking authority with local governments, save money, increase efficiency, and provide more return to the taxpayer for his tax dollar.

The time is long overdue for a tax structure and revenue allocation revision at all levels of government. It should be simplified, duplication in programs must be eliminated and wasteful, outdated programs should be abolished. We must do this if we, as a Nation—a federation of State and local political subdivisions—are to be competitive with other merging economic and political unions throughout the world. We cannot afford the inefficiencies of "bungling bureaucracies" if democracy in our Republic is to survive. This is the challenge that all elected officials face. This is what the people are demanding. Based upon my 17 years of elective experience, I know it can and must be done.

Shortly after my arrival in Congress some 10 years ago, I prepared, circulated and had adopted by the local officials and units of government a "home rule and tax reform resolution."

Inasmuch as this is historic and "landmark legislation", I want to read the contents and language of that resolution which was adopted, at that time, by all the counties of my First Congressional District in California.

It reads as follows:

RESOLUTION

Whereas, all local governments in the United States of America are firmly committed to the advancement of the principles of home rule and local self-determination; and,

Whereas, these precious principles of American local government are meaningless unless the counties, cities, school districts, and other special service districts concerned have available tax sources for financing local government functions; and,

Whereas, with home rule there invariably comes the necessity of home responsibility and the challenge of home achievement since the fulfillment of home rule does not involve the denial of governmental services to the people nor does it involve their being furnished at substandard levels; and,

Whereas, the common property tax is now the universally overloaded mainstay of local government finances with the inevitable result that self-sufficiency of local governments is seriously hampered; and,

Whereas, local governments need additional independent sources of revenue in order to enable proper home rule performance of governmental services; and,

Whereas, strong local government is the foundation of our Republic;

Now, Therefore, Be It Resolved by Cities and Counties of California's First Dist. that support is hereby expressed for the allocation of specific tax sources to local government; and,

Be It Further Resolved that support is hereby expressed for an immediate revision of the tax structure at the state and federal level with the single goal of returning tax sources to local units of government, thereby enabling said local governments to be more self-sufficient in their own right.

A SALUTE TO EDUCATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise today to join in a salute to education which is being led this week by the National Education Association.

It is, I believe, particularly fitting that those of us who are Members of the 92d Congress should this week be joining in recognition of the role that education plays in American life.

For, Mr. Speaker, earlier this month the House of Representatives approved and sent to the White House a bill which contains a variety of programs of immense benefits to American education.

This legislation, the Education Amendments of 1972, includes what I believe to be the most significant advance in Federal support for higher education since President Lincoln signed the Land-Grant College Act over a century ago.

The bill authorizes a new program of basic educational opportunity grants which entitles each student to $1,400 annually, less what his or her family can reasonably be expected to contribute.

The bill also creates a new National Student Loan Marketing Association to stimulate new capital for the guaranteed loan program.

Of particular significance, Mr. Speaker, is a new program of direct institutional aid to colleges and universities, both public and private.

The amount of assistance estimated to be provided under this new program is $1 billion annually.

In addition, the measure authorizes $40 million annually in emergency grants to institutions in severe financial distress.

Another provision of the bill provides institutions enrolling veterans $300 for each veteran enrolled and an additional $150 if the veteran is in a special or remedial program.

I should like, Mr. Speaker, to draw particular attention to another title of the Education Amendments of 1972, a title which authorizes a new National Institute of Education within the Department of Health, Education, and Welfare to support research and development at every level of American education.

As sponsor of this measure, which was originally proposed by President Nixon, I believe the National Institute of Education gives promise of significantly improving the quality of teaching and learning in our country.

The bill Congress passed also provides funds for community colleges, occupational education, Indian education, and a new program of grants to help schools facilitate desegregation.

In addition, the measure provides grants to colleges and universities to encourage reform and innovation in higher education and grants to encourage expansion of State scholarship programs.

I should also, Mr. Speaker, observe that the Education Amendments of 1972 provide for extending all existing higher education programs.

THE HATHAWAY AMENDMENT

So, Mr. Speaker, this 92d Congress has not simply saluted American education in words but in deeds.

Not only has this Congress shaped this extraordinary omnibus education legislation, but also has voted additional money for existing education programs.

Only last week, the House voted approval of the quality education appropriations amendment proposed by our able and distinguished Congressman from Maine, Congressman WILLIAM HATHAWAY.

The Hathaway amendment, which won strong bipartisan support, provides for appropriations beyond those requested either by the administration or the Appropriations Committee for a number of essential programs.

Benefitting from the Hathaway amendment will be elementary and secondary school libraries, public libraries, vocational education, children in school districts eligible for the title I Elementary and Secondary Education Act program to benefit disadvantaged children, and children who benefit from both the guidance and counseling, and supplementary programs.

In short, Mr. Speaker, Members of the 92d Congress can take great pride in the achievements and contributions of American education while at the same time making a significant effort to raise the quality of education and widen access to education for all the people of our country. The record shows that this Congress has not taken lightly its responsibility to education.

BANK TRUST DEPARTMENTS AND ECONOMIC CONCENTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN), is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the growing domination of institutional investors—particularly bank trust departments—of the stock markets is posing serious problems for our entire economic structure.

Nothing is more important—in my opinion—than the question of economic concentration. The concentration of wealth and economic power in the hands of a few has been intensifying in recent years and it threatens to change our entire way of life.

In the coming political campaign, I sincerely hope that these issues will be discussed and that the new Congress and the new administration will be solidly behind efforts to regulate and control this power so that the public interest can be promoted and protected. I am hopeful that the Democratic Party will deal with these questions when it adopts its platform in Miami next month and when it nominates the next President of the United States.

Yesterday, I had the opportunity to discuss these issues at a meeting of the Trust Management Conference in New York City. Mr. Speaker, I place in the RECORD a copy of my remarks to this conference:

REMARKS OF THE HONORABLE WRIGHT PATMAN

This is an election year, and we are hearing lots of rhetoric about welfare reform, tax reform, the War in Vietnam, job programs, human rights and a multitude of other problems. All of these are important areas, well deserving of exposure in a national political campaign.

But, during this campaign, I hope that the American people will demand some fundamental answers to basic questions that have been raised by a rapidly changing economic structure. I refer to the question of economic concentration which threatens to transfer the real decision-making of this nation from the people to a handful of economic giants in the business and banking world.

If we continue on our present trend, we may develop a system of political democracy within—and totally dominated by—an overpowering economic dictatorship. The decisions which the people reach at the ballot boxes—and the decisions of the leaders they select—are becoming pale beside the more fundamental and vastly more far-reaching decisions being made by a handful of men in the board rooms of our largest banking institutions, and giant corporations, and conglomerates. They are consolidating power while the Congress, the Administration, and the American people sit passively by mouthing patriotic slogans about political democracy while losing this basic economic right.

These are admittedly strong words. They are intended to be. The problem is real and the trend must either be reversed now or the people of this nation must become reconciled to concentrated bases of power where competition will be lessened, choices limited, and the development of this nation stifled.

Unfortunately, the alarms about the growing concentration of economic power are being sounded primarily in obscure publications, by inadequately-distributed books, authored by a few courageous individuals. Seldom is the issue of economic concentration clearly spelled out in the popular press. The editors of our great newspapers have—in many cases—assigned technical journalists to the financial pages and much of the news appears as little more than sophisticated versions of corporate annual reports. But, whether the daily press, the television networks, and the mass circulation magazines report it or not, the trend is clearly evident.

At the end of 1971, the 500 largest industrial corporations in the United States accounted for 66% of all industrial sales, 75% of all industrial profits, and 75% of all industrial employment. Today, the top 366 corporations control more than 50% of industrial production in this Nation.

The Economics Division of the Federal Trade Commission a few years ago warned:

"If the present accelerated trend of merging nonrelated companies continues, all major economic decisions in the United States may be made by less than 200 persons within a decade."

And the way the trend has been snowballing, it appears very likely that this FTC projection will be well on the conservative side. Moving steadily with the concentration of the industrial resources has been the consolidation of power within the big banking institutions.

In 1966, the 50 largest commercial banks had slightly more than 44% of the deposits of all banks in the United States. By the end of last year, this figure had increased to more than 49% and the trend indicates that the 50 largest will soon control well over half of all the bank deposits in the entire United States.

These bank figures might not be so important if banks were actually banks. But nearly all of these large banking institutions are today the center of far-flung operations reaching into every segment of the American economy and in foreign countries. Through their trust departments, bank holding company operations, and their interlocking directorships—not to mention their vast loan-making powers—these banking institutions have a pervasive influence on every aspect of economic activity.

A few years ago, I had the staff of the Banking and Currency Committee survey 49 banks in ten major cities and there we found more than 8,000 interlocking directorships with more than 6,500 companies. More than 750 of these interlocks were with 286 of the 500 largest industrial companies in the United States. And substantially the same degree of interlocking relationships were discovered between these 49 banks and each of the 50 largest mechandising, transportation, utility and life insurance companies.

In a democracy, this is a startling concentration of power and decision-making in the hands of an elite few. These figures should be cause for deep concern by anyone who cherishes this great country and the concept of freedom and opportunity for all which it represents.

This growing concentration of banking resources and the increasing interlocks—and related ties—between banks and commercial enterprises, are serious threats to our concept of economic freedom. But the power represented by these developments may become insignificant when placed alongside the growing concentration of stockholdings controlled through the trust departments of major commercial banks.

Today, as this audience knows, there are more than $330 billion in bank trust assets in the United States. And 50% of this sum is held by only 20 bank trust departments. To carry this one step further, the figures reveal that the 50 largest bank trust departments hold more than two-thirds of the $330 billion. One trust department alone—the Morgan Guaranty of New York—holds more than $22.7 billion in trust assests—or 6% of the total bank trust assets of the 50 states.

About 40% of the $330 billion in the bank trust departments represents pension funds. Pension funds are growing rapidly and it may well be that this sector will top $300 billion in assets by 1980. The banks have grabbed a tight lock on pension fund management and, today, they control at least 70% of these assets. So for the future, the pension funds are going to be a source of great power for commercial bank trust departments.

Already the tremendous scope and concentration of the stockholdings in major trust departments is hard to describe or to exaggerate.

The public got the first real look at the magnitude of trust department stockholdings when the Banking and Currency Committee published its study in 1968. Recently, a few bank trust departments—obviously worried about the possibility of disclosure legislation—have finally released some data of their own.

I have had the staff of the Banking and Currency Committee analyze some of these figures so that we could calculate the percentage of stockholdings controlled by these trust departments. As examples, let's look at the trust departments of Morgan Guaranty and First National City Bank. The staff analysis—using the basic data supplied by the banks own trust departments—reveals that Morgan Guaranty controls: 16.3% of the common stock of Burlington Industries; 15.9% of Disney Productions; 10.1% of Masonite; 8.7% of Polaroid; 8.2% of Squibb; 8.1% of Avon Products; 5.7% of U.S. Plywood; 5.4% of Xerox and 5.1% of Westinghouse.

The staff calculated that First National City Bank's trust department controlled 7.4% of Phillips Petroleum; 7.6% of Texas Instruments; 9.5% of the Bendix Corporation; 5.9% of TRW, Inc.; and 5.9% of Xerox.

Remember, these are just two examples. And they are examples based on the banks' own data. This is only the tip of the iceberg.

Some may regard this as theoretical . . . removed from everyday practices in the banking world. But let's take the example of Penn Central. This is a real case—not theory.

JUST before Penn Central went bankrupt, 16 of that corporation's 23 directors were directors of 19 different banking institutions. 17 of the 30 largest stockholders of the Penn Central were bank trust departments. The bank trust departments had more than 22% of the Penn Central common stock. In addition, these same banks had hundreds of millions of dollars of credit outstanding to Penn Central and its subsidiaries.

I am convinced that many of the bad decisions made by Penn Central can be traced back to the close ties to the banking community.

Without question, the banks are deeply into the securities business and, without question, their investments have a tremendous impact on the stock market and the American economy. But the banks are grabbing for still more. They are hoping that they will be able to repeal—or sharply modify—the Glass Steagall Act passed in 1933 to provide a clear separation of commercial banking from investment banking and securities brokers. The banks are hoping that a lenient Federal Reserve Board will eventually come up with loose interpretations of the Bank Holding Company Act which allow them to slide into the securities business . . . the Glass-Steagall Act notwithstanding.

As you well know, the First National City Bank of New York made a direct assault on the Glass-Steagall Act when it set up a mutual fund business in the mid-1960's with the benevolent approval of the Comptroller of the Currency. Happily, the Supreme Court turned back this effort and ruled that the Glass-Steagall Act did indeed prohibit a bank from entering this aspect of the securities business. But the banks are not through and I think we will see continuing legislative efforts to over-turn this Supreme Court ruling.

The Federal Reserve has already permitted banks to become investment advisors to mutual funds on a limited basis. The banks have also used every political device imaginable to promote legislation which would permit them to underwrite municipal revenue bonds. More recently, the President's Commission on Financial Structure and Regulation—the so-called Hunt Commission—appointed by President Nixon in 1970—has recommended that commercial banks be permitted to make equity investments for their own accounts.

The pressure to expand the role of the commercial banks in the securities business is coming from several directions and it is backed by one of the nation's most powerful and best-financed lobbies.

The mere concentration of economic resources of this magnitude would be serious enough all by itself. But, the problem takes on even more sinister—and certainly more serious—aspects when the concentration is coupled with the monopoly and utility func-

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tions involved in the credit mechanism of commercial banks.

The entire nation—every part of the economy—depends on credit and the system works best when there is a free flow of credit unencumbered by the extra-curricular commercial and investment interests of the banking institutions.

When the banks are tied to commercial interprises through investments and holding company mechanisms, their loan-making judgments become distorted and these distortions can be highly detrimental to the banks themselves—not to mention to the commercial enterprises which are forced to compete with them.

All of the public relations handouts notwithstanding, it is absurd to think that the banks are going to ignore the investments of their trust departments when they face major loan decisions. It is equally absurd to think that a bank will ignore the needs—and the competitive problems—of its holding company subsidiaries.

This mixture of the credit function with the control of corporations can seriously affect the future of this Nation. For one thing, it could easily stifle the financing of much-needed innovations, of new companies, willing to use new ideas to meet the tremendous challenges we face as a Nation. We would soon find ourselves with all of the ills so evident in a non-competitive society—enterprise discouraged, development of new products disappearing, higher prices, inefficiencies, and sloppy goods. We would find a massive misallocation of credit resources

In short, the mixture of that all-powerful force—credit—and commercial enterprise—would be disaster for this Nation. There is only one solution and that is the firm separation of investment and commercial activities from those of banking. Anything short of that is just a facade which will not prevent the aggressive money center banks from moving forward toward total domination of the economy.

In fact, the entire area covered by institutional investors cries out for greater attention by the Congress and the Securities and Exchange Commission. In the past decade, institutional investor trading on the New York Stock Exchange grew dramatically from 33% to 60% measured by the number of shares traded. And from a purely dollar standpoint, the percentage rose from 39% to 68% in the same-ten year period from 1961 to 1971.

These figures pretty well demolish the tired old cliche about the wide dispersal of stockholding. While it may be true that a great number of Americans technically own shares, the real control—in most cases—rests with institutional investors.

All of this points to the need for new approaches to regulation both from a statutory and from an administrative standpoint. Frankly, the Congress, the S.E.C., the Bank Regulatory Agencies and the Executive Branch have failed to live up to their basic responsibilities in this area.

Today, jurisdiction over various aspects of institutional investments is scattered all over the Federal Government and we have no coordinated policy despite the growing importance of this element of our economy. The Department of Labor, for example, has extensive jurisdiction over pension funds. The I.R.S. maintains a semblance of regulatory power over privately-controlled foundations. The bank supervisory agencies get involved—in their own peculiar way—in the examination of bank trust departments. And, of course, the S.E.C. maintains its traditional regulatory role over some segments of the institutional investment community.

But with the growing importance of this area, we need something bolder . . . something more imaginative . . . something that would help move these tremendous investments into areas that would have a great impact—a beneficial impact—on the Nation's economy.

I feel that the time has come to coordinate all aspects of regulation of institutional investors and to upgrade the role of the Securities and Exchange Commission for this purpose. I would give the S.E.C. original jurisdiction over all elements of the institutional investment community—foundations, pension funds, bank trust departments, and all the others . . . the entire range. Obviously, such an approach—to have meaning—would have to go beyond the traditional S.E.C. regulatory role.

It is my intention to give them broad supervisory powers, and—when necessary—to control and direct investment. I would do this not only to protect the money being invested, but also to protect the broader public interest in maintaining a competitive enterprise system. To accomplish this, S.E.C. would have to establish a special Division with expertise—and a public interest character—going beyond the nuts and bolts of the securities business.

Institutional investors—by definition—are dealing with other people's money. And this fact alone points to the need for greater supervision than would be true in the case of private investments being made solely by individual investors. But the over-riding consideration in this proposal is that institutional investors represent a tremendous and powerful concentration of investments and this area simply must be controlled for the broad public interest.

Nonetheless, I recognize that the coordination of all of these functions within S.E.C. would be a mammoth undertaking. I do not underestimate the political difficulties in accomplishing this.

But speaking just to the question of one element of the institutional investment community—bank trust departments—I think there are at least nine basic points which must be considered in any regulatory legislation. I think we must concentrate on legislation which would:

1. Retain and strengthen the strict legal separation between the commercial banking function and the investment banking function.

2. Separate the trust department activities of commercial banks from the purely commercial banking functions of deposit-gathering and lending.

3. Require that banking institutions remain essentially in the banking business and resist any attempts to permit a broadening of their activities into non-banking areas.

4. Maintain a strict enforcement policy in applying the antitrust laws to banking in order to maintain and increase competition.

5. Press vigorously for antitrust enforcement in the area of trust management, where in some parts of the country, one or two bank trust departments have a virtual monopoly.

6. Eliminate all interlocking relationships, such as stockholdings and personnel, among competing financial institutions, i.e., among commercial banks and between commercial banks and insurance companies, savings and loan associations and mutual savings banks.

7. Restrict the percentage of aggregate investment by any single bank trustee in any single major corporation so that undue influence or control will be impossible to achieve.

8. Examine the desirability of eliminating interlocking personnel relationships between commercial banks and all major nonbanking corporations.

9. Examine in detail for possible legislative action the role that commercial banks play, through the granting of loans, in fostering increased concentration and reduced competition in other industries because of the power to grant or withhold credit; and the extent to which banks play a significant role in promoting major corporate mergers through loans and other relationships with the companies involved.

These are just a few of the areas where we need to move—vigorously—to instill a public interest factor before these giant trust departments—and the banks to which they are attached—become so politically and economically powerful that regulation will be impossible.

The chances for passage of strong trust department regulatory legislation are good in the next Congress—with one great big "if" involved. The success obviously will depend on an Administration which believes in a competitive enterprise system and which is willing to go out and fight the big corporate and banking giants to keep it competitive.

There is no need to belabor the point or launch into a partisan diatribe here today, but the fact is on the record that the Nixon Administration has taken an extremely easy view of Federal regulation. . . . And no where has this been more evident than in the banking field.

And I imagine that these facts would be much easier to dramatize for the American public if the Administration consented to lift the Iron Curtain of Secrecy which surrounds the political contributions to the Nixon re-election campaign this year. The Campaign Manager for the President tells us that it's none of the public's business who gave the $10 million to the campaign before the new political disclosure law became effective. But the areas I have discussed here today are some of the reasons why it is indeed important that we know who bankrolls this Administration, and any other administration.

In my opinion, nothing is more important than this question of growing economic concentration. It is something that I hope the Congress—and the next Administration—are going to deal with firmly—like the very life of the American economic system depended on it.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, at this time, as we participate in a salute to education, it is essential that we consider the purposes of education, for in our modern era these have often been forgotten.

During my years as a university history professor, I considered it essential to help young people think for themselves and to provide them with the tools essential for this task. Basic tools in this effort include an understanding and appreciation of the values, heritage, and tradition of the American society and of western civilization.

Education in this sense, which is the basis upon which our public and private schools, colleges, and universities were established and under which they have flourished, is essential for the proper functioning of a republic. Unless citizens are informed and educated it is impossible for them to make the important decisions which, in a republic, average citizens are called upon to make. In this sense, education and political freedom go hand in hand. It is difficult to conceive of the one without the other.

Yet today students on campuses throughout the country are demanding that education be made "relevant." They claim that the colleges and universities are far removed from the needs of society, that their years of learning are essentially a cloistered unreality.

It is, as a result, important to consider the question of what is really relevant education.

Addressing the graduating class at Amherst College several years ago, Dr. Kenneth B. Clark, Negro psychologist and professor at the City University of New York, made an impassioned defense of what he termed "nonrelevant" education. He called on colleges to recognize the needs of those who did not seek immediate relevance in their studies—students whom he called the forgotten men of the present ferment of campus confrontation.

Clark stated:

It is from these perverse lonely nonrelevant educated persons that a practical society receives antidotes to a terrifying sense of inner emptiness and despair. From these impracticals come our poets, our artists, our novelists, our satirists, our humorists, who, because of their perspective of education and their restless search for insights, continue to try to educate us. They make the life of the thinking human being more endurable and the thought of a future tolerable.

What do students mean when they raise the question of relevance? Relevant to what? What they ought to mean, perhaps, is "relevant to wisdom," though many think only of "relevance to current affairs." The notion of "adjournment to modern society," however, may not be relevant to what we have traditionally called higher learning.

In his novel, "Scott-King's Modern Europe," Evelyn Waugh's hero learns by a summer's experience of modern society that it would be infinitely wicked to teach young men to adjust to life in the modern world. Russell Kirk notes that—

To adjust to the age of the mass state, of the concentration camp, the secret police, and injustice triumphant, would be sin and shame. The higher learning is not meant to inculcate conformity to passing fad and foible, nor necessarily to present domination and powers. It is intended, rather, to reveal to us the norms, the enduring standards, for the person and the republic. Adjustment to abnormality is ruinous policy.

Modern technology alters so rapidly that, as Peter Drucker has pointed out, the college and university cannot possibly keep abreast of industrial methods. What higher education should do is to discipline the intellect so that it may be applied to future productive processes as to many other matters. "The truly relevant things in a college are the permanent things," in T. S. Eliot's phrase. They are the body of knowledge not undone by the machinations of the world.

Is such an education "relevant"? Dr. Kirk states that:

If a formal education does not bear at all upon our personal and social difficulties today, of course it is a sham and worthless; in that, the students of the New Left are quite right. But no modern authors are more genuinely relevant than are Plato and Augustine today. Preoccupation with the passing pageant is merely the sort of "relevance" which the big commercial book clubs sell; and college and university were not endowed for that purpose.

As we join in today's salute to education, let us reflect upon its real meaning and real value for a free society. Hopefully, that meaning and that value will endure, for within it rests all hope for a future which learns from the errors of the past, rather than a future which closes its eyes to history and is, as a result, condemned to repeat such errors. Education was meant, at least in part, to save us from this.

TO CONTROL THE DISSEMINATION OF PORNOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, all of us are familiar with the report of the National Commission on Pornography in which a serious weakening of our pornography laws was urged. I, and a number of Members of this body and the Senate, rejected this report with the feeling that, if anything, our pornography statutes must be strengthened. However, many court decisions have restricted the area in which States and the Federal Government can effectively operate to control obscene material.

The Commission urged a complete reform of our pornography statutes. I reject this view. If the Federal statutes on obscenity are to be changed, they should be made more effective. Throughout the judicial revolution of the past 15 years, one premise continues to be upheld by the court and that is that obscenity is not protected by the first amendment. Recently, in the case of *Stanley* v. *Georgia*, 394 U.S. 557 (1969), the Supreme Court held that States have a right to control dissemination of obscene material without countermanding the first amendment. Furthermore, the decision stated:

As we have said, the States retain broad power to regulate obscenity; that power simply does not extend to mere possession by an individual in the privacy of his home.

The leading case in this area is *Roth* v. *United States*, 354 U.S. 476 (1957), in which the Court stated that obscenity is not protected speech within the guise of the first amendment. Mr. Justice Marshall in the recent Stanley decision strongly stated that the principles enunciated in the Roth decision had not changed. Further, the courts, in the case of *United States* v. *Reidel*, 402 U.S. 351 (1971) ruled that the Congress constitutionally can prevent the mails from being used to distribute pornography based upon the fact that the Congress has the right to exclude noxious articles from commerce.

It has been a long-standing principle in the United States that the Federal Government has the right to help States in the preservation of their internal control by preventing the use of the mails or interstate commerce from transporting material which they would label contraband. This is the basis for obscenity laws at the National as well as the State level.

Recognizing that moral standards as to what is and what is not obscenity vary throughout the Nation, I feel that the law should be flexible. For that reason I am today introducing legislation which would provide that in any prosecution for the shipment of obscenity in interstate commerce in a Federal court, the determination of fact as to whether or not a material is obscene will be based upon the findings of a jury, without comment by the court upon the weight of evidence relevant to that question. The jury trial can be waived only upon agreement of both parties.

The second part of my bill would amend the United States Code to prevent the judicial review by any court of the United States with respect to any conviction in any State or subdivision thereof of any case regarding dissemination of pornography. Federal courts would be prevented from reviewing, reversing, or setting aside the determination by State courts as long as the State court acted within the bounds established by the U.S. Supreme Court in 1957 with regard to the Roth and Alberts cases.

Mr. Speaker, with the enactment of this bill, I believe that a great deal of the uncertainty with respect to the control and dissemination of pornography would be eliminated. Furthermore, this would assure that States would be able to internally control the dissemination of pornographic material under the rules set down by the Supreme Court.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, it is with great pleasure that I rise to join my colleagues in praising the men and women who provide our children with the finest educational opportunities in the world.

The teaching profession is unique in that it is both the custodian of the history of our civilization and at the same time the incubator of our future. The commitment of individual teachers to the principles of free and rigorous inquiry, open discussion, and respect for other peoples' opinion, upon which our society has been based, is reflected and multiplied in the attitudes of their students. We owe these people a great deal and will continue to depend on them in the future.

We have come a long way from the days of Charlemagne, whose national educational goals were to teach all the adult males in his empire to predict the seasons and be able to tell time by the sun. The amount of information required for an adequate education has exploded in the last century and continues to expand at an incredible pace. Young people today must learn hundreds of things for everyday use that were unknown a few years ago.

I am pleased to see the fine job that is being done and look forward to working with our educators in preparing for the even greater task ahead.

A SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the American people have always believed that education is the well spring of national greatness. In recent years they have reaffirmed that traditional faith by giving greater support to their schools than any nation at any time in human history.

Our country's investment in education at all levels has risen steadily over the past quarter century until it now represents about 8 percent of the gross national product. This year it will exceed $85 billion—a rise of $28 billion in the past 5 years. We are now spending about $900 per pupil in average daily

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attendance in public elementary and secondary schools—more than double the amount we spent per pupil only 10 years ago.

We have greatly increased our human as well as our monetary commitment to education. Today education is the primary occupation of more than 63 million Americans—almost one-third of our population. More than 60 million students are enrolled in our public and private educational institutions. Three million Americans are serving as teachers and an additional 200,000 as principals, supervisors, and other instructional staff members.

It is much more difficult to measure improvement in the quality of our schools, but there is no doubt in my mind that we are getting a good return on our expanding investment in education.

Our teachers are better trained and better paid than ever before, and over the years there has been a continuing improvement in the ratio of teachers to pupils in the classrooms of our public schools. This year there are approximately 22 pupils for each teacher as compared with 25.6 pupils for each teacher a decade ago.

Young Americans today spend more time in school than any previous generation. More than 75 percent of our boys and girls graduate from high school, a rise of about 25 percent in the past two decades. The number of students enrolled in institutions of higher education has more than doubled since 1962. Over the same period, the number of bachelor's degrees conferred annually has also doubled, and the number of master's and doctor's degrees awarded each year has tripled.

American education has also progressed in many ways less adaptable to statistical measurement. We are focusing much more attention on the special educational needs of many people who have too often been neglected in the past: the physically, mentally, and emotionally handicapped; the economically disadvantaged; members of minority groups whose cultural and linguistic heritage has hitherto been given insufficient consideration and respect; adults who must adjust their occupational skills to the changing demands of a technological society. We are developing better methods of assessing the effectiveness of educational programs and better ways of disseminating promising new educational concepts and practices.

As chairman of the House Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare, I have been closely concerned with our national investment in education and the progress of our educational system. It is with a special feeling of pride and affection that I salute American education for its long record of continuing contribution to the welfare of our people and the strength of our society.

Mrs. HICKS of Massachusetts. Mr. Speaker, it is my pleasure to join with my colleagues in a salute to education and, in particular, to commend the National Education Association for its dedicated efforts for quality education in all our educational systems.

Prior to my election as Congresswoman from the Ninth Congressional District in Massachusetts, it was my privilege to serve as a member and chairman of the Boston School Committee from 1962 through 1967. In 1963 when I was chairman of the Boston School Committee, it was my extreme pleasure and privilege to place in nomination the name of Dr. William H. Ohrenberger as superintendent of the Boston Public Schools. Happily, he was elected to that high office. He has served in that position with high distinction ever since.

On August 31st of this year Dr. Ohrenberger will complete 8 years and 8 months as superintendent, and 42 years as a teacher and/or administrator in the Boston Public Schools. It is now my personal pleasure to pay tribute to this remarkable man and to catalog some of the great works of his 42 years of dedicated service to the school children of the city of Boston.

I wish to read into the CONGRESSIONAL RECORD some of the highlights and accomplishments of the 9 years of Dr. William H. Ohrenberger as superintendent of the Boston Public Schools:

THE 9 YEARS OF WILLIAM H. OHRENBERGER

It was a typical understatement when Dr. William H. Ohrenberger addressed the headmasters, principals, directors, and other administrators of Boston's schools in spring conference for the last time recently after nine years as Superintendent of Schools, and he said in part: "We shall leave with a sense of accomplishment.

The facts are that the records show that the Boston Public Schools have changed, expanded, and developed during the years of Ohrenberger leadership perhaps more for the better than in any previous decade of the city's history.

It seemed almost like the leaving of a legacy when the Superintendent said at the start:

"We are on the threshold of a school building program that not only is the nation's biggest, but is probably without equal in the world. We can be proud of the work that went into the opening of our four new schools last September, and the planning being done now for about 15 more schools to open within the next two years. By 1975 we are scheduled to have 75 new schools at a cost of over $300 million. If all that comes to pass, our Boston school district by then will be the envy of the educational world."

It was the Superintendent's purpose in that meeting of May 26 to review the school year currently ending and to provide specifics for September's reopening.

He talked with obvious pride of the several new programs activated since last September, particularly the Flexible Campus and Flexible Admissions programs which, like so many others developed over the past eight years, were the nation's first of their kind.

He talked also of some of the other "firsts" which now await fulfillment by others besides himself in the months and years immediately ahead.

Next September, Boston will open its first Central Food Facility with a capacity of providing 40,000 pupil lunches for daily distribution to the schools without their own kitchens. "Because of its modern automated equipment," Dr. Ohrenberger said, "this great facility will serve as a model food processing center for other major school systems."

Also next September, Boston will introduce two pilot programs which eventually will involve every future pupil citywide. One is the Right to Read program to be initiated next fall at three new open space schools. The other is yet to be announced publicly, a pilot program at the Jefferson School in Roxbury to serve as a test-ground preview for the spectacular new $23 million Occupational Resource Center scheduled to open in about two years and start providing every high school student citywide with a saleable skill.

The Jefferson will be occupied by 380 students selected from several high schools, and by 40 special education students. Curriculum will be based on training for occupations in the paramedical field,, including Hospital Assistant, Medical Secretary, and Dietary Aide. Teachers, counselors, principals and others, meanwhile, will be profiting from training and orientation in preparation for opening of the nation's first citywide Occupational Resource Center.

So it was that Dr. Ohrenberger talked of programs and facilities that are of the new and the now. Many of them are both unprecedented and unmatched nationwide. It remains for us, at this point, to look back and review some of the accomplishments of the Boston schools since Dr. Ohrenberger became Superintendent in October, 1963.

They went like this—year by year:

1963–1964—Started with new and strong nationwide emphasis on teacher recruitment coupled with sharp increase of student teachers. Began enrichment programs for the disadvantaged two years in advance of federal funding. Established pilot programs in Development Reading, and Pupil Adjustment through Guidance. Introduced Modern Math and Advanced Work Classes for Junior High students. Of great portent, and typical of many 'first steps' which later led to nationwide leadership, was a pilot program establishing a class for pre-Kindergarten children.

1964–1965—The drive for a library in every school citywide opened with creation of libraries in three junior high schools. The 40,000-pupil lunch program mentioned above was preceded in 1964–65 by inauguration of a bag lunch program in five schools. Senior high Guidance was expanded, and was introduced at the Junior high level. The Vocational Technical Institute, soon to be reestablished as a part of the citywide ORC, was opened in 1964. Also important was introduction of "Operation Second Chance," the Stay-in-School Program which was the forerunner of Boston's much-copied and nationally-famed Work-Study program at Boston High School.

1965–1966—This was the year Congress passed the Elementary and Secondary Education Act. The former tokenism of federal funding became much more than that. So Boston greatly expanded its already two-year-old program of Education for the Disadvantaged. Highlights included establishment of a Department of Compensatory Services, the first Work-Study program geared to former dropouts, beginnings of the Model Demonstration Subsystem, new classes for non-English speaking pupils, and creation of the Office of Program Development. Physical fitness activity began for the retarded. Boston initiated its State Department School-to-School Project with San Salvador.

1966–1967—A citywide kindergarten I and II program was implemented. And Boston is still the nation's only major city offering that great service for the four-year-olds citywide. The now highly successful School Volunteer Program had its beginnings. This was the year when administrative leadership was decentralized with appointment of six new Assistant (or Area) Superintendents to service schools in six separate city areas. Associate Superintendents then were able to concentrate on other important assignments.

1967–1968—The Individual Progress Programs, prelude to today's individualized teaching, were expanded to ten schools. A new course in Law was given at Dorchester High. Education for the disadvantaged was expanded greatly with increased federal funding. The National Teacher Examination was allowed as a substitute for the Boston exam. Teacher candidates then soared to a record 2,005 from 35 states at a time when other major cities were still opening school with a lack of teachers.

1968–1969—Boston's great building program came 'out of the ground' with opening of the now nationally-known elementary magnet in Roxbury, the William Monroe Trotter, Boston's first new school in years. Tradition was broken with introduction of classes for English as a Second Language. Also new were the first classes for Bilingual Education. The Department of Curriculum Development was created. Teacher candidates reached another record at 2,129. And a dream became reality as 52 members of the first Advanced Work Class of 1962 won scholarships to 27 major colleges.

1969–1970—The Building Program shifted into high gear with announcement of the 38 new schools to be built by 1975—26 elementary, five middle, six high schools, and a postgraduate business school. The Work-Study school produced its first 16 graduates in a September ceremony, then 61 more in June, 1970. The computerization of records for all Boston pupils was completed with addition of records for 57,000 elementary and kindergarten children. The new Curriculum Development Department activated five new curriculum guides and pushed ahead on seven others.

1971–1972—This was the year of the Boston School Department's greatest administrative reorganization in history. The Deputy Superintendent became directly responsible for operations of all schools with the Area Assistant Superintendents reporting to the Deputy. New assignments were given to the five Associate Superintendents involving their concentration on the following major fields of modern education and management: Educational Planning, Staff Training and Development, Special Services, Curriculum and Instruction, and Personnel. The six Area Assistant Superintendents were vested with increased authority to strengthen policies of community involvement and decentralization.

Also in 1971–1972—The Building Program featured opening of two truly modern elementary schools, the Joseph Lee and the John Marshall. The departments of Science, Audio Visual, and others moved to the newly-built Patrick T. Campbell Resource Center, a long-needed multi-service facility for all schools. The library program, introduced in three schools seven years earlier, now included 81 schools.

When Superintendent Ohrenberger had his final season-closing chat with his full family of citywide administrators he must have reflected upon all of the scores of happenings which were the hallmarks of his nine years as Boston's school leader. But on that day he talked only of the happenings of today and the plans for tomorrow—the way he usually talks.

Sentiment? At a time like that, and after 42 years as a teacher and/or administrator with the Boston Public Schools, saying "goodbye" to so many compatriots and good friends would be difficult for anybody.

Deputy Superintendent Thomas F. Meagher said it for Superintendent Ohrenberger and for everybody present when he closed the meeting by saying:

"Ladies and gentlemen, I am sure I can say that the respect and affection that all of you have for Bill Ohrenberger will remain in his heart forever."

Mr. ABBITT. Mr. Speaker, the National Education Association is today sponsoring a salute to education which seeks to emphasize the importance of education through a free society.

Certainly education—both public and private—has played a tremendous role in the development of our Nation and we can be justly proud of the significant achievements which our schools have made in preparing our citizens to assume their rightful responsibilities.

Each of us is a product of our total experience in life and all of us recognize the role which education has played in our lives. I am especially pleased to pay honor to the thousands of conscientious educators who daily go about their task of imparting knowledge and providing the needed inspiration for learning in classrooms all over America.

Frankly, although I take pride in the past and current achievements of education in America, I am greatly concerned over its future. We have made great strides in providing facilities, books, and other implements of education and more money is being spent today on our schools than ever before in history. Ironically, at the same time that we are building up the machinery of education, we are suffering a tremendous letdown in the morale of our schools. In large measure, this can be directly attributed to preoccupation of the Federal Courts and HEW with senseless attempts to remold and remake our public schools in order to satisfy the whims and fancies of minority pressure groups.

On this occasion I trust that those who seek the ongoing and improving of our public schools will at the same time recognize that we must not destroy the basic foundation of that which has served us so well for so long.

Mr. ROYBAL. Mr. Speaker, education in America has undergone considerable critique and reform in the last decade. Important themes have emerged: the need for individualized teaching methods, equal education for all children, stress on early childhood learning, and community and parent education.

One problem that continues to plague us is the high dropout rate among low income children. Too often these children are programed for failure under our present school system; they lack adequate educational opportunities and services. The persistence of this problem has convinced educators to develop teaching methods tailored to the specific needs and talents of each student. But all of these reforms and concerns need our strong support.

Mr. Speaker, I ask my colleagues to join with me in saluting those who have worked to better our educational system and to provide equal opportunities for all children.

Mr. POAGE. Mr. Speaker, the character if not the very survival of a nation, and indeed mankind itself, is dependent on the educational process and the men and women in the education profession.

On this day designated for a salute to education, it is befitting to pay tribute to outstanding educators. None I have known has left a more lasting and uplifting impact than Dr. Samuel Palmer Brooks, who served as president of Baylor University in Waco, Tex. A lasting memorial to him is his inspirational message to the Baylor class of 1931, delivered shortly before his death. It follows:

DR. BROOKS' MESSAGE

This, my message to the Senior Class of 1931. I address also to the seniors of all years, those seniors of the past and those seniors yet to be. This I do because I love them all equally even as I love all mankind regardless of station or creed, race or religion.

I stand on the border of mortal life but I face eternal life. I look backward to the years of the past to see all pettiness, all triviality shrink into nothing and disappear. Adverse criticism has no meaning now. Only the worth while things, the constructive things, the things that have built for the good of mankind and the glory of God count now. There is beauty, there is joy, and there is laughter in life—as there ought to be. But remember, all of you, not to regard lightly nor to ridicule the sacred things, those worth while things. Hold them dear, cherish them, for they alone will sustain you in the end; and remember too that only through work and ofttimes through hardships may they be attained. But the compensation of blessing and sweetness at the last will glorify every hour of work and every heartache for hardship.

Looking back now as I do, I see things with a better perspective than ever before and in their truer proportions. More clearly do I recognize that God is love. More clearly do I understand the universal fatherhood of God. More clearly do I know the brotherhood of man.

Truths do not change. The truths of life which I learned as a student at Baylor have not varied, nor will they vary. I know now that life has been a summary of that which was taught me first as a student here. As my teachers have lived through me so I must live through you. You who are graduating today will go out in the world to discover that already you have touched much of what the future holds. You have learned the lessons which must fit you for the difficulties and the joys of the years to come. Then hold these college years close in your hearts and value them at their true worth.

Do not face the future with timidity nor with fear. Face it boldly, courageously, joyously. Have faith in what it holds. Sorrow as well as happiness must come with time. But know that only after sorrow's hand has bowed your head will life become truly real to you, for only then will you acquire the noble spirituality which intensifies the reality of life. My own faith I have had in life is projected into this vast future toward which I travel now. I know that I go to an all-powerful God wherever He may be. I know that He is a personality who created man in His image. Beyond that I have no knowledge—no fear—only faith.

Because of what Baylor has meant to you in the past, because of what she will mean to you in the future, oh, my students, have a care for her. Build upon the foundations here the great school of which I have dreamed, so that she may touch and mould the lives of future generations and help to fit them for life here and hereafter. To you seniors of the past, of the present, of the future I entrust the care of Baylor University. To you I hand the torch.

My love be unto you and my blessing be upon you.

Mr. CEDERBERG. Mr. Speaker, "free schools," "parochiade," "busing," "teacher tenure," "property tax relief"—the list goes on and on. The field of education is in turmoil, some say in the middle of a revolution. Many of the issues promote opposing factions which lash out at one another with vengeance. However, everyone, even the most antagonistic foes, agrees on the importance of the product—education. The very energy,

intensity, and earnestness which people exhibit demonstrates this. It is the methods or the means to the end, not the end itself, on which they differ.

It has been said, "To learn is to change and education is a process that changes the learner." Those involved in education have the opportunity and the responsibility to help make possible these changes and channel them into positive and desirable directions.

Our schools rank with the church and the home among our most cherished institutions. The transfer, expansion, and refinement of knowledge and skills are important in all aspects of our lives, although the burden falls most heavily upon these three institutions. June 21 has been designated to salute education and I would like to extend my appreciation and commendation to the teachers, administrators, parents, clergy, and others who have dedicated themselves to helping others learn and grow.

Let us look back on the accomplishments of education in America. Education has helped us grow from 13 colonies, where vast numbers of the population could not even read, to a federation of 50 States which has virtually wiped out illiteracy and become the most influential nation in the world. The "New England Primer" and "McGuffey Reader" have given way to slide rules, tape recorders, and closed-circuit television sets. Along with such advancements have come higher productivity in agriculture and other industries, faster communication and transportation, and many other technological advances. Education has helped make it possible to virtually end the fear of polio and other dread diseases, to bring all corners of the world into almost every American home via television, and to put Neil Armstrong and nine others on the surface of the moon.

Also, let us look forward to the future and the increasing need for more and better education. As our world becomes more complex, so must our education. Our increasing technology, larger population, and longer life spans have created problems that will be even more difficult to solve than those of the past.

In 1957 sputnik shocked the Nation into providing education in greater quantity, especially in the physical sciences. The years ahead will undoubtedly focus more on the quality of education in addition to the quantity. The emphasis will be on the social sciences and the arts as well as the physical sciences. Man has developed weapons so powerful that he can destroy himself. Opposing sides may have to develop increasingly more sophisticated weapons in order to maintain a "balance of power," but they will also have to learn how to understand one another and communicate with each other.

We are at a point where we cannot take education for granted. As long as people want anything, they will have to learn how to satisfy those desires. This requires more education, not less. An American statesman once said, "All the ills of democracy can be cured by more democracy." It can also be said that all the ills of education can be cured by more education.

Mr. BURKE of Florida. Mr. Speaker, the National Education Association is having its salute to education today to emphasize the importance of education in our free society. I am pleased to join in this salute.

The Congress, since I have been a Member, has continued to increase Federal expenditures for education. In fact, the total overall figure spent on education in fiscal year 1971 was $12.7 billion and in fiscal year 1972 it is expected that it will be $13.5 billion. In addition, the sweeping Higher Education Amendments of 1971 which was passed by Congress on June 8 of this year, will greatly expand the role of the Federal Government in higher education, and will mean more millions to colleges and college students across the Nation.

There is a popular song that goes:

Only in America can a kid from anywhere go to sleep a pauper and wake up a millionaire. Only in America can a kid without a cent get a break and maybe grow up to be President. Only in America, land of opportunity....

The United States has always been a place where dreams can come true. The third-best American dream after "Anyone Can Be President" and" Anyone Can Make a Million Dollars" is, "Almost Anybody Can Go to College."

It is a credit to the educational programs of this Nation, that by 1970, 80 percent of all 17-year olds went through the 12th grade in high school. Further, the 23.9 percent enrollment of all 20 to 24-year olds in higher education is the world's high for those enrolled in higher education. Today, 50 percent of our 18-year-olds enter college, however, only about half of those attending 4-year colleges receive a degree.

Nevertheless, these figures show that, quantitatively, our elementary and secondary schools are reaching almost all youth in this country. When we consider other countries, or even our own country several years ago, we can more clearly see the magnitude of this achievement. The fact that we have one common language is an unparalleled feat in world history. We are a nation of immigrants, yet we can all understand each other because we have a common language. Most other nations are plagued with numerous languages and dialects which greatly impede communication between their peoples. Europe, for example, has never been unified and a large part of the reason is the inability of its people to communicate.

The price of this accomplishment is high. Total expenditures—National, State, and local—of public elementary and secondary school systems in 1971 to 1972 was $46,804,382,000. This figure is awesome, yet when it is examined, it means an average nationwide expenditure for elementary and secondary day schools per pupil per year of $867.

The theme in education today has shifted from "teach everyone" to an emphasis on improving the quality of the education to those attending public schools.

In recent years public schools have been the focal point of much sociological progress. Our Nation entered into the middle third of the 20th century bound to the past in the mores of caste and class. The white race, being the majority, was dominant while the Negro Americans, Mexican Americans, Indian Americans, Oriental Americans who were in the minority were given less than the more prosperous majority. Education beyond a fairly rudimentary point was largely determined by social status. However, in just a third of a century these circumstances have been extensively changed. We do owe the responsibility to improve the quality of education not by having better schools in one area than in another, but instead by a concerted effort to have uniformly good schools throughout the Nation.

In closing, let me say also that the job that has been done by American educators, for the most part, is unparalleled in world history. Their impact on all of our lives has been, and continues to be, tremendous. No other group has more say about the future of America, or its commitment to a free society, than they. They will have a tremendous effect on our children who will build it. Let us all hope they will use this power of influence with honesty and fairness, so that the future of America will be bright for all.

Mr. THONE. Mr. Speaker, there is no more valuable way to invest our resources than in education. That is not to say that all funds used for education are great investments. We sometimes make mistakes in the field of education, just as we do in all other fields.

Those mistakes are most apt to occur, I believe, in connection with investments for school plants and equipment. A school building and a teaching apparatus that serve perfectly when new may soon become out of date. In contrast, the qualities that make a schoolteacher excellent as he or she enters the field are the same attributes that mark a distinguished teacher near retirement age. If one of the truly great teachers from the classic age when Athens was the center of knowledge could be transported to a modern classroom, he would remain a great teacher, in my opinion.

In our society, compensation is the best way to attract outstanding people to our field. If you accept that as truth, you will have to agree that we have not been serious about giving a high priority to education. In many communities throughout our land, there are occupations requiring a high school education or less that provide more income than a teacher's salary. Our teachers, of course, must not only have an undergraduate degree to enter the field, but must continue to advance their education during summer recesses. Our teachers do not have just a classroom day. The best teachers are involved in extracurricular activities before and after school, nights and weekends. Our teachers must work at least as many hours outside of class in order to be prepared to do their best during the hours before their students.

With others, I join in a salute to education. Let us give thanks to all schoolteachers. Particularly at this time, I want to pay tribute to the 1,100,000 elementary teachers and the 900,000 secondary teachers in the classrooms of our public schools. Let us not just salute our teachers with words, we need to give concrete evidence that we regard those who teach our children as among the most valuable people in our lives.

Mr. TEAGUE of California. Mr. Speaker, the National Educational Association is holding today a "Salute to Education." In honor of the occasion, I would like to say a few words.

The quality of public education in America has historically been an inspiration to educators around the world and a source of great pride for our people. Our element of this pride has been the fact that education has traditionally been one of the few public activities reserved for the local community—where local control and local initiative have been most highly valued.

As the Nation's population has grown, however, so have the educational needs of the Nation, and with the growth has come an increasing strain on the resources of the local communities. Whereas 50 years ago, less than 20 percent of all Americans over the age of 25 had completed high school, today that figure has risen to over 50 percent—and the percentage rises with every graduating class. With over 50 million American children now enrolled each year, our school system offers virtually every American child the chance to go to school and to learn the skills he needs to live in our increasingly complex world.

The financial strain of supporting this monumental task has led local communities to break with tradition and turn to the States and, ultimately, to the Congress for assistance. We legislators have responded by showing our willingness to become more deeply involved than ever before in the Nation's educational system—and, I think, rightly so. We have just passed, after lengthy debate, the Education Amendments of 1972, which promise to be a landmark in Federal legislation concerning all levels of education. Next year, we will be reconsidering the Elementary and Secondary Education Act and and other legislation bearing more directly on the work of teachers in the public schools. Because of acts such as these, higher education has been made readily available to students from middle-income and low-income families, thus further broadening the range of educational opportunities offered to the American people.

Our effort to assure the continuing quality of public education has not been without its difficulties. Busing, the practice of shuffling 3 percent of our children around like pawns in a chess game, has been a particularly emotional issue in the debate over the future role of the Federal Government in education. I believe that the education acts passed this year have outlined a realistic way of dealing with this problem.

Above all, I believe that none of us who are in any way involved with education, from legislators to teachers, should not allow marginal issues to cause us to lose sight of the central issue, which is the goal of maintaining the traditional excellence that has characterized our public schools. As Dr. Wilson Riles, California's superintendent of public instruction, has emphasized over and over again, education exists not for the legislators, nor for the parents, nor for the teachers, but for the children. We must all work together to assure the quality of the education that our children will receive today and tomorrow.

Mr. QUIE. Mr. Speaker, I am happy to join my colleagues in this "Salute to Education."

Education's influence over a child is exceeded only by his home environment. America has recognized the importance of schools in training our children.

In terms of money, we spent last year approximately $48 billion for elementary and secondary education nationwide. I am very proud to come from Minnesota where the educational system is outstanding. Last year, 93 percent of those who entered the ninth grade graduated. Our dropout rate is significantly below the national average. Our students have always come out at the top of those taking the military entrance examinations.

Minnesota educators and its citizens recognize the need to expand educational opportunity beyond college preparation and have developed a superb system of post secondary vocational-technical schools. More needs to be done in this area to expand curriculum offerings in the secondary schools to cover a wider range of career opportunities.

In a school system, the teacher is the most important element. I looked at my own educational experience and can recall teachers who were extremely helpful. Each one that I remember best took a special interest in me and helped me learn on a 1-to-1 relationship. I am happy to see innovations in educational methods emphasizing the 1-to-1 teacher-pupil relationship. I hope that this trend will continue to grow. I also hope that we will soon see the time when every teacher will visit in the home of every one of his or her students so that there will be free and easy communication between parents and teachers. This relationship is also essential if the maximum amount of learning is to take place.

In conclusion, I commend educators for their dedication, the advancements they have made in American education, and look forward to continued improvement.

Mr. EDWARDS of Alabama. Mr. Speaker, for a few minutes I would like to express my thoughts on education in this great Nation of ours.

It has been said that only the educated are free. Recognizing that there are many ways to become "educated," I would add that only the educated can realize the full measure of their potential. Only the educated can completely shoulder the responsibilities of a democracy. Only the educated can enjoy the rights and privileges of a free society to the maximum extent. Only the educated can provide the leadership which the demanding present and the challenging future require.

Opportunity has always been one of America's noblest and most attractive characteristics. For this concept to have real meaning, however, each citizen must be equipped with a sound education. As long ago as 300 B.C., Plato noted that—The direction in which education starts a man will determine his future life.

There is no doubt that, many centuries later, a man's education is still the launching pad of his life.

A recent study has pointed out something we have always known: that merely funneling more and more money into our educational system is not enough. Certainly, we must provide adequate resources to our schools, but along with the money must go greater efficiency and productivity. We must make every education dollar count.

Despite the great successes of our educational system, there are many areas in which it can be strengthened. We need more leadership from educators, parents, and governmental officials. We need to become more aware of the career needs of our Nation and gear our educational efforts accordingly. We need to give our students the formulas along with the facts and the ability to transform raw knowledge into wisdom, the capacity to change information into tools which can be used in daily life.

Our present educational system is one of the best in the world. It is a firm foundation on which to build a system which will insure that future America will be equipped to deal with a complex, ever-changing society. It can be the crucible in which the exciting ideas of tomorrow can be tested and refined.

The thousands of dedicated educators with which our Nation is blessed deserve a special word. These are the people who make the system work and who will, I am confident, provide the leadership and direction to continue and surpass the educational successes of the past.

So, Mr. Speaker, it is fitting that the Congress should take part in a salute to education.

Mr. J. WILLIAM STANTON. Mr. Speaker. June 21, 1972, has been designated "Salute to Education Day." At this time it is clearly appropriate to review some of the highlights of the progress of education in America which make this day worthy of recognition.

Americans today enjoy the benefits of the largest, best-funded system of education, and the widest selection of educational opportunities of any society on earth. The percentage of adults who have completed at least 4 years of high school in this country has increased from 13.5 in 1910 to over 54 at present; while over the same period college graduates have grown from 2.7 percent to over 10.7 percent of the population. Meanwhile, adult illiteracy has been reduced from 11.3 percent in 1900 to less than 2.4 percent.

Today in the United States one's educational opportunities are virtually limited only by one's ability and ambition, and the advantages of postsecondary education are being enjoyed by proportions of our youth which are approached by no other nation.

Thus, as our spending for education has risen from 3.1 percent of our gross national product in 1929 to approximately 8 percent today, we have reaped rich rewards for our financial generosity to education. The expense has been enormous, but has been more than fully compensated in terms of both the personal

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growth of our youth and the more tangible benefits to the entire society resulting from their skills and talents developed in our institutions of education.

Mr. HICKS of Washington. Mr. Speaker, since today the National Education Association is holding a "Salute to Education," I am proud to call to your attention an outstanding program underway in my congressional district. It is my great pleasure to outline the features of this unusual program.

Office of Education funds are helping to change an entire school district in suburban Tacoma, Wash. The Franklin Pierce School District, in its second year of a $5 million grant, funded under Public Law 89–10, title IV, is assembling proven innovations from throughout the Nation into a single school district. At present the Franklin Pierce plan features:

First, individualized education programs for most project school stduents;

Second, school operation 210 days annually;

Third, interim month and fifth-day program, allowing student interest and ability to determine attendance hours;

Fourth, environmental programs teaching students in 23 adjacent outdoor education areas;

Fifth, international education programs providing 150 students opportunities to participate in foreign culture "live-in" experiences;

Sixth, K–12 vocational programs starting with "hands-on" craft programs in elementary schools; "occupational versatility" or "career choice" programs in junior high school; and "work experience" programs requiring demonstration of successful job performance prior to graduation for senior high school students;

Seventh, student assistance for teachers in program development including dozens of academic "mini" courses in drug education, lifetime sports, and occupational education; and

Eighth, a color televised class in contemporary world programs allowing students a choice of classroom or home studies.

The Federal grant pays initial start-up and training costs of each program and general district funds provide major program operation costs, with a total being accounted for under a new project-developed program budget system, known as cost-efficiency-quality ratio which relates costs per student hour to variables of achievement, interest, and attitude.

Mr. NICHOLS. Mr. Speaker, I come before my colleagues today in this Chamber with a salute to education and the important role it plays in the future of our United States. Before coming to the Congress, I served on the board of education in my hometown of Sylacauga, Ala., for some 15 years and have seen dedicated teachers and administrators bring about quality education for our children.

The challenge of educating and preparing the leaders of tomorrow is quite a responsibility and those who have served most diligently are to be commended for their dedication and devotion to such a meaningful cause.

History will bear out the great technological gains and scientific gains made in the United States since its very creation and together with our keen sense of competitiveness, our children of today are coming out of school with an awareness of the world we live in which far surpasses high school and college graduates in my day. This vast progress is quite remarkable and deserves high recognition.

Mr. Speaker, my three children all attended public schools and I honestly believe that this public education, which serves the majority of Americans, should be maintained and strengthened in quality—for American education is quality education—taught by quality educators and it is my personal belief that if our country is to maintain its strength and progressiveness, we must give high priority to the betterment of the education of our young.

Mr. ROUSH. Mr. Speaker, I most recently received a request from the National Education Association that I contribute my thoughts on education and its importance to our society and in our world. Permit me to quote at length from a speech I gave little more than 2 months ago. Since these words were unsolicited, I believe they take on special weight:

A continuing priority of mine has been education. The whole concept of a democracy is based on the belief that man is malleable, improvable, educable; that he can learn and can change himself and his environment; that the will of the majority if preferable to the will of one person or a few people. Given that presupposition, it is infinitely desirable that that majority be educated and informed.

Moreover, in a technological society, education is the key to economic progress and success, for the individual and for society. I perfectly agree with the late President Kennedy's statement to those of us in Congress in 1963 when he was encouraging passage of education legislation. He said:

"For the individual, the doors to the school house, to the library and to the college lead to the richest treasures of our open society: to the power of knowledge—to the training and skills necessary for productive employment—to the wisdom, the ideals, and the culture which enrich life—and to the creative, self-disciplined understanding of society needed for good citizenship in today's changing and challenging world."

That quotation deserves a great deal of thought. It is not simply rhetoric or vague philosophical musings. It is the reason behind, the practical basis for supporting education in our society. Education is the ingredient that dissolves prejudices and intellectual isolation and helps us live together. Education trains men and women in the verbal and physical skills necessary to live in and progress with a technological society. Jobs, human relations, social stability, economic progress, political maturity, all depend on the quality of education in our society.

Education is perhaps the single greatest gift man can give to man. I feel this belief is embodied best in an old Chinese proverb:

Give a man a fish, he will eat a meal;
Teach him to fish, he will eat forever.

But education does even more than make it possible for man to "eat forever." Education insures man's place and makes possible the role he must play.

Mr. BELCHER. Mr. Speaker, this evening there will be an important symbolic event taking place here in the Nation's Capital entitled a "Salute to Education."

I have always felt very deeply about the educational process in our country. The classroom provides a forum for discussion and learning and is an important foundation for the years that follow in a young person's life.

To me "education" should be thought of in terms of the Webster's dictionary definition "act or process of educating; discipline of mind or character through study or instruction; also a stage of such a process or the training in it."

Therefore, with each passing day a person receives an education and it should never be thought of as being confined to written material or within the four walls of a classroom. The aforementioned are tools by which people—old and young—are aided in their quest for knowledge.

We are so fortunate in this country because we have great "tools." Every child in the United States has an opportunity to further expand his or her knowledge.

I suppose that one of the major reasons that I am so proud of this country's educational opportunities is that I have always been very close to our school systems. My father served on the school board, then I served on the school board before I had the privilege to come to the Congress of the United States, and my son has followed suit and is a member of the school board at this time.

Therefore, I am proud to "salute education," but in closing I want to caution that persons should never accept that the learning process is confined within the four walls of a building. Life itself is, in fact, the best education. The classroom is an important starting point and it will require the sincere dedication of men and women as teachers for generations to come so that we may insure that our young people receive the proper forum for their educational processes.

Mr. WHITEHURST. Mr. Speaker, I note that on this day a "Salute to Education" is being made by the National Education Association. On this occasion, I am reminded of the great debt that I owe to my public school teachers, who prepared me not only for a career in higher education but also for the responsibilities of good citizenship. I had many such teachers, but I particularly recall two men who played an important role in my early life. One is the now retiring superintendent of schools, Mr. Edwin L. Lamberth, and the other, Mr. W. Harry Norris, a longtime teacher in the high schools of Norfolk and now an administrative supervisor. Both of these men have remained close personal friends of mine for more than 30 years. I recall so well not only the effectiveness of their instruction but also their emphasis on intellectual honesty and the strong motivation which they kindled in their students. Nearly two generations of young people have had the benefit of their talents, and I am certain that my own success, as well as the success of countless other men and women in my city, is based on the molding influence of Ed Lamberth and Harry Norris.

And so, Mr. Speaker, as we salute education today, I reflect with gratitude upon the splendid teachers who gave me the foundation on which I could build my life.

Mr. ANDERSON of Illinois. Mr. Speaker, I think the importance of education both to human development and to society was best summed up by the poet Wordsworth when he wrote, "The child is father of the man." That is why societies throughout history have invested so much in educating their young; and that is why our own country today is probably providing its young with the best education in the history of man.

This past school year in the United States, there were over 48 million pupils enrolled in elementary and secondary schools, being taught by over 2 million teachers at a total public expense of nearly $47 billion. We indeed owe a debt of gratitude to all who are involved in this vital educational process in our country.

I have long felt that a dynamic educational system is especially essential in a democratic system such as ours which is so dependent upon an enlightened and informed citizenry, and from our very beginnings, this has been this country's approach to education. When the Frenchman, Alexis de Tocqueville, visited America in the early 1800's he observed:

They (the Americans) have all a lively faith in the perfectibility of man, they judge that the diffusion of knowledge must necessarily be advantageous, and the consequences of ignorance fatal; they all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be, permanent; and they admit that what appears to them today to be good, may be superseded by something better tomorrow. (from *Democracy in America*)

Mr. Speaker, this is the spirit and the quality which has made American education the vital force it is in our democracy, and I am confident that it is this spirit which will characterize our approach to education in the future.

Mr. ESHLEMAN. Mr. Speaker, I would like to take this occasion to join others of my colleagues in paying a special tribute to education.

I have had the opportunity to be a participant in our educational system in several different roles—as a student, as a teacher, and as a legisiator assigned to committees dealing with our schools. During the time of that participation, education has grown in many ways.

More children are in our schools today than were when I was a student, partially because there are more children, period, but also because educational opportunities are greater.

More public money is devoted to education today than when I was a teacher, partially because the need is greater, but also because we have recognized that quality education demands higher expenditures for better facilities and personnel.

More is expected of education today than when I first began considering it as a legislative matter, partially because our society has demanded more of the kind of training that only the schools can provide, but also because we have consciously decided to assign educators child-rearing duties that were previously reserved for other sectors of our society.

To recognize these trends of recent years is not necessarily to endorse each of them. But the recognition brings with it the realization that any such phenomenal growth brings with it growth pains. Education has been no exception to the social rule that rapid growth leads to compounded problems. However, the educational community has handled its modern problems better than most of the other social institutions faced with the crisis of change.

The fact that more children than ever before are receiving a better education than ever before stands as a tribute to our school systems and the people who make them work—school boards, administrators and, above all, teachers.

The fact that more money is available to finance the kind of schools that the times have demanded is a tribute to the American people who have been willing to dig deeper into their pocketbooks so that quality education could become a reality.

And the fact that more is expected of education today is a tribute to its success in doing so well in the past that there has developed a faith in its ability to do more.

We can be proud of American education, past and present. If we are willing to face up to the challenges presented by and to education today and meet those challenges responsively and responsibly, we can look forward to pointing to our schools, our teachers, and our students with additional pride in the future.

Mr. HILLIS. Mr. Speaker, during this past year, I have spoken to numerous high school government classes and have seen, firsthand, educational systems across the Fifth District of Indiana.

What I have seen impresses me and encourages me greatly.

I have seen teachers trying whole new approaches to make their subject—in this case, government—seem alive and very real to their students.

I have seen students really "turned on" to what they are studying. Not sitting back and waiting for class to end while reading outdated government texts—they are forever doubting, questioning, punching holes in dubious assumptions.

I have seen complete closed-circuit TV and audiovisual systems being run by students. I have seen creative and artistic designing of school buildings. One of our newer high schools has a unique students commons area complete with its own art gallery.

All this represents quite a change from the days in which I was in high school—and I endorse these improvements wholeheartedly.

To many people, such innovative items seem extravagant or not worth the cost. Why are such items needed, just to teach the three R's, it is asked. Why? Because education is changing almost daily, to keep pace with the innumerable changes of a modern world—and help prepare our children better for the world of tomorrow than we were prepared for the fast-moving changes of today.

Mr. HATHAWAY. Mr. Speaker, it is a pleasure to join my colleagues in this "Salute to Education."

Aristotle once said:

All who have meditated on the art of governing mankind have been convinced that the fate of empires depends upon the education of youth.

Over 2,300 years later it can be said again, with just as much meaning—especially in a democracy such as ours. The most important and most legitimate reason for widespread education is that the people in a democracy are the ultimate guardians of their own liberty.

The American education system of the past 195 years has brought our country to a pinnacle position among nations. It has enabled us to conquer the far reaches of space; unlocked the mysteries of the atom; made goods abundant; given us television, computers, and other marvelous inventions.

Such happenings as the precision-engineered moon landing have demonstrated what intelligence, determination, and money can accomplish. Ironically, it has also highlighted man's failure to clear the slums, stop the wars, offer equality to the deprived, and make the commuter trains arrive on time. The key to meeting these challenges of the future is the same as the key we used to solve the problems of the past: Education.

Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare, and blighted opportunity that prevent us, as a nation, from achieving the best that is in us.

Expanding educational opportunities will, of course, take money, and will require more Federal financial support. This can be justified both in terms of fiscal relief to hard-pressed State and local governments trying to finance education, and in terms of the soundness of an investment in education. The World War II GI bill of rights is a clear example of the economic returns that can be expected from Federal investment in education. A good estimate is that the return through increased Federal taxes paid by veterans who enjoyed higher earnings as a result of having benefited from the GI education bill amounts to $100 billion—not a bad return on an investment of $12 billion.

The House acceptance last week of my amendment to increase Federal support for education represents another step toward providing adequate resources to secure educational opportunity for all of our people. I sincerely hope that the House action marks the beginning of a new and continuing national commitment to helping produce the educated men and women who are the most valuable natural resource of this and every society.

Mr. RODINO. Mr. Speaker, to view the world through the eyes of a child, as all of us who are parents can testify, is indeed a very special experience. The wideeyed openness, the boundless energy, the deep curiosity, the laughter, the tears, the excitement of each new discovery—all these feelings and actions

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have filled the lives of our children and have brought to us a wealth of fond memories.

I recall, however, the words of William Wordsworth in his "Ode on Intimations of Immortality From Recollections of Early Childhood" in which he states:

Heaven lies about us in our *infancy*,
Shades of the prison house begin to close in upon the growing boy,
But he beholds the light and whence it flows he sees it in his joy.

These thoughts, so clearly expressed by Wordsworth, strongly capture the importance of the educational environment of our society today.

For the mind of a child and the potential of all our children for development, for learning, and for understanding lies open, flexible and unbounded during the first years of life. This potential must not be stifled. "The shades of the prison house" must not be allowed to close in upon the growing child. All opportunities for quality education, for exposure to new ideas and for the study of all aspects of life, history, and culture must not be denied him.

There is no easy road which points directly and quickly toward the successful attainment of this goal. Yet a great deal has been accomplished, a number of changes have taken place, new theories have been discussed, tested, and acted upon and the opportunities for the continual development of additional approaches and programs are constantly illuminating the fact that the light which Wordsworth describes does glow for our children. I, therefore, join with my many colleagues and friends in recognizing today, June 21, in a special salute to education in our Nation.

Mr. ANNUNZIO. Mr. Speaker, it is a great pleasure for me to join today in this special "salute to education." I have had a long association with education in its many forms, and have followed it throughout its trial and successes for over 30 years. I have watched it grow and I have watched it respond to the changing needs of each new generation of Americans.

Today, I must admit, the public schools of this Nation and of my own home city of Chicago bear little resemblance to the schools in which I began my career as a teacher. Subjects are taught which I would never even have imagined. Teachers are held in a new respect—and are beginning to get the financial rewards which they so richly deserve. Students, too, are gaining a new role and a new sense of responsibility for the conduct of their schools.

I do not mean to belie the weighty problems which beset our public schools. Dire financial needs trouble the schools of big cities like Chicago, as well as many other schools throughout the land.

But the U.S. Congress has enacted in the recent past landmark legislation to help resolve these problems and to meet the financial needs of our schools.

During my 8-year record in the Congress, I have consistently voted in support of legislation to provide better educational programs and facilities for America's schoolchildren, and especially, to improve the quality of education for all our children. Among the bills I have supported are the Elementary and Secondary Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, the Health Professions Education Assistance Amendments of 1965, the Higher Education Act of 1965, the Veterans Readjustment Benefits Act of 1966, the Library Services and Construction Act Amendments of 1966, the International Education Act of 1966, the Adult Education Act of 1966, the National Foundation on the Arts and Humanities Act, the Education Professions Development Act of 1967, the Public Broadcasting Act of 1967, the Elementary and Secondary Education Act Amendments of 1967, the National Foundation on the Arts and Humanities Amendments of 1968, the Handicapped Children's Early Education Assistance Act of 1968, the Higher Education Act Amendments of 1968, the Vocational Education Amendments of 1968, the National Center on Educational Media and Materials for the Handicapped Act of 1969, the Emergency Insured Student Loan Act of 1969, the Elementary and Secondary Education Act Amendments of 1970, the Environmental Quality Education Act of 1970, the Drug Abuse Education Act of 1970, and the Health Manpower Act.

When I began my career as a teacher, the schools of America were called upon to respond to a grave challenge—the Second World War. They met that challenge. In 1940, there were 25 million children enrolled in the Nation's public schools. These schools employed 875,000 teachers and spent just under $2 billion a year on current expenses. Today the public schools are entrusted with the education of over 46 million children, employ more than 2 million classroom teachers, and spend nearly $40 billion a year on current expenses. It is estimated that some 2,700,000 young Americans will graduate from our public high schools this year, more than twice as many as in 1940.

This expansion and improvement of the Nation's public schools has not come in easy times. At the same time as the schools faced a rapidly rising school age population they were called upon to extend their services to more of the people—to further the goal of quality education for all American children. By and large, the schools—that is, the men and women who serve our children every day in classrooms across the Nation—have met the challenge. They richly deserve our gratitude and our continuing support.

Mr. LLOYD. Mr. Speaker, the Salute to Education being observed by the National Education Association today, affords me a welcome opportunity to add my voice to those of many other of my colleagues who are joining NEA in today's observance.

The occasion is particularly significant for Utah which has a proud educational tradition that dates back to the first Mormon settlers who came to Utah in 1847. One of the first tasks undertaken by these hardy pioneers was the establishment of an educational system for their children.

Today there are 305,746 students enrolled in private schools in Utah out of a total population of just over 1 million. Utah citizens rank No. 1 in the Nation in median school years completed by persons 25 years of age and older. This average is a remarkably high 12.2 years of schooling.

Utah ranks very high in its educational load and very low in its ability to finance education. Consequently, the effort put forth to support public education in Utah is considerably above regional and national averages. This presents Utah with the challenge of obtaining superior results from fewer funds.

Since 1950, total school expenditures in Utah have risen by $190.1 million, an increase of 6½ times over the 21-year period. The per capita State expenditures for all education in Utah in 1970 was $239.70, fifth among the 50 States.

Although the evaluation of school achievement is still largely a subjective matter there are a number of evidences showing Utah to rank high in the amount and quality of education provided. In addition to leading the Nation in the amount of education completed by the adult population, Utah also ranks high in the proportion of its population having graduated from college, in fact during 1970, 4.7 percent of Utah's total population was enrolled in public colleges in the State. Also, the percentage of Armed Forces inductees from Utah successfully passing the required mental qualification test is above the national average.

A 1971 survey of Utah high school graduates revealed that students in Utah have developed a strong appetite for learning and self-improvement. Of a total of 19,158 graduates, 76.5 percent indicated an intention to pursue some form of post-high school education. A total of 61.5 percent indicated the intention of attending college, 9.3 percent indicated a vocational school as their intention, and 4 percent stated business school as their preference.

Throughout our history, the American education system has been a cornerstone of the Nation's social structure. The quality of a nation can be measured by the quality of its education and by its educators. There is no profession which offers greater opportunity to do good—no professional entitled to more respect, than the teacher who meets his great challenge with intelligence, reason, and pride. I offer my own sincere salute to American education and to the educators of America.

Mr. COUGHLIN. Mr. Speaker, the best possible education for the greatest number of people has always been a foremost goal of American society. Today, through the generous expenditure of approximately $65 billion each year, we have the best and most broadly educated citizenry in history.

The benefits of our education system have been incalculable but clearly enormous. It has taught the technological skills which have made us the most industrially sophisticated nation on earth. And, more importantly, it has nurtured the understanding, tolerance, and humanity necessary to wise leadership in a country governed by the people. Without the critical minds and democratic ideals developed in our schools, a free and open society would be impossible to sustain.

Yet, while we may be gratified by our past successes in education, we may not now relax our efforts. Business and industry will demand graduates who are continuously better prepared to meet the requirements of their increasingly more complex technologies. The market for "unskilled" labor will soon be nonexistent. Meanwhile, the accelerating growth of our Nation has resulted in unprecedented social problems which threaten the maintenance of our political and intellectual freedom. The challenges are unparalleled, yet so are the potential benefits and, as always, Americans will place primary faith in education as the means toward meeting them.

Mr. HANNA. Mr. Speaker, I would like to take this opportunity to offer my congratulations to the National Education Association for encouraging a constructive and critical look at our American system of education. It should be acknowledged that as we approach in 1976 our 200th birthday as a nation, it is really in this century that the idea of a universal free education opportunity has become a reality. In a dynamic and swifty changing century no segment of our national life has grown more dramatically nor changed more radically.

In my appreciation of our great institutions of education, I have the view of their cumulative effort as providing for the demands of our people and the challenges of our times a mighty reservoir of talent from which all other activities of our society must draw for their streams of effort, be these cultural, scientific, industrial, commercial, or governmental. Such quality and performance as each achieves is in large part a reflection of the motivation and development of individuals whose preparation for contribution was provided by our educational elements.

Congratulatory kudo's, however, are not sufficient to contribute critical and constructive comment. It is clear that the level of satisfaction the public entertains for present performance particulary in public schools has suffered some erosion. Education as well as all the streams of human activity it feeds, must adjust to requirements not yet crystal clear. We believe it would be helpful to have a redefinition of education articulated. Such an undertaking should cut us free from the lingering emphasis of the past century, and hopefully, provide some flexible base of vision for the century just ahead.

What is education? A many splendored thing, true, but these things at least include:

First, a source of strong support for the mastery of the skills of communication in a present-day, moving society.

Second, an exposure to past knowledge deemed important enough to be used as the basic materials for improving these skills.

Third, development, motivation, and inspiration of the individual's learning processes.

Fourth, some fundamental preparation for the social, economic, financial, and employment opportunities and requirements in the society in which the individual will be expected to function.

Fifth, the development and nurturing of an appreciation for standards and values for living however arrived at and wherever set.

Sixth, the encouragement and creation of a critical state of mind.

Education has done much and must like us all go forward with the challenge of change and do even more. We the friends of education and enjoyers of all of its fruits and works must support with funds and assist with our efforts the desired future.

Mr. DANIELS of New Jersey. Mr. Speaker, on June 21, the National Education Association is holding a "Salute to Education." I think it only fitting, in honor of this occasion, to reaffirm the values which have provided the foundation upon which our educational system has been predicated.

We are a nation of immigrants. In the past two centuries millions upon millions of poor and homeless people, the world over have come to our shores with dreams of creating a new life. Perhaps the most important part of this dream has been to provide for their children the education which they, of the Old World, were so often denied. Many have realized this aspect of their dream, but just as many have been denied.

We have always prided ourselves on our way of life, claiming the opportunities were there but it was up to the individual to avail himself of them. The fallacy of this type of reasoning becomes increasingly clear every day.

In this century alone, we have seen the so-called privilege of a college education rise from the status of luxury to that of a necessity. And yet, too many young men and women are still denied admission to college for financial reasons or because the training they received on the primary or secondary levels has proven woefully inadequate.

It is our duty, here in Congress, to provide the means to relieve these conditions. Surely in the wealthiest nation in the world, a nation which spends billions for weapons of destruction, we can find the resources to assure every individual a quality education. The defense of this country, its future prosperity, its very existence lies in the hands of its youth. It is up to us to insure that they will be prepared to meet the challenges which await them.

Mr. RONCALIO. Mr. Speaker, as many of my colleagues are aware, today the National Education Association is sponsoring a salute to education. The United States offers the best public education in the world for its youth in both elementary and secondary school levels. But there is still a good deal of room for improvement.

At a time when education is breaking out of its traditional mold in order to prepare our children for a complex society, innovation is of the essence. Better equipped physical plants, sufficient educated teachers, stimulating academic programs, and a myriad of other criteria are essential to the well-being of our educational system.

Presently, local and State sources of revenue which insure the success of these goals have been absorbed to their saturation point. Collectively, the States were forced to increase their revenue resources by 9.7 percent or $1,691,384,000 between the 1970–71 and 1971–72 school years. Local communities had to expand their available funds for public education by 5.8 percent or $1,337,942,000 over the same period. The Federal Government supplemented these educational demands with only a $176,876,000 increase for the same 1-year timespan. Total revenue receipts for our Nation's primary and secondary school systems equaled $46,644,623,000 in 1971–72 which reflects a 7.4-percent increase over the previous school year. Total expenditures, however, exceed total resources this year by $155,759,000, a sum almost equal to the increase in funds by the Federal Government from the immediate previous school year to the present.

It is with sadness that I note the priorities for allocation of Federal budgetary funds. The $3,305,707,000 which was appropriated for primary and secondary school systems in 1971–72 is dwarfed by an incredibly excessive defense budget. The recent SALT agreements supposedly would make available limited funds for nondefense Government-endowed programs.

But already the Secretary of Defense is predicting increased expenditures for further development of strategic arms. The Indochinese war carries a daily price tag which denies the necessary support for essential domestic programs in public education. How many white elephants must be mounted before we realize all of our responsibilities to the well-being of our citizens and support that realization with constructive action?

I applaud the National Education Association's salute to education. I would hope to answer that salute with a positive response by this lawmaking body which will insure the best possible education for our youth of today. They must face the challenges of bettering themselves, their country, and their world tomorrow. We must help them succeed.

Mr. LINK. Mr. Speaker, an educated citizenry is a vital asset and a necessary requisite to insure the growth and survival of an advanced and changing society such as ours. Free and universal public school education has become a hallmark of the American tradition. In light of this, I would like to join the National Education Association in recognizing and honoring the great accomplishments our Nation has made in the realm of education.

We, as legislators, parents, and citizens, have reaped immeasurable benefits from this commitment. In return, this fact demands that we fully dedicate ourselves to perpetuating and extending our free educational system.

The classroom in our public schools is a forum for the transmission of knowledge. Book learning is but one facet of the knowledge involved in the educational process, which in and by itself falls short of fulfilling the total educational needs of our people individually or collectively. Total education embodies an infinite variety of processes directed

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toward the full development of every individual. Education, regardless of approach or methodology, attempts to stimulate, train, and cultivate the mind, body, and character of each student so as to create a framework in which each one will hopefully achieve the realization of his highest potential.

As we progress further into the 20th century new theories of approach and wider varieties of curriculums are appearing at an ever-increasing rate. Therefore, our commitment to education now will render returns multiplied many times over in the future.

Mr. HALPERN. Mr. Speaker, as another school year draws to a close, it is certainly fitting to look back and salute this country on its fine educational endeavors. Education has been part of America's tradition since colonial times. In 1647 the Massachusetts Bay Colony set up a system of community supported schools, thus bringing into existence the first public school system in the world.

This system is one of which we should be especially proud, for it has been a guiding force in the shaping of our country. During the founding days of the Republic, the school system's task of creating enlightened citizens was essential to the successful functioning of the new democracy. It played a prominent role in creating national unity among the many diverging forces within the new society. Poets, writers, historians, and artists were among those who were able to work through the schools to create a national heritage. During the 19th century the schools were a crucial factor in the absorption of millions of immigrants who streamed into America. They offered not only the place to learn a common language, but were instrumental in creating a new American people with a sense of national identity and hope for the future out of the divergent multiethnic newcomers.

Today the schools are still serving the American people as they did in the past. In the midst of a society often divided by racial strife and tensions created out of the rapidly advancing and often incomprehensible technological age, our Nation's schools provide places in which our children can develop a sense of belonging and an understanding of society, so important to the building of self-confidence.

A salute to education would not be complete without special mention of the thousands of dedicated teachers who are teaching our children and making the school system the success that it is. I am happy to say that New York State recognizes the value of its teachers; they are among the highest paid in the continental United States. We are especially indebted to these teachers for providing us with the many fine young leaders we see today ready to accept the tasks of their elders in the governing of our country.

Mr. RIEGLE. Mr. Speaker, H. G. Wells once said:

> Human history becomes more and more a race between education and catastrophe.

As a healthy democracy strives to make certain that education wins that race, increasing emphasis must be placed on the ability of all people to acquire that education. Without such an opportunity, our vote has less meaning and government "of the people, by the people, and for the people" cannot function properly.

Today we celebrate Education Appreciation Day. This is particularly appropriate in light of the House's action June 15 in approving an additional $364 million for education as part of the Labor-HEW appropriations. This is just one more step in our continuing fight to establish new priorities for peace and growth in our Nation, to invest in the future of some 48 million schoolchildren here in America.

Therefore, I would like to take this opportunity to praise the efforts of America's teachers and educators, to thank them for their efforts and conviction that the education of our children is vital. We have no more important work to accomplish than the education of our people.

Mr. BOLAND. Mr. Speaker, the National Education Association has set aside today, June 21, for a "Salute to Education." Like most of my colleagues, I want to join in this tribute to America's educational system—a system rivaled by no other country in the breadth of its scope and the length of its reach. Education, quite obviously, is the keystone of American life: Our society would disintegrate without it.

Life in the 1970's grows more bewilderingly complex day by day. What is conventionally termed the "technological age," largely the product of American genius, is making unprecedented and unforeseen demands on our system of education: schoolchildren must learn more—and learn it more quickly, as well—than at any time in this country's history. It is obvious, Mr. Speaker, that the second half of the 20th century poses a challenge that our educational system must meet. The scores of problems looming before our society—pollution, urban decay, poverty, racial strife—will ultimately yield to solution only if Americans are prepared to deal with them. And, needless to say, our school system is the means for so preparing the people of this country.

More than ever before, the strength of the United States itself hinges upon the strength of its school system.

I want to congratulate the NEA for establishing this "Salute to Education" day—an event that helps dramatize the significance of our school system and the vital role it plays in our lives.

Mr. HUNGATE. Mr. Speaker, I join many of my colleagues today in a special Salute to Education. It seems the time is long overdue for us to take our hats off to the many men and women who dedicate their lives to education.

Educators—our teachers, principals, and administrators—have played an important part in each of our lives. We often do not realize how much of an influence educators have on our lives, and that they are the ones who supply us with the most important tools to maintain our democracy.

I am pleased that the House of Representatives has recognized the value of education with the passage of the Hathaway amendment to the Labor-HEW appropriations last week. I hope we will continue to get support for education—our most valuable asset.

We in Congress can best honor our educators by joining with them in their commitment to providing a good education for every American.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the special order given today by the gentleman from Pennsylvania (Mr. FLOOD) on the subject of education.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE PROFESSIONAL TEACHER: THE BALLAST FOR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, today is the occasion of a Salute to Education, sponsored by the National Education Association. It is an appropriate time to pay tribute to dedicated educators and to significant advances in the field of education.

It is not an understatement to say that the teaching profession serves as a ballast for society. There is a sense in which it provides stability or steadiness, guidance, and balance as we move through life. The educational system is also called on to explore and provide new avenues and fields of learning. The task can be almost overwhelming, becoming more difficult as the problems of a society increase. But it is an important and essential task for society's future.

As life becomes more complex, more demands are put on educational systems and institutions in their job of providing education adequate to equip persons to meet today's needs, and in the challenge of making equal educational opportunities available for all of America's children.

Recently I received correspondence from one of my favorite grade school teachers, and it was certainly a thrill for me. Her fine work as a teacher had a profound effect on me. In my own family, my two sisters have been teachers for many years; Miss Sarah Danielson has taught in Kearney and Nebraska City, Nebr., and Miss Luella Danielson has taught in Des Moines, Iowa.

America's educational institutions and its fine teachers and professors have led in the effort to continually renew and update education. They are to be congratulated on their dedicated service to society.

AIR FORCE LIEUTENANT PREFERS CHARGES AGAINST GENERAL LAVELLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, today I announce my support for and applaud the courage of a brave young Air Force lieutenant, Delbert Terrill, Jr., an Air Force Academy graduate who has preferred charges against Lt. Gen. John D. Lavelle, U.S. Air Force, retired, for violations of the Uniform Code of Military Justice.

In a press conference which I sponsored today, Lieutenant Terrill stated:

> On 3 June 1970, I awoke for one of the most important days of my life. After four years as a cadet, I was to graduate from the United States Air Force Academy. My oath, "I, Delbert R. Terrill, Jr., having been appointed a Second Lieutenant in the United States Air Force, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter so help me God" was and still remains sacred to me. Because my superiors and fellow officers have failed to step forward, I must. In fulfillment of the duties and responsibilities incumbent upon me by my oath, I have this day preferred charges against Lt. Gen. John D. Lavelle USAF (ret.). General Lavelle by his own testimony before the House Armed Services investigating subcommittee admitted that he had authorized air strikes in violation of standing orders. General Lavelle also admitted to filing false reports regarding some of these raids. It therefore appears that offenses under the Uniform Code of Military Justice have consequently been committed. Since I have preferred charges under Articles 90(2) and 107 and will forward such charges to the Secretary of the Air Force, the Honorable Robert Seamans, our present Secretary will be required to conduct an investigation in accordance with Article 30 of the Uniform Code of Military Justice. Likewise, I am filing a request with the Secretary of Defense that he convene a court of inquiry pursuant to Article 135 of the Uniform Code of Military Justice concerning the propriety of the conduct of the following officers with respect to the unauthorized strikes: Generals Ryan and Abrams, and Admirals McCain and Moorer.
>
> What kind of discipline can be maintained in a military system in which commanders are relieved and retired while others, for like offenses, are courtmartialed and given dishonorable discharges? The American Dream and the necessity of military cohesiveness demand equality.
>
> Democracy as an institution requires a civilian dominated military. The military must obey its civilian superiors. America and those who love her will tolerate no less. "Where law ends, tyranny begins."

The following is a letter that I have sent to the Honorable Melvin R. Laird, requesting that he act upon the charges that Lieutenant Terrill has preferred:

> CONGRESS OF THE UNITED STATES,
> *Washington, D.C., June 21, 1972.*
>
> Hon. MELVIN R. LAIRD,
> *Secretary of Defense,*
> *Washington, D.C.*
>
> DEAR SECRETARY LAIRD: It is with the greatest sense of urgency that I request that you act upon the charges preferred today by Air Force First Lieutenant Delbert Terrill Jr. against Lt. Gen. John D. Lavelle USAF (ret.) and that you convene a Court of Inquiry under the provisions of Article 135 of the Uniform Code of Military Justice, as Lt. Terrill has requested, to determine the propriety of the conduct of General John D. Ryan, Air Force Chief of Staff, Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, General Creighton Abrams, Commander of U.S. Forces in Vietnam, and Admiral John S. McCain, Commander U.S. Forces, Pacific, with respect to General Lavelle's performance while serving as Commander of the U.S. Air Force in Vietnam.
>
> By conceding before a House Armed Services Committee hearing on 12 June 1972 that he broke the rules of engagement in ordering the bombing of certain targets in North Vietnam and that he inspired his staff to file false reports on these raids, disguising them as "protective reaction" strikes, General Lavelle has, by his own admission, acted in violation of Art. 90 (Willful Disobedience of a Lawful Command) and Article 107 (Making False Official Statements) of the Uniform Code of Military Justice. In response to this blatant violation of orders from higher authority, General Lavelle was relieved of his command and retired at the rank of Lieutenant General, a demotion of one grade. Such token disciplinary action taken against Lavelle calls into question the effectiveness and credibility of the entire system of military justice.
>
> I receive hundreds of letters a month from lower-ranking officers and enlisted personnel who have been severely disciplined and given less than honorable discharges, thus stigmatizing them for life, because they have violated a simple regulation or not behaved as members of the Armed Forces should. How can I, as a Member of Congress, explain to these constituents who request my assistance why General Lavelle received a mere slap on the wrist for his gross misconduct? I am heartsick for those men who sit in stockades awaiting trial or serving sentences and for those who sit idle in the civilian world, unemployed because they have been branded "undesirable" by the military, while General Lavelle goes free after illegally ordering the bombing of North Vietnam. Such inconsistency makes a mockery of military justice.
>
> It is enough that American bombs continue to fall over Southeast Asia without the support of the American people. It is intolerable that they fall at the discretion of one Air Force General without even the authority from the Commander-In-Chief, and it is an outrage that this General has been quietly removed from his position without a court-martial. In the interests of justice and for the sake of the morale of all members of the Armed Forces, I believe it imperative that further disciplinary action be taken against General Lavelle and that a full-scale investigation be convened by your authority as Secretary of Defense.
>
> Sincerely,
>
> BELLA S. ABZUG,
> *Member of Congress.*

IMMEDIATE APPELLATE REVIEW NECESSARY IN MICHIGAN SCHOOL BUSING DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, on June 14, Judge Stephen J. Roth, of the U.S. District Court for the Eastern District of Michigan, issued an order for the development of a metropolitan plan of school desegregation. This order involves the public schools in the city of Detroit as well as 53 suburban school districts.

While there has been a judicial finding that illegal segregation exists in the city of Detroit, no such finding has been made or even claimed with respect to the suburban districts. Nevertheless, the suburban school districts have been named in the order.

I am today inserting into the RECORD a copy of a brief filed in the Supreme Court of the United States by the attorneys who represent 43 of the suburban school districts involved in this action. As the attorneys for the suburban districts note in their brief, the district court trial was confined to the issue of de jure segregation in the Detroit school system, and the district court made no findings of de jure segregation with respect to any of the suburban districts.

Despite the fact that there has never been any claim that the suburban school districts have failed to maintain a unitary school system, that the suburban school districts have had no opportunity to be heard on the issue of segregation, and that there is not even a scintilla of evidence that the suburban school districts have denied access to or separated pupils on the basis of race, the district court has determined that they are to be subjected to a desegregation plan calling for massive busing of possibly up to 1 million children.

Mr. Speaker, up to this point, the suburban school districts' hands have been tied. They have been made a part of a remedy for a wrong in which they have not been involved, and they have not even been permitted to have their day in court to defend themselves properly.

The brief which I am inserting in the RECORD today presents sound and logical reasons why the proceedings now pending in Detroit should be given immediate appellate review.

A copy of the brief filed in the U.S. Supreme Court by the attorneys representing the suburban school districts follows:

[In the Supreme Court for the United States, October Term 1971, No. 71-1468]

BRIEF OF RESPONDENTS SCHOOL DISTRICTS* IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

William G. Milliken, Governor of the State of Michigan, et al., Petitioners, vs. Ronald Bradley, et al., Respondents.

OPINIONS AND ORDERS BELOW

The pertinent orders and opinions of the District Court and the United States Court of Appeals are fully set forth in the Appendix to the Petition For Writ of Certiorari.

JURISDICTION

The Petition For Writ Of Certiorari invokes the jurisdiction of the Court under Section 1291 of Title 28, United States Code.

The undersigned Respondents submit that the Court also may, and should, invoke jurisdiction pursuant to Section 1254 of Title 28, United States Code, which provides, in part, as follows:

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of Certiorari granted upon the petition of any party to any civil or criminal case, *before or after* rendition of judgment or decree;" [Emphasis supplied.]

While the undersigned Respondents concur with the contention of Petitioners that all of the questions presented should be determined by this Court as prayed, it is respectfully submitted that the imperative public importance of question number III set forth in the Petition For Writ Of Certiorari provides the basis and urgent need for this Court to exercise its jurisdiction

* Respondents school districts include the forty-three (43) intervening suburban school districts in this cause but exclude the defendant Board of Education for the City of Detroit.

pursuant to Rule 20 of the Supreme Court Rules and Section 2101(e) of Title 28, United States Code.

Section 2101(e) of Title 28, United States Code, provides as follows:

"An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment."

Rule 20 of the Supreme Court Rules states that—

"A writ of certiorari to review a case pending in a court of appeals, before judgment is given in such court, will be granted only upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in this court."

QUESTION PRESENTED

Whereas single school district has been found to have committed acts of *de jure* segregation, may a court constitutionally issue a desegregation order extending to some eighty-five (85) other independent school districts and requiring massive bussing of children, absent (i) any claim or finding that such other independent school districts have deliberately operated in furtherance of a policy to deny access to or separate pupils in schools on the basis of race, or, (ii) absent any claim or finding that the boundary lines of such other independent school districts were created or have been maintained with the purpose of creating or fostering a dual school system?[1]

The undersigned Respondents contend that the answer is "no". The Court of Appeals For The Sixth Circuit did not consider the question.

STATUTORY PROVISIONS INVOLVED

Section 1291 of Title 28, United States Code, provides:

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

STATEMENT OF THE CASE

The Statement Of The Case as set forth in the Petition For Writ Of Certiorari is adopted by the undersigned Respondents. In addition, Respondents-Intervenors submit the facts hereinafter recited.

The instant action was commenced on August 18, 1970, by the filing of a complaint which alleged the unconstitutionality of a Michigan statute which was applicable only to the City of Detroit school district and further claimed that plaintiffs' constitutional rights were violated because of the segregated pattern of pupil assignments and the racial identifiability of schools within the City of Detroit school system. The complaint has never been amended and to this date there has been no claim that any school district other than Detroit has failed to operate a unitary school system.

The complaint, the trial on the merits and the District Court's "Ruling On Issue of Segregation"[2] were directed at and solely concerned with the issue of whether the Detroit school system was operated so as to impair the constitutional rights of the plaintiffs. Accordingly, the undersigned Respondents had no cause or standing to intervene in the proceedings inasmuch as no claim was made against them and no relief was sought which would affect them.

On November 5, 1971, however, the District Court issued an order which adumbrated a dramatic change in the nature of the proceedings. Despite having conducted a trial limited to the issue of unlawful segregation in the Detroit school system and having made findings limited to such issue, the court ordered the State defendants to submit a plan of desegregation which would embrace the entire metropolitan Detroit area. By judicial fiat some eighty-five (85) independent school districts were suddenly faced with the prospect of being subjected to judicial sanction without any claim, trial or finding that they had engaged in any unconstitutional acts. Pursuant to the aforementioned order, on February 4, 1972, a so-called metropolitan plan of desegregation was filed with the District Court.

On February 9th, 16th and 17th, respectively, the undersigned Respondents, Grosse Pointe Public Schools, Allen Park Public Schools, et al, Southfield Public Schools and School District for the iCty of Royal Oak, filed motions to intervene for the purpose of representing their interests and those of the parents and children situate in said school districts.

On March 15, 1972, the District Court issued its order granting said Respondents' motions to intervene as a matter of right, and simultaneously imposed the following conditions designed to circumscribe Respondents' participation in the proceedings.

"1. No intervenor will be permitted to assert any claim or defense previously adjudicated by the court.

"2. No intervenor shall reopen any question or issue which has previously been decided by the court.

"3. The participation of the intervenors considered this day shall be subordinated to that of the original parties and previous intervenors.

"4. The new intervenors shall not initiate discovery proceedings except by permission of the court upon application in writing, accompanied by a showing that no present party plans to or is willing to undertake the particular discovery sought and that the particular matter to be discovered is relevant to the current stage of the proceedings.

"5. No new intervenor shall be permitted to seek a delay of any proceeding in this cause; and he shall be bound by the brief and hearing schedule established by the court's Notice to Counsel, issued March 6, 1972.

"6. New intervenors will not file counterclaims or cross-complaints; nor will they be permitted to seek the joinder of additional parties or the dismissal of present parties, except upon a showing that such action will not result in delay.

"7. New intervenors are granted intervention for two principal purposes: (a) To advise the court, by brief, of the legal propriety or impropriety of considering a metropolitan plan; (b) To review any plan or plans for the desegregation of the so-called larger Detroit Metropolitan area, and submitting objections, modifications or alternatives to it or them, and in accordance with the requirements of the United States Constitution and with prior orders of this court.

"8. New intervenors shall present evidence, if any they have, through witnesses to a number to be set, and limited, if necessary, by the court, following conference.

"9. With regard to the examination of witnesses, all new intervenors shall among themselves select one attorney per witness to act for them, unless one or more of the new intervenors show cause otherwise."

Respondents intervening school districts filed written objections with the District Court against the imposition of such conditions. To date the District Court has made no response to said objections.

Upon being granted right to intervene on March 15, 1972, the District Court advised the Respondents-Intervenors that the Court had previously set March 22, 1972, as the date for filing of briefs on the legal propriety of a metropolitan plan of desegregation and that Respondents-Intervenors thus had one (1) week to present their legal arguments on such issue. On March 24, 1972, two (2) days after the due date for the filing of briefs, the District Court issued a "Ruling On Propriety Of Considering A Metropolitan Remedy To Accomplish Desegregation Of The Public Schools Of The City of Detroit".[3]

The District Court commenced taking testimony on a metropolitan plan of desegregation at 10:10 a.m. on March 28, 1972. About two hours after Respondents-Intervenors counsel had first appeared in the District Court and before completion of testimony of a single witness, the District Judge announced that all counsel could stop by his office and pick up his Findings of Fact and Conclusions of Law on Detroit-Only Plans of Desegregation.[4] Relying upon inapposite cases where a dual school system was fostered and operated pursuant to state policy, the District Court announced its intention to seek a racial mix by means of a metropolitan plan of desegregation.

REASONS FOR GRANTING THE WRIT

A So-Called Metropolitan Plan Of Desegregation Is Constitutionally Improper Absent A Complaint And Finding That Respondents-Intervenors School District Have Denied Access To Or Separated Pupils On The Basis Of Race, Or Absent A Finding That The Respondents-Intervenors School Districts Were Created Or Maintained With The Purpose Of Creating Or Fostering A Dual School System.

The instant case is without precedent in terms of the scope of the judicial remedy determined by the District Court, the lack of fundamental due process so far as Respondents-Intervenors are concerned and the absence of any findings against Respondent-Intervenors upon which relief can be predicated.

There are upwards of 600 independent school districts in the State of Michigan. The only complaint ever filed in this action alleges that *one* of those school districts, the City of Detroit, has failed to maintain a unitary school system due to actions of the Detroit Board of Education and certain executive officers of the State. The trial on the merits was confined to the issue of *de jure* segregation in the Detroit school system. The decision of the District Court following a trial on the issues framed by the complaint made no findings of *de jure* segregation with respect to any school district except the City of Detroit.[5]

Despite the fact that there has never been any claim that the undersigned Respondents have failed to maintain a unitary school system, that said Respondents have had no opportunity to be heard on the issue of segregation, that there is not a scintilla, indeed not a tittle, of evidence, that Respondents have denied access to or separated pupils on the basis of race, the District Court has determined that said Respondents are to be subjected to a desegregation plan calling for massive busing of possibly up to one million children.

The extreme public importance of this case can be gauged by the fact that the number of children affected by the remedy decreed in this action exceeds the respective populations of twelve (12) of the States in this country. The educational future of nearly 1,000,000 children clearly warrants the attention and exercise of jurisdiction by this Court.

Since the public announcement of the District Court's determination to fashion a desegregation plan calling for massive bussing on a scale heretofore unhead of, school districts in the metropolitan Detroit area have been unable to secure voter approval at millage elections and are faced with lack of financial resources necessary to maintain an adequate educational system. Elected school officials cannot plan for the future needs of their students because of the uncertainty as to which students' needs they must meet and the number of students they must accommodate. Expenses connected with the massive bussing program inherent in the District Court's determination will run into the tens of millions of dollars and threaten the continuance of educational programs by already financially hard-pressed educational systems. Planning for future building needs and construction cannot proceed with certainty. Indeed, the assumption by the District Court of the power and authority to ignore and dismantle State-established governmental entities places the continued existence of the school districts in jeopardy.

There is a critical distinction between this case and *Brown* v *Board of Education*, 347 US 483 (1954) and its progeny heretofore considered by this Court. There is no claim or finding in the instant case that the State of Michigan has ever fostered or maintained a dual school system. Over one hundred years ago the Michigan Supreme Court in *Ex Rel Workman* v *Detroit Board of Education*, 18 Mich 399 (1869), declared that under Michigan law black children are placed on the same footing with white children, and admissible on the same terms to all schools.

Where there is no evidence of a state policy of maintaining a dual school system, the naked existence of school districts established along the lines of municipalities, and other governmental entities, does not give rise to a deprivation of constitutional rights. *Spencer* v *Kugler*, 326 F Supp 1235, 1242 (1971); affirmed 404 US 1027 (1972).

The independent school districts in the metropolitan Detroit area, including the Detroit school system, were established pursuant to a State policy of maintaining a unitary school system and the fact that there now exists a racial imbalance in the Detroit school district does not amount to unconstitutional segregation attributable to the establishment or maintenance of the suburban school districts.

In the "Ruling On A Metropolitan Plan" the District Court took cognizance of the lack of precedent for the implementation of such a plan in light of the circumstances here involved, as follows:

"The main thrust of the objections to the consideration of a metropolitan remedy advanced by intervening school districts is that, absent a finding of acts of segregation on their part, individually, they may not be considered in fashioning a remedy for relief of the plaintiffs. *It must be conceded that the Supreme Court has not yet ruled directly on this issue;* accordingly, we can only proceed by feeling our way through its past decisions with respect to the goal to be achieved in school desegregation case. . . ."[6] [Emphasis supplied.]

It is respectfully submitted that the welfare of nearly 1,000,000 children should not be jeopardized due to the lack of cogent ruling by this Court and the District Court's "feeling" its way to decision.

Pronouncement of this Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 US 1 (1971) indicate that the District Court has in fact lost its way and only a determination by this Court can provide the needed direction.

"In seeking to define even in broad and general terms how far this remedial power extends it is important to remember that judicial powers may be exercised *only on the basis of a constitutional violation*. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. *Judicial authority enters only when local authority defaults.*

"School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralists society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court. *As with any equity case, the nature of the violation determines the scope of the remedy . . .*" *Swann, supra*, at page 16. [Emphasis added.]

Here, the only basis of a constitutional violation is the finding of *de jure* segregation in the City of Detroit school district. Local school authority in the eighty-five (85) suburban school districts in the Detroit metropolitan area has not defaulted. The only violation of constitutional rights found by the District Court is the failure of the principal defendants to maintain a unitary school system for approximately 275,000 students in *the City of Detroit*. Yet the judicial remedy authorized by the District Court would relocate hundreds of thousands of children in three counties and up to eighty-five (85) other school districts.

This Court will consider the question of the appropriate scope of a desegregation remedy within a single school district in a non-dual system State when it hears *Keyes* v *School District No. 1, Denver*, 445 F2d 990 (CA 10, 1971), cert granted 404 US 1036 (1972). The case of *Bradley et al* v *School Board of the City of Richmond*, 338 F Supp 67 (1972), now awaiting decision in the Court of Appeals for the Fourth Circuit, presents the question of the propriety of cross-district bussing, involving three contiguous school districts, to achieve desegregation where there has been a State-wide dual school system policy. *Bradley* v *Richmond, supra*, will undoubtedly be presented to this Court. Neither of the foregoing cases will, however, reach the issues raised in the instant case.

The Court has previously exercised its power to grant certiorari where the issues presented in other pending cases warranted consideration of all cases at one time. *Taylor* v *McElroy*, 360 US 709 (1959) and *Brown* v *Board of Education of Topeka*, 344 US 1 (1952). The undersigned Respondents suggest that by granting certiorari in this case and hearing the same in conjunction with *Keyes, supra*, and perhaps *Richmond, supra*, the Court will have before it the gamut of desegregation remedies and will be in a position to lay to rest the principal issues associated with the appropriate scope of judicial remedy in school desegregation cases.

The Court of Appeals for the Sixth Circuit admittedly has not considered the substantive questions raised herein with respect to a so-called metropolitan plan of desegregation. These substantive questions are of such monumental constitutional significance and imperative public importance, however, as to warrant the immediate attention of this Court.

The disruptive consequences of a judicial remedy affecting nearly 1,000,000 children and calling for massive cross-district busing between up to eighty-five (85) school districts is obvious and to delay final decision on the legal propriety of such remedy while the parties trod the traditional path of appeal will serve to exacerbate such disruptive consequences.

It is admittedly the duty of the District Court to effect a remedy which will prevent the impairment of the constitutional rights of children within the Detroit school system. Such remedy should put an end to *de jure* segregation, if it legally exists. The remedy, however, should not be expanded beyond what is necessary to repair the denial of the constitutional right to be protected. As stated in *Swann, supra*.

". . . The task is to correct, by a balancing of the individual and colletcive interests, the condition that offends the constitution." *Swann, supra*, at page 16.

The interests of the 750,000 children who attend suburban school districts are of no less importance than the interests of plaintiffs herein. The judicial guidance of this Court is needed now in the interests of all concerned.

CONCLUSION

This matter manifests the characteristics, in terms of public importance, of other cases[7] in which this Court has seen fit to exercise its authority to issue a writ of certiorari, even in the absence of decision by the Court of Appeals. Massive busing orders to achieve school desegregation, none of which approach the magnitude of the remedy here involved, and the public confusion associated therewith have prompted calls for definitive guidance by the President of the United States, the United States Congress and the public generally. So nebulous is the appropriate scope of judicial remedy in school desegregation cases that a substantial portion of the public, legislative and executive officials have urged the adoption of a constitutional amendment to circumscribe the remedial powers of the courts.

The substantial number of school desegregation cases now pending in District Courts and Courts of Appeals throughout the United States would be expedited by the prompt resolution of the constitutional issues in the instant case.

The circumstances recited herein and in the Petition For Writ Of Certiorari demonstrate the compelling reasons why this Court should grant certiorari.

It is respectfully prayed that the Petition For Writ Of Certiorari to the United States Court of Appeals be granted by this Honorable Court to the end that this cause may be timely reviewed and determined by this Court.

Respectfully submitted.

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[1] Although the undersigned Respondents concur with Questions I and II as presented in the Petition For Writ Of Certiorari their interests are directly affected only to the extent of the constitutional propriety or impropriety of a so-called metropolitan plan of desegregation. Even assuming, *arguendo*, that the City of Detroit school district is not a unitary school system, the question of whether the judicial remedy may extend beyond the nature and locus of the constitutional violation remains.

[2] Appendix to Petition For Writ of Certiorari, page 1a.

[3] Appendix to Petition For Writ of Certiorari, page 31a.

[4] Appendix to Petition For Writ of Certiorari, page 37a.

[5] "Ruling On Issue of Segregation", Appendix to Petition For Writ of Certiorari, page 1a.

[6] "Ruling On Propriety Of Considering a Metropolitan Remedy To Accomplish Desegregation Of the Public Schools Of The City of Detroit", Appendix to Petition For Writ Of Certiorari, page 34a.

[7] *United States* v *Bankers Trust Co.*, 294 US 240; *Railroad Retirement Board* v *Alton R. Co.*, 295 US 330; *Rickert Rice Mills* v *Fontenot*, 297 US 110; *Carter* v *Carter Coal Co.*, 298 US 238; *Ex parte Quirin*, 317 US 1; *United States* v *United Mine Workers*, 330 US 258; *Youngstown Co.* v *Sawyer*, 343 US 579.

USO REPORT A COVERUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I have carefully scrutinized an investigation report issued by the USO concerning corrupt and wrongdoing within the servicemen's organization.

Careful study of the report reveals that the USO has covered up the alleged illegal activities of its present executive director.

The report released June 15 by the USO, generally substantiates the charges which I have released over the past several months concerning corruption in the USO.

However, I believe that there are several specific points in the conclusion of USO's report that must be disputed.

The USO's report fails to specifically confirm or deny whether Sam Anderson, the former director of USO in Vietnam, and currently USO's worldwide executive director, was aware of corruption and wrongdoing more than 2 years ago, but did nothing about it. Several of the witnesses who I interviewed described efforts by various USO personnel to inform Mr. Anderson of wrongdoing. Apparently, despite the fact that he was informed of the illegal activities by some USO employees, he did nothing.

The USO study carefully examines illegal and fraudulent concessions after October 1970. Curiously, Mr. Anderson left Vietnam in October 1970. The investigation, for some reason, focuses on the period after Anderson left Vietnam. USO's unwillingness to thoroughly investigate Anderson's tenure in office suggests that a coverup has occurred.

I also believe that it is completely unrealistic for USO to claim that only $5,000 worth of goods was misappropriated. The number of vehicles, air conditioners, and other equipment stolen and black marketed by USO employees was clearly valued at far more than $5,000. One vehicle provided by the USO to a Vietnamese singing group according to a former USO employee was valued at $10,000. All of the witnesses to whom I have spoken consider corruption within the USO widespread and pervasive. It seems to involve almost every form of corruption and I believe it would be more realistic to describe losses of USO property in terms of hundreds of thousands of dollars rather than $5,000.

I also think that it is inaccurate and unfair for USO President Maj. Gen. Francis Sampson to assert that no USO serviceman was defrauded in Vietnam. The USO's report clearly indicates that USO employees ran a phony mail-order scheme that defrauded our GI's. General Sampson should comment or honestly admit that some GI's have been cheated.

Mr. Speaker, I have also learned from independent sources that a Defense Department investigation of alleged USO corruption, now underway, will probably contradict some of USO's findings. I have also been informed by officials of the Department of Defense that the DOD's investigation may lead to criminal indictments against some former USO officials. The Department of Defense officials have assured me that the Defense Department's investigation will be more thorough than the USO report. In addition, the Pentagon is working with the Internal Revenue Service and a criminal division of the Justice Department in connection with the investigation.

It is also interesting to note that the USO report contradicts the results of a preliminary investigation by the Inspector General of the Army. That preliminary investigation found that "certain USO personnel were using and trafficking dangerous drugs and narcotics" and that USO abused privileges granted by the military. I am most concerned about these obvious contradictions between USO's report and the findings of the Inspector General. Either USO's report is incomplete, or the organization is contradicting the conclusions of an official Department of the Army investigation.

The USO should respond to all the specific allegations which have been publicly released. There are a large number of specific points which the USO has glossed over in its report.

The USO should also make all documents and reports connected with the investigation available to the public for close scrutiny. Members of Congress, members of the press, and the general public should have an opportunity to thoroughly review USO's own investigation.

Until all the facts are known, doubts will remain about the effectiveness of USO's investigation, particularly in view of the contradictions, coverups and omissions which have already been found.

Mr. Speaker, USO has an important function to fulfill in serving our GI's, particularly those men serving overseas. While I am confident that the vast majority of those people working for USO serve only the best interests of our fighting men, it is imperative that all individuals who either participated in direct corruption or were clearly negligent and derelict in their duty, should be removed by the organization.

TEXAS HOSPITAL ASSOCIATION'S CREDIT UNION HAS INCREASE OF OVER 60,000 PERCENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when a credit union can show asset increases of more than 60,000 percent in 1 year, then it is indeed a newsworthy event.

That is exactly what happened to the Texas Hospital Association Credit Union.

When the credit union opened on September 1, 1970, it had $190 in assets. By the beginning of 1971, the credit union had increased its assets to more than $6,000. And at the end of 1971 its assets were more than $381,000 which represented an increase of 6,066 percent in 1 year.

When the credit union started, it had only 14 members. But now the credit union has over 3,300 members employed in 82 member hospitals throughout the State of Texas.

And the credit union is not sitting on its money. It has lent more than $374,000 to its members and recently paid a dividend of 4 percent—a one-half percent increase over its previous semi-yearly dividend.

While the tremendous growth of the Texas Hospital Association Credit Union is an outstanding example of the popularity of credit unions, it is only one example of how well credit unions have been received across the country. Each month hundreds of new credit unions are chartered and thousands of new members are attracted to these worthwhile institutions whose motto has always been, "Not for profit, not for charity, but for service." It is this kind of philosophy that has helped credit unions grow and enabled them to better serve more than 23 million Americans. I am enclosing in my remarks a copy of an article that appeared in THA, a monthly publication of the Texas Hospital Association, describing the progress of that association's credit union.

SHOWS RAPID GROWTH: PROGRESS REPORT

"Six thousand, sixty-six per cent" is not the loan interest rate, it's the growth rate for your Association's fastest growing service, the THA Credit Union. In 1971, the Credit Union experienced this phenomenal rate of growth increasing from $6,290.60 to $381,641.87 in assets.

The rapid growth of the Credit Union is due to the enthusiastic support from the entire THA staff, especially, Executive Vice President, O. Ray Hurst, the Credit Union Board of Directors chaired by William Cotner, and the representatives of the individual hospital.

The THA Credit Union became a reality on September 1, 1970 when 14 THA Staff members deposited $190.00. Since that day the Credit Union has continued to flourish and there are now over 3300 employees from 82 member hospitals actively participating through payroll deductions. Those 3300 members have deposited more than $394,000.00 in the Credit Union. The money which has accrued in share balances has filled an actively demonstrated need. This is indicated by the fact that more than $374,000.00 has been loaned to Credit Union members during the same period.

The rapid growth and health of the organization was recognized by the Board of Directors through the voting of a 4% dividend at the end of December. This was an increase of one-half percent over the previous dividend paid in June. As growth of income continues, this dividend will be increased in size.

Membership in the THA Credit Union is available to employees and medical staff members of all THA member hospitals where a Credit Union does not now exist. Hospitals that are interested in offering this benefit to their employees may obtain detailed information from Dan Cervenka, Manager, THA Credit Union, P.O. Box 4562, Austin, Texas 78765.

THE 125TH ANNIVERSARY OF THE NORTH SYRACUSE BAPTIST CHURCH

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today to bring to the attention of our colleagues the occasion of a most significant anniversary in central New York—the 125th of service to God and country of the North Syracuse Baptist Church.

This notation is particularly worthy at such times when institutions of every type and purpose are under the pressures of rapid change which challenge not only their outward structure but their bedrock principles as well. Whether it is a social escalation impelled by technocratic advances or a counterculture movement stripped of its veneered superficiality, there can be no meaningful change without retention and absorption of the basic

elements of a divinely guided brotherhood.

Our Nation itself, pioneered in God's name and guided in His Spirit, observes the special status which the religious conviction and principle have in the conduct not only of personal affairs but also in the life of a pluralistic society. Thus we have, as a government, assured our people their unalienable right to freely worship their chosen divinity. Symbolic of this mutual dependence, the flag of our country, flown over this very Capitol, flies beside the Christian flag at the entrance to the North Syracuse Baptist Church.

Upstate New York had just lately emerged from its forest wilderness when the Reverend William H. Delano led the first congregation of 28 souls in prayerful dedicaton for the precursor of the present North Syracuse Baptist Church. Truly a mission amid the fields, the Plank Road Baptist Conference of 1844 grew as the area grew. Second generation colonial homesteaders were joined by newly arrived immigrant populations and the congregation reflected the dynamics of a burgeoning community. From its first wood stove-heated and oil lamplighted structure the church grew with America as it rounded the mark into the 20th century. To its credit and through the dedicated service of her pastors and the laity, the church today is blessed with vigor and vitality, under the leadership of Pastor Edward H. Stady and his associate, Rev. Dr. James D. Arthur. Nothing more typifies the history of this church and congregation than its own anniversary motto—"Changing Years—Timeless Truth." Through its active youth and young adult projects and its radio ministry, as well as its general membership activities and programs, North Syracuse Baptist Church has truly sought to preach and teach the "whole counsel of God" with a relevance to contemporary mores inspired by the ageless message of the Bible.

I think it most fitting again that we take note of this 125th anniversary and extend the best wishes of this body to the congregation and with it many more years of fruitful and productive service to God, their membership, their community, and their Nation.

COMMENCEMENT ADDRESS AT UNIVERSITY OF NOTRE DAME BY PRESIDENT KINGMAN BREWSTER, JR., OF YALE UNIVERSITY

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of a most thoughtful and provocative address delivered by the distinguished President of Yale University, Kingman Brewster, Jr., on May 21, 1972.

The address was delivered at the commencement exercises at the University of Notre Dame.

The text follows:

TEXT OF COMMENCEMENT ADDRESS AT UNIVERSITY OF NOTRE DAME BY PRESIDENT KINGMAN BREWSTER, JR., OF YALE UNIVERSITY, MAY 21, 1972

We meet at a time of extreme hope and extreme fear. Our hopes are that the President of the United States may have some hidden agenda for peace.

Our fears are that he may really believe his publicly asserted agenda for avoiding defeat at any cost in this misguided war.

Even the President of the United States is entitled to a presumption of innocence. But that presumption will ultimately be vindicated or rebutted by events. Most particularly it will be adjudged by the results of his stated hope for rapprochement with other major powers, particularly the Soviet Union and the People's Republic of China.

Anyway, you who are my captive audience by dint of your desire to receive your degrees from the hand of Notre Dame's distinguished President, deserve better from me than my amateur speculations about what "he" is up to. In the great headline on a column in the New York Times, "I wonder who's Kissinger now?"

Whatever the outcome of present international operations, there is a deeper tragedy for our country in the divisions which have been cleaved into our national community by the style and the process of Presidential decision. Once it is claimed that "if you are not for me you are against me," it becomes hard to restore mutual tolerance. When this all-or-nothing-at-all attitude becames: "If you are not for me you are against my office," the cleft cuts deeper. When it is asserted that "if you are not for me you are against our country," the bone as well as the sinew of the nation may become fractured beyond mending.

This tragedy is more fundamental than the rights or wronga of the policies of the moment. For once disagreement is consciously aggravated by the disparagement of motivation; once disapproval is wilfully rubbed with salt, it will fester into distrust. A mutually distrustful community, a mutually distrustful nation cannot be held together. This is the tragedy which will outlast the moment, unless somehow it again becomes possible to accept disagreement as the natural order of a free society. This must include room for disagreement with the President of the United States.

HOLD FAST TO CONSTITUTIONAL VALUES

My message to you who are graduating is to hold fast to what I would call constitutional values. Only if we can restore a fervent allegiance to the ethic of the Constitution of the United States is there hope that we might repair the deep divisions, disapprovals, and distrust which have been sown throughout the land by the "if you are not for me you are against our country" rhetoric of the President, the Vice President, and other administration spokesmen.

The Constitution of the United States is a charter which was designed to provide a process for orderly diversity of interests and views Its spirit, its allocation of powers, and its procedures were an inspired vision and an ingenious design to permit a diverse and scattered people to work out their destiny without resort to the dictate of the tyrant on the one hand or the disarray of fratricidal squabble on the other

Now if we would restore the ethic, the rationale, the values of the Constitution we cannot expect it to be done for us adequately by any of the branches of government There are severe limitations on what we can expect of the executive, the legislature, or even the courts These limitations are much more severe today than they ever have been before.

Mr. Nixon is not the first, nor will he be the last, president to be impatient with constitutional limitations on his power I awoke to social, political, and public consciousness during the New Deal. The exuberant Franklin Roosevelt had little patience with the niceties of constitutionalism. This was most dramatically demonstrated by his nefarious court-packing plan. But his legal latitudinarianism applied also to national security policy, when he requested his Attorney General to rationalize his fifty-destroyer deal as an exercise of the executive power. His whole purpose waa to bind the destiny of the country to the United Kingdom before public opinion or the Congress was ready for it.

The spunky President Harry S. Truman had to be slapped down by the Supreme Court when he tried by the stroke of a pen to seize the Steel Industry without legislative authority.

Certainly Richard Nixon has been impatient with constitutional strictures to the point of urging the Congress to impose a moratorium on the powers of the courts to carry out the Constitution's mandate for equal protection of the laws in the matter of school desegregation.

In my personal recollection Dwight Eisenhower was perhaps the only President who showed a temperamental deference to the overriding commands of the Constitution. Apparently he really believed in the separation of powers. Despite screaming pleas from the left for "leadership" he left it to the Senate to handle their own miscreant member, Joseph McCarthy. Even though it was not his social preference, he did not hesitate to carry out the spirit as well as the letter of the Supreme Court's constitutional interpretation when he ordered Federal troops into Little Rock.

But the purpose of this recitial is not to compare one President with another. It is simply to point up the fact that the chief executive cannot be relied upon to defer to the constitutional ethic when it inhibits his own perception of immediate national interest.

How about the Congress? The record is not much more reassuring. Historians of the New Deal will remember that the Congress flaunted its "what the hell" attitude toward the Constitution when it passed the Bituminous Coal Act—the so-called Guffey Act—despite serious questions about its constitutionality, following the Supreme Court's declaration of the unconstitutionality of the National Industrial Recovery Act.

Under the pressure of red-baiting the Congress was equally reckless in its "Constitution-be-damned" attitude when it overrode President Truman's veto, on constitutional grounds, of the outrageous McCarran Act which cast aside the first and fifth amendments as far as the Communist Party was concerned.

More recently the champions of the military, Congressman Rivers and Congressman Hébert, urged the Attorney General to prosecute draft resisters whether or not the Department of Justice felt that such prosecutions would overstep constitutional bounds. Now the champions of the anti-busing moratorium, prodded by the President and his Secretary of Health, Education, and Welfare, do not seem inhibited by the grave constitutional doubts about the power of the Congress to deprive the courts of the remedies which they think appropriate to undo unlawful segregation of public educational facilities.

Of course we have all grown up with the notion that the most alert constitutional vigilance and the most reliable constitutional protection lies with the courts. So it does. But that too has changed mightily since I was growing up. The same judicial self-restraint taking its cue from Justices Brandeis and Holmes, which opened the door to economic legislation in the thirties, has reappeared in the name of "strict construction" to fortify a new judicial conservatism which asks us to tolerate wire-tapping and no-knock powers to intrude upon the private life of the suspect citizen in the seventies.

In short, there are many constitutional values which are of deep and pervasive importance to the quality of a free society which cannot be assured if the citizen relies solely on the courts.

The capacity of the judiciary to vindicate constitutional values in today's society faces

two other very significant extensions of federal power. Both defy judicial review.

The first is the enormous extension of the federal spending power. The second is the enormous extension of the presidential power in foreign and national security affairs.

Even if you do not live in public housing, the roof over your head is likely to be held up by a federally guaranteed mortgage. Your education is likely to be dependent upon federal grants-in-aid. If you are unemployed, your compensation check is dependent upon federal legislation. Your health is increasingly paid for by federal aid, either directly by subsidized insurance or indirectly by grants or loans for medical facilities. The chances are that your business depends heavily on government contracts.

In short what you can do, how you can live is determined increasingly by whether or not you can qualify for federal help. If that help is denied, the burden may be just as great as though you were subject to federal restraint or subject to a federal penalty. Yet by long standing judicial interpretation, the ability to receive a government payment or a subsidy is a privilege, not a right. Abuse of the spending power is very, very hard to challenge in court. The taxpayer certainly has no way to get into court just because he thinks that the federal fisc is being spent in an unlawful or unconstitutional manner.

CLOSE TO HOME

This is not just the abstract rumination of an ex-law professor. It is quite close to home for anyone responsible for the affairs of a university today. There is the constant threat that because we receive federal grants or contracts or fellowships or loans, the Congress will use the spending power to blackmail us into conformity to policies and preferences which they would have no power to impose by federal regulatory or criminal law.

We came within an ace of having to impose disciplinary standards dictated from Washington if we would received federal scholarship aid. Such was the amounting demand in Congress two years ago for federal action aimed at what was politely called "student unrest." Actually this tide was stemmed by the White House in large part because the President of this University persuaded the Governors' conference and President Nixon to withstand Governor Reagan's impatience with campus self-determination. That was during the twilight of the sixties.

Now, in the seventies, we have the effort of the House Subcommittee on Higher Education to impose admissions requirements whereby any institution would lose all its federal support, medical, scientific, as well as student aid, if it refused to remove all consideration of sex from its admissions decisions.

Perhaps most outrageous to both the national security interest and to academic freedom is Congressman Hébert's proposal to deny all defense research grants and contracts and all enrollment of military personnel to any college or university which has decided to abandon its Reserve Officer Training Program. The merits of R.O.T.C. are not my point, it is rather that there may very well be no way whereby a deprived institution could test whether the discrimination against it was a "reasonable classification" as the constitutional lawyers would say. If, for instance, there were a federal tax law which taxed institutions because of their failure to have military training programs, then the reasonableness of the imposition could be tested. When that "tax" takes the form of the withholding of the chance to do defense related research, there is no legal recourse.

In short, all the apparatus of judicial review which governs criminal and regulatory law may very well be unavailing when the spending power is involved. Yet we all know that the ability to receive assistance, especially when you are competing with those who do, may be just as real an exercise of power as the imposition of prohibitions and penalties. Now that federal bounty pervades all activities, the "money license" may be a more general nexus between the citizen and the state than all the federal criminal law put together. Yet its exercise is for the most part beyond the reach of constitutional safeguards against abuse.

PRESIDENTIAL DISCRETION

The other development spurred by the necessities of the world we live in is the enormous extension of presidential discretion in foreign and national security policy. Even a most constitutionally scrupulous President cannot be expected to wait upon the niceties of congressional debate if he feels that urgent national self-interest requires immediate action.

The bind comes, of course, when his perception of the nation's interest is at odds with public opinion. It is not easy to balance the responsibilities when a President is convinced of the necessity for an action which might not command Congressional support. If he feels that imperative national interest, even survival itself, is at stake, can he be blamed for biting the bullet as the saying goes? At the same time the Constitution foresaw that a free people will not long be reliable under the lash of personal sacrifice unless there is a widespread confidence that this sacrifice was called for by a genuinely popular will expressed by the people's representative in Congress.

The balance is one of political judgment, not abstract principle. In striking this balance the Supreme Court has been properly reluctant to second-guess the Commander-in-Chief.

We cannot wish away the facts of life which have taken so much of federal power beyond the recall of judicial review. An economy like ours cannot be either productive or just without a massive federal spending power for the general welfare as well as for the common defense. No nation in a world like ours can fail to widen the executive discretion to respond to threats to the national security.

Where, then, are we to look for the vindication of the values and ethic of the Constitution; especially in those areas which lie beyond the feasible power of the courts; particularly if we cannot count on legislative self-restraint or upon the constitutional sensibility of an impatient executive?

A PUBLIC CONSTITUTIONAL CONSCIENCE

A public constitutional conscience and a popular capacity for constitutional outrage is, I submit, the last best hope for a free society in a complex and terrifying world. This, in turn, will depend greatly upon the constitutional sensitivity of those of each generation who have had the privilege of an education which has been concerned with not only the history of the struggle for fairness, but also with the yearning and frustration and triumphs and failures of the human spirit.

Those of you who have been brought up to believe in a natural law which transcends the fallibility of man may have a special obligation to keep alive a constitutional conscience which is not measured or limited by prediction of what a court will do.

By constitutional conscience I mean especially two precepts: first, the presumption of innocence; second, the accountability of power.

Both are terribly vulnerable right now. Both lie deeper and reach beyond the legal process.

The presumption of innocence is not just a question of criminal guilt. It is an attitude which is willing to believe the best of your fellow men until the contrary is proven beyond doubt, not just in a courtroom but in all human relationships. Most particularly it gives the benefit of the doubt to those who are set upon by accusers, especially official accusers. It does not impute base motives to those who disagree. It leave : generous room, not only for reasonable disagreement, but for error and mistake.

The insistence on the accountability of authority is also more fundamental than the fine print of legal strictures. It is concerned with the spirit in which power is exercised. Noblesse oblige is no substitute for the willingness of governors to take into serious account the feelings and opinions of the governed. Most important it presupposes an openness and disclosure, so that those affected by the exercise of authority may decide whether or not they are in fact satisfied with what has been done to them, for them, or in their name.

A MORAL CONVICTION

Both of these precepts—the presumption of innocence and the accountability of power—rest ultimately upon a moral conviction that the individual human being is endowed with a dignity which must be protected from unfairness, and is entitled to have a say in his own destiny. Authority, even the authority of the majority, must not be allowed to rise above this ultimate moral concern.

Many of you, and many of your faculty, and Father Hesburgh and I, are today profoundly upset by the flouting of the presumption of innocence. We are called knaves by those in authority because they resent our opposition. It would be enough if they called us fools; but somehow the compulsion of politics has so corrupted compassion that we should be called not wrong but wicked. This is the deep insult, not to us personally, but to the process which was designed to ensure the freedom of mutually respectful disagreement.

And many of you, many of your faculty, and your University's President and I, are deeply disturbed by a self-righteousness which seems to assume that benevolence can be an excuse for high-handedness, if not dictatorship. This is a challenge not to our person, but to everything we were taught to care about in the elementary civics of constitutionalism.

As you go forward from this place, make it your job to remind the Republic of its origin, and to insist that fallible men must not judge each other quickly or impatiently. Insist also that those who do, and must, have the authority of government shall remember that they do derive their just powers from the consent of the governed.

Upon you, and others like you, will depend the vitality of our nation's Constitutional conscience.

Mr. Speaker, I insert also the text of an article by Tom Wicker published in the New York Times of May 23, 1972. Mr. Wicker's article was based on Mr. Brewster's address. Both Mr. Brewster and Mr. Wicker received honorary degrees from the University of Notre Dame on this occasion.

Mr. Wicker's essay follows:

THE GUARDIAN CRITICS

(By Tom Wicker)

SOUTH BEND, IND.—Any astute commencement speaker knows that he or she cannot expect today's college seniors to sit still for the old-fashioned inspirational bilge that used to be pumped from every graduation platform in the land. Yet, at the University of Notre Dame's commencement exercises Sunday, the seniors gave a standing ovation to their valedictorian, William G. McElroy Jr., of Silver Spring, Md., when he said that he had "a feeling of hope" that he and his classmates would find in the search for honor "a spark in our lives" and in the struggle against evil a "profound duty."

Mr. McElroy—one of four seniors to achieve a remarkable 4.0 grade level for his years at Notre Dame—was not of course being merely inspirational; he said he had resisted faculty advice to sprinkle his speech with "glittering matter" and "empty slogans." He was, in fact, condemning contemporary America for "abandonment of the pursuit of honor," for "self-regard" rather than "self-giving", and for using its technological power not for the advancement of mankind but to make war, pollute the atmosphere and render its cities unlivable.

Nevertheless, these remarks—heard in rapt silence and thunderously applauded—were certainly not revolutionary, in the political sense. Mr. McElroy spoke of a future in which he and his classmates would be "lawyers, doctors, businessmen"; and it was in that mundane prospect—not in some millennium—that he defined their task: "striving for justice and honor in a world that is evil." Traditional American idealism rings in those words; they are a summons to old but slighted values, not to some new system or concept.

In fact, it is not necessarily true that the sharpest critics of modern American life are the strongest advocates of change, in contrast to the super-satisfied who advised them via bumper stickers to "love it [presumably as it is] or leave it." On closer examination, some of these defenders of the status quo appeared to support the greatest changes from historical or fundamental concepts, while the critics more nearly proclaim old, if half-forgotten, values.

This phenomenon of the critic as conservative—as guardian rather than evangelist of the new—was equally evident in the commencement address of Kingman Brewster, the president of Yale, Mr. Brewster has been a strong critic of many recent developments, and so he was at Notre Dame—raking President Nixon, for example, for a policy of "avoiding defeat at any cost in this misguided war" and for proclaiming, in effect, "if you are not for me you are against our country."

But Mr. Brewster's real message was the necessity for preserving "constitutional values"—which he said could not be done by the executive, the legislative or even the judicial branches, but ultimately only by "a public constitutional conscience and a popular capacity for constitutional outrage."

Thus, Mr. Brewster urged upon his listeners a constant concern for two precepts—both of which are of the warp and woof of American tradition: "first, the presumption of innocence; second, the accountability of power." Both, he said, "rest ultimately upon a moral conviction that the individual human being is endowed with a dignity which must be protected from unfairness, and is entitled to have a say in his own destiny. Authority, even the authority of the majority, must not be allowed to rise above this ultimate moral concern."

So, he told the Notre Dame graduates, "as you go forward from this place, make it your job to remind the Republic of its origin, and to insist that fallible men must not judge each other quickly or impatiently. Insist also that those who do, and must, have the authority of government shall remember that they do derive their just powers from the consent of the governed."

That is the true voice of the American constitutional conscience; yet, somehow, those who say such things today are apt to be labeled "dissidents" or even "radicals" or charged with aiding an enemy—while those who want to shortcut the law or "turn loose" the police to put more people in jail, and those who insist that patriotism requires total support for anything President Johnson or President Nixon might do as Commander in Chief, proclaim themselves most concerned for their country and advise others to love it or leave it.

Therefore, it is not always true that the sharpest critic advocates the greatest change—not, at least, if the starting point is the Constitution of the United States and the context is that of the traditional American values. These may always have been honored mostly in the breach, but they once gave the nation an ideal of itself—an ideal to which it is necessary, not revolutionary, to cling.

S. 659 A TRULY BIPARTISAN MEASURE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on June 8, 1972, the House approved and sent to the President for his signature a landmark higher education measure that not only will extend all existing Federal higher education programs, but will add several new programs of salient importance to the future of American higher education. I refer, of course, to the provisions of the conference report on S. 659 creating a new progam of direct assistance to colleges and universities, and in addition inaugurating a new system of basic educational opportunity grants for students from both middle-income and low-income families.

At that time, Mr. Speaker, I noted that the measure enjoyed wide, bipartisan support in both Houses, and called attention in particular to the presence of several programs in the final version of the bill that were originally proposed by President Nixon.

Today, Mr. Speaker, I include in the RECORD that portion of the Democratic Policy Council's report to the 1972 Democratic Platform Committee, which addresses itself to higher education.

I am pleased to note that many of the programs recommended in the Policy Council's report have already received congressional approval in the measure sent to President Nixon this month. This serves to further illustrate, Mr. Speaker, that the bill that won our final approval represents good policy and is truly a bipartisan measure that deserved our enthusiastic support.

The report follows:

HIGHER EDUCATION

We firmly support universal access to opportunities for post-secondary education. The demands and complexity of contemporary society make it imperative that post-secondary opportunities be universally available. It is imperative too that the American system of higher education continue its tradition as an open system, and not be closed just at that point in time when so many more young people wish to enter it. Thus, the following goals are recommended for federal higher education policy:

Increasing equality of opportunity. The American education system, particularly its colleges and universities, has always been an important path toward social and economic advancement and upward mobility. This movement and the resulting lack of rigid social structure from one generation to the next have been important contributors to the strength of American society. Despite tremendous increases in the size of the higher education system and the level of government resources flowing into colleges and universities, the enrollment opportunities for students from low and moderate income families are significantly constrained at a time when higher education is increasingly a necessary requirement for mobility and when social and economic mobility are increasingly important for the maintenance of our social fabric.

To narrow the gaps in educational opportunity, *federal higher education policy should increase the proportion of low and moderate income youth who both enroll in college and eventually graduate. Federal policy should also seek to make the distribution of these students among public and private, and two and four year institutions approximate that of students from more affluent families.*

Increasing the quality and diversity of the higher education process. The products of American education, particularly its colleges and universities, are important sources of economic social strength and the advancement of the society. The quality and quantity of these human products significantly influence the composition of the nation's highly skilled manpower pool. As the society moves toward the final quarter of the twentieth century, its demand for highly trained manpower will persist. More importantly, society is beginning to confront a range of social, economic and environmental problems for which it is shamefully unprepared. If these problems are to be successfully attacked, a new range, quality and quantity of educational products, both graduates and knowledge, must come from the nation's educational system. The demand for these products and the need come at just the time colleges and universities are retreating from an active period of expansion and creative development.

To combat this retreat, federal higher education policy should seek to increase the number and kinds of individuals who receive a college education and the quality of the education that they receive. Federal policy should stress that educational quality should be measured along a wide variety of dimensions.

Stimulating reform in the higher education system. If college and universities are to serve new and diverse groups of students and if they are to produce new levels and varieties of educational outputs, it is clear that existing institutions must reform and new kinds of institutions must be nurtured. Reform or changes should not be attempted for its own sake, but in order to make higher education better serve its clientele—both students and the society-at-large—through teaching, research and public service. Without federal resources, reform and change are unlikely to occur within the higher education system.

To stimulate reform, federal higher education policy should seek to increase the resources that are available for institutional reform, change, and development. These resources should not be restricted either to existing institutions or existing educational technologies.

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The following programs can help achieve the urgent goals of the seventies. Each requires new directions in federal support and might best be served through imaginative new cooperative arrangements between federal and state governments.

A PROGRAM TO EQUALIZE OPPORTUNITY

Direct grants to students based on family income and college cost.

Guaranteed access for all students to loan funds which have long-term repayment periods and some form of insurance against low future earnings.

Regulated vouchers to federally-aided students for supplementary and compensatory educational acivities in order to enable them to compete with other, more highly prepared students.

Grant supplements to institutions based on their enrollment of federally-aided stu-

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dents. These grants would aid all institutions enrolling aided students, and in particular would increase the attractiveness of these students to selective colleges and universities.

Contingent loans to institutions with repayment based on the amount of federal student grant funds expended. These loans will encourage the development of new institutional capacity.

Federal incentives to states to better equalize tuition charges between public and private institutions.

Funds to foster a new partnership between post-secondary, secondary and primary school education to concentrate on the problems of the educationally-disadvantaged and provide new patterns for learning. This arrangement would hopefully insure greater success of the educationally disadvantaged when they enter colleges and universities and utilize new techniques of teaching and performance evaluation.

A PROGRAM TO IMPROVE THE QUALITY OF THE EDUCATIONAL PRODUCT

Direct grants to colleges and universities wishing to develop new programs or new levels of capacity.

Guaranteed access to loan funds for colleges and universities that have long-term repayment periods in order to further encourage institutions to expand or develop new programs.

A PROGRAM TO STIMULATE REFORM

The best method for stimulating reform and equality and quality in higher education is to encourage institutions to experiment with new styles of educational activity. In addition, the federal government should support, through project grants, a wide range of higher education experiments. The experiments should include:

Alternative student and institutional financing mechanisms;

Alternative educational technologies;

Alternative programs that serve new kinds of students and encourage needed innovations including:

Changes in admissions policies to make them more responsive to students traditionally left behind.

Development of broad opportunities for lifelong learning.

Reforms in academic calendars to allow degrees to be obtained more quickly; to allow students to gain access to post-secondary opportunities throughout their adult years; and to encourage "stopping off" during the higher education experience.

Efforts that foster inter-institutional cooperation, in planning, use of physical and academic resources, and public service programs.

Efforts to improve institutional management, planning and budgeting.

In summary, federal policy should also identify and assist specific categories of institutions in need of special institutional support, e.g., predominantly black institutions and developing institutions, particularly new community colleges that offer comprehensive academic and vocational programs.

A WARM TRIBUTE TO THE LATE KATHY WHITE, A LOVELY AND LOVING LADY, AND WIFE OF OUR COLLEAGUE, THE HONORABLE RICHARD WHITE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in the course of a briefing for congressional wives held at the State Department on June 9, 1972, some very eloquent and moving remarks were made in eulogy to the late Kathy White, beloved and charming wife of our distinguished colleague and friend, the Honorable RICHARD "DICK" WHITE, who left us all too suddenly and all too soon.

Mrs. Pepper, who was privileged to attend this occasion, was deeply moved by the beautiful tributes to her dear friend, Mrs. White, and at her request I am honored to have the privilege of putting in the CONGRESSIONAL RECORD the warm comments of high regard made by David Abshire, congressional liaison aide for the Department of State, and by Mrs. Dorothy Hungate, whom we all know as the gracious wife of our distinguished colleague and friend, WILLIAM "BILL" HUNGATE. I feel sure that Kathy's multitude of friends on the Hill and elsewhere would want to participate in this emotional and deeply moving experience:

STATEMENT BY DAVID ABSHIRE

We now turn to the tribute to Kathy White. As you know, a few months ago, Kathy died accidentally, and Kathy made a tremendous contribution which will live on as long as these briefings continue, and I am sure they will continue as long as the State Department continues. It was through her initiative that the periodic State Department briefings were initiated and I want to, in just a minute, call on Dorothy Hungate, wife of Congressman Bill Hungate of Missouri, to make that presentation. She was Kathy's friend and colleague in the 89th Club. We are very happy to have with us this morning, Congressman White, Dick, and his three sons—Rod, Richard and Raymond. And now I call on Dorothy Hungate.

STATEMENT BY MRS. DOROTHY HUNGATE

Kathy was a beautiful person, she possessed physical, mental and spiritual beauty. I don't believe I have ever known anyone who loved life more, lived it more fully, more joyfully. Kathy truly loved people and she had that special ability to show them that she cared. Thousands of American women pay lip service to the collect of the General Federation of Women's Clubs—Kathy lived it.

Keep us, oh God, from pettyness. Let us be large in thought, in word, in deed. Let us be done with fault-finding and leave off self-seeking. May we put away all pretense and meet each other face to face without self-pity and without prejudice. May we never be hasty in judgment and always generous. Let us take time for all things. Make us to grow calm, serene, and gentle. Teach us to put into action our better impulses, straight-forward and unafraid. Grant that we may realize it is the little things that create differences; that in the big things of life we are as one and may we strive to touch and to know the great common human heart of us all, and, oh Lord God, let us forget not to be kind.

Kathy's first love—the most important thing in Kathy's life, was her family—Dick and their three sons. If you have not read Dick's tribute to Kathy which was printed in the Congressional Record of May 2nd, I hope you will. It was the most beautiful tribute I have ever read. In these few moments I have this morning, I would like to talk a little bit about the Kathy I knew. Our friend, the busy, happy Congressional wife.

My first memory was her warm friendliness to me when I came a stranger to the 89th Club in 1967. Many, many times I observed the special attention and friendliness she showed to those who were new in the group, whether it was the Congressional Club, the International Club, the Women's Prayer Group, wherever she went she generated warmth, joy and love. As I knew her more, I discovered her delightful sense of humor and her quick wit. Kathy was extremely talented, highly intelligent and well-informed, a truly concerned and aware individual. She gave so much of herself to others. She touched so many lives. She seemed so delicate and fragile. Yet she did so much. I keep thinking of these lines of Edna St. Vincent Millay: "My candle burns at both ends. It will not last the night, But Ah my foes and Oh my friends, it makes a lovely light." Kathy shed a lovely light which continues to glow in the hearts of all who knew her. All of us who loved her feel diminished by her death, but how much richer we are for having known her. In closing I would like to read a few lines from "Tears and Laughter" by Kahlil Gibran.

"Let me sleep, for my soul is intoxicated with love, and let me rest, for my spirit has had its bounty of days and nights; . . . Let me rest in the arms of slumber, for my open eyes are tired; Let the silver-stringed lyre quiver and sooth my spirit; . . . Dry your tears my friends and raise your heads as the flowers raise their crowns to greet the dawn. . . . I have passed a mountain peak and my soul is soaring in the firmament of complete and unbound freedom; . . . and can hear naught but the music of eternity in exact harmony with the spirit's desires. . . . I am in comfort—I am in peace. . . . Disturb not the air's tranquility with chanting and requiem, but let your hearts sing with me the song of eternal life; . . . Talk not of my departure with sighs in your hearts; Close your eyes and you will see me with you forever more. . . . Leave me to God and disperse yourselves slowly as the almond and the apple blossoms disperse under the vibrations of the spring breeze. . . . Go back to the joy of your dwellings and you will find there that which death cannot remove from you and me."

THE PAST, PRESENT, AND FUTURE OF CUBA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, my good friend and a distinguished news commentator in Miami, Dr. Manolo Reyes, on June 9, 1972, testified before the National Democratic Committee platform hearing in Atlanta. His description of the past, present, and future of Cuba is both knowledgeable and deeply thought-provoking. I am certain my colleagues will find his statement interesting and enlightening. Therefore, Mr. Speaker, Dr. Reyes' address appears in the RECORD immediately following my remarks:

SPEECH BY DR. MANOLO REYES, LATIN AMERICAN NEWS DIRECTOR, WTVJ

Mr. Chairman, distinguished members of the Platform Committee of the Democratic Party, ladies and gentlemen:

I am a Cuban national and it is indeed a privilege and an honor to be here today, before you, testifying about the dramatic Cuban situation and the military build-up of the Soviet Union inside my country, Cuba. Be assured that I come before you, as I have done seven times in the last two years to testify to the United Congress and the Organization of American States about this matter, with representation of no one. Because I do not represent the Cuban people. I do not have their consent. And be sure also, that I do not come here to beg for Cuban freedom, because freedom cannot be implored, but demanded.

Up to now the dead ones have been the Cuban people, before and after the Bay of Pigs expedition.

The exceptions to this statement are a United States Air Force Major that was shot down over Cuba by a Russian built missile while flying a U–2 plane during the missile crisis, a number of Americans that have been executed by the red regime of Havana and four American flyers that were shot down over the Bay of Pigs because they did not want to abandon the Cuban freedom fighters on that beach.

My presence here is a new proof of the traditional friendship between the United States and Cuba.

My people are now suffering the worst tyranny ever imposed on a nation in the Americas since they were discovered. In 13 and a half years that the communist regime has been in Cuba, approximately 33,000 Cubans have been executed in front of the firing squad. There are about 85,000 political prisoners in Cuba, one million Cubans have been forced into exile throughout the world, out of which some 800,000 are now in the United States, and seven million people are inside a big concentration camp called Cuba from one end of the island to the other.

My country was facing a less tyrannical situation at the end of the last century, but nevertheless the Congress of the United States produced a Joint Resolution in April of 1898 saying that the Cuban people had the right to be free and independent. After that, Americans and Cubans joined together to fight for Cuban freedom. As far as I am concerned the Joint Resolution still stands since it has not been superceded.

Now, with a communist regime entrenched in the heart of the Hemisphere the situation is more serious and dangerous, and as the French say "Laisse faire, Laisse passe" will get us nowhere.

On August 7th, 1962, I disclosed that there were 5,000 Russian soldiers in Cuba. The story was officially denied saying they were not soldiers, but technicians. Twelve weeks later we had the missile crisis of October 1962.

On April 28, 1969 I denounced on television and other news media that there was the beginning of a new Soviet military build up in Cuba. Again, the story was denied, but three months later, July 26, for the first time in the history of my country and the Americas, a Soviet Naval squadron anchored in Cuba

On July 27, 1971, testifying before the Interamerican Affairs Subcommittee of the House in Washington, chaired by Congressman Dante B. Fascell, I disclosed that there was a Soviet naval facility for nuclear submarines in Cienfuegos, Cuba. Two months later the Pentagon and the White House disclosed the same.

Three years have gone by since my first denouncement in April 1968, and the Soviets have sent to Cuba eight naval squadrons, the last one in May of this year. In the last visit to Nipe Bay, Oriente Province, there was a submarine called Golf Two, that carried three "Serb" missiles with a range of 750 miles. Prior to this recent visit, 11 Soviet submarines of three types have visited Cuba since July 1969 along with 30 surface vessels, including submarine tenders. Four of these submarines were Echo 2 type and each carried eight missiles called "Shaddock" with a range of 500 miles.

In a recent visit to Miami, Senator Hubert Humphrey pointed out that Soviet naval units have been making maneuvers on the Caribbean, with Castro naval units, just 30 miles from American soil, and that the Soviet military presence in Cuba is a real threat not only to the Continent but to the United States.

On May 22, it was announced that the Soviet naval units had left the Cuban ports. But the naval facilities for their ships and submarines, remained there. There also remained some 30,000 Russian troops, an international communist brigade of several thousand hard-core international communist agents and the Soviet arsenal of tank, weapons, artillery and Mig 15, 17, 19, 21 and the most advanced model of the Mig 21.

Three major airports of Cuba are in Soviet military hands, and many caves throughout Cuba have been excavated and now only house Russian military personnel.

The red regime of Havana, supported by the Soviet Union, is the second military power of the Hemisphere. The red regime of Cuba has the moral and material support of the communist block.

In the mean time, the vast majority of the Cuban people are against the regime in power, and there are not two Cuban people, one in exile and one in Cuba. There is only one Cuban people with the Cuban family divided by an execution, by a political prison, by the sea or by hate. And the majority of the Cuban people have only the moral support of the free world. Time has come to change this situation.

At least, Cuba should be excluded from the neutrality law of the United States, and then, the Cuban people should have the moral and material support of the majority of the American Continent, in their struggle for freedom. I conclude by saying that the actual communist regime in Cuba has continued to export their so called revolution to the rest of the Hemisphere, has continued to intervene in the internal affairs of their neighbors, and their increased military ties with the Soviet Union is a real threat and a positive danger not only for the United States but for the entire Western Hemisphere.

JOSE MARTI POST, VFW

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 27, I was privileged to be the guest of the Cuban American Post "Jose Marti" of the Veterans of Foreign Wars and give my remarks at their annual installation of officers banquet. The Jose Marti Post is made up of former Cuban citizens who have all joined the Armed Forces of the United States, their adopted homeland, and have gone to Vietnam to fight for the liberty they so deeply cherish.

Joining me on the dais was my good friend and distinguished news commentator, Dr. Manolo Reyes. I wish to call my colleagues' attention to the splendid statement Dr. Reyes gave expressing his admiration, in which I join, for the magnificent work done by this unique and outstanding group of men:

SPEECH BY DR. MANOLO REYES

One year ago I stood on this podium of the Cuban American Post "Jose Marti" of the Veterans of Foreign Wars, in the opening ceremonies of this prestigious organization.

Not many people can have the privilege of belonging to the Veterans of Foreign Wars. Because not many people have gone to foreign battle fields to defend with weapons in their hands the principles of God, Liberty and Country.

A year after, thanks to your nice invitation, I return to this podium, not to make a resume of your activities, because I don't have the privilege of being one of you. But to tell all of you that I have been a witness, a silent witness of all your accomplishments in such a small period of time.

Years ago, some of you were on the expedition of Bay of Pigs, some of you were for 22 months in the horrible communists prisons of Cuba, all of you joined the United States Armed Forces, and all of you have gone to Vietnam to fulfill your military duties.

Each one of the sequences you have lived in your life time is enough to make a man great.

You certainly have given more than your share as a free man.

And I am sure you are willing to do it again.

That's what makes you men of unique caliber. But each stage in life has its own modus operandi. Some people are now beginning to face the roads that you have long since surpassed.

And I am sure that your example will help, encourage and enlight them to overcome with success the difficult tasks that they will face ahead.

Because the road to freedom in life is a straight one, always ahead, never behind.

After many struggles, you are now facing a new way to freedom: Community Service.

Community Service means proper organization, good communication, and above all true help.

Community Service is the upper grade of military men.

First, he defends the community fulfilling his military duties. Afterwards, he defends his community with his personal involvement in the regular and direct help to men, women and children, living in his area. A military man, even when he is out of the service, is always a public servant. Military men have been successfully envolved in community action like the Denazification of Germany, the Agrarian Reform in Japan after the second World War, the Marshall plan in Europe and now the Vietnamization in Indochina.

Believe me, a healthy nation can only be accomplished through healthy communities.

It means nothing, to either defend or conquer freedom for a community, if we are not ready to have a healthy one. Because all the efforts to obtain freedom will be wasted after freedom is accomplished.

The basic reason for life is to help others.

This post that you have formed is a wonderful bridge between your previous military efforts and the community you are now living in.

This is a testing ground for yourselves and the responsibilities that will come in the future.

If the community services are not fulfilled now, what kind of future are we going to have, here or wherever destiny will place us?

You know how to handle a platoon, a bazooka, a plane, a gun.

But do you know how to handle a community?

I have to say: Yes, I have seen a silent witness during this year and you have done a superb job.

You have been helping the migrant workers, you have been working with landscape projects in a Dade County public school, you have been giving joy, entertainment and presents to children whose parents are far away.

You are technical people on the military side . . . and are becoming technical people on community affairs.

I want to congratulate all of you for your advancements and accomplishments in this year that you have been working together on a new aspect of your capacity as public servants.

And I deeply hope that the future will bring to each and everyone of you the realization of all your dreams.

I am sure, they are dreams of freedom, dreams of friendship, dreams of mutual help.

Remember, the dreams of today are the realities of tomorrow.

But the only way to make them come true is by working together, working as a team, like you did when you were on the battlefield, as a team, with high ideals, looking up to the skies, trying to put freedom, love, justice, and friendship, where there has been hatred and anarchy . . . because all of us are, and will always be, brothers under God.

A SALUTE TO EDUCATION

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, education is central to equal opportunity

to our society. The Jeffersonian idea that ignorance and freedom cannot exist side by side in a democracy has given education a primary objective of seeing to it that all people have an equal chance at the starting line. Jefferson knew that the destiny of this country was inseparable from education and that education was key to the achievement of the Nation's promise. The freedoms we enjoy and the great advances we have made in nearly 180 years of nationhood have proven Jefferson to be right. Still the vessel of hope and fulfillment, education today is also the key to the Nation's, moreover mankind's, survival.

Education is also the critical element in the development of a common culture and the transmission of skills for people to function in society. The American education system is unparalleled in world history—both quantitatively and qualitatively. In large part, the success of this great venture in human growth and development has been a direct function of the kind of people who have dedicated themselves to the teaching profession. They are that adhesive force that draws not only the system, but also our country, together through their shared experiences, talents, and skills. In my judgment no manner of tribute can adequately or properly measure the contribution made by 2 million classroom teachers to the kind of life we enjoy and the Nation we live in.

PRESERVATION OF FORESTS

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, Americans are being pushed and shoved by self-appointed instant experts who advocate changes in specific areas of our national economic, social, and environmental life without regard for the consequences to the whole. Like blind men of the fable examining an elephant, each reaches conclusions based upon a narrow range, completely illogical and erroneous in concept.

Advocates of 180 degrees of change on the "instant" principle, create problems that will equal or surpass the ones they profess to correct.

This is particularly true in the environmental field. While one pressure group files court suits against the U.S. Forest Service to preserve trees, another group files suits to prevent spraying to save millions of acres of trees from gypsy moths which threaten to spread across the country unless immediately halted.

Cost in dollars is also mounting into millions by the delays, either in destruction of woodlands by the insects on the one hand, or by increasing housing costs due to forced shortages of lumber.

Researchers are discovering better means of controlling insect pests and plant diseases. Some of them are being tested in the field at the present time. But, until a proven method has been perfected we cannot afford to stand idly by and permit destruction of additional millions of acres of trees. It would be like refusing to use existing methods of surgery to save the life of a patient because researchers are developing a new technique that may be available next year.

When we learn that 2 million acres of woodland in the northeastern States were denuded by gypsy moth caterpillars in 1971—twice that of 1969 and six times the 1969 average—there can be no excuse for delay in using the best controls now obtainable.

USDA has designed a comprehensive 5-year research and development program to bring the gypsy moth under control. The program contemplates making use of both biological and chemical means, while avoiding every possible environmental hazard.

Currently tests are making widespread use of a bacterial virus spray that only affects moths and their caterpillars. The chemical "Sevin" has been the principal pesticide up to now which does not have the persistent properties of DDT which has now been largely banned.

The newly developed virus spray, called BT, is being tried in New York, New Jersey, and Pennsylvania this year. Its use has also been planned for some areas of Rhode Island where the gypsy moth has infiltrated the woodlands.

USDA is also checking spread of the gypsy moth across the Nation. Some of the pests have been found as far away as Missouri, hitchhiking on mobile homes from the infested Northeastern area. The swift spread of the insects is a worry that should concern all of us. It is not something that we can shrug off, condemn proceedings being employed to contain the despoilers of our forests and woodlands, and then criticize Government for not doing something about it.

We must temper our environmental concern with commonsense. All of us want cleaner air, water, and soil. And, we are going to get it. But, we cannot instantly reverse the actions of generations. USDA is placing great emphasis on developing parasites and other natural enemies of the unwanted pests. These have been released in some of the 80 additional counties where the gypsy moth has been discovered in the past year. States include Delaware, Maryland New York, North Carolina, and Virginia.

Until these field tests have proven successful, however, we can ill afford to sit on our hands and allow more and more of our woodlands to be destroyed. There are chemicals that are low in toxicity to humans, birds, fish and other wildlife. Effective eradication work must be pursued. A negative course is unacceptable in an age when people need more trees, not less, for recreational purposes and to generate the oxygen that counters existing air pollution.

A SALUTE TO EDUCATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the liberating influence of education in the United States has made us the great power which we are today, and we all stand indebted to it. It has provided us with great leaders, an intelligent citizenry, and a thriving, innovative economy unparalleled in world history. What, then, is to be education's future role?

I wish to say today that I believe it is time in America that we begin to take a new look at the role of education in our lives. For too long we have looked on learning as merely the key to a good job, or a one-way ticket to the American dream. Truly, there was a time when this was the case: The more education one had, the higher one was placed on the economic ladder. But those days are over. We have come to realize that all human occupations are services required by people living in community, and that they therefore merit decent wages and respect.

Since we have changed our view of the value of human labor, we must now also adjust our view of education. The country's needs are changing. It is time for us to begin to appreciate education as a personalizing experience for each individual. Education should not be strictly a preparation for a single occupation, nor strictly a development of the intellect alone, nor strictly a pursuit of physical prowess. Rather, it should incorporate all these things and more. It should be a preparation and training for the unending process of human growth and development which takes place throughout life.

So often it is said that education has a "civilizing" effect. This is obviously true. But can we not see that America stands in need of still better education? Why are our movies and television shows predominantly violent? Why are replicas of torture machines manufactured as toys? Why does assassination of our political leaders persist? Why do we continue to desecrate our environment? What panacea can offset these ills?

Education is an answer. This is the great task which we now give to the teachers of America: To help the Nation's students develop a "sense of self" within themselves, of which they can be proud; to discover how not just to acquire knowledge, but to use it to help their fellow men; to learn to value and protect the world in which they live; and above all, to know what it means to be creative, to be sensitive, to experience beauty.

As for the teachers who will guide these endeavors, no salary can ever repay the tremendous contributions which they have given, and are daily giving, in terms of constant effort, patience, and enthusiasm. Their profession is one of the most difficult, but their perseverance will continue as an inspiration to both their students and all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for next week, on account of knee surgery.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for June 21 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. GOLDWATER) and to revise and extend their remarks and include extraneous matter:)

Mr. CRANE, for 5 minutes, today.
Mr. BLACKBURN, for 5 minutes, today.
Mr. VEYSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. DANIELSON, for 5 minutes, today.
Mrs. ABZUG, for 10 minutes, today.
Mr. WILLIAM D. FORD, for 10 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. KOCH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MELCHER, to address the House for 1 minute, notwithstanding an estimated cost of $1,150.

Mr. COLMER (at the request of Mr. MILLS of Arkansas) to revise and extend his remarks made today on House Resolution 996.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous matter):

Mr. WINN.
Mr. SCHWENGEL.
Mr. QUIE in two instances.
Mr. BELCHER.
Mr. DON H. CLAUSEN.
Mr. CONTE in two instances.
Mr. BURKE of Florida.
Mr. BELL in two instances.
Mr. BAKER.
Mr. WYMAN in two instances.
Mr. ZWACH.
Mr. WHITEHURST in two instances.
Mr. J. WILLIAM STANTON in two instances.
Mr. VANDER JAGT.
Mr. RIEGLE.
Mr. EDWARDS of Alabama.
Mr. TEAGUE of California.
Mr. KEMP.
Mr. FISH.
Mr. PRICE of Texas in two instances.
Mr. DERWINSKI in two instances.
Mr. THONE in two instances.
Mr. KEITH in three instances.
Mr. KEATING.
Mr. BRAY in three instances.
Mr. SNYDER.
Mr. BOB WILSON.
Mr. ESHLEMAN.
Mr. STEIGER of Arizona.
Mr. HANSEN of Idaho in two instances.
Mr. ANDERSON of Illinois.
Mr. SPENCE.
Mr. HILLIS.
Mr. CEDERBERG in two instances.
Mr. COLLIER in five instances.
Mr. SHOUP.
Mr. LLOYD.
Mr. MICHEL in five instances.
Mr. LANDGREBE.
Mr. HARSHA.
Mr. BROYHILL of Virginia.
Mr. HORTON in two instances.
Mr. COUGHLIN.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous material:)

Mr. DULSKI in 10 instances.
Mrs. HICKS of Massachusetts in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in five instances.
Mr. HAGAN in three instances.
Mr. PUCINSKI in six instances.
Mr. ROGERS in five instances.
Mr. HUNGATE in two instances.
Mr. RODINO in four instances.
Mr. DINGELL in two instances.
Mr. MONTGOMERY in two instances.
Mr. CARNEY.
Mr. STOKES in three instances.
Mr. ROUSH.
Mr. DORN in two instances.
Mr. KARTH.
Mr. MONAGAN.
Mr. HICKS of Washington.
Mr. SEIBERLING in 10 instances.
Mr. ROY.
Mr. REID in two instances.
Mr. NICHOLS.
Mr. ABBITT.
Mr. HATHAWAY.
Mrs. GRIFFITHS in three instances.
Mr. ASPIN in five instances.
Mr. DANIELS of New Jersey in three instances.
Mr. MCCORMACK.
Mrs. ABZUG in five instances.
Mr. BOLAND.
Mr. CORMAN.
Mr. LEGGETT.
Mr. ROYBAL in three instances.
Mr. JOHNSON of California in two instances.
Mr. DOW.
Mr. WALDIE in six instances.
Mr. MOORHEAD in five instances.
Mr. ROE in two instances.
Mr. CAREY of New York.
Mr. CHAPPELL.
Mr. WRIGHT in three instances.
Mr. BRASCO.
Mr. MANN in five instances.
Mr. PODELL in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3617. An act to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

S. 3715. An act to amend and extend the Defense Production Act of 1960; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 513. An act for the relief of Maria Badalamenti.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, June 22, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 15587. A bill to provide for a 6-month extension of the emergency unemployment compensation program (Rept. No. 92–1156). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 3542. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave; with an amendment (Rept. No. 92–1157). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 5621. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces; with an amendment (Rept. No. 92–1158). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 14537. A bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile-fire areas (Rept. No. 92–1159). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14909. A bill to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (Rept. No. 92–1160). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14911. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes (Rept. No. 92–1161). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14915. A bill to amend chapter 10 of title 37, United States Code, to authorize at Government expense the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year; with an amendment (Rept. No. 92–1162). Referred to the Committee of the Whole House on the State of the Union.

XUM

By Mr. FISHER: Committee on Armed Services. S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; with an amendment (Rept. No. 92–1163). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 15619. A bill to amend title 28 of the United States Code to provide for the recovery by defendants of reasonable attorneys' fees in certain civil actions brought by the United States, in the discretion of the court; to the Committee on the Judiciary.

By Mr. ASPIN (for himself and Mr. MITCHELL):

H.R. 15620. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 15621. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15622. A bill to prohibit funds appropriated to the Office of Education, for the fiscal year ending June 30, 1973, from being used by individuals at an institution of higher education or by such an institution if the playing of the national anthem at a public event is prevented or interrupted by such an individual or is not permitted by such an institution pursuant to this act; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts (for himself, Mr. NEDZI, Mr. MOLLOHAN, Mr. HAWKINS, Mr. ROYBAL, Mr. PRICE of Illinois, and Mr. BARRETT):

H.R. 15623. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. NEDZI, Mr. MOLLOHAN, Mr. HAWKINS, Mr. PRICE of Illinois, and Mr. BARRETT):

H.R. 15624. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 15625. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. FORSYTHE:

H.R. 15626. A bill to provide for the reduction of the amounts of Federal-aid highway funds to any State which has not made provision for free access to emergency vehicles on any toll road, tunnel, or the approaches thereto within the jurisdiction of such State; to the Committee on Public Works.

By Mr. GARMATZ (for himself and Mr. PELLY):

H.R. 15627. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MELCHER:

H.R. 15628. A bill to amend the Small Business Act to authorize the Small Business Administration to make loans to small business concerns which are adversely affected as a result of certain international agreements; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 15629. A bill to provide payments to State and localities for high-priority expenditures; to the Committee on Ways and Means.

By Mr. PURCELL:

H.R. 15630. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee Ways and Means.

H.R. 15631. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 15632. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. FINDLEY, Mr. HOGAN, and Mr. KEITH):

H.R. 15633. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next of kin may only be made by officers; to the Committee on Armed Services.

By Mr. CLARK:

H.R. 15634. A bill to amend section 103 of title 23, United States Code, relating to the Interstate System; to the Committee on Public Works.

By Mr. PUCINSKI (for himself, Mr. BELL, Mr. PERKINS, Mr. QUIE, Mr. WILLIAM D. FORD, Mr. MEEDS, Mr. HAWKINS, Mrs. MINK, Mr. FORSYTHE, Mrs. CHISHOLM, Mr. VEYSEY, Mr. BIAGGI, Mr. KEMP, Mrs. HICKS of Massachusetts, Mr. PEYSER, Mr. MAZZOLI, and Mr. BADILLO):

H.R. 15635. A bill to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROE:

H.J. Res. 1231. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania:

H.R. 15636. A bill for the relief of Sabatino Di Giacomo; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 15637. A bill for the relief of Melissa Catambay Gutierrez; to the Committee on the Judiciary.

H.R. 15638. A bill for the relief of Milagros Catambay Gutierrez; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 15639. A bill for the relief of Miss Modesta Juarez-Lopez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

248. The SPEAKER presented a petition of Robert Ducios, Rockville, Md., et al., relative to including Federal employees in the social security system which was referred to the Committee on Ways and Means.

SENATE—*Wednesday, June 21, 1972*

(Legislative day of Monday, June 19, 1792)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of Mankind, grant us the faith, we pray, to believe that more things are wrought by prayer than this world dreams of. Teach us to pray without ceasing—to pray in our hearts and in our minds and in our souls. May the time of work and the time of prayer be woven of one fabric. Guard our thoughts, control our speech, and guide our actions. We pray not for security or safety but for loyalty to the highest and best for the Nation and the world. And may we find our supreme joy in work well done; our chief reward the advancement of Thy kingdom on earth. Hear both the spoken and the unuttered prayers of our hearts and answer them according to Thy will. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 21, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, June 20, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 831 and proceeding in consecution through Calendar No. 848.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MAGNUS DAVID FORRESTER

The bill (S. 2270) for the relief of Magnus David Forrester, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (23) of section 212(a) of the Immigration and Nationality Act, Magnus David Forrester may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe. This Act shall apply only to the grounds for exclusion under such paragraph known to the Attorney General prior to the date of enactment of this Act.

JUDY A. CARBONELL

The bill (S. 2489) for the relief of Judy A. Carbonell, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Judy A. Carbonell shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in her behalf, pursuant to section 204 of such Act, by Staff Sergeant Basil R. Deem, a citizen of the United States. The natural brothers and sisters of the said Judy Carbonell shall not by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–871), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by citizens of the United States.

WILLIAM JOHN WEST

The bill (S. 2575) for the relief of William John West was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 101(b)(1) of the Immigration and Nationality Act, William John West shall be deemed to be the natural-born alien child of Staff Sergeant William R. West, a citizen of the United States.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–872), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer immediate relative status upon the infant son of a citizen of the United States.

DR. CONSTANTE S. AVECILLA

The bill (S. 2591) for the relief of Dr. Constante S. Avecilla was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Constante S. Avecilla shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of the immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–873), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Constante S. Avecilla. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

GIUSEPPE PAUL PINTON

The bill (S. 2625) for the relief of Giuseppe Paul Pinton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Giuseppe Paul Pinton shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–874), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppe Paul Pinton. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

RITA ROSELLA VALLERIANI

The bill (S. 2704) for the relief of Rita Rosella Valleriani was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rita Rosella Valleriani shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Vincenzo Valleriani, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–875), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference immigrant status to the adopted daughter of U.S. citizens, which is the status normally enjoyed by the natural-born alien sons and daughters of citizens of the United States.

ALBERTO RODRIGUEZ

The bill (S. 2822) for the relief of Alberto Rodriguez was considered, ordered

XUM

to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2822

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That the periods of time Alberto Rodriguez has resided in the United States and any State since his lawful admission for permanent residence on December 12, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act. In the case the petition for naturalization may be filed with any court having naturalization jurisdiction.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–876), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

SLOBODAN BABIC

The bill (S. 2937) for the relief of Slobodan Babic was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Slobodan Babic shall be held and considered to be the natural-born alien son of Petar Babic, a citizen of the United States: *Provided,* That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–877), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

MRS. GLORIA VAZQUEZ HERRERA

The bill (H.R. 1974) for the relief of Mrs. Gloria Vazquez Herrera was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–878), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Gloria Vazquez Herrera. The bill provides for the payment of the required visa fee, but does not provide for a quota deduction inasmuch as the beneficiary is the widow of a U.S. citizen.

LUZ MARIA CRUZ ALEMAN PHILLIPS

The bill (H.R. 2052) for the relief of Luz Maria Cruz Aleman Phillips was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–879), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Luz Maria Cruz Aleman Phillips. The bill provides for the payment of the required visa fee, but does not provide for a visa number deduction inasmuch as the beneficiary is the widow of a U.S. citizen.

VLADIMIR RODRIGUEZ LaHERA

The bill (H.R. 2076) for the relief of Vladimir Rodriguez LaHera was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–880), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Vladimir Rodriguez LaHera to file a petition for naturalization, notwithstanding the fact that he was formerly a member of a proscribed organization.

MARIA MANUELA AMARAL

The bill (H.R. 4050) for the relief of Maria Manuela Amaral was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–881), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the adopted daughter of lawful resident aliens of the United States to qualify for second preference status, which is the status enjoyed by the natural-born sons and daughters of alien residents.

LESLEY EARLE BRYAN

The bill (H.R. 6201) for the relief of Lesley Earle Bryan was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–882), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Lesley Earle Bryan. The bill provides for the deduction of a visa number and for payment of the required visa fee.

MATYAS HUNYADI

The bill (H.R. 6907) for the relief of Matyas Hunyadi was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–883), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The beneficiary of the bill is a 49-year-old native and citizen of Hungary, who was paroled into the United States on January 16, 1957, as a refugee. He is a medical doctor and on February 19, 1960, was convicted for forging and uttering a false prescription for narcotics for his own use. The beneficiary was given a suspended sentence and placed on probation, from which he was discharged on May 25, 1961. It is stated that the beneficiary is completely rehabilitated. The beneficiary is presently serving as a staff physician at Rogers Memorial Hospital in Washington, D.C.

CHUNG CHI LEE

The bill (H.R. 7641) for the relief of Chung Chi Lee was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–884), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of crimes involving moral turpitude and for which the aggregate sentences were 5 or more years in behalf of the son of a citizen of the United States.

MRS. HANG KIU WAH

The Senate proceeded to consider the bill (S. 465) for the relief of Mrs. Hang Kiu Wah which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Haug Kiu Wah, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of such Act and the provisions of section 204 of such Act shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–885), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of an immediate relative to Mrs. Hang Kiu Wah which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended in accordance with established precedents.

MRS. JOSEFITA ESTHER WORLEY

The Senate proceeded to consider the bill (S. 1950) for the relief of Mrs. Josefita Esther Worley which had been reported from the Commitee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of section 301(b) of the Immigration and Nationality Act, Mrs. Josefita Esther Worley shall be held and considered to have retained her United States citizenship: *Provided,* That she returns to the United States to reside permanently upon the termination of her husband's current employment in the Republic of the Philippines.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–886), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable Mrs. Josefita Esther Worley to retain her U.S. citizenship provided she returns to the United States to reside permanently upon the termination of her husband's current employment in the Philippines. The bill has been amended in accordance with established precedents.

GUIDO BELLANCA

The Senate proceeded to consider the bill (S. 2562) for the relief of Guido Bellanca which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "Act,", strike out "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."; so as to make the bill read:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Guido Bellanca shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–887), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Guido Bellanca. The purpose of the amendment is to delete reference to the payment of a visa fee and a visa number deduction, inasmuch as the beneficiary had his status adjusted to permanent residence on October 13, 1958, at which time the visa fee was paid and a visa number was deducted.

AMENDMENT OF THE CRUISE LEGISLATION OF THE MERCHANT MARINE ACT, 1936

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 850, H.R. 9552.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 9552, to amend the cruise legislation of the Merchant Marine Act, 1936.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–889), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Section 613 of the Merchant Marine Act, 1936, (46 U.S.C. 1183) as amended, now provides that the Secretary of Commerce may permit passenger vessels with respect to which an operating-differential subsidy contract was entered into prior to January 2, 1960, to cruise off their essential trade routes for two-thirds of each year. H.R. 9552 would amend Section 613 to authorize cruising for the entire year if the Secretary finds that the operation of the vessel on its trade route is not required.

The bill would also amend Section 613 to permit U.S.-flag passenger vessels to carry mail and cargo between ports not on their regular service if such carriage is not in direct competition with one or more carriers offering U.S.-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering U.S.-flag berth service between such ports, with the consent of the next scheduled U.S.-flag carrier. Such consent may not be unreasonably withheld in the judgment of the Maritime Administrator.

BACKGROUND

Section 613 of the Merchant Marine Act, 1936 was enacted by Public Law 87–45, approved May 27, 1961. This section authorized the Secretary of Commerce to amend the operating-differential subsidy contract of any passenger vessel of 10,000 gross tons or more with accommodations for at least 100 passengers to provide for the payment of such subsidy while the vessel is engaged on its regular route for part of the year, and engaged in cruises off its regular trade route for the balance of the year. Section 613, as amended, limited the period during which a vessel may cruise off its regular route to one-third of the year.

The enactment of this section reflected the fact that passenger ship operations in most trades have definite seasonal peaks. Prior to the adoption of Section 613, subsidized passenger vessels were required to maintain regular sailings on their essential trade routes throughout the year regardless of the fact that during certain months, the volume of passengers declined drastically. During these off-season periods, the earnings of passenger vessels naturally declined sharply. Whatever benefits may have been realized during the peak season were consistently wiped out by the requirement to maintain the service during the off season.

Public Law 90–358, approved June 22, 1968, increased the maximum period during which subsidized passenger vessels may cruise off their regular trade routes to two-thirds of each year. The maximum period was limited to seven months, however, with respect to cruises involving ports regularly served by any other U.S.-flag subsidized passenger vessel. In large measure, the legislation was a recognition of the decreased market in point-to-point transportation for passenger vessels as commercial jet aircraft became dominant.

Public Law 91–250, signed by the President on May 14, 1970, amended Section 613 to permit cruising vessels to carry one-way passengers between ports on another operator's assigned service with the consent of the operator, to permit the vessel to carry passengers between ports in the coastwise domestic trade, or in the non-contiguous domestic trade if it does not involve competition with a U.S.-flag berth service operator, or if it involves such competition with such operator's consent. The 1970 amendment also authorized passenger vessels when operating on their regular service to carry passengers between domestic ports if such carriage would not require a deviation that would adversely affect the service.

Hearings were held on H.R. 9552 by the Merchant Marine and Fisheries Committee of the House of Representatives on March 13, 1972. The bill was subsequently ordered favorably reported and passed the House by a vote of 374 to 0 on April 11, 1972. On May 5, 1972, this Committee gave public notice that it was considering H.R. 9552 and invited interested parties to submit their views by May 22, 1972. No objections to the bill were received.

NEED FOR THE LEGISLATION

The U.S.-flag passenger fleet now consists of only four vessels: *SS Mariposa, SS Monterey, SS President Cleveland,* and *SS President Wilson.* These vessels all operate from the West Coast of the United States. In order that they not go the same way as the laid-up East Coast passenger fleet, much of which is now expected to be sold for transfer to foreign registry pursuant to Public Law 92–296, it is desirable that these vessels be given the flexibility to operate as economically and efficiently as possible. While enactment of H.R. 9552 would not have been of significant assistance to the vessels which were the subject of P.L. 92–296, it will be helpful to the four remaining vessels by eliminating unnecessary operating restrictions.

COST OF THE LEGISLATION

Enactment of the legislation will not result in additional cost to the Government.

CONCLUSION

The Committee ordered the legislation favorably reported without objection. Its enactment should be of some assistance to the four remaining U.S.-flag passenger vessels without resulting in any additional cost to the Government.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The second assistant legislative clerk read the nomination of Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1970.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

BOARD OF PAROLE

The second assistant legislative clerk read the nomination of Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

The second assistant legislative clerk read the nomination of Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FOREIGN ASSISTANCE ACT OF 1972

AMENDMENT NO. 1265

Mr. SCOTT. Mr. President, I am sending an amendment to the desk today, in the hope that we can enter into an agreement to vote under a time limitation on Friday next.

This amendment would strike the $600 million for grant military assistance and insert in lieu thereof $725 million. And where the figure of $650 million appears for security supporting assistance, add in lieu thereof $770 million of which not less than $70 million shall be available solely for Israel.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1265

On page 6, line 20, strike "$600,000,000" and insert in lieu thereof, "$725,000,000".

On page 8, lines 14 and 15, strike "$616,000,000" and insert in lieu thereof "$618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

On page 8, lines 15 and 16, strike "$650,000,000" and insert in lieu thereof "$770,000,000, of which not less than $70,000,000 shall be available solely for Israel".

Mr. SCOTT. Mr. President, the purpose of this amendment is, broadly speaking, to restore the administration requests which were reduced by the committee. I do not believe the reductions were advisble. They will seriously hamper these programs. It is most important, in my view, that at least we restore the funds to these amounts, which has been carefully worked out. It runs in general sequence with our traditional policy in various parts of the world.

So I hope that when the amendment comes up for consideration, it will be adopted.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. I have discussed a time agreement on this amendment with the distinguished Republican leader. It has also been discussed with the distinguished Senator from Alabama (Mr. SPARKMAN) and the equally distinguished Senator from Missouri (Mr. SYMINGTON).

It is my understanding, after having discussed the amendment with all these parties, that a time limitation of 2 hours on the amendment would be agreeable.

May I ask the distinguished Republican leader if he concurs.

Mr. SCOTT. Yes, I concur. That is my understanding also.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 11:30 a.m. on Friday next, the amendment which has just been offered by the distinguished Republican leader be made the pending question and that time thereon be limited to 2 hours, to be equally divided between the distinguished Republican leader and the distinguished Senator from Missouri (Mr. SYMINGTON); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be also limited to 30 minutes, to be equally divided between the mover of such and, in that instance, the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distingished Presiding Officer and the distinguished Republican leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for a period of not to exceed 15 minutes.

(The remarks of Mr. ROTH when he submitted an amendment he proposes to offer to H.R. 15390 are printed in the routine morning business section of the RECORD under the appropriate heading.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for a period not to exceed 15 minutes.

COMMAND AND CONTROL IN THE LAVELLE CASE

Mr. HUGHES. Mr. President, one of the oldest questions in political theory deals with the problem of command and control over the military: Who protects us from our protectors? This question is once again urgent because of the revelations surrounding the dismissal of General Lavelle.

Last week I informed the Senate of my role in these events and raised questions which I believe must be answered before we lay this matter aside or dismiss it as "just one of those things."

We cannot and should not take it lightly when a four-star general admits violating orders from his superiors.

We cannot and should not shrug our shoulders when nearly one out of every four air missions against North Vietnam between November 8, 1971, and March 8, 1972, was not authorized.

We cannot and should not halt our investigations while there remains the possibility of widespread deception, concealment, and disobedience.

On Monday I received a briefing on this matter from two officials in the Defense Department. I am convinced that the Department recognized at once the seriousness of the charges raised against the Seventh Air Force Command and acted firmly and promptly to deal with them. But I also believe that the investigation of the circumstances in this case has not raised or answered satisfactorily all of the important questions.

What we do know now is that General Lavelle encouraged his men to bomb aggressively in North Vietnam and then to falsify reports if necessary in order to conceal violations of the standing rules of engagement.

We do not know who had knowledge of these violations or precisely what they did and said to justify or prevent them.

The orders signed by the Secretary of Defense were clear and explicit. The rules could not be bent, only broken.

The men at the top knew these rules. In several instances General Lavelle had requested authority to strike certain targets in North Vietnam, and many of these requests were specifically denied.

Even so, the targets were hit.

Mr. President, with all the fairness I can muster, I cannot interpret these facts as meaning anything other than that General Lavelle ordered air strikes on targets he had been explicitly forbidden permission to hit.

Thus, he appears to have violated not only the standing rules of engagement but also specific orders not to strike certain targets in North Vietnam.

We need to know who was aware of these orders—and why they acted as they did.

I do not know whether there was deliberate intent to deceive the President, the Congress, and the American people. But there was a conspiracy of silence which extended far beyond General Lavelle.

The general's staff had access to the orders and reports—and remained silent.

The target planners prepared their lists—and remained silent.

The wing commanders briefed their men and issued assignments—and remained silent.

The pilots made their attacks—and remained silent.

The intelligence analysts debriefed the pilots and studied the bomb damage assessments—and remained silent.

Except for one man. There at the bottom of the chain of command one brave sergeant wondered whether "this falsification of classified documents is legal and proper."

He spoke up while others remained silent, but he apparently got nowhere when questioning his superiors. In his letter to me, the sergeant wrote:

I have been informed by my immediate officer-in-charge that authorization for this falsification of classified documents comes from secure telephone communications from the Deputy of Operations, 7th Air Force.

Conceding the truth of this statement by the sergeant, this indicates that at least two other officers—the 7th Air Force operations deputy and a lower ranking officer in charge of the intelligence section—knew of the falsification.

But General Lavelle is the only one to answer for it.

Mr. President, I have a profound respect for the members of the Armed Forces and a deep faith in their integrity and devotion to duty. I am sure that what General Lavelle and others have done in permitting unauthorized offensive strikes under the label of "protective reaction" was done with the best intentions so far as the safety of their crews and the conduct of the military operations were concerned.

Yet, if military commanders place their own authority above that of their civilian superiors, we are in very grave trouble, indeed. Moreover, strictly within the Military Establishment, the violation of orders, clear and fully understood, dishonors the proud traditions of our military service.

Such abuses of authority require a thorough investigation culminating with the removal or punishment of all who are guilty of improper activities. The violations in question are far too serious and far reaching in their implications to be adequately handled by disciplining one violator when a number were involved.

I do not believe, Mr. President, that scores or hundreds of men knowingly and willfully disobeyed the clear orders from Washington. But many men must have had suspicions and doubts. And we must find out how far this went.

What we shall probably find, Mr. President, is evidence of the gradual erosion of control from Washington. So many matters were delegated to subordinate commanders that few people knew what was happening in the field.

The war went on, Mr. President, and peace seemed farther and farther away. Most of the restraints previously imposed on military commanders were reportedly stripped away.

Initially, protective reaction strikes were said to occur on the spur of the moment and only against missile or antiaircraft artillery sites that had actually fired on one of our reconnaissance planes. Later, pilots were reportedly given permission to attack if radar had "locked on" to any U.S. plane. Ultimately, even this requirement was weakened further.

Instead of waiting to be fired upon or immediately threatened, pilots were authorized to hit targets of potential threat. Some strikes were so large and sustained that a new category—limited duration protective reaction strikes—was created. These raids involved the temporary suspension of the standing rules of engagement for air strikes into North Vietnam.

During these months, more and more strikes were reportedly conducted after the fact—and with more prior planning. Missile sites were identified as targets, and fighter bombers set out to strike them, but supply depots and truck columns were hit instead—in clear violation of the 1968 understandings under which we suspended bombing the north.

In effect, we resumed the bombing of military targets in North Vietnam long before the President announced this policy in April of this year.

Under these circumstances, it is no wonder that some target planners are reported in press interviews to have considered the "protective reaction" label a joke. The real joke, however, was on the American people—for we believed, mistakenly, that the bombing of North Vietnam had ended in 1968.

Now it is clear that this relaxation of the rules fostered a climate of permissiveness in Indochina. Since so many rules had already been changed, it was probably easy for the people involved to assume that the remaining ones were being "bent" on the basis of higher authority.

By the decisions to mine Haiphong and conduct massive bombing raids, President Nixon has now gone even further than his predecessor in allowing military commanders a free hand.

Whatever tactical benefits these decisions have had, they have also contributed to the erosion of Presidential control over the military aspects of the war.

This erosion of control led to the situation where one commander could send his pilots on unauthorized strikes against North Vietnam at the very time that secret and delicate peace talks were underway.

Have we forgotten Clausewitz's classical definition of war as "the continuation of politics by other means" and instead permitted the war machine and the peace machine to move in contrary directions?

Specifically, Mr. President, we need answers to many questions about the Lavelle case:

Why have only three of the 28 apparent violations of orders been thoroughly investigated?

Why were there no high-level suspicions of possible violations prior to March 8, 1972?

Was any followup investigation made to discover why strikes were made when no enemy action had been reported?

Can we be confident that no other violations occurred, either by the Navy or by the Air Force under previous commanders?

How does this case differ from that reported in the newspapers, in which pilots and their commander were court-martialed for bombing Soviet ships in Haiphong Harbor?

And most important of all, Mr. President, did these unauthorized strikes affect either the secret or public peace talks?

These questions should be answered by the Defense Department and thoroughly considered by the Armed Services Committee before we proceed with the nomination of General Lavelle to retire as a lieutenant general. As you know,

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Mr. President, I requested on May 8—when the extraordinary retirement of General Lavelle at a reduced rank was submitted by the President for confirmation—that the nomination be held in abeyance pending committee inquiry and hearing into the events that culminated in this nomination. The distinguished chairman of the committee, Mr. STENNIS, has assured me that this matter will receive the attention of the committee.

As a member of the committee, I understand and appreciate the heavy burden of responsibility that now rests on the chairman's shoulders at this particular time. The military implications of the SALT accord, the military procurement authorization bill, troop strength ceilings, and the military construction authorizations all require urgent action by the Armed Services Committee and the Congress.

I would not add to this agenda any item for consideration that was not of the greatest urgency to this country.

The matter I have described is of such urgency. It gets at the very roots of the integrity of our command control system in wartime. It gets to the fundamental issue of civilian control of the military in our society. What we do about this matter may have a critical bearing on our prospects for peace or continuing war in the months and years ahead.

Mr. President, I ask unanimous consent that various newspaper articles relating to this particular incident be included in the RECORD following this statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1972]

BOMBING: YOU MIGHT CALL IT "PROTECTIVE AGGRESSION"

WASHINGTON.—"Dear Senator Hughes," the letter began, "I and other members of wing intelligence . . . have been falsifying classified reports for missions into North Vietnam. That is, we have been reporting that our planes have received hostile reactions such as AAA [antiaircraft fire] and SAM [missile] firings whether they have or not."

The letter, dated Feb. 25, 1972, and mailed by an Air Force intelligence sergeant at Udorn Air Force in Thailand, was to become the cornerstone of perhaps the most potentially significant dispute of the air war, one that last week raised grave questions about the Nixon Administration's grip on command and control over the skies of Southeast Asia. Within three weeks, the following happened:

A secret Air Force investigation concluded that the Commander of the Seventh Air Force, Gen. John D. Lavelle, had ordered at least 28 unauthorized raids into North Vietnam and later reported them as "protective reaction"—a defensive action. The targets included airfields, missile sites, anti-aircraft emplacements and an array of radar equipment.

At least three classified after-action reports were said to have been falsified, largely because General Lavelle had ordered his subordinates never to file a bombing report without describing the raid as being in response to enemy action.

General Lavelle was relieved and ordered to return to Washington, where he eventually became the first four-star general or admiral in modern United States military history to be demoted upon retirement.

All of this reeked of scandal, and the Air Force chose the classic way to handle the affair. It quietly announced early in April that the officer had retired "for personal and health reasons."

There the matter rested—until mid-May, when Representative Otis G. Pike, Democrat of New York, made two short but critical speeches on the floor of the House. Mr. Pike, a former Marine pilot and usually a strong supporter of United States bombing policies, accused the Air Force of covering up.

A second Air Force statement was issued that General Lavelle had been relieved "because of irregularities in the conduct of his command responsibilities." Again, nothing happened, although the House Armed Services Investigating Subcommittee, headed by Representative F. Edward Hébert, Democrat of Louisiana, did agree—at Mr. Pike's urging—to schedule a hearing for last Monday on the firing and demotion of the general.

General Lavelle and the man who fired him, Air Force Chief of Staff Gen. John D Ryan, found themselves testifying before a packed gallery of newsmen and Congressional aides. "This is the largest contingent of press I've seen here since the Mylai situation," Representative Charles S. Gubser, Republican of California, noted at one point. "Seems like we got another chance to make America look bad."

Mr. Gubser's remark set the tone for the hearing, and most members of the hawkish House subcommittee made it clear during the testimony that they found much merit in General Lavelle's decision to bomb North Vietnam without authority.

General Lavelle acknowledged that he had ordered "in the neighborhood" of 20 raids between November and March that were later reported as "protective reaction." He did so, he said, because higher headquarters had refused his repeated requests to attack large North Vietnamese buildups of tanks, fuel and other war materials about 11 to 15 miles above the demilitarized zone (DMZ) that straddles the border between the two Vietnams. The general did insist, however, that his superior officers in the chain of command had been kept fully informed of his activities.

"Protective reaction" was first enunciated as a military concept in October, 1969, by Defense Secretary Melvin R. Laird. It authorized American bombers escorting unarmed reconnaissance flights over North Vietnam to attack enemy antiaircraft sites and SAM missile sites if the enemy initiated offensive action.

At the time, the United States was theoretically bound to the bombing restrictions negotiated with the North Vietnamese in Paris by the Johnson Administration shortly before the 1968 elections. Over the years, however, the rules gradually loosened and eventually American fighters were given permission to initiate attacks after determining that enemy radars had "locked-on" to their craft preparatory to launching missiles or firing shells.

When the North Vietnamese did attack, to begin their new offensive March 30, it came near the point where General Lavelle's pilots had reported the buildups. Yet, there were few in Washington willing to justify the general's violation of orders on the basis of intelligence—even accurate intelligence.

The Lavelle incident could have ended just as a blemish on what some experts believe has been a satisfactory record of tight command control by Air Force units. The service had even court-martialed two pilots who bombed the harbor at Haiphong in North Vietnam in the middle of the 1965–1968 air war, damaging two Russian ships in the process. The fact that General Lavelle was immediately sacked and subjected to an unprecedented demotion was an indication, as one high Government official said in an interview, that "unlike the Army, the Air Force still has a lot of pride in itself."

But within a few days, a continuing investigation by The New York Times uncovered evidence that systematic abuses of "protective reaction" have been commonplace since 1970 through all Air Force commands in Southeast Asia. More than a dozen former photo intelligence specialists and analysts for the Air Force were located and interviewed. Without exception they agreed that, as one put it, protective reaction "was a constant joke."

The former intelligence specialists, who were violating Federal codes by talking openly about their work, alleged that many so-called "protective reaction" raids had in fact been planned in advance by Air Force headquarters in Hawaii or Saigon. In addition, they said that at least three times as many such raids were actually carried out as reported by the Pentagon throughout 1970 and 1971.

Former high-ranking Government officials—all of whom worked in the Nixon Administration—subsequently acknowledged in a series of interviews that civilian command and control over the air war has indeed eroded in the past three years. President Lyndon B. Johnson "had more command and control," one former official said, "but it came at a higher cost of military irritation. The rules of engagement are more relaxed under Nixon."

Some members of Congress have criticized the seemingly slight punishment given thus far to General Lavelle whose nomination for retirement at three-star rank is now pending before the Senate Armed Service Committee. Despite his demotion, General Lavelle will receive the equivalent of a four-star general's retirement pay—about $2,250 per month—because his last active duty assignment was at that rank.

In a Senate speech last week, Senator Hughes raised some of the broader questions presented by the incident. "To what extent can the actions of a single combat commander," asked the Senator, "trigger a spiraling escalation of hostilities by both sides at a time when we are committed to winding down the intensity of the war and withdrawing?"

There were other questions, still unasked in Congress:

Did Gen. Creighton W. Adams, United States commander in Vietnam, or any of his colleagues at headquarters really know what General Lavelle was doing in North Vietnam?

Has the Air Force done all that it could in its investigation of General Lavelle to find and prosecute those officers responsible for official abuses?

Has President Nixon's day-by-day command and control over his pilots diminished?

On Thursday Senator John C. Stennis, Democrat of Mississippi, promised that his Armed Services Committee would look into the Lavelle incident more fully.

[From the Evening Star, June 28, 1972]

LAVELLE'S UNAUTHORIZED STRIKES: DID RAIDS CAUSE HANOI'S OFFENSIVE?

(By Henry S. Bradsher)

HONG KONG.—Did unauthorized air strikes on North Vietnam by Gen. John D. Lavelle's pilots cause the current North Vietnamese offensive against the South?

Analysts of North Vietnamese affairs are intrigued by what they consider the very possibility that those raids tipped the balance in Hanoi's leadership toward another all-out military effort to crush South Vietnam.

The possibility was being considered today as further evidence came that Hanoi is determined to continue putting the war ahead of North Vietnamese domestic problems, despite the offensive's lack of success and the heavy price being paid in the North.

The determination was shown in the way the visit of Soviet President Nikolai V. Podgorny was handled by Hanoi.

Podgorny went to try to get the North Vietnamese to agree to a negotiated truce in the Vietnam war, if not a complete settlement. This followed President Nixon's talks in Moscow on the desire to see the war ended.

The statement by the Soviet news agency Tass on Podgorny's visit disclosed in the coded language which the Communists use for such things that there had been a failure of the Soviets and North Vietnamese to agree on basic issues.

They agreed on calling for an end to U.S. bombing of the North and mining of ports. But disagreement apparently came on having Hanoi moderate its militant attitude and negotiate a truce.

That means that the hawkish faction in Hanoi leadership which rose to ascendency about six months ago is still dominant.

Its rise was aided and maybe even made possible by unauthorized air raids on the North by the 7th Air Force under Lavelle.

Hanoi-watchers had been wondering about a missing factor in the circumstances which led to launching of the offensive. Now revelations about those raids seem to provide it.

After the lunar new year—Tet—offensive in 1968, North Vietnam had shifted to a policy of putting economic development of the North first and continuation of the war in the South second. The war was allowed to simmer along at a lower level of expenditure of men and material.

In early 1971 Hanoi began a buildup for the possibility of increased fighting in the South.

Draft calls were increased for the North Vietnamese army and movement of tanks down the Ho Chi Minh Trail must have begun.

But all available evidence suggested that no firm decision had been taken about the extent of the commitment to make a fight in the South.

Debate among the leadership apparently was going on in Hanoi last summer. The apparent lineup was Communist party First Secretary Le Duan for economic development versus the war policy of National Assembly Standing Committee Chairman Truong Shinh, Defense Minister Vo Nguyen Giap and Foreign Minister Nguyen Duy Trinh.

Severe flooding of the Red River basin in the North late last summer seemed to temporarily tip the balance toward Le Duan and his supporters, who argued that domestic improvements must come first.

At the same time Giap was publishing articles suggesting a tougher war effort was needed.

Then, Hanoi-watchers had thought some months ago, something happened which tilted the balance away from Le Duan and toward Truong Chinh.

The secret negotiations of Le Duc Tho in Paris with Dr. Henry A. Kissinger had been going on while Le Duan's policies were still officially sanctioned. But then the talks were abruptly broken off.

Revelations in Washington last week that unauthorized air raids on the North began just before the scheduled Paris meeting Nov. 20 provided a possible key to the situation.

A tentative reconstruction, based on Hanoi-watching materials which include speeches of Communist leaders and reports from visitors to Hanoi, is that the raids were what created that tilt.

They destroyed the basis for Le Duan's arguments that it was possible to negotiate seriously with the Americans and therefore not necessary to give up economic emphasis for a new military effort in the South.

[From the Evening Star, June 20, 1972]

CASE IN WHICH THE SYSTEM FAILED

(By Orr Kelly)

It became obvious, at least as early as the middle of January, that the United States was carrying on a vigorous, even though limited, campaign of air attacks against targets in North Vietnam.

There were, it seemed at that time, two possible explanations for what was happening.

One, the official version, is that the North Vietnamese, fully aware of the flight patterns followed by American planes, had massed their antiaircraft guns and, increasingly, their surface-to-air missiles to take as high a toll as possible of the planes operating along their borders. They also had begun to move increasing numbers of jet fighters into position where they could, and on several occasions did, shoot down American planes.

It was not unusual, under these circumstances, that there should be a sharp rise in the number of occasions that American pilots would feel themselves threatened and fire missiles or drop bombs in legitimate "protective reaction."

The other apparent explanation was that the administration, in an effort to blunt the expected enemy offensive, had placed an extremely broad interpretation on the concept of protective reaction and was using that, in effect, as a cover for what was really a limited resumption of the air war against the North.

For those of us without access to copies of the rules of engagement and after-action intelligence reports, there was no way to know which of these alternatives was the right one. All we could do was guess.

Now it turns out that neither was entirely right. Instead of the administration covertly turning up the air war, Gen. John D. Lavelle says it was he who did it on his own initiative. This may explain what happened—although there still are some serious questions left unanswered.

But it does not begin to explain how the leaders of the administration or, especially, the top military leaders in the chain of command above Lavelle could fail to be aware of what was going on.

They not only could see what the rest of us could see—and that would seem to be enough to justify asking Lavelle what was going on. But they also could see the intelligence reports the rest of us can't see and Pentagon sources say now that those reports did not indicate a rise in enemy activity corresponding to the rise in protective reaction strikes, especially in January, February and early March.

It was here that the system apparently broke down.

"You just don't call up a four-star general and ask if he's sending you false reports—lying to you," explained one high-ranking civilian official.

"You might wonder about a major or a lieutenant colonel," one military man explained. "But, the way the system works, you figure by the time a guy gets to be a four-star general or even a one-star general—he's learned to follow orders and tell the truth."

So Lavelle's mini-version of Rolling Thunder kept rumbling along while, over in the White House, they kept wondering why it was so hard to get negotiations on the track and keep them there.

There is an obvious tendency on Capitol Hill to consider this all academic now that a bombing campaign with official sanction is being carried out on a much larger scale. There also are those who say this was a unique aberration, caused by "this war."

Well, neither of these assumptions is very comforting. It was obvious in this case that the system failed, both in propelling into a top command post a man who would violate his orders and permit falsification of reports and in failing to detect his violation of orders and the false reports. And a general who doesn't function in a war is like a car that works okay until you drive it.

It will be a national tragedy if the Defense Department and Congress, each in its own way, don't do whatever is necessary to find out what happened in this case, not in a vindictive effort to punish someone, but in a determined effort to make sure that nothing like this can ever happen again.

[From the New York Times, June 15, 1972]

EX-AIRMEN TELL OF 20 PLANNED RAIDS A MONTH IN 1970–71

(By Seymour M. Hersh)

WASHINGTON, June 15.—Three former members of a photo-intelligence team assigned to Pacific Air Force headquarters in Hawaii said in an interview today that at least 20 to 25 planned bombing raids later described as "protective reaction" strikes were flown each month by Air Force planes over North Vietnam throughout 1970 and 1971. This number would be more than three times the total of "protective-reaction" raids officially announced by the Pentagon.

One of the former airmen, James A. Walkley of Honolulu, said that briefings on planned "protective-reaction" bombing missions were routinely provided to Adm. John S. McCain, commander of the United States Pacific Command and the officer in the chain of command between Saigon and Washington.

The controversy over protective reaction has spread since it was revealed Sunday that Gen. John D. Lavelle was dismissed as commander of all Air Force units in Southeast Asia and demoted after ordering unauthorized bombing raids into North Vietnam. Those raids were publicly described as "protective-reaction" strikes—that is, responses to direct threats to American planes.

The three airmen interviewed today, however, were discussing a period largely before General Lavelle took over his command in July, 1971.

On Monday, General Lavelle told a House of Representatives subcommittee hearing that he had ordered "in the neighborhood" of 20 such raids between Nov. 8, 1971, and March 8, 1972. A subsequent Air Force investigation concluded that he had also filed at least three falsified reports in connection with the raids.

"A CONSTANT JOKE"

All three airmen interviewed today agreed that the concept of "protective reaction" was widely considered throughout the Pacific Air Force command as simply another way of describing bombing raids. None of the three had any direct knowledge of General Lavelle's activities between November, 1971, and March, 1972.

Former Sgt. Bradley V. Ochanber of Honolulu, who was honorably discharged from the Air Force in May, said that "protective-reaction" raids had averaged at least 25 a month and added: "We were constantly hitting truck depots and storage areas and describing them as P.R. strikes."

"It was a constant joke," said Mr. Ochanber, who is 24 years old and spent four years in the Air Force in intelligence work. "After we'd bomb, we always used to go down to read the papers and see what kind of information the Air Force released on it."

The Pentagon has officially reported that Navy and Air Force planes staged a total of 20 "preventive-reaction" raids in 1971.

A Pentagon spokesman, asked to comment on the allegations concerning the number of "protective-reaction" missions, said: "We have reported all protective-reaction strikes here as given to us by MACV (Military Assistance Command, Vietnam). If those men say whatever they say, that's their problem."

FOUR SENATORS JOIN DEBATE

Meanwhile, four Senators joined the debate, including Senator George McGovern of South Dakota, the leading candidate for the Democratic nomination for President. The other Senators are John C. Stennis, Democrat of Mississippi; William Proxmire, Democrat of Wisconsin, and Clifford P. Case, Republican of New Jersey.

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Yesterday, The New York Times published a series of interviews with two former Air Force photo-intelligence specialists who had been stationed in Saigon and Thailand. They indicated that abuses of the "protective-reaction" policy were widespread as early as 1970.

The interviews today with the former Hawaii-based intelligence sergeant stemmed from an investigation by The New York Times into the extent of unauthorized bombing missions. More than 10 former intelligence and present photo-intelligence specialists—officers and enlisted men—have been reached by telephone.

Some, despite the high degree of classification of all photo-reconnaissance matters, have talked freely. Others have refused to talk on grounds of security. Still others said they had no first-hand knowledge of "protective reaction." None of those contacted, however, denied that serious abuses exist and had gone uncorrected.

Mr. Ochanber's name was supplied to The New York Times by Thomas Bast of St. Louis, another former member of the intelligence unit, who himself had no direct information about the number of "protective-reaction" missions. Mr. Ochanber, in turn, supplied the name of a third former member of the unit, Miles Yoshida of Honolulu, who was interviewed.

Mr. Walkley, a former sergeant, was relatively well-known since he has been an active critic of the Vietnam war and has been mentioned in The Congressional Record.

Mr. Walkley, who said in the interview that he left the Air Force in 1971, said that units of the Seventh Air Force staged many "protective-reaction" strikes in 1969 and 1970 against North Vietnamese airfields south of the 19th Parallel and also along the Bonparal Pass between North Vietnam and Laos about 80 miles north of the demilitarized zone.

"They'd always come in later on the pilot reports as protective reaction," he said. "They just used that like an excuse to hit."

Mr. Walkley, who is now associated with an antiwar counseling service in Honolulu, said he had spent more than three years as a photo interpreter at Hickam Air Force Base.

In his job with the 548th Squadron, Mr. Walkley said, he saw all of the after-action reports filed by pilots in the Seventh Air Force, as well as much of the reconnaissance film.

In 1970, the Seventh Air Force was staging "at least one" of the "protective-reaction" raids a day, he said. He added that "just before they called limited-duration strikes, they had three to five a day."

There were eight publicly announced "limited-duration" bombing assaults—often lasting more than one day—on North Vietnam in 1970, according to Pentagon records.

Mr. Yoshida, who left the Air Force in December, 1971, said he came across at least four "protective-reaction" strikes during each working week, and he described them as "a joke."

He added that he thought that "maybe once in a while" the pilots had had a legitimate reason for staging the "protective-reaction" strikes.

Mr. Walkley said that many of the "protective-reaction" raids had been planned in advance. The process worked this way, he said:

"We'd get reconnaissance reports covering an area of North Vietnam, and if there was a large build-up of supplies, they were referred both to the target-development division and to the contingency-targeting division [at the 548th Squadron].

"Both divisions made up target folders for strikes in the area for sometime in the future," Mr. Walkley said. "Then in the next few days it was briefed to the Pacific Air Force Deputy Chief of Staff for Intelligence and then to CINCPAC Air Force and then to Admiral McCain.

"Within two or three days the target folders, which were already made up, would be pulled and the message relayed to the Seventh Air Force and they would carry out the strike, and then the strike would later be announced as protective reaction."

On Capitol Hill, Senator Case added to the debate over "protective reaction" by releasing a letter from a Navy officer who charged that reconnaissance planes had been sent over North Vietnam in order to provoke anti-aircraft action so that Navy fighter-bombers could bomb targets that were otherwise off-limits.

Senator Proxmire, entering the dispute over General Lavelle for the first time, urged the Air Force to begin a formal court-martial proceeding against the general. He said that the general had "deliberately violated the principles of civilian control over the military."

A Pentagon spokesman said that the military no longer had court-martial jurisdiction over General Lavelle since he had retired.

Senator Stennis announced that his Armed Services Committee would look into the general's retirement as a three-star officer. General Lavelle was a four-star general before he was relieved.

Senator McGovern, also discussing the incident publicly for the first time, said at a news conference in Northport, L.I., that "if the reports are true that unauthorized bombing missions were ordered by General Lavelle, it would seem to me it is a miscarriage of justice to let him off with an apparent tap on the wrist."

TERMINOLOGY IN AIR WAR

WASHINGTON, June 15.—The phrase protective reaction" was first used on Oct. 9, 1969, by Secretary of Defense Melvin R. Laird, but the practice that it represents had been carried on for almost a year before that.

Under "protective reaction," American commanders were authorized to seek out and attack enemy troops or planes or missiles that threatened them. The use of the phrase by Mr. Laird at the 1969 news conference marked a shift from previous American military orders in which United States ground forces were to put "maximum pressure" on the enemy.

In the air over North Vietnam, American planes had been following such a practice, even though it was not announced, since the suspension of the full-scale bombing of the North on Nov. 1, 1968. Reconnaissance missions, usually consisting of an unarmed reconnaissance plane and three armed jets, were authorized to fire on radars and surface-to-air missiles that had "locked on" them and were about to fire.

In addition to "protective reaction," American pilots were authorized to use what was termed "suppressive fire"—attacking whenever fired upon.

Beginning March 27, 1970, the United States began what were called "reinforced protective reaction strikes" in which large numbers of American fighters hit North Vietnamese antiaircraft and surface-to-air missiles that were judged to be a threat.

A Pentagon spokesman said today that there had been 20 "protective reaction" strikes in the last two months of 1968, and 75 during 1969, then 25 during 1970 and 121 during 1971. In the first three months of this year there were 128 such strikes, he said.

On April 4 of this year, the policy of "protective reaction" was suspended with the resumption of full-scale bombing of North Vietnam, after the start of the North Vietnamese offensive.

[From the Washington Post, June 18, 1972]

THE LAVELLE AFFAIR

(By Joseph Kraft)

A stock character in fiction is the gung-ho American military man hooked on anti-communism to the point of starting a nuclear war by private actions taken against the explicit orders of the President. So strong is the grip of art on life that all of us are tempted to cast in that role Gen. John Lavelle, the air commander who has been retired and demoted for exceeding bombing orders in Vietnam.

But the evidence, though not yet complete, points in another direction. It suggests a supreme company man who allowed himself to be made the scapegoat for a massive sophisticated and systematic streaching of presidential orders by the military commands in both Washington and Vietnam.

The official version of the case is relatively simple. In the four-month period between Nov. 8, 1971, and March 8, 1972, 147 planes carried out 28 missions over North Vietnam, and that went beyond the standing order to bomb only after being fired upon or locked by enemy radar.

On March 8, the violations were brought to the attention of the Air Force chief of staff, John Ryan, through the medium of a letter sent by a sergeant to Sen. Harold Hughes (D-Iowa) and passed on to the Air Force. Gen. Ryan ordered an investigation, Gen. Lavelle was demoted from four-star to three-star rank and retired. End of story.

Only a lot of little details kept coming to the surface which prolong the story. For one thing, Gen. Lavelle, in testimony to the investigating subcommittee of the House Armed Services Committee, said that his practice of hitting the enemy first and then calling it "protective reaction" was widely known in Vietnam. He asserted that the commanding general in Vietnam, Creighton Abrams, was aware of the practice.

Then there is a curious set of developments that took place on March 8—the day the first evidence of the bombing excess was supposedly made known to Gen. Ryan. On that very day in Vietnam, the Air Force suddenly stopped giving detailed briefing accounts of raids over North Vietnam.

Maybe that's just coincidence. But a more likely explanation is that Air Force headquarters at the Pentagon was at least dimly aware of the violations for a long time.

As soon as the sergeant's letter surfaced, the higher-ups knew without investigating what the trouble was. Accordingly they moved with unwonted speed, the kind of speed they reserve for such occasions, to cover up evidence.

On top of that, there is the treatment accorded Rep. Otis Pike, the New York congressman who has forced the issue to the surface. When Pike first began looking into the matter in April, he ran into a stone wall of silence at the Pentagon. When he raised the matter on May 15 in a speech on the House floor, the Air Force made a statement so innocent of information that Pike felt obliged to return to the issue in a second floor statement the next day.

On two occasions, very high officials in the Pentagon intervened to muzzle Pike. Once, it seems, Gen. Ryan offered to give him the true facts providing Pike kept them to himself. Pike refused.

On a second occasion, it seems, Defense Secretary Melvin Laird offered to give Pike the true story provided Pike kept it off the record. Pike again refused.

Finally and most importantly, there is the demeanor and personality of Gen. Lavelle. Nothing in his background suggests the one-man operation; everything points toward the conformist. He came up in the Air Force as a manager rather than a hot pilot. He is a non-West Pointer who has apparently always wanted to be a West Pointer.

From this evidence my own sense is that as Hanoi began preparing for its spring offensive, there was throughout the Vietnam command a growing disposition to hit the build-up in North Vietnam. Many strikes that went beyond the strict orders of "protective reaction" were probably carried out with the tacit consent of the brass in Washington and Saigon.

When the violation of orders became known, the instinct of the system was to find a scapegoat. Gen. Lavelle, loyal to the Air Force all the way, stepped forward.

If that interpretation is correct, it suggests that the problem of controlling the military is no mere matter of enforcing discipline on a few Hotspurs. It involves the far more difficult task of bending to the cruel logic of a limited war a vast, highly organized and impenetrable bureaucracy that does not understand or, in its heart, accept the limits. It is an almost impossible task—which is one more reason why the country needs to be out of Vietnam.

[From the New York Times, June 19, 1972]

UNAUTHORIZED BOMBING IS LAID TO RELAXATION OF NIXON CONTROL

(By Seymour M. Hersh)

WASHINGTON, June 18.—A number of former Government defense specialists believe that the recent disclosure that Gen. John D. Lavelle conducted a series of unauthorized bombings of North Vietnam reflects an even larger problem—the Nixon Administration's relaxation of command and control over the air war in Southeast Asia.

In a series of interviews last week, the specialists—all of whom worked in the Pentagon or the White House for the Nixon Administration—agreed that President Nixon's decision, made early in his administration, to consolidate authority in the hands of a few men in the national security structure and to remain more remote from day-by-day military planning loosened Washington's ability to control Air Force activity in Vietnam.

More than half a dozen specialists were interviewed, including men who had direct responsibility for the over-all planning and focus of the air war. For reasons of security, the men—four of whom worked in similar positions during the Johnson Administration—did not discuss any specific incidents that occurred during their tenure with President Nixon.

"THINGS GET VERY SLOPPY"

One man who recently left the Government stressed that the command and control system, with its reliance on the forwarding of orders down the chain of command to tactical units, "is by its nature capable of incredible sloppiness."

"If you don't go and check things up," he added, "things get very sloppy."

In the current dispute, General Lavelle was relieved as commander of the Seventh Air Force in Southeast Asia and demoted after ordering—by his own admission—"in the neighborhood" of 20 unauthorized bombing attacks on military targets in North Vietnam and reporting them to higher authorities as "protective reaction." The strikes took place between November, 1971, and March, 1972.

Because of the vastness of the undertaking in Indochina, the loss of command and control of military commanders in the field is not unique to the Nixon Administration. Some of the Government specialists recalled lapses in command and control during the Johnson Administration as well.

One source mentioned the bombing of Hanoi in December, 1966, just after the United States had received indications from an envoy that the North Vietnamese were willing to open peace discussions in Warsaw. A second major incident during the Johnson Administration involved the bombing of two Soviet ships in Haiphong harbor by American Air Force jets. The pilots in that case, along with their commander, were court-martialed.

The Mylai massacre—involving the slaughter of 300 civilians by American troops—also took place during the Johnson Administration. No charges were filed in the case for 18 months after it was first reported to the Pentagon in a letter from an enlisted man—a pattern similar to that in the Lavelle incident.

BENDING THE RULES

In interviews last week, a number of former photo intelligence analysts said that at least 20 unauthorized "protective reaction" raids on such targets as oil and truck depots were planned in advance and carried out each month by the Seventh Air Force throughout 1970 and 1971. General Lavelle took over his command in July, 1971, indicating that such abuses—if the allegations are true—were carried out by his predecessors.

One former key White House aide acknowledged that he and others had "assumed" that some of what he termed "bending of the rules" of protective reaction had been going on in the last three years.

"I don't think that there was an effort made to look carefully into every single P.R. raid," he said, explaining that it would be considered "within the rules of the game" for Air Force and Navy reconnaissance aircraft operating in North Vietnam to provoke enemy missile batteries or antiaircraft guns into action.

Under the rules of "protective reaction" as enunciated in 1969, when such strikes were formally initiated, American fighter planes flying escort for the unarmed reconnaissance missions could bomb and strafe North Vietnamese missile and gun positions after enemy action.

In his appearance before a House of Representatives subcommittee last week, General Lavelle admitted that he had ordered his subordinates always to list "enemy action" in filing official after-action reports to justify the unauthorized raids.

The former White House aide, asked about the general's testimony and the reports of earlier abuses of "protective reaction," declared that such action would not be within the informal rules as the White House understood them. He added that the staging of offensive and unauthorized "protective reaction" missions without reporting all of them, as also was alleged by some former intelligence personnel last week, "would be out of bounds." Also ruled out would be the bombing of enemy supply depots and similar targets, he said.

"CONSPIRACY" REJECTED

This official categorically rejected, as did all the others interviewed, the conclusion that the Nixon White House was aware of all the "protective reaction" raids and in fact had a role in planning them in an attempt to apply maximum, but covert, pressure on North Vietnam. Such views had been expressed privately by some high-ranking former Johnson Administration officials.

"I don't see a big conspiracy," he said. "In fact, I think the White House role has often been one of restraint" on the military. Nonetheless, he said he believed that "L.B.J. had more command and control over the military—but at a higher cost of military irritation."

"Under Nixon," he said, "the rules of engagement have been more relaxed."

Another former White House official, who also was closely connected with planning for the Vietnam war, gave the following analysis to explain why he thought command and control had eroded under the Nixon Administration:

"The chain of command, particularly with McNamara, was much tighter. McNamara dealt much more frequently, in my opinion, on matters of strategy with the President than Laird does. McNamara was an intensely loyal and selfless man and he really did rule military operations with a very firm hand—that was the source of much of the military's difficulty with him. The chain of command worked much better because the communication was much better."

[From the Evening Star, June 18, 1972]

REDS SAID B-52's MADE UNAUTHORIZED RAIDS

(By Orr Kelly)

Hanoi Radio complained repeatedly during the period when authorized air raids were being made against North Vietnam that B52 bombers and naval gunfire were striking at targets in the northern half of the demilitarized zone.

The Air Force acknowledged last week that Gen. John D. Lavelle had permitted his pilots to carry out 28 unauthorized "protective reaction" missions, involving single attacks by 147 planes, against targets in North Vietnam between Nov. 8, 1971, and March 8, 1972.

Pentagon officials, asked last week about the North Vietnamese charges, insisted that B52s did not attack targets in the North between the bombing halt in 1968 and the resumption of bombing in April 1972 after the beginning of the current enemy offensive.

Big-bomber attacks like those described by the North Vietnamese would have gone beyond the concept of "protective reaction" and would have violated the "understandings" that ended the bombings in 1968.

The officials did acknowledge, however, that the rules covering "protective reaction" had been relaxed in the months preceding the current offensive to permit large-scale attacks not only on offending antiaircraft sites but also upon surrounding barracks, fuel dumps, trucks and other military installations.

But they insisted that the investigation of the Lavelle case, who was dismissed as commander of American air forces in Southeast Asia because he exceeded the rules on bombing, had uncovered no evidence of violations involving the B52 bombers or collusion by the Navy in the violations.

As commander of the 7th Air Force, Lavelle had direct command over Air Force fighter-bombers based in South Vietnam and Thailand. As deputy for air in the overall American military command in South Vietnam, he had operational control over the Strategic Air Command's B52 bomber force based on Thailand and on Guam, and coordinated Navy and Air Force operations.

DISCREPANCIES FOUND

A review of broadcasts by Hanoi Radio, published here by the government's Foreign Broadcast Information Service, showed that there was a broad correspondence between American announcements of "protective reaction" air strikes and North Vietnamese complaints about attacks on their country. There was frequent disagreement over the type of targets and the number of planes involved, but general agreement on the time and place that something had happened.

The major discrepancy involved the frequent complaint by North Vietnam that B-52's were hitting in the northern portion of the Demilitarized Zone—the area they call the "Vinh Linh Special Area."

On some occasions, the reports of raids in the northern part of the DMZ came on the same days that the American command reported raids in the Southern portion. On other days, however, there were no U.S. reports of B52 activity near the border.

A comparison of North Vietnamese and American statements at the time, and recent conversations with Pentagon officials also revealed these other aspects of the air war during that four-month period:

Major air raids were conducted in the first 11 days of March, 1972, but were reported only as 25 distinct "protective reaction" missions. The U.S. command refused to reveal the number of planes involved.

A North Vietnamese group, the Commission for Investigation of the U.S. Imperialists, War Crimes in Vietnam, issued a special communique on March 16 in which it said 300 sorties had been flown against targets in

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the DMZ and three provinces between March 1 and 10.

Large raids were also apparently carried out on Nov. 7 and 8; Nov. 21 to Dec. 5; Dec. 18; Jan. 19 to 30; Jan 31, Feb. 1 and Feb. 18 to 25. In addition, there were announced limited-duration attacks from Dec. 26 to 30 and on Feb. 16 and 17.

Navy planes participated in about half of the attacks during the periods of concentrated bombing. But Pentagon officials insisted no evidence had been uncovered that the Navy had either violated the rules of engagement or falsified reports—the two violations that led to Lavelle's dismissal and retirement.

The difference between the Air Force and Navy operations, one Pentagon official explained, was that the Air Force planned and carried out attacks regardless of whether there was enemy-initiated action that would justify an America reaction. The Navy was always careful that it could justify its reaction before attacking.

As the evidence of the enemy's imminent spring offensive into South Vietnam became increasingly apparent, the rules of engagement were relaxed to permit heavy reaction raids, officials said. Pilots were permitted to attack not only the gun, missile site or radar that had threatened them, but also other installations in the area that could be said to support the gun, missile, or radar.

A liberal interpretation was also permitted of the time in which the reaction could take place. Both American and North Vietnamese accounts indicate that reinforcements from the fleet offshore were called in to help out.

On Jan. 19 and again on March 6, for example, the Navy planes staged major attacks on the Quang Lang airfield area north of Vinh. Hanoi Radio reported that "many waves" of planes were involved in the Jan. 19 battle in which the Navy claimed the destruction of a Mig 21 fighter plane.

During this period, both the Navy and the Air Force practiced a form of selective "protective reaction" according to Pentagon officials. Reconnaissance planes flying over North Vietnam were fired upon with increasing frequency, but the reaction would often be reserved for certain critical areas—such as the Quang Lang airfield—that the military commanders were eager to hit.

Reports from Lavelle's headquarters not only falsified the enemy actions but reported some attacks as having been carried out against one target when the attack was actually aimed at another target, Pentagon officials said. A report, for example, would describe the target as a missile site when in fact the primary target was a nearby fuel dump.

Congressional sources said the numbers of sorties reported by Hanoi Radio during some parts of the four-month period were much larger than the number of sorties reported in a classified document to members of Congress. The number of sorties flown against targets in the north was not publicly announced in the past but is being announced during the current bombing campaign.

Defense Secretary Melvin R. Laird ended a visit to Saigon on Nov. 6, just before Lavelle's unauthorized raids reportedly began. Hanoi Radio complained on Nov. 8 about attacks by "many planes" and blamed the increase in air activity on Laird. Pentagon officials have insisted, however, that Laird remained unaware of the unauthorized raids until a sergeant wrote to Sen. Harold Hughes, D-Iowa, and began an Air Force investigation.

Pentagon officials say they know of no explanation for the continued North Vietnamese complaints about B52 attacks on the northern portion of the DMZ.

During the period before B52 attacks on North Vietnam were authorized in April, they said the policy was to keep the big planes away from areas where the surface-to-air missiles were located.

On Feb. 8, however, the war crimes commission said in a broadcast that the big planes had carried out 47 sorties and dropped 1,410 tons of bombs in "16 carpet (heavy) bombings" in and just north of the DMZ during January. And on March 7, it said the B52 attacks were continuing "on an almost permanent basis."

[From the New York Times, June 21, 1972]

RAIDS' IMPACT OVERSTATED, EX-AIR FORCE MEN SAY

(By Seymour M. Hersh)

WASHINGTON, June 20.—A number of former Air Force photo interpreters—the men who help pick future bombing targets and assess results from previous raids—believe that the military has consistently exaggerated the effectiveness of bombing results in North Vietnam.

More than a dozen former intelligence specialists were interviewed by The New York Times in the last five days and, without exception, they contended that misleading bombing claims were routinely processed at intelligence centers in Thailand, in South Vietnam and at Pacific Air Force headquarters in Honolulu.

Bradly V. Ochanber of Honolulu, a former sergeant who left the Air Force in May after serving as a photo interpreter with the Pacific command, told of a mission in which five or six Air Force planes dropped at least 50 bombs in a futile attempt to destroy a truck, which was subsequently reported as destroyed.

"The fact is that the truck had been sitting there for six weeks and was a derelict," Mr. Ochanber said. "I went back through our reconnaisance films and saw it constantly."

Former Sgt. Michael A. Lewis, who served in photo intelligence with Seventh Air Force headquarters in Saigon, said: "We used to just inflate our statistics all the time. We knew it wasn't accurate but we really didn't care.

CHURCH WAS LISTED

Most of the enlisted men in his unit "were against the war and really didn't care" said Mr. Lewis, who is now a student at the University of Michigan at Ann Arbor.

"The supervision was very poor," he added. "The major and the colonel never bothered to check us out and make sure that we were doing a good job.

"Those who were supposed to check were the sergeant and the career enlisted men, but they were more interested in rank and organization than in the information we were putting out."

Another former intelligence specialist, in an account verified by two of his former colleagues, told of seeing a bombed-out church in the middle of a village that had been targeted by his unit at Udon Air Force Base in Thailand.

"I could see dogs, buffalo and goats around," said the youth, who has one more month of Air Force active duty remaining and asked not to be identified. "Most of the people had gone and the church was smoking. I was mad, but the captain said I couldn't report any villages as being hit. He doctored the report to make it look like it was a storage area."

Former Sgt. Alvin R. Knoblock of Birmingham, Mich., who served with the 432d Intelligence Squadron based at Udon, also told of occasions when he and other photo specialists would locate what they suspected were enemy tanks on reconnaissance film. "This was a pretty big thing," Mr. Knoblock said, "but it got stymied right there in headquarters."

Since the suspected tank sightings were not confirmed, Mr. Knoblock went on, the reports were not sent to higher headquarters. 'The officers would say it'll raise too much trouble and we'd have to make extra prints," he said.

Mr. Knoblock also said that some of the bombing in North Vietnam was extremely inaccurate, often missing its primary target by 10 miles or more.

"We kept finding this one armored truck which you don't find too often," he related. "They tried a few times and said, 'Oh, the thing's destroyed.' A few days later someone got in the truck and drove it away."

SAYS KISSINGER WAS AWARE

In subsequent interviews, a number of former high-ranking Government officials—some of whom served in key White House jobs during both the Johnson and Nixon Administrations—acknowledged that they had grave doubts about the quality of bombing intelligence.

"It was all so bad," one key former official said. "We are always so skeptical of all the reports. The numbers were so bad."

"Kissinger knew it as well as anyone did," he added, referring to Henry A. Kissinger, President Nixon's national-security adviser.

Most of the airmen left the service well before the current bombing campaign and the mining of the harbor at Haiphong, which many senior Goverment officials believe are having a serious effect on North Vietnam's ability to keep sending supplies to the South.

Some of those raids have utilized the so-called "smart bombs," which are guided to their targets by laser and television technology. Most of the bombing of the North, however, has involved conventional high-explosive ordnance.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. I commend my able colleague for bringing this matter to the attention of the Senate.

The Senator sent me a letter that he had received from a serviceman, leaving the name off. I, in turn, sent the letter to the Secretary of the Air Force. Later the Chief of Staff of the Air Force told me the matter was being handled, and asked I not say anything about it at that time.

It is also my understanding from a reputable source that the general said, when he testified before the House, his actions were known to his superiors. I regret the Senate Armed Services Committee did not check the story from the Senator from Iowa that brought out this unfortunate incident about civilian control of the military, a subject with which I have had some experience.

Let me ask the able Senator from Iowa if he does not believe this question should be explored. The morning press says General Abrams is to be the new Chief of Staff of the Army. I was briefed earlier this year in Vietnam by General Abrams and General Lavelle together; and it is hard to understand how this covert bombing could have gone on so long without other people knowing about it. Naturally, I have a special feeling for the Air Force, nor do I like to see one man take the full rap for something which others may have known about. It is difficult for anybody who knows anything about the military to believe this could have gone on over a period of weeks, if not months, without the knowledge of Lavelle's superiors.

So I would ask my good friend from Iowa, who is making another contribution to the country in his talk this morning, does he not believe this matter should be explored thoroughly?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 6 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa.

Mr. HUGHES. Mr. President, in response to the question of the distinguished Senator from Missouri, I believe the facts indicate, if I am correct, that bombing missions, which were planned in advance, at least partially, were carried out by pilots bombing targets that were not within the spectrum of assigned orders, and then when the debriefing of the pilots was accomplished, reports were filed which were falsified.

Obviously, assessment of the bombing damage by aerial intelligence would have indicated that the bombing targets were different from those in the reports that were filed. Those reports must have gone all the way to the top, and the assessment of bombing damage must have gone all the way to the top. Someone at the top had to realize either that the pilots were so inaccurate in their bombing that they were not even coming close to the targets, but at the same time were hitting important targets at different positions in Southeast Asia, or that, with precision bombing for our day and our time, it was intentional.

So I think the opinion of the Senator is completely in line with what was happening. This matter, in my opinion, must be cleared up before the nomination of General Abrams, which has been forwarded by the White House to the Senate, can be considered by the Armed Services Committee without questions arising as to who on top knew what was happening in Southeast Asia during the bombing offensive that was unauthorized the Secretary of Defense himself has said the orders could not possibly have been misinterpreted, and that it was a direct violation of those orders.

I think the Senator from Missouri, as a former Secretary of the Air Force, knows full well the implications of the necessity for discipline in carrying out orders. I have appreciated the Senator's help and contributions in this matter.

Mr. SYMINGTON. I thank the distinguished Senator from Iowa. Let me emphasize I am in no way criticizing anybody additional, just do not see, based on past experience, how only one man, over a period, could have operated in this way.

In no way do I criticize General Abrams, or the Secretary of the Army or the Secretary of Defense, or anybody else, including the Chiefs, but I do think that the Senate and the people of the United States are entitled to know all the truth.

Mr. HUGHES. I think the Senator would agree that I am not criticizing anyone who has not yet publicly admitted violating, or who investigation has not yet indicated has violated, the rules and regulations not only of the Department of Defense but of the President of the United States. But the inquiry should necessarily be held in order to eliminate any questions that could arise. For that reason, again, I want to join with the Senator in saying I am not pointing the finger at or raising a question against any personality. I am only saying that both the Senate and the people of America are entitled to answers to these unanswered questions.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, may I have 2 minutes?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period be extended for 3 minutes, and I yield that time to the able Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator.

There is no question that General Lavelle disobeyed orders. He so admits, and he should be criticized. At the same time, however, I think we should find out how an operation of this character could have gone on over quite a period without others knowing of it.

I intend to write, and have already requested verbally, to the chairman of the Armed Services Committee, suggesting that General Lavelle be brought before the committee at the committee's convenience. Again, I am much impressed by the factual data that has been presented by the able Senator from Iowa, who is a member of that committee.

Mr. HUGHES. I thank the Senator from Missouri, and I yield back my remaining time to the acting majority leader.

REPORTS OF COMMITTEES

The following reports of committees wee submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–894).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2147. A bill for the relief of Marie M. Ridgely (Rept. No. 92–895);

H.R. 632. An act for the relief of the village of River Forest, Illinois (Rept. No. 92–898);

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force (Rept. No. 92–899);

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene (Rept. No. 92–900);

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen (Rept. No. 92–901);

H.R. 6666. An act for the relief of Major Michael M. Mills, United States Air Force (Rept. No. 92–902); and

H.R. 6820. An act for the relief of John W. Shafer, Junior (Rept. No. 92–903).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 910. A bill for the relief of Dennis Keith Stanley (Rept. No. 92–896);

S. 2753 A bill for the relief of John C. Mayoros (Rept. No. 92–897); and

H.R. 2118 An act for the relief of Amos E. Norby (Rept No. 92–904).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 311. A resolution authorizing supplemental expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 92–907);

S. Res. 314. A resolution to print the Annual Report of the National Forest Reservation Commission as a Senate document (Rept. No. 92–908);

S. Res. 323. An original resolution authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document (Rept. No. 92–909);

S. Res. 324. An original resolution to pay a gratuity to Lewis J. Swagger;

S. Res. 325. An original resolution to pay a gratuity to Gretchen E. Jenkins;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial (Rept. No. 92–910); and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes (Rept. No. 92–911).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 313. A resolution authorizing the printing of the report entitled "The Economics of Clean Air, Summary of Analysis" as a Senate document (Rept. No. 92–912); and

S. Res. 320. A resolution making $30,000 available to the Committee on Appropriations from the contingent fund (Rept. No. 92–913).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 304. A resolution authorizing expenditures by the Special Committee on the Termination of the National Emergency (Rept. No. 92–914);

S.J. Res. 204. A joint resolution to authorize the preparation of a history of public works in the United States (Rept. No. 92–915); and

S.J. Res. 221. A joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin (Rept. No. 92–916).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

H.J. Res. 55. A joint resolution proposing the erection of a memorial on public grounds in the District of Columbia or its environs in honor and commemoration of the Seabees of the United States Navy (Rept. No. 92–917).

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 92–905)

Mr. BAYH, from the Committee on the Judiciary, submitted a report entitled "Constitutional Amendments," which was ordered to be printed.

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REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 92-906)

Mr. EASTLAND, from the Committee on the Judiciary submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, The following favorable reports of nominations were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture; and

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

George S. Ives, of Maryland, to be a member of the National Mediation Board.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably 76 appointments and promotions of general and flag officers in the Army, Navy, Marine Corps, and Air Force. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in addition I report favorably 4,371 promotions and appointments in the Army in grade of colonel and below; 639 appointments in the Navy in grade of captain and below; 194 appointments in the Marine Corps in grade of first and second lieutenants; and 1,983 promotions and appointments in the Air Force in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of June 7, 12, and 13, 1972.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MONDALE (for Mr. INOUYE):

S. 3730. A bill for the relief of Mr. and Mrs. Eduardo Quiroz Luber (Mrs. Engracia L. Luber); and

S. 3731. A bill for the relief of Miss Juana Gamulo. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3732. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3733. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 3734. A bill to amend the Disaster Relief Act of 1970;

S. 3735. A bill entitled "Black Hills Disaster Relief Act of 1972.";

S. 3736. A bill to amend the Disaster Relief Act of 1970 to provide for public recreation facilities; and

S. 3737. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

S. 3738. A bill to reduce interest rates on SBA disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BELLMON:

S.J. Res. 249. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROOKE:

S. 3732. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCTION IN TRANSPORTATION FARES FOR THE ELDERLY

Mr. BROOKE. Mr. President, I have introduced today legislation that would authorize interstate airlines, trains, and buses to provide reduced fares for passengers over 65 years of age.

Many elderly citizens and members of their families have told me of their wishes for a greater opportunity to visit children and grandchildren who live throughout the United States. In addition, many of the elderly very much wish to travel for pleasure to areas that they have not previously been able to visit.

Statistics show only 5 percent of all airline passengers during the past year were over 65. Yet, 10 percent of the population is in this age bracket, and great numbers of these older citizens have the leisure time available for travel.

Last year, I suggested to the airlines and the Civil Aeronautics Board that the airlines should gladly make a greater effort to attract these potential passengers with rates that more of them could afford, especially in view of the continuing large number of empty seats on a majority of all air flights. Similarly, a majority of all seats on intercity buses and trains are unfilled.

Regrettably, none of these services have yet responded to this suggestion. Therefore, it is now time for the Congress to take the matter into its own hands and approve a proposal for reduced rates for the elderly on all public codes of transportation.

The bill I have filed today authorized the Federal Aviation Administration, and the Interstate Commerce Commission to grant reduced-rate transportation for persons aged 65 and older. As a result of legislation recently approved by Congress, ratesetting provisions pertaining to the Interstate Commerce Commission are also applicable to Amtrak, the National Rail Passenger Corporation.

This proposal is equitable for several reasons. It gives the elderly a greater opportunity to travel and to enlighten their retirement years with pleasant experiences. It provides to citizens, young and old, the opportunity to maintain greater family unity. And practically speaking, it fills seats in many vehicles that now go empty.

In the past, regulatory agencies have approved discounts by common carriers to several groups of passengers, including youth, military, religious leaders, and carrier employees and their families. As a result, it was especially disconcerting to me to learn that the Civil Aeronautics Board rejected a request from KLM, the Royal Dutch Airlines, to implement lower fares for senior citizens flying between the United States and Amsterdam.

Both the propriety and the need for legislation is clear: senior citizens should no longer be forced to remain at home because the costs for travel continue to rise. Because Congress has traditionally not set specific rates, I have not written into the bill the amount of the discount. Nonetheless, I would suggest that, should this legislation be approved, interstate airlines, trains, and buses consider providing significant discounts in the range of 30 to 50 percent.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3733. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself and the senior Senator from Colorado (Mr. ALLOTT) I introduce, by request, a proposed bill "to amend the National Environmental Policy Act of 1969, to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements." This measure has been proposed by the administration and was transmitted to the Senate on May 24, 1972. I ask unanimous consent that the letter of transmittal by the Administrator for the Environmental Protection Agency and the proposed bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, my introduction of this measure is at the request of the administration and is for the purpose of insuring that the administration's legislative program receives that formal attention of the Senate and does not necessarily indicate my concurrence in the merits of the proposed legislation.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., May 24, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill, "To amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements."

Under Executive Order 11574, directing the establishment of a water quality permit program, EPA is responsible for advising the Corps of Engineers concerning the relation between discharges subject to permits and water quality standards and related considerations. Under the guidelines issued by the Council on Environmental Quality on Federal agency responsibilities under the National Environmental Policy Act (NEPA), we have considered that our actions under this Order were environmental regulatory actions, and that impact statements were not required by NEPA in connection with such actions.

However, in the recent case of *Kalur* v. *Resor* the District Court for the District of Columbia held that NEPA required the preparation of impact statements in connection with the issuance of Refuse Act permits. The court also enjoined the Corps of Engineers from issuing permits for discharges into navigable waters until such time as the Corps amended its regulations to require impact statements under NEPA.

The Department of Justice is appealing the *Kalur* decision. However, many months will undoubtedly elapse before these issues can be resolved in the appellate courts. We have examined the potential effect on the Refuse Act permit program of applying to that program the full requirements of section 102(2)(C) with regard to impact statements. It is difficult to estimate the cost that such a decision would entail in dollars and in time delays, since available case law provides little guidance for determining which permits would be classified as "major" actions having a "significant" impact. Our present estimate is that EPA will be called upon to make recommendations to the Corps of Engineers in connection with about 20,000 pending applications. If even a fraction of these are determined to be major Federal actions, thousands of impact statements could be required. Accordingly, we have concluded that the administrative burden of writing impact statements with respect to these pending permits would at this time be incompatible with the need to carry out an effective permit program under the Refuse Act. In our judgment, further delay in effecting such a program will jeopardize our efforts to protect the environment through vigorous enforcement of water quality standards.

The proposed bill would exempt the Refuse Act permit program administered by the Environmental Protection Agency and the Corps of Engineers from the requirements of section 102(2)(C) of the National Environmental Policy Act until December 31, 1975. However, this exemption would not apply to permits for discharges from sources on which construction commenced after April 1, 1972. In addition, any permit issued before December 31, 1975 would expire on December 31, 1977, unless the Administrator of the Environmental Protection Agency were to publish a determination that its issuance did not constitute a major Federal action significantly affecting the quality of the environment, or unless there had been compliance with section 102 of NEPA. The exemption provided by the bill would also apply to the issuance of permits by the Administrator under the permit program which would be established by the Federal Water Pollution Control Act Amendments of 1972.

This proposed legislation is identical to H.R. 14103 on which hearings have been held by the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries.

The Office of Management and Budget advises there is no objection from the standpoint of the Administration's program to the enactment of this proposed legislation.

Sincerely,

WILLIAM D. RUCKELSHAUS,
Administrator.

S. 3733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by adding a new section to read as follows:

"SEC. 106. The provision of section 102 (2)(C) of this Act providing for the preparation and filing of environmental impact statements shall not apply to the issuance on or before December 31, 1975, of permits under section 13 of the Act of March 3, 1899, or under section 402 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, or to any action taken by any Federal agency in connection with such issuance: *Provided,* That unless the Administrator of the Environmental Protection Agency determines, and publishes his determination, that the issuance of any such permit does not constitute a major Federal action significantly affecting the quality of the human environment, such permit shall not remain in effect beyond December 31, 1977, unless there has been compliance with section 102 of this Act: *And provided further,* That this section shall not apply to any permit for a discharge from a facility on which construction commenced after April 1, 1972. Nothing in this section shall be construed as affecting any other requirements or procedures established by, or pursuant to, this Act."

By Mr. McGOVERN:

S. 3734. A bill to amend the Disaster Relief Act of 1970;

S. 3735. A bill entitled "Black Hills Disaster Relief Act of 1972";

S. 3736. A bill to amend the Disaster Relief Act of 1970 to provide for public recreation facilities; and

S. 3737. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

S. 3738. A bill to reduce interest rates on SBA disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

THE BLACK HILLS DISASTER

Mr. McGOVERN. Mr. President, I am sure all Members of this body join me in mourning the missing and the dead after the tragic flood of June 9 and 10 in the Black Hills. The people of Rapid City and the Black Hills are gratified by the response of humanitarian persons throughout the United States and the world. Within hours of the word of the tragedy, outpourings of aid were on their way to Rapid City.

A personal visit on June 11 and reports from governmental and other leaders have convinced me that all that possibly could be done immediately after the disaster were carried out with great efficiency. I particularly commend the Office of Emergency Preparedness, the South Dakota National Guard, the officers and men of Ellsworth Air Force Base, the county commissioners of Pennington County, the Pennington County Civil Defense Officials, Pennington County State legislators, and the Rapid City Common Council, and agencies of South Dakota State government.

A special tribute is due Rapid City Mayor Don Barnett, the Pennington County Sheriff's Office, the Rapid City Police Department, the Rapid City Fire Department and the Rapid City Street Department who all worked incessantly and unflaggingly until the immediate threats to life and property were brought under control. I should add, Mr. President, that thousands of others gave their time and energy immediately after the flood and on into the aftermath. Personally, I wish to thank the many Members of the Senate for their offers of timely advice and staff assistance.

It seems to me to be appropriate at this time to present a brief account of the scope of the disaster and some of my concerns for the future. According to the Office of Emergency Preparedness, the death toll stood at 213 as of Monday. Some 63 persons are hospitalized as a result of the disaster. Another 350 to 400 persons are unaccounted for. It is my fervent hope and prayer that the many missing are alive and well. Originally, as many as 1,500 persons had been reported missing. Nonetheless, it is very likely that the number of dead may ultimately reach 300 despite our hopes and prayers.

While information is in some details still sketchy, I would like to offer this brief chronological account of the flood which inundated parts of Rapid City, Keystone, and other communities on the eastern slope of the Black Hills. The most severe damage occurred in Rapid City and Custer, Lawrence, Meade, and Pennington Counties. The National Weather Service reported that an arctic air mass over the Great Lakes region triggered a cloudburst. The weather service estimated that 7 inches of rain fell within 3 hours, beginning at about 5 p.m. mountain daylight time on June 9. The flooding, which began during the early evening hours of June 9 in the Black Hills, continued until the early morning hours in the areas below the Black Hills.

Many houses and trailer homes were washed away in Rapid City along Rapid Creek, which meanders through the city. The creek crested at 1 a.m. June 10. Discharge on the creek reached 24,000 cubic feet per second. Further adding to the floodwaters was the failure of Canyon Lake Dam on Rapid Creek at the extreme western edge of the city. When the dam broke, additional tons of water were added to the flood crests. Other creeks which flooded and caused severe damage include the Box Elder, Little Elk, Big Elk, Whitewood, Spring, Battle, and French creeks. For a few days after the flood it was uncertain if a reservoir above the city of Sturgis, S. Dak., would hold. Pumping operations and other timely actions by the Corps of Engineers, the Office of Emergency Preparedness, and State and local officials saved the dam.

In Rapid City, the floodwaters ruptured gas mains, downed power lines, and caused fires throughout the flooded area which raged uncontrolled. In addition to Rapid City the towns of Hermosa, Keystone, and Rockerville were also badly damaged by the flood. Keystone, two and a half miles north of the Mount Rushmore National Memorial, was all but obliterated. There has been no firm

estimate of property damage yet, but it is expected to range from $100 to $150 million. According to the American National Red Cross, 738 homes were destroyed by the flood. Another 1,839 homes suffered major damage and 1,979 homes were damaged to a lesser extent. In addition, 519 mobile homes were destroyed and 981 mobile homes had major damage. A total of 128 farm buildings were either destroyed or had major damage. According to the Office of Emergency Preparedness, 6,062 families suffered loss as a result of the flood.

The situation confronting Rapid City and other areas inundated by the flood is particularly acute. According to the latest report available from the Office of Emergency Preparedness, the Department of Housing and Urban Development had received 1,006 applications for temporary housing. Of these five were placed in mobile homes. By the end of last week, the American National Red Cross had provided shelter for 11,032 persons. The Red Cross provided meals for 14,000 and assisted with health and welfare problems. In addition to the Red Cross, the Mennonite Disaster Service, the Seventh-day Adventists, and the Salvation Army are also providing relief services. The Department of Labor so far has received 1,016 claims for disaster unemployment assistance and had placed 304 persons in jobs by the end of last week.

The relief and reconstruction efforts underway last week were hampered by another downpour Saturday which claimed two more lives and caused additional property damage. The extent of the property damage as a result of the second flood has not been determined.

It was gratifying to learn that Mr. Brad Patterson of the White House staff sent an official to Rapid City immediately after the disaster to assure that the civil rights provisions of the Disaster Relief Act were being followed to the letter and the spirit of the law. I have received several complaints from Indian residents of Rapid City charging discrimination in the relief operations. It is my hope that these charges will be fully investigated. The Indian population of Rapid City was particularly hard hit by the flood: Over 30 were killed in the flood and an estimated 1,000 Indian families were hit by property damage. Efforts are currently underway to resolve some of the special problems of the city's Indians. Members of the Indian community of Rapid City and State, local, and Federal officials, including the Division of Indian Health are working on those problems now.

The response of the Federal Government was, as I have indicated, timely and expertly accomplished. The Office of Emergency Preparedness fully filled its mission. So did the other Federal agencies. I was pleased to hear that Presidential Assistant Robert Finch visited the stricken area within a few days of the disaster.

The First Lady, Mrs. Richard M. Nixon, continued her outstanding tradition of compassion and concern by attending a memorial service last Saturday evening in Rapid City for the victims of the flood. Not only was her visit a genuine example of the concern of the entire Nation and the President, but her presence in Rapid City did much to bolster the area's morale, which will be sorely tested in the weeks and months ahead.

Mr. President, many Americans have been genuinely moved by this disaster. They have asked what they can do. I have been informed by the officials in the devastated area that there is no need of additional food or clothing. Mayor Barnett told me as early as June 11 that the area's greatest need is financial help. Anyone wishing to make a donation should send a check to the Mayor's Disaster Fund, Mayor Don Barnett, City Hall, Rapid City, S. Dak. 57701.

In addition to the loss of life and property in Rapid City and the Black Hills, there is another serious threat. The major industry in the Black Hills is tourism. Anyone who has ever visited the Hills will readily tell you the trip was well worth the while. There is genuine and well-founded fear that many tourists will avoid the Black Hills this year as a result of adverse publicity which naturally follows any major disaster. A bad year could cripple many of these seasonal tourist attractions and facilities. I join with South Dakota's Gov. Richard Kneip in saying that the best action an individual could take to help the economy of the devastated area would be to spend their vacation in South Dakota's Black Hills.

I have already announced my intention to spend 2 weeks in the Black Hills vacationing with my family after the Democratic National Convention. In making that announcement I pointed out that only 1 percent of the tourist facilities were in the least bit damaged by the flood. We have over 10,000 rooms and campsites and other tourist facilities available each night for tourists. Every major attraction in the area is open for business as usual, including the Mount Rushmore National Memorial. It would be a cruel blow if we were able to rebuild Rapid City, only to see our entire economy in that area collapse because vacationers altered their plans.

Rapid City and the other devastated areas are now looking to the future. Community leaders are hard at work in the difficult task of rebuilding the city. Frankly, they are not happy with the help the Federal Government is willing to provide. There are serious flaws in the Disaster Relief Act of 1970. These flaws are so serious, Mr. President, that many small businessmen and homeowners have announced their plans to file for bankruptcy unless additional financial assistance is forthcoming. The citizens of Rapid City have a very persuasive argument. They point out that our Nation is quick to rebuild a former foe and provide a greater amount of economic assistance to foreign nations struck by a major disaster than it is citizens of the United States. This is their hour of need. What we do on the Federal level may well determine the future of Rapid City and the Black Hills area.

Because of the shortcomings in existing legislation, I have asked the President to appoint by Executive order a Black Hills Rehabilitation Commission. In making that request, I cited as precedent the highly successful Federal Reconstruction and Development Planning Commission for Alaska. This Commission was formed by President Lyndon Johnson after the Alaska earthquake in March of 1964. It is my view that the emergency demands of the situation in the Black Hills require the immediate action of the President. The fact is, the homeless and the business community of the second largest city of South Dakota cannot wait for the Congress to act. Should the President agree to such a commission, it could have authority to go beyond the assistance limits provided under the Disaster Relief Act of 1970. Such a commission, funded at $75 million, would be able to compensate the homeowner and owners of small businesses for damages wraught by the flood. It is clear that a Presidential commission is the quickest and most sure way of getting the aid we need.

I have told the residents of the area affected by the flood that it is highly unlikely that the Congress would act favorably on special legislation tailored to meet the demands of the disaster. During my visit to Rapid City I said there was little precedent for such action. I have also pointed out that the rationale of the Disaster Relief Act of 1970 was to eliminate the need for special legislation.

But a review of that act does disclose that it is clearly inadequate to deal with the financial hardships facing the owners of homes and businesses. The bills I introduced today represent several ways to correct these shortcomings.

If a goal of the Disaster Relief Act of 1970 is to put victims of a disaster back on their feet financially, it is a dismal failure.

As I said earlier, many owners of homes and business concerns are considering bankruptcy as an alternative. According to the Office of Emergency Preparedness, only 76 applications for home loans and only eight business loan applications have been received by the Small Business Administration. This confirms my initial hunch as well as reports from members of my staff on the scene.

It is my view that the Disaster Relief Act should be amended to increase cancellation amount, or the forgiveness clause, from $2,500 to $15,000 for both Small Business Administration and Farmers Home Administration emergency loans.

Under the interpretation of the law "substantial damage" is construed to mean property loss of 50 percent or more. At the very least, we should spell out that a 25-percent property loss is sufficient for participation in the emergency loan program.

The law also limits the SBA or Farmers Home can refinance to the amount of the property loss. This leaves many persons paying off an old mortgage generally at much higher rates than the emergency interest rate. Again, it seems to me the very least we must do is authorize these agencies to refinance the total obligations of a damaged home, business concern or farm. The Disaster Relief Act of 1970 is also extremely restrictive in terms of unemployment compensation. The law provides that the benefits may not be higher than those in the State where the disaster occurred. South Dakota's benefits are relatively low. It seems to me the President should have the authority to set compensation benefits as high as those of any State.

The Disaster Relief Act of 1970 is also unduly restrictive in prohibiting assistance to recreational facilities. Rapid City, for instance, over the years built a remarkable number of parks and playgrounds. These facilities not only enhanced the quality of life for the residents of Rapid City but for thousands of tourists who visit Rapid City each year. In any case, it is my view that a public playground or swimming pool is just as much a public facility as a jail or a library. The law should be amended to reflect this reality.

Other proposals should be considered in the alternative. Strong consideration should be given to lowering the interest rate on emergency loans to 1 percent which would go a long way in helping these people as well as victims of disasters in the future. Also, the best way to approach the cancellation or forgiveness feature may be to raise it on a percentage basis, up to 90 percent of the amount of the property loss caused by the disaster.

Because of the serious deficiencies in the Disaster Relief Act and because the Congress may not want to perform a massive revision of the act at this time, special legislation for the victims of the Black Hills must be considered. Essentially, such legislation would authorize an appropriation of $75 million. These funds could be spent by a Presidential commission which would have the power to determine an equitable means of distribution of the funds to homeowners, owners of businesses, and other victims of the disaster.

Mr. President, I could comment extensively on my observations at Rapid City the day after the flood. For a time, the welfare and whereabouts of Mrs. McGovern's relatives were in doubt. The loss of life and damaged property was heartbreaking. One retired couple I visited with told me they lost three small homes to the flood. Two of the houses were rental property the couple had invested all their savings for retirement income. Unless something is done, their fate is now welfare and the dole.

Under the severe stress of the disaster, the people of Rapid City showed their mettle. If one person could be singled out for special recognition, it would have to be Mayor Don Barnett. Despite his relative youth or perhaps because of it, Mayor Barnett's prompt and decisive actions saved countless lives. He also deserves much of the credit for the close coordination of the rescue operations. Don Barnett is one of the so-called new politicians. He made a personal commitment to political life while serving as an officer in Vietnam. He chose to enter the political arena because he was not satisfied with conditions at home and our involvement abroad. It is gratifying, to say the least, that young men and women like Don Barnett throughout the Nation have chosen a career in public life. Mr. President, the New York Times of June 15 featured Mayor Don Barnett as its "Man in the News." I ask unanimous consent that the article be inserted at this point in the RECORD.

Mr. President, I also introduce, for appropriate reference, five bills to amend the Disaster Relief Act, the Small Business Act, and a bill to authorize special grant authority. I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the article and bills were ordered to be printed in the RECORD, as follows:

AN UNDAUNTED MAYOR: DONALD VERN BARNETT

RAPID CITY, S. DAK., June 14.—Among the modest trophies on the wall of Mayor Donald Vern Barnett's office is a hand-lettered, framed quotation from an article by Norman Cousins in The Saturday Review in 1971. It reads: "Optimism supplies the basic energy of civilization . . . pessimism is a waste of time." Mr. Barnett, at 29 one of the youngest Mayors in the United States, is no waster of time, no pessimist, despite what has happened to his plans and his city.

A flash flood cut through the heart of South Dakota's second-largest city last Friday, leaving more than 200 dead and damage in the tens of millions of dollars.

But as the Mayor moves about this battered city of 43,000, he says:

"Boy, I'll tell you, when people picked themselves up and started to put it together again, it made you pretty damned proud. Nobody is more proud of this city than me now."

Many put the shoe on the other foot.

"HE'S THE GREATEST"

"He's the greatest Mayor in the United States," said Mrs. Charlotte Cox, a dental assistant who went to high school with him. "Everything about him is open. He's just nice people."

The feeling is not universal, though.

One man who had kind words for the Mayor on Sunday said last night, "There's only one thing he wants—that's to be President of the United States."

Dr. William Mitchell, principal of Central High School, called Mr. Barnett a "sincere, totally committed, hard-working young man."

"Even people who voted against him when he ran have come to believe he's done a whale of a job," Dr. Mitchell said.

Mayor Barnett was elected to a two-year term in April, 1971, by a 168-vote margin. The campaign was a bitter one, centering largely on his youth. He defeated Col. John W. Barnes, retired base commander of the huge Ellsworth Air Force Base, which is just outside of town and has 14,000 residents.

After his election, Mayor Barnett drew together his opponents and his friends to plan the city's future.

One result was a convention center approved by 63 per cent of the voters and financed by a sales tax. It has not yet been built.

He also organized a citywide cleanup campaign and hauled off 1,000 truckloads of trash to the city dump.

The Mayor, born Oct. 26, 1942, in Rapid City, was shy as a boy. He stuttered in high school, something he eventually overcame. During the drive for the convention center, he made 50 or 60 speeches.

He was graduated from South Dakota State College in Brookings in 1964, having majored in political science, and studied for his Master's degree at the University of Nebraska. He taught for a time at Nebraska Wesleyan University.

NO DRAFT MOVEMENT

Mr. Barnett entered the Army with a direct commission as a Medical Service Corps officer and spent two years in Vietnam, coming home in December, 1969, as a captain. While in Vietnam, he decided to run for political office.

He ran unsuccessfully for Congress in 1970, then took a job briefly as a lobbyist for the South Dakota Consumers League.

He says he despised lobbying, and quit to return to Rapid City to run for Mayor.

"There was no 'draft Barnett' movement, I'll tell you," the Mayor recalled. "I had to go around and do it myself."

He married last February. His wife, Jo Ann, works in the trust department of the United National Bank as an assistant cashier and worries that her husband spends 80 hours a week at his $14,000-a-year job.

Mr. Barnett's father works for the local electric company and his mother at the delicatessen counter of a supermarket.

He has done his best to sell this city a positive attitude—a sense that it can grow and move ahead.

When his friend Senator George McGovern came to Rapid City to inspect the flood damage, Mayor Barnett told him:

"You take care of Nixon and I'll take care of Rapid City."

S. 3734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 234 of the Disaster Relief Act of 1970 is amended by striking out "determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed two per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of six per centum per annum," and inserting in lieu thereof "not in excess of one per centum per annum."

SEC. 2. Section 231 of the Disaster Relief Act of 1970 (Public Law 91–606) is amended by striking out clause (1) and the language contained therein and inserting in lieu thereof "(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel 90 per centum of the principal of the loan except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

SEC. 3. Section 232 of the Disaster Relief Act of 1970 (Public Law 91–606) is amended by striking out clause (1) and the language contained therein and inserting in lieu thereof "(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel 90 per centum of the principal of the loan except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

SEC. 4. Section 304 of the Disaster Relief Act of 1970 is amended by striking out "and 233" and inserting in lieu thereof "233, and 234."

XUM

S. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of South Dakota suffered extensive property loss and damage as a result of floods and high waters during June of 1972 (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of normal facilities, and therefore the Congress declares the need for special measures designed to aid and accelerate the State in its efforts to provide for the reconstruction of devastated areas.

SEC. 2. There is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, in addition to amounts authorized by Public Law 91-606, a sum of $75,000,000. Such sum shall be expended by any Commission created by the President which shall have determined an equitable means for distribution of funds authorized by this act to homeowners, owners of business concerns and other victims of the disaster.

SEC. 3. The Secretary of Housing and Urban Development shall undertake an immediate study of various alternative methods which could be established to help provide financial assistance to those suffering property losses from the flood, including alternative methods of Federal disaster insurance and shall report his findings to the President and the Congress and any commission the President may create, not later than two months after the enactment of this act.

SEC. 4. Any assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age or economic status prior to the disaster.

SEC. 5. The President, acting through the Office of Emergency Preparedness, shall make a survey to determine what protective works would be necessary to prevent recurrence of damage by floods in the Black Hills watershed.

SEC. 6. This may be cited as the "Black Hills Disaster Relief Act of 1972."

S. 3736

To amend the Disaster Relief Act of 1970 to provide for public recreation facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 252(C) of the Disaster Relief Act of 1970 (P.L. 91-606) is amended by striking out "or system, other than one used exclusively for recreation purposes." and inserting in lieu thereof "or system."

S. 3737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 231(1) of the Disaster Relief Act of 1970 is amended by striking out "except that the total amount so canceled shall not exceed $2,500," and inserting in lieu thereof "except that the total amount so canceled shall not exceed $15,000;"

SEC. 2. Section 231(3) of the Disaster Relief Act of 1970 is amended by striking "in the case of the total or substantial property damage of a home or business concern," and inserting in lieu thereof "in the case of the total destruction or 25 per centum property damage of a home or business concern;"

SEC. 3. Section 231(3) is amended by striking "except that the amount refinanced shall not exceed the amount of the physical loss sustained;"

SEC. 4. Section 232(1) of the Disaster Relief Act of 1970 is amended by striking "except that the total amount so canceled shall not exceed $2,500," and inserting in lieu thereof "except that the total amount so canceled shall not exceed $15,000;"

SEC. 5. Section 232(3) of the Disaster Relief Act of 1970 is amended by striking "in the case of total destruction or substantial property damage of home or farm service buildings and related structures and equipment," and inserting in lieu thereof "in the case of total destruction or 25 per centum property damage of homes or farm service buildings and related structures and equipment;"

SEC. 6. Section 232(3) of the Disaster Relief Act of 1970 is amended by striking "except that the amount refinanced shall not exceed the amount of the physical loss sustained;"

SEC. 7. Section 240 of the Disaster Relief Act of 1970 is amended by striking "Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred," and inserting in lieu thereof "Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of any of the several States."

S. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The next to last sentence of section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), is amended by inserting before the period at the end thereof the following: "and the net interest rate on any loan made pursuant to paragraph (1) and (2) to a homeowner or small business concern to enable them to repair or replace their home or small business concern (taking into account both the Administration's share of such loan and the share of any participating bank or other lending institution) shall not exceed one per centum per annum."

SEC. 2. This Act shall take effect as of December 31, 1970.

By Mr. BELLMON:

S.J. Res. 249. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

Mr. BELLMON. Mr. President, every 4 years the attention of the world is focused upon our country as we go through the orgy of a presidential election.

Citizens of almost every nation, friend and foe, large and small, realize that they have a stake in the outcome of our presidential contest. Our presidential election process should be a showcase of democracy in action. It should be conducted in a straightforward manner which fairly matches the finest leadership the great political parties of this Nation produce. The presidential campaign should provide an unhampered opportunity for our greatest political minds to discuss burning political views of our time in a broad national forum with the final decision coming directly and clearly from the collective intelligence and equal judgment of the citizens of this country.

Instead, Mr. President, the means by which we now elect our President, the most powerful office in the world, is both a national disgrace and an international joke. Try, if you dare, to honestly and fully describe the process to a knowledgeable citizen of any foreign nation. I assure you your listener will be left either convulsed in tears or roaring with laughter. The idea that this great and powerful Nation, leader of the world in many fields including self-government, could be guilty of creating such a disaster-prone system of choosing its most important official is almost inconceivable. The time has long since arrived for the Congress to simplify and clarify our presidential election process.

Mr. President, I am today introducing a resolution to accomplish this objective, and I ask that it be appropriately referred. The resolution is short. I ask that it be printed in full in the RECORD. I realize that many other Members have also presented legislation dealing with this extremely important question and that hearings on the subject will shortly be held. I believe this proposal contains provisions not previously presented to the Senate which deserve to be considered.

Briefly my proposal contains these provisions:

First. It recognizes the existence of political parties. In spite of their long and vital role our present Constitution ignores these fundamental forces in our system.

Second. It provides for a uniform, direct, national primary election without the confusion of crossover voting.

Third. It eliminates frivilous candidates, thus making possible meaningful national debates through the electronic media.

Fourth. It limits the presidential contest to candidates of the two political parties holding the most seats in Congress, thus eliminating the "spoiler" effect of splinter parties. The proposal does not outlaw third parties. Rather it provides that they shall develop and mature through the capture of senatorial and congressional seats.

Fifth. It creates a national runoff primary election to assure that the candidate of a political party truly represents the desire of the majority of that party.

Sixth. Selection of the vice-presidential candidate would be by each political party after the presidential candidate has been nominated.

Seventh. The election of the President and Vice President is by direct popular vote, thus eliminating that useless, dangerous, outmoded relic of the past, the Electoral College. Voters in small States are given equal importance with voters in States with large blocs of "electoral votes."

Eighth. The resolution provides for the simultaneous conduct and simultaneous public announcement of election results, thus eliminating the psychological effect upon western voters who cast their votes after already knowing voting trends on the east coast.

Ninth. Flexibility to cope with changing conditions is provided by authorizing Congress to establish necessary enabling legislation.

Mr. President, Congress must act now to eliminate the complex, confusing, disorderly, destructive, easily manipulated and excessively expensive presidential election process. The role of our Nation as a world leader, even its very existence, depends upon our willingness and our ability to cope with this problem.

Our present system can be understood in the light of history. The early history of this vast country, when transportation and communications moved at mule speed, a simple direct method of electing our President would have faced insurmountable problems. Also, the ability of the common citizen to wisely choose his national leader was not proven. As we approach our 200th anniversary, these conditions have changed. The collective wisdom of our people has been proved. Thus the Electoral College no longer functions as designed by our Founding Fathers. The political nominating process has "just growed up." It is high time the Congress abolished the electoral and formalized the nominating process.

Mr. President, a recent editorial by David Lawrence in U.S. News & World Report points up the need for reform of our presidential elections. I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, June 26, 1972]

THERE OUGHT NEVER TO BE ANOTHER PRESIDENTIAL NOMINATING CONVENTION

(Back in 1912, the Democratic National Convention which nominated Woodrow Wilson for the Presidency inserted a plank in its platform advocating a constitutional amendment which would confine presidential tenure to a single six-year term. Early in 1913, the Senate passed a resolution proposing such an amendment, and sent it to the House of Representatives. On Feb. 5, 1913, the President-elect replied to a letter from A. Mitchell Palmer, Democratic leader of the House, who had asked for his views on the subject. Excerpts from Mr. Wilson's answer are given below.—David Lawrence, Editor.)

(By Woodrow Wilson)

The question is simply this: Shall our Presidents be free, so far as the law is concerned, to seek a second term of four years, or shall they be limited by constitutional amendment to a single term of four years or to a single term extended to six years? . . .

Four years is too long a term for a President who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short a term for a President who is doing, or attempting a great work of reform, and who has not had time to finish it. . . .

A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from every point of view. . . .

Presidents, it is said, are effective for one-half of their term only because they devote their attention during the last two years of the term to building up the influences, and above all, the organization, by which they hope and propose to secure a second nomination and election.

It is their illicit power, not their legitimate influence with the country, that the advocates of a constitutional change profess to be afraid of, and I heartily sympathize with them. It is intolerable that any President should be permitted to determine who should succeed him—himself or another—by patronage or coercion, or by any sort of control of the machinery by which delegates to the nominating convention are chosen.

There ought never to be another presidential nominating convention; and there need never be another. Several of the States have successfully solved that difficulty with regard to the choice of their governors, and federal law can solve it in the same way with regard to the choice of Presidents. The nominations should be made directly by the people at the polls.

Conventions should determine nothing but party platforms and should be made up of the men who would be expected, if elected, to carry those platforms into effect. It is not necessary to attend to the people's business by constitutional amendment if you will only actually put the business into the people's own hands.

I think it may safely be assumed that that will be done within the next four years, for it can be done by statute. It need not wait for constitutional change. That being done, the question of the presidential term can be discussed on its merits.

It must be clear to everybody who has studied our political development at all that the character of the Presidency is passing through a transitional stage. We know what the office is now and what use must be made of it. But we do not know what it is going to work out into, and until we do know, we shall not know what constitutional change, if any is needed, it would be best to make.

I must speak with absolute freedom and candor in this matter, or not speak at all; and it seems to me that the present position of the Presidency in our actual system, as we use it, is quite abnormal and must lead eventually to something very different.

The President is expected by the Nation to be the leader of his party as well as the Chief Executive officer of the Government, and the country will take no excuses from him. He must play the part and play it successfully or lose the country's confidence. He must be prime minister, as much concerned with the guidance of legislation as with the just and orderly execution of law, and he is the spokesman of the Nation in everything, even in the most momentous and most delicate dealings of the Government with foreign nations.

Why in such circumstances should he be responsible to no one for four long years? All the people's legislative spokesmen in the House of Representatives and one-third of their representatives in the Senate are brought to book every two years—why not the President, if he is to be the leader of the party and the spokesman of policy?

Sooner or later, it would seem, he must be made answerable to opinion in a somewhat more informal and intimate fashion—answerable, it may be, to the houses (of Congress) whom he seeks to lead, either personally or through a Cabinet, as well as to the people for whom they speak. But that is a matter to be worked out—as it inevitably will be—in some natural American way which we cannot yet even predict.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3133

At the request of Mr. EASTLAND, the Senator from Utah (Mr. Moss), the Senator from Ohio (Mr. SAXBE), the Senator from New York (Mr. BUCKLEY), the Senator from Maine (Mrs. SMITH), the Senator from Georgia (Mr. TALMADGE), the Senator from Florida (Mr. CHILES), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 3133, a bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

S. 3327

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3327, the Health Maintenance Organization and Resources Development Act of 1972.

S. 3538 AND S. 3539

At the request of Mr. BAYH, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

S. 3549

At the request of Mr. TOWER, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 3549, a bill to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 3615

At the request of Mr. CRANSTON, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from South Dakota (Mr. McGOVERN) were added as cosponsors of S. 3615, a bill to authorize grants to the D-Q University in California.

S. 3616

At the request of Mr. MCINTYRE, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 3616, a bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes.

S. 3650

At the request of Mr. NELSON, the Senators from New Jersey (Mr. WILLIAMS and Mr. CASE) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 3650, a bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program.

S. 3716

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3716, the Health Facilities, Manpower, and Community Mental Health Centers Act of 1972.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 323—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF "ELECTION LAW GUIDEBOOK" AS SENATE DOCUMENT

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from

the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 323

Resolved, That a revised edition of Senate Document Numbered 91–61, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed two thousand three hundred additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTON 324—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO LEWIS J. SWAGGER

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 324

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis J. Swagger, widower of Rose A. Swagger, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 325—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO GRETCHEN E. JENKINS

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

SENATE RESOLUTION 325

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gretchen E. Jenkins, widow of Norman W. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Building at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXTENSION OF TEMPORARY INCREASE IN THE PUBLIC DEBT CEILING—AMENDMENT

AMENDMENT NO. 1266

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. ROTH. Mr. President, I am submitting this morning an amendment to H.R. 15390, the latest bill to provide for an extension of the temporary increase in the public debt ceiling. My measure adds a second section to that bill—which has been reported by the Ways and Means Committee—calling for an airtight ceiling on fiscal year 1973 Federal outlays.

My distinguished colleagues here will recognize this effort as similar to the amendment I introduced last March when the debt limitation was raised from $430 to $450 billion. This spending language places all categories of Federal expenditures and net lending under a firm roof. It is the language which President Nixon urged the Congress to adopt in his budget message last January. And it uses the figure of $250 billion, which the administration has most recently recommended.

Let me recount, for a minute, the Senate's action last March. The thrust of this amendment is the same as the bill S. 3123, which I introduced last February 4, with a bipartisan list of 48 cosponsors. The Finance Committee chose to report a "clean" debt bill in March, whereupon I brought up the measure as a floor amendment. The Senate voted to modify its language by permitting the Congress to rescind any spending cuts, necessitated by the discipline of the bill, within 30 days of the President's stated course of action. And then the language carried on this floor by a decisive vote of 53 to 30. That measure was deleted in conference. I supported that action.

THE NEED FOR IMMEDIATE ACTION

Mr. President, I am certain that everyone here has had the opportunity to review the administration's latest budget revisions, presented to the Ways and Means Committee in testimony on June 5 and 6. These figures show that the Federal funds deficit will approximate $32.2 billion for fiscal year 1972—down $12.5 billion from January's estimate—but that fiscal year 1973 outlays will rise, producing an even larger deficit of $37.8 billion. Naturally the unified budget computation reflects smaller deficits—owing to trust fund surpluses—but even this analysis shows an estimated unified deficit of $27 billion in fiscal year 1973. I ask unanimous consent to have printed in the RECORD the OMB's table showing these budget revisions.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE I.—SUMMARY OF CHANGE IN BUDGET RECEIPTS AND OUTLAYS, BY FUND GROUP

[Fiscal years; in billions of dollars]

	1972		1973	
	January estimate	Current estimate	January estimate	Current estimate
Federal funds:				
Receipts	137.8	147.1	150.6	152.6
Outlays	182.5	179.3	186.8	190.4
Deficit (−)	−44.7	−32.2	−36.2	−37.8
Trust funds:				
Receipts	73.2	73.2	83.2	83.6
Outlays	67.2	67.0	72.5	72.8
Surplus	5.9	6.2	10.7	10.8
Unified budget:				
Receipts	197.8	207.0	220.8	223.0
Outlays	236.6	233.0	246.3	250.0
Deficit (−)	−38.8	−26.0	−25.5	−27.0

Note: Detail may not add to totals because of rounding.

Source: Office of Management and Budget.

Mr. ROTH. Mr. President, I need hardly remind my colleagues that these early predictions almost always prove too low when the actual numbers appear in the retrospective portion of each year's budget. Hence, the need for this legislation which says prospectively, the Congress and the Executive will be bound by strict limitations of Federal outlays.

THE DANGERS OF PERSISTENT INFLATION

This point in time is most certainly propitious, for we are moving into a new fiscal year in which no appropriation bills have been jointly approved by both Houses of Congress. We also face a general election in November; between now and then the urge to spend will certainly gain momentum. Yet we, in Congress, will be reluctant to enact increased tax legislation, following so closely on the reductions in the Revenue Act of 1971. That bill's major objective was to help stimulate a lagging economy, then foundering under the double stress of savage inflation and widespread unemployment.

Private and public spokesmen warn us that a swollen budget this fiscal year could set off a new surge of inflationary pressures. The President's program of economic controls has faced and, I believe, moderated some of the problems in the private economy. But we are a long way from the comforting state of a truly healthy economy. Though the inflation rate is abating and new job opportunities are opening up around the country, we must not forget how large an influence the Federal budget has on our Nation's economic development. If Federal spending runs too far ahead of a well balanced stimulus, we, in Congress, could inadvertently undo much or all of the work that has been accomplished in the last 9 months. A glut of new obligations necessary to finance a growing deficit could easily strain the credit markets and the Fed's ability to digest a manageable diet of Federal debt. The consequent pressure on interest rates and the Nation's money supply could have devastating effects on the country's economic recuperation.

A recent report by the Brookings Institution highlights our budget squeeze. Its main prediction has been that anticipated spending will continue to far outdistance anticipated full employment revenues through 1975 and barely balance out by 1977. I should stress that the report assumes generous economic growth, and an unemployment level at 4 percent. If we fail to achieve these goals, the Brookings' forecast becomes even more unsettling.

Based on their mathematical budget model, these noted economists have drawn the scenario which indicates the Federal Government must either raise substantial levels of new revenue between now and 1977, or curb existing outlays. Implicit in their analysis is the belief that current programs, growing at the present rate, will more than consume available revenues, leaving little or no room for new legislative efforts. We must therefore examine carefully our spending decisions and exercise the greatest restraint with each appropriation, mindful that an overall ceiling would force the Congress to make difficult, but necessary, budget decisions.

THE ADMINISTRATION CALLS FOR ENACTMENT

Mr. President, let me reemphasize the administration's posture on the need for these spending controls. Two weeks ago George Shultz, now Treasury Secretary, Charls Walker, his Deputy, and Herbert Stein, Chairman of the CEA, all testified before the House Ways and Means Committee. Each of these top administration officials spoke vigorously on the need for necessary fiscal restraint, obtainable only if we curtail our spending for the coming year. A ceiling which applied to all the budget categories is the only honest way to achieve this end. Certain accounts are admittedly more difficult to forecast and control than others; we must meet all of our contractual obligations and the largest of those—interest, social insurance, and health benefits, and so forth—cannot be pinpointed 12 to 18 months in advance. Consequently we must focus more attention on discretionary spending. My amendment would impose this requirement on both the Congress and the Executive.

I would urge the Congress to heed the words of Dr. Arthur Burns who wrote me last week encouraging this amendment. His letter contained this caution:

I have felt for some time that it is absolutely essential to bring Government spending under control. The need for a rigid ceiling on expenditures is becoming more apparent with each passing month. After a sluggish start, economic recovery is accelerating. We must guard against the possibility of an overly-stimulative fiscal policy adding to inflationary pressures as we move closer to an economy in which resources will be fully utilized.

Mr. President, we must act now if the Congress is going to exercise its responsibility in helping to curb the insidious effects of inflation. Starting with the President's leadership last August, the administration and the Congress have shown their desire to break the back of this Nation's most pressing domestic problem. I am sure this amendment, if enacted, will push us farther along the road toward that goal.

I ask my colleagues here to join me in opposing the extension of the debt ceiling unless this spending discipline is attached as an ironclad amendment.

Mr. President, I ask unanimous consent that at this point in the RECORD a copy of my amendment be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be referred to the Committee on Finance; and without objection, the amendment will be printed in the RECORD.

The amendment (No. 1266) is as follows:

AMENDMENT NO. 1266

SEC. 2. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $250,000,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

PUBLIC BROADCASTING CORPORATION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1267

(Ordered to be printed and to lie on the table.)

Mr. BAKER. Mr. President, Tuesday, the Committee on Commerce, without amendment, reported H.R. 13918 (Report No. 92–892), a bill to amend the Communications Act of 1934 to provide a 2-year authorization for the financing of the Corporation for Public Broadcasting—CPB—and for other purposes. During consideration of that bill by the Committee on Commerce, I offered an amendment which failed on a voice vote to limit the authorization for the Corporation for Public Broadcasting to 1 year.

I filed along with my colleagues, Messrs. COTTON and GRIFFIN, supplemental views to the committee report which clearly explain the reasons why Congress should agree to only a 1-year extension. In brief, there are a number of questions regarding the manner in which CPB has fulfilled its responsibilities under the 1967 Public Broadcasting Act. H.R. 13918 appears to deal with some of these questions but in fact fails to come to grips with the fundamental deficiencies of the public broadcasting system. For that reason, I intend to offer the following amendment at the time the Senate considers H.R. 13918 and ask that it now be printed in the RECORD and lie on the table.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1267

On page 4, line 6, strike all through and including line 2 on page 5, inserting in lieu thereof the following:

"(2) There are authorized to be appropriated to the Fund for the fiscal year ending June 30, 1973, the lesser of—

"(1) $65,000,000, or

"(ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971."

ANNOUNCEMENT OF CONTINUATION OF HEARINGS ON THE PROPERTY TAX

Mr. GURNEY. Mr. President, on behalf of Senator MUSKIE, chairman of the Subcommittee on Intergovernmental Relations, Committee on Government Operations, I should like to announce that the subcommittee will continue hearings on June 26 on the property tax system.

The hearings will be held in room 3302 of the New Senate Office Building, beginning at 10 a.m.

Anyone wishing to file a statement with respect to the property tax should contact the chief clerk of the subcommittee, Ms. L. T. Dennis, at 225–4718, area code 202.

NOTICE OF HEARING ON JUDICIAL NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nominations:

Robert L. Carter, of New York, to be U.S. district judge, southern district of New York, vice Thomas F. Croake, retired

William B. Enright, of California, to be U.S. district judge, southern district of California, vice J. Clifford Wallace

Ralph E. Erickson, of California, to be Deputy Attorney General, vice Richard G. Kleindienst, elevated

Thomas P. Griesa, of New York, to be U.S. district judge, southern district of New York, vice a new position created by Public Law 91–272, approved June 2, 1970

Whitman Knapp, of New York, to be U.S. district judge, southern district of New York, vice Walter R. Mansfield, elevated

Charles E. Stewart, Jr., of New York, to be U.S. district judge, southern district of New York, vice Sidney Sugarman, retired

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS

Mr. BAYH. Mr. President, I wish to announce that next Friday, June 30, 1972, at 10 a.m. in room 318, Old Senate Office Building, the Subcommittee on Constitutional Amendments will hold hearings on Senate Joint Resolution 200, proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of Congress.

Persons interested in submitting statements for the record should contact Mr. Michael Helfer, assistant counsel, room 300, Old Senate Office Building.

NOTICE OF HEARINGS ON SOFT CONTACT LENS

Mr. MCINTYRE. Mr. President, I wish to announce that the Subcommittee on Government Regulation of the Select Committee on Small Business will hold hearings on soft contact lens.

The hearings will be held on July 6 and 7, 1972, in room 318, Caucus Room, of the Old Senate Office Building at 10 a.m. each day.

ADDITIONAL STATEMENTS

SALUTE TO EDUCATION TO BE GIVEN ON JUNE 21

Mr. ELLENDER. Mr. President, it is a privilege for me to join today with my colleagues in a salute to education. Throughout the history of civilization, the ever-changing field of education has been the medium through which man's accumulated intellectual, spiritual, and social knowledge has been passed on to subsequent generations. Without the continuity and challenge which education offers, mankind would have been

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unable to make its many strides forward in all areas of endeavor.

Today education faces its greatest challenge. It is my understanding that man's accumulated knowledge before 1960 has doubled in the past 10 years, and everyone concerned with education must respond to this knowledge explosion. Only through encouraging new ways of teaching, tempered by past experience, can education assume its leadership role in a new and dynamic way. I am certain, because of past experience and because of the wealth of knowledge that is held by hundreds of thousands of devoted teachers, the educators we salute today will prove more than adequate to meet this challenge.

I join men and women of all ages across America today in a salute to education, and I pledge my continued support for an educational system which can effectively form man's link with his past and offer him solutions to the perplexing problems of his future.

OPTOMETRY CONTRIBUTES TO BETTER HEALTH CARE

Mr. ROBERT C. BYRD. Mr. President, on June 6, our distinguished colleague, Senator JENNINGS RANDOLPH, the senior Senator from West Virginia, was honored by the West Virginia Optometric Association with presentation of that organization's first annual award for public service. The optometrists of the State, meeting in annual convention, cited Senator RANDOLPH for his outstanding service in the Government, with particular reference to his long-standing interest in vocational rehabilitation and his foresight in sponsoring and continually working to improve the program of vending stands in Federal buildings, which has provided so much opportunity for so many sightless persons since the Randolph-Sheppard Act became law 36 years ago.

Senator JENNINGS RANDOLPH is held in such esteem that the West Virginia Optometric Association has named its award the Jennings Randolph Annual Award for Public Service.

I feel sure I speak for all his colleagues when I offer my sincere congratulations for the signal honor this award represents, and for Senator RANDOLPH'S outstanding record of service which makes him so richly deserving of the award.

In accepting the West Virginia Optometric Association Award for Public Service, Senator RANDOLPH made some comments which I believe ought to be read by our colleagues and all who have access to the RECORD.

I ask unanimous consent, therefore, that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OPTOMETRY CONTRIBUTES TO BETTER HEALTH CARE

It is a privilege to receive this honor.

It is even more meaningful to have the West Virginia Optometric Association dedicate an award to me and to allow me to be its first recipient.

I also appreciate the gift Dr. Bodie has given to me from all of you.

West Virginia optometrists have done and are doing constructive work for the visual welfare of the citizens of our State.

The honor you have bestowed carries greater significance because such fine professionals as yourselves have found me worthy to receive this award.

During the last several sessions of Congress, as a result of legislation which originated in the Senate Labor and Public Welfare Committee, of which I am the ranking majority member, I have come to know many of your colleagues.

The Subcommittee on Health and the Subcommittee on the Handicapped, which I chair, are deeply involved in legislation which will affect most of you.

Officers of the national body, the American Optometric Association, have brought your efforts to my attention and have submitted documents in support of, and demonstrating the need for adequate vision care for the American public. On each occasion these individuals have made a significant impact on the committee members and have represented optometry's interest in an extremely favorable manner.

As members of the Nation's health care team, you, the practitioners, are keenly aware of the many aspects of legislation pending in Congress intended to respond to the health crisis in America. You and I know that the art of healing is better than ever before, the technology is unsurpassed in history—but that the health delivery system has failed in part.

For this reason, one of the major programs that has directly affected your profession—and one with which the Senate Labor and Public Welfare Committee has concerned itself with—is the Health Professions Educational Assistance Act. This legislation enables the health professions listed in the act to be eligible for grant to aid in support of their educational institutions. The rationale behind this legislation is that we are faced with a critical shortage of health manpower to care for the health needs of our citizens. The act was created in an effort to alleviate this shortage.

Through the Health Professions Educational Assistance Act and a variety of other health programs, the Congress has attempted to recruit, educate and make available all those health workers whose skills are so urgently needed.

Since 1965, approximately $32 million have been appropriated for grant monies to the schools and colleges of optometry to aid them in construction costs of new facilities, costs for their institutional support, costs for innovative teaching techniques and other special projects, and support for student loans and scholarships.

We speak of $32 million as a "modest amount," relative to the billions of dollars involved each year in major programs. But this investment has reaped praiseworthy dividends. Under the concept of HPEA, your profession has lived up to its commitment by increasing the enrollment of optometry students from 1,547 in 1964 to 3,000 students in 1971.

As Don mentioned to you earlier, there are two areas of health care legislation dealing with vision care and the blind that I have been closely involved in, and they are the Blind Vending Act and the Vocational Rehabilitation Act. Both are under the jurisdiction of our Subcommittee on the Handicapped.

The 1972 amendments to the Randolph-Sheppard Vending Stand Act, which, over the past 35 years, has employed many thousands of blind persons, will enlarge and expand the scope of the program to provide blind vending facilities in all Federal installations. We expect over the next five years to more than double the 3,400 vending operations now located in public and private facilities. It is my responsibility to have a part in securing the amendment to this act that would permit a freedom of choice to an optometrist or a physician skilled in diseases of the eye in the legal determination of blindness.

As for the vocational rehabilitation program, my subcommittee is presently involved in hearings on proposed legislation. We are considering, in addition to several Senate bills, the House-passed H.R. 8395, which would permit optometrists, for the first time, to certify the eligibility of blind or visually handicapped applicants for vocational rehabilitation programs. Under the present act, optometrists were permitted to perform only restorative services to Voc-Rehab patients, who had been declared eligible through examination by a physician and medical specialist.

This amendment will bring the Voc-Rehab program in line with other Federal-State blind programs which, since their inception, have allowed full optometric participation. I am hopeful that we can report this bill to the full committee with the amendment intact. Don and his fellow workers have labored long to make eligibility requirements uniform.

There are other major areas of health legislation before the 92d Congress in which your profession has an interst.

You have a definite professional stake in the Social Security Bill, known legislatively as H.R. 1, the bill before the Senate Finance Committee. H.R. 1 is expected to be reported to the floor later this month, along with its controversial provisions on welfare. Of prime interest to you, however, is the proposed revision of several titles of the Social Security Act. There are three major parts of this measure which, if enacted, would directly affect optometry:

The first is:

Medicare: Title XVIII: Under section 1861-R, an amendment would define an optometrist as a "physician" for purposes of this program.

The second is:

Medicaid Title XIX; an amendment to section 1905—would assure the availability of optometric services to recipients where those visual services are now provided, in the States which have this care in their programs.

And the third major proposal:

Aid to the aged, blind and disabled. This will be provided by the creation of a new Title XX to the Social Security Act. Consideration is being given to the Finance Committee to the fact that patients have the freedom to choose their type of vision-care practitioner just as they are allowed under the existing blind programs to be consolidated under this program.

With the exception of Medicaid amendment, these provisions have been passed by the House of Representatives and now need only the Senate Finance Committee's approval and full Senate passage.

There is also the bill to create a position of chief optometrist within the Veterans' Administration's Department of Medicine and Surgery. Now in Conference Committee after approval of both houses, this legislation is a breakthrough which hopefully will be the first step for optometrists to become full staff members in VA health care programs. Last November, with the enactment of military special pay legislation to pay optometry officers on a par with other health professionals, you achieved another breakthrough in the military establishment.

Each year there are more than 27,000 pieces of legislation introduced in Congress, and about 6,000 of these bills have to do with health care. Optometry is involved in one way or another with many of these proposals.

In addition, there are many overriding health concepts that have been proposed in Congress that deal with some far-reaching solutions to developing new ways of relieving the health care crisis in America.

You are familiar with the proposal to create a system of national health insurance, ranging from "cradle to grave" coverage to increases in Medicaid benefits. The feasibilities and philosophies of these proposals will be cussed and discussed in and out of Congress for many months to come. In my opinion, passage of national health insurance legislation will not occur before 1974, at the earliest.

Another general health concept being debated in Congress deals with the creation of health maintenance organizations. Our Health Subcommittee is shaping this proposal to present to the Labor and Public Welfare Committee.

In spite of these major concepts being espoused to alleviate the health care crisis in America, it is my belief that we must continue to first support the basic act that will make all this possible. And that is the Health Professions Educational Assistance Act. Without relieving the health manpower shortage, we can't begin to fully implement other concepts.

Ladies and gentlemen, again—my genuine thanks.

NEA "SALUTE TO EDUCATION"

Mr. YOUNG. Mr. President, I wish to join with other Members of the Senate in support of the importance of education to our society.

I have the greatest respect for teachers and school administrators. Theirs is a difficult task, often thankless, and one which cannot be matched in importance by any other profession I know of. Every child, from the time he is able to absorb knowledge, is exposed to the care, training, and experience of members of the education profession. For most children, their teachers are nearly as much a part of their lives as their parents. The influence teachers can and do exert on their students has much to do with what becomes of these young people as they mature.

Mr. President, I know something about the problems and the difficulties the average school system is confronted with. Long before I came to the Senate, in fact, just about my first elected public office was as a member of my local school board. The requirement of board members to select teachers which was the common practice in smaller school systems, and to deal firsthand with the financial and other problems of the school system gave me good training in coping with and solving these problems. While education has advanced to something more sophisticated and complex than it was in my time, the basic challenge has remained: providing all the reliable learning tools to which every child is entitled. Our educational system is excellent and every member of this profession can be proud of his or her contributions.

I am happy to join in this "Salute to Education."

ACTION IS NEEDED NOW ON 20 PERCENT SOCIAL SECURITY RAISE

Mr. CHURCH. Mr. President, soon the Senate will vote on legislation to raise the ceiling on the public debt.

It is my present intention to offer to that bill an amendment providing for a 20-percent across-the-board increase in social security benefits.

This proposed increase is the same as that contained in my Amendment No. 999, cosponsored by 60 other Senators.

Amendment No. 999 was submitted on March 7 as an amendment to H.R. 1, then before the Senate Committee on Finance. That extraordinarily complex bill, as is widely known, is an omnibus measure incorporating provisions dealing with social security, welfare, medicare, and medicaid.

As passed by the House, H.R. 1 provided a 5-percent increase in social security. As reported by the Senate Finance Committee, H.R. 1 authorizes a 10-percent increase. The committee chairman, the distinguished Senator from Louisiana (Mr. LONG), announced his own personal leanings toward a 20-percent increase. Earlier, the distinguished chairman of the House Ways and Means Committee, Representative WILBUR MILLS, had stated that—in view of recent actuarial assumptions which would permit a significant increase in benefits with only a small rise in payroll tax—he also now favored 20 percent.

So we have a situation where an actuarially sound, long-needed upward thrust in social security commands the support of a clear majority in the Senate and the key chairmen in both Houses.

But it is no secret that an attempt is being made to hold any increase in social security benefits hostage to highly controversial changes in the welfare program.

Mr. President, I think that we must face up to hard facts about the income squeeze faced by most older Americans.

When debate opens on H.R. 1 after Congress resumes its business following the Democratic National Convention, only a few crowded weeks will remain before the Republican National Convention convenes. The Senate will be hard-put to settle the welfare controversy in that limited time.

In other words, there is every likelihood that protracted debate could extend into September or even beyond. Elderly Americans—who have watched the struggle over welfare, not for months but for years—would have to watch once more as the benefits they need today continue to be withheld from them, imprisoned within a complicated and controversial bill. And there is a strong possibility that no agreement on H.R. 1 can be reached between the two Houses in this session, if Congress runs out of time, as was the case 2 years ago.

And yet, the need for boosting social security benefits without further delay is, in my judgment, compelling.

Right now, nearly 5 million older Americans subsist below the poverty line, about one out of every four persons 65 or over. If the hidden poor are included, their numbers swell to 6.3 million.

Even more disturbing, the number of poverty-striken elderly has actually increased by almost 100,000 between 1968 and 1970—reversing a longstanding downward trend.

Social security benefits for the typical retired worker amount at present to only $1,596 a year, or about $30 per week. This amount is almost $400 below the Government's own poverty threshold of $1,980 for a single aged person.

Quite clearly, these facts demonstrate that adding a few dollars every year or two to the monthly social security checks of the elderly will not solve their deepening retirement income problems. What is needed now is a substantial boost in social security benefits to allow older Americans to escape from the economic treadmill which keeps them impoverished.

Older Americans have already waited long enough for a boost in their retirement benefits. I think the Senate should act now to insure that their social security increase will be handled as expeditiously as possible.

If there is a better vehicle for assuring rapid passage of a substantial increase in social security than the upcoming debt ceiling bill, I will be willing to consider it. But, at the moment, I see no other alternative.

SALUTE TO EDUCATION

Mr. ROTH. Mr. President, with more than 46 million students enrolled in our elementary and secondary schools for this fall, our commitment to education has never been greater; nor have the demands on that commitment, and we have met them well.

Confronting those many and varied obligations with imagination and candor has been the cornerstone of growth and flexibility in our educational institutions. From filmmaking to black studies, pottery to the Russian language, our educators have sought to broaden the traditional and exclusively academic definition of education to the constantly evolving, totally perceptive experience that we recognize today.

Special schools for the mentally retarded, vocational-technical secondary schools, preschool programs for the poor and culturally deprived—all of these have served to redefine the role of education in our country, while enriching the lives and enhancing the productive participation of more and more of our children every year.

This redefinition of education bespeaks a general redefinition of social mobility, of the right of the individual to develop and offer his own unique talents to society, of earnest and constructive debate. Without our commitment to education, we would never have reaped the benefits of the free society we now enjoy. With renewed commitment, we shall no doubt see a wider acceptance of the diversities that make humanity an endless course in discovery.

Quality education, at all grade levels, for all children, regardless of background, must remain our goal, for this is basic to the free exchange of ideas which we have come to value so highly.

THE RESISTANCE TO ORGANIZATIONAL CHANGE: LOBBIES DIG IN AGAINST CREATION OF NEW DEPARTMENT

Mr. PERCY. Mr. President, an excellent article by Arlen J. "Jim" Large published in the Wall Street Journal of June 19, describes the reasons why overhauling Government is not easy. Mr. Large tells about the interest groups that have

combined to oppose the creation of a new Department of Community Development, which is contained in a bill that is now before the House Rules Committee.

The new Department would take programs from the Departments of Agriculture, Transportation, and Housing and Urban Development, and OEO, and combine them in a department whose goal is to provide coordinated Federal services to communities.

As Mr. Large explains:

The farther along this bill gets, the more it's beset by circling bands of "special interests" anxious to preserve their old pipelines for putting influence in or getting money out.

This kind of resistance to change is to be expected, but hardly condoned. The fact is that the actual functions authorized for the various agencies that will be reorganized will not be changed. This reorganization is nothing more than a restructuring of programs already mandated by Congress. The mandates do not get changed. However, the way they are implemented and managed hopefully will be changed by the new Department of Community Development in order to provide far better Government services to this country's rural and urban communities.

An editorial in the same edition of the Wall Street Journal explains a part of the logic behind the creation of the Community Development Department:

The reasons for the transfers are sound. The great majority of the people who do business with the Farmers Home Administration are no longer farmers, but people in smaller towns whose housing and water and sewer needs aren't measurably different from those people who deal with HUD. And now that the interstate highway program is near completion, most of the Federal Highway Administration's tasks are urban-oriented. Clearly, the nation would be better served by coordinating efforts and eliminating duplication.

I join the Journal in commending Chairman CHET HOLIFIELD and Representative FRANK HORTON, the ranking Republican on the House Government Operations Committee, for their hard work and determination to secure passage of this legislation in the House. I ask unanimous consent that the article and editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OVERHAULING GOVERNMENT IS NOT EASY

(By Arlen J. Large)

WASHINGTON.—A whole year ago former HEW Secretary John Gardner warned how hard it would be to overhaul the federal bureaucracy. "Special interests" would try to block changes in the departments. He told a congressional committee with a snappy phrase: "It took them years to dig their particular tunnel into the public vault, and they don't want the vault moved."

It's all too true. Of President Nixon's plan to amalgamate seven old departments into four new ones, only one section is making any progress on Capitol Hill. The new Department of Community Development is supposed to be the easiest of the four to create, just by changing the sign on the door at the Housing and Urban Development Department and throwing in some bureaucratic tag-ends from elsewhere around town.

But the farther along this bill gets, the more it's beset by circling bands of "special interests" anxious to preserve their old pipelines for putting influence in or getting money out. Homebuilders, farmers, highway contractors, veterans, actors, preachers and—no kidding—the League of Women Voters all are unhappy with the new department's makeup.

SOME STRONG REACTIONS

It's not that every last farmer or veteran or woman voter knows or cares much about the placement of bureaucratic boxes in Washington's organizational charts. Rather, complaints about the proposed Community Development Department are coming from organizations claiming to speak for these people. The strong reaction of the lobby groups, or "special interests," is only partly explained by a natural fear of change in the status quo. And the reorganization plan certainly isn't caught, as Vice President Agnew charged last month, "in the web of partisan politics in the Congress." A key backer is Democratic Rep. Chet Holifield of California, chairman of the House Government Operations Committee. John Gardner as head of Common Cause is always getting into fights with the administration on Vietnam and other topics, but he testified strongly in favor of Mr. Nixon's bureaucratic shuffle. Among those with objections are some quite conservative Republican House members.

Instead of producing traditional Democrat-Republican or liberal-conservative divisions, the plan has split people with distinctly different perception of the government money pipeline. Reorganization supporters tend to identify with the thinking of government officials who distribute the cash and worry whether it's doing any good. Reorganization foes tend to sympathize with recipients of the government help. The receiving groups worry that the benefits of having their "own" program will be diluted if it's submerged in other activities of a new departmental conglomerate.

This partly can be just a feared loss of prestige, which is what's bugging the homebuilders. They are important constituents now of HUD, which would change its name to become the nucleus of the new Community Development Department. In testimony last March before Rep. Holifield's committee, the National Association of Home Builders endorsed the "general concept" of the new departments, but with hookers. A major one would retain "housing" in the department's name. It should be called the Department of *Housing* and Community Development, urged NAHB President Stanley Waranch. He also worried that the familiar old Federal Housing Administration mortgage-guarantee operation that's the special pet of homebuilders would vanish from public view in the new department. Mr. Waranch suggested calling one of the department's top officials the "Federal Housing Administrator," thus preserving the old initials FHA. "We believe it is important that this good will and well-known symbol not now be unceremoniously tossed away," he said.

The homebuilders struck out, Republican Rep. Frank Horton of New York, a keen backer of Mr. Nixon's plan, responded that the whole idea of reorganization "is to get away from the idea of the constituent-oriented department." Putting "housing" in the name would subvert that goal and encourage other groups to ask for mention as well.

When the Government Operations Committee approved its bill last month, the homebuilders' suggestions were nowhere to be seen. Miffed, NAHB's board of directors passed a resolution complaining that under the bill "many programs and activities pursued by private entrepreneurs in providing housing would be seriously diminished, efficiency and economy impaired and diluted and valuable expertise dissipated. . ." The resolution said NAHB is against creating the department.

While proposing to make the FHA a component of the new department, the administration didn't dare touch a companion mortgage-guarantee program run by the Veterans Administration. Logical as such a transfer might seem, nobody wanted to stir up the veterans' groups which hover so protectively over the VA. The veterans stirred anyway. Rep. Holifield got a warning shot from both the American Legion and the Veterans of Foreign Wars. A letter from a Legion official complained that the department-creating bill "could be interpreted as opening the door" for a transfer of the VA mortgage program. As approved by the House committee, the bill leaves the GI mortgage operation where it is.

On the theory that transportation routes have a lot to do with the way a community develops, the new conglomerate would get both the mass transit and highway programs now run by the Department of Transportation. Moving the subsidy spigot for bus-and-subway transit systems has roused little objection. But switching the federal roadbuilding headquarters has set alarm bells clanging among the many highway-related groups, already upset about threatened raids on their roads-only trust fund. "Why should highway transportation be subordinated to housing?" demands the Associated General Contractors of America. The Wisconsin Asphalt Pavement Association objects to "dismantling" the Transportation Department. The Indiana State Highway Commission fears "a diminution of a program which has been the backbone of this country's prosperity."

Despite these outcries, the House committee agreed to the highway switch. Approved, too, was another controversial transfer: moving to the new department a key command post of the old Great Society's War on Poverty. The Office of Economic Opportunity currently runs a $325-million-a-year community action program, organizing local groups of poor people for job training and the like. Moving community action to the new department would strike a "mortal blow" at the OEO and bury the program under layers of bureaucracy, complains a coalition of some 90 do-good organizations. They include the League of Women Voters, Actors Equity Association, National Council of Churches and even Mr. Gardner's Common Cause.

THUNDER FROM THE FARMERS

But the biggest ruckus of all comes from the farmers. The administration proposes a ripoff of two Agriculture Department subagencies, the Farmers Home Administration and the Rural Electrification Administration, both becoming the new department's instruments for developing rural communities. The complaints were thunderous last year when Mr. Nixon presented this as part of a bigger plan for abolishing the Agriculture Department entirely, a breathtaking idea that was soon dropped. But the administration still wants Farmers Home and the REA moved, and farm organizations are still upset. The American Farm Bureau Federation, usually a Nixon ally, says it "cannot support" the reorganization bill if it touches the two farm agencies. City slickers will dominate the new department, in the belief of Republican Rep. Richard Shoup of Montana, meaning the rural-oriented agencies will come out on the "short end" in bureaucratic competition for money. Democratic Rep. W. R. Poage of Texas, chairman of the House Agriculture Committee, makes the same point in barnyard terms: "You just cannot put a calf with a 1,000-pound steer and expect the calf to come out very well if you are feeding them together."

The Government Operations Committee gamely approved creation of the new department despite all the outcries against it. As a result, the bill has so many enemies it's having a hard time getting cleared by the Rules Committee for floor action. If it reaches the floor, it will be especially vulnerable to amendments restoring the farm

agencies and the highway administration to their comfortable old homes. The Senate mainly is waiting to see what happens in the House.

"Special interests" aside, the developing debate involves basic disagreement over the objectives of government itself. What's said about the agglutination of agencies into the Community Development Department thus will apply in part to later consideration of Mr. Nixon's proposals for three other jumbo agencies: the Departments of Natural Resources, Economic Affairs and Human Resources.

The government historically has been organized along "functional" lines, with bureaucrats having an assignment to do something: forecast the weather, take care of Yosemite National Park, subdue Indians, print money, dig canals, build roads. Increasingly federal management functionaries worry about overlooking the relationships between tasks, such as the impact of a new highway of future requirements for new sewers. Heads of special-interest agencies run the risk of becoming "parochial in their interests and points of view," warned Robert Weaver HUD Secretary during the Johnson administration, in testimony supporting the reorganization proposal. He added that when a federal manager's "responsibilities touch multiple problems and organized interests, they are less likely to be captive to any one of these."

GOALS VERSUS FUNCTIONS

Thus by structuring the bureaucracy toward "goals" rather than "functions," creators of the super-departments hope more conflicts can be settled at lower planning levels by officials who care little about special constituencies. That's what appeals to old Cabinet hands like Messrs. Gardner and Weaver, both of whom ran multi-function departments.

Opponents of agglutination have just the opposite view, arguing that a federal office should have a specific job and constituency. Four liberal Democrats on the House committee who voted against creation of the Community Development Department complain it's based on an "erroneous concept." In a statement of minority views, the four declare: "Functions such as 'transportation,' 'housing,' 'agriculture,' 'health,' 'education,' and 'welfare' are far more manageable goals than 'community development,' 'human resources,' or 'economic affairs,' which are too abstract to serve the concrete needs of effective government programs."

By the time the discussion reaches this level, it, too, is getting pretty abstract. The dullness of organizational theology is the main reason why Mr. Nixon's proposals haven't grabbed the general public's attention. But the "special interests" are very interested. Somebody's moving the vault.

A YEARNING FOR CHANGE

Vice President Agnew has a point. He observes that Mr. Nixon's broad set of reform proposals—revenue sharing, welfare reform, and reorganization—languish in Congress while the Democratic candidates travel about the country discovering the public's yearning for change. The candidates, he says, "tell us that the average citizen is fed up with the way things are going and has lost faith in the ability of his government to handle its problems. They say the average citizen wants change, and they promise to deliver it."

There is some mild irony here. But somehow we can't get as upset over this state of affairs as the Vice President seems to be. True enough Congress has spent most of three years sitting on the President's legislative package, but it was of such elephantine dimensions when issued that a lengthy incubation period seemed desirable from the start. And it never did seem politically realistic to expect it to hatch without Mr. Nixon first getting a fresh mandate.

As it is, both revenue sharing and the Family Assistance Plan are being systematically mangled on Capitol Hill. Conservatives and liberals, eminently aware that neither measure will survive the 92d Congress, are having sport with them. And what seemed like reasonable ideas when they were in pristine form now appear grotesque, especially the pricetags. The administration is kidding itself if it believes that if only the measures can be brought to the House and Senate floors, thence into conference committees, the reforms can be stripped of flotsam.

Yet incredibly, there is still a faint hope that the third leg of the reform triad—reorganization—can still make some headway through Congress in this election year. The opposition is formidable, as our Mr. Large indicates elsewhere on this page. But Chairman Chet Holifield of the House Government Operations Committee still sees the possibility that a new Department of Community Development will see the light of day.

While we have expressed doubts about the rest of Mr. Nixon's triad, we hope Mr. Holifield is right. DCD would pull together a dozen agencies involved in community development that are now scattered across the federal establishment. The largest are Housing and Urban Development, Farmers Home Administration, and the Federal Highway Administration.

The reasons for the transfers are sound. The great majority of the people who do business with the Farmers Home Administration are no longer farmers, but people in smaller towns whose housing and water and sewer needs aren't measurably different from those people who deal with HUD And now that the interstate highway program is near completion, most of the Federal Highway Administration's tasks are urban-oriented. Clearly, the nation would be better served by coordinating efforts and eliminating duplication.

The measure, though, will have to survive the vigorous assaults by the farm and highway lobbies, who in this case are representing the best interests of the farm and highway lobbyists, not necessarily the constituents they look after. The only people clearly hurt by consolidation, those who would have to adjust to a new environment, are the professional lobbyists.

For the most part, this is the situation that applies to each of the reorganization plans. The grouping of federal agencies into four new Cabinet departments—the DCD, a Department of Human Resources, Department of Natural Resources, and Department of Economic Affairs—is clearly preferable to the present scattered arrangement. Yet the professional lobbies, which feel threatened by loss of "visibility" upon merging into new bureaus, have been able to slow the legislation to a crawl.

Because of Mr. Holifield's determination, though, there is a chance part of the program can be pushed through this year. One added element makes this possible. The Democratic presidential hopefuls who are detecting a public yearning for change need have no fear that Mr. Nixon could capitalize politically through creation of a new Cabinet agency. If there is anything that excites the public at large as little as the international monetary system it is the domestic bureaucratic system.

INCISIVE COMMENTARY FROM THE ILLINOIS STATE JOURNAL ON AMERICAN COMPETITION IN WORLD MARKETS

Mr. PERCY. Mr. President, I commend to the attention of my Senators an excellent editorial from the Illinois State Journal, which is published in Springfield, Ill., about the U.S. trade and monetary position, and the competitive ability of American industry.

The State Journal wisely concludes that we cannot depend on panaceas, like dollar devaluation and price controls, new trade possibilities with the Soviet Union or China, or import controls like those proposed in what has frequently been referred to as the infamous Hartke-Burke bill, to solve our international trade problems. The editorial stresses the role of productivity as the key to a more stable economy. Wage demands must be kept in line with productivity increases, it argues, and deficit spending must be controlled in order to dampen underlying inflationary forces.

The only real solution, the State Journal concludes, "is for the Made-in-U.S.A. label to reflect the inherent value it did before inflation began making its inroads into the purchasing power of the dollar."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOOST PRODUCTIVITY TO OVERCOME TRADE DEFICIT

The U.S. trade deficit—up significantly again in April—gives the impression of a fire burning out of control. With our exports lagging $2.2 billion behind imports for the first four months of this year, compared with a $2 billion deficit for the whole of last year, the administration's hope of seeing our trade balance back on the plus side by the end of 1972 is growing forlorn.

We can only conclude that for all the impact of last December's dollar devaluation and the continuing wage and price restraints on our economy, these measures are not yet doing enough to improve the competitive position of American products in the world marketplace.

The need to stimulate our export markets is painfully clear. There is a limit, however, to what our government can do without resorting to outright subsidies to reduce the price of our goods abroad—a violation of elementary principles of free trade.

Steps taken at the Moscow summit toward new trade agreements with the Soviet Union will be a long time in producing any significant flow of goods between our countries, if ever. Communist China is even less promising as a new American customer. It is within our existing trading sphere that the problem lies and must be solved.

Protectionist trade measures like the Burke-Hartke bill are not the answer to the competition which imports are creating for our domestic products. They trigger retaliation by other nations, and only reduce the pressure on American producers to hold their prices down. The only real solution is for the "Made in U.S.A." label to reflect the inherent value it did before inflation began making its inroads into the purchasing power of the dollar.

We have cheapened our currency by demanding services of our government which can only be met by deficit spending that sends unearned dollars flowing through the economy. We have acquiesced to labor contracts which ignore the necessity of keeping wages in step with productivity. We have surrendered to the notion that an hour's work can enjoy increased rewards even when there is no increase in the intrinsic value of the goods or services it produces. In the hard world of economics, however, there is no miracle of multiplying loaves and fishes to create wealth where it does not exist.

The United States of America has taken pride in the fact that its dollar has always

been backed by the extraordinary energy and productivity of the American people. It is our capacity for competitive production which has been allowed to falter and is leading us into trade deficits and monetary problems.

Trade agreements and currency negotiations are the business of governments, but restoring the demand for the fruits of American technology and labor is the business of the American people. They, in the end, must establish an atmosphere of realism in terms of what they demand of their government and what they demand of themselves.

ADDRESS BY JOHN A. HANNAH, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. McGEE. Mr. President, last week the Administrator of the Agency for International Development, Mr. John A. Hannah, delivered a thought-provoking speech to the Houston, Tex., Rotary International Club.

The thrust of Mr. Hannah's remarks was directed at the obligation on the part of the developed countries, such as the United States, to provide the developing countries with economic and technical assistance.

Mr. Hannah also discussed the changing attitudes of the developing countries as they view the developed spheres of the world. He emphasized that more and more the developing nations want to control their development in an effort to fit solutions into the framework of their own needs.

And finally, Mr. Hannah warns that the entire world may have to pay a heavy price for a failure to work resolutely to aid in solving the problems of the developing countries. He pointed out that:

Problems do not stay bottled up behind national borders. Diseases ignore national boundaries. Polluted air and polluted waters flow across national boundaries.

The impact of uncontrolled human reproduction vitally affects the well being of all nations.

The sense of injustice, frustration and bitterness which accrues when people in the less developed world are unable to see progress toward a better life cannot be bottled up. It produces violence. Violence too, flows across national borders.

In short, Mr. Hannah presents an excellent and far-reaching analysis of the developed countries and their relationship to the developing countries.

I ask unanimous consent that Mr. Hannah's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE JOHN A. HANNAH

I

Paul Hoffman's illness has prevented him from appearing here today. No one can preempt his well deserved place of honor. No one else brings his blend of experience and wisdom to the topic of development. The U.S. Agency for International Development, over which I preside, shares Mr. Hoffman's commitment to world development. We are honored by your invitation to submit for Mr. Hoffman and address this important topic. I am sure that all of you join with me in wishing him a full and complete recovery.

Rotary International has displayed deft or fortunate timing in scheduling this morning's discussion of disarmament eighteen days after the signing of the Arms Limitation Treaty in Moscow.

This new treaty is only a first step. It may or may not yield savings which can be applied to helping solve the real needs of people.

But the importance of the Moscow Treaty cannot be measured by dollars and cents accounting. It clearly is the signal event to date in the growing detente between East and West. The cold war is winding down. Hopefully, the Vietnam war will soon end. A first step has been taken to normalize relations between the United States and the People's Republic of China.

President Nixon's announced goal of a generation of peace for all the world appears to be an attainable possibility.

Behind all these moves stands the desire of the major powers to de-emphasize wasteful national rivalry and attend more to the urgent needs of their peoples.

Russia is concerned to fill the needs of its population for a better standard of living.

The United States is concerned to fill unmet demands for social justice, to eradicate vestiges of poverty, and to attend to the new problems of pollution, urban decay, and social unrest which growth and change has thrust upon us.

It is no coincidence that the signing of the Moscow Treaty was accompanied by agreements for joint efforts in disease control, environmental protection, and scientific and technical exchange.

The Moscow Treaty opens the door of disarmament only a crack. But through that crack filters a ray of bright hope. It encourages a recognition that the confrontation between East and West has occupied the energies of our respective countries for too long. It points to a possibility *and an opportunity* to put first emphasis on the needs of people.

It is only people that are important, whether we are talking about the community where you live, or your State or Province, or your country, or the whole world. When we talk about people, we mean all kinds of people, rich and poor, all races, all religions, all colors, everywhere.

II

The confrontation between East and West is winding down. But as we meet here today another confrontation may be winding up. This is the confrontation between rich and poor; between the less than one-third of the world's people who use and consume more than 80 percent of the world's resources and the poorer two-thirds who enjoy less than 20 percent of the world's total products.

There are about thirty-seven-hundred million (3.7 billion) people alive in the world today. Thirteen-hundred-million (1.3 billion) of them live in the rich countries—the developed countries. Twenty-four-hundred-million (2.4 billion) of them live in the poor countries—the less developed countries. By the end of the century at present birth rates the numbers will grow to about fifteen-hundred-million people—up 200 million—in the developed countries, and approximately fifty-eight-hundred-million people—up thirty-four-hundred million—in the less developed countries.

My thesis today is not to downgrade the importance of winding down and deemphasizing the Arms Race, but rather to emphasize the community of interest of all the people in the world in the peoples of the poor countries who want to help themselves develop their own resources, human and material, to provide better lives for all of their people.

The developing countries today are taking a fresh look at their relations with the developed countries. They are demanding to be treated as equals. They are pressing for increasing recognition of their right to influence policies of the rich countries which affect them and their development.

A prominent present example is the developing countries pressure to participate in and influence the restructuring of the world monetary system which followed the recent devaluation of the dollar. They have asked that the so-called Group of Ten rich countries admit them to the table at which new trade and monetary arrangements will be worked out.

At Stockholm, where the UN conference on environment is now underway, the developing countries are saying to the richer ones that no scheme for dealing with the problems of the environment can work if it does not also deal with their legitimate aspirations for a better life.

The oil-producing countries have banded together to demand what they feel is a more equitable deal from the major petroleum consumers.

To date, these confrontations are quite gentlemanly. Some in the developing countries complain of the insolence and arrogance of the developed. Some in rich nations grumble about harrassment or extortion by the poor. To date, however, this is minor. But there is no doubt that the developing countries are increasingly beginning to confront the developed countries on issues which they perceive to affect their own vital interests.

Why? What's happening in the 1970s to exacerbate tensions between rich and poor?

To answer these questions let's ask four questions: (1) How have the developing countries been progressing in coping with the problems of their people? (2) What is their attitude as they view these problems? (3) How much are the developed countries doing to help or impede developing countries' efforts to solve their problems? and (4) What more should be done and why?

III

The developing countries have made significant progress in recent years. During the past decade their economies grew on an average of 5.6% a year. They have increased manufacturing output by 92 percent. Food production has increased thirty-six percent. Average life expectancy reached 57 years in 1971. In the last decade, the developing countries have progressed far faster than the developed countries did in comparable points in their history.

But this commendable growth is still the silver lining around some very large clouds.

There is a major problem of food. There are up to a billion and a half people in the less developed countries who are generally hungry. In some countries up to one-half of all children die before they reach the age of five from malnutrition and related diseases. If the burden of hunger is to be lifted, the world in the next three decades must learn to grow more than twice as much food than it now does.

Fortunately, a hopeful beginning has been made. New high-yielding varieties of wheat and rice and other cereal grains have been developed which, when used with proper amounts of fertilizer, pesticides and water, can double, triple, or quadruple yields. Plantings of these new seeds has increased from 41,000 acres in 1965–66 to more than 50 million acres last year.

As a result, India is currently self-sufficient in food grain production. The food situation in much of Asia and elsewhere is much improved. This upsurge in production has been called the Green Revolution. But much work remains to be done to sustain and expand this progress.

More work is needed to match the surge in cereal production with a similar leap forward in the production of protein foods.

The world must now seriously tackle the more difficult requirement of materially increasing food production on non-irrigated—rain fed lands. That will be much more difficult to accomplish.

There is the most difficult problem of too rapid population growth. Population growth

rates in the less developed countries are now about 2.6% per year—enough to double their populations every generation. Rapid population growth erodes many of the developing countries best efforts to provide better lives for their people.

Despite a 36 percent rise in world food production in the last decade, the per capita food production is barely higher today than it was ten years ago. The magnitude of the problem of feeding growing populations is well illustrated by the situation in India where there is a net increase of one million more mouths to feed every four weeks, thirteen million more each year.

In education, the developing countries have doubled and tripled the size of their school systems in the past ten years. But due largely to population growth, more than half of all their children—more than 300 million children—still do not go to school. There are no schools, no teachers, no books for them.

On the job front, the population explosion is sending people into the labor markets at far faster rates than ever experienced in the U.S., Western Europe or Japan. Unemployment rates in most of the developing countries are as high or higher than the U.S. experienced in the worst years of its great depression. The rate of unemployment ranges from ten to twenty percent in the urban areas of most developing countries. This is only the visible tip of the iceberg. There is another army of underemployed workers subsisting on occasional service jobs or intermittent agricultural labor.

Added to this problem is the fact that jobs must be found for 170 million more people to be added to the labor force in the LDC's in this decade of the seventies.

I could continue this litany of problems but the general picture is clear. The developing countries have built a record of progress and accomplishment. But the lives of most people hover still at the margins of subsistence.

Many of the major problems confronting the less developed countries are problems which the developed countries did not face in their earlier days of their development. The Western world never faced a population problem of the magnitude found now in the developing countries. It never had to create jobs at the rate which must be done now in the developing countries to find productive work for their people.

Most of the major problems of the developing countries require new types of public and private institutions, new policies for allocating resources, new means for delivering services, new patterns of growth which provide jobs more efficiently, and in many cases, new technologies.

For too long it has been taken for granted that the best development course for the LDC's was to follow the paths the West has traveled. But this is not necessarily so.

Twenty-five years of growth and coping with problems of development have made the developing countries increasingly confident and competent. Across the globe, cadres of bright, energetic, fully-trained technicians and managers have moved into positions of responsibility. They have confidence in their ability to plan their countries future and manage its resources for the benefit of their own people.

They still want foreign assistance. They still require specialized technical advice. But they are appropriately less and less willing to tolerate donor countries attempting to tell them what their priorities should be; how they should plan; how they should budget and expend resources. The old tutorial relationship which has marked relationships between donors and recipients has become obsolete. They realize that for every dollar of foreign aid from all sources, the developing country must invest at least eight dollars of its own resources. It is increasingly clear that the problems of the LDC must be solved in that country, by their own people. Outside help can expedite the process.

Linked to this is their increasing awareness that the new and different problems facing many of their countries may require different solutions than those used decades ago when the developed countries were in the stage of development where they are now.

It is also becoming clear to many of them that affluent, industrial societies create their own new problems: problems of population, problems of ecology, the problems of compacted or congested living with ever increasing dependence on the economic system and the state administrative apparatus and a weakening reliance on the personal values of family and community.

It is not improbable that some developing countries will find the industrial societies of the West increasingly less attractive as models for their own goals and aspirations. China, India, Chile, and Burma are other examples of countries seeking to find different patterns of development. Some may want to borrow ideas from them.

These new attitudes have resulted in a sense of distinctiveness, self-assertiveness, and feisty independence which is the root force behind the growing willingness of the developing countries to confront the major powers on issues they consider of vital interest to themselves. They are critical of some of the attitudes and patterns of the free world and equally questioning of those of the communist world.

IV

Now what about the other side of the ledger.

How is the developed world doing in responding to the growing gap between rich and poor.

Beginning with the Marshall Plan twenty-five years ago, the concept of development assistance from the developed to the less developed spread rapidly and was adopted by virtually every developed nation. The United States was alone in the beginning and the early leader. Other countries have rapidly increased their contributions. A wholly new set of international institutions—the World Bank, the Inter-American Development Bank, the Asia Development Bank, the African Development Bank—came into being and are now enduring institutions. Behind them and the central currencies of the members of the World Bank stands the International Monetary Fund, the IMF, with its concern for world money flows and stability in foreign exchange.

There are the United Nations agencies, the UNDP, FAO, ILO, UNICEF, UNESCO, UNIDO, WHO, UNFPA and all the rest.

Formal systems and institutions have been built where developed and developing nations can meet to discuss assistance requirements and negotiate agreements. Machinery for a cooperative attack by rich and poor on the problem of world poverty is in place.

But in recent years there has been less and less fuel for this machinery. Transfers of official development assistance from the developed countries to the LDC's have grown only marginally since 1967.

Since a large fraction of this audience is made up of U.S. citizens, let me briefly describe the U.S. A.I.D. program. The U.S. provides about two-fifths of the total Free World aid to the developing countries and the other 15 assisting countries provide the other three-fifths of the total.

The main thrust of U.S. foreign economic aid is to provide technical assistance and low interest loans to help poor countries help themselves with their *own* development. Our assistance is concentrated in four principal areas—agriculture and food production, education, population planning and health, and public administration. We provide resources for growth. We help poor countries build the schools, public health systems, agricultural research and extension systems and the institutions required in a modern society. Two-thirds of all U.S. A.I.D. is in loans, repaid with interest over time. The recipient countries do pay the interest and principal. Less than one-fourth of one percent of all U.S. A.I.D. loans have ever been in default.

We in A.I.D. are adjusting our programs to the changing circumstances in the developed and developing countries. The U.S. is one participant in a worldwide assistance effort encompassing 16 donor countries, half a dozen major international institutions, and many private foundations and agencies. This places a premium on coordinating our assistance with others. It means that the U.S. should concentrate on types of assistance in which we have particular expertise or interest such as agriculture and education and public health and population planning and encourage others to concentrate in other fields. It means that the U.S. should maintain the attitude that we are one of many participants, not a domineering donor country. A.I.D. is increasingly focussing its efforts on programs of direct benefit to people.

Now let us return to the world scene.

The developed countries have moved very hesitantly in responding to developing country requests for expanded trade, and for stabilizing the world markets and prices for the crops and goods, the export of which is vital to their economic well-being.

We are moving reluctantly, if at all, to open up the world monetary system so that the developing countries may have special access to the new world reserves—called SDRs—created by the International Monetary Fund.

In sum, the ingredients for a growing confrontation between rich and poor are all on the stove: new confidence and assertiveness on the part of the developing countries; a continuing legacy of very serious problems; and a slowdown in the responsiveness of the developed countries—particularly of the United States—to the legitimate aspirations of the poor countries.

Whether or not this pot begins to boil depends on many factors. The continued restraint and moderation of the poor countries is essential. Their tendency, sometimes, to treat their admittedly legitimate interests as moral imperatives while casting into darkness the interests of the developed countries is not constructive.

Yet wisdom and continued action on the part of the developed countries is also required.

It requires a small fraction of the resources of the developed world. The U.N. goal calls for less than 1 percent of the GNP for all bilateral and multilateral assistance.

Trade can be more important than aid. It requires that we open the doors to freer trade with the developing countries.

It requires continued support for the World Bank and the Regional Banks and for the UNDP and other U.N. agencies.

It requires an understanding on the part of the LDC's that the aid-giving countries are reluctant to see their contributions wasted. The governments of the Development Assistance Countries are increasingly insistent on accountability and a useful result from all funds made available for development.

It requires an international outlook on the part of many of our institutions so that universities, business, and private groups can join in collaborative efforts to find answers to the problems of world hunger, of population, of public health and of education.

It is in the interest of the whole world, developed and less developed, that we get on with this job.

In 1970, public and private flows of capital from rich to poor countries totaled about $15 billion. It is estimated that—for the developing countries to maintain a decent annual growth rate of six percent—total annual

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capital flows from rich to poor should grow to more than $20 billion by 1975. This is a significant increase. But it is small in comparison with the $170 billion which the developed world spent on arms in 1970.

The root question which now faces the developed countries and particularly the United States is a question of *vision, commitment,* and *will.*

A key question of paramount interest everywhere on earth is—"What will life be like for my children or grandchildren ten, twenty, or thirty years from now?"

That question cannot be answered without first answering a prior question—"What will the world be like then?"

Look for a moment at the population problem.

It took millions of years for the human population of the whole earth to reach the one billion mark. There were 1.6 billion people on the earth at the beginning of this century. There are now about 3.7 billion people. At present growth rates, the world population will grow to 7.3 billion people by the year 2000, 28 years from now. This is an awesome strain to place on the earth's resources and on man's capacity to live at peace with his fellow man.

The world cannot ignore this worldwide problem. It is unrealistic to think that thirty years from now the people in any developed country can live comfortably while across the continents of Asia, Africa, and Latin America, some five billion people struggle to eke out an existence.

Make no mistake about it. If the poor nations of the world do not progress toward decent lives for all of their citizens, there is no way the developed world can immunize its citizens from the consequences of this failure.

We in the developed world really have no alternative but to join with the peoples of the other developed nations of the free world in a common effort to do our fair share to help those countries which want to help themselves harness their own resources, material and human, to move in the direction of an improved quality of life for all of their people.

Problems do not stay bottled up behind national borders.

Diseases ignore national boundaries.

Polluted air and polluted waters flow across national boundaries.

The impact of uncontrolled human reproduction vitally affects the well being of all nations.

The sense of injustice, frustration and bitterness which accrues when people in the less developed world are unable to see progress toward a better life cannot be bottled up. It produces violence. Violence, too, flows across national borders.

Your children and grandchildren and mine must live in the same world with the children and grandchildren of the peoples of all the rest of the world, all continents, all races, all colors, all religions. Like it or not this is one world, and the only one we know.

I will conclude these remarks by reading a quote from a speech by Adlai Stevenson when he was the U.S. Ambassador to the United Nations. He was talking about all of us who live on this earth. It is an appropriate dedication for Rotary International—for today, for tomorrow, and for the long years ahead:

"We travel together, passengers on board a little spaceship, dependent on its vulnerable reserves of air and soil, all committed for our safety to its security and peace; preserved from annihilation only by the care, the work and, I will say, the love we give our fragile craft. We cannot maintain it half fortunate, half miserable, half slave to the ancient enemies of man—half free in a liberation of resources undreamed of until this day. No craft, no crew can travel safely with such vast contradictions. On their resolution depends the survival of all. . . ."

SALUTE TO EDUCATION

Mr. BURDICK. Mr. President, the U.S. Declaration of Independence states that all men are created equal and that they are endowed with certain inalienable rights, among them, liberty and the pursuit of happiness. It further states that governments are instituted to insure these rights. It has thus become one of the fundamental goals of our Government not only to protect these rights, but to see that all citizens have an opportunity to exercise them.

This is where education has played such an important role in our society. It is both a great equalizer and a channel of upward mobility for the disadvantaged. This has been true in America from the very beginning, but it has become increasingly important in the 20th century world of automation and technology.

It is not just that education provides citizens with the tools to understand his society, it also is often the key to the economic success needed to participate in it. As the Senate Education Subcommittee pointed out in its report on the education bill, S. 659, the person with a post-high school education will earn $200,000 more in his lifetime than the person with only a high school diploma. Statistics prove that liberty and the pursuit of happiness in America has become closely tied to the ability to earn a decent living.

There are now nearly 48 million children enrolled in elementary and secondary schools and over 7 million students enrolled in colleges across our land. Although there are always good words for education, the Government's actual monetary commitment has been only a small percentage of the total budget and of the full amount needed. I would hope that, especially with the passage of S. 659, our commitment would grow, and that we will help education to play the vital and invaluable role it can in America.

SALUTE TO EDUCATION

Mr. STEVENSON. Mr. President, I am pleased to join with the National Education Association in today's Salute to Education. No group of people is more qualified to lead today's salute than the educators who face the future in their classrooms every day. And to no group are we, as a people, more indebted. We are bound to our educators by a universal belief that the education of the young is the most important business of a free, self-governing society.

We have reason to be proud of America's educational record. Thomas Jefferson set us on the course of a continuing commitment to broad educational opportunities for all our citizens when he proposed a system of free public education for the citizens of Virginia. Our Federal Government began its commitment to quality education in 1785 with the grant of land to States for the use of public schools. We have strengthened these two concepts of broad and quality public education over our 200-year history with Federal aid to education, culminating in the Elementary and Secondary Education Act of 1965. But we cannot afford to become complacent about our educational system. Complacency breeds compromise, and our tendency in the decade of the 1970's has been to deprive schools of necessary resources. I believe that it is now time to go beyond the 1965 law to provide general assistance to elementary and secondary schools.

The most valuable resource that we have as a Nation is our people. The most tragic mistake we could make would be to deprive our children of their right to develop to their fullest potential by denying them a superior education. This day is an appropriate time to rededicate ourselves to the American ideals of equal educational opportunity and an equitable distribution of resources to our educational community. I commend the National Education Association for the fine work it has done in this regard and for sponsoring this salute to education.

NATIONAL EDUCATION ASSOCIATION'S SALUTE TO EDUCATION

Mr. CASE. Mr. President, technology has brought vast material advances to the Western world. But, at the same time, it has placed vast new demands on our society.

Nowhere is this more evident than in the field of education.

There is no less, perhaps even more, need for the basics of education such as reading, writing and arithmetic.

But education today also is faced with the task of providing individual children with a wide variety of additional information and with providing different types of education for different types of individuals.

There are in our public schools today more than 48.2 million pupils receiving elementary and secondary education. That education must provide them with the means of coping with widely divergent life styles and vocations. It has to enable them to live in a world vastly more complex than even the one into which they were born a short while ago.

It would be folly to say that our system of education has met with complete success in the effort to equip all pupils with the resources they need.

But, in light of the complexity of the problems it has faced, the system has produced remarkably well. And no small part of the credit for this goes to the more than 2 million teachers who must adapt constantly to changing conditions and constantly changing individual needs.

The National Education Association today is holding a "Salute to Education," and I am happy to join in that salute to both education and the teachers throughout the country who make it possible.

SALUTE TO EDUCATION

Mr. TALMADGE. Mr. President, I am proud to join Senators today in this special "Salute to Education."

No other force is more vital to the fulfillment of our Nation than education. It is still true, as Aristotle wrote, that the fate of empires depends upon the education of youth.

Education is naturally a means for increased income and general economic growth but it is also the acquisition of knowledge which is now and will always be an end unto itself. Aside from its economic dividends, education pays returns that cannot be estimated in intellectual development, and in increasing the ability of man to get along with his fellowman to live, work, and grow together.

Many of us today take for granted the value of the services of the men and women who teach in our public schools. It is a sad commentary on our sense of value that of all our professional public servants, none are given less recognition or are more underpaid than our teachers.

Ask any successful person, and virtually without exception you will find that the inspiration of his success came from a teacher who aroused within him a sense of purpose and who channeled his talents into a capacity for accomplishment.

Speaking for myself, I know that whatever success I may have achieved or may in the future achieve, I owe to a teacher who awakened in me an interest in public affairs and who taught me to love the give-take of debate and to appreciate the satisfaction of public service and public speaking.

She was Mrs. Jerry Duggan, of Dublin, Ga. She was Miss Enda to her many friends and loved ones, and to me was the personification of all a good teacher should be. It was the Miss Enda's of the teaching profession that Goethe referred to when he wrote:

A teacher who can arouse a feeling for one single good action, for one single good poem, accomplishes more than he who fills our memory with rows and rows of natural objects classified with a name and form.

The leaders of the world of tomorrow are being developed under the influence and guidance of our teachers today. We must all work to support these loyal instructors of our future generations in every way possible.

SALUTE TO EDUCATION

Mr. BEALL. Mr. President, today the National Education Association marks its salute to education, a day where all of us can stop and take pride in our country's education system, and its many successes.

Each day during the school year, American education serves over 45 million young people on the elementary and secondary level, preparing them to assume their necessary place in our society. Charged with this critical responsibility for our Nation's future are the over 2.3 million teachers, administrators, and staff, who through their unstinting efforts, have made the American education system.

As a member of the Subcommittee on Education, I am deeply committed to insuring high standards of education for all Americans. But while we can provide the tools for this work, it is the ultimate educator responsibility of the individual to transform these resources into quality instruction for each student in this country. I am proud to say that America's teachers are accomplishing this task in a most commendable manner. We must remember, too, that it falls to those of us in Congress to continue to support our educators in their battle against ignorance, poverty and deprivation. Thus, as we salute our system of education today, let us also reaffirm our goal of quality education for all our citizens. We face no greater challenge.

SALUTE TO EDUCATION

Mr. ALLEN. Mr. President, education is without a doubt the keystone to the progress and success of our great country. From the tiny one-room schoolhouse of a century ago to the great multiuniversities of today, we can take great pride in our educational system.

In recent years, our country has been torn apart by tensions created in a world growing in size and advancing in technology almost beyond our comprehension. We need more than ever to rely on our schools as places of instruction and understanding about what is going on around us. Schools at the neighborhood level are especially important since it is only by attending a school with neighborhood companions and in a familiar setting that a child develops a true sense of belonging so necessary to the creation of self-confidence. Neighborhood schools can instill in the child the meaning of good citizenship and the feeling that his country will offer him the kind of life he will want to lead as an adult. It is only this kind of loyalty and understanding created in the child that will preserve the internal peace and welfare of this country.

It is a credit to our Federal Government that it recognizes the value and importance of education and has attempted over the years to provide an opportunity for a high-quality education for everyone. The higher education bill which we just passed, is the most recent example of our Government's faith in education.

To salute education without mentioning the outstanding job that is being done by the thousands of school teachers and school officials and personnel throughout the country is impossible. Without their support and their desire to teach others, we would not continue to find young leaders capable of continuing the tasks of their elders in running the country.

I believe that it is certainly appropriate at the end of another school year to congratulate our school systems on the fine jobs they are doing, and I want heartily to endorse their continued efforts to provide the finest education possible for our children.

GENERATION GAP IN THE SOCIAL SECURITY SYSTEM

Mr. CURTIS. Mr. President, Mr. John A. Fibiger of Lincoln, Nebr., has assembled some figures concerning social security. Mr. Fibiger is a distinguished actuary who is well informed, both in the fields of social security and life insurance. I believe his article merits the consideration of Congress. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF PROPOSED SOCIAL SECURITY CHANGES ARE ADOPTED—YOUNG MEN MAY BE WORTH MORE DEAD THAN ALIVE

(By John A. Fibiger, F.S.A.)

Should a young, affluent widow with two small children have more real income provided by the government than her husband brought home in take-home pay when he was alive? Should a young family be better off financially if the breadwinner is dead?

That's the way things are shaping up if Congress gives a further boost to Social Security benefits under consideration now.

How can this be?

Let's look at the situation of a young college man working in 1973 at $850 a month if some of the current Social Security proposals become law. Consider what his situation could be in 1976 if he is married with two small children, is still earning $850 a month, and suddenly dies.

Monthly Income	$850
Federal and state taxes	99
Social security tax	48
Contributory health insurance	20
Miscellaneous deductions	6
His working expenses (transportation, clothing, lunches, miscellaneous)	80
Total	253
Take-home pay available to his family before his death	597
After he dies, his widow could collect a monthly tax-free social security income of	606

He's actually providing more for his family by being dead than alive! These payments continue until his youngest child is 18, and then stop until his widow is 60.

But that's not all! What about college expenses? There could be $260 a month from Social Security for each child for a college fund. A total of $12,480 for each child, if paid over a full 48 months. Will he save $25,000 to send his two children to college if he lives? Most people don't.

In addition, life insurance provided by his employer can be used for final expenses, to pay off the mortgage, etc., again leaving his family better off than when he was alive.

This example may seem out of line considering all the publicity given poverty-ridden retirees who can't make ends meet on Social Security benefits. What many overlook, however, is that Social Scurity provides survivorship benefits as well as retirement benefits, and the benefits are calculated on *average wages* covered during the Social Security working career.

Under the present law, there is a maximum average monthly wage that can be credited for a worker *retiring* in 1972. There are some years where only $300 or $350 of monthly wages can be counted. Even if a worker has earned the maximum provided by law all during his working years, he and his wife would retire on only $335 a month maximum in 1972.

There is a generation gap in the Social Security system, since even without any changes in the present law, a similar couple retiring in the future, with credited earnings of $9,000 a year, will receive $443 a month, or $5,316 a year, tax free.

This all comes about because the easiest way to provide benefit increases for senior citizens has been to raise the covered wage base for everyone. But when the wage base and Social Security taxes are increased to pay for current old-age benefits, they have also been increased proportionately for survivors of young workers.

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What Congress is doing is distorting the Social Security system, which is now providing adequate benefits for workers just entering the system, in order to make up for past years of low earnings for our senior citizens of today. And these benefit increases aren't a gift from Washington, D.C. They come out of the working man's pocket.

Congress must recognize what attempts to provide more income for senior citizens have done to today's workers.

There are answers. Congress sets the benefit formulas for Social Security. Benefit increases can very well go to current senior citizens without changing survivor benefit formulas. Or retirement benefits can be based on recent wages, instead of averages including years of low earnings.

There are solutions. But first Senators and Congressmen must be made aware of the consequences of what they are about to do, and must be aware that there are alternatives. Because if some of the current proposed Social Security changes become law, America's young workers may soon be worth more dead than alive!

TO END VIETNAM WAR IS DELICATE DIPLOMATIC TASK

Mr. ALLOTT. Mr. President, the Rocky Mountain News of June 14 contains an editorial which expresses my feelings about the latest attempts to intrude the Senate into the delicate diplomatic task of ending the war in Vietnam and securing the return of our men who are prisoners of war or missing in action.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CASE OF BAD TIMING

The Senate is debating a new effort to legislate a quick end to the Vietnam War at a particularly bad time.

At issue is Senate Democratic Leader Mike Mansfield's latest amendment to force the withdrawal of all American troops from South Vietnam by August 31.

It's hard to believe so decent a politician as Mansfield wants his proposal to pass. He is asking the United States to pull out its remaining 62,000 men within two and a half months and right in the middle of a North Vietnamese invasion aimed at winning the war.

Such a development would undermine the morale of the South Vietnamese army and risk its collapse.

Also, Mansfield's amendment proposes to end all U.S. ground, naval and air operations in South Vietnam, Cambodia and Laos if the Communists agree to return American prisoners and not to fire on our departing forces.

In effect, Mansfield is saying to Hanoi: "Give us our prisoners and let us go in safety. As we leave, you may, of course, continue to shoot at the South Vietnamese who fought on our side for so many years."

That is far from the honorable end to America's involvement in Vietnam that President Nixon has been promising.

Nixon's latest offer to Hanoi, which is extremely fair, calls for a complete American withdrawal from Indochina within four months of a cease-fire and a release of prisoners.

Under the President's plan, the United States at least wouldn't be walking away while its allies or friends in Vietnam, Laos and Cambodia were getting shot up. And, in the context of a cease-fire, it would leave the political future of Indochina to be worked out by the people who live there.

Ironically, Mansfield's most drastic end-the-war move comes when the desperate military situation on the ground in South Vietnam seems to be improving and there are hints of useful talks in Paris.

Last week Le Duc Tho, Hanoi's chief negotiator in Paris, indicated he would be willing to resume his private meetings with presidential adviser Dr. Henry A. Kissinger if the United States returned to the semi-public peace conference.

No sooner than you could say something's afoot, U.S. Delegate William J. Porter, who had boycotted the conference table for five weeks, returned from Washington to Paris.

From all this, the Senate should see that this is no time to ban the use of U.S. airpower and the presence of American advisers, which are our highest bargaining cards. It is the time for steady nerves and quiet diplomacy, not the legislative meat ax.

SALUTE TO EDUCATION

Mr. HOLLINGS. Mr. President, today—through the efforts of the National Education Association—we salute America's system of education. I am proud to be a part of this national "Salute to Education."

The importance of education to the life of our Republic cannot be overemphasized. In the way a country goes about educating its young people, we see that nation's character, its values, its most fundamental commitments, its way of life. The Greek philosopher, Diogenes, recognized this more than 2,300 years ago when he wrote:

The foundation of every State is the education of its youth.

The first settlers who came to America's shores understood the importance of education, and they went about the task of building schools as one of their earliest projects. From those first efforts of the early 17th century, we have now developed the finest and most productive system of public and private instruction in the world's history. We have over 46 million students in our elementary and secondary schools, and 8 million more in our colleges and universities. Education is becoming not the privilege of the few, but the right of the many.

But rather than a simple celebration of the past, today should be a dedication to the future. For in spite of all its acknowledged successes, education today still faces serious problems and unmet challenges. When some are beginning to question the very value of extended education, we must reaffirm America's basic commitment to learning. When some talk about our inability to afford new advances, we must proclaim that America can afford nothing less than to go forward with the task of educating our people to the maximum. When some argue that morality and character formation have no place in public instruction, we must recognize that the school is—or should be—one of the most effective tools for transmitting a nation's values and ideals from one generation to the next.

Today's salute to education is really a challenge to us all. To those who would be statesmen, I recall the injunction of Horace Mann:

In our country and in our times no man is worthy the honored name of statesman who does not include the highest practicable education of the people in all his plans of administration.

And to Americans everywhere, I would stress that there is no investment so productive as education, We must commit ourselves anew to seeing to it that every young man and woman in this broad nation is educated up to the limits of his or her ability, regardless of the financial situation of the family involved. I would point to the need for sacrifice—the sacrifice of labor, because it is on the immediate local level where the whole enterprise either fails or succeeds. And the sacrifice of money, to provide the bricks and mortar and books and teachers to turn the promise of America into the reality of America.

Our success—or lack of it—will not be difficult to measure. It will be seen in the response of tomorrow's citizens to the stresses and strains which surely lie ahead—in the character, as well as the tempo, of their daily life—in the very survival of our most precious ideals and institutions.

Will we open further the doors of educational opportunity, or will we slam shut the door to the future? The hinge is our commitment of today.

The time for talk is past. Now it is time to move. Our children are waiting.

A SALUTE TO EDUCATION

Mr. DOLE. Mr. President, today is "A Salute to Education Day" in recognition of the accomplishments of America's educators.

The importance of the contributions made by our teachers to our society have long been recognized. President James A. Garfield wrote in 1880:

Next in importance to freedom and justice is popular education without which neither freedom nor justice can be permanently maintained.

As we move ahead into an era of increased justice and equality for all Americans and toward a goal of "a full generation of peace" we must be constantly aware of the role of education.

Today, with over 46 million students enrolled in our public elementary and secondary school systems, the challenges of education are greater than ever. I am proud to say that America's educators are meeting that challenge.

I join in saluting them. Their past accomplishments mirror the prospects of the future—a future made bright by their unselfish dedication to the goal of providing every young American with a quality education.

EDUCATION—A KEYSTONE

Mr. CHURCH. Mr. President, every generation, it is written, must decide whether it shall levy upon itself taxes to pay for the education of the child or for the ignorance of the adult.

I believe this generation of Americans has resoundingly made up its mind in favor of a strong commitment to education. This is in harmony with an original admission, contained in the Northwest Ordinance of 1787, that knowledge is necessary to good government and the happiness of mankind and, therefore, schools and the means of education should forever be encouraged.

In one sense, education has become the biggest undertaking of our time. Approximately 58 million Americans are involved in full-time education either as students, teachers, or administrators in our schools, elementary, secondary, and beyond. In 1900, 1 out of 25 men, and women of college age was enrolled in an institution of higher learning. Today this ratio has become 1 in 3—approximately 7 million men and women.

And knowledge—human knowledge—is doubling every 10 years. The number of scientists and engineers alive today is greater than the total number who have ever lived. It took our own Library of Congress 135 years to accumulate its first 10 million items. Within the last 30 years, the Library has added three times as many, 34 million.

The British philosopher, Alfred North Whitehead, once said:

In the conditions of modern life, the rule is absolute—the race which does not value trained intelligence is doomed. Not all your heroism, not all your social charm, not all your wit, not all your victories on land or at sea can move back the finger of fate.

Those are sobering words. But events are proving them out. We need the knowledge available at our institutions of education, but, even more, we need the wisdom to know how to handle that knowledge.

On this June 21, "Salute to Education Day," sponsored by the National Education Association, I am pleased to join in this tribute to education, without which we could only curse the darkness.

QUALITY EDUCATION

Mr. COOK. Mr. President, today the National Education Association is holding a special salute to education, a day in which each of us should take the time to consider the value of education, to himself personally and to American life in general. Undeniably, education has made possible the tremendous advantages we as Americans now have over the majority of people in the world today. We have committed ourselves to a life of progress through education, the American dream in which every American is capable of seizing his opportunity to make a better life for himself and to become an active, productive member of society.

This is where education has brought us today. However, I am beginning to question where it will take us tomorrow.

Last week I received a letter from a young man in western Kentucky. I think that it points quite persuasively to the most basic problem in education today. What is it for, and where it is taking us?

Much has been said over the last several years concerning the problems currently plaguing education in general and school systems in particular and the need to give each of our young people the very best possible in quality education. There is little denying that there is a crisis in education that will require enormous amounts of money and manpower from all levels of government in order to resolve. As a member of the select committee on equal education opportunity and the father of five school-age children, I have been personally involved in much of this discussion. But beyond the often-discussed symptoms of the unhealthy state of contemporary American education lies the real question of why. Do we even know enough about what we want from this system of universal education to know why it is in trouble? Why education? Where is it that we want to go?

Surely money and resource commitment is a significant part of the problems facing education today. But even more basic is the indefiniteness of its direction: Education for the sake of education, knowledge for the sake of knowledge.

Therefore, I urge each Member of Congress and every American alike to take a closer look at our commitment to education, to ask himself just what it is that we want for our young people—and what more we can do to insure that they receive it.

I ask unanimous consent to have printed in the RECORD a letter on this subject from Ronnie E. Golden, of Paducah, Ky.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROUTE 1, HIGHLAND CHURCH ROAD,
Paducah, Ky.

MY DEAR SENATOR COOK: I am a December graduate of Western Kentucky University. Since my graduation, I have been ungainfully unemployed. My attempts at finding employment include applications to 25 Kentucky school systems, personal interviews with 10 different school systems, visits and applications with *all* industry in western Kentucky, answering all reasonable newspaper ads, a visit to the State unemployment office in Paducah, which resulted in a 300 mile trip to Frankfort and back to take tests for a job in which I later discovered there were no vacancies. I have also been to several unemployment agencies (including Western Ky. U. placement center and the Kentucky Dept. of Education) without any satisfaction.

Senator Cook, I am no stranger to work. Prior to graduation, I was able to secure part-time work, which enabled me to get my degree. Now with degree in hand, I am faced with a dilemma: how can a college educated, single, white, 23 year old, male, U.S. citizen, find a job?

Please don't misunderstand. I am not using this letter as an application for a job. Its primary purpose is to acquaint you with the problem confronting many young college graduates today, although I know you probably realize this fact by now.

Solving the problem, I realize, will take time. But until I get a job, I must eat. The fact remains that if I had worked (full-time) these last four years and been layed off, I would receive some type of unemployment compensation, but as it now stands, I am ineligible.

I would greatly appreciate any solutions or even ideas you might present to Congress to remedy this situation.

Sincerely yours,

RONNIE E. GOLDEN.

SALUTE TO EDUCATION

Mr. McINTYRE. Mr. President, the great dream of a quality education for every American is at a critical stage now. The demand for new approaches and alternatives to the traditional educational experience is constantly increasing. And this call for change is not limited just to pressure to implement new teaching methods or learning techniques. The demand for change is reaching to the very core of our educational system: the complicated question of how best to finance this vast network. Many proposals are being circulated and debated which seek to resolve this complex problem.

In the midst of this flurry of debate, however, one thing stands foremost in my mind. We seem to be on the verge of a new era in the relationship between the Federal Government and local education systems. All the signs indicate that for the first time the Federal Government may assume a major role in financing the Nation's schools.

Of course, the Government has been supplying funds for local education over the years. Billions have been spent to build new schools and classrooms to relieve the pressure caused by the 1950's "baby boom." And there was a post-sputnik push to upgrade achievement standards in public schools—especially in the sciences.

But this effort, vast as it is, has been mostly a supplementary one, aimed at correcting imbalances and plugging holes. The money has been tied to specific goals, like helping disadvantaged students and beefing up science programs. While this, of course, is extremely important, more extensive help is needed now. Schools need general, unrestricted operating funds to keep the basic enterprise functioning.

I know that general aid to schools has been seen by some people over the years as a sinister effort to control from Washington what goes on in the classrooms. But in the face of the financial crisis affecting many school districts, many of the fears and misgivings have given way. I therefore see a much larger role by the Federal Government in the financing of education.

And I am convinced that we can increase the Federal contribution without losing the local control over education which I feel must definitely not be tampered with. Our No. 1 priority should be to insure that legislation authorizing these Federal funds does not contain language which would unduly affect the local government's primary power to set school policy. The way in which funds for education are to be spent is a problem I feel must be solved at the State and local level.

I invite the attention of Senators to a provocative article by William Stevens on this subject which appeared earlier this year in the New York Times of January 10, 1972. While I do not agree with everything the author says in his essay, entitled "Wide U.S. Aid in Prospect," Mr. Stevens traces the development and expansion of Federal aid to education and offers several interesting predictions as to what the future direction of the Federal role will be.

One big problem remains, and that is to find a way to finance this role. I am not satisfied with some of the approaches that have been suggested. Nor do I want to see Federal aid tied to Federal intrusion into local and State matters.

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I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 10, 1972]

WIDE U.S. AID IN PROSPECT

(By William K. Stevens)

After 175 years of debate over its role in American education, the Federal Government appears ready to join the states, localities, tuition-payers and private gift-givers as a full partner in financing the nation's schools.

Since 1795—when George Washington was trying to get a national university established, and the American Philosophical Society offered a prize for the best essay on the merits of a national school system—the country has been arguing about Federal involvement in education.

Usually, the proponents of such involvement have had hard going. Americans as a whole have never shown any taste for the nationally prescribed, nationally controlled school systems of some European countries—say, for instance, France, where an official is once said to have boasted that he could look at the clock and know what every child in the land was studying at that moment.

So although the Founding Fathers often stressed the importance of education to the well-being of the Republic, schooling has remained essentially a state, local or private function, jealously guarded. In the late 19th century, Federal intervention in this function was assailed as un-American and even ungodly. As recently as a decade ago, general aid to the schools was seen by some as a sinister effort to control from Washington what went on in the classroom.

Such fears and misgivings have now been suppressed, if not abandoned, in a latter-day rush of schools and colleges to Washington for fiscal salvation.

All the signs and portents indicate that for the first time the Federal Government is on the verge of assuming a major role in financing the general operation of the nation's schools and colleges. Maybe this year, maybe next, maybe the year after. In any case, within the foreseeable future.

Washington has already placed a deep imprint on some segments of education through aid programs that now total $16-billion a year, making the Federal Government the nation's biggest single educational spender. But the money is dispensed in the form of thousands of restricted "categorical" grants for special needs and programs, from atomic research to manpower training to bilingual education to compensatory schooling for the poor.

This diffuse, largely uncoordinated Federal effort, vast as it is, has been essentially a supplementary one, aimed at correcting imbalances, seeking to intervene where leverage is greatest, attempting to plug holes in the basic structure of the nation's educational system.

The difference now—the one that lends urgency to appeals for deeper Federal involvement—is that the system itself is creaking, malnourished, in need of more sustenance than localities, states and private sources are able to provide.

COMMON CRY BY EDUCATORS

College presidents and school superintendents today raise a common cry as they flock to Washington in search of money. It adds up to this.

"Federal aid is helping us to meet special needs, but it does little to help us keep the basic enterprise running. We need general, unrestricted operating funds."

In response to this new urgency, the Senate and House have passed differing versions of a program of general aid to colleges and universities, one version authorizing up to $700 million a year, the other up to $1 billion a year. That has never happened before.

The program's fate in conference committee is threatened by unrelated riders designed to end school busing that promotes racial integration. Many fear that, the bill may not get out of its parliamentary box, and may have to be re-introduced in the 93d Congress next year.

But there seems little doubt that the basic idea of general aid to higher education, in itself, is one whose time has come.

The principle of general aid to elementary and secondary schools apparently is widely accepted, too, although many of those close to the question believe that the form in which it is proposed will generate much debate.

Some Congressional staffers and insiders at the Office of Education believe that President Nixon is preparing an "education masterstroke," a program that would provide a measure of general aid, but tie it to reform of the system of financing the schools.

The President is reported to have been impressed by the California Supreme Court ruling in Serrano v. Priest, declaring the local property tax discriminatory, and to have seized on the decision as a justification for his education program.

Mr. Nixon told the White House Conference on Aging last November that his Administration was preparing a plan to promote local tax reform. And last month, Mr. Nixon's Commissioner of Education, Sidney P. Marland, said he believed the Federal Government should pay 25 to 30 per cent of the cost of public education, using revenue-sharing as a vehicle. Washington, through categorical aid, now pays less than 8 per cent of the cost.

No specifics of the Administration plan have yet emerged, but several devices are possible. One, for example, would provide Federal grants of general aid to states that lift more of the burden of school support off the localities and that equalize school expenditures within each state.

Where the Federal funds would come from is a matter of conjecture. There has been talk in Washington of a Federal sales tax for the purpose.

Congressional sources say further that although the basic principle of general aid appears to find favor on Capitol Hill, a major political question intervenes: Who is to get the credit for providing such aid?

Whether Federal control would follow massive general aid is still an open question. The 10th Amendment assigns the operation of schools to the states, and the full Federal partnership at the outset, at least, would probably be an investing and advising partnership. But there are still those who believe that if Washington ultimately provides 25 per cent of the cost of the schools, some control is bound to follow.

Today, through its $16-billion in "categorical" aid programs (including $3.3-billion for manpower training outside the schools), the Federal Government provides 20 per cent of all money spent by colleges and universities, and 7.5 per cent of that spent by elementary and secondary schools.

Figures do not tell the whole story. Washington's influence is far greater than dollar amounts would suggest, particularly in higher education. Federal tendrils reach into every corner of the educational enterprise. Intervening at crucial points, Federal programs have transformed parts of the enterprise, and of general society as well.

For instance, the revolution in American agriculture crystallized around the federally funded Agricultural Extension Service, operating out of land-grant colleges and universities set up under the Morrill Act of 1862. Three generations later, through the G.I. Bill of Rights, Congress helped convert many colleges into mass institutions with all the problems of size, scale and resources that that involves.

By handing out billions in academic research grants, the Federal Government subsidized the nation's post-World War II burst of scientific creativity.

In the process, it also served as midwife to a new model of the elite university, one that became the standard of aspiration for most other institutions: the "research university," dominated by its graduate schools, sometimes neglecting undergraduate education. Those who criticize this "academic revolution" believe it to have been a major contributor to the student malaise of the 1960's.

Federal involvement in elementary and secondary education began essentially with the Smith-Hughes Act of 1917, providing aid for vocational education. Since then, Federal funds have helped finance school lunches; the stocking of libraries; the beefing-up of instruction in science and foreign languages (a product of the post-Sputnik scare of 1957–58); and the education of numerous special groups, from the handicapped to the gifted.

Federal aid is presently nourishing numerous attempts to reform instruction and restructure educational institutions. It is supporting, for example, a teacher-training program that is changing elementary education across the entire state of North Dakota from a formal to an informal basis.

It underwrote "Sesame Street," the educational television program that has struck the consciousness and intellect of pre-schoolers with uncommon impact.

The Federal Office of Economic Opportunity originated Project Head Start, the Job Corps and the Neighborhood Youth Corps. It is the country's chief supporter of experiments in education performance contracting and voucher systems.

The big breakthrough in aid to public schools was Title I of the Elementary and Secondary Education Act of 1965. It represents the most massive expression so far of the basic principle of many kinds of Federal aid: rectifying socially imposed inequalities.

Title I has poured $8.77-billion into the states for the specific purpose of improving the education of the poor and disadvantaged, most often through programs to improve reading.

It is widely recognized that Title I has had mixed effects. Some Title I programs have demonstrably improved the literacy of poor children. But many others have not, and countless schools have vitiated the effect of the program by using the funds for general purposes, or by spreading them so thinly that they have had no discernible effect.

After all is said and done, the crucial question remains: Would massive, general Federal aid, even when coupled with school tax reform, solve the financial crisis now upon American education, as many seem to believe?

Many fear it might not, inasmuch as school expenditures just keep going up and up, seemingly out of control. In the words of Norman Karsh, executive director of the President's Commission on School Finance, no one is able "to put his hand on the valve."

Americans have not, as a rule, questioned seriously the assumption that education should expand, or been inclined to clamp a lid on the growth of the school enterprise. And it is undeniably easier to run to Washington for money than to face the hard, often very painful task of bringing educational spending under control.

Part of the problem has to do with the difficulty—some would say the impossibility—of judging what the public is getting for its educational dollar.

Part of it stems from economic difficulties, particularly inflation, and labor costs driven upward by militant unions, that afflict many other enterprises. Those are problems to be grappled with by the society as a whole.

In short, Washington may be about to join the educational enterprise as a full partner, but not as fiscal savior.

A SALUTE TO EDUCATION

Mr. THURMOND. Mr. President, the National Education Association and the various State and local education associations are sponsoring their first annual "Salute to Education" this evening in Washington. I should like to participate in this salute by paying tribute on the Senate floor to the education profession and its great contribution to our Nation.

It has been my privilege to be a part of the education profession, having been a schoolteacher, an athletic coach, and a school superintendent. This background has made me acutely aware of both the problems and satisfactions which face our educators. I believe that today more than ever our society is conscious of the importance of education and is striving to arrive at new and more effective methods of educating America's young people in today's fast-changing world.

Mr. President, as a part of the responsibility which we as Senators face, we have sought to provide Federal assistance for education which will be effective and which will preserve and extend State and local control of the educational process. We have recognized that the Federal Government is our Nation's most efficient revenue collector, but that the State and local governments are closer to the people and thus are better able to provide the educational services so vital to the Nation.

In closing I should like to pay tribute to the millions of Americans instrumental in education—as students, as teachers, as administrators, and as interested and concerned parents. The dedication and hard work of all of these people is essential to educational progress. In addition, I am confident that Congress wants to assist in providing the support which is essential for a strong education system.

Mr. President, I ask unanimous consent that my weekly newsletter, STROM THURMOND Reports to the People, of April 3, 1972, entitled "What Is Quality Education?" be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

WHAT IS QUALITY EDUCATION?

Everyone is talking about quality education these days. Somehow this elusive term has become entwined with the busing controversy. Advocates of forced busing have said this practice is essential for quality education. Many opponents of forced busing said it would prevent quality education. Most who took any position on the busing issue did so in the name of quality education.

Yet, the recent Florida presidential primary and some influential polls taken across the country indicate that people at the state and local level are beginning to view busing and quality education as two separate issues. Seventy-five percent of Florida's voters expressed opposition to forced busing while an even larger percent registered their support for quality education for all.

Whatever quality education is, it is something that is received or not received primarily in the classroom, and not during a bus ride.

I doubt if anyone would disagree with me that quality education for all is a desirable goal. Everyone agrees that we should work harder toward that goal, turning more of our intellect and resources toward its achievement.

However, it should be obvious to us now that busing children long distances does not guarantee quality education. It is also apparent that this goal will require more than merely the allocation and expenditure of funds. What we need now is a cogent concept of what we are trying to achieve.

We should begin with a sound and solid definition of the term "quality education" from which we can articulate its purpose. This need is present at all levels of education—from the college down through the lowest elementary grades.

Educators tell us that the purposes of education changes with the needs of society, but there is an unchanging basic definition. Education, they tell us, is the process by which man's culture is transmitted, enriched and preserved.

By "culture" the educators do not refer to the "establishment," as many people refer to the current social, political and economic framework. They refer to man's development from the beginning of time, his accumulated wisdom through the ages.

Transmitting this culture involves the process of teaching and learning. Enrichment of this culture occurs when each generation adds its own experience to the vast reservoir of man's historical record. Then, of course, it is each generation's responsibility to preserve that culture, complete with its own contribution, for generations which will follow. This is quality education.

Now, in practical terms, how do we achieve quality education?

I believe we begin by seeing it in its three basic fundamental elements: 1. a teacher, 2. a learner, and 3. something to teach.

I suggest that we need not worry about number two—the learner. We have a good supply of students, and projections indicate that we are not likely to run out of them any time soon.

Number three—something to teach—is, in my judgment, largely the prerogative of number one—the teacher.

This leaves the average citizen, parents and voters with the most promising area where they can contribute to the achievement of quality education in our schools—the teacher.

Quality education depends upon quality teachers. What happens in the classroom is primarily their responsibility. Citizens, especially parents, should involve themselves through such organizations as parent-teacher groups and others in an effort to help acquire quality teachers for their schools. These citizens should make every effort to see that teachers are adequately paid, that they measure up to high standards of professional competency, and that they have our full support as they transmit, enrich and preserve our culture.

Very truly,

STROM THURMOND.

SALUTE TO EDUCATION

Mr. PERCY. Mr. President, I speak today in honor of the National Education Association's Salute to Education.

In the coming school year, there will be more students, more teachers, more high school and college graduates, and more dollars spent for education in the United States than ever before. Although education continues the spectacular growth that has been its principal characteristic for the last 25 years, this is not a comfortable time for education.

We are dealing with one of the most complex institutions in our society, comprising, in the last school year, nearly 50 million children, more than 2 million classroom teachers, some 200,000 principals, supervisors, and other instructional staff members, and almost $47 billion in expenditures. Just to keep this vast machine running from day to day is a superhuman task.

Increasingly, the failures of our society are being laid at the doorsteps of our schools. The sheer challenge of obtaining enough money to repair schools and build new ones and pay teachers and staff and deal with the ever-multiplying redtape has burned away time for the primary tasks of education and left school officials to advance by force of habit and necessity from crisis to crisis.

The American people seem to be moving away from their allegiance to the good and power of education. Traditionally openhearted and openhanded in the financing of education, they have lately seen fit to defeat bond issue after bond issue, leaving school district after school district on the verge of bankruptcy.

Teachers, too, have lost their aura of unimpeachable authority, as students withdraw their consensual acceptance of authority. The students are questioning, doubting, and disputing the relevancy of the very foundations of our most sacred institutions.

Education carries a staggering weight of expectations and responsibility, for it has been the cornerstone of our American dream. Who among us can deny his debt to education—for what he knows, or what he has, or what he is. Although education has not succeeded in delivering its promises to a portion of our population, for most of our citizens the American educational system is among the most successful in the history of the world, providing the best possible education for the greatest possible number of people.

To whatever extent the American people have found their schools wanting in excellence, relevance, equality, or efficiency, I do not believe that they have ever lost faith in education as a vital determinant of their children's futures and as a prime influence on the way of life in this country. Education deserves to be applauded for its past accomplishments, but it must be challenged to justify our people's faith in it.

SAVE THE CHILDREN HAILED ON 40 YEARS OF WORLD SERVICE

Mr. WEICKER. Mr. President, it is with a very real sense of pride that I call attention today to an organization, with headquarters in Connecticut, which is observing its 40th year of service to children, their families and communities. Save the Children Federation, Inc., Norwalk, Conn., the oldest voluntary agency for child sponsorship in the United States has, in these past four decades, played a significant role in helping children rise from poverty both within the United States and in many nations overseas. Save the Children Federation came into being in 1932 in the midst of our greatest depression. Initially it sought to feed and clothe the children of Southern Appalachia who indeed were suffering

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much from the economic woes of those dark days.

From this early role as a relief organization Save the Children has become a symbol throughout the U.S. and in many lands overseas for assistance, not in the usual sense of handouts, but rather in programs of self-help which recognize the inherent desire of all people to increase their well being through their own initiative.

But little of the work of this organization would have been possible without the open-handed support of millions of American contributors and sponsors, who recognized that through Save the Children Federation they could lend a hand to the less fortunate without impairing the dignity of those they helped.

It was during World War II that Save the Children took on international dimensions. Americans from all walks of life responded to the needs of British children bombed from their homes during the Nazi blitz. Entire communities, schools, and day care centers were recipients, through SCF, of American aid.

Following the war SCF created a school sponsorship program for France, Belgium, and the Netherlands. As the memory of conflict diminished SCF moved into other nations in Europe and the Near East. Sponsors were aiding children in Finland, Italy, West Germany, Austria, Greece, and Lebanon.

It was during these late postwar years that the SCF philosophy of self-help burgeoned into community development. In 1959 the Community Development Foundation, the cooperating agency of SCF, was founded.

But the world, as we all know too well, has not been at peace. Natural cataclysm and war has been the lot of all too many of us in the past quarter century. But SCF's role has not wavered.

When a 5-day blizzard struck a Navaho reservation in our Southwest, SCF was among the first agencies to offer assistance. The guns of the Korean war were hardly stilled before SCF began programs of community development and child sponsorships. The earthquake in Peru and the tidal wave in what was then called East Pakistan, now Bangladesh, brought immediate reaction from Save the Children Federation and the Community Development Foundation. Through self-help programs in these devastating areas, children, families, and communities were enabled to pick up the threads of life again. In South Vietnam, SCF and CDF have played an imposing role in helping many of these war-weary people toward a better life.

Whether in Colombia, Tanzania, Appalachia, or among the many tribes of American Indians, SCF and its staff have been ambassadors of good will. Eschewing the role of vocalizer for that of listener, SCF has pioneered a foreign aid direction which might well be emulated by our own Government.

The philosophy of self-help has been proven by SCF and CDF throughout the world. People have found within themselves an ability to quite literally move mountains. With minimal incentives provided by SCF and CDF in the form of cash and food, they are creating new vistas for their children through better education; improved nutrition is giving families an increased ability to work; community benefits spurring cultural and economic advances. And the overriding benefit to all is an increased economic well-being which reduces unemployment, and replaces apathy with a new zest for living.

I am proud of what this Connecticut-based group has offered to children and their families these past 40 years, and proud of the support Americans have given this worthy cause.

JOB ENRICHMENT IN THE AUTO INDUSTRY

Mr. PERCY. Mr. President, one of the most important aspects of contemporary American life is the new concern about the nature of work. Younger Americans are questioning as never before the desirability and the necessity of work. They are expecting more from work than just pay.

Ralph Nader has expressed this problem very well in his afterword to a book entitled "The Workers," written by Ken Lassen. Mr. Nader said that—

> The quest for meaning in work as distinguished from the quest for work is one of history's least charted courses. Man struggles to make a living. To make a living has always overshadowed the interaction of humans with their work and what it does or means for them.

The signs of dissatisfaction with traditional forms of work have become increasingly clear. At the Joint Economic Committee's hearings on productivity on April 25, 26, and 27, witnesses alluded again and again to the high rates of turnover, rework and scrap, and instances of drug abuse, all of which have contributed to increased costs and declining product quality and safety.

American industry has begun, though slowly and with great hesitation, to respond to the problem of dissatisfaction with work particularly among younger workers.

An article by Agis Salpukas was published in the New York Times of June 19. Mr. Salpukas has written several interesting articles about job dissatisfaction, particularly in the auto industry. He describes the efforts being made by the Chrysler Corp., to make jobs more worthwhile, to engage the worker more completely in his work, and to provide a greater measure of initiative, participation, and self-development in the context of the highly automated auto assembly line.

A Chrysler official is quoted as saying that his company has been through a small revolution. My own experience at a very large, very new Chrysler plant in Belvidere, Ill., confirms the need for such revolutionary changes in the way management conceives of work and the worker. At the Belvidere plant, where the average age is about 27, the work force has turned over completely every 13 months. An official of the plant has been assigned to job enrichment as his single task.

Chrysler is to be commended for its willingness to experiment and its efforts to change as described in Mr. Salpukas' article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO WORKERS GIVEN ASSEMBLY LINE VOICE

(By Agis Salpukas)

DETROIT, June 18.—Since Henry Ford and his engineers put together the first car assembly line in 1914, the auto industry has been fitting the man to the line.

Today, faced with spreading absenteeism, high turnover and even sabotage among an increasingly dissatisfied work force, the industry is experimenting to see what can be done to make the line fit the man.

The Chrysler Corporation is the most deeply involved of the Big Four auto producers in trying to make work not simply a penalty a worker feels he has to pay to survive but something that provides satisfaction in itself.

For the last year and a half, workers in many of Chrysler's 32 plants have been meeting with their foremen, engineers and production managers to exchange ideas, solve problems and make suggestions about their jobs.

Some plants are experimenting with letting workers supervise their own assembly lines, letting them control the flow of material on the lines, and allowing them a choice of working on an assembly line or at tables where they can make whole components.

The program is still in its early stages. Its problems are complex, and any judgments would be premature. So far, it has often resulted in giving more responsibility to middle managers while reaching only a small part of the rank and file.

But many of those who have participated are enthusiastic. John Rand, a black assembly line worker for three years at the Hamtramck plant, paused for a moment in his job and said: "Things were explained, now you feel like a part of things. Before it was: 'You do this. You do that.' And that's it."

During the last year he has met many times, on company time, with foremen, production supervisors and other workers who are responsible for assembling caster and camber parts, which are vital to steering and wheel alignment.

Before the meetings, he said, he did not know what the part was for and did not care. Often he would let the car body go by and grumble to himself about the pace of the line.

It was this kind of dissatisfaction and indifference that led Chrysler to begin its experiments.

Eugene A. Cafiero, group vice president of the Chrysler North American operations, said: "We've changed more in the past year and a half than in the last 12 years. This company has been through a small revolution."

EFFECTS HARD TO SEE

The effects are hard to see since almost no major changes have been made in the way workers scrape, wipe, lift, paint and assemble cars and none is expected in the near future.

What has been brought to many of the company's plants is a new atmosphere, a new team spirit. Workers are now often given a voice, for example, in deciding how to set up their assembly line.

In many plants, workers are being given a chance to look over the '75 models. The parts are explained and the workers are asked to comment on how the line will be set up.

Mr. Cafiero, the prime mover behind the program, is continuing to visit the company's plants and prod managers to experiment. He has let it be known that the program does not have to show sudden gains in productivity.

At this point, he measures results mostly through reactions of workers and supervisors. A skilled trades worker, he recalled, recently came to him and said: "This is the first time in 16 years anyone has asked me to use my head and heart instead of my hands and feet."

OTHER COMPANIES' EFFORTS

The effort is not unique to Chrysler. Other major companies such as Bell Telephone, Corning Glass and Texas Instruments are trying to change jobs not only of blue-collar workers but of white-collar workers as well.

General Motors and Ford also have programs, although none is on the scale of Chrysler's, which is a priority effort throughout the corporation.

Those in charge concede that there are major uncertainties on how it will come out. Although workers like Mr. Rand may feel better about their jobs, there is some question how long it will last—especially as they go on working with the same parts in the same way on the same line as before.

It is hard to try to change work on assembly lines. Even for a seemingly simple change such as letting workers follow a car along and assemble a large part of it would mean a major cost increase.

Chrysler's management is also worried that frustrations may only be intensified if expectations are raised and workers are involved in decision making and then, for whatever reason, no important change results.

Only a few feet away from Mr. Rand, for example, another worker, Edward Walker, a 23-year-old Vietnam veteran, compared the plant now to when he left for the service two years ago.

"There's nothing easier and there ain't nothing harder," he said as he shoved one side of a car body to the line. "You're still under pressure. That line don't stop."

FOREIGN COMPETITION A FACTOR

There is little possibility in the near future that assembly lines will change significantly in an industry where costs are figured to the penny and foreign competition is a major threat.

Douglas Fraser, a vice president of the United Automobile Workers Union and head of the union's Chrysler department, made a recent tour of plants in Japan.

In a report to the union's executive board, he said that in some plants Japanese workers put together cars at speeds that would not be tolerated by American workers.

Still, even with those uncertainties, there is optimism at Chrysler that major gains can be made in motivating workers without making major changes in the jobs themselves.

AN AID TO SCHEDULING

At the Hamtramck plant, for example, some workers are no longer punished for taking an unexcused day off.

Instead, large calendars have been put up in one part of the plant and workers are asked to mark the day in advance when they want to take off.

Management can then juggle its schedules by knowing when a man will be absent, instead of having to scramble around at the last minute to fill in for absent workers.

For two months absenteeism dropped, but then it crept up again to near its old rate. One advantage has remained. Half of the men now notify the company ahead when they take a day off.

One foreman objected so vociferously to the program that he resigned. Older workers, who often have more skilled jobs and do them with ease, have objected to proposals such as letting men rotate in different jobs. And some supervisors fear that their jobs will be eliminated through the program.

At the Detroit Gear and Axle plant, workers are being allowed to control the flow of assembly lines. William White a 44-year-old worker, sat on a stool in front of a line where gear assemblies moved past him. There was a pedal he could hit with his foot to stop the line if he wanted to get a drink of water or take a break.

He is still expected to turn out 1,000 units a day, but now has a choice of working ahead and then shutting off the line for a while. "It's better," he said. "You've got more control now."

SENATOR SCOTT'S RECORD FOR HUMAN NEEDS

Mr. SCHWEIKER. Mr. President, we have heard much in past months about the need to reorder our priorities. There is one Senator among us whose priorities have always been clear: the distinguished Republican leader, Senator HUGH SCOTT, of Pennsylvania.

Senator SCOTT has consistently sought to serve the needs of people. He has been a leader in the fight for better housing, more jobs, and improved education. People are important in HUGH SCOTT's book and his outstanding record shows it.

I ask unanimous consent to place in the RECORD a detailed accounting of Senator SCOTT's accomplishments in the field of human needs.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 10—To establish a national policy for metropolitan centers and rural areas relative to the revitalization of rural and other economically distressed areas.

S. 23—To create a series of regional ethnic centers for the study of ethnic history and traditions.

S. 31—Emergency Employment Act of 1971 to provide during times of high unemployment for programs of public service employment for unemployed persons.

S. 34—To establish a National Cancer Authority with the priority to discover the method by which to conquer the menace of cancer.

S. 346—To provide incentives for the establishment of new and expanded job-producing industrial and commercial establishments in rural areas.

S. 575—To authorize funds and to carry out the purposes of the Appalachian Regional Development Act of 1965.

S. 687—To authorize financial assistance for Opportunities Industrialization Centers.

S. 908—To exempt from induction and training, under the Selective Service Act, the surviving sons of a family which has lost two or more members as a result of military service.

S. 1172—To exempt citizens of the United States who are 65 years-of-age and over from paying entrance or admission fees for certain recreational areas.

S. 1182—To provide assistance and encouragement for the establishment and expansion of health maintenance organizations.

S. 1290—To provide for continuation of programs authorized under the Economic Opportunity Act.

S. 1428—To establish an Institute for Continuing Studies of Juvenile Justice.

S. 1598—To provide health care insurance for people of the United States and to improve the availability of health services.

S. 1623—To require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan.

S. 1684—To authorize additional appropriations for the Commission on Civil Rights.

S. 1769—To establish a Legal Services Corporation for the purpose of providing legal services in non-criminal matters to persons financially unable to afford counsel.

S. 1871—To provide for the inclusion of child-care facilities in low-rent housing projects and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the family.

S. 1872—A bill for the relief of Soviet Jews.

S. 2097—To establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

S. 3012—To strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement and by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations.

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

S. 3121—To extend the Commission on Civil Rights for five years, to expand the jurisdiction to include discrimination because of sex and to authorize appropriations for the Commission.

S.J. Res. 7—To propose an amendment to the Constitution extending the right to vote to citizens 18 years old or older.

S.J. Res. 32—To propose an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

S.J. Res. 34—To propose an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

S.J. Res. 79—To propose an amendment to the Constitution of the United States relative to equal rights for men and women.

S. Con. Res. 8—Relating to the control of international drug traffic.

S. Con. Res. 33—Regarding persecution of Jews and other minorities in Russia.

S. Con. Res. 49—A Senate Concurrent Resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

S. Con. Res. 52—Expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons.

S. Con. Res. 57—Calling for a national day of prayer for the cause of world peace.

VOTES

Voted to provide Federal assistance for programs of public service employment during periods of high unemployment.

Voted for financial assistance to better provide local educational opportunities for all children.

Voted to provide for the identification and treatment of drug and alcohol dependent persons in the Armed Forces.

Voted to provide full Federal payment of unemployment compensation benefits for an additional 13 weeks.

Voted for amendment calling for President to take all possible means through international cooperation to reduce illegal importation of heroin and other narcotic drugs into the United States.

Voted for a 10% increase in old age, survivors, and disability insurance payments (social security).

Voted to extend the Appalachian Regional Development Act and Public Works and Economic Development Act.

Voted for the Economic Disaster Relief Act of 1971.

Voted for the Drug Abuse Office and Treatment Act of 1971 together with the conference Report thereto.

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Voted for the Housing and Urban Development Act of 1972.

Voted for the proposed amendment to the Constitution assuring equal rights for men and women.

Voted to extend the Select Committee on Nutrition and Human Needs.

Voted for amendment to increase funds for facilities for school lunch programs from $16,110,000 to $33,000,000.

Recorded in favor of using certain funds to assure free and reduced price lunches for needy children.

Supported an amendemnt to allow as a business deduction (instead of a personal deduction) up to $400 per month for domestic help and child care.

Voted for the nutrition program for the elderly.

Voted for supplemental appropriations for fiscal year 1972 to provide for special programs for the aging.

THE 91ST CONGRESS

Legislation

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 1689—To protect children against dangerous toys.

S. 1788—To assist in removing financial barriers to the acquisition of a postsecondary education by all those capable of benefiting.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1896—To include dental and eye care and hearing aids among the benefits provided by Medicare.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2037—To authorize grants for the construction or modernization of Neighborhood Health Centers.

S. 2184—To include prescribed drugs under coverage of the supplementary medical insurance program for the aged.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 2470—To allow the elderly to trade food stamps for prepared meals.

S. 2518—To liberalize conditions governing eligibility of blind persons to receive disability insurance benefits.

S. 2579—To authorize Commissioners of Education to make Vocational Education Opportunity Grants.

S. 3025—Urban Land Improvement and Housing Assistance Act of 1969.

S. 3204—To require safety devices on household refrigerators.

S. 3316—To require the Secretary of HEW to study and to report annually to the Congress on the health hazards and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

S. 3388—To expedite enforcement for air pollution control standards.

S. 3418—To provide for making of grants to medical schools and hospitals to assist them in establishing special programs in the field of family practice.

S. 3560—To allow 18-year-olds to vote.

S. 3566—To establish a National Council on American Minority History and Culture.

S. 3709—Veterans pension to the Social Security Bill to prevent a decrease in the dependency and indemnity compensation of any veteran or widow of a veteran as the result of the increase in the Social Security benefits.

S. 3941—To provide penalties for the use of lead-based paint in certain dwellings.

S. 4104.—To strengthen and improve the school breakfast program for children.

S. 4208—To lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country.

S. 4396—Extension of Medicare to the Nation's disabled coal miners.

S. 4454—To make available Federal assistance to law enforcement agencies to halt attacks on policemen, firemen, and judicial officers.

S.J. Res. ——— —Proposing a Constitutional amendment to permit voluntary prayer in public buildings and public schools.

S. Con. Res. 41—Concurrent Resolution urging adoption of policies to offset adverse effects of governmental monetary restrictions upon a housing industry (ceramic tile industry).

S. Amdt. 682—To provide a minimum monthly Social Security benefit of $100 and increases in larger monthly benefits.

S. Amdt. 683—To increase special age 72 Social Security benefits by 10 percent.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1968 (Hill-Burton).

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted to increase appropriations for the Office of Economic Opportunity from $1,624 billion to $2,048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for a 15% increase in Railroad Retirement benefits.

Voted to include under the Community Mental Health Centers Act of 1970 persons suffering with drug abuse and drug dependence problems.

Voted to strengthen laws concerning the illegal use, transportation, or possession of of explosives.

Voted for Employment and Training Opportunities Act of 1970.

Voted for Employment and Manpower Act.

Voted for an increase in funds for Neighborhood Youth Corps summer programs.

Voted to declare it the policy of the United States to apply uniformly the criteria in dealing with conditions of unconstitutional segregation in schools by race.

Voted to create a Select Committee on Equal Education Opportunity.

Voted to provide $150 million for emergency school assistance for desegregating local educational agencies.

Voted to allow voluntary nondenominational prayer in public schools and buildings.

Voted to reduce voting age to 18.

Voted to increase by $47.9 million funds for student loan programs.

Voted to provide $53,680,000 in impacted aid for children living in low-rent public housing projects.

Voted for Drug Abuse Education Act of 1970.

Voted to make public schoolchildren from households of four persons, the annual income of which is $4,000 or less, eligible for free lunches.

Voted for school lunch and nutrition amendments.

Voted to increase funds for Project Headstart to bring the appropriation to the authorized level.

Voted for amendment to provide incentive pay increases for military personnel and making recommendations contemplating establishment of an all-voluntary military service.

Voted to provide $587.5 million in urban renewal funds.

Voted to extend unemployment insurance, to permit workers to continue to receive unemployment compensation while enrolled in training programs designed to increase their employability, and for other purposes.

Voted to increase the ceiling for combined workmen's compensation and social security disability benefits.

Voted for the direct popular election of the President and Vice President.

A SALUTE TO EDUCATION

Mr. JORDAN of North Carolina. Mr. President, today the National Association is holding a Salute to Education and it is a pleasure for me to have this opportunity to express my strong support for all education programs throughout our Nation.

I have always recognized the importance of education in our lives and have sought during my 14 years in the Senate to encourage strong legislative support for our institutions of learning, for our teachers, and for our young people.

As one so long and deeply committed to the cause of education, I am immensely proud that North Carolina's school system has produced the National Teacher of the Year for 1972, James M. Rogers, Jr.

Through the selfless and unstinted use of his talents he has set an inspiring example both for those who teach and for those who aspire to learn. In doing so he has brought great credit to his school and to his State and it was a great honor for me to join with the President and with others to pay tribute to his excellence in teaching.

There are many fine teachers throughout our land who perform the invaluable service of preparing our young people for the future. I look forward to the continued enthusiastic support of these teachers and of our education programs in the days and years to come.

REDUCED AIR FARES FOR SENIOR CITIZENS

Mr. PERCY. Mr. President, many of us in the Senate would like to see the commercial airlines offer to senior citizens specially reduced air fares similar to those now offered to young people. On April 20 of last year, I introduced a bill, S. 1591, specifically authorizing such fares. And last week, the Senate Commerce Committee held hearings on S. 1591 and similar proposals introduced by several of my colleagues.

Certain factors distinguish the elderly population from other segments of our population, and serve to make transportation a uniquely difficult problem for them. For example, the elderly have less than half the income of younger people, and while the incidence of poverty is decreasing among the younger population, it is increasing among those over 65. Because of their income problems, the elderly are less able than other segments of the population to purchase transportation services. Furthermore, the percentage of elderly people able to drive automobiles is much lower than that of the general population. It is estimated that substantially less than one out of four of the elderly possess drivers licenses. Many automobile insurance companies can and do cancel the policies of older people solely because of their age, regardless of their driving history or current physical condition.

Although many retired people do not have the money to travel, they most definitely have the time and the desire to do so. I have long felt that the need and desire of elderly people to travel should be considered more seriously by the commercial airlines, many of which now operate half-filled flights which could easily accommodate senior citizens.

The airlines have aggressively sought to increase their passenger loads by offering specially reduced youth fares, but they have largely ignored the senior citizens. Because few airlines have even bothered to experiment with such fares, good statistical information on the effects of such programs on revenues is hard to find.

One notable exception can be found in the experience of Hawaiian Airlines, which for 5 years now has been allowing senior citizens to travel at reduced fares. Interestingly, Hawaiian has found that the percentage growth in senior citizen passengers—since 1967 when the special offer first went into effect—has been substantially higher than the system's overall growth. Revenues derived from this special fare have increased 30 percent over what they were in 1967. On a seat availability basis this is almost all added revenue for the airline. Otherwise empty seats were simply filled.

Mr. President, I believe that many Senators would be most interested in the statement made by Hawaiian Airlines describing its experience with reduced fares for the elderly, I therefore ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HAWAIIAN AIRLINES, INC., SENIOR CITIZEN STANDBY FARES

HISTORICAL BACKGROUND

The Senior Citizen Standby Fare originated from a similar philosophy of the Youth Standby Fares in the Second Quarter of 1966. The thinking behind the Youth Fare movement was to stimulate traffic, utilize empty seats at departure times, initiate youths between the ages of 12 to 21 to air travel, and limited income of this age group.

The Youth Fares were at 50% of full fares on a no reservations, standby basis with restrictions on certain holiday weekends. Youth Fare cards were sold at $3, renewable annually.

The Senior Citizen Standby Fare was made effective about a year later in the Second Quarter of 1967 under the same philosophy with the same restrictions. Permanent Senior Citizen cards were sold at $5. The same fares as Youth Fares were applied.

The differences in the cards were that the Youth Fare card expires at age 21 whereas the Senior Citizen card was permanent. Lost cards are treated as new applications in both instances.

Since the initial tariff on these two fares, the following were changed.

1. The restrictions on travel during certain days were removed.

2. Youth Fare Card renewal annually eliminated.

3. 50% discount from full fares decreased to approximately 40% (slight variations due to rounding into whole dollars after including 8% tax).

STATUS OF SENIOR CITIZEN FARES

Although not specifically mentioned by the Examiner or finalized by the Board, Hawaiian has submitted evidence and exhibits supporting its Youth and Senior Citizen fares in the Discount Fares Phase of the Domestic Passenger Fare Investigation, Docket 21866-5.

Since the Senior Citizen fares and rules are similar to the Youth Fares, it would appear that the decision on Youth Fares in this Investigation (Docket 21866-5) would be applicable in both instances.

Hawaiian alone has submitted evidence and supports the Senior Citizen fare.

HAWAIIAN'S SENIOR CITIZEN STANDBY FARES

1. Tariff.

As seen from the attached tariff pages 24–27 and 47–48 of Hawaiian's CAB No. 6, Local Passenger Tariff No. 6, the following rules apply.

a. Purchase of a Hawaiian Airlines Senior Citizens Identification Card by any person 65 years of age and over for $5.

b. Having in possession the Hawaiian Airlines Senior Citizen card when traveling.

c. Presentation of Senior Citizen card with proper identification for discount ticket purchase.

d. No reservation, standby status accommodated on space available basis.

e. Accommodated after all reservations and military passengers but before Youth Fare passengers (See page 30, CAB No. 6 attached).

f. Fares are approximately 60% of full fares.

HAWAIIAN'S PROMOTION OF SENIOR CITIZEN FARES

All of Hawaiian's discount fares are widely promoted and specifically publicized in our timetables. Additional brochures on Hawaiian's discount fares including the application forms for Senior Citizen and Youth Fare cards are widely distributed. See enclosed timetable effective February 15, 1972 and Discount Fares brochure.

HAWAIIAN'S EXPERIENCE OF SENIOR CITIZEN FARES

Since the beginning of the Senior Citizen fares in the Second Quarter of 1967, Hawaiian has contacted numerous senior citizen groups, retirement homes and community groups within the islands.

1. From 1967 to 1971, Hawaiian has sold 6,451 Senior Citizen membership cards for revenues of $32,255. Additionally, these members' travel revenues totaled $355,832 for a total of $388,087. The success of this fare may be seen from the steady growth of 1/10% to 1/2% on total transport revenues for Hawaiian (page 8).

2. In terms of growth, Hawaiian enplaned 33,715 Senior Citizen passengers in the 1967–1971 period. The percentage growth in Senior Citizen passengers has been substantially higher than the total system growth. The substantial growth in Senior Citizen Fare travel may be seen from the 4,421 enplanements in 1968 to 12,706 enplanements in 1971—three times as many in 3 years. By comparison, total system traffic grew from 1,418,076 passengers in 1968 to 1,878,921 in 1971 or a 32% increase in 3 years (page 9).

Due to the 40% discount in fares, the question of diversion from full fares is brought out. That is to say that diversion would outweigh stimulation unless the percentage growth is greater than 40%. Hawaiian would argue that the diversion factor is outweighed by stimulation since the fares are strictly standby. Positive space Senior Citizens would still pay full fares on business or commitment travel. Additionally, it stimulates traffic by the addition of accompanying members of the family.

3. Senior Citizen standby revenues have grown from $34,702 in 1968 to $151,618 in 1971 or more than a fourfold increase (page 10).

4. Youth Standby revenues have grown from $106,165 in 1967 to $541,340 in 1970 for a five-fold increase (page 11). The decline in individual youth fare travel is attributable to the Youth Group Fare made effective in December, 1970 which provided the Hawaiian carriers with a tax incentive by the State of Hawaii.

5. Since both the Senior Citizen and Youth Fares are standby, non-reservation, space available traffic, Hawaiian would argue that these traffic fill seats that would have gone empty. On this basis, these traffic contribute at least a point or more in load factor throughout Hawaiian's system (page 12).

If the 12–21 age group travel is justifiable on standby discounts, the 65 and over group is equally if not more deserving in filling seats that would have operated empty.

The limited incomes and ample time elements are clearly recognized in the case of Senior Citizens. The Senior Citizens are an important element of Hawaiian's traffic.

THE GENOCIDE CONVENTION AND THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed concern about article III, section (c) of the treaty, which prohibits "direct and public incitement to commit genocide."

It has been suggested that this provision could undermine the U.S. Constitution's first amendment guarantee of freedom of speech. This fear is without foundation. Two distinct and separately compelling arguments apply here.

First, whatever treaties the United States enters into are subordinate to the provisions of the Constitution. The Supreme Court's decision in Reid against Covert makes this perfectly evident, and the Court's opinion in that case cites five previous cases which held the same thing. This means that if there is a direct conflict between the Genocide Convention and the Constitution, the courts would strike down the conflicting provisions of the Genocide Convention. If there is only the possibility of a conflict, the Court would interpret the treaty in a way that would satisfy constitutional requirements. Thus if the Genocide Con-

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vention's language were more restrictive of free speech than the Constitution allows, the Convention's restriction would be narrowed by the Court to comply with the Constitution.

Furthermore, the Convention's language is precisely that which the Supreme Court has used in interpreting the first amendment. In the 1969 case of Brandenburg against Ohio, the Court held that:

> . . . the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

The Court's distinction between advocacy and incitement is crucial. Advocacy is what the first amendment protects; incitement amounts to shouting fire in a crowded theater. Incitement is exactly what the Convention prohibits in the section in question. There can be no doubt that this prohibition is consonant with the U.S. Constitution's first amendment.

I urge the Senate to take up and ratify the Genocide Convention without further delay.

TO GUARANTEE JUSTICE AND OPPORTUNITY FOR INDIANS

Mr. HUMPHREY. Mr. President, throughout my period of public service, I have placed the needs and rights of Indian Americans high on my agenda of priorities. In Minnesota, originally the land of the Sioux—Dakota—and Chippewa—Ojibway—Tribes, I have made a continuing effort to address the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an alien culture in the city—basic problems confronting tribes and individual Indians throughout America.

The many ways in which Indians confront a denial of justice and a constant struggle against poverty must be brought clearly before public attention if effective action is to be achieved. That was why, as mayor of Minneapolis, I appointed the first Indians on the city's human rights commission. It was also why, as Vice President, I welcomed the opportunity to serve as the first chairman of the National Council on Indian Opportunity. I was honored, as Senator, to become a member of the Red Lake Chippewa Band, and I have continued to work over the years on projects and cases of immediate importance to Indians in Minnesota, to meet vital needs in the areas of health care, education, employment, housing, and the protection and development of land resources.

TO PROTECT INDIAN LAND AND WATER RESOURCES

I believe the next administration must establish a new direction and firm commitment in national policy to restore pride and promise to Indian people. Land resource rights have been of immediate and central importance in clearly demonstrating this commitment. I fully supported the return of the Blue Lake land to the New Mexico Taos Indians, not only as an important conservation measure, but also and far more importantly, because the land is sacred to the Indians. I felt the Senate Interior Subcommittee on Indian Affairs, in failing twice to vote on this vital measure, established a serious credibility gap between expressions of support and actual performance, before the Indian people.

My concern to protect the vital land resources of the First Americans and their right to long-overdue justice also explain my joint sponsorship of the original Senate legislation dealing with the settlement of Alaska Native claims.

It is for the same reason that I strongly supported recent legislation to convey trust title to the Stockbridge-Munsee Indian Community in Wisconsin of 13,077 acres of submarginal land purchased by the Federal Government some 37 years ago under a depression-era progam to provide tribes with an adequate land base on which to survive and develop. The purpose of the original act has been thwarted by the failure to pass trust title to the tribe. Passed by the Senate, this legislation carries through important precedents that can be of benefit to a number of tribes in other States, including Minnesota.

I have also expressed my full support for legislation recently introduced in the Senate to repeal the act terminating Federal supervision over the Menominee Indian Tribe of Wisconsin, to reinstate the Menominees as a federally recognized, sovereign Indian tribe, and to make the tribe eligible for the services the Federal Government furnishes to Indians. The effect of the Termination Act has been the loss of liquid assets and an unemployment rate of over 22 percent, with extensive poverty. The simple fact is that the burden of current liabilities and limited legal rights has prevented the restoration of a viable economy based on forestry management.

The termination policy adopted by the 83d Congress is morally and legally unacceptable and has produced bad practical results. It should be repealed.

I support the establishment of an Indian Trust Council Authority to assure independent legal representation of the national resource rights of Indians. But I believe the Water Resources Council immediately should adopt a firm policy that no water project should be built on Indian lands unless it can be shown that there is a clear margin of benefits over the costs, for Indians.

TO ESTABLISH ELIGIBILITY OF URBAN AND RURAL INDIANS

What are clearly required today are specific actions by the Federal Government to end its long history of broken commitments to the Indian people. I strongly believe, for example, that the concept of trust responsibility extends to all Indian people, regardless of where they reside.

Specifically, I call for the full implementation of a new eligibility study completed by the Bureau of Indian Affairs, which calls for extending eligibility for Federal services to three main groups of off-reservation Indians—urban, rural, and state reservation. The time has come to fulfill the commitment of the United States to all of the 800,000 Indians who for too long have known only the repeated violation of their civil rights, a struggle against ill health, malnutrition, and poverty, and the denial of equal opportunity in education and employment.

It is particularly important that all relevant programs and services be coordinated under the Bureau of Indian Affairs to reach those Indians who are isolated in rural poverty or condemned to an existence of despair in the city, for their migrations can be traced precisely to the encouragement provided by a federal policy or program.

I strongly supported the enactment of the Indian Education Act of 1971, subsequently incorporated in the Education Amendments of 1972 passed by Congress. This act launched the needed shift in eligibility policies in authorizing increased Federal financial assistance to meet the special education needs of Indian children. For it based this new assistance directly on the number of Indian children enrolled. The clear intent of Congress is that the discriminatory allocation of educational services for Indians under Public Law 874 shall end forthwith. A further important provision in this legislation calls for direct Indian participation in education policy determination, from the local to the national level.

I have also joined several Senators in immediately communicating to the Senate Appropriations Committee our strong support for additional funds recently passed by the House to establish additional urban Indian service centers. It is important to recognize that this appropriation will help the BIA extend its services to off-reservation Indians for the first time, enabling urban Indians to apply for critically needed social benefits and to obtain vital health, educational, and employment services.

TO PROVIDE JOBS AND ECONOMIC OPPORTUNITY

I believe the decade of the 1970's must be the decade of decisive advances in Indian economic self-development. The economic condition of the 450,000 Americans of Indian ancestry living on or near a federally recognized reservation, colony, rancheria, or pueblo is appalling, not to mention the desperate plight of Indians who have relocated into urban and rural poverty.

I have long been involved in encouraging corporations to locate on or near reservations, including the Navajo lands, to provide critically needed jobs. I am fully aware of the problems which must be met, but I strongly believe this direction must be pursued to promote economic self-sufficiency among the tribes.

I am committed to a Federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the Federal Government. And I have jointly sponsored, with Senator HENRY JACKSON, a bill to authorize the Secretary of the Interior to contract with tribal organizations so they may directly plan and administer Federal programs of educational, agricultural, and social welfare assistance.

Meanwhile, I believe it is essential to substantially increase appropriations for health services and housing assistance critically needed by Indians.

But with an unemployment rate that is 10 times the national average, the Indian people are rightly demanding extensive Federal efforts to provide job opportunities and to promote economic self-development. I have called for substantial increases in economic development revolving loan funds. And the Employment Opportunities Act of 1972, which I have introduced, should be administered to assure Indians a fair measure of the more than 1 million public service jobs that can be created under this bill and related measures.

Finally, I have fully supported the establishment of an American Indian Development Bank, to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources. I believe the initial capitalization for this bank should be set at least at $500 million.

With 80 percent of reservation Indians living in poverty, a total approach to Indian socio-economic development must be launched without delay. Urban Indians must also be enabled to undertake programs of community economic self-development. And to meet the special needs of rural Indians, I believe a Federal program of substantial assistance for Indian cooperatives is now required on a sustained basis. This can provide an essential tool for joint economic efforts by Indians and to end their exploitation as consumers.

The time has come for a totally new direction in national policy toward the Indian people. We must enable the Indian to again stand with pride and to have hope in the tomorrows of this great land. We must acknowledge the rich heritage this pluralistic Nation enjoys in the traditions and values of the Indian people, and the strength it can receive from their direct involvement in its economic, educational, social, and political life.

SALUTE TO EDUCATION

Mr. BAYH. Mr. President, I commend the National Education Association for initiating a salute to education today, June 21. Education continues to hold the key to social mobility and the self-actualization of countless individuals in our society today.

As indication of the impact of education, in 1971 estimated fall enrollment in our public schools was 46.1 million; projected figures reveal that by the fall of 1978, 6.2 million more students will have enrolled—an increase of nearly 1 million students per year. During the same 7 years, college enrollment is expected to increase by 63 percent. These young people will comprise the future leadership of our country. Education has played a vital role in preparing them to deal with the complex problems of today.

The mainstay of our education system is the dediction of teachers throughout this Nation. Approximately 2 million men and women have given their time and talents to the education not only of our children, but also of adults interested in continuing their education. During the fiscal year 1970, over 8 million adults were enrolled in education programs—an increase of 10.2 percent over 1969. Experimental programs such as English as a second language have proven highly successful for recent citizens and adult education has even reached into the home with programs designed to show parents how to make education more vital to their children. More important, librarians across the country have given their time so that many public schools library facilities can stay open at night for community use. All of these programs are possible because teachers are willing to devote their extra energy to special evening programs in addition to regular daytime classes.

Of course higher education is increasingly crucial in this technological age. This year, Congress passed a bill, S. 659, which promises to have a revolutionary impact on our system of higher education. The bill attempts to establish access to higher education as a basic Federal right by providing financial assistance to all those who need it. The bill also provides desperately needed operating subsidies to help meet the skyrocketing costs of education. Congressional passage of my amendment to prohibit sex discrimination in educational institutions gives me particular pride. I personally would like to thank those teacher organizations, administrators of education, and countless individuals who have contributed to the passage of this legislation. Women are now guaranteed equal opportunities in admissions, scholarship aid, and faculty status.

The academic community is to be commended for its continued advancements—not only in the area of improved teaching techniques, but also in the effort to expand equal educational opportunity to all.

FEDERAL RESERVE BOARD FAILS IN ITS DUTY—WHAT DO THEY HAVE TO HIDE?

Mr. PROXMIRE. Mr. President, I am sorry to report that the Federal Reserve Board ducked, misled, hid out, avoided calls, and gave us the idiot treatment in connection with my request Monday for a report to me on the name of the bank or banks involved in issuing the $100 Federal Reserve bills found on the men caught bugging the Democratic National Committee.

I think their refusal to cooperate was both a despicable act and unworthy of them as an arm of the Congress.

As the ranking Democratic member of the Senate Banking Committee and as chairman of the Financial Institutions Subcommittee, before 10 a.m. on Monday, June 19, I not only requested the names of the bank or banks which issued the notes but also the name of the person or persons receiving the funds—estimated at $6,300—the source of the check or financial instrument used to purchase the $100 bills, and other pertinent details.

FEDERAL RESERVE KNOWS WHO ISSUED $100 BILLS

I did this for several reasons. First, Federal Reserve notes were involved, they were in numerical sequence, and commercial banks keep details of transactions of this size. Those who paid for this job could be traced through the bills.

Second, in this case the executive branch is a party of interest. One of the men caught was directly connected with the Nixon campaign. I hope that higher ups may be innocent of these wrongdoings. But with the executive branch having a conflict of interest, it was essential that the Federal Reserve Board, which is an agent of the Congress, should give Congress the facts promptly, fully, and completely.

WRONG AND MISLEADING INFORMATION

Until 4 p.m. on Tuesday, the Federal Reserve gave us the run-around. For example, at the same time that the FBI told my staff on Monday they had already been in touch with the Federal Reserve to identify where the bills came from, Chairman Arthur Burns wrote me that, "We at the Board have no knowledge of the Federal Reserve bank which issues those particular notes."

Until 4 p.m. Tuesday, even after newsmen had traced the bills to the Miami and Philadelphia Federal Reserve Districts, the Federal Reserve was telling my staff they had no information and the Reserve Bank at Philadelphia refused to return our calls. Finally, at 4 p.m. Tuesday the Federal Reserve stated that the information ". . . should not be released to anyone other than the investigative authorities," namely the FBI and Justice Department.

FEDERAL RESERVE FORGETS IT IS AN AGENT OF CONGRESS

The fact that the Federal Reserve, an agent of Congress and independent of the executive branch refused to cooperate with Congress while falling all over itself to aid the executive branch suggests they have something to hide.

One would have to be extraordinarily naive not to feel the Federal Reserve may be covering up for someone high in the executive branch of our Government who is directly involved with the espionage action against the Democratic National Committee.

Chairman Arthur Burns should reread the Constitution. It provides that Congress, not the executive, has the money power. Under our Constitution the Federal Reserve Board is directly obligated to Congress and is independent of the executive branch.

Certainly with the President of the United States and his supporters a party at interest, the Federal Reserve Board should recognize their clear constitutional obligation to the Congress. In this case they have failed to do so.

SALT: SOME BASIC QUESTIONS

Mr. JACKSON. Mr. President, in connection with the scrutiny by Congress of the Moscow arms limitation agreements, I ask unanimous consent that the text of my article raising some basic questions about SALT, which was published in Newsday on Sunday, June 18, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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[From Ideas, Newsday's Journal of Opinion, June 18, 1972]

ARE WE NO. 2?

(By Senator HENRY M. JACKSON)

With President Nixon to the Moscow summit went the hopes of all Americans for progress toward a lessening of international tensions and the instabilities that cause wars. Individual views of the results of the summit may vary, but I believe all Americans respect the President's sincerity and the scale of his efforts in Moscow.

President Nixon has now submitted the strategic arms limitation agreements signed in Moscow to the Congress for its advice and perhaps consent. The Congress, in carrying out its constitutional responsibilities, must study carefully the impact of these agreements on our deterrent posture and the future foreign policy of this country. One cannot give a responsible final judgment until all of the hearings have been held and until all the evidence is in. I will endeavor to play the role of a good lawyer in examining the witnesses and pursuing the facts.

I must say, however, that what I already know is enough to raise some very serious questions that go to the heart of the security of the United States and the future of individual liberty. All Americans want to see the strategic balance become more stable. We all desire the increased security that flows from a potential aggressor's knowledge that he simply can't execute a disarming first strike against our deterrent forces. Unfortunately, I see nothing in the present agreements that lessens the threat to the security of these deterrent forces. On the contrary, far from placing us in a condition of stable deterrence, the agreement permits the Soviet Union to continue its offensive build-up in a way and on a scale that could prove highly dangerous. Simply put, the agreement gives the Soviets more of everything: more light ICBMs (Intercontinental ballistic missile), more heavy ICBMs, more submarine-launched missiles, more submarines, more payload, even more ABM (anti-ballistic missile) radars. In no area covered by the agreement is the United States permitted to maintain parity with the Soviet Union.

Something was basically wrong with the administration's approach to such difficult and vital arms control negotiations. In May 1971, the agreements existed only in outline and many critical issues were still outstanding. Nevertheless, President Nixon publicly announced that there definitely would be a U.S.-USSR agreement on strategic arms. In effect, he said we had decided to purchase the house even before knowing the price! The administration then compounded its error by instructing our SALT delegation to see to it that President Nixon had a final agreement ready to sign at the Moscow summit. We thus put ourselves over a barrel. As in all bargaining, the side more eager for agreement at a specified date will pay more to get it. There is clear evidence that the self-imposed deadline led to major concessions by the United States that have had the result of gravely increasing the disadvantages to us of the agreements.

For example, on May 20, just six days before the signing, the U.S. caved in to the Russians and withdrew our key proposal to include in the agreement a mutual ban on the deployment of land-mobile ICBM launchers. On May 26—the very day of the Moscow signing—the President capitulated on the vital requirement to get agreement with the Russians on a common definition of the all important term "heavy missile." The administration resorted to a weak and unilateral assertion as to what we understand a "heavy missile" to be, while the Soviets have chosen even to withhold comment on our definition. The failure to resolve disagreement on this term raises doubt about the central claim that is being made for the agreement: that it will prevent the Soviets from deploying more huge SS-9 type missiles.

The pressures imposed by public relations requirements at the summit made matters even worse. We were still negotiating on the plane carrying the two SALT delegations from Helsinki to Moscow for the signing ceremonies. There existed no copies of the agreement other than the ones signed by the principals so that the press corps was left to rely on vague and partly misleading briefings about the contents of the agreements. The initial press, radio and TV reports from Moscow were full of misinformation. As a result, the false figures circulated in these early stories confused most Americans. Top administration officials are still contradicting each other about what these agreements mean. The full content of the agreements—essential to any evaluation of their import—was not given to the Congress or made available to the public until 19 days after the Moscow signing.

It was only after I made repeated demands for these additional "private understandings" that the administration admitted their existence and announced its willingness to release them.

This is no way to negotiate. If you negotiate this way you inevitably end up with unsatisfactory agreements. And as Robert A. Lovett has warned: "Do not give unilateral concessions, particularly to the Russians. They will not feel gratitude. They will feel contempt for your gullability."

The strategic arms agreements have one overriding fault: They freeze the United States at a serious numerical inferiority in both ICBMs and submarines while they authorize the Russians to continue their buildup. Not only do the Soviets get 1,618 ICBMs to our 1,054 ICBMs, but they are permitted to exercise options that would give them 62 modern nuclear ballistic missile submarines to our 44. The crucial question for the nation and for the cause of world peace is whether these numbers add up to stable parity or unstable inferiority.

Now there are some who argue that "numbers don't matter"—that both sides have "sufficiency" and that therefore the strategic balance is stable. Wishful thinking springs eternal and strong. How curious it is that the people who hold to the "numbers don't matter" doctrine are the same ones who believe that without an immediate arms control agreement the world is in danger of a greater nuclear war. Either numbers matter or arms limitation agreements don't—you can't have it both ways.

Among those who acknowledge that numbers do indeed matter there are those—and I am afraid the administration must be counted among them—who argue that because we now have more MIRV (multiple-independently-targeted reentry vehicle) warheads than the Soviets it is safe for the President to have granted the Soviets (as he has done) a license to outdistance us by 4–1 in payload capacity.

But MIRV is not frozen under this agreement. The Soviets, therefore, can—and will—proceed very rapidly under the agreement to catch up with us in the MIRV field. We know they are hard at work on it. Since the Soviets are permitted so many more missiles than we have and so many missiles many times more powerful than our own (as much as four or five times as large), the Russians could end up overwhelming us in numbers of warheads as well as numbers of missiles and missile size.

In the course of our Senate hearings on SALT—long before the Moscow summit—we warned the administration many times that the Congress, at my initiative, had turned down funds for an ABM site around Washington, D.C., on the grounds it would not be effective. The Soviets could easily overwhelm that ABM site. I was amazed, therefore, to learn that the President had signed an agreement in Moscow that called for a deployment on our part that the Congress had previously rejected while abandoning a sensible deployment that the Congress had approved—namely, additional ABM sites to protect our deterrent land-based missile forces.

I think we must also recognize that the next phase of the SALT negotiations cannot help but be influenced by the outcome of SALT I. Within the five-year life of the interim arms agreement, that is, by mid-1977, we will be in the position of having to ask the Soviets for *parity*. In other words, we will be asking them to give up in SALT II what they have gained in SALT I. Yet what possible reason is there to expect that the Soviets will be willing to do this? Or, more to the point, what political and diplomatic concessions will we be forced to make so that the Soviets will not further widen their margin of superiority? For is it reasonable to believe that the Soviets will not attempt to gain political and diplomatic benefits from the strategic arsenal in which they have invested so heavily, and which we have now licensed them to expand?

I have said on several occasions that increased Soviet strategic capabilities can embolden the Soviets, can increase their willingness to take risks, can harden their bargaining position in negotiations, and can therefore lead to new instability in international affairs. Operating from a much more favorable correlation of forces, the Soviet leaders could be expected to seek fresh advances, especially in the third world.

Nothing that has happened in recent months—whether on the Indian subcontinent, in the Mideast or with the Soviet supplied North Vietnamese offensive across the DMZ—can be cause for altering this assessment.

Summits are difficult at best and a summit in an election year before a nationwide TV audience is a very doubtful instrument of sound diplomacy. One must ask whether we would not have been much better off to continue the SALT I negotiations, do some tough bargaining, and seek secure agreements rather than insist on the hasty signing of less secure ones.

The American people will be bitterly disappointed if the many serious problems in the SALT accords have the effect of both diminishing our security and forcing increases in the defense budget. As the administration has presented its program, there will be no savings in the defense budget as a result of SALT, and already there are proposed increases.

As much as I can understand the desire to believe that the Moscow summit heralds a new era of peace and cooperation, I must say that there is no substitute for facing facts. The Moscow arms agreements, I believe, raise as many questions as they answer.

THE COUNTY ASC COMMITTEES

Mr. NELSON. Mr. President, sometimes, because of our frustrations with modern problems, we tend to overlook the great good being accomplished by many American citizens in on-going, long-term Government programs. A program of this nature which very much deserves credit is that of the county ASC committees which function throughout the Nation in cooperation with the U.S. Department of Agriculture.

Just recently I was reminded of this again when I read the testimony given before the Senate Subcommittee on Agricultural Appropriations by Mr. Boyd Frank of Clear Lake, Wis., which happens to be my hometown. Mr. Frank, as his testimony demonstrates, is the type of selfless American who makes our Government function at its best. His thoughtful and constructive testimony epitomizes the excellent approach of a good organization to one of those persistent problems, soil erosion, that worries all thoughtful Americans. But while many of us just worry, Mr. Frank and his associates are working diligently and intelligently on our behalf. Because of the importance of his work, I ask unanimous consent that Mr. Frank's thoughtful testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BOYD FRANK

Mr. Chairman and Members of the Committee:

I am Boyd Frank of Clear Lake, Wisconsin. I am a dairy farmer and operate a 200 acre farm. I have also served for 13 years on the County ASC Committee and have had a great interest in the conservation of our soil and water of our County, State and Nation.

I certainly appreciate the opportunity to appear today in support of increased funding for the Rural Environmental Assistance Program to 500 million dollars, which was authorized by Congress in 1936. Much has been accomplished in the years past, under the program known as the Agriculture Conservation Program, more recently named the REAP (Rural Environmental Assistance Program). In our State of Wisconsin which I am familiar with and also in other States, I am sure this program has offered much in its more than 35 years of existence.

According to the latest survey of Wisconsin, 52% of our cropland, or 6.4 million acres needs conservation practices applied. Of the 6.4 million acres, 3.6 million acres need the extra protection of terraces, stripcropping, contour farming, grassed waterways and other water outlets and diversion terraces, to properly manage runoff water. 541,000 acres need annual cover of crop residues or other cover crops for protection to meet conservation needs as well as pollution abatement. 566,000 acres need a permanent type of grass or legume cover used in a long rotation so that land is under cover for a longer period of time, maybe five years at a time.

482,000 acres should be planted to trees or left in grass on a permanent basis. Also, there are 1.2 million acres that have too much water and need proper drainage. Of our 2.8 million acres of pasture land, 72% needs conservation practices applied. Nearly 1 million acres need to be re-established to grass and legumes which require lime and fertilizer.

Forest land—14 million acres—48% needs conservation treatment as follows: 3.2 million acres need planting; 3.6 million acres needs Timber Stand Improvement. With these needs and interest by farmers to carry out these practices, many farmers' requests have to be turned down, due to a shortage of funds each year. (As of this date, more than $70,000,000 in requests remain unapproved in our county).

With this great amount of our land that is not under erosion control practices, it is no wonder that the mouth of the Mississippi River is constantly being moved south. As I stood by the Mississippi River in New Orleans, I was told that the mouth of the river was originally at that point, but now it is many miles south and the Mississippi delta which covers 15,000 square miles of land had passed this point. I realized that some of it was from our county and state, and that it was the best part of our soil; the organic matter which is the easiest to move.

This is in fact the greatest loss of our nation's assets, as it is top soil that cannot be replaced by man, but only by nature. It would take 1000 years to build one inch of soil by natural decay of plant growth. With this loss of ½ or 3 inches of our top soil, it is causing the use of larger amounts of fertilizer to be applied to produce crops, and greater losses of fertility due to elements leaching out of the soil. There is a direct relationship between the amount of organic matter and calcium (commonly called lime) in the soil and the amount of nutrients and moisture it will absorb and hold.

As farms get larger, machinery must also get larger to operate these farms. The fields have doubled and tripled in size, causing more opportunity for erosion. There are also larger concentrations of cattle on given areas.

As I see it, our problem of soil erosion and the pollution of our lakes and streams is becoming greater because the amount of land we have to raise crops and use for recreation is less each year. Also, more and more of our land is being covered with concrete, asphalt, or buildings, which causes greater water run-off.

In my observation concerning how government money is spent to control water and prevent soil erosion, certainly that spent on small structures and practices on the land are far more important and outweigh the benefits of those for large dams.

For example—a Corps of Engineers dam in our county and an adjoining county, about 10 million dollars was spent to protect one city, but it did nothing for the protection of soil and control of water on farm land except right near the river below the dam. If this had been used in REAP practices, I am sure all the run-off water and erosion in the county could have been controlled. We also have a watershed that has done a wonderful job. It consists of 11 major dams, and several small dams in the area constructed under ACP funds. This only cost about 1.5 million dollars and covers about 36,000 acres.

I cannot emphasize enough that the duty of sharing the cost of preserving our soil and water, is the duty of each and every citizen. Therefore, the federal government should surely share in the cost with the farmers, who are caretakers of the land only for their generation. The time has come when we can no longer move on to new land, when what we have is the spoils of man's neglect.

Today we also have other problems arising. Air and water pollution from many sources. The one covered by REAP funds pertains to animal waste, which again is brought about by larger units of farming operations where large numbers of livestock are confined in smaller areas. Farmers are aware of what is happening, and are willing to try and do something about it, but they cannot stand the cost involved to correct them without cost sharing. Because of this, there is a greater need to increase REAP funds to include this part of pollution of our streams and rivers. We cannot neglect our other conservation practices on the land. There is also a need for more county SCS technicians to help with technical assistance, and early announcement of the program in July so lay-out and survey work can be done in the fall and plans drawn up during winter months. Our county had 4 and 5 county SCS technicians about 5 years ago. Now we have only 2 and 3. In many cases today, the $2500.00 limit that each farmer can earn, does not cover but 25% of the cost of large pollution control practices, and many erosion control structures, if they are large, due to the fact of increased costs in the last five years. Cost of earth moving equipment has raised from 15 to 25 dollars per hour. With this great part of the cost that must be borne by the farmer, he cannot afford to control the problems on his farm. Many young farmers today do not have over 10% net worth in their operation, and cannot borrow the additional money needed.

I urge you to consider that this cost share limit be raised to $5,000, for large pollution and erosion control practices. I also urge that Congress continues to permit ASC Committees to maintain practices of 1970 and earlier years in their county programs where they feel the need arises. Farmers should have 100% cost sharing on a stream bank fencing practice as he is giving up land on each side of the stream or river, from which he has no source of income. Keeping cattle out of streams is the greatest method I know to stop stream bank erosion.

When local, state and private individuals contribute 114 million dollars per year to help out on water shed protection and for conservation practices and soil surveying; and the farmers have and are willing to match every dollar the federal government will provide in REAP funds; let it not be said by future generations that their forefathers did not care or understand the necessity of controlling erosion and pollution.

Now man has only one choice left. To conserve what he has left of the soil and water, or face poverty and starvation as many of the older countries of the world that did not conserve their soil, have experienced.

This is God's land for today's generation to use and preserve for future generations.

Remember, man cannot survive without the fertile soil and unpolluted air and water.

Let us get closer to the problem by putting ourself in the place of a raindrop.

A RAINDROP FELL

"There's nothing unusual about that, but its environment decides whether it will cause destruction or add to the bounties of the earth.

"I fell to earth, I know not where, but the soil was hard and barren. Small as I was, I moved a small particle of soil. In no time at all, there were millions more like me, and now we formed a body of water. We started moving, taking the path of least resistance, which was easy because there was no plant cover and the soil was smooth. As we moved, we picked up particles of soil, making us more abrasive, causing other particles to move. Soon we had a small ditch started, and as we moved along at an ever increasing speed, we left much damage behind us on the field. Not many of us stayed behind to soak into the soil.

"We met many others coming from another direction, also seeking a lower level. We were no longer a trickle, we were now a stream with considerable more power. Look! There's a sharp curve ahead! It looks like some before had started to cut the bank. We are strong, fortified with good top soil. Each one of us took on a little more, making a great cut in the bank. What was that? A tree just fell behind us! We washed the dirt away from its roots. So on we go, ever increasing in size and power until the river banks will not be able to hold us within its bounds. Just as I thought, we are now beginning to spread out over lush farm land where there is something planted in rows. The dirt is loose and moves very easily. Soon the plants have become our victims and travel along with us. The plants caught on to something, probably a fence which caused us to slow down and back up and spread out over more fertile fields until we can break down the fences. As we slow down, we are losing the soil particles. They are settling back on the ground. Many of these particles we have moved hundreds of miles.

"At last we are back in the banks of the river, leaving destruction untold behind. Some buildings destroyed, roads washed out, crops destroyed, bridges washed away and huge piles of earth moved to where it is of no value, so man will have to move it in order to farm his land. Also along the way we have picked up chemicals and much unpurified sewage, we are not pure and clean like we were when we started out. Certain species of fish cannot live in our environment any longer. As we slow down, we deposit acres of new land that was not here years

THE UNIVERSITY OF MICHIGAN LIBRARIES

XUM

ago. Now we are mixing with other water which seems salty. We must have reached the ocean! What will my destiny be?

"A few years later! Something is happening! I'm being picked up as vapor into the air and carried by wind and clouds out over the land. Suddenly some cold air is encountered and condensation takes place. Down I come as a rain drop once more. Where will I land? If it is the same area as before, great changes have taken place. This is called conservation, maybe even a watershed area. That was a soft landing. Either trees or grass has been planted here. There are millions of us here, but we aren't moving fast. Many of our number are soaking into the soil, as we move slowly down the slope, to provide moisture for the crops until more of us arrive.

"At last we are forming a body of water, but we are quite clear yet. We have very little soil with us. Maybe we can move some now. Guess not! This must be a terrace as there is not much slope and we move very slow. What's ahead? Looks like a creek, but it seems different. It must be a sod waterway or a diversion.

"There is grass on the bottom and on the sides, and we are moving toward a larger body of water. Must be a structure to hold water back, but I am clean, and not carrying much soil with me. I think there are fish in my presence. Look! On the bank there is a boy and a girl fishing. Is it a farm boy and girl, or is it a boy and girl from the city, who may never have come so close to nature before?

"Well, I must say, this journey was shorter than the last one, and not as exciting as I caused no destruction. But I am proud that someone was caring for his land and conserving the water for the benefit of all mankind."

Thank you, gentlemen, for the opportunity of sharing some of my views with you today.

A TRIBUTE TO EDUCATION

Mr. PROXMIRE. Mr. President, education has played a unique role in the history of our country. Our educators are probably best known as innovators, but let us also remember that we are the first country in the world to have provided universal education for our children. We are continuing to devote increasing resources to the education of our citizens.

The presence of not only a literate but also a knowledgeable citizenry has contributed to the rapid economic development which has characterized our past. It has also been essential to the proper operation of our political process.

If we are to continue to improve the quality of life for all of our citizens, we must place high priority on education in the future. We must be willing to provide educational opportunities which satisfy the needs of our diverse citizenry. Only when we have an equality of opportunity, allowing people to develop their talents to the limits of their abilities, will education have gained the position which it must have in our society.

BARBITURATE LEGISLATION SUPPORTED BY SENATOR FRANK E. MOSS BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. BAYH. Mr. President, I commend the Senator from Utah (Mr. Moss) for his support of two bills which I have introduced relating to barbiturate drugs. S. 3538, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products. This would facilitate police efforts in tracing barbiturates diverted to the illicit market back to the original production and distribution sources. S. 3539, would provide for the rescheduling of four commonly abused short acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls as well as to more stringent import and export regulations.

These two bills attempt to deal with the most significant aspects of production, distribution, and diversion of the short-acting barbiturates. I welcome Senator Moss as a cosponsor of both of these needed pieces of legislation.

Mr. President, Senator Moss has supplied a statement for the hearing record relating to barbiturate legislation that I held on June 12 and 13, 1972. For the benefit of Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRANK E. MOSS

Subject: S. 3538 and S. 3539, to curb Drug Abuse.

Mr. Chairman, I commend you and the Subcommittee for holding hearings on these bills (S. 3538 and S.3539), which place misused drugs under greater restrictions.

All too many of our citizens—and our young people especially—are using, and misusing, barbiturate drugs. Because they are inexpensive, they are readily available. We have all known young men and women whose wide use of "Downers" has brought tragedy into their lives.

The abuse of psychotropic drugs has been increasing at an alarming rate. On the street these sedatives are known as "Red Devils," "Red Balls," "Rainbows," "Goofers," and "Downers."

This abuse, however, is not limited exclusively to the street culture. More and more these drugs are being introduced into our American way of life. Drug abuse has been introduced into such diverse groups as college, high school, and junior high school students, industrials workers, businessmen, middle-class party-goers, and members of the Armed Forces. Even children in the fourth grade of grammar school are not immune to the dangers of these drugs.

It has been estimated that as many as four million school age youth have abused barbiturates and that this trend is gaining momentum. One concerned medical doctor noted that because of the ready availability and low prices of these drugs, 1972 may be known as the "Year of the Downer." I quote Dr. Sidney Cohen of the U.C.L.A. Center for Study of Mind-Altering Drugs:

"Downers seem to be coming on fast especially among the very young. Why is this so? For the youngster barbiturates are a more reliable 'high' and less detectable than 'pot.' They are less strenuous than LSD, less 'freaky' than amphetamines, and less expensive than heroin. A school boy can 'drop a red' and spend the day in a dreamy, floating state of awayness, untroubled by reality. It is drunkenness without the odor of alcohol. It is escape for the price of one's lunch money."

The Task Force on Drug Abuse reports the use of barbiturates is now more widespread than the use of heroin, and that overdoses of barbiturates are even more frequent. Moderate doses of these drugs tend to relax and calm one's nerves. Yet, an overdose has the opposite effect on the user. Rather than tired or drowsy, the experienced user feels high, light, euphoric, and rather divorced from reality.

The momentary euphoric illusions produced by barbiturates, however, are far exceeded by the potential dangers inherent in the drug.

Withdrawal for an experienced user will be marked with severe symptoms including tremors, insomnia, convulsions, delirium and high fever. These withdrawal effects of barbiturates are more likely to be fatal than any other drug including heroin.

Many pushers, evidently, obtain their merchandise through legitimate channels. Forged prescriptions, and duplicated prescriptions are employed by some users. Theft, employee pilferage, foreign drugs markets, and even the family medicine chest are other frequent resources relied upon. Barbiturates are easily obtained and can be purchased for a very low price. Our responsibility, in dealing with this problem, is to locate the points at which these drugs are diverted from legitimate to illegitimate channels and offset the diversion.

In an attempt to curb misuse of barbiturates, corrective legislation must be supported by the Congress. S. 3538 would require manufacturers and producers of oral form barbiturates to place identifying marks or symbols on their products. This would enable immediate identification of the original source of the drug and also facilitate the tracing down of the intermediate pushers and the point of diversion from legal to illegal channels. In addition, S. 3839 would provide a rescheduling of four commonly abused short-acting barbiturates from schedule III to schedule II of the Controlled Substances Act. Rescheduling would place the specified barbiturates under stricter production, storage, and distribution controls. This move would allow us to limit the surplus of barbiturates that are presently on the market.

I give my support to these two bills, Mr. Chairman. I realize that the Congress and the Administration have progressed a great distance since the initiation of our drug concern over three years ago. But even with the progress that has been made, no one can be oblivious to the formidable agenda which remains before us. It is evident that legislative efforts must not be relaxed until this menace which has already raged way too far out of control is caught and obliterated.

I hope these bills will soon be considered on the floor.

PROJECT SANGUINE

Mr. NELSON. Mr. President, since 1968 I have been raising questions in Congress about Project Sanguine, the Navy's proposed system for communicating with our worldwide nuclear submarine force. My specific concerns have been related to the possible serious environmental damage from the system and whether or not the system is in fact feasible.

These concerns have been shared by a large number of people in Wisconsin, one of proposed sites for Sanguine, and by many distinguished scientists from my State and throughout the Nation.

My further concern has been that the Congress would appropriate funds to deploy Project Sanguine prior to a resolution of the environmental and workability questions.

Now, however, after a series of conferences with naval personnel, including Admiral Zumwalt, Chief of Naval Operations, we have been specifically assured for the first time that the funds requested for Sanguine for fiscal year 1973 will not be used in any manner whatsoever for deployment and are, in fact specifically earmarked for further research on the system's feasibility and environmental impact. The Navy has assured me in writing that the $12 million request on which the Congress will soon make a decision is only for the pilot project and that no decision for deployment of Project Sanguine in Wisconsin or elsewhere has been made.

Furthermore, I have been assured that the report of the Senate Armed Services Committee on this matter will also make clear that Project Sanguine will continue in the developmental stage for the next few years. Any decision to deploy the system will be dependent upon the feasibility and environmental studies.

Because of the importance of this matter, I ask unanimous consent that the correspondence I have had with the Navy on this point be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., June 6, 1972.

Hon. JOHN W. WARNER,
Secretary of the Navy,
The Pentagon.

DEAR MR. SECRETARY: Congress will soon be making the decision on the Navy's proposal that, in fiscal year 1973, Project Sanguine be advanced to the "Validation" phase and that some $12 million be appropriated for this purpose. In a continuing effort to evaluate the program, there have recently been a series of Naval briefings as well as a productive meeting between Naval scientists working on Project Sanguine and distinguished scientists who have asked probing questions concerning the technical feasibility of the system.

This letter is being written, prior to Congressional action, based upon my interpretation of the series of conference between myself, my staff, independent scientists, and Navy representatives over the past few months. It is for the purpose of reviewing the status of Project Sanguine and the FY 1973 proposals for it.

1. TECHNICAL FEASIBILITY

Scientists working on Project Sanguine are convinced that the practical feasibility of the communications system has been demonstrated. The Navy proposes, in FY 1973 to further test the practical aspects of the system during this test or development phase. Other eminent scientists, outside the program, express serious reservations concerning the technical feasibility of it.

Bearing importantly on this divergence of views is the need, raised both in the National Academy of Sciences report on Sanguine and by the distinguished scientists who have been critical of it, for a full-scale discussion in the national scientific community of the technical questions involved.

Sanguine obviously involves different theories and techniques of communication that have not had wide-spread, careful analysis by the scientific community. It is my understanding that the Navy agrees that the unclassified data respecting technical aspects of this system should be widely published in scientific journals so that it can be evaluated by experts in all of the scientific disciplines involved and the Navy agrees to make the unclassified data available.

In my opinion, the question of the practical feasibility of the system remains open until the scientific community has had ample opportunity to evaluate the data.

2. ENVIRONMENTAL IMPACT

In March, 1971, the Navy said, in its draft environmental impact statement on Sanguine, that it could build such a system compatible with the environment. Among those critical of this report were the environmental subcommittee of the Governor's Ad Hoc Committee on Sanguine in Wisconsin; the U.S. Army Corps of Engineers; and the U.S. Forest Service, which questioned the entire test procedure because of the lack of previous information on the test sites prior to their development.

In addition, preliminary results of tests, conducted by the Hazelton Laboratories of Virginia under contract with the Navy, indicated seed growth retardation, avoidance of electrical fields by aquatic life, mutagenisis of fruit flies (at a rate "too important to be neglected . . ."), and other potentially serious acute and chronic effects from Project Sanguine.

Recently, in April, 1972, the Navy filed a second environmental impact statement, which, based on pilot projects, concludes essentially that Sanguine will not have a substantial adverse effect on the environment. While their evaluation of this document is not yet completed, I am informed that the environmental subcommittee of the Governor's Ad Hoc Committee is critical of this statement for much the same reasons raised with the first statement. The subcommittee expects to issue a critique on this environmental statement on June 15, 1972.

Of course, environmental research on Project Sanguine is continuing. There are now studies being conducted at nine colleges or universities, some of which started as little as a month ago, and most of which will be completed in a year or so. Also, the Navy's FY 1973 proposed budget for Project Sanguine earmarks some $400,000 for continuing environmental study purposes.

Therefore, the question of the environmental impact remains unresolved for the time being.

I would like also to note that the Navy advises me that a final decision on the site for Project Sanguine has not been made. It is also the position of the Navy that continued testing at the existing site is essential to complete development and evaluation of Sanguine regardless of ultimate site location.

In summary, it is my understanding in my discussions with the Navy that the FY 1973 appropriations on which the Congress is asked to act involve only continuation of research and development ("Validation" phase) and do not include any funds for the Final Development and Deployment phases. I would appreciate being advised if my interpretations of these conferences do in fact represent a correct view of the status of Project Sanguine and the purpose of the funds requested for FY 1973.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1972.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In your letter of June 6, 1972 you requested Navy confirmation of your interpretation of recent events affecting the status of Sanguine and the purpose of the funds requested for FY73.

I am pleased to advise you that your understanding of the efforts planned for Sanguine in FY73 are correct. I have enclosed a copy of the letter recently sent to the Chairmen of the Committees on Appropriations and Armed Services which also discussed the Navy's plans for Sanguine in FY73.

The technical feasibility of Sanguine has received considerable study and review for over ten years. This work has been supported by actual communications experiments with submerged submarines to test all aspects of the system. The recent National Academy of Sciences/National Academy of Engineering report supported the technical basis used by the Navy in developing the Sanguine concept.

As you correctly noted the Sanguine system involves concepts and theories that have not been extensively utilized in other systems. This is one of the reasons for the long and careful Navy research and development efforts since 1958. There are always some differing opinions on new scientific concepts. These can be best resolved by conducting actual experiments to test applicable theories while at the same time conducting scientific/technical discussions with all interested parties. The Navy has in the past and will continue in the future to encourage publication of unclassified technical material by the scientists working on the project. Considerable technical material was recently provided to Sanguine critics which should assist in their understanding and evaluation of Sanguine. The Navy will continue to cooperate in providing unclassified information regarding particular technical areas.

Several technical and professional societies will have sessions during the coming year specifically devoted to scientific papers on Sanguine. Several of the technical critics have indicated they will participate in these sessions which should provide a forum for meaningful technical exchange.

The Navy is not yet in a position to make a final assessment of the environmental impact of the *construction* and *operation* of an operational system. Environmental research is continuing and there has not been a decision on a final site or design. The recent Environmental Impact Statement (EIS) states there will be no adverse impact during the next four years of development. I must emphasize that this statement covers the remainder of Sanguine development only, and there is no intention that it be construed to be a statement of final impact, which as you know will be dependent upon results of this next phase as well as the exact location of the site. The present EIS does contain the current assessment of the potential impact from construction and operation of a Sanguine system. The final evaluation will be submitted in an updated EIS prior to requesting authorization for construction of an operational system.

The funds requested for Sanguine in FY73 are for continuation of research and development as part of the Validation Phase of the major defense systems development and acquisition cycle. Approval of these funds, and the conduct of the Validation phase, do not constitute a commitment to full scale development or production of a Sanguine system. Development needs to proceed in order to insure that future decisions on full scale development are based on availability of all necessary factors, including environmental issues.

The FY73 efforts for Sanguine do involve contracting with industry for competitive preliminary development tasks and continued testing at the existing Wisconsin Test Facility. The operation of the test facility will continue as in the past with only the addition of buried cable tests to provide additional data on cost, environmental considerations and antenna radiation factors.

I believe the recent discussion and reports made available including the NAS/E report will do much to provide a basis for future consideration of the Sanguine program.

Sincerely,

ROBERT A. FROSCH,
Assistant Secretary of the Navy.

DECISIVE ACTION TO HELP MINORITY ENTERPRISE

Mr. HUMPHREY. Mr. President, harsh statistics point to the continued exclusion of minority groups from the economic mainstream of America. In 1969, blacks in the United States owned and operated some 163,000 business enterprises—primarily limited to retail and service businesses—with receipts totaling $4.5 billion, or substantially less than even one percent of all business receipts in the Nation. Businesmen of Spanish ancestry owned and operated 100,212 business enterprises with receipts of $3.4 billion.

There are still only a handful of black-owned radio stations, no black-owned TV stations, and only a few black-owned newspapers of any size. Minority investment banking institutions remain extremely limited in number. And dollar receipts in 1969 for minority construction contractors totalled only $947 million—1 percent of the receipts for all firms.

The support of minority enterprise must now be viewed as an essential national policy, just as it has been deemed a national interest to provide extensive assistance to underdeveloped nations.

AN EQUAL ROLE IN THE AMERICAN DOCTRINE

We must move beyond support for minority-owned businesses at the edges of the American economy, to champion the right of minorities to expanded ownership of the instruments of that economy itself. Talk about capitalism is meaningless, unless blacks, Spanish-surname peoples, and Indians can compete, head to head, with the white businessman for the business of the white and as well as their own communities—with factories, trucking companies, banks, mortgage loan companies, and wholesale houses.

Participation—self-help — economic power—these are essential elements in any process of deprived inner-city residents becoming productive, self-sustaining, and involved members of society—and of bringing new economic vitality to inner-city neighborhoods. Being left only to do something for somebody else denies the right to equality of self-respect—of pride. Millions of Americans struggling to survive in the urban ghetto or the poverty-stricken rural county want businesses where they are, and employing the residents of their own areas, but serving the total community. They rightly demand the chance to succeed within the system.

FINANCIAL INSTITUTIONS, CAPITAL, AND TECHNICAL HELP

In 1968, as Vice President, I convened a working group of top Federal officials to make an intensive analysis of minority entrepreneurship, out of a fundamental conviction that this represented a major new direction in moving bevond the legislative victory of 1964 to establish equal rights under law, to achieve the critical objective of establishing genuine equality. I am gratified that several of the basic recommendations I made on the basis of the conclusions of these work sessions—for example, new programs to be initiated through the Department of Commerce and Small Business Administration—have been carried through in recent Federal programs of assistance to minority enterprise.

But there is much more that can and must be done now to enable minority peoples to undertake community self-help economic development and to participate directly in the American economy.

I fully support and would implement the recommendation of the Congressional Black Caucus of the establishment of an independent, publicly funded minority economic development bank with an annual appropriation of at least $1 billion, to provide the direct infusion of capital that is critically needed by minority businesses if they are ever to overcome debt-servicing costs and credit limitations that prevent them from reaching the level of business activity that can sustain their further growth.

Four years ago I presented a detailed program for the establishment of a national urban development bank, to provide and guarantee loans to inner-city businesses, to fund nonprofit neighborhood development corporations, to offer loans to business cooperatives established to strengthen purchasing power and product distribution, and to assure representation of core city residents on bank boards.

There is a critical need for minority owned and controlled financial institutions, and I would require that this be a priority agenda for such Government agencies as the Federal Home Loan Bank Board. In addition to providing adequate capitalization and enabling these institutions to make loans at a reasonable cost to minority businessmen, we must assure that minority-owned banks and investment companies have expert technical assistance—under Federal policies that emphasize help rather than surveillance.

I would propose that specific legislative authorization be given to the Federal Deposit Insurance Corporation to use a portion of its assets to provide technical assistance to minority banks. But I would go further to make extensive technical and management assistance a guaranteed addition to loans to minority small businesses. Advisory committees should be established at the Federal, State, and local levels, of competent people in the field of business management, who can work with and continuously advise a new enterpriser. And we should build upon present business executive volunteer programs connected with the Small Business Administration, by creating a permanent and expanded service that assigns a business consultant to each minority enterprise loan to provide firsthand management assistance.

But we must also greatly increase the number of black, Indian, and Spanish-speaking business managers and consultants. This must be a central part of Manpower Development and Training Act programs, and a recognized area of Federal education and on-the-job training assistance for veterans, bevond existing federally assisted higher education programs and opportunities provided through programs run by the National Alliance of Businessmen, which must also receive substantially increased support. And I would require that minority-owned technical assistance firms receive a fair share of grants under Section 406 of the Economic Opportunity Act to provide consultant services to minority entrepreneurs, in contrast to present practices.

LOANS AND CONTRACTS FOR MINORITY ENTERPRISE

The central problem confronting minority small businesses, however, is undercapitalization. Far too often, they find themselves strapped to loan commitments that go to pay immediate overhead costs, rather than provide an equity investment to move ahead and expand operations to complete effectively with larger firms.

Not only must there be a substantial increase in the lending authorization of the Small Business Administration, and basic reforms to enable minority enterprise small business investment corporations to operate with adequate capitalization, and to extend higher loans at reduced interest rates, but we must also assure that a fair share of Federal small business loans actually reach minority enterprises.

Over one-third of all SBA loans were made to minority businesses in fiscal 1971, but minority enterprises received only 19 percent of the total amount of money loaned by SBA. And the percentage of both the number of loans and the total dollars loaned to minority firms actually declined in fiscal 1971 from what it had been the previous year. I am determined that the all-too-frequent story of minorities falling further and further behind in their share of the action will not be repeated in the next administration.

Further reforms must be made in Federal contract policies to assure minority firms effective participation opportunities, to provide effective assistance for these firms to meet contract standards as in bonding, and to enable them to sustain operations upon contract completion or termination after having substantially geared up production, staff, and budget. Such reforms must accompany the substantial enlargement of SBA's section 8A program that assigns Federal Government contracts and subcontracts to businesses owned and operated by minority groups or businesses that hire the unemployed.

It should also be a policy of the Federal Government that contractors working on federally assisted and financed projects should set aside a specified percentage of their subcontract work for minority firms.

FEDERAL REORGANIZATION

Fundamentally, however, in establishing effective assistance for the promotion of minority enterprise and community development across America, there must be a reorganization of Federal agencies to implement this national priority. The President's Advisory Council on Minority Business Enterprise, in its report of June 1971, presented a detailed discussion of alternative routes toward ending the fragmentation of Federal programs and for mobilizing Federal resources for expanded ownership and participation by minority peoples in the American economy. I believe that recent centralization-of-authority directives by the President in this area will not be adequate measures by which to accomplish these objectives.

I propose the establishment of a Cabinet-level Department of New Enterprise and Economic Development. I believe this reorganization is essential to combine authority and resources in numerous but uncoordinated Federal programs, to assist minority enterprise, small business, and poverty-stricken urban and rural areas to participate in a strong and growth-oriented American economy. And I endorse, as part of this program, the central recommendation of the Advisory Council that 100 local delivery centers be established in local urban and rural target areas to provide "one-stop-packaging" for the delivery of financial, managerial, and technical assistance. I would emphasize that these centers be staffed by public, private, and minority representatives who know the needs of the local area at firsthand and are committed to its development—they must not become another layer of bureaucracy which those seeking help must endeavor to surmount.

Finally, we must recognize that the growth of black and other minority businesses will be directly tied to the rebirth of America's towns and cities. It is to accomplish a major national investment in this rebirth that I have introduced the National Domestic Development Bank Act and am continuing to develop a legislative program focused on national growth policies for the decade of the 1970's.

In this work, I am committed to achieving the goal set by Senator Robert F. Kennedy, who called 4 years ago for building in the poverty areas of America, "a community of freedom of private initiative, a new community of self-pride and self-determination."

A VALEDICTORY ADDRESS

Mr. MATHIAS. Mr. President, on May 18, I had the honor of speaking at the commencement ceremonies of the Anne Arundel Community College in Arnold, Md. It was delightful for me to be able to speak to all the fine graduates, their families, and friends. But what I found most impressive was the thoughtful and searching valedictory address of Mrs. Carla Snuggs, an address dealing with America's transient youth. I commend it to my colleagues and request unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

VALEDICTORY DELIVERED BY CARLA SNUGGS

Senator Mathias, President Ludlum, Fellow Students, Parents, and Friends: Youths present visible problems in the community, by the way they dress, by the way they wear their hair, and so on. Transient youths move invisibly among us. They move invisibly both by choice and because we don't want to recognize them.

Much has been said in recent years about minority groups: blacks, Indians, women. Women have even been recognized as a legal minority. But what about youth? They seem to me to be a neglected minority. They are disenfranchised, and an increasing number of youths is mobile.

This large group of youth transients has been described by the Canadian Council on Social Development as being . . . between 13 and 22 years of age, temporarily or permanently living away from home and with no settled residence or occupation and no certain means of support. They may be in transit from one city to another. They may be relatively permanent visitors to the inner city of a metropolitan centre, having moved in from the surrounding suburbs or from other parts of the province. They may be young people on the move within their own city.

The most prevalently discussed group of youth transients in this country are the runaways. A few years ago, people seemed to feel that runaways were part of a fad that would diminish once youth revolts became less frequent. Violence on and off campus has slackened, but the number of runaways has increased. The problem of runaways was discussed recently in the April 24th issue of *U.S. News and World Report*. Detroit, Chicago, Atlanta—all reported an increase in the number of runaways, according to the article. The ratio of girls to boys running away has changed significantly over the last few years. The number of girls now equals or exceeds the number of boys in most American cities.

The article also states that glamour cities, such as San Francisco and Los Angeles, seem to have fewer runaways from other parts of the United States now than they did a few years ago. Why? More young people seem to be staying closer to home. But staying *near* home is not the same as staying *at* home!

In a program proposal by Caroline Martin, she recognizes the crisis of transient youth and offers some insight into the kinds of problems encountered. Three hundred fifty thousand parents reported their children missing in 1970. The Federal Bureau of Investigation estimated that three times that number of American youths were moving around with their locations unknown to their parents. The FBI theorized that many parents were too embarrassed to acknowledge the problem to the authorities and that some just did not want to help for reasons of their own. The figure has increased. Last year, over 60,000 young people left home in Maryland alone.

Briefly, for a few days, the young people have few problems. Over a longer term, Mrs. Martin says, they wind up existing below poverty level; they are unemployed—without direction—and have no relation to the community. In short, these people have nowhere to turn. As a result, they are compelled to meet strangers who offer them drugs, possibly rob them, teach them to survive in the crime circuit, sometimes injure them and so forth.

Among these youths, there is a high promiscuity rate. Veneral disease is common. The girls often become pregnant. Both for them and for their parents, this is a period of physical and mental anguish.

The reasons that young people choose to travel are innumerable. They want to see new places or wish to escape unbearable home situations. They fail or are unable to find jobs. Many are drop-outs from high school or college.

Europeans have long had a network of hostels readily available to youths to take care of the summer exodus from school or the winter vacation periods between terms. Canadians recognized the phenomenon of transient youth several years ago and established effective ways of helping them to remain safe. Canada has a national network of hostels that offer protection to the young. They are generally limited to a three-day stay, but if there is some extenuating circumstance, such aa sickness, the stay can be lengthened. Nutritional food is supplied at the hostel. Both food and shelter are provided at a minimal cost to the young person, say roughly 50¢ per day. Provision has been made for the licensing of youths so that they can travel in safety, so long as parental consent is given. Medical and dental care are available. Counselling and referral services function in cooperation with the local community agencies. The young people are offered the means to communicate with their families, if they so desire.

In this country, a limited number of shelters have been established: a total of 100, and in the rest of the world, it has taken 45,000 to do the job. Marylanders are now taking a leading role in trying to establish a coordinated network of hostels. Toward the end of recognizing and dealing with the problem of transient youths, several new groups have taken action this spring. They have recognized that young persons on the move represent a poverty group. These are the poorest of the poor, because of their age and inexperience. They lack skills and are unable to find jobs. These young people are ineligible for welfare. Often they need parental consent to work. A newly found agency in Annapolis hopes to report its findings to the governor, the legislature and the mayor of Baltimore.

This past March, Delegates Allen, Menes and Hopkins presented a House Resolution related specifically to traveling and runaway youths. And finally and most importantly, the United States Congress, under the leadership of Senators Mathias and Bayh, introduced a most comprehensive bill for the protection of these youths. In it, they recognized the problem of youth transients and took a step toward the consideration of national legislation that would alleviate the problems regarding youths, particularly those moving across state lines and the laws that govern their freedom. One proposal is being drawn up as a model. According to it, a network of youth hostels would be set up throughout the state. The first one would be established in Annapolis, with a second one being introduced in Ocean City shortly thereafter. Ultimately, there would be twenty at selected points throughout the state so that these youths could travel from one hostel to another in safety.

Youth, by nature, is on the move. Youth is a time of discovery; young people lack the ties and commitments that bind others to one place. Among the people leaving now, there are probably some who will belong to the group of transient youths. I want to wish them luck, and to be sure that they are aware that something is being done by people like Senator Mathias to help them. Just as they will take their education with them, they will take another help on the road. It will be a kind of moving university.

Lastly, when your parents hear the television question, "Do you know where your children are tonight?" they can rest a little easier, knowing they *can* be safe in a youth hostel in Maryland while they continue their education in a type of dormitory that moves with them.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on the evening of Thursday, June 15, and on Friday, June 16. During my absence, the Senate held three record votes on which my position was not recorded. If present and voting, I would have voted "yea" on Senator TUNNEY's appeal to the floor of the Chair's ruling on a point of order, "yea" on final passage of H.R. 14989, and "no" on the Allott amendment—No. 1241—as modified.

In addition, on the Hruska amendment—No. 1236—I have been recorded, if present and voting, as though I would

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have voted "no." I should be recorded, if present and voting, as though I would have voted "yea."

STATEMENT OF U.S. SENATOR ROBERT T. STAFFORD IN JOINING IN "A SALUTE TO EDUCATION"

Mr. STAFFORD. Mr. President, I think it is most appropriate as I rise to join in "A Salute to Education," that I call the attention of this body not to my own views, but to the dedication to education of the citizens of my home State of Vermont.

Although Vermont, because of its size, ranks near the bottom of the list of States in terms of total population and total financial resources, I am proud to note that my State ranks second among the 50 States in the financial effort it makes to support its public schools.

The latest figures compiled by the National Education Association show that local and State revenues for public schools represent 7.4 percent of the total personal income of Vermonters.

That effort is almost 50 percent higher than the national average, and stands as remarkable evidence of the importance Vermonters attach to the value of education. Indeed, when it comes to supporting public education, Vermonters put their money where their words are.

A SALUTE TO EDUCATION

Mr. HARTKE. Mr. President, education is the cornerstone of American democracy. To function properly, our institutions and the principles on which they are based require an informed and aware public.

I am particularly proud to join my colleagues today in saluting the American elementary and secondary education system which serves more than 40 million students. Our schools have sought to provide the highest quality of education to all of the young people of the Nation.

In these times of social change, schools are beset by many serious problems, but none of these dilemmas is without a solution. We must not forget our responsibility to assure that every American child receives a quality education to the full measure of his or her potential and interest. There has been far too much tendency in recent years to make short-term political gains at the expense of our schools and their problems. In the final analysis, we must either make the commitment to quality education for all—with everything which that commitment implies—or else we must pay a far higher price in loss of human productivity and worth—with everything which that implies.

American education has accomplished so much for the Nation, yet it is too often taken for granted. This week, the National Education Association is sponsoring a "Salute to Education." We can honor this organization and the educational system it seeks to promote and improve by supporting new and bolder legislative initiatives which seek to provide a higher standard of education for Americans.

COMMENDATION FOR KANSAS TEACHERS

Mr. PEARSON. Mr. President, today, and for decades to come, teachers face some of the greatest personal and professional challenges in our Nation. Responsible for the education of our youth, they must keep pace with increasingly complex advances in their profession and in the fields they teach.

Teachers and school administrators have the opportunity to provide innovative leadership in their profession, their communities, and the Nation as we search for new answers to age-old questions about education. I am certain that they will meet the challenge of the future.

For their dedication to excellence in education, and their continuing efforts to improve the quality of education in our Nation, I commend the teachers of Kansas and the Nation.

JUSTICE

Mr. McGOVERN. Mr. President, the recent attempt on the life of Governor Wallace is another shocking reminder of how far we Americans have still to go in achieving a society free of violence and terror. Often it must seem even to the most optimistic nature that this great Nation bears a kind of curse which condemns it to live eternally under the shadow of the gunman with no one ever safe—not the presidential candidate from the assassin, not the ordinary citizen from the mugger, not the woman from the rapist, nor even the child from the narcotics pusher. A reading of the daily newspaper with its depressing reports of crime, especially in our big cities, sometimes calls to mind the Hobbesian definition of the state of nature where human life was "nasty, brutish, and short."

Still I would urge those who are tempted to despair of our society, particularly those who would recommend a diminution of our freedom in order to gain a climate of so-called law and order, not to give up too soon.

I would urge them to keep a sense of balance in analyzing the admittedly grave problem of crime and lawlessness, and to remember that for all the problem's gravity, the vast mass of the American people are profoundly law-abiding. Only a tiny percentage of our population fails to meet Edmund Burke's qualifications for civil liberty.

Burke said:

> Men are [so] qualified in exact proportion to their disposition to put moral chains on their appetities. . . . It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions form their fetters.

Since most of us are guided by these standards and thus earn the right to be free men and women, any governmental response to the lawless minority which would reduce our freedom is patently unjust and excessive. The teacher does not discipline the entire class when one or two pupils misbehave. A government of free men does not—or should not—buy discipline and public order with the precious coin of individual liberty.

If I am elected President I will do everything in my power to reduce crime and to enhance the public tranquillity. I have no doubt but what this can be accomplished without impinging on the constitutional rights of the American citizen.

Why do people commit crimes? It is not necessarily that we are a violent society. Neither would I suggest that the deaths of John Kennedy, Robert Kennedy, Martin Luther King, Jr., and the shooting of Governor Wallace are symptomatic of a sick, beserk society. They were individual acts of violence, unrelated, in every case, to any identifiable social or political force at work within this society.

If the assassin's crime is often motiveless, street crime is not. The purse-snatcher, the mugger and the car-stripper want money. They want money because they often have no other means of getting it. When Willie Sutton was asked why he robbed banks, he said:

> Because that's where the money is.

There's no justification, of course, but the dismal fact remains that the street criminal is almost always the product of poverty and alienation.

To deplore street crime and not deplore the conditions that provoke it is senseless. And yet those who rail against such crime are the first to rail against the expenditure of public funds to alleviate poverty and frustration.

And this cynicism—a crime itself—is compounded by the corruption and the mismanagement of far too many of the funds Government does allocate to the economic ghettos and the barrios. There are too many layers of patronage between the appropriation and those it is meant to serve.

As President, I would appoint a Secretary of Health, Education, and Welfare whose first charge from me would be to slash through the bureaucratic jumble—Federal, State, and local—and see to it that the dollar earmarked for impoverished areas gets there without political deductions along the way.

But the failure and waste inherent in much of our antipoverty effort is too apparent for me to belabor the point. It is enough to say that we are doing a miserable job of combating those conditions that produce crime.

What of our courts? They are clearly the victims of a "litigation explosion," which results in unconscionably long delays in bringing offenders to trial. Never before in our history has there been greater congestion in our Federal courts. Nearly a third of all Federal criminal cases have been pending for more than a year. The case overload in most State and local courts is even more onerous. Everyone suffers—not just the accused and the accuser, but the taxpayer who must bear the cost of interminable incarceration of the offender.

WE NEED A "POLICEMAN'S BILL OF RIGHTS"

The President, of course, has jurisdiction only on the Federal level. I pledge that U.S. attorneys and Federal judges will be appointed in a McGovern administration solely on merit and without regard to political sponsorship or pressures. I frankly do not think the answer to court congestion is more Federal judgeships. The answer is more efficient management of the courts we already have. I support the recommendation of the American Law Institute for an intensive review of the jurisdiction of the Federal courts; the application of the most modern managerial techniques in processing the case load, and the creation of extra-legal occupations that would relieve judges and Federal attorneys of the paperwork they now have to contend with.

I would ask Congress to enact a strict timetable for the trial and appeal of Federal cases, to allow no more than 60 days to elapse between arrest and trial.

Complementing this, I would recommend more stringent control of defendants who are freed pending trial. For example, any defendant charged with a new offense while awaiting trial or while on probation or parole, would automatically be reincarcerated. At the same time, those who do not violate their release should be given help in finding work to sustain themselves until they come to trial.

What of the peace officer? Again, "law and order" rhetoric has done nothing to relieve the peace officer of either the danger or frustration of his work.

We expect the policeman to carry out his functions with the skill and wisdom of lawyer and judge, usually without the benefit of more than token education in law. And we continue to pay him a salary grossly out of line with the risks and responsibility of his profession.

In March of 1971, I proposed that we create a "Policeman's Bill of Rights," modeled somewhat on the GI bill of rights. It would provide the peace officer with additional education while remaining on full salary with his department. Many recent court decisions affecting evidence, search and seizure and defendants' rights are so complex that a lawyer has difficulty understanding them, yet the police officer is expected to apply them without error on a street corner and, often, in highly dangerous circumstances.

The additional police education I propose would include a study of such new complexities in the law, and it would greatly strengthen law enforcement as a profession.

We come, finally, to our system of penology. It is, generally, a failure, and the percentage of recidivism proves it. Most of our prisons are nothing more than warehouses where the offender serves out his time and walks out the gate—only to return a month or a year later.

The fact is that we do little or nothing to prepare the felon for a productive life outside the prison. There are not many jute mills or license plate fabricators in the outside world. And when we do teach the prisoner a skill, it very often is obsolete by the time he has a chance to use it or requires a union card in a trade where many union members are already out of work.

I believe we have to apply to our prisons the same guidelines we use in vocational schools; the anticipation of skills that will be in demand 5 and 10 years from now. At the moment, we are training most prisoners to be unemployable.

It is also clear that we put too many people in prison. Ohio estimates that it could free 40 percent of its prison population tomorrow without danger or violence to its citizens. Other States put the figure at 75 percent.

The nonviolent offender—the forger or bigamist, for instance—does not belong behind walls for long periods of time. He is certainly no physical risk to society, and most unlikely to commit another offense under strict parole supervision.

Steps should also be taken to provide less variance in the sentencing of convicts in different courts. It is a source of great resentment and anguish to men in prison that for similar crimes one man may be sentenced to 20 years in jail while his cellmate who has committed an almost identical offense may be sentenced to 5 years.

It might be well for every judge to begin his career on the bench by living inside a prison for 10 or 15 days so that he better understands what his sentences mean in human terms.

Our prisons are, without doubt, overcrowded. And this is responsible for much of the violence that occurs within their walls. Most of our prison population would be better served and ultimately better able to rejoin society if confinement were limited to small, community-based units, in which the inmate would have greater contact with his family and greater opportunity to obtain employment in advance of his release.

If we stop the warehousing, we have gone a long way toward eliminating confinement as the incubator of crime. Certainly this is true of the first offender. Our present policies virtually assure his return to prison at a later date—and usually for the commission of a more serious crime.

The terrible attack on Governor Wallace has once again emphasized the need for measures to control, if not ban altogether, the sale of handguns. I am a country man from South Dakota and I am aware of the jurisdiction in rural areas and among sportsmen, for the ownership of long guns. But I see no justification for the snub-nosed handgun or "Saturday night special" which—let us face it—are designed for threatening or killing people. I think this kind of handgun should be limited to the possession of law-enforcement officers in this country and I would press for the enactment of legislation to bring this about.

In 1970 handguns were responsible for the death of 500 persons in New York City while in Tokyo—strict gun control being in effect in Japan—the death toll from handguns was three. It is time that this country learned that handguns are used by the fanatic, the robber, the angry man, simply because they are available. It is time to make them unavailable.

EVERY JUDGE SUOULD SPEND 10 OR 15 DAYS IN JAIL

I think we must also examine more closely, our attitudes toward the drug offender. As a starter, the 20-year-old marihuana smoker certainly does not belong in the same institution with the rapist or kidnapper. In fact he does not belong in prison at all unless he is a supplier, for profit, to others.

In the area of hard drugs, I am impressed with the system put into effect in California under Governor Pat Brown. The California plan for the heroin-user provides for a system of civil commitment for the nonviolent addict. The addict himself, his family or a court commits him to a therapeutic institution for a period of 7 years. But the addict is eligible for release after 1 year if the institution determines that he is ready to return to his home. Naline testing and strict parole supervision have been remarkably successful in keeping such "outpatients" free of drugs. The rate of parole success has been spectacularly higher than that for addicts released from conventional prisons.

It's a cliche, obviously, to say that those who lead us set the moral tone of our society—that disrespect for the law grows in proportion to the disrespect we have for the actions and the credibility of our leaders.

But I do believe that a Government which can lie blandly to the people; which uses its influence to protect its friends from criminal prosecution and which openly announces it has no intention of enforcing a decision of the Supreme Court, is not manifesting respect for law in this country.

BICYCLING FOR HEALTH

Mr. MATHIAS. Mr. President, America today is enjoying a bicycling boom, as millions of our citizens reacquaint themselves with the enjoyment of traveling the highways and byways on personal vehicles under pedal power instead of internal combustion.

It is estimated that at least 6,000 commuters in Metropolitan Washington come to work daily by bicycle. Nationally, it is reported that more bicycles than automobiles may be sold this year if the present pace is maintained.

The National Park Service and local governments have made impressive initial efforts to accommodate and encourage bicyclists in this area, but much more remains to be done. I am pleased that the Senate last week saw fit to include in the appropriation bill for the District of Columbia for the coming fiscal year an item of $35,000 for marking new bike routes through the city, and I would hope that the conferees on the part of the Senate will insist on this amendment being included in the final bill which will be brought back for our approval.

In an age of increasingly serious concern over air pollution, traffic congestion, and lack of exercise by the general population, the encouragement of bicycling is one way of attacking all three of these problems at once.

I was pleased to note a recent editorial in the Washington Post on this subject. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

ON TWO WHEELS

Bicycle trails are becoming an important and very pleasant part of this city's outdoor life. Every extension of the trail system strengthens the case for the next link. The

National Park Service deserves applause for the imaginative work already accomplished and encouragement for the sections still to be undertaken.

The trail that was opened this spring along the Potomac, from Columbia Island down to Alexandria, is a fine example of the benefits that this project offers. Long stretches of the riverside parkland has been, in fact, little more than a site for a heavily travelled commuter highway. The bike trail has now opened to the public those considerable distances along the river banks that were entirely cut off by the road. The heavy and constant use of this path in the past weeks is impressive evidence that the Park Service is meeting a real need. The Park Service hopes to extend the trail south from Alexandria to Mount Vernon over the next year. It is difficult to think of any other project that would bring as much pleasure to as many people for so modest a cost.

In Washington, nearly five miles of the Fort Circle trail has been completed in Anacostia. Eventually it will run more than 20 miles in a continuous loop through the city. The trails in upper and lower Rock Creek Park will in time be joined and, for an increasing number of people who work downtown, it is possible to commute by bicycle. For Virginia commuters there is access over the Memorial Bridge and at least a future possibility of a bike path across the river over the 14th Street Bridge complex.

For the rider who needs a map, the Park Service is publishing a brochure showing the trails in detail. For the rider who needs a bike, the brochure also lists rental concessions. The rider who needs a brochure can telephone the National Capital Parks public affairs office at 426-6700, or write to it at 1100 Ohio dr. sw., Washington 20242.

A SALUTE TO EDUCATION

Mr. EAGLETON. Mr. President, it is a pleasure for me to join today in the salute to education. Education is an investment in the future that pays incalculable social dividends. As the President's Commission on School Finance stated:

We cannot survive as a nation or as individuals without education.

Through the centuries, the advancement of civilization has been directly dependent upon the acquiring of knowledge. This fact has been clearly demonstrated in the last 50 years, in which more technological and social growth occurred than had occurred in the previous 5,000 years. These unparalleled developments resulted from the great wealth of knowledge provided by research and the educational system developed for communicating this knowledge.

Although there are isolated areas in our Nation's educational system which are inadequate, the system is basically sound. The educational community, by its continuing rededication to improving the quality of our schools, has served the country well.

Education will always be the single most important element in the future of America. I therefore salute our educators—their accomplishments and their goals, which I feel certain will be achieved.

THE "RIVER RATS"

Mr. SAXBE. Mr. President, recently the Red River Valley Fighter Pilots Association held its annual practice session at McConnell Air Force Base, Kans. And I want to take this opportunity to congratulate them on their continuing diligence and dedication to the return of their POW and MIA buddies.

For those not familiar with the River Rats, I would like to bring forth the history of the organization and commend those members working so hard on behalf of the POW's. The River Rats were organized to commemorate the interservice organization teamwork that resulted from the air campaign against the most heavily defended area in the history of aerial warfare, North Vietnam's route 6A and 6B. This area encompasses the Red River Valley, Hanoi, and Haiphong and runs to the Chinese border. Members of the organization included air crews from a wide range of missions; fighter, attack, rescue, and helicopter units, all part of the total operation.

Shortly after the group was organized, it was realized that the most important element was absent—the Red River Valley veterans who are still POW's and/or are missing in action. It was soon determined that the primary purpose of this group would be to create concern for the plight of those brave men unable to be present and for their families patiently waiting for them at home. All of the POW's and MIA's have been declared life members, and it is to them that the efforts of the River Rats have been dedicated. The idea for the Red River Valley Association is credited to Col. Howard "Scrappy" Johnson. He wanted combat pilots to get together and discuss the problems of the "valley" and devise new tactics to meet the challenge of the north.

The group will not have regular reunions until all the POW's have been repatriated. Until then they will continue to get together to discuss plans for regular reunions and to promote programs supporting our prisoners of war.

Not only are the River Rats working hard to accelerate repatriation of the POW's and MIA's, but they have also established a scholarship fund for the children of the prisoners of war and those missing or killed in action. Scholarship grants are given to the sons and daughters of those missing members of the association to seek a college degree in their chosen field of endeavor.

Mr. President, I know my colleagues will join me in saluting the Red River Valley Fighter Pilots Association for its good works and dedication to repatriation of the POW's and MIA's. Our hats off to the River Rats.

SALUTE TO EDUCATION

Mr. McGOVERN. Mr. President, today's Salute to Education comes at an appropriate time, just as teachers and parents, school administrators and government and judicial officers are pondering the means by which we can best furnish quality education and equality of educational opportunity to all the Nation's children.

America's schools should be complimented on the way they have performed a difficult task that involved 46 million children and $45 billion last year, each figure a substantial increase over the year before.

The task will be no easier in the future. Problems of higher enrollments, problems with school support and financing of facilities are becoming more and more complex.

We are all confident that the good work will continue and will improve just as it has for almost 200 years—since the Government first granted funds and determined that an education should be the right of every child.

American citizens, involved in a responsible partnership of local, State and Federal governments, will keep in sight the goal of ever improving education for their children.

A MONUMENT TO THE BLACK SOLDIER

Mr. MATHIAS. Mr. President, on June 12, the city of Baltimore unveiled a new sculpture in Monument Square in the heart of the city. The Memorial to the Black Soldier, sculpted and presented to the city by Prof. James E. Lewis of Morgan State College, represents long-overdue recognition of the contribution which our black community has made and continues to make to Maryland and to this Nation. Both in military and civilian endeavors, the black citizens have been full participants in meeting the obligations of citizenship, in spite of the fact that they have not always been participants in enjoying the benefits of citizenship.

The new monument is also indicative of the efforts of Mayor William Schaefer to bring the population of Baltimore together, to emphasize the unity requisite to the survival of our cities.

The master of ceremonies at the dedication was the Honorable Theodore R. McKeldin, twice Governor of Maryland and twice mayor of Baltimore. Governor McKeldin has, during a long career of dedicated service to Maryland, gained a deep appreciation for the commitment of our black citizens. I ask unanimous consent that, for the benefit of my colleagues, Governor McKeldin's remarks at the unveiling of the Monument to the Black Soldier be inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mayor Schaefer has asked me to preside on this significant occasion, and I am honored by the request.

Mayor Schaefer's administration has been marked by an earnest desire to bring the different peoples of Baltimore together. This ceremony today is part of that kind of progressive administration all cities need if they are to thrive.

This ceremony is also symbolic for another reason. We are, with this monument, trying to erase some of our errors of the past. In this country we have done the Blacks two types of disservice. We have either excluded Blacks altogether from an area of activity or we have let him participate but never acknowledged his participation. The total exclusion of Blacks can be seen in such an area of American life as professional baseball where for years Blacks were so excluded that they had to form their own leagues. The tragedy is that there languished probably some of the great baseball players of the age. We can see how many by just looking at how many Black stars appeared once the odious color barrier was lowered.

But the second form of discrimination, letting Blacks participate but ignoring that participation, has been as tragic. We have, for instance, let Blacks fight in our wars but we have done little or nothing to recognize their contribution. Our history books were blank. Our newspapers were vacant. Our archives are bare. Blacks have fought for this country, died for this country, and, yet, one would hardly know it by looking around. This discrimination of silence has had its corrosive effects as much as the discrimination of exclusion. Not only have Blacks been denied pride in their own people's accomplishments, but we have been kept ignorant and stifled about our true history and our common humanity. As with all other forms of discrimination this, too, has served to impoverish both those discriminated against and those discriminating.

A hopeful sign is that we are finally trying to do something about it. Our schools are beginning to teach Black history. Our television stations are starting to run programs on Black culture. Our government is trying to acknowledge the contributions of the Blacks.

This monument and this ceremony are part of that effort. But monuments are static symbols of the past unless they spur us to action. Our former silence will be truly broken when we recognize by word and deed that Blacks, who have been slaves in this land, have contributed significantly to the progress of America because they, too, believe this can be a Promised Land.

Let our history books and our governments and our newspapers and our television stations recognize this, but most importantly, let each of us remember the important part Blacks have played and are playing in American life.

THEY'LL GO ALL OUT

Mr. HANSEN. Mr. President, the distinguished columnist, Joseph Alsop, in an article printed today in the Washington Post points out some of the potential danger to the national security should the Congress fail to provide an adequate defense budget.

Mr. Alsop points out that the reason some have criticized the SALT agreements with the Soviet Union is that in 1966, "the United States began to neglect the nucelar-strategic balance." The columnist contends that President Nixon, to meet his duty to insure the national security, was forced to negotiate the SALT agreements because—

The Joint Chiefs judged that if we start from scratch, where we are now, and the Soviets go on at their present tempo, the Soviets will be even further ahead five years from now without the SALT agreement.

He says that we can expect the Soviets to "go all out" in an effort to achieve maximum strategic weapons development.

Mr. President, the Congress must examine carefully all of the facts and probabilities in consideration of the strategic arms situation and apply those findings accurately in development of a sufficient defense budget. I ask that Mr. Alsop's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1972]

THEY'LL GO ALL OUT

(By Joseph Alsop)

Privately, both President Nixon and Dr. Henry A. Kissinger have warned congressional leaders that they still expect the Soviets to make a "maximum" effort of strategic weapons development, within the limits of the SALT agreement.

"They'll go all out," is the quoted assessment on this highest of all levels.

If this is the message that Moses-Nixon has brought down from the mountaintop in Moscow, a serious question arises. The question is why it is sensible to sign a SALT agreement, aimed to halt the arms race, which will admittedly do no such thing. The answer comes in three parts.

First, the SALT agreement writes into a treaty and the accompanying executive agreement what seem like great advantages for the Soviets; yet the Joint Chiefs of Staff were strongly favorable. The JCS are favorable, in turn, because they believe that in the existing situation, the U.S. will be worse off without the SALT agreement's extremely modest limits on Soviet weapons-deployment.

In other words, the Joint Chiefs judged that if we start from scratch, where we are now, and the Soviets go on at their present tempo, the Soviets will be even further ahead five years from now without the SALT agreement. This is the bitter result of the follies committed since 1966, when the U.S. began to neglect the nuclear-strategic balance.

Second, no sort of change in the basic pattern of Soviet behavior is promised by the Nixon-Kissinger warning, "They will go all out." But there is a real chance of this kind of change if the United States also does what needs to be done about the nuclear-strategic balance in the vital interval just ahead.

We got a SALT agreement, such as it is, because we rejected the advice of the wise fools who favored unilateral disarmament. Conceivably, at this strange stage in history, we may get something like enduring stability for this weary world, if we just do a bit more to keep our guard up in the years immediately ahead.

Third, however, that last "if" is certain to be decisive. There is zero room for maneuver if the U.S. government's optimists (who include the people in the White House, for once) prove to be as wrong as usual.

One thinks of 1949, when the great Dr. Vannevar Bush had to tear a whole chapter from his forthcoming book, because the Soviets had just tested their first nuclear weapon. (In the chapter, he had said this could not happen for fifteen years!)

One thinks of 1949, in turn, because the White House has also bought the view of the Bush-like people in the U.S. intelligence community. These people hold the Soviets are "more than five years behind the U.S." in multiple warhead technology.

There is no doubt that the Soviets are somewhat behind on MIRV technology, because they took the wrong road to begin with. But in numbers of missiles, in warhead weight, and in all other respects one can think of, the Soviets now have every advantage that a MIRV technologist could ask for. They also have excellent scientists.

If the Soviets are going to go "all out," therefore, they could soon be MIRVing their SS-9 missiles, and also the still bigger missiles they will soon be deploying. They may even multiply greatly their MIRVing capability, by adapting the "cold launch" technique of our Polaris-Poseidons to their SS-9 missiles.

The calculated risk in SALT, in short, is an immensely big risk. If we do not want the most disagreeable kind of surprise, we have to do three things, regardless of cost.

We have to go ahead, full speed, with the ULMS or Trident program. We have to go ahead with the B-52 replacement, the B-1 bomber. Above all, we have to go ahead with maximum improvement of the Minuteman system—which can more or less true up the nuclear-strategic balance in a fairly short time.

This will cost a lot of money. The arms race will not end, as the White House warned the congressional leaders. That leads to the real criticisms of the President. First, he did not directly ask the country, three years ago, for the kind of maximum effort that might have prevented the present imbalance.

The President did not do this because he thought he could not defeat the Democratic opposition in Congress. Against the background of the SALT agreement, however, the President will again have great difficulty with Congress in doing what needs to be done now. One has to conclude that he is gambling, probably quite shrewdly, on a much more pliant Congress after election day next November.

JAPAN'S FIGHT AGAINST ITS DRUG AND NARCOTIC PROBLEM

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to an article published in the June 19 issue of Time magazine, which recounts Japan's fight against its drug and narcotic problem.

About 10 years ago, Japan cracked down on the hard drug problem with a vengeance. It is a harsh program which confines addicts for a minimum of 30 days of treatment, and forces them to go through the pain process of "cold turkey"—withdrawal unassisted by chemical crutches. It is a program of tough law enforcement, which hands out a life sentence for narcotic pushers.

But, more important, in terms of the overall well-being of the Japanese society, it is an effective program. Heroin use in Japan has been virtually eliminated. Even organized crime there has steered clear of hard drug traffic.

I think the Japanese have a program that the U.S. Government might very well examine closely. Although some people might flinch at the toughness of Japan's crackdown on drugs, it produces the desired results of protecting individuals in society from the evils of drug abuse and addiction.

This is not the case here in the United States, where drug addiction has become virtually epidemic.

In the midst of the national drug and narcotic crisis, pushers continue to ply their dirty trade in cities and suburbs alike. We passed new laws to combat narcotics, but more and more narcotics flow into the country from places like Southeast Asia, Turkey, and France. The fact is, hard drugs are now easier to get than ever. Moreover, they are cheaper. Hard drugs are one of the few commodities in America which have escaped the effects of inflation. Heroin is actually getting cheaper, reportedly costing on the street now only about 40 percent of what it cost in 1965.

As addiction increases, so does crime. The crime rate in the United States runs about 10 times higher than our population growth. Addicts, men, women, and children, turn to lawlessness and violence in order to support their habit. Drugs and narcotics are unraveling the country's moral fiber, turning human beings into desperate animals and making cities unsafe for law-abiding people. The problem is particularly acute among our young people. There are daily reports of drug traffic and addiction in our col-

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leges, high schools, and even elementary schools.

If the ever increasing rate of drug addiction is any indication, if higher and higher crime is any indication, our Nation's approach to narcotic control and enforcement is a failure. We seem to be trying to shovel out the ocean with a teaspoon.

To my way of thinking, there could be no penalty too harsh for someone who peddles the ruin, the wasted lives, and human suffering and agony that comes from drug addiction. Drug traffickers are worse than murderers, and they should be treated as capital felons.

We need a nationwide assault on illegal drugs and narcotics, at every level of government, Federal, State, and local. We need tougher laws and tougher enforcement and tougher courts that will take narcotic pushers off the streets and put them away where they will no longer be a menace to the American society.

I ask unanimous consent that the Time magazine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time magazine, June 19, 1972]

SAYONARA HEROIN

Only a decade ago, a heroin epidemic threatened Japan. An estimated 40,000 addicts provided a market for the growing traffic in hard drugs, and some users brazenly mainlined on street corners in such areas as Yokohama's Kogane-cho (Gold Town). Today, says Dr. Yoshio Ishikawa of the Serigayaen mental hospital, heroin addiction "has become a subject without a living example for study, like smallpox," and medical students may finish their entire education without seeing an actual addict. Police and narcotics agents face the same triumphant scarcity.

Heroin use in Japan has been virtually eliminated by stringent enforcement of a 1963 law that provided for harsh handling of both pushers and addicts. A life sentence is meted out for selling *butsu* (the Japanese gangsters' untranslatable coinage for heroin). Mere possession can mean several years in jail. To cut off the demand, the government required that every user caught be confined for at least 30 days of treatment. The most Draconian fact—by American standards—is that each addict's treatment begins with "cold turkey," or withdrawal unassisted by chemical crutches such as methadone.

The ordeal can be excruciating. Early in the process, which can take a week or ten days, the addict's eyes water and his nose runs while sweat pours from his body. By the third day, he is likely to be wracked by severe intestinal cramps, diarrhea, vomiting and nerve spasms. Goose bumps cover his body; they make his skin resemble that of a plucked fowl and give the process its name in the U.S. Cold turkey is rarely fatal—the Japanese claim 100% survival for those treated in hospitals—but the urge to commit suicide can be strong.

VERGE OF HELL

Many U.S. physicians believe that such agony is neither necessary nor desirable. They prefer to assist the addict through his withdrawal with other drugs (TIME, Jan. 4, 1971) and even to keep a patient on a heroin substitute indefinitely if necessary. But the Japanese, who have always taken a puritanical attitude toward drugs, regard this as a continuation of addiction.

The country's first antidrug law, adopted in the 1880's, prescribed *zanshu*, decapitation with a samurai sword, for those trafficking in narcotics. Opium eating, a major problem in 19th century China, never caught on in Japan. After World War II, however, heroin began to gain a foothold. Rival gangs pushed the drug among prostitutes and in the underworld generally, bringing Japan to what Tokyo Social Worker Michinari Sugahara called "the verge of hell."

The authorities moved to end heroin use before it spread to the country's teen-agers. A government-financed public relations campaign, assisted by the press, lectured the public on the drug's social, moral and medical dangers. The 1963 statute persuaded drug abusers that the government meant business. Some pushers reacted to the new law by simply dropping out of the business. In some brothels, the gangsters themselves forced girls to go through cold turkey; those reluctant to kick the habit were sometimes tied to their beds until withdrawal symptoms ended. Others were put in government-run hospitals that had been constructed specifically for drug offenders.

The medical profession cooperated fully with law enforcement agencies, taking the attitude that addiction is not merely a personal medical problem but an offense against society. Says Tokyo Narcotics Agent Hiromasa Sato: "Addicts found no alternative but to capitulate, and eventually submitted to cold turkey. *Sayonara.*"

NOT FOR EXPORT

Drug abuse has not been completely eradicated, of course. Youngsters now go in for glue sniffing and amphetamines, and a heroin arrest is still made occasionally. But Japan's success has been dramatic enough to awe visiting American experts. Can the Japanese system be exported to the U.S.? Many U.S. exports think not. Japan's population is homogeneous, generally law-abiding and, where national goals are concerned, responsive to official appeals for cooperation. Americans are far more heterogeneous and resistant to authoritarian preaching. The young, in particular, insist increasingly on asserting their "individual rights." Many officials feel that it would be difficult to get wide support for a system that emphasizes the punishing process of withdrawal.

Dr. Vincent Dole of New York's Rockefeller University Hospital, a pioneer in the use of methadone, argues that physicians should relieve, not increase, the suffering of the heroin addict. Most drug users apparently agree. Addicts are far more likely to turn themselves in for treatment if chemical substitutes are offered than if the prospect is cold turkey. The flaws in that argument are that American treatment programs have a high relapse rate and that the addiction epidemic is nowhere near being checked in the U.S.

THE U.S. NUCLEAR DETERRENT

Mr. STEVENSON. Mr. President, Dr. Herbert Scoville, Jr., in the June edition of Scientific American, gives us a scholarly description of the nuclear deterrent on which the United States increasingly relies for its defense—our submarine-based nuclear missiles. He points out that from submarines alone the United States will soon be able to deliver 5,540 nuclear warheads against 5,120 targets. With a U.S.–U.S.S.R. agreement on the limitation of ABM's, our invulnerable submarines will continue to have the power to virtually destroy the U.S.S.R.

In short, our submarine-based deterrent is secure. The restraint with which Dr. Scoville describes the administration's plans to inflict a new $40 billion missile submarine fleet upon the taxpayers is admirable, if unwarranted. These new nuclear submarines would be larger than the Soviet's newest cruiser, so large I am told, that we will not have bases capable of serving them. The bases will be constructed or expanded at an additional cost. The environmental and political consequences of a sunk Trident submarine armed with perhaps 240 nuclear warheads are rarely considered, even by Dr. Scoville. And for the phenomenal expense and all the implicit dangers, the greatest of which is the destabilizing effect of another lurch forward in the arms race, we gain at best a marginally improved strategic submarine force.

It was not long ago that Mr. Laird said the United States had to proceed with a 15-percent increase in strategic programs for fiscal year 1973 because we could not bank upon a SALT agreement. Now he says that we must go forward because we do have a SALT agreement. I urge Members of Congress to read Dr. Scoville's article before accepting Mr. Laird's logic, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSILE SUBMARINES AND NATIONAL SECURITY

(Land-based missiles are giving way to submarine missiles as a secure deterrent to a nuclear first strike. The question now is whether or not the U.S. should spend perhaps $40 billion on a new missile fleet)

(By Herbert Scoville, Jr.)

In recent years, as the nuclear-weapons arsenals of both the U.S. and the U.S.S.R. have continued to grow, the concept of deterrence has become almost universally accepted as the key to maintaining national security and preventing the outbreak of a nuclear war. "Winning" a nuclear exchange is no longer regarded as a rational strategic objective; in such an exchange everyone, participant and nonparticipant alike, would be a loser. In keeping with the deterrence principle President Nixon affirmed in his State of the World Message of February 9 that "our forces must be maintained at a level sufficient to make it clear that even an all-out surprise attack on the U.S. by the U.S.S.R. would not cripple our capability to retaliate." For the Russians to feel secure they must have a similar capability; only then would a stable strategic balance exist.

The primary attribute required of any deterrent force is the ability to survive a "counterforce," or preemptive, attack. Ballistic-missile submarines are almost ideally suited to satisfying this requirement. Although they are expensive compared with other strategic weapons (more than $100 million per submarine exclusive of the missiles), their mobility and invisibility make them virtually immune to destruction in a surprise attack. In contrast, land-based intercontinental ballistic missiles (ICBM's) can readily be located with the aid of surveillance satellites, so that they must be regarded as "targetable" in the event of an enemy first strike. Attempts to "harden" such fixed missile-launchers (that is, to increase their resistance to the effects of nuclear explosions) are in the long run doomed to futility, since in the absence of qualitative arms-control agreements improvements in offensive missiles, particularly improvements in accuracy, will inevitably make fixed missile-launchers vulnerable and hence reduce confidence in their deterrence value.

The advent of multiple independently targetable reentry vehicles (MIRV's), which are currently being deployed on a large scale by the U.S., creates a situation in which the "exchange ratio" strongly favors the attacker. Thus a single missile with, say, six warheads can potentially destroy six enemy ICBM's if they are caught in their silos. Moreover, strategic bombers are extremely vulnerable while they are on the ground and would therefore be very susceptible to annihilation in a surprise missile attack. Attempts to avoid this weakness by maintaining aircraft on continuous airborne alert have proved to be expensive and potentially dangerous. Even the current 15-minute ground alert is not completely satisfactory, since adequate warning would be more difficult to obtain if fractional-orbital-bombardment systems (FOBS) or depressed-trajectory missiles launched from submarines were used to attack the bombers.

Hence given the present state of military technology and reasonable anticipated advances, the primary element in the strategic-deterrent forces of both the U.S. and the U.S.S.R. will continue to be the ballistic-missile submarine. All other strategic systems will remain secondary. Moreover, it seems likely that any agreement that may emerge in the near future from the strategic-arms-limitation talks (SALT) will further enhance the relative importance of the missile-submarine forces. Since the chances that MIRV's will be limited by a SALT agreement are extremely low, ICBM's will become increasingly vulnerable. The more likely limitations on anti-ballistic-missile (ABM) systems, on the other hand, would guarantee the retaliatory capability of even a comparatively small number of submarine-launched ballistic missiles (SLBM's). The expected failure to limit antiaircraft defenses and to restrain qualitative improvements in offensive-missile systems would further decrease the value of strategic bombers. Although there will probably not soon be restrictions on antisubmarine-warfare (ASW) measures, the technology in this area is so far behind that it could not possibly threaten the submarine deterrent, if it can threaten it at all, until far in the future. In sum, the Navy will increasingly be the principal military guardian of our national security.

What characteristics must an SLBM force have in order to fulfill its function as a deterrent against the initiation of nuclear warfare by the U.S.S.R.? (Since China is so far behind both the U.S. and the U.S.S.R. in this respect, the same forces would be more than adequate to deter China as well.) First of all, the submarines should be designed to operate in, and fire their missiles from, large enough ocean areas in a variety of directions around the U.S.S.R. so as to decrease their vulnerability to ASW detection and tracking and to facilitate the penetration of any ABM system. The closer these areas are to ports in the U.S., the less will be the time lost in moving to and from operational stations and the less will be the need for overseas bases. Higher submarine speeds will also reduce this travel time and increase the ability to break contact with a trailing ASW submarine or surface vessel. The gains here may be marginal, particularly since tracking vessels will probably be faster than any missile submarine. The faster a submarine moves through the water, however, the more noise it will produce, and in countering ASW measures quietness may be much more important than speed. The reduction of submarine noise is the most critical element in preventing detection and continuous covert tracking, both of which must rely on passive acoustic sensors.

If an ABM defense is a realistic possibility, then the submarine missiles must have enough payload capacity to allow the use of multiple warheads and other penetration aids. The entire submarine force should be large enough so that the destruction of a few submarines by a concerted enemy attack, by slow attrition or perhaps by a series of accidents does not seriously degrade its overall capability. If continuous tracking by antisubmarine submarines or other ASW vessels ever becomes a realistic operation on a large scale, then the more vessels there are in the missile-submarine fleet, the harder it will be for this tactic to be successful in destroying the entire force. Ballistic-missile submarines cannot be used to attack other submarines and are no threat to the SLBM deterrent of the other side.

In addition to an adequate number of submarines, missiles and warheads, it is essential to have secure and reliable communications between these vessels and their command authorities. It is not enough to send the submarines to sea with sealed orders. Controls to prevent inadvertent or unauthorized firing are an absolute necessity, and reliable methods for ordering retaliation in the event of a surprise attack are required. These communications must be jam-proof; the potential attacker cannot be allowed to hope that a communications failure might prevent a retaliatory strike.

The submarines must also be able to navigate accurately, so that after they have moved through the oceans into their operational areas they will always be in a position to fire their missiles at predetermined targets. High navigational accuracy is not as great a requirement for a retaliatory strike against cities as it would be if the submarines were to be used in a counterforce role for destroying such "hard" targets as enemy missile sites. In fact, if one side wishes to use missile submarines only as deterrent weapons, then it is important that the accuracy-yield combination of the system not be so great as to give the other side concern that the submarines have a first-strike capability against land-based ICBM's; otherwise the position of mutual stable deterrence will be eroded.

With these general principles in mind, let us examine how the U.S. missile-submarine forces have developed over the years. The U.S. launched the first nuclear-powered submarine, the *Nautilus*, in 1955, but it was not until the late 1950's that development of long-range missiles had proceeded to the point that these could be installed in such submarines. The first ballistic-missile submarine, the *George Washington*, became operational in November, 1960. It was armed with 16 solid-fuel Polaris *A–1* missile, which could be fired at a rate of about one per minute. The range of this missile was about 1,200 nautical miles and the warhead yield about one megaton. The submarines were designed to fire their missiles while submerged, using compressed gases to expel the missile; the rocket engine is then ignited after the missile has cleared the surface. By 1963, 12 more Polaris submarines were operational.

Meanwhile the development of more advanced missiles continued. The next generation missile, the *A–2*, had a range of about 1,500 nautical miles. The first test of the *A–3* missile, with a range of 2,500 nautical miles and a "triplet" reentry vehicle, was conducted from a submerged submarine in the fall of 1963. The triplet reentry vehicles, which could carry three individual nuclear warheads each, did not have independent guidance; the three warheads were intended to reenter the atmosphere in a shotgun pattern with the target at the center. Since such warheads cannot be aimed at separate targets, they do not alter the exchange ratio and do not provide any first-strike advantage. Their advent was therefore not in itself regarded as destabilizing.

In the early 1960's there was considerable debate over the appropriate size of the Polaris fleet. The Navy originally sought 48 ships, and the final decision was to build 41. One factor limiting the number of submarines is the problem of manpower recruitment. Nuclear-submarine duty, which involves 60-day underwater cruises, calls for a certain type of person who is not easy to find and who must be highly trained. Normally each vessel has two crews of about 140 men who go on alternate patrols.

By the end of 1966 all 41 Polaris submarines were operational; eight carried A–2 missiles and 33 were eventually fitted out with A–3's. Thus the force carried a total of 1,712 warheads, but since the triplet warheads cannot be aimed separately, 656 was the maximum number of separate targets that could be hit. Of course, not all of these submarines can be kept at operational stations at all times. In general a submarine spends 60 days at sea and 30 days in port for maintenance. In addition the submarine might take five or more days to move from the U.S. to its launch point and the same period to return. If a submarine wished to avoid detection by moving quietly and therefore slowly, the travel time would be even greater. Thus the number of submarines at launch stations at any one time could be reduced to some 20 to 25 ships. The situation is improved by using forward bases (on Guam, at Holy Loch in Scotland and at Rota in Spain), which reduces the time needed to reach launch stations from five or six days to one or two days.

With a range of 2,500 nautical miles, a submarine-launched missile can hit Moscow from most of the North Atlantic (inside an arc extending from the tip of Greenland to North Africa), from the Mediterranean and even from some parts of the Indian Ocean, a total sea area of about six million square miles [*see illustration below*]. The sea area from which a submarine-launched missile could hit important targets other than Moscow, say targets only 200 miles inside the U.S.S.R., is even larger [*see illustration on opposite page*]. One high-ranking Navy officer reported in 1964 that a Polaris submarine equipped with the A–3 missile could operate in 15 million square miles of ocean area while covering its targets in the U.S.S.R. No land target anywhere in the world is inaccessible from attack by the A–3 missile.

Although mobility provides a submarine with the tremendous advantage of improving its survivability, it creates a new problem: the determination of its location at the moment when the missile is to be launched toward its target several thousand miles away. Unless the missile is provided with some means of determining its position during flight or with a terminal-homing capability, the accuracy at the impact point can never be better than the uncertainty in the launch point. To determine the launch position calls for accurate submarine navigation, which is made more difficult by the requirement that in order to avoid disclosing its presence the submarine should not surface to determine its location. The attitude of the ship with respect to the vertical and true north at the time of the launch is also needed. When the missile force is being used for deterrent purposes, an accuracy greater than a few thousand feet is not needed; it is only necessary to be able to hit a large urban complex. Today this order of accuracy in locating the position and attitude of a submarine can be readily achieved. The U.S. has made tremendous advances in the development of inertial-navigation systems in recent years, and reasonably accurate position fixes can be obtained even after the submarine has been submerged at sea for many days.

The inertial-navigation system in a Polaris submarine is a complex system of gyroscopes, accelerometers and computers that relate the movement and the speed of the ship in all directions with respect to true north. If an initial position is known, then this system will provide continuous data on the ship's position. For an absolutely stationary submarine, or one whose motion can be corrected for, inertial sensors can determine without external data the vertical, the true north, the latitude and all velocity components by inertially sensing the earth's gravitational and rotational vectors, but there is no way of determining the longitude by inertial means. Submarines that have been voyaging at sea for protracted periods and

whose inertial-navigation errors may have become unacceptably large can, by trailing an antenna while they are still submerged, get a radio "position fix" from navigation satellites or land-based transmitters. It may also be possible to locate a submarine by reference to accurately known geographical landmarks on the ocean bottom such as seamounts. In sum, the present technology has advanced to the point where the location and attitude of the submarine could in principle no longer be the critical factor in obtaining missile accuracies down to less than an eighth of a mile.

A deterrent force must also be able to receive communications from national command centers. Direct command and control originating with the President and with many verification checks is vital to prevent unauthorized launching; it is also essential that command authorities be able to communicate in times of crisis with the submarine captains without fear of interference by the other side. Otherwise communication would be the Achilles' heel of the submarine deterrent. There are a number of means of communicating with a submarine, at least one way from shore to ship, that do not require the submarine to surface. Very-low-frequency (VLF) radio waves can penetrate a short distance into the water, so that a receiving antenna does not need to be exposed at the surface. Moreover, the submarine can operate at a considerable depth, since it can trail an antenna as much as several hundred feet above its deck. The U.S. has a number of land-based VLF transmitters at various locations around the world for communication with Polaris submarines, and more recently an airborne VLF system has been devised in order to eliminate the possibility that the fixed land-based stations would be destroyed in a surprise attack.

The use of satellites for relaying messages to submarines provides an alternative means of communication. Recently much research has been devoted to extremely-low-frequency (ELF) waves, which can penetrate even deeper into the water. The Navy project named Sanguine proposed to set up a vast antenna for this purpose in Wisconsin. The data rate of such a system would be quite low, but it would be adequate for command-communication purposes. The project has run into difficulties with local residents because the large antenna currents and the potential hazard to living things. For communication from a submarine to the command center the problem is more difficult; it calls at the very least for trailing an antenna close to the surface and must in any case be avoided in order to prevent disclosure of the submarine's location to listening enemy radios. Fortunately such communication is not essential to the viability of the submarine deterrent force.

By the end of 1966 the U.S. submarine-missile force together with its support systems was by itself more than adequate to deter any nuclear attack on the U.S. It had more than enough missiles and warheads to devastate the U.S.S.R. even when only a fraction of the submarines were on station. It could operate in ocean areas on all sides of the U.S.S.R., and the Russians ASW capability was quite rudimentary, with virtually no ability to "draw down" the size of the U.S. fleet. At that time the Russians had no ABM system deployed.

Military technology did not, however, stand still. The need to operate in restricted sea areas close to the northern coast of Europe and the Mediterranean in order to reach Moscow and other interior Russian cities created fears that someday ASW measures might become a threat. More important, concern that the U.S.S.R. might deploy a large ABM system capable of coping with our missile-submarine force was becoming more acute every day. The Russians were in the process of deploying an ABM defense around Moscow, using a large interceptor missile estimated to have a single-warhead yield large enough to destroy all three warheads of the Polaris A-3. In addition they were deploying radars and defensive missiles in the "Tallinn system" widely throughout the U.S.S.R. Some "worst case" analyses of U.S. planners, particularly during the early phases when factual information was limited, postulated that these facilities were for ABM defense. Later, as more data became available, the predictions were scaled down to the effect that the Tallinn system was an antiaircraft defense that could perhaps be upgraded to provide an ABM capability. (Now even this upgrading is not considered practicable by most experts.)

As a result research and development proceeded on a next-generation missile for the Polaris submarine that would give increased future assurance of penetrating any ABM defense and would at the same time give the submarines enough flexibility to operate at greater distances from the U.S.S.R. To increase either the payload or the range significantly called for a larger missile, and the resulting Poseidon missile required enlarging the launching tubes in the Polaris submarines, a costly and time-consuming task requiring 13 or more months. Since many of the submarines were due for overhaul in any case, however, the two shipyard activities could be combined with a minimum loss in operational readiness for the fleet as a whole. The cost of converting a Polaris submarine to carry the advanced Poseidon missiles is on the average $29 million, with another $38 million for normal submarine overhaul and replacement of the nuclear fuel.

The new Poseidon missile is about twice as heavy as the Polaris A-3 and has a payload about four times as great. Although its nominal range of about 2,500 nautical miles is the same as that of the A-3, a trade-off between range and payload is always possible, so that the potential range of the Poseidon is somewhat greater. The new missile incorporates MIRV technology, that is, the ability to disperse many warheads aimed at separate targets. The technique developed for this purpose employs the "bus" approach, in which shortly after burnout of the propulsion stages the missile's final stage (the bus) is aimed at a first target point and releases a warhead, which then follows a ballistic trajectory to that target while the bus is redirected toward a second aim point. The same procedure can be repeated until all the warheads have been sent to individual targets. If a single target is to be attacked, then MIRV technology allows the warheads to approach the target at widely spaced intervals and on different trajectories so that no more than one warhead can be destroyed by a single ABM interceptor. The Poseidon is reported to be capable of carrying 14 warheads, each with a yield of about 50 kilotons, several times the yield of the bomb that destroyed Hiroshima. Warheads can be traded off for either ABM penetration aids or increased range. The nominal complement is usually taken as being 10 MIRV warheads. Department of Defense officials have repeatedly stated that these warheads do not have the accuracy-yield combination to provide a first-strike capability against hardened silos (a "circular-error probability" of about an eighth of a mile or better would be needed with that yield), but the Russians might still be concerned on this score.

As with the Polaris A-3, a Poseidon missile with a range of 2,500 nautical miles can launch warheads at Moscow not only from large areas of the North Atlantic and the Mediterranean but also from some parts of the Indian Ocean, a total area of about six million square miles. Targets within 200 miles of the border of the U.S.S.R. can be reached from some 15 million square miles. These large ocean areas present great problems for any possible future ASW system. To deploy detection and tracking systems throughout these waters is a prodigious, if not impossible, task. Furthermore, on short notice these areas might be somewhat enlarged if it ever became critical by reducing the Poseidon payload, either by eliminating penetration aids or by cutting down the number of warheads in each missile.

The first Poseidon missile was tested in August, 1968, and the development of the entire Poseidon system was completed two years later. The first Polaris submarine went to sea with Poseidon missiles in March of last year. At present about 10 submarines have been converted. The program calls for modifying 31 submarines to carry these new missiles, leaving 10 to be equipped with the older A-3's. When the program is completed in 1976, the U.S. submarine force will be able to launch 5,440 warheads at 5,120 separate targets. It should be possible to keep considerably more than half of these submarines on station at all times, and in times of crisis the operational readiness can be stepped up if necessary. This is an awesome force, capable of overwhelming even a massive ABM defense system. There is, of course, no evidence that the Russians have any intention of building a large ABM system with nationwide coverage, and it is highly likely that such a system will be precluded in the first stage of a strategic-arms-limitation treaty.

Even one missile submarine can launch 160 warheads at separate industrial centers in the U.S.S.R., an attack that the Russians could not afford even if the U.S. had been annihilated. This means that any ASW system would have to be able to eliminate almost instantaneously every single submarine, a herculean task. Today it is difficult, if not impossible, to destroy even a single submarine that follows skilled evasion tactics. Yet if ABM defenses were forbidden by treaty, an ASW system that has still to be devised would be the only threat to the submarine deterrent. That is one reason why an ABM agreement at SALT would by itself be such an important gain to the security of both the U.S. and the U.S.S.R.

The U.S.S.R. has always lagged considerably behind the U.S. in the development of nuclear submarines and SLBM's. The first Russian nuclear submarine was built about four years after the *Nautilus*, and Admiral Hyman G. Rickover, the director of the U.S. nuclear-submarine program from the beginning has made it clear he believes the Russian submarines are technically inferior to the U.S. ships. The first Russian ballistic-missile submarines were diesel-powered and therefore had limited endurance and cruising range. Their first nuclear-powered missile submarine carried only three missiles with a 300-nautical-mile range, which in later models was extended to about 700 nautical miles.

By the late 1960's it must have been obvious to military planners in the U.S.S.R. that their land-based ICBM's would become increasingly vulnerable to the U.S. MIRV's, which were then under development and which had been publicly justified as providing an improved counterforce capability. The Russian deterrent needed shoring up with a more effective SLBM force, whose value had been demonstrated by the U.S. In 1966 the U.S.S.R. launched its first Y-class submarine, which carries 16 missiles with a reported range of 1,300 miles. This class of vessels was similar to the Polaris submarines, which the U.S. had put into operation seven years earlier. All the Russian SLBM's deployed so far have had storable liquid fuels, whereas all the U.S. missiles have had solid fuels. The Russians apparently decided to continue with the Y-class design and began building submarines at a rapid pace, initially at the rate of six to eight per year and currently at nine per year. Two shipyards are engaged in this work, one at Severodvinsk on the Arctic Sea and one in Siberia on the Pacific. At present the Russians have about 26 Y-class submarines operational and another 16 under construction.

Although the Russians have tested a new missile with a range of about 3,500 miles, John Stuart Foster, Jr., chief research scientist for the Department of Defense, recently reported that this missile was so long that he did not believe the Y-class submarine could be modified to launch it. The Russians have never even tested multiple warheads on their submarine missiles, let alone MIRV's. Their missiles are each armed with a single warhead with a yield of about one megaton. These missiles have no capability for attacking our ICBM silos, but it has been postulated that they might be employed to attack our bombers on the ground and our command and control centers, using a depressed trajectory to achieve the necessary surprise. The missiles have not, however, been tested in this mode, and this approach would, in any case, entail a reduction in their already limited range.

The U.S.S.R. will have a slightly larger ballistic-missile submarine fleet than the U.S. when it completes those vessels now under construction (42 to 41). Even then, however, the capabilities of the Russian fleet will be far inferior to those of the U.S. Polaris fleet. President Nixon in his 1972 State of the World Message said that "our missiles have longer range and are being equipped with multiple independently targetable warheads. Moreover, our new submarines are now superior in quality." The shorter range of the Russian missiles requires that their submarines operate fairly close to the U.S. coast in order to be able to strike inland U.S. targets; this makes the Russian submarines potentially more vulnerable to a U.S. ASW system [*see illustration on page 20*]. On the other hand, the population centers and industrial complexes on the east and west coasts of the U.S. can be reached from much larger ocean areas, and these targets would be quite satisfactory if the SLBM's were to be used for deterrent purposes [*see illustration on page 21*]. The restricted range would be a serious factor only if the SLBM's were to be used against our bomber bases or missiles in the interior of the U.S.

There are other reasons why the parity between the U.S. and the U.S.S.R. in operational submarines cannot be evaluated on numerical grounds alone. Since bases in the U.S.S.R. are farther from the operational launching areas and since the Russians have no locations available for forward bases, more time is wasted getting submarines on station and it takes more submarines to maintain the same deterrent force operational at any one time. It would take Russian submarines a minimum of six days in the Atlantic and eight days in the Pacific to reach the nearest launch stations, so that the transit time to and from home ports, in many cases a quarter to a third of the duration of the patrol, seriously degrades the operational readiness of the Russian fleet. This disadvantage can be only partly alleviated by using submarine tenders for maintenance and crew exchange at sea. Moreover, in any East-West comparison the small British and French missile-submarine fleets, each of which may eventually consist of four submarines and 64 missiles, must be added to the U.S. total. Thus, whereas the Russians now have an adequate missile-submarine deterrent, their fleet is markedly inferior to that of the U.S. and its allies and provides no threat to the U.S. deterrent.

As the first phase of SALT is drawing to an end, then, it is becoming universally recognized that ballistic-missile submarines are the essential foundation of a secure and stable strategic balance. Under these circumstances it is only natural to investigate ways to still further improve submarine missile systems. The U.S. has had a research and development program in this area for several years, so that the developments at the frontiers of technology could be incorporated in the successor to the Polaris-Poseidon system. The particular system proposed by the Navy for this role has been called ULMS, for undersea long-range missile system.

One obvious way to improve the present submarine missile would be to extend its range, making possible the launching of missiles from larger ocean areas in all directions around the U.S.S.R. Increasing the missile's payload would allow the incorporation of more warheads per missile or additional ABM-penetration aids. Payload can, of course, always be traded off for range. A longer-range missile would reduce the time required to move from U.S. ports to launching areas and thereby reduce the need for overseas basing in order to maintain the submarines on station for a larger fraction of their cruising time. With a range of 4,500 nautical miles a missile could reach Moscow shortly after the submarine leaves the U.S., whereas with a range of 2,500 nautical miles at least three days' travel would be required. Thus for a 60-day cruise lengthening the missile range by 2,000 miles could increase the period of operational effectiveness by about 10 percent if forward bases were abandoned.

More advanced guidance systems employing terminal control (the ability to change the path of the warhead during reentry) are being developed to avoid interception by ABM systems or to improve accuracy. Higher accuracy obtained by this means or others is not required if missiles are to be used as deterrent weapons. Indeed, it might be construed by the other side as an attempt to attain a counterforce capability for a first strike. Although it is more difficult to acquire such a capability with a submarine missile system than with an ICBM because of the inherent limitations on the payload and the nuclear explosive yield and because of navigational complications, there are no scientific barriers to its achievement. The greatest technical restriction on the use of SLBM's for a counterforce first strike may lie in command and control. It may be feasible to preprogram and command the initial launchings, but there will inevitably be failures. The difficulties of directing subsequent firings to destroy the silos missed the first time appear to be virtually insurmountable.

The submarine itself can be improved by making it quieter as it moves through the water, thereby rendering detection and tracking by passive acoustic techniques more difficult. Although increasing the speed of the submarine will make it somewhat harder for enemy ASW ships to follow it, the higher speed will also raise the level of noise produced by the submarine. In any case it is probably a losing proposition for a missile submarine to try to outrun an ASW vessel, which can always be designed to move faster. High speed will enable the submarine to reach its launch area more rapidly and thus reduce the time it spends in a nonoperational condition, but again the potential gains are not large, and they may be outweighed by the disadvantages. If all other factors are equal, it will require a bigger power plant and larger submarine, both of which will increase cost and detectability. Increasing the depth at which a submarine can operate is not particularly significant, at least for the depths that are likely to be achieved in the next generation of submarines; submarines can be detected acoustically and destroyed by nuclear depth charges or homing torpedoes at any reasonable depth.

If space for more and larger missiles is needed to increase the destructive capacity and the ABM-penetrability of any single submarine, then larger submarines with bigger power plants will be required. The larger the submarines, however, the fewer the ships that will be available for the same investment. Therefore, if funds are limited (and they always are), this means a smaller fleet, which is more vulnerable to being wiped out in a simultaneous surprise attack. Thus there are many trade-offs in system design, and the final decision on a successor to the Polaris-Poseidon system should be based only on the nature of the specific threat.

In 1971 $104.8 million was appropriated for the advanced development of ULMS. Although this expenditure still left options open, it was a major step on the path toward procuring a specific new submarine system. This year the Department of Defense is seeking $977 million for ULMS. If that amount is authorized, the U.S. will be irrevocably committed to a large and very expensive new shipbuilding program. Unclassified details of the proposed ULMS program are still scarce, but it appears that the submarine in the system would be quite large (more than twice the size of the Polaris ships) and that it would be capable of launching 20 to 24 large missiles equipped with MIRV's. It is proposed to have a higher maximum speed and to incorporate the latest available silencing techniques, although these two objectives are competitive.

The ULMS program has been divided into two parts. The first stage (ULMS 1) would involve a new missile with a range of about 4,500 nautical miles capable of being deployed in the present Polaris submarines as well as in any new vessel. The second stage (ULMS 2) would include the development of the new submarine and a still more advanced missile with a range of about 6,000 miles that would be too big to be substituted for the Poseidon in the existing Polaris ships. A maneuvering reentry vehicle (MARV) is also being developed for the new ULMS missiles. According to one estimate, the total cost of a program for 30 such ULMS vessels would be $39.6 billion [*see illustration at right*].

So far no convincing case has been made for the need to proceed with a replacement for the Polaris-Poseidon system and for making a commitment to a new large, high-speed submarine. Russian construction of SLBM's is no justification for ULMS; the Russian missile submarines do not in any way threaten the Polaris deterrent. Numerical superiority in launchers is meaningless; all authorities agree that the U.S. is far ahead qualitatively and can deliver from submarines about 5,000 warheads to fewer than 700 for the U.S.S.R. Even if we foolishly choose to race the Russians in the number of SLBM's, ULMS is certainly not the way to do it; each ULMS system will probably cost five or more times per missile launched than the Russian Y-class system.

The Poseidon with 10 or more MIRV's on each missile has a far greater capability than is needed to overwhelm any Russian ABM system that can be foreseen at present. Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff, testified in February that "the Moscow ABM system even with improved radars and more and better interceptors could still be saturated by a very small part of our total missile force. In any event, the programmed Minuteman III and Poseidon forces, with their large number of reentry vehicles, provide a hedge against a future large-scale Soviet ABM deployment." Since such a large-scale ABM deployment will almost certainly be precluded by a first-stage SALT agreement, there is nothing in the ABM area that would require replacement of the Poseidon; in fact, even the Poseidon MIRV's will not be needed if a SALT ABM treaty is realized.

Therefore it is necessary to examine anti-submarine warfare to determine if there is anything that would currently justify the major ULMS step. Without going into a detailed analysis of possible ASW measures and countermeasures, suffice it to say that no evidence has yet been presented that the Russian ASW program could present a threat to the Polaris deterrent in the next decade. [An article on the ASW situation by Richard L. Garwin will appear in next month's SCIEN-

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TIFIC AMERICAN.] Admiral Levering Smith, director of the Navy's Strategic Systems Project, testified in 1969 that even the new generation of Russian ASW submarines will not be able to follow our Polaris submarines, and that the U.S.S.R. has no specific new ASW methods that would make the Polaris fleet vulnerable to attack. That is still true today. The U.S. has spent tens of billions of dollars on ASW efforts over the past 20 years and still does not have any system that could even begin to approach the kind of capability that would be needed to eliminate 20 to 30 missile submarines almost simultaneously. The Russians are far behind the U.S. in this area, and they have the serious geographical disadvantages of remoteness from and unavailability of land areas contiguous to the oceans in which this ASW systems would have to operate. Since the nature of the potential ASW threat to the Polaris-Poseidon system cannot even be foreseen at this point, ULMS, if built now, may be designed to cope with the wrong threat. The most obvious improvement to Polaris-Poseidon would be to increase the range of the missile in order to enlarge the ocean areas from which missiles could be launched. The deployment of such a new long-range missile might cost nearly seven billion dollars, however, and in any case, as the maps on pages 18 and 19 how, the Poseidon system already has a tremendous operational flexibility and is not threatened in its present launch areas.

Thus there are strong arguments for keeping both the ULMS missile and the ULMS submarine options in the research and early development stage. This would allow the exploration of all approaches, including smaller, slower but quieter submarines, and would avoid the making of a premature commitment to a large, expensive submarine and missile program. We must not fall into the trap of buying new military hardware just because we have made technological advances; there is no quicker way to price ourselves out of the security market. The submarine missile force is the backbone of our deterrent; its present strength and invulnerability obviate the need for its replacement for at least a decade.

DEATH OF HAROLD WESTON

Mr. PELL. Mr. President, on Monday, April 10, Harold Weston, past president of the Federation of Modern Painters and Sculptors, and chairman of the National Council on the Arts and Government, died at his home.

Mr. Weston was long one of the leaders championing the concept of Federal support for the arts. Indeed, he was one of the first witnesses in the early 60's when hearings were held on what was to become the legislation which established the National Endowment for the Arts. From that time on, Mr. Weston continued to work with the Special Subcommittee on Arts and Humanities. His views were incisive and of much value, and his death deprives us of a leader in this field. I ask unanimous consent that this obituary, biography, and eulogy be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, April 12, 1972]

HAROLD WESTON, LED ARTISTS' FEDERATION

Harold Weston, artist and past president of the Federation of Modern Painters and Sculptors, died Monday at his home, 282 Bleecker Street. He was 78 years old and lived also at St. Hubert's, N.Y., in the Adirondacks.

Mr. Weston prepared at Phillips Exeter Academy for Harvard, from which he was graduated in 1916. A volunteer Y.M.C.A. secretary in World War I, he served with British forces in India, Mesopotamia and Iran, and then traveled in that area, picking up themes for his first one-man show here in 1922. His last was in 1961.

In between, his works included murals in the lobby of the Federal Procurement Building in Washington, 1936–38, and many paintings in the Phillips Gallery and other collections.

Mr. Weston, as vice chairman of the National Council on the Arts and Government, was active in urging art patronage by the Federal and state governments. In World War II he was director of Food for Freedom, Inc., urging relief measures.

Surviving are his widow, the former Faith Borton; 2 daughters, Mrs. Esty Foster Jr. and Mrs. William H. Sudduth Jr.; a son, Bruce; and 11 grandchildren.

BIOGRAPHY OF HAROLD WESTON

Harold Weston, painter, etcher, muralist and author, was born in Merion, Pennsylvania, on February 14, 1894, and died at his home in New York City on April 10, 1972.

Mr. Weston attended Phillips Exeter Academy, class of 1912, and was graduated from Harvard in 1916, magna cum laude and Phi Beta Kappa.

He began painting as a child, influenced, perhaps, by winning fist prize in a children's competition at John Wanamaker's store in Philadelphia. His first one-man show of oils, consisting of 150 Adirondack and Persian landscapes, was held at the Montross Galleries in 1922. His canvases of that period, executed in brilliant color with bold outlines and distorted forms, were widely publicized and created for the artist an immediate reputation.

Forty one-man exhibits of Weston's oils, watercolors and etchings have been held in New York, Philadelphia, Washington, Chicago, St. Louis, San Francisco, Paris, and other cities. He has participated in numerous group shows in the United States and Europe. He received the Third Prize for American Painting at the Golden Gate International Exposition in 1939.

Paintings and etching by Harold Weston are owned by many private collectors, and over 300 examples of his work are in museums or public collections, among them: Phillips Collection, Washington; Whitney Museum of American Art; Museum of Modern Art; Fogg Art Gallery, Cambridge, Mass.; Corcoran Gallery of Art, Washington; Smithsonian Institution, Washington; Yale and Princeton Universities; and the Syracuse University Art Collection.

Duncan Phillips, who purchased more than thirty of Weston's works for the Phillips Collection, said this about his work:

"Color is Weston's instrument. He insists upon the linear demarcation in his pictorial document—to that extent he is an artist of abstract tendencies, although realist at heart. His lines . . . function in the dual capacity of giving emphatic contours of intensely expressive character to those shapes and of organizing a pattern of dynamic movement. The two chief attributes of anything that lives are coordination and movement. Weston's pictures are alive with both of those vital functions."

Harold Weston's artistic career was paralleled by an extraordinary involvement in public affairs and governmental activity.

A few weeks after Pearl Harbor, Weston proposed steps to prepare for a vast International relief effort to help win the peace, which could not be left until after the war was over.

In 1918 in Persia, where he had been in charge of YMCA activities (a paralyzed leg from polio had kept him from serving in the armed forces), he had witnessed the effects of famine, and he was deeply convinced of the urgency to forestall large scale hunger at the end of World War II. With encouragement from a dozen distinguished members of both political parties, he organized the Reconstruction Service Committee, serving as its Executive Secretary from 1942 to 1943. During this period he convinced responsible officials in the government to establish an office in the State Department to conduct the negotiations that eventually led to the creation of the United Nations Relief and Rehabilitation Administration (UNRRA).

In 1943 Weston's original Committee was expanded to become Food For Freedom, with Mrs. Dwight Morrow as President. By agreement with the White House, he remaind outside the Government to serve as Executive Director of this citizen's organization from 1943 to 1948. Major labor unions, church groups, civic and relief groups, and the U.S. Chamber of Commerce were represented on its Board of Directors.

Weston's activities from 1942 to 1948 are permanently recorded in the files of Food For Freedom in the Library of Congress. Also in its archives is a manuscript Weston wrote in 1948 about this organization under the title of "Battle of Bread."

Weston's international interests carried him into the early organizing of the International Association of Art, an affiliate of UNESCO for professional artists (painters, sculptors and graphic artists), first called together in Venice in 1954. He was elected a member of its ten man International Executive Committee, 1957 to 1963, Vice-President, 1960 to 1962, and President, 1962 to 1963. He was President of the United States Committee of IAA from 1961 to 1967. He also was chairman of the Exhibition Committee for the Exhibit of 75 Paintings by 75 Living Americans, toured by USIA in Germany and France from 1955 through 1957.

Perhaps the crowning touch of a career devoted to art and public service came for Harold Weston with the enactment of legislation for the National Foundation for the Arts and Humanities by the United States government in 1965. Long interested in governmental support for the arts, Weston had been a founding member in 1954 of the National Council on the Arts and Government, Inc., composed of distinguished practicing artists in all fields. He served as Vice-Chairman of this organization from 1954 to 1960, and its Chairman from 1960 to hia death in 1972.

By obtaining bi-partisan sponsors of legislation affecting the arts, by testifying at numerous hearings, by being the principal author of National Council on the Arts and Government annual reports from 1956 to 1968, considered authoritative by members of Congress, national organizations and cultural leaders, and by numerous radio and television appearances, Weston brought his clear objective thinking and persuasive drive to bear on many groups and organizations.

Weston assisted in 1954 in drafting and promoting a bill for a New York State Council on the Arts. Three years later, with the support of Governor Rockefeller, such a bill was passed, and the New York State Council on the Arts has become, with variations, a model for arts councils in every state.

Weston became an authority on legislation for the arts. He wrote major portions of the bill that created the National Foundation for the Arts and the Humanities, passage of which in 1965 culminated ten years of unremitting work in attempting to convince the Congress that the welfare of the arts was in the national interest. Weston was among the guests at the White House when President Johnson signed the bill on September 29, 1965, and he was presented with one of the pens the President had used.

Earlier that same year, August Heckscher, speaker at a meeting of the Architectural League of New York, said: "There is one person who has a more dedicated spirit than anyone I know in this epoch, and it is pertinent to mention him because his dedication is to the advancement of the arts—all the arts. The person I refer to is Harold Weston."

In 1963 Weston was elected a Life Fellow of the World Academy of Art and Science as a distinguished artist with world-wide humanitarian achievements. The American Society of Contemporary Artists honored Weston with its 1964 Annual Award "in recognition of his outstanding dedication to art and his tireless service in behalf of artists."

At the time of his death, the National Council on the Arts and Government declared: "Americans in all fields of the arts will he forever in his debt."

No biography of Harold Weston, however brief, can omit reference to his abiding passion for the preservation of the beauty of his beloved Adirondack Mountains, where he built a home of his own design, and where he summered with his family for many years.

In 1971 Mr. Weston wrote Freedom in the Wilds, A Saga of the Adirondacks, published under the sponsorship of Adirondack Trail Improvement Society, Inc. In the book he traced the development of the concept of wilderness preservation and the Adirondack State Park, and called attention to the importance of keeping similarly inviolate a forever wild area within each one of us.

Freedom in the Wilds was so well received upon publication that its first edition was quickly exhausted, and a second edition is currently in preparation.

EULOGY OF HAROLD WESTON GIVEN BY LLOYD GOODRICH

One of the chief things to remember about Harold Weston is that he was primarily an artist. In every action he took in his busy public-spirited life, playing a part in so many different kinds of activities, he was always acting as an artist. From the very first his art was that of an individualist, a man going his own way, hewing his own path, regardless of what other people were doing, regardless of fashions. From the first his subject matter was individual: whether it was the human figure, portraits, landscapes, still life, interiors, it was always something connected with his personal life, something that meant a great deal to him. Out of the intensity of his feeling for his subjects came a poetic quality—a combination of realism and poetry that was quite unusual. I always felt that even in his most realistic work there was a religious element, a sense of man and his place in the universe, and of the divinity latent in man. Even his six mural paintings of the construction of the United Nations buildings in New York, which are now owned by the Smithsonian Institution, even those pictures with all their meticulous accuracy of detail, express a feeling of the aspiration of the human spirit; they express what he himself felt about that great enterprise, the United Nations. And we know the part that he played in UNESCO and in the International Association of Art.

In Harold Weston's style, realism was combined with a clear sense of abstract values: an emphasis on design, a decided linear quality, a rhythmic sense of movement, and a feeling for the expressive role of color. Even in his earliest works these traits showed. As his art evolved, nature became more and more the dominant theme. You have heard about his feeling for the outdoors, the wilds of the Adirondacks, expressed so eloquently in his recent book, *Freedom in the Wilds*. The same emotion came through in his later work: a sense of the undying life of nature, the rhythm of the seasons—a pantheistic sense, especially in his very latest paintings. His style evolved in these late works into a highly individual kind of abstraction, growing out of natural forms and movements, but using these elements even more freely, to achieve pure design—and design which owed nothing to any other artist, an expression of his personal feeling about his world and the universe of nature.

Harold Weston's many public activities on behalf of the arts, and the effectiveness of these activities, are due a great deal to the fact that he always spoke as an artist, as a man who from youth had been involved in the creation of art. Hence his invaluable work as President of the Federation of Modern Painters and Sculptors from 1953 to 1957, and as President of the International Association of Art from 1962 to 1963, and last but not least, as Chairman of the National Council on the Arts and Government.

When the National Council on the Arts and Government was formed in 1954, the climate of opinion in our country about governmental activities in the arts was quite different from what it is today. The United States was then the only major nation whose government paid practically no attention to the arts.

And there was opposition to the idea of any governmental involvement in the arts. On the extreme right of the arts world there was hostility based on fear of governmental control, as in totalitarian countries; and a similar fear from the opposite side, the individualistic liberal wing of the arts. Only a minority of us in the artistic professions felt that our Federal government should do more for the arts than it had done in the past, and that it could do so without fear of official control of the arts.

So in 1954 we formed the National Council on the Arts and Government. It was a body made up entirely of professional persons, that is, creative artists. And it covered all the fields of the arts; not just Harold Weston's own field of the visual or plastic arts, but also theater, ballet, music, literature, architecture, interior design, crafts. The membership ultimately reached seventy or over. I don't think that any such body of distinguished creative individuals has ever been brought together for public purposes in this country.

The basic principles of the Council were a belief in the importance of the arts in the national life of our country, a complete dedication to freedom of artistic expression and to democratic diversity, and the cardinal principle, freedom from governmental control of the arts. We all recognized, like our opponents on both right and left, that the last was the greatest danger from any governmental participation in the arts. Hence, one of the fundamental principles of the Council was that governments on all levels, Federal, state and local, should draw on professional advice, and should form advisory committees made up of practising professionals. The final principle we stood for was the interdependence of all the arts in their relation to public matters. We felt that we had similar interests, and that we should work together.

To me it was always astonishing that Harold Weston, who was a painter, and one who of course knew a great deal about his fellow artists in that field, managed to pull together so many high-powered persons in other arts, to become familiar with their special problems, and to act on them. He had a unique combination of an acceptance of different viewpoints, an extraordinary grasp of details, tireless energy, and a complete devotion to any cause that he undertook. These were the qualities that made all of us follow his banner, and that made him our ideal leader.

I don't think that a single important piece of legislation concerning the arts took place in the years that Harold Weston was Chairman of the Council, without his giving it his complete attention, to the point of writing long critiques of such legislation, and making constructive suggestions. Many provisions of the statutes now on the statute books were largely proposed by him. And when I say by him, I mean by him and not by us. He was our leader and we backed him completely, but it was he who did all the detailed work, who did the exhaustive study that was needed in order to put pending legislation into the form that would correspond with what we believed in.

He had continuous contacts with members of the Congress. He would come to Washington to talk with Senators and Representatives, and persuade them to amend their bills, and also to offer our support, which we frequently gave for the measures we believed in. He carried on a voluminous correspondence with members of the Congress. He testified many times before Congressional committees. I know that he was always aware that these activities took away time from his painting, but we all know that he never stopped painting; he had so many different interests, and so much energy to pour into them.

The most important contribution, I think, that the National Council on the Arts and Government made was the part we played in the formation of the National Endowment for the Arts and the Humanities in 1965. This was the culmination of a long battle that had started way back in the late 1940's, when some of us in the art world believed that there should be a body in the Federal government which would be concerned with the arts. But it was Harold Weston more than any other individual, with the support of the Council, who did most to bring this about, building up national support, getting individuals and organizations to write their representatives in the Congress, persuading key members of the Congress to sponsor the legislation, and offering advice about essential provisions of the legislation. At the request of the administration, he produced a 72-page memorandum analyzing the good points and defects of the legislation, and many of his recommendations were incorporated in the final structure of the Endowment. The result was the first long-range, completely thought-out body in the Federal government concerned with all the arts—a great step ahead, one which we all hope will grow with years into a body with more financial support than it has now, but which now seems to be fully established, having been in existence for seven years, during which its appropriations have been increased.

The creation of the National Endowment for the Arts and Humanities was only one of the many legislative and administrative matters that received the benefit of Harold Weston's experience, wisdom and support. And his activities were not confined to the Federal level. The remarkable growth in the last few years of state councils on the arts, which now exist in a large majority of the states, is in no small part due to the initiative taken by the National Council on the Arts and Government and its devoted Chairman, Harold Weston, in working for greater governmental recognition of the arts.

In 1970 Harold Weston resigned as our Chairman, due to health and also I am sure because he wanted to devote more time to his central interest, the art of painting. So far, we have nobody to take his place.

LLOYD GOODRICH,
Vice-Chairman, National Council on the Arts and Government.

TAX REFORM AND NATIONAL PRIORITIES

Mr. HUMPHREY. Mr. President, recently, I was invited by Life magazine to respond to questions on Federal tax reform and national spending priorities. My views, side by side and in sharp contrast with those of Secretary of the Treasury George Shultz, appeared in the June 16, 1972 issue of this magazine.

In my remarks, I pointed to the cen-

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tral and critical need for a more unique sense of vision about where America should be heading and in what manner. What we have confronted is an administration devoid of leadership on domestic policies and platforms—leadership that is desperately needed to address the complex problems of dramatic but seriously imbalanced economic growth since 1945, and at the expense of human and environmental priorities. This has resulted in middle-income families bearing a heavy tax burden, while poverty in America is on the rise, and extensive needs of the people for social and public services receive no response.

I called for a new vision, targeting a rural-urban balance, a healthy balance between the people and the land—a complete turnabout of our view of the land as something to be exploited, and of growth for the sake of growth, no matter how haphazard or how it concentrates and beats down upon our people. I spelled out the demand for comprehensive national growth policies, planned to revive and develop rural as well as urban areas. And these totally new national growth policies demand equally innovative reforms in our tax and financing strategies.

An important part of the legislative program I have presented to launch these strategies is the National Domestic Development Bank Act. Further immediate measures include:

Revenue sharing with reform, since State and city governments face both a fiscal and an organizational crisis at the same time.

A gradual Federal takeover of welfare to ease the fiscal burden of States and localities.

Tax reform which eliminates the poor from Federal tax liability, reduces the payroll tax burden on working and middle income families, and replaces the property tax with an alternative method of financing school costs, while closing the loopholes of special privilege for the wealthy and the giant corporations.

Mr. President, I ask unanimous consent that the text of my statement in Life magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR THE DEMOCRATS—HUBERT HUMPHREY

(Humphrey's familiarity with taxation and government stems from his experience as mayor of Minneapolis, nearly 18 years as a U.S. senator and as Vice-President)

When a post-Nixon administration takes office in January 1973, it will discover that not a single new or visionary federal program has been developed through executive branch leadership since 1968. Under the Republican administration, we have now been living through nearly four years of bankruptcy of vision and ideas about political issues and domestic programs. At no time since the late 1920s has our nation been so devoid of national leadership on domestic policies and platforms.

Justice Holmes once remarked that "We must sail sometimes with the wind, sometimes against it; but we must sail and not drift or lie at anchor." It is this lesson which the administration has ignored. Other than their plans for welfare reform and revenue-sharing, proposals initially put forth by Democrats a decade earlier, can anyone recall any innovative domestic programs put forth by the Nixon Republicans?

Our American author Thomas Wolfe said that we can't look back to the outmoded ideas and systems of yesterday if we are to be in league with the future. Our world must be that of 1972, 1980 and beyond, the world is growing smaller and smaller through increasing technological and social change. For a more human and, indeed, a more humane future we need, above all, new horizon, a more unique sense of vision about where America should be heading and in what manner.

Since 1945 the United States has experienced enormous economic growth whose magnitude is seen by the fact that the Gross National Product grew more between 1945 and 1971 than it did in the years between 1789 and 1945! The outcome of this growth has clearly been an improvement in the welfare of the majority of the American people.

But this has been an uneven growth, a growth grounded in economic, not in human and environmental, priorities, unplanned, now out of joint, and with its benefits spread in a grossly uneven and unjust manner. It has left us with greater and greater public benefits for the well-off, disproportionate tax burdens for middle-income families, enormous public poverty and vast unmet social services, transportation, housing and educational needs.

I, for one, think these trends can be stopped or at least slowed down and possibly reversed, provided we have a realistic vision of the future and a practical blueprint for liberal progress. This means we must avoid the chimera of abstract liberal perfectionism. Nor should we resort to sloganeering—"send them a message"—or flout the good sense of Adlai Stevenson who held that "Who leads us is less important than what leads us." To move beyond the past I believe we must grasp one central idea: the land as space to live on is taking priority over the old idea of the land as something to be exploited, no matter what the consequences. By using this principle as a touchstone for establishing a national policy of growth and development, I believe that we can create a new and a practical vision for America's future, yet not lose sight of the reality that we must and can solve the problems of the present.

NO-GROWTH IS NOT A CHOICE FOR AMERICA

The basis of our vision should be targeting a rural-urban balance, a healthy balance between the people and the land. This means focusing on orderly growth—designing this for people rather than for expediency—and slowing down the forces underlying our population "implosion"—forces which have pressed one-third of our people to live in the six states of New York, California, Illinois, Pennsylvania, Ohio and Texas.

With strong national policies and leadership we could improve all rural areas rather than see another million American farms disappear by 1980. Then we could spread out our population, build new cities on existing small towns, build whole new cities, re-create the old cities which are now in a desperate crisis, and provide adequate public services with our tax dollars. It is vital for our future, I believe, that we treat our population problems—and they are real—as a challenge to population planning and dispersal, not as a clarion to promote abortion-on-demand or other anti-life philosophies.

At the present time, apart from Title IX of the Agricultural Act of 1970 and Title VII of the Housing and Urban Development Act of that year, there has been scant legislation which mentions the nation's need to create national growth policies, and after setting up a commission on national goals, the Nixon administration quietly buried its report which dealt with new growth and development.

As new policies are established we should seek to improve our tax and financing strategies to pay for orderly growth. I have therefore proposed the creation of a national domestic development bank which would do for America what the World Bank does for others.

We are, then, being forced to reexamine where we are heading so that our national wealth can be fairly distributed and our civic well-being improved. Clearly, we cannot quest after a mythical regreening of America where we return to a Bronze Age community.

For several reasons, no-growth is hardly a viable option for the American economy. While we don't have to worship the great god Growth, continuing economic growth is, in fact, absolutely essential. How else can we provide an economic and social base under the living standards of all Americans and respond without a muffled conscience to world poverty and injustice?

Economic growth in a technological society, moreover, depends critically on advances in education, experience and managerial and production techniques. Unless we are willing to stifle all education and the pursuit of knowledge, we cannot curb growth, although, of course, we can reorder this through better planning. And we must remember that just stopping growth would not cause a change in the habits of men who pollute.

Man's knowledge about natural resources is really quite limited. When I first came to Congress in the postwar period, national commissions assured us we were exhausting the earth's mineral supplies and its agricultural potential. During the intervening years old resources were upgraded and substitutes or new resources were uncovered. The pessimists' alarms were not unfounded; their information was simply inadequate and they could not see into the future. At the present time Resources for the Future, Inc. has observed that our economy "is winning its independence from the traditional natural resources sector to a remarkable degree. Ultimately, the raw material inputs to industrial productions may be only mass and energy."

I don't deny that genuine shortages now threaten for many substances that are considered essential for current industrial society. But this is a long way from doomsday, and with cheap power and recycling of wastes on the horizon, perhaps even our natural resources will someday be reconstituted.

THE POOR SHOULD PAY NO FEDERAL TAXES

Yet as we look to 1980 and beyond we must equally cope with existing realities and not just presume that new faces, illusionary ideas or elusive proposals can substitute for hard policies and programs or that the American public will be deceived either by liberal utopianism or by conservative sloganeering. Our people want positive and decisive action on the serious questions we now face: revenue-sharing, welfare reform and taxes.

This means that we must pursue:

Revenue-sharing with reform, since state and city governments face both a fiscal and an organizational crisis at the same time. Federal money returned to states and localities should not be permitted to do harm by giving inefficient governmental structures and policies a new lease on life. Let us link revenue-sharing to modernization of state and local government and find ways to combine regional government with local power and community control. People want "street-level" government which is responsive to their daily needs, not some remote bureaucracy ruling from on high.

A gradual federal take-over of welfare to ease the fiscal burden of states and localities. The federal government now pays about $7 billion of an estimated $14 billion annual welfare cost. Astronomical increases are in sight. A federal take-over of financing welfare could provide a better welfare system, reduce the interstate welfare competition which now plagues states, and channel the "local share" to states and communities with the greatest welfare cost.

Let us also have tax reform which eliminates the poor from federal tax liability. During the debate on the Revenue Act of 1971, I offered such an amendment, which was adopted by the Senate, but fought by the Nixon administration in conference committee as being "too costly." As I said during the debate in November: "The Treasury loses this revenue. There is no getting around it. But it loses it from those who can least afford to pay, and may I say from those whom society can least afford to tax." This principle is central to tax reform.

We also need to reduce the payroll tax burden on working and middle-income families by establishing one-third general revenue financing of social security and railroad retirement benefits and by replacing the property tax and an alternative method of financing school costs.

The property tax burdens the elderly living on fixed incomes and the poor; produces decreasing revenue for public services in cities and discourages rehabilitation and improvements in housing. An alternative revenue system with the federal government as a chief money supplier would require changes in the states as to the uniformity and equitability of property taxes but maintain local control over fundamental school decision-making.

In short, a reformed taxing system should include closing the door on the loopholes of special privilege for the wealthy and the giant corporations, promoting inventiveness and imagination among all our people by making certain that the tax system does not penalize some for the advantage of others and ending the fast write-offs, tax dodges and tax shelters which make our tax system unfair.

A creative response to both future and existing needs does not require a frenetic pursuit of change for its own sake but a positive vision and hard work. Our goal must be orderly, balanced national growth, the end of segregation by race, age and income—to bring Americans closer to each other, and a family policy which preserves individual freedom while also sustaining population growth adequate to enriching the values and goals of our heritage.

This is not a vision for an easy America. Nor do I think we will arrive at a once and future America. But it is a vision for a better future tempered by compassionate concern for the traumas of the present.

FUNDS FOR ADDITIONAL SERVICES TO RURAL AMERICA

Mr. TOWER. Mr. President, today I supported Senate Resolution 232, which is very similar to Senate Resolution 271, which I submitted. It expresses the sense of the Senate that the remaining $107 million in appropriated funds for the Rural Electrification Administration be released for use in providing additional services to rural America.

Rural development is of interest to each of us, as evidenced by the unanimous vote on the Rural Development Act of 1972. One of the major considerations of new business and industry is adequate utilities—this is the reason for having the Rural Electrification Administration. REA cooperatives were formed to provide modern facilities to rural areas when it was apparent that existing companies either would not or could not provide this service. The services of these cooperatives are in demand and the need for them doubles on the average every 7 years. Their customers increase at the rate of 150,000 every year.

Mr. President, I feel that the administration should be commended for their attempts to cut Federal spending. However, I feel there are other areas where budget cuts could be made. Money which can assist in promoting rural development is serving two purposes. It is giving needed assistance to rural areas, as well as indirectly assisting urban areas by promoting growth of smaller towns and eliminating many problems created by continued mass movement into already crowded areas.

The release of this $107 million will help to provide funds for the many REA cooperatives which need loans to modernize existing facilities, as well as for constructing new ones and providing the ever increasing needs for rural power.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, S. 3390, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on the amendment by Mr. MCGEE, which the clerk will read.

The legislative clerk read the amendment, as follows:

On page 9, line 25, strike out the figure "$297,000,000" and insert in lieu thereof "$345,500,000".

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be equally charged against both sides on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. MCGEE. I am happy to yield.

LIMITATION OF TIME FOR DEBATE ON S. 3722, TO ESTABLISH FOREIGN SERVICE GRIEVANCE PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3722, a bill to provide for the establishment of the Foreign Service grievance procedure, is called up and made the pending business, there be a time limitation thereon of 10 minutes, to be equally divided between and controlled by the distinguished Senator from Indiana (Mr. BAYH) and the distinguished Senator from Kentucky (Mr. COOPER); that the time on any amendment thereto be likewise limited to 10 minutes, and that the time on any debatable motion or appeal be limited to 10 minutes, to be equally divided between the mover of such and the distinguished Senator from Indiana (Mr. BAYH).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF S. 3722 TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, immediately following the disposition of Senate Resolution 299, the Senate proceed to the consideration of S. 3722, and that the unfinished business (S. 3390) remain in a temporarily set-aside status until the disposition of S. 3722.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1262

Mr. MCGEE. Mr. President, when I submitted my amendment yesterday, I inadvertently submitted the wrong figure on the amendment. I ask unanimous consent that the figure be changed from $345.5 million to $320 million.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCGEE's amendment, as modified, is as follows:

On page 9, line 25, strike out the figure "$275,000,000" and insert in lieu thereof "$320,000,000".

Mr. MCGEE. That is the figure to which I wish to address my comments at this time.

The amendment, Mr. President, would seek to restore some funds to the assistance program for the Government of Cambodia. "Cambodia" has almost become a dirty word in the minds of some Members of this body, and I wish we had a substitute phrase for it. But it remains a proud name for the people of that beleaguered country—a country that, because of its location and its geography, finds itself caught up in the vortex of the fighting in Southeast Asia.

Therefore, some time back, we in this country recognized the immediacy of the problem of funds for Cambodia.

The ACTING PRESIDENT pro tempore. Will the Senator yield for an inquiry from the Chair? On the unanimous-consent request for reducing the 345 to 320, it was not clear whether the Senator intended to reduce it from 345.5 to 320.5, or to 320.

Mr. MCGEE. I reduced it from 345.5, and I reduced it to 320.

The ACTING PRESIDENT pro tempore. Even?

Mr. MCGEE. Even.

The ACTING PRESIDENT pro tempore. I thank the Senator.

Mr. MCGEE. The Cambodian question is one of now trying to assist that coun-

try simply to hold on to its own national identity. Caught up as it has been with the encroachment by military personnel from North Vietnam, caught up as it has been by the historic difficulties that it has always been involved with in terms of South Vietnam, it was probably unavoidable that, in itself, it should become a battleground, as it did for some time, or at least as a supply base, a base of operations.

Because the Cambodian Government itself had recently gone through some significant changes, when Prince Sihanouk was finally put out of the country, and still remains out of the country, and they have striven to hold their own type of government together, it seems to me, Mr. President, to make it more important that we give whatever informal assistance we can on this important plane to the activities going on in Vietnam at this time.

I would hasten to add, Mr. President, that this does not seek to involve the Cambodians in someone else's conflict. It does not seek to tie them to the United States or anyone else as an ally. It simply recognizes one of the harsh, harsh facts of the political-military situation in that part of the world, which is that there is an absence of national boundaries in many areas, an overlap of similarly-based population, linguistic and cultural groups, particularly among some of the Montagnard tribal groups, and that all of this has tended to make it impossible to isolate the fields of battle along traditional geographical lines.

The fact that Cambodia, Vietnam, and Laos likewise were all the victims of the colonial powers' administrative convenience throughout history has attended and abetted the difficulties of separating their national distinctions.

That is by way of explaining why, given the importance we have attached to Vietnam, given the symbolism that we associate with a peaceful settlement in that area, it seems to me to be incumbent upon us to provide such technical military assistance, supplies, and equipment as will enable the Cambodians better to preserve their own national identity, if that is at all possible.

I realize this poses many problems. The Cambodians have had little opportunity to perfect their own techniques. They have had very short existence in developing the qualities of administrative independence in a new country. But the fact also remains that this is their aspiration, and that they would have a better chance at it were it not for the long and difficult war that has been raging among their neighbors.

I think this is the least that we owe. American troops are not there, and an American commitment is not there; this is simply trying to recognize the facts of life.

I would think, Mr. President, that any Member of this body should strive to understand, with some sense of the cravings of the Cambodians not to be Vietnamese, not to be Laotian, not to be Thai, but to try to be their own independent selves, and yet, as a very weak nation, unable to prevent their neighbors from using their territories as bases of operations, and thus becoming targets, that whatever we can do, whatever we can supply that may help them to survive this ordeal, will certainly go down in history as a very worthwhile and understanding contribution on our part.

I would also make one other point, Mr. President: It has to do with the course of very recent events in Southeast Asia. What is happening there now seems to be more promising, seems to hold greater opportunity for the chance of a peaceful settlement in the area. I think it does not exaggerate the present facts as we know them to suggest that those prospects are better now than at any time in a great many months. We all have been groping for light at the end of the tunnel, to borrow a well-worn phrase. That goes back to the very earliest years in Vietnam. But now, after the President's visit to Peking, in the wake of his visit to Moscow, with Mr. Kissinger at this moment in China and obviously there talking about a resolution of the difficulties in Vietnam, with the President having survived the risk that was taken in bombing in Haiphong and intensifying the bombing raids on the north, with the affairs both between Peking and Washington and Moscow and Washington not having been complicated by this development, it would seem to me that this combination of things augurs well for the prospects of a hopeful settlement of this long, tortured struggle in Southeast Asia.

Even the events on the battlefield seem to be taking a slight turn for the better. The North Vietnamese have not realized their fondest hopes of the south caving in. Apparently, they have run out of steam in their offensive that was launched a good many weeks ago. They have not seized the great provincial capitals that they had as their targets—a design, I suppose, that was more for psychological purposes than any other. They even have failed in this respect until now. I am sure that they have reserves left for other thrusts. for other attempts to discombobulate the Government of South Vietnam.

But let it be said, in all fairness, that the Government of South Vietnam and the people of South Vietnam have responded far above the levels that many of their critics were predicting, and that not only is the line being held against the invaders from the north, but also, counteroffensives have been launched and they have succeeded in recovering some significant chunks of territory.

This is indeed a new profile in that part of the world. This is indeed a new prospect that perhaps we are witnessing on the brink of other gains, of new breakthroughs.

Having said those things, Mr. President, I think we need to remind each other in our sober moments, as we reflect on this question, that what we are talking about is not two sets of invaders trying to grab somebody else's testimony, but one set of invaders from the North. No troops from South Vietnam are in North Vietnam. There are no military forays by the South Vietnamese into the territories that were under the control of North Vietnam. It all has been a one-way move, from Hanoi, north of the DMZ, into the territories of the South. But in that form of aggression, the North has likewise taken over large sections of its neighbor Laos and occupied considerable sections of its neighbor Cambodia. The result is that both Laos and Cambodia have their own difficulties, due to no fault of their own except their geography, their proximity to the areas of significant action.

What I am saying is that, as we seem to be approaching the best chance we have had until now to resolve peacefully this difficulty, it is even more important that we help Cambodia, with this kind of assistance, to try to stay on its feet—to try to stay afloat, as it were—to retain its posture of nationhood. That is pretty important in that part of the world as a symbol for others who seek the dignity of independence, as well as for the Cambodians themselves.

That is really what is behind the amendment I have offered to increase the committee's allowance of $275 million.

I have some other things that I want to discuss on this question a little later in the morning, but I did want to set forth the timing element as a critical one in our continuing this program at the level of $320 million, for the timing is of the greatest importance.

As the prospects for peace improve, our tendency, understandably, is to begin to let down. But it is at that moment that the need probably is even more acute and requires that we sustain our efforts to help these people until we can readjust and negotiate and resettle the great issues of that section of the world. It is imperative that we not lose ground or cause a small country to have to collapse for want of support at the very time that we will be at the negotiating table, trying to achieve an honorable agreement. So much, then, rides on our taking the action that my amendment would propose.

The Committee on Foreign Relations, of which I am a member, chose, in its wisdom, to authorize $275 million for this purpose. The President was requesting a much higher figure—nearly $350 million. We hear all kinds of dispute as to how much money really is necessary. At a time such as this, in an area of the world that has cost us tens and tens of billions of dollars, I do not think this is the moment to try to fudge over whether it is $275 million or $320 million; that, rather, it is important that we allow the benefit of the doubt, even as the talks are underway and as the face-to-face confrontations between the statesman of the President, Mr. Kissinger, and the leaders of the government in Peking are taking place.

So the appeal is not only for the restoration of some of these funds but also for acknowledging the factor of the timing as a reason to give the benefit of the doubt to the larger figure for the time being.

Mr. President, that is all I will take time to say at this time. I will have more to say a little later this morning.

I yield the floor.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. SPARKMAN. I ask unanimous consent that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

TEN-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a recess for 10 minutes, that the distinguished Senator from Wyoming (Mr. McGEE) be recognized following the recess, and that the time for the recess be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 10:18 a.m. the Senate took a recess for 10 minutes.

The Senate reassembled at 10:28 a.m., when called to order by the Presiding Officer (Mr. ALLEN).

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. McGEE. Mr. President, in discussing the question of economic military assistance to Cambodia for the next fiscal year I think it important to review the recent history of that country.

It thus casts the need for my amendment into the perspective of the events that surround us right now. Most of us recall that in March 1970, Prince Sihanouk was deposed by unanimous vote of the Cambodia Parliament. At the time he was dismissed he was on a trip to Moscow and Peking to protest the occupation of eastern Cambodia by the North Vietnamese and the Viet Cong. He was seeking Russian and Chinese support in bringing a halt to the arrogant behavior of the North Vietnamese and the Viet Cong military units, which were stealing rice and cattle and abusing the population in general. These acts reached such proportions that even Sihanouk, who from his earlier statement was sympathetic toward China and Moscow, could no longer tolerate the violation of his country's borders.

The Cambodian Government which replaced Sihanouk immediately insisted on the withdrawal of all foreign forces. They called out the military reserves and they appealed to the United Nations to use its influence to have the North Vietnamese and the Viet Cong remove their forces from Cambodia. However, before that month of March was ended, these alien forces were moving westward and occupying large additional areas of Cambodian territory. It was at this time that Government forces were small and desperately equipped—ill-equipped is an understatement. However, in that crisis, volunteers — Cambodian volunteers— rushed to join the Government cause, and during the summer of 1970 the enemy's drive was contained.

The line between enemy and Government controlled territory remains about the same now as it was in the summer of 1970, almost 2 years ago.

Since Sihanouk's ouster, we have often heard dire predictions that the Cambodians were no match for the North Vietnamese and that the Government forces would soon be defeated.

I remember hearing from this floor, Mr. President, predictions that they would not last 6 days. The more temperate ones said they would not last 6 weeks. But the Cambodian Government still lasts, and that ought to cause the Members of our body here to move slowly in pronouncing the 'demise of a people that seems somehow determined to survive.

In the midst of all this, the Cambodian Army has grown from 35,000 men in March 1970, to about 200,000—almost entirely volunteers. Realizing the horrors of a protracted war against the North Vietnamese, the Cambodian people have chosen to stand up and to defend their country. At the same time that they were engaged in a full-scale military struggle, the Cambodians have recently taken important steps to rid themselves of the vestiges of the previous monarchy. On April 30 of this year, they voted overwhelmingly in favor of a new democratic constitution, and on June 4 they elected Lon Nol as the first President of the Khmer Republic. These steps indicate the determination of the Cambodians to develop their country in a democratic fashion while at the same time defending themselves against foreign intruders.

The United States has supported the Cambodians in a very limited way. We have provided no U.S. troops or advisers. There are no Americans dying in Cambodia. And I think the most encouraging point is that the Cambodians have not requested such assistance. We have provided only basic arms and equipment and considerable training which has been conducted in South Vietnam. We have also financed the essential imported commodities, which the Cambodians, themselves, were unable to fund because of extensive war damage to their economy.

The situation in Cambodia is an admirable example of a small country which is making an all-out effort to defend itself against a foreign invader. The United States is supplementing the Cambodian effort. It is their war—not ours.

But I hasten to add that what is happening to them is largely a spillover of events that to us have been basically important now for a great many years.

Under the circumstances which I have described and, given the contribution which the Cambodians are making to the protection of the withdrawal of our forces from South Vietnam, I believe that our aid is thoroughly justified, both from the standpoint of our national interest and in the interest of regional security in Southeast Asia. We must not lose sight of the fact that there are at the present time more than 50,000 United States servicemen in South Vietnam at a time when the North Vietnamese are continuing their all-out effort to crush the South Vietnamese Army. We are spending billions of dollars to try to thwart that act of aggression, the North Vietnamese offensive action. Then, in this situation, it makes no sense at all to reduce the very austere support to maintain the Cambodian Government's 200,000-man army in the battle against the North Vietnamese. The supply lines for the four NVA divisions which are attacking An Loc, for example, and in the Mekong Delta, run directly through Cambodia. Once more, this is the inescapable geographic factor I have alluded to before. The Cambodian Army is engaged in joint operations with the South Vietnamese in the border region, and is holding a key provincial capital at Svay Rieng in the Parrot's Beak. Furthermore, the Cambodians not only threaten the North Vietnamese supply lines, but also pose a threat to the NVA units which are now attempting to return to bases inside Cambodia to rest and refit after the severe casualties which they have taken around An Loc.

Thus it ought to be obvious to us that the pressures that the Cambodians themselves can keep on the flanks of the invaders from North Vietnam redound to our own advantage and our chances to preserve and protect the security of our flanks as we withdraw our remaining troops.

Second, Mr. President, the stopping of the North Vietnamese offensive, at a time when the President has just completed his historic trips to Peking and Moscow, creates the conditions for greatly increased prospects for a just negotiated settlement of the war. The next year is the crucial period which offers a hope for a peaceful end to this long conflict, and it is no time for the United States to be reducing its support to the Cambodians, who have a very important stake themselves in a fair negotiated settlement. Thus we should do nothing during this crucial period to discourage our friends in little Cambodia or to lead them to believe that we have lost faith in their ability to defend their own country against foreign invaders. The very modest aid which we are providing the Cambodians represents only the imported items such as basic arms, ammunition, and economic commodities which they themselves cannot produce. They are supplying all of the manpower and most of the economic material for their armed forces. We are only supplementing their own national effort in defending themselves.

At this crucial moment, it would be sheer folly to reduce our assistance by a few millions of dollars, when we are spending billions to dignify the status of independent nations in that part of the world, even as we help the South Vietnamese to meet their own requirements. Rather, now is the time to maintain and support our friends in Southeast Asia, at the same time as we attempt, with all of the skills and wisdom that we can command, to negotiate a just, equitable, and responsible settlement to the war.

XUM

I would like to point out, Mr. President, that the admirable efforts of the Cambodian people to defend themselves against foreign aggression have elicited substantial support abroad, particularly from Asian nations. Australia, Japan, Great Britain, Thailand, Malaysia, and New Zealand have all contributed to the $35 million exchange support fund for that country, and Malaysia, Thailand, South Vietnam, Indonesia, New Zealand, and Australia have provided various forms of military assistance.

So to sum up, let me again emphasize that here we have a situation where a small friendly nation is fighting against large numbers of North Vietnamese troops which are occupying its soil. Cambodia is fighting for its very existence, and is providing all of the manpower for its defense. The United States is furnishing minimum amounts of imported items which the Cambodians cannot pay for because of their war-ravaged economy, and at the same time we are helping the Cambodians, we are also reducing the threat to our own forces in South Vietnam.

This is a crucial moment in Southeast Asia, when the prospects for peace are improving, and our chances of a responsible survival of hopes in that part of the world are all far brighter than just a few months ago. At this very moment when we are conducting preciously delicate negotiations to end the war altogether, it is no time to be rocking the diplomatic or the economic boat. It is no time for Congress to limit the flexibility which is vital to the success of these negotiating efforts. And we cannot, in good conscience, arbitrarily cut the administration request by the very large figure that the committee itself has already cut it—$75 million. Given the overall reductions in the authorization for MAP and AID, it appears that the amount available for Cambodia may even so fall a bit short. My figure of $320 million is the best judgment we can make. It is far better than the committee figure of $275 million. But I reemphasize, Mr. President, that this is no time to be risking a misjudgment on too little. Too much rides on the wisdom and the judgment of our keeping Cambodia in a position to defend herself and to protect her own independence.

Therefore, I urge my colleagues in the Senate to join in raising the ceiling for Cambodia and in supporting this vital element of our policy and sustaining the process for bringing the war to a negotiated end.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). On the Senator's time, or on equal time?

Mr. McGEE. I was thinking we could proceed on the equal distribution of the time between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. McGEE. Mr. President, a number of my colleagues have raised a couple of questions in regard to the Cambodian aid issue which is implicit in my amendment. In view of the fact that they are not here, obviously, I ask unanimous consent that my responses to the two questions along with the questions be printed in the RECORD.

There being no objection, the two questions and answers were ordered to be printed in the RECORD, as follows:

Several of my colleagues have asked what, if any, rationale there is for continuing to assist the Government of the Khmer Republic after US troops have been withdrawn from Vietnam.

I make the following points:

US assistance to Cambodia after all or most of US troops have been withdrawn from Vietnam must be considered in the context of our overall policy in Southeast Asia. Assauming continued aggression on the part of North Vietnam, I believe that our response must be to provide minimal amounts of economic and military assistance to friendly countries which are threatened by the North Vietnamese. Our assistance will be designed to supplement the essential self-defense efforts of the countries involved.

In the case of Cambodia, the Government has raised an all-volunteer armed force of about 200,000 men. By December of this year, we expect this force to be almost completely trained and equipped. Thereafter, we see our role primarily as that of supplying military consumables (such as ammunition and petroleum products) and some equipment items lost due to attrition. Thus we expect to make our basic contribution by the end of this year, and the cost of our military assistance should decline in future years.

However, I should add one note of caution. The planning which I have described assumes no increase in the threat to Cambodia. In other words, should the North Vietnamese give a higher priority to their efforts in Cambodia, we would have to reassess our assistance effort. At thia time there is no indication that the North Vietnamese are in fact contemplating such a change in strategy.

I have been asked why the Cambodians failed to use all of last year's funds.

The Cambodians, for several reasons, did not utilize last year as much aid as originally thought might be required. Aid funds voted under the FY 1971 supplemental bill were drawn down at a slower rate than first anticipated, in large part because the Cambodians were able to use inventories and remaining pre war stockpiles of industrial materials. They were also able to drawn down, their foreign exchange reserves to buy goods from their accustomed sources rather than switching immediately to unfamiliar United States goods under the AID program. But Cambodia has used up its foreign exchange reserves. Its export earnings have dwindled to less than 10 percent of prewar because of the fighting. Reduction in the U.S. economic aid requested, $75 million in Security Supporting Assistance and $30 million in PL 480 would have a real impact on Cambodia's import level. Most likely, the import of industrial raw material would suffer rather than the level of consumption imports. But these raw materials are needed to get Cambodia's domestic production restored, and this is an essential prerequisite to any progress toward greater Cambodian self sufficiency.

Mr. SCOTT. Mr. President, section 9 of the bill under consideration would amend section 655 of the Foreign Assistance Act of 1961 by reducing the current ceiling for Cambodia of $341,000,000 to $275,000,000. The $275 million is not enough. The administration-submitted budget requests for Cambodia for fiscal year 1973 total $345.5 million. These requests break down to:

Supporting assistance, $75 million.

Public Law 480, $30 million.

Military assistance—of which about one-half is for ammunition—$225 million.

In addition, about $15.5 million in excess defense articles will be provided.

A limit of $275 million will result in sizable reductions of all three programs. We would be reducing funds to provide ammunition, we would impair the capacity of the Cambodians with their own courageous forces to defend population centers and lines of communications. The enemy—the same forces we are opposing in Vietnam and Laos—would regain freedom of movement, operation, and sanctuary in Cambodia which would impact on the battles in Vietnam and U.S. withdrawals.

This is not acceptable. I hope the House will support the administration request and that a higher level will be recommended by the conference.

Mr. DOLE. Mr. President, one of the questions which has been raised regarding our assistance to Cambodia is whether our aid is necessary at a time when U.S. troop levels have been considerably reduced in South Vietnam. I believe that assistance is vital, and two basic points support that belief.

First, there are still more than 50,000 U.S. servicemen in South Vietnam at a time when the North Vietnamese are continuing an all-out effort to crush South Vietnam. In this situation it makes no sense at all to reduce beyond reason the austere support which we are providing the Cambodian Government to maintain its 200,000-man army in the battle against the North Vietnamese. The supply lines for the four NVA divisions which are attacking An Loc and operating in the Mekong Delta run directly through Cambodia. The Cambodian army is engaged in joint operations with the South Vietnamese in the border region and is holdng a key provincial capital at Suay Rieng in the Parrot's Beak. Furthermore, the Cambodians not only threaten the North Vietnamese supply lines, but they pose a serious threat to NVA units which are now attempting to return to base areas inside Cambodia for rest and refitting after suffering severe casualties around An Loc.

Secondly, stopping the North Vietnamese offensive at a time when the President has just completed his historic trips to Peking and Moscow is highly important to the prospects for a just, negotiated settlement of the war in Indochina. The coming year is a crucial period which offers significant hope for a peaceful end to this long war. It is no time for the United States to reduce support to Cambodia. That nation has an important stake in the outcome of this conflict; and we should do nothing to hamper its self-defense efforts or to lead the Cambodian people to believe that we have lost faith in their ability to protect and defend their nation. The very modest aid which we are providing Cambodia represents only imported items such as basic arms, ammunition, and economic commodities which they, themselves, cannot produce. They are supplying all of the manpower and most of the economic material for their armed forces. We are only supplementing their effort to defend themselves.

At this crucial point, it would be folly to reduce our assistance to Cambodia unreasonably. Rather, now is the time to maintain and support our friends in Southeast Asia while attempting to negotiate a settlement to the war which is just for all parties and which will allow us to withdraw our remaining troops in safety with the maximum prospects for an honorable and stable peace.

Mr. SYMINGTON. Mr. President, the Senator from Wyoming's amendment would make the ceiling on aid to Cambodia meaningless. I hope the Senate will demonstrate again that it is willing to impose some small restriction on our unfortunate involvement in Cambodia.

A little less than 2 years ago the United States did not have an aid program in Cambodia. Before the incursion began the Committee on Foreign Relations, by an almost unanimous vote, cautioned the administration not to become further involved in Cambodia. But the committee's warning was not heeded. When the Cambodian incursion began in April, 1970 the U.S. mission consisted of 12 people. We now have about 175 Americans there, an aid program that will cost the American taxpayers some $250 million this fiscal year, an army we pay for that is increasingly reluctant to fight, and a government which is fast taking on the economic and political characteristics of another South Vietnam.

Last year the executive branch asked for $341 million for assistance to Cambodia. The Senate approved this full amount with the understanding that the figure was to cover the U.S. share of South Vietnamese military operations in Cambodia. The Senate was forced to compromise in conference to exclude the cost of the South Vietnamese operations for the 1972 fiscal year. But both the House and Senate agreed that the cost for 1973 be estimated and calculated in the new 1973 ceiling. The executive branch has not only refused to comply with that mandate—it has refused to come up with any ceiling estimate at all. Apparently, it chose to ignore the requirement for a specific authorization for Cambodia for the 1973 fiscal year, preferring to go back to the old method where the bits and pieces of foreign aid for any country—Cambodia or otherwise—were hidden away in various programs so that Congress seldom knew the extent of the total package for any one country.

But Congress last year made it clear that it does not consider Cambodia to be an ordinary foreign-aid recipient, where the executive branch can allocate funds from various foreign-aid pockets as it sees fit. Congress said that it wants to keep a very tight rein on what the executive branch can do in Cambodia. Last year it said "$341 million worth of involvement in fiscal 1972 but no more." According to the information supplied to the committee, only an estimated $249.2 million will actually be used this fiscal year—$92 million less than the amount requested.

Since Congress imposed that limitation the military and political situation in Cambodia has gone downhill rapidly. A story in the June 6 New York Times reported that:

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River.

It quoted a "high American official", talking of the U.S. military aid program, as saying, "I don't see any vigorous prosecution of the war in the cards." The military equipment bought with the enormous amounts of U.S. aid has, however, turned out to be handy for Lon Nol's presidential campaign. The article stated:

A giant parade of military vehicles filled with soldiers bearing placards has circled the city every morning, blaring Marshall Lon Nol's political propaganda and DC–3 aircraft have dropped thousands of little pictures of the Marshal, similar to those printed on the ballots.

As to the war, the article ended;

It is already a kind of de facto truce.

I ask unanimous consent that this, other pertinent articles, excerpts from a staff report to the Foreign Relations Committee, excerpts from House Report 92–1146, and a comparative table be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, we have taken on another client state—that is true. But Congress has a duty to draw the line on how much the American taxpayers are going to shell out for that client. The various components of the executive branch's fiscal 1973 request for aid to, and spending in behalf of, Cambodia totals $348 million, excluding the cost of combat air operations over Cambodia and of South Vietnamese operations within the country; practically the same as the amount requested for the current fiscal year. We all know that executive branch foreign aid requests, by tradition, are grossly padded with fat in the expectation that Congress will make sizable cuts in amounts. Last year they asked for $110 million in economic aid for Cambodia; now they estimate that they will use only $37.1 million. The requests for the coming fiscal year are likely to be similarly exaggerated.

In agreeing to a ceiling which is $26 million more than the amount to be used this year, the committee believes that it is being generous. But at the same time, the ceiling should impose some restraint on any executive branch inclinations to increase the aid program there by a significant amount. If, by chance, the situation should change drastically and more aid truly warranted, the administration can come back to Congress and ask for an increase in the ceiling.

Mr. President, if the Senate wants to play a role in the making of foreign policy it must begin to say more specifically how the money it votes for foreign aid can be used. For too long Congress has given the President a free hand in the spending of billions in foreign aid. Let us not turn Cambodia into another Honda and Sony economy for the benefit of the elite, while the masses suffer from the ravages of war—as we did in South Vietnam.

This ceiling is but a small step toward helping assure greater congressional control over how tax dollars for foreign aid are to be used. And, hopefully, it will serve to prevent our becoming sucked even deeper into yet another quagmire in Southeast Asia.

EXHIBIT 1

CAMBODIA CEILING DATA

[In thousands]

Program	Fiscal year— 1972 estimate	1973 request
Military grant aid	$179.7	$225.0
Excess defense articles	15.0	15.5
Supporting assistance	37.1	75.0
Public Law 480	14.6	30.0
Military aid mission costs	2.8	2.5
Economic aid mission costs	(1)	(1)
Costs of Vietnamese operations in Cambodia	(2)	(2)
Total	249.2	348.0

[1] Not yet received.

[2] The Defense Department says it cannot provide a realistic estimate of the costs of Vietnamese operations in Cambodia.

Note: fiscal year 1972 ceiling was $341,000,000.

THAILAND, LAOS, AND CAMBODIA: JANUARY 1972

(A staff report prepared for the use of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Committee on Foreign Relations, May 8, 1972)

IV. CAMBODIA

A. GOVERNMENT AND ENEMY MILITARY STRENGTH

The Cambodian armed forces, known as the FANK, are now believed by some American officials to number not more than 175,000 (75,000 of whom are territorial forces who stay in one military region and 65,000 of whom are part of a general reserve which can be employed all over the country), about 5,000 in the Air Force and about 5,000[1] in the Navy. The Cambodian high command says that the FANK numbers 230,000, but that figure is considered to be grossly inflated by the inclusion of "phantom soldiers" (at least 10%), wounded and absentees. (The FANK has a census committee which examines various units. A recent report by the Committee, issued on January 19, states that "two officers, unit commanders, caught in the act of fraud have been indicted before the Military Tribunal.") The eventual "force goal" for Cambodia is 220,000—[deleted] in the Army, [deleted] in the Air Force and [deleted] in the Navy—meaning that this is the size of the force that the United States thinks the Cambodian economy can sustain and that the United States has agreed to support. Some high Cambodian Government officials have said that there should be a larger force and that they will support it themselves without outside assistance.

South Vietnamese Army strength in Cambodia at the time of our visit was estimated at 3,000 to 4,000. At times, the South Vietnamese have had as many as 15,000 troops in Cambodia.

Enemy forces in Cambodia in January consisted of 60,000 to 75,000 North Vietnamese and Viet Cong and 18,000 to 20,000

[1] The precise numbers are considered to be classified.

XUM

Khmer communists. About 45% of the North Vietnamese/Viet Cong are estimated to be combat forces (and of these 15 to 20% are estimated to be Viet Cong.) The other half are rear service troops (about half of whom are Viet Cong.) A new North Vietnamese division has arrived in Cambodia in the past year so that there are now about six divisions in the country. It is estimated that two and a half of these divisions are targeted against Cambodia, while the remainder can be targeted against either Cambodia or South Vietnam.

The Khmer communists are composed of various groups. Some are pro-North Vietnamese, others are not. Some are pro-Sihanoukist, others are not (they are considered to be non-Sihanoukist rather than anti-Sihanoukist.) The dissident Khmer military force as a whole, however, is considered to be anti-Sihanoukist and under close North Vietnamese direction. In the areas in which these Khmer groups are strong, communist civilian and military organizations are beginning to appear and that infrastructure may be as high as 35,000 to 50,000. It, too, is considered to be generally non-Sihanoukist.

In 1971, it is estimated that 4,146 members of the FANK and 5,866 enemy have been killed (but that only 140 Cambodian civilians have been killed in combat accidentally). This estimate of enemy killed does not include those killed by air. FANK estimates of enemy killed, which are always far higher than U.S. estimates, are considered to be grestly exaggerated. FANK sources estimated that between March 18, 1970, and January 23, 1972, the enemy had lost 71,295 killed and 30,588 wounded while FANK had lost 9,062 killed, 15,617 wounded and 9,087 missing. A high FANK official told us that the statistics for the period in question were: between 96,247 (confirmed) and 144,914 (estimated) enemy killed, 9,357 FANK killed, 22,562 FANK wounded and 1,752 FANK missing.

FANK headquarters says that their forces captured 997 Khmer communist prisoners in 1970 and 1,626 in 1971. The U.S. Mission does not know the number of North Vietnamese and Viet Cong prisoners held by the Cambodians but has the general impression that there are about 25. [Deleted.]

B. MILITARY ASSISTANCE

The Military Assistance Program in Cambodia was run by the Political-Military Section in the Embassy during 1970. On January 31, 1971, a Military Equipment Delivery Team Cambodia (MEDTC) was formed to administer the program. The Chief of the MEDTC and later an additional 7 MEDTC officers and his staff were located in Saigon, but 16 were stationed in Phnom Penh. In July 1971, the MEDTC Chief, a Brigadier General, moved to Phnom Penh, and the MEDTC element in Cambodia was raised to its present strength. In Phnom Penh, there are now 43 MEDTC personnel (50 are authorized and up to 12 more have been approved by the Executive Branch). There are 63 other MEDTC personnel at MACV in Saigon. Of the 12 new personnel, 4 will be used to monitor third-country national contracts (50 additional third-country nationals will be hired to train Cambodians in logistics), 4 to monitor training, 3 to be assigned to help advise on port operations at Kompong Som and 1 will be a fiscal specialist who will monitor the military uses portion of the Public Law 480 agreements (these agreements are discussed below).

Although American military personnel in the MEDTC seem to be acutely aware of the prohibition against their acting as advisors or participants in the planning and execution of tactical operations, they are nevertheless deeply involved as advisors or organizers in activities such as force planning, military budgeting, logistics and training. As noted above, 11 of the 12 new MEDTC personnel will be involved in logistics and training activities.

Last year, as the FY 1972 Military Assistance Program was being developed, there were extensive discussions within the U.S. Government and between the United States and Cambodia regarding the size of the armed force to be supported by the United States. The Cambodians maintained that they then had [deleted] men under arms and therefore wanted the United States to agree to support that number in FY 1972 and to agree to build toward an ultimate goal of [deleted] men. The Embassy at the time estimated the FANK at about [deleted] and took the position that there were not [deleted] under arms and that [deleted] was a more realistic goal. It was finally agreed, in an exchange of letters between [deleted] that we would support a force of 220,000 well trained and well equipped troops.

Since that time, there has been considerable disagreement between the State Department and the Embassy, on the one hand, and the MEDTC, CINCPAC and the JCS, on the other, regarding the nature of this undertaking. CINCPAC and the JCS have tended to regard 220,000 as a figure to be reached in FY 1972, while the Embassy and the State Department consider 220,000 as a goal to be reached over time subject to the availability of funds, training schedules and FANK's ability to use American support effectively.

Meanwhile, the MEDTC was told by the Department of Defense that it should be guided in its planning by a program figure of $200 million in this Fiscal Year (in the absence of appropriating legislation, the MEDTC had been told at the time of our visit that it could obligate up to a level of $115 million as the result of a Presidential Determination based on the continuing resolution). The MEDTC had already developed a program for this Fiscal Year, the cost of which turned out to be $252.6 million, and $52.6 million was thus put in "shortfall" to be funded out of the FY 1973 Military Assistance Program or discarded if necessary. With a $200 million program, the Military Assistance Program would have been supporting a FANK force of about [deleted] men in FY 1972 (the actual amount made available after the appropriation was passed was somewhat lower). Present plans are to recommend a Military Assistance Program in FY 1973 of [deleted] million[2] for a force level of not to exceed 220,000.

The program is aimed at providing the FANK with the most basic equipment. The cost of equipping each company is estimated at $15,000 (the cost for a South Vietnamese Army company is $55,000).

As of December 31, Military Assistant Program deliveries had totalled $172.5 million—$7.5 million from FY 1970 funds, $134.5 million from FY 1971 funds ($44.2 million more has been ordered but is still in the pipeline) and $30.5 million from FY 1972 funds. In addition, $14.2 million in long supply and excess materiel had been delivered in FY 1971 (in aircraft, weapons and ammunition) and $1.5 million in FY 1972. (In FY 1972 there is a projection of $11 million worth of excess at one-third of acquisition value because of the legislative ceiling of $341 million on expenditures in Cambodia; there was no ceiling on excess last fiscal year.) Packing, crating, handling and transportation costs are charged only from Vietnam and not from the continental United States except in the case of direct shipments.

Based on the assumption of an FY 1972 program of $200 million, the MEDTC made the following allocations (in no case are the amounts for each category the same as those in the Congressional Presentation Book):

	(Or 45% of the total)
Ammunition	[deleted]
Aircraft	[deleted]
Patrol Craft	[deleted]
Weapons	[deleted]
Trucks	[deleted]
Communications Equipment	[deleted]
Clothing	[deleted]
Aircraft spares	[deleted]
Training	[deleted]
Supply Operations	[deleted]
Other Articles	[deleted]
	$200

Since the beginning of the Military Assistance Program to Cambodia, 12 planes and 4 helicopters provided by the United States have been lost—5 T-28's, 4 C-47's, 2 O-1's, 1 T-41, 1 UH-1 and 3 U-1A's. Three were destroyed in the January 22, 1971, sapper attack on the Phnom Penh airport; five others were destroyed in rocket attacks on the airport (three on November 10); two were shot down by enemy fire; and the rest were lost in crashes.

Other than aircraft, MAP equipment losses, except for those incurred in Chenla II, have included: 92 trucks; 1 landing craft; 4,845 carbines; 79 60 mm mortars; 36 81 mm mortars; 6 105 howitzers.

The present MEDTC Chief, who is about to complete his tour and will be replaced by another Brigadier General, is convinced that even with 62 personnel in Cambodia he will not be able to carry out his assigned responsibilities. He cites the Congressional end use check requirements specified in the Military Assistance Manual, as amplified by CINCPAC directives, and the conclusions of a recent MACV study team which he said indicated that 35 people would be required to monitor Public Law 480 military uses, a job that will now have to be performed by one of the 12 new personnel to be assigned. He was, however, not able to give a figure when asked how many people he felt he would need in order to do what he thought should be done. On the other hand, there are Americans who know the program well who believe that the MEDTC element in Cambodia is, if anything, already too large.

At the time of our visit, a CINCPAC personnel team was about to visit Saigon and Phnom Penh to examine the question, but some officials believed that CINCPAC had already concluded that there should be an increase and that the personnel team was therefore unlikely to conclude to the contrary.

3. ECONOMIC ASSISTANCE

The economic assistance program for Cambodia in FY 1971 was $70 million, and the Executive Branch proposal to the Congress for FY 1972 was $110 million. In presenting the FY 1972 proposal to Congress, the Executive Branch stated that it had two purposes in mind: to finance a flow of imports at approximately pre-war levels to help off-set losses in Cambodian production and export earnings caused by the war and thus prevent a serious deterioration in living standards; and to complement U.S. support of Cambodian military efforts, using local currency generated by AID financed imports.

In March 1971 the U.S. agreed to give the Cambodian Government a reimbursable cash grant of $20 million from FY 1971 funds for the purpose of financing imports. At first, utilization of this grant was slow because of Cambodian inexperience in dealing with the United States, the technical complexities of procurement and a policy of watchful waiting on the part of importers who already had large inventories on hand. Eventually, however, between June and September 1971 almost the entire $20 million initial grant was committed. These commodities, primarily petroleum, have now begun to move into the country.

The agreement to establish a Commodity Import Program utilizing the remaining $50 million from the FY 1971 program was signed on May 1, 1971. All of this money was originally tied to U.S. procurement, and the General Services Administration was designated to handle all the procurement in the United States with SONEXIM the sole agency in Cambodia designated to process applications from importers. The General Services Administration was inserted into the process, first of all, because it was assumed that Cambodians had not had much contact with the U.S. market and thus did not know U.S. suppliers and, secondly, in order to cut down corruption. As a result, however, orders lagged because Cambodian importers had no direct contact with suppliers, had until recently been unable to specify brand names and were confronted with complicated bureaucratic procedures and long lead times (9–12 months) to which they had not been accustomed.

Importers have also proceeded slowly in placing orders under the Commodity Import Program because they were waiting to see whether the exchange rate would be lowered. As it turned out, exchange rates did fluctuate. The rate had initially been 55 to 1. In March 1971, it was set at 83. It then went to 140 in October 1971 and was subsequently dropped to 120. Because importers insisted this rate was too high, on January 18 a preferential rate of 90 was established for imports from the United States under the Commodity Import Program. The 120 rate still applies to all other transactions.

Mission officials also tend to attribute some of the blame for the program's slow start to delays in Congressional authorization of the FY 1971 aid program. In this connection, however, the following sequence of events is worth noting: (1) the legislation authorizing the FY 1971 aid program was passed by the Congress on January 4, 1971; (2) the initial $50 million commercial import agreement was not signed by the U.S. and Cambodian Governments until May 1971; and (3) procedures for implementing the Commodity Import Program were not established until September 1971. To date, no commodities financed under the May 1971 agreement have arrived in Phnom Penh and, in fact, only $17.6 million of orders have been placed.

Because the use of FY 1971 supporting assistance was so slow, the U.S. Mission in Phnom Penh recommended considering shifting $20 million from the Program to the Military Assistance Program. Washington did not concur, among other reasons because of a feeling that such a transfer would have a detrimental effect on FY 1972 appropriation requests to Congress. There was, however, a shift of $3.4 million worth of bridging material and $1.7 million of highway maintenance equipment from the Military Assistance Program to the Commercial Import Program. Some thought was given to shifting some POL from the Military Assistance Program to the Commercial Import Program but the decision was made that this shift could not be made because POL was fungible and it would therefore be illegal for AID to fund any part of the Cambodian Army's POL requirements.

It was decided at the end of October 1971, however, to free half of the $50 million from the requirement of U.S. procurement and to permit procurement in the so-called Code 941 countries which are free world less developed countries. As of mid-January, the Cambodian Government had authorized import licenses of $1.2 million out of this $25 million and of $15.4 million out of the $25 million tied to U.S. procurement, the latter consisting principally of purchases by the Cambodian Government.

As a further spur to imports, at the suggestion of the IMF an Exchange Stabilization Fund (ESF) will begin operations on March 1, 1972, with an initial capitalization of $35 million. The Cambodian Government is contributing $15 million, the United States will eventually contribute $12.5 million (out of FY 1973 aid funds) and the Japanese Government $5 million. Of the remaining $2.5 million, Australia has pledged $1 million, Thailand $250,000, New Zealand $119,000 and Malaysia $100,000. Indonesia, the Philippines, Korea, Itay, the U.K. and Singapore have refused to contribute at all, and the contributions of Japan, Australia and New Zealand were lower than the amounts these nations were requested to contribute.

The U.S. contribution to the ESF, as indicated above, will not be made until the FY 1973 aid program has been authorized by Congress. Originally the money was to have been taken out of FY 1972 funds, but it was decided not to do so because, despite the fact that the ESF had been included in the Embassy's plans since early 1971, the fund had not been included and justified in the FY 1972 program and the Executive Branch was thus concerned that there might be adverse Congressional reaction if FY 1972 funds were contributed.

In addition to the regular economic assistance program, two PL 480 agreements have been signed: one for $8.5 million on March 2, 1971, and one for $14.1 million on January 13 of this year. The agreements provide that 80% of the counterpart generated will go to pay Cambodian military salaries [a use which PL 480, Section 104(c) requires] and 20% for United States uses. The military-uses aspects of the counterpart program is administered by the MEDTC. The commodities to be furnished under the second of these PL 480 agreements are 18,400 bales of cotton, 4.4 million pounds of cotton yarn, 1500 metric tons of tobacco, 3,000 metric tons of vegetable oil and 24,000 metric tons of wheat flour.

The $110 million in economic assistance requested for FY 1972 was to be divided into several components: a cash grant of $20 million in connection with the economic reforms announced on October 29 (which has already been committed); a further $12.5 million cash grant to the Economic Stabilization Fund (which has been delayed); and the remaining $77.5 million to be divided between the Commodity Import Program (which some say was far too large to begin with and is now even larger by $12.5 million because of the delay in contributing to the ESF) and public sector imports. Present thinking in Phnom Penh is that for FY 1973 a supporting assistance program of about [deleted] million will be proposed.[3] There are some knowledgable observers who believe that the total FY 1972 and FY 1973 programs could be reduced by at least $50 million.

In 1969, 1970 and 1971 economic assistance to Cambodia from other countries amounted to $49.8 million, although $22.5 million of this amount was a loan from France negotiated in January 1970 and not yet implemented and $12 million was an East German loan negotiated in September 1969 but now in abeyance. Of the remaining $15.3 million, Belgium has loaned $7 million, Japan has provided a grant of $4 million, Denmark has loaned $4 million and the U.K. has provided a grant of $300,000. Not included in these totals are pledges to the Exchange Stabilization Fund (discussed above) and to the Prek Thnot Dam (for which loans and grants totaled $19.2 million) or a $1.5 million grant from the United Nations Development Board and a $300,000 grant from UNICEF.

D. THE U.S. PRESENCE

As of January 27 this year, there were 160 Americans in the U.S. mission, well below the ceiling of 200 set in the Foreign Assistance Act. Of the 160, there were 52 civilians and 79 military personnel permanently assigned; 20 people on temporary duty; and 9 American contract personnel. There were also 31 American dependents. In addition, the Mission employs 35 Third-Country Nationals but is planning to hire 50 more for the MEDTC which will bring the total to the ceiling of 85 set by legislation. The 79 military personnel include 43 in the Military Equipment Delivery Team (50 are presently authorized and 12 more spaces have been approved by the Executive Branch) and 21 in the Defense Attaché's office. CIA personnel are not separately identified.

EXCERPTS FROM THE REPORT OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, "U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA)," H. REPT. 92-1146

APPENDIX D.—COMMODITIES APPROVED FOR FUNDING UNDER U.S. GRANT AGREEMENTS (THROUGH MAR. 10, 1972)

	$20,000,000 agreement	$50,000,000 agreement
Air-conditioning equipment and repair parts[1]		$65,407.97
Aircraft engines[1]		5,470.40
Aluminum sheets	$68,703.10	
Automotive equipment:		
Batteries[1]	237,128.97	126,065.74
Passenger vehicles (autos and station wagons)[1]		115,038.54
Repair parts[1]	71,895.14	299,706.21
Tires and tubes[1]	486,678.25	
Tractors, bulldozers, fork lifts, and repair parts	24,332.69	315,482.97
Trucks and trailers	169,831.16	544,743.19
Battery chargers		10,542.20
Bicycle parts[1]	146,448.00	
Bicycle tires and tubes[1]	24,600.00	
Brewery supplies (bottle tops)[1]	19,465.00	
Carbowax		19,223.52
Cellophane tape		10,340.44
Cement	232,539.00	
Chrome and nickel plating materials		22,607.50
Cigarette manufacturing materials	$360,519.82	$342,474.84
Compressors and repair parts		13,792.17
Copper wire		25,779.36
Cotton fabrics		623,023.00
Diesel engines and repair parts		21,472.13
Dry cell battery manufacturing equipment and materials	650,631.38	
Electric motors and blowers		25,430.00
Fire extinguishers		23,653.51
Fluorescent tubes, starter and ballasts	140,958.98	55,889.42
Freezer (commercial)		166,405.50
Freon gas		6,114.00
Garden hose	138,221.45	
Gasoline engines, 4-cycle, 1 cyclinder	462,275.37	6,158.10
Gasoline pumps and repair parts		62,278.30
Generators and repair parts		117,556.23
Glutamic acid (flavor intensifying season)	211,703.21	
Glycerine		34,010.43
Hand tools (mostly files and hacksaw blades)	5,398.00	127,159.66
Homogenizer and repair parts		1,489.00
Industrial chemicals[2]	578,860.12	317,308.44
Isopropyl alcohol, etc		27,399.83
Lactose		14,244.30
Magnetic tape[1]		7,682.00
Nonfat dry milk		1,445,961.00
Office machines:		
Accounting machines		46,998.88
Adding machines	59,780.16	
Calculators		126,110.00
Duplicating machines and accessories	30,356.63	6,540.00
Typewriters	260,480.77	175,995.00
Padlocks		5,158.45
Paper products:		
Cardboard	152,456.58	
Duplex board	63,640.50	
Duplicating paper	158,604.88	14,852.40
Kraft paper	30,480.00	
Manifold paper	90,411.90	
Newsprint	469,476.35	
Labels	57,075.00	
Waxed cartons	11,482.91	
Writing paper	421,647.00	
Paraffin wax	49,363.20	

[2] In early April, the Executive Branch proposed $225 million in military assistance for Cambodia for FY 1973; $209.5 million in grant aid and $15.5 million in excess defense articles. Of the $209.5 million in grant aid, $100 million is for ammunition compared to an estimated cost for ammunition in FY 1972 of $85.7 million.

[3] The Executive Branch subsequently proposed a supporting assistance program of $75 million and $12.3 million in P.L. 480 for Cambodia in FY 1973.

EXCERPTS FROM THE REPORT OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, "U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA)." H. REPT. 92–1146—Continued

APPENDIX D.—COMMODITIES APPROVED FOR FUNDING UNDER U.S. GRANT AGREEMENTS (THROUGH MAR. 10, 1972)—Continued

	$20,000,000 agreement	$50,000,000 agreement
Pen refills (4,000,000)		82,330.00
Petroleum products	7,950,448.20	
Pharmaceutical filtering machine		7,888.53
Photographic supplies		71,502.02
Plumbing fixtures (color)		9,991.28
Polyethylene/polypropylene/polystyrene	431,125.83	389,728.40
Polyvinyl	158,718.90	
Printing ink	25,602.80	
Pumps	9,648.93	17,441.00
Sewing machines (household)	315,360.00	
Soft drink manufacturing equipment and materials[1]	186,521.96	825,381.62
Spectrophotometer		5,680.16
Steel hoops and sheets		22,278.62
Sugar, raw		2,000,000.00
Sugar, refined		1,446,240.00
Television sets[1]		17,120.00
Textile equipment, dyes and bleaches	255,835.37	444,149.43
Time magazine		5,850.00
Tinplate		883,277.00
Toothpaste		55,483.14
Transmission belts	14,778.91	
Voltage regulators	5,387.00	
Welders		10,384.43
Welding rods		57,368.75
Total	15,238,872.42	11,727,659.10

[1] Includes commodities not eligible for financing under U.S. commodity import program for Vietnam.
[2] Includes chemicals for glass, leather, petroleum, plastic, rubber, soft drink, and textile industries.

Source: Subcommittee compilation from AID's paid vouchers and purchase authorization.

[From the New York Times, June 6, 1972]

CAMBODIA SEEMS ADRIFT AFTER 2 YEARS AS REPUBLIC—A DEMORALIZED CAMBODIA LOSING CONFIDENCE IN HER LEADERSHIP AND INSTITUTIONS

(By Craig R. Whitney)

PHNOMPENH, CAMBODIA, June 5—From a start full of hope two years ago, Cambodia has sunk into a deep malaise, without confidence in her leadership, institutions, or ability to decide her own future, in the assessment of a wide range of Cambodians and foreign diplomats.

The malaise has been months in developing, but has had a chance to take root in the last two months, during which the Government of President Lon Nol has been virtually paralyzed by its attempts to legitimize itself as a popularly elected presidential regime.

Yesterday the country held its first presidential election. Marshal Lon Nol was ahead in preliminary results today with 58 per cent of the vote, while his closest contender, In Tam had 24 per cent, and the marshal will almost certainly turn out to be the winner when the final results of the light voting are proclaimed by the Government in a few days.

He proclaimed himself President March 13 after dissolving what remained of the Cambodian legislature, with Mr. In Tam at its head, and bowed to student pressure to eliminate his friend and closest adviser, Lieut. Gen. Sisowath Sirik Matak, from the Government. The next legislative elections will not take place for three months.

The beginning of the worst part of the decline in Cambodia's morale seems to date from the disastrous rout of Cambodian troops trying to clear Route 6 north of Phnompenh in December. Since that operation, called Tchenla 2, the Cambodian Army has made no new offensive sweeps except unsuccessful ones around the temples of Angkor.

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River that North Vietnamese and Vietcong troops are using as a staging area for the offensive in South Vietnam.

AMERICAN OFFICIAL GLOOMY

A high American official speaking of the United States' $200-million military aid program in Cambodia, shrugged his shoulders as if in despair and said: "I don't see any vigorous prosecution of the war in the cards. Tchenla 2 caused a certain lack of confidence on the part of Lon Nol and the army and the Communists' use of tanks and large amounts of heavy ammunition in their offensive has just indicated to the Khmer that they are no match for the North Vietnamese.

It was also the failure of Tchenla 2 that caused the exacerbation of political strains, but that had been growing quietly ever since March 1970 when Marshal Lon Nol enjoyed seemingly unanimous backing at the beginning of the republic. The trend since then has been one of centralized rule in his weak hands, but with growing frustration and with the elections of the weekend open opposition by some who supported the President in the beginning.

Marshall Lon Nol's principal opponent in the election. Mr. In Tam was president of the Cambodian National Assembly at the time of the overthrow of Prince Norodom Sihanouk and was one of the three principal figures of the new republic in 1970—along with the President and his close friend, General Sirik Matak.

What has happened to Mr. In Tam and to General Sirik Matak shows, in some ways, the deterioration of the regime. In the summer of 1971, Mr. In Tam became Minister of the Interior, but asked to resign and was dismissed last September as his differences with the marshal grew. He became president of the renamed Constituent Assembly in November after Marshal Lon Nol took away the legislature's law-making powers and told it to proceed with the drafting of a constitution.

But in March, after student demonstrations against General Sirik Matak, who was Lon Nol's premier and, in effect, the man who had ruled Cambodia since the marshal's stroke more than a year ago, the President bowed to these outside pressures, took General Sirik Matak out of the Government and abolished the Constituent Assembly.

Within 10 days, he had his subordinates draft a constitution to his liking, establishing a presidential form of government with a Cabinet answerable to him and to the two-house legislature, and submitted it to a nationwide referendum., which approved it April 30.

Since March, the Government has been headed by the only man Lon Nol could get to accept the job, Son Ngoc Thanh, a shadowy figure who was on the side of the anti-Sihanouk forces at the beginning of the republic but whose allegiance is now believed to be mostly to the forms and trappings of the republican Government.

"The Government has been virtually paralyzed for the past two months while Lon Nol has been trying to secure his political future," a senior diplomat said, "I would hope he'd start to govern again rather quickly after the elections."

Indeed in the last few days in Phnompenh have been devoted almost entirely to political activities. A giant parade of military vehicles filled with soldiers bearing placards has circled the city almost every morning, blaring Marshal Lon Nol's political propaganda and DC–3 aircraft have dropped thousands of little pictures of the marshal—similar to those printed on the ballots—all over the city.

During the voting yesterday, Mr. In Tam charged that the Government was making it difficult for his supporters to vote for him, and that his pollwatchers had not been permitted in some of the places where military people, who strongly support Marshall Lon Nol, were voting. Today, he said he would contest the results as "fraudulent and antidemocratic." There has been talk of a coup d'etat by disgruntled elements, but Mr. In Tam refused, in an interview, to go that far.

The third candidate, Keo Ann, was the dean of the Faculty of law of Phnompenh, whose students led the fight against General Sirik Matak in the spring, but he did not campaign prominently and was expected to get less than 5 per cent of the vote.

Mr. In Tam campaigned actively but, one Western diplomat said: Even if In Tam said nothing, a lot of people would vote for him. There's a feeling that the Government has not kept any of the promises it has made, and that it is corrupt.

NOT ENTIRELY BLEAK

In the preliminary results, Mr. Keo Ann did better than expected and the two opposition candidates together had almost 42 per cent.

American officials here point out that the situation is not entirely bleak, and say that a series of monetary reforms and changes in Government policy have staved off a serious rice shortage that seemed to be inevitable last fall. In fact, only 20,000 tons of rice was imported and only 10,000 tons had to be used, according to American economists.

The Nixon Administration has asked Congress for $75-million in economic aid to Cambodia for the fiscal year beginning July 1, twice this fiscal year's amount.

But the Cambodian budget is at a large deficit because of the war, and unrest is growing among low-paid civil servants and salaried workers whose pay has not kept up with inflation. In the last few weeks, for example, there have been a series of strikes for higher wages in Government ministries—something inconceivable in the early days of the republic.

The unrest within the Government and in political movements outside it has been matched by a growth in the ranks of the Cambodian Communists, who are fighting against the Government forces alongside the North Vietnamese and Vietcong in the occupied parts of the country.

The number of members of Khmer Rouge, the Cambodian Communist force, is now estimated at at least 30,000. "There has been a growth, a development of the movement, which, we think, has serious longer-term meaning for the country," an American diplomat said. "But the Government seems to resist the notion that the way to stand up to them is to fight them hard."

Both Mr. In Tam and Marshall Lon Nol, in their campaign statements, emphasized that they wished for a reconciliation with the Cambodian Communists but neither offered any detailed proposals for achieving a reconciliation. One Western diplomat even said, "I don't think it's certain that even if the Vietnam war ended by negotiations, the war in Cambodia would necessarily end at the same time."

All the Cambodian factions seem to realize that, ever since Tchenla 2, it is futile to talk of chasing the North Vietnamese out of the country and that peace will not come to Cambodia before it comes to Vietnam—in the framework of an internationally guaranteed settlement.

The outlook for the future, according to diplomats here, is that the Cambodian forces will offer only token resistance to the Vietnamese Communists, reoccupying lost territory only when the enemy abandons it, and leaving again—as the Cambodian Army has done in the last two months in Svayrieng and Preyveng provinces near the Vietnamese border—when the North Vietnamese want that territory. It is already a kind of de facto truce.

[From the Washington Post, May 8, 1972]

CAMBODIAN EXPERIENCE TURNS SOUR

(By Laurence Stern)

"Cambodia is the Nixon Doctrine in its purest form." Richard M. Nixon, Nov. 15, 1971

"The quarter-billion dollar aid program for Cambodia is, in my opinion, probably the best investment in foreign assistance that the United States has made in my lifetime." Richard M. Nixon, Dec. 10, 1970

The army that marched in sneakers, rode ebulliently to war in Pepsi-Cola trucks and fired Chinese carbines only two years ago seems like a romantic fiction. There are now proper trucks and uniforms and American M–16s.

Nonetheless President Nixon's description of the Cambodian aid program is a piece of hyperbole that has turned bittersweet, if not completely sour.

The Cambodian army, known as FANK (Forces Armee Nationals Khmer), has grown from a poorly equipped and ill-trained militia of 30,000 at the time Prince Norodom Sihanouk was overthrown in 1970 into a poorly led and frequently outfought force that is now, at least on paper, supposed to number 200,000.

Although the figure is still technically classified, the administration is seeking to raise its military aid sights to support a Cambodian army of 220,000, although U.S. military planners envision further expansion of the force.

The United States has been pouring in military supplies at a rate of 5,000 tons a month along the Mekong River from Vietnam and into Pochentong Airport in Phnom Penh. Half of the incoming cargo is ammunition.

More than 50,000 Cambodian troops have undergone training in South Vietnam, Thailand, the United States, Indonesia, Malaysia and elsewhere, knowledgeable U.S. officials in Phnom Penh report.

Since President Nixon spoke the above-quoted words 16 months ago the dollar value of assistance to Cambodia has more than doubled.

However, at least half of Cambodia's land mass and a quarter of its 7 million population now lie beyond the writ of the Lon Nol government, by official intelligence estimates.

GUERRILLA STRENGTH GROWS

The insurgent Khmer Rouge (Red Cambodian) movement has grown from a scattered force of about 2,000 to a wide-spread guerrilla force that one key White House official this week set at 50,000. State Department intelligence estimates of Khmer Rouge strength are 15,000 to 30,000.

The current North Vietnamese offensive demonstrates that the avowed objective of the American "incursions" two years ago and follow-up operations by the South Vietnamese army—the cleaning out of Cambodia's Communist sanctuaries—was short-lived in its effect.

Despite the rapidly rising scale of American weapons, logistic support and tactical air assistance, the Cambodian army failed its most important test of "Cambodianization" when a major offensive thrust along Route 6 last fall turned into a demoralizing rout.

These are not the judgments of amateur war critics or "knee-jerk" dissenters but of professional diplomats and military men whose job it is to know how the Cambodian conflict goes.

For the progress of the war is the test of the realism and efficacy of the military and economic support programs which in this fiscal year reached an obligational level of $341 million from a zero starting point two years ago.

One well-informed U.S. official in Cambodia said the defeat inflicted by counter-attacking North Vietnamese in the Highway 6 operation, known as Chenla II, devastated the Cambodian Army for the 1971–1972 dry season.

REOCCUPATION IS CONCEALED

Before the current Communist offensive into South Vietnam officials were conceding that the North Vietnamese had long reoccupied the eastern sanctuaries which served as the staging grounds for the new offensive probes toward Saigon and into the Mekong Delta.

Corruption, no stranger to the Cambodian military or to the civil government before Sihanouk's downfall, has increased in scale along wtih the enlarged range of opportunities.

The "phantom battalion" system that is a legacy of the Vietnam war experience, under which senior officers collect and pocket the pay of nonexistent troops claimed to be under their command, has achieved a solid reincarnation in Cambodia.

This has been tacitly recognized in the American assistance command. Last fall, at the direction of Gen. Theodore Metaxis, former head of the U.S. equipment delivery program in Cambodia, hundreds of cameras were distributed to Cambodian commanders for troop verification purposes. Several American surveys were also conducted on a spot basis. The results never surfaced nor, it is said, by some observers in Phnom Penh, did the cameras.

"HAVEN'T LOST ANY GROUND"

"What does anyone expect of a ratty-assed, inexperienced little country of seven million?" asked one senior U.S. official with rhetorical fervor. "At least they haven't lost any ground they didn't have in 1970." That was the year the North Vietnamese backed their forces throughout Cambodia following the American and South Vietnamese incursions from the east.

The scope and objectives of the American aid that has poured into Cambodia in the past two years seem to have expanded at a more rapid pace than was implied in President Nixon's April 30, 1970, telecast announcing the American incursions.

". . . We shall do our best to provide small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense. But the aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality—and not for the purpose of making it an active belligerent on one side or the other."

On May 14, 1970, Secretary of State William P. Rogers said the defense of the Cambodian government is not "our primary purpose and that will not be our purpose in the future."

But on March 14, 1972, Rogers told the House Foreign Affairs Committee: "As you know, one of the reasons we have increased the request for Cambodian assistance is that we are anxious to see that the government in Cambodia survives."

With the irresistible momentum that has characterized so much of the American experience in Southeast Asia, the commitment took wings.

MILITARY AID GRANTS

Within 12 days of his April 1970 speech Mr. Nixon signed a presidential determination for $7.9 million in military aid grants to the Phnom Penh government. By June 30, there was another trickle of $1 million. Within a month—$40 million more. By November the President asked Congress for a $255 million supplemental military aid program—$155 million for Cambodia and the rest to repay the program for the emergency Cambodian borrowings.

When Congress enacted the supplemental bill it signaled a new stage in the Cambodian commitment and also touched off an intra-governmental debate over the U.S. military presence there.

Until that point the MEDT (military equipment delivery team) program was funded out of the President's own drawing account and run by ex-Green Beret Jonathan F. Ladd, a military maverick and legendary Vietnam combat advisor. Ladd was sent to Phnom Penh in May of 1970 by presidential National Security Adviser Henry A. Kissinger. His instructions were to provide objective reporting, set up a "primitive" logistics system and keep a low silhouette.

The mission was to his liking because of Ladd's anti-bureaucratic style of operation.

PENTAGON ASSUMES CONTROL

But when the program was funded by Congress it automatically went under the control of the Pentagon and gradually Ladd's influence waned while the military hierarchy in Washington and at Pacific Command headquarters in Honolulu took over.

The tendency from that point onward was toward more Americans, more sophisticated weapons and toward the erection of a typical military assistance bureaucracy in Phnom Penh. (The size of the American government contingent in Cambodia has increased from five in March, 1970, to about 160 today. A limit of 200 Americans has been imposed by Congress.)

An illustrative episode occurred last June when the Joint Chiefs of Staff asked for a U.S. logistics delivery team of 100 Americans in Phnom Penh. At the time Ladd had only 23 technicians working under him. Both Ladd and Ambassador Emory C. Swank protested vehemently. Defense Secretary Melvin R. Laird halved the Joint Chiefs' proposal to 50—still more than doubling the Phnom Penh contingent.

"No, no," Ladd pleaded. "I have functional use for no more than seven men." He got 27.

The size of the MEDT mission now exceeds 115, with less than half the number in Phnom Penh and the rest in Saigon. The new MEDT chief, Gen. John Cleland, who replaced the expansion-minded Metaxis, has put out the word that he will try to reduce the size of the American group and sharply police U.S. "end-use" inspections in the field. The end-use checks are intended to assure that the weapons are being put to the purposes for which they were delivered—and no more.

PRESERVE BUILDING SYMBOLIZES

The most palpable symbol of the American presence and of the Nixon Doctrine in Cambodia is a high-rise "tempo" building behind the enlarged American embassy that houses the MEDT program in Phnom Penh. Resident wags call it, as inevitably they would, Pentagon East.

American voices are heard where they would have been a jarring novelty in 1970. At the poolside of the Phnom (the republicanized Royal) Hotel, once a predominantly French sunbathing preserve, hefty U.S. technicians and officers shout, "Gar-sahn" at confused, scurrying waiters. It is an old page out of the Vietnam war next door.

Economic aid to Cambodia has also followed a well-rutted trail that winds through the earlier aid programs to Vietam and Laos. The newly established Commodity Import Program for Cambodia is stalled dead center and reflects little attention to the priorities of the country's war-disrupted economy.

It has already become a matter of unfriendly attention on Capitol Hill that in the one-year lifetime of the AID program far more money has been pushed on Phnom Penh than the government has been able to digest.

During the first half of 1971 less than a tenth of the $70 million in economic assistance obligated for Cambodia was used. Nonetheless AID officials in Cambodia asked for another $110 million to finance commodity imports in this fiscal year.

PROGRAM BORN OF HASTE

The economic aid program for Cambodia was hatched in the greatest of haste. AID

XUM

programmers arbitrarily set the level of the commodity import program, under which the U.S. finances the shipment of essential commodity items to Cambodian importers, at what they believed to be the level of imports before the war broke out in 1970. The guess proved disastrously high. Only a trickle of import applications were filed by the shrewd Chinese traders who form the elite of Indochinese mercantile society.

"It may be that they are unfamiliar with our procedures," conjectured one AID advisor in Cambodia, a theory that brings guffaws of incredulity from more experienced officials.

The Phnom Penh traders and financiers are past masters at dealing with governmental red tape, smuggling, black market operations, currency manipulation and the many other varieties of private enterprise in Southeast Asia.

The more plausible and commonly accepted explanation is that AID underestimated the disruption of the war on consumer demand.

Among the "essential items" approved by AID to underwrite Cambodia's economic survival last year were: 1,700 Italian motor scooters valued at $660,000; more than $100,000 worth of color movie film and other professional movie equipment; radio paraphernalia worth $307,700 to provide broadcasting facilities at the port city of Kompong Som and Battambang. (One U.S. official in Phnom Penh refers acerbically to the project as the "Cambodian Radio Amelioration Program, C-R-A-P."

UNITED STATES SHOWS CAMBODIA HOW TO SEND PLEAS FOR FUNDS

(By Bernard Gwertzman)

WASHINGTON, Jan. 11—The State Department said today that its technical assistance to Cambodia extended to showing the Government how to send fund-raising letters asking other countries for money.

Charles W. Bray 3d, the department spokesman, acknowledged that secret cablegram sent to Emory C. Swank, the United States Ambassador, contained a suggested form letter soliciting funds for Cambodia's for use by Premier Lon Nol in development.

The form letter, as drafted in Washington, left a blank space for the amount of money to be sought in each case.

The cable was made public today by Jack Anderson, the syndicated columnist, who has said that he has received "scores" of secret documents from an unidentified informant. Most of the material he has released so far has related to the recent Indian-Pakistan war.

"POLITICAL APPROACH" URGED

The message as quoted in part by Mr. Anderson, said: "We believe political approach necessary lest finance ministers who are generally opposed to new aid programs, arrange for an evasive or negative reaction to appeal."

"Department believes high-level political appeal needed to improve chances for success," the message said, according to Mr. Anderson. "Letter from Lon Nol to heads of prospective donor governments could help nail down."

The columnist said the form letter began as follows:

"Excellency: I am writing this note on a personal basis in order to bring to Your Excellency's attention directly the economic problem that we are now confronted with in the Khmer Republic."

It concluded: "I am asking that your government make a contribution of —— to the fund for 1972 at a meeting to be held on Phnompenh."

According to Mr. Anderson, Premier Lon Nol was to fill in the blank with the amounts sought from the countries scheduled to take part at a meeting beginning Friday in the Cambodian capital.

Mr. Bray, who confirmed that the meeting would take place, said that Roderic L. O'Conner, Assistant Administrator for the Agency for International Development, would head the American delegation.

The United States is prepared to pledge half of the $25-million sought by the Cambodians, Mr. Bray said.

The amounts sought from other countries, Mr. Anderson said, include $7.5-million from Japan, $3-million from Australia, $500,000 from Britain, $300,000 from New Zealand and $250,000 each from Indonesia, Malaysia, Singapore, Thailand and the Philippines.

Mr. Anderson asserted that the State Department message said:

"Once letters were sent, we prepared to urge our embassies in key countries to make high-level approaches in support of Lon Nol request.

"We understand that Japanese will then move out and actively lobby for participation in E.S.F. [exchange support funds.] We can, on selective basis, do some lobbying here, especially with U.K. and Australia."

Up to now the State Department has declined to comment on Mr. Anderson's published documents. Apparently because of Congressional sensitivity to American involvement in Cambodia. Mr. Bray was authorized to comment on the message and respond to Mr. Anderson's allegation that the United States was engaged in deception in getting others to aid Cambodia.

Mr. Bray, explaining that the United States was aiding Cambodia in organizing an aid consortium as it has done for Tunisia, Moracco, India and Pakistan, among others, said: "It is in part an attempt to lighten the burden on the United States taxpayers to enlist other countries in assistance."

"We have consistently sought to aid the Cambodians to elicit support in other countries." he said. "We have been open throughout and have kept Congress informed."

The form letter "falls clearly and openly" under that policy, he added, saying: "As part of our technical assistance to the Cambodian Government, and to get the multilateral assistance fund off the ground, the department sent the embassy in Pnompenh a kind of letter it might send to potential doners."

[From the Washington Post, Jan. 11, 1972]

U.S. DECEPTION ON ROLE IN CAMBODIA

(By Jack Anderson)

A secret exchange between Washington and Phnom Penh reveals that officials aren't telling the truth about the U.S. role in Cambodia.

Because of congressional hostility, the Nixon administration has pretended to take no active part in raising funds from other nations to support the tottering regime of Cambodian strongman Lon Nol.

The secret cables show, however, that the U.S. not only is bringing political pressure on other governments to contribute to Lon Nol but has actually prepared a solicitation letter for Lon Nol's signature.

Apparently, U.S. policymakers don't trust the Cambodian leader to write his own letters on such a delicate matter. The appeal was supposed to be addressed "on a personal basis" to other heads of state who might have a little cash to spare for Cambodian aid.

Congressmen have balked at financing Lon Nol because of the dismaying similarity between his regime and some of the corrupt, floundering South Vietnamese regimes that have cost the American taxpayers a fortune.

In an earlier column, we quoted from secret dispatches that described Lon Nol as "a sick man, both physically and mentally" and told of wide-spread incompetence and corruption throughout his government.

COMPULSIVE WOMANIZER

Even some of the able men under him were characterized respectively, as "an inveterate gambler," "a compulsive womanizer" and as a leader whose "personal authority is diluted by a tendency toward financial corruption."

American Ambassador Emory Swank, in one secret report, criticized "Lon Nol's haphazard, out-of-channel and ill-coordinated conduct of military operations." The result is that Communist hit-and-run harassing operations have developed—apparently much to the Viet Cong's surprise—into a serious military treat to the Cambodian capital.

Similar reports about some of South Vietnam's earlier political corruption and military bungling were kept secret from the American people. If the truth had been known in time, the U.S. might have been spared some of the lives and resources that have gone down the drain in Vietnam.

Because of the Vietnam experience, Congress is keeping a tight pursestring on Cambodian aid. The Nixon administration has gone behind congressional backs, however, to sneak military supplies into Cambodia through South Vietnam and Indonesia.

Now the administration has resorted to deception again to raise exchange support funds for Cambodia.

Cambodia "has undertaken to do its own representations to elicit donors for the ESF," a State Department spokesman told us blandly.

SECRET INSTRUCTIONS

But secret instructions were cabled to the American Embassy in Phnom Penh, declaring: "We believe political approach necessary lest finance ministries, who are generally opposed new aid programs, arrange for an evasive or negative reaction to (the Cambodian) appeal.

"Department believes high-level political appeal needed to improve chances for success. Letter from Lon Nol to heads of prospective donor governments could help nail down (contributions)."

The suggested letter begins: "Excellency: I am writing this note on a personal basis in order to bring to your Excellency's attention directly the economic problem that we are now confronted with in the Khmer Republic . . ."

It winds up: "I am asking that your government make a contribution of—to the fund for 1972 at a meeting to be held in Phnom Penh (on January 14.)"

All Lon Nol had to do was fill in the blank space with the correct amount for each country. The sums that will be sought are: U.S. $12.5 million; Japan, $7.5 million; Australia, $3 million; Britain, $500,000; New Zealand, $300,000; Indonesia, $250,000; Malaysia, $250,000; Singapore, $250,000; Thailand, $250,000; and the Philippines, $250,000.

Despite the State Department's public pretense that Lon Nol is running his own fund-raising drive, here's what the secret instructions add:

"Once letters sent, we prepared urge our embassies in key countries make high-level approaches in support of Lon Nol request. We understand that Japanese will then move out and actively lobby for participation in ESF. We can, on selective basis, do some lobbying here, especially with UK and Australia."

These secret instructions, like the India-Pakistan revelations, demonstrate, sadly, that the government of, by and for the people cannot always be trusted to tell the people the truth.

[From the Sunday Star, June 18, 1972]

CAMBODIAN AID DATA CONCEALED, PANEL SAYS

(By Carl C. Craft)

A congressional committee has accused the Nixon administration of suppressing the record on U.S. aid to Cambodia because it wants to conceal aspects of the operation.

Because President Nixon denied Congress access to a basic document called a "country field submission" dealing with Cambodia, the House Government Operations Committee said yesterday:

"It may have to be assumed that there must be facts and positions in this document which administration officials do not want Congress to see, such as matters regarding the exchange support fund, the $20 million cash grant, and failures of the U.S.-financed commodity import program."

Furthermore, in a statement with the report, Rep. William S. Moorhead, D-Pa., head of the committee's foreign operations subcommittee, said administrative ineptness and waste of U.S. tax dollars have "marked the dismal failure of the Cambodian assistance program—a program that has been held up as the model of the Nixon Doctrine in Southeast Asia."

In reply, AID said in a statement that the committee report "has the flavor of a determined effort to discredit the administration of economic aid to Cambodia." AID said none of the report's allegations is new, "they have been reviewed with the committee in testimony and in extensive staff consultation for over half a year" and were answered by the agency.

ESSENTIAL COMMODITIES

The congressional report said AID "has made essentially no effort to determine specifically what—in the way of food, clothing, shelter materials and other truly essential commodities—are needed by the average Cambodian.

"Consequently, AID officials were approving for U.S. financing such imports as television sets, automobiles for government and banking officials, soft drink concentrates," household air conditioners and electric typewriters.

The report said the Cambodian government "is or should be fighting for its political and economic survival. The United States has agreed to assist it."

But, the report said, "If Cambodia desires to obtain economic assistance for the maintenance of a business-as-usual society, they should approach affluent neighbors and trading partners. The United States can no longer sustain such affluent practices, especially in light of its tenuous international economic condition."

"OUTRIGHT GIFT" OFFERED

AID replied that Cambodia "is not doing 'business as usual' nor is U.S. aid being conducted on a 'business-as-usual' basis." The program is successful and "is meeting Cambodia's basic economic needs in an emergency wartime situation," AID said.

The report said AID "offered Cambodian officials an outright gift of $20 million to get Cambodia to undertake some economic reforms, the two key elements of which were a floating exchange rate and an exchange support fund.

"In October 1971, Cambodia devalued its currency and established a floating rate—AID transferred $10 million to Cambodia's bank account in New York. In March 1972, Cambodia issued a governmental decree establishing an exchange support fund—AID transferred another $10 million to Cambodia's bank account."

Moorhead's statement said his panel's inquiry "uncovered the fact that part of U.S. aid commodities shipped to Cambodia were being reinsured by a Soviet State-owned insurance company.

"Agency for International Development officials admitted in testimony that such Soviet-bloc companies could well be providing such insurance for millions of AID-financed commodities in the Far East," he said.

Mr. McGEE. Mr. President, I introduced this amendment at the beginning with the principal purpose of permitting us to make a record on the issue.

Now that that has been done, I ask unanimous consent—first I have to yield back the remainder of my time——

Mr. ROBERT C. BYRD. The Senator does not have to.

The PRESIDING OFFICER. The Senator may withdraw his amendment by unanimous consent without yielding back his time.

Mr. McGEE. I thank the Chair. I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I yield the floor, Mr. President.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the unfinished business will now be temporarily laid aside and the Senate will proceed to the consideration of Calendar No. 800, S. 3419, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments, on page 1, line 3, after the word "the", strike out "Consumer" and insert "Food, Drug, and Consumer Product"; on page 2, line 1, after the word "Of", insert "Food, Drug, and"; in line 2, after the word "Consumer", strike out "Safety" and insert "Product"; after line 2, insert a new section, as follows:

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the intrastate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

On page 3, at the beginning of line 16, change the section number from "101" to "102"; at the beginning of line 17, strike out "(1)" and insert "(a)"; in the same line, after the word "product", insert "or a component thereof,"; in line 18, after the word "produced", insert "for"; in the same line, after the word "distributed", strike out "for sale"; in line 21, after the word "or", strike out "otherwise; and an electronic product as defined in paragraph (3) of this section; but it does not mean" and insert "otherwise, but, except to the extent provided in section 104(c)(17), it does not include—"; at the beginning of line 25, strike out "(A)" and insert "(1)"; on page 4, at the beginning of line 1, strike out "(B)" and insert "(2)"; in the same line, after the word "to", insert "safety"; at the beginning of line 4, strike out "(C)" and insert "(3)"; in line 5, after the word "safety", strike out "regulations" and insert "regulation"; at the beginning of line 7, strike out "(D)" and insert "(4)"; in the same line, after the amendment just above stated, strike out "foods, drugs, or devices subject to safety regulation under the" and insert "food or drugs as defined in the Federal"; in line 10, after "(21 U.S.C. 201 et seq.)", strike out the comma and "as amended by section 204(a) of this Act"; at the beginning of line 11, strike out "(E)" and insert "(5)"; in the same line, after the word "safety", strike out "regulations" and insert "regulation"; at the beginning of line 14, strike out "(F)" and insert "(6)"; in line 16, after "(29 U.S.C. 651 et seq.)", insert "insofar as such products are regulated for use in employment"; at the beginning of line 18, strike out "(G)" and insert "(7)"; at the beginning of line 20, strike out "(H)" and insert "(8)"; at the beginning of line 23, strike out "(I)" and insert "(9)"; in line 24, after the word "to", insert "safety regulation under"; on page 5, at the beginning of line 3, strike out "(2)" and insert "(b)"; at the beginning of line 5, strike out "(3)" and insert "(c)"; after line 8, strike out:

(4) "Electronic product" means (A) any manufactured or assembled product which, when in operation, (i) contains or acts as part of an electronic circuit and (ii) emits (or in the absence of effective shielding or other controls would emit) electronic product radiation, or (B) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in clause (A) and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation.

(5) "Electronic product radiation" means—

(A) any ionizing or non-ionizing electromagnetic or particulate radiation or

(B) any sonic, infrasonic, or ultrasonic wave, which is emitted from an electronic product as the result of the operation of an electronic circuit in such product.

XUM

And, in lieu thereof, insert:

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

On page 6, at the beginning of line 5, strike out "(6)" and insert "(e)"; in the same line, after the word "means", strike out "accidental"; at the beginning of line 6, insert "adverse reactions and"; in line 7, after the word "electrical", strike out "or"; in the same line, after the word "radiological", insert "or other natural or man-made"; at the beginning of line 9, strike out "(7)" and insert "(f)"; at the beginning of line 14, strike out "(8)" and insert "(g)"; on page 7, at the beginning of line 5, strike out "(9)" and insert "(h)"; at the beginning of line 7, strike out "(10)" and insert "(i)"; in line 8, after the word "hazardous", strike out "elements, conditions" and insert "elements, conditions of use"; in line 11, after the word "for", insert "limitations on use and"; in line 12, after the word "eliminate", strike out "or"; in the same line, after the word "control", insert "or minimize"; and, in the same line, after the amendment just above stated, strike out "hazards," and insert "hazards and to promote health and safety."; at the beginning of line 15, change the section number from "102" to "103"; at the beginning of line 16, insert "Food, Drug, and"; in the same line, after the word "Consumer", strike out "Safety" and insert "Product"; in line 18, after the word "health", strike out "and"; in the same line, after the word "safety", insert "and welfare"; in line 19, after the word "consumers", insert "against adulteration, misbranding, and illegal distribution of food, drugs, devices, and cosmetics, and"; in line 21, after the word "of", strike out "foods, drugs, or"; in line 23, after the word "of", strike out "Foods" and insert "Food"; in line 24, after the word "of", strike out "Product Safety" and insert "Consumer Products"; on page 8, at the beginning of line 4, change the section number from "103" to "104"; in line 13, after the word "of", strike out "Foods" and insert "Food"; in line 14, strike out "Product Safety" and insert "Consumer Products"; after line 14, strike out:

(2) select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out his duties under this title, Act, subject to the civil service and classification laws;

At the beginning of line 19, strike out "(3)" and insert "(2)"; in the same line, after the word "personnel", strike out "so selected, appointed, or employed" and insert "of the agency"; at the beginning of line 21, strike out "(4)" and insert "(3)"; on page 9, at the beginning of line 9, strike out "(5)" and insert "(4)"; in line 12, after the word "this", strike out "title" and insert "Act"; in line 14, after the word "Government", strike out "without regard to any conflict of interest statutes"; at the beginning of line 20, strike out "(6)" and insert "(5)"; in the same line, after the word "such", strike out "rules" and insert "regulations"; at the beginning of line 22, strike out "delegate authority for the performance of any function to any officer or employee under his direction and supervision" and insert "for the efficient enforcement of the laws subject to the jurisdiction of the Agency"; at the top of page 10 insert:

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business.

After line 19, strike out:

(7) obtain by subpena where necessary such information as he is authorized to acquire under this title;

At the beginning of line 22, strike out "(8)" and insert "(7)"; in line 25, after the word "reimbursement", strike out "thereof" and insert "therefor"; on page 11, at the beginning of line 1, strike out "(9)" and insert "(8)"; at the beginning of line 9, insert "independent testing laboratory,"; at the beginning of line 10, strike out "(10)" and insert "(9)"; at the beginning of line 13, strike out "(11)" and insert "(10)"; at the beginning of line 21, strike out "(12)" and insert "(11)"; in the same line, after the word "research", strike out "and" and insert "or"; on page 12, at the beginning of line 4, strike out "(13)" and insert "(12)"; in line 6, after the word "consumer", strike out "products, and compel the attendance of witnesses by subpena when necessary" and insert "products"; after line 7, insert:

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17)(A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)–(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations; and

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a).

On page 13, at the beginning of line 16, strike out "(14)" and insert "(18)"; in line 17, after the word "this", strike out "title" and insert "Act"; at the beginning of line 19, strike out "title" and insert "Act"; at the beginning of line 20, strike out "(15)" and insert "(19)"; in the same line, after the word "of", strike out "the above powers" and insert "his functions and duties under this Act, including functions and duties transferred to him pursuant to title II"; on page 14, at the beginning of line 2, change the section number from "104" to "105"; in line 4, after the word "of", strike out "Foods" and insert "Food"; in line 6, after the word "attempt", strike out the comma and "in good faith,"; at the beginning of line 8, strike out "safety"; at the beginning of line 10, strike out "and Representation"; at the beginning of line 14, strike out "accident occurrences resulting in injury or death" and insert "injuries or deaths associated with food, drugs, and consumer products"; in line 16, after the word "agents", strike out "producing" and insert "associated with"; in line 17, after the word "such", strike out "injury" and insert "injuries or deaths"; in line 18, after "(e)", insert "establish and"; in line 20, after the word "Counsel", insert "for the Agency and an Assistant General Counsel for each Commission"; in line 23, after the word "Act", strike out "and to coordinate the efforts of the legal representatives of each Commission"; on page 15, line 1, after the word "which", strike out "the Administrator and Commissioners are" and insert "he is"; at the beginning of line 9, change the section number from "105" to "106"; in line 10, after the word "this", strike out "title" and insert "Act"; on page 16, at the beginning of line 4, change the section number from "106" to "107"; in the same line, after the word "The", strike out "President" and insert "Administrator"; in line 5, after the word "shall", strike out "appoint, with the advice and consent of the Senate" and insert "appoint"; in line 6, after the word "of", strike out "Foods" and insert "Food"; in line 8, strike out "Product Safety" and insert "Consumer Products"; after line 8, strike out:

(b) TERM OF OFFICE. Each Commissioner shall be appointed to serve at the pleasure of the President.

After line 10, strike out:

(c) VACANCY. In the event of a vacancy in the position of Commissioner, the Administrator shall appoint an Acting Commissioner to serve until the President appoints, with the advice and consent of the Senate, another Commissioner.

At the beginning of line 16, strike out "(d)" and insert "(b)"; in line 18, after the word "are", insert "authorized and"; in line 24, after the word "products", strike out "and compel the attendance

of witnesses by subpena at such hearings when necessary"; on page 17, at the beginning of line 2, change the section number from "107" to "108"; in line 5, after "(1)", strike out "attempt, in good faith," and insert "attempt"; in line 6, after the word "injury", strike out "in accordance with procedures set forth in laws he is given authority to administer in accordance with titles II or III of this Act"; in line 15, after the word "facilitate", strike out "standard setting" and insert "regulation-making"; in line 20, after "(5)", strike out "establish" and insert "utilize where practicable and establish where necessary,"; on page 18, line 2, after the word "him;", insert "and"; after line 2, strike out:

(6) appoint a Counsel to assist him as his legal representative in carrying out his duties under this Act; and

At the beginning of line 6, strike out "(7)" and insert "(6)"; in line 10, after the word "Information", strike out "And Representation"; at the beginning of line 12, change the section number from "108" to "109"; at the beginning of line 14, strike out "and Representation who shall serve during the duration of the term of the Administrator unless removed by the Administrator for good cause shown"; in line 18, after the word "Consumer", strike out "Safety"; in line 20, strike out "concerning consumer safety"; in line 21, after the word "programs", strike out "based on data supplied by the Commissioners"; in line 25, after the word "by", insert "the Administrator or"; on page 19, at the beginning of line 9, strike out "or Commissioners related to consumer safety,"; in line 10, after the word "section", strike out "113" and insert "114"; in line 13, after the word "distribution", strike out "the"; in the same line, after the word "information", insert "available for public disclosure"; in line 14, after the word "shall", strike out "also"; in line 17, after the word "copy.", insert "The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program."; on page 20, after line 2, strike out:

(d) POWERS OF DIRECTOR. (1)(A) In order to insure proper representation of the consumer interest in any rulemaking proceeding undertaken by any Commissioner or the Administrator, the Director shall appoint and compensate an attorney, chosen from among attorneys engaged privately in the practice of law or employed by the United States or any State thereof, to represent the consumer interest in that proceeding, unless he determines that the consumer interest will be adequately represented in any such proceeding without such appointment.

(B) The Director may appoint such other experts as he deems advisable unless the Administrator objects in principle to such appointment in writing.

(2) In proceedings other than rulemaking the Director may appoint an attorney or other expert to present for the public record the consumer interest to the Commissioner or Administrator unless the Administrator objects in principle to such appointment in writing.

(3) Any person appointed under authority of this subsection shall be chosen for his ability to represent the consumer interest fairly, effectively, and without conflict of interest.

(4) Nothing contained in this subsection shall be construed as limiting the authority or standing of any person to participate in the proceedings of the Agency.

On page 21, after line 2, insert:

(d) The Director shall establish a Consumer Information Library.

At the beginning of line 6, change the section number from "109" to "110"; at the beginning of line 11, strike out "accident occurrences that produce injury" and insert "injury associated with food, drugs, and consumer products"; in line 12, after the word "any", insert "natural or man-made"; in line 14, after the word "thermal", strike out "or"; in the same line, after the word "radiological" insert "or other"; in line 16, after the word "contact", strike out "accidentally"; in line 22, after the word "of", strike out "foods" and insert "food"; in line 23, after the word "or", strike out "other" and insert "consumer"; in line 24, after the word "injuries", strike out "resulting from the use of their" and insert "associated with such food, drugs, and consumer"; on page 22, at the beginning of line 5, strike out "(C) (1)" and insert "(d) LIMITATIONS.—(1)"; in line 17, after the word "this", strike out "Act;" and insert "Act, in a manner designed to preserve confidentiality to the greatest practicable extent"; on page 23, line 4, after the word "persons", insert "or person treating them"; at the beginning of line 12, change the section number from "110" to "111"; in the same line, after the word "designation.", strike out "Each Commissioner shall designate five persons within his Commission involved in the scientific detection of hazards or the establishment of standards to serve on a Joint Scientific Committee chaired by a Director of Science appointed by the Administrator to serve at his pleasure." and insert "After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator."; on page 24, line 1, after the word "The", strike out "Director" and insert "Associate Administrator"; after line 10, strike out:

AGENCY RESPONSIBILITY

SEC. 111. (a) CIVIL ACTION AGAINST THE AGENCY.—Any individual or class of individuals may commence a civil action on his or their own behalf against the Agency upon a showing that a person or persons in the Agency, by their acts or omissions have exposed said individual or individuals to foods, drugs, devices, or consumer products presenting unreasonable risk of injury or death. The district courts shall have jurisdiction without regard to the amount in controversy or the diversity of citizenship of the parties to entertain such action. The United States, through the Attorney General, shall defend the Agency against such action. Costs of litigation (including reasonable attorney's fees and expert witness fees) may be apportioned to the parties as the interests of justice require.

(b) POWERS OF THE COURT.—If the court finds that any person or persons in the Agency, have by any act or omission, or by any series of acts or omissions exposed individuals to foods, drugs, devices, or consumer products presenting unreasonable risk of injury or death, the court shall order performance or cessation of performance, as appropriate.

(c) CONFLICT OF INTEREST. No former Agency (1) in which he at any time person-employee shall at any time subsequent to his Agency employment assist any other person, whether or not for compensation, in any transaction involving the Agency (1) in which he at any time personally and not collaterally, casually, or incidentally participated during his Agency employment; or (2) if such transaction involving the Agency was under his official responsibility as an Agency employee, at any time within a period of eighteen months following such transaction.

And, in lieu thereof, insert:

AGENCY RESPONSIBILITY

SEC. 112. (a) PETITION OF THE AGENCY.—Any individual or class of individuals who alleges that he or they have been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) CIVIL ACTION AGAINST THE AGENCY.—If the Agency refuses to take any action in response to the petition, or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency either in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) POWERS OF THE COURT.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or

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petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) COSTS OF PETITION AND CIVIL ACTION.— Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

On page 28, at the beginning of line 2, change the section number from "112" to "113"; in line 5, after the word "submit", insert "directly"; at the beginning of line 6, strike out "without review of the Office of Management and Budget"; in line 12, after the word "the", where it appears the first time, strike out "President," and insert "President and"; in line 13, after the word "Administrator", strike out "and" insert "the budget recommendations of"; in line 15, after the word "for", insert "the fiscal year following the year of the report, for"; in line 21, after the word "Information", strike out "and Representation,"; on page 29, line 3, after the word "activities", strike out "standards-setting" and insert "regulation-making"; at the beginning of line 5, strike out "standards established" and insert "regulations promulgated"; in line 14, after the word "of", strike out "nontechnical"; in line 16, after the word "prosecutions", insert "and"; in line 19, after the word "Information", strike out "and Representation"; at the beginning of line 21, change the section number from "113" to "114"; in line 23, after the word "or", where it appears the second time, strike out "the" and insert "any"; on page 30, line 1, after the word "Information", strike out "and Representation", in line 17, after the word "this", strike out "Act;" and insert "Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and"; on page 31, line 2, after the word "persons", insert "or persons treating them"; in line 9, after the word "person", insert "outside the Agency"; at the beginning of line 17, change the section number from "114" to "115"; in the same line, after the amendment just above stated, strike out "Upon request by the Administrator, each Federal agency is authorized—"; after line 18, insert:

(a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section;

(b) Upon request by the Administrator, each Federal agency is authorized—

On page 32, at the beginning of line 5, strike out "(a)" and insert "(1)"; at the beginning of line 9, strike out "(b)" and insert "(2)"; at the beginning of line 16, change the section number from "115" to "116"; at the beginning of line 23, change the section number from "116" to "117"; on page 33, at the beginning of line 1, strike out "not to exceed $180,000,000 for the fiscal year beginning July 1, 1972, not to exceed $200,000,000 for the fiscal year beginning July 1, 1973, not to exceed $225,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law" and insert "such sums as may be necessary"; in line 7, after the word "funds", strike out "so authorized to be"; in the same line, after the word "appropriated", strike out "shall" and insert "to carry out this Act may"; in line 9, after the word "research", strike out "and" and insert "or"; in line 10, after the word "by", insert "other"; at the beginning of line 11, change the section number from "117" to "118"; in line 15, after the word "Administrator", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; in line 19, after the word "new", strike out "paragraph" and insert "paragraphs"; in line 21, after the word "Commissioners", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; after line 22, insert:

"(96) General Counsel, Food, Drug, and Consumer Product Agency."

On page 34, at the beginning of line 2, change the section number from "118" to "119"; in line 18, after the word "the", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; in line 21, after the word "Welfare", strike out "administered by the Division of Biological Standards of the National Institutes of Health" and insert "under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263 (a)) and under section 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263)"; on page 35, line 1, after the word "the", where it appears the second time, strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; after line 2, insert:

(c) All functions of the Secretary of Agriculture under the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and those functions of the Secretary of Agriculture and the Secretary of Commerce dealing with food performed pursuant to section 1622(h) of title 7, United States Code, are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

At the beginning of line 20, strike out "(c)" and insert "(e)"; in line 25, after the word "the", strike out "Consumer Safety" and insert "Food, Drug, and Consumer Product"; on page 36, at the beginning of line 8, strike out "(d)" and insert "(f)"; after line 10, strike out:

SEC. 202. (a) The Administrator shall delegate all standard setting functions transferred to him to—

(1) the Commissioner of Foods and Nutrition if the functions relate to foods, including but not limited to functions in Chapter IV of the Food, Drug, and Cosmetic Act (21 U.S.C. 341) and section 702a of that Act (21 U.S.C. 372a); the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.); the Import Milk Act (21 U.S.C. 141 et seq.); the Filled Milk Act (21 U.S.C. 61 et seq.); and the Import Tea Act (21 U.S.C. 41 et seq.);

(2) the Commissioner of Drugs if the functions relate to drugs, including but not limited to functions in Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. 351); and

(3) the Commissioner of Product Safety if the functions relate to other products over which the Administrator or the Commissioner of Product Safety have been given statutory authority.

(b) The Administrator shall exercise the functions under the Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) relating to color additives in cooperation with the Commissioners of Foods and Nutrition and Drugs.

And, in lieu thereof, insert:

SEC. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.); and

(3) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

On page 39, at the beginning of line 10, strike out "(c)" and insert "(b)"; in the same line, after the word "shall", insert "annually"; in line 11, after the word "Congress", insert "as part of his annual report under section 113"; in line 12, after the word "detailed", strike out "plan of delegation, within ninety days after the effective date of this Act which shall become effective unless disapproved by Congress within ninety days following its submission by joint resolution" and insert "statement of delegation"; in line 18, after the word "effect.", strike out "(except as provided in section 204 of this title)."; on page 40, after line 10, strike out:

SEC. 204. (a) The following laws are repealed and superseded by the authority granted in title III of this Act:

(1) the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261 et seq.);

(2) the Flammable Fabrics Act, as amended (15 U.S.C. 1191 et seq.);

(3) Chapter VI of the Food, Drug, and Cosmetic Act (21 U.S.C. 361–63);

(4) the Radiation Control for Health and Safety Act (42 U.S.C. 262 et seq.);

(5) the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76); and

(6) the Act of August 2, 1956 (15 U.S.C. 1211).

(b) Orders, rules, regulations, permits or other privileges made, issued, or granted, or in the process of being made, issued, or granted, by authority of the laws enumerated in subsection (a) of this section shall continue in effect and be administered by the Commissioner and enforced by the Administrator to the same extent as if the laws under which they had been made, issued, or granted, or are being made, issued, or granted had not been repealed and superseded, until such time as they are modified, amended, or repealed under authority granted to the Commissioner of Product Safety or Administrator in title III of this Act.

On page 80, after line 4, insert a new title, as follows:

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(a) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label bears (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance and color may be designated as fragrance and color without naming each ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(c) Section 201(i) of such Act is amended by striking "articles;" except that such term shall not include soap.", and inserting in lieu thereof "articles.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food, Drug, and Consumer Product Safety Act of 1972".

TITLE I—CREATION OF FOOD, DRUG, AND CONSUMER PRODUCT AGENCY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the interstate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

DEFINITIONS

SEC. 102. As used in this Act—

(a) "Consumer product" means a product, or a component thereof, produced for or distributed to an individual for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but, except to the extent provided in section 104(c)(17), it does not include—

(1) tobacco and tobacco products;

(2) products subject to safety regulation under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.);

(3) aircraft or other aeronautical products subject to safety regulations by the Federal Aviation Administration;

(4) food or drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.);

(5) products subject to safety regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.);

(6) products subject to safety regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) insofar as such products are regulated for use in employment;

(7) products subject to safety regulation under the Gas Pipeline Safety Act (49 U.S.C. 1671 et seq.);

(8) products subject to safety regulation under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

(9) vessels, appurtenances, and equipment subject to safety regulation under title 52 of the Revised Statutes, as amended, the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), or other marine safety statutes administered by the Department in which the Coast Guard is operating.

(b) "Commerce" means commerce among, between, or within the several States.

(c) "Consumer product safety standard" means a minimum standard promulgated under this Act which prevents such product from presenting an unreasonable risk of injury or death.

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

(e) "Injury" means harm (including adverse reactions and illness) produced by biologic, chemical, thermal, mechanical, electrical, radiological, or other natural or manmade agents.

(f) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Trust Territory of the Pacific Islands, or the Canal Zone.

(g) "Unreasonable risk of injury presented by a consumer product" means that degree of risk which the Commissioner determines is incompatible with the public health and safety either because the degree of anticipated injury or the frequency of such injury, or both, is unwarranted because—

(A) the degree of anticipated injury or the frequency of such injury can be reduced without affecting the performance or availability of the consumer product, or

(B) the degree of anticipated injury or the frequency of such injury cannot be reduced without affecting the performance or availability of the consumer product but the effect on such performance or availability is justified when measured against the degree of anticipated injury or the frequency of such injury.

(h) "Use" means: (A) exposure to, and (B) normal use or reasonably foreseeable misuse.

(i) "Risk-based analysis" means analysis which (A) identifies hazardous elements, conditions of use, and potential accidents, (B) determines the significance of their potential effect, and (C) provides the bases for limitations on use and design and procedural safety requirements to eliminate, control, or minimize hazards and to promote health and safety.

ESTABLISHMENT OF AGENCY

SEC. 103. There is hereby created an independent Food, Drug, and Consumer Product Agency (hereinafter referred to as the "Agency") whose function it is to promote the public health, safety, and welfare by protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, devices, and cosmetics, and against injury resulting from the use of consumer products. Within such Agency there shall be established a Commission of Food and Nutrition, a Commission of Drugs, and a Commission of Consumer Products, each to be headed by a Commissioner as provided in section 106 of this Act.

ADMINISTRATOR

SEC. 104. (a) APPOINTMENT.—The President shall appoint, with the advice and consent of the Senate, an Administrator of the Agency.

(b) TERM OF OFFICE.—The Administrator shall serve for a term of five years. He may be reappointed to the position of Administrator only once in succession.

(c) POWERS.—In order to fulfill his duties under this title, the Administrator is empowered to—

(1) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, and Consumer Products;

(2) direct and supervise all personnel of the Agency;

(3) employ experts and consultants (including such experts as provided for in section 108 of this title) in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and, while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(4) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees, or otherwise serving at the request of the Administrator, compensation and travel expenses at the rate provided for in paragraph (4) of this subsection with respect to experts and consultants;

(5) promulgate such regulations as may be necessary to carry out the functions vested in him and for the efficient enforcement of the laws subject to the jurisdiction of the Agency;

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business.

(7) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement therefor;

(8) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, independent testing laboratory, or institution;

(9) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(10) designate representatives to serve or assist on such committees as the Administrator may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies and independent standard-setting bodies carrying out programs and activities related to the protection of consumers against injury resulting from the use of foods, drugs, and consumer products;

(11) construct such research or test facilities as may be necessary to carry out the purposes of this Act, (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such facilities, and (C) subject to the appropriation of funds for this purpose by the Congress;

(12) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products;

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17)(A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)–(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations;

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a);

(18) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and

(19) delegate any of his functions and duties under this Act, including functions and duties transferred to him pursuant to title II, other than subpena powers, to the Commissioners or other officers or employees of the Agency.

DUTIES OF THE ADMINISTRATION

SEC. 105. The Administrator shall—

(a) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, and Product Safety;

(b) attempt to secure levels of funding for the Agency that will permit it to carry out its mission on behalf of the public;

(c) establish an Office of Consumer Information in accordance with the provisions of section 108 of this title;

(d) establish a National Injury Information Clearinghouse which shall systematically monitor and report injuries or deaths associated with food, drugs, and consumer products and identify the agent or agents associated with such injuries or deaths;

(e) establish and supervise the activities of the Joint Scientific Committee;

(f) appoint a General Counsel for the Agency and an Assistant General Counsel for each Commission, to assist him as his legal representative in carrying out his duties under this Act;

(g) enforce the laws which he is required under title II of this Act to administer; and

(h) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OBLIGATIONS OF AGENCY CONTRACTORS

SEC. 106. (a) MAINTENANCE OF RECORDS.—Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project undertaken in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) ACCESS TO RECORDS.—The Administrator and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under section 103(c)(9) under other than competitive bidding procedures.

COMMISSIONERS

SEC. 107. (a) APPOINTMENT.—The Administrator shall appoint a Commissioner of Food and Nutrition, a Commissioner of Drugs, and a Commissioner of Consumer Products.

(b) POWERS.—In order to fulfill his duties under this title, a Commissioner is empowered to—

(1) undertake such activities as are authorized and necessary to carry out his duties under this title, including those delegated to him by the Administrator and those enumerated in other sections; and

(2) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products.

DUTIES OF THE COMMISSIONER

SEC. 108. Each Commissioner, in cooperation with the other Commissioners and as directed and coordinated by the Administrator shall—

(1) attempt to eliminate products presenting unreasonable risk of injury;

(2) establish a capability within his Commission to engage in risk-based analysis;

(3) establish an interdisciplinary epidemiology capability and undertake investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation-making and to assist in risk-based analysis;

(4) establish a scientific capability within the Commission to assist in hazard detection, test method development, and quality control requirements;

(5) utilize where practicable and establish where necessary, field operations as authorized by the Administrator to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance, to report violations, and to assist the Administrator in any enforcement action taken by him; and

(6) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OFFICE OF CONSUMER INFORMATION

SEC. 109. (a) DIRECTOR.—The Administrator shall appoint a Director of the Office of Consumer Information.

(b) DUTIES OF DIRECTOR.—The Director shall—

(1) establish a Consumer Information Center which can respond to written inquiries from consumers;

(2) conduct consumer education programs so as to inform the public about certain specified hazards and thereby reduce the risk of those hazards. Such consumer education programs shall not be relied upon by the Administrator or any Commissioner as a substitute for action designed to minimize any hazard unless the Director publishes in the Federal Register a finding that such reliance would sufficiently reduce the risk of such product so that its use would not present an unreasonable risk of injury or death; and

(3) insure public access to information concerning pending or completed actions of the Administrator in accordance with section 114 of this title.

(c) PUBLIC INFORMATION ROOM.—In addition to publishing information in the form and manner best adopted for widespread distribution, information available for public disclosure shall be made available in a "Public Information Room" within the Director's office, equipped with a self-help copying machine, from which the public can make copies at the cost of the production of the copy. The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program.

(d) The Director shall establish a Consumer Information Library.

NATIONAL INJURY INFORMATION CLEARINGHOUSE

SEC. 110. (a) DIRECTOR.—The Administrator shall appoint a Director of the National Injury Information Clearinghouse.

(b) DUTIES OF DIRECTOR.—The Director shall establish a system of nationwide reporting centers to monitor injury associated with food, drugs, and consumer products, to identify any natural or man-made biologic, chemical, mechanical, electrical, thermal, or radiological, or other agents that caused such injury to describe the way in which such agents came into contact with the victim, and to ascertain the severity of the injury.

(c) POWERS OF DIRECTOR.—(1) The Director may—

(A) obtain injury data from other governmental and nongovernmental sources; and

(B) require manufacturers, importers, processors, distributors, retailers or assemblers of food, drugs, or consumer products, and their insurers, to submit information concerning injuries associated with such food, drugs, and consumer products that have come to their attention in accordance with regulations promulgated by the Administrator, which ensure that such persons providing such information are not compromised in any pending litigation.

(d) LIMITATIONS.—(1) The Director shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or person treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 522, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

JOINT SCIENTIFIC COMMITTEE

SEC. 111. (a) DESIGNATION.—After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator.

(b) MEETINGS.—Such Committee shall meet at least once a month.

(c) DUTIES.—

(1) The Associate Administrator and members of the Committee shall insure that there is an exchange of scientific information between the Commissions and shall report to the Administrator on the needs of the scientific personnel in each of the Commissions.

(2) The Committee shall advise the Administrator or any of the Commissioners on technical matters and shall make recommendations for the soliciting of expert scientific opinion on particular issues.

AGENCY RESPONSIBILITY

SEC. 112. (a) PETITION OF THE AGENCY.—Any individual or class of individuals who alleges that he or they have been exposed by any act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) CIVIL ACTION AGAINST THE AGENCY.—If the Agency refuses to take any action in response to the petition, or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency either in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) POWERS OF THE COURT.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) COSTS OF PETITION AND CIVIL ACTION.—Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

ANNUAL REPORTS

SEC. 113. (a) TIME OF REPORT.—With one hundred and twenty days following the convening of each regular session of each Congress, the Administrator shall prepare and submit directly to Congress and the President a report on the activities of the Agency and its recommendation for legislative action.

(b) CONTENTS.—Such reports shall contain the following—

(1) budget information containing the budget requests of the President and the Administrator, and the budget recommendations of each of the Commissioners, the appropriation of the Congress, and the distribution of appropriated funds for the fiscal year following the year of the report, for the fiscal year of the report, and for the preceding three fiscal years;

(2) a detailed summary of the activities of the Agency, including but not limited to an account of the activities of the National Injury Information Clearinghouse, the Office of Consumer Information and the Joint Scientific Committee detailing the number and type of personnel employed and the moneys expended by each;

(3) a detailed summary of the activities of each Commission prepared by its Commissioner which presents information as to its epidemiology efforts, risk-based analysis activities, regulation-making efforts (including a brief description of final regulations promulgated), certification programs, scientific activities (including basic research and test methods development) undertaken by the Commission or by other Government agencies or private persons under contract with the Agency, and its field operations;

(4) a detailed summary of the enforcement activities of the Agency including violations reported to the Administrator by each Commissioner, a summary of the disposition of violations including but not limited to voluntary agreements, seizures, recalls, civil fines, and criminal prosecutions; and

(5) legislative recommendations of each Commissioner, the Administrator, and the Director of the Office of Consumer Information.

PUBLIC ACCESS TO INFORMATION

SEC. 114. (a) AVAILABILITY.—Copies of any communications, documents, reports, or other information received or sent by the Administrator or any Commissioner shall be made available to the public, upon identifiable request, and at reasonable cost, through the Office of Consumer Information unless such information may not be publicly re-

leased under the terms of subsection (b) of this section.

(b)(1) LIMITATIONS.—The Administrator, Commissioner, or any officer or employee of the Agency shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or persons treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) PROCEEDING COMMUNICATIONS.—Any communication from a person outside the Agency to the Administrator, the Commissioners or any other employee of the Agency concerning a matter presently under consideration in a rulemaking or adjudicatory proceeding in the Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

COOPERATION OF FEDERAL AGENCIES

SEC. 115. (a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section;

(b) Upon request by the Administrator, each Federal agency is authorized—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Agency to assist it in the performance of its functions; and

(2) to furnish to the Agency such information, data, estimates, and statistics, and to allow the Agency access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of the functions of the Agency as provided by this Act.

SEPARABILITY

SEC. 116. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 117. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act such sums as may be necessary. No part of the funds appropriated to carry out this Act may be used to plan, design, or construct any research or test facilities unless specifically authorized by the Congress by other law.

SEC. 118. (a) EXECUTIVE SCHEDULE LEVEL OF ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Administrator, Food, Drug, and Consumer Product Agency."

(b) EXECUTIVE SCHEDULE LEVEL OF COMMISSIONERS.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(95) Commissioners, Food, Drug, and Consumer Product Agency.

"(96) General Counsel, Food, Drug, and Consumer Product Agency."

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 119. (a) This Act shall take effect ninety days after the Administrator first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

TITLE II—TRANSFERS OF FUNCTION

SEC. 201. (a) All functions of the Secretary of Health, Education, and Welfare administered through the Food and Drug Administration are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(b) All functions of the Secretary of Health, Education, and Welfare under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263(a)) and under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(c) All functions of the Secretary of Agriculture under the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and those functions of the Secretary of Agriculture and the Secretary of Commerce dealing with food performed pursuant to section 1622(h) of title 7, United States Code, are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(e) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds which are used primarily with respect to any office, agency, bureau, or function transferred under the provisions of this section are transferred to the Administrator of the Food, Drug, and Consumer Product Agency. The transfer of personnel pursuant to this subsection shall be without reduction in classification or compensation for one year after such transfer, and this provision shall not be construed to impair the authority of the Administrator to assign personnel during this period to carry out the functions of the Agency most effectively.

(f) The Civil Service Commission shall establish criteria, in consultation with the Administrator, when preparing competitive examinations for positions in the Agency.

SEC. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), the Agricultural Marketing Act of 1946 (7 U.S.C. 1622 (h)), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and the virus, serum, toxin, and analogous products provisions applicable to domestic animals of the Act of Congress approved March 4, 1913 (21 U.S.C. 151 et seq.); and

(3) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

(b) The Administrator shall annually present to Congress as part of his annual report under section 113 a detailed statement of delegation.

SEC. 203. All laws relating to any office, agency, bureau, or function transferred under this Act shall, insofar as such laws are applicable, remain in full force and effect. And orders, rules, regulations, permits, or other privileges made, issued, or granted by any office, agency, or bureau or in connection with any function transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any office, agency, or bureau or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office, agency, bureau, or officer of the United States.

TITLE III—CONSUMER PRODUCT SAFETY

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 301. (a) The Commissioner of Product Safety (hereinafter referred to as the "Commissioner") shall collect, evaluate, and disseminate, on a continuing basis in conjunction with the National Injury Information Clearinghouse, information on the types, frequency, severity, and causes of injury associated with the use of consumer products, and on means to test, measure, or evaluate the risks of such injury. In carrying out his functions under this section the Commissioner in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to facilitate the establishment of consumer product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall use interdisciplinary epidemiological teams where appropriate to ascertain the details and causation of injury resulting from the use of a consumer product;

(3) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(4) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, industry or labor associations, and other public or private agencies, organizations, or institutions;

(5) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(6) shall obtain (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Commissioner is authorized to obtain from any person by subpena, issued pursuant to regulation, information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpenas upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c)(1) The Commissioner shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session not to within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(d) The Commissioner shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any unreasonable or significant risk to health or safety associated with such product.

(e) Whenever the Commissioner finds, on the basis of information available to him, that exposure to an aspect of the household environment other than a consumer product presents an unreasonable risk of personal injury or death and that a recognized building, electrical, or other code covers that aspect of the household environment, he may recommend to the appropriate code-making authority, and to those authorities responsible for enforcing the code having jurisdiction over that aspect, the code changes he considers warranted to reduce the risk to a reasonable level.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 302. Whenever the Commissioner finds a need for action to eliminate unreasonable risk of injury or death associated with the use of a consumer product, or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a consumer product safety standard or amend any standard previously established. Such standard or amendment to a standard, insofar as practicable, shall be compatible with any environmental standards established for any consumer product by the Federal Government.

INITIATION OF PROCEEDING TO PROMULGATE A CONSUMER PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 303. (a) A proceeding to promulgate a consumer product safety standard shall be initiated by the Commissioner by publication in the Federal Register of a notice of proceeding. Such notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the consumer product or type or class of such products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the information upon which the Commissioner has found a need to initiate the proceeding, and the manner, consistent with subsection (c) of section 301, in which interested persons may examine such information;

(4) information with respect to any existing standard known to the Commissioner which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within thirty days after the date of publication of the notice—

(A) to submit information challenging the need to control any risk or risks presented by the consumer product, or type or class of such products, with respect to which the proceeding is initiated;

(B) to submit to the Commissioner an existing standard as such proposed consumer product safety standard; or

(C) to offer to develop such proposed consumer product safety standard in accordance with regulations of the Commissioner prescribing procedures for such development.

Petition by Interested Party

(b) Any consumer or other interested party may petition the Commissioner to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety standard or other action. Such petition shall set forth with particularity the reasons for such petition. The Commissioner shall publish petitions in the Federal Register and allow opportunity for comment. If the Commissioner denies such petition he shall publish his reasons for such denial.

Decision To Proceed

(c) If the Commissioner determines, after receiving and evaluating any information to the contrary, that there exists a need to control a risk or risks presented by the designated consumer product, or type or class of such products with respect to which the proceeding to promulgate a consumer product safety standard was initiated, then he shall proceed toward the publishing of a proposed consumer product safety standard.

Use of Existing Standard

(d) If the Commissioner—

(1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution;

(2) has made reference to such standard (unless it is a standard submitted pursuant to section 303(a)(5)(B)) in his notice pursuant to subsection (a)(4); and

(3) determines that such standard may be acceptable to him as a consumer product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed consumer product safety standard pursuant to section 306.

Acceptance of Offers To Develop Proposed Consumer Product Safety Standards

(e)(1) Except as provided by subsection (b), the Commissioner may accept one, or more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (a)(5)(C), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within 150 days of the notice of proceeding or such longer period of time not to exceed 360 days from the date of such notice; and

(B) the offeror has the capacity to comply with regulations of the Commissioner prescribed pursuant to section 305.

The Commissioner shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Commissioner may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, if the Commissioner determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commissioner shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED CONSUMER PRODUCT SAFETY STANDARD BY THE COMMISSIONER

SEC. 304. If the Commissioner has published a notice of proceeding as provided by section 303(a), and he has not accepted an existing standard pursuant to section 303(d) then the Commissioner shall proceed to develop a proposed consumer product safety standard whether or not he has accepted offers to develop a proposed standard if he

has determined that his own development will be of benefit to the public.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 305. The Commissioner shall prescribe regulations governing the development of proposed consumer product safety standards under sections 303 and 304 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Commissioner may reasonably require to be developed, and be suitable for promulgation pursuant to section 306;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) for opportunity by interested persons to participate in the development of such standards;

(4) for the maintenance of such records as the Commissioner prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Commissioner, the Administrator, and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Commissioner, pursuant to section 303(e), to the development of such recommended standards.

PROMULGATION OF CONSUMER PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

SEC. 306. (a)(1) Not more than one hundred and eighty days after his publication of a notice of proceeding pursuant to subsection (a) of section 303 (which time may be extended by the Commissioner by a notice published in the Federal Register stating good cause therefor), the Commissioner shall publish in the Federal Register either a notice withdrawing such prior notice or a proposal to promulgate a consumer product safety standard applicable to any consumer product subject to such notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a consumer product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such notice.

(2) A proposal to promulgate a consumer product safety standard shall contain only one such proposed standard formulated by the Commissioner on the basis of the proposed standard developed by an offeror under section 303(e) of this title or by the Commissioner, or both.

(3) A proposal to promulgate a consumer product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such proposed standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such proposed standard or declaration, or need therefor, is based (consistent with subsection (c) of section 301), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing.

Disputes of Fact

(b) The Commissioner may conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of material fact raised by any person when presenting comments in accordance with paragraph (3) of subsection (a) of this section.

Findings

(c)(1) Prior to his issuance of an order to promulgate a consumer product safety standard pursuant to subsection (d) or to declare a product a banned hazardous consumer product pursuant to subsection (f), the Commissioner shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 303 relevant to such order;

(B) the types, frequency, severity, and causes of injury that may be attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the public for the consumer products subject to such order, and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

(2) The Commissioner shall include in any order promulgating a consumer product safety standard or banning a hazardous consumer product, a determination that his findings pursuant to paragraph (1), upon which such order shall be based, show that such standard or declaration is reasonably necessary to carry out the purposes for which such standard or declaration is authorized.

Order To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

(d) Within sixty days after the publication of a proposal to promulgate a consumer product safety standard, or to declare a consumer product a banned hazardous consumer product, the Commissioner shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable notice of proceeding. The order shall set forth the consumer product safety standard or declaration, if any, the reasons for the Commissioner's action (including reasons for the promulgation of a consumer product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. If such effective date is later than six months after publication of an order setting forth a consumer product safety standard, the Commissioner shall publish his reasons therefor.

Characteristics of Consumer Product Safety Standards

(e)(1) Consumer product safety standards shall, where feasible, pertain to the safety performance characteristics (including safe packaging characteristics) of a consumer product, or type or class of such products, and shall to the extent practicable set forth test procedures (including instrumentation) capable of producing reproducible results to measure such performance characteristics, except that any such standard may apply to the composition, design, construction, or finish of a consumer product (or any component thereof, or type or class of such products. If the Commissioner determines that it is not feasible to protect the public health or safety by development of a consumer product safety standard pertaining to safety performance characteristics or any other consumer product safety standard authorized by this subsection.

(2) A consumer product safety standard may require that a consumer product (or any component thereof), or type or class of such products, (1) be marked, tagged, or accompanied by clear and adequate warnings or instructions, or (2) be subject to precautions related to physical distribution, as may be reasonably necessary for the protection of the public health or safety.

Ban of Product

(f)(1) The Commissioner may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Commissioner's order pursuant to subsection (d), that no feasible consumer product safety standard will adequately protect, the public from unreasonable risk of injury or death presented by such product. A firearm or ammunition may not be declared a banned hazardous consumer product.

(2) Any banned hazardous consumer product sold after the date on which notice was published of the proposal to declare such product a banned hazardous consumer product shall, in accordance with regulations promulgated by the Administrator, be repurchased as follows:

(A) The manufacturer of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) if that person has repurchased such consumer product pursuant to subparagraph (B) or (C), reimburse him for any amounts paid in accordance with that paragraph for the return of such consumer product, and

(iii) if the manufacturer requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(B) The distributor of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) if that person has repurchased such consumer product pursuant to subparagraph (C), reimburse him for any amounts paid in accordance with the subparagraph for the return of such consumer product in connection with its repurchase, and

(iii) if the distributor requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(C) In the case of any such consumer product sold at retail by a dealer, if the person who purchased it from the dealer or a subsequent owner returns it to him, the dealer shall refund that person the purchase price upon tender of such product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender and reimburse him for any reasonable and necessary transportation charges incurred in its return.

SAFETY ANALYSIS STUDY

SEC. 307. In order to insure that a manufacturer gives adequate consideration to the safety aspects of a consumer product, so as to prevent an unreasonable risk of injury or death from such consumer product, the Commissioner, where applicable, may require by regulation that a consumer product (or component thereof), or type or class of consumer products, be subjected to a detailed safety analysis, if such consumer product is not subject to a consumer product safety standard under this Act. Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner. If such consumer product is later subject to a proceeding under section 303 of this Act, then the Commissioner may take into consideration such safety analysis when considering the need for a consumer product safety standard on such consumer product. The Commissioner may demand of the manufacturer a copy of any required safety analysis report.

REVOCATION OR AMENDMENT OF STANDARD

SEC. 308. (a) The Commissioner may revoke, in whole or in part, any consumer product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c) of section 301) in which interested persons may examine data and other information relevant to the Commissioner's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Commissioner shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Commissioner's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 303, 304, 305, and 306 of this title for the promulgation of a consumer product safety standard shall apply to the promulgation of a material amendment of a consumer product safety standard. The Commissioner may promulgate an amendment of a consumer product safety standard, other than a material amendment, without regard to section 303, 304, or 305, but shall comply with the procedures set forth in subsections (a) and (b) of section 306, and shall set forth, in his order promulgating such amendment, such findings as he may deem appropriate in explanation thereof. As used in this subsection, the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially alter the composition, design, finish, or packaging of such product.

COMPLIANCE

SEC. 309. (a) QUALITY CONTROL PROCEDURES.—Whenever the Commissioner has good cause to believe that a particular manufacturer is producing a consumer product with a significant incidence of noncompliance with a particular consumer product safety standard—

(1) he may require such manufacturer to submit to the Commissioner a description of the relevant quality control procedures followed in the manufacture of such product; and

(2) if the Commissioner thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's control procedures, he may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code, order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

(b) NAMES OF FIRST PURCHASERS.—(1) The Commissioner may establish, by order at any time, procedures to be followed by manufacturers or importers, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards have been promulgated. Such procedures shall be reasonable for the particular type or class of consumer products for which they are prescribed.

(2) In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner shall consider—

(A) the severity of the injury that could result if a consumer product were not manufactured in compliance with an applicable consumer product safety standard;

(B) the likelihood that a particular type or class of consumer product would be manufactured not in compliance with an applicable consumer product safety standard; and

(C) the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of such maintenance).

(c) COMPLIANCE TESTING.—(1) The Commissioner shall conduct compliance testing of consumer products subject to consumer product safety standards in order to insure that such products are in compliance with applicable consumer product safety standards pursuant to regulations promulgated in accordance with section 553 of title 5, United States Code.

(2)(A) Any person who manufactures or imports a consumer product for which a consumer product safety standard is in effect shall furnish a reasonable number of such products without cost to the Commissioner upon request. Consumer products furnished to the Commissioner under this subsection shall be drawn from regular production runs of such product.

(B) Upon the completion of any compliance testing, the Commissioner shall return the consumer product in compliance with any applicable consumer product safety standard to the manufacturer or importer from whom he obtained it, and such manufacturer or importer, in any subsequent sale or lease of such product, shall disclose that it has been subjected to compliance testing and shall indicate the extent of damage, if any, prior to repair.

(d) Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product by such manufacturer or importer, or distributor, certification that each such consumer product conforms to all applicable consumer product safety standards.

JUDICIAL REVIEW

SEC. 310. (a) Any interested person affected by a final order or regulation of the Commissioner promulgated pursuant to sections 305, 306(d), 307, 308, or 309 may, at any time after such order is published by the Commissioner, file a petition with the United States Court of Appeals for the District of Columbia, or any circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or other officer designated by him for that purpose and to the Administrator. The Commissioner shall transmit to the Administrator, who shall file in the court, the record of the proceedings on which the Commissioner based his order, as provided in section 2112 of title 28, United States Code. Such record shall include such order of the Commissioner and, if issued, held, or obtained in connection therewith, the notice of proceeding published pursuant to subsection (a) of section 303; any notice or proposal published pursuant to section 305, 306(a), 307, 308, or 309; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Commissioner in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Commissioner in accordance with chapter 7 of title 5, United States Code and to grant appropriate relief, including interim relief, as provided in such chapter. The order of the Commissioner shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

EMERGENCY ACTION

SEC. 311. (a) The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action against a consumer product to have such product described an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed, notwithstanding the existence of a consumer product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 303. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product presenting an unreasonable risk of injury or death which requires action to protect adequately the public health and safety prior to the completion of administrative proceeding held pursuant to this Act.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the first purchasers of such product of such risk, public notice, the recall, the repurchase, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the declaration of an imminent hazard, the Commissioner shall initiate a proceeding, pursuant to section 303, to promulgate a consumer product safety standard applicable to the consumer product with respect to which such declaration is made, or, if the initiation of such proceeding is not feasible, shall initiate a proceeding, pursuant to section 306, to declare such product a banned hazardous consumer product.

STOCKPILING

SEC. 312. Between the time a final order establishing a consumer product safety standard is issued and the time such order becomes effective, no manufacturer or importer, in an effort to stockpile that consumer product, shall produce or import such product in quantities significantly greater than quantities he had produced for a base

period established by the Commissioner prior to the promulgation of a final order establishing a consumer product safety standard.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCT

SEC. 313. (a) Every manufacturer, importer, or distributor of, or dealer in, a consumer product who discovers that such product has a defect which relates to the safety of use of such product or that such product fails to comply with an applicable consumer safety standard shall immediately notify the Commissioner of such defect or failure to comply if such product has left the place of manufacture. The notification required by this subsection shall contain (1) a clear description of such defect or failure to comply with an applicable consumer product safety standard, (2) an evaluation of the hazard reasonably related to such defect or failure to comply, and (3) a statement of the measures to be taken to effect repair to such defect or failure to comply.

(b) If any consumer product fails to comply with any applicable order issued pursuant to this title and thereby presents an unreasonable risk of injury or death or has a manufacturing defect which causes it to present an unreasonable risk of injury or death, the manufacturer, importer, or distributor of, or dealer in, such product may be required by the Administrator (by order after opportunity for hearing pursuant to the provisions of section 554 of title 5, United States Code) to give public notice (including notice through electronic media when necessary to protect the public health and safety) and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Administrator may prescribe, upon the Administrator's determination that such notification is required in order adequately to protect the public health or safety,

(2) to bring such product into conformity with the requirements of such order without charge to the consumer, or

(3) to either replace such product with a like or equivalent consumer product which complies with such order without charge to the consumer or to refund the purchase price of such product upon its tender, whichever option is elected by the manufacturer, importer, distributor, or dealer whose product fails to comply. If an election is made to refund the purchase price, the price shall be less a reasonable allowance for use, if such product has been in the possession of the consumer for more than one year at the time of tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and foreseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order.

INSPECTION AND RECORDKEEPING

SEC. 314. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Commissioner, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate written notice shall be given for each inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a consumer product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Commissioner may by regulation reasonably require with respect to the safety of such product. Upon request of an officer or employee duly designated by the Commissioner every such person shall permit the inspection of such records and other books, records, and papers relevant too determine whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purpose of enforcing this Act.

PROHIBITED ACTS

SEC. 315. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1) (A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a consumer product safety standard; or (D) manufacture for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Commisisoner pursuant to section 313;

(3) fail or refuse to comply with any requirement of sections 309, 312, and 314;

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while such product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a consumer product safety standard, or renders the product a banned or imminently hazardous consumer product;

(5) fail to provide to the Director of the National Injury Information Clearinghouse the information concerning injuries as required in section 109(c)(1)(B); or

(6) fail to provide, pursuant to section 307, any required safety analysis.

ENFORCEMENT

Civil and Criminal Penalties

SEC. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency in its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year, or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Administrator or the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 315, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable consumer product safety standard, or which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 315, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Administrator, and condemned in any district court of the United States within whose district the consumer product is found.

Private Suits

(d) (1) Any person who may be exposed to unreasonable risk of injury or death presented by a consumer product may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a consumer product safety standard, or to enforce any order under subsection (f) of section 306, or under section 311, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commissioner, to the Administrator, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this title. In any action under this action, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

(2) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety standard, regulation, or order issued by the Commissioner may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

IMPORTS

SEC. 317. (a) Any consumer product imported into the United States to which a consumer product safety standard applies (except insofar as the Commissioner may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Commissioner) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a consumer product safety standard in effect on the date of entry of such merchandise, the Administrator shall so inform the Secretary of the Treasury, and unless it appears to the Administrator that the product can be brought into compliance with all applicable requirements under this title shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Administrator that the consumer product can be brought into compliance with all applicable requirements under this title, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Administrator may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Agency or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Commissioner, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Administrator with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury within ninety days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any further importations made by such owner or consignee.

EXPORTS

SEC. 318. This title shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumed product is in fact exported from the United States; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE LAW

SEC. 319 (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a consumer product safety standard under this title unless that standard or similar regulation is identical to a consumer product safety standard established pursuant to this title. Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable consumer product safety standard under this title.

(b) The Administrator may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a consumer product safety standard proposed by such application (1) imposes a higher level of health or safety than the Federal consumer product safety standard with respect to consumer products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4) is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Administrator are substantially comparable to those prescribed for consumer product safety standards under this title.

(c) Compliance with any consumer product safety standard issued under this title does not exempt any person from any liability under common law.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 320. (a) In carrying out their duties under this Act, the Administrator and the Commissioner shall, to the maximum practical extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

(b) Technical research support for fire safety projects undertaken by the Administrator or the Commission shall be provided by the National Bureau of Standards on a reimbursable basis.

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(a) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label bears (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance and color may be designated as fragrance and color without naming each ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(c) Section 201(i) of such Act is amended by striking "articles; except that such term shall not include soap.", and inserting in lieu thereof "articles.".

RECESS AT 1:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, the manager of the pending bill, the distinguished Senator from Washington (Mr. MAGNUSON), and the ranking minority member of the committee handling the bill, the distinguished Senator from New Hampshire (Mr. COTTON), are both engaged at this time in a markup of the bill making appropriations for the Department of Labor and Health, Education, and Welfare. I have just been advised by those two Senators that they cannot be ready to come to the floor to handle the pending bill until 1:30 p.m. today.

Therefore, Senator MCGEE having withdrawn his amendment to S. 3390, and there being no other business at this time, I move that the Senate stand in recess until 1:30 p.m., with the time consumed by the recess not charged against either side.

The motion was agreed to; and at 11:04 a.m., the Senate took a recess until 1:30 p.m.; whereupon the Senate reassembled when called to by the Presiding Officer (Mr. CRANSTON).

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against the two sides on the pending bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL TELEPHONE BANK FUNDS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may take up a

committee matter which will not take over 3 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, on Monday, June 19, the House passed H.R. 14423, which permits the Secretary of the Treasury to purchase debentures of the Telephone Bank. Yesterday that bill was referred to the Committee on Agriculture and Forestry. It is identical in substance to the provisions which the Senate adopted as section 905 of the Senate amendment to the rural development bill, H.R. 12931, and which was lost in conference.

Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 14423 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 14423) to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield.

Mr. MILLER. I merely want to echo the sentiments of my colleague the distinguished senior Senator from Georgia, chairman of the Committee on Agriculture and Forestry. This matter was thoroughly discussed and was agreed to unanimously in our committee. I also hope that the bill will be passed without delay.

Mr. DOLE. Mr. President, the bill we are considering today pertains to legislation identical to an amendment I offered to rural development bill on April 20 of this year. It is also the same legislation introduced by the chairman of the Senate Agriculture and Forestry Committee in S. 3518. My amendment was agreed to in the rural development bill, but was deleted in conference due to question by the House conference members as to germaneness. This legislation has the endorsement of the administration. It was requested by the Secretary of Agriculture and the Treasury Department. It has the support of the Office of Management and Budget.

Essentially, this legislation will enable the Rural Telephone Bank to expedite its operation to provide better telephone service to rural America. The Rural Telephone Bank bill, which I authored last year, and which was signed into law May 1, 1971, has been readily accepted and already a backlog of applications for loans from the bank have caused the need for this legislation.

This bill enhances the ability of the Rural Telephone Bank to obtain funds with which to finance needed rural telephone Service.

At present, the borrowing authority of the bank is restricted to the private market; however, other Federal enterprises, after which this bank was patterned, have authority to borrow from the Secretary of the Treasury.

The lack of this authority denies to the Rural Telephone Bank the possibility of direct loans from the Treasury which can be obtained at lower costs than private market borrowing, even by Federal agencies which have their loans backed by the full faith and credit of the United States. These direct loans would have no adverse budgetary effect, since the Telephone Bank's receipts and expenditures are already included in the Federal budget, irrespective of its source of borrowings.

In addition, the bill would eliminate the need for the Rural Telephone Bank to have its own fiscal agency and permit it to minimize borrowing costs and avoid cash flow problems which could disrupt its lending program. Interest cost of the various federally sponsored agencies normally exceed Treasury borrowing costs by substantial amounts and the cost of money to such agencies is further increased by the higher underwriting costs of relatively small issues. The Treasury already has the necessary expertise, flexibility, volume, and the marketing power to minimize financing costs and assure an effective flow of credit for the supplementary financing program established by Congress.

Mr. President, due to the prior consideration already given this provision of the bill, the support, and approval of the administration and the Office of Management and Budget, and the need to provide more communications to rural America, I would ask Senators to support and promptly pass this legislation.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. TALMADGE. Mr. President, I move its passage.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on third reading.

The bill was ordered to be read a third time, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question, Shall it pass? (putting the question).

The bill (H.R. 14423) was passed.

THE FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MOSS. Mr. President, I ask unanimous consent that during the consideration of the product safety bill Mr. Michael Pertschuk, Mr. S. Lyon Sutcliffe, Mr. Edward A. Merlis, and Mr. Edward B. Cohen of the staff of the Committee on Commerce be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I ask unanimous consent that Mr. Arthur Pankopf, the minority staff counsel, be permitted to remain with me through the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MOSS. Mr. President, asking unanimous consent that the time for the quorum call not be taken from the time of either side, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I call up for consideration S. 3419, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The PRESIDING OFFICER. The bill is now before the Senate.

Mr. MAGNUSON. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I ask unanimous consent that the names of the following Senators be listed as cosponsors of the measure now before the Senate: Messrs. GAMBRELL, HARRIS, HART, INOUYE, KENNEDY, MCGEE, MCGOVERN, METCALF, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PASTORE, PEARSON, PELL, PERCY, RIBICOFF, and WILLIAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, this bill would usher in a new era in product safety—an era in which Government, industry, and the consumer would work together to assure the safety and efficacy of our foods, drugs, and other products.

The bill grants the Federal Government the authority to move decisively against any unsafe product in the marketplace. It also grants the consumer the right to cause such Government movement when the Government fails to act. Piecemeal product safety programs are broadened and combined in a single

Food, Drug, and Consumer Product Agency which is given undiluted responsibility for insuring the safety and efficacy of products in the marketplace. The bill is designed to bring about the rapid detection and the rapid elimination of those products determined to present unreasonable risk of injury or death. To enable the agency to do these things the bill provides for functional independence, incentives for proper resource commitment, and increased public accountability.

The bill would transfer to this new, independent agency, first, the authority of the Food and Drug Administration over foods, drugs, and other consumer products; second, the authority of the Division of Biologics Standards over human biological drugs; third, the authority of the Center for Disease Control over clinical laboratory licensing; and, fourth, the authority of the Department of Commerce, and the Federal Trade Commission over flammable fabrics and such things as refrigerator doors.

This legislation has been in the works a long time. In 1967 those of us responsible for the creation of categorical consumer safety laws recognized that the continued piecemeal approach to consumer product safety might not adequately protect the right of the American consumer to safety in the products he purchases. Therefore, we proposed the creation of a National Commission on Product Safety to survey consumer product safety problems and to make recommendations concerning the Government's proper role in securing the consumer's right to safety.

The final report of the National Commission on Product Safety—and they worked a long time—which recommended the creation of an independent Product Safety Commission gave great impetus to S. 3419.

I am pleased to report to my Senate colleagues that S. 3419 was reported favorably as an original bill by the Senate Commerce Committee by a vote of 17 to 1. Because the bill is broad in its scope and treats important safety matters which are within the jurisdiction of other committees, the Government Operations Committee and the Labor and Public Welfare Committee have also carefully examined the bill as originally reported to the Senate Commerce Committee. The Executive Reorganization Subcommittee of the Government Operations Committee and the Labor and Public Welfare Committee, in consultation with representatives of the Commerce Committee, have formulated certain improving and strengthening amendments to the Commerce Committee bill. The Labor and Public Welfare Committee has reported S. 3419, as amended, to the floor without a dissenting vote.

Mr. President, I would at this time like to yield the floor to my distinguished colleagues who have all worked diligently to forge improvements in S. 3419. They will be able to describe these improvements to the Members of the Senate.

Mr. President, the Senator from Utah did yeoman work on this bill, as did the Senator from Connecticut in his committee.

Does the Senator from Utah wish to make an opening statement?

Mr. MOSS. I thank the Senator for yielding.

Mr. President, I will take 2 or 3 minutes to indicate that this is a bill on which all members of the committee worked very diligently. We held long sessions on the matter. I think it is a landmark bill, because it now brings together, as the chairman has mentioned, bits of piecemeal legislation that we have passed during many years dealing with various consumer items. As this has gone on, the jungle has sort of grown like "Topsy."

This is an attempt, first of all, to expand the principle of safety in the marketplace to all products, not just certain selected ones, and to bring together the administration of the safety features of the marketing process under one independent agency that is not deterred or deflected in any way by other functions than making appropriate assessments of the safety in products that come before it, and to take appropriate measures to be sure that those who market the products and distribute them abide by the laws and the regulations to protect the consumers. This, of course, will become apparent as we discuss the structure of the agency.

I commend the chairman, the ranking Republican member of the committee, and all other members of the Commerce Committee and the other committees for the great diligence displayed in preparing this measure. The staff also has done yeoman work on it.

I probably will speak later with respect to amendments that are offered, but that is all I want to say by way of an opening statement.

I again thank the chairman for yielding to me.

Mr. PEARSON. Mr. President, the Senate today considers landmark legislation to promote the manufacture of safer consumer products for use in and around the home. The Food, Drug and Consumer Product Safety Act of 1972 is the result of more than a decade of effort to perfect the "consumer's right to safety" through responsible Federal laws and regulations.

The Committee on Commerce has attempted over the years to eliminate the most obvious hazards to the physical safety of the American people. The committee has approved—and the Congress has passed—the Child Protection Amendments of 1966, the Flammable Fabrics Act of 1967, the Gas Pipeline Safety Act of 1968, the Radiation Control for Health and Safety Act of 1968, the Child Protection and Toy Safety Act of 1969, and the Poison Prevention Packaging Act of 1970.

This piecemeal approach to product safety has reduced the incidence of unreasonable risk to the unsuspecting consumer of hazardous products, but has been wholly inadequate in responding to the broad spectrum of risks which confronts all of us in our daily lives.

An estimate by the National Center for Health Statistics indicates that each year, in and around the home, about 30,000 persons are killed, 110,000 permanantly disabled, 585,000 hospitalized, and more than 20 million injured seriously enough to require medical treatment or be absent from work a day or more. One estimate has put the annual dollar cost to the economy at more than $5 billion. Other surveys provide additional information, but none indicates that the accident toll is of less magnitude.

The legislation before the Senate today creates an independent agency with responsibility for the safety and efficacy of food, drugs, and consumer products. This reorganization of the Federal bureaucracy is needed to insure vigorous implementation of the mandate for consumer safety.

The new agency will be responsible to the consuming public and to the Congress. Its work will be visible, its leaders will be in the public spotlight. The budget of the new agency will not be buried in the budget of a larger department of the executive branch. The commitment to product safety will not be deemphasized or diminished by competing considerations, or competing requests for limited funds. The ultimate responsibility for consumer safety will not be fragmented among the various agencies of the Government—the responsibility will be vested in a single entity.

I do not believe the reorganization contemplated in S. 3419 will produce a bigger Federal bureaucracy—only a more effective one.

Mr. President, the Committees on Commerce and Labor and Public Welfare have considered this legislation in some detail; and 33 Senators have voted in committee to report the bill favorably. This degree of unanimity could not have been achieved without the strong commitment of Mrs. Knauer, Secretary Richardson, and President Nixon to effective product safety legislation. The administration is to be commended for recommending S. 1797, a bill containing language upon which the committees have drawn heavily.

The administration and the committees are of a single mind on the critical policy determination: That the Federal Government must have authority to identify hazardous products, promulgate standards of safety, and ban those products which create an unreasonable risk to the consumer. This consensus will permit this Congress to adopt meaningful legislation in the public interest. This consensus will promote full funding and adequate staffing for the agency charged with the heavy responsibilities enumerated in the bill.

Mr. President, I am moved to pay tribute to the distinguished chairman of the Commitee on Commerce (Mr. MAGNUSON). His leadership has been instrumental in developing a bill which enjoys such broad-based bipartisan support. This act will be a testament to Chairman MAGNUSON's legislative skills and commitment to consumer protection. I am

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honored to have the opportunity to serve as cosponsor of S. 3419, and join the chairman in urging its adoption by the Senate.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Connecticut such time as he may require.

Mr. RIBICOFF. Mr. President, I commend the distinguished chairman of the Committee on Commerce for another great achievement in behalf of the consumers of America. Due to the work of the distinguished Senator from Washington over the past 6 years, the consumers of this country have been provided increasingly more effective protection in the marketplaces of America.

Mr. President, I support the bill as amended by the Committee on Labor and Public Welfare. It has now been approved by two committees and the Subcommittee on Executive Reorganization of the Government Operations Committee. It deserves the approval of the Senate.

This bill was favorably reported from the Commerce Committee on March 24. Titles I and II were then jointly referred to the Government Operations and Labor and Public Welfare Committees. My Subcommittee on Executive Reorganization held 4 days of hearings on the legislation in April and May. We heard testimony from consumer spokesmen, industry groups, and the administration. Some thought that the new Food, Drug, and Consumer Product Agency should become a part of the Department of Health, Education, and Welfare. Others thought it should be an independent agency or a part of some other organization. But there was broad agreement that, for effective operation, the new agency should have a large measure of legal and functional independence.

After considering all the issues, we concurred in the judgment of the Commerce Committee that an independent agency should be established. This is the best way to assure that the programs entrusted to the agency will be carried out in the manner Congress intended. Plainly and simply, if the agency remained part of HEW, the regulatory decisions of the Administrator could be overruled by political appointees in the Department. Nor could Congress obtain the unaltered views of the Administrator on important matters such as the agency budget and legislation affecting its work. Though there is a strong policy against the establishment of new independent agencies, in these circumstances it is justified.

The amendments added by the Labor and Public Welfare Committee improve the organization and operation of the new agency. Overall, they will make the agency more efficient by giving the Administrator greater authority and flexibility in managing the agency.

I ask unanimous consent that a chart comparing the major provisions of titles I and II of S. 3419 as reported by the Commerce and Labor and Public Welfare Committees be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

S. 3419	REVISED BILL
1. Titled Consumer Safety Act of 1972.	1. Title changed to Food, Drug and Consumer Product Safety Act of 1972.
2. No provision.	2. Consumer products subject to safety regulation under other laws are defined as "authorized to be regulated for the purpose of eliminating unreasonable risk of injury or death." Such products may be regulated by the Consumer Product Agency after a petition to the agency with jurisdiction over the product, asking to regulate it, and a request by that agency to the Consumer Product Agency to regulate it.
3. Administrator authorized only to "coordinate" activities of the three Commissioners.	3. Administrator authorized to "direct and coordinate" the Commissioners.
4. Mandatory delegation of standard setting to Commissioners by Administrator.	4. Discretionary delegation of regulatory authority "insofar as practicable and consistent with sound administration."
5. Subpena authority limited to witnesses at hearings and "information."	5. Subpena broadened to cover access to records and general or special reports by producers.
6. No provision.	6. Direct submission of budget to President, for review and transmittal to Congress, and direct receipt of all funds from OMB.
7. No provision.	7. Authority to prescribe personnel policies "without prior approval of clearance," subject to civil service laws .
8. Law enforcement through Justice Department.	8. Law enforcement by Agency plus authority to "direct the course of all agency litigation."
9. Separate legal staffs for Administrator and three Commissioners.	9. One legal staff for Agency.
10. Commissioners appointed by President, no fixed term.	10. Commissioners appointed by Administrator.
11. Authorized appointment of private attorneys to represent consumers in agency proceedings.	11. No provision.
12. Mandamus action against agency where its act or omission has exposed a person to unreasonable risk of injury or death. DeNova trial in District Court.	12. Petition to agency for action to eliminate the unreasonable risk. Review in Court of Appeals on agreed record. Court will remand to Agency if petition shows by preponderance of evidence that agency action was not sufficient to eliminate risk.
13. Authorizes $180, $200 and $225 million for next three fiscal years.	13. Authorizes such sums as may be necessary.
14. No provision.	14. Transfers USDA authority under Meat, Poultry, Egg and other Agricultural Product Inspection Acts to Administrator, plus authority over animal drugs.
15. Repealed Hazardous Substances Act, Flammable Fabrics Act, Radiation Control for Health and Safety Act, Poison Prevention Packaging Act, Refrigerator Door Safety Act, and Chapter VI of the Food, Drug and Cosmetic Act.	15. Transfers authority under these laws to the new Agency.

Mr. RIBICOFF. These amendments were unanimously approved by the Subcommittee on Executive Reorganization on May 18. However, action on them could not be completed by the Government Operations Committee due to lack of a quorum at three scheduled meetings.

The most significant of these amendments is the transfer of the food inspection and animal drug programs from the Department of Agriculture. In my view these transfers are fully justified. Three GAO reports on the meat and poultry inspection programs in the past 2½ years have demonstrated that the Agriculture Department is not adequately protecting the public health. There is wide agreement that these programs should be combined with the food inspection programs in FDA. The 1969 White House Conference on Food and Nutrition, the GAO in June 1970, and the administration in 1971 all recommended this move. Mr. Rodney Leonard, former head of the Consumer and Marketing Service, which operated these programs until an internal reorganization in April, strongly urged the transfer, as did John Schnittker, former Under Secretary of Agriculture.

At recent hearings, FDA Commissioner Edwards recognized the overlap in food inspection programs between USDA and FDA, commented that the transfer of the USDA activities would increase FDA inspection capability and said the transfer was primarily a matter of timing. In my view the time is now.

The bill also transfers the Division of Biologics Standards to the new agency. The regulatory failures of DBS are well documented in a recent GAO report, which I requested. The GAO found that DBS had allowed at least 32 ineffective vaccines to remain on the market. Several of them had serious side effects. GAO also revealed that between 1966 and 1968, DBS allowed millions of doses of diluted influenza vaccine to be marketed. Combining DBS with FDA in the new agency will provide more effective vaccine regulation.

Mr. President, this bill shows that Congress is responding to the growing public demand for better consumer protection. Consumers will no longer accept the morals of the marketplace. They expect their Government to act as guardian of the market to assure that the goods they purchase are safe, effective, and meet the claims made for them.

American consumers no longer want just a larger pie. They want to know the quality of the ingredients and their nutritional value. There is a rising tide of concern over the quality of all our goods and services.

Too often Government and industry have defaulted on their promises of consumer protection. While no law can be any better than the people administering it, and the amount of resources committed to it, this bill provides a strong new framework for assuring the safety of hundreds of products. It will help assure that our promises to consumer protection become a reality.

Mr. President, I urge the adoption of the amendment and approval of the bill.

Mr. MAGNUSON. I say to the Senator from Connecticut that I tried to make clear and to explain the work he has been doing on this type of legislation for many years.

I thoroughly agree with him that here we are trying to bring together many things that we thought of piecemeal. I authored the Flammable Fabrics Act in 1953, and there has been a series of subsequent safety legislation resulting in different modes of administration. Some were badly administered, and some were not administered at all. Now we are putting them together for the purpose of efficient adminstration.

What the Senator and I are saying to the American people is that we are putting it together so that the consumer will get a better deal.

Mr. RIBICOFF. Mr. President, it has been a special privilege for me to work with the distinguished chairman of the Committee on Commerce.

Since we started our hearings on automobile safety many years ago, the Government Operations Committee has cooperated with the Commerce Committee on consumer protection legislation. During this entire period, the cooperative efforts between our committees have been of the highest quality.

I also want to commend the respective staffs of our committees, who worked closely to improve this bill and other legislation. I do not recall any proposal that went to our two committees for consideration on which we could not reach a meeting of the minds, and by our joint efforts improve the legislation finally presented to the Senate.

I again commend the distinguished chairman for his outstanding contribution and cooperation in the cause of consumer protection.

Mr. MAGNUSON. I thank the Senator.

Mr. President, I believe the Senator from New Hampshire wishes to speak at this time.

Mr. COTTON. I yield myself, on my share of the time, such time as necessary for a brief opening statement.

Mr. President, S. 3419—the Food, Drug, and Consumer Product Safety Act of 1972—is a far-reaching omnibus bill. It is a legislative measure which has a most praiseworthy objective of protecting consumers against unreasonable risk of injury from hazardous products.

It is a bill which has been considered by our Committee on Commerce and subsequently, by the Committee on Government Operations and the Committee on Labor and Public Welfare. Although the Subcommittee on Executive Reorganization and Government Research of the Committee on Government Operations did hold hearings on this bill and did consider it, it was not possible for that committee to complete its deliberations within the time limitation specified in the referral. However, the Committee on Labor and Public Welfare was able to complete its consideration and was able to report on this measure.

Mr. President, when the bill, S. 3419, was considered by our Committee on Commerce I was in general support for the need for new and improved authority with respect to consumer product safety. As a matter of fact, I joined with the distinguished chairman of our Committee on Commerce, (Mr. MAGNUSON), in cosponsoring Senate Joint Resolution 33 of the 90th Congress which established the National Commission on Product Safety, the report of which provided the genesis for the legislation now under consideration, S. 3419.

Unfortunately, Mr. President, I felt compelled to vote in the Committee on Commerce against reporting this bill owing to the following three principal objections as set forth in my minority views in that committee's report—No. 92–749 at page 139:

(A) There is no demonstrated need for the establishment of a new independent Consumer *Safety* Agency, especially in light of the pending legislation (H.R. 10835) which would establish a new independent Consumer *Protection* Agency, and which is, unlike that proposed in S. 3419, supported by the Administration;

(B) The apparent unknown impact of including "an electronic product" in the definition of "Consumer product" coupled with the repeal of the Radiation Control for Health and Safety Act (42 U.S.C. 263b–263n); and

(C) The erroneous and mischievous legislative interpretation given in the Committee report to the terms "subject to regulation" and "subject to safety regulation" found in section 101(1) of S. 3419 which could lead to dual and duplicative regulation in [several] product areas. . . .

Mr. President, the Committee on Labor and Public Welfare is in my opinion, to be complimented for meeting at least in part two of my three principal objections. It has met my second objection concerning the inclusion of "an electronic product" in the definition of "consumer product" by appropriately striking language from the definition provision of section 102 appearing on pages 3 and 5, as well as the repealing provisions of section 204 affecting several existing categorical consumer safety statutes. This, Mr. President, constitutes a definite improvement in this legislative measure.

The Committee on Labor and Public Welfare also met in part my third objection concerning the erroneous and mischievous legislative interpretation given in the Commerce Committee report to the terms "subject to regulation" and "subject to safety regulations" as found in section 101(1) of the bill. If the legislative interpretation placed upon these terms by the Committee on Commerce in its report had been left standing then we would have been confronted with the following situation as pointed out in my minority views:

Where the Commissioner of Product Safety has found that a particular consumer product, although coming within the purview of one of the enumerated statutes is not *in fact regulated*, then he, the Commissioner of Product Safety, would be able after notice to the administering agency to promulgate a safety standard. It would make the Consumer Safety Agency a "super agency", which could enter into all such areas not *actually* regulated! If so, then this would seem to prejudge the effectiveness of the Consumer *Protection* Agency proposed in legislation now pending before the Senate Committee on Government Operations and which, in its "watchdog" advocacy functions on behalf of the consumer, is designed to see that such consumer products are regulated where there is a demonstrated need.

In other words, if carried to its logical conclusion, the Ford Motor Company and the General Motors Corporation may be subject to regulation not only by the Department of Transportation under the National Traffic and Motor Vehicle Safety Act of 1966, but by the Commissioner of Product Safety. Similarly, manufacturers of aircraft or other aeronautical products such as the Boeing Company and Beech Aircraft Corporation, might be subject to safety regulations issued by both the Federal Aviation Administration and the Commissioner of Product Safety. This same could hold true for the regulatory area of the Atomic Energy Commission. This could very well lead to an untenable situation.

Mr. President, the Committee on Labor and Public Welfare quite appropriately, I believe, has added a definition of "Subject to safety regulation" in subsection 101(d) appearing on pages 5 and 6 which represent a definite improvement. As noted in the report of the Committee on Labor and Public Welfare accompanying S. 3419—No. 92–835:

The Committee has added a definition of "Subject to safety regulation", in order to clarify the intended meaning. Under this definition, the enumerated products would not be considered "consumer products" if they were authorized to be regulated under the other statutes so as to eliminate any unreasonable risk of injury or death. Thus, the primary jurisdiction of other agencies has been recognized.

Mr. President, there remains my first objection concerning the efficacy of establishing a new independent Consumer Safety Agency. I still am convinced that there has been no demonstrated need shown for the establishment of a new independent Consumer Safety Agency, particularly cognizant as I am that within the not-too-distant future the Senate Committee on Government Operations will be calling upon this body to support yet another independent agency, the Consumer Protection Agency. A proliferation of independent agencies makes neither good sense nor good government. As a matter of fact, Mr. President, as pointed out in my minority views on S. 3419 the establishment of an independent Consumer Safety Agency is—

Contrary to recommendations on reorganization submitted by the President to this Congress, as well as, ironically enough, legislative proposals advanced by several of the proponents of the new Consumer Safety Agency.

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I went on in my views to point out that there now is pending a conflicting legislative proposal, S. 3432, introduced by the distinguished Senator from Connecticut (Mr. RIBICOFF), himself a former Secretary of Health, Education, and Welfare, along with more than 20 cosponsors, four of whom are members of the Commerce Committee supporting the present proposal for an independent Consumer Safety Agency. Two more members of the Committee on Commerce have been added as cosponsors to this bill, S. 3432, since its introduction—the distinguished Senator from Nevada (Mr. CANNON) and the distinguished Senator from South Carolina (Mr. HOLLINGS).

I simply feel, Mr. President, that we in the Congress would be making a very grave mistake, indeed, if we continue what seems to be a growing trend to splinter off into separate independent agencies all those interests which seem to have an emotional appeal for such independence, especially at a time when we are confronted with a Government structure which constantly is being lamented as unmanageable. Agency independence certainly is no panacea. And, as a distinguished Cabinet officer under the administration of former President Johnson once observed:

A separate chapter in the Government Organization Manual is not going to be any magic elixer. . . .

Accordingly, Mr. President, at an appropriate time during the consideration of S. 3419 I plan to offer an amendment placing these product safety functions more appropriately at this time within the Department of Health, Education, and Welfare.

Mr. President, the only other amendment which I presently contemplate offering deals with an amendment made by the Committee on Labor and Public Welfare with which I do not agree. The amendment concerns the authorization of appropriations for the purpose of carrying out the provisions of S. 3419 and which appears in section 117 on pages 32 and 33. As reported by our Committee on Commerce, this provision carried a specific dollar amount ceiling for the next 3 fiscal years which the Committee on Labor and Public Welfare deleted substituting an "open-ended" appropriation authorization of "such sums as may be necessary."

Mr. President, this provision of the bill deleted by the Committee on Labor and Public Welfare was an amendment which I offered in the Commerce Committee and which was adopted. As a member of the Committee on Appropriations, I feel very strongly about this particular issue. There is a need, if not an obligation, upon legislative committees to furnish the Committee on Appropriations some guidance in the funding requirements of legislation which they handle. It also is necessary for purposes of future budgetary control. Accordingly it is my intention to offer an amendment prior to the conclusion of debate on S. 3419 which will restore a specified monetary ceiling on appropriation authorizations for purposes of carrying out the provisions of this legislative measure. Since any such figures will be dependent upon amendments which may be adopted by the Senate, it will be necessary for me to await the final action on whatever substantive amendments may be made to the bill before offering in this particular amendment.

Mr. President, I wish to extend my compliments to the distinguished chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS), and the senior Republican Senator of that committee (Mr. JAVITS), for the commendable drafting improvements made by that committee in amending S. 3419 and I would join in urging that these amendments be adopted en bloc at such time as they are offered.

Mr. President, this product safety measure could be a good bill. However, as the ranking minority member on the Commerce Committee I did find it necessary to file dissenting views on certain important points. Thus, our distinguished chairman's (Mr. MAGNUSON) comment that the vote was 17 to 1 in committee was correct.

Now, in conclusion, Mr. President, I should note that "consumer" has become a sacred word and any dissent from any particular proposal that can be interpreted into being "anticonsumer" is a sacrilege. Nevertheless, I did feel compelled to do so in this instance on some very basic issues.

Mr. MAGNUSON. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. I want to say for the record that if there is any implication the Senator from New Hampshire has not been for the basic purposes of this bill or the goals of the bill, I deny it right here on the floor. We have all worked hard to perfect the bill. We could not agree on every amendment. That is what it is all about. But the Senator from New Hampshire has worked as hard on this bill with the members of the committee as any other member to achieve what we are trying to do in the total bill.

Mr. COTTON. I thank my chairman, the distinguished Senator from Washington (Mr. MAGNUSON). He is always fair. He is always considerate.

Let me say there has been no ill feeling engendered at any time during consideration of this legislation, because it is a bill with a worthy objective.

As I have always done in the past, I want to commend the distinguished chairman of the committee (Mr. MAGNUSON). I think, it can be honestly said—without disparaging the earnest efforts of many of our colleagues—that in the position he occupies the distinguished Senator from Washington probably has done more to advance the cause of the consumers of this Nation than almost any other man who has ever sat in the Senate.

Mr. President, as I have said, the purpose of this is a praiseworthy one. I have no doubt that it will pass.

I might add that I know of no intention on the part of any of our committee, to interfere, whatsoever, with functions which now repose in the Department of Agriculture. I understand that at an appropriate point an amendment will be offered to make this clear.

Mr. President, let me again say that there is no disagreement about the need for legislation in this area. The principal disagreement has to do with this matter of setting up a new and different agency of Government which confuses the picture more than clarifies it in the opinion of this Senator.

Mr. President, I again commend the chairman of our Committee on Commerce (Mr. MAGNUSON) and the other members who worked hard and diligently on this meritorious legislation. I also commend the Committee on Government Operations and the Committee on Labor and Public Welfare for their constructive work on the bill.

If this bill comes out with some amendments which this Senator feels are vitally necessary, I am confident that it will meet with the approval of the other body. I am also quite confident that it will meet with executive approval.

If this can be done, then the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of the Committee on Commerce, and the chairman of the other two committees and the members of these committees will be able to pride themselves on the fact that they will have written on the statute books one of the most constructive measures of this session of Congress.

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. I thank my distinguished friend, the Senator from Washington. Mr. President, S. 3419, as amended by the Subcommittee on Executive Reorganization of the Government Operations Committee and by the Committee on Labor and Public Welfare, creates a new, independent agency within the Federal structure with undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, devices, and other consumer products commonly found around the home. The measure would also consolidate within the new agency various consumer product safety activities now being handled by a number of Government entities by transferring to an independent Consumer Safety Agency the present food, drug, cosmetic, vaccine, and product safety activities of HEW and other product safety functions of the Commerce Department and the FTC.

S. 3419 would retain various existing consumer safety laws directed at particular products or specific hazards and complement them with a single omnibus product safety law capable of reaching any consumer product in the marketplace presenting an unreasonable risk of injury.

Although much of the discussion of S. 3419 concentrated primarily on organizational issues, I want to reaffirm the underlying reasons why the Congress is and should be addressing itself to a regulatory plan of this nature.

The American consumer has a right to safe products for use in his home. The safety of a product begins in its design, before it reaches the market, before it causes illness, injury, blindness, disfigurement, or death.

Today we are faced with a number of unreasonable hazards in and around the home. In determining their unreasonableness, we can ill-afford to sit by and await an epidemic of tragedies to verify that a hazard exists. Instead, it is the proper role of the Federal Government to stimulate American industry to reduce product risks by an omnibus legislative approach which will permit the Government, where necessary, to promulgate and enforce minimal standards of reasonableness in product design and manufacture.

Currently, however, the folly of Federal regulation of consumer products is all too plain. Legislation in this area consists of a hodgepodge of unrelated statutes dealing with specific hazards in very narrow product categories. There is no general Federal authority to seize or ban consumer products which exhibit unreasonable risks nor to require such products to conform to minimum safety standards.

And to the extent any Federal authority does exist, jurisdiction is commonly scattered among agencies or shared by as many as four different agencies. As the National Commission on Product Safety concluded:

Federal product safety regulation is burdened by unnecessary procedural obstacles, circumscribed investigative powers, inadequate and ill-fitting sanctions, bureaucratic lassitude, timid administration, bargain-basement budgets, distorted priorities, and misdirected technical resources.

All this in the face of 20 million Americans injured in the home each year in accidents involving consumer products, 110,000 of whom are permanently disabled and 30,000 killed.

Through the passage of S. 3419, we hope to move away from the facade of Federal regulation in the area of consumer products. To date, and largely due to the fault of Congress itself, such regulation consists of piecemeal pablum which provides little more than a morsel of protection for the American consumer.

The Senate Commerce Committee has identified the problem. The question before us in the Senate today is how best to house the related functions of food, drug, and consumer product safety regulation. One thing is certain. If we accept a straw house for protection, we will have to rebuild it year after year. And if we accept a scarecrow to oversee the terrain, we will have to prop it up so often that it will hardly be worth the effort.

The Commerce Committee proposes an alternative to the house of straw and the man of straw by offering an independent Consumer Safety Agency headed by an administrator with a full panoply of powers.

Clearly, an "independent regulatory agency" is not some kind of magical formulation which will eliminate for all time lackluster performance in the name of public protection. The history of such agencies as the Interstate Commerce Commission, the Federal Power Commission, and the Federal Maritime Commission, among others, attests all too sadly to that fact.

But after considering the alternate plans which were before us in the Executive Reorganization Subcommittee, I became convinced that, notwithstanding how we have treated this subject in the past, we cannot afford now to give less than the highest priority attention at the Federal level. Otherwise, I am afraid that our priorities are woefully askew.

The arrangement of a new and independent regulatory agency avoids mere box-shuffling, title changes, and pay raises which give the illusion of substance but in fact amounts to straw piled upon straw.

Significant changes reflected in consideration of the bill by the Executive Reorganization Subcommittee of the Government Operations Committee unanimously agreed upon, are as follows:

(1) The new agency is renamed "Food, Drug, and Consumer Product Agency" instead of "Consumer Safety Agency." This is to avoid confusion with the proposed Consumer Protection Agency, as well as to indicate that more than safety alone is involved (for example, nutritional labelling of foods, ingredient labelling of cosmetics, etc.).

(2) Section 101, containing findings and declaration of policy is added. The original bill had no comparable section.

(3) The definition of consumer product in Section 102 is clarified, primarily through the insertion of subsection (d), which defines the phrase "subject of safety regulation." This was one of the major points which Senator Cotton had appropriately raised in his minority views in the report accompanying S. 3419.

(4) The powers of the Administrator vis-a-vis the Commissioners under him are strengthened, in that practically all authority is vested in the Administrator who shall *direct and coordinate* the activities of the Commissions of Food, Drugs, and Consumer Products (see Section 104(c)(1)). The Administrator is, however, empowered to delegate any of his functions and duties under the Act to the Commissioners under him by virtue of Section 104(c)(20). See also Section 202(a).

(5) General subpoena power is granted not only to the Commission on Product Safety but also to the Commission on Food and the Commission on Drugs, by virtue of Section 104(c)(7). Omission in the original bill of enforcement authority by the courts is now corrected.

(6) The Agency is to submit directly to the President and transmit to the Congress its annual budget estimates, which is a departure from the typical OMB approval procedure (see Section 104(c)(14)).

(7) The Agency is to submit its legislative recommendations and testimony to the Congress without prior approval or clearance, as by OMB (see Section 104(c)(15)).

(8) The Agency would handle its own cases in court, without prior approval or recourse to the Justice Department (see Section 104(c)(17)).

(9) The Agency could petition other safety regulatory agencies (for example, FAA, Agriculture, AEC) to establish and enforce new safety regulations, to participate in the development of such regulations by that other agency, or, upon request of the other agency, to assist in establishing or enforcing such regulations (see Section 104(c)(18)).

(10) Elimination of an organizational defect, raised in the hearings, of four General Counsels, one reporting to each Commissioner (Section 105(f)). Now there is provision for a single General Counsel and an Assistant General Counsel for each Commission, reporting to the General Counsel and not to the individual Commissioners.

(11) Elimination of possible duplicative function involving the proposed Consumer Protection Agency. The Section 109 "Office of Consumer Information and Representation" is changed to simply an "Office of Consumer Information," and all consumer representation functions are eliminated.

(12) Instead of repealing the former product safety legislation now in effect as old Section 204(a) would have done, the new draft leaves that legislation in effect in order that there be no gap in coverage while new regulations, promulgated under the authority in Title III, are being developed over the next few years.

From my own experience of more than a quarter century in business, I think it is important to emphasize that the forces of competition, free enterprise, and profit motive are neither inherently conducive to nor inconsistent with consumer safety. But with the backing of Government, properly organized to do the job, these forces can be focused to reduce unreasonable product risks.

An investment of this kind in the safety of consumer products—from rotary lawnmowers, to power tools, to plate glass panels, to unvented floor furnaces, to children's toys, and the rest—can be expected to produce an exceptional rate of return on the capital required. Such investment will also result in a more productive economy, an expanded market for consumer goods that can be relied upon, and, most important of all, a safer home environment for ourselves and our children.

Mr. President, in closing I wish to commend very much, indeed, the Committee on Commerce, both the majority side and the minority side, for the outstanding job that has been done on this bill. There was no quarrel at all as to the objectives and purposes as we in the Government Operations Committee reviewed the bill. We addressed ourselves to how best to set this new function, organizationally.

My colleague, the Senator from New Hampshire, has a difference of opinion on this matter but it is not on the objectives we are trying to achieve.

I feel that this action today will culminate years and years of devotion to this subject by the distinguished Senator from Washington (Mr. MAGNUSON) and the ranking minority member from New Hampshire (Mr. COTTON) who had uppermost in their minds the fact that there is presumed to be a great deal more protection to the consumer in the consumer's mind than there is. Much of what we do is shallow, and we are now trying to beef up and give the support to this activity which it deserves.

The National Commission on Safety has done an excellent job and the members of that Commission should be commended for proposing comprehensive legislation of this nature. I particularly commend one member, Mr. Stuart Statler, whom we took on our staff as Chief Counsel to the minority of the Subcommittee on Executive Reorganization, and who has been the guiding spirit not only behind this legislation but also the drug abuse legislation and other matters of deep interest and concern, including the Consumer Protection Agency legislation that we will be dealing with very soon in the Senate.

But it is the outstanding work of members of this body and the staff that has made possible what I consider to be a landmark piece of legislation.

Mr. President, I ask unanimous con-

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sent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. PERCY. I am happy to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. COTTON. Mr. President, reserving the right to object, I want to hear what the Senator has to say. Is the Senator objecting to the unanimous-consent request?

Mr. PASTORE. No.

Mr. COTTON. Reserving the right to object, I ask for 1 minute on my time to inquire as to the request.

Mr. PERCY. I would ask the distinguished chairman to comment.

Mr. MAGNUSON. These are amendments the Committee on Labor and Public Welfare agreed upon. For technical purposes we adopt them en bloc as original text. Then the bill would still be open to amendment, such as by the Cotton amendment.

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, if we adopt these amendments and we transfer inspections into that new agency, is the Moss amendment then in order to put them back where they were to begin with?

The PRESIDING OFFICER. The Parliamentarian informs the Chair it is in order.

Is there objection to the request of the Senator from Illinois? Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I do not rise at this time to make any parliamentary observation on amendments proposed. Rather, I direct myself to the very complimentary statement the sound observation on this bill made by our distinguished colleague from Illinois (Mr. PERCY). I associate myself with everything he said. One significant element in my opinion, that lends tremendous credence to the statement by the Senator from Illinois is the fact that he was a distinguished businessman in his own right at the time he came to the Senate.

There has been some apprehension on the part of business as to whether or not we have gone too far in this product safety legislation. I think the end result will be that insofar as the legitimate businessman in this country is concerned, in time he is going to welcome this legislation. This legislation is for the benefit not only of the consumer but also for the benefit of the legitimate businessman who wants to produce a product that guarantees the safety of the people of this country who use it. I want to make that clear because I do not think that business is going to be harassed by any agency of government. This is true whether we go to HEW or an independent agency—and I think the independent agency is the best way to do this. But in either case I do not think any agency is going to harass business. This is a growing economy. What we want are more jobs created. We want them created by creating products that will be safe and salable in the open market.

I commend the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the Senator from Rhode Island. I think the comment he has made is especially worthy of response because many of us have been subjected to tremendous pressures from the business community on this legislation and companion legislation to create an independent consumer advocacy agency. I warn all Senators ahead of time they will be subjected to similar pressures with respect to the Consumer Protection Agency legislation.

I have now appeared before the U.S. Chamber of Commerce and the National Conference of Better Business Bureaus. I have received close to four thousand letters from businessmen, many of whom I feel did not bother to read the bill.

They took the word of some executive director, perhaps fighting for his $35,000 job, and they responded by contacting me on things that most were just simply not properly informed about.

I feel that when I can specify the cost to American society and consumers—at least $5.5 billion a year in costs that we suffer, not to mention human hardship, as a result of products that never should have been put on the market by a company—when we have free license to market and distribute hazardous consumer products, it is time to do something.

I saw a rotary cutter at a hardware store that I would not even want around my house. It would be like putting a handgun on the open shelf for somebody to pick up. When we permit that to happen, the need is not simply to talk, but to do something about it.

Mr. PASTORE. Mr. President, talking about these rotary mowers, a very close friend of mine had a frightening experience, mowing his own lawn—it may have been through his own carelessness a mechanical fault, or it may have been for some other reason—accidentally he had three fingers of his hand severed. Should corporations be allowed to build these instruments with such disregard to product safety that younger people, as well as older people, cannot use them without practically taking their lives in their hands?

That is what the legislation is aimed at. Some have the idea that we are out to harass business. Of course we are not doing that. This country cannot survive without business. This Government cannot operate without taxes derived from business. Our wages cannot be paid without a prospering business. So we are not trying to put business out of business. What we are trying to do is to protect the consumer and at the same time to protect sound business.

Mr. PERCY. The greatest enemies of business are businessmen who do not adhere to reasonable laws. It is the 5 percent who put the taint on the 95 percent. We are not trying to get at the 95 percent. It is the 5 percent, or the 3 percent, or the 2 percent that will be especially affected by the provisions of this act and that must be regulated and controlled and kept to a reasonable level of responsibility with respect to consumer products.

Mr. MAGNUSON. Of course, this will stimulate more research by business itself, to be sure they are going to do the right thing.

Mr. PERCY. Absolutely.

Mr. MAGNUSON. Because when they see this law, they will not want to be hauled in and told they are not doing the right thing. I would say it is true of 98 percent of them. This is what we need. We have the technology to do many of these things. I have a friend who is a great technician, a research man in the electrical industry. He said to me, "There must be a better way to make an electric light plug than the way we are making it." It is things like this which will stimulate industry.

Mr. PERCY. Mr. President, if I may at this point, I would like to point out the social cost of injuries, including actual millions of dollars unrealized as income taxes as a result of preventable deaths and injuries: $446 million in public expenditures representing 1.7 percent of the current expenditures for health care. Injuries caused 2.1 percent of hospital admissions, filling 18,782 beds for acute care, a number equal to the annual construction of such beds at a capital expenditure of $600 million.

The loss to society is tremendous.

I once again commend our distinguished chairman for articulating so well how all of us agree on the purposes of this bill. I think virtually all of responsible business supports this purpose in legislation. I worry and wonder about those who say this is not a proper function of government after these and like figures are cited.

Mr. JAVITS. Mr. President, I support S. 3419 as reported by the Labor and Public Welfare Committee with amendments and have joined this bill in this form as a cosponsor. I believe the recommended changes improve the bill and more effectively serve consumer interests.

The Labor and Public Welfare Committee and the Executive Reorganization Subcommittee of the Government Operations Committee, on both of which I am the ranking member, had the responsibility for reviewing titles I and II. These titles were the executive reorganization provisions of S. 3419, "The Consumer Safety Act of 1972," as reported by the Commerce Committee. Since the bill extends considerably beyond issues of safety, and covers such matters as misbranding of food, drugs, cosmetics, and medical devices, and encompasses provisions that protect the health and pocketbook of the consumer, as well as his safety, the title of the bill has been changed to "The Food, Drug, and Consumer Product Act of 1972."

Title I of the bill would establish an independent agency in the executive branch with the responsibility to promote the public health and safety by protecting consumers against injury resulting from the use of foods, drugs, devices, and consumer products—as defined in the bill. Title II would transfer to the new agency all functions of the Secretary of Health, Education, and Welfare which are presently administered through the Food and Drug Administration or through the Division of Biologics Standards of the National Institutes of Health, and the authority of the center for disease control over clinical laboratory licensing. It would also transfer consumer safety laws directed at certain classes of products or hazards such as the authority of the Department of Commerce and the FTC over flammable fabrics and refrigerator doors; and the authority of the Agriculture Department over food inspection and animal biological drugs.

A new title IV adds to the present cosmetic provisions of the Federal Food, Drug, and Cosmetic Act three new substantive labeling provisions which, in effect, bring the cosmetic requirements of the Act more closely into conformity with the labeling requirements for food, drugs, and devices.

As reported by the Committee on Commerce, the bill established a new independent agency. However, the Labor and Public Welfare Committee, of which I am ranking minority member, began from the well-accepted proposition that new independent agencies should be created only on evidence of compelling need and we should guard against unnecessary fragmentation of the Federal structure. I join with my other colleagues who have so eloquently put the case for some new Federal structure to better protect the consumer from hazards associated with food, drugs and consumer products. In this instance, the weight of the evidence as presented in both of my committees argued for an independent agency.

The administration was concerned that the creation of a new agency would sever the relationship between FDA and HEW, and sought to retain these functions within HEW. Their proposal to structure a consolidated regulatory effort within HEW did not, I believe, offer sufficient safeguards to insure the fullest protection in the consumer's interest.

Essential ingredients that I believed would be required for the administration of a structure in HEW and which the administration could not support are:

First, a measure of authority to initiate and litigate all court action in the name of such structure as may be necessary to carry out its functions, and to enforce the statutes subject to its jurisdiction as efficiently and effectively as possible.

Second, a measure of authority to submit its budget request and legislative recommendations directly to Congress.

Third, the authority to prescribe its own personnel policies.

The Agency established by this bill clearly has the aforementioned authorities—and certain additional authorities—which permit it to perform in the public interest, and I anticipate that there will be strong ties between the Department of Health, Education, and Welfare and the new Agency. Removing FDA from the Department of HEW is simply an organizational move to increase responsiveness and accountability, and need have no adverse impact on its relations with the health components of that Department in the future. In fact, these relationships may be substantially improved once the new Agency is established and is in a position to operate with the new strength and mandate given it in this legislation.

Mr. JAVITS. Mr. President, as the ranking minority member of the Committee on Labor and Public Welfare, which revised this bill after the Committee on Commerce completed its work, I feel it my duty not only to state my support for the bill but also to ask unanimous consent to have printed in the RECORD at this point a table of the revisions made in the bill by the Committee on Labor and Public Welfare and concurred in by a large number of members of the Committee on Government Operations, which never had a chance formally to act on these changes but concurred in those of the Committee on Labor and Public Welfare.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS

S. 3419	REVISED BILL
1. Titled Consumer Safety Act of 1972.	1. Title changed to Food, Drug and Consumer Product Safety Act of 1972.
2. Definition of "Consumer Product" authorized to be regulated under Title III. Exemption of certain products "subject to safety regulation" under certain other laws was confusing; could have been interpreted to authorize this Agency to regulate in those exempted areas (e.g. FAA, Motor Vehicles, Occupational Safety and Health, etc.).	2. "Consumer products subject to safety regulation under other laws" are defined as "authorized to be regulated for the purpose of eliminating unreasonable risk of injury or death." Such products may be regulated by the Food, Drug and Consumer Product Agency after it petitions the agency with jurisdiction over the product, asking to regulate it, and such agency requests the Food, Drug and Consumer Product Agency to regulate it. Sec. 102(a), p. 3. Sec. 104(c)(17), p. 13.
3. Administrator authorized only to "coordinate" activities of the Commissioners (Food, Drug and Consumer Products).	3. Administrator authorized to "direct" and coordinate" the Commissioners. Ultimate responsibility rests with the Administrator. Sec. 105(a), p. 14.
4. Mandatory delegation of standard setting to Commissioners by Administrator.	4. Delegation of regulatory authority "insofar as practicable and consistent with sound administration." Sec. 202, p. 37.
5. Subpoena authority limited to witnesses at hearings and for "information."	5. Subpoena broadened to cover access to records and general or special reports by producers (based on FTC). Sec. 104(c)(6), p. 10.
6. No provision.	6. Direct submission of budget to President, and direct receipt of all funds from OMB. Sec. 104(c)(13), p. 12.
7. No specific provision.	7. Authority to prescribe personnel policies "without prior approval or clearance." Sec. 104(c)(16), p. 12.
8. Law enforcement through Justice Department.	8. Law enforcement by Agency authorized plus authority to "direct" the course of all agency litigation." Sec. 104(c)(16), p. 12.
9. Separate legal staffs for Administrator and 3 Commissioners.	9. One legal staff for Agency. Sec. 105(f), p. 14.
10. Commissioners appointed by President, no fixed term of office.	10. Commissioners appointed by Administrator. Sec. 107(a), p. 16.
11. Authorized appointment of private attorneys to represent consumers in agency proceedings.	11. No provision. Consumer Protection Agency (advocacy), as embodied in S. 1177 now pending, will perform this function. "Representation" struck from Sec. 109, p. 18.
12. Mandamus action against agency where its act or omission has exposed a person to unreasonable risk of injury or death.	12. Rewritten to require suit against the Agency only after petitioning Agency for corrective action. Petitioner would have to show by preponderence of the evidence that act or omission has exposed a person to unreasonable risk of injury or death. Sec. 112, p. 25.
13. Authorizes $180-$200-and $225 million for next three fiscal years.	13. Authorizes such sums as may be necessary. (Subsequently modified by Senator Cotton's amendment to authorize $250-300-and 350 million for next three fiscal years). Sec. 117, p. 32.
14. No provision.	14. Transfers USDA authority under Meat, Poultry, Egg and other Agricultural Product Inspection Acts to Administrator. (Subsequently deleted by amendment offered by Senator Moss.) Sec. 201(c), p. 35.
15. No provision	15. Transfers authorities of Division of Biologics Standards. (DBS works on vaccines, *inter alia*; is in NIH). Sec. 201(b), p. 34.
16. Repealed several consumer safety laws.	16. Transfers authority under these laws to the new Agency. Old Sec. 204, p. 40 struck; now in Sec. 202(a), p. 37.
17. No provision.	17. Adds certain labeling requirements for cosmetics by amending the Food, Drug and Cosmetic Act to bring cosmetics more closely into conformity with the labeling requirements for food drugs and devices. Title IV, p. 80.

Mr. JAVITS. The need for this new agency is clear. We were unable to work out any arrangement putting the essentials of this agency in HEW that would have best served the consumer with all the changes made by the Labor and Public Welfare Committee. This bill now deserves the support of the Senate.

PRIVILEGE OF THE FLOOR

Mr. MAGNUSON. Mr. President, I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, in view of the fact that I intend to offer an amendment, I ask unanimous consent that Mr. Frank Silbey, one of my legislative assistants, be permitted to be on the floor with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RIBICOFF. May I offer an amendment at this time?

The PRESIDING OFFICER. An amendment would be in order.

Mr. RIBICOFF. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment offered by Mr. RIBICOFF, for himself and Mr. WILLIAMS.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, lie 20, insert the following:

"(1)" immediately after "(e)".

On page 36 following line 7, insert the following:

"(2) Any commissioned officer of the Public Health Service who, upon the day before the effective date of this Act, is serving as such officer primarily in the performance of functions transferred by this Act to the Agency or the Administrator may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency subject to paragraph (1) of this subsection, under the terms prescribed in Sec. 15(b)(3)—(8)(A) of the Clean Air Amendments of 1970 (84 Stat. 1676, 42 U.S.C. 215 nt).".

Mr. RIBICOFF. Mr. President, the purpose of this amendment is to assure that the Public Health Service personnel transferred to the new agency under this bill may retain their status, or be permitted to acquire competitive Civil Service status. This was done in a similar situation in the 1970 Clean Air Act Amendments. This amendment follows that precedent. I hope the chairman of the Commerce Committee will accept the amendment.

Mr. MAGNUSON. Mr. President, yes; I think the amendment helps the bill. I think this is just something that was overlooked.

Mr. RIBICOFF. I agree.

Mr. MAGNUSON. If it is all right with the Senator from New Hampshire.

Mr. COTTON. Certainly, I have no objection.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 33, following line 24, insert the following:

"(c) ADDITIONAL POSITIONS.—Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and", and

(3) by adding immediately at the end of such subsection the following new paragraph:

"(11) The Administrator of the Food, Drug, and Consumer Product Agency, without regard to this chapter (except section 5114), may place twenty-five positions in the Food, Drug, and Consumer Product Agency in GS–16, 17 and 18 for the purposes of carrying out his responsibilities under the Food, Drug, and Consumer Product Safety Act of 1972.".

Mr. RIBICOFF. Mr. President, the purpose of this amendment is to provide 25 new positions in grades 16, 17, and 18 for the Food, Drug, and Consumer Product Agency. This bill will establish a major new Federal agency. While its core will be the present Food and Drug Administration, the responsibilities and powers are significantly expanded. At present, the FDA has been allocated 40 supergrade positions under its quota by the Civil Service Commission. The Agency has requested 18 additional positions.

Mr. President, the new agency will require several additional top quality employees in administrative and supervisory positions to carry out its expanded duties competently. This amendment will provide them. I hope the chairman of the Commerce Committee will accept the amendment.

Mr. MAGNUSON. Mr. President, I shall be glad to accept the amendment. It is a matter that the committee has looked at for a long time, and I think it helps to perfect the bill.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RIBICOFF. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I congratulate the members of the Government Operations Committee and the Labor and Public Welfare Committee for their efforts in improving S. 3419. I was, of course, pleased that both committees concurred in the judgment of the Senate Commerce Committee that an independent agency was essential in order to insure the safety and efficacy of foods, drugs, and other consumer products.

The changes in the agency responsibility section of the bill—section 112—bring clarity of meaning and administrative efficiency to the section. I still believe that this section is one of the most important in the bill. The section grants citizens in this country the right to overturn bureaucratic inertia in a court of law by showing, through a preponderance of the evidence, that the bureaucracy has failed in its mission to protect consumers from unsafe foods, drugs or other consumer products.

The Government Operations Committee and the Labor and Public Welfare Committee have also improved the definition of "consumer product." These committees have eliminated ambiguity with respect to the treatment of "electronic products" and clarified the words "subject to such regulation." These are both areas which appropriately concerned my distinguished colleague, Senator COTTON, in his minority views on S. 3419.

I also agree with the decision of these committees to retain the present authority over cosmetics and medical devices while simultaneously applying the new authority in title III to these products. I am also pleased with the transfer of the Center for Disease Control to the new Food, Drug, and Consumer Product Agency. Secretary Richardson in his statement before the Senate Commerce Committee mentioned that CDC was an important resource upon which the Food and Drug Administration drew. By having CDC and FDA under one roof, their exchange of resources should be significantly facilitated.

Mr. MOSS. Mr. President, I call up my amendment No. 1258.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I send to the desk a modification of that amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the modification.

Mr. MOSS. Mr. President, I ask unanimous consent that I may explain it, without its being read. It is a technical matter, and I think it can be better done that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 35 beginning with line 3, delete all through line 14, and renumber accordingly by changing "(d)" on page 35, line 15 to "(c)", by changing (e)" on page 35, line 20 to "(d)", and by changing "(f)" on page 36, line 8 to "(e)".

Beginning on page 37, line 21, with the word "the" strike out all through "(h)", in line 2 on page 38.

On page 38, beginning in line 15 with ", and the", strike out all down to but not including the semi-colon in line 18.

Mr. MOSS. Mr. President, this amendment has to do with the transfer of functions from the Department of Agriculture to the Food, Drug, and Consumer Product Agency as presently in the bill.

It is with no great joy that I offer this amendment, because I fully support the action of the Committee on Labor and Public Welfare and the Committee on Government Operations in placing the authority of the Agriculture Department over food inspection in the Food, Drug, and Consumer Product Safety Agency. But to do so would involve the jurisdiction of another committee of this body and would involve recalling from the Department of Agriculture some of its jurisdiction. To do this, of course, would greatly delay the bill before us, while we discussed the matter in committee and held hearings and later had to come to the floor.

So, in the interest of passing meaningful product safety legislation in this Congress, I think it is advisable to delete from the bill the section transferring the agricultural functions.

If we were to accept the amendment, procedural difficulties would ensue both in the Senate and in the House of Representatives concerning the appropriate jurisdiction of the bill. It has already been through three committees, and to pass jurisdiction on to additional committees would certainly jeopardize our chances of creating this important agency this year.

I feel, therefore, that it is of greater importance that we create the agency and pass the bill, leaving the agricultural functions out at this time, and then at a later time this body and the House of Representatives may determine whether or not they wish to bring within the new agency the functions of agriculture such as inspection of meat and poultry.

So my amendment, Mr. President, simply deletes those sections of the bill which transfer agricultural functions to the new agency that would be created by the bill.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MOSS. I am glad to yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I intend to support the amendment of the Senator from Utah. This was not in the original bill as reported out by the Committee on Commerce, and although it does run contrary to one of the main purposes of the legislation, which is to consolidate the various consumer protection and safety agencies and activities, I think another reason why we might delay the consideration of consolidating these agricultural agencies and the consumer protection activities at this time is that the new agency itself is really taking a very big bite at this time, with the consolidation of the various protective agencies coming in, the promulgation of rules, and the enforcement of the same. I think the commission report indicated that there was going to be an enormous amount of activity for the first year or two.

In dealing with the independent agency question, I think the chairman indicated that after 2 or 3 years we might consider putting it back into HEW, for instance; but I think that perhaps one important reason why we ought to leave it out at this time is the enormous amount of work, with the promulgation of rules and enforcement, that will be incumbent upon the new agency at this time.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I call up my amendment——

The PRESIDING OFFICER. The Chair reminds the Senator there is an amendment pending.

Mr. COTTON. Oh, I beg the Senator's pardon.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. MOSS. Mr. President, does the Senator from North Dakota seek time on my amendment?

Mr. YOUNG. Yes, I do.

Mr. MOSS. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I think it would be a serious mistake to take the meat inspection, and not only the inspection of meats, but that of other food commodities as well, out of the Department of Agriculture. They have done a superb job over the years, and have a great number of highly trained, qualified people in that field. Not only clean and wholesome meat and food products such as that are involved, but better quality food products of all kinds.

Moreover, in the Department of Agriculture we have research people who have done a marvelous job in breeding better cattle, hogs, and poultry, so as to provide better food products for the consumer. This and other important programs are closely related to meat inspection in the Department of Agriculture.

With respect to grades, we get into a terribly involved problem. In wheat alone, for example, there are many different grades. We have the problem of providing the necessary amount of protein and the necessary amount of gluten in wheat to produce a good bread.

There is no other department of Government as qualified in this area as the Department of Agriculture. We have this same problem of grades involved with all farm commodities. As I understand this provision, it would take all of these functions out of Agriculture, where I believe they are best able to handle them.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MOSS. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I agree to this amendment with great reluctance. The Department of Agriculture has so poorly performed its duties in connection with meat, and poultry inspection that the situation has become a national disgrace. If there is one agency in our Government that needs a thorough shaking up, it is the food inspection divisions of the Department of Agriculture. For the past 3 years the General Accounting Office has pointed out its negligence. It has failed year after year, through one administration after another, to clean house.

I understand the problem with which the chairman is faced. This bill has gone through three committees. Legitimately, the Committee on Agriculture and Forestry, under the distinguished leadership of the Senator from Georgia (Mr. TALMADGE), does have a right again, if it so demands, to have this bill referred to it.

If that were done, there is no question in my mind that we would not be able to have this independent agency come into being during this session of Congress. Three committees, and especially the distinguished Senator from Washington, have done yeoman work to bring the bill to this point. It would be a shame to refer this bill to another committee at this time because that would mean we would not have any bill to present to the American people this year. Therefore I agree to this amendment, as I say, with great reluctance.

But I do hope that this will act as a warning to the responsible officials in the Department of Agriculture to clean up their own house and truly fulfill their mandate to provide the American housewife clean and wholesome meat and poultry.

Mr. MAGNUSON. Mr. President, I was about to make somewhat the same remarks that the Senator from Connecticut has made. We have been on this bill for a long time. We started out originally talking about hazardous substances and things that caused injury. Then it branched out, and we had the long Product Safety Commission report, but we did not include the Agriculture inspection functions in the Commerce bill originally.

I thoroughly agree with the Senator from Connecticut and the Senator from Utah, and I also reluctantly, for the purpose of getting this bill passed and getting the agency established, am going to suggest that we accept the amendment.

I know how the Senator from Utah feels about it. I just had a conversation with the Senator from Georgia at the beginning of the debate on this bill, and I suggested to him, as the Senator from Connecticut has, and I am sure he agrees, "Let us go ahead with this bill."

We do have this problem down at Agriculture. In some places they may have done a good job; other places it is terrible. If they do not shape up sooner or later and do the kind of job we want, then I shall be the first to join with the Senator from Connecticut, the Senator from Utah, and the rest to put them under an independent agency.

I think this is the better part of discretion. After all, legislation is a matter of getting things done. Maybe we do not get the whole loaf at once, but we can get this moving and get this commission established.

I know some of the Senators feel deeply about this matter. There are a great number of people working down at the Department of Agriculture; I do not know how many hundreds are involved in this inspection process, but there are a great number, and some of them are good. But I just want to say, if they

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do not shape up, I am going to be the first to join with the Senator from Connecticut and the Senator from Utah. I am sure the Committee on Commerce will back me up, and I am sure the Senator from Georgia will join in making every effort to see that they shape up.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG. I cannot understand what bad record the Senator has been talking about. There is nowhere in the world where consumers are getting purer food than in the United States, or where food products are subject to more severe inspections than in the United States. Where is the Senator buying rotten eggs?

Mr. MAGNUSON. Oh, I have bought several.

Mr. YOUNG. Not in recent years. Years ago.

Mr. MAGNUSON. I have bought several.

Anyway, I can give the Senator from North Dakota many cases, chapter and verse, on some of these things. I did say that some of them do a good job. I have been in two or three packinghouses in my time in which the inspector let them get away with everything, and finally they were caught. In the meantime, it all went to the market.

Mr. YOUNG. We passed a bill a couple of years ago that required all the States to live up to certain new standards of meat inspection or the Federal Government would take over. Our State let the Federal Government take over. The restrictions were so stringent and the cost so high that they said, "Let the Federal Government inspect." The restrictions could not be tougher. It would be a terrible mistake to take meat and other food inspection out of USDA.

Mr. MAGNUSON. I hope they continue to be tough, because they should be. I agree that some of them are all right.

Mr. RIBICOFF. Mr. President, there is no man for whom I have higher respect than the distinguished senior Senator from North Dakota. But we have had report after report from GAO on the poor performance of the food inspection programs of the Department of Agriculture. Since he raises the point, I ask unanimous consent to have printed at this point in the RECORD summaries of four reports on the food inspection programs of the Department of Agriculture.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[Comptroller General's Report to the Congress, Sept. 10, 1969]

ENFORCEMENT OF SANITARY, FACILITY, AND MOISTURE REQUIREMENTS AT FEDERALLY INSPECTED POULTRY PLANTS

WHY THE REVIEW WAS MADE

The Poultry Products Inspection Act of 1957, as amended, provides for the inspection of poultry and poultry products which are processed in plants engaged in interstate or foreign commerce to ensure that the poultry products are wholesome, free from adulteration, and processed under sanitary conditions.

Because of the widespread production and consumption of poultry and poultry products and the fact that about 86 percent of all poultry is processed in about 900 plants under Federal inspection, the General Accounting Office (GAO) has examined into the Federal inspection program to ascertain whether the Department of Agriculture's Consumer and Marketing Service (C&MS) was adequately enforcing the minimum standards established in accordance with requirements of the Poultry Products Inspection Act. GAO's review was directed primarily to the adequacy of actions taken by C&MS at those federally inspected plants which had been reported for repeated violations of minimum standards for sanitation, facilities, and moisture absorption.

FINDINGS AND CONCLUSIONS

GAO found that there was a need for C&MS to strengthen its enforcement procedures to ensure that minimum standards for sanitation, facilities, and moisture absorption were met by federally inspected poultry plants.

GAO identified 40 plants that were reported by C&MS supervisory personnel for repeated violations of minimum standards over periods ranging from 6 months to over 5 years. Most of the violations involved sanitation requirements which were intended to ensure the wholesomeness of the product. The 40 plants accounted for about 6 percent of the 11.2 billion pounds of poultry slaughtered under Federal inspection during calendar year 1967.

GAO believes that the lack of timely action by C&MS to suspend or terminate inspection services at plants which were in repeated violation of minimum standards did not adequately protect the consuming public from poultry or poultry products that could have become adulterated or otherwise unfit for human consumption. During a period of suspension, plants cannot process poultry or poultry products for sale in interstate or foreign commerce.

GAO believes also that the failure of C&MS to suspend or terminate inspection services at such plants could imply to the management of other federally inspected plants that violations would be treated with minimum consequence.

GAO identified also 44 federally inspected plants which were permitted to ship poultry in interstate commerce for sale to the consuming public that, on the basis of daily tests, contained water in excess of that permitted by regulations. These plants exceeded moisture requirements at least 20 percent of the time during 4 to 11 months of calendar year 1967. The 44 plants accounted for over 13 percent of the poultry slaughtered under Federal inspection during calendar year 1967.

GAO believes that the consuming public was not adequately protected against increased costs resulting from excessive water in poultry because C&MS inspection personnel were not authorized to retain poultry containing water found to be excessive on the basis of the results of daily moisture absorption tests.

RECOMMENDATIONS OR SUGGESTIONS

The Administrator of C&MS should:

Strengthen enforcement procedures by establishing effective criteria for the suspension and termination of inspection services at those plants in violation of minimum standards.

Determine whether the poultry plants identified during GAO's review as having operated in violation of minimum standards over extended periods of time are currently operating in compliance with minimum standards.

Establish a daily-testing procedure that can be used as a basis for retaining for additional processing any product that is in excess of moisture absorption tolerances.

Authorize the C&MS inspector in charge at the plant to retain poultry for additional processing on the basis of daily tests.

AGENCY ACTIONS AND UNRESOLVED ISSUES

C&MS informed GAO that a rigorous national effort had recently been activated to ensure adequate sanitation in inspected plants. C&MS stated that inspection had been suspended at several plants, that numerous plants had been required to make immediate improvements, and that major long-term improvements were being called for and rigid deadlines established therefor.

C&MS stated also that suspension action was being and would be taken on plants unwilling to provide acceptable sanitary conditions and that instructions to field personnel were being amended to ensure proper understanding of their authority to take action to ensure proper plant sanitation. GAO agrees with the actions taken by C&MS and believes that the intensified C&MS efforts to ensure adequate sanitation in federally inspected plants should be continued as a permanent part of the enforcement program.

C&MS advised GAO that the regional directors having responsibility for the plants identified in GAO's review had been advised of the need for immediate in-depth reviews of such plants and for taking appropriate action, including suspension of inspection, should the nature of current findings warrant such action.

With respect to moisture control, C&MS informed GAO that there was in the final stages of design a statistical control system of daily tests to be performed by C&MS inspectors assigned to the plants. C&MS stated that full authority for retaining birds out of compliance on the basis of the results of daily tests would be placed in the hands of the plant inspector in charge and the retained birds would not be distributed to consumers until excessive moisture had been removed. C&MS stated also that it planned to put this system into use, nationally, in the near future.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Because poultry products are an important source of the Nation's supply of food and are consumed throughout the Nation, the Congress may wish to consider the matters discussed in this report in its continuing evaluation of consumer protection programs.

[Comptroller General's Report to the Congress, June 24, 1970]

WEAK ENFORCEMENT OF FEDERAL SANITATION STANDARDS AT MEAT PLANTS BY THE CONSUMER AND MARKETING SERVICE

WHY THE REVIEW WAS MADE

The Congress has determined that it is essential for the health and welfare of consumers to be protected by ensuring that meat and meat food products distributed to them are wholesome and processed under sanitary conditions.

Under the Federal Meat Inspection Act, the Consumer and Marketing Service, Department of Agriculture, has the responsibility for establishing and enforcing sanitation standards in federally inspected meat plants. Inspectors assigned to the plants are responsible for enforcing the sanitation standards.

The Consumer and Marketing Service also is responsible for ensuring that sanitation standards are maintained by nonfederally inspected plants that receive Federal grading service—a marketing service provided to meat plants upon request.

As of December 31, 1969, there were about 3,200 federally inspected plants and about 140 nonfederally inspected plants which had been approved by the Consumer and Marketing Service as eligible to receive Federal grading service.

The General Accounting Office (GAO) in a report to the Congress (B-163450, September 10, 1969) pointed out the need for the Consumer and Marketing Service to strengthen its enforcement procedures to ensure that standards for sanitation, facilities, and equipment were met by federally inspected poultry plants. Also, the Office of the Inspector General, Department of Agriculture, in 1965 and 1969 pointed out weaknesses in the enforcement of sanitation standards at federally inspected meat plants.

In view of previously indicated weaknesses in the enforcement of sanitation standards, GAO wanted to ascertain the adequacy of the Consumer and Marketing Service's enforcement of sanitation standards at meat plants provided Federal inspection or grading service.

GAO's review was directed primarily to certain of the plants which Consumer and Marketing Service records indicated had sanitation problems.

Conditions found in the plants and reported in this review therefore may not be typical of conditions in all plants receiving Federal inspection or grading service.

FINDINGS AND CONCLUSIONS

The Consumer and Marketing Service needs to strengthen its enforcement procedures to ensure that standards for sanitation are met by plants receiving Federal inspection or grading service.

Accompanied by Consumer and Marketing Service supervisory personnel, GAO visited 40 federally inspected plants and eight nonfederally inspected plants receiving Federal grading service. Evaluations of the plants were made in accordance with Consumer and Marketing Service sanitation standards.

In calendar year 1969, the 40 federally inspected plants accounted for about 7.7 percent of the cattle and swine slaughtered and about 4.9 percent of meat products processed in all federally inspected plants.

Consumer and Marketing Service inspection personnel were not uniform in their enforcement of sanitation standards and generally were lenient with respect to many unsanitary conditions unless product contamination was obvious.

At 36 of the 40 federally inspected plants and at the eight nonfederally inspected plants, animals were being slaughtered or meat food products were being processed for sale to the consuming public under unsanitary conditions. GAO observed instances of product contamination at 30 of the federally inspected plants and at five of the nonfederally inspected plants. Some of the major unsanitary conditions observed during GAO's plant visits included:

Lack of adequate pest control as evidenced by flies, cockroaches, and rodents.

Improper slaughter operations resulting in contamination of carcasses with fecal material and hair.

Use of dirty equipment and processing of product in unsanitary areas.

Contamination of product by rust, condensation, and other foreign material from deteriorated or poorly maintained overhead structures.

At the plants visited, Consumer and Marketing Service inspection personnel had not consistently:

Rejected for use equipment and plant areas or suspended inspection in federally inspected plants when unsanitary conditions were found and

Recommended the withdrawal of Federal grading services at nonfederally inspected plants that were found operating under unsanitary conditions.

If Federal inspection service is suspended, a plant cannot slaughter animals or process meat for movement in interstate commerce. The withdrawal of grading service from a nonfederally inspected plant precludes the plant's using any official mark or other identification of the Federal grading service.

GAO was unable to ascribe to any one cause the failure of inspection personnel to require plant managements to promptly and effectively correct unsanitary conditions. GAO believes, however, that a primary cause of the lack of uniformity and leniency in enforcement of sanitation standards was a lack of clear and firm criteria setting forth the actions to be taken when unsanitary conditions were found.

GAO believes that weaknesses in the Consumer and Marketing Service's system for reporting on plant reviews also contributed to the inadequate enforcement of sanitation standards at federally inspected plants. Because reports generally did not show what action, if any, was taken to correct reported unsanitary conditions, information was not readily available to Consumer and Marketing Service management as to whether appropriate and timely corrective actions were required by inspection personnel.

Clear and firm criteria—setting forth the actions to be taken when unsanitary conditions are found—and improved reporting policies can provide a basis for improving the enforcement of sanitation standards at meat plants. In the final analysis, GAO believes that the effectiveness with which such standards are enforced will be dependent on the resolve of Consumer and Marketing Service personnel at each and every level—from the plant inspectors to the Washington officials.

RECOMMENDATIONS OR SUGGESTIONS

The Administrator of the Consumer and Marketing Service should reemphasize to individual employees at all levels their responsibilities for the enforcement of regulations to ensure that meat and meat food products are wholesome and unadulterated.

To assist employees at all levels in carrying out their responsibilities the Administrator should establish:

Criteria setting forth specific conditions under which inspection and grading services should be suspended at plants in violation of sanitation standards and under which equipment and specific plant areas in federally inspected plants should be rejected for use until made acceptable, and

A uniform reporting policy whereby action taken and to be taken will be a required part of all reports pertaining to observed sanitation deficiencies.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Administrator of the Consumer and Marketing Service (see app. I) stated that:

The conditions described in GAO's report are of deep concern to the Department of Agriculture, and the Department is and has been determined to eliminate such threats to the wholesomeness of the Nation's meat and poultry products.

The emphasis and objectives of the major inspection improvement program already under way and now being intensified in the Consumer and Marketing Service are completely in line with and responsive to GAO's recommendations.

Much has been accomplished but much remains to be done.

With respect to specific actions taken and planned, the Administrator stated that:

A letter had been directed to all Consumer Protection Program personnel clearly outlining inspection objectives and procedures regarding sanitation and assuring each employee of full support for his efforts in enforcing sanitation standards.

Meetings would be held with committees from major meat packer organizations for the purpose of reemphasizing meat inspection objectives and developing an educational program for their membership on the whole spectrum of meat inspection, particularly sanitation.

Revised procedures, forms, and instructions had been issued to assist inspectors in carrying out the Consumer and Marketing Service's policy at plants where unsanitary conditions are found, including criteria for withholding or suspending inspection for cause.

The Administrator also provided detailed information on enforcement actions taken as a result of the inspection improvement program. He stated that, although the record demonstrates progress during the past year, the need for still further action is acknowledged.

The action needed will be determined by a management study now under way to determine improvements needed in administration. This study is expected to have strong impact on carrying out GAO's recommendation relating to improved reporting systems to demonstrate actions taken.

The Administrator provided the following report on the status of the 48 plants visited by GAO as determined by recent Consumer and Marketing Service plant visits.

Federal inspection has been discontinued at five of the 40 federally inspected plants.

Conditions of sanitation in 27 of the federally inspected plants have been so improved as to meet Consumer and Marketing Service sanitary requirements.

Two of the eight nonfederally inspected plants ceased operations following withdrawal of recognition for Federal grading service.

Four nonfederally inspected plants' operating conditions are now acceptable.

In the remaining eight federally inspected plants and the two nonfederally inspected plants, action has been taken to protect the product while the remaining needed plant improvements are being completed.

GAO believes that the actions already taken and the further actions outlined by the Administrator, if fully implemented, substantially comply with its recommendations and will provide greater assurance to the consuming public that meat products are processed under sanitary conditions. GAO believes, however, that, even with the intensified enforcement actions planned by the Consumer and Marketing Service, continuing efforts of all inspection personnel to require compliance with sanitation standards are vital to mainaining the integrity of the inspection program and ensuring the consuming public of a wholesome product.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report discusses matters of such importance to the consuming public that the Congress may wish to consider the facts revealed and the steps being taken to correct the situation.

[Comptroller General's Report to the Congress, Nov. 16, 1971]

CONSUMER AND MARKETING SERVICE'S ENFORCEMENT OF FEDERAL SANITATION STANDARDS AT POULTRY PLANTS CONTINUES TO BE WEAK

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) made this follow-up review at poultry plants to determine whether the Consumer and Marketing Service had improved the enforcement of sanitation standards after GAO's earlier reviews. This review covered 68 federally inspected plants, including 17 of the 40 plants GAO covered in its prior review and 51 plants selected at random from five of the leading poultry slaughtering and processing States. The 68 plants accounted for about 19 percent of the 13 billion pounds of poultry slaughtered in the United States in calendar year 1970.

FINDINGS AND CONCLUSIONS

Enforcement of sanitation standards still weak

Following GAO's earlier reviews, the agency took some actions to improve the enforcement of sanitation standards, including:

Sending letters to its inspection program employees, including plant and supervisory inspectors, clearly outlining inspection objectives and sanitation procedures and assuring each employee full support for his efforts in enforcing sanitation standards.

Issuing revised procedures, forms, and instructions, including criteria for withholding or suspending inspection, to assist inspectors in carrying out the agency's policies.

The actions taken by the agency have not been successful in achieving adequate enforcement at the plants GAO visited. For

each of the 68 plants, supervisory inspectors, who accompanied GAO and evaluated each plant for compliance with the agency's standards, reported some deficiencies. The types and extent of the deficiencies, classified as either minor variations or unacceptable conditions, varied from plant to plant.

The evaluations showed that unacceptable conditions:

Continued to exist at most of the 17 plants covered in GAO's prior review. In many cases the conditions were similar to those previously noted.

Existed at most of the 51 randomly selected plants. At many of these plants, the conditions appeared to be of a long-standing nature and were similar to conditions noted at most of the 17 plants.

After most of GAO's fieldwork had been completed, the agency implemented a revised regulation providing criteria on the amount of moisture which may be absorbed and retained in poultry during processing. When the amount of moisture absorbed is determined to be above the specified limits, the inspector is to require that all poultry processed be held and drained to acceptable levels. Because of the timing of the regulation's implementation, GAO did not determine how well it was being implemented.

Conclusions

Many of the sanitation deficiencies appeared to have existed over a long period. In GAO's opinion, this situation is indicative of a lack of strong, day-to-day enforcement by the agency's plant inspectors and of a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.

Adequate criteria and policies now exist for enforcing sanitation standards. Such criteria and policies, however, provide only a basis for improving enforcement. In the final analysis the effectiveness with which sanitation standards are enforced depends on the resolve of the agency's employees at every level—from plant inspectors to Washington officials.

Ways must be found to demonstrate convincingly to the agency's inspection employees that consumer protection is the main objective of enforcing sanitation standards and that strict enforcement of such standards is essential.

RECOMMENDATIONS OF SUGGESTIONS

In August 1970 two consultants hired by the Department of Agriculture completed a study of the agency's consumer protection programs. The consultants recommended a number of changes for reorganizing the programs. Most of the recommendations were adopted; however, one recommendation—that a separate agency be established within the Department for consumer protection programs—was not. The consultants stated that the recommendtion was predicated on their belief that:

There is an inherent difference between the nature of the agency's marketing activities and that of its consumer protection activities which creates an internal conflict.

Consumer protection is so large an area and has such complex problems that it needs a full-time administrator.

GAO recommends that the Secretary of Agriculture reevaluate the consultants' recommendation because GAO believes that implementation of the recommendation would demonstrate convincingly that the Department was placing emphasis on consumer protection.

GAO recognizes that, should the Department adopt the consultants' recommendation, its full implementation would take some time. Also, if a separate agency were established within the Department, many of the employees now responsible for enforcing sanitation standards would continue to be responsible.

For these reasons GAO recommends also that the Secretary explore other and more immediate avenues to improve and emphasize the enforcement of sanitation standards. Such avenues might include an intensification of efforts already under way to strenghten supervision and to improve the training of inspection employees as well as increased use of disciplinary action when inspection employees do not meet their responsibilities.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department said:

That it initially decided not to adopt the consultants' recommendation to establish a separate agency because the consultants had stated that the meat and poultry inspection program also could function within the existing agency and because one advantage of keeping it there would be that separate administrative support functions would not have to be developed.

That the agency was attempting to respond in specific ways to deficiencies in its supervisory structure which had been totally inadequate and was taking or planning other actions to improve the enforcement of sanitation standards.

That the merits of establishing a separate agency should be considered but that, in its judgment, it would be a grave error to consider the creation of a new agency until the actions already under way and others being planned had been given a reasonable time test.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress may wish to consider the matters discussed in this and earlier reports in connection with a number of measures now before the Congress. These measures include bills to establish a separate Department of Consumer Affairs and the President's Reorganization Plan which would transfer the agency's poultry and meat inspection activities to a proposed Department of Human Resources.

[Comptroller General's Reports to the Congress, June 30, 1970]

NEED TO REASSESS FOOD INSPECTION ROLES OF FEDERAL ORGANIZATIONS

WHY THE REVIEW WAS MADE

Before acceptance by the Government or distribution to the public, food is generally subject to inspection by two or more organizations. Because of apparent overlapping of Federal food inspection activities, the General Accounting Office (GAO) made a Government-wide review.

FINDINGS AND CONCLUSIONS

Federal food inspection started in 1891. The function evolved from piecemeal legislation and regulations designed to solve specific problems as they arose.

Because of their relatively limited scope, the laws and related regulations do not provide a clear expression of overall Federal policy for food inspection. As a result, parts of the food inspection function are performed by many Federal, State, and local organizations. This has led to some inspection overlap and to problems in making inspections and has caused dissatisfaction in the food industry.

GAO conservatively estimated that over 14,500 people were involved in Federal food inspection activities which were costing over $185 million annually. About $48 million of this amount was reimbursed by the users of certain inspection services.

Similar inspection activities are frequently performed by more than one organization at the same commercial establishment and often on the same food product. At a dairy products company visited by GAO:

Military veterinarians made monthly sanitary inspections and obtained bimonthly milk samples which were analyzed for bacteria and butterfat,

One group from the Department of Agriculture checked plant sanitation quarterly to qualify the plant for grading services, while another group obtained butter and cheese samples eight times a month,

Food and Drug Administration personnel inspected periodically for potential health hazards, and

The State health department inspected for sanitation and analyzed fluid milk for bacteria, at least quarterly, to qualify the plant for the approved listing of the U.S. Public Health Service.

Many of the inspections are made for different purposes and vary in degree. However, GAO believes that a more effective and economical method of discharging the Federal food inspection function could be devised.

Several Federal organizations have established food standards, some for the same item. This creates a need for close coordination which in practice appears to be a lengthy process. Although more than one standard for the same food item may not be improper in itself, it has caused dissatisfaction among food suppliers.

For example, the Departments of Agriculture and Defense tested the same lot of smoked hams. Because of the use of different product standards and testing methods, these hams met Defense requirements but did not meet Agriculture standards for moisture content.

Agreements have been made between organizations to establish clearer lines of responsibility, make more effective use of the skills and experience of each, and reduce overlap. To reach agreements has been time consuming. Moreover, the agreements sometimes have been difficult to administer and, in some cases, have led to further difficulties. Accordingly, GAO believes that a more effective system for discharging food inspection responsibilities—involving changes in existing legislation where necessary—would reduce, or eliminate, the need for such agreements.

There are basic differences in the concepts and practices of the inspecting organizations. Some of the differences involve

The extent of reliance placed on food vendors for product quality,

The desirability and extent of the use of statistical sampling techniques for product inspection, and

Federal surveillance of State and/or local inspections in lieu of direct Federal inspection.

GAO believes that maximum standardization in requirements, procedures, and concepts is desirable and would enable inspections to be made more effectively and economically.

GAO believes that there is a need to reassess the Federal role in food inspection and the participation of the various organizations that currently perform parts of the function so as to arrive at sound recommendations for improvement. This reassessment—involving as it does sensitive relationships between the numerous Federal, State and local governmental agencies and the food industry—should be conducted under the leadership of the Bureau of the Budget.

RECOMMENDATIONS OR SUGGESTIONS

The Director, Bureau of the Budget, should make a detailed evaluation of the food inspection function to determine the most effective method of improving the administration of this function. The study should determine the feasibility of consolidating at least some of the inspections, and it could draw upon the skill and experience of the agencies performing inspections.

The findings and recommendations of this evaluation should be reported to the Congress as soon as possible since reconsideration of existing legislation may be involved.

AGENCY ACTIONS AND UNRESOLVED ISSUES

Federal agencies that make food inspections agreed that there is a need for reassessing the food inspection function. The Bureau of the Budget agreed to make the evaluation when sufficient resources are available.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Significant legislation affecting food inspection has been passed in recent years and several bills are pending. This report is being furnished to the Congress to provide a basis for considering actions taken or proposed by the executive branch and for such other action as the Congress sees fit.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TALMADGE. Mr. President, I thank the distinguished chairman of the Committee on Commerce and the distinguished Senator from Utah for offering this amendment and agreeing to it on the Senate floor.

The distinguished chairman of the committee will recall that months ago, when this matter was floating around in the various committees, I pointed out to him that the Committee on Agriculture and Forestry had jurisdiction of the subject matter which was intended to be included in the new consumer agency by various committees.

The jurisdiction of the Senate Committee on Agriculture and Forestry is extremely clear. It is set out in rule XXV of the Standing Rules of the Senate, as follows:

RULE XXV, STANDING RULES OF THE SENATE

1. • • •

(b) Committee on Agriculture and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Agriculture generally.
2. Inspection of livestock and meat products.
3. Animal industry and diseases of animals.
4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
5. Agricultural colleges and experiment stations.
6. Forestry in general, and forest reserves other than those created from the public domain.
7. Agricultural economics and research.
8. Agricultural and industrial chemistry.
9. Dairy industry.
10. Entomology and plant quarantine.
11. Human nutrition and home economics.
12. Plant industry, soils, and agricultural engineering.
13. Agricultural educational extension services.
14. Extension of farm credit and farm security.
15. Rural electrification.
16. Agricultural production and marketing and stabilization of prices of agricultural products.
17. Crop insurance and soil conservation.

The Poultry Products Inspection Act and the Federal Meat Inspection Act which would be transferred by the amendments of the Committee on Labor and Public Welfare clearly fall within item 2 of rule XXV, "inspection of livestock and meat products." The Egg Products Inspection Act, the Agricultural Marketing Act of 1946, and the act of March 4, 1913, all fall within item 16, "agricultural production and marketing and stabilization of prices of agricultural products." The act of March 4, 1913, also falls more specifically within item 3, "animal industry and diseases of animals." The food inspection bills also fall within item 11, "human nutrition and home economics" and all of these measures, of course, fall within item 1, "agriculture generally."

Once again the Department of Agriculture is faced with an effort to undermine, or perhaps even destroy, the achievements of over 100 years of dedication in the pursuit of a policy of abundance for mankind. For over 100 years the Department of Agriculture has been involved in the technical progress in agriculture in this country. For over 100 years the Department of Agriculture, with the support of the farming community, has been engaged in a never ending struggle to provide consumers of this land with a variety and an abundance of wholesome food at fair and reasonable prices.

In just the past 20 years total farm output has increased by 44 percent. The production of beef has increased 2½ times; the production of broilers by over 5 billion pounds. This abundance was achieved despite the fact that about 50 million acres were retired from production of corps through various programs.

Farmers and the food industry have combined to make it possible for consumers to enjoy the widest variety and the most wholesome and healthful food in the world. More than 200 million persons in this country and many more millions throughout the world now depend upon our farms for most of their food and fiber. When we go to market we can choose from over 6,000 different food items including fresh, frozen, canned, concentrated, dehydrated, ready mixed, ready to serve, or in heat and serve form. Today farmers feed over 50 million more persons in this country than they did just 20 years ago. Despite this consumers are now required to devote less of their income for a wider variety and higher quality of food than ever before. In 1972 only 15.8 percent of disposable income was spent on food as compared to about 23 percent 20 years ago. Compare this with up to 30 percent in Europe, 50 percent in the Soviet Union, and as high as 90 percent in many other countries. This tremendous productivity did not just happen. It is a result of combined efforts of millions of dedicated farmers on the one hand and the application of technology developed by the thousands of the dedicated technicians in the Department of Agriculture and in our land grant colleges.

Food is basic to life but the bounty that has been forthcoming from the farms of America is little appreciated. There is no praise, rather there is constant criticism and continued efforts to belittle the achievements of our farm community. But I say that the miracle of agriculture in this country is a never ending story and it has many facets. The farmers of this land have long been involved in the preservation of our environment and in the conservation of our resources. The farmers of this Nation through their own Department of Agriculture have long been involved in efforts to provide for and protect all of the people of this Nation long before the present general interest in the preservation of our environment, the conservation of our resources and the protection of consumers.

In 1957, my first year in the Senate, the Senate Committee on Agriculture and Forestry approved the continuous Federal inspection of poultry and poultry products in interstate commerce. This mandatory inspection law succeeded a voluntary program that had been put in operation by the Department of Agriculture some 28 years before.

But that was not the first law administered by the Department of Agriculture designed to protect the consumers of this Nation. In 1946 the Congress approved the Agricultural Marketing Act which directed the Secretary of Agriculture among other things to inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce to the end that consumers may be able to obtain the quality product which they desire. He was directed to conduct and cooperate in consumer education.

But even before this, in 1906, Congress directed the Secretary of Agriculture to provide for a mandatory continuous inspection service for meat moving in interstate commerce in order to protect consumers.

Federal meat inspection laws were updated in 1967 to provide additionally that all meat and meat products moving in intrastate commerce must be federally inspected or inspected by States to standards at least equal to the Federal.

And as late as 1970 the Department of Agriculture was entrusted with the Egg Products Inspection Act signed into law on December 29 of that year.

The 1946 Marketing Act, among other things, provided for national uniform standards of quality for agricultural products to be applied to specific lots of products to promote confidence, reduce hazards in marketing, encourage better preparation for uniform quality products for market, and furnish consumers with more definite information on the quality of products they buy. These standards are applied by or under the supervision of Federal employees at the request of any interested party and generally for a fee.

Last year almost 20 billion pounds of beef and veal were produced under Federal inspection standards, plus about 14 billion pounds of pork and over 13 billion pounds of liveweight poultry. In addition, USDA inspection and grading covered about 55 billion pounds of fresh fruits and vegetables; about 14 billion pounds of processed fruits and vegetables; over 3 billion pounds of dairy products; and over 3 billion pounds of eggs.

For more than half a century the Department of Agriculture has been intimately involved in protecting consumers. They have done a magnificent job under very adverse conditions with little support outside the farming community until recent years.

In the committee report on S. 3419 by the Committee on Labor and Public Welfare the statement is made "the consum-

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er benefits that can result in the form of more balanced and effective inspections throughout the country and greater efficiency through the elimination of duplicative efforts are too important to ignore." But there is nothing in that report that guarantees that there will be more effective inspections throughout the country or even that duplicative efforts will be eliminated. To make a statement is not to guarantee that it will come to be.

The report further states that "the food regulatory functions of the Department of Agriculture which cover just a portion of the Nation's food supply involve resources, funds, manpower, organization and scientific capability which are greater than those available to the Food and Drug Administration for regulation of all other food, drugs, and consumer products." But the report does not say in respect to meat and poultry that there is continuous inspection rather than spot inspection, such as the Food and Drug Administration usually provides.

Earlier I spoke of the billions of pounds of food inspected by Agriculture. This has been going on for years. The transfer of the continuous inspection of meat and poultry programs and other inspection programs from the Department of Agriculture will not improve one iota the inspection of other food establishments by the Food and Drug Administration. The only way to accomplish this is to increase the budget of the Food and Drug Administration. The fact of the matter is, that today under the present organization, the people in this country, the consumers of this country, are receiving the most nutritious, the most wholesome, the most healthful food ever provided any people anywhere in the history of this world. And to dismantle this protection will lead only to deterioration and abuse of existing law.

Mr. President, the provision that the Senator from Utah would strike invade at least five different categories of the jurisdiction of the Committee on Agriculture and Forestry. I do not think the people of this country or Members of the Senate want the Committee on Agriculture and Forestry to give up its jurisdiction on legislative matters.

This is a vitally important matter, affecting the lives, the incomes, and the method of livelihood of countless millions of people in this country.

The Department of Agriculture has been engaged in meat inspection for 66 years, since 1906. It has considerable expertise in that field.

I think the housewives of this country, report to the contrary notwithstanding, when they see a stamp on a food item, "USDA inspected and approved," have absolute confidence in its quality and its desirability.

The fact is that the food inspection services of the United States of America are the world's best and the world's greatest, and the food that our housewives purchase is more sanitary and more suitable for human consumption than any other food on the face of the earth.

I do not expect all people to be perfect, and certainly not every inspector of the Department of Agriculture is perfect. Doubtless, from time to time some of them make errors. But they have done an outstanding job. To take away all their functions, with 66 years of experience and expertise, and transfer those functions to a new, unknown, and untried Federal agency is the height of folly.

That is particularly true when the farmers of this country, those who produce the swine, those who produce the poultry, those who produce the livestock, and those who slaughter and process and market them, have not had an opportunity to come to Congress and state their views on an issue of such fundamental importance.

Again, I thank the distinguished Senator from Utah and the distinguished chairman of the Commerce Committee for accepting this amendment, which would delete from this bill subject matter over which the Committee on Agriculture and Forestry has jurisdiction. We had no opportunity to study the proposed legislation until it was reported to the Senate. We have had no opportunity to let the people of this country come before the committee and state their views on a matter of such vital importance. I appreciate the cooperation of the Senators.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Nebraska, with the permission of the distinguished floor manager of the bill.

Mr. CURTIS. I thank the distinguished chairman of the Committee on Agriculture and Forestry. I should like to associate myself with his remarks.

I point out that a great deal is involved in food inspection, particularly meat inspection. The meat inspection involves the inspection of live animals before the slaughter as well as the carcasses of the meat products afterward. Is that not true?

Mr. TALMADGE. That is entirely correct. It involves inspection on the farm for tuberculosis and various other matters, in order to protect the consumers of this country. Not only does the Department of Agriculture protect the consumer, but also it has jurisdiction over matters such as tuberculosis and various other diseases, even on the farm.

Mr. CURTIS. It would be totally illogical to attempt to transfer this out of the hands of the agriculturalists and the Agriculture Department.

Mr. TALMADGE. That is correct. They have jurisdiction over livestock, as the Senator knows.

Mr. CURTIS. I will not take any further time, but I do commend those who have offered this amendment and who have agreed to accept it, because I believe that what they are doing is in the very best interests of the consumers of the country as well as the producers.

If this change were made. I am sure that all parties involved would suffer through higher costs in carrying on these operations by putting a new agency in charge, and I am also sure that there would be a loss to the consuming public by the disruption that would occur to our very efficient production facilities and record of agriculture.

Mr. TALMADGE. I thank the distinguished Senator from Nebraska, the distinguished senior Senator from Washington, and the distinguished Senator from Utah.

Mr. ALLEN. Mr. President, I wish to state my strong opposition to the amendment to include among the responsibilities of this proposed Consumer Protection Agency those functions presently performed by the Department of Agriculture relating to the grading of agricultural commodities, the inspection of meat, poultry, and eggs for wholesomeness, and the regulation of animal biologics under the Virus-Serum-Toxin Act.

We in Congress have heard before the complaint that consumer services are badly scattered throughout the Federal Government—at a purportedly high price in wasted tax dollars and inefficient service. I, for one, would not support anything which would tend to increase this inefficiency. However, while those who propose this amendment do so out of a virtuous intent to avoid such waste—from a very practical side—they fail to realize that they would be compounding the very problem they seek to remedy.

Let us look at the matter of grading agricultural commodities, for example. This work has been done as a voluntary service by USDA for over half a century. The cost of the service is paid for by those who want it.

From the very outset, these grading services were meant to facilitate the orderly and efficient marketing of farm commodities—to enable producers, marketeers, and buyers who are widely separated geographically to trade with the assurance that a neutral, independent third party has attested to the quality of the product involved. The bulk of these grades are not carried through to the consumer, for they are not meant to be used in the purchasing of individual packages in small volume.

Further, these grading services are based upon the development of precise standards for the raw commodity. But this standardization work would not be transferred—nor should it be—since it is more closely related to basic agricultural production. The result would be a fragmentation of interrelated activities—to the detriment of all.

There are other USDA services which are closely intertwined with the grading program which would also suffer. This would include the extensive market news network, which provides farmers and others interested in farm marketing with precise data on the supply, demand, price, and movement of various commodities from farm to market. The collection of this data is augmented considerably by the grading service—but this, too, would be lost if they are separated as has been proposed.

Hence, to carve out one part of what is now a closely interrelated network of marketing services would be to fragment a system which has been serving this Nation very effectively for many years. That, it seems to me, is totally illogical.

There is another angle to this fragmentation that cannot be overlooked. Some of us in Congress—and more recently the executive branch—have sought for years to gain recognition for

the advantages of decentralizing Government services at the Federal level. From long experience, we have known that the States are willing and competent to perform such services when they receive proper resources and support. And, oftentimes, they can do a better job, because they are closer to the people they serve.

This proposal to shift the voluntary grading and mandatory inspection services to a consumer protection agency would violate that principle. Worse yet, it would destroy what is now an efficient and effective system of Federal-State cooperation to the benefit of no one.

I suspect that some of my colleagues here are unaware of the fact that many of these grading and inspection programs are conducted in close cooperation with the States under long-standing cooperative agreements. This is authorized by the Agricultural Marketing Act of 1946, under which the grading programs are carried out.

These cooperative agreements offer many advantages—advantages that would disappear if this amendment were passed. For example, the grading of many products is performed by employees of State departments of agriculture who work under the broad supervision of counterparts in USDA. If these grading programs were transferred to a consumer protection agency, and this counterpart relationship severed, the base for such cooperation would no longer exist.

Likewise, these agreements permit the Nation's food marketing system to benefit from the cross-utilization of highly trained commodity specialists. By destroying the relationship between USDA and the State agencies, it is doubtful that such cross-utilization would survive.

The administration of the Egg Products Inspection Act—another part of this proposal—provides a case in point. This act has three basic parts: First, it provides for the continuous inspection in plants which process egg products; second, it regulates the sale and disposition of eggs of less than U.S. grade B quality; and third, it provides for the enforcement of uniform egg standards, grades, and weight classification that are established under the Agricultural Marketing Act of 1946.

Currently, about 150 plants process egg products in the United States. These plants are supervised by a force of about 185 inspectors. Since many of these plants are part of a shell egg grading operation, this allows the USDA to cross-utilize some of these inspectors and use one person where two or more would otherwise be needed.

Also, to insure that only eggs of U.S. grade B or better quality are sold to consumers, USDA will rely upon currently employed egg graders in those shell egg grading plants which presently use the voluntary grading service. About 700 graders are now employed, hence their services can be utilized at no additional cost to anyone. In addition, USDA is assembling a force of about 1,000 more graders to monitor the marketing of shell eggs that are currently handled by plants that do not use the voluntary grading service. Ninety percent of these new graders, as I understand it, will be employed by the States, and will work under cooperative State-Federal agreements.

It is doubtful whether a new Consumer Protection Agency could duplicate this type of cooperative enforcement relationship, therefore necessitating the hiring of a whole new force of Federal inspectors that are not needed under the present arrangement.

Mr. President, I am positive that many other examples can be cited whereby the interrelated network of services now performed by USDA would be severed by passage of this amendment to the detriment of the other programs involved; that is, meat and poultry inspection, and regulation of animal biologics. USDA has long been the nerve center of technical and scientific knowledge on animal production and disease control. I cannot understand the logic that says it is better to split apart these functions which have helped to achieve for this Nation a food production and marketing system that provides the best fed consumers in the world today.

Therefore, Mr. President, I submit to you and our colleagues here today that passage of this amendment would not be in the best interests of this Nation, because it would badly fragment—rather than draw together—important services which should remain closely related for the long-term benefit of all Americans.

Mr. MAGNUSON. That is why we did not have the original bill in the Committee on Commerce.

Mr. TALMADGE. I am aware of that.

Mr. MILLER. Mr. President, I fully support the amendment by the distinguished Senator from Utah (Mr. Moss). Transferring the functions from the Department of Agriculture to the new Consumer Safety Agency—or to the Department of Health, Education, and Welfare would serve no useful public purpose and, indeed, could be very harmful. The Department of Agriculture has performed these functions well, and these functions are closely interrelated to other functions of the Department, which insures the harmony and coordination needed for maximum efficiency.

If it be suggested that all concerned personnel would be transferred from the U.S. Department of Agriculture to the new agency to preserve the expertise needed. I would suggest that there would be large scale resignations and retirements in the face of such an unnecessary and warranted action.

The amendment should be approved.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment of the Senator from Utah. (Putting the question.)

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 1263

Mr. COTTON. Mr. President, I call up my amendment No. 1263.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 2, lines 1 and 2 strike out "FOOD, DRUG, AND CONSUMER PRODUCT AGENCY" and insert in lieu thereof "CONSUMER SAFETY ADMINISTRATION".

On page 2, line 12, strike out "independent agency" and insert in lieu thereof "Administration within the Department of Health, Education, and Welfare".

On page 2, strike out lines 14, 15, and 16 and insert in lieu thereof "cosmetic, medical device, and product safety laws;".

On page 2, strike out lines 21 and 22 and insert in lieu thereof "drug, cosmetic, medical device, and consumer product safety regulation in a new Administration within the Department of Health, Education, and Welfare, new statutory authority is needed".

On page 3, line 23, strike "(17)" and insert in lieu thereof "(13)".

On page 4, strike out line 8 and insert in lieu thereof "food, drugs, cosmetics, or devices, as defined in the Fed-".

On page 6, lines 2 and 16, strike out "Administrator" and "Commissioner", respectively, and insert in lieu thereof "Commissioner of the Product Safety Administration".

On page 7, line 14; page 15, line 8; and page 25, line 18, strike out "AGENCY" and insert in lieu thereof "ADMINISTRATION".

On page 7, lines 15, 16, and 17, strike out "an independent Food, Drug, and Consumer Products Agency (hereinafter referred to as the 'Agency')" and insert in lieu thereof "a Consumer Safety Administration (hereinafter referred to as the 'Administration') within the Department of Health, Education, and Welfare,".

Strike out "Agency" and insert "Administration" in lieu thereof on page 7, line 22; page 9, line 25; page 11, line 3; page 13, line 24; page 14, line 7; page 25, lines 19, 21, and 23; page 26, lines 3, 5, 7, 10, 11, 12, 13, 18 and 25; page 27, lines 1, 6 (two places), 10 (two places), 11, 14, and 18; page 28, lines 7 and 19; page 29, lines 9 and 12; page 32, lines 7, 9, 10, and 13; page 34, line 13; and page 76, line 25.

On page 7, lines 23 and 24, strike out "Commission" (three places) and insert "Office" in lieu thereof.

On page 8, line 1, strike out "Commissioner" and insert "Director" in lieu thereof.

On page 8, line 2, strike out "106" and insert "107" in lieu thereof.

On page 8, strike out lines 3 through 9 and insert in lieu thereof the following:

"ADMINISTRATION FOR HEALTH; COMMISSIONER OF THE CONSUMER SAFETY ADMINISTRATION

"SEC. 104. (a)(1) APPOINTMENT OF ADMINISTRATOR.—There shall be in the Department of Health, Education, and Welfare, in addition to the officers now provided for by law, an Administrator for Health who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health and science) as the Secretary may prescribe. The provisions of the second sentence of section 2 of the Reorganization Plan Numbered 1 of 1953 shall apply to the Administrator to the same extent as they apply to the Assistant Secretaries authorized by that section.

"(2) The President shall appoint, by and with the advice and consent of the Senate,

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a Commissioner of the Administration (hereinafter referred to as the 'Commissioner'), who shall report directly to the Administrator for Health.

"(3) There shall be in the Administration a Deputy Commissioner who shall perform such functions and duties and exercise such powers as the Commissioner may prescribe and shall be Acting Commissioner during the absence or disability of, or in the event of a vacancy in the office of, the Commissioner.".

On page 8, line 10, strike out "(c)" and insert "(b)" in lieu thereof.

Strike out "Administrator" and insert "Commissioner" in lieu thereof on page 8, line 11; page 9, line 17; page 11, lines 4 and 14; page 15, lines 12 and 20; page 16, line 5; page 18, lines 12 and 25; page 19, lines 8 and 25; page 21, line 8; page 22, line 2; page 23, lines 21 and 22; page 24, lines 4 and 7; page 28, line 4; page 32, lines 11–12; page 34, line 3; page 67, lines 15–16; page 68, line 1; page 75, lines 19 and 21; page 76, lines 12 and 18; page 77, line 5; and page 79, lines 4 and 15.

Strike out "Associate Administrator" and insert "Commissioner" on page 24, line 1.

On page 8, lines 12–13, strike out "Commissions" and insert "Offices" in lieu thereof.

On page 8, strike out lines 21 and 22 and insert in lieu thereof—

"(3) employ experts and consultants".

On page 10, lines 15–16, strike out "upon application of the Attorney General or the Administrator".

On page 11, line 20, strike out "and" and insert "cosmetics, devices, or" in lieu thereof.

On page 12, line 5, strike out "or" and insert "cosmetics, devices, or" in lieu thereof.

On page 12, strike out lines 8 through 24.

On page 13, strike out lines 1 and 2.

On page 13, line 3, strike out "(17)" and insert "(13)" in lieu thereof.

On page 13, strike out lines 16 through 19.

On page 13, line 20, strike out "(19)" and insert "(14)" in lieu thereof.

On page 13, line 23, strike out "Commissioners" and insert "Directors" in lieu thereof.

On page 13, line 24, strike out the period, insert "; and" in lieu thereof, and add thereafter the following:

"(15) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and shall—

"(A) attempt to eliminate products presenting unreasonable risk of injury;

"(B) establish a capability within the Administration to engage in risk-based analysis;

"(C) establish an interdisciplinary epidemiology capability and undertake investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation making and to assist in risk-based analysis;

"(D) establish a scientific capability within the Administration to assist in hazard detection, test method development, and quality control requirements;

"(E) utilize where practicable and establish where necessary, field operations to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance to report violations; and

"(F) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.".

On page 14, lines 3 and 4, strike out "Commissions" and insert "Offices" in lieu thereof.

On page 14, line 11, strike out "title" and insert "Act" in lieu thereof.

On page 14, line 19, insert "and" after "Committee;".

On page 14, strike out lines 20 through 24.

On page 15, strike out lines 1 through 3.

On page 15, line 4, strike out "(h)" and insert "(f)" in lieu thereof.

On page 16, line 1, strike out "103(c)(9)" and insert "104(b)(8)" in lieu thereof.

On page 16, line 3, strike out "COMMISSIONERS" and insert "DIRECTORS" in lieu thereof.

On page 16, line 4, strike out "APPOINTMENT.—".

On page 16, lines 6 and 7 (two places), strike out "Commissioner" and insert "Director" in lieu thereof.

On page 16, line 8, insert immediately before the period ", who shall undertake such activities as may be delegated to them by the Commissioner".

On page 16, strike out lines 16 through 25. Strike out all of page 17.

On page 18, strike out lines 1 through 9.

On page 18, line 12, strike out "109" and insert "108" in lieu thereof.

On page 19, line 1, strike out "Commissioner" and insert in lieu thereof "Director of an Office established under section 103".

On page 19, line 2, strike out "Director" and insert in lieu thereof "Director of the Office of Consumer Information".

On page 19, line 10, strike out "114" and insert "113" in lieu thereof.

On page 19, line 25, strike out "documents" and insert "documents" in lieu thereof.

On page 20, line 1, strike out "Agency's" and insert "Administration's" in lieu thereof.

On page 21, line 6, strike out "110" and insert "109" in lieu thereof.

On page 21, lines 12 and 22, strike out "drugs," and insert in lieu thereof "drugs, cosmetics, devices,".

On page 23, line 12, strike out "111" and insert "110" in lieu thereof.

On page 23, line 18, strike out "Commissioners, the Administrator" and insert in lieu thereof "Directors of the Offices established under section 103, the Commissioner".

On page 23, line 21, strike out "Commission" and insert "of such Offices" in lieu thereof.

On page 24, lines 3–4 and 5–6, strike out "Commissions" and insert "such Offices" in lieu thereof.

On page 24, line 8, strike out "Commissioners" and insert "Directors of such Offices" in lieu thereof.

On page 25, line 19, strike out "112" and insert "111" in lieu thereof.

On page 25, line 22, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 27, line 8 and 19, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 28, line 2, strike out "113" and insert "112" in lieu thereof.

On page 28, line 5, strike out "directly" and "and the President".

On page 28, lines 7 and 8, strike out "and its recommendation for legislative action".

On page 28, lines 12, 13, and 14, strike out "and the Administrator, and the budget recommendations of each of the Commissioners".

On page 29, strike out line 1 and insert in lieu thereof "Office established under section 103 which pre-".

On page 29, line 8, strike out "Commission" and insert "Office" in lieu thereof.

On page 29, line 10, insert "and" after the semicolon.

On page 29, lines 12 and 13, strike out "including violations reported to the Administrator by each Commissioner".

On page 29, line 16, strike out "; and" and insert a period in lieu thereof.

On page 29, strike out lines 17 through 19.

On page 29, line 21, strike out "114" and insert "113" in lieu thereof.

On page 31, strike out lines 16 through 19 and insert in lieu thereof the following:

"COOPERATION OF FEDERAL AGENCIES

"SEC. 114. (a) The Commissioner is authorized to utilize the".

On page 31, line 22, strike out "drug," and insert "drug, cosmetic, device," in lieu thereof.

On page 31, strike out line 25 and insert in lieu thereof "the authorities administered by him. The".

On page 32, line 2, strike out "section" and insert "subsection" in lieu thereof.

On page 32, strike out lines 3 and 4 and insert in lieu thereof the following:

"(b) Upon the Commissioner's request, each Federal agency is authorized—"

On page 32, lines 16 and 23, strike out "116", and "117" and insert respectively in lieu thereof "115", and "116".

On page 33, line 11, strike out "118" and insert "117" in lieu thereof.

On page 33, strike out lines 15 and 16 and insert in lieu thereof the following:

"(59) Administrator for Health, Department of Health, Education, and Welfare."

On page 33, strike out lines 17 through 24 and insert in lieu thereof the following:

"(b) EXECUTIVE SCHEDULE LEVEL OF COMMISSIONER, DEPUTY COMMISSIONER, AND DIRECTORS, CONSUMER SAFETY ADMINISTRATION.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(95) Commissioner, Consumer Safety Administration.

"'(96) Deputy Commissioner, Consumer Safety Administration.

"'(97) Director (5), Consumer Safety Administration.'"

On page 34, line 2, line out "119" and insert "118" in lieu thereof.

On page 34, strike out line 14 and all that follows down to and including line 10 on page 40.

On page 41, line 10, strike out "III" and insert "II" in lieu thereof.

On page 41, line 13, strike out "301" and insert "201" in lieu thereof.

On page 41, lines 13 and 14, strike out "of Product Safety (hereinafter referred to as the 'Commissioner')".

On page 43, line 11, strike out "or the Administrator".

On page 45, lines 9 and 23, strike out "302" and "303", respectively, and insert "202" and "203", respectively, in lieu thereof.

On page 46, line 10, strike out "301" and insert "201" in lieu thereof.

On page 48, line 4, strike out "303" and insert "203" in lieu thereof.

On page 48, line 10, strike out "306" and insert "206" in lieu thereof.

On page 48, line 25, strike out "305" and insert "205" in lieu thereof.

On page 49, line 17, strike out "304" and insert "204" in lieu thereof.

On page 49, lines 18 and 19, strike out "303" and insert "203" in lieu thereof.

On page 50, line 2, strike out "305" and insert "205" in lieu thereof.

On page 50, line 4, strike out "303 and 304" and insert "203 and 204" in lieu thereof.

On page 50, line 13, strike out "306" and insert "206" in lieu thereof.

On page 51, lines 8 and 9, strike out "303" and insert "203" in lieu thereof.

On page 51, line 16, strike out "306" and insert "206" in lieu thereof.

On page 52, lines 9 and 17, strike out "303" and "301", respectively, and insert "203" and "201" respectively, in lieu thereof.

On page 53, line 11, strike out "303" and insert "203" in lieu thereof.

On page 58, line 15, strike out "307" and insert "207" in lieu thereof.

On page 59, lines 1, 8, and 18, strike out "303", "308", and "301", respectively and insert "203", "208", and "201", respectively.

On page 60, lines 3 and 9, strike "303, 304, 305" and insert "203, 204, 205" in lieu thereof; on lines 4 and 11, strike "306" and insert "206" in lieu thereof; and on line 19, strike "309" and insert "209" in lieu thereof.

On page 63, line 16, strike out "310" and insert "210" in lieu thereof.

On page 63, line 18 strike out "305, 306 (d), 307, 308, or 309" and insert "205, 206 (d), 207, and 208, or 209" in lieu thereof.

On page 63, line 25, strike out "and to the Admin-" and insert a period in lieu thereof.

On page 64, strike out lines 1 and 2 and insert in lieu thereof "The Commissioner shall file in the court the record of the proceed-".

On page 64, lines 8 and 9, strike out "303" and "305, 306(a), 307, 308, or 309" and insert "203" and "205, 206(a), 207, 208, or 209", respectively, in lieu thereof.

On page 65, line 2, strike out "SEC. 311. (a) The Administrator or" and insert "SEC. 211. (a) Upon request of the Commissioner" in lieu thereof; and at line 11, strike out "303" and insert "203" in lieu thereof.

On page 66, lines 5, 9, 12, and 22, strike out "303", "306", "312", and "313", respectively, and insert "203", "206", "212", and '213", respectively, in lieu thereof.

On page 68, line 2, strike out "the Administrator's" and insert "his" in lieu thereof; and at line 25, strike out "314" and insert "214" in lieu thereof.

On page 70, line 18, strike out "315" and insert "215" in lieu thereof.

On page 71, lines 13 and 15, strike out "313" and "309, 312, and 314", respectively, and insert "213" and "209, 212, and 214", respectively in lieu thereof.

On page 72, lines 3, 7, and 8, strike out "307", "316", and "315", respectively and insert "207", "216", and "215", respectively, in lieu thereof.

On page 72, strike out lines 15 and 16 and insert "United States" in lieu thereof.

On page 73, line 4, strike out "Administrator or the".

On page 73, lines 7 and 14, strike out "315" and insert "215" in lieu thereof.

On page 73, line 17, strike out "Administrator" and insert "Attorney General" in lieu thereof.

On page 74, line 1, strike out "306" and "311" and insert "206" and "211", respectively, in lieu thereof.

On page 74, line 5, strike out ", to the Administrator,".

On page 75, line 5, strike out "317" and insert "217" in lieu thereof.

On page 78, lines 2 and 14, strike out "318" and "319", respectively, and insert "218" and "219", respectively, in lieu thereof.

On page 79, line 22, strike out "320" and "their" and insert "220" and "his" in lieu thereof.

On page 79, line 23, strike out "the Administrator and".

On page 80, line 2, strike out "the Administrator or".

On page 80, line 5, strike out "IV" and insert "III" in lieu thereof; and at line 7, strike out "401" and insert "301" in lieu thereof.

The PRESIDING OFFICER. The Chair asks the Senator whether this is the amendment on which there is an agreement for 3 hours of debate.

Mr. COTTON. That is correct, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I ask unanimous consent to correct a typographical error in my amendment. On page 2, line 12 of the amendment, strike out the word "Product" and insert the word "Consumer."

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. COTTON. This simply conforms to the text of the amendment. It is purely typographical.

Now, Mr. President, this amendment embodies the real sharp difference of opinion in regard to the bill now under consideration by the Senate. So far, with the exception of some slight altercation about rotten eggs, everyone has spoken on the same side. But, the real issue is whether we want the best, the most effective, and the best organized machinery we can devise in the Government to protect the American consumer from the dangers from many products which come onto the market.

As I have said before, I hope this bill, properly amended, will be a milestone in the history of the crusade in Congress, participated in by all of the distinguished Senators here this afternoon, to protect the consumers of our Nation.

Now, Mr. President, my amendment is quite simple. It would establish by statute the reorganization proposed within HEW by President Nixon in his letter of July 19, 1971, to the distinguished chairman of our Committee on Commerce (Mr. MAGNUSON) which was presented and explained by Secretary of Health, Education, and Welfare Richardson when testifying before the committee on the same date—that is July 19, 1971.

The President's letter to the distinguished Senator from Washington (Mr. MAGNUSON) noted in part the following:

> Today, Secretary Richardson will announce with my approval, that upon enactment of this bill [i.e., S. 1797], he will create within DHEW a new Consumer Safety Administration. This unit will build upon the activities, personnel, and facilities of the Food and Drug Administration, which has a long and distinguished history in the field of consumer safety, primarily in the vital regulation of the food we eat and the drugs we use.

At the same time, Secretary Richardson went on to note the following:

> Upon its enactment, therefore, I propose to build, as the President's letter has just informed the Committee, upon the FDA framework by establishing a new Consumer Safety Administration to be composed of three major offices:
>
> The Office of Product Safety Regulation;
> The Office of Drug Regulation; and
> The Office of Food Regulation.

Mr. President, rather than await enactment of the pending legislation and the establishment of such an organizational structure within HEW by administrative action, my amendment proposes to establish this framework by law.

Mr. President, briefly described what my amendment proposes is that in lieu of the creation of an independent Food, Drug and Consumer Safety Product Agency as proposed in S. 3419, there be created a Consumer Safety Administration within the Department of HEW. My amendment would also accomplish the following:

First. Provide for the appointment by the President, by and with the advice and consent of the Senate, of an Administrator for Health and for a Commissioner to head up the proposed Consumer Safety Administration;

Second. Provide for a Deputy Commissioner who shall be Acting Commissioner during the absence or disability of, or in the event of a vacancy in the Office of, the Commissioner of the Consumer Safety Administration;

Third. Provide that the Commissioner of the Consumer Safety Administration appoint three Directors, each to head up one of the three offices established by my amendment—that is, the Office of Food and Nutrition, the Office of Drugs, and the Office of Consumer Products;

Fourth. Retain the Office of Consumer Information as now provided for in S. 3419, but provide for the appointment of the Director of that Office by the Commissioner of the Consumer Safety Administration;

Fifth. Retain the provision concerning the National Injury Information Clearinghouse, but provide that the Director of such Clearinghouse be appointed by the Commissioner of the Consumer Safety Administration;

Sixth. Retain the proposed Joint Scientific Committee but provide that its establishment and appointment of members be made after consultation with the Director of each of the Office of Food and Nutrition, the Office of Drugs, and the Office of Consumer Products;

Seventh. Retain the provision for petition of and civil action against the agency, but substitute the Consumer Safety Administration for the proposed independent agency;

Eighth. Retain in large measure the provisions concerning annual reports and public access to information as now provided for in S. 3419;

Ninth. Retain the provision for cooperation of Federal agencies with appropriate technical amendments substituting the proposed Commissioner for the presently proposed Administrator;

Tenth. Provide that the Administrator for Health in my amendment be compensated at level III of the Executive Schedule—that is $40,000—the same level as that proposed for the Administrator of the proposed independent agency; and the Commissioner, Deputy Commissioner, and the five Directors of the proposed Consumer Safety Administration at level IV of the Executive Schedule—that is, $38,000—which is the same as that now proposed in S. 3419 for the Commissioners within the independent agency;

Eleventh. Strike all of title II which would seek to divest the Secretary of HEW of several areas of statutory responsibility, leaving that appropriately to be delegated by the Secretary to the proposed Administrator for Health and the Consumer Safety Administration;

Twelfth. Redesignate title III as title II and all sections accordingly, making no other changes in the provisions of that title except for—technical amendments, and, the single substantive change of providing that judicial actions and enforcement proceedings be handled by the Attorney General of the United States as has been the case rather than in the alternative by the Attorney General or by the proposed head of the independent agency; and

Thirteenth. Redesignate title IV as title III to conform with the earlier deletion of title II concerning the transfer of certain statutory functions.

Mr. President, the proposal embodied in my amendment is quite similar to that introduced by the distinguished and knowledgeable chairman of the Subcommittee on Public Health and Environment of the House Committee

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on Interstate and Foreign Commerce—Congressman PAUL G. ROGERS, Democrat of Florida—and several of his colleagues as H.R. 15315.

Mr. President, my amendment is a logical and a sensible approach when compared with the dismantling of HEW as now proposed in S. 3419.

Most important, Mr. President, I believe that each and every Member of this body should constantly keep in mind that waiting in the wings for action by the Senate is a proposal now before the Senate Government Operations Committee to establish still another independent agency, the Consumer Protection Agency.

Now, Mr. President, I am not predicating what I am saying purely on the position of the administration. I have been in the Senate long enough to know that if we are going to make a party issue of something, we had better do so when we have more members of our party than the other. I hope that this amendment will not be considered—and I think before I get through I can reasonably demonstrate that it should not be considered—purely as to whether the Senate decides it wants to comply with the wishes of the Executive. That is not that case at all.

Some time ago Secretary Richardson issued a statement in which he said:

The bill for a separate agency is regressive. It will deal the cause of consumer safety a crushing setback.

He then went on to say:

It would abandon the field to exploiters of the consumer by destroying existing mechanisms for regulation. It would create a serious vacuum—one lasting as long as three years—into which the exploiters could move while the new agency is being set in motion. It would have an adverse impact on the public health and the public purse.

The point is, Mr. President, one cannot move the whole Food and Drug Administration operation out of HEW and move into this new independent agency without a hiatus. It takes time to get a new organization functioning. So it is true as the Secretary contends, that it will require a period of time—I do not know whether it will be 1 year or 2 years—but a period of time in which current on-going efforts to protect the consumer will retrogress.

Mr. President, during the debate on my amendment we, no doubt, will hear considerable about what HEW and FDA have and have not done. Then, the proposed independent agency set forth in S. 3419 will be held up as some sort of panacea for all of these ills and personal bureaucratic frustrations. But, Mr. President, there is no truly definitive evidence to show that this will be the case.

On the contrary, Secretary of HEW, Elliot Richardson, rebutted such argument in the following manner:

I doubt that these observations hold true over the long run. As examples, actions of the Federal Trade Commission or Interstate Commerce Commission have never seemed to me to be more "visible" than an action of the Food and Drug Administration, even though they are independent agencies. Nor do I think that independent regulatory agencies have historically shown a greater resistance than other agencies to the pressures that often cause agencies to identify their interests with those of the industry they regulate.

I might add, Mr. President, that in recent months the FDA has begun to function more effectively than it has, perhaps, ever before. Just as it begins to produce, the proponents of S. 3419 want to pull it up by its roots and move it somewhere else.

Continuing with the Secretary's statement, he goes on as follows:

This Administration has submitted its own strong product safety legislation to the Congress, along with a letter from the President committing HEW to establishing within the Department a new consumer safety administration which would have an upgraded Food and Drug Administration as its core.

Yet, to my complete disbelief, the Senate Commerce Committee seems to have chosen to counter this strong proposal by adding to it a disruptive reorganization which threatens to harm the health concerns of consumers. Instead of helping the consumers, the regressive bill now before the Senate Commerce Committee moves counter to this with its new load of fatal flaws.

The Secretary then begins to numerate the flaws such as—

Slow downs the increasing momentum the FDA and HEW have been building in consumer safety.

The next thing the Secretary calls attention to is that—

It would destroy vital relationships between the FDA's food, drug, cosmetic, and product safety regulatory processes and other health responsibilities of the HEW.

When I got to that point in the Secretary's pronouncement, I began to wonder what relationships he was talking about. So, I took steps to inquire of the Secretary's office. I put the minority staff of the Commerce Committee on the job of seeking clarification of this statement that says in effect:

You are tearing this agency out of the HEW and by tearing out the Food and Drug Administration, you are leaving other vital functions that are closely related and are separating rather than consolidating the function of protecting the consumer.

I discovered what the Secretary was talking about. I discovered that it is very necessary to have complete cooperation and close cooperation—not as between one independent agency and another or between one department or another—but cooperation between the Food and Drug and the National Institute of Mental Health, which is interested in the methadone treatment for drug addicts as well as all other drug regulations.

I also learned that the operation of blood banks requires cooperation between the Biologics Division, recently transferred to the Food and Drug Administration and the National Heart and Lung Institute, which are, of course, at the very heart of the health delivery activities of HEW.

In addition, toxicological research required by the Food and Drug Administration is performed by the National Institute of Environmental Science and the National Cancer Institute—which has been greatly enlarged. Also, FDA's regulations of vaccines, allergenic products, and derivatives closely related to research in the National Institute of Allergy and Infectious Diseases, and the National Heart and Lung Institute and other institutes of the NIH.

In other words, by creating a new agency, we move away from the allies that we need to have if the Food and Drug Administration is really going to be effective. Thus, we are weakening rather than strengthening our case.

Mr. President, I am not saying this in criticism. However, I think it justifies my feeling that this is a somewhat hastily considered bill, creating this new agency at this time.

Let me also point out that we have a Senate bill (S. 3432) sponsored by 26 Members of the Senate, or more than one-fourth of the entire membership of the Senate. And among its sponsors are six members of the Committee on Commerce, including its distinguished chairman, and several chairmen of its subcommittees.

It is a bill to establish a Department of Health introduced by the distinguished chairman of the Subcommittee on Executive Reorganization and Government Research of the Senate Committee on Government Operations (Mr. RIBICOFF), himself a former Secretary of HEW. Cosponsoring S. 3432 were such distinguished Members as the Senators from California (Mr. TUNNEY), from Florida (Mr. CHILES), from Georgia (Mr. TALMADGE), from Indiana (Messrs. HARTKE and BAYH), from Massachusetts (Mr. KENNEDY), from Michigan (Mr. HART), from Minnesota (Messrs. MONDALE and HUMPHREY), from Missouri (Mr. EAGLETON), from Maine (Mr. MUSKIE), from New Jersey (Mr. WILLIAMS), from Nevada (Mr. CANNON), from New Hampshire (Mr. MCINTYRE), from Rhode Island (Messrs. PASTORE and PELL), from South Dakota (Mr. MCGOVERN), from Oklahoma (Mr. HARRIS), from South Carolina (Mr. HOLLINGS), from Washington (Messrs. MAGNUSON and JACKSON), and from Wisconsin (Mr. NELSON).

The point is, Mr. President, whether it be the reorganization proposals of the President of the United States or legislative proposals such as S. 3432, what the new independent agency in S. 3419 represents is a prejudgment of all such proposals. I personally do not feel that we have all the necessary evidence at this time to render such a judgment.

Now, I recognize that both in the Senate and in the House, there is a strong sentiment—and I think the chairman of the committee and I share this view to a considerable extent—that we have amassed in HEW far too many activities. Personally, I feel that health and welfare are so closely intermingled that these functions could not be separated. However, the sooner we separate education from health and welfare, the sooner we will be able to deal with the problems of the Department and its appropriations more intelligently.

Mr. CURTIS. Mr. President, would the distinguished Senator yield?

Mr. COTTON. Mr. President, I am pleased to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, what information can the Senator from New Hampshire give me with reference to the powers granted to this new agency to issue citations and levy fines or take other punitive actions for alleged violations of the law?

Mr. COTTON. Mr. President, I was about to come to that. The new agency would be glad to enforce the act in court itself. It would not have to go to the Justice Department to prosecute its cases. It would have the power to prosecute in court for violations.

That in itself is rather significant, because we have pending a bill that I would predict is very likely to pass. It would set up still another agency, a Consumer Protection Agency. It would serve an advocacy function for consumers.

It is just one more point that further complicates the picture.

Mr. CURTIS. Mr. President, the Senator from New Hampshire has said this agency would have access to judicial processes. I wonder how judicial they are. Some 18 months or more ago, Congress enacted an Occupational Safety and Health Act. And I find that their inspectors are actually serving as inspectors, prosecutors, judges, and juries. Then they go a step further and write up the case and give it to the newspapers.

There was an incident in Nebraska in which a company was fined $36,000, and none of the parties ever went near a courthouse. It was not a judicial procedure at all. It was the case of an inspector who said that the amount of his fine depends upon the attitude of the person he is dealing with.

Are we presented with a possibility of something of that sort in the pending bill?

Mr. COTTON. I do not believe so. I refer the distinguished Senator to page 72 of the bill and to section 316, entitled "Enforcement—Civil and Criminal Penalties," which says:

SEC. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency.

That is, this new Agency—

In its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year, or both.

In other words, it would be its own prosecutor. If my amendment is agreed to that part will be out and the Agency, as a part of the HEW setup, would refer its complaints to the Department of Justice. But, we must also keep in mind the new Consumers Protection Agency that is following so close on the heels of this bill that it is almost overtaking us.

Mr. CURTIS. This section to which the Senator referred states they shall be subject to a civil penalty of not more than $10,000 for each such act, and it may be recovered in a civil action brought by the United States or the Agency. It does not say where the action shall be brought. Is that before the Agency or must it be brought in the U.S. district court?

Mr. COTTON. In the Federal court.

Mr. CURTIS. It may be that some other section refers to that but here it does not say the court.

Mr. COTTON. I am informed by the staff that the action would be brought in Federal court.

Mr. CURTIS. But it is the Senator's understanding that the agency cannot fine or penalize individuals or persons on its own?

Mr. COTTON. No; I do not think so.

Mr. CURTIS. It must go to court.

Mr. COTTON. It must be said, in fairness, in my opinion that is not in the bill and not in this independent agency.

Mr. CURTIS. What is not?

Mr. COTTON. That they themselves can act as judge and exact penalties. It could bring the action through its own attorneys in Federal court rather than to wait for the Department of Justice.

But I do want to make clear that the independent agency cannot move against John Doe or Richard Roe and exact a penalty on its own without first going to court.

Mr. CURTIS. They cannot have inspectors running around all over the country, with the inspectors levying fines and penalties.

Mr. COTTON. No. The action has to be brought in court by its attorneys.

Mr. CURTIS. I thank the Senator.

Mr. COTTON. Mr. President, I want to make it clear that this amendment which I am asking the Senate to consider is not a negative amendment. It sets up, in the Department of Health, Education, and Welfare machinery which I insist is every bit as comprehensive and effective as this proposed independent agency. I want to make this clear to the Senate.

First, let me show on this blackboard as well as I can the proposed setup under my amendment.

(Chart referred to not printed in the RECORD.)

Mr. COTTON. Mr. President, this is the organizational structure proposed by the Secretary of Health, Education, and Welfare with the approval of the President of the United States. I therefore do not claim any authorship. But, I want to make plain exactly what my amendment would set up in place of the independent agency, and I can do this best with the diagram on this blackboard.

Up here we have the Secretary of Health, Education, and Welfare. Down here, in the next slot, this amendment would create an Administrator for Health. In other words an Administrator for Health would be responsible to the Secretary of HEW for the health activities of the Department, which in a sense does exactly the same thing that 26 Senators have urged that we do in separating the health functions from the other functions of HEW.

Now, this Administrator of Health would be appointed by the President, with advice and consent of the Senate. It would be a Presidential appointment with a salary of $40,000.

Now, next in the chain of succession would be the Commissioner for the Consumer Safety Administration. In other words, this would separate consumer safety from the other health functions of the present Department of HEW. He would be responsible and devoted to consumer safety. He, too, would be appointed by the President and have to be confirmed by the Senate. He would receive a salary of $38,000.

Under the Commissioner would be a Deputy Commissioner, who would not be a Presidential appointment.

Now we come to the important part. We come to the three offices that would function under this Health Administrator, and this Commissioner for Consumer Safety. First would be the Director, Office of Food and Nutrition. The second would be the Director, Office of Drugs. The third would be the Director of the Office of Consumer Products. By consumer products, I mean all those substances and all those appliances that do not come under food and do not come under drugs.

Also, under my amendment, there would remain in full force and effect these extremely important and meritorious acts: the Federal Hazardous Substances Act, the Flammable Fabrics Act, Radiation Control for Health Safety Act, Poison Prevention Packaging Act. In other words, all the acts relating to dangerous toys, dangerous substances, household substances—all of these very necessary and very effective acts that have been passed by the Congress. Frankly, every one of these have been enacted under the guidance and leadership of the distinguished chairman of the Commerce Committee (Mr. MAGNUSON).

Mr. President, if that does not come as close to an independent agency, without tearing FDA out by its roots from HEW and separating it from the National Institutes of Health, and from all of the other agencies in the Department whose work must be closely coordinated in the enforcement of this very meritorious act we are considering this afternoon, then I do not know what would do it.

Mr. President, I would not want to take advantage of my distinguished chairman (Mr. MAGNUSON). But, I have been handed a letter addressed to him, which I would like to get into the RECORD at this time, if the chairman does not object.

Mr. MAGNUSON. Mr. President, I did not hear the Senator.

Mr. COTTON. I said I did not want to take advantage of my chairman in any way, shape, or manner, but I have had handed to me a letter addressed to the Senator, excerpts of which I would like to put into the RECORD. I may say there is nothing derogatory in it about my distinguished friend.

Mr. MAGNUSON. Very well.

Mr. COTTON. This is from Jean Mayer, Ph. D., D. Sc., A.M., M.D., professor of nutrition, and lecturer on the history of public health, Harvard University School of Public Health.

Mr. President, I have been waiting almost 26 years for a chance to get up and make a speech and prove that I am a real liberal by quoting somebody from Harvard, and my hour has come. What a joy it is.

In this letter Dr. Mayer says:

I am writing in opposition to the separation of the Food and Drug Administration from the Department of Health, Education and Welfare. In doing so, I am well aware of my difference in attitude from that of other consumer-oriented spokesmen. I understand their impatience with the slowness that the

FDA has often exhibited in taking necessary action, the frequent lack of consumer input and the seeming vulnerability to special interest pressures in the past.

Dr. Mayer does not gloss over the situation and goes on to note the following:

At the same time, I believe that policies concerning foods and drugs are so much a part of the management of health programs that separating the FDA from the administration of national health programs would make overall planning impossible. This is particularly so at a period when our emphasis in health programs should increasingly be on preventive medicine.

Mr. President, I will put the whole letter in the RECORD, but to save time, I will skip to the closing paragraph:

As for drugs, there is little doubt that the gigantic number of over-the-counter drugs (200,000 to 500,000) is in need of total re-evaluation, regulation and reduction of this absurb amount. Considering the pressures of the market place, only tight coordination with the medical authorities, and in particular with the National Institutes of Health, can achieve this goal. Prescription drugs are in need of better statistical evaluation, so that effectiveness and dangerous side effects can be evaluated faster.

This cannot be done—

Says Dr. Mayer of Harvard—

except through tighter relationship with our health care delivery system.

In that sentence alone, Mr. President, is the whole thrust of my amendment. All I have been saying is that in order to make this very praiseworthy project in the bill work, it must be tied tighter to the National Institutes of Health, to the medical facilities, to the medical experts, and to the activities of Government in the health field, and not moved away from there.

I continue quoting Dr. Mayer:

I am perfectly ready to believe that the present structure of HEW is in need of reform to make it more manageable. I would personally favor a structure similar to that of the Department of Defense, with full secretaries for Health, for Education, and for Social Security and Welfare.

That is practically what I wrote on that blackboard before to show what my amendment suggests, and Dr. Mayer observes:

In such a structure, FDA would naturally be a part of Health, and be involved in policy planning concerning Health. I believe that separating FDA from HEW is a step backward from the viewpoint of Public Health.

Mr. President, I ask unanimous consent to insert the entire letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
SCHOOL OF PUBLIC HEALTH,
Boston, Mass., June 6, 1972.

HON. WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing in opposition to the separation of the Food and Drug Administration from the Department of Health, Education and Welfare. In doing so, I am well aware of my difference in attitude from that of other consumer-oriented spokesmen. I understand their impatience with the slowness that the FDA has often exhibited in taking necessary action, the frequent lack of consumer input and the seeming vulnerability to special interest pressures in the past. At the same time, I believe that policies concerning foods and drugs are so much a part of the management of health programs that separating the FDA from the administration of national health programs would make overall planning impossible. This is particularly so at a period when our emphasis in health programs should increasingly be on preventive medicine.

Consider for example, the heart disease picture. In the past twenty years we have quintupled our health expenditures, pursued the most vigorous effort in medical research the world has ever known, and enormously increased the scope of our system of delivery of medical care, all this without achieving any improvement in the life expectancy of adults. Decrease in mortality from other causes has been nullified by a corresponding increase in cardiovascular mortality. It seems obvious to me that just building and manning more intensive cardiovascular care units, desirable though it may be, will not arrest this trend. What is needed is a coordinated, nationwide effort entailing screening and correcting high blood pressure, effectively campaigning against cigarette smoking, and changing both food habits and our food supply. We must clearly label all our foods so people can count their calories while remaining on balanced diets; decrease the overall fat content of the diet and improve the polyunsaturated to saturated fat ratio; this can be done, again, by the pressures engenered by proper labeling as well as by issuing the proper standards of identity. We must also decrease the sugar content of our diet, again by the same methods, and it would also be wise to decrease the salt content of diet or at least to make labeling of sodium content compulsory on all processed foods in common use. Initial steps have been taken in this direction. I think the needed measures are more likely to be taken if we bring the FDA closer to the federal health institutions than they are now, rather than if we separate them further.

As for drugs, there is little doubt that the gigantic number of over-the-counter drugs (200,000 to 500,000) is in need of total re-evaluation, regulation and reduction of this absurd amount. Considering the pressures of the market place, only tight coordination with the medical authorities, and in particular with the National Institutes of Health, can achieve this goal. Prescription drugs are in need of better statistical evaluation, so that effectiveness and dangerous side effects can be evaluated faster. This cannot be done except through tighter relationship with our health care delivery system.

I am perfectly ready to believe that the present structure of HEW is in need of reform to make it more manageable. I would personally favor a structure similar to that of the Department of Defense, with full secretaries for Health, for Education, and for Social Security and Welfare. In such a structure, FDA would naturally be a part of Health, and be involved in policy planning concerning Health. I believe that separating FDA from HEW is a step backward from the viewpoint of Public Health.

Respectfully yours,
JEAN MAYER, Ph. D., D. Sc.,
A.M. (hon.), M.D. (hon.),
Professor of Nutrition and Lecturer on the History of Public Health.

Mr. COTTON. Mr. President, I have tried to make as clear as possible what is in my rather lengthy amendment, and the organizational structure that it advocates. I wish to assert with all the emphasis at my command that this amendment should receive favorable consideration if this very fine bill is going to be effective and move forward rather than backward.

I intend to read two or three quotations which will somewhat refute any idea that this is purely an administration appeal.

The Honorable Charles L. Schultze—not to be confused with the Republican Shultz who is now the Secretary of the Treasury—the Honorable Charles L. Schultze, Director of the Bureau of the Budget under the administration of former President Lyndon B. Johnson, noted the following with respect to an earlier legislative proposal to create a new Federal Maritime Administration:

Consolidation, not fragmentation, is the direction we should follow.

He continued:

Many groups in our community seek to have independent agencies established within the Executive branch which can act as advocate for their particular interest. This is an understandable desire. . . .

With the growing complexity of our Federal government and the increasing demands on the time of both the President and the Congress, a relatively small independent agency . . . can easily get lost in the shuffle. . . .

I would add, it either gets lost in the shuffle or it becomes so big that we have created another Frankenstein's Monster.

Another Cabinet officer under former President Johnson, the first Secretary of Transportation, Alan S. Boyd, made the following observation:

A separate chapter in the Government Organization Manual is not going to be any magic elixir.

Finally, on this point, Mr. President, the distinguished and knowledgeable chairman of the Committee of Government Operations of the House of Representatives (Mr. HOLIFIELD) observed the following when debating against an independent agency during the consideration of the Department of Transportation Act in 1966:

Will they obtain a dynamic, viable . . . program by withdrawing themselves from the mainstream of . . . attention, and getting off to one side and playing solitaire in the back room, or if they allow themselves to be put into this Department . . .—and that is where the chips are—they might be able to sit in and get a few more chips from that game.

Mr. President, as the President of the United States stated in his message on Government reorganization of March 25, 1971:

The problem with government is not by and large, the people in government.

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Good people cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims.

I respectfully submit, Mr. President, that the proposal now embodied in S. 3419 is just such a "bad mechanism."

Mr. President, while I agree with and I enthusiastically commend the work of my chairman and my colleagues on the Commerce Committee, as well as the two other committees involved in producing this bill, I believe this bill should be a measure that marshals and makes more effective measures such as the Hazardous Substances Act and other acts that have been enacted by the Congress. It should not create a period of confusion while we draw new lines. Nothing is to be gained by creating a new agency, which, in accordance with Parkinson's law, will grow and grow and grow into another huge department, and would of necessity, only create confusion.

I, therefore, earnestly urge the Senate to favorably consider my amendment. I insist that it does not detract one ounce or one iota from the effectiveness of this meritorious measure to protect the consumer. Rather, it would separate within the department the whole health setup from education and welfare as practicably as it can; provide presidentially appointed leadership; and establish Offices of Food, Drugs, and Consumer Products, each headed by a director. Most important, it would not do violence to the experience and the know-how that has been gained through all the years that we have been working on these problems.

From the very fact that we have written into this bill—and quite properly so—provisions for transferring all the Civil Service personnel, or giving them an opportunity to do so, in moving one setup into another, anyone who has watched government must know—and I defy anyone to intelligently refute this statement—that there will be a period of confusion in the process.

And, that I truly fear is exactly what will happen, I insist, if we persist with this independent agency. I believe that if we want this bill to pass not only the Senate but the House of Representatives, and be signed by the President into law in the short time remaining in this session, my amendment would aid that effort very materially.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield such time as he may require to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to oppose the amendment offered by my distinguished friend and colleague the senior Senator from New Hampshire, whose amendment strikes at the very heart of this bill.

Three committees have taken favorable action on a bill which would create an independent agency, and I urge my colleagues to reject the amendment of the Senator from New Hampshire, which would eliminate any semblance of independence of the Food, Drug, and Consumer Product Agency.

To retain administration of the Food, Drug, and Cosmetic Act, the Federal Hazardous Substances Act, and the host of other important consumer protection measures in FDA, as well as place in the Department of Health, Education, and Welfare authority for regulating consumer product safety, would be an incalculable disservice to the American people.

Look at the record of the FDA within HEW. FDA Commissioner Edwards has chastised us for failure to provide appropriate aid in the form of high budgets. In checking the FDA budgets for the last 4 years, we find that Congress has appropriated just about every dollar that has been requested. In 1 year, Congress even appropriated some additional money. In 1 year, we did appropriate a smaller amount than requested, but with a justifiable reason: The agency had failed to spend the appropriations from the year before, and we had no way to gauge whether the budget request was trumped up or was realistic. Last year, the agency asked for $99 million and Congress appropriated it. The agency needs more money, but it also needs visability. It has neither in a tight-fisted HEW where social programs have always exceeded public protection in the eyes of the budget makers.

Look at the administration of the Flammable Fabrics Act, the Toy Safety Act, and the Poison Prevention Packaging Act in HEW. There is not a single standard in effect for child-resistant safety closures on hazardous products under the Poison Prevention Packaging Act. When criticized about this in a WCBS–TV editorial several months ago, the FDA's injured response to the station's citation of 400 children's deaths since passage of the act was that only 28¼ had died.

Mr. President, we can go on and on. We can cite the GAO report on the dimensions of unsanitary conditions in the food industry. We can cite the intolerable ineptness of FDA in gathering the data necessary for proper implementation of the Flammable Fabrics Act. We can cite the cozy relationships between the Food and Drug Administration and the industries it regulates, a virtual revolving door of personnel between industry and Government. We can talk about the lead tinsel deal, a secret the Food and Drug Administration kept from the American people until brought to light by the distinguished Senator from New Mexico.

We can cite many many gaps in the administration of the laws under the Department of Health, Education, and Welfare. To compound these errors by including additional authority in this agency would be a bungling disaster and an insult to the American people.

During executive consideration of the toxic substances bill several months ago, one of the staff members on the Commerce Committee was overheard to ask why administration of this act was given to EPA rather than FDA. The distinguished chairman, overhearing the comment, leaned over and laid it out clearly. He said:

Everytime we give something to HEW to administer, they mess it up.

Another situation which might be mentioned: As the Senate Commerce Committee was about to report this bill in March, Secretary Richardson issued a statement criticizing the bill and saying that the consumer was being sold a "phony bill of goods." But the ineptness of HEW was showing through even in this vehement denunciation of our well thought out bill, for the Secretary's release was headlined "Secretary Opposes Consumer Protection Agency Bill." Mr. President, you really fumble it when you do not now the identity of the bill that you are denouncing.

I invite attention to an article which recently came over the Associated Press wire, dated Washington, D.C.:

Whenever President Nixon attends an official dinner in the nation's capital, Arnold K. Clark is in the kitchen to protect the President's health.

Clark, 42, is Washington's field service chief of the Bureau of Food and Drugs and part of his job is checking everything from sauce to silverware at a presidential banquet.

Clark says:

My job includes making sure that the proper sanitary methods are adopted to assure the protection of the President's health. And my men and I—there are usually four or five of us—are extremely cautious in this regard. And we have available techniques and equipment for analyzing food on the spot for any sort of contaminent.

Defeat of the Cotton amendment and passage of the Food, Drug, and Consumer Product Safety Act will be an important step toward placing an "Arnold Clark" in each of our household kitchens.

The thrust of this bill is to provide for the safety of the products that our citizens buy in the marketplace, and this must be done by a competent, hard-driving, efficient organization. I think it would be the greatest mistake we could make to just put it in HEW along with the other many, many divisions and bureaus that are administered in that conglomerate department.

I think that the Cotton amendment, which would have the effect of leaving this in HEW, would very largely defeat the work that has been done over such a long period of time by the committees of Congress in which we have had testimony from many people—industry and consumers alike.

As a consumer protection bill, I think this will be one of the landmark bills that this Congress has provided to protect our consumers. I do not want to see it shunted aside or put in a disadvantageous position by the Cotton amendment. Therefore, I oppose the amendment.

Mr. President, I am very happy to yield to the Senator from New Mexico.

Mr. MONTOYA. I thank the Senator from Utah for yielding to me.

Mr. President, I think one thing has emerged from the debate on this amendment, and it is very clear: The present administration of the Food and Drug Act and other related acts has been bungled, and we have to come up with a very new approach.

For years we have had an ad hoc consumer agency emanating from the White House. We have received a great deal of rhetoric, and I think that we in this Chamber have been responsible for some of it. But I think that finally a bill has emerged from the Commerce Committee which answers the expectations and the aspirations of the American consumers.

The distinguished Senator from New Hampshire has made a very valuable contribution to this bill as a member of the committee. But I also want to commend all the members of this committee, who worked day and night and deliberated over the fine features of the measure now before the Senate.

One point made repeatedly by critics is that a separate consumer protection agency is unnecessary. They say that allowing consumer protection functions

to remain within HEW would serve just as well. I disagree.

Many Federal consumer protection functions are concentrated in the Food and Drug Administration. If we allow retention of consumer protection functions within HEW, FDA will certainly retain much authority, which would be against the consumer interest.

I say this with regret, but with certainty based upon sad experiences. Most of my dealings with FDA make me conclude that the agency requires elementary restructuring in the public interest. Stripping it of much of its consumer protection functions and reposing them in a separate consumer protection agency seems to be the only reasonable solution.

FDA failures at public expense are appalling, inexcusable, and intolerable. Here are some examples.

About 3,900 children annually eat caustic detergents, although many times that number of cases go unreported. Tests conducted by the National Institute of Environmental Health Sciences indicate such detergents cause blindness in lab animals. Authorities suspect some cases of human blindness are being caused by these products, yet the FDA has never required reporting of their causing eye damage.

Lead-based paints were revealed to be the cause of a variety of ills afflicting children from low-income families in disadvantaged environments. Minimal controls on use of lead in paint were bitterly opposed by the FDA's Bureau of Product Safety.

John Nestor, leading FDA cardiologist, led the fight against thalidomide in that agency. Recently he was transferred to a job with little relation to his specialty in the Bureau of Compliance. It has been alleged that drug industry pressure was responsible.

The relationship between FDA and the drug industry is of great public concern, yet nothing changes. Drug industry personnel move between the FDA and industry as if on an interchangeable circuit.

Disclosures by the General Accounting Office on FDA's inability to prevent unsanitary conditions in food manufacturing and processing were intended to inform us but they made us sick instead. We are blandly informed by FDA apologists we should not worry about "allowable quantities" of rodent hairs, droppings, and other garbage in our food.

The Safe Toy Act sat unenforced for an intolerable time because of FDA inaction.

A disgraceful example of FDA inability or unwillingness to enforce strong consumer protection laws revolves around the Poison Prevention Packaging Act of 1970, requiring childproof safety closures on products containing substances potentially harmful to small children if ingested.

It has taken FDA 18 months to guarantee even minimal compliance. FDA's Bureau of Product Safety turned out to be a roadblock to enforcement that cannot be adequately described here.

It took FDA more than 4 months to appoint a technical advisory committee, and more than 11 months to publish a testing protocol. Today, even though several categories of products are under final orders as published in the Federal Register, not a single safety closure to protect children is being marketed and sold as a direct result of FDA enforcement of this law.

It will be the middle of August, at the earliest, when FDA enforcement results in even one product, aspirin, being sold equipped with a safety closure that meets requirements under the law. Meanwhile, children under age 5 die at a rate of approximately one daily, and at least one other is crippled daily.

Yet the worst example of FDA inability and unwillingness to perform comes under the heading of what I prefer to call, "The Lead Tinsel Caper."

In February of 1971, FDA addressed a series of inquiries to prominent medical authorities across the Nation regarding potentially harmful properties of lead tinsel, such as millions of Americans use to decorate homes and Christmas trees during the holiday season.

Letters came back swiftly to FDA's Bureau of Product Safety, indicating the product was potentially very dangerous to small children, especially those in inner cities where exposure to lead was high and cumulative accumulation could result in severe, permanent harm to youngsters.

Letters urging FDA action to ban its manufacture and sale came from the Commissioner of Public Health of New York City and the chief pediatrician of Baltimore's city hospitals.

Under the Child Protection Act of 1966, FDA is authorized to ban from interstate commerce household substances so hazardous that warning labels are not adequate safeguards. Also, under the Hazardous Substances Act, FDA has power to simply remove from the market any substance deemed a menace to public welfare.

The agency took no action as it digested these answers from prominent public health and medical authorities. Meanwhile, on all sides, there was a public outcry as further revelations revealed that lead in our environment, in any form, was a growing, cumulative hazard to the health of Americans, especially children. The agency people seemed to have been oblivious to all this.

Dr. Mary McLaughlin, commissioner of public health of New York City, said in her letter to FDA:

> It is our opinion that the safest and best course of action would be to ban the use of lead as Christmas tree tinsel . . .

FDA sat on all such letters and facts until August of 1971, at least 5½ months, presumably contemplating the evidence and their virtues, such as they may be.

Then the agency moved. On August 12, 1971, FDA's Bureau of Product Safety called a secret meeting of all domestic manufacturers of lead-foil icicles, or Christmas tree tinsel. The gathering was in no way publicized. While the media, Congress, the public, and consumer protection people remained unaware, the meeting was held in the office of FDA's Director of Product Safety, Malcolm Jensen.

At the meeting, FDA proposed the following deal, for such it was:

(1) No manufacture of lead tinsel after Christmas of 1971.

(2) No sale of lead tinsel after Christmas of 1972.

(3) If all six affected companies agreed, the Bureau of Product Safety would recommend FDA accept voluntary action and take no rulemaking or court action on lead tinsel until the end of the 1972 Christmas season.

(4) To minimize manufacturer loss, FDA would not initiate or publicize the secret agreement or alleged dangers from lead tinsel until conclusion of the Christmas, 1972 season.

(5) FDA would take appropriate action to see to it that the Bureau of Customs of the Treasury Department banned import of lead icicles at the end of the Christmas, 1971 season.

There is the entire business. In effect, they said, we will let you make it for another 5 months and sell it for another year and 5 months. We will not tell anyone about dangers doctors told us about or of this meeting and agreement. Plus, we will sweeten your pot by making sure your foreign competition gets shut off from the American market this year, so you boys can make a killing next year and get rid of your entire stock.

Our distinguished colleague, JOHN MOSS, of California, Congressman from California, first unearthed this outrage. I managed to get hold of part of the correspondence and inserted it into the CONGRESSIONAL RECORD.

There is a letter from Malcolm Jensen to the president of one of the affected companies, in which he acknowledges the entire agreement and its terms. There are three letters, all published in the CONGRESSIONAL RECORD of March 22, 1971; each from an official of one of the companies to Jensen, again acknowledging the entire meeting and agreement.

When JOHN MOSS assailed the deal, Jensen vigorously defended it, stating he knew of no cases of lead poisoning arising from this product. Yet in one of his letters to one of the lead tinsel manufacturing executives, Jensen speaks of the agreement helping, "to reduce the occurrence of lead poisoning," and "reducing the threat to the children of the Nation."

No public warning was ever issued, even though one was asked for by Congressman Moss. No ban on the product was placed in effect. No tests on laboratory animals were conducted, even though one of the physicians answering the original query from FDA urgently recommended this be done.

Yet FDA knew the lead tinsel in question was 77 percent lead.

It knew, or at least its Bureau of Product Safety knew, that other commercial tinsels, made out of plastic, were easily available. These are safe, according to Dr. McLaughlin's letter of March 4, 1971. The same advice was offered FDA by MIT's environmental medical service. This, too, was ignored.

FDA has allowed this agreement to fall into the "dead letter" category as a result of our public disclosures and resulting publicity. Yet there is a more meaningful lesson to be learned from the entire shabby experience.

The basic philosophical enforcement premise of the Bureau of Product Safety is not: "How do we protect the public." Rather, it appears to be "How do we protect profits of industry."

Here is FDA's entire enforcement philosophy. A cozy relationship has been cumulatively built up over the years between this agency and people it is supposed to regulate. It has become: "Good old Joe," and "Good old Chuck," instead of a regulator and regulated relationship. In the process, the public interest has been cast aside, and the public has become an unwelcome intruder in its own domain.

FDA has become almost completely divorced from the reality of consumer protection and what it means to an average citizen who thinks that somewhere, somehow, his Government is protecting him and his family against such menaces.

Mr. President, I find that the concept contained in the bill which provides for a separate protection agency is a healthy concept for the reason that the Director of this agency is going to be responsible to the American people, to Congress, and to the President. For any mistakes that he makes and for any omissions in his duties, he will be responsible and he will be charged with them. He will be responsible to the legislative, to the executive, and also to the American people.

However, if we immerse again the protection and enforcement in a vast agency such as HEW, we will lose sight of the responsibility vested in any public official with respect to enforcement.

Mr. President, that is the fatal defect I see in the amendment offered by my good friend, the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, I commend the distinguished Senator from New Mexico for his very able presentation. I find much that I can agree with in what he has said. There have been chapters throughout the history of this situation that we viewed not only with deep regret, but also many times with horror. However, I would call the attention of my good friend, the Senator from New Mexico, to the fact that the question before the Senate is the amendment of the Senator from New Hampshire.

The amendment of the Senator from New Hampshire not only does not entrust enforcement to the Food and Drug Administration, but it reorganizes it more effectively within HEW. Furthermore, I think that the Senator from New Mexico should bear in mind that only the other day the subcommittee chaired by the distinguished Senator from Connecticut (Mr. RIBICOFF) reported to the full Committee on Government Operations a bill creating a Consumer Protection Agency to assume the advocacy role for the consumer.

Now, I cannot quite understand the theory of the Senator from New Mexico. Does he want two agencies, each entrusted with and made responsible for protecting the consumer? Usually when there are two or three agencies entrusted with similar duties, it does not get done because it falls between their respective jurisdictions.

The Consumer Protection Agency bill is practically certain to receive the approbation of the Senate. So we are not in disagreement. I agree with much that the distinguished Senator from New Mexico has said.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article that was published in the Evening Star of Thursday, February 10, 1972, entitled "Overreacting on Consumer Safety" written by Charles Bartlett.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Thursday, Feb. 10, 1972]

OVERREACTING ON CONSUMER SAFETY

(By Charles Bartlett)

Politicians these days have a tendency to overreact on issues involving the consumer and many in Congress want to go further than is wise on product safety.

Sen. Warren Magnuson's Commerce Committee is bent on creating a five-man independent commission to police consumer goods which cause, the experts say, some 20 million accidents a year. Many Democrats favor the commission over HEW Secretary Elliot Richardson's proposal to enlarge the Food and Drug Administration into a consumer safety administration.

The notion of a special commission on product safety arose from studies by an earlier commission whose members found the FDA laggard in pushing toy safety and poison prevention. They want the visibility and vitality of a body whose lone concern will be the average man's surprising lack of concern with the safety aspect of the items he purchases.

Their argument against Richardson's proposal is that a huge bueraucracy directed agaist unsafe foods, drugs, and cosmetics may not give adequate attention to the perils which lurk in power lawn mowers, electronic gadgets, and glass doors. "There needs to be a special focus," maintains Arnold Elkind, chairman of a two-year study of the problem.

But the record does not show that five regulatory commissioners, appointees from both parties with fixed terms, are capable of sustaining a high-lighted focus on any problem. The regulatory agencies are the dreariest corner of the government. Except during rare periods when they have unusual chairmen, they drift into industry-oriented mediocrity.

The FDA has known dark days also but not until recently has it been given funds to do what Congress expected of it. It does have 3,000 agents, laboratory facilities, and a headquarters staff which can be expanded to regulate product safety.

Apart from the duplication and confusion involved in creating a wholly new agency, a divided jurisdiction will leave regulation more vulnerable to the special interests. Consumer protection requires a running sequence of decisions based on good science and good sense. Five commissioners, divided amongst themselves, will find it harder to make rapid decisions beyond reach of industrial or emotional bias than one good administrator.

Sen. Frank Moss, D-Utah, wants the consumer protected by two independent agencies. He proposes to take FDA out of the Department of Health, Education and Welfare where it performs a policeman's function quite unlike the department's other activities. The aim is to free the FDA's regulatory activities from domination by the department.

This issue is less important than the need to keep consumer protection under one agency headed by a single administrator. Richardson holds his FDA administrator, Charles Edwards, on a long leash. Richardson demands only to be kept informed on what Edwards is doing. If he doesn't like what he learns, he will choose a new commissioner but he does not become involved in the decisions on products.

The issue of whether the consumer agency should be taken away from HEW is linked, like the issue of whether education should be a separate department, to the larger question of whether Congress intends to accept President Nixon's proposal for a Department of Human Resources. This in turn depends on whether Congress wants the organization of government to be more fragmented or compact.

But it is an illusion to believe that shaking up the bureaucracy or putting new reliance on the outdated commission style of regulation will give consumers all the protection their champions demand. The best hope is to give adequate funds to a strong administrator.

Mr. COTTON. Mr. President, the article I have had printed in the RECORD deals with consumer safety and with enforcement. In the article attention is called to the very fact which I wanted to call to the attention of the very able Senator from New Mexico when we create a new agency. Quite frankly, looking at the history of the ICC, the FTC, and all of these independent agencies, I am not especially thrilled with their performance in the matter of enforcement. And, in this new agency, in the opinion of the Senator from New Hampshire, the question of enforcement is going to be taken care of by the advocacy role of the proposed Consumer Protection Agency.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, would the Senator from Washington yield me 3 minutes?

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from West Virginia.

ORDER FOR CONSIDERATION OF AND TIME LIMITATION ON PUBLIC BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, on the disposition of S. 3722, the Senate proceed to the consideration of H.R. 13918, the public broadcasting bill; and, having discussed this matter with Senators WEICKER, GRIFFIN, COTTON, BAKER, and PASTORE, I propose the following further unanimous-consent request thereon: That there be 2 hours on the bill, to be equally divided between the distinguished senior Senator from Rhode Island (Mr. PASTORE) and the distinguished senior Senator from Tennessee (Mr. BAKER); that time on any amendment be limited to 30 minutes with the exception of one amendment by the Senator from Tennessee (Mr. BAKER), on which there be a 1-hour limitation; that time on any debatable motion, or appeal be limited to 30 minutes, the time to be divided between the mover of the amendment, debatable motion, or appeal and the distinguished manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YIELDING OF TIME ON PUBLIC BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators in control of time on the public broadcasting bill, H.R. 13918, may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TEMPORARILY LAYING ASIDE AMENDMENT TO THE FOREIGN ASSISTANCE ACT AND FOR CONSIDERATION OF THE FEDERAL FINANCING BANK BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of H.R. 13918 on tomorrow, the Senate proceed to the consideration of S. 3001, the Federal financing bank bill, and that the unfinished business, S. 3390, remain in a temporarily laid-aside status until the final disposition of S. 3001 on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TREASURY AND POST OFFICE APPROPRIATIONS BILL ON FRIDAY MORNING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday morning, immediately following the recognition of the two leaders or their designees, and any Senators for whom 15-minute orders may have been entered in the meantime, the Senate proceed to the consideration of H.R. 15585, the bill making appropriations for the Treasury and Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF SCOTT AMENDMENT NO. 1265 TO THE FOREIGN ASSISTANCE ACT OF 1961 ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Treasury and Postal Service appropriations bill, H.R. 15585, on Friday, the Senate proceed to the consideration of the Scott amendment, No. 1265, to the unfinished business, S. 3390.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON FRIDAY OF THE DOMINICK AMENDMENT TO THE AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Scott amendment, No. 1265, on Friday, the Senate proceed to the consideration of the Dominick amendment to S. 3390.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON TOMORROW OF BILL FOR CONTINUATION OF PROGRAMS AUTHORIZED UNDER ECONOMIC OPPORTUNITY ACT OF 1964

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the disposition of S. 3001, the Senate proceed to consider, for a second track item, Calendar order No. 759, S. 3010, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964.

Mr. GRIFFIN. Mr. President, reserving the right to object, is the Senator from Michigan correct that with respect to the last bill, the OEO bill, on which I understand there are some differences in controversy, there is no time limit that has been agreed to?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. GRIFFIN. The Senator just plans to lay it down.

Mr. ROBERT C. BYRD. To lay it down as a second track item, with S. 3390 to remain as the first track item, the unfinished business.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MAGNUSON. That is a pretty long list the Senator has there. I hope we can get it finished. If it should happen that the HEW appropriation bill will be ready for consideration, the Senator would move one of these aside.

Mr. ROBERT C. BYRD. May I ask the Senator—if I may have the attention also of the Senator from New Hampshire (Mr. COTTON)—would it be agreeable to take up the HEW appropriation bill on Tuesday next?

Mr. MAGNUSON. Yes.

Mr. ROBERT C. BYRD. Would it also be agreeable on Tuesday next to lay aside S. 3390, the unfinished business temporarily, and to take up the HEW appropriation bill under a time limitation, say, of 3 hours on the bill, and 1 hour on any amendment thereto, so that we could finish that bill next Tuesday?

Mr. COTTON. I would say to the distinguished Senator that that would be all right with me.

Mr. MAGNUSON. Many people have an interest in the scores of items in the bill. I would not like to agree and then find that they would be shut off.

Mr. COTTON. The Senator from Washington and I are for the bill. When we agree to any time limitation, we are a little bit out of our scope.

Mr. PASTORE. How about a time limitation of 5 hours?

Mr. ROBERT C. BYRD. May I request, as the distinguished Senator from Rhode Island has proposed, that there be a time limitation of 5 hours on the bill making appropriations for the Department of HEW, 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion, or appeal, with the understanding that Senators in control of time on the bill may yield time therefrom on any amendment, debatable motion, or appeal.

Mr. MAGNUSON. That would cover it. If someone came in here and said, "We wanted to talk a long time about NIH," I guess we could arrange for that by unanimous consent.

Mr. COTTON. It seems to me that 5 hours on the bill would be enough time. At this juncture if we cannot get through that bill in 5 hours, I would say that someone would be filibustering, although I know that is not an acceptable word.

Mr. ROBERT C. BYRD. Very well, Mr. President, with the acquiescence and consent of the Senators who have just participated in the colloquy, I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MAGNUSON. Mr. President, I hope we can start it early Tuesday morning and that there will not be too many speeches in the morning hour so we can get through with the bill.

Mr. ROBERT C. BYRD. Mr. President, may I say to the distinguished Senator that his request will be kept in mind, and I think the schedule can be arranged accordingly.

The PRESIDING OFFICER. Is there objection to the previous request of the Senator from West Virginia made prior to the unanimous consent request on the appropriation bill?

Mr. ROBERT C. BYRD. I take it that the Chair is now referring to the economic opportunity bill.

The PRESIDING OFFICER. Yes. The Chair hears no objection, and it is so ordered.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. COTTON. Mr. President, while there is a sufficient number of Senators in the Chamber I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Illinois such time as he wishes.

Mr. PERCY. Mr. President, I feel I have an obligation to my colleague from New Hampshire to review very briefly the history of the relationship of the Committee on Government Operations to the bill. I thoroughly agree with my colleague that clearly the history of such agencies as the Interstate Commerce Commission, the Federal Power Commission, the Federal Maritime Commission, and others, attests all too sadly to the fact that independent regulatory agencies do not all of a sudden provide a sudden formulation which will wipe out for all time lackluster performance in the name of public protection. So we approached this responsibility, fully accepting the objectives and goals with the understanding that our purpose was to find the best way to go about organizing around this vital function, and knowing the administration wanted to keep it within the framework of HEW.

We held hearings with the thought in mind that we would try to make this accommodation; that we would lay down certain principles and guidelines that we felt extremely important.

As I look at this particular design that the distinguished Senator from New Hampshire has presented, when he talks about Parkinson's Law, this scheme fits the description. The one thing I have been absolutely certain of in looking at organizational structure is that the further down one is on a totem pole and the further he gets from the decision-making power, the greater difficulty he has and the greater chance there is in the process for things to go wrong. So as I look at this structure, we have the President, then the Domestic Council under the directorship of John Ehrlichman, the Secretary of HEW, the Under Secretary, who is not shown here, then an Administrator for Health, then, the Commissioner, the Deputy, and finally we get down to Food, Drug, and Product Safety. So we are down about eight layers deep.

Mr. COTTON. No; I have not shown the Under Secretary.

Mr. PERCY. No Under Secretary. Then, Mr. President, you are still seven layers deep. So deep is this that when the Secretary came to the Committee on Government Operations, he had a retinue, an entourage of assistants with him that spread across the room. And so low was consumer product safety that the Administrator of that particular function—a Mr. Jensen, who has regulatory authority over approximately $145 billion worth of products turned out by American industry every year and has the responsibility for safeguarding the safety of these products—was not at the table and was not even in the room.

I would imagine that if he wanted to see the Secretary he would not have a very easy time of it since he is so far down the line. Whereas the organizational structure established in the bill adopted by the Committee on Commerce has the Administrator reporting directly to the President. The Administrator would, of course, have someone in the White House responsible for that activity and for cognizance over it, but there would be just one other line down to the Commissioner on product safety.

Approaching this from the standpoint of good organization, I suggested certain guidelines be established whereby we could keep the unit within HEW. I even outlined to the Secretary certain critical facets of independence that would have to be guaranteed.

Mr. President, to save the time of the Senate, I ask unanimous consent that those guidelines be printed in the RECORD at this point.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

[From May 2, 1972 Hearings Before the Subcommittee on Executive Reorganization]

In the event that we in the Government Operations Committee determine that there is good reason for keeping food, drug, and consumer product safety regulation together under the Department of Health, Education, and Welfare, instead of an independent agency, it may be helpful, based upon my study of the issue to date, to set forth certain minimal guidelines for organizing around this vital purpose and assuring virtual regulatory independence.

Most important of all, authority for regulating in the area of consumer safety would have to be elevated within the Department and vested in an Assistant Secretary or Administrator for Consumer Safety reporting directly to the Secretary. I can think of no higher concern, or any function more deserving of immediate attention by the Secretary of this or any other Department of the Federal Government, than the protection of public health and safety.

By vesting authority directly in the Assistant Secretary or Administrator for Consumer Safety, I mean that he should have final authority to establish standards, to promulgate regulations, to decide when and whom to prosecute, and to enforce Agency rules and orders. This would promote certainty in decision making and hopefully avoid future cyclamate snafus or vacillation over phosphate detergents, which ill-serve the consuming public as well as affected industries.

Consideration should also be given to the other important facets of independence which are reflected in S. 3419 in order to fully insulate this peculiar safety function from forseeable political influences and economic and other trade-offs. These factors include a fixed term of office for the Agency head, and his removal only for cause; permitting him to appoint those who will serve under him; flexibility and an absence of interference in his budget submissions and legislative recommendations.

Finally, to facilitate an ongoing exchange of information and health-related research within HEW, I would suggest the formation of a Health and Safety Council consisting of the Secretary, the Assistant Secretary (or Administrator) for Consumer Safety, the Assistant Secretary for Health, the Directors of HSMHA and NIH, and the Commissioners of Food, Drugs, and Product Safety.

Mr. PERCY. Mr. President, we approached the organizational question from the standpoint that certain key ingredients had to be maintained: that final regulatory authority be vested in the commissioner who, to the extent practicable, would be immunized from political pressures. Whether there is a Democratic administration or a Republican administration, in the scheme contemplated by Senator Cotton's amendment there are so many layers of pressure that can be put on the Commissioner of Product Safety. We also felt it necessary to have authority for the commissioner to go to the court to enforce laws rather than subcontracting that function to the Department of Justice.

Similarly, we felt it important to have authority for the Administrator to come directly to the Congress for funds and new legislative proposals and to make his appeal without the necessity of having that subjected to a whittling down process or to a layering of bureaucracy or to a filtering through the Office of Management and Budget, or to any like process that would deprive him of the opportunity to show what he really needs to carry out his responsibilities.

We offered the proposition that if those guidelines could be met, we would find a way to structure this within HEW. Those guidelines were not met, and it was for that reason that I reluctantly came to the conclusion that there was no alternative other than the alternative that was offered in this bill which I think will succeed. I could not in good conscience agree to mere cosmetics as by just shuffling around boxes, making it look like we were changing things around, but not really. I could not be satisfied that the public and the consumer interest could be met by any cosmetic treatment. So often we make cosmetic changes that do not amount to a hill of beans.

We have in the committee bill a direct line of responsibility. The buck cannot be passed beyond the Administrator. We will know, after having passed this provision, who has the responsibility and whom we can hold responsible if they do not carry out that function.

It is for that reason that I reluctantly have to oppose the amendment.

Mr. COTTON. Mr. President, will the Senator yield to me on my time?

Mr. PERCY. I yield.

Mr. COTTON. I do not blame the Senator if he cannot read the chart on the blackboard owing to my handwriting. But, I am sure the Senator understands the Commissioner certainly will have stature. He would be a Presidential appointee, subject to confirmation by advice and consent of the Senate. His complete job would be that of product safety. He also would have a Deputy and the Directors of the three Offices. That is where the real chain of command follows.

I recognize what happens when it comes to getting appropriations. I serve on the Appropriations Committee, as does the Senator from Illinois. But, I also inquire of the Senator from Illinois, of whom I have great respect for his judgment, and I think he presents his case very well, is it not the expectation of the Senator, who is a distinguished member of the Government Operations Committee, that a bill establishing a Consumer Protection Agency is going to come out of that committee very shortly?

Mr. PERCY. Yes. The Consumer Protection Agency bill has been unanimously reported out of the Subcommittee on Executive Reorganization and it will be acted on, I trust, sometime next week by the full committee.

The functions are entirely separate, of course. The Food, Drug, and Consumer Product Agency will have full initiatory power and regulatory power. It acts directly with manufacturers, with industry, and with other Government agencies, to regulate in the area of consumer safety. The Consumer Protection Agency, on the other hand, is not a regulatory agency. It is an agency to which the consumer can go to have his interests represented. It is an advocate for the consumer before other Government agencies and the Federal courts, but cannot decide cases, set standards, or punish violators of laws. We have been very careful to have no duplicative functions whatsoever between the two agencies. We have removed any reference to advocacy in the bill before us now, and we have deleted any reference to product safety regulation in the CPA bill.

Mr. COTTON. I want to thank the Senator. His explanation to me is both enlightening and confusing.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. MAGNUSON. I yield.

Mr. MOSS. I ask unanimous consent that the Senator from Indiana (Mr. BAYH) be shown as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the amendment offered by my distinguished friend and colleague, the senior Senator from New Hampshire (Mr. COTTON), strikes at the very heart of S. 3419. Three Committees have taken favorable action on it. It would create an independent agency. I urge my colleagues to reject the amendment of Senator COTTON which would prevent independence of the Food, Drug, and Consumer Product Agency.

Mr. DOMINICK. Mr. President, I strongly support my distinguished colleague from New Hampshire's amendment which would establish a Consumer Safety Administration within the Department of Health, Education, and Welfare. I think this approach is far preferable to S. 3419's proposed transfer of the Food and Drug Administration to a new independent Food, Drug, and Consumer Product Agency outside of the Department of Health, Education, and Welfare.

I agree that additional household product regulatory authority is needed in order to protect consumers adequately. But a persuasive case has not been made that such authority would be more effectively utilized by a new independent agency than by a strengthened and reorganized Food and Drug Administration within the Department of Health, Education, and Welfare, as the Administration has proposed. A Consumer Safety Administration within HEW would accomplish the objectives of the independent agency proposed in S. 3419—strengthening and consolidating food, drug, and product safety regulatory authority; and increased viability and accountability.

Independent agencies have no more viability or accountability to the public than agencies within Cabinet-level departments. They have less access to the President, and certainly no advantages in competing for funds. And they are probably more vulnerable to political pressures.

I don't see how consumers will benefit from disruption of the close relationships between the regulatory functions of the Food and Drug Administration and the consumer-related functions of other agencies within the Department of Health, Education, and Welfare. The same applies to the proposed transfer to the new agency of the Agriculture Department's meat, poultry, and egg products inspection functions. Considerations like these led Congress to reject the separate independent agency approach in the cancer legislation enacted last year. Further, the functions of the new independent Food, Drug, and Consumer Product Agency would overlap and conflict with the consumer safety functions of the new independent Consumer Protection Agency which is proposed in House-passed legislation.

I think much of the motivation for the independent agency approach lies in the fact that it gets the attention of constituents. This approach to problem solving, which appears to be overtaking the "let's appoint a blue-ribbon panel to study it" approach, was described by Secretary Richardson in his testimony on S. 3419, as "reorganization for its own sake." He suggested the effect is to sell the consumer "a phony bill of goods." I agree. This expedient is unfortunate because, given the opportunity to choose, I think most constituents would prefer an agency within a Cabinet-level department if they knew it could accomplish the same purposes—probably more effectively—without contributing to the complexity of our already too complicated bureaucracy. There are now some 62 separate Federal entities reporting directly to the President. S. 3419 as reported would add yet another.

Mr. President, I urge my colleagues to support this amendment.

Mr. MAGNUSON. Mr. President, unless a Senator wants to speak on the amendment, I am prepared to yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Hampshire (Mr. McINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is detained on official business.

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 32, nays 51, as follows:

[No. 232 Leg.]

YEAS—32

Aiken	Dole	Jordan, N.C.
Allott	Dominick	Jordan, Idaho
Baker	Eastland	Miller
Beall	Ellender	Smith
Bellmon	Ervin	Spong
Bennett	Fannin	Stennis
Brock	Fong	Taft
Buckley	Griffin	Tower
Cooper	Gurney	Welcker
Cotton	Hansen	Young
Curtis	Hruska	

NAYS—51

Allen	Hollings	Percy
Bayh	Humphrey	Proxmire
Bentsen	Jackson	Randolph
Bible	Javits	Ribicoff
Boggs	Kennedy	Roth
Brooke	Long	Saxbe
Burdick	Magnuson	Schweiker
Byrd, Harry F., Jr.	Mathias	Scott
Byrd, Robert C.	McClellan	Sparkman
Cannon	McGee	Stafford
Case	Mondale	Stevens
Church	Montoya	Stevenson
Cook	Moss	Symington
Cranston	Nelson	Talmadge
Eagleton	Packwood	Tunney
Fulbright	Pastore	Williams
Hart	Pearson	
	Pell	

NOT VOTING—17

Anderson	Hartke	McIntyre
Chiles	Hatfield	Metcalf
Gambrell	Hughes	Mundt
Goldwater	Inouye	Muskie
Gravel	Mansfield	Thurmond
Harris	McGovern	

So Mr. COTTON's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won); and

H.R. 10713. An act for the relief of Wilma Busto Koch.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 513. An act for the relief of Maria Badalamenti; and

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won); and

H.R. 10713. An act for the relief of Wilma Busto Koch.

AUTHORIZATION FOR RECEIPT AND REFERRAL OF H.R. 15585

Mr. MOSS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House of Representatives on H.R. 15585 making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate or until 9 a.m. Thursday morning, June 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, DRUG, AND CONSUMER PRODUCT SAFETY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

Mr. HUMPHREY. Mr. President, I rise in support of S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972.

I believe the enactment of this legislation is dictated by the clear need of the American consumer for adequate protection in obtaining safe foods, drugs, and cosmetics, and in avoiding accident hazards in the use of fabrics, toys, certain electronic products, toxic substances, and other articles, and in the prevention of deceptive packaging and inadequate labeling.

The heavy responsibilities laid upon existing Federal regulatory agencies in these areas cannot be met with full effectiveness without the establishment of an independent agency in the executive branch, directly responsible to the President and Congress and openly accountable to the public. The operations of the Food and Drug Administration, which will provide many of the primary components of this new agency can only be strengthened under this reorganization. This is an essential step that must be taken beyond the increase of FDA appropriations and the expansion of staff.

I do not regard the establishment of an independent Food, Drug, and Consumer Product Agency as an unnecessary fragmentation of the Federal structure. To the contrary, there is a compelling need for this consolidation of diverse and uncoordinated regulatory, research, and inspection functions in the Federal Government, if full protection is to be provided to consumers, and if a priority level of authority and responsibility is to be established to articulate clear regulatory policies to industry.

Further deliberation must be given to the need for providing in this legislation for the transfer of Department of Agriculture food inspection programs. But it is essential that the functions of the new Agency be organized as provided for under the three subordinate Commissions of Food and Nutrition, Drugs, and Consumer Products. A direct line of authority must also be provided to the Agency Administrator, appointed by the President, by and with the advice and consent of the Senate, for an initial term of 5 years with a one-time reappointment—a provision designed to achieve a reasonable Agency independence from immediate political pressures, but at the same time to assure the Agency's responsiveness to immediate public concerns. And this line of authority is further emphasized by the provision in this bill directing the Administrator to submit an annual Agency budget directly to the President for review and submittal to Congress, and prohibiting the Office of Management and Budget from impounding any funds appropriated to the Agency by Congress.

I applaud the initiatives taken in this bill to establish an Office of Consumer Information, a Consumer Information Library, and a National Injury Information Clearinghouse, as well as a Joint Scientific Committee to assume the coordination of functions within the Agency. An unacceptable number of hazardous consumer products now affect interstate commerce, and their increasing numbers and complexity make it imperative that the Federal Government act promptly to eliminate hazards resulting in death or injury.

I also strongly believe the Agency must adopt a position of openness toward and accessibility by the American consumer public. It is for this reason that I fully support provisions in this legislation to assure public access to information received or sent by the Administrator or any Commissioner, subject only to specified and fair limitations on information relating to trade secrets as covered under Federal law. Further provision is made for a consumer to commence a civil action against the Agency, if it refuses to take action in response to a petition, or if its action is regarded by the petitioner as insufficient to eliminate an alleged unreasonable risk of injury or death. And specific guidelines are provided in this bill to assure that the promulgation of consumer product standards is expedited and that hazardous products are removed from the market, if necessary by emergency action initiated before the appropriate U.S. district court by the Agency Administrator or the Attorney General. Finally, I fully support the provisions in this bill giving the Agency Administrator the necessary powers to take all action necessary to enforce food, drug, and consumer product safety laws.

The time has come to end needless injury and death resulting from the inadequate regulation of consumer products under present Federal law. I urge the Senate to address this national issue forthrightly by passing the Food, Drug, and Consumer Product Safety Act.

Mr. KENNEDY. Mr. President, it gives me great pleasure to support S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972, as amended and reported by the Committee on Labor and Public Welfare.

S. 3419 is far-reaching and comprehensive legislation to protect consumers in the vital areas of food, drugs, and consumer products. It provides a clear mandate to insure the safety and efficacy of drugs, the wholesomeness of foods, and the safety of consumer products to prevent unnecessary injury and harm to the consumer. S. 3419 is a giant step forward to implement and achieve a strong Federal commitment in an area of critical concern to all Americans. The Committee on Commerce and its distinguished chairman, Senator MAGNUSON, are to be highly commended, for once again reporting outstanding legislation for Senate consideration.

I strongly support S. 3419 as amended by the Committee on Labor and Public Welfare and believe the committee amendments merit strong support and consideration. S. 3419 would establish an independent agency in the executive branch to regulate foods, drugs, and consumer products. It would combine into a single agency; first, the authority of the Food and Drug Administration over food, drugs, and consumer products; second, the authority of the Division of Biologics Standards Over Human Biological Drugs; third, the authority of the Center for Disease Control over Clinical Laboratory Licensing; fourth, the authority of the Department of Commerce and the FTC over flammable fabrics and refrigerator doors; and fifth, the authority of the Agriculture Department over food inspection and animal biological drugs. The result will be one agency with comprehensive jurisdiction and authority to regulate all food, drugs, and common household products.

FDA's shortcomings have not been a matter of partisan politics; the same kinds of problems have plagued the FDA in Democratic as well as Republican administrations. Under all administrations, the Agency has failed either to provide full protection to consumers against unsafe products or to articulate clear regulatory policies to industry.

The most important reason for this failure has been the agency's lack of clear-cut responsibility for accomplishing its mission. Authority for the regulation of food, drugs, and consumer products is widely fragmented within the Federal Government: The FDA sets standards for the level of dangerous drug residues in meat and poultry, but testing and inspection is done by the Department of Agriculture; the FDA has responsibility to investigate the safety of flammable fabrics, but regulatory authority is vested with the Federal Trade Commission, the Department of Commerce, and the Department of the Treasury. The same division of authority is present in other areas.

FDA has never had independent authority to regulate those matters within its jurisdiction. As presently structured within the Department of Health, Education, and Welfare, the Commissioner of the Food and Drug Administration must report to the Assistant Secretary for Health and Scientific Affairs, who must report to the Under Secretary of the Department of Health, Education, and Welfare, who must report to the Office of the Secretary of Health, Education, and Welfare, who must report to the Office of Management and Budget,

to the Domestic Council, and finally, once all those channels have been exhausted, to the President. At any step along that route, a regulatory decision by the Commissioner could be reversed. Because of this structure, the agency has not been able to make clear-cut regulatory decisions or even to make clear to consumers and to industry what its basic policies are.

In the Department of Health, Education, and Welfare, basic health programs are directed toward health research and health delivery systems. Even if all of FDA is considered health-related, 98 percent of the health resources of the Department and 88 percent of the manpower in fiscal year 1972 was devoted to health research and delivery. Health regulatory functions of FDA are only a small part of HEW's total health responsibility and cannot receive the attention they deserve.

Furthermore, in addition to health regulation, FDA plays an important role in economic regulation. It is concerned not only with adulteration of food and drugs which may be harmful to health, but with misbranding and deceptive labeling. With respect to adulteration of food, there are problems that are important but which do not, strictly speaking, involve dangers to health. For example, the FDA has published guidelines governing the amount of filth and foreign matter that may be permitted on food. In hearings before the Subcommittee on Executive Reorganization and Government Research, the Secretary stated that the presence of such foreign matter as rodent hairs in chocolate bars raised no health problem. Implicit in his statement was the assumption that since no health problem was raised, there was no pressing need for effective regulation to improve the purity of food. Yet, there is clearly an interest in regulation to assure the purity of food, even when impurities are merely displeasing and do not pose a clear danger to health.

It is unlikely, however, that interests in economic and non-health regulation will ever be given appropriate consideration in a department in which health responsibilities focus on research and delivery. Nor is it likely that the entire program of regulation of food, drugs, and consumer products can ever be given the attention resources, support, and services it deserves in as enormous and multifaceted a department as HEW. This problem is built into the very structure of the Department, and is as prevalent in Democratic as in Republican administrations.

It will continue to exist so long as the Secretary is called upon to choose between competing needs. In short, to be an effective policeman of the marketplace, the agency must be free from the restraints of competing policies, priorities, and objectives.

Examples are numerous. In the regulation of cyclamates, confusion over whose policy would prevail led the industry to build up vast inventories of products ultimately and unexpectedly banned from the market. This would not have happened if clear-cut authority to determine policy had been placed in one responsible official. Another example is the confusion concerning the use of detergents containing phosphates. Neither consumers, environmentalists, nor industry can tell for sure what the Government's regulatory policy is.

Finally, once a policy is enunciated, the FDA lacks the authority to enforce these decisions. The FDA must turn to the Department of Justice which because of other priorities may inadvertently frustrate or delay implementation of the FDA policy.

Mr. President, the problem of food, drug, and consumer product regulation also satisfies both of the basic criteria for the creation of an independent agency set out by the President in his message proposing the Environmental Protection Agency. The first, was that responsibility is divided among several agencies, but is not the primary function of any of them, and the other functions affect the agencies' views of the regulatory issues. The committee record shows that this situation exists in food, drug, and consumer product regulation.

The President stated a second criterion justifying the creation of an independent agency; a situation must exist in which the centralizing of authority in one agency would better enable that agency to make decisions about the activities of other agencies. The President stated that such decisionmaking functions were better lodged in an independent agency than in an existing Cabinet department. He reasoned that a Cabinet agency, with multifarious nonregulatory responsibilities, might be regarded by other agencies as a representative of competing interests and constituencies and a promoter of its own programs at the expense of those of other agencies. He felt that it would be unwise in such a situation to transfer regulatory responsibilities to such a Cabinet agency.

It is entirely possible that promotion of HEW's health research and health delivery programs might appear to be in conflict with the promotion, marketing, and manufacturing of certain products. This problem could arise, for example, from the transfer of all authority over the use of the hormone diethylstilbesterol—DES—used to promote growth in cattle. The hormone has been shown to cause cancer in some animals, and residues of it in human food are prohibited. At present, authority is divided between HEW and the Department of Agriculture; largely because of this division, the Government's policies have been inadequate and neither consumers nor industry have been satisfied with the result. Consolidation of authority would be desirable. But if all authority were transferred to HEW, heavily influenced by the need to promote its health delivery and research programs, the concerns of the Department of Agriculture might be ignored. Similarly, if all authority were transferred to the Department of Agriculture, health interests in HEW would feel uneasy.

A similar situation exists in the area of flammable fabrics, where the division of authority among the FDA, the FTC, the Department of Commerce and the Department of the Treasury, has produced great confusion and no effective regulation. Consolidation is necessary, but authority would be lodged in an independent, wholly regulatory agency, without promotional programs designed to serve particular constituencies.

It is essential to keep product safety regulation together with food and drug regulation, enforcement and field operations in the three areas are already shared. To establish product safety regulation in a separate agency would cause needless duplication of staff, facilities, training, and other resources.

The creation of a new agency will not sever the relationship between FDA and HEW. There should be strong ties between the Department of HEW and the new agency, just as there are presently strong ties between FDA and its sister agencies such as, FTC, EPA, and USDA. Removing FDA from the Department of HEW is simply an organizational move to increase responsiveness and accountability, and need have no adverse impact on its relations with the health components of that department in the future. In fact, these relationships may be substantially improved once the new agency is established and it is in a position to operate with the new strength and mandate given it in this legislation.

Mr. President, as amended, S. 3419 covers food, drugs, and a wide variety of other consumer products. Accordingly, the short title of the bill has been changed to "the Food, Drug, and Consumer Product Act of 1972," and the name of the new independent regulatory agency created by the bill has been changed to "the Food, Drug, and Consumer Product Agency." This title more adequately describes the precise regulatory function of the new agency. Further, it draws upon the name of its predecessor agency, the Food and Drug Administration, which has been well-known since it was first adopted in 1931, and thus has 41 years of recognition by the public.

Since many of the primary components of the new agency come from the Food and Drug Administration, the Committee on Labor and Public Welfare expects that it shall retain its present jurisdiction respecting regulatory authority exercised by the new agency. The committee also expects that it shall share the responsibility for holding confirmatory hearings on the administrator of such agency with the Senate Commerce Committee.

In keeping with the change in name for the new agency, section 103, establishment of agency, has been amended to show that its mission includes protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, cosmetics, and medical devices, as well as against injury resulting from the use of consumer products.

The Labor and Public Welfare Committee has amended section 104 to provide the Administrator of the agency full subpena power, access to documentary guidance, and authority to require general or special orders. This will make the authority of the Administrator to issue subpenas equal to that contained in sections 6 and 9 of the Federal Trade Commission Act. The new authority will cover products presently regulated by the Food and Drug Administration as well as all of the other products over which jurisdiction is granted to the new agency. The FDA does not now possess subpena authority. In testimony before the Executive Reorganization Subcommittee, Secretary Richardson agreed that the FDA should be granted such power. This amendment remedies an important gap in the enforcement authority of the new agency.

The committee has also added five other new paragraphs providing additional authority for the Administrator.

Paragraph 13 permits the Administrator to prepare and submit, directly to the President without review by the Office of Management and Budget for review and transmittal to Congress, an annual budget estimate. It also requires that all appropriated funds be obligated and expended by the Agency, without the possibility that they may be reduced by the Office of Management and Budget. This language is modeled on section 407(b) (9) of the Pubic Heath Service Act, as added by the recently enacted National Cancer Act of 1971, Public Law 92–218. It will insure that the Congress receives the undiluted judgment of the Administrator concerning his budget needs and that no funds appropriated for the Agency will be withheld.

Paragraphs 14 and 15 authorize the Administrator to prescribe personnel policies and to submit legislative recommendations and testimony to Congress without the usual prior approval or clearance from the Office of Management and Budget or the President. If the Agency is to be effective, the Administrator must be capable of informing Congress, directly and without outside interference, exactly what he and his Agency believe to be the facts about the matters before it. The inevitable compromise softening of approach and delays achieved through a review process, which often includes several departments and agencies, is inconsistent with the type of strong new Agency envisioned by this bill. Similarly, it is important that the Administrator establish his own personnel policies in a manner suited to the regulatory mission of the new Agency, rather than the judgment of some official outside the Agency.

Paragraph 16 authorizes the Administrator to initiated and litigate all court action in the name of the Agency. He will be represented in court by his own representative, the general counsel of the Agency, or through the U.S. attorneys, representing the Attorney General. The Secretary of Health, Education, and Welfare, in his testimony before the Executive Reorganization Subcommittee, endorsed this authority for FDA in principle. It may be unnecessary for the new Agency to establish its own network of local attorneys to handle routine matters. In the past, the Food and Drug Administration has prepared all pleadings for the U.S. attorneys, has sent its own attorneys who are experts in the field to assist in the litigation of the case, and has prepared all appellate briefs. The committee intends this to continue, but the authority granted here will safeguard the independence of the new Agency.

It is important that the litigation of the Agency, which is critical to enforcement of the laws it administers, be directed and controlled by the Administrator. No one else has the responsibility for enforcement of those laws, and no one else should be in the position to frustrate their enforcement. The decision whether to file a criminal information, and the decision whether to include or to dismiss individual defendants, must be made by the Administrator. The Administrator must also be in the position to file, within hours, seizure or injunction actions, in order to prevent continued violation of the law. Similarly, the decision as to what legal arguments are to be made and how to make them most effectively for orderly development of the law through trial and appellate litigation is best handled by the Administrator who is responsible solely for enforcing the food, drug, and product safety laws.

Paragraph 17 provides that where a product is subject to safety regulation under certain other laws, the Administrator may petition the appropriate Federal department or agency to establish and enforce necessary safety regulations for such product. The Administrator may establish and enforce such regulations upon request of other agencies and may participate in proceedings of other agencies to establish safety regulations.

The committee has also substantially modified section 109, Office of Consumer Information. Conforming amendments and technical changes have been made in subsections (a), (b), and (c). With respect to the public information room, it is specifically provided that all funds collected for copying, or for search for and production of documents, shall be paid directly to the Agency and obligated and expended to finance the consumer information program, after start up costs have been met. The Freedom of Information Act does not provide that funds paid for copying should remain available to the agency involved. As a result, the information program is a drain on an agency's resources. This new provision corrects that deficiency. The Agency will be able to hire personnel and finance a program out of the funds collected for copying.

Subsection (c) has also been amended to provide that the charge for search and copying shall be the minimum practicable amount, not exceeding actual cost. The bill also directs the Agency to take all reasonable measures to reduce or waive charges which would be financially burdensome to any person. These provisions are intended to carry out the basic policy of this bill to encourage consumer participation in the procedures and processes of the Agency. This can only be achieved if ordinary citizens are provided access to all essential Agency information free or at a reasonable cost. It is intended to apply to small numbers of documents that can reasonably be obtained without significant burden to the Agency, and not to permit fishing expeditions or requests for large numbers of documents that could impede the regulatory work of the Agency.

The committee deleted the subsection (d) which provided for the appointment of private attorneys to represent consumers in proceedings before the Agency to avoid potential conflict with the proposed Consumer Protection Agency bill, S. 1177, and added new subsection (d) establishing a Consumer Information Library. There is no single location in government where the vast amount of literature on foods, drugs, and consumer products is available to the general public. This provision will cover that deficiency.

The National Injury Information Clearinghouse established under section 110 is a most important and innovative provision. A system of monitoring should be invaluable to assist the Commissioners and the Adminstration to carry out their functions. A confidentiality provision is included for the names or identification of either the injured parties or the person treating them. Either party may waive such privilege concerning his or her own name.

S. 3419, as reported by the Committee on Commerce, authorized in section 112, agency responsibility, a civil mandamus action by individuals against the agency where its act or omission has exposed a person to an unreasonable risk of injury or death from a food, drug, or consumer product. The Committee on Labor and Public Welfare fully agrees with the concept underlying this provision, but has revised it to streamline its functioning and to make it more efficient. The basic policy behind this provision is that the Agency should be responsive and accountable to the public.

The section now provides that an individual, by himself or as a representative of a class, who believes he has been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk. This permits a petition by an individual or class complaining that a product such as a new drug presents an unreasonable risk, and does not permit a person to submit a petition with respect to an agency act or omission removing a product from the market or failing to allow it on the market.

After submission of the petition, and a 30-day period during which interested parties will be permitted to comment, the Agency must issue a decision either refusing to take action or taking action which it determines sufficient to eliminate any unreasonable risk. This decision is to be made within 120 days following the filing of the petition. The parties may, of course, stipulate to a longer period of time.

If the petitioner disagrees with the Agency decision, he may commence a civil action in a U.S. court of appeals against the Agency. Any such action must be filed within 60 days after the decision of the Agency—if such an action is not filed within that time period, the petitioner may seek judicial review of the Agency decision pursuant to the applicable provisions of the Administrative Procedure Act.

The court of appeals may remand the matter to the Agency for the gathering of additional evidence upon a request by the petitioner for good cause shown. The

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court may place any conditions it wishes upon such a remand for additional evidence. Such new evidence might then require the Agency to reconsider its decision.

The U.S. Court of Appeals is charged with determining whether a preponderance of the evidence in the record on which the Agency made its decision—which is limited to the petition, all information submitted by the petitioner, and all information identified in the Agency's decision as part of the record—shows that the Agency has exposed the petitioner to a food, drug, or consumer product presenting an unreasonable risk of injury or death. In making this determination, the court must consider whether the risk is unreasonable in light of all the relevant circumstances shown in the record. The burden of proof is on the petitioner to show that a preponderance of record evidence establishes the unreasonableness of the risk associated with the product, and that an act or omission of the Agency has exposed him to such risk.

If the petitioner prevails, the remedy available to the court is to remand the matter to the Agency for appropriate action. The Agency will then have an opportunity to consider what alternatives are available to eliminate the unreasonable risk determined by the court to exist, and to choose among those aiternatives one that will be sufficient. Should the petitioner again dispute the Agency decision, the same type of civil action could again be undertaken. The court has no power to award money damages against the Agency or any individual.

This provision establishes a new standard of review applicable only in these cases, but this departure from the administrative procedure act is justified by the nature of the right involved. In these cases an individual, or a group, is seeking protection from some food, drug, or consumer product which may expose them to an unreasonable risk of injury or death.

Agency action affecting interests in life and health should be subject to the most searching judicial examination. The importance of these interests justifies a departure from the normal standard of review. In such cases, substantial evidence in the record should not be sufficient to sustain the Agency action. Since this right of action gives the plaintiff no economic incentive—only costs may be recovered in the discretion of the court—it is unlikely that a large number of suits will disturb the orderly processes of agency decision. Yet the possibility of suit will serve as a constant spur to action safeguarding the public, but this does not preclude an independent tort action against an individual by the injured party.

Mr. President, the committee also accepted an amendment proposed by Senator EAGLETON which adds to the present cosmetic provisions of the Federal Food, Drug, and Cosmetic Act three new substantive labeling provisions. These provisions in effect bring the cosmetic requirements of the act more closely into conformity with the labeling requirements for food, drugs, and devices.

The first provision requires each cosmetic to be labeled with the common or usual name of the cosmetic, and with the common or usual name of each ingredient. The provision permits exemptions to be established where there is a showing that ingredient disclosure would be impracticable or deceptive.

The second provision requires warnings in all labeling for any cosmetic which would be dangerous under any reasonably foreseeable conditions of use or misuse.

The third provision deletes the present exemption for soap from the cosmetic requirements of the act.

The committee strongly supports these provisions which shall insure greater safety for consumers in regard to cosmetics.

The committee believes cooperation among the Federal agencies is most important and has provided in section 115 for the administrator to utilize the resources and facilities of the National Bureau of Standards. The Bureau can be of invaluable assistance in the area of public health and safety. The committee does not intend for the administrator to delegate to the Bureau the setting and enforcement of standards.

Mr. President, the present fragmentation of regulation of food, drugs, and other consumer products throughout a number of Federal departments and agencies has resulted in inconsistent policies and incomplete regulations, to the detriment of the consuming public. Effective food, drug and consumer product regulation requires creation of a new agency with independence to exert the leadership and vigorous enforcement necessary for consumer protection. Past experience shows that, unless the agency has the power to issue regulations, direct the course of all litigation, and make legislative and budgetary recommendations, without approval or clearance by outside agencies, its effectiveness will be substantially impaired.

The Committee on Labor and Public Welfare has made many amendments to the bill, yet its basic framework remains intact. The amendments strengthen and improve the bill by expanding the mandate of the agency, broadening its powers and increasing the authority of the administrator to manage the business of the agency efficiently. These changes will help assure that the bill's promise of better consumer protection in foods, drugs and consumer products becomes a reality.

I commend the Senate Commerce Committee and its distinguished chairman, Senator Magnuson, for originally reporting out S. 3419, and I strongly urge that S. 3419, as amended by the Committee on Labor and Public Welfare do pass.

As chairman of the Health Subcommittee of the Committee on Labor and Public Welfare, I want to express my deep appreciation to the distinguished Senator from Wisconsin, GAYLORD NELSON, who was kind enough to chair the Health Subcommittee hearings on S. 3419. I also wish to thank the Subcommittee on Executive Reorganization, and Government Research of the Government Operations Committee and its distinguished chairman, Senator RIBICOFF, for the cooperation and support in respect to S. 3419.

Mr. EAGLETON. Mr. President, I rise in support of S. 3419, and particularly title IV which requires ingredient labeling of all cosmetics, and where applicable, cautionary labeling.

Federal law now requires that a cosmetic be labeled without false or misleading representations, with information about the manufacturer, packer or distributor of the product, and the quantity of its contents. The law also provides that a cosmetic be packaged in a safe and non-deceptive container, and that it be produced in a sanitary plant. That is all the law presently requires.

The inadequacy of these existing provisions under the Federal Food, Drug, and Cosmetic Act, is clearly demonstrated by the 60,000 persons injured annually by cosmetics, as reported by the National Commission on Product Safety. The Food and Drug Administration cannot require pretesting for safety of cosmetics before they are marketed. They cannot even demand that the manufacturers list the ingredients. The FDA can act to ban harmful products, but only after some damage has been done.

My amendment, which the committee adopted with no dissenting votes, would be the first step toward giving the consumer protection from potential harm. It is directed to protecting the consumer with a known allergic reaction to a particular ingredient. The provision requires each cosmetic to be labeled with the common or usual name of the cosmetic, and with the common or usual name of each ingredient. Color, fragrance, and flavor ingredients may be declared generally by "color", "fragrance", or "flavor", without specifying each color, fragrance, and flavor ingredient. This is the same type of requirement as presently applies to food under section 403 of the same act.

Despite the contention of the cosmetic industry that half the population is allergic to one or another ingredient and that manufacturers cannot possibly guard against all sensitivities, many consumers could protect themselves if they knew what a cosmetic contained before they bought it—simply by reading the label.

The cosmetic manufacturers have in the past protested vigorously that the listing of ingredients would give away jealously guarded trade secrets. We are not asking that they list formulations on the label, or that they give specific quantities of each ingredient; we are only asking that they list each ingredient of the product so that the consumer can protect him or herself by minimizing use of those containing suspected substances. Cases of cosmetic injury range from mild discomfort to temporary damage to serious disfigurement and permanent injury. Consumers have suffered underarm and skin irritations from deodorants and lotions, vision damage from shampoo, scalp burns and loss of hair from hair dye, eye infection from contaminated mascara, and systemic reactions from creams and powders.

Yet in most cases, all of this could be prevented. Upon reading the ingredient labeling, the consumer could know which products contain ingredients to which she is sensitive, and thus, which products not to use.

The second provision requires warnings in all labeling from any cosmetic which would be dangerous under any reasonably forseeable conditions of use or misuse. This cautionary label would also contain directions for proper use of the product to avoid a hazard, or direction for steps to be taken if a problem does occur.

The provisions before you now would be a major breakthrough for cosmetic safety. I urge that the Senate retain these provisions in the bill as reported from the Committee on Labor and Public Welfare.

Mr. TALMADGE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 64, after line 25, insert the following:

(d) (1) Any manufacturer of a product declared a banned hazardous consumer product under this Act, who seeks judicial review under this section, may be awarded at the discretion of the court, damages, interest, and the cost of suit, including reasonable attorney fees, for actual damages suffered by him due to any order of the Commissioner declaring a product to be a banned hazardous substance determined by the court to constitute an abuse of the discretion granted to the Commissioner under this Act.

(2) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the amount of damages, interest, and costs awarded by the court under paragraph (1).

Mr. TALMADGE. I yield myself as much time as I may require.

Mr. President, this is a very simple amendment. I have discussed it with the distinguished floor manager of the bill and his staff, and it is my information that they are agreeable to it.

The amendment I have offered will correct what I believe to be a fundamental inequity which exists in this act.

The situation which I am trying to correct can best be illustrated by the following example. Suppose we have a shoe manufacturer in Georgia. He has a relatively small operation. Let us assume that under the provisions of this bill, the Consumer Protection Agency orders that his shoes be banned because they cause injury to the feet of children.

Under the provisions of this act, he can take an appeal to the Federal courts. He can urge the courts to stay the effective date of this order until the appeal is settled, but there is no guarantee that the court will find that it is in the public interest to do so. I do not think it is unreasonable to assume that this appeal would take from 1 to 2 years. In the meantime, he will have no other choice than to close down his business and dismiss his employees. Even if he wins the court fight, what is he left with—a business which has been shut down, a life which has been wrecked, and an admission from the Government that they were wrong, and they are sorry that his business was closed down.

That is not enough, Mr. President. He is an American citizen, too, and the Government owes him more than that. In my amendment, I propose the following solution. If a Federal court finds that a product which was banned should not, in fact, have been banned, the court shall then make an inquiry into the question of whether or not the decision to ban the product constituted an abuse of discretion. If such an abuse is found, then a special master would be appointed to assess the manufacturer's actual damages and refund them to him from the public treasury, along with the payment of the legal rate of interest on this sum computed since the order to ban was issued.

This is only simple justice, Mr. President. Why should the American manufacturer be required to indemnify himself against abuses of discretion on the part of Government officials? The power to ban is an extensive one. If a manufacturer has only one product, the power to ban amounts to a life and death power over his entire enterprise. If we are going to assume this kind of power as a government, then we must take the responsibility which goes with it.

Some will say that this will have a "chilling effect" on the administrator. To them I say that when you are dealing with a power this broad, it should be exercised with maximum caution. If a manufacturer is victimized by an abuse of discretion on the part of the Government, then he deserves to be made as whole as possible.

Quite frankly, Mr. President, I think that he should be reimbursed even for those decisions to ban which are found to be good-faith errors of judgment on the part of the administrator. It is still an error. If it is not an error which was made by the manufacturer, why should he be called on to pay for it with his entire business?

But I am not asking for that, Mr. President, though I think it would be the fair thing to do. All I am asking the Senate to do is to say to the American manufacturer, "If a Government official abuses his discretion and takes action which causes you severe financial damage, then we will do what we can to make you whole again." I am not talking about punitive damages, Mr. President, only actual damages.

I would ask any Senator who is prepared to vote against this amendment to stop and think for a moment how he would try to explain to that shoe manufacturer in Georgia why his shoe plant was closed down because of a governmental abuse of discretion, and there is no recourse for him.

This is a new and viscous kind of eminent domain, Mr. President. I am totally opposed to it, and I hope the floor manager will accept this amendment.

Mr. MAGNUSON. Mr. President, I have conferred with the Senator from Georgia and the ranking minority member of the committee, and I think it is an amendment we can take and talk to the House. I think, as the Senator points out, it is only fair to the people to be made whole if something happens to them, if an administrator abuses his authority or his power. I think it is common justice.

Mr. TALMADGE. Mr. President, I thank the distinguished floor manager of the bill and I agree with him.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 56, line 24, insert "except as provided in subsection (g)," after "(11)".

On page 57, line 18, insert "except as provided in subsection (g)," after "(11)".

On page 56, between lines 13 and 14, insert the following:

Notice by Manufacturer or Distributor

(g) If any maufacturer of a product which has been declared a banned hazardous consumer product under this Act furnishes notice by registered mail to a distributor or retail dealer of that product, his liability to reimburse that distributor or retail dealer under subsection (f) (2) (A) (ii) of this section with respect to the refunded purchase price of any such product sold by that distributor or retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that distributor or retail dealer. If any distributor of such a product furnishes notice by registered mail to a retail dealer of that product, his liability to reimburse that retail dealer under subsection (f) (2) (B) (ii) of this section with respect to the refunded purchase price of any such product sold by that retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that retail dealer.

Mr. TALMADGE. Mr. President, this is a simple amendment. I have discussed it with the distinguished floor manager of the bill and my understanding is that he is agreeable to accepting it.

Mr. President, the purpose of my amendment is to correct a defect which exists in the section of the bill dealing with repurchasing requirements.

Under the bill as it is currently written, when a manufacturer's product is banned, he is obligated to repurchase it from the distributors, retailers and general public. An aggrieved consumer can also resell the product to the retailer from whom he purchased it, in which case, the retailer resells it, in turn, to the manufacturer. The manufacturer is required to refund, to the retailer, the retail price paid for the product, and not the wholesale price.

The purpose of my amendment is to give the manufacturer an option by which he can protect himself. In the event that his product is banned, he can notify his distributors and retailers by registered mail of the fact that the product has been banned. They can then resell them to the manufacturer for the price they paid for them. But if they

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continue to sell these products after receiving the notice from the manufacturer, in the event that the manufacturer is required to repurchase such items from the retailer and distributor, he only has to pay them the wholesale price, and is not responsible for their mark-up as he would be in the case of goods sold before notice is received.

Mr. President, if this amendment is not accepted, we will have created a situation where a retailer could continue to sell products after learning that they are banned, knowing that even if they were returned by the consumer, he could resell them to the manufacturer at the retail price rather than the wholesale price. I think that this is a perfectly reasonable protection to extend to the manufacturer.

I urge the Senate to adopt this amendment.

Mr. MAGNUSON. Mr. President, the pending amendment pursues the same objectives as the Senator's first amendment. It does simple justice and I am in favor of it.

Mr. TALMADGE. I thank the distinguished floor manager of the bill and I agree with him.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 33, line 6, strike: "such sums as may be necessary" and insert in lieu thereof the following: "not to exceed $250,000,000 for the fiscal year beginning July 1, 1972, not to exceed $300,000,000 for the fiscal year beginning July 1, 1973, not to exceed $350,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law"

Mr. COTTON. Mr. President, I can explain this amendment in just 2 minutes. When the bill was reported by the Commerce Committee, it had limits on the appropriation authorizations.

The limit for the first year was $180 million; for the second year, $200 million, and for the third year, $225 million.

When it was reported by the Committee on Labor and Public Welfare, it took the limits out.

The original limit was the best judgment of the Commerce Committee. I am a member of the Appropriations Committee, as is the chairman of the committee, the distinguished Senator from Washington (Mr. MAGNUSON). We both share, I believe, a dislike for open-ended authorizations. So I am not so much interested in what the authorization is, but rather that some benchmark be set.

My amendment would provide for the first year, not to exceed $250 million, instead of $180 million; for the second year, not to exceed $300 million, instead of $200 million, and for the third year, not to exceed $350 million, instead of $225 million.

Mr. President, I offer these higher limits since I understand there is some concern that the appropriation authorization contained in the bill as reported by the Committee on Commerce might be too low. However, I have no personal knowledge of any other estimates of either any committee or agency of the Executive which contradict those made by the Committee on Commerce.

Quite frankly, I feel that I have been generous in raising the ceiling as I have in the amendment which now is pending since over the first 3 fiscal years it represents an increase in appropriations authorizations of almost $300 million.

Accordingly, Mr. President, unless my colleagues in the Chamber know of some compelling reasons why the sums specified in my pending amendment are still too low, then I would urge its adoption.

Mr. MAGNUSON. Of course, I will be glad to join my colleague in support of his amendment. We have had a little trouble getting exact figures on the bill. Surely, I think, with the figures the Senator from New Hampshire has would be a sufficient ceiling for them to enforce the bill. So I join him in support of his amendment.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire (Mr. COTTON).

The amendment was agreed to.

AMENDMENT NO. 1259

Mr. PERCY. Mr. President, I call up my amendment No. 1259 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 58, line 23, delete the sentence beginning with the word "Such" down through line 25 and substitute in lieu thereof the following: "Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner and may be conducted by the manufacturer, an independent testing laboratory, or any other person who the Commissioner may designate."

On page 62, line 11, delete the words "The Commissioner shall conduct compliance testing" and substitute in lieu thereof the following: "The Commissioner shall conduct or contract pursuant to section 104(c)(8) for compliance testing".

On page 63, line 1, insert the words "or cause to be returned," after the word "return".

On page 63, beginning on line 8, delete the sentence beginning with the word "Any" down through line 14 and substitute in lieu thereof the following:

"(d) CERTIFICATION.—Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product certification

"(a) by said manufacturer, or importer, or distributor; or

"(b) by an independent testing laboratory qualified to perform such tests or testing program,

that each such consumer product conforms to all applicable consumer product safety standards. Any certification under this subsection shall be based upon test procedures in conformance with subsection 306(e)(1) or, where no procedures are prescribed, upon a reasonable testing program approved by the Commissioner.".

On page 78, line 9, delete the word "Act" and substitute in lieu thereof the word "title".

Mr. PERCY. Mr. President, as my general remarks on this bill indicate, I take great pleasure, as a cosponsor of S. 3419, in knowing that after so many years the American consumer will be afforded the protection he deserves in connection with the ordinary products used in and around the home.

My purpose at this time is to introduce an amendment on behalf of myself and the distinguished floor manager from the State of Washington (Mr. MAGNUSON), who, as chairman of the Committee on Commerce, has steadfastly and forcefully fought for this legislation for almost a decade. The fact that the Senate is taking up this bill today is a tribute to the persistence of Senator MAGNUSON.

This amendment consists of several parts, all directed to the single reality that private testing laboratories are and should be an important facet in any ongoing consumer safety program in this country.

The amendment is meant to make clear that the omission of any reference to private testing laboratories was unintended and that, upon the commencement of a Federal standards program as authorized by this bill, such laboratories will continue to perform a vital service to the manufacturing community of this Nation. Accordingly, in amending S. 3419, Senator MAGNUSON and I have provided that—in connection with any safety analysis study as provided for in section 307 and in connection with compliance testing as provided for in section 309 (c)—qualified independent testing laboratories be authorized to conduct such studies and tests as are prescribed, approved, or otherwise necessary to insure the safety of consumer products which may present an unreasonable risk of injury or death.

Typically today, with respect to many potential hazards—electrical, thermal, mechanical, toxic, or whatever—a manufacturer will ask an independent laboratory, such as Underwriters' Laboratories, to test his product to make sure that it complies with recognized consumer safety standards, most of which, to date, have been voluntarily promulgated by one or another industry. The amendment we offer at this time simply recognizes this state of affairs and assures that the legislation before us in no way impairs that procedure. Indeed, a firm like Underwriters', which has proven time and again to be eminently qualified to perform such tests, will I suspect in the future be more and more in demand as the Federal Government promulgates product standards in connection with particular hazards.

I am particularly interested in the

increased sensitivity of a private, not-for-profit firm like Underwriters' Laboratories toward the safety problems that beset the American consumer today. I note that in its final report issued in June 1970, the National Commission on Product Safety referred to Underwriters' Laboratories as a "principal force in preventing electrical and fire hazards in the home," and went on to make the following observations:

Until recently, a product bearing a UL mark might have been tested with regard to only one hazard. An electric toy might be tested for shock hazards but not for sharp or protruding surfaces. UL announced in February 1970 that it would hereafter restrict its Listing Service for household products to those which have been evaluated with respect to "all significant hazards."

With its acknowledged technical competence and inspection force, UL has been an important factor in self-regulation by private industry. Its standards are particularly important to consumers, since UL listings are frequently relied upon by county and municipal electrical inspectors in discharging their duties under the National Electrical Code.

Considering the technical and economic realities, UL has been relatively independent of the manufacturers who finance its work. None of its 124 "members"—elected by the board of trustees to 4-year terms—has a financial connection with manufacturers of products which UL might test. Nonetheless, its president says it must "successfully walk the tightrope of responsibility" between setting standards too high to be acceptable to manufacturers and permitting an unacceptable number of injuries. The problem of drafting an acceptable standard is also locked into the capacity of the manufacturer to produce and the willingness of the consumer to pay. UL says:

"Getting safe equipment into the hands of the public is not always achieved by simply publishing a standard whose requirements provide for a high level of safety. Standards could and sometimes do provide such high levels of safety that no one manufactures them, hence, they are self-defeating."

Underwriters' Laboratories, Inc., is an independent, not-for-profit corporation founded in 1894, chartered by the State of Illinois in 1901, and incorporated under the laws of Delaware in 1936. Its certificate of incorporation provides that it shall have no capital stock; it shall be for service and not for profit.

The certificate further provides that members and trustees shall be associated with one of the following categories: insurance industry, consumer interest, governmental body or agency, education, public safety body or agency, safety expert, standardization expert, public utility, or officer of the corporation. No more than one-third of the board of trustees may be from any one of the above categories.

Its objectives, as stated in the certificate of incorporation are:

By scientific investigation, study, experiments, and tests, to determine the relation of various materials, devices, products, equipment, constructions, methods, and systems to hazards appurtenant thereto or to the use thereof, affecting life and property and to ascertain, define and publish standards, classifications and specifications for materials, devices, products, equipment, constructions, methods, and systems affecting such hazards, and other information tending to reduce and prevent loss of life and property from such hazards.

Underwriters' is supported solely by charges made to clients and subscribers for its services. These charges are generally on a time and material basis and are not affected by the nature of the report rendered, whether favorable or unfavorable.

Operations are primarily in two phases: New work engineering and factory followup services. The new work engineering is conducted by six engineering departments: burglary protection and signaling; casualty and chemical hazards; electrical; fire protection; heating, air-conditioning and refrigeration; and marine.

The engineering departments, by test and examination of submitted products, ascertain their conformity or nonconformity with established requirements. The factory followup service is for the purpose of auditing the procedures of the manufacturer that provide for conformance with the established requirements.

Testing laboratories are located in Chicago, Ill.; Northbrook, Ill.; Melville, N.Y.; Santa Clara, Calif.; and Tampa, Fla. Inspection services at factories are conducted on a worldwide basis.

The factory followup services encompass all the procedures by which Underwriters' audits those mechanisms manufacturers employ to assure compliance with the laboratories' requirements.

Factory inspection visits in 1971 increased to 209,673, an increase of 2.8 percent over the previous year.

The number of labels issued in 1971 to identify listed products increased 25.8 percent, to a total of 1,685,589,950—the largest single annual increase in the number of labels issued in the laboratories' history. This reflects a wider use of UL's method of identifying products that meet nationally-recognized safety requirements.

While there is no record of the units of production to which the listing mark was applied during the past year, it is estimated that in the electrical appliance industry alone, over 100,000,000 units were identified by manufacturers as having met the laboratories' requirements.

The number of full-time domestic inspection centers increased by 15 during the year, while 25 part-time centers were closed or consolidated into the full-time centers, resulting in 190 domestic inspection centers in operation at year's end.

New domestic inspection centers were opened during the year in the following cities:

Casper, Wyo., Chicago, Ill. (North Shore), Chicago, Ill. (South Shore), Cody, Wyo., Electra, Tex., Huskerville, Nebr., International Falls, Minn., Laurens, S.C., Lower Brule, S. Dak., Lumberton, N.C., Mobile, Ala., and Pawtucket, R.I.

Supplementing the factory inspection program, the market survey program, inaugurated in mid-1970, continued throughout 1971 with 3,483 shopping visits in 81 different cities. This activity frequently included unannounced visits to trade shows where new developments are exhibited to prospective buyers for the first time.

I have gone into this detail, Mr. President, to point up that with respect to Underwriters' Laboratories and several other qualified testing laboratories throughout the country, the major new legislative impetus of S. 3419 in the consumer product safety area will not disrupt what is now a most beneficial and worthwhile service to the manufacturing community and to the consumer. With the approval of this amendment to S. 3419, the compliance and certification role of such laboratories will be preserved in a manner consistent with the original intention of this measure.

Mr. COTTON. Mr. President, will the distinguished Senator from Illinois include me as a cosponsor of his amendment?

Mr. PERCY. I am happy to do so. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. MAGNUSON. As a cosponsor of the amendment, I yield back my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY).

The amendment was agreed to.

AMENDMENTS NOS. 1260 AND 1261, AS MODIFIED

Mr. GURNEY. Mr. President, I send to the desk two amendments and ask for their immediate consideration.

The PRESIDING OFFICER (Mr. BAYH). Which amendment is the Senator from Florida sending to the desk at this time?

Mr. GURNEY. Both, Mr. President.

The PRESIDING OFFICER. Does the Senator from Florida wish both to be read by the clerk at this time?

Mr. GURNEY. Yes, Mr. President, please.

The PRESIDING OFFICER. Does the Senator from Florida ask unanimous consent that they be considered en bloc?

Mr. GURNEY. I was going to ask for that next.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will read the amendments.

The legislative clerk read as follows:

On page 65, beginning with line 2, strike out through line 17 and insert in lieu thereof the following:

"SEC. 311. (a) Whenever the Administrator has reason to believe that a consumer product presents an unreasonable risk of injury or death, necessitating immediate action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act, he or the Attorney General may bring suit in a district court of the United States having venue thereof to enjoin any person from engaging in the manufacture for sale, sale, offering for sale, or otherwise offering for public consumption, in commerce, or the importation into the United States of such an imminently hazardous consumer product. Upon a proper showing, and after notice to the defendant, a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. Notwithstanding the existence of a consumer product safety standard appli-

cable to such product, such an action may be filed or the pendency of proceedings initiated pursuant to section 303 of this Act.".

On page 65, line 21, strike out the words "or permanent".

On page 65, line 23, insert before the period "prior to completion of administrative proceedings held pursuant to this Act".

On page 2, line 13, strike out the word "enforce" and insert in lieu thereof the words "assure the enforcement of".

On page 2, line 15, strike out the first comma and the words "prosecute court actions".

On page 3, line 23, strike out "(17)" and insert in lieu thereof "(16)".

On page 12, beginning with line 22, strike out through line 2 on page 13.

On page 13, line 3, strike out "(17)" and insert in lieu thereof "(16)".

On page 13, line 12, strike out the word "enforce" and insert in lieu thereof "assure the enforcement of".

On page 13, line 16, strike out "(18)" and insert in lieu thereof "(17)".

On page 13, line 20, strike out "(19)" and insert in lieu thereof "(18)".

On page 29, line 12, strike out the words "of the Agency" and insert in lieu thereof the words "of this Act".

On page 72, beginning with the words "or the Agency" on line 15, strike out through the comma in line 16.

On page 73, beginning with the word "upon" in line 4, strike out through the word "the" the first time it appears in line 5, and insert in lieu thereof the following: "The".

On page 73, beginning with the word "on" in line 16, strike out through the comma in line 17.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. ROBERT C. BYRD. As I understand it, 2 hours have been allotted to the amendment, am I correct?

The PRESIDING OFFICER. The understanding of the Chair is that 2 hours have been allotted at least to one of the amendments. For the edification of the Chair, does that apply to both?

Mr. MAGNUSON. Mr. President, if the Senator from Florida will yield——

Mr. GURNEY. My understanding is that both amendments were to be considered in the 2 hours.

Mr. MAGNUSON. These are two separate amendments. We want to vote on them separately.

Mr. GURNEY. They are being considered en bloc.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Senator from Florida (Mr. GURNEY) was granted unanimous consent to have 2 hours on one amendment.

Is it to be the interpretation of the Chair that this amendment is now to be considered en bloc and is one amendment that the Senator from Florida requested and received unanimous consent for earlier?

Mr. GURNEY. Mr. President, that is the understanding that I have.

The PRESIDING OFFICER. Two hours time limitation on this en bloc amendment then?

Mr. MAGNUSON. These are two different amendments. I did not know the Senator from Florida wanted to put them together and have one vote or two amendments which are two different things. I think we should vote on them separately.

Mr. GURNEY. If the Senator will yield——

Mr. MAGNUSON. The Senator has submitted two amendments. Let us take up one and then take up the other.

Mr. GURNEY. These are two amendments covering exactly the same thing.

The second amendment is a technical amendment to bring the rest of the bill into accord.

Mr. MAGNUSON. The second amendment enlarges on what the Senator is seeking to do by the first amendment?

Mr. GURNEY. No. The two amendments accomplish the same thing; that is the enforcement proceedings under the bill would be conducted by the Department of Justice.

Mr. MAGNUSON. That is right.

Mr. GURNEY. However, in order to carry out the import of the full amendment, it is necessary to make some technical corrections in other parts of the bill.

Mr. MAGNUSON. I understand. I had not read that amendment. I had read the other amendment.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, would the Senator be willing to cut the time in half on his amendments?

Mr. GURNEY. Mr. President, I would say to the distinguished acting majority leader that I think it could be considered in 1 hour easily.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Florida.

May I inquire of the distinguished manager of the bill if it would be agreeable with him to cut the time limit on the amendments to 1 hour, rather than 2 hours. The distinguished Senator from Florida has already indicated that it would be agreeable with him.

Mr. MAGNUSON. It is all right with me if it is all right with the Senator from New Hampshire. I will oppose both amendments. I do not think it will take too much time. Several Senators have asked all of us, including the distinguished acting majority leader, whether the Senator is going to ask for a rollcall vote.

Mr. GURNEY. Mr. President, I will ask for a rollcall vote.

Mr. MAGNUSON. Let us get it now, then.

Mr. GURNEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the Gurney amendments be 1 hour rather than 2 hours.

The PRESIDING OFFICER (Mr. BAYH). For the edification of the Chair, the unanimous-consent request is that both amendments be considered en bloc, the time to be 1 hour.

Mr. ROBERT C. BYRD. The distinguished Presiding Officer is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, these two amendments to S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972, would bring this legislation into line with previous congressional enactments on similar issues and longstanding Government policy.

Briefly, the net effect of these two amendments would be to eliminate any duplication in enforcement procedure while, at the same time, making it possible for the new Food, Drug and Consumer Product Agency—FDCPA—to act quickly in an emergency situation involving an imminent health or safety danger to the consumer.

The first amendment, entitled the emergency protection amendment, permits the Administrator of the FDCPA to apply to the courts for an injunction whenever a product appears to constitute a real and imminent threat to the buying public. Furthermore, during the preliminary injunction period, the products in question will be kept off the market, giving FDCPA time to take proper administrative action without any risk to purchasers. This represents an effective compromise between the need for speedy remedial action and the desirability of having the enforcement function separate from that of the investigative.

Obviously, the American public deserves protection from products that might present an immediate threat to consumer health and/or safety. That is not the question here. What is at stake is whether we are going to compromise the separation of powers—so essential to due process—in order to provide this protection. In my opinion, this amendment helps balance the rights of consumers and producers and, at the same time, provides a highly acceptable alternative which avoids the necessity of compromising a right so basic as due process.

The second amendment, known as the efficient administration amendment, consists of a series of changes that would remove from the FDCPA any enforcement powers, other than those provided for in this emergency protection amendment, now vested in the Department of Justice. Instead of having a single agency interpret and enforce the law on consumer protection cases, the Department of Justice would prosecute the cases and the courts would decide them. This method of operating is both cheaper and more efficient. This approach is fairer to all concerned. Just as the interests of consumers must be protected, so too must the overall public interest in a workable economy.

Now, with this bill, the question is not the desirability of consumer product safety, but whether the enforcement power of FDCPA should be different from that of other agencies. The Justice Department and the courts should enforce consumer protection decisions as they do in the case of other agencies rather than the Food, Drug and Consumer Protection Agency.

Fifty years ago, when Americans went to buy something they went to the corner grocery or the local dry goods store. There were no supermarkets, no radio, no television, no mass advertising campaigns, no huge shopping centers and far fewer goods than there are today. If somebody bought something, he could generally see what he was getting and

if he was not satisfied, he could go back and get a refund or replacement without too much difficulty. A merchant just couldn't afford to alienate too many customers or he would soon be out of business.

But now, the technological revolution, bringing with it all the conveniences of modern day to day living, has changed all that. Products have proliferated as transportation has improved and the demand for additional goods and services has increased. But, wonderful as such progress has been, it has not come without a pricetag; in the changeover to the mass consumerism of the 1970's, something important has been lost—the personal relationship between producer and consumer that helped promote a mutally beneficial exchange of quality goods for a fair price. What we are seeing now, in this concern for consumer protection, is the search for a satisfactory substitute. And we are all interested in that. This measure does that.

However, this search, like the progress that has spawned it, is not new. The first Pure Food and Drugs Act was passed in 1906, the first meat inspection act a year later, and the Federal Trade Commission has been in business since 1914. What is new about this proposal and some others like it that will probably be before us soon is that it contradicts the constitutionally rooted and time-tested principle of separation of legislative, executive and judicial functions.

The American consumer must be provided with an adequate means of protection against dangerous or harmful products—and my amendment in the way interferes with that. But I see no reason for duplicating enforcement functions, adding to the bureaucratic tangle, or casting aside the best means of assuring fair treatment for all parties concerned. By giving the FDCPA administrator the right to seek a preliminary injunction, during which time the product in question would not be available for purchase, the consumers are well protected. If the injunction has merit, the courts will so rule; if not, efficiency and fairness will still have been served.

There is another aspect to this issue, one to which I have briefly alluded, and that is this business of adding to the bureaucratic tangle. If we begin with giving separate enforcement functions to this Agency, where will we stop? In the months ahead, we will be considering the formation of numerous new Federal agencies, in connection with the reorganization of the executive branch.

Another consumer product bill will come before us shortly. Shall we give each Federal agency a complete set of huge legal offices throughout the country, all of them suing and being sued by each other and the public? The inefficient bureaucratic tangle which would result can well be imagined.

No one questions the need for attention to product safety. The figures given in the final report of the National Commission on Product Safety are reason enough for concern; each year 30,000 deaths, 20 million injuries and $5.5 billion worth of expense result from incidents connected with consumer products. This is a high price to pay—unnecessarily high—but certainly with a reasonable legislative approach and with the realization, by producers and consumers alike, that greater care must be exercised in the production and utilization of goods, these figures can be reduced.

In conclusion, I believe that the amendments I have offered provide the reasonable, balanced legislative approach that is necessary to bring about greater safety for all without discriminating against either producers or consumers. I, therefore, urge adoption of these amendments.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. GURNEY. I am pleased to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have read the Senator's amendment and have also read section 311(a) that it seeks to amend. What is the distinction between the language of the amendment and section 311(a), not merely the language of the amendment, but its effect?

Section 311(a) and the amendment seem to be similar.

Mr. GURNEY. The distinction is this. My amendment to the bill limits the legal procedures available to the new agency to obtaining a preliminary injunction. If the Administrator thinks a product coming on the market is unsafe and hazardous he can go to court with his lawyers and get an injunction.

In the bill section 311(a) is much broader. It allows him to go to the full extent, as stated in the bill, insofar as enforcing penalties under it with his own legal staff.

For example, he could bring several actions and penalties under the bill. He could apply for permanent injunction or apply to stop the manufacture of hazardous products with his own legal staff.

Under the time-honored system we have in the Government of the United States under the Constitution, we have all kinds of agencies that have powers much like this but they cannot go into court with their own attorneys and do these things.

They go to the Department of Justice and say that there has been a violation of procedures under the act. They say, "This person is violating the procedures of the act and, Mr. Attorney General, please bring action against him." That is the way we do things. They do things in most departments and agencies of Government. But this bill would place all those legal duties and prerogatives in the new agency, and this is what I seek to prevent.

Mr. COOPER. I thank the Senator. I note that section 311(a) provides as follows: "The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action."

The amendment also gives authority to both the Administrator and the Attorney General to institute a civil action. The Senator has stated that under his amendment only preliminary injunctive relief could be granted.

Aside from the question of such a limitation, it appears fairer that the court consider the case as a whole, with whatever determinations are necessary.

I am trying to find the distinction. Under the bills' section 311(c) either the Administrator or the Attorney General may file an action and secure injunctive relief. What is the difference?

Mr. GURNEY. Perhaps I was not able to explain to the distinguished Senator from Kentucky the difference between my section and that section 311 which is in the bill now. In my amendment the Administrator would be permitted to file for preliminary injunction, but not a permanent injunction. During the time the preliminary injunction was in effect the Administrator would go through his administrative proceedings and procedures set out in other parts of the bill to determine with his own hearings, which are rather extensive in most cases, if a product is hazardous or unsafe, rather than to burden the court with that. My amendment would seek to avoid getting the court tied up in those things the Administrator should do.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. Mr. President, as I read the language on page 72 of the bill, the new agency is authorized through its own attorneys not only to seek injunctions and civil penalties, but also criminal penalties.

Mr. GURNEY. It does exactly that, and the legal staff of the administrator would have all those powers shown on page 27.

Mr. COTTON. And it would carry a penalty of imprisonment?

Mr. GURNEY. That is correct.

Mr. COTTON. I wish to ask one more question. The Senator from Florida is aware of the fact that a bill is about to be reported by the Committee on Government Operations, according to the Senator from Illinois who is on that committee. The subcommittee already has acted favorably on it. So we will surely have on the heels of this bill another bill called the "Consumer Protection Agency" bill, which creates yet another independent agency

As I understand the bill presently, and probably as it will be reported to the committee, the agency will have an advocacy role. It is not a prosecuting agency. But if I know the temper of the Senate, as I have observed it today, and knowing of the power of the magic word of "consumer," before it passes the Senate there will be a second agency with powers to prosecute. Does the Senator feel this makes it doubly necessary to take this provision out of the bill? My amendment would have taken it out of the bill.

Mr. GURNEY. The Senator from New Hampshire has made the precise point I was making just a moment ago: That if we go ahead with this one now, then we are going ahead with other independent agencies and doing the same thing. As the Senator pointed out, perhaps there will be an amendment on the floor to give the Consumer Protection Agency, when it comes before us, the broad legal powers that are in this bill. It seems to me that we are tampering with the structure of the Government we have. The Department of Justice was set up in the beginning under the Constitution to be

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the legal enforcement part of the U.S. Government. When a department or an agency has a legal problem and has enforcement which it wishes to be carried out, it goes to the Department of Justice under the law of the land and has it done. This completely departs from that procedure and changes the structure of the Government and sets up in this agency a great big new law firm so they can hire a lot of lawyers and after the investigation is done by the administrative section, then the lawyers can swing into action and file a lot of lawsuits. I do not think that is a good precedent. I have not heard any complaints about the Department of Justice so far as to the way they carry out the legal obligations of Government with respect to any other department or agency. I think we should continue to do it that way.

Mr. COOPER. Mr. President, will the Senator yield for another question?

Mr. GURNEY. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. The Senator has made a good argument about the separation of the authority to prosecute criminal actions from the investigative authority. It is a proper argument accepted by statute and reason.

But again, I do not see where the Senator's amendment separates such authority. It deals with civil action.

Mr. GURNEY. That is only for the preliminary injunction. As far as all other actions are concerned that now can be done by the agencies. As was pointed out in the colloquy between the Senator from New Hampshire and me, under the amendment the agency would not be able to do these things, but only the Department of Justice in behalf of the agency.

Mr. COOPER. Are you referring to the language on page 2? Would that be an effect of the Senator's second amendment? Would that be the consequence of the second amendment?

Mr. GURNEY. The Senator is correct. That would be the consequence of my second amendment.

Mr. COOPER. If the Senator's amendment were adopted, would authority for criminal action be retained by the Department of Justice?

Mr. GURNEY. The Senator is correct.

Mr. COOPER. The Senator is attempting to separate criminal action from the investigating and civil action.

Mr. GURNEY. That is exactly right, although at the same time I have preserved the needed, and I think it is needed, power in the administrator for a preliminary injunction. If he believes a product is hazardous to the safety of people he has the right to go into court, with his own people and get a preliminary injunction. I think it is important to preserve that right, and I have done that under the amendment, but all the other legal enforcement procedures that are in the bill are lodged in the Department of Justice.

Mr. PERCY. Mr. President, will the Senator yield for a point of clarification?

Mr. GURNEY. I yield.

Mr. PERCY. The distinguished Senator from Florida is a valued member of the Government Operations Committee, and I think he will certify that in the Consumer Protection Agency bill we will totally delete any regulatory responsibility and jurisdiction over consumer safety. That agency has an advocacy function only. In the bill we are considering right now, the committee specifically deleted the subsection which provided for appointment of private attorneys to represent people before the Food, Drug, and Consumer Product Agency. As explained in the report, the committee took this action to avoid potential conflict with the Consumer Protection Agency bill's provisions. Thus, we did take into account the obvious need, to avoid possible duplication and overlap, and we took preventive action in that area.

I hope that answers satisfactorily the comments of the Senator from New Hampshire.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. I thank the Senator from Illinois, and I certainly take that as a complete answer as far as the committee is concerned. As far as the Senate is concerned, I would not want to guarantee anything.

I requested from the Department of Justice an analysis of this prosecution power of this bill and received a memorandum on this point. The appendix to the memorandum cites the following from section 519 of title 28, United States Code:

> Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

I repeat the words "Except as otherwise authorized by law." Clearly the word "otherwise" authorizes separate enforcement by the new agency proposed in S. 3419.

If the Senator will forgive me, I ask unanimous consent that the memorandum may be inserted in the RECORD at the close of the remarks of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. I thank the Senator from New Hampshire, and amplifying what he just said, I inquired of the Department of Justice how much law enforcing of this kind it did for the Federal Government. The Senator from New Hampshire may be interested to learn that all of the criminal proceedings done under any of the agencies or departments are done by the Department of Justice now. This is a completely new departure here. This is criminal procedure, where this agency may bring criminal prosecution. So far as the civil end is concerned, the amount of business done by the Department of Justice for the rest of the government in proceedings like this amounts to about 95 percent. There are a few special cases here and there where agencies have been given legal power of their own, but these are rare exceptions. About 95 percent of the legal business of the United States is done by the Department of Justice. For the life of me, I do not see why we should give this new agency all kinds of broad new legal power.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. COTTON. The memorandum I have just introduced confirms what the Senator said. It recites in great detail the precedents.

Let me make it clear that the memorandum does not comment on this particular bill. I did not ask for that kind of comment. I asked for a memorandum of the law on this subject from the Department of Justice and it clearly indicates that this bill constitutes, in the criminal enforcement angle of it, a real departure from precedent.

Mr. GURNEY. I thank the Senator. That is my understanding. May I inquire of the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator from Florida has 5 minutes.

Mr. GURNEY. In summary, then, let me say that here we are singling out for special treatment this bureau. We are duplicating in this field of law enforcement. We are providing added expense. It is a deviation from the structure of Government, as we know it now under the Constitution, so far as the duties of the Justice Department are concerned, and I think it would set an exceedingly bad precedent.

I would hope the Senate would adopt my amendment which, I again say, in no way weakens this bill in any fashion so far as the protection of consumers is concerned.

EXHIBIT 1

SUMMARY BY DEPARTMENT OF JUSTICE

At the beginning of our national government, three Departments (War, Treasury, and Post Office) were created. In addition, the President was authorized to appoint, with the advice and consent of the Senate, an Attorney General. For the first 80 years of that office, the Attorney General lacked staff, permanent offices, and control over most of the legal affairs of the Government of the United States.

In 1870, primarily because of the high cost of retaining competent outside counsel to handle the Government's litigation, the Department of Justice was established with the Attorney General as its head. Under this Act, law officers in other Departments were transferred to the Department of Justice and the Attorney General was given supervisory authority over the conduct of all litigation involving the interests of the United States.

The Act did not put to rest the problem of achieving unified control over the Government's litigating efforts because the Attorney General still lacked permanent office space, forcing the agency attorneys placed under his supervision to remain in their agency offices. Further, the statutes authorizing agencies to hire their own attorneys were not repealed. Hence, two sets of Government attorneys continued to operate.

In addition, Congress has from time to time carved out exceptions to its directive that supervisory authority over all litigation involving the United States be lodged in the Department of Justice, by giving some agencies control over their own litigation or leaving the statute silent with respect to the control of litigation. In other instances the statutes are not clear on this point, giving agencies the right to conduct litigation under the "supervision and control of the Attorney General". In the last situation, the Department has worked out agreements with the agencies on the handling of litigation but these have not been entirely satisfactory. The need for uniformity in the litigating positions of the United States, the desirability of informed selectivity in the filing and presentation of cases, and the demonstrated preference of the Federal judiciary for unified litigation control under the Department of Justice all provide substantial reasons for continuing the current practice.

I. THE HISTORICAL DEVELOPMENT OF UNIFIED CONTROL

The Attorney General started out as a lawyer for the President and the chief law officer of the Executive Branch only to the extent of giving advice when asked and arguing cases on behalf of the United States in the Supreme Court. 1 *Stat.* 93 (September 24, 1789). He had no control over legal proceedings in the lower Federal courts or over the men who did—the district attorneys. Nor was he given any resources to strengthen his position, such as an adequate salary, clerical help, permanent offices, or a library.

Complaints over these shortcomings began in 1790 with the report of the first Attorney General, Edmund Randolph. They were to be reiterated by all of his successors for the next 80 years. During this period, the legal affairs of the Government were fragmented, with each executive department handling its own business by outside counsel and by its own legal officers.

Following the Civil War, there was a great expansion in the Government's legal business, due mostly to claims arising out of the war and its aftermath. By 1870, the Congress was ready to establish a Department of Justice and did so. 16 *Stat.* 162 (June 22, 1870). Section 3 of that Act transferred law officers of all other departments to the Department of Justice, to exercise "their functions under the supervision and control of the head of the Department of Justice."

Section 5 gave the Attorney General the power to send any officer of the Department of Justice to conduct and argue any case in which the United States is interested in any court of the United States as well as to "attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State[.]" By virtue of Section 16, the Attorney General was given "supervision of the conduct and proceedings of the various attorneys for the United States in the respective judicial districts . . . [and] of all other attorneys and counsel[l]ors employed in any cases or business in which the United States may be concerned." Section 17 prohibited the heads of the existing departments from employing attorneys or counsel "at the expense of the United States [.]" These provisions are currently codified with minor revisions in 28 U.S.C. §§ 516–519 (See Appendix).

The debate preceding the enactment of this statute makes clear that its primary purpose was the elimination of highly paid outside counsel, and the substitution of qualified government attorneys, capable of representing the interests of the United States in all sections of the country. Other objectives were to insure uniform interpretation of the laws of the United States, and to give the Attorney General some authority over proceedings in the lower courts involving the United States, so that he would be better able represent the Government's interests effectively before the Supreme Court, if the matter came before that Court.

The objectives of the 1870 statute were sound, but the results left much room for improvement. The Attorney General still was not given sufficient office space to accommodate the necessary staff, and the laws authorizing the employment by various government agencies of their own legal staffs were not repealed. Hence, the desired unified control and responsibility was not achieved.

The next significant effort to centralize responsibility for the legal affairs of the Government was achieved through Executive Order No. 2877 (May 31, 1918), issued by President Wilson. The President stated that in order to avoid confusion in policies, duplication of effort, and conflicting interpretations of the law, unity of control in the administration of the legal affairs of the Federal Government was essential. Accordingly, he placed all law officers and all governmental litigation under the supervision and control of the head of the Department of Justice, and further directed that opinions of the Attorney General were to be binding upon various government agencies. This order expired six months after the Armistice, however.

In 1928, the Attorney General recommended legislation to Congress to consolidate all the legal activities of the Government under the supervision of the Attorney General. The objectives were again to secure uniformity of interpretation of the laws and to establish unified responsibility and control of all the litigation of the United States and its departments. The bill was never enacted. Pursuant to powers granted to him to reorganize executive agencies by the Treasury and Post Office Appropriations Act of 1933, 47 *Stat.* 1517, President Roosevelt issued Executive Order No. 6166 on June 10, 1933. Section 5 of the Order provided:

> Claims by or against the United States. The functions of prosecuting in the courts of the United States claims and demands by, or offenses against the Government of the United States and of defending claims and demands against the Government, and of supervising the work of the United States attorneys, marshals, and clerks in connection therewith, now exercised by any agency or officer, are transferred to the Department of Justice.

As to any claim referred to the Department of Justice for prosecution or defense in the courts, the function of decision whether and in what manner to prosecute, or to defend, or to compromise, or to appeal, or to abandon prosecution or defense, now exercised by any agency or officer, is transferred to the Department of Justice.

Thus, by statute and by Presidential order, control over all litigation involving the United States has been entrusted to the Department of Justice.

And when the issue has arisen, the courts have given effect to this grant of supervisory authority to the Department of Justice. In *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273 (1888), the Supreme Court declared the impact of the 1870 statute to be that:

> He [the Attorney General] is undoubtedly the officer who has charge of the institution and conduct of the pleas of the United States, and of the litigation which is necessary to establish the rights of the government, 125 U.S. at 279.

See also Perry v. *United States*, 28 Ct. Cl. 483, 491 (1893); *cf. Kern River Co.* v. *United States*, 257 U.S. 147, 155 (1921).

Judge Learned Hand, in *Sutherland* v. *International Insurance Co.*, 43 F. 2d 969 (2d Cir. 1930), emphasized the importance of lodging unified litigation control in the office of the Attorney General, and the necessity for clear evidence of contrary Congressional intent before it could be presumed that litigation involving the interests of the United States could properly be conducted by someone other than the Attorney General:

> The government has provided legal officers, presumably competent, charged with the duty of protecting its rights in its courts . . . . Congress, having so provided for the prosecution of civil suits, can scarcely be supposed to have contemplated a possible duplication in legal personnel. The cost of this is one consideration, but far more important is the centering of responsibility for the conduct of public litigation. The Attorney General has powers of "general superintendence and direction" over district attorneys . . . . and may directly intervene to "conduct and argue any case in any court of the United States". . . . Thus he may displace district attorneys in their own suits, dismiss or compromise them, institute those which they decline to press. No such system is capable of operation unless his powers are exclusive, or if the Departments may institute suits which he cannot control. His powers must be co-extensive with his duties. And so, quite aside from the respectable authority that confirms our view, we should have no doubt that no suit can be brought except the Attorney General, his subordinate, or a district attorney under his "superintendence and direction," appears for the United States. 43 F. 2d at 970–71.

In 1955, after an extensive survey of the organizational needs of the Executive Branch, the Hoover Commission concluded and so recommended to the Congress that:

> The Department of Justice should be recognized as the chief law office of the Government. It should conduct all litigation before the courts on behalf of the Government and its executive departments and agencies, except as Congress authorizes otherwise.[1]

II. STATUTORY EXCEPTIONS TO THE ATTORNEY GENERAL'S SUPERVISORY AUTHORITY OVER ALL LITIGATION INVOLVING THE UNITED STATES

Even though it has exclusive control over Federal criminal litigation, the Department of Justice does not supervise the conduct of all litigation involving the interests of the United States. There are many areas of civil litigation outside the Attorney General's supervisory authority.

For example, there are two courts of the United States in which the Attorney General has no authority to designate who shall represent the United States—the Tax Court and the Court of Military Appeals. Prior to December 30, 1969, the Tax Court was an independent agency in the Executive Branch of the Government (26 U.S.C. § 7441). By 26 U.S.C. § 7452, the Secretary of the Treasury was represented before the Tax Court by the Chief Counsel of the Internal Revenue Service. By Section 951 of the Tax Reform Act of 1969, P.L. 91–172 (December 20, 1969), the Tax Court was raised to the status of an Article I court. Since this change in status was accomplished by an amendment to 26 U.S.C. § 7441 with no mention of 26 U.S.C. § 7452, the Chief Counsel of the Internal Revenue Service continues to represent the United States in this court. The Court of Military Appeals is an Article I court (10 U.S.C. § 867(a)(1)). Appellate counsel selected and detailed by the Judge Advocate General of each military service represent the interests of the Government before this court. 10 U.S.C. § 670.

In addition, on occasion Congress has expressly given certain agencies the authority to control litigation arising out of their activities. For example, Congress has authorized the Interstate Commerce Commission, the National Labor Relations Board, the Federal Home Loan Bank Board, the Equal Employment Opportunity Commission and the Federal Power Commission to employ attorneys to represent the agency in litigation involving such agencies.[2]

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[1] *Legal Services and Procedure*, Report to the Congress by the Commission on Organization of the Executive Branch of the Government 6 (March, 1955).

[2] I.C.C.—49 U.S.C. § 16(11)—The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission . . . or for proper representation of the public interests in investigations made by it . . . or to appear for or represent the commission in any case in court.

F.P.C.—16 U.S.C. § 825m(c)—Substantially similar language as Interstate Commerce Commission's grant of authority.

Federal Home Loan Bank Board—12 U.S.C. § 1464(d)(1)—The Board shall have power

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Where the statute has been silent as to agency legal representation, it has been the Department's position that the Attorney General controls the litigation. For example, many statutes authorize an *agency* to invoke the aid of a court in requiring the attendance of witnesses and the production of documentary evidence.[3] In such cases, the Department of Justice has claimed the right to represent the agency involved in the court proceedings, and that claim has most often been upheld in the courts. *Federal Trade Commission* v. *Guignon*, 390 F.2d 323 (8th Cir. 1969); *cf. Federal Trade Commission* v. *Continental Can Co.*, 267 F. Supp. 713 (S.D. N.Y. 1967) *But see Securities and Exchange Commission* v *Collier*, 76 F.2d 939 (2d Cir. 1935) (legislative history indicates that SEC can properly conduct and control civil actions in district courts to enjoin practices violative of its statute or its rules or regulations).

There are also some instances where government agencies, despite the absence of express authority in the statute to do so, have assumed full responsibility for the conduct of litigation. The Attorney General has not contested the assumption of such control over litigation by the Tennessee Valley Authority or the Federal Deposit Insurance Corporation, for example, for the following reasons. Both agencies are independently financed. Neither depend upon government funds for continued operation. They are truly independent agencies engaged in commercial enterprise, and as such, appear to be entitled to manage their own legal affairs.[4]

Some statutes fail to make clear, however, the extent to which agency litigation is to be subject to the Attorney General's actual control. For example, the Fair Labor Standards Act of 1938 created a Wage and Hour Division of the Department of Labor, and provided:

Attorneys appointed under this Section may appear for and represent the [Wage and Hour] Administrator in any litigation, but all such litigation shall be subject to the direction and control of the Attorney General. 52 *Stat.* 1060, 29 U.S.C. § 204(b).

A question soon arose as to whether the Department of Labor or the Department of Justice was in charge of litigation stemming from the Act. The two Departments agreed to divide the responsibility for the Fair Labor Standards Act's enforcement, with the Department of Labor taking the responsibility for handling litigation arising under the Act at the trial level, and the Justice Department handling all appeals to federal Courts of Appeals or the state supreme courts. This agreement is expressed in a letter dated January 18, 1939 from Attorney General Frank Murphy to Elmer Andrews, Administrator, Wage and Hour Division.

In *Lowell Sun Co.* v. *Fleming*, 120 F.2d 213 (1st Cir. 1941), the court held that the statutory expression "under the direction and control of the Attorney General" was permissive and not mandatory, and, therefore, that the Attorney General had the option of delegating responsibility in this fashion to the Department of Labor. This allocation of enforcement resources was approved in another case, in which the court observed:

"If the consent of the Attorney General to file this petition was necessary, which this court does not hold that it was, consent was clearly given by the Attorney General to the Administrator. It was the evident intention and purpose of Congress to place the ultimate responsibility with the Department of Justice. The advantages of placing litigation under and subject to the control of the Attorney General lie in thus avoiding a conflict of policy between various commissions and administrative offices, and placing the ultimate responsibility in the proper Department of the Government." *Fleming* v. *Cudahy Packing Co.*, F. Supp. 910, 913 (S.D. Cal. 1941).

Supplementary agreements between the Department of Justice and the Department of Labor have similarly allocated litigating responsibility between the two departments in cases brought under the Age Discrimination in Employment Act of 1967, 81 *Stat.* 602 (see letter dated March 29, 1968 from Assistant Attorney General Weisl to the Solicitor of the Department of Labor), and under the Equal Pay Act of 1963, 77 *Stat.* 56 (by agreement of Assistant Attorney General Douglas and the Solicitor). Although the agreement set forth in Attorney General Murphy's letter called for the Department of Justice to control litigation at the appellate levels, the Department of Labor developed such manifest expertise in the field involved that, by mutual and unwritten consent, Labor Department attorneys have written the briefs and argued cases in the various courts of appeals and in the Supreme Court.

The Congress, with respect to all final orders of the Atomic Energy Commission and the Federal Communications Commission, and with respect to certain designated final orders of the Secretary of Agriculture, the Federal Maritime Commission and the Federal Maritime Administration, has authorized the agencies to appear and be represented in any proceedings to review such orders in the appropriate court of appeals, but provided that the Attorney General "is responsible for and has control of the interests of the Government in all court proceedings under this chapter." (28 U.S.C. §§ 2342, 2348, 2350) The Department has not contested the right of any of these agencies or the Department of Agriculture to handle appeals from their final orders, either at the apellate or the Sureme Court level, since the United States is a separate statutory respondent in such review proceedings, and is thus represented by the Department of Justice.

III. CONCLUSION

The foregoing history demonstrates that there were several sound reasons for lodging supervisory authority and control over all litigation involving the interests of the United States in the Department of Justice. These reasons have equally compelling validity today. First, unified control of all litigation would insure that the United States speaks with one voice in the courtroom. Effective enforcement policy requires that significant differences on important legal issues be resolved prior to the courtroom stage so that inconsistent or contradictory positions do not arise to confuse the public and hamper enforcement efforts. Second, centralized decision making permits greater objectivity and selectivity in the filing and handling of cases, as well as the more effective use of test cases as devices to clarify or modify existing law. Finally, unified control of litigation stimulates greater rapport with Federal judges, many of whom have openly and candidly expressed their desire to have government cases presented by Department of Justice attorneys. A former Attorney General has provided an excellent summary of the case for unified control of all litigation involving the Government of the United States:

Many considerations require this result. Uniformity of interpretation of the laws, the necessity of centralized responsibility for the contacts of the executive with the judicial department, and economy, among others, have forced an organized administration of federal justice. Moreover, attorneys of the Department of Justice, because of their very detachment from the business of administration, are equipped to interpret the laws and gauge the temper of the courts. There are also many objections often made to a system whereby an administrative agency with the aid of its own attorneys first acts in a semi-judicial capacity in deciding the scope of its authority and then becomes a litigant in the courts to maintain the validity of its own proceedings.

Greater variety of experience, increased resources, more numerous assistants, and the nation-wide network of district attorneys, marshals, and special agents versed in the local practice before the courts and local conditions have been made available to all government agencies through the Department of Justice.

These, plus a tradition dating from the foundation of the government itself, could not be duplicated by single departments or agencies of the government. Without them no large program of law enforcement could succeed. Cummings and McFarland, *Federal Justice* 490–91 (1937).

These reasons are as persuasive today in the light of the Government's current litigating needs as they were when written in 1937.

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to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder . . . the Board is authorized to act in its own name and through its own attorneys. . . .

Equal Employment Opportunity Commission—42 U.S.C. § 2000a–4(g)—Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

NLRB—29 U.S.C. § 154(a)—Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court.

[3] Federal Trade Commission, 15 U.S.C. § 49.

Civil Aeronautics Board, 49 U.S.C. § 1484 (c), (d).

Federal Aviation Administration, 49 U.S.C. § 1487(a), (b).

Federal Communications Commission, 47 U.S.C. §§ 401, 409(f).

Federal Maritime Commission, 46 U.S.C. §1124(b)

National Mediation Board, 45 U.S.C. § 157 (h).

Secretary of Health, Education and Welfare (Social Security investigations), 42 U.S.C. § 405(e).

Small Business Administration, 15 U.S.C. §§ 687a(d), 687b(a)

Subversive Activities Control Board, 50 U.S.C. § 792(c).

[4] In 1939 and again in 1954 the Department determined that it would be inappropriate to contest the right of government owned agencies such as the various farm credit corporations and the FDIC to be represented by their own counsel.

APPENDIX

28 U.S.C. § 516. CONDUCT OF LITIGATION RESERVED TO DEPARTMENT OF JUSTICE

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

28 U.S.C. § 517. INTERESTS OF UNITED STATES IN PENDING SUITS

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.

28 U.S.C. § 518. CONDUCT AND ARGUMENT OF CASES

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General and the Solicitor General shall conduct and argue suits and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested.

(b) When the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so.

28 U.S.C. § 518. SUPERVISION OF LITIGATION

Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

Mr. MAGNUSON. Mr. President, I listened with great interest to the colloquy. Of course this is a departure. That is exactly what we want to do with this bill. We want to give authority to this agency to act quickly. We did it with the Federal Trade Commission. It was a pretty substantial departure when we did it for the Federal Trade Commission, so it could go in and get some action. Under this proposal the agency could go to the Attorney General. It is an alternate method. But if we require the agency to go through the Attorney General, it may be a long, long time before anything happens, and when we are dealing with dangerous substances, we have to have some place where we can get quick action and allow these people to go into court, as we do with the Federal Trade Commission, where there might be some reason to hold something up.

In another part of the amendment, the amendment denies any court the right to order a recall of dangerous products on the market. This is not the intent of the bill, and it is not the intent of the committee. We were unanimous on this. Of course it is a departure. That is exactly what we want it to be, so we can get some action in this particular field.

They may use the Attorney General for 90 percent of their cases, but sometime they will want to go into court, just as the Federal Trade Commission and other agencies do. That is the purpose of it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. They may have to go into court quickly to take some dangerous product off the market. That is the exact purpose of the bill. I know the Senator from Florida objects to that, but I do not want to suggest that we are saying this is not a departure in this field. It is, and that is what we want it to be. Otherwise we will never get anything done.

Mr. GURNEY. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. Well, all right, I yield, but I am going to yield back the remainder of my time.

Mr. GURNEY. I would like to point out to the distinguished manager of the bill that my amendment takes care of exactly what the Senator wants so far as quick action is concerned, because it still retains within the agency and its administrator the power to go into court at once if it wants to get a preliminary injunction against a hazardous product.

Mr. MAGNUSON. I understand that.

Mr. GURNEY. So it does exactly what the Senator wants it to do. The only thing it does not do is permit the administrator to get a permanent injunction or to do the other things that can later be done by the Justice Department, which have absolutely nothing whatever to do with immediate urgency of doing something then.

So my amendment in no way militates against what the Senator wants.

Mr. MAGNUSON. I think the Senator's amendment does. It stops quick action. If they went in for a preliminary injunction, they could hang around for days, and we are dealing with hazardous substances. They have got to go to court; the court has to order this, no matter what we do. But they have a right to go in and get quick action. That is the purpose of this.

Mr. GURNEY. That is exactly my point.

Mr. MAGNUSON. If they have some big cases that can hang around, the court would probably say, "Mr. Attorney General, nobody has a privilege of immediate hearing on routine matters in this court, not even the Attorney General's Office." We want them to be able to move fast, and this is exactly what we did in the Federal Trade Commission.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I find myself halfway between my two friends here. It was my understanding that the amendment of the Senator from Florida permitted only preliminary injunctions. I thought he was striking out of this bill all power for the attorneys in this new agency to handle criminal prosecutions.

Mr. MAGNUSON. The agency cannot do that.

Mr. COTTON. Yes, it can, under this——

Mr. MAGNUSON. The agency has got to go to court.

Mr. COTTON. The agency goes to court for the injunction, certainly.

Mr. MAGNUSON. Or for the imposition of any fines or anything like that.

Mr. COTTON. But the agency can directly invoke criminal penalties, which is really——

Mr. MAGNUSON. If the court agrees with them.

Mr. COTTON. Well, criminal prosecution, to my mind, should be left for the Department of Justice. As to the temporary and permanent injunctions, I would like to see this amendment permit the use of injunctions to stop dangerous products. But, when it comes to going to Federal court to send a businessman to a Federal penitentiary, I do not think that should be in the hands of attorneys hired by the proposed new agency.

Mr. MAGNUSON. Well, that may be true. I hope they would be of the same caliber as the attorneys hired in the Attorney General's office. They would be Government attorneys in this particular field, like the fine attorneys we have down at the Federal Trade Commission.

This does not allow an order to get a product recalled, does it?

Mr. GURNEY. What was the question?

Mr. MAGNUSON. We cannot get an unsafe product off the market, under the Senator's amendment.

Mr. GURNEY. Sure we can.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, if I may answer——

Mr. MAGNUSON. I have no more to say about it. I have studied the two amendments—not the second one, but the first one. The danger of it is that you cannot get swift action; and as to the fact that it is a departure, of course it is a departure. That is what we intended to have, a departure.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MAGNUSON. We voted this for the Federal Trade Commission, the same thing. But in dealing with dangerous products, if they are to get a product off the market that involves fraud or things like that, we have said they can go into court. This deals with dangerous products, and it may be a serious matter. I suppose they will use the Attorney General for many, many of their cases, where they have a lot of appeals and the case does not require immediate attention.

Mr. COOPER. Will the Senator yield?

Mr. MAGNUSON. I have no more to add to it. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not want to turn attention away from the question raised by the Senator from Florida, but I want to ask about section 316(a), which is related to it.

Mr. MAGNUSON. Oh, excuse me. Let me add to the record a more complete statement about the amendment of the Senator from Florida.

Mr. President, quite a bit has been said today with respect to the merits of an independent consumer product safety function within the Federal Government. Achieving the goal of an independent agency, however, involves more than the creation of a new regulatory body. The new agency must also be equipped with procedures and safeguards which will be out of the reach of any particular corporate or political pressure.

One provision of S. 3419 designed to insure both independence and the expeditious handling of the enforcement function of the agency would be eliminated by the amendment proposed by my colleague from the State of Florida (Mr. GURNEY). Section 104(c)(1) of the bill now authorizes the administrator of the agency to initiate, prosecute, defend, or appeal any court action in the name of the agency to enforce any laws subject to his jurisdiction, through his own legal representatives or through the Attorney General. The proposed Gurney amendment would allow the agency to perform this similar function only through the Attorney General.

An effective compliance and enforcement mechanism is absolutely essential. It does little good to equip an agency with the authority and personnel to locate defective or nonconforming products and then not equip it with the ability to take action against manufactur-

ers or processors of those products. This amendment would not only wipe out the ability of the agency to go to court to seize products, obtain injunctions or enforce regulations, but also destroy the agency's ability to criminally prosecute offenders.

Adoption of the Gurney amendment would add another layer of review to any agency court proceeding and result in delayed proceedings. The need for quick action is obvious: If an adulterated food is located in a warehouse, then it is crucial that the agency be able to obtain a seizure order before that food is introduced in interstate commerce. Requiring the agency to utilize Justice Department lawyers oftentimes results in delay. In fact, almost one-tenth of all seizure orders obtained by FDA since 1968 have been meaningless because Justice Department delay resulted in the defective foods or drugs being introduced in interstate commerce and beyond the reach of seizure.

But the need for quick action is not the only argument in opposition to the amendment offered by my colleague from Florida (Mr. GURNEY). In a recent letter to Congressman PAUL ROGERS, William W. Goodrich who was FDA's chief counsel for well over two decades, endorsed the concept of direct agency action and outlined several other convincing arguments in support of his views. Among other things, Goodrich noted that the area of food and drug law and technology is exceedingly complex. Needless to say, this description is also applicable to product safety law. It requires an advocate for the Government's position who is equipped with the necessary expertise to match wits with the highly paid and qualified representatives of the defendants. Obviously, a Justice Department lawyer cannot be expected to possess this degree of specialization and in fact, FDA attorneys themselves are the only ones within Government who possess this knowledge.

Accordingly, to put the Government on an equal par with those who are being prosecuted, it is often necessary for the Justice Department to allow FDA lawyers to argue the cases themselves, under the supervision of the U.S. attorneys. This is particularly true in situations where agency action is required on short notice such as a temporary injunction.

The waste in resources and manpower due to this duplication of effort is obvious. But of even more concern to me is the question of what possible function the Justice Department attorney can play in a Food and Drug case? I am afraid that the answer to this question is that the presence of such lawyers from Justice presents a unique opportunity for making political decisions about the prosecution proceeding. It enables political manipulation or influence of Agency enforcement actions by administration representatives—the very influence that this legislation was designed to prevent. As currently structured, Justice can refuse to file or even dismiss a case without FDA approval. It can even drop parties or accept settlements without the presence of the FDA legal staff.

Those who endorse the Gurney amendment argue that since 1870, the Justice Department has been the sole representative of the United States in the court rooms throughout the land and should remain in that position. In 1870 however, we were not involved in the highly technical litigation to which a Food, Drug, and Consumer Product Agency is forced to address itself. At present, FDA prepares all of its own cases for court including brief writing, evidence gathering and arranging for witnesses; since it is most intimately involved in the case, it should also argue it.

Moreover, the Congress holds FDA and its Commissioner responsible for the efficient administration of laws under its jurisdiction. Yet, the Department of Justice is charged with the role of deciding when and whom to prosecute and how to settle cases once they have been initiated. To be perfectly frank, the record of the Justice Department in the last few years has not only been outrageous, but also the most effective argument against this amendment that I can muster.

Let's look at the record:

Thus far in 1972, the Food and Drug Administration submitted to the Department of Justice a total of 32 cases for criminal prosecution for violation of the Food and Drug Act. Justice declined outwardly to prosecute four of the cases. In addition, a total of 10 cases were not filed by the U.S. Attorney in the District where the action was to be commenced. This is in spite of the fact that the case was completely prepared by the FDA attorneys and all that was necessitated was walking the papers over to the courthouse. Hence, over 40 percent of the cases for criminal prosecution that FDA requested to be filed were blocked by Justice.

It must be remembered in considering this statistic that FDA inspectors discover almost 5,000 potential criminal prosecutions per year and it is only through a screening process from the inspector to a Food and Drug Officer; to a bureau within the administration; and finally through the General Counsel's office that a case finally goes to Justice. Only about 60 cases per year are recommended for criminal prosecution; the point of this being that FDA itself is quite selective in the cases it chooses to prosecute. In view of the fact that the most recent critical GAO report recommended an increased number of criminal prosecutions by FDA, Justice seems to be substantially mitigating the effectiveness of FDA enforcement activities.

But statistics alone do not tell the story. Let me cite for you some of the cases that the Department of Justice refused to prosecute or file in the last 6 months.

Case No. 1: FDA action 57724 against Delchamps, Inc. The offenses complained of occurred in late 1970 and early 1971 and involved quantities of popcorn, kidney beans, flour, blackeye peas and sugar held in the defendants' warehouse which were contaminated by rodents. To be specific the foods were contaminated with rodent hairs, rodent urine, excreta pellets, and were being held under insanitary conditions. To be even more explicit, the FDA inspector was able to photograph mice scampering about in the warehouse, a mouse carcass found on a case of frosting mix, mice tracks in spilled flour, baby mice nesting in packaging materials, excreta pellets, and rodent gnawed food packaging. Those who are not convinced by my description are free to come forward and view the photographs of the rodent infestation of the Delchamps warehouse. In this instance, FDA had done its job but the Department of Justice refused to prosecute.

Case No. 2: United States against Wendt Laboratories, Inc. The case was filed by the U.S. attorney but later dismissed by Justice. The defendant was accused by the FDA of processing, packaging, and labeling an injectable for animals which was unsafe since no approval of an application for use of the drug was ever issued by FDA. Further, the methods used for manufacture and facilities and controls for processing, packing and holding did not conform with current good manufacturing principles. This is of particular concern in view of the fact that there are indications that harmful tissue residues resulting from use of the drug may be ingested by humans. It should also be added that this case was dismissed by the Justice Department without even first consulting the FDA.

Case No. 3: FDC No. 57320 involving the Rala Singh Farms. Rala Singh was cited by FDA for shipping in interstate commerce, lettuce which exceeded the HEW tolerance levels for pesticides. Although a seizure was effected, the Justice Department refused to file the criminal charges despite FDA advice to the contrary.

There are other cases. One where the U.S. attorney failed to move against a company and it was later discovered that the father of the wife of the attorney owned the company. In two districts: the Eastern District of Missouri and the Northern District of Texas, the U.S. attorney refused to file any FDA cases submitted to them. I could cite more cases, but the point has been made. The current situation is intolerable. It is hard enough to get the Food and Drug Administration to act at all. But when they finally do act and their inspectors do discover situations such as the ones outlined above, they should not have their hands tied. To insure that this recent Justice Department record is never again duplicated, I emphasize the importance of defeating the amendment and adopting the proposal of S. 3419.

Frankly, I am somewhat confused as to where the administration stands on this issue. On the one hand, in hearings before the Rogers subcommittee in the House, Steve Kurzman, Assistant Secretary of Health, Education, and Welfare for legislation stated unequivocally, that authorizing the FDA Administrator to prosecute his own cases would be duplicative and disruptive. On the other hand, the Secretary of Health, Education, and Welfare, Mr. Richardson stated before Senator PERCY at Government Operations Committee hearings, and I quote:

I think it would be useful for the Commissioner to have the authority (to bring his own cases). I am not sure he would want to exercise it in every case, nor does the legislation propose so.

The provision in S. 3419 fulfills the authority that Secretary Richardson has endorsed: granting the Product Safety Agency the authority to bring its own cases or allow Justice to handle them itself.

For these reasons, Mr. President, I respectfully urge the Members of this body to defeat the amendment proposed by my colleague from Florida.

Mr. COOPER. Mr. President, will the Senator from Washington yield so that I may ask a couple of questions?

As I have said, I do not want to turn the interest of the Senate away from the question raised by the Senator from Florida, but reference was made to section 316(a), and it does have pertinence to this question, because the administrator would be able to take both civil and criminal action under section 316(a).

More and more we are legislating the imposition of civil penalties. Section 316(a) provides a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action.

This may seem a specious question, but does not mean a $10,000 civil penalty can be imposed by the administrator, and then that the burden of proof against its imposition would be upon the defendant?

Mr. MAGNUSON. No; the administrator has to go to court and say to a judge——

Mr. COOPER. This is what I want to know.

Mr. MAGNUSON. "We think this man should be subject to a penalty because," and the judge will say, "Tell me the becauses," and then, after a hearing, he may waive a penalty, or he may not. The Administrator cannot fine anyone, send anyone to jail, or either, unless he goes to court and the judge says, "This is a good case; I will grant it."

Mr. COOPER. That is what I wanted to find out about and have interpreted. We have passed a number of acts in the last 3 years giving authority to agencies to impose civil penalties, with only a subsequent hearing. It is a proceeding without due process.

Mr. MAGNUSON. Yes.

Mr. COOPER. I want to know if there is due process in section 316 A1.

Mr. MAGNUSON. Well, the Administrator cannot place a fine on anyone. He has got to go to court and make the suggestion to the judge, and tell the judge why.

Mr. COOPER. He has to prove it?

Mr. MAGNUSON. Of course he does.

Mr. COOPER. He has the burden of proof?

Mr. MAGNUSON. I do not think a Federal judge would grant it willy-nilly. Of course, they might, but he would have to prove it.

Mr. COOPER. I am not just bringing up a frivolous question. The section goes to due process and justice?

Mr. MAGNUSON. I might say most Federal judges I know would not.

Mr. COOPER. We have passed several acts in the last 3 years which give to agencies a power to impose a civil penalty and only a subsequent hearing. As an example, the Coal Mine Safety Act. I am very familiar with it.

Mr. MAGNUSON. The Senator from New Hampshire and I will give the Senator another example. The Senator from Colorado was there also. The Occupational Safety and Health law.

Mr. COOPER. Yes; that is another one.

Mr. MAGNUSON. Yes; you could go out and fine a man. The investigator can fine him, not the Administrator but the investigator.

Mr. COOPER. And without the due process.

Mr. MAGNUSON. Yes. And the review board down here, or the Department of Labor, can fine the guy.

Mr. COOPER. There have been some cases in the past on this issue——

Mr. MAGNUSON. And the Senator is correct that in most safety measures we have gone much farther than this bill.

Mr. COOPER. I want to be sure we are not following the two acts to which we have alluded, in this bill, because it is a failure of due process.

Mr. MAGNUSON. Yes.

Mr. COOPER. The Supreme Court will probably finally rule on the two acts. There have been some cases in the past which have suggested that the imposition of a civil penalty of size, is in fact a criminal penalty, and would require a criminal trial; and I assume it is still true that in Federal courts a unanimous verdict by all the members of a jury would be required. But I wanted to raise the question.

Mr. MAGNUSON. The court must approve it, and the lawyer who comes in for the agency will have to do like I used to do when I used to be a U.S. attorney: We would recommend to the judge, "Put this fellow away and throw the key away," or "Let him go," or somewhere in between on a lot of them. But that is all these lawyers would do, is the same thing. The judge has to approve it.

Mr. COOPER. I am glad the Senator has made this very clear. I have been concerned about this imposition of civil penalties without a hearing, without due process, and I must say this: There are people in our country who express very liberal and correct views for justice, but who seem to have no feeling at all about due process in such cases as I have cited.

Mr. MAGNUSON. That is not contained in this bill, I assure the Senator of that.

Mr. COTTON. And, if the Senator will yield, I want to join the Senator from Washington in assuring the Senator from Kentucky that there is no such thing in this bill. The only thing in the bill I find objectionable—and it is no departure as far as the injunctive powers or civil penalties are concerned. I agree with my distinguished chairman that there is no departure.

The only departure I am talking about is the departure of starting the custom of having the attorneys retained by these departments pursuing criminal prosecutions in the Federal courts. I think that criminal prosecutions have been and should continue to be confined to the Department of Justice.

Mr. GURNEY. Mr. President, again I want to make clear to the Senate, because of the colloquy I had with the distinguished manager of the bill, that my amendment gives just as much power as the bill presently does to the Administrator to go into court and stop by injunction, right now, any hazardous product. It says:

To enjoin any person from engaging in the manufacture for sale, sale, offering for sale, or otherwise offering for public consumption . . . an imminently hazardous consumer product.

If that does not take it off the market, I do not know what does.

After that preliminary injunction has been issued, the administration is going through the administrative process. Sometimes that takes a year or two. Some of the Federal Trade Commission actions, when the hearings are printed, occupy whole shelves. We do not want the Federal district court to do that. We want that to be done by the Administrator.

But so far as setting up a legal department within this new agency is concerned and giving it special treatment and allowing it to duplicate what the Justice Department is now doing at extra expense, a complete deviation from the enforcement procedures we now have, that is a mistake and a bad precedent. That is what my amendment would seek to stop, and it should stop.

One other comment, with respect to what the Senator from New Hampshire was talking about. Section 316(a) does give to the Administrator, the agency, or his lawyers acting on his behalf, the right to go into court and seek a conviction of somebody. It says that it would be guilty of a misdemeanor or, upon conviction, fined not more than $10,000 for each such act, or imprisoned not more than 1 year, or both.

If the Senate is going to permit an agency to do that and take that criminal procedure away from the Department of Justice, we are making a very bad mistake. I hope the Senate adopts my amendment, which puts the procedures in the proper perspective, as we always have done.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. ALLOTT. Mr. President, being present on the floor during this discussion, I cannot let the discussion take place without stating my own stand upon these very important issues.

The Senator from Kentucky and the Senator from Florida have stated a position which the Senator from Colorado believes in very firmly and very thoroughly.

The Senator from Washington, the manager of this bill, spoke of the Occupational Safety and Hazard Act. In my opinion, one of the greatest mistakes the Senate has made in the last few years was to permit that department to go in and exercise the right of fine upon the people who violate that act. If we want to do anything really great, one of the things we ought to do is to bring this back.

XUM

The purpose for the formation of the Department of Justice was to file and proceed with criminal procedures against people who violate Federal laws. Regardless of any power that has been put into the Federal Trade Commission—I was for writing their powers in the field of injunction—I still believe that any time we permit this to go on, we are making a great error.

The PRESIDING OFFICER. All time of the Senator from Florida has expired.

Mr. ALLOTT. Mr. President, will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. The prosecuting powers of this Government should lie with the Attorney General and no one else. I do not believe, as the Senator from New Hampshire said, that we should permit the Government lawyers hired by an individual agency to pursue the right of prosecution of people for criminal acts. In that respect, I am particularly and wholly opposed to the law as it is proposed in section 316.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield 5 minutes to the Senator.

Mr. PERCY. Mr. President, I would submit as evidence that we need go no further than an article published this morning in the Washington Post, written by Mr. Morton Mintz, whom I consider one of the Nation's most knowledgeable and capable reporters in the field of consumer protection. This article very carefully documents a single case that occurred last year.

A Food and Drug Administration inspector, Lewis R. Sikes, began an inspection at a wholesale grocery warehouse in Alabama that stores beans, flour, peas, popcorn, sugar, and other foods. I read from the article:

The inspection showed evidence of heavy rodent habitation . . . throughout the food storage area which is not only unsanitary and obnoxious, but a possible source of disease.

Twenty-five live adult mice were seen and four nests were found containing a total of 19 live baby mice," Hutt continued. "One live mouse ran out of a bag of kidney beans while the lot was being examined.

Twenty-five lots of human food were found to be defiled by rodents in varying degrees; and at least 15 of these lots were rodent-gnawed or were in rodent gnawed containers.

Fifteen lots were found to have rodent excreta pellets or urine stains on the immediate product container or the shipping containers.

I read this simply because it is not an isolated case but because we have taken testimony time after time after time indicating that there are the conditions that frequently are found.

What do you do with an injunction? Do you issue an injunction to enjoin the mice from coming in, the rats from excreting on food, the rodents from depositing urine strains all over the kidney beans and flour and whatever else? How do you operate? What do you do under the law as it now exists or as this amendment would provide.

You go to the U.S. attorney—and they did. They did not go once or twice. They went several times. The FDA lawyer told the prosecutor of the conditions that were found, and his belief that a criminal action was clearly warranted. But the U.S. attorney wrote that he did not feel that action was appropriate at that particular time.

I wish the RECORD was capable of printing pictures. Certainly, as the former head of a camera company, I would like to see the RECORD in color. I now submit pictures of actual conditions that existed in that warehouse, which were submitted to the U.S. attorney. If these pictures do not cause anyone not to have a good appetite for dinner this evening after they peruse them, I would like to know what would. But the U.S. attorney, after these facts were stated and these pictures presented, simply said:

I continue to be of the same opinion, that prosecution is not appropriate.

What do you have to do to break the law in a food warehouse? This is not an isolated case. It has been documented many times over that these conditions exist. The hearings held before the Committee on Government Operations are filled with instances of this kind.

I maintain that we must do something more than we are now doing if we intend merely to fulfill our public responsibility.

In connection with this amendment, Mr. President, I ask unanimous consent that the closing excerpts from Mr. Mintz's outstanding investigative article to be printed in the RECORD:

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The FDA says it recommends only the most serious cases for prosecution—about 60 per year—to the 93 U.S. attorneys around the country.

In about 30 to 35 per cent of the cases, Hutt told a House commerce subcommittee on June 9, the prosecutors refuse to prosecute, dismiss the case over the FDA's objection, or, also over its objection, dismiss one or more of the individuals named in the complaint.

Subcommittee Chairman Paul G. Rogers (D-Fla.) said he had information on an unidentified U.S. attorney who rejected an FDA recommendation to prosecute a firm that, it later developed, "his wife's father owned." In another case, Rogers said, a former prosecutor turned up representing a client "he refused to file against."

Rogers has introduced a bill that, like Magnuson's, would let the FDA prosecute its own cases but that would keep the agency in the Department of Health, Education, and Welfare.

At a recent Senate hearing on the Magnuson bill, HEW Secretary Elliot L. Richardson said, "I think it would be useful for the Commissioner of the FDA to take at least some of his own cases to court.

But Richardson's assistant secretary for legislation, Stephen Kurzman, disputed at a hearing on the Rogers bill on June 9. Warning against the "fragmentation" and "helter-skelter enforcement" that would result if each agency were to set up "satellite U.S. Attorney offices," Kurzman said:

"The Administration strongly believes that the United States should continue to speak with one voice in the courtroom, as it has done since 1870. In this way, consistency can be maintained in the handling of government cases. In addition, because of its broad experience in courts throughout the country, the Justice Department has the responsibility and the unique capacity to judge the likelihood of the government's prevailing in a particular case. . ."

Rogers produced a direct challenge to this from Hutt's predecessor, William W. Goodrich. The former FDA counsel, in a letter to Rogers, said that the FDA's relationship with the Justice Department generally worked tolerably during the 30 years that responsibility lay in the criminal division, but the recent transfer of representation of the FDA to the antitrust division has made the situation "more difficult, and in many cases impossible."

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator will state it.

Mr. COTTON. Is it in order to offer a substitute to the amendment of the Senator from Florida?

The PRESIDING OFFICER. The amendments offered by the Senator from Florida are open to amendment but it would be difficult, in the opinion of the Chair, to draft one as a substitute for the amendments.

Mr. COTTON. It is proposed to amend the amendment.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The amendment of the Senator from Florida is open to amendment.

Mr. COTTON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Commencing on page 72, line 16, insert a period after "purpose" and strike out all thereafter through page 73, line 2.

Mr. COTTON. Mr. President, this amendment simply leaves everything in the bill. It leaves in the injunction authority. It leaves in the enforcement of civil penalties up to $10,000. It merely takes from the bill the authority for the attorneys of the new agency to prosecute criminally in the courts. That is all it does. It leaves everything else intact which, in my opinion, would give the new agency all the power it needs, including the situation outlined by the distinguished Senator from Illinois (Mr. PERCY). But it does not start the precedent of having the attorneys employed by the various agencies becoming criminal prosecutors in the Federal courts.

Mr. MAGNUSON. I want to ask one question. I oppose the amendment because that is exactly what the Senator from Florida is trying to do, to take away from the agencies and do it through the U.S. attorneys.

Mr. COTTON. It would do much more than that——

Mr. MAGNUSON. It would not take care of certain things, such as the matter the Senator from Illinois raised, because the U.S. attorneys would not act.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). If the Senator will withhold his request, the Chair would advise the Senator that the amendment offered by the Senator from New Hampshire as drafted is not in order because it seeks to strike a section of the bill to which the amendment of the Senator from Florida does not touch.

Mr. COTTON. But it will be in order after his amendment is voted on; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, may I have 1 minute to say to my friend from Washington (Mr. MAGNUSON), that the amendment of the Senator from Florida goes much further. It would strike out the civil penalties in the case of the rats the Senator from Illinois talked about. If my amendment is adopted they could still go ahead with their own attorneys regardless of the district attorneys and they could seek to impose the $10,000 penalty.

Mr. MAGNUSON. As to the civil penalties, I understand that, but it takes away from the agency to bring the action into the Federal court—routes it through the Attorney General—and that is what I would not like to see happen. I think many members of the committee and members of the other two committees feel the same way about it. I have a feeling about cases like that going through any Attorney General's office. They take too long. It is too much trouble. But we are talking about emergencies like this one example. There are many, many others, I can think of, where they find some fish in a warehouse, say, it is supposed to be fresh fish, but it might make thousands of people sick, and we have to act immediately and we cannot find a U.S. attorney, perhaps, that will say that they will do it. That is what the bill intended. We may have been wrong in our contention but I do not think we are.

I believe that the bill would not have any force or effect on hazardous substances if we routed this through the U.S. attorney's office. They can go there anyway. On a particular case, they may go out and want the U.S. attorney to handle it and they would, but we have to have some emergency measures. We are not going to get the people by just saying, "Mr. Judge, I hope you will fine them," when there are some criminal acts involved somewhere along the line. Toys are an example.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Florida (Mr. GURNEY).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Georgia (Mr. GAMBRELL), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 31, nays 51, as follows:

[No. 233 Leg.]

YEAS—31

Allen	Curtis	Jordan, Idaho
Allott	Dole	Miller
Baker	Dominick	Saxbe
Beall	Eastland	Scott
Bellmon	Ervin	Smith
Bennett	Fannin	Stennis
Brock	Fong	Taft
Buckley	Gurney	Thurmond
Byrd, Harry F., Jr.	Hansen	Tower
Cotton	Hruska	Young
	Jordan, N.C.	

NAYS—51

Aiken	Hartke	Pearson
Bayh	Hollings	Pell
Bentsen	Humphrey	Percy
Bible	Jackson	Proxmire
Boggs	Javits	Randolph
Brooke	Kennedy	Ribicoff
Burdick	Long	Roth
Byrd, Robert C.	Magnuson	Schweiker
Cannon	Mathias	Sparkman
Case	McGee	Spong
Church	McGovern	Stafford
Cook	Mondale	Stevens
Cooper	Montoya	Stevenson
Cranston	Moss	Symington
Eagleton	Nelson	Talmadge
Ellender	Packwood	Tunney
Hart	Pastore	Williams

NOT VOTING—18

Anderson	Griffin	McClellan
Chiles	Harris	McIntyre
Fulbright	Hatfield	Metcalf
Gambrell	Hughes	Mundt
Goldwater	Inouye	Muskie
Gravel	Mansfield	Weicker

So Mr. GURNEY's amendments were rejected.

Mr. COTTON. Mr. President. I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President. I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 72, line 6, strike "and Criminal".

On page 72, line 16, insert a period after "purpose"; strike the comma and all through "both." on line 20.

Mr. COTTON. Mr. President, this amendment simply would eliminate from the bill the authority for attorneys for the new agency to bring criminal prosecution. It takes out criminal fines and prison sentences, but would leave them free for temporary injunctions and permanent injunctions. That is all it would do.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, the Senator from Washington opposes the amendment. The committee discussed part of this amendment and decided against it. I think it seriously weakens the bill.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. COOPER. Mr. President, this is a complex bill.

Under the bill, as I understand, the Administrator would have vast powers, as the Senator from New Hampshire said, to proceed to secure the imposition of civil penalties up to $10,000 and wide emergency powers in securing preliminary and permanent injunctions, and to do all these things necessary to prevent distribution of these products on the market.

I think it is correct that in the case of criminal actions, jurisdiction has always been held by the Department of Justice, and I think it should remain there. We have been giving more and more power to the Administrators of agencies, and the very fact that their lawyers can go into court and prosecute, if they choose, and the suggestion of such powers provides too great authority—the power to investigate, to bring charges, to prosecute criminal action.

I have had some complaints about other acts, and agencies which have been given these powers. I have been told when civil penalties are imposed these agencies suggest, "Well, if you do not take this civil penalty we can impose a larger one or prosecute you." That is a veiled threat which is unjust. I hope that with the vast powers given the Administrator in this bill, we would leave jurisdiction of criminal action to the Department of Justice.

Mr. COTTON. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr.

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HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Iowa (Mr. HUGHES).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator of Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 39, nays 41, as follows:

[No. 234 Leg.]

YEAS—39

Aiken	Curtis	Saxbe
Allen	Dole	Scott
Allott	Dominick	Smith
Baker	Eastland	Spong
Beall	Ervin	Stafford
Bellmon	Fannin	Stennis
Bennett	Fong	Stevens
Boggs	Gurney	Taft
Brock	Hansen	Talmadge
Buckley	Hruska	Thurmond
Byrd, Harry F., Jr.	Jordan, N.C.	Tower
Cooper	Jordan, Idaho	Young
Cotton	Miller	
	Roth	

NAYS—41

Bayh	Hartke	Packwood
Bentsen	Humphrey	Pastore
Bible	Jackson	Pearson
Brooke	Javits	Pell
Burdick	Kennedy	Percy
Byrd, Robert C.	Long	Proxmire
Cannon	Magnuson	Randolph
Case	Mathias	Ribicoff
Church	McGee	Schweiker
Cook	McGovern	Sparkman
Cranston	Mondale	Stevenson
Eagleton	Montoya	Symington
Fulbright	Moss	Williams
Hart	Nelson	

NOT VOTING—20

Anderson	Harris	McIntyre
Chiles	Hatfield	Metcalf
Ellender	Hollings	Mundt
Gambrell	Hughes	Muskie
Goldwater	Inouye	Tunney
Gravel	Mansfield	Weicker
Griffin	McClellan	

So Mr. COTTON's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

SEC. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972."

SEC. 501. Section 2(a) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

SEC. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

REGISTRATION OF CERTAIN SUBSTANCES

"SEC. 16(a). Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary, or, where applicable, the Administrator of the Environmental Protection Agency, by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests," and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of Title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers, and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

SEC. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug," and Cosmetic Act, nor to substance intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

SEC. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

SEC. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(i) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

SEC. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following:

"and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

SEC. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

SEC. 508. Title V shall become effective 180 days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MONTOYA. I yield myself 4 minutes.

Mr. President, the amendment is designed to provide a registration mechanism for products which have caustic components or which are hazardous and injurious to the health of human beings.

The amendment provides as follows:

Title V amends the Federal Hazardous Substances Act—FHSA—which is transferred to the new Food, Drug, and Consumer Product Agency under title II of the act, "to strengthen it by requiring submission of product formulas, the results of screening tests for hazards, and antidote and treatment information," by the manufacturer or distributor of a household product to the new Agency. The Agency will then be in a position to furnish this information upon request to any poison control center or other organization or individual who requests it in order to provide immediate treatment when any household product is misused.

Section 501 amends the definition of "misbranded hazardous substance" to include a hazardous substance that is required to be registered under the new provisions but which fails to bear the registration number prominently and conspicuously.

Section 502 redesignates certain sections and adds a new section 16 providing for registration of substances intended for use in or around the household which fall within the screening levels as "toxic" or "corrosive" under tests prescribed by the agency. Since the definition of "toxic" includes "highly toxic," the latter is automatically included wherever the former term is used. All manufacturers or distributors are required to conduct such screening tests if they are potentially applicable, but only those substances which fall within the screening levels must be the subject of registrations submitted to the Agency. Manufacturers of substances which fall outside the screening levels must nevertheless retain the results of the screening tests and make them available to the Agency upon request. The registration submitted to the Agency shall include—but not be limited to—the formulation, the results of the screening tests, and proper antidote or treatment information.

The agency shall then determine whether the substance is a "hazardous substance" as that term is defined in the FHSA. In addition to meeting the screening levels, this requires a finding under section 2(f)(1)(A) of the act that the substance may cause substantial personal injury or illness. Information relevant to that question may well be requested as part of the registration. If that determination is made, the agency will then issue a registration number which must be carried on the product label. Should the manufacturer disagree with the agency's determination under this section that the substance is a hazardous substance, he would have recourse to the courts to contest this final agency action under the Administrative Procedure Act.

To avoid proliferation of label registration numbers, it is required that the registration number be the same as is required to be labeled under any other Federal law. Specific provision is also included for using the same number as under the voluntary National Drug Code. Under the existing preemption provisions in section 18(b), this would preclude any additional State or local requirement for labeling registration numbers.

The agency will then compile all of the information in the registrations submitted to it in a central office, in such a manner as will permit immediate reference thereto for purposes of communicating it to any physician, hospital, clinic, poison control center, or other person requesting it for treatment purposes throughout the country. The agency will be obligated to make the availability of this information widely known.

Section 503 deletes the present exemption from the FHSA for foods, drugs, cosmetics, and certain fuels. This exemption has meant that hazards presented by these products that are identical to hazards presented by other household products either have been labeled in quite different ways, or have not been labeled at all, to the vast confusion of the public and to the detriment of consumers. The aerosol warning on a cosmetic aerosol container should be identical with the aerosol warning on any other aerosol container that presents the same hazard. The provisions of the Federal Food, Drug, and Cosmetic Act have apparently been inadequate to impose this requirement. Similarly, there is no excuse for failing to require adequate warnings on all fuel containers in or around the household. This provision will therefore guarantee uniformity of labeling for hazardous substances, which is a major objective of the FHSA.

Deletion of this exemption will also subject foods, drugs, and cosmetics to the premarket screening and registration requirements of new section 16. It is at least as important that poison control centers have immediately available to them toxicity data and antidote and treatment information for drugs and cosmetics as it is for any other household substance.

Section 504 contains technical amendments redesignating the references to certain sections in the other provisions of the act. Combined with section 507—discussed below—it also repeals what remains of the obsolete Federal Caustic Poison Act.

Section 505 amends section 4 of the FHSA to add, as new prohibited acts, the failure to comply with the requirements of new section 16.

Section 506 amends the present factory inspection provisions of the FHSA to include the right to obtain a copy of the results of screening tests required under section 16. Such results could also be obtained by the Agency upon direct request by mail or through a Federal Register notice.

Section 507 repeals the Federal Caustic Poison Act (44 Stat. 1406) by deleting section 19 of the FHSA. Section 19 of the FHSA had repealed that act except insofar as it pertained to foods, drugs, and cosmetics. In view of the deletion of the exemption from the FHSA for foods, drugs, and cosmetics, the repeal of section 19 of the FHSA and the full repeal of the Federal Caustic Poison Act is now appropriate.

Section 508 provides that these amendments shall become effective 180 days after the date of enactment except that the agency may postpone the effective date if necessary to afford sufficient time for testing and registration.

In recent years, due largely to efforts of modern consumer advocates such as my colleagues WARREN MAGNUSON and FRANK MOSS, we have become aware of a plethora of hazards confronting shoppers.

America is familiar with this catalog of grievances. Guarantees guaranteeing nothing. Warranties that warrant nothing. Lack of service on purchases. Shoddy workmanship deliberately designed into an item. False advertising. Bait and switch tactics. Extortion camouflaged as credit extension and collection. Deceptive packaging. Deliberately scrambled contracts, replete with legalese a Justice of the Supreme Court would find difficulty interpreting.

There is an even more serious category of consumer ills. As a result of prevailing corporate philosophy in some industries, hazardous products are marketed with a complete disregard of consequences to consumers. Power lawnmowers are one example. The ongoing horror story of Detroit's recalling of automobiles to correct dangerous defects is very well known. Drug combinations are often dumped into the marketplace with minimal attention to fully investigating side effects.

So the shopper is painfully vulnerable to calculated deceit, which lightens his wallet, guarantees loss of faith in our system, and exhibits calculated corporate contempt for the shopper.

Government agencies charged with consumer protection have been notable for past inaction, ineptitude and cozy relationships with industry. Corporate enterprise can afford to maintain full-time, highly paid lobbyists year round in Washington. The consumer cannot.

Consumer protection laws have been vigorously resisted by industry and laxly enforced by Government. Voluntarism is useless. Congress must fill the breach.

One final element must be added to the equation; a constant growth in the quantity of new products being placed on the market.

A decade ago, any new product was a novelty, attracting attention because such a happening was rare. Today, a bewildering variety of concoctions, attractively packaged and promoted, shower on us from every corporate direction. They are here today and gone next week, as product and promotions flash across our bewildered consciousness like a motion picture projector gone wild.

Any glance at packaging periodicals reveals a cross section of frenzied activity. Manufacturers are engaged in a violent, vicious daily grapple.

Advertising claims that each product is best, biggest, finest, greatest, and most wonderful. It will cure bunions, aches, acne, bad breath, and hallucinations. Plus, you can win 4 days in Hawaii, a boat, a car and 11 pairs of old shoes donated by the company president.

But has anyone thought to ask what is really in these dandy little wonders being peddled?

Many items contain hazardous ingredients, including many that, once ingested by an unsuspecting person, especially a child, mean either agonizing death or crippling injuries.

Over the past year and a half, I have been deeply concerned by nonenforcement of existing consumer protection laws. One such is the Poison Prevention Packaging Act of 1970, requiring child-proof safety packaging for products containing substances potentially harmful to children.

While seeking strict enforcement, I discovered that thousands of products are sold without anyone, beside the actual manufacturer, fully knowing their composition.

Today any manufacturer with a factory, laboratory, and marketing facilities can create, make, test market, and sell a product everywhere—without revealing its true contents.

An unsuspecting public, attracted by packaging and enticed by often deceptive advertising, purchases an item, bringing it into millions of homes without knowing what the consequences are if it is ingested.

Entire new categories of products appear, such as liquid lye bowl cleaners, oven cleaners, and the like. Vast quantities of highly toxic substances are sold as household conveniences.

It is vital to every consumer that all such products and their composition be made known to a central agency of Government.

Such knowledge is available today to

our Government only on a purely voluntary basis. If a manufacturer decides to register toxic contents of his product, with the exception of drugs, it is done as an afterthought.

Consequences of this gap in consumer protection laws emerged during work on the Poison Prevention Packaging Act. It was common to encounter instances of child poisonings by new products. One case involved ingestion by a child of Clorox II. Immediately after ingesting it, he became severely ill.

His parents rushed him to Walter Reed Hospital in minutes. Located there is a poison control center, supposed to control such happenings by swiftly providing vital product information. According to the report, the Walter Reed Center had no listing on the product. No knowledge was available on its makeup. So no projection could be made by physicians on reactions going on inside the child. No meaningful effort could be mounted then to save him.

They could not proceed with treatment, even though he was in the midst of one of the world's most sophisticated medical facilities. No help was forthcoming from the label of Clorox II because of lack of legal requirement on labeling of contents—still another commentary on our state of consumer protection.

The physician placed an emergency call to the Clorox Co. Yet it was almost 3 hours before he finally received required information. It seems, to quote the child's mother, that, "Everyone who knew anything about Clorox II was out to lunch."

Conclusions? This child could easily have expired while parents and medical staff stood by helplessly. He was lucky that immediate action and administering of an antidote was not essential.

Our need is to insure that the Federal Government is able to keep tabs on hazardous ingredients of such new products, plus those already on the market.

For this reason, I am offering my previous measure, the Poisonous Substances Registration Act, as title V of the Consumer Safety Act of 1972. It reads as follows:

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

SEC. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972."

SEC. 501. Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

SEC. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

REGISTRATION OF CERTAIN SUBSTANCES

"SEC. 16(a). Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary or where applicable, the Administrator of the Environmental Protection Agency by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests", and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of Title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers, and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

SEC. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

SEC. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

SEC. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(1) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

SEC. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following:

"and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

SEC. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

SEC. 508. Title V shall become effective 180 days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

Presently, any manufacturer goes through a series of elementary processes before marketing any new item. Under this proposal, he would have to insure that his scientific personnel notified an appropriate Federal agency of potential hazards posed by a given ingredient of his product.

No major new cost is involved for industry or Government in complying with this proposal. A central data center and round-the-clock access to it is all that would be required. We throw away more money daily on ordinary waste in a single department of Government.

Industry benefits. Physicians gain knowledge. Lives will be saved.

Mr. MAGNUSON. Mr. President, we will be glad to take that amendment to the bill, because it further carries out a good program that should be expanded.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. JORDAN of North Carolina. Does the Senator know that table salt is highly corrosive? It will rust anything that gets close to it.

Mr. MONTOYA. Yes, but under the criteria provided in the act, the substance must be injurious to the health of human beings.

Mr. JORDAN of North Carolina. I think that word "corrosive" should be left out of it.

Mr. MONTOYA. It is already in the act.

Mr. JORDAN of North Carolina. The act is bad enough without it in there.

Mr. MAGNUSON. I yield back my time.

Mr. COTTON. Mr. President, on my own time, I would like to ask a question of my good friend, the Senator from New Mexico.

Only a few short weeks ago the Senate passed the bill, S. 1478—the so-called Toxic Substance Control Act. It was well and fairly considered in the Committee on Commerce. It was sponsored by our distinguished chairman.

What effect will this amendment have on that act—and call attention to the fact that this amendment constitutes new legislation which has never been before any committee, and has never been the subject of hearings. It is a complete new proposal in the form of an amendment on this bill.

Mr. MONTOYA. Mr. President, if the Senator from New Hampshire will permit me, that matter was brought up a few minutes ago, and I have a provision in this bill. The Toxic Substances Control Act (S. 1478) recently passed by this body did require the registration with EPA of certain chemicals that may be contained in certain pesticides.

I have made an insertion to this effect: "or, where applicable, the Administrator of the Environmental Protection Agency." We bring him into this by virtue of the specific act which the Senator mentions, that was passed 2 weeks ago.

So this amendment is complementary to that act, and in no way in derogation of it.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, line 7; page 30, line 7; and page 43, line 17, strike the phrase:

"referred to" and substitute therefore the phrase "or other confidential business information; not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described".

Mr. BROCK. Mr. President, I yield myself such time as I may consume.

My amendment is designed to give greater protection to confidential business information, the release of which would be to the competitive disadvantage and detriment of domestic corporations, particularly with respect to international competition. The amendment does not restrict the specific authority of the Agency to release confidential information to committee of Congress, to courts and Federal agencies, or to the public when necessary to protect health or safety as provided by the bill.

This amendment is necessary to make it clear that the Agency is not intended to be free to disclose, without any limitations, the kinds of confidential business information—including confidential processes, cost and pricing statistics, confidential statistical data, and other similar business information—the disclosure of which, absent statutory authority, would constitute a criminal act under section 1905 of title 18 of the United States Code.

The present language of section 301(c)(1), referring only to "trade secrets" is not adequate to insure that this critical information will not be regularly disclosed in a manner by which it would be readily available to competitors, both domestic and foreign. As a matter of statutory construction, it is highly possible that a court would conclude that because section 301(c)(1) refers only to "trade secrets" in section 1905, it was not intended to protect the other confidential data referred to in section 1905.

Moreover, there is considerable precedent for a narrow reading of the term "trade secrets" which would exclude from its protection some formulas (*e.g., Drew Chemical Corp.* v. *Star Chemical Co.*, 258 F. Supp. 827, 836 (W.D. Mo. 1966); *cf. Venn.* v. *Goedert*, 319 F. 2d 812 (8th Cir. 1963)), cost and pricing information (*e.g., Cudahy Co.* v. *American Laboratories, Inc.*, 313 F. Supp. 1339 (D. Neb. 1970)), and other information protected by section 1905.

The amendment will insure confidential treatment of such information except as it is necessary for the Agency to disclose it in carrying out its functions under the bill.

The same question arose under the language in section 208(c) of S. 1177, the Consumer Protection Organization Act of 1972, when that bill was being considered by the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations. I was pleased that that subcommittee amended section 208(c) to provide protection not only of "trade secrets" but also of "other confidential business information" described by section 1905 of title 18, United States Code. It would appear to me that this has been a drafting oversight which can and should be curbed by my proposed amendment.

I have discussed this amendment with the distinguished floor manager of the bill and with the Senator from New Hampshire. They have suggested amendments which I think would improve the effect of the amendment, and their suggestions have been incorporated.

The simple purpose of the amendment is to protect businessmen against the release of confidential information, statistical data, cost data, and related information which has no relevance to health and safety, and to prevent the agency from wantonly abusing American industry and creating a competitive disadvantage, particularly with international competition.

My amendment, very simply, prohibits the unwarranted disclosure of confidential business information.

I am prepared to yield back the remainder of my time, if the manager of the bill is.

Mr. MAGNUSON. I am prepared to yield my time back, too. The committee is willing to accept the amendment. We intended to discuss this matter in conference, anyway.

I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1256

Mr. ALLEN. Mr. President, I call up my amendment No. 1256, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 7, line 24, after the comma, insert the words "a Commission of Veterinary Medicine,".

On page 38, beginning at line 19, insert the following:

"(3) the Commission of Veterinary Medicine with respect to functions relating to food and drugs for use in animals other than man, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), and".

On page 8, line 13, after "Drugs," insert the words "Veterinary Medicine,".

On page 14, line 4, after "Drugs," insert the words "Veterinary Medicine,".

On page 16, line 7, after "Drugs," insert the words "a Commissioner of Veterinary Medicine,".

On page 37, line 14, after "relating to", insert the word "human".

On page 38, line 7, after "relating to", insert the word "human".

On page 38, line 18, strike the last word, "and".

On page 38, line 19, substitute "(4)" for "(3)" and renumber lines 19 onward, beginning "the Commissioner of Consumer Products. . .".

Mr. ALLEN. Mr. President, this amendment would add a Commission of Veterinary Medicine to the three—Food and Nutrition, Drugs, and Consumer Products—which would be established in the "Food, Drug, and Consumer Product Agency" under S. 3419. As you know, the present Food and Drug Administration in the Department of Health, Education, and Welfare has five bureaus, each at the same administrative level. These present FDA subdivisions are the Bureau of Foods, the Bureau of Drugs, the Bureau of Veterinary Medicine, the Bureau of Product Safety, and the Bureau of Radiological Health. Although they vary in size, budget and public attention, these FDA bureaus have equal access to the FDA Commissioner.

If a new independent agency—FDCPA—is to be created by an act of Congress, it is essential that the legislation make it clear that direct jurisdiction over veterinary medicine will be vested in a separate commission. The desire of Congress for such a separation was expressed emphatically when it enacted the Animal Drug Amendments of 1968—Public Law 90-399—consolidating into one section—512—of the Federal Food, Drug, and Cosmetic Act all provisions dealing with animal drugs. In its report on that legislation—Senate Report No. 1308, 90th Congress—the Senate Committee on Labor and Public Welfare said:

By consolidating into one place in the law all of the provisions providing for regulation of these (animal) drugs, clearances (of new products) should be expedited, with resulting decreases in costs, consequent encouragement for the development by manufacturers of new drugs for use in animals.

The Senate committee report also said that, at congressional hearings on the legislation:

There was ample testimony that the existing provisions of the Federal Food, Drug, and Cosmetic Act, because they were designed primarily to be applicable to drugs and food additives for human consumption, created problems in the administration of the act with respect to animal health products . . . it seems quite apparent that . . . coordination should be fostered legislatively by consolidating into one section of the act, in a coordinated fashion under a simplified procedure, the various provisions and requirements applicable to animal-health products.

Furthermore, the Senate committee report said the animal drug amendments were intended to—

Coordinate and consolidate the applicable provisions (of the FD&C Act) governing drugs, feed additives, and antibiotics for animal use into one logical coordinated system that, without removing any of the stringent requirements for premarketing clearances, would assist this clearance and the subsequent use of animal-health products.

In its 1968 enactment, Congress wisely recognized the many significant distinctions between drugs administered to humans and drugs administered to animals, while recognizing the necessity for humane treatment of animals and for constant surveillance of the effect on human health of drugs administered to food animals. It would be inconsistent for Congress to ignore these distinctions by enacting a new law which could be construed to assign responsibility for veterinary medicine to a Commission of (Human) Drugs.

Mr. President, I recognize that S. 3419, as reported to the Senate by the Committee on Labor and Public Welfare, gives the FDCPA Administrator the organizational option to retain authority outside of the three Commissions created by the bill—referring to sec. 202(a)—page 37, lines 9–12.

I am apprehensive, however, that in working out the detailed organizational structure of FDCPA in the absence of explicit congressional instructions to the contrary, the Administrator might feel compelled to delegate animal drug authority to the Commissioner of Drugs, even though long FDA experience, plus the 1968 congressional enactment, mitigate for separation of human medicine from animal medicine.

In the animal production aspect of American agriculture as it has been revolutionized in the past two decades, no factor is more important than the availability of drugs and feed additives which permit the farmer to produce clean and healthy cattle, sheep, swine, and poultry at prices the American consumer can afford.

The Bureau of Veterinary Medicine in the present FDA structure receives and considers new animal drug applications, which must be checked out thoroughly and approved before any new veterinary pharmaceutical can be marketed. It is BVM also which makes certain that medicated animal feeds are safe and effective for their intended uses, and that they pose no health hazards for the human consumers of meat and poultry products.

As our scientists learn more about these substances, we may discover that some now in use must be replaced by safer products which accomplish the same objectives—therapy, disease prevention, or heightened feed efficiency, for example. Such new products must be developed in an atmosphere of understanding which can only come under a Government agency which is fully cognizant of the unique character of veterinary medicine. They must be proven safe and effective, then approved expeditiously for farm use if the American consumer is to continue to have the benefits of a bountiful supply of wholesome, healthful animal protein.

Although it is not in the limelight nearly as often as its sister bureaus dealing with human foods and drugs, the present Bureau of Veterinary Medicine plays an equally essential role in protecting the public health, and it merits equal status as a separate commission in the new "Food, Drug, and Consumer Product Agency" which will be created if the Congress enacts S. 3419.

U.S. agriculture is feeling the combined impact of "consumerism" and "environmentalism" from all directions as public concern, some of it justified but much of it ill-founded, is exemplified by multiple congressional enactments and the myriad actions of State legislatures and Federal and State regulatory agencies.

The American consumer is understandably disturbed at rising food prices, and at every turn we see accusing fingers pointing out the alleged villains. Unfortunately, the consumer hears little about the technological advances which have kept agricultural costs as low as they are today. And the consumer has no way of knowing—indeed, our best economists can only guess—what the food price impact would be if our farmers were deprived of the tools they now employ to assure us of a bountiful supply of wholesome, nutritious foodstuffs.

In this amendment, I am addressing one small but significant portion of this technology, the veterinary pharmaceuticals which make possible our phenominal production of animal protein. The self-appointed protectors of our environment can rant and rave endlessly about the chemical hazards they envision as imperiling survival of mankind. Such diatribes make sensational copy for the newspapers and the television networks But have our "protectors" any idea of what would happen if these chemicals were suddenly not available? Do they know how much painstaking research, costing tens if not hundreds of thousands of dollars, must be conducted, checked and cross-checked before a single animal drug can be marketed for use in food-producing animals?

No, I am afraid these considerations are not sensational enough to capture the critics' attention—or the public imagination. Quietly and, I understand, rather efficiently FDA's present Bureau of Veterinary Medicine processes a workload of paperwork that boggles the mind. Headed by a dedicated Director, Dr. C. Don Van Houweling, this Bureau has less than 160 employees, most of them highly trained scientists in specialized fields that escape public attention.

I am told that the workload of this BVM staff has accelerated tremendously in the past few years. It is estimated that in fiscal 1973 BVM will receive 2,800 investigational new drug applications—these are for experimental products which must be proved safe and effective before they can be marketed—and more than 2,000 applications for marketing of drugs which have purportedly passed all of the tests. In fiscal 1970 the comparable numbers were 1,883 investigational applications and 1,185 marketing applications.

These dull figures illustrate what one American industry is doing constructively to confront the so-called chemical pollution "crisis"; its scientists are working diligently to discover substitute products which are even safer than those now in use. Without overly belaboring my argument, I would just like to point out that these drugs cannot be expeditiously studied and cleared for introduction in the marketplace by a small subdivision of a "Commission" whose primary function is the regulation of drugs used in human medicine. I am not belittling human medicine; it is supremely important. But the study and scrutiny of veterinary medicines, while it will never call for the budget dollars and numbers of personnel required by the human drug sub-agency, is vitally important to all of us in an entirely different way.

If American farmers' herds and flocks of food-producing animals cannot be kept free of disease, there will be no more meat or poultry products on the tables of anyone except the very wealthy. The modern, integrated broiler production plant will go by the wayside, the beef cattle feedlot will cease to exist, and animal protein will become a luxury product out of reach for the average consumer. That, Mr. President, is why I urge all my colleagues, consumerists, environmentalists, or agriculturists alike, to vote for this simple amendment which retains veterinary medicine where it belongs in the Federal regulatory apparatus.

Therefore I urge, Mr. President, that the Senate accept this amendment to authorize establishment of a Commission of Veterinary Medicine as a coequal branch of the new Agency with the Commissions designed to deal with human foods, human drugs, and consumer product safety

Before closing, I should explain som technicalities of my major amendment to page 38 of S. 3419, which spells out what authority the Agency Administrator should delegate to the Commissioner of Veterinary Medicine. This paragraph is intended to cover the existing authority, now vested in the Secretary of Health, Education, and Welfare, to establish tolerances and standards for residues in edible byproducts of animals which are intended for human food, including contaminants, drug residues, byproducts or metabolites found in the edible portions or products of such animals.

Mr. President, the Subcommittee on Health has reported a bill with the identical language of this amendment. All it would do would be to carry forward into the new agency the same structure as now exists in FDA, of which the Bureau of Veterinary Medicine is now a part. It would continue to separate the Department of Drugs for Human Use from the Drugs for Animal Use.

The amendment has been discussed with the manager of the bill, the distinguished Senator from Washington (Mr. MAGNUSON), and with the distinguished Senator from New Hampshire (Mr. COTTON). It is my understanding that they have no objection to the amendment.

Mr. MAGNUSON. We have no objection to it. It merely extends the whole matter in the veterinary field, and I think that is a good extension of the bill.

Mr. ALLEN. Mr. President, I ask unanimous consent to have printed in the RECORD certain communications endorsing the amendment.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

ANIMAL HEALTH INSTITUTE,
Washington, D.C., June 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR ALLEN: The Animal Health Institute is a national trade association whose member companies produce about 90 percent of the animal health and nutrition products marketed in the United States. This letter relates to S. 3419, a bill "to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes," which is cited as the "Food, Drug, and Consumer Product Safety Act of 1972."

AHI does not intend herein to endorse or oppose S. 3419, but rather to express its wholehearted support of your Amendment, which would bring the bill into conformity with a previous Congressional enactment, as is explained below. As we understand it, your Amendment would establish a Commission of Veterinary Medicine in addition to the three Commissions contained in the bill. By adopting your Amendment, the Congress would merely be expressing its intention that, in the "Food, Drug, and Consumer Product Agency" proposed to be created, the present Food and Drug Administration structure—with its Bureau of Foods, Bureau of Drugs, Bureau of Veterinary Medicine, and Bureau of Product Safety—be paralleled. It would assure the continued execution of the will of Congress, as expressed in the Animal Drug Amendments of 1968 (Public Law 90–399) which separated veterinary medicine from human medicine.

We realize that S. 3419 would enable the new agency's Administrator to retain authority over veterinary medicine in a subdivision outside of the statutory Commission dealing with drugs administered to humans. Our concern, however, is that—in the absence of clear Congressional instructions to the contrary—some future Administrator might decide to place jurisdiction over veterinary products in the Commission of Drugs. Such placement would thwart the separation of jurisdiction approved by the 90th Congress and return the regulation of animal health and nutrition products to its pre-1968 status.

We applaud your decision to sponsor an Amendment to preserve this little-recognized but highly important separation of regulatory authority, and we will render every assistance possible to insure its adoption.

Very truly yours,

FRED H. HOLT,
Executive Vice President.

NATIONAL GRAIN & FEED ASSOCIATION,
June 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I have been informed that you are contemplating the introduction of an amendment to S. 3419 which would provide for the appointment of a Commissioner of Veterinary Medicine. This is to advise you that the National Grain and Feed Association supports such an amendment.

As you know, the membership of the National Grain and Feed Association covers the wide spectrum of grain and feed installations throughout the Nation, including food processors and exporters. We congratulate you on your wisdom in sponsoring the amendment and wish you every success.

Sincerely yours,

ALVIN E. OLIVER,
Executive Vice President.

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION,
Denever, Colo., June 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR ALLEN: The American National Cattlemen's Association feels strongly that S. 3419, Food, Drug and Consumer Product Safety Act, should be amended so as to provide for a Commission of Veterinary Medicine. Such an amendment would maintain equal status for veterinary drug usage as currently exists in the Bureau of Veterinary Medicine of the Food and Drug Administration.

Our Association feels that if animal drugs are made a part of an agency also dealing with human drugs, priority consideration will not be given to register certain new animal drugs, for example. The ability to incorporate new animal drugs into beef cattle production is vital for efficiencies needed in order to continue to provide ample quantities of wholesome beef at reasonable consumer prices. We feel strongly that a direct line to the proposed new Administrator of the Food, Drug and Consumer Product Agency is needed for veterinary drugs to help maintain the priorities, just as that which is being provided for human drugs.

Your assistance in providing this very important change which we feel so necessary to domestic cattle production will be most sincerely appreciated.

Cordially,

C. W. MCMILLAN.

AMERICAN VETERINARY MEDICAL ASSOCIATION,
Washington, D.C., June 21, 1972.

Hon. JAMES B. ALLEN,
New Senate Office Building, U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: The American Veterinary Medical Association, a professional organization representing over 21,000 veterinarians, is pleased to learn that you are sponsoring an amendment to require establishment of a separate "Commission of Veterinary Medicine" in the agency which would be created by enactment of S. 3419, the consumer protection measure currently before the Senate.

As you undoubtedly know, AVMA has throughout its 109 years of existence striven to elevate the status of the veterinary medical profession, by enhancing the quality of education and improving the scientific stature of its membership. A highly significant aspect of our activity deals with the administration of veterinary pharmaceuticals to food animals—cattle, sheep, swine, and poultry whose meat and daily products are destined for human consumption.

The continued use of these vital tools, particularly veterinary pharmaceuticals for disease prevention and therapy, is absolutely essential if our country is to maintain and improve upon its present high standard of nutrition. Wholesome animal protein is undoubtedly the most significant single component of the American diet, and there is no question that costs and prices would rise significantly if our herds and flocks were deprived of the benefits of such products, judiciously administered by, or under the supervision of, licensed veterinarians.

The separation of veterinary medicine from human medicine is not just a whim to satisfy our profession's aspiration for prestige. FDA learned through long experience that a separation of regulatory standards was necessary to expedite the processing of applications for clearance to market new and innovative animal drugs. In these times when all of us are concerned about long-range effects of chemicals on the environment, we must be certain that the governmental apparatus for screening veterinary preparations, while always giving top priority to human health considerations, does not obstruct the marketing of new chemical entities once they are proven to be safe and effective.

FDA first officially recognized this need for separation of jurisdiction in 1965, when the Commissioner established the Bureau of Veterinary Medicine as a subdivision separate from the Bureau of (human) Medicine. The separation of regulatory jurisdiction and standards for clearance of veterinary products was solidified in 1968 when the Congress re-codified and consolidated the laws relating to animal pharmaceuticals by enacting the Animal Drug Amendments. These amendments, incidentally, had the wholehearted support of the Departments of Agriculture and Health, Education, and Welfare.

We find no evidence that the three Senate Committtees which considered S. 3419 gave any thought to the issues discussed above, and our apprehension is that the intent of the Senate if it passes this legislation without your amendment might be construed as favoring subordination of veterinary medicine to human medicine.

Again, AVMA sincerely applauds your wisdom in sponsoring this perfecting amendment, and we assure you that our profession favors its adoption.

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative.

MONTGOMERY, ALA.,
June 20, 1972.

Senator JAMES ALLEN,
New Senate Office Building,
Washington, D.C.:

The cattlemen of Alabama deeply appreciate your introducing the amendment to S. 3419 creating a Commission of Veterinary Medicine. This amendment is vital to the continued growth and development of the cattle industry in Alabama. Keep up the good work.

HAM WILSON,
Alabama Cattlemen's Association.

AMERICAN FEED MANUFACTURERS ASSOCIATION, INC.,
Washington, D.C., June 20, 1972.

Hon. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The American Feed Manufacturers Association is the national trade association of the feed manufacturing industry. Our customers are the livestock and poultry farmers of the country. Thus, we are vitally interested in the health of animals. All consumers of meat, milk and eggs also have an important stake in the same subject, as healthy animals produce higher quality products at lower cost.

We support your proposed Amendment to S. 3419 which would provide for a Commission of Veterinary Medicine within the Food and Drug Administration. Your Amendment would help carry out the objectives of the Animal Drug Amendments of 1968 (Public Law 98–399) which recognized that animal health is a singificant and specialized field. Three years of experience since the passage of the Animal Drug Amendments have indicated that the legislation was soundly based, and was in the public interest.

U.S. farmers last year produced about three billion broilers, more than 120 million turkeys, about 100 million hogs, kept an average of more than 320 million laying hens, kept an average of more than 100 million cattle and calves, etc. Comparable numbers are being produced or maintained this year. Even larger numbers will be needed in the future if current rates of per capita consumption of meat, milk and eggs are to be maintained.

The task of protecting the health of the animals which provide much of our food supply is obviously a major undertaking. It

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is also a specialized assignment. Doctors of human medicine have little or no training in veterinary medicine. In almost all cases doctors of human medicine do not have the time to give serious consideration to animal disease problems. Veterinary medicine is a major profession and is vitally important to everyone who consumes animal products.

Your Amendment would continue the present policy of recognizing the important and specialized needs of animal health. It would help assure health animals which is clearly in the public interest.

Sincerely yours,

OAKLEY M. RAY,
President.

NATIONAL BROILER COUNCIL,
Washington, D.C., June 21, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The National Broiler Council represents the producers of more than 70 percent of the nation's approximately three billion broilers marketed annually. This letter expresses our support of your efforts to amend S. 3419, the "Food, Drug, and Consumer Product Safety Act of 1972," to authorize establishment of a Commission of Veterinary Medicine.

We appreciate your demonstrated awareness of the broiler industry and its dramatic growth which has occurred since the early 1940s. During a period when nearly every aspect of our society has undergone skyrocketing price increases, poultry costs have actually been lowered due to the application of modern technology. Among the most significant tools employed in today's poultry-production technology are the veterinary health and nutrition products subject to the jurisdiction of the Food and Drug Administration.

Up until about seven years ago, direct authority over the regulation of veterinary products was vested in a subdivision of FDA's Bureau of Medicine, the bureau whose primary responsibility was for drugs administered to the human population. At that time, FDA wisely recognized the many significant distinctions between the two classes of pharmaceuticals, and it established the Bureau of Veterinary Medicine as a branch at the same level as, although smaller than, the Bureau dealing with medications and foods for human use.

These distinctions were further recognized in 1968, when the 90th Congress, after long and detailed consideration, enacted the Animal Drug Amendments, consolidating all of the scattered laws dealing with regulation of veterinary products.

Now it appears that the Senate may approve S. 3419, a bill which would dismantle FDA and establish an independent agency with jurisdiction over foods, drugs, and consumer products. The National Broiler Council has taken no position on S. 3419, and we do not propose to endorse or oppose it.

To summarize, our endorsement of your proposed amendment is an indication that any Federal agency—whether it is within the present Department of Health, Education, and Welfare, in a new Department of Health, or independent, as proposed in S. 3419—which exercises primary regulatory jurisdiction over pharmaceutical products should maintain the present separation of animal drugs from human drugs. The necessity for this separation has been verified by executive and legislative decisions, and it would indeed be retrogression to again bury veterinary medicine in a Commission primarily concerned with human medicine.

NBC therefore endorses the objective of your amendment and hopes the Congress, however it ultimately deals with the broad issues of consumer protection, will not overlook the necessity for separate subdivisions to regulate these distinct classes of pharmaceutical products.

Sincerely,

JOHN PARISH,
Executive Director.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. NELSON. Mr. President, I send to the desk two amendments, and I ask unanimous consent that they be acted upon en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 50, delete lines 17 and 18, and substitute in lieu thereof the following:

"(3) that the offeror, where the Commissioner has accepted an offer or offers under section 303, provide opportunity for all interested persons including consumers to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents;"

On page 49, between lines 3 and 4, insert the following:

"(C) the offeror, including any person assisting the offeror in the development of the proposal, is not a manufacturer, distributor or retailer or the employee of a manufacturer, distributor or retailer of a consumer product proposed to be included in the consumer product safety standard to which the offer applies."

On page 48, line 22 delete the word "and"; on page 48, line 25 delete the period, add a semi-colon, and the word "and".

Mr. NELSON. Mr. President, these amendments are designed to insure that, whenever the Consumer Agency delegates to a nongovernment group the responsibilities for suggesting proposed consumer product safety standards, that group or any of its members does not have an economic stake in the manufacture or sale of the products involved.

The amendments also insure that such groups outside the Government follow fair procedures in their standard making so that all interested parties, including consumers, are afforded due process participation in the standard making.

These amendments apply only to the development of suggested standards, which are offered to the Agency for consideration. The Agency, in seeking to develop a standard, first promulgates a notice of need for a standard. Outside groups may offer to suggest such standards. In promulgating standards, the Agency must follow administrative procedures, and may include in its own proposed standards—as published in the Federal Register—whatever it chooses from the suggestions developed by outside expertise.

The proposals drawn up under these amendments do not give outside groups legal authority to set standards—only to propose standards for consideration by the Agency.

The provision in the bill, to allow suggested standard making outside of the Government agency, is designed to enable the Agency to take advantage of technical competence existing in the scientific and engineering communities, including independent testing laboratories, university connected experts, professional societies, and such consumer organizations as Consumers Union.

The amendments prevent a conflict of interest between companies setting standards for, and marketing, the same product, and insure that fair procedures are followed in the proposed standard making.

The most serious condemnation of the voluntary standards system which emerged from the studies of the Product Safety Commission and others—upon whose recommendations this entire bill is based—was the chronic tendency of the standards committees to be dominated by companies with an economic stake in the product. The result was that standards generally met the lowest common denominator in the marketplace.

Because consumers have had little or no voice in these voluntary standard-making procedures, the standards have been industry dominated.

I would like to quote from the Product Safety Commission report:

We have studied this system (of voluntary safety standard-setting) and found it is valuable in marshalling technical competence but has certain inherent limitation. . . .

In no standards procedure can it be said that consumers have a substantial voice. Rarely have they an effective veto. . . . The need for a consensus commonly waters down a proposed standard until it is little more than an affirmation of the status quo. . . .

At the same time, voluntary safety programs, with due regard for the public interest, need and warrant Federal technical and financial assistance and oversight.

These amendments are offered to strengthen the voluntary standard-making procedure, if such suggested standards are offered to the Agency for consideration.

They require:

First. That anyone offering to suggest proposed standards not be a manufacturer, distributor, or retailer, or the employee of a manufacturer, distributor, or retailer, of a consumer product proposed to be included in the consumer product safety standard; and

Second. That anyone drawing up such suggested standards follow fair procedures, by providing an opportunity for all interested persons, including consumers, to participate in the standard-making procedure in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents.

Mr. President, these two amendments clarify at least what I think is the intent of the bill. The bill provides that the Administrator may contract with an outside organization for the purpose of developing proposed safety standards.

One amendment provides that the private contractor must guarantee the opportunity for all interested persons, including consumers, "to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process."

The other amendment provides that the independent contractor must be one who is not manufacturing or selling the product.

The objective of the proposals is to permit the Administrator to contract with such independent organizations as the Underwriters Laboratories, American Society for Testing Materials, American National Standards Institute, and so forth.

Mr. MAGNUSON. Mr. President, the Senator from Wisconsin and I have discussed this matter with the staffs, and we think it is a good amendment. It clarifies what we all probably wanted to do, anyway, but it nails it down.

I accept the amendment.

Mr. COTTON. Mr. President, I could not hear what the chairman said, and I am not familiar with these amendments. I heard the second amendment, and I can see no objection to it. I did not quite get the first amendment, but I have a feeling that it raised havoc with the "instant action" about which the chairman has been talking.

Mr. MAGNUSON. No; it does not do that.

Mr. COTTON. What is the first one?

Mr. NELSON. The first amendment provides that, when an outside agency, outside the Government, or a university has a contract to propose standards—they cannot establish them—they must afford the opportunity for all interested persons, including consumers, "to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process."

In other words, if a university or the American Society of Testing Materials is going to contract to propose some safety standards, the manufacturer and the consumers have the right to submit their arguments before the proposed standard is sent up to the Agency.

Mr. COTTON. Must all this take place before any product can be placed on the market?

Mr. NELSON. That takes place during the course of the independent agency, outside the government—whatever it is—proposing standards that go back to the Administrator, who then does with them what he wishes and follows the regular Administrative Procedure Act.

Mr. COTTON. Is this prior to or after the product is on the market?

Mr. NELSON. I am assuming that standards will be established for products that are already on the market under the act as well as prior to.

Mr. COTTON. But after that, nothing new can come on the market until the process has been gone through?

Mr. MAGNUSON. Not necessarily. It is just that they ask for a review and they get the independent agency—the agencies which businesses use now—so that everybody can participate. It may be a product on the market. There may be some change in it. Or it could be a new product, too.

Mr. NELSON. This only relates to the authority of the Administrator to establish minimum safety standards. He can do that himself within the Department and file in the Federal Register, or he can contract outside the agency.

They would develop a proposed standard and would come back to the administrator. They would modify it, reject it, accept it—whatever they please—and then file the Federal Register, according to the regular procedure.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back.

The question is on agreeing to the amendments of the Senator from Wisconsin.

The amendments were agreed to.

Mr. EAGLETON. Mr. President, I send to the desk an amendment which is in the nature of a technical amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 80, line 7, insert "(a)" after "SEC. 401.".

On page 80, line 9, strike out "(a)" and insert in lieu thereof "(1)".

On page 80, strike out line 11, and insert in lieu thereof the following:

"(g) If in package form unless its label, or labeling affixed to or within the package, bears conspicuously and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, (1) the".

On page 80, line 15, strike out the words "and color" both times they appear in such line, and insert in lieu thereof a comma and the following: "color, and flavor" in both places.

On page 80, line 21, strike out "(b)" and insert in lieu thereof "(2)".

On page 81, line 3, strike out "(c)" and insert in lieu thereof "(3)".

On page 81, after line 5, insert the following new subsection:

"(b) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect one year after the date of enactment of this Act."

Mr. EAGLETON. Mr. President, these amendments reflect a number of changes in title IV of the act, including renumbering and relettering sections thereunder to conform with the act.

One amendment permits the required ingredient disclosure for cosmetics to appear either on a label affixed to the product, or on labeling within the package that is conspicuous to the purchaser at the point of sale. This amendment is consistent with the intention of the Committee on Labor and Public Welfare. Ingredients could thus properly be disclosed, for example, by a package insert held against a small decorative bottle by a cellophane over-wrap, or on a display card holding a small item like an eyebrow pencil. There is no requirement that the label or labeling be prominent and conspicuous under customary conditions of use. Thus, a tear off label is permitted.

Another amendment permits flavor in such cosmetics as lipstick and mouthwash to be labeled as such, as has already been provided for fragrance and color. This amendment corrects an oversight and conforms this provision to the food labeling provisions contained in the act.

The final amendment adds effective dates for the title. The ingredient and cautionary labeling requirements would become effective 1 year from the date of enactment of these amendments. The repeal of the soap exemption is effective upon enactment of this act.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. COTTON. Does the Senator's amendment contemplate that a mobile home——

Mr. EAGLETON. This is not the mobile home amendment. That is my next one. This is in the nature of a technical amendment relating to cosmetics, which was an item added on by the Committee on Labor and Public Welfare.

Mr. MAGNUSON. Mr. President, we can accept the first amendment. So that Senators will understand, the second amendment would extend this act to mobile homes.

Is that correct?

Mr. EAGLETON. That will be the next amendment.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 3, line 22, before the word "but" insert the following: "and includes any mobile home;".

Mr. EAGLETON. Mr. President, I rise to offer a clarifying amendment to the Food, Drug and Consumer Product Safety Act. This amendment places mobile homes specifically within the definition of "consumer product" to eliminate any doubt as to the Commissioner of Product Safety's authority over them.

My amendment is consistent with the report of the Commerce Committee, which states:

It is the committee's intent to include mobile homes under the definition of "consumer product."

It is intended only to clarify that intent, as the language of S. 3419 as pres-

ently written may be subject to misinterpretation on this point.

Over 7 million Americans now live in mobile homes. Half the one-family houses built in this country today are mobile homes and 95 percent of the houses sold for under $15,000 are mobile homes. In this day of high costs for real property and housing, mobile homes with a median price of $6,000 to $7,000 provide an affordable alternative for many—including a significant number of young married people and elderly people—who want homes of their own.

Unfortunately, there remains a crying need for stricter regulation of the mobile home industry. Each year, defects in mobile homes result in an inexcusably high toll in property damage, personal injury, and death. There are now far too many complaints of defective electrical wiring, inadequate mooring, insufficient exits and window construction that inhibits emergency escape.

The greatest threats to property and life for mobile homeowners are the likelihood of fire and damage by high winds. Because mobile homes are so susceptible to damage by fire and wind under current law, insurance rates for mobile homeowners have skyrocketed.

Mobile homes are now regulated neither as motor vehicles under the Motor Vehicles Safety Act nor as housing under local housing codes of most communities. They are subject only to minimal standards which the mobile home industry itself has promulgated. These standards were prepared under the aegis of the American National Standards Institute—ANSI—with the participation of the Mobile Homes Manufacturers Association as required guidelines for MHMA members.

While some States have incorporated some or all of the ANSI standards into their law, enforcement is generally poor. These standards thus form the basis of what is essentially a voluntary compliance program, with manufacturers self-certifying that their vehicles meet ANSI standards. Even where ANSI standards are met, mobile homeowners may not be adequately protected. The National Commission on Product Safety found serious deficiencies in these standards at the time of their report in 1970. It is my understanding that these standards have been upgraded to some extent since that report, but it is apparent that they should be subjected to a systematic review by the Federal Government and stricter standards promulgated where they are needed.

I believe that the hazards to property and life presented by defective mobile homes require the promulgation of stringent, uniform standards coupled with effective enforcement authority. The question now is not whether such standards are necessary, but how most effectively to accomplish this end. I share the view of the members of the Commerce Committee that the bill before us provides the most effective vehicle.

Mr. President, the essence of the amendment is to clarify the language of the statute itself by adding to it mobile homes so as to conform with the statement in the committee report that certain mobile homes are included under the aegis of the act.

I reserve the remainder of my time.

Mr. COTTON. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. COTTON. I gather that the Senator from Missouri had this brought to his attention because it was in the committee report?

Mr. EAGLETON. Yes, sir.

Mr. COTTON. Does the Senator from Missouri consider a mobile home to be a hazardous substance, impure food, or an appliance?

Mr. EAGLETON. I believe it is a product manufactured under the act.

Mr. COTTON. Would the Senator include submarines and battleships in this bill then?

Mr. EAGLETON. No, no.

Mr. COTTON. They might be a little too big?

Mr. EAGLETON. That is correct.

Mr. COTTON. I merely want to say for myself, and I am not speaking for minority. But, I personally never knew that this was in the report.

The report was, naturally, prepared by the staff. It is getting now so that the tail is wagging the dog. The staff is running the committee most of the time.

I did not know it was in there. I think it is utterly absurd and utterly ridiculous.

I made a statement early this afternoon that whether my amendments, which I thought were important, were adopted or rejected, I thought this was a good bill. I would vote for it. This has changed my mind. I am not going to vote for any monstrosity that carries any such silly amendments as this one.

In saying that, I am not reflecting on the distinguished Senator from Missouri (Mr. EAGLETON), because it was in the committee report. Some of us were not responsible for what went into that committee report.

Mr. SPARKMAN. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. SPARKMAN. Mr. President, I strongly object to the amendment. First of all, housing comes under the jurisdiction of an entirely different committee. It has only been within the past couple of years that we have authorized the FHA to insure mobile homes. We have provided that the Secretary of Housing shall set standards, and I do not see why we have to go to any other committee bill or to any other piece of legislation with reference to mobile homes which are clearly within the jurisdiction of our committee. We might as well apply it to single-family dwellings or to apartment houses, or to anything else, if we are going to start here on mobile homes.

I strongly object to the amendment.

Mr. TOWER. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. TOWER. Mr. President, as the ranking minority member on the Committee on Banking, Housing and Urban Affairs, I should like to second what our distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) has just said, that if we are going to extend it to mobile homes, why not extend it to modular housing which has just become a breakthrough in construction in order to bring it within the reach of low-income families.

Our distinguished colleague from Tennessee (Mr. BROCK) already has a bill before the committee. It should be left to this committee which has the appropriate jurisdiction and not be dealt with on the Senate floor now in the form of an amendment to the pending bill.

Mr. MOSS. Mr. President, in dealing with this matter of ridiculing the amendment affecting mobile homes, that we might as well take some other kind of home, and so forth, the fact is, this was considered by the committee. There is testimony on it. We did consider it at length. So, it seems to me to be a logical amendment and I should like to support it.

I understood the Senator from Texas to say that there had been some bill or an amendment offered recently in which they intended to take it up in the Committee on Banking, Housing, and Urban Affairs; but a mobile home, under these circumstances, is quite different from any other living quarters which people occupy. A mobile home is a movable, transferable vehicle. It is a manufactured product. The deficiencies were outlined by Mr. Karl Herrmann, the State fire marshal of the State of Washington, so that there is little question about the need for safety regulation of mobile homes.

The mobile home industry has experienced phenomenal growth in a short period of time. The concept of the mobile home has changed from that of portable, temporary living quarters for travelers and transient workers of limited means to that of semipermanent dwellings for a large portion of our population. The industry has not had the benefit of long years of experience in designing construction and voluntary standards have proved inadequate for insuring safety.

The inadequacy of the voluntary standard was documented in the final report of the National Commission on Product Safety. It noted that the standard does not provide exits opening out on either side at opposite ends, in the event of fire or upset. In addition, provisions for safety glazing were braking to prevent fishtailing are not included. Other deficiencies of the standard include permitting the use of gas-fired floor heaters which generate excessive grate surface temperatures and the lack of requirements that the heater be constructed to preclude blocking.

Similar deficiencies were outlined in testimony before the Commerce Committee during hearings on S. 3419 by Karl Hermann, State fire marshal of the State of Washington. He noted that private standards do not include combustibility provisions for all structural and finished materials, establish flame spread requirements that are too high, and do not include design requirements to provide for fire separation between sleeping areas and other portions of the mobile home.

In short, there is little question that there is a great need for Federal regulation of mobile homes. The Commission on Consumer Products is best qualified to perform this function, and for this reason I support adoption of the amendment

proposed by the Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I thank the Senator from Utah for his comments and his support of my amendment.

Mr. COTTON. Mr. President, what I am about to say is no reflection on the Senator from Missouri because this was in the committee report, although God knows why, but it seems to me that this simply shows how far afield we are getting.

Here we are trying to pass a bill to protect the consumer, and this is the first time I ever knew that one could consume a mobile home. If we are going to have mobile homes in the bill, we might as well put in bowling alleys, or dance halls, or make this a whole new and extraordinary department of government to maintain control over our whole society.

I have never heard of a more ridiculous thing in my life.

When we write into a committee report a provision for mobile homes in a bill that seeks to protect the consumer against improper food, medicine, and electrical appliances, then I think we are making monkeys of ourselves. It is not conducive to the dignity of the Senate.

I did not intend to speak so strongly, but this turn of events took me by surprise.

Mr. SPARKMAN. Mr. President, if the Senator will yield, I refer the Senator to the bottom of page 12 of the committee report and invite his attention to the following:

> Other products excluded from the definition of "consumer product" include products "subject to regulation" under the National Traffic and Motor Vehicle Safety Act of 1966, aircraft or other aeronautical products "subject to safety regulations" by the Federal Aviation Administration, foods, drugs, or devices subject to safety regulation under the Food, Drug and Cosmetic Act, . . .

This is subject to regulation under the laws that we passed authorizing the FHA to grant insurance. We do require standards. They are required already. The Senator from Tennessee (Mr. BROCK) has introduced a bill that strengthens those requirements. There is a bill before our committee now and we will have hearings on it.

Mr. COTTON. Mr. President, this is something I have never done in all my years of service in the Senate, but I move to lay the amendment on the table.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order until the Senators have yielded back their time.

Mr. COTTON. Mr. President, I withdraw my motion.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me one-half a minute.

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from West Virginia.

ORDER FOR LIMITATION OF TIME ON ROLLCALL VOTES TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each rollcall through the rest of the evening take 10 minutes rather than the usual 15 and that the warning bell be sounded midway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I yield such time as desired to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I rise in opposition to the amendment and in support of the statement of the Senator from Alabama, the chairman of the Committee on Banking, Housing and Urban Affairs.

I think this amendment really goes to the wrong point. The point is that we have statutes today. We have existing regulations and controls which have been established. We also have my bill which seeks to provide uniformity and improvement of existing standards before the Committee on Banking, Housing and Urban Affairs. Moreover, the Senator from Alabama (Mr. SPARKMAN) has graciously afforded my legislation the opportunity for hearings.

The fact of the matter is that the Senator's amendment tries to equate a waffle iron with a home. The Senator from Utah said that there is something different about a mobile home. I was always taught all my life that if something looks like a duck, waddles like a duck, and sounds like a duck, it is a duck. A mobile home looks like a house, functions as a house, sleeps as a house, it is a house.

There are 7 million Americans who live in these mobile homes. They call them homes. There is no possible way we could put them under this Agency in this bill without diminishing the effectiveness of the control and the opportunity for greater safety to the consumers, because they would be swept in with a hodgepodge of things like toasters and everything else.

Each piece of equipment in a mobile home, such as toasters, refrigerators, and other components, is covered under the present proposal. However, to try to say that a mobile home is not a house and should be covered under the Consumer Product Act is ridiculous and certainly is not logical.

This is a serious problem. I agree with all of the Senator's objectives of achieving greater safety for the homeowners. However, in this instance this is the wrong way to go about it.

The Senator from Utah mentioned the witnesses who testified. Three witnesses testified about this bill before the committee. Two of those witnesses endorse my bill to create standards. Two of the witnesses who testified before the Senate Commerce Committee. The National Association of Independent Insurers endorsed my bill. As a body, the mobile home manufacturers have not. However, the people who insure those homes have. They say that it costs as much per family to insure a mobile home costing $6,000 as it does to insure a $40,000 conventional home.

There is something very wrong here. The Senator from Missouri does not solve the problem. He creates a problem and compounds a felony by putting one more item and 7 million families under the Product Safety Act.

We have duplicate standards between FHA, DOT, VA, FHLB, and this agency. And nobody will win. We know that.

It makes a great deal more sense to treat it as a home under the jurisdiction of the Committee on Banking, Housing and Urban Affairs. Let us write the bill. We will do it and then we will respond to the actual need.

Mr. President, the distinguished junior Senator and I both agree standards are imperative for mobile homes. But to seek to place mobile homes under the jurisdiction of this new agency would be to dilute the effectiveness of what we are both attempting to achieve. If this new agency is designed to give the assurances of safety to consumers "of products for his use, consumption, or enjoyment in or around a household or residence, a school, in recreation," then to give its Commissioner authority over already regulated items such as minibikes, boats, automobiles, or mobile homes can only result in a dilution of competence and effectiveness of the Agency. This is particularly true in the case of mobile homes. For if this amendment were to be adopted the Consumer Product Safety Agency would be thrust into an area which relates solely to housing. A mobile home is a dwelling. These domiciliary units have become a vital and critical component of America's future housing capability. They are practically the only form of housing available to the home buyer for less than $15,000. To attempt to place mobile homes within the definition of a consumer product as envisioned by this act is tantamount to denying the consumer the protection which undeniably should be his when he purchases his home.

If this amendment were adopted, mobile homes would be the only form of housing contained in this legislation although presently modular homes also are not presently regulated by local building codes in most parts of the country. To bury mobile homes in an agency with jurisdiction over items such as irons, televisions, and diet pills is absurd when you think that nearly 7 million people occupy mobile homes as their place of residence.

Mr. President, separate regulation and treatment of mobile homes in an agency with the expertise is required. There is a severe safety problem. But it cannot be solved by an agency without the expertise and resources. Since there is no one agency with established authority over mobile homes today, the ability of the Consumer Product Safety Agency would place these dwellings in dubious priority at a time when action is imperative.

We cannot ignore the fact that the mobile home is the fastest growing sector of American housing and provides 95 percent of all single family dwellings under $15,000. For this reason, I have emphasized in my legislation that the per unit cost of a regulation be considered before promulgation of final standards. There is no such provision in the bill presently under consideration. We must realize that the mobile home is the only mode of housing within reach of the average American. Young people and

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the elderly are the principal purchasers of mobile homes and we must consider the effects of regulations on their continued ability to own this type of home. Regulation of mobile homes under the Consumer Product Safety Act could push the cost of such a dwelling beyond the reach of these consumers and I believe factors of cost must be weighed.

Thus, regulation should be administered by HUD, not HEW or a new consumer agency. And the goal of such regulation should be to establish minimum uniform safety standards while at the same time promoting the use of the mobile home as a low-cost desirable form of housing.

Mr. President, the use of mobile homes have grown at an astounding rate. In 1967 the manufacturers of mobile homes produced 240,000 units. In less than 3 years in 1970 production was over 500,000. There can be little doubt that mobile homes are the wave of the future.

People are being killed everyday in mobile homes unnecessarily. To seek to relegate mobile homes to the status of toasters, waffle iron, diet pills and the like is to perpetrate the worst kind of injustice on the consumer. We are not talking about an item that is used once a year, once a month, or even once a day. We are talking about a home in use daily where many people, especially the elderly, spend literally thousands of hours. We cannot hope for adequate protection of the mobile homebuyer if we shove him to the side and tell him to wait behind the man with the broken toaster, waffle iron or whatever. These people need protection which is effective. They do not want their homes seized because of a failure to meet an administratively determined standard. This is not consumer protection. It is consumer be damned.

NEED FOR FUATHER EXAMINATION

Mr. President, during consideration of this bill the Senate Commerce Committee scheduled three witnesses on mobile homes. None were technical witnesses, but nevertheless their testimony was enlightening. During hearings on this Consumer Product Safety bill in the other body, now witnesses were heard on Mobile Home safety and it is my understanding that agreement has been reached to exclude mobile homes from their bill in favor of a hearing on specific legislation introduced by my former colleague, Lou Frey of Florida.

Mr. President, all this shows we need to examine this subject carefully before we act, so the result will have the desired effect. At present we have four Federal agencies with statutory authority over mobile home safety. We have 29 States with some sort of regulatory programs covering mobile homes.

Yet, after hearing from a grand total of three witnesses who state something is needed, we are being presented with an amendment which seeks to define a mobile home as a consumer product in the same category with a toaster.

What we need to do is gather representatives from the four Federal programs and the various States with existing safety legislation. Give them a hearing which will result in a reasonable, effective bill.

If we do not, if we pass this proposal we run the risk of establishing yet another unsynchronized federal program for mobile homes.

We risk diminishing the real priority status of mobile home safety.

We risk forcing prices on mobile homes to a level beyond the purchase power of average Americans.

We risk the establishment of standards which are ineffective and ill-conceived.

I urge my colleagues to reject this amendment. I urge them not to run these risks.

Mr. TAFT. Mr. President, I do not believe that mobile homes should be included under the purview of the Food, Drug, and Consumer Product Agency.

The need for establishing Federal safety standards for mobile homes cannot be overemphasized. Unlike conventional housing, mobile homes are not subject to local building ordinances. More than half of the States have adopted standards covering mobile home construction, but in most States that have such standards only those mobile homes manufactured and sold in the State are regulated. There is no control over mobile homes manufactured in a State without regulations. Even in States with adequate standards, the enforcement of such standards is often lackadaisical or hampered by a lack of funding and personnel.

In view of the fires and other tragedies involving mobile homes which have recently been reported, this situation is clearly unacceptable.

At the same time, however, it is clear that any standards for mobile homes should be promulgated with the full benefit of all the expertise available. Ninety-five percent of all homes sold for under $15,000 in America are mobile homes; 400,000 last year. For many Americans earning modest incomes, the only kind of new home which they can afford is a mobile home.

It would be a tragic blow to those low-income consumers if Federal mobile home standards were established which unnecessarily raised the price or complicated the financing of mobile homes.

For those reasons, I have agreed to cosponsor S. 3604, Senator BROCK's bill to establish a national safety standard for mobile homes. That bill calls for the establishment of these standards in consultation with a National Mobile Home Safety Advisory Council, consisting of representatives of the general public, the standards-setting research agencies and the mobile home industry. In promulgating any standard, HUD is directed to consider all relevant mobile home safety data, the advice of the States, the practicality of the standard and the possible financial burden which the standard may place on the manufacturers or dealers.

I feel strongly that this is a more fitting method for regulating mobile homes than allowing the Food, Drug, and Consumer Product Agency to establish the standards as it sees fit. Mobile homes are dwellings, and HUD has the technical expertise necessary to deal with complicated structural problems which may arise when evaluating a dwelling's safety. In addition, HUD is familiar with the financing arrangements which would be made for mobile homes but not for the other types of products which the Food, Drug, and Consumer Product Agency is to regulate.

I urge the Senate not to accept the Eagleton Amendment because of its impatience with the under-regulation of mobile homes. I look forward to hearings and subsequent action on S. 3604 in the near future. At that time, Congress will have an opportunity to determine in a more considered manner the way to regulate mobile homes which will be most beneficial to consumers.

Mr. EAGLETON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. EAGLETON. Mr. President, mobile homes are now regulated neither as motor vehicles under the Motor vehicles Safety Act, nor as housing under local housing codes of most communities. Mobile homes are subject only to minimal standards which the Mobile Home Association itself has promulgated. These standards were prepared under the aegis of the American National Standards Institute with the participation of the Mobile Homes Manufacturers Association.

Thus, they are a product, a sizable product to be sure. However, they are a manufactured product. They are risky. They cause death and injury to human beings and they are yet unregulated.

It seems to me that the vehicle before the Senate is an appropriate vehicle by which to bring some semblance of regulation and control to this otherwise unrelated and uncontrolled industry.

Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDNIG OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SPONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPONG. Mr. President, are the yeas and nays on the amendment or on the motion to table?

Mr. COTTON. Mr. President, I withdrew my motion to table.

The PRESIDING OFFICER. The yeas and nays are on the amendment of the Senator from Missouri. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 235 Leg.]

YEAS—16

Cranston	Kennedy	Pell
Eagleton	Magnuson	Ribicoff
Fulbright	McGee	Stevenson
Hart	Montoya	Symington
Hollings	Moss	
Jackson	Pastore	

NAYS—63

Aiken	Cotton	Pearson
Allen	Curtis	Percy
Baker	Dole	Proxmire
Bayh	Eastland	Randolph
Beall	Ellender	Roth
Bellmon	Ervin	Saxbe
Bennett	Fannin	Schweiker
Bentsen	Fong	Scott
Bible	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hartke	Spong
Brooke	Hruska	Stafford
Buckley	Humphrey	Stennis
Burdick	Javits	Stevens
Byrd, Harry F., Jr.	Jordan, N.C.	Taft
Byrd, Robert C.	Jordan, Idaho	Talmadge
Cannon	Long	Thurmond
Case	Mathias	Tower
Church	Miller	Williams
Cook	Mondale	Young
Cooper	Nelson	
	Packwood	

NOT VOTING—21

Allott	Griffin	McGovern
Anderson	Harris	McIntyre
Chiles	Hatfield	Metcalf
Dominick	Hughes	Mundt
Gambrell	Inouye	Muskie
Goldwater	Mansfield	Tunney
Gravel	McClellan	Weicker

So Mr. EAGLETON's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, while everyone is here I will ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I nervously rise to offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 67, lines 12 and 13, strike "manufacturing".

Mr. EAGLETON. Mr. President, I offer an amendment to section 313(b) of the Food, Drug, and Consumer Product Safety Act. This section, as currently drafted, provides the Product Safety Commissioner with strong remedial authority when he finds that a product is either substandard or has a manufacturing defect which presents an unreasonable risk of injury or death. Under this section, he may require manufacturers or others in the distribution chain to give public notice of such defects or to repair the defect without charge or refund the purchase price.

As reported by the Commerce Committee, this section applies only to "manufacturing defects," that is, defects which occur as a result of an oversight or error on the production line or during the inspection process or use of materials not up to design specifications. It does not apply where the defect is so-called design defect. Design defects are those which occur when a product is constructed according to a plan, without production error, but the plan itself results in a product which presents a risk to safety.

We need only look to our recent experience with safety-related defects in automobiles to see that any effective product safety program must provide adequate remedies for all safety-related defects, whether they are technically deemed "manufacturing" or "defect" related. Some of the most serious safety defects found in cars have related to design—including, for example, the recall of 7 million Chevrolets for faulty engine mounts and the recall of all Corvairs manufactured in the 1960's for faulty heaters which propelled noxious fumes into the car interior.

There are countless examples of dangerous designs in the kinds of products that would be covered by the Product Safety Act. For example, Consumer Reports recently rated some of the following products "unacceptable" for purchase:

A $40 washing machine which has neither 3-wire grounding cord nor double insulation to protect the user against the possibility of a shock hazard;

An $80 humidifier which has large openings in the motor housing at the back of the unit making it possible to touch electrical windings accidentally, causing shock;

A $9 portable electric drill with a trigger which locks too easily in the "on" position;

A $25 bench grinder with a ¼ inch gap between the work rest and the grinding wheels, posing the chance of jamming the work between the wheel and the housing; and

A $40 electric hair setter in which terminal pins on rollers go through holes in plate to make contact with conductors. Severe shock could result from attempting to retrieve a hairpin while the electricity is alive.

Moreover, the Commission on Product Safety Report refers to design defects in floor furnaces, high-rise bicycles, infant furniture, power tools, and other products likely to be found around the average household.

Consumers need protection against design defects even more than they need protection against manufacturing defects. A manufacturing defect may affect a day's run on the assembly line. But a design defect, unless caught and rectified, will affect an entire production run of a product—all the 1972 models, say, of a particular bicycle or toaster.

We must keep in mind that the legislation before us does not deal simply with esthetic complaints, but with safety-related defects—those which pose an unreasonable risk to health and safety. I think it is fair to say that anyone stuck with a product which poses a threat to him or his family does not care whether the danger results from the failure of someone on the line to use the proper bolt, or from the fact that the master plans called for an improper bolt in the first place.

I would also stress the fact that no other product safety legislation of which I am aware—including the statutes which now regulate automobile safety and the safety of products with a potential radiation hazard—make a distinction between manufacturing and design defects. These laws go to any safety defect when it presents a sufficient danger to justify action. Nor does the proposed legislation of the Commission on Product Safety, after which the pending legislation is modeled, make such a distinction.

The Commerce Committee report refers only briefly to this point, stating that—

If a design defect were to present an unreasonable risk of injury or death, the Commissioner could proceed under authority of section 311 to remove immediately the product from the marketplace or could resort to the standard-setting procedures contained in the bill.

It is clear to me, however, that more attention should be focused on this point. For the reasons I am about to set out, neither the standard setting procedure nor the emergency injunctive authority under section 311 provide an effective alternative for defectively designed products which are already on the market.

Turning first to the standard-setting alternative proposed by the committee, the most obvious drawback in relying on standards is delay. Realistically, we cannot expect that the Commissioner of Product Safety will turn to standard setting for a defectively designed product on the day he learns about the defect. There will be many competing demands. Moreover, even when he determines that standards should be set, promulgating of final standards can be expected to take at least 240 days—180 days for development, 60 days for Commissioner action—with an effective date at least 6 months later in most instances. During this period, defective products will be sold at the risk of injury to consumers.

Furthermore, even where standards are eventually promulgated, they have only prospective effect. Thus, those who have been buying defective products until the effective date of the standard are simply out of luck. The standards afford them no remedy whatever.

Nor does section 311 provide an effective remedy in the case of a defective product already on the market. This section provides for emergency power to seek injunctive relief through the courts for products deemed to be "imminently hazardous." These are products for which no safety standards can be fashioned which would adequately protect consumers. These products are by their very nature dangerous.

Moreover, the section presumes that some administrative proceeding is underway at the time of the court action—a presumption that would not be met in the case of a design defect just discovered by the Commissioner of Product Safety.

The importance of the notification and recall provisions of section 313(b) is that

they provide a relatively quick, effective mode of action for the Commissioner when he knows that a product already in the hands of consumers is potentially dangerous. Neither the standard setting procedure nor the emergency injunctive remedy if defects relating to design are excluded from its scope.

Mr. MAGNUSON. Mr. President, I have just conferred with my colleague from New Hampshire. I think we can accept the amendment. It clarifies the difference between design and manufacture. Some of it I do not understand but there is a difference in the question of safety. The testimony was to that effect. We accept the amendment.

I yield back the remainder of our time.

Mr. EAGLETON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. MOSS. Mr. President, I send to the desk two amendments that are really technical amendments clarifying the numbering, and I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MOSS. I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD are as follows:

On page 22, line 4, insert after the word "any" the word "claim or".

On page 8, line 2, strike out "106" and insert "107".

On page 8, line 22, strike out "108" and insert "109".

On page 9, line 18, strike out "(4)" and insert "(3)".

On page 10, line 19, strike out the period and insert a semicolon.

On page 13, line 15, strike out the period and insert a semicolon.

On page 14, line 11, strike out "108" and insert "109".

On page 16, line 1, strike out "103(c)(9)" and insert "104(c)(8)".

On page 17, line 20, after "practicable" insert a comma.

On page 31, line 21, after "Commerce" insert a comma.

On page 32, line 2, strike out the semicolon and insert a period.

On page 33, line 15, strike out "(58)" and insert "(59)".

On page 33, line 21, strike out "(95)" and insert "(96)".

On page 33, line 23, strike out "(96)" and insert "(97)".

Mr. MOSS. Mr. President, this is really a renumbering of sections to conform the bill after the amendments made by the Committee on Labor and Public Welfare. One renumbering was picked up by the staff. It makes the bill technically correct. I do not think any explanation is needed. This is to make the bill technically correct.

Mr. COTTON. Mr. President, the Senator was kind enough to bring the amendments over to us and we agree.

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. MOSS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendments has been yielded back. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MAGNUSON. Mr. President, I would like to clarify three matters which have been raised in discussions of the text of S. 3419. They are as follows:

First. Section 306(d) provides that the Commissioner may set a later effective date for a standard beyond the 6-month norm, but that the Commissioner must publish his reasons therefore. It is of course contemplated that, in accordance with the provisions of the Freedom of Information Act, all of the documents upon which the Commissioner has relied in making such determination will be made public.

Second. In regard to section 315(b) which authorizes the Commission to inspect records, in accordance with normal practice it is contemplated that the right to inspect includes the authority to make appropriate copies of such records.

Third. Section 305(4), providing for the maintenance of records of the development of proposed standards requires that "comments and other information submitted by any person in connection with such development" be disclosed. This provision contemplates that any dissenting views submitted to the person or persons developing a proposed standard will be made public in a timely manner.

RADIATION SAFETY

Mr. President, S. 3419 meets the recommendations of the National Product Safety Commission in the key area of electronic product radiation safety by transferring the administration of the Radiation Control for Health and Safety Act from the Food and Drug Administration to the new agency. Under the authority of this consumer protection legislation, over 34,000 products have been repaired at no cost to the purchaser. S. 3419 carefully preserves this effective consumer protection measure and, in the process, avoids duplication of effort. Today, there are over 116 Federal employees—of whom 70 are engineers and physicists—working on radiation hazards to the public from television receivers, microwave ovens, lasers, ultrasonic products, and X-ray equipment. However, as noted by the National Product Safety Commission—

> Legislation for a single hazard often fails to cover other serious hazards. . . . The Radiation Control for Health and Safety Act authorized inspection of television sets for radiation but not for fire hazards.

It is prudent, therefore, that these highly competent and trained persons be permitted to work on the solution of the full range of problems associated with electronic products—whether it be radiation, fire, or electrical shock. Furthermore, over 33,000 square feet of electronic laboratories now exist, and these should also be made available to the new agency. Otherwise, these facilities will have to be duplicated at a cost of over $3 million.

The progress that has been made under the Radiation Control for Health and Safety Act has been almost solely oriented toward product safety: Radiation safety standards for demonstration tubes used in high schools, television receivers, microwave ovens, and medical X-ray equipment. Each of these standards deals specifically with the engineering and physical principles of how the product is to perform. As noted in the June 12 issue of Product Safety Letter—

> Despite the Buck Rogers aura that surrounds lasers, a number of products could move quickly from the R&D stage to the marketplace. Their future depends on radiation limits that will be set by the government.

The new agency to be established by S. 3419 will need expertise in this area, because lasers not only present a potential radiation hazard, but also have potential problems in electrical shock.

It is the full intent of S. 3419 to draw together into one agency the existing Federal authority and expertise which is needed to provide the fullest possible protection to the consumer from hazardous products. We should not place an unneeded burden on a manufacturer to have to report to separate safety agencies on the same products and thus require the Congress to fund two groups when one could do it. Failure to place the administration of the Radiation Control for Health and Safety Act with the new agency proposed by S. 3419 would deny to the agency, and to the consumer, an immediate and demonstrated ability to respond to the complex engineering problems involved in product safety.

The PRESIDING OFFICER. Is all time yielded back on the bill itself?

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Michigan (Mr. GRIFFIN) and the Senator from Oregon (Mr. HATFIELD), would each vote "yea."

The result was announced—yeas 69, nays 10, as follows:

[No. 236 Leg.]

YEAS—69

Aiken	Ellender	Pearson
Allen	Fong	Pell
Baker	Fulbright	Percy
Bayh	Gurney	Proxmire
Beall	Hart	Randolph
Bellmon	Hartke	Ribicoff
Bennett	Hollings	Roth
Bentsen	Humphrey	Saxbe
Bible	Jackson	Schweiker
Boggs	Javits	Scott
Brock	Jordan, N.C.	Smith
Brooke	Jordan, Idaho	Sparkman
Burdick	Kennedy	Spong
Byrd, Harry F., Jr.	Long	Stafford
	Magnuson	Stevens
Byrd, Robert C.	Mathias	Stevenson
Cannon	McGee	Symington
Case	Miller	Taft
Church	Mondale	Talmadge
Cook	Montoya	Thurmond
Cooper	Moss	Williams
Cranston	Nelson	Young
Dole	Packwood	
Eagleton	Pastore	

NAYS—10

Buckley	Ervin	Stennis
Cotton	Fannin	Tower
Curtis	Hansen	
Eastland	Hruska	

NOT VOTING—21

Allott	Griffin	McGovern
Anderson	Harris	McIntyre
Chiles	Hatfield	Metcalf
Dominick	Hughes	Mundt
Gambrell	Inouye	Muskie
Goldwater	Mansfield	Tunney
Gravel	McClellan	Weicker

So the bill (S. 3419) was passed, as follows:

S. 3419

An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food, Drug, and Consumer Product Safety Act of 1972".

TITLE I—CREATION OF FOOD, DRUG, AND CONSUMER PRODUCT AGENCY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares—

(1) that the regulation of foods, drugs, and consumer products is scattered widely throughout several Federal departments and agencies, and that inconsistent policies and incomplete regulation has resulted from this diffusion of regulatory efforts within the Federal Government;

(2) that effective consumer product regulation requires creation of a new independent agency with the power to take all action necessary to enforce food, drug, and consumer product safety laws, including the power to promulgate regulations, prosecute court actions, and make legislative and budgetary recommendations;

(3) that each year many Americans are needlessly injured in their homes because present Federal law inadequately regulates most consumer products;

(4) that in addition to consolidating present food, drug, and product safety regulation in a new independent regulatory agency, new statutory authority is needed to protect consumers against the hazards of many household products not covered by present Federal safety regulation;

(5) that because intrastate and interstate commerce in consumer products are closely intertwined and directly affect each other, Federal control over intrastate commerce in consumer products is essential to the effective control of the interstate commerce in such products;

(6) that unacceptable numbers of hazardous consumer products now affect interstate commerce, and their increasing number and complexity make it imperative that the Federal Government act promptly to eliminate unnecessary death and injury in the future; and

(7) that the American public has a right to be protected against risk of death or injury from hazardous consumer products when such hazards can reasonably be eliminated or minimized.

DEFINITIONS

SEC. 102. As used in this Act—

(a) "Consumer product" means a product, or a component thereof, produced for or distributed to an individual for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but, except to the extent provided in section 104(c)(17), it does not include—

(1) tobacco and tobacco products;

(2) products subject to safety regulation under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.);

(3) aircraft or other aeronautical products subject to safety regulation by the Federal Aviation Administration;

(4) food or drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.);

(5) products subject to safety regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.);

(6) products subject to safety regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) insofar as such products are regulated for use in employment;

(7) products subject to safety regulation under the Gas Pipeline Safety Act (49 U.S.C. 1671 et seq.);

(8) products subject to safety regulation under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

(9) vessels, appurtenances, and equipment subject to safety regulation under title 52 of the Revised Statutes, as amended, the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), or other marine safety statutes administered by the Department in which the Coast Guard is operating.

(b) "Commerce" means commerce among, between, or within the several States.

(c) "Consumer product safety standard" means a minimum standard promulgated under this Act which prevents such product from presenting an unreasonable risk of injury or death.

(d) "Subject to safety regulation" means authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through communication and consultation with appropriate department or agency officials.

(e) "Injury" means harm (including adverse reactions and illness) produced by biologic, chemical, thermal, mechanical, electrical, radiological, or other natural or manmade agents.

(f) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Trust Territory of the Pacific Islands, or the Canal Zone.

(g) "Unreasonable risk of injury presented by a consumer product" means that degree of risk which the Commissioner determines is incompatible with the public health and safety either because the degree of anticipated injury or the frequency of such injury, or both, is unwarranted because—

(A) the degree of anticipated injury or the frequency of such injury can be reduced without affecting the performance or availability of the consumer product, or

(B) the degree of anticipated injury or the frequency of such injury cannot be reduced without affecting the performance or availability of the consumer product but the effect on such performance or availability is justified when measured against the degree of anticipated injury or the frequency of such injury.

(h) "Use" means: (A) exposure to, and (B) normal use or reasonably foreseeable misuse.

(i) "Risk-based analysis" means analysis which (A) identifies hazardous elements, conditions of use, and potential accidents, (B) determines the significance of their potential effect, and (C) provides the bases for limitations on use and design and procedural safety requirements to eliminate, control, or minimize hazards and to promote health and safety.

ESTABLISHMENT OF AGENCY

SEC. 103. There is hereby created an independent Food, Drug, and Consumer Product Agency (hereinafter referred to as the "Agency") whose function it is to promote the public health, safety, and welfare by protecting consumers against adulteration, misbranding, and illegal distribution of food, drugs, devises, and cosmetics, and against injury resulting from the use of consumer products. Within such Agency there shall be established a Commission of Food and Nutrition, a Commission of Drugs, a Commission of Veterinary Medicine, and a Commission of Consumer Products, each to be headed by a Commissioner as provided in section 107 of this Act.

ADMINISTRATOR

SEC. 104. (a) APPOINTMENT.—The President shall appoint, with the advice and consent of the Senate, an Administrator of the Agency.

(b) TERM OF OFFICE.—The Administrator shall serve for a term of five years. He may be reappointed to the position of Administrator only once in succession.

(c) POWERS.—In order to fulfill his duties under this title, the Administrator is empowered to—

(1) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, Veterinary Medicine, and Consumer Products;

(2) direct and supervise all personnel of the agency;

(3) employ experts and consultants (including such experts as provided for in section 109 of this title) in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and, while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(4) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees, or otherwise serving at the request of the Administrator, compensation and travel expenses at the rate provided for in paragraph (3) of this subsection with respect to experts and consultants;

(5) promulgate such regulations as may be necessary to carry out the functions vested in him and for the efficient enforcement of the laws subject to the jurisdiction of the Agency;

(6) issue subpenas to require the attendance and testimony of witnesses and the production of documentary evidence relating to any matter within his statutory authority which is the subject of a public hearing, have access for the purpose of examining and copying any documentary evidence relating to any matter within his statutory authority, and require by general or special orders signed by him the submission of annual or special reports or answers in writing to specific questions containing such data and information relating to any matter within his statutory authority as will enable him to enforce the laws subject to his jurisdiction. The district courts of the United States shall have jurisdiction to enforce such subpenas or general or special orders or to require access to such documentary evidence upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein the person involved is found or transacts business;

(7) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement therefor;

(8) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, independent testing laboratory, or institution;

(9) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(10) designate representatives to serve or assist on such committees as the Administrator may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies and independent standard-setting bodies carrying out programs and activities related to the protection of consumers against injury resulting from the use of foods, drugs, and consumer products;

(11) construct such research or test facilities as may be necessary to carry out the purposes of this Act, (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such facilities, and (C) subject to the appropriation of funds for this purpose by the Congress;

(12) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products;

(13) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the administration and enforcement of the laws subject to his jurisdiction, and receive from the President and Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Agency;

(14) prescribe personnel policies for the Agency including selecting, appointing, fixing compensation of, hiring, firing, promoting, and transferring of employees without prior approval or clearance, subject to the civil service and classification laws;

(15) submit legislative recommendations and testimony to Congress without prior approval or clearance;

(16) initiate, prosecute, defend, or appeal any court action in the name of the Agency to enforce the laws subject to his jurisdiction, through his own legal representative or through the Attorney General, and direct the course of all litigation involving the Agency;

(17)(A) petition any Federal department or agency which has jurisdiction over products included within the definition of consumer product in section 102(a) but exempt under paragraphs (1)–(9) to establish and enforce appropriate safety regulations for any such product;

(B) participate in the establishment of such regulations; and

(C) upon request of such department or agency, establish and enforce such regulations in accordance with title III of this Act. Upon such request, such product shall be deemed to be a consumer product under section 102(a);

(18) undertake such other activities as are necessary to carry out his duties under this Act, including those enumerated in other sections of this Act; and

(19) delegate any of his functions and duties under this Act, including functions and duties transferred to him pursuant to title II, other than subpena powers, to the Commissioners or other officers or employees of the Agency.

DUTIES OF THE ADMINISTRATOR

SEC. 105. The Administrator shall—

(a) direct and coordinate the activities of the Commissions of Food and Nutrition, Drugs, Veterinary Medicine, and Product Safety;

(b) attempt to secure levels of funding for the Agency that will permit it to carry out its mission on behalf of the public;

(c) establish an Office of Consumer Information in accordance with the provisions of section 109 of this title;

(d) establish a National Injury Information Clearinghouse which shall systematically monitor and report injuries or deaths associated with foods, drugs, and consumer products and identify the agent or agents associated with such injuries or deaths;

(e) establish and supervise the activities of the Joint Scientific Committee;

(f) appoint a General Counsel for the Agency and an Assistant General Counsel for each Commission, to assist him as his legal representative in carrying out his duties under this Act;

(g) enforce the laws which he is required under title II of this Act to administer; and

(h) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OBLIGATIONS OF AGENCY CONTRACTORS

SEC. 106. (a) MAINTENANCE OF RECORDS.—Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project undertaken in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) ACCESS TO RECORDS.—The Administrator and the Comptroller General of the United States or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under section 104(c)(8) under other than competitive bidding procedures.

COMMISSIONERS

SEC. 107. (a) APPOINTMENT.—The Administrator shall appoint a Commissioner of Food and Nutrition, a Commissioner of Drugs, a Commissioner of Veterinary Medicine, and a Commissioner of Consumer Products.

(b) POWERS.—In order to fulfill his duties under this title, a Commissioner is empowered to—

(1) undertake such activities as are authorized and necessary to carry out his duties under this title, including those delegated to him by the Administrator and those enumerated in other sections; and

(2) conduct public hearings anywhere in the United States to consider the safety of foods, drugs, or consumer products.

DUTIES OF THE COMMISSIONERS

SEC. 108. Each Commissioner, in cooperation with the other Commissioners and as directed and coordinated by the Administrator, shall—

(1) attempt to eliminate products presenting unreasonable risk of injury;

(2) establish a capability within his Commission to engage in risk-based analysis;

(3) establish an interdisciplinary epidemiology capability and undertaken investigations in coordination with the National Injury Information Clearinghouse to facilitate regulation-making and to assist in risk-based analysis;

(4) establish a scientific capability within the Commission to assist in hazard detection, test method development, and quality control requirements;

(5) utilize where practicable, and establish where necessary, field operations as authorized by the Administrator to facilitate detection of conditions which might lead to injury or death, to monitor compliance with required levels of safety performance, to report violations, and to assist the Administrator in any enforcement action taken by him; and

(6) publish notice of any proposed public hearing in the Federal Register, and afford a reasonable opportunity for interested persons, including consumers, to present relevant testimony and data.

OFFICE OF CONSUMER INFORMATION

SEC. 109. (a) DIRECTOR.—The Administrator shall appoint a Director of the Office of Consumer Information.

(b) DUTIES OF DIRECTOR.—The Director shall—

(1) establish a Consumer Information Center which can respond to written inquires from consumers;

(2) conduct consumer education programs so as to inform the public about certain specified hazards and thereby reduce the risk of those hazards. Such consumer education programs shall not be relied upon by the Administrator or any Commissioner as a substitute for action designed to minimize any hazard unless the Director publishes in the Federal Register a finding that such reliance would sufficiently reduce the risk of such product so that its use would not present an unreasonable risk of injury or death; and

(3) insure public access to information concerning pending or completed actions of the Administrator in accordance with section 114 of this title.

(c) PUBLIC INFORMATION ROOM.—In addition to publishing information in the form and manner best adopted for widespread distribution, information available for public disclosure shall be made available in a "Public Information Room" within the Director's office, equipped with a self-help copying machine, from which the public can make copies at the cost of the production of the copy. The Agency shall charge the public the minimum practicable amount for the search for and production of documents, shall take all reasonable measures to reduce or waive, where appropriate, any charge to persons to whom such charge would be financially burdensome, and in no event shall charge any amount which exceeds the actual cost of such search and production. All funds collected for copying and for search for and production of documents shall be paid to the Administrator and shall be obligated and expended by him to finance the Agency's consumer information program.

(d) The Director shall establish a Consumer Information Library.

NATIONAL INJURY INFORMATION CLEARINGHOUSE

SEC. 110. (a) DIRECTOR.—The Administrator shall appoint a Director of the National Injury Information Clearinghouse.

(b) DUTIES OF DIRECTOR.—The Director shall establish a system of nationwide reporting centers to monitor injury associated with food, drugs, and consumer products, to identify any natural or man-made biologic, chemical, mechanical, electrical, thermal, radiological, or other agents that caused such injury, to describe the way in which such agents came into contact with the victim, and to ascertain the severity of the injury.

(c) POWERS OF DIRECTOR.—(1) The Director may—

(A) obtain injury data from other governmental and nongovernmental sources; and

(B) require manufacturers, importers, processors, distributors, retailers or assemblers of food, drugs, or consumer products, and their insurers, to submit information concerning injuries associated with such food, drugs, and consumer products that have come to their attention in accordance with regulations promulgated by the Administrator, which ensure that such persons providing such information are not compromised in any claim or pending litigation.

(d) LIMITATIONS.—(1) The Director shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or person treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 522, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

JOINT SCIENTIFIC COMMITTEE

SEC. 111. (a) DESIGNATION.—After consultation with the Commissioners, the Administrator shall establish and appoint the members of a Joint Scientific Committee which shall be composed of at least one representative of each Commission and chaired by an Associate Administrator for Science appointed by the Administrator.

(b) MEETINGS.—Such Committee shall meet at least once a month.

(c) DUTIES.—

(1) The Associate Administrator and members of the Committee shall insure that there is an exchange of scientific information between the Commissions and shall report to the Administrator on the needs of the scientific personnel in each of the Commission.

(2) The Committee shall advise the Administrator or any of the Commissioners on technical matters and shall make recommendations for the soliciting of expert scientific opinion on particular issues.

AGENCY RESPONSIBILITY

SEC. 112. (a) PETITION OF THE AGENCY.—Any individual or class of individuals who alleges that he or they have been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, shall first petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk of injury or death. After opportunity for interested parties to comment on the petition not to exceed thirty days, the Agency shall determine whether an unreasonable risk of injury or death exists as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. The Agency shall make such determination and issue such decision within a reasonable period of time, but in no event more than one hundred and twenty days following the presentation of the petition to the Agency.

(b) CIVIL ACTION AGAINST THE AGENCY.—If the Agency refuses to take any action in response to the petition or if the Agency action taken in response to the petition is regarded by the petitioner or petitioners as insufficient to eliminate the alleged unreasonable risk of injury or death, a petitioner or petitioners may commence a civil action in a United States court of appeals. Any such action shall be filed within sixty days after the decision of the Agency pursuant to subsection (a) to take or refuse to take any action. If a petitioner or petitioners apply to the court to adduce additional evidence and show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure of the petitioner or petitioners to adduce such evidence in the proceeding before the Agency the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Agency in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper.

(c) POWERS OF THE COURT.—(1) If the court finds, based upon a preponderance of the evidence which constitutes the record of the Agency, that the Agency, by an act or omission, has exposed such petitioner or petitioners to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court shall remand the matter to the Agency for appropriate action. The "record of the Agency" means the information upon which the Agency based its decision, including the petition and any information submitted by the petitioner or petitioners and all other information identified in the decision of the Agency as part of the record, and any additional evidence adduced in accordance with procedures established in subsection (b) of this section.

(2) No action pursuant to any section may be filed for the purpose of requiring the Agency to permit the sale, distribution, use, or shipment in commerce of any food, drug, or consumer product, and no award of money damages may be made in any court action pursuant to this section.

(d) COSTS OF PETITION AND CIVIL ACTION.—Costs of the petition and civil action (including reasonable attorney's fees) may be apportioned to the parties as the interests of justice require.

ANNUAL REPORTS

SEC. 113. (a) TIME OF REPORT.—Within one hundred and twenty days following the convening of each regular session of each Congress, the Administrator shall prepare and submit directly to Congress and the President a report on the activities of the Agency and its recommendation for legislative action.

(b) CONTENTS.—Such reports shall contain the following—

(1) budget information containing the budget requests of the President and the Administrator, the budget recommendations of each of the Commissioners, the appropriation of the Congress, and the distribution of appropriated funds for the fiscal year following the year of the report, for the fiscal year of the report, and for the preceding three fiscal years;

(2) a detailed summary of the activities of the Agency, including but not limited to an account of the activities of the National Injury Information Clearinghouse, the Office of Consumer Information, and the Joint Scientific Committee detailing the number and type of personnel employed and the moneys expended by each;

(3) a detailed summary of the activities of each Commission prepared by its Commissioner which presents information as to its epidemiology efforts, risk-based analysis activities, regulation-making efforts (including a brief description of final regulations promulgated), certification programs, scientific activities (including basic research and test methods development) undertaken by the Commission or by other Government agencies or private persons under contract with the Agency, and its field operations;

(4) a detailed summary of the enforcement activities of the Agency including violations reported to the Administrator by each Commissioner, a summary of the disposition of violations including but not limited to voluntary agreements, seizures, recalls, civil fines, and criminal prosecutions; and

(5) legislative recommendations of each Commissioner, the Administrator, and the Director of the Office of Consumer Information.

PUBLIC ACCESS TO INFORMATION

SEC. 114. (a) AVAILABILITY.—Copies of any communications, documents, reports, or other information received or sent by the Administrator or any Commissioner shall be made available to the public, upon identifiable request, and at reasonable cost, through the Office of Consumer Information unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) LIMITATIONS.—The Administrator, Commissioner, or any officer or employee of the Agency shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, in a manner designed to preserve confidentiality to the greatest practicable extent; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons or persons treating them be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) PROCEEDING COMMUNICATIONS—Any communication from a person outside the Agency to the Administrator, the Commissioners, or any other employee of the Agency concerning a matter presently under consideration in a rulemaking or adjudicatory proceeding in the Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

COOPERATION OF FEDERAL AGENCIES

SEC. 115. (a) The Administrator is authorized to utilize the resources and facilities of the National Bureau of Standards in the Department of Commerce, with or without reimbursement, for the purpose of developing food, drug, or consumer product safety standards, testing, enforcing compliance or for other purposes related to carrying out the authorities of the Administrator under the Act. The Administrator shall report to the Congress each year on his implementation of this section.

(b) Upon request by the Administrator, each Federal agency is authorized—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Agency to assist it in the performance of its functions; and

(2) to furnish to the Agency such information, data, estimates, and statistics, and to allow the Agency access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of the functions of the Agency as provided by this Act.

SEPARABILITY

SEC. 116. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 117. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act not to exceed $250,000,000 for the fiscal year beginning July 1, 1972, not to exceed $300,000,000 for the fiscal year beginning July 1, 1973, not to exceed $350,000,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law. No part of the funds appropriated to carry out this Act may be used to plan, design, or construct any research or test facilities unless specifically authorized by the Congress by other law.

SEC. 118. (a) EXECUTIVE SCHEDULE LEVEL OF ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Administrator, Food, Drug, and Consumer Product Agency."

(b) EXECUTIVE SCHEDULE LEVEL OF COMMISSIONERS.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(96) Commissioners, Food, Drug, and Consumer Product Agency.

"(97) General Counsel, Food, Drug, and Consumer Product Agency."

(c) ADDITIONAL POSITIONS.—Section 5108(c) of title 5, United States Code, is amended by:

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately at the end of such subsection the following new paragraph:

"(11) The Administrator of the Food, Drug, and Consumer Product Agency, without regard to this chapter (except section 5114), may place twenty-five positions in the Food, Drug, and Consumer Product Agency in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Food, Drug, and Consumer Product Safety Act of 1972.".

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 119. (a) This Act shall take effect ninety days after the Administrator first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

TITLE II—TRANSFERS OF FUNCTION

SEC. 201. (a) All functions of the Secretary of Health, Education, and Welfare administered through the Food and Drug Administration are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(b) All functions of the Secretary of Health, Education, and Welfare under the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263(a)) and under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(c) All functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Administrator of the Food, Drug, and Consumer Product Agency.

(d)(1) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which are used primarily with respect to any office, agency, bureau, or function transferred under the provisions of this section are transferred to the Administrator of the Food, Drug, and Consumer Product Agency. The transfer of personnel pursuant to this subsection shall be without reduction in classification or compensation for one year after such transfer, and this provision shall not be construed to impair the authority of the Administrator to assign personnel during this period to carry out the functions of the Agency most effectively.

(e) The Civil Service Commission shall establish criteria, in consultation with the Administrator, when preparing competitive examinations for positions in the Agency.

(2) Any commissioned officer of the Public Health Service who, upon the day before the effective date of this Act, is serving as such officer primarily in the performance of functions transferred by this Act to the Agency or the Administrator may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency subject to paragraph (1) of this subsection, under the terms prescribed in section 15(b)(3)-(8)(A) of the Clean Air Amendments of 1970 (84 Stat. 1676; 42 U.S.C. 215 nt).

SEC. 202. (a) The Administrator shall, insofar as practicable and consistent with sound administration of the laws subject to his jurisdiction, delegate all or part of the authority transferred to him to—

(1) the Commissioner of Food and Nutrition with respect to functions relating to human food, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the provisions relating to pesticides, interstate travel sanitation, milk and food service sanitation, and shellfish sanitation under the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264);

(2) the Commissioner of Drugs with respect to functions relating to human drugs, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262, 263), the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat 1236);

(3) the Commission of Veterinary Medicine with respect to functions relating to food and drugs for use in animals other than man, including but not limited to functions under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236); and

(4) the Commissioner of Consumer Products with respect to functions relating to other consumer products over which the Administrator has jurisdiction, including but not limited to functions under title III of this Act, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (21 U.S.C. 1451 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.), the Radiation Control for Health and Safety Act (42 U.S.C. 263b et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Act of August 2, 1956 (15 U.S.C. 1211), and the provisions relating to product safety under the Public Health Service Act (42 U.S.C. 241, 244, 246, and 264).

(b) The Administrator shall annually present to Congress as part of his annual report under section 113 a detailed statement of delegation.

SEC. 203. All laws relating to any office, agency, bureau, or function transfered under this Act shall, insofar as such laws are applicable, remain in full force and effect. And orders, rules, regulations, permits, or other privileges made, issued, or granted by any office, agency, or bureau or in connection with any function transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any office, agency, or bureau or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceedings to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office, agency, bureau, or officer of the United States.

TITLE III—CONSUMER PRODUCT SAFETY

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 301. (a) The Commissioner of Product Safety (hereinafter referred to as the "Commissioner") shall collect, evaluate, and disseminate, on a continuing basis in conjunction with the National Injury Information Clearinghouse, information on the types, frequency, severity, and causes of injury associated with the use of consumer products, and on means to test, measure, or evaluate the risks of such injury. In carrying out his functions under this section the Commissioner in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to facilitate the establishment of consumer product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall use interdisciplinary epidemiological teams where appropriate to ascertain the details and causation of injury resulting from the use of a consumer product;

(3) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(4) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, or labor associations, and other public or private agencies, organizations, or institutions;

(5) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(6) shall obtain (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Commissioner is authorized to obtain from any person by subpena, issued pursuant to regulation, information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpenas upon application of the Attorney General or the Administrator. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c)(1) The Commissioner shall not disclose information obtained by him under this section which concerns or relates to a trade secret or other confidential business information, not related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death, described in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) to other Federal Government departments, agencies, and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act; and

(E) to the public in order to protect their health and safety, after notice and opportunity for comment in writing or for discussion in closed session not to within 15 days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(d) The Commissioner shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any unreasonable or significant risk to health or safety associated with such product.

(e) Whenever the Commissioner finds, on the basis of information available to him, that exposure to an aspect of the household environment other than a consumer product presents an unreasonable risk of personal injury or death and that a recognized building, electrical, or other code covers that aspect of the household environment, he may recommend to the appropriate code-making authority, and to those authorities responsible for enforcing the code having jurisdiction over that aspect, the code changes he considers warranted to reduce the risk to a reasonable level.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 302. Whenever the Commissioner finds a need for action to eliminate unreasonable risk of injury or death associated with the use of a consumer product, or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a consumer product safety standard or amend any standard previously established. Such standard or amendment to a standard, insofar as practicable, shall be compatible with any environmental standards established for any consumer product by the Federal Government.

INITIATION OF PROCEEDING TO PROMULGATE A CONSUMER PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 303. (a) A proceeding to promulgate a consumer product safety standard shall be initiated by the Commissioner by publication in the Federal Register of a notice of proceeding. Such notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the consumer product or type or class of such products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the information upon which the Commissioner has found a need to initiate the proceeding, and the manner, consistent with subsection (c) of section 301, in which interested persons may examine such information;

(4) information with respect to any existing standard known to the Commissioner which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within thirty days after the date of publication of the notice—

(A) to submit information challenging the need to control any risk or risks presented by the consumer product, or type or class of such products, with respect to which the proceeding is initiated;

(B) to submit to the Commissioner an existing standard as such proposed consumer product safety standard; or

(C) to offer to develop such proposed consumer product safety standard in accordance with regulations of the Commissioner prescribing procedures for such development.

Petititon by Interested Party

(b) Any consumer or other interested party may petition the Commissioner to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety standard or other action. Such petition shall set forth with particularity the reasons for such petition. The Commissioner shall publish petitions in the Federal Register and allow opportunity for comment. If the Commissioner denies such petition he shall publish his reasons for such denial.

Decision To Proceed

(c) If the Commissioner determines, after receiving and evaluating any information to the contrary, that there exists a need to control a risk or risks presented by the designated consumer product, or type or class of such products with respect to which the proceeding to promulgate a consumer product safety standard was initiated, then he shall proceed toward the publishing of a proposed consumer product safety standard.

Use of Existing Standard

(d) If the Commissioner—

(1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution;

(2) has made reference to such standard (unless it is a standard submitted pursuant to section 303(a)(5)(B)) in his notice pursuant to subsection (a)(4); and

(3) determines that such standard may be acceptable to him as a consumer product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed consumer product safety standard pursuant to section 306.

Acceptance of Offers To Develop Proposed Consumer Product Safety Standards

(e)(1) Except as provided by subsection (b), the Commissioner may accept one, or more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (a)(5)(C), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within one hundred and fifty days of the notice of proceeding or such longer period of time not to exceed three hundred and sixty days from the date of such notice;

(B) the offeror has the capacity to comply with regulations of the Commissioner prescribed pursuant to section 305; and

(C) the offeror, including any person assisting the offeror in the development of the proposal, is not a manufacturer, distributor or retailer or the employee of a manufacturer, distributor or retailer of a consumer product proposed to be included in the consumer product safety standard to which the offer applies.

The Commissioner shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Commissioner may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, if the Commissioner determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commissioner shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED CONSUMER PRODUCT SAFETY STANDARD BY THE COMMISSIONER

SEC. 304. If the Commissioner has published a notice of proceeding as provided by section 303(a), and he has not accepted an existing standard pursuant to section 303(d) then the Commissioner shall proceed to develop a proposed consumer product safety standard whether or not he has accepted offers to develop a proposed standard if he has determined that his own development will be of benefit to the public.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 305. The Commissioner shall prescribe regulations governing the development of proposed consumer product safety standards under sections 303 and 304 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Commissioner may reasonably require to be developed, and be suitable for promulgation pursuant to section 306;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) that the offeror, where the Commissioner has accepted an offer or offers under section 303, provide opportunity for all interested persons including consumers to participate in the offeror's development of a proposed consumer safety standard in accordance with accepted standards of due process, including adequate notice to all participants and access to all relevant records and documents;

(4) for the maintenance of such records as the Commissioner prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Commissioner, the Administrator, and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Commissioner, pursuant to section 303(e), to the development of such recommended standards.

PROMULGATION OF CONSUMER PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

SEC. 306. (a)(1) Not more than one hundred and eighty days after his publication of a notice of proceeding pursuant to subsection (a) of section 303 (which time may be extended by the Commissioner by a notice published in the Federal Register stating good cause therefor), the Commissioner shall publish in the Federal Register either a notice withdrawing such prior notice or a proposal to promulgate a consumer product safety standard applicable to any consumer product subject to such notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a consumer product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such notice.

(2) A proposal to promulgate a consumer product safety standard shall contain only one such proposed standard formulated by the Commissioner on the basis of the proposed standard developed by an offeror under section 303(e) of this title or by the Commissioner, or both.

(3) A proposal to promulgate a consumer product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such proposed standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such proposed standard or declaration, or need therefor, is based (consistent with subsection (c) of section 301), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing.

Disputes of Fact

(b) The Commissioner may conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of material fact raised by any person when presenting comments in accordance with paragraph (3) of subsection (a) of this section.

Findings

(c)(1) Prior to his issuance of an order to promulgate a consumer product safety standard pursuant to subsection (d) or to declare a product a banned hazardous consumer product pursuant to subsection (f), the Commissioner shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 303 relevant to such order;

(B) the types, frequency, severity, and causes of injury that may be attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the public for the consumer products subject to such order; and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

(2) The Commissioner shall include in any order promulgating a consumer product safety standard or banning a hazardous consumer product, a determination that his findings pursuant to paragraph (1), upon which such order shall be based, show that such standard or declaration is reasonably necessary to carry out the purposes for which such standard or declaration is authorized.

Order To Promulgate Consumer Product Safety Standard or To Declare a Banned Hazardous Consumer Product

(d) Within sixty days after the publication of a proposal to promulgate a consumer product safety standard, or to declare a consumer product a banned hazardous consumer product, the Commissioner shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable notice of proceeding. The order shall set forth the consumer product safety standard or declaration, if any, the reasons for the Commissioner's action (including reasons for the promulgation of a consumer product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. If such effective date is later than six months after publication of an order setting forth a consumer product safety standard, the Commissioner shall publish his reasons therefor.

Characteristics of Consumer Product Safety Standards

(e)(1) Consumer product safety standards shall, where feasible, pertain to the safety performance characteristics (including safe packaging characteristics) of a consumer product, or type or class of such products, and shall to the extent practicable set forth test procedures (including instrumentation) capable of producing reproducible results to measure such performance characteristics, except that any such standard may apply to the composition, design, construction, or finish of a consumer product (or any component thereof), or type or class of such products, if the Commissioner determines that it is not feasible to protect the public health or safety by development of a consumer product safety standard pertaining to safety performance characteristics or any other consumer product safety standard authorized by this subsection.

(2) A consumer product safety standard may require that a consumer product (or any component thereof), or type or class of such products, (1) be marked, tagged, or accompanied by clear and adequate warnings or instructions, or (2) be subject to safety precautions related to physical distribution, as may be reasonably necessary for the protection of the public health or safety.

Ban of Product

(f)(1) The Commissioner may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Commissioner's order pursuant to subsection (d), that no feasible consumer product safety standard will adequately protect the public from unreasonable risk of injury or death presented by such product. A firearm or ammunition may not be declared a banned hazardous consumer product.

(2) Any banned hazardous consumer product sold after the date on which notice was published of the proposal to declare such product a banned hazardous consumer product shall, in accordance with regulations promulgated by the Administrator, be repurchased as follows:

(A) The manufacturer of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender,

(ii) except as provided in subsection (g), if that person has repurchased such consumer product pursuant to subparagraph (B) or (C), reimburse him for any amounts paid in accordance with that paragraph for the return of such consumer product, and

(iii) if the manufacturer requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(B) The distributor of any such consumer product shall repurchase it from the person to whom he sold it, and shall—

(i) refund that person the purchase price paid for such consumer product, upon tender of the product, less a reasonable allowance for ues if such product has been in the possession of the consumer for one year or more at the time of such tender.

(ii) except as provided in subsection g, if that person has repurchased such consumer product pursuant to subparagraph (C), reimburse him for any amounts paid in accordance with the subparagraph for the return of such consumer product in connection with its repurchase, and

(iii) if the distributor requires the return of such consumer product in connection with his repurchase of it in accordance with this subparagraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(C) In the case of any such consumer product sold at retail by a dealer, if the person who purchased it from the dealer or a subsequent owner returns it to him, the dealer shall refund that person the purchase price upon tender of such product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender and reimburse him for any reasonable and necessary transportation charges incurred in its return.

Notice by Manufacturer or Distributor

(g) If any manufacturer of a product which has been declared a banned hazardous consumer product under this Act furnishes notice by registered mail to a distributor or retail dealer of that product, his liability to reimburse that distributor or retail dealer under subsection (f)(2)(A)(ii) of this section with respect to the refunded purchase price of any such product sold by that distributor or retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that distributor or retail dealer. If any distributor of such a product furnishes notice by registered mail to a retail dealer of that product, his liability to reimburse that retail dealer under subsection (f)(2)(B)(ii) of this section with respect to the refunded purchase price of any such product sold by that retail dealer after the day on which he receives notice shall be limited to the price paid for the product by that retail dealer.

SAFETY ANALYSIS STUDY

SEC. 307. In order to insure that a manufacturer gives adequate consideration to the safety aspects of a consumer product, so as to prevent an unreasonable risk of injury or death from such consumer product, the Commissioner, where applicable, may require by regulation that a consumer product (or component thereof), or type or class of consumer products, be subjected to a detailed safety analysis, if such consumer product is not subject to a consumer product safety standard under this Act. Such safety analysis shall be conducted in conformity with criteria set forth in such regulations promulgated by the Commissioner and may be conducted by the manufacturer, an independent testing laboratory, or any other person who the Commissioner may designate. If such consumer product is later subject to a proceeding under section 303 of this Act, then the Commissioner may take into consideration such safety analysis when considering the need for a consumer product safety standard on such consumer product. The Commissioner may demand of the manufacturer a copy of any required safety analysis report.

REVOCATION OR AMENDMENT OF STANDARD

SEC. 308. (a) The Commissioner may revoke, in whole or in part, any consumer product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c) of section 301) in which interested persons may examine data and other information relevant to the Commissioner's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Commissioner shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Commissioner's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 303, 304, 305, and 306 of this title for the promulgation of a consumer product safety standard shall apply to the promulgation of a material amendment of a consumer product safety standard. The Commissioner may promulgate an amendment of a consumer product safety standard, other than a material amendment, without regard to section 303, 304, or 305, but shall comply with the procedures set forth in subsections (a) and (b) of section 306, and shall set forth, in his order promulgating such amendment, such findings as he may deem appropriate in explanation thereof. As used in this subsection, the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially after the composition, design, finish, or packaging of such product.

COMPLIANCE

SEC. 309. (a) QUALITY CONTROL PROCEDURES.—Whenever the Commissioner has good cause to believe that a particular manufacturer is producing a consumer product with a significant incidence of noncompliance with a particular consumer product safety standard—

(1) he may require such manufacturer to submit to the Commissioner a description of the relevant quality control procedures followed in the manufacture of such product; and

(2) if the Commissioner thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's control procedures, he may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code, order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

(b) NAMES OF FIRST PURCHASERS.—(1) The Commissioner may establish, by order at any time, procedures to be followed by manufacturers or importers, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards have been promulgated. Such procedures shall be reasonable for the particular type or class of consumer products for which they are prescribed.

(2) In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner shall consider—

(A) the severity of the injury that could result if a consumer product were not manufactured in compliance with an applicable consumer product safety standard;

(B) the likelihood that a particular type or class of consumer products would be manufactured not in compliance with an applicable consumer product safety standard; and

(C) the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of such maintenance).

(c) COMPLIANCE TESTING.—(1) The Commissioner shall conduct or contract pursuant to section 104(c)(8) for compliance testing of consumer products subject to consumer product safety standards in order to insure that such products are in compliance with applicable consumer product safety standards pursuant to regulations promulgated in accordance with section 553 of title 5, United States Code.

(2)(A) Any person who manufactures or imports a consumer product for which a consumer product safety standard is in effect shall furnish a reasonable number of such products without cost to the Commissioner upon request. Consumer products furnished to the Commissioner under this subsection shall be drawn from regular production runs of such product.

(B) Upon the completion of any compliance testing, the Commissioner shall return or cause to be returned the consumer product in compliance with any applicable consumer product safety standard to the manufacturer or importer from whom he obtained it, and such manufacturer or importer, in any subsequent sale or lease of such product, shall disclose that it has been subjected to compliance testing and shall indicate the extent of damage, if any, prior to repair.

(d) CERTIFICATION.—Any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard shall furnish to the distributor or dealer at the time of delivery of such consumer product certification

(a) by said manufacturer, or importer, or distributor; or

(b) by an independent testing laboratory qualified to perform such tests or testing program.

that each such consumer product conforms to all applicable consumer product safety standards. Any certification under this subsection shall be based upon test procedures in conformance with subsection 306(e)(1) or, where no procedures are prescribed, upon a reasonable testing program approved by the Commissioner.

JUDICIAL REVIEW

SEC. 310. (a) Any interested person affected by a final order or regulation of the Commissioner promulgated pursuant to sec-

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tions 305, 306(d), 307, 308, or 309 may, at any time after such order is published by the Commissioner, file a petition with the United States Court of Appeals for the District of Columbia, or any circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or other officer designated by him for that purpose and to the Administrator. The Commissioner shall transmit to the Administrator, who shall file in the court, the record of the proceedings on which the Commissioner based his order, as provided in section 2112 of title 28, United States Code. Such record shall include such order of the Commissioner and, if issued, held, or obtained in connection therewith, the notice of proceeding published pursuant to subsection (a) of section 303; any notice or proposal published pursuant to sections 350, 306(a), 307, 308, or 309; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Commissioner in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Commissioner in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. The order of the Commissioner shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Comimssioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(d)(1) Any manufacturer of a product declared a banned hazardous consumer product under this Act, who seeks judicial review under this section, may be awarded at the discretion of the court, damages, interest, and the cost of suit, including reasonable attorney fees, for actual damages suffered by him due to any order of the Commissioner declaring a product to be a banned hazardous substance determined by the court to constitute an abuse of the discretion granted to the Commissioner under this Act.

(2) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Tressury not otherwise appropriated the amount of damages, interest, and costs awarded by the court under paragraph (1).

EMERGENCY ACTION

SEC. 311. (a) The Administrator or the Attorney General may file, in a district court of the United States having venue thereof, an action against a consumer product to have such product described an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed, notwithstanding the existence of a consumer product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 303. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product presenting an unreasonable risk of injury or death which requires action to protect adequately the public health and safety prior to the completion of administrative proceedings held pursuant to this Act.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the first purchasers of such product of such risk, public notice, the recall, the repurchase, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the declaration of an imminent hazard, the Commissioner shall initiate a proceeding, pursuant to section 303, to promulgate a consumer product safety standard applicable, to the consumer product with respect to which such declaration is made, or, if the initiation of such proceeding is not feasible, shall initiate a proceeding, pursuant to section 306, to declare such product a banned hazardous consumer product.

STOCKPILING

SEC. 312. Between the time a final order establishing a consumer product safety standard is issued and the time such order becomes effective, no manufacturer or importer, in an effort to stockpile that consumer product, shall produce or import such product in quantities significantly greater than quantities he had produced for a base period established by the Commissioner prior to the promulgation of a final order establishing a consumer product safety standard.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCT

SEC. 313. (a) Every manufacturer, importer, or distributor of, or dealer in, a consumer product who discovers that such product has a defect which relates to the safety of use of such product or that such product fails to comply with an applicable consumer safety standard shall immediately notify the Commissioner of such defect or failure to comply if such product has left the place of manufacture. The notification required by this subsection shall contain (1) a clear description of such defect or failure to comply with an applicable consumer product safety standard, (2) an evaluation of the hazard reasonable related to such defect or failure to comply, and (3) a statement of the measures to be taken to effect repair to such defect or failure to comply.

(b) If any consumer product fails to comply with any applicable order issued pursuant to this title and thereby presents an unreasonable risk of injury or death or has a defect which causes it to present an unreasonable risk of injury or death, the manufacturer, importer, or distributor of, or dealer in, such product may be required by the Administrator (by order after opportunity for hearing pursuant to the provisions of section 554 of title 5, United States Code) to give public notice (including notice through electronic media when necessary to protect the public health and safety) and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Administrator may prescribe, upon the Administrator's determination that such notification is required in order adequately to protect the public health or safety;

(2) to bring such product into conformity with the requirements of such order without charge to the consumer, or

(3) to either replace such product with a like or equivalent consumer product which complies with such order without charge to the consumer or to refund the purchase price of such product upon its tender, whichever option is elected by the manufacturer, importer, distributor, or dealer whose product fails to comply. If an election is made to refund the purchase price, the price shall be less a reasonable allowance for use, if such product has been in the possession of the consumer for more than one year at the time of tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and foreseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order.

INSPECTION AND RECORDKEEPING

SEC. 314. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Commissioner, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate written notice shall be given for each inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a consumer product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Commissioner may by regulation reasonably require with respect to the safety of such product. Upon request of an officer or employee duly designated by the Commissioner every such person shall permit the inspection of such records and other books, records, and papers relevant to determining whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purpose of enforcing this Act.

PROHIBITED ACTS

SEC. 315. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1)(A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a consumer product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a consumer product safety standard; or (D) manufacture for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Commissioner pursuant to section 313;

(3) fail or refuse to comply with any requirement of sections 309, 312, and 314;

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while such product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a consumer product safety standard, or renders the product a banned or imminently hazardous consumer product;

(5) fail to provide to the Director of the National Injury Information Clearinghouse the information concerning injuries as required in section 109(c)(1)(B); or

(6) fail to provide, pursuant to section 307, any required safety analysis.

ENFORCEMENT

Civil and Criminal Penalties

SEC. 316. (a) Whoever knowingly commits any act prohibited by section 315, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Agency in its own name by any of its attorneys designated by the Administrator for such purpose, and, if such act was willfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Administrator or the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 315, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable consumer product safety standard, or which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 315, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Administrator, and condemned in any district court of the United States within whose district the consumer product is found.

Private Suits

(d)(1) Any person who may be exposed to unreasonable risk of injury or death presented by a consumer product may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a consumer product safety standard, or to enforce any order under subsection (f) of section 306, or under section 311, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commissioner, to the Administrator, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this title. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

(2) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety standard, regulation, or order issued by the Commissioner may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

IMPORTS

SEC. 317. (a) Any consumer product imported into the United States to which a consumer product safety standard applies (except insofar as the Commissioner may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Commissioner) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a consumer product safety standard in effect on the date of entry of such merchandise, the Administrator shall so inform the Secretary of the Treasury, and unless it appears to the Administrator that the product can be brought into compliance with all applicable requirements under this title shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Administrator that the consumer product can be brought into compliance with all applicable requirements under this title, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Administrator may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Agency or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Commissioner, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Administrator with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

EXPORTS

SEC. 318. This title shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumer product is in fact exported from the United States; except that this title shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE LAW

SEC. 319. (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a consumer product safety standard under this title unless that standard or similar regulation is identical to a consumer product safety standard established pursuant to this title. Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable consumer product safety standard under this title.

(b) The Administrator may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a consumer product safety standard proposed by such application (1) imposes a higher level of health or safety than the Federal consumer product safety standard with respect to consumer products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4)

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is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Administrator are substantially comparable to those prescribed for consumer product safety standards under this title.

(d) Compliance with any consumer product safety standard issued under this title does not exempt any person from any liability under common law.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 320. (a) In carrying out their duties under this Act, the Administrator and the Commissioner shall, to the maximum practical extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

(b) Technical research support for fire safety projects undertaken by the Administrator or the Commissioner shall be provided by the National Bureau of Standards on a reimbursable basis.

TITLE IV—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 401. (a) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended as follows:

(1) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(g) If in package form unless its label, or labeling affixed to or within the package, bears conspicuously and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, (1) the common or usual name of the cosmetic, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that fragrance, color, and flavor may be designated as fragrance, color, and flavor without naming each ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the Secretary."

(2) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Unless its labeling bears adequate warnings against use where it may be dangerous to health."

(3) Section 201(i) of such Act is amended by striking "articles; except that such terms shall not include soap.", and inserting in lieu thereof "articles.".

(b) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect one year after the date of enactment of this Act.

TITLE V—FEDERAL HAZARDOUS SUBSTANCES ACT AMENDMENTS

SEC. 500. This title may be cited as the "Hazardous Substances Registration Act of 1972".

SEC. 501. Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended by adding at the end thereof the following new paragraph:

"The term 'misbranded hazardous substance' also includes any hazardous substance required to be registered under section 16 of this Act if such substance fails to bear prominently and conspicuously on the label, in accordance with regulations issued by the Secretary, a registration number issued by the Secretary for the substance pursuant to section 16."

SEC. 502. The Federal Hazardous Substances Act is further amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and adding after section 15 the following new section 16:

"REGISTRATION OF CERTAIN SUBSTANCES

"SEC. 16. (a) Before beginning commercial distribution of any substance intended, or packaged in a form suitable, for use in or around the household or by children that may be 'toxic' or 'corrosive' a manufacturer or distributor shall conduct all screening tests prescribed by the Secretary or, where applicable, the Administrator of the Environmental Protection Agency, by regulation to determine whether the substance is toxic or corrosive. A copy of the results of such screening tests shall be maintained by the manufacturer or distributor for two years after the last shipment of the substance, and shall be available upon request by the Secretary.

"(b) The manufacturer or distributor of a substance which falls within any such screening level for a toxic or corrosive substance shall register such substance with the Secretary in accordance with regulations promulgated by the Secretary. The registration shall include the formulation of the product, a brief summary of the results of all screening tests, and the proper antidote or treatment for the substance.

"(c) If the Secretary determines that the substance is a hazardous substance, he shall issue a registration number for the substance, which number shall appear on the label of the substance prominently and conspicuously in accordance with regulations promulgated by the Secretary. Such a registration number shall be the same as any registration number for such substance that is required to appear on the label under any other provision of Federal law. Such registration number for any drug shall be the same as that assigned pursuant to the National Drug Code.

"(d) The Secretary shall establish a central office through which information contained in the registrations submitted under this section (except for trade secret information referred to in section 1905 of title 18, United States Code) shall be immediately available to any physician, hospital, clinic, poison control center, or other person requesting such information to provide treatment to any person injured, or who may be injured, as a result of the ingestion of, contact with, or exposure to any such substance. The Secretary shall notify physicians, hospitals, clinics, poison control centers and other persons who may have use for such information, of the availability of such information and the methods by which it may be obtained at any time.

"(e) The Secretary may exempt from any requirement of this section any substance for which he determines such requirement is unnecessary to protect the public health."

"SEC. 503. Subsection 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) is amended by deleting "nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house,".

SEC. 504. (a) Section 19(a) of the Federal Hazardous Substances Act, as redesignated by section 502 of this Act (15 U.S.C. 1277(a)) is amended by striking out "except as specified in section 19" and replacing the comma after "Congress" with a period.

(b) Section 19 of such Act is hereby repealed.

SEC. 505. Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) is amended by adding at the end thereof the following new subsection:

"(i) The failure to conduct screening testing, maintain a copy of the results of such testing, or to provide the results of such screening testing, or to register, or to label a hazardous substance with a registration number, as required by section 16."

SEC. 506. Subsection 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270 (b)) is amended by deleting "and" immediately before "(3)" in the first sentence, changing the period to a semicolon, and adding the following: "and (4) to inspect and copy the results of screening tests as required pursuant to section 16."

SEC. 507. The Federal Caustic Poison Act (44 Stat. 1406) is hereby repealed.

SEC. 508. Title V shall become effective one hundred and eighty days after the date of enactment of this Act except that the Secretary may postpone the applicability in the case of persons who were engaged on the date of enactment of this Act in the manufacture, compounding, or processing of a substance subject to these amendments if he determines such action is necessary to afford sufficient time for the proper and orderly testing and registration of such substances.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. I ask unanimous consent that the bill as passed be reprinted.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERENCE OF DRUG ABUSE PROPOSALS

Mr. MOSS. Mr. President, I ask unanimous consent that a letter addressed to the President pro tempore of the Senate proposing certain legislation on drug abuse be jointly referred to the Committee on Labor and Public Welfare and the Committee on the Judiciary. I also ask unanimous consent that the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

STATE OF CALIFORNIA,
Sacramento, Calif., June 12, 1972.

Hon. ALLEN J. ELLENDER,
President pro tempore of the Senate, Washington, D.C.

DEAR SENATOR ELLENDER: As Lieutenant Governor, one of my constitutional duties is that of Chairman of the California delegation to the Commission of the Californias. The Commission was established in 1964 by the Legislatures of California and the State of Baja California, Republic of Mexico, to further and develop economic and cultural relations between the two states. The Territory of Baja California Sur joined in 1967. Work is carried on by committees composed of legislators, government officials and private citizens of the three entities.

One of our major concerns has been in the area of drug abuse. In 1970, the Commission sponsored a conference attended by American and Mexican experts in the educational, public health, and legal and law enforcement aspects of the drug abuse problem. From this frank and earnest exchange of views came an intensified cooperation among the authorities of the several jurisdictions. The State of Baja California enacted a new and stringent law with regard to dangerous drugs and impressive quantities of drugs have been seized and destroyed on the Mexican side of the border.

A second Conference was held recently, resulting in a compendium of the laws of the two countries, in both English and Spanish, which will soon be distributed to law enforcement agencies and other appropriate groups in California and Mexico, and an exchange drug education program is being instituted.

During the second Conference, the Senate of the United States was singled out for its outstanding endeavors in the field of drug abuse education, prevention, and treatment, specifically following unanimous passage of the Drug Abuse Office and Treatment Act of 1972. A genuine expression of appreciation is herewith conveyed to you and all members of the Senate.

Additionally, the Delegates to the Conference ask the following recommendations be forwarded to the Senate of the United States of America for consideration:

Provide funds for medical and psychological treatment facilities for the cure and control of narcotic addiction as an alternative to the incarceration of drug and narcotic addicts.

Enact legislation requiring all drug tablets and capsules to be marked by the manufacturer so as to identify the chemical composition of the contents. Such legislation would materially assist physicians treating an unconscious patient for drug over-dose in emergency situations.

Enact legislation requiring each governmental agency responsible for the custody of persons accused of the use or possession of illegal narcotics or dangerous drugs be housed in a separate facility or portion of the jail from that used for persons held for crimes of violence.

Enact legislation to provide for adequate civil damages for violation of the Fourth Amendment by law enforcement officers. Enactment of such legislation would make it unnecessary for a court-made rule excluding evidence because of the inadequacy of legal remedies for the victims of illegal searches and seizures.

Enact legislation to insure effective controls on pharmaceutical laboratories to regulate and limit the delivery or sale of narcotic or drug products only to authorized pharmacies, drug stores, and distributors who should appear on an official list issued by the health authorities.

Enact the strongest possible punitive laws aimed at the nonusing trafficker in narcotics and dangerous drugs.

Review with the Republic of Mexico the problem of jurisdiction between both countries in dealing with narcotic investigation, prosecution, and seizure of the products in possession of American or Mexican nationals who cross the international boundaries to escape from the law and prosecution.

Insure adequate funds for educational programs to inform youth of the seriousness and consequences of drugs.

Similar requests are being directed to the government of Mexico, and we respectfully request these measures be introduced and enacted in the most expeditious manner to fight this very grave problem facing our nation.

Very sincerely,

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EXTENSION AND RENEWAL OF INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Mr. MOSS. Mr. President, in behalf of the Senator from Washington (Mr. JACKSON), I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 72.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas which were, on page 11, line 4, after "the" where it appears the first time, insert "Interstate Oil Compact Commission and the".

On page 11, line 6, after "compact" insert ", and have been limited to activities related directly to the immediate purpose of such compact as set out in article II of such compact".

Mr. MOSS. Mr. President, the amendments of the House to this measure, consenting to an extension and renewal of the interstate compact to conserve oil and gas, are clarifying in nature and do not change in any way the intent of the Senate-passed version. The House amendments are intended to make certain that the activities of the Commission and the States are consistent with the primary purpose of the compact which is to insure good conservation practices.

I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EQUAL EXPORT OPPORTUNITY ACT

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 851, S. 3726.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Thereupon, the Senate proceeded to consider the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes. which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

SEC. 101. This title may be cited as the "Equal Export Opportunity Act".

SEC. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treaty commitments".

SEC. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be determined after review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

SEC. 104. Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1), the Secretary of Commerce shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the Secretary of Commerce determines that adequate evidence has been presented to him demonstrating that the absence of such a control would constitute a threat to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

"(3) In conducting the investigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

"(4) Not later than six months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—

"(A) a list of any articles, materials, and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments, and the reasons for such greater controls; and

"(B) a list of any procedures applicable to export licensing in the United States which are more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.".

SEC. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(c)(1) The Secretary of Commerce shall appoint a technical advisory committee for each group of articles, materials, and supplies, including technical data and other information, which—

"(A) is or may be made subject to export controls because of its significance to the national security of the United States; and

"(B) is difficult to evaluate for technical or strategic reasons.

Each such committee shall consist of representatives of United States industry and government who may be appointed for terms of not more than two years. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years.

"(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to the level of United States export controls applicable to all articles, materials, or supplies, including technical data or other information,

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and including those whose export is subject to multilateral controls undertaken in cooperation with nations with which the United States has defense treaty commitments. Such committees shall also be consulted and kept fully informed of progress with respect to the investigation required by section 4(b)(2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

"(3) Any member of any such committee who is not an officer or employee of the United States shall be entitled to receive compensation at not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, during such time as he is engaged in the performance of his duties as a member. Each member may be reimbursed for travel, subsistence, and other necessary expenses incurred in connection with his duties as a member.

"(4) Each such committee shall elect a chairman, and shall meet at the call of the Chairman but not less often than four times each year."

SEC. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

SEC. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguard provided in section 7(c) of the Export Administration Act of 1969.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

SEC. 201. This title may be cited as the "International Economic Policy Act of 1972".

STATEMENT OF PURPOSES

SEC. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

SEC. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (1) investiagte problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter refererd to in this title as the "Council").

MEMBERSHIP

SEC. 205. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Secretary of Agriculture.
(6) The Secretary of Commerce.
(7) The Secretary of Labor.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, it shall be the duty of the Council to—

(1) assist and advise the President in the preparation of the International Economic Report required under section 207;

(2) review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry;

(3) collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters;

(4) consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith;

(5) continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(6) make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts to the United States;

(C) increasing exports of goods and services;

(D protecting and improving the earnings of foreign investments;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis; and

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity.

REPORT

SEC. 207. (a) The President shall transmit to the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, and the Joint Economic Committee an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States; and

(3) a program for carrying out the policy objectives of this title, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President. It shall be the duty of the Executive Director to—

(1) direct the activities of the Council staff,

(2) develop the agenda and supporting materials for Council meetings and review all matters before the Council, and

(3) establish a work program, including topics and the selection of individuals to carry out particular assignments.

(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

(e) Section 5313 of title 5, United States Code (relating to positions at level II of the Executive Schedule), is amended by adding at the end thereof the following:

(22) Executive Director, Council on International Economic Policy."

AUTHORIZATION FOR APPROPRIATIONS

SEC. 209. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973, and not to exceed $1,600,000 for fiscal year 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-890), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of Title I is to facilitate prompt removal of United States unilateral export controls which are not necessary to protect our national security, to insure that the commercial and technical expertise of private industry is utilized as effectively as possible in the administration of export controls, and to extend until June 30, 1974 the President's authority to control exports under the Export Administration Act.

The purpose of Title II is to provide a mechanism for the coordination of all the many departments and agencies of the U.S. Government engaged in actions affecting U.S. international economic policy.

Title I contains the following key provisions:

1. It requires the Secretary of Commerce (hereafter "the Secretary") to direct a study to determine which goods and technology should no longer be subject to export control because of their significance to the national security of the United States.

2. It directs the Secretary to remove export controls from any item now controlled unilaterally by the United States, which is freely available from foreign sources, unless adequate evidence is presented that decontrolling the item would threaten the national security. (Unilaterally controlled in this case means subject to United States export controls covering items which are not subject to an agreed level of control within the framework of COCOM. COCOM controls are applied by the NATO countries plus Japan but not including Iceland.)

3. It requires the Secretary to report on his actions in six months by listing the reasons for retaining unilateral controls on any item and the reasons for retaining any procedures concerning the licensing process which are more burdensome than the procedures used by our Allies.

4. It requires the Secretary to create industry-government technical advisory committees for each group of goods and technology which could be subject to export controls and is difficult to evaluate for technical and strategic reasons.

5. It extends the Export Administration Act to June 30, 1974.

Title II contains the following key provisions:

1. It establishes a Council on International Economic Policy responsible to the President. Members of the Council shall include: the President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Special Representative for Trade Negotiations.

2. It creates the office of Executive Director of the Council on International Economic Policy who is to be appointed by the President.

3. It gives the Council authority to advise the President concerning various aspects of U.S. international economic policy, and the responsibility for assisting him in coordinating policy in this area.

4. It requires the President to transmit to the Congress each year a Report on International Economic Policy, which is to be prepared with the assistance of the Council.

5. It authorizes an appropriation not to exceed $1,400,000 in FY 1973, and $1,600,000 in FY 1974 for the Council.

NEED FOR LEGISLATION

The Committee believes that Title I of this legislation is needed because the United States is handicapping itself by continuing to control the export of many items which are not of strategic value and are not controlled by our foreign competitors. While it is essential to the national security that the government continue to restrict the export of some items to Communist countries, the Committee believes that restricting the export of items which can be bought freely from our Western European or Japanese competitors does not benefit the national security. Excessive restrictions result in a worsened balance of payments situation, fewer export sales for American industries, and fewer jobs for American workers. In 1970 the United States share of the World market was 16%, but the U.S. share of the Eastern European market was only 3%. It will be difficult to improve the export performance of United States industries in Eastern Europe unless unnecessary restrictions which prevent them from competing on an equal footing with foreign competitors are eliminated.

Representatives of the Administration pointed out in testimony that much progress has been made in decontrolling non-military exports since the enactment of the Export Administration Act in 1969. It is true that the number of items which have been decontrolled is substantial. Decontrol actions have varied a great deal, however, from industry to industry. Some industries have seen very few of their products decontrolled, while others have witnessed decontrol only of low technology items for which foreign demand is limited. For example, some time ago, the machine tool industry submitted extensive data to the Office of Export Control, showing that many non-strategic machine tools were readily available from European and Japanese sources. Today, virtually all machine tools, including general purpose tools such as grinders, transfer machines, milling machines, and lathes, are still subject to unilateral United States export control.

At this time the United States controls 495 classifications of goods and technology by multilateral (COCOM) agreement with our Allies. In addition, the United States chooses to retain unilateral controls on 461 classifications of goods and technology. The United States is the only COCOM country which controls the export of a significantly greater number of items than those which the COCOM agree to control multilaterally. Some of the items under unilateral control are eventually granted export licenses, but the delay and uncertainty in the licensing process often costs American exporters sales even when this happens. Twenty-six percent of the applications for export licenses to Eastern Europe, involving many of the high technology items in which the Eastern Europeans are most interested, took more than 15 working days to process.

Some of the groups of items which are now subject to unilateral controls that may not be necessary to protect the national security are chemicals, electrical machinery, other types of machinery including machine tools, and certain types of fabrics and materials.

To help alleviate these problems the legislation mandates that items which are available in comparable quality and quantity from foreign sources shall be removed from unilateral controls unless the Secretary gives adequate evidence that such decontrol would threaten the national security. Present law requires that the President report his reasons to Congress whenever he decides to require export licenses on an item because "considerations of national security override considerations of foreign availability." The Committee finds, however, that such reports have not been detailed enough to be of assistance in evaluating the President's decisions. Such explanation should contain more information in the future, to the extent considerations of national security permit.

The legislation directs the Secretary's attention to items under unilateral control which are available from foreign sources. There may be other types of items, however, which are unnecessarily controlled. For example, some items may be controlled because of an overly cautious interpretation of what constitutes "significant military applicability". The Committee would welcome the decontrol of such items.

Several industry witnesses testified before the Committee that U.S. exporters face licensing procedures which are more burdensome than those faced by exporters in other COCOM countries. They alleged that processing time for licensing applications is longer in the United States than abroad. It has also been reported that our COCOM competitors provide advantages to their exporters by giving them a better idea of which licensing applications will receive favorable action, referring their applications for exceptions to COCOM regulations to the COCOM with less preliminary screening, requiring less documentation regarding the end use of the item to be exported, imposing less stringent requirements for ensuring that an item is never diverted for strategic use, granting more liberal licensing provisions for supply spare parts, and in several other ways. The Committee does not have enough evidence to take a position on these allegations. It believes, however, that procedures and licensing requirements which are more burdensome than those used by our Allies would severely handicap American exporters. Therefore, the Committee urges the Secretary to scrutinize carefully these procedures and requirements.

The establishment of industry-government technical advisory committees will enable the government to utilize more effectively the technical and commercial expertise which only representatives of industry affected by export controls can provide. Industry witnesses testified that decisions concerning export controls are sometimes based on inadequate or inaccurate information. The government officials making these decisions are responsible for applying export controls to many types of items. They are necessarily generalists, and it is impossible for them to become familiar with the intricacies of each product which must be regulated. Yet that is exactly what is necessary, for example, to give the definitions of items on the export control list the needed precision and uniformity. These decisions are technical, but they are also important business decisions. The technical advisory committee can help make them. These committees can also be of assistance in discussing more general questions of export control; for example, in defining the level of technology in their industry which is advanced enough so that the exportation of items reaching that level of technology could be a significant addition to a country's military capacity. In addition, the Committee would serve the vital function of keeping industry informed with regard to the latest developments in the administration of export controls.

Several members of the Committee expressed concern that the technical advisory committees' work would be severely hampered by the necessity to refrain from discussing classified information or information that industry does not want to divulge in the

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presence of its competitors. The Committee believes that the technical advisory committees can serve a valuable function without having access to such information. Industry representatives would be willing to discuss the functions of their products in detail at the committee meetings, just as they would have to discuss such functions with any potential buyer. Such information is essential in determining whether an item is strategic. In addition, it is expected that many of the meetings will concern the basic policies underlying the export control program in the light of changing international and technological conditions. Such discussions need not involve classified information or trade secrets.

The Committee hopes that technical advisory committees can be established and operated in a manner which will avoid creating delays in the export licensing process. Because technical advisory committees are only to be created for groups of items that are difficult to evaluate from a technical and strategic standpoint the number of such committees should not become excessive. The Committee does not expect these committees to be involved in the licensing process on a case-by-case basis. Their involvement will instead be principally in the decisions affecting groups of items. In addition, the legislation recognizes that the administrators of export controls may need to consult a specific expert on some particular problem even though that expert is not a member of a technical advisory committee. It expressly gives the administrators the flexibility to engage in such consultations.

The Committee does not intend that any section of this Title should be construed to require any action which is detrimental to the national security, or the divulgence of any classified information or confidential industry information protected in section 7(c) of the Export Administration Act to unauthorized parties. Nor does the Committee intend the provisions of Title I to be used as a basis for legal action by exporters. In the Committee's opinion, Title I will help to increase East-West trade without threatening our national security. This will be beneficial for all nations involved.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION OF TIME LIMITATION ON TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. ROBERT C. BYRD. I ask unanimous consent, having cleared this request with the distinguished Senator from Delaware (Mr. BOGGS) and the distinguished Senator from New Mexico (Mr. MONTOYA), that time on H.R. 15545, the bill making appropriations for the Treasury Department and the Postal Service, be reduced from 2 hours to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess. Hence, there will be no morning business.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. BAKER) will be recognized for not to exceed 15 minutes, after which the Senate will take up Senate Resolution 299, dealing with confidential American documents, on which there is a time limitation. There will be one or more rollcall votes in relation thereto.

Following Senate Resolution 299, the Senate will take up S. 3722, dealing with foreign service grievance procedures, under a very short time limitation, and with a rollcall vote on passage.

Next, the Senate will proceed to the consideration of H.R. 13918, the Corporation for Public Broadcasting bill. There is a time limitation on that bill, and one or more rollcall votes will occur.

Next, S. 3001, the Federal Financing Bank bill, will be called up, with a time limitation thereon. A rollcall vote may occur.

S. 3010, the Economic Opportunity Act, will then be laid down and made the second track. Let it be understood that S. 3390, the unfinished business, remains the unfinished business before the Senate and, therefore, is entitled to the main track daily.

Mr. President, I ask unanimous consent—if I have not done so already—that S. 3390, the unfinished business, be temporarily laid aside immediately following the remarks of Senator BAKER on tomorrow; that it be considered temporarily laid aside throughout the afternoon until the final disposition of S. 3001, at which time the order would be in effect for the second track to begin, with S. 3010, the Economic Opportunity Act, being at that time made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. In other words, Mr. President, I know of no amendment to S. 3390 which would be called up tomorrow. This does not preclude such an amendment from being called up. But I know of none at this point. The unfinished business would remain in a temporarily laid aside status, under the program I have announced, throughout the day tomorrow.

I ask unanimous consent that at the close of business tomorrow, S. 3390, the unfinished business, be again laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the further information of the Senate, on Friday the Senate will convene at 9 a.m. The first order of business on Friday, following the recognition of any Senators who may be speaking under 15-minute orders, will be the Treasury-Post Office appropriation bill, under a time limitation, and there will be a rollcall vote on final passage of that bill.

Next, the Senate will proceed to the consideration of amendment No. 1265, by Senator SCOTT, to S. 3390, the Foreign Assistance Act, and there is a time limitation on that amendment. A rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. SCOTT, the distinguished Senator from Colorado (Mr. DOMINICK) will offer his amendment—which I understand is called the "third country" amendment—to S. 3390. That will be disposed of with a rollcall vote thereon, although there is no time limit thereon at the present moment.

The Senate will continue consideration of S. 3390 if there are other amendments called up following the Dominick amendment. If there are no further amendments to that bill, the Senate then will return to the consideration of the second track item, S. 3010, the Economic Opportunity Act.

There will be no session on Saturday, in view of the fact that the Senate has been in session from 9 o'clock in the morning until late in the evening on almost every day this week. No unanimous-consent agreements can presently be reached with respect to the no-fault insurance bill or the minimum wage bill, and no further unanimous-consent agreements have been reached with respect to remaining amendments to S. 3390. It is the feeling of the leadership that in view of that situation, and in view of the fact that the calendar is in generally good condition otherwise, it would not be profitable to come in on Saturday. Saturday sessions are normally productive when consent agreements will insure progress. Hence, the decision that there will be no session on Saturday. But there will be several rollcall votes, as I have indicated, and reasonably long days on tomorrow and on Friday.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 7:55 p.m. the Senate took a recess until tomorrow, Thursday, June 22, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21 (legislative day of June 19), 1972:

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals.

DEPARTMENT OF JUSTICE

John T. Elfvin, of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

Douglas M. Gonzales, of Louisiana, to be U.S. attorney for the middle district of Louisiana for the term of 4 years.

William C. Smitherman, of Arizona, to be U.S. attorney for the district of Arizona for the term of 4 years.

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the middle district of Louisiana for the term of 4 years.

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years.

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1970.

IN THE COAST GUARD

Coast Guard nominations beginning Robert M. Bissey, to be captain, and ending Marion L. Weiss, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 15, 1972.

EXTENSIONS OF REMARKS

TRIBUTE TO A DEDICATED TEACHER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CHAPPELL. Mr. Speaker, one of the most extraordinary and exciting classrooms I have ever visited is that of Mrs. Nellie Spinks, who is chairman of the Social Studies Department at Vanguard High School in Ocala, Fla.

Stepping into her classroom is like entering an imaginative cyclorama. On every side, a colorful mural depicts the basic tenets of the free enterprise system and in the center is a group of informed, knowledgeable ninth graders, who have spent weeks studying and designing it.

Pictured at the beginning of the mural is a man surrounded by various tools. A summary of the three factors of production is illustrated in the formula: MMW=NR+HE×T; or "man's mechanical welfare is conditioned by his multiplying human energy and natural resources with tools."

Adjacent to the tools is pictured a house, land, and in the foreground a large key looms toward us with the inscription: "Private Property." The class felt that the right of private property in a democracy is the incentive which provides and encourages competition as a discipline along with customer choice.

Most intriguing in the mural is a huge wheel—with every part—hub, rim, spokes, all labeled to show the interchange and interdependency of our economic system.

Spokes shooting out from the hub—labeled "freedom"—support the rim, which stands for the individuality of man. The spokes include important truths which the class learned in its study: The customer is the boss; private property is the key; productivity brings prosperity; competition is a discipline; tools do the work; and costs must be tied to productivity.

Further explanation by the class of their work, included these thoughts:

The wheel has individual responsibility as its rim because man must assume individual responsibility in a free society. Individuality is illustrated on the rim, at intervals, with pictures of citizens as farmers, educators, housewives, producers, investors, and managers.

The wheel of economics progress must run on the road of respect for law and order. Laws encourage competition, prevent unregulated monopoly, protect private property, make possible investments and private savings, assure rights of individual choices in work experiences and other aspects of life.

The driving force of the hub is economic-freedom illustrated with the eagle for strength and durability. Directly contingent upon the driving force of the hub is the work of each spoke. These represent the five costs of production. Surrounding the wheel are illustrations of the affluent society in America with private property dominating wealth in many form. There is an American citizen with freedom of choice of a multiplicity of goods.

Lastly, on the mural is a painting of the justice figure, blindfolded and holding balanced scales of law and order, while pointing toward those factors which support law and order: a police car, a responsible private citizen, Uncle Sam, the President of the United States, a court and a prison.

The mural was completed by the students—a committee studied, planned, discussed, and painted it.

Mrs. Spinks has inspired students to study about our system of government, to analyze the factors involved and to convey what they have learned to others. In a discussion with the students, I was amazed and deeply impressed at their knowledge and depth of understanding.

Neither Mrs. Spinks nor her students stopped in their studies. Before the close of school, they painted another mural depicting various vocations available to the students. What meaningful knowledge she is imparting to these students.

SALUTE TO EDUCATION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, June 21, 1972

Mr. GRIFFIN. Mr. President, from the earliest days of our Republic, Americans have demonstrated a great faith in education as the basis of our democratic system of government.

They have realized, James A. Garfield once wrote, that—

Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.

These words are of particular significance as we pause today to salute education.

This is an occasion for taking stock of where we stand and where we are going in the field of education. In recent years, we have seen one crisis after another in our educational system from financial and other reasons. They are the symptoms of change and not the failure of education itself.

On this occasion it is well to remember just how much our schools have accomplished and what they are continuing to accomplish.

This year more than 45 million children are enrolled in elementary and secondary schools.

More than 2 million men and women are employed as teachers, translating in dedicated fashion their ideals into the reality of education for our young people.

I am especially proud of my own State of Michigan. Its schools have 2 million children enrolled and the average expenditure per pupil is the sixth highest in the Nation.

Undeniably, there are serious problems confronting the schools especially in providing the necessary financial support. In Michigan, I am glad to say, Governor Millikin has been in the forefront in seeking some solution to this problem. Two years ago he called for a complete overhaul of school financing—and this was long before the Serrano decision in California challenging the traditional method of financing schools through local property taxes.

We have every reason to be proud of our educational system, and particularly the dedicated men and women in the teaching field.

While there are many problems, there is every reason to believe they will be solved as they have been in the past.

D–Q UNIVERSITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROYBAL. Mr. Speaker, recently I introduced a bill to provide Federal grants to D–Q University in California for the next 5 years. I am pleased to have Senators CRANSTON and TUNNEY introduce my bill on the Senate side.

The bill, H.R. 14988, authorizes the U.S. Commissioner of Education to provide $35 million in grants to D–Q University for the purpose of becoming "a national learning and cultural center for Indian and Chicano students, as well as

for others having a special interest on matters affecting Indian and Chicano people and communities."

D–Q is the first university to be created and controlled by Americans of Indian and Mexican descent. It stands as an important national endeavor not only for the 8 million Indians and Chicanos in this country, but to all Americans dedicated to the idea of fostering cultural and racial understanding.

The university came into existence as the result of a Federal grant made in April 1971 of 640 acres of land located in Yolo County, Calif. The land was formerly an Army communication center transferred to the Department of Health, Education, and Welfare. Under this grant, the university holds title to the land for the next 30 years, conditional on its pursuit of an ongoing educational program.

At present D–Q has been principally financed by private donations, foundation support, and several Federal contracts and grants. It has already established a reputation for its leadership in developing community education programs, innovative teaching methods, bilingual approaches, and migrant manpower training and education.

However, it is difficult to see how the university can reach its goal as a national learning center without a 5-year funding commitment. The adoption of H.R. 14988 remedies this situation by providing $35 million over the next 5 years.

Currently D–Q has "correspondent" status with the Western Association of Schools and Colleges, which is the first step to full accreditation. It is a degree-granting institution in the State of California and is recognized by the U.S. Office of Education for participation in its programs.

After 1 year of operation, the university has an enrollment of 70 students with an expected enrollment of 1,500 by the end of 5 years and perhaps an additional 1,000 in extension programs.

The naming of D–Q has its roots in the traditions and history of the Indian and Chicano people themselves. The D refers to the great Iroquois leader Deganawidah who founded the Iroquois Federation, an early experiment in democracy predating the U.S. experience. The "Q" refers to Quetzalcoatl, an Aztec spiritual leader and prophet who founded a religion based on peace and social reform. This blend of democracy, social reform, and cultural pluralism forms the backbone of D–Q University.

Crucial to D–Q's educational philosophy is its deep commitment to the needs of its people and to serving the surrounding rural and migrant communities. Abandoning traditional academic aloofness, it has adopted a community approach closely linked to the Aztec and early Cherokee and Choctaw schools, which were integral parts of their society and culture.

Only recently has this country discovered the importance and benefits of this approach with its emphasis on community and vocational education.

D–Q carries forward this community focus through its objectives:

Training of teachers and school administrators to meet the needs and concerns of Indian and Chicano children.

Training of social workers and government personnel in working with Indian and Chicano communities.

Fostering of American Indian and Chicano studies with strong emphasis on history, anthropology, and social sciences.

Training for farming and economic development, geared to the realities and hardships confronting Indian and Chicano communities.

Development of vocational training programs, including such fields as farm management and crop production, economic development, and graphic arts.

Precollege training to prepare the students for college level work as rapidly as possible.

Community health programs focusing on the health needs of minority communities.

Development of a cultural and intellectual center to develop new approaches to solving domestic and international problems and to seeking cooperation among all races.

Clearly D–Q has dedicated itself to creating a model for community education as well as racial understanding and cooperation.

Mr. Speaker, I seek the full support of my colleagues in endorsing this important and innovative endeavor. The need for this university has already been documented by more than a century of persecution and discrimination against these people, who have suffered educational neglect at all levels, as well as exclusion from institutions of higher education. Our commitment to D–Q University would be a major step to ending this pattern of neglect and, in turn, developing a national Indian and Chicano center of education and leadership in America.

VIETNAM POLICY ON COURSE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, a guest editorial recently appeared in one of my district newspapers, the Del Norte Triplicate in Crescent City, Calif., entitled "The Mansfield Amendment Filed, Vietnam Policy on Course."

This editorial, which originated with the Copley News Service, is significant in several respects and the thought occurred to me that many of my colleagues may find it interesting. Primarily, it places in true perspective the real meaning of the Mansfield amendment which I believe the American people should be made aware of.

The editor and publisher of the Del Norte Triplicate, Mr. James Yarborough, no doubt found this editorial worthy of reprinting because he was a prisoner-of-war in World War II. The fact that Mr. Yarborough saw fit to place this editorial in a position of prominence on his editorial page, certainly adds to its credibility, in my judgment.

The editorial follows:

THE MANSFIELD AMENDMENT FILED, VIETNAM POLICY ON COURSE

The Mansfield Amendment, that symbol of congressional determination to dictate a withdrawal of American forces from Southeast Asia on any terms at any cost, has finally run its course. President Nixon duly noted it in signing the military procurement bill to which it was attached, and then filed it away.

Mr. Nixon is perfectly correct in pointing out that the amendment is without binding force or effect. The President knows his powers and responsibilities as commander in chief.

It is obvious that Mr. Nixon also realizes to a greater degree than supporters of the Mansfield Amendment that the establishment of a troop withdrawal deadline would compromise the entire strategy we have been pursuing to bring both American troops and American prisoners home safely from Southeast Asia.

The strength of Mr. Nixon's position through the period of phased withdrawal of our forces has been the consistent movement along a rational course toward a specific goal. The weakness of congressional efforts to prod or persuade the President into speeding up the withdrawal lies in a blindness to all the elements of that strategy.

The year 1972 promises to be the most fateful for Southeast Asia since 1964. The defensive position of the shrinking U.S. combat force will be growing more perilous, and consequently the responsibility placed on the South Vietnamese Armed forces becomes more grave. The pressure of the Communists to negotiate a cease-fire and the release of American prisoners will be at its crucial point. To fix a "date certain" for our troop withdrawal under such conditions, as the Mansfield Amendment would have us do now, would be the height of recklessness.

We are not out of the woods in Southeast Asia, nor are our allies. As Mr. Nixon was reiterating the uncertain factors that must govern the final phase of our withdrawal, Secretary Laird was warning that U.S. air power may again have to support South Vietnamese operations in Cambodia or Laos in the interest of protecting our own withdrawing forces.

The debate on the Mansfield Amendment and threats in Congress to curtail military aid to Indochina must certainly be having an unsettling effect on our allies. The sudden decision by Premier Thanon Kittakachorn of Thailand to suspend the construction and invoke martial law reflects the growing unrest in that country over Communist threats along her borders—unrest that must be heightened by the prospect of diminishing U.S. support of the anti-Communist effort throughout Indochina.

President Nixon faces a most difficult task in keeping our Vietnam strategy firmly tied to its goals in the months ahead. With the Mansfield Amendment exercise in futility out of the way, we can hope that Congress now will put its shoulder to the wheel and help Mr. Nixon for the sake of our prisoners as well as the safety of the fast dwindling numbers of U.S. troops.

RETIREMENT OF JOHN F. PARKINSON, ASSISTANT GENERAL MANAGER FOR LOS ANGELES HARBOR DEPARTMENT

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 21, 1972

Mr. CRANSTON. Mr. President, this month the southern California steamship and transportation industry will lose one of its most experienced and knowledgeable members when John F. Parkinson, assistant general manager for the Los Angeles Harbor Department, retires. For the past 50 years, Mr. Parkinson has worked in the industry, spending the last 15 years with the Los Angeles Harbor Department.

Over the years, he has been active in organizations which promote world trade and enhance the transportation industry and has traveled on trade missions to the Far East and Europe. One of the founders of the Foreign Trade Association of Southern California, he has also served as an officer of the Los Angeles Transportation Club and as a member of the Department of Commerce Export Expansion Council. He is a past president of the San Pedro Chamber of Commerce and the Propeller Club of Los Angeles-Long Beach and is executive vice president of the Pacific Coast Association of Port Authorities. He currently serves on the World Trade and Harbor Affairs Committees of the Los Angeles Chamber of Commerce and the Mayor's Council for International Visitors.

His outstanding efforts for the industry have earned him the Award of Merit of the Catholic Maritime Clubs and the 1970 World Trade Week Bronze Plaque.

I know that Senators will join me in wishing Mr. Parkinson a successful and enjoyable retirement.

HIGHWAY SAFETY

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WRIGHT. Mr. Speaker, I wish to point out for the record a significant investigative report on the subject of highway safety recently prepared by the General Accounting Office for the Public Works Committee's Subcommittee on Investigations and Oversight. Titled "Problems in Implementing the Highway Safety Improvement Program," the report was introduced into the record of testimony before the subcommittee today by the able and distinguished Comptroller General of the United States, the Honorable Elmer B. Staats.

The report represents an extensive review of problems in implementing the highway safety improvement program of the Federal Highway Administration. This is a program in which Congress had reposed great hopes at its inception some 8 years ago. The disappointing progress made from 1964 to date raises the question of whether the Federal Highway Administration's program guidance has motivated the States to take all feasible action to identify and correct high-hazard locations on the Nation's highways.

Dealing with the question in its usual incisive and perceptive way, GAO brought forth a report that gives Congress considerable food for thought and, indeed, outright concern. In addition to its value in our current public hearings on highway safety, the report is timely and enlightening for members of the Public Works Committee who are considering proposed highway safety legislation as well as a Federal Aid Highway Act of 1972.

It is my intention to see that a copy of the full report is delivered to each Member of Congress. Meanwhile, I am sure that all of my colleagues will be interested in the following digest of the GAO report which sets forth the findings in summary form:

PROBLEMS IN IMPLEMENTING THE HIGHWAY SAFETY IMPROVEMENT PROGRAM

WHY THE REVIEW WAS MADE

Because of the large number of traffic deaths—54,800 in 1970—the General Accounting Office (GAO) reviewed the highway safety improvement program established to identify and correct hazards on Federal-aid highways. Such hazards contribute to a significant number of accidents and fatalities each year.

The review was performed in six States—Colorado, Illinois, Missouri, Montana, Oregon, and Utah.

BACKGROUND

The program started in 1964 when the President expressed concern over the large number of highway fatalities and said that there was an urgent need for a program to improve highway safety. The President also said that special attention should be given to the correction of hazards on highways having large numbers of accidents.

The program is being carried out under the Federal-aid highway program which is administered by the Federal Highway Administration, Department of Transportation.

Fixed roadside objects—wall-like bridge abutments, unyielding signposts, rigid light poles, concrete footings, and spearlike guardrails—are among the more easily identified and correctable types of highway hazards. Such hazards have been called booby traps and have been responsible for killing and maiming thousands of motorists each year.

FINDINGS AND CONCLUSIONS

Eight years after inception, the highway safety improvement program has yet to become a fully implemented major national program.

Varying degrees of State compliance with the Highway Administration's program guidance have produced a fragmented approach to reducing highway accidents and fatalities through identification and correction of hazardous highway locations. GAO believes that this happened because Highway Administration guidance to States largely has been advisory, rather than mandatory, and because quantified goals have not been established for the program.

An opportunity exists to materially improve the Nation's traffic safety record if the Government will provide stronger program leadership.

The six States were all doing some type of work to correct highway hazards. GAO believes, however, that the highway safety improvement program is dependent upon—

Routinely setting aside and using funds specifically to eliminate highway hazards;

Identifying hazardous locations on the basis of actual accident experience; and

Correcting hazards in accordance with priorities based on potential for accident reduction in relation to the cost of the correction.

Reservation of funds

The Highway Administration has not reserved Federal-aid highway funds specifically for highway safety programs. GAO noted that the States had spent a small part of their Federal-aid highway funds to eliminate highway hazards. Of the total Federal-aid funds available to the six States during the 7 years ended December 31, 1970, only 3 percent were spent for that purpose.

The six States had not routinely set aside and used a designated part of their Federal-aid funds to correct hazardous locations. For calendar year 1971 one of the six States did commit $10 million of its highway funds specifically for highway safety improvement projects. About $5.5 million actually was used for this purpose. The remaining funds were used for other highway work, and the highway safety improvement projects for which the money was to have been used were deferred until the following year.

Identification of highway hazards

Meaningful inventories of hazardous locations, as described below, are needed to provide the Highway Administration and the States with a basis for determining (1) the magnitude of the overall highway hazard problem in the States, (2) the total estimated cost of correcting the hazards, and (3) the order and pace at which safety improvement work should be done to timely and significantly reduce highway accidents, deaths, and injuries.

Each of the six States had developed a system which, in part, met Highway Administration criteria for a systematic highway safety improvement program. For example, all six States were preparing summaries showing highway accidents by location. None of these States, however, had a comprehensive inventory of correctable hazardous locations that was updated systematically and used routinely for developing and carrying out safety improvement projects.

Assignment of priorities for correction of highway hazards

Because enough money to do all necessary safety improvement work seldom is available, States need to establish priorities for identified projects so that those having the greatest accident reduction potential for each dollar spent are undertaken first.

Three of the six States were not ranking possible safety improvement projects on a State-wide basis in terms of the highest potential benefit at the lowest relative cost. The other three States had developed priority listings for their safety improvement projects, but were not scheduling and carrying out their safety work fully on that basis.

Under the conditions described above, neither the Highway Administration nor the States have reasonable assurance that the safety improvement projects—selected on a case-by-case basis by the States and approved by the Highway Administration—represent the most worthwhile use of safety improvement funds.

AGENCY ACTIONS AND UNRESOLVED ISSUES

Officials of the Office of the Secretary, Department of Transportation, and the Highway Administration agreed generally with GAO's analysis of the progress and status of the safety improvement program.

Highway Administration officials stated that greater recognition should be given to other safety-related work being carried out by the States, such as work to upgrade the safety of the Interstate System and other high-speed highways in accordance with the recommendations of the American Association of State Highway Officials (referred to as yellow-book work).

GAO recognizes that yellow-book work promotes highway safety. This report comments on such work to the extent that it was identified by the six States.

Yellow-book work on existing highways, however, is directed primarily toward correcting generally recognized *types* of hazards (for example, replacement of fixed signs with breakaway signs over a section of the Interstate System), rather than toward correction of identified hazardous *locations*. Except for major safety improvement projects at spe-

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cific locations, yellow-book work on the Interstate System, unlike other safety improvement work, does not have to be based on accident data analysis.

Highway Administration officials stated also that many safety-related highway projects have been financed wholly with State funds. They provided GAO with data showing that the States had reported that wholly State-funded projects classified as safety related had averaged about $125 million annually during the 7 years ended September 1971.

A Highway Administration analysis of the reported information showed that not all the projects included would meet the requirements of the safety improvement program. Also, the procedures followed by the States for identifying and correcting hazardous locations reduces assurance that the safety-related projects being financed wholly by the States represent the most worthwhile use of the funds involved.

Since GAO considers the reservation of funds to be important for an effective program, GAO also discussed the feasibility of the Secretary's administratively reserving a part of available trust funds specifically for gram. Highway Administration officials projects under the safety improvement propointed out that generally, in the past, reservations of funds for specific highway-related programs have been based on legislative authorization. Accordingly they planned to obtain legal clarification on this matter.

GAO believes that legislative action specifically setting aside part of highway trust funds to ensure an appropriate level of accomplishment would provide a more effective program incentive.

THE NEED FOR A COORDINATED ENERGY POLICY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, this Nation has many needs. Among the most pressing on them is one for a Coordinated Energy Policy. Throughout the country builders are being instructed not to provide for gas heating, pipeline companies are branching out into other fields because of dwindling gas supplies, oil companies are spending more time and money to find oil outside the United States than inside, electric bills are going up and we can expect them to go still higher. The cause of all of this is the finiteness of our energy fuels oil and gas, and the present inability to use coal.

This Nation is facing a serious energy crisis. For months there have been daily references to it in the CONGRESSIONAL RECORD, the daily papers, and the weekly magazines. Innumerable hearings have been held in both Houses of Congress dealing with this problem.

Questions such as how much do we import, where do we import from, what contingency plans are there, shall we build powerplants, where do we direct research and development money and many more keep cropping up.

If we run short of energy we run short of power—in both senses of the word. Without the power to run industry and the home, our economy, or foreign and domestic policies, indeed our very style of life would be completely turned around. We are not, today, or even this year in such a serious predicament. But what of next year—of 5 years from now—of 1980 or 1990? The time to act is now, not when it is too late. We are charged with providing for our country—to provide for its future. We must decide what kind of America we want in 1980 and 1990.

According to Secretary of Interior Rogers Morton, there are more than 60 Federal agencies concerned with energy matters. In the Congress there are more than a dozen committees involved in the problem.

As a member of the Commerce Committee's Subcommittee on Communications and Power, I, as have my colleagues on that committee, have become keenly aware of the disorganization, the diffusion and the disorientation of our national efforts in the energy field. We believe that a national energy policy is desperately needed. It would be a policy that would give an overview of the energy situation in the United States, that it can be expected to be in 10 years and how well we are able to meet or stave off those good or bad expectations.

Accordingly, our colleague LIONEL VAN DEERLIN of California, and I are planning to file legislation next Wednesday, June 28th, which calls for a Council on Energy Policy. We propose, today, the creation of such a council and ask that the bill enacting it be read into the RECORD at the conclusion on my remarks.

Briefly, the council would be a three-man group of nonpartisan, knowledgeable men—this problem is bigger than politics—who would formulate a national energy policy. They would be responsive to both the President and the Congress—the council would be the chief advisor on energy. The members would be appointed by the President with the advise and consent of the Senate and would serve for a period of 5 years.

The council would in no way assume the duties of existing agencies. It would be purely advisory, as is the Council of Economic Advisors or the Council on Environmental Quality. It would formulate the general guidelines under which the existing agencies would be better able to carry out their tasks.

The council would also publish an annual report—a kind of "state of the energy world" message. This report would include the policies it plans to set forth or recommend, the legislation it recommends, the energy fuel supply domestically and in foreign lands, the availability of that supply and projections of demand and how we can best meet those projections.

In the years ahead, as this Nation becomes more reliant on imported fuels, our foreign policy will be based on our energy policy; as this Nation experiences shortages of power our economic policy will be based on our energy policy; as this Nation finds its citizens out of work because of industry cutbacks due to shortages of fuels our social policy will be based on our energy policy.

Energy enters into every facet of our lives. We are in a problem situation now—a situation that just 2 weeks ago, Gen. George A. Lincoln of the Office of Emergency Preparedness called a crisis. If we are to avert that crisis, and the catastrophic consequences of it, we must act now to coordinate the energy policies of the United States; we must give our energy field some direction. We, in Congress, must be able to find out what the energy problems are and may be—not from five dozen different people all over this city—but from one knowledgeable, coordinated source. We must act now to create a Council on Energy Policy.

The cosponsors of this bill and I ask our colleagues to join us before we reach a critical hour in our history. We ask you to help us pass this proposal.

Mr. Speaker, I would now like to insert a copy of the proposed legislation into the RECORD.

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms, except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the energy needs of the Nation; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies with respect to energy. Not more than two members of the Council shall be appointed from the same political party.

(b) (1) The Council shall serve as the principal advisor to the President and Congress on energy policy, exercising leadership in formulating government policy concerning domestic and international energy issues, and shall assist in developing plans and programs which take full advantage of the Nation's technological capabilities in developing clean energy and in conserving energy resources. In addition the Council shall help formulate policies for, and coordinate operations of, energy resources and facilities owned or controlled by the Federal Government. The Council shall prepare for the President in cooperation with the Council on Environmental Quality and with the assistance of other interested departments and agencies the annual Energy Report required by subsection (f).

(2) (A) All legislative recommendations and reports to Congress of Federal agencies, to the extent such recommendations and reports deal with energy matters, shall be subject to the approval of the Council.

(B) The Council shall make recommendations to the President and Congress for resolving conflicting policies of Federal agencies.

(C) The Council shall recommend policies to Federal and State agencies respecting power emergencies.

(3) The Council shall develop a long-range, comprehensive plan for energy utilization in the United States, and shall provide assistance to any executive agency concerned with energy and power in the United States.

(4) All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such proposal or action is consistent with the long-range plan formulated under paragraph (3). If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(5) Neither the Council nor its members may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(c) In exercising its powers, functions, and duties under this section, the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(d) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(e) The Council may employ such officers and employees as may be necessary to carry out its functions under this section. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(f) The President shall cause to be prepared and submitted to the Congress on or before July 1, 1973, and annually thereafter, an Energy Report. The report shall include—

(1) an estimate of energy needs for the ensuing ten-year period to meet the requirements of the national defense, the commercial and industrial life of the country, and the general welfare of the people of the United States;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of national security, and the environment and the conservation of natural resources;

(3) current and foreseeable trends in the quality, management and utilization of energy resources and the effects of those trends on the social, economic, and other requirements of the Nation;

(4) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices, including regulatory practices, employed to achieve the foregoing objectives;

(5) recommendations for the development and application of new technologies, procedures, and practices which he may determine to be required to achieve such objectives; and

(6) recommendations for legislation.

(g) There are authorized to be appropriated to carry out the provisions of this section not to exceed $300,000.00 for fiscal year 1973, $750,000.00 for fiscal year 1974, and $1,000,000.00 for each fiscal year thereafter.

ECOLOGY SINS, PLUS—

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. LANDGREBE. Mr. Speaker, following criticism by a so-called environmental group called Environmental Action, several articles have appeared criticizing the group for their analysis. One article that appeared in the Gary Post Tribune on Friday, June 16, 1972, deserves particular attention. Since the newspaper serves part of my Second Congressional District, it makes specific reference to my inclusion on the list of "Dirty Dozen." However, Mr. Zuckerman makes very appropriate criticism for the so-called environmental group. For the information of my colleagues, I insert it here:

ECOLOGY SINS, PLUS—

(By Ed Zuckerman)

WASHINGTON.—Those bratty radiclib kids at Environmental Action displayed a lot of nerve last week when they put Rep. Earl Landgrebe, R-Valparaiso, on their "dirty dozen" list. Among other things they pointed out he's opposed to such liberal perversions as child care development and congressional intervention in President Nixon's war.

It was the second time that environmental group selected Landgrebe for its "endangered species" list.

Environmental Action originally blossomed in 1969 as the national coordinator of the first Earth Day. It has since become a perennial flower in the political-garden-by-Potomac, spraying its negative endorsements every two years on candidates who have failed to appease the group's views on issues which go far beyond the environment.

The organization utilized 31 votes of the past two years as the basis for selecting candidates for the ignominious list of "ecological criminals." Only 13 of them were genuinely related to environmental questions. The rest covered a wide range of foreign and domestic questions such as the importation of Rhodesian chrome, the Vietnam war, consumer protection, equal rights for women, family planning, child care development and campaign spending reform.

Since five of the test votes were about Vietnam, every hawkish lawmaker such as Landgrebe who supports Nixon's Indochina policy was "one sixth" dirty when the search began for the dozen candidates.

On the basis of his overall performance, the young environmentalists judged Landgrebe's ecology record as the worst of any they picked for defeat in the fall election. They said the Valparaiso Republican had "upheld his reputation by voting wrong on every major piece of legislation considered by our voting chart save one."

The vote which kept Landgrebe from "zero per cent" perfection was one he cast for an amendment to the multi-billion dollar Clean Water Act. The amendment prevents "industrial blackmail" by companies which threaten to relocate plants to states with less restrictive antipollution enforcement standards. Landgrebe voted against the whole package on the final roll call, but that vote wasn't considered by the environmentalists.

In the analysis of how the dozen House members performed on the 31 issues, Landgrebe did earn the "worst" record. But, that doesn't mean he was the worst of the 435-member House—just the worst of the dozen.

And, if you strip away those non-environmental issues, look what happens.

Landgrebe, with his single pro-environment stand, performed better in that field than five other members of the "dirty dozen."

Failing to score a single blow for the environment (as far as environmental action is concerned) were Reps. Wayne Aspinall, D-Colo. (who is chairman of the House Committee on Interior and Insular Affairs and is a powerful voice on environmental legislation); Walter Baring, D-Nev.; Earle Cabell, D-Tex.; Sherman Lloyd, R-Utah, and Roger Zion, R-Ind.

For some reason, those "filthy five" got less of a rebuke from environmental action than did Landgrebe.

The young ecologists, who say their group is not of the "fashionable birds and squirrels" variety, turn out to be poaching on another groups territory.

Masquerading as an environmental protection group, they really are a junior grade edition of Americans for Democratic Action (ADA), the liberal political organization which publishes its own congressional performance ratings to separate the liberals from the conservatives. Another group, Americans for Constitutional Action (ACA), performs a similar role in reverse.

Landgrebe, who is every bit the "arch-conservative" the young environmentalists say he is, understandably gets low marks from ADA and high marks from ACA.

In addition to environmental, foreign and domestic votes, candidates for the "dirty dozen" had to satisfy two other qualifications to make the list. First, their opponents in the fall election must also have a viable chance of winning the election.

Somehow, the additional qualifications seem to suggest that the "dirty dozen" candidates were selected first and the process worked backwards from there. How else could such things as Rhodesian chrome and the rest make a difference to a group that is, by its own name, concerned with environmental action?

ROCKWOOD, TENN., AMERICAN LEGION SPEAKS OUT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BAKER. Mr. Speaker, on February 29 of this year, I joined a number of my colleagues in the House in cosponsoring H.R. 13455. Our bill would restore November 11 as Veterans' Day and May 30 as Memorial Day.

Since then, I have received great support for our bill from veterans and other concerned residents of the Third Congressional District of Tennessee.

Many veterans' groups have sent me copies of resolutions they have passed urging Congress to adopt our legislation.

This week, one such resolution—from the Curtis E. Smith American Legion Post 50 of Rockwood, Tenn.—has come to my attention. The resolution seeks to restore November 11 as the national date of celebration of Veterans' Day.

I heartily concur with this resolution. So that my colleagues may share its patriotic message, I ask that the resolution be reprinted in its entirety.

I commend members of the Rockwood Post and Legionnaires throughout Tennessee for their devotion to America and the ideals it represents. As an American Legion member myself, I will join with Legionnaires throughout the country on November 11 in rededicating our lives to the patriotic goals for which American men have fought and died.

The resolution follows:

RESOLUTION RECOMMENDING THAT THE NATIONAL HOLIDAY STATUS OF VETERANS DAY BE RESTORED TO THE ORIGINAL DATE OF NOVEMBER 11

On November 11, 1918, the greatest war of all time was ended by an armistice being declared between the Allies and Germany. On every subsequent November 11th, the people of the United States celebrated this great

event by honoring the war dead and veterans by festivities, banquets and parades. Nearly every town and city in the country held an Armistice Day parade.

When a war of even greater magnitude, World War II, was ended in 1945, November 11th took on added meaning and subsequently, because it was a day honoring all veterans, the name was changed from Armistice Day to Veterans Day and until 1971 Veterans Day on November 11th was a date when the citizens of the United States made a special point of honoring those who fought for their country and for American principles on the battlefields around the world.

By Act of Congress for the year 1971 and subsequent years, Veterans Day was to be celebrated on another date, which in 1971 fell on October 25th. This met with disapproval of all veterans organizations throughout the country, including the American Legion, Veterans of Foreign Wars, Disabled American Veterans and others. The turnout for parades on October 25, 1971 in many places was much less than it had been on the November 11th date. This was true in Knoxville.

Considering the history of this special date, November 11, we believe it is fitting that we recognize November 11th as Veterans Day, a time for annually considering once again the sacred ideals for which so many Americans have taken up arms and for which so many have given "that last full measure of devotion." These are the same ideals which we must continue to defend and protect. Man has the perpetual need for a vital faith, something to live by. Horizons have broadened because of the nature of a changing world, but the core of our belief is substantially the same as that held by our forefathers. We look to our families, our churches, our schools, and other American institutions to transmit our ideals and beliefs to each new generation. On November 11th of each year we pledge ourselves to work anew toward these ends, ever remembering the extremely high price that our soldiers and sailors have paid for liberty, which indeed is the core of our American heritage.

Now, therefore, be it resolved, Post 50, Rockwood, Tennessee, The American Legion, Department of Tennessee which is comprised of 638 members in this area, goes on record as recommending that the national holiday status of Veterans Day be restored to the original date of November 11th by the Congress of the United States, and that a copy of this Resolution be furnished to each of our Senators, Howard Baker, Jr. and William Brock, and to our Congressman, Lamar Baker, and Joe L. Evins.

TRIBUTE TO THE LATE HONORABLE PHILIP J. PHILBIN

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, today, Wednesday, June 14, which fittingly is Flag Day, a great American and grand human being passed away. Those of us in the U.S. Congress who were privileged to know and serve with the former Representative of the Third Congressional District of Massachusetts are deeply saddened by the loss of this fine gentleman.

Philip J. Philbin brought an added dimension to the Congress. He was no ordinary politician, nor for that matter was he an ordinary man. The distinguished Members from Massachusetts have pointed with pride to Phil Philbin's fine leadership and his contributions to the Nation, but I will remember him for the person he was.

Phil Philbin was a gentleman in every sense of the word. He never spoke unkindly to or about anyone and his love and compassion for his fellow man were returned tenfold. Phil had a good word and a warm greeting for everyone and his winning way won him the respect and esteem of everyone on both sides of the aisle.

Phil was a legend in his own time. His name was a household word throughout his Third District where he was known as "Phil." He was truly Mr. Personality and the kindness, compassion, and understanding which characterized him will not be forgotten.

Phil possessed the finest qualities nature can bestow. He was an erudite man who could have succeeded in whatever endeavor he chose to pursue. His way with the written and spoken word was the envy of scholars and writers and few athletes are not familiar with his accomplishments on the Harvard football field. He was a cultured man who enjoyed good music. He often composed songs and accompanied himself on the piano. Phil could delight and amuse, as well as teach, and those who had the pleasure of his company always came away refreshed. His greatest love, however, was people and to best serve them, he devoted his life to public service.

Although Phil Philbin was not with us in the 91st Congress, he was not forgotten either by us in the House or the constituents whom he had served so ably for more than a quarter of a century. We are all a little richer for having known him and in wishing him a peaceful repose, I would like to borrow one of his own phrases, "God love you, Phil."

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the June 19, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of the nationwide activities in preparation for the 200th anniversary of this Nation in 1976. The bulletin is compiled and written by the staff of the ARBC Communications Committeee. The bulletin follows:

The National Governors' Conference has officially endorsed the concept of a nationwide network of Bicentennial Parks as proposed by the ARBC on February 22, 1972. Governor Arch A. Moore (W. Va.), Chairman of the National Conference has informed ARBC Chairman David J. Mahoney of the action of the governors during their recent meeting in Houston, Texas. The resolution which was unanimously passed states, "That the National Governors' Conference endorses the concept of Bicentennial Parks as having a significant potential for enhancing a truly nationwide participation in a meaningful commemoration of our Nation's 200th Anniversary and looks forward to receiving, at an early date, a report of the results of the feasibility study now underway." In a June 12 release Chairman Mahoney replied: "This endorsement of the Parks concept by the Nation's governors is most encouraging. The favorable reaction of the governors to the idea of developing a Bicentennial Park in each State is welcomed by the Bicentennial Commission."

On Wednesday, June 21, the ARBC Communications Committee is meeting at Headquarters in Washington, D.C. in a full morning session beginning at 10:00 a.m. The ARBC Executive Committee is meeeting the following day, Thursday, June 22, also at Headquarters at 9:00 a.m.

State Representative Floyd M. Sack, Chairman of the Colorado Centennial-Bicentennial Commission has announced that Governor Jack Love has appointed 8 new members from throughout the state to the Commission.

Commission members Thomasine Hill, Ken Beale and Roy Brooks will participate in the nationwide assembly of 1,000 high school Student Council leaders, June 25-29 at Forest View High School in the Chicago suburb of Arlington Heights.

The Princeton University Bicentennial Committee has been meeting and formulating plans during the past several months and will shortly present its recommendations to the president of the University. The committee is headed by Irving Dilliard, former Editorial Page editor of the St. Louis Post Dispatch.

The Bicentennial Council of the Thirteen Original States will meet at Princeton University, June 28-30, at the invitation of the Historical Commission, which has represented New Jersey on the Council.

Mayor John Gatti of San Antonio has informed the ARBC that on June 19 the city will host the President of the Republic of Mexico, Lic Luis Echeverria Alvarez, who will dedicate the Instituto de Cultura de Mexico. The Mayor writes: "Because of San Antonio's deep interest in the forthcoming Bicentennial Celebration of the United States, it is our desire to identify this historical visit as the first significant Bicentennial 'open house' event in America."

Dr. J. Duane Squires, Chairman of the New Hampshire ARBC has informed the ARBC that the State Commission has issued a report to Governor Walter Peterson of the activities of the Commission during the two years of its existence. The report is dated June, 1972.

The New England Drum Corps Federation has a plan they hope will fit into the "Festival USA" theme of the Bicentennial. The Federation would like to invite a drum corps from a foreign country, or from outside the northeastern section of the U.S., to pay a visit of a week or two to New England during the summer of '76. The Federation has noted that other organizations might well adopt similar plans and points out that Boy Scout camps in one State might accommodate Scout troops from foreign countries or distant states paying a Bicentennial visit to the region where so much Revolutionary activity took place. Another Drum Corps Federation plan is to stage an exhibition of American music of the Colonial period during the Bicentennial year.

A San Diego County ARBC has been formed comprised of each community in the County and the Board of Supervisors. The mayors in the County will serve as ex officio members. Allan B. Skuba, Escondido, and M. D. Berchdorf, San Diego, will serve as co-chairmen. An organizational meeting has been held and much enthusiasm exists in the San Diego area, which celebrated its Bicentennial in 1969. The County ARBC will be the local agency to support the ARBC.

A new "Revolutionary Collection" of fabric commemorating the up-coming Bicentennial was introduced at the Owens Fiberglas Center in New York City. The collection is based on colonial period designs gathered from the Smithsonian, Cooper-Hewitt and Winterthur museums as well as from private collections. Print designs were inspired by sampler patterns, hand-loomed counter panes, basketry, 18th century block prints, patchwork quilts and embroidery stitch patterns. Designer Leslie Fillet created the signature collection.

Arizona ARBC—Lt. Gen. Frank Sackton (Ret.) of the Governor's Office has been assigned by Governor Jack Williams to see that all possible assistance is given to the Arizona ARBC by the State Government. The Arizona Commission was formally established by Executive Order of the Governor on June 9. John Eversole, the Chairman, announced two new members were appointed by the Governor, Mr. Eric Maxwell and Mr. John V. Fels.

Students from all Belton, Texas schools have been appointed to the Belton Bicentennial Commission and to serve as a board to guide their respective schools in participating in the Bicentennial celebration. And in Des Moines, Iowa the class of 1976 of the Charlton, Iowa school were presented a 45-minute program, including slides and a quiz, on the Bicentennial and the World Food Expo '76.

The May 1 issue of the Bicentennial Bulletin reported that an 80-minute film dramatizing the role of immigrants in building America was being planned in Washington Crossing, Pennsylvania. It shoud be noted that the film is not being produced by the Washington Crossing Foundation but rather by Sol Feinstone of Washington Crossing, Pennsylvania.

Contact: F. C. Duke Zeller, Editor (202) 254-8007.

APOLLO 16: A TRIBUTE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. TEAGUE of Texas. Mr. Speaker, much has been said over the years as to the significance of man as a direct participant in space flight. A recent editorial in the San Jose Mercury of April 24, 1972, discusses this subject in the light of the outstandingly successful Apollo 16 lunar mission. I offer this balanced and significant editorial as an important contribution to the discussions of manned space flight in the present and future:

APOLLO 16: A TRIBUTE

The manner in which the Apollo 16 moon mission has unfolded to date underlines once more the essential role of man in the exploration of space.

Unmanned probes are excellent as far as they go—and in terms of sheer distance they go much farther than manned expeditions at the moment—but there are as yet no cameras and computers to equal the human eye and mind.

Apollo 16 appeared to be plagued from the outset with minor difficulties, jammed antennas, erratic circuits and malfunctioning instruments. Yet the minds and hands of Astronauts John Young, Charles Duke and Thomas Mattingly contrived nonetheless to place the former two on the moon's surface only a few hundred feet from their target and only a few hours behind schedule.

Even though Young, Duke and Mattingly were barred from spending as much time in lunar orbit as originally planned, Apollo 16 must be counted a qualified success even at this point; it won't be a total success, of course, until all three astronauts are safe on earth once more.

The geological data Apollo 16 will return from the mountainous Cayley Plains is certain to give scientists a firmer grip on the origins of the moon and, perhaps, even of the solar system itself. Beyond that, the nuclear-powered data gathering and reporting station Young and Duke deployed on the moon's surface will continue serving man's thirst for knowledge well into the future.

All of which attests to the indispensability of man in space. Few if any of the more sophisticated scientific experiments Young and Duke conducted could have been performed by automated equipment. Further, it is highly improbable that any such experiments would have been undertaken at all if Apollo 16 had been an unmanned probe; at the first technological malfunction, it is more likely the whole mission would have been scrubbed automatically.

It is regrettable that only one more Apollo moon flight remains in the National Aeronautics and Space Administration's schedule. Just when man is becoming familiar with the moon at close hand, he abandons further personal exploration. This is short-sighted and wasteful, but given the temper of the country at this point in history it is probably inevitable. The only short-term consolation is that Congress is funding the space shuttle and Skylab programs at reasonably adequate levels. Thus the United States will not lose all space exploration capability through atrophy and apathy.

For the long haul, it is inevitable that interest in lunar exploration will be rekindled at some future date. The Apollo program answered a great many questions about the moon, but it is in the nature of scientific inquiry that answers beget more questions, and lunar exploration has been no exception to this general rule. Consequently, it is a certainty that man will journey to the moon again—after Apollo 17. The only uncertainty is when. Most probably it will be after man has perfected techniques for maintaining colonies of explorers on the lunar surface for extended periods.

Apollo 16 is a noteworthy achievement in its own right, but it is more than that. It is, more importantly, the latest step in man's restless journey into the unknown. It is a tribute to his curiosity and, ultimately, to his faith in life and in the ability of knowledge to make that life somehow better in the future than it has been in the past.

RECOMPUTATION OF MILITARY RETIRED PAY

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KING. Mr. Speaker, many Members of Congress have been receiving a heavy volume of mail concerning the so-called recomputation of military retired pay. Some of the retired military personnel take the position that the former system of allowing military retirees to recompute their retired pay on the basis of current active-duty basic pay scales should be reinstated. This would mean that increases in retired pay would be automatically geared to increases in the basic pay of the active-duty forces.

The Congress departed this method of adjusting retired pay in the 1958 Military Pay Act and in 1963 repealed the pertinent section of the law. Under that legislation, Congress provided a flat, across-the-board 6-percent increase in retired pay. This action has created considerable controversy over the proper method of increasing military retired pay. The controversy continues to this day.

Under leave to extend my remarks in the CONGRESSIONAL RECORD, I would like to include a letter on the subject of recomputation which I received this week from Col. John B. Holst, USAF, retired, a constituent and good friend of mine from Elizabethtown, N.Y. While I am sure my colleagues will find the narrative prepared by Colonel Holst interesting and amusing, I know it sincerely expresses not only his sentiments concerning military recomputation but also the sentiments of many other retired military personnel.

Numerous bills on recomputation have been introduced, and it is my understanding that the administration has recently submitted a legislative proposal providing a one-time, partial recomputation. In view of the considerable interest, congressional and otherwise, I am very pleased that Hon. F. EDWARD HÉBERT, chairman of the Committee on Armed Services, has announced his intention to schedule hearings on these proposals as soon as the committee's legislative calendar will permit.

Colonel Holst's letter follows:

ELIZABETHTOWN, N.Y., *June 15, 1972.*

Hon. CARLETON J. KING,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: This is just a note to let you know that the family are well and doing fine—that is everybody except Uncle Sam and some of his nephews. He has been acting so strange and unlike his old considerate and generous self that some think maybe he is a little teched in the head. They asked me to write to see if you could get him to see reason before it is too late.

You may have been out of touch with most of Uncle Sam's nephews who are hurting the worst, so I'll try to bring you up to date on why they think his behavior is so odd.

You remember back in the thirties when there were so many bad guys running loose all over the world Uncle Sam gathered all his nephews together to get ready for the big shoot out. There were three main gangs causing most of the trouble, the Swasticas, the Rising Suns, and the Black Shirts. Uncle Sam, even with all his nephews, wasn't strong enough to face them alone so he teamed up with lots of friends around the world and the Red Star Gang which turned out not so friendly later on. All together they were too much for the bad guys and the final shoot out ended in 1945.

After that most of the nephews wanted to go home to their jobs and families, but about that time the Red Star Gang showed their true colors and started grabbing off everything they could get their hands on including some of our weaker and smaller friends who had helped throw out the bad guys. Fearing that the new bad guys, that is the Red Star Gang, would pluck off all the old friends one by one, Uncle Sam went all around the world reassuring them that he would not let that happen. So when he got back home and found most of the nephews packing to go home, he begged them to stay with him because otherwise he would not be strong enough to protect his friends overseas. In order to keep the nephews with him he reaffirmed the ancient policy that if they stayed with him that even after retirement they would still get all the benefits, including pay increases, that he would provide to

XUM

those still active. Feeling secure in the reputation for integrity that Uncle Sam had built up over the years many of the nephews agreed to stay with him. And so Uncle Sam was then able to keep the promises he had made around the world.

After that everything went fine in the family. The nephews that went home were eager to compete in the land of free enterprise where the sky was the limit, and many became wealthy and famous.

The ones that stayed with Uncle Sam worked loyally in the belief that while they would never be rich, they were building credits toward a secure and dignified retirement.

But then in 1958 Uncle Sam did something very out of character for him. He broke his promise to the nephews who stayed with him. By then most of them were too old to go home and start over again, and many of them think Uncle Sam may have done it with this in mind. I wouldn't go so far as to say that myself, but I do think he dishonored the family name by cutting off the loyal nephews and welching on the deferred payments promised them at a time in life when there was little they could do about it.

Since Uncle Sam broke faith with the older nephews in 1958, the younger ones have been skeptical about what they might expect on retirement, and so to keep them happy Uncle Sam has had to give them more frequent and bigger pay raises. This means that the younger ones when they retire will get a much larger deferred payment than the older ones with the same grade and length of service. By following this policy Uncle Sam is able to keep his friends abroad and his younger nephews happy while his older nephews are gradually slipping down the economic ladder into second class citizenship. The younger ones don't care because it wasn't their fault that the older ones were born many years too soon.

Well that's about how things stand in the family today. If you still have any influence with Uncle Sam, I would appreciate it if you would try to make him see the error of his ways and get him to do something about it while there is still time. I believe that if Uncle Sam made good on his promise to the older nephews, his credibility would be restored and the younger ones would be less demanding of cash on the barrel head.

I truly believe that Uncle Sam really wants to make restitution and bring us together again, but he needs help. And he needs to be shown that honor and integrity and unity within the family are more important than the money that their restoration would cost. Also he should be reminded that without the support of the older nephews in the years following the big shoot out there probably wouldn't be any family left to bring together.

Here are the names of a few of the fine people down your way who are trying to get Uncle Sam to bring us together. Hope you will help them. Hon. Charles Gubser (R-Cal) HR 14524, Hon. Burt L. Talcott (R-Cal) HR 14643, Hon. G. William Whitehurst (R-Va) HR 14662, Hon. Dawson Mathis (D-Ga) HR 14871, Hon. Bob Wilson (R-Cal) HR 14916.

Meantime I want you to know how sorry I am that you have been redistricted out of our part of the Adirondack Mountains, and I hope this won't keep you from coming up here to see your old friends.

Yours sincerely,

JOHN B. HOLST.

PAUL REDLINSKI STEPS ASIDE; SAVED BUFFALO'S MARKET

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DULSKI. Mr. Speaker, in each community there are individuals whom we can admire and respect for their dedication to their families, their friends, and their neighbors.

Such an individual is Paul Redlinski of my home city of Buffalo, N.Y., who retired last week as president of the Broadway Market Merchants Corp. Paul is a long-time personal friend for whom I have the highest regard.

He immigrated to the United States as a youth, age 13, and built his own business. He built not once but twice, his first being the victim of the Depression of the 1930's.

Paul is a highly respected leader of his community and is singularly responsible for leading the successful fight to preserve the city-owned Broadway Market as a landmark of Buffalo's Polish-American community.

Mr. Speaker, as part of my remarks I include a story from the June 15 issue of the Am-Pol Eagle:

PAUL REDLINSKI ENDS ASSOCIATION WITH BROADWAY MARKET

The man who is credited with single-handedly saving the Broadway Market as a landmark of Buffalo's Polish American community is leaving the market after an association that has spanned 25 years. Paul Redlinski, Sr., who began his successful fight against the sale of the Broadway Market to private enterprise ten years ago, announced yesterday his retirement as president of the Broadway Market Merchants Corporation after serving in that capacity for three years. His announcement of his retirement thus completes his separation from the market. In 1969 he retired as president of his family-owned meat business, turning the operation of Paul Redlinski Meat Products Inc. over to one of his four sons.

The story of Paul Redlinski's rise to a position of prominence and respect in Buffalo's Polish American community is filled with both successes and disappointments. Born near Warsaw in 1900, he came to Buffalo at the age of 13. His father, who had emigrated here three years before the rest of his family, settled on Clark St. on Buffalo's East Side.

Having virtually no knowledge of English, Paul Redlinski's early life was pretty much limited to the Polish-speaking areas of Buffalo's East Side. His earliest memories are of walking down Broadway and seeing Polish names above businesses. He thought to himself that he would like to see his name over his own business someday and he knew from then on that he was destined to a life in the world of business.

BECAME ELECTRICIAN

His first employment, at the age of 16, was not exactly what he had in mind. His first job was pulling nails out of boxcars standing along the New York Central Terminal on Curtis St. This did not last for too long a time. And after moving from one job to another for several years, he finally landed a position as an apprentice electrical worker. Although the $4 a week salary was not what he had hoped for, the job did provide him with experience that would prove to be invaluable in later years. After learning both the electrical business and the English language, he began wiring houses for an electrical contractor whose business was located on Clinton St. next to the Strand Theater.

His first break in the business world came in 1925 when the owner of the Clinton St. business told him that he would have to close down because he could not pay the bills. He offered the business to the then 25-year-old Redlinski who, after borrowing $500 from friends and relatives to pay off the debts, accepted.

He became a success almost immediately. In addition to house wiring and other electrical jobs, he sold small appliances such as radios and washing machines from his Clinton St. store. For young Redlinski, owning his own successful business was like a dream come true.

His success was to be short-lived. The Great Depression came and he lost everything. He learned a lesson from the depression, however. The cause of his downfall was credit buying and he pledged that his future business ventures would be of the "cash-over-the-counter" nature.

His second business was to be a long time in coming. He was now married to the former Martha Nowak and he had four sons whom he had to think about. He could not afford to take another chance in business. He had a job as an electrician and was making a livable salary.

Yet, the call of the business world would not cease. By the late forties his sons were growing up and one had learned the butcher's trade. He wanted to do something for them. So in 1947, after much reflection, he sold the house he had managed to buy on Miller St., and invested the money in a butcher stand at the Broadway Market.

BEGINS MARKET RULE

This brings us to another side of Paul Redlinski, the most important side. He did not decide to open the stand for himself but rather for his sons. In fact, he maintained his job as an electrician for several years after the Broadway Market butcher stand was opened. It was his concern for his four sons (Emil, Daniel, Leonard and Paul Jr.) that motivated him to take this great chance. Those who knew Paul Redlinski well realize that his great love for his family is, and always has been, placed above all else.

The success story of the Broadway Market stand of Redlinski Meat Products is truly phenomenal. A second stand was obtained in 1952 and by 1957, a third was needed. Sausage was always home-made behind the counter but by the early '60's, it became evident that demand would force a change. In 1965 a sausage and meat processing plant was opened on Sienkiewicz Pl. adjacent to the Market. The plant now makes more than 30 varieties of meat products.

In 1947, 30 pounds of Polish sausage was made behind the counter of Redlinski's stand. Last week, 1500 pounds of Polish sausage was made in the Redlinski plant on Sienkiewicz.

The first signs of trouble for the Broadway Market came in 1962 when our city leaders began to talk about selling the city-owned facility. It was then that Paul Redlinski began his fight. His frequent visits to City Hall on behalf of the Market must have made some people wonder if he was on the city payroll. Everytime an item that could affect the future of the Broadway Market was being discussed in City Hall, Paul Redlinski was there.

His efforts of time and money were not wasted. In 1969 a compromise was reached whereby the merchants would lease the market from the city. The Broadway Market Merchants Corporation was formed and Paul Redlinski was elected as its first president. The market had been saved as the center of our Polish American community and Paul Redlinski was the one person responsible for this. Today, the operation of the market is that of a smoothly run business with no problems in sight.

SENIOR CITIZEN CENTERS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SHOUP. Mr. Speaker, recently, I had the privilege of attending a "listening session" with a group of senior citizens at the Walford Senior Citizen Center in Missoula, Mont. The meeting was held with representatives from the Montana Commission on Aging, other senior citizen centers, and delegates to the White House Conference on Aging. The purpose of the meeting was to discuss the recommendations of the White House Conference and other areas of concern. Because I believe the minutes of this meeting will be informative to my colleagues, I insert the following minutes into the CONGRESSIONAL RECORD.

LISTENING SESSION, WALFORD SENIOR CITIZEN CENTER, MISSOULA, MONT., MAY 21, 1972

Congressman Shoup opened the meeting, stating he hoped for quick implementation of the recommendations arising from the White House Conference on Aging (WHCA).

Bertha Wieloff, one of the four panel members, stated the President had promised not to ignore the WHCA recommendations. She spoke on H.R. 1 which would provide increased Social Security benefits, allow the aged to work without being financially penalized, and eliminate the $5.80 Medicare insurance premium. She also spoke of providing tax relief to those who own and live in their own homes.

Lyle Downing said the Walford Center was one of the best of the 46 centers in Montana. He recounted a history of the activities on behalf of the aged, beginning in 1965. In 1966 Governor Babcock appointed Downing as Executive Secretary to the Commission on Aging. Barclay Craighead raised $6,500 and the Federal government added $13,000 to fund the Commission. The first office was located in the Old Governor's Mansion, later moved to the Montana Historical Society, then Mitchel Building, and finally to the present Office in the Penkay Manor, where they currently are staffed by 11 people. Downing told the group that Shoup had treated the Montana WHCA delegation with great kindness, bringing the group together for a breakfast. The hotel accommodations were such that the group was scattered throughout Washington and some delegates have yet to receive per diem payments. The WHCA was productive; some $500,000 has been granted to Montana for nutrition since the Conference was completed.

Mr. Thompson, another panelist, explained how John Haugan had asked him to help when he heard there was no delegate from Missoula for the conference. He called his daughter who lived in Washington and she contacted Shoup. Shoup then arranged for Mr. Haugan to receive credentials as a member of the conference.

Downing explained that the delegates to the WHCA were selected by the Governors of the states.

Don Sekora, the fourth panelist, and an employee of the Commission on Aging, explained as background that he was employed by the Welfare Department. Explaining that WHCA was a working session, he described the breakdown of the group into its 14 subcommittees. The subcommittees then came out with various recommendations among which were:

Permanent standing committees in House and Senate on aging.

A presidential advisor or cabinet level position on aging.

A recommendation that the war be ended and money thus saved be used for the aging.

He said that some of the recommendations have since been translated into action.

Shoup said he would send copies of the bill, history, and committee print to the Walford Center.

Downing asked for a report on the future of the Old Americans Act.

Shoup said the nutritional program has passed but he wasn't aware of when it would be implemented.

Downing spoke of a critical letter from Frank Sennett complaining about the delay in implementation. Downing added that the sentiments expressed reflected his own feelings. He disagreed with the areawide concept because it ignored small communities and the problems there.

Sekora stated there was great confusion about implementation with further studies being asked by the federal government, and continual promises that guidelines will soon be furnished, followed by new delays.

Wieloff said demonstration projects are underway for the "meals on wheels" with great success.

Downing said he wanted to have a permanent program, not demonstration programs. He said one such program is now operating in Helena which was funded by OEO, and has since been funded by Lyle's office.

A suggestion was made that the kitchen facilities at St. Patrick's Hospital be used to cook meals for the Missoula program when it is not being used for patient meals.

A woman stated that her neighbor gets one meal per day, which is prepared in the hospital.

Mrs. Gold said she was involved in a "meals on wheels" program in Missoula, through the Unitarian Church, but the recipients she knew of were required to pay.

Shoup stated that some demonstration programs have proved the worth of expanding the programs. He inquired about the Green Thumb program.

Downing responded by saying it is sponsored by the Farmers Union with a limited budget. Transportation of the elderly is a problem. In Glendive coupons are used to provide taxi service, with a portion of the cost picked up by the Welfare Department. In Butte, a Model City grant is aiding in solving transportation problems there. Transportation is basic and without it, many of the other programs will not work.

Shoup said a bill has been introduced which would encourage the elderly to work where they are not competing with the labor force. Talking about other matters, Shoup warned of the trap of accepting programs for limited periods, after which funding expires. Demonstration projects frequently expire with States, cities, and counties then expected to continue funding, which they frequently are unable to do.

Downing said that the Senior Citizen Centers have had difficulty raising their 25% share of matching funds, but the last legislature passed a bill which allows cities and counties to tax for that purpose. He said projects which cross city and county lines will be more difficult to fund at the state level.

A lady stated that transportation in Hawaii is solved by presentation of the Medicare card to the drivers of public vehicles.

Shoup said that in Washington, D.C., a reduced fare is available to Senior Citizens. The problem of what to do in smaller communities—where there are no taxis—was raised. Shoup said the answer may be to provide a grant to secure a driver within the locality.

One lady asked if school buses could be used. Downing said the matter had been probed but there are legal problems.

Shoup said they have been used in some places by arrangements made with either the schools or the contractor.

Mr. Thompson said they were in the process of buying their building but needed financial help. He envisioned problems in taking the property from the tax rolls.

Shoup pointed out that interest on SBA loans was paid to banks and not to the SBA.

One man asked where application should be made for the Green Thumb program. Downing said the grant should be directed to his agency and that approval could be expected in about one week.

A program to provide for used hearing aids was discussed. It was thought that they should be distributed to the aged throughout the area by the University of Montana. It was determined that financing was a problem, with some recipients paying $15 for the test, while others cannot afford that sum. It was warned that itinerants should be avoided.

Mr. Watts said bloc grants to the states would be a better way to handle problems of the aged instead of the narrow method now in use. Shoup agreed that priorities could better be defined at the local level.

Another added that for the price of a dollar, that a certificate can be purchased in Washington which frees Montanans shopping there from paying that state's sales tax.

After a coffee break, the program continued with a comment by Shoup who said local decisions should be made in the cases of medical service provided to the elderly people. He said some of the elderly have been treated and assumed Medicare would pay the bill, but that in many cases that was found to be insufficient.

A lady stated that she objected to the exclusion of payments to chiropractors.

Shoup, after no further comments or questions were forthcoming, thanked those present for attending and the meeting was ended.

NO. 2 FUEL OIL SUPPLIES—THREAT OF SHORTAGE LOOMS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CONTE. Mr. Speaker, as the Members of the House from the Northeastern States are well aware, fuel oil supplies have been a continuing problem for our region. During many periods in past winters, supplies of vital No. 2 fuel oil have run short and emergency allocations were required to prevent homes from running out of oil. Just this spring—in March and April—disruptions and shortages occurred in many markets, and it was only the arrival of warm weather that averted a crisis.

Once again, New England, New York, and other areas are faced with the possibility of shortage—next winter. The supply-demand problems that could lead to such a shortage—and the competitive difficulties they cause independent deep-water terminal operators—have been ably and convincingly documented in a petition recently filed with the Oil Policy Committee. I commend it to the attention of all my colleagues; it provides ample cause for concern, but also sets forth an effective plan of action.

Mr. Speaker, I include the "Petition for Increase in No. 2 Fuel Oil Imports—District I" filed by the Independent Fuel Terminal Operators Association with the Oil Policy Committee on June 5, 1972, at this point in the RECORD:

PETITION FOR INCREASE IN NO. 2 FUEL OIL IMPORTS—DISTRICT I

JUNE 5, 1972.

Hon. GEORGE A. LINCOLN,
Chairman, Oil Policy Committee, Office of Emergency Preparedness, Executive Office of the President, Washington, D.C.

DEAR GENERAL LINCOLN: On behalf of the members of the Independent Fuel Terminal Operators Association, I hereby submit a Petition for an increase in No. 2 fuel oil

imports into District I (the East Coast, from Maine to Florida). The Association is composed of 14 independent deepwater terminal operators, all of whom own or control deepwater terminals in District I and none of whom is affiliated with a major oil company. All members received allocations to import No. 2 fuel oil into District I in 1972 under Section 30 of the Oil Import Regulations.

We are requesting that *imports of this product be increased for the period January 1–December 31, 1972, from the current level of 45,000 b/d to 65,000 b/d—an increase of 20,000 b/d.*

I. BACKGROUND: THE EXPERIENCE OF PAST WINTERS

Since the Winter of 1966–67, the fuel oil markets of the Northeast—particularly New England and New York State—have been characterized by a recurrence of shortage conditions, lack of assured supply for independent marketers, escalation in cargo prices, and a decline in the competitive strength and position of independent marketers and deepwater terminal operators. Although major oil company competitors also experienced shortages at their own deepwater terminals from time to time, these majors enjoyed access to overseas supplies of both crude oil and finished products; they also found it increasingly profitable and increasingly possible (as more hydrocracking facilities went on-stream) to shift to production of more gasoline and jet fuel, to restrict supplies of No. 2 fuel oil available to independents, and to market an increasing proportion of fuel oil through their own integrated system. The number of independent marketers on the East Coast declined and the prospects were poor for the continued survival of this segment of the market.

As their existence became increasingly perilous, independents looked to the Federal Government for assistance under the Oil Import Program. Interim relief was provided by the Oil Import Appeals Board through emergency allocations of No. 2 fuel oil. These allocations played a significant role in preventing actual shortages of oil in New York and New England, particularly during 1967 and early 1970.

It soon became clear, however, that this emergency mechanism was not a permanent, effective solution to the competitive, supply and price problems facing independent deepwater terminal operators.

II. NO. 2 FUEL OIL IMPORT PROGRAM FOR DISTRICT I

A major step toward a solution was taken on June 17, 1970, when the President established the No. 2 Fuel Oil Import Program for District I. The impact of that Program has been set forth in previous submissions to the Oil Policy Committee, but, in brief:

For the first time—during the Winter of 1970–71—there was no No. 2 fuel oil supply crisis (despite a severe shortage of No. 6 fuel oil);

Cargo and rack prices in the Northeast were stabilized, and in many terminal areas, dealers and jobbers enjoyed the benefits of increased competition;

The competitive position of independent deepwater terminal operators improved.

On November 5, 1971, a further significant development took place; on the advice of the Oil Policy Committee, the President established the No. 2 Fuel Oil Import Program for District I on a permanent basis. The new program was a major improvement:

With the assurance of permanent access to overseas supplies, independent terminal operators have been able to plan more effectively;

With such assured access, they have been able to make financial commitments for construction of new docking and storage facilities;

The crude oil exchange provision has strengthened the competitive position of terminal operators in dealings with major oil company suppliers.

III. WINTER OF 1971–72: INCREASES AND CHANGES IN FUEL OIL DEMAND

The experience of the Winter just past dramatized the major increases and shifts in demand taking place in the U.S. fuel oil markets, particularly in the Northeastern states.

In District I (the East Coast), during the period September 1, 1971–February 29, 1972:

The weather, as measured by degree days, was 10.8% warmer than the corresponding period in 1970–71.

Total distillate demand was 284 million bbls—2.5% more than during 1970–71.

If weather had been normal during this period, instead of unusually warm, *added demand for distillate* in District I would have been *15 million bbls*, and total demand would have been 7.5% greater than the previous year.

Distillate stock fluctuations during the heating season were as follows:

[In millions of barrels]

Distillate stock levels as of—	East Coast	Gulf Coast—Texas and Louisiana
Sept. 4, 1970	79.5	26.7
Apr. 30, 1971	39.4	18.6
Draw-down, 1970–71 heating season	40.1	8.1
Total draw-down	48.2	
Sept. 3, 1971	87.3	31.3
May 1, 1972	30.2	15.0
Draw-down, 1971–72 heating season	57.1	16.3
Total drawdown	63.2	

During the 1971–72 season, the total "drawdown" was 32% greater than the previous year—despite the fact that the weather from September through April was 8.4% warmer.

March–April 1972

The experience of the past two months of the heating season—March and April—has been particularly alarming for independent marketers of fuel oil. Supplies of No. 2 fuel oil at terminals in New England and New York ran very low, and in some cases, the storage tanks ran dry.

Both independents and majors experienced shortage. Refiners, including the largest major oil company suppliers of No. 2 fuel oil along the East Coast, ran low, refused to deliver product to some independent deepwater terminal operators and stretched out delivery schedules to others.

In several areas of New England, during March and April, there were only 2–3 days supply of heating oil available in some markets. Only the facts that this supply crisis occurred later in the heating season, that overseas supplies could be imported quickly, and that warm weather arrived, prevented homes and apartments from running out of oil.

These tight conditions persisted into early May.

IV. CAUSES OF CHANGE IN DISTILLATE DEMAND

The data and events outlined in Part III above, underscore two major facts about No. 2 fuel oil demand: first, there has been and will be a substantial *increase in demand for No. 2 fuel oil for non-heating purposes*; and second, there has been and will be a *substantial increase in No. 2 fuel oil burning for heating purposes*. The causes have been:

A. Nonheating uses:

Electric power generation. Utilities have, in recent months, been entering the market to buy substantial quantities of No. 2 fuel oil, to replace high-sulfur No. 6 fuel oil and natural gas as the source of power for their steam turbines.

In District I, the utility consumption trend is a follows:

	Consumption (barrels per day)	Percent of total distillate demand in district I
1968	11,700	1
1969	21,700	2
1970	48,000	4
1971	66,000	6
1972 (estimate)	85,000	
1973 (estimate)	[1] 120,000	

[1] More than.

Blending to reduce sulfur content of residual fuel oil. In order to meet the state and local strict anti-pollution standards now going into effect from Pennsylvania and New Jersey through New England, increasing amounts of No. 2 fuel oil are being used by refineries and terminal operators to blend with No. 6 fuel oil. The diversion of No. 2 fuel oil for this purpose has been substantial over the past heating season.

The volume used in blending is likely to be even greater next year, as the permissable sulfur levels under pollution standards and regulations are lowered.

B. Heating uses:

Conversion from gas to No. 2 fuel oil. The gas shortage is accelerating the conversion to oil burners in existing homes and the installation of oil furnaces in many thousands of homes under construction; the shift to No. 2 fuel oil has been particularly dramatic in New Jersey and Pennsylvania and on Long Island, New York.

Conversion of many No. 6 fuel oil heating units to No. 2 fuel, to meet anti-pollution standards. Although this is occurring all along the East Coast, such conversions have been greatest in Eastern Massachusetts where No. 6 fuel oil has been prohibited in all units burning less than 20 gallons per hour.

An increase in consumption of No. 2 fuel oil by office buildings, factories, apartment houses as a replacement for natural gas and high sulfur coal.

V. PROSPECTS FOR THE WINTER OF 1972–73: POSSIBLE SHORTAGE, HIGHER PRICES

The Association is deeply concerned about the prospects for No. 2 fuel oil next winter. For District I, we project:

An *increase* in No. 2 fuel oil demand of at least 8 percent;

A *levelling off—and perhaps a drop—in supplies* of No. 2 fuel oil made available by domestic refineries to independent deepwater terminal operators;

A *shortage* of No. 2 fuel oil in the independent segment of the market of at least 20,000 b/d;

Or, if more imports are not permitted, a substantial *increase in the price* of No. 2 fuel oil, in order to provide incentive for domestic refiners to produce sufficient quantities of the product to meet all domestic needs.

These projections are based on the following considerations:

Demand

We assume that the weather will be normal and No. 2 fuel oil demand will increase at approximately the same rate as in the past year. This will result in increased requirements in District I of 8%. However, the demand increase could reach 10% or more as a result of three factors:

The shift by utilities to No. 2 fuel oil in District I and/or District II could be greater than anticipated; it has been in past years.

Use of No. 2 fuel oil by utilities and commercial and industrial users during the summer period (July 1–September 30) could also be greater than anticipated. This will prevent the normal summer inventory build-up, essential to assuring sufficient supplies during the Winter, from taking place to the extent it has in the past.

Consumption of No. 2 fuel oil by industrial and commercial users as a substitute for No. 6 and natural gas could also be greater than projected. These large power users are, of course, under increasing pressure from more stringent anti-pollution standards and the well-publicized gas shortage.

Supplies

Although refining capacity has not expanded in recent years, particularly along the East Coast, we agree that under normal circumstances domestic refineries can probably produce enough No. 2 fuel oil to meet the demands of next Winter.

Unfortunately, these are not normal times. The Department of the Interior projects a shortage of domestic refining capacity in the near future and states that "the short term answer will almost certainly be to increase product imports." The Department predicted this would occur in 1974. But based on the experience of recent months and our projections, we believe the danger point could well be reached next Winter. U. S. refineries must operate at more than 90% of capacity to meet current demand. During the coming year, nonheating demand (from utilities) and heating demand (if the winter is cold) could well put U. S. refining capacity to a severe test, and shortages might occur.

We are deeply concerned about the adequacy of supplies throughout the country. But for East Coast independent deepwater terminal operators, the situation is already critical. As we shall indicate below, there will not be enough No. 2 fuel oil for the independent segment of the market in District I.

Our concern about refining capacity and supplies of No. 2 fuel oil in District I in the coming Winter is based on several considerations:

First, the experience of the past Winter. Domestic output of No. 2 fuel barely kept pace with demand. Early in the Winter, warm weather prevented a shortage; later in the Winter, imported supplies of No. 2 fuel oil prevented one.

Second, the impact of the continuing increase in gasoline demand on No. 2 fuel oil production. We are concerned that increased gasoline demand and the increased *summer* demand for No. 2 fuel will reduce the *winter* availability of No. 2 fuel oil.

Third, the sharp increase in demand in the Middle West (District II) which is likely to force diversion of substantial quantities of No. 2 fuel oil production from the Gulf Coast. Gulf Coast refineries have customarily been major suppliers to the East Coast heating oil market, and such diversion will contribute to supply problems in District I.

District II is a major consumer of distillates; in 1970, the five states of Illinois, Indiana, Michigan, Ohio and Wisconsin consumed nearly as much as the six New England states. Demand in these states (and elsewhere in District II) has also been increasing under the dual pressures of pollution controls and the gas shortage. The Middle West also has a unique problem, which is likely to force an even greater increase in No. 2 fuel oil consumption: unlike the East Coast, the Middle West has limited access to supplies of low-sulfur No. 6 oil. Neither the refining capacity nor the facilities for storage and shipment of residual fuel exists in the Middle West or Gulf Coast; No. 6 oil is thus not available as a substitute for coal (which is high sulfur) or natural gas (which is in short supply). The only ready substitute is No. 2 fuel oil which can be easily produced and readily shipped and stored.

As a result, we are concerned that much less of the Gulf Coast distillate production will be available than in the past to meet East Coast demand and the supply requirements of independent deepwater terminal operators.

VI. SUPPLY-PRICE PROBLEMS OF INDEPENDENT MARKETERS

Tight supply

The tight supply conditions are a particular threat to independent marketers. Unless import levels are increased as requested, the competitive and supply position of independent deepwater terminal operators will be severely eroded.

There have been several indications of an impending supply problem during the Winter of 1972–73:

Most refiners have informed independent deepwater terminal operators that no additional supplies of No. 2 fuel oil will be available; some refiners are reducing supply levels to independents next Winter. These refiners indicate that they will need additional quantities of No. 2 fuel oil to meet growing demands of their own integrated marketing systems and for sale to utilities.

The principal East Coast supplier, Humble, has notified independents that contract quantities for 1972–73 will not be increased over 1971–72 deliveries. In some instances, Humble has cut supplies to independents substantially below the levels of previous years.

Independent refiners are expected to provide less No. 2 fuel oil to independent deepwater terminal operators. For example, the production of the Coastal States refinery at Corpus Christi, Texas, is being taken over by Texaco and Southwestern Refining Company at Corpus Christi has been diverting a substantial portion of its No. 2 fuel oil production to the utility market.

Utilities themselves are entering the distillate market and taking supplies away from independent marketers. In recent weeks, as indicated above (p. 7), utilities have demonstrated that they will be major purchasers in the heating oil market. Their entry into the market on a large scale *in direct competition for supply* with independent marketers can only hurt the independents:

Utilities have tremendous purchasing power and can easily outbid cargo buyers; the price paid for fuel oil is not a major consideration to utilities, since they can pass on costs of fuel to consumers;

Utility business is more attractive than independent cargo business to the major oil companies, since it involves large purchases and an "even monthly take" (i.e. utility business fluctuates little with the seasons or temperature levels; heating oil business obviously does).

Insufficient import levels

Independent deepwater terminal operators cannot rely on imported supplies—at the current level of 45,000 b/d—to make up the supply gap facing them next Winter.

Under the No. 2 Fuel Oil Import Program, 45,000 b/d (16,470,000 bbls) is available for use, during 1972, by independent deepwater terminal operators in District I.

Because sufficient No. 2 fuel oil was not available from domestic refineries, particularly during March and April, the members of our Association were forced to use the major proportion of their allocations by the end of April. Of our total allocations,

40% has been used to import No. 2 fuel oil;

33% has been used for crude oil exchanges (approximately 50% of the No. 2 fuel oil received by exchange has already been delivered);

Thus, of our total allocations, only 3.1 million bbls—27%—remains for importation of No. 2 fuel or for exchange during the remainder of the year.

Possible price increase

Refiners have informed us that a major reason why they are limiting supplies of No. 2 fuel oil for next Winter to independent deepwater terminal operators is that the cargo price is too low. The cargo price was scheduled to rise by approximately 1 cent per gallon in Boston and New York last winter, but this was prevented by Phases I and II of the President's Price Control Program.

Refineries maintain that, at current prices, it is uneconomic to produce additional quantities of No. 2 fuel oil. They will only produce more if the price is permitted to rise.

The alternative is thus clearly presented: higher prices for refiners or short supplies for independents.

Loss of competitive position

Independent deepwater terminal operators face, at best, the prospect next Winter of receiving the same quantity of No. 2 fuel oil from their suppliers as last Winter. In an expanding market, this poses a severe threat to their competitive position; unless they receive additional supplies, terminal operators and independent marketers will be prevented from competing for and sharing in the 8–10% market growth in District I.

Their competitive position will be eroded; markets will be lost to their direct competitors—who are also their suppliers.

Demand-supply gap

The impact of the factors outlined above cannot, of course, be quantified precisely, but it is clear that independent deepwater terminal operators are facing a severe supply gap in the coming winter—totalling at least 20,000 b/d.

The following are the projections for 1972–73:

Total sales, by independent deepwater terminal operators, District I, July 1, 1971–June 30, 1972, 240,000 b/d.

Total sales, by independent deepwater terminal operators, July 1, 1972—June 30, 1973. This projection assumes that independents maintain—but do not increase—their share of the East Coast market, 260,000 b/d.

Import allocations, at currently authorized levels, 45,000 b/d.

Supplies required from domestic refineries, 1972–73, 215,000 b/d.

Supplies available from domestic refineries (same level as 1971–72), 195,000 b/d.

Supply gap 20,000 b/d.

VII. REQUEST FOR INCREASED IMPORTS

The Independent Fuel Terminal Operators Association urgently request the Oil Policy Committee to approve amendment of Section 2(a)(1)(ii) of Presidential Proclamation 3279, as amended, to:

Increase, for the period January 1-December 31, 1972, the level of No. 2 fuel oil imports into District I from 45,000 b/d to 65,000 b/d—an increase of 20,000 b/d.

Provide that the crude oil exchange provisions of Section 30(h) apply to the additional allocations.

Suspend the Western Hemisphere purchase limitation.

The proposed increase of 20,000 b/d is a bare minimum, based, as indicated, on conservative projections. Demand may actually be higher, supplies lower and the supply gap more serious than projected.

The increased allocations to independent deepwater terminal operators under the No. 2 Fuel Oil Import Program for District I will strengthen that Program by:

Assuring sufficient supplies in the Northeastern states to avoid a severe supply crisis next Winter.

Enabling independent marketers to maintain their competitive position in the market. If allocations are not increased, the terminal operators' position will be seriously weakened; the majors are continuing to withdraw supplies from the independent market which means that independent terminal operators, unless they receive additional imports, will lose a substantial share of business to the majors.

Helping to maintain No. 2 fuel oil prices at current levels.

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In conclusion, we request your prompt attention. Action and decision must be taken soon in order to avoid critical supply, price and competitive problems later in the year.

Respectfully submitted.

ARTHUR T. SOULE,
President.

LLOYD W. BEGGS EDITS AWARD-WINNING NEWSPAPER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. JOHNSON of California. Mr. Speaker, for 25 years Lloyd W. Beggs has served as editor of one of California's finest weekly newspapers, the Auburn Journal. The Journal is an award-winning paper, having been accorded high honors for general excellence and for other specific editorial excellence by the California Newspaper Publishers Association, six times in the last 5 years. It therefore is recognized as superior by others in the profession. In the community it is also held in high regard as an outstanding newspaper and one which truly is not only the voice of the community but reflects the heart of the community.

Much of the credit for this fine reputation in Auburn, Placer County, and throughout the State of California, can be attributed directly to the editorial leadership of Lloyd Beggs. In my experience in public service over the years, I have known no one who is more fair, more accurate and more compassionate in their editorial approach than Lloyd Beggs and the staff which he guided.

A few days ago, Lloyd retired and Mrs. Helen T. Bale, a veteran on the Auburn Journal succeeded him as editor. In her first editorial she summed up what the Auburn Journal is all about and outlined her personal philosophy on the management of a newspaper. This was an excellent statement, which not only reflects Mrs. Bale's concept of newspapering, but also that which Lloyd Beggs so successfully tried to achieve in the managment of the Auburn Journal.

Mr. Speaker, I would like to share these thoughts, expressed so well by Mrs. Bale, with my colleagues here in the House of Representatives and I would request leave to insert the editorial from the Auburn Journal entitled, "Let There Be No Mistake," in the RECORD at this time.

The editorial follows:

LET THERE BE NO MISTAKE

Lloyd Beggs is a tough act to follow. No one is more aware of this than the individual who this week settles into the editor's chair which Lloyd filled so capably for 25 years.

The Journal is a community newspaper, reflecting what the community itself wants; therefore, the community is entitled to know what it may expect as the guard changes.

We have the distinct advantage of having spent the past six years in close and harmonious association with "LW" on the news desk, and share many of his views. It is our aim to continue the same vein of fairness and tolerance which he pursued.

We believe, first, that life is to be enjoyed, not endured, and that a newspaper can and should take a role of leadership in helping develop a community in which all residents can have a good and happy life.

We believe firmly in the public's "right to know" and in a newspaper's right and responsibility to "tell it like it is" with neither fear nor favor.

This newspaper will not be used for personal vendetta nor for personal aggrandizement of anyone—staff members, public figures, friend or foe. Both sides of an issue will have equal access to our columns.

We will continue to insist, so far as humanly possible, on accuracy of fact, spelling and grammar and on the qualities of professionalism which have made the Journal a prize winning newspaper.

As much as possible, we'll say "yes" to requests for publicity. When necessary, in our editorial judgment, we'll say "no".

Production of a newspaper depends on team work. We believe we have a good team here at The Journal; and the community is part of that team.

We'll be happy to "talk it over" anytime. But you'll get a warmer welcome if you drop by on a Thursday or Friday, when the pressures of publication deadline for the week are past.

RESULTS OF PUBLIC OPINION SURVEY IN 21ST TEXAS DISTRICT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. FISHER. Mr. Speaker, I recently sent a questionnaire to all the people whose names appear on the 1972 voter registration lists in the district I represent.

A little more than 100,000 ballots were sent out, about three-fifths of them addressed jointly to husbands and wives. There were over 31,000 responses, which reflected the views of about 50,000 voters.

It can be said with assurance that the results represent a fairly accurate cross section of public opinion on the issues covered and reflects the prevailing views of nearly half a million Texans.

The questions and the results of the tabulation follow:

	Approve	Disapprove	Undecided
1. Vietnam. Do you approve or disapprove of the way President Nixon is handling the war in Vietnam, including POW release efforts?	71.2	28.8	0
2. Red China. Do you approve or disapprove Preisdent Nixon's actions in trying to establish friendlier relations with Red China?	79.0	19.8	1.2
3. United Natinns. Total yearly costs of the U.N. run more than $1,000,000,000, of which the United States pays about 36 percent. Should we reduce our cnntribution?	87.9	11.8	.3
3a. United Nations. Should the United States get out of the U.N.?	24.8	70.3	4.9
4. Amnesty. Do you favor amnesty for draft dodgers?	9.1	88.7	2.2
5. Social Security. Do you favor an increase in social security benefits, with increase in social security taxes to pay the added cost?	43.6	54.9	1.5
6. Pollution. Do you think more tax dollars should be expended to combat air and water pollution?	67.3	28.9	3.8
7. Health plan. Do you favor a completely national health plan covering everynne, the estimated annual cost of which exceeds $60,000,000,000?	17.9	79.7	2.4
8. Labor. Do you favor compulsory arbitration to control serious nationwide strikes, such as dock strikes, when voluntary means fail?	90.6	7.7	1.7
9. Labor. Should Federal welfare benefits be paid to striking workers?	4.1	95.5	.4
10. Labor. Do you think we should outlaw compulsory union membership as a requirement for any job?	90.1	9.1	.8
11. Minimum wage. Should the Federal minimum wage be raised from $1.60 to $2 an hour?	38.8	59.4	1.8
12. Busing. Do you favor forced busing of children to achieve a racial balance in classrooms?	3.0	97.0	0
13. Inflation. Do you support the administration's wage-price control program?	74.4	22.4	3.2
14. Welfare. Do you favor the Federal Government guaranteeing an annual income to every American family?	8.2	91.6	0.2
15. OEO. More than $11,000,000,000 have been expended on the war on poverty (OEO) since it began in 1964. Do you think this program has been worthwhile?	14.2	79.9	5.9
16. Peace corps. More than $1,000,000,000 have been expended on the Peace Corps since it began in 1961. Do you think this program has been worthwhile?	39.8	54.2	6.0
17. National Defense. Do you think our military posture should be at least on a parity with potential enemies and adequate to deter aggressors?	95.2	4.6	.2
18. Federal judges. Do you favor my proposal to require that all Federal judges be reconfirmed every 6 years?	93.3	6.1	.2

19. President Nixon. In general, how do you rate President Nixon's performance thus far?

(a) Excellent	25.2
(b) Good	54.2
(c) Poor	17.8
Undecided	2.8

20. 1972 election. If the election were held today, which of the following would you prefer?

Nixon	51.1
Humphrey	6.7
Muskie	1.9
Ashbrook	.3
Jackson	1.8
Mills	.8
McGovern	5.7
Kennedy	2.2
McCarthy	.2
Wallace	18.1
Undecided	12.2

Mr. Speaker, I am indebted to my constituents for making this survey such a success. The returns include thousands of comments on a variety of topics, all of which I have read with much interest.

I initiated the opinion poll practice on Capitol Hill some 20 years ago, and have continued it when new, updated voter registration lists, with current addresses, are compiled every 2 years.

I will now make some observations which are relevant and responsive to many of the views and inquiries I have received.

WELFARE

Thousands of comments relate to welfare—a hodge-podge set of programs which need a major overhaul. Many people report witnessing affluent shoppers using food stamps, some driving expensive automobiles, who obviously were not entitled to any form of public welfare.

Indeed, welfare in any form should be strictly limited to the really deserving and needy who cannot help themselves. This means the elderly, the orphans, the blind, and the physically handicapped.

I am convinced the proposed $2,500 guaranteed annual income would make bad matters worse. It would tend to lock many into a permanent welfare status. Its enactment would double the number now on relief, and the mounting cost would be astronomical.

Another expensive welfare program relates to various housing aids, including certain construction where the Government pays all interest charges above 1 percent. Recipients of this form of welfare are by no means limited to the low income and needy.

The omnibus 1968 Housing Act—which I opposed—containing sections 235, 236, turnkey III, and other highly subsidized items, is costing the Government hundreds of millions of dollars and is imposing hardships on many communities.

Those on strike should receive no food stamps or other public welfare. When labor-management disputes arise, it is axiomatic that the Government should not favor either side if collective bargaining is to make any sense at all.

DAYLIGHT SAVING TIME

Many comments expressed displeasure with the daylight saving time. I share that viewpoint. It should be understood that each State now determines whether it is to have or not have daylight saving time. Each State makes its own decision. A few State legislatures have voted to discontinue it.

SOCIAL SECURITY

Much interest is shown in the level of social security benefits, with many favoring an increase but opposing any increase in social security taxes. While the fund is reported to be liquid, both the chairman of the Ways and Means Committee and agency spokesman insist that from an actuarial standpoint any significant increase in payments must require additional taxes.

The following table contains a history of increases in payroll taxes, and the maximum annual income upon which the tax was levied:

	Percent	Maximum
From 1937 through 1949	1	$3,000
1950	1.5	3,000
1951 through 1953	1.5	3,600
1954	2	3,600
1955 through 1956	2	4,200
1957 through 1958	2.25	4,200
1959	2.5	4,800
1960 through 1962	3	4,800
1963 through 1965	3.625	4,800
1966	4.2	6,600
1967	4.4	6,600
1968	4.4	7,800
1969 through 1970	4.8	7,800
1971	5.2	7,800
1972	5.2	9,000

A comparable tax is paid by employers, making the total 10.4 percent.

A pending proposed 10-percent increase in social security payments, as provided in a Senate action, calls for a rather substantial increase in the tax. Under this plan, starting next year the tax for both workers and employers would increase from 5.2 to 5.7 percent, while the amount of salary against which the tax is laid would go up from $9,000 a year to $10,200.

It was unofficially estimated that the maximum social security contribution by an individual worker would go up $113 a year, or roughly $10 a month, to pay for the new benefits. And the percentage of worker and employer contributions would increase further in 1978 to 6 percent and scale up slightly more in years after 1980.

I have explained this program in some detail, because of the public interest that has been shown and the cost that is involved.

A limitation on outside income of beneficiaries is now $1,680 per year. This is not enough. It should be increased substantially for the benefit of those on fixed incomes who are capable of higher earnings.

FOREIGN AID

Analysts have pointed out that, historically, the mounting costs of great society's massive welfare and other programs account for much of our present financial dilemma—and resulting inflation. But over a 25-year period foreign aid has been a major contributor to the problem. During the 1946–71 period this totaled $138.4 billion. If interest on what was borrowed for this program were added, the total would be $212.8 billion. While most of this has been economic aid, some military assistance to friendly allies is included.

Despite this generosity, in terms of gratitude and friendship it appears some very low dividends have been received on American investments.

In my own case, I supported the Marshall plan, but have voted against all foreign aid bills since that time, because each has contained too many items I could not justify.

CROSS BUSING

A total of 97 percent of those who live in the 21st District want no part of forced busing for the sole purpose of achieving a racial balance in classrooms. This attitude is shared by parents of all races.

Laws have been enacted against this practice, but HEW and certain judges have condoned it. It is now under further active study by the Supreme Court. And the Congress needs to take additional action.

TOO MUCH SPENDING

Replies to the poll overwhelmingly insist that nonessential spending be curbed. We know that chronic deficit spending is a prime cause of inflation. It is my view that people now have more government than they need and more than they want. People are simply overregulated and overcontrolled.

Wage-price controls, properly enforced and administered, may provide temporary help; but to obtain long-range results, retrenchments in spending becomes imperative.

The space program, which has provided breakthroughs in the fields of communication and photographic intelligence, surveillance, has been reduced.

Some people seem to be obsessed with the fallacious idea that if enough Federal money is spent you can cure any problem on the face of the earth.

How long can this Nation survive under the weight of repeated annual inflationary deficits and a mounting public debt which exceeds $400 billion, the annual interest on which now runs $22½ billion?

LAW NEEDED TO CURB STRIKES

Thousands of my constituents deplore unnecessary strikes and the abuse of power on the part of those who cause them. Many refer to the 125-day west coast dock strike which cost our economy well over a billion dollars. Effective legislation to provide better solutions of labor-management disputes is long overdue. Why, for example, should labor unions not be subject to the same antitrust and antimonopoly laws as are now applied to individuals and business?

LAW AND ORDER

The public is most insistent that criminal laws be strengthened and enforced, with adequate penalties to fit each case. The Congress has enacted additional laws against drug pushers, racketeering, and other offenses over which the Federal Government has jurisdiction.

It must be kept in mind, however, that more than 90 percent of all crimes are committed against State and local laws. Law enforcement is essentially a local responsibility, but crime is prevented by the certainty of punishment of the guilty and the adequacy of punishment.

The Congress has enacted strong laws against traffic in pornography and smut, although some court decisions have added to the difficulty. It is believed recent appointments to the Supreme Court will strengthen this battle, and also as related to crime in general.

While most of our judges are capable men, it is now widely recognized that some who are chosen as judges were picked, because of cronyism, politics, or other considerations not necessarily related to judicial temperament or legal ability.

It was for that reason that I introduced a resolution to require all Federal judges to be reconfirmed every 6 years. Under the Constitution ordinary incompetence alone is not grounds for impeachment, and it does seem the public is entitled to have the performance records of these men examined periodically.

AMNESTY

People are asking: Would it be fair to those who fought to forgive those who refused? Indeed, how could our country ever field an array of draftees in the future, if the occasion required it, if it is now determined as a national policy that draft dodging and desertion are to be forgiven? Under existing law conscientious objectors are not required to perform combat duty. Those who violate any law should be held accountable for their misconduct.

ANTIPOLLUTION LAWS

The public strongly supports laws designed to promote clean water and clean air. Many who favor more tax money to support antipollution insist that industry and others who directly contribute to the problem be required to bear their proper

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share of cost for remedying these problems. That is the law now. A healthy, pleasant environment is a prime objective.

TAX REFORM NEEDED

Along with reduced spending there is a pressing need for reform of tax laws to assure that every taxpayer is treated fairly and that none be allowed to escape their just share of the tax burden. Hearings on this subject have been announced for early next year.

MEDICARE

Many people justly complain about the high cost of medical and hospital services. Medicare is in need of being updated and ways found to reduce these costs. Certainly socialized medicine, advocated by some, is not the answer. And the cost would be prohibitive.

MINIMUM WAGE

Good wages are always desirable, but when the minimum gets too high it becomes counter productive. Many employers have commented that if the minimum is raised to $2 they will be forced to get along with fewer workers. Moreover, the proposed increase of 25 percent would violate the wage-price guidelines, and many deserving people would be denied employment.

Bureaucracy was vastly expanded by the creation of the Equal Employment Opportunities Commission, and both employers and employees have suffered as a result. Employees should be chosen on a basis of merit, regardless of race, and the employers in a free society should have the right to make those decisions.

UNITED NATIONS

The United States contributes 33 percent—$318 million—of annual U.N. budgets, plus some for special projects.

The wholly unjustified expulsion of the Republic of China from the United Nations last October, and the admission of Red China, has caused many to insist that financial contributions of each member nation be based on the ratio of each member to the population of all members. I have cosponsored a bill to that effect. Under that formula our annual share would be $68 million.

Under the present arrangement two-thirds of the General Assembly votes belong to countries which together pay only 4½ percent of the regular U.N. budget—and many of them default. Here are some interesting comparisons:

PERCENTAGE CONTRIBUTIONS TO U.N. BUDGET

(Source: Washington Daily News, Oct. 28, 1971)

[*In percent*]

United States	33.0
U.S.S.R. (including Ukraine and Byelorussia)	16.5
France	6.0
United Kingdom	5.9
Japan	5.4
China	4.0
Italy	3.5
Canada	3.1
54 countries (each less than)	2.0
67 countries (each)	.04

In my judgment the United Nations should be moved to some neutral country in Europe or elsewhere. With diplomatic immunity enjoyed by delegates, the U.N. enables spies and saboteurs to work their trade, with detection made difficult. Already a good many of them, caught in the act, have been arrested.

RECOMPUTATION AND SURVIVORS BENEFIT

There is strong justification for recomputation of retired military pay, and also for new survivors benefit legislation. The House has already approved the latter, and the House committee chairman has announced recomputation will be considered this year. This would reinstate a previous congressional commitment.

Mr. Speaker, there are other important topics of particular interest to my constituents which I should like to discuss. But I will not encumber the record further at this time. We are living in a time of great stress and peril, which calls for clear thinking and firm decisions. It is imperative that in the search for solutions the Congress recognize our plight and listen to and heed the voice of the American people. The hour is growing late.

PROBLEMS WITH THE FOOD STAMP PROGRAM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I insert in the RECORD a resolution adopted by the Board of Directors of the Michigan County Social Services Association calling for reform of the complex administrative procedures now in existence in administering the food stamp program:

RESOLUTION ON FOOD STAMP PROGRAM

Whereas, Clients are not being seen and are being denied the benefits of the Food Stamp Program because of complicated and lengthy United States Department of Agriculture regulations,

Whereas, It takes up to an hour and a half of a caseworker's time to certify one person for food stamps under the new regulations,

Whereas, The new United States Department of Agriculture system necessitates double applications, double budgeting and double verifications of persons currently on Public Assistance and applying for Public Assistance,

Whereas, The new Food Stamp Act of 1970 and the regulations of the United States Department of Agriculture have created an unworkable administrative burden on the County Departments of Social Services and their staffs,

Whereas, The time being required for the new food stamp program is reducing the time available to provide services for other State/Federal programs,

Whereas, The complex procedure is discouraging the really needy adults and disabled persons from participating,

Whereas, The County Social Services Departments, the logical department to handle this program, seeks a simple, effective means to supply the nutritional needs of needy people,

Now therefore be it resolved that the Board of Directors of the Michigan County Social Services Association, in a meeting held on June 14, 1972 in Mount Pleasant, Michigan recommends that the Secretary of the United States Department of Agriculture, the Secretary of the Department of Health, Education and Welfare, the Governor of the State of Michigan, the two United States Senators, the 19 United States Representatives, the members of the Michigan Legislature, the Director of the State Department of Social Services and his staff are urged to take whatever steps are necessary to immediately simplify the very complex administrative procedures now in existence in administering the Food Stamp Program.

Be it further resolved that failing action by the stated government officials and bodies in resolving the Food Stamp problem by July 1, 1972 the Michigan County Social Services Association Board of Directors recommends to the County Social Services Boards that they strongly consider withdrawing from the United States Department of Agriculture Food Stamp Program.

NEW BEDFORD'S 125TH YEAR

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, for the past 3 years a committee of civic-minded individuals and members of the New Bedford City Council has presented a Whaling City Festival, designed to attract tourists, promote the history of New Bedford, and provide entertainment for all who wished to attend the weeklong festivities.

From June 18 to June 25, the Whaling City Festival and the people of New Bedford will celebrate the 125th anniversary of New Bedford as a city in the Commonwealth of Massachusetts.

New Bedford is in the 12th Congressional District which I proudly represent. It is therefore, only fitting that at this time I share with my fellow Members of Congress and the people of this country some of New Bedford's history as written by Mr. Reginald B. Hegarty, a retired whaler and curator of the Melville Whaling Room in the New Bedford Free Public Library.

The material follows:

EARLY HISTORY

Legend has it that the Norsemen entered Buzzards Bay in the year 1007 and remained in this vicinity about eight years. These adventurers, who came from Greenland, called the "Bay" Straumfiord (Bay of Currents).

Then in 1602 a party of Englishmen, led by Bartholomew Gosnold, landed on Cuttyhunk Island where they built a fort and storehouse. During that same year, in the course of their explorations, they landed at "Smoking Rocks" in what is now New Bedford.

A half century later a group of 36 Plymouth settlers bought from Massasoit "a tract of land known as Accushena, or Aquset, the bounds of which tract fully extend three miles to the eastward of the most easterly part of the river or bay Accushenah . . . and extending eight miles into the woods".

The territory was named Dartmouth in 1664 when the whole tract was legally made a township and sent a representative (John Russell) to the general court in Plymouth. Dartmouth included Coakset (Westport), Ponaganset (Dartmouth, Sconticut (Fairhaven) and Cushena, meaning as far as the river (New Bedford).

Though the history of the four sections are closely interwoven, Cushena (Acushnet) grew far more rapidly due to its position near the river of the same name, which led into

a sheltered bay. Most of the settlers, who were farmers and fishermen, no doubt came here so they might adopt their own customs and conduct their own affairs more or less independent of the controlling government at Plymouth.

It was not until the early 1700's that Cushena really began to be settled. In 1711 Joseph Russell, Sr. and Joseph Jr. moved from Ponaganset to Cushena. The son of the latter, also named Joseph is considered as the actual founder of New Bedford. As the village grew, farming and fishing became the principle occupations of the inhabitants. The farms in those days extended from the banks of the river back to the swamps that mark the western boundary of the city today. Even as early as 1743, three whaling sloops and a "tryhouse" were in use.

It was not until 1760 that there were any real indications of the future commercial and industrial life of the village. In that year John Loudon, a ship builder, came to town and bought the first lot sold in what is New Bedford. He was quickly followed by Benjamin Tucker, a boatbuilder; John Adlen, a house carpenter; Elnathan Sampson, a blacksmith; Barzillai Myric, a ship carpenter, and Gideon Mosher, a mechanic. These men were the pioneers of the town's early industries.

In 1765 Joseph Rotch came from Nantucket, where he had been very successful in the whaling industry. The vigor with which he pursued the business was a great factor in the growth and prosperity of the village.

The first large vessel, the Dartmouth, was built in 1767 and by 1775 there were between 40 and 50 ships of various kinds; a few were merchant ships but the great majority were engaged in whaling.

Fate in the form of differences between the mother country, England, and the colonies interrupted the steady progress of the village. There occurred the "Boston Tea Party" with its destruction of the tea cargoes of three ships, the Dartmouth, the Beaver, and the Eleanor, all whaleships that had returned from England with cargoes of tea. Then came the Revolutionary War with its almost total destruction of the whaling fleet.

Although most of the inhabitants, being Quakers, did not approve of violence, many privateers were fitted out and brought their prizes to this harbor. This Port had, from the very beginning of the war, been noted as a rendezvous for privateers. As early as May 1775, only a few weeks after Lexington, the British cruiser *Falcon* captured three vessels in the bay. A schooner was fitted-out in New Bedford and recaptured two of the vessels. The damage inflicted upon the English commerce by the whalemen caused a great deal of resentment.

In retaliation Major-General Grey, carrying out the orders of Sir Henry Clinton, raided the village September 5th, 1778. Between 4,000 and 5,000 troops landed at Clark's Cove, to avoid passing the fort which guarded the Acushnet River, and marched up County Road (County Street) to the village where they began a methodical destruction. In all seventy shops, twenty-six store-houses and two rope-walks were put to the torch, for a loss of nearly $500,000. Four men were killed and sixteen were carried off as prisoners.

THE TOWN OF NEW BEDFORD—1787

With the end of the war the growth of the village, in spite of its tremendous losses, was very rapid and it was soon ready to become an independent community. By an act of the State Legislature, New Bedford was incorporated as a town on February 23, 1787. The town, which added the prefix New to distinguish it from another Bedford in the state, included not only the present territory but also that of Acushnet and Fairhaven.

The first town meeting elected three selectmen, a town clerk, treasurer, assessors, surveyors of lumber, inspector of fish, constable and collector, tithing men, fence viewers, cullers of staves, and hog reeves. The treasurer was instructed to wait until sufficient money came into the town treasury and then to purchase a "rheim" of paper for the purpose of making books for the records and accounts.

On July 19th, 1787 the three assessors: Joseph Taber, Thomas Kempton and Barthom Akin ordered the town constable, Gambier Bryant, to collect the real and poll taxes for the year. Of this money, £210. 9s was to go to the state treasurer and the remainder £23. 2s. 5¾d was to go to the town treasurer, John Pickens.

As the recovery from the effects of the war began to move at a faster pace the old fashioned customs were out of keeping with the town's ambitions and various innovations were made. A post office was opened January 1st, 1794, several post routes were established and with the start of a regular stage to Boston, by William Kenshaw, the inhabitants could go to that city and return in the same week, the mileage or fare three pence or six cents per mile. The town merchants, by subscription, had a lighthouse erected on Clark's Point in 1797. The following year it was destroyed by fire. The structure was replaced, again by subscription of the merchants, in 1799; the next year the lighthouse was turned over to the government.

In the middle 1790's began New Bedford's bridge "troubles" that were destined to plague the residents for nearly two centuries.

In 1796 an attempt was made to have a bridge built "north of Palmer's Island" connecting the two parts of the town. After a few years of bickering a toll bridge was finally erected in late 1799. The tolls were so high and the method of figuring was so complicated that it was hardly possible for the average man to take his family across the river. In 1805 a "great tide" washed the bridge away. A new structure was erected in 1807, this was in turn destroyed by the great gale of 1815. A third bridge was completed in 1819 and this in turn was partly demolished in the gale of September 1869. The two towns (Fairhaven had separated from New Bedford in 1812) purchased the remains and bridge rights for $21,000 and the structure was rebuilt and made free of tolls, being completed in 1870. Construction on the present bridge was begun in 1896 and it was opened in 1902.

The economy of the town suffered another severe setback in 1812 with the outbreak of the second war with England. Once again the town's commerce was wiped out when its ships were either captured or driven from the seas. At the conclusion of the struggle the whaling industry revived quickly and began its steady advance, which was to have such a lasting effect on the future growth and prosperity of the region.

Improvements in the town kept pace with the increasing prosperity. In 1831 the main streets were lighted with "panthorns" and the next year the town began to lay flagged sidewalks. In 1833 part of Water Street was paved and by the end of the year there were thirty miles of streets, twenty of which were graded, curbed and the sidewalks flagged.

By this time New Bedford's whaling industry was greater than was that of Nantucket and the town became the greatest whaling port in the world. The town continued to grow, expanding in all directions of civic and social life as well as industrially and was ready to take its place as a city.

THE CITY OF NEW BEDFORD—1847

On March 18, 1847, an election was held to decide on the acceptance of an "Act to Establish the City of New Bedford." The resulting vote: for, 1,150; against, 814. On April 28th of that year the city government was organized with its staffers entrusted to: a major, common council consisting of four from each of the six wards and a board of Aldermen composed of one representative from each ward. The relationship of the mayor and these two bodies had the same relationship to one another as that between the president and the two houses of congress. Various other departments were set up to carry on the necessary functions of the city government.

The whaling industry continued to expand very rapidly and by 1857, the year the greatest number of vessels engaged in the business, New Bedford owned half the whaleships in the country, and half the remainder came from within twenty miles of the city. Thus it was that nearly three quarters of all whaleships were outfitted and brought their catches to this city. At the height of whaling the total value of the catches amounted to about thirteen million dollars a year. The wealth derived from whaling and its allied industries was so great that the city was not only preeminent in that field, but also was a leader in per capita wealth. Among the names closely connected with the industry, we find the Russells, the Rotches, the Wings, Swifts, the Knowles, Seaburys, Morgans, Johnathan Bourne (the largest individual owner of whaleships) and Edward Mott Robinson, to name but a few.

After the "Golden Years," which ended about 1860, the industry started a steady decline. Several factors contributed to this decline—the discovery of petroleum in Pennsylvania was one of the principal reasons. The displacement of whale oil by petroleum was slow due to the inability to refine the coal oil, as it was called. Here again the ingenuity and perseverance of the city's inhabitants were exemplified. The process for refining petroleum commercially was perfected in a little building on Fish Island right in New Bedford.

The Civil War with its destruction of fifty whalers by the Confederate Raiders, Alabama, Florida, Georgia and Shenandoah, along with the forty-one ships used to block the harbors of Savannah and Charleston, greatly reduced the size of the whaling fleet.

Several natural disasters also contributed to the decline; in 1871, thirty-two ships were lost in the ice off Point Barrow and lesser numbers were lost to the crushing ice in 1876, '88 and '97. The industry declined steadily until it came to a final end with the return of the schooner *John R. Manta*, from the last whaling voyage, August 20, 1925.

While whaling, during the first one hundred years of her history, was the main source of her wealth, progress was made in the development of other industries. Whaling had naturally attracted industries such as shipbuilders, riggers, boatbuilders, shipsmiths, coopers, etc., and all the principal whaling merchants had their own oil and candle factories. Thus from the beginning there was a great diversity of industry, a condition that produced an adaptability among the inhabitants that enabled them and those that followed to turn to other fields as necessity or opportunity demanded.

INDUSTRIAL DEVELOPMENT

As early as 1700 there were "fulling" mills (weaving) which manufactured woolen cloth, in Dartmouth, the motive power being furnished by the waterwheels on the various streams and brooks. Shortly after 1800 cotton manufacturing began in the town of New Bedford. A deed of transfer, dated November 27, 1811 by William White, 2nd, conveys a parcel of land, "Where-on is now erected a cotton factory including cotton machinery." This was on the upper Acushnet River. The stone building which remains was erected in 1814.

Other industries sprang up; carriage manufacturing began shortly after the War of 1812, pioneered by Ayres Marsh and Augustus Brownell. The first steam engine used in

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manufacturing was used by Joseph Taber, a pump and block maker, in 1836. The New Bedford Cordage Co. began in 1842, the New Bedford Iron Foundry in 1847, as was the Tabor Art Company to name a few of this period.

With the coming of steam power a new era in manufacturing was begun. During the early 1840's Thomas Bennett, Jr., a young man from Fairhaven who was employed in a Southern cotton mill, decided he wanted to head his own business. New Bedford, the city of great wealth, was the logical place to seek financial backing. He succeeded in obtaining the necessary funds and on April 8th, 1846 the state legislature granted a charter to the new corporation. Thus it was that the Wamsutta cotton mill was established during the very time that the chief thought of the city was the outfitting of ships and the taking of whales. The construction on the first building began in 1847 and the first cloth was produced in January 1849. Once started, the Wamsutta grew rapidly and in 1870 the mill installed the largest stationary steam engine in the world.

From this early beginning the industry's growth was steady. New plants were built—by 1896 there were 35, by 1916, 67. Once again New Bedford became the leader, this time in the manufacture of fine cotton goods. This position was retained into the late 1920's when the introduction of synthetic fibers, among other causes, brought about the decline of the city's largest industry.

From the earliest times fishing naturally has been one of the important occupations followed by the inhabitants of the region. Although often overshadowed by the larger industry of whaling, those engaged in fishing have prospered. The growth of the fishing industry has closely paralleled the progress of the city until today, the wheel of fortune has seemingly made a complete revolution. The city which was nurtured by products of the sea has returned to the sea for one of its largest present day industries, fishing.

The industry, by discovering newer and more efficient methods of handling and merchandising their product, along with vigorous advertising, has once again made the name of New Bedford world-famous.

In 1959 nearly two hundred boats outfitted, sailed and landed their catches in this city, making New Bedford the third largest port in dollar value of its fish landings. New Bedford assumed world leadership in the scallop industry, handling 90% of all scallops taken from the sea. Now, however, both the fishing and scallop industries face severe setbacks.

DIVERSIFICATION—1900

Never content to rest on past laurels, the city continued to attract new industries, pioneering in some and improving on others. Telephones under what might be called the Bell System were introduced in the city in 1881 with seven subscribers. Around the beginning of the twentieth century the Automatic Telephone Company opened. This company had a dial system, which was the actual forerunning of today's dial phones. In the 1920's the Automatic Co. was absorbed by the present Bell System in order that the latter company might obtain the former's patents.

The diversity of products and services obtainable in New Bedford is far greater than most people can conceive. Today there are in the city upwards of 500 industrial concerns.

Why has such a small segment of this great world, as is the city of New Bedford, so aptly lived up to its motto, Lucem Diffundo, "we light the way," both literally and figuratively?

It does not boast of a great area of rolling fields of tilled land. It is but a comparatively small area that lies on the west shore of the Acushnet River, at the head of Buzzards Bay. Its length is 10.71 miles, its average width is 1.86 miles and its area but a scant 19.39 square miles.

Nature, as though to recompense the locality for its lack of rich farm lands, provided the means by which the city's great industries could prosper.

The river at her door flows south and the prevailing winds are westerly; the two together provided the means by which the great fleets of whaleships could enter or leave the well protected harbor.

The humidity of the region, due to the city's proximity to the sea and Gulf Stream, as well as its protected position from strong winds, provided the best natural conditions for the manufacture of fine cotton goods.

It simply remained for man to discover and take advantage of nature's gifts. How well the inhabitants met the challenge is a living history of dogged determination.

The versatility of the inhabitants has been demonstrated repeatedly by their ability to shift from one major industry to another entirely different industry and "show the way" once again.

New Bedford has never been content to rest on past laurels but is constantly striving to press forward. The inhabitants give of their wealth to further the progress of the city. Over a half million dollars was pledged to buy and build an industrial park to attract new industries. The waterfront is being developed with an eye to increasing the fishing and allied industries.

The most important factor in the well-being of any locality is the inhabitants that go into the make-up of the community. Although the majority of the original settlers were Quakers of English extraction, the population was not too long in assuming a cosmopolitan character with the influx of many nationalities. The vast opportunities presented by the ever-growing city, whose fame was world-wide, was the attraction that drew the peoples of many lands. As the newcomers took their places in the land of opportunity they retained many of their native customs and characteristics.

The Portuguese, especially those from the Azores and the Cape Verde Islands, being from a seafaring nation, naturally gravitated to the waterfront and whaling. The English went into the cotton mills. Then there are the French, Germans, Italians, Scandinavians, and Jews; in fact, there is not a nation or religion in the world that is not well represented within the city.

Mr. Hegarty said in the Foreword to this book, "During the nearly two hundred years of its existence, as a separate entity, New Bedford has met and survived many severe blows to its economic well-being. In each instance the city has risen, Phoenix like, from the ashes of near financial ruin to reach greater heights with a new, more vigorous economy."

I trust that my colleagues in the Congress will join with me in wishing New Bedford a bright and prosperous future. Mayor John A. Markey and the citizens of New Bedford have much work to do, but I know they have "Respect for the Past—Confidence in the Future."

THE SOVIETS SHOULD WITHDRAW FROM LITHUANIA, LATVIA, AND ESTONIA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. STEIGER of Arizona. Mr. Speaker, during this month it has become customary to reflect on the tragic events which have accompanied the Soviet occupation of the Baltic countries. This year I invite you and my other colleagues to join me in urging the President to implement House Concurrent Resolution 416, 89th Congress by bringing the Baltic States' question in the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia, and Estonia. A copy of the resolution is included.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exists many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

ELEMENTARY AND SECONDARY EDUCATION'S IMPORTANCE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WINN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, elementary and secondary education are of utmost importance since this is the only form of education that all Americans are exposed to at one time or another. Its importance cannot be overstressed; it affects everyone's life.

The teachers in our elementary and secondary schools have a profound responsibility equaled in importance by few other professions. The thoughts and ideas they portray in the classroom have an impact on their students. But perhaps one of the most important parts of education is the creative thinking process developed by the student.

We must constantly strive to improve this basic education to better qualify our young people for their roles in society. Our society is structured in such a way that by being a product of a superior educational process, a person will most likely have a greater chance for success in his endeavors, as well as lead a more normal and productive life—a life that is also characterized by awareness.

We must continue to work with new ideas in order for education to be innovative and reflect the changes in society. The "open" concept today marks a change in teaching methods; education is geared toward the individual who can work at his own pace and level.

Education should not try to place one in a mold; rather, it should be broad enough to expose a person to the many diverse viewpoints that he will come in contact with in life.

OAKLAND, CALIF., CATHOLIC PTA VIEWS THE WAR IN VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WALDIE. Mr. Speaker, amidst searching for solutions to the issues before us, we can forget our foremost obligation as national leaders and human beings, which is concern for our fellow man. The Oakland, Calif., diocese of the Catholic parent teachers group and the Most Reverend Floyd L. Begin, bishop of Oakland, provided me with their views on the war in Vietnam. It effectively reaffirms the national opinion that we must end that suffering and tragedy. They offer a plan for the war's end, with which I thoroughly agree.

I include at this point this wise and compassionate message in the RECORD:

CATHOLIC PARENT TEACHER GROUP. DIOCESE OF OAKLAND

We the board members of the Oakland Diocesan Parent Teacher Group, hereby resolve to express our concern for the children of all mankind in a world where war still exists as a legalized institution. We realize that as long as injustice prevails, wars will continue unless means are taken now to build suitable alternatives to resolving conflict. Every child has the right to grow physically, psychologically and spiritually whole without threat of annihilation. We believe that a world without war is possible if international leaders would allocate their resources and energies to that end.

As Christian people we are anguished for the families of the world who have suffered death, maiming and daily terror for over twenty-five years in Vietnam. We implore our national leaders to take action to implement the following:

1. An immediate cease fire.
2. A request for mediation by the United Nations.
3. An exchange of prisoners.
4. A withdrawal of the U.S. military presence in Indochina.

We view this resolution not in the light of isolationism but as an effort to obtain a responsible foreign policy that seeks to attain disarmament, world law, world development and an international community in which intercultural exchange and mutual respect are a way of life.

BENEFITS OF THE SPACE PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. QUIE. Mr. Speaker, many people criticize the space program as an unnecessary and wasteful expenditure of millions of dollars, thinking only of manned space flights and walks on the moon.

There are untold benefits which have accrued to all of American society as a result of space research and the development of products for space flight. I submit for the edification of my colleagues an article written by Father V. J. Schaefer in the June 9, 1972, issue of the Courier, published in Winona, Minn.

The article follows:

IT'S A GOOD 2 CENTS WOATH

(By Fr. V. J. Schaefer)

Since we covered the launch of Apollo 16, many people have asked us, "What good is accomplished by going to the moon? There's nothin' up there."

So we did some research on "What good was Apollo and the space program?"

It created over two million jobs.

It gave us weather satellites which so far have tracked 93 typhoons and 30 hurricanes. It increased weather forecast accuracy which has saved billions in crop and property damage.

It gave us advances in medicine. Lives are saved daily in using electronics developed for Apollo.

It gave us space sensors which detect crop blights before they're noticed on the ground. The same sensors track the Gulf Stream and tell fishermen where the catch is.

It gave us instant communication from anywhere in the world from communication satellites. And with our snooper satellites up there we can detect if the enemy is gearing up to stab us in the back. A back door approach to peace, it's true, but nonetheless effective.

It helps us save fuel in the winter. Insulation developed for Apollo save homeowners hundreds of annual heating dollars. And space developed surface treatments reduce building temps 10 degrees in summer.

It gave us plastics which are as strong as steel and weigh only half as much. Adhesives developed for space capsules will soon make our cars cheaper to manufacture. Orbital factories will use space conditions for cheap fabrication of micro-miniature chips 100,000 to pound which will cut the cost of color TV sets. Etc. etc.

"But the program costs so much! Does it? Just two cents of your tax dollar. Don't you think we are getting our two cents worth?

"Better we spent it on Earth for social programs." What we spend for space would be only a drop in the bucket compared to what we already spend for social programs. In 1972 the federal government has earmarked $100 billion for social programs of all kinds and $3.2 billion for the space effort. In the last 15 years of space effort the ratio has been 11 to 1 in favor of social action. And what have we got so far to show for the latter? The most bungled up welfare mess only a governmental bureaucracy could create.

In order to have more of the same, some legislators like our own Senator would like to scrap what's left of the space program. They know the voter appeal of promising everyone that good old Uncle Sammy will solve all their problems for them.

Instead of asking "What has the space program accomplished for the nation?" we might more relevantly ask, "What have the social action programs accomplished for the nation at the cost of eleven times more money?" A hopeless generation of underprivileged who have had nothing but money shoved at them instead of getting at the root of their problems. Add the trickle of another $3.2 billion and see if that will do the trick?

Would the world have been better off had Columbus hocked Isabella's jewels and thrown a big bash for the dock loafers in Lisbon?

I'd sooner see these millions of jobs sustained instead of reading about the agonies experienced by highly trained space technicians and engineers who had to go on welfare in Los Angeles after they were laid off.

I'd sooner see the triumph of 400,000 scientists, engineers and technologists plus the expertise of some 20,000 private companies accomplishing something worthwhile than to see us drifting further into a deadening welfare state.

I'd sooner see the youth of the nation observe the example of dedicated men willing to sweat it out and then taking pride in their accomplishments—the spirit that made America great in the first place—than to have to observe good men sadly lining up as a last resort to receive welfare handouts.

I'd sooner see a little money expended for scientific research, for high energy physics, for space research than to have Americans stunt their understanding of God's marvelous creation and lop off pieces of their minds to save money which the politicians will waste anyway. As J. D. Bruckner, Los Angeles Times columnist puts it, "This is the economizing of brutes and barbarians."

I'd sooner have future generations be able to point to one glory, one work of merit—if any achievement of mankind is remembered, this lunar exploration will be—in this dark time of U.S. history than to have them remember how we slaughtered the innocent in legalized abortion mills.

I'd sooner be counted as a citizen of a nation which opened up the heavens than one of a nation which built more highways and slaughtered more on them than any in history, or a citizen of a nation which, at unspeakable cost, blundered so badly in Vietnam.

I'd sooner sit at Cape Kennedy as I did and feel a glow of pride in America for a change than always concentrating on what's wrong with America.

HON. FLOYD SPENCE'S LATEST QUESTIONNAIRE RESULTS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SPENCE. Mr. Speaker, early this year, I sent out the first issue of what I hope to be my annual questionnaire. So that I could obtain the best possible sampling of opinion, questionnaires were mailed to every household in South Carolina's Second Congressional District.

The response was overwhelming.

In order that my colleagues may have the opportunity to study this unusually complete and valid study of constituent concern, I include my June newsletter entitled, "The Second District Speaks

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Out," in the CONGRESSIONAL RECORD at this point:

THE SECOND DISTRICT SPEAKS

(From your Congressman FLOYD SPENCE)

Early this year, questionnaires were mailed to postal patrons of the Second Congressional District, and so far more than 20,000 have been completed and returned. This response exceeds by far the most optimistic expectations; in fact, it is a larger sampling than that required by professional pollsters to determine opinion in a given area. Thus, I am presented with a unique opportunity to gauge the interests and concerns of my constituency.

This response exhibits a sincere determination to make your judgment known; and a survey of the completed forms reveals an acute awareness, on your part, of current conditions in this country. Those factors, along with the unusually heavy volume of return, have made my poll a particularly popular one among those here in Washington who want to know what Americans are thinking.

Many individuals took the time to make additional comments, and these were helpful. Some were no doubt frustrated because they were faced with only a 'yes or no' choice, and had no opportunity to elaborate. This is indeed a problem, and one which Members of Congress often struggle with on the Floor of the House of Representatives when called upon to vote. Also, questions were necessarily framed in such a way that they were meaningful to the widest possible range of experience and interest. My chief aim was to be fair, while at the same time encouraging participation from all groups, thereby increasing the validity of my results.

Capsuling the tabulation, those who returned the questionnaire generally: Support the President's Vietnamization policy and reject the idea of setting an absolute date for withdrawal; believe that a strong defense capability is a necessary deterrent to aggression; favor my bill to cut U.S. contributions to the U.N.; support the concept of revenue sharing; agree that action should be taken to stabilize the economy; and overwhelmingly approve of Mr. Nixon's overall performance as President.

Respondents were most divided on whether or not the U.N. serves a useful purpose, with an even split among both men and women; gun control, with men opposing federal registration and licensing, and women favoring; and effectiveness of the Administration's economic initiatives, with both men and women doubtful.

Men and women tended to agree on most items, a major exception being gun control. Both thought National Defense our number one priority, with The Economy, Crime, and Government Spending following as issues of importance to each. Welfare Reform was only slightly behind these.

Considering "Excellent" and "Good" as favorable, and "Fair" and "Poor" as unfavorable, the President received his worst marks on crime and drug control, and his fight against inflation. His most favorable rating was "Performance as a President Generally", with 78% of the men and 74% of the women approving.

The 35–50 age group returned the most questionnaires, closely followed by 25–35 and 50–65. A substantial plurality considered themselves "Independent" politically.

Results of the questionnaire follow:

[In percent]

	His	Hers
1. Vietnam—Do you support the President's recently announced peace plan?		
Yes	87	87
No	13	13
If this plan is rejected, what is the best U.S. policy? (check one):		
(a) Increase military effort to achieve military victory	22	17
(b) Withdraw U.S. troops by stages while strengthening the South Vietnamese to assume responsibility for their own defense	59	65
(c) Publicly set an absolute date for withdrawal, regardless of events in the meantime	18	18
2. National defense—What is the best U.S. policy? (check one):		
(a) Cut back on arms research and development in hopes that Russia and China will follow suit	10	6
(b) Maintain a strong and modern defense capability as a deterrent to possible Communist aggression	90	94
Do you agree with the following statements? (answer yes or no):		
(a) The balance of military power is shifting and the United States is in real danger of becoming second best:		
Yes	84	84
No	16	16
(b) If Russia becomes convinced that she can make the United States back down, she won't hesitate to provoke dangerous Cuba-type confrontations around the world:		
Yes	87	87
No	13	13
(c) We have nothing to fear from Russia or anybody else:		
Yes	13	13
No	87	87
3. United Nations (answer yes or no):		
(a) Do you think the U.N. has been effective in the past?		
Yes	28	34
No	72	66
(b) Does it serve a useful purpose?		
Yes	50	50
No	50	50
(c) Do you favor my bill which would prohibit U.S. contribution to the U.N. in excess of our share according to population?		
Yes	89	89
No	11	11
4. Revenue sharing—Do you support President Nixon's plan to return certain powers to the State and local governments and share with them Federal revenues?		
Yes	88	91
No	12	9
5. National media (answer yes or no):		
(a) Do you agree with the charges of Vice President Agnew and others that the national media are often biased?		
Yes	88	88
No	12	12
(b) Do you think the networks and national press should strive to be more objective?		
Yes	91	94
No	9	6
6. Economy (answer yes or no):		
(a) Do you think the President is justified in taking action to stabilize the economy?		
Yes	96	98
No	4	2
(b) Do you think the new economic policies will keep inflation in check?		
Yes	43	43
No	57	57
7. Gun control—Do you favor Federal registration and licensing of firearms?		
Yes	45	53
No	55	47
8. Drugs—Regarding possession and use of marihuana (check one):		
(a) Legalize it and thus abolish present penalties	15	12
(b) Reduce present penalties	14	14
(c) Retain present penalties	24	21
(d) Increase present penalties	47	52
9. National priorities—Please check the 4 issues which you feel are most important to our country at this time?		
(a) National defense	18	18
(b) Drug control	11	11
(c) The economy	15	16
(d) Busing	7	7
(e) Crime	17	15
(f) Environment	7	8
(g) Welfare reform	12	12
(h) Government spending	13	14

10. How do you rate these initiatives of the President:

	Excellent		Good		Fair		Poor	
	His	Her	His	Her	His	Her	His	Her
(a) Trip to China	33	30	32	35	19	17	12	17
(b) Trip to Russia	22	25	42	42	15	17	12	14
(c) Foreign relations generally	12	14	40	34	35	32	10	19
(d) Economy	9	14	37	38	37	28	15	18
(e) War on Crime, Drugs	9	8	27	26	31	32	12	28
(f) Appointments to Supreme Court	28	28	34	35	18	15	12	20
(g) Fairness to South	15	15	33	41	25	18	10	22
(h) Performance as a President generally	24	26	54	48	20	15	1	6

	His	Hers
11. Do you consider yourself:		
(a) Republican	40	37
(b) Democrat	13	18
(c) Independent	47	45
Age:		
(a) Under 25	10	14
(b) 25 to 35	26	26
(c) 35 to 50	31	30
(d) 50 to 65	23	22
(e) Over 65	10	8

A FOUNDATION TO BUILD A LIFE ON

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. J. WILLIAM STANTON. Mr. Speaker, on Memorial Day 1972, it was my privilege to give the commencement address at Fairport Harding High School in Fairport Harbor, Ohio.

Preceding my remarks, Miss Pei Eng Wang delivered the valedictory address. The salutatory address was given by Miss Pamela Marie Gavelda.

Mr. Speaker, I was thoroughly impressed with the inspiring messages of these two graduates, and I commend them to my colleagues. Pei Eng Wang and Pamela Marie Gavelda are representative of the high caliber young people we have in Fairport Harbor, Ohio.

The address follows:

A FOUNDATION TO BUILD A LIFE ON

Faculty, parents, distinguished guests, and fellow classmates:

It is my great honor to speak to you this evening. I really appreciate all the help and patience that my teachers, my friends, and my parents have given me in the years of my education.

My topic is a foundation to build a life on. At this commencement service, naturally, we think back to the many happy moments of our high school years. These are memories that we will always cherish. Today is also a day when we turn our eyes to the future. It is a day of transition: change from the familiar environment to a new atmosphere, change from the comfortable dependence on family and friends to the dependence on self alone, change from classroom preparation to that of practical experience. Above all, these changes will bring us to a world filled with tremendous opportunities. Already, man has gone to the moon and even brought back portions of it. The untapped ocean is just being opened to discovery of foods to feed millions of people in the near future.

Yet, in the midst of this promising world, we are faced with great problems—wars, senseless killings, riots, rebellions, and even persecutions. Should we fear this situation and retreat from society? No, we should not, and we cannot. We are a generation who must face these problems, and a generation who must attempt to solve these problems. We often hear the cry that we can change the world. We, indeed, can change the world, but whether we change it for the better or worse depends on our vision and hope. How we achieve that goal depends on what we will choose to build our lives on.

We are living in a great nation. This commencement is on Memorial Day, a day which we have taken to honor those who sacrificed their lives for this country. The people who made America great had complex problems during their time, but through diligence and perseverence, they overcame difficulties and solved problems. History tells us that their problems were different from generation to generation, yet they held one view in common, that is, "In God We Trust," the motto found on our coins.

Today, we can continue to make this country great, not because we can make more powerful atomic bombs or more sophisticated computers, but because we can choose to build our lives on the solid foundation which those before us chose to build this nation on. This foundation is the faith in God.

As I have mentioned, we are facing many problems. One of them is the moral decay in society. When morals of a society are upset, the family is the first to suffer. The home is the basic unit of a country. The breaking up of a home does not often make headlines, but it eats like termites at the structure of a nation.

Too often young people are saying that there is nothing to do. The monotony of doing nothing constructive has brought forth a restless and unoccupied youth with the potential to be destructive. But to build a life on faith in God gives a person a whole new meaning in life. The cries for peace and love become a reality when true peace and the love of Christ enters a heart of a person. Hatred, jealously, lust, and prejudice are then removed. In this fast changing world, only Jesus Christ remains the same yesterday, today, and forever.

Now the time of high school classroom preparation is completed; however, the preparation through practical experience is just beginning. We have dreams to be realized, goals to be accomplished, and barriers to be removed. When we face the unknown future, our hearts are filled with anxiety and eager anticipation. We should not have fear. We must march on confidently with faith in God as our foundation. When we trust Him, He will give us guidance and direction. We can build a nation that is spiritually, mentally, and morally strong. A better and more harmonious world can be built for all mankind.

Thank you.

SALUTATORIAN'S ADDRESS

(By Pamela Marie Gavelda)

Tonight's commencement is, for us, the end of a relatively carefree way of life, and the beginning of a more difficult, demanding one.

How well are we prepared to face the world?

An educational system which teaches only the barest of the essential facts does not prepare students for life.

Algebra equations . . . biology terms . . . English vocabulary and grammar . . . French conjugations . . . these alone do not make an education.

A true education is the unified development of mind, body and soul.

As the mind is taught many various facts, it must also learn to assimilate, or put together, and then make use of these facts.

These many different bits of knowledge we, hopefully, have happened to pick up during the twelve years we've been in school, must fit together in some way, in which all of them relate to each other and form one complete body of knowledge. And the pattern for fitting all this knowledge together is different for each individual.

In the meantime, the body must be cared for and strengthened, because it houses the mind—and the soul.

Most important of all, the character of the soul must be built.

The soul is the person. It's the "real you." It is made and molded by every thought you ever had, by everything you ever did, and by everything that ever happened to you.

It holds your ideas and opinions, your hopes and dreams, your life and immortality. It's you.

Part of your soul you show to the world, the part that you share in your relationships with others.

It's the part of you that makes true friendships that last through good times and bad times, despite distance or time.

It's the part of you that enables you to care and to feel—to care about another person, or to care about anything; and to feel . . . compassion, understanding, and love.

Your soul is your conscience, your character. You can fool everyone in the whole world, but your soul will never let you fool yourself. It tells you to be *you*, and not a fake.

A real education is the development of these three parts of a person: mind, body and soul. It can't be accurately measured by any kind of grades.

When you can go out in the world and have enough knowledge in your head to make a mark on this mixed-up world—a favorable mark!—however big or small that mark is doesn't matter, just something to say that you were here, you found something in this confusion . . . you not only existed, you lived . . . that's part of an education.

And when you have sense enough to take care of your body, and not misuse it, so that you'll live long enough and be well enough to make that little favorable mark on the world . . . that's part of an education.

And when you can share a part of your soul with another person, either as a friend or as something more—or just being able to care, and keep on caring, even when it hurts, because you know that you can never have love without some sorrow, but that the greatest sorrow of all is never to love at all . . . that's part of an education.

And when you have the wisdom to know the right decisions, and not only that, but also, when you have the courage to make and carry out the right decisions . . . that's part of an education.

And when you can choose the good, no matter how much easier—or more fun—the bad is . . . that's part of an education.

And most important of all, when you've learned to really do the best you can with your life, when you've learned to be true to yourself more than anything else, when you've learned to *be* yourself, which is all you really could be, whether you've made it by society's standards or not doesn't matter then.

You have made it.

If you've learned to say honestly—"I know who I've always been and who I always will be. I know who I am—I'm just me!"—well, *that's* an education.

A SALUTE TO EDUCATION—AND TO A DEDICATED TEACHER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. COLLIER. Mr. Speaker, a renowned philosopher once said that people shape the lives of men more than events. Perhaps this is an observation which would evoke great debate; nevertheless, I believe deeply that his judgment was entirely right.

In most people's lives, as in my own, parents provide the greatest influence for the reason that their concerns are deeply rooted in parental love which is unique.

Perhaps it is natural then that the second strongest influence is often provided by those who are charged with the responsibility of guiding youngsters through the learning process.

It is appropriate that we pause on the occasion of this "Salute to Education" today designated by the National Education Association to review the influences of those who played the most important roles in our educational lives. The differences between a good, mediocre, or poor teacher can often be found in the attitude of the teacher and his or her ability to impart knowledge which is

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often more important than having superior knowledge on any subject without the ability to properly communicate.

In the very early days of the great depression of the 1930's, I entered high school as a midyear freshman. Those were very difficult times. Few students or teachers today who did not live through them can fully understand the tribulations of that era. Millions of people were jobless; foreclosures on homes were common because people could not pay either their mortgage payments or their taxes. With massive tax delinquencies, schools and municipalities were without funds to meet their payrolls. At my high school, teachers were receiving paper scrip in lieu of pay. This scrip was redeemed at local stores for food and clothing. Yet, the attitude of these teachers was one of amazing dedication. They rarely missed a day of school and enjoyed none of the fringe benefits of current times. Because of the stress of the most severe economic conditions in most homes, pupils faced problems which understandably affected their educational pursuits. Their frustrations were real, not psychological.

More than 40 years have passed since those days; yet, I can remember by name every teacher that I had in high school. Looking back, I was most fortunate because all of them, without exception, left something of themselves with me in the educational process, and they survived most other memories of that period of my life, as well as the subsequent years. Hence, it is difficult to select one who influenced my life the most. But I do feel that my vocations teacher, Clark T. Logan, stands out in my mind among them all.

Mr. Logan had a keen sense of understanding and was never unwilling to discuss even the most troublesome problem, large or small, with which I burdened him—as so many other teenagers did in those days. In fact, if some aspect of my studies of school life became frustrating, I could go to Mr. Logan's office during his lunch hour or after class. I remember that he would frequently send down to the cafeteria for a bottle of milk and bring a sandwich from home in lunching in his office. He often tolerated the interruption of his lunch hour to talk with me and other students. Frequently, if we ran into the time his next class was due to start, he would invite us back to finish the discussion at the end of the regular schoolday. If there was something with which you disagreed in your study program or relationship with another student or teacher, he would listen. He did not always agree with complaints and did not hesitate to tell me when I was wrong. But he did it in a way that was not abrasive—but reasoned. He had an unusual knack of encouraging students to pursue those studies and interests which they enjoyed most or at which they excelled. Yet, he had a sly way of getting a student to study just a little harder without being dictatorial or impatient.

I guess it was just the fact that he was the kind of fellow that you could count on for the guidance which immaturity often demands. And he was the kind of fellow who gave of his own time to make certain that a student did not walk away from his problems with frustrations. He did a great deal of after-hours work without compensation of any kind because he was truly interested in trying to help every student who sought his counsel.

Clark Logan came to the J. Sterling High School as a young man in 1928, and taught continuously until he retired in 1964 after 36 years of teaching and counseling. He passed away on February 2, 1970. I am sure he had the same strong influence on the lives of countless other students as he did on mine—but I am grateful there was a teacher named Clark T. Logan.

A SALUTE TO EDUCATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DERWINSKI. Mr. Speaker, many Members are paying tribute today to education and the influence which dedicated teachers have had upon their lives, and I am especially pleased to participate as I think of the teachers who had a profound influence on me as a student.

I feel fortunate that throughout my elementary and high school career I had the good fortune of being taught by dedicated teachers. Specifically, a very excellent teaching nun, Sister Aymard, S.N., who was my teacher in the first, third, and fourth grades at Assumption School in Chicago. The good Sister stimulated my interest in reading at an early age, and especially stimulated by early interest in reading history books.

At Mount Carmel High School in Chicago I especially recall Father Maurice Anderson, O. Carm., who was my English instructor and also the moderator of our high school newspaper. He instilled in me an appreciation for the great classics of literature and he was also a very excellent journalist, imparting to those of us who were on the school newspaper staff respect for accurate and objective reporting.

Mr. Speaker, I could go on and name many other teachers who were very helpful to me. However, I do believe that despite the problems that are besetting education these days, we must reemphasize the dedication that is essential to the success of a good teacher—that the rewards of teaching are just not monetary but the pride that comes with seeing a young student develop his or her potential and go on to further accomplishments.

THE IMPORTANCE OF THE INDIVIDUAL IN EDUCATION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KARTH. Mr. Speaker, it is very difficult to say anything about the value of our educational system without sounding like the second verse of last year's commencement address. All too often our well-meaning phrases sound like tired cliches, no matter how true they may be. This became very clear to me only a short time ago as I prepared a dedicatory address for the Consolidated East Elementary School in St. Paul.

Frankly, I came up with some very high-sounding phrases. But they were phrases that held little meaning. Finally, I did some research on the three schools that the consolidated school I was going to help dedicate would replace. Before long I discovered that many of my friends had attended one or another of these three schools. As a matter of fact, my administrative assistant had once been "asked to leave" one of those schools due to his bad habit of entering the front door in the morning and exiting out the back door seconds later.

While all of this was very interesting to me, I found it difficult to relate this to the value or the meaning of an education in a free society. Eventually, I began to discover a common denominator among my thoughts. That was the importance of the individual in our educational system. That, I believe, is the key.

And that key individual, more often than not, is the teacher in the classroom. For it is true that we in Congress may appropriate money for educational facilities, for better textbooks, for programs and scholarships that advance our educational system.

But what makes this entire system work is the person standing at the front of each and every classroom. No amount of money or bricks and mortar could make this system work without dedicated individuals who take pride in their profession of teaching.

This is what our entire educational system comes down to.

And it is to that key individual—the teacher—in our educational system that I take pride in paying tribute to today.

BUGGING THE DEMOCRATIC NATIONAL COMMITTEE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEATING. Mr. Speaker, I was appalled by the reports during this past weekend of individuals allegedly attempting to place listening devices within the office of the Democratic National Committee in Washington.

This is a most incredible conduct and should be condemned by all members of both parties. What is frightening is that private individuals have the ability to do this without court order. It makes one wonder if there is any extensive use of this means in private industry for trade secrets, et cetera.

I should hope that severe restrictions and elimination would be placed upon the use of such equipment except by the law enforcement arm and as presently constituted by law.

We will all anxiously await the report of the Federal Bureau of Investigation on this entire matter. In the meantime I hope the Government will take full efforts for complete prosecution of those responsible for this invasion of privacy.

A CHANGE MUST COME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DERWINSKI. Mr. Speaker, at the close of the school year, teachers throughout the country are taking a well deserved break. However, we will soon be entering a new school year with the many growing problems in our educational system.

One area of concern is the question of discipline, which is almost nonexistent in some of our educational institutes.

The Life newspaper of Berwyn, Ill., discussed this question in what I consider to be a very profound editorial commentary, which I place in the RECORD at this point:

A CHANGE MUST COME

A half century ago and earlier a teacher was one of the most highly respected members of the community. Students who were subjected to physical discipline with a ruler or a switch for the more severe infractions might expect the punishment to be duplicated by their parents if they learned of it.

There was little intercession by parents who invariably upheld the teacher. Only in those cases where suspensions or expulsions were imminent would the parents seek to ease the lot of their offspring.

If a student misbehaved and was caught, he expected and generally received the punishment merited by the offense. If the teacher was a man, he would mete out the physical punishment. If the teacher was a woman, a trip to the principal's or superintendent's offices would bring the same result.

The strong-handed discipline maintained a high degree of order in the classrooms. There was no fear of parent reprisal, a teacher being dragged into court or the American Civil Liberties Union figuratively breathing down their necks.

How things have changed in the intervening years! So-called do-gooders have resulted in changes in laws that virtually permit juveniles to do whatever they want in this new day of permissiveness.

Last Monday night a male teacher at Morton West stood up in the district school board meeting before some 200 to 300 teachers, students and parents and delivered one of the most scathing indictments of the "now generation" about which we have heard.

"Students do what they like," he charged. "Drinking, smoking and dope are running rampant in the district. Two lady teachers in my department resigned because of the vile language used against them by the students. Many of them are animals."

Such comment seems to be justified at the high school level when we learn that gutter language has been used by some grade school pupils to their teachers at the elementary level.

Couple these actions and attitudes with the report of the high school superintendent on absentees where parents think nothing of keeping their children out of school to go on shopping trips or for "personal reasons" that remain unexplained and the cause can be traced back to the parents.

A change of attitude must come or the young hoodlums will take over the schools. Teachers may face bodily harm if they attempt reprimands. This is one place where a return to the "good old days" would be a blessing.

More than a decade and a half ago, a man teacher, who had played tackle for the New York Giants and no one questioned his personal valor, resigned his position in a suburban high school because of the fear he would lose his temper over the personal affronts from some of the students and himself wind up in jail or defending himself in court.

This sad state of affairs must come to a halt sometime. The only way would seem to be to revoke the immunity granted juveniles under our laws and make them and their parents responsible for their acts.

EDUCATION IN AMERICA—A SALUTE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SCHWENGEL. Mr. Speaker, the National Education Association is planning to hold, on June 21, a salute to education. It is my pleasure to extend these remarks on behalf of the educational system—the teachers and the students—in America.

Education is an elementary building block in the continuing process of a democratic society. In order to function as a responsible citizen in America, it is absolutely necessary to understand our system of government, and how the vote—exercised with a knowledge of the issues—can move the Nation.

The Federal Government has an important role to play in protecting and perfecting the educational process. As Congressman from Iowa's First District, I have strongly supported the Elementary and Secondary Education Act and its extensions. The Higher Education Act of 1971, passed by the House in November, is another example of positive congressional action. The act provides student assistance grants and loans, as well as assistance for needed educational facilities.

In 1971–72, 2,733,156 persons graduated from high school; this was 65,062 more than in 1970–71. Classroom teachers in 1971–72 numbered 2,089,623, up 27,380 from the preceding year. Education is an expensive, long-term process; but it is invaluable. Classroom work, applied to what can be learned through experience in dealing with others, can provide a sound base for charting a course for the individual and the United States.

The value of an education cannot be overemphasized. Speaking at recent commencement exercises at Kirkwood Community College in Cedar Rapids, Iowa, I delivered the following introductory remarks:

Your obligation as beneficiaries of a fine education can best be fulfilled if each of you determines to do your best in your chosen field. For your talent, time and knowledge, are the best currency you have to offer this nation. We cannot take education or our school system for granted . . . you who are benefitting must ponder its meaning and come to realize its enormous significance, and contribution to the quality of life in this land.

THE NEED TO PRESERVE EDUCATIONAL ALTERNATIVES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PODELL. Mr. Speaker, severe financial crisis threatens the continuation of the hallowed American tradition of educational alternatives.

I refer specifically to the fiscal jeopardy of our Nation's 1,967 nonpublic, nonprofit elementary and secondary schools, which serve 5 million students, more than 10 percent of the Nation's school population.

In response to need for education diversity, the nonpublic school system, burgeoning from the time of the revolution, hit a peak in 1967. In 1970, however, violent inflationary pressures hit the schools, and changing neighborhoods replaced old clientele with new constituencies who could not afford their services. Schools began to close at the rate of 1 a day.

State governments stepped in to help—they wanted to preserve the variety of educational choices, they wanted to alleviate the tax burden of parents who were supporting two school systems, they wanted to promote competition for excellence in their State's educational setup.

One State passed a law to reimburse private schools for State required services and bookkeeping associated with State regulation and accreditation. Another instituted teacher salary subsidies. Another established grants to parents of non-public-school children.

But all these methods have been declared unconstitutional by the courts, with the Supreme Court emphasizing the principle of church-state separation.

I am sure that my colleagues share the apprehension of the Supreme Court that those laws aiding nonpublic schools would cause excessive entanglement with religion. I am sure that my colleagues share my belief that the courts have reaffirmed the principle of church-state separation. For this is one cornerstone of our democratic society that must be buttressed, not eroded.

I am concerned that any direct aid to parochial schools could jeopardize the church-state separation.

But we should adjust tax inequities that force already overburdened parents to support two school systems. That is why I have introduced a tax credit bill, allowing parents of private school pupils to take a tax credit of 50 percent of the tuition charge or $500, whichever is lesser.

Protecting the principle of Church-State separation does not exclude fulfilling our responsibility to assure educational diversity in the United States.

Insuring church-state separation does not mean that we should allow the atrophying of nonpublic schools which are essential to the culture and moral fiber of our society. Both goals can be served—constitutionally—by the type of tax credit system I have introduced.

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Allowing the time, effort, and energy invested in the nonpublic school system to go down the drain would cost the taxpayer much more than the tax credit bill I have introduced.

The bill I have introduced would cost the United States only approximately $500 million in lost revenues a year—surely much less than the cost of adjusting other tax inequities, and surely worth it to the taxpayer.

Were the public schools to close, school systems around the country would be forced to absorb 5,000,000 students, at the approximate cost of $858 per pupil. The $750 million that it would cost New York State to absorb its 814,378 private school students into its already overcrowed and financially strapped public school system, would be crippling to the State's taxpayers. That does not even include the incalculable cost of decreasing educational options and further crowding already overcrowded facilities.

We must not allow educational freedom to become the exclusive domain of the rich who can easily afford any tuition fees at all. The inflationary pressures are hitting the ghetto and inner city nonpublic schools the worst. Those institutions can offer real opportunity and choice to poor students. They make up more than 27 percent of the Nation's nonpublic schools—but without some relief on the financially overburdened parents of these poor children—these schools are exceeding the national average closing rate of almost two schools per day.

The bill I have introduced is similar to the one introduced by my distinguished colleagues Mr. MILLS and Mr. BURKE. It is aimed at remedying tax inequities, and allows only a greatly reduced credit for those who can afford to pay.

It is urgent that Congress act on this proposal soon. The need is great and the need is now.

A SALUTE TO EDUCATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. YOUNG of Florida. Mr. Speaker, have you ever stopped to think what your life would be like if you were not able to read or write? Your ability to communicate with others and to relate to the modern world would indeed be severely hampered. Illiteracy is so infrequent in our modern society that we seldom give it a second thought, however, it was not very long ago in our Nation's history that it was more the rule than the exception.

Thanks to the foresight of great leaders and educators who realized the invaluable importance of education, our country set forth to establish a public education system second to none in the world. This educational system has virtually erased illiteracy from our citizens and has made it possible for each child to gain the education necessary to live a full life and meet the challenges of this modern world.

I personally, would like to salute those dedicated people whose work has made this educational system what it is today. These teachers and administrators are continually improving the quality of education and teaching, to insure the basic right of each child to gain an education. These people provide the backbone of our society, for it is education that teaches the tolerance and understanding necessary to live together in peace and the knowledge and skills necessary to build a better world for tomorrow.

A SALUTE TO EDUCATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CARNEY. Mr. Speaker, a free society, in order to avoid the twin threats of anarchy and tyranny, must of necessity be composed of individuals who are intellectually and morally responsible, informed and mature. It is vital that these characteristics be dispersed throughout the population to the broadest possible extent, for it is with the mass of the people that leadership must lie in order for a nation to be truly free.

Since the birth of our Republic, this imperative has applied more fully to the United States than to any other society on earth. The stress has naturally been greatest on our educational institutions, and, as a result, Americans today enjoy the largest, best-financed, and most open system of education mankind has ever seen. Its successes have been monumental—not only has the survival of the democratic experiment initiated by the American Revolution been secured, but our schools and colleges have nurtured the freest as well as most industrially advanced society on earth. Of course, no institution which has been given such enormous tasks to perform can be perfectly successful; our educational system has its failures, which continuously act as spurs to self-evaluation and improvement. However, our educators' performance on balance has been remarkably gratifying, and is indeed worthy of our congratulations on this Salute to Education Day.

JOHN PAUL VANN

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. COUGHLIN. Mr. Speaker, I had the pleasure of knowing John Paul Vann during a trip I took to South Vietnam in 1970. We spent some time together in the Delta region which was under his charge at the time.

He was one of the most effective and talented men we had in South Vietnam. His knowledge and understanding of the country and the Vietnamese people was encyclopedic. He appreciated the subtleties of Vietnamese society and in return he was loved and respected by the people of that strife-torn country. He had a keen analytical mind, a refreshing penchant for speaking his mind, and a noted lack of patience for fools. He was the kind of public servant and human being who is all too rare in this world—dedicated, hardworking, prescient, and self-effacing.

The loss of John Paul Vann is a blow to our efforts to return South Vietnam to a state of peace, stability, and tranquility. His friends in Vietnam and here in this country will miss his wise counsel and independent views. But I believe the spirit of the man will live on. For those who follow in his footsteps, I believe it would be wise for them to consider seriously emulating the thoughts and actions of this most extraordinary man.

SENATE—*Thursday, June 22, 1972*

(Legislative day of Monday, June 19, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROMAN L. HRUSKA, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of the ages, before whom nations rise and fall and pass through times of trouble, be near to all leaders of this Nation to judge and to guide them in their labors. If we have turned from Thy ways, reverse our direction. If we have broken Thy law, help us to amend our ways as to keep Thy law. Send Thy light and truth into our hearts that we may follow the higher law of love. Grant Thy higher wisdom that we may see clearly Thy will and, seeing what Thou dost intend for mankind, help us to do it. May our work this day begin, continue, and end in Thee, to the glory of Thy holy name. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROMAN L. HRUSKA, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HRUSKA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 21, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATIC CONVENTIONS

Mr. SCOTT. Mr. President, the Minnesota Convention of the Democratic-Farmer Labor Party offers an interesting preview of what some people may regard as the priorities of issues in this country.

Their platform, in a tumultuous convention, came out in favor of unlimited amnesty, all-out freedom on abortion legislation, and marriage between homosexuals.

The convention devoted no consideration whatever to jobs, employment, health improvement, tax relief, or those other issues with which Congress deals constantly.

The Oregon Democratic Convention was pretty much the same way. As I recall it, they were for GI benefits for deserters, liberalizing abortion laws, and legalization of marihuana—in other words acid, amnesty, and abortion.

The Vermont Democratic Convention proceeded on much the same lines and favored pretty much the same general approach, except I do not believe they went so far as to propose a full GI bill of rights to deserters and cowards generally.

These conventions gave little or no thought to the real issues that affect America today, the issues of how to relieve people from the onerous burden of taxes, how to improve their health, how to give them better job opportunities, or how to enable them to cope with the problems of everyday living in a society which is the more tumultuous and the more turbulent because of their own actions.

So, I hope that when we get down to discussion of issues, it will be remembered that these legions of license, these lads for liberty, are not true libertarians in the ancient sense of the word at all, but are simply people who would turn this country over to the wildest freedom to pursue their own emotions, their own lusts, their own passions—which passions do not seem to include a passion for the improvement of the condition of the average man, woman, and child in America.

What a pity, Mr. President. What a shame. What an abhorrent distortion of democratic procedures.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for not to exceed 15 minutes.

WORLD CONFERENCE ON THE HUMAN ENVIRONMENT IN STOCKHOLM

Mr. BAKER. Mr. President, from June 5 to June 16, 1972, there assembled in Stockholm, Sweden, delegations from 113 nations to an unprecedented world conference, convened to deal with unprecedented world problems: the crisis of the human environment.

Having served at Stockholm as a member of the U.S. delegation, and for a year before that as Chairman of the Advisory Committee to the Secretary of State in planning U.S. participation in the Conference, I take this occasion to share with my Senate colleagues a few impressions of that unique and possibly historymaking assemblage.

Compared with the many other international environmental meetings that have been taking place at a rising tempo in recent years, this United Nations Conference in Stockholm was unique primarily in its scope—which was nearly worldwide. I say "nearly" because the Soviet Union and most of its Warsaw Pact allies regrettably elected to boycott the Conference over the East German participation issue, despite Western offers to negotiate a compromise. Against this can be set the participation of all the other major powers of the world including the People's Republic of China, and—what is perhaps more remarkable—the participation of the vast majority of the low-income nations that are striving for development. Of the 113 countries attending, about three-quarters were developing countries of Latin America, Asia, Africa, and Oceania.

This global participation, including a preponderance of less developed countries, was a major distinguishing feature of this remarkable conference. Over the long future there can be no doubt that the preservation of the resources and environmental quality of the earth will require the cooperation of all countries, at all stages of development. But to enlist the cooperation of low-income nations in this global effort requires that we speak to their condition and their aspirations—which are primarily those of poor peoples seeking to overcome poverty.

It was largely because of this fact that, for the purposes of this U.N. Conference, the term "human environment" was understood in its broadest sense. As the very able Chairman of the U.S. delegation, the Honorable Russell E. Train, Chairman of the Council on Environmental Quality, said in his opening address to the Conference, "our subject is much broader than pollution." He called attention to the presence on the agenda not only of pollution problems, but also of the environmental problems of human settlements, the preservation of natural resources, and the environmental aspects of development. Then, in a well-reasoned appeal to the interest of the developing countries, he continued:

> My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. . . . The time to do the job of environmental protection is at the outset, nor later. Is is far cheaper and far easier. . . .
>
> Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.
>
> And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.
>
> Environmental quality cannot be allowed to become the slogan of the privileged. . . . I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

I ask unanimous consent to have the full text of Mr. Train's thoughtful address to the Conference printed at the end of my remarks.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, many statements by spokesmen of the developing countries made clear that they shared with us a common awareness: That environmental protection is not a threat to their hoped-for development but rather a new, qualitative dimension of development. There can be no question that this common awareness, forged over 2 years of preparation for the Stockholm Conference, was a sine qua non of its success. Without it, the votes simply would not have been available to adopt the key action recommendations.

As it was, the Conference approved over 100 recommendations on an enormous variety of environmental questions on which, for one reason or another, international cooperation is required. At the conclusion of the Conference the most important of these recommendations were summarized by our delegation in these 12 points:

First. Recommended unanimously the creation in the U.N. of a permanent high level environmental unit to coordinate U.N. environmental activities, and a U.N. environment fund expected to be funded at $100 million over the first 5 years. The United States has pledged up to $40 million on a matching basis, subject to congressional action.

Second. Urged completion in 1972 of a global convention to restrict ocean dumping.

Third. Recommended steps to minimize release of such dangerous pollutants as heavy metals and organochlorines into the environment.

Fourth. Recommended a global "Earthwatch" program to be coordinated by the U.N., to monitor and assess environmental trends in atmosphere, oceans, land, and human health.

Fifth. Called for early completion of conservation conventions, including the World Heritage Trust for natural and

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cultural treasures and a convention restricting international trade in endangered species.

Sixth. Called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend.

Seventh. Urged strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling.

Eighth. Recommended creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries.

Ninth. Urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries.

Tenth. Recommended higher priority for environmental values in international development assistance, for example, more emphasis on conservation, land use planning, and quality of human settlements.

Eleventh. Urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

Twelfth. Issued a declaration on the human environment containing important new principles to guide international environmental action, including principle 21 that states are responsible to avoid damaging the environment of other states or of the international realm.

Mr. President, I am all too well aware that these recommendations, useful as they are, do not by any means measure up in every respect to the vast requirements of the world's environmental problems. Even the modest steps they contemplate can only be realized if governments will follow through in the action stage.

I will not try to comment in detail on each of these 12 key points. However, I would like to dwell briefly on the first point and the last point on the list.

Point 1 recommends that a permanent U.N. environmental coordinating unit be created, under the policy guidance of a 54-member governing council and headed by an executive director; and that he be charged with coordinating all U.N. environmental activities and with administering a new U.N. environment fund.

This recommendation is, in effect, the organizational key to all the others. The U.N. General Assembly is expected to act on it at its 27th session next fall. The concept originated in a proposal which President Nixon made last February 8 in his environmental message to the Congress. It flows from the President's conviction, stated in the U.N. chapter of his 1972 foreign policy report to the Congress, that—

> Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

It is gratifying that the U.S. delegation was able to negotiate, and obtain unanimous conference approval for, a viable organizational structure for environmental activities within the United Nations. This was a major achievement at the Stockholm conference. It was made possible in large part by the knowledge that the U.S. Government takes a serious interest in this new venture and is prepared to make its fair share contribution to it on a matching basis up to $40 million over 5 years. I may add that the timely action of the Senate in passing Senate Concurrent Resolution 82, in support of this proposal, at the moment when the matter was under discussion in Stockholm, was most welcome.

I turn now to item 12 on the list, the adoption of the Declaration on the Human Environment. Like all composite and negotiated texts, this one cannot possibly satisfy anybody. But it contains among its 26 principles some to which we attach major importance as laying a foundation for future international law in the field of the environment. The most basic of these is the language in principle 21 declaring that States have "the responsibility to insure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." Unfortunately, the text as a whole—like that of most negotiated instruments—is sadly lacking in consistency, relevance, and inspirational tone. But the same could be said of some of the most influential documents of all history, such as Magna Carta which established trial by jury as well as the basic principle that the King is subject to the law—and yet is virtually forgotten except for a few lines.

The final chapter in the negotiation of this Declaration on the Human Environment was an instructive exercise in diplomacy—one which threatened to end in total failure and was rescued on the very last day of the Conference. The main threat to the document came from the People's Republic of China, making one of its first major diplomatic efforts in the United Nations. The Chinese delegation succeeded in reopening the carefully balanced draft that had been painstakingly negotiated in advance of the Conference. They stimulated a number of extreme amendments, full of intemperate language aimed at the United States and other alleged imperialist-colonialist powers.

They seemed to be trying to produce majority support for a document so anti-American that we would have to repudiate it, or perhaps destroy the document altogether. In this they failed. If it was also their purpose to become accepted as the new champions of the poor and underprivileged of the world, they scored no brilliant success in that effort either. Some minor language backed by the Chinese delegation was included, but to their evident discomfiture the United States was able to support the final text—while the Chinese delegation stood in conspicuous isolation in its refusal to participate in the act of adoption, since it objected to the final clause on the environmental effects of nuclear weapons.

These two results—the recommendation on a U.N. environmental unit and fund, and the adoption of a meaningful declaration over Chinese objections—these successes indicate the basic wisdom of our environmental diplomacy in making common cause with the moderate nations of the developing world. Their support, their votes, their sense of a basic common ground with the United States and the West, were indispensable to the success of the conference and are a good augury for world environmental cooperation in future years. It should be a major task of our U.N. diplomacy to make sure that this common ground is consolidated in future years.

Mr. President, it would be idle to exaggerate the achievements of the Stockholm conference. But it would be still more foolish to dismiss them. As the exceptionally able Conference Secretary General, Maurice Strong of Canada, told the final meeting:

> We have taken the first steps . . . to act together in a manner consistent with the earth's physical interdependence.

Whether those first steps will be followed by truly effective action to preserve this planet earth, will depend on the will of governments and many kinds of institutions, from the world level to the regional, national, state, city and village level, for countless years to come.

Mr. President, I will say in candor that some of the recommendations of the conference, particularly in regard to international cooperation to control pollution, did not go nearly as far as many of us, myself included, would have wished. This merely reflects the fact that the UN can only do what its members are willing to do, and no government—not even that of the United States, which has done far more than most in this field—has yet received an undeniable mandate from its citizens to take all the costly steps that pollution abatement and control are sooner or later going to require. But we have begun to move. And at Stockholm we began to move even at that most necessary and difficult level, the entire world.

The American people have reason to be proud of the participation of the United States in this first world conference on the Human Environment. Under Chairman Russell Train, who led our efforts with consummate skill, we had a delegation which was remarkable for its distinction and ability—both from congressional and governmental ranks and from the private sector. To substantiate this fact I ask unanimous consent to have printed in the RECORD the full list of the U.S. delegation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OFFICIAL U.S. DELEGATION

Chairman, Mr. Russell Train, Chairman, President's Council on Environmental Quality.

Vice-Chairman, Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs.

Senator Howard H. Baker, Jr., Chairman, Secretary of State's Advisory Committee.

Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency.

Mr. Rogers C. B. Morton, Secretary of the Interior.

Mr. Laurance Rockefeller, Chairman, Citizen's Advisory Committee on Environmental Quality.

Mrs. Shirley Temple Black.

Mr. Bert S. Cross, Chairman, Minnesota Mining and Manufacturing Co.

Mr. Roger Egeberg, Special Assistant to the Secretary, HEW.

Mr. John D. Ehrlichman, Assistant to the President for Domestic Affairs.

Mr. Jerome H. Holland, U.S. Ambassador to Sweden.

Mr. Frank Ikard, President, American Petroleum Institute.

Mr. Samuel Jackson, Special Assistant to the Secretary, HUD.

Mr. Norman B. Livermore, Secretary of Resources, State of California.

Mr. John A. Love, Governor, State of Colorado.

Dr. Gordon MacDonald, Member, CEQ.

Mr. S. Dillon Ripley, Secretary, Smithsonian Institution.

Mr. John W. Rollins, Chairman of the Board, Rollins International, Inc.

Mr. William J. Scott, Attorney General, State of Illinois.

Mr. Elvis J. Stahr, President, Audubon Society.

Mr. John Tukey, Professor of Economics, Princeton University.

Mr. Ross Vincent, Louisiana Ecology Center.

Mr. John C. Whitaker, Deputy Assistant to the President for Domestic Affairs.

Mr. Robert White, Administrator, NOAA.

Mr. BAKER. Mr. President, in addition to Chairman Train, I want also to pay tribute to the vice chairman of the delegation, the Honorable Christian A. Herter, Jr., whose service at Stockholm was the culmination of a preparatory process lasting nearly 2 years and involving 15 or more agencies of the Government. As Special Assistant to the Secretary of State for Environmental Affairs, Mr. Herter supervised this entire process within the U.S. Government, which resulted in major American contributions to the proposals that were placed before the conference. It is doubtful that a successful conference could have been held without this contribution.

Finally, let me say that as Chairman of the U.S. Advisory Committee for the Stockholm Conference I received in the months preceding the conference the views of thousands of concerned American citizens about what our policy at Stockholm ought to be. I am well aware that many of the Stockholm recommendations are bound to fall far short of the hopes of these public-spirited people. Indeed, they fall far short of my own hopes in many respects.

I believe the answer for this is not a hysterical rejection of the governmental process or of international negotiation. It is rather to continue and to try ever harder to educate public opinion, here and around the world, on what is necessary to assure for ourselves and future generations a better quality of life. The success of the Stockholm venture depends completely on the backing of effective public opinion both here and abroad. I congratulate all good citizens who are lending their efforts to this cause and urge them to continue. In doing so I hope they will consider not only our national environmental efforts but those of the entire world, the finite and vulnerable home which we Americans share with the rest of humanity.

Mr. President, may I say in closing that it was an eye-opening experience for me to participate in this conference and to be exposed, not only to the tenure of the conference, but also the procedures. One of the highlights was the 8:30 a.m. meeting of delegates each morning. Many of our colleagues in the Senate were there, including the junior Senator from New York (Mr. BUCKLEY) who is in the Chamber now, the Senator from Utah (Mr. MOSS), the Senator from New Jersey (Mr. CASE), and others. It was a magnificent performance by the American delegation, one that the Senate and the country can be proud of.

EXHIBIT 1

REMARKS BY THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, U.S. DELEGATION TO THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT AND CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES

Mr. President, Mr. Secretary-General, distinguished Ministers and Delegates:

On behalf of the United States I wish to congratulate you, Mr. President, on your election to lead us in our work during these two critical weeks, and to express our appreciation to the Government of Sweden as the original proposer and generous host of this very important United Nations Conference on the Human Environment.

Let me also express our warm thanks to the distinguished Secretary-General of the Conference, Mr. Maurice Strong, for his able leadership during more than year and a half of intensive preparations, the quality of which has much to do with the hopes for this conference.

From the beginning of his Administration, President Nixon has given high priority to environmental protection as a matter of both domestic and international policy. As he has stated, we must act as "one world" to protect the human environment. This Conference provides a unique opportunity for such a united effort.

An immense diversity of nations is gathered here from every region of the earth. We are brought together by a common concern for the quality of human life, the everyday life of people throughout the world. Our subject is much broader than pollution. It includes the kind of communities in which people live. It includes the way resources will be managed for billions of people today, and still more billions in the future. Our concern is that all nations of the world should better understand and better control the interaction of man with his environment; and that all peoples, now and in future times, should thereby achieve a better life.

In addressing this universal subject of the human environment, every nation's view is conditioned by its own historical experience.

When my country was very young, and President Thomas Jefferson resided at the edge of the Virginia wilderness at Monticello, what distinguished our new republic was not wealth or industry, in which we were not at all impressive, but the compelling force of an idea newly put into practice. This idea was that a nation of immigrants, equal under the law and exercising their right to "the pursuit of happiness," could settle and cultivate a continental wilderness, and establish in it their free institutions. For a century and more, we were largely preoccupied with that undertaking.

Some 65 years ago, when the American frontier was a thing of the past, President Theodore Roosevelt wrote with admiration about this continental adventure—but he struck a new and more ominous note. Our natural resources, he said, were being rapidly depleted; and he continued with these words:

"The time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils shall have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and widely using the property which contains the assurance of well-being for himself and his children."

Unfortunately, our country did not always follow that good advice. Particularly in the generation just past, we not only committed many of the faults Theodore Roosevelt criticized. We went further and, through inadequate control of our increasingly powerful technology, imposed burdens on our environment, urban and rural alike, such as he never dreamed of.

Now the United States is altering its course. We have examined the costs of correcting the most obvious of these problems—pollution—and we have begun to pay the high price of corrective action too long delayed.

Of course, the environmental afflictions we are coping with are largely those of an affluent nation. My country enjoys economic blessings such as many another country earnestly desires to achieve. The United States Government remains convinced that other nations throughout the world can and must increasingly enjoy the same blessings of economic growth and overcome the curse of poverty. In this Second Development Decade it remains the firm purpose of the United States to assist in that global effort through the United Nations and otherwise.

My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. We are learning that it is far less costly and more effective to build the necessary environmental quality into new plants and new communities from the outset than it is to rebuild or modify old facilities.

This point bears repetition: The time to do the job of environmental protection is at the outset, not later. It is far cheaper and far easier.

This point holds true for every country at every stage of development. Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.

And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.

Environmental quality cannot be allowed to become the slogan of the privileged. Our environmental vision must be broad enough and compassionate enough to embrace the full range of conditions that affect the quality of life for all people. How can a man be said to live in harmony with his environment when that man is desperately poor and his environment is a played-out farm? Or when the man is a slum-dweller and his environment is a garbage-strewn street? I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

President Nixon, in transmitting to the

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Congress the first annual report on the quality of our nation's environment, expressed this central thought when he said: "At the heart of this concern for the environment lies our concern for the human condition, for the welfare of man himself, now and in the future."

This insight—the unity of environmental protection and economic well-being—is likely to be one of the most vitally important insights to emerge from this Stockholm Conference. No longer should there be any qualitative difference between the goals of the economist and those of the ecologist. A vital humanism should inspire them both. Both words derive from the same Greek word meaning *house*. Perhaps it is time for the economist and ecologist to move out of the separate, cramped intellectual quarters they still inhibit, and take up residence together in a larger house of ideas—whose name might well be the House of Man.

In that larger house, the economist will take full account of what used to be called "external diseconomies" such as pollution and resource depletion, and he will assign meaningful values to the purity of air and water and the simple amenities we once foolishly took for granted. He will develop better measures of true well-being than the conventional Gross National Product. The ecologist, in turn, will extend his attention beyond the balance of nature to include all those activities of man's mind and hand that make civilized life better than that of the cave dwellers. Both will collaborate to advise the planners and decision-makers—so that cities and countryside of the future will promote the harmonious interaction of man with man, and or man with nature; so that resources will remain for future generations; and so that development will lead not just to greater production of goods but also to a higher quality of life.

This conference, then, is a great beginning. The many countries here have differing experience and differing priorities, but all of us are reaching toward a new realization of truths taught us by science and by bitter experience. Together we can now broaden our cooperation for the common good—to learn the facts about man's interaction with his earthly environment; to persevere in global development efforts while taking new steps to cleanse and protect the atmosphere, the oceans, the soil and the forests.

We are of course well aware of the limits of international cooperation. It is often fitful and troubled with false starts. The fact of national sovereignty entails frank recognition that many or even most of the crucial environmental actions have to be taken freely by governments and by citizens in their own interest as they see it. In my own country we have taken vigorous measures in recent years to clean up our air and our waters, to reorganize our government structure for more effective environmental management, and to open up our courts and our processes of government to the invigorating energies of concerned private citizens. In the quest for environmental quality, no need is greater than the development and participation of a concerned, informed, and responsible citizenry.

We in the United States are definitely beginning to make progress in our war on pollution. For example, the level of major air pollutants such as particulates, carbon monoxide, and sulfur oxides, has dropped significantly over the past three years in most of our cities. The level of automobile emissions is likewise going down. We still have a long way to go and there is no room for complacency. But we are demonstrating that the problems of environmental pollution are not insoluble and that they can be dealt with through determined action by government and by citizens.

On the international level, we believe that the United Nations itself has a vital role to play in providing coordination and leadership in the global quest for environmental protection and the quality of life. The Stockholm Conference can help give direction and energy to this historic opportunity for the United Nations.

We have high hopes for the Stockholm Conference. The United States has given its full support to the preparations for it. Of the nearly two hundred recommendations submitted by the Secretariat for our consideration, the great majority have the general or specific support of the United States.

This Conference will do more than raise the level of national and international concern for environmental problems—indeed, it has already achieved that. We are confident that it will also generate national, regional, and global action to recognize and solve those problems which have a serious adverse impact on the human environment.

Among the action proposals, in the view of the United States, certain ones stand out as of particular importance.

1. Specifically, the United States supports the establishment of a permanent entity within the United Nations—a 27-nation Commission of the Economic and Social Council and a high-level secretariat unit—to coordinate multinational environmental activity and to provide a continuing focus for U.S. attention to environmental problems.

2. The United States supports the creation of a $100 million U.N. Environmental Fund financed by voluntary contributions from member governments. We are prepared to commit $40 million over a five-year period on a matching basis to the fund.

3. We support and urge vigorous regional action where this is necessary to adequate management of environmental resources. Last April the President of the United States and the Prime Minister of Canada signed a pioneering agreement committing both nations to a cooperative long-term program to protect the water quality of the Great Lakes. But many other major international bodies of water are in similar need. The Baltic, the North Sea, the Mediterranean, the Caspian, the Rhine, the Danube and many more in every continent cry out for effective regional environmental cooperation. In many of these areas the time for action is rapidly running out.

4. We support efforts to strengthen monitoring and assessment of the global environment, and to that end to coordinate and supplement existing systems for monitoring human health, the atmosphere, the oceans, and terrestrial environments.

5. We support coordinated research to strengthen the capability of all nations to develop sound environmental policies and management.

6. We support effective international action to help nations increase their environmental capabilities. This includes the strengthening of training, education, and public information programs in the field of environment—both to develop an environmentally literate citizenry and to train professional environmental scientists and managers. It also includes the establishment of improved mechanisms, such as an international referral system, by which nations can efficiently share their national experience concerning the best methods of solving specific environmental problems in such fields as land use planning, forest and wildlife management, urban water supply, etc.

7. We support creation of a World Heritage Trust to give recognition to the world interest in the preservation of unique natural and cultural sites.

8. We support international agreement at the earliest practicable date to control the dumping of wastes into the oceans and we also urge appropriate national action to support this objective. The announcement by the delegate of the United Kingdom of the progress recently made toward agreement on an ocean dumping convention is very welcome, and the United States strongly supports prompt follow-up action. Marine pollution generally should have a high priority for international cooperative action.

I recall last Christmas standing on a magnificent stretch of lonely beach in the Bahamas, watching the great sea waves sweep in from the open Atlantic. Hardly a foot of that beach was without its glob of oil, and the upper reaches of the beach, at the limits of the tide, were littered with the plastic and other non-degradable detritus of our civilization.

9. We support cooperative action to protect genetic resources and to protect wildlife. For example, the United States hopes that this Conference will support the objective of a moratorium on the commercial killing of whales. Such action would be especially timely in view of the scheduled session of the International Whaling Commission in London later this month.

10. Recognizing that uniform pollution standards are not practical or appropriate at this time with respect to pollution which is without significant global impacts, we support the establishment by the appropriate international agencies of criteria upon which national pollution control policies can be based. We believe all nations, in their own interest, will wish to establish and enforce the highest practicable environmental standards needed to protect human health and the environment. Even though these levels will vary among nations, it is important that every effort be made to harmonize differing national environmental policies.

11. We support the identification and evaluation of potential environmental impacts of proposed development activities. Such evaluations should normally lead to higher development benefits in the long term. Likewise, we urge all nations and international organizations to undertake systematic environmental analyses as a normal part of their planning and decision-making activities.

12. Finally, we support the draft Declaration on the Human Environment as a fitting message from this Conference to the world, and a further proof of our serious intent. In particular we support its important provisions concerning the responsibility of States for environmental damage and the obligation of States to supply information on planned activities that might injure the environment of others. We believe that every nation should adopt effective procedures to insure that its neighbors have adequate notice of plans and projects which could significantly affect their environment, and that measures should be taken to assure that any such adverse impacts be avoided or minimized.

The frustration of modern man is two-fold. There are those who have not even the basic material equipment for a decent life and who rightfully desire very ardently to acquire it. But there are also those who get much of what they ask for, and who for awhile go on asking for more—more goods, more services, more electric power, more comfort—until some dark night, alone with themselves, they are moved to ask: Why? What is it all worth if the fields and the forests have been despoiled, the air befouled, the animals reduced and the broad oceans debased?

The fabric of human happiness is as complex and as delicately balanced as natural processes themselves. Our immense and still growing power over our surroundings must go together with a new responsibility and a new discipline—the discipline of conserving resources, of limiting our births, of living within the means of the natural support systems on which we depend.

Such thoughts raise difficult questions, but they are unavoidable. Probably one of the most useful functions of this Stockholm Conference is to raise such questions, even where the answers are not yet fully apparent.

In many respects, no doubt, the questions and the answers will vary widely from one nation or region to another. But in other respects the environmental and economic problems of this one earth are truly global, and we need to begin systematic analyses of them on a global scale.

Certainly one truth is already undeniable: In our use of resources we must have regard for the needs of those who will come after us. Our most fundamental obligation to future generations is to enhance the estate we transmit to them. Where once man saw himself as custodian of a body of goods and values and traditions, we now realize that he is also custodian of nature itself. Our children will not blame us for what we wisely use, but they will not forgive us for the things we waste that can never be replaced.

Now that the natural order is increasingly subject to human design, our concern, our sense of co-responsibility must grow commensurately with our new understanding. There is a great excitement in the new journey we are on, a journey of understanding and cooperation, not of mastery and conquest. The essence of 20th century achievement will lie in our success in the struggle—not with each other or with nature, but with ourselves—as we try to adapt creatively to the realization that we are all hostages to each other on a fruitful but fragile planet.

The nations of the earth have many opportunities for working together to meet these challenges. The United States has joined in numerous active bilateral and multilateral arrangements for environmental protection. I have already mentioned the recent Great Lakes Water Quality Agreement with Canada. Two weeks ago, on May 23rd, President Nixon and President Podgorny signed a long-term agreement for close environmental cooperation between the United States and the Soviet Union. By signing the agreement, both our countries have signaled to the world the priority attention that should be devoted to the environment and to working together on the great causes of peace. Both nations recognize the deep desire of all people to direct their resources to solving the pressing social problems of today.

It will be the task of the United Nations to view all these environment activities in a global perspective—to speak for the whole world on international environmental questions.

We know the United Nations cannot solve every problem, but it must not set its sights too low. It should be animated by the same essential fact that has brought us together in Stockholm: There is an environmental crisis in this world. The crisis differs, it is true, both in kind and in degree from one nation or region to another—but it is a world crisis nonetheless.

President Nixon, discussing the tasks facing the United Nations in his foreign policy report to the American Congress early this year, described the crisis—and the response to it—in these words:

"Ours is the age when man has first come to realize that he can in fact destroy his own species. Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

"I believe profoundly that the answer is yes."

Mr. President and fellow delegates to the Stockholm Conference, it is by our actions, both now and in the years to come, that we have a chance to justify that affirmative answer. We need not act in hysteria, nor credit every prophecy of ecological doom—but act we must. If we act with vision and determination, we will preserve for the children of all nations a chance to live in an earthly home worthy of their needs and hopes.

Mr. RANDOLPH. Will the Senator yield?

Mr. BAKER. I yield to my colleague from West Virginia.

Mr. RANDOLPH. I have listened to the helpful report of the Senator from Tennessee (Mr. BAKER). I desire to commend him and Senators BUCKLEY, CASE, MAGNUSON, Moss, PELL, and WILLIAMS who were members of the U.S. delegation to the first United Nations Conference on the Human Environment in Stockholm, Sweden. The Senate Public Works Committee has contributed a substantial body of law to the subject of environmental development. I am sure that not only those of us on that committee, but those who serve on other committees having jurisdiction over environmental matters and all Members of the Senate, are indebted to Senator BAKER and our other colleagues who worked constructively to make this first international effort worthwhile.

Mr. BAKER. I appreciate the gracious comments of the distinguished chairman of the Senate Committee on Public Works and am grateful for his support in this very significant undertaking. Senator RANDOLPH is a vigorous leader in the development of environmental protection legislation, and his leadership is reflected in our country's progress in this area.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BUCKLEY. Mr. President, I rise to add my few comments to those made by the distinguished Senator from Tennessee on the results of the Stockholm conference. I know the newspaper reports in the United States tended to take a gloomy view, and purely political implications were inserted into what should have been a scientific endeavor among nations.

However, when one contemplates the enormity of the problems and the cooperation of all nations for the first time in human history in this intensely important area, we can all be proud of the accomplishments, concern, and particularly the leadership of the United States.

The attention of the world has been riveted on the importance of coming to grips with the impact of man's activities on the environment. We have taken the important first step, and as the Senator from Tennessee emphasized, whether those steps will lead us in the proper direction at the proper speed will depend entirely on whether the people of our various nations will back the efforts that have been initiated at Stockholm.

One of the very important things that came to the surface is the fact that, understandably, many underdeveloped nations are fearful that the environmental concerns which have originated in developed countries may have the effect of freezing them at their present status of economic development. It is my hope and expectation, however, that as they increase their understanding of the ultimate economics of shaping their own developmental activities into environmentally necessary channels, they would see that far from pricing themselves out of the world markets, they will achieve vigorous accomplishments.

If all nations of the world adopt the same sense of conscientiousness and environmental responsibility, the net impact would not be to disturb or dislocate trade channels.

I want to take this opportunity to say how much the success of that conference depended on the leadership of the Senator from Tennessee who did a magnificent job in collecting and synthesizing information from the thousands of people from whom he received views.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 6 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HRUSKA) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON FINAL DETERMINATION OF CERTAIN INDIAN CLAIMS

Three letters from the Chairman of the Indian Claims Commission transmitting, pursuant to law, reports on the final determination of the Commission with respect to the claims of the Natives of Palmer, Alaska, the Natives of Tatitlek Village, Alaska, and the Natives of Chitina, Alaska (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO PHASE-IN MOTOR VEHICLE SAFETY STANDARDS

A letter from the Secretary of Transportation submitting proposed legislation to authorize the Secretary to phase-in motor vehicle safety standards by specified percentages over a period of time, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Federal Program of Aid to Educationally Deprived Children in Illinois Can Be Strengthened" and a report entitled "U.S. Technical Assistance to Support Indian Agricultural Development" (with accompanying reports); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3511. A bill to authorize appropriations for activities of the National Science Foun-

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dation, and for other purposes (Rept. No. 92-918).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on today, June 22, 1972, he presented to the President of the United States the enrolled bill (S. 513) for the relief of Maria Badalamenti.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

ECONOMIC ADJUSTMENT ORGANIZATION ACT

Mr. RIBICOFF. Mr. President, the American economy is in deep trouble. Our tragic 6 percent unemployment figure persists—in my own State of Connecticut it is more than 8 percent, and in some communities 20 percent. Our trade deficit is mounting—more than $2 billion in the first quarter of this year alone. Twenty-five percent of our industrial capacity remains idle while our Nation desperately needs rebuilding.

Clearly, both workers and businessmen need effective help now. One approach which has become the subject of much discussion is the Foreign Trade and Investment Act of 1972, the Hartke-Burke bill. This is a well intentioned effort to preserve American jobs. But its sweeping provisions would create many new problems for our foreign relations and for American foreign trade and investment, while it is not at all clear whether it would provide any net benefits in terms of domestic employment. While interim measures to protect certain American industries may indeed be necessary, the application of across-the-board quotas would probably provoke retaliation by our major trading partners. It is of the highest priority that practical effective alternatives to the Hartke-Burke legislation be developed to deal with the legitimate grievances of all those adversely affected by our trade policies.

In order to provide such alternatives, I am today introducing the Economic Adjustment Organization Act.

I have been in touch with Chairman MILLS of the Ways and Means Committee in the other body regarding my proposal and hope to consult with him and other interested congressional colleagues on this legislation in the future. After full hearings and the opportunity for all parties concerned to express their views I hope that legislation will be passed which will meet the needs of both workers and businessmen.

The Economic Adjustment Organization Act is an attempt to develop adequate Federal programs to help workers, companies, and communities affected by public policy decisions, and is not confined to assistance necessitated by trade policy decisions. It goes beyond present adjustment assistance provisions both in its coverage and types of assistance offered. The present provisions on the books since 1962 offer much too little, are too difficult to get and are invariably too late.

At present we have only bits and pieces of offices and agencies and department planning and administering programs dealing with economic conversion, adjustment assistance, training and job placement. Also lacking is a single high level body to spot in advance those industries and companies which are or will be soon facing serious difficulties, and to identify the priority areas for economic activity in the next 5, 10 or 20 years.

To remedy this situation two new governmental bodies are set up under my act. The Economic Adjustment Administration, to be located in the Commerce Department, would coordinate existing adjustment programs whose benefits would be liberalized and expanded. It would establish new workers' retraining programs and offer incentives to industries about to relocate to stay where they are. The administration would make agreements with affected States and communities and work closely with them.

Also created is a new independent Economic Priorities Advisory Council to set civilian priorities for the Nation and identify future manpower needs and economic trouble spots.

There is no early warning system for labor when jobs are in danger. There is no way for helping firms before they are in desperate straits or retraining workers before they are lining up for unemployment checks. The Economic Priorities Advisory Council made up of industry, labor, and Cabinet representatives will perform those needed functions. We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for defining civilian priorities. This new Economic Priorities Advisory Council will help chart the future directions of the civilian economy and encourage economic expansion into new areas of viable economic activity. The Council would also advise the new Economic Adjustment Administration in the types of training and other assistance needed.

Too many of our manpower training programs are teaching skills for jobs that no longer exist or that will not be offered in a particular locale. Training programs must be geared to specific jobs which will be available when the training is ended. There is little point to training a worker in New York for a job that exists only in California.

Smaller companies experiencing financial difficulty need more than low-cost loans. They would also be able to get the expert technical advice and individualized planning they need to remain competitive. Research and development seed money would be made available for private projects and the development of new products. At the same time their employees would be trained to perform the new skills that will be needed in the new operation. Interim emergency financing would be available to these companies pending approval of longer term loans.

If companies decide to transfer production facilities abroad they would be required to demonstrate that the full range of Government assistance offered them is inadequate to insure profitable operations within a reasonable period of time. If they cannot, they would help defray the costs of assisting the laid-off employees they are leaving behind. These provisions should allay the fears of workers and communities that they will be left in the lurch by companies concerned only with their own immediate interests. Yet a company would still retain its freedom to relocate elsewhere by demonstrating its good faith and sound business reasons for leaving.

Under this legislation, once eligibility is established both a company and its laid-off workers would receive immediate assistance. Workers would begin collecting roughly 85 percent of their previous wages and their health and pension benefits would be continued. Those within 3 years of retirement would be able to retire with full benefits. Younger workers would be able to enroll in new or existing training programs which would help insure their employment upon completion of the training courses either with their former employer, and preferably in the area where they live.

The company could receive loan assistance, technical advice, retraining of its labor force, and other benefits in order to continue operating in the same locale. If it still decided to move elsewhere in the United States, it would have to offer its employees the right of first refusal for a similar job at the same rate of pay.

In sum, my legislation embodies a new approach to deal with some of the new kinds of problems facing us today. It involves a coordinated attack by the Federal Government, with the emphasis on early warning, and speedy, unencumbered help for workers. The focus is on readjustment and retraining in order to best utilize our technological, managerial, and manpower resources.

Enactment of my proposed bill will enable us to anticipate change instead of dealing only with its effects. It will enable our trade negotiators at the projected 1973 trade talks with our major trading partners to negotiate with greater confidence in our ability to adapt to changes. It will enable working people to feel more confident of their jobs and the well-being of their families. The Economic Adjustment Act offers both labor and industry a means of improving their respective economic positions while contributing to the overall health and vitality of our Nation.

I ask unanimous consent that a comparison of the Economic Adjustment Organization Act and the Foreign Trade and Investment Act of 1972 (S. 2592) be printed at this point in the RECORD, along with the text of the Economic Adjustment Organization Act.

There being no objection, the comparison and bill were ordered to be printed in the RECORD, as follows:

COMPARISON OF THE ECONOMIC ADJUSTMENT ORGANIZATION ACT AND THE FOREIGN TRADE AND INVESTMENT ACT OF 1972, S. 2592

1. New Government bodies:

S. 2592 establishes a three member Foreign Trade and Investment Commission which has discretion to impose and modify the import restrictions and decide escape clause cases.

Economic Adjustment Organization Act establishes a nine member Economic Priorities Advisory Council to give advance warning of industry and labor problems, set civilian priorities for years ahead. Also establishes a new Administration within the Commerce Department to plan and implement worker retraining and relocation programs and assistance to companies.

2. Import restrictions:

S. 2592 limits annual imports to same percentage as 1965–1969 on country by country and item by item basis. (Would not affect existing voluntary quota agreements, e.g., textiles, steel).

Economic Adjustment Organization Act does not set import limits which might lead to retaliation and higher costs to consumers. It provides timely, adequate help to workers displaced by imports or any other public policy decision and retraining for jobs available in their locality wherever possible. Does not modify existing provisions of law providing for restriction of imports.

3. Tax changes:

S. 2592—Effects activities of U.S. companies abroad by eliminating foreign tax credit, personal income tax exemption, and no longer permits these companies to defer taxes on foreign earnings until income repatriated to U.S.

Economic Adjustment Organization Act—Seeks to prevent American companies from going abroad by making them pay one-half of costs of retraining and assistance to their displaced workers if companies cannot prove they would have been unprofitable in U.S. even with the assistance offered them. Does not penalize U.S. companies doing business abroad by imposing a tax burden greater than competing foreign firms.

4. Capital and technology flows:

S. 2592:

Grants President authority to restrict capital and technology flows abroad.

Tightens enforcement of anti-dumping statutes and countervailing duty (foreign government subsidies).

Economic Adjustment Organization Act—Economic Adjustment Administration would give technical help, R&D money and low cost loans to companies to permit them to stay competitive, permitting U.S. to continue receiving benefits of foreign technology.

5. Effect on present adjustment assistance:

S. 2592—Loosens the injury requirement for eligibility for current adjustment assistance benefits.

Economic Adjustment Organization Act—More simple and liberalized injury test for adjustment assistance, and in addition makes workers and firms eligible for expanded benefits if affected by changes in government, procurement patterns (e.g. defense, space) or other public policy decisions. Includes retention of health benefits for workers and families and accelerated retirement for older workers.

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Adjustment Organization Act".

TITLE I—TRANSFER OF FUNCTIONS AND ESTABLISHMENT OF ADMINISTRATION AND ADVISORY COUNCIL

SEC. 101. STATEMENT OF PURPOSE.

It is the purpose of this Act to consolidate in a single agency in the Executive branch the administration of programs of economic development and worker retraining and assistance, and to provide a comprehensive program for the solution of economic and unemployment problems caused by—

(1) changes in government procurement and budgetary priorities;

(2) the relocation of United States firms to other areas in the United States or to locations outside the United States;

(3) economic dislocation resulting from increased imports; and

(4) any other economic dislocation caused, in whole or in part, by governmental action.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "Administration" means the Economic Adjustment Administration established in the Department of Commerce by section 104 of this title.

(3) The term "Administrator" means the Administrator of Economic Adjustment.

(4) The term "Council" means the Economic Priorities Advisory Council established under section 105 of this title.

SEC. 103. TRANSFER OF FUNCTIONS.

(a) To carry out the purposes of this Act, there are transferred to the Secretary all functions, powers, duties, authorities, assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records of—

(1) the Office of Economic Adjustment of the Department of Defense;

(2) the Economic Affairs Bureau of the United States Arms Control and Disarmament Agency; and

(3) the Research and Development Incentives Program of the National Science Foundation.

(b) All functions of the Secretary under the Public Works and Economic Development Act of 1965 shall be carried out through the Administration, and all powers of the Secretary under section 701 of such Act are conferred on the Secretary for the purpose of carrying out this Act.

(c) The President is requested to present to the Congress, after consultation with the Secretary and the Administrator, a reorganiaztion plan providing for the transfer of—

(1) such functions and authorities of the Secretary of Labor relating to manpower development and training;

(2) such functions and authorities of the Small Business Administration relating to economic development; and

(3) such other functions and authorities, as the President determines are necessary or appropriate to carry out the purposes of this Act.

SEC. 104. ESTABLISHMENT OF ECONOMIC ADJUSTMENT ADMINISTRATION.

(a) To assist the Secretary in carrying out the purposes of this Act, there is established within the Department of Commerce the Economic Adjustment Administration. The Administration shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

(b) There shall be two Associate Administrators of the Administration who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such duties as the Administrator shall prescribe.

SEC. 105. ECONOMIC PRIORITIES ADVISORY COUNCIL.

(a) There is established an Economic Priorities Advisory Council which shall consist of nine members as follows:

(1) the Secretary of Commerce who shall be chairman of the Council;

(2) the Secretary of Labor;

(3) the Secretary of Treasury;

(4) three members representing organized labor; and

(5) three members representing management or the business community.

The members appointed pursuant to clauses (4) and (5) of the preceding sentence shall be appointed by the President by and with the advice and consent of the Senate.

(b) Each member of the Council who is not an officer of the United States shall be entitled to receive compensation at not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, during such time as he is engaged in the performance of duties as a member of the Council. Each member of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(c) The Council shall meet at the call of the chairman but not less than four times a year.

(d) The Council shall—

(1) advise and assist the Secretary and Administrator with respect to the activities of the Economic Adjustment Administration under this Act;

(2) review and evaluate the effectiveness of programs carried out under this Act;

(3) conduct surveys and establish area and industry priorities for the application of economic adjustment assistance under this Act;

(4) carry out studies and prepare projections of future areas of economic activity in which the United States can expect to be competitively disadvantaged and identify industries in which economic adjustment assistance may be necessary; and

(5) conduct research and propose new measures and programs to provide economic adjustment assistance to workers and firms who may be eligible for assistance under this Act.

(e) The Secretary shall make available to the Council such professional and clerical assistance as the Council may require.

SEC. 106. TECHNICAL AMENDMENTS.

(a)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

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"(59) Administrator of the Economic Adjustment Administration."

(2) Section 5315 is amended by adding at the end thereof the following:

"(95) Associate Administrators of the Economic Adjustment Administration (2)."

(b)(1) The last sentence of section 601 (a) of the Public Works and Economic Development Act of 1965 is repealed.

(2) Section 5316(120) of title 5, United States Code, is repealed.

TITLE II—ECONOMIC ADJUSTMENT ASSISTANCE

Subtitle A—Eligibility for Assistance

SEC. 201. DEFINITIONS; ADMINISTRATION OF TITLE.

(a) For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "firm" includes a subdivision of a firm.

(3) The term "worker" means, with respect to a firm, an employee or former employee of the firm.

(b) The Secretary shall administer this title through the Economic Adjustment Administration, established by title I of this Act.

SEC. 202. ELIGIBILITY REQUIREMENTS.

(a) A firm shall be eligible for economic adjustment assistance under subtitle B if it is established that a significant number or proportion of the workers of the firm have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government, or

(2) increased imports of articles competitive with articles produced by the firm.

(b) The workers of a firm shall be eligible for economic adjustment assistance under subtitle C if it is established that the workers have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government,

(2) increased imports of articles competitive with articles produced by the firm, or

(3) the relocation, or proposed relocation, of facilities of the firm to a place outside the United States.

SEC. 203. PETITIONS.

(a) A petition by a firm for eligibility for economic adjustment assistance under subtitle B may be filed with the Secretary by the firm or its authorized representative.

(b) A petition by the workers of a firm for eligibility for economic adjustment assistance under subtitle C may be filed with the Secretary by the workers or by the certified or recognized union or other authorized representative of the workers

SEC. 204. DETERMINATIONS BY SECRETARY.

(a) Upon the filing of a petition under section 203, the Secretary shall determine and certify whether the firm is eligible for economic adjustment assistance under subtitle B or the workers of the firm are eligible for economic adjustment assistance under subtitle C, as the case may be.

(b) Determinations and certifications by the Secretary under subsection (a) shall be made as soon as possible after the date on which a petition is filed but in any event not later than 60 days after such date.

(c) Any certification under subsection (a) that the workers of a firm are eligible to apply for economic adjustment assistance under subtitle C shall specify the date on which the unemployment or underemployment began or threatened to begin.

(d) Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm, that separations from the firm are no longer attributable to the conditions specified in section 202 (b), he shall terminate the effect of such certification. Such termination shall apply only with respect to separations occurring after the termination date specified by the Secretary.

SEC. 205. INVESTIGATIONS AND REPORTS BY TARIFF COMMISSION.

At the request of the Secretary, the United States Tariff Commission shall conduct an investigation with respect to a firm to assist the Secretary in determining whether increased imports of articles competitive with articles produced by the firm has been a cause in material part of unemployment or underemployment, or threatened unemployment, of workers of the firm. The Commission shall report the results of its investigation to the Secretary at the time specified by him.

Subtitle B—ECONOMIC ADJUSTMENT ASSISTANCE TO FIRMS

SEC. 211. APPLICATIONS; ECONOMIC ADJUSTMENT PROPOSALS.

(a) A firm certified under section 204 as eligible for economic adjustment assistance under this subtitle may, at any time within 2 years after the date of such certification, file an application with the Secretary for such economic adjustment assistance. Within a reasonable time after filing its application, the firm shall present a proposal for its economic adjustment.

(b) Economic adjustment assistance under his subtitle consists of technical assistance, financial assistance, and tax assistance, which may be furnished singly or in combination. Except as provided in section 212, no economic adjustment assistance shall be provided to a firm under this subtitle until its economic adjustment proposal has been certified by the Secretary of Commerce—

(1) to be reasonably calculated materially to the economic adjustment of the firm,

(2) to give adequate consideration to the interests of the workers of the firm, and

(3) to demonstrate that the firm will make all reasonable efforts to use its own resources for economic adjustment.

(c) Any certification made pursuant to this section shall remain in force only for such period as the Secretary may prescribe.

SEC. 212. INTERIM ASSISTANCE.

(a) In order to assist a firm which has applied for economic adjustment assistance in preparing a sound proposal for its economic adjustment, the Secretary may furnish technical assistance to such firm prior to certification of its proposal.

(b) In order to assist a firm which establishes its need for financial assistance prior to certification of its economic adjustment proposal, the Secretary may provide financial assistance to the firm to the extent he determines such assistance to be necessary.

SEC. 213. USE OF EXISTING AGENCIES AND PROGRAMS.

(a) Insofar as possible, the Secretary shall provide technical assistance and financial assistance under this subtitle through existing programs established by law. To the extent that a firm's certified proposal for economic adjustment cannot be carried out through any existing program, the Secretary is authorized to furnish technical assistance under section 214 and financial assistance under section 215 to such firm.

(b) The Secretary is authorized to cooperate with State and local governments in furnishing technical and financial assistance to firms under this subtitle and, in connection therewith, to furnish technical assistance to such State and local governments.

(c) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to firms, which sums are authorized to be appropriated to remain available until expended.

SEC. 214. TECHNICAL ASSISTANCE.

(a) The Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will materially contribute to the economic adjustment of the firm.

(b) Technical assistance under subsection (a) may include assistance, by means of grants or otherwise, for research and development in connection with projects which will create new employment opportunities.

(c) The Secretary of Commerce shall require a firm receiving technical assistance under this subtitle to share the cost thereof to the extent he determines to be appropriate.

SEC. 215. FINANCIAL ASSISTANCE.

(a) Subject to the provisions of this section and section 216, the Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of guarantees of loans, agreements for deferred participations in loans, or loans, as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Guarantees, agreements for deferred participations, or loans shall be made under this section only for the purpose of making funds available to the firm—

(1) for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or

(2) in cases determined by the Secretary of Commerce to be exceptional, to supply working capital.

(c) A guarantee, agreement for deferred participation, or loan shall be made by the Secretary only if he determines that the interest rate of the loan is reasonable.

(d) The Secretary shall make no loan or guarantee having a maturity in excess of 25 years, including renewals and extensions, and shall make no agreement for deferred participation in a loan which has a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply to—

(1) securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) an extension or renewal for an additional period not exceeding 10 years, if the Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(e) No financial assistance shall be provided under this section unless the Secretary determines that such assistance is not otherwise available to the firm, from sources other than the United States Government, on reasonable terms, and that there is reasonable assurance of repayment by the borrower.

(f) The Secretary shall maintain operating reserves with respect to anticipated claims under guarantees and under agreements for deferred participation made under this section. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

SEC. 216. ADMINISTRATION OF FINANCIAL ASSISTANCE.

(a) In making and administering guarantees, agreements for deferred participation, and loans under section 215, the Secretary may—

(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 215.

(b) Any mortgage acquired as security under subsection (a) shall be recorded under applicable State law.

SEC. 217. TAX ASSISTANCE.

(a) If—

(1) to carry out an economic adjustment proposal of a firm certified pursuant to section 211, such firm applies for tax assistance under this section within 24 months after the close of a taxable year and alleges in such application that it has sustained a net operating loss for such taxable year, and

(2) the Secretary determines that tax assistance under this section will materially contribute to the economic adjustment of the firm,

then the Secretary shall certify such determinations with respect to such firm for such taxable year. No determination or certification under this subsection shall constitute a determination of the existence or amount of any net operating loss for purposes of section 172 of the Internal Revenue Code of 1954.

(b) For purposes of the Internal Revenue Code of 1954, references to certifications and applications under section 317 of the Trade Expansion Act of 1962 shall be treated as also referring to certifications and applications under subsection (a).

(c) The Secretary may recommend to the Congress the enactment of such special tax benefits for firms eligible for economic adjustment assistance under this subtitle as he considers desirable.

SEC. 218. MISCELLANEOUS PROVISIONS.

(a) Each recipient of economic adjustment assistance under this subtitle shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to economic adjustment assistance under this subtitle.

(c) No economic adjustment assistance shall be extended under this subtitle to any firm unless the owners, partners, or officers certify to the Secretary of Commerce—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such assistance, and

(2) the fees paid or to be paid to any such person.

(d) No financial assistance shall be provided to any firm under section 215 unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provision of such financial assistance.

SEC. 219. PENALTIES.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary under this subtitle, or for the purpose of obtaining money, property, or anything of value under this subtitle, shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

SEC. 220. SUITS.

In providing technical and financial assistance under sections 214 and 215, the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction or in any United States district court, and jurisdiction is conferred upon such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 214 and 215 from the application of sections 517, 547, and 2679 of title 28, United States Code.

Subtitle C—ECONOMIC ADJUSTMENT ASSISTANCE TO WORKERS

PART I—AUTHORITY

SEC. 231. APPLICATIONS.

(a) Any adversely affected worker may file an application with the Secretary for one or more of the forms of economic adjustment assistance provided by the subtitle.

(b) Economic adjustment assistance under this subtitle consists of—

(1) readjustment allowances,

(2) training benefits,

(3) relocation allowances, and

(4) early retirement benefits.

(c) The Secretary shall determine whether an applicant is entitled to receive the economic adjustment assistance for which application is made and shall furnish such assistance if the applicant is so entitled. Such determination shall be made as soon as possible after the date on which application is filed but in any event not later than 30 days after such date.

PART II—READJUSTMENT ALLOWANCES

SEC. 241. QUALIFYING REQUIREMENTS.

(a) Payment of a readjustment allowance shall be made to an adversely affected worker who applies for such allowance for any week of unemployment which begins after the 30th day after the date of the enactment of this Act and after the date determined under section 204(c), subject to the requirements of subsections (b) and (c).

(b) Total or partial separation shall have occurred—

(1) after the date of the enactment of this Act, and after the date determined under section 204(c), and

(2) before the expiration of the 2-year period beginning on the day on which the most recent determination under section 204(c) was made, and before the termination date (if any) specified under section 204(d).

(c) Such worker shall have had—

(1) in the 156 weeks immediately preceding such total or partial separation, at least 78 weeks of employment at wages of $15 or more a week, and

(2) in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $15 or more a week in a firm or firms with respect to which a determination of unemployment or underemployment, or threat thereof, under section 204 has been made, or

if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

SEC. 242. WEEKLY AMOUNTS.

(a) Subject to the other provisions of this section, the readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 85 percent of his average weekly wage or to 85 percent of the average weekly manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during such week.

(b) Any adversely affected worker who is entitled to readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) The amount of readjustment allowance payable to an adversely affected worker under subsection (a) or (b) for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) If unemployment insurance, or a training allowance under any other Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) or (e) or to any disqualification under section 253) to a readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of readjustment allowance otherwise payable to him under section 243(a) when he applies for a readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a readjustment allowance and is determined to be entitled to such allow-

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ance, a readjustment allowance for such week equal to such difference.

(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a readjustment allowance would exceed his average weekly wage, his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(f) The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

(g) (1) If unemployment insurance is paid under a State law to an adversely affected worker for a week for which—

(A) he receives a readjustment allowance, or

(B) he makes application for a readjustment allowance and would be entitled (determined without regard to subsection (c) or (e)) to receive such allowance,

the State agency making such payment shall, unless it has been reimbursed for such payment under other Federal law, be reimbursed from funds appropriated pursuant to section 287, to the extent such payment does not exceed the amount of the readjustment allowance which such worker would have received, or would have been entitled to receive, as the case may be, if he had not received the State payment. The amount of such reimbursement shall be determined by the Secretary on the basis of reports furnished to him by the State agency.

(2) In any case in which a State agency is reimbursed under paragraph (1) for payments of unemployment insurance made to an adversely affected worker, such payments, and the period of unemployment of such worker for which such payments were made, may be disregarded under the State law (and for purposes of applying section 3303 of the Internal Revenue Code of 1954) in determining whether or not an employer is entitled to a reduced rate of contributions permitted by the State law.

SEC. 243. TIME LIMITATIONS ON READJUSTMENT ALLOWANCES.

(a) Payment of readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary—

(1) such payments may be made for not more than 26 additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary, or

(2) such payments shall be made for not more than 13 additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of total or partial separation.

(b) Except for a payment made for an additional week specified in subsection (a), a readjustment allowance shall not be paid for a week of unemployment beginning more than 2 years after the beginning of the appropriate week. A readjustment allowance shall not be paid for any additional week specified in subsection (a) if such week begins more than 3 years after the beginning of the appropriate week. The appropriate week for a totally separated worker is the week of his most recent total separation. The appropriate week for a partially separated worker is the week in respect of which he first receives a readjustment allowance following his most recent partial separation.

SEC. 244. APPLICATION OF STATE LAWS.

Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such instance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated, shall apply to any such worker who files a claim for readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

PART III—TRAINING

SEC. 251. PURPOSE; APPLICATIONS; ETC.

(a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon readjustment allowances under this subtitle, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this part, every adversely affected worker who applies for readjustment allowance under part II shall also apply for testing, counseling, training, and placement assistance under this part. Any other adversely affected worker may apply for testing, counseling, training, and placement assistance under this part. Each such applicant shall be furnished such testing, counseling, training, and placement services as the Secretary determines to be appropriate.

(b) Insofar as possible, the Secretary shall provide assistance under subsection (a) through existing programs established by law. To the extent that assistance cannot be provided through any existing program, the Secretary is authorized to furnish such assistance through programs established by him for purposes of this part, including programs carried out through private institutions and organizations.

(c) To the extent practicable, before adversely affected workers are furnished training, the Secretary shall consult with such workers' firm and their certified or recognized union or other duly authorized representative and develop a worker retraining plan which provides for training such workers to meet the manpower needs of such firm, in order to preserve or restore the employment relationship between the workers and the firm.

SEC. 252. PAYMENTS RELATED TO TRAINING.

(a) An adversely affected worker receiving training under section 251 shall be paid a travel allowance and a subsistence allowance, necessary to defray transportation expenses and subsistence expenses for separate maintenance, when the training is provided in facilities which are not within commuting distance of his regular place of residence. The Secretary shall by regulations prescribe the amount of such allowances for various areas of the United States.

(b) In the case of an adversely affected worker receiving training under section 251 who has been totally or impartially separated from employment, the Secretary shall, when possible, enter into an agreement with the firm from which the worker was so separated under which the worker will continue to be fully covered under the retirement and health programs of the firm. Any such agreement shall provide that the United States will pay to the firm the full amount of the costs incurred by the firm in providing such coverage.

SEC. 253. REFUSAL OF TRAINING.

(a) An adversely affected worker shall not be entitled to payment of any readjustment allowance under part II unless he has applied for assistance under this part.

(b) Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, training which has been provided for him under this part shall not thereafter be entitled to readjustment allowances until he accepts or resumes, or makes satisfactory progress in, such training.

PART IV—RELOCATION ALLOWANCES

Any adversely affected worker who is the head of a family as defined in regulations prescribed by the Secretary may file an application for a relocation allowance, subject to the terms and conditions of this subchapter.

SEC. 262. QUALIFYING REQUIREMENTS.

(a) A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides and that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(b) A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled (determined without regard to section 242 (c) and (e)) to a readjustment allowance or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (a)(1), and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who is being provided training under part III) within a reasonable period after the conclusion of such training.

SEC. 263. RELOCATION ALLOWANCE DEFINED.

For purposes of this part, the term "relocation allowance" means—

(1) the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family and their household effects, and

(2) a lump sum equivalent to two and one-half times the average weekly manufacturing wage.

PART V—EARLY RETIREMENT PAYMENTS

SEC. 271. APPLICATIONS.

Any adversely affected worker who meets the requirements of this part may file an application for early retirement payments.

SEC. 272. ELIGIBILITY REQUIREMENTS.

To be eligible for early retirement payments under this part, an adversely affected worker—

(1) must be totally separated from employment at the time of this application,

(2) must have accrued vested rights to retirement pay under a retirement or pension plan of an employer (other than a governmental employer), or to benefits under title II of the Social Security Act, before he became an adversely affected worker, and

(3) must be entitled to begin receiving the retirement pay or benefits referred to in paragraph (2) not later than 3 years after he became an adversely affected worker.

SEC. 273. EARLY RETIREMENT PAYMENTS.

(a) The Secretary shall pay to each adversely affected worker who meets the requirements of section 272, and who files application therefor, the retirement pay or the benefits under title II of the Social Security Act, in the same amounts, and subject to the same terms and conditions, as the adversely affected worker will receive when he becomes entitled to receive such retirement pay or benefits.

(b) Payments to an adversely affected worker under subsection (a) shall terminate upon the commencement of his entitlement to the retirement pay or benefits referred to in such subsection.

PART VI—GENERAL PROVISIONS

SEC. 281. AGREEMENTS WITH STATES.

(a) The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency. Under such an agreement, the State agency (1) as agent of the United States, will receive applications for, and will provide, assistance under parts II, III, and IV of this subtitle, and (2) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing assistance under this subtitle.

(b) Each agreement under subsection (a) shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Each agreement under subsection (a) shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to allowances under this subtitle.

SEC. 282. PAYMENTS TO STATES.

(a) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an agreement under section 281 (1) the sums necessary to enable such State as agent of the United States to make payments of allowances provided for by this subtitle, and (2) the sums reimbursable to a State pursuant to section 242(g). The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds for carrying out the purposes of this subtitle. Sums reimbursable to a State pursuant to section 242(g) shall be credited to the account of such State in the Unemployment Trust Fund and shall be used only for the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

(b) All money paid a State under this section shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under section 281, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this section may be made.

(c) Any agreement under section 281 may require any officer or employee of the State certifying payments or disbursing funds under the agreement, or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this subtitle.

SEC. 283. LIABILITIES OF CERTIFYING AND DISBURSING OFFICES.

(a) No person designated by the Secretary, or designated pursuant to an agreement under section 281, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this subtitle.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this subtitle if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a).

SEC. 284. RECOVERY OF OVERPAYMENTS.

(a) If a State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) as a result of such action has received any payment of allowances under this subtitle to which he was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, or either may recover such amount by deductions from any allowance payable to such person under this subtitle. Any auch finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing.

(b) Any amount repaid to a State agency under this section shall be deposited to the fund from which payment was made. Any amount repaid to the Secretary under this section shall be returned to the Treasury and credited to the current applicable appropriation, fund, or account from which payment was made.

SEC. 285. PENALTIES.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment or assistance authorized to be furnished under this subtitle or pursuant to an agreement under section 281 shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SEC. 286. REVIEW.

Except as may be provided in regulations prescribed by the Secretary to carry out his functions under this subtitle, determinations under this subtitle as to the entitlement of individuals for economic adjustment assistance shall be final and conclusive for all purposes and not subject to review by any court or any other officer. To the maximum extent practicable and consistent with the purposes of this subtitle, such regulations shall provide that such determinations by a State agency will be subject to review in the same manner and to the same extent as determinations under the State law.

SEC. 287. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to workers, which sums are authorized to be appropriated to remain available until expended.

SEC. 288. DEFINITIONS.

For purposes of this subtitle—

(1) The term "adversely affected employment" means employment in a firm, if workers of such firm are eligible to apply for economic adjustment assistance under this subtitle.

(2) The term "adversely affected worker" means an individual—

(A) who, because of lack of work in an adversely affected employment, has been totally or partially separated from such employment, or

(B) who, because of threatened lack of work in an adversely affected employment, is threatened with total or partial separation from such employment.

(3) The term "average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year (as officially published annually by the Bureau of Labor Statistics of the Department of Labor) most recently published before the period for which the assistance under this subtitle is furnished.

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who has not been totally separated, that he has had his hours of work reduced to 85 percent or less of his average weekly hours in adversely affected employment and his wages reduced to 85 percent or less of his average weekly wage in such adversely affected employment.

(7) The term "remuneration" means wages and net earnings derived from services performed as a self-employed individual.

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including title XV of the Social Security Act and the Railroad Unemployment Insurance Act.

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 85 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 85 percent or less of his average weekly hours.

TITLE III—RELOCATION OF FIRMS

SEC. 301. DEFINITIONS.

For purposes of this title—

(1) A firm is considered to have relocated facilities if, within two years before or after the firm ceases to use facilities at one location, similar facilities are placed in use by it at another location.

(2) The term "Secretary" means the Secretary of Commerce.

(3) The term "United States" means those areas within the customs territory of the United States (within the meaning of the Tariff Schedules of the United States).

SEC. 302. RELOCATION WITHIN THE UNITED STATES.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce which, after the date of the enactment of this Act, relocates facilities from one location in the United States (hereinafter referred to as the "old location") to another location in the United States (hereinafter referred to as the "new location") to offer employment at the new location, to

the extent thereof, to individuals employed at the old location who have been or will be rendered unemployed or underemployed by reason of the relocation of the facilities. Such offer shall include, with respect to each individual, terms and conditions of employment not less favorable than the terms and conditions of employment of the individual at the old location.

(b) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 303. RELOCATION OUTSIDE THE UNITED STATES.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce, before relocating facilities from a location within the United States to a location outside the United States, to apply for and utilize all economic adjustment assistance for which it is eligible under subtitle B of title II.

(b) Subsection (a) shall not apply to a firm if it establishes to the satisfaction of the Secretary that—

(1) economic adjustment assistance for which it is eligible under subtitle B of title II would not enable it to operate profitably within a reasonable period of time, or

(2) its failure to apply for and utilize economic adjustment assistance for which it is eligible under subtitle B of title II is warranted by unusual cirumstances or by the absence of adequately skilled labor at the location of its facilities in the United States.

(c) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 304. RECOVERY OF AMOUNTS DUE THE UNITED STATES.

(a) Amounts due the United States by a firm under section 302 or 303 shall be recovered by the Secretary in a civil action against the firm.

(b) The United States districts courts shall have jurisdiction over actions instituted under subsection (a).

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 et seq.), is amended as follows: The first section is amended by adding at the end thereof the following new paragraphs—

" 'domestic offshore commerce' means commerce by water between any State, a Territory, a district, a possession, or the Commonwealth of Puerto Rico and any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between the State of Alaska or the State of Hawaii, and any State, or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico.

"The term 'intermodal carrier' means any person or persons holding out as a common carrier to transport or provide transportation of property, in foreign or domestic offshore commerce, part of which may take place within the United States, a Territory, a district, a possession or the Commonwealth of Puerto Rico, and part of which takes place on the high seas or the Great Lakes, which jointly or severally, (a) quotes a single-factor rate to the shipper or consignee, (b) assumes responsibility for the through transportation of such property from place of receipt to place of delivery, or has liability imposed by law for the safe transportation of the property, and (c) utilizes for the whole or any portion of the transportation, the facilities and services of the person or persons so holding out, or the facilities and services of one or more underlying carriers.

"The term 'single-factor rate' means one local or joint rate or charge which covers the entire, through intermodal transportation of the property from place of origin to place of delivery.

"The term 'underlying carrier' means any carrier whether or not subject to the Interstate Commerce Act or the Federal Aviation Act or the Shipping Act, 1916, that is utilized for a line-haul transportation of property, in interstate, foreign or domestic offshore commerce."

SEC. 2. The definition of "other person subject to this Act" is amended by adding after "means" the words "an intermodal carrier or", so that said definition reads as follows—

"The term 'other person subject to this Act' means an intermodal carrier, or any person not included in the term 'common carrier by water' carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water."

SEC. 3 Section 15 is amended by—

(a) adding after the words "of every agreement with another such carrier or other person subject to this Act," the following—"and every agreement to establish and maintain through intermodal rates, routes and services for the transportation of property in the foreign or domestic offshore commerce of the United States with any other carrier or carriers."

(b) adding the following after the fifth paragraph:

"The Commission shall not approve under this section any agreement to establish and maintain a through intermodal rate, route or service for the transportation of property in the foreign or domestic offshore commerce of the United States or any agreement on the division of rate therefor which has been arrived at with the participation of (1) a carrier not physically participating in the particular intermodal movement; (2) a steamship conference; or (3) a rate bureau.

SEC. 4. Section 17 is amended by inserting between the words "no" and "common carrier", in the first sentence, the words "intermodal carrier or".

SEC. 5. Redesignate section 45 as section 49, and insert immediately after section 44 the following new sections:

"SEC. 45. (1) From and after ninety (90) days following enactment hereof, every intermodal carrier in foreign or domestic offshore commerce shall file with the Commission and keep open to public inspection tariffs showing its single factor rates for transportation to or from a place within the United States, its Territories, districts, or possessions, or the Commonwealth of Puerto Rico, to or from a place in a foreign country, or between a place in any State, Territory, district, possession, or the Commonwealth of Puerto Rico, and a place in any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between a place in the State of Alaska or the State of Hawaii and a place in any State or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico. Such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the intermodal carrier which is granted or allowed, and any of its rules or regulations which in any way change, affect, or determine any part or the aggregate of such aforesaid rates, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Such tariffs shall also show the names of all participating carriers or other persons, the established through route, a description of the service to be performed by each participating party, and the Federal Maritime Commission number and date of approval of the agreement pursuant to which any joint single-factor rate is established. Copies of such tariffs shall be made available to any person and a reasonable charge may be made therefor.

"(2) It shall be the duty of the intermodal carrier to establish single-factor rates which are not so unreasonably high or low as to be detrimental to the commerce of the United States.

"(3). (a) No change shall be made in any single-factor rates, or charges, or classifications, rules, or regulations in intermodal domestic offshore tariffs, which have been filed with the Commission as required by this section, except by the publication, and filing of a new tariff or tariffs which shall become effective not earlier than thirty days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided,* That the Commission may, in its discretion and for good cause, allow such changes to become effective upon less than the period of thirty days herein specified; and *Provided, further,* That tariffs or changes which provide for extension of actual service to additional points of destination at single-factor rates of that intermodal carrier already in effect for similar service at the nearest point of destination to said additional points shall become effective immediately upon notice to the Commission.

"(b) Whenever there shall be filed with the Commission any tariff stating a new single-factor rate, or charge, or a new classification, regulation or practice affecting any single-factor rate, or charge in domestic offshore trade, the Commission shall have and it is hereby given, authority either upon complaint or upon its own initiative without complaint, and if it so orders without answer or other formal pleading by the interested intermodal carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such single-factor rate, charge, classification, regulation or practice: *Provided, however,* That there shall be no suspension of a tariff, single-factor rate or service which extends to additional destination points, actual service at single-factor rates of said intermodal carrier for similar service already in effect at the nearest point of destination to said additional point.

"Pending such hearing and decision thereon the Commission, upon filing with such tariff and delivering to the intermodal carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such tariff and defer the use of such single-factor rate, charge, classification, regulation, or practice, but not for a longer period than four months beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the single-factor rate, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of the single-factor, rate, charge, classification, regulation or practice, shall go into effect at the end of such period. At any hearing under this paragraph the burden of proof to show that the single-factor rate, charge, classification, regulation, or practice is just and reasonable shall be upon the intermodal carrier. The Commission shall give preference to the hearing and decision of such questions and decide the same as speedily as possible.

"(c) Whenever the Commission finds that any single-factor rate, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by any intermodal carrier in the domestic offshore commerce is unjust or unreasonable, it may determine, prescribe and order enforced a just and reasonable rate or charge, or a just and reasonable classification, tariff, regulation or practice.

"(4). No change shall be made in single-factor rates, charges, classifications, rules or regulations, in a tariff filed by an intermodal carrier in foreign commerce, which results in an increase in cost to the shipper, nor shall any new or initial single-factor rate of an intermodal carrier in foreign commerce be instituted, except by the publication and filing, as aforesaid, of a new tariff or tariffs which shall become effective not earlier than thirty (30) days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided, however,* That the Commission may, in its discretion and for good cause, allow such changes and new or initial single-factor rates to become effective upon less than the period of thirty (30) days herein specified. The term 'tariff' as used in this section shall include any amendment, supplement, or reissue.

"(5). No intermodal carrier in foreign or domestic offshore commerce shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates which are specified in its tariffs on file with the Commission and duly published and in effect at the time, nor shall any intermodal carrier rebate, refund, or remit in any manner or by any device any portion of the single-factor rates so specified, nor extend or deny to any person any privilege or facility, except in accordance with such tariffs: *Provided, however,* That the Commission may in its discretion and for good cause shown permit an intermodal carrier to refund a portion of freight charges collected from a shipper or waive the collection of a portion of the charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers: *Provided further,* That the intermodal carrier has, prior to applying for authority to make refund, filed a new tariff with the Commission which sets forth the single-factor rate on which such refund or waiver would be based: *Provided further,* That the intermodal carrier agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff or such steps taken as the Commission may require, which give notice of the single-factor rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application: *And, provided further,* That application for refund or waiver must be filed with the Commission within one hundred and eighty (180) days from the date of shipment.

"(6) The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

"(7) An intermodal carrier, with respect to the transportation of property in the foreign or domestic off-shore commerce of the United States, shall be subject to the provisions of sections 14, First, Second, Third, and Fourth.

"(8) Whenever the Commission, after hearing, finds any single-factor rate or charge filed by an intermodal carrier in the foreign commerce of the United States to be so unreasonably high or low as to be detrimental to the commerce of the United States, it shall disapprove the rate.

"SEC. 46. (a) No person shall operate as an intermodal carrier in the foreign or domestic offshore commerce or hold himself out to carry as an intermodal carrier in such commerce, unless such person holds a license issued by the Federal Maritime Commission to engage in such business.

"(b) An intermodal carrier's license shall be issued to any applicant therefor if it is found by the Commission that the applicant is fit, willing and able to meet obligations to shippers incurred as an intermodal carrier. The Commission may require an applicant to demonstrate financial responsibility by a showing of sufficient assets or the furnishing of a bond, or other security in such form and amount as prescribed by regulations promulgated by the Commission pursuant to this Act. *Provided, however,* That subject to United States Treaty Obligations, no license shall be issued to an applicant other than a citizen of the United States, to operate as an intermodal carrier in the United States, unless pursuant to information obtained and furnished by the Secretary of State, it is determined that the country in which said applicant has his principal place of business, extends reciprocal privileges to citizens of the United States: *Provided further,* That an intermodal carrier who is operating as such on the effective date of this section, has an effective tariff on file with the Federal Maritime Commission and who within ninety days of such date notifies the Commission of his intentions to apply for a license as an intermodal carrier, may continue such operation pending a final determination of the application.

"(c). A holder of a license issued by the Commission pursuant to this section may, notwithstanding any other provision of law, operate as an intermodal carrier in accordance with the terms of said license. Licenses shall remain in effect until suspended or terminated as herein provided. A license may, upon application of the licensee, in the discretion of the Commission, be amended or revoked in whole or in part, or may, upon complaint, or upon the Commission's own initiative, after notice and hearing, be suspended or revoked in whole or in part for willful failure to comply with any provision of this Act, or with any lawful rule or regulation of the Commission promulgated thereunder, if the Commission finds that the licensee no longer is able to meet the standards for licensing as set forth in this section, or that the licensee has not operated as an intermodal carrier for a period of one year.

"(d). No application for a license shall be denied unless the applicant is given notice and an opportunity for hearing.

"(e). Any intermodal carrier receiving property for transportation in foreign or domestic offshore commerce shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it or by any underlying carrier or other person to which such property may be delivered or whose facilities or services may be utilized in such transportation: *Provided, however,* That the intermodal carrier's liability to the holder of the receipt or bill of lading shall be not less than an amount determined according to the laws pursuant to which the liability of a carrier by water is determined.

"SEC. 47. The Commission shall prescribe reasonable rules and regulations to be observed by intermodal carriers, including reasonable requirements for financial and traffic reports from intermodal carriers operating in the domestic offshore commerce, and as may be necessary to carry out the provisions of sections 45 and 46.

"SEC. 48. Whoever violates any provisions of sections 45 and 46, shall be liable to a civil penalty of not more than $1,000.00. Each day such violation continues shall be a separate offense. Such penalties shall be assessed by the Commission and may be remitted or mitigated upon such terms as it may deem proper."

SEC. 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

FEDERAL MARITIME COMMISSION,
Washington, D.C., June 6, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at an early date for the reasons set forth in the statement.

The Office of Management and Budget advises that there would be no objection to the submission of the proposed bill to the Congress for its consideration; however, certain of the interested agencies, including the Federal Maritime Commission, may wish to raise questions and suggest possible alternative courses of action if called on by the committees to report or testify on this proposal.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1916, TO PROVIDE FOR THE ESTABLISHMENT OF SINGLE-FACTOR RATES UNDER A THROUGH BILL OF LADING IN U.S. FOREIGN AND DOMESTIC OFFSHORE COMMERCE

The new transportation technologies which have been emerging during the past decade have pointed up the significant part played by the "operator" who does not actually own the facilities in which cargoes are moved. Or it may be that such person owns some portion of the facilities, but relies for part of the transportation on facilities of another. The Federal Maritime Commission, and its

predecessor agencies have long recognized the important role of this party which for lack of a better name, for purposes of administering the Shipping statutes has been referred to as an "NVOCC"—non vessel operating common carrier. The NVOCC holds himself out to provide a through service from point of origin to point of destination, notwithstanding that he may depend on others for the actual performance of the transportation or some part of the transportation. He may be an ocean freight forwarder, an ocean terminal operator or any person who holds himself out to provide through transportation assuming responsibility or having liability imposed by law for the transportation of the shipment, and who arranges in his own name with an underlying water carrier for the performance of the transportation, whether or not owning or controlling the means of such transportation.

Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers., 6 F.M.B. 245 (1961); *Bernard Ulmann Co., Inc.*, 3 F.M.B. 771 (1952).

The NVOCC operating in the waterborne foreign or domestic offshore trades has been required to file its water rates with the Federal Maritime Commission the same as any other "Common Carrier by Water," and in all respects is treated as a "Common Carrier by Water" in the administration of the shipping statutes. The Commission's General Order 13 has been extended so that all such carriers now are required to file with the Commission any *through rates*, charges, rules and regulations governing the *through transportation* of freight between ports or points in the United States and ports or points in a foreign country. Such filing must show the division of the through rate to be collected by the water carrier. (35 F.R. 6394) April 21, 1970. The Interstate Commerce Commission likewise has published a proposed rule dealing with the filing of through rates in international commerce. This rule, however, would not permit NVOCC's and the Interstate Commerce Commission Part IV freight forwarders to file intermodal through tariffs. After petitions for reconsideration were filed, the Interstate Commerce Commission indefinitely suspended this rule.

For some time now there have been indications that the advent of the container age has brought into sharp focus the need for updating our regulatory statutes which were enacted at a time when this concept of transportation was not envisioned. For example, in the 90th Congress several bills were introduced which had as obvious aims the fostering of intermodal movements—The Trade Simplification Act and The Equipment Interchange Bill. Both of these proposals have bogged down—however the need is still there—even more than ever since enactment of the Merchant Marine Act of 1970 which commits the United States to a ten year construction program of 300 new ships designed to supply the needed impetus to rebuild our floundering merchant marine and provide the means whereby our growers and manufacturers can penetrate oversea markets enhancing both our national economy and our foreign trade balances. No effort should be spared in seeing to it that the most modern technological advances can be incorporated in the new ships with adequate assurance that regulatory restrictions will not prevent their maximum utilization.

The NVOCC is deserving of a new look in the light of the promises of this revitalization. He performs a needed and valuable service to the public—he concentrates on small shipments and the consolidation of those shipments; he prepares waybills, bills of lading, manifests, collects charges, performs handling services, routes and traces shipments, settles claims, performs transfer services and solicits freight. Thus the underlying carrier is relieved of many chores which he otherwise would have to perform. In like manner the small shipper is provided with many services which are performed in the traffic department of his larger competitive organizations and which otherwise would be unavailable to the small shipper.

Carriers subject to the Interstate Commerce Commisison are an important link in intermodal shipments in both the foreign and the domestic offshore commerce. Many VNOCC's are in their purely domestic operations Part IV freight forwarders. Under the ICC's intermodal rule, ICC carriers have a distinct advantage over the Part IV freight forwarder who is precluded from entering into a joint rate since under the Interstate Commerce Act he is viewed as a shipper and not as a carrier. Thus he cannot negotiate a through rate with the other carriers subject to the Interstate Commerce Act—he must derive whatever profit he makes from the rate structures of those underlying carriers.

Another barrier to the full realization of the inherent advantages of the container/intermodal age is the position of the water carrier in soliciting and arranging for shipments and deliveries at inland U.S. points. He cannot solicit and consolidate notwithstanding that it is for transportation in the foreign commerce as distinguished from interstate commerce because he is not licensed by the ICC. Even under the indefinitely suspended ICC rule, he cannot enter into a joint rate arrangement with the Part IV Forwarder—he is restricted to the rail and motor carrier.

These are but two examples of the need for regulations to put the intermodal concept in proper perspective. Another is the need to protect the public—as the intermodal concept continues to expand there will be many opportunists attempting to climb on the band wagon eager for a quick and easy dollar. It is relatively easy to enter the transportation field as an NVOCC—no significant capital investment is required and there is no need to demonstrate financial responsibility. We think this carrier has obligations to the shipping public. He has liability for shipper claims—for payment of charges—for providing transportation. We think entrance into this field should be controlled and that a showing of ability and financial responsibility should be required. In addition there should be flexibility which would permit carriers to provide intermodal movements unhampered by artificial barriers of *archaic* regulatory statutes. The NVOCC which is included in the designation "Intermodal Carrier" in the attached proposal should be expressly recognized by statute designed to specifically deal with that carrier. All of these objectives would be accomplished by the attached draft legislation.

The attached proposal is based primarily upon the standards of the Shipping Act, 1916, which were designed for the international and domestic offshore commerce of the U.S. and therefore more adaptable than the criteria of the Interstate Commerce Act which are geared to purely domestic surface movements and policies.

Under this bill, intermodal through movement will be regulated by one law administered by a single regulatory body which has the expertise in the foreign and domestic offshore trades necessary to provide effective regulation—the Federal Maritime Commission. The bill provides for the filing of the through intermodal rate. Antitrust immunity is provided as to arrangements entered into by carriers of the different modes, subject to the jurisdiction of different regulatory agencies when approved by the Federal Maritime Commission, a feature not possible under the present regulating statutes. The present safeguards of the Shipping Act, 1916, as to unfair and unjust practices, undue or unreasonable preference or advantage as to shippers, carriers or localities are carried forward into this proposal.

As an added protection to the public (and a necessary one), this bill requires that intermodal carriers demonstrate that they possess the ability, experience, finanical resources and other qualifications necessary to carry on the business of an intermodal carrier, and has or will have adequate financial resources to meet obligations to shippers. Any person would be prohibited from operating as an intermodal carrier unless licensed by the Federal Maritime Commission.

This proposal, if enacted, will provide shippers and carriers with a single expert regulatory panel which will aid materially in the growth and economic welfare of the nation and its waterborne trade.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

Mr. MATHIAS. Mr. President, the 1972 presidential primaries are widely interpreted as protest against the old politics. Additional evidence can be found by examining some recent polls. In 1967, one Gallup Poll revealed that six out of 10 Americans believed shady conduct among Congressmen was fairly common. A Harris survey during the same period noted that over half of the Nation's population felt that at least some Congressmen were receiving money personally for voting a certain way. Another Harris poll published in February of last year revealed that during the period 1965 to 1971, the percentage of the public which gave Congress a positive rating, declined from 64 to 26 percent.

In November of 1971 another Harris poll indicated, by a margin of 65 to 25 percent, the public feels that only a few men in politics are dedicated public servants. It should be noted that in the fall of 1967 a similar view was expressed by a lesser margin—58 to 34 percent. In this same November poll, it was revealed, 63 to 28 percent that most Americans feel politicians are out to make money. This reflected a dramatic increase since 1967, when the same question was asked and only a close plurality registered the same viewpoint. This November survey also found that by a margin of 59 to 20 percent, a majority of Americans feel that "most politicians take graft."

These findings have been published in the CONGRESSIONAL RECORD from time to time, and have been confirmed by more recent polls. There is no way of denying the fact that the American people are fast losing confidence in the Government to govern, and in the elected leaders to lead. It is clear that this disillusionment is not limited to the young, but rather pervades the entire society. This steady and discernible loss of confidence in our elected officials is in my mind the most serious problem facing this Nation and this Congress.

I believe that for the most part this attitude of distrust is unfounded. The overwhelming number of those in Government are honorable, hardworking and dedicated public servants and the public has unfortunately characterized us all, by the actions of a few. But whether or not the public's attitude is well founded, is really not the question here; it exists, and we must react. This representative system is based upon and gets its strength from the consent of the people, and without this trust, the system simply will not work.

A good deal of problem, I believe, is due to the public's attitude of not being adequately informed about its Government and its decisionmaking process. This was made clear, not only in the polls mentioned earlier in this statement, but also by a Harris poll taken during the Pentagon papers episode. Most Americans interviewed, sided with the newspapers' right to publish the Pentagon Papers on the basis that Government usually hides the true facts and the motives for their decisions.

The unfortunate result of this mistrust has been the continued isolation, detachment, and hostility of the electorate. When most of us are faced with an unpleasant occurrence or something which has angered us, we react by isolating ourselves from that adversity. With an increased fear and distrust of criminals, we find ourselves buying locks for our homes, and angrily moving to the suburbs or the country. We built fall-out shelters in the fifties to overcome the distrust of the Russians. We seek divorce and isolation from our families when the distrust is overbearing. And, with this increased distrust and disillusionment in the Government, we are witnessing a continuing drop-out and isolation of the electorate. This isolation more fundamentally has resulted in a loss of production that has weakened the entire framework of government.

The biggest and most difficult challenge of this Congress is to restore the confidence in our Government, and stop this trend of isolation. Resolving this problem should occupy every working day and every decision.

How do we restore this confidence? Of course, we can become more candid and open in our legislative activities. We can provide moral leadership for the Nation, and be conscientious in our responses to human needs. We can also do something very specific, something which I am sure will go a long way in restoring this confidence, and dispelling this attitude of mistrust.

Mr. President, with this objective in mind, I am today introducing, in behalf of myself and Senators BROOKE, CHILES, CHURCH, EAGLETON, NELSON, AND PEARSON a bill, which if enacted, would require all Members of the Senate and House of Representatives as well as employees of these two chambers who earn more than $22,000 per year to disclose to the public their income and other related financial interests.

At this time, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Disclosure of financial interests by Members of Congress and certain congressional employees

"(a) Each Member of Congress and each employee of the Congress shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

"(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $5,000, and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $5,000 as of the close of the preceding calendar year; and

"(3) any business transaction, including the sale, purchase, or transfer of securities of any business entity, commodity, real property, or any other asset or any interest therein, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $5,000 during such year.

"(b) Reports required by this section shall be filed not later than May 15 of each year In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

"(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchase and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(d) Whoever willfully fails to file a report required by this section, or knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

"(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

"(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of Congress or an employee of the Congress during any calendar year if he served in such position for more than six months during the calendar year.

"(g) As used in this section the term—

"(1) 'income' means income from whatever source delivered;

"(2) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(3) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(4) 'Member of Congress' means a Senator, a Representative, a Resident Commissioner, or a Delegate;

"(5) 'employee of the Congress' means a congressional employee, as defined in paragraph (1), (2), (3), or (5) of section 2107 of title 5, United States Code, who is compensated at a rate in excess of $22,000 per year; and

"(6) 'immediate family' means the child, parent, grandparent, brother, or sister of an individual, and the spouse of such persons."

(b) The table of sections for such chapter 11 is amended by adding at the end thereof the following item:

"225. Disclosure of financial interests by Members of Congress and certain congressional employees.".

(c) The chapter analysis for title 18, United States Code, is amended by striking out the item relating to chapter 11 and inserting in lieu thereof the following:

"11. Bribery, graft, and conflicts of interest.".

Mr. MATHIAS. Mr. President, the bill, as you can see, requires all Members to report to the Comptroller General, information regarding one's income, debts, assets, and business transactions in the preceding year. Specifically, it requires public disclosure of the amount and source or each item of income, regardless of its value, and all gifts which exceed $100 in value. It requires the disclosure of each asset, and the nature of each liability, which has a value in excess of $5,000. And finally it requires the disclosure of any transaction whether it be in securities, real estate, or commodities, which has a value in excess of $5,000. These reports would be filed with the Comptroller General for review by the public not later than May 15 of each year. Violation of the law would bring a fine of $2,000 or imprisonment for not more than 5 years, or both.

Bills of this nature have been introduced in each Congress since 1958, when my distinguished colleague from New Jersey (Mr. CASE) introduced the first comprehensive disclosure bill. My colleague from New Jersey is the recognized advocate in the Senate for full disclosure, and he should be congratulated for his leadership. Twice in recent years, the Senate has come within four votes of adopting a full disclosure rule.

The bill which I am introducing is similar to Senate bills S. 343 and S. 344, introduced in this Congress by Senators CASE and SPONG, respectively. It differs from these measures in two main respects. First, unlike the Spong and Case bills, it covers only Members of the Congress and their employees. S. 343 and S. 344 cover specified employees of the executive and judicial branches as well as employees of the Armed Forces. They also cover candidates for political offices. Senator SPONG's bill goes even further and includes members of the national political committees of each major party. Second, the bill which I am today introducing has a more liberal reporting requirement. In the case of reporting one's assets, debts, and transactions, S. 343 and S. 344 require the reporting of such items regardless of their value, while my bill would provide a $5,000 minimum in these categories.

I am a cosponsor of S. 343 along with

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18 of our colleagues, including both the majority and minority leaders. We must, however, now think about realistic and acceptable legislation with the objective of passing these measures in the very near future. I think the full Senate Committee on Rules and Administration should now conduct hearings on all these bills. There are some problems with S. 343 and S. 344 that were brought out by hearings held on these two bills by the Subcommittee on Privileges and Elections. For instance, there is a problem of coverage. Should we include all presidential appointees? What about State officials who administer Federal grants? It was testified during these hearings, that over 219,000 Federal employees would be required to file if either of these two bills would pass. With regard to the dollar amounts, the figures which I have chosen are, in my mind, realistic and workable compromises.

In addition, and most importantly, it is essential that we first put our own house in order, and let the standards created by this legislation be the norms and standards for the other branches of Government. This bill, if enacted, could be just the first step. But it would, in the interim, enact the needed uniformity among both Chambers of Congress, which is now lacking. Each Chamber would, of course, decide whether it wanted to retain its present reporting and disclosure procedure.

Today, what the Congress imposes upon others, it has been reluctant to demand of itself. For instance, we ask judges to create blind trusts before taking office, but when it comes to Members of the Congress, it is the public that is asked to put up the blind trust.

Financial disclosure by Members takes place for the most part behind sealed envelopes and sealed doors in an air of mystery and mystique. Disclosure is beyond the view of the public, and for the most part beyond the view of even our colleagues. Some committees, such as the Committee on Commerce and the Armed Services, require their members to disclose their financial interests, but such disclosure is usually examined only by committee counsel. It is never disclosed to the public. We are required only to publicly disclose the source and amount of each honorarium over $300 in value. The rest of our financial interests, our income and financial ties, are kept from public scrutiny.

We have created in the Senate, the Select Committee on Standards and Conduct, and in the House, the Committee on Standards of Official Conduct, to process and retain these reports. However, the machinery of these committees and the confidential disclosure of a Member's conflicts of interests to Members of the Committee, is only put in motion after the conflict is recognized. For the public's sake, it might then be too late.

Disclosure, I feel, is the best way to restore confidence in government. The use of disclosure to improve the legislative process and to give the public confidence in the integrity of government goes back to 1913, with the landmark legislation of the Underwood tariff. The highlight of the Sente debate came when Senator Robert LaFollette and others demanded that Senators publically disclose their personal property holdings which might be affected by the tariff legislation. The demand was met and each Senator appeared before the Senate Judiciary Committee to disclose their financial interests. The bill passed, and the New York Times heralded the public confidence it evoked. An editorial stated—

> This is no tariff by log-rolling, by manipulation, by intrigue, by bribery. It was bought by no campaign contributions. It was dictated by no conspiracy between corrupt businesses and corrupt government.

Disclosure does not attempt to define the rights or wrongs in any situation. It makes no judgment, imposes no sanctions or penalties. It gives the public the basis upon which to make a reasoned and well-founded judgment. It is a modest attempt. By permitting the public to make the judgment, disclosure respects the intelligence of the public and the integrity of the democratic process.

Some will feel that disclosure is an intolerable invasion of one's privacy, and make public officers second-class citizens. I would disagree. I, along with a growing number of my colleagues, have voluntarily disclosed a complete list of my financial interests to the public annually in the CONGRESSIONAL RECORD. The public's confidence in the democratic process is a bigger issue, I believe than an invasion into one's privacy. If we are to restore this needed confidence, we must permit the public to judge us on our complete record for clearly this is the public's domain.

Most of us in the Congress will find disclosure to our benefit, for it will protect us from an uninformed rumor or ill-founded suspicion. It will also help us more directly by permitting the public to judge us rather than we judging each other. We all know how unpleasant it is to sit in judgment of a fellow colleague's conflict of interest. It is indeed an ugly task. Disclosure will put the burden of policing where it belongs—in the hands of the public.

Disclosure is based upon the public's right to know, and its right to have information accessable to it. It is clearly aimed at increasing the sensitivity and involvement of the public in the governmental process. These were the same objectives in passing the recently enacted Campaign Reform Act of 1972. It is a logical and necessary second step to now require what we asked of candidates, to now ask of the elected officials. In this campaign reform legislation, we required both incumbents and challengers to disclose to the public, information regarding contributions and expenditures during their political campaign. We must now afford the public the same protection once that person is elected.

The procedure used in the enforcement of this proposed bill is conveniently identical to that used in enforcing the campaign reform legislation. The reports would go to the Comptroller General, who would perform the ministerial act of receiving and storing the reports, while the enforcement of the disclosure requirements would be delegated to the Justice Department.

Mr. President, I urge the passage of this act for the benefit of us all.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 895

At the request of Mr. ERVIN, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 895, a bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

S. 3070

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3357

At the request of Mr. MONDALE, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3357, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 3634

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 3634, a bill to provide continued rail transportation in rural America.

S. 3641

At the request of Mr. PEARSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. HART), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 326—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following resolution:

S. RES. 326

Resolved, That Senate Resolution 247, Ninety-second Congress, agreed to March 6, 1972, as amended by Senate Resolution 300, Ninety-second Congress, agreed to May 30, 1972 is further amended as follows—

(1) In subsection (a) of the first section, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

(2) In section 2, strike out "$107,500" and insert in lieu thereof "$175,000".

(3) In section 3, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1268

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

TEMPORARY INCREASE IN PUBLIC DEBT CEILING—AMENDMENTS

AMENDMENTS NOS. 1269 AND 1270

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted two amendments intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1271

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

NOTICE OF HEARING ON PROTOCOL AMENDING THE 1961 SINGLE CONVENTION ON NARCOTIC DRUGS

Mr. SPONG. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on the protocol amending the 1961 Single Convention on Narcotic Drugs for Tuesday, June 27, in room 4221, New Senate Office Building, beginning at 9:30 a.m.

Interested persons should communicate with the Chief Clerk of the Committee.

ADDITIONAL STATEMENTS

HEADSTART

Mr. MOSS. Mr. President, I would like to explain why I supported the Comprehensive Headstart, Child Development, and Family Services Act of 1972 (S. 3617) passed by the Senate yesterday.

The bill is essentially a bipartisan compromise designed to meet the objections made by President Nixon in vetoing the Child Development Act of 1971. The President, at that time, approved of the bill's laudable aims but castigated what he called the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions.

While I disagreed with the President's evaluation, and in fact voted to override his veto, I feel that the compromise bill represents the best judgment on both sides of the aisle on how to meet our national commitment to families and their children.

The need for quality day care, on a voluntary basis, is beyond real dispute. One-third of the mothers with preschool children—over 4.5 million women—are employed either part or full time. This translates into 5 million preschool children who need some sort of day-care services. Right now there are less than 700,000 spaces in licensed day-care programs to serve them.

The President's veto message listed nine areas where he questioned the value of the act. He quarreled with whether the immediate need or the desirability of a national child development program of this character has been demonstrated. He charged that families would be destroyed by communal child rearing, and accused the program of being administratively unworkable.

The bipartisan report answers these objections in detail. The committee has considered the effects on the family and has actually come up with what they consider and I agree, are some family strengthening provisions. The programs, first of all, are totally voluntary. Second, the bill offers a whole range of services to children and the family. Finally, the bill has increased and clarified the priority on strengthening family life by making full day care available only to children whose parents are out of the home all day.

The bill goes on to provide extensive provisions for parental involvement in all aspects of the program—as volunteers, paraprofessionals, and professionals employed in these programs and 50 percent or more of the members of the councils that provide policy, curriculum, and other basic elements of these programs.

The program has also been administratively streamlined and the number of localities eligible as direct grantees has been cut from 7,000 to 2,000 by setting the minimum population of a community at 25,000.

All objections by the administration have therefore been met. I sincerely hope the President will sign it. We are not talking about lifeless statistics but rather about flesh and blood human beings at the formative stages of their lives. Being born into a poverty or marginal income environment is no fun, and these children could be mentally, emotionally, and socially crippled for life. We need this bill.

AN AMERICAN FOREIGN POLICY FOR THE SEVENTIES

Mr. CHURCH. Mr. President, today, the Democratic Party is holding a platform committee hearing on foreign policy in New York City. I was invited to testify, but was unable to appear in person due to flight cancellations caused by the inclement weather that has inundated the eastern seacoast. However, my statement has been submitted as a part of the hearing record.

I ask unanimous consent that the statement, which calls for a restructured American foreign policy for the 1970's, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A DEMOCRATIC FOREIGN POLICY FOR THE SEVENTIES

The first necessity—and the precondition for everything else required by our foreign policy—is an end to American participation in the war in Vietnam. When Mr. Nixon campaigned for the presidency in 1968, he said that he had a "plan" to end the war. At Hampton, New Hampshire, on March 11, 1968, Mr. Nixon said: "And I pledge to you that the new leadership will end the war and bring us peace in the Pacific; that is what America wants." Mr. Nixon repeated that pledge many times during the campaign which led up to the day, ten months later, in January, 1969, when he took the oath as President of the United States.

Three years later, in the Spring of 1972, the war was still on; American ground forces were no longer directly engaged but American air power was inflicting devastation on North and South Vietnam on a scale far exceeding the bombing during the Johnson Administration and President Nixon was no longer, as in November, 1969, heralding his "viethamization" program as the plan which would "end the war" and "win the peace." Instead a bellicose President was proclaiming: "You have to let them have it when they jump on you." [1]

He had also jumped on them. Even before the North Vietnamese offensive in the Spring of 1972, President Nixon had dropped a greater tonnage of bombs on Indochina—over three million tons—than had President Johnson durlag his entire period in office. President Nixon, by early 1972, had become—in the words of the *Washington Post*—"the greatest bomber of all times." [2] Between January, 1969, when President Nixon took office, and April, 1972, 20,000 American servicemen died in Indochina and 110,000 were wounded; during the same period some 340,000 Asians died; 600,000 civilians became casualties; and 4 million people became refugees. Since the recent North Vietnamese offensive and the retaliatory American bombing, the toll has of course risen far higher. The war which Richard Nixon pledged to end has persisted and intensified; it has become, in every sense, Nixon's war, a savage and futile conflict that bears no relationship to the security or interests of the United States—a war bankrupt of purpose or justification.

One by one, the arguments for the war have been discredited: it was supposed to protect the freedom of the South Vietnamese people, but they have no freedom—and no prospect of it—under the corrupt military dictatorship of General Thieu. It was supposed to inspire confidence throughout the world in America's loyalty to her commit-

[1] Quoted by Bernard Gwertzman in "Rogers Defends Bombing; Warns of Further Moves," *New York Times*, April 18, 1972, p. 1.

[2] *The Washington Post*, April 9, 1972, p. B6.

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ments; but it has only undermined world confidence in American judgment and stability. It was supposed to enable the South Vietnamese to defend themselves; but "Vietnamization" is now a shambles. The South Vietnamese Army struggles to stem the advance of a force only a fraction its size, under the umbrella of a pulverizing American air campaign. In this extremity, Mr. Nixon has come up with a new excuse; the need to preserve "respect" for the office of the Presidency—not respect for the United States or for the American people but for the office of the Presidency, which is to say, for Mr. Nixon himself. With all respect for the office, Presidential pride is not sufficient reason for the perpetration of this war.

For these reasons, let us as Democrats pledge to do exactly that which President Nixon has so conspicuously failed to do: "end the war" or, at least, our part in it. We should implement this purpose by pledging that a new Democratic Administration will, within 90 days of taking office, undertake the withdrawal of all remaining American forces from Indochina and terminate all acts of belligerency, by land, sea and air, subject only to an agreement for the release of all American prisoners of war and an accounting, so far as possible, of Americans missing in action.

Once the war in Indochina is liquidated, a new Democratic Administration would be free to turn its attention to more hopeful enterprises. In so doing, we should be guided by the need to restore a sensible balance between foreign and domestic programs, between the instruments of national security consisting of diplomacy and military power and the true foundation of national security, which is essentially domestic in nature, having to do with the strength of our economy, the cohesion of our society, the well-being of our people, and the integrity of our constitutional system.

With this necessity as our guidepost, let us pledge to conduct a thorough review of our interests and commitments abroad, starting, I would recommend, with Asia, where we have fought two wars since the end of the Second World War.

Purporting to have served exactly that purpose, the touted "Nixon Doctrine" is not in fact a revision or re-thinking of old commitments but a device for adhering to those commitments by means other than American manpower. The huge casualties we suffered in Vietnam, so excessively disproportionate to anything ever at stake there, have rendered the future use of American ground forces in Asia politically unfeasible; the "Nixon Doctrine" would replace them with foreign troops, lavishly financed by the United States and reinforced by American air power, sea power, and logistic support. "Vietnamization" has already provided us with a demonstration of the Nixon Doctrine in action; Vietnamese now do most of the dying instead of Americans, but the objective is unchanged. No less than in the days when half a million American soldiers were in the field, the objective is the propping up and perpetuation of feeble client regimes in Vietnam, Cambodia and Laos. Prohibited by the Cooper-Church amendment of 1970 from using American ground combat troops or advisors in Cambodia, the Administration employs something called "military equipment delivery teams" to check on the use of American military equipment in Cambodia and—perhaps just a little on the sly—to drop some hints now and then on how to employ it. These and other transparent devices are used to circumvent the law because, law or no law, the Administration remains determined to sustain client regimes in southeast Asia. The Nixon Doctrine has given us some ingenious new nomenclature, and it has changed the color of the corpses; but that is all it has changed. The American garrisons remain in Thailand, Taiwan and Korea; the network of dubious alliances remains unaltered and unquestioned; and the war in Indochina goes on.

A new Democratic Administration would do well to re-evaluate American interests and involvements in Asia with a view to bringing about substantive, authentic changes of policy. We would need, first of all, to consider the meaning and implications of the incipient rapproachment with China—an opening which must indeed be acknowledged as a worthy achievement on the part of the Nixon Administration. If the new relationship with China signifies anything, it is that the conflict with communism as an ideology in Asia has become meaningless. The Chinese and the Russians have shown themselves to be traditional great powers; whenever their ideological affiliations have conflicted with their national interests, the latter invariably takes precedence. The specter of "Asian communism with its headquarters in Peking," or of a "world cut in two by Asian communism," which underlay not only the war in Indochina but the entire SEATO Alliance, has shown itself to be a phantom.

This being the case, we should now contemplate the withdrawal of American forces from Taiwan and Korea as well as from Indochina. We should also consider whether SEATO itself is not moribund, even detrimental to its own objective of containing Chinese power. In this respect, there is excellent reason to believe that, just as Soviet missiles in Cuba provoked American intervention, American military power on the Asian mainland is more of a magnet for, than a deterrent to, Chinese intervention. In 1954, Chou En-lai told a group of visiting Burmese leaders that China would not interfere in Burma as long as she allowed no foreign bases on her territory; some years later—in 1967—U.N. Secretary General U Thant, who had been present at that meeting in Peking, told a group of United States Senators that there had been not "one single instance" of Chinese intervention in support of Burmese Communists despite a common border of 1400 miles.

Once American forces are removed from the Asian mainland, an indigenous, Asian balance of power could come into being, with China, Japan and the Soviet Union as its major components, India and Indonesia as bulwarks in southern Asia, and, ironically enough, a jealously independent North Vietnam in the role of an Asian Yugoslavia. For our own security in the Pacific, we would of course retain our preponderant air and sea power.

In Europe as in Asia the Nixon Administration conducts an ambivalent, contradictory policy, trying, it would seem, both to end the cold war and to prosecute it more vigorously. The Moscow agreements of May, 1972, are a significant achievement, deserving bipartisan support and Congressional ratification. The essential meaning of the SALT agreements, most particularly the limitation of each side to no more than two ABM sites, is that the two superpowers have agreed in effect to make themselves hostage to each other's nuclear power. This is tantamount to a mutual commitment to coexistence.

Having taken this initial step toward ending the cold war with the Soviet Union, the Nixon Administration then hastened to demand of Congress a multi-billion-dollar increase in the military budget for new offensive strategic weapons, including the missile-launching submarine Trident and the new B–1 supersonic bomber. The ostensible purpose of these new weapons is to provide "bargaining chips" for the next round of SALT talks. Secretary of Defense Laird went so far as to say that he could not support the Moscow agreements unless they were accompanied by this proposed acceleration in the arms race, which would, in effect, largely nullify the benefits derived from the Moscow accords.

I recommend that in its platform the Democratic Party pledge to put an end to this ambivalence between alleviating and intensifying the cold war. The proper commitment of the Democratic Party in 1972 is toward the early achievement of additional agreements in the field of arms control.

I would also recommend a plank in the Democratic platform in support of the objective sought by the Mansfield Amendment, calling for a sizeable reduction in the number of American troops in Europe. When American forces returned to the European continent in the early '50's, Western Europe was still enfeebled by the effects of World War II and the Soviet Union posed a formidable military threat. Twenty years have now passed, and the Soviet threat has greatly diminished. Equally important, the Western European countries now possess collective resources greater than those of the Soviet Union, and their economics, on the whole, are sounder and more stable than that of the United States. Should they judge their security to be threatened by the phased withdrawal of American troops, they are fully capable of replacing those troops with their own without undue exertion. An additional, important factor allowing for the reduction of American troops in Europe is the ratification of West Germany's non-aggression treaties with the Soviet Union and Poland, signifying, in large degree, the acceptance by Germany of the outcome of the Second World War.

It remains desirable for the United States to retain troops on the European continent to make credible the nuclear shield we furnish NATO. Beyond that, the withdrawal of part of our forces from Western Europe would represent an additional step, along with the SALT agreement and the German treaties, toward the goal of ending the cold war in Europe.

As for the Middle East, I am in full agreement with Senator George McGovern when he says "there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East . . . because we make a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel."

Our goal in the Middle East should be to encourage a secure peace between Israel and the Arab states, a peace not imposed artificially from without, but one based upon a realistic settlement reached by the adversaries themselves. Only such a peace will ever produce genuine reconciliation and mutual respect between neighbors.

Meanwhile, we must pursue policies that discourage further bloodshed and improve the chances for eventual reconciliation. This means that we must see to it that Israel's deterrent strength is maintained, providing it with sufficient numbers of advanced aircraft and other weapons essential to its security.

In this regard, it is noteworthy that the initiative to atrengthen and support Israel has stemmed from the Democratic Congress, rather than the Republican Administration. Year after year, Congress has overridden Administration opposition, to both earmark for Israel and increase the amount of military assistance; ease the repayment terms on military sales; include additional money to help Israel cope with the new influx of Soviet Jews; and furnish financial support to Israel's overburdened economy which must maintain at the ready defending forces sufficient to counteract the Russian build-up of Arab military capability.

The Democratic platform should also support the maintenance of a strong and credible U.S. military posture in the Mediterranean Sea and in the Persian Gulf, as long as the Russian presence there makes such a deterrent necessary.

Turning to the "third world" of Asia, Africa and Latin America, the Democratic platform would do well to acknowledge the obsoleteness of ideological confrontation and, with it, of bilateral American military and economic aid programs, served up on a global platter. Foreign aid was originally conceived as one weapon in our arsenal to be employed in a world-flung strategy of containment. Military assistance, starting with the Truman Doctrine, was supposed to bolster nations along the periphery of the "Sino-Soviet bloc" and shaky regimes beyond the periphery of the "bloc," in Asia and Latin America, against the danger of foreign sponsored subversion. Economic assistance, it was thought, would serve the same purpose by promoting better living standards, thus robbing subversion of its appeal.

Experience demonstrates that, at best, American aid has had only a marginal influence throughout the "third world" in promoting either stability or development, and almost no influence whatever on whether a country "goes communist," as Cuba and Chile have shown. The countries of Asia and Africa which have remained non-communist have done so, not because the United States has succeeded in buying their allegiance or in launching them toward economic "takeoff," but because they have not wished to become Communist, regarding Communism as an alien ideology, or because their populations have been too poor and illiterate to be interested in ideology at all. The Russians have had no greater success in buying ideological converts with aid than we have had in trying to head them off.

Nonetheless, the Nixon Administration has persisted in the delusion that it can buy influence with aid. So President Nixon seemed to believe before the Indo-Pakistan war in letting our military and economic aid filter through to the Government of West Pakistan, even though that government was engaged in a genocidal suppression of its own people. The cost of that aid was the loss of our status with democratic India, which concluded a friendship treaty with the Soviet Union.

As for long-term bilateral loans made in the name of promoting economic development, I recommend that the Democratic platform call for the transfer of this function to the World Bank, the Asian Bank, the Inter-American Development Bank, and other multilateral lending agencies, and also that the platform call for substantial U.S. contributions to these agencies. I further recommend confining our bilateral aid in the future to technical assistance grants, administered, where feasible, by the Peace Corps.

As for military aid, the major preoccupation of our present program in the massive, indiscriminate disbursement of munitions, which we either give away or make available at bargain basement prices, should be drastically curtailed. Most of the world has become a dumping ground for ships, tanks, and planes, which we label as "surplus" to our needs. Easy credit is available at the interest rates well below the cost of money to the U.S. Government. We ply half a hundred foreign governments with our weaponry, most of which are dictatorial regimes who hold their own people in check with the weapons we supply. This whole program, perpetuated by its own momentum, has become a preposterous scandal.

The Democratic Party should favor military assistance, whether by grant or credit policy, only in support of free governments, as in the case of Israel, or in those particular cases where the actual security interests of the United States plainly require it.

Finally, and perhaps more important than any specific policy proposal for Europe or Asia, for foreign aid or for arm reductions, a new Democratic Administration must be committed to a foreign policy oriented to traditional American values, to the democratic values in which we have reared our young, to the values from which we have strayed so far in these years of interminable war, blowing hot and cold.

Our democratic processes, our system of separated powers, checked and balanced against each other, have been undermined by the very methods we have chosen to defend these processes against real or fancied foreign dangers. We cannot safely wait for quieter times to think about restoring the Constitutional balance in our own government. If we do, we may find that, like the American major in Vietnam who said that he had to "destroy Ben Tre in order to save it," we shall have destroyed American democracy—in order to save it.

As a step toward averting this ultimate tragedy, I strongly recommend the commitment of a new Democratic Administration, through the Party platform, to these two basic constitutional principles: no American troops to be committed to foreign hostilities in the future without Congressional authorization as provided by the war powers bill adopted by the Senate in 1972; and no substantive foreign commitments to be made in the future by executive agreement or declaration, or by any other means which circumvent the legislative power of Congress and the treaty power of the Senate. I recommend the reassertion in the Democratic platform of the general principle enunciated by George Washington in his farewell address: ". . . let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

The American people were not prepared by their national experience for the role of either ideological crusader or practitioner of the old style 19th century realpolitik. We came to believe that we could set a democratic example to the world by the way we governed our own society, and we came to believe after each of the two world wars that it was worthwhile to try to build something new under the sun. There was, after all, no tried and true system to fall back upon. The old Concert of Europe lay in ruins and the balance-of-power system had been utterly discredited. Under the circumstances, it seemed a reasonable, practical necessity to try to move forward in international relations from the rule of force toward the rule of law, from the unreliable balance-of-power to a world security community.

That idea is still valid and it cannot be said that it has failed because it has never really been tried. Once the Vietnam war is liquidated, and with the cold war abating in both Europe and Asia, it will be practical as well as desirable to breathe life into the United Nations. For this purpose the Democratic platform could endorse various useful proposals for structural and procedural reform of the United Nations—proposals such as the introduction into the General Assembly of voting "weighted" according to the size and power of the members; or the introduction of a new and more reliable system of finance, especially for the support of peacekeeping forces.

These innovations—as well as others in such fields as economic development, population control and the protection of the environment—can go far to strengthen the United Nations. But in its major field of responsibility—peace-keeping—the United Nations has one surpassing and indispensable requirement: the trust and confidence of its leading members, especially the United States, the Soviet Union and China. With this trust the United Nations can be made to function as an effective collective security system despite the veto and other procedural disabilities. Without it, even the 'most ingenious organizational improvements will be of marginal utility. As Lester Pearson has commented, man's ability to transform the world is limited only by "faintness of heart and narrowness of vision."

We cannot promise strength of heart and breadth of vision on the part of others. But we can, through the platform of the Democratic Party, pledge the heart and vision of America.

SALUTE TO EDUCATION

Mr. SPARKMAN, Mr. President, yesterday and last night there was observed in the Nation's Capital a "Salute to Education." It had been my plan to attend the reception last night, but due to the late Senate session and the fact that I was involved in the legislation, I was not able to go. Today, I want to add my word in saluting education in this country and in saluting those who carry it on and make it better and stronger, day by day, throughout the Nation.

When I think back of education as it existed in the area in which I grew up, and contrast it with education in that same area today, I realize how much we owe to those people who have been dedicated to the education of our boys and girls and even the adults. A tremendous development has taken place, and we have moved more and more toward quality education in all of our schools and in all of our educational systems. I personally am grateful for what has been done, and I am proud to salute those who have brought it about.

PSYCHIATRIC CARE IN NURSING HOMES

Mr. MOSS. Mr. President, one of the issues under consideration by the staff of the Senate Committee on Aging has been the acceleration in the discharge of patients from State mental institutions into nursing homes. This national trend causes me very great concern particularly since the major reason for this summary discharge seems to be simply to save money for the States.

In our investigations in Illinois last year the Department of Mental Health testified that the State's average cost to keep a patient in a State hospital was about $550 a month. This same patient, we were told, could be housed in a shelter-care nursing home for about $250 a month.

In Illinois, the Chicago Sun-Times in conjunction with the Better Government Association recently studied patients in these shelter-care homes. The reporters concluded that there was very little screening to decide who were proper candidates for discharge; that there was very little follow-up by the institution; that the patients in these shelter-care facilities had very little in the way of recreation and almost no psychiatric services.

It was the conclusion of the reporters who wrote that series that in most instances patients were better off in the State mental institution. This view has been shared by a wide share of the medical community in Illinois.

From my experience a great many of our State hospitals leave very much to be desired and a statement that patients

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are better off in such facilities rather than in shelter-care homes is incredible. It is apparent, however, that these discharged patients receive little more than board and room whereas in the hospital they had at least the availability of recreational and, more importantly, psychiatric services.

As we continue to burden our nursing homes with more and more patients from State mental institutions it is imperative that we provide greater psychiatric services. Our failure to do so will place an intolerable burden on our nursing homes who continue to struggle to gain public confidence.

I ask unanimous consent to have printed in the RECORD an article entitled: "Patients Need More Psychiatric Care," published in the May issue of Modern Nursing Home.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PATIENTS NEED MORE PSYCHIATRIC CARE, SURVEY RESULTS INDICATE

WASHINGTON, D.C.—Most patients admitted to nursing homes with a physical illness have severe emotional problems or mental illness in addition to their physical impairment, according to a study conducted in 40 nursing homes in the greater metropolitan area of Washington, D.C., by Sharon B. Sloboda, mental health nursing specialist of the District of Columbia's Department of Human Resources and Walter Sloboda, instructor of mathematics and statistics, Federal City College. Results from the survey indicate that: (1) 57.5 percent of the nursing homes admit patients from mental hospitals; (2) 55 percent admit patients with psychiatric diagnosis not from mental hospitals, and (3) 67.5 percent presently have patients with psychiatric diagnosis.

In addition, the transfer of elderly patients to nursing homes from their own homes, general hospitals, and mental hospitals can be a traumatic event. According to the survey report, approximately one in 10 admissions usually does not make a satisfactory adjustment to the nursing home, often for one or more of the following reasons: (1) no preparation of the patient for admission; (2) a lack of proper attitudes by the nursing home staff and little understanding of the feelings of the patient, and (3) inappropriate actions of the staff following admission of the patient.

Both the psychiatric and physical care of the elderly patient could be enhanced, the authors suggest, if the staff were to receive additional training in such areas as recognizing the need to respond appropriately to symptoms of emotional disturbance, treating patients in an understanding and therapeutic manner, and understanding and intervening appropriately at times of acute stress when patients exhibit emotional reponses, such as upon admission after visits by the family, or upon the death of someone close.

However, there is a chronic shortage of registered and licensed practical nurses and a lack of training or supervised experience among nursing personnel in the management of psychiatric patients and problems. The purpose of the Washington survey was to assess the psychiatric services of the nursing home, the emphasis on psychiatric care of the aged in the in-service education program of the home, and the degree of psychiatrically oriented training and education of the professional nursing staff.

The survey found that 42.5 per cent of the homes reported use of psychiatric consultation, with 12.5 per cent having been visited by a psychiatrist within the seven days preceding the survey. Although the use of group therapy to aid in the adjustment of the patient to the nursing home is relatively new, the authors reported, the survey indicated that 32.5 per cent of the homes have initiated some type of group therapy program.

Intake groups consist of new nursing home residents, their families, and, in some cases, longstanding residents of the home meeting for the purpose of orientation and discussion of the problems of adjustment to the nursing home situation. Intake group sessions serve three basic functions: (1) They promote an awareness on the part of the family of the reasons for the patient's behavior and an understanding of what it means for the relative to be in the nursing home; (2) they promote an awareness by the families of their own feelings and reactions about having put the relative in the nursing home and the manner in which these feelings affect the relationship between themselves and their relatives and the home, and (3) they promote a clear understanding and appreciation of the entire field of aging and the attendant problems, both personal and community. In the sample, however, only 25 per cent of the nursing homes indicated that they offered some type of intake group.

The more conventional method of the use of psychotropic drugs on mentally disturbed patients was reported by 2.5 per cent of the homes. Special care units were used by 50 per cent of the homes and 30 per cent separated patients with mental illness. All but four of the homes reported having ongoing activities programs for their residents.

Thirty of the homes studied (75 per cent) offered in-service education programs and 27 of these homes found that in-service education helped in the care of the psychiatric patient. In contrast, however, only 11 of the homes (27.5 per cent) said they emphasized the psychological aspects of aging in their in-service education program.

The authors quoted the Massachusetts Nursing Home Survey, conducted by the Boston College School of Nursing and published in 1964, which recommended that nursing care be under the direct supervision of a qualified registered nurse prepared to assume a leadership role in the administration and supervision of patient care. It further recommended the use of nurse consultants to assist in development of sound organization and administration of nursing services and the provision by nursing homes of continuous training programs for personnel.

A study done by the United States Department of Health, Education and Welfare in 1964, also quoted in the survey, revealed that homes with 24 hours nursing service provided higher levels of nursing care than homes providing fewer hours of nursing service. The intensity of the level of care was related to the type of supervisory nurse, i.e. registered or licensed practical nurse. The study also found that the level of care was related to type of ownership. In homes operated by a proprietor, the proportion of residents under intensive nursing care was more than twice that in nonprofit homes.

In the present survey, 85 per cent of the homes reported a licensed nurse employed on each shift, and 13 per cent of the registered nurses had college degrees. The Washington study also found that proprietary homes provided a significantly greater number of nurses than did nonprofit homes, as well as more psychiatric services and programs.

The care of the total person includes both mental and physical health, the authors concluded. There is, therefore, a greater need for more emphasis on the mental health of the geriatric patient in the nursing home setting. The nursing home administrators, according to this survey, are beginning to recognize these needs. The survey suggests that a greater effort is necessary to: (1) improve in-service education in psychiatric-geriatric nursing; (2) utilize the services of a mental health nurse consultant; (3) establish a therapeutic community, and (4) integrate patients regardless of medical histories.

REPRESENTATIVE SHERMAN LLOYD ON TRANSPORTATION EMERGENCY DISPUTES

Mr. PACKWOOD. Mr. President, the news last month that there would not be a resumption of the economically ruinous dock strikes, and that the Sheet-metal Workers Union and the Nation's railroads were able to resolve their contract differences without resorting to a strike at all, understandably evoked a national sign of relief.

I know that the Members of this body shared with the thousands of innocent third parties who still bear the scars of earlier transportation conflagrations this deep sense of relief for these most welcome developments.

But despite these developments, Mr. President, we must not allow them to lull us into a false sense of security. The fact is that we still do not have an effective way to prevent the devastating effects of strikes and lockouts in the transportation industry when collective bargaining breaks down. And the further fact is that a number of major contracts in the transportation industry will be expiring again next year. These include all railroad contracts and the west coast longshoremen's contract—again.

Clearly, Mr. President, Congress cannot continue to play "Russian roulette" with the welfare of the American people. We must act now to insure that they will not shortly again be living under the gun of a major transportation strike. The Senate Labor Subcommittee has begun markup of an emergency disputes bill, but as of now there is no indication when such a bill might be reported.

On the House side, this critical situation has been actively studied by the distinguished chairman of the House Republican Task Force on Labor-Management Relations, Representative SHERMAN P. LLOYD, of Utah. Representative LLOYD put his finger on the nub of the matter when he declared on the floor of the House recently that Congress should be taking advantage of this present respite from recurring transportation strikes and emergency atmosphere they engender to enact a permanent mechanism to prevent future crises.

Mr. President, I applaud the distinguished gentleman from Utah for his perceptive remarks, which I believe are worth repeating for thoughtful consideration by the Members of this Chamber as well. Accordingly, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows.

[From the CONGRESSIONAL RECORD, May 24, 1972, page 18655]

COOLING-OFF PERIOD FOR CONGRESS

Mr. LLOYD. Mr. Speaker, our existing labor laws provide cooling-off periods for the parties to negotiate a settlement free from the heated and emotional atmosphere of a strike. We are all too sadly familiar with the tragic and economically devastating consequences which result when they fail to effectively use these "cooling-off" periods.

Mr. Speaker, from recent accounts in the press, it appears that the threats of a renewed dock strike and a nationwide railroad strike have apparently dissipated. This is news for which I know everyone is most grateful. Beyond that, however, Congress has in a very real sense now been given its own cooling-off period—in other words, a chance to debate and vote a permanent mechanism to prevent damaging transportation strikes free from a crisis atmosphere.

Mr. Speaker, in testimony earlier this year, our Task Force on Labor Management Relations warned that continued congressional inaction in this area would be an open invitation to repeated tragedy.

In this regard, we cannot ignore the fact that a number of major labor contracts in the transportation industry will be expiring next year.

Mr. Speaker, Congress must act before the present cooling-off period expires.

SALUTE TO EDUCATION

Mr. RIBICOFF. Mr. President, I wish to join Senators in a salute to education.

Education plays a critical role in the lives of all Americans. More than 60 million Americans are now full-time students; 3.3 million more are professional staff. These figures do not include the millions of children who watch "Sesame Street," or the millions who receive formal education each year from industry, the Peace Corps, the military, Federal manpower programs, and adult and continuing education. When we include all of these people, 125 million Americans are part of this country's education system.

Expenditures for formal education exceeded $65 billion last fiscal year and were handled by 50 States, five territories, the Federal Government, 18,000 operating school districts, and more than 2,500 institutions of higher education.

Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation. In addition, one of the dominant features of contemporary life is change. It is all about us, its pace increasing, its impact on our lives more insistent.

High technology, population growth, greater human density, unprecedented advances in communications and data processing, the systematic pursuit of knowledge, and the managerial revolution have stamped the present and the future with the characteristic of continual change.

Things are moving so fast we are beginning to suffer from what author Alvin Toffler calls future shock. He contends that the rapid pace of change is not merely creating a changed society, but developing an entirely new society.

The study of the future as a way of gaining a firmer grasp on the present has begun to attract the attention of an increasing number of scholars and analysts. The presence of change places great stress on education. In earlier times, for example, we could afford to think of education as preparation for life. Our society, our technology, our way of life evolved at a comparatively slow pace so that each of us could prepare for a career upon which we could then enter and remain.

Now we experience three, four, or five career changes in the course of our lives. Old techniques and skills become obsolescent; new ones need to be acquired. Education is still preparation, to be sure, but it now must be preparation for change. And education has become equally important as a continuing or recurrent activity, following us along in our professional and personal lives to the point of retirement and beyond.

I am sure that with proper leadership and appropriate governmental assistance our educational system will meet the challenges of the future.

INASMUCH AS YOU HAVE DONE IT UNTO ONE OF THE LEAST OF THESE

Mr. ERVIN. Mr. President, the Durham, N.C., Morning Herald for Wednesday, June 7, 1972, contains an article entitled "Trouble-Plagued Family Finds Friend in Durham," which recounts how Lewis Locust, of Durham, befriended a family of strangers who virtually became stranded in Durham when their car broke down while they were en route from New York City to Miami, Fla.

This newspaper item makes it manifest that Lewis Locust is entitled to the blessing implicit in the words of the Gospel according to Matthew, chapter 25, verse, 40, where the King says:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

I ask unanimous consent that this human interest story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLE-PLAGUED FAMILY FINDS FRIEND IN DURHAM

(By Jim Lasley)

There will forever be a place in the hearts of an Auburn, New York, family for Lewis Locust of Durham.

For two days he assumed the responsibility of the family's welfare, and he did it not because they were friends or family but simply because of his concern.

Locust was recognized at a Durham City Council meeting Monday night and is scheduled to receive additional recognition next Tuesday night by the Durham Human Relations Commission.

He rescued Mrs. L. J. Campanelli and her five children when their car broke down on Interstate 85. Never having seen them before he took the six into his home, gave them money to continue the trip by train, repaired their car and later received Campanelli into his home.

Locust did all that, and more, because he thought it was the right thing to do.

"I didn't think it was going out of my way or it was an imposition. You just don't put a lady and five children out on the side of the road," he said.

Locust, a Vietnam veteran and student at North Carolina Central University, figures that anyone with any concern for humanity would have done the same.

"They were just nice people," he said. "And you treat nice people right. . . . I don't think I've done anything so great."

Campanelli, however, was overwhelmed by Locust's actions, so much so that he wrote Mayor James R. Hawkins.

"Mr. Mayor," the letter said, "If your city has a man of the year award, or if you award a citation for exceptional deeds or acts of kindness I would be most pleased if you were to submit the name of Lewis Locust. . . .

"Unselfish actions such as those can be expected from family or best friends, but from a complete stranger I would call this extraordinary."

For Campanelli and his wife it was a lesson in action, something they maybe never would have truly gotten across to their children.

"With today's constant reference in newspapers and on TV concerning the problems between blacks and whites this experience was the living proof for my children, of what we have tried to instill in them, that regardless of color it is the individual that counts."

Locust is black; the Campanelli's are white.

The story began on April 30, as Locust and Campanelli told it:

Locust was at a service station filling up with gas. Mrs. Campanelli and her children were on the way to Miami to meet Campanelli.

There was trouble with the car. She pulled in at a service station and asked the young man for help. Repairs were made by Locust and he was directing the Campanelli's to the interstate highway when the brakes failed. The car went out of control but didn't wreck.

Locust took charge, transferring belongings and people to his car. Then it was to his home where his mother, a teacher, arranged sleeping accommodations and prepared food.

The next day Locust obtained train passage for the mother and her children. Campanelli funds were running unexpectedly low.

Train time was that night, so Lewis took the family to the zoo, lunch, and a movie, paying for everything himself.

At the end of the day Locust was still in charge. He saw the family on the train, leaving them with a container of fried chicken to eat on the way.

As the train was leaving, he shook hands with Mrs. Campanelli, pressing $48 in her hand for emergencies.

In the next few days Locust had the car repaired. It was ready and paid for when Campanelli arrived later to thank Locust and pick up his car.

Locust had paid a $20 wrecker charge, taken the car home, bought parts and repaired the defects himself. He did that not with the idea of being repaid but to help his new-found friends.

Campanelli finally persuaded Locust to accept partial repayment, but it was only after he had stayed the night and promised to call if the car broke down on the way to New York.

THE SALT AGREEMENTS

Mr. SAXBE. Mr. President, President Nixon returned from Moscow with two important agreements on strategic arms limitations. These agreements are a good first step toward eventual lessening of the arms race.

The SALT agreements have been inappropriately criticized. Some people claim we are defenseless or might be left defenseless. The fact is we can destroy each other many times over. Some Senators are saying we did not get as much as we gave. Still, we must begin somewhere, and again the fact is that we can both destroy each other.

It is true that the agreements were not final. We must continue to develop some new weapons systems to be prepared for the next round of talks. But we must be-

gin somewhere. We must make serious attempts to talk to the Soviets and the Chinese.

In all the debate, the Senator from Illinois (Mr. PERCY) has been outstanding in his ability to pick out the important issues. He has recognized the need to take reasonable risks for peace. His June 18, 1972, interview on ABC's "Issues and Answers," along with the Senator from Washington (Mr. JACKSON), is an excellent example of Senator PERCY's defense of President Nixon's commendable and cautious first step toward ending the arms race.

I ask unanimous consent to have the text of the program printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

"ISSUES AND ANSWERS," JUNE 18, 1972

Guests: Senator Charles H. Percy (R. Ill.) and Senator Henry M. Jackson (D. Wash.)

Interviewed by: Ted Koppel, ABC news diplomatic correspondent; and Bob Clark, ABC News Capitol Hill correspondent.

Mr. CLARK. Gentlemen, welcome to "Issues and Answers."

We want to get your reaction first if we may to some mysterious signs that something is going on in various capitals of the world in a new effort to end the Vietnam War.

Soviet President Podgorny was interviewed in India this morning on his way back to Russia from Hanoi and he says among other things that the Soviets will do everything possible to bring about deescalation of the war in Vietnam, and he also told newsmen that he expects the Vietnam peace talks in Paris will be resumed soon.

Do either of you think that we are at long last succeeding in enlisting the support of the Communist powers in bringing the Vietnam war to an end?

Senator JACKSON. I really think there is some movement here. It is my judgment that we are very close to reaching an understanding. Certainly Podgorny wouldn't be in Hanoi, and the top Hanoi representative in Peking and Dr. Kissinger about to arrive in Peking, and two summit meetings having been held—it seems to me this scenario is quite clear. We are very close to some kind of understanding.

Mr. CLARK. Well, Senator, are you expressing a personal opinion? You are often privy to what is going on in the administration at the highest levels. Do you have reason to believe that we are close to reaching an understanding?

Senator JACKSON. It is a personal judgment on my part but there are other factors that I think give some credence to that personal judgment.

Mr. CLARK. And Senator Percy, would you share that optimism?

Senator PERCY. There is no hard evidence at all that we are close to an understanding. What there is is evidence that we may be resuming the Paris peace talks. There is solid evidence now that Henry Kissinger does intend to discuss Vietnam in Peking, and from Mr. Podgorny's statement alone there is evidence now for the first time that the Soviet Union is attempting to work toward some sort of a cease-fire across the board, and assist in this regard, all of which, I think, is part of the initiative undertaken by the President to have a new solid foundation on which we can build our relationships with the Soviet Union. There is hope, but nothing hard in evidence today that would say that we are on the brink of an understanding.

Mr. KOPPEL. Well Senator Jackson, let me approach this from a slightly different angle. You have expressed some fear that perhaps the President settled for a weaker kind of SALT agreement simply because this is a political year. Can we take that similar approach on the Vietnam settlement, wouldn't it behoove the President before early November to reach some kind of settlement, even if it is less than we should be settling for?

Senator JACKSON. I don't think there is any doubt about that. The President, of course, modified in his speech his position regarding a settlement on Vietnam. You will recall that he agreed to have all of our troops out in four months, provided that our prisoners are returned. There is an immediate stand-still cease-fire. And that got lost in the rhetoric of the moment. And the facts are that this was quite a significant concession made by our government. Therefore I wouldn't be surprised that we are able to reach some understanding on a stand-still cease-fire. There isn't any doubt that the North Vietnamese are really being hurt now, and they are in a better position on the ground than they were a few months ago because of the invasion across the DMZ.

Mr. KOPPEL. Well Senator Percy, other than the proposals that the President made on May 8 can you see the United States making any more concessions? We have been very tough up until this point and yet now we seem to have made about as many concessions as we can. If it turns out in a few weeks that we have given away something more would you be satisfied with a settlement like that?

Senator PERCY. I want to see us get out of Vietnam and settle this war and end our involvement in it, totally and completely. I think the President's proposals are imaginative, creative, and they do not leave our destiny in the hands of South Vietnam. They are agreements that we can reach directly with Hanoi. I fully support his initiatives in this regard.

Senator JACKSON. I think there is a clear point we want to get out, but we want to get our prisoners of war out, and this is the big hang-up. Let's not kid ourselves. This is the hang-up about getting our prisoners of war out. Every time we get down to, about to reach some kind of general understanding, it is always on the prisoners of war, plus other demands.

Senator PERCY. But this is one of the three parts of the President's proposal. The only difference is whether they are actually out, or what is an agreement to get them out, and I would be willing to settle for an agreement, because I can't imagine Hanoi not observing that agreement if they signed and sealed it.

Mr. CLARK. To get back for a moment to what is going on currently, we have had a brief moratorium on the bombing of Hanoi, the Hanoi area, while President Podgorny was there. Would either of you feel that this might be the time, again, to call a temporary halt in the bombing of North Vietnam until we see what is going on?

Senator PERCY. If it would help bring about a negotiated settlement in Paris which would end this war totally and completely—not just our involvement but for everyone—I would certainly support it, but we would have to have some evidence that it would bring that about.

Mr. CLARK. Senator Jackson, you have been optimistic that something is happening. Would you stop the bombing?

Senator JACKSON. I am not saying they are about to settle this long, drawn out conflict but before we stop the military pressure which obviously is having some impact, I would certainly say that it would be mandatory that we have a definite understanding that there is going to be some kind of resolution within a period of time. Otherwise we get into this old filibuster business that has been going on over four years now, the Paris talks, and I want to get all our men out, I want to get all our prisoners out, and I want to get our involvement to an end. But I think we would have to have some kind of very clear and unambiguous arrangement by which the final phases of the talks could be held and terminated.

Mr. CLARK. So until you see more concrete signs of what is going on you would not call a halt to the current bombing of North Vietnam?

Senator JACKSON. No, I would not.

Senator PERCY. The most hopeful thing would be to have a stand-still cease-fire right now. All bombing, all ground action, all sea action stopped. If we stand on that ground, then I would tend to say the chances of working out something are better. But as long as the hostilities are carried on at the present level that they are, working the rest of it out is much more difficult.

Mr. KOPPEL. Now Senator Percy, the President suggested just that a couple years ago. We haven't heard a great deal about this stand-still, or cease-fire in the past two years. To the best of your knowledge does that offer still stand?

Senator PERCY. I think it certainly would. I would support such an offer.

Senator JACKSON. I happened to have been the author of course of the bipartisan letter that went to the President in September of 1970 suggesting a stand-still cease-fire. I supported it.

Senator PERCY. And I remember co-sponsoring that. It was a fine initiative.

Senator JACKSON. That's right. And the President utilized a part of that in connection with these talks that were held in secret through Dr. Kissinger, when he revealed that we had done that. But now, you see we are in a little different context, are we not, we are in the context of there having gone over the DMZ, holding certain areas of South Vietnam, and I believe the President's requirement, of course, involves the tying of all three things together.

Mr. KOPPEL. But I mean the President has not withdrawn that offer, has he; it is still on the table?

Senator JACKSON. That may be technically true, but I believe what we are really talking about now is a standstill cease-fire as a part of a package involving all of our troops being out in four months and a return of our prisoners. That is it. It is 1, 2, 3, and I support that move. I think it makes sense.

Mr. CLARK. Senator Jackson, you have been leading almost a one-man fight in the Senate protesting the nuclear arms agreements that were signed in Moscow. There appears to be at this moment overwhelming support in Congress in favor of those agreements.

Do you have any new evidence or any reason to believe that somehow you can turn the tide and convince Congress that these nuclear arms pacts are dangerous to the United States.

Senator JACKSON. Well, I think this coming week as the hearings get under way we will try to find out what is in the agreement.

You know, there are a lot of misconceptions. The American people have the idea that this is going to end the arms race. It is a license on both sides to spend tens of billions of dollars.

Mr. KOPPEL. Senator Jackson, you were just about to outline what you consider to be some of the major weaknesses of the SALT agreements.

Senator JACKSON. Yes. We all want to see an end to the arms race. We all join in that effort. We all want to see less tensions in the world. The problem, I think, is that the public has certain misconceptions. They think that this is going to mean an end to the arms race. The facts are, on both sides, under the agreements, tens of billions of dollars will be invested on the part of the respective countries on strategic arms. The Russians will spend more; they will get more. We don't have parity. Most Americans thought we would end up with parity. We don't know how many missiles we are talking about that

are decontrolled. We have a lot of misconceptions about what is in this agreement.

Mr. KOPPEL. Well now, Dr. Kissinger was talking about, for example, the figure of 1618 offensive missiles.

Senator JACKSON. Yes, sir, and I asked him the question, why is it that we have in the agreement a specific limitation on the number of Polaris-type submarines with missiles, but we don't have it on land-based missiles, and he has told me he doesn't know for sure why that is the case. What we are relying on is our estimate of what the Russians have land-based. I think it is a good question. Why are we specific on one and not on the other?

Mr. CLARK. Well, Senator, Dr. Kissinger did say at that briefing you both attended at the White House this past week that our detection procedures are good enough that they can't be off significantly; that 1618 figure might be off slightly, but not significantly.

Senator JACKSON. Let me give a simple explanation to that question. All we have to do is watch one place where the submarines are turned out. That task is totally different than watching the whole Eurasian land mass, where the land-based missiles are deployed. This is why the Russians agreed on the number of submarines, but didn't agree on the number of land-based missiles to be deployed.

Now, this can be an element of great controversy because the cut-off date is coming soon, July 1st, and it is the number of missiles deployed or under construction.

I think we have to know, don't we, how many we are talking about?

Mr. CLARK. Do you really feel the Russians might have substantially more than 1600 missiles?

Senator JACKSON. What do you mean oy "substantial?" These are significant. This is part of the problem. We have got to nail it down. I think the constitutional responsibility of the Congress is to nail down these ambiguities. Who ever heard of an agreement being worth anything that failed to be explicit? What we want to do is to avoid future tensions so there are misunderstandings. We want to see a stabilization of relations, not a destabilization.

Mr. KOPPEL. Senator Percy, Senator Jackson believes there is a very broad issue, and an important one: The question of American intelligence-gathering abilities. Can we really keep accurate track of how many land-based missiles the Soviets have?

Senator PERCY. I think that Senator Jackson himself, who incidentally I believe is performing a great service, in exactly what the President would want the Congress to do, a searching inquiry into these agreements and every conceivable question that can be asked about them, and we will begin that process in the Foreign Relations Committee tomorrow with Secretary Rogers and Secretary Laird.

But Senator Jackson has himself revealed movements the Soviet Union have made, digging more holes, enlarging those holes. He revealed intelligence reports which he felt was for the good of the country and I agree with him.

Our aerial reconnaissance is so accurate and so good I do not doubt that we can verify these agreements and maintain them. Our technology in that area is absolutely superior, and I will admit there are certain phases of the agreement that should be brought out.

I go back to this premise: No agreement we have ever entered into with any other nation has ever been more thoroughly and exhaustively researched and prepared for. No one is more confident to put a final seal of approval on those agreements from the Executive Branch than President Nixon. He has thoroughly done his homework over a lifetime and particularly intensively for three and a half years so I believe these agreements will be supported by the Congress but we will be performing our separate and absolute obligation that we have to ask the searching questions that Senator Jackson has been asking and will be asking.

Mr. KOPPELL. Senator Percy, you had a distinguished record in business. Would you enter into a contract where the consideration and basic subject matter is not spelled out on a bilateral basis?

Senator JACKSON. Now, this is what we are talking about and this, of course, is one of the key questions that we want to ask this coming week. It is spelled out on submarines. Why didn't we get the Russians to agree on the same basis on land-based missiles, and I am not——

Senator PERCY. You have asked the question and I will try to answer it. I have negotiated international agreements in business over a period of a quarter of a century. I have never seen as thoroughly prepared a set of agreements as these. I have never entered into one that didn't have some area of disagreement as to interpretation.

Senator JACKSON. But, Senator, this is the heart of the whole agreement; it isn't a minor detail.

Senator PERCY. Mr. Brezhnev and the President initialed, even, a memorandum which interpreted the agreement, to try to nail down every single thing that they could, and I really feel that these have been as thoroughly prepared as any agreements that could possibly be entered into.

Senator JACKSON. How do you explain why you have spelled out the number—there is 62 Polaris-tye submarines, and agreed to, but they are not spelled out on the biggest part of the agreement and that is on land-based missiles. Now how would you explain—how would you write a letter and explain it?

Mr. CLARK. Well, Senator, if we could relate this to your specific concerns what is it you are worried about, that somehow the Russians are going to cheat on this agreement?

Senator JACKSON. No, I think that the key thing that we must do first of all is to nail down these ambiguities. It is that simple. If you don't, you are immediately going to be in a debate here——

Mr. CLARK. Except the agreement has already been signed with the Russians. How do you nail it down now?

Senator JACKSON. Well, I think you nail it down by calling—there are a lot of things—this is what we will get into. You can have reservations, you can have understandings. After all, bear in mind, Mr. Clark, they sent up not just these agreements, but they sent up understandings that are a mile long, and there are our interpretations not joined in by the Russians. It is obvious there has to be further clarification.

Senator PERCY. Well, there is going to be, too. We know this is just the beginning phase—we trust a period of refined agreements that will cover everything, mutual reduction of forces, that will cover bombers. They could well say "Why don't you cover bombers? You have got far more bombers than we have, why don't we cover the intermediate missiles?"

Senator JACKSON. Why don't we cover specifically what we are talking about first. How can you possibly have an on-going viable agreement that will stand up and not cause conflict? I want to get an agreement that will work, and this is just but one example. What is a heavy missile? It is not defined.

Senator PERCY. Fine. What do we consider is an SS-9?

Senator JACKSON. Well, that is not defined. Can you take that kind of missile and put it in another missile of that size. We think they are allowed 313.

Senator PERCY. In the memorandum of interpretation they have said if you increase the size of the missile by more than 15 percent, this is substantial upgrading of that missile. I think that interpretation was very clear—

Senator JACKSON. We say it is 313. The Russians don't agree as to the number, and that again is an example of the kind of clarification I think that we need to have. What we want is—

Senator PERCY. You are asking the question will we strengthen SALT II negotiating hand in nailing down some of these things?

Mr. CLARK. Gentlemen, if we can go back very briefly to the Moscow Agreements, they would permit each of the two countries, Russia and the United States, to complete two ABM sites. The United States is completing one in North Dakota. The Administration also wants to ring the capital, to ring Washington with a defensive missile system. Are each of you ready to vote the money to complete or to start—we haven't started yet—a defensive missile system around Washington? Senator Percy.

Senator PERCY. I much preferred a zero ABM all along. I much prefer a single site to a double site. I would want more evidence as to what the ABM around Washington will really accomplish.

Mr. CLARK. At the moment you would not expect to support the Administration on this, Senator Jackson?

Senator PERCY. It is a quarter of a billion dollar decision.

Senator JACKSON. Well, this is one of the great mistakes the Administration made. They are on notice that they can't get the fight through on Washington. We voted it down two years ago in the Armed Services Committee. I led that effort, and I also led the effort to save the ABM, but this is a silly arrangement that was made, in my judgment, and at best they will get the one site in North Dakota.

Mr. CLARK. So you would agree then that is unlikely the President is going to get a defense missile system——

Senator PERCY: It would be quite a struggle——

Mr. KOPPEL. Well, gentleman doesn't that kind of eliminate one of the crucial aspects of the SALT agreement? Do we still have an agreement——

Senator JACKSON. Well, we are not required to—we are permitted to, but we are not required to.

Mr. KOPPEL. Will it considerably weaken us, though, Senator.

Senator JACKSON. Absolutely. The real tragedy—the Administration had held out what all of us had fought for, and that is a two-site minimum, to defend Minuteman. Now, that makes sense because we did not add on to our offensive forces, and I supported that effort. But to turn around and pour hundreds of millions of dollars into defending Washington, which is not defendable in a missile context that we are talking about, to me makes no sense, and they were aware of it and they were on notice and that is why I think the ABM agreement was an unwise one, because we came out on the short end of the stick. Moscow's not dismantling anything. We are dismantling the site in Montana. They get to go forward with the site they already have, this huge complex around Moscow, which also covers some of their——

Senator PERCY. But, as you say, if it makes no sense at all, why do we care if they want to make a mistake, rather than our making a mistake?

Senator JACKSON. Senator Percy, their site in Moscow also covers some of their offensive systems, which an ABM site here will not do.

Senator PERCY. A system around Moscow isn't worth a thing. You cannot defend that on a practical basis.

Mr. KOPPEL. Gentlemen, while we are on the subject of money, though, I would like to ask what seems to me to be a very basic question: The administration seems to have

rationalized this kind of agreement to the public at large on the basis of cutting military spending. Instead we find that we are going to have a larger military budget next year than we have this year. Why?

Senator PERCY. Our budget request is $83.4 billion. We are going ahead apparently, according to the administration, with two sites instead of twelve. They are prepared to cut out three-quarters of a billion dollars right away because of the SALT agreements, and that should multiply many fold in future years.

Mr. KOPPEL. But we do have a bigger military budget upcoming for next year than we had this year.

Senator PERCY. That is mainly because of pay increases which now constitute 54 percent of our whole budget.

Mr. KOPPEL. What I am concerned about, Senator, is that we seem to be getting into kind of a spiral where Dr. Kissinger, for example, the other day says we have to go ahead with certain programs, otherwise we are weakened in our negotiations in SALT-II.

I can just see this going on for years where the administration will be saying: We are not going to be able to trust the Russians, or if the Russians break an agreement, we still have to go along preparing the same kinds of systems, new systems, that we have all along.

Senator PERCY. Assume that this agreement will suddenly and dramatically cut our defense budget in half and that would be a delusion. We are not implying that at all. But it is the beginning of arresting an unlimited nuclear arms race and that is what it is. It is a beginning. You have to begin this journey at some point, and it has now begun.

Senator JACKSON. Ted, let's be frank about this. The administration's presentation of this proposal makes it mandatory for Congress to increase funds for strategic arms. It is going to increase our budget. It is not going to cut it in half, it is not going to decrease it, it is going to increase it. Not this coming year, but the year after and the year after. Now that is what is involved here. Now let's get these facts out on the table. We are going to start doing it in the Armed Services committee on Tuesday, and they are going to build the so-called new type of ULMS submarine which will cost $1 billion a boat. Now that is what the administration is proposing.

Senator PERCY. I don't agree with that at all and I will have no part in that kind of an escalated step-up because of the agreement.

Senator JACKSON. That is your President's proposal.

Senator PERCY. Absolutely not. That is a misinterpretation of what his intention is.

Senator JACKSON. Well that is his proposal. The budget is already up there.

Mr. CLARK. I would like to ask you at least one political question. You are still a candidate for the Democratic Presidential nomination, though you dropped out of the primaries. Senator McGovern is expected to pick up some 200 votes on Tuesday in the New York primary which will put him within almost 200 votes of the number he needs to go over the top. Is McGovern stoppable at this stage?

Senator JACKSON. I believe that he is running into real resistance. It is possible, but not probable.

Mr. KOPPEL. On that note, thank you very much, Senator Jackson, Senator Percy, for being with us on Issues and Answers.

GETTING THE MOST OUT OF OUR SCHOOLS

Mr. CHURCH. Mr. President, two recent articles by Sylvia Porter tell us how communities across the Nation often ignore one of the their most valuable resources, their schools, through "wasteful disuse." And Miss Porter goes on to suggest that the community education concept is one of the best ideas she has found to stop this extravagance and make the schools full-time partners in the community.

As the Porter articles make clear, the benefits of a community school program can be made available through only a modest increase in the school budget. The school can become a total community center for people of all ages, operating extended hours throughout the year.

To get the most out of our schools, I have introduced S. 2689, The Community School Center Development Act, which would promote the development and expansion of community schools in all 50 States. Senator WILLIAMS joined me in introducing this bill last fall, and 20 other Senators have since become cosponsors.

I invite more Senators to join in support of S. 2689. Sylvia Porter's articles point to many of the compelling reasons why such support is in the best interests of citizens of all ages throughout the Nation.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 13, 1972]

WASTEFUL DISUSE OF SCHOOLS

(By Sylvia Porter)

In one rural area near New York, property taxes have just about gone out of sight—primarily, of course, to finance the handsome, beautifully landscaped elementary and high schools.

In a matter of days, these schools will be closing for the term and in large part will be unused and wasted until the kids go back in the fall.

This is a real squandering of resources. This is, in the words of Sen. Frank Church, D-Idaho, "a kind of disuse of schools and extravagance that modern America cannot abide." This is, in today's environment plain stupid.

Last year property taxes climbed more than 9 percent, on top of a 35 percent upsurge between 1967 and 1970.

Many older Americans are now paying 20 to 40 percent of their incomes to the local tax collector. So distasteful and oppressive have local property taxes become that only 47 percent of local school bond issues were approved during the last fiscal year, a new record low and a resounding come-uppance for school officials—for the biggest chunk of all property taxes goes for schools. Also, the National Education Association points out, local school districts bear more than half of school costs today; the state kicks in 41 percent, the federal government about 7 percent.

Yet, while the cost of supporting the elementary and high school system has nearly tripled during the past decade to almost $50 billion, the typical school is locked up about 50 percent of the time.

The majority of the schools are used only five days a week, 39 weeks a year. The schools are restricted to the formal education of Americans between the age of five and 17 or 18. Even pre-school "Head Start" children have been banned from the elementary school in some cases.

Meanwhile, there is a mounting need for further education of the older American—ranging from vocational retraining to retirement preparation and planning, consumer education, nutrition, music, arts, crafts.

What's the answer?

One is to find new ways to use idle public schools. And this answer also would help to slash local tax bills by avoiding the need to build additional expensive facilities and by keeping more real estate from falling off local town tax rolls.

In fact, some 300 U.S. communities have done precisely this—with a wondrous array of activities and services and with refreshingly positive results. For instance:

In Gloucester City, N.J., a broad tutorial program has been set up, using the elderly along with elementary school students to "help kids with their homework" and personal counseling.

In Salem, Oregon, about 100 different classes and activities are going on, with some 2,000 attending each week—ranging from knitting lessons to mountain climbing and small business administration. One lady involved in the program noted tartly that this was the first time she had set foot in the local school in 32 years. The extra cost of expanding the Salem school has been about 6 percent of the regular budget. "With that 6 percent, the time the school is open can be increased by two-thirds," say officials in charge.

Your local school could be, in the words of Barry E. Herman of New Haven's Winchester Community School, a place where:

Children and adults can study and learn and where learning can take place 18 hours a day or more;

Educational or vocational skills of people of all ages can be upgraded for the benefit of the individual and the community;

People of all ages can take part in such activities as sports, physical fitness programs, informal recreation, arts and crafts, musical programs, civic meetings, adult education, home economics, tutoring;

People can find health services, counseling services, legal aid, employment services, homemaking help;

All residents of the community can study and cooperate in the solution of significant neighborhood problems.

HOW YOU CAN USE A COMMUNITY SCHOOL

(By Sylvia Porter)

In Brockton, Mass. (population about 90,000) one person in 50 enrolled in adult education classes—including English as a second language for the Spanish-speaking newcomers. Using the Brockton public school system evenings, weekends and summers are two different groups ranging from a drama group to the symphony orchestra.

Total cost: $150,000 out of a yearly school budget of $17 million.

In the high school of Elizabeth, N.J.—only 15 miles from Manhattan—citizens of all ages are attending classes in basic English, remedial reading, arithmetic, swimming, plumbing.

Among the program's hidden advantages: vandalism in and around the school has become negligible. Now the new high school, says its architect, "is being developed as a community school, with all the facilities for full-time, year-round use for young and old."

SILENCE COSTLY

In Boca Raton, Fla., where more than one-third of the people are 65 or over, another "our school" atmosphere has developed. Among the goings on in Boca Raton's public schools: a new Audubon Society chapter and regular meetings of a voluntary patrol unit of the Coast Guard. Says Community Education Director Courtney Cheri:

"Silence may well be the costliest item in our school budgets today. The waste of public facilities lying for a great portion of the afternoon and evening far outweighs the cost of opening the doors for community use."

And in Boise, Idaho, at least 67 different programs go on each week during evening hours in 10 public schools. Among them: Boise's citizens of Basque origin are taking a course in conventional Basque and would-be hunters have started an archery course.

Cost to date: about $60,000. In addition, the city is now considering turning to existing schools instead of building a planned new $200,000 senior citizens center—which would save significantly on construction and future maintenance costs as well as prevent the removal of real estate from the tax rolls.

SENATOR CHURCH PROPOSAL

In response to this solid and much more similar evidence, Sen. Frank Church, D-Idaho, is proposing the Community School Center Development Act, sponsored jointly with Sen. Harrison Williams, D-N.J. It would:

Make modest Federal grants to bolster community education training programs and develop new ones;

Give modest financial assistance for the establishment of new community schools and the bolstering of existing ones and would also help train and pay community directors;

Promote and assist, via the U.S. Commissioner of Education, the idea of the community school.

BIG SAVINGS SEEN

Hearings are scheduled before the Senate Education Subcommittee later this year. No price tag has been set on the idea, but says Church, "Why not start modestly?" And he adds, "It's a proven idea which has worked well in more than 300 communities. And it probably would save a lot more money in the long run than the very small amount needed to set up the program."

Actually, the concept of the community school goes back at least a generation—to the pioneering work done by the Charles S. Mott Foundation in Flint, Mich. And actually, you need not wait for any new laws to help your own community develop and use a community school.

You can, for instance, let community organizations of all kinds hold meetings in your local schools. The elderly, particularly, lack buildings in which to meet.

You can set up special feeding programs for those who need them—breakfasts for underprivileged children, dinners or perhaps lunches in special shifts for the elderly.

You can use school buses as extra transportation to take groups of older people sightseeing or on outings or to the theater.

You can launch rehabilitation programs—physical, vocational, occupational—for those in the community who need them.

You can conduct drug awareness programs for both students and adults, experimental programs in delinquency prevention.

You can use the schools as meeting places to inform residents—again, the elderly in particular—of special services available and valuable to them.

The possibilities for using a community school to your own and your community's advantage are limitless.

THE GENOCIDE CONVENTION AND THE HOUSE OF REPRESENTATIVES

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have suggested that ratification of the treaty would amount to adoption of legislation on the subject of genocide without the approval of the House of Representatvies. While concern for obedience to constitutional processes is commendable, I believe that fears regarding the genocide treaty are misplaced.

Article V of the Genocide Convention states that—

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Nothing could be more clear from this provision than that the prohibition on genocide does not take effect until implementing legislation is adopted; and such legislation would, of course, require the approval of both Houses of Congress, just as all other legislation does. The treaty itself is not a Federal law pushed through the back door; it rather provides that a Federal law will be brought in the front door before it takes effect. The treaty says specifically that implementing legislation is to be adopted "in accordance with" the Constitution.

If any possibility of doubt remains on this subject, it is utterly dispelled by an Understanding which the Foreign Relations Committee has proposed for adoption along with the treaty. The Understanding says:

That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

That implementing legislation has already been proposed by Senator SCOTT and Senator JAVITS (S. 3182). The House of Representatives will, if we ratify the treaty, get full opportunity to consider the legislation even before the Senate's ratification is formally submitted to the international community.

I urge the Senate to move swiftly to the consideration and ratification of the Genocide Convention.

DISTINGUISHED RECIPIENTS OF HONORARY DEGREES—YALE UNIVERSITY COMMENCEMENT 1972

Mr. JAVITS. Mr. President, on June 12, 1972, at the Yale University Commencement a number of honorary degrees were awarded to distinguished individuals in many fields. I invite the attention of Congress to those recipients whom I have known over the years and greatly admired, and who are also well known to millions of Americans. These are: The Reverend Leon Howard Sullivan, pastor of the Zion Baptist Church in Philadelphia, receiving a doctor of divinity; Ada Louise Huxtable, architecture critic of the New York Times, doctor of humane letters; Katharine Graham publisher of the Washington Post, doctor of humane letters; Saul Bellow, doctor of letters; William G. Bowen, president designate of Princeton University, doctor of laws; Henry Ford II, doctor of laws; Francis Plimpton, distinguished lawyer and diplomat, doctor of laws; Gerard Smith, Chief U.S. negotiator at the SALT talks, doctor of laws; and Paul Abraham Freund, Carl M. Loeb University professor, Harvard University, doctor of laws.

A number of other distinguished individuals also were awarded honorary degrees: Carl Pfaffmann, professor at Rockefeller University, doctor of science; Stephen William Kuffler, Robert Winthrop professor of neurophysiology at Harvard Medical School, doctor of science; and Piet Hein, scientist and philosopher, doctor of humane letters.

I congratulate all the recipients of this high honor and ask unanimous consent that the citations relating to them be printed in the RECORD.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY COMMENCEMENT, JUNE 22, 1972, THE REVEREND LEON HOWARD SULLIVAN

Starting with Zion Baptist Church, you initiated creative programs in Philadelphia in Housing, Health Care, Youth Development, Education, and Employment. You have expanded these programs throughout the Nation with Opportunities Industrialization Centers and economic development programs. Thousands who would have remained on welfare and in poverty and despair are now attaining success with worthwhile jobs and more constructive and hopeful lives. Through your strong Christian concern and example you have built a bridge for better understanding among persons of all races and all economic levels. Yale takes pleasure in conferring upon you the degree of Doctor of Divinity.

ADA LOUISE HUXTABLE

Architecture historian and critic of the living city, you have been a leading force for humanism and a promoter of aesthetic excellence in the effort to reshape urban America. Gadfly to public officials, developers, and metropolitan designers, you have brought professional perception to bear on the cause of restoring and rebuilding our cities. Your criticism and sensitive analytical journalism have cultivated a more discriminating public awareness of the architectural environment. Honoring the grace and forthrightness: which have characterized your distinctive public contribution, Yale confers upon you the degree of Doctor of Humane Letters.

KATHARINE GRAHAM

You have elevated both news and opinion without confusing the two. The governors of the Republic are subject daily to your tutelage. Your publications inspire and attract many of the most talented writers of the youngster generation because you live and share your sense that journalism is "rather marvelously bracing and marvelously uncomfortable." Because of your dedication to freedom, zest, and quality, it gives Yale great pleasure to confer upon you the degree of Doctor of Humane Letters.

SAUL BELLOW

In a time when so much of narrative art has yielded itself to reportage, you have sustained a vital tradition of the American Novel. By continuous invention of moral and psychological character, in situations at once contemporary and representative of enduring human patterns, you have reminded us how necessary it is that we humanize ourselves anew through what is genuinely the novel. In your major men—Augie March, Henderson, Moses Herzog, Mr. Sammler—we find again examples of what Emerson prophesied as "the single man," capable of planting himself indomitably on his instincts, and abiding there until the huge world comes round to him. In creating these sensual men, you have become a sensual man yourself. Yale takes pleasure in conferring upon you the degree of Doctor of Letters.

WILLIAM G. BOWEN

A somewhat beleaguered, fatigued, and cliche-ridden university world welcomes your youth, vigor, and candor. Your highly pro-

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fessional mastery of the dismal science has shed light and hope on the corners of the bare cupboards of academe. Provostial experience endows you with special qualities which will allow you to capitalize on the momentum achieved by your distinguished predecessor. Yale looks forward to a generation of productive, collaborative rivalry in a spirit of joint venture. You will contribute through Princeton to all of us who struggle to vindicate the heritage and fulfill the promise of the ancient private university. Yale is happy to confer upon you the degree of Doctor of Laws.

HENRY FORD II

In an age when many industrialists look for the riskless course and too many business spokesmen are puppets of their public relations staff, you have remained a thoroughly authentic outspoken man. Born to a name which was already a national legend, you have nevertheless made your executive accomplishments your own. You were way ahead of your competitors and the government itself in taking an energetic responsibility for minority employment, training, and promotions. Now you are setting a standard for industrial and financial contribution to the inner city by your massive investment in the rehabilitation of Detroit. Yale with great delight acknowledges its academic maternity as it awards to her son the degree of Doctor of Laws.

FRANCIS TAYLOR PEARSONS PLIMPTON

Eminent lawyer, distinguished diplomat, and counselor to humanity, you have provided self-effacing trusteeship to Amherst, Barnard, Harvard, Union Theological Seminary, the New York Philharmonic, and the Bowery Savings Bank. With cheerful eclecticism, you have found it possible to embrace both planned parenthood and polygamy. You were America's able advocate in the United Nations. In your seventieth year, you roused the conscience of your profession and your countrymen in two great campaigns: to preserve, protect, and defend the Supreme Court of the United States; and to bring an end to the tragic Vietnam war. With wit and wisdom, you vindicate law's liberating purposes, and Yale gladly confers upon you the degree of Doctors of Laws.

GERARD COAD SMITH

We like to think the liberality of your Yale College exposure contributed to the dedicated heart and that your Yale Law training equipped you with the hard head required to achieve agreement on major weapons between mutually hostile super powers.

Your sustained efforts may still bring sanity and trust to a world in which pathological fear and suspicion have reigned since the memory of man runneth not.

We can respect your caution against premature euphoria, but Yale is not at all inhibited in her praise for and pride in your highly professional accomplishments as she confers upon you the degree of Doctor of Laws.

CARL PFAFFMAN

Our senses and our behavior are less mysterious because of your pioneer work. Your own advances have opened up new vistas for psychology. Your outstanding students are numbered among the leaders of your field. More recently you have contributed greatly to both the capacity and opportunity of distinguished colleagues by helping to shape and to direct one of the country's foremost institutions for advanced study and research. In appreciation of these contributions to human self-perception, Yale is proud to confer upon you the degree of Doctor of Science.

STEPHEN WILLIAM KUFFLER

Distinguished neurobiologist, you have been guided by the conviction that understanding the intricate mysteries of the human brain requires knowledge of the functional properties of individual nerve cells. Appreciating that the neurons of even such modest animals as the crayfish and the mudpuppy have important secrets, you have been skillful in the laboratory in eavesdropping on their activities. You have contributed greatly to an understanding of the cellular processes that enable our nervous system to perform its many and complex tasks. Yale University, proud to recognize your scholarship and your humanity, confers on you the degree of Doctor of Science.

PIET HEIN

You are a humble artist
Molding your earthly clod,
Adding your labor to nature's,
Simply assisting God.
Not that your effort is needed
Yet somehow, you understand,
Your maker has willed it that you too should have
Unmolded clay in your hand.
Yale confers upon you the degree of Doctor of Humane Letters.

PAUL ABRAHAM FREUND

Appeals from the Supreme Court of the United States can be taken only to legal history and legal criticism. You are the Presiding Justice of this ultimate bench. Generations of students and colleagues have found delight, as well as wisdom, in your teaching, your writing, your company. Younger aspirants, especially, have found generous encouragement in your compassionate ability to find some spark worth kindling even in the coldest embers. More than any other living American, you have sustained the constitutional conscience of your country. Yale is proud to confer upon you the degree of Doctor of Laws.

THE JOURNALIST'S ROLE AND RESPONSIBILITY IN A FREE SOCIETY

Mr. ERVIN. Mr. President, during the past year, the Senate Subcommittee on Constitutional Rights has been studying the state of freedom of press in America. As part of this study, a 13-day series of hearings was held at which journalists, broadcasters, publishers, and constitutional law experts presented their respective views on the subject.

Among several themes which were developed in the course of the subcommittee's hearings was the great responsibility which professional newsmen have to the public. While the subcommittee's hearings underlined the wisdom of the Founding Fathers in securing freedom for the press from Government regulation and intimidation, they also pointed out the importance of this freedom being exercised with responsibility.

In an article published in the Washington Post, of June 20, 1972, Mr. Ben Bagdikian has set forth the competing views respecting the journalist's responsibility and role. He wisely observes:

Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined observation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Mr. President, because of the continuing public interest in the subject of freedom of the press and in the role of the journalist in American life, I ask unanimous consent that the excellent article by Mr. Ben H. Bagdikian, entitled "Should Personal Bias Influence a Newspaper's Content?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD PERSONAL BIAS INFLUENCE A NEWSPAPER'S CONTENT?

(By Ben H. Bagdikian)

How much should the personal desires of newspaper employees influence what gets into print? Should reporters take personal stands on public issues that are subjects of professional news coverage that claims to be fair? Many people, most noticeably Vice President Agnew, believe that the content of American news media already is unfairly biased by personal political values.

A middle school claims that the traditions and disciplines of American journalism insulate papers from such bias as much as is humanly possible. At the other end, "advocacy journalists" tend to see the ideal of "fairness and balance" as an excuse used by some of their colleagues to avoid their moral duty to speak against injustice and civic danger.

And the debate and the disparity of views are not limited to the newsroom—to writers and editors. Another aspect of the same problem was on display one night last month in a melodrama that took place 30 feet below the surface of 43d Street in Manhattan in the pressroom of the New York Times. It began at 9:30 p.m. on May 30, when a pressman bearing a large piece of paper approached his union chief, Robert Siemers, and said, "Look at this."

It was a paid political advertisement to be printed in the next morning's Times whose first edition was scheduled for the start of presses in 15 minutes. Siemers looked at the preliminary proof of the ad and went at once to the pressroom foreman, Charles Cohen, and said:

"We refuse to handle those two plates."

Cohen, as Siemers recalls it, was shocked and said, "You can't do that!"

What they stood looking at was a two-page ad with a big headline:

A RESOLUTION TO IMPEACH RICHARD M. NIXON AS PRESIDENT OF THE UNITED STATES.

The ad consisted largely of the text of a House resolution sponsored by eight House members alleging that the President had exceeded his legal authority by taking new military action in Vietnam. The ad was sponsored by "The National Committee for Impeachment" headed by a former U.S. senator from Alaska, Ernest Gruening, and a civil rights leader, Randolph Phillips. The ad cost them $18,870 and, among other things asked for contributions.

It is easy to imagine the foreman's alarm. A big paper's production involves thousands of interlocking operations and when one crucial link is suddenly frozen the whole system goes into shock.

Foreman Cohen and Siemers couldn't do it, and legally Siemers couldn't. But as union head of the disciplined 600-man press crew, Siemers had the brute force and if he persisted, the Times at the moment would have only two choices: cancel the printing of its 900,000-plus papers for that day, or pull the ad in favor of something more to the union's liking.

Times executives were quickly involved in the negotiations. Siemers says now that he relented only on the promise that his union's opinion on the ad would be printed. On June 1 the Times ran a story reporting the delay in the press run and in the sixth and seventh paragraphs gave the pressmen's opinion as issued by Siemers.

Siemers said recently that he considered the ad in bad taste. In addition, he said, "You know, all of us are middle-class people and we're sick and tired of people protesting and beatniks lying down in the street and stopping traffic and all that. We wanted to show the enemy that there were ordinary people in this country behind the war.

Asked if in his 25 years as a Times pressman he knew of any similar action taken against the epidemic of "Impeach Earl Warren" ads while Warren was Chief Justice of the United States Supreme Court, Siemers could recall none.

He said the threat to block the impeachment ad had results "beyond my wildest dreams."

President Nixon sent a personal emissary, Donald F. Rodgers, to greet the incoming 7:30 p.m. shift of the pressmen on June 1 with official presidential thanks and in a small ceremony presented Siemers with a pen inscribed, "Richard M. Nixon, White House."

Former Attorney General John N. Mitchell, now the President's campaign manager, sent a telegram commending "the sentiments of patriotism and responsibility expressed by The New York Times pressmen in objection to the advertisement . . ." Going in an opposite direction 200 miles away in Boston. About 50 reporters and editors of the Boston Globe wanted to buy an ad in their own paper calling for the President's impeachment.

Thomas Winsip, editor of the paper, told them he believed in maximum access to the ad columns for them but urged them not to do it for professional reasons, since it would raise doubts about the paper's ability to cover the President fairly.

Winsip convinced the group that their case could be made in an article signed by one person on the page opposite the editorials with a counter article against impeachment signed by Charles Whipple, editor of the Globe's editorial page.

There are many incidents in which the issue of the Vietnam war has caused a crisis in journalism as it has in other American institutions. In 1970 during the Cambodian invasion, James Doyle, a prominent reporter for The Washington Evening Star, was permitted to have a personal letter-to-the-editor disassociating himself from a pro-invasion editorial in The Star and the editorial's harsh condemnation of critics of the invasion. The letter, according to an editorial note, was endorsed by 29 other members of The Star staff.

At about the same time, some editorial employees of The New York Daily News tried to buy an ad in their own paper to disassociate themselves from their paper's support of the invasion. They were turned down and took their ad to The Times, which printed it.

Occasionally, fierce local issues also break through traditional restraints. In Chicago when the Sun-Times and Daily News, both owned by Field Enterprises, endorsed Richard Daley for re-election as mayor, 270 newsroom employees petitioned for equal space to rebut the editorial and ended up buying paid ads in their own papers. The editor, James Hoge Jr., laid down two conditions to the ad. One was that the ad had to be signed personally by each one subscribing to it. The other was that anyone signing it would create serious concern by management about his future assignment to cover politics.

In Philadelphia, where Frank Rizzo aroused similar emotions, five members of the staffs of the Philadelphia papers signed Rizzo's nomination petition, including the Philadelphia Daily News' City Hall reporter, and Daniel McKenna, the Evening Bulletin's City Hall Bureau chief (who was hired by Rizzo after the election). A Daily News photographer who covered the campaign wore a "Rizzo for Mayor" lapel button throughout.

(Benjamin Bradlee, executive editor of The Washington Post, said that the basic manual for The Post newsroom recognizes "the incompatibility of many outside activities and jobs with the proper performance of newspaper work." Staff members of The Post are required to discuss with their editors outside activities and jobs. "I would consider the signing by staff reporters of an advertisement calling for the impeachment of the President to be incompatible with the proper performance of newspaper work.")

There are two simplified views of the problem. One is that some issues, like war and race, are so threatening to society that "professional detachment" is personal irresponsibility, a kind of Eichmannism that permits a person to carry out technical duties without personal responsibility for consequences. This can take the form of advocacy journalism in which the person openly propagandizes for a cause, or writes partisan speeches, or marches in protests.

The other view is that honest, disciplined journalism is sufficiently important to justify sacrifice by the journalist of some degree of personal adversary activity. Furthermore, there are acceptable forms of advocacy within commercial papers. Editorials by definition are judgmental. Special articles done in depth are implicitly judgmental to the extent that they say the subject requires special attention. Knowledgeable reporting calls for background and some degree of Interpretation. Columns are subjective and sometimes ideological. But reporting of a public event, in this view, must be fair and balanced, the facts presented ungoverned by personal opinions of the reporter.

The evolution of public policy is not a serene, socratic process. There is charge and counter-charge, propaganda and anti-propaganda and in this the advocate journalist can play an honorable role, indispensable to the arousel of society to do what needs to be done. John Milton and Tom Paine were advocate journalists and so are hundreds of contemporary writers. It is a time of deep passions and social change and it is inevitable that people will speak and write passionately.

Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined obeservation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Unless some fundamental facts about important subjects can be agreed upon by most of us, we are all in danger of flying off into mass paranoia. If essential reality is not recognized by a significant part of the population, society is blind. "Essential reality" is not always simple to arrive at. A reporter merely reporting accurately what some politician says is not necessarily "essential reality," as most people learned during the days of Joseph McCarthy. What public men say may be only the beginning of the good journalist's job, but at least it should be agreed what was said.

It is possible for journalists to sign a petition for the impeachment of the President and still cover the President fairly. It is possible for the pressmen to censor political ads they don't like and still have most of the paper open to dissenting ideas. But it's asking the public too much to believe it, or to know when they are seeing a disciplined report or an uncensored paper.

When the government used its legal sword to take The Washington Post and The New York Times to court to censor the Pentagon Papers, at least the public knew something was being suppressed. When the pressmen, or unprofessional reporters, simply omit ideas, very few people know something is missing. In this case, President Nixon seems to have discovered that the ballpoint pen given to Mr. Siemers can be mightier than his legal sword.

If the pressmen or the newsroom staffs can censor a paper outside the bounds of professional news responsibility, in daily papers which, in 97 per cent of cities with papers, are monopoly papers, they are diminishing the only major institution dedicated to providing a hardcore of believable daily intelligence during a time of wild confusion. The government can't be trusted to do it because it has its own axe to grind. Nor can committed advocates, no matter how honorable their cause, because they have no obligation to present opposing views. If vigorous national debate is good—as it certainly is—then a believable record of the debate is indispensable to it.

F–14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

Mr. PROXMIRE. Mr. President, when Mr. Robert Moot, the Assistant Secretary of Defense—Comptroller—testified before the Joint Economic Committee on May 31, I questioned him about rumors I had heard regarding engine-stall problems on the Navy's F–14 jet fighter when its cannon is fired in flight.

Mr. Moot denied any knowledge of the problems, but said that he would refer my questions to the Navy. In the 2 weeks since, I have not received a reply.

I was gratified to learn, therefore, that Newsday, a Long Island newspaper published in Grumman Aerospace Corp.'s. own backyard, has been somewhat more successful in getting the answers I have sought.

A story in the June 11 edition of Newsday confirms the existence of the problem and contains an acknowledgment by Admiral Snead, Navy program manager for the F–14, of its potentially serious nature in combat.

The story also suggests that a fix has been found, but that the costs of the fix and who will pay them are still not known.

Also of interest are the last two paragraphs of the story:

[Grumman Vice President Michael] Pelehach . . . expressed concern that the cannon-gas problem has been "blown out of all proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this.

"What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

There are more major problems on the F–14, not the least of which is an impend $1.25 billion over-run for a 313 aircraft program, even from current inflated price levels. Unless Congress acts in the next few months, American taxpayers will be saddled with these problems.

I intend to speak out on these problems in the days ahead and to seek action in a floor amendment if it is not taken within the Armed Services Committee itself.

Mr. President, I ask unanimous consent to have printed in the RECORD the

Newsday article on the F-14's cannon-gas problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

F-14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

(By Chapin A. Day)

BETHPAGE.—The F-14 program has had many more serious, more costly, more publicized difficulties. But a problem it is.

Simply stated: At certain altitudes and speeds, when an F-14A fighter pilot pulls the trigger to fire his plane's 20mm. cannon, one of the plane's two jet engines momentarily stalls.

It's one of those embarrassing hitches that congressmen can use to put Pentagon officials on the spot in a hearing room. A problem which, simply stated, seems ludicrous.

A problem that raises visions of an F-14A engaging a MIG in a dogfight, getting the enemy plane in its sights, opening fire—and putting itself out of action.

A solution to the problem is already in the works. Nevertheless, Pentagon officials were spending most of their time last week preparing answers to questions about the cannon problem for Sen. William Proxmire (D-Wis.), an unrelenting critic of the F-14 program. And nevertheless, Grumman Vice President and F-14 Program Director Michael Pelehach, though unconcerned about it, still took time off from working in the yard of his Centerport home yesterday morning to sit on the patio and answer a reporter's questions about the problem.

Yes, there is a problem, he said. And the simple statement is not false. But it is incomplete. Being incomplete, he said, it is not accurate.

"COULD HAVE BEEN SERIOUS"

The problem, as distilled from conversation with Pelehach and the Navy's F-14 project officer, Rear Adm. Leonard Snead, is this: When the F-14A fires its 6,000 round-per-minute Mark 61 20 mm. cannon while flying at some relatively low speeds at some relatively high altitudes, gases emitted from the cannon's muzzle are swept back into the left engine, where they upset the delicate mixture of fuel and air in the combustion chamber. The result, in two vocabularies: "an engine temperature rise" and "a brief stall" (Pelehach), or "a momentary dropoff of performance" (Snead). "It had implications that could have been serious [in combat]," Snead said, "but this is the reason for early ground and flight testing."

Besides, there is a "fix" in the works. In Pentagon jargon, a "fix" is a solution to a problem. Pelehach sketched the fix on the back of a reporter's file folder—two panels on the left side of the plane's fuselage near the cannon's muzzle are to be replaced with parts designed to divert the gases under the plane between the two engine housings.

The proposed fix, which weighs 15 pounds, already has been tested satisfactorily on a test stand at Grumman's Calverton facility, Pelehach said, and should be installed on a test plane in time for the second Navy F-14A evaluation scheduled to begin July 5. Recent engine modifications, made as the result of the last Navy evaluation, also may help eliminate the cannon-gas problem, he said.

The Navy has not approved the fix yet, Snead said, "but it looks good to us." Negotiations between the company and the Navy will determine which should pay for the change; he added. Although he declined to give a precise figure, Pelehach said that the costs are not large.

Pelehach, who has had to face tougher problems with the F-14 program—including an early test flight crash and a continuing contract dispute with the Navy—expressed concern that the cannon-gas problem has been "blown all out of proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this."

"What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

RESPONSIBLE POLITICAL ADVERTISING

Mr. PERCY. Mr. President, a Chicago Tribune article dated June 9, 1972, reported that John E. O'Toole, president of Foote, Cone & Belding, is on a whistle-stop tour of the country talking about the need for more responsible political advertising. The Members of this body and the Members of the House who are running for reelection, as well as their challengers, should give heed to Mr. O'Toole's guidelines.

A political campaign can be either the best adult education program for anyone to engage in, or it can be a mere charade that appeals to emotion rather than reason and does nothing to improve public understanding of the major issues facing our Nation. To spend a million dollars to elect someone to a $42,000 job seems to make no sense whatsoever, if that is the only goal. It is eminently worthwhile, however, to use that same million not only to elect a candidate, but at the same time to make the citizenry more aware of problems, opportunities, and issues. The millions we spend on campaigns can be an utter bore or the best investment we make to better inform the people about the problems of the Nation.

Mr. President, I ask unanimous consent that a speech I gave on this subject at a testimonial dinner in Chicago be printed in the RECORD at this point, followed by the Tribune article describing Mr. O'Toole's efforts to have more responsible political advertising.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CHARLES H. PERCY AT A TESTIMONIAL DINNER IN HIS HONOR, CHICAGO, ILL., MAY 23, 1972

You honor me by attending this dinner tonight. Only through events such as this can I run the type of campaign I want to conduct—and which I think the vast majority of Illinoisans want me to conduct.

I'd like to take the few minutes allotted to me tonight to talk about how I intend to campaign for re-election—what I will do, and what I will not do—and to describe my goals for the months ahead.

Those of you who know me well have heard me say that I believe political campaigns can be—and should be—the most important adult education program conducted in this country. Or, they can be a scandalous waste of money and an insult to the intelligence of every citizen.

A campaign must be more than the mere pursuit of votes. It should give clarity to great and complex issues and bring understanding to people. It should educate and inform the public, and allow voters to make choices from knowledge and conviction, rather than on the basis of ignorance and image.

In the months ahead, my campaign will attempt to reach out to the whole electorate, to seek the involvement of the people of Illinois in a way that leaves them with something of value.

We will make use of massive numbers of volunteers who will go out, door-to-door, to talk about the issues.

Our messages—in all media—will address themselves to the problems that we face jointly and how we can best work together to solve them.

All of my communication with the people of Illinois—whether it be face-to-face or through the media—will reflect my commitment to offering solutions, not merely listing problems. I believe it is irresponsible to tell the voters what is wrong with this society and not tell them how these wrongs can be righted.

It is not enough, for example, to point out that the elderly of this nation—the 20 million Americans over 65—are our most neglected minority group.

It is necessary to provide answers to this tragic situation, as I believe I have done with my legislative package of 12 bills and five amendments to benefit the elderly in a wide variety of areas.

It is not enough to lament the fact that dangerous drugs are the largest single cause of crime in our country or to note that they have invaded our high schools and our armed forces.

To deserve the support of the people, a candidate must propose creative solutions. I believe that the recently enacted Drug Abuse Office and Treatment Act, which I introduced in the Senate meets the test.

It is not enough to assert that inflation and unemployment are too high. Talking about economic problems does not solve them.

I strongly believe that increasing our national productivity is the key to restoring our economic health. Simply stated, this means that labor and management must pull together to increase the size of the economic pie, rather than waging mortal combat over who gets the larger piece of a smaller pie. To stimulate this effort, I worked for implementation of modernized accelerated depreciation regulations and restoration of the investment tax credit, and I secured passage of the so-called "Percy Amendment", which exempted from Phase II controls all pay increases that are matched by productivity increases.

It is not enough, in my view, to state that the war in Indochina was a tragic mistake.

What is needed is a vehicle to insure that there are no more Vietnams, that no more wars are prosecuted without the support of the people, and their elected representatives, the Congress. Toward that end, I have been working in the Congress for the passage of legislation that would redefine and clarify the respective powers of the President and the Congress in questions of peace and war.

As important, perhaps, as what I will do in this campaign is what I will not do.

I do not believe that slogans are a substitute for substance, or that symbolic pictures are solutions to complex national problems.

Accordingly, I have requested that my campaign committee spend not one cent of your contributions on billboard advertising, which, by its very nature, cannot provide the voters with a substantive message. And I will not employ simplistic phrases or meaningless photographs or TV film, which confuse the voter and appeal to emotion, not to reason. Art's loss will, I hope, be the public's gain.

I will not engage in personal attacks on my opponent or any other candidate for public office. Not only do I have enough faith in the people of Illinois to believe that he who slings mud loses ground, but—of far greater importance—I strongly believe that the voters are entitled to something better than name-calling and character assassination.

In essence, that is my goal for the next six months—"something better." I want to wage a campaign that educates the people and elevates political discourse, in which voters are people with problems, not numbers on a computer print-out.

Over the past six years I have compiled a record of performance, which is the single standard by which I hope to be judged. By your presence here tonight, you have indicated that you believe in the courses I have chosen. Be assured that I am deeply grateful for your loyalty. I will need your support more than ever in the difficult period that will follow. I know that you will not fail me, just as I trust I shall never fail you.

Thank you.

MARKETING—O'TOOLE CAMPAIGNING FOR BETTER POLITICAL ADS

(By Lynn Taylor)

John E. O'Toole is not a political candidate. Nevertheless, O'Toole, president of Foote, Cone & Belding, is on his own whistle-stop tour of the country talking up a storm about his favorite issue: the need for more responsible political advertising.

The tour is not a formal one, but every chance he gets he does seem to talk about the subject—as he did yesterday before the Public Affairs Council Round Table in Washington, D.C.

He has made some headway during the last several months, chief evidence being that the American Association of Advertising Agencies Wednesday issued a Statement on Political Advertising of which O'Toole was one of the creators.

The statement urged political candidates, advertising agencies working on their behalf, and the media to assume greater responsibility for the content of political messages.

SUGGESTS MORE TIME

It suggested that segments of at least five minutes be offered for sale for political announcements—in addition to selling conventional time segments.

The statement was couched in formal polite terms, but O'Toole's speech on the same topic was not. He sharply criticized—with considerable documentation—the agencies, campaign managers, and the media.

The 4 A's Statement did not go as far as O'Toole obviously would have preferred. In the speech he reiterated his feelings that short "spot" political advertising should be eliminated completely in favor of a minimum five-minute segment.

There has been an understandable reluctance on the part of the broadcast industry to do this, he said, since a five-minute segment would be sold at program rates which are considerably less than the sum of five commercial minutes.

"I really didn't expect immediate assent from the broadcasting industry," O'Toole continued. "They have seldom been accused of plunging head-long into reform.

"No, it will happen eventually despite the protestations of broadcasters. Because candidates—and enough people—want it to happen."

DIFFERENT TYPE

He said it is not possible to equate product to political advertising because the object of the political message is to put the competition out of business. This means there is more temptation to justify the means than the ground rules of advertising could possibly control.

"Furthermore, none of the safe-guards imposed upon contemporary television advertising applies to political spots. Even the libel laws are suspended," he said.

"The National Association of Broadcasters and network continuity acceptance departments have seldom challenged the statements, claims, and promises made for a political candidate who might some day be in a position to influence a license renewal."

The theme of most major political spots has been disparagement of other candidates, and the advertising industry has reaped the blame for it.

SUGGESTS GUIDELINES

He suggested several guidelines for stations and politicians.

The message should be designed to help the voter know and understand the candidate, his character, and his ability to communicate.

The message should establish what the issues are and which the candidate feels are important.

The message should clearly state where the candidate stands on the issue.

O'Toole concluded: "It's going to happen. Now the question is: With the major campaigning for the crucial elections of 1972 only three months off, will it happen in time?"

Only if O'Toole hires an advance man, buys some 30-second spots, and issues a few more disparaging statements—unfortunately.

THE NON-ENGLISH SPEAKING AND THE LEGAL SERVICES CORPORATION

Mr. TUNNEY. Mr. President, I am pleased to join with several of my distinguished colleagues in sponsorship and support of S. 3010, whose purpose it is to continue the funding of the many beneficial programs in relief of poverty and unemployment authorized under the Economic Opportunity Act of 1964.

I am particularly proud of, and commit my full support, to those provisions of the bill which establish the National Legal Services Corporation and require it to be guided by a 19-member Board of Directors, one of whom must be representative of and chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

After discussing with several Chicano and Puerto Rican attorneys the absence of any representation of the Spanish speaking on the Board of Directors, I recommended to the Senate Committee on Labor and Public Welfare that S. 3010 include a provision which could correct this lack of representation.

The object of my suggestion is the approximately 10 to 12 million Spanish-speaking and surnamed Americans, over 3 million of whom reside in California alone. They comprise the second largest minority group in the United States, representing 5 percent of our total population. Speaking little or no English, it is altogether proper that they should be represented on the Board of Directors by someone drawn from their own constituency—a person who can articulate and who is appreciative, perceptive, and understanding of the many legal problems peculiar to them by reason of the language barrier and the consequent poverty. The committee is to be congratulated for including this requirement in the bill.

By these remarks, it is not my intent to find—nor do I find—fault with the legal services program as it has existed and operated these past 7 years. To the contrary, the record of the hearings on the predecessor bill (S. 2007, 92d Cong.), vetoed by the President on December 9, 1971, is replete with examples of the provision of effective, comprehensive, and economical legal services to the client community by the presently funded legal services program. But I believe that the time has come to focus our efforts in also meeting the legal needs of the Spanish-speaking citizens of our Nation. And a Spanish-speaking member on the Board of Directors who is familiar with the legal problems and needs of his people will be of immeasurable assistance and value in articulating these problems and needs to the Board. Such a member can help the Board focus its attention and efforts to resolving and dispelling the attitudes of Americans who view our law enforcement and judicial system with suspicion and distrust.

These attitudes are not without foundation in fact. Stereotyped throughout much of his history as ignorant, a drunkard, and a thief, the Mexican American and other Spanish-speaking Americans have been the object of abuse and unequal treatment by law enforcement authorities. A number of incidents in these areas have been reported to the U.S. Commission on Civil Rights. Among these are complaints of police brutality; unequal treatment of juveniles—that is, Anglo-American juvenile offenders are released without charge to the custody of their parents while Mexican American and other Spanish-speaking and surnamed youths are charged with offenses and jailed; verbal abuse, discourtesy, and the use of "trigger words" by police officers; and frequent "stop and frisk" practices, and arrests for "investigation" in Mexican-American neighborhoods.

Numerous incidents of discriminatorily high bail for Mexican-American suspects also have been reported. Excessive bail or the denial of an opportunity to post bail has been used by law enforcement officials to retain custody of accused Mexican Americans or to harass them rather than assure their appearance at trial.

Against this background of abuse, can we seriously question expressions of mistrust of the courts by Mexican Americans? There is a basis for their feeling that the law is being used to create and perpetuate injustice rather than as an instrument to solving their problems.

This bleak picture of the relationship between Spanish-speaking and surnamed Americans and the legal process points up the committee's wisdom in concluding that the ubiquitous attitudes of suspicion and distrust can be allayed in a large part only by granting them a strong and knowledgeable voice and representation in the policymaking councils of the board of directors of the newly established and independent National Legal Services Corporation. It is significant to note that the OEO bill vetoed last year by President Nixon contained no such requirement. Unfortunately, however, it should be noted that the compromise bill which the Senate is now considering prescribes no procedures, criteria, or standards to be applied in selecting such a representative on the board of directors. In this respect, the bill is vague and ambiguous. I would prefer—and this is my only reservation concerning the bill—that the bill be clarified to provide standards that there be some clarification that will result in the appointment of a person who is more than nominally familiar with the legal needs and problems of Spanish-speaking and surnamed citizens.

PRESIDENTIAL ADVISORY COMMISSIONS

Mr. KENNEDY. Mr. President, it used to be said that the reports of Presidential advisory commissions were simply ignored by those in a position to do anything about them. The present administration has at least changed that. Now these reports are used as convenient whipping boys by a White House anxious to blame our troubles on anything but its own inadequacy. Sometimes a report has even been attacked before it was presented, leading one to wonder whether the President will soon tell a commission as he appoints it which are the answers its study is supposed to produce.

With a fine nonpartisan spirit, the Republican administration has attacked the work of the Nation's best minds no matter whether they were appointed to commissions by itself or its Democratic predecessor. An article published in the Progressive magazine for May details the fate of several such studies—the Pornography Commission, the Campus Unrest Commission, the Population Commission, and the Marihuana Commission, the last of which was the one to suffer the unique fate of having one of its central recommendations rejected by the President in advance.

Mr. President, we need to pay more serious attention to the work of these advisory bodies. I intend to propose soon legislation which would require a fairly detailed response procedure from the executive branch after a report is presented. To remind the Senate what happens all too often with the painstaking work of these advisory groups, I ask uanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive magazine, May 1972]

THE COMMISSION GAME

Almost five years ago on July 29, 1967, President Lyndon B. Johnson appointed a National Advisory Commission on Civil Disorders. There was rioting in Detroit when he issued the Executive Order and, as the President noted, "wholesale looting and violence" had occurred "in small towns and great metropolitan areas."

The President was firm in his instructions to the Commission chairman, Governor Otto Kerner of Illinois, and the other commissioners. "We are looking to you not to approve our own notions but to guide us and to guide the country through a thicket of tension, conflicting evidence, and extreme opinion," Mr. Johnson said. "As best you can, find the truth, the whole truth, and express it in your report . . . The work that you do ought to help guide us not just this summer, but for many summers to come and for many years to come."

Well, we all know what happened—and what didn't. The Kerner Commission, after seven months' work, issued a massive, thoughtful report which warned of the deep and deepening divisions in America and called on the Government to mount "new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society." The report was published by the Commission, ignored by the Administration, and promptly forgotten by almost every one else.

In what turned out to be prophetic testimony, one of the first witnesses before the Kerner Commission, sociologist Kenneth B. Clark, said: "I must in candor say to you members of this Commission—it is a kind of Alice in Wonderland, with the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction."

The Kerner Commission's sad and frustrating experience was hardly unique. It was, rather, the all too common experience of most of the Presidential panels appointed in recent years to examine issues of critical public concern. Senator Edward M. Kennedy, whose Subcommittee on Administrative Practice and Procedure conducted hearings last year on the ramifications of the commission game, was moved to comment that commissions "are merely so many Jiminy Crickets chirping in the ears of deaf Presidents, deaf officials, deaf Congressmen, and perhaps a deaf public."

Milton S. Eisenhower, who headed the Presidential Commission on the Causes and Prevention of Violence, told the Kennedy Subcommittee that his group's fifteen-volume report had met with "almost total silence" after it was presented to President Nixon. Former Attorney General Nicholas Katzenbach testified that the same fate had befallen the report of his Presidential Commission on Law Enforcement and the Administration of Justice.

The Commission on Obscenity and Pornography, which presented its report in 1970, was denounced for its pains by the President and other official spokesmen. Former Governor William Scranton's Commission on Campus Disorders incurred the wrath of Vice President Agnew.

In recent weeks, two more Presidential commissions have issued thorough reports calling for major changes in critical areas of social policy. Both have been met with official indifference, if not hostility. After two years' work, the President's Commission on Population Growth and the American Future concluded that "no substantial benefits would result from continued growth of the nation's population." It recommended, among other measures, removal of legal restrictions on abortion, which it viewed as "obstacles to individual freedom." Mr. Nixon, having declared a year ago that abortion is "unacceptable," has displayed no interest in his Commission's finding.

The formal report of the National Commission on Marijuana and Drug Abuse encountered the same problem of Presidential preconceptions. Its 184-page study asserted that "the time for politicizing the marijuana issue is at an end," and therefore called for the abolition of criminal penalties for the personal possession and use of pot. But Mr. Nixon told this Commission even before it began its work a year ago that he saw "no social or moral justification whatever for legalizing marijuana."

In Senator Kennedy's view, Presidential commissions "could be the nation's conscience, spurring us on to do what we know ought to be done, showing us the way, strengthening our determination to build a just and peaceful and productive society." They could be, but they have not been, and it seems unlikely that they will be.

Perhaps the lesson is that if a problem is urgent enough to warrant the appointment of a Presidential commission, it is too urgent to be left to a Presidential commission. Perhaps the next time the President gravely announces he is naming a blue-ribbon panel to study a pressing issue, we all should say, "Okay, but what are you going to *do*?"

WHY A CONSUMER PROTECTION AGENCY IS NEEDED—A CONTINUING STORY

Mr. PERCY. Mr. President, last week the Subcommittee on Executive Reorganization of the Government Operations Committee unanimously approved a revised version of the Consumer Protection Agency bill (S. 1177), jointly cosponsored by Senators RIBICOFF, JAVITS, and myself.

At that time, I made reference on the floor to a number of instances of laxity and neglect in various agencies of government which document the need for a new and independent agency to represent the interests of consumers in proceedings and activities that may substantially affect their interests.

Through the enterprising work of a journalist for the Newhouse News Service, Kay Mills, I have now been apprised of one more in a continuing series of examples that unfortunately keep cropping up, showing why such an advocacy agency for consumers is necessary. Kay Mills, after sitting through lengthy hearings before the Interstate Commerce Commission on a requested increase for railroad freight, has filed a story wherein the point is made that—

> The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

She goes on to relate:

> The railroads outlined their case; trade associations affected asked, in effect, "why should we pay more when competitors pay less"; and the consumer said nothing at all.

Instances such as this, which go on repeatedly among some of our regulatory and other agencies of Government, point up the true need for an institutional advocate on behalf of the consumer. The Federal Government has this responsibility.

I am hopeful that the full Committee on Government Operations will very shortly be taking up this legislation and considering it on its merits, instead of upon the very exaggerated and unwarranted charges—that, in effect, amount to false packaging—that have come from some segments of the business community. I am pleased to report that in recent days we have seen a responsible attitude on the part of other segments of the business community, in particular, such large retailers as Montgomery Ward, Sears, and J. C. Penney. Those companies, and others, that have come in to review and discuss the bill and now understand its provisions, have indicated that they are far less concerned that any business will be unduly burdened or interfered with or that any orderly process of government will be disrupted.

Mr. President, I ask unanimous consent that the entire piece written by Kay Mills be printed in the RECORD, and that it be followed by two other articles on the same subject. The two articles, both reflecting expert understanding of the legislation, deal with the action taken by the Subcommittee on Executive Reorganization last week. One is by Jim Large of the Wall Street Journal and is entitled "Bill To Set Up Agency as Consumers' Voice in Federal Units Clears a Senate Hurdle." The other is by UPI reporter Jane Denison.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PAYING THE FREIGHT

(By Kay Mills)

WASHINGTON.—The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

The railroads want the increases, ranging as high as 10 percent on some goods, because of mounting labor costs. The ICC can either approve the rate increase request as is, trim it or deny it entirely. A spokesman described the last alternative as "unlikely" and agreed that the hikes undoubtedly would be passed on to the consumer.

In two days of dry, legalistic testimony just ended in a chandeliered, wood-paneled ICC hearing room:

—The railroads outlined their case,

—Trade associations affected asked, in effect, "Why should we pay more when competitors pay less"

—And consumer said nothing at all.

It's not that the major consumer groups weren't welcome, but "none asked to appear," the ICC spokesman said.

"Sure, they may have put a notice in the Federal Register but we just don't have the personnel to catch every announcement and testify at every hearing," a Consumer Federation of America representative said.

"The regulatory agencies idea of public notice is vastly different than ours," she said.

Sen. Charles Percy (R-Ill.) said such cases where "substantial consumer interest" apparently is at stake and unrepresented at a Government agency "underscore the critical need for creation of the Consumer Protection Agency."

Percy has co-sponsored a bill to establish this Federal agency, which could intervene in other Government proceedings on behalf of what are now largely-disorganized consumer interests.

The Consumer Federation spokesman concurred with Percy, saying the new agency would provide "far greater representation than we have now with the ICC and other regulatory bodies. It would know when hearings or rate cases were pending and it could represent the consumer interest in a consistent manner."

Groups represented before the ICC at these hearings included various power companies, Nestle Co., Diamond Walnut Growers, the Beet Sugar Industry, California Grape and Tree Fruit League, U.S. Steel, Chicago Fly Ash Co., the Asphalt Roofing Manufacturers Association and the Washington Potato Association as well as the railroads.

Howard Gould, who represented the Institute of Scrap Iron and Steel, echoed much of the testimony when he said, "We have no quarrel with the rate increase. We recognize the carriers need for revenue." But his group—and the others—felt the selective increases discriminated against them.

Edgar A. Kaler, speaking for the railroads, said the lines needed the increases immediately to offset expenses which increased by $1.6 billion in the last year.

Railroads already have won a 2.5 per cent temporary surcharge imposed in February and expected to yield $246 million annually. The additional rate increases, which average 4.5 percent but range as high as 10 per cent, would bring another $155 million a year.

The railroads still would have to go to the Price Commission with rate increase requests. But an ICC spokesman said that commiasion could defer to the ICC ruling as "the expert opinion."

The railroads contend the proposed increases will meet price commission standards because the money won't increase profit margins, just meet increased costs.

The ICC decision could come within a month.

[From the Wall Street Journal, June 14, 1972]

BILL TO SET UP AGENCY AS CONSUMERS' VOICE IN FEDERAL UNITS CLEARS A SENATE HURDLE

WASHINGTON.—Long-stalled legislation creating a government spokesman for consumers in the deliberations of other federal agencies is moving again in the Senate.

A Senate Government Reorganization subcommittee approved a bill establishing a new Consumer Protection Agency, sending the measure to the full Government Operations Committee for more consideration later this month. After that, the bill probably will make a stop at yet another committee before reaching the full Senate. Then it must be reconciled with a bill passed in a different form last year by the House.

Despite this long legislative road, Sens. Abraham Ribicoff (D., Conn.) and Charles Percy (R., Ill.), the bill's chief sponsors, predicted it will be enacted in this session of Congress and take effect next year.

The proposed agency is regarded with considerable suspicion by such business groups as the Illinois Chamber of Commerce, which has been critical of Sen. Percy for sponsoring it. Mr. Percy yesterday insisted the bill "doesn't tip the scales for the consumer or against business." He said it's needed because "the regulatory agencies we have set up to protect the consumer simply haven't been doing the job."

The new agency would have power to intervene in cases pending before federal regulators such as the Interstate Commerce Commission. It could fight a request for higher freight rates, for example, or a proposed change in the Agriculture Department's rules on the fat content of hot dogs. The agency also could appeal a regulatory decision to federal courts.

The House-passed bill gives the agency this power to intervene in many kinds of regulatory proceedings, but not in cases where a company faces administrative fines or penalties. An example would be proposed fines levied by the National Highway Safety Agency on auto manufacturers for violations of safety standards.

The Senate subcommittee bill would allow the Consumer Protection Agency to enter such cases. It also would authorize the agency to insert itself into "informal" consumer-related activities throughout the government, such as a Food and Drug Administration investigation of food contamination.

The subcommittee's decision to give the agency this additional authority drew praise from Ralph Nader, who last year was furious about the House restrictions. "It is a good bill," said Mr. Nader yesterday.

As the bill currently is written, the agency would be forbidden to get involved in cases pending before state or local regulatory agencies, unless those bodies specifically requested it. This touchy point will be considered again by the full Government Operations Committee.

Besides speaking for consumers in the federal bureaucracy, the agency would be a clearinghouse for consumer complaints. This role currently is played by Virginia Knauer, President Nixon's consumer-affairs adviser. After getting a complaint, the agency would send it to the company named for a reply. The complaint and answer ultimately would be made public.

The subcommittee bill would establish a three-member Council of Consumer Advisers to the President, patterned after the existing Council of Economic Advisers. The council would draft an annual report on federal consumer-protection activities.

A UPI NEWS DISPATCH

(By Jane Denison)

WASHINGTON.—With the firm backing of two senior Republicans, a Senate subcommittee today gave 7-0 approval to a Consumer Protection Bill far stronger than the Nixon Administration wants.

The bill, which now goes to the Parent Government Operations Committee for Review, would set up an independent consumer protection agency (CPA) to advocate consumer interests before other Government Agencies and the courts.

Its near-unanimous approval—two subcommittee members were absent and did not vote—came despite a massive lobbying campaign against it by segments of the business community.

Committee sources have said up to 150 major companies are allied in a campaign to kill it, and Newsweek magazine this week reported that they are spending more than $100,000 in the effort.

Sponsored chiefly by Subcommittee Chairman Abraham Ribicoff, D-Conn., the bill has had the active support of the subcommittee's two ranking Republicans, Jacob K. Javits of New York and Charles H. Percy of Illinois.

Percy hailed the bill as a "precise and balanced" measure that would provide consumers an effective advocate without tipping the scales against business.

"The housewife who buys tainted chicken or flammable babywear, or whose children are inoculated with ineffective flu vaccine is victimized the same whether her husband is a corporation president or a truck driver," said Percy, a former corporation president himself.

Besides arguing the consumer's cause, the proposed CPA also would be empowered to handle consumer complaints, conduct surveys and research, intervene in Government proceedings affecting consumers, and publish and disseminate consumer information.

WET FIELDS FLOODING DISASTER IN WESTERN MINNESOTA

Mr. MONDALE. Mr. President, farmers in 23 counties of my home State of Minnesota continue to suffer setbacks in planting of crops this season due to unusually wet fields. The fall of 1971 was very rainy. Harvesting was delayed into the winter in many cases. This was followed by an extremely rainy spring. Many areas have gotten heavy rains each week for the past 3 months.

This situation was approaching disaster proportions in mid-May. Several farmers had not been able to plant more than small portions of their cropland. In a normal year they would have been near completion of planting by that time. In addition to the planting delays caused by these terrible weather conditions, much of the crop which had been planted was drowning out. These would require replanting if possible later on.

To fully understand the importance of early planting and the consequences of delayed planting in Minnesota, one must realize that the growing season for these farmers is very short because of early frosts in September. Crops such as corn require 90 days or more to fully mature for harvest. Higher yielding varieties re-

quire a longer growing season. If a farmer plants corn after June 1 he runs tremendous risks unless he has been able to buy seed for a shorter season variety. This seed is difficult to find when last minute changes have to be made in production plans.

Because of the desperate situation described by those farmers on June 1, I joined Congressman BOB BERGLAND, of the Seventh District in Minnesota, several Senators and Congressmen in an appeal to Secretary of Agriculture Earl Butz for immediate aid to the farmers in the depressed area. The next week, Wendell R. Anderson, Governor of the State of Minnesota, asked President Nixon to declare the area a national disaster emergency. I wired the President urging prompt consideration of Governor Anderson's request and asking that he speed all available aid to the disaster area.

To date, neither the President nor his Secretary of Agriculture have responded favorably.

Mr. President, recently I made an air tour of the flooded area with Governor Anderson and Representative BERGLAND. I should like to report to the Senate the details of the flood situation.

Less than 50 percent of the corn and soybeans have been planted. Where these row crops have been planted, they are heavily infested with weeds because wet soils since planting have prevented cultivation and application of weed control chemicals.

Some corn has been broadcast seeded by airplane because wet ground would not support ground equipment. This is growing well except in spots where standing water has drowned it out.

Oats and other small grains are far behind the normal stage which would be achieved by this time of year. Virtually every grain field I saw had some spots that either had been skipped over because of wetness during planting, other spots where grain had not come up because the seed rotted in the cold wet soil or places where grain had come up and drowned out later because of standing water.

Many alfalfa fields with water standing in them have suffered root rot and thus devastation of the entire crop. Other alfalfa fields, past the optimum cutting stage are lodging. Extremely wet ground will not support harvest machinery.

My home State of Minnesota has long enjoyed compliments for being a scenic land of 10,000 lakes. However, at the present time, an aerial view of the farmlands of western Minnesota closely resemble the lake regions. Fields look like lakes. Other farmland looks like one big swamp. During our tour I commented that it looked as though one more light rain would flood the entire region because the saturated soils could not absorb more moisture. Ironically, it started raining while we were talking to a farmer whose land is already flooded.

A typical example of the farmers with whom we talked is a young man who farms in Swift County, Minn. He has some beautiful corn growing but as he points out:

That's only 150 acres that was planted on time out of 1,700 acres I farm. I got some other corn planted late but some 1,100 acres are still too wet to work.

I bought seed and fertilizer with borrowed money. I have to pay the interest but I can't go on credit for ever.

This young farmer, like many others is a topnotch operator and a good business manager. But the events beyond his control over the last 3 years are forcing him toward leaving his profession. In his words:

I was raising sugar beets three years ago. I paid a lot of money for expensive specialized equipment. Then the sugar plant closed. That dried up our market.

Last year I decided to raise corn. It was a fine year for corn and we had a bumper crop. But because that excellent crop caused an oversupply of corn, corn prices dropped to the lowest point in several years and we could barely clear our costs.

Now we face the possibility of having no crop at all. Farming is my life. Everything I have earned has been reinvested in land and machinery. I have expanded from a quarter section to almost three sections of land. But now I don't know how long I can keep going.

Mr. President, I am speaking of a sadly desperate situation. Thousands and thousands of farm families face a season with no crops. This comes immediately after a year of the lowest wheat and feed grain prices since the depths of the great depression. Last year's low wheat and corn prices meant losses to several farmers in the wet area. Having no crop this year will force them off the farms.

We are often asked to grant hundreds of millions of dollars to bail out bankrupt corporations. It is shameful that our Government cannot spend less than $20 million to help thousands of farm families.

Those people deserve help from their Government. They did not cause the low wheat and feed grain prices that have been visited upon them. The low prices were due to a weak and ineffective farm program. Control of the weather is even beyond the Federal Government. But we have programs available within our present laws to help victims through such a disastrous situation as they now face.

In my judgment the President and the Secretary of Agriculture have responsibility to bring all the resources of the Federal Government to bear—through the Office of Emergency Preparedness and the Department of Agriculture—to help relieve this disaster. Something must be done now.

I have had literally hundreds of phone calls from small businessmen, bankers, and community leaders expressing their concern over this matter. They know that their businesses and towns will suffer if farmers have another bad year. The entire economy of the State will be depressed.

I hope that the President will respond favorably to our requests for aid to people in the distressed area of Minnesota.

Mr. President, I ask for unanimous consent to have printed in the RECORD a selection I have made of the communications I have received from people in the disaster area; also, my communications to the President and the Secretary of Agriculture concerning this matter and some recent news articles about the wet fields situation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Clarkfield, Minn., June 6, 1972.

Hon. WALTER F. MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: Enclosed is a photo copy of recommendations sent to the State Disaster Committee

Sincerely,

JOHN E. JOSEPHSON,
County Executive Director.

U.S. DEPARTMENT OF AGRICULTURE,
June 5, 1972.

To: State USDA Disaster Committee, Federal Building & U.S. Courthouse, 316 Robert St., St. Paul, Minn. 55101.
From: John E. Josephson, Secretary, Yellow Medicine County Disaster Committee.
Subject: Disaster Situation due to Excessive Spring Rains.

The Yellow Medicine County Disaster Committee met on June 1 and discussed what could be done to assist farmers due to the continuous rain fall this spring. It was estimated that practically no small grain had been planted. About 35% of the corn and about 10 to 15% of the beans had been planted in the county. The fields are still too wet to be worked. Many look dry but are just crusted and are wet under the crust.

A list of 22 farmers who had done very little planting was made. There are hundreds more.

The Yellow Medicine County Disaster Committee would like to submit the following requests:

(1) Yellow Medicine County be declared a disaster area.

(2) That USDA open the set-aside programs to disaster counties and producers be permitted to set aside 100% of their bases.

(3) That REAP completion dates for spring practices be extended.

(4) That assistance be given with demurrage on fertilizer cars on siding because fields were too wet and all storage filled. Some cars of fertilizer have been on siding for some time.

GRANITE FALLS, MINN.,
June 19, 1972.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I write to you in frustration and mixed emotions. We know that our local USDA program officials are being helpful and keeping you informed but it is difficult for anyone to realize fully how desperately we need assistance. We have been plagued for years with low farm prices and increasing debts at higher interest rates. And now the bottom seems to have fallen out. Any number of us face financial disaster and bankruptcy if needed programs are not adequate and could benefit only a select few. Most of us need a supplemental income now and long term financing at a reasonable rate of interest.

Some of us have little or no crop planted. Continuing rains have made planting impossible and forecasts of additional rain are most disheartening. Much less than the average corn crop is planted in this area, and much of this has rotted or cannot come through the crust and has had to be reworked and seeded to an earlier variety of corn or soybeans when fields become workable. The only hope for much of the corn now is for silage and roughage.

We had hoped that the Feed Grain Set Aside Program should be reopened, allowing us to set all the corn base if need be. But it sounds as though that has been definitely denied.

The financial repercussion of this crisis will be almost unbelievable when applied to our tax structure and its effect on our schools, local government cooperatives and rural main streets. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. We know that you are aware that up to $2500 of loans made under these provisions are marked off. This would ease our problems until many of us could be refinanced properly. Most of our financing is short term at unfavorable interest rates and needs to be changed. We are asking for the same privileges extended to other segments of our economy. This could be legislated by direct or guaranteed loans by our Farmers Home Administration.

We believe it is exceedingly important to our nation to preserve our Family Farm operation. Believe us when we say that any number of us in this area will be liquidated next fall if immediate assistance is not available.

We know we can depend on you in this time of need and will be looking forward to hearing from you.

Sincerely yours,

HAGEN SEDERSTROM.

GRACEVILLE, MINN.,
June 8, 1972.

Hon. WALTER MONDALE,
U.S. Senator,
Washington, D.C.

In re: Big Stone County Republican Party

DEAR SENATOR MONDALE: I am writing this letter as County Chairman of the Big Stone County Republican Party for and in behalf of the members of our party.

We, here in Big Stone County, and in the counties in the general area, are faced with almost a calamitous situation, because of the heavy and continuous rains. I am sure you know that a great majority of the farmers in this area have very little crop planted. Many of them have no crop at all and it is almost the middle of June.

We ask that steps be taken immediately so that the Secretary of Agriculture will reopen the sign-up program for the feed grain and allow producers to participate further, if they so desire, in the feed grain program.

We also ask that this area be declared a Presidential Disaster Area. I cannot say anything more, because I am sure you are already familiar with our very great problem.

I assure you that the farmers of this area everywhere will be grateful for any help you can give to them.

Yours very truly,

ARNOLD SOUBA, JR.,
Big Stone County Republican Chairman.

JUNE 2, 1972.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: No doubt you have heard of our disastrous farm situation in West Central Minnesota. The farmers have not been able to get into their fields to work and plant them due to excessive rainfall on top of a saturated soil from last fall's excessive rain. To compound this, there is still some corn and soybeans from the 1971 crop in the field.

We estimate today that perhaps 25% of our crops are planted and this is on our droughty soils. We also estimate that about 50% of our farmers have no crop in at all and will likely need 1–2 weeks of drying weather to get into most fields.

The effect of this condition on the farmers is disastrous. Most are heavily in debt and have been operating on 100% borrowed capital. A poor crop year will mean that they will lose everything. The effect of this will hit our communities like a bomb and have far reaching consequences.

We would like aid of some form; perhaps an opening up of set-aside acreage would be most helpful. After that, low interest loans or direct grants would be in order and perhaps allowing grazing on set aside acres.

A call to any of the farmers in the area can verify my statements.

Sincerely,

JAMES L. EDMAN,
County Extension Agent.

MADISON, MINN.,
June 7, 1972.

STATE USDA DISASTER COMMITTEE,
Federal Building and U.S. Courthouse,
316 Roberts Street,
St. Paul, Minn.

Lac qui Parle County, Minnesota hereby requests disaster status, because rainfall during the months of September and October, 1971 were excessive and above average rainfall during May, 1972 resulted in delayed planting of crops about one month on 90 percent of the 1,362 farms in Lac qui Parle County. The distribution of the precipitation has kept farmers out of their fields most of the time from early April through June 7, 1972.

Normally, 95 percent of the corn, soybeans, and small grain would have been planted by June 1. Less than 25 percent of the cropland has been planted by that date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

Lac qui Parle County Disaster Committee further requests that a presidential emergency be declared.

A meeting of officials June 1, 1972 at Madison, Minnesota make the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

FLOYD B. HAUGEN,
Chairman, County Disaster Committee.

ODESSA, MINN.,
June 16, 1972.

Senator HUBERT HUMPHREY,
Washington, D.C.

DEAR SIR: The spring of 1972 has been the wettest on record in our area. No one living with whom I have come in contact, can recall a worse season. For this reason most crops in the area have been planted late on are not planted so far. There are many fields still too wet for machines to work.

The economy of our area is dependent on the farm income. If the farmer doesn't make out, all others suffer. It is virtually impossible to harvest a good crop under the existing conditions in this area. For this reason we request that the following steps be taken:

1. Low interest loans could cut expenses for the farm operators. In this day with all prices of goods and services being at such a high level, interest expense is a major item.

2. If the CAP program could be funded and implemented for this year, many farmers would benefit. This seems to be a desirable program in line with the farm program.

3. If the set aside acreage were increased for this season it would be possible for many farmers to recover some income from the land. It would also help to get more land into the program.

We are engaged in honey production personally. In the course of our daily work we come in contact with more than 100 farmers. The loss of crop income this year will mean disaster for many. We urge serious consideration of this matter.

Sincerely,

HERMAN ELLINGSON, *Mayor.*

UNIVERSITY OF MINNESOTA,
Madison, Minn., June 2, 1972.

Hon. WALTER MONDALE,
U.S. Senator from Minnesota, Senate Office Building, Washington, D.C.

A more serious crop loss situation exists at this date in Lac qui Parle County, Minnesota than any time in history; due to frequent rains during the month of May, 1972.

Normally, 95% of the corn, soybeans, and small grain would have been planted by June 1. Less than twenty-five percent of the cropland has been planted to date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

A meeting of officials (see attached) June 1, 1972 at Madison, Minnesota makes the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

4. That assistance be given to the Agricultural Service Industry.

Many suppliers have been paying large demurrage charges for storing needed supplies that would normally been used well before this date.

For Lac qui Parle County,

JAMES FLAA,
Chairman, Board of County Commissioners.
GEORGE M. GEHANT, JR.,
Extension Agent.

NOTE.—The officials whose signatures appear in the attached roll, made estimates of cropland planted and flooded, and pasture land flooded, in their neighborhood.

NEW ULM, MINN.,
June 15, 1972.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please lend your support to the hard stricken western wet counties of the New Ulm and other dioceses of Minnesota by one: asking for already available Agricultural Department funds to aid the farmers. Two: working for activation and enlargement of the C.A.P. program for one year. Three: seeking increase in set aside acreage. Four: having the affected counties declared a presidential disaster area. These would include Big Stone, Swift, Yellow Medicine, Chippewa, Lac qui Parle, Lyon, Lincoln and Traverse, The latter in St. Cloud diocese. Thank you.

Sincerely,

ALPHONSE J. SCHLADWEILER,
Bishop of New Ulm Chancery.

MORRIS, MINN., *June 6, 1972.*

Senator MONDALE,
Washington, D.C.:

Whereas weather conditions in the Counties of Swift, Stevens, Pope, Grant, Traverse, Big Stone, Lyon, Lincoln, Chippewa, Kandiyohi, Lac qui Parle, Wilkin, and Yellow Medicine in west central Minnesota have prevented a susbtantial number of farmers from harvesting their 1971 crop and continued adverse weather conditions have prevented planting for a majority of farmers and whereas the present debt load of farmers is such that more credit in the form of low interest plans will not solve the farmers' income situation; now therefore be it resolved that we the undersigned farmers and businessmen in the respective Counties of Stevens, Swift, Big Stone, Grant, Pope and Kan-

diyohi do urge and recommend that the Secretary of Agriculture reopen signup for the feed grain and wheat program to allow producers to participate to the extent of 100 percent of their feed grain base and wheat allotment.

Milton W. Raasch, Stevens County GOP County Chrmn.
Dr. Charles F. Krassae, DFL County Chrmn.
David Hoffman, Farmers Union.
Don Stroman, Farmers Union.
Joseph Jacobson, Scott Twnshp.
Otto Drewes, Ascs.
Peter Erdahl.
E. L. Dosdall, Co. Commissioner.
Marlin Beyer, City Council.
Geta Libbon, Farmer's Wife.
Perry Cook, Farmer.
Mrs Perry Cook, Farmer's Wife.
Dr. C. F. Grassas, DFL Chrmn.
Dick Bluth Morris, Chamber of Commerce.
Dennis Warnes, West Central School and Experiment Station.
Samuel Evans, West Central School and Experiment Station.
Wesley Gray, West Central School and Experiment Station.
Don Beers, PCA.
Bill Rickmeyer, C to C Store.
Robert Zirke, Farmer.
Charlene Grabell, Chokio Review.
Anthony Marks, Co. Comm., Grant County.
Leonard Blume, Implement Dealer, Grant County.
Russ Hepola, First Natl. Bank, Grant County.
Charles Wohlrabe, Farmer.
Art Amborn, Farmer.
Melvin Brunkow.
Paul Simpson, Farmer.
Elizabeth Grant, Farmer, All Grant County.
Rep. Bill Shores, State Rep., Swift County.
Douglas Swenson, Unger Furn. Store, Kandiyohi County.
Sen. Clifford Benson, State Senator, Big Stone County.
Rep. Delbert Anderson, State Rep., Pope County.
Harvey Richardson, Wallace Staples Co.
Commissioner Arnold Huebner, Farmer.
Paul Huebner, Farmer.
Robert Tomalia.
Sylvia Schmidt, DOL Chairwoman.
Joan McNally, Morris Sun Tribune.
Murl Erickson, Morris Coop Assn.
Warren Huebner, Morris Coop Assn.
Robert Stevenson, Co. Commissioner.
Martha Kroening, Farmer.
Lee B. Temte, KMRS Radio.
Don Gieselman, Farmer.
Ed Madison, Mayor.
Clarence Frank.
Willie Martin, Red Owl.
Lewis Roberts, Fairway Foods.
Marvin Bruer, Farmer.
Jim White, Farmer.
Math White, Farmer.
Dean Paulson, Ascs.
Robert Unger, Unger Furn Co.
Merlyn Shelstad, PCA.
Marlton De Neui, Farmer.
Warren R. Luebke, Fed Land Bank.
Dick Stonestrom, PCA.
Kermit Stahn, Farmer.
Di. Lieohtonmnnord Hedberg, KMRS Radio.
Randall B. Grimm, Farmers Home Adm.
Ernest A. Strubbe, Town Board.
Carl A. Anderson, Stevens SWCD.
David E. Anderson.
Merle A. Felstul, Morris State Bank.
Howe Anderson, ASC.
Leonard Nelson, Town Board.
Elmer F. Anderson, County Auditor
Vincent Ritter, Farmer Union.
Ronald Lemmerman, Farmer.
Joe Smith, Farmer.
Norman Jorgenson.
Henry Erdall, Stevens Co Ascs.
A. W. Roberts, F. and M. State Bank.
Harry Miller, J. C. Penney Co.

WASHINGTON, D.C.,
June 12, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MR. PRESIDENT: I respectfully request that you give favorable attention to Gov. Wendell R. Anderson's request that several counties of West Central Minnesota be declared a national disaster area. No less than 16 counties have suffered severe agricultural damage due to abnormal rains throughout this spring. According to Jon Wefald, Commissioner of Agriculture for the State of Minnesota, there has been severe crop damage on approximately 1,000 farms and more than 1 million acres have been devastated. Most of the fields in the area are under water and there is strong possibility that this year's crop will be a total loss. I respectfully urge you declare the area a national disaster to insure that disaster relief for the residents may be expedited. Your attention is sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

Hon. EARL BUTZ,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR SIR: Farmers in large areas of Minnesota continue to suffer setbacks in planting of crop due to wet weather. Several counties still indicate as little as 15% to 20% planted and much of that has been drowned out.

In announcing the set aside program earlier this year, you said that 38 million acres diverted from feed grains was a reasonable objective. Actual diversion was 600,000 acres less than this goal.

I respectfully ask that you reopen the set aside program to allow additional acreage diversion by farmers in this disaster area. By doing so you would increase the total acres set aside and the feed grain program. This would also be a very humanitarian act for presently hard-pressed farmers who normally produce over one-third of the grain in the State of Minnesota. I cannot overemphasize the extreme urgency for action on this matter. Prompt attention would be sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Farmers in large areas of Minnesota, North Dakota and South Dakota have encountered serious delays in spring planting due to wet field conditions caused by heavy and frequent rain storms.

Reports from some counties indicate that as little as 20 percent of the crop has been planted and much of this has been destroyed by the water. During a normal spring session, planting would be 80 percent complete by this date. Unfortunately, too, this same general area suffered from too much rain last fall resulting in some corn never being harvested.

In announcing the set aside program goals early this year, you cited 38 million acres diverted from feed grains as a reasonable objective. Actual diversion was 600,000 acres short of this goal.

In order to provide some help to those hard pressed farmers and the merchants who serve these communities, we respectfully ask you to re-open the feed grain and wheat program sign up. Not only would it allow an increase in total acres set aside under the feed grain program, it would allow those producers who had signed up under these programs a chance to modify their agreements by setting aside all the acreage the law will allow.

Many cornfields are still unharvested but beaten to the ground due to heavy winter snows and the fall and spring rains. Consequently, we further ask that you grant farmers permission to turn livestock into these fields until July 1 and give these fields eligibility for set aside program benefits.

Sincerely,

BOB BERGLAND, M.C.; JAMES ABOUREZK, M.C.; MARK ANDREWS, M.C.; FRANK E. DENHOLM, M.C.; ARTHUR A. LINK, M.C.; ANCHER NELSEN, M.C.; and JOHN M. ZWACH, M.C.

QUENTIN N. BURDICK, U.S.S.; HUBERT H. HUMPHREY, U.S.S.; GEORGE MCGOVERN, U.S.S.; WALTER F. MONDALE, U.S.S.; and MILTON R. YOUNG, U.S.S.

BUTZ URGED TO REOPEN SET ASIDE ON WHEAT FEED GRAINS

Twelve mid-western legislators Friday urged Agriculture Secretary Earl Butz to re-open the sign up period under wheat and feel grain programs in large areas of Minnesota and North and South Dakota where serious delays in planting have been caused by unusually wet field conditions. In a letter to the Secretary, initiated by U.S. Rep. Bob Bergland (D-Mich.), Butz was also asked to grant farmers permission to graze livestock in unharvested corn fields until July 1 and make these fields eligible for set aside program benefits.

To justify such action by the Secretary, Bergland, spokesman for the legislators, noted that the Department of Agriculture had established the goal of diverting 38 million acres to set aside programs this year. During the regular sign up period, actual diversion was 600,000 acres short of that objective. By re-opening the program in an area where 20 instead of the normal 80 percent of crops have been planted and by allowing farmers to modify their set aside agreements to the fullest extent permitted by law, Bergland said that Butz would be providing essential aid to both farmers and local merchants who are suffering serious losses from the weather conditions of last fall and this spring.

Joining Bergland in the bi-partisan action were U.S. Senators Burdick (D-ND), Humphrey (D-Minn), McGovern (D-SD), Mondale (D-Minn), and Young (R-ND); and U.S. Reps. Abourezk (D-SD), Andrews (R-ND), Denholm (D-SD), Lind (D-ND), Nelson (R-Minn) and Zwach (R-Minn).

Bergland advised farmers who have been unable to complete their planting to protect their wheat and feed grain histories by contacting their county ASCS Committee.

[From the Madison, Minn., Press, May 31, 1972]

MOISTURE SITUATION IS "CRITICAL"

The Spring of '72 will have to go down as one of the wettest in history as rain has plagued the area for 30 days during April and June. Up until May 22nd, 6½" of moisture had dripped on the area and along with that 4" of snow on April 3rd and April 21st.

George Gehant, County Agent has almost given up hope of farmers getting in any more corn this year. He calls the situation "Critical". "If we do not get corn in by June 10th," Gehant said, "we aren't going to have a corn crop except for forage purposes. Even using what I would call emergency variety corn or the early maturing (85-90 days) it'll be touch and go unless we have an extremely favorable Fall."

Mr. Gehant continued, "if farmers don't have their corn in by June the 10th, I would guess that they will have to go to beans this year. Beans will give them about a $75 dollar crop unless something really unforeseen happens."

Normally, the farmers of this area would be planting 105 to 110 day maturity corn and would have it in the ground by about May 15th with the majority of the planting done around May 1 to the 10th. "Right now." George said, "we are about a month behind in our planting and there is no end to the rain in sight. Farm income is growing less each day the rain continues and we are now in what I would call an emergency situation. The crop for this area are a near disaster and we must take all emergency measures to get some kind of crops in."

When asked what kind of "emergency" crops the County Agent would recommend, he said, "as I mentioned before, beans are about the only cash crop left for the farmers to put in otherwise they will have to go to some kind of forage crop such as Millet, Sorghum, Sudan Grass or use non-matured corn or beans for forage also."

County-wide, only about 20% to 25% of the crops are in and they are mainly small-grain crops with very little corn in at all. Those with crops already in face another problem and that is weeds. The weeds are thriving in this weather and are getting worse all the time. Of course, farmers who have no crops in at all are lucky in that respect. When they cultivate, most all of the weeds will be destroyed and will not germinate again so these crops planted now will practically be weed-free.

Will soybean prices be depressed with so many farmers going to beans? "Not so", says the County Agent. "This moisture has only affected a small portion of the overall bean belt. Prices should hold up to a good level," Gehant said.

In 1944, we had a similar year to this, in so far as moisture is concerned, but we had a very favorable Fall. Frost didn't come until November and we had warm weather up into October. Crops were good that year. Nature has a way of making up for itself some say. Let's hope that it turns out that way again this year or we'll see a lot of farm auctions again this year.

[From the Minneapolis Tribune]

WET FIELDS CHANGE SOME FARMERS' PLANS FOR PLANTING

(By Russell Asleson)

"This is a good way to grow old fast," mused a tired Vern Lageson, a 58-year-old farmer near Danvers, Minn., who has been working 17 to 18 hours a day in an attempt to get his crops planted on wet fields.

"I stopped at his house at 11:30 the other night and he was just coming in from planting his oats," added James Edman, Swift County agent at Benson. "He'd been at it since 5 a.m."

Lageson is in the heart of a 16-county area in west-central Minnesota that has been beset by wet fields all spring—an area that Jon Wefald, state agricultural commissioner, estimated at nearly 1 million acres. The area usually produces crops running into the millions of dollars.

"I can find 50,000 to 75,000 acres in Swift county alone that haven't been touched," said Edman. "One farmer has been in his fields only twice—and got stuck both times."

Some progress was made in the last week or so as land began to dry out. But it is getting late for planting corn.

As a result, hundreds of farmers in the area are shifting their wet acres to less profitable soybeans, which have a shorter growing season. Forage crops like sorghum and sorghum-sudan hybrids are being planted in some wet areas in central and northeastern South Dakota.

In adjoining Chippewa County, which shares the same problems, County Agent Roger J. Larson of Montevideo, talked about the impact of what he described as "the worst planting season I can remember.

"We've planted most of our crops a month late and the yield potential will be cut seriously," he said. "Corn and smallgrain acreage will be down about 40 percent."

While farmers are planting more soybeans than they'd intended, Larson said, "they still have thousands of acres yet to plant. Early varieties of beans will be planted until July, but the risk is greater and yield potential less."

But all isn't bad in the Upper Midwest crop picture. In fact, the bigger part of the area reports excellent crops.

"We've got corn that's knee-high already," said David Hanson, Dodge County agent at Dodge Center. The same situation was reported by John Peterson, Sibley County agent at Gaylord, Minn.

HELP SOUGHT FOR WET AREA

(By Al Woodruff)

Gov. Wendell Anderson today asked that a 15-county region of western Minnesota be declared a disaster area because of the soggy and rain-flooded fields that have prevented most farmers from planting their crops.

Many farmers have given up trying to plant crops this year at all, the governor said.

The governor earlier had sent Jon Wefald, state commissioner of agriculture, to inspect the area. Based on Wefald's report, Anderson sent two letters to Washington today.

One asked U.S. Secretary of Agriculture Earl Butz to reopen the former federal "set-aside" program, which provides federal money to farmers whose land is taken out of production. This would provide cash to farmers unable to plant crops for livestock feed, the governor said.

The second request went to President Nixon, asking him to declare the 15-county region a disaster area, thus making those affected eligible for loans.

The reopening of the set-aside program would benefit the farmers more than loans because this would provide them with money to buy feed grains they cannot raise, the governor's office said.

The counties, which reach from Wilkin in the north to Lyon in the south, also include all or parts of Grant, Traverse, Stevens, Pope, Big Stone, Swift, Chippewa, Lac qui Parle, Kandiyohi, Yellow Medicine, Renville, Lincoln, and Douglas.

[From the Minneapolis Star, June 7, 1972]

FIELDS TOO WET, STATE FARMERS TO CALL FOR AID

Gov. Wendell Anderson was to be asked today to declare western portions of the state a "disaster area" because of wet fields that have hampered spring planting.

Farmers are facing what some call the wettest field conditions in years.

Anderson was to return today from a governors' conference in Houston, Texas.

Jon Wefald, commissioner of agriculture, back from a tour of the areas involved, was expected to make a report on which Anderson would base his decision.

A formal request already has ben sent to the governor's office from Morris, Minn., by the commissioners of Stevens County. They voted to ask for a declaration of "disaster area" after meeting with soil conservation officials Monday.

Officials said the spring planting of small grains has been hampered.

Ralph J. Godin, deputy commissioner of agriculture, said, "Preliminary reports indicate we may be out of the growing season in certain crops because of excessive moisture."

Besides Stevens County, the sections involved include Yellow Medicine, Lac qui Parle, Big Stone, Swift, Kandiyohi, Chippewa, Traverse, Grant, Wilkin, and Renville Counties.

Ernie Johnson of the Soil Conservation Office at Montevideo in Chippewa County said:

"Too much rain. You couldn't put it any simpler—a wet fall, a wet spring. One man here said it hasn't been this bad since 1919. Before, they've always been able to get into the fields, even in the 'dirty thirties' when the crops didn't grow because they didn't get rain. It's critical."

Marvin Olson, extension agent at Kandiyohi County in Willmar, said, "Every day there are new fields we can get into, but the season is so late there's been a great loss in a lot of yield potential. There are folks who don't have 30 acres of corn planted when normally they have 150.

"They're hurting pretty bad."

Olson said that while driving to a meeting Monday night, "I saw several tractors stuck in the mud. On the way back. I saw one tractor had gotten out—and then got stuck in another hole."

He said a wet fall prevented completion of the corn and soybean harvest and that this spring, "We've never had any drying days. Just drizzle and rain."

David N. Taylor, director of the federal-state Crop and Livestock Reporting Service, said yesterday that 83 percent of Minnesota's spring wheat and oat seeding has been completed, 75 percent of barley and 50 percent of flax.

The five-year average is 91 percent of spring wheat, 96 percent of oats, 92 percent of barley and 85 percent flax.

About 75 percent of the spring wheat crop is emerged, 76 percent of oats, 64 percent of barley and 36 percent of flax. The normal is 82 percent of spring wheat, 89 percent of oats, 83 percent barley, 66 percent flax.

About 80 percent of the corn is planted statewide, with 73 percent emerged, compared with normals of 96 percent planted and 79 percent emerged.

About 14 percent of the corn is cultivated, compared with a normal of 12 percent. Soybean planting is completed in southern areas with about 67 percent of the crop in the ground statewide and 54 percent emerged.

This compares with 86 percent planted and 63 percent emerged on the five-year average. About 63 percent of potatoes and 69 percent of sugar beets are planted, compared with a normal of 66 percent and 83 percent, respectively.

According to Taylor, several areas "are still too wet to work." He said rains that fell during the Memorial Day weekend slowed field work in "most areas" of Minnesota, but that by the end of the past week work "was again possible on well-drained soils."

In some sections, the service reported, some replanting of corn and soybeans was required because of frost and hail damage.

Should Anderson declare the problem sections a disaster area, the federal government would then have to decide whether farmers are to be granted emergency credit.

JOINT STATEMENT BY CHAIRMAN WILBUR D. MILLS, HOUSE WAYS AND MEANS COMMITTEE, AND SENATOR EDWARD M. KENNEDY BEFORE DEMOCRATIC PLATFORM COMMITTEE—ST. LOUIS, MO., JUNE 17, 1972

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD, for general review, a statement which Chairman WILBUR MILLS and I jointly delivered to the Democratic Platform Committee at their hearing in St. Louis on June 17. The subject of the statement is our Nation's need for improved health services, and principles to which Chairman MILLS and I agree for reform of our Nation's health care system.

Mr. President, health care is in many respects a bipartisan issue and concern. It is an issue on which many proposals have been made in Congress, but an issue on which no clear consensus or course of congressional action has yet emerged. I am pleased that after many weeks of discussions, Chairman MILLS and I have identified broad principles of agreement which I believe can be the basis for building a congressional consensus and laying out a course of congressional action. We have asked that these principles be incorporated in the Democratic platform, but I would ask also that they be incorporated in the RECORD for review and criticism by all Members of this body, of both political parties.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF CONGRESSMAN WILBUR D. MILLS, CHAIRMAN, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, AND SENATOR EDWARD M. KENNEDY, CHAIRMAN, SUBCOMMITTEE ON HEALTH, U.S. SENATE

Mr. Chairman, there is one area of his life that virtually every American, regardless of his economic status or where he lives, feels hopeless, dependent and powerless to change. The fear and concern of Americans over how to get quality health care and how to pay for it permeates their daily living. Other information you will receive or have available will spell out in detail the statistics which so clearly indicate what the problems are—problems of access to care, runaway costs, lack of preventive health care and so on.

We thought it might be helpful in our presentation to describe what some of these generalized statements mean in the everyday lives of American people.

Let's take first the common complaint that our health services are in short supply, even nonexistent, in some areas of the country. What does it mean to the people who live in these areas? For a family living in any one of the 130 or so counties without any practicing physician it means long drives and long waits to find a physician. It means going without needed medical care until the condition is so serious that attention can no longer be delayed. It is the continual fear of a young mother that one of her children will suffer or die because medical care is unavailable.

In fact, even in areas where the statistics seem good we find the same problem. The American family living in a ghetto has much in common with the rural family, even though living in the shadow of some government-subsidized medical center. This family must wait in the long lines at hospital emergency rooms and suffer the overcrowded condition of a poorly financed city hospital.

And the family living in the suburbs is hardly without its problems in finding health care. Many a young family has moved into an area where every physician has stopped taking new patients. The search for quality medical care can then be difficult indeed. Even if this family finds a physician who will serve them, the problems are not over. They find themselves shunted back and forth in a maze of referring practitioners—specialists, subspecialists, laboratories, clinics and so on. Yet, in an emergency they will likely have to settle for whoever happens to be on duty in an emergency room of a nearby hospital.

Now let's look at how the individual American is affected by another common complaint about our present health care system, its runaway inflation.

First, the cost of his health insurance, if he is lucky enough to have some, has been taking a larger and larger bite of the family budget. Second, his out-of-pocket expenses for the services not covered by his health insurance have been rising rapidly. Third, a larger and larger share of his tax dollar goes for government-paid health programs like Medicare and Medicaid.

The effect of all of these factors has been to price people out of health care, as well as to create a general feeling of helplessness in dealing with the situation. A family can buy cheaper cuts when meat prices go up, but where do you find a cheaper doctor to care for a child's earache?

A third area of complaint centers around problems in private health insurance. While all private health insurance companies, including Blue Cross and Blue Shield, pay out less for health care than Medicare and Medicaid together, private insurance is still the major source of protection for millions of Americans. We will not detail here the problems of lack of coverage; of arbitrary limits and exclusions which people find when they attempt to claim benefits; and of individually written protection which pays out only 58c of each dollar collected.

These problems too, are not just statistical in nature. Every Member of the Congress gets letters from people who find that the policy they thought was protection for them turned out instead to be protection for the company issuing the policy.

The hearings held by the Senate Subcommittee on Health uncovered a not unusual case of this. A young family faced $12,000 in hospital bills because their insurance policy would not cover the first two weeks of an infant's life.

We all know of cases where the medical costs for an individual and his family drive people into bankruptcy and worse. Just last week a father phoned Chairman Mills' office in desperation because his daughter committed suicide for the sole reason that the family could not afford the expensive life saving medical equipment which she required. Her brother has now developed the same disease and the father is desperately trying to avoid another personal tragedy. Each of you know of such cases from your own experiences. Yet, we have allowed our insuring mechanisms to avoid covering these cases.

Mr. Chairman, we could go on for a good while cataloging the problems in health care and how these problems affect people. The major point we wished to make is that the problems which pervade our present methods of financing and delivering health care are clearly not limited to one class of people or to one area of the country. We are all involved in them and only through joint action will we solve them.

We, therefore, urge the Democratic Party to adopt the principle that:

America has a responsibility to offer every American family the best in health care whenever they need it, regardless of income, where they live, or any other factor.

We must devise a system which will assure that:

1. Every American receives comprehensive health services from the day he is born to the day he dies, including dental services and mental health services, with an emphasis on preventive care to keep him healthy.

2. Every American is free to consider his family's need for health care knowing that he can meet the costs. We cannot measure the value of health or health care solely with a dollar sign.

3. Every American is protected against the heavy financial burden of major illness and hospitalization.

4. Every American has a doctor, hospital or some form of medical help near and ready to serve him and his family.

5. Every American is offered better organized forms of health care, with special assistance for the young, the elderly and the chronically ill.

6. Every American receives the best health care this country's advanced science and skilled medicine can possibly offer.

The Federal Government should assume this responsibility by establishing a system of compulsory national health insurance which covers all Americans with a standard comprehensive set of basic benefits supplemented by protection against catastrophic costs.

Every American must know that he can afford the cost of health services. Every doctor, hospital, or other provider must know that he will be paid for his services.

A compulsory health insurance system should cover a comprehensive set of basic benefits as well as protection against catastrophic costs. It should cover health care whether given in a hospital or in the doctor's office. These benefits should be extended to every American regardless of his income, his prior history of illness, his occupation, where he lives, or any other factor. The health insurance we propose should include no deductibles and coinsurance except in those few areas where these mechanisms encourage efficiency and appropriate utilization.

The national health insurance system should incorporate incentives and controls, (1) to assure that all health services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

Simply by paying for office treatment, the system we propose will eliminate the existing incentives to hospitalize patients unnecessarily. Some surveys show hospitalization is cut in half when office treatment is fully covered. Billions of dollars can be saved by this process.

We propose that this system of health insurance be designed to make it profitable for physicians, hospitals and other providers to offer better care. The system must incorporate new ways of paying providers, such as prepaid capitation and prospective budgeting, as well as fee-for-service. The system must include strong cost and quality controls, such as peer review, conditions of participation, and standardized medical records. Finally, the national health insurance system must standardize claim forms, processing procedures and otherwise simplify the process that physicians, hospitals, and other providers must go through to obtain payment.

In short, rather than simply passing dollars through to the providers, the health insurance mechanism must be used as a means of encouraging efficiency and improvements in the health care system. In the last analysis this may prove the biggest benefit of national health insurance, it will give us at last a handle on rising costs of health care.

The Federal Government should assume the responsibility also of making sure that the health care covered by the system is in fact available to those who need it.

The national health insurance system must, therefore, provide needed health service resources and develop higher quality, better organized and more efficient health services. We must specify, this Nation's current and future needs for health services on a rational basis. Then we must invest the funds needed to develop additional health care resources in every community that needs them, or will need them as a result of national health insurance. We must invest in additional doctors, dentists, and nurses in ways that encourage them to enter the kinds of specialties, and practice in the parts of the country where we need them the most.

We must build the health facilities and buy the equipment that communities need.

And we must invest in new and better ways to get good health care to our people—such as health maintenance organizations and area health education service centers.

Above all, we must support the creative efforts of health care providers and others who are even now working to offer health care that is more efficient, of a higher quality, or more acceptable to the patient. Where these efforts work, we must assure that every provider and every community is offered these improvements.

We do not propose that the Federal Government own or manage the American health care system. We do propose that the Federal Government establish standards, offer every possible incentive, and increase financial support to doctors, hospitals, and other community leaders who are working to improve our system of health care.

It is urgent that we create these expanded health care resources. A health resource development fund should be created to assure that funds to build resources are consistent with funds spent to buy health care. The need is already great—and it will become greater as national health insurance eliminates economic and other barriers to needed care.

The Federal Government's responsibility also extends to meeting identified problems with special tailor-made efforts, such as:

Make new efforts to control communicable disease.

Eliminate lead poisoning in America's children.

Meet the special needs of crippled and mentally retarded children.

Establish a nonprofit regional blood-banking system.

Mr. Chairman, both those who offer health care and those who receive it—both doctor and patient—know that it is time for change, time for reform. The challenge is to create a system whose incentives encourage health care that is best for both the provider and the patient. The challenge is to bring about this change in such a way that we meet every American's need for health care while protecting every American's right of freedom of choice. Such a system can be built—and can make the following guarantees with regard to free choice:

The Federal Government must not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

The Federal Government must not take over ownership of the various elements of the health care system.

Neither the Federal Government, nor any of its agents, should make any medical judgments in a patient's care; this function is reserved solely to the responsible physician and his peers.

The Federal Government should not make community policy, but should offer financial and technical support, and information and guidelines based on national planning to support local policy formulation.

We believe our society has a responsibility to its members to guarantee its freedoms—and we do not propose for the Federal Government to violate these freedoms.

CONCLUSION

Mr. Chairman, the Democratic Party must make a commitment to the American people to solve the health care crisis in America. This crisis is not one big noticeable problem like the Vietnam war. What we have is the sum of millions of quiet crises in the lives of every American family.

The Democratic Party platform must prescribe a program of strong Federal action and leadership to remove these crises from American families.

Our party must find common ground on these problems to assure that the Democratic candidates taking office in January can meet this commitment.

It is our deep hope that the Democratic Party can find such common ground. This explains our joint appearance here. We have committed ourselves to this effort and we will continue until our efforts are successful.

PRINCIPLES AND ACTION ITEMS FOR INCLUSION IN THE DEMOCRATIC PLATFORM PLANK ON HEALTH

PRINCIPLE I

Our society has a responsibility to its members to assure that every American, poor, middle-income and rich alike, receives quality health care when he needs it, regardless of his economic status, where he lives, or any other factor.

Action item A. The Federal Government should establish a system of compulsory national health insurance which covers all Americans with a standard, comprehensive set of basic health insurance benefits supplemented by protection against catastrophic costs.

1. These basic benefits should cover: physician services; inpatient and outpatient hospital services; extended care facility services; home health services; diagnostic laboratory, and diagnostic and therapeutic radiologic services; physician medicine and rehabilitative services (including physical therapy); preventive health and early disease detection services that are judged realistic and productive; vision care and podiatric services; emergency health services including emergency vehicle services; mental health services provided by psychiatrists and other mental health workers (including drug abuse and alcoholism); dental services (emphasizing preventive dental health services to children); prescription drugs; durable medical equipment, medical devices, prosthetic appliances, and home dialysis.

2. These basic benefits should be offered without limit with the following exceptions:

Dental health services should be limited initially to children; extended care should be limited to 120 days of health care per benefit period; vision care and podiatric services should be covered only if offered in an organized setting; outpatient mental health services should be unlimited in a community mental health center or other organized setting, but limited to 20 consultations during a benefit period in any other setting. Inpatient mental health care should be limited to 45 days of active treatment in an institution with a relationship with a community mental health center.

3. These basic benefits should be offered without deductibles, coinsurance or copayments, except for those patient initiated elective services for which such cost-sharing devices encourage appropriate utilization of the system. For example, small deductibles might be required for such services as prescription drugs or house calls. They should not be used for preventive services, and in no case should they be used in ways that discourage Americans of any income level from seeking needed care.

4. All Americans, poor, middle income and rich alike, should have protection against catastrophic costs as a supplement to the basic insurance coverage.

5. These coverages should be available to and compulsory for all Americans without regard to their age, employment status, vocation, place of residence, previous health history, or any other factor, and at out-of-pocket costs they can afford to pay.

Action item B. National health insurance should incorporate incentives and controls, (1) to assure that all health care services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

1. The system must be constructed and administered in a way that assures equally high quality care to all Americans and avoids creation of a second-class health care system for any segment of the population.

2. The system must offer financial incentives and otherwise encourage physicians, hospitals and other providers to offer comprehensive care on an organized basis, especially prepaid group practice arrangements and medical care foundations.

3. The basic set of comprehensive benefits will remove existing incentives for inefficient utilization of health care services (such as unnecessary hospitalization) by providing coverage for less expensive health care services as well as the more expensive ones. To further this goal, the system must augment existing fee-for-service reimbursement methods with other methods, such as prepayment on a capitation basis and prospective budgeting, which offer incentives to provide health care in the most efficient and quality-conscious way.

4. The system must institute strong cost controls through its reimbursement methods. Various classes of providers of health services participating in the program should be reimbursed in the same way for all the services it provides, with the result that providers would know that the system would pay the same amount for a given service regardless of the status of the patient. The program would use uniform capitation rates and relative value scales for covered services, adjusted for regional variations, and modified annually to allow for increases in the cost of living and other factors.

5. The system should assure rational planning of health services by refusing payment for costs of major construction and expansions that are inconsistent with comprehensive community health planning.

6. The system must incorporate additional provisions aimed at assuring quality care, such as:

Requirements and support for locally organized peer review and continuing education activities in all geographical areas of all types of health care utilizing national, state and local standards developed in consultation with national specialty societies and practicing physicians;

National conditions of participation including staffing patterns, affiliation and referral agreements, utilization review and medical record-keeping, and other quality and cost factors;

Special review procedures for certain medical procedures—such as prior approval for certain elective surgery;

Standardized medical record forms, statistical information, and diagnostic codes.

7. The system must establish standard claims payment forms and other administrative simplifications aimed at lowering current high overhead costs and paperwork to physicians and providers.

Action item C. Since a national health insurance system will result in increasing the demand for health services, it must be accompanied by increased Federal efforts to meet the need for health service resources and to develop higher quality, better organized, and more efficient health services.

1. Based on national, state and local planning, Federal resources must be used to stimulate and support creation of needed health service capacities in areas of need and through education and outreach to bring Americans who need care into the health care system.

2. Federal support to health professional educational institutions must be increased and placed on a stable, planned, predictable basis in ways that:

Produce needed health professionals; influence students to enter needed specialties; stimulate new curricula to educate providers in new patterns of health care delivery; influence students to offer health care in areas of the country that are presently underserved.

The Federal Government must at the same time decrease the admission for permanent residence of foreign nationals graduated from foreign schools so desperately needed in their own Nations. (The United States should continue a substantial role for post-graduate education for doctors from all over the world.)

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3. The Federal Government should offer financial support for start-up costs and initial operating losses of proven new methods for health care delivery in every community—especially prepaid group practices (HMOs), medical care foundations, and improved methods for handling medical emergencies and severe accident cases.

4. To raise the quality and availability of care in rural and inner-city areas, and to make medical practice in such areas more professionally attractive, the Federal Government should support Area Health Education Service Centers and other cooperative arrangements among providers, clinical facilities and educational institutions in such areas.

5. The Federal Government should support research and development in improved patterns or techniques for health care delivery, and disseminate these improvements for applied use through continuing education and demonstration programs.

6. The Federal Government should offer financial support to community health planning agencies—financing and organizing (if necessary) educational programs to create experts to serve community health planning efforts.

Action item D. The Federal Government should take steps to meet identifiable health service needs which may not be readily met by the reformed health care system. We should:

1. Establish a new and broadened public health function aimed at controlling the causes of disease and poor health. These functions should coordinate multiple Federal, State and local activities in such areas as:

Communicable disease control.

Control and reduction of environmental levels of lead and other poisons.

Control and reduction of the consumption of tar and nicotine.

2. Eliminate lead-poisoning in children.

3. Assure a sound regional, nonprofit blood-banking operation in every area in the Nation.

4. Expand programs for maternal and child health, mental retardation, and crippled children.

5. Meet the backlog of dental disease among children (with the emphasis on preventive care).

6. Augment medical research on the leading causes of death and disability.

Action item E. All Federal health activities should be reorganized to allow more coherent, better integrated, and planned Federal support of the health care system, and to make it feasible for communities and providers to use Federal programs effectively at the local level without red tape.

1. A Department of Health, should be created for all Federal health activities including programs which finance health services and those designed to improve the delivery of health services.

2. The Federal health budget should be consolidated under the new Department with a health resource development fund set aside as a proportion of all funds invested nationally in financing health services. This proportion would be based on nationwide, State and community planning and projected increases in need.

3. Medicare should be integrated into the new national health insurance system to assure that older Americans will enjoy the same comprehensive benefits available to younger Americans and will benefit from the other improvements in health care which will occur under the system.

4. To assure that health services are responsive to the needs of the people, knowledgeable consumers should be represented at national, state and local levels. Consumers should be given avenues for appeal and redress of grievances, and community-based consumer organizations should be eligible to organize new forms of health services with Federal support.

PRINCIPLE II

Our society has a responsibility to its members to assure maximum freedom to Americans who provide health care as well as Americans who receive health care.

Guarantee A. The Federal Government should not own and operate the various elements of the health care system.

Guarantee B. The Federal Government should not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

Guarantee C. Neither the Federal Government, nor any of its agents, shall make any medical judgments in a patient's care; this function is reserved solely to the physician and his peers.

Guarantee D. The Federal Government shall not make community health policy but shall offer financial and technical support and information and guidelines based on national planning to support local policy formulation.

NOTE.—Additional elements of the proposed system are being worked out and will be released at a later date.

THE 75TH ANNIVERSARY OF AMERICAN OPTOMETRIC ASSOCIATION

Mr. SCOTT. Mr. President, a milestone in the progress of mankind is being noted this week in the city of St. Louis, Mo. The occasion is the beginning of a year-long 75th anniversary observance commemorating the establishment of the American Optometric Association, whose headquarters are located in St. Louis.

We are all aware of the importance of good vision. This God-given human sense is vital to every aspect of life. Over 80 percent of all learning is obtained through vision. Personal safety and public safety are directly related to the visual function, because more than 90 percent of decisions made by drivers of motor vehicles are based on what drivers see.

The preservation and improvement of human vision is the goal of the profession of optometry, which is the third largest independently prescribing health profession in the Nation.

Individual optometrists, their national professional organization, and the 12 schools and colleges of optometry have all made tremendous contributions to the advancement of visual science since the AOA had its start 3 years before the turn of the century. Special lenses for visual rehabilitation of low vision, design of highly specialized instrumentation for examination of the human eye and its related structures, and development of improved methods of correcting problems of the visual system are but a few of the areas in which optometry has played a vital and brilliant role.

Perhaps the most laudable characteristic of optometrists of the 1970's is their deep concern for the visual welfare of the community and the Nation. Optometrists today are closely identified with, and actively involved in the planning and execution of public health-oriented programs designed to bring the benefits of good vision to more Americans. They are to be found in neighborhood health centers, in the Indian Health Service, the Armed Forces, in the outpatient facilities of the Veterans' Administration, in the emerging health maintenance organizations and other group clinical situations, to mention but a few. Their participation in vocational rehabilitation programs, provision of services under medicaid and medicare, and a host of other federally supported health programs is exemplary.

On the occasion of the start of the 75th anniversary of the American Optometric Association, I know I speak for my constituents, for all Senators, and all Americans when I offer my heartfelt appreciation for the important contributions made by the profession of optometry since the AOA was founded in 1897. We know they will continue to increase their knowledge and their service to Americans in the years ahead.

THE DEMOCRATIC PLATFORM AND NORTHERN IRELAND

Mr. RIBICOFF. Mr. President, along with many concerned Americans, I welcome the growing indications that peace is returning to Northern Ireland. However, grave problems still remain and the future course of events in Ulster is by no means clear. If there is to be a lasting peace with justice for all concerned, Great Britain must take giant strides to eliminate the discrimination practiced against the Catholic minority in Northern Ireland.

Because of the continuing deep concern of so many Americans over this issue, it is important that the platform of the Democratic Party contain a clear statement of policy on this issue. Senate Resolution 180, which I submitted on October 20, 1971, with the cosponsorship of Senators KENNEDY, HARTKE, and PASTORE, should still serve as a basis for a final settlement of the conflict. I have today submitted, along with Senator KENNEDY and Representative HUGH CAREY, a statement to the Democratic Platform Committee which we hope will serve as a basis for the Democratic Party's plank on Northern Ireland.

I ask unanimous consent that the text of our submission be printed in the RECORD.

There being no objection, the submission was ordered to be printed in the RECORD, as follows:

SUBMISSION TO THE DEMOCRATIC PLATFORM COMMITTEE BY SENATORS ABE RIBICOFF AND EDWARD M. KENNEDY, AND CONGRESSMAN HUGH CAREY

NORTHERN IRELAND

The violence and bloodshed in Northern Ireland have been a source of deep concern for many Americans. The recent signs of moderation are most welcome. But the underlying causes of the violence still exist.

America and the Democratic Party must speak out against injustice and discrimination wherever it exists. It will be a sad day in this nation when we think in terms of the freedom and well-being only of Americans. The persistent and oppressive discrimination against the Catholic minority in Northern Ireland deserves to be condemned. But more than this, our own government should be able to suggest equitable, just solutions upon our friend and ally, Great Britain. Our friends certainly do not hesitate to advise us on such matters.

The Democratic platform should express our highest concern over the tragic situation in Northern Ireland and call upon the British Government to take the following steps consistent with the principles of nondiscrimination and justice:

1. The complete termination of the policy of internment without trial and release of all persons detained.

2. Full respect for the civil rights of all the people of Northern Ireland and the end of all political, social, economic and religious discrimination.

3. The prompt implementation of the reforms promised by the Government of the United Kingdom including those reforms in the fields of law enforcement, housing, employment and voting rights.

4. The establishment of law and order with justice leading to the withdrawal of all British forces from Northern Ireland.

5. The development by the governments of the Republic of Ireland and the U.K. of appropriate forums and procedures leading to the eventual unification of a united and independent Ireland with the rights of all citizens fully protected.

6. The use of the good offices and facilities of the United Nations to assist in the quest for peace in Northern Ireland.

DEATH OF BOSTON FIREMEN

Mr. KENNEDY. Mr. President, last Saturday in Boston a tragic fire took the lives of nine Boston firemen:

Lt. John Hanbury; Lt. Thomas Carroll; firefighters Charles E. Dolan, Joseph Saniuk, John E. Jameson, Thomas Beckwith, Paul J. Murphy, Richard Magee, and Joseph Boucher.

Today the weather prevents me from attending services for these courageous men, but I would like their families to know that our thoughts and our prayers are with them during these difficult days.

We are always reminded at a time of tragedy such as this, what we otherwise seldom remember, that every day firemen across the Nation risk their lives not only to pursue a livelihood for their families, but also to provide fire protection and safety for their fellow citizens. Theirs is a difficult job even at the best of times and one for which they are usually inadequately compensated and seldom praised.

The families of these firemen live every day with some amount of fear and a great deal of courage. We seldom share those lonely, frightening moments, but we do share with them today their great sense of pride in the courage and dedication of these men.

IMMOLATION OF ROMAS TALANTA

Mr. SCOTT. Mr. President, the recent self-immolation of Romas Talanta tragically points out the frustration of the Lithuanian people under the domination of communism. This young man took his life and rekindled a moving thought that 200 years ago stirred the hearts of Americans—"Give me liberty or give me death!"

Many times I have expressed to the Senate the plight and tragedy of the people of the Baltic States. At this time, more than any other, the free people of the United States must fully recognize and support Lithuania, Estonia, and Latvia as their oppressed people struggle to be free.

Romas Talanta will not be the last to die for a dream of freedom. However, the United States should do everything it can to bring the day of freedom for all mankind closer to reality.

A PROFILE OF REPRESENTATIVE LEONOR K. SULLIVAN BY WMAL'S JOSEPH McCAFFREY

Mr. SYMINGTON. Mr. President, the only woman elected to Congress from the State of Missouri, the Honorable LEONOR K. SULLIVAN, of St. Louis, is now the ranking woman Member of the House of Representatives in terms of service and one of the most effective Members of the entire House in terms of legislative accomplishment. The people of Missouri are mighty proud of their great lady and her achievements, from the food stamp program which she brought into existence by her tireless individual effort, to the Consumer Credit Protection Act of 1968, which owes its existence also to Mrs. SULLIVAN.

It is with great personal pride and pleasure, Mr. President, that I ask unanimous consent to have printed in the RECORD the text of a recent broadcast by Joseph McCaffrey about my friend Representative SULLIVAN. Mr. McCaffrey has been following Congress daily for more than 25 years as a newscaster and commentator for WMAL, and is undoubtedly one of the most knowledgeable persons in the Nation on the workings of Congress and on the effectiveness of its individual Members. The "Meet the Member" broadcast about Mrs. SULLIVAN reflects not only Mr. McCaffrey's reportorial excellence but the regard in which Representative SULLIVAN is held by all Members of Congress.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

U.S. REPRESENTATIVE LEONOR K. SULLIVAN, DEMOCRAT, MISSOURI

(By Joseph McCaffrey)

When Leonor Kretzer finished her high school work in St. Louis, going on to college was out of the question. One of nine children in a closely knit but far from affluent family, she went to work at $35 a month for the Southwestern Bell Telephone Company, totaling up long distance toll charges. Lee Kretzer had a lot of spunk and drive, and soon she was learning, on her own time, how to use the company's accounting machine equipment. Before long, she was teaching this skill as head of the training school of the Comptometer Company, and showing corporate officials how to restructure their accounting departments—of course, using comptometers.

While rising up the ladder of business success to an executive post, Leonor Kretzer always felt she had missed something important by not obtaining a college degree, so she attended night classes at Washington University in fields related to her business work.

Today, as Congresswoman Leonor K. Sullivan of the 3rd District of Missouri, she has three honorary doctorates from Missouri colleges and universities and is a Dean of Women—that is, Dean of the women in the United States House of Representatives, the senior woman in length of service. If she missed anything by not going to college full time as a young woman, it certainly doesn't show in her ability to drive important consumer, economic, and housing legislation through the House and through Congress. To her, the problems of the average American family are challenges to pass the kind of laws which will improve the quality of living, the health and safety of the public, and opportunities for employment and education.

As the wife of Congressman John B. Sullivan of St. Louis from 1941 to the time of his death in office 10 years later, Mrs. Sullivan put her office management talents to such good use in his Congressional office, that newspapermen covering Washington said St. Louis had two Congressmen in that office for the price of one. Following her husband's death, Mrs. Sullivan tried and failed to win the local Democratic party's nomination to succeed Congressman Sullivan in the special election. The seat was lost to a Republican. In 1952, running on her own without party support, she won the Democratic primary over six other candidates and went on to recapture the seat her husband had held. She has been overwhelmingly re-elected every two years since then, usually by 70 percent or more of the vote. She credits her first election in 1952 to her husband's reputation as a Congressman, but from then on it was up to her to prove she could handle the job. This she has done brilliantly, according to her enthusiastic constituents. She made her mark in Congress as a consumerist before the word was even coined.

Congresswoman Sullivan's consumer triumphs include, among many others, the Poultry Inspection Law of 1957; the Food Additives Act of 1958—which she cosponsored with Congressman James J. Delaney of New York; an instrumental role in the creation of the National Commission on Product Safety; initiation of the successful drive to make meat and poultry sold only in intrastate commerce subject to federal wholesomeness standards; and numerous improvements in the Food, Drug and Cosmetic Act and its enforcement. She feels that the Act must be rewritten after 34 years, and she is the sponsor of a 120-page omnibus bill to accomplish that purpose.

As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, Congresswoman Sullivan pushed through the most comprehensive consumer protection bill passed in Congress in many decades, the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act; and she was responsible for House passage of the Fair Credit Reporting Act of 1970 which regulates the activities of credit bureaus selling personal data about individuals applying for credit, insurance or employment.

She has taken courageous legislative positions without regard to the strength of the lobbying opposition, and fights hard for what she believes is best for the American family. Because of her persistence and indomitable effort, millions of low-income families now enjoy decent and nutritious diets through the Food Stamp Program, which came into existence only because Congresswoman Sullivan refused to give up the fight for its enactment.

The Dean of Women of the House is a very feminine person who dresses meticulously and is always the gracious lady, no matter how tense the legislative battles become. None of her colleagues makes the mistake of taking her lightly; they respect her ability, her knowledge of legislation, and her refusal to compromise on principle.

THE NEED TO PROVIDE ADEQUATE SUPPORT FOR THE ARTHRITIS TRAINING AND RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE FOR ARTHRITIS AND METABOLIC DISEASES

Mr. ROTH. Mr. President, during this session of Congress I have taken consid-

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erable interest in the public and private efforts to bring arthritis and rheumatic diseases under control. The National Institute of Arthritis and Metabolic Diseases is the major Federal participant in the fight against our second most common chronic disease. It, therefore, must be adequately funded.

On May 24, 1972, I had the pleasure of introducing Mr. Charles B. Harding, chairman of the board, the Arthritis Foundation, to the Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, chaired by the able senior Senator from Washington (Mr. MAGNUSON). I would like to share with Senators Mr. Harding's remarks. I, therefore, ask unanimous consent that his statement and the table accompanying it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHARLES B. HARDING, TESTIFYING ON BEHALF OF THE ARTHRITIS PROGRAMS OF THE NATIONAL INSTITUTES OF ARTHRITIS AND METABOLIC DISEASES

(NOTE.—A prepared statement offered by Mr. Charles B. Harding, Chairman of the Board, The Arthritis Foundation, on behalf of the programs in arthritis of The National Institute of Arthritis and Metabolic Diseases. Mr. Harding is former board chairman and is at present a member of the advisory board of Smith, Barney & Co., New York, investment bankers; former president of The New York Chapter of The Arthritis Foundation, 1963–1970; former chairman, board of governors, New York Stock Exchange; president, New York Botanical Garden; trustee, American Academy in Rome, The Eisenhower Exchange Fellowships, Hampton Institute, and the Frick Collection; director, Cerro Corporation. Presented to The Senate Appropriations Subcommittee on Labor, Health, Education & Welfare on May 24, 1972.)

Mr. Chairman and Members of the Committee: It is a privilege to appear before you again this year to speak on behalf of the research and training programs in arthritis carried out under the aegis of The National Institute of Arthritis and Metabolic Diseases. I have been asked by The Arthritis Foundation, the only voluntary health agency in the nation directing its energies solely against the number one crippling disease in the United States—arthritis, to represent our 75 chapters, our tens of thousands of volunteers, our 18 million arthritics, especially those 3.5 million who are disabled, and the often forgotten families of the arthritics who comprise 25 per cent of the population of this country. So you see, Mr. Chairman, although you may only see before you a single individual who has long been interested in a disease which nearly all of American has chosen to ignore except those affected by it, standing behind me and listening attentively to this Committee's response is a growing number of Americans who are destined for a life of pain and disability unless more is done to find a cure for the many insidious forms which arthritis can take.

There is an *urgent* need today for increased Federal support for research in arthritis, and for more training grants and fellowships to produce academically and research-oriented rheumatologists. These are in very short supply. One-third of the teaching hospitals in the United States have no Rheumatology or Connective Tissue Division, and none of the new medical schools are able to find rheumatologists to head up newly established Divisions of Rheumatology.

This critical manpower shortage is a direct result of severe cutbacks in Research Training Grants for arthritis over the past six years, to the point where today only 27 medical schools are receiving support from the National Institute of Arthritis & Metabolic Disease, as compared to 40 in 1966, and 43 in 1962.

Such a constant decrease in Federal support for the training of research specialists in arthritis and of faculty for teaching rheumatology is most discouraging to those of us at The Arthritis Foundation who must explain to the nation's arthritics why there are so few specialists and so few arthritis clinics to care for victims of the *nation's leading crippling disease*.

The 3.5 million persons—children, young adults, middle-aged and older Americans—who are *disabled* by rheumatoid arthritis, osteoarthritis, gout, and systemic lupus erythematosus—disabled because of inadequate care and knowledge—represent more than twice the total number afflicted by cerebral palsy, multiple sclerosis, and muscular dystrophy put together.

There are also substantially more arthritics requiring medical attention—over 18 million—than the combined total affected by diabetes (4 million), kidney and urologic diseases (8 million), and skin disorders (4 million).

If each of the 2,200 members of the American Rheumatism Association (the only professional organization for physicians and surgeons concerned with rheumatology in the United States) were to be called upon to take his share of all arthritic patients, his patients would number over 8,000. As is the case, the average rheumatologist sees some 375 patients with various forms of arthritis each year. This would indicate that only B25,000 of the nation's 18 million arthritics are receiving the attention of a physician especially trained to deal with the manifold problems of diagnosing arthritis and prescribing treatment for it.

What do the rest do? One of three things: (1) stay away from a doctor and progressively get worse; (2) go to a non-rheumatologist who is uninformed about the modern methods of diagnosing and treating the disease who then mismanages the case until the manifestations of the disease reach such critical proportions that he is forced to refer the patient to a specialist; (3) receive fairly good medical advice from a physician who has received some continuing education in rheumatology but who is unaware of the necessity for a close and continuing physician-patient relationship for the effective management of the disease, and thus fails to maintain the strict home care regimen necessary for amelioration of the disabling and debilitating aspect of arthritis.

RESEARCH AND TRAINING

The Administration's proposed 1973 budget for arthritis research and training—$13,922,000—a 2.3% increase over 1972, is not only inadequate, but is tragic. To spend a mere 76 cents of Federal funds each year for each arthritic requiring better medical care while allocating $6 per person afflicted with sickle cell anemia is surely a disproportionate distribution of the health dollar. The prevalence of rheumatoid arthritis among minority groups, especially Indians and Blacks, is much greater, as you know, than among Whites. This has been revealed, through recent data from the U.S. Public Health Service.

We need more rheumatologists and we need them now. We need a Rheumatology Division in every medical school. The one major boost from the Federal government in meeting this need would be a restoration of the Research Training Grants for arthritis to the 1966 level of 40. This would provide approximately 120 *training* opportunities, as contrasted to about 80 at present. These additional 40 training positions would be an important beginning to closing the gap between available professional manpower in rheumatology and the need for this specially trained physician/teacher/researcher. The cost of this moderate increase in training would be only $780,000, a relatively small amount for the impact it would have.

Arthritis research has reached what has been recently described as its "most exciting era" with gains being registered in immunology, virology, and drug therapy, as well as in rehabilitative surgery. Until this year, Federal support of arthritis research had been at a standstill, going from $7,055,000 in 1967 to $8,428,000 in 1971. In 1972, it rose $1,347,000 to $9,775,000, an increase of about 16 per cent. The Arthritis Foundation itself spends nearly $2 million each year in research but cannot possibly meet the increasing demands for support of excellent proposed projects. It is estimated that an increase in research funds of $3,000,000, or 31 per cent, would help finance the *best* of the pending *approved* requests for research support. It would also indicate to the medical research community the intent of the Federal government to emphasize the need for an increased effort to find the cause of arthritis and thereby reduce its economic burden on the country of $4 billion per year.

To this $3 million, The Foundation requests that $500,000 be added to ensure adequate financing of the clinical testing of drugs carried out by a group of cooperating arthritis research centers. This is a program of special interest to The Foundation which I would like to describe briefly to the Committee.

CLINICAL DRUG TESTING

Every year a variety of new treatments are proposed for the rheumatic diseases, and the potential benefits and also the potential dangers of such therapy must be very carefully defined. In their enthusiasm to bring these drugs to the market as early as possible, the proponents of new cures often lose perspective. We feel that it is vital to the public interest that impartial, independent trials of these drugs be done, and that this information be transmitted to the Food and Drug Administration by an unbiased, objective group.

For the past sixteen years, The Arthritis Foundation, in cooperation with the National Institute of Arthritis and Metabolic Diseases (NIAND), has sponsored clinical studies of drugs used in the treatment of rheumatic diseases.

At present, sixteen universities and their hospitals participate in these programs. They include the three branches of the University of California, and State-sponsored universities in Illinois, Michigan, New York, Tennessee, Texas, Virginia, and Washington, plus such private universities as Harvard, Yale, Columbia, Miami, and Rochester, and the Clinical Center of the National Institutes of Health.

This important program has sought to demonstrate the efficacy, or lack of efficacy, of medications used in treating rheumatic diseases, to develop new methods to evaluate the effect of drugs on the activity of these diseases, and to provide a model or standard of excellence for therapeutic trials of chronic diseases in general, and rheumatic diseases in particular, for both the practitioner and the drug industry.

In addition to permitting better care of the patient today, we are certain that this kind of work will lead us to a better understanding of the entire process of rheumatic diseases.

The Federal investment in these clinical trials has recently fallen below $200,000 per year. This is an exceedingly small amount compared to what is expended in similar drug trial programs in diabetes, cancer, and other chronic diseases. Because of this limitation of funds, only a few of the most promising drugs can be tested, and then only at the latest stages of development. With more drugs coming on the market every year, it is essential that this program be expanded.

We specifically request, therefore, that the Committee earmark $500,000 of the increased research funds in arthritis to fund more extensive trials of the drugs used in the treatment of the rheumatic diseases, especially rheumatoid arthritis. Doubling the amount of support currently available to $500,000 would increase the amount of clinical work by a factor of nearly four, since the basic analytical machinery is already available.

The potential benefits of this program are of great importance to the more than 18 million Americans afflicted with rheumatic diseases, and will be directly translated into better care for the patient. We want the arthritic in America to have the benefits of the newest therapies that are available, and at the same time protect him from worthless remedies.

This small investment will provide us with funds to launch an ambitious four-pronged attack in this area.

First, every reasonable remedy proposed for rheumatoid arthritis will be screened in a brief trial. Without objective and uniform data, it is impossible to reach any meaningful conclusions regarding a new drug. Therefore, we feel that there is a need very early after a new compound is proposed for a small, highly-standardized, and inexpensive trial to be performed. This trial may be with as few as 25 patients for as short a period as a week. During the course of 1973, as many as 15 to 25 such minor trials might be needed. Since all of these trials would be done in a similar fashion on similar types of patients, the results of all remedies would be compared over a period of time to see which had the most merit, and deserved further trial.

Second, based on the initial screening, a medium-length trial of all promising drugs would be done. This would involve larger trials, involving as few as 50 patients for as long as four months.

Third, if a drug passes the first two of these screening procedures, a large-scale trial would be indicated to confirm the efficacy of the compound and to demonstrate the potential for long-term effects which might not be apparent in a briefer trial. Trials of this type would involve more than 100 patients and last as long as one year.

In addition to documenting long-term therapeutic effects, these trials would detect toxic effects which would not be apparent in briefer trials.

Fourth, even after long trials demonstrate beyond any doubt that a particular type of drug therapy is of benefit, we will need information about unsuspected and rare adverse reactions. We therefore propose a registry of all arthritics treated in our 16 cooperating centers, in order to maintain a surveillance of patients treated with commonly used drugs and to detect these side effects.

These three areas of support—Research Training Grants to be increased from $1,410,000 to $2,190,000, Extramural Research to increase from $9,775,000 to $13,275,000, and a special earmarking of $500,000 in research funds for the expansion of the Arthritis Cooperating Clinics' controlled drug trials—are basic to the urgent needs of this nation's leading crippling disease—arthritis—a disease which affects one in every four families.

The accompanying budget page delineates how The Arthritis Foundation's proposed budget for arthritis programs within The National Institute of Arthritis & Metabolic Diseases compares with the Institute's actual 1972 spending level and with the President's proposed budget for 1973.

AMOUNTS ALLOCATED TO ARTHRITIS BY THE NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES (NIAMD)

Year	Research grants	Research training grants	Fellowships	Collaborative programs	Epidemiology and field studies	Intramural research	Total
1972 spending level	$9,775,000	$1,410,000	$507,000	$50,000	$170,000	$1,693,000	$13,605,000
1973 President's budget	$10,065,000	$1,410,000	$488,000	$50,000	$175,000	$1,734,000	$13,992,000
Dollars change	+$290,000	+−$0	−$19,000	+−$0	+$5,000	+$41,000	+$317,000
Percent change	2.4	−+0	−3.7	0	+3	+2.4	+2.3
1973 budget as proposed by the Arthritis Foundation	$13,275,000	$2,190,000	$550,00	$51,000	$175,000	$1,734,000	$17,975,000
Dollars change	[1] +$3,500,000	+$780,000	+$43,000	+$1,000	+$5,000	+$41,000	+$4,370,000
Percent change	+30.7	+55.3	+8.5	+2	+3	+2.4	+31.9

[1] Of which $500,000 is to be specially earmarked for controlled drug trials by the cooperating clinics program of the Arthritis Foundation.

JOSEPH F. VAN VLADRICKEN, VALUED SENATE STAFF MEMBER, RETIRES AFTER 35 YEARS OF GOVERNMENT SERVICE

Mr. RANDOLPH. Mr. President, I announce to the Senate that Joseph F. Van Vladricken, senior member of the professional staff of the Senate Committee on Public Works, will retire on June 30, after 35 years of Government service.

For the past 9 years, Mr. Vladricken has been professional staff member for the committee's Subcommittee on Flood Control-Rivers and Harbors. From 1941 to 1964, he was legislative coordinator of the Civil Works Division in the Office of the Chief of the Army Corps of Engineers. He earlier served in the U.S. Navy.

Mr. Van, as he is known to all of us, is a valued member of the staff of the Committee on Public Works. The results of his work can be seen throughout the country in the water resource projects that are helping to provide a better life for all Americans. He brought a high level of professionalism to his work and throughout his career he has been a conscientious and diligent advocate of worthwhile water resources development.

Mr. Van Vladricken, who lives at 6929 Custis Parkway, Falls Church, Va., was born in Hackensack, N.J. He is considered an authority on civil works projects and water resources law. Since 1946, he has been instrumental in drafting and processing major legislation relating to rivers and harbors development and flood controls.

UNFINISHED BUSINESS (S. 3390) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be laid aside until the Senate disposes of S. 3001.

Mr. ROBERT C. BYRD. Mr. President, may I inquire whether the previous order required the laying aside of the unfinished business until the close of business today?

The PRESIDING OFFICER. Until consideration of S. 3001 was concluded or until adjournment.

Mr. ROBERT C. BYRD. I ask unanimous consent that the unfinished business be temporarily laid aside and that it remain in a temporarily laid-aside status until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The PRESIDING OFFICER. The Senate, under the previous order, will now proceed to the consideration of Senate Resolution 299, which the clerk will state.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 299) to establish a Select Committee to study questions related to secret and confidential government documents.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, time for debate on this resolution is limited to 90 minutes on the resolution and 30 minutes on amendments, debatable motions, or appeals, except on one motion to refer, which will be limited to 60 minutes.

Mr. ROBERT C. BYRD. Mr. President, may I inquire as to whether time may be yielded from the time allotted on the resolution by Senators in control thereof to any Senator on any motion or amendment?

The PRESIDING OFFICER. It was not specifically so allocated.

Mr. ROBERT C. BYRD. Very well. I thank the Chair.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides on the time allotted to the debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, upon the disposition of the amendment by Mr. DOMINICK to S. 3390, the unfinished business, S. 3390 be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow, and that upon the disposition of the Dominick amendment to S. 3390 the Senate resume the consideration of the second track item, S. 3010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The Senate continued with the consideration of the resolution (S. Res. 299) to establish a select committee to study questions related to secret and confidential Government documents.

Mr. JAVITS. As I understand the time situation on Senate Resolution 299 there is an hour and a half, to be equally divided between the proponents and the opponents.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And there is 1 hour in addition on an amendment or motion to be made by the Senator from Nebraska.

The PRESIDING OFFICER. There is 1 hour on the motion of the Senator from Nebraska, and 30 minutes on any other motion or amendment.

Mr. JAVITS. Fine. Mr. President, I yield myself 10 minutes.

Mr. President, it is very important to understand the genesis of this resolution in order to determine whether it should be acted on by the Senate now or whether it should be referred to a committee.

It was my understanding that an effort would be made to refer it to the Committee on the Judiciary, but I am now advised that the effort will be to refer it to the Committee on Government Operations.

Mr. President, the resolution arose, not spontaneously, but as a result of a closed door session held by the Senate a few weeks ago. The only reason for the delay up to this point is simply that we could not find a time mutually suitable to the Senator from Nebraska and those who oppose the resolution. I was ready to have it acted on immediately, but it is very understandable that it has taken us some weeks to find, first, a time suitable to the opponents, and then a time suitable for the calendar.

Not much has changed in these weeks, except that we have tended to forget what brought on this issue. The issue was brought on by a closed-door session called essentially to deal with the situation of a Senator who had papers which he had obtained, which were highly classified, and which he wished to discuss with the Members of the Senate.

In the course of that discussion, the whole issue of what happens with papers that are classified and have come into the possession of a given Member came under debate, and, indeed, so did the question of executive privilege and classification of documents by the executive branch.

As a result of that discussion and debate, both public and private, it seemed desirable to get some overview of the Senate's attitude toward the entire situation. What ought the Senate to do when faced with situations of this character? It seemed impossible to deal with the problem in a deliberative session, unless it was inordinately long, and we simply could not afford that much time to arrive at that kind of a determination.

In a real sense, the closed session was a kind of preliminary hearing. A further hearing would have put the matter, naturally, before some one or more of the committees of the Senate. However, in order to first decide, as a threshold proposition, what should be done in this area, it seemed that the collective judgment of the Senate would be the best. In view of the fact that it was impossible to elicit that collective judgment by a meeting of the whole Senate—time and circumstances simply did not permit it—the idea occurred to several of us at the time that we ought to have a proxy for the whole Senate to make that threshold decision; hence the resolution which is before us today.

This resolution was almost immediately introduced, indeed the following day after the closed-door session. It would establish a Senate special *ad hoc* committee of 10 members, to be equally divided between the majority and the minority, because this is not a partisan thing, it is a matter of the conscience and providence of the Senate. The members would be appointed, respectively, by the majority and minority leaders, with the majority leader as chairman and the minority leader as cochairman.

In short, it was simply a way of substituting the judgment of a smaller body for the collective judgment of the Senate, which under these circumstances could not be obtained except by spending inordinate time in a closed-door session, which the Senate simply did not have.

That is all this resolution involves. There is no remedy whatever for any committee to consider. If we referred this resolution to a committee, it would be meaningless, because there is nothing for the committee to think about. The special ad hoc committee would not be a substitute for any of our regular committees. The 10 Members of the Senate sitting on the special committee would only decide what if anything should be done about the problem. Then I would assume that the majority and minority leaders, if they agreed, would together introduce legislation, whether it was housekeeping or otherwise, or perhaps they might introduce separate bills; but those bills would be referred to the appropriate committees, whatever they might provide.

So the motion to refer this resolution to a committee is simply a motion to abort the matter; that is all. And expressions such as I see in the broadside by the Senator from Nebraska, which is on my desk and other desks, in which he says, "The resolution is a usurpation and encroachment upon the province and jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion," simply will not stand up. All that is, Mr. President, is argumentative rhetoric, and that does not convince anyone; at least I hope it will not convince sophisticated individuals like those in the Senate. I do not believe a case can be made for sending this resolution to a committee for an extended period of time.

Specifically, Mr. President, I do not know why we have to take 2½ hours this morning about this matter. There is no definitive action to be taken. It is simply a convenient way for the Senate to focus in a preliminary way on this problem with 10 Representative Members, to decide, not what to do, but how to go about deciding whatever we want to do. This is simply a mechanism for laying the groundwork for further action.

It is interesting, Mr. President, that those who have joined with me in sponsoring this resolution reflect, in a completely bipartisan way, the purpose of the resolution. These are men of very different points of view—conservative, liberal, middle-of-the-road—and of totally different disciplines and different interests here in the Senate. The cosponsors are Senators BROOKE, ROBERT C. BYRD, CHILES, CHURCH, COOPER, CRANSTON, FULBRIGHT, HATFIELD, HUGHES, MATHIAS, RANDOLPH, and STEVENSON. This was an overnight matter, so I am sure that other cosponsors could have been obtained as well.

Now, Mr. President, a word about the problem. Part of the problem is whether the Senate is bound by the classification which is placed on papers by the executive departments. We do not classify papers ourselves; nor up to now have we sought to declassify them or to reduce the classification or to terminate it after a given time. The President has issued an Executive Order No. 11652 which supersedes previous orders—this one is effective on June 1, 1972—carrying out what he considers to be his power in this area.

I entered into the RECORD on May 5, 1972, a very careful analysis of the entire situation made by the Foreign Relations Committee and Congressional Research Service of the Library of Congress. When you search into the situation, you find that, aside from specific espionage or the violation of cryptographic material or the Atomic Energy

Act dealing with atomic secrets or the traditional military protections against making maps or plans of military installations, and so forth, which are found in the National Security Act, there really is no statutory authority for the power the President is exercising when he makes these orders. At best the situation is not very clear.

He relies upon his constitutional authority, and the analysis of the Library of Congress states that. He relies upon the fact that he is to execute the laws; that the laws and their execution require documentation; that some documentation, according to the tradition of nations, must be secret; that, therefore, he has the authority, in the absence of any statute specifically dealing with the generality of the information which might be classified, to order this classification and to protect it when classified. Penalties are imposed upon the breach of the classification by laws which simply accept that it is classified, though there is not necessarily a statute saying who is to classify it and for what reason.

The PRESIDING OFFICER. The time of the gentleman has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

The answer is that there are thousands of Government officials of high rank—this is a big Government—who have the power to classify. Conversely there are 100 Senators and 435 Representatives who have the power to take the floor and breach the classification publicly, and they are given complete immunity. That is the problem that faced Senator GRAVEL. This is a subject which we have not faced up to in the past.

It is rather unusual that the congressional immunity should be used for the purpose of breaching the classification of a document imposed by a Government official. But it has been felt, both in foreign relations and in military affairs, that classification was being used in a way to deny Congress and the public certain information, that things were overclassified or that the classification stayed on too long, that the most casual matters were classified which did not need to be classified at all, and that the law we had passed affording greater public information—that is, the Freedom of Information Act—had not helped, because it was built on the existing structure.

That is where we stand today. In order to get an overview of not what to do but how to do it, what laws should be introduced, how the matter should be approached compatible with the Constitution and our national policy, we have proposed this resolution.

One last point, Mr. President. If we are going to refer it to a committee, what committee? If we refer it to the Committee on Government Operations, it does not have jurisdiction over Senate housekeeping. What is it going to do about the immunity of the individual Senator? It cannot even make recommendations with respect to our power to discipline or expel a Member. If it is referred to the Committee on Foreign Relations, the Committee on Armed Services has the right to say, "It affects us just as much." Indeed, many other committees are similarly affected. Or, if it is referred to the Committee on Armed Services, the same arguments could apply.

Senator HRUSKA has changed his motion from the Committee on the Judiciary. Why? Obviously, this was not a question of constitutional amendment or some penal statute. We do not know what we are going to do about it yet, so it did not belong in any slot until we made that determination. So actually, it is not susceptible of reference to any committee.

In point of fact this is just another way of killing it. You do not want to deal with it, and you do not want to table it because you want to be respectful to a group of Senators. By referring it to a committee for an indefinite time you can bury it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. JAVITS. 2 minutes.

Mr. PASTORE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, this, to me, is one of the most sensitive subjects and issues that has confronted this body in a long, long time. As a matter of fact, the whole business of classification and just how far we can go in either classifying or declassifying has become a very difficult and sensitive problem.

It has been my experience that sometimes we are puzzled when it behooves certain individuals in the administration to invoke classification—I am not talking about any specific Democratic administration or the Republican administration. For example, for the longest time in our Joint Atomic Energy Committee the question arose as to how far we could go in talking about the ABM and what progress in that area had been made by the Russians. Then I have noticed that when we became anxious and enthusiastic as to whether or not we should engage in the fabrication of an ABM system and it looked as though our vote would be very, very close—that is, as to whether or not the answer would be "yes" or "no"—the Secretary of Defense took it upon himself overnight to declassify many things we had been talking about in the committee very confidently and confidentially.

After all, if this has become a matter of expedience, just to satisfy certain issues of status that might be close to certain people, that is one thing. On the other hand, if we are talking about retaining the classification of sensitive information, that is another thing. But I think we ought to know where we stand, on this matter of classification. That is the purpose of this committee—to know exactly where we stand, which things are to be classified, and why. Should certain things that are already classified be declassified? How far can an elected representative of the people go in talking about these very important problems to make sure that the country is apprised of what is going on?

Time and time again for example, when we have had the Central Intelligence Agency come before our Joint Committee on Atomic Energy, they talked about certain critical matters. I raised the question, "Don't you think that if we are to spend the taxpayers' money to do more things in the way of our security, it is important for us to tell the people just what the peril is from the other side?" The objection was always made that if we do that, we would reveal to the Russians how we got the information. There may be some substance to that. On the other hand, if you are going to ask the American people to consider whether they need an ABM system—let us say—you have to begin to talk to them about whether or not the Russians have an ABM system and how good it is and why we know it is good or why we judge it is not good, so that we Americans can make up our minds. It is like all decisions. Unless you know the other side of the coin, how can you decide whether the coin of your decision is genuine and that coin is correctly spent for your security.

So I say that the time has come when this matter has to be handled in a more judicial and judicious way. I think this is the only way to do it. This resolution suggests and ad hoc committee.

I think the time of decision has come, in view of what has transpired here. We have had quite a difficult situation involving a Senator from Alaska. He made quite a strong argument, on one hand. On the other hand, there were some things about it with which I could not go along. But I think the time has come when we ought to be more decisive, and we ought to resolve the matter. That is why I think it is mandatory at this time that we do something about it.

Mr. JAVITS. I thank the Senator very much. His support is very meaningful to me. The long experience of the Senator from Rhode Island with this problem, in connection with the Joint Committee on Atomic Energy, is very important and I appreciate his support.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules, and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the

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province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the cosponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be required for that purpose, the purpose being not to consider legislation, but this particular situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel it any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

Mr. PASTORE. Mr. President, will the Senator yield on that very point?

Mr. HRUSKA. I yield.

Mr. PASTORE. The Senator's suggestion that disturbs me—as the Senator knows, I have the highest respect for him—and I know that he wants to do the right thing as we all want to do the right thing. But I am afraid, unless we pass some specific resolution, we will not have under existing statutes the authority that will give us the immunity we need. That is what is disturbing me, because as the Senator will remember the argument made by the Senator from Alaska, he declared the only binding thing in this procedure outside of a Presidential directive—and a Presidential directive is not a statute or a legislative fiat—the only thing we have to lean on is the law on espionage. The law on espionage was enacted to prevent certain people who had classified information from revealing it to others. But that had nothing to do with the immunity of a Senator or the immunity of a Member of the House. That is the reason why I raise the question that, unless we do it in some affirmative, procedural way, as we are suggesting here by this resolution, we may fall short even though the leadership might say, "We think this is all right." Because some attorney general who does not think it is all right could still bring a criminal action. We want to obviate that. That is the point.

We must have some crutch to lean on to give a Senator the immunity. If this committee had this crutch and a Senator revealed forbidden information, then he would be subject, of course, to being censured or to being expelled by the Senate.

Mr. HRUSKA. What kind of crutch? A bill, a law, resolution? What kind of crutch?

Mr. PASTORE. This very Senate resolution which will be acted on by the entire Senate.

Mr. HRUSKA. Not necessarily.

Mr. PASTORE. We have a background for this. We went through this in executive session for a long time. We argued this proposition forward and backward. The Senator will remember that. I did not go along with the Senator from Alaska entirely, but he did have a substantial argument. If we look up the law, we will find that this is an area which is pretty much confused. It is nebulous as to who has authority to do what. I am afraid that unless we clear the air, all of us could be placed in a sensitive position.

On the floor the other day, for example, I was asked some sensitive questions. One was on the storing of atomic weapons outside of this country and whether we needed a treaty to do it. I had quite a dialog with the Senator from Missouri. We came pretty close to the point of wondering whether we were getting ourselves into classified information.

We have to clear the air. The Senator from Nebraska takes the position it should go to a committee. I am not too much opposed to that. Maybe that is the proper way to do it. But I would suggest that if it does go to a committee we have a time limitation so it will come back to the floor of the Senate, reported either favorably or unfavorably, so that we can have a vote on it up or down. But let the Senate vote on it—and let us act promptly.

The idea of sending it to a committee and then forgetting the whole thing or using it as an instrumentality to defeat it, that would be wrong, and I think the Senator from Nebraska would agree with me on that.

If the resolution would be returned within 30 days, and the committee would report back yes or no, and then let us debate it on the floor, that would be all right with me. I do not want to shortcut anyone. But the time has come when we have actually to do something about the substantive issue involved.

Mr. HRUSKA. The argument the Senator from Rhode Island has just made reinforces the position of this Senator. It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that inhere in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committee in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge, and experience in it. It is they who should be considering anything that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some propositon and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the perview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator McCLELLAN is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. McCLELLAN) that Senate Resolution 299 be referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, I reserve the right to object and I would like to ask the Senator a question. I happen to be a member of the Government Operations Committee. In fact, I am its second-ranking member of the minority.

Mr. HRUSKA. Mr. President, I assume this colloquy is being charged to the time of the Senator from New York.

Mr. JAVITS. Yes, that is agreeable.

I do not believe the resolution should be referred to that committee for the reasons which I have already given, and given as sincerely as I am sure the Senator from Nebraska (Mr. HRUSKA) made his argument in the other direction. However, in an effort to accommodate the situation and because it is critically important to solve this problem, I would like to ask the Senator if he would agree that the committee shall, ipso facto, report back, say, within 30 days. That would bring it down to about a week after we get back. Then at least we will have assurance that there will be action and that the matter will not be permitted to die and get soaked up in some other controversy and never be heard from.

Mr. HRUSKA. Mr. President, may I suggest that come a week from tomorrow we will be gone for 17 days, all of us. I doubt that any Senator will be here in the Nation's Capital. May I suggest further that we are in the middle of a virtual avalanche of urgent legislation where all of us are taxed up to the hilt with many, many important measures that must be enacted before we adjourn.

I ask the Senator from New York whether he can find any hours which he could devote in company with nine other Members of the Senate for the purpose of considering this, even 5 or 6 hours.

To put a time limitation on a matter like this and to say that we must do something, whatever it is and however it might be considered and however studiously and carefully it might be considered and by whom, even if it is by the staff of a committee, I do not think would be prudent. I do not think it is the kind of situation that lends itself to that type of determination. I think that sort of an approach would be self-defeating.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HRUSKA. Mr. President, I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. JAVITS. I understand that such a motion is not in order until the time for debate has expired.

The PRESIDING OFFICER. The motion is in order.

Mr. JAVITS. It is in order now?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. What is the time situation then?

The PRESIDING OFFICER. There will be 1 hour, the time to be equally divided between the Senator from Nebraska and the Senator from New York.

Mr. JAVITS. What happens to the time provided for the debate on the resolution?

The PRESIDING OFFICER. It will be handled the same as when handling a bill and an amendment is proposed.

Who yields time?

Mr. HRUSKA. What is the ruling as to what happens to the time on the resolution?

The PRESIDING OFFICER. The motion is in order. The time on the resolution is held in abeyance until the motion is disposed of.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is an amendment to the motion in order?

The PRESIDING OFFICER. When the time has expired, an amendment will be in order.

Mr. JAVITS. When the 1 hour has expired?

The PRESIDING OFFICER. The Senator is correct. And the amendment would be subject to a 30-minute limitation.

Mr. JAVITS. Mr. President, I thank the Presiding Officer.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HRUSKA. I would be happy to yield to the distinguished Senator from California.

Mr. TUNNEY. Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate, through a delegation of authority to 10 Senators, or whatever number it might be, the various laws covering classification and the responsibilities of individual Senators when matters that are classified come to them, and their right to disclose such classified material to the American public.

Does the Senator oppose the Senate, through a committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?

Mr. HRUSKA. Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, and any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee. It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and accommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclu-

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sion and the same result. I venture to say we will come to that same conclusion again.

I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or 2, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 16139. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now.

Mr. TUNNEY. Would the Senator object to having a time limitation put on a committee so that the committee would have to report back to the Senate its findings?

Mr. HRUSKA. No, I would not, provided the Members named to the committee would forgo the high pleasures and privileges of attending the National Democratic Convention, and later on the National Republican Convention, and also forswear the necessity of performing their other duties with which they are occupied for nearly 10 to 12 hours a day here. But we get into time limitations and 30 days means nothing, and 60 days at this time of year means nothing. It depends on how far you go into it.

We have had 4 days of hearings before the Subcommittee on Separation of Powers and have reached no conclusion. We were still laying the foundation. I venture the conclusion will be the same as it was some years ago. But limitations of time are very difficult.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. If I follow the Senator from Nebraska very closely, his rationale adds up to this: Because this is a complex subject it is impossible of solution. A similar problem was brought before the committee in 1957, and they wrestled with it and wrestled with it, and they finally decided they could do nothing. I do not subscribe to that philosophy.

Mr. HRUSKA. And this Senator does not preach that philosophy.

Mr. PASTORE. No, the Senator said we struggled with it and struggled with it and could come up with no answer.

As far as I am concerned there are only two things that are inevitable and impossible of avoidance and solution: One is death and the other is taxes. Outside of that everything is soluble. Let us solve this. Let us not try to avoid, or dodge, or delay.

What the Senator from Nebraska said just now is this: That we should wait until some Senator has violated the question of immunity and then decide whether or not we are going to have him censured.

Mr. HRUSKA. Against whose time is this?

Mr. PASTORE. Make it my time.

Mr. JAVITS. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. I do not think that is a wise way to resolve the matter. I want this body to give guidelines to this Senate so Senators will know how far they can go and not violate any laws and how to preserve their right of immunity. That is why I am interested in this. It is not because I want to punish any Senator or because I am afraid any Senator is going to hurt this country by revealing classified material.

But we have a situation here where I think the motives of a certain Senator are being challenged. There is no question about it. But I think in all probability he acted in all sincerity. Who am I to disect his brain to determine his sincerity or insincerity. I think he probably acted in all sincerity.

Certain members on the other side have risen to say he should be censured because he violated the law. Every Senator has been around here long enough to know that if you have a Democratic majority and an offense is committed by a Democrat there will be no censure, and if there is a Republican majority and an offense is committed by a Republican you will find an excuse not to censure him. We are always back in the same boat.

All I am saying is we have an ad hoc committee to supervise the CIA. Why? Because we realize the dissemination of information has to be looked upon by Congress, but not revealed to everyone, unless there is need to do so. That is why we have this ad hoc committee and it is constituted of members from one committee and another committee.

What I am saying this morning is that I do not care just how you do this, whether it is sent to one committee or another committee, but somehow and soon we have to resolve this question on the matter of immunity of a Senator—how far can he go on information that is classified and what and how information should be declassified if it should not have been classified to begin with.

I know that pretty much classification today is being done by presidential directive. That is not law. All I am saying is I want a legislative directive to do the same thing the President does. The President does not classify anything; he leaves it up to the Secretary of Defense, or a combined committee formed by the President can classify information. Why, in the name of heaven, can we not form a committee to declassify information? Are we that impotent?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. That is all I am going to say on this subject.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, it has been suggested that this Senator advocates doing nothing because it is impossible to do anything and therefore we should throw up our hands and quit. That is not what this Senator believes in, nor is it what this Senator has described here as the situation.

The situation I have described is this. In the committees and subcommittees on which I have served, whenever we embarked or explored this problem with an idea of legislation, it has come to a point where it comes to a grinding halt because of the disagreement, the fundamental disagreement, among members of the committee itself. That does not mean it is right and that does not mean that specific legislation or proposals cannot be produced and referred to the floor of the Senate.

I point out that the original proposition, that if it involves particular guidelines for the Senate to be laid down by the Senate as a rule, the leadership has power and responsibility of canvassing the situation and bringing it here.

Are we so impotent that we cannot get at the situation in that fashion? It is not necessary to wait for a violation by a Senator and then try to do something. That likewise was not the proposal, nor is it the idea of this Senator. If the leadership wants to make guidelines, formulate guidelines and bring them to the Senate, and have the Senate adopt or reject them, that will be all right. That will be perfectly agreeable with the Senator from Nebraska.

But when we get to the proposition of what kind of law there is and its applicability and when a man violates the law or not, that is not for an ad hoc committee, or even for the Senate, to decide. That should go into the law enforcement section of the Department of Justice to determine whether a certain rule of conduct or a certain incident of conduct will be within or without the law. If additional laws are needed, then the Congress, through its duly constituted committees should consider that question in routine fashion.

I want to say that, effective on June 1 of this year, a new Executive order on classification or declassification of information and material became effective, Executive Order No. 11652. It is a good Executive order, anticipating and dealing specifically with many of the problems inherent in our present difficulties in this field, and it will do much to ease tensions which have arisen between the legislative and the executive. It will do much in that area. We must give it time to operate before we become critical of its effectiveness.

What is needed is a massive education and training program to stop the wrongful use of classification power and also the abuse of disclosure power which was possessed or exercised by this body, or some Members of it. The Assistant Secretaries of the Defense Department, the National Security Council, the Justice Department, and others are having meetings currently for the purpose of implementing this Executive order. I understand one is taking place this very morning.

It seems to me that if we just proceed in the regular channels of parliamentary procedure, we are going to make progress. We certainly will not make progress if we say to a standing committee, we do not want you to get into this. We are going to put a supercommittee over you.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HRUSKA. For a brief question. I do not have much time.

Mr. TUNNEY. The junior Senator from California has not decided yet how he is going to vote on the resolution, but I am disturbed by what I consider to be the implication of the Senator's last statement—that the President, through executive order, can establish guidelines for the conduct of individual Senators when it comes to their handling of classified information, and the way Senators are going to handle classified information, and the way Senators will divulge on occasion classified information to their fellow Senators or to the public as a whole.

I do not personally feel that the executive branch has any right to establish a code of conduct for individual Senators or Senate Committees; that it ought to be the Senate which does that. That is why I think some action has to be taken by some committee to establish guidelines for individual Senators in their handling of classified information. Whether it be the Government Operations Committee or an ad hoc committee is immaterial to me.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 2 minutes to the Senator.

Mr. TUNNEY. I am sure the Senator from Nebraska did not mean to imply that the executive branch ought to establish a code of conduct for individual Senators when it comes to the handling of classified material.

Mr. HRUSKA. Senators are not exempt from criminal laws even though there are certain immunities that attach to Senators' statements and conduct. There are certain other situations when immunities exist. But when the law of the Nation makes it illegal for a person to receive certain kinds of documents from somebody who procured them either lawfully or unlawfully there should be no immunity for that, as far as this Senator is concerned, just because he happened to be an incumbent Senator. So that situation will take care of itself on the basis of statutes already on the books. But when we get into the conduct of Senators and guidelines for Senators, there are ways of handling that through the leadership.

Mr. TUNNEY. Although I think the matter of the Senator from Alaska (Mr. GRAVEL) is very important——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. JAVITS. Mr. President, I yield the Senator 1 minute.

Mr. TUNNEY. I do wish to say that when I was a Member of the House of Representatives, and when I had a study done for me by the GAO on Vietnam, and then the Pentagon classified it, that meant that I could not use the information developed by the GAO in a study I offered to the Foreign Affairs Committee of the House of Representatives. What under those circumstances is a Member of Congress supposed to do? What is the law that governs? Does an Executive order govern that kind of activity? I do not think so. I think it ought to be Congress itself that ought to have very specific guidelines to govern the conduct of individual Members. That is why I think it is most important that some committee consider this and consider it in a time frame so we will have action on it before the end of the year, and not have it buried in some committee without attempting to have any timetable in which it may be before the Senate.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. ROTH).

Mr. ROTH. Mr. President, I, too, deplore the lack of action during the current session on this most important problem of secrecy in Government.

One of the things mentioned by the distinguished senior Senator from New York that has particularly concerned me is the fact that neither the Judiciary Committee nor the Government Operations Committee has taken any action with respect to this most important problem.

I would like to point out that on last June 24, 1971, I introduced a bill that would have carefully considered this whole problem. This piece of legislation was cosponsored by Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. HARRY F. BYRD, JR., Mr. COOK, Mr. COTTON, Mr. DOLE, Mr. ERVIN—who, of course, is known as the constitutional expert of the Senate—Mr. FANNIN, and Mr. MATHIAS.

Under my bill a special commission on executive secrecy would be created consisting of seven men, two from the Senate, two from the House, plus three to be appointed by the President. The purpose of this particular legislation is to carefully consider all the ramifications of classification and declassification.

One of the things that concerns me about the discussion today is that we are really dealing with one small part of the problem, and that part is the problem of Senators' immunity. I would say that even more important is the general issue of determining where to strike the balance between the public's right to know what the Government is doing and the necessary right of the Government to classify materials that need to be protected from the standpoint of national security or because of delicate relations with foreign countries.

The point I want to make—and I really have not decided how I am going to vote on this resolution—is that my bill, which was referred to the Judiciary Committee and to the Subcommittee on Internal Security, has had no action taken on it whatsoever, even though we have in the past attempted to have hearings held on it.

I notice also that the junior Senator from Maine (Mr. MUSKIE) has introduced another bill, which was referred to the Government Operations Committee, of which I am a member, and that committee, too, has done nothing, as far as I am aware, on S. 2965.

This is legislation that should not be brushed aside, because it is important to the American people. For many reasons, some valid, others not so valid, there is a gnawing doubt in the public's mind as to whether they are obtaining the information they should be receiving, and I think it is important that Congress carefully examine what can be done in this area.

It is no secret that the executive branch at every level will tend to overclassify merely as a matter of self-protection. I will say, in all honesty, I am not overly confident that you can rely upon the executive branch to declassify to the extent that may be possible without hurting our national security.

Mr. President, in my bill, we provide that this national commission would consider the basic issues involved. Let me read it:

DUTIES

SEC. 4. (a) The Commission shall—

(1) conduct a study of all laws, and of all rules, regulations, orders, and procedures of the executive branch relating to the classification and protection of information in the interest of the security of the United States;

(2) determine which such laws, rules, regulations, orders, and procedures are necessary, appropriate, and consistent with (A) the freedoms of speech, press, and assembly guaranteed by the first amendment to the Constitution, (B) the provisions of section 552 of title 5, United States Code, relating to freedom of information, and (C) the proper performance of legislative duties by the Congress of the United States, with due regard to the portection of the security of the United States:

(3) make recommendations for legislation or other governmental action to preserve and protect the security of the United States in a manner consistent with the constitutional right of the people of the United States to full disclosure of information relating to their Government;

(4) consider the feasibility of establishing an independent agency to ensure the full disclosure of such information while protecting the security of the United States;

In closing, I would like to ask the Senator from Nebraska and the Senator from New York, whom I commend for bringing this matter to the Senate floor, these questions:

I would like to ask the Senator from Nebraska what assurance we have that action will be taken. How do we know, if we refer the matter to a standing committee, that what has happened for the last 12 months will not continue to happen? Is there any way we can get any assurance that the Committee on the Judiciary or the Committee on Govern-

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ment Operations, as he proposes, will move ahead?

I would like to ask the Senator from New York this question: What can really be accomplished in 60 days? I think the matter is complex. I think it is not enough only to consider the rights of Senators and their immunity; I think it is more important that we consider the whole problem of declassification and of the public's right to know, and for that reason I question whether that much can be accomplished in 60 days.

I do applaud the Senator for his effort, and I think it is important that we move ahead.

Mr. JAVITS. Mr. President, I yield the Senator another 2 minutes so that I may answer my part of the question.

One thing that can be accomplished in 60 days is that this ad hoc special committee can decide there are segments of this matter that should be considered by different committees, and assign those segments for consideration. The leaders could introduce a bill or bills that would be referred to specific committees. There is no dearth of suggestions made to the Senate, including the Senator's bill and other bills which have been introduced.

A second point is that they could decide to consolidate all the inquiries in one committee, so that, for example, the Senator's bill might be rereferred, on their recommendation, to whatever committee that is chosen; or all bills might be referred to the Committee on the Judiciary, to which the Senator's bill was referred.

Another thing they could do is to lay down—because that is why we have an Ethics Committee, which was also a sort of ad hoc committee—guidelines for an individual Senator as to his utilization of his own immunity, and that would be a guide for the conduct of a Senator, for which he is responsible to the Senate.

They might also sit down with the executive departments to find out how this matter could be rationalized without a confrontation between the executive and legislative departments. They could enlist the cooperation of the House of Representatives, to see what their judgment would be.

The purpose of the resolution is to save the entire Senate from sitting down for 60 days, which it obviously could not do. It is just a matter of a smaller number of surrogates substituting for the entire Senate.

Mr. ROTH. Then would it be the Senator's intention for all legislation, all bills along the line of mine, to be considered by the special committee?

Mr. JAVITS. I would have those bills considered by the appropriate legislative committee, but I would have the special committee take a look at everything there is, and give us an overview as to what we ought to do.

Mr. ROTH. I think the Senator's resolution is most worthwhile, because I do think it most important that some action be taken immediately.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 17 minutes. The Senator from Nebraska has 14.

Mr. HRUSKA. On the motion?

The PRESIDING OFFICER. On the motion.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

I shall in due course offer an amendment to the motion. May I inquire of the Chair whether such a proposal needs to be in writing? I have no desire to ask for that.

The PRESIDING OFFICER. The only time a motion must be in writing is on the demand of a Senator.

Mr. JAVITS. And can I amend it, though it is not in writing?

The PRESIDING OFFICER. A Senator can modify his motion at any time.

Mr. JAVITS. No; I mean can I move to amend Senator HRUSKA's motion although that motion is not in writing?

The PRESIDING OFFICER. The Senator may do so.

Mr. JAVITS. Mr. President, I shall move to amend, as soon as it is proper the motion of the Senator from Nebraska. I shall offer an amendment to the motion to provide as follows:

Provided, however, That the Committee on Government Operations shall report on or before July 31, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

Mr. President, I find myself in agreement with a number of the Members who have spoken about not considering, as a passionate question, whether a standing committee does or does not have a look at this, or whether it is the ad hoc committee which I had in mind to give us the overview.

I do not think it is worth suffering about on the floor of the Senate, but I do think that the essential point—namely, that the Senate shall act upon this matter and act promptly—is critical and important. And, Mr. President, it was in a spirit of accommodation, in the hope that we could then thereby deal with the matter, which is really an internal matter for the Senate, that I offered that proposal to the Senator from Nebraska. I regret very much that he does not see fit to accept it, and I can only say, from what he has said, that he takes a very dim view of everything we are trying to do.

He says—I tried to take his words down as closely as I could—that "we should leave it in the regular channels of parliamentary procedure." Then he says that there has been no result for years, since 1957, and "I venture to say we will come to the same result—to wit, nothing."

Therefore, Mr. President, it seems to me that a vote on this question, is therefore a vote upon the issue: Do we or do we not want something done? If we do, I am perfectly willing to adopt the procedure suggested by the Senator from Nebraska, and to agree to the committee to which he wants to send it if he will agree to set a time limit on reporting back to the Senate.

So I hope very much, Mr. President, that the Senator is really serious about wanting to see something done in this field, and that we will, even though adopting the suggestion of my honored and distinguished colleague, put a time on it, so that we will know something is going to be done, and within this Congress.

Mr. HRUSKA. Mr. President, will the Senator yield, on my time?

Mr. JAVITS. Or my time, I do not care.

Mr. HRUSKA. I yield myself 3 minutes.

If the Senator please, I was asked if we would limit the reference to the Government Operations Committee to 60 days. I pointed out, Mr. President, that out of the next 60 days Congress will be out of session for half of that period of time. I would suggest that we be realistic about this. If Senators do not want to give the committee any time, that is all right. I do not think I would be agreeable and amenable to an extension of the time to less than, say, 90 days, because 30 of those days we will not even be in session.

Would the Senator consider a matter of that kind? I think we can reach an agreement here, but I do think we ought to be realistic and practical.

Mr. JAVITS. Mr. President, in the first place, I was here when Senator PASTORE said what he did. He was being rhetorical and testing the Senator from Nebraska in saying, "If you don't want 30, what about 60?" He was not fixing a time.

I have established in my own view—and I will explain why—July 31, for this reason. We are not asking for definitive and final action on a piece of legislation. This resolution only deals with whether or not we shall have a special committee to give us an overview of the situation, including the possibility of guidelines for individual Senators. It is but a step along the road; and, as a step along the road, it need not take all the time that the Senator specifies.

As to the conventions, we know we are coming back on July 17. We do not know that we will come back thereafter. We probably will, but we do not know. We will be coming back on July 17, so I set the date at July 31, which is 2 weeks after we come back. Certainly, within that time the Committee on Government Operations should be able to come to us with some kind of idea, not as to precisely what to do but as to how to dispose of this particular resolution. They could recommend for it or against it. They could change it and say, "Let us go into this in some other way."

At least, the Senate, between the two conventions, will have a chance to consider what to do about this problem. If we let it go beyond the Republican convention, then we really will be in a mess. We may not come back; we may come back in November, and so forth. We know we will be back from July 17 to roughly the middle of August.

If the Senator would be happy with another week, it does not matter to me. I just want us focusing on this situation when we come back, at a time when we are sure to be in session. That is all I am really asking. I fixed the date in between the two conventions in order to give us leeway at both ends: One, for the committee, so that they will have a couple of weeks to consider it; and, two, for us, so that we will have a couple of weeks to consider it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

I hope very much that we need not tax the Senate with this. If that is all that separates us, I think, with all frankness, that the weight is more on my side in saying that if we are going to fix a date, at least fix it when we know we are going to be here.

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, that would seem reasonable to me. With the addition of a little more time, I think we probably could find a meeting ground. But again I say that we will not have any time between now and next Friday. We will then adjourn until July 17. When we come back, we will be caught in the same maelstrom in which we are now engaged. It will be most difficult within 2 weeks for the committee even to get together and consider it.

Would the Senator extend that to August 22?

Mr. JAVITS. On August 22, we will be away. We will be at the Republican Convention. Let us make it August 7, which is 3 weeks after we come back, and that leaves us only a week before we go out. To make it August 7 seems fair to me. I want to defer to the Senator.

Mr. HRUSKA. I want to, also.

Mr. JAVITS. Let us make it August 7. That will be suitable to me, and we will wind up this whole matter.

Mr. President, I ask unanimous consent that I may send the amendment to the desk so it may be read for the information of the Senate while the Senator is thinking about it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the Hruska motion insert the following: "*Provided, however,* That the Committee on Government Operations shall report on or before August 7, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar."

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 1 minute.

Mr. President, this is agreeable to Senator HRUSKA and it is agreeable to me; and if we may then proceed to agree to the motion of the Senator from Nebraska as amended, that will end the matter here.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from New York to the motion of the Senator from Nebraska is agreed to.

The question is on agreeing to the motion of the Senator from Nebraska, as amended by the amendment of the Senator from New York.

Is all time yielded back?

Mr. HRUSKA. I yield myself 2 minutes.

Mr. President I modify my motion to read as follows:

I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations, with instructions to report thereon on or before August 7.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Senator would add to that:

At which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

So that we do not have any fuss about that.

Mr. HRUSKA. Yes; that is all right. And I thank the Senator for his cooperation and understanding. It is a further example of his generosity.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from New York is agreed to.

The question is on the motion to refer the resolution to the Committee on Government Operations, as amended by the amendment of the Senator from New York.

Do Senators yield back their time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion, as amended.

The motion, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EXPORT OPPORTUNITY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote by which the Senate passed S. 3726, the measure concerning export policy, together with its third reading, be reconsidered and that the bill be returned to its respective position on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT; CONSIDERATION OF S. 3390 AND S. 3010

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3390, but that immediately the Chair lay S. 3390 temporarily aside and the Senate resume its consideration of S. 3010; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3010 or until the close of business on Monday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without

objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF AGRICULTURE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Agriculture.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of George S. Ives, of Maryland, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, Army, Navy, and Marine Corps which had been placed on the Secretary's desk.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FOREIGN SERVICE GRIEVANCE PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3722, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3722) to provide for the establishment of a Foreign Service grievance procedure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time is under control. Who yields time?

Mr. COOPER. Mr. President, S. 3722, to provide for the establishment of a Foreign Service grievance procedure, is designed to insure a full measure of due process and appropriate procedures for consideration and resolution of grievances of officers, employees, and survivors.

The pending bill is now before the Senate after a year of effort on the part of the Foreign Service Association and several Members of the Senate.

The distinguished Senator from Indiana (Mr. BAYH) deserves great credit for his sincere efforts to provide a just system of redress of grievances in the Department of State. Over the past year, he and I worked in cooperation with our staffs and with employee groups. We have consulted fully—I have at least—with officials of the Department of State, for their views and suggestions. We have, over a year, written this legislation which is now before the Senate.

The report issued by the Committee on Foreign Relations describes the main provisions of the bill, and I ask unanimous consent that the excerpts of the report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF BILL

Pursuant to the provisions of section 692 of the bill, the Secretary of State is required to promulgate regulations providing for the consideration and resolution of grievances which do not "in any manner alter or amend the provisions for due process." This section also provides that informal procedures for the resolution of grievances shall be established by agreement between the Secretary of State and the organization accorded recognition as the exclusive representative of the officers and employees of the Foreign Service. In the event a grievance is not resolved under the informal procedures within 60 days, the grievant shall be entitled to file a grievance with the Grievance Board.

Under the terms of the bill, the Grievance Board is to be composed of "independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the U.S. Information Agency." One of the members shall be appointed by the Secretary of State; another by the organization "accorded recognition as the exclusive representative of the officers and employees of the Service"; and the third shall be appointed by the other two members from a roster of 12 "independent, distinguished citizens of the United States * * *" agreed to by the Secretary and the organization representing the officers and employees of the Foreign Service. This roster is required to be maintained and kept current at all times. Provision is also made for the establishment of additional panels of three members as may be necessary "to consider and resolve expeditiously grievances filed with the board * * *."

All expenses of the Board, including compensation for such officers and employees as the Board considers necessary to carry out its functions, are to be paid out of funds appropriated to the Department of State.

A grievance shall be barred unless it is filed within a period of 8 months after the occurrence or occurrences giving rise to the grievance except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, and not considered and resolved, it may be filed within a period of 1 year after the date of enactment of this new part.

The Board is required to conduct a hearing on any case fired with it and such hearings shall be open unless the Board determines otherwise.

Any grievant, witness or other person involved in a proceeding before the board "shall be free from any restraint, interference, coercion, discrimination or reprisal."

In considering a grievance, the Board shall have access to "any document or information considered by the Board to be relevant," including security records "under appropriate security measures."

If the Board resolves that a grievance is meritorious (in any case that does not relate directly to promotion, assignment or selection out of an officer or employee), it shall direct the Secretary to grant such relief as the Board determines proper and "the resolution and relief granted by the Board shall be final and binding upon all parties." In the case of a grievance directly related to any promotion, assignment or selection out, the Board shall certify its resolution to the Secretary of State together with such recommendations for relief as it deems appropriate. The Board's recommendations are to be final and binding on all parties, except that the Secretary may reject a recommendation "only if he determines that the foreign policy or security of the United States will be adversely affected" and fully documents his reasons therefor.

Section 693 provides that a grievant may not file a grievance under this new part if he has formally requested (prior to filing a grievance) that his grievance be considered under a provision of a law, regulation or order other than those provided under this part.

Any actions taken by the Secretary of State or the Board are subject to judicial review and the Secretary is required to promulgate and place into effect regulations to establish and appoint members of the Board not later than 90 days after the date of enactment of the pending bill.

Mr. COOPER. Mr. President, this bill before us was made a part of the Foreign Relations Authorization Act of 1972, and approved by the full Senate, but in conference the House conferees stated that they had not considered the provisions of that portion of the bill concerned with the grievance procedure. The House conferees said they believed they must have hearings on it before they could approve any grievance procedure. Representative HAYS of the House, a conferee, said that he would begin hearings in his subcommittee, I believe beginning on June 27 and that they would then proceed to complete the hearings. Representative HAYS said he would do his best to report a bill to the House for action.

Mr. President, it is my hope that the Senate will approve this bill for a grievance procedure for the Department of State. I believe it will provide an effective procedure for the consideration of grievances, with full due process for the employees of the State Department. Such a step will help to strengthen the morale and the effectiveness of the Department of State which plays such an important role in our Government.

I may say that this issue arose over a year ago. Bills were introduced in the Senate by Senators BAYH, MOSS, SCOTT, myself and others to establish a grievance procedure in the Department of State. In the meantime, the Department of State established an interim procedure. In the hearings held in the Foreign Relations Committee, officials of the Department of State said that they would develop a grievance procedure and would submit it to the Senate for its consideration, to be incorporated in this legislation. We have studied the interim grievance procedure very carefully, but we consider the procedure in the pending legislation to be more effective. We believe that this measure is fair to the Department of State, and to the Secretary of State, what might be called the administration of the Department of State, and also to the Foreign Service Association, AFGE, and the employees of the Department of State as a whole.

We must have fair procedures for redress of grievances for those who serve in the agencies of Government. This bill is, in my opinion, and in the opinion of the Senator from Indiana (Mr. BAYH), a very fair procedure for all parties concerned.

The PRESIDING OFFICER (Mr. STEVENSON). Who yields time?

QUORUM CALL—ORDER FOR YEAS AND NAYS

Mr. COOPER. Mr. President, I suggest the absence of a quorum, and, inasmuch as the Senator from Indiana (Mr. BAYH) wanted to be here, I ask unanimous consent that the time consumed for the call of the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, am I correct in assuming that the present position is that the Senator from Indiana has 5 minutes in which to address himself to the Foreign Service Grievance Act which is pending before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, an important provision in the Senate version of the State Department authorization bill would have provided independent grievance procedures for Foreign Service officers. I have been working with the Committee on Foreign Relations for passage of this legislation for nearly a year now, and the State Department has been working equally hard to kill the bill.

I was disappointed last week to learn that the conference committee decided to delete the provisions establishing grievance procedures from the State Department authorization bill. It is because of the urgency of the problem that Congressman HAMILTON and I first introduced legislation last June, and have pushed for its prompt enactment. However, there was a strong desire on the part of the House conferees to hold hearings before completing action on this question. Hearings are now scheduled for June 27 and July 18, and I hope that further examination of the sorry record of due process in the Foreign Service will indicate the need for immediate and strong legislation.

In the meantime, the Senate Foreign Relations Committee has reported the bill, S. 3722, before the Senate today, so that the House committee will have a strong bill with which to work as they begin hearings. S. 3722 is identical to the provisions which the Senate debated and passed earlier this year as part of the State Department authorization bill.

I would like to relate to my colleagues in the Senate how I got involved in a matter as intricate and as foreign to my committee assignments as the Foreign Service Act.

Some time ago I received a call and then a letter, and then a personal visit, from a gentleman by the name of Charles Thomas from Fort Wayne, Ind. Mr. Thomas had served with distinction as a Foreign Service officer for 18 years, and consistently had received the highest commendation from his superior. However, on one occasion, an unsatisfactory rating report of another Charles Thomas was placed by mistake in his State Department file.

As a result of this action, Mr. Thomas was not promoted during the time period in which the State Department required that he be promoted. And as a result of that, he was faced with the ultimate punishment in the State Department: selection out.

He brought the clerical error to the attention of the State Department, as did a large number of Senators. The State Department admitted the error, but refused to reconsider the case. Indeed, there was no meaningful way in which Mr. Thomas could even appeal his selection out or firing. Close study on the part of the Senator from Kentucky (Mr. COOPER) and the Senator from Indiana brought to our attention the fact that this is really the only Federal agency in this country that does not have a panel to which an aggrieved employee can appeal to get justice.

Mr. President, to reach the end of the Thomas case—a rather disastrous end—Mr. Thomas was selected out of the Foreign Service. He became so frustrated at his inability to appeal his case or find a new job that he finally committed suicide, leaving a wife and several small children behind.

As a result, the Senator from Kentucky and I are trying to provide a forum to which any aggrieved Foreign Service officer can appeal. Until the introduction of this legislation, the State Department had granted only one hearing in 15 years, despite several hundred grievances.

Our bill would provide such basic guarantees as the right to a hearing, the right to representation at all stages of the proceeding, the right to the access to documents relative to a grievance case, the right of a transcript of the hearings and cross-examination of the witnesses, and the right to other witnesses under supervision of the Department. Most important, the Board's findings and recommendations are binding on the Department of State, with narrow exceptions. None of these safeguards are guaranteed under the Department's grievance procedure now in operation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I have just returned from an interparliamentary delegation meeting in Cameroon. We have Foreign Service officers stuck out there in remote parts of Africa, and the first question they asked me was, "What about the grievance bill?"

It seems to me that if we ask American citizens to go to the four corners of the world to carry our flag and to stand proud of their responsibility, the least that can be done for them, and what this bill would provide, is a safety mechanism so we do not send them halfway around the world only to grant them second-class citizenship. Let us see that they get these benefits and that they are not the subjects of unfair discrimination.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FONG. Mr. President, as I noted in my remarks——

The PRESIDING OFFICER. Unless the Senator has an amendment no debate is in order.

Mr. FONG. I wish to speak on the bill.

Mr. PASTORE. How much time does the Senator desire?

Mr. FONG. Two minutes.

Mr. PASTORE. I ask unanimous consent that the Senator from Hawaii may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, as I noted in my remarks to the Senate when this same proposal was before us a few weeks ago, I view these procedures as unworkable. Further, the bill undercuts seriously the authority of the Secretary of State over the Foreign Service. We cannot hold the Secretary responsible for the conduct of foreign affairs if we make it impossible for him to control his staff. We have not taken such action with respect to any other Government agency. I am certain no Senator would be prepared to apply these procedures to his office staff.

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I submit herewith for the record a brief statement on the deficiencies of this bill prepared by the Department of State.

I shall vote against the bill.

SUMMARY CRITIQUE OF S. 3722—FOREIGN SERVICE GRIEVANCE PROCEDURES

The Department of State opposes S. 3722 as imposing unworkable procedures on the Department which would destroy control of the Secretary of State over the Foreign Service.

Some of the principal objections are:

First, the bill would make the procedures available not only to present employees but also without limitation to former Foreign Service personnel—or their survivors—to litigate complaints dating back to 1924 relating to the application of policies, regulations, and even laws which have long since been changed.

Second, all complainants would be accorded a mandatory hearing regardless of whether any facts were in dispute or whether the Board might unanimously consider the complaint frivolous on its face.

Third, individuals would appear entitled to bring complaints which would have the Grievance Board sit in judgment on past or present substantive foreign policy or general management policies which by law are to be worked out between the management of the Department or any exclusive representatives of Foreign Service employees chosen by them.

Fourth. The Grievance Board could direct the Secretary of State to take any action it "deems proper under the circumstances" unless the order related to promotion, assignment, or selection-out, and even in such cases the Secretary would be bound by recommendations of the Board unless the Secretary personally determined that the foreign policy "or security of the United States will be adversely affected." Thus, for example, the Secretary, to avoid the Board's recommendation for assignment of an officer who did not enjoy the Secretary's confidence, would have to declare that officer a substantive risk, to the obvious detriment of the officer's career.

Fifth. The Board, without any limitations, could suspend any action proposed by the Secretary which the Board deems "is related to or may affect the grievance pending before the Board," such action to be suspended until the Board, following a formal hearing, has ruled on the grievance. Thus, the Board could even prevent the Secretary from filling a critical post at an important Embassy during a period of crisis.

The Secretary of State is on record as favoring grievance legislation, but he considers that the bill now before the Senate is unworkable. The State Department position has been placed on the desk of all Senators, and I hope that the Senators will have a chance to study it. OMB is very concerned about the present bill. I know that the Members have before them a letter from OMB on this subject. I do want to emphasize that the Secretary of State has sent to the Foreign Relations Committee an outline of the kind of legislation which he feels would be helpful. But he believes that the present proposed legislation would encumber him in carrying out his role as Secretary of State.

Mr. COOPER. Mr. President, in view of the statement of the Senator from Hawaii, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I have heard the distinguished Senator from Hawaii. I do not know how thoroughly he has studied the bill, but I must say the conclusions of his remarks are incorrect.

I am familiar with every provision in the bill, because the Senator from Indiana and I worked steadily for a year on this bill. The facts are these.

The State Department had no grievance procedure. It was the only agency in the U.S. Government with no grievance procedure when we began discussion of this bill. After we began to work on the bill the Department of State established an interim grievance procedure which was better than none, but the employees found it inadequate and still susceptive of wrong to them.

This bill, unlike what the Senator said, provides a board made up from a list agreed upon by the Secretary of State and representatives of the employees to consider grievances.

If the grievances apply to promotion, assignment to a position, or selection out—which means separation from the Foreign Service—the Secretary of State makes the last decision. He does not lose control of his department. If he says that whatever the board's decision is, it is wrong in his judgment, because it would be adverse to foreign policy, he can make that decision. If the employee wants to appeal to the courts he can do so, but it is done on that procedure and upon the record.

I would say that since the interim procedures were established 50 to 60 cases have been heard. But why should employees of the U.S. Government not have the right to have their grievances heard justly and with due process.

The Undersecretary of State, Alexis Johnson, wrote to the committee and said that there should be grievance legislation. The Foreign Service Association and AFGE have written to say that they support this bill which the Senator from Indiana and I had worked out and that it is just; the Secretary and the Undersecretary have said that there should be legislation, and that is what we have done.

This bill will go to the House and the House will hold hearings. If the State Department has other objections they can go before the House committee and eventually I hope we will go to conference.

Let us not deprive these people of the chance to be heard if they are wronged.

Mr. BROCK. Mr. President, once again, this body is being called upon to act on a measure which would establish unreasonable and unworkable procedures for handling any complaints which employees of the Department of State might have.

I feel compelled to reiterate my earlier statements on this subject for what this measure would do is to transform the Department of State from a department of diplomats to a litigious debate society.

The proposal before us today places no limits on what an employee of the State Department can complain about. If he did not like his assignment, he could file a complaint. If he coveted the assignment of another employee, he has the right to complain. He could complain about not being promoted, about someone else's promotion, about any reprimand he might receive, or even about foreign policy if he felt that policy were injurious to his career prospects.

Moreover, the bill provides that any of the aforementioned complaints can be made retroactively back to the creation of the Foreign Service in 1924.

Mr. President, S. 3722 would effectively eliminate the ability of the leadership in the State Department to deal with complaints on the basis of their merits by establishing an outside board of an adversary nature rather than an objective nature. In virtually all cases open hearings would be mandatory and rulings would be binding except where injury to the national security of the United States could be proven.

Mr. President, these so-called grievance procedures do not solve a problem. They create one. It is not our business to prevent the Secretary of State from exercising authority over the organization for whose conduct he is responsible.

I, for one, will not be dissuaded by arguments that this bill is not as bad as it looks, because the employees of the Department of State will not avail themselves of the provisions of the law. I am sure that most of the Department's employees will not do so. But this bill would allow only a handful of malcontents to tie the State Department in knots and frustrate the effective conduct of American diplomacy.

Mr. President, this bill is ill considered, inadequately debated, and faulty in its conception. I urge my colleagues to reject it and to allow the internal procedures newly instituted within the Department the opportunity to prove their worth. For if they are inadequate, then I am sure we will hear about it through the public press.

JUSTICE FOR THE FOREIGN SERVICE

Mr. HUMPHREY. Mr. President, I want to speak out at this time in support of S. 3722 to restore the grievance procedures which were originally part of the Senate version of H.R. 14734. As an original cosponsor of this legislation, I was dismayed at the fact that the conferees removed this part of the authorization bill. It is an important piece of legislation designed to assure sound management-employee relations within the Foreign Service. The Senate recognized how crucial this measure was when it passed S. 3526 with the relevant provisions for formal grievance procedures within the State Department.

Now that the conferees have removed this provision in the bill as reported out of conference, it is incumbent upon this body to once again voice its strong support by restoring this provision in a separate bill.

The issue remains the same. It is regrettable to find that the State Department has not offered a suitable set of grievance procedures which would insure the rights of State Department employees on its own. The initiatives it has taken in the interim between the time S. 2023 was first introduced and the passage of the State Department authorization bill are inadequate. They do not provide for a high standard of justice within the Foreign Service.

It is apparent that the State Department will not take the appropriate action on its own to insure its employees have the rights of other Federal employees guaranteed by civil service standards. This is most unfortunate, but we do not have to sit back and accept this fact. We must act immediately to see that this legislation is implemented and I, therefore, urge my colleagues to join in supporting this bill we are now about to vote on.

Mr. McGEE. Mr. President, I wish to record my opposition to S. 3722 in its present form. While I consider it desirable that Government employees should have available machinery for the redress of their grievances, any such procedure should also safeguard the authority of the head of the Department.

The bill does not adequately recognize the authority of the Secretary of State over the Foreign Service. Further, the bill is too detailed, and would establish cumbersome procedures which would greatly complicate the administration of the Department of State.

If the President and the Secretary of State are to exercise their responsibilities for foreign relations, they must have a disciplined and responsive Foreign Service. The bill in its present form would destroy discipline in the service and greatly reduce the Secretary's control over the service. I urge that the bill be defeated. Should it pass the Senate, I hope that it will be substantially modified in the House and in conference to maintain the authority of the Secretary of State.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 56, nays 27, as follows:

[No. 237 Leg.]

YEAS—56

Aiken	Eastland	Pearson
Anderson	Fulbright	Pell
Baker	Hart	Percy
Bayh	Hartke	Proxmire
Beall	Hollings	Randolph
Bellmon	Humphrey	Ribicoff
Bentsen	Javits	Saxbe
Bible	Jordan, Idaho	Schweiker
Boggs	Kennedy	Scott
Brooke	Magnuson	Sparkman
Burdick	Mathias	Spong
Byrd, Robert C.	McGovern	Stafford
Cannon	Miller	Stevens
Case	Mondale	Stevenson
Church	Montoya	Symington
Cooper	Moss	Talmadge
Cranston	Nelson	Tower
Dole	Packwood	Tunney
Eagleton	Pastore	

NAYS—27

Allen	Dominick	Jordan, N.C.
Allott	Ellender	Long
Bennett	Ervin	McGee
Brock	Fannin	Roth
Buckley	Fong	Smith
Byrd, Harry F., Jr.	Griffin	Stennis
	Gurney	Taft
Cook	Hansen	Young
Cotton	Hruska	
Curtis	Jackson	

NOT VOTING—17

Chiles	Hughes	Mundt
Gambrell	Inouye	Muskie
Goldwater	Mansfield	Thurmond
Gravel	McClellan	Weicker
Harris	McIntyre	Williams
Hatfield	Metcalf	

So the bill (S. 3722) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VI of the Foreign Service Act of 1946 is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors, a grievance procedure to insure the fullest measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

"REGULATIONS OF THE SECRETARY

"SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or amend the provisions for due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

"(1) Informal procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not resolved under such procedures within sixty days, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

"(A) 'grievant' shall mean any officer or employee of the Service, or any such officer or employee separated from the Service, who is a citizen of the United States, or in the case of the death of the officer or employee, a surviving spouse or dependent family member of the officer or employee; and

"(B) 'grievance' shall means a complaint against any claim of injustice or unfair treatment of such officer or employee arising from his employment or career status, or from any actions, documents, or records, which could result in career impairment or damage, monetary loss to the officer or employee, or deprivation of basic due process, and shall include, but not be limited to, actions in the nature of reprisals and discrimination, actions related to promotion or selection out, the contents of any efficiency report, related records, or security records, and actions in the nature of adverse personnel actions, including separation for cause, denial of a salary increase within a class, written reprimand placed in a personnel file, or denial of allowances.

"(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the United States Information Agency. The board shall consist of a panel of three members, one of whom shall be appointed by the Secretary, one of whom shall be appointed by the organization accorded recognition as the exclusive representative of the officers and employees of the Service, and one who shall be appointed by the other two members from a roster of twelve independent, distinguished citizens of the United States well known for their integrity who are not officers or employees of the Department, the Service, or either such agency, agreed to by the Secretary and such organization. Such roster shall be maintained and kept current at all times. If no organization is accorded such recognition at any time during which there is a position on the board to be filled by appointment by such organization or when there is no such roster since no such organization has been so recognized, the Secretary shall make any such appointment in agreement with organizations representing officers and employees of the Service. If members of the board (including members of additional panels, if any) find that additional panels of three members are necessary to consider and resolve expeditiously grievances filed with the board, the board shall determine the number of such additional panels necessary, and appointments to each such panel shall be made in the same manner as the original panel. Members shall (i) serve for two-year terms, and (ii) receive compensation, for each day they are performing their duties as members of the board (including travel-

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time), at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of title 5, United States Code. Whenever there are two or more panels, grievances shall be referred to the panels on a rotating basis. Except in the case of duties, powers, and responsibilities under this paragraph (2), each panel is authorized to exercise all duties, powers, and responsibilities of the board. The members of the board shall elect, by a majority of those members present and voting, a chairman from among the members for a term of two years.

"(B) In accordance with this part, the board may adopt regulations governing the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain such facilities and supplies through the general administrative services of the Department, and appoint and fix the compensation of such officers and employees as the board considers necessary to carry out its functions. The officers and employees so appointed shall be responsible solely to the board. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. The records of the board shall be maintained by the board and shall be separate from all other records of the Department.

"(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is filed within a period of eight months after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is filed within a period of one year after the date of enactment of this part. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing in any case filed with it. A hearing shall be open unless the board for good cause determines otherwise. The grievant and, as the grievant may determine, his representative or representatives are entitled to be present at the hearing. Testimony at a hearing shall be given by oath or affirmation, which any board member shall have authority to administer (and this paragraph so authorizes). Each part (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board or grievant, the Department shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the Department, except that if the board determines that the presence of such witness at the hearing would be of material importance, then the witness shall be made available at the hearing. If the witness is not made available in person or by deposition within a reasonable time as determined by the board, the facts at issue shall be construed in favor of the grievant. Depositions of witnesses (which are hereby authorized, and may be taken before any official of the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer) and hearings shall be recorded and transcribed verbatim.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding before the board, shall be free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

"(6) In considering the validity of a grievance, the board shall have access to any document or information considered by the board to be relevant, including, but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer (if the subject matter of the grievance relates to that rating or reviewing officer). Any such document or information requested shall be provided promptly by the Department. A rating officer or reviewing officer shall be informed by the board if any report for which he is responsible is being examined.

"(7) The Department shall promptly furnish the grievant any such document or information (other than any security record or the personnel or security records of any other officer or employee of the Government) which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding.

"(8) The Department shall expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

"(9) The board may consider any relevant evidence or information coming to its attention and which shall be made a part of the record of the proceeding.

"(10) If the board determines that (A) the Department is considering any action (including, but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the Department shall suspend such action until the board has ruled upon such grievance.

"(11) Upon completion of the proceedings, if the board resolves that the grievance is meritorious—

"(A) and determines that relief should be provided that does not directly relate to the promotion, assignment, or selection out of such officer or employee, it shall direct the Secretary to grant such relief as the board deems proper under the circumstances, and the resolution and relief granted by the board shall be final and binding upon all parties; or

"(B) and determines that relief should be granted that directly relates to any such promotion, assignment, or selection out, it shall certify such resolution to the Secretary, together with such recommendations for relief as it deems appropriate and the entire record of the board's proceedings, including the transcript of the hearing, if any. The board's recommendations are final and binding on all parties, except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the United States will be adversely affected. Any such determination shall be fully documented with the reasons therefor and shall be signed personally by the Secretary, with a copy thereof furnished the grievant. After completing his review of the resolution, recommendation, and record of proceedings of the board, the Secretary shall return the entire record of the case to the board for its retention. No officer or employee of the Department participating in a proceeding on behalf of the Department shall, in any manner, prepare, assist in preparing, advise, inform, or otherwise participate in, any review or determination of the Secretary with respect to that proceeding.

"(12) The Board shall have authority to insure that no copy of the Secretary's determination to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of such officer or employee to whom the grievance relates or anywhere else in the records of the Department, other than in the records of the board.

"(13) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered relevant evidence not previously considered by the board and then only upon approval of the board.

"(14) The board shall promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies, or procedures contained in this part or in regulations promulgated under this part.

"RELATIONSHIP TO OTHER REMEDIES

"SEC. 693. If a grievant files a grievance under this part, and if, prior to filing such grievance, he has not formally requested that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, then such matter or matters may only be considered and resolved, and relief provided, under this part. A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part.

"JUDICIAL REVIEW

"SEC. 694. Notwithstanding any other provision of law, regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and actions of the Secretary or the board pursuant to such action, may be judicially reviewed in accordance with the provisions of chapter 7 of title 5, United States Code."

(b) The Secretary of State shall promulgate and place into effect the regulations provided by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section), and establish the board and appoint the member of the board which he is authorized to appoint under, as provided by such section 692, not later than 90 days after the date of enactment of this Act.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC BROADCASTING ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Senate will now proceed to the consideration of H.R. 13918, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 13918) to amend the Communications Act of 1934 to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

The PRESIDING OFFICER. Time is under control.

Mr. PASTORE. Mr. President, if we may have order——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Rhode Island may proceed.

Mr. PASTORE. The bill before us, Mr. President, is the authorization for the Public Broadcasting Corporation. It is a bill passed by the House of Representatives with several amendments that were incorporated by motion on the floor.

The bill as passed by the House provides authorizations for the Corporation for Public Broadcasting for 2 fiscal years. The authorization for the first fiscal year being $65 million, and for the next fiscal year $90 million; and it authorizes $25 million to be appropriated, for fiscal 1973, for grants for radio and television construction facilities.

Heretofore, the amount that has been allocated by way of grants by the Corporation for local stations has been in the neighborhood of 15 percent of the amount of money that has been appropriated by Congress. The House of Representatives saw fit to write into the bill that the Corporation must distribute, in each fiscal year, to noncommercial education ratio and television stations, not less than 30 percent. When the President of the Corporation appeared before our committee, he said he would go along with that, and he could live with it. So I think we can go along with it as well.

The next change that was made was with reference to the limitation on salaries to be paid to the members of the Corporation. The President was being paid, I think, $65,000 a year, and the House decided that it would write into the bill a limitation of $42,500.

We were told that they could live with that, and the committee is willing to go along with that amendment of the House of Representatives.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. As I understand the Senator from Rhode Island, the legislation now before the Senate would put a limit of $42,500——

Mr. PASTORE. As the top salary.

Mr. HARRY F. BYRD, JR. As the top salary that could be paid——

Mr. PASTORE. To an officer.

Mr. HARRY F. BYRD, JR. To an officer or employee of the corporation?

Mr. PASTORE. That is right.

Mr. HARRY F. BYRD, JR. I had read that much higher salaries were being paid than the $42,500. I forget the exact figure; I think one was $70,000, another $85,000. Am I correct in assuming that such salaries could not be paid if the Senate enacts the legislation?

Mr. PASTORE. No, it is a little different. The salary that the Senator is talking about is the salary of Sander Vanocur. Let us spell it out. His salary, I think, was $85,000.

That was done by way of contract through the National Public Affairs Center with some of the money paid from another source.

By the same token, we have a program called Firing Line, which is run by Mr. William Buckley, a very fine intellectual of our time, conservative in philosophy, and that program runs about $700,000 a year. But that is done through a contract arrangement. That has nothing at all to do with the officers of this Corporation. The officers of the Corporation are paid exclusively out of taxpayers' money. That is money appropriated by Congress.

Mr. Macy was receiving $65,000 a year, and one of his associates was receiving more than the $42,500.

The limitation that is provided here, which appears on page 7 of the bill, section 5, reads as follows:

(3) No officer or employee of the Corporation shall receive compensation at a rate in excess of that prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

That is $42,500.

Mr. HARRY F. BYRD, JR. My interest is not concerned with the political philosophy of any of the individuals.

Mr. PASTORE. I realize that.

Mr. HARRY F. BYRD, JR. Either of Mr. Vanocur or Mr. Buckley.

My interest goes back to 1969, as late as 1968, when I presented an amendment in the Committee on Armed Services in connection with the Federal Contract Research Centers, having nothing at all to do with politics, which was receiving most of its funds from the taxpayers and was paying its personnel up to $97,500. I presented an amendment in the committee to limit it to $45,000 without the express approval of the Secretary of Defense. That amendment was approved by the Senate and subsequently by the House.

When I read that another corporation, deriving most of its funds from the taxpayers, was paying large salaries, I thought this matter should be looked into. To some extent, I suppose, the limitation of $42,500 takes care of the problem that I had in mind. I am not completely clear on this point, however.

As I understand it from what the Senator from Rhode Island has said, the reason why the intermediary, so to speak, is able to pay salaries larger than $42,500 is that the amounts going to pay salaries above $42,500 do not come from the Public Broadcast Corporation.

Mr. PASTORE. Not exclusively.

Mr. HARRY F. BYRD, JR. But would come from other sources.

Mr. PASTORE. The Ford Foundation and other contributors.

What you would be up against is this. If you invoke this as a universal limitation, what are you going to do about Sesame Street? What are you going to do about these other contracts? This is a contractual situation, and in many instances you might have to go over the $42,500.

I am not one who is preaching that these people should be paid exorbitant salaries such as are paid, let us say, in commercial broadcasting, because there the situation is different. But I do not think we can place a ceiling with respect to the other situations, because it all depends on what you are trying to get and what you are trying to achieve and what you are trying to produce.

I think it would be rather dangerous if we invoked the limitation, because I think the first thing that would be knocked off would be "Sesame Street," and that is one of the best programs this Corporation supports.

This is the story: We appropriated last year approximately $35 million to the Corporation, but actually the money available was in the neighborhood of $143 million, if my memory serves me correctly. The difference was made up by public or private contributions to public television. So, much of the money comes from the outside. Only part of it is taxpayers' money.

Those who actually work for the Corporation and are employees and officers of the Corporation cannot earn more than $42,500. They were paying the president $65,000 a year, and he was willing to take the cut, so that is the limitation. I think it is a good limitation.

Frankly, I do not think that anybody who works for the Corporation works any harder than a Congressman or harder than the Secretary of the Navy, and I think the limitation should be invoked. That is the level we have achieved here, and that is the level I think it ought to be.

Mr. HARRY F. BYRD, JR. I assume that the Senator from Rhode Island feels that it would not be practical to go beyond the point this bill goes in applying it only to officers and employees of the Corporation.

Mr. PASTORE. That is correct. Otherwise, it would become nonproductive.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. When the Senator from Virginia is finished, I will be glad to yield.

Mr. HARRY F. BYRD, JR. In other words, as a practical matter, this $42,500 limitation could not be carried to a third party, so to speak?

Mr. PASTORE. That is correct.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Florida.

Mr. GURNEY. Following that colloquy a little further—I certainly understand the explanation, and I do not disagree with it—with respect to the outside people who supplement the salary of Vanocur or Buckley, is that earmarked? By that I mean, does the Ford Foundation say, "If you hire Sander Vanocur, we will supplement his salary by $30,000," or do they give a blanket contribution?

Mr. PASTORE. They give a blanket contribution. It is this agency that makes these arrangements, because under the law the Corporation itself cannot be a vehicle for production. Production has to be made by someone other than the Corporation.

For instance, Public Broadcast Service was formed and consists of local broadcasters—I mean noncommercial broadcasters and the public. I think 12 members of the Board are executives of the stations and six are public members. Mr. Hartford Gunn, who is the president of this Corporation, is the 19th member. That is the way it is done.

A lump sum is paid to this group by the Corporation delegate. Mr. Sander

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Vanocur, who produces certain programs, is employed by the National Public Affairs Center and they agreed to pay him $85,000. Some people feel that is a lot of money. To me, it is a lot of money. But you can only go so far in impinging upon the independence of a group that is charged with the responsibility to produce. Those responsible have to go to certain people who are worth a certain amount of money. In the case of Mr. Buckley, they made that decision. I am not being critical of him. I am not getting into production. Insofar as Sander Vanocur is concerned, they decided to make it $85,000.

I think that figure rubbed some people the wrong way, maybe because of the individual's philosophy, and I suppose some people are a little peeved about the Buckley show because of what they regard as his philosophy. But I cannot get into that, and I do not care to get into that. I am only justifying the procedure under which these contracts were made.

Mr. GURNEY. That was not my inquiry. I just wanted to make sure that the outside funds went into a common part.

Mr. PASTORE. They do and then they spend them independently. Most of the representatives on PBS board are connected with the grassroot operations of these television stations in the various States.

Mr. GURNEY. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield on my time?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, I have listened carefully to this colloquy, especially the questions put by the distinguished Senator from Virginia. I have some minor disagreement with the implication that there is nothing we can do.

I do not propose to offer an amendment to limit Sandor Vanocur's salary. Had I wished to do so, I would have done so in committee. It was discussed at some length in the Commerce Committee when the bill was reported. I did not offer an amendment to limit Sander Vanocur's salary at that time. But to say that we cannot do it is going a little far afield. Clearly, we can do it. It seems to me that if we want to provide a limitation on the amount that can be spent in programs that are funded in whole or in part by the Federal Government, we can do so.

It happens that Sander Vanocur is employed by the National Public Affairs Center for Television. My information is that the Federal Treasury pays 51 percent of the operating budget of that corporation. $1.8 million comes from the Fderal Treasury for that purpose. Forty-nine percent is paid from other sources.

But the history and the traditions and the operating mores of the Federal bureaucracy are such that it is entirely consistent and it is entirely ordinary and regular for a company or institution or an organization that is going to receive Federal funds to have to submit in advance a budget on how it will spend the funds, designate what salary scales there will be, and pledge that it will hire or fire on a nondiscriminatory basis, and any other range of things that we have grown to take care of with Federal guidelines.

So, once again, I do not rise to offer an amendment to limit the salary of Sander Vanocur. That does not concern me that much, what they pay him. But, rather, to say it certainly is not impossible to take care of it, if we choose to do so. We should understand that even if we decide to pay Sander Vanocur $85,000, we can change that if we choose to do so, but we are choosing not to.

Mr. PASTORE. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) used the word "practical." He did not use the other word, "impossible." We can do anything. We can even defeat the Public Broadcasting Corporation bill, this afternoon, if we wish. We can put in an amendment to do away with it. It is not a question of what is possible. It is not a question of what is impossible. It is a question of what is practical under the circumstances and what we are trying to achieve. We can emasculate this Corporation if we want to.

I hate to bandy names around here, but I do not know how much Bill Buckley gets for his program. I do not know what the salary is of the woman who puts on the Sesame Street show, I do not know what that is. But, if we get into that avenue now, we are going to get so far away so that we will vitiate the law.

I hope that this colloquy will at least impress the members of the Corporation that they cannot make reckless expenditures. I would hope that we would not legislate this limitation to be spread over and beyond the officers and employees of the Corporation because if we do that, I am afraid we will be whistling down a dangerous course.

Mr. BAKER. If the Senator will yield, on my time, by now the Senator knows that I, as the ranking member of the Communication Subcommittee, had I wished to emasculate public broadcasting, I had a number of opportunities to try to do that before now. I do not intend to. Nor do I intend to limit the salary of Sander Vanocur. Once again frankly, that does not concern me.

What I am saying is, whatever we do, we do with our eyes wide open——

Mr. PASTORE. That is right.

Mr. BAKER. We should do it if we wish to, but I happen to think that we should not. Let us not get started by giving the impression that someone is trying to emasculate public broadcasting. I am not trying to do that. I am not trying to limit the salary of Sander Vanocur. What I am trying to say is that if the Senate wants to do something which is practical or possible, the Senate can do that.

The Senator from Virginia (Mr. HARRY F. BYRD, JR.)—and this is what prompted my additional query of the Senator from Virginia—I understood to say he thought it was not possible to do this. If a question of whether it is practical, that is a matter of judgment for us.

Mr. HARRY F. BYRD, JR. Mr. President, I expressed no view on this. What I was trying to do in my colloquy with the Senator from Rhode Island was to understand just what limitation there is in the bill and how much farther, if any, it would be practical for Congress to go.

Mr. BAKER. "Practical" is a judgment the Senator from Virginia has to make, which I have to make, which we all have to make. But it is clearly possible, and I think we all agree on that.

Mr. PASTORE. As I said earlier today in discussing another bill, there are only two things which are impossible to do anything about, and those are death and taxes.

Now, Mr. President, another prohibition put in by the House was with reference to polls and opinions. There is a limitation that the Corporation cannot spend funds in that area. Members of the Corporation did not like that too much, but they are going to live with it, so we left it in the bill. That is the sum and substance of it.

This is a 2-year authorization. Some feel, like the Senator from Tennessee, that it should be a 1-year authorization, but the House passed a 2-year authorization. We are appropriating only for 1 year.

This is the practical problem that confronts us here this afternoon—because it is 2 minutes past 12 now—that if we begin to amend the bill on the floor, we have to go to conference. I have held off on the bill at the request of certain Senators who had official commitments and could not be present and, for that reason, I accommodated them by holding up the bill.

The appropriation bill on HEW has been reported by the committee. This is an item contained in that bill. That bill already has been assigned for consideration next week under a unanimous-consent agreement. I do not question the merit of some of the amendments that will be proposed, but what I am trying to do is to pass the House bill, if possible, without amendment so as to avoid going to conference. I am afraid that, if we go to the conference, not only will we consume time but we may also hit a stone wall on some of the matters, so that we will accomplish very little. I was wondering whether, in the committee, we could not have the cooperation of Members of the Senate that this time, realizing what the situation is, and pass the House bill. I am perfectly willing to consider separately some of the other matters that will be proposed by way of amendment.

That is the story, simply told.

I have no personal interest involved in this. I think that this Public Broadcasting Corporation is a fine concept we have created. There have been some things about it which have been criticized. But when we get into the area of communications, we cannot satisfy everyone, any more than we can in all things satisfy everyone on the floor of the Senate. If we all agreed with one another on the floor of the Senate I do not believe this would be a very exciting place in which to serve. As a matter of fact, I do not believe that I would want to be here. Because of the give and take that transpires on some of these things, when we balance the scale, we find that usually

the good part of it greatly outweighs whatever little abuses there might be.

So I say today, let us not throw out the baby with the bath water, let us not lose sight of the forest for the trees, let us not trade off the orchard for an apple.

I hope that this bill will pass. That is all I have to say. I am ready to answer any questions or have the bill open to amendment if Members so desire.

The PRESIDING OFFICER (Mr. Moss). The bill is open to further amendment.

AMENDMENT NO. 1267

Mr. BAKER. Mr. President, I call up my amendment No. 1267 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 4, line 6, strike all through and including line 2 on page 5, inserting in lieu thereof the following:

(2) There are authorized to be appropriated to the Fund for the fiscal year ending June 30, 1973, the lesser of—

(i) $65,000,000, or

(ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971.

Mr. BAKER. Mr. President, I shall not take too long to discuss the bill. The program has been discussed in general by the distinguished chairman of the Communications Subcommittee, for whom I have great respect, and with whom I have worked and will continue to try to work very closely in communications matters, including public broadcasting matters.

There are matters that concern me greatly about this situation and that I want to discuss in connection with my amendment.

To begin with, I think that the whole situation can best be described in terms of the question whether we have arrived at the time when we are clear and at peace with ourselves on what the role of public broadcasting should be and what the performance of those mandated to undertake it has been so far.

The purpose of this amendment is to signify my concern that we have not yet fully defined what the role of public broadcasting should be, and to signify further that the senior Senator from Tennessee, at least, is not fully satisfied that the performance of the Corporation for Public Broadcasting is responsive to the statutory requirements.

Mr. President, it is not without some reluctance that I propose this amendment to H.R. 13918. The distinguished Communications Subcommittee chairman (Mr. PASTORE), whom I have the greatest respect and affection for, made a sound argument in committee and here on the Senate floor today in support of expeditious action on this authorization bill.

However, I feel it is necessary that the Senate focus its attention on the structure of our public broadcasting system. While we cannot as a legislative body involve ourselves in program content, we do have a responsibility to see that our original purposes in creating the existing public broadcasting system are being fulfilled.

Over the years, the Congress has had a consistent view of the role of noncommercial educational broadcasting in our country and of the relationship between the center of the system and its parts. We have followed the general approach of the Communications Act of 1934 by placing the principal public interest responsibility on the local broadcast stations, which are licensed to serve the needs and interests of their own communities. The national entity that we created in 1967—the Corporation for Public Broadcasting—CPB—was intended to strengthen and to support the local stations in providing general educational programing for their communities.

However, there are a number of questions regarding the manner in which CPB has fulfilled its responsibilities under the act. H.R. 13918 appears to deal with some of those questions but it in fact fails to come to grips with the fundamental deficiencies of the present system.

These same issues are now the subject of debate and discussion both within and without the public broadcasting community. It would be premature to cut short this reevaluation of the purpose and function of public broadcasting by increasing CPB's present authorization by nearly 200 percent over the next 2 fiscal years.

Instead, I urge that the Senate adopt my amendment which would extend for 1 year CPB's funding at an increased level of appropriations commensurate with those financial needs of CPB that are clearly defined and substantiated at this point in time. This approach would facilitate the efforts being made at present to address the basic issues posed for the public and the Congress by public broadcasting, and would enable us to work with the administration and devote the necessary time during the next Congress to put public broadcasting financing on a more stable, long-range basis.

To a certain extent CPB has achieved success in many of the responsibilities it has undertaken in support of the public broadcast system. In carrying out the congressional mandate, CPB created an interconnection system that will, by January 1973, tie together 110 public television stations. More important than the mechanics of station interconnection, CPB has used the national system to make available many high quality programs to the American viewers.

For example, "Masterpiece Theater" presents some outstanding programing from Great Britain and other countries. This series and the "Hollywood Playhouse" series have shown that drama on television can be absorbing and rewarding for the home viewer.

Public broadcasting has also opened our eyes—and the eyes of the commercial networks—to television's enormous potential for instruction and education, especially when the medium is used intelligently to teach our children through such programs as "Sesame Street" and "Electric Company."

CPB has also brought new life to educational radio.

However, these glimpses of what public broadcasting can offer also highlight some deficiencies in the present scheme of things, and raise the question as to why CPB does not devote more attention to education and to assisting the local radio and television stations in meeting their obligations to their own communities.

Indeed, education, in a broad sense, was to take priority over the creation of a new national network to rival the commercial networks in presenting entertainment and current affairs programing. We recognized that public broadcasting was to go through an evolutionary period to work out the basic responsibilities and roles of various parts of the system, and it was partly for this reason that a long-range financing structure was not immediately established. Our first few years of experience under the Public Broadcasting Act have seen the development of a strong, centralized, national network system, but only limited support for the nonnational educational program needs of the local stations.

The matter of "networking," or how CPB has used its statutory authority to provide for interconnection of public television stations, is perhaps the best example of how far CPB has strayed from the congressional intent. It also emphasizes the need for structural reform of public broadcasting before CPB is "turned loose" with massive Federal funding with minimal oversight by the Congress. The act itself states that one of CPB's primary purposes is to:

Assist in the establishment and development of one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all *noncommercial educational television or radio stations that wish to may broadcast the programs at times chosen by the stations;* (47 U.S.C. Sec. 396(g)(1)(B)). (Emphasis supplied)

The Committee on Commerce's report on the Public Broadcasting Act of 1967 quoted in my supplemental views illustrates the congressional intent on this issue, and explains why it was thought to be essential that the stations have complete freedom of choice to broadcast the CPB-supported programs at times of the station's own choosing.

In line with the concern about CPB's broad authority to arrange for interconnection and the impact this could have on local station operations, the distinguished chairman of the Communications Subcommittee of the Commerce Committee and manager of the bill (Mr. PASTORE) stated during the floor debate that:

Since the fundamental purpose of the bill is to strengthen noncommercial stations, the powers of the Corporation itself must not impinge on the autonomy of local stations. (113 Cong. Rec. 12985 (1967)).

It was noted in the Commerce Committee's report accompanying S. 1160 that it intended to follow CPB's inter-

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connection activities closely to see what impact the broadening of the Corporation's authority would have on the development of a nationwide public broadcasting system.

Any committee member who reviews the CPB practices under the act will find that the actuality departs substantially from the theory and intent of the Public Broadcasting Act. Rather than creating the kind of interconnection system envisioned by both the Carnegie Commission and the Congress; rather than maximizing the local station's options for choosing and scheduling national programing; and rather than financing and developing regional and local interconnection systems, CPB and its interconnection "intermediary"—the Public Broadcasting Service—PBS—have created a system of fixed-schedule networking in prime time evening hours 6 days a week, which will soon be expanded to a full week network operations.

The Public Broadcasting Service sends out nearly 19 hours per week of prime time programing for simultaneous presentation throughout the country.

We hear, as pointed out by Mr. Macy when he testified on June 13, 1972, during confirmation hearings for the new CPB board nominations, that PBS is structured as a station membership organization and that local station managers control the PBS board. This is true, and to some extent it allows the local stations an important voice in national program selection and scheduling. But it is also true that virtually all of PBS's funds come from CPB, and, as a practical matter, CPB calls many of the tunes when it pays the PBS piper. The basic point is that no matter how representative the PBS board may be, the Congress intended that each local station would have complete, effective and realistic control over its own schedule and that CPB would structure the interconnection system in order to enhance this type of control. When the local station is fed a program schedule from Washington and PBS has provided no attractive alternative to carriage of that program at that time, it is PBS and not the stations that determine the schedule of programing.

Moreover, CPB and PBS devote nearly $2 million of their funds to advertising the national schedule of programs, which makes it difficult for the local stations to refuse to air a PBS program at the time that has been advertised. These prime-time network hours are not devoted to events or programs that require "live" presentation nationwide or to take advantage of unusual or special opportunities, but are used for Friday night movies, French cooking lessons, musical performances, and the like.

Undoubtedly, this type of network is less difficult and less expensive to operate than the type of distribution system envisioned by the Congress. It also is attractive to firms such as Xerox, Polaroid, Mobil Oil, Humble Oil, and General Electric to be able to "underwrite" the costs of PBS programs and be assured that their programs will be aired nationwide during prime-time evening hours. But operational convenience and advertiser support were never the principal goals in establishing a public broadcasting system. CPB's type of network is one that in the name of convenience and advertiser support undercuts the concept of localism which is the dominant thrust of the Public Broadcasting Act.

It is not appropriate for the Corporation for Public Broadcasting to respond to criticism regarding its network operations by stating at this late date that it does not have sufficient funds to create the type of interconnection system required by the act. The Corporation had many opportunities between 1968 and the present time to advise the Congress that it was simply creating a fixed-schedule network as a temporary expedient until more funding was provided. It is wrong to believe that the system CPB did create is a steppingstone on the road to a localized network. CPB created a "fourth network"—the type of system considered but specifically rejected by the Congress in 1967.

As evidence of the disinterest of the Corporation in assisting the local stations, it should be noted that between fiscal year 1969 and fiscal year 1972, CPB has received a total of $78 million in Federal appropriations, plus $13.7 million from other sources, including foundations, TV networks, and industry, but disbursed only $11.7 million, or 12.7 percent to local broadcast stations.

These funds have been disbursed in the form of grants—the minimum being roughly $16,000—the maximum close to $48,000. In the present-day economics of TV, even the maximum grant is a drop in the basket.

And while much is made of the national programing provided the local stations and proponents rely particularly on the programs produced by the Children Television Workshop—"Sesame Street" and "Electric Company"—the $2 million CPB has directed to the Workshop budget represents less than one-third of the Workshop funds with the rest coming from the Ford Foundation and HEW's Office of Education.

Corrective action is clearly needed to restore an appropriate balance between centralization and localism in public broadcasting.

I believe strongly that a 2-year extension of CPB's funding at a total level of $155 million is inappropriate at this time. Establishment of a plan for long-range funding for CPB was initially deferred because the Congress had no clear understanding of CPB's future needs—needs which we hoped would be clarified once CPB had gained operational experience. I believe, however, that CPB's operational experience has not clarified these needs. To the contrary, it has raised new questions and new doubts as to CPB's role in the system and its relationships with the local stations. CPB has not shown to our satisfaction how it intends to resolve these issues. More importantly, CPB has not stated clearly how it intends to use its increased funding to serve the financial and operating needs of the local stations, and how it intends to pursue the goal of local station autonomy and independence within the national public broadcasting system.

We are well aware of CPB's claim, reiterated by Mr. Macy in his June 13, 1972, appearance before the Commerce Committee, that an 18- to 24-month period is needed for advance program planning. Mr. Macy stated that—

> In order to provide for its programing development over that 18- to 24-month period, there must be some assurance of continued funding, which is extremely difficult to provide when we recognize that the funding is on a year-to-year basis. (Transcript of Hearings on Nominations of Members of the Board of Directors of CPB, p. 18).

However, the supposed need for program planning time would appear to be illusory.

While a few public broadcasting programs require 2-year advance planning, the majority of the programs do not. Those that have required extensive leadtime—such as "Sesame Street" and "The Electric Company"—have been funded by the Department of Health, Education, and Welfare and other Government entities, foundations, and private enterprise, and are virtually unrelated to CPB's budget. As with Federal agencies themselves, all that is required for CPB's program planning is the assurance that Federal funding will continue to increase substantially as it has over the past 5 years. Public broadcasting has this assurance, even though the precise amount of future increases may not be known at this time. Indeed, CPB presently has two alternative program plans ready to implement in fiscal 1973—one plan based on a $45 million funding level and one based on a $65 million level. Some of the increased funds would be used to acquire additional productions or episodes in existing program series, for which no planning leadtime is required, and the balance of the increase would be used for new programing, for which CPB has stated that planning is well advanced.

In summary, to provide the Congress, CPB, and the public broadcast stations appropriate incentives to correct the operational deficiencies in public broadcasting and to reform the structure created by the 1967 act, the Congress should reject a 2-year funding authorization and merely increase CPB's appropriation for fiscal 1973 to meet CPB's and the stations' immediate needs while the fundamental issues are being resolved.

The administration made a commitment during the hearings held by the House Committee on Interstate and Foreign Commerce on public broadcasting legislation that if a 1-year bill were enacted it would submit a workable long-range funding bill which would have broad support during the coming fiscal year, in time for the Congress to take final action on it prior to June 30, 1973. Rather than to adopt the proposals contained in H.R. 13918, the Congress must keep the pressure on the administration and CPB to agree on a satisfactory long-range funding plan.

Mr. President, to continue further, I think that there is a way to approach this problem without running the risk of seriously damaging or even emasculating public broadcasting. That is the essence of amendment No. 1267, to change the language of the authorization from 2 years to 1 year. One year does not mean that we will not go forward with the Federal support of public broadcasting. It means that we will go forward for a limited period of time until we get plans for permanent financing and a better reading of how the system will work. We must ask whether there is going to be a fourth commercial network, whether we can resist temptation as Members of the legislative branch to become involved in program content, and whether public policy is such that we have to get involved in program content.

I think this will be resolved in favor of public broadcasting and in terms of the obvious best interests of the morals and mores of the people of the United States.

I am treading on thin ice, by my own judgment. I am not quite sure how I can do what I want to do in terms of expressing my dissatisfaction with public broadcasting in certain material respects without appearing to get involved in the question of dictating what will be broadcast and what will be withheld.

However, I am sure that we can approach it by doing it a year at a time, temporarily. If we make this authorization for 1 year, therefore, Congress and the Nation will perhaps have a chance to look at the public broadcasting and decide what is the next best course and decide how adequately public officials and public broadcasting have complied with the mandate of Congress, and the words and the meaning of the statute.

To discuss these matters, I bring myself to the edge of danger and find myself skating on thin ice. For instance, in the full Commerce Committee in executive session, it was brought to the attention of the committee that a program originated by channel 13 in New York, WNET, a station that is publicly funded, aired a nude ballet that was not run in Tennessee because there is a Tennessee statute that prohibits the programing of nudity on television stations in Tennessee.

The response and rejoinder is, "Well, that is true. It was a nude ballet. But how are you going to get yourself involved in questions of policy judgment as to whether this complied with the meaning and the intent of the public broadcasting statute without running the risk of legislative censorship? How am I to judge the presentation of a nude ballet on television? And, by the way, it was not just a glimpse. It was pretty well done by way of the press accounts of a Scripps-Howard writer's report:

> The federally financed Public Broadcasting Service will offer coast-to-coast viewers of non commercial television their first look at total nudity on the TV screen June 2.
>
> Nude male and female dancers, directed by Alwin Nikolais, will cavort across the PBS network late enough in the evening, it is hoped, that most young viewers will be asleep dreaming of what they have learned on Sesame Street and The Electric Company.

That was from the Memphis Press Scimitar of May 6, 1972. I have a whole string of correspondence and communications on that program and on many others that express their considerable concern over a nude ballet being carried on public television which is financed out of the Federal Treasury.

Once again, bringing myself to the edge of danger, I will refrain from commenting on whether or not the public morals of the United States allow the showing of a nude ballet on television. However, I will say that I do not intend to open the question by disagreeing with the statute of my State which prohibits it. I will say that I have policy concern as to whether or not that is the sort of thing that our hard-pressed Federal Treasury ought to be involved in at this time.

I will not offer an amendment that provides that they cannot show nude ballet dancers and dance scenes, because that clearly would be an intrusion into the programing system. However, I will suggest, as I do in my amendment, that this is jolting enough, at least to me, so that I think we ought to authorize this for 1 year instead of 2 years.

Whether or not we want to pay Sander Vanocur $85,000 or whether public broadcasting should carry a nude ballet is not the real issue. The issue is whether we will create a fourth network and whether that network will hire Buckleys and Vanocurs and give them star salaries and star billings in order to compete with the national networks.

The mandate is that we shall not have a fourth network, but that we shall have a loose association of local stations provided national programs from Government-funded agencies that would not otherwise be available to the public.

As surely as we are standing here, four networks are growing up. I believe 190 stations are on the public broadcasting interlink carried by ATT. And they carry some darn good stuff. "Sesame Street" which was mentioned by the Scripps-Howard staff writer, and Masterpiece Theatre and others. However, I cannot say that the presentation of the ballet or the salary of Vanocur is right or wrong.

All I can say is that the only amendment which will let me approach this thing without undue legislative intrusion and the charge of governmental censorship of public broadcasting is to authorize a year at a time.

That is why I offered the amendment to limit the authorization to 1 year instead of 2 years. I do not even quarrel with the funding level. I very well might quarrel with it if it were not for the fact that I am far more interested in the concept than in the funding level at the moment.

There is another program that, once again, tempts me to try to express a viewpoint on program content that is substantial enough and is sufficiently serious to warrant discussing it, even though I will refrain from offering my amendment dealing with the matter at hand and will limit myself to the question of 1-year authorization instead of two. That is a program that originated in the New York area, a program called the "Fifty-first State."

In the whole question of broadcasting, public or private broadcasting, we have the implicit and inherent question of fairness. We have the question of equal time and a whole range of things imbedded in the statute that would require judgment of morals and good taste that I thought had so firmly been imbedded into the fabric of commercial broadcasting, the idea that programs should be balanced in presentation by the national networks and that they should try to present both sides, that we should no longer argue that. But that is not the case for public broadcasting.

I had this matter called to my attention by Representative MICHEL, of Illinois, concerning a program that originated on station WNET, channel 13, in New York, a public broadcasting station. It was about a program on Vietnam. And this is what happened as described at 19471 of the CONGRESSIONAL RECORD of June 1, 1972:

> BILL JORGENSEN. Last night Channel 13 Television here in New York City, the Public Broadcasting System, aired a five-hour program on the Vietnam situation.
>
> There were 30 to 40 guests invited to make statements and express their feelings in various ways, and almost all were anti-war. And today Steve Bauman asked Channel 13's anchorman, Patrick Watson, if it wasn't true that there was virtually no representation of the Nixon administration's point of view.
>
> PATRICK WATSON. Oh, yeah, absolutely true. The one man who could be considered a representative of the administration's point of view was Senator Dole, who was interviewed in Washington. I think I could argue, without being frivolous about it, that the program would have been better if there had been no representatives of the Washington point of view on, because it was perfectly clear that what this program was about was reflecting and articulating that body of opinion in the country that's concerned and frightened over what's going on in Vietnam.
>
> I think the country knows, and it's had ample exposure to what the administration's position is.
>
> STEVE BAUMAN. Well, haven't there been ample expressions of the anti-administration point of view, and in terms of a balanced program, don't you feel you are obligated to attempt to get administration's spokesmen or supporters?
>
> WATSON. Not within the body of one program. I think that's an old-fashioned concept that went out of broadcasting—where I live, anyway—a long time ago.

Mr. President, I can disagree with that, as I do, and I can suggest it was improper, as I do, and I can say that it is not an attitude that should permeate public broadcasting at the expense of the Federal Treasury, as I do, but I refrain from offering any amendment to prohibit it. I say we should limit this authorization to 1 year instead of 2 so that we can take a look at what we are doing and so we can have a better understanding of how these public officials in public broadcasting are undertaking to discharge the functions they perform. I have grave doubt that what I just read accords with the mandate for public broadcasting. The argument might be made that this was not done directly by the Federal Government, that WNET is a NET affiliate and that the Corporation for Public Broadcasting should not be held accountable for it.

However, to substantiate my point, I might point out that over the past 4 years NET, and later the merged operation of the NET program production center and the New York City public TV

station—now WNET–13, have received the lion's share of program production funds supplied by CPB. In 1971 and 1972, CPB has given NET an average of the total funds it granted for program production. The plan for fiscal year 1973 is to give NET between 31 percent and 32 percent of these funds. This has enabled NET to dominate the prime time evening schedule of the public TV national network, PBS, with NET consistently supplying between one-quarter and one-third of the national, prime time schedule over the past 4 years.

Mr. President, once again I confess to danger. There is the danger that these remarks will be construed separately and out of context as an effort by this Member of the Senate to change program content, to legislate morals, or make a judgment on the propriety or the desirability of programing, per se. That simply is not the case.

I am offering these examples to point out the fact that I am not satisfied with the performance of public broadcasting, albeit, the mandate or statute. I suggest doing it the good old American way by going slow, for 1 year, and we will see what the situation is and how it materializes.

I went to some length in the colloquy with the distinguished Senator from Virginia and the distinguished chairman of the Subcommittee on Communications to point out that I do not think it really matters how much we pay Sander Vanocur. I am sure he thinks it is, and if I were he, I would, too. What is important is whether or not public broadcasting is going to launch a fourth network and whether or not it is going to embrace the star system. I bet Sander Vanocur will not contend he is not part of the star system.

That is the real issue; it is not a question of the $85,000. The same could be said about Bill Buckley. But whether I am talking about a nude ballet that was barred by statute from a Tennessee program, or the "51st State" where the anchorman claims it is old fashioned to have a balanced program in public affairs on a question such as the war in Vietnam, or the star system paying $85,000 to a commentator or interconnecting stations to compete as a fourth network, or the production of "Sesame Street," or access by minority groups, or young people, or others, this is part and parcel of our bill—and the basic question is what is the direction of future public broadcasting in the United States? We have not come to terms with that question and at some point we must do so.

The only way I can approach this in good conscience, having the broad range of concerns I do, as distinguished from narrower concerns that may or may not be offered as amendments to the bill, as I have said, is to do this for 1 year and not 2. This is not an effort to emasculate public television. This is an effort to do it 1 year at a time and to see what happens next.

There were additional views filed with the report in which some question was raised whether public television should be funded from the public treasury. I note with special interest the remarks of the Senator from Connecticut (Mr. WEICKER) in this connection. There are many other problems that no doubt will be raised.

I guess the most we can say is that the basic question of whether we should have a public broadcasting system was decided by Congress some time ago and we decided we should have it, although all of us knew there were hazards involved in it. I am not here to reargue that. I am here to say much of what is going on now I believe not to be responsive to the statute authorizing public broadcasting and we should do it a year at a time, and in this case make it 1 year instead of 2.

Mr. President, on my amendment as printed, which the clerk stated, I note an error. I ask unanimous consent that the amendment read:

On page 4, line 6, strike all through and including line 3 on page 5—

Instead of line 2.

The PRESIDING OFFICER. The Senator may modify his amendment. The amendment is so modified.

Mr. BAKER. Mr. President, this is an important matter and it is one that I am sure other Senators will want to discuss. However, for the moment, I reserve the remainder of my time. I might signify that as the manager of the bill on this side, so that we can fully develop the entire range of concern, if there are other concerns, I would be perfectly willing to set aside my amendment so that other Senators may speak on this matter, if they wish to do so. Otherwise, I reserve the remainder of my time and yield the floor.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 30 minutes remaining.

Mr. PASTORE. Mr. President, I hope this afternoon I will not be placed in the position of being a devil's advocate. With reference to commercial broadcasting no one has been more critical than I have been about violence on television and sex on television so much so that from time to time I have been chided by producers in the business and even by some performers. I am not a prude, but I certainly go along with the thought that we have to be very careful what we show the people of this country and that we do not get off in the area of vulgarity.

I did not see the performance that the Senator talked about, but I do have here a Washington Post comment which reads:

Anyone having a nodding acquaintance with Nikolais' work need not be told that Relay—the name, as I have it, of that program—is removed from considerations of prurience. Nikolais is second to none in his admiration and respect for the human body, both as an organic entity of endless fascination and as a sculptural form of unique beauty. This reverence is axiomatic in his choreography. He could no more debase his dancers with vulgarities than he could cut off his own legs.

The fact is that in Relay, as in other Nikolais pieces, the dancer's figure becomes one element among many in a visual continuum that makes little or no distinction between the animate and inanimate.

The highly individual manner in which Nikolais deploys the human body and its movements is a key to his originality.

That appeared in the Sunday edition of the Washington Post, May 14.

I am not trying to justify this compliment any more than I have tried to criticize the criticism that was made by the Senator from Tennessee, because I think that he and I stand foursquare when it comes to decency and dignity on television and radio. But I must say this: None of the money for this performance or for this particular production was paid by the corporation. It is something that was bought by NET in New York. It paid $15,000 to the British Broadcasting Co. and it made it available to those stations which wanted that show. But it was not something paid for out of the funds of the Public Broadcasting Corp. I want to make that clear.

With reference to the second program criticized by the Congressman from Illinois, there again it was a strictly local production and none of the money of the Corporation went into it. That was done by the local broadcaster or the licensee of that particular station. That does not make it right and it does not make it wrong.

I hope I have made my position clear. The appropriation will be for just 1 year. I had urged the Johnson administration, time and time and time again, and now the Nixon administration, to come up with a long-range plan of financing, and, up this date, both the previous administration and this administration have ducked the issue. They have ducked the issue. The time has come when they should come up with a program of long-range financing.

I do not think whether we make the authorization 1 year or 2 years this afternoon is going to make that much difference in getting a reaction from the administration. As a matter of fact, the Senator from Tennessee has better contact at the White House at the moment than I have, and I would hope he would use his good offices to go down there and twist somebody's ear so that we could get some kind of comprehensive long-range financing program for public television.

Mr. President, I think I have made my point clear to the Senator from Tennessee. I do not think his amendment is either going to destroy the bill or help the bill. What the Public Broadcasting Corporation wanted was an authorization of from 3 to 5 years. The House decided to give it 2 years. The administration wants 1 year. The Senator from Tennessee is the advocate for the administration. The administration is responsible for not sending up a long-range program. I think their feet should be put to the fire. I would hope, I repeat again, he can do something about resolving this very sensitive and difficult situation.

The reason I am resisting the amendment today is not because it is without merit. The Senator from Tennessee knows that. I have made my position clear. I held up this authorization bill to accommodate the Senator from Tennessee, who had to go to Stockholm. He had to go to Stockholm; that was his official responsibility. We had to wait a couple of weeks, because I did not want to do anything about it until he came back. When he came back I explained my position to him. The reason why I am trying to expedite the bill and adopt the House bill is so that we may avoid any difficulty in acting on the HEW appropriation bill. This must be done now for next week we go to the Democratic Convention. I was hopeful we could do something about it. I am just trying to expedite it.

If we make the authorization 1 year on the floor of the Senate, we will have to go to conference. We cannot make it for 18 months. We cannot authorize for a year and a half. Then there is the question of whether the House accepts the Senate version or the Senate accepts the House version. The Senator from Tennessee has had experience with the House. He knows all they say is no, and we are going to be up against their saying, "No, no, no; that is not the way to do it." So we will come back here with the House bill.

I am trying to be practical and realistic this afternoon. I will say to the Senator that I will be the first one to work shoulder to shoulder with him to see if we cannot get a sound long-range plan.

On the question of programing, that is about one of the most sensitive areas we can get into. Under the law, the Congress of the United States cannot dictate programing, and nobody wants to do it. I know that.

They are talking about a fourth network. I do not know what they mean when they say that. If we do not have interconnection how will a national program like "Sesame Street," be distributed? Does that make it a fourth network? It is all right to say we have a national body when it comes to programing. But when it happens that somebody criticizes Vietnam, they say, "That is all wrong." I do not know who gave the program praising opposition to Vietnam or criticizing it.

As a matter of fact, on that subject very frankly, I am for getting out of Vietnam. Perhaps the Senator from Tennessee feels a little different from the way I do. Perhaps some of our politicians become a little touchy when somebody disagrees with their positions. Everybody knows nobody scares easier than a politician, especially when he is running for reelection. It happens very often.

But the point is that we cannot get into programing. We have had a new group of newly appointed officials by the President to the Board of Directors of CPB. Five names were chosen. Up to a short time ago the majority were Democrats. Now the majority are Republicans. Who knows? Maybe they will get somebody in place in Vanocur. I do not know who he might be.

That is apart from the question. We had a hearing on the question of violence on television. We had the Surgeon General come before our committee, and we had him bring his advisory committee. His council was composed of some of the foremost psychologists and psychiatrists and sociologists. We had them all up here, and, to the man, everyone of them said we ought to do more in public broadcasting. Dean Burch said in February, before the House committee that—

FCC has never had any fairness complaints . . . against educational stations that were serious enough to take any action on.

He went on to say:

The FCC gets "a lot" of fairness complaints in regard to commercial broadcasting, "but we have not had that sort of reaction to the education stations." Clearly, therefore, the record of public broadcasting is better than that of the rest of broadcasting in regard to fairness.

There is the Chairman of the FCC, who comes out of the State of Arizona, sponsored by BARRY GOLDWATER and Mr. FANNIN, appointed by President Nixon, and that is what he had to say.

If I can believe him as a Democrat, I think a Republican ought to believe him, too.

So, I say to my good friend—and I love to work with the Senator from Tennessee. He and I are about the same size; we can look one another straight in the eye. I do not have to look up at him, and he does not have to look up at me. We can stand on the same level, and I think we can intellectually see eye to eye on a lot of things. We usually do. But this is a time in our lives when we do not. I suppose. He would like to make the authorization 1 year. I would like to see the House version remain, because I know how it is going to end up in the long run. So I say, "Why waste all the time? Let us have it over and done with, pass this bill, and go on to the next item of business," because we have more important things to talk about than whether the authorization should be for 1 year or 2 years. The appropriation can only be for 1 year.

Mr. BAKER. Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. Eight minutes remain to the Senator from Tennessee.

Mr. BAKER. Mr. President, I remember the first speech I made on this floor in 1967. There were not many people here to hear my maiden speech, but one of them was the distinguished Senator from Rhode Island, who sat in his place in the Senate and heard my long dissertation on revenue sharing. It was a good speech, by the way, or I thought it was. And he got up and said:

"I am glad to be able to say that the Senator from Tennessee and I see eye to eye.

Being a new Senator, and also not of tall stature, it did not strike me for a little while exactly what he meant, because he obviously did not mean he agreed with my bill; but rather, as he puts it, we do have many things in common.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAKER. Of course.

Mr. PASTORE. Does the Senator know what Disraeli said? He said:

We measure our men from the neck up, and not from the neck down.

Mr. BAKER. Mr. President, I have never been sure I fell in that category, but I have always been grateful for the statement.

Mr. President, I cannot overstate my admiration for our distinguished chairman of the Subcommittee on Communications. He does a magnificent job. He deals foursquare and straightforward with me and with the other members of the subcommittee, and with administrations. I have seen him do it firsthand, with Democratic and Republican administrations alike. The business and the welfare of broadcasting in the United States, both public and commercial, is the beneficiary of his judgment and his dedication to principle and objectivity.

I do not say that to soften him up. I mean it, and I am genuine in my admiration for his handling of his responsibilities as chairman.

I cannot resist making one observation, though, on his further remarks. He urges that the Senate get about the business of passing this 2-year authorization before we go to the Democratic National Convention. It almost sounds as if he never expected to come back.

Now, the Democratic National Convention will be, as some have said, energetic, I am sure. But we will still be here. The Republic will survive, and there will be time enough to worry about the HEW appropriation and about this authorization.

But more to the point. I am genuinely concerned about the question of whether we are doing the right thing. I think the only good safeguard I can offer now, in general terms, is to make it a 1-year authorization instead of two.

Mr. President, I reserve the remainder of my time. I might say it is my understanding that the distinguished Senator from Maryland (Mr. BEALL) has an amendment, and the distinguished Senator from South Carolina (Mr. THURMOND) has an amendment. I called up my amendment previously because there seemed to be no other amendment in the offing. I am perfectly willing now, if no one objects, to let them call up their amendments at whatever time they wish.

Mr. PASTORE. Mr. President, I was going to suggest this: I have more time left than the Senator from Tennessee; I am perfectly willing to give him whatever time he might need. But some of our colleagues have to go downtown to attend, as members of the board of trustees of the Kennedy Center, a meeting being held down there with reference to contributions.

If it is agreeable, I wonder if we could not enter into an agreement that we would suspend further action on this particular amendment, with the understanding that a vote on it would occur at a quarter to 2.

Mr. BAKER. Mr. President, I think that——

Mr. PASTORE. And in the meantime we could consider other amendments, with the understanding that, after we have exhausted the time, that vote would occur right after the quarter-to-2 vote.

Mr. BAKER. Mr. President, let me suggest this: I think we ought to do that, for the reason that the Senator suggests,

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that is, we do have a directors' meeting at the Kennedy Center.

Let me now take down my amendment, and let them take up theirs, and, rather than voting on mine, let them vote on theirs at a quarter to 2.

Mr. PASTORE. They have a half hour on theirs, and they will be through at a quarter past 1. I did not want a vote to take place until a quarter to 2.

Mr. BEALL. Mr. President, my amendment has a half hour. However, the Thurmond amendment——

Mr. PASTORE. Does the Senator intend to ask for a vote on his amendment?

Mr. BEALL. Yes, I would like to ask for the yeas and nays, unless the Senator is willing to accept it.

Mr. PASTORE. I do not know what the amendment is.

Mr. BEALL. It has a great deal of merit. The Senator might be willing to accept it.

Mr. PASTORE. Right now, no matter what the merits are I would not want to accept it. As I told the Senator frankly, if the committee loses one amendment, I am perfectly willing to be very amenable. If I have to go to conference, I can go to conference with six amendments as well as one. I am trying to avoid a conference. I have made my position clear.

Mr. BAKER. With the Senator's usual candor, he has, but I suggest——

Mr. PASTORE. My point is this: I do not want any vote to take place before a quarter to 2. So I was wondering if we could exhaust the time on the Senator's amendment, and after we take a vote on this one, we could proceed to a vote on the Senator's amendment right after a quarter to 2.

Mr. BAKER. Mr. President, may I suggest that we stack the votes, as we have done previously?

Mr. PASTORE. That is right; that is what I am talking about.

Mr. BAKER. That we proceed with the debate on the Beall amendment, proceed with the debate on the Thurmond amendment, and then have three fast votes on BEALL, THURMOND, and BAKER.

Mr. PASTORE. And vote first on the one that happens to be on the floor at a quarter to 2?

Mr. BAKER. That is fine.

Mr. JACKSON. That is fine with me.

Mr. PASTORE. Is that satisfactory, I ask the Senator from South Carolina?

Mr. THURMOND. Mr. President, I would suggest that they be voted on in the order in which they are taken up: The Baker amendment, the Beall amendment, and then the Thurmond amendment.

Mr. PASTORE. All right. I have no objection to that. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Is the unanimous-consent request that the Senate proceed with the debate on the other amendments, the Beall amendment and the Thurmond amendment, and that voting on the amendments start at a quarter to 2?

Mr. PASTORE. Or as soon thereafter as time is exhausted on these other two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Reserving the right to object, but not before.

Mr. PASTORE. Not before a quarter to 2. In other words, if Senator THURMOND is on his feet at 10 minutes to 2 we are not going to interrupt him to have a vote on this amendment.

Mr. BAKER. Mr. President, reserving the right to object, I think it ought to be clear—and I hope it is—that nothing in this unanimous-consent agreement limits the right of anyone else to offer an amendment.

The PRESIDING OFFICER. Certainly not. The Senate will proceed with these amendments, and vote not earlier than a quarter to 2.

Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Rhode Island wish to reserve his remaining time on the Baker amendment?

Mr. PASTORE. Oh, yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, before getting into my amendment, the Senator from Tenneessee (Mr. BAKER) and the Senator from Michigan (Mr. GRIFFIN) have submitted minority views with reference to the committee report on H.R. 13918, and I did not have an opportunity to read those views fully before they went to the printer. But I have read them in their entirety since that time, and I find myself in agreement with the points raised in those views, so I ask unanimous consent that I be reported as joining them in the RECORD in their minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 5 after line 24 add the following new section:

"(e) Section 396 (h) of such Act is amended by adding to the end thereof the following:

"'*Provided, however,* That in no event shall the commercial value of such interconnection services, as determined by the Federal Communications Commission, exceed the sum of $10,000,000.'"

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes on the amendment, and the Senator from Rhode Island has 15 minutes.

Mr. BEALL. I yield myself such time as I may require.

Mr. President, as we discuss the extent of the Federal subsidy appropriate for the Corporation for Public Broadcasting—CPB—and the public broadcast system generally, we should be aware of the existence of a substantial hidden subsidy which must be added to the funds which H.R. 13918 would authorize. I refer to the subsidy provided CPB in the form of reduced rate interconnection services for its national broadcast network. This subsidy is both hidden and beyond the Congress' immediate control as to amount. It is currently estimated to run between $10 million and $15 million per year.

Section 396(h) of the Communications Act permits the telephone company and other communications common carriers to grant free or reduced rate interconnection service to public broadcasting, subject to FCC regulations. After a lengthy proceeding, the FCC determined that it would not be in the public interest to grant CPB free interconnection. The Commission rightly concluded that this would be too much of a burden on other users of leased communications services and the general public, who end up supporting this aspect of CPB's operations through increased rates. However, the FCC did work out a plan for reduced rates under which CPB gets a 110 station fixed network by January 1973. By the end of 1974, CPB will be paying a stabilized annual rate for this service of only $4.9. It has been estimated that this is less than a quarter of what the telephone company charges each commercial network. The difference is coming out of the pockets of American consumers—to the tune of roughly $10 to $15 million annually—and no one knows what the actual amount is or what it will come to in the future.

The legislative history of section 396 (h) is not extensive but it is clear that Congress never intended to write a blank check to subsidize CPB's plans for an extensive, 24 hour a day national network linking all public broadcast stations. Section 396(h) was derived from the recommendation of the Carnegie Commission on ETV that the Congress allow preferential rates for public broadcasting interconnection. The Carnegie Commission had estimated that, by as late as 1980, actual costs for all public broadcasting interconnection—not only national, but regional and intrastate as well—would be only $17 million. And that estimate assumed the existence of 380 TV stations, as compared with the 220 now in existence. This is the order of magnitude of costs Congress had before it when it authorized preferential rates. But now we find that in 1972, with only 110 stations actually interconnected, it is costing about $15 to $20 million per year, with only $5 million of this amount actually visible as a CPB expenditure.

We simply cannot perpetrate this open-ended, hidden subsidy. If the American people are going to pay more for communications service in order to promote public broadcasting, we should at least know how much it is costing and we should establish some ceiling. I am sure that even the most ardent public broadcasting supporter in the Congress would agree that there must be some limit—some point beyond which the general public cannot be expected to carry CPB's network.

I believe that the amendment I offer places a reasonable ceiling on CPB's interconnection subsidy. It means that the difference between what CPB pays for its interconnection service and what the same service would cost at commercial rates could never exceed $10 million. In this way we would close a gaping hole in the public purse and assure that, if there is to be any greater subsidy of CPB interconnection, the Congress will decide the subsidy question on its merits and with knowledge of the precise costs involved.

Mr. President, I can understand the reluctance of the distinguished chairman of the subcommittee, the manager of the bill, to want to open up this bill to

amendment at this time. However, having recently come from the House, I think they make mistakes every once in a while, and that the House does not always consider all the aspects of a particular piece of legislation.

I noticed this on a couple of occasions when I was in the House. I have come to the Senate, and I have a greater appreciation for the job the Senate often does in helping to straighten out these mistakes and fill in gaps in legislation when it leaves the House. This is one of those gaps.

I suggest to the Senator that it is this kind of gap that ought to be closed, and this is the kind of examination that ought to be given to legislation. I suggest that the Senate would be remiss in its duties if it just accepted at face value everything the House sent to it.

Here is a chance to let the taxpayers know where the money is going. This kind of amendment deserves not only consideration but also acceptance by the Senate.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, it is frustrating when the manager of a bill is more or less—I will not use the word "harassed"—placed in an awkward position by Members of the Senate who are not members of the committee. But it is extremely awkward when it happens to be members of the same committee, who had every opportunity to bring matters to our attention, at that time and did not. This authorization bill has been before my committee for I do not know how long after it was passed by the House, and I held it off at the request of the Republican members of the committee. And not once did anyone bring up this amendment.

In my humble opinion, this amendment would handcuff the corporation; because if it takes less than $10 million on interconnection, this is going to be encouragement to spend the $10 million. If it takes more money, what we are doing is biting off our nose to spite our face, in order to bring these programs which have a national value.

One of the significant responsibilities that the Corporation has is in the way of interconnection. That was one of the biggest debates we had when the measure was discussed on this floor in 1967, and I was the manager of the bill. I think that when we begin to say how much can be spent for interconnection and we do not know how much money is going to be appropriated from time to time to the Corporation, what we are actually doing is beginning to handcuff this thing.

I say to Senators that if they do not want a Public Broadcasting Corporation, they should stand up and say so. But if they want one, some latitude must be given to these fine people. If one wants to know how fine they are, most of them are Republicans now. They have the majority, and they are all fine. A group came in from New York to object to their nominations being confirmed. I told this group that I could never rebuff the President of the United States on the caliber of the names he submitted.

If we cannot trust these people, who are we going to trust? They are selected by the President of the United States. President Nixon did a marvelous job in picking out the directors of this Corporation, and I compliment him. If these people cannot run the Public Broadcasting Corporation to satisfy the public interest, then we ought to do away with the Corporation.

Here we are with amendment after amendment coming in. From whom? From what side? The Democratic side? Of course not. I do not know what this is all about. There must be some background to all this.

I never contended for one moment that we of the Senate should become a stooge for the House. I never said that. But we have assigned the HEW appropriation bill for consideration next week, and a point of order will be raised if we do not have an authorization on public broadcasting. That is all I said.

All this could have been adjusted later on. All this could have been adjusted if I had been told about it before. The question is this: What is going to happen if we have to go to conference and the House delays it for awhile, and if we do not get to it, and then have to consider the HEW bill, which is important for health, education, and welfare? That bill has to be passed.

It is one of the largest bills that comes before the Senate and before Congress—one of the most important bills, concerning the health of the people, the education of the people, and the welfare of the people. I do not want to hold it out because we cannot agree on this authorization.

If I had known I was going to run into this, I would have brought this bill up a long time ago. I would have done that. I would have said to my colleagues then seeking delay, "I am sorry, I cannot accommodate you. If you are not in the Senate, that is too bad." But I did not do that.

Now here I am this afternoon, a member of the same committee, being placed in this awkward position that I have to fight my own colleagues on these bills. I see nothing too seriously wrong about this bill. I have explained it. I do not want to be chided that I am following the dictates of the House. I did not say that. I have never been a stooge for the House. I have never been a stooge for anyone. I am not pushed around by anyone, either a Member of the House or anyone else. But I think I made my position clear and if it is not understandable, and if that is not acceptable, then I am afraid I have wasted my breath up to now.

I have said before that I am perfectly willing to take this amendment to conference if it is the desire of this body to amend the House bill. I am perfectly willing to take the amendment of the Senator from South Carolina to conference if they want to amend the House bill. But I say that if we start amending the House bill with these amendments, which are not that important and can be resolved later on, because these issues are not new, I am perfectly willing to go along with it.

I say, let us get on with it. I do not want to have to struggle with my own colleagues on my own committee. I have enough to do. I repeat, if Senators do not understand what I mean, I am very, very sorry. All I am trying to do is to get the bill out.

Now if you want to delay this thing after we come back from the convention and hold up the HEW appropriation bill until after the convention—sure, I am coming back from the convention and, with the grace of God, I am coming back from the convention; but I tell you frankly, Mr. President, not with any more laurels than when I went there. That is not the purpose at all.

I want you to go to your convention and I want you to come back from your convention in August and I hope that you come back as a candidate for Vice President. But the fact still remains that here we are. As a matter of fact, I think it is about time to give you fellows a break. Maybe we should have a Vice President as big as Disraeli. It may do the country a lot of good.

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me so that I may make an imperative remark?

Mr. BEALL. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. Let me say to the Senator from Rhode Island that I appreciate the flattery but the Republic could not stand it. [Laughter.]

Mr. President, I thank the distinguished Senator from Maryland for yielding to me briefly to answer one point that the Senator from Rhode Island has made.

I expressed my concern for a 2-year authorization before the House passed its bill. I expressed my intention to offer an amendment for 1 year instead of 2 years months ago. I expressed my desire to offer it on the floor of the Senate if it was not adopted by the Commerce Committee in reporting the bill.

I have no control, nor do I desire to have any control over the desire of any other Member of the Senate, nor any other member of the Commerce Committee of the Senate, to offer any amendment. The fact is, I think that the amendment of the Senator from Maryland (Mr. BEALL) is a good amendment and I intend to support it, notwithstanding that it was offered here and not in committee.

But the point is, I have no apology to make for offering the amendment to make this 1 year instead of 2 years. I have made that point extremely clear from the outset that, one, I do not intend to get involved in trying to judge what is and what is not good programing; two, I am not happy with the form and substance of public broadcasting as it is obedient or is not obedient to the mandates of the statute; and, three, I intend to suggest, therefore, that the authorization be for 1 year instead of 2 years, instead of challenging the level of authorization, or any other amendment.

That is precisely what I have done. That is precisely what I said I was going to do weeks and months ago and I have no apology to make for it.

Mr. BEALL. Mr. President, I thank the Senator from Tennessee for his support.

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Mr. President, I yield myself such time as I may consume.

I must say that the Senator from Rhode Island is well known as a skillful debater. On his remarks concerning the Vice Presidency, I am caught between my allegiance to my own State and its former Governor and the great Senator from the State of Tennessee.

The Senator from Tennessee said that he would like to have proposed his amendments in the committee, and I think, when possible, that we should do that, that we should use the committee process and not amend the bill. But, fortunately, of course, we were able to bring the bill to the Senate subject to further amendment.

If, as a member of the committee, I had been aware of the fact that this $10 million to $15 million hidden subsidy was being given to public broadcasting, I would have proposed an amendment when the bill was under consideration in the committee. But the fact, is I became aware of this only fairly recently. I think it is the kind of situation that should be corrected.

I am a strong supporter of public broadcasting and educational television. I am happy to say that when I was a member of the legislature of the State of Maryland, I was a sponsor of legislation that set up an educational television network in our State. We now have a good network with expanding broadcasting facilities. But one thing we tried to make sure of as we did it in our State, and one thing we should be sure of here, I think, if we do this all over the country, is that Congress constantly exercise its prerogative by closely examining what public broadcasting is doing and whether they are carrying out their legislative mandate.

We talk about exercising congressional prerogatives all the time. We talk about control in the field of foreign affairs and in other fields. I do not want to forfeit our responsibility to the public with respect to any administrative agency, whether it be the Corporation for Public Broadcasting or any other, but we have to guard it. This is our duty and our responsibility.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield on my time?

Mr. BEALL. I am happy to yield to the Senator on my time.

Mr. PASTORE. The fact still remains that there have been no hearings on this item. The Senator knows what will happen when we go to the House in conference. The Senator has had that experience before, when there have been no hearings.

President Nixon sent up five names for members of the Corporation. The White House urged me to exercise all expedition in order to get that to hearings. I was there at the first hearing. Mr. President, do you know how many people attended those nearings most of the time? Just one. Pastore. That is all. I did not hear from anyone. I went all through this. What I am saying is that at that time we could have asked—if this was suggested—to the members of the Corporation, to the President of the Corporation, "What does this mean to you? What would it do to the efficiency of the Corporation?"

We have no record of any hearings. That is what I am saying. The Senator from Tennessee said he was for the 1 year. He told me that. But when I was ready to put the bill in for hearings, I was told that he could not attend the meeting and he was away for 2 weeks so we had to wait until he came back.

It would not have made that much difference if I had to go to conference. But I am in a bind now because the HEW bill is down for consideration next week and we have got the authorization. That is the only plea I am making here. I am making a greater plea here this afternoon for the HEW bill than I am for this, because, as I said before, I do not think it makes that much difference whether the authorization is 1 year or 2 years, if we appropriate for only 1 year. That is where we can control it.

Here I am. I am fighting with my friends.

Mr. BEALL. Mr. President, to continue on the amendment, as I said, if I had known that there was this $15 to $50 million cost at the time we had the hearings, I would have offered this amendment at that time. But I did not know it.

I think, in order to be fair to the public, we are telling them that we are authorizing an expenditure of money for the support of a Public Broadcasting Corporation network across the country. The public believes the authorization and appropriation levels in the legislation. They believe when we say we are going to allow them to spend x dollars this year for this purpose.

But if we also allow them to spend another $10 or $15 million in a subsidy coming out of their telephone bill, they ought to know that, too.

Mr. PASTORE. The Senator is correct.

Mr. BEALL. We, having discovered this subsidy, ought to limit it so that it does not grow to $30 or $40 million before we know about it. It is our responsibility to be honest with the public and to see that they do not continue down the road of spending subsidies. We should adopt this amendment now.

Mr. PASTORE. Mr. President, I believe the same situation would apply as applied in the case of the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Rhode Island want the remaining time on the amendment reserved?

Mr. PASTORE. It will all be reserved. However, we will begin voting at a quarter to 2.

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 8, after line 7, insert a new section 7.

Subsection (B) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In contracting or making grants for program production under this subsection, the Corporation shall insure that there is equitable geographical distribution of its contract or grant funds throughout various regions of the country."

Subsection (C) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In making payments for local programming and operational costs under this subsection, the Corporation shall insure that there is equitable geographical distribution of such payments throughout various regions of the country."

Mr. THURMOND. Mr. President, I want to say in the beginning that some years ago I was a member of the Commerce Committee and a member of the Communications Subcommittee of which the distinguished Senator from Rhode Island was chairman. It was a pleasure to work with him.

I commend the Senator from Rhode Island for the outstanding leadership he has provided in the public communications field.

A great deal of progress has been made in my home State of South Carolina. I think it is one of the leaders in this field. However, there is a matter that I think deserves great attention. I have therefore offered my amendment to the Public Broadcasting Extension Act which is intended to strengthen the Corporation for Public Broadcasting and to develop its potential throughout every region of this Nation. Public Broadcasting is a concept which has wide support in this body. It has already achieved broad acclaim for innovative programing, particularly in the children's field. It has begun to explore new fields which have been previously untouched.

It can be said now, however, that the Corporation is well-established and out of the organizational stage. It is time to consolidate these gains and move forward. Public broadcasting is a concept which by its very nature does not have to adhere to traditional patterns or to the organizational systems of the past. It offers the opportunity to develop regional interests and to support the development of the rich and diverse cultural heritages of the various parts of the Nation.

Up to this point in time the Corporation for Public Broadcasting has let this area of development lie fallow. Perhaps there were understandable reasons for this. In starting a project, it is necessary to start somewhere, and CPB began to operate in the established production centers. The bulk of its programing contracts have been made in these established centers. I think it is time that the intent of Congress be made clear. The phase of initial operations is over. It is now time to move out across the land and develop regional sources. If we fail to do this now, the Corporation will be too well established, and perhaps too set in its ways when we next get the opportunity.

Mr. President, the Corporation for Public Broadcasting—CPB—distributes two kinds of funds to local public broadcast stations. A portion of the Federal appropriations given to CPB is used by CPB for support of the local stations' operating expenses. But, over the past 5 years, these funds have amounted to only 13 percent of CPB's total budget. While it is clear that CPB has not devoted enough of its funds for station support, the limited amount of money that has been distributed has been done so equitably to all public television stations and to eligible public radio stations throughout the country.

The other type of funds distributed by CPB—and by far the largest single category of CPB expenditure—is the TV program production funds. In fiscal 1972 CPB spent approximately $15 million in television program production. By no stretch of the imagination can it be said that these funds have been distributed equitably among the public television stations in the country. For example, of CPB's total TV program budget in 1972, 41 percent was spent in New York City—with NET receiving 27.9 percent of the funds and the Children's Television Workshop receiving 13.2 percent; 11.6 percent of the total budget was spent on Boston's WGBH–TV; 10.7 percent was spent on Washington, D.C.'s WETA–TV; 9 percent was spent on Los Angeles' KCET; and 9.2 percent was spent in Pittsburgh for the combined operations of WQED and the Mr. Rogers television program. That is, over 81 percent of the total CPB television production budget is distributed to only five major metropolitan areas. The balance of the funds go to stations in San Francisco, Chicago, and Columbia, S.C.

The funds which go to Columbia, S.C., are a perfect illustration of the case I am making. The Corporation has made a $725,000 program production grant to the Southern Educational Communications Association—SECA—based in Columbia. This grant is used for the production of the William F. Buckley "Firing Line" program, which has achieved international attention. We are very proud of my good friend, Bill Buckley, with his family ties to our State. We are very proud of the work which SECA has been doing across the board in promoting public broadcasting in the South. We want to keep the Buckley show based in Columbia.

However, appearances can be deceiving. Although the Buckley show is based with SECA, very little of the money is spent in South Carolina, and very little of the production is done in South Carolina. Most of the CPB grant goes directly to the National Review Corporation in New York, which bears all of the production costs and pays all of the salaries of producers, directors, program production staff, guest fees, and other fees. To show just how little South Carolina gets involved, I should point out that "Firing Line" has been produced over the past year in the following cities: New Orleans, Washington, D.C., San Francisco, Austin, Chicago, Boston, Sacramento, Los Angeles, Jerusalem, London, Saigon, and finally, Columbia.

I would like to see SECA get Federal funding to produce not only the Buckley show, with its international milieu, but also programs of regional interest to the South, and programs from the southern heritage which would be of interest to the Nation. I do not think that SECA will get such additional funds under the present policies of the Corporation.

I use SECA only as an example. Most of the production is done on the east and west coasts. The CPB has no production contracts in the Southeast, other than the Buckley show. It has no such contracts in the Southwest, none in the Midwest, none in the Northwest, nor in the Northeast. I am certain that all of these areas have a vital potential for public programing. With the increased funding contemplated in this bill, Congress must make sure that the funds are distributed equitably.

The CPB's record in the past year has given little encouragement that new regional production centers will be set up. While a $15 million television program budget is spent by CPB in some six or seven major metropolitan areas, only $350,000 has been distributed among some 210 television stations—the rest of the stations throughout the United States. Because of this imbalance of program expenditure, during prime time evening hours, over 90 percent of CPB's programing came from six station production centers that do national programing under grants from and contracts with CPB. One station production center—WNET in New York City—produced over one-quarter of the prime time programing, the Washington, D.C., station produced over 17 percent; the Boston station over 14 percent; the San Francisco and Los Angeles stations nearly 13 percent each; and the Buckley programing—ostensibly from South Carolina—accounted for 7 percent of the prime time schedule.

This type of imbalance must end if CPB is to live up to the requirement in the Public Broadcasting Act of 1967 that high quality programs must be obtained from diverse production sources.

When it comes to the Federal moneys for construction of public broadcasting facilities, the Congress has required HEW, which distributes these facilities moneys, to achieve equitable geographic distribution of the funds throughout the various States. The act also requires that no more than 8.5 percent of the total facilities appropriation be spent in any single State.

I believe that there should be similiar requirements for equitable geographic distribution of the substantial Federal funds used to underwrite television program production. If not, CPB will continue to spend most of these funds and obtain most of its programs from a few very large television stations in very large east coast and west coast metropolitan areas. The United States is more culturally, politically, and educationally diverse than is reflected in public television programing, and the Congress has an obligation to insure that public television reflects America's great diversity.

Mr. President, I have offered the amendment to H.R. 13918. I have sent a copy of the amendment to the desk and I shall not repeat it at this time but I do ask for its consideration at the time agreed upon.

Mr. PASTORE. Mr. President, there is nothing really objectionable to the position taker by our good friend from South Carolina except, of course, I have to keep repeating once again that the purpose was to try to pass this bill without amendment. This is for the simple reason we are trying to expedite consideration of the HEW appropriations and without this authorization, which is a very small part, we could disadvantage the health, education, and welfare of our people, and I would not want to do that.

Apart from that, I must say to my good friend from South Carolina that he is absolutely correct. In order to bring about a more equitable distribution there is contained in the legislation about 30 percent of the money for distribution to local stations.

In our report in 1967, to show the philosophy and feeling of Congress at that time we stated:

The aid which the Corporation may provide under these subparagraphs, therefore, should be equitably distributed with the view to creating strong and imaginative local stations.

Mr. President, I repeat again, the only reason I am resisting this amendment is for the reason I have already given. This is no reflection on the merits of the amendment.

If we could adjust this without amending the bill I would be willing to take it up with the Corporation to see where the fault lies, if this amendment should fail. I make that promise to the Senator. That might not be satisfactory to him and he might want an up or down vote at this time. But I do want him to know there is nothing essentially wrong with his amendment; it is only a question of whether or not this time is the propitious time to bring this about. I think I can accomplish what he wants without his amendment, whether it is agreed to or not.

RECESS UNTIL 1:40 P.M.

Mr. PASTORE. Mr. President, if other Senators have nothing further to say at this time, inasmuch as we start voting at a quarter of two, I ask unanimous consent that the Senate stand in recess until 1:40 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered. Accordingly, at 1:25 p.m., the Senate took a recess until 1:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there are expected to be three rollcall votes within the next few minutes. I ask

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unanimous consent that on the second and third rollcall votes the time for each vote be limited to 10 minutes, and that the warning bell sound midway.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, I would like to check this with the leadership on my side and make sure it is all right.

Mr. ROBERT C. BYRD. Very well.

Mr. TOWER. I do not object.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Does the Senator from Tennessee want the yeas and nays on his amendment?

Mr. BAKER. Yes. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time, if the Senator from Tennessee is.

Mr. BAKER. Mr. President, I am not quite ready yet. I need to confer with the authors of the other amendments. I suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared now to yield back whatever time I have remaining on the amendment.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TUNNEY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 26, nays 58, as follows:

[No. 238 Leg.]

YEAS—26

Aiken	Byrd, Harry F., Jr.	Hansen
Allott	Cooper	Hruska
Baker	Cotton	Jordan, Idaho
Beall	Dole	Packwood
Bellmon	Dominick	Roth
Bennett	Fannin	Scott
Boggs	Griffin	Smith
Brock	Gurney	Thurmond
Buckley	Hansen	Tower

NAYS—58

Allen	Hart	Pell
Anderson	Hartke	Percy
Bayh	Hollings	Proxmire
Bentsen	Humphrey	Randolph
Bible	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Jordan, N.C.	Schweiker
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Spong
Case	Magnuson	Stafford
Church	Mathias	Stennis
Cook	McGee	Stevens
Cranston	McGovern	Stevenson
Curtis	Miller	Symington
Eagleton	Mondale	Talmadge
Eastland	Montoya	Tunney
Ellender	Moss	Welcker
Ervin	Nelson	Young
Fong	Pastore	
Fulbright	Pearson	

ANSWERED "PRESENT"—1

Taft

NOT VOTING—15

Chiles	Hatfield	McIntyre
Gambrell	Hughes	Metcalf
Goldwater	Inouye	Mundt
Gravel	Mansfield	Muskie
Harris	McClellan	Williams

So Mr. BAKER'S amendment (No. 1267) was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROTH). The pending question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL) who has 3 minutes remaining; and the Senator from Rhode Island (Mr. PASTORE) has 7 minutes remaining.

Mr. BEALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 30, nays 54, as follows:

[No. 239 Leg.]

YEAS—30

Aiken	Curtis	Mathias
Allott	Dole	Miller
Baker	Dominick	Packwood
Beall	Fannin	Scott
Bellmon	Fong	Smith
Bennett	Griffin	Stafford
Brock	Gurney	Thurmond
Buckley	Hansen	Tower
Cooper	Hruska	Welcker
Cotton	Jordan, Idaho	Young

NAYS—54

Allen	Ervin	Pearson
Anderson	Fulbright	Pell
Bayh	Hart	Percy
Bentsen	Hartke	Proxmire
Bible	Hollings	Randolph
Bogga	Humphrey	Ribicoff
Brooke	Jackson	Roth
Burdick	Javits	Saxbe
Byrd, Harry F., Jr.	Jordan, N.C.	Schweiker
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Spong
Case	Magnuson	Stennis
Church	McGee	Stevens
Cook	McGovern	Stevenson
Cranston	Mondale	Symington
Eagleton	Montoya	Talmadge
Eastland	Moss	Tunney
Ellender	Nelson	
	Pastore	

ANSWERED "PRESENT"—

Taft

NOT VOTING—15

Chiles	Hatfield	McIntyre
Gambrell	Hughes	Metcalf
Goldwater	Inouye	Mundt
Gravel	Mansfield	Muskie
Harris	McClellan	Williams

So Mr. BEALL'S amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the senior Senator from South Carolina. The senior Senator from South Carolina has 4 minutes remaining, and the Senator from Rhode Island has 11 minutes remaining.

Mr. THURMOND. Mr. President, I am willing to yield back the remainder of my time if the Senator from Rhode Island is.

Mr. PASTORE. Mr. President, I will yield back my time after a very short statement. I want this clearly understood. There is merit to the amendment. And I have explained all that this afternoon.

The purpose of the Senator from Rhode Island in rejecting these amendments that he deems may be desirable, but at this time not immediately necessary, is in order to avoid a conference that would delay the consideration of the appropriations bill on HEW. We would be accepting the House bill—and that has been my argument right along—in order that we might expedite the consideration of the appropriations bill on Health, Education, and Welfare which, in my opinion, is a very important bill. It has to do with the health, the education, and the welfare of our people.

Mr. President, we have written in the 1967 report that this money should be equitably distributed. We have raised the amount that must be given to the local stations up to 30 percent of what we appropriate.

I am perfectly willing, as I said to the Senator from South Carolina, to follow this through whether his amendment carries or not, to make sure that his idea is carried out.

I would hope that at this juncture the Senator will not compel our committee to go to conference because the action would be delayed, and would hamper this very important bill that has been assigned for consideration by the Senate next week, the appropriations bill for HEW.

I hope that is understood. I do not deny the merits of this particular amendment. However, I think at this time it would be unfortunate to attempt to do it in this way.

Mr. THURMOND. Mr. President, the only thing I am concerned about is that just a few States are getting all of this money.

Mr. PASTORE. The Senator is correct.

Mr. THURMOND. Mr. President, five cities are getting almost 82 percent of this money. Why should this money not be distributed over the country geographically so that the rest of the States can share in it? I do not know how else to do this except through the passage of legislation.

The bureau has not done it. We have no expression from them that they will do it.

If the Senator from Rhode Island can assure me that there will be a definite distribution on a geographical basis, I am willing to dispense with a rollcall vote and withdraw the amendment. But unless we get the assurance, we have to put it in the law because there are five cities getting 82 percent and the others are getting driblets. There is no reason why these stations should not be able to manufacture their own programs and join in these funds. At the present time this is not being done.

Mr. PASTORE. This is what I am willing to do. I am willing to invite Mr. Macy to come to my office and the Senator may come there also, and put his complaint before him. I will insist that the aid under these paragraphs be equitably distributed with the view to creating strong and imaginative local stations. That language was written in the report. I am going to insist upon it. But I cannot agree that 82 percent of this money is going where the Senator said it is going.

Mr. THURMOND. I can name the cities that it goes to.

Mr. PASTORE. I know. Those are the Senator's statistics.

I am perfectly willing to call Mr. Macy to my office and have the Senator there and straighten this matter out. But I think it would be disastrous at this time to force this bill to a conference.

Mr. THURMOND. Mr. President, in view of the assurance of the Senator from Rhode Island that he will contend for the principle laid down in the amendment, that he will get Mr. Macy in and invite not only me, but other Senators who wish to appear——

Mr. PASTORE. Anybody the Senator wants to bring.

Mr. THURMOND. So we can assure that this money is distributed on a proper geographical basis, and that is all I want to do—if it is not done this year I shall be back with the amendment again and at that time we will expect a rollcall vote.

Mr. PASTORE. And the best ally the Senator will have in that case will be Pastore.

Mr. THURMOND. In view of those assurances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WEICKER. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 4, line 21 strike the word "and".

On page 5 after line 3 insert the following:

'"(C) for the fiscal year ending June 30, 1975, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1973;

'"(D) for the fiscal year ending June 30, 1976, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1974; and

'"(E) for the fiscal year ending June 30, 1977, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1975;

Provided, however, That it is the intent of Congress that no further funds shall be authorized or appropriated under this Act or for the purpose of supporting any form of radio or television broadcasting after the fiscal year ending June 30, 1977."'

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend for a moment. The Chair requests that the Senate be in order.

The Senator may proceed.

Mr. WEICKER. Mr. President, this amendment would guarantee 5 years of Federal financing for the Corporation for Public Broadcasting and at the end of those 5 years it declares it to be the intent of Congress to have no further Federal financing of that entity.

Ever since the Corporation for Public Broadcasting was created by Congress in 1967 there has been a constant, often acrid debate over, not the quality, but the content of both national and local public programing. In recent months this debate has become sharply reflected in both Houses of Congress and has evolved into a quesiton of Federal funding and the very future of public broadcasting.

The debate over a 1-year or 2-year authorization, the debate for or against a national public television network, the debate over salary limitations for public broadcasting executives—all these cloak the real issue: Does public television reflect all views on the political spectrum adequately to satisfy representatives of those views? This is a very dangerous question. It runs directly counter to the first amendment guarantees of freedom of the press.

The last time any government had such a large and powerful communications entity as CPB at its disposal was 30 or 40 years ago, and that government went out of business with Germany's defeat in World War II.

On a regular basis Congress is asked to authorize Federal funds for public broadcasting. If that were the extent of the issue, I would have no problem. Unfortunately as each of us votes on any issue relating to public funding of broadcasting, the votes we cast, consciously or unconsciously, reflect legislative or executive approval or disapproval of the programing we see.

I offered an amendment in the Commerce Committee to authorize funds for CPB over a 5-year period with the clear understanding that at the end of that time no further Government money would be forthcoming for public broadcasting. I strongly believe that my amendment has merit on several counts:

First, it would get Congress and the administration out of the perpetual debate over program content and bias.

Second, it would firmly establish the political independence of public broad-

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casting, making it subject only to normal FCC procedures.

Third, it would tell public broadcasters exactly where they stand, removing the uncertainty over future funding.

Fourth, it would direct public broadcasters to seek their eventual support from the public at large.

The original purpose of public broadcasting was to give a relatively limited audience a form of entertainment and information which was unavailable on commercial stations; to upgrade viewing and viewers. If this audience is expanding and appreciating what it is getting, it should be willing to pay for it. If public broadcasting actually appeals to an audience so intellectually and politically limited that it is unable to support itself with private contributions, then, under my proposal, it has 5 years to broaden its appeal.

In the case of public broadcasting, the basic problem is now very much in focus. The power of the purse is quite literally the power to shape content. Such awesome power of persuasion has no place in the hands of a Federal Government whose accountability to the people should be shaped by its deeds rather than its words.

I now see very clearly the problems of Government getting into television. I think we all understand the motivations behind the debates that have gone on in these halls over the past several years. Administrations do not like federally financed criticisms. Now that this administration has had a chance to appoint a board of directors, I can assure the Senate it is only a matter of time before policies will change, and if it is a Republican administration continuing the next 4 years, as I think it will be. that is fine for some of us. If it is a Democratic administration, they will run the same gambit. That is the whole reason for getting Government out of the business of radio and television.

Mr. President, I do not intend to ask for a rollcall vote, but only to highlight this matter. This is a matter that has not had a full hearing. We had hearings on 1-year and 2-year extensions of funding for CPB, but never on the question whether any funding was a proper investment for Government to make.

I hope in the next session the chairman of the Subcommittee on Communications will grant hearings on this subject to see what the feelings of the people of the Nation are on this basic constitutional and policy issue. With that, I am willing to yield back the remainder of my time. I hope the distinguished chairman has a comment on whether or not it will be possible to get hearings on this vital question.

Mr. PASTORE. Mr. President, when the Senator said there have been no hearings on this he was in error. I was manager of the bill in 1967 when we created the Public Broadcasting Corporation and it was done at the request of the previous administration. The vote on this was overwhelming. What the Senator from Connecticut is now saying, is that unless Public Broadcasting becomes financially independent in 5 years and begins to raise money on its own, without looking to the U.S. Treasury, it should go dark.

That is the sum and substance of his argument. Of course, I cannot subscribe to that. I think what we need to have, is something we have been promised time and time again, not only by the Johnson administration but by the Nixon administration. I must say I have urged them time and time again by way of letter—that is a recommendation on a long-range financing plan. That has not, of course, been forthcoming. I do not know why. I do not know what the motivation is on their part. I realize it is a very sensitive field.

On the other hand, if we do not get the money out of the U.S. Treasury, it has to come from somewhere else. Last year we appropriated $35 million, but there was $143 million for public broadcasting. The rest came from the foundations and private contributions, and most of the money was spent at the local level. About 15 percent of the amount of money we appropriated last year was actually granted to the local stations. This year we have raised the percentage so that no less than 30 percent has to be given the local stations.

So I say to my good friend from Connecticut, if he introduces a bill to carry out his idea and it comes before the committee, we will have to give very serious consideration to that and hold hearings on it. He is a member of the committee. I hope he will come in. We will have to call not only people who are interested in public broadcasting. I have said previously this afternoon that when we had the Surgeon General before us, after the recent statements about the problems of violence on television and what effect violence on television had on the behavior of children, we invited him and his entire advisory council, made up of expert sociologists, psychiatrists, and psychologists. To a man, each witness said we ought to do more about public broadcasting.

Perhaps here and there we have failed. Perhaps here and there we have had to have a nudge. But we should not use the ax.

If it would please the Senator from Connecticut, he might introduce his amendment sometime as a bill, or at any time when the members of the Corporation appeared before us. If he would attend those hearings, we could go into this matter in depth.

Mr. WEICKER. Mr. President, I am afraid we have a slight disagreement. I think we ought to get it clarified. While the Senator from Rhode Island was very active in studying public broadcasting here in the Senate, I was likewise busy in the House of Representatives, in Hartford, Conn. So we are both for public broadcasting. Let us make that very clear. His statement that I wanted to do away with it is not correct.

The Senator may talk about long-range financing, but we are talking about a very basic question—whether or not an incumbent administration should have at its disposal such a potential propaganda entity as public broadcasting. That is what we are talking about.

I am not going to attribute any motives to the distinguished Senator from Tennessee, but I am going to make my own observations. This is the way I look at it from what I have heard in the Halls of this Capitol—not from the distinguished Senator from Tennessee. I want to make that point clear. But I know one of the reasons we had an amendment on the floor today for a 1-year authorization, rather than a 2-year authorization, was the displeasure of the administration at some of the programs on public television.

This is what the amendment is all about. I do not care whether it is a Republican administration or a Democratic administration, we are always going to have such debate. What I wanted to do with my amendment was to give public broadcasting adequate funds over a long period of time so it could devise plans to free itself from any sort of governmental control—not to do away with it, as the Senator from Rhode Island says.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER. I will yield to the Senator, on his own time.

Mr. PASTORE. Of course on my time.

Will the Senator be a little more specific as to how he intends to do this? I thought his argument was that after 5 years we would take away the public money. Is that correct?

Mr. WEICKER. That is correct.

Mr. PASTORE. That is the death knell.

Mr. WEICKER. Why is it the death knell?

Mr. PASTORE. Because unless the Government comes up with a long-range plan in the meantime, we do not get public money and it is going to die.

Mr. WEICKER. What is the proportion of financing to which the Senator referred? How much is from public money?

Mr. PASTORE. I have already stated it—$35 million as against $13 million.

Mr. WEICKER. From the Government.

Mr. PASTORE. The difference between $35 and $13 million came from the Ford Foundation—the only reason the Ford Foundation gives is because the Federal Government gives—it came from CBS—the only reason CBS gives is because the Government gives—it came from other individual contributors—the only reason they give is because the Government gives. The minute the Government stops giving, they will stop giving, and it is going to die a natural death. Therefore, some permanent form of financing is necessary, and we have been waiting for it.

Some people say we ought to allow the stations to advertise. The minute we do that, people will object. Some persons have said we ought to have an excise tax on television sets. Then people will argue that that is an injustice to the consumer. Why should a man have to pay an extra charge for something he is not going to use? Others say those who build television sets should pay for it. Manufacturers of the television sets say, "Why should we carry the burden? If the educational process of our people is for the public good, it belongs to everybody, and let everybody pay for it."

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. I want to speak in opposition to the amendment of the Senator from Connecticut. The Senator from Connecticut offered the essence of the amendment in the executive session during final markup of the bill. We had a voice vote, and it was not adopted. He very properly filed separate views on the subject.

I entirely agree with the Senator from Rhode Island that to commit this Congress to the termination of public financing or Federal financing of broadcasting at some future date spells the death knell for the days of public broadcasting. We designed and adopted in 1967 a public broadcasting system which was never designed to be free of the public treasury.

As a matter of fact, it was stated that unless we could devise what in effect was a hedge against centralization, we would have, in fact, a fourth commercial network.

The remarks I tried to make earlier in the day, in the debate on my amendment, to have a 1-year authorization instead of two, were to the effect that, rather than jeopardize the original concept of public broadcasting, rather than try to inject myself into the program content, rather than try to chuck the whole thing, I proposed we do it a year at a time, while we get a program of permanent financing, so that it can proceed in an orderly way, free of the fear so properly expressed by the Senator from Connecticut.

Now, on another matter, it has been said that sometimes the most dangerous thing on earth a man can do is to try to speculate or postulate on another man's motives. In my situation, there is nothing dangerous about it, because the speculation of the able Senator from Connecticut is not accurate.

Mr. WEICKER. If the Senator will yield, I did not speculate on the motives of the Senator from Tennessee and so stated.

Mr. BAKER. The Senator from Connecticut said he thought the reason for it was that the administration was displeased with the program content.

Mr. WEICKER. That was my interpretation.

Mr. BAKER. Since I offered the amendment, I interpreted that to be a speculation on my motives in offering it.

Be that as it may, for some time I have been active in the Communications Subcommittee, for some time I have been interested in public television, and as I also said in earlier debate, I am sure the Senator from Connecticut will fully appreciate and understand that I have been working for a long time on this amendment. But my concern with the bill was not on the level of funding, and it was not with the amendments I understood would be offered, but, rather, with whether it was 1 year or 2 years.

That was not this week, or last week, or last month. That has been a long-time concern of the senior Senator from Tennessee. It has not anything to do with what anybody thinks about program content or the prospects of public broadcasting.

In sum, I think the amendment offered by the Senator from Connecticut would end the design for public broadcasting which was adopted overwhelmingly by the Congress in 1967.

Mr. WEICKER. When the Senator from Tennessee takes a look at the RECORD, he will see that I took pains to disassociate my observations from his motivations, but my observations hold true as to what was behind the vote which we recently had.

Let us make no mistake about it, whether it is the Senator from Rhode Island, the Senator from Tennessee, or the Senator from Connecticut, all three of us are 100 percent behind the Corporation for Public Broadcasting. However, there seems to be quite a bit of difference of opinion as to whether or not it is healthy to exercise governmental control. Let me assure the Senate, and I think the Senator from Tennessee knows this, that much of the debate within the committee and much of the talk on this bill relates to broadcast content. I do not think that is a job for the Government. I do think, as I said in my statement, that we should be judged on our deeds, not on our powers of propagandizing what we have or have not done.

The concept of public broadcasting was to give seed money to this institution, with the hope that they would be innovative, that they would branch out in fields that, at that particular moment in television history, were not commercially profitable enough for free enterprise to take on.

The Senator from Tennessee indicates that he wants 1 year's worth of funding. My amendment calls for 5 years, but in the course of that 5 years I want CPB to be able to plan to free themselves from the control of the Senate Commerce Committee, the House Commerce Committee, or the administration. We have no business in this business.

I yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I just want to say that I share the concern over the dangers inherent in the public financing of any system of broadcasting which has been expressed by the Senator from Connecticut. I believe that inevitably, if important Federal funds are channeled into the support of such a system, arguments will arise time and time again as to bias in news analysis, and in the shaping of programs presented to the public. This is not desirable, in the first instance, and it is potentially dangerous. By the same token any system which has become dependent on the Federal Government for an important source of funds cannot survive a sudden termination of that funding.

So I intend to vote in favor of the proposal of the Senator from Connecticut, even though I think 5 years is too long a period within which to phase out Federal funding. I also want to say that I am convinced that as between state and private sources, a healthy system of public broadcasting can be maintained.

As I said earlier, I do not believe it is possible or desirable to terminate Federal funding of the public broadcasting system promptly. However, as there is no doubt but that the bill under debate will be adopted by a wide margin, and I intend to vote "no" on final passage so as to emphasize my own view that the system must be weaned from the Federal Treasury.

Mr. PASTORE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. WEICKER. I beg the Senator's pardon. Has the Senator from Rhode Island yielded back the remainder of his time?

Mr. PASTORE. Yes.

Mr. WEICKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I do not know whether the Senator from Michigan (Mr. GRIFFIN) ——

Mr. BAKER. Mr. President, I do not believe the Senator from Michigan intends to offer his amendment. I know of no further amendments to be offered at this time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. President, I merely wanted to make an observation or two before this bill passes.

Together with the distinguished chairman of our Committee on Commerce, the Senator from Rhode Island, the Senator from Tennessee, and others, I was a sponsor of the first public broadcasting bill. I have been deeply interested in public broadcasting through the years. As a matter of fact, I recall personally urging my constituents to give funds to support the local public broadcasting station situated at our State University in my State of New Hampshire.

Yet, it is a little ironic that, although in complete sympathy with many of the ideas expressed here today supporting public broadcasting, I myself have been the victim of the very local public broadcasting station for which I solicited funds. In my last campaign I received what I feel was the most unfair treatment from that particular station of any news medium, perhaps with one exception, in the State of New Hampshire. Nevertheless, I still am a friend of public television.

As a member of the Appropriations Subcommittee on Labor, Health, Education, and Welfare, I have complete sympathy with the motives of the Senator

from Rhode Island in seeking to get this bill through without necessitating a conference with the House of Representatives. It is vitally necessary that this matter not be delayed, since it contains an authorization which is needed if the appropriation process is to move forward in a timely fashion.

I wish to say, Mr. President, that perhaps the most meritorius amendment of all those offered, or contemplated to be offered, was that which the Senator from Michigan (Mr. GRIFFIN) was prepared to offer. I understand he did not do so, because he, too, agreed with the distinguished Senator from Rhode Island as to the necessity of not amending this bill to avoid the delay of a conference.

His amendment, as I think most Senators know, would have required local public broadcasting stations to keep records, including audio recordings, for a reasonable period of time of public affairs programs. Then, any aggrieved candidate, any aggrieved political group or party, anyone representing the committees of Congress, or any other interested members of the public could examine what had been broadcast by these stations and ascertain for themselves whether the news had been slanted or the commentary had been unfair.

I understand that the distinguished Senator from Rhode Island, who is so fair in all these matters, has indicated to the Senator from Michigan that he will hold hearings on the Senator's bill (S. 3277).

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PASTORE. I certainly have made that promise, and I shall do so. It will not be before the Republican convention, but sometime after that.

Mr. COTTON. As far as I am concerned, I do not even care if the Senator waits until next January.

Mr. PASTORE. All right; that is even better for me.

Mr. COTTON. I do think it is something that should receive attention. I agree with the Senator from Connecticut and the Senator from New York that there is inherent in public broadcasting what potentially could be a grave danger and menace to this Republic. It is a news medium supported by public funds. It is in a position to become—and I neither say it ever will, nor do I claim it is now—a very serious problem with its potential power over the minds of our people.

I have confidence in the people who administer it now. Mr. Macy is a personal friend of mine. Before he came into Government, he was president of my alma mater. I knew him in that capacity. I hold him in high regard. I have great confidence in him.

But, I do feel that we should constantly bear this possibility in mind. I will say to my friend from Connecticut, even if he had his amendment adopted, providing that Federal funds would stop at the end of 5 years, it does not mean this would happen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. Mr. President, will the Senator yield me 2 additional minutes?

Mr. PASTORE. I yield.

Mr. COTTON. During the 18 years I have been in the Senate, I recall that on at least three occasions when we passed the foreign aid bill, a provision was written into the bill that all foreign aid would cease in 2 years, 3 years, or 4 years. This has been going on for 18 years. The point is that you do not stop these things, because you say so in an amendment.

Mr. President, I merely wanted to make these observations as one who has supported public broadcasting from the beginning—but is very keenly aware of its inherent dangers.

As the ranking minority member of the Commerce Committee, I again commend the Senator from Rhode Island. His leadership in the field of communications all during the years I have known him has been superb.

I also wish to commend the Senator from Tennessee, the ranking minority member of our Subcommittee on Communications, for his diligent work on this measure.

I am glad we will not have to go to conference. But I am also glad that we are not sweeping some of these very important policy questions under the rug.

Mr. PASTORE. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to join in commending the leadership of the distinguished Senator from Rhode Island. I am pleased to express my strong support for H.R. 13918, the Public Broadcasting Act of 1972, intended to provide improved financing for the Corporation for Public Broadcasting.

I consider public and educational broadcasting among the more important and worthwhile activities receiving Government assistance. I commend the Committee on Commerce for its favorable consideration of this legislation and for recommending a 2-year authorization for the Corporation for Public Broadcasting and increasing the authorization of Federal funds to $65 million in fiscal 1973 and $90 million in fiscal 1974. Another important feature of this legislation is the authorization of increased Federal matching grants under the educational broadcasting facilities program.

The need for quality radio and television broadcasting in this country is clear. There are many gaps in the service provided by the commercial networks and stations. The public stations have begun to fill some of these gaps and with additional support should be able to do even more.

Public broadcasting has made a particular contribution in the area of children's programing, with "Sesame Street," "The Electric Company" and "Misterogers Neighborhood." There have also been outstanding accomplishments in public affairs and cultural programing. I refer to such programs as "The Advocates," "World Press," "American Dream Machine," "Film Odyssey," and "Masterpiece Theatre," which has offered some outstanding and popular productions from the British Broadcasting Corp.

I would also mention that public television has on occasion provided live coverage of Senate hearings. This provides the American people the opportunity to see the Congress at work, considering subjects of major importance to the Nation. National public radio has provided extensive coverage of important hearings of House and Senate committees, including, for example, the hearings of the Committee on Foreign Relations this week on the arms limitation agreements.

The record of public broadcasting thus far merits our further support and I believe there is great potential for service to the Nation. Although the funds authorized by this legislation would represent a considerable increase over past Federal funding, the sums are still meager in comparison with many of our foreign and military expenditures. I might also point out that the amounts authorized by this legislation are still considerably less than the total of tax funds allocated to the Voice of America, Radio in the American Section of Berlin—RIAS—Radio Free Europe, Radio Liberty, and the overseas Armed Forces Radio and Television Service.

Mr. President, I am particularly proud of the achievements of public radio and television in Arkansas. I am hopeful that the increased funding in this legislation will enable extended service in the State. KETS, the State's public educational station, serves only the central Arkansas area. Because this is the more heavily populated region, and because residents of many other communities in the State receive KETS through cable television, large numbers of Arkansas citizens are being served. However, there is a need to make this a truly statewide service, and I am hopeful that educational broadcasting facilities matching funds can be made available to assist in constructing additional transmitters. Gov. Dale Bumpers had indicated his support for such a move.

KETS recently joined the public broadcasting service network, thus receiving programs on a direct rather than delayed basis. KASU at Arkansas State University is a member of the national public radio network and for the past 3 years has benefited from community service grants of the Corporation for Public Broadcasting. KASU offers an outstanding and varied selection of programs, including classical and jazz music, public affairs, and news. Among these is NPR's "All Things Considered," an innovative daily news digest. KASU also carries numerous programs of special local interest.

Mr. President, public radio and television are making a strong contribution in Arkansas with their quality programing, in addition, of course, to the instructional services provided by KETS. Tonight, for example, Arkansas viewers can see programs such as "For the Love of Art," "Arkansas Game and Fish Highlights," "Thirty Minutes With . . .," "Net Playhouse," "World Press," and "Critic at Large," featuring singer Maria Callas.

I once again express my support for this legislation, and want to emphasize its importance to the people of this country. Finally, I want to indicate my agreement with the committee's recommended 2-year authorization. In this case I believe it is important to provide the Corporation with the stability needed for the planning inherent in television. Further, it is important to insulate public broadcasting from Government interference. Oversight is one thing, but interference is quite another. The efforts by some administration officials to undercut PBS public affairs programing make the need for this insulation all too clear.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles about public broadcasting in Arkansas and a letter from the president of the Southern Educational Communications Association who refers to the outstanding work of Mr. Lee Reaves, director of the Arkansas Educational Television Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, March 30, 1972]

KETS To Join PBS Sunday Evening; Major Program Changes Will Result

KETS, Channel 2, the state's educational television station will join the Public Broadcasting Service network at 5 p.m. Sunday. This will bring some major changes in the station's evening programing.

The station hopefully will be able to begin color programing. Fred Schmutz, the station's program administrator, said the KETS transmitter has always been color-capable, but that since the network programs KETS has been showing were videotapes that were shipped to the station, they had been broadcast in black-and-white.

"We received a burst of color from the network this morning, so we're hopeful that we will be able to show network programs in color," Schmutz said Wednesday.

He said the station had no studio facilities for producing its own color shows, and that it would not be able to show color videotapes or slides. However, the network hookup will allow it to show the "live" PBS shows filmed in color.

The network link also will allow KETS to operate on Sundays.

Schmutz said program schedules would be "jumbled" after the network hookup, and advised viewers that their favorite programs may be shown at different times.

PBS programs on KETS have been seen on tape about a week late, since they must be shipped in. Beginning next week, most of these will be broadcast at the time they are shown nationally.

Also, many programs of a topical nature will be added to the schedule. PBS had refused to let the station show these programs since many of them would be out of date by the time they were received on tape. "This Week," "World Press," "Wall Street Week" and "Washington Week in Review" are some of the programs that will be added.

The network link was made possible by a microwave transmission system from Little Rock to Conway. A horn antenna atop the microwave platform of the Southwestern Bell Telephone Company Building at 120 West Eighth Street will beam the PBS signal to a relay station at High Point, north of Roland. The signal will then be strengthened and relayed to an 87-foot tower at Cadron Ridge, west of Conway, for relay to the KETS transmitter.

The installation of the equipment required in the network hookup cost Southwestern Bell $150,000.

The state legislature has appropriated funds for color transmission from the station, although not for originating programs in color at the station. Application has been made to the federal Health Education and Welfare Department for matching funds for new color transmission equipment, but the grant has not been approved. Schmutz said the federal grant application would be considered around the end of May.

"Androcles and the Lion," a children's Easter special, will begin the new PBS schedule at 5 p.m. Sunday. Other Sunday evening programs are "Zoom," a children's program; "The French Chef," William F. Buckley's "Firing Line" and "Masterpiece Theater."

Schmutz said "Sesame Street" and "Misterogers' Neighborhood", two of the station's most popular children's programs, would still be shown in black-and-white, since they are received in the morning, then videotaped for broadcasting in the afternoon.

[From the Arkansas Gazette, Apr. 2, 1972]

Network ETV Starts Today

(By Martha Douglas)

Live network shows and some colorcasts arrive on Channel 2 today. So does Sunday afternoon programming.

For TV fans the development is most welcome because commercial network offerings for Sunday have been declining season by season, except for occasional good movies and sports events.

Channel 2 listings now will provide an alternative to those of the other stations—from 5:30 to 10 p.m. (The station goes on the air earlier (3:30) today to present a pair of Easter programs.)

The network linkup was established with the installation of a $150,000 microwave system by Southwestern Bell Telephone Company. Finally Channel 2 at Conway has been hooked into the national Public Broadcasting System network of more than 100 educational TV stations. Arkansas viewers now will see PBS programs at the same time as persons elsewhere in the country. Gone will be the clumsy tape and film operation, via the mails, which forced delays of a week or more in showing the programs in Arkansas.

Limited color now is available, for shows which the station receives in color directly from PBS. From two and a half to three hours of colorcasts are planned each night. No equipment presently is available for originating programs in color.

A drastic schedule scramble results from the network linkup. You will find many favorite shows in new slots. The instructional schedule, however, is unchanged.

The switch to "live" telecasting means that some PBS programs will be missed, noticeably so if the shows are in sequence. For instance, the first chapter of the Masterpiece Theater's eight-part version of James Fenimore Cooper's "The Last of the Mohicans" will be lost. Under the old tape and delay arrangement Masterpiece Theater showed on Wednesdays what the network carried on Sunday. Thus, Chapter 1 of the Cooper classic was telecast last Sunday by PBS.

CHANNEL 2 TODAY

An hour-long version of the children's story, "Androcles and the Lion," is Channel 2's first live network show. The performance by the University of Alabama Children's Theater group will be seen at 5.

"The Lsst of the Mohicans," which follows the six-part "Elizabeth R" on Masterpiece Theater, is a romanticized version of the French and Indian War in which Cooper comments on the clash between savagery and civilization. Like "Elizabeth," the series first appeared on the BBC. It will be carried at 8 o'clock.

The schedule: 3:30 p.m., Arkansas Continuum, repeat of highlights of the recent all-state band clinic; 4 p.m., Oscar Brand's Easter; 4:30 p.m., Easter at Boys Town, concert by the 65-voice Boys Town Choir; 5 p.m., "Androcles and the Lion"; 6 p.m., Zoom; 6:30 p.m., The French Chef, repeat of "Spaghetti Dinner Flambe"; 7 p.m., Firing Line; 8 p.m., Masterpiece Theater; 9 p.m., "Self Defense for Women," first of 10 lessons, and 9:30 p.m., Guitar, Guitar, opener of a series, features jazz guitarist Jerry Hahn.

[From the Jonesboro Sun, April 30, 1972]

Grant Made to Station

The Corporation for Public Broadcasting has announced a $9,000 Community Service Grant to KASU, Arkansas State University's noncommercial, educational FM radio station. It was the third consecutive year for KASU to receive financial aid from the Corporation.

Only selected public radio stations which meet standards set by CPB are eligible to receive Community Service Grants from the Corporation. This grant brings to almost $30,000 the amount KASU has received in three years.

Charles Rasberry, ASU's Director of Broadcasting, said the grant money will be used to continue funding the salary for a full-time news director for KASU, to purchase special children's programs and to provide a small promotional budget for KASU programs.

Southern Educational Communications Association,
Columbia, S.C., June 20, 1972.

Hon. J. W. FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are aware, the Public Broadcasting Act of 1972 is scheduled for your consideration, possibly by the end of this week. The Board of Directors and membership of the Southern Educational Association, a 14-state organization made up of educational television and radio stations, has gone on record in enthusiastic support of this measure. Passage of the bill will provide public broadcasting a strong base of financial support; and with the two-year authorization, public broadcasters will be able to more accurately project the level of service they can provide to their audiences.

As you know, the efforts in educational broadcasting at KETS, Conway, are making a dramatic impact on the lives of thousands of Arkansans. Under the leadership of SECA Board member Lee Reaves, the scope of service has grown to outstanding proportions; and the future looks brighter with the addition of new equipment. Passage of this legislation will enable Lee to make greater, more significant strides toward full service to everyone in the state. Your favorable consideration of the Public Broadcasting Act of 1972 is earnestly sought.

Sincerely,

WAYNE SEAL,
President.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Louisi-

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ana (Mr. ELLENDER), the Senator from Iowa (Mr. HUGHES), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 240 Leg.]

YEAS—82

Aiken	Dominick	Nelson
Allen	Eagleton	Packwood
Allott	Eastland	Pastore
Anderson	Ervin	Pearson
Baker	Fannin	Pell
Bayh	Fong	Percy
Beall	Fulbright	Proxmire
Bellmon	Griffin	Randolph
Bennett	Gurney	Ribicoff
Bentsen	Hansen	Roth
Bible	Hart	Saxbe
Boggs	Hartke	Schweiker
Brock	Hollings	Scott
Brooke	Hruska	Smith
Burdick	Humphrey	Sparkman
Byrd, Harry F., Jr.	Jackson	Spong
Byrd, Robert C.	Javits	Stafford
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Talmadge
Cooper	Mathias	Thurmond
Cotton	McGee	Tower
Cranston	Miller	Tunney
Curtis	Mondale	Weicker
Dole	Montoya	Young
	Moss	

NAYS—1

Buckley

ANSWERED "PRESENT"—1

Taft

NOT VOTING—16

Ellender	Hughes	Metcalf
Gambrell	Inouye	Mundt
Goldwater	Mansfield	Muskie
Gravel	McClellan	Williams
Harris	McGovern	
Hatfield	McIntyre	

So the bill (H.R. 13918) was passed.

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE YEAS AND NAYS ON H.R. 15585

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on H.R. 15585, the Treasury-Postal Service appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on that bill.

The yeas and nays were ordered.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, the Chair lays before the Senate S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized at this time for the purpose of calling up an amendment to the unfinished business, S. 3390, that there be a time limitation on that amendment of 20 minutes to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Alabama (Mr. SPARKMAN); and that upon disposition of that amendment, the Senate return to the order already entered and, at that time, the Chair lay before the Senate S. 3001, the Federal Financing Bank bill. I have cleared this request with the distinguished Senator from Vermont (Mr. AIKEN), the distinguished Senator from Alabama (Mr. SPARKMAN), and the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1264

Mr. KENNEDY. Mr. President, I call up my amendment No. 1264 to S. 3390.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 8, line 12, after "SEC. 5" insert the subsection designation "(a)".

On page 8, between lines 16 and 17, insert the following new subsection: "(b) Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new section:

"'SEC. 534. REFUGEE ASSISTANCE IN CAMBODIA.—The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees and war victims in Cambodia. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available until expended solely to carry out this section.'."

Mr. KENNEDY. Mr. President, this is a very simple amendment. It provides an earmarking of the sum of $2 million in counterpart funds to be used for humanitarian purposes in Cambodia.

The PRESIDING OFFICER. Would the Senator suspend? The Senate will be in order.

The Senator may proceed.

Mr. KENNEDY. Mr. President, it will be used primarily for war victims, for civilian war casualties, and other health programs, and for refugees in Cambodia.

Cambodia is the only country in Southeast Asia that has not received U.S. funds for refugees. They have received certain kinds of foodstuffs, but, unlike South Vietnam or Laos, they have not participated in any kind of U.S. aid program for refugees.

The best estimate is that there are now 2 million refugees in Cambodia and tens of thousands of war victims. This is an amendment not to increase the authorization, but to take counterpart funds that would otherwise be expended and to earmark them for the war victims of Cambodia.

The need is apparent. The GAO reports and our own committee reports of the Subcommittee on Refugees show that there is a tremendous need for health assistance to refugees.

There has been a general reluctance on the part of the Government of Cambodia to meet these requests because they have felt—and the record shows this—that, if they made a request for civilian needs, perhaps their military aid would be reduced.

I believe that the amendment is worth while. I think it extends America's humanitarian concern for the people of Southeast Asia.

I think this is an extremely reasonable amendment. I would like to see one 10 times this amount. But even this will be helpful in alleviating much of the pain and suffering of the people of Cambodia.

I have had an opportunity to discuss this amendment with the distinguished Senator from Alabama (Mr. SPARKMAN), and with the ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), to make them aware of the need for this amendment. I am hopeful that they will agree to take the amendment to conference. It is further my understanding that the House Foreign Affairs Committee agreed to this amendment.

I hope that the manager of the bill will accept it and take it to conference.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I have conferred with the Senator from Massachusetts. I thought there was merit in his proposal. I suggested that he discuss it with the Senator from Vermont (Mr. AIKEN).

As far as I am concerned, I am willing to accept the amendment. But I defer to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I think Cambodia is at least as much deserving of assistance in this field as most of the countries to which we already provide assistance.

The amount provided in the amendment offered by the Senator from Massachusetts is very small. I understand that if the President finds it advisable, he can take more than the $2 million of the very considerable sum which is allowed for all expenditures.

I think it is a very good and humanitarian amendment and I would be willing to accept it.

Mr. KENNEDY. Mr. President, I thank the Senators for their comments.

This amendment is supported by voluntary agencies and the representatives of religious groups which have performed so nobly in alleviating suffering in the past.

I appreciate the comments of the Senator from Alabama and the Senator from Vermont.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts (putting the question).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chun Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

The ACTING PRESIDENT pro tempore (Mr. HRUSKA) subsequently signed the enrolled bills:

FEDERAL FINANCING BANK ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 815 (S. 3001), a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Financing Bank Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To ensure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued or sold by any Federal agency.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than one hundred and twenty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000 or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

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(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or offices thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct to its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PROGRAM REVIEW

SEC. 16. No Federal agency shall enter into any commitments to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs shall be submitted at such times and in such form as the President may deem essential. The President may limit such programs when, in view of the overall fiscal requirement and demands for credit, he finds such limitations necessary.

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 17. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 18. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 20. This Act becomes effective upon the date of its enactment, except that sections 7 and 16 become effective upon the expiration of thirty days after such date.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, debate on the bill will be limited to 2 hours and debate on any amendment in the first degree will be limited to 1 hour, and debate on any amendment to an amendment, debatable motion, or appeal related thereto will be limited to 30 minutes.

Mr. SPARKMAN. Mr. President, I shall make a very brief statement.

Mr. President, the purpose of the bill, S. 3001, which is presently pending before the Senate, is to assure coordination of Federal and federally assisted borrowing programs with the overall economic and fiscal policies of the Government, to reduce the cost of Federal and federally assisted borrowing from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

S. 3001, as amended by the committee, contains the following key provisions:

First, it provides for a Federal financing bank through which the marketing of Federal and federally assisted borrowing activities can be centralized.

Second, it provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of issues or sales of obligations by Federal agencies.

Third, it provides for submission to the President of Federal agency budget programs for loan guarantees and for limitation by the President of such programs if overall fiscal requirements and credit demands so warrant.

Our committee was informed that this legislation is urgently needed because the increase in Federal credit program activity in recent years has greatly expanded the total Federal impact on the credit markets. Borrowings for Federal credit programs have increased over the past decade at a pace more than twice the rate of increase in the total supply of the Nation's credit.

Many Federal agencies are now required to finance their programs directly in the securities markets. Similar financing arrangements have also been proposed for a number of new agencies. These agencies must develop their own financing staffs, and their abilities to cope with their principal program functions are lessened by the need also to deal with the complex debt management operations essential to minimizing their borrowing costs and avoiding cash flow problems which could disrupt their basic lending programs.

Borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs by substantial amounts, despite the fact that these issues are backed by the Federal Government. Borrowing costs are increased because of the sheer proliferation of competing issues crowding each other in the financing calendar, the cumbersome nature of many of the securities, and the limited markets in which they are sold. Underwriting costs are often a significant additional cost factor due to the method of marketing.

Under the proposed legislation these essentially debt management problems could be shifted from the program agencies to the Federal financing bank The Federal financing bank would be authorized to purchase obligations of Federal agencies and obligations guaranteed by Federal agencies. Agencies would be authorized to sell obligations to the bank. However, the legislation would not require the bank to lend to any agency nor require any agency to borrow from the bank. Many of the obligations which are now placed directly in the private market under numerous Federal programs would instead be financed by the bank. The bank in turn would issue its own securities. The bank would have the necessary expertise, flexibility, volume, and marketing power to minimize financing costs and to assure an effective flow of credit for programs established by the Congress.

While many of the agencies placing issues in the market are subject to coordination with Treasury's financial management advisers, others are not. Some of the coordination requirements are vague or incomplete, and none require advance submission of financing plans as would be required in the proposed legislation.

Under present arrangements there is little or no forward planning or coordination of Federal credit program financing with overall financial planning. The uncoordinated financing of these programs has the potential for serious adverse impacts on the programs, on financial markets, and on the Federal budget. Nor is there now any effective means of controlling the growth of Government assisted loans.

This legislation would provide that commitments to guarantee loans under Federal credit programs could be made only in accordance with budget programs submitted to the President. The President would be authorized to limit such programs when necessary in view of overall fiscal requirements and demands for credit.

Financing these programs through the bank would assure greater flexibility and a broader market for the securities as well as coordination and planning in light of overall credit availability. The proposed Federal financing bank would provide a focal point for explicit and early recognition of the volume and cost of the proposed level of Government assisted credit and its likely impact on financial markets.

The coverage of the bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks—including the Federal home loan bank board and the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association.

Mr. President, as I mentioned earlier, S. 3001 as introduced was amended by our committee. The committee rejected a proposal in section 7 of the legislation which would have given the Secretary of the Treasury extensive new authority over Federal loan guarantee programs. The Treasury wishes only to have coordinating authority over guaranteed obligations issued in large amounts and generally financed in the securities markets. On the other hand, there are those who are concerned about the potential Treasury authority over small individual guarantee transactions. I would hope that we can work out a solution which will meet the objectives of all concerned.

The other three amendments imposed on the bill by the committee were what are termed technical amendments which I will not describe today.

Mr. President, I would like to report for the benefit of the Senate that S. 3001 as amended by the committee was reported without objection.

I add that while the vote was unanimous to report the bill there were individual minority views expressed on some features of the bill. I ask unanimous consent that a section-by-section summary of the bill as reported by the committee be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FEDERAL FINANCING BANK (S. 3001)

SECTION-BY-SECTION SUMMARY

Sec. 1. Short title.—The act could be cited as the "Federal Financing Bank Act of 1972."

Sec. 2. Findings and declaration of purpose.—Findings: That demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit, and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies.

Purpose: To assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

Sec. 3. Definitions.—"Federal agency," "obligation," and "guarantee" would be defined in a manner which would include all debt obligations issued, guaranteed, insured or otherwise secured by an agency of the United States.

Sec. 4. Creation of bank.—A Federal Financing Bank would be established as an instrumentality of the U.S. Government subject to the general supervision and direction of the Secretary of the Treasury. The Bank would be authorized to maintain such offices as appropriate to carry out its purposes.

Sec. 5. Board of Directors.—The Board of Directors would determine the general policies of the Bank and would consist of five members, including the Secretary of the Treasury or his designee as Chairman and four other members appointed by the President from officers and employees of the United States.

Sec. 6. Functions.—The Bank would be authorized to purchase and sell any obligation issued, sold, or guaranteed by a Federal agency at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration current average yields on outstanding obligations of the United States or of the Bank of comparable maturity. The Bank would be authorized to charge fees to provide for expenses and reserves.

Sec. 7. Treasury approval.—Federal agencies issuing or selling obligations would be required to submit financing plans to the Secretary. The approval of the Secretary would be required of agency financing plans including the terms, conditions, timing, methods, and sources of financing. The Secretary's authority would be confined to dealing with the financing aspects of agency programs. The Secretary could not withhold his approval for more than 120 days unless he has submitted a detailed explanation to the Congress of his reasons for so doing.

Sec. 8. Initial capital.—The Secretary of the Treasury would be authorized to advance up to $100 million to the Bank which would bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding Treasury obligations of comparable maturity. Appropriations would be authorized for this purpose.

Sec. 9. Obligations of the Bank.—The Bank would be authorized, with the approval of the Secretary of the Treasury, to issue its obligations to the public in amounts not to exceed $15 billion outstanding at any one time.

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The Bank would also be authorized to issue obligations to the Secretary of the Treasury, and the Secretary would be authorized to use the proceeds of public debt transactions to finance such purchases.

The Bank could require the Secretary of the Treasury to purchase its obligations in such amounts as will not cause the Secretary's holdings resulting from required purchases to exceed $5 billion at any one time.

Obligations of the Bank would be lawful investments for fiduciary, trust, and public funds under Federal control.

Sec. 10. General powers.—The Bank would have the usual corporate-type powers.

Sec. 11. Exemptions.—The Bank and its income would be exempt from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Bank, which would be taxed to the same extent as obligations of private corporations.

Obligations issued by the Bank would be exempt from SEC requirements.

The budget status of agencies selling obligations to the Bank would not be affected. Receipts and disbursements of the Bank would not be included in the budget of the U.S. Government and would be exempted from statutory limitations on expenditures and not lending (budget outlays) of the United States.

Sec. 12. Preparation of obligations.—The Secretary of the Treasury would be authorized to prepare, hold, and deliver obligations for the Bank on a reimbursable basis.

Sec. 13. Annual report.—The Bank would be required to transmit to the President and Congress an annual report of its operations and activities.

Sec. 14. Obligations eligible for purchase by national banks.—National banks would be permitted to invest in or deal in obligations of the Bank.

Sec. 15. Government Corporation Control Act.—The Bank would be subject to the budget and audit provisions of the Government Corporation Control Act in the same manner as they are applied to a wholly owned Government corporation.

Sec. 16. Program review.—No Federal agency would be permitted to enter into a commitment to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs could be limited by the President when he found such limitations necessary in view of the overall fiscal requirement and demands for credit.

Sec. 17. Payments on behalf of public bodies.—Federal agencies would be authorized to make payments to the Bank on behalf of a local public body or agency to avoid increasing net costs to any such body as a result of purchases of the Bank. Appropriations for such payments would be authorized.

Sec. 18. No impairment.—The act would not impair any authority of the President or Secretary of the Treasury under any other provision of law, nor would the act affect the right of Federal agencies to sell obligations to the Secretary of the Treasury or the authority or obligation of the Secretary of the Treasury to purchase such obligations.

Sec. 19. Separability.—The remaining provisions and validity of the act would not be affected if any provision is held invalid.

Sec. 20. Effective date.—Sections 7 and 16 of the act would become effective 30 days after enactment. Other sections would become effective immediately.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I am pleased to voice my strong support of S. 3001, the Federal Financing Bank Act. This measure has the unanimous approval of the Senate Banking Committee and enjoys broad bipartisan support in the Congress. The Financing Bank Act is a much needed and long overdue financial reform which will permit the savings of hunderds of millions of dollars in the borrowing activities of Federal agencies. In the course of 3 days of hearings on S. 3001, the committee received no testimony against the bill, and the bill was endorsed by representatives from the administration, from the private financial community, and from State and local government organizations.

While I am convinced that there is no essential disagreement over this legislation, I am concerned that a misunderstanding caused the committee to amend the bill in a way which would jeopardize the achievement of part of its objectives which I believe are shared by all. I refer to the committee's deletion of the provision in section 7 of S. 3001, as introduced, which would have required approval by the Secretary of the Treasury of the market financing aspects of obligations guaranteed by Federal agencies. At this point I want to emphasize that when I refer to Secretary of the Treasury approval over the financing aspects of agency obligations, I mean just that. There is no authority in this legislation giving Secretary of the Treasury any control over the programs of Federal agencies, only over the financing of these programs. This provision for Treasury approval of the financing aspects of guaranteed obligations would have assured the coordination of the market financing activities of all Federal agencies. As amended, the bill provides that only obligations issued or sold directly by a Federal agency may be required to be coordinated through the FFB. This legislation would have placed all agency financing activities whether direct issues or guaranteed issues on the same footing.

Excluding agency guaranteed issues from Treasury approval requirements will result in an uneven and inequitable coordinating mechanism. That is, many Federal credit agencies now have the authority both to sell blocks of guaranteed loans in the securities markets which would be subject to Treasury coordination and to guarantee blocks of loans sold by private dealers or agents which would not be subject to Treasury coordination under the bill as reported. The financing techniques and the impact on the financial markets are essentially the same regardless of whether the guaranteed obligations are sold directly by the Federal agency or by a private agent. Thus it just does not make sense to have the Secretary of the Treasury coordinate the one method of financing—direct sales—through the Federal Financing Bank but not the other—guarantees of private sales.

I would like to give just a few examples of financing techniques which are widely employed by Federal agencies to illustrate how the bill as reported would leave gaps in the coordinating mechanism.

First. The Small Business Administration is authorized both to make loans and to guarantee loans to small business investment companies. Under this authority SBA has in the past arranged for the financing of blocks of SBIC debentures in the securities markets by two methods. Under one method SBA acquired the SBIC debentures and sold them in the securities market through underwriters, and the financing aspects of such sales by SBA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported. Under the other method employed by SBA, however, SBA arranges for the obligations to be acquired and sold by a private trustee, and such sales would not be subject to Treasury approval under the bill as reported. In both cases SBA negotiates the sale with the underwriters, and in both cases SBA provides a full guarantee of the obligations.

Second. The Government National Mortgage Association can now either guarantee or acquire and sell directly in the securities market obligations guaranteed by the Federal Housing Administration, including, for example, multimillion dollar subsidized project loans for a variety of low and moderate income housing programs. Direct sales of guaranteed obligations by GNMA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported by the committee. Yet if the obligations were sold by FNMA or by a mortgage banker as mortgage-backed bonds or securities, which are guaranteed by GNMA to make them salable in the securities market, such sales would not be subject to approval by the Secretary of the Treasury under the bill as reported.

Third. The Export-Import Bank also has broad authority to make, sell, and guarantee loans. Eximbank frequently makes loans directly and finances them through direct Eximbank borrowings or sells the loans as guaranteed obligations in the securities market, such as the certificates of beneficial interest which have been sold by Eximbank, and all such financings, would be subject to Treasury approval under the bill as reported. Yet Eximbank also guarantees similar obligations sold in the securities markets by private sellers, including the recently established Private Export Funding Corporation, and such sales would not be subject to Treasury approval.

The point I am making is that there are many forms in which Federal agencies can arrange for direct securities market financing of obligations backed by the full faith and credit of the United States, and I believe that the Federal Financing Bank Act should be concerned with all of these financings.

The budget for the fiscal year 1973 estimates a net increase in guaranteed obligations of $27 billion and new guarantee commitments of $54 billion. Under existing law virtually all of these guaranteed obligations could conceivably be financed directly in the securities market by means of Federal guarantees of private sales of obligations. Thus the committee amendment could result in virtually no Treasury coordination of federally backed issues in the securities market.

The committee stated four reasons for deleting the requirement that the Secretary of the Treasury approve the financing of guaranteed obligations.

First, the committee felt that the Secretary of the Treasury should not have control over the operational aspects of loan guarantee programs.

Second, the committee felt that there was no need for the Treasury to control the financing of individual loan guarantees which do not have the same impact on credit markets as the issuance or sale of securities by Federal agencies.

Third, the committee felt that Treasury control over Federal guarantee programs would not be administratively feasible because of the large number of individual loan guarantees.

Fourth, the committee felt that loan guarantee programs should not be subject to a system of double regulation, by the Secretary of the Treasury and by the President.

I fully concur in these four basic points stated by the committee. These same concerns were expressed to me and other members of the committee in a letter from the National Association of Home Builders, the U.S. Savings and Loan League, the Mortgage Bankers Association, and the National Association of Real Estate Boards. Yet section 7 of the bill as proposed by the administration, and as introduced, contained a number of restrictions on the powers of the Secretary of the Treasury which were intended to overcome the objections expressed by the committee. Thus, I do not think there is any basic disagreement between the administration and the committee. The problem, I believe, is simply a matter of legislative drafting. Since the action by the committee, we have been working with the Treasury and interested parties to redraft section 7 of the bill to lay to rest the concerns expressed by the committee and various groups involved in homebuilding and financing that the Secretary of the Treasury might become involved in program limitations but at the same time permit the necessary coordination by the Secretary of the Treasury of all market financing activities of Federal agencies.

The approach we have been working on would exempt from Treasury approval under section 7 all agency guaranteed obligations below a certain dollar level. Thus, it would be assured that the Secretary of the Treasury would have no authority over the hundreds of thousands of relatively small transactions not financed in the securities markets, such as individual home mortgages guaranteed by VA and FHA and originated and serviced by widely dispersed lending institutions. The Secretary would be authorized to coordinate only the financing of guaranteed obligations issued in large amounts which are typically financed in the securities markets, such as the tax-exempt public housing and urban renewal notes and bonds guaranteed by HUD, SBIC debentures guaranteed by SBA, new communities debentures guaranteed by HUD, hospital and other medical facility bonds guaranteed by HEW and HUD, mortgage-backed bonds guaranteed by GNMA merchant marine bonds guaranteed by the Commerce Department, Private Export Funding Corporation issues guaranteed by Export-Import Bank, Amtrak borrowings guaranteed by the Transportation Department, borrowings by the proposed new Student Loan Marketing Association guaranteed by HEW, and many other similar guaranteed issues in the securities market.

The Department of Housing and Urban Development is satisfied that the Secretary of the Treasury would not become involved in setting interest rates on mortgages or controlling housing programs, but some private groups affected by this legislation remain concerned about this. I believe that an agreement can be reached which will further assure the protection of Federal programs from Treasury interference, to the satisfaction of those who now question whether the original administration bill provided such protection. However, the Department of the Treasury is anxious to have the Congress take action on this legislation setting up the Federal financing bank as quickly as possible so that the bank can become operative and begin to coordinate and reduce the cost to the Federal Government of financing of issues by Federal agencies.

In order not to delay the consideration of this measure, I have agreed not to try to amend the bill at this time. I intend, however, to press for an agreement between the Treasury—which wishes only to have coordination authority over guaranteed obligations issued in large amounts and generally financed in the securities markets—and those who are concerned about the authority of the Treasury over small individual guarantee transactions. I hope that such an agreement will be forthcoming and that it will be accepted by the House—and in turn be acceptable to the Senate. Without such market coordination by the Secretary of the Treasury, we run the risk of chaotic competition among Federal agencies in the securities markets, excessive financing costs at the expense of the general taxpayer, and serious inequities among Federal credit assistance programs.

Of course, I urge speedy consideration and passage of the bill.

I would be remiss if I did not compliment and commend my distinguished colleague, the chairman of the committee, for his leadership and for the usual competent and able way he steered the bill through committee.

Mr. BROCK. Mr. President, will the Senator yield to me briefly?

Mr. TOWER. I yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, the Federal financing bank legislation presently before the Senate will improve the management of Federal and federally related debt, saving the taxpayers of this country substantial sums in unnecessary interest costs and also smoothing out the frequently traumatic impact of uncoordinated Federal and federally related financing demand on the capital markets.

Yet, the bill does have a substantial defect which will impair its ability to save money for the taxpayer and to smooth out Federal credit demands. This defect is the absence of authority for the Treasury to control the timing of federally guaranteed obligations. There will be an estimated $27 billion in new guaranteed obligations in fiscal 1973, almost half the total of all new Federal and federally related borrowing in that year. Clearly, these guarantees have an enormous impact on the capital markets, which affects the stability of those markets and will contribute to unnecessarily higher interest rates, without the coordination originally provided for in this bill.

The concern of those who voted for the amendment in committee which removed guarantees from the coverage of the coordination authority seemed basically to be that Treasury might be able to utilize the authority to control the actual substantive programs involved, such as the various housing-assistance programs. It is rather obvious that this would not, in all practicality, actually occur, and certainly it is not the purpose of the coordinating authority for guarantee programs. However, to try to assure those concerned that particularly the housing programs and smaller guarantee programs would not be unduly affected by the authority in the bill, a compromise amendment to exclude smaller guarantees from the authority, but to leave in the authority over larger guaranteed obligations, is being worked on by Treasury, in consultation with interested Members of Congress and other concerned parties. It is important that we recognize here that an agreement acceptable to the Senators concerned with this question may be reached in the near future, and the question might be appropriately resolved in the House. In that event, the Senate conferees on this bill may, therefore, be bringing back a revised version of this bill for Senate approval later on this year; at least, I, for one, certainly hope so.

In the meantime, however, with the time remaining for legislative action in Congress drawing near a close, it is vital that the Federal financing bank legislation be moved on to the House for timely consideration, and hence I am in full support of the passage of the bill here today.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I am strongly in support of this measure. I have had some misgivings about only one small portion of the pending legislation. I have had conversations with the manager of the bill and chairman of the committee, with members from the Treasury Department of the United States and the Postmaster General in regard to those misgivings. They stem from the action taken by the Committee on Post Office and Civil Service over 2 years ago in which we set up an independent Postal Service. In setting it up one of its basic features was the authorization to go into the open market and sell bonds up to $10 billion to cover construction of new post office facilities, whatever the new system required, and because the pending bill does enter into this area——

[Disturbance in the visitors' gallery.]

The PRESIDING OFFICER (Mr.

ROTH). Under the rules of the Senate, visitors in the galleries will please not demonstrate in any way.

The Senator from Wyoming may proceed.

Mr. McGEE. Mr. President, I wanted to make sure that all of the possibilities were clear in relation to each other on this bill.

Mr. President, although I support the enactment of S. 3001 to establish a Federal Financing Bank and improve coordination in the issuance of government obligations, I would like to make it clear that the authority vested in the Secretary of the Treasury to control issuances should not be construed to override the authority vested in the Postal Service to issue obligations under the financing provisions of the Postal Reorganization Act.

Getting the money to finance construction of modern postal facilities was a major reason for the enactment of the Postal Reorganization Act. As long ago as 1953 Congress attempted to establish an independent means of financing new construction in the post office without having to secure the blessings of the Bureau of the Budget and attain from the Congress annual appropriations to finance such projects. In my statement to the Senate on the Postal Reorganization Act, a little more than 2 years ago, I dwelled at some length on the problem of obtaining no-year money and the need for authorizing long-term borrowing at the post office. Chapter 20 of title 39, as enacted in the Postal Reorganization Act, authorizes the Postal Service to issue up to $10 billion in its own bonds outstanding at any one time.

The provisions of section 2006 of title 39 sets out in detail the procedure for bond issuance. Under that law the Postal Service is required to consult with the Secretary of the Treasury at least 15 days before it intends to issue a bond and the Secretary of the Treasury is empowered to recommend coordination of the time and place and conditions of the sale. However, the only control over the sale is that if he does not want the post office to go into the marketplace to sell its bonds he may preempt the issue, that is, buy it up himself. Otherwise, the Postal Service is free to go ahead and market the obligations if there are any buyers.

Section 410 of title 39 related to the applicability of Federal laws to the Postal Service. Among other things that section says that no law is applicable to the Postal Service unless it is set out in title 39 or unless the law is made specifically applicable to the Postal Service. One of the problems you encounter is that after the enactment of a law both the legislative and executive branches tend to forget what is or what is not applicable and might inadvertently make a provision applicable to an agency of the Government which is inappropriate. It is my conviction that the Congress, having authorized the Postal Service to handle its own financial affairs without a veto being vested in anyone else, including the President of the United States, would not now wish to impose the authority vested in the Secretary under S. 3001 to impair the authority of the Postal Service enacted just 2 years ago.

Let me point out that the Secretary has authority to control the Postal Service bonds. The Postmaster General is not free to deal as he wishes. He must consult with the Secretary before attempting to sell and the Secretary can, if he wishes, preempt the entire issue. Those provisions of law were very carefully thought out in 1970, and I believe they are quite workable.

Mr. President, under the terms of chapter 20 of title 39, as enacted by the Postal Reorganization Act of 1970, the Postal Service is authorized, within certain limitations and under certain conditions, all of which are carefully spelled out in law, to issue obligations on the market for postal modernization.

Does the Senator believe that that authority is impaired by the provisions of S. 3001?

Mr. SPARKMAN. No.

Mr. McGEE. Can the Postal Service itself stand, perhaps, to gain from this bill in the sense that it would be able to borrow money under this new Federal financing agency?

Mr. SPARKMAN. Yes. As a matter of fact, it gives the Postal System a new marketing area for its securities. It does not compel the system to use it, but it is its choice if it wants to use it.

Mr. McGEE. In the Postal Reorganization Act, we did specify that before it could go on the private bond market, it had to offer to the Treasury Department, should the Treasury prefer, those bonds for itself. So there was that limitation on it in that legislation.

There is a general rule of law that a specific statute, such as the Postal Reorganization Act, provides certain powers for a governmental agency, and a general statute seems to modify that power, the specific will be favored over the general, regardless of the sequence of enactment.

Does the Senator agree that the law included in the Postal Reorganization Act supersedes any general provisions of S. 3001?

Mr. SPARKMAN. Let me answer in this way: In the case of the Postal Reorganization Act, there are specific provisions relating to financing coordination by the Secretary of Treasury. In view of this, the more general law—the Federal Financing Bank—would merely modify the Secretary's authority to coordinate financing under the Postal Reorganization Act.

The exemptions under the bill are clearly spelled out in the committee report on page 3. The fourth paragraph states:

> The coverage of this bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks (including the Federal Home Loan Bank Board and the Federal Home Loan Mortgage Corporation), and the Federal National Mortgage Association.

I make that statement in my presentation.

May I say to the distinguished Senator from Wyoming that I have a letter from the Secretary of the Treasury, a copy of which has been supplied to him, and I ask unanimous consent at this point to insert the letter in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 22, 1972.

HON. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that Senate floor action on S. 3001, the bill to establish a Federal Financing Bank is scheduled for Thursday, June 22. We appreciate the prompt favorable action by your Committee on this important legislation to improve efficiency in financing Federal agency programs.

It is my understanding that some confusion may exist regarding the position of the Administration on the question of the relationship of the Postal Service to the Federal Financing Bank. As you know, Mr. Chairman, the position of this Administration on this matter is that the Postal Service should not be excluded from obtaining the benefits of the financing efficiencies we expect to achieve through the Federal Financing Bank.

As the Treasury Department outlined in its transmittal letter of December 9, 1971, to Congress, the proposed legislation does not require or intend that the Treasury have any role in or any veto power over the programs of Federal agencies. Thus the legislation contemplates no involvement by the Treasury or the Federal Financing Bank which would affect the structure or scope of agency programs. The legislation does provide that the Treasury will coordinate the timing and nature of Federal agency borrowing activities. Effective coordination requires that all such agencies including the Postal Service be covered by the proposed legislation. Also, to exclude the Postal Service from this legislation might encourage other agencies to press for exemption.

We believe that coordination of Federal agency financing through the Federal Financing Bank will facilitate the smooth functioning of the private credit markets and will thus be advantageous to the Government's financing efforts in general as well as to the Postal Service. Such coordination will reduce borrowing costs and will shift many debt management problems to the Federal Financing Bank, relieving the agencies of this burden.

In the specific case of the Postal Service, it now has the authority to sell its securities in the market. The Secretary of the Treasury now has the authority to preemptively purchase the debt obligations of the Postal Service. Neither of these features of the Postal Reorganization Act will be changed by the Federal Financing Bank legislation. However, excluding the Postal Service from this legislation limits its financing options since it would not be able to sell its securities to the Federal Financing Bank. I assure you that the Federal Financing Bank is intended to facilitate and not to hinder agency programs.

Again, thank you for your support of the Federal Financing Bank. I hope it will be possible to obtain passage of this bill without excluding the Postal Service.

Sincerely yours,

(S) GEORGE P. SHULTZ.

Mr. McGEE. Mr. President, I want to thank the chairman for clarifying these questions, and I would like to add for the

RECORD the testimony before the Senate Post Office and Civil Service Committee during our hearings on postal reorganization that was submitted by the Under Secretary of the Treasury, Mr. Volcker, in regard to his understanding of what the financing capabilities and powers were in the new postal reorganization bill. It is rather long. I shall not read it, but ask unanimous consent to make it a part of the RECORD, along with a further statement from the Under Secretary that he submitted to the House hearings on the same measure.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. PAUL A. VOLCKER, UNDER SECRETARY OF THE TREASURY FOR MONETARY AFFAIRS; ACCOMPANIED BY EDWARD P. SNYDER, DIRECTOR, OFFICE OF DEBT ANALYSIS, DEPARTMENT OF THE TREASURY

Mr. VOLCKER. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you to present the Treasury Department's view on the financial provisions of the President's recommendations for postal reform.

The Treasury Department does not have specialized knowledge of the personnel, rate and ratemaking, rail transportation, and other matters involved in postal reform, and I expect that other witnesses will provide you with expert testimony on these questions.

However, the Treasury Department, not only because of our financial responsibilities, but also as a major user of postal services, has a direct interest in an efficient, effective, and economical postal system.

We strongly endorse the objective of creating an independent postal establishment which will be able to conduct its activities and to make decisions on a business-like basis.

The Treasury Department's primary area of competence is in the financial provisions contained in chapter 10 of the proposed "Postal Service Act of 1969."

These provisions were drafted in consultation with the Treasury Department. They provide a degree of financial independence and responsibility not now available to the Post Office Department but which will be necessary to achieve a truly business-like character for the proposed Postal Service.

The financial independence provided by chapter 10 however would be subject to continued congressional oversight, and the advice and assistance of the Treasury Department would be given in the issuance of debt obligations by the Postal Service.

Under a new section 1005 of title 39, United States Code, the proposed Postal Service would be authorized to borrow money and to issue and sell such obligations as it determines necessary to the efficient conduct of its business.

The aggregate amount of Postal Service obligations outstanding at any one time would be limited to $10 billion, and the annual net increase in outstanding obligations issued for capital improvements would be limited to $1.5 billion.

The legislation also would require the annual preparation, submission, and congressional consideration of a business-type budget.

Under new section 1006, the Postal Service would be required to consult with the Secretary of the Treasury at least 15 days before selling any issue as to the amount, proposed date of sale, maturities and terms and conditions, and expected maximum rates of interest.

The Secretary could elect to purchase such obligations on such terms, including rates of interest, as he and the Postal Service might agree upon, but at a yield not less than the current yield on outstanding marketable Treasury obligations of comparable maturity.

If the Secretary did not exercise his option to purchase the obligations, however, the Postal Service could proceed to sell them in the market, drawing on the assistance of the Secretary in finally fixing the date of sale, maximum interest rates, and other terms and conditions.

In addition to the provision giving the Secretary of the Treasury the option to purchase Postal Service obligations, new section 1006 would also permit the Service—at its own discretion—to sell up to $2 billion Postal Service obligations directly to the Treasury.

New section 1007 would authorize the Secretary to use proceeds from the sale of public debt securities to purchase Postal Service obligations.

The financing provisions which I have outlined are consistent with the overall intent that the debt obligations of the Postal Service meet the test of the market.

The language prescribing the minimum rate of interest on Treasury purchases of Postal Service obligations is designed to preclude a sizable hidden or disguised subsidy by assuring that any borrowings from the Treasury will be at rates not less than the current cost of money to the Government.

The Secretary of the Treasury's option to purchase Postal Service obligations—his right of first refusal—will enable the Secretary to assure the coordination of Postal Service borrowing operations with the financing of other Government activities without—and I would stress this point—interfering with the financing of essential Postal Service activities or arrogating to the Secretary any control over the operations of the Postal Service.

The provision granting the Postal Service authority to require the Secretary to purchase a limited amount of its obligations will help to assure private investors in Postal Service obligations of the timely payment of principal and interest and will thus help to minimize the cost of Postal Service borrowing in the transition stage until the Postal Service is firmly established on a businesslike basis.

We believe these provisions are preferable to the financial provisions in other postal reform legislation which has been introduced in the House. For example, H.R. 4, which I believe is now being considered for markup by the House Committee, would authorize the Postal Modernization Authority to borrow in the market with the approval of the Secretary of the Treasury, but the overall financing provisions of H.R. 4 would be less flexible than under the administration proposal, could add needlessly to the cost of postal service through higher interest rates, and would not assure coordination with the overall financial program of the Government.

In summary, it is the Treasury Department's view that the financial provisions contained in the President's recommendations for postal reform are appropriate for the proposed Postal Establishment.

Indeed, in working with the Post Office on this matter, we felt the financing provisions, in whole or in part, could well become a model for other business-type activities of the Government.

Let me conclude by making some brief comments on specific questions which arose during the House hearings on August 11. I understand that the Comptroller General wrote to the chairman of the House committee on August 1 along the following lines:

"We are concerned that the issuance of bonds to the public by the corporation would result in higher financing costs than would be incurred if the corporation used the financing facilities of the Treasury Department. Studies made by our office have disclosed that interest costs are generally higher when agencies obtain financing directly from the public rather than through the facilities of the Treasury Department."

We believe, if the objectives of the reform legislation are achieved and the postal service is put on a businesslike basis, that its obligations will sell in the market at rates of interest which are comparable to the rates of interest paid by other Government and Government-sponsored agencies.

These rates are only fractionally higher than the rates paid by the Treasury on its direct obligations and compare favorably with the rates which are paid on the highest quality private obligations.

Once of the ancillary purposes of the authority of the Secretary to purchase postal service obligations, however, is to provide the postal service with some protection against the chance that market terms on its borrowings might be unreasonable, particularly in the transition period before a solid record of operating performance is established.

Apart from this we feel the Postal Service should be capable of meeting the test of the market, including covering the cost of capital from its own resources, so that the Congress and the public will have an undistorted measure of the true costs of providing postal service.

Questions were also raised as to whether or not financing the Postal Establishment other than through the Treasury would not constitute an evasion of budgetary control and in particular, an evasion of the debt limit.

As I have already observed, the business-type budget of the Postal Service would be subject to congressional oversight. The next expenditures of the Postal Service would continue to be reflected in the unified budget expenditure total just as postal expenditures presently are so reflected. There would be no change in this treatment.

The debt obligations of the Postal Service would not themselves be included in the debt subject to limit, but this is a consequence of the narrow construction of the debt limit now embodied in law and does not reflect any intent to avoid the restraint of the debt limit.

In fact, in February of this year the President proposed that the definition of the debt subject to limit be broadened to include the net debt obligations of all Federal agencies.

This would have brought the debt limit coverage more closely into accordance with the concept of the unified budget, but the administration's proposal was rejected by the Ways and Means Committee at that time.

A question was also raised as to whether the obligations of the Postal Service would be general obligations, or full faith and credit obligations, of the United States.

In view of the intent that the Postal Service become self-supporting, apart from any subsidized operations which would be openly financed through direct appropriations by the Congress, we have visualized that the obligations issued by the Postal Service would be akin to revenue obligations or, perhaps in some cases, in the nature of mortgage bonds.

Specifically, it is our view that these obligations should stand on their own merits, and not be obligations of the United States. In order to clarify this objective we would certainly not object to the addition of language, such that which now applies to bonds issued by TVA. That language reads as follows:

"Bonds issued by the corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon, be guaranteed by, the United States."

Such an amendment, I believe, would be fully consistent with the general intent of the President's recommendations for postal reform.

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In conclusion, the Treasury Department strongly supports both the broad recommendations for a new Postal Service and the specific financing provisions. We urge that this committee act favorably on the President's proposal.

MAY 8, 1972.

HON. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Postal Service on S. 3001, a bill to centralize certain federal and federally-assisted borrowing activities in a newly-created Government instrumentality, the Federal Financing Bank.

Under the Postal Reorganization Act, which established the new Postal Service and endowed it with broad operating authorities in many ways similar to the authorities under which enterprises in the private sector of the economy operate, the Postal Service is authorized to borrow money and to issue obligations up to a maximum outstanding amount of $10 billion. The relationship between the Department of the Treasury and the Postal Service in the issuance of Postal Service obligation is spelled out in some detail in the Act. That relationship includes the right in the Secretary of the Treasury to preempt all offerings of Postal Service obligations to the public by requiring the Postal Service to sell all obligations issued by the Postal Service to the Secretary. 39 U.S.C. 2001 *et seq.* (1970).

The Postal Reorganization Act also provides in part, with exceptions not here relevant, that "no federal law dealing with public or federal . . . budgets, or funds . . . shall apply to the exercise of the powers of the Postal Service." 39 U.S.C. 410(a), (1970). Since S. 3001, if enacted, would clearly be a federal law dealing with funds, it would not, in our opinion, apply to the Postal Service.

The provisions of S. 3001, if enacted, would be inconsistent both with the provisions authorizing the issuance of debt obligations by the Postal Service and with section 410(a), quoted above. An interpretation that S. 3001 extended to the Postal Service, therefore, would mean that S. 3001 constituted a *pro tanto* implied repealer of section 410(a) and various other provisions in the postal code. Under the ordinary rules of statutory construction, however, the presumption is against such repealers by implication. Section 410(a) is a unique provision of law, specifically applicable only to the Postal Service, which serves a critical function in the statutory reorganization mechanism established by the Postal Reorganization Act. It is "familiar law that a specific statute controls over a general one 'without regard to priority of enactment'." *Bulova Watch Co. v. United States*, 365 U.S. 753, 758 (1961). Accordingly, in the absence of language in the bill making it specifically applicable to the Postal Service, it is our opinion that enactment of the bill would have no legal effect upon the borrowing authority contained in the Postal Reorganization Act.

The borrowing authority contained in the Postal Reorganization Act, and the exclusion of the application of general federal laws relating to funds from application to the Postal Service, were provided in the Postal Reorganization Act in order to grant the Postal Service the legal authority necessary to finance the complete reform and modernization of the nation's mail system. At the same time, however, the need for coordination of Postal Service borrowings was recognized, and the Treasury was given blanket authority to preempt all Postal Service offerings of debt obligations, whenever market conditions required, as determined by the Treasury Department. The Treasury Department itself drafted the coordination provisions, and recommended their enactment. In discussing the coordination of Postal Service financings with the overall financing program of the Treasury during hearings on the provisions of the Administration's postal reform bill, Under Secretary of the Treasury Volcker testified as follows:

"What we want from the standpoint of the Treasury Department is not the authority to control the scale of operations of the Post Office Establishment but the opportunity to coordinate these financings with the overall financing program of the Treasury and the Government as a whole, *and we believe that this arrangement provides this*" (Emphasis added.) Hearings before the House Committee on Post Office and Civil Service, 91st Cong., 1st sess., Ser. No. 91-4(a), Pt. III, at 1165 (1969).

Since we understand the purpose of S. 3001 to be to permit improved coordination of agency financing and not to grant the Treasury Department control over the statutorily authorized levels of activities of the agencies subject to the Federal Financing Bank's jurisdiction, the stated purpose of the bill has already been accomplished—as to the Postal Service—by provisions of law already in effect. These provisions went into effect less than one year ago, and the first bond offering thereunder has already been completed successfully. There is no indication, to our knowledge, that the interests of the Treasury Department or the Government have been, or will be, prejudiced by the present arrangement. On the other hand, inclusion of the Postal Service within the ambit of the proposed legislation could be construed to reflect a step away from the generally independent, businesslike operating principles embodied in the Act which are governing the new Postal Service as it undertakes the modernization of the nation's mail system.

For the reasons set forth above, it seems abundantly clear that S. 3001 as presently drafted would not apply to the Postal Service. The Office of Management and Budget and the Treasury Department, however, have taken the view that the provision in the legislation for Treasury coordination of Federal borrowing activities contemplates that the Postal Service would be included among agencies covered by the proposed legislation, as reflected in the attached letter of April 8, 1972. In view of the OMB letter and since, if S. 3001 were enacted, even an insubstantial question about non-coverage of the Postal Service could impede the future marketability of Postal Service bond offerings under the Postal Reorganization Act, the Postal Service must oppose enactment of S. 3001 unless the question of non-coverage is definitely laid to rest either by explicit statutory provision or by unmistakable legislative history—as, for example, a specific statement in the Committee's report that the bill would not be applicable to the Postal Service.

If hearings are to be held on the bill, we request an opportunity to testify so as to explain more fully our objections to its application to the Postal Service.

Sincerely,

E. T. KLASSEN,
Postmaster General.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the chairman of the committee (Mr. SPARKMAN) for the position he has taken on the Postal Service. I know that there was considerable pressure to exempt the Postal Service. There were those who felt very strongly the service should be exempt.

I think the position taken by the Senator from Alabama is very wise, for two reasons. He pointed out and the Senator from Wyoming pointed out that the Postal Service is authorized to borrow $10 billion. There is no question that it will borrow $10 billion. It is going to borrow that much, because there is no question about the need. This will have a serious effect on housing and many other areas of our economy.

The whole purpose, it seems to me, of giving the Treasury an opportunity to exercise priority judgment is to do something that we have needed so badly in the past—to give housing an opportunity and a break, and to put the needs of the Federal agencies into proper perspective. This legislation does that.

We suffer in this body from "excluditis." Everybody wants to get out from something.

The second reason why I support the chairman of the Post Office and Civil Service Committee (Mr. MCGEE) and the chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN) is that this is in the great interest of the Postal Service. As I understand it, the Federal financing bank will enable the Postal Service—I think the Senator from Alabama pointed this out—to secure funds at a lower rate, in all probability. The Treasury has said this, and I think the Treasury is right. I think under those circumstances the user of the Postal Service will have lower costs. I think we should direct our credit operations as much as we can, especially when Federal agencies are involved.

Mr. SPARKMAN. Of course, the Senator referred to their getting a lower interest rate. That is not necessarily always true, but it does give the service a broader market in which to operate, and therefore a better chance to get a lower rate of interest.

Mr. PROXMIRE. I think under many circumstances their interest will be lower. As the Senator has pointed out, they have a choice. They have an option. It could be more. In many cases it will be less. Over the long run, it probably will cost less.

Mr. SPARKMAN. I think it is a good thing. I am glad we were able to work it out.

Mr. President, I should like to call attention to the fact that the Senator from Texas (Mr. TOWER) was a joint sponsor of this legislation and worked very diligently in getting it through, as did all members of the committee, and I want to express my appreciation to each for the very fine way that was done.

Mr. TOWER. Mr. President, I thank the chairman.

I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The committee amendment is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engagement and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3001) was passed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a)(1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, three are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and $950,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there are further authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years. No State shall, with respect to any such fiscal year, receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b)(1) For the purposes of carrying out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

(3) For the purpose of carrying out the Follow Through program described in section 222(a)(2) of such Act, there are authorized to be appropriated $100,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(c)(1) For the purpose of carrying out titles II, III, VI, VII, IX, and X of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a)(3) and title IX of such Act.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of subsection (d) of this section, that with respect to each fiscal year—

(A) $394,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying and the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a)(5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a)(6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a)(7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a)(8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a)(9), $5,000,000 shall be for the purpose of carrying out the Environmental Action program described in section 222(a)(10), $10,000,000 shall be for the purpose of carrying out the Rural Housing Development and Rehabilitation program described in section 222(a)(11), $10,000,000 shall be for the purpose of carrying out the Design and Planning Assistance program described in section 226, $6,000,000 shall be for the purpose of carrying out the Youth Recreation and Sports program described in section 227, and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination) and title X (relating to evaluation); and

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development).

(d) Adjustments in allocations for the specific purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) of this section shall be made by the Director as follows:

(1) If the amounts appropriated pursuant to paragraph (1) of subsection (c) for any fiscal year are not sufficient to assure that the full amount of the allocation specified for each of the purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) will be provided for such fiscal year—

(A) the Director shall first allocate (i) not less than $18,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years, to be used for the Alcoholic Counseling and Recovery program, and (ii) not less than $30,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Emergency Food and Medical Services program; and

(B) the Director shall then determine the amount by which particular allocations (except for allocations under subparagraph (A) of this paragraph) are to be reduced, the sum of which reductions shall be equal to the total amount by which the appropriations are not sufficient to fund fully all such allocations.

(2) Any further adjustments increasing or decreasing such allocations (after any adjustments in such allocations as may be made under paragraph (1) of this subsection) shall be made by the Director in accordance with section 616 of the Economic Opportunity Act of 1964.

The Director shall promptly report to the Congress adjustments in allocations resulting from his determinations under this subsection.

(e) For the purpose of carrying out full-time volunteer programs under part A of title VIII of the Economic Opportunity Act of 1964, there is authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1972.

(f) In addition to the amounts authorized to be appropriated and allocated pursuant to subsection (c) and (e) of this section, there are further authorized to be appropriated for carrying out the Economic Opportunity Act the following sums:

(1) $62,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Community Economic Development program under title VII;

(2) $100,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Legal Services program under title IX;

(3) $5,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Rural Housing Development and Rehabilitation program described in section 222(a)(11);

(4) $16,000,000 for the fiscal year ending June 30, 1972, to be used for Domestic Volunteer Service programs under title VIII, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII and $8,000 000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973.

(g) There are authorized to be appropriated $53,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which with respect to each such fiscal year (1) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII, and (2) the

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amount of $8,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out part B of such title VIII. If the sums authorized to be appropriated under this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for each such fiscal year shall be used for the purpose specified in clause (1) of the preceding sentence except that 50 per centum of any such sums in excess of $37,000,000 shall be available for the purpose specified in clause (2) of the preceding sentence.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting: "for the fiscal year ending June 30, 1971, and not to exceed 25 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 5. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

DRUG REHABILITATION PROGRAM

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard-core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly.

COMMUNITY ACTION BOARDS

SEC. 8. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 9. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

TERMINATION OF ASSISTANCE

SEC. 10. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur."

SPECIAL ASSISTANCE

SEC. 11. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 234. (a) The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons who are not being effectively served by other programs under this title.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated (in addition to amounts otherwise authorized to be appropriated for carrying out the Economic Opportunity Act of 1964) $50,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 12. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 13. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

PLAN REPORTING DATE

SEC. 14. Paragraph (3) of section 632 of the Economic Opportunity Act of 1964 is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than August 1, 1972, and the documents updating such plan shall be presented to the Congress no later than January 31 of each succeeding calendar year."

GUIDELINES

SEC. 15. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 16. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 17. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration, and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122(e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

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"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical asistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferral basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similiar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

SEC. 18. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter in this title referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of at least six months following the date of enactment of the Economic Opportunity Amendments of 1972 for the process of incorporation and initial organization of the Corporation.

"(b) The Director of the Office of Economic Opportunity shall serve as the incorporating trustee for the purposes of this section and shall carry out his responsibilities under this section in consultation with the National Advisory Committee for Legal Services as constituted on April 15, 1972, pursuant to Executive Order 11007 (February 26, 1962) and appropriate Office of Economic Opportunity regulations. The Director shall use, and make available to the Committee in connection with its consultative responsibilities under this section, such administrative services and other resources as are necessary to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(a)(2), from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(b)(2), from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1972, all recommendations as provided in section 904(a)(2) for persons to serve on the initial board of directors shall be submitted to the President.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trustee shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) The responsibilities of the incorporating trustee shall terminate upon the first meeting of the board of directors, such meeting to occur following appointment of all members of such board.

"(g) During the ninety-day period immediately following the meeting referred to in subsection (f) of this section, the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation pursuant to section 906 of this Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of nineteen individuals appointed by the President, by and with the advice and consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board. Members of the board shall be appointed as follows:

"(1) Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State.

"(2) Nine members shall be appointed as follows—

"(A) five members, (i) one of whom shall be appointed from recommendations made by the American Bar Association, (ii) one of whom shall be appointed from recommendations made by the Association of American Law Schools, (iii) one of whom shall be appointed from recommendations made by the National Bar Association, (iv) one of whom shall be appointed from recommendations made by the National Legal Aid and Defender Association, and (v) one of whom shall be appointed from recommendations made by the American Trial Lawyers Association;

"(B) two members who are representative of individuals eligible for assistance under this title, at least one of which members shall be an individual eligible for such assistance, from recommendations made by the Clients Advisory Council;

"(C) two members from among former legal services project attorneys from recommendations made by the Project Attorneys Advisory Council.

At least one director shall represent and be chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1972;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under paragraph (1) of section 904(a), three at the end of three years, four at the end of two years, and three at the end of one year;

"(B) in the case of directors appointed under paragraph (2)(A) of section 904(a), the term of the director appointed under clause (i) shall expire at the end of three years, the term of director appointed under clause (ii) shall expire at the end of three years, the term of the director appointed under clause (iii) shall expire at the end of two years, the term of the director appointed under clause (iv) shall expire at the end of one year, and the term of the director appointed under clause (v) shall expire at the end of one year;

"(C) in the case of directors appointed under paragraph (2)(B) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under paragraph (2)(C) of section 904(a), one at the end of three years and one at the end of two years; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committe of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) The board shall, in consultation with the respective advisory councils, provide for rules with respect to meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a)(1) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualification, and method of selection and appointment, from among individuals who are eligible for assistance under this title.

"(2) Procedures for selecting members of the Clients Advisory Council must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such Council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the

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needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(B) for persons to serve on the board of directors.

"(b)(1) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title.

"(2) Procedures for selecting members of the Project Attorneys Advisory Council must insure that all areas of the country are represented, and in no event may more than one representative on such Council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(C) for persons to serve on the board of directors.

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall include the chairman of the board, at least one director appointed pursuant to paragraph (1) of section 904(a), one director appointed pursuant to paragraph (2)(A) of section 904(a), and one director appointed pursuant to paragraph (2)(B), and one director appointed pursuant to paragraph (2)(B) or (2)(C) of section 904(a).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, in order to carry out the purposes of this title the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs, and special emphasis programs to provide services to migrant or seasonal farmworkers, Indians, and the elderly poor;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community or assisted by the Federal Government including—

"(A) reveiwing all grants and contracts for the provision of legal services to the client community made under the provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would futher the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1972, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committee's request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any members of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissable under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Coropration to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute

to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office. The Board of Directors of the Corporation shall set appropriate guidelines for the private political activities of full-time employees of the Corporation or of programs assisted by the Corporation.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

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"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all personnel (except personnel under schedule A of the excepted service), and all assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act, shall be transferred to the Corporation. Personnel transferred under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1972 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b)(1) The Director of the Office of Economic Opportunity shall take such action as may be necessary in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(2) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, section 222(a)(3) of Economic Opportunity Act of 1964 is repealed.

(3) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out this title, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the National Legal Services Corporation and in carrying out its activities.

(4) Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 625. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

EVALUATION

SEC. 19. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE X—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 1001. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 1002. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 1003. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director may consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 1004. (a) The Director shall publish summaries of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act."

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 154, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

SPECIAL PROGRAMS AUTHORIZED

SEC. 20. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 21. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

PUERTO RICO

SEC. 22. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico.".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 23. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

ACADEMIC CREDIT IN VOLUNTEER PROGRAMS

SEC. 24. Section 821 of the Economic Opportunity Act of 1964 is amended, effective July 1, 1972, by inserting before the period at the end thereof a comma and the following: "which shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

POVERTY LINE

SEC. 25. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

"POVERTY LINE

"SEC. 626. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

Mr. JAVITS. Mr. President, what is the time limitation on the bill?

The PRESIDING OFFICER. There is no time limitation.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

TIME LIMITATION ON TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I have discussed with the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. JAVITS), and the Senator from Texas (Mr. TOWER) two amendments which Mr. TOWER proposes to offer to the pending bill. It is agreeable with those parties that there be a time limitation on each of those two amendments of 1 hour, the time to be equally divided between the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Wisconsin (Mr. NELSON); and that the time on any amendment to an amendment, debatable motion, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. NELSON). I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent—and this, again, is with the approval of the author of the amendments—that the Senator from Texas (Mr. TOWER) be recognized on tomorrow for the purpose of calling up his two amendments in succession immediately upon the laying down of S. 3010, the Economic Opportunity Act, and its assumption of the second track at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, the pending legislation is S. 3010, the Economic Opportunity Amendments of 1972. This bill represents an attempt to reach a bipartisan compromise with the administration's objections to the Economic Opportunity Amendments of 1971.

Senators will recall that after some 12 days of hearings last year the Senate voted 49 to 12 in support of the Economic Opportunity Act extension, and on December 2 voted 63 to 17 for acceptance of the conference report. However, the legislation was deemed unacceptable by the administration. This year, the Labor and Public Welfare Committee decided not to hold additional hearings but rather to seek reasonable compromises with the administration so that the extension of the Economic Opportunity Act could go forward.

What were the objections the President raised and what has been our response? In his veto message of December 9, 1971, the President objected to the fact that S. 2007 prohibited further delegation of programs; earmarked funds for

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specific programs; established a Legal Services Corporation Board and procedures for administering the program while the incorporation process went forward with which he disagreed. At the same time the President indicated his support of the Office of Economic Opportunity "as the principal pioneer in the Nation's efforts to combat poverty." Sharing the President's concern that the Office of Economic Opportunity continue in its role as a pioneering agency, the committee has sought reasonable compromise with each of the President's objections.

ON CHILD CARE

It was decided to separate child care legislation from the extension of the Economic Opportunity Act.

ON EARMARKING

In the committee reported bill, earmarking is limited to four programs in contrast to the 15 programs for which funds were earmarked in last year's bill. The four programs are: Local initiative, $328.9 million; legal services, $71.5 million; emergency food and medical services, $30 million; and alcoholic counseling and recovery, $18 million. It should be noted that in the cases of alcoholic counseling and emergency food only has the committee earmarked more funds than the administration has budgeted.

ON SPINOFF

The vetoed bill contained a provision prohibiting the Director of OED from taking administrative action to delegate or "spinoff" OEO programs to other agencies. As Senators know, in the past, a number of manpower programs such as the Job Corps and the Headstart program have been spun off to the Department of Labor or to the Department of Health, Education, and Welfare. Last year Congress expressed its determination that the remaining operational programs not be delegated. It is our conviction that the Office of Economic Opportunity cannot remain "the principal pioneer in the Nation's efforts to combat poverty," that the President wishes it to be, without maintaining its responsibility for the funding and operation of the programs central to the war on poverty. But in view of the President's strong objection to the broad prohibition in last year's bill the committee has provided in this year's bill that spinoffs be prohibited in the case of only two programs: Local initiative, the network of 900 local community action agencies that give the war on poverty its local impact and provide funds for local experimentation and demonstration of new program concepts, and the new comunity economic development program, title VII. However, these two programs are subject to delegation pursuant to the Reorganization act. The community economic development program is an innovative effort to organize poor rural and urban residents for community development across the traditional division between economic and social concerns. Community development corporations—or CDC's as they are called—have been in operation for some years in Bedford-Stuyvesant in Brooklyn, in the Hough area in Cleveland, in Boston, Mass., in Hancock County, Ga., and in scores of other locations around the country.

ON LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

The committee-reported bill's legal services title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative to Providing Legal Services to Americans Otherwise Unable to Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed on an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

> • • • (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. • • •

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

On the same day, the President's message on legal services was sent to Congress, the administration's bill was introduced. Senator COOK introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity, refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made available by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. This year the committee drastically altered the composition of the board so that the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations from the legal organizations and advisory councils. The committee bill, therefore, gives absolute policymaking control to the persons the President wishes to appoint. And he still appoints the remaining nine from recommendations. So no one can be appointed to the board whom the President does not approve. The minority will be heard but a majority of the board will make the policies, governing the Corporation's role in providing legal services to the poor.

The other objection to last year's bill was that it provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the legal services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

In addition to the compromises made to gain the support of the administration for this legislation, I believe the Senators should be told of several other features of the legislation.

First, the legislation authorizes an additional $500 million for the Neighborhood Youth Corps. Unemployment among black 16- and 17-year-olds in this Nation is well over 40 percent. Meanwhile, the number of positions available in the NYC out-of-school program, our number one program to provide jobs and training for unemployed youths, have dropped from 98,600 slots in 1966 to only 36,800 slots for 1972. We need a major program to assure employment and meaningful training opportunities to become useful citizens for all our young people. The Neighborhood Youth Corps authorization in this bill would provide a start.

The bill includes other new language to authorize an expansion of community design and planning programs which involve the architectural profession in volunteer services to poverty communities; a youth recreation and sports program which would provide a specific authorization for the national summer youth sports program which has been in operation as a demonstration program since 1969; additional funding of $50 million for elderly poor and other groups that are left out of current OEO programs; assurances that at least 10 percent of the children served by Headstart shall be drawn from among the handicapped; an environmental action program included in last year's OEO bill; and a rural housing program also included by the House in last year's legislation.

In the Senate committee we added a provision to the rural housing program to make it explicit that Mainstream workers may be used to build new housing or to repair old housing for the rural poor.

The bill authorizes a 3-year extension of the Economic Opportunity Act, through fiscal year 1974. For 1972, it authorizes $950 million for programs administered by the Office of Economic Opportunity and $1 billion for those programs in 1973 and 1974. The bill also authorizes $500 million for Headstart and $100 million for Follow Through in each of these years. It authorizes $53 million for Action including the Vista program for each year. Work and training programs operated by the Department of Labor under the Economic Opportunity Act are authorized $900 million for fiscal year 1972 and $950 million for each of the years 1973 and 1974. The totals are $3,053 million for 1972, and $3,320 million for 1973 and 1974.

Mr. President, no one has ever suggested that the service programs operated by the Office of Economic Opportunity are able by themselves to end poverty in the United States. In fact, during the last few years the number of people living in poverty has actually increased for the first time in a decade due to rising unemployment and the cost of living. However, the community action agencies and the Office of Economic Opportunity have written a record of which we can be proud—a record which is often overlooked by its critics. The Headstart program, the legal services program, the community development corporations around the country are all doing extraordinarily good work. And the local community action agencies including those in rural areas are performing invaluable services for poor people and for the larger community.

As then Director Frank Carlucci pointed out in testimony before this committee in 1971:

> The agency's range of programs reach some 11 million of the 24 million Americans whose income places them below the poverty line.

Indians and migrant workers in recent years have benefited especially from Office of Economic Opportunity programs. There are some 67 Indian community action agencies now in operation. While controversial in its early days, the community action program can now boast extraordinarily wide support.

May 5, 1971, some 90 major national organizations joined in a statement to this committee which concluded:

> We believe that the Office of Economic Opportunity must be permitted to build on this impressive record. It must continue to focus national attention on the needs of the poor. The lessons of the past should be used to give OEO a new vitality.

Mr. President, I believe that the Office of Economic Opportunity represents an invaluable asset not only to the poor and disadvantaged in this Nation but to all of us. If we are ever to deal effectively with the problems that plague the poor it is essential that there should be a federally funded organization both at the national and local levels which represents the poor in their struggle to deal with these problems. We are very fortunate to have the Office of Economic Opportunity. This legislation will continue its existence for another 3 years. I ask all Senators to join with me in supporting its passage.

Mr. President, I ask unanimous consent that a section-by-section analysis of bill S. 3010 be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Economic Opportunity Amendments of 1972."

SECTION 2. EXTENSION OF ECONOMIC OPPORTUNITY ACT

This section extends the provisions of the Economic Opportunity Act for three years.

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SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a)(1) of this section authorizes $900 million for fiscal year 1972, and $950 million annually for fiscal years 1973 and 1974, for carrying out the provisions of title I (parts A, B, and E) of the Economic Opportunity Act relating to work and training (and which are administered by the Department of Labor).

Subsection (a)(2) further authorizes an additional appropriation for Neighborhood Youth Corps programs under section 123(a)(1) and (2) of such act of $500 million annually for fiscal year 1972 and the next two fiscal years, and provides that no State shall receive less than $3 million (in the event that the full amount is appropriated) or six-tenths of 1 percent of the amounts appropiated for this purpose.

Subsection (b)(1) authorizes appropriations of $500 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Headstart program (administered by the Department of Health, Education, and Welfare) under paragraph (1) of section 222(a) of the Economic Opportunity Act.

Subsection (b)(2) provides that the Secretary of Health, Education, and Welfare shall establish policies and procedures to assure that at least 10 percent of the Nationwide enrollment opportunities in the Headstart program shall be available for handicapped children and that services shall be provided to meet their special needs.

Subsection (b)(3) authorizes appropriations of $100 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Follow Through program under paragraph (2) of section 222(a) of the Economic Opportunity Act.

Subsection (c)(1) authorizes appropriations for other Economic Opportunity Act programs (titles II, III, VI, VII, and X) of $950,000,000 for fiscal year 1972 and $1,000,000,000 annually for fiscal years 1973 and 1974.

Subsection (c)(2) earmarks funds out of each fiscal year's appropriation for programs under the Act as follows:

Not less than $328,900,000 shall be reserved for section 221 (local initiative programs).

Not less than $71,500,000 shall be reserved for legal services programs under section 222(a)(3) and under the new title IX.

In addition to such reserved funds, the amount of $394,900,000 shall be used for title II of which $114 million is for Comprehensive Health Services, $62,500,000 for Emergency Food and Medical Services, $25 million for Family Planning, $8,800,000 for Senior Opportunities and Services, $18 million for Alcoholic Counseling and Recovery, $18 million for Drug Rehabilitation, $5,000,000 for Environmental Action, $10,000,444 for Rural Housing Development and Rehabilitation, $10,000,000 for Design and Planning Assistance, $6,000,000 for Youth Recreation and Sports, and $117,600,000 for technical assistance and training, State agency assistance, research and pilot programs, and evaluation.

The amount of $38 million shall be used for programs for migrant and seasonal farmworkers under title III-B.

The amount of $18 million shall be used for administration and coordination under title VI and evaluation under title X.

The amount of $58 million shall be for community economic development programs under the new title VII contained in this bill (consolidating the old titles I-D and III-A).

Subsection (d) provides that if appropriations are insufficient to fund fully all of the above amounts, after the full amounts specified above are reserved for Local Initiative and Legal Services, the remaining funds are first made available as follows: $18,000,000 for Alcoholic Counseling and Recovery for each of fiscal years 1972 through 1974; and $30,000,000 for Emergency Food and Medical Services for each of fiscal years 1973 and 1974.

Subsection (e) authorizes the appropriation of $37,000,000 for fiscal year 1972 for carrying out full-time volunteer programs under title VIII-A of the Act.

Subsection (f) authorizes further appropriations, as add-ons to the amounts otherwise appropriated and allocated, of $62 million annually for fiscal years 1973 and 1974 for the Community Economic Development program under title VII, $100,000,000 annually for fiscal years 1973 and 1974 for the Legal Services program under the new title IX, $5,000,000 annually for fiscal years 1973 and 1974 for the new Rural Housing Development and Rehabilitation program under section 222(a)(11), and $16,000,000 for fiscal year 1972 for Domestic Volunteer Service programs under title VIII (of which $8,000,000 is for full-time volunteer programs under part A of such title and $8,000,000 is to remain available for expenditure under the title during fiscal year 1973).

Subsection (g) authorizes the appropriation of $53,000,000 annually for fiscal years 1973 and 1974 to be used for Domestic Volunteer Service programs under title VIII of the Act. Of such authorized amount, $44,500,000 is for full-time volunteer programs under part A of such title and $8,500,000 is for part B of such title.

SECTION 4. TRANSFER OF FUNDS

This section amends section 616 of the Economic Opportunity Act to provide increased flexibility to enable the Director to transfer funds from one program to another.

Subsection (a) amends such section 616 to increase the percentage of an allocation which may be transferred out of one program to increase the allocation for another program from the current 15 percent to 25 percent.

Subsection (b) further amends such section 616 by deleting the limitation which places a ceiling on the amount that may be transferred into a program when funds are taken away from other programs under the flexibility described in the preceding paragraph. (The existing law provides that such transfers may not result in increasing by more than 100 percent any program for which amounts otherwise available are $10 million or less, or increasing by more than 35 percent any program for which the amounts otherwise available exceed $10 million.)

SECTION 5. COMPREHENSIVE SERVICES CHARGES

This section authorizes the Director of the Office of Economic Opportunity to require, with respect to medical services provided the near or non-poor under the Comprehensive Health Services program, that payment be made in whole or in part for such assistance, pursuant to regulations.

SECTION 6. DRUG REHABILITATION PROGRAM

This section deletes two sentences in the Economic Opportunity Act which required dollar reservations for fiscal years 1970 and 1971 for the Alcoholic Counseling and Recovery program and the Drug Rehabilitation program—these reservations having, by their terms, become inoperative.

Section 222(a)(9) of the Act is further amended relating to the Drug Rehabilitation program to authorize the Director to undertake special programs promoting employment opportunities for drug dependent individuals. Special priority is required for programs serving veterans and employers of significant numbers of veterans with priority to those areas within States having the highest percentages of addicts. In addition, the course of rehabilitation may be completed even though the drug dependent individual has ceased to be "low-income" by virtue of his participation in an employment program.

SECTION 7. NEW SPECIAL EMPHASIS PROGRAMS

This section adds to section 222(a) of the Act a new national emphasis program known as "Environmental Action" to provide payment for low-income persons working on projects combating pollution and improving the environment.

This section also adds another new national emphasis program known as "Rural Housing Development and Rehabilitation" to assist in the alleviation of housing problems of low-income families in rural areas.

SECTION 8. COMMUNITY ACTION BOARDS

This section amends the existing law's limitation on the length of time a person may serve on a community action board from 3 consecutive years under the present provision to 6 consecutive years, and also extends the total number of years which such a person may serve from 6 years under the present provision to 12 years.

SECTION 9. NON-FEDERAL CONTRIBUTION CEILING

This section provides that the Director of OEO shall not require non-Federal contributions of more than 20 percent of the program costs.

SECTION 10. TERMINATION OF ASSISTANCE

This section establishes a procedure under which a community action board member could request the Director to investigate allegations that a State Economic Opportunity office was not observing the requirements of the Act or regulations promulgated under it. Where reasonable cause is found, the Director is required to hold hearings and is authorized to cut off funds until satisfactory assurances are provided that such violations would be prevented.

SECTION 11. SPECIAL ASSISTANCE

This section authorizes the Director of OEO to provide financial assistance for projects designed to serve low-income groups not effectively served by other programs under title II of the Act, with special consideration for such programs for older persons. A special authorization of $50,000,000 is included for this purpose.

SECTION 12. DISTRIBUTION OF FINANCIAL ASSISTANCE

This section provides that the Director shall assure that community action funds are distributed on an equitable basis in any community so that all segments of the low-income population are being served.

SECTION 13. AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

This section amends section 312(b)(3) of the Act to authorize the Director to conduct programs to enable migrant and seasonal farmworkers to take advantage of the opportunities available to them in "employment" as well as "training" programs.

SECTION 14. PLAN REPORTING DATE

This section provides that the 5-year national poverty plan, required to be presented on an annual basis to the Congress by Sec. 622, must be presented by August 1, 1972, and updated no later than January 31 of each succeeding year.

SECTION 15. GUIDELINES

This section requires that all rules, regulations, guidelines, instructions, application forms, etc., promulgated pursuant to this Act be published in the Federal Register thirty days prior to their effective date.

SECTION 16. NONDISCRIMINATION

This section prohibits the Secretary from providing financial assistance unless the recipient provides specific nondiscrimination assurances.

This section further provides that no person shall be discriminated against on the ground of sex in any program under this legislation, to be enforced under title VI of the Civil Rights Act.

SECTION 17. COMMUNITY ECONOMIC DEVELOPMENT

Subsection (a) of this section inserts in the Economic Opportunity Act a new title headed:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT"

The new title consolidates the old title I-D and III-A programs.

SECTION 701. STATEMENT OF PURPOSE

This section states that the purpose of this title is to encourage special urban and rural programs of economic and social improvement.

PART A—SPECIAL IMPACT PROGRAMS

SECTION 711. STATEMENT OF PURPOSE

This section restates the statement of purpose in section 150 of the existing law except that it deletes "out-migration" as the sole criteria for rural programs, adds "duration" to size and scope as program characteristics, and adds "community determination" to the list of problems to which the program is addressed.

SECTION 712. ESTABLISHMENT OF PROGRAMS

The section restates the language in section 151 of the existing law except that it expressly identifies community development corporations and nonprofit agencies in conjunction with community development corporations as the delivery vehicles for programs, and adds housing to the list of supportable programs and activities.

SECTION 713. REQUIREMENTS FOR FINANCIAL ASSISTANCE

This section is substantially the same as section 152 of the existing law except that clause (1) assures that community development corporations be responsive to residents of the area under guidelines established by the Director of the Office of Economic Opportunity.

SECTION 714. APPLICATION OF OTHER FEDERAL RESOURCES

Subsection (a) permits community development corporations to use funds granted under this part as private paid-in capital for small business investment company and local development corporation programs of the Small Business Administration. This subsection also provides that the Small Business Administration prescribe regulations to insure that its programs assist community development corporations.

Subsection (b) restates section 153(b) of the existing law with changes making areas assisted under this new part eligible redevelopment areas for purposes of the Public Works and Economic Development Act. This subsection also provides that the Secretary of Commerce prescribed regulations to insure that its programs assist community development corporations.

Subsection (c) restates section 153(a) of the existing law with additional provisions qualifying community development corporations as sponsors under the following programs: Section 106 of the Housing and Urban Development Act of 1968 which provides technical and financial assistance to nonprofit sponsors of FHA housing programs; sections 221 and 236 of the National Housing Act which provides financial assistance for construction of rental housing for low- and moderate-income families; and section 235 of the National Housing Act which provides financial assistance for low- and moderate-income homeownership programs.

Subsection (d) provides that the Director shall take steps to assure that contracts and deposits by the Federal Government are placed in such a way as to further the purposes of this part.

Subsection (e) requires the Director to report to Congress on efforts to have other Federal resources made available to community development corporations.

SECTION 715. FEDERAL SHARE

This section provides for a Federal share of 90 percent of program costs unless the Director approves a higher percentage. This section also provides that capital investments made with funds under this part shall not be considered Federal property.

PART B—RURAL PROGRAMS

SECTION 721. STATEMENT OF PURPOSE

This section states that the purpose of this part is to support self-help programs in rural communities or areas.

SECTION 722. FINANCIAL ASSISTANCE

Subsection (a) authorizes financial assistance, including loans, to low-income rural families for improvements of real property and of operation of family-sized farms.

Subsection (b) authorizes financial assistance to rural cooperatives engaged in farming, purchasing, marketing, and processing programs. Costs which may be defrayed include administrative, planning, and technical assistance costs.

SECTION 723. LIMITATIONS ON ASSISTANCE

This section sets minimum requirements for assistance. Cooperatives must have a minimum of 15 active members, a majority of whom must be low-income rural persons.

PART C—SUPPORT PROGRAMS

SECTION 731. TRAINING AND TECHNICAL ASSISTANCE

This section requires Director to provide technical assistance and training of personnel required to effectively implement the purposes of this title.

SECTION 732. DEVELOPMENT LOAN FUND

This section authorizes the Director to make or guarantee loans under parts A and B of this title. To carry out such lending and guarantee functions, a development loan fund is to be established, consisting of two revolving funds: a rural development loan fund and a community development loan fund. The rural development loan fund would incorporate the loan fund under section 306 of the existing law. The community development loan fund would not be activated until grants for community development corporations exceed $60 million in any year.

SECTION 733. EVALUATION AND RESEARCH

This section authorizes evaluation and research to suggest new programs and policies to achieve the purposes of this title to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

PART D—GENERAL AUTHORITY

SECTION 741. PROGRAM DURATION AND AUTHORITY

This section provides that the Director shall carry out programs under this title during fiscal year 1972 and the three succeeding fiscal years.

Section 17(b) repeals part D of title I of the Economic Opportunity Act.

Section 17(c) repeals part A of title III of the Economic Opportunity Act, effective after June 30, 1972.

Section 18. Legal Services Program

Subsection (a) of this section adds to the Economic Opportunity Act a new title headed:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION"

SECTION 901. DECLARATION OF POLICY

This section sets forth the congressional findings and declaration of policy to provide greater access to legal services and to create a private nonprofit corporation free from extraneous interfence and control.

SECTION 902. ESTABLISHMENT OF CORPORATION

This section establishes a nonprofit corporation known as the "National Legal Services Corporation."

SECTION 903. PROCESS OF INCORPORATION AND ORGANIZATION

This section provides that, during a transition period of at least six months, the Director of the Office of Economic Opportunity shall serve as the incorporating trustee to undertake the process of incorporation and initial organization of the National Legal Services Corporation. The Director shall carry out his responsibilities as incorporating trustee in consultation with the National Advisory Committee for Legal Services. Within 60 days after enactment of this legislation, the incorporating trustee must establish the initial Clients Advisory Council and the initial Project Attorneys Advisory Council, each of which shall submit its recommendations for persons to serve on the initial board of directors.

SECTION 904. DIRECTORS AND OFFICERS

This section provides that the corporation shall have a board of directors consisting of nineteen individuals, appointed by the President, with the advice and consent of the Senate, ten of whom are to be appointed from the general public, five individuals, one each from the following legal organizations: American Bar Association, American Association of Law Schools, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, two from recommendations made by the Clients Advisory Council, and two from recommendations made by the Project Attorneys Advisory Council.

Terms of members of the board may not exceed 3 years. The terms of the public members of initial board are staggered.

The corporation is to have an executive director who must be an attorney and may not serve more than 6 years. The executive director serves as an ex officio member of the board without a vote.

Officers and employees of the corporation shall not receive any salary from any other source while employed by the corporation.

SECTION 905. ADVISORY COUNCILS: EXECUTIVE COMMITTEE

This section provides that the board of directors shall provide for the selection of a Clients Advisory Council and of a Project Attorneys Advisory Council subsequent to the initial councils established by the incorporating trusteeship under section 903(c).

The board may establish an executive committee of from five to seven members, consisting of the chairman of the board, the executive director of the corporation, one of the directors appointed by the President from the general public, one of the directors appointed from those recommended by the clients advisory council and the project attorneys advisory council, and one director from those representing the national legal organizations.

SECTION 906. ACTIVITIES AND POWERS OF THE CORPORATION

This section sets forth the authority of the corporation to provide financial assistance for legal services programs, research, training, technical assistance, experimental, and legal education programs.

The corporation must ensure that attorneys employed full time in programs funded by the corporation refrain from outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the corporation.

The corporation shall ensure that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the corporation, from lobbying legislative bodies unless requested to testify, and that no funds shall be utilized for any disruptive activity, or demonstration, or advertising campaign, to influence the passage or defeat of legislation.

No funds shall be used to provide legal services with respect to any criminal proceeding.

SECTION 907. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

This section provides that the corporation is nonprofit and that it may not contribute

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to or otherwise support any political party or candidate. The corporation must ensure that all employees of legal services programs funded by the corporation, while engaged in activities carried on by legal services programs, refrain from partisan political activity and from any voter registration activity (other than legal representation) or any voter transportation.

SECTION 908. ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

This section provides that copies of all records and documents pertinent to grants and of all evaluation reports shall be maintained at the principal office of the corporation for public inspection. The corporation must afford notice and opportunity for comment to interested parties prior to issuing regulations and guidelines and must publish in the Federal Register all its bylaws, regulations, and guidelines. This section provides that the corporation shall be subject to the provisions of the Freedom of Information Act.

SECTION 909. FINANCING OF THE CORPORATION

This section provides that, in addition to any funds reserved and made available for payment to the corporation from appropriations for carrying out the Economic Opportunity Act for any fiscal year, there are further authorized to be appropriated such sums as may be necessary for any fiscal year. Funds remain available until expended.

SECTION 910. RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

This section provides that the accounts of the corporation shall be audited annually by a certified public accountant, and authorizes the General Accounting Office to audit the financial transactions of the corporation, making a report of each such audit to Congress.

This section also provides that the corporation and the General Accounting Office shall have access to the pertinent records of any recipient of assistance under this title.

SECTION 911. REPORTS TO CONGRESS

This section provides for annual reports to the President and the Congress on the activities of the National Legal Service Corporation and any recommendations it deems appropriate.

SECTION 912. DEFINITIONS

This section sets forth definitions of terms used in this title.

SECTION 913. PROHIBITION ON FEDERAL CONTROL

This section provides that nothing contained in this title shall be deemed to authorize any department, agency officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or its activities.

SECTION 914. SPECIAL LIMITATIONS

This section provides that the board of directors shall prescribe procedures providing notice and opportunity to be heard before financial assistance may be suspended or terminated.

SECTION 915. COORDINATION

This section provides that the President direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities be utilized by the corporation.

SECTION 916. TRANSFER MATTERS

This section sets forth certain provisions to facilitate the transfer of personnel and of property and obligations from the Office of Economic Opportunity to the National Legal Services Corporation.

Section 18(b)(1) requires the Director of OEO and the executive director of the National Legal Services Corporation to take necessary action to arrange for the orderly continuation of financial assistance for legal services programs until obligations are assured by the Corporation.

Section 18(b)(2) repeals paragraph (3) (the existing legal services language) of section 222(a) of the Economic Opportunity Act, effective 6 months after the enactment of this legislation.

Section 18(b)(3) requires the Director of the Office of Economic Opportunity to assist in meeting the organizational expenses of the corporation.

Section 18(b)(4) amends title VI of the Economic Opportunity Act to make clear that references to that act do not affect the National Legal Services Corporation unless specific reference is made to this title IX.

Section 19. Evaluation

This section adds a new title to the Economic Opportunity Act consolidating existing authorities for conducting evaluation activities. The Director is required to develop and publish standards for evaluation of program effectiveness. Independence evaluations may be required of Community Action Agencies. Federal agencies administering related programs are required to cooperate with the Director and to provide statistical data and reports consistent with their collection process. The poor are to be consulted in the evaluation process, as are the State agencies. Evaluation results are to be published within 60 days of completion. All such studies and evaluations are to be the property of the United States.

Section 20. Special programs authorized

This section amends title II–B of the Economic Opportunity Act to add two new sections. Section 226 provides for a program of "Design and Planning Assistance Grants." Section 227 provides for a "Youth Recreation and Sports Program."

Section 21. Functions of director

This section provides that the Director shall not utilize his authority under the Economic Opportunity Act to delegate to any other agency the Local Initiative program under section 221 or the Community Economic Development program under the new title VII of the Act.

Section 22. Puerto Rico

This section provides that, in the allotment of funds under title II of the Economic Opportunity Act, there will be a set-aside of 2 percent for Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands and amends the Economic Opportunity Act as that Puerto Rico is treated as a State for such purpose, effective July 1, 1972.

Section 23. Amendment to the Older Americans Act of 1965

This section corrects an oversight that occurred when the Foster Grandparents Program was transferred out of the Economic Opportunity Act. It gives the Director of ACTION authority to approve assistance in excess of 90% of costs where he determines such action is required.

Section 24. Academic credit in volunteer programs

This section amends section 821 of the Act (authorizing special volunteer programs) to cover any program for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training).

Section 25. Poverty line

This section provides that every agency administering programs authorized by the Economic Opportunity Act which utilize the poverty line as a criterion of eligibility shall revise the poverty line at annual or shorter intervals and that such revisions shall reflect changes in the consumer price index.

Mr. NELSON. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I, too, wish to make an opening statement, as this is a completely bipartisan bill, in which I have joined with the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty, in an effort to redeem what I feel the country was in danger of losing as a result of the Presidential veto of the previous bill in 1971.

Mr. President, I urge Members of the Senate to support the committee's bill, S. 3010, the Economic Opportunity Amendments Act of 1972.

This is a bipartisan bill, introduced by Senator NELSON, chairman of the Subcommittee on Employment, Manpower and Poverty, and myself immediately after the Presidential veto of S. 2007, the Economic Opportunity Amendments of 1971.

It has been carefully tailored to meet each of the administration's concerns expressed with respect to the previously vetoed measure.

It is absolutely essential if we are to continue to cut into the syndrome of poverty, which now embraces 26 million of our citizens—nearly 13 percent of our population.

Mr. President, I shall now indicate in respect to each of its major elements why I believe the bill deserves the support of the Members of the Senate and of the administration.

First, it does not include, as did last year's measure, a new title for child development. This element, to which the President objected so strongly last year has, at the urging of myself and other Republican members of the committee, been considered separately. S. 3617, the Comprehensive Headstart, Child Development and Family Service Act, which the Senate approved this past Tuesday, will provide that element.

Second, the bill provides for a 3-year extension of the poverty program, through fiscal year 1974. As introduced, the bill provided only for a 2-year extension, as has been the practice since the inception of the program.

I am pleased that the committee adopted my amendment for a 3-year extension, so that the poverty program—which has proven itself over and over again as an effective effort—will not be undermined by the failure to provide the secure tenure which it deserves.

This element should be a great assurance to the persons who live daily with the problems of the poor that the program is no longer on probation and that the Congress believes in what they are trying to do.

Third, the bill provides for a total of approximately $9 billion over a 3-year period for a wide range of activities, including migrant, manpower, Headstart, Senior Citizens, volunteer programs and others which are important antipoverty efforts.

The annual amount of $3 billion represents a minimum which should be applied.

We spend approximately $32 billion for all poverty-related programs of the Federal Government.

But the poverty program—which represents annually less than 10 percent of that total—is the most essential element because it involves the poor in the effort, thus insuring relevancy; it lifts the spirit of the poor.

A major concession to the administration in this bill is that only four of these programs—legal services, local initiative, alcoholic counseling, and emergency food and medical are subject to earmarking in contrast to the vetoed bill which earmarked 15 programs.

Fourth, the bill contains a new title for the establishment of a new independent nonprofit corporation for the conduct of the legal services program.

Mr. President, I am a lawyer of long experience, and I say advisedly that I know of no antipoverty effort more effective than the legal services program. I know of nothing in the whole antipoverty program more essential than the legal services program. My reason is this: We have learned from experience that the poor, in terms of their own rehabilitation, value the dignity of having a lawyer who can represent them in a case which is their case. Above everything else, above even food, clothing, and shelter, is this question of dignity, which is represented by the legal services aspect of this bill. So we did our utmost to forge a bipartisan consensus on this question.

Mr. President, I know of no antipoverty effort more effective than the legal services program and nothing in S. 3010 more essential than this provision.

The committee bill reflects a recognition of these efforts, and a bipartisan consensus on the desirability of expanding them in a context which will insure their independence.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors. I think, with all humility, that we have arrived at a really good solution.

With respect to last year's measure, the President stated in his veto message:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the 17 directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

Mr. President, as the result of an amendment which I and other members of the minority proposed, the committee bill now provides for a 19-member Board, consisting of 10 public members appointed by the President, and nine members appointed by the President "from recommendations made by" various national bar, clients, and project attorney groups.

Giving the President untrammeled authority to appoint 10 out of 19. This should provide the accountability which the President urged, while maintaining the involvement of various key groups which have contributed so much to the development of the current Legal Services program.

Additionally, it should be noted also that section 903(b) of the proposed Legal Services title the Director of OEO will serve as the incorporating trustee thus responding to the administration's objections to the previous provision, which relied heavily upon outside groups.

Finally, I note that section 904(e) of the proposed Legal Services title specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, as the bill is considered I intend to strongly oppose any amendment or action which would in any way prevent or impede the establishment of the Corporation or violate the right of any Legal Services attorney serving through the existing or the proposed program to do what he or she deems to be in the best interest of the client.

As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. . . . If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

The very key to the program's continued effectiveness is this credibility.

And we cannot afford by any contrary action here to tamper with that credibility or the rights of the poor.

This program and the proposal to establish such a corporation enjoys not only the support of the clients—but the overwhelming support of the organized bar as well.

The committee's report documents this support in detail, beginning on page 28.

It includes the American Bar Association, and State and local bar associations across the country; for example, a number of bar associations in my own State, the Michigan Bar Association, the Ohio Bar Association, the Philadelphia Bar Association, and many others.

Mr. President, the basis for the support of the organized bar and many attorneys individually goes beyond belief in legal services per se to the larger concern of increasing the ability of the so-called establishment to provide an alternative to the politics of violence.

As John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defenders, told members of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare on November 14, 1970:

> I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institutions, in lawyers, in the law, in the court system, and as a result, when their own rights are not honored it is not too surprising, I think, that they riot in the streets and that there is violence on our campuses. What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife-torn campuses, in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client.

Mr. Robb feels, and I agree with him, that this is one of the greatest incentives to stop the riots in ghettos and slums, the kinds of riots and unrest which have been such a deplorable feature of our society in recent few years.

The American Bar Association continues to support the enactment of legislation establishing a National Legal Services Corporation and urges that any amendments to S. 3010 seeking to strike the new title be resisted.

The substantial support of these organized groups will become even more apparent as we debate this bill.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, this modification was a response, of course, to the administration objection to the way the board was composed in the bill last year.

I commend the Senator from New York, the Senator from Ohio (Mr. TAFT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Minnesota (Mr. MONDALE) who worked out this compromise, which gives the President an absolute majority and much more than that—because, quite obviously, the President will be able to select, from the recommendations that are made to him, appointees who are satisfactory to him. In fact, he does not have to accept any one of the recommendations or particular ones or groups that are sent to him. Is that correct?

Mr. JAVITS. That is correct. As a matter of fact, he could have a working board with 10 out of 19; and then we, the drafters of the legislation, would be the sufferers, in a sense. This is important to note. He has a working board. He has a quorum. He has a majority, if he simply does not like any of the recommendations submitted to him.

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So the impact would be on the bodies which need to submit recommendations, to submit as many as are required until the President is suited. I think that preserves their participation in a meaningful way and deprives the President of absolutely nothing.

Mr. NELSON. I am sure the Senator also knows that the American Bar Association has notified us that they thought this was a satisfactory method of composing the board.

Mr. JAVITS. That is correct. Indeed, I was going to offer for the record—I will do it now—the American Bar Association telegram, dated June 15, 1972, signed by Leon Jaworski, president.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
June 15, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building, Washington, D.C.

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

Mr. JAVITS. Mr. President, fifth, the bill contains a new title for community economic development, coauthored by myself and Senator KENNEDY which would authorize grants to urban and rural community development corporations and their nonprofit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of Federal and other sources.

This title builds upon the special impact program under title 1–D of the Economic Opportunity Act, which was included in the law in 1967 by the late Senator Robert Kennedy and myself.

The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country, such corporations have demonstrated—

Unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

Sixth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action, and other new activities which should greatly advance our antipoverty efforts.

I am particularly pleased with the inclusion of provisions which I sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

Seventh, the bill, unlike the vetoed bill does not contain a blanket prohibition against delegation or transfer of OEO programs to other agencies. The committee bill applies that prohibition to only two programs, local initiative and community economic development, which are at the very heart of the antipoverty efforts.

This, too, is a major concession to the administration, which many of us made quite reluctantly.

Mr. President, the antipoverty program remains the best insurance policy we can have against the escalating uncontrollable welfare expenditures and our best assurance that a commitment to a Federal floor under welfare, as proposed in H.R. 1, will not be a costly one.

For all of these reasons, I believe the bill should be adopted and should be signed into law by the President. I have no official word from the President in that respect, but they should regard this as a substantial movement into their position as expressed in the veto message, and I hope that the bill—which emerges from conference with the House—which adopted a 2-year extension some time ago—will be signed into law.

Before I conclude, Mr. President, I should like to pay tribute to the distinguished Senator from Wisconsin (Mr. NELSON), the chairman of the subcommittee, for his unfailing, not just cooperation, but partnership in trying to fashion a bill which would meet the approval of our colleagues and the approval of the President.

It has been a terribly difficult labor. He had every right to be discouraged when the President vetoed the previous bill. On the contrary, he took it as a goal and incentive to try to meet the President's views. He and I introduced this new bill quite soon after the veto. For that reason, it is a matter of the greatest satisfaction to me to have worked with him so closely.

I believe everything that I have said goes equally for the other members of the minority—to Senator TAFT of Ohio who did some creative work in respect of the Legal Services Corporation, and to the other members of the minority on Senator NELSON'S subcommittee, and on the full committee.

I am very hopeful that the Senate will find our bill to be agreeable to it and that it will go to conference and be speedily enacted into law.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE AND REFER H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATION BILL DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on H.R. 15585, making appropriations for the U.S. Treasury-Postal Service, and for the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute for the bill S. 3010.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of H.R. 15585, the Treasury-Postal Service appropriation bill, under a time limitation. There will be at least one rollcall vote on that bill, the yeas and nays having already been ordered on the final passage thereof.

Next, the Senate will return to the consideration of the unfinished business, S. 3390. The amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), will be called up under a time limitation, and a rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. SCOTT, the Dominick amendment—the so-called third country amendment to S. 3390—will be called up and disposed of, and there undoubtedly will be a rollcall vote on that amendment.

The Senate will then return to the consideration of the second-track item, S. 3010, the Economic Opportunity Act, and at that time the distinguished Senator from Texas (Mr. TOWER) will be recognized for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments. Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. TOWER, making a total, in all likelihood, of at least five rollcall votes tomorrow.

Does the distinguished assistant Republican leader wish to be recognized before the motion to recess is made?

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate took a recess until tomorrow, Friday, June 23, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 19), 1972:

U.S. AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, 085–14–8118 FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith, 545–28–8317FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8992, title 10 of the United States Code:

To be brigadier general

Col. Robert S. Corbett, Sr., 250–10–9224FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., 254–28–0574 FG, Georgia Air National Guard.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, 326–05–4359, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, 246–20–1593, Army of the United States (major, U.S. Army).

Col. John Winn McEnery, 520–44–2282, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, 229–28–1369, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, 266–30–0303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Elvind Herbert Johansen, 569–20–6835, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, 527–16–0447, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, 475–20–0596, U.S. Army.

Col. Lee Eli Surut, 081–32–6261, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Joseph Tallman, 198–14–1783, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Maurer, 298–12–3716, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, 429–46–6995, Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, 346–18–2472, Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., 197–14–1624, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, 462–34–5604, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., 308–24–1286, Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, 534–38–6899, United States Army.

Col. George Macon Shuffer, Jr., 460–64–3564, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, 336–14–7464, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., 191–20–6333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, 340–16–0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, 233–34–8814, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, 509–26–9886, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, 227–20–0740, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, 263–60–2965, Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, 356–16–9650, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, 425–44–0179, Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., 514–40–3562, Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, 241–32–2474, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, 218–24–2299, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, 447–24–2833, Army of the United States (major U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., 460–64–4253, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, 028–18–9333, U.S. Army Reserve.

Col. John Carter Faith, 346–18–0189, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, 012–22–3429, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly, 510–22–9173, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, 081–32–6760, Army of the United States (major U.S. Army).

Col. Wilfrid King Grover Smith, 433–58–2185, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, 036–26–5540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, 409–30–3190, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., 081–32–6626, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, 364–26–3704, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, 294–22–6931, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, 346–22–8288, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, 371–14–9446, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, 017–20–0149, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, 280–20–0506, Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, 538–16–5091, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, 166–18–7133, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, 003–16–2544, Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, 559–24–2325, Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Latham, 464–22–0730, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, 466–60–3313, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, 457–30–8222, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, 240–28–5658, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, 485–03–9614 U.S. Army.

Col. Lloyd Joseph Faul, 433–40–2296, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, 561–54–8201, Army of the United States (lieutenant colonel, U.S. Army).

XUM

So the impact would be on the bodies which need to submit recommendations, to submit as many as are required until the President is suited. I think that preserves their participation in a meaningful way and deprives the President of absolutely nothing.

Mr. NELSON. I am sure the Senator also knows that the American Bar Association has notified us that they thought this was a satisfactory method of composing the board.

Mr. JAVITS. That is correct. Indeed, I was going to offer for the record—I will do it now—the American Bar Association telegram, dated June 15, 1972, signed by Leon Jaworski, president.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
June 15, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building, Washington, D.C.

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

Mr. JAVITS. Mr. President, fifth, the bill contains a new title for community economic development, coauthored by myself and Senator KENNEDY which would authorize grants to urban and rural community development corporations and their nonprofit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of Federal and other sources.

This title builds upon the special impact program under title 1–D of the Economic Opportunity Act, which was included in the law in 1967 by the late Senator Robert Kennedy and myself.

The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country, such corporations have demonstrated—

Unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

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Seventh, the bill, unlike the vetoed bill does not contain a blanket prohibition against delegation or transfer of OEO programs to other agencies. The committee bill applies that prohibition to only two programs, local initiative and community economic development, which are at the very heart of the antipoverty efforts.

This, too, is a major concession to the administration, which many of us made quite reluctantly.

Mr. President, the antipoverty program remains the best insurance policy we can have against the escalating uncontrollable welfare expenditures and our best assurance that a commitment to a Federal floor under welfare, as proposed in H.R. 1, will not be a costly one.

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I am very hopeful that the Senate will find our bill to be agreeable to it and that it will go to conference and be speedily enacted into law.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE AND REFER H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATION BILL DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on H.R. 15585, making appropriations for the U.S. Treasury-Postal Service, and for the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute for the bill S. 3010.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of H.R. 15585, the Treasury-Postal Service appropriation bill, under a time limitation. There will be at least one rollcall vote on that bill, the yeas and nays having already been ordered on the final passage thereof.

Next, the Senate will return to the consideration of the unfinished business, S. 3390. The amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), will be called up under a time limitation, and a rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. SCOTT, the Dominick amendment—the so-called third country amendment to S. 3390—will be called up and disposed of, and there undoubtedly will be a rollcall vote on that amendment.

The Senate will then return to the consideration of the second-track item, S. 3010, the Economic Opportunity Act, and at that time the distinguished Senator from Texas (Mr. TOWER) will be recognized for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

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Does the distinguished assistant Republican leader wish to be recognized before the motion to recess is made?

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate took a recess until tomorrow, Friday, June 23, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 19), 1972:

U.S. AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, 085–14–8118 FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith, 545–28–8317FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8992, title 10 of the United States Code:

To be brigadier general

Col. Robert S. Corbett, Sr., 250–10–9224FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., 254–28–0574 FG, Georgia Air National Guard.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, 326–05–4359, Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Jamea Madison Lee, 246–20–1593, Army of the United States (major, U.S. Army).

Col. John Winn McEnery, 520–44–2282, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, 229–28–1369, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, 266–30–0303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Elvind Herbert Johansen, 569–20–6835, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, 527–16–0447, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, 475–20–0596, U.S. Army.

Col. Lee Eli Surut, 081–32–6261, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Joseph Tallman, 198–14–1783, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Maurer, 298–12–3716, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, 429–46–6995, Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, 346–18–2472, Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., 197–14–1624, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, 462–34–5604, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., 308–24–1286, Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, 534–38–6899, United States Army.

Col. George Macon Shuffer, Jr., 460–64–3564, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, 336–14–7464, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., 191–20–6333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, 340–16–0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, 233–34–8814, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, 509–26–9886, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, 227–20–0740, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, 263–60–2965, Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, 356–16–9650, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, 425–44–0179, Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., 514–40–3562, Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, 241–32–2474, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, 218–24–2299, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, 447–24–2833, Army of the United States (major U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., 460–64–4253, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, 028–18–9333, U.S. Army Reserve.

Col. John Carter Faith, 346–18–0189, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, 012–22–3429, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly, 510–22–9173, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, 081–32–6760, Army of the United States (major U.S. Army).

Col. Wilfrid King Grover Smith, 433–58–2185, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, 036–26–5540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, 409–30–3190, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., 081–32–6626, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, 364–26–3704, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, 294–22–6931, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, 346–22–8288, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, 371–14–9446, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, 017–20–0149, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, 280–20–0506, Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, 538–16–5091, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, 186–18–7133, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, 003–16–2544, Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, 559–24–2325, Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Latham, 464–22–0730, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, 466–60–3313, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, 457–30–8222, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, 240–28–5658, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, 485–03–9614 U.S. Army.

Col. Lloyd Joseph Faul, 433–40–2296, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, 561–54–8201, Army of the United States (lieutenant colonel, U.S. Army).

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Col. Joseph Edward Fix III, 136-32-3557, Army of the United States (lieutenant colonel, U.S. Army).

Col John Wesley Currier, 497-24-0625, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, 484-16-2355, U.S. Army.

Col. Paul Traylor Smith, 430-48-8214, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Junior, 072-18-9345, Army of the United States (lieutenant colonel, U.S. Army).

U.S. NAVY

The following named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Chester C. Hosmer — Paul C. Huelsenbeck
Samuel W. Van Court — Ira D. Putnam

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

U.S. MARINE CORPS

Lt. Gen William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1975.

IN THE AIR FORCE

Air Force nominations beginning Clayton H. Schmidt, to be colonel, and ending Henry J. Wright, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Air Force nominations beginning John R. Abbott, to be colonel, and ending Robert W. Kleinhelter, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972.

IN THE ARMY

Army nominations beginning Paul T. McDonald, to be captain, and ending Craig A. Winkel, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972;

Army nominations beginning Robert W. Sherwood, to be colonel, and ending Bonnie E. Sweeney, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972;

Army nominations beginning Ludvig J. Aamodt, to be major, and ending Hilda L. Walker, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972; and

Army nominations beginning Joe A. Alexander, to be second lieutenant, and ending Myron E. Whitehead, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE NAVY

Navy nominations beginning Richard B. Porterfield, to be ensign, and ending Brad S. Smith, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Navy nominations beginning John H. Blake, Jr., to be ensign, and ending CWO Robert J. Schoonover, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE MARINE CORPS

Marine Corps nominations beginning Charles W. Adams, to be first lieutenant, and ending Paul M. Young, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 1972*

The House met at 12 o'clock noon.

Dr. John W. Tresch, Jr., First Baptist Church, Greeneville, Tenn., offered the following prayer:

Our Father, because Thou art the Lord of our lives and because Thou hast made this day for us, we pause now to give Thee thanks.

We rejoice in the knowledge that Thou didst work through the minds and hearts of our forefathers to lead them to create this form of self-government. Keep always before us the fact that Thou art the author of the institutions of government; and that, accordingly, all governments must give an account unto Thee for the stewardship of their powers and abilities.

Grant to these honorable men who serve in the Halls of Congress a singleness of purpose.

We ask not that Thou wouldst approve what they do; but rather lead them to do those things which Thou wouldst approve.

Help each one of us to so live this day that we will be living monuments unto the glory of our Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 465. An act for the relief of Mrs. Hang Kiu Wah;

S. 1950. An act for the relief of Mrs. Josefita Esther Worley;

S. 2270. An act for the relief of Magnus David Forrester;

S. 2489. An act for the relief of Judy A. Carbonell;

S. 2562. An act for the relief of Guido Bellanca;

S. 2575. An act for the relief of William John West;

S. 2591. An act for the relief of Dr. Constante S. Avecilla;

S. 2625. An act for the relief of Giuseppe Paul Pinton;

S. 2704. An act for the relief of Rita Rosella Valleriani; and

S. 2937. An act for the relief of Slobodan Babic.

REV. JOHN TRESCH, JR.

(Mr. FULTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON. Mr. Speaker, it is my privilege today to sponsor Rev. John Tresch, Jr. as our Chaplain to open this session of the U.S. House of Representatives with prayer.

Reverend Tresch currently is pastor of the First Baptist Church of Greeneville, Tenn.

He is a native of my community, Nashville, Tenn., and spent 5 years as a minister there at Parkway Baptist Church.

Reverend Tresch attended Nashville Central High School and received his BA degree at Belmont College in Nashville.

He attended Southwestern Baptist Theological Seminary at Fort Worth, Tex., where he received his M.V.D. He received his M.A. degree from Texas Christian University at Fort Worth and received his Ph. D. at Vanderbilt University in the history of American Christianity.

Reverend Tresch also has had published by Broadman Press a book, "A Prayer for All Seasons."

He is married to the former Beverly Gillian of Columbia, Tenn., and they have two sons, John David, age 12, and William Kyle, age 8.

He is a 32d degree Scottish Rite Mason, a member of the Greeneville Exchange Club, and a member of two honor societies.

Mr. Speaker, I am extremely pleased to have Reverend Tresch here today and very much appreciate his taking of his time to come here for the purpose of opening the June 22, 1972, session of the U.S. House of Representatives with a prayer.

PROVIDING FOR CONSIDERATION OF CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on any day after Monday next to consider a House joint resolution making continuing appropriations for the fiscal year beginning on July 1 next.

The SPEAKER. Is there objection to the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, apparently we are off and running again with continuing resolutions. This is the first of them this year; is it not?

Mr. MAHON. Yes, it is the first of a number of continuing resolutions. How many, I do not think anyone can say with certainty.

Mr. GROSS. We did not have any in January of this year; did we?

Mr. MAHON. No; fortunately we did not have any in January.

Mr. GROSS. That was a year ago in January?

Mr. MAHON. Yes.

Mr. GROSS. That was when the fiscal year was within a few months of expiring; is that right?

Mr. MAHON. That is right. That involved the transportation appropriation bill, including the SST controversy. The final resolution extended to June 30.

Mr. GROSS. Does the gentleman see any end to this session of Congress or is it to go on indefinitely?

Mr. MAHON. I think you would have to ask the leadership of the House about that.

If the gentleman would yield, may I say with reference to the appropriation bills, by the end of next week—by June 30—we hope to have cleared through the House 10 of the regular appropriation bills for the fiscal year 1973. That is all of them except three, and as to the three. the authorizations have not as yet been passed by the House, so we have been marking time. I refer to the Defense Department appropriation bill, the military construction appropriation bill, and the foreign assistance appropriation bill.

But, as I understand it, next week the defense procurement authorization bill will be considered in the House. So I think we are doing a respectable job in the House in moving the appropriation bills along. It is my opinion that the other body will move rapidly toward considering and passing those bills and sending them to conference.

Mr. GROSS. I am sure there is one thing the gentleman could add if he cared to do so and that is that once the Democratic Convention is over it may be possible to get the Democratic presidential candidates to help constitute a quorum in the Senate to enable them to do business. We in the House have not suffered from that impediment, although we do have presidential candidates.

Mr. MAHON. I am hopeful that the foreign aid authorization bill will be called up before too long—maybe not next week, but certainly early after the House resumes business on July 17.

I do not know what the plans for the future are, but if Congress could get the necessary authorizations completed, then from the standpoint of the Appropriations Committee——

Mr. GROSS. Apparently there is no hope that the House will even try to live up to the Reorganization Act passed a good many years ago which provided that we would get through our business on July 31?

Mr. MAHON. There is no hope for that at this point. We have recognized for some years that we would not, as a practical matter, do the job by that date, but we are this year doing better than we have done in some years in moving the appropriation bills, but when the House passes these pending authorizations, then we feel we can shortly follow with appropriation bills in the period between July 17 and August 18.

Mr. GROSS. I do not care to prolong this colloquy, but I do have another question. How do these bills to which the continuing resolution would apply stack up with respect to spending? Will the continuing resolution restrict to less than it would be otherwise?

Mr. MAHON. Some of the appropriation bills which have been passed are below the budget estimates; some are above. When the appropriation business of the session is completed, we will probably be at about the level of the budget estimates, overall, in the appropriation bills. Of course, the revenue-sharing appropriation bill, which is scheduled to pass the House this week, would require an additional sum of about $7 billion in spending for the fiscal year 1973 beginning July 1 next.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. The gentleman from Illinois is interested in economy——

Mr. ARENDS. Yes, very much.

Mr. GROSS. I will particularly watch his vote today in that respect. I am glad to yield to him.

Mr. ARENDS. I am glad the gentleman will watch my vote. The chairman of the Appropriations Committee mentioned the fact that there were three authorizations which should be passed by June 30. Two such authorization bills have now been cleared by the Armed Services Committee. They can be passed as soon as they can be scheduled, and that will leave only one authorization bill, as far as I know, that should be passed by June 30. I wish to commend the gentleman from Texas, the chairman of the Appropriations Committee, for having done a good job in having his fine committee finish most of their appropriation bills prior to July 1.

Mr. GROSS. I thank the gentleman for his explanation. I should like to ask the chairman of the committee how the continuing resolution will work.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. The legislative appropriation bill will probably clear—it has been in conference several weeks—it will, I should think, clear the Congress and go to the White House next week. I do not know for sure. But aside from that, the continuing resolution will apply to the rest of the Government beginning July 1. It will apply more or less the guidelines that were used last year, the year before, and previous years. There will be no special innovations in which the gentleman would be interested, I believe, in the continuing resolution.

Mr. GROSS. All right, at the level of spending of last year or a lesser amount, is that the way the resolution reads?

Mr. MAHON. Generally speaking, if the appropriation bill has passed the House and the Senate, it will be the lower of the two bills. The gentleman knows that generally it is a rather restrained, conservative approach to spending until the regular appropriation bills are passed.

Mr. GROSS. I would appreciate it if the gentleman would not use the words "rather restrained." Let us leave out all the qualifying words and go to the lowest possible dollar figure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1893, THE GOLDEN EAGLE PASSPORT PROGRAM

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1164)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That subsection 1(b) of the Act of July 15, 1968 (82 Stat. 354) is hereby repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601), is further amended by inserting the following new section and renumbering subsequent sections accordingly:

"ADMISSION AND SPECIAL RECREATION USE FEES: ESTABLISHMENT AND REGULATIONS

"SEC. 4. (a) ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas used for outdoor recreation purposes.

"(1) For admission into any such designated area, an annual admission permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, non-commercial vehicle shall be entitled to general admission into any

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admission fee area designated pursuant to this section during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (d). The annual permit shall be available for purchase through the offices of the Secretary of the Interior and the Secretary of Agriculture and through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit or who enter such an area by means other than by private, noncommercial vehicle.

"(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

"(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of an annual entrance permit (to be known as the 'Golden Age Passport') to any person sixty-two years of age or older applying for such permit. Such permit shall be non-transferable, shall be issued without charge, and shall entitle the bearer and any person accompanying the bearer in a single, private noncommercial vehicle to entry into any admission fee area designated pursuant to this section. No other free permits shall be issued to any person: *Provided*, That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further*, That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

"(b) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense.

"(1) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors. Any person bearing a valid Golden Age Passport issued pursuant to paragraph (4) of subsection (a) of this section shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of fifty per centum of the established daily use fee.

"(2) Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

"(c) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an admission fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

"(d) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any entrance fee and/or special recreation use fee, as the case may be. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

"(e) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees collected shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however*, That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

"(f) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(g) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

SEC. 3. (a) The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of "The Golden Eagle Insignia", originated by the Department of the Interior and announced in the December 3, 1970 issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.

(b) Chapter 33 of title 18 of the United States Code is amended by adding the following new section thereto:

"§ 715. 'The Golden Eagle Insignia'

"As used in this section, 'The Golden Eagle Insignia' means the words 'The Golden Eagle' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses 'The Golden Eagle Insignia', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

"A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior."

(c) The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereon:

"715. 'The Golden Eagle Insignia'."

(d) The rights in "The Golden Eagle Insignia" under this Act, shall terminate if the use by the Secretary of the Interior of "The Golden Eagle Insignia" is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.

Amend the title so as to read: "An Act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport Program, and for other purposes."

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOE SKUBITZ,
Managers on the Part of the House.

ALAN BIBLE,
FRANK CHURCH,
FRANK E. MOSS,
GORDON ALLOTT,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1893) to restore the Golden Eagle Passport program to the Land and Water Conservation Fund Act submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The language agreed upon by the managers is the language of the House amendment with various changes. There were numerous points of difference between the Senate version and the House Amendment which were the subject of discussion and action by the Committee of Conference. These differences and the disposition of them are as follows:

(1) Both the House and Senate versions of the legislation provided for the indefinite extension of the $10 annual carload admission permit known as the "Golden Eagle Passport". However, the House amendment would prohibit the collection of admission fees at any Federally operated outdoor areas except designated national parks, national monuments, national historic sites, and national battlefields, while the Senate version would continue the authority for the collection of admission fees at all designated outdoor recreation areas operated by any Federal agency. The Conference Committee recommends that the collection of admission fees be limited to designated units of the national park system including recreation areas administered by the Department of the Interior and to national recreation areas authorized pursuant to law which are administered by the Department of Agriculture. It is the intent of this provision to limit the collection of admission fees to those areas where admission can be uniformly controlled at established and manned entrance stations where visitors are supplied with information concerning the area and where fees can be collected and explained.

The conferees believe that, to the extent that annual entrance permits have been issued by any agency pursuant to existing legal authority, those permits should be recognized for the remainder of calendar year 1972, but the continued sale of such permits should be phased out as soon as practicable. It is the consensus of the Conferees that the purchasers of such permits be entitled to the same privileges authorized for holders of the Golden Eagle Passport, including admission into any designated unit of the national park system or national recreation area.

(2) The second principal difference involves special benefits for senior citizens. As approved by the House, the Secretary of the Interior was directed to develop a program for the issuance of a free annual admission permit to any person 65 years of age or older. That permit was to be valid for the admission of the bearer and his/her spouse and it was limited to any designated admission fee area in his/her State of residence. The Senate-approved legislation provided for the issuance of a nontransferable "Golden Age Passport" to those citizens 65 years of age or older. That permit was to admit the bearer to any Federally operated outdoor recreation area anywhere in the nation without charge. The Conference Committee recommends the approval of a "Golden Age Passport" for persons 62 years of age or older as a nationwide free admission permit into any designated admission fee area in the national park system or designated national recreation area administered by the Forest Service. This "Golden Age Passport" would operate in the same manner as the "Golden Eagle Passport," and, in addition, would entitle the bearer to a 50 percent reduction in special recreation use fees, including camping. It is the consensus of the Conferees that persons qualifying for the Golden Age Passport who have purchased a 1972 entrance permit from any agency should, upon validation, be entitled to the 50 percent reduction in special recreation use fees charged by Federal agencies administering outdoor recreation facilities.

(3) The third major difference between the Senate and House versions of the legislation involves special recreation use fees, such as camping facilities, boat launching ramps, bath houses, and other special sites, facilities or services provided by the Federal Government. Under the terms of the House amendment, these charges would continue to be imposed on a daily basis so that the frequent users would pay more than the occasional users. The Senate approved bill provided the users an option of paying a daily charge or purchasing an annual permit which would have allowed the use of these special facilities at a rate of $25 per annum. This fee included entrance or admission charges, if any. The Conference Committee recommends that a reasonable daily fee be collected for the use of specialized sites, facilities, equipment or service, but for persons bearing a valid Golden Age Passport (i.e. persons 62 years of age or older) the fee collected is to be reduced by 50 percent. It is the intent of the Conferees that special recreation use fees shall be limited to those facilities which require a substantial investment and regular maintenance and which are utilized for the personal benefit of the user for a fixed period of time. No special recreation use fee should be collected for the use of facilities which virtually all visitors might reasonably expect to utilize, such as roads, trails, overlooks, visitor centers, wayside exhibits, or picnic areas. To satisfy the need for special permits covering special circumstances, the language contained in the Senate-approved bill has been incorporated into the Conference Committee recommendation. Under this provision, special permits may be issued at reasonable rates for the use of group campsites, special events, or for the use of off-road and other recreational vehicles.

(4) Other differences in the legislation approved by the two Bodies involved the sale of the annual permit, the use of the proceeds, and the promotion of the program and enforcement authority. The Conference Committee adopted the approach of both Houses for the sale of the Golden Eagle Passport and the issuance of the Golden Age Passport through the Nation's local Post Offices and at the Federal agency's facilities. The cost of providing this service by the Postal Service is to be reimbursed by the Secretary of the Interior from the gross receipts collected. A special account in the United States Treasury is to be established in conjunction with the Land and Water Conservation Fund. The receipts of each collecting agency will be deposited to their credit for appropriation to them as a supplement to their regular appropriations for existing authorized programs. It is the consensus of the Conferees that credit for the revenues from the sale of the annual permits by the Postal Service, after reimbursement to the Postal Service, should be divided by the Secretary of the Interior on an equitable basis between the National Park Service and the National Forest Service. Both Houses approved the repeal of the restriction on promotion of the program, and the Conference Committee recommends that promotional programs and enforcement enhancement be limited to no more than 40 percent of the amount credited to the fee collection system. As part of the "See America" programs promoted by the United States, the Conferees agreed that foreign visitors holding a valid passport to the United States, should continue to be admitted, without charge, to the national parks for three years, but in no event should this practice extend beyond that time. The Conferees agreed that a strong effort should be made to inform the public about the nature and purpose of the fee collection program and that a greater effort should be made—particularly in periods of heavy use—to adequately man fee collection stations to assure the uniform collection from all visitors at admission fee areas and all users of specialized facilities. It is anticipated that a significant effort will be made to improve this aspect of the program and that a portion of the funds collected will be used to expand seasonal employment programs.

Finally, the House amendment was silent on the question of the protection of the Golden Eagle symbol, but the Senate language provided for the control of its use for other than officially recognized purposes. The Conferees agreed that this symbol has become meaningful to the general public and that it should be protected in the same manner as other recognized Federal symbols.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOE SKUBITZ,
Managers on the Part of the House.

ALAN BIBLE,
FRANK CHURCH,
FRANK E. MOSS,
GORDON ALLOTT,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. STRATTON. Mr. Speaker, reserving the right to object to this request, the rules of the House provide that a conference report must lie on the table for 3 calendar days, excluding Saturday, Sunday, and holidays. If this report is filed today, that means that 3 days, which would mean Friday, Monday, and Tuesday, would have to pass before this report would be eligible to be taken up on Wednesday.

I wonder if the gentleman from Texas, the chairman of the committee, could assure us that there will not be any attempt to call this report up by unanimous consent prior to that time, and whether he could assure us of the time that it will come up, because, as we are all aware, there is a very important issue involved in this report, the expenditure of $60 or $70 million of the taxpayers' funds for the controversial extension of the west front of the Capitol, after one of the Nation's most prestigious engineering firms has indicated we do not have to spend that kind of money and can easily restore the west front for $15 million. There should be, I think, a reasonable opportunity for us to debate this issue. I wonder if the gentleman could assure me on that point?

Mr. CASEY of Texas. If the gentleman will yield, I can assure the gentleman there is no intention to bring this up until the 3 days have expired under the rule. The gentleman stated that would be Wednesday, but as I understand the rule, if I understand the rule correctly, the report could be brought up under the rule on Tuesday.

Mr. STRATTON. That is not my understanding. I consulted the Parliamentarian yesterday, and the 3 days required would be Friday, Monday, and Tuesday,

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and therefore, the first day on which the report would be eligible would be Wednesday.

Mr. CASEY of Texas. If the gentleman will yield, I will assure the gentleman I have no intention of asking unanimous consent to bring the report up. It would be brought up under the rule without asking for any waiver of the rule.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, if this report is filed before midnight tonight, what would be the first time it could be considered under the rule?

The SPEAKER. Under the rule, it would be eligible on Wednesday.

Mr. STRATTON. I thank the Chair.

Further reserving the right to object, can the gentleman tell me when it will be brought up?

Mr. CASEY of Texas. That is up to the leadership as to when they will schedule it, but certainly I hope to bring it up as early as we can under the rule, so that we can dispose of this before the recess.

Mr. STRATTON. Is there any reason why we cannot have an understanding on this as we have had on others conference reports, as to when it will be brought up?

Mr. CASEY of Texas. The gentleman will have to get the understanding from the leadership.

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

THE WELFARE PROBLEM—LESSON NO. 2: MORE WORK FOR LESS MONEY

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I want to tell you the sad case of John No Doe.

John lives in a State which gives him unemployed father benefits of $3,756 a year plus medicaid. He is now offered a part-time job at the minimum wage. He happily accepts. He works 25 hours per week, and this brings his cash income up to $5,100 plus medicaid, which means he is getting about $4 an hour.

His employer is delighted with his work, and offers him a full-time job, with a raise, $2.10 an hour. Tempting as this is, John realizes he would lose his eligibility for unemployed father benefits and medicaid, so that the $4,368 he would earn is $800 less than he is now getting. He respectfully declines the offer. John is no chump.

This is a ridiculously perverse situation for John as a part-time worker, and grossly unfair for the full-time worker, and grossly unfair for the taxpayer.

Mr. Speaker, it is high time we junked the whole welfare system and started over.

BUGGING

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is a little bit of the ridiculous in the alleged bugging attempt by the Republicans at the Democratic National Headquarters. Of course, it is a reprehensible thing regardless of reason. But why in the world would anybody want to bug Democratic headquarters? We are broke; we always are broke. There is nothing to be learned about our finances. Our candidates cut each other up, but that is no secret. It makes the headlines every day. It just seems to be a complete waste of time to bug Democratic headquarters. Possibly the Republicans feel that our disarray is in reality a shield for some weapon with which we are going to sweep them out of office. And who can say it is not true?

THE REVENUE SHARING BILL

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I am a humble man myself and it may well be that, as Mr. Churchill once said, I have got an awful lot to be humble about.

I have learned a lot in this House, but I must say that I have learned something here the last couple of days that is most remarkable. A bill is being brought to the floor of this great body, of which I am a very small and humble part, with a gag rule giving us 8 hours to listen to the rhetoric surrounding it.

I am constrained to recall a parody of the lines from Omar Khayam: "The hand of Ways and Means has written and having writ passed on to this House their measure, and all our piety and wit can never change a line of it."

So I suggest that a little of this humility be spread around. I am willing to state here I entertain an appropriate amazement for the great expertise of the committee that has brought this legislation before us. I am ready to stipulate that the managers of this bill with their flaming rhetoric and incisive comments will probably enthrall our minds and guide our votes about on a par with what they have done in the past. We have a gag rule, for heaven's sake, on a bill we all know from one end to the other. We have been flailing at it lo these many days, let us get on with it and vote it up or down and get on with something to which we might have some contribution to make. Exercise a little humility, gentlemen, revise and extend.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14370, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the gentleman from Arkansas (Mr. MILLS) had 3 hours and 22 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) had 3 hours and 1 minute remaining.

The Chair now recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I want to assure the House that the committee has no intentions of using the full time allotted. We do want to get on with the vote as rapidly as possible. On the other hand, this is an extremely important piece of legislation, one that should not be treated lightly. I think the committee also has no intentions whatsoever of closing anyone off in the debate.

Yesterday there was a great deal of discussion about the far-reaching importance of this bill, and it is important. There was a general agreement that the cities and localities of this country are in crisis but among the opponents of the bill there was an expressed feeling that this is really none of our business, that this involves problems that they can solve and should solve at that level. But in my humble judgment this is our business and there is no way in the world that we can shirk our responsibility. We are part of the cause, unfortunately, of the crisis in our State and local governments.

We have during the last number of years in this Congress created grant-in-aid programs on top of grant-in-aid programs so that we now have well over 300 or 400 such grant-in-aid programs that we have dangled before the localities. As a result of this we have placed them in a situation where it has been impossible for them politically or economically or any other way to reject these offers of aid.

We have also in many other ways encouraged the growth of local responsibilities to the point now where the localities are in a position where they are incapable of resolving the problems that have surrounded them. This is part of our business. The federal system itself is in crisis. I serve as one of the three members on the Commission on Intergovernmental Relations where we sit from time to time with representatives from all levels of the federal system—mayors, county commissioners, State legislators and Governors—and there is unanimity of opinion on the local level that no branch of the federal system is capable of resolving the problem except the Federal branch.

Unfortunately here at the national level we are going to have to assume the responsibility of ironing out these basic difficulties that have arisen between the different branches of the Federal Government. You see in facing up to all of these new national problems such as environment, ecology, problems of crime, the whole multitude of national problems, and of course the problems of the cities, including transit, we have gotten ourselves into a situation in this Nation of ours where these problems are beyond the scope of the individual cities and the individual States. Thus far we have in a sense assumed the responsibility in a willy-nilly way. Now I think it is time that we begin to face up to the problem in a more orderly manner.

The reason I am supporting this legislation is that in my judgment—after working on it for a long time, and after going through my advocacy of a different approach to the problem—I have concluded this is a basic step toward the reform of the financial structure within the federal system.

The States all have the power to levy income taxes in the same manner as the Federal Government. The States, however, are treating their responsibilities in a different way from State to State. Now, this legislation will encourage a greater uniformity of treatment with respect to taxation matters from State to State and I think this objective alone is enough to warrant the passage of this bill.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. ICHORD. I have listened very intently to the gentleman in the well. He has made some very incisive and penetrating observations of the problem we are dealing with at the present time.

I agree with the gentleman we are a part of the problem but my greatest concern about this particular piece of legislation deals with the separation of the responsibility of taxing and the authority to spend. In theory anyway, I do not think the separation will be conducive to good spending. However, I realize we really have a mess in our categorical grant programs and I would like to have the gentleman address his remarks to that particular problem.

Mr. ULLMAN. I appreciate the gentleman's concern. I have expressed the same concern in the Advisory Commission in meeting after meeting. It is something we have to keep in mind. For that reason I advocated originally the tax credit approach to revenue sharing whereby we would give a Federal credit against a portion of the State income taxes paid. This would have placed the burden on the State legislatures to pick up the revenue they need and thus put the burden back on the States. I consider this the most responsible way to deal with the problem.

I still think that is the best approach to the problem.

Unfortunately because of the divergence of taxing policy in the different States—some States do not have an income tax—it was not possible to gain the support for that approach to the problem which I think would better resolve this whole crisis that we are in.

Mr. ICHORD. I certainly agree with the gentleman that tax credits would be a preferable approach. Still the underlying philosophy of this legislation is to get the problem-solving and the decision-making back closer to the people and to give the local units of government the financial means to solve those problems. Does the gentleman think that the particular way in which this legislation is framed will enable us to carry out those objectives?

Mr. ULLMAN. I agree with the gentleman that this program will bring decisionmaking closer to the people and also provide some of the financial resources to solve the problems that must be faced.

As the committee knows this bill is divided into two parts. We have in the first part the $3.5 billion that is paid directly to the cities and localities. It is an emergency measure to directly meet an emergency situation. If you could have sat in on the hearings and listened to the mayors and to the Governors from all over this land of ours you would well recognize that they are looking at problems that they cannot resolve and somehow they must get emergency assistance. This is certainly the direction that we are taking in the emergency $3.5 billion that goes to the cities and localities.

It was the feeling of the committee that this should not be money just fed into their treasuries, but that it should go toward certain expenditure areas that can be justified. It was our feeling that if we could limit these expenditures to certain socially desirable objectives, and where the greatest pressure is on for local spending, that this would resolve that problem.

Let me go a little beyond this. There was some talk yesterday about a grab for power, about the fact that the Ways and Means Commitee was moving into other areas. I want to assure you that certainly as one member of the committee there was no desire on my part in any way to move in on the jurisdictions of other committees. But I want to say that we had no alternative here.

The two alternatives we had were to feed the money directly into the treasuries of all the localities and municipalities in the land without conditions, or do so with certain conditions. In my judgment, the first alternative would not be a responsible position. I just simply think that we have to feed them into the programs with an audit to follow; so I think we were completely justified in saying that these moneys should be spent in certain areas, and the Treasury and the GAO can move in and audit these programs. I think that is the responsible approach. It is not intended as a grab for power in any way.

Let me tell you this: We are going to have to find in this Congress some better vehicle for putting all these programs together. In some way we are going to have to get away from the proliferation that has created 400 different grant-in-aid programs, many of them duplicating, many of them overlapping. These individual committee jurisdictions in this Congress are not facing up to the fundamental problem of putting it together. We are not doing it on the appropriation level. We are simply overspending ourselves year after year.

I sympathize with the problem of the Appropriations Committee. It is an overwhelming problem but, in my judgment, in the next Congress we are going to have to find a mechanism for establishing some overall capability that we can live up to in the Congress if we are really to keep this country solvent and keep it free and keep it the kind of a place that we desire it to be.

But the same is true of the grant-in-aid programs. We do not have a mechanism for putting them together. I think that if we could have done it, it would have been far better to offer the Federal aid provided under this bill to localities, and in the process taken away or reformed the grant-in-aid programs. That is where the money should come from.

Hopefully, if we get this revenue sharing program going, then we can do what needs to be done so desperately. We can cut down on the grant-in-aid programs, consolidate them, eliminate many of them, and gradually work toward a more responsible system of sharing the responsibility for the costs of our society.

Mr. BYRNES of Wisconsin. Will the gentleman yield on that point?

Mr. ULLMAN. I am glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. As a member of the Advisory Commission on Intergovernmental Relations, you have been in contact with the mayors and the Governors. I wonder if you could comment on their lack of interest in the proposals of the President with respect to special revenue sharing, which has the objective of consolidating the categorical grant programs, the elimination of the red tape, the granting of more leeway to the State and localities.

I ask the question, because these are problems—and I think the gentleman realizes it—that localities have complained about. They have complained about the redtape and the lack of discretion involved in the categorical grant program. Yet, when a program is proposed to restructure these programs, they pay very little attention to it. All of their attention has been directed at getting more money through another buyer of new programs instead of instructing the $38 billion of categorical grants programs. Why is there that lack of interest in this area? It is just the point the gentleman was talking about, as I understand it.

Mr. ULLMAN. I might advise the gentleman that the Advisory Commission is concerned about the problem of grants in aid. They will support the block grant approach and the Advisory Commission is the one, as the gentleman well knows, that led the way toward the recommendation of the tax credit approach, which I sponsored and which the gentleman from Wisconsin sponsored, and on which he and I share the opinion it would be ultimately a more responsible and better approach to the total problem. But the facts of life are that the Governors, the mayors, and the State legislatures simply would not buy this program, and we could not sell it to them. We had to put together a package that came as close to the concept as was possible and still be practical from the standpoint of the States and local governments. For this reason we provided for the distribution of half of the funds going to the States

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generally on the basis of the size of their State income tax collections. This has the same effect as the allowance of Federal income tax credits for State income taxes if the States took the additional step of increasing their State income taxes by the amount of the credits.

I want to say that in my judgment the committee did a most thorough and a most responsible job of putting together a formula that does better than any other possible formula that we examined, one that does cope with the basic problem of distributing revenue in a way so that it will meet the greatest need and do the most good throughout this Nation of ours.

Our States and local governments are experiencing severe financial difficulties and it is apparent that a new approach is needed to help them to extricate themselves from these problems. The State and Local Fiscal Assistance Act of 1972, which we are considering today, represents such a new and effective response. I urge the House to pass this urgently needed matter without delay.

In view of the widespread attention that has been given to the beneficial effects of this bill on local governments, there appears to be some danger that the beneficial effects on State governments may not be equally understood. Actually, the bill provides very substantial aid to the States over a 5-year period beginning January 1, 1972. For the first 12 months of the program, this aid amounts to $1.8 billion; thereafter, each year the aid to the States is increased in $300 million increments until it reaches an annual rate of over $3 billion at the end of the fifth year.

If this bill merely provided substantial amounts of aid to the States, I would not have much to say today in its support. Actually, the bill does considerably more than just make aid available to the States: It recognizes the fundamental reason why the States are in financial trouble today and helps to remedy this situation.

While the States have an urgent need for additional Federal aid, their problems cannot be resolved merely by giving them more Federal money in an indiscriminate way. This is because a substantial part of their present financial problems is due to the fact that they have not been making effective use of their tax resources. Accordingly, an important aspect of the problem is how to encourage the States to help themselves through more effective use of their own tax resources.

The pending legislation does exactly that. It extends Federal aid to the States in a way which is carefully designed to encourage them to improve their tax systems and to make them more equitable.

The bill achieves this desirable result by basing the Federal annual payments to the States on their tax collections. As I have indicated, the States receive a total of $1.8 billion in aid in the first 12 months of this program. Of this first year total, $900 million is distributed on the basis of State income tax collections. Under the language of the bill, each State gets a share of the $900 million which is equal to one-half of 15 percent of its income tax collections—with a ceiling of 6 percent of Federal individual income tax liabilities in the State and a floor of 1 percent of Federal individual income tax liabilities in the State. This, in effect, gives each State a share of the $900 million equal to 7.5 percent of its individual income tax collections—with a floor of one-half of one percent of Federal individual income tax liabilities in the State and a ceiling of 3 percent of Federal individual income tax liabilities in the State.

The remaining $900 million is distributed to the States on the basis of the combined general revenue effort of each State and its local governments—that is, on the basis of the adjusted tax collections from all sources in relation to personal income in the State.

This formula gives the States a substantial incentive to make more adequate use of individual income taxes. Since individual income taxes are generally accepted to be among the fairest taxes, conforming to the principle of ability to pay, the net result will be to make State tax systems not only more adequate but also more equitable. Reliance on State income taxes could also have a beneficial effect in forestalling the placing of heavier property taxes on the backs of already overburdened homeowners.

In framing this bill, the Ways and Means Committee gave considerable thought to basing the entire Federal payment to the States on State income tax collections. However, after careful consideration, we came to the conclusion that it would be better to base part of the aid on the State's general revenue effort in order to provide more flexibility for the States to adjust their tax systems to meet their particular circumstances. The net result is a well-balanced provision which encourages the States to adopt income taxes without placing undue emphasis on such taxes.

After the first 12 months, the total aid going to the States increases in annual increments of up to $300 million for the duration of the program. Of this total incremental amount, up to $200 million of annual increments is allocated to the portion of the aid which is distributed on the basis of State income tax collections. The remaining $100 million of annual increments is allocated on the basis of combined general revenue effort.

These annual increments are designed to increase the amount of the Federal aid as State and local tax revenues grow. Because the aid is based on State tax revenues, a State can increase its relative share of the total aid by increasing its taxes at a faster rate than other States. This is in keeping with the objective of the bill which is to encourage States to adjust their taxes to their needs. However, the fact that the total aid going to the States as a whole increases as a result of the annual increments will also generally prevent declines in the dollar aid provided to States which do not increase their taxes as fast as other States.

In some quarters, there has been concern that this bill would diminish the authority of the States. Actually, the bill is carefully designed to leave the States with very considerable flexibility in regard to the aid and with undiminished authority. The bill, for example, nowhere specifies how the States are to spend the substantial amounts that are provided directly to them. Indeed, the States are left free to spend these funds in any manner that they think secures the best results. The only restriction that is placed on them in this regard is that after July 1, 1972, if a State wishes to receive the full amount of aid provided by the bill, it must not permit its total distributions to its local governments, which are financed from other sources, to fall below the aggregate level for fiscal 1972. I think that, upon reflection, you will agree with me that this requirement for a State, which is itself receiving substantial Federal aid, to maintain its aid to its localities is a reasonable one.

Moreover, as I will indicate shortly, the bill gives the States very considerable authority within specified limits to vary the formulas for allocating funds to their particular localities.

So far, I have discussed the aid that is given to the States by the bill. Let me turn now to the substantial assistance that the legislation would provide directly to local governments in recognition of their financial problems. Under the provisions of the bill, general purpose local governments would be given $3.5 billion annually for a 5-year period beginning January 1, 1972.

Local governments like the States are encountering serious financial problems. To a large extent, the financial problems of State and local governments stem from similar causes. For example, both types of governmental units have experienced huge increases in costs as a result of widespread demands for expanded services and the rapid surge of prices in recent years.

However, local governments are faced with serious problems which are unique to them. For one thing, the flight of middle-income and high-income people to the suburbs has left the core cities with the financial responsibility of providing costly services to large numbers of relatively low-income people who just cannot afford to pay heavy taxes. In addition, overlapping jurisdictions and the fragmentation of governmental authority has made it even more difficult for local governments to raise sufficient revenue to meet their responsibilities. Finally, local governments frequently have limited tax powers and in many cases are required to tailor their taxes with a view toward tax levels in neighboring localities.

These considerations make it impractical to attempt to use Federal aid as an incentive to induce local governments to adjust their taxes. Instead, the aid to the localities is designed to give them substantial assistance in as fair a way as possible and in a way which will help to tide them over the present crisis.

In general, the aid to the States provided by the bill fills a gap in the present Federal aid program. The present aid programs are largely categorical and are provided for specific and often narrowly defined purposes. In contrast, the present bill makes available to local governments a new type of aid which will give them greater flexibility in the use of the funds than the categorical grants. At the same time, the legislation provides Federal guidance as to how the local governments should spend the aid funds. The objective, in other words, is to provide the new additional aid funds which local governments will be free to spend within an area of high priority items designated by the Federal Government.

The distribution formulas used in the bill are specifically designed to secure more equitable results than the administration's general revenue-sharing proposal. The latter would have given substantial aid to many wealthy communities while other local governments with equal populations and greater needs received less aid. The pending legislation avoids this undesirable result; it is designed to put the money where the needs are.

The $3.5 billion of aid is allocated among statewide areas for distribution to their local governments on the basis of three factors, each of which is given an equal weight. These factors are population, urbanized population, and population weighted inversely by per capita income so that poor communities will receive more aid than rich ones. This formula recognizes that the needs of local governments vary directly with the size of their population, that urbanized populations tend to have particularly acute problems, and that communities with relatively low per capita incomes tend to have severe financial problems that are usually not encountered in wealthier communities.

In determining how the funds going to each statewide area are to be distributed to specific local governments within that area, the bill takes a balanced approach. It provides substantial guidance as to how these funds are to be distributed by providing specific formulas for this purpose. At the same time, it introduces substantial flexibility by allowing each State to vary the formulas within specified limits.

Let me give you just one example. In the first year and a half of the program, that is, up to June 30, 1973—the statewide funds must be distributed among the county areas—which include both the county government and the municipal and township governments within the county—on the basis of the same three factors that were used to distribute the $3.5 billion among the statewide areas. This is to get the program started. However, after June 30, 1973, the State can base the distribution to its county areas either on this standard three-factor formula or it can elect to use an alternative formula. This alternative formula has the same three factors as the standard formula, except that it gives recognition to tax effort by replacing the factor of raw population by another factor—population weighted by per capita tax revenue raised by the county area.

In addition, after June 30, 1973, a State could decrease the amount passed on to its county areas, which is attributable to any of the three factors in the formula by as much as one-fourth and could increase the amount passed on which is attributable to another factor by as much as 40 percent. As a result, if a State wishes to give relatively greater assistance to urban areas, it can do so by increasing the amount distributed under the factor, urbanized population; while, if it believes that greater aid should be given to communities with poor populations, it can do so by increasing the amount distributed under the factor, population weighted inversely by per capita income.

Unlike the administration's proposal, the bill requires the local governments to spend the aid on a specified list of high priority items. These include maintenance and operation expenses for public safety, environmental protection and public transportation as well as capital expenditures for sewage collection and treatment, refuse disposal systems and public transportation.

However, the local governments will have considerable flexibility in spending the aid funds since they are allowed to determine how much of these funds is to be spent on any particular high priority item. For example, if a local government has particularly great need for improved public transportation, it can use the funds for this purpose. On the other hand, local governments which have acute public safety problems may elect to spend the larger part of their aid funds on police and fire protection.

I also want at this time to express my support for the provisions of the bill which authorize the Federal Government to administer and collect State income taxes for those States which agree on a voluntary basis to have the Federal Government perform this function for them. Over the long run, I believe that this so-called piggyback provision will have effects as far reaching and as beneficial as the grants in this legislation.

Federal collection of State income taxes on a voluntary basis will have substantial advantages. The resulting standardization of State income tax laws will reduce the costs of administration. The piggyback provision will also make a substantial contribution to tax simplification by reducing the problems now encountered by taxpayers in filing separate tax forms for their Federal and State income taxes. Anyone who has had any experience in preparing such separate tax forms for Federal and State income taxes will readily agree that such simplification is essential. Moreover, there is every reason to believe that the piggyback procedure will produce significantly increased tax revenues for the State by reducing evasion of State income taxes.

Mr. GROSS. Mr. Chairman, will the gentleman yield

Mr. ULLMAN. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Where is it proposed to get the money to finance this handout to the States and municipalities? Does the gentleman think the taxpayers of this country can afford it?

Mr. ULLMAN. The gentleman from Iowa is certainly one of the great economizers of the House and has done the Nation a great service in his advocacy over the years.

I believe at some point one has to balance the expenditures against the need, and particularly against the crisis which faces the Nation. Certainly this expenditure should not be the lowest priority. Yet that would be the effect if this program were eliminated and other programs were kept.

I would say also that this program is already included in the President's budget.

Mr. GROSS. That does not convince me.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois, a member of the committee (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, yesterday the distinguished and able ranking member of the House Ways and Means Committee presented an eloquent and persuasive speech against legislation before us today.

In stilettoed verbage he lashed out at revenue sharing as though it were a conspiracy being perpetrated by the Congress, mayors and governors against the taxpayers of the country.

Philosophically his argument was masterful but it was based more upon prophecies and apprehension than fact.

As one of the two primary sponsors of the original revenue sharing bill and a supporter of the amended measure, I would be remiss if I did not take the floor to make some far more limited comments and offer a rebuttal to these attacks upon what I feel is a sound program.

First let me say that the concept of revenue sharing is not in essence new.

It is a new approach to an old process.

We all know that the Federal Government has been sharing its Federal revenues with not only States and local communities but independent agencies for more than 3 decades and has been doing so at a constantly accelerated pace. Pealing away the invisionary fears of what might happen or what will happen in the future, we return to the principle of the device itself.

That, I think we must do if we are to make a factual and politically unemotional evaluation and judgment of the program.

What we are really talking about in revenue sharing is establishing a system whereby a very modest sum of Federal tax revenues be returned to the States and the cities to be spent for rendering public services without the need to comply with bureaucratic regulation and restriction.

We are simply saying to the States and local communities, "exercise your own good judgment as to where your priorities are the greatest."

Frankly, I hope this will be a forerunner establishing special revenue sharing which would replace the narrow categorical grant system which has been fraught with bureaucratic redtape, inequities, and inefficiency in so many cases.

And to this let me add that I am convinced that the closer the Government gets to the people the more responsive it is in the expenditure of public funds.

To suggest this is not true is to ignore the history and experience of past Federal programs.

You know, of course, that the return of these funds to the States and local communities represents a return of less

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than 3 percent of our total Federal outlays.

Now, no one can argue against the fact that our fiscal and budgetary situation is very serious.

It is serious because Congress has seen fit in the past to consistently appropriate more money than revenues produced.

In fact to a point where it is now created the somewhat specious argument that we have no revenue to share but if that be the case we have no revenues to funnel back through the categorical aid system.

I repeat that in almost every instance the budgets of local and State governments are scrutinized much more carefully than the Federal aid dollars.

Recognizing as we must that any appropriation bill passed by this Congress is not really met by current tax revenues but indeed through deficit financing, how shallow is the argument that this program ought to be deferred when it certainly has a higher priority in the scheme of rendering government services than many of the programs we have passed and will be financing before the end of this session.

Opponents of this bill also argue that it amounts to granting a license to mayors and Governors to dump all their financial woes upon the steps of Congress or to develop a dependency upon the Federal Government where power is concentrated in Washington.

To tell you that State and local governments will not be looking toward Washington for increase aid under this program in the future would be insulting your intelligence but to tell you that State and local governments as well as well oiled lobbying functionaries will not continue to do the same thing in the future would again insult your intelligence.

Getting pressures from local and State governments and a host of other political subdivisions is nothing new to Members of Congress.

In fact, it has become almost a way of life.

That being the case, we had better look at what is going to be accomplished by this program as compared to others and resist these pressures when they arise in exactly the same manner we resist, or at least some of us, the pressures on other programs.

With over 1,200 federally financed projects today ranging the gambit of health, education, welfare, housing, and transportation will bring continued demands and political pressures for more and more Federal financing, why then should we regard this program as any greater problem when, in fact, it will bring far less pressures than those specific projects which so freqeuntly have Members of Congress burning the telephone wires to the approving agencies and thus commit themselves to support of the most liberal authorization and appropriation bills.

No, I just do not think that the arguments against revenue sharing will sell except on a philosophical basis and even then the arguments are inconsistent with the conservative philosophy of moving money and power closer to the people.

Getting back to dollars and cents, and you can spell the latter either way you like, let us draw a bit of a comparsion in the proposed outlays under this program and those under the higher education bill which was passed by this House on June 8.

I will take my own State of Illinois for this comparsion.

If this bill becomes law, the per capita return to the States and local communities will be $26.90, yet in the ill-conceived higher education bill there seems to be comparatively little concern with the fact that it proposes a subsidy in sum of $1,400 to every student attending a college or university.

In the orderly and equitable process of government how can you rationalize opposing the former and not the latter.

In conclusion, I would repeat that there will be more public accountability for the dollars we request in this program than most any other in the budget which means that it will bring a greater return to the average resident in any town, city, village, or hamlet across the 50 States.

Revenue sharing is a budgeted item.

Many others we have passed are not.

By practicality and sound reasoning this bill deserves your support.

It is time we make a more concerted effort to make tax dollars count where they will best provide for the common good of all people.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, one of the amazing aspects of the legislation before us is that it is called a revenue-sharing bill. This is certainly a misnomer because there is no excess revenue to share. In fact, we have committed ourselves for years to spending billions of dollars in excess of the revenue which was available. And it is ironic that we are considering this legislation within a few days of the time when we will be considering legislation to increase the statutory debt ceiling again. This bears directly on the question that the gentleman from Iowa directed to the gentleman from Oregon (Mr. ULLMAN) as to where the money is coming from to divide among the States and cities under this alleged revenue-sharing bill.

We have a temporary debt ceiling of $450 billion which expires at midnight June 30. So this is emergency legislation we will have before us in a few days. We must act immediately if the Treasury is going to be able to continue with business as usual.

I wish to point out further, Mr. Chairman, that a mere extension of the temporary debt ceiling of $450 billion will not suffice for long. Another increase will be necessary in a very few months just to carry the Treasury until the next Congress can convene and act further.

A majority of the Committee on Ways and Means was not willing at this time to increase the ceiling sufficiently to cover Treasury's borrowing needs until next year even though another increase is inevitable before then. What the committee has approved is simply an extension of the temporary ceiling until October 31 of this year. That is an easy date to remember and it is not an arbitrary date. It happens to be exactly 7 days before the first Tuesday after the first Monday in November.

It will be interesting when we compare the statements made here today and yesterday in support of this so-called revenue sharing bill with the votes on extending and eventually increasing the debt ceiling. These debates will be recorded for history in the CONGRESSIONAL RECORD, and scholars in future years may be amused by the contradictions that are going to appear with respect to the views in support of this misnomered revenue sharing program and the views in opposition to doing something about the debt ceiling.

Let me point out another way in which the debt ceiling issue ties into the action being proposed here today. One of the main concerns that was expressed in committee on the subject of the debt—and this is a concern that will be expressed here when we bring the matter to the floor—is how we can reduce spending. Or I will put it another way—how can we stop the increase in spending? This is a reasonable and proper concern.

There were several suggestions made in this regard in committee.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROYHILL of Virginia. One suggestion was that we do not increase the debt ceiling and thus force the President to cut back the expenditures. But we have authorized the programs and we have appropriated the money here in the Congress, we have caused the executive branch to enter into contractual obligations, and the bills are due and payable.

Of course, we could have put a spending ceiling on this bill just as easily. But the chairman of the Committee on Appriations pointed out most appropriately to us that a spending ceiling is meaningless. Congress can put a spending ceiling on any bill, and can repeal it in subsequent action.

So what it boils down to is that the Congress, and only the Congress, has the responsibility to stop this constant increase in spending. We cannot pass the buck to some other branch of our Government. The only way to curb the increase is to stop authorizing new Federal spending programs.

Yet, what we have before us today, Mr. Chairman, is a new spending program, which is going to cost us a minimum—an absolute minimum, because these things have a tendency to increase—of almost $30 billion over the next 5 years.

There will be no retreat from this program. Once the camel gets his nose under the tent, there is no way of getting rid of him.

If this bill is passed—and I have no illusions about this; I know the votes are already counted—it will cause a corresponding increase in the borrowing authority which will be required, because it is clear that in making $29.575 billion available to States and cities over the next 5 years, the Federal debt will be $29.575 billion higher than it would otherwise be.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Iowa for just one moment.

Mr. GROSS. I wish to commend the gentleman for pointing out the utter fiscal and financial irresponsibility implicit in the passage of this bill. I wonder if Gov. Nelson Rockefeller and the chairman of the House Ways and Means Committee, Mr. MILLS, the Governors and the mayors of the country—all of them are agreed that they have the votes next week—I believe the gentleman said the debt ceiling bill would come up next week—if they have the votes to assure the passage of that next week, as they have assured the newspaper last week that they finally have the votes to pass this bill, this conglomerate of the Governor of New York, the chairman of the committee, and others.

Mr. BROYHILL of Virginia. I stated earlier it is going to be interesting when we do compare the debates on the two pieces of legislation. Why talk about forcing the President to cut back on expenditures by not increasing the debt ceiling? Why not exercise our own responsibility by not adding any new programs at this time?

This is a golden opportunity for us. We can beat our breasts and say we are against the increase in Federal spending. The time to stand up and be counted is this week—right now.

Mr. Chairman, all of us share in the desire to help our counties, our cities, our towns, and our States. We recognize that these units of government have their problems. But we also recognize that their problems will vary widely from State to State and from community to community.

We cannot, with a broad brush, paint a solution to fit all of their problems, and we must recognize that their efforts in trying to solve these problems on their own also will vary from State to State and community to community. By passing this bill we would be penalizing those who have done a little bit more, who have exerted a greater effort to solve problems for themselves.

Possibly one of the greatest deficiencies in this bill, possibly one of the greatest dangers, is that in our efforts to be of help to our State and community leaders, we are providing billions of dollars for them to spend without also providing them with the responsibility for raising the money.

I feel, Mr. Chairman, that any elected official at any level of government, who has the privilege—and it is a privilege—of serving his people by bestowing upon them various benefits provided by public funds, also should have the privilege—and the responsibility and the courage—to tax those same people for the cost of the services provided.

I think this is only fair to the public official, as well as to the taxpayer who is receiving the benefit of the service.

By passing this bill we would be denying to our people the benefits of responsible government. I am all in accord with what our distinguished committee chairman has said on a previous occasion, that he who pays the piper should call the tune. What we are going to be doing here today if we pass this bill is to pay the piper and have someone else call the tune.

To sum it all up, Mr. Chairman, this bill has been prescribed as a cure-all for the fiscal ills which afflict some of our States and cities today. But I submit that it would be very bad medicine, indeed. It might provide the patients with temporary symptomatic relief, but it would not go to the roots of their troubles, and it might very well worsen their condition in the long run.

Ironically, the program set forth in the legislation goes against the very grain of the federal system it purports to strengthen. It would radically alter basic fiscal relationships among the National, State, and local governments.

It would imperil a fundamental precept of our system of government by separating the responsibility for spending public money from the responsibility for raising it.

It would make the States and localities more dependent than ever upon the Federal dole, thus furthering the centralization of government.

It would attempt to "lump" into an impossible prototype some 39,000 vastly differing local units of government, in order to give them money which they may or may not need.

It would bypass the established procedures of this House by providing simultaneously for both an authorization and an appropriation of funds.

And it would put the Federal Government in the position of sharing phantom funds—revenue which it really does not have.

When the concept of general revenue sharing came into prominence almost a decade ago, it was put forward as a means of spending a projected "fiscal dividend." Dr. Walter Heller and other economists, who promoted the idea in the 1960's, were looking beyond Vietnam to a time when Federal revenues, generated by the progressive income tax, would exceed the expenditures necessary to maintain existing programs. A substantial part of the resulting surplus—or "fiscal dividend"—should go to the States and cities, they argued. And, general revenue sharing was the vehicle which they devised to attain that goal.

Unfortunately, that "fiscal dividend" remains just a dream, and I can find no substantial evidence that it will materialize any time soon. We have not had a Federal funds budget surplus since 1960, and none is imminent.

As a matter of fact, the administration only recently issued Federal funds budget estimates which call for deficits of $32.2 billion in the current fiscal year, and $37.8 billion in the next fiscal year. Added to the deficit of $29.9 billion in fiscal 1971, they produce a 3-year deficit total of almost $100 billion.

The Federal Government can obtain revenue to share in only two ways: It can raise taxes or it can borrow. Either way, the same taxpayer who supports Government at all three levels will have to bear the cost eventually. And, I frankly believe the taxpayer already is carrying an extremely heavy load.

With these factors in mind, I certainly feel it is absurb for us to try to assist the States and localities which face financial crises without considering carefully some potential alternatives to the scheme embodied in H.R. 14370.

The mayors and Governors, who have been among the leading advocates of general revenue sharing, have said that one of their main goals is a substantial and continuing source of revenue, relatively free from Washington control. This objective could be achieved, and their fiscal malaise better dealt with, through a reorganization of categorical grants-in-aid or through a system of Federal tax credits or a combination of both.

It has been argued that the present system of grants-in-aid is inefficient and ineffective, and I generally subscribe to that viewpoint myself. But the way to handle this problem would be to reorganize the system, rather than simply add a layer of overhead grants.

President Nixon has gone directly to the heart of this particular problem in his special revenue sharing program which would consolidate some 130 different categorical grants into six broad purpose grants. I believe this program has merit and that it deserves the careful consideration of this body.

A system of Federal tax credits, which would call for the sharing of sources of revenue instead of revenue itself, also warrants consideration as a preferred alternative to H.R. 14370. The long-established estate tax credit could be expanded easily, and taxpayers could be given a credit against their Federal individual income tax for the amount of State and local income taxes they have paid. The States could "pick up" revenue equivalent to these credits by adjusting their rates or applying a surcharge.

Although the States have had access all along to the individual income tax, it has been contended that the Federal Government has, in effect, preempted this prime source of revenue, forcing the States and their political subdivisions to use the more regressive sales and property taxes.

To the degree that this has developed, the Federal Government could relinquish its grip on the individual income tax, easing the way for States and localities to shift to this revenue source from those on which they are now relying.

There are a number of specific options available in the tax credit area, and although I am not wedded to any one of them, I firmly believe they point the way to a much more sensible approach for us to take in trying to aid the financially distressed members of our Federal family.

A tax credit approach offers important advantages over general revenue sharing. It would uphold the principle of public accountability by making those who have the authority to spend revenue also responsible for collecting the required taxes. It would advance the cause of governmental decentralization by encouraging the States and their political subdivisions to increase their own tax efforts, lessening their reliance on Federal money and helping them to become fiscally independent. It would help curb interstate tax competition and it would put our trilevel system of taxation on a more pro-

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gressive basis by stimulating greater use of the income levy.

It would, in the long run, make more money available to the States and cities than would be allocated to them under H.R. 14370. And it would not necessarily add to the total tax liability of the American taxpayer.

Opponents of the tax credit approach argue that it would be impractical because it would result in an immediate and substantial drop in Federal revenues, at a time when the Government could ill afford it. But the bill before us also represents a revenue loss—about $30 billion over the next 5 years. If we cannot afford to share the source of revenue, how can we possibly afford to share the revenue itself?

There are far more effective remedies for the illnesses within our federal system than the general revenue sharing, and we would be wiser to take the time to look them over with care instead of plunging ahead now with a treatment which is so clearly wrong.

Perhaps a more appropriate title to give this legislation would be "the Fiscal Boondoggle of 1972." Or if we wanted to be a little kinder, we might call it "the Debt Proceeds Distribution Act of 1972."

But if we really want to stop this constant increase in expenditures, then we should simply call it a bad bill and shoot it down right now.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I endorse everything that has been said against this bill, and particularly the remarks of the ranking Republican, Mr. BYRNES. He summed up very well both the things wrong with this bill and the prospects for our slowing it down, which obviously are not very good.

I did want to say, I have looked for something good about this bill. In listening to the colloquy a few minutes ago between the gentleman from Iowa (Mr. GROSS), and the chairman of the Appropriations Committee, I can see one potential good from this program. It seems to me that by the end of this decade, if we just give the generals all the money they want to defend the country and if we give the mayors all the money they want to run the cities, we will not have any other money to spend, so we would have only two bills to take up each year, and we might then very well be out of here by July 1.

If revenue sharing follows its natural course we may very well not have any other expenditures to worry about except defense and revenue sharing.

Seriously, Mr. Chairman, I would like to speak first about the $1.8 billion that goes to the States and why I so much regret the changes that the committee made in that portion of the bill.

First of all, this bill might have been used to bring about two badly needed reforms. Reform in the way the States finance their own needs. Many States are underfunded and because of that they heap undue costs on local governments within their States. This bill as introduced by the chairman and a number of others of us, would have provided substantial incentives to the States to broaden their use of the income taxes and to more adequately fund their State needs so that, first of all, they would not have to look to Washington for money but, second, they would not have to heap so much of the cost of government on local real property taxpayers.

In our executive sessions I got the feeling that the administration is not greatly in favor of progressive income taxes. They were very reluctant to do anything with this bill that would encourage the States to expand their use of the income tax. So we cut in half that rather modest incentive.

Then there was something else we did rather quietly, and that was, to destroy the use of piggybacking. Piggybacking has been proposed for a great many years by a lot of people who say if the State and the Federal Government are going to collect income taxes, why do they not just do it all at once. Let the Federal Government collect the taxes for the State after the State decides how much it wants. It would simplify things for the poor old taxpayer. Well, that was in the bill, and I had hoped that California might use it. We could use a bit of reform in our State income taxes and give the Governor the privilege of paying some, too. But the last day, at the urging of the Treasury Department, we said that a State cannot piggyback until five States have asked for it. There is a lot of political pressure against the use of the piggyback form of collecting State taxes. Obviously, the reason for changing it from one to five was to discourage its use.

Now, Mr. Chairman, turning to the two-thirds of the money that goes to the cities. The most important part, obviously, is the formula that is involved.

The committee struggled, as our chairman pointed out, for weeks and weeks. We almost burned up the computers down at the Treasury because every day we would see something wrong with the formula that we had thought of just the day before. We would change it and ask for another computer run. Then we would look at the new one and find out it was just as absurd as the one we had before. We finally quit not because we hit on a rational formula but because we were exhausted. And finally we got one that almost none of us could understand at the moment. We were told the statistics were not available to run the print on it. So we adopted it and it is here for you today.

Now let us look quickly at what this does.

First of all, we gave money to every city, town, and hamlet in the Nation. For a while we said it is just the big cities that need help, and so we would limit beneficiaries to cities of 25,000 or more. But, after all, the Conference of Mayors does not limit its membership to that number, so we kept cutting and cutting and cutting in order to let everybody in on the act. Finally do you know what we did? We said that if you are entitled to less than $200, do not send in your chit. Cities get roughly $10 a head, so if you have fewer than 20 people in your city, you cannot get in on this until you find some more residents.

How do we divide it up? We talk about putting the money where the need is. I will tell you where we will put some of it. We would put it into Beverly Hills, Calif. I was out there last week, and I could not detect any growing decay in Beverly Hills, but they are favored under this formula in two ways. First, everybody gets an even break on the one-third related to population. If you have people living there, you come in for a third of the formula. If you live in an urban area, you come in for another third. Beverly Hills is in an urban area, so they receive preferential treatment because of that.

The third piece of this formula is poverty.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. CORMAN. So Beverly Hills will not come up very high on that scale of poverty, but remember, they do get their full share of it because of urbanization.

Let us look at a town in Appalachia which may be dying on the vine and polluting the local stream and doing all kinds of things that make it difficult for people and have no tax base. They have equal treatment with Beverly Hills on the basis of population and they will be way ahead on the basis of poverty, but they are not in an urban area, so they will not be any more favored than will be Beverly Hills.

The reason a formula cannot be devised for the automatic disbursement of this $3.5 billion, is that there is too much diversity among cities and there is too much diversity among States as to what kinds of responsibilities are put on local governments and what kind of taxing powers are given to local government. It makes as much sense to try to devise a formula that fits the cities of this Nation as it would to tell a tailor to make one suit that fits everybody in this House.

I think you would find that if you used me for a model you would probably find that the trousers were a little too big at the waist and the shoulders would be a little too tight. The gentleman from California (Mr. HANNA) and the gentleman from Massachusetts (Mr. O'NEILL) would both be in trouble. This formula is as absurd as that proposal.

One of the tremendously wasteful things about local government is fragmentation. I use Los Angeles County because I know it. I served for 3½ years on the Los Angeles City Council. That county has some 7.5 million people and it is served by 80 separate cities and all of them will be beneficiaries of this great proposal. Not only that, there are probably 1 million people in that county who live in unincorporated areas. So what do we invite them to do with this bill? It takes only 500 people in our State to create a city, but any 500 people can do it. So we say, "If 500 people get together and become a city we will put their name on the list and we will send them a check every year."

So, rather than using this tremendous amount of money to encourage more efficient local government, this bill invites

further fragmentation and further waste at the local level.

We talk a lot about how we will finance this bill. In my own view when we pass it we should increase taxes. As a matter of fact, I feel very strongly that we must increase taxes. We should have done so last year, and we will have to do it next year. And in the next year's Congress it will be difficult to do it if the administration opposes it. Yet it seems to me that if we are to continue to spend some $30 or $40 billion more each year than we take in we will have to raise taxes. I know that we will not increase taxes this year, that is for sure. We will increase the debt ceiling and I do not think any responsible Member of this House would vote that we not pay our bills. I think what we will do, along with increasing that debt ceiling, is to impose an expenditure ceiling. That means that we direct the President, we obligate him, to spend no more than x dollars, and we will just fix that at his budget. That is what we will be telling the President and we will flimflam the people when we appropriate several billions of dollars for education, or to curb water pollution, because we are directing the President not to spend that money. And we will tell him, "You must not spend any more than your original budget request," and when we go over budget figures, we are just flimflamming the voters.

It has been mentioned that we have Federal controls in this bill, that this money is going to be directed to the high need areas of local government. That is just a lot of eyewash. This money will be about 3 percent of the city's budget. If you look at what it costs for fire, police and sanitation, and those are things cities can spend it for, they consume 60 to 80 percent of a city's budget, and we simply will be giving them 3 percent on top, and when we do, obviously we will have given them 3 percent more money than they would have had otherwise.

And so with that fact in mind, I would refer you to another city in my county, the city of Long Beach, which by the way is buying a boat. They bought the *Queen Mary* and spent $45 million and it still is not finished. Of course, they can afford to do that because they have some oil royalties, they pump oil from under the city. They are still getting a big check from this proposal and they will do so every year.

We have tried to create some kind of new federalism, a relationship between the Federal Government and the cities. That is what what we say, and that is an absurdity.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. There are 50 sovereign States in this Union, and there are no sovereign cities. Those cities, counties, and school districts are creatures of the States. We have no business trying to circumvent the State governments by creating a relationship with those cities. We cannot do it. Obviously if we pump money into those cities then the States will hold back on what they give them. We have said, "Oh, no, they would not do that," but they will, and we did, the day we considered the District of Columbia, to decide whether we would give anything of this revenue sharing to the District of Columbia. We said, "Give them all they want, we will just take it out of their appropriation bill." And that is precisely what the States will do. And really there is nothing wrong with that. The States are sovereign entities and they are the ones with whom we should deal.

Now, Mr. Chairman, I remember a poet once said that:

> The saddest words of voice and pen are not what is but what might have been.

This $30 billion might have been used to encourage the States, to help the States to reasonably meet their needs. It might have been used to encourage reform in local government structure, but it has moved in exactly the opposite direction.

So I suggest to you it is a wasted $30 billion that we do not have and that we must tax to get. Or we must cut the heart out of other well-conceived programs to finance it.

Mr. Chairman, I share the view of the ranking Republican (Mr. BYRNES). It is not likely that this bill will be slowed down. I would hope that when it gets to the Senate some thought can be given to how this bill might be used to accomplish some reasonable objectives other than pandering to the Conference of Mayors, the Conference of Governors, and the Nixon administration.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the passage of this legislation.

Also I compliment the gentleman from Virginia (Mr. BROYHILL) and I point out, along the lines the gentleman was pursuing, that we called this morning the Joint Committee on the Reduction of Federal Expenditures and asked for calculations on the impact of this legislation on the Federal deficit. Assuming this amount becomes a deficit, as the gentleman from Virginia has assumed, and as I assume, because there is evidently no effort to raise the revenue necessary to pay for this, this bill will cost us over the 5-year period of time in interest alone $5.360 billion. That is, Mr. Chairman, $5.360 billion interest alone. That is how the figure the gentleman pointed out, $7.9 billion this year, gets so high.

Not only are we going to be passing out revenue we do not have, or as the gentleman points out, sharing a deficit which we do have, but also we are going to be accumulating a much larger deficit just in paying for the deficit which we are creating.

Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, that our cities and States need financial help to meet pressing demands for services cannot be denied. They are pinched and need our support. Over the years I have consistently supported additional Federal funds for the States and cities.

On June 17, 1971, Representative WILLIAM MOORHEAD and I testified during hearings on revenue sharing conducted by the House Ways and Means Committee. We offered a plan by which State and local governments could acquire additional revenues for needed services.

Our proposal was pegged to the progressive Federal income tax, and we emphasized this revenue source because it is far more efficient at raising money than are other forms of taxation.

It has been said that a 1-percent increase in our gross national product brings an increase of 1½ percent in Federal income tax collections. The report of the Ways and Means Committee on H.R. 14370, the bill before us today, notes that:

> The bulk of State and local revenue comes from sources which do not increase rapidly as income levels rise.

The report adds that in 1970 income taxes accounted for only 17 percent of State and local tax collections while property and sales taxes represented 74 percent of the total tax take.

Worse, property and sales taxes place an unfair burden on lower and middle income citizens, for they pay a larger percentage of their income in taxes than do more affluent citizens. In a column for weekly papers in my district, I pointed out last year that persons with annual incomes over $15,000 pay 33 percent of the Federal taxes but only 8 percent of the State and local taxes. And as Ralph Nader and others have stressed recently, property tax assessments are frequently unfair. Nader has pointed to instances where large corporations are paying only a fraction of the property taxes they should pay.

THE MEEDS-MOORHEAD PLAN

In our testimony before the Ways and Means Committee last June 17, Representative MOORHEAD and I identified the real problem:

> This problem, in our view, is not simply the need of states and localities for more money—but rather for money which they can raise for themselves to perform the services which our Federal system requires of them. Assuming that their role under the Federal system is not to change materially, this means that they need increased revenue sources which they can tap themselves. Moreover, since our economy can be expected to grow, the new revenue sources should grow equally fast or faster. In other words, our States and localities need an expanded and more progressive revenue raising capability."

The heart of our plan is a piggyback tax on the Federal income tax. States and localities would be empowered to enact a tax which would be a percentage of the Federal income tax paid by their residents. The rate could be no higher than 20 percent of the Federal income tax. If both the State and a locality enact this tax, the State's rate would be limited to 10 percent and so would that of the locality.

To encourage this progressive taxation, our plan would reward State and local governments with a Federal matching grant of one-fifth of the amount produced by the first 10 percent of the surcharge and one-tenth of the second 10 percent.

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These incentive Federal revenues could come from the corporate tax collections; corporations are interstate operations frequently and are not always chartered in the State of their operation or operations.

Were a State to enact a piggyback tax but forbid localities from doing so, 60 percent of the revenues would have to "pass through" to the local governments. The distribution formula would recognize both population and need.

H.R. 14370: A FOOLISH EXPEDIENT

The strengths of the piggyback plan are the great weaknesses of H.R. 14370, the revenue-sharing bill we are now debating. First, our proposal provides a way to pay for additional expenditures. A tax supports an expense. But H.R. 14370 is a deficit sharing bill. It is not a free beer.

H.R. 14370 provides $30 billion over 5 years. The money would come from one of two sources. Either we would add $30 billion to the Federal deficit, or we would obtain the funds by cutting back on existing categorical programs such as those for education and pollution control. If the latter course were followed, it is very conceivable that States and localities would end up with less under revenue sharing than they are receiving today.

For the 3 fiscal years ending June 30, 1971, the Federal deficit is expected to be around $110 billion. Is there any revenue to share?

Second, the bill before us separates the taxing power from the spending power. It is unprecedented. It is revolutionary. And it is terribly wrong.

Mr. Chairman, hardly a day passes when I do not receive a letter from a constituent who is upset with this or that Federal program, project, or expenditure. The people want us to watch over the spending of their tax dollars. We try to do this. For the people to be concerned is only natural and proper. We are their representatives spending their money.

H.R. 14370 removes the Congress from watching over how Federal tax money is spent. This foolish expedient of a bill simply loads the money into a legislative cannon and fires it out across the land to fall to earth in bits and pieces. Kiss the taxpayers' money goodby and do not worry how it is used—that is the principle of this ridiculous bill. On the other hand, our alternative would make the taxing body responsible for supervising expenditures.

NO ALTERNATIVES, NO MONEY FOR SCHOOLCHILDERN

Many Members of the House had suggestions for improving H.R. 14370. But they are being gagged by the adoption of a closed rule that forbids amendments to the bill. Representative REUSS of Wisconsin had an amendment to pay for the revenue sharing by closing or reducing tax loopholes. Yet he cannot offer the amendment because of the closed rule.

Education is often the largest single cost of State and local governments. The Federal Government's share of total U.S. educational costs is only about 7 percent.

Here again the revenue-sharing bill compares poorly with the Meeds-Moorhead plan. It limits the use of the revenue-sharing dollars to law enforcement, sewage-garbage disposal, transportation, and environmental protection. There is no money for schoolchildren.

Our alternative would enable States and localities to allocate more funds for education. And most importantly our plan offers progressive taxation. In other words, fair taxes could be used to replace the unfair, unreliable, and unpopular property taxes. In my opinion, property taxes are about as equitable as two institutions from the Middle Ages: the salt tax and the rack.

RIGHT GOAL, WRONG ROAD

In conclusion, H.R. 14370 is the wrong road to the right goal. I will continue to support efforts to aid State and local governments. H.R. 14370 is a foolish expedient that alters constitutional principles and scatters the taxpayers' money across the country with no accountability as to how it is spent. Accountability is the heart of our representative democracy. H.R. 14370 is a wedge that separates those who raise the taxes from those who pay the taxes. The Meeds-Moorhead plan is a far better method to achieve a desirable end.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Chairman, I yield 20 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman and members of the committee, I know this is a repetitive debate to a degree. We are all deeply involved in this issue which as has been pointed out is a watershed issue, a dramatic new program, and one subject to a good deal of philosophical debate.

The chairman of the committee and the ranking minority member each from his own point of view has discussed the technical aspects of the bill. So in considering what contribution I may make to this debate I have decided that I would like to go through a series of questions with you—the kind of questions that your constituents ask you about such a central issue—and try to give you my answers and my reasons for supporting revenue sharing in terms that will be comprehensible to the average American.

The first question is—Should revenue sharing be tied to tax reform?

The reason in back of this question is quite obvious—we are by this program putting a greater pressure on the income tax. We are transferring to other governments a $5.3 billion raised for the most part by the Federal income tax system. And in doing that some people feel that we should not be asking more of the taxpayers without insuring that the income tax is more equitable.

I would be the first to acknowledge that our income tax system, like any other human institution, has its defects. I am an advocate of tax reform in a continuing and comprehensive sense rather than a symbolic sense. But however imperfect our income tax system is, it is obviously more progressive—and that is what most tax reformers are looking for in their tax system—than the real estate taxes and sales taxes, the basic devices for generating revenue for State and local governments. So anything that we can do to transfer an increasing portion of the total burden from the real estate and the sales tax to the income tax is a step in the direction of tax reform. The money for basic services is already being spent—the question is what tax shall we use to pay for it.

It is interesting to me that some people have opposed revenue sharing despite the fact that it makes our total tax system more progressive through this shift of income tax money to an area previously nourished by real estate and sales taxes, because they feel that we should do more reform than is implicit in the revenue sharing measure itself.

The chairman of our committee has promised that the first order of business next year will be comprehensive tax reform. If we waited for that I am afraid we would be doing a disservice to the communities and to the States that are already under very severe fiscal pressure. We would be rejecting a type of tax reform that is available to us now, and which has been carefully studied and prepared for action by the Congress.

In connection with this first question, the question of tax reform, there is a subsidiary question—will revenue sharing reduce real estate taxes—that is a question that many of your constituents will ask you.

Nobody can guarantee that this or any other device will reduce real estate taxes. Real estate taxes will continue to be the primary resource for the local governments. Local governments and State governments between them last year spent roughly $150 billion which was largely raised through regressive tax devices—those devices that are historically available to them.

This measure produces only $5.3 billion a year for State and local governments. Nobody then can guarantee that real estate taxes will go down. The only way that the total tax burden on the American people can be reduced is by government's spending less.

The effect of this measure, however, is to take the pressure off regressive taxes at least to the extent of $5.3 billion a year. And that is all that you can promise your people out of this measure.

I think that the fact that nobody can guarantee that real estate taxes will go down, however, is no argument against revenue sharing. It has a tendency in the right direction—it takes pressure off a regressive tax, and that is what we are here to try to do in the pattern of government that we are trying to establish.

A second question your constituents will ask you will be: Does revenue sharing contribute to centralization or decentralization? I personally think it contributes to decentralization and that's good. I consider myself a Jeffersonian Republican, a man who believes in keeping Government as close to the people as possible.

I should like to say that one of the most centralizing devices we have in Government is the categorical grant program, and revenue sharing which distributes money to the community with very modest strings tied to it has a tendency of increasing the discretionary funds available to them so that they can provide the basic services which are to many people the only real justification for the social contract of government. Categorical grants for the most part go into the more esoteric programs of local government. The basic services, however, will be nourished by revenue sharing to a much greater degree.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. We are going to run in this fiscal year a deficit of between $35 and $40 billion and there is a built-in deficit in the 1973 budget of about $25 billion.

Will the gentleman tell me where, under those circumstances, he proposes to get revenue to share with anyone?

Mr. CONABLE. That happens to be the next question I am going to discuss. I know this is the gentleman's great concern generally, and I shall be glad to get to it at the appropriate time.

The revenue-sharing bill does have the effect of decentralization because it makes discretionary money available to the communities and, therefore, makes it possible for them to use their own priorities, not priorities set here in Washington, in determining what services their people are going to have.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I simply wish to say to my friend it is very difficult for me to understand how you really strengthen local government when you make it dependent for its basic services, as you say, on Federal revenue. It seems to me, if you really want to strengthen local government, you would take the other approach of the tax credit against the Federal tax for local tax effort and would thus give the State and local governments a chance to raise their own money locally. That would be the way to go if you want to give them discretion; under this bill are you not making them dependents of the Federal Government?

Mr. CONABLE. I would be inclined to agree with the gentleman if I felt that it was possible for localities to have effective local income tax systems. The problem is that the localities, left to their own devices or given possible credit opportunities, are going to have to rely on the regressive taxes substantially.

I personally would like to see the localities' independence increased. I acknowledge that any program that pays money to the locality tends to increase their dependence, but I should like to point out that the available alternatives at this point to a community are likely to lock them into a greater degree of dependency than revenue sharing.

For instance, we could go the route of centralizing basic services if the cost of services is outrunning local communities' ability to deliver revenue. We also could go the route of increasing our categorical grant programs. Either one of these, I submit, is substantially more destructive to local autonomy than the revenue sharing which we are now proposing.

The third question I should like to take up is the question the gentleman from Iowa asked: How can we share tax revenue when we do not have enough revenue to share? That, of course, is a basic question of government. It assumes, however, that revenue sharing is not a higher priority item than many of the categorical grant programs we have now. How can we put more money into education; how can we put more money into the environment; how can we put more money into defense; how can we put more money into all of these things when we do not have the revenue? The fact is that we continue to put this money into the categorical grant areas, going deeper and deeper into debt along that primrose path.

I personally do not think that just because a program is a new program that means it is worse than the categorical type of approach which has been gobbling us up in recent years. I think the gentleman will acknowledge that I, myself, have tried to do all I could to stem this particular type of categorical madness.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, why, then, compound it by the enactment of this legislation?

That is what you will be doing, compounding a desperate situation.

Mr. CONABLE. If this legislation constitutes a better approach, I give it a higher priority than the types of programs we have been increasing without regard to the effect they are having on our total system.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, where does the gentleman think he is going to be able to cut the expenditures, including the grants already being made, especially the $13 billion in health, education, and welfare grants to the States? Where does he think he is going to cut any of those?

Mr. CONABLE. I submit we are going to have a better chance of cutting the categorical grants back if we have an alternative that makes better sense than they do. The issue is one of priority and not whether or not the Federal Government has been wise in its fiscal approach under the existing programs.

Mr. Chairman, the fourth question is, Do we not already give the communities enough money? It was pointed out the other week by the chairman of the Committee on Appropriations that our categorical grant programs have gone from $7 billion in 1958 to $37 billion this past year. We do give a great deal of money to the localities, and unfortunately it has not had the effect of making them do their basic job of providing the basic services any better than they did before the various categorical grant programs were conceived and expanded.

Admittedly, any amount of money given them can be used to some advantage, but unfortunately the way in which we give the money is in many cases more important than the amount of money we give them. We here in this Chamber should be concerned about the patterns of government, and we should be concerned about the effective use of our national resources, and not just in a quantitative measure that takes no account of the consequential effects of what we are doing.

Question No. 5, Mr. Chairman: Will the communities not waste the money without more accountability, more guidelines? That is a possibility. There is nothing magic about local government. There is nothing magic about Federal Government either.

I personally think there is a much closer degree of accountability held on the local government by our constituents out there than is held on us here in this remote and distant seat of government on the Potomac. Frankly, I have more confidence in accountability on the local level than I do on the Federal level. Distance and activity insulate us. We do not live directly with our neighbors, subject to their direct control.

The minute we get into this particular subject, people start reciting examples of waste on the local or State level. They do not know what happens down here in many cases. Believing in democracy as I do, I believe also in the power of the people to hold a tighter rein on that government which is closer to them. Therefore, it seems to me the chances of waste under this program are considerably less than they are under the type of program which is directed from Washington and subject to the insulation that comes with distance.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I want to associate myself with the remarks of the distinguished gentleman in the well. I am impressed by his eloquent and valid defense of this legislation. I support it. I simply want to indicate that the remarks of the gentleman from New York (Mr. CONABLE) are bases on which I believe this legislation ought to be passed. The problems facing hard-pressed local governments are very real and revenue sharing represents a landmark effort to revitalize our federal system. I think particularly what the gentleman has just said in defending this bill is an important ingredient in why the Congress of the United States should pass this particular piece of legislation. I commend the gentleman for the effort and the work he has put into this. Since my service in the State legislature and the Congress I have worked to implement the program of sharing revenue. This bill is a reasoned fruition of the work of many but especially the leadership of President Nixon. I hope this bill will be adopted by a large majority today, and hopefully the other body would agree with the wisdom of this approach.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for his comments, as well

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as for the many contributions he makes here.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. KEATING. I, too, rise in support of the bill, and I should like to associate myself with the remarks of the gentleman from New York.

Many of the comments the gentleman made here today are experiences I found as the finance chairman in my community of half a million people over a 3-year period. We found that the priorities were dictated from Washington. We found we would take money earmarked in our budget for matters which concerned our local community and would put it in an application of 5 percent, 10 percent, or 25 percent participation, so we could get a grant from Washington. We found our priorities were distorted by reason of these categorical grants, so I appreciate what the gentleman has said.

Mr. CONABLE. I thank the gentleman for the comments he has made about local government because it reminds us of the experience many Members of this body have had in local government, which contributes to our understanding of the problems of local government.

I should like to add that on this particular issue, the issue of whether the communities will waste the money, the usual argument is: because we are separating the taxing and spending power, the easy money for the communities will be spent much more easily.

The money, of course, subject to accountability, very likely will be combined with other local funds. It is going to constitute a very modest part of the total funds spent by the communities. For that reason I believe it is unlikely that Federal taxpayers, who are also local taxpayers, will relish waste any more on the local level merely because it happens to be a portion of the revenue sharing money that is involved. They will feel about waste as strongly as they would feel if it were taken out of their real estate taxes in the first instance.

Mr. KEATING. The separation of the taxing authority and the spending authority is not unique in this bill.

Mr. CONABLE. We separate taxing and spending authority right in this body, and to a degree also in the categorical grant programs.

Mr. KEATING. That is correct. We also separate it within our States, between counties and cities, and other governmental bodies. So it is not a unique proposition. It is not new in this body or in any other body.

I certainly agree with the gentleman from New York. My feeling is that the local government is more responsive to the people and can be more responsive to the needs of the community. Each community's needs are different. This gives them the opportunity to have flexibility and to reduce the amount of waste.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I wonder if the gentleman could clarify for me his understanding and the understanding of the committee with regard to funds collected and/or disbursed. Will they be subject to the same General Accounting Office review that any other Federal funds would be?

Mr. CONABLE. Yes, they will be. Of course, money going to the communities is broken down into three broad areas where it must be spent, high-priority areas. So far as the State government is concerned, there are no restrictions put on the money. There the money, incidentally, could be spent for education. Many people think it could not be, on the State level. The money is subject only to general accountability. On the community level it has to be used for a government purpose within the high-priority areas.

Mr. DON H. CLAUSEN. Is there any limitation on me as a Member of the Congress or on anyone else as to demanding an accountability to the GAO, the Government Accounting Office, with regard to any of these funds?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. CONABLE. No. We assume there will be, certainly, Treasury oversight on the use of the money for Government purposes. I believe a GAO audit could be asked if it were felt that this or any other money were being used improperly. At least the GAO will lay down guidelines for the types of audits which will be made.

Mr. DON H. CLAUSEN. So in effect there will be oversight on any funds allocated.

Mr. CONABLE. Yes.

Mr. Chairman, I should like to move to another question we hear a lot about, the one about lobbying.

Will this measure increase or reduce congressional lobbying? I agree that there has been a great deal of lobbying on this bill. Lobbying does not bother me. I suspect that passing a 5-year bill with a fixed amount of money determined by formula will very much reduce the lobbying over what would happen if we had an annual appropriation ritual to go through on this particular type of bill. I would hate to see this bill reduced to the status of just another aid program, because I consider it to be of the highest possible priority. Personally I would rather be lobbied by an elected official with whom I shared the responsibility of Government in this country than I would be by the zealous amateurs who identify themselves with the causes that make possible a great crossruff between local and Federal Government on the categorical aid programs. In other words, although there is going to be no assurance that we are not going to be lobbied on this or any other subject in the future, I think the manner in which this bill and this type of aid have been put together is very likely to reduce the sum total of lobbying to which we are all now subject in a preeminent degree under the categorical aid type of program.

Another question is will the program be expensive to administer? It will be the most remarkably inexpensive Federal program to administer that you have ever seen, because it necessarily bypasses the Federal bureaucracy.

My distinguished colleague (Mr. BETTS) made an eloquent speech on this point yesterday in debate.

It will permit, as the chairman of the Committee on Appropriations had pointed out, sending checks to some 38,000 communities. The aid process, however, will primarily be a computerized process. The amount of accounting that is necessary will be comparatively modest, and we will not have the tremendous number of Federal administration guidelines that have made so inevitable the growth of the Federal bureaucracy. So I think this will be a remarkably inexpensive program to administer. Certainly in comparison to the costs of other Federal programs, it will be a gem of the purest ray serene.

Now let us go on to the issue of the distribution formula. Is the distribution formula fair? I will tell you that any one of us could have made a better distribution formula for our individual districts. This distribution formula is necessarily a compromise. It was hammered out on the anvil of debate in a very broadly based committee over a long period of time, and the distribution formula we believe the most equitable possible for our diverse land. That means for each individual Member we can still find plenty to complain about, but as a compromise, as a broadly based distribution formula and not essentially a redistribution formula, which some people would like to see, this revenue sharing bill is, I think, as fair as we can make it.

I wish all of you could get more money than the other fellow, but that is not going to work. It just is not in the nature of things. To the extent that there is any redistribution of these Federal resources, it is going into areas of need, into areas, particularly urbanized areas, where we have found the greatest shortfall in available tax resources lies.

The last question that your constituents will ask because they are so used to being told this sort of thing is, will it solve our problems? The answer to that is no, it will not solve our problems. This is not a magic wand or a panacea.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CONABLE. Mr. Chairman, this is not a magic wand or a panacea, it is a very modest change in the total spectrum of government that we are so used to dealing with here. It does have the effect of putting some progressive tax money into a regressive tax area. It does have the tendency of increasing the discretionary funds available to local governments. I think it makes a contribution to a rational pattern of government. But I will not say for 1 minute that it is going to solve all our problems with categorical grants or in any dramatic way affect or make the lives of the mayors, Governors, and ourselves a lot easier.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman spoke a minute ago about equity, and stated his opinion that this bill was an equitable bill.

Mr. CONABLE. Yes, and admittedly that is only an opinion.

Mr. WAGGONNER. And admittedly the gentleman's State of New York at the State level gets a per capita grant of $17.23 per person per year, and my State of Louisiana gets by comparison at the State level only $4.95 per person, per year. Does the gentleman consider that that is equity?

Mr. CONABLE. If the gentleman from Louisiana will pardon me for saying so, I suspect that if we look at the categorical grants that Louisiana does pretty well there in the return it gets on its tax dollars. I would point out that the State of New York is also the largest income tax paying State in the Nation. This is in effect a revenue-sharing proposal intending to return the tax money to the localities for the most part from whence it came.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. CONABLE. I yield further to the gentleman from Louisiana.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BETTS. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, would the gentleman say whether he considers that equity or not?

Mr. CONABLE. Any question of grant equity must look at the entire system of government, and must not focus on any one particular statistic or any one particular program.

I suspect that Louisiana has done very well, and that one of the reasons it has done well is because of the very able representation that Louisiana has had in this body.

Mr. WAGGONNER. If the gentleman will yield further, this bill will go to the Senate and perhaps we will do a little better over there, because we have a Senator from Louisiana who heads the counterpart committee over there.

Mr. CONABLE. I thank the gentleman for reminding me that we are going to watch with great interest what happens to this bill as it progresses. There is, of course, a good deal of political interest in it, and there are people I am sure in this body and the other body who would like to see a Nixon initiative not brought to fruition with respect to such a vital area as the concern we all have about the health of our federal system, and the life of our cities and States. While not daring to attack it directly, some would like to see it die of uncompleted action.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(Mr. KEATING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KEATING. Mr. Chairman, I rise in support of the State and Local Assistance Act of 1972.

Before coming to Congress, I served almost 9 years as judge in two different State courts, and 3 years as chairman of the Finance and Labor Committee of the Cincinnati City Council. During those years as finance chairman, I was responsible for a budget of something more than $80 million. By the Federal Government standards, this does not appear to be a large sum of money. But we considered every dollar to be extremely important.

Critics of revenue sharing say that local officials will not be accountable for the money they spend. My experience in local government forces me to respectfully disagree. On the local level, with the more manageable budget, with the daily contact of the smaller community, and the closer examination by the local media, there is much more accountability than there is in Washington with the protection of the distant Capitol and the larger and more unmanageable bureaucracy.

Like all Members of the Congress, I am deeply concerned with the budget problem. This program is the cornerstone to the President's New Federalism. If we are to truly have a diversification of the decisionmaking process down to the local level then the passage of this bill is an essential first step.

The issues in this bill have been thoroughly debated in the extensive committee hearings. The bill the Ways and Means Committee reported is a fair compromise of different ideas that were proposed to the committee. The formula that takes into account per capita income insures that the poor areas get a fair share of the funds.

With 50 different States and over 38,000 local units of government eligible funds there will never be a formula that pleases everyone; however, the formula in this bill seems to have flexibility and the support of the vast majority of the cities.

The Federal income tax is the most efficient and most effective way of collecting taxes. The Federal Government is going to have to share these funds if the Nation's cities are to provide the needs of today's urban population.

Citizens are upset over the tax structure and in this election year we have heard many comments that tax reform is needed. No longer can local units rely on the property tax. In my own district of Cincinnati, 50 percent of the school levies in the past 5 years have been defeated. The defeat of these tax issues across the country have put severe financial limitations on the local government in every area of its operation. I am personally aware of local officials' efforts to cut essential services to the barest minimum. Even such life and death services such as police, fire and health are jeopardized by the income crisis at the local government level.

Today the average citizen is keenly aware of the needs of his community and want to participate in the decisionmaking process. I am convinced that we can create a Federal system where local decisions are made on the local level. In the end accountability and participation depend on accessibility and it is for this reason that we must restore a balance to our Federal system. This bill is not a panacea; it will not make the Federal-State relationship perfect, but it is a good start.

Mrs. GRIFFITHS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. WILLIAM D. FORD) for the purpose of asking a question.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of this bill, and I wish to add my words to those that have been spoken on this floor in praise of the diligent work the Committee on Ways and Means has put in to bring to the floor what I think is a bill in every way superior to the original proposals of President Nixon in this area, and one which is eminently fair in terms of its treatment of local governments particularly.

But I did want to ask the distinguished chairman of the committee a couple of questions to clear up questions that have been raised with me by local officials in Wayne County, Mich., in my district which is a suburb of Detroit, Wayne County, which is an urban county.

They are distributed by the Joint Committee on Internal Revenue printout showing the amount of money that each municipality or local unit of government would receive under the formula for distribution of funds under this legislation.

Upon examination of this preliminary report it would appear that townships are not identified individually but are identified en bloc.

I would like to know from the distinguished chairman if we can be assured that suburban townships, even though they bear the title of township rather than city, will receive their full share of the distribution under the formula in this bill and full and individual consideration.

Mr. MILLS of Arkansas. The gentleman can be assured, if he will refer to part 2 of the committee report, page 352 shows that the township in Wayne County, all the townships in Wayne County, will receive among them $998,286 in revenue in the first full year of operation of the program.

The printout confined this distribution to cities and counties and other municipalities because the figure on which the distributions are based up to the present have been available in detail only for those units of local government. The distribution however will be made to townships which are operating units of government on the same basis as they will be made to the municipalities.

Mr. WILLIAM D. FORD. I thank the distinguished chairman.

I am also informed that the reason why the two relatively newly incorporated cities in western Wayne County the city of Romulus and the city of Taylor were not included in this printout is because the figures used at the time the printout was made were based on 1967 data.

May I ask the chairman, is it correct to assume that even though the cities have subsequently been incorporated that they will be considered as they exist at the present time having been incorporated in 1970 and 1968?

Mr. MILLS of Arkansas. Since they were incorporated before the end of 1970 they will be eligible for the distribution for the fiscal year 1973 and later years. They will not be eligible for the

distribution of funds relating to the fiscal year 1972 if they were not incorporated in 1967 but the same funds will go to the area in the same manner as if they were incorporated. By that I mean that if the communities were not incorporated in 1967, distribution relating to these communities for 1972 will go to the county.

Mr. WILLIAM D. FORD. I thank the chairman.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, to follow through on the colloquy between my good friend, the gentleman from Louisiana (Mr. WAGGONNER), if I may have his attention, and my equally good friend, the gentleman from New York (Mr. CONABLE), if I may have his attention also—the question was raised about the fairness of the distribution and the comparison was between New York and Louisiana.

Under the formula, if you will look at the local share per $100 and a tax contribution per $100 of Federal income tax from the States, you will note that in the State of New York, though they get $9.49 per $100, the State of New York is paying into the Federal Treasury per $100 of Federal income tax, $11.34.

Whereas in the State of Louisiana the local share per $100—that Louisiana gets—is $1.85, whereas the tax contribution per $100 in Louisiana is $1.29.

So, even under this formula Louisiana fares better in that respect than does the State of New York.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. WAGGONNER. The gentleman from New York had said that Louisiana probably fared better under the categorical programs than does New York.

The distinguished chairman would not take the position that this program is anything but an extension of existing categorical programs which are already in existence, and are effective in government today, would he?

Mr. MILLS of Arkansas. If I may respond to the gentleman, in view of the fact that we have proscribed for local levels of government very limited purposes for which our money could be spent, I think our bill does go more in the direction of the categorical grant idea than the bill that was submitted by the administration.

If that is what the gentleman has in mind, I would be willing to agree to that.

Mr. CONABLE. Mr. Chairman, I do not want to belabor this point because frankly I do not think our purpose here is to get more money for our State or community. Our purpose here is to try to establish what we think would be a rational pattern of Government, and so far as I am concerned this bill makes a contribution in that direction.

This is not a categorical grant program, I say to my friend from Louisiana, because it uses quite a different distribution formula from the traditional categorical grant formula. The Lister Hill formula is not included in this. This, in fact, sets up a whole new set of categories which are to determine how much money goes where.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, the debate yesterday proved a number of things: First, it proved that if you had a great deal of money and you wanted to give it away, you would have a lot of recipients who would be pleased to have it, and they would lobby like the dickens to get anything passed in order to get the money. If you decide to give away money that you do not have or that you are going to borrow, if you decide to give away that much money, or as much money as you gave away yesterday, even a bunch of high spenders will not argue about how much they are going to get.

Second, I think I should point out—and I am sorry there is no member of the leadership of our party on the floor—but despite all the debate and everything else that went on, more Democrats voted against the closed rule yesterday than voted for the closed rule. I think it is high time our party began to recognize that. Certainly our leadership ought to recognize that 128 Democrats voted against that closed rule yesterday and only 110 voted for it.

There are four main reasons I am against this bill. The first is that we cannot afford it. I am talking about the Federal Government.

The second reason is that they do not need it, and I am talking about the States and local governments.

The third reason is that even if you wiped out those first two reasons, this is the most crazy and illogical distribution of money that anybody ever saw.

The fourth reason is that it is just not good government, whether it is the American Government, Chinese Government, Russian Government, or any other kind of government, to divorce spending and taxing, those two responsibilities, this far, and that is what we have done.

Let us go to the first premise: We cannot afford it. Today the national debt stands at about $28 billion more than it was last year. As I stand here in the well, the interest on the national debt is running at $719 a second, and is escalating up. It is up $43 a second just over last year. How in the world can we as sensible people who are charged with the responsibility for representing 209 million people stand here and spend money as if we were imbeciles? We cannot afford it, we do not have the money; the money is not in sight.

We are collecting taxes that we have not even levied at the rate of $10 billion a year more than we have levied in taxes. We have to pay that money back at the end of the tax year. In all justice, we ought to pay interest on the money that we have taken involuntarily from the taxpayers.

So we cannot afford it. We do not have the money. It is not in sight. It is going to have to be raised by taxes. It is going to have to be raised either by borrowing money or, as some naive Member in Chamber said, we are going to have to cut other programs.

You and I know that we cannot cut other programs. Just talk to those mayors and Governors and ask them what programs they want us to cut. I tried it one time. They are not for cutting any program. They will just want more, more, more. So we will have to get the money from some place.

Next year the time will come when those of you who survive this election are either going to have to raise the debt ceiling unconscionably high—and the interest will not be running at $719 a second as it is running now; it will be running about $900 a second—or they are going to have to raise taxes, not just a few billion, but in the neighborhood of about $40 billion. We are going to have to raise taxes, and we just cannot do that by plugging loopholes. We are going to have to raise some real hard taxes.

So we cannot afford it. We do not have the money. Nobody is as busted as the Federal Government is right now. So we just cannot afford it.

The next premise I am going to offer is that they do not need it. By "they" I mean State and local governments. I realize this gets controversial. I realize Members have been told by a great many people that they have just got to have the money. Yesterday we were told by my chairman, the gentleman from Arkansas (Mr. MILLS), how much the State and local government spending has increased in the last 10 years. They have a great many resources from which to increase the spending.

If the Members will consult the committee report, they will find two charts there, one on page 117, and the same chart except for a year later on page 93 of the report.

Members are going to see that local governments and State governments can easily increase the amount of money that they will need, if they need any at all. Members are going to see in these charts that if all the States tried as hard to finance their own operations, bearing in mind we are already paying $37 billion a year of their bills, if they tried as hard as the top 10 States, in 1969 they could have raised another $18 billion to $19 billion, and in 1970, they could have raised another $20 billion to $21 billion. I would assume that in 1973, which is what we are really talking about, they could really raise $25 or $30 billion more without really straining their resources.

I guess I am just old fashioned enough to believe that if we cannot raise enough money to support ourselves, then we had better start reexamining ourselves and do something about it. I am just old fashioned enough to believe that if a level of government cannot justify itself enough to the people it represents to raise enough money to carry out the demands of those people, then somebody ought to reexamine that level of government. Maybe New York City is just obsolete, and maybe New York State is just living too high on the hog. But something is wrong. If the Governor or if the mayor does not get out of his own people the amount of money he needs to run his own operation, then I would say some change needs to be made in that operation.

Maybe I ought to look at myself and say that we in the United States cannot raise enough money at this level of government to pay for our Government, and maybe we ought to reexamine ourselves.

But we cannot go along this head-in-the-sand attitude much longer. We are at the end of the road and just do not recognize it.

But if the Members say Old Sam does not know what he is talking about, I say, look at these arguments. I have here in my hand the State Government News. This is the house organ of State governments. It is their semiofficial publication, and I have the issue of March 1972 in my hand. Do the Members know what the lead item in this house organ of State government is? Let me read the headlines. It says:

> No major new taxes were deemed necessary in 1972 by most Governors delivering state of the State messages to the State legislatures. Only four of 39 Governors requested increases in sales or income taxes.

If the Members say Old Sam does not know what he is talking about, let us ask if 39 Governors addressed their State legislatures, and only four of the Governors said they need any new taxes, then do they really need any new taxes? These are the Governors, the chief executives, the people who run the State governments, and who are responsible for all the cities and counties and townships within their States.

The Governors said this year, in 1972, when addressing their State legislatures, that they did not need any new taxes. In fact, if Members will read this article, they will find some threaten to veto taxes if they levy any more.

The Governor of New York did not ask for any new taxes. Nobody asked for any new taxes, except the Governors of four States, and one of them was just to extend a tax that would expire.

That is how ridiculous things are. We think there is a fiscal panic in State and local government. How silly can we be?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GIBBONS. May I have 10 more minutes?

Mr. ULLMAN. Mr. Chairman, I yield the gentleman an additional 10 minutes.

Mr. GIBBONS. I am only half started.

Mr. Chairman, let us get to my next argument about whether this is a logical distribution of money. I have these charts here. I have distributed them to everybody. They are in the committee report. I wish some of the members of the committee would get up and challenge me on this.

This is the most illogical distribution of funds I have ever seen under any Federal program at any time in my life.

How in the world can anyone argue that we ought to give to the State of New York 39 percent more on a per capita basis than we give to the State of Pennsylvania, right next door to them, or 43 percent more than we give to the State of New Jersey, right next door to them?

How about it, Mr. CONABLE? Can you defend it? How can you give two States right next door to New York State, that have heavy tax burdens, that have the same kinds of people, that much difference in money?

Mr. CONABLE. I do not want to get into any invidious comparisons here. Does the gentleman know whether there has been an income tax either in New Jersey or in Pennsylvania prior to this year?

Mr. GIBBONS. Apparently they did not feel they needed one.

Mr. CONABLE. I am not sure about that.

Mr. GIBBONS. All I know is that your folks in New York always scream about how high the cost of living is, and when I look at New York there I see the reason why it is so high. It is because they live so high.

Does the gentleman know where most of the retired New York employees are?

Mr. CONABLE. They always retire and go to Florida to die, and pay death taxes there.

Mr. GIBBONS. They do not go to Florida to die. They go to Florida to live, because most of them go there at about 40 years of age.

The public employees in New York State and in New York City have run off with the government and have run off with the treasury of the State and the city.

The retired employees go to Florida at the ripe old age of about 40, and will work for anything, or just not do anything except enjoy the sun. That is the truth.

That is the reason why the cost of government is so high in New York City and in New York State.

Mr. DENT. Mr. Chairman, will the gentleman yield

Mr. GIBBONS. I yield to the gentleman from Pennsylvania.

Mr. DENT. The State of Pennsylvania does have an income tax, probably the highest personal income tax in the United States, because it is on the full earned income without any deduction. It also has the highest sales tax in the United States.

And, because we are considered a high income State, we also have the highest per capita tax in the country.

We are getting less than New York, because they have failed to take from their people the same percentage of their income that we take.

Yes, I voted for it and will probably vote for it, because my local government people, my Governor, my county government people, have been brainwashed that this is the savior. Not having time between now and November to explain it, I am going along, like the rest of you.

Mr. GIBBONS. That is a word of truth, right there.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. If it were not for the fact that the beginning of the end of the Congress occurred some time ago, I would say it was occurring right now with this revenue-sharing legislation.

I have had pressure from the mayor of Baltimore City, from the Baltimore County executive, from the president of the county council and from the president of the city council.

My opponent in the May primary ran against me on this platform of revenue sharing. In fact revenue sharing was the only plank in my opponent's platform. My opponent pounded on the platform all day, every day for about 4 months. It did not work.

Nevertheless, these high officials got together recently and passed a resolution putting Congressman LONG on the spot. Some of them have been going around saying that this probem or that problem could be solved if they could get this Federal revenue.

I am going to be very interested to see if they can solve all of these problems when they do get this money. This is an iniquitous piece of legislation, and I congratulate the gentleman for the valiant fight he is making against it. I intend to vote against it.

Mr. GIBBONS. I thank the gentleman.

I want to say in response to that, do you know what they are going to do? They will come up in 5 years and ask for more—for more—and it is going to be a whole lot more.

Mr. PATTEN. Will the gentleman yield?

Mr. GIBBONS. I will be glad to yield to the gentleman.

Mr. PATTEN. New Jersey is penalized because we have no income tax, but I want to tell you further than that that according to the NEA the taxpayers of New Jersey pay the highest per capita taxes in the United States. Of course, if you own a little home in my city, it will cost you $2,000 just for real estate taxes. Our State does not collect the money and pay for the schools.

These formulas are wrong. You can see in New Jersey you have to vote for this bill in order to win a popularity contest. However, where we get $6, in California and New York and those other big spenders they will get two or three times as much.

I am up against the same thing that the gentleman from Maryland (Mr. LONG) mentioned about all of the propaganda. I asked one of the mayors if he knew about this per capita basis, and I will finish here by saying that New Jersey will send $3 down to the Treasury of the United States for every dollar that it gets back.

Mr. GIBBONS. I thank the gentleman.

We are just on my third premise here. Let me say this. Remember, we cannot afford it. They do not need it, and this is an illogical distribution of money. I wish there was somebody here from Arkansas who could tell me how you can justify giving to the people of Arkansas on a per capita basis just about one-fourth of what you give to the people of New York in order to solve their prob lems. I cannot justify it and I do not believe anybody else can justify it. I have never heard anybody else justify it.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield to me?

Mr. GIBBONS. I will be glad to yield. I did not see the chairman here.

Mr. MILLS of Arkansas. I think I can speak for the people of Arkansas. I believe I can.

Let me call the gentleman's attention to a chart that I inserted in the RECORD yesterday on page 21708. We paid into the Federal Treasury in personal income

taxes for $100, 52 cents. We get back for $100 under this bill 87 cents. That cannot be said of all of the States of the Union where we are still maintaining the record we have for several years of getting back more under this program than we put in.

Mr. GIBBONS. Yes, sir. The people of Arkansas are poor, and if there is any reason for collecting taxes at the national level and redistributing it, it is in order to try to have some justice for everybody who lives in this great country of ours, this common market that we call these United States. That is the only reason for bringing all of this money into Washington and redistributing it. You can see by these charts here the redlines on them are the States that have the highest per capita income. You will notice that the people that have the highest per capita income get the highest amount of money under this bill. In other words, it is just like I said in the beginning. The rich get richer and the poor get poorer, and that is not America.

Now, Mr. Chairman, I had extended these charts to show you how bad this gets, as you go on and as you add this $300,000 more each year, I feel the States are going to find the rich continue to get richer and even at a faster pace and the poor continue to get poorer. There is no logical reason for this distribution of this money. We cannot afford it, and they do not need it. It is not a logical distribution.

So let us go to the last premise. Every place that revenue sharing has been tried in the world—and it has been tried in a lot of other countries, like Germany—and they do it in Great Britain now—what has resulted? Not a federal system such as we have in this country where each level of government is supposed to stand on its own feet, but you have a highly centralized system that eventually turns local officials into nothing more than just mere administrative officers.

Who in this Chamber will challenge me that that will not happen in 10 or 15 years from now, when the appropriation gets large enough, or some future Congress that is not as scared of the mayors and Governors as we are begins to put some restraints on them? You know what is going to happen. I know what is going to happen. The great federalism that has characterized our Government in this country is going to cease to exist, and we are going to become homogenized mass.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I want to compliment the gentleman from Florida on the commonsense remarks he has made here today. I want to ask the gentleman a question.

Is it not true that in the last 15 years—I believe it is—that the categorical grants have gone from about $2 billion to about $30 or $34 billion; something like that?

Mr. GIBBONS. About $39 billion.

Mr. HOLIFIELD. About $39 billion.

Is there any assurance that once having embarked upon this irresponsible course of levying taxes or levying increased deficits, whichever you are going to have—and you have to have them one way or another—that if this bill on revenue sharing passes it will not go from $5 billion a year to $30 billion a year?

Mr. GIBBONS. Well, certainly it is going to go up, but maybe some future Congress will have more guts than we have, or more sense than we have.

Mr. HOLIFIELD. If the gentleman will yield further, I would like to say—and I am not patting myself on the back—because maybe this will be the last time my back will be here—that I have had pressure from some of the mayors and the city councilmen in my district to vote for this bill.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Florida.

Mr. HOLIFIELD. If the gentleman will permit me to continue, I have told these local officials in my district that when they start levying additional taxes on their constituents that elected them, to send back here to the Federal Government, then I will start levying taxes on the same constituents for money to send back for them to spend for purposes of their own choosing.

I agree with the gentleman from Florida that the basic principle that is involved here, which in my opinion is going to rise up to haunt us in the years that lie ahead, is that we are deserting the principle of "he who pays the fiddler calls the tune."

In other words, if we are going to pay the fiddler with the moneys that we raise, why should we let others call the tune on how that money is spent.

Mr. GIBBONS. I want to say that the gentleman has good company in that, because I have here in my hand a speech given by a Member of this body to the Oklahoma Legislature of about a year ago, and I will quote you that speech.

Mr. HOLIFIELD. I would like to hear it.

Mr. GIBBONS. Mr. Chairman—

All of us here in this legislative body today are familiar enough with government to recognize the lesson of history that "he who pays the piper calls the tune."

Those are not my words, but those are the words of somebody else in this Chamber.

Mr. HOLIFIELD. Well, I come from Kentucky and Arkansas, you know, and they have fiddlers down there, they do not have pipes, except corncob pipes, and they call them corncob pipes.

Mr. GIBBONS. Anyway, I think we understand what we are talking about.

Mr. HOLIFIELD. We certainly do.

We have been talking about decentralizing government. This move centralizes the tax-levying powers of the local governments upon the tax raisers in the Federal Government. This is a backward step toward making the local governing bodies dependent upon the Federal Government for moneys for local expenditures.

Mr. GIBBONS. I agree with the gentleman.

Now, I hate to talk so long, but I may never get to talk on this subject again, because possibly, as popular as this program is said to be, then I may not be here again to talk about this subject.

We have established—we can afford this program—they do not need it—it is illogical—and it is bad Government policy anyway.

Let me tell you some of the silly things that you can do under this proposal.

First of all it starts off now there are no strings attached to it. You can spend this money any way you want to. If you just read that bill close enough, and you do not have to be a Philadelphia lawyer, you can spend that money any way you want to.

Now, it only takes 20 people in an unincorporated area to get together and they can start sending in requests up here to the Secretary of the Treasury and he will send you a check. Just send in your application and you don't really have to tell them why they need it or what it is going to go for. And you can get the money.

You can hire your community yardman out of this or your community babysitter—and call it an environmental project or a preschool education—or anything you want to.

Three or four families can get together and start paying for their own expenses out of this program. That is how loose it is. And it will happen. We have all kinds of silly illustrations. As soon as this silly thing starts to happen whatever Members of Congress control this will begin to put some strings on and in 20 years the States and the local governments will be sorry that they ever asked for this money—they will just be administering a few Federal funds.

Mr. WAGGONNER. Mr. Chairman will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. WAGGONNER. The gentleman as well as a number of others have been talking about the lobbying efforts of local elected officials and Governors. I have not heard anybody yet say that the people of this country—the taxpayers of this country had expressed any desire to have this program. And I do not believe anybody is for it except the local elected officials.

Mr. GIBBONS That is all that I have been able to discover. And I cannot blame them.

If we offer to give them money you cannot really get mad at them for saying that they want to take it. I wish they would have a little more restraints than they have but I really cannot get mad at them for not turning it down.

Mr. WAGGONNER. To show you what I think the taxpayers really feel, before we reported this bill out of committee—on Good Friday before Easter Sunday I was privileged to address one of the large service clubs in the city of Shreveport in my congressional district.

At that time I had not made a decision as to what I was going to do because we had not yet arrived at a final version of this proposal.

As best I could, for 30 minutes, I tried to discuss the pros and cons of this proposal, as we had been discussing it in committee. I talked about the financial situation facing the cities and the problems of the Federal Government and the difficulties in arriving at something equitable.

When I concluded I said to that group of men, and they were hundreds in number, that I had not yet decided what I would do about this proposal but I was curious to know what their opinions might be and that I would like for them to give me a show of hands to see how many of them, if they were the Congressman from the Fourth Congressional District of Louisiana, would vote to create or to initiate such a program as this. And I said that I did not even want to know how each of you feel and I am going to turn my back and ask someone to just count the number who favor this proposal. I turned my back and asked for a show of hands, with an individual to count. And I think that everybody will be surprised—that out of this group there on that occasion, not a single individual raised his hand as favoring this program—and included in that group was, I am told, the brother of the mayor of that city—and the media and others.

This is what the people of this country think about it. They do not want it because they know that they are going to have to pay the tab. They know that there is going to be a tax increase—an undue tax of larger proportions next year if we pass this program—and that is when you are going to hear from the people of this country.

Mr. GIBBONS. Yes, sir. And if you do not hear from them directly—you are going to hear from them through the inflation.

We cannot go on spending money that we do not have and that we do not have guts enough to raise.

We are $29 billion worse off today so far as the debt is concerned than we were last year. And we have collected taxes that are not even owed at the rate of about $10 billion a year.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. HOLIFIELD. We are $123.9 billion worse off than we were 4 years ago. The average annual deficit was $31.9 billion for the last 4 years.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from South Dakota.

Mr. DENHOLM. I should like to ask the gentleman if he knows whether or not there are any limitations on what a township, county, or city government can spend of the money received under this bill.

Mr. GIBBONS. Well, there is some language in the bill that purports to restrict local governments as to what they can spend it on, but you do not have to even understand elementary public accounting to understand that it is just eyewash, because what they can do, for instance, is this: There is no maintenance of effect requirement in here so all you do is decide, "Well, I will spend it for one of the three broad categories," and you just quit putting local money into that category and put this money into that local category, and you are all taken care of. You can take the local money and spend it some place else. It is the old shell type of game, so to begin with nobody is going to be too badly hamstrung as to what they can spend the money for.

Mr. DENHOLM. In other words, money that is designated for transportation in a rural township in an upper Midwestern State would not necessarily have to spend that money on transportation?

Mr. GIBBONS. No. You could spend the money on the police department, and take local money out of the police department and spend that money some place else, or you could spend it on roads, and then take the road money and spend it some place else. It is just that simple.

Mr. DENHOLM. In our State you are limited by taxation. You have only so much money for highways, culverts, and everything like that, so I do not really see how it is going to be that easy to transfer that money into different categories.

Mr. GIBBONS. I have always found if there is money there, you can find a way to spend it. I have never had a governmental agency say they had more money than they could spend.

Mr. DENHOLM. Is this going to reduce taxes at the local or State level, or is it going to be a substitute for taxation that we now have, or is it going to encourage the development of additional programs which will lead to an additional cost to local and State governments?

Mr. GIBBONS. I think it will help to socialize this country much more rapidly than it has been socialized in the past.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Following further the question of our colleague from South Dakota (Mr. DENHOLM) will the gentleman not tell the House that when the mayor of Milwaukee was before the committee during our open hearings that, in answer to a question I asked him about the reporting of a news item, he said that if revenue sharing came to be and he participated in it, he was going to cut taxes in Milwaukee? Did he not say that?

Mr. GIBBONS. He will just before the next election; I can assure you of that.

Mr. WAGGONNER. Does not that prove the point that he does not really need it, if he can do with what he has and cut taxes as a result of this?

Mr. GIBBONS. That is the way it usually works.

Last of all, I will say I appreciate the indulgence of Members who have stayed here and listened to my speech. I wish to thank my chairman for yielding me this much time, and my chairman and the staff for their many courtesies. Although we disagree, I have never found them disagreeable. I know that our disagreements are based upon our honest convictions.

I regret that I have to dissent in this matter as vigorously as I do. I wish that this bill had never come up, and I wish we had had the votes yesterday to defeat it. I know it is going to pass, but we have made a mistake. We are going to have to eat that mistake next year and next year and next year.

As the gentleman from Washington (Mr. MEEDS) said awhile ago, the interest on the money we are going to have to borrow will soon amount to more than all the money we are beginning to put out here, and that is going to come out of the hide of the poorest people in this country, because it is going to contribute to the inflation. We cannot control this economy merely by putting on controls. We are going to have to control this economy by self-discipline, and self-discipline begins with the spending that we do at all levels of government. Anybody who has followed government will tell you that local government spending has skyrocketed much more rapidly than has national Government spending in the last 10 years.

You know, we may be at the end of an era in this country. After World War II we were omnipotent.

We had a victorious army. We had three-fourths of all the world's gold. We were more than self-sufficient in oil and other fuels. We had a booming industrial operation, a great demand. We had the best system of free education.

All that is passed. Now one out of every five people who are gainfully employed in the United States—well, I say "gainfully employed"—is on a Government payroll, not producing wealth, but spending wealth. We are now, because of poor policy, faced with the prospect of having to import fuel from people who have sworn they are going to bury us. We are importing petroleum from the Arabs, whom we do not get along with very well. We could not pay and we could not redeem the debts we have got out in this world if we took all the gold in the U.S. Treasury and threw it out there.

If Members had been to Europe, as I have been recently—and not at the taxpayer's expense on this trip—they would find that although in France they post the exchange at 5 French francs to the dollar, if they try to go out and get it at that rate, they would find it impossible except at the U.S. Embassy, and one has to have a letter from the Ambassador to get it there and get 5 French francs to the dollar. Members would find out how worthless the money in their pockets is getting to be.

We are at the end of an era, and we cannot do anything to remedy it except by making up our minds that we are going to spend less and produce more, that we are going to work harder and loaf less.

The kind of program we have here today is going in the wrong direction, because it is going to encourage sloppiness in government. At a time when we ought to be eliminating useless levels of government and doing away with duplicating local governments, we are going to encourage the growth of numbers of them. We are not even papering over our problems and standing still. We are moving backwards. That is how serious this vote is. That is the reason why I differ so sharply from the spirit of this legislation.

Mr. BETTS. Mr. Chairman, I yield such

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time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, the bill before us today, H.R. 14370, the State and Local Fiscal Assistance Act of 1972, without doubt is a landmark piece of legislation. This is not because of the amount of money that is involved. We have passed larger bills before. It is rather because this proposal embodies a basic new approach in Federal-State relations in seeking to meet the growing needs of our citizens.

The concept of sharing Federal revenues with State and local governments, I believe, is grounded on two principal considerations. First, there is the very real financial crisis facing all levels of local government and particularly our cities.

Second, there is the fact that the Federal Government has largely preempted the most productive forms of taxation. In addition, there is the realization that while the Federal Government is very good at collecting money, it is decidedly much less effective in the spending of it—and that under the system of categorical Federal aid programs we have seen the size of the Federal Government expand enormously but we do not seem to be finding solid solutions to our problems. Clearly, a new approach is needed and one that will provide a more effective return on each tax dollar.

While I have joined in sponsoring revenue sharing proposals since 1967 and supported this bill in committee and intend to vote for it today, I nevertheless, must say that this is not without some reservations. For example, one fundamental concept that this bill departs from is the time proven view that those who spend the money should also be directly responsible for levying the taxes to provide the funds. While H.R. 14370 does contain certain provisions and language designed to encourage State and local governments to make the most effective use of the money provided by this bill, I believe that the actual performance should be carefully watched by the Congress to insure the most efficient use of these Federal dollars.

Mr. Chairman, once this legislation is enacted there are certain to be strong pressures to increase the amount of revenues shared in the future. Anticipating this I take this occasion to offer this suggestion to my colleagues. Instead of preempting so much of the tax base and collecting all the money to return to the States, why do we not surrender some of the tax sources to the States so they can help themselves. A good place for the Federal Government to start would be to repeal the Federal excise tax on the telephone in order for the States to impose such a tax of their own. This 10-percent tax, which as you know, we have already voted to phase out over the next 10 years, currently brings into the Treasury some $1.2 billion annually. It seems to me that in relinquishing this tax we could help provide the needed revenues for State and local governments and take the pressure off the certain demand to expand the aid provided by this legislation.

Mr. Chairman, reasonable men may differ over the long-reaching potential implications of H.R. 14370. On balance, after much deliberation I have concluded that we should give this new approach a real try.

I urge the passage of this legislation.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, for the sake of brevity, I would like to join in the remarks of my friend, the gentleman from Florida, insofar as his argument on the distribution of money is concerned.

I think he did a very excellent job, not only on that, but also on many other points. Beyond all question, the gentleman proved that this is an extremely unfair formula. I come from the State that is treated the most unfairly, namely the State of New Jersey.

I would like to address my remarks to something else that has been said here today, and I think it is really a joke. It has been said here by responsible people that this is going to bring the government back to the people, and it is going to promote a government close to the people. We can see by the process we used yesterday and the process we are using today, that is the last thing that can be expected through this kind of legislation.

Oh, some people say this is going to be a day in history, one to be remembered—and I agree with them, but for altogether different reasons. It is going to be a day that a great many people here will wish they never heard of as time passes, because it is going to be the day that this House passes one of the most irresponsible pieces of legislation ever before it.

Let us look at the method, the democratic process we are using here.

We each represent about a half million people. Let us be honest about it. This thing is cut and dried. The whole decision was made yesterday when we voted on a very ugly rule. And this is supposed to be the greatest democracy on the face of the earth.

If the time had been divided equally on the 1-hour rule yesterday, each of us would have had 8½ seconds for our half million constituents. That is what we would have had. If we were not in that privileged little group who serve on the Ways and Means Committee, or some of the ranking people on the Rules Committee, or somebody else, we would not have gotten a second. I did not, and neither did more than 400 other Members.

That is how close the government is going to be sent back to the people. That little rule yesterday, for all intents and purposes, is spending $31 billion, not counting the interest. That is how it was rifled through. You and I do not have an opportunity to offer any kind of an amendment.

I happen to be one fellow who does not like to criticize the idea of someone else unless he thinks he has a better idea himself.

I presented to the Ways and Means Committee a year ago an idea which no one has ever said to me has any flaws in it. Unlike this idea, my idea does not create a deficit. Unlike this particular program, my idea does give the government back to the people.

The States do not need Uncle Sam to be their tax collector. They never did and never will.

There is a slippage going back to the States, and especially New Jersey, which, for 40 years, paid in more money than any other State in the Union, as compared to what it go back.

When we were shiningly last in the Nation a few years ago, we paid $1.92 for each $1 we got back. Is that not nice?

We have been a little more fortunate in recent years. Indiana has run ahead of us. I believe they are last now. So has one other State. But New Jersey is 47th in what it gets back.

Under this program, because of the inequitable program of distribution, New Jersey undisputably is dead last all over again.

I am not persuaded by what these Governors have to say, not at all. I am not persuaded by what these mayors have to say, not at. I am here to try to do something sensible for the half million people I do represent.

We should not have Uncle Sam try to give away something he does not have. I would rather say it is because Uncle Sam has preempted the States from levying on the largest source of revenue; namely, State income taxes.

The real reason I know, because I was a State senator for 10 years. The real reason they have great difficulty in enacting that kind of tax at the State level is that Uncle Sam's tax on income is already too high in the eyes of the people, and they do not want a State legislature putting one any higher. That is why it is not there.

Because Uncle Sam has preempted, let us say, the States insofar as providing a bigger tax upon the incomes of the people, I say the best way to do this is to take away the right of the Federal Government to levy excise taxes.

Let me remark about one little thing my friend from New York, Mr. CONABLE, said. He said that this program is very cheap in what it costs to operate. I have one that is much cheaper. Repeal the Federal right to tax alcoholic beverages and tobacco products. The States all have the same kinds of taxes. They would not have to spend one dime more to collect them.

What did New Jersey taxpayers pay this year? It paid $310 million in alcoholic beverage and tobacco taxes and it comes down here to Washington. My program says let the New Jersey taxpayers' money stay in New Jersey. If you do this, then, instead of New Jersey getting $179.7 million under this monstrosity, under my program New Jersey gets $310 million.

Let me give you a few figures. I am amazed at some of my friends and how they voted yesterday when they had the chance to beat the bad rule. I noticed, for example, most of my friends from the State of New York voted for this proposal.

The State of New York, under my idea of keeping New Yorkers' taxes in New York, on just those two excise taxes would get $67 million more.

My friends from Illinois. They were fast to vote yes on this thing yesterday, too. Let me give you a couple of figures on what the difference would have been in Illinois. Forty-four States receive more money under my proposal than under the present proposal. The present bill gives Illinois $301 million. If Illinois kept the taxes paid by the citizens of Illinois, on just those two things Illinois would receive $440 million.

California had every reason in the world to oppose this bill. Under my particular bill, they would have received $205 million more if California's liquor taxes and tobacco taxes stayed in California.

Those two taxes, my friends, raise approximately $6 billion or almost $1 billion more than this monstrosity gives away. All of the money goes to the States under my idea with no strings attached. That is returning government back to the people.

This is precisely the way I testified before the Committee on Ways and Means. And do you know something? Every member of the committee as I testified kept nodding his head as though,"Boy, that guy has got something." And that is about as far as the idea got from then until now.

I wanted to have the right to offer this proposal as a substitute to this monstrosity, but I do not have the right to do that, and neither does anybody else now.

I heard some responsible people saying here. "You know, maybe we ought to make this thing contingent upon an increase in the income tax to pay for it." Well, that is the way I think, too, and I am willing to do that, but you cannot amend this and make it contingent upon an income tax increase because of the democratic process that we have in this House that you voted upon yesterday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BETTS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. SANDMAN. Last year I went over to a great meeting we had down the street when the brains of the Nation were here, the 50 Governors.

I heard the Governor of New York say—and I say this letting you know that I am a warm friend of his and I have a great regard for his ability—not his judgment all the time but his ability—he said at that meeting "$5 billion is not nearly enough, we have to have $10 billion." After I listened to him I thought, "You know, maybe he has got something, because New York is a bottomless pit. How can you ever get enough money to satisfy New York?"

I said, "You can do something outstanding here tonight. Why do you not get up and say that all 50 Governors are going to support an act of Congress that is going to make available $10 billion for the States and cities, and that you, the 50 Governors, will support an increase in the Federal income tax immediately to pay the bill?"

You know, he did not do it. These fellows are great at taking what they can get, but they are not so great at taking the responsibility for raising the money.

I listened yesterday, as you did, to one of the greatest speeches I have ever heard in my life from my friend, the gentleman from Wisconsin, the ranking member of the Committee on Ways and Means. But what he said was an argument that fell on deaf ears. Three quorum calls were made by responsible people to get the Members to listen to one of the greatest arguments ever presented, at least, in my tenure here, and only a handful of people heard that great address. That is another part of the democratic process that we have here today.

Now, we have an 8-hour rule. We can argue our heads off if we want, but it is an argument after the fact. Everything has been established by the vote yesterday. It passed by 35 votes.

The thing that horrifies me the most is that some of the people in this Chamber I respect the most confessed to me, and said, "This is a vote I shall never be proud of." It was a vote that was made in a spirit of hysteria, hysteria created by the chief executives of the States, and the mayors of the big cities.

We can go through any number of things here that have already been discussed, and I do not want to duplicate those, but I do want to direct my attention to a remark that was made yesterday, the bucket of tears job that is supposed to get everybody's vote, and it affects the largest city in the State I come from, the city of Newark, N.J., where it costs $2,000 in real estate taxes day, the bucket-of-tears job that is supposed to be a reason to support this legislation. The mayor of Newark, who is trying to do as good a job as he can. Mr. Gibson, came to see me one day, and I spent a lot of time with him. He came to see the whole delegation, not just to see me. And I told him that this was the worst kind of distribution that the State of New Jersey can ever get, and for this reason I intended to vote against it. I said, "I want you to understand why. I want to help the mayors of the big cities. I want to help the Governors of the 50 States. That is my purpose."

Do you know what Mayor Gibson said to me? And if you forget everything else I have to say on this floor today I hope you will remember this.

He said, "I am so hard hit that I have to take money from wherever I get it—no matter how bad the program is."

Now, you know when he said that it reminded me of one of the first cases I ever tried as a young lawyer a long time ago. I was waiting for my case to come up and the judge was sentencing a fellow in a criminal case, because he was a loan shark. I will never forget the way the judge talked to him. He said to this man, "You are the most dangerous kind of man on the face of the earth. You ruin good people. You drive good business people into unsound transactions because when a man needs money—he does not think about where it comes from and least of all does he care how it is going to be paid back."

But you are creating a vehicle that is going to lead this country down the primrose path to disaster. This measure must be defeated.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972. In my judgment, this bill is one of the most important pieces of legislation to be considered by the House in this session.

There is no need for me to detail the immediate and pressing financial need of our State and local governments. Nor need I describe the many vital programs that have not been completed because adequate funds are not available to these governments. The important fact is that H.R. 14370 will provide $5.3 billion to State and local governments in 1973 to meet these pronounced needs. Somewhat larger sums are provided in each of the 4 succeeding years, increasing to a level of $6.5 billion in 1976.

I wish, however, to detail the contribution of the Committee on Ways and Means in the development of this vital legislation. In this respect, I would summarize the differences in the assistance provided in this legislation and other proposals for sharing Federal funds with States and localities.

First, the bill provides for a distribution of a specific dollar amount, rather than a given percentage of Federal revenues.

Second, the assistance provided under this bill is limited to a 5-year period. At the conclusion of that period, the operation of the fiscal assistance program can be reviewed by the Congress to determine whether the program is adequately meeting its objectives. Equally important, the 5-year program allows State and local governments an opportunity to develop their own programs in accordance with sound planning practice.

Third, the bill establishes broad guidelines on how the funds will be spent. It does so by limiting the purposes for which the funds may be expended to recognized national high-priority objectives. At the same time, these guidelines are broad enough to allow local governments sufficient flexibility to avoid the problems inherent in existing categorical grant programs.

Fourth, the funds made available to the State governments are designed to encourage these governments to expand their own revenue sources and thus, to help themselves.

Fifth, the distribution formula has been considerably improved insofar as it has incorporated the element of need as a most significant factor in distributing funds to urban concentrations.

Mr. Chairman, this measure represents a landmark in Federal-State-local fiscal relationships. It is a good bill, a sensible bill that will enable our cities, including many of our great metropolitan areas, including the city of Boston, to weather their present severe financial crises. It will provide them with the means to get back on their feet and enable them to meet the tremendous demands and pressures that are today being placed on urban governments. I urge Members of the House to approve it overwhelmingly.

If any Member has any doubt whatever about the financial plight of the large cities of this country, then let him read the record of the extensive public hearings the Committee on Ways and Means held on this vitally important

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matter. Mayor after mayor, including Mayor Kevin White of Boston, told of city taxing authority stretched to the limit but seemingly limitless demands on these limited resources. It is a picture of municipal costs zooming to record heights at the same time that the tax base is shrinking.

This bill, while not the complete answer by any means to the problems facing our urban areas and our State governments, is an important recognition at the Federal level of the problems they face and the unfavorable trend of developments these past few years. It is a temporary 5-year program that will provide the cities a chance to catch their breath and regroup and reassess their resources for the future. I can foresee some hard decisions to be made at the local level during this period. In many instances, local government is in dire need of organizational overhaul and reform. Many of our local units of government are archaic and have completely outgrown existing structures and forms. Boundaries, in many cases, have become more a matter of law and ancient history than bearing any relevance to the real population patterns and living units around them. Urban areas must be reexamined as the living organisms that they are and corporate entities restructured to reflect the living organism rather than the other way around. Then, too, what is done with these funds and whether they will, in fact, alleviate the fantastic pressure on local property taxpayers is ultimately up to those with authority at the local level. Ultimately, whether the moneys provided in this bill are simply a drop in the bucket, a sop to urban problems or simply encouragement for further uncontrolled expenditures depends upon the quality of government at the local level. Neither Congress nor local governments will have finished their jobs, really come to grips with the problem of dwindling tax bases and ever-increasing demand for services upon local government in passing this bill. In short, much remains to be done on both the national and local level. If I thought for one minute that either Congress, the Federal agencies, or local governments with the passage of this bill were going to walk away from the problem and turn their backs on it, then I would be inclined to reconsider my whole position. This bill is at best a breather, a period of grace for men of good will at all levels of government to address themselves once and for all to what it takes to be a city in America in the mid-20th century.

This measure, by granting them $3.5 billion per year for 5 years, will provide them with a toehold to halt their descent and turn themselves around. That cost, my friends, $3.5 billion per year, must be compared to the dire consequences that will surely follow if we do not act favorably on it. In my judgment, it would be a bargain if it led to the salvation of one of this country's greatest and most essential assets, its cities and towns.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I thank the gentleman from Oregon for granting unto me the time to be heard on this vital issue before us today.

Mr. Chairman, may I ask of you or any of the members of the distinguished committee the same questions that I have previously asked the gentleman from Florida (Mr. GIBBONS).

What limitations, if any, are imposed upon the governing bodies of political subdivisions in the expenditure of funds granted to the local governments under the provisions of the proposed legislation?

Mr. MILLS of Arkansas. If the gentleman will turn to page 3 of the bill—and we are talking at that point of payments to local governments—on page 3, section 102, we do say that the moneys are made available for maintenance and operating expenses for public safety, for environmental protection—and we give examples of what mean in each instance—and public transportation, which includes transit systems and streets; and then for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation. which is the construction of streets and transit systems.

Now, those are limited areas.

It is true that the moneys that the local governments have, that they may have devoted to this program, could be spent for something else—but these dollars cannot be spent for any other purpose.

Mr. DENHOLM. Now, I am certainly not informed on State statutes in all States—but in some States the amount of revenue a political subdivision can generate is limited by the statutory mill levy rates multiplied times the assessed valuation of personal and real properties with specific or "earmarked" purposes such as education, parks, roads, recreation, and so forth.

Now, can you please explain how the proposed legislation will assist the governing body of a township in an upper Midwestern State and how the political subdivision of government can use the funds granted by this proposal?

Mr. MILLS of Arkansas. I do not know about the gentleman's State. I know that in my own State we do raise moneys for county roads in that way and we raise money for educational purposes within the school districts in that way.

None of this money can be used for educational purposes.

But if it goes to the county and the county wants to use the money for the construction of roads or in the maintenance of roads or on the salaries of road workers, that is permitted under those priorities very clearly.

In my State moneys that are voted for that purpose must also be spent for that purpose and they could not be diverted to any other purpose.

Mr. DENHOLM. I thank the gentleman.

May I say to my colleagues that in my judgment we ought to understand that a government cannot keep the people—no matter how bad that government might be in the administration of public affairs. The government cannot keep the people—the people must keep the government. That is true at any level of government. It is true of township government, a county government or a municipal government. There is no town board or city commission that is wise enough or rich enough to keep all the people of the political subdivision of government. And so it is in this Government, the National Government—and somebody said today that this is a rational national program—I believe it is to the contrary, that it is irrational and unnatural—and that is wrong for our country.

The idea of nationalization of government is not new—it is not unique and this is the exercise of national powers over the political subdivision of government. Much older governments have done that and failed. The power to tax is well established and the benefactors of local governments shall henceforth be subject to the discretion of funding by the politics of the Congress and the future acts of this Congress shall become subject to the external political powers of the officials of governments that are not elected Representatives of this House of the people.

It seems to me that if we adopt this proposed program that we are then and thereafter representing governments while we profess to be the Representatives of the people. We have often heard this body referred to as the "House of the People" but today we forsake that solemn obligation as a body politic more concerned about representing political subdivisions of government. The first issue is whether we will adopt the principle of a so-called revenue-sharing program. If we adopt the program, then we logically go to the argument of how to distribute funds under that program. It seems to me that if we agree that a government cannot keep the people and conversely the people must keep the government—then the city of New York or elsewhere that cannot govern the governed should not be compensated for crime, corruption, drugs, inefficiency and failure by the rest of the taxpayers of America.

The formula of payments as provided in this proposed legislation will compensate the poorest of governments at the expense of the best governments.

The challenge before us as we write the last chapters of history in this 20th century is whether we shall pursue policies of more government control or policies of greater control of government. The proposed plan of revenue sharing is an abdication of responsible control of government and it is a welfare handout to those governments that have miserably failed to administer in the interest of the governed.

I submit that these are times for less government in business and a demanding need for more business in government. The proposed revenue-sharing plan has no business in government but it conversely dissipates all logical and sound business principles of this "House of the people" in the administration of the affairs of those whom we represent—we pride ourselves in representing the "people" but today the mood of this politic body is to act in the interest of governments that we do not control, represent or have one vote on the governing bodies thereof.

I object to the legislation before us on the grounds that the theory of revenue sharing is wrong in principle. If the Federal Government does not need the funds it was wrong to tax the people and expend public funds to collect the tax.

I object to the legislation on the grounds of fact—there is no revenue to share. Deficits in the national budget are unequaled in the history of America. More than one-fourth of the total national debt has been created in the last 3 years.

I object to more Government control through taxation—and more taxation is a must if funding of local governments by the Federal Government is to be a reality. I object to the revenue-sharing proposal on the grounds that it is a welfare plan to compensate and perpetuate the worst management of the local political subdivision of government at the expense of the best policies of administration of local governments in the conduct of public affairs in the interest of the governed.

But beyond all the failures and faults that I have mentioned—I oppose the revenue-sharing proposal because it will encourage all the trends of the past that have caused the imbalance of economic and population growth centers of this country. It will encourage more people to gravitate where there are now too many people. It compensates mediocrity of public management and penalizes perfection in planning.

It places more money where the most money is and it is inequitable, unfair, and unworkable. It does nothing to achieve an economic national balance and social stability essential in America today. It is wrong in principle—it is wrong in fact and it is wrong for our country. It should be defeated.

Mr. MILLS of Arkansas. Mr. Chairman, I think we are still a little ahead on time. I should like to yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I have listened to the comments of the last few speakers—that because our local officials are at a point of desperation—they may act desperately and use the funds provided in this bill for purposes other than outlined in H.R. 14370. As I understand it, this money must go to high priority objectives and only high priority, including public safety, meaning police and firemen, environmental improvement including sanitary protection and public transportation.

Now I am advised that this money will be distributed from the Treasury under the formulas provided in the bill. I asked for this time to inquire of the distinguished Chairman of the Ways and Means Committee, what kind of auditing will be done? Will the Treasury Department conduct the audits, or exactly what kinds of audits will be conducted?

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. The Treasury will conduct the audits to see to it that the moneys under this program are spent in accordance with the dictates of this statute. Of course, the States can also make audits.

Mr. RANDALL. Is it optional or required that the State make an audit?

Mr. MILLS of Arkansas. I understand that State audits with respect to public funds of the State are mandatory, but in this instance, since Federal money would be involved, State audits would be voluntary as far as this statute is concerned. The idea is that if the Treasury Department is satisfied that the State audits are handled on a satisfactory basis, it can accept the State audits in lieu of making its own separate audits. But bear in mind, following all of this is the GAO which, because these are Federal funds, can make post-audit checks on any of these distributions. The GAO is available to see to it that the money is actually spent in accordance with the law.

Mr. RANDALL. That is the point I am attempting to determine. I want to be sure that the GAO has not been preempted in any way by this legislation and if any Member on either side of the aisle from any district in America has knowledge that in his own district the high priority objectives are not being respected and the guidelines are not being followed then a Member of Congress not only has the privilege but the obligation and responsibility to ask the GAO for an audit.

Mr. MILLS of Arkansas. Absolutely.

Mr. RANDALL. Thank you, Mr. Chairman, for these assurances. If I may add, it is my understanding that there is a provision in this measure which would serve as punishment against the transgressors who depart from the guidelines and use these funds carelessly and contrary to the high priority objectives outlined in the bill. I was glad to note that there is a provision that if either the States or localities in their desperation, use the funds for purposes other than outlined in the bill, they will be penalized in the allocation for the ensuing year.

In other words, Mr. Chairman, it is reassuring that this is not a "no-strings-attached" revenue-sharing bill, but is in fact one that is subject to audit both by the Treasury and by the General Accounting Office. And finally, there are some punitive provisions that teach the errant localities who violate the provisions of the bill that they cannot do it and get away with it, meaning there will be a day of reckoning in the ensuing year.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in support of the legislation before us.

Shortly after I first came to Congress in 1963. a Republican colleague told me about the new concept of sharing Federal revenue with States and local government on a virtually no-strings basis. "That's the way to restore power to local government," he said. I saw it differently. I had just served 8 years in the Utah State Senate where I had become intimately acquainted with the appropriation process. I felt sure that whoever distributed the funds would ultimately have to bear the responsibility for the way those funds were spent, if not at first, then certainly later when citizens objected to the inevitable waste which would occur somewhere in the 50 States and thousands of local government units. "State and local government will think at first they are getting free money," I replied. "But later on, Congress will have to respond to charges of waste, and impose strings, so that eventually, State and less, dependent upon the Federal dole, and the result will be that local independence will be lost and those State and local governments which were seeking more freedom and independence, will find themselves mere field offices of Washington."

Today, 9 years later, I am voting in favor of revenue sharing, although I still harbor those suspicions. Here is the reason why, I now favor general revenue sharing.

Categorical assistance from Washington to the States and local governments has grown enormously and now amounts to around $37 billion per year. The categorical assistance, actually run out of Washington and the regional offices, with local retail and supervisory help, will continue to grow and with that growth will come the ever increasing number of officials streaming out of Washington and the regional offices to examine local operations and give orders. The employees needed at the State government level to administer these categorical aid programs will continue to multiply, until they will equal or surpass in importance the employees needed to run purely State government programs. So today in 1972, there does not seem to me to be any way out of the strangulation of categorical aid, than general sharing of revenue, which for the present will at least give us an alternative to the existing method and if it works, it may replace and supersede many of the categorical programs. We can fervently hope and pray this will be the case.

I had another objection to the idea back in 1963 which seemed to me at that time to be overriding, and still seemed to be overriding until very recently. This was the objection.

My experience in State government had included the job as chairman of a committee on local government finance. Salt Lake City, for one, was more than a million dollars in debt and the condition was steadily worsening. After many hearings and study meetings which lasted for most of 2 years, we concluded that a local option sales tax, unpalatable as it might be, was the way to go. I was the author of that bill in 1959 and local government found a way out of its financial misery at that time. Therefore, I carried with me to Washington the conviction that the financing of State and local government was a responsibility to be accepted locally. But facts seldom remain in concrete and facts have changed. Costs of government at the local and State level have risen, beyond the rate of increase in revenue particularly at the local level where policemen, firemen, and other service employees refuse to work at a pittance any more and demand a living wage. In addition, changes in

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our society have required more of these service personnel per capita than formerly.

The States cannot go deeply into the income tax business, because this is a tax which the Federal Government has pretty well preempted. The States are left with excise and nuisance taxes, property taxes and place increasing dependence upon the regressive sales tax. Consequently, in my State of Utah, State government has refused to allow the local governments any larger share of the sales tax. Local government, meanwhile, must place more and more dependence on the property tax. Some of the weekly newspapers in Utah this week have reported that the citizens are near rebellion in many areas due to the growing burden of new property tax valuations and assessments. So there is in reality no place to turn, but to the Federal Government where most of the tax money goes in the first place.

I agree with so many of my colleagues, that the lobby by the Governors, mayors, and county commissioners presents the Congress with a future nightmare. But I have also come around to believing that local government will actually be made strong by this help, and with this new strength can come great new pride and a sense of new responsibility and that grassroots democracy, thus encouraged, will give a new foundation of strength to the Nation. Whether or not this comes true depends upon the integrity of local elected officials. We must have the faith that local elected officials will pass that test.

No one in this House has given this issue longer evaluation than I, and I believe my particular experience gives a background for judgment. My vote will displease many of my constituents, particularly those who yield easily to the demagoguery of political opponents. But on balance I believe we have chosen the sound alternative to suffocation at the hands of categorical programs, and further that the weaknesses and frustrations caused by the Federal employees who direct these categorical programs may be transformed into strength and responsibility when exercised by independent local elected officials. I am not at all sure this will happen, but we owe it to the people to give it a chance.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, yesterday I voted against the previous question. I was hopeful that the majority of this House would do likewise to enable those of us, who favored revenue sharing but under a different distribution formula, the opportunity to introduce amendments which would have provided a more equitable distribution of funds.

Under the provisions of this bill, Ohio, which ranks in the upper one-third in wealth based upon per capita income, would rank 43d among States in the amount of revenue received. New York, under this bill, receives $17.23 per capita whereas Ohio receives a mere $4.58 per person. This distribution is only one of the inequities that I refer to.

I have also been concerned with the fact that under the formula contained in this bill. Hamilton County in Ohio and the unincorporated areas there would receive much less than I had proposed. Many of our citizens who live in the unincorporated areas, whether in my county or another, contribute greatly to the tax effort of their State or other political subdivision. They have problems that have to be met, but they are offered little help under this proposal.

For 15 years, I favored a revenue-sharing proposal which would be a truly "no strings attached" bill. However, this legislation contains strings, or prohibitions. For example, there is no relief for school districts that are in need.

The opportunity for change is much better today than it will be at any other time if this bill passes, and yet we were denied the opportunity to propose recommendations that would improve the bill.

I have long advocated a revenue-sharing program, but I cannot support legislation, such as this, which compounds inequities.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, at the outset, I should like to pay my respects to the gentleman from Florida (Mr. GIBBONS) and the gentleman from New Jersey (Mr. SANDMAN) for their eloquent, interesting, and excellent remarks on this bill. They are difficult gentlemen to follow, but they had something which was well worth saying, and which deserves to be heard.

Mr. Chairman, during the debate on the rule yesterday, my friend, the gentleman from Virginia (Mr. POFF), said that revenue sharing, as provided in this bill, is "conceptually a part of the conservative conscience."

I could not disagree more emphatically than I do with my good friend, the distinguished gentleman from Virginia. Indeed, it seems to me that the present bill goes far toward the continued erosion and the progressive dismantlement of our Federal system of Government.

There are many things which might be said about this bill. I agree with its proponents that it is, truly, a landmark or a watershed measure.

I will say in passing, however, that I would be more inspired toward discussion than I am, if there were more opportunity than there now, in fact, is, to effectuate some change. Speaking for the record is considerably less enjoyable, as well as less useful, than speaking as an advocate to a jury which, hopefully at least, has not already made up its mind. Under the procedure peculiar to this place—and the word "peculiar" seems to me an apt one—the decision precedes the debate, and we now enjoy the formality of 8 hours of time in a situation which, as things stand, could be resolved equally well—and with an identical result—in about 8 minutes.

I would like to say at this point that I would like to associate myself emphatically with the very strong and eloquent remarks of my good friend, the gentleman from New Jersey (Mr. SANDMAN) about the rule under which this bill is being considered.

The distinguished gentleman from Wisconsin (Mr. BYRNES) has said everything I would wish to say, and has said it better than I can say it.

On a landmark measure such as this, however, some record may be useful, and I shall therefore attempt to state briefly my objections to this bill:

First. It adds a new and additional obligation of almost $30 billion to a Federal deficit which has already been estimated at in excess of $100 billion for the 3 fiscal years 1971, 1972, and 1973. We are not sharing revenue—at least, unless, and until we are out and raise it by new and additional Federal taxes—we are borrowing money and then sharing out the funds which we borrow. Under present circumstances I cannot regard this as responsible.

Second. We fundamentally change the Federal system and the traditional and constitutional relationship of governmental units thereunder, when we embark on a program of making State and local governments dependent upon Federal appropriations for what will come to amount to regular line items in their ordinary operating budgets. This does not make local government strong, it makes it, rather, a dependent satellite of Federal wealth and power. I fear that it can hardly continue long without the attachment of added strings by the power which holds the purse.

Third. It destroys public accountability, and again weakens the responsibility of local government, when the raising of revenue is separated from the spending. Congress will raise the taxes; one of the fundamental duties of a Congressman will be to scramble hard for the local share, and city councils, freed of the responsibility of raising revenue, will enjoy the spending of the money. This is a fundamentally unsound and unhealthy situation.

Fourth. The proposal that the Federal Government may take over the collection and administration of State income taxes from the several States, whatever its practical advantages, certainly serves to underline the subordinate position assigned to State governments, when they are encouraged, as this bill does, not only to levy high income taxes in order to qualify for Federal funds, but also to turn over the one most signal attribute of sovereign power, the collection of the revenues of the State, to another government upon a higher level.

Fifth. The bill provides nothing for education, the prime cause of high property taxes which cry out for relief in almost all the States, and its formulas and thrust are such as to encourage expensive local government and to favor large urban areas.

Sixth. Little is said about it, but a better approach to our problems would be for the Federal Government never to take so much of the available revenue and, rather than "sharing" it, to leave it, in the first instance, to the people and to the local governments. Both Mr. BYRNES of Wisconsin and Mr. BURLESON of Texas have advanced tax sharing proposals, under which a Federal income tax credit could be granted to taxpayers for payment of State income and other taxes, thus leaving additional sources of revenue open to the several States and to the local governments.

Finally, constitutional as well as philosophical questions are posed when the Congress of the United States uses its taxing power and then turns the revenue raised over to the several States on a blank grant to spend as the States see fit.

I do not believe, Mr. Chairman, that this bill will solve the problems of the cities. Under this bill we merely try again, as we have in the past, to drive these problems away, without giving basic thought to their cause, but simply by throwing a little more money at them, and hoping for the best.

This bill will, however, do something to work a fundamental change in our governmental system, under which local governments will tend to become mere financial dependencies of a national welfare State.

I cannot believe that this is "conceptually a part of the conservative conscience," or is even good Republican or good Democratic doctrine.

I am afraid that it is rather, a financial, political, and social nightmare, which will haunt us all in days to come.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CABELL).

Mr. CABELL. Mr. Chairman, I thank the gentleman for granting me this time.

I should like to expand just briefly on the point the distinguished gentleman from Louisiana (Mr. WAGGONNER) made, which is that this is not a bill that has the support of the general public.

Let me state why, if I may, from my own experience.

From the day that this bill was passed out of committee I have given press releases and press conferences, and have made mailings to my constituents, opposing this bill and telling them why. No response was requested. But this is the type of response I have had: I have had dozens of letters from individual taxpayers, business people, and housewives complimenting me on this position and saying, "For goodness' sake, kill it."

The two metropolitan dailies in my area both have given two editorials in support of this opposition and the position I have taken.

Now, gentlemen, in the final analysis, this Congress is being stampeded by a bunch of municipal officers who are seeking their own reelection at the expense of the Congress and the taxpayers of America in order to get them home free and to be able to secure their reelection without having to spend any of their money that they have been wasting for so long.

Mr. Chairman, I beg of you, this is unquestionably the most dangerous, the most precedent-setting piece of legislation that has ever come before this body. If we adopt it, there is not a one of us here who will not live to regret the day that we had any part in foisting this monstrosity on the American taxpayer.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be glad to yield to the gentleman.

Mr. CORMAN. I just want to say so many Members have pointed out they have heard from their mayors. I have not heard from mine yet. Perhaps when he gets back in town maybe I will.

Mr. CABELL. Let me say I had occasion be with the entire City Council of Dallas. Three of its members told me privately, "You are right. I hope that bill does not pass, but I am committed." So they walked up and buckled down to the pressure and signed a resolution asking us to pass the bill.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be delighted to yield to my colleague from Texas.

Mr. PICKLE. I want to commend the gentleman for his very forthright statement on this subject. The gentleman is very well experienced in his own right, having been a mayor of the great city of Dallas. All of us in our State are grateful for the data you made public and the responses that have been given. While we all want to see our cities helped, we have a very difficult time trying to justify this particular program. The gentleman rendered a real service to all of us.

Mr. CABELL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the distinguished gentleman from Mississippi.

Mr. COLMER. I thank the distinguished gentleman from Texas for yielding to me merely to make the observation that some Members may not be familiar with; namely, the fact that the gentleman in the well is a former mayor of a great metropolitan center, the city of Dallas. He is now very active in municipal affairs in the city of Washington, and since most of the heat that has come for this bill has come from the mayors, I know of no one better qualified to speak on the matter than the able gentleman from Texas. He makes a great contribution to legislative matters in this House.

Mr. CABELL. I thank the gentleman for his kind words and for his contribution.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, it was about a year ago that Republican Members of the House were summoned to a conference in the Ways and Means Committee room and there the attempt was made by a spokesman for the administration to brainwash them into supporting this legislative monstrosity, known as revenue sharing.

The question was asked of the lobbyist for the White House if funds provided by the bill properly belonged to the people in the States. Of course, the lobbyist for the White House readily agreed that was right.

It was my privilege and pleasure to have the opportunity then to ask the lobbyist from the White House: "If that is true, why is the money taken from the States in the first place?"

The spokesman responded by saying: "That is a good question for which I have no answer. Next question, please."

And that question still has not been answered by any spokesman in behalf of this bill during this debate.

Yesterday the gentleman from Wisconsin (Mr. BYRNES) made a tremendous speech in opposition to this bill. During the course of his remarks he quoted the opposing position of the gentleman from Arkansas (Mr. MILLS) only a year ago.

There may be a few Members here this afternoon who were not present yesterday afternoon. I believe they should hear the position taken only a year ago by the gentleman from Arkansas (Mr. MILLS), chairman of the Ways and Means Committee.

For instance, the gentleman from Wisconsin (Mr. BYRNES) cited the June 1971 Mills speech to the Greater New Haven Chamber of Commerce on revenue sharing in which the gentleman from Arkansas said:

> I know of no proposal which would strengthen the hands of those who favor more centralization of power in Washington than this simple proposal to share Federal revenue with the States and through them with the local governments. I have described it many times as a Trojan horse. It is, indeed, just that.

The gentleman from Wisconsin (Mr. BYRNES) quoted from his speech on the House floor on January 26, 1971.

On that occasion the gentleman from Arkansas (Mr. MILLS) said:

> In my view we already have too little restraint on spending programs at the present time. If the revenue sharing machinery is to be cranked up, I fear we will lose much of what restraint we now have. I am not at all sure that this was not really the intent of some of the originators of the idea of revenue sharing.

Addressing the Oklahoma Legislature in June a year ago—just 1 year ago—the gentleman from Arkansas said:

> Frankly, however, I have never been one who is attracted to the idea that if you throw money at a problem it will go away. I believe that this attitude is shared by most every Member of this body.

The gentleman from Arkansas (Mr. MILLS) also unburdened himself to the Oklahoma Legislature only a year ago with this:

> How anyone can suggest general revenue sharing, with a straight face, in full view of Federal deficits of that magnitude and the chronic string of deficits over the past 40 years is beyond me.

I think I can understand now where the coach of the Arkansas Razorbacks football team got his tips on how to run double and triple reverse plays back of the line.

Mr. Chairman, the most insidious thing about this bill is that it sings the siren song that promises everyone something for nothing. And what appalls me is that some people around here still seem to believe this is possible.

There should be emblazoned on page 1 of this bill in large type the statement that every last dime of the billions of

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dollars provided for payments to the States and municipalities is going to be gouged out of the hides of the already staggering American taxpayers.

I noted in a publication recently that the Better Government Association of Chicago, a privately financed organization which looks to the affairs of that city of Chicago, asserted that 20 percent of the city's funds are wasted. And you who support this bill would make the taxpayers of the State of Iowa and other States pick up the bills for waste, extravagance, and worse in the municipal government of Chicago?

The city of New York is $5 to $6 billion in debt due to bad management—a debt that it will never liquidate unless by repudiation. It is the worst debt-ridden city in the world and it will be, as the gentleman from Florida pointed out a few minutes ago, riding in the first seat on the gravy train.

What is especially disturbing to me is that nowhere in this bill do I find reference to what should be startlingly obvious to every Member of the House—the fact that the Federal Government is the last government—this Government is the last government on the face of the earth that ought to be sharing revenue on this basis with any one or anything. This Federal Government of the United States is more deeply in debt than all the governments of all of the nations in the world put together.

It is ludicrous on the face of it that the Federal Government—verging on bankruptcy as it is today—should be the prime mover in what amounts to a nationwide governmental welfare program. Instead of putting people on the dole, this bill would put State governments on the dole.

It is one thing when an individual citizen, through no fault of his own, must resort to public welfare to make ends meet. It is a totally different proposition when the script calls for whole governmental units to abandon any pretense of self-sufficiency for complete and utter dependency on the bureaucracy in Washington.

Mr. Chairman, this bill is insidiously dangerous in yet another way. It will promote bigger and bigger government, and the bigger government becomes the more expensive it becomes. This bill is manna from heaven for the bureaucratic empire builders both here in Washington and in the States, but especially here in Washington.

These Washington-based bureaucrats, I submit, already have too much power over the lives and fortunes of their fellow countrymen. This bill will give them more at a time when the bureaucratic tail is already wagging the dog.

What the people of the United States need right now more than anything is less government and especially less Federal Government. The last thing they need or want is yet another visit from the Federal tax collector.

I repeat, the money provided for in this legislation is to be taken away from the people and then ostensibly given back to them. I say: Let the people keep it in the first place.

There is an old saying that goes something like this: Nothing is easier than the expenditure of public money. It does not appear to belong to anyone. It is easy to bestow it on someone.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would it not be more appropriate to call this legislation not "revenue sharing" but "deficit sharing"?

Mr. GROSS. Yes, that is exactly what it should be. That is all we have to share with the States and municipalities—billions of deficit and debt—that is all.

Mr. ULLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi (Mr. COLMER).

The CHAIRMAN. The gentleman from Mississippi, the chairman of the Rules Committee (Mr. COLMER), is recognized for 10 minutes.

Mr. COLMER. Mr. Chairman and Members of the Committee of the Whole, I hesitated to take the time of the House today to discuss this matter that has been debated so much already. I doubt if anything new could be added, but sometimes repetition is worthwhile if for no other reason than for the sake of emphasis.

Again, I do not know why I should attempt to influence anyone here. Certainly I could not influence the empty seats that face me. However, I was told that there was ample time left, and so at the risk of seeming repetitious, I wish to make a few remarks on what I regard as the most important legislative proposal to come before the Congress this session.

I might add before doing so that there is evidence of some futility in such an endeavor, since the real vote—the important vote—was taken on yesterday. That pretty well decided the issue.

I speak as one who has from the well of this House on so many occasions pointed out and hoisted the storm warnings about where we were going in our fiscal policies, and that eventually the day would come when there would have to be some kind of a settlement, recognition, and a facing of the issue.

Here we are talking about sharing the revenue. Sharing what revenue? The latest figure I could get on the public debt as of June 16 was $427,419,595,270.74. Is that some of the revenue we are going to share? You and I know that the money shared will have to be borrowed.

Mark you these words well. Before this authorization for $5 billion a year expires, 5 years from now you will be asked by the same lobbyists, or their successors, to raise this to $25 billion a year. Remember that, will you, those of you who will be here 5 years from now.

Who will challenge the statement or the suggestion that I make that within 10 years, if the republic lasts that long, at the rate we are going, you will be asked for $50 billion a year for this purpose? Is that unrealistic? Not in the light of previous history.

We have never started a program here in this Congress yet that did not grow like Topsy herself, so we are going to be confronted with requests for ever-increasing amounts.

I could look at this bill with a little better palate—if I may use that kind of mixed metaphor—if I had any reason to believe that this $5 billion we are going to authorize a year would replace any of the $37 billion that we are now granting to the cities and municipalities. Nobody is even suggesting that is going to happen, because we know it is not going to happen. This is going to be added to what they are already spending, and the appetite will be insatiable once this program is started.

I do not want to charge anyone with insincerity. As a matter of fact, the one thing that disturbs me most about appearing in the well of this House in opposition to this bill or in the Committee on Rules is the fact that it is sponsored by two men for whom I have a very high regard and a personal affection, the President of the United States and the chairman of the Committee on Ways and Means. I entertain the highest regard and respect for both of them.

Incidentally, I do not think I have heard from my Governor, and yet I am supposed to come from one of the poorer States. I have heard from some of the mayors, including the city manager of my home town. I have told them what I am trying to tell the Members here, that we do not have any revenue to share.

Let me just point to another thing that bothers me probably more than anything else, and that is the great, the sharp, the marked departure that we are making here from our form of government as originally set up. I see the chairman of the Appropriations Committee (Mr. MAHON) who honors us with his presence. This bill is going to bypass the great Committee on Appropriations. We are appropriating money in this authorizing bill, as he and others have pointed out here. That is a radical departure. Maybe we ought to do away with the Appropriations Committee and just permit the authorizing committee, the Committee on Ways and Means and other committees, to authorize and appropriate. Maybe it might save some time and it might save some money, but we would not have the check that we get from the appropriations process that we have here with the Appropriations Committee.

But even greater than that, the greater evil to me is the assault upon our federal system. If Members think all roads lead to Washington now from the 50 States, wait until this bill is passed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. COLMER. I thank the gentleman from Oregon for yielding me this additional 5 minutes, the use of which I admit is futile, but at least I can discharge what obligation I may have as one of the more humble Members of this body.

I was trying to say that if the Members think all roads lead to Washington now, under the Great Society and its successors, they should wait until we get involved in this process, and then we will have to build newer and broader highways and get more planes to bring the people in here, the officials from the various subdivisions of government seeking more funds.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to my able and distinguished friend who did such a magnificent job in attacking this legislation.

Mr. MAHON. I thank the gentleman from Mississippi, the chairman of the Committee on Rules, for yielding, and I want to thank the gentleman for the favorable references which have been made to me as chairman of the Committee on Appropriations.

The gentleman from Mississippi is speaking of the fact that the Committee on Appropriations is being bypassed and deprived of its power and authority and responsibility as set forth in the rules of the House for the last 52 years. The Members could not deprive the Committee on Appropriations of this power in connection with the pending bill except by the rule adopted by the House yesterday, because otherwise it would be a violation of the rules.

The point which the gentleman did not make, which I believe should be made, is this: After all, the House can, if it chooses, do without the Committee on Appropriations, but not only are we depriving the Appropriations Committee of passing on these appropriations, but also we are depriving each Member of the House of his rights to offer amendments. There are authorizing committees of the House which bring in authorization legislation dealing with many areas of activity corresponding to areas covered by the pending bill. Yet those authorizing committees have no voice in this matter. They too have been bypassed in this case.

So, the Appropriations Committee has been bypassed; the authorizing committees have been bypassed; all Members of the House have been bypassed by this unique, strong-arm approach to this problem.

As the gentleman says, this legislation will broaden the roads leading to Washington.

We will have launched a program that has no end to it, and it will increase and accelerate by multiplied billions of dollars in the years to come.

I believe the gentleman has done a great service in pointing out these facts.

Mr. COLMER. I thank the gentleman for amplifying on my statement relative to the Appropriations Committee. I do not believe the appropriations process or the committee should be abolished. Someone might have gotten that impression.

I repeat again, it has served as a check upon the authorization committees.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. The gentleman made reference to the fact that this money is an addition to all the other billions of dollars the Federal Government is spending and sending back to the States and municipalities for many programs, and that there is not going to be any reduction in that spending, therefore, this is an additional amount we are going to spend.

The thing which worries me, when it comes time to raise this money to replace the money in our National Treasury, is, from where is it coming? How will that money be raised?

Will that money be raised on the same basis that it is distributed to the States, or will it be raised by taxes on a per capita basis equal to everybody in the United States?

Mr. COLMER. I get the gentleman's point, and I appreciate it, but with all due deference to him, it gives me the opportunity to say on this business of this formula—although my State would not be one of the greatest beneficiaries of it—the thing that bothers me more than the formula is the principle involved that I have been trying to talk about here.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. COLMER. I will be happy to yield to my colleague from Mississippi, but I hope he will be brief, because I fear I am imposing upon the patience of the Members.

Mr. MONTGOMERY. I thank the gentleman for yielding to me. I might say probably I could have gotten some time myself, but I will be brief.

I would like to associate myself with the remarks of the dean of my delegation. He is certainly right.

I would like to point out, as he said, there is no revenue to share. Besides this we are now getting ready to appropriate $5 billion. And I might say the formula on dividing is certainly not fair. Under the formula the State of New York receives $17.23 per person, my State gets $4.54 per person. There is a possibility this amount could be raised to $10 billion by next year and as the gentleman in the well has pointed out, it will continue to go up and up. I certainly know our cities need help but we should get our own house in fiscal order before launching on a new program such as this.

I thank the gentleman for yielding.

Mr. COLMER. I appreciate my colleague's contribution. He always is interested in any endeavor to save the taxpayers from additional burdens.

Let me in the final few minutes go back to this national debt, which disturbs me ever so much. How are you going to pay it back? You know and I know it is not going to be paid back.

The time is coming when this debt is going to be repudiated. In fact, we are in the process now of repudiation through inflation. I am awfully disturbed about that. We are $450 billion, roughly, in the red. The interest—get this, if you will, please—the interest on that debt alone is almost five times what it took to finance and run the whole Federal Government when I came to this Congress.

I feel a sense of responsibility for my part in that, although I tried to hold it down.

When are you going to pay it back? Think about that. Suppose you get rid of these deficit years. Suppose that we had a balanced budget. Suppose we went beyond that and attempted to retire it and set up a program and followed it of retiring the national debt at the rate of half a billion dollars a year. That would be great progress if we could do that, but how long would it take you to do it? I am not a mathematician, so I like to deal in simple figures. It would take you 850 years not counting the interest—850 years to retire the existing national debt.

Mr. Chairman, in conclusion I would like to advance what to some might seem to be heresy as an alternative to this proposal. I would suggest, in view of the financial morass that we find ourselves in, that instead of borrowing money to share revenue that we do not have with the States and subdivisions of government, that we and they tighten our collective belts; that we balance the budget, retire at least a token amount of the national debt, all of which contributes to ruinous inflation. Yes, even practice a little frugality and austerity if necessary. Surely we cannot pursue this luxury of deficit spending indefinitely without losing our precious heritage, a government of free people.

Mr. BETTS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I must admit I did not think that I would be standing in the well at this time to open up a discussion on Gov. Nelson Rockefeller, but I am going to spent a minute because I have heard so many attacks on the Governor, as though he were handling the legislation on the floor of the House here.

I also heard some discussion questioning his courage on raising taxes in the State of New York to answer their needs.

In the first place, I might point out that the Governor in his four terms has shown the courage time and time again, and the need has been very evident in the State of New York, to have to raise the taxes. He has been willing to face this, he has done it, and the voters of New York have returned him again and again to office.

The fact that he has taken a leadership position on revenue sharing I think is commendable. I think if our Governors and our mayors were involved, and let us know their feelings on all issues, as they have done on this one, we as a Congress would be more responsive to the needs of the people, and not less responsive.

This brings me to the next point. I have been hearing the mayors and the Governors referred to, where we say that it is the mayors and the Governors whom we are giving this money to. We are giving this money to the people of the United States. We are giving this money back to communities who are in desperate need of basic services they cannot get or continue with at this time. We are giving it back to the people, certainly in my own State, people who are taxed to the very limit, and in some cases cities that have taxed to their constitutional limit that cannot provide and continue providing the basic services.

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This is not some gift that we are giving to some nameless mayors and Governors so that they can fatten their own pocketbooks. This money is going directly back to the people. Officials are going to be handling it who are responsible to the people on a very direct level.

Undoubtedly I am one of the newest Members of this Congress, I am also most recently a mayor. Having served as a mayor for 8 years, I can tell you you are responsible very directly for every dollar to the people. If they do not like what you are doing with their money they let your hear about it by picking up the phone.

This is money for the people of our country, and they are entitled to it, and they should have gotten it a year ago rather than getting it right now.

Someone said they never hear anybody being willing to cut anything out of our budget. Well, I am willing to cut something out of our budget.

This House voted last year to cut the farm subsidies to cut the price that we were paying farmers not to grow crops, and the House voted for it, and passed it.

Then it went into conference. When the bill came out of conference what the House had cut out was put back in again.

Well, I am willing to cut that type of farm subsidy again. We can cut billions of dollars out of that agriculture money. Let us do it. I think we are going to have the opportunity again. This time when we do it let us make it stick.

This will help to offset some of the deficit problems that we are now facing.

I also heard the gentleman from California speaking of the money that Beverly Hills was going to get, and how they do not need the money and that it would be just extra icing on the cake. Well, then, why doesn't Beverly Hills just give this money back? They do not have to ask for it.

Finally, I would like to say this. I think the Congress has shown good sense in the enactment of this bill. The vote they took yesterday I think was reflective of the feeling of the House and of the feeling of the majority of this country. It is time for a change in the method of handling some of the Federal funds. I do not think there is anything sacred in the way we have been handling them over the past years. I think we have continually in this Congress been innovative and we have found different ways of doing things. We have faced different issues as they come up and I see no reason why this Congress should not continue to face new problems and use new methods.

Mr. Chairman, I trust that we will pass this legislation.

Mr. BETTS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, the pattern here is much too familiar. I recall an incident a couple of years ago when several of us went to the White House on legislation that was about to be sent up here called welfare reform. And in discussing the legislation as proposed by the administration they said that this legislation would answer a need—that it would substitute and remove ADC and that it would replace food stamps. And we were assured that it would not be another layer.

Well, the legislation that came up here and came out of committee was considerably different from what the White House was talking about. Rather than replacing those programs it just became another layer. And that is my great fear about this proposed legislation, which is not the same revenue sharing bill that the White House originally sponsored—but it is a creature of the Committee on Ways and Means.

We are talking about $5.3 billion that would replace categorical grants. I will predict to you today here that that will not happen.

This money will be granted this year, and categorical grants will continue. The Governors and Mayors will be in here for twice as much the following year. Categorical grants will continue and it will go on and on and on.

How in the world can we share revenues we do not have? Are they willing to share the deficit? Everyone knows we're broke and will have to borrow the money and pay interest, then we give it away.

It seems to me the approach of the gentleman from New Jersey (Mr. SANDMAN) makes a great deal more sense, where we in the Congress, the Federal Government, would vacate various areas of taxation such as the alcohol tax, the cigarette tax and other taxes, and vacate them back to the States and let them invade this tax field and let them levy them and use the money as they see fit and keep the bureaucrats in Washington out of the picture.

I would also, on this occasion, like to commend the gentleman from Wisconsin (Mr. BYRNES) who, I think, yesterday made one of the most lucid and sound arguments in opposition to this legislation.

Finally, my State of Ohio really gets shortchanged in the distribution of funds, while New York, the big-money State, leads all others as the beneficiary of the funds.

It will not do much good in, say, 5 years to deplore the fact that billions more are demanded on the revenue-sharing principle, while the categorical grants go on and on.

Mr. Chairman, this whole matter should go back to the Ways and Means Committee, be reconsidered, and a good plan voted out next year—totally removed from the election-year atmosphere.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, and my distinguished colleagues, I rise to support this legislation although I do so with mixed emotions since I think this legislation is too reflective of political expediency than political wisdom.

Having developed a plan and a program to accomplish that which conceptually this bill hopes to accomplish without perpetuating the deficiencies and defects which are inherent in the program contemplated by this bill, I cannot in good conscience give it my enthusiastic support.

Many of the deficiencies and objections which have been voiced on this floor to date in the debate on this legislation were anticipated and recognized by me many months ago at the time "revenue sharing" first gained popular consideration, especially under the aegis of the President's initiatives.

The confrontation which occurred in connection with the adoption of the rule under which this legislation is being considered by this Committee of the Whole, especially with respect to the argument about avoidance of the appropriations' process, underlines the concern I long ago expressed.

This concern was voiced by me in as many ways as possible, including communications with those who were developing the President's revenue sharing proposals and the Ways and Means Committee. Since my testimony before the Ways and Means Committee in June of last year covers my concerns about revenue sharing as it is proposed in the legislation before us and explains the program which I originated and which I think is a better alternative as succinctly as possible, it is well worth repeating part of that testimony here.

At that time, I said:

I appear before you this morning less an advocate of a particular "solution" to the fiscal crisis confronting many city and state governments and more a sort of amicus curiae, to offer to the present dialogue regarding revenue sharing, "general revenue sharing" as the President has termed it, a proposal for *revenue exchange*, a proposal which, after considerable effort, I and my staff initially developed four years ago to meet the very problems which now threaten to overwhelm some of our great city and state governments. Our goal was a proposal practicable in implementation and sound in theory and philosophy.

OBJECTIVES

I thought then, as I know the distinguished members of this Committee do now, that there should be a better way in which the Federal Government could share its revenue producing largess with the states and local communities other than through the categorical, administratively constricted ways in which such sharing has been effected.

I sought a way to provide state and local communities with financial assistance without having such assistance retain the earmarking of Washington. I wanted this assistance to be provided in such a way as to inextricably lock the obligation to tax with the privilege of spending at each level of government.

I wanted a means of committing such funds at the local level to states and communities, avoiding the costly administrative roundtrip to Washington and back, with the inevitable Federal trademark being applied in the process.

I sought a means of assuring that such assistance to state and local communities would be on a permanent, continuing and regular basis as could be accomplished, certainly on a more sure basis than annual appropriations where Federal needs might cause Washington to renege on its promises and result in budgetary chaos for local government.

And most importantly, I sought a plan under which the Federal system would be strengthened and government truly decentralized, through decentralized of focus on government.

This latter goal is probably the one most significantly violated, in my estimation, by the President's proposed "general revenue sharing."

Lest there be no mistake; the President's "general revenue sharing" proposal is better than none, even better than most which have been proffered. I have co-sponsored its introduction in the House of Representatives. But I think that there is a better way.

To summarize, the "better way", in my opinion, must:

1. Make the obligation to raise revenue a precondition to the privilege of spending that revenue. Only in this way can we make certain that the focus of responsibility stays at the level of government at which the funds are spent as well as derived . . . real decentralization.

2. The uncertainty of the generosity of the donor and the conditions and costs the donor extracts must be minimized to the extent possible; that is, the administrative cost of the unnecessary handling of the funds and the discretion to, or not to, distribute such funds both in terms of time and amount should be eliminated insofar as possible.

I suggest these aims are accomplished if we *view 'revenue sharing' as a sharing of the revenue raising authority rather than the revenues themselves*. The particular proposal I set forth now I call *revenue exchange*.

REVENUE EXCHANGE

I propose, as I did back in 1967 with little or no fanfare:

1. The granting to the Federal Income Taxpayer of a credit (not deduction) against his Federal Income Tax liability of a percentage of that tax liability in an amount which will provide the amount of revenue the Federal Government proposes to "share;" provided, however, no such taxpayer would be eligible to receive such credit until and unless his state had enacted legislation imposing a new or additional tax upon such taxpayer under which the taxpayer would be obligated to pay in state and local taxes that sum which he otherwise would be obligated to pay the Federal Government were the credit not applicable.

2. Obviously, states would need to have some "lead" time for enactment of their legislation and some basic standards for that legislation would be required. It would be my suggestion that we would expect the States to adopt an income taxing measure, or increase their existing income tax, since the pick-up by the States should be on the subject of taxation and by the method consistent with the credit. In turn, the acceptable state taxing program would have to include whatever pass through provisions to local communities of such revenue as were thought desirable and as presently publicized revenue sharing programs provide.

3. The amount of credit against Federal Income Tax liability would be dependent upon the amount of revenue the Federal Government wished to share since the amount picked up by the States under this proposal would be tied to the amount of credit authorized.

4. To equalize the benefits of the plan between the so-called "richer" or "poorer" states and those states making a greater or lesser effort, an "equalization Board" would be established which would set the states' credit percentage (and, necessarily, therefore the additional revenue available to the states without increasing that state's taxpayer liability). In setting such percentage, the equalization board would take into account the same, or additional factors, as are presently used in the President's plan for equitably distributing Federal revenue among the States.

5. Any state which desired not to take the affirmative taxation action required under the proposal would merely deprive its taxpayers of the credit against Federal tax liability and Washington would continue to receive its full tax entitlement and would continue to determine the categories and amounts of funds returned to that state.

Except for a few innovations and a new application, this is not a terribly original plan. It occurred to me while I was practicing law back in Michigan at a time when politics and interest in legislative affairs were only an avocation. It is a take-off on the long-standing Federal tax statute which permits a credit against Federal Estate Tax liability for a percentage of descent and distribution taxes imposed by a state. And, let me assure you, no one considers the portion of state taxes paid under that plan which, absent the credit, would be paid to the Federal government, as anything but state monies. Consequently, herein lies the beauty of the plan, no one considers these to be Federally "shared" funds and responsibility for their usage is psychologically and actually a local matter. In that case and under my proposal, these revenues are local revenues from the very moment of their collection.

The objection usually voiced to this proposal:

"It forces a state to adopt an income tax and many states don't have one and some are even prohibited from adopting such a tax by the state's constitution."

Let me respond. First, an incentive to adopt such a tax is inherent in my proposal but, as above indicated, there is no mandate. Secondly, studies will show, I believe, that the states with the least equitable and balanced tax structures are those which do not have an income tax and it would be hoped that the incentive of the Federal tax credit would be sufficient to cause electors in a state to not only approve a statute or constitutional amendment, if such be necessary, but would prompt such electors to urge the taking of such action.

Although the proposal I put together in 1967 specifically set percentages, time for implementation, guidelines for state legislation, and even established the composition of the Equalization Board, I do not intend to so particularize my proposal this year. The amount to be shared with the states, et al., (therefore, the percentage of credit to be granted under my plan) the factors to be considered in providing an equitable distribution of the funds (again, the variance in percentage of credit among the states under my plan), and other parallel considerations have already been too much discussed for me to interject my own particulars. Rather, I urge consideration of the concept of my proposal and would leave to others more expert in the mechanics and statistics of revenue sharing the prerogatives of details and implementation.

CONCLUSION

In conclusion, I want our plan of revenue sharing to really effect a decentralization of government . . . a decentralization of elector focus on government. I think we have a much better chance of accomplishing this goal if we make sure that the additional funds made available at the local level are clearly local revenues from their inception. Failure to do this will result in even greater centralization and turning to Washington.

I don't want my constituents looking to me and the Federal Government (no doubt prompted to do so by state legislators and local officials) for a solution to even more localized program needs than presently exist. But, I fear such would be the result if the blame could be shifted to Washington for its failure to adequately "share" its revenue.

A promising start has been made. Let us prove our mettle by viewing the challenge of revenue sharing as an opportunity to effectively manifest our ingenuity.

That was my testimony in substance before the Ways and Means Committee. I maintain it outlines a program more valid than the one upon which we will be voting today. I hope it may sometime be given the serious consideration it deserves.

But, today we do not have the opportunity to choose between one of several plans and I am satisfied defeat of the bill before us means defeat of any form of revenue sharing for both now and the foreseeable future.

We must start now to reverse the trend which has developed over the years and which sees the Federal Government as the source of all wisdom in determining and meeting local needs and which finds the solution of such problems in the legislating of narrow categorical grant programs.

Imperfect though it may be, this legislation deserves the support of all Members of the House.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this historic legislation which will be a vitally needed shot in the arm for my own city of New York and the State of New York.

Mr. Chairman, before us today is a historic legislative measure which, if enacted, will breathe new life into our cities and rural areas. Every major urban area, North, South, East, and West is experiencing a financial crisis of unprecedented magnitude which, unless we act now, will spell death for these cities. I am not overstating my case when I say that cities—the backbone of America, where 70 percent of American population live and work—are barely able to provide the needed services for their deserving population. Large metropolitan cities are gradually being strangled financially, because the cost of services needed to make them functional far exceeds their capacity to raise revenue. The problems of many rural areas too, are just as severe. All across the country small local communities are experiencing the same difficulties because they do not have the necessary tax base to support local law enforcement, fire and emergency services, and pollution control measures. New York City is typical.

Once again, we are in the midst of a severe budget battle which, if not resolved, will irreparably damage the city's future. Unfortunately, New York's problems are no different from those of Topeka, Los Angeles, Chicago, Houston, Phoenix, New Orleans, for that matter, any other metropolis.

The situation is critical and it is for this reason, Mr. Chairman, that I rise in enthusiastic support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

The State and Local Fiscal Assistance Act of 1972 would provide aid for all local governments and for the States as well. Aid to local governments would total $3.5 billion. The State governments, during the first full year after this bill is enacted, would receive $1.8 billion. The combined total represents

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$5.3 billion of Federal assistance for State and local governments to use for vitally needed programs.

A complicated but equitable formula has been devised to allocate the available funds among the local governments. Too often, small local governments are neglected at the expense of the larger areas but this formula, as set out in H.R. 14370, is based on various factors which would reflect the need for aid. First the $3.5 billion is allocated to State areas for distribution to local governments on the basis of population, urban population, and population weighted by the relative per capita income. Each of these three factors is given equal weight in the formula.

Local governments in the State of New York would receive an estimated $332.2 million during the first year of operation. This amount would be distributed among local governments in New York by allocating amounts to county areas. For the first year and one half the distribution of this revenue would be based on the same factors as those used to determine the State area shares.

Based on its relative adjusted taxes, each county government would receive a share of those funds distributed under each of the three above-mentioned criteria—its share of taxes, excluding those attributed to the expenses for education, raised within the county. The remainder of the funds allocated to the county would be divided among local governments based on relative population and on relative population weighted by relative per capita income.

This distribution formula works differently for New York City where the governmental structure is somewhat unique in that the city is composed of five counties. According to the distribution of funds shown in the supplemental report on H.R. 14370, New York City would receive an estimated $158.9 million of urgently needed funds.

After the first year and a half, the formula may be modified by the State where local conditions make variation desirable. The overall changes that may be made are detailed in the bill and must be applied uniformly throughout the State.

Funds received under this part of the act must be used by local governments for those high-priority expenditures detailed in the bill. These include the backbone of what goes into building a strong and progressive system of government:

First. Maintenance and operating expenses for public safety, environmental protection, and public transportation.

Second. Capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

Mr. Chairman, title I, subtitle A means new life to local communities. It means that local communities can begin their service-improvement programs. They can hire more men, purchase and revitalize fire equipment, erect more fire stations and in general provide sorely needed fire fighting protection.

Also, local communities will be better prepared to fight the ever increasing rise in crime. Title I funds can be used to recruit and train more personnel to serve in local law enforcement programs. For the first time, localities will have the necessary revenue to build an efficient police force which will serve in their own communities.

But this is only the beginning. Roads and public transportation facilities will receive the necessary attention so small and large communities can benefit from direct control and planning over the systems that take them to and from work as well as to these favorite recreational facilities.

Often we hear that the cost of cleaning our environment is too high for local or State communities to act with any degree of effectiveness. Under H.R. 14730, however, funds for capital expenditures for sewage collection and treatment and refuse disposal systems will be provided. Now localities will be able to better plan and control their environment to the point where significant progress can be made in making our communities a better place to live.

Also, States would receive unrestricted incentive payments under this vital legislation. The amounts for each State are determined on the basis of tax collection, with $900 million allocated according to individual income tax collections and the other $900 million distributed according to general tax efforts.

New York State would receive $317.4 million during the first year that distributions are made under the "State and Local Fiscal Assistance Act of 1972."

These funds, allocated to the State are invaluable if we expect our States to provide education, effective health programs, and other vital services for its citizens.

In New York for example, funds would be available which would boost the State narcotics program which rehabilitates and treats drug addicts. Funds would also be available for the State to rebuild and reform mental health programs and hospitals such as Willowbrook in New York City.

For many years, States have been feeling the growing pains of having more students than can be accommodated. States now, would be able to expand and develop new programs in education which would add immeasurability to the need for more and better educated people.

If we examine the impact of H.R. 14730 on large urban areas such as New York City, we see a possible solution to much of the cities financial ills. New Yorkers find financial independence impossible. The demands for quality education, sanitation services, roads and more public safety personal make this a fact to be considered. A recent study indicates that the New York City government has experienced a tripling of expenditures over the past decade, while New York residents' personal income from private activities rose only 56.4 percent.

In March of this year, Mayor Lindsay proposed a 1972–73 executive budget expenditure of $9,988,400,000 with revenues from current sources falling far short of that total. The budget assumed the approval of city taxes, as well as increases in State and Federal revenue sharing. Changes in the expenditure proposals have been made by the board of estimate and the planned expenditure total has been reduced, but the revenue gap has not been closed. The city still needs additional revenue to balance its budget. The State and Local Fiscal Assistance Act of 1972 as proposed today can do much to help close this budget gap. I, therefore, enthusiastically support this landmark legislation.

New York's fiscal crunch does not result from an unwillingness to tax. Quite the contrary, Mr. Chairman. The city has an income tax of its own, a high sales tax, high property taxes and a host of nonproperty taxes. The plain fact is that expenditure needs are simply outdistancing revenue.

The State-local tax burden in New York is the highest in the Nation. In fiscal year 1970. Americans paid an average of $25 in taxes to State and local governments. For New Yorkers, however, per capita State and local taxes amounted to $652 in the same year. Also, in 1969, New York once again led all other States in the amount of taxes on a per capita basis: $576. Clearly, New Yorkers are taxing themselves more than others, while the budget for necessary services continues to grow. The national average increase in per capita State and local taxes was $47 from 1969 to 1970, while the New York figure showed an increase of $76.

I know that the fiscal problems which I have been outlining in the case of New York can be used to describe conditions in many other cities and towns across the Nation. The problems are the same; only the figures change. This is why we need to act favorably on this proposed legislation.

Mr. Chairman, we are now at the crossroads where we must decide if we are going to make the effort to revitalize our cities and counties. Clearly, we cannot do it ourselves. We need the assistance of a revenue-sharing program which will return to local and State governments a much needed portion of their tax dollars.

The road we choose must be one which will provide a flexible and substantial way to carry on with the business of helping America grow. This can only be done by assuring the fact that local, county and State governments grow too.

The distinguished and very able Governor of New York, Nelson Rockefeller, who for many years had led the fight on behalf of local and State governments, has called this bill must legislation. For years now, he has been at the forefront of the battle to breathe life into our failing cities. He has been the man, who when the concept of revenue sharing was unpopular because of the lack of understanding on the part of the public and government officials, exercised great leadership and carried this idea to the point where we can see it taking shape. Without his dedication, great skill and experience New York State as well as many other States would experience social and financial bankruptcies.

I join with him and the many Members of the House in lending my strong support for this measure. This issue is of vital concern to States and to local governments and I urge quick and favorable action on H.R. 14370.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, a long time ago I used to be a history teacher, and I have always felt that we need to examine some of the problems of the present in light of some of the history of similar situations that have occurred in the past.

So far as I know, there have been only two instances when a Federal Government under a type of government such as ours has set out to deliberately distribute funds from the Federal Treasury back to the units of that Republic.

Once was back in the latter part of the 19th century, after President Benjamin Harrision had in his inaugural address recited that one of the problems be expected to confront was the huge surplus that had grown in the Federal Treasury. So subsequently a one-time distribution was made to the States in order to get rid of the problem that was created by the surplus in our Federal Treasury.

The second time that we know of under a form of government similar to ours was back in the days of the German Republic, when while they certainly had no problem of a surplus, they did decide to and began to underwrite the expenses of the States of the German Republic.

As we can anticipate, if history means anything in the case of this instant legislation, what happened there was that the appetites of the States grew and grew. They made their commitments and they developed their budgets on the basis of expanding amounts that they were to get automatically from the Federal Republic.

When an international commission headed by an American made a report after that Republic had gone down the drain, it attributed the financial collapse of the German Republic to this ever-expanding amount of money that was being distributed annually by the Federal Government to the States of the German Republic.

This is history, and I think we are entitled to review a little bit of the history of how this kind of legislation comes before us today, for I suspect that when Walter Heller developed this so-called revenue-sharing concept it was on the basis that he foresaw a similar problem to what President Harrison had envisioned, namely, that with the progressive nature of the income tax our Federal Government was going to find itself with more money than it knew what to do with. He prophesied that the revenues of the Government would expand much more rapidly than would the demands upon the Federal Treasury. That was the basis of the concept.

Well, unfortunately, we had a Republican task force back in 1966 that believed Walter Heller when he said we were going to have more money than we would know what to do with around here. So we had the birth of revenue sharing as a concept under a Republican aegis. That concept carried over into the 1968 Republican platform.

However, I suggest to you that there is no Republican in this House today who needs to feel committed to this piece of legislation based upon anything that appears in that 1968 platform.

I was there when the debate was had and when deliberately the words relating to revenue sharing for the local units of government, after full debate, were stricken from that platform. The only thing you see in that platform refers to revenue sharing to the States.

Now, that is not the concept of the legislation we have here. This is a violation of the federal system that bypasses the States primarily and puts Uncle Sam in a position of dealing with every local unit of government in this country.

I suggest that it does violate the principles of the Federal republic and it violates all of the rules of fiscal restraint.

If history teaches us any lessons—and I suggest it does—I am going to have nothing but sympathy for those of you who plan to be here 5 years from now when this allegedly temporary program expires. I am going to have nothing but sympathy for the demands that are going to be placed on each and every Member of this House, where he is going to have the choice of yielding completely to the erosion of this Republic and fiscal responsibility, or forfeit his seat in the House of Representatives.

In that kind of a choice I do not see how fiscal responsibility is going to win.

I feel most strongly, Mr. Chairman, that the passage of this bill will be a sad day for this great Republic, a sad day for the American taxpayer, and a sad day for this House of Representatives as a legislative body.

Mr. DRINAN. Mr. Chairman, I have been a supporter of the revenue sharing concept for years. That our cities and towns need relief is a proposition beyond argument.

I support the revenue sharing bill before us today because it provides such relief. The Ways and Means Committee and many of our colleagues have labored long and diligently on behalf of this bill.

Yesterday I voted against considering this bill under a closed rule because I am opposed to closed rules under virtually all circumstances. I have repeatedly opposed this procedure in the context of the welfare bill, the 1971 Revenue Act, and otherwise.

The closed rule completely prevents the 435 elected Representatives of the people from working their will in open and democratic debate. It makes all amendments impossible. I do not believe the Founding Fathers contemplated such an arrangement—indeed, I believe the closed rule is completely inconsistent with the intent of the Constitution, providing as it did for equal representation for all of the people—not merely the 17 Representatives of the people who voted for this bill in committee.

I believe this bill could have been improved. I feel that States like Massachusetts and districts including my own would have received more equitable funding under this bill if the regular rules of debate and amendment were in force today.

However, I shall vote for this bill today because the cities and towns in my district must have the relief it provides.

Mr. Chairman, I insert in the RECORD at this point a letter I recently sent to my government colleagues at the local level in my district setting forth my thoughts on, and support for, this revenue sharing bill.

JUNE 16, 1972.

SPECIAL REPORT ON REVENUE SHARING

DEAR COLLEAGUE IN GOVERNMENT: I expect the House of Representatives to begin debate on the key revenue sharing bill on or about Wednesday, June 21. I look forward with keen anticipation to the forthcoming discussion of revenue sharing on the floor of the Congress. I do hope that it will not be necessary to postpone any longer a decision on this vital and urgent matter by the members of the House of Representatives.

As I indicated to you previously, and, as I recently wrote to my colleague Wilbur Mills, I continue to strongly support revenue sharing and will do everything possible to insure that the revenue sharing measure of the Ways and Means Committee, which is an important initial step in our efforts to aid hard pressed property owners, is enacted by the House.

Prior to and during my years as a Member of the House of Representatives I have advocated revenue sharing. While some persons may differ as to the best form that this new source of revenue may take, the cities and towns of our Congressional District, like those all across the country, are in desperate need of new and substantial sources of revenue on which they can rely over a period of time.

According to information provided to me by Congressman Mills, Massachusetts will receive $179 million under this bill. Of that amount $74.6 million will be allocated for state purposes and $104.4 million will be granted to local governments.

Funds distributed to local governments are to be used for (1) maintenance and operating expenses for public safety (including police and fire protection, building inspection), environmental protection (including sewage disposal, sanitation, pollution abatement), and public transportation (including transit systems and streets), and (2) capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation (including transit systems and street construction). However, eligible capital expenditures cannot include regular, recurring capital expenditures.

The U. S. Treasury Department has very kindly prepared for my office a special analysis of the funds which every city and town in the 4th District will receive under this bill. The official Treasury figures received today follow:

Ayer	139,192
Bolton	*
Brookline	840,195
Fitchburg	953,185
Framingham	911,388
Gardner	424,956
Harvard	143,321
Lancaster	65,761
Lincoln	94,162
Lunenburg	76,442
Leominster	692,416
Maynard	151,614
Newton	1,563,773

* Figure not computed for this population at this time.

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Shirley	81,067
Stow	58,310
Sudbury	184,526
Waltham	1,281,450
Wayland	173,734
Westminster	43,539
Weston	122,147

The present proposal is not without its flaws. Two shortcomings of particular interest to local officials in Massachusetts are:

1. Although local governments would receive two-thirds of the funds in the first year of the five years program, their share would decrease each subsequent year until it reached 55 percent in the fifth year. The state share would be increased each year. As a result some argue the cities would be shortchanged.

2. In the Mills Bill, as originally introduced, the state share, although without restrictions as to use, was totally conditioned on a state's income tax effort. The committee bill modifies this allocation formula so that income tax effort would have only half the weight as in the original bill. As a result, states with no income taxes would receive funds for the entire five years. In the original bill, a non-income tax state could receive a minimum payment for only two years.

Despite these drawbacks I still believe this measure provides a legislative foundation upon which we can work cooperatively during future sessions of Congress to strengthen and significantly improve the current relationship between our local communities and the Federal government.

Revenue sharing is essential to maintain a viable local governmental system, to restore to cities and towns the ability to establish service priorities responsive to citizen needs, and to redress the imbalance in our present intergovernmental fiscal relationship.

You can be assured of my best efforts in behalf of this measure which is of such importance to your community.

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

Mr. DULSKI. Mr. Chairman, I support the pending revenue-sharing bill, H.R. 14370. I voted for the closed rule and I shall vote for final passage.

I believe that it is an important step toward providing needed financial assistance for our States and local communities.

However, I believe it is most important that we all guard against interpreting this bill as a cure-all or a panacea for all municipal financial ailments around the country. But, it is going to be an important help at this crucial time—help that can come only from the Federal Government.

I was gratified that the House agreed to forbid amendments to the bill as it came from the Ways and Means Committee. I fully recognize the objections raised to the so-called closed rule. But on complicated legislation such as revenue bills, floor amendments easily could undo all the expertise of the committee draftsmen familiar with this difficult subject. Amendments could nullify the gains we hope to make.

There is dispute about the formula for local assistance, and I would venture to say no formula will suit everyone. However, my careful analysis indicates that the formula recommended by the House committee and approved by the House is both reasonable and practical—certainly it warrants a fair test.

In the case of Erie County, the projected allocation is $21,253,167, including $9.7 million to the county government itself and the balance to the individual communities in the county.

The city of Buffalo's share would be $6.8 million.

The method of assistance under revenue sharing is direct and simple. It boils down to this: Local governments now responsible for providing public services would receive directly from the U.S. Treasury an allocation which is spelled out in advance.

This allocation would be based upon a carefully designed formula relating to the number of people serviced, their needs, and their present own revenue efforts.

This new approach to Federal assistance is—by design—not only an expression of confidence in democratically elected local and State officials, but also is a new expression of belief in our federal system.

Mr. ANDERSON of Illinois. Mr. Chairman, the State and Local Fiscal Assistance Act of 1972, popularly known as the revenue sharing bill, marks an historic milestone in the evolution of our federal system of government. We are often prone to believe, I fear, that the health of State and local governments is of little importance so long as the National Government is strong. We are all well aware that many local governments and some State governments are in the throes of serious fiscal crises. Demands for services from local governments continue to rise while taxpayer resistance, particularly to increases in the property tax, remains at an alltime high.

Some would wring their hands, lament the sad state of affairs, and then say that it is too bad that nothing can be done. Others may rush to the rescue with yet another categorical aid program with matching grants and thereby further aggravate the problem. Indeed, the distortion of local priorities by requirements of matching grant programs is a situation which clearly merits congressional review.

The Federal Government's principal source of revenue, the income tax, is much more sensitive to increases in the gross national product than are taxes on property and sales, the main revenue sources for State and local governments. The National Government, moreover, has preempted this lucrative source of revenue, collecting over 90 percent of personal income taxes. The revenue base of the Federal Government expands automatically as the gross national product increases, but States and localities must continually engage in the not so automatic process of securing rate increases from an already highly taxed citizenry just to stay up with the gross national product.

To illustrate this point, we need only remind ourselves that in the last decade Americans enjoyed two substantial cuts in their personal income tax rates and businesses received a number of similar benefits, yet Federal revenue increased over 100 percent. While the overall increase in State revenues was similar during this period, fully 53 percent of this additional revenue, according to the Advisory Commission on Intergovernmental Relations, resulted from tax rate increases. Specifically, this entailed over 400 separate actions, either in the form of new taxes, or increases of existing ones at the State level.

Some Members are concerned about the national debt and object to revenue sharing because the Treasury projects a deficit, rather than a surplus. I recognize the seriousness of this objection, but I am convinced that the question before us is really one of assessing priorities—do we spend $5.3 billion on this program or on some other? I believe that it is naive to think that by defeating this bill we would thereby reduce Federal spending by $5.3 billion.

Some say that we ought not separate responsibility for taxing from responsibility for spending. This argument comes too late in the day to carry much weight. The Congress crossed that bridge long ago. Already over $30 billion a year go out to States and localities through various grant programs, and this is money which they did not raise, but which they spend. I believe, furthermore, that the experience of the past decade, when State governments were averaging one tax increase a year has brought them a keen sense of fiscal responsibility. During the same period, we might recall, the Congress enacted only one tax increase, the temporary surtax. The automatic increase in Federal receipts which accompanied our growing gross national product saved us the trouble.

I would further point out that revenue sharing is not intended to supplant State revenues but only to provide marginal supplementation. In most instances, revenue sharing funds will amount to only a few percentage points of regular State and local funds. This means in all likelihood that States and local officials will have to continue to go regularly to the public for additional revenues. There is no reason to believe that while doing so they will not be called to account for the manner in which revenue sharing funds are being disposed of. In fact, perhaps the heat will be even greater since the public will be inclined to ask, "Why do you need more taxes when you have $5.3 billion in new Federal money coming in already?"

Mr. Chairman, if we approve the bill now before us, I believe that we can look forward to growing strength in our federal system. This objective should rank very high on our list of national priorities.

Mr. MALLARY. Mr. Chairman, I am anxious to express my feelings today against the bill before us, H.R. 14370, the State and Local Assistance Act of 1972 or the so-called revenue-sharing bill. While I am sure that many of us feel that revenue sharing is a desirable concept—one which will go a long way toward solving some of our States' and communities' fiscal problems—this bill is flawed and untimely.

Many of us who support the concept of revenue sharing do so because we feel that more discretion should be left to local and State governments with regard to their priorities for expenditures of

funds, including Federal funds. A second reason for revenue sharing, one which is clearly acknowledged by the complex formulas set forth in H.R. 14370, is to redistribute Federal dollars to those units of government which have the most limited tax resources to meet the demands for governmental services. Does H.R. 14370 achieve these purposes?

A close look at H.R. 14370 reveals that there are consistent inequities in the allocation of the $3.5 billion to local governments under the weighted distribution formula.

Simply, this bill is a rescue measure to bail out our cities and suburbs at the expense of rural areas which are also our poorest areas. The formula consistently gives more money to the richest States and less to the poor.

A poor nonurbanized congressional district stands to receive about $4 million a year less than a completely urbanized congressional district—$20 million per district over the life of the bill.

The problem lies in the distribution of dollars on the basis of urbanized population. The definition of urbanized population used in this bill is so broad and arbitrary that it bears only a coincidental relationship to the tax base problems of our central cities and completely excludes our sparsely populated rural areas from full participation in revenue sharing.

The definition of urbanized population used in H.R. 14370 counts our affluent suburbs as urbanized thereby reducing the money available for the less affluent central cities and rural areas.

Beverly Hills, Calif.
McLean, Va.
Shaker Heights, Ohio.
Grosse Pointe, Mich.
Greenwich, Conn.
Lake Forest, Ill.
Palm Beach, Fla.

These are all "urbanized areas" according to the bill's definition and as a result, extra funds will go to local governments in their counties at the expense of other counties and States—as shown in table I.

There is in this bill the false assumption that the rural areas do not have extremely pressing revenue problems. Why must we consistently look at our most visible problems in the cities at the expense of the invisible but often desperately poor rural areas?

We must recognize the extreme tax problems of rural sparsely populated areas where poverty is a way of life, schools are small and inefficient, road needs are burdensome and services must be provided over great distances at great expense.

Not only is this bill unfair to nearly half of our population which is not urbanized, but by its neglect of nonurbanized areas, it will merely provide another incentive to hasten the urbanization of America.

My second major concern about this bill beyond the inequity of its distribution formula is the fiscal implications of the bill. It calls for spending $5.3 billion in the first year and over $30 billion over the life of the bill. I firmly believe that revenue sharing funds are and should be a high priority budget item coming ahead of some of our ineffective categorical aid programs. Unfortunately, the Congress has not shown the disposition to reduce its appetite for spending more and more dollars that we do not have on other Federal programs. I do not believe that it can be considered fiscally sound to appropriate this amount of money at this time. Our deficit last year was $23 billion, this year it will be $26 billion and next year it is estimated at $27 billion or over $75 billion in 3 years. We do not have the revenues to share unless we are willing to reduce other Federal expenditures or consider raising taxes to pay for this program. We are only fooling ourselves by calling this a revenue sharing bill.

This bill, in its present form, places before us a very difficult decision. I have for a long time supported the concept of revenue sharing. I have also supported the concept and design of the President's revenue sharing program. I do not feel, however, today that the details of this bill or the current Federal fiscal situation make it sound or desirable legislation. I regret that I shall have to vote "no" on its passage.

TABLE I.—ANNUAL DISTRIBUTION OF $1,167,000,000 ON BASIS OF "URBANIZATION"

"Urbanized" population	Per capita income	Amount distributed to counties, based on urbanization
Central cities (over 50,000)	$3,283	$630,000,000
Outside central cities (suburban)	3,791	$537,000,000
Nonurbanized population:		
Communities of 10,000 and up	2,841	None
Communities of 2,500 to 10,000	2,714	None
Communities below 2,500	2,514	None

Mr. ALBERT. Mr. Chairman, H.R. 14370, The State and Local Fiscal Assistance Act of 1972, has my wholehearted and unqualified endorsement. This is an historic occasion. It has been alleged in some quarters that the Congress in passing this measure would be doing violence to this Nation's political traditions and constitutional precepts. This allegation is without foundation. Nothing could be further from the truth. Rather, I am convinced that the enactment of H.R. 14370 will immeasurably strengthen that keystone in the arch of American constitutionalism, our unique and ingenious dual system of government.

The Founding Fathers at the Philadelphia Convention in 1787 bequeathed to us and, yes, to the world this priceless legacy. Under this system, an arrangement which has clearly borne the stress and strain of time, our Federal Government is charged with the responsibility of dealing with those propositions national or international in scope. Left to the States and their political subdivisions are those questions which can, by their very nature, be best dealt with in the more intimate and personal environs characteristic of smaller units of government.

In drafting our Federal Constitution, Madison, Jay, Hamilton and their associates were not attempting to lay down a detailed bill of particulars, a roadmap which would provide future generations with the exact direction and specific answers on each problem which might arise. They were laying down rather general precepts and a paramount precept was the preservation of a healthy dual system of government.

They did not envision, nor would they condone a system reducing the States to mere ornamental anachronisms with the National Government growing ever more dominant and increasingly performing the minutia of administration much better left to local governments familiar with local conditions. Different times and different situations are witness to different challenges to this dual system of government. So must those challenges be dealt with, with answers relevant to those times and situations. And that is the funamental reason we are considering this legislation today. The unbelievable efficiency of the national progressive tax system is literally threatening to suck all tax moneys into the Federal coffers. Our States are suffering dire financial distress. Local governments are in an infinitely more serious situation. Many of our cities verge on the brink of financial collapse. They are required to perform services often serving large metropolitan populations whom they are unable to reach through local taxation. The failure of this Congress to pass H.R. 14370 would deal a staggering blow to the hopes and morale of our beleaguered cities. It would be, and I weigh my words with care, nothing short of a national calamity.

The measure before us today is not a Democratic or Republican bill, neither is it a conservative nor a liberal bill. It is most certainly not, in its present form, the product of the executive branch bureaucracy. H.R. 14370 is in effect the pragmatic answer of your Committee on Ways and Means to a very practical problem with which this country is faced. It represents weeks and months of hard difficult decisions and laborious work. It is aimed at a problem which will not go away—inadequate police and fire protection because cities do not have the money to hire more personnel, trash and garbage piling up in our streets because cities do not have the money to remove it, clogged highways because of inadequate, decrepit and underfinanced public transportation systems.

Mr. Chairman, America's cities are literally fighting with their backs to the wall. This Nation cannot survive, much less prosper, if it stands by and permits our great cities to become uninhabitable wastelands. That is the fundamental question before this body today.

Mr. Chairman, I urge the passage of H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Mr. SIKES. Mr. Chairman, the House will approve revenue sharing. That was established on yesterday when a closed rule preventing amendments was voted. The bill as passed will provide for $5 billion per year for the next 5 years. No further review by the Appropriations Committee or any other committee of Congress is possible under the act. There is no way of insuring that the money will

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be properly expended. Many mayors and Governors have brought pressure on Congressmen for passage of the bill. Obviously it is a program they will want increased and, once started, these programs always expand. The reason the mayors and Governors want the program is simply that it is free money. This does not take into consideration that the average city and State are in better financial condition than the National Treasury. The Federal Government is broke. There is no money to share with anyone. We are going in debt for $100 billion during the current 3-year period. It should be obvious that the bill will require additional increases in taxes. This means all of the people will have to pay higher taxes so that the bureaucrats can have money for pet projects. This comes from the taxpayer's pocket.

Florida will be penalized because we do not have a personal income tax. We will get only about two-thirds proportionate to other States. This is not fair. New York State, for some unexplainable reason, will get close to $1 billion of the $5 billion available annually. This does not seem quite right either. The bill is manna from heaven for bureaucrats who love to spend the taxpayer's money, but it is bad for the poor, downtrodden taxpayer who must pay. This is an irresponsible act and I hope the Senate will show better judgment.

Mr. GAYDOS. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act of 1972. The financial crisis confronting local governments today is not one that has sprung up overnight. It was a long time in the making and it will take a long time to straighten it out. I do not entertain any fanciful illusions that the bill before us is the magic wand that will suddenly make the problems of our local government disappear. It is an emergency treatment for a lingering disease.

The $5.3 billion in this bill will give the lower level governments a sorely needed shot in the arm. However, I am disappointed by the absence of much needed financial assistance to local boards of education. Their operating revenues are principally derived from tax levies on real estate which have in recent years become so burdensome that they are almost confiscatory. "Harry Homeowner" has made it quite clear that his castle and his patience have been taxed beyond endurance. I would have liked to see some of the benefits in this bill flow to the local school boards to at least forestall impending increases in the property tax.

There is no denying the fact our States, cities, and towns need immediate financial help. All of us, I am certain, know of cases in our respective districts where vitally needed community services and projects are delayed indefinitely or scrapped completely because there is no money available to finance them.

I know of sewage and water treatment plants which continue to function although they are so badly in need of repair or replacement that the machinery wheezes and creaks while it operates. I know of a small community which cannot provide its citizens with 24-hour police protection because the local tax structure cannot support the hiring of the necessary manpower. One man works an 8-hour shift. During the remaining 16 hours, the citizens trust to luck and pray to God they won't need a police officer. I know of a community recreational program that had to be drastically curtailed because tax funds were needed to finance other services provided by the local government. I am a firm believer in letting local governments govern themselves since they can view their problems from a box seat rather than the bureaucratic grandstand in Washington. I am concerned that eventual controls imposed by the Federal Government may force these communities into increasing dependence upon "big brother" for continued financial assistance. However, the need for financial assistance to our States and cities is so urgent and so necessary I support H.R. 14370 and urge my colleagues to do likewise.

Mr. HANLEY. Mr. Chairman, I do not think it would be presumptuous of me today to say that many of us are in quite a dilemma. We have before us a massive and far-reaching piece of legislation. A bill that could point the way out of the burgeoning fiscal tangle; or point the way to a deepening quagmire of fiscal irresponsibility; as some critics suggest.

The arguments on both sides of the question are eloquent and persuasive—and that does not make choosing a side easier. Like so many of the crucial decisions all of us have to make in a lifetime, it is not black and white, but rather a maddening gray.

In my mind, however, the factor which brought the lines of the argument sharply into focus is the factor which originally prompted the writing of this legislation. It is a factor so large and overriding that perhaps now, immersed in legislative entanglements, we tend to overlook it. Or perhaps we are tired of hearing it, tired of the constant drumming it receives, to the point where now it is merely a meaningless litany to us.

But the truth is that our cities and towns desperately need help, and this legislation will give it to them, and give it to them in an effective, efficient manner.

Despite all of the drawbacks this legislation has, its need is overwhelming and undeniable. I do not want to consider the agonizing results that might evolve if we once again deny our cities and towns assistance.

The drawbacks of this legislation are obvious. I have several reservations myself. I did want to see, particularly, some incentive for local governmental reform included in the bill. I did want to see the local money allocated more on the basis of the local tax effort. And, of course, there is the larger question of one level of government spending what another level of government has raised. But we cannot talk about which level of government should deal with a problem without also talking about how that level can raise the money necessary to do the job. I believe that an anticipated property tax court decision regarding school finance might force action to clear up the taxation mess we now have.

Because right now, there is no other means to help our decaying cities and towns except through the methods this bill calls for.

But, after all is said and done, the bill contains more substantive change for the better than any other piece of legislation we have considered for quite some time.

It gives local control to local government, and gives local officials the ability to serve their constituencies. Perhaps this latter fact is just as vital as the former, because there is a growing crisis of confidence in this Nation today.

In the current political wisdom, it is acknowledged that Americans have lost faith in their government at all levels. I think in a large part it is because the average citizen is isolated from the power and seldom sees deeds to match promises.

This program is a promise to keep. It is a sound bill aimed at an overwhelming problem that concerns millions of Americans. It is a bill that has bipartisan and broad-based support.

The problems of the cities must be met if we are to maintain, let alone improve, the quality of life in America. The needs of the people must be met if we are to maintain the effectiveness of a democracy.

Revenue sharing is a promise that must be kept.

Mr. FRENZEL. Mr. Chairman, almost every Member of this body, including myself, has expressed himself many times on the issue of revenue sharing. Each of knows how he will vote.

Words at this time are simply words for the record, and it is for that purpose that I speak today.

In my judgement the House of Representatives today will pass revenue sharing. In so doing, we will be reversing the "galloping centralism" of the past 40 years. We will be casting our vote in favor of local decisionmaking, and affirming that we do not believe in the supremacy of the Washington bureaucracy. We will be casting a vote against grantmanship. We will be casting a vote for the judgment of mayors, councilmen, county commissioners, Governors, and State legislatures.

We cannot do all this alone. Similarly enlightened action on the part of the other body is also required. Our vote here today should include the commitment to use all our energies in an attempt to convince the other body to pass this bill too.

Problems of States and local governments have been well documented. This bill won't solve all the problems, nor will it give any unit of local government enough money to liberate it from our Washington control. It will, however, strike the first blow for freedom, and establish principles on which we can build for the future.

I congratulate the committees which brought this bill to the floor. Today we are keeping faith with our locally elected officials. Today we are vindicating the judgment of our President who has identified revenue sharing in two state of the Union messages as one of the most important features of his domestic policy. This is indeed a happy day for the New Federalism, and for all Americans.

Mr. DELLENBACK. Mr. Chairman, the concept of revenue sharing is, I believe, an opportunity to encourage a very desirable decentralization of government power by sharing Federal tax dollars and decisionmaking authority with local and State governments. It is my firm belief that these levels of government are often better suited than the Federal Government to devise solutions to problems that reflect unique local circumstances and needs. Equally as important, these local levels of government can provide avenues of meaningful citizen participation in the governmental process.

Popular support for revenue sharing has been growing as people begin to recognize the potential of this concept. During the 24 years between 1948 and 1972, Federal grant-in-aid programs have grown from $1.8 billion to more than $36 billion annually, a 20-fold increase. At the same time, the number of separate grant-in-aid programs expanded even more rapidly. This has resulted in local governments very understandably feeling that they are being dictated to by the Federal Government. To correct this situation, and to ease the mounting fiscal deficits which many State and local governments are facing, revenue sharing provides an excellent partial solution.

Enactment of revenue sharing is the most significant action that the Federal Government can take to help relieve the pressure on local real property taxes. To this end I am pleased to support H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Mr. DONOHUE. Mr. Chairman, as one of the original advocates of revenue sharing, to financially aid the desperately pressed taxpayers in our towns, our cities and our States, I intend to support, and I hope the House will adopt, this bill before us, H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

Whatever other differences may exist among us about some aspects of the procedure being followed with respect to this bill, I believe we may all agree that the overriding legislative question involved is whether or not the time has come for the Congress to helpfully respond to the very critical needs of our American communities and their overburdened taxpayers. I earnestly think that even a brief review of the weighty evidence that has been recited and recorded here should impel the great majority of the House to answer that question in the affirmative.

Further than that I would doubt if there is even one Member of this body who does not have first-hand knowledge, from experience within his own district, of the practical impossibility of any average American community raising sufficient funds locally to adequately provide for the minimum, essential public services that are required in our modern society

Mr. Chairman, it has been very clearly demonstrated that State and local governments are, today, in very urgent need of Federal financial assistance and that their normal money raising systems are predominately dependent upon regressive property taxes which have become a current plague upon our older citizens, our middle income families and the poor.

Mr. Chairman, passage of this measure before us will serve to provide our suffering taxpayers with at least a moderate amount of relief and our communities with the means to more effectively cope with the massive and complex problems they all face. This bill projects an appropriation of approximately $30 billion in direct grants from the Federal Government to State and local governments and since the appropriations are extended over a 5-year period, it will enable, wisely, all the government units involved to plan, ahead of time, the most prudent and effective application of the allotted funds.

In the first year a total of $5.3 billion would be allocated to State and local levels of government and of this sum, the States would share an appropriation of $1.8 billion for fiscal year 1972 and local governments would share an annual distribution of $3.5 billion to be used for expenditures in such vital areas of priority concern as public safety, environmental protection, and public transportation. Included in the measure is a provision for a minimum amount of sharing with the States which have no State income tax, thus encouraging these States to institute an income tax system. There is also, within the bill, an innovative provision which would authorize, upon request from the individual State, the U.S. Treasury Department to collect income taxes for the States.

In its beginning this bill would grant to my own Commonwealth of Massachusetts Federal assistance in the amount of $179 million and my own home city of Worcester some $3,732,529.

The provision of these Federal funds, to alleviate some of the problems associated with these high priority items, will permit our States and our local communities to devote more of their own resources to other areas of primary human need that demand immediate attention.

Since the whole funding program proposed in this bill is limited to 5 years it will thus assure a reasonable opportunity for the Congress to observe how effectively it is operating and at the same time it will provide the Congress the chance to initiate and complete any adjustments or revisions that may be necessary.

Of course, Mr. Chairman, no one sensibly believes or expects that this bill is a perfect instrument that will completely and effectively cure all the financial problems of State and local governments throughout this country; but I think it is clear that this proposed revenue sharing does offer a practical, realistic, and immediate approach toward improving the quality of life within our communities, and, hopefully, at the same time, it will serve to encouragingly lighten the nearly unbearable tax burdens that currently afflict the great majority of our patient and loyal American citizens. I hope, therefore, the House will accept and approve this revenue-sharing bill in response to our legislative obligation to reasonably try to insure the survival of our suffering taxpayers and the revival of our suffocating communities. Approving action may also, well and timely, serve to reassure our own American citizens that the Congress is, at least, as concerned about their progress and welfare as we are about the rehabilitation and development of other nations and peoples all over the world.

Mr. MIZELL. Mr. Chairman, I rise at this time to add my word of strong support for the revenue-sharing measure before us today.

The passage of this legislation will, in my opinion, be a major event in the history of American government, a history that has from the beginning been characterized by bold innovation and by a commitment to give the people—those who hold highest sovereignty in this country—the greatest possible voice in the affairs of their government.

For some time now, the people have expressed dissatisfaction with the way their Federal Government has responded to their will, or, more accurately, has failed to respond. The Federal Government has grown so powerful, it has become musclebound and slow to move.

Over the past 40 years, beginning with the great depression, we have created, in the words of President Nixon, "a bureaucratic monstrosity, cumbersome, unresponsive, ineffective."

In 1969, the President said:

A third of a century of social experiment has left us a legacy of entrenched programs that have outlived their time or outgrown their purpose.

A third of a century of unprecedented growth and change has strained our institutions, and raised serious questions about whether they are still adequate to the times.

It is no accident that we find increasing skepticism—not only among our young people, but among citizens everywhere—about the continuing capacity of government to master the challenges we face.

In fact, Mr. Chairman, we have reached the point that one of the major challenges that we in government must face is setting our own house in order. The structure of government itself must be reformed before it can effectively bring reform to other areas of our society.

I have said on previous occasions, and it bears repeating here, that if this country's Founding Fathers could have envisioned the way their concept of a "federal" government would be distorted into its present form, they probably would have decided that a revolution against King George was hardly worth the trouble.

Certainly, the idea of government by Washington decree was as foreign to them as was taxation without representation. But the balance of government power has become so heavily weighted toward the Central Government in the last several years that government by Washington decree is exactly what we have.

What is needed now is a redirection of the entire thrust of government. And that redirection must come through restoring local control over local affairs, reserving certain rights and authorities to State governments, and putting the Federal bureaucracy in its rightful place of service rather than mastery.

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Revenue sharing will accomplish all of these goals.

It will restore the prestige and the power and the responsibility that local officials should rightfully bear.

It can put real meaning back into the concept of dual sovereignty by putting State governments on a more sound financial footing and giving them a more decisive role in the affairs of government.

I have seen at first hand, through my former capacity as chairman of the Davidson County, N.C., Board of Commissioners, the initiative, the innovation, the imagination which people on the local and State levels have brought to the work of government. And, too often, I have seen their high ambitions end in frustration.

The legislation before us today will help to eliminate a major source of that frustration, by giving State and local governments the financial resources and the decisionmaking power needed to fashion and implement adequate responses to the needs of the people they are elected to serve.

This legislation will provide $5.3 billion a year for 5 years to State and local governments, with almost no Federal restrictions on the use of these funds. This year, $1.8 billion will go to the States, and $3.5 billion will be shared by local governments. My State of North Carolina is scheduled to receive $113.2 million from this revenue-sharing package the first year, with $36.4 million going to the State government, and $76.8 million to be distributed among the local governments.

With a few minor revisions, this legislation is essentially the same as that proposed by President Nixon 18 months ago.

One phase of revenue sharing proposed by the President, but missing from this bill, is the special revenue sharing program which would have earmarked funds for special purposes such as law enforcement, education, health and manpower training.

This legislation before us today does contain a more limited form of special revenue sharing, in that it requires local governments to spend revenue-sharing funds for authorized purposes such as environmental protection, public transportation systems, and law enforcement. The legislation places no sush restrictions on the funds to be used by State governments.

In addition, a formula is included in the bill that is designed to make sure that State governments do not reduce the financial aid they give to localities out of funds other than the revenue-sharing money.

A separate formula prevents local governments from transfering their own tax money out of the programs for which revenue-sharing funds are available and into other programs for which they are not available.

These very limited restrictions on the way these funds can be spent are in marked contrast to the volumes of regulations and guidelines that have accompanied Federal assistance in the past, and this bill is a giant and historic step toward returning a greater measure of government control and responsibility to the local and State levels.

Mr. Chairman, if I had to select a theme that described the basic thrust of my service in Congress over the past 3½ years, it would be to bring government closer to the people.

The bill which we will vote on shortly is intended to do just that, and it will be a moment of great pride for me to stand and cast my vote in favor of this legislation, and I invite my colleagues to join me.

Mr. CAREY of New York. Mr. Chairman, despite all that has been argued about the concept of "revenue sharing"—how much, if any, revenue should be shared, how it should be divided. and how it should be appropriated—no one can dispute the basic purpose of the bill.

No one can dispute that the crisis of local and State finance is of historic dimension which demands urgent and timely massive Federal assistance.

No one can dispute that local and State governments across the land need assistance in meeting the costs of essential public services that are close to the day-to-day lives of the people—safer streets for themselves and their children, better collection of their garbage, cleaner air to breathe, and improved transportation to their jobs.

And no one can dispute that the cities, which are carrying excessive burdens in meeting problems which are truly national in scope, have joined together to meet this crisi We in Congress must be aware of the Federal indifference to the urgent urban problems and of the lack of attention to the needed change in priorities to relieve this crisis.

H.R. 14370 attacks the very core of these problems. It provides these governments with a long-term appropriation of revenues, revenues generated by the relatively progressive and responsive Federal income tax, and divides these revenues in accordance with need for public services.

It must be emphasized that the President's budgets for fiscal years 1972 and 1973 provide for a program of Federal aid approximately equal in cost to that provided by this bill. Since these funds are already budgeted, and will not increase the projected deficit, it cannot be argued that this bill represents new spending.

The legislation is based on several important principles:

First, an automatic appropriation, subject to review in 5 years, is needed by the States and localities so that they have assurances that Federal funds are regularly available for proper management and budgeting. Given the disastrous experiences that localities have had with the authorization-appropriations process, where most urban programs have consistently received lower appropriations than the amounts authorized by Congress, it is not surprising that the 5-year appropriation is a crucial feature of the legislation.

Second, the allocation formula to State and local governments puts the money where the needs are. I am pleased that my efforts assure that this is the first time that New York State and New York City are at the head of the list of States in total aid.

This Federal money—$649.1 million for the State and as much as $185.7 for New York City—is designed to fill gaps in the State and city budgets and avoid the levying of any new State and local taxes.

This bill recognizes that the taxpayers of New York have reached their absolute limits of taxability. With a formula based on need and revenue-raising effort, it is not surprising that New York receives the largest share. The people of New York simply cannot put up with any more property, sales, or nuisance taxes.

Third, the State and Local Fiscal Assistance Act distributes funds in part on the basis of relative income levels, in part by taking into account the concentration of people in a given area, and in part on the basis of population.

Thus the legislation follows the important principle of "distributive justice," that is, to gather from all according to their means and distribute to each in accordance with his needs.

This new approach for Federal assistance is, by design, not only an expression of confidence in democratically elected local and State officials, but also a new statement of belief in our federal system.

It should also be noted that in making distribution to localities, the committee did not intend that this should be used as an excuse for States decreasing its fiscal assistance to local governments. The committee provided that a State should maintain its own effort to aid its localities.

Therefore, the bill provides that a State may receive the full amount allocable to it only if it distributes as much to its local governments in the aggregate from its own sources as it did in fiscal year 1972.

Finally, this bill marks the beginning of tax reform, which is long overdue in this country. Tax reform must be undertaken to relieve families and working individuals who are bearing all too great a share of our public expenditures.

H.R. 14370 does this by providing for a system of Federal collection of State individual income taxes. There are many redundancies in tax collections since almost all jurisdictions throughout the country are imposing similiar taxes—income, sales, estates, and so forth.

There is no reason why we could not cut down the paperwork and the excessive bureaucracy brought upon the Government and the individual taxpayer. This multiplication of tax systems may be about to destroy our principal tax resource—the taxpayer himself—since he must financially support the inefficiencies of our present tax collection system.

Mr. Chairman, the State and Local Fiscal Assistance Act is the result of weeks of testimony from expert witnesses, careful consideration of the various plans of revenue sharing, and hard labor by the Ways and Means Committee, and its distinguished chairman, and the Joint Committee on Internal Revenue Taxation. At this point, our cities need help, not further discussions of a myriad new possibilities for distributing Federal funds.

H.R. 14370 has been endorsed by several unions, including the American Federation of State, County, and Municipal Employees, the Service Employees International Union, the International Association of Firefighters, and the Teamsters Union.

Mr. Chairman, this is a timely and responsive bill.

It addresses itself to the needs of the cities.

It is a response to the defeats that have been suffered by State and local bond issues.

I strongly urge my colleagues to give this ingenious and workable piece of legislation the support which it deserves. Not to do so would mean a loss of confidence in Congress as an institution capable of meeting today's urgent needs.

Mr. DERWINSKI. Mr. Chairman, may I first emphasize that I would have much preferred that we would have been permitted to process this revenue-sharing measure under an open rule. Thus amendments, that so many Members felt should have been offered to the bill, would have been in position to receive full debate and consideration.

As a matter of principle, I believe that we must decentralize our governmental structure and, therefore, I support the strengthening of State and local governments. Obviously, if more funds are made available to local and State government units, rather than the abnormal portion of taxes that are syphoned into the Federal Treasury, we could start the process of decentralizing.

In principle, revenue sharing will lead to decentralization of Government programs, however, I have doubts over the formula contained in H.R. 14370. That is why I would have preferred an open rule so that we would have had the opportunity to consider all alternatives to the revenue-sharing plan.

However, we are now at the stage of accepting or rejecting the bill as presented to us and since I believe it will assist local and State governments to more effectively provide services to areas of their responsibilities, I will support final passage.

I certainly hope that the Members who have opposed the bill, as well as those who will be supporting it this afternoon, will give special consideration to continuous review of the developments so that the end goal, which is the strengthening of State and local governments, can, in fact, be achieved.

It is certainly my hope that as a result of this revenue-sharing measure, local property, sales taxes, and other sources of revenue for State, county, and local governments can, in fact, be reduced. We must keep in mind that regardless of the type of tax it is still a burden on the individual taxpayer.

To sum it up, Mr. Chairman, I believe it is an imperfect but necessary measure and analyzing it in that fashion, I will be voting "yea."

Mr. PICKLE. Mr. Chairman, the concept of revenue sharing is not without merit. The mechanics, however, suffer.

With an open rule, we had hoped to offer corrective amendments. Denied that right, I hope that the other body can take a long and hard look at several aspects of this bill.

In my opinion, this bill is far better for New York than it is for Texas. It is a bill that penalizes efficient government by offering inducements for States to pass a State income tax—and by penalizing those that do not. Proof in the pudding comes from examination of the dollars to be given to State governments on a per capita basis: New York will get $17.23 while Texas ranks 50th on the list with a slim $4.02.

Mr. Chairman, in Texas we pay in the same Federal income tax as they do in New York and I cannot help but have a minimum of regard for this formula. Why should an efficient State government be penalized?

Further, what right does the Federal Government have in dictating tax policy to State governments?

Carry this line of reasoning one step more: Texas again comes out on the short end of the stick when you compare the dollars to be given to combined local and State governments on a per capita basis: here again, New York leads with $35.29 per person, while Texas ranks in at 35th on the list with a meager $21.65.

I question the legislaiton on other points as well.

It is unprecedented for this Congress to abdicate the appropriations role and fund on a 5-year basis. I would much prefer an annual funding, via the Appropriations Committee.

We are told this is a "no strings attached" and I challenge that notion. I fear that in the near future, we might see our cities as strangled by Federal regulations as are our schools by HEW.

Instead of a 5-year program, this will likely become a permanent fixture, and uncontrolled fixture in the Federal budget.

Presently, we have a system of categorical grants in operation. There is legislation before this Congress still at the committee level which would largely do away with categorical grants and replace them instead with block grants. Frankly, I think the States and the cities should recognize they will likely face one approach or the other.

There is much more to be said—more to be said about the separation of the taxing responsibility from the spending authority and more to be said about sharing a deficit budget. I know my colleagues have adequately explored these points during this debate.

Mr. Chairman, I love my city. I have worked closely with every mayor and county judge in my district, and will continue to do so. Cities and counties have called on me in recent years to help on a multitude of problems, and I have been privileged to help them. This bill will not affect my deep resolve to continue all assistance possible. In the vote before us, I think it is not in the best interest to pass it in its present form.

Mr. BEGICH. Mr. Chairman, we are approaching the vote on revenue sharing, and I rise to share my convictions on this issue with my colleagues. I will vote in favor of the bill, but I cannot do so without extremely mixed feelings which I must express here.

As written, the revenue-sharing legislation offers the vast majority of local and State governments of this Nation a new era in revenue support; an era which is overdue and absolutely essential. I recognize without question the burdens placed on our State and local governments, and the incredible financial difficulties experienced in meeting them. For this reason, it is my privilege to vote for this bill. It is a national program of a type and a magnitude which cannot be denied.

Still, I take no pleasure in the legislation as it affects my own State of Alaska. Each component of the revenue-sharing formula works a hardship on my State and, although there is revenue shared with Alaska, its proportionate value is far below that afforded all but a few States.

Without question, the issue is the struggle between unrestricted aid given on the basis of solid but sterile formula components, and aid which is in response to demonstrated needs. It is the struggle between revenue sharing and categorical assistance, and Alaska, which can demonstrate a great range and depth of needs, must be assured of a continuing source of program assistance.

Although the revenue-sharing program we vote on here today makes no inroad into these programs, and in fact protects them, I believe that an inescapable and understandable trend to divert program funds into revenue sharing will occur. At that time, the formula which I described as being so unfavorable to Alaska will be most unwelcome.

I sought, and will seek, changes in the formula. I voted for an open rule to seek such changes. But I will not now, after the failure of these motions. vote against the bill. I will not do so because even the shared revenue under this bill, and this formula, is vital for Alaska. Our cities, our towns, and our State need the revenue. Our mayors, city managers, and State officials have told me so. And, most important, it is a vital Federal program for all our cities nationwide.

I shall continue to seek changes, and to avoid the erosion of other funds going to our cities. I will solicit your help in this cause. But this bill must pass.

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 14370, the State and Local Fiscal Assistance Act with mixed feelings.

There is much in H.R. 14370 that is commendable, and that I support without hesitation. I am particularly pleased with the incentives to encourage adoption by the States of progressive income tax statutes—a significant step toward State income tax reform.

I also think the bill puts the money where it is needed most by adopting a formula for local distribution which is based equally on three factors: Population, urbanization, and wealth.

However, because of deep reservations about other aspects of the bill, I voted against the closed rule yesterday, in hopes that the House could perfect the bill by amendment. I think it is unfortunate that that effort failed.

I intend to vote for final passage of the bill because the fiscal needs of some of our cities and States are desperate. However, I am hopeful that the Senate will make some changes in the bill.

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I am particularly concerned about three aspects of the bill.

First, H.R. 14370 marks a step backward in efforts to streamline and consolidate local and State governmental units. By making every little village and hamlet in the country eligible for assistance, the bill will slow up urgently needed consolidation of local governmental units, and may actually encourage further fragmentation. One way to cut down on the spiraling costs of local government is to cut out the duplication of services offered by the fantastic numbers of separate governmental units that abound in most urban areas, the only way to do that is to consolidate some of these units. As Congressman HENRY REUSS pointed out during the debate yesterday, the revenue sharing bill, H.R. 4617, which he coauthored with Senator HUBERT HUMPHREY required the States to prepare plans and timetables for modernizing and revitalizing State and local governments. I hope very much that the Senate will include such a provision when they consider revenue sharing.

Second, I am deeply concerned about the absence of any maintenance of effort requirement for local units of government who receive assistance under this bill. Although localities are nominally required to spend their Federal "share" on certain "priority items," there is nothing in this bill to prevent governments from substituting Federal funds for State or local revenues now allotted to such projects. Therefore, in effect, localities will be free to use these Federal funds to provide tax relief, or to fund projects not considered "priority" in the bill.

Mr. Chairman, this bill represents a breach in representative government by removing the responsibility for imposing taxes from the responsibility for spending the money. That is a step I take reluctantly, but willingly, if there is assurance that the funds will be spent as the Congress has designated. But this bill has only a facade of accountability. Without a maintenance-of-effort clause, and a prohibition on using these funds for tax relief, the Congress retains no control over how the funds are spent.

Finally, Mr. Chairman, I had hoped that under an open rule the House would have an opportunity to enact a "quick yield" tax reform bill which would raise enough money to finance revenue sharing.

Revenue sharing is a concept originally developed around the expectation of a substantial "peace dividend"—in other words, funds appropriated for the war which would be free for domestic use when the war ended. Today, we find ourselves proceeding with revenue sharing despite the fact that the war has not ended, and despite the fact that there is no peace dividend. In so doing, it seems to me we must accept the fact that the money targeted to pay for this program is simply not there, and do something about it.

The money is also not there, according to this administration, for many other domestic programs which I favor but which they seem willing to underfund. For example, the occupational health and safety programs' budget for fiscal 1973 represented only five one-hundredths of 1 percent of the total budget—a barebones appropriation which will hardly keep alive this program so vital to the health and safety of 57 million working Americans. The list of underfunded domestic programs is almost endless, yet this administration seems to be unwilling even to make a start toward raising additional revenues through comprehensive tax reform.

I commend the chairman of the House Ways and Means Committee for his initiative in introducing tax reform legislation, and his intention to hold hearings beginning next year. However, we can act immediately on some simple tax reform measures which have already been the subject of congressional hearings and debate—namely, the repeal of asset depreciation rate, ADR, and an increase in the amount of minimum tax imposed on tax preferences. These two together would raise about enough to finance revenue sharing, and I hope the Senate will seriously consider enacting them.

Mr. FUQUA. Mr. Chairman, revenue sharing is a bitter pill which has been coated with sweet language.

It is a dangerous precedent. The camel will have his nose under the tent and if precedent is followed, this initial legislation will open a Pandora's box.

It is my hope that those who favor this measure will have the courage to pay the bill that is going to come due.

Certainly there are problems in State and local government that cry out for solution. There is no question that additional revenue is needed in many areas.

Yet there is a limit to what we can do. Just as we have found that we cannot serve as the world's policeman, so we cannot finance every single plan advocated in the Congress. We are in serious financial trouble without any new programs.

Those who advocate huge spending programs have a corresponding responsibility to tell us how we are going to pay the bill. Many who advocate revenue sharing will not have the courage to vote new taxes to pay the bill which is coming due, as sure as the sun will rise.

Neither have you told us of any programs that you are going to eliminate in order to bring the budget in balance.

I feel like I am crying into the wind when I ask for fiscal responsibility.

Have you no concern that we have suffered a budget deficit in this Nation for the last 3 years, that, coupled with estimates for the deficit in 1973 will total $123 billion? This, mind you, in only 4 years.

What about the interest on the public debt? It has more than doubled in the relatively short period since 1965. In 1965 we paid $10.4 billion in interest and in 1973 we will be paying $22.7 billion.

We are being asked to increase the burden of our Federal debt by $30 billion over a period of 5 years at an additional interest burden of at least $1.5 billion per year.

Anyone who has paid the least attention to the budget knows that we are in serious trouble. There are built-in increases in Federal spending that will take a major share, if not all, of the increased revenues due to what we hope will be a full economy. Heaven help America if it is not.

Particularly do I object to the provision in this proposal which would discriminate against my State of Florida because we do not have an income tax. The State's loss will amount to tens of millions of dollars.

Some of the strong proponents of this legislation in my State at first now cry out for us to stop this unwarranted intrusion in our State's government. We have a constitutional prohibition against a State income tax in Florida.

Under this proposal, the amounts to be received by the States is tied to the personal income tax levied by the particular State. Since we do not have such a tax, we will lose a tremendous amount of money which the State should rightly receive if a fair distribution is to be achieved.

To be more exact, it is my understanding that we will be denied about 25 percent of revenues due us.

Just as I have warned, if this proposal passes, there will be provisions which will allow the Federal Government to dictate to the States and local governments. As the years pass, they will become more stringent.

Committee figures show that Florida would receive $31.9 million in the first year of the 5-year program. However, if Florida adopted a State income tax, our share would be $41 million. We either add a personal income tax or see one-fourth of these dollars denied us.

The support which some State and local government leaders give this proposal astounds me. Seemingly they can not fathom that there are only tax dollars taken from the pockets of the American people that can be expended. There is no magic source of funds.

A basic objection also is in having one body of government tax the people and another spending the money. This is bad government, pure and simple.

What a joy not to have to be responsible for increasing the heavy load on the American people.

Just like the Pied Piper of Hamlin, we see many of the advocates of this measure playing a beautiful tune and we dash behind without heed or caution.

When the piper runs out of wind and the bills come due, I ask you only one thing.

Have enough courage to vote the additional taxes on the backs of the American people to pay the bill.

Mr. MONAGAN. Mr. Chairman, I am opposed to H.R. 14370, but I do want to emphasize that I am not opposed to sharing Federal revenues with States and local units of government. I have voted for billions of dollars for State and local governments in Federal funds for education, health, library, housing, poverty programs, urban renewal, highways, and airports and I shall continue to do so.

The point at issue here is the method of funding and not the purpose. In the first place, no appropriation is involved so that there is no necessity of a single body such as the Appropriations Committee viewing the financing for this program in comparison with that for all other governmental programs. Involved here is simply an open authorization for the funds required.

Second, contrary to the status implied by the title "Revenue Sharing" there are no uncommitted Federal revenues to share. In fact, the Government has been running at a deficit of at least $25 billion for the last 2 fiscal years. Therefore, the $5 billion would add to our deficit or require additional tax revenues.

Furthermore, the recent study of the Brookings Institute points out that even present programs cannot continue to be financed without a tax increase. Therefore, any new programs would add that much more to Federal tax requirements.

I also object to the bill on the grounds that it discriminates against Connecticut by placing our State well below the average in the per capita amounts available for distribution under both aspects of the legislation.

Finally, I disapprove of making funds available as this program does to the States without requirements of accountability in the programs to be undertaken. We have seen the effects of this type of expenditure with the Law Enforcement Assistance Administration and the admittedly disastrous results that flowed from financing without accountability. The proposed programs would be on an infinitely greater scale since each year's funding would amount to approximately $5 billion.

I served as mayor of a major city for 5 years and I can understand and sympathize with the search of local executives for additional funds. Because of this need Federal funding of local programs has risen markedly in the last decade with the particularly large increases in the last 2 years. At the same time, the Federal taxpayer is entitled to consideration too, and if we are to embark upon a program of increased spending for localized needs we should do it only after full consideration of the cost and adequate accounting for all expenditures.

I stand ready to support programs for aid to municipalities where the need is demonstrated and proper accounting and programing controls are in effect. This bill does not satisfy these requirements.

Mr. RARICK. Mr. Chairman, this is not only bad legislation, it is dangerous legislation which if ever signed into law will lay the groundwork for a fully socialized nation, which if realized would herald the doom of the very Constitution under which each of us was elected and by oath have taken office.

The vote to consider this bill by a closed rule makes it clear that nothing can be said to change the minds of the majority of this body.

Everyone in public life likes to help people and create friends by so doing. Helping people by promising something for nothing seems to have become an acceptable art in modern day politics—especially when what is promised is to be paid by someone else's money.

Admittedly the Nation's larger cities are encountering financial difficulties and revenue-raising problems, but what has caused them? For the most part, the plight that the mayors find themselves in can be readily traced to court decisions and the many Federal seed money programs emanating from this Congress through the ever growing Federal bureaucracy.

The big city mayors are having revenue-raising problems because public housing units require many municipal services but do not produce any revenue unless it be from more Federal handouts in the way of welfare checks, food stamps, and rent supplements. The middle class, the workers, and the more fortunate have fled the cities and have started over, building in the suburbs beyond the taxing jurisdictions of the mayors. As the productive taxpaying population in the inner city decreases, election of big city mayors depends more and more upon political promises and so-called prestige projects, all of which require new tax revenues which are not available from the inner city population.

Those Americans who have exercised their freedom by fleeing to the suburbs are the real targets of this legislation. Think tank organizations and tax-free foundations have been hard at work for years to figure some angle whereby the new "city states" could harness the incomes of the productive noncitizens for the fulfillment of the political vote-buying promises of the politicians in the big cities. This I suggest is the basic thrust and goal of revenue sharing; that is, to force taxes an those decent, hard-working, productive free Americans to support the big city environments which they disapprove of and have left.

The revenue-sharing concept is nothing new. All aid, whether it be Federal, State or local, is merely tax dollars that come from the same people. We have watched the Federal Government extend its control over State and local functions by the use of Federal aid contributions to education, welfare, highways, safety programs, and even law enforcement. In each of these revenue-sharing fields, the taxpayers' dollars were used to buy more and more Federal influences, control, and intermeddling. This latest revenue sharing with the city, State, and local governing bodies can be expected to follow the same pattern of more and more Federal controls until the day is reached when every city, State, and local unit of government will be uniformly regulated by unelected Washington bureaucrats far removed from the people over whose lives their decisions affect.

Congress has no money, and the same Ways and Means Committee from which this legislation originated has also reported out a bill extending the $450 billion temporary debt ceiling. Such legislation can but result in an increase in income taxes, which would come out of the same committee; of course, this being an election year, the legislation proposing these tax increases will not come up until after the fall elections.

The big spenders are gun shy on voting tax increases to pay for their gifts just before an election. The Federal "givers" stand exposed for what they really are—politicians who would further their careers by taking money away from the people to fulfill their promises to give something back to them.

The revenue-sharing bill would authorize and appropriate $30 billion in federally collected tax dollars to State and municipal governments over the next 5 years, without providing for yearly congressional review of the appropriations process. If Federal assistance increases in this giveaway program at the same rate as it has in Federal aid to higher education—and we have every right to expect that it will—the Congress will be called on to appropriate approximately $90 million for this purpose for fiscal year 1980. Where the money will come from is not known; the Ways and Means Committee did not see fit to concern itself with this matter. One can only assume that the Congress will be asked to raise taxes to cover the cost of this new giveaway program and provide moneys which the mayors and State officials admit they cannot raise.

I think it should be obvious to every Member of the House that behind the temptation to help the cities and States, a vote for revenue sharing is a trap to induce the Members to support the new income tax increases and to add other Federal revenue programs following the November elections. Additional Federal taxes can only have the effect of drying up city and State revenue sources and further embittering the working man toward all new taxes.

Passage of the revenue-sharing bill by the House does not mean that it will be accepted by the Senate; and because this is a political year, I fear that it will be used as a political ploy until the matter dies with no action being taken when this Congress expires January 1, 1973.

I do hope that if similar legislation is introduced in the next term of Congress and supported by the President, he programs it in a balanced budget request by deleting some of the foreign aid and other frivolous Federal spending to put help for Americans first on the list of priorities, rather than exploiting our city and State officials to help raise already excessive Federal income taxes.

My people did not send me here to rubberstamp irresponsible fiscal programs and policies, nor to better my chances for reelection by promises of giveaways from the Federal treasury. I do not expect to vote for the up-coming legislation to extend the temporary debt ceiling, nor do I expect to vote for any legislation that may come up later to increase Federal income taxes; therefore, I do not plan to vote for this bill, which can be used as a lever to pass the later bills to take money away from the working Americans after the election—an election the political leaders expect to depend on these promised giveaways offered in exchange for popular support.

Mr. MILLER of Ohio. Mr. Chairman, back in 1967 when I came to this body, one of the first pieces of legislation I introduced was the Federal Tax-Sharing Act which provided for the return of $2.2 billion to the States and local governments with no strings attached. In the 91st and 92d Congress I cosponsored President Nixon's revenue-sharing proposals. Those of us who believe in revenue sharing and have worked for its passage over the past several years welcome the action of the Ways and Means Committee in reporting H.R. 14370, the State and Local Fiscal Assistance Act. Although I ques-

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tion certain parts of the bill, as a whole it embodies the basic tenents of the President's proposal and can effectively serve to revitalize our federal system by strengthening the fiscal posture of State and local governments. The merits of revenue sharing have been stated quite succinctly and persuasively many times in recent years and I do not wish to restate them all here today. But I do wish to point out that revenue sharing is not a particularly new concept.

Congress in 1802 provided that 5 percent of the proceeds from the sales of public lands in the new State of Ohio be earmarked for road construction and a similar policy was followed in other States with the application of funds for education. In 1805, President Jefferson urged that:

> A just repartition of federal revenues among the various states for the promotion of canals, roads, arts, manufactures, education, and other great objects within each state.

In 1836 under the Surplus Distribution Act, $37 million in surplus Treasury funds were apportioned among the States with no strings attached.

The Morrill Act, passed by the Congress in 1862, provided public lands to States for the establishment of agricultural purposes with minimal conditions. Back in 1958, our distinguished former colleague Mel Laird proposed the first no strings attached revenue sharing. In 1964, a task force recommended a program of setting aside a fixed percentage of Federal revenues for distribution to State and local governments to the Johnson administration. In April 1969 the Nixon administration fully embraced the revenue sharing concept and sent a specific legislative proposal to the Congress. Unconditional sharing of tax revenues has long been the practice of some States and in fact has been in use in several nations such as Canada and Australia.

The American people are frustrated by the unresponsiveness of governmental institutions to local concerns. They are losing faith in the ability of elected officials to deliver basic services. Pluralism in our system is melting away and a monolithic decisionmaking process is taking its place. An omniscient Federal Government is utter fallacy. Washington has no monopoly on wisdom—only money. The fiscal mismatch between the revenue generating sources of the Federal Government and the inelastic sources of local government is at the heart of the problem. It is time to put money where the people are and where the problems are. Let us restore to the States their proper role in the federal system with a new emphasis on local initiative and discretion. Let us provide both the encouragement and resources for local and State officials to exercise greater leadership in solving their own problems. Let us seek better and more efficient allocation of public moneys and delivery of public services. As a former mayor of Lancaster, Ohio, I can readily appreciate the crisis situation confronting local government and understood the urgent need to create a mechanism to supplement the existing Federal aid effort with broader and less conditional assistance.

Revenue sharing is an idea whose time has come and no matter what label or name it goes by, it is an effective way in which we can redress the imbalances in the capacities of our governmental institutions and invigorate our federalism in such a way as to make decisionmaking more responsive to the needs and wishes of the American people.

Mr. MITCHELL. Mr. Chairman, anyone concerned with the problems facing our Nation's urban centers realizes the necessity of enacting a revenue-sharing program which will help ease the financial burden of our city governments. In the decade from 1958 to 1968, the general expenditures of State and local governments rose 128 percent, from $44.9 to $102.4 billion. During that same time period, the debt incurred at this level of government increased 108.2 percent. The Federal deficit, meanwhile, climbed only 25.8 percent. As State and local spending grew, however, revenue sources shrank. Continued dependency on regressive property, sales, and even nuisance taxes at a time when prosperous individuals and corporations were abandoning our urban centers heightened the financial plight of the cities. Strapped by these growing monetary limitations, numerous cities have been forced either to eliminate or to reduce essential public services.

The bill before the House today distributes $3.5 billion annually to local governments from the period 1972 through 1976. The city of Baltimore, which I represent, would receive $19.3 million yearly. My discussions with officials of the city government have impressed upon me the seriousness of the city's financial problem and the importance of the programs which revenue sharing funds will be used for.

The upward trend in local expenditures is expected to increase in the near future. By providing funds over a 5-year period, the bill will enable cities to engage in more effective planning for their numerous long-range concerns. Some have expressed the fear that whatever defects become apparent in this program will not be remedied by the Congress over that 5-year period. I am confident, however, that if necessary the Congress will enact the corrective legislation needed to rectify such shortcomings. I wish to take this opportunity to call to the attention of my colleagues those provisions of H.R. 14370 which I feel merit the closest scrutiny.

First, the antidiscrimination provision—section 6—adds an unnecessary step which will serve only to delay corrective action. The requirement of notifying a State Governor of alleged discrimination is an unwarranted addition to the normal title VI enforcement process.

Second, the high priority areas established for local spending are public safety, environmental protection, and public transportation. While all these areas merit increased attention on the part of local governments, I hope that it will not come at the expense of our equally urgent needs in the areas of education, housing, and welfare.

Third, under the formula devised by the Ways and Means Committee, in 1972 localities will receive a greater share of the funds under revenue sharing than they would have under the Nixon administration's original proposal. However, the State portion grows under H.R. 14370 until it approaches the 50-percent figure in the administration's plan. Additionally, funds are made available to local governments serving a population as small as 15. The limited amount of funds available for revenue sharing must be directed to the large urban centers which desperately need this assistance and should not be squandered elsewhere.

Fourth, the labor standards sections that apply to local government expenditures are weak, while the State share has no labor protection provisions. We must not provide financial assistance to State and local governments at the expense of the workingman.

The State and Local Fiscal Assistance Act of 1972 is only one step in the effort to deal with the mounting problems of our cities. We must make certain that all necessary steps are taken to deal with this crisis. With these considerations in mind, I urge my colleagues to vote for the bill.

Mr. MILLS of Arkansas. Mr. Chairman, I have no further requests for time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 14370

A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act of 1972".

TITLE I—PAYMENTS TO LOCAL GOVERNMENTS AND TO THE STATES

SUBTITLE A—LOCAL GOVERNMENT HIGH-PRIORITY ASSISTANCE

SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.

Except as otherwise provided in this subtitle, the Secretary (as defined in section 141(a)) shall, for each entitlement period (as defined in section 141(b)), pay out of the Local Government High-Priority Expenditures Trust Fund created by section 104 to each unit of local government, for use by such unit for high-priority expenditures (as defined in section 102), a total amount equal to the entitlement of such unit for such period (determined under section 103). Such payments shall be made in installments during any period but not less often than once each quarter. Such payments for any period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid. A unit of local government may not treat funds it receives under this subtitle as a contribution made from non-Federal funds for purposes of any formula provided by a law of the United States under which non-Federal funds must be made available in order to receive Federal funds.

SEC. 102. High-Priority Expenditures.

(a) IN GENERAL.—For purposes of this subtitle, the term "high-priority expenditures" means only—

(1) maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement), and

(C) public transportation (including transit systems and streets), and

(2) capital expenditures for—

(A) sewage collection and treatment,

(B) refuse disposal systems, and

(C) public transportation (including transit systems and street construction).

(b) ESTABLISHMENT OF FURTHER PRIORITIES.—If a State regularly spends (out of its own sources) more on any category of items falling within any subparagraph set forth in subsection (a) than the total amount regularly spent (out of their own sources) by all units of local government located in such State on such category, then such State may by law provide that, for purposes of this subtitle, such category of items shall be excluded from the items which may be taken into account under subsection (a) with respect to units of local government located in such State.

SEC. 103. AMOUNT OF ENTITLEMENT OF EACH LOCAL GOVERNMENT

(a) ALLOCATION AMONG THE STATES.—The amount appropriated to the Trust Fund by section 104 for any entitlement period shall be allocated among the States—

(1) one-third on the basis of population,

(2) one-third on the basis of urbanized population, and

(3) one-third on the basis of population inversely weighted for per capita income.

(b) ALLOCATION AMONG COUNTY AREAS.—The amounts allocated to a State under subsection (a) for any entitlement period shall be further allocated among the counties located in such State—

(1) on the basis of population, in the case of the amount allocated to such State for such period under subsection (a)(1),

(2) on the basis of urbanized population, in the case of the amount allocated to such State for such period under subsection (a)(2), and

(3) on the basis of population inversely weighted for per capita income, in the case of the amount allocated to such State for such period under subsection (a)(3).

(c) ALLOCATION TO COUNTY GOVERNMENTS, MUNICIPALITIES, TOWNSHIPS, ETC.—

(1) COUNTY GOVERNMENTS.—The county government shall be allocated that portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county.

(2) OTHER UNITS OF LOCAL GOVERNMENT.—The remaining portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) shall be allocated among the units of local government (other than the county government and other than township governments) located in such county—

(A) on the basis of population, in the case of the remaining portion of the amount allocated to the county area under subsection (b)(1), and

(B) on the basis of population inversely weighted for per capita income, in the case of the remaining portion of the amount allocated to the county area under subsection (b)(3).

For purposes of the preceding sentence, the remaining portion of the amount allocated to the county area under subsection (b)(2) shall be treated as allocated to the county area under subsection (b)(1) and subsection (b)(3) in the same proportion as the amount allocated to the county area under subsection (b)(1) or (b)(3) (as the case may be) bears to the sum of the amounts allocated to the county area under subsections (b)(1) and (b)(3).

(3) TOWNSHIP GOVERNMENTS.—If the county includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) of this paragraph to such township governments that portion of each amount allocated to the county area for the entitlement period under the paragraphs of subsection (b) which bears the same ratio to such amount as the sum of the adjusted taxes of all of such township governments bears to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county, and

(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each such township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, each remaining portion allocated under paragraph (2) to the units of local government located in the county (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A) of the first sentence of this paragraph.

(4) ENTITLEMENT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (d)).

(B) ENTITLEMENT LESS THAN $200, OR GOVERNING BODY WAIVES ENTITLEMENT.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(C) LIMITATION.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum (for the immediately preceding corresponding period of time) of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subtitle). In any case where the preceding sentence reduces the amount allocated to any unit of local government sharing in any allocation, the amount of such reduction shall (to the extent not barred by the preceding sentence) be added to (and shall increase) the allocation to every other unit of local government sharing in such allocation in proportion to its respective share of such allocation.

(d) SPECIAL ALLOCATION RULES.—

(1) STATE MAY BY LAW PROVIDE THAT RELATIVE TAX EFFORT SHALL BE TAKEN INTO ACCOUNT IN ALLOCATING AMONG COUNTY AREAS.—In lieu of the allocation provided by paragraph (1) of subsection (b), a State may by law provide that the amount allocated to such State for any entitlement period under subsection (a)(1) shall be allocated among the counties located in the State on the basis of population weighted for per capita adjusted taxes (instead of on the basis of population).

(2) STATE MAY BY LAW PROVIDE THAT RELATIVE TAX EFFORT SHALL BE TAKEN INTO ACCOUNT IN ALLOCATING BELOW COUNTY LEVEL.—In lieu of the allocation provided by subparagraph (A) of the first sentence of subsection (c)(2), the State may by law provided that the amount to be allocated for the entitlement period under such subparagraph (A) (and under so much of the last sentence of subsection (c)(2), and under so much of subsection (c)(3), as relates to such subparagraph (A)) shall be allocated on the basis of population weighted for per capita adjusted taxes (instead of on the basis of population).

(3) STATE MAY BY LAW VARY (WITHIN LIMITS) THE AMOUNTS TO BE ALLOCATED AMONG COUNTY AREAS.—In applying the allocation formula of subsection (b), a State may by law vary the amount to be allocated under each of the paragraphs of subsection (b). Any such variance for any entitlement period—

(A) shall not cause the amount to be allocated by the State among the county areas for such period under any paragraph of subsection (b)—

(i) to be decreased by more than 25 percent, or

(ii) to be increased by more than 40 percent, and

(B) shall provide for allocating among the counties within the State 100 percent of the aggregate amount allocated to the State under subsection (a) for such period.

(4) USE FOR AREAWIDE PROJECTS.—

(A) A State may by law provide that, in the case of one or more projects involving high-priority expenditures in 2 or more contiguous counties in such State, a portion of the entitlements of the units of local government located in such counties directly affected by such projects will be spent, under the supervision provided in such State law, for high-priority expenditures for such projects.

(B) Subparagraph (A) shall apply to any project only to the extent that the amount of the entitlement of the unit of local government used for areawide spending under subparagraph (A) is matched (on a current basis) by State spending out of its own sources.

(C) The portion of the entitlement of any unit of local government for any entitlement period to which subparagraph (A) applies shall not exceed 10 percent of such entitlement.

(5) UNIFORMITY; CERTIFICATION; ENTITLEMENT PERIODS AFFECTED.—

(A) A State law shall be deemed to comply with the requirements of paragraph (1), (2), or (3) (and of subsection (b) of section 102) only if such law applies throughout the State.

(B) Paragraph (1), (2), (3), or (4) (and subsection (b) of section 102) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph (or subsection).

(C) Any such State law shall apply only to allocations for entitlement periods beginning after June 30, 1973, and beginning after whichever of the following is the later: (i) the date of the certification under subparagraph (B) with respect to such law, or (ii) the effective date specified in such State law.

(e) ALLOCATION DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

(1) ALLOCATION ON BASIS OF POPULATION.—Any allocation on the basis of population among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as the population of such unit bears to the population of the larger entity.

(2) ALLOCATION ON BASIS OF URBANIZED POPULATION.—Any allocation on the basis of ur-

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banized population among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as the urbanized population of such unit bears to the urbanized population of the larger entity.

(3) ALLOCATION ON BASIS OF POPULATION INVERSELY WEIGHTED FOR PER CAPITA INCOME.—Any allocation, on the basis of population inversely weighted for per capita income, among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such unit, multiplied by a fraction the numerator of which is the per capita income of the larger entity and the denominator of which is the per capita income of such unit, bears to

(B) the sum of the products determined under subparagraph (A) for all such units.

(4) ALLOCATION ON BASIS OF POPULATION WEIGHTED FOR PER CAPITA ADJUSTED TAXES.—

(A) Any allocation, on the basis of population weighted for per capita adjusted taxes, among units located in a larger entity shall be made by allocating to each such unit an amount which bears the same ratio to the total amount to be allocated as—

(i) the population of such unit, multiplied by the per capita adjusted taxes of the government of such unit, bears to

(ii) the sum of the products determined under clause (i) for all such units.

(B) For purposes of subsection (d)(2), the per capita adjusted taxes of any unit having a population of 100,000 or less taken into account under subparagraph (A) of this paragraph shall not exceed the per capita adjusted taxes of the city (if any) in such State having a population of more than 100,000 and having the lowest per capita adjusted taxes of all cities in such State having a population of more than 100,000.

(5) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(6) URBANIZED POPULATION.—Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

(7) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(8) ADJUSTED TAXES.—

(A) IN GENERAL.—The adjusted taxes of any unit of government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

(i) a county government exacts sales taxes within a municipality and transfers part or all of such taxes to such municipality without specifying the purposes for which the municipality may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the municipality (and not the taxes of the county government).

(9) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by the government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(10) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the April 1 immediately preceding the beginning of such period.

(11) DATA USED; UNIFORMITY OF DATA.—(A) GENERAL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census.

(B) USE OF ESTIMATES, ETC.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

(f) GOVERNMENTAL DEFINITIONS AND RELATED RULES.—For purposes of this section—

(1) UNITS OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

(2) CERTAIN AREAS TREATED AS COUNTIES.—In any State where, for part or all of its geographic area, the next unit of local government below the State is a city or other unit, such unit shall be treated as a county (and its government shall be treated as a county government) with respect to that portion of the State's geographic area.

(3) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations, in a manner which is consistent with such purposes.

SEC. 104. LOCAL GOVERNMENT HIGH-PRIORITY EXPENDITURE TRUST FUND.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $1,750,000,000.

(B) For the fiscal year beginning July 1, 1972, $3,500,000,000.

(C) For the fiscal year beginning July 1, 1973, $3,500,000,000.

(D) For the fiscal year beginning July 1, 1974, $3,500,000,000.

(E) For the fiscal year beginning July 1, 1975, $3,500,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $1,750,000,000.

(2) DEPOSIT IN TRUST FUND.—The amount appropriated by paragraph (1) for any period shall be deposited in the trust fund created by subsection (b) on the first day of such period (or, if later, on the day on which this Act is enacted).

(b) CREATION OF TRUST FUND.—

(1) There is created in the books of the Treasury of the United States a trust fund to be known as the "Local Government High-Priority Expenditures Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsection (a). Amounts in the Trust Fund may be used only for the payments to local governments provided by this subtitle.

(2) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

SEC. 105. GENERAL PROVISIONS

(a) ASSURANCE OF LOCAL GOVERNMENT HIGH-PRIORITY EXPENDITURES PLANS.—In order to qualify for any payment under this subtitle for any entitlement period beginning on or after July 1, 1972, a local government must establish (in accordance with regulations prescribed by the Secretary, and after an opportunity for review and comment by the Governor of the State in which such local government is located) to the satisfaction of the Secretary—

(1) that the local government will establish a trust fund in which it will deposit all payments it receives under this subtitle;

(2) that it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) only for high-priority expenditures, and that it will use such amounts during such reasonable period or periods as may be provided in such regulations;

(3) that it will use amounts in its trust fund established pursuant to paragraph (1) for capital expenditures for purposes specified in subparagraphs (A), (B), and (C) of section 102(a)(2) only if the capital items are additional and not of a character for which the local government regularly makes expenditures on a recurring basis;

(4) that the local government will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended out of its trust fund established pursuant to paragraph (1) in violation of paragraph (2) or (3) which is not promptly repaid to the trust fund (or the violation otherwise corrected) after notice and an opportunity to take corrective action;

(5) that the local government will—

(A) use such fiscal, accounting, and audit procedures as will conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States) and as will assure compliance with paragraphs (2), (3), and (4),

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this subsection (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c)(2)), and

(C) make such annual and interim reports to the Secretary as he may reasonably require;

(6) that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

(7) that persons employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which shall not be lower than the prevailing rates of pay for persons employed in similar jobs by such local government.

In order to qualify for any payment under this subtitle for the entitlement period beginning on January 1, 1972, and ending on June 30, 1972, a local government must establish to the satisfaction of the Secretary that it will use such payment only for high-priority expenditures and will comply with such other requirements, consistent with the preceding sentence, as may be established by the Secretary.

(b) WITHHOLDING OF PAYMENTS.—If the Secretary determines that a local government has failed to comply substantially with any provision of this subtitle (other than section 106) or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the chief executive officer of the local government, he shall notify the local government that if such local government fails to take corrective action within 60 days from the date of receipt of such notification further payments to such local government shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) ACCOUNTING, AUDITING, AND EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds by the local governments comply fully with the requirements of this subtitle. The Secretary shall have authority to accept an audit by a State of the expenditures of a unit of local government under this subtitle if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this subtitle.

(2) COMPTROLLER GENERAL SHALL REVIEW COMPLIANCE.—The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the States, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this subtitle.

SEC. 106. NONDISCRIMINATION PROVISION

(a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle.

(b) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d); or (3) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SUBTITLE B—STATE TAX SUPPLEMENTS

SEC. 121. PAYMENTS TO STATES.

Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the State Tax Supplements Trust Fund created by section 123(c) to each State government a total amount equal to the entitlement of such government for such period (determined under section 122). Such payments shall be made in installments during any period but not less often than once each quarter. Such payments for any period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

SEC. 122. AMOUNT OF ENTITLEMENT OF EACH STATE.

(a) GENERAL RULE.—The amount of the entitlement of any State for any entitlement period is the sum of—

(1) the income tax share of such State for such period, plus

(2) the combined tax effort share of such State for such period.

(b) INCOME TAX SHARE.—For purposes of this section—

(1) IN GENERAL.—The income tax share of any State for any entitlement period is the amount equal to the lesser of—

(A) the adjusted incentive amount of such State for such period, or

(B) the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(1) as the adjusted incentive amount of such State for such period bears to the sum of the adjusted incentive amounts of all States for such period.

(2) INCENTIVE AMOUNT.—The incentive amount of any State for any entitlement period is 15 percent of the net amount collected from the State individual income tax of such State during 1972 or (if later) during the last calendar year ending before the beginning of such period.

(3) CEILING AND FLOOR.—The incentive amount of any State for any entitlement period—

(A) shall not exceed 6 percent, and

(B) shall not be less than 1 percent, of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(4) ADJUSTMENT.—The adjusted incentive amount of any State for any entitlement period is one-half (one-quarter in the case of an entitlement period of 6 months) of the incentive amount of such State (determined under paragraphs (2) and (3)).

(c) COMBINED TAX EFFORT SHARE.—

(1) IN GENERAL.—The combined tax effort share of any State for any entitlement period is the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(2) as the combined tax effort amount of such State for such period bears to the sum of the combined tax effort amounts of all States for such period.

(2) COMBINED TAX EFFORT AMOUNT.—The combined tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(A) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(B) a fraction—

(i) the numerator of which is the net amount referred to in subparagraph (A), and

(ii) the denominator of which is the aggregate personal income attributed to such State for the one-year period ending on the second June 30 before the beginning of such period.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE INDIVIDUAL INCOME TAXES.—The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954.

(2) FEDERAL INDIVIDUAL INCOME TAX LIABILITIES ATTRIBUTED TO STATE.—The Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(3) STATE AND LOCAL TAXES.—

(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under subsection (c)(2) are the compulsory contributions exacted by the State (or by any political subdivison of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of the entitlement period.

(4) PERSONAL INCOME.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(e) STATE MUST MAINTAIN EFFOAT.—

(1) GENERAL RULE.—The entitlement of any State for any entitlement period beginning on or after July 1, 1972, shall be reduced by the amount (if any) by which—

(A) the aggregate amount transferred by the State (out of its own sources) during such period to all units of local government in such State is less than—

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

(2) ADJUSTMENT WHERE STATE ASSUMES RESPONSIBILITY FOR CATEGORY OF EXPENDITURES.—If the State establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State spending (out

of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) SPECIAL RULE FOR PERIOD BEGINNING JULY 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amount which (but for this paragraph) would be taken into account.

(4) REDUCTION IN ENTITLEMENT.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State under this subtitle an amount equal to such reduction.

(5) TRANSFER TO GENERAL FUND.—An amount equal to the reduction in the entitlement of any State which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund created by section 123(c) to the general fund of the Treasury on the day on which such reduction becomes final.

SEC. 123. STATE TAX SUPPLEMENT TRUST FUND.

(a) APPROPRIATIONS.—

(1) APPROPRIATIONS FOR STATE INCOME TAX SHARES.—There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $450,000,000.

(B) For the fiscal year beginning July 1, 1972, $1,000,000,000.

(C) For the fiscal year beginning July 1, 1973, $1,200,000,000.

(D) For the fiscal year beginning July 1, 1974, $1,400,000,000.

(E) For the fiscal year beginning July 1, 1975, $1,600,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $900,000,000.

If the amount appropriated by this paragraph for any entitlement period exceeds the sum of the adjusted incentive amounts of all States for such period (within the meaning of section 122(b)), an amount equal to such excess shall be transferred from the Trust Fund created by subsection (c) to the general fund of the Treasury as of the close of the first fiscal year ending after the close of such entitlement period.

(2) APPROPRIATIONS FOR STATE COMBINED TAX EFFORT SHARES.—There is hereby appropriated out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

(A) For the period beginning January 1, 1972, and ending June 30, 1972, $450,000,000.

(B) For the fiscal year beginning July 1, 1972, $950,000,000.

(C) For the fiscal year beginning July 1, 1973, $1,050,000,000.

(D) For the fiscal year beginning July 1, 1974, $1,150,000,000.

(E) For the fiscal year beginning July 1, 1975, $1,250,000,000.

(F) For the period beginning July 1, 1976, and ending December 31, 1976, $675,000,000.

(b) DEPOSIT IN TRUST FUND.—Amounts appropriated by subsection (a) for any period shall be deposited in the Trust Fund created by subsection (c) on the first day of such period (or, if later, on the day on which this Act is enacted).

(c) CREATION OF TRUST FUND.—

(1) There is created in the books of the Treasury of the United States a trust fund to be known as the "State Tax Supplements Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsections (a) and (b). Except as provided in the last sentence of subsection (a)(1) and in section 122(e)(5), amounts in the Trust Fund may be used only for the payments to State governments provided by this subtitle.

(2) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

SUBTITLE C—GENERAL PROVISIONS

SEC. 141. DEFINITIONS AND SPECIAL RULES.

(a) SECRETARY.—For purposes of this title, the term "Secretary" means the Secretary of the Treasury or his delegate. The term "Secretary of the Treasury" means the Secretary of the Treasury personally, not including any delegate.

(b) ENTITLEMENT PERIOD.—For purposes of this title, the term "entitlement period" means—

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The one-year periods beginning on July 1 of 1972, 1973, 1974, and 1975.

(3) The period beginning July 1, 1976, and ending December 31, 1976.

(c) DISTRICT OF COLUMBIA.—

(1) TREATED AS STATE.—For purposes of this title, the District of Columbia shall be treated as a State, and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia.

(2) TREATED AS LOCAL GOVERNMENT.—For purposes of subtitle A, the District of Columbia shall be treated as a county which has no units of local government (other than itself) within its geographic area; except that it shall be treated as a State for purposes of the allocation under section 103(a), and the amount allocated to it under section 103(a) for any entitlement period shall be the entitlement of the District of Columbia under subtitle A for such period.

(3) REDUCTION IN CASE OF INCOME TAX ON NONRESIDENT INDIVIDUALS.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then an amount equal to the net collections from such tax during any entitlement period attributable to individuals who are not residents of the District of Columbia shall be applied—

(A) first to reduce the income tax share of the District of Columbia under subtitle B for such period (to the extent thereof),

(B) then to reduce the combined tax effort share of the District of Columbia under subtitle B for such period (to the extent thereof), and

(C) then to reduce the entitlement of the District of Columbia under subtitle A for such period.

SEC. 142. REGULATIONS.

(a) GENERAL RULE.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this title:

(b) ADMINISTRATIVE PROCEDURE ACT TO APPLY.—The rulemaking provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to the regulations prescribed under this title for entitlement periods beginning on or after July 1, 1972.

SEC. 143. JUDICIAL REVIEW.

(a) PETITIONS FOR REVIEW.—Any local government which receives a 60-day notice under section 105(b), and any State which receives a notice of a reduction in its entitlement under section 122(e)(4), may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or local government is located a petition for review of the action of the Secretary. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General.

(b) RECORD.—The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence contained in the record, shall be conclusive. However, if any finding is not supported by substantial evidence contained in the record, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence contained in the record.

(d) REVIEW BY SUPREME COURT.—The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

SEC. 144. AUTHORITY TO REQUIRE INFORMATION ON INCOME TAX RETURNS.

(a) GENERAL RULE.—

(1) INFORMATION WITH RESPECT TO PLACE OF RESIDENCE.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to income tax returns) is amended by adding at the end thereof the following new section:

"SEC. 6017A. PLACE OF RESIDENCE.

"In the case of an individual, the information which may be required on any return with respect to the taxes imposed by chapter 1 for any period shall include information as to the State, county, municipality, and any other unit of local government in which the taxpayer (and any other individual with respect to whom an exemption is claimed on such return) resided on one or more dates (determined in the manner provided by regulations prescribed by the Secretary or his delegate) during such period."

(2) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following:

"Sec. 6017A. Place of residence."

(b) CIVIL PENALTY.—

(1) IN GENERAL.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 6687. FAILURE TO SUPPLY INFORMATION WITH RESPECT TO PLACE OF RESIDENCE.

"(a) CIVIL PENALTY.—If any person who is required by regulations prescribed under section 6017A to include on any return information with respect to his place of residence fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

"(b) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a)."

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter B is amended by adding at the end thereof the following:

"Sec. 6687. Failure to supply information with respect to place of residence."

TITLE II—FEDERAL COLLECTION OF STATE INDIVIDUAL INCOME TAXES

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal-State Tax Collection Act of 1972".

SEC. 202. COLLECTION PROVISIONS.

(a) AMENDMENT OF CHAPTER 64.—Chapter 64 of the Internal Revenue Code of 1954 (relating to collection) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—COLLECTION OF STATE INDIVIDUAL INCOME TAXES

"Sec. 6361. General rules.
"Sec. 6362. Qualified State individual income taxes.
"Sec. 6363. State agreements; other procedures.
"Sec. 6364. Regulations.
"Sec. 6365. Definitions and special rules.

"SEC. 6361. GENERAL RULES.

"(a) COLLECTION AND ADMINISTRATION.—In the case of any State which has in effect an agreement with the Secretary entered into under section 6363, the Secretary or his delegate shall collect and administer the qualified State individual income taxes of such State. All provisions of this subtitle, subtitle G, and chapter 24 relating to the collection and administration of the taxes imposed by chapter 1 on the incomes of individuals (and all civil and criminal sanctions provided by this subtitle or by title 18 of the United States Code with respect to such collection and administration) shall apply to the collection and administration of qualified State individual income taxes as if such taxes were imposed by chapter 1, except to the extent that their application is modified by the Secretary or his delegate by regulations necessary or appropriate to reflect the provisions of this subchapter, or to reflect differences in the taxes or differences in the situations in which liability for such taxes arises.

"(b) CIVIL PROCEEDINGS.—Any person shall have, with respect to a qualified State individual income tax (including the current collection thereof), the same right to bring or contest a civil action and obtain review thereof, in the same court or courts and subject to the same requirements and procedures, as he would have under chapter 76, and under title 28 of the United States Code, if the tax were imposed by section 1 (or were for the current collection of the tax imposed by section 1). To the extent that the preceding sentence provides judicial procedures (including review procedures) with respect to any matter, such procedures shall replace judicial procedures under State law, except that nothing in this subchapter shall be construed in any way to affect the right or power of a State court to pass on matters involving the constitution of that State.

"(c) TRANSFERS TO STATES.—

"(1) PROMPT TRANSFERS.—Any amount collected under this subchapter which is apportioned to a qualified State individual income tax shall be promptly transferred to the State on the basis of estimates by the Secretary or his delegate. In the case of amounts collected under chapter 24, the estimated amount due the State shall be transferred to the State not later than the close of the third business day after the amount is deposited in a Federal Reserve bank. In the case of amounts collected pursuant to a return, a declaration of estimated tax, an amendment of such a declaration, or otherwise, the estimated amount due the State shall be transferred to the State and later than the close of the 30th day after the amount is received by the Secretary or his delegate.

"(2) ADJUSTMENTS.—Not less often than once each fiscal year the difference between collections (adjusted for credits and refunds) made under this subchapter during the preceding fiscal year and the transfers to the States made on account of estimates of such collections shall be determined, and such difference shall be a charge against, or an addition to, the amounts otherwise payable.

"(d) SPECIAL RULES.—

"(1) UNITED STATES TO REPRESENT STATE INTEREST.—

"(A) GENERAL RULE.—In all administrative proceedings, and in all judicial proceedings (whether civil or criminal), relating to the administration and collection of a State qualified individual income tax the interests of the State imposing such tax shall be represented by the United States in the same manner in which the interests of the United States are represented in corresponding proceedings involving the taxes imposed by chapter 1.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) proceedings in a State court involving the constitution of that State, and

"(ii) proceedings involving the relationship between the United States and the State.

"(2) ALLOCATION OF OVERPAYMENTS AND UNDERPAYMENTS.—If the combined amount collected in respect of a qualified State individual income tax for any period and the taxes imposed by chapter 1 for such period with respect to the income of any individual is greater or less than the combined amount required to be paid for such period, the collected amount shall be divided between the accounts for such taxes on the basis of the respective amounts required to be paid.

"(3) FINALITY OF ADMINISTRATIVE DETERMINATIONS.—Administrative determinations of the Secretary or his delegate as to tax liabilities of, or refunds owing to, individuals with respect to qualified State individual income taxes shall not be reviewed by or enforced by any officer or employee of any State or political subdivision of a State.

"SEC. 6362. QUALIFIED STATE INDIVIDUAL INCOME TAXES.

"(a) QUALIFIED STATE INDIVIDUAL INCOME TAXES DEFINED.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'qualified State individual income tax' means—

"(A) a qualified resident tax, and

"(B) a qualified nonresident tax.

"(2) QUALIFIED RESIDENT TAX.—The term 'qualified resident tax' means a tax imposed by a State on the income of individuals who are residents of such State which is either—

"(A) a tax based on taxable income which meets the requirements of subsection (b), or

"(B) a tax which is a percentage of the Federal tax which meets the requirements of subsection (c),

and which, in addition, meets the requirements of subsections (e) and (f).

"(3) QUALIFIED NONRESIDENT TAX.—The term 'qualified nonresident tax' means a tax which is imposed by a State on the wage and other business income of individuals who are not residents of such State and which meets the requirements of subsection (d), (e), and (f).

"(b) QUALIFIED RESIDENT TAX BASED ON TAXABLE INCOME.—

"(1) IN GENERAL.—A tax meets the requirements of this subsection only if it is imposed on an amount equal to the individual's taxable income (as defined in section 63) for the taxable year, adjusted—

"(A) by subtracting an amount equal to the amount of his interest on obligations of the United States which was included in his gross income for the year,

"(B) by adding an amount equal to his net State income tax deduction for the year, and

"(C) by adding an amount equal to his net tax-exempt income for the year.

"(2) PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraph (1) shall not be deemed to fail to meet such requirements solely because it provides for one or more of the following adjustments:

"(A) There is imposed a tax on the amount taxed under section 56 (relating to the minimum tax for tax preferences).

"(B) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

"(C) A credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State.

"(3) DEFINITIONS.—For purposes of this subsection and subsection (c)—

"(A) NET TAX-EXEMPT INCOME.—The term 'net tax-exempt income' means the excess (if any) of the interest on obligations excluded from gross income under section 103(a)(1) (relating to interest on certain State and local obligations), over the sum of (i) the amount of deductions allocable to such interest which is disallowed by application of section 265, and (ii) the amount of the proper adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016(a)(5) or (6).

"(B) NET STATE INCOME TAX DEDUCTIONS.—The term 'net State income tax deduction' means the excess (if any) of (i) the amount deducted from income under section 164(a)(3) as taxes paid to a State or a political subdivision thereof, over (ii) amounts included in income as recoveries of prior income taxes paid to a State or a political subdivision thereof which had been deducted under section 164(a)(3).

"(c) QUALIFIED RESIDENT TAX WHICH IS A PERCENTAGE OF THE FEDERAL TAX.—

"(1) IN GENERAL.—A tax meets the requirements of this subsection only if it is imposed as a specified percentage of the excess of the taxes imposed by chapter 1 over the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable by sections 31 and 39).

"(2) REQUESTED ADJUSTMENT.—A tax meets the requirements of this subsection only if the liability for tax is decreased by the decrease in such liability which would result from excluding from gross income an amount equal to the interest on obligations of the United States which was included in gross income for such year.

"(3) PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for both the following adjustments:

"(A) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net tax-exempt income for the year, and

"(B) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net State income tax deduction for the year.

"(4) FURTHER PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for one or both of the following adjustments:

"(A) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

"(B) A credit determined under rules pre-

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scribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State.

"(d) QUALIFIED NONRESIDENT TAX.—

"(1) IN GENERAL.—A tax imposed by a State meets the requirements of this subsection only if it has the following characteristics—

"(A) such tax is imposed by the State on the wage and other business income of individuals who are not residents of such State,

"(B) such tax applies only with respect to wage and other business income derived from sources within such State,

"(C) such tax applies only if 25 percent or more of the individual's wage and other business income for the taxable year is derived from sources within such State,

"(D) the amount of such tax imposed with respect to any individual who is not a resident does not exceed the amount of tax for which he would be liable under such State's qualified resident tax if he were a resident of such State and if his taxable income were an amount equal to the excess of—

"(i) the amount of his wage and other business income derived from sources within such State, over

"(ii) that portion of the nonbusiness deductions taken into account for purposes of the State's qualified resident tax which bears the same ratio to the amount of such deductions as the income referred to in clause (i) bears to his adjusted gross income, and

"(E) the State has in effect for the same period a qualified resident tax.

"(2) WAGE AND OTHER BUSINESS INCOME.—The term 'wage and other business income' means—

"(A) wages, as defined in section 3401(a),

"(B) net earnings from self-employment (within the meaning of section 1402(a)), and

"(C) the distributive share of income of any trade or business carried on by a trust, estate, or electing small business corporation (within the meaning of section 1371(a)) to the extent such share (i) is includible in the gross income of the individual for the taxable year, and (ii) would constitute net earnings from self-employment (within the meaning of section 1402(a)) if such trade or business were carried on by a partnership.

"(e) REQUIREMENTS RELATING TO RESIDENCE.—A tax imposed by a State meets the requirements of this subsection only if for purposes of such tax—

"(1) RESIDENT INDIVIDUAL.—An individual (other than a trust or estate) is treated as a resident of such State with respect to a taxable year only if—

"(A) his principal place of residence has been within such State for a period of at least 135 consecutive days and at least 30 days of such period are in such taxable year, or

"(B) in the case of a citizen or resident of the United States who is not a resident (determined in the manner provided in subparagraph (A)) of any State with respect to such taxable year, such individual is domiciled in such State for at least 30 days during such taxable year.

Nothing in this subchapter shall be construed to require or authorize the treatment of a Senator, Representative, Delegate, or Resident Commissioner as a resident of a State other than the State which he represents in Congress.

"(2) ESTATE.—An estate of an individual is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(3) TRUSTS.—

"(A) TESTAMENTARY TRUST.—A trust with respect to which a deceased individual is the principal contributor by reason of property passing on his death is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(B) NONTESTAMENTARY TRUST.—A trust (other than a trust described in subparagraph (A)) is treated as a resident of such State with respect to a taxable year only if the principal contributor to the trust, during the 3-year period ending on the date of the creation of the trust, resided in the State for an aggregate number of days longer than the aggregate number of days he resided in any other State.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) If on any day before the close of the taxable year an existing trust received assets having a value greater than the aggregate value of all assets theretofcre contributed to the trust, such trust shall be treated as created on such day. For purposes of this subparagraph, the value of any asset taken into account shall be its fair market value on the day it is contributed to the trust.

"(ii) The principal contributor to the trust is the individual who contributed more (in value) of the assets contributed on the date of the creation of the trust (determined after applying clause (i)) than any other individual.

"(iii) If the foregoing rules would create more than one State of residence (or no State of residence) for a trust, such trust shall be treated as a resident of the State determined under similar principles prescribed by the Secretary or his delegate by regulations.

"(4) LIABILITY FOR TAX ON CHANGE OF RESIDENCE.—With respect to a taxable year, in the case of an individual (other than an individual who comes into being or ceases to exist) who becomes a resident, or ceases to be a resident, of the State, his liability to such State for the resident tax is determined by multiplying the amount which would be his liability for tax (after the nonrefundable credits allowed against such tax) if he had been a resident of such State for the entire taxable year by a fraction the numerator of which is the number of days he was a resident of such State and the denominator of which is the total number of days in the taxable year. In the case of an individual who is treated as a resident of a State with respect to a taxable year by reason of paragraph (1)(B), the preceding sentence shall be applied by substituting days of domicile for days of residence.

"(5) CURRENT COLLECTION OF TAX.—In applying chapter 24 (relating to withholding) and section 6015 and other provisions relating to declarations of estimated income (and amendments thereto)—

"(A) in the case of a resident tax, an individual is treated as subject to the tax if he reasonably expects to reside in the State for 30 days or more or if such individual is a resident of the State (within the meaning of paragraph (1), (2), or (3)), and

"(B) in the case of a nonresident tax, an individual is treated as subject to the tax if he reasonably expects to receive wage and other business income (within the meaning of subsection (d)(2)) for 30 days or more during the taxable year.

"(f) ADDITIONAL REQUIREMENTS.—A tax imposed by a State shall meet the requirements of this subsection only if—

"(1) STATE AGREEMENT MUST BE IN EFFECT FOR PERIOD CONCERNED.—A State agreement entered into under section 6363 is in effect with respect to such tax for the taxable period in question.

"(2) STATE LAWS MUST CONTAIN CERTAIN PROVISIONS.—Under the laws of such State—

"(A) the provisions of this subchapter (and of the regulations prescribed thereunder) as in effect from time to time are made applicable for the period for which the State agreement is in effect, and

"(B) any change made by the State in the tax imposed by the State will not apply to taxable years beginning in any calendar year for which the State agreement is in effect unless such change is enacted before September 1 of such calendar year.

"(3) STATE LAWS TAXING INCOME OF INDIVIDUALS CAN ONLY BE OF CERTAIN KINDS.—The State does not impose any tax on the income of individuals other than—

"(A) a qualified resident tax,

"(B) a qualified nonresident tax, and

"(C) a separate tax on income which is not wage and other business income and which is received or accrued by individuals who are domiciled in the State but who are not residents of the State within the meaning of subsection (e)(1).

"(4) TAXABLE YEARS MUST COINCIDE.—The taxable years of individuals under such tax coincide with taxable years for purposes of the taxes imposed by chapter 1.

"(5) MARRIED INDIVIDUALS.—A married individual (within the meaning of section 143)—

"(A) who files a joint return for purposes of the taxes imposed by chapter 1 shall not file a separate return for purposes of such State tax, and

"(B) who files a separate return for purposes of the tax imposed by chapter 1, shall not file a joint return for purposes of such State tax.

"(6) NO DOUBLE JEOPARDY UNDER STATE LAW.—The laws of such State do not provide criminal or civil sanctions for an act (or omission to act) with respect to a qualified resident tax or qualified nonresident tax other than the criminal or civil sanctions to which an individual is subjected by reason of section 6361.

"(7) PARTNERSHIPS, TRUSTS, SUBCHAPTERS, CORPORATIONS, AND OTHER CONDUIT ENTITIES.—Under the State law the tax treatment of—

"(A) partnerships and partners,

"(B) trusts and their beneficiaries,

"(C) estates and their beneficiaries,

"(D) electing small business corporations (within the meaning of section 1371(a)) and their shareholders, and

"(E) any other entity and the individuals having beneficial interests therein, to the extent that such entity is treated as a conduit for purposes of the taxes imposed by chapter 1,

shall correspond to the tax treatment provided therefor in the case of the taxes imposed by chapter 1.

"(8) MEMBERS OF ARMED FORCES.—The relief provided to any member of the Armed Forces of the United States by section 514 of the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App. sec. 574) is in no way diminished.

"(9) WITHHOLDING OF COMPENSATION OF EMPLOYEES OF RAILROADS, MOTOR CARRIERS, AIRLINES, AND WATER CARRIERS.—There is no contravention of the provisions of Public Law 91-569 (and the amendments made thereby) with respect to the withholding of compensation to which such Public Law applies for purposes of the nonresident tax.

"SEC. 6363.

"STATE AGREEMENTS; OTHER PROCEDURES

"(a) STATE AGREEMENT.—If a State elects to enter into an agreement with the United States to have its individual income taxes collected and administered as provided in this subchapter, it shall file notice of such election in such manner and with such supporting information as the Secretary or his delegate may prescribe by regulations. The Secretary shall enter into an agreement with such State unless the Secretary notifies the Governor of the State within 90 days after the date of the filing of the notice of the election that the State does not have a qualified State individual income tax (determined without regard to section 6362(f)(1)). The provisions of this subchapter shall apply on and after the date (not earlier than the first January 1 which is more than 6 months after the date of the notice) specified for this purpose in the agreement.

"(b) WITHDRAWAL.—

"(1) BY NOTIFICATION.—If a State wishes to withdraw from the agreement, it shall notify the Secretary or his delegate of its intention to withdraw in such manner as the Secretary or his delegate may prescribe by regulations. The provisions of this subchapter (other than this section) shall not apply after the date specified for this purpose in the notification. Except as provided in regulations, the date so specified shall not be earlier than the first January 1 which is more than 6 months after the date on which the Secretary or his delegate is so notified.

"(2) BY CHANGE IN STATE LAW.—Any change in State law which would (but for this subchapter) have the effect of causing a tax to cease to be a qualified State individual income tax shall be treated as an intention to withdraw from the agreement. Notification by the Secretary to the Governor of such State that the change in State law will be treated as an intention to withdraw shall be made by the Secretary in such manner as the Secretary or his delegate shall by regulations prescribe. Such notification shall have the same effect as a notice under paragraph (1) of an intention to withdraw from the agreement made on the effective date of the change in State law.

"(c) TRANSITION YEARS.—

"(1) SUBCHAPTER CEASES TO APPLY DURING TAXPAYER'S YEAR.—If the provisions of this subchapter cease to apply on a day other than the last day of the taxpayer's taxable year, then amounts previously paid to the United States on account of the State's qualified individual income tax for that taxable year (whether paid by withholding, estimated tax, credit in lieu of refund, or otherwise) shall be treated as having been paid on account of the State's individual income tax law for that taxable year. Such amounts shall be transferred to the State as though the State had not withdrawn from the agreement. Returns, applications, elections, and other forms previously filed with the Secretary or his delegate for that taxable year, which are thereafter required to be filed with the appropriate State official shall be treated as having been filed with the appropriate State official.

"(2) PREVENTION OF UNINTENDED HARDSHIPS OR BENEFITS.—The State may by law provide for the transition to a qualified State individual income tax or from such a tax to the extent necessary to prevent double taxation or other unintended hardships, or to prevent unintended benefits, under State law.

"(3) ADMINISTRATION OF SUBSECTION.—The provisions of this subsection shall be administered by the Secretary or his delegate, by the State, or jointly, to the extent provided in regulations prescribed by the Secretary or his delegate.

"(d) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Whenever under this section the Secretary or his delegate determines that a State does not have a qualified State individual income tax, such State may, within sixty days after the Governor of the State has been notified of such action, file with the United States court of appeals for the circuit in which such State is located, or with the United States Circuit Court of Appeals for the District of Columbia, a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary or his delegate thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) JURISDICTION OF COURT; REVIEW.—The court shall have jurisdiction to affirm the action of the Secretary or his delegate or to set it aside in whole or in part and to issue such other orders as may be appropriate with regard to taxable years which include any part of the period of litigation. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STAY OF DECISION.—

"(A) If judgment on a petition to review a determination under subsection (a) includes a determination that the State has a qualified State individual income tax, then the provisions of this subchapter shall apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(B) If judgment on a petition to review a determination by the Secretary under subsection (b)(2) includes a determination that the State does not have a qualified State individual income tax, then the provisions of this subchapter (other than this section) shall not apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(4) PREFERENCE.—Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.

"SEC. 6364. REGULATIONS.

"The Secretary or his delegate shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subchapter.

"SEC. 6365. DEFINITIONS AND SPECIAL RULES.

"(a) STATE.—For purposes of this subchapter, the term 'State' includes the District of Columbia.

"(b) GOVERNOR.—For purposes of this subchapter, the term 'Governor' includes the Commissioner of the District of Columbia.

"(c) APPLICATION OF SUBCHAPTER.—Whenever this subchapter begins to apply, or ceases to apply, to any State tax on any January 1—

"(1) except as provided in paragraph (2), such change shall apply to taxable years beginning on or after such date, and

"(2) for purposes of chapter 24, such change shall apply to wages paid on or after such date.'

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 64 of such Code is amended by adding at the end thereof the following:

"SUBCHAPTER E. Collection of State individual income taxes."

SEC. 203. CONFORMING AMENDMENTS.

(a) LARGE REFUNDS.—Section 6405 of the Internal Revenue Code of 1954 (relating to reports of refunds and credits is amended by adding at the end thereof the following new subsection:

"(d) QUALIFIED STATE INDIVIDUAL INCOME TAXES.—For purposes of this section, a refund or credit made under subchapter E of chapter 64 (relating to Federal collection of qualified State individual income taxes) for a taxable year shall be treated as a portion of a refund or credit of the income tax for that taxable year."

(b) TAX COURT SMALL CLAIMS.—

(1) Section 7463 of such Code (relating to disputes involving $1,000 or less) is amended by adding at the end thereof the following new subsection:

"(f) QUALIFIED STATE INDIVIDUAL INCOME TAXES.—For purposes of this section, a deficiency placed in dispute or claimed overpayment with regard to a qualified State individual income tax to which subchapter E of chapter 64 applies, for a taxable year, shall be treated as a portion of a deficiency placed in dispute or claimed overpayment of the income tax for that taxable year."

(2) Section 7463 of such Code is amended by striking out "$1,000" in the heading and each place it appears in subsection (a) thereof and inserting in lieu thereof "$1,500".

(3) The table of sections for part II of subchapter C of chapter 76 of such Code is amended by striking out "$1,000" in the item relating to section 7463 and inserting in lieu thereof "$1,500".

SEC. 204. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsections (b) and (c), the provisions of this title (and the amendments made thereby) shall take effect on the date of the enactment of this Act.

(b) COLLECTION AND ADMINISTRATION OF STATE TAXES BY THE UNITED STATES MAY NOT BEGIN BEFORE JANUARY 1, 1974.—Section 6361 of the Internal Revenue Code of 1954 (as added by section 202(a) of this Act) shall take effect on whichever of the following is the later:

(1) January 1, 1974, or

(2) the first January 1 beginning more than one year after the first date on which at least five States (having residents who in the aggregate filed 5 per centum or more of the Federal individual income tax returns filed during 1972) have notified the Secretary of the Treasury or his delegate of an election to enter into an agreement under section 6363 of such Code.

(c) JURISDICTION OF TAX COURT IN DISPUTES INVOLVING $1,500 OR LESS.—The amendments made by paragraphs (2) and (3) of section 203(b) of this Act shall take effect on January 1, 1974.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS of Arkansas. There are none, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, pursuant to House Resolution 996, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

CALL OF THE HOUSE

Mr. GIBBONS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman wishes to make the point of order that a quorum is not present before the bill is engrossed and read a third time?

Mr. GIBBONS. Yes, Mr. Speaker, because we want to establish a quorum here so that we can explain the motion to recommit.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the fol-

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lowing Members failed to answer to their names:

[Roll No. 218]

Abernethy	Fulton	Murphy, N.Y.
Andrews, Ala.	Fuqua	Pelly
Andrews, N. Dak.	Gallagher	Pettis
Ashley	Hagan	Pryor, Ark.
Belcher	Hébert	Rosenthal
Bell	Heinz	St Germain
Blanton	Hosmer	Scheuer
Blatnik	Jarman	Schmitz
Burke, Fla.	Karth	Smith, Calif.
Byrne, Pa.	Lujan	Teague, Tex.
Chamberlain	McClure	Thompson, N.J.
Davis, S.C.	McCormack	Waldie
Dowdy	McMillan	Yatron
Erlenborn	Mailliard	
Esch	Metcalfe	
Evans, Colo.	Mitchell	
	Mosher	

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BYRNES OF WISCONSIN

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BYRNES of Wisconsin. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BYRNES of Wisconsin moves to recommit the bill (H.R. 14370) to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendments: Page 18, strike out lines 23 and 24.

Page 23, strike out lines 3 through 9, inclusive.

Page 32, strike out lines 8 and 9.

Page 33, strike out lines 8 and 9.

Page 35, strike out lines 1 and 2.

The SPEAKER. The gentleman from Wisconsin (Mr. BYRNES) is recognized.

Mr. BYRNES of Wisconsin. Mr. Speaker, we will be able to finish up this historic legislation and vote in about 10 minutes. Under the new rule I have 5 minutes to explain the motion to recommit and the chairman of the committee has 5 minutes to make any remarks he may wish to make.

Mr. Speaker, the recommittal motion I have offered would simply eliminate the retroactive payments provided to States and localities by this bill. The bill as it now stands is a $30 billion program for 5 years, including $2.7 billion for a retroactive payment attributable to the first 6 months of this year. The payment for this 6-month period—which ends 1 week from today—will not actually be made until sometime during fiscal 1973, several months from now. In essence, the retroactive payment is simply an additional $2.7 billion that States and localities will receive on one-shot basis in fiscal 1973 on top of the $5.3 billion annual payment the bill provides for fiscal 1973.

I do not know how many Members recognize and understand the fact that we did this in the committee bill to the House. Under this bill the program would not start at the beginning of the next fiscal year—fiscal year 1973—which will begin in about 9 days—but is retroactive to last January. In part, that may have been understandable, because earlier in the year there may have been a hope that the program would be enacted into law while we were still in fiscal year 1972.

But let us recognize that today is June 22, that we are acting now, and the bill must still go through the Senate where no hearings have even been held to date. There is simply no rationale for making the bill retroactive to last January. My recommittal motion will eliminate the 6-month retroactive payment for January to June of this year, which is already history, and turn the bill into a 4½ year program. This is completely reasonable.

Mr. Speaker, all of the States are on a fiscal year basis, and all but four of them are on a fiscal year running from July 1 to June 30. Alabama's fiscal year ends on September 30, the latest for any State. This means that the fiscal year to which the retroactive State payments relate will be completely over and closed when the payments are actually made. Budgetary action for virtually all of these States for fiscal year 1972 has already been completed. Many of the 39,000 localities receiving assistance under this bill are in a similar situation.

Providing a retroactive payment makes no sense at all, and could actually have an adverse impact on State and local governments, since the additional $2.7 billion—a nonrecurring payment of 50 percent more than the normal annual allotment—will be available only during the first year of the program. According to the proponents of the bill, revenue sharing is needed to provide a stable and assured source of assistance that States and localities can depend on. This one-shot payment is completely inconsistent with the basic rationale of the bill.

If States and localities nevertheless build this one-shot payment into their budgets for fiscal 1973, it will impose real financial hardships when the additional $2.7 billion is unavailable in future years. There is also real danger that the additional retroactive payment made to States and localities in fiscal 1973 will provide both an incentive and rationale for demands that Congress continue this additional payment in subsequent years of the program, increasing the total program by nearly $10 billion before the ink is dry on the first Federal checks sent out.

The other possibility is that States and localities may recognize that there is no assurance that this one-shot additional $2.7 billion payment will be available on a continuing basis, and will not see fit to spend the additional payment for current budget items, having a relatively high priority. Since the money will be available on a one-shot basis, the States and localities will be thus encouraged to spend the additional amount on a nonrecurring item that could have a relatively low priority.

For these reasons, the one-shot $2.7 billion additional payment in fiscal 1973 seems foolish, particularly when measured against the very large budget deficits the Federal Government itself is confronted with. According to the "Mid-Year Review of the Budget" recently submitted to Congress, the budget deficits for fiscal years 1972 and 1973 are estimated to total $53 billion on a unified basis, and $70 billion on a Federal funds basis. It does not make any sense to aggravate these difficult Federal fiscal problems by providing a one-time bonanza to State and local governments for a fiscal period that is completely in the past.

My recommittal motion would not change the bill before the House in any other way. It does not attack the basic philosophy of the program, the implementation of the program, the amounts made available on a current and prospective basis, or alter the program in any other respect. You can vote for my motion to save $2.7 billion in Federal outlays and still stand squarely behind revenue sharing. My motion only eliminates the payment of the retroactive amount, saving the Federal Government $2.7 billion during fiscal 1973. This is a savings in outlays and the desirability of this savings surely outweighs any useful purpose that could be served by providing for a windfall to State and local governments.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, the motion of the distinguished gentleman from Wisconsin (Mr. BYRNES) is a wise and prudent action. I urge Members of this body to adopt the motion. I expect to support the bill. The amendment would remove the potential for waste in a doubled-up first installment of revenue sharing.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. MILLS of Arkansas. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, it seems to me at this point we have a question of whether we are going to keep faith with the Governors, mayors, and other top people in local government. They should not be penalized, because the Congress has been slow in the processing of this legislation. A commitment was made by many people in this Government, in the executive branch and in the Congress, that the money under this legislation would be available as of January 1, 1972. If at this point, after this long consideration and the final answer about to be given in the House, we break faith, I think we will have gotten the program off on the wrong foot. I hope the motion to recommit is defeated.

Mr. MILLS of Arkansas. Mr. Speaker, I want to endorse the statement made by the distinguished minority leader.

Mr. Speaker, sometimes I question whether or not the Congress should always go along on dates that are suggested by the President or others within the executive department. I think in this instance, however, there is good reason to go along with the proposed date. You will remember that the President first asked us to enact the program effective October 1, 1971. Then he asked later in a message that we hold up on the welfare program for a year, and that we hold up on the enactment of this program for 3 months, making it effective on January 1, 1972.

I have told the Governors and I have told the mayors that I would ask the Ways and Means Committee and I would ask the Congress to go along with that commitment the President made to them.

They have considered this in connection with their budgets for 1973. Do not think they have not, because the Ways and Means Committee, by an overwhelming vote, went along with the date. That does not mean that you cannot change it, but you are going to cause more difficulties with your local governments than you can imagine if you do change it. They have already figured this amount in their budgets for 1973, and we are going to place them in very bad shape if we do not keep funds in the bill back to the first of this year.

Bear in mind they are going through right now one of the worst periods in their history as a result of the combination of the stagnation that we have had in our economy and the inflation that we also have had at the same time. Costs of operating State and local governments have gone up materially as a result of inflation alone.

Mr. Speaker, I would recommend to the House that we defeat the motion to recommit, pass the bill, send it on to the Senate, and get this matter behind us. I would therefore urge the membership to vote down the motion to recommit.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 241, not voting 34, as follows:

[Roll No. 219]

YEAS—157

Abbitt	Camp	Edwards, Ala.
Abourezk	Casey, Tex.	Findley
Adams	Cederberg	Fisher
Alexander	Chappell	Flood
Archer	Clancy	Flowers
Ashbrook	Clark	Flynt
Ashley	Clawson, Del	Fountain
Aspinall	Collins, Tex.	Frey
Baker	Colmer	Gettys
Baring	Corman	Gibbons
Bennett	Crane	Goldwater
Blackburn	Daniel, Va.	Gonzalez
Bolling	Davis, Wis.	Goodling
Bow	de la Garza	Green, Oreg.
Brademas	Dellenback	Griffin
Bray	Denholm	Gross
Brinkley	Dennis	Haley
Brooks	Dent	Hall
Brown, Mich.	Derwinski	Hanna
Brown, Ohio	Devine	Harvey
Broyhill, Va.	Dickinson	Hays
Burleson, Tex.	Downing	Hechler, W. Va.
Burton	du Pont	Henderson
Byrnes, Wis.	Eckhardt	Hollfield
Cabell	Edmondson	Hull

Hungate	Moorhead	Sebelius
Hutchinson	Moss	Shoup
Ichord	Myers	Sikes
Jacobs	Natcher	Sisk
Johnson, Pa.	Passman	Skubitz
Jonas	Patten	Slack
Jones, Ala.	Pickle	Smith, Calif.
Jones, N.C.	Pike	Smith, Iowa
Jones, Tenn.	Poage	Snyder
Kazen	Powell	Spence
Kyl	Price, Tex.	Staggers
Landgrebe	Purcell	Stanton, J. William
Lennon	Randall	Steiger, Wis.
Long, La.	Rarick	Stuckey
Long, Md.	Rees	Teague, Tex.
McCulloch	Roberts	Van Deerlin
McFall	Robinson, Va.	Vanik
McKay	Rogers	Vigorito
Mahon	Rousselot	Waggonner
Mallary	Roy	Whalley
Mann	Roybal	White
Martin	Runnels	Whitten
Mathis, Ga.	Sandman	Wiggins
Mazzoli	Satterfield	Wright
Meeds	Saylor	Young, Fla.
Michel	Scherle	Young, Tex.
Monagan	Schneebeli	
Montgomery	Scott	

NAYS—241

Abzug	Forsythe	Miller, Calif.
Addabbo	Fraser	Miller, Ohio
Anderson, Calif.	Frelinghuysen	Mills, Ark.
Anderson, Ill.	Frenzel	Mills, Md.
Anderson, Tenn.	Fulton	Minish
Annunzio	Gallifianakis	Mink
Arends	Garmatz	Minshall
Aspin	Gaydos	Mizell
Badillo	Giaimo	Mollohan
Barrett	Grasso	Morgan
Begich	Gray	Murphy, Ill.
Bell	Green, Pa.	Murphy, N.Y.
Bergland	Griffiths	Nedzi
Betts	Grover	Nelsen
Bevill	Gubser	Nichols
Biaggi	Gude	Nix
Biester	Halpern	Obey
Bingham	Hamilton	O'Hara
Boggs	Hammer-schmidt	O'Konski
Boland	Hanley	O'Neill
Brasco	Hansen, Idaho	Patman
Broomfield	Hansen, Wash.	Pepper
Brotzman	Harrington	Perkins
Broyhill, N.C	Harsha	Peyser
Buchanan	Hastings	Pirnie
Burke, Mass.	Hathaway	Podell
Burlison, Mo.	Hawkins	Poff
Byron	Hébert	Preyer, N.C.
Caffery	Heckler, Mass.	Price, Ill.
Carey, N.Y.	Heinz	Pucinski
Carlson	Helstoski	Quie
Carney	Hicks, Mass.	Quillen
Carter	Hicks, Wash.	Railsback
Celler	Hillis	Rangel
Chamberlain	Hogan	Reid
Chisholm	Horton	Reuss
Clausen, Don H.	Howard	Rhodes
Clay	Hunt	Riegle
Cleveland	Jarman	Robison, N.Y.
Collier	Johnson, Calif.	Rodino
Collins, Ill.	Karth	Roe
Conable	Kastenmeier	Roncalio
Conover	Keating	Rooney, N.Y.
Conte	Kee	Rooney, Pa.
Conyers	Keith	Rosenthal
Cotter	Kemp	Rostenkowski
Coughlin	King	Roush
Culver	Kluczynski	Ruppe
Curlin	Koch	Ruth
Daniels, N.J.	Kuykendall	Ryan
Danielson	Kyros	Sarbanes
Davis, Ga.	Landrum	Scheuer
Delaney	Latta	Schwengel
Dellums	Leggett	Seiberling
Dingell	Lent	Shipley
Donohue	Link	Shriver
Dorn	Lloyd	Smith, N.Y.
Dow	McClory	Springer
Drinan	McCloskey	Stanton, James V.
Dulski	McCollister	Steed
Duncan	McDade	Steele
Dwyer	McDonald, Mich.	Steiger, Ariz.
Edwards, Calif.	McEwen	Stephens
Eilberg	McKevitt	Stokes
Esch	McKinney	Stratton
Eshleman	Macdonald, Mass.	Stubblefield
Evins, Tenn.	Madden	Sullivan
Fascell	Mathias, Calif.	Symington
Fish	Matsunaga	Talcott
Foley	Mayne	Taylor
Ford, Gerald R.	Melcher	Teague, Calif.
Ford, William D.	Mikva	Terry
		Thompson, Ga.
		Thomson, Wis.
		Thone
		Tiernan
		Udall
		Ullman
		Vander Jagt
		Veysey
		Wampler
		Ware
		Whalen
		Whitehurst
		Widnall
		Williams
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wolff
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Zablocki
		Zion
		Zwach

NOT VOTING—34

Abernethy	Erlenborn	Metcalfe
Andrews, Ala.	Esch	Mitchell
Andrews, N. Dak.	Evans, Colo.	Mosher
Belcher	Fuqua	Pelly
Blanton	Gallagher	Pettis
Blatnik	Hagan	Pryor, Ark.
Burke, Fla.	Hosmer	St Germain
Byrne, Pa.	Lujan	Schmitz
Davis, S.C.	McClure	Thompson, N.J
Diggs	McCormack	Waldie
Dowdy	McMillan	Yatron
	Mailliard	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Fuqua for, with Mr. Thompson of New Jersey against.

Mr. Schmitz for, with Mr. Blatnik against.

Mr. Evans of Colorado for, with Mr. Andrews of North Dakota against.

Mr. Abernethy for, with Mr. Waldie against.

Mr. Davis of South Carolina for, with Mr. St Germain against.

Mr. Dowdy for, with Mr. McCormack against.

Mrs. Andrews of Alabama for, with Mr. Metcalfe against.

Mr. McMillan for, with Mr. Mitchell against.

Until further notice:

Mr. Blanton with Mr. Burke of Florida.

Mr. Diggs with Mr. Pelly.

Mr. Hagan with Mr. Belcher.

Mr. Pryor of Arkansas with Mr. Esch.

Mr. Gallagher with Mr. Lujan.

Mr. Byrne of Pennsylvania with Mr. Erlenborn.

Mr. Mosher with Mr. Hosmer.

Mr. DELANEY, Mr. HALPERN, Mr. BYRON, and Mr. GUBSER changed their votes from "yea" to "nay."

Mr. GOODLING and Mr. YOUNG of Texas changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 275, nays 122, not voting 35, as follows:

[Roll No. 220]

YEAS—275

Abzug	Brasco	Cleveland
Addabbo	Brinkley	Collier
Anderson, Calif.	Broomfield	Collins, Ill.
Anderson, Ill.	Brotzman	Collins, Tex.
Anderson, Tenn.	Brown, Mich.	Conable
Annunzio	Brown, Ohio	Conover
Arends	Broyhill, N.C.	Conte
Aspin	Buchanan	Conyers
Badillo	Burlison, Mo.	Cotter
Barrett	Burke, Mass.	Coughlin
Begich	Caffery	Culver
Bell	Carey, N.Y.	Curlin
Bergland	Carlson	Daniels, N.J.
Betts	Carney	Danielson
Bevill	Carter	Davis, Ga.
Biaggi	Cederberg	Delaney
Biester	Celler	Dellenback
Bingham	Chamberlain	Dellums
Boggs	Chisholm	Dent
Boland	Clark	Derwinski
Bow	Clausen, Don H.	Dickinson
	Clay	Diggs
		Dingell

XUM

Donohue	Kee	Riegle	Runnels	Sikes	Van Deerlin
Dorn	Kemp	Robison, N.Y.	Sandman	Sisk	Vigorito
Dow	King	Rodino	Satterfield	Slack	Waggonner
Drinan	Kluczynski	Roe	Saylor	Smith, Calif.	White
Dulski	Koch	Roncalio	Scherle	Snyder	Whitten
Duncan	Kuykendall	Rooney, N.Y.	Schneebeli	Staggers	Wright
du Pont	Kyl	Rooney, Pa.	Scott	Steed	Young, Fla.
Dwyer	Kyros	Rosenthal	Sebelius	Stuckey	Young, Tex.
Eckhardt	Landrum	Rostenkowski	Shoup	Teague, Tex.	
Edwards, Ala.	Latta	Roush			
Edwards, Calif.	Leggett	Ruppe			
Eilberg	Lent	Ruth			
Eshleman	Link	Ryan			
Evins, Tenn.	Lloyd	St Germain			
Fascell	McClory	Sarbanes			
Fish	McCloskey	Scheuer			
Flood	McCollister	Schwengel			
Flowers	McCulloch	Seiberling			
Foley	McDade	Shipley			
Ford, Gerald R.	McDonald, Mich.	Shriver			
Ford, William D.	McEwen	Skubitz			
Forsythe	McKevitt	Smith, Iowa			
Fountain	Macdonald, Mass.	Smith, N.Y.			
Fraser	Madden	Spence			
Frelinghuysen	Mann	Springer			
Frenzel	Mathias, Calif.	Stanton, J. William			
Fulton	Matsunaga	Stanton, James V.			
Galifianakis	Mayne	Steele			
Garmatz	Mazzoli	Steiger, Ariz.			
Gaydos	Melcher	Steiger, Wis.			
Grasso	Mikva	Stephens			
Gray	Miller, Calif.	Stokes			
Green, Pa.	Miller, Ohio	Stratton			
Griffiths	Mills, Ark.	Stubblefield			
Grover	Mills, Md.	Sullivan			
Gubser	Minish	Symington			
Gude	Mink	Talcott			
Halpern	Minshall	Taylor			
Hamilton	Mizell	Teague, Calif.			
Hammer-schmidt	Mollohan	Terry			
Hanley	Moorhead	Thompson, Ga.			
Hanna	Morgan	Thomson, Wis.			
Hansen, Wash.	Murphy, Ill.	Thone			
Harrington	Murphy, N.Y.	Tiernan			
Harsha	Natcher	Udall			
Harvey	Nedzi	Ullman			
Hastings	Nelsen	Vander Jagt			
Hathaway	Nichols	Vanik			
Hawkins	Nix	Veysey			
Hays	Obey	Wampler			
Hébert	O'Hara	Ware			
Heckler, Mass.	O'Konski	Whalen			
Heinz	Patten	Whalley			
Helstoski	Pepper	Whitehurst			
Hicks, Mass.	Perkins	Widnall			
Hicks, Wash.	Peyser	Wiggins			
Hillis	Pirnie	Williams			
Hogan	Podell	Wilson, Bob			
Horton	Poff	Wilson, Charles H.			
Hosmer	Preyer, N.C.	Winn			
Howard	Price, Ill.	Wolff			
Hungate	Pucinski	Wyatt			
Hunt	Quie	Wydler			
Ichord	Quillen	Wylie			
Jarman	Railsback	Wyman			
Johnson, Calif.	Randall	Yates			
Johnson, Pa.	Rangel	Zablocki			
Karth	Reid	Zion			
Kastenmeier	Reuss	Zwach			
Keating	Rhodes				

NAYS—122

Abbitt	de la Garza	Landgrebe
Abourezk	Denholm	Lennon
Adams	Dennis	Long, La.
Alexander	Devine	Long, Md.
Archer	Downing	McFall
Ashbrook	Edmondson	McKay
Ashley	Findley	Mahon
Aspinall	Fisher	Mallary
Baker	Flynt	Martin
Baring	Frey	Mathis, Ga.
Bennett	Gettys	Meeds
Blackburn	Gibbons	Michel
Bolling	Goldwater	Monagan
Brademas	Gonzalez	Montgomery
Bray	Goodling	Moss
Brooks	Green, Oreg.	Myers
Broyhill, Va.	Griffin	Passman
Burleson, Tex.	Gross	Patman
Burton	Haley	Pickle
Byrnes, Wis.	Hall	Pike
Byron	Hansen, Idaho	Poage
Cabell	Hechler, W. Va.	Powell
Camp	Henderson	Price, Tex.
Casey, Tex.	Hollifield	Purcell
Chappell	Hull	Rarick
Clancy	Hutchinson	Rees
Clawson, Del	Jacobs	Roberts
Colmer	Jonas	Robinson, Va.
Corman	Jones, Ala.	Rogers
Crane	Jones, N.C.	Rousselot
Daniel, Va.	Jones, Tenn.	Roy
Davis, Wis.	Kazen	Roybal

Abernethy	Esch	Mailliard
Andrews, Ala.	Evans, Colo.	Metcalfe
Andrews, N. Dak.	Fuqua	Mitchell
Belcher	Gallagher	Mosher
Blanton	Giaimo	O'Neill
Blatnik	Hagan	Pelly
Burke, Fla.	Keith	Pettis
Byrne, Pa.	Lujan	Pryor, Ark.
Davis, S.C.	McClure	Schmitz
Dowdy	McCormack	Thompson, N.J.
Erlenborn	McKinney	Waldie
	McMillan	Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Giaimo against.

Mr. Thompson of New Jersey for, with Mr. Schmitz against.

Mr. Andrews of North Dakota for, with Mr. Fuqua against.

Mr. Blatnik for, with Mr. Evans of Colorado against.

Mr. Waldie for, with Mr. Abernethy against.

Mr. Byrne of Pennsylvania for, with Mr. Davis of South Carolina against.

Mr. McCormack for, with Mr. McMillan against.

Mr. Mitchell for, with Mr. Dowdy against.

Mr. Metcalfe for, with Mrs. Andrews of Alabama against.

Mr. Erlenborn for, with Mr. Lujan against.

Until further notice:

Mr. Blanton with Mr. Belcher.

Mr. Gallagher with Mr. Pelly.

Mr. Hagan with Mr. Burke of Florida.

Mr. Pryor of Arkansas with Mr. Mailliard.

Mr. Keith with Mr. McClure.

Mr. McKinney with Mr. Esch.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas submitted the following conference report and statement on the bill (H.R. 13955), making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1167

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) "making appropriations for the Legislative Branch for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 32.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$700,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$460,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$36,170,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$96,235,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 37, 38, and 41.

BOB CASEY,
FRANK E. EVANS,
WILLIAM D. HATHAWAY,
J. EDWARD ROUSH,
TOM BEVILL,
GEORGE MAHON,
FRANK T. BOW,
E. A. CEDERBERG,
JOHN J. RHODES,
WENDELL WYATT,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
NORRIS COTTON,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SENATE

Amendment Nos. 1 through 29: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with the long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 1 through 29.

JOINT ITEMS

Joint Economic Committee

Amendment No. 30: Appropriates $700,000 as proposed by the House and $674,190 as proposed by the Senate. The conference agreement provides no additional personnel.

Joint Committee on Congressional Operations

Amendment No. 31: Appropriates $460,000 for salaries and expenses instead of $569,634 as proposed by the House and $355,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

Amendment No. 32: Appropriates $1,198,500 for salaries as proposed by the House instead of $1,171,500 as proposed by the Senate. The conference agreement provides two additional positions as proposed by the House.

Capitol buildings

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $4,411,000 as proposed by the Senate instead of $2,852,900 as proposed by the House. The conference agreement includes $17,000 for wall fabric for the Senate galleries and $20,000 for Senate restaurant equipment as proposed by the Senate. The confcrence agreement also includes $1,521,000 for the restoration of the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol as proposed by the Senate, and provides for appointment of a group by the Speaker of the House similar to the Commission on Art and Antiquities of the United States Senate to give the House of Representatives oversight with respect to the restoration of the Old Supreme Court Chamber on the ground floor of the Capitol. The language providing for the appointment of this additional oversight group in nowise changes the existing arrangements with respect to the maintenance of the rooms. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to rescind $34,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968 instead of $74,000 as proposed by the Senate. The lesser amount of the rescission agreed to in conference was made at the request of the Senate in order that the $40,000 can be used for the renovation of certain space on the ground floor level of the New Senate Office Building. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment (to reflect the rescission of $34,000 instead of $74,000 under Senate Office Buildings in Amendment No. 34) providing that the unobligated balances on June 30, 1972, in several appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Extension of the Capitol

Amendment No. 36: Reported in disagreement. The managers on the part of the House will offer a motion to further insist on its disagreement to the amendment of the Senate. The managers on the part of the Senate will move to further insist on the amendment of the Senate.

Senate office buildings and Senate garage

Amendments Nos. 37 and 38: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate which relate solely to Senate housekeeping activities.

Library buildings and grounds

Amendment No. 39: Appropriates $1,531,400 for structural and mechanical care as proposed by the Senate instead of $1,516,400 as proposed by the House. The conference agreement providea $15,000 for an architectural and engineering study of the Coolidge Auditorium.

LIBRARY OF CONGRESS

Amendment No. 40: Appropriates $36,170,000 for salaries and expenses instead of $36,040,000 as proposed by the House and $36,455,000 as proposed by the Senate. The conference agreement provides for 32 additional positions in lieu of 21 allowed by the House and 51 allowed by the Senate.

GOVERNMENT PRINTING OFFICE

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the matter stricken by the Senate with an amendment restricting the distribution of future editions of the Code of Laws of the United States and the Code of the District of Columbia to two sets for each Member of the House, but excluding the Members of the Senate. The managers on the part of the Senate will move to concur in the restoration of the matter stricken by the Senate with an amendment as proposed by the House. The Committee of Conference is agreed that the entire distribution of the U.S. Code should be reviewed by the Joint Committee on Printing.

GENERAL ACCOUNTING OFFICE

Amendment No. 42: Appropriates $96,235,000 for salaries and expenses instead of $95,820,000 as proposed by the House and $97,000,000 as proposed by the Senate. The conference agreement provides 170 additional average positions in lieu of 120 proposed by the House and 238 proposed by the Senate. The Committee of Conference did not allow the $200,000 proposed by the Senate for special alterations in the General Accounting Office building. However, consideration will be given to a reprograming request to that extent which should be submitted to the Committees on Appropriations of the House and Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 amount, the 1973 budget estimate, and the House and Senate bills for 1973 follows:

New budget (obligational) authority, fiscal year 1972	$564,128,479
Budget estimates of new (obligational) authority (as amended), fiscal year 1973	519,347,899
House bill, fiscal year 1973	427,604,764
Senate bill, fiscal year 1973	514,722,860
Conference agreement	[1] 513,787,980
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	−$50,340,499
Budget estimates of new (obligational) authority (as amended), fiscal year 1973	−5,559,919
House bill, fiscal year 1973	[1] +86,183,216
Senate bill, fiscal year 1973	−934,900

[1] Includes $84,185,940 for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

BOB CASEY,
FRANK E. EVANS,
WILLIAM D. HATHAWAY,
J. EDWARD ROUSH,
TOM BEVILL,
GEORGE MAHON,
FRANK T. BOW,
E. A. CEDERBERG,
JOHN J. RHODES,
WENDELL WYATT,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
NORRIS COTTON,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14989, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14980), making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. ROONEY of New York, SIKES, SLACK, SMITH of Iowa, FLYNT, MAHON, BOW, CEDERBERG, and ANDREWS of North Dakota.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15585, with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 20, 1972, the Clerk had read through line 2 on page 2 of the bill.

If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

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TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $7,500 for official reception and representation expenses: $12,500,000.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is the eighth appropriation bill considered so far by this body for fiscal 1973. While under the budget request for the Treasury and Postal Service, it contains a considerable amount of red ink.

This is so, because the aggregate budget requests exceed revenue forecasts by $25 billion.

The budget request for this appropriation was $5,066,603,000. The committee recommendation was $5,057,145,000. This was a cut of 0.2 percent, or $9,458,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $709,324,420. Making adjustment for the 0.2-percent cut actually made by the committee, means that the red ink still in the bill amounts to 13.8 percent, or $699,866,420.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink. The amount spilled so far is summarized in this table:

RED INK RECORD FOR FISCAL 1973

Appropriation bill	Budget request	Balanced budget level (14-percent cut)	Amount approved by House	Red ink approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and related agencies	27,327,323,500	23,501,498,210	28,603,179,500	5,101,681,290
Total				9,550,389,404
Treasury, Postal Service, and general Government	5,066,603,000	4,357,278,580	[1] 5,057,145,000	[2] 699,866,420
Total				10,250,255,824

[1] Recommended by committee.

[2] If committee recommendation approved.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $75,000,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary numbers of words.

Mr. Chairman, I will not take the 5 minutes. I simply rise to ask the gentleman from Oklahoma, the distinguished chairman of the subcommittee, if he thinks $75 million will be enough to fund the Bureau of the Public Debt in light of the monstrous raiding of the taxpayers and the deficit and debt that will be created in view of the so-called revenue-sharing bill just passed?

Mr. STEED. I think it will. As the gentleman knows, the bill this year has about $3 million more than we had last year. The debt has gone up, as the gentleman knows, considerably. Our latest computation is that the interest on the national debt during the coming fiscal year will be $22.7 billion.

Mr. GROSS. Would it not be wise to add $50 million or $75 million so the Bureau of Public Debt will have enough to work with in order to take care of the $30 billion just appropriated and which will increase the debt to that extent?

Mr. STEED. As the gentleman knows, this is just for the overhead. The actual funding of the debt is in addition to this. We think this will be adequate.

Mr. GROSS. $75 million will be enough for tonight; is that correct?

Mr. STEED. That is right.

Mr. GROSS. All right, then, we will let it go at that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, securing unfiled tax returns, and collecting unpaid taxes; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $50,000,000 for temporary employment and not to exceed $143,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; $510,000,000.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask the distinguished chairman of the subcommittee a question.

In this section of the bill, I understand, there will be an allocation of funds for the establishment of an office within the IRS to compute the effect of the asset depreciation range and comparable depreciation programs in foreign countries. What I am concerned about is that this new office might be used to provide further increases in the asset depreciation range, further decreases in Federal corporate taxation, and further deficiencies in Federal revenues.

Can the gentleman advise me as to whether or not this new office will operate in this way? I am concerned about the new office which is going to study the effect of foreign asset depreciation schedules.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Oklahoma.

Mr. STEED. The information the committee has is that such an office will be established. We have some explanation in detail on page 13 of the report. The new office will be involved with the determination, revision, and classification of the useful lives of various types of depreciable assets, and the appropriate depreciation ranges of the various classifications of depreciable assets under the asset depreciation range system.

The involvement that the Nation has in this area has become such that it was felt this required special treatment was required. That is my understanding of the reason why they are setting up this function in this way. It has been handled as more of a part of the ongoing service heretofore, and they wanted to concentrate on and emphasize this particular function by setting up a service for it.

Mr. VANIK. Can the gentleman give me some assurance that this new agency will not be used as a taxpayer-financed effort to reduce corporate taxation?

Mr. STEED. Well, I certainly have no intention of my own that it would be done that way, and no understanding that it would be. Certainly when the matter comes up for review again if such a purpose has gotten into it there will be severe attention given by the committee to it, I am sure, because that is not in the area they have justified funds, for the office they have set up here.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, and services as authorized by title 5, United States Code, section 3109, $19,700,000.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 12, before the period in line 6, insert the following: ": *Provided*, That no part of the foregoing amount may be used for expenses incurred during any period during which funds appropriated by law out of the Treasury for a specific purpose or project are impounded pursuant to action taken or approval given by the President, unless the President (1) shall have transmitted to the Congress (within 10 days after such impounding) a special message specifying the amount of funds impounded, the specific projects or governmental functions affected, thereby, and the reasons for the impounding, and (2) shall have ceased the impounding of such funds within 60 days after the transmittal of such special message unless each House of Congress (in accordance with such procedures as it may adopt for the purpose) has ratified such impounding."

Mr. STEED. Mr. Chairman, I reserve a point of order against the amendment.

Mr. PICKLE. I thank the Chairman.

Mr. Chairman, I would like to point out to you again the language of the amendment, because this is not an effort to legislate on an appropriation bill. It does in effect limit the appropriation. It says that no funds allocated to the Office of Management and Budget may be expended if funds have been impounded, and if we, the Congress, have authorized and approved the specific project which was in question. That money cannot be expended by the Office of Management and Budget if the President impounds it unless the President sends us a message within 10 days giving us his reasons, and thus sets up another wait of approximately 60 days so that, at the end of that time, unless the Congress will have approved the act of impounding the funds, that money for the projects will have been released.

I contend that is not legislation in an appropriation bill. It is simply asking that we carry out that which the Congress has already ordered. The Congress will have already voted approval of these particular projects. Each of us in this body has worked hard on projects for months and/or years. We have made the announcements, and gone to our local communities and have all talked about it and perhaps rejoiced about the accomplishments that we think will be good for the people. We no sooner have that done than these funds are withheld or are frozen or they are delayed, or an innumerable number of things happen.

I cite to this body an instance that happened last summer on an appropriation bill. We appropriated money to carry on a study for the Colorado River Basin in Texas. That work was to have been done by the Corps of Engineers, as specified in the appropriation bill. The corps were designated to carry out the project. We waited for the release of the funds and for the project to be consummated and put into effect. We waited and waited. After innumerable meetings with the Office of Management and Budget, after 9 months had passed, they finally agreed that they would release the funds if the Corps of Engineers would carry out the study in the manner that the Environmental Protection Agency would have carried it out had they—EPA—been designated in the legislation to do the study in the first place.

I submit to you that OMB is being both judge and jury. They are deciding not whether the project ought to be carried out as we the Congress said, but they are even deciding whether it should be done by public agencies. I do not believe the Office of Management and Budget has any business trying to control our business like that. I dare say that every Member of this body has been affected similarly by attempts to impound or to put a freeze on funds. Only last month the Democratic caucus voted unanimously that we would take such action as necessary to prevent the inappropriate freezing and impounding of funds. The amendment I have offered simply says that we will not spend funds to carry out the expenses of OMB if project funds are impounded unless the President sends us a message that these funds are impounded, and unless within 60 days this House takes action to approve the President's order.

It does not seem to me that this is any undue infringement on the appropriation process, and I submit that the amendment is in order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma press his point of order?

Mr. STEED. Yes, Mr. Chairman, I insist on the point of order. Obviously it is legislation on an appropriation bill. It goes way beyond the scope of the bill and imposes new duties upon the President, and other agencies of the Government, without previously being conferred. Therefore I have to insist on my point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. PICKLE) desire to be heard on the point of order?

Mr. PICKLE. I do, Mr. Chairman.

I would simply say to the distinguished chairman, the gentleman from Oklahoma (Mr. STEED) that he contends that this is requiring an additional duty on the part of the President, and I submit to you that the duty is to carry out what the Congress has already voted and already agreed shall take place. We are not asking the President to do anything else, merely to carry out that which has already been ordered by the Congress. How can that be an additional duty?

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule on the point of order.

The gentleman from Texas (Mr. PICKLE) has offered an amendment at page 12, before the period in line 6, which provides that no part of the foregoing amount may be used for expenses, and so forth, unless the President shall have transmitted to the Congress a special message specifying the amounts of funds impounded, and containing other information, and the reasons for the impoundment. In the opinion of the Chair this is not only a restriction, but it constitutes additional obligations upon the President, and is against the rule which pertains in this case, which is clause 2 of rule XXI, and constitutes legislation upon an appropriation bill. Therefore the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 12, line 6, strike the amount "$19,700,000" and insert in the place thereof, "$15,700,000."

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 221]

Abbitt	Andrews, N. Dak.	Blackburn
Abernethy	Ashley	Blanton
Abourezk	Baker	Blatnik
Alexander	Belcher	Boggs
Andrews, Ala.	Bell	Boland
		Bolling
Broomfield	Hagan	Mink
Brotzman	Hanna	Mitchell
Brown, Ohio	Hansen, Idaho	Mosher
Broyhill, N.C.	Hansen, Wash.	Nelsen
Burke, Fla.	Hastings	O'Hara
Byrne, Pa.	Hawkins	Patman
Carey, N.Y.	Hébert	Pelly
Carney	Heckler, Mass.	Pepper
Carter	Hillis	Pettis
Celler	Jarman	Peyser
Chisholm	Johnson, Pa.	Poff
Clark	Jonas	Pryor, Ark.
Clausen, Don H.	Jones, Ala.	Reid
Clay	Keating	Robinson, Va.
Colman	Keith	Rooney, N.Y.
Coughlin	Kluczynski	Ruppe
Daniel son	Landgrebe	St Germain
Davis, S.C.	Latta	Satterfield
Dellenback	Leggett	Scheuer
Diggs	Lent	Schmitz
Dowdy	Link	Schneebeli
Dwyer	Lujan	Schwengel
Edmondson	McCloskey	Shoup
Erlenborn	McClure	Sikes
Esch	McCollister	Sisk
Evans, Colo.	McCormack	Smith, N.Y.
Fish	McDade	Stokes
Ford, William D.	McKevitt	Sullivan
Forsythe	McKinney	Teague, Tex.
Fraser	McMillan	Thompson, N.J.
Frenzel	Madden	Veysey
Frey	Maillard	Waldie
Fulton	Metcalfe	Wilson, Charles H.
Fuqua	Miller, Calif.	Yatron
Gallagher	Mills, Ark.	Zion
Goldwater	Mills, Md.	Zwach
Gude		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 15585, and finding itself without a quorum, he had directed the roll to be called, when 307 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Texas (Mr. PICKLE) had been recognized for 5 minutes in support of his amendment.

Mr. PICKLE. Mr. Chairman and Members of the House, the amendment I have offered would reduce the appropriation for the Office of Management and Budget in the amount of $4 million—from $19.7 to $15.7 million—a reduction of $4 million.

Mr. Chairman, that reduction is a rather round figure and I concede that at the beginning of my remarks. I also want to say at the beginning that this is not a personal complaint in any sense of the word. I, like many of you, have had dealings with members of the Office of Management and Budget. I mentioned to the House a few minutes ago about a very frustrating experience that I had when it took us nearly a year to finally get the funds released on the Colorado River Basin study, a waste management study, in my State. We had authorized the funds a year ago and directed the Corps of Engineers to do the job. But then the OMB came into the picture and they decided that perhaps the EPA should be doing this study.

We had innumerable meetings. They held up the funds. They actually performed the role as a legislative body and not as a budget body.

In dealing with OMB, I have had very pleasant relations with Mr. Shultz, when he was head of the OMB, and now Mr.

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Weinberger. "Cap" Weinberger is a very practical and a very hard-nosed and efficient public servant. I have worked individually with some of the people who have dealt with this particular project, so I have respect for them, and I have respect for the OMB.

I should wish to make it plain to the Members that this is not just an "anti" type of amendment. I voted for the creation of OMB, and perhaps that was one of my original errors or sins, but I thought that we ought to try to advance the budgetary process as best we could. But I say to you that when we put in the word "Management" we went far afield from what we have always thought that a budgetary committee would do. By management it seemed to me that they have assumed the role of the Congress in essence.

If you look in your report under the section of OMB, it has about 50 words—maybe 100—but just a short paragraph to explain why they are asking for $19,700,000. They do say to us that this has been a growing agency, and that does not come as any news to us, and it points out that they have some 655 different employees at this time.

I contend, to begin with, that there is really no information in the report about who does what in this big agency, the OMB. I submit to you that if you go to the big budget submitted at the first of the year by the President, you will not find much more information. So I think it is very normal and natural that we raise a question here on this floor: Why do they need $19,700,000 for the Office of the Management and Budget? My amendment would reduce that $4 million. I do not think that does material damage to them, but I surely think that is our prerogative and that we ought to do it. If we are going to ask all of us to do some economizing, I say a good beginning point ought to be the OMB.

Every Member of this House has felt this undue influence in his district. I would say to you that the OMB is the unseen government of today. It is an invisible force that has more to do sometimes with your own district than you do. We had discussions on this House floor before about who was going to do what in relation to the water pollution bill, and it was really kind of an amusing matter, because the real operator, the person who really runs this Government, is OMB.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Arizona (Mr. UDALL.)

Mr. UDALL. I support the gentleman in his amendment, and I just wish to add one thing. This is the fastest growing bureaucracy in America—this place called the White House—and this whole operation is an assault on the entire system of checks and balances in our three branches of Government.

The chairman of our Post Office Committee asked the OMB in a respectful way on June 14—and I have been asking them for months—"Would you kindly give us a list of the people down there at the White House who make more than $20,000 and up to $42,000?" To this moment tonight we have not had the courtesy of a reply. This is, you might call in some other context, contempt of Congress. They are asking us to give $19 million when they will not even answer a civil question about who these people are or what they are doing, and how much they are making.

Mr. PICKLE. I thank the gentleman. I would be perfectly willing, if it were within my means, to say we will take the $4 million and give it to the House Appropriations Committee and help the House Appropriations Committee build up their staff As long as we play dead, as long as we sleep through the process, then the agency down the street grows and grows and grows, and we have less and less to say about the projects that we accomplish in our work here in the Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Iowa.

Mr. GROSS. I think the gentleman's amendment is a moderate and a reasonable cut. I would like to see the saving applied to the retirement of the Federal debt.

Mr. PICKLE. I thank the gentleman.

I have never been more serious than now when I say to this body that sooner or later the House Appropriations Committee must assume full direction and control of the Office of Management and Budget, and should build up our committee and give it more muscle, and we ought to support this effort, or else we are going to slip along and let the OMB get bigger and bigger; and then we will have very little to say about the projects that go into our districts.

This is not a severe cut. I was not trying to do great damage, but just to try to get the office to tighten its belt a little bit, and let them know the Congress of the United States should be running the Government and not the OMB.

Mr. Chairman, I urge support of my amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

I know that for many of us, because of the frustrations we sometimes encounter, the Office of Management and Budget is the favorite whipping boy, but I think we ought to be quite serious as we approach this matter here today.

Actually, the Office of Management and Budget is the most important facility the President of the United States has in discharging his awesome responsibilities. This office has been in existence for a long time. It is in existence by an act of Congress. It is not a proliferating activity. As a matter of fact, they are asking for 25 fewer people for this coming year than they have had in the current year. They are a very frugal organization, and they are a very careful organization, but if this cut is approved, what we are going to do is to destroy the management capability of this agency and deny the President of the United States one of the most important facilities he needs in trying to meet his responsibilities.

We can save $4 million here by cutting this out, but when we remove this function from the Government, we are going to open up the door to waste that will run into hundreds of millions of dollars. This committee has always followed the activities of the Office of Management and Budget with a very careful scrutiny because we realize how so many of our colleagues feel about it.

In all sincerity, in all the years I have brought a bill to this House, and with all the sincerity I possess, I assure Members these funds are needed, these funds will be properly used, and they will be used in the public interest. Because I feel so strongly about it, I hope the Members will, when this vote comes, keep in mind that it is nice to have fun and get it off our chest, but let us not cripple the President of the United States in one of the most vital areas in which he has to perform.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the Members of this body would do well to keep this in mind, that the cut which is proposed will not be so much a stab in the side of the Office of Management and Budget as it will be in the side of our own Appropriations Committee. We know from the record that this particular subcommittee, under the leadership of our colleague TOM STEED, is one that has been very, very prudent and very, very careful. It turns in one of the best performances of any subcommittee in putting the House position across in conferences with the other side of the Capitol. I hope we will stand by this subcommittee and its able chairman and support their position regardless of our personal feelings about the Office of Management and Budget.

Mr. STEED. I thank the gentleman.

Mr. Chairman, one final word. I think we ought to keep in mind that this Congress has had a big part in increasing the functions and activities of this Government as the years have gone by, until today we are confronted with a budget in the neighborhood of $226 billion. To cripple this vital organization at a time of an all-time high of functions and work to be performed just does not make good sense.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment, primarily to demonstrate that it is a bipartisan amendment and should not be interpreted in any way as being an attack on the President or the party now holding the executive branch of the Government.

May I also add, to expedite time this evening, I will support the package of amendments which Messrs. MACDONALD, UDALL, and others will offer, to further achieve some economies in the executive branch of the Government.

Years ago, when I was just a youngster back in Chicago, in the days of the great Democratic machine of Mayor Kelly, one of the great points of emphasis in the educational system was on history. I recall my history teacher telling the story of Benjamin Franklin, leaving the hall where the Constitution was drafted, and a little old lady came up to him and asked, "Mr. Franklin, what have you given us, a monarchy or a republic?" His answer was, "A republic, if you can keep it."

Let us face it: We have developed in the executive branch of the Government an entourage that would make any remaining royal ruler flushed with envy. We are very close to creating a situation in which there are more nonessential bureaucrats attached to the executive branch of the Government, than any Republican should condone.

As I understand these amendments, they are nonpartisan, they are directed at whoever might be the occupant of the White House in January. That could be Mayor Lindsay. That could be most anyone.

Certainly, as a Republican, would I want the White House and the executive branch taken over lock, stock, and barrel by hordes from New York City if Lindsay replaced President Nixon in the White House in January 1973?

I ask my Republican colleagues to look at these amendments objectively. We are all frustrated by the awesome power of the executive branch. We are all frustrated by an inability to cope with the departments and agencies, and the White House itself. Why not start to trim it? Why not accept this modest series of amendments, starting with this one, and look upon this as very necessary corrective action by the Congress in the best interests of the taxpayers and bipartisanship in the highest degree?

As I say this, I see my minority party leader smiling at me. If we pass a few amendments like this his trip to China might not be as restful as otherwise it might be.

I suggest to the Members, knowing the gentleman from Texas and the other gentlemen who will offer following amendments. They are motivated by the best of intent and are intended to balance power within Government. I do hope they will receive some good support from my side of the aisle.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I appreciate the gentleman from Illinois yielding. Am I to interpret that if I support the gentleman and his position I will be voting against Lindsay?

Mr. DERWINSKI. By the wildest stretch of the imagination that would be true.

Mr. ANNUNZIO. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Texas.

Mr. PICKLE. I simply want to say to the gentleman that I appreciate his remarks. This is a bipartisan amendment. It is not one to cripple this agency. It is not one against the House Committee on Appropriations.

I said before, and I repeat, I should like to see this same amount of money put in to bolster the House Appropriations Committee. I hope that some day we can take that step.

Mr. DERWINSKI. I thank the gentleman for his comments.

Mr. ROBISON of New York. Mr. Chairman, I rise in opposition to the amendment.

The plea of the sponsor of the amendment in behalf thereof seems to be based upon two grounds.

First he has apparently had, and I quote, "Some excruciating experiences" at one time or other with the OMB, which used to be called, as we all know, the Bureau of the Budget.

His other plea seemed to rest on the ground that this agency somehow has become too big.

Our friend from Illinois has now chosen to try to make this somehow a bipartisan argument by taking—in advance from the gentleman from Arizona (Mr. UDALL) probably—some of the words we shall hear shortly about how large the Federal Establishment overall has grown.

Let me remind you, Mr. Chairman, and my colleagues, in this amendment we are talking about, and only about, the OMB.

In the old days, when it was called the Bureau of the Budget, it was a pretty large agency, also. I remember serving on the Committee on Public Works, the legislative committee, at that time with a former colleague of ours named Frank Smith, of Mississippi, who used to get so exorcised over the Bureau of the Budget that he was practically beside himself in exasperation with "that downtown shadowy agency."

Well, let us see how big it was then. In 1952, it had 493 average positions—this was their average number of employees. In 1955 it was 414; in 1956 it was 425; in 1961 it was 443; in 1962, 449; 1963, 461; 1964, 475; 1965, 482; 1966, 509, 1967—and some of these years were Democratic years, were they not?—547, and in 1969, 532.

It is true the bill before us provides money for 655 employees of OMB, but about a year or two ago we added certain new management functions, whether we should have or not, to the old Bureau of the Budget responsibilities and/or renamed it the Office of Management and Budget. If it is going to try to carry out its management functions properly, as we in the Congress want it to and as we asked it to, surely it needed some additional people.

You need to know also, Mr. Chairman, before we vote on the amendment that the Office of Management and Budget has, since the last fiscal year, voluntarily reduced its staff by 25, and then the committee cut their request a bit more than that so that this is a stand-still budget item now.

I ask that the amendment be voted down.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

I shall not take the full 5 minutes, but I simply want to suggest that I do agree with everything the gentleman from Oklahoma (Mr. STEED) has said and make this observation, that it is rather surprising to me to see the gentleman from Illinois become a great one for economy.

Not long ago on this floor the State-Justice Subcommittee of the Committee on Appropriations reduced the amount of money that was to be spent by the United Nations from a U.S. contribution of over 30 percent down to 25 percent. Who opposed it? Who cried the crocodile tears in the well of this House? The gentleman from Illinois (Mr. DERWINSKI).

Now he wants to give all of the taxpayers' money to the United Nations. Well, maybe since he has been an ambassador and lived up there on the land as he has, he sees that as a better thing to do than to try to give it to the people of the United States and the Office of Management and Budget the opportunity of reviewing it.

One other thing. So far as giving this money to the Committee on Appropriations, may I say to the gentleman from Texas that the Committee on Appropriations' staff does a magnificent job. We have a fine staff. We do not need that $4 million, but it is good to have a staff in the executive branch which watches the executive branch just as the Appropriations Committee does the others.

Mr. DERWINSKI. Mr. Chairman, the gentleman mentioned my name. Will the gentleman yield?

Mr. BOW. The gentleman from Illinois says I mentioned his name. I will yield to the Ambassador.

Mr. DERWINSKI. For the sake of the RECORD I wish to advise the gentleman from Ohio that I feel the mood of the House is strongly behind the amendment, but I wish to say to the gentleman that I forgive him for not properly interpreting the floor situation that prevailed when we debated the United Nations budget, since the gentleman was in Geneva serving in an important assignment at that time.

Mr. BOW. Since the gentleman has raised that question, the so-called junket in Geneva was because the Speaker of the House had named me as an adviser to the World Health Organization. I was there, and it was there that I found out even the people of Geneva did not think we should be paying what we were paying in the United Nations. The so-called junket was a working junket with the World Health Organization, and the gentleman from Illinois had junketed for many months in New York at the expense of the United Nations.

Mr. MAHON. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I think it would be most ill advised for the House to act favorably upon this amendment. We must give the Office of Management and Budget the tools needed to cope with the gigantic job of managing and coordinating the farflung activities of the Federal Government involved in spending some $250 billion a year.

I do not believe this amendment should be approved, and I hope it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The question was taken; and on a di-

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vision (demanded by Mr. PICKLE) there were—ayes 68, noes 75.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $3,000,000: *Provided*, That not to exceed $1,025,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. MACDONALD of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts: on page 12, line 12, delete "$3,000,000" and substitute "$1,000,000".

And on page 12, line 13, delete $1,025,000 and substitute $300,000.

Mr. MACDONALD of Massachusetts. Mr. Chairman, one characteristic of this administration has been the explosion of new bureaucracies within the Executive Office of the President. Since 1969, we have seen nine new bureaucracies developed. These include such offices as the Domestic Council, the Office of Telecommunications Policy, and a vague category called Special Assistants to the President.

This amendment singles out one of the worst examples——Office of Telecommunications Policy. This Office has become the administration's tool for attempts to muzzle the media and controlling the FCC, an ostensibly "independent" agency. This amendment limits the money for the OTP to a reasonable size.

The Director of the Office of Telecommunications Policy, Dr. Clay T. Whitehead, boasted that by February of this year, just 18 months after the creation of the new bureaucracy that had "no charter, no money, and no director," that they had made "a lot of progress." They certainly had. By the end of fiscal 1971, they had built a mini-empire of 65 people, at a cost in salaries alone of $1,343,000. Add to that the research studies they commissioned from outside sources, the consultants they hired, and the trips they took to make speeches and you get an outlay of more than $3 million for this small office that originally set out to advise the President on telecommunications policy, to clean up the mess that had developed in the Government's own telecommunications, and to act as a "partner" with the Congress and the Federal Communications Commission in discussions of communications policy.

Some partner. If this White House spokesman has consulted with the Congress, he has somehow missed the House Subcommittee on Communications. If he has consulted with the FCC, it has been more as a big brother with some vague power to bring down the weight of the administration than as one who respects the independent status of that agency.

But the Office of Telecommunications Policy has indeed been busy. The speaking schedules of its principals are full. There seems to be no meeting of broadcasters or cable people or educators that they cannot find time to attend—and to make a stir when they get there.

They tell broadcasters how to stand up to the Federal Trade Commission They hold out to radio licensees the juicy carrot of permanent licensing. They throw their weight around in the confused cable television business and somehow emerge as the architect of an agreement that pleased no one. As one highly respected FCC Commissioner put it in a recent interview.

I think that Dr. Whitehead would have enough to do if he took care of his own business. He's talking about things he doesn't have anything to do with or know anything about.

As his Office of Telecommunications Policy flexes its $3 million muscle, it employs every device available to impose its concept of policy on those who disagree. The case of public broadcasting is fresh in our minds, since this body decisively approved the Public Broadcasting Act of 1972 just 3 weeks ago.

OTP has a very clear idea of what it wants public television to be—localized, innocuous, impotent, without a national service that will attract enough audience to make it a factor in its 212 communities. Unfortunately, that is the way public television was before we passed the first Public Broadcasting Act in 1967. Financing was a shoestring, day-to-day cliffhanger, and the programs looked like it—dull panel shows, amateurish how-to-do-it programs, local theatricals and concerts and city council meetings, and understandably enough—little or no audience. Along came the Corporation for Public Broadcasting with its regional production centers and an aggressive attitude toward seeking out professionally produced cultural and educational programs.

So today, because of the national programing furnished to the public television stations, there are audiences for such superior programs as "Sesame Street" and "The Electric Company," "Black Journal" and "Firing Line," "Civilisation" and "The Forsythe Saga" and "Elizabeth R and Henry the Eighth"—audiences not served by the commercial broadcasters, and audiences for better-produced local programs, now that local stations do not have to fill 100 percent of their air time.

These programs carry out the Congress' mandate to CPB to provide television fare that gives the American public a choice instead of forever serving the mass audiences. That national service is what the Office of Telecommunications Policy has set itself to destroy. I am gratified to report that they failed. The members of this body were subjected to a massive lobbying effort in support of the Office of Telecommunications' desire to weaken public broadcasting, which the Congress rejected by the vote of 254 to 69.

Let me fill in another part of the picture that a casual look at the OTP's budget may not reveal. The Secretary of Commerce almost as an afterthought, is directed by the President to provide support to the Director of Telecommunications Policy—OTP's Dr. Whitehead—in various ways. And the Commerce Department has responded to this vague directive with vigor and enthusiasm.

The Federal budget for fiscal year 1973 reveals an Office of Telecommunications under the Science and Technology division of Commerce comprising some 248 bodies, headed by handsomely paid leaders like any knowledgeable bureaucracy. This unit that "provides support" to the 65-body OTP, has its own budget which went from $2¼ million in fiscal 1971 to $5.1 million in fiscal 1972 and an estimated $7½ million in fiscal 1973. Pretty fair support for an office that did not exist 2 years ago.

These runaway bureaucracies must be curbed if we are to proceed in an orderly way to bring to the American people the fruits of telecommunications technology. Ahead of us are the wonders of broadband communication via cable, satellite transmission covering the United States, and a technology of abundance instead of scarcity of communications channels.

The Federal Communications Commission is dealing with these emerging technologies and reporting regularly to the Congress on its progress. It should be backed up by Congress, not secondguessed by the Office of Telecommunications Policy. I urge this body to consider the merits of this amendment to restore balance to our communications regulatory procedures by limiting the appetite of the administration to build an empire and take over a vital function of this Government.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first let us have everybody understand that the Office of Telecommunications Policy exists by virtue of the fact that it was taken out of the Office of Emergency Preparedness by the President's Reorganization Plan No. 1, and approved by the Congress on April 20, 1970. In the year and a half it has operated as an independent agency from that time until now this agency has developed a team that has accomplished a long-term national policy for cable television and broadcast communications; a specific series of policy guidelines for the development of domestic satellite services; a final plan for the development of international aeronautical satellite facilities; recommendations concerning the structure of the international communications industry; a policy concerning the planning and construction for new international communications facilities; initiation of a pilot demonstration program for broadband communications systems; the development of new approaches to the regulation of the radio spectrum; and new and more effective procedures for emergency warning systems.

In the program that Congress has now before it, and for which funds are made available in this bill, we have the projections for new broadcasting and local wideband distribution media and their relation to the structure and regulatory control of the broadcasting industry; new service concepts and growing needs in the mobile communications field; new specialized communications networks and services and their relation to the

structure and performance of the common carrier industry; nationwide information networks based on the combined use of computers and communications; the structure and performance of the Nation's rapidly growing international communications industry; preparation for U.S. participation in international negotiations and conferences, such as the upcoming 1973 International Telecommunications Union Conference; forecasting of new technological developments and ways of fostering practical applications for public benefit; development of a new spectrum allocation process more responsive to public needs; economical and effective management of Federal Government communications; planning for reliable emergency communications capabilities; planning and directing the allocation of spectrum to Federal Government users; coordination of Federal planning and assistance programs to State and local governments; examination of extent, legality, and desirability of governmental control of broadcast communications; and the development of proposals for regulatory and legislative changes as needed. All of this indicates, Mr. Chairman, that there is a lot of work and a great many things in which the President is involved and for which he needs these special capabilities.

To make the proposed cut would be the height of irresponsibility. If you are going to do that to the agency, why not be completely honest about it and wipe them out entirely, because you would do worse than wipe them out if you should make the proposed cut. They would not have capability of doing anything at all with what would be left.

So you must either give them the resources to do a creditable job, or you should wipe them out entirely. I think the record is quite clear that this function is needed. This is a very useful capability for the President to have for all the great decisions he has to make in this day of the new explosion in the telecommunications field. This is one of the reasons why this whole operation has come into being, because of this growing need.

I think already in just 1 year and a half they have made some very fine progress. There is work yet to be done, some of which we hope to have accomplished this year. It is of such magnitude as to convince all who would look at the record that this agency is vitally needed, these funds are needed, and the amendment should be defeated.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, was the statement the gentleman read from testimony furnished to the gentleman's committee, or was it something furnished later? It seems to me it was just plans for the future.

Mr. STEED. The committee has had all the justification furnished by the agency. We have had their testimony and exhibits, and we have gone over the work they have done and things they have accomplished, and things which, they say, remain to be done, which certainly obviously are around for somebody to decide. It seems to me that this agency with the capability they have developed and the good team they have is the logical place for this function to be placed and financed. That is what we hope we have done in this bill.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

What is the effect of the amendment? I do not believe my distinguished colleague, the chairman of the subcommittee, got before the Members what this cut is. There is $3 million, even, set up by this appropriation. The amendment would cut out $2 million of the $3 million. It would cut the budget 66⅔ percent from the figure that has been set by the subcommittee which has heard this testimony.

Did this Office of Telecommunications Policy originate 2 years ago or 18 months ago, as the proponents of this amendment seem to imply? Let me read to the Members what the distinguished chairman of the Subcommittee on Military Operations, my distinguished colleague, the gentleman from California (Mr. HOLIFIELD), said on March 17, 1965:

At the earliest practicable date, the President should submit to the Congress a reorganization plan to reconstitute the functions and responsibilities of the Director of the Telecommunications Management in a separate office in the Executive Office of the President, and take steps to insure that the Office is adequately staffed.

That was the start of this on March 17, 1965. Some of this had already been talked about in the Kennedy administration. President Johnson took hold of this and appointed the Rostow Commission. Most of the Members know Walt Rostow or are acquainted with him and know he was one of the most capable men around during the Kennedy and Johnson administrations. His Commission came in with a favorable report as follows:

In our report, we recommend that the Executive Branch should have a strengthened capability to address the broad range of policy questions of concern to the Executive. It should have the adequate technical and financial resources to make appropriate long range studies; to give useful advice on specific issues to the FCC, to state governments, to various Executive Branch agencies, and to private groups and industries; to explore new applications of telecommunications; and above all to coordinate Executive roles in telecommunications leading to development of coherent and forward looking policies guiding Executive action.

I was at the International Conference in Montreux in 1965 when everybody else was advocating this. I know I came back and recommended that the President do this. He went further and created this commission, and it was under an executive order pursuant to the Rostow report. President Nixon under a reorganization order got this into effect, as my colleague, the distinguished gentleman from Michigan stated, some 18 months to 2 years ago.

Let us see what is involved in this amendment. Last year they had $2,635,000. They asked for $3,084,000 this year. They requested $424,000 which was for the mandatory salary increase and other mandatory costs. They did not get a nickel extra in this bill, but were cut back to $3 million for a new increase of only $365,000 over 1972—less than the increase warranted by the mandatory pay increase. We cannot say that is a tremendous expansion, when any agency receives less than the mandatory increases.

Now, what does this agency do. On this question of international telecommunications, I have attended almost every conference in Geneva since I have been on the subcommittee which the distinguished gentleman heads. They coordinate not only with our International Telecommunications Union in Geneva but with others.

The Members probably do not know this, but the GSA, HEW, Department of Defense, HUD and the Department of Commerce all have a part of telecommunications.

I believe my distinguished colleague, the chairman of this committee, explained a minute ago in what he was reading to the Members how these various telecommunications functions that are set up under the Cabinet positions are coordinated by this office at the White House.

This is exactly what the gentleman from California was talking about in 1965, and what the Walt Rostow Commission recommended. It was recommended by President Johnson. They did not get to it then, but the reorganization took place under President Nixon.

It just seems to me that when we start an agency like this we should consider the need. I thought there was a need for it. This was my belief. I believed it when the gentleman from California said it. I believed it when the President of the United States, Mr. Johnson, said it.

I believe we have pursued a policy of trying to bring some coherent action into this whole question of telecommunications policy.

If we are going to cut it by 66⅔, then I would be of the same opinion as the gentleman from Oklahoma, that we might just as well fold the agency up and take it out of existence, if it has only one-third of the budget request.

Have they had too many people? Let me give the figures here.

Let us go back to 1966. In 1966 the total for the Office of Emergency Preparedness including the functions now performed by the Office of Telecommunications Policy as a separate center was 336. In 1970, the total for the two organizations, prior to the reorganization plan which created OTP as a separate entity, was 290. Today the two organizations together—although they are two separate agencies now—have a total of 281 permanent positions. This has gone steadily down instead of going upward.

Let us take each individual agency. We also find that they have reduced the personnel over the years. For example, if we consider the responsibility performed by the Office of Emergency Preparedness today which requires 216 people, we find that those responsibilities in 1966 were performed by 266 people, or almost 25 percent more.

If we consider the responsibilities per-

formed by the Office of Telecommunications Policy today, we find that they have 65 people, yet in 1966 had 70 people doing the same work.

We can take these agencies either together or separately, the Office of Emergency Preparedness and the Office of Telecommunications Policy. Whether we take them separately or whether we take them together, the number of employees today is less than it was 5 or 6 years ago.

These are the facts. I am trying to give them to the Members. There has not been any increase. There has been a reduction in the number of permanent positions at the White House and also the Office of Emergency Preparedness.

I do not say this is due to the fact that we have this President. I think this would have taken place, for instance, had Mr. HUMPHREY been elected in 1968.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, if I am any judge of efficiency, this office has shown it and has been one of the few I have had any connection with in my service on my committee.

I will have to admit that we do supervise the seven agencies, and there is a tendency, I will admit, for all of us on our committee, to say that they do have a tendency to proliferate. But we certainly cannot criticize the Office of Telecommunications Policy, because the number of employees has gone down. It has not gone down spectacularly, but we have to admit that if they have even 10 less than in 1966 that is a lot of progress.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. MAHON. I want to join the gentleman in opposition to the amendment. I believe it would be a mistake to adopt the amendment.

Mr. SPRINGER. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we ought to look realistically at what this amendment is all about. This is an effort to get back at the OTP for having the effrontery to express a preference for less than 5-year funding for the Corporation for Public Broadcasting, an issue which we just went through in this Congress a few weeks ago.

It originates also, I think, out of irritation at OTP for calling to the public's attention and to the attention of broadcasters the Sander Vanocur matter and the $85,000 a year salary he would get from money that is taken out of the taxpayers' pockets so that the taxpayer might be given a different viewpoint of things.

Also I think it is an effort to get back at OTP for seeking local control of educational broadcasting rather than letting the CPB and the Ford Foundation control educational broadcasting out of New York and some of the eastern centers of cultural influence in this country.

Mr. Chairman, I happen to support personally the OTP in these criticisms they made of educational broadcasting and the CPB. And I wish to point out also that many of these criticisms resulted in the changes which OTP recommended being effected. These corrections came not only as a result of votes on the floor of this House, but also as a result of action by CPB itself, presumably because even CPB recognized some of the excesses to which it had gone.

I respect the right of my colleagues to their irritation that OTP had the temerity to mention some of these things, but I really do not think this is a means of resolving that annoyance. I happen to think the House acted wisely, and, as I understand it, the other body acted today in essential support of the House. But I do not happen to respect this vendetta.

As a broadcaster at one time, I was interested before I came to Congress in whether or not the FCC was keeping up with technical developments in the field of communications.

I would have to say I do not think there was a broadcaster in the country then or now who felt the FCC was doing its job in the technical area. I would say the FCC has been historically somewhat understaffed, but the responsibility in the area of communications technology has been now undertaken by the OTP.

I have a list as long as your arm of the accomplishments of OTP in this technical field. The list includes such technical matters as field screening and processing of frequency assignment actions of the Federal Government departments and agencies. During 1970 and early in 1971 actions ran about 5,000 per month, but since then 4,000 per month has been the average. This reflects the improved review mechanisms instituted by OTP.

I would like to ask how the FCC does on some of its hearings? The answer is that it performs much more slowly and much more poorly.

I had the opportunity to act as a representative of this Congress, along with the gentleman from Rhode Island (Mr. TIERNAN) at the International Telecommunications Conference in 1971, in which OTP participated. As a result of that conference, we were successful in achieving space communication requirements which will carry on the telecommunications operations into the 1980's and it was agreed to pretty much as this country wanted that job done.

The OTP is here as an arm of the executive branch to coordinate not just what the FCC does in technical areas but what the State Department does and what the Defense Department does and what the OEP and what many other agencies of the Federal Government do in the communications field. The OTP is not some ogre trying to put the screws on the FCC. It is an organizational mechanism to bring some intelligence and some centralized policy out of the communications activities and regulations of this country's many interests in communications. It does a job that needs to be done and it does it, I think, rather efficiently. Of course, it may not always do it the way some of the members of the FCC would like to have it done.

I would like to ask my chairman of the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce who the commissioner was you quoted who is so highly respected and who is so critical of the OTP.

Mr. MACDONALD of Massachusetts. It is Mr. Berman who has been on the Commission for many, many years.

Mr. BROWN of Ohio. I did not catch the name.

Mr. MACDONALD of Massachusetts. Mr. Berman who was the former son-in-law of the late Speaker Sam Rayburn.

Mr. BROWN of Ohio. It sounded to me like it might have been the rather eminent Commissioner Nicholas Johnson, and I just wanted to verify whether it was or not, because it sounded like one of his viewpoints about the OTP.

Mr. MACDONALD of Massachusetts. I hope that matter is cleared up, I will say to the gentleman, but I do not quite understand the position the gentleman is taking in this matter considering the vote in the House.

Mr. BROWN of Ohio. It happens to be that the original request of the CPB was for a 5-year funding, but that the OTP was for a 1-year funding. The gentleman knows that the House agreed to a 2-year funding.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. BROWN of Ohio was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I would like to say, both to the gentleman in the well and to my distinguished colleague, the gentleman from Illinois (Mr. SPRINGER) that the idea of course is a very fine one, and it did originate here in the Congress, as was said by the gentleman from California (Mr. HOLIFIELD) and was considered by other Presidents. But it has been implemented in 1969, and I ask the gentleman whether the gentleman thinks that 313 people are necessary to advise the President on telecommunications policy?

Mr. BROWN of Ohio. As I think the gentleman is fully aware, the OTP has many more responsibilities than just advising the President. Its functions, as I tried to explain in my original 5 minutes, not only include recommendations to the President on policy but in trying to coordinate the many activities of the Federal Government—some of them over which the FCC has absolutely no jurisdiction or authority—in the field of communications, so that there is a single directed policy in this country on communications among the Federal agencies such as the State Department, the Defense Department, the Office of Emergency Planning, and others.

This job is not being done now by the FCC, and it was not done during the previous administration. So, the purpose for the OTP was indicated in the report originally requested by President Johnson. That report urged expansion of an effort made by President Kennedy who first established the Office of Telecommunications.

Mr. MACDONALD of Massachusetts. Will the gentleman yield further?

Mr. BROWN of Ohio. I will be glad to yield further to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I hate to argue with the gentleman from Ohio about the factual situation, but Dr. Whitehead himself said his chief job was advising the President. And the gentleman will recall when I pursued the matter he said he never talked to the President, and his job was to answer to Mr. Flanigan in the White House.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. VAN DEERLIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

Mr. Chairman, I regret that so often, by the time I get into the well, the cry of "vote", "vote" is already sweeping the Chamber. But I think it is important in this particular matter to take a look at what was intended for the OTP policy. I can say at the outset that if my subcommittee chairman had come up and asked us to remove all funds for this agency, or to eliminate it, I would have strongly opposed the amendment. However, I do support the amendment to reduce those funds.

In the testimony before the formation of this new agency under the Holifield committee, the estimate was that they were going to need about 20 people, heavy on engineering, to help chart the unknown future of telecommunications internationally and domestically. We are in an area of satellites, of broad-band cable, of microwave. It could be that in another 10 years, virtually no TV signals at all will be going over the air to receiving sets in this country.

But what the President needed, and what he still needs, is the best advice that he can get in a complicated and very sophisticated technological field. And so the 20 people that they started out with were surely a justified number. In the course of just 2 years that modest number has gone up to 65 persons.

My colleague, the gentleman from Ohio, mentioned some of the quasi-political judgments that have been rendered by this office and by its Director. He mentioned the criticism they had of public broadcasting. There was considerable criticism in this body of public broadcasting.

I would also say that the agency has gone beyond its depth somewhat in suggesting the deregulation of radio, in seeking to drive a wedge between the networks and their affiliates, and between local educational broadcasters and their Corporation for Public Broadcasting.

I should think that many Members of this body would be concerned that the Director has called for the gutting of the fairness doctrine, which is one of the real tools that do exist for maintaining free and open channels of broadcasting, both commercially and educationally.

The point is that there are only two people among those 65 down at the OTP who have any prior experience in commercial broadcasting. That staff lacks the qualification to make policy in nontechnical matters, and to enter the thicket of political judgments.

I think that the passage of the Macdonald amendment will serve notice on the Office of Telecommunications Policy that they were set up to give advice to the President—very much needed advice—in a specific and limited area. It will also make clear that this office should not intrude on the authority of the Federal Communications Commission to make rules, nor on the constitutional responsibility of Congress to make regulatory policy.

I urge support of the Macdonald amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I listened with great interest to the remarks of the gentleman from California and his great concern over what he says is a tremendous growth over the last 2 years in the Office of Telecommunications Policy.

As we listened to, I believe it was the gentleman from Illinois (Mr. SPRINGER), he told us that the predecessor agency that was set up by President Kennedy was called the Director of Telecommunications Management. And it had 63 employees. That was way back in 1961. Here we are in 1972 and in this, the third largest and the fastest growing industry, I am told, in the country, the communications industry. Therefore, I fail to see where an increase of two in the number of personnel for the Office of Telecommunications Policy constitutes the great unprecedented and unwarranted increase that the gentleman has been talking about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division—demanded by Mr. MACDONALD—there were—ayes 37, noes 65.

TELLER VOTE WITH CLERKS

Mr. MACDONALD of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MACDONALD of Massachusetts. I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and STEED.

The Committee divided, and the tellers reported that there were—ayes 148, noes 188, not voting 96, as follows:

[Roll No. 222]

[Recorded Teller Vote]

AYES—148

Abourezk	Begich	Casey, Tex.
Abzug	Bergland	Chappell
Adams	Biaggi	Clark
Alexander	Biester	Cleveland
Anderson, Calif.	Bingham	Collins, Ill.
Annunzio	Brademas	Colmer
Ashbrook	Brinkley	Conyers
Ashley	Brooks	Cotter
Aspin	Burke, Mass.	Crane
Badillo	Burton	Culver
Barrett	Byron	Daniel, Va.
	Cabell	Daniels, N.J.
Davis, Ga.	Hungate	Rangel
Delaney	Ichord	Rees
Dellums	Jacobs	Reid
Denholm	Johnson, Calif.	Reuss
Dent	Jones, N.C.	Rodino
Derwinski	Jones, Tenn.	Roe
Dingell	Karth	Roncalio
Donohue	Kazen	Rooney, Pa.
Dow	Koch	Rosenthal
Drinan	Kyros	Rostenkowski
Dulski	Long, La.	Roush
Eckhardt	Long, Md.	Roy
Eilberg	McFall	Runnels
Evins, Tenn.	Macdonald, Mass.	Ryan
Fascell	Madden	Sarbanes
Foley	Mazzoli	Saylor
Ford, William D.	Meeds	Scheuer
Fountain	Melcher	Seiberling
Galifianakis	Mikva	Smith, Iowa
Gaydos	Minish	Staggers
Giaimo	Mink	Stanton, James V.
Gonzalez	Mollohan	Stratton
Grasso	Monagan	Stuckey
Gray	Moorhead	Symington
Green, Oreg.	Morgan	Taylor
Green, Pa.	Moss	Tiernan
Gross	Murphy, Ill.	Udall
Hamilton	Nedzi	Ullman
Hanley	Nix	Van Deerlin
Harrington	Obey	Vanik
Hathaway	O'Neill	Vigorito
Hays	Passman	Waggonner
Hechler, W. Va.	Pickle	White
Heistoski	Pike	Wolff
Henderson	Podell	Wright
Hicks, Mass.	Price, Ill.	Yates
Hicks, Wash.	Pucinski	Zablocki
Howard	Purcell	

NOES—188

Addabbo	Gubser	Price, Tex.
Anderson, Ill.	Gude	Quie
Arends	Haley	Quillen
Aspinall	Hall	Railsback
Baring	Halpern	Randall
Bell	Hammer-schmidt	Rarick
Bennett	Hansen, Idaho	Rhodes
Betts	Harsha	Roberts
Blackburn	Harvey	Robinson, Va.
Boggs	Hastings	Robison, N.Y.
Bow	Heckler, Mass.	Rogers
Brasco	Heinz	Rooney, N.Y.
Bray	Hillis	Rousselot
Brotzman	Hogan	Roybal
Brown, Mich.	Horton	Ruppe
Brown, Ohio	Hosmer	Ruth
Broyhill, N.C.	Hull	Sandman
Broyhill, Va.	Hunt	Satterfield
Buchanan	Hutchinson	Scherle
Burleson, Tex.	Jarman	Schneebeli
Burlison, Mo.	Johnson, Pa.	Schwengel
Byrnes, Wis.	Jones, Ala.	Scott
Caffery	Keating	Sebelius
Camp	Kemp	Shipley
Carlson	King	Shoup
Carter	Kuykendall	Shriver
Cederberg	Kyl	Slack
Chamberlain	Landgrebe	Smith, N.Y.
Clancy	Latta	Snyder
Clawson, Del	Lent	Spence
Collier	Lloyd	Springer
Collins, Tex.	McClory	Stanton, J. William
Conable	McCollister	Steed
Conover	McCulloch	Steele
Conte	McDade	Steiger, Ariz.
Coughlin	McDonald, Mich.	Steiger, Wis.
Davis, Wis.	McEwen	Stubblefield
de la Garza	McKay	Talcott
Dennis	McKevitt	Teague, Calif.
Devine	McKinney	Terry
Dickinson	Mahon	Thompson, Ga.
Dorn	Mallary	Thomson, Wis.
Downing	Mann	Thone
Duncan	Martin	Vander Jagt
du Pont	Mathias, Calif.	Veysey
Edmondson	Mathis, Ga.	Wampler
Edwards, Ala.	Matsunaga	Ware
Eshleman	Mayne	Whalen
Findley	Michel	Whalley
Fish	Miller, Ohio	Whitehurst
Fisher	Mills, Md.	Whitten
Flood	Mizell	Wiggins
Flowers	Montgomery	Williams
Flynt	Myers	Wilson, Bob
Ford, Gerald R.	Natcher	Winn
Forsythe	Nichols	Wyatt
Frelinghuysen	O'Konski	Wydler
Frey	Patten	Wylie
Gettys	Perkins	Wyman
Gibbons	Peyser	Young, Fla.
Goldwater	Pirnie	Young, Tex.
Goodling	Poage	Zion
Griffin	Powell	
Grover		

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NOT VOTING—96

Abbitt	Erlenborn	Minshall
Abernethy	Esch	Mitchell
Anderson, Tenn.	Evans, Colo.	Mosher
Andrews, Ala.	Fraser	Murphy, N.Y.
Andrews, N. Dak.	Frenzel	Nelsen
Archer	Fulton	O'Hara
Baker	Fuqua	Patman
Belcher	Gallagher	Pelly
Bevill	Garmatz	Pepper
Blanton	Griffiths	Pettis
Blatnik	Hagan	Pirnie
Boland	Hanna	Poff
Bolling	Hansen, Wash.	Preyer, N.C.
Broomfield	Hawkins	Pryor, Ark.
Burke, Fla.	Hébert	Riegle
Byrne, Pa.	Holifield	St Germain
Carey, N.Y.	Jonas	Schmitz
Carney	Kastenmeier	Sikes
Celler	Kee	Sisk
Chisholm	Keith	Skubitz
Clausen, Don H.	Kluczynski	Smith, Calif.
Clay	Landrum	Stephens
Corman	Leggett	Stokes
Curlin	Lennon	Sullivan
Danielson	Link	Teague, Tex.
Davis, S.C.	Lujan	Thompson, N.J.
Dellenback	McCloskey	Waldie
Diggs	McClure	Widnall
Dowdy	McCormack	Wilson, Charles H.
Dwyer	McMillan	Yatron
Edwards, Calif.	Mailliard	Zwach
	Metcalfe	
	Miller, Calif.	
	Mills, Ark.	

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVISORY COMMISSION ON INTERNATIONAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703–706), $794,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I would like to ask the gentleman from Oklahoma, the chairman of the subcommittee, just what contributions to mankind these two organizations provide. I am talking about the Administrative Conference of the United States and the Advisory Commission on Intergovernmental Relations. Do they make worthwhile contributions?

Mr. STEED. I would say to the gentleman that the Administrative Conference and possibly the man who runs that has the toughest job in Government. They have a hard time finding anybody to fill this job because it deals with the coordination of all the rules and regulations of the quasi-judicial agencies of the Government. It requires certain highly specialized skills. We think that it does a difficult job in keeping chaos out of the semijudicial agencies of the Government. This has been a long-needed function and it has been a difficult job getting it started. We think it is probably some of the best money spent that we have in this bill.

Mr. GROSS. I thought I had the toughest job in Government, but to expedite matters I will yield to this man if you say he has the toughest job.

You have explained the Administrative Conference of the United States. What about the next one?

Mr. STEED. The Commission on Intergovernmental Relations, as the gentleman knows, includes Members of the House and the Senate, State and local governments, as well as public members. This agency has been in existence for many, many years, and it deals with matters that are of great concern both to the Federal Government and to the States. They have worked on some of the very finest projects in the world that have a lot to do with how the State governments and the legislatures can work with the Federal Government. I think from the reports and the recommendations and the work accomplished you will find this is not only one of the oldest and most successful functions of this sort, but it is one on which those who are involved, especially in the States, place a very high value.

Mr. GROSS. Does the gentleman know whether the Advisory Commission on Intergovernmental Relations did any lobbying in behalf of alleged revenue sharing?

Mr. STEED. They may. I am not sure. They may have made a study on that subject some years ago, but they did not do any lobbying that I know of. The thing that I would say they should put on their agenda—and I think the gentleman would agree it should be done—is this: When the last census was taken the census district idea got a little bit out of hand. They had some very serious problems with the legislatures trying to control the one-man, one-vote problem. We have asked them to get together with the Bureau of the Census and some of the State legislatures and see if they cannot devise a census district program to be used in the next census that will be uniform and make sense and be something that those who use it can make some sense out of.

Those are the sort of things that they perform and do, not only for the Federal Government, but for all of the States.

Mr. GROSS. How many employees does the Administrative Conference of the United States have?

Mr. STEED. In addition to the members of the committee, who meet from time to time to study the materials that the staff have prepared at the direction of the Commission, they have 12 staff people. These people do the work that the members lay out for them. There is only a limited amount of work that they can do with this small number of people they have on their staff.

Mr. GROSS. How many employees does the Advisory Commission on Intergovernmental Relations have?

Mr. STEED. They have 35 at the present time. That is not a very large commission for the type of work they do. If they do not ask for more, then they evidently do not think they need any more. The kind of work they do can be done with a small staff.

Mr. GROSS. The gentleman is aware, I am sure, that there are between 2,900 and 3,200 boards, advisory boards, advisory commissions, bureaus, commissions and committees in this government. I hope that the gentleman's subcommittee, insofar as it has jurisdiction, will, next year, take a close look at all of them that come within its purview.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Clerk will read.

The Clerk read as follows:

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642–645), $100,000.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 17, strike lines 5 through 11.

Mr. GROSS. Mr. Chairman, the amendment I have offered strikes from the bill the section which provides $100,000 for salaries and expenses of the Commission on Executive, Legislative, and Judicial Salaries.

This Commission is scheduled to be appointed again this year to recommend to the President increases in salaries for Members of Congress, judges, and Cabinet and sub-Cabinet officials in the executive branch. The President's recommendations for increased salaries will be contained in his budget message next January and will take effect automatically in 30 days, unless vetoed by a vote of either the House or Senate.

I think most Members will recall the controversy which surrounded the sizable salary proposals contained in President Johnson's budget of 1969. The 40-percent salary increase for Members of Congress was not only inflationary at that time, but because the Congress and the committees had not been organized that early in the session, there was no opportunity for the Members of the House to vote on the recommendation. With a number of other Members, I submitted resolutions of disapproval, but the Post Office and Civil Service Committee did not meet to consider the resolutions. The same situation will undoubtedly exist next January.

Both in the last Congress and in this Congress, many Members have introduced legislation which would completely abolish the Commission on Executive, Legislative, and Judicial Salaries and repeal the authority of the President to set these salaries in a nearly automatic procedure.

I submit therefore, Mr. Chairman, that this may be the only opportunity the Members of the House might have to express their positions relative to further inflationary salary increases for themselves, Federal judges, and Cabinet officers. If my amendment is adopted, the funds to operate the Commission will be cut off, and hopefully the Commission will not operate, at least for the coming fiscal year.

At a time when we are asking all Americans to hold the line on prices and pay, and to endure personal sacrifices in order to stabilize the economy, we should not even be thinking in terms of granting ourselves and all other top Government officials inflationary pay raises.

Adoption of my amendment will not only stop this nonsense, but will save $100,000 as well.

I urge you to adopt my amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Let me say at the outset the fact that I oppose this amendment in nowise indicates any position that I might take on the matter of raising the pay of Members of Congress.

But I would like to call the Members' attention to the fact that the act under which this appropriation is made was passed by this Congress. The law is still on the books. It is mandatory on the President of the United States to send this estimate to the Congress once every 4 years. Of course the subcommittee felt that it was more or less mandatory on us to include the estimate the President has submitted because under the law this Commission is required to meet once every 4 years to review this matter of salaries.

I might just call the attention of the Members to the fact that it is a presumption to say that they are going to come out with raises for everybody including Members of Congress. You know under the authority they have they could just as well cut it and I do not want any Member to think that if they vote for this appropriation it is a vote for a pay raise because it may be a vote for a pay cut. No one knows in view of the constitution of the members of the committee what they might report. But this is a law and as long as it is on the books I think it is incumbent upon the Congress to make the funds available.

If the Congress wants to repeal the law, then we would not have a problem. It seems to me this issue either ought to be settled in the legislative committee or we ought to be permitted to do what is mandatory under the law as it now stands.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. UDALL. I join the gentleman from Iowa tonight in preaching economy. But he has departed from preaching and has now gone to meddling here in a very important matter.

The fact is that the compensation of Members of the House in terms of purchasing power is not $42,500. In 1969 terms it is down now to something around $38,000 or $37,000.

By voting for this amendment you are saying, let us not even have a study.

As the gentleman from Oklahoma suggested, the Commission may well come back and recommended substantial cuts that would make the gentleman from Iowa very happy indeed.

So I suggest that we leave the money in there and try to find an opportunity next January or February to vote down these outrageous pay increases that the gentleman from Iowa fears.

This is not the time nor the place to do this job.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. GROSS. I regret I did not have that kind of cooperation from the gentleman from Arizona when I tried to get a rollcall vote in the matter of the 40-percent pay increase for Members of Congress.

Let this Commission serve without pay and make that contribution to the country, if that is what they want to do.

Mr. STEED. I do not know we could get that.

Mr. Chairman, I do urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

TELLERS VOTE WITH CLERKS

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HALL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GROSS, UDALL, STEED, and HALL.

The Committee divided, and the tellers reported that there were—ayes 135, noes 196, not voting 102, as follows:

[Roll No. 223]

[Recorded Teller Vote]

AYES—135

Ashbrook	Green, Oreg.	Randall
Baring	Griffin	Rarick
Bell	Gross	Rhodes
Bennett	Haley	Roberts
Betts	Hall	Robinson, Va.
Biester	Hammer-schmidt	Rogers
Bray	Hastings	Roncalio
Brotzman	Heckler, Mass.	Rousselot
Brown, Ohio	Heinz	Runnels
Broyhill, N.C.	Henderson	Ruppe
Buchanan	Hicks, Mass.	Ruth
Burleson, Tex.	Horton	Satterfield
Byron	Hosmer	Saylor
Clancy	Hungate	Scherle
Clawson, Del	Hunt	Schneebeli
Cleveland	Hutchinson	Schwengel
Collier	Ichord	Sebelius
Collins, Tex.	Jacobs	Seiberling
Conable	Jarman	Shoup
Conover	Jones, Tenn.	Shriver
Coughlin	Keating	Skubitz
Crane	Kemp	Snyder
Daniel, Va.	King	Stanton, James V.
Davis, Wis.	Kyl	Steele
Denholm	Landgrebe	Steiger, Ariz.
Dennis	Latta	Stubblefield
Devine	Lloyd	Stuckey
Dickinson	Long, Md.	Talcott
Downing	McClory	Taylor
Duiski	McCollister	Teague, Calif.
Duncan	McDade	Thompson, Ga.
du Pont	McEwen	Thomson, Wis.
Eshleman	Martin	Thone
Evins, Tenn.	Mayne	Vanik
Findley	Michel	Veysey
Fish	Miller, Ohio	Whalley
Fisher	Mizell	Whitehurst
Flynt	Montgomery	Wilson, Bob
Fountain	Myers	Winn
Frey	Obey	Wolff
Galifianakis	O'Konski	Wylie
Gaydos	Powell	Wyman
Gettys	Price, Tex.	Young, Fla.
Goldwater	Quie	Zion
Goodling	Quillen	
Grasso		

NOES—196

Abourezk	Brademas	Cotter
Abzug	Brinkley	Culver
Adams	Brooks	Daniels, N.J.
Addabbo	Brown, Mich.	de la Garza
Albert	Burke, Mass.	Delaney
Alexander	Burlison, Mo.	Dellums
Anderson, Calif.	Burton	Dent
Anderson, Ill.	Byrnes, Wis.	Derwinski
Annunzio	Cabell	Dingell
Arends	Caffery	Donohue
Ashley	Camp	Dorn
Aspin	Carey, N.Y.	Dow
Aspinall	Carlson	Drinan
Badillo	Carter	Eckhardt
Barrett	Casey, Tex.	Edmondson
Begich	Cederberg	Edwards, Ala.
Bergland	Chamberlain	Edwards, Calif.
Biaggi	Chappell	Eilberg
Bingham	Clark	Fascell
Blackburn	Collins, Ill.	Flood
Boggs	Conte	Flowers
	Conyers	Foley
	Corman	Ford, Gerald R.
	Culver	Ford, William D.
	Daniels, N.J.	Forsythe
	de la Garza	Frelinghuysen
	Delaney	Garmatz
	Dellums	Giaimo
	Dent	Gibbons
	Derwinski	Gonzalez
	Dingell	Gray
	Donohue	Green, Pa.
	Dorn	Grover
	Dow	Gubser
	Drinan	Gude
	Eckhardt	Halpern
	Edmondson	Hamilton
	Edwards, Ala.	Hanley
	Edwards, Calif.	Hansen, Idaho
	Eilberg	Harrington
	Fascell	Harsha
	Flood	Hathaway
	Flowers	Hays
	Foley	Hechler, W. Va.
	Ford, Gerald R.	Helstoski
	Ford, William D.	Hicks, Wash.
	Forsythe	Hillis
	Frelinghuysen	Holifield
	Garmatz	Howard
	Giaimo	Hull
	Gibbons	Johnson, Calif.
	Gonzalez	Johnson, Pa.
	Gray	Jones, Ala.
	Green, Pa.	Jones, N.C.
	Grover	Karth
	Gubser	Kazen
	Gude	Koch
	Halpern	Kyros
	Hamilton	Lent
	Hanley	McDonald, Mich.
	Hansen, Idaho	McFall
	Harrington	McKay
	Harsha	McKinney
	Hathaway	Macdonald, Mass.
	Hays	
	Hechler, W. Va.	
	Helstoski	
	Hicks, Wash.	
	Hillis	
	Holifield	
	Howard	
	Hull	
	Johnson, Calif.	
	Johnson, Pa.	
	Jones, Ala.	
	Jones, N.C.	
	Karth	
	Kazen	
	Koch	
	Kyros	
	Lent	
	McDonald, Mich.	
	McFall	
	McKay	
	McKinney	
	Macdonald, Mass.	
	Madden	
	Mahon	
	Mallary	
	Mann	
	Mathias, Calif.	
	Mathis, Ga.	
	Matsunaga	
	Mazzoli	
	Meeds	
	Melcher	
	Mikva	
	Mills, Md.	
	Minish	
	Mink	
	Mollohan	
	Monagan	
	Moorhead	
	Morgan	
	Moss	
	Murphy, N.Y.	
	Natcher	
	Nedzi	
	Nix	
	O'Neill	
	Passman	
	Patten	
	Perkins	
	Peyser	
	Pickle	
	Pike	
	Poage	
	Podell	
	Price, Ill.	
	Pucinski	
	Purcell	
	Railsback	
	Rangel	
	Rees	
	Reid	
	Reuss	
	Robison, N.Y.	
	Rodino	
	Roe	
	Rooney, N.Y.	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Roush	
	Roy	
	Roybal	
	Ryan	
	Sandman	
	Sarbanes	
	Scheuer	
	Scott	
	Shipley	
	Sisk	
	Slack	
	Smith, Iowa	
	Smith, N.Y.	
	Spence	
	Springer	
	Staggers	
	Stanton, J. William	
	Steed	
	Steiger, Wis.	
	Stratton	
	Symington	
	Terry	
	Tiernan	
	Udall	
	Ullman	
	Van Deerlin	
	Vander Jagt	
	Vigorito	
	Waggonner	
	Wampler	
	Ware	
	Whalen	
	White	
	Whitten	
	Wiggins	
	Williams	
	Wright	
	Wyatt	
	Wydler	
	Yates	
	Young, Tex.	
	Zablocki	

NOT VOTING—102

Abbitt	Dwyer	Metcalfe
Abernethy	Erlenborn	Miller, Calif.
Anderson, Tenn.	Esch	Mills, Ark.
Andrews, Ala.	Evans, Colo.	Minshall
Andrews, N. Dak.	Fraser	Mitchell
Archer	Frenzel	Mosher
Baker	Fulton	Murphy, Ill.
Belcher	Fuqua	Nelsen
Bevill	Gallagher	Nichols
Blanton	Griffiths	O'Hara
Blatnik	Hagan	Patman
Boland	Hanna	Pelly
Bolling	Hansen, Wash.	Pepper
Bow	Harvey	Pettis
Brasco	Hawkins	Pirnie
Broomfield	Hébert	Poff
Broyhill, Va.	Hogan	Preyer, N.C.
Burke, Fla.	Jonas	Pryor, Ark.
Byrne, Pa.	Kastenmeier	Riegle
Carney	Kee	St Germain
Celler	Keith	Schmitz
Chisholm	Kluczynski	Sikes
Clausen, Don H.	Kuykendall	Smith, Calif.
Clay	Landrum	Stephens
Colmer	Leggett	Stokes
Corman	Lennon	Sullivan
Curlin	Link	Teague, Tex.
Danielson	Long, La.	Thompson, N.J.
Davis, Ga.	Lujan	Waldie
Davis, S.C.	McCloskey	Widnall
Dellenback	McClure	Wilson, Charles H.
Diggs	McCormack	Yatron
Dowdy	McCulloch	Zwach
	McKevitt	
	McMillan	
	Mailliard	

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with

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procedures prescribed by section 6-104.4 (b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Mr. GROSS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. I make a point of order against the language to be found on page 31, beginning on line 25, section 505, and running to page 32 to and including line 14, as being legislation on an appropriation bill. I specifically refer, Mr. Chairman, to the language found on page 32 which directs "that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States" and so on and so forth.

The CHAIRMAN. Does the gentleman from Oklahoma care to be heard on the point of order?

Mr. STEED. Mr. Chairman, this proviso has been in the legislation for a great many years. At this date and time it imposes no function on the GSA it is not already doing. So we think it is a very regular part of the bill, and I think by precedent it is entitled to remain.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

The fact that the provision has been carried in prior appropriation bills is not conclusive in connection with the point of order that is raised at this time. The provision does add additional requirements and duties. In the opinion of the Chair this is legislation on an appropriation bill, and the point of order is sustained.

The Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 38, line 18, add a new section 611, as follows:

SEC. 611. No part of the appropriation made by this Act shall be expended for the compensation of more than 1647 employees in the Executive Office of the President, including not more than 50 employees of any Department or agency detailed to serve in the Executive Offices;

Nor shall the total amount appropriated to the Executive Office of the President for personnel compensation exceed $29,737,760;

Nor shall any part of the appropriations be expended for the compensation of more than 95 ungraded employees in the Executive Office of the President, whose individual salaries are in excess of the maximum rates of pay established at the pay level of GS-10 of the General Schedule (5 USC 5332);

Nor shall any part of the appropriation be expended for the compensation of more than 549 employees in the Executive Office of the President whose annual rates of pay are more than the minimum rate in effect for GS-13 of the General Schedule (5 USC 5332) but less than the annual rate of pay for Level II of the Executive Schedule (5 USC 5313);

Except that no part of this section shall apply to the compensation of any employees of the White House Office, or the compensation of the President.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEED. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Oklahoma reserves a point of order against the amendment.

The gentleman from Arizona (Mr. UDALL) is recognized.

Mr. UDALL. Mr. Chairman, the sun never sets on this building without at least a dozen speeches lamenting the erosion of congressional power and the flow of power to the executive branch and the office of OMB.

The sun never sets on this Chamber without a dozen or two speeches on the need for economy and the dangerous explosion of executive branch supergrades and highly paid executives and special assistants and consultants.

Now, on this amendment tonight you are going to have a chance to vote on some of these things. You are going to have a chance to vote to cut down the fastest growing bureaucracy in America—the White House and the EOP.

Let me give you a formula for a lynching party which some of the people who are going to speak against my amendment would quickly join.

Suppose, if you will, that in 1968—and this will pain some of you to even suppose it—that HUBERT HUMPHREY was elected President. And suppose that he had promised to have the smallest White House in modern history. And suppose that at the end of 3 years his budget compared with the last year of Lyndon Johnson—and he was no slouch on expanding the White House staff—suppose the budget had gone from $17 million to a request of $43 million and suppose that people paid between $22,000 and $42,500—the executives down there had gone from 508 to 829 and suppose the total personnel down there of the EOP office had gone from 1,305 to a request of 2,196.

I would have been able to organize the biggest lynching party you have ever seen—taking only the Members on the west side of the aisle. And yet I suspect that some of them are going to be talking and voting against this amendment. And before they get up and start making some arguments let me knock down just a couple of them.

First, there is not a dime in here taken out of the White House, the President's own staff.

I think the President of the United States is entitled on grounds of comity to whatever staff he asks for himself.

This deals only with that army of agencies that have been created in the so-called EOP and are spilling all over downtown.

The Executive Office of the President is where I aim. In it there have been created nine new bureaucracies—brand-new bureaucracies that did not even exist 3 years ago but which have been created down there.

Second, when I get through, if this amendment carries, the EOP will still have $12 million more than Lyndon Johnson's last budget.

So you can see that this is a $14 million cut and it is still going to leave a huge apparatus which did not even exist 3 years ago.

This is not directed against President Nixon—in the sense that I would not make the same argument against a Democratic President, because I mean business.

Some of us Democrats hope that we might win this scrimmage in November and this budget goes from July of this year to July of next year. Half of the cuts apply to the present occupant of the White House and half apply to whoever happens to be the new occupant of the White House in January.

So I suggest that we mean business here tonight and this is a chance to do something in the Congress.

Any legislative body that will stand back and see its power taken away does not deserve respect. This is what is happening. The OMB is stealing the power of this Appropriation Committee. We will debate at great length here tonight on how the money is going to be spent and then some bureaucrat that we have not even heard of downtown will say "no"—and that is the end of the ball game. They are a super appropriating committee.

I want to bring this kind of thing to a stop. So we are putting some overall limitations by this amendment on this massive unprecedented outrageous operation down there that is a threat to our federal system and a threat to the Congress and is a threat to the balance of power in Government.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the minority leader.

Mr. GERALD R. FORD. I was very impressed with the eloquence of the gentleman from Arizona in being concerned about the erosion of the legislative authority and the buildup of authority by the executive branch of the Government. Then my memory went back to 1967 or 1968. As I recall my friend from Arizona was the author of the provision which is in the law today which takes away in effect from the Congress the right to establish the pay for the President, the Federal judges and the Members of Congress. The gentleman from Arizona was the author of that provision which is in the law today that gives this authority now to the executive department of Government and takes it away from us.

In light of this, I do not understand the gentleman's concern now about this erosion of authority.

Mr. UDALL. A number of my beloved colleagues have thanked me privately for taking part in that particular erosion. We would still be drawing $22,500 if we had not delegated this authority.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

Mr. STEED. Mr. Chairman, I continue to reserve my point of order against the amendment.

The CHAIRMAN. The gentleman from Maryland is recognized.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. At what point does the reservation expire, and at what point must the Chair decide the point of order?

Mr. STEED. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Will the gentleman state his point of order.

Mr. STEED. Mr. Chairman, I make a point of order against the amendment on the grounds that it is legislation on a general appropriation bill. Specifically, Mr. Chairman, in the second part of the amendment, it is sought to place a limitation on the "total amount appropriated to the Executive Office of the President for personnel compensation."

Mr. Chairman, by so doing, the amendment which is drawn in the form of a limitation goes beyond the scope of the pending bill and is therefore not in order.

I hold in my hand a copy of the bill (H.R. 15093), the general appropriation bill for the Department of HUD and sundry independent executive agencies and so forth for the fiscal year 1973, on page 11 of which, in lines 12 through 24, there appear two appropriations for activities and personnel under the "Executive Office of the President." My point is, Mr. Chairman, that this amendment reaches beyond the present bill and seeks to impose a limitation on funds appropriated in at least one other bill.

Clearly, therefore, the amendment is not in order.

The CHAIRMAN. Does the gentleman from Arizona care to be heard on the point of order?

Mr. UDALL. Very briefly, Mr. Chairman. This amendment is carefully drafted in language in line with dozens of other similar amendments which in the past have been held to be limitations. This language speaks only in the language of limitations. It refers to limitations of personnel for which these funds could be spent and places total overall limitations on the amount of money that could be spent on the Executive offices of the President. I submit that the amendment is germane and is in order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Arizona offered an amendment on page 38 of the bill, to which the gentleman from Oklahoma has raised a point of order. The Chair has examined each of the clauses of the amendment, and each imposes limitations on the number of employees or on the compensation of the employees. The beginning of the amendment specifically says that—

No part of the appropriation made by this Act shall be expended—

And so forth, and this qualifying phrase applies to every paragraph of the amendment.

Therefore, it is the opinion of the Chair that these are legitimate limitations. They do not constitute legislation on an appropriation bill, and the point of order is overruled.

Mr. ROBISON of New York. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Arizona.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROBISON of New York. Mr. Chairman, it is my understanding that in order to be qualified under the rules and the precedents of the House, a limitation on an appropriation bill must limit the funds appropriated under that act and that act only.

I think the chairman of the subcommittee has already pointed out to the Chair that there are other Executive Office agencies under the heading of the Executive Office of the President to which the amendment seeks to add a limitation. I would say to the Chair that those agencies are, among others, the Council on Environmental Quality, the National Aeronautics and Space Council, the National Commission on Productivity, the National Council on Marine Resources and Engineering, the Office of Consumer Affairs, the Office of Science and Technology, the Special Representative for Trade Negotiations, and finally, Mr. Chairman, the Office of Economic Opportunity, for none of which agencies is money provided under this appropriation bill.

Mr. UDALL. Mr. Chairman, I wish to be heard on a point of order; in the first place, my esteemed friend from New York (Mr. ROBISON) did not reserve a point of order. He is either making the same one my friend from Oklahoma made, or he is making a different one, and the gentleman from Oklahoma's point of order has been ruled upon.

He has no right to make a point of order, since he did not reserve one, and debate had intervened.

On the second ground, I think the Chairman has already covered in his earlier ruling the precise point the gentleman has raised.

Mr. STEED. Mr. Chairman, may I be heard further?

The CHAIRMAN. Yes, the gentleman is recognized.

Mr. STEED. Mr. Chairman, if the Chair will direct his attention to the first paragraph, he will see a specific reference to the number 1,647 employees in the Executive Office of the President. It does not say, in this act. It says, in the entire office. It says:

Nor shall the total amount appropriated—

Not in this act, but in all acts—

to the Executive Office of the President for personnel compensation exceed $29,737,760.

Mr. Chairman, there is no way from the record here or any other available record that we can show where the 1,647 limitation does increase or decrease the people available in the Executive Office of the President.

In the rules of the House it is very specific under the Holman rule, that unless a definite reduction can be shown, this language would be legislation and would not be appropriate to this bill.

The CHAIRMAN (Mr. MONAGAN). The point made by the gentleman from New York is essentially that already made by the gentleman from Oklahoma. This bill does contain appropriations for the Executive Office of the President and the Chair reads the amendment as being a limitation upon those appropriations. And, as pointed out before, the specific provision is that no part of the appropriations made by this act shall be expended for certain purposes—detailed in the first four paragraphs of the amendment. The Chair is constrained, therefore, to overrule the point of order.

Mr. LONG of Maryland. Mr. Chairman, this amendment is intended to curb the ballooning of personnel in the Executive Office of the President, in the interest of preserving our system of checks and balances among the three major branches of Government.

In 1937, the President's Committee on Administrative Management suggested that the President have six assistants to allow him more time to deliberate on the duties assigned him by the Constitution. The Committee's report states:

These aides would have no power to make decisions or issue instructions in their own right. They would not be interposed between the President and the heads of his departments. They would not be assistant Presidents in any sense.

Now, compare this to the present day.

First, the number of executive office personnel has increased about 350 times since 1939.

Second, more and more decisions are being made in the Executive Office by people who are, in fact, "assistant Presidents." For example, the Director of the Office of Management and Budget has much more power through his authority to recommend impoundment of funds. As of June of 1971, the OMB had impounded $12 billion in congressionally appropriated funds—and there is not a Member in this room that has not felt the impact. Impoundment gives the executive branch the power to pick and choose among congressionally approved and funded programs—and the directives of Congress are ignored. Through impoundment the President has an alternative to vetoing a program he opposes. By avoiding the veto, he shifts the blame and public attention to another office.

Alexander Hamilton predicted such a situation in his Federalist paper No. 70:

One of the weightiest objections to a plurality in the executive . . . is that it tends to conceal faults and destroy responsibility. . . . It often becomes impossible, amidst mutual accusations, to determine on whom the blame . . . ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author.

This amendment would not eliminate the Office of Management and Budget, but it would prevent the administration from hiring large numbers of personnel to staff new offices within the Executive

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Office of the President, which could usurp other congressional powers.

Many of the Members know that if they want to find out about an administration policy or program they do not ask a Cabinet official. They ask a White House assistant. That is where the Cabinet official would get his information.

In 1970, when Secretary Rogers appeared before my Foreign Operations Appropriations Subcommittee, he assured the subcommittee, in answer to my question, that the administration would not involve American troops in another Asian nation without consulting Congress "to the fullest extent possible." A few days later U.S. troops invaded Cambodia. Obviously the Secretary of State, the traditional foreign policy adviser, had not even been informed in advance of the administration decision, let alone having part in that decision.

If more responsibility were placed on the executive departments rather than the Executive Office staff, it would not be necessary to provide the drastic increase.

I urge my colleagues to support this amendment.

Mr. ROBISON of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a wolf-in-sheep's-clothing amendment if ever there was one. A naked partisan attack on the President is here cloaked in a transparent mantle of fiscal responsibility, and then presented to us with a lot of high-blown words about how this somehow all relates to saving "government of the people, for the people and by the people," along with protestations of "political neutrality."

If any of my colleagues doubt this, I suggest they read this letter from the amendment's author to his committee chairman, under date of last April 24, which supposedly identifies the need for the surgery now suggested.

I cannot believe the amendment's author is serious for, if he were, I would have to say this effort—fair-minded and objective as he usually is—is totally out of character for him. Instead, I prefer to believe that, in an election year, boys will inevitably revert back to being boys until they get the "politics" out of their systems.

Well, let me speak to the merits of the amendment—such as they are:

The gentleman from Arizona proposes now—and this is the third version I have seen of whatever it is he originally started out to do—to get at what he called the "Palace Guard—of the Nixon regime—with its overwhelming size, shadowy functions and obvious influence that has undermined the traditional decision-making rules and interrelationships of the other branches of our Government," in his aforementioned letter to Chairman DULSKI, by limiting the number of employees in the so-called Executive Office of the President, for whose compensation funds are provided in this bill, to 1,647, and by reducing the amount therein appropriated for EOP staff compensation to $29,737,760.

What is the justification for this meat-ax approach that flies in the face of that longstanding tradition of comity, as between President and Congress, in such matters, and even seems to belie the author's own words—again as taken from the Dulski letter—which were:

> Certainly no loyal American would begrudge any President the expertise or manpower needed to cope with the pressing problems of the nation and the world.

The justification, supposedly, is to be found in the gentleman's allegation—in the Dulski letter—that—

> The Nixon staff has quite suddenly and without apparent reason skyrocketed beyond all previously known limits . . . (until) the White House now has enough people with fancy titles to populate a Gilbert and Sullivan comic opera.

Words and phrases designed to catch headlines?

Sure enough.

But, what are the facts?

The facts are these: Subcommittee jurisdiction has been changed around a bit since then but, in fiscal year 1969, there were six Executive Office agencies still covered by this bill having a total of 973 permanent employees. These were the Council of Economic Advisers, with 60 people; the National Security Council, with 34; the Office of Emergency Preparedness, with 240; the old Bureau of the Budget, with 501, and then there was the household staff of 75 people in the Executive Mansion, itself, plus another 63 people in the old Office of Telecommunications Management within OEP, whose duties have since been taken over by the new Office of Telecommunications Policy about which we will hear more later.

Besides these 973 employes, there were 250 permanent positions allowed for the White House office, itself, which gives us an overall total for all these operations we are talking about of 1,223 employees.

This was for the last, full Johnson budget year.

The Johnson budget request for fiscal year 1970 would have increased that total to 1,315, but Congress tnen allowed only 1,303.

Now, for fiscal year 1971—the first, full Nixon budget year—this total, as allowed by Congress, increases again to 1,762 employees which, on paper, looks bad, doesn't it?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROBISON of New York. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ANNUNZIO. Mr. Chairman, I object.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York.

Mr. ROBISON of New York. I appreciate the gentleman yielding.

The question I was asking is:

How do you account for all these extra people on the payroll of a supposedly economy-minded President?

Well, first, there was now the Domestic Council, with 52 people.

Surely, you all know that Congress approved of the establishment of this operation, which is a sort of domestic counterpart to the National Security Council. Its staff works on legislative policy for the President, among other matters, and he needs this for he cannot—for obvious reasons—use congressional committee staffs for such purposes as Lyndon Johnson used to do.

Next, the National Security Council—which had atrophied under Mr. Johnson who manufactured his foreign policy in consultation with McNamara and Rusk, for the most part—had been reactivated by Mr. Nixon, and its staff was up from 34 to 70 people.

Our old whipping boy, the Bureau of the Budget, had—again with congressional approval—been handed some new management duties, and had taken on 100 additional people to try to handle them as, now, the Office of Management and Budget and, though we each probably have a bone of some sort to pick with OMB, do we really wish to dismantle it?

Finally, the White House Office staff had, indeed, seemed to "skyrocket" up from 250 people a year earlier to 533, now, but there is an explanation, if you will listen. Our bill, in fiscal year 1970, had allowed those 250 positions for the White House Office, of which 208, I believe were actually filled—that was the "average employment." But, besides those 208 there were, in fiscal year 1970, 273 other people detailed from other departments and agencies to the White House Office, whose salaries were therefore paid from other sources than this account, plus 93 people funded out of the so-called "special projects" account.

So, the actual, "honest" total was 574 people—and so, when all these people, or their counterparts, were actually charged in fiscal year 1971 as permanent positions assigned to the White House Office, the 533 total people retained was thus actually a reduction.

In fiscal year 1972, the overall total jumped again, this time from 1,762 people to 2,677, and that sounds terrible, too, does not it?

But, now, the economic stabilization program—which we all understand whether we approve of it or not—had at least temporarily added 679 people to the rolls, while the new Special Action Office for Drug Abuse Prevention had added 172, and who among us, including Mr. UDALL, wants to take a whack at that?

But the thing that is most curious to me is: Where were today's critics a year ago? With the bill before us reducing that overall staff total, even if only a little, from 2,677 people, down now to 2,631, why were they silent until today?

Mr. Chairman, let me again borrow these words from the author of the amendment—that "no loyal American would begrudge any President the expertise or manpower needed to cope with the pressing problems of the Nation and the world"—and ask that this amendment be voted down.

I thank the gentleman for yielding.

Mr. EDWARDS of Alabama. Mr. Chairman, I wish to rise in opposition to this amendment.

I want to commend the gentleman from New York for his very fine statement. What in part he has said—and I hope you understood what he was saying—is that President Nixon made the White House staff honest by putting the people on the White House payroll who had been borrowed, begged, and stolen from every agency in the Government, and this, in part, has contributed to what has been referred to as an increase.

Mr. UDALL. Mr. Chairman, will the gentleman yield on that point?

Mr. EDWARDS of Alabama. Surely, I yield.

Mr. UDALL. Mr. Chairman, we gave the Nixon White House credit for coming out in the open with that detail business. In the report the gentleman referred to I gave them credit, and said they did the right thing, they stopped this detail practice. But even when you take that into account, and when you add 273 to the Lyndon B. Johnson total, your budget is 300 more people than he had, and if you take into account the 600 people on the economic stabilization program we still have 150 people over the last Lyndon B. Johnson budget, and I am trying to cut them back down to size.

Mr. EDWARDS of Alabama. We appreciate your concern, and I believe the gentleman from New York (Mr. ROBISON) very adequately laid out department by department, how this went, and I believe it is perfectly justifiable, and I urge the defeat of the amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

I know that the Members are impatient, but I think they ought to know that we are treading on some very dangerous ground here. I think we have gone as far as we can go, but I would just like to take a moment to try to tell the Members what is involved here.

I want to say first of all that I fully agree with every word the gentleman from New York has said. He has given a very fine description of this whole problem. But since I do not belong to the same political party as the current President of the United States, I want to comment from the other side of the aisle that I feel as strongly if not stronger than the gentleman does about the importance of the defeat of this amendment.

I have been on this subcommittee since back in the days of Harry Truman, Presidents Eisenhower, Kennedy, Johnson, and now Nixon, and this bill today treats this office exactly the same way as we have treated it all through the years.

I think if you will stop and pause and reflect just a moment you will realize that if you do what is proposed here today in this amendment we will be starting something we cannot finish, and we will be starting something that the Members of this House will live to regret.

I think the best way I can explain what is involved here, and to bring it home to you as Members of the Congress, is to say that when I was here in the 1930's as a congressional secretary, a Member of the Congress was entitled to two employees in his office. Today we have 15 and 16. And why? Because the job has grown that much bigger, and that much help is needed. And so has the job of the President of the United States. The Presidency today requires 41 people at any hour of the day or the night to execute the powers of that Office.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STEED. If the gentleman will permit me to finish my statement then I will yield to the gentleman.

If the President does not have that kind of help he cannot discharge his duties for the people of this country.

When you deal with the staff of a Member of the Congress, as you are trying to deal here with the Office of the President, I am sure you would not want any other Member or anybody in the administrative office telling you what you can pay, who you can hire, or anything like that. When you deal with the agencies that serve the House, sure, you can go into their needs and you can cut them or not, and we have done it in this bill, but we should not do it to the Presidential office here. We must not do it. And I will tell you right now that the President of the United States has the toughest job on earth, and I for one do not intend to stand here tonight and say that I know more about what the President of the United States needs to do his job than he does. The President has made a modest request. I think he needs the manpower and the facilities he has asked for.

I certainly hope that whatever the problem may be that it will not be put on to this House of Representatives that we cut the wings of the President to the point that he could not perform his duties.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman talks of a rise from two to 16 members for the average Congressman. This is roughly an 800-percent increase. It is substantial. But the President's Executive Office has increased 35,000 percent. I do not think that is a comparison in any way.

Mr. STEED. I know that the gentleman has a great advantage over me because he has a lot of knowledge about what the President of the United States needs to run his office. But I am not that smart. I do not know—I have never been in the White House. I have no other source of authority to find out what is needed to run that office except from the President himself. I have taken his word for it. I always take the word of a President and I hope that we always will listen to the man who has a job to perform and who needs this.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Texas.

Mr. MAHON. Mr Chairman, I just want to say, after studying this matter carefully I fully endorse what the gentleman from Oklahoma has said about this situation.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in his opening remarks the gentleman from Arizona (Mr. UDALL) decried what he called the flow of power to the White House and he appealed to the House to recapture some of that power through the amendment that he offered. The minority leader of the House, Mr. FORD, immediately pointed out the fact that the gentleman from Arizona was one of the architects of the legislation that delegated the unholy power to the President to handpick a Commission to fix the salaries of Members of Congress, the Judiciary, and the Executive branch of Government.

I noticed when I offered an amendment just a few minutes ago to recapture some of that power and to restore it to the House of Representatives that both the gentleman from Arizona and the minority leader voted against me.

Were it not so late in the evening, Mr. Chairman, I would say a plague on both their houses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

TELLER VOTE WITH CLERKS

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. UDALL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. UDALL, ROBISON of New York, STEED, and LONG of Maryland.

The Committee divided, and the tellers reported that there were—ayes 122, noes 210, not voting 101, as follows:

[Roll No. 224]

[Recorded Teller Vote]

AYES—122

Abourezk	Drinan	McKay
Abzug	Dulski	Madden
Adams	Eckhardt	Mann
Alexander	Edwards, Calif.	Mathis, Ga.
Anderson, Calif.	Ellberg	Mazzoli
Annunzio	Evins, Tenn.	Meeds
Ashbrook	Fascell	Melcher
Ashley	Ford, William D.	Minish
Aspin	Galifianakis	Mink
Badillo	Gaydos	Mollohan
Baring	Giaimo	Moorhead
Begich	Gibbons	Moss
Bergland	Gonzalez	Nedzi
Biaggi	Green, Pa.	Nix
Bingham	Gross	Obey
Brademas	Haley	O'Konski
Brinkley	Hall	O'Neill
Brooks	Hamilton	Pickle
Cabell	Hanley	Pike
Caffery	Harrington	Podell
Carey, N.Y.	Hechler, W. Va.	Preyer, N.C.
Clark	Helstoski	Purcell
Conyers	Henderson	Rangel
Crane	Hicks, Wash.	Rarick
Culver	Howard	Reuss
Daniels, N.J.	Hungate	Rodino
Davis, Ga.	Jacobs	Roe
Dellums	Jones, N.C.	Roncalio
Denholm	Karth	Rooney, Pa.
Derwinski	Kazen	Rosenthal
Dickinson	Koch	Rostenkowski
Dingell	Kyros	Roush
Dow	Long, Md.	Rousselot
		Runnels

Ryan	Stanton, James V.	Van Deerlin
Sarbanes	Stuckey	Vanik
Scheuer	Taylor	Waggonner
Selberling	Thone	Wolff
Skubitz	Tiernan	Wright
Smith, Iowa	Udall	Yates
Snyder	Ullman	Zablocki
Staggers		

NOES—210

Addabbo	Gray	Price, Ill.
Albert	Green, Oreg.	Price, Tex.
Andersen, Ill.	Griffin	Pucinski
Archer	Grover	Quie
Arends	Gubser	Quillen
Aspinall	Gude	Randall
Barrett	Halpern	Rees
Bell	Hammer-schmidt	Reid
Bennett	Hansen, Idaho	Rhodes
Betts	Harsha	Roberts
Biester	Harvey	Robinson, Va.
Blackburn	Hastings	Robison, N.Y.
Boggs	Hathaway	Rogers
Bow	Hays	Rooney, N.Y.
Bray	Heckler, Mass.	Roy
Brotzman	Heinz	Roybal
Brown, Mich.	Hicks, Mass.	Ruppe
Brown, Ohio	Hillis	Ruth
Broyhill, N.C.	Hogan	Sandman
Broyhill, Va.	Hollifield	Satterfield
Buchanan	Horton	Saylor
Burke, Mass.	Hosmer	Scherle
Burleson, Tex.	Hull	Schneebeli
Burlison, Mo.	Hunt	Schwengel
Burton	Hutchinson	Scott
Byrnes, Wis.	Jarman	Sebelius
Byron	Johnson, Calif.	Shipley
Camp	Johnson, Pa.	Shoup
Carlson	Jones, Ala.	Shriver
Casey, Tex.	Jones, Tenn.	Sikes
Cederberg	Keating	Sisk
Chamberlain	Kemp	Slack
Chappell	King	Smith, N.Y.
Clawson, Del	Kyl	Spence
Cleveland	Kyros	Springer
Collier	Landgrebe	Stanton, J. William
Collins, Tex.	Landrum	Steed
Conable	Latta	Steele
Conover	Lent	Steiger, Ariz.
Conte	Lloyd	Steiger, Wis.
Coughlin	McClory	Stephens
Daniel, Va.	McCollister	Stratton
Davis, Wis.	McDade	Stubblefield
de la Garza	McDonald, Mich.	Talcott
Delaney	McEwen	Teague, Calif.
Dennis	McFall	Terry
Dent	McKevitt	Thompson, Ga.
Devine	McKinney	Thomson, Wis.
Dorn	Mahon	Vander Jagt
Downing	Mallary	Veysey
Duncan	Martin	Vigorito
du Pont	Matsunaga	Wampler
Edmondson	Mayne	Ware
Edwards, Ala.	Michel	Whalen
Eshleman	Mikva	Whalley
Findley	Miller, Ohio	White
Fish	Mills, Md.	Whitehurst
Fisher	Mizell	Whitten
Flood	Monagan	Widnall
Flowers	Montgomery	Wiggins
Flynt	Morgan	Williams
Foley	Murphy, N.Y.	Wilson, Bob
Ford, Gerald R.	Myers	Winn
Forsythe	Natcher	Wyatt
Fountain	Passman	Wydler
Frelinghuysen	Patten	Wylie
Frey	Perkins	Wyman
Garmatz	Peyser	Young, Fla.
Gettys	Poage	Young, Tex.
Goldwater	Powell	Zion
Goodling		

NOT VOTING—101

Abbitt	Celler	Evans, Colo.
Abernethy	Chisholm	Fraser
Anderson, Tenn.	Clancy	Frenzel
Andrews, Ala.	Clausen, Don H.	Fulton
Andrews, N. Dak.	Clay	Fuqua
Baker	Collins, Ill.	Gallagher
Belcher	Colmer	Grasso
Bevill	Corman	Griffiths
Blanton	Cotter	Hagan
Blatnik	Curlin	Hanna
Boland	Danielson	Hansen, Wash.
Bolling	Davis, S.C.	Hawkins
Brasco	Dellenback	Hébert
Broomfield	Diggs	Ichord
Burke, Fla.	Donohue	Jonas
Byrne, Pa.	Dowdy	Kastenmeier
Carney	Dwyer	Kee
Carter	Erlenborn	Keith
	Esch	Kluczynski
		Kuykendall
	Leggett	Mills, Ark.
	Lennon	Minshall
	Link	Mitchell
	Long, La.	Mosher
	Lujan	Murphy, Ill.
	McCloskey	Nelsen
	McClure	Nichols
	McCormack	O'Hara
	McCulloch	Patman
	McMillan	Pelly
	Macdonald, Mass.	Pepper
	Mailliard	Pettis
	Mathias, Calif.	Pirnie
	Metcalfe	Poff
	Miller, Calif.	Pryor, Ark.
		Railsback
		Riegle
		St Germain
		Schmitz
		Smith, Calif.
		Stokes
		Sullivan
		Symington
		Teague, Tex.
		Thompson, N.J.
		Waldie
		Wilson, Charles H.
		Yatron
		Zwach

So the amendment was rejected.

LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Chairman, I take this time to announce to the Members of the House, at the request of the chairman of the Subcommittee on Public Works of the Committee on Appropriations, that we will not consider the Public Works-Atomic Energy appropriation bill until Monday. This will conclude the business for this week when we complete action on this bill.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 38 insert between line 6 and line 7 new section:

"No part of the appropriations made by this Act shall be expended for the Compensation of any person other than those designated by the President, not to exceed ten persons employed in the White House Office, who refuses to appear before any committee of the Congress solely on the grounds of "executive privilege"; nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. Mr. Chairman, this is an attempt to have a limitation. We find the purpose is legislative, in that it is the intent to restrict the executive direction, and can be fairly termed a change in policy rather than a matter of administration detail. We believe that the point of order should be sustained.

This is an attempt to cut down the number of people who can claim executive privilege. In addition to that, it refers to those who fail to appear upon the request of a committee.

I submit that such an amendment violates not only the spirit of legislation passed but also the Constitution, and the limitation is legislation and not a limitation.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. MOORHEAD. I do, Mr. Chairman.

Mr. Chairman, I believe that this amendment is in order. It is a limitation on an appropriation. It is not legislation. It does not require any action by anyone. The President is not required to name 10 people. He is not required to do anything under this amendment. Therefore, it is no legislative action; it is merely a limitation.

The CHAIRMAN. Does the chairman of the subcommittee (Mr. STEED) desire to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman.

A further reason for the fact that this is subject to a point of order is that the amendment says:

Nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office.

Mr. Chairman, this has been going on. This part of the amendment changes existing policy. It is clearly legislation in an appropriation bill.

Mr. BOW. Mr. Chairman, may I be heard further?

In addition to the points I made originally, this creates additional duties. The President would have to designate the people who are limited under this act.

I submit both from the standpoint of legislation and additional duties on the Executive it is subject to a point of order.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

The gentleman from Pennsylvania (Mr. MOORHEAD) offered an amendment to page 38 of the bill between lines 6 and 7, and the gentleman from Ohio (Mr. BOW) has made a point of order against the amendment on the grounds that it is legislation on an appropriation bill.

Reading the amendment, it provides that no part of the appropriations made by this Act shall be expended for the compensation of certain persons. In other words, the amendment contains descriptions of the persons whose compensation shall be limited: One who refuses to appear before any committee of the Congress and also any employee who in fact is holding two positions.

The Chair does not feel it is incumbent on the Chair to consider the desirability of the language offered. The amendment does not require any additional duties, nor does it affirmatively change policy, and therefore the Chair feels that these are solid limitations on the use of funds in the bill. Such provisions are not legislation on an appropriation bill, so the Chair overrules the point of order.

The gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 5 minutes.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment.

I do so because I believe that representative democracy as contemplated by our Founding Fathers is withering away and if we do not act, it will expire.

Today we elect 4-year or probably 8-year kings to occupy the White House. The people's elected representatives in Congress are no longer an adequately effective check on the power of the Presidency. This amendment is designed to help to reassert our constitutional duty to be a check on the Presidency.

When I first came to Washington, there was a "funny" saying—that Roosevelt proved that a man could be President forever—that Truman proved that anyone could be President—and that Eisenhower proved that we did not need a President.

We laughed about that then, but what has happened since?

When I first came to Congress, Eisenhower was President but, as I saw it, the real power lay in the Congress—with Sam Rayburn as Speaker and Lyndon Johnson as Senate majority leader.

With a popularly strong—but not a particularly politically oriented—President, these two politically strong Texas leaders, with congressional assent, ran the country.

In 1960 the liberals thought the Presidency could be made a more effective liberal force than the Congress—and they downgraded the Congress and tended to upgrade the powers of the Presidency.

Then came three politically adept Presidents—Kennedy, Johnson, and Nixon.

Kennedy dazzled the Congress.

Johnson seduced the Congress.

Now Nixon has subdued the Congress.

These Presidents truly believed that a strong Presidency would be better for our Nation. I do not impugn their motives.

A strong Presidency meant power to the Presidency—and, as Francis Bacon said, "Knowledge is power."

If one branch of a tripartite government has all the information—and hence knowledge—the power of the other branches declines.

We, in the Congress, of both parties, must share in the blame that our Nation has been changed from a congressional government—where the Congress has the power to declare war—to a presidential government where one President can begin and another can continue a war and Congressmen can only ineffectively wring their hands and bewail the fate of our Nation.

The power ingredient which we, in Congress, lack is information.

Administrations of both parties have increasingly withheld essential information from the Congress.

The amendment I propose today would help to reverse this trend.

One of the most effective techniques the executive has used to arrogate all information to itself and to deny it to the Congress is the so-called doctrine of "executive privilege."

As two learned statements I inserted into the RECORD on Tuesday (pages 21508–21515) establish, this doctrine is not one of constitutional right but one of comity or courtesy between equal branches of the Government.

As a matter of comity, the Congress has declined to exercise its right to summon anyone before it, recognizing that a President should be entitled to have a few intimate cronies—a kitchen cabinet, if you will—in whom he could confide.

President after President has abused this congressional courtesy so that now the White House apparatus has increased tenfold and basic decisions on foreign policy are made by a White House aide—Mr. Kissinger—not the State Department, foreign trade policy by a White House aid—Mr. Peterson—and not the Commerce Department and antitrust policy by a White House aide—Mr. Flanigan—and not the Justice Department.

The amendment I offer today goes back to the original concept of limited "executive privilege" based on comity and courtesy granted by the Congress.

The amendment limits this courtesy to 10 White House personnel named by the President.

As I previously stated, this amendment will allow the President his "kitchen cabinet". We do and should recognize the necessity for a confidential relationship between the President and his closest advisers. This recognition, however, cannot be allowed to open as an umbrella over thousands of executive office staff officials who function the same as operating officials within the Departments. They are not advisers to the President. They are public officials who must be answerable to Congress.

As chairman of the Foreign Operations and Government Information Subcommittee, I have tried in a myriad of ways to request the testimony of important officials on the executive office payroll. I have been turned down on a regular basis. The only weapon in the legislative arsenal sufficient to regain the legislative prerogative is the power to appropriate and conversely, the power to withhold appropriations.

We must use the power of the purse today if we are to regain our constitutional position as a coequal branch of government.

I urge the adoption of the amendment.

Mr. BOW. Mr. Chairman, I submit the following so the Members may study these questions:

Re: Congress Power to Cut Off Appropriations for the Salaries of Government Personnel Refusing to Testify before Congressional Committees.

This is in response to the request for comments on potential constitutional issues raised by legislative proposals that would prohibit further payment of salaries to any officer or employee of the United States who refuses to testify before any congressional committee. A typical provision under consideration is the following proposed amendment to the appropriations act for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies:

"No part of any appropriation contained in this Act shall be used to pay, directly or indirectly, the salary of any officer or employee of the United States who refuses, except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution, to testify on any matter before any joint committee, committee, or subcommitee of the Congress or of either House of Congress." 118 *Cong. Rec.* 18540 (Daily ed. May 23, 1972).

The apparent constitutional basis for this proposal is Congress power over appropriations. U.S. Const., art. I, § 9, cl. 7. It should be noted, however, that while Congress power over appropriations is exclusive and plenary, it is nevertheless subject to the restraints embodied in other provisions of the Constitution. Thus, Congress cannot use its appropriations power to invade the province of either of the other two co-equal branches of government. Neither can it act in such a fashion as to deny the constitutional rights of individuals.

Viewed in this fashion, the type of provision in question raises several potential constitutional problems. Outlined below are brief summary statements of the more significant potential problems.

I. EXECUTIVE PRIVILEGE AND THE SEPARATION OF POWERS

A threshold interpretational question is whether the legislation is intended to apply in those instances in which refusal to testify is based on the doctrine of executive privilege. If so, the proposal appears to violate the principle of separation of powers since it invades an area constitutionally reserved to the executive branch.

As drafted, the provision contains an exception for a witness who asserts a "constitutional privilege" that is "within that scope absolutely protected by a right which he enjoys under the Constitution." (Emphasis added.) Although the congressional debates on the meaning of this language are not entirely clear as to whether this exception applies when the Executive branch asserts executive privilege in refusing to testify, the weight of the argument seems to be that it does not apply. For example, the sponsor of the amendment, Congressman Dingell, states that its purpose is to force the policymakers in the Executive Office of the President to testify or to lose their salaries. There is also repeated reference to Dr. Kissinger's consistent refusal to testify before congressional committees. Yet, Dr. Kissinger and other high officers in the Executive Office of the President are precisely those persons for whom the doctrine of executive privilege is applicable.

In addition, it is noteworthy that the language of the exception is made applicable to a constitutional privilege which "he," the witness, enjoys. This would cover, for example, such constitutional rights as the Fifth Amendment's guarantee against self-incrimination. A witness such as Dr. Kissinger does not personally have an executive privilege. It is only the President who enjoys and can invoke this privilege. It may be concluded from this that the salary cut-off is intended to apply to situations in which a government official is prohibited from testifying on the basis of the President's assertion of the doctrine of executive privilege. So interpreted, the legislation is of doubtful constitutionality.

As a general rule the power of a congressional committee to investigate is an extremely broad one—as broad as the potential power of Congress to legislate. *Barenblatt* v. *United States*, 360 U.S. 109 (1959). And the power to investigate carries with it the power to compel the testimony of a witness through the use of compulsory process. *McGrain* v. *Daugherty*, 273 U.S. 135, 174 (1927). Broad as this power is, however, the Supreme Court has held that it is not without its limits:

"[Congress] cannot inquire into matters which are within the exclusive province of one or the other branches of the Government. Lacking the judicial powers given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive." *Barenblatt* v. *United States*, 360 U.S. 109, 112 (1959).

Executive privilege is one of the well-recognized limitations on the power of Congress to investigate. The doctrine is rooted on the grounds of the separation of powers and extends back to the Administration of President Washington. Since its initial assertion by that Administration, it has been recognized by all branches of the federal government in numerous instances. Thus, Congress cannot directly compel the testimony of a person for whom the President invokes executive privilege.

It is argued that although Congress cannot constitutionally abolish the doctrine of executive privilege it can use its exclusive power over the purse to terminate the sal-

aries of those who refuse to testify on the basis of this doctrine. This argument is not persuasive. The Supreme Court has repeatedly reaffirmed "the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result." *Fairbank* v. *United States*, 181 U.S. 283, 294 (1901). Thus, in *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1871), the Court struck down an appropriation order which on its face purported to define the appellate jurisdiction of federal courts, a power constitutionally vested in the Congress, but which in fact interfered with the President's pardoning power:

"But the language of the proviso shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great and controlling purpose is to deny to pardons granted by the President the effect which this court had adjudged them to have." *Id.* at 145.

The present proposal operates in the same fashion. It is merely a means to achieving a constitutionally impermissible objective, *viz.*, an interference with the doctrine of separation of powers as manifested in an assertion of executive privilege.

Various Attorneys General have held in similar circumstances that the appropriation power cannot be used for such purposes. Thus, in 1955 Attorney General Brownell stated that an appropriation rider which reserved to the appropriations committees of Congress the right to disapprove contracts entered into by the Secretary of Defense was constitutionally impermissible. He stated that although Congress may impose conditions with respect to the use of appropriations, they may not "require operation of the Government in a way forbidden by the Constitution. If the practice of attaching invalid conditions to legislative enactments were permissible, it is evident that the constitutional system of the separability of the branches of Government would be placed in the gravest jeopardy." 41 *Op. A.G.* 230, 233 (1955).

In 1960, Attorney General Rogers was faced with an issue more closely related to the present one. There, a section of the Mutual Security Act of 1954 provided for a cut-off of funds to the Office of the Inspector General and Comptroller in the Department of State if certain documents and information were not furnished to the Congress. The President later certified that release of the documents in question would not be in the public interest, a claim of executive privilege. Under these circumstances the Attorney General stated:

"In my opinion, Congress could not under the Constitution directly require the President to furnish information about a department or agency in the executive branch, if he determined that the disclosure of such information was imprudent or incompatible with the public interest; and it seems equally plain that Congress may not use its powers over appropriations to attain indirectly an object which it could not have accomplished directly." *41 Op. A.G.* 507, 526 (1960).

On the basis of this authority it is apparent that the provision providing for a salary termination of persons who refuse to testify is unconstitutional as applied to refusals based on a presidential claim of executive privileges. It is clear that in such instances the legislation is an indirect attack on the doctrine of executive privilege rather than a mere exercise of the appropriations power of Congress.

II. EXECUTIVE PRIVILEGE AND THE CONCEPT OF FAIRNESS

If this proposal is intended to apply to those persons for whom the President invokes the doctrine of executive privilege, it raises, in addition to the separation of powers issue, a fundamental question of fairness to the individuals involved. Executive privilege, it bears repeating, can be invoked only by the President. Thus, a refusal to testify stems from the President's actions, not from those of any other government official. Yet this proposal is directed at the President only indirectly. Its full and direct impact, by virtue of salary curtailment, falls upon an individual who cannot testify before Congress, not by his own choice but by that of a third party, the President. This consequential lack of fairness raises constitutional questions because of possible infringement of guarantees inherent in the Due Process and Equal Protection Clauses of the Fifth and Fourteenth Amendments.*

While the proposal under consideration is not expressly a criminal statute, the principles of fairness in criminal matters are nevertheless applicable by analogy. Due process is not restricted to criminal trials. *Public Clearing House* v. *Coyne*, 194 U.S. 497, 508 (1904).

Under traditional criminal law principles guilt is personal to the individual charged with commission of an unlawful act. He can be punished only if it is shown that in addition to committing the proscribed act, he possesses the requisite mental intent, *i.e.*, the *mens rea*. Punishment of one who lacks this intent runs directly counter to the principles of fairness inherent in the Due Process Clause.

It is true that a legislature, consistent with due process standards, can provide for strict liability even in criminal situations by dispensing with the intent requirement in certain areas involving the public welfare. But this proposal is qualitatively different from those cases, such as serving alcoholic beverages to minors or violating certain federal regulatory statutes concerned with the health and safety of the populace, where public necessity requires dispensing with the element of intent. Furthermore, in all those cases the person charged with the criminal act actually committed the act proscribed. In this instance the individual is entirely passive since it is the President who desires to invoke executive privilege and it is he, in fact, who actually commits the act of invoking the privilege.

Neither can it be argued that this proposal is merely regulatory, rather than penal, in nature. Deprivation of salary has been held by the Supreme Court to constitute punishment. *United States* v. *Lovett*, 328 U.S. 303 (1946).

This same factor of unfairness, or indeed unreasonableness, of the proposal raises a possibility that it also violates Equal Protection guarantees. The proposal creates two classes of government employees who are called to testify: those for whom the President invokes executive privilege and those for whom he does not. The Equal Protection issue is whether this distinction is a rational one in view of the legislative purpose of the act. In *Weber* v. *Aetna Casualty Co.*, ——— U.S. ———, 40 U.S.L.W. 4460, 4462 (April 24, 1972), the Court stated that Equal Protection requires "at a minimum, that a statutory classification bear some rational relationship to a legitimate state purpose." *See also Reed* v. *Reed*, 404 U.S. 71, 75–76 (1971).

Thus, the Court looks at the legislative purpose to determine whether the means chosen can reasonably be expected to promote that stated purpose. Where they cannot, the statute must fall. *Weber* v. *Aetna Casualty Co.*, *supra*; *Glona* v. *American Guarantee and Liability Insurance Co.*, 391 U.S. 73 (1968). In *Glona*, the Court struck down a Louisiana statute that permitted recovery in a wrongful death action involving the death of a legitimate child, while denying recovery in the death of an illegitimate child. The State purported to base its interest in the power to deter "sin," but the Court found this an unpersuasive reason for making a classification of illegitimacy in wrongful death cases:

"Yet we see no possible rational basis . . . for assuming that if the natural mother is allowed recovery for the wrongful death of her illegitimate child, the cause of illegitimacy will be served. It would, indeed, be farfetched to assume that women have illegitimate children so that they can be compensated in damages for their death." 391 U.S. at 75.

The same vice appears in the proposal in question. The Congress would like to force the President to respond more readily to requests for information. Instead of pressuring him, however, they are acting on other government officials by choosing to punish those who are not permitted to speak. To act solely against these individuals who do not have the option to change their position appears to violate the principles that the Equal Protection and Due Process Clauses are intended to protect.

III. UNAUTHORIZED REMOVAL OF AN EXECUTIVE OFFICIAL

Legislation which prevents payment of the salary of an employee of the Executive branch of the Government may constitute an unlawful infringement of the President's constitutionally based exclusive authority to order the dismissal of such an individual. It is generally recognized that aside from the Senate's power to impeach an official of the Executive branch (Art. II, Sec. 4 of the Constitution), the President has exclusive authority to order his removal. *Myers* v. *United States*, 272 U.S. 52 (1926).

Article II of the Constitution vests the executive power in the President. The relevant portion of section 2 of that Article provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

While this constitutional language does not speak directly to the question of whether the President has the exclusive authority to remove employees and officials of the Executive branch, Congress made a legislative declaration to this effect in 1789. See *Myers*, *supra*, at 114. The *Myers* decision itself ruled that an 1876 statute which appeared to require the consent of the Senate to remove a postmaster who had been appointed with the advice and consent of the Senate was unconstitutional to the extent that it denied the President unrestricted right of removal. *Supra*, at 176. This decision has since been declared inapplicable to officials of agencies which Congress intended to retain substantial independence from the Executive (*see Wiener* v. *United States*, 357 U.S. 349 (1958); *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935)), but the President's exclusive authority with respect to "purely executive officers" has not been questioned. *Humphrey's*, *supra*, at 631–32.

The necessity of the President retaining exclusive authority for dismissing employees in the Executive branch of the Government, a need certainly comparable to the interest of the Judiciary and the Congress in maintaining control over their employees, was forcefully expressed by the Court in *Myers:*

"When a nomination is made, it may be presumed that the Senate is, or may become, as well advised as to the fitness of the nominee as the President, but in the nature of things the defects in ability or intelligence or loyalty in the administration of the laws of one who has served as an officer under the President, are facts as to which the President, or his trusted subordinates, must be better informed than the Senate, and the power to remove him may, therefore, be regarded as confined, for very sound and practical reasons, to the governmental authority which has administrative control. The power of removal is incident to the power of appointment, not to the power of advising and consenting to appointment, and when the grant of the executive power is enforced by the express mandate to take care that the laws be faithfully executed, it emphasizes the necessity for including within the executive power as conferred the exclusive power of removal." *Myers*, *supra*, at 121–122.

Of course, it can be argued that a legislative enactment merely preventing an employee's salary from being paid does not constitute a removal or dismissal of that employee. In fact, at least for a great percentage of Government employees, the inability to receive further compensation would in effect constitute loss of employment. In *United States* v. *Lovett*, 328 U.S. 303 (1946), a Congressional enactment cutting off the salaries for three named employees of the Executive was interpreted by the Court as an attempt to eliminate them from office. *Supra*, at 313. Even if the salary cutoff is construed as temporary, the Congressional action in effect amounts to a temporary layoff of employees of the Executive, an action subject to the same constitutional objections as an outright dismissal of an employee.

Congress' ultimate authority over the purse is not at issue here. Generally, Congress may eliminate positions within the Executive branch of the Government, or even entire agencies. But once Congress has authorized the formation of an agency and appropriated funds for its operation, the choice of personnel to operate that agency, subject to the advice and consent and impeachment powers of the Senate, remains exclusively with the President or his ranking subordinates. Congressional interference in this area is equally if not more reprehensible than attempts by Congressional committees to exercise a "committee veto" over the choice of projects by the Executive for already appropriated funds. The Attorney General has ruled that such a practice is unconstitutional. 41 Op. A.G. 230 (1955).

IV. CONSTITUTIONALLY PROHIBITED BILL OF ATTAINDER

Article I, section 9 of the Constitution prohibits bills of attainder: "No Bill of Attainder or ex post facto law shall be passed." The Supreme Court gave the following definition of a bill of attainder in *United States* v. *Lovett*, 328 U.S. 303, 315 (1946):

". . . legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution."

Language in an appropriations bill which suspends payment of salaries of Government employees who refuse to testify before Congressional committees may fall within the constitutional prohibition of bills of attainder. No provision is made to allow the employee a judicial trial before payment of his salary is terminated. Thus, the only remaining questions are whether refusal to pay an employee's salary constitutes punishment, and whether employees who refuse to testify are "easily ascertainable members of a group." *Lovett*, *supra*, at 315.

In *Ex parte Garland*, 4 Wall. 333 (1866), the Supreme Court found that a post Civil War federal statute, which required as a prerequisite to admission to the bar of any federal court that attorneys take an oath that they had not participated in the rebellion, was an unconstitutional bill of attainder. In a companion case involving a state statute requiring an oath, the Court stated:

"The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment." *Cummings* v. *Missouri*, 4 Wall 277, 320 (1866).

In *United States* v. *Lovett*, *supra*, the Court found that language contained in an emergency war appropriations bill which barred payment of any appropriated moneys as a salary to three named individuals then employed by the Executive branch of the Government constituted an unconstitutional bill of attainder. On the punishment question, the Court stated that a "permanent proscription from any opportunity to serve the Government is punishment. . . ."

It may be argued that legislation which merely prevents an employee from being paid during a period in which he refuses to testify before a Congressional Committee is only a temporary measure intended primarily to deter potential offenders, not to punish them. However, the modern definition of punishment encompasses deterrence. In *United States* v. *Brown*, 381 U.S. 437 (1965), a case in which a federal statute punishing members of the Communist Party who held offices in labor unions was declared an unconstitutional bill of attainder, the Court indicated that it "would be archaic to limit the definition of punishment to retribution. Punishment serves several purposes, retributive, rehabilitative, deterrent—and preventive." *Supra*, at 458. A provision which operates to cut off a federal employee's salary clearly falls within the above definitions of punishment.

The question as to whether the proposed appropriation language adequately ascertains members of a group such as to fall within the constitutional prohibition is somewhat clouded by seeming inconsistencies in Supreme Court decisions in this area. It is clear that the individuals need not be specifically named as they were in *Lovett*, *supra*. See, *e.g.*, *Ex parte Garland*, *supra*; *United States* v. *Brown*, *supra*. In *Communist Party of the United States* v. *Subversive Activities Control Board*, 367 U.S. 1 (1961), provisions of the Subversive Activities Control Act requiring the Party to register as a subversive organization were held not to be a bill of attainder on the grounds that the act attacked certain unlawful activities, and not organizations or individuals:

"The Act is not a bill of attainder. It attaches not to specific organizations but to described activities in which an organization may or may not engage." *Supra*, at 86.

However, the Court also appeared to be relying on the fact that registration was required only after a "full administrative hearing, subject to judicial review . . ." *supra*, at 87. In our view, the designation of federal employees who refuse to testify identifies adequately members of a group. This language is comparable to that found in two cases in which the Court found an unlawful bill of attainder. In *Ex parte Garland*, *supra*, the language identified members of the bar who refused to take an oath; in *United States* v. *Brown*, *supra*, the language covered members of the Communist Party who held positions in labor unions. Thus, in each case, there is broad identification of a group together with a specified act or failure to act which singled out various members of the group. This is precisely what the proposed appropriation language would accomplish: it applies to employees of the federal Government (a group) who refuse to testify before a Congressional committee (failure to act singling out individual members).

Since the proposed cutoff on all salaries of federal employees who refuse to testify operates to punish an adequately identified group without judicial trial, there is a substantial likelihood that this language would be struck down as an unconstitutional bill of attainder. We believe that any punishment to be imposed on a federal employee for refusal to testify should be imposed by the courts, not by the legislature. As former Chief Justice Warren stated in *United States* v. *Brown*:

"The Bill of Attainder Clause not only was intended as one implementation of the general principle of fractionalized power, but also reflected the Framer's belief that the Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon specific persons." *Supra*, at 445.

V. PROCEDURAL DUE PROCESS

On its face the legislation in question appears to require a termination of salary automatically following a refusal to testify. The bill itself provides no safeguards to the individual concerning a hearing or other procedural guarantees generally applicable to civil servants, such as Civil Service regulations, are not intended to apply. This intended omission of procedural safeguards raises significant questions concerning the constitutional right to procedural due process.

In a recent case the Supreme Court held that absent extraordinary circumstances the "root requirement" of due process is "that an individual be given an opportunity for a hearing *before* he is deprived of any significant property interest." *Boddie* v. *Connecticut*, 401 U.S. 371, 379 (1971) (emphasis in original). This due process hearing is required before depriving a person of an entitlement whether it is denominated a "right" or a "privilege." *Bell* v. *Burson*, 402 U.S. 535, 539 (1971). In *Bell* the Court required the State of Georgia to provide a meaningful hearing on the issue of liability for an accident before the State could take away an individual's driver's license.

In *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), the Court stated that a notice and a hearing were required before a State could terminate welfare benefits. It noted that the vice of denying a hearing is "that termination of aid pending resolution of a controversy over eligibility may deprive an eligible recipient of the very means by which to live while he waits." 397 U.S. at 264.

In *Sniadach* v. *Family Finance Corporation*, 395 U.S. 337 (1969), the Court invalidated a state law permitting prejudment garnishment of wages without notice or opportunity to be heard. In effect, under the state's procedures, wages were frozen until a trial and unfrozen only after a wage-earner succeeded at trial on the merits of the garnishment action. This denial of wages without a hearing pending a judicial determination on the merits was considered unacceptable as a matter of procedural due process.

In effect, the termination of a person's salary is the equivalent of dismissal. As such the decision in *Slochower* v. *Board of Education*, 350 U.S. 551 (1956), is applicable. There a college professor was summarily dismissed from his job for invoking the Fifth Amendment with respect to a question posed by a congressional investigation committee. The Court held that the dismissal without affording an opportunity to explain the re-

*The Due Process Clause of the Fifth Amendment is an express restriction on the Congress. The Fourteenth Amendment's Equal Protection Clause is made applicable to federal government actions through the Fifth Amendment. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954).

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fusal to testify was a denial of procedural due process.

Termination of salary without a hearing under the proposal in question appears to fall within the reach of these decisions. One can think of many situations when a hearing would be necessary concerning a refusal to testify. For example, a person could be in ill health and because of the automatic nature of the proposal be immediately deprived of his salary for failure to appear. A hearing on the refusal, however, could reveal the fact of illness and lead to a determination that the refusal was excusable under this act. Likewise, refusals based on a conflict with other duties, including the need to testify elsewhere, may be examined during a hearing.

Even in those cases where a refusal to testify is based on a "constitutional privilege," as that term was used by the sponsors, the automatic denial of salary may be a denial of procedural due process. This exception to salary cut-off requires not only that the person assert a "constitutional privilege" but also that it be "within that scope absolutely protected by a right which he enjoys under the Constitution." House debates on the practical application of this exception are not entirely clear, but it appears that the sponsors envision a judicial determination concerning whether the privilege asserted is, in fact, absolutely protected. If so, a person refusing to testify on the basis of a constitutional privilege would apparently be without salary until the courts made the determination. If this is, in fact, the intended operation of the exception, it appears to run counter to those procedural due process cases (cited *supra*) requiring a hearing *before* a person loses his benefits.

This lack of concern over the procedures envisioned for terminating a person's salary raises substantial doubts that the legislation, as drafted and as interpreted in floor debates, can pass constitutional muster under the structures of the Due Process Clause.

THE COMMITTEE VETO AS AN EXAMPLE OF AN UNCONSTITUTIONAL INFRINGEMENT BY CONGRESS OF EXECUTIVE POWER

Committee veto provisions have often been inserted into legislation enacted by Congress in an attempt to give committees of the House and Senate control over programs to be carried out by the Executive branch. In their strongest form, these provisions have provided that after the enactment of enabling legislation and an appropriation bill funding a given legislative program, the Executive still cannot spend any money in furtherance of the program until the approval of designated committees of the House and Senate has been obtained for individual expenditures. Such language has been the subject of a number of opinions by Attorneys General, with the result in each case that the provision was found to be unconstitutional. See, *e.g.*, 41 Op. A.G. 300 (1957); 41 Op. A.G. 230 (1955); 37 Op. A.G. 56 (1933). In addition, Presidents Wilson, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson have all taken the position that such committee veto provisions are unconstitutional. Hearings before the Senate Subcommittee on Separation of Powers, 90th Cong., 1st Sess., at 215–228 (1967).

The unconstitutionality of these committee veto provisions stems not only from the infringement of the principle of separation of powers, under which the President has exclusive constitutional authority to execute the laws, but also from the fact that final legislative authority is granted by Article I of the Constitution to the Congress as a whole (not to its committees), and this authority is subject to the President's veto power. In ruling that a provision in a 1951 bill imposing a congressional committee veto on the handling of real property by the military departments was unconstitutional, former Attorney General Rogers stated as follows:

"Legislative proposals and enactments in recent years have reflected a growing trend whereby authority is sought to be vested in congressional committees to approve or disapprove actions by the executive branch. Of the several legislative devices employed, that which subjects executive department action to the prior approval or disapproval of congressional committees may well be the most inimical to responsible government. It not only permits organs of the legislative branch to take binding actions having the effect of law without opportunity for the President to participate in the legislative process, but it also permits mere handfuls of members to speak for a Congress which is given no opportunity to participate as a whole. An arrangement of this kind tends to undermine the President's position as the responsible Chief Executive." 41 Op. A.G. at 301.

Where a provision in an appropriation bill provides for cutting off the salary of an employee of the Executive branch who refuses to testify before a congressional committee, the infringement of exclusive Executive authority could be even greater than in the case of the committee veto discussed above. A temporary or permanent cutoff of the salary of a high Executive official not only may impair the Executive's ability to carry out already enacted legislation programs; it impinges upon the constitutionally guaranteed authority of the President to appoint and work with Executive officials of his choice. This authority is limited only by the Senate's power to advise and consent to Executive appointments and to impeach federal officials.

When a congressional committee calls a witness from the Executive branch whom they have reason to believe will not be allowed to appear or testify, they are in effect acting unilaterally to cause his salary to be cutoff. Even accepting the erroneous view that Congress has legislative authority to impose sanctions on employees of the Government who refuse to testify, a provision permitting a congressional committee to impose punishment without action by the Congress as a whole is subject to the same objections as the committee veto. The Constitution provides that legislative action is to be taken by the Congress as a whole subject only to the Presidential veto power. Action by a single congressional committee causing a cutoff of an employee's salary does not meet these Constitutional requirements.

In short, an appropriation bill provision permitting the cutting off of federal employees' salaries for refusal to testify is subject to the same constitutional objections as the traditional committee veto. These objections—infringement of the Executive's exclusive authority to execute the laws and improper exercise of legislative authority under which the entire Congress must act subject to the veto power—are even more persuasive where there is a challenge to the President's right to retain on the payroll a high Executive official (conceivably a close personal adviser).

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is quite obvious that this amendment has for its purpose the accomplishment of something that only could be brought about by legislation, and not by limitation. The fact is that if this amendment is adopted the goals sought by those who support this amendment will not be achieved. All that they are going to do if this amendment is adopted is to put the President in a further straitjacket than he would have had if we had adopted the amendment we just defeated.

I do not want to get into a quarrel about executive privilege, but we are concerned here with trying to give the President of the United States the resources he needs to do his job as the President of this Nation. When you put the President in this kind of a straitjacket I do not know just what extent the damage will be that this will do, but I do know it will make it almost impossible for him to function.

This is clearly the wrong time and place for this sort of thing. I hope that the Members of the House will defeat this amendment.

Mr. HORTON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. Chairman, a subcommittee of the Government Operations Committee, under Mr. MOORHEAD's chairmanship, has been conducting lengthy hearings into all phases of freedom of information. As a senior member of the committee and the subcommittee, I have participated actively in these hearings.

We have attempted to go into all aspects of the issue: executive privilege, administration of the Freedom-of-Information Act, administration of the Executive order on the classification of Government information, the right of Congress to know, public disclosure of Government advisory committee proceedings, and the rights of individual privacy. Hundreds of individuals have been heard from both in and outside Government. Statistical analyses and studies have been prepared. Legal cases and problems have been closely digested.

I believe that Mr. MOORHEAD would agree that two fundamental principles have evolved from these hearings: First, there is a definite need to open up the channels of information to the Congress and the public; and second, the extremely complicated nature of these issues means that there is no easy and simple solution to this problem.

Congress must face this issue squarely and take the steps necessary to expand freedom of information. But, consideration of the Treasury, Post Office, and general Government appropriations bill represents neither the right time nor the right place to carry out this responsibility.

The consensus has existed within the Government Operations Subcommittee that upon completion of our hearings, Members and staff will fully examine the material presented and then draft and consider effective legislation which could be offered to the House in a bipartisan spirit.

No one can seriously question the need for Congress to take on and to clarify the delicate problem of communication between the legislative and executive branches of Government. I doubt if anyone on our subcommittee, including the chairman, who has been thoroughly exposed to the complexities of this problem, really believes that any stopgap or patchwork amendment to an appropriations bill can solve the problem.

In my opinion, pursuance of a piecemeal, uncoordinated, and nondeliberative approach can only undermine, if not destroy, any reasonable chance the House may have to expand the Congress and peoples' right to know. In effect, the work of a year can be washed away in a day. I do not want that and I do not believe the gentleman from Pennsylvania desires that.

Turning to the substance of Mr. MOORHEAD's proposed amendment, I believe that I can state without fear of contradiction that the subject of executive privilege presents the most difficult constitutional issue in the information field and one of the most complicated in the field of constitutional law. To offer such an amendment without careful analysis, deliberation, and comment by Members and the appropriate committees of Congress, including the gentleman's own subcommittee, officials of the executive branch, legal and Government scholars, and other interested members of the public cannot be in the best interests of effective legislation on this subject.

At this time, I do not believe anyone has come forward with the most ideal or workable solution to the problem of executive privilege. Certainly, neither the Government Operations Committee nor the House as a whole has had an opportunity to fully examine various proposals that have been or may be offered on this subject. I personally believe that a legislative approach is needed to clarify the scope and legality of executive privilege, but I am not satisfied that Mr. MOORHEAD's approach is the one that will best serve the long-term interests of the public or whether it will even accomplish any improvement in the flow of information to the Congress. The gentleman proposes that 10 officials of the Executive Office be totally exempted from making information available to the Congress. It seems to me that this could provide too great an exemption and fail to provide an adequate solution to the problem. For example, it might be preferable to place clearly defined limits on the type of information that can be shielded from Congress under executive privilege by any official. But, in any event, no legislative solution should be arrived at by tacking on an amendment to an appropriations bill and bypassing the deliberative process of the legislative committees of Congress.

Therefore, in the interests of working cooperatively and deliberately for a proper solution to this and related informational matters, I urge my colleague from Pennsylvania to withdraw his amendment and thereby provide the subcommittee of which he is chairman an opportunity to explore this matter in a responsible and sophisticated manner.

If the gentleman from Pennsylvania (Mr. MOORHEAD) insists on his amendment, I urge the Members of the House to vote down the amendment.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN TO THE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan to the amendment offered by Mr. MOORHEAD: At end of that amendment, insert: *"Provided further*, Notwithstanding the provisions of any other law, the Constitution, or any precedent of the courts, no Member of the Congress shall refuse to answer and appropriately respond to any demand for his presence, his papers, or his records, made by any agency, commission, Department or person of the executive branch, or any proper citizen oriented organization or interested person, making such demand."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment to the amendment, and I do not think I need to argue it.

The CHAIRMAN. Does the gentleman from Michigan (Mr. BROWN) desire to be heard on the point of order?

Mr. BROWN of Michigan. Mr. Chairman, I defer to my very eloquent and intelligent colleague, and I think he makes a good point.

The CHAIRMAN (Mr. MONAGAN). The point of order is sustained.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Yes, I take note of the fact it is 10 o'clock at night and I have no doubt that the Members here do feel that they should vote and vote now. It is the very pressure of this kind of scheduling of the business of this House and of this committee which tends to further diminish the powers and the status of this Congress.

Let me also make it clear that it is the kind of foolish amendments offered by the gentleman who just offered the amendment dealing with opening the records of the Congress to the Executive which also demonstrates a lack of depth of understanding of the seriousness of the crisis which now is in this country.

I yield to the gentleman (Mr. BROWN), because I did refer to him.

Mr. BROWN of Michigan. I have not asked you yet but I will. I want to see if the gentleman's statement has any validity.

Mr. MOSS. Then I will not yield to the gentleman.

The nature of the crisis which actually does exist in this country is when the only judge, the only judge of the scope of the Executive privilege is the President, with Congress on every occasion where it seeks information is faced with the unilateral decision of the President.

There is no coequality. Actually the assertion of arrogance is not just in the case of Mr. Nixon. It was equally true under Mr. Johnson. It was true under Mr. Kennedy. It was true under Mr. Eisenhower when I first started 18 years ago. As chairman of the Specal Committee on Government Information I put through this House and the Congress the first law in the history of this Nation to give an enforceable right of access to the American people, to the Congress, and to the courts. It is a weak law, but it is the best that we could do. I think it was an important first step. I think it is time that we take an additional step. I am shocked by the fact that the distinguished chairman of the Subcommittee on Appropriations says that it is not appropriate for us to use our ultimate power, the power of congressional privilege tied to the purse strings, to say to the Executive, "You cannot in your sole discretion determine whom we will hear and what we will hear."

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Oklahoma.

Mr. STEED. Does the gentleman know that we have some rules of the House about legislation on an appropriation bill?

Mr. MOSS. The gentleman made his point of order. He made his point of order.

Mr. STEED. This is legislation on an appropriation bill and it should not be here.

Mr. MOSS. Mr. Chairman, I do not yield further because the gentleman made his point of order. The business is before this House in conformity with the rules. Remember that. The amendment has stood the test of whether or not it meets the test of germaneness or whether it is in conformity with the rules of the House. The chairman has ruled the amendment to be in order under the rules of the House, so we are proceeding in order, and I would not urge that we do to the contrary, but in doing so let us understand fully the importance of asserting the right of the Congress to call people before its committees and to compel them to testify.

Now, if the gentleman from Michigan wants me to yield, I am glad to yield to him.

Mr. BROWN of Michigan. Has the gentleman ever asked to serve on the Appropriations Committee?

Mr. MOSS. No, the gentleman has not. He thought he might better serve elsewhere.

Mr. BROWN of Michigan. Has the gentleman exhausted all of his ability, his intelligence, and his good sense——

Mr. MOSS. No, he was hoping——

Mr. BROWN of Michigan. In accomplishing that which he proposes that we do on the floor now?

Mr. MOSS. The gentleman does not want to deal with substance, I see; he merely wants to ask questions.

Mr. BROWN of Michigan. I want to deal in substance.

Mr. MOSS. No, you do not.

Mr. BROWN of Michigan. I deal in legislation, but this is no place to do what has been proposed.

Mr. MOSS. Where else would it be proper?

Mr. BROWN of Michigan. Why do you not do this with the power you have in the committee upon which you presently serve?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 66, noes 127.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

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The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 38, after line 6, insert:

"SEC. 611. Except for the Executive Office of the President, no part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, the gentleman from Michigan may well be right. This may not be the place to discuss the substanace, but I am going to try it, and this is another amendment to try to get the easy riders off the taxpayers' backs and perhaps to establish a policy by the Congress that public servants are there to serve the public and not be served by the public.

I think the point can be made, and I discussed it with the chairman of the subcommittee, that some place in law there is a mandate that bureaucrats ride high at the taxpayers' expense. I researched the law rather carefully, and it is my belief that there is no such mandate from Congress that forces bureaucrats to have fun.

Now, since I have offered this amendment consistently to every appropriations measure—and the gentleman from Kentucky will recall I offered it with respect to the appropriations for the District of Columbia, and the gentleman from Kentucky, who is chairman of the subcommittee, supported the amendment, that these limousines be taken away from the bureaucrats in the District of Columbia—a bureaucrat is a bureaucrat is a bureaucrat.

I assure the Members that this amendment is directed to the limousine liberals, to the limousine conservatives, and perhaps even to the limousine middle-of-the-roaders, so to speak.

I urge adoption of the amendment.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, the gentleman referred to me, so I think I would like to respond.

Mr. JACOBS. That is why I yielded.

Mr. BROWN of Michigan. Mr. Chairman, it has been suggested here that we now refer to committees of substance as legislative committees. In my legislative experience we refer to them as substantive committees, and we refer to them as substantive committees, and we refer to substance as being basically that which is involved in the authorizing of money, of funds, of appropriations. When I was speaking earlier, I was talking about the substance of legislation rather than the matter of appropriations. I think it is valid. I do not retract it.

I think anyone who really wants to affect the performance of programs, what officers can use, like automobiles, ought to do it in the authorizing legislation and not in the appropriating legislation, and if the gentleman does not understand that, and if there is no other Member of this House who understands it, I am sorry.

Mr. JACOBS. Mr. Chairman, I did not yield to the gentleman to give the gentleman the opportunity to revise and extend his remarks on my time.

Mr. Chairman, I do not yield further.

I would say to the gentleman that the gentleman is entitled under the rules of the House to revise and extend his remarks with a pencil or a pen, and in doing so, I would suggest he consult Webster's International Dictionary as to the distinction between the word "substantive" and the word "substance," and the next time the gentleman will not have to revise and extend his remarks.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

At the outset, Mr. Chairman, I am not in opposition to what I believe our good friend is attempting to do here, but I oppose the amendment for the reason I am unable to advise the Members of the House what the exact effect of it may be.

This bill provides funds for the General Services Administration and they are under mandate from the Congress to provide transportation for all the agencies of the Government throughout the world, not just in this country. When we put this kind of a limitation on, without having had proper hearings, without having had an opportunity to probe into all the effects of it, we can be making some mistakes even my good friend would not want to make.

I have suggested to the gentleman, since we all have an interest in this, and I believe its thrust is in the right direction, that if we have the good fortune to be here next year, if he will cooperate with us, we on our subcommittee would like to get into this thing with the General Services Administration people. If we can discover that this sort of limitation can be applied without doing more harm than good, then perhaps we can go along with it.

For the moment I believe, to be on the safe side, we ought to defeat the amendment.

Mr. JACOBS. Mr. Chairman, will the gentleman yield for a comment?

Mr. STEED. I yield to the gentleman from Indiana.

Mr. JACOBS. I know the gentleman is sincere, and I know the gentleman is opposed to the abuses of the taxpayers' money as to the kinds of things he described.

I merely point out for the Record that this House already has adopted an amendment to the State Department appropriation bill with respect to their automobiles all over the world, that denies the very thing this amendment denies.

Mr. STEED. I believe the gentleman would be on safer grounds to apply this to a particular department. Here we have the General Services Administration, which deals with all agencies and departments of the Government all over the world. This involves many hundreds of thousands of vehicles of all kinds. They have made some very fine reports as to owning and leasing and that sort of thing being in the interest of the taxpayers.

I really would like to have an opportunity to go over this whole proposition with the people at GSA before any action of this sort is taken, because I am afraid we might be defeating the main purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. JACOBS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. JACOBS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. JACOBS, ROBISON of New York, STEED, and UDALL.

The Committee divided, and the tellers reported that there were—ayes 121, noes 205, not voting 106, as follows:

[Roll No. 225]

[Recorded Teller Vote]

AYES—121

Abourezk	Galifianakis	Randall
Abzug	Gaydos	Rarick
Alexander	Gibbons	Reuss
Anderson, Calif.	Gonzalez	Roberts
	Green, Pa.	Rodino
Annunzio	Gross	Roe
Archer	Gude	Roncalio
Ashbrook	Hamilton	Rooney, Pa.
Aspin	Hanley	Rosenthal
Baring	Harrington	Roush
Begich	Harsha	Rousselot
Bennett	Harvey	Roy
Bergland	Hechler, W. Va.	Runnels
Biester	Heckler, Mass.	Ryan
Bingham	Helstoski	Sarbanes
Brademas	Henderson	Saylor
Brinkley	Hicks, Wash.	Scheuer
Broyhill, N.C.	Howard	Schwengel
Burke, Mass.	Hungate	Scott
Caffery	Jacobs	Seiberling
Carey, N.Y.	Jones, N.C.	Skubitz
Cleveland	Karth	Snyder
Crane	Kazen	Staggers
de la Garza	Koch	Stanton, James V.
Delaney	Kyros	
Dellums	Long, Md.	Steele
Denholm	Madden	Stratton
Dent	Mann	Taylor
Diggs	Mathis, Ga.	Teague, Calif.
Dingell	Mazzoli	Thompson, Ga.
Donohue	Miller, Ohio	Thone
Dow	Minish	Tiernan
Drinan	Mink	Udall
Duncan	Moss	Van Deerlin
Eckhardt	Murphy, N.Y.	Vanik
Edwards, Calif.	Myers	Wolff
Eilberg	Obey	Wyatt
Fascell	O'Konski	Wylie
Findley	Pike	Yates
Ford, William D.	Podell	Young, Fla.
	Price, Tex.	
Fountain	Pucinski	

NOES—205

Adams	Casey, Tex.	Eshleman
Anderson, Ill.	Cederberg	Fish
Arends	Chamberlain	Fisher
Ashley	Chappell	Flood
Aspinall	Clancy	Flowers
Badillo	Clark	Flynt
Barrett	Clawson, Del	Foley
Bell	Collier	Ford, Gerald R.
Betts	Conable	Forsythe
Boggs	Conover	Frelinghuysen
Bow	Conte	Frey
Bray	Coughlin	Garmatz
Brooks	Culver	Gettys
Brotzman	Daniel, Va.	Giaimo
Brown, Mich.	Daniels, N.J.	Goldwater
Brown, Ohio	Davis, Ga.	Goodling
Broyhill, Va.	Davis, Wis.	Gray
Buchanan	Dennis	Griffin
Burleson, Tex.	Derwinski	Grover
Burlison, Mo.	Devine	Gubser
Burton	Dickinson	Haley
Byrnes, Wis.	Dorn	Hall
Byron	Downing	Halpern
Cabell	Dulski	Hammer-schmidt
Camp	du Pont	
Carlson	Edmondson	Hansen, Idaho
Carter	Edwards, Ala.	Hastings
Hathaway	Melcher	Sebelius
Hays	Michel	Shipley
Heinz	Mikva	Shoup
Hicks, Mass.	Mills, Md.	Shriver
Hillis	Mizell	Sikes
Hogan	Mollohan	Sisk
Holifield	Monagan	Slack
Horton	Montgomery	Smith, Iowa
Hosmer	Moorhead	Smith, N.Y.
Hull	Morgan	Spence
Hunt	Natcher	Springer
Hutchinson	Nedzi	Stanton, J. William
Jarman	Nichols	
Johnson, Calif.	Nix	Steed
Johnson, Pa.	O'Neill	Steiger, Ariz.
Jones, Ala.	Passman	Steiger, Wis.
Jones, Tenn.	Patten	Stubblefield
Keating	Perkins	Terry
Kemp	Peyser	Thomson, Wis.
King	Pickle	Vander Jagt
Kyl	Poage	Veysey
Landgrebe	Powell	Vigorito
Latta	Preyer, N.C.	Waggonner
Lent	Price, Ill.	Wampler
Lloyd	Purcell	Ware
McClory	Quie	Whalen
McCollister	Quillen	Whalley
McCulloch	Railsback	White
McDade	Rangel	Whitehurst
McDonald, Mich.	Reid	Whitten
	Rhodes	Widnall
McEwen	Robinson, Va.	Wiggins
McFall	Robison, N.Y.	Williams
McKay	Rogers	Wilson, Bob
McKevitt	Rooney, N.Y.	Winn
McKinney	Rostenkowski	Wright
Mahon	Roybal	Wydler
Mallary	Ruppe	Wyman
Martin	Ruth	Young, Tex.
Mathias, Calif.	Sandman	Zablocki
Matsunaga	Satterfield	Zion
Mayne	Scherle	
Meeds	Schneebeli	

NOT VOTING—106

Abbitt	Dwyer	Metcalfe
Abernethy	Erlenborn	Miller, Calif.
Addabbo	Esch	Mills, Ark.
Anderson, Tenn.	Evans, Colo.	Minshall
	Evins, Tenn.	Mitchell
Andrews, Ala.	Fraser	Mosher
Andrews, N. Dak.	Frenzel	Murphy, Ill.
	Fulton	Nelsen
Baker	Fuqua	O'Hara
Belcher	Gallagher	Patman
Bevill	Grasso	Pelly
Biaggi	Green, Oreg.	Pepper
Blackburn	Griffiths	Pettis
Blanton	Hagan	Pirnie
Blatnik	Hanna	Poff
Boland	Hansen, Wash.	Pryor, Ark.
Bolling	Hawkins	Rees
Brasco	Hébert	Riegle
Broomfield	Ichord	St Germain
Burke, Fla.	Jonas	Schmitz
Byrne, Pa.	Kastenmeier	Smith, Calif.
Carney	Kee	Stephens
Celler	Keith	Stokes
Chisholm	Kluczynski	Stuckey
Clausen, Don H.	Kuykendall	Sullivan
	Landrum	Symington
Clay	Leggett	Talcott
Collins, Ill.	Lennon	Teague, Tex.
Collins, Tex.	Link	Thompson, N.J.
Colmer	Long, La.	Ullman
Conyers	Lujan	Waldie
Corman	McCloskey	Wilson, Charles H.
Cotter	McClure	
Curlin	McCormack	Yatron
Danielson	McMillan	Zwach
Davis, S.C.	Macdonald, Mass.	
Dellenback		
Dowdy	Mailliard	

So the amendment was rejected.

Mr. SEBELIUS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I appreciate the opportunity to comment regarding consideration of H.R. 15585, legislation appropriating funds for the Treasury, the U.S. Postal Service, and the Executive Office of the President. I would like to limit my comments to the $1,410,000,000 we are appropriating for the U.S. Postal Service.

Mr. Chairman, while the Postal Reorganization Act has been in effect for only 1 year, and while we must recognize there has not been enough time for the Post Office to stand on its own two feet and initiate the needed reforms, I believe quite strongly Congress should not abdicate its responsibility in making sure our national mail service operates so that all of our citizens receive prompt service at the lowest cost possible.

In fulfilling this oversight responsibility, we have an obligation to do so in a responsible manner. The continuing hearings by the Subcommittee on Postal Service evaluating the status of the Postal Service give us the proper vehicle in this regard.

Nevertheless, I have seriously considered attempting to amend the current appropriations measure in relation to a specific problem that I feel represents an area of concern to all of my colleagues. As some of my colleagues from rural areas are aware, and as every citizen from my congressional district is aware, Sunday deliveries to third and fourth class post offices in Kansas will be discontinued July 1.

I would like to point out that in defending this decision the Post Office has cited the fact that U.S. Postal Service is losing money in the amount of $188,448 annually in Kansas. This means that in order to save $188,488 a year, the Post Office has cut back service to rural citizens in my district so that many will not get their Sunday newspapers until Monday and because of 1-day delivery schedules, some will not receive their Saturday mail until the following Tuesday.

And, because of postal reorganization, we have had some rather unbelievable results in many of our smalltown areas. Instead of delivering the mail from one small town to another, the mail is now moved via a newly designated center which may be up to 100 miles away, and then round trip back again. In some cases the mail must move from point A to point C and back through point A again to get to point B. That is like a baseball manager having his shortstop throw the ball to center field in order to get the man out at first base.

Now, I would like to point out that it was not too long ago in history that in my part of the country a determined Pony Express rider could make 10 miles in 1 hour. That was back in the days when rain, snow, nor gloom of night, nor even an occasional outlaw could stop the mails from getting through.

Today, however, that is not the case. Despite all of our modern means of transportation, computerization and reform in the Postal Service, mail service in some rural areas is slower than the old Pony Express. I think this fact is especially pertinent now that the Post Office has established overnight mail service between the United States and Brazil.

Now, I certainly do not want to critize overnight mail service to any point, but I would respectfully like to ask: Is it in the best interests of postal patrons to cut back service in our rural areas to save $188,488 a year and at the same time spend $17.5 million for two advertising agencies to improve the Postal Service image? And, if we can deliver the U.S. mails on an overnight basis to a foreign country in South America, would it not be proper to ask in behalf of our rural postal patrons, why it takes several days for the mail to travel distances less than 100 miles apart?

It is my understanding the decision by the Post Office to stop Sunday delivery to third- and fourth-class post offices will soon be extended to second-class post offices. The next step may well be to declare that rural free delivery is unprofitable.

Mr. Chairman, I would like to point out that according to the present postal policy within the new law it is stated:

The Postal Service shall provide prompt, reliable, and effective and regular postal services to rural areas, communities and small towns where post offices are not sustaining . . . it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

In view of the above, I am most concerned that in only 1 year's time we have already seen severe cutbacks in rural service. Many small post offices are being closed, rural routes are being consolidated and terminated, we have seen the elimination of postmarks from small towns. I predict that this trend will continue despite the fact that in many small communities the post office is more than a Federal office, it is a community center and a source of community pride.

The concern over deterioration of postal service in our rural areas does not end with the closing of our post offices, our routes, eliminating our local post marks and slower delivery. I have been contacted by a growing number of postal workers who tell me the intent of the Postal Reorganization Act is being violated regarding personnel policy. When I supported postal reform legislation, I did so in part because I understood postal personnel could work at other duties and could expect advancement where an opening occurred. This philosophy, that a rural carrier could become postmaster, was most appealing to postal employees. This policy has now been sacrificed by union agreement and postal employees are once again locked into categorized job slots. Employees with outstanding records of service and senlority are being given jobs below their experience and ability. Supervisors from outside areas are being brought in to administer offices they know nothing about. We thought that when a supervisory position opened up in one of our rural post offices, an experienced employee could be upgraded into that position. This is not the case. In some cases, rather than accept this policy, many experienced postal employees choose early retirement—much to the dismay of the local community.

Mr. Chairman, another severe problem we face in our rural areas concerns the rate increase proposal that increases magazine and newspaper rates 142 percent over the next 5 years. This decision clearly jeopardizes the very existence of many of the weekly and daily newspapers I have in my district. In order to survive, the publisher has no alternative but to

pass on the increased cost to the advertiser. The small town merchant, in return, must recover this cost from the consumer. The result is inflation where it hurts the most.

Now, I full well realize the Postal Corporation has only been in existence for 1 year and that in order to become efficient, economical, and self-supporting, it takes time. However, in trying to become self-sufficient, I am concerned the Postal Service has become penny wise and dollar foolish. We spend millions of dollars for public relations and terminate rural service to save thousands of dollars.

Throughout rural and smalltown America there is no way to transport and deliver the mail on a daily break-even-basis. The only fair way to pay for making the mail service the right of every citizen is through a subsidy derived from taxes imposed on everyone by the Federal Government. This concept is as old as Benjamin Franklin and our national Postal Service, and it is the responsibility of Congress to protect and guarantee that concept of Government service. In this regard, I commend my colleagues who are conducting oversight hearings in the committees having jurisdiction over postal affairs. The time has come to consider what form of legislative action is necessary to insure fair and equitable postal service in our rural and smalltown areas.

In view of this need and in view of the fact I have decided any attempt to amend this appropriation bill to restore funding for Sunday service in third- and fourth-class post offices in rural areas would not be in order or proper—and in all likelihood would be ignored by the Postal Corporation—I have decided to vote in opposition to this appropriations bill and protest the policies of the U.S. Postal Corporation that have led to the further deterioration of postal services in our rural and small-town areas.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman.

Mr. SEIBERLING. I would just like to say as a Representative from a part of urban America I am sorry to say that the gentleman is mistaken. The economies are not all directed against rural America. Urban America is being shortchanged too, and it is outrageous.

Mr. SEBELIUS. If you direct your attention to some of the new rules as to how employees work it will get you some economies in the urban areas.

Mr. ANDERSON of Illinois. Mr. Chairman, I opposed the amendment offered by my good friend from Arizona (Mr. UDALL) to gut the Executive Office of the President by some 30 percent. I noted with interest that during the general debate on this bill on Tuesday, the gentleman from Arizona said the vote on this amendment will indicate, in his words, "who is really for economy around here." Now I found that just a little amusing. We are led to believe that by this amendment to cut $12 million from a budget of $38 million for Executive Office salaries, we will be striking a great blow for economy in Government and fiscal responsibility.

And yet, in checking out the names on the "Dear Colleague" letter which the gentleman from Arizona and 11 of his colleagues circulated in support of this "economy amendment," I was shocked to learn that of the 11 signators who voted on the budget-busting Hathaway amendment to add over a third of a billion dollars to the education appropriation last week, nine of the 11 voted for the Hathaway amendment, including the fiscal conservative from Arizona. And keep in mind that the Appropriations Committee request for education was already one-third of a billion above the administration's request.

So, I think we will have to look elsewhere for an explanation and justification for this particular amendment. Now the gentleman from Arizona claims there is no partisan motivation for this amendment, saying he would do the same thing under similar circumstances if a Democratic administration were in power. And yet, I do not recall the gentleman from Arizona so much as raising a whisper when the Office of the President was growing under the previous administrations, and his own report indicates there was considerable growth in the Executive Office under the previous two administrations.

Now, admittedly, there has been continued growth in the Executive Office under the present administration. But, as the report of the gentleman from Arizona points out, there have been nine new offices added since 1970. These include: The Domestic Council, the Office of Management and Budget, the Council on Environmental Quality, the National Commission on Productivity, the Special Assistants to the President, the Office of Consumer Affairs, the Office of Intergovernmental Relations, the Office of Telecommunications Policy, and the Special Action Office on Drug Abuse.

I think it is interesting to note that while the Office of Management and Budget and the Domestic Council come under heavy criticism from the gentleman from Arizona, he was one of the few Members on his side of the aisle to vote for Executive Organization Plan No. 2 of 1970 which established both the Domestic Council and OMB. The gentleman also voted for the Environmental Policy Act of 1969 which established the Council on Environmental Quality; he voted for the Consumer Protection Act which would give statutory authority to the White House Office of Consumer Affairs; he voted for the bill in this Congress which gave statutory authority to the Special Action Office on Drug Abuse. And the Office of Telecommunications Policy, which the gentleman from Arizona claims was established by President Nixon for "yet unclear reasons," was established by Executive Organization Plan No. 1 of 1970 which was so noncontroversial that the House Government Operations Committee recommended against a resolution of disapproval.

So, for the gentleman from Arizona to imply that the growth in the White House office under President Nixon was fostered unilaterally by the President, without the consent or knowledge of the Congress, is to misrepresent the facts. For the most part, we in the Congress have approved and, yes, even encouraged this growth.

Yet, the gentleman from Arizona sees this growth as an "expensive and dangerous" trend, because, in his words, "it aims directly at the power of the Congress and the responsibility of the Congress under our unique system of government." And rather than admit that we in the Congress are partially responsible for adding to the growth of the Executive Office, the gentleman in his committee report draws the following nonpartisan conclusion, and I quote:

> The logical conclusion to be drawn from the truly phenomenal growth of Nixon's staff is that there is a lack of confidence at best, and a total distrust at worst, of anyone not closely associated with Richard Nixon.

Now, that so-called logical conclusion just does not flow from the facts of the matter.

What will be the ramifications of the gentleman's amendment? By his own admission, this would result in an across-the-board 30-percent reduction in personnel and salaries. According to my calculations, based on the figures supplied in the gentleman's report, this would result in cutting the staff of the Domestic Council by 20, from 66 to 46; the National Security Council by 24, from 79 to 55; the Council of Economic Advisers by 17, from 57 to 40; the Council on Environmental Quality by 19, from 65 to 46; the Office of Consumer Affairs by 15, from 52 to 37; the Office of Emergency Preparedness by 62, from 223 to 161; the Office of Management and the Budget by 200, from 660 to 460; the Office of Science and Technology by 15, from 50 to 35; the Special Action Office on Drug Abuse by 52, from 174 to 122. And I could go on.

Let me conclude, Mr. Chairman, by pointing out that the meat ax approach suggested by the gentleman from Arizona, actually runs contrary to the recommendation of his own committee report—which incidentally was prepared over a month's time by a special consultant who was paid $2,500 for producing 11 pages; that runs $228 page. Let me quote from the final paragraph of that 11-page report:

> To enable the Congress to consider objectively the staffing needs of the executive departments and agencies on the one hand and the executive offices of the President on the other, more information is needed on the respective roles and authority of the staff of the Executive Office of the President and the executive departments and agencies.

And to quote from the gentleman from Arizona's letter to Chairman DULSKI regarding that same report:

> The House Post Office and Civil Service Committee should review the entire operation of the executive office through public hearings.

And yet, the gentleman from Arizona would have us ignore the advice of his own report that "more information is needed;" the gentleman would further have us ignore his own suggestion that his committee "should review the entire operation of the executive office through public hearings." Instead, he would now have us make an across-the-board 30-percent cut in the personnel and compensation of the Executive Office of the President. To my mind, such a cut defies all reason and good sense, not to mention the wisdom of the advice contained in the gentleman's own report and letter. I, therefore, urge defeat of this amendment.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15585), making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. STEED. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 11, not voting 99 as follows:

[Roll No. 226]

YEAS—322

Abourezk	Broyhill, Va.	de la Garza
Abzug	Buchanan	Delaney
Adams	Burke, Mass.	Dellums
Anderson, Calif.	Burleson, Tex.	Denholm
Anderson, Ill.	Burlison, Mo.	Dennis
Annunzio	Burton	Dent
Archer	Byrnes, Wis.	Derwinski
Arends	Byron	Devine
Ashley	Cabell	Dickinson
Aspin	Caffery	Diggs
Aspinall	Camp	Dingell
Badillo	Carey, N.Y.	Donohue
Baring	Carlson	Dorn
Barrett	Carter	Dow
Begich	Casey, Tex.	Downing
Bell	Cederberg	Drinan
Bergland	Chamberlain	Dulski
Betts	Chappell	Duncan
Biester	Clancy	du Pont
Bingham	Clark	Eckhardt
Blackburn	Clawson, Del	Edmondson
Boggs	Cleveland	Edwards, Ala.
Bow	Collier	Edwards, Calif.
Brademas	Conable	Eilberg
Bray	Conover	Eshleman
Brinkley	Conte	Fascell
Brooks	Coughlin	Findley
Brotzman	Culver	Fish
Brown, Mich.	Daniel, Va.	Fisher
Brown, Ohio	Daniels, N.J.	Flood
Broyhill, N.C.	Davis, Ga.	Flowers
	Davis, Wis.	Flynt
Ford, Gerald R.	McEwen	Ryan
Ford, William D.	McFall	Sandman
Forsythe	McKay	Sarbanes
Fountain	McKevitt	Satterfield
Frelinghuysen	McKinney	Saylor
Frey	Madden	Scherle
Galifianakis	Mahon	Scheuer
Garmatz	Mallary	Schneebeli
Gaydos	Mann	Schwengel
Gettys	Martin	Scott
Giaimo	Mathias, Calif.	Selberling
Gibbons	Mathis, Ga.	Shipley
Goldwater	Matsunaga	Shoup
Gonzalez	Mayne	Shriver
Goodling	Mazzoli	Sikes
Gray	Meeds	Sisk
Green, Pa.	Melcher	Skubitz
Griffin	Michel	Slack
Grover	Mikva	Smith, Iowa
Gubser	Miller, Ohio	Smith, N.Y.
Gude	Mills, Md.	Snyder
Haley	Minish	Spence
Halpern	Mink	Springer
Hamilton	Mizell	Staggers
Hammer-schmidt	Mollohan	Stanton, J. William
Hanley	Monagan	Stanton, James V.
Hansen, Idaho	Montgomery	Steed
Hansen, Wash.	Moorhead	Steele
Harrington	Morgan	Steiger, Ariz.
Harsha	Moss	Steiger, Wis.
Harvey	Murphy, N.Y.	Stephens
Hastings	Myers	Stratton
Hathaway	Natcher	Stubblefield
Hays	Nedzi	Stuckey
Hechler, W. Va.	Nichols	Symington
Heckler, Mass.	Nix	Taylor
Heinz	Obey	Teague, Calif.
Helstoski	O'Neill	Terry
Henderson	Passman	Thompson, Ga.
Hicks, Mass.	Patten	Thomson, Wis.
Hillis	Perkins	Thone
Hogan	Peyser	Tiernan
Holifield	Pickle	Udall
Horton	Pike	Ullman
Hosmer	Pirnie	Van Deerlin
Howard	Poage	Vanik
Hungate	Podell	Veysey
Hunt	Powell	Vigorito
Hutchinson	Preyer, N.C.	Waggonner
Jacobs	Price, Ill.	Wampler
Jarman	Price, Tex.	Ware
Johnson, Calif.	Pucinski	Whalen
Johnson, Pa.	Purcell	Whalley
Jones, Ala.	Quie	White
Jones, N.C.	Quillen	Whitehurst
Jones, Tenn.	Railsback	Whitten
Karth	Rangel	Widnall
Kazen	Reid	Wiggins
Keating	Reuss	Williams
Kee	Rhodes	Wilson, Bob
Kemp	Riegle	Winn
King	Roberts	Wolff
Koch	Robinson, Va.	Wright
Kyl	Robison, N.Y.	Wyatt
Kyros	Rodino	Wydler
Landgrebe	Roe	Wylie
Landrum	Rogers	Wyman
Latta	Roncalio	Yates
Lent	Rooney, N.Y.	Young, Fla.
Lloyd	Rooney, Pa.	Young, Tex.
Long, Md.	Rosenthal	Zablocki
McClory	Rostenkowski	Zion
McCollister	Roush	
McCulloch	Rousselot	
McDade	Roy	
McDonald, Mich.	Roybal	
	Runnels	
	Ruppe	
	Ruth	

NAYS—11

Alexander	Gross	Randall
Ashbrook	Hall	Rarick
Bennett	Hicks, Wash.	Sebelius
Crane	O'Konski	

NOT VOTING—99

Abbitt	Burke, Fla.	Dowdy
Abernethy	Byrne, Pa.	Dwyer
Addabbo	Carney	Erlenborn
Anderson, Tenn.	Celler	Esch
Andrews, Ala.	Chisholm	Evans, Colo.
Andrews, N. Dak.	Clausen, Don H.	Evins, Tenn.
Baker	Clay	Foley
Belcher	Collins, Ill.	Fraser
Bevill	Collins, Tex.	Frenzel
Biaggi	Colmer	Fulton
Blanton	Conyers	Fuqua
Blatnik	Corman	Gallagher
Boland	Cotter	Grasso
Bolling	Curlin	Green, Oreg.
Brasco	Danielson	Griffiths
Broomfield	Davis, S.C.	Hagan
	Delienback	Hanna
	Dellenback	Hawkins
Hébert	Macdonald, Mass.	Pryor, Ark.
Hull	Mailliard	Rees
Ichord	Metcalfe	St Germain
Jonas	Miller, Calif.	Schmitz
Kastenmeier	Mills, Ark.	Smith, Calif.
Keith	Minshall	Stokes
Kluczynski	Mitchell	Sullivan
Kuykendall	Mosher	Talcott
Leggett	Murphy, Ill.	Teague, Tex.
Lennon	Nelsen	Thompson, N.J.
Link	O'Hara	Vander Jagt
Long, La.	Patman	Waldie
Lujan	Pelly	Wilson, Charles H.
McCloskey	Pepper	Yatron
McClure	Pettis	Zwach
McCormack	Poff	
McMillan		

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Andrews of North Dakota.
Mr. Celler with Mr. Clay.
Mr. Brasco with Mr. Stokes.
Mr. Blatnik with Mrs. Chisholm.
Mr. Davis of South Carolina with Mr. Jonas.
Mr. Fuqua with Mr. Mailliard.
Mr. Evans of Colorado with Mr. Belcher.
Mr. Waldie with Mr. Mitchell.
Mr. McMillan with Mr. Broomfield.
Mr. Byrne of Pennsylvania with Mr. Metcalfe.
Mr. Blanton with Mr. Burke of Florida.
Mr. Pepper with Mr. Smith of California.
Mr. Abernethy with Mr. Schmitz.
Mr. Addabbo with Mr. Poff.
Mr. St Germain with Mr. Minshall.
Mr. O'Hara with Mr. Kuykendall.
Mr. Murphy of Illinois with Mr. Don H. Clausen.
Mr. Miller of California with Mr. Erlenborn.
Mr. Charles H. Wilson with Mr. Esch.
Mrs. Sullivan with Mr. Talcott.
Mr. Hébert with Mr. Nelsen.
Mrs. Andrews of Alabama with Mr. Pelly.
Mr. Biaggi with Mr. Collins of Illinois.
Mr. Boland with Mr. Lujan.
Mr. Kluczynski with Mr. Keith.
Mr. Hull with Mr. Baker.
Mr. Hawkins with Mr. Collins of Texas.
Mr. Carney with Mr. Conyers.
Mr. Colmer with Mr. Dellenback.
Mr. Cotter with Mrs. Dwyer.
Mrs. Grasso with Mr. Pettis.
Mrs. Green of Oregon with Mr. McClure.
Mrs. Griffiths with Mr. Vander Jagt.
Mr. Macdonald of Massachusetts with Mr. Frenzel.
Mr. Link with Mr. Halpern.
Mr. Kastenmeier with Mr. Mosher.
Mr. Bevill with Mr. Zwach.
Mr. Anderson of Tennessee with Mr. McCloskey.
Mr. Abbittt with Mr. Leggett.
Mr. Teague of Texas with Mr. McCormack.
Mr. Yatron with Mr. Ichord.
Mr. Corman with Mr. Curlin.
Mr. Danielson of California with Mr. Dowdy of Texas.
Mr. Evins of Tennessee with Mr. Hagan.
Mr. Fulton with Mr. Gallagher.
Mr. Foley with Mr. Pryor of Arkansas.
Mr. Fraser with Mr. Patman.
Mr. Mills of Arkansas with Mr. Long of Louisiana.
Mr. Hanna with Mr. Rees.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

XUM

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time to ask the majority leader if he will kindly advise us as to the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the distinguished minority whip, we have concluded our program for this week and it is my intention to ask unanimous consent to go over until Monday.

The program for next week is as follows:

On Monday is District Day. There is one bill, H.R. 15507, the National Capital Transit Act.

That is to be followed by H.R. 15586, the Public Works-AEC appropriations for fiscal year 1973. We have already concluded general debate on that and on Monday we will conclude consideration of the bill.

H.R. 15495, the military procurement authorization, under an open rule, with 4 hours of debate—for general debate only.

And to be followed by H.R. 14163, the predator indemnities, under an open rule with 2 hours of debate.

For Tuesday, and Wednesday the program is as follows:

H.R. 15495, military procurement authorization—to conclude consideration of the bill.

H.R. 15390, the public debt limitation bill under a closed rule with 2 hours of debate.

A House joint resolution—continuing appropriations for fiscal year 1973.

H.R. 15587, the emergency unemployment compensation bill, subject to a rule being granted.

And H.R. 15641, the military construction authorization, subject to a rule being granted.

For Thursday and the balance of the week:

The agriculture appropriations for fiscal year 1973; and

H.R. 13366, the cyclamates ban compensation bill which was originally scheduled for this week. That will be under an open rule with 1 hour of debate.

This is a very heavy schedule and as the gentleman knows, we announced previously that at the conclusion of business on June 30 the House will go over until the conclusion of the Democratic National Convention, until Monday, July 17.

I might also say that the chairman of the Committee on Education and Labor hopes to call up the school lunch bill which was unanimously reported by that committee today.

Conference reports may be brought up at any time, and there are a number of very important conference reports pending. Also, any further program will be announced later.

Mr. ARENDS. Might I just say to the gentleman that it is very apparent that we will have a Friday session next week and there does not seem to be any way out.

Mr. BOGGS. If we are going to complete the program, I see no way to do it without having a Friday session.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. Does the gentleman agree with me that with the addition of the school lunch bill to this program it is a rather ambitious program?

Mr. ARENDS. It is a rather ambitious one and some of us may never get to the Democrat Convention under the circumstances.

Mr. GROSS. I just wanted to ask if the gentleman thought that would be possible.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. BOGGS. I think it is in order to say at this time that in the period between the two conventions in July, which is roughly about 1 month, it is probable that Friday sessions will be held throughout that period of time.

ADJOURNMENT OVER TO MONDAY, JUNE 26, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON CALENDAR WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

U.S. CONGRESS—NOT FOR SALE

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, I have just come through a grueling, but very successful, primary campaign. Normally the winner in such an election quietly and happily returns to work.

I am not happy and I will not quietly take my seat. I want to tell you that, from my recent experience, the new Federal Campaign Expenditures Act is a failure. The act is ineffective, insufficient, and poorly conceived. The act provides no measure of protection for honest, law abiding candidates. It is simply a farce.

We should repeal that act and instead call upon the House Administration Committee to draft an effective bill that is meaningful to the kinds of problems congressional candidates face.

The key feature of the present act is that it contains a limitation on the use of television and radio. Such a limitation affects senatorial and presidential candidates. But in large urban areas, few congressional candidates use radio and television. The act is irrelevant to Members of the House.

My opponent in the recent primary campaign did not use television ads. But he did violate the spirit of the law by:

Spending over $200,000 on his campaign,

Buying all available billboard advertising in the district,

Buying all available advertising on buses going through the district,

Paying at least 200 teenagers $20 per person to electioneer near the polls on primary day.

Paying innumerable campaign workers during the course of the campaign.

Printing millions of pieces of campaign literature deceptively marked with the phrase "labor donated."

Printing signs and billboards not attributed to any committee or person.

Mailing hundreds of thousands of letters without any return addresses to indicate their source.

Purchasing services to conduct several complete mailings in the district.

Renting thousands of dollars of storefront space for several headquarters.

Spending money for a massive phone bank system the origin of which cannot be traced.

On top of all that, he personally filed his expenditures report late and his various campaign committees still have not filed reports.

Not only was nothing done before the primary about his committees' failure to file, but what difference would it have made if he were found guilty. What is a $1,000 fine to a man willing to spend over $200,000 to buy a seat?

There is no absolute spending limit in the current law. That is a loophole wide enough to slip 435 millionaires into the seats in this House of Representatives. It is a sorry commentary on our democracy, when candidates can without penalty act as if the seats in the House of Representatives can be bought for the highest bid like seats on the New York Stock Exchange.

We must pass a strong campaign finance law dealing with congressional races. The new law should include at the very least:

An absolute limitation on the amount spent for a candidate by anyone for any sort of campaign activity;

Effective and quick enforcement procedures;

Meaningful and strong penalties.

Mr. Speaker, although I voted for and have followed the current campaign expenditures law, I attempted to amend and strengthen the act when we discussed it here. I did not succeed then and now the act has not succeeded.

I have been able to overcome a rich man's lust for office. But how many of us who are not millionaries will be able to survive under this law? How long will our democratic processes last without a strong law? How long will we allow a for sale sign to be placed in the polling places of America?

A USELESS COMMISSION

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, on Monday of this week the House wisely refused to suspend the rules and pass H.R. 13694 to amend legislation dealing with the so-called American Revolution Bicentennial Commission.

This present Commission is patently one of the most useless and wasteful organizations in existence and several examples of this were given to the House on Monday.

In particular, the gentleman from Pennsylvania (Mr. WILLIAMS) had some well taken objections to the leadership of this Commission and, specifically to a Mr. Jack LeVant, the Director.

According to the gentleman from Pennsylvania this Mr. LeVant was suddenly introduced to the members in December by Commission Chairman David Mahoney as the new Director, at $38,000 a year. The Commission members were not asked to approve him, as they are required to do. They were not even told anything about his qualifications, or lack of them.

Let me try to shed some light on Mr. LeVant.

When he was introduced to the Commission members last December he had actually been on the payroll for 6 months.

He was brought in by Mr. Mahoney, his longtime boss.

Mr. LeVant, curiously, was not on the regular payroll because he came in through the backdoor—as a $121.28 a day consultant.

What is strange about this is that Mr. LeVant has no contract with the Commission as a consultant. In fact, the records show that he was processed in the same way as regular, full-time Federal employees are processed.

In addition to drawing down a fancy consultant's fee—equivalent to $31,500 a year, Mr. LeVant was getting $40 a day for living expenses.

He got away with this because he claimed his home was in Chicago.

When Mr. LeVant traveled outside Washington he drew the standard $25 per diem payment allowed all other Federal employees, but somewhere along the line he concluded that this was not enough. Lo and behold, he then submitted revised expense vouchers—which I have here—to bring his $25 per diem travel allowance up to $40—and the Commission approved them.

This sort of business went on from July 1, 1971, to April 15 of this year—9½ months.

It is interesting to note that Mr. LeVant has a champagne appetite in making travel arrangements. He always flies first class—even when he flies from Washington to New York. Nothing but the best when the taxpayers are paying for it.

Mr. Speaker, I have asked the General Accounting Office to explore this situation further and I would certainly hope that the Judiciary Committee will take a long and hard look at the fast and loose operations of the Commission before it again brings H.R. 13694 to the House floor for a vote.

THE BICENTENNIAL AND BEYOND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL), is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, since the passage of Public Law 89–491 on July 4, 1966, establishing the national American Revolution Bicentennial Commission, preparations have been underway for the celebration of the 200th anniversary of American independence. At the encouragement of the national Commission, a number of States have established their own bicentennial commissions, and numerous historical societies and civic organizations have begun to explore ways in which they can participate in the celebration. Additionally, several States and a few institutions have established rather sophisticated bicentennial programs.

By and large, with few exceptions, the focus of the various bicentennial programs have been narrow and somewhat unimaginative. They have been inadequate because the Natural Commission has failed to learn from past experience. The lack of their leadership is evident when you note that, they have suggested programs that are impractical, costly and not needed. The Commission is wrong also in focusing mainly on the Declaration of Independence and the year of jubilee—1976. This is not to say that the spirit and ideals of the Revolutionary generation have been neglected, for they certainly have not. But they are being compressed, and even distorted, to fit a particular schedule of celebration. The existing plans call for the celebration to end in 1976. Yet, students know that in 1776 the real American Revolution, which in the deepest sense was ideological, was just getting started.

To be sure, the American Revolution was more than the war or the winning of independence. It was a movement, national in scope, with a social, economic, and political, as well as a military focus. In the political sphere, for example, are the accomplishments of the First (September 1774) and Second (May 1775–1781) Continental Congresses; the Declaration of Independence (1776); the Franco-American Alliance (February 1778); the adoption (1777) and ratification (1781) of the Articles of Confederation; the peace negotiations (1782–83); and the ratification of the final Treaty of Peace (1783). Then there are the State constitutions, which, having all been adopted within the span of 2 years (1776–77) present something of a national character. Certainly their contents reflect a unit of purpose and direction.

Notable political events of the postwar period include the conferences at Mt. Vernon (1785), Annapolis (1786), and Philadelphia (1787) that led to the adoption and ratification of the Federal Constitution. The Constitution itself deserves continuous celebration, and one might also justify national recognition of documents adopted by individual States that are reflected in the Constitution, such as Virginia's Bill of Rights and its Statute for Religious Liberty. Then, there are the Northwest Ordinance (1787), and various treaties and alliances negotiated by the Confederation Government.

On the ideological side of the revolution are principles such as taxation by consent, freedom of worship, equality, fraternity, written guarantees of individual rights and privileges, Republican virtue, the pursuit of happiness, et cetera. Some of these principles, long familiar to educated people of the Western World, were embodied in the Declaration of Independence. Yet it took 8 years of war before the Declaration became effective, and another 6 years before the principles it reflected were adequately formulated into law. Others arose primarily during the aftermath of war when Americans were attempting to establish a just society and a lasting domestic peace. Thus it is a perversion of history to celebrate the principles upon which the country was founded in a single year.

On the military side of the Revolution, events that merit national attention are the battles of Lexington and Concord, 1775, the initial action of the war; the Battle of Bunker Hill, 1775, which was the first significant action; Saratoga, 1777, which provided the impetus for the Franco-American alliance; and Yorktown, 1781, which opened the way for meaningful negotiations for peace. Not so spectacular, but nonetheless important, are the retirement of Gen. George Washington, Commander in Chief of American Forces, the British evacuation of New York, November 1783, and the disbanding of the Continental Army, May-November 1783.

Equally important from the military side of the revolution is the participation of the militia. They constituted the bulk of the fighting force at the Battle of King's Mountain and figured prominently in the Battle of Cowpens. But they were also the inarticulate element in the war and their tale often lies buried with their bones, making it all the more fitting that the events in which they played a part receive special attention during the bicentennial of the American Revolution.

PROHIBITION OF THE GSA GRANTEE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, the growing concentration of power in the Federal bureaucracy has been one of grave concern to those of us who believe that the bureaucracy's primary purpose is to service the needs of the American people rather than servicing its own needs. And yet, example after example of the self-serving activities and attitudes

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of Federal bureaucrats concerned more with maintaining and increasing the power and prestige of their agencies than in meeting the needs and interests of the very citizens whose tax dollars pay their salaries stands as an affront to the very principles this Nation was founded upon.

In Tuesday's RECORD, our distinguished colleague from New Hampshire, Representative WYMAN, focused attention on the unauthorized extensions of the GSA grantee program which epitomizes this very type of bureaucratic myopia.

In 1949, Congress enacted the Federal Property and Administrating Act with the expressed purpose of effecting maximum efficiency, economy, and service in the utilization and procurement of property for agencies in the executive branch of the Federal Government by centering responsibility in the GSA.

However, in 1969, GSA proposed extending its services to all State and local governments. This apparently was the first time GSA openly extended its services beyond the confines of the Federal agencies and bureaus it was designed to serve. The Nixon administration, concerned over the undesirable impact such massive competition from the Federal Government would have on the many independent private businesses now serving State and local government supply needs, ordered an immediate end to the program.

Attempting to work its way around both White House and congressional disapproval, GSA recreated its grantee program in June of 1971. To give you some idea of the magnitude of this threat to small businesses, between July 1971 and March 1972, purchases by and for grantees from GSA stores and inventories alone amounts to $6,126,979. This sum excludes the sizable amounts of direct purchases by grantees from supplies in the private sector under the supplies contracts with GSA because neither GSA nor the grantor agency maintain figures on these purchases.

Let me place this issue in an historical perspective. In 1953, recognizing the increasing difficulties which small businesses faced in the marketplace, Congress enacted the Small Business Act which declared as the policy of Congress "that the Government should aid, counsel, assist and protect the interests of small business concerns in order to preserve free competitive enterprise."

As a member of the Small Business Subcommittee of the House Banking and Currency Committee, I am particularly annoyed with this GSA program. We have increased the loan ceiling of the SBA from $2.2 billion to $3.1 billion to meet the emergency needs of this Nation's small business community. We are now preparing legislation to improve the situation of minority businesses in this country.

To then learn of a program which places a Federal agency in unfair, direct competition with the very small businesses we are attempting to support is just too much to ask this Congress to tolerate. Such a blatant example of bureaucratic myopia working at cross purposes with congressional intent must be eliminated. I recommend Representative WYMAN's bill as the tool which once and for all will prevent another resurrection of this ill-conceived GSA grantee program. Our country can ill afford the establishment of a giant Federal PX undermining the foundations of our free enterprise economy.

REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, we have just passed, by an overwhelming and bipartisan majority, H.R. 14370, the State and Local Fiscal Assistance Act of 1972, better known as "the revenue-sharing bill." Through this vital and necessary piece of legislation, the Federal Government has, for the first time, acted to restore initiative to local government and at the same time to bring some prospect of property tax relief to the overtaxed and overburdened citizens of this Nation.

It has become obvious over the years that even though local taxes have risen steadily, it is increasingly difficult with the limited means available to local government to raise revenues sufficient to provide such necessary services as police protection, sewers, water, and transportation.

The burdens placed on so many property owners just to meet the most minimal standards and improvements in these areas, discourage home ownership and force others, such as the aging and those on other fixed incomes, to neglect or abandon their properties. These same property taxes often make it impossible for younger families to afford to either purchase or maintain a home. Inevitably, the effect of all these discouragements is to lessen the demand for and the construction of enough decent and adequate housing.

The revenue-raising efforts by State and local governments are overly dependent on these regressive property taxes which penalize the poor and the elderly, as well as the middle-class working man. The bill we have passed today can help alleviate this burden and make our taxes fairer.

It is also my conviction that revenue sharing by the Federal Government will serve to strengthen local government and help people by returning to the people, to the street level, the means to make local government responsive and effective in meeting the individual priorities and requirements of municipalities, counties, and States that have the will and desire to make themselves good places to live and work. This revenue-sharing bill guarantees that hard-pressed municipalities and States will now have the needed means, at least in part, to answer local needs with local solutions.

Revenue sharing is, of course, predicated on the faith that local elected officials will use these funds wisely, free from the cumbersome and costly restraints of the federal bureaucracy.

While it is undoubtedly true some units of government will not use this money to best advantage, I believe that most will actively seek the most effective ways to bring about either meaningful improvements in services or a tax reduction. In my view, many communities could help people best by sharing as much of revenue sharing as possible with the people through reducing property taxes.

I would like to note that H.R. 14370 returns to Pennsylvania and individual communities within the Commonwealth, just over $300 million during its first fiscal year of operation.

In my area, the 18th Congressional District, for example, there are 59 municipalities, all within Allegheny County. These areas, which I serve, will receive contributions to their budgets, as income, of some $32 million. Besides the opportunity for tax reductions, this money will make possible municipal improvements or better services, the construction or implementation of which will help create badly needed jobs in our area.

Mr. Speaker, in my opinion our new revenue-sharing bill gives badly needed flexibility and new options to the local level. First among these is that Government will have the wherewithal to be able to act, and I am hopeful that this will result in restoring, to our citizens, the confidence that both the Federal Government and their own local government can be responsive to their needs.

So much of the fiscal plight of our urban and rural areas alike is the direct result of oppressive property, sales, and per capita taxes which have stretched the earnings of so many to the breaking point. The far-reaching impact of revenue sharing is that it will permit us to come to grips with these problems in a fair and reasonable way. It will, in effect, pave the way for more flexible and innovative methods of meeting the fiscal and physical problems today facing all local municipalities.

One of the most important aspects of revenue sharing is that it returns to the States and local governments their rightful role in our system of government. Revenue sharing can reverse the centralization of power in Washington and place the emphasis of local responsibility and responsiveness where it belongs. But I would like to emphasize that there is much to be done by elected officials and taxpayers alike if this promise is to be realized. Both must work to translate the opportunity provided by Federal revenue sharing into real benefits, real improvements, and real savings to the taxpayer. This money can be wasted or invested in an unproductive bureaucracy or the proverbial Taj Mahal. It will require extra vigilance by the ordinary voter, year in, year out, to insure the wise and proper use of these revenues. I sincerely hope and trust that this will be the case and that the months of effort spent in the careful study and thoughtful preparation of H.R. 14370 will bring about a rebirth of initiative and responsibility at all levels of local government.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, I wish to join my colleagues in marking this salute to education. As a former schoolteacher and principal, I have a very personal and selfish feeling about the importance of universal education.

Indeed, for a long time I have entertained the idea that if compulsory education of all of our young people were truly compulsory and required to meet prescribed levels for all, we would go far in eliminating many of the social and economic problems we face in this country.

Of course, we were unique in this land when we first provided for compulsory education. But in the almost two centuries that have gone by other lands have equaled and even eclipsed our levels of education. Illiteracy rates in this country, while low, are not nearly low enough. And in my judgment, the answer does not lie simply in more funds for education. We already spend more for it than for any domestic program.

The problem lies rather with educational standards, with teaching standards and with levels of teacher competence. It is in these fields that we look to the National Education Association for leadership and direction.

INTERSTATE HIGHWAY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, I want to take this opportunity to call the attention of my colleagues to a bill—H.R. 15569—dealing with transportation which I introduced on Monday of this week. The purpose of this bill is to respond to what I believe should be regarded as a most serious problem in our Nation—the incompletion of the National System of Interstate and Defense Highways. My bill is designed to deal with three specific problems in the current interstate highway legislation. In my discussion today, I shall first take up section 2 of H.R. 15569, describe what this section would do and why I believe it is needed. Then, I shall provide a brief analysis of the other two sections of my bill.

The first section of my bill would add 5,800 miles to the length of the National System of Interstate and Defense Highways. The section provides that the new mileage be allotted in such a manner that an interstate route would begin in Kansas City, Mo., and travel southeastward through Arkansas, Tennessee, Mississippi, Alabama, and into Georgia to connect with Interstate 95. The remaining mileage would be designated for use as needed in other regions of the Nation.

Even a brief examination of a map showing the paths of the existing and planned routes on the National System of Interstate and Defense Highways quickly gives the viewer a clear picture of the gaps in the system. This legislation which I am proposing is intended to help close those gaps and make the system more closely meet the objectives for which it was established.

Chapter I of title 23 of the United States Code makes it clear that the Interstate Highway System is intended to provide a nationwide system of highways adequate to meet needs of national defense and interstate commerce. It also makes clear that the system transcends State and local interests in the interest of a larger national purpose.

It is to the larger national purpose, in terms of commerce between the States, to which I address this bill. There are myriad problems with which the Congress and the Nation are wrestling in search of solutions. Among these are an increasing demand of recreation outlets which is outpacing the availability of such resources; the critical need for promoting the wise development of the Nation's countryside in line with congressional intent to establish a balanced national growth policy and finally assurance that all regions of the country will be able to compete equitably with all other regions of the Nation.

A transportation system adequate to the needs of a region in which it is located is a principal element in any effort to open up to the Nation new or underused natural recreation resources, and to promote balanced national growth through comprehensive community development.

The six States through which I propose that a new link in the National Interstate System be routed are blessed with a wealth of natural recreation assets and a demonstrated potential for comprehensive development. Despite this, they are critically underserved in terms of high speed, cross-country, surface transportation routes. An interstate route is needed so that the Nation as a whole will benefit to the fullest from the resources and potentials of this region. Such a route is needed in order that the region may more completely shake off the shackles of the past which have kept it from achieving its unlimited potential by participating in America's modern social, cultural, and commercial society.

The people of this region have long recognized the need for opening up their regions to extensive association with the rest of the Nation. They have banned together to work for this goal. While I would not presume to attempt to describe the attractive attributes of one, much less five, of Arkansas sister States, I would like to share with you some facts about those of Arkansas. I am sure that the honorable representatives from Missouri, Tennessee, Mississippi, Alabama, and Georgia would tell you that their great States are amply endowed with natural assets.

But, before I move into that discussion, I would like to draw the attention of my colleagues to an observation concerning the expanding purpose of highways which is contained in the 1970 House Committee on Public Works committee print entitled "Benefits of Interstate Highways." In dealing with the general economic and community benefits derived from highway systems the report said:

> Advances in highway service have been closely associated with the growth of the American economy. . . .

The report also said:

> Highway transportation goals become more ambitious as time goes by. These goals are no longer limited to simply achieving a transportation purpose such as moving people or goods or "getting the farmer out of the mud." The goals now include better qualities in our style of living and our environment. More and more, highway resources are becoming a positive force for attaining both community and transportation goals.

We regularly hear and read reports of the crushing destructive pressures being exerted on the Nation's accessible recreation areas because of overuse. We are also told of the increasing need and demand of the people for more contact with the beauties and stimulation of our scenic natural resources.

Yet because of the incompletion of the Interstate System, some of the most inspiring of these attributes are effectively denied to large portions of the Nation. Denied because our citizens are unable to conveniently use their surface transportation to reach and travel through these regions in the amount of leisure-time available to them.

And, at the same time, these regions are denied the opportunity to wisely develop and conserve these natural resources for the enjoyment of present and future generations. Tourism is potentially one of the most valuable "industries" that many of our countryside regions can develop. It is an "industry" which produces jobs while offering pleasure and relaxation and at the same time insuring new funding sources for the perpetual preservation of large portions of an irreplaceable national resource.

Again, for the role that interstate highways play in such development, I would refer you to the committee print, "Benefits of Interstate Highways." More than three of the 28 pages in this report are devoted to presenting information on highways and recreation.

For the purposes of this discussion, I would like to share two statements from this report with you:

> In addition to providing access to recreational sites, highways themselves are a source of outdoor recreation. . . .
>
> The improved accessibility provided by Interstate highways increases the options people have for recreation by enlarging the area they can reach without increasing their travel time. This potential increase in opportunities for recreation is in fact being realized, both for long-distance vacation travel and for local recreational trips. For example, recreational travel has been increasing faster than other travel and vacation trips are becoming longer.

Among the most important assets of the Nation, and particularly of the State of Arkansas, is the people. The people of our State, particularly in the First Congressional District, are proud of their heritage of hard work, achievement, and respect for the dignity of man and nature. Thus, among the most attractive of the recreation resources which our region offers the resident and visitor alike are the fairs and crafts exhibitions, hootenannies, and folklore festivals which make the hills, valleys, and deltas ring with happiness. With the aid and cooperation of the Federal Government, we are building a folk cultural center in Mountain View. The goal of the project

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is to preserve the memorabilia of the past and to pass on to present and future generations the colorful traditions and culture of the men and women who made this part of our Nation great.

In addition to our people, Arkansas shares with its visitors some of the inspiring contacts with nature at its most majestic. There are the Ozark and Ouachita Mountains, the Buffalo, White, Current, and Mississippi Rivers. There are the Wapanocca National Wildlife Refuge, St. Francis National Forest, and the Ozark National Forest. And, there is Blanchard Springs Caverns, a wondrous demonstration of nature's subterranean marvels.

Despite the frustratingly inadequate highway system presently curving its narrow, hilly way through this region today, thousands of visitors travel to north and east Arkansas annually to enjoy these natural resources. It is from regions like this one which the Nation could derive immeasurable benefits, were it made properly accessible through the construction of the interstate highway links which I propose.

I urge my colleagues to study carefully the expanded, modernized, multipurpose which our national highways serve. The experience of our past 20 years has given ample proof that development follows the path of the interstate highway. The Congress has, through the laws it has enacted, put itself on record in support of a balanced national growth policy. It seems to make, therefore, unquestionably good sense to complete the National System of Interstate and Defense Highways through the addition of the 5,800 miles which I have proposed, in such a way as to promote the revitalization of the Nation's countryside.

As I noted at the beginning of this speech, my bill, H.R. 15569, has three sections. The first section would simply amend the second paragraph of section 101(b) of title 23, U.S.C. to extend until June 30, 1981, the time in which the interstate system would be completed. Section 2 would add mileage to the system. And section 3 would amend the portion of title 23, U.S.C. dealing with the Highway Trust Fund in such a manner that the fund would continue to operate in its present manner until 1983.

Mr. Speaker, I recognize that there are many needs facing our Nation today. One of the most critical, I believe, is insuring that our citizens have a choice of the place and manner in which they shall live. This choice cannot be effectively provided unless we actively work toward the revitalization of our Nation's countryside, the insuring that all regions of the Nation shall have an equal opportunity of participating in the life of the country and opening up our natural resources to the enjoyment of all our citizens.

A modern, high speed, limited access highway system which serves all parts of the Nation, not just a favored few, is essential to achieving this goal. Therefore, I would urge all my colleagues to give careful consideration to the legislation which I have proposed. And, I would likewise urge those who agree with the truth of my argument to actively work for the passage of this measure.

CANADIANS ON RECORD IN FAVOR OF THE TRANS-ALASKA PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, Colin Beale, editor and publisher of the highly respected Beale's Resources Industry News Letter in West Vancouver, Canada, recently visited Alaska, and his visit resulted in some interesting observations that I believe will be of interest to my colleagues. They appeared in the May 29, 1972, issue of his newsletter.

At a time when some opponents of the trans-Alaska pipeline would have us believe that all of Canada favors a trans-Canada line instead of the Alaska pipeline, Mr. Beale's remarks deserve widespread attention.

After citing the need for crude oil from Alaska's North Slope on the west coast of the United States, and discussing the impact of the delay that would inevitably result if the well-defined plans for an Alaskan line were dropped for an-as-yet undefined Canadian route, Mr. Beale concludes with this comment:

> This newsletter agrees with the Edmonton Journal: "Why is there so much crying here over Washington's approval of the Alyeska pipeline from Prudhoe Bay across Alaska to Valdez?" Canada will derive tangible and intangible benefits from the multi-million dollar oil pipeline through Alaska, and we aren't really ready for an oil line through the Mackenzie River Valley.

Following is the text of Mr. Beale's comments on the advisability of a trans-Alaska pipeline:

PROPOSED TRANS-ALASKA OIL PIPELINE—ECONOMIC AND SECURITY ANALYSIS

"In many respects, the issues raised by this pipeline are the issues raised by our civilization itself. But if we are to maintain our civilization and supply the energy needed for its growth, then we believe the trans-Alaska pipeline is a reasoned and responsible means to that end." Edward Patton, President, Alyeska Pipeline Service Company.

On a recent visit to Alaska, the editor of this newsletter was given an interesting document. A copy of a 56-page, May 3, Memorandum of Comments from the Alyeska company to U.S. Secretary of the Interior Rogers Morton. This week, we devote most of our letter to the last 10 pages of this memo—economic and security aspects of an Alaskan versus a Canadian pipeline. But first a thought or two on the backdrop.

Anchorage airport is a world crossroads. During a short 60 minute period at noon on Tuesday, May 16, planes arrived from all corners of the globe, 4 Japan Air, 2 Lufthansa, and Air France Jumbo, a Varig from Brazil, a Korean Air, a Scandinavian from Copenhagen and a BOAC from London; to say nothing of the stream of American aircraft. Pan Am, Northwest Orient, Western, Alaska, Seaboard World and others. None of these aircraft would get very far without the thousands of gallons of fuel needed to make their engines work. Alaska and oil are both part of a global scene. A mile or two from Anchorage airport there's an unexpectedly large office building, British Petroleum. The strings here go back to London. Other strings from other oil companies in Alaska go back to Houston, Los Angeles, New York and Amsterdam. If you get into a discussion about a Canadian oil pipeline, remember this—oil on the North Slope is part of global, big power, politics. Oil and natural gas figure prominently in U.S.-Russia trade talks these days . . . now, the last 10 pages (edited for brevity) of that memo to Secretary Morton:

The following comments are directed to three broad areas of the Analysis, particularly as they relate to a comparison between the proposed trans-Alaska pipeline and Canadian pipeline. In general, analysis and consideration of a possible trans-Canada alternative would be more realistic if emphasis were accorded the following points.

I. In the U.S. national interest, North Slope crude oil should be delivered to the West Coast (District V) rather than the Midwest (District II).

This conclusion is stated directly or by implication at several places in the analysis, but the following considerations deserve emphasis.

A. The dependency on foreign crude sources in District V is greater than comparable dependency in the aggregate of Districts I–IV. Because of existing transportation systems and inherent flexibility in means for shifting both crude and product supplies around Districts I–IV, these districts should be considered as a single unit, as they usually are for purposes of national petroleum planning. Thus, the valid comparison is between District V and Districts I–IV. This comparison shows the percentage of dependency in District V will be greater by 1980 than the dependency in the rest of the country. This fact has important national security implications, and in the event of disruption in Middle East supply, rationing would be more severe on the West Coast than in Districts I–IV.

B. District V's dependency is more hazardous to the national interest than the same degree of dependency would be elsewhere. East of the Rockies, the U.S. has always had a well-integrated petroleum production, refining and supply network that has provided flexibility in arranging inter-district transfers when shifting supply or demand problems arose. The East Coast, for example, imports foreign crude oil from the Middle East, Africa and Venezuela and is not dependent on any single foreign source. In an emergency the sources of supply could be shifted or crude oil could be transferred by pipeline from District III to District I, or the reverse. District V, however, is essentially isolated from the rest of the country by the Rocky Mountains and is limited in its petroleum receiving capability and transportation facilities within the district. The limited Trans Mountain line to the Pacific Northwest and an even smaller line to Southern California are the only crude oil pipelines entering District V. Lacking are the interconnections of crude oil and product lines, barge routes, rail routes, and tanker routes that connect Districts I–IV.

The National Petroleum Council's Oil Logistics Task Group has noted the limited opportunity for increasing transfers to District V from other Districts in the 1970's, and it is predicted District V cannot expect an increase in transfers from other Districts until synthetic hydrocarbons are developed from shale, coal and tar sands. During World War II the Petroleum Administration found moving the required quantity of oil across the Rockies "more difficult than moving five times as much over a longer distance in the east coast service." Again in the Korean War, the Petroleum Admin. for Defense had to simultaneously deal with crude oil shortages in California and ship petroleum products from California to the Korean theater.

C. Shipment of North Slope crude oil to District II could lead to a current underutilization of existing systems and a future oversupply in that District at the expense of District V. The midwest now receives oil from the Rocky Mountain area, the southwest and Canada. Construction of a fourth transportation system to deliver North Slope oil to the Midwest could lead to the under-utilization and wasting of existing systems, particularly in the early years, but its long-term effect could be worse. With potential Canadian oil reserves estimated around 30 billion barrels—far in excess of Canadian domestic requirements—it is almost certain much of this excess will be exported to the U.S. The future may well see several transportation systems to carry Arctic oil to the U.S. and, because of location, Canadian oil must go mainly direct to the Midwest, District II, its natural market. If North Slope production were to be prematurely committed to District II by a trans-Canada line, the result could be oversupply in that District at the same time the West Coast is threatened with a predictably hazardous dependence on foreign sources.

II. The uncertainties associated with any trans-Canada pipeline indicate it could not be built without much delay and greater cost than suggested in the environmental impact statement.

A. Recent reports confirm the seriousness of the Canadian Native Claims issue. It is now apparent that Canada's Northern Natives have launched a drive to establish their rights to land and that the key element of this drive is Native opposition to government approval of construction of a Mackenzie Valley pipeline. With the cry of "No settlement, no pipeline" (Fin. Post April 15, '72), Canada's Natives have raised the issue that the U.S. has just taken fifteen years to resolve.

B. A trans-Canada pipeline would raise significant environmental issues where there is currently no established forum for dealing with them and could involve regulatory and jurisdictional delays beyond any reliable estimate. Although it is likely Canada will establish some governmental agency to resolve environmental problems, comprehensive legislation has not yet even been enacted and it is impossible to predict the form of such legislation. A trans-Canada line could involve regulation by four provincial governments, the Canadian government, a treaty between the U.S. and Canada. Administrative delay alone could exceed the five-year period estimated in the Economic and Security Analysis.

C. Canadian equity financing would be necessarily limited and requirements for transportation of Canadian oil could result in excessive net resource costs to the U.S. Members of the Canadian government have admitted that nation's limited ability to raise the staggering sums required for even a participation in Arctic pipeline construction. When the requirements for Canadian gas line and oil line construction are compared with the total availability of private capital in Canada, the severity of this limitation is apparent. A related consideration—not faced in the Final Environmental Statement—is that a trans-Canada pipeline to carry only North Slope oil is simply not a realistic alternative. Canada has always been careful to point out her real interest is a pipeline for the transport of Canadian oil to U.S. markets. If the limited capacity of a 48" pipeline were divided equally between North Slope and Canadian oil, so that one million barrels per day of North Slope oil were replaced by a like amount of Canadian oil, the increase in net resource cost to the U.S. could exceed $2 million per day.

D. All cost estimates of a trans-Canada oil pipeline have been unrealistically low, and current accurate cost estimates would increase the transportation cost substantially. There is no currently accurate estimate of the cost of a trans-Canada oil pipeline. Relevant however, is the recent estimate of the cost of a trans-Canada gas line published after the Final Environmental Statement had been prepared. A spokesman for the Northwest Study Group disclosed the cost of a gas line to only Emerson, Manitoba has increased from $2.7 to over $5 billion. Delay in construction startup, cost escalation and design changes are cited as the contributing factors. Wilbur H. Mack, President of Michigan Wisconsin Pipe Line and Chairman of the Northwest Project Study Group stated that U.S.-Canadian governmental problems facing the project were "monumental" and raised serious questions "whether the costs of the line make it economically feasible and financeable." It is generally recognized this cost estimate may increase a good deal more, particularly with any further delay in starting construction. It is also generally recognized that a trans-Canada oil pipeline would present more difficult engineering problems and greater expense than a gas line. When cost escalation from additional delay and abandoned costs of the TAPS line are taken into account, the trans-Canada estimates of the impact statement are seen to be obviously and unrealistically low. Any realistic estimate would be much higher, and it is certain this substantial additional cost would be reflected in increased costs to consumers.

III. The estimated five-year delay in oil production that would result from a trans-Canada route would inevitably delay the production of North Slope gas and deter further exploration for both oil and gas.

The U.S. faces a severe gas shortage in the near future. Gas reserve life estimates have dropped sharply from 20 to 12 years. Current deliverability is dangerously low at only 4–5 years. Several major pipelines serving the eastern and mid-western regions of the U.S. (Transcontinental, Texas Eastern, Algonquin) have curtailed firm contract quantities during the past, albeit mild, winter. Larger curtailments by other pipelines are expected next year.

All of the major pipelines serving the northern U.S. (Tennessee, Transcontinental, Consolidated Natural Gas, Columbia Gas Michigan Wisconsin, Natural Gas Pipeline, Northern Natural) are relying on access in the near future to Arctic gas to meet their long-range needs. If North Slope gas cannot be brought into the lower 48 market in the short term future, the major pipeline systems will be compelled to turn to the more expensive alternative of foreign liquified natural and synthetic gas. Because oil must be produced before gas, any delay in the production and transportation of oil defers production of gas. . . . This added time penalty is significant when it is recognized that available North Slope gas is estimated at something over 1 trillion cubic feet annually or as much as 5% of current demand. The delay is more significant in the light of suspended exploration and developmental drilling on the North Slope at the present time. If the trans-Alaska application were to be denied in favor of the unplanned, uncertain and much delayed trans-Canada alternative, further exploration of the North Slope would be delayed indefinitely. This would be an unacceptable price for the U.S. to pay at a time when our energy crisis is a matter of deepening concern.

IV. A trans-Canada pipeline would deprive the U.S. of an independent transportation system and weaken the U.S. position in relation to Canada and all other oil exporting countries.

A. The trans-Alaska pipeline and tanker system is an independent system for delivering crude oil from a U.S. source to a U.S. market. It is self-contained and inherently flexible. In an emergency it could provide controlled distribution to any port in our own or another country.

B. A trans-Canada pipeline, on the other hand, would subject this important national resource to the regulation and effective control of another sovereign country. We are already dependent on Canada for substantial imports of Canadian oil, gas, water and hydroelectric power and this dependence will necessarily increase in the future. Though Canada has been a good neighbor and doubtless will continue to be, there are always differences of view and matters under negotiation between the two countries. With regard to recent differences, it has been argued that Canada should "use every weapon in its arsenal" and growing U.S. reliance on Canadian energy and water resources has been cited as the best weapon (Toronto Star, Aug. 19, '71). Canadian officials are reported as having suggested withholding current deliveries of gas and oil to the United States if the recent supplemental import tax were not lifted and holding up permission for a gas line if an oil line across Canada were not seriously considered (Tor. Star, Aug. 13, '71 and Washington, D.C. Evening Star, Mar. 30, '72). It is obvious that abdicating control over the transportation system for North Slope oil would weaken our position in this kind of friendly negotiation.

C. Maintaining an independent transportation system is important in the light of Canada's real interest in a trans-Canada oil pipeline. Canadian spokesmen have been forthright and direct. They have never suggested Canada has an interest in a pipeline that would transport 100% U.S. oil from one part of the U.S. across Canada to another part of the U.S. The Canadian interest has been explicitly stated as the development of Canadian oil and gas resources and transportation of that oil and gas to U.S. markets. When that interest is viewed in light of the limited capacity of a single oil pipeline, the potential conflict of economic interests across an international boundary, is apparent. That potential conflict would be invited by construction of a trans-Canada pipeline for North Slope oil.

D. The U.S. position in relation to other oil exporting nations, particularly the OPEC countries, would also be weakened by the trans-Canada proposal. The OPEC contract expires in 1975. If the trans-Alaska pipeline is well under way by that time, our position will be significantly stronger than if our North Slope reserves are still held up by a trans-Canada line still several additional years away from operation.

This newsletter agrees with the Edmonton Journal: "Why is there so much crying here over Washington's approval of the Alyeska pipeline from Prudhoe Bay across Alaska to Valdez? (Canada) will derive tangible and intangible benefits from the multimillion dollar oil pipeline through Alaska, and we aren't really ready for an oil line through the Mackenzie River Valley."

THE HONORABLE PHILIP J. PHILBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DORN) is recognized for 5 minutes.

Mr. DORN. Mr. Speaker, I was saddened to learn of the recent passing of my warm friend and colleague, the Hon. Philip J. Philbin of Massachusetts. Representing the Third District of Massachusetts from 1942 through 1970, Phil Philbin served 14 terms in the Congress under six Presidents. He rendered outstanding service to his district, his State, and our Nation.

Congressman Philbin brought with him vast knowledge and experience in many various fields when he entered the House of Representatives for the 78th Congress. He had worked successfully as an attorney, a businessman, and a farmer in Massachusetts. He had served as a member of the advisory board of the Massachusetts Unemployment Compensation Commission. He had ably assisted U.S. Senator David I. Walsh in

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several important capacities. In Washington he had served as Special Counsel to the Senate Commission on Education and Labor, and had also been a referee with the U.S. Department of Labor. Phil Philbin used all that he had learned from these many distinguished positions to make valuable contributions in the Congress in legislation spanning many fields.

Perhaps the greatest of Congressman Philbin's many achievements was his devoted service for many years on the House Armed Services Committee. Phil Philbin believed in America, and he was dedicated to keeping America strong. His contributions to the defense of our country and to those men and women working for this defense are inestimable. He was deeply involved in the effort to build and maintain a strong national defense. He himself had served as a seaman in the U.S. Navy during World War I, and he knew and understood the needs of the military.

Congressman Phil Philbin served faithfully and devotedly from the 78th Congress through the 91st. His conscientious attendance at House sessions and committee meetings is well remembered by all of us. This is a greater and a stronger nation because Phil Philbin served in its Congress and served well, with honor and distinction. Mrs. Dorn joins with me in extending deepest and heartfelt sympathy to his daughters Mary and Anne.

AMERICAN PRESENCE AND BOMBING IN INDOCHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there still are voices which persist in deploring America's presence in Indochina and the bombing in North Vietnam. Sometimes they are an echo of communist complaints heard around the world. More often they are an honest effort to end our involvement and to bring our forces home at a date certain without regard to the consequences.

Against this background, is it not time that recognition be given to the gallant South Vietnamese who have withstood the most massive invasion of the war by Communist forces? Is it not time to give credit to those Americans who are standing heroically by the South Vietnamese forces? There are the military advisors who run the risks of battle with South Vietnamese units day after day. There are the pilots who fly helicopters, attack aircraft, and bombers. There are the soldiers, sailors, marines and airmen who man the supply lines which are so essential to South Vietnamese survival. They, rather than the Communists deserve recognition, full credit, and appreciation of the American people.

To those who commiserate with the people of North Vietnam for the misfortunes which their own leaders needlessly brought upon them, is it not time for a remainder that the Communist drive across the demilitarized zone and through neutral countries into South Vietnam has brought death and suffering and untold misery to countless of thousands of innocent civilians: men, women, and children? The South Vietnamese civilians deserve sympathy, too. They are the victims of aggression. The people of North Vietnam are the aggressors.

The troops of South Vietnam have displayed steadfastness in combat that many would have thought impossible. The invasion was a brutal, steel-tipped attack which was intended to blitz through to key targets and to collapse the Government of South Vietnam. It failed. It failed because the troops of South Vietnam have shown amazing courage while their units in the main stood by their guns and took all the punishment the North Vietnamese regulars could inflict upon them with modern weapons and because their American allies did not desert them in their hour of greatest trial.

These men, South Vietnamese and Americans, deserve the gratitude of America and of the free world. The course of history has been shaped by these men who stood fast. Now it is time for those who decry America's effort and America's contribution and America's presence in Southeast Asia to desist from statements which bring solace and hope to the North Vietnam aggressors. Let them join with those of us who say instead that it is indeed time for an end to war and to killing. The President of the United States has clearly shown the way. His terms have been most generous. The Communists will lose no honor by accepting. By doing so, they can end the war within minutes. They need only to agree to release the American prisoners they are holding, to account for those who are missing, to adhere to a meaningful ceasefire. Until they do this, it is on their shoulders alone that the burden must rest for the carnage and destruction taking place in South Vietnam and for the punishment being inflicted on their own country.

TRIBUTE TO JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday marked the eighth anniversary of the brutal murders in Mississippi of James Chaney, Andrew Goodman, and Michael Schwerner. On June 21, 1964, I rose in the well of the House to inform the Members that these three young men were missing in Mississippi in the vicinity of Philadelphia, Neshoba County. In the days following June 21, we received the news that these three young men, dedicated fighters for equality for all Americans, had themselves been struck down by the forces of intolerance.

Andrew Goodman and Michael Schwerner went to Mississippi to conduct voter registration drives and to open freedom schools under the auspices of the Council of Federated Organizations, an alliance of several civil rights groups which includes the Congress of Racial Equality, the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, and the Student Nonviolent Coordinating Committee. Along with other volunteers, Andrew Goodman and Michael Schwerner were preparing to offer courses in humanities, liberal arts, mechanical training, and the rights and duties of citizenship to blacks in Mississippi. They met and worked with James Chaney in Mississippi, and they died with him on June 21, 1964.

At the time of their deaths, Congress had not yet passed the Voting Rights Act of 1965, nor the Civil Rights Act of 1964. Blacks in Mississippi were barred from public accommodations and were discriminated against in education and employment. Denied political equality, they lived in a segregated society.

These three tragic deaths helped to spur Congress to pass the Voting Rights Act. We have seen the results of the passage of this legislation. The total number of blacks registered in the seven Southern States which fell under the operative mechanism of the Voting Rights Act was 1,222,000 in 1965. By the fall of 1970, the total number of registered black voters in these States was 2,110,000, equivalent to 67.7 percent of those eligible. As an increasing number of black voters exercised the right to vote, an increasing number of black public officials were elected. Before 1965, there were approximately 70 elected black public officials in the South. In 1970, there were more than 500 black elected officials in the Southern States falling under operation of the Voting Rights Act.

There is further evidence that progress in this area has been made. In 1968 the Mississippi Freedom Democrats were seated at the Democratic National Convention, and in 1969 I was privileged to attend the inauguration of Charles Evers as mayor of Fayette. And now the right to vote has been extended to 18-year-olds, a right that has been long overdue. Our young people have proven that they are capable of making responsible decisions and have shown themselves to be sincerely committed to working for equality and justice for all Americans.

James Chaney, Andrew Goodman and Michael Schwerner were three examples of young people who dared to work for a cause in which they believed in a hostile environment, and who risked and eventually lost their lives in the fight for political equality for black Americans. On this eighth anniversary of the deaths of these three courageous civil rights workers, let us rededicate ourselves once again to the goals for which they gave their lives, for, although important progress has been made, our efforts must continue unabated until injustice, inequality, and bigotry no longer exist in our society.

THE HIGHER EDUCATION CONFERENCE

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, you will recall the recent favorable action on the part of this House in adopting the conference report on the higher education bill which is now awaiting the President's signature. I would like at this time to pay tribute to those diligent, hard-working legislators—members of the conference committee—who labored over a period of many weeks in an effort to reach agreement on what I consider to be the most significant piece of higher education legislation ever considered by the Congress.

The first meeting of the conference committee took place on March 15, more than 14 weeks ago. During the intervening period of time, the conference committee met 21 times. Most of our meetings lasted from early afternoon well into the evening hours. There were more than 100 hours of hard and tedious deliberation devoted to the work of resolving the differences in this legislation.

The conference committee had before it two massive versions—the House amendment numbered 423 pages and the Senate amendment numbered 754 pages. These versions in many respects were as dissimilar in their approaches as they were similiar in the very controversial issues they each contained.

There were more than 383 substantive differences in the bill with which the conference committee had to deal. In our work we utilized nine different committee prints which identified and analyzed these differences. Because of the number and diversity of the issues involved, it was necessary to prepare agendas each day so that Members could be advised of each session's activity. At the end of each session, it was necessary also to prepare a listing of the conference agreements and/or discussions with regard to the various points in difference.

Few of the differences could be resolved with relative ease because of the widely divergent approaches in each of the bills. Because of their complex and substantive nature, many of the topics required repeated discussion during which additional recommendations and suggestions for possible compromise could be aired.

The number of topics requiring the repeated attention of the conference committee during the 21 sessions included the differences involving institutional assistance, student aid, developing institutions, busing, emergency school aid, occupational education and junior colleges, the political internship program, ethnic heritage studies, sex discrimination provisions, the insured student loan program, State scholarships, basic grants, the National Institute of Education, and education renewal.

While these issues in and of themselves were not easily reconcilable, the conference committee was also compelled to labor under House instructions. Throughout our proceedings the job of negotiation and deliberation was made that much more difficult because of these instructions. In addition, at all times we were conscious of the new House rules under which the conference committee had to function, and every effort was made to check all possible compromises and solutions with the House Parliamentarian to see that such agreement fell within the scope of conference authority.

Mr. Speaker, there were times when it seemed there would be no conference report. Agreement seemed very remote. The last session of the conference committee—May 16—extended over 15 hours, and I say to my colleagues that even when we were within close reach of a final agreement—not more than 2 hours before our signatures were affixed to the conference papers—there was a great possibility that all of our work would be in vain, that we would have to return to the House in disagreement.

It was, therefore, not until the very end of the last session that the conferees could safely feel that agreement had been reached. Not until we walked out of the Old Supreme Court Chamber in the Capitol at 5:30 a.m. on the morning of May 17—after over 15 straight hours of deliberation—were we able to say our work was successful.

For my part, it was indeed an honor and a privilege to serve as chairman of a conference committee which I believe will be recognized as a persevering, dedicated body ever mindful of its authority and very much aware of its responsibility to the purpose of improving American education. The conference report is the product of the labors of that conference committee. It is a good product—the best possible product—a negotiated product in which is evident the hard, tenuous give-and-take compromise agreements which were finally arrived at during the course of deliberation lasting close to 3 months.

Mr. Speaker, the permanent record of this debate will give an indication of the tremendous diversity of the provisions of this legislation. It will also include the commentary of the educational leaders of our Nation who strongly endorsed the provisions of this important bill. I am most grateful to these educators for their strong support and assistance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. O'NEILL), after 7 p.m. today, on account of official business in his district.

Mr. MOSHER (at the request of Mr. GERALD R. FORD), for the following week, on account of official business as a representative of the House Committee on Science and Astronautics to the Second International Parliamentary Conference on the Environment.

Mr. BURKE of Florida (at the request of Mr. ARENDS), for Thursday and Friday, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, today; and to revise and extend his remarks.

(The following Members (at the request of Mr. MALLARY) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 60 minutes, on June 27.

Mr. SCHWENGEL, for 15 minutes, today.

Mr. MCCLORY, for 60 minutes, on June 26.

Mr. MCKINNEY, for 5 minutes, today.

Mr. HEINZ, for 10 minutes, today.

Mr. SKUBITZ, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. ALEXANDER, for 30 minutes, today.

Mr. BEGICH, for 10 minutes, today.

Mr. DORN, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances and to include extraneous matter.

Mr. ROBERTS, to revise and extend his remarks on the bill H.R. 14370, and to include extraneous material.

Mr. FINDLEY, to include extraneous material during his remarks this week on appropriation bills yet to be considered.

Mr. DON H. CLAUSEN, to extend his remarks during debate on H.R. 15586, today.

(The following Members (at the request of Mr. MALLARY) and to include extraneous matter:)

Mr. SCHWENGEL in two instances.

Mr. WIDNALL.

Mr. COLLIER in two instances.

Mr. QUILLEN in two instances.

Mr. DENNIS.

Mr. ARCHER.

Mr. YOUNG of Florida in five instances.

Mr. THOMSON of Wisconsin.

Mr. HANSEN of Idaho.

Mr. STEIGER of Wisconsin.

Mr. WYMAN in two instances.

Mr. SPRINGER.

Mr. ASHBROOK in three instances.

Mr. PRICE of Texas.

Mr. MCCLORY.

Mr. HUNT.

Mr. GUDE in two instances.

Mr. O'KONSKI.

Mr. ANDERSON of Illinois.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. CLAY in six instances.

Mr. JACOBS.

Mr. MILLER of California in five instances.

Mr. WOLFF in two instances.

Mr. HÉBERT.

Mr. HAMILTON.

Mr. JOHNSON of California in two instances.

Mr. CABELL.

Mr. RODINO.

Mr. MONAGAN.

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Mr. UDALL in 10 instances.
Mr. FLYNT in two instances.
Mr. PEPPER.
Mr. DELLUMS in six instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. ROGERS in five instances.
Mr. HUNGATE. in two instances.
Mrs. HICKS of Massachusetts in three instances.
Mr. CELLER.
Mr. CARNEY in three instances.
Mr. MEEDS.
Mr. ADAMS.
Mr. VAN DEERLIN.
Mr. DULSKI in six instances.
Mr. BINGHAM in three instances.
Mr. PICKLE in five instances.
Mr. VANIK in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 465. An act for the relief of Mrs. Hang Kiu Wah; to the Committee on the Judiciary.

S. 1950. An act for the relief of Mrs. Josefita Esther Worley; to the Committee on the Judiciary.

S. 2270. An act for the relief of Magnus David Forrester; to the Committee on the Judiciary.

S. 2489. An act for the relief of Judy A. Carbonell; to the Committee on the Judiciary.

S. 2562. An act for the relief of Guido Bellanca; to the Committee on the Judiciary.

S. 2575. An act for the relief of William John West; to the Committee on the Judiciary.

S. 2591. An act for the relief of Dr. Constante S. Arevilla; to the Committee on the Judiciary.

S. 2625. An act for the relief of Giuseppe Paul Pinton; to the Committee on the Judiciary.

S. 2704. An act for the relief of Rita Rosella Valleriani; to the Committee on the Judiciary.

S. 2937. An act for the relief of Slobodan Babic; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2098. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the act of August 4, 1955 (69 Stat. 464) relating to the annual payment to the Republic of Panama; to the Committee on Appropriations.

2099. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission on docket No. 187, John Billum, for himself and as representative of the other *Natives of Chitina, Alaska, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2100. A letter from the Chairman, Joint Committee on Internal Revenue Taxation, transmitting a report on refunds and credits of internal revenue taxes for the fiscal year ended June 30, 1969, pursuant to section 6405 of the Internal Revenue Code of 1954 (H. Doc. No. 92-314); to the Committee on Ways and Means and ordered to be printed.

RECEIVED FROM THE COMPTROLLER GENERAL

2101. A letter from the Comptroller General of the United States, transmitting a report finding that the Federal program of aid to educationally deprived children in Illinois can be strengthened, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2102. A letter from the Comptroller General of the United States, transmitting a report on U.S. technical assistance to support Indian agricultural development, Agency for International Development, Department of State; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 1893 (Rept. No. 92-1164. Ordered to be printed.

Mr. BRINKLEY: Committee on Armed Services. H.R. 14538. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (Rept. No. 92-1165). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. Report on America's Maoists: the Revolutionary Union—the Venceremos organization (Rept. No. 92-1166). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY of Texas: Committee of Conference. Conference report on H.R. 13955 (Rept. No. 92-1167). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 1024. A resolution providing for the consideration of H.R. 13366. A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclmates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes (Rept. No. 92-1168). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1025. A resolution providing for the consideration of H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 92-1169). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. CONYERS):

H.R. 15640. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. FISHER (for himself and Mr. BRAY):

H.R. 15641. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. GERALD R. FORD:

H.R. 15642. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

H.R. 15643. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

H.R. 15644. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 15645. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

H.R. 15646. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 15647. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. CONABLE, Mr. FORSYTHE, Mr. GRIFFIN, Mr. HASTINGS, Mr. HORTON, Mr. KEATING, Mr. KEITH, Mr. LENT, Mr. MCCLORY, Mr. MCKINNEY, Mr. CHARLES H. WILSON, and Mr. YOUNG of Florida):

H.R. 15648. A bill to amend the Controlled Substances Act to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 15649. A bill to amend the Emergency Employment Act of 1971 to extend its operation, and for other purposes; to the Committee on Education and Labor.

By Mr. HATHAWAY:

H.R. 15650. A bill to amend title 38 of the United States Code in order to establish a program providing 104 weeks of assured employment to Vietnam era veterans unable to find work; to improve job counseling, training, and placement for veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 15651. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 15652. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. MCFALL:

H.R. 15653. A bill to amend section 4221 of the Internal Revenue Code of 1954 to provide for an exemption from Federal manufacturers excise taxes on sales to the Department of Defense; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 15654. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. BIAGGI):

H.R. 15655. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

By Mr. ST GERMAIN (for himself, Mr. MOORHEAD, Mr. STEPHENS, Mr. ANNUNZIO, Mr. GRIFFIN, Mr. CHAPPELL, Mr. COTTER, Mr. CURLIN, and Mr. WYLIE):

H.R. 15656. A bill to provide that no insured financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon the U.S. Treasury to provide for State taxation of insured commercial banks, to provide full deposit insurance for units of Federal, State, and local government, to amend title IV of the National Housing Act concerning the 90-day decision period with respect to acquisitions in connection with savings and loan holding companies, to amend title IV of the National Housing Act with respect to third party loans made by subsidiary insured institutions of savings and loan holding companies, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. QUIE, Mrs. MINK, Mr. ESHLEMAN, Mr. MEEDS, Mr. BELL, Mr. SCHEUER, Mr. HANSEN of Idaho, Mr. GAYDOS, Mr. KEMP, Mr. CLAY, Mr. PEYSER, Mrs. CHISHOLM, Mr. CARLSON, Mrs. GRASSO, Mr. MAZZOLI, Mr. O'HARA, and Mr. DENT):

H.R. 15657. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. DELLENBACK, Mr. THOMPSON of New Jersey, Mr. ESCH, Mr. PUCINSKI, Mr. STEIGER of Wisconsin, Mr. DANIELS of New Jersey, Mr. FORSYTHE, Mr. REID, Mr. VEYSEY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. BURTON, Mr. BIAGGI, Mrs. HICKS of Massachusetts, and Mr. BADILLO):

H.R. 15658. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. DULSKI (for himself, Mr. WALDIE, and Mr. HILLIS):

H.R. 15659. A bill to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. FLYNT:

H.R. 15660. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next of kin may only be made by officers; to the Committee on Armed Services.

By Mr. FRENZEL:

H.R. 15661. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mr. MIKVA (for himself and Mr. FREY):

H.R. 15662. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. PERKINS:

H.R. 15663. A bill to amend section 221 of the Flood Control Act of 1970; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 15664. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOW:

H.R. 15665. A bill to amend the Economic Stabilization Act of 1970, to prohibit rent increases of more than 5 percent in any calendar year with respect to certain units occupied by individuals or small businesses; to the Committee on Banking and Currency.

H.R. 15666. A bill to amend the Economic Stabilization Act of 1970 to provide that landlords must notify appropriate Federal officials of proposed rent increases and such increases must be approved before they may become effective; to the Committee on Banking and Currency.

By Mr. GRAY (for himself, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. SMITH of California, Mr. ANDERSON of Illinois, Mr. MARTIN, Mr. QUILLEN, Mr. LATTA, Mr. ABERNETHY, Mr. WHITTEN, Mr. GRIFFIN, Mr. MONTGOMERY, Mr. MADDEN, Mr. DELANEY, Mr. O'NEILL, Mr. SISK, and Mr. YOUNG of Texas):

H.R. 15667. A bill to provide that the Federal Building to be constructed in Hattiesburg, Miss., shall be named the "William M. Colmer Federal Building"; to the Committee on Public Works.

By Mr. MATHIS of Georgia:

H.R. 15668. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. PUCINSKI (for himself, Mr. ESCH, and Mr. DELLENBACK):

H.R. 15669. A bill to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS:

H.R. 15670. A bill to amend the Communications Act of 1934 to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 15671. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes to the Committee on Veterans' Affairs.

H.R. 15672. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. ARCHER, Mr. BIESTER, Mr. BROYHILL of Virginia, Mr. DAVIS of Georgia, Mr. EILBERG, Mr. GUDE, Mr. MOSS, Mr. RAILSBACK, and Mr. BOB WILSON):

H.J. Res. 1232. Joint resolution designating and authorizing the President to proclaim February 11, 1973, as "National Inventors' Day"; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.J. Res. 1233. Joint resolution to suspend temporarily the authority of the Interstate Commerce Commission to permit the abandonment of a line of railroad or the operation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H. Con. Res. 635. Concurrent resolution calling upon all parties to the Geneva Convention relative to the treatment of prisoners of war to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON presented a bill (H.R. 15673) for the relief of Raul Rosado, which was referred to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

PHILIP PHILBIN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEITH. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague and friend from Massachusetts, Philip Philbin. Phil had many virtues, among which were numbered kindness, competency and, above all, integrity.

I would like to make the observation that during all the years I knew Phil not once did I hear him make a remark criticizing another person. This rare trait has and will always come to mind when I think of Phil, for it is indeed rare to know a man of such great benevolence.

During his 26 years in the Congress Phil never turned a constituent or a fellow colleague away who came to him for help. Even while he helped others he went about his own work quietly and expertly and diligently.

On Saturday I, with many of my colleagues, traveled to Clinton to pay my last respects to this man I had known so well and had liked so much. I would like to share with you the words of the pastor of Our Lady of the Rosary Church in Clinton—a tribute delivered from a fellow Clintonian on behalf of all of us who had the privilege of knowing Phil Philbin.

At the time when Congressman Philbin retired from public life we who were his colleagues and friends gave him testimony of our love and affection.

Today we are again gathered together, this time to mark his passing on to eternal life. This is another expression for a beloved friend.

As a Congressman, Philip Philbin worked with you as a colleague or served you as Representative; as a fellow Clintonian he was a life-long friend to his town and its people; and as a faithful Christian he shared the same hope and ideals we are expressing today.

Congressman Philbin was a politician here in his district—that is a title of respect—none of this cynicism is attached to it which is found in some other places. Here we have his example of 28 years of integrity and honesty in public service. The newspapers have recorded the accomplishment of those years of service but this morning we have another sort of testimony—the presence of so many of his former colleagues. This confirms our high opinion of the job he did in Washington. Perhaps an even greater tribute is the presence of the so many people he served—those for whom he managed to make the impersonal procedure of the Government personal and for whom he removed the roadblocks of bureaucracy.

Phil Philbin was also our fellow Clintonian. Years of service in Washington never separated him from his home town. He always found the time to keep up contact with its people. He had a keen sense of family ties and local tradition. You could not meet him without being reminded of some family member he knew of or inquired for.

A fine example of his capacity for friendship was his association with the late Senator David I. Walsh. His loyalty outlasted death, for each year since Senator Walsh's death, Phil Philbin arranged for memorial ceremonies, and so kept alive the memory of another great Clintonian.

Lastly, Phil Philbin was a faithful Christian—which is not a separate title but the sum of all his roles in life.

It is our sincere hope that today, together with his namesake, the Apostle Philip, his wish has been fulfilled. To this we add our love and affection for a friend we will greatly miss, but never forget.

SALT—NEXT STEP IN DISARMAMENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SCHMITZ. Mr. Speaker, Gen. Thomas S. Power, "Design for Survival," said:

It is, therefore, up to the American people to decide which road to survival they want to choose. The choice is by no means easy. The active proponents of one-world government have a very saleable product to sell—peace without an arms race—and they are both vocal and convincing. . . . Unfortunately, however, our approach—survival through military supremacy—ostensibly entails far greater sacrifices and risks, and therefore has less appeal to those who seek a quick and easy way out. Still, it is the only approach which will permit national survival. This is the approach we have followed to this day, and it has proved successful. . . . The two approaches permit of no compromise because they point in exactly opposite directions. Therefore, in making their choice, our citizens must select one or the other, realizing that once they have chosen the road to disarmament and one-world government, there can be no turning back.

The principal features of the SALT arms limitation agreements made in Moscow between the United States and Soviet Russia, and soon to be presented to both Houses of Congress, are summarized as follows by a select group of Senators including BARRY GOLDWATER and JAMES BUCKLEY:

The Moscow agreements freeze the United States at a 4-to-1 disadvantage comparing our overall missile payload to that of the Soviet Union;

The Soviet Union has three missiles for every two of ours, theirs are substantially larger, and the agreements guarantee that this gap will remain and probably widen;

Soviet missiles carry payloads several times larger than those of U.S. missiles, an advantage which the agreements not only protect, but allow to be enhanced;

The agreements forbid the United States to increase the number of its nuclear submarines while authorizing the Soviets to continue building them until they equal and then surpass the United States.

On the House Floor recently some fiscal conservatives were trying to cut appropriations to the U.S. Arms Control and Disarmament Agency. I raised the question: For what purpose are we supporting a Disarmament Agency in any form? The fact is that since 1962 we have been engaged in formal disarmament negotiations in Geneva, conducted by this Agency, always with the stated purpose of "the total elimination of all armed forces and armaments except those needed to maintain internal order within states and to furnish the United Nations with peace forces." It is significant to note that Paul Nitze, Assistant Secretary of the Navy in 1962 under a Democratic administration when these negotiations began, reappears 10 years later under a Republican administration as a leading big-name negotiator of the SALT agreements. Reducing American forces to a level of permanent inferiority to the Soviets is a long step toward the kind of disarmament sought since 1962, most likely to be followed, once accomplished, by a push to limit U.S. arms to the point that they are inferior to those of the United Nations as well.

Such disarmament is buying national suicide on the installment plan. Last year Gen. Curtis LeMay, former Air Force Chief of Staff and founder of the Strategic Air Command, warned that if present trends in arms limitation continue, this country can look forward within 18 months to some type of ultimatum from our principal arms rivals. Even the disarmament-prone New York Times pointed out in an editorial June 5:

That [Soviet] edge includes 40 per cent more intercontinental ballistic missiles (1408 to 1000) and missile-launching submarines (62 to 44), one-third more submarine-launched ballistic missiles (950 to 710) and a threefold Soviet advantage in megatonnage of total missile payload. Much of this appears in writing in the five-year agreement freezing strategic offensive missiles.

Defense Secretary Melvin Laird admitted a year ago that "we have been in a period of almost moratorium since 1967 on new strategic weapons deployment" while noting in the May 4, 1972, issue of Commander's Digest that we are "in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space."

Shortly before the SALT agreements were finalized in Moscow, the Senate Judiciary Committee released an updated study pointing out that of 25 agreements signed at previous summit meetings, 24 had been violated. So we dare not even fall back on the forlorn hope expressed in a recent State Department briefing for congressional wives, admitting that the SALT agreements establish a missile gap favoring the Soviet Union, but nevertheless justifying them on the grounds that without the agreements the gap would expand. If we abide by the agreements, we can be sure that the gap will expand as soon as the Soviets decide that the time has come to break it.

Let the State Department be advised never to talk to women, especially when one of those women is my wife. Let the American people be advised that we must pay heed to General Power's warning and fight for America's national survival. SALT must be returned to its proper place—the dinner table.

KEMP END-THE-WAR RESOLUTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEMP. Mr. Speaker, to follow is the full text of House Concurrent Resolution 634 which I have introduced. It is my fervent hope that this resolution will make it possible for this Chamber to endorse a goal of peace in Vietnam with a unanimity to which it is seldom accustomed.

The resolution follows:

HOUSE CONCURRENT RESOLUTION 634

Whereas the continuing war in Southeast Asia is of great concern to the people of the United States;

Whereas the current military invasion of South Vietnam by the forces of North Vietnam has contributed to the escalation of the war;

Whereas a lasting peace in that region can be achieved only through agreement between the Great Powers, the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and the indigenous people of the latter two countries; and

Whereas the United States Congress cannot by a leigslative Act impose an agreement upon the parties so as to end the war, guarantee the release of the prisoners of war, settle political issues, guarantee the peace, alleviate human suffering in the region, guarantee self-determination of the people of Vietnam, and reunite the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in Southeast Asia should be to immediately resume and continue negotiations to achieve the following objectives and agreements:

1. An immediate cease-fire by all forces;

2. Complete and total withdrawal by the Democratic Republic of (North) Vietnam of all men and equipment from the Republic of Vietnam, Cambodia, and Laos;

3. Concurrent withdrawal of all remaining military forces of the United States, the People's Republic of China, and of the Soviet Union, and all other foreign military forces, from Vietnam;

4. A cessation of the shipment of arms and war materials to the Democratic Republic of (North) Vietnam and to the Republic of (South) Vietnam;

5. Free elections, supervised by the United Nations:

(a) to determine whether the two countries should be reunited under a common government;

(b) to determine the form of government for the reunited country if a reunited country is preferred by the people of both countries;

(c) to determine the form of government for each country if separate and sovereign countries are preferred by the people of each country;

6. Supervision and enforcement of the peace in Vietnam, Laos, and Cambodia by the United Nations; and

7. Economic aid to the countries of Southeast Asia by the United States and other members of the United Nations: Be it further

Resolved—

A. That in order to facilitate negotiations toward the objectives and agreements enumerated above, it is the sense of Congress that immediately after the achievement of a cease-fire, all prisoners of war then held by the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and by insurgent forces, be released, under the supervision of the International Red Cross for voluntary repatriation, and that all parties to negotiations prepare and exchange lists of the missing and unrecovered dead so that the International Red Cross may make a full accounting for all missing persons.

B. Immediately after the confirmation by formal agreement of the policies and procedures set forth in this resolution between the national parties named herein and any necessary additional parties and the completion of action taken to return all prisoners of war, as specified in paragraph A; the parties to this agreement shall announce a certain date for the complete and final withdrawal of all foreign military personnel from all Indochina, and the total withdrawal must take place on or before December 31, 1972.

INDIAN POINT NO. 2

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. FISH. Mr. Speaker, on Monday, June 19, 1972, the Atomic Safety and Licensing Board held a licensing hearing at Croton on Hudson concerning the licensing of a proposed atomic energy plant known as Indian Point No. 2.

Due to severe environmental effects caused by Indian Point No. 1 plant which is in operation, the present proposal to license a second nuclear energy plant in the same location has caused grave concern among residents of that area. At the June 19, 1972, hearing I made a limited appearance before the Board and issued the following statement. I include it in the RECORD so that my position in this matter will be known not only to the Board, by to my colleagues in the House:

STATEMENT OF THE HONORABLE HAMILTON FISH, JR., BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Mr. Chairman, I am Hamilton Fish, Jr., Member of Congress representing the 28th Congressional District of New York. My present District includes four counties which border the Hudson River and the entire area I represent has had a long continuing, historic interest in the Hudson for transportation, fishing and recreation. Further, I am now running for re-election in the new 25th Congressional District, which contains Dutchess, Putnam and Northern Westchester Counties, as well as parts of Ulster and Columbia Counties. All of these counties border on the Hudson River. Most significantly, the Indian Point plant is physically located in the new 25th.

Thus, it is for the purpose of protecting these traditional interests of my present and future constituents that I am making this limited appearance before you today. I am appearing to express my concern over the possible consequences of a nuclear accident at this plant, as well as the environmental and public health implications of the proposed routine emission of radioactive materials from this plant into the water and into the air.

THE GRAVE RESPONSIBILITY OF THE ASLB

Mr. Chairman, you and your colleagues have a grave responsibility, one that demands the best of scientific and technological competence on one hand and the rare ability to integrate into your deliberations, consideration of public welfare on the other. You have before you a record in which the utility argues strongly about the need for this additional generating facility and warns of the potential power shortages that could occur should this project be delayed. It further asserts that the anticipated environmental effects are at least balanced in the scale of public values by the benefit of the electrical output of the plant. To counter the powerful voice of this utility, which is well amplified by the voices of its experts, there is only the feeble voice of the intervenors, who lack the resources to launch the exhaustive analysis of the assumptions, oversights, or even possible errors in the analyses of the utility and of the AEC itself. So the fundamental thought I would leave with you is that this Atomic Safety and Licensing Board should assert to the utmost its independence under AEC regulations, and that it probe deeply and incisively into the assertions of the utility. Further, that it treat with close attention the views of the intervenors, for in those views may be contained the kernels of some fundamental truths that bear directly upon the issue whether this plant should be licensed to operate, and, if so, under what special conditions.

ATTENTION TO NONRADIOLOGICAL FACTORS

Mr. Chairman, at this stage of the licensing process for the Indian Point 2 nuclear power plant, you have to dal with the non-nuclear environmental effects. You well know, the Calvert Cliffs decision with its judicial reading of the National Environmental Policy Act. You may know that in the Congress, I was an original co-sponsor of this legislation and have since been a vigorous supporter of it. Because of the interest of my constituents in the Hudson River, in preserving its quality and character, I particularly welcomed that part of this decision having to do with AEC's responsibility to consider the effects of nuclear power plants upon water quality. I would recall for the Board part of what Judge Skelley Wright wrote. He said, and I quote:

"NEPA mandates a case-by-case balancing judgement on the part of federal agencies. In each individual case, the particular economic and technical benefits of planned action must be assessed and then weighed against the environmental costs; alternatives must be considered which would affect the balance of values. . . . In some cases, the benefits and possible costs may lie anywhere on a broad spectrum. . . . The point of the individualized balancing analysis is to ensure that, with possible alternations, the optimally beneficial action is finally taken."

Going further, the Court made it abundantly clear that while the granting of a license by the AEC is contingent upon a water quality certification, the AEC is not precluded from demanding water pollution controls from its licensees which may be *more strict* than those demanded by the certifying agency. The Court clearly expects the Commission to balance the overall benefits and costs of a particular proposed project, and consider alterations (above and beyond the applicable water quality standards) which would further reduce environmental damage. Yours is the heavy responsibility of giving substance to this judicial reaffirmation of the purposes of NEPA.

THE NATURE OF MY PARTICIPATION

At the outset let me say that I do not pretend to know about the intricacies and subtleties of design of a nuclear power plant. I am not a professional nuclear engineer, nor a health physicist, nor an expert in the effects of waste heat and what to do about it. I am none of these. Rather what I have to say reflects my continuing awareness as a Member of Congress who has strongly supported and closely followed the enactment and subsequent application of the National Environmental Policy Act.

THE DISADVANTAGE OF THE INTERVENOR

In preparing this statement of concern, I have come to learn something of the built-

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in disadvantages of AEC's licensing system to the intervenor; disadvantages which from my standpoint may make it too easy for the powerful, wealthy utilities to use big name experts to stifle the voices of the intervenors. So I would hope that the Board will listen carefully to what the intervenors have to say. Despite possible expressions of impatience by the AEC, the utility, or the nuclear industry with the pace of these hearings, I would hope that the Board will give the intervenors the full measure of time they will need to effectively make their case. The additional time this will take will be infinitesimal in comparison with the loss of time attendant upon a nuclear accident in a plant too hastily licensed.

THE FISH KILL ISSUE

Probably the most immediately pronounced environmental effect of Indian Point 2 will be its impact upon the microscopic plants, animals, and the fish of the Hudson River. We already know from the experience with Indian Point 1 and from recent experiences with tests of the water pumps for Indian Point 2, that fish are being killed and will continue to be killed by the systems for taking cooling water from the river. In this connection, I would draw your attention in particular to the statement of the Hudson River Fisherman's Association, submitted to this Board on June 1, 1972.

From my own reading of the draft environmental statement for Indian Point 2, it is clear that the AEC's own regulatory staff see some real and as yet unresolved problems with regard to unacceptably severe effects of this power plant upon the fish and other marine life of the Hudson River. The staff raises questions about the design of the intake structure; the thermal load level; the possibility of waste heat reducing the oxygen contents of the waters and the resulting toxic concentration that will be produced in the Hudson. Further, the AEC staff report on page V-31 discusses the substantial fish kills earlier this year and notes that all the fish kills at Unit No. 1 appear to have been associated with the Plant's condenser cooling water system. The draft statement then says, "Indian Point Unit No. 2 has an intake structure similar to that of Unit No. 1 and is likely to produce similar fish kills."

Mr. Chairman, I realize that a great deal of attention has been given to this one environmental effect of Indian Point. Perhaps the utility may argue that a few fish are not worth all this fuss and bother. I can assure you that we who live in the communities and counties along the Hudson River do not see it that way. If the utilities insist upon using modern technologies that can adversely affect the environment, then these technologies must be house broken.

In the case of protecting the fish, the most reliable way to cope with the cooling problem may be to put in cooling towers. This would resolve the effects of waste heat upon microscopic plant life in the river, upon the plankton which is essential to the life cycle of the fish and other creatures, and upon reproduction and vitality of the fist population. It could also reduce the killing of fish and marine life from entrinment in the cooling system and from impingement upon the guards and other barriers of the cooling syatem inlets.

Putting it another way, there is no social justice in the concept that in order to save the applicant money that the Hudson River at Peekskill should be turned into an aquatic desert. The technical means exist to keep the waste heat from Indian Point 2 out of the river. I submit that this Atomic Safety and Licensing Board should give every consideration to making construction and use of cooling towers a condition of the operating license.

THE REACTOR ACCIDENT ISSUE

A less likely, but potentially urgent cause for public concern, is the possibility of certain kinds of accidents occurring within a large nuclear power reactor of the Indian Point 2 type that could lead to an uncontrolled release of a dangerous amount of radioactive wastes. Certainly, the Board is aware of the questions on the so-called emergency core cooling issue which are being raised at the controversial rule-making hearings still going on before another Atomic and Safety Licensing Board. I would hope, for example, that this Board will examine the statement of the Union of Concerned Scientists of March 23, 1972, in which is submitted a technical evaluation of emergency core cooling systems (c.f. Docket No. RM 50–1). According to their analysis, under unfavorable meteorological conditions, such as a temperature inversion at night, and assuming of 20 percent release of the fission product inventory, lethal effects could extend 75 miles downwind in a strip of as much as two miles wide, with radiation injuries likely from one to two hundred miles.

Now I do not personally know how valid is the analysis of the Union of Concerned Scientists. But I must assume that because it is the product of reputable scientists, at as eminent an institution as Massachusetts Institute of Technology, that it has some basis. This suggests to me the need for some very definite answers to the questions they raise before Indian Point 2 is licensed for operation.

I would hope that at the very least, this Board will restrict the power output of Indian Point 2 to a level well below its maximum design output until the research and experimentation needed to demonstrate the adequacy and reliability of these and other safety features of large power reactors has been satisfactorily completed.

The facts that such results would not be available for several years at the earliest and that such limitation would reduce the income to the utility do not constitute sufficient reasons in my opinion to subject the surrounding communities to whatever degree of risk of an uncontrolled nuclear accident that may be revealed by future safety research and experimentation.

THE PROXIMITY TO POPULATION

At this stage of the evolution of the nuclear industry, I am greatly concerned about a project which would ultimately place four nuclear power reactors so close to large centers of population. While the Board already has in hand information on this population, it bears reiteration that the Indian Point complex is located only a few miles south of Peekskill, that a population of over 50,000 is to be found within a 5 mile radius, that the thriving city of White Plains is but 17 miles away, and that all of the New York metropolitan area is within a 50 mile radius. With Indian Point unit 1 and 2 in operation, they together will contain an inventory of many billion curies of fission products, which is an amount of radioactive material so enormous that I cannot comprehend it. Of course the applicant will provide an impressive array of witnesses as necessary to testify that the protective devices and measures to safely confine these extremely hazardous materials will work as advertised.

I hope that as the Board considers the population issue, it will keep in mind the cautionary letter of the AEC's own Advisory Committee on Reactor Safeguards of September 1969 which pointed out that the proposed site represents a relatively high population density to be so near a large nuclear power plant. At the end of its hearings, should the Board decide to issue the construction permit, I hope the conditions of the permit will insure that the safety measures are generous and redundant, rather than the base minimum which the applicant thinks it can specify and still get favorable action.

THE ROUTINE EMISSION OF RADIOACTIVE WASTES ISSUE

Indian Point 2 is designed to routinely emit certain radioactive wastes to the environment. The draft environmental report is specific on this point. It says that the plant is designed to release radioactive materials to the environment ". . . in accordance with the Commission's regulations as set forth in 10 CFR Part 20 and 10 CFR 50."

I realize that the amounts of radioactive wastes so released are thought to be so small as not to warrant the expense of collecting them. On the other hand, I am aware that principles of radiation protection hold that exposure should always be as low as practicable, that no exposure should be allowed without expectation of benefit, and that all radiation is potentially harmful. To me these principles clearly indicate that if it is technologically feasible to contain even these small amounts of wastes as an alternative to discharging them to the environment, then economics should not be the deciding factor.

Also, as concerns emission of "small" quantities, it is by no means evident to the public what it meant by "small" and, furthermore, whether "small" routine emissions from many large nuclear power plants in the same air and water sheds could lead to accumulations of unacceptable quantities. The issue of levels for routine emissions of such wastes is still very much an open item. The AEC's public rule-making hearing on its regulations which would keep releases of radioactivity from light water cooled nuclear power plants to a level "as low as practicable" has yet to produce any new definition.

Considering this uncertainty as to the basis for AEC regulations governing routine release of radioactive materials, I find it difficult to see how this Board at this time can adequately analyze those features of the Indian Point 2 that relate to such release. While in principle, a licensee could be directed to make changes after the final regulations come down from the AEC; my experience with human nature and organizations and their administration strongly indicates that public safety would better be served by waiting until AEC concludes its rule-making for this matter, rather than trying to change the design after the fact.

THE AUTHORITY OF THE REACTOR OPERATOR

Another important question concerns the authority of the man at the controls to shut down the reactor. I would hope that the Board will carefully explore and find out who has the authority to shut down the reactor should some aspect of its operation indicate that something is not normal. From some things I have heard, it is not clear to me how much the man in the control room can exercise his own judgement and how much he must inform and defer to higher authority, and await their decision. It would seem to me to be more in the public interest that a power reactor may occasionally be shut down for reasons that later prove to be minor rather than that it be operated up to the brink of disaster because no one is readily accessible with personal authority to shut it down.

In a similar vein, the Board may wish to indicate its view as to the desirability of having a resident AFC official present in the control room of the power plant during the first year of its operation with authority to shut down the reactor or to reduce its power level at any time in his judgment, without seeking concurrence from higher authority. Just as the launching of an enormously expensive space rocket is subject to the judgment of a range safety officer, so, too, the initial operation of a large nuclear power plant should be subject to supervision by an officer present in the control room with personal authority to shut it down if, in his opinion, there is any question of safety.

THE NEED FOR POWER ISSUE

Let me finish with a brief discussion of the energy needs issue. Granted that there is much talk of a power shortage in the service area of the applicant. But the AEC draft environmental statement seems deficient to me in the adequacy of its analysis of the true dimensions of this factor. The AEC seems to rely too much upon the self-serving estimates of the applicant and the analyses of the Federal Power Commission which bases its reports on utility-supplied information. This situation reminds me of the recent decision of the U.S. Circuit Court of Appeals in *Greene County vs. the Federal Power Commission* (3 ERC 1595). I participated as a formal intervenor in this case where the FPC considered a utility's request for authority to construct a power transmission line. The Court held that the FPC had to prepare its own NEPA review, that it could not simply accept the review of the applicant and circulate that for comment. I bring this up in connection with the licensing of Indian Point 2 because so much of the urgency associated with this action is based upon analysis of the power demand situation. It seems to me that the logic of the Greene County case would require the AEC to more independently analyze the electricity supply and demand situation, and also the alternatives to immediate operation of Indian Point 2.

I hope the Board will require a thorough, independent, tough-minded analysis of the power situation before it reaches any conclusion that the demand for electricity in this instance is so immediate, real and urgent that the public should be subjected to the still unknown risks that I mentioned earlier in connection with the issue of reactor accidents.

CONCLUSION

In conclusion, my overall purpose in this statement of concern is precisely what its title indicates: to express to the Atomic Safety and Licensing Board which will hear testimony on the Indian Point 2 project the concerns and doubts that beset this Member of Congress. I hope that this expression will sharpen the perception of the Board in its realization of the awesome decision they will make, and re-enforce their realization of the need to be conservative and rigorous in its judgment. Finally, in making this judgment, I hope that this Board is guided by the spirit as well as letter of the National Environmental Policy Act.

Thank you.

THE DEATH OF REPRESENTATIVE PHILIP PHILBIN, OF MASSACHUSETTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CAREY of New York. Mr. Speaker, I am deeply saddened by the passing of my former colleague, the Honorable Philip Philbin, whose dedicated and devoted service for half a century in Congress is exceeded only by the esteem and respect in which he was held by his colleagues. An admired legislator, and a person of integrity and personal charm, Congressman Philbin leaves more than a record of legislative accomplishment; he leaves an example or inspiring leadership. It was a privilege to have known and worked with him and along with my fellow Americans I mourn his passing.

PEKING AND THE TRAFFIC IN NARCOTICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CRANE. Mr. Speaker, there has been much discussion in recent days about the role of Communist China in the production of and traffic in narcotics and dangerous drugs.

A report published in England in April 1972, for example, declared that "The Chinese Communist Government exports illicitly 2,000 tons of opium a year to the non-Communist world."

Prepared by James Turnbull, professor of applied science at Britain's Royal Military College of Science, the report states that "The annual sales are estimated to be worth $500 million to Peking."

Professor Turnbull writes that—

The covert dissemination of opium narcotics, in particular the addictive drug heroin, for commercial and subversive purposes represents one of the gravest threats to the armed services and societies of the free world.

Another recent discussion of Communist China's role in the production and distribution of narcotics came from Lt. Gen. V. H. Krulak, U.S. Marine Corps, retired. Addressing a meeting of the Copley newspapers he declared:

The Chinese Reds do want hard money—and opium is probably China's greatest export staple. They are doing everything they can to improve and expand opium culture, and it is estimated that they earn almost a billion clandestine dollars a year from their dope sales.

This situation should be carefully investigated by the Government agencies which have responsibility in this area. In an editorial, the Indianapolis News points out that—

The obvious motivation for peddling heroin in this fashion is not profit, but ideology. When we add to this the well-documented history of Communist involvement in the drug trade, plus the highly credible report of Chou En-Lai's statement that Peking was producing drugs for the demoralization of U.S. soldiers, the pieces fit together all too neatly.

The News concludes that heroin is, indeed, coming from Communist China and "it takes a monumental act of political will to slice the evidence otherwise."

Declares the News:

Unfortunately, the U.S. government at this juncture has pressing reasons to do just that. Unless Red China's drug trade is somehow ignored, the recent hoopla about a new era of peace and amity with the Chinese Communists looks pretty hollow.

I wish to share this important editorial, which appeared in the Indianapolis News of May 12, 1972, with my colleagues and insert it into the RECORD at this time:

PEKING DRUGS

In recent editorials we have discussed the mounting evidence that Communist China is the world's chief supplier of addictive drugs, and that the Nixon administration has been rather studiously ignoring this fact.

Those comments took note of researches by Philadelphia assistant district attorney Jon Steinberg, who conducted an inquiry into the drug situation in Vietnam as an investigator for the U.S. Senate's subcommittee on juvenile delinquency. Steinberg is an objective analyst of the drug problem, with no discernible axe to grind, and it is therefore useful to explore his findings at some length. They suggest, on several counts, that Red China is the principal source of heroin in Vietnam.

In testimony before the Senate subcommittee, Steinberg recited the dismal history of narcotics addiction among Americans in Indochina. He noted that the influx of high-grade and extremely deadly heroin into Vietnam began in the late summer of 1970—in the wake of the Cambodian incursion, which represented a military setback for the Communists. He observed that "known drug-overdose deaths increased 175 per cent in August and September and combined with suspected overdose deaths the increase is 1,000 per cent . . ."

The timing of the drug explosion suggests an obvious strategic motive—permitting the Communists to recoup their military losses by inflicting countervailing losses upon the Americans. That view gains credence from another consideration cited by Steinberg—the fact that the heroin was, "by U.S. standards, practically being given away to our troops." Heroin that would sell for as much as $80 an ounce in America was going for a rock-bottom $20 an ounce in Vietnam. It was, in effect, being "dumped."

The obvious motivation for peddling heroin in this fashion is not profit, but ideology. When we add to this the well-documented history of Communist involvement in the drug trade, plus the highly credible report of Chou En-lai's statement that Peking was producing drugs for the demoralization of U.S. soldiers, the pieces fit together all too neatly. Steinberg's own common-sense conclusion is that the heroin is coming from Red China, and indeed it takes a monumental act of political will to slice the evidence otherwise.

Unfortunately, the U.S. government at this juncture has pressing reasons to do just that. Unless Red China's drug trade is somehow ignored, the recent hoopla about a new era of peace and amity with the Chinese Communists looks pretty hollow.

U.S. COURAGE, CHARACTER, CAPITAL EVIDENT TO WORLD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BOB WILSON. Mr. Speaker, I know that I join with millions of Americans and peace-loving peoples around the world in hailing President Nixon's recent efforts to improve relations with Communist China and Russia and to bring the war in Vietnam to a permanent conclusion. I would like to share with my House colleagues a recent analysis of the President's foreign policy initiatives by Elizabeth MacDonald Manning, editor in chief of Finance

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magazine, reprinted in the June 18 issue of the San Diego Union.

U.S. COURAGE, CHARACTER, CAPITAL EVIDENT TO WORLD

Now, more than ever, we are aware of the American presence making the world scene. The star is President Nixon, and he is living proof that this country and its citizens still have the courage and the concerns which mark and measure the stored-up strength of a nation built on reality, not rationalization.

When future historians reflect on our present problems, free from the impediments of internal politics and wishful thinking. President Richard Nixon will be recognized and maybe revered for his unfaltering faith that peace is possible and coexistence is negotiable without sacrifice of the American character.

Perhaps the Russians believed that we Americans are so tired and dispirited and fused that we would accept the forcible expansion of Communist power in Vietnam and still talk business as usual in an election year. But the Russian assessment that the United States would stand still for humiliation because it might risk a presidency or cancel out trade relations or even trigger a complete confrontation, does not take into account the basic American character represented by its President. He knows, and we citizens know it, too. There comes the moment of truth when, if you don't hit back, you hit bottom.

American political life is not geared to deal with its moments of truth. Large emotions enter the scene, but somewhere, not too far off in the distance, our national common sense sneaks in the back door, bringing a neutralizing antidote to the intensity of strongly-felt differences. At this point, we can understand the urgent need to remove archaic human antagonisms and to find a new conviviality based on respect as well as economic power.

We are shaped by the past even as we endeavor to fashion the future. We are determined to learn to work together, to exchange skills and knowledge, to join our efforts to improve ourselves and others, to use our capital wisely, and to contain the climate of coexistence. These are the concerns which reflect the American character, and if our President prevails, the charting of our lives and millions of others will be affected, and we shall be living in a very different, better world.

A SALUTE TO EDUCATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROE. Mr. Speaker, the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a state and nation depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions.

Here in America we have come a long way since the one-room "Little Red Schoolhouse" and the measure of our progress in today's world is evidenced by our preeminence and leadership as the most advanced sophisticated scientific technological society in the history of mankind. I am pleased to participate with my colleagues here in the Congress in this salute to our educators and their contribution in helping to achieve the preeminence that our Nation attained.

We are all agreed that in the wake of our achievements we have created certain problems in the educational field that offers even greater challenge to our present day educators and those yet to come. Of major significance is the imbalance of inequities in attaining uniform quality education in all geographic areas of our country. It is axiomatic that with the exploding population and our sophisticated advancements in knowledge and the learning process, there is a desperate need for expanded educational opportunities for all levels of our society. Overcrowded, inadequate facilities in our elementary and secondary school systems are glaringly apparent. Higher education has become universal and is a must for many young people and adults alike who are seeking worthwhile careers of expanded career opportunities as well as to satisfy the high idealism of most young people who desire an opportunity for active participation in achieving a better world for all of us.

During the 1971–72 school year, more than 61 million Americans—almost 30 percent of our entire population—were engaged as students in our Nation's educational pursuits. Throughout the month of June, more than ? million young people will be graduating from our high schools as compared with around 2 million 10 years ago. Today, as a result of the efforts of our educators over the past decade, we find that 60 percent of the adults in the United States can now boast of at least a high school diploma, compared with only 43 percent of U.S. residents in 1960. Meanwhile, at the college level, approximately 8.5 million students were enrolled in our Nation's colleges and universities during the past school year and the number of June college graduates continues at record levels.

The constant and steadfast willingness of America's educators to tackle difficult educational problems and to keep trying to improve the quality of educational opportunities even when there are no easy solutions continues to be of major significance in maintaining our leadership in the educational field throughout the world. In the struggle to better meet the special educational needs of educationally disadvantaged children, for example, a number of teachers and administrators have had to face both disappointment and frustration. Yet most educators have continued to seek and apply resolutions to improve their instructional approaches meeting these problems head on, which is essential if we are to achieve our goals and provide equal educational opportunity for all. In some classrooms, rigid curriculum schedules and bolted desks have given way to more open, flexible classrooms in the hopes of giving today's youth a more complete educational experience which will better prepare them for living in our complex world. And in many school districts, superintendents, principals, and teachers are concerned and working to find ways to more effectively involve parents and other community members in the educational decisionmaking process.

The educational system of our Nation needs substantive indepth revision. The facilities available, such as modern, up-to-date schools, necessary equipment and sufficient teaching staffs are simply just not adequate to meet the educational needs of our young people and to permit those of our teaching profession who have acquired the most modern, technological and scientific knowledge available today to translate their professional acumen effectively and meaningfully into an educational program that will provide optimum service to the youth of America. You may be assured that I have and will continue to wholeheartedly support the continuing and increased investment in educational development in our Nation through the dedication of more public and private financial resources and the fullest utilization of all available resources—public and private—including physical plants, library and research resources, laboratories, and so forth. I believe we have the expertise to effectively reconcile our objective and provide an educational system compatible to our total resources that can achieve the quality of education and way of life that we seek for ourselves and future generations to enjoy and reach even greater heights of fulfillment and purpose.

The American system of education has contributed much to our national strength in the past and continues to sustain our national life at present. I join with my colleagues here in the Congress in this salute to our educators who deserve our Nation's most sincere thanks and deepest appreciation on behalf of all of our people.

WASHINGTON REPORT OF CONGRESSMAN BOB PRICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf. The following is the text of my report of June 19, 1972:

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

SMALL BUSINESSES EXEMPTED FROM OSHA

Appropriation of federal funds for operation of the Departments of Labor and Health, Education and Welfare was the major item of legislation before the House of Representatives last week. It was an especially important bill to residents in our area, since the Occupational Safety and Health Administration (OSHA), which operates within the Department of Labor, was included in the bill.

OSHA has been one of the most controversial agencies of the government recently because the provisions of the Occupational Safety and Health Act of 1970 require that OSHA enforce health and safety standards against all firms, regardless of size either in respect to the number of persons employed by the firm or in respect to the economic feasibility of the firm's compliance with the standards set by that act.

As a result of the obvious hardship that would have been worked on the small businessmen of Texas had they been forced to comply with the provisions of the act, I introduced a bill in April that would have amended the act in such a way that small business firms would be excepted from the act.

The general provisions of the amendment I introduced in April were incorporated last week into the appropriations bill covering OSHA. I am happy to report that, working with many other Members of Congress, we were successful. I voted for it. Final vote on the amendment, which passed, was 213–154.

The exact language of the amendment is as follows: "None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970."

It was a great victory for those of us who have been trying to relieve the farmer and small businessman of the unnecessary hardships that compliance with this act would cause. While we must all be concerned about the health and safety of American working men and women, we must also make certain that those men and women have jobs—and compliance with some of the costly jobs—unnecessary portions of the act would have literally put many small firms out of business and cost many people their jobs.

TEXAS DROUGHT VICTIMS MAY APPLY FOR FHA EMERGENCY AID

Secretary of Agriculture Earl L. Butz announced last Friday that the Farmers Home Administration may make emergency loans to eligible farmers and ranchers in all counties in my Congressional district both old and new, through June 30, 1973.

The Department said an extended drought which started in 1970 has caused substantial loss of field and feed crops, and damage to pastures. Many farmers and ranchers will need emergency loans to complete their 1972 operations and for the 1973 operating year.

Farmers Home emergency loans are made to finance crop production, replace livestock, and for other expenses necessary to restore normal operations.

Applicants may apply for loans at the local Farmers Home Administration office serving the area.

To be eligible a farmer must have sustained damage from the drought or some other natural disaster. Farmers who borrow agree to repay their loans as soon as possible consistent with their repayment abilities. Loans are secured by liens as required to protect the government's interest.

GAS SHORTAGE CAUSES HOUSING CRUNCH IN PITTSBURGH AREA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MOORHEAD. Mr. Speaker, citizens in the Pittsburgh area are experiencing a housing problem directly related to the shortage of natural gas. Right now the housing problem is ours. But the gas shortage is threatening to become nationwide.

The inability of utility companies to offer new gas service to patrons are forcing builders to turn to alternate forms of power; namely, electricity for their houses.

The high cost of electricity and oil, in comparison to gas, essentially puts these homes out of the reach of those people seeking FHA assistance.

This problem has been encountered already in Penn Hills Township, a large municipality east of Pittsburgh. A recent article in the Penn Hills Progress discusses this predicament.

I would like to include this article in the RECORD at this time for the information of my colleagues and I hope they are becoming as aware as I of the dangerous proportions of the natural gas crisis in our Nation.

The article follows:

COULD AFFECT SUBSIDIES—GAS SHORTAGE PRELUDE TO HOUSING SHORTAGE?

ALLEGHENY EAST.—Moderately priced housing in the east suburbs could become as outmoded as a five-cent cigar within the next few years because of the critical shortage of natural gas.

This is the prediction of both contractors and gas company officials, who believe that a major restructuring of Federal housing subsidization standards must be made this year in order to keep homes within the grasp of middle-income families.

The new crisis in suburban housing, which plagues not only Allegheny County and Pennsylvania but the entire nation, has been brought on by the fact that utility companies are being ordered in many cases to refuse any new customers unless they can meet the requirements of their present subscribers. Late last year, the Pennsylvania Public Utility Commission (PUC) issued such an order to gas companies in the state.

At first the order applied only to new commercial and industrial consumers but was expanded this year to include private homeowners. The PUC told utility companies that it can take on new customers only if it can supply satisfactory service to both present and future consumers throughout the next five years.

Only one of the two gas companies serving the east suburban area has been able to meet the new PUC standards. Equitable Gas Company has already determined it can satisfactorily serve new residential customers, but does not accept any new industrial load additions that represent a peak-day demand of more than 10,000 cubic feet of gas.

Peoples Natural Gas Co., the other utility serving Allegheny East, cannot take on any new customers, residential or commercial.

So far the natural gas shortage has had little affect on home building in area municipalities. At the beginning of this year, contractors were notified to submit applications for gas service to Peoples before Feb. 15.

But time is running out, officials say, and by as early as next year, contractors may be forced to install oil or electric heating systems in new homes, thereby forcing the cost of new houses out of the range of present Federal Housing Authority (FHA) subsidization requirements.

"The simple fact of the matter is that we can't get gas," explained James Hoctor, division manager for Ryan Homes, a major residential building in Allegheny East. "If the situation isn't resolved soon," he said, "the gas shortage will knock out Federal low-cost housing."

Hoctor cited two reasons why new homes in the near future will not meet present requirements for subsidization, particularly under the popular 235 Program. "First," he explained, "a person's utility costs will be pushed up to a point where you're probably eliminating 20 to 30 percent of those people who presently qualify for FHA programs. Second, if we are forced to install oil or electric heating systems, the cost of which is almost $800 higher than gas heating systems, you're increasing the cost of a home anywhere from two to five percent.

"Here it becomes a merchandising problem," Hoctor continued. "People see the cost of housing has increased and decide to wait for a few years in the hope that prices will go down. And even if electric companies could compete with gas utilities, they have to fight the stigma that electric heating is much higher."

Right now, Hoctor admitted, the cost of electric heating systems in the home is almost twice as expensive as gas heating. "I know that electric companies are now making a study of the possibility of competing with the gas companies on a lower price scale," he commented, "but that study hasn't been completed."

The ban on new customers, meanwhile, seems to have affected only Penn Hills so far, where Peoples Gas Company sales director Dennis Daschalle reports, "We've been forced to refuse the applications of 10 new residential homes there.

"The applications were submitted by people who intended to build their own home," Daschalle continued, "and no contractor has been turned down yet. This is because we notified contractors by mail that they were to submit applications for new customers no later than Feb. 15 of this year. These private individuals probably never got the word and simply missed the deadline."

In Monroeville and Plum Boroughs, meanwhile, planning directors knew of no instance where developers were refused gas service. Monroeville Planning Director Jack Norris reported, "So far, the people who intend to develop have received approval from the gas company." Plum Engineer Herman DeSimone echoed a similar report for his Borough, saying, "It hasn't affected us at all."

Nor has new light industrial or commercial enterprise been thwarted by new gas company restrictions. "There hasn't been any business to our knowledge that has been turned down because of the gas shortage," reported Mrs. Evelyn Caldwell, director of Monroeville Chamber of Commerce.

"Most people know ahead of time where they're going to build," Mrs. Caldwell explained, "and the PUC order won't hit hard until some business tries to get started which hadn't made plans before the restrictions went into effect."

Peoples Gas Company spokesman Daschalle confessed that the present crisis reflects a "lax policy on the part of all gas companies in the past.

"Before it was company policy," he explained, "that when an individual gets his building permit he's supposed to get a heating permit as well. That's always been our policy and still is. But contractors got in the habit of building the structure, then applying for the heating permit after they had already installed the furnace and the lines. That's all changed. We're following our policy very strictly and it's very possible that as early as next year, we'll have to start turning down contractors."

Ryan Homes' Hoctor explained that the problem is not found in Pennsylvania alone. "We build as many as 6,000 homes a year nationally," he said, "and I can tell you frankly this problem stares us in the face everywhere we are."

Hoctor added, "There's no question that FHA loan requirements will have to be readjusted." He explained that the difficulty he and other contractors face is that single family homes under the FHA 235 price limitation cannot be built with heating systems other than those using natural gas. Currently, homes with three bedrooms cannot sell for more than $21,000 while $24,000 is the top price for four-bedroom houses.

Other problems with alternative heating systems involve the fact that houses with electric, oil or other heating systems are appraised lower for mortgage purposes since increased utility bills make homes less appealing to buyers. The average gas-heating costs per year are now $367.11 while oil heating systems cost $515.33 to operate. Electric heating systems are estimated to cost $674.94 a year to operate in an average sized home.

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Neither Daschalle nor Hoctor could see any inexpensive solution to the problem. In fact, if new housing construction in the east suburbs doesn't come to a grinding halt within the next 18 months, the cost of heating is expected to increase substantially for homeowners new and old and apartment dwellers as well.

"Right now," Hoctor related, "the gas companies are overtly admitting that the price of gas today doesn't allow for the high cost of drilling for new sources of natural gas. We expect that even if new sources of gas are found, today's gas prices will be as distant a memory as nickel cigars.

"Whether homes will have gas or electric heating systems will probably make little difference in the future," he added, "because gas homes will probably cost more anyway. No matter if people are going to rent or buy, their heating costs are going to be higher."

A TRIBUTE TO EDUCATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. RAILSBACK. Mr. Speaker, I am pleased to have this opportunity to pay tribute to our 50 million educators and to briefly note the increased significance placed upon education.

For an American born in 1800, the prospects for a good education were limited. There were no State-administered systems of public education. Only if his family was financially able could a student attend a private school or receive private tutoring at home. There were a few free schools for the very poor, but there was certainly no uniformity among the States and territories. At the college level, the system of private institutions had a similar haphazard character, and served primarily the wealthy class. In fact, less than 40 percent of all young people receive any formal education.

Fortunately, by the time the grandchild of a person born in 1800 was ready to start school, the conditions of American education had improved significantly. By 1870, statistics compiled by the Office of Education showed approximately 55 percent of the population between the ages of 5 and 17 were attending public schools.

The Morrill Land Grant Act of 1862 encouraged States to develop State colleges for the purpose of teaching "such branches of learning as are related to agricultural and mechanics arts." By 1920, the State-supported colleges and universities were a strong counterpart to the expanding network of private colleges and universities.

Over the past 50 years, a system of education for young people has been complemented in all States with educational opportunities for adults. In fact, nearly one-third of our population is now involved in the educational system.

I am a firm believer in the continued development of a strong system of education. I have supported numerous efforts on the local, State, and National levels to help our educators in their continuing quest for educational betterment. Most recently, I voted in support of the Education Amendments of 1972 and appropriations for the Department of Health, Education, and Welfare for fiscal year 1973.

The continuing strength of American education is our best hope for our continued success and future prosperity, and I have no doubts that our American educators will continue to respond to each new professional challenge with strength, vigor, and intelligence. I commend their efforts on behalf of our education system, and pledge my support to them.

VETERANS BENEFITS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I regret that I was unable to be present for business on the House floor on Monday, June 19 due to the airline pilots strike.

The House passed by overwhelming margins on that day two very important bills which I have long supported. I regret very much that I was unable to add my voice to the unanimity of my colleagues in passing both H.R. 15439 providing additional compensation for disabled veterans and S. 3343 providing an additional housing allowance for disabled veterans.

Mr. Speaker, in the last few years every other group to which the Federal Government provides salaries or allowance has received an increase. Only the disabled veterans have not been provided with an allowance adequate to offset the tremendous cost-of-living increases which we have all experienced in the last few years. These veterans, who have sacrified so much for the Nation certainly deserve our full measure of support to restore as much as is humanly possible their health, mobility, and comfort.

H.R. 15439, which was tabled in lieu of a similar Senate bill would: First, provide a 10-percent increase to veterans suffering from service-connected disabilities.

Second, abolish the withholding, after 6 months, of compensation of single veterans while they are in a hospital or domiciliary. This was recommended by the Veterans' Administration and there is no cost involved.

Third, extend to Spanish War widows the option to elect, if to their benefit, to receive pension under the "new" pension law we enacted in 1959, now available to widows of veterans of World Wars I and II, the Korean conflict, and Vietnam era. The Spanish War veterans themselves have had this option since 1960 and the failure to include their widows was obviously inadvertent. The Veterans' Administration does not object to this provision and the cost would probably not be significant.

Fourth, existing law authorizes the Administrator to extend certain relief in cases where veterans or their dependents have been denied benefits because of administrative error. This provision liberalizes the existing authority, is recommended by the Veterans' Administration, and the cost would be insignificant.

Fifth, this provision liberalizes and simplifies the authority of the Veterans' Administration to waive recovery of overpayments. It also liberalizes a veteran's release from liability under loan guaranty when he has disposed of the property. I am sure many of my fellow Members have run into hardship cases in this area and we are pleased to note that the Veterans' Administration has recommended this long-overdue change in the law.

Sixth, this final provision would authorize the Administrator to review all forfeiture for fraud cases which had been applied prior to September 1, 1959. On that date the law was changed to abolish forfeitures for fraud under the rationale that since criminal statutes were also applicable the administrative forfeiture was, in effect, a double penalty. Unfortunately, the 1959 law was prospective in effect only. This proposal is also recommended by the Veterans' Administration and they are unable to estimate the cost.

S. 3343 will increase the maximum payable to disabled veterans for specially adapted housing. Presently, a severely disabled veteran is entitled to 50 percent of the cost of a home and necessary land up to a maximum of $12,500. This bill would increase the maximum to $17,500. Veterans eligible under this provision are those who require special facilities in their homes such as ramps, special bathroom equipment, larger rooms, exercise equipment, and other devices essential for them to live as normal as possible outside a hospital.

Mr. Speaker, the average price of a new home according to the Veterans' Administration is $25,000. But for veterans who require special equipment in order to be mobile, the average cost of a new home is over $38,000. I realize that the Administration has stated that the present $12,500 maximum is sufficient. But it is apparent that the Administration's policies concerning the economy are not holding down prices. It would certainly seem reasonable and fair to provide for the additional costs which disabled veterans must incur.

This bill would also eliminate the provision in the law which preclude the interest rate on VA loans from exceeding the rate in effect under the National Housing Act. Under this bill the Administrator of Veterans' Affairs would have independent authority to adjust the rate of interest on guaranteed loans commensurate with changing loan market demands without regard or reference of the maximum interest rate on FHA loans under the National Housing Act.

A BLACK CHILD LEADS THE WAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. STOKES. Mr. Speaker, there is a little 4-year-old girl in Cleveland, Ohio, who, for the past 2 years, has helped to focus attention on her grandmother's educational efforts. The little girl's name is Traci Cade, and her grandmother is Mrs. Gloria Cade of the Edac Workshop in Cleveland.

Traci, who lives and travels with her grandmother, helped Mrs. Cade write two children's books—"Traci and the Kids" and "Traci Takes a Trip." These two books are part of Mrs. Cade's efforts to prove that, just because a person is poor, he should not be automatically considered either insane or immoral. It is Mrs. Cade's idea that children should be taught, at the earliest possible age, that poverty is not a disease that always infects the soul.

On June 9, 1972, Mr. George Moore, who writes for the Cleveland Press, devoted his column to Mrs. Cade and Traci. I would like to share their important efforts with the Members of this Chamber today.

Mr. Moore's article follows:

A BLACK CHILD LEADS THE WAY

(By George Anthony Moore)

A four-year-old black child named Traci, who has been basking in the public limelight for more than a year as an author of two books, will receive special recognition next Friday noon at an autograph party for her in Higbee's book shop. At that time, two books will be offered: "Traci and the Kids" and "Traci Takes a Trip." Both are in color.

Actually, Traci is a coauthor with her grandmother, Mrs. Gloria Cade, who is also pioneering in the area of printed matter to provide materials and methods which will help overcome the effects of deprivation and discrimination for children living in the ghetto.

Mrs. Cade is an ex-schoolteacher turned publisher and researcher in black history. She has launched a small publishing company to print and secure wide distribution of her exhaustive research into Negro history and culture. The firm is called EDAC Publishing Co. (Cade spelled backwards).

She is not just concerned with black children, because Mrs. Cade recognized that there are 25 million impoverished, deprived and misunderstood people—black, white and brown—in this country with children who are generally looked upon as psychologically sick and morally deficient. Because of this mentality, Mrs. Cade wants to humanize the school system by changing the materials being used.

When asked if some of the major publishing houses were not working in this direction, she replied that their efforts were too gradual and the results minimal. She is not concerned with criticizing these efforts, but in getting on with the business of correcting things.

Mrs. Cade is also interested in publishing materials for commercial consumption, since parents are the first teachers of children. She is concerned with training others to be familiar with materials relevant to minority children.

This is why she spent the past year as education and house director of the Afro-American House at Oberlin College. This is why she wrote and co-hosted 20 programs, entitled Black Interpretation, over WKYC-TV to the National Broadcasting Co. network. The broadcasts enlisted students from Cuyahoga Community College, Cleveland State University, Case Western Reserve University, Howard University, Kent State University and John F. Kennedy and Shaker Heights High Schools.

Traci has lived with her grandmother and has traveled everywhere with her. "Traci and the Kids" was written at Oberlin College where Traci was in the Headstart program. "Traci Takes a Trip," the beginning of a travel series, was done in Atlanta, while she was attending an independent school there, Learning House.

Traci Diane Cade is the daughter of Mr. and Mrs. Donald Cade. She has an infectious smile, pigtails, and boundless energy. Black children will relate to her and her books.

THE DEFEATISTS ARE AT IT AGAIN

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MONTGOMERY. Mr. Speaker, we are all aware that there are some people in America who will go to any extreme to depict our Nation as the culprit in Southeast Asia while bending over backward to excuse the naked aggression of the North Vietnamese. These same people are also the ones that will not admit that we are ending U.S. involvement in Southeast Asia and taking steps to bring peace. Because of his timely comments on the subject, I would like to share with my colleagues a speech by Richard G. Capen, Jr., on May 26 before the district convention of Lions International in San Diego, Calif. Mr. Capen is vice president of Copley Newspapers of La Jolla, Calif.:

THE DEFEATISTS ARE AT IT AGAIN

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease.

A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it'a a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas. They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called the President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie the President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moslems and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington law offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon's leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration, combat deaths have been reduced

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by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, the President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize the President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has the President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease-fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defending the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect the President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to the White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports the President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse the President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, the President has asked for the support of a unified nation. I believe he deserves that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

ADDRESS TO PRINCE GEORGES COUNTY COUNCIL OF SENIOR CITIZEN CLUBS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HOGAN. Mr. Speaker, on June 20, it was my pleasure to address the Prince Georges County Council of Senior Citizen Clubs, which was attended by two members of each of the 42 senior citizen clubs in the county. I discussed with them some of the major action under consideration by Congress which could have a tremendous impact on their lives.

Mr. Speaker, I now insert my remarks in the RECORD:

ADDRESS BY REPRESENTATIVE LAWRENCE J. HOGAN

Ladies and gentlemen, I am pleased to be here with you today, and to have this chance to discuss, at least briefly, some of the actions being taken by Congress to enhance the economic security and independence of older Americans.

I would first like to take a few minutes to tell you about a problem confronting a gentleman who visited my office a new weeks ago. He began his career at the age of 17 and worked continuously until the age of 65. He put some of his earnings into savings and always looked forward to retirement as the time when he could enjoy the things he could not do while holding a regular 9 to 5 job. This gentleman, now in retirement, 72 years of age and healthy, told me he has but one fear—that he will outlive his savings.

His fear of an inadequate retirement income is the number one concern of most older people. Unfortunately, the very people who brought our modern urban industrial society to birth, who worked hard all their lives, saved what money they could and maintained a reasonable standard of living during their working years are today threatened by the prospect of being poor.

Since they worked during the years of relatively low wages and before private pension plans had fully developed, they had little opportunity to build a sizable retirement income.

Perhaps as disturbing is the fact that inflation continues to worsen their plight. Housing and rental costs are rising, food prices are higher than ever, and the cost of needed medical care has become prohibitive.

The 1970 census showed that half of the 7.2 million older families had 1970 incomes of less than $5,053 while the median income of younger families was $10,541. Almost one quarter of the older families had incomes of less than $3,000. For the 5.8 million older persons living alone or with non relatives, the situation was even more grave. Half of these individuals had 1970 incomes of less than $1,951, an income just barely above the 1970 poverty index of $1,852.

Another hard fact is that elderly individuals have the poorest prospects of any adult age group to increase their income through employment. Unemployment problems have reduced job opportunities for older people, and even when jobs do become available many employers are reluctant to hire them.

They often feel the older worker is slower to learn and less apt than a younger person to take on long work or job training assignments. As a result, thousands of highly qualified and energetic individuals who are dependable and motivated cannot earn needed supplemental income.

Studies have shown that age alone is no criteria for determining whether an individual can perform on a job. Furthermore, in a country as rich as ours we must have the capacity and resources for expanding job opportunities for our older citizens.

Lack of services available for senior citizens is another serious problem. It is the responsibility of both the public and private sectors to foster the establishment of necessary services. Many older individuals need the help of counselors and social workers. They need transportation.

Some need assistance from home aides to keep their homes in good repair, or to select and prepare nourishing meals, as well as to have someone offer pleasant company to share the joys and ease the sorrows that life sometimes brings. At the present time too few services such as these are available in Prince Georges county and other communities throughout the country.

Numerous proposals have been introduced in Congress to help alleviate them. Many would directly increase the incomes of older citizens and also help to insure their independence and self reliance.

For instance, in 1969 Congress voted to increase social security and cash benefit levels by 15 per cent. And last year, Congress voted another benefit increase of 10 per cent. These benefit increases were enacted in order to keep social security benefit levels up to date with the rise in prices. I am afraid, however, they did not raise the income levels enough to enable elderly people to significantly improve their income position.

As a result, Congress is now considering proposals that would both substantially increase the incomes of the elderly and reform many of the existing provisions of the Social Security program.

Last June the House passed H.R. 1 which would liberalize Social Security and medicare/medicaid benefits and alter our welfare system. But frankly I resent having Social Security lumped as a hostage to welfare reform. Social Security is not welfare.

Since that time we have been waiting for Senate action on the legislation. The Senate Finance Committee passed its version of the bill last Tuesday. How the full Senate will respond remains to be seen.

The House and the Senate will eventually have to reach an accommodation on the legislation and the impact of that decision on older citizens will be enormous. So I thought we might concentrate for a few moments on the differences and similarities between the House and Senate legislation and zero in on the Social Security and medicare/medicaid provisions.

The Senate bill calls for a 10 per cent across the board increase in Social Security and disability benefits. However, the regular minimum payment of $70 a month for individuals and $105 for couples would rise only 5 per cent. Up to 30 million people would receive increases. The House bill calls for a 5 per cent across the board increase.

Both the House and Senate legislation provide for an automatic cost-of-living benefit increase if the consumer price index has risen at least three per cent in the preceding year.

The Senate bill would provide a guaranteed minimum monthly payment of $200 ($300 for couples) after 30 years in social security covered employment. The House legislation would provide $150 a month ($225 a couple) after 30 years' employment.

DELAYED RETIREMENT

Both the House and Senate legislation would provide a one per cent extra increase in benefits for each year an individual delays retirement beyond 65. This would apply to people already retired and to future retirees.

DISABILITY PAYMENTS

The Senate bill would reduce the waiting time for disability insurance benefits from six months to four months. The House version would reduce the time to five months.

WIDOWS' BENEFITS

Both the House and Senate legislation would increase widows' or widowers' benefits from 82.5 per cent to 100 per cent of what the deceased spouse would have received. This is in addition to the across the board benefit increase.

NEW COMPUTATION RULES

Both the House and Senate legislation would correct the current discrimination against male retirees and allow them to drop out three additional low paid years in computing their benefits.

OUTSIDE EARNINGS

Both the House and Senate legislation would also liberalize the so-called retirement test. Under present law, as you know, persons between the age of their retirement and age 72 are entitled to earn $1,680 annually without any reduction in retirement benefits. Between $1,680 and $2,880, however, for each $2 of earnings, $1 in benefits is taken away. For earnings above $2,880, every $1 earned is lost through a $1 reduction in benefits.

The new legislation, however, would provide for increasing the amount an individual can earn in employment and still receive his full social security benefit from $1,680 to $2,000. And it would reduce benefits $1 for each $2 earned above $2,000. The current provision of losing all benefits above the $2,880 level would be eliminated entirely.

Those are some of the highlights of the social security changes. Here are some of the proposed changes in medicare/medicaid benefits.

MEDICARE FOR DISABLED

Both the House and Senate legislation extend medicare coverage to persons retired on social security disability insurance, regardless of age, after they have been receiving disability payments for 24 months.

PREPAID GROUP PRACTICE

Both the House and Senate legislation would permit the government to contract with prepaid group practice health maintenance organizations, if a medicare beneficiary so desired, to provide medicare hospital and outpatient benefits.

MEDICARE "BUY IN"

Both the House and Senate legislation would enable persons 65 and over who are ineligible for social security to "buy in" to medicare hospital insurance by paying a special premium, which is $31 a month at present.

SOME DIFFERENCES

The Senate legislation has several provisions relating to drug costs that are not included in the House legislation. The Senate legislation would pay for most of the costs of maintenance drugs, such as insulin. A beneficiary would only have to pay $1 per prescription.

The Senate legislation also includes provisions to encourage the sale of equally effective but less costly drugs.

WELFARE FOR THE AGED, BLIND, AND DISABLED

One final point of interest on this massive legislation regarding welfare payments for the aged, blind and disabled. The Senate legislation is designed to guarantee aged, blind and disabled welfare recipients a minimum monthly payment of $130 if they have no other income at all, and to guarantee aged couples $195. Currently the maximum monthly payment for single aged recipients in Maryland is $96.

On the House side, the legislation would guarantee single, aged welfare recipients a minimum benefit of $130 a month.

The Senate legislation would also increase the income of aged welfare recipients who also receive social security benefits by disregarding the first $50 of income in calculating the amount of an individual's welfare payment.

This means that an aged welfare recipient receiving social security payments would be guaranteed a total income of $180 a month. Furthermore, the first $50 of earnings would also be disregarded, thus guaranteeing welfare social security recipients who have a job a total monthly income of $230.

There are, of course, many other areas relating to the economic security of older people now under study by Congress. One such area is the private pension system in our country. As you know, millions of mature workers lose pension benefits each year because of events beyond their control. Massive layoffs, mismanagement of pension funds, employer bankruptcies and ineffective regulations regarding pension plans are each contributing factors. For these reasons numerous bills before Congress are directed at both protecting the pension rights of older people and making private pension programs more responsive to the economic needs of pensioners.

In essence, the bills would secure the funding of pension programs so that workers could be guaranteed the money in their programs would be there when they retire. They would also protect the assets of pension funds against mismanagement and they would protect the pension rights of workers whose companies go out of business.

Additionally, they would ensure workers their pension rights if they stay with a job for a designated period of years, and they would enable workers to take their pension rights with them from job to job. It is important to note that these bills would assure 30 million individuals currently covered under private pension programs that their particular pension plan is both reliable and effective.

Another income related area receiving close and careful attention by Congress relates to the heavy burden of property taxes on older people. While the incomes of elderly people have remained relatively fixed in past years, property taxes have steadily risen. Between the years of 1967 and 1970 property taxes rose by about 35 per cent, nearly twice the average increase in the cost of living. I wish the State Legislature had directed its attention to this problem which has now reached such a crisis.

Senior homeowners are now paying over 20 to 40 per cent of their limited incomes for property taxes whereas the average urban household pays about 4 per cent of its total income for property taxes.

Elderly people living in apartments feel this financial squeeze in the form of higher rents. Moreover, it appears that property taxes will pressure older people even more so in years to come if reforms over local tax systems are not made. This is primarily a State problem, but President Nixon, in his message to Congress last March, announced two approaches on the Federal level to deal with this matter. First, he advanced the concept of revenue sharing so that States and local governments would have a better opportunity to grant property tax relief for older people. Secondly, he proposed a value-added tax as a way to raise money for Federal assistance to State governments so the States could take over some of the responsibility for financing public schools.

Congress is evaluating these ideas as well as other proposals aimed at providing ways to relieve elderly homeowners and renters from local property taxes.

In addition to raising the incomes of older people, Congress is considering legislation which would meet other critical needs of the elderly, particularly through changes in the Older Americans Act of 1965.

I am sure many of you are familiar with this act. Seven years ago it was hailed as landmark legislation because of its intent to stimulate the development of community programs for older citizens as well as research and training projects in the field of aging. In the intervening years, however, it has been realized that if this act were strengthened, more services could be provided at the local level.

Proposals being weighed would extend grant programs authorized by this act beyond their expiration date of June 30, 1972, and vastly expand them. They would provide for more comprehensive community services such as transportation, counseling and other social services, employment and volunteer opportunities, and recreational and educational activities, all of which are so vitally needed in Prince Georges County.

We recently enacted legislation to help senior citizens, especially those living alone, who are unable to prepare meals for themselves because of physical handicaps, etc.

Grants will be made through the State agency on aging to public and private organizations to establish and operate meal projects in local communities.

The meals are to be served at a social setting such as a school, senior citizens center or church. In addition, nutrition education classes and pertinent social services will be available for the participants of these programs. The projects are also to provide meals for elderly individuals in the community who are home bound.

As yet funds have not been appropriated for this program, but the President has requested that $100 million be budgeted for fiscal 1973. If this amount is appropriated, Maryland will be eligible for $1,465,000 in order to establish meal programs in our communities.

I am sorry time does not permit me to discuss more proposals before Congress. I think it's clear, however, that Congress is deeply committed to meeting the needs of the elderly, and that it is attempting through legislation to make retirement years those which are filled with purpose, dignity and security.

I believe similar action is necessary on the State and county level. In particular, I would like to see the development of a county department similar to the health department which would handle the problems of senior citizens and be their voice in local government.

Again, I would like to say that I am grateful for this opportunity to be able to discuss some of the steps Congress is taking to improve the well being of older citizens.

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I value your counsel and advice and am always eager to take advantage of your great experience as I carry out my responsibilities as your representative in Congress.

ATTITUDES, NOT WEAPONS, ARE CAUSES OF VIOLENCE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. SNYDER. Mr. Speaker, with all the debate over gun control being heated up here again in the Congress, I believe the following article by Col. Charles C. Oldham, one of my constituents and a former police official, should prove most interesting and enlightening to my colleagues here in the Congress. Colonel Oldham's letter, which appeared in the Louisville Times, is printed below:

ATTITUDES, NOT WEAPONS, ARE CAUSES OF VIOLENCE

(By Charles C. Oldham)

With the attempt upon the life of Alabama Gov. George C. Wallace, another sad chapter has been added to the political history of the United States. This attempted murder has brought about a spate of radio and newspaper editorials condemning the availability of handguns in the United States. A local radio commentator made a point of saying that unless handguns were removed from the American scene within the next decade, presidential elections, as we now know them, will disappear.

This commentator went on to speculate that if handguns were permitted to remain in the hands of the American people, only millionaires could aspire to and obtain the office of the presidency.

The obvious fallacy of such an assertion is that a very small percentage of American voters ever gets within "handshaking" or pistol distance of the candidates. Additionally, one who has spent hours in the planning of security for a presidential visit, and who has taken part in the actual security operation, I know of no absolute way to protect an exposed president even if there were no handguns.

A number of the editorials condemned those who support private ownership of guns. But contrary to the general thesis, it is attitudes that contribute to violence, and not the tools of violence.

This commentary will not be predicated upon statistics regarding the use of handguns, or the use of rifles, or the use of automatic weapons, nor, indeed, will it be predicated upon the use of other weapons such as knives, clubs, or even stones in the hands of capable people. This is not the time to deal in statistics, for no matter how many deaths may have been caused by handguns, or by rifles, or by knives, each man's death is the ultimate to him. No amount of statistics will change or add color or distract from that one passing. However deplorable it is to our political system to see aspirants for public office shot down, it is no greater tragedy than for the person who feels a cold blade enter his rib cage in some dark street, nor is it any more tragic than the helpless victim of a mad-eyed rapist, nor is it more to be deplored than those victims who die at the hands of some demonic arsonist. Death or the injuries that one sustains when an attempt is made on his life is to be deplored no matter what the circumstance.

Philosophically, then, let us consider what we can do about this tragedy, or about all of the tragedies: the knifings, the clubbings, the poisonings, the burnings, the rapings, the pillage. Our greatest failure, it seems to me, lies in the fact that our courts have not done the job that they have sworn to do, and this may largely be laid at the feet of those who are ever eroding our rules of evidence.

Every time a crime is committed with a handgun or any weapon, or indeed with bare hands, if the courts were to fix the penalties prescribed by law, despite the multitude of extraneous legal manipulations, these would, indeed, be the greatest deterrents.

Courts today, rather than finding that persons are guilty, often seem more bent upon trying the police officers who make the arrests. The proponents of the broader reach of the First, Fourth, Fifth, Eighth and 14th amendments of our Constitution are just as intent upon diminishing the Second Amendment, which gives us the right to bear arms in this free nation.

As law-abiding citizens, it isn't our desire to bear arms or to possess arms, be they handguns or long guns, for the destruction of people, but it is rather for the protection of our homes, of our property, and, most of all, our persons.

Nothing would please me more as an old policeman of long, long standing than to see the need for policemen, for guns and for protective measures disappear from the earth, but such is not about to happen.

Through all of man's history, strife, injustice, assaults have occurred. Only in periods when laws have been rigidly and impartially enforced has there been any diminution of the ravages of crime.

Let's assume for the moment that we were to pass gun confiscation, not registration—for indeed, confiscation is the true motive behind those who talk of registration laws. Let's assume that we were to pass confiscatory laws: From whom would the guns be confiscated?

Only the law-abiding citizens who would go down and turn in their arms or register them would be concerned. The hundreds of thousands and, indeed, millions of weapons that have been stolen from homes, military arsenals, manufacturing plants and from interstate commerce would never be registered, would never be turned in, but would remain in the hands of the potentially greatest dangers to this democracy ever known. The preponderance of these weapons are in the hands of would-be revolutionaries, and criminals who have rationalized the rectitude of their endeavors.

Parenthetically, one is moved to ask some questions, for example: Where were the voices of the gun repressors following the wanton murder of a presiding judge in California when he and others were abducted from the courtroom? Assuming, also, that we were to agree that confiscatory laws were the proper answer, how in a democracy can all clandestine weapons be found?

During the riots of recent memory in New Jersey, when quantities of machine guns were known to have been stolen, the Civil Liberties Union obtained a court order against a house-to-house search for weapons by the police, and strangely enough, I believe this court action was proper. It points up, however, that gun-registration laws cannot be adequately enforced in a nonpolice-state type of government.

An even larger question might be, are we reaping the whirlwind of too many years of too much civil libertarian court intervention? Not only has this meddling been in the area of criminal justice, but more insidiously it has been in the area of weakening our nation's moral restraints.

Thanks to those who weep loudest, now we no longer have prayer in our schools or Bible reading in our schools; on the contrary, channels of filth in literature and motion pictures have been opened through the expansion of the court interpretations of the First Amendment of our Constitution.

Repression, including gun controls, is not America's answer; America must once more love herself because her people love themselves, and Americans can only love themselves when they once more come to think of themselves as God's special handiwork.

AMERICAN BUSINESS DESERVES A PAT ON THE BACK—NOT A KNIFE IN IT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BOB WILSON. Mr. Speaker, during the past decade, Government at all levels and private citizens have become increasingly aware of the need to preserve and improve the quality of our environment. This is indeed an important and worthwhile undertaking and will have a critical effect on the type of life our planet is able to sustain in future generations. At the same time, some overzealous environmentalists seem to feel that progress per se is wrong regardless of the economic and social benefits to be gained. Ed Reinecke, the distinguished Lieutenant Governor of California and our former colleague in the House, has done an excellent dissection of the basic tenets of the antibusiness ecological extremists and I am certain the Members of the House will find his recent remarks in Pacific Business of particular pertinence.

ONE MAN'S OPINION: AMERICAN BUSINESS DESERVES A PAT ON THE BACK—NOT A KNIFE IN IT

(By Lt. Gov. Ed Reinecke)

One of the most significant social changes to emerge in the last 10 years is the environmental revolution. Within a relatively short time politicians from all sides of the ecological arena have begun calling for stronger conservation laws and an end to any pollution.

Our system has let us down, they say. Industrial development is immoral, worthless and damaging to society. Do away with growth, they say, curb technology, or the world will self-destruct in two generations.

Obscure scientists bask in front page publicity by describing disasters that might occur; politicians hail themselves as defenders of the environment against industrial polluters and crafty consumer exploiters; and the consumer as taxpayer is horrendously exploited. A few opportunistic lawyers, supposedly acting in the public interest, indulge in a kind of publicity-rich legal guerilla warfare to put a stop to anything anybody doesn't like, anything that makes a profit and smells of progress. As a result, the confused public is ready to believe anything that sounds reasonably logical, especially if it also sounds frightening.

NO TO PROGRESS

We are told we've got to put a stop to progress and get off the growth kick if we are to survive. No more power plants. No SST. No Space Shuttle. No increase in the Gross National Product. No more technological advances. Curtail the use of energy. If industrial plants pollute, shut them down. If they present a problem, don't build them. If this throws men out of work, let them find other jobs.

Let single-minded officials set ultimate anti-pollution standards and demand instant adherence, whether or not there are yet practical ways to do it. Put a stop to the mining of coal, curtail highway construction, go to court and delay anything that purports to be essential to growth of any description. This, the neo-conservationists say, is the only way to preserve the world we live in.

This new awareness of nature and our responsibility to preserve the beauty and the wonder of this earth now receives a high priority in almost every activity. Yet, overexaggerations by groups of emotional extremists hurt the cause of the sincere and dedicated conservationists who have done so much to alert us to the need for environmental safeguards. In the name of ecology or consumerism or some other ology or ism, these extremists are laying siege to state and federal government, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and that only a brand new socio-economic system can save us.

An environmental extremist can be identified through his inability to accept reality, as reflected in his cry that man interferes with nature. Such a thing is patently impossible. Man is part of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying members of Mother Nature's brood. We don't accuse a beaver of interfering with nature when it gnaws down a tree to build a dam. Then why condemn humans for chopping down a lot of trees to build a lot of dams . . . or to do anything else that will make their lives safer, longer, more enjoyable or more productive.

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am propeople.

ENVIRONMENTAL MYTHS

There are a lot of widely accepted environmental myths that don't stand up to fact.

Take the one about the oxygen we breathe. We hear that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. But fact doesn't bear this out. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result: there is today precisely the same amount of oxygen in the air—20.9 percent—as there was in 1910.

What about water pollution? Certain people remember that in the days before America was industrialized, our rivers and lakes were crystal clear. And those crystal clear rivers and lakes were the sources of the worst cholera, yellow fever and typhoid epidemics the world has known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia. Our waterways may not be as pretty as they used to be, but they aren't deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are.

In California we have enacted and are enforcing the nation's strictest air pollution controls. California has probably the largest air monitoring network in the world. We have funded millions of dollars to support crucial research and we have just implemented an agricultural burning program. The California Air Resources Board now reports a year-by-year decrease of air pollutants, such as hydrocarbons, since 1967. Our own state has led the nation in efforts to protect the environment against everything from smog to offshore oil spills. And we are convinced that industrial progress can be made compatible with the necessary efforts to protect the environment.

CHEER UP

Population control is another popular cause. The spectre of people standing elbow-to-elbow is raised as the frightening prospect if we don't take drastic steps to curb the birth rate. Well, cheer up. The birth rate in the United States has been dropping continuously since 1957 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be anyone left in the country. But things like excessive population growth and decline have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

How about the unemployment myth? Certainly even one unemployed person is a grave problem, but we must remember we are making a transition from the inflated wartime boom of the 1960's to a peacetime economy where, hopefully, we will have prosperity without ruinous inflation, full employment without war.

And we are making progress. Early last year I requested Governor Reagan to break state precedent and give the Lieutenant Governor jurisdiction over the California Department of Commerce. That department encompasses world trade, tourism and economic development. We operate on a small budget and with few people, but have succeeded in working as a catalyst to stimulate expansion in each of these areas.

There is certainly much to be done, but I take pride in working successfully to obtain congressional and federal approval of the Lockheed loan. We have made three trips to Washington on this and other sizeable federal contracts, including the Space Shuttle program, which could result in 50,000 jobs and $12 billion for the California economy. We succeeded in bringing a new ship-building contract for two ore-bulk-oil supertankers to San Diego, and we have worked on numerous other job-bearing contracts such as the $120 million TRW HEAO Satellite and the $370.3 million B1 fighter bomber, which could create as many as 4,000 additional jobs in the state. We have formed a Lieutenant Governor's Commission for Aerospace Reemployment and, in fact, received a $200,000 grant for a reemployment operation center in Sacramento.

The most significant sign of progress, however, is the creation of the new California Commission for Economic Development sponsored by the California Chamber of Commerce and passed by the last session of the Legislature. This commission established a bi-partisan economic planning body to develop meaningful programs for industrial development, tourism and world trade.

But even as we plan for intelligent, thoughtful growth, extremists will look back to the "good old days" when there weren't any factories to pollute the air and kill the animals and drive people to neurosis with misleading advertisements.

THOSE WERE THE DAYS

What was life really like in the "good old days"—say, 150 years ago? For one thing, it was very brief. Life expectancy was 38 years for males—a grueling 38 years. The work week was 72 hours. The average pay was $300 per year.

But women, in the absence of any liberating force, had it worse. Housewives worked 98 hours a week without dishwasher or vacuum cleaner. Food was monotonous and scarce. In the winter you froze and in the summer you sweltered. And when an epidemic came—and they came frequently—it would probably claim someone in your family. In your entire lifetime you would probably never hear the sound of an orchestra, own a book, or travel more than 20 miles from the place you were born.

Whatever American businessmen have done to bring us out of that paradise of the "good old days," they deserve a grateful pat on the back—not a knife in it.

The opportunity is ours to establish a new way of getting things done. To set intelligent pollution objectives and press for technological breakthroughs to help us meet them.

We have established procedures, such as the State Clearinghouse and the Environmental Quality Study Council, to investigate major environmental controversies, consider positions and claims and settle controversies out of court, with power to enforce the decision. We can discourage resorting to the already overburdened courts to resolve problems that can be far more constructively resolved by negotiation.

We must encourage the news media and politicians to spend less time fanning the fires of controversy so they will have more time to assess the economic, social and long-range ramifications of important environmental questions. We must encourage opinion leaders to develop the assets of our society, which are many, instead of exploiting its weaknesses. We should oppose those attempts to discourage technological advances on the basis that in them there might be some hidden or latent danger.

TOWARD TOMORROW

We must work together, all on the same team, to solve the environmental problems that we all know must be solved. And we can do it without wounding the Goose that Lays the Golden Eggs.

Industry and commerce, science and technology are our tools, as well as our problems. The proper use of them is the only possible means by which we can improve the quality of life for 20 million Californians. The era of quantity at any environmental cost is gone; the era of reverence for the environment is here to stay.

It won't be easy to fire up enthusiasm in the face of the frustrations, doubts, distrust and disbeliefs that have accumulated. It won't be easy to convince your neighbor that in this world he has the best chance ever of living a full life and getting his money's worth. It won't be easy to make him see there will be a tomorrow, in spite of the dozens of popular crises this state is said to be facing.

But there will be a tomorrow and it won't be nearly as bad as the emotional extremists would have us believe. Let us resolve that 1972 will be the year we convince the people of California that our state is great, that our future is bright.

SALUTE TO EDUCATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. VANDER JAGT. Mr. Speaker, passage of the annual education appropriations together with the Hathaway amendment provides me with a chance to acknowledge the vital function performed by the teachers of American schoolchildren.

Great opportunities usually involve great challenges. Certainly that is the continuing experience of the classroom teachers, who daily strive to develop the intellectual potential of our children and to inspire them to high levels of achievement. It is no accident that successful individuals commonly recall particular teachers whose efforts contributed greatly to their development. Such recollec-

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tions are but one indication of the indelible impression that effective teachers make upon young people.

Congress is playing a vital role in seeking to allocate adequate resources to enable our schools to achieve greater success in equipping young people to live and work in the complex, technological world of today and tomorrow. As we strive for that goal, we should pause to pay tribute to the persons who are directly involved in American education, particularly to the teachers who daily encounter the imaginations, curiosities, and energies of schoolchildren. I salute them one and all.

ROOSEVELT MEMORIAL SITE IN BUFFALO IS CIVIC PROJECT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DULSKI. Mr. Speaker, 6 years ago, the Congress supported my pleas for Federal help in saving from destruction and restoring as a national historic site the Ansley Wilcox Home, downtown Buffalo mansion where Theodore Roosevelt took the oath of office as President in 1901.

One of the requirements of the authorizing legislation was active community participation, including financial. There were skeptics at the time who expressed doubt that the community support would be forthcoming.

I am happy to report to my colleagues, many of whom were Members when my enabling bill was passed, that the skeptics were wrong.

The Wilcox Home has been restored and much of the building refurbished in a widely supported community project. Many organizations are joining with the coordinating Theodore Roosevelt Inaugural Site Foundation in this historical effort.

Many individuals are cooperating in this successful venture, indeed, so many that I hesitate to try to list them for fear I will overlook someone.

Just last Friday, I had the honor to present to the Wilcox Home a flag which had flown over the Capitol. The occasion was the dedication of a new 30-foot flagpole purchased with the aid of Dow & Co., and its chairman of the board, Mrs. Jane P. Dow, and the Landmark Society of Western New York.

Presiding at the dedication and accepting both the flagpole and the flag was Frank D. Leavers, chairman of the Theodore Roosevelt Inaugural Site Foundation. Representatives of the city and the county, as well as private organizations were present.

The progress and enthusiasm associated with this entire project are most gratifying, particularly to those of us who have been a party to the effort from the outset.

Mr. Speaker, as part of my remarks, I include an article from the Buffalo Evening News of June 13 regarding further restoration plans for the Wilcox Home.

DINING ROOM NEXT TO BE RESTORED AT WILCOX MANSION

(By Kathy Kelly)

Less than a year after completion of a four-year restoration of the library of the Wilcox Mansion, 641 Delaware Ave., plans are being made to recreate the historic home's adjacent dining room.

Frank D. Leavers, president of the Theodore Roosevelt Inaugural Site Foundation, hopes to have the dining room project complete by Sept. 14, the first anniversary of the home's dedication as a National Historic Site.

Unlike the library, which has been restored to its condition of Sept. 14, 1901, when Theodore Roosevelt stood there to take the oath of office as the nation's 26th President, the dining room will be done in the style of a later period, "but still reflecting the tastes, charm and elegance of the earlier years when the house was in its prime," according to the preliminary report.

Once again, the foundation, the Junior League of Buffalo and the Buffalo & Erie County Historical Society are working together on the project.

This time, their source is a 1930 newspaper photograph of the room.

As in the first restoration, the committee is seeking to locate the original furnishings and to duplicate those that cannot be found. If necessary, other pieces of the same era will be used, Mr. Leavers said.

A major piece being sought is a four-arm crystal chandelier removed from the mansion when it was converted into a restaurant in the 1930s. Its present location is unknown.

The gas chandelier, which bathed the room is soft yellow light, hung from a large plaster medallion in the center of the ceiling. The medallion, decorated with a fan-shaped design and flowered rim, is now framed by a fibreboard ceiling added in more recent years.

The original ceiling will be restored and the chandelier, wired for electricity.

The room's east wall is dominated by an ornate marble fireplace. Its chimney has been closed at the roof, but could easily be opened to make the fireplace usable, the report said.

The adjacent wall features large windows and double doors, topped with a delicate, leaded palladian window, opening to the mansion's south porch. The room also opens to the main stair hall and the middle hallway.

The 400-square-foot dining room, now occupied by galleries of the Buffalo Craftsmen Inc., already has had its painted Georgian Revival woodwork, walls and floor restored.

Major structural work, such as heating, plumbing and electrical work, also was completed in the original restoration. Thus the major job will be collecting the furnishings.

The furnishings shown in the 1930 photograph include a pedestal dining table and six chairs made by Buffalo Furniture Manufacturing, a company located on Washington St. in the first quarter of the century.

Another major piece is a china cabinet with an arch top and glass front.

An oriental rug covered the floor and Oriental bowls stood on pedestals in the room's corners.

The fireplace was fronted with a pierced brass fender. Finally, a large china cat door stop was on the floor before the porch doors.

"Eventually, it's our desire to go into other rooms in the house," Mr. Leavers said.

He also announced the appointment of two new members to 2-year terms on the foundation's Board of Trustees. They are: John M. Finnegan, commercial division manager of the New York Telephone Co., and Donald D. Notman, senior vice president of Marine Midland Bank—Western.

Peter B. Seevers, a present board member, was named to the board's Executive Committee.

MAJOR CHALLENGE TO BANK COMPETITION BEFORE THE SUPREME COURT OF THE UNITED STATES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PATMAN. Mr. Speaker, one of the most important cases involving bank competition in many years will be decided by the Supreme Court of the United States during its next term beginning in October. This case, United States against First National Bancorporation and First National Bank of Greeley, Colo., will in all likelihood provide some important guidelines for the effective administration of the Bank Merger Act of 1966 and the Bank Holding Company Act. To date, these laws, largely because of the effective enforcement record of the Antitrust Division of the U.S. Department of Justice, have been extremely successful in stopping anticompetitive acquisitions in both large communities and small throughout the United States.

The major question before the Supreme Court in the Colorado bank case involves the application of the potential competition principle, which seeks to preserve for the future the possibility of substantially increased competition in a particular market, even though the challenged acquisition may not reduce existing competition. This principle of potential competition is an extremely important concept for bank regulators to have at their disposal, especially now that we are seeking the creation of a large number of new statewide banking systems in many States.

I am particularly pleased that this crucial case is receiving careful analysis by others than the principal litigants before the Supreme Court. For example, in the April 1972 issue of the Banking Law Journal a detailed discussion of the importance of this case is set forth by Dr. Jerome C. Darnell, formerly associate professor of business administration at the University of Colorado and now an economist on the staff of the Federal Reserve Bank of Philadelphia.

More recently, the Federal Deposit Insurance Corporation and the Commissioner of Banking for the State of New York have filed amicus curiae briefs with the Court expressing their views. In the past, Government agencies that had an important interest in the outcome of administrative and judicial decisions to be made by others have too often failed to express publicly their concern over the impact of these decisions on their own activities. Therefore, I am very pleased to see that in a case as important as the Colorado bank case the Federal Deposit Insurance Corporation and the New York State Banking Commissioner, as supervisory agencies seriously concerned with competition in banking, have availed themselves of the opportunity to give the Supreme Court the benefit of their expertise on this most important issue.

AMERICAN INGENUITY IN LOCAL COMMUNITIES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BRASCO. Mr. Speaker, I recently was associated with a unique event that provides a new sense of direction for some of our citizens in enhancing the American way.

American businessmen are known throughout the world for their ingenuity, creativeness, and inventiveness, but to apply these attributes to the public service—in an area that will benefit community and charitable organizations—is an added and laudable dimension.

Fred Richmond, a successful businessman as chairman and president of Walco National Corp., and a Brooklyn, N.Y., civic leader, applied those attributes in an unusual conception that benefited 14 Brooklyn organizations and thousands of worthy people, by a plan that none could do by itself.

The very heart of community action is rooted in community organizations—charitable, medical, vocational. Their work is vital. Within the perimeter of their neighborhoods, they are the people the area knows, trusts, and counts on. They are never big. Indeed, that is their strength. Each, by itself, must raise the funds to feed its mission. Each year this gets harder and harder. Each, by itself, could not harness the power needed, the magnet required to fill a great house of the Nation like Carnegie Hall. But what a thrill for a small Brooklyn organization to sit in the hall of the immortals; to sponsor a concert by two of the greatest artists of the world.

That is where my friend, Fred Richmond, came in. He brought his organizational know-how, his creative skill to the problem.

Mr. Richmond decided to rent Carnegie Hall for the evening of June 11 and booked the celebrated cellist, Leonard Rose and the prominent pianist, Misha Dichter. He then selected 14 religious and charitable organizations, who organized their own committees to dispose of some 2,800 tickets at uniform benefit prices. More than $20,000 was raised—some organizations raising more than others, depending on their efforts. Of course, 100 percent of the funds were kept by the groups. Mr. Richmond said:

It is an opportunity for organizations who need help to help themselves at no cost.

Commenting on the Richmond idea, Hon. Sebastian Leone, president, Borough of Brooklyn, said:

Fred Richmond is a civic leader who cares deeply about people, his community and Brooklyn. Fred is a dreamer and doer. His initiative, energy, vitality and brilliance enables him to build and achieve what often seems impossible.

Typical of his generosity is his presentation of this concert tonight to help 14 Brooklyn organizations help themselves. Some $20,000.00 has been raised to support their constructive work. It is a demonstration of community inter-action at its best.

Fred is a fully committed Brooklyn citizen who deserves our gratitude.

The event was preceded by the presentation of the annual Star of Brooklyn Award to Hon. Meade H. Esposito, chairman of the County Democratic Committee of Kings County.

Mr. Esposito is deserving of the award, for in addition to being a farsighted political leader, he has worked indefatigably and quietly for numerous civic, charitable, and religious Brooklyn organizations and has been singularly responsible for the resurgence of the Borough of Brooklyn.

I salute the organizations who participated.

B'nai Akiva Youth Movement, Brooklyn Association for Mental Health, Hebrew Institute for the Deaf, Hapoel Hamizarchi Women's Organization, International League for the Repatriation of Russian Jewry, Kane Street Synagogue, Kingsbrook Jewish Medical Center, The League School, Manhattan Beach Jewish Center, Mirrer Yeshiva, Prospect Park Jewish Center, Prospect Park YMCA, Yeshiva of Crown Heights, and Yeshiva of Flatbush.

IN SUPPORT OF H.R. 9610—TO REDUCE THE LAG IN VETERANS' PENSION AND COMPENSATION INCREASES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1972

Mr. HALPERN. Mr. Speaker, I take this opportunity to call the attention of my colleagues to a bill—H.R. 9610—to provide for automatic cost-of-living increases in VA compensation, dependency and indemnity compensation, and pension payments. The concern that veterans and their families receive the full and true amount of the pension or compensation due them is, I believe, reflected in the operation and intent of my bill. As the cost of living rises, higher prices eat into the small, semifixed compensation or pension provided by the VA. The veteran living on this income must use up some of his savings or cut his consumption of very basic items in order to make do with this pension or compensation payments while waiting for Congress to enact an increase in the pension and compensation rates that would restore the purchasing power of his VA payment. Often it is a year or more before an increase reaches him. Simply, it is to reduce this lag between rises in the cost of living and congressional action that I have introduced this bill.

In the face of our current inflation, the purchasing power of those on fixed incomes, such as people who depend on VA pension and compensation payments, suffers significantly. These men and women are usually too old or disabled to work and consequently do not get the benefit of rising wages. In addition, these people, many of them aged, are often unable to shop around and take advantage of the best prices thus increasing the impact of inflation. This group of low-income, aged, and disabled citizens must depend on congressional action to match rising prices and maintain the value of their incomes.

In the past, Congress has responded generously and fairly to maintain the real value of veterans' pensions and compensation. As you know, the last of these periodic adjustments was the comprehensive increase in payments made 2 years ago in Public Law 91-558—to take effect January 1, 1971. Though this was largely in response to the 15 percent social security raise which cut into many pensions, it also provided an increase in VA pension and compensation payments which roughly covered the rise in prices since the effective date of the last increase, January 1969. But even with the increases Congress has provided, there still remains the problem of the veteran who had to live on his fixed income during the 2 years between increases and must now pay prices that have risen almost 5 percent since the effective date of the last pension increase in January of this year.

Unfortunately, we in Congress are limited in the time we can devote to consideration of these necessary increases and adjustments of pension and compensation payments. Prompt and frequent as our action can be, there is still a lag between the time a veteran or his survivors need an increase in pension or compensation payments—because of the increased cost of living—and the time congressional action becomes effective.

My bill would, by providing automatic quarterly adjustments in veterans' pension and compensation payments based on the Consumer Price Index, act to maintain the value of pensions and compensation in the face of inflation and remove the necessity of waiting for congressional action. Basically, H.R. 9610 reduces to a practical minimum the impact inflation has on those receiving VA-provided incomes. It would relieve Congress of the extra burden, in an already heavy legislative schedule, of enacting periodic pension and compensation increases to counter inflationary trends.

The system mandated in my bill would operate in the following way:

Each calendar quarter, the Veterans' Administration would determine whether the Consumer Price Index, measuring general cost-of-living increases, has increased more than 3 percent in the previous quarter, compared to a base quarter. If the VA finds that the Consumer Price Index has risen more than 3 percent, then veterans' benefits would be increased by the same percentage—with provisions for rounding off the results. The new increase added to the previous payment would then become the new base for the next computation.

The benefits of these increases would go to those receiving compensation for service-connected disabilities, dependency and indemnity compensation for service-connected death, pensions for

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nonservice-connected disabilities, death, or service, and those receiving old-law pensions.

In conclusion, I would like to point out that my bill is not designed to reduce congressional authority over pensions and compensation payments or, in effect, to reduce the generous pension increases that, in the past, Congress has provided. I am aware, as I am sure you are, that, over the long history of the VA pension and compensation programs, Congress has provided a total increase which has gone well beyond the rise in the cost of living. And, I am sure that Congress will continue to review the pension and compensation programs and revise them when it finds inadequacies in their operation or the rates of payment. Rather, my bill frees Congress to act on pressing needs for change in other areas of veterans' affairs and for comprehensive review of existing and proposed programs—including pension and compensation programs—while leaving the necessary periodic adjustments to the operation of a cost-of-living escalator.

I, therefore, call for favorable action on H.R. 9610 so that the modest compensation and pensions that we provide those who sacrificed so much for their country will maintain their real value in the face of any present or forseeable inflation.

CONGRESSMAN PAUL G. ROGERS RECEIVES OUTSTANDING SERVICE AWARD

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROY. Mr. Speaker, on May 26, the American Gastroenterological Association presented Congressman PAUL G. ROGERS its first Outstanding Service Award. The event was held in conjunction with the association's annual meeting in Dallas, Tex.

As one who has the honor to serve under Mr. ROGERS' chairmanship on the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, I was extremely pleased to hear of this award.

In his acceptance speech, Mr. ROGERS discussed the need for greater professional concern about such crucial areas as preventive medicine, health manpower development, and more effective health care delivery systems.

I would like to insert at this point in the RECORD the text of Mr. ROGERS' acceptance speech as well as some introductory remarks by Dr. Howard E. Ticktin of Washington, D.C.:

INTRODUCTION OF HON. PAUL G. ROGERS BY HOWARD E. TICKTIN, M.D.

As gastroenterologists, we are fortunate to have many friends outside our profession. It is my happy duty this morning to introduce to you one of our most distinguished and most helpful friends.

Congressman Paul G. Rogers is from West Palm Beach, Florida, and represents the 9th district of that state in the U.S. House of Representatives. He has served in the House since 1955 and has risen over that period to become chairman of one of the most important subcommittees in Congress: The Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce. As chairman of this subcommittee, Mr. Rogers exercises jurisdiction over public health, food and drug regulation, health manpower, hospital construction, health research, mental health and retardation programs, and drug abuse, as well as important environmental issues such as air pollution, solid waste disposal and water hygiene. In recent years, he has become known as "Mr. Health" in the Congress.

Mr. Rogers is the son of the late Congressman Dwight Rogers. He was educated at the University of Florida, receiving both a B.A. and a law degree there. Prior to his election to Congress, Mr. Rogers served in World War II, earning two battle stars and the bronze star, and later engaged in the private practice of law in West Palm Beach.

I first met Mr. Rogers last September when Dr. Jim McGuigan and I visited the Congressman to discuss the possibilities of hearings on legislation to establish a separate N.I.H. institute for digestive disease and nutrition.

I was immediately impressed by Chairman Rogers' attitude. We had previously visited many congressional offices and had spoken with several members of Congress, and generally had received polite, but reserved and non-committal reactions. With Mr. Rogers, there was a definite difference. First of all, he gave us almost a full hour of his valuable time on a day I knew was an especially busy one for him. Secondly, he really wanted to know about the problems of digestive diseases. He listened very carefully to what we had to tell him and asked some very penetrating questions—some of which were so penetrating that I had to dig up the answers after our visit and send them to Mr. Rogers by mail!

But what most impressed me was his attitude toward what could be done to alleviate the problems we discussed.

On November 9th and 10th of last year, Mr. Rogers' subcommittee conducted two days of hearings on digestive disease problems. On March 22nd of this year, his committee reported out a bill, H.R. 13591, which made a number of changes in the name and structure of the National Institute of Arthritis and Metabolic Diseases. The Whole House passed this bill on May 3rd, and the Senate followed suit on May 5th. Finally, on May 19, President Nixon signed the bill into law. As a result, the N.I.H. Institute which is charged with the responsibility for digestive disease research and training programs is now known as the National Institute of Arthritis, Metabolism, and Digestive Diseases. As a further result, there will soon be established a special committee on digestive diseases of the institute's advisory council to review digestive disease research grant applications and advise the institute's director on matters relating to digestive diseases. Finally, the position of associate director for digestive diseases has been established by the new law, and hopefully, will soon be filled. The end result of these changes is expected to be a substantial increase in the amount of money allocated to Federal programs of research and training in digestive diseases. We have strong evidence that such funding increase is already developing.

The thirteen million Americans afflicted with chronic digestive diseases have, primarily, one man to thank for this progress: Our distinguished guest today, Congressman Rogers.

I can think of no better way to conclude my introductory remarks than by reading the inscription on the award we are presenting Mr. Rogers today:

"Congressman Rogers is hereby commended for his outstanding efforts during the 92nd Congress to focus attention on the great unmet need for more research and training in the digestive disease field. At his urging and under his able chairmanship, the House Subcommittee on Public Health and Environment produced a bill, H.R. 13591, which is expected to result in a substantially expanded Federal program of research and training in digestive diseases. The victims of digestive disease, and all Americans, are deeply indebted to Congressman Rogers for his dedicated and effective leadership in health research, health training and health services."

Ladies and gentlemen, the Honorable Paul G. Rogers.

REMARKS OF REPRESENTATIVE PAUL G. ROGERS AT THE ANNUAL MEETING OF THE AMERICAN GASTROENTEROLOGICAL ASSOCIATION

Dr. Hightower, Dr. Ticktin, ladies and gentlemen:

I am very pleased and gratified to accept this Outstanding Service Award. I am doubly honored in that it is the first such award your association has given.

But first, let me congratulate you on the celebration of your Diamond Jubilee Year. Seventy-five years of service in the cause of improved health care for the American people is a record of which you can be very proud.

It has been rewarding working closely with your leaders over the past year or so, especially with your officers and with your own Washingtonian—Howard Ticktin, and your excellent representative John Grupenhoff, who is one of the most knowledgeable men on health affairs in the capital. I am very impressed with the AGA's dedication and sincerity. Your concern about the thirteen million Americans afflicted with digestive diseases is highly commendable.

Despite your record of achievement, however, I am sure you would agree that much more needs to be done. In biomedical research, in manpower development, and especially in patient care, we cannot afford any "resting on laurels".

One major step has been taken in the research field with the signing last week of H.R. 13591. I am very proud to have worked with you on this new digestive disease legislation and I am convinced that the net result will be an increase in the Federal government's efforts in research into the causes, cures and treatment of digestive tract diseases.

Your efforts must not stop here, however. The name of the game now is appropriations. I hope you will continue to support your leadership in their efforts to secure adequate appropriations for digestive disease research programs, especially within the National Institute of Arthritis, Metabolism, and Digestive Diseases.

In addition, I might suggest that you consider developing sources of funding for research outside the Federal government. You are all aware of the government's cutbacks in spending on various health programs in recent years. Many worthwhile research projects have had to be abandoned as a result of these cutbacks. Those of us in the Congress who have fought against these "penny wise/pound foolish" reductions have not always been successful. Hopefully, we will do better this year. To skimp in this area—where most hospital cases originate—is false economy.

I am aware you are considering the establishment of a layman-oriented digestive disease society, similar to the American Cancer Society. Without meaning to meddle in your internal affairs, I would simply point out that this seems to be a fine idea. A strong digestive disease society would serve as support for proper funding and also augment government research programs.

In the area of manpower development, I am aware of the need for more specialists such as yourselves. During our hearings on digestive diseases last fall, Dr. Ticktin pointed out to our committee that there are only about 2,000 M.D.'s with special training and professional interest in gastroenterology, and that only some 500 are board-certified. He also told us that seven states have no such board-certified specialists and nine states have only one.

This is clearly inadequate considering the numbers of Americans afflicted with the diseases in which you specialize. Hopefully, the legislation which became law last week will begin to remedy this situation. The language of this legislation instructs the director of the re-named Institute to carry out programs of support for training in digestive diseases, including support for training in medical schools and graduate clinical training.

I would mention, however, that there is a large and growing tendency to give special emphasis to programs aimed at the development of *primary* care physicians. Moreover, I support this position. Despite the great need for additional members of certain specialties—and your own specialty is clearly one of the most undermanned—it is nevertheless a fact that millions of Americans have great difficulty obtaining even the most basic medical attention.

This brings us to the area of patient care. As you may know, we in the Congress are working on legislation this year regarding health maintenance organizations. Many of us are becoming convinced that a reorganization of our health care delivery system is very much in order. Most of us are determined to avoid "socialized medicine" in which the providers of care are in effect employees of the government. However, we cannot ignore the spiraling costs of health care, the wide-spread lack of access to health care and health care facilities, and the variable quality of health services.

I strongly urge you to take an interest in these problems and in the various proposed solutions to these problems, including, possibly, health maintenance organizations. Most of you are established specialists. It might be easier for you to sit back and let someone else worry about these problems. It might be easier to ignore attempts in your local community to better organize health care. But let me assure you that if these problems are not solved through HMOs and other reasonable approaches, attempts will be made to solve them with radical new programs which may dramatically change the practice of medicine as we have known it.

You are all aware that it has always been something of a cliche to say that the best health care is that which prevents sickness. Likewise, you are all aware that American medicine has been mainly "curative" rather than "preventive". You may not be aware, however, that these cliches are beginning to take on substance in governmental health programs. Programs to encourage forms of multi-phasic screening are being approved; programs to increase primary care in order to reduce the higher expense of hospital care are being approved; and programs to re-double our efforts to vaccinate against diseases are being approved.

One particular element of preventive medicine—nutrition—is especially applicable to your own specialty. Many people feel that physicians have not given proper attention to nutrition. These feelings are being translated into pressures on Congress to do something about nutrition problems. It seems to me that, as digestive disease specialists, you can perform a great public service by increasing nutritional research and applying that knowledge to preventing nutritional deficiencies. You might also think about expanded programs of public education in nutrition.

I have mentioned only a few of the many aspects of health in which you have a direct interest. I would be negligent, however, if I did not add that all health disciplines have a responsibility in all other health matters. We cannot afford professional isolationism at this point in time.

Cancer was given a very high priority last year in legislation. But cancer people would be remiss if they do not lend their aid to the added emphasis we are now trying to give heart, lung, digestive and other diseases.

What I am saying is that we must all share a responsibility to give the total health issue our support—even after individual victories have been won.

A new system of health must be devised for the people of this nation. A system based on a solid foundation of our existing system of health, but one which will be more responsive to today's needs.

The focal point of that effort will be the creation of a new, Cabinet-level Department of Health. We vitally need to bring it all together for health. We are now laboring under a fragmented, unguided, patchwork of programs which has become crisis-oriented.

Every aspect of health is related to all other aspects. The minute you enter a patient into a hospital for observation or for an operation, you have engaged a care facility where manpower, space and a payment mechanism come into play. If your patient's ulcer suddenly perforates or bleeds, and he must be taken immediately to a hospital, that emergency service and the status of the blood bank are other links with the overall health service system of which you must be cognizant.

Somewhere I remember the phrase "bring us together". Well, I can think of no other segment of our life that needs bringing together more than health.

That is why it is absolutely necessary for us to give health a proper priority, to bring together all of our health efforts where a Secretary of Health can propose and advise the President on the health care to be provided to all Americans—where a national plan can be projected to reach a national goal.

I ask you here today to join in this effort. It will not be an easy task. And for just that reason, your help and leadership is needed all the more.

Our challenge—to provide the best medical care for our citizens—is a great challenge. But the rewards of accomplishment will be equal to that challenge.

LOS ANGELES CITY COUNCILMAN TOM BRADLEY HONORED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CORMAN. Mr. Speaker, this Friday the people of Los Angeles are honoring city councilman Tom Bradley.

While serving as a policeman for 21 years and a city councilman for the past 9 years, Tom has shown enormous understanding for the needs of Los Angeles citizens. His tireless efforts have made the city a better place to live for all Angelenos. His public service has also brought him a national reputation as an authority in urban problems.

As one who has been privileged to know and work with Tom for many years, I must say that this acclaim is more than well deserved.

Tom is a pioneer in coordinating the activities of urban government around Los Angeles, throughout California, and the Nation. Among his many duties he serves as chairman of the State, County and Federal Affairs Committee; president of the National Association of Regional Councils; president of the Southern California Association of Governments.

Honoring Tom Bradley is a pleasure and a privilege. His legislative achievements in crime prevention, a clean environment and economic betterment plus a myriad of other social problems are cause for due tribute. I join the many who have benefited from his presence in Los Angeles in extending my deepest appreciation and wishes for his continued success.

SOCIAL SECURITY AND POLITICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. RARICK. Mr. Speaker, the political season has again arrived when the temptation to promise gifts to everybody overcomes dedication to good government—especially is this true when the gifts and promises are to be paid with other people's money.

I insert the following news clipping detailing the "shell game" perpetrated by legislation proposing either a 10 percent or 20 percent increase in social security benefits and explaining the real effect of such legislation on the American economy and financial picture in the RECORD.

[From the Richmond News Leader, June 20, 1972]

SOCIAL SECURITY HOAX

Every time that Congress starts tinkering around with the Social Security program, Americans ask only two questions: (1) How much more will I get? from Social Security recipients, and (2) How much more will I have to pay? from workers who have to finance new increases.

This summer, the public should ask more than those two questions, unless it is willing for Congress arbitrarily to derail the traditional system. This may come about as the Senate considers a House-passed bill providing for five per cent benefit increases; the Senate Finance Committee has seen the House's five per cent and raised it to 10 per cent. Some 60 membera of the Senate vow to try for a 20 per cent increase. If either the 10 per cent or 20 per cent increase goes through now, it will cause a radical departure from the traditional method of Social Security funding.

In the past, Social Security has operated on a theory thought to be actuarially sound, whereby reserves covered future commitments. This method kept the level of payroll taxes roughly tied to benefits, exerting a measure of self-discipline; i.e., Congress could not lavish generous benefits on recipients without simultaneously increasing payroll taxes enough to finance its generosity. Now, however, the Senate may abandon this traditional system to a non-actuarial system. If it succeeds, it will be able to use reserves to finance unparalleled election-year increases for recipients without raising payroll taxes to the drastic level necessary to finance those benefits.

In this manner, 28 million Social Security

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recipients would benefit from a one-time windfall that would wipe out Social Security trust fund reserves, without forcing Congress to enact unpopular tax increases that could cause resentment among 80 million American workers. And, in an exercise of political cynicism, members of Congress hope to get the benefit increases through in time for recipients to receive the increases, retroactive to June 1, in their November 3 checks. That's only four days before election day. Draw your own conclusions.

Although inflation hits those on fixed incomes the hardest, it still is possible for Congress to enact equitable benefit increases without going overboard. From the outset, the program never was intended to provide full retirement benefits; it may be recalled that the maximum tax paid annually in the late 30s was $30 a year each by employer and employee. As late as 1954, the maximum contribution was $72 each for a worker and his employer. Under the House-passed bill, the maximum contribution from employer and employee would jump to $754.80 each, or to a total of $1,509.60 a year. By raiding the trust fund, the Senate probably could avoid such steep increases before 2010, when the number of persons retiring will jump as those born during the post World War II baby boom reach 65. Then the tax would have to rise to 25 per cent or 30 percent to finance benefits.

Along the line, no one has seemed too interested in where all of these proposals may take the program: Let the Congress of 2010 grapple with that problem. Historically, Congress has maintained at least a pretext of benefit-contributions restraint; now the Senate Finance Committee would abandon even this pretext by raising monthly benefits for small contributors to $200 a month for a single worker, and to $300 a month for a retired couple. This action would further undermine the program by turning it into a method of income redistribution through a system of regressive taxation that bears most heavily on medium and low wage-earners.

By trying to combine a welfare program with a contributory retirement program, Congress eventually may succeed in alienating young workers who must pay for Social Security. Under the current system, an 18-year-old who works 46 years will pay in an average of $19,200 before retirement. If that money were invested at 5.5 per cent, and added to his employer's matching contribution plus interest, at retirement he would have a $171,316 nest egg. If he purchased an annuity with his payroll tax, matched by his employer's contribution, plus interest, he would have a principal that would pay him $17,316 a year, or $224,200 during his average life expectancy after retiring. At most, he can expect to get a total of $80,888 in benefits from Social Security under the current system, or $94,400 under the House-approved measure.

The income from Social Security taxes now represents the government's second largest source of income, exceeded only by income from the individual income tax. This income runs around $50 billion a year now, giving Congress a nice piece of change to play around with in election years. This year, given the chance, Congress may go the whole route and wipe out Social Security reserves to accomplish a one-time windfall benefit. That might be a shrewd move, on a temporary basis, during a recession or a depression, but it hardly makes sense at a time of economic recovery, when no more inflationary pressures are needed.

It also would add to the Federal deficit under the unitary budget system, because trust fund surpluses are borrowed to offset deficits in government operations. If the Senate, and then the House, goes along with this proposed shell game, it may endear itself to the gimme vote, but it will make no friends among those who recognize a hoax when they see one.

A CATASTROPHE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ZWACH. Mr. Speaker, the entire Nation and most of the world is aware of the tragedy that struck Rapid City a couple of weeks ago because of the heavy loss of life in that flood.

A similar tragedy, without the loss of life, is taking place in western Minnesota and eastern South Dakota, which draws hardly any notice, outside of its immediate area, but which might cost the people just as much as the Rapid City disaster.

The area to which I am referring had an abnormally wet fall and plentiful spring rains. At about the time the land was ready for planting, additional heavy rains began to fall. Some areas had as much as 10 inches of rain within 2 weeks.

Fields are flooded. Crops that had been planted have been washed out. And the rain is still falling.

Margery Burns, one of my favorite rural Minnesota newspaper columnists, treats with this problem in a recent column which I am inserting into the CONGRESSIONAL RECORD, with your permission, and which I hope all of my colleagues will read:

A CATASTROPHE

A catastrophe hit western Minnesota. If it had come in one day, the whole country would know about it. But the rain took a whole month to turn western Minnesota into a disaster area.

Flooding rivers are spectacular. Flooded fields are only sodden masses of land which can't be seen from the highways. And because this catastrophe isn't a spectacular disaster, the extent of it and the results of it don't get the attention. But the results will be as devastating as a hit-and-run tornado.

The time it takes to plant the crops is short here in Minnesota. If June comes without most of the corn being planted, then there is no use to plant corn. No crops of any kind, small grain, sugar beets, soybeans, can be planted if farmers can't get their machinery into the fields.

And that is the situation in western Minnesota.

This is tough on farmers. And it's tough on everyone living in western Minnesota. This affects bankers and implement dealers and appliance dealers. It affects clothing stores and school teachers and cafes. Doctors and insurance agents and feed salesmen are affected. There isn't one single person who won't feel this catastrophe in the next year.

There are plans being made now by different groups to get Congress to change the regulations so that farmers can plant other crops besides their allotments wherever they can get their machines in. More plans are for disaster loans for farmers. Every avenue for help is being pushed.

When a sudden catastrophe strikes, everyone rushes in with all kinds of help and aid. But when a catastrophe creeps in, it is so unbelievable that it paralyzes everyone. Until it's almost too late.

If Congress and if the Department of Agriculture will help western Minnesota now, they will save many people along with the farmers.

HAMS SERVE US

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. THONE. Mr. Speaker, radio amateurs, licensed by the Federal Communications Commission to operate broadcasting stations on a noncommercial basis, call themselves hams. They form one of the most valuable groups in the United States in giving public service, particularly in times of emergency.

There are more than 270,000 hams licensed by the FCC and more than 100,000 are members of the American Radio Relay League, the ham's association. Hams have provided advances in radio techniques, bouncing signals off the moon, and developing the single-sideband system, since adopted by the military as their means of communication.

Hams provide the only link for the outside world in remote areas, such as Pitcairn Island. Hams were the means by which Thor Heyerdahl's Ra expeditions remained in touch as they crossed the ocean.

Whenever there is a disaster, such as the flood at Rapid City, S. Dak., in 1972, or the Alaska tidal wave of 1964, the hams are on the air 24 hours a day providing communication. They serve in little publicized ways also. For example, a fire on railroad property in Nebraska was quickly extinguished earlier this year because it was reported by a radio amateur.

One of the greatest public service ventures involved with the war in Vietnam was organized by a Nebraska ham, Hugh Tinley. Back in 1967, he arranged with the Pentagon for establishment of an amateur radio station in Vietnam, operated by hams in service. Through this station and the hams in America, about 30,000 mothers, wives, and children have talked to their servicemen in Vietnam in a project called Operation Hello.

A man who had just escaped after being a prisoner of the Vietcong was able to inform his mother personally of his safety through Operation Hello. A mother who had just been informed that her son had been wounded was reassured by a personal call from him. A wife and mother of a Marine captain talked to him shortly before he was killed in battle in Vietnam. They wrote: "You can understand how precious that call was."

The radio amateurs are organized to work both with the American Red Cross and Civil Defense. The week of June 18–24 is Amateur Radio Week and a celebration of the 58th birthday of the American Radio Relay League. This weekend will be the annual field day for thousands of hams, who will travel to unpopulated areas to test their abilities to operate under emergency conditions. With their own power supplies, they will be operating portable equipment; so that they will know they are ready to function in event of disasters.

America is grateful for the hams who serve us.

SALUTE TO EDUCATION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HANSEN of Idaho. Mr. Speaker, today as we salute education in America and stress the important role it plays in a free society such as ours, let us take a moment to consider the unique opportunity we have as lawmakers and public servants to work together with educators for the betterment of that society.

It is our fortune that our lifetime is marked by the most dynamic changes and far-reaching challenges ever faced by a human generation—from science and technology to economics, politics and culture. For education in this country, there has been no escape from this pattern of accelerating change and challenge and we are steadily moving closer and closer to quality education for all Americans.

Changes in student population and attitudes, teacher supply and demand, public tax bases and resources, public aspirations and expectations, plus professional demands and innovations have all resulted in central and immediate challenges to the contemporary American educator.

Yet a second look at these educational challenges reveals that the educator is not alone in the search for the best responses—for issues involving students, teachers, taxpayers, public desires and professional debate also deeply involve the lawmaker at all levels of Government. In fact, it is proper to speak of the educator and the lawmaker as in partnership for the promotion and advancement of American education.

Within the last 20 years, Federal aid to impacted areas, the National Defense Education Act, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the Education Professions Development Act, the Education Amendments of 1972 and a host of other statutes have greatly increased the Federal contribution to American education. At the same time, the State governments have likewise increased their concern for and contribution to elementary, secondary and higher education.

William Allen White once said that:

In education we are striving not to teach youth to make a living, but to teach youth to make a life. . . ."

To ensure the best life for youth and for all Americans, we, in Congress, must continue to work together with educators throughout our Nation to evolve a harmonious, complementary relationship which will allow us to bring to bear our finest talent as we face the educational changes and challenges in the years ahead.

SPORT MAGAZINE HONORS PITTSBURGH AREA COLLEGE STUDENTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MOORHEAD. Mr. Speaker, each month Sport magazine picks an outstanding student athlete as its "College Athlete of the Month." This young man or woman not only is an individual who has performed capably on the intercollegiate athletic fields but he or she is a person who has made significant contributions to society in nonathletic activities.

Of the 12 young men and women chosen last year by Sport, three of them either live or go to school in the Pittsburgh area.

John Babinecz, an outstanding varsity football player at Villanova, is a resident of the Oakland section of Pittsburgh and a constituent of mine; Joel Klimek, who lives in Seanor, Pa., was one of the last year stars of the University of Pittsburgh's football team; and George Karl, of Penn Hills Township, just outside of Pittsburgh, was a sparkplug for the University of North Carolina's basketball and baseball teams.

Each of these young men distinguished himself in sports competition and each made a much greater mark contributing something of himself to his fellow man.

I would like to introduce into the RECORD at this time the "College Athlete of the Month" articles on these men, which appeared last year in Sport magazine. And I want to wish them congratulations and success in whatever endeavors they choose.

COLLEGE ATHLETE OF THE MONTH

(By Don Kowet)

JOHN BABINECZ, VILLANOVA UNIVERSITY

At Villanova University, linebacker John Babinecz was an agile and devastating tackler. Quick at reading enemy defenses, Babinecz consistently turned his territory into a graveyard of busted plays. He was steady under fire. He was ruthless. And the Dallas Cowboys made him their second-round draft choice this year.

There's another dimension to the man: John Babinecz the straight-A student at Central Catholic High School in Pittsburgh, who was elected to the National Honor Society and to the student council. Now add a third dimension; A man with a deep and abiding love for kids.

Babinecz was born in Pittsburgh, the second of three brothers. His father was an ironworker who died in an on-the-job accident when John was only six. "It was kind of difficult for my mother," he recalls. "She received some money from Workmen's Compensation, but we never lived in luxury."

John played football in high school, tight end and linebacker. At Villanova, he took a general social science major, plus the organic chemistry and biology courses required for pre-med students. He soon excelled both scholastically and on the gridiron, two activities demanding enough to consume all the time of most undergraduates. But not for Babinecz. At the beginning of his junior year, a seminarian (a student preparing for the priesthood) asked him if he'd be willing to go to the St. Edmund's Home for Crippled Children once a week to help out with a physical therapy program. "I went down there," John says, "and I really had a good time with the kids. So I just kept on going for the next two years."

It's a bald, factual statement, but overly modest. Says G. A. Macklin, the novice seminarian who first brought Babinecz to St. Edmund's Home: "Every Friday night, when the social fraternities were at their peak, Babinecz and his friend Jim Coneys, along with a handful of seminarians from St. Mary's Hall, were at the Main Line YMCA, giving the children from St. Ed's their physical therapy. Even during the spring, after their Friday practice, those two would come running over to St. Mary's to catch the ride to St. Ed's and then to the 'Y.' On Sunday mornings, you'd see these two come to Mass with the children, take them out for rides in the 'Babinecz-mobile' in the afternoons. Sure the kids were crazy about the two 'jocks,' but anyone who would drag himself off a field on a Friday afternoon to take 20 screaming kids swimming . . . well!"

Eventually, Coney's visits were curtailed by a football injury. But Babinecz, alone, still kept up his visits. "I don't know why," he says, laughing. "I just love kids, yeah, I do. I love them because they'll tell you how it is no matter what. Even if it hurts."

The first time he went to the Home, it *did* hurt. "I'd never been among kids like that before," he says. "I was really despairing, because you see all these kids—and you wonder what kind of future there is for them." He saw kids with cerebral palsy, kids with birth defects, paraplegics, the mentally retarded. And on that first visit they were suspicious of him. It was a challenge. "I started going down there every week," he says. "I'd take them swimming, and after a while they began to ask me to hold them while they tried swimming—and I knew they were beginning to accept me." Soon he was taking them out in the "Babinecz-mobile." "I took them in my car out to a farm nearby to see a horse named Rocky—Roan old nag who's always out by the roadside." Babinecz always took along a supply of sugar and apples. "Most of the kids were afraid of Rocky at first," he says, "but by feeding him they lost their fear and ended up petting him. You can't imagine how they loved it."

With a contract from the Cowboys in the offing, Babinecz has decided to postpone his dreams of becoming a pediatrician, at least temporarily. "The Cowboy linebackers, Howley and Jordan, are great vets to learn from," he says. "I figure I can wait around maybe a year or two just learning from them, and then when they retire, I'll be able to step right in. After this season I'll have time to decide if I want med school bad enough."

So, some future time, when you watch John Babinecz in a Cowboy uniform, remember that you're seeing only one dimension of the man. Under the helmet there's an acute intelligence that earned him academic honors. And the hands that can slap an opponent into the dirt are the same hands that guided crippled kids in a swimming pool, that reached out to kids maimed by fate.

JOEL KLIMEK, UNIVERSITY OF PITTSBURGH

Joel Klimek, the University of Pittsburgh's 6–2, 225-pound tight end, was born in Seanor, Pennsylvania, a mining town tucked in the hills outside of Johnstown. "I think we were lucky if we had 100 people in our town," he says. "You knew everybody. The only way you met someone new was to hitchhike out of town for the day—say, to a town with 200 people."

But Joel rarely rode out. As a boy, he says, he was shy. And even with the free ride, without cash to spend small towns can be cold towns.

Joel's father was a miner. Periodic work stoppages meant interminable weeks of waiting, relieved only by daily trips to the mining

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office and weekly queues for unemployment benefits. "My mom was always able to take care of my sister and me, even when things got tough for my dad," he recalls. "But sometimes it was a struggle."

In a small Pennsylvania town isolated from city diversions, street football became, for kids like Joel Klimek, the drive-in movie, bowling alley and miniature golf range all in one. "Football was about the only thing I knew how to do in those days," Joel says.

Of course, football was more than a game to the kids of Seanor. It was a short-cut to the good life, a meal ticket to prosperity. Success at football meant a ride in the American Dream Machine. And the prerequisite was a college scholarship.

At Conemaugh High School Klimek lettered in basketball, track and football. But football held top priority when he matriculated at Pitt in 1965. However, that year so few authentic candidates showed up for early practices that Pitt cancelled its freshman schedule. Klimek spent the year daydreaming about the gridiron instead of studying. The following year he found himself in overwhelming academic difficulties. He left school, returned home to work for a mining company. A few months later he was drafted for the war in Vietnam.

"I was a mortarman with an infantry company and we were in the field for the whole year I was in 'Nam," he says. In June of 1969 he came home, with five medals (including the Bronze Star) and scar tissue from three wounds.

But Joel brought back something beside the medals and combat scars. When he returned to Pitt in the summer session of 69, it was with a new commitment. "I'd really matured in the Army," he says. "Besides the pressure of combat—what you see, what you do to survive—what helped me was meeting so many different people and talking about different views and ideas."

First proof of this new maturity came when Klimek's name appeared on the academic Dean's List. It also showed on the football field. Last season he caught 29 passes for 329 yards and one TD, while establishing a reputation as one of the fiercest blocking ends in the East. When his eligibility for the 1971 season was temporarily in doubt, a half-dozen NFL teams asked him to come to their training camps as a free agent. But Klimek decided to stay at Pitt. His teammates needed his football skills. (By the fourth game of '71, Klimek had caught 15 passes for 177 yards, including seven for 102 yards against West Virginia.) Besides, some kids needed his compassion.

For his most enduring souvenir of Vietnam was a vivid knowledge of human suffering. When his class of 20 in a physical therapy course was offered work in a special on-campus program for the mentally and physically retarded, only four students accepted the challenge. Klimek was one of them.

Initially he devoted two days a week to helping retarded kids, five to 18. "We just tried to get them to do normal, basic things with their hands. Little things. Like rolling a ball." But soon he started showing up after classes, too. Joel began to get involved—with one child in particular. The boy was about 15, had been a bright child till the age of six, when he had suddenly developed epileptic seizures.

Joel says: "Here was this big kid, maybe an intelligent kid—and we had to half-carry, half-walk him around the room all day to keep him from dropping off to sleep. He had to have the drugs because without them he was hyperactive, which brought on the attacks. But with the drugs he became listless. It was depressing."

But Joel—along with the other staff—persevered. And by the end of last year the boy was transformed. "The change was amazing," Joel says. "We had him stepping through innertubes and following and understanding verbal commands."

Change. The child trapped in a body short-circuited by seizures had begun to respond. Change. The miner's son who had only known how to play football had become a Dean's List student who knew how to care.

GEORGE KARL, UNIVERSITY OF NORTH CAROLINA

A high school basketball star in suburban Penn Hills, Pennsylvania, George Karl filled his days with varsity sports: A year of football; four years of baseball, volleyball and basketball. And after sports came his studies—and after homework came drive-in movies and dates. It was an affluent town, and kids like George Karl could afford to indulge themselves with harmless entertainments.

Except that some kids got restless. A drug mania drowned their emptiness. "There were two or three people—great people—and I saw them get destroyed by the drug culture," George says. "They not only ruined their basketball careers, they ruined their minds. All of them could have been leaders, so by ruining themselves they ruined a lot of other people, too. People they could have helped."

After graduating from high school George entered UNC at Chapel Hill with a basketball scholarship. For one year he forgot the friends he had seen drift off in a heroin haze. He played six games for the UNC freshmen, he had a back operation. Nothing changed until the beginning of his sophomore year, when he renewed an old Penn Hills friendship with Duke basketball player Dick DiVenzio. DiVenzio told George about a new narcotics rehabilitation center that had opened in Chapel Hill, on a farm only five miles away from the UNC campus. George says, "Dick asked me to go around and make talks to raise money on campus for Genesis House."

Genesis House, George explains, is a privately funded drug rehabilitation center operated by Dr. Robert Senior. "Dr. Senior doesn't want federal, state or local government funding. He wants to avoid taking money that has strings attached to it," George says. Genesis House is unorthodox—a farmhouse located on 127 acres of farmland, where 16 ex-addicts keep busy working on such tasks as raising crops and tending cattle, horses and pigs.

"There's no professional staff living with them," George says. "They're all on their own, except for one guy who was cured through the program and then asked to stay on to help the others, in a semi-official way. Of course," he adds, "Dr. Senior keeps a close watch on the entire operation."

The economic goal is to make the farm self-supporting. The psychological goal is to nurture in the ex-addicts emotional tools for their return to mainstream society. "They sit around after work and discuss their problems," George says. "They're a tightly knit group and a kind of love comes out of what they're sharing now, the experiences they went through outside. They feel loved and realize they're lovable." This new-found self-esteem eventually enables them to leave Genesis House without fear of an eventual relapse into addiction.

Unorthodox, yes—and therefore dependent for survival on private contributions. "I go around and speak at women's groups, Kiwanis Clubs, business organizations, fraternities, sororities—and I ask for donations," George explains. "Mainly I fill my talks with statistics. I tell them how there are 25,000 heroin addicts in the state of North Carolina, how that represents an increase of 55 percent over the past five years. I use statistics to try to scare them into facing reality: That the drug problem isn't just something that happens in New York City; that the drug problem is in their high schools, their universities—right here in Chapel Hill."

According to Karl, last year Genesis House collected $26,000. "This year," he says, "we were lucky enough to start off with a $30 000 grant from a local church group. And the basketball team held a day this year when we sold autographs, gave away basketballs, got fans to pose for pictures with us for a small contribution—we raised $1000 that day alone."

On that North Carolina basketball team, one of the top ranked in the nation, the 6-1, 183-pound junior is "point man" or "quarterback"—the guard who calls all offensive and defensive signals. "When I graduate I might go into coaching," George says, "if I don't play pro ball. Or else I might go into the Peace Corps for awhile—I'm a political science major and the Peace Corps would tie a few of the things I'm interested in doing into a bundle. One thing I have decided," he adds, "is that I want to get into a career where I can really help people."

So his goals, his attitudes have altered since high school. His involvement with Genesis House has led to a personal genesis of his own—a creative start toward a lifelong commitment.

SALUTE TO EDUCATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BELL. Mr. Speaker, today, June 21, 1972, educators from around the nation are joining in a Salute to Education. Education is the lesson of the past, the source of today and the hope of tomorrow. This salute is only a small tribute to our educational institutions and to those men and women who have dedicated themselves to the enrichment of this country's educational process.

The rapid growth of educational quality in our Nation is perhaps the major reason for our assumption of leadership in the world. We are simultaneously a model to the emerging smaller nations of the world and respected by the larger nations. It is largely through the accomplishments of our educated men and women that this country and others have flourished.

All of society benefits from the education of its members; technological and medical breakthroughs result from the research, philosophies, and dreams of our educated. These advancements have strengthened the foundations of the societies of the world, and in this country, we can now look forward to a longer and more leisurely life. Education is the essential base from which society grows and prospers.

Our educational system prepares its men and women to realize the full potential of themselves and their nation and to create new horizons for which to strive.

More important, however, education has and must continue to teach each man to become a free thinker in society. It must encourage man to thrust his individuality into the world of the unknown—to think, choose and act for himself in relation to those around him. Education is more than the knowledge gained from books. It is, rather, an ongoing process of life.

Through education comes change, and change is the heartbeat of society. The future of all nations depends on the educated man's dissatisfaction with the present. Education has taught man not only to desire positive change, but also to accept it.

Therefore, I am proud to join in this salute to education—for what it has done, for what it is doing, and for what it will accomplish in the future. We must continue to support and encourage our educational system. We deserve it.

"PLUTONIUM AND THE ENERGY DECISION"

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DOW. Mr. Speaker, at an appropriate time during the debate on the Public Works/AEC appropriations bill, I will offer an amendment to delete all funds for the liquid metal fast breeder reactor—LMFBR—demonstration project. I feel that this project will put us on an irreversible course to an energy economy based exclusively on plutonium, one of the most toxic substances known to man.

This is a highly complex area of public administration, but after close study, and after noting the opinions of some of America's foremost scientists, including several Nobel Prize winners, I have concluded that it would be wise to delay this demonstration project until we have evaluated all the alternatives. For example, fusion reactors are considered a feasible and safer means of power production than the LMFBR's. Have attempted once to delete the LMFBR research funds from the appropriations bill, I will not offer that again, but the demonstration project should be seriously questioned.

I would like to invite my colleagues to read the article I will append below which discusses the consequences of our Nation committing itself to plutonium technology. It is by Donald P. Gessaman and was published in the September 1971, Bulletin of the Atomic Scientists.

PLUTONIUM AND THE ENERGY DECISION

(By Donald P. Geesaman)

In our social climate of aggresive change, technology has evolved to a special station. As a catalyst of change, technology has become a basic implement of economic and political power. As a consequence, technological decisions are made on the limited social and physical scales dictated by specific economic and political responsibilities. This decoupling of decision from the complete world is the indulgence of a society that is socially diffuse and physically unconfined. It is an indulgence that can no longer be sustained.

The premium value placed by our society on growth and innovation manifests itself in a promotional attitude towards technology. Within this basis, benefits are regarded with indelicate optimism, and detriments as the hobgoblins of small minds. In the absence of any effective institution of contrary bias, the promoter's influence has become the dominant and hence the characteristic influence in our society attitude toward technology. This situation deprives society of an overall appreciation of alternatives and implications, and hence, in the largest sense, is not beneficial.

Technology has conferred upon our society a way of life. Society is now vaguely coming to realize that something must be done to assure that this way of life is acceptable and sustainable. If these expectations are to be realized, then decisional decoupling and promotional bias must be recognized as defects in the present relationship between society and technology. The enery crisis, the reactor controversy and, more specifically, the proposed plutonium economy of the future are representative of this problem. It is in this context that they will be considered.

The present energy crisis in this country is largely confined to the electrical sector of the energy market. During this century the electric utility industry has enjoyed an uninhibited growth through orders of magnitude. The dilemma in which this industry presently finds itself is a consequence of the intrusion of new growth limiting factors on its former economic isolation. Because of this intrusion the industry has begun to recognize the distinction between markets and needs. It is certainly true that the markets for electric power are not saturated, and to the extent that they are decoupled from the social and physical world, the markets could be expected to grow exponentially for some time to come. But it is naive to believe that saturation of the markets will painlessly place the ultimate limit on the growth of the electric power industry. In fact, what the present crisis demonstrates is that physical limitations such as fuel availability, biological limitations such as air quality, and social limitations such as siting criteria are factors that intercede long before market saturation.

Recognition of this fact would be wider spread if a heavily subsidized nuclear technology had not materialized in the 1960s, and offered the possibility of bypassing these growth limiting factors. The Atomic Energy Commission and the reactor vendors promised clean, safe, cheap, abundant electrical power; and the utility industry accepted the nuclear solution to their restricted responsibilities, and in the years 1964–67, 60 reactors were purchased for some $10 million in an unprecedented economic commitment to a new technology. As a result of promotional bias and isolation of decision, the determination to implement this major technology was easy for society. Too easy in fact, for now when the reactor arguments are belatedly raised in a larger forum, society is faced with its own fait accompli, and technological judgement is further distorted by deep economic involvement.

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It has been eight years since the sale of the Oyster Creek reactor precipitated the rush to nuclear power. Some 110 commercial reactors are now completed or on order, and only now are the simplest implications of the commitment being widely appreciated. Radiation standards are being contested because of the potential increase in low level radiation exposure. The threat of major reactor accident has become aggravated as reactors have accumulated more rapidly than operating experience. The disposal of high level radioactive waste is an unsolved problem; no disposal site has been finally approved; and the practicality of large scale solidification of wastes is still undemonstrated. But reassessment of the reactor decision is awkward with so much committed, with some tens of thousands employed by the industry, with billions of dollars of reactor-funding utility bonds held by pension funds, insurance companies and foundations, and with the Federal Power Act's tradition of "greatest possible economy" as an added constraint on the production of electrical power.

In the final analysis the present generation of light water reactors is a technological *cul de sac*, with little relevance to a solution of the ultimate energy problem. This technology is probably no more than a final offering at the altar of exponential growth of electric power. The future and the substance of the fission program is the breeder reactor, and the representative fuel of the breeder is plutonium.

Plutonium is an element virtually nonexistent in the earth's natural crust; for all practical purposes it is of man's doing. It has several long-lived isotopes, the most significant being plutonium-239, which because of its fissionable properties and ease of production is potentially the best of the three fission fuels. Plutonium-239 is an alpha emitter with a half-life of 24,000 years, hence its activity is undiminished within human time scales. It is 30 years since plutonium was first produced and isolated by Glenn T. Seaborg, now chairman of the AEC, and his colleagues. Until recently it was significant only as a nuclear explosive. Now, the Atomic Energy Commission is promoting it as the energy source of the not too distant future. How is this new technology to be assessed and appreciated by society? From Chairman Seaborg's "child-in-the-manger" descriptions of plutonium's origin; from romanticizations of the future, reminiscent of Jules Verne; from speculative projections of of energy needs and markets to the year 2020? The more favorable side of the picture will assuredly be there; but is that enough for society or even utilities to judge by responsibly when considering the conjectured primary energy source of the future.

If the liquid metal fast breeder reactor is developed and implemented according to AEC projections, then by the year 1980 commercial plutonium production will be 30 tons annually, and in excess of 100 tons by the year 2000.

Plutonium is a fuel that is toxic beyond human experience. It is demonstrably carcinogenic to animals in microgram quantities. (Pure plutonium-239 in this amount would be roughly the size of a pollen grain). One millionth of a gram injected intradermally in mice has caused local cancer. A similar amount injected into the blood system of dogs has induced a substantial incidence of bone cancer because of the element's affinity for bone tissue. It is fortunate that the body maintains a relatively effective barrier against the entry of plutonium into the blood system.

Under a number of probable conditions plutonium forms aerosols of micron-sized particulates. When lost into uncontrolled air these particulates can remain suspended for a significant time, and if inhaled they are preferentially deposited in the deep lung tissue, where their long residence time and high alpha activity can result in a locally intense tissue exposure. The lung cancer risk associated with these radiologically unique aerosols is unknown to orders of magnitude. Present plutonium standards are certainly irrelevant and probably not conservative. Even so, the fact that under present standards, the permissible air concentrations are about one part per million billion is a commentary on plutonium's potential as a pollutant. Its insolubility and long half-life make the continuing resuspension of particulate contamination another unresolved concern of serious proportions.

Nor is plutonium contamination an academic question. In May 1969 the most costly industrial fire in history occurred in Colorado at Rocky Flats, the weapons-making plant operated for the Atomic Energy Commission by Dow Chemical. This major plutonium handling facility lies 10 miles west of Denver. A subsequent environmental study by an independent party, E. A. Martell, revealed that offsite plutonium contamination was two to three orders of magnitude greater than would have been expected from measured plutonium losses in the heavily filtered air effluent of the plant. After-the-fact ex-

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planations seemed to fix the source of this anomalous contamination as wind blown plutonium that had leaked from openly stored barrels of contaminated oil. The plutonium involved in the fire was largely contained and apparently was not implicated in the off-site contamination. Nevertheless, it is hardly reassuring that consequent to this fire Congress voted a special appropriation of $25.5 million (of a projected $118 million) for the upgrading of "fire protection, safety and operating conditions" at Rocky Flats and similar facilities. And there is little comfort to be found in the irresponsible waste disposal practices which were revealed by the investigation after the fire. The leakage of plutonium from the contaminated oil led to an uncontrolled source of plutonium which was some orders of magnitude larger than the integrated effluent loss during the 17 years of plant operation. As a result of this source, tens to hundreds of grams of plutonium went off site, 10 miles upwind from a metropolitan area. The loss was internally unnoticed, the ultimate deposition is now speculative, as is its human significance.

Is present society so psychically stable, so civilly docile that it can have its energy addiction based on a material whose radiological toxicity is such that a few ounces might cause a million undetected and irremediable fatal injuries? A complex and sophisticated society must bear the burdens of vulnerability and constraint that are inherent in its technologies.

Implicit in the present nuclear industry is the production of fissionable material. Our transition to plutonium as a major energy source will inextricably involve our society with the large-scale commercial production of a substance that is a suitable nuclear explosive. A mystique of scientific accomplishment surrounded the development of nuclear weapons during World War II. That mystique has become illusory. The main practical impasse to nuclear weapon manufacture was perfecting and implementing the expensive technologies for manufacture of fissionable material. Gaseous diffusion enrichment of uranium and reactor breeding of plutonium were major industrial projects in their own rights, but they are now implicit in the nuclear power industry. A reactor of even the present generation will produce some 250 kilograms of plutonium per year, and since the amount necessary for an explosive device is described by Theodore Taylor as "a few kilograms," the substantial weapon capability of one commercial reactor can be inferred.

By the year 2000 plutonium is conjectured to be a major source with an annual production in excess of 100 tons. Can these quantities be handled without internal subversion? Underworld involvement in the transportation industry is legendary, and theft in the industry is epidemic. University unrest is ubiquitous, radical activism is a reality. So far as accountability experience is concerned, Nuclear Materials and Equipment Corporation (NUMEC), over several years of operation, was unable to account for six per cent (100 kilograms) of the highly enriched uranium that passed through its plant; and at a recent safeguards symposium the director of the AEC's Office of Safeguards and Materials Management observed that "we have a long way to go to get into that happy land where one can measure scrap effluents, products, inputs and discards to a one per cent accuracy."

[A number of "misroutings" of special nuclear materials has occurred and these have pointed clearly to the need for enhanced safeguards to prevent loss by theft of hijacking.

On March 5, 1969, a container of highly enriched UF-6 (uranium hexafluoride) was shipped from Portsmouth, Ohio, to Hematite, Missouri. It did not reach its destination in Missouri. The AEC, the Federal Bureau of Investigation and many individuals searched intensively. Finally, on March 19, the shipment was found in Boston.

In the same month of 1969, a shipment of highly enriched uranium destined for delivery at Frankfurt, Germany, wound up in London. In April 1970, a drum of waste containing some 70 per cent enriched uranium which was being shipped locally from one firm to another in the same California city ended up in Tijuana, Mexico. U.S. Representative Craig Hosmer of California, a member of the Congressional Joint Committee on Atomic Energy who described these incidents in a talk last year, recalled that the report on the Tijuana diversion was entitled: "Inadvertent export of special nuclear materials." Ed. Note]

When plutonium commonly exists, the possibility of theft will exist, and accountability will be difficult and the technology needed to make an explosive device will be available in textbooks, as it is already. Finally the social price for dealing with the problem effectively may be paid for dearly by the loss of some poorly seen freedom.

Quite aside from this, if the plutonium economy is implemented in the United States, then by symmetry it will inevitably be implemented by other major powers, and the technology would be marketed in all the small and underdeveloped countries that are struggling for stability. With reactor fuel plutonium, fission weapon capabilities are only days away. This capability makes nuclear disarmament seem remote, and is part of the responsibility of accepting the nuclear economy.

Since the Eisenhower administration the exchange of peaceful nuclear technology has been a component of our foreign policy. The peaceful atom has been internationally promoted with enough effect in obtaining signatories to the Nonproliferation Treaty. Without criticizing the Treaty or its intentions, it must be recognized that the line drawn between peaceful and nonpeaceful nuclear technology may effectively define no more than an irony.

Unless fusion reaction feasibility is demonstrated in the near future, the commitment will be made to liquid metal fast breeder reactors fueled by plutonium. Since fusion reactors are presently speculative, the decision for liquid metal fast breeder reactors should be anticipated. Considering the enormous economic inertia involved in the commitment, it is imperative that the significance of the decision be symmetrically examined prior to active promotion of the industry.

In our present society, it is doubtful that this will be done. Promotional bias and isolation of decisions will preclude it. The Atomic Energy Commission, in its posture of promoter, will be functionally unable to serve also as a critical advocate for society in general. This responsibility will be outside the restricted economic sphere of utility and vendor. In this unbalanced situation uncertainties will be unnoticed and shortcomings degraded. Public, industry and government will be effectively uniformed. Unless some new institution of assessment intercedes the consideration affecting the decision will be defective. Technology is too dominant and society too restricted for such defects to be tolerable. A flawed judgement involving plutonium, and all other decisions could be irrelevant.

FISSION AND FUSION REACTORS: THE ALFVEN MEMORANDUM

In the long run fossil fuels cannot satisfy rising energy demand in the world. There are only three sources of energy known which are sufficiently powerful: (a) solar energy, (b) fusion energy, and (c) fission energy. The first one is completely pollution-free, the second one almost pollution-free. The third one is necessarily combined with production of large quantities of radioactive poisonous elements.

In my opinion, the dangers associated with fission energy have not received necessary attention. Whether the pollution caused by fission reactors in normal operation is below a safe level or not is a controversial matter. If a reactor goes out of control, the consequences may be terrible. Even if extreme safety precautions are taken, the large quantities of radioactive material in them constitute a permanent danger. For example, in periods of political or social unrest, sabotage against reactors may cause catastrophes. Furthermore, in a full scale fission program, the radioactive wastes will soon become so enormous that a total poisoning of our planet is possible. Under such conditions safety margins, which are acceptable in other fields, are inadequate. It is not evident whether the waste problem can be solved in a satisfactory way.

If solar energy or fusion energy were available now at comparable cost no one would use fission energy (for peaceful purposes). Unfortunately this is not the case. Solar energy is available but at prohibitive cost. However, there are new interesting solar energy projects which should be examined carefully.

Concerning fusion energy, there is a general agreement that no *fundamental* obstacle is likely to prevent the construction of a fusion reactor, but there are a number of difficult scientific and technical problems which must be solved. There is much speculation about how much *time* is needed to solve these problems, but it is just as much a question of how much *effort* has to be spent.

In my opinion a solution of the fusion problem is less distant today than the Moon was when the Apollo project started. This means that if a national effort of the same kind as the Apollo program were made, fusion energy would be available in a comparable time. If this is achieved, the fusion reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible.

The views expressed here are shared by many competent physicists. They are basically different from those on which present policy is based. An important decision about the future energy policy of the United States—and of the whole world—should not be made until a thorough discussion has taken place involving advocates for all the three different alternatives for solving the energy problem. (Hannes Alfven, 1970 Nobel laureate in physics, in a memorandum to Senator Mike Gravel, April 2, 1971.)

TOM BRADLEY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ROYBAL. Mr. Speaker, I would like to congratulate a close friend and outstanding civic leader, Tom Bradley, for his 30 years of public service to the people of Los Angeles.

I first met Tom when I was on the city council more than 20 years ago; he was then serving as a police officer in the district I represented. For the past 9 years, Tom has served as a city councilman, working tirelessly on behalf of the city and its people.

As chairman of the State, county, and Federal affairs committee, he has been a strong voice and advocate for the city before Congress and the Federal Government.

Tom has dedicated his whole life to solving urban problems, to achieving equal education and fair employment for all, and to building a safe, clean environment for Los Angeles.

I have only the deepest respect for this energetic and dedicated man. And I know the people of Los Angeles join with me in honoring him today.

VIETNAM: AN ILL-CONCEIVED STRATEGY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, I have been requested by a friend and constituent in Arlington, Va., to insert an article by Father Denis Dirscherl which appeared in the June 11, 1972, issue of Our Sunday Visitor, a National Catholic family weekly newspaper into the CONGRESSIONAL RECORD. This article is on a subject on which thousands of articles have been written and on which there are many many areas of disagreement. The last paragraph is one in which I would hope there would be solid agreement and I would like to add extra emphasis to it:

VIETNAM: AN ILL-CONCEIVED STRATEGY

(By Father Denis Dirscherl, S.J.)

No issue has seared the heart and soul of our country more in the past ten years than the Vietnam War.

This bitter struggle has provoked a wide variety of moods in the American people. In the early years a sense of patriotism prevailed. A feeling of need to stop Communism in its tracks, a responsible movement to help defend the Vietnamese people from Viet Cong aggression, a desire to see that freedom might survive in our time—these were the predominant moods and tempers in the early days of the war.

Over the past few years the mood of many people has changed dramatically. True, the need to stop Communist aggression is still alive and conscious to the vast majority of people. But a deep seated sense of anguish and weariness has woven its way into the hearts of most Americans. Frenzy, disgust, grief, and outright exasperation are common emotional expressions of many Americans these days. As one elderly gentleman vented his full frustration in my direction the other day, "Where is the wisdom of it all? We've poured our resources down a rat-hole!"

Though it is relatively easy to find the "whys," the rationale of our involvement in the Vietnam War, the American strategy, or the lack of one, and the execution of that strategy is quite another question. As we look back to the initial stages of the war there seems to be no clearly conceived theory or conclusive strategy of conducting the war. Instead we find a great deal of patchwork, a hodge-podge.

One of the major failures was the inability to make our involvement in the war compelling to other old allies. Support, even moral, was miniscule from other friendly nations. This situation made the United States more vulnerable to propaganda blasts from the Communist countries. It was an "American" war they would say.

Another factor that come home to haunt us as the years grew longer was the inability or unwillingness to put a disciplined, well-equipped Vietnamese Army on the field. It has been only late in the game, relatively speaking, that the South Vietnamese began to take their proper place in the war. After all, it is their country and their people.

The third and perhaps the greatest failure of the Vietnam War is the strategy itself. The United States employed a "no-win" policy. The combatant that allows to the enemy free access to import supplies and arms is defeating himself. Until recently, few attempts were made to cut off the ability of the North to continue the war. The war became largely a widespread tactical skirmish. Though air power has been vastly over-rated, particularly in this war, our air force has not been able to deliver the punch that could have demoralized and weakened to submission the might of the North.

The military of our country serve as convenient scapegoats for the setbacks in Vietnam. But they are not the policy makers of our country. The President, the State Department, and the various security advisers of our country make the policies. The military only carry it out. The military, in true perspective, deserve little of the wrath that has been heaped on them in recent years.

Amidst all this controversy it took great courage and determination for the American soldier to take his place of duty in South Vietnam. How discouraging it was for him to hear all the political mayhem back in the States. It is no small wonder that more Americans did not desert to foreign shores. Most soldiers returned from Vietnam with very little welcome or appreciation for risking their lives for us. There should be no talk about the absence of heroism or the demise of the hero in American society; the real hero was often found in Vietnam.

There is no question that any consideration of the war must include a look at the "enemy." Unquestionably the soldiers and war machine of the North proved much tougher and more resourceful that the United States and South Vietnam thought possible. They have suffered heavily in the war of attrition, but they have perhaps shown us what the will to win means. They have not been deterred in their mission to this date. True, the leaders of the North, as other Communist wars and uprisings in the past have revealed, place very little value on individual life. And when it comes to treaties or negotiatons they know that the only position to bargain from is a position of strength.

Vietnam has clearly shown us that the United States can no longer be the world's policeman alone. And if ever we are called to enter another struggle, we should have what is the most basic common sense: a strategy that is viable and effective, and a will to execute that strategy to victory. No less makes no sense at all.

CONGRESSIONAL CHARTER FOR POP WARNER JUNIOR LEAGUE FOOTBALL

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HORTON. Mr. Speaker, the Judiciary Subcommittee of the House District Committee will hold hearings tomorrow on H.R. 15188, a bill I introduced on May 24 to incorporate in the District of Columbia, the Pop Warner Junior League Football program. H.R. 15188 is very similar to legislation I introduced with a total of 111 sponsors in the first session. The purpose of both bills is to recognize the Pop Warner program for its splendid contribution to the character development of our Nation's youth. Pop Warner football is now active in over 40 States. Through emphasis on physical fitness, cooperative team play, self-discipline, and scholarship, it is preparing over 700,000 young men for civic responsibility and leadership.

Because H.R. 15188 has been classified as private rather than public legislation, it is not possible for Members to cosponsor the bill. However, I would like to indicate for the RECORD that the following Members have endorsed this legislation:

LIST OF MEMBERS

Mr. Addabbo, Mr. Barrett, Mr. Biester, Mr. Blackburn, Mr. Boland, Mr. Brinkley, Mr. Burke of Massachusetts, Mr Don H. Clausen, Mr. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Duncan, Mrs. Dwyer, Mr. Edwards of California, Mr. Ellberg, Mr. Findley, Mr. Fish, Mr. Broyhill of North Carolina, Mr. Fisher, Mr. Flynt, Mr. Forsythe, Mr. Frelinghuysen, Mr. Garmatz, Mr. Goodling, Mr. Halpern, Mr. Helstoski, Mr. Howard, Mr. Johnson of California, Mr. Kazen, and Mr. Kemp.

Mr. Leggett, Mr. McFall, Mr. Madden, Mr. Clancy, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Morgan, Mr. Mess, Mr. Murphy of New York, Mr. Pelly, Mr. Pepper, Mr. Pettis, Mr. Rodino, Mr. Rosenthal, Mr. Spence, Mr. J. William Stanton, Mr. Teague of Texas, Mr. Terry, Mr. Van Deerlin, Mr. Veysey, Mr. Anderson of Tennessee, Mr. Dorn, Mr. St Germain, Mr. Waidie, Mr. Whitehurst, Mr. Winn, Mr. Wolff, Mr. Wyman, Mr. Baring, Mr. Collier, Mr. Nichols, Mr. Vander Jagt, Mrs. Grasso, Mr. Sisk, Mr. Kuykendall, Mr. Gude, Mr. Long of Maryland, Mr. Mizell, and Mr. Gaydos.

Mr. Speaker, it has been a great honor for me to sponsor congressional recognition of Pop Warner football. I wish to thank those of my colleagues who have joined me in this effort and the House District Committee for its prompt action on our legislation.

SALUTE TO EDUCATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. REID. Mr. Speaker, today, June 21, the National Education Association is sponsoring a salute to education. At this time I would like to commend the NEA for its fine consistent leadership in the education field.

From its inception, American democracy has shared a belief in the importance of equal opportunity of education for all citizens. It was Thomas Jefferson who said:

No republic can maintain itself in strength without general education to enable every man to judge for himself what will secure or endanger his freedom.

And in our own time, President Kennedy stated to Congress:

The education of our people is a national investment. It yields tangible returns in economic growth, and improved citizenry and higher standards of living. But even more importantly, free men and women value education as a personal experience and opportunity—as a basic benefit of a free and democratic civilization. It is our responsibility

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to do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

Our salute to education today must be a continuing commitment to these goals.

In the years since Kennedy's statement we have seen the Federal Government tangibly acknowledge the tremendous value of education in our society by enacting a variety of new programs to expand educational availability—programs to aid the disadvantaged, the handicapped, the preschool child, colleges and universities, low-income college students, teachers, vocational students, and libraries to name just a few.

This must continue to be the direction of our salute—not merely an acknowledgement of the value of education, but rather a specific commitment to education. As an example, I would particularly like to see the Federal Government expand its efforts in preschool education. As President Kennedy said:

We must do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

OUR TEACHERS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DORN. Mr. Speaker, the National Education Association has designated June 21 on which to hold a "Salute to Education." Any "Salute to Education" is, to me, first and foremost a salute to the hundreds of thousands of individual teachers who are rendering dedicated service to our young people in elementary and secondary schools, technical and vocational institutions, and colleges across our Nation. Too often we consider education only in terms of organized methods or philosophical concepts. But it is the individual teacher upon whom the greatness and effectiveness of our American educational system depends.

Our teachers are exerting a tremendous influence on their students and on all of the many people they come in contact with in their work. Teachers have played a large role in shaping my own personal life and career goals. Both my mother and my father were teachers. Before the age of six, I used to visit schools with my father, and so many of my earliest memories are associated with education. As early as the fourth grade, what I was taught in school about our Nation and our Government gave me a desire to participate in making the laws for our land. Various teachers also encouraged me to participate in speaking and declamation contests. Today I continue to visit schools in my district and throughout the country as often as possible, and I can truly say that I have never met a teacher who did not want his students to succeed and do well.

Mr. Speaker, the best description of a teacher's vocation is found within the very word "education," which is connected with the Latin word ducere, meaning "to lead." A teacher is a leader. A good teacher has all of the hard duties and heavy responsibilities of a leader facing and directing a difficult task. A good teacher must guide, urge, explain, challenge, exhort, sympathize, assist, encourage, and at times demand. What our teachers do inside and outside of their classrooms not only molds intellectual development, but also affects the moral, social, and spiritual development of their students. I commend the teachers of our Nation for the outstanding work that they are doing. I am grateful to them for their dedicated and devoted services as leaders for the youth of America and for all of us.

SALUTE TO EDUCATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CAREY of New York. Mr. Speaker, today I would like to take a few moments to celebrate the progress of education in this country. I have long been involved in the process of reform for American education, and it is with much pleasure that I consider its accomplishments.

For 7 years I served on the House Education and Labor Committee and was chairman of the ad hoc Committee for the Handicapped. I was one of the original sponsors of the Elementary and Secondary Education Act of 1965.

Many exciting changes have taken place since I first became involved with education legislation. Some would argue that there has been enough change, that the need for innovation and reform far outstrips the supply. I cannot agree with this.

Progress has been made. The Elementary and Secondary Education Act has afforded educational opportunities to thousands of disadvantaged youngsters. It has not only reached young people from economically and culturally deprived homes, but it has also reached young handicapped, non-English speaking, and gifted children. Through other Federal programs such as Headstart and Follow Through, we have seen successful attempts to reach and help the preschool and early school disadvantaged child. These children are receiving help at a crucial age; they will be spared the pain of remedial programs that come too late and do too little.

The American educational system, at both the Federal and local level, is also making exciting steps to incorporate true innovation into the programs of the schools. The U.S. Office of Education is conducting an experimental school program in three cities throughout the country. By carefully studying and evaluating the effectiveness of the various innovations introduced in these systems, the educational establishment has a means of knowing what is successful.

There is so much to be excited about in American education today. It is certainly true that there is much to be done, but as one who has watched education closely, I can confidently say that the potential and the desire is there to do it. I welcome the opportunity to join this Salute to Education.

SALUTE TO EDUCATION

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. McCORMACK. Mr. Speaker, it is an honor and privilege for me to make a few remarks of tribute to the American educational system in conjunction with the June 21 Salute to Education, which is being sponsored by the National Education Association.

It should go without saying that it is an honor to pay homage to such an outstanding educational system. And it is a privilege to have this opportunity to salute the many fine educators—from grade school through college—to whom each of us here, as well as citizens across the country, remain deeply indebted.

It is particularly appropriate, in my judgment, that today's Salute to Education closely follows House passage of two vital bills in the field of education—the conference report of the omnibus higher education bill and the Labor-HEW appropriations bill. Among the important new departures in the first bill are: Direct aid to colleges and universities for operating expenses; grants of emergency assistance to institutions of higher learning facing severe financial crisis; special grants to institutions which increase their enrollment of veterans; and programs to encourage Indian education, consumer education, and ethnic heritage programs. Moreover, if adequate appropriations follow this authorizing legislation, low- and middle-income students will be guaranteed financial aid for tuition, based on their family's ability to assist them. Matching grants will be available for new and existing community colleges as well as assistance to States in the development and conduct of occupational education programs.

While I strongly opposed the inclusion of antibusing language in this legislation, I did feel that it would be impossible to pass preferable legislation at this time and that approving new assistance was imperative at a time of increasingly severe financial strain on too many students and institutions of higher learning.

Concerning the Labor-HEW appropriations bill just passed by the House, I was particularly pleased that the administration's budget was increased by $912 million in committee and an additional $364 million during consideration by the whole House. The total $1.27 billion increase over the administration's request represents a funding level $418 million higher than that of the same programs this year.

As an active member of the Committee on Science and Astronautics, I also strongly supported its action increasing authorizations for science education as a part of the National Science Foundation fiscal year 1973 legislation. During committee consideration, we added $23,800,000 for graduate student support in science education improvement and $11 million for institutional improvement for science. This legislation passed the House in April.

Recognizing that about one out of every four persons attending an institution of higher education is enrolled in a community college, the committee increased the technician/technologist education projects by $1.5 million and restored $2.1 million for science faculty fellowships and research participation. It was our intent that the community colleges be major participants in these two programs in order that their faculties and curriculums be made more effective in areas related to science and technology.

Other specific programs increased by our committee action included $3 million for secondary schoolteacher projects, $1.6 million for undergraduate scientific instructional equipment, and $1.4 million for the high school talented student program, which is designed to identify and train future leaders in science and engineering.

But however worthy these congressional contributions, they are no cause for complacency. For this is a time when more and more is being asked our educational system while the resources to fill the requests are being diminished. In 1900, according to Ralph W. Tyler, only 5 percent of our population was needed in professional or highly skilled occupations and 60 percent in unskilled. But now, that situation has been completely reversed—60 percent of our population earns its living in professional and skilled occupations and only 5 percent of the work force can be absorbed in so-called unskilled labor.

The Federal Government encouraged greatly expanded educational opportunity in conjunction with the massive American technological advance in the post World War II period. And the scope was even further expanded with the legislative program of the 1960's to include special programs for the physically and mentally disadvantaged, manpower programs for the jobless, VISTA and the Peace Corps, Headstart and Upward Bound, as well as vocational and environmental education.

But the progress made, to say nothing plans for the future, are severely threatened. Even the most basic inputs into any educational system—a full school day and year, adequately compensated teachers, and simply enough teachers for each classroom—are in jeopardy due to the financial crunch being forced upon educational institutions. Inflation has placed immense pressures on school budgets. The constitutionality of existing property-tax financing of elementary and secondary schools has been questioned by legal actions throughout the country. And the taxpayers are in open revolt, with rejections of school bond issues having increased from 11 percent in 1960 to 53 percent last year.

The result is as unacceptable as it is deplorable. A recent survey of the 100 largest school systems in the country revealed that almost half have had to lay off teachers, shorten the school year, close libraries, or in some way seriously curtail their educational program. In my own State of Washington, recent defeats of levy measures have threatened the positions of 2,000 teachers.

The solution, in my judgment, must originate with the Federal Government. As a Congressman, I would be remiss if I did not admit that there is much that we in the Congress should do that has not been done. All too often, although our authorizations requests are at least adequate, our action on appropriations measures falls far short of the goals envisioned. Moreover, when action comes late on these measures, all too often after the fiscal year is well in progress, there is no way States and school districts can make rational and necessary plans for the future. These shortcomings must be overcome. We must pass appropriations measures into law before the beginning of the fiscal year and we must appropriate moneys at a far closer level to the authorization authority.

But the root of the problem runs far deeper. We would hardly make a dent in the overall problem by simply increasing appropriations to authorization levels. What is needed is a drastic reorientation of our thoughts and actions regarding the Federal role in education. At the present time, Federal taxes consume 64 cents of each tax dollar. But that money contributes a mere 7 percent of the revenue for our elementary and secondary schools. At the same time, local sources contribute 53 percent of the moneys for elementary and secondary schools while receiving only 17 cents of each tax dollar.

If we are to continue to expand and improve our educational system, as we must, that situation must be changed. The legitimate grievances of property taxpayers must be redressed. The Congress must move toward financing one-third of the costs of elementary and secondary education.

But as we think about the future of our educational system, we must not limit ourselves to considering necessary financing. We must act to deal with the new requirements which will be placed on the nature and scope of education, if it is to continue to make the contributions tomorrow that it made so well yesterday.

As a scientist, I am particularly interested in the contributions which technological advances can make to our educational process. For example, how can we most effectively use computers to reinforce classroom learning, to facilitate library services, to match intellectual interests and research in progress? We must further concern ourselves with increasing the interrelationship between schools and communities. We must explore new ways to make education available to more people at a lower cost and with less inconvenience. One example here is a pilot program recently underwritten by the National Endowment for the Humanities. Titled "Courses by Newspaper," this program will include 20 lectures in selected newspapers which will be designed for the casual reader as well as those interested in paying a token $15 enrollment fee, receiving additional material, taking exams, and receiving credit. And finally we must focus on continuing career education. Today, far too little attention is given to occupational education, despite its increasing importance to the marketplace. And almost no attention is given to the need for continuing education, although the average person changes jobs five to seven times in his life and technology and national priorities are eliminating old jobs and creating new employment needs.

We look to education to help us meet these needs. But in a time of rapidly increasing change, we must be sure that we are in control of change rather than change in control of us. This can only be accomplished with the proper emphasis and creative investigation in the field of education. Let us accept the challenge today to fulfill our responsibilities for forging a better tomorrow.

A TRIBUTE TO EDUCATORS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MANN. Mr. Speaker, today I would like to join my colleagues in paying tribute to the classroom teacher, and all other educators working on the cutting edge of both the problems and the limitless opportunities that the immediate future presents to education in this country.

Few necessities of life, if any, are more basic to the well-being of the individual American, and of the Nation. Lack of education is as serious as lack of food. The illiterate is a starved person. These things are, of course, universally recognized, fully as readily by those who hate the American ideal of human life as by those who share it.

Man comes to true and full humanity only through culture, that is, through the cultivation of his own potential, the goods and values nature has given him. But there is one irreducible prerequisite for such cultivation—one must want it. To create an atmosphere in which young people can find such motivation is surely the most difficult art for teachers to practice today, for it must be an atmosphere of moral optimism. Only in such an atmosphere will young people see educational requirements not as something negative, limiting, imposed by adults, but as something positive, a step forward to the kind of future they themselves want.

Only in such an atmosphere of optimism will today's young people open out to social cooperation, to acceptance of an orderly and interdependent society in which the requirements of the common good will no longer be regarded as obstacles, as traps set for individuals, but as advances, elements of development, liberating, and enriching all.

Rare indeed, and most unfortunate, is the American who cannot recall at least one teacher who made a contribution of this sort to his life. I find it a matter of justice, and a personal pleasure, to pay tribute to education and to all teachers for what they have contributed in the past and for what they can do in the future. In the words of Henry Adams, "The Education of Henry Adams:"

A teacher affects eternity; he can never tell where his influence stops.

XUM

ORATION CONTEST AWARD TO JOSEPH W. McLEAN, ALEXANDRIA, VA.

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on June 11, Joseph W. McLean of Alexandria, Va., won first place in the Douglas G. High Oration Contest at the 82d annual Congress of the Sons of the American Revolution in Indianapolis.

Young Joseph McLean, a graduate of T. C. Williams High School in Alexandria and the son of Mr. and Mrs. Woodfen McLean, won over 10 other finalists in the competition with his fine address on the preservation of constitutional principles.

I ask unanimous consent that the text of Joseph McLean's oration, entitled "Dissent or Destruction," be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DISSENT OR DESTRUCTION

It has been said that the oldest struggle in civilized society is that struggle between the individual seeking freedom, and the state seeking order. Our Founding Fathers had looked on six thousand years of human history, and had seen the God-given rights of man burned to a crisp at least once in every generation by the fires of unjust governments. These men knew that man should not be ruled by a despot, but should endeavor to govern himself by a system which would be acceptable to the majority of his peers, and, in which he would have an equal voice. The designers of our Constitution believed that all men should be free, and to achieve this freedom, the political structure of man's society would have to be flexible enough to adapt to changing circumstances within that society. But they also realized that a nation in constant turmoil and revolt has no chance of success in a highly competitive and aggressive world; therefore, their system of government would have to provide avenues of political change without social upheaval. We have only to read the document which our Founding Fathers drafted to see that they were excellent political theorists, but when we watch their system function, it becomes apparent that they were also magnificent, practical politicians. They have given us an instrument which in itself provides all the needs of a free society.

In the first amendment, the people are given the right to assemble peaceably and to petition the government for redress of grievances. Thus change is provided for within the system, where it is constructive, but not outside the system, where the intent is simply to disrupt the status quo.

In a free society, dissent is an essential part of liberty; however, when protestors infringe en masse on the rights of others by using force and violence, we should re-examine their character and their true intentions. Vice President Agnew said, "I believe in constitutional dissent and the right to petition. However, it is worth remembering that our Founding Fathers wisely shaped a constitutional republic, not a pure democracy. The representative government they constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets."

The Principles of the American system represent more social, political, and economic progress than any other civilization in history. Our values are those of the Judeo-Christian ethic of individualism and human dignity. Yet these activists tell us that our values are lies. They belabor intolerance, but they, themselves, scream abuse at those who differ with their views. In the name of freedom, they destroy academic freedom. They denounce violence, yet they seize or bomb buildings.

On August 24, 1970, a bomb was planted by anarchists in one of the world's most sophisticated and specialized nuclear physics laboratories at the University of Wisconsin. The bomb demolished virtually everything of value in the center and took the life of a lab technician. The knowledge lost, that may never be regained, is epitomized by the work of Professor Joseph R. Dillinger. Professor Dillinger had spent twenty-three years of his life constructing, step by painful step, an intricate assemblage of cryogenic apparatus. The blast wiped out the work of a lifetime. Such will be the end of all that we value if we allow these criminals to go unchecked on a continued rampage through our country. The American right of freedom of protest is being exploited by avowed anarchists who detest this country and want to destroy it.

Dissent is the right to disagree openly with the policies of the government, not a license to advocate revolution or to deprive others of their constitutional rights. The first premise on which a free society is based is equality before the law, and the first equality before the law is that every man must abide by the law, else no one has any protection from a hoodlum. Further confusing the issue have been recent court decisions emphasizing the rights of the criminal at the expense of the rights of society. We must find a balance—between the unrestricted liberty of the individual and the over-control of the individual by the government.

It is time to lead our country back to the rationality of moderation and a new pride of patriotism. Today, as never before, America needs doers, men of the courage and moral strength of our forefathers. We need to be re-educated as to our responsibilities and our values. Then—and then only—can America reach the potential that our forefathers envisioned when they gave us a new policy for freedom and the fundamentals for greatness.

COMPLAINTS AGAINST FOREIGN FISHING VESSELS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. KEITH. Mr. Speaker, serious complaints against foreign fishing vessels have been registered with me. The complaints stem from incidents involving eastern bloc fishing vessels that run through marked lobster pot areas off our shores.

As a result of similar incidents, last year an agreement was made whereby our lobster fishermen radio the exact location of their lobster gear to the Coast Guard, who broadcast this information several times daily to all fishing vessels in the area.

Recently the Soviet Union, in an effort to prevent such incidents, reported that one of their vessels is assigned the duty of monitoring the actions of the other Soviet ships.

It is apparent that these and other similar efforts to prevent damage to our lobster fishermen's gear have not been successful. In the past several weeks a rash of new incidents have been reported, causing serious financial losses to our fishermen.

My purpose in bringing this to your attention this afternoon is to focus on H.R. 7117, the Fishermen's Protection Act amendments bill, which as passed by the Senate would authorize the Secretary of Commerce to pay out of a fishermen's protective fund the costs of damage to gear or vessels of U.S. fishermen caused by foreign vessels.

I have been discussing this bill with my colleagues on the Merchant Marine and Fisheries Committee and in the Congress. The bill is awaiting conference. I hope and trust that the Senate amendment to assist our fishermen who suffer gear or vessel damage caused by foreign vessels will be retained and that soon this amended bill will be approved and enacted into law. Our fishermen need this assistance.

RELIEF FOR SMALL BUSINESS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. PRICE of Texas. Mr. Speaker, I am most gratified that the House has adopted an amendment to the Labor-HEW Appropriations Act that, in effect, carries out one of the basic purposes of a bill I introduced several months ago. That bill, H.R. 14360, was designed to correct the fundamental deficiencies in the Occupational Safety and Health Act which had become apparent after a year's experience of its operation. The most pressing problem that has arisen under that act has been the harassment of small businessmen and farmers with unrealistic and unnecessary safety requirements—with requirements that the small businessman has no way of finding out about; requirements that are unreasonably burdensome and with requirements that are unnecessary in light of the safety record.

One of the provisions of my bill would have exempted from all of the act's requirements any employer with fewer than 25 employees per firm. The amendment to the Labor-HEW Appropriations Act achieves substantially the same result by prohibiting the use of moneys under the act from being used to pay the salary of any Federal inspector who inspects firms employing less than 25 persons.

My bill would have exempted almost 90 percent of all business establishments but only 25 percent of all workers. Thus it provided the maximum relief to businessmen while having a minimal impact on employees. Further, the very limited data that exists suggest that firms with less than 20 employees have a better safety record than those with a somewhat higher number of employees—and an exemption from the act's requirements based on a 25-employee limit is a reasonable response to the financial burden that the act places on the small employer.

I commend the House of Representatives for passing this small business exemption provision and I hope that all my colleagues who voted for it will remain vigilant to insure that it is not dropped in conference.

EDUCATION FINANCE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HANSEN of Idaho. Mr. Speaker, the school finance situation will be reviewed by the Supreme Court before very long, and as yet, no coherent strategy for coping with the many facets of this problem has been developed. However, Robert E. Merriam, the chairman of the Advisory Commission on Intergovernmental Relations recently outlined his six-point proposal for dealing with school finance at the 64th annual National Governors' Conference in Houston, Tex. In light of the timeliness of his suggestions and the important role that the ACIR will play in a solution to the school finance problem. I insert excerpts from his remarks:

OUTLINE OF REMARKS BY ROBERT E. MERRIAM, CHAIRMAN, ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS BEFORE THE 64TH ANNUAL GOVERNORS CONFERENCE, HOUSTON, TEX., JUNE 6, 1972

I would like you to consider with me the following basic facts:

1. In 1971 the combined Federal-State-Local tax bite out of the gross national products was 31% of which—

14% was in Federal taxes.

10% was in State and Local taxes.

7% was largely in social security payments.

2. Of the total government expenditures of $323 billion, 14% or $47 billion went for schools (this by coincidence is also 47% of local government expenditures).

3. Of this $47 billion for schools—

52% was from local taxes ($24 billion).

41% was from State taxes ($19 billion).

7% was from Federal taxes ($4 billion).

4. Of the $24 billion in local spending for schools 88% ($21 billion) came from the property tax.

5. This local property tax share of school financing represents almost 8% of all government taxes collected and is 4 times the state expenditures for welfare.

6. Federal grants in aid total $30 billion of which over $9 billion is for welfare.

7. The property tax is a highly unpopular tax—our recent public opinion survey shows it 2½ times more unpopular than the Federal income tax and 3½ times more unpopular than State sales taxes.

And now a set of unique happenings:

1. Four separate court decisions recently have drawn essentially the same judicial conclusion—namely, that the current use of local property taxes as the primary source of school financing is discriminatory and therefore unconstitutional.

2. The President of the United States has asked the ACIR to study and consider a new federal tax to aid the states in meeting the emerging challenge of the courts to our present school financing system and to provide relief for residential property owners.

3. The likelihood of significant direct, essentially non-earmarked assistance (revenue sharing) to states and local governments appears near reality.

4. While by no means assured, Federal assumption of at least a greater share of welfare financing is now a possibility.

I submit that this array of facts, happenings and philosophy offers us an unparalleled combination of circumstances which may never occur again. It is like one of those rare occasions when the planets appear in a line behind the moon. Let me elaborate with particular reference to school financing and the property tax. I would like to share with you how we are trying to unravel the string.

In consideration of the proposal submitted to us by the President, we have separated our studies into three parts:

1. Consideration of equalization of school financing, with first emphasis on intra-state disparities.

2. Analysis of the property tax in theory and in practice.

3. Study of the Value Added Tax and its alternatives.

I know some of you have urged that we keep these matters separate. I respectfully wish to disagree for four compelling reasons:

1. The courts most likely will tell you what to do with reference to school financing and the property tax if we don't get together on a program.

2. It is clear to me that sense can be made out of government taxing policy (and remembering that 31% of the GNP goes for taxes) only when we develop a National Fiscal Policy which inter-relates all major fiscal actions and takes into account the effects of Federal government action on the states and localities and vice versa. For example, we can no longer tolerate the unilateral reduction by Congress of Federal income taxes without reference to its massive effect on state and local governments.

3. Quite frankly, in the public view (as painfully shown again in our recent public opinion survey) the states are suspect and while many of you have forcefully bitten the tax bullet (at great political risk, we all know) the growing and frightening resistance to unilateral state and local tax increases again tells us we must look at the totality of our problems, not isolated pieces.

4. If we cannot unite on a mechanism to achieve these objectives, I fear one of two nightmarish alternatives:

a. A massive direct Federal financing program for public education with all that it would entail in limitations on State and local control over educational policy and practice; or

b. Court mandating of new school financing arrangements.

Either of these alternatives, in my humble judgment, would be disastrous to the balanced federal system which all of us still cherish. Certainly the administrative chaos caused by the 535 categorical grant programs of the 1960's and the specter of judicial mandating of bussing and reapportionment should be sufficient reminder of these twin dangers.

What then, Mr. Merriam, is your suggestion, you might properly ask? Any Chairman of a 26 man, bi-partisan, tri-level body of "sovereign" political leaders who suggests he knows what his peers will decide is either a fool or a knave. I will now prove that I am both.

First, I would not attempt to solve so complex a problem in the midst of a Presidential election.

Second, I would nonetheless strive for legislation early next year whereby the Federal government would offer special aid to states enabling them to assume the added costs of equalizing expenditures between school districts. This action would, in my opinion, substantially meet requirements of the Serrano-type decisions.

Third, I would require that any such Federal assistance be temporary with an automatic phase-out provision as revenue sharing dollars balance out the increased state school spending.

Fourth, I would *not* tie this new temporary Federal assistance for school financing to Federally mandated property tax reduction.

Fifth, I would provide a separate Federal incentive program to stimulate those states desiring to assume substantially all of the cost of financing public education thus allowing state action resulting in the reduction of local property taxes. Such a program might include enactment of a low-rate Federal Value Added Tax with a 100% credit feature for those states enacting their own state Value Added Tax, perhaps dedicated in part to school financing equalization and in part to property (and/or sales) tax reduction. This new tax program like the temporary aid suggested earlier also could be phased out as the Federal government assumes a greater share of the total welfare burden.

Sixth, I would establish a mechanism or designate a group whereby other future major tax proposals at all levels of government, including the recent Mills-Mansfield proposal to drop all special tax treatment for Federal income taxpayers, could be reviewed for their impact on all levels of government, as the first step in developing a National Fiscal Policy.

Above all else, I urge this distinguished body to avoid the election year temptation to jockey for partisan position. The issue of schools and their financing is too important to all of us! And the specter of judicial intervention is too real!

GENERAL WALT'S STATEMENT ON THAILAND'S DRUG CONTROL EFFORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, there has been action and talk recently about the Royal Thai Government's actions on drug control.

In view of the attention given to this matter, I want to share with my colleagues the recent statement of Gen. Lewis Walt during his visit to Thailand.

Having just returned from Thailand myself, and having had the opportunity to talk with U.S. officials about this problem, I believe General Walt's statement deserves the thoughtful attention of all Members:

STATEMENT OF GEN. LEWIS WALT

I have been commissioned by the Senate Sub-committee on Internal Security to conduct a study of the world drug traffic, and in this connection I have spent the past few days in Thailand. While I was here I met with all of the American officials and advisors concerned with the problem of controlling the international drug traffic. In addition, on the Thai side, I have met with General Nitya, Secretary-General of the Central Narcotics Bureau, and other RTG enforcement officials. I also met with both Thai and United Nations officials working under the UN Fund for Drug Abuse Control which is striving to end opium cultivation by the Hill Tribes.

As you all know, there has been much criti-

cism of the Royal Thai Government based on its alleged lack of cooperation in dealing with the drug problem.

I will not tell you today that there is no room for criticism of Thailand—nor will I tell you that there is no room for criticism of the drug control effort in my own country.

I have been assured categorically by the American drug control officials that they have absolutely no information pointing to the involvement of anybody in the Thai Government at policy making level. I have no doubt that there are corrupt police officials at the lower levels—but then there are also corrupt police at the lower levels in the United States and probably every other country.

Any government can be made to look bad if one focuses only on the failures and the weaknesses and unfounded allegations. But I believe every government is entitled to credit for its record of positive accomplishments—and after my visit here I am convinced that some of the accounts that have appeared in my country have failed to give the Royal Thai Government credit for all that it has done, especially over the last year to help bring the flow of drugs under control on a national and international scale.

The Memorandum of Understanding of last September between the RTG and the United States Government was the first document in which two countries jointly committed themselves to an all-out battle against the international drug traffic.

Thailand was also the first nation to enter into the agreement with the UN Committee for Drug Abuse Control, and together they are now engaged in a pioneering international project aimed at the suppression of the opium cultivation through education and crop substitution.

In April-May of this year, the Royal Thai Government, with US technical and logistical assistance, created a special mobile enforcement unit designed to interdict narcotics in the North. This operation now has five offices in Northern Thailand. Only last week it struck a major blow against the drug traffickers with the seizure of 1600 kilos of opium, concealed in the wells of tank trucks, as well as a large amount of chemicals used in the manufacture of heroin. On Wednesday morning of this week in the Chiang Mai area the Thai police authorities took me to see the tank trucks and the seized balls of opium. It was an awesome thought that when converted into heroin, the amount seized would be worth some 35 million dollars on the streets of New York, and that many thousands of human lives could be destroyed or wasted by this amount of the deadly drug.

Following up on the seizure in Northern Thailand, the largest opium seizure ever made in the kingdom, Bangkok Police over last weekend seized the first #4 heroin laboratory discovered in the city. There have been many other seizures, large and small of heroin & opium.

One of the greatest problems the Royal Thai Government had to contend with involved the activities of the Chinese Irregular Forces (CIF) along the northern Thai frontier. It has been common knowledge for years that these forces were heavily involved in the flow of opium. The Royal Thai Government in March of this year moved to resolve this problem by granting resident status and resettlement assistance to elements of the CIF in return for their promise to get out of the opium business completely. The CIF, on the conclusion of this agreement, turned over to the RTG 26,245 kilograms of opium which was publicly destroyed on March 7th of this year. For some reason, this event received next to no attention in my country, despite the staggering amount involved—I am told that the street value in the United States would have been well over one billion dollars.

The American officials to whom I have spoken have been full of praise for the cooperation they have now been receiving from the Thai authorities—and I personally find it impossible not to be impressed by the record of accomplishment which I have listed above.

There is of course much more to be done, on the Thai side and on the American side. But I am confident that, with the good will of both governments, and with the collaboration of other governments, we can build an international machinery of control which will in the not too distant future effectively restrict deadly traffic.

WHY WE ARE IN TROUBLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WYMAN. Mr. Speaker, few stories better illustrate why America is in trouble today than the modern version of "Little Red Riding Hood" that follows these remarks. Unfortunately, there is more truth than fiction in the ridiculous extremes of the parables.

Segments of any society that would make a hero of a man who deliberately steals and publishes secret government papers—or continue uncensured, a college president who, when supposed to be an example for young people, nevertheless deliberately breaks the law by sitting down in the public streets to block traffic—or fails to truly investigate under oath charges of serious misconduct on the part of a sitting Justice of the United States Supreme Court—or remains silent and unhelpful while a woman is assaulted, raped, and shot in a public parking lot—or permits vandalism, criminal misconduct and worse by student activists to pass without suspension or expulsion—or sanctions the countless acts of civil disobedience and willful criminal misconduct that have taken place in the protest over American involvement in Southeast Asia—are materially responsible for contributing toward making the modern saga of "Little Red Riding Hood" a reality, circa 1973.

This must not happen. Whether it does or not is up to concerned citizens—who remain apathetic or indifferent to criminal activism in our society only at their peril.

The article follows:

A MODERN RED RIDING HOOD

(Author unknown)

Once upon a time, in a far-away country, there lived a little girl called Red Riding Hood. One day her mother asked her to take a basket of fruit to her grandmother, who had been ill and lived alone in a cottage in the forest.

It happened that a wolf was lurking in the bushes and overheard the conversation. He decided to take a short-cut to the grandmother's house and get the goodies for himself. The wolf killed the grandmother, then dressed in her nightgown and jumped into bed to await the little girl.

When she arrived, he made several nasty suggestions and then tried to grab her. But by this time, the child was very frightened and ran screaming from the cottage.

A woodcutter, working nearby, heard her cries and rushed to the rescue. He killed the wolf with his axe, thereby saving Red Riding Hood's life. All the townspeople hurried to the scene and proclaimed the woodcutter a hero.

But at the inquest, several facts emerged:

(1) The wolf had never been advised of his rights.

(2) The woodcutter had made no warning swings before striking the fatal blow.

(3) The Civil Liberties Union stressed the point that, although the act of eating grandma may have been in bad taste, the wolf was only "doing his thing", and thus didn't deserve the death penalty.

(4) The SDS contended that the killing of the grandmother should be considered self-defense since she was over 30 and, therefore, couldn't be taken seriously because the wolf was trying to make love, not war.

On the basis of those considerations, it was decided there was no valid basis for charges against the wolf. Moreover, the woodcutter was indicted for unaggravated assault with a deadly weapon.

Several nights later, the woodcutter's cottage was burned to the ground.

One year from the date of "The Incident At Grandma's", her cottage was made a shrine for the wolf who had bled and died there. All the village officials spoke at the dedication, but it was Red Riding Hood who gave the most touching tribute.

She said that, while she had been selfishly grateful for the woodcutter's intervention, she realized in retrospect that he had overreacted. As she knelt and placed a wreath in honor of the brave wolf, there wasn't a dry eye in the whole forest.

HON. PHILIP J. PHILBIN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WYMAN. Mr. Speaker, it is with great sorrow that I learned of the passing of our former colleague, Congressman Philip J. Philbin.

Phil Philbin was an accomplished man in every sense of the word. As a youth, he was a star athlete as well as a tenacious debater. As a young man, Phil was a successful lawyer, farmer, and businessman. He first came to Washington as secretary to Senator David L. Walsh and went on to serve as special counsel to the Senate Committee on Education and Labor. He was later appointed referee with the U.S. Department of Labor.

Elected to the House from the Third District of Massachusetts in 1942, Phil Philbin's service in the Congress spanned 28 years. As a Member of the House, Phil will long be remembered for his leadership and dedicated work on the House Armed Services Committee. Phil was widely recognized as an accomplished expert in the complex area of national security—never a partisan but always a patriot and devoted American. A further mark of the man was his abiding compassion for "the little man" in the uniformed services and his intense interest in improving the operation and quality of our system of military justice.

Congressman Phil Philbin served this Nation and his constituents with honor, ability, and integrity. His breadth of knowledge, his genuine warmth, and his compassion for people earned him the highest respect of his colleagues. We are all profoundly grieved for his leaving us.

Virginia and I extend our deepest sympathy to his family and join with them and his thousands of friends and admirers in mourning his passing and in wishing for him a well deserved seat of honor in the happy hunting grounds of eternal peace in the great beyond.

SOCIAL CLUB OF WILMERDING, PA.

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GAYDOS. Mr. Speaker, the Italian Social Club of Wilmerding, Pa., in my 20th Congressional District, has contributed much to the heritage of the community and to the Nation. This organization was founded in July 1937, and over the years it has participated in many fraternal, civic, and religious programs and projects. Its interest in the people of the community ranges from the sponsorship of a Little League baseball team to a week-long celebration honoring its patron saint, Our Lady of Mt. Carmel.

I was, therefore, quite proud to take part in the latest accomplishment of this group—the June 4 dedication of a new building which will stand as a monument to all members of the Italian Social Club, past, present, and future, and to their patron saint.

The building was constructed under the guidance of Dominic L. Parisi, Gabriel J. Bacco and Nicholas A. Fiasco, members of the building committee. The dedication program was planned by Daniel Marguriet, Raymond Volpe, Gabriel J. Bacco, Nicholas A. Fiasco, Leo J. Lucarelli, Lewis J. Lucarelli, Armond J. Matarazzo, John Palumbo, Dominic L. Parisi, and Eugene F. Rizzo.

The speakers at the dedication banquet included many outstanding residents of the community and prominent figures in the area. Among them were Gabriel J. Bacco, treasurer of the club; Rev. James A. Sites, pastor of St. Aloysius Church; Daniel Marguriet, president of District 6, United Electrical, Radio and Machine Workers of America; John Sandrovich, mayor of Wilmerding; Dr. Frank Leonardo, first president of the Italian Club; Joseph Bonetto, a member of the Pennsylvania State Legislature; Henry Slaczka, postmaster of Wilmerding; John N. Milberger, director of the Turtle Creek Valley model cities program; Dominic L. Parisi, the 1972 president of the club; Raymond Volpe, cochairman of the dedication committee; and Rev. John T. Flaherty, pastor of St. Michael's Church in Pitcairn.

Dr. Leonardo was elected president of the Italian Social Club in 1937. His staff at that time included Enrico Salvi, vice president; Arcangelo Cuoco, recording secretary; Philip Marguriet, financial secretary; and Germano Botti, treasurer. These men adopted a constitution whose preamble can stand as a guide for all Americans. It read:

We, the natural born and those Italian-born who have chosen these United States of America as the land of our adoption, pledge allegiance to this country and undertake to defend its honor at all times from any foreign foe; to obey its laws and abide by its traditions, and to keep alive that heritage handed down to us by our forefathers, to teach and to educate those who come to our shores so that they will become fine, moral, honest, upright law-abiding citizens; furthermore, to keep alive the Italian language and traditions of our native land and build up fine specimens of manhood by encouraging tolerance, fair play and American idealism.

Today, Mr. Speaker, the Italian Social Club is led by men such as Dominic L. Parisi, president; Leo J. Lucarelli, vice president; Gabriel J. Bacco, treasurer; Eugene F. Rizzo, recording secretary; Armond J. Matarazzo, financial secretary; Lewis J. Lucarelli, Neil Cananlungo, Joseph Fiasco, Patsy A. Cortazzo, Joseph S. Parisi, Albino S. Muro, Joseph J. Lucarelli and Jerry Parisi, trustees; Louis F. Botto, steward.

The officers have changed, Mr. Speaker, but not their faith and belief in the words of that preamble written 35 years ago.

A SALUTE TO AMERICAN EDUCATION

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, as we approach the bicentennial year of our Nation's birth, it seems appropriate to pause and consider the contributions of American education in our past and its crucial role in our future. At the time of our declaration of independence from Great Britain, free public education for all children was only a distant dream in the heart of the most ardent democrat. Slowly, but steadily throughout the succeeding years, thousands of dedicated men and women, often under the most trying and difficult of conditions, worked to instruct each generation of young Americans. At the same time these educators and their allies struggled to fashion a system of education worthy of the ideals of a Republic founded upon the principle of the equality of man.

The outcome of this struggle has not always been success, but over the course of the years there has emerged a clear pattern of steady progress in extending educational opportunities to an ever-increasing proportion of the American people. The result has been that each succeeding generation of Americans has been a little better educated than its predecessor just as each passing decade has witnessed the continuing growth in strength of the American Nation.

Today, as we look about, we find free public educational opportunities available in every corner of the land. Yet as in the past, the struggle to improve the quality of this educational opportunity continues as part of the quest to properly prepare our youth to meet the challenges which they must face in the years ahead. And as always, our teachers and administrators are once again the key to the success of the endeavor. We cannot predict the future of the American people, but we do know that this future depends in large part on the quality of our education. And based on the past and present performance of our educational profession, I have no doubts that both the future of American education and the American Nation shall continue to be marked by success and achievement.

TELLING THE TRUTH ABOUT SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CRANE. Mr. Speaker, the current period in American Government is one in which there is a great deal of stress upon the concept of truth telling, of exposing myths in advertising, in campaign financing, and even in military planning.

Advocates of such truth telling have sponsored "truth in labeling" legislation to be applied to private business and industry. No similar legislation has been passed, however, with regard to Government agencies. In this respect, sacred cows have remained.

It is high time that those who advocate such "truth in labeling" apply this policy not only to private citizens, but also to public ones. It is ironic indeed that government is permitted to misrepresent its programs with impunity, while businessmen are subjected to severe penalties for doing precisely the same thing. This comes dangerously close to being a situation in which bureaucrats believe themselves to be above the law, something which cannot be tolerated in a free society.

Few, for example, have investigated with any care or thoroughness the organization of the Social Security Administration. Few have sought to discover whether or not that agency does what it says it does, and whether the American people are being properly served by it.

A booklet distributed by the Department of Health, Education, and Welfare declares that:

The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost.

This statement, according to Prof. Milton Friedman, of the University of Chicago, is "Orwellian doublethink." He points out that:

Over a decade ago the Social Security Administration estimated that the present value of the old age pensions already promised to

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persons covered by social security was over $300 billion. The corresponding sum must be far larger today. That is the size of the trust fund that would be required to justify the words of the booklet.

Points out Professor Friedman:

The fact is that taxes currently being collected from current workers are being used to pay benefits to persons who have retired or to their dependents and survivors. No trust fund in any meaningful sense is being accumulated. . . . What nine out of 10 working people are now doing is paying taxes to finance payments to persons who are not working. The individual worker is in no sense building protection for himself and his family—as a person who contributes to a private vested pension system is building his own protection.

Many Americans are also unaware of the fact that millions of people who pay taxes will never receive any benefits attributable to those taxes because they will not have paid for enough quarters to qualify, or because they receive payments in their capacity as spouse. In addition, persons who pay vastly different sums over their working lives may receive the same benefits.

The social security system is not only unfair, but has been misrepresented to the American people by its own governmental agencies. Professor Friedman declares that:

People who would not lie to their children, friends or colleagues . . . have propagated a false view of social security—and their intelligence and their exposure to contrary views make it hard to believe that they have done so unintentionally and innocently.

In an era when people really seek the truth about their Government and its programs, the article written by Professor Friedman in the May 1972 issue of the Washington Monthly, entitled "The Poor Man's Welfare Payment to the Middle Class," is important reading.

I wish to share this article with my colleagues. The text follows:

THE POOR MAN'S WELFARE PAYMENT TO THE MIDDLE CLASS

(By Milton Friedman)

(NOTE.—Milton Friedman teaches economics at the University of Chicago. This article is adapted from Social Security: Universal or Selective?, a debate between Milton Friedman and Wilbur J. Cohen, published this month by American Enterprise Institute.)

A widely distributed, unsigned booklet from the Department of Health, Education and Welfare (HEW) entitled "Your Social Security" begins:

"The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost."

This is Orwellian doublethink.

Payroll taxes are labeled "contributions" (or, as the Party might have put it in the book, *1984*, "Compulsory is Voluntary").

Trust funds are conjured with as if they played an important role when, in fact, they are extremely small ($32.5 billion as of December 1970) and consist simply of promises by one branch of the government to pay another branch. Over a decade ago the Social Security Administration estimated that the present value of the old age pensions already promised to persons covered by social security (both those who had retired and those who had not) was over $300 billion. The corresponding sum must be far larger today. That is the size of the trust fund that would be required to justify the words of the booklet. ("Little is Much.")

The impression is given that a worker's "benefits" are financed by his "contributions." The fact is that taxes currently being collected from current workers are being used to pay benefits to persons who have retired or to their dependents and survivors. No trust fund in any meaningful sense is being accumulated. ("I am You.")

A worker paying taxes today can derive no assurance from trust funds that he will receive benefits when he retires. Any assurance derives solely from the willingness of future taxpayers to impose taxes on themselves to finance benefits being promised by present taxpayers to ourselves. This one-sided "compact between the generations," foisted on generations that literally cannot give their consent, may be sufficient assurance, but it certainly is a very different thing from a "trust fund." A chain letter would be a more accurate designation.

The HEW booklet goes on to say, "Nine out of 10 working people in the United States are now building protection for themselves and their families under the social security system."

More doublethink. What nine out of 10 working people are now doing is paying taxes to finance payments to persons who are not working. The individual worker is in no sense building protection for himself and his family—as a person who contributes to a private vested pension system is building his own protection. Persons now receiving payments are receiving much more than the actuarial value of the taxes that they paid and that were paid on their behalf. Young persons who are now paying social security taxes are being promised much less than the actuarial value of the taxes that they pay and that are paid on their behalf.

More fundamentally yet, the relationship between individual contributions (that is, payroll taxes) and benefits received is extremely tenuous. Millions of people who pay taxes will never receive any benefits attributable to those taxes because they will not have paid for enough quarters to qualify, or because they receive payments in their capacity as spouse. Persons who pay vastly different sums over their working lives may receive identically the same benefits. Two men or two women who pay precisely the same taxes at the same time may end up receiving different benefits because one is married and the other is single. A man who continues working after age 65 will be required to pay additional taxes, and yet may receive no benefits at all. This list can be extended indefinitely.

Social security programs involve annual expenditures of roughly $43 billion. These programs appear on balance to transfer income from relatively low-income classes to middle- and upper-income classes. They are flourishing, are widely regarded as highly successful, and seem destined to expand.

Welfare programs involve annual expenditures of $15 billion. These programs appear on balance to * * * the income from middle- and upper-income classes to lower-income classes. They are in a state of crisis, are widely regarded as intolerable, and seem destined to be transformed.

My own attitude toward the two programs is almost the reverse. Bad as the welfare mess is, at least public assistance does go mainly to needy persons who are at lower income levels than the persons paying the taxes to finance the payments. The system badly needs reform, but at the moment it serves an essential social function. It seems impossible to eliminate it promptly, even though its elimination should be our long-term objective. On the other hand, social security combines a highly regressive tax with largely indiscriminate benefits, and I believe that it serves no essential social function. Existing commitments make it impossible to eliminate it overnight, but it should be unwound and terminated as soon as possible.

As I have gone through the literature, I have been shocked at the level of the arguments that have been used to sell social security, not only by politicians or special-interest groups, but more especially by self-righteous academics. People who would not lie to their children, friends, or colleagues, whom I would trust implicitly in personal dealings, have propagated a false view of social security—and their intelligence and their exposure to contrary views make it hard to believe that they have done so unintentionally and innocently. The very name—old age and survivors insurance—is a blatant attempt to mislead the public into identifying a compulsory tax and benefit system with private, voluntary, and individual purchase of individually assured benefits. What am I to make of professors at leading institutions, of high-level bureaucrats, of cabinet and sub-cabinet officials who compare the future benefits promised to young workers solely with the tax nominally levied on employees, often not even mentioning the equivalent tax levied on employers? They know very well that commonsense, economic theory, and empirical evidence all support the view that the distinction between the social security tax paid directly by the employee and the tax paid by the employer is primarily the label attached to components of the employers' cost of labor. Both are proportional to wage rates; both enter labor costs; both are borne equally by the employee.

Or what am I to make of highminded gentlemen protesting in one breath the accuracy of the insurance terminology and objecting in the next to full payment of benefits to persons between 65 and 72 who continue to work on the ground that the "need" of these elders is less than that of other persons to whom the money could be paid. If, indeed, the benefits are linked to "contributions," the need argument is irrelevant. If the criterion of need is relevant, then the talk about "insurance," about benefits linked to "contributions," is simply hogwash.

TAXING SECURITY

The social security tax is a flat-rate tax on covered earnings up to a maximum. As of early 1971, the rate of Old Age and Survivors Insurance (OASI) alone is 8.1 per cent, split between employers and employees, and 6.075 per cent on the earnings of the self-employed, in both cases up to the maximum earnings of $7,800. The rate for OASDHI (Old Age, Survivors, Disability, and Hospital Insurance) is 10.4 per cent on wages and 7.5 per cent on the earnings of the self-employed, and there is an additional tax for unemployment insurance. Coverage is by now nearly universal.

What can we say about this tax viewed solely as a tax?

1. This is a very heavy tax on very low incomes. For most persons with incomes less than the maximum covered, the social security tax is many times larger than the personal income tax.

2. The tax is regressive because of the maximum limit and the absence of exemptions.

3. It is hard to see any excuse for the differential between the rates on wages and salaries and on earnings from self-employment.

4. Several categories of employment are excluded from the program altogether. This is unjustifiable from the tax point of view, but it is now trivial.

5. No allowance at all is made for family size.

6. The tax is solely on realized income from personal services. All property income is excluded, along, of course, with imputed income from services.

7. The tax rate is raised drastically for persons between 65 and 72 who are eligible for benefits, choose to work, and earn more than $140 a month. The marginal social security tax rate on earnings from $140 a month to $240 a month is 60.4 per cent, and from $240 a month until benefits are reduced to zero, 110.4 per cent. When the unemployment taxes and federal, state, and local taxes are included, the overall marginal rates are still higher.

8. The tax has risen very rapidly. Tax receipts for OASI alone have risen more than 11-fold from 1950 to 1970, and the average tax paid per covered person, by over 7.5-fold.

The payroll tax is almost surely far and away the most regressive element in our tax system and a significant disincentive to work. Over 10 per cent of any worker's wage cost, at the low levels, which means up to $7,800 now and it will be $9,000 soon, is taken out and sent to social security. Indeed, one of the great problems of providing sufficient incentive for a person to get off welfare is that, if he takes a job, then besides any reduction in his welfare benefits, he has to start paying social security taxes. He has to pay 10.8 per cent of his wage cost in taxes, and that raises the marginal rate.

I was astounded when I went through these figures. I had always thought that disincentive to work was associated with the high rates of the personal income tax. I am now persuaded that the social security tax is a greater disincentive to work than the personal income tax, because it hits people lower down; it hits people who have the alternative of relief and it hits them hard.

SPECIAL INTEREST RAG BAG

I have long believed that the major defect of our present arrangements is the proliferation of special programs either for special groups or special commodities: OASDHI for some retired or disabled, Old Age Assistance for others, unemployment insurance, aid to the blind, Aid to Families with Dependent Children, food stamp plans, public housing, urban renewal, medicaid, farm subsidies, etc. Whatever the good intentions of the initial proponents of these programs, the programs tend to become the preserve of special vested interests and come to serve purposes very different from those that they were initially designed to serve.

The total amount of money spent on these and similar programs, federal, state, and local, exceeded $75 billion in 1969–70. If this were divided among the 24.3 million persons classified as "poor" in 1969 under the arbitrary social security definition (4,950,000 families plus 4,851,000 unattached individuals), it would come to over $3,000 per person, a sum that nearly equals the average income of all persons in the United States. The problem is not that the government is spending too little on redistributive programs, but that most of the money spent is not going to the poor.

The correct direction in which to move, I believe, is to replace all these programs by a single program designed to give assistance to persons with low incomes, regardless of the reason why their incomes are low—whether because they are old or unemployed, unskilled or ill, physically or mentally handicapped, or whatever. Such a comprehensive program would cost far less each year than the present ragbag of programs. Yet it would come far closer to alleviating true distress.

How can the existing program be wound down without doing injustice to persons now covered? My agenda is as follows:

1. Repeal the payroll tax.

2. Terminate any further accumulation of benefits.

3. Enact a negative income tax, treating benefit payments under social security as income for purposes of determining eligibility for benefits.

4. Continue to pay all existing beneficiaries the amounts that they are entitled to under current law, except that these amounts should automatically be escalated over time by any changes in the cost of living. This will meet our commitments in real, not nominal, terms. Give such beneficiaries an option to accept a capital sum equal to the present value of the payments instead of continuing payments.

5. Give every worker who has earned coverage under present law a commitment to the retirement and survivors' benefits that he would be entitled to under present law, given his present tax payments and earnings record. This commitment would be in the form of *either* a promise to pay the specified annual sum at the future date when under present law he would be entitled to the sum *or* government bonds equal in market value to the present value of those benefits, calculated at the market interest rate on government obligations of corresponding maturity, at the option of the worker.

6. Give every worker who has had taxes paid on his behalf who has not yet earned coverage capital sum equal to the accumulated value of the taxes that have been paid on his behalf.

7. Finance payments under 4, 5, and 6 out of general tax funds plus the issuance of government bonds.

Note that in the main these items simply recognize explicitly and fund obligations that now exist in an unfunded form. They do not add in any way to the true debt of the government, but simply terminate the accumulation of any further obligations. These steps would enable the bulk of the present social security administrative apparatus to be dismantled at once. It would be necessary to keep only a declining staff to administer item 4.

REFORMING A SACRED COW

Social security is in no meaningful sense an insurance program in which individual program in which individual payments purchase equivalent actuarial benefits. It is a combination of a particular tax—a flat-rate tax on wages up to a maximum—and a particular program of transfer payments, in which all sorts of considerations other than the amount paid determine the amount received. Hardly anyone approves of either part separately. Yet the two combined have become a sacred cow. What a triumph of imaginative packaging and Madison Avenue advertising!

The argument against reform seems to be that social security's disproportionate benefits to the middle class are the political price of getting the program enacted, and that any program designed explicitly for the poor, "will most likely to be a poor program." What puzzles me is this. Are we really helping poor people by saying to them, "Here is a program under which we will take two dollars from you and give you one back, and we can get that program passed, but we can't get a program passed which will take a dollar from you and give you a dollar back?"

If that is the case, it seems to me that if I were one of those poor people—if I were one of the people to whom we are saying, "Don't worry, we'll take care of you, we promise that for every two dollars we take from you, you will get one back"—I would repeat Thoreau's comment: "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life."

WASHINGTON REPORT TO NINTH DISTRICT ON REVENUE SHARING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my recent Washington Report to the Ninth District on revenue sharing.

WASHINGTON REPORT

To solve the long and complicated national agenda requires the commitment of all levels of government—federal, state and local.

Unfortunately, our federal system is hampered in meeting these problems by a serious fiscal and political imbalance. The basic difficulty (admittedly overstated) is that the federal government has most of the money, while state and local governments have most of the problems.

The federal government, with its strong and growing fiscal base, has monopolized the leadership in responding to these challenges. State and local governments, depending primarily on property and state taxes, do not have the same strength or capacity for growth of revenues. The result has been a proliferation of federal programs, the shifting of power to Washington, and stultification of state and local initiatives.

In the last 15 years, local and state government expenditures have increased three times in terms of current dollars. Meanwhile revenues have been increasingly difficult to obtain, and the future viability of these governments, especially in the cities, is in question.

A new order of things is needed to build a vitality into our governmental institutions. A basic premise has to be that state and local governments are here to stay and they play an indispensible role in the federal system. Their power and resources have to be strengthened.

There are three primary tools the Federal government can use in an effort to bring about balanced federalism: (1) categorical aid, (2) block grants, and (3) revenue-sharing. These tools must be used in the proper mix to meet our problems. Categorical aid, the funding of specific programs under federal guidelines, has exploded from $6.7 billion in 1959 to $36.8 billion in 1972, and it has become unwieldy to administer. Block grants, federal allocations for broader-ranging programs without precise federal guidelines, have been moderately successful. The House of Representatives is acting now on the third tool—The State and Local Fiscal Assistance Act of 1972.

This revenue-sharing bill would appropriate nearly $30 billion of federal revenues over the next five years to state and local governments under two procedures:

1. Money is distributed to the states through a formula which allocates half the funds on a basis of each state's overall tax effort (total state and local taxes as a percentage of personal income, and half by giving each state 7.5 percent of its individual income tax collections. This money would go directly to state governments with no restrictions on its use, except that it could not be used as the state's share of a federal matching funds program.

2. A second procedure would allocate aid to each county and to most local governments representing more than 2,500 residents on the basis of population, number of urban residents and per-capita income levels. The money must be used for (a) maintenance and operation of public safety, environmental protection and public transportation, and (b) capital expenditures for sewage collec-

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tion and treatment, refuse disposal and public transportation.

The proposed legislation also authorizes the U.S. Treasury Department to collect state income taxes if (1) at least five states which account for at least 5 percent of all federal tax returns request this service, and (2) if the state taxes are based on the federal definition of "taxable income."

While I believe the bill can be improved, I support it because it will help correct the present fiscal and political imbalances, help preserve the viability of the federal system, and help meet the increasing demands for state and community services. It also represents a step towards tax fairness, increasing the emphasis on progressive income tax and reducing the emphasis on regressive sales and property taxes.

The enactment of a revenue-sharing plan is going to have an impact on an already strained budget; however, the current budget already includes a revenue-sharing plan, so the adoption of this bill will not increase the federal deficit. Furthermore, to deny funds to states and local governments is to jeopardize their vitality and to say that their problems are of low priority.

PEACE TALKS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. HARSHA. Mr. Speaker, I would like to address a few remarks to the question of the recently concluded SALT talks. I admire and commend the President for his diligence and success in this matter. Such talks are difficult and time consuming. Sir Winston Churchill clearly recognized this in October 1928, when disarmament among nations was being considered. Then they were concerned with battleships. Would that the world's problems were battleships now. Mr. Churchill made the following speech.

Once upon a time, all the animals in the zoos decided that they would disarm, and they arranged to have a conference to arrange the matter. So the Rhinoceros said, when he opened the proceedings, that the use of teeth was barbarous and horrible and ought to be strictly prohibited by general consent. Horns, which were mainly defensive weapons, would, of course, have to be allowed.

The Buffalo, the Stag, the Porcupine, and even the little Hedgehog, all said they would vote with the Rhino. But the Lion and Tiger took a different view. They defended teeth, and even claws, which they described as honorable weapons of immortal antiquity. The Panther, the Leopard, the Puma and the whole tribe of small cats all supported the Lion and the Tiger.

Then the Bear spoke. He proposed that both teeth and horns should be banned and never used again for fighting by an animal. It would be quite enough if animals were allowed to give each other a good hug when they quarreled. No one could object to that. It was so fraternal and that would be a great step toward peace. However, all the other animals were very offended when the Bear, and the Turkey fell into a perfect panic.

The discussion got so hot and angry that all those animals began thinking so much about horns and teeth and hugging when that argued about the peaceful intentions that had brought them together, that they began to look at one another in a very nasty way.

Luckily, the keepers were able to calm them to go back quietly to their cages and they began to feel quite friendly with one another again.

I believe this demonstrates the problems the President faced and overcame.

A CITY OF TWO TALES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city: "It was the best of [ideas,] it was the worst of [ideas]."

Indianapolis Star editorial, October 15, 1955:

J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1952:

The decision of Jane Hart, wife of Senator Ralph A. Hart [D-Mich.], to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

CHALLENGING FEDERAL COLOSSUS

The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.

Mrs. Manual Miller of Bethel, Vt., also broke the law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.

A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security system was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.

Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 percent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.

Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.

Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.

We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our our only resource most of the time. Let's hope the law gets a chance to work this time.

LIBERAL DEATH-WISH

The decision of Jane Hart, wife of Senator Philip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The first reaction of anyone who does not share Mrs. Hart's dovish outlook on the war is likely to be:

"Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revoluntionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."

In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.

She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to revere as "the democratic process."

But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.

The loss of Mrs. Hart's approximately $25.-000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.

Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.

And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.

What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. They are willing to stake lives—usually other people's—on this delusion whose falsity is written in the blood of millions.

But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

WHAT IS AN AMERICAN?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, it gives me great pleasure to read into the RECORD the poem by Capt. Arthur L. Barnes, USAF, of Colorado City, Tex., for which he received the Freedoms Foundation's Defender of Freedom Award. One usually hears only of the reluctance of the American soldier—of his reluctance to serve, of his reluctance to fight, of his lack of even basic respect for his organization. Rarely considered is the soldier who is loyal; the patriotic soldier is mentioned so infrequently that his existence is questioned. Captain Barnes' poem is an affirmation of the patriotism. I wish to honor not only Captain Barnes here, but also those men both military and civilian who ascribe to the same spirit.

(The poem follows:)

WHAT IS AN AMERICAN?

(By Capt. Arthur L. Barnes USAF)

If one can look at America's tall, snow capped mountains and realize that she is beautiful, and see her miles upon miles of waving fields of grain and realize that she is fruitful, and watch her mighty rivers flowing to the sea and realize that she is powerful, then he is an American.

If one can look at America's vast, dry wilderness and know that she is harsh, and walk through her lush, green forests and know that she is wild, and observe her soggy, damp swamps and know that she is full of adventure, then he is an American.

If one can gaze at America's towering skyscrapers and know that she is progressive, and watch her men walking on the moon and know that she is constantly seeking knowledge, and watch machines probing into her abundant natural resources beneath the earth and know that she is rich, then he is an American.

If one stands a little taller when he hears her National Anthem, and senses a thrill when he sees her flag waving in the gentle breeze, realizes her freedom when he watches her great bald eagles winging silently in space, then he is an American.

If one can be proud when she is faithful, and hurt when she has been wronged, and fearful when she is restless and violent, then he is an American.

If one can read her history and realize that she is not perfect and look upon her many races of people and cultures and see only one, and attend one of her numerous religions and know that she is devout, then he is an American.

If one is willing to speak in her behalf when she has been criticized, and willing to fight for her when she has been threatened, and willing to die for her if she calls him to her aid, then he is an American.

If one can dream impossible dreams and know that America dreams also, and hope with all one's heart for a better and more perfect tomorrow and realize that she is trying with all her might, and have faith in her when she fails but turns to try again, then he is an American.

If one can watch her long, straight lines of men in uniform and know that she is strong and watch her gather the world's needy to her bosom and know that she is compassionate, and observe her courts in process and know that she is just, then he is an American.

If one can speak one's thought without fear of punishment, and write one's ideas for the whole world to read, and simply be allowed to be one's self without fear of criticism from others, then he is an American.

If one can sing when America sings and shout when she shouts, and laugh when she laughs, and pray when she prays, and struggle when she struggles, and cry when she cries, then he is an American.

SALUTE TO EDUCATION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. GRASSO. Mr. Speaker, today the National Education Association is holding a well deserved salute to education.

I am honored to join in this salute. As a member of the House Education and Labor Committee, as a college trustee, and as a concerned citizen, I am deeply committed to the goal of improving the quality of education of our children. The future of our greatest natural resource—our children—is far too important for us to be content with anything less than the best possible educational opportunities for our young people.

We can be proud of the educational achievements of this Nation. Our schools have helped prepare students for productive roles in an increasingly complicated technological society. The diversity and improvement of many school programs—on the elementary, secondary, and college level—have given each succeeding generation of young Americans new opportunities for exciting and fulfilling careers and participation in community affairs.

We can be proud that our schools are improving in both services and educational equipment—from teachers for children with learning difficulties to advanced science and language laboratory equipment. Most importantly, the ability and commitment of the Nation's primary and secondary schoolteachers have made it possible for generations of students to pursue their full academic potential. Teachers have improved on their already high standards—facing the complexities of education in the 1970's with compassion, dedication, and renewed vigor. Our children benefit from their concern and guidance as well as their pledge to prepare youngsters for the responsibilities and challenges of the future.

To be sure, we must constantly improve and update both educational services and educational technique. I have confidence in our schools and institutions of higher learning, as well as in the truly dedicated public servants who turn our schools into living workshops for learning. This is why I have and will continue to give my strong support to legislative proposals in Congress which are designed to build and strengthen the educational process in America. An example is the recently House passed appropriations bill to provide over $2 billion for needy elementary and secondary schools.

Those who have made education a lifetime profession deserve to be applauded during this salute to education for service to our young people and for helping to realize the hopes and dreams of America's future.

SALUTE TO EDUCATION

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mrs. DWYER. Mr. Speaker, today we are paying tribute to American education, and it is indeed a pleasure to participate in the program this afternoon.

For some, education has become a point of controversy, and in recent weeks we here in Congress have spent many hours discussing the various approaches we might take to better our educational system and to insure its progress. Improved education is a goal we all share.

However, one of the most pleasant aspects of serving in this House, for me, is the opportunity it affords to work with many former teachers and educators, for I have found that my colleagues who have previously served in the field of education bring a special insight to this aspect of our work in Congress.

Although I was not an educator, I have long been active and interested in the field. When my son was growing up in Elizabeth, N.J., I had normal maternal concerns about the quality of education he was receiving in the local public schools. Like many other mothers, I joined the local PTA and, within time, became president of the Elmora elementary school chapter. This was my first chance to see the process and problems of education on the primary school level from the inside. It was a most valuable experience.

Later, when I served for 6 years as chairman of the education committee of the State assembly in New Jersey, I never forgot the problems I saw as a PTA president. My observations in the PTA led to my strong support of legislation establishing the first substantive State school aid plan in New Jersey, and my firsthand contacts and friendships with teachers and educators contributed to my support of the first legislation establishing a minimum pay schedule for teachers in the State. Incidentally, the passage of this legislation remains as one of my proudest achievements.

Many of my colleagues here today have saluted one of their favorite teachers. I would like to salute, and also thank, all the teachers and educators I have had the pleasure of knowing and working with through the years. I also want to take this opportunity to recognize the many fine ladies and gentlemen I have met who represented the National Education Association and the New Jersey Education Association, both of which do a most admirable job of presenting the views and needs of educators to legislators on the State and Federal levels. It has been an honor for me to be associated with them, and I wish both organizations and all others in the field of education continued success.

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COMMENCEMENT ADDRESS BY RICK MEYER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ARCHER. Mr. Speaker, in Houston a few weeks ago, a young man received a great deal of attention when he charged that he had been struck by a high school official after he made a disturbance during commencement exercises.

The man was not a student at the school, and his claims have not been substantiated; but that event overshadowed something that was, in my view, far more significant. Another young man by the name of Rick Meyer delivered the commencement address to his fellow classmates that evening. It was, by any measure, outstanding. It showed commendable insight and maturity for a high school senior—but most of all, it showed understanding of the society in which we live.

I believe that Rick Meyer represents the vast majority of the graduates at Spring Woods High School this year. He represents the young people who realize that we have many problems in our country and who are committed to solving them—not through violence and civil disobedience, but through determination and hard work.

These are the people who should be in the public eye, but it is a sad fact of life that the actions of an irresponsible few can often blot out the efforts and conduct of the responsible majority. When we hear and read so much about this minority, I think we get a distorted view of what is really going on in our country.

It may not be as exciting or sensational, but once in a while we should look around us and take stock of the constructive forces in our society. We need to cite what is wrong in order to improve ourselves; but sometimes we should remember all that is right, so that we do not lose the spirit that made our country great.

Rick's speech offers some sound observations for our next generation of leaders, and it is unfortunate that it did not receive the coverage that was afforded to the rowdy young man in the audience. I would like to share that speech with my colleagues:

COMMENCEMENT ADDRESS

(By Rick Meyer)

Dr. Landrum, Board Members, Mr. Emmons, Mr. Atsinger, Our Teachers, Rev. Mathis, Honored Guests, friends, parents, and fellow classmates:

I ask you to look around yourselves and see some of the most remarkable people ever to walk the earth. These, your parents, grandparents, aunts and uncles, are the people, who within just the last five decades have helped to create the most advanced civilization ever to exist. They have by their own work doubled our life expectancy and through their achievements in medicine and health have performed open heart surgery, succeeded in transplanting most vital organs, controlled tuberculosis and eliminated polio. There are no longer epidemics of typhus, diptheria, scarlet fever and smallpox.

These are the generations that placed men on the moon and brought them safely back. They overcame the most devastating depression in the world's history. And, through their work and efforts they have welded one of the strongest economies ever known. Many of them knew what it was to be poor, to be hungry and to be cold, and, because of this, they were determined that it should not happen to us, that we should have a better life, that we should always have food to eat, a warm home, better schools and far greater opportunities to succeed. These are also the people who fought man's grizzliest war. They are the people that defeated the tyranny of Hitler, and who, when it was all over, had the compassion to send billions of dollars to their former enemies so that they could rebuild their homeland.

Since these past generations had the foresight to be what is labeled as materialistic, we will have to work fewer hours and will be able to enjoy more leisure time. Their generations learned to live in an economic world. They have come a long way in proving that money is not necessarily evil, by converting money into jobs and libraries, hospitals and roads. Because they gave us their best, we are the tallest, healthiest, brightest and no doubt the best looking generation ever to inhabit the earth.

Their economic society is an infinitely complex mixture of science and technology, systems and techniques, men and machines; all of which, they have developed in their last fifty years of work. These generations have made more progress by their own sweat and blood than in any previous era—and we can never forget it. And yet, these generations know better than anyone else that theirs is not a perfect world. For today the land is filled with many problems and of seemingly insurmountable odds, which cry out for solutions. Our world should certainly be an awakening world, for what shall be different than our parents' will be the broad awareness brought about mainly by developments in all forms of instant mass communication. This new awareness shall be our greatest strength.

Someone once wrote, "Learn the nature of man, and have compassion for his weaknesses, seek glory in his strengths and in his goodness, for whatever else he is, he is trying to be and to become."

Keeping this in mind, we must make ourselves even more aware of the problems, the conflicts, the philosophies, the fundamental values, the individual rights, the many injustices and the many possibilities that exist. For only through knowledge shall we find the answers.

We might have a more difficult world, and if not a more difficult one it certainly is a more demanding world, but surely it is not a worse world, for these problems will be our opportunities. We must find and set ourselves a goal, united—under which we all can work to provide equality for the races and for the sexes; for reforming our government to function on a forthright and honest basis; to absolve the problems of increasing crime; to seek solutions to heart disease, multiple sclerosis, cancer and the common cold and to find a means to bring the teeming masses from poverty into life. It shall not be so important that we reach these goals as that we are united, in working to solve them.

For ours is an age of unprecedented change and one in which a person, regardless of persuasion can play a vital part. This is the age of the protesters and dissenters, the protectors and defenders. This is the age of the peacemakers. It is the age for all those who are firmly grounded to the rock, which is our past and with hearts which are filled with faith and hope for that which can be our future. It is the age of those who are determined to build, not destroy—to love, not to kill—to understand and find compassion for all men of every race, not just for now, for all time.

For we are tomorrow, and tomorrow is ours, and what we do with it shall be our legacy.

POINTS WELL TAKEN

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. VAN DEERLIN. Mr. Speaker, some of the most provocative editorials in the area which I represent appear in the Chula Vista, Calif., Star-News. Mainly, they are written by Lowell Blankfort, the publisher of this newspaper.

While I do not always agree with Mr. Blankfort, I have never been able to fault the quality of his writing, or the courage and consistency of his convictions.

An editorial with which I concur fully appeared in the Star-News on June 15, a week ago. As usual, Mr. Blankfort is able to make his point with commendable economy of words.

The editorial, which I commend to the attention of colleagues on both sides of the aisle, follows:

WORDS TO LIVE BY

President Nixon, Vice-President Agnew and others in the administration entourage have indicated that Americans who criticize the administration's Vietnam policy, if not downright disloyal, at least should have their patriotism questioned because they are giving "aid and comfort to the enemy."

What is needed, they say, is "unity"—which, translated, means blind, uncritical sheep-like obeisance to whatever Richard Nixon thinks America should be doing in Vietnam.

Readers of Star-News editorials, of course, know that we do not share these views. But recently we read two statements on the subject of wartime dissent which perhaps state the case better than we could.

The first statement was:

"During recent years, a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit.

"I venture to state that this proposition is a fallacy and a very dangerous fallacy . . . Members of Congress, and particularly members of the Senate, have a Constitutional obligation to reexamine constantly and discuss the foreign policy of the United States.

"If we permit appeals to unity to bring an end to that criticism, we endanger not only the Constitutional liberties of our country, but even its future existence."

The second statement was:

"What is more important (than unity) is that we adopt the right policy in a moment of great national danger. This means that, above all, our policy should represent the best thinking of our national leaders, including those who disagree with the President as well as those who agree with him.

"The country wants unity, but not unity on a policy which has led to disaster on the perpetuation in power of those who made that policy and cannot be expected to make good on any other . . .

"Disunity hurts our cause without question, but unity on a policy which was wrong in the first place could bring even greater disaster."

Both statements were made on the Senate floor in 1951, during the Korean war. The first statement was made by "Mr. Republican"—the late Senator Robert A. Taft.

The second statement was made by Senator Richard M. Nixon.

EDUCATORS FINDING SOLUTIONS IN TROUBLED URBAN SCHOOLS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, the fact of mandatory public education for every American child is one that can be viewed with both pride and concern. We can be proud of our Nation's extensive and advanced system of schools and the dedicated teachers and administrators who give life to these institutions. We can also be proud of the progress that has been made over the past years in eradicating illiteracy and producing generations of high school graduates who are better educated every year. Certainly those who give their time and devotion to educating America's youth deserve the highest praise and tribute.

However, while saluting education today, I must also express concern for the health of our educational system. It is obvious that the many years of schooling our children receive have great influence over their lives. It is also well known that many of our inner city schools are rapidly deteriorating into convenient buildings to push drugs and likely places to get knifed. What child can escape being emotionally, and perhaps physically scarred by such an environment? Such problems are also spreading to suburban schools, where racial tension and use of drugs are common phenomena. Happily such situations can be alleviated with a combination of patience, hard work and tact. This was demonstrated last year in Easton, Pa., a city in my congressional district. When racial troubles emerged in the city's high school, an interracial student-faculty committee was immediately established so that grievances could be rationally discussed. The members of this group became deeply involved, and spent much time and effort to improve conditions. Ultimately, the whole city became concerned, and public meetings were held, often in extremely emotional atmospheres. Further trouble, however, was averted by the prompt response of faculty and administrators. Today the school is calm, and both students and teachers have learned much from the year's experience.

Easton, however, is a small city with a generally high standard of living. This sort of problem is so much magnified in larger cities that many view the situation with despair. I believe, however, that our schools can be saved, with the help of Federal, State, and local governments and with the skill, dedication, and understanding that our Nation's educators bring to their jobs. Improvements in American education will undoubtedly be reflected in her students. It is of vital importance to our country's future that our children receive the best possible education—and the safest.

Easton's experience is but one example of American educators' determination to guarantee both.

BUILD DOZENS OF NUCLEAR REACTORS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. EILBERG. Mr. Speaker, at the present time proposals have been made to build dozens of nuclear reactors all over the country to meet predicted power needs.

Because of the potential danger to the population around these nuclear plants we should be able to assume that safety is the prime consideration of the builders and operators of these plants and the Atomic Energy Commission, which is supposed to regulate the use of atomic power.

Unfortunately, in at least one case, this has not been true. Public Service Electric & Gas Co. of New Jersey has asked for permision to build a nuclear powerplant on Newbold Island in the Delaware River and the staff of the AEC has approved its plans.

This installation, if it is ever built, will have reactors that are among the largest in the country. It will be closer to more people than any other plant already in operation, under construction, or proposed for the future. This facility will also have the smallest safety distance, 1⅓ miles, between it and large numbers of people.

I am opposed to the construction of this plant, which is 11 miles from my northeast Philadelphia district, because it is too close to too many people and because there is great doubt about the effectiveness of its safety and emergency equipment.

During the week of June 12 the Atomic Safety and Licensing Board of the AEC held hearings on the company's application for a construction permit for the Newbold Island plant.

The company's witnesses were unable to give precise answers to questions about how safety factors were calculated or the number of people who live and work near the plant was determined.

At this time I enter in the RECORD two portions of the transcript of that hearing. The first was an exchange between the chairman of the hearing board, Samuel W. Jensch, and the project manager for P.S.E. & G., Robert Mittl. The second is a conversation between Mr. Jensch and Troy Conner, the attorney for the company:

EXCHANGE BETWEEN CHAIRMAN, ROBERT MITTL, AND TROY CONNER

Chairman JENSCH. Excuse me just a moment. Before we do recess: What information did you have for your basis of the estimate for the number of employees at the Fairless Works, plus the 250 in this blast furnace area and so forth?

Witness MITTL. Our approach here was to determine the total number of people at the U.S. Works, which was not available in a breakdown by shift, which then required that we assign a certain number of people.

Now, we made the conservative assumption that there are more people on the day shift than on the other two shifts.

So therefore we have assigned more people to that day shift.

Now the approach that we used for assigning a number of people, or estimating a number of people to occupy the area within the one-mile, or the 250, was based on such factors as the facilities, the structures that they had there, the buildings, and a general awareness of the activities as we talked about the blast furnace, the power plant, or the sintering plant, and factoring those things in as to the type of activities, and what in our judgment would require more people to carry on the operations. And we then did a, to the best that we could, in referring to aerial photographs, that I believe are presented in our document here, to the distribution of the automobiles as far as the parking facilities and where automobiles were parking. In our judgment this represented a good approach to the distribution of people in an area with the assumption and in our judgment a proper assumption that one does provide to the extent possible for the convenience of the workers to give them the ability to park as close to where they are going to be performing their duties.

So those factors, the type of activities that we went through, the extent of our awareness, as judged by the magnitude of the structures, existing in the area of the distribution of the participating lots with the activities, such as the blast furnace, and the power plant activities, and the activities related to the handling of the ships that come in, the loading and unloading of those. And in our judgment, that was a reasonable approach for the estimate of the 250 which appears in Exhibit 5.

Chairman JENSCH. Did you consider making a gate count? Do I describe it correctly? You know, when the men walk out the gate, you have a count, 1, 2, so forth.

Witness MITTL. I understand your question, sir. I think the answer is no, we did not. I don't think we considered it at the time, either.

Chairman JENSCH. I see. Well, now, as I understand it, you walked by the Fairless plant, you looked at the building, and that was a blast house. Did you look at the size of the building, or width of the building, or was it the size of the roof that indicated to you the number of people inside?

Witness MITTL. I didn't say the size of the building itself.

Chairman JENSCH. You said you looked at the structures.

Witness MITTL. That was one of the considerations in our assigning a distribution of people in developing that estimate. Knowing the type of activities, let's say, being in general, familiar with the type of activities that went on in the facility.

We heavily weighted the parking distribution.

Chairman JENSCH. How many people to a car did you assign?

Witness MITTL. We did not do that, sir, but our approach was to come up with a general estimate of the proportions, or if you will, percentage of parking in the various areas, and then distribute among those proportions the number of people that we assumed working on the day shift.

Chairman JENSCH. How many did you assume in each car when you looked at the parking lot?

Witness MITTL. Sir, we did not make a car count, nor did we assume a given number of people per car. But we did it on the ap-

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proach, as an illustration purpose only, if, for example, if we knew that in a case in there had been a hundred—I would like to use this as a hypothetical case. I believe it will make the point. If we assume that there is a facility that employed 100 people, for example, and if we determined that there were three parking areas associated with that facility, if we then determined that one parking facility was twice as large as the other two which were of equal size, then we would have assumed that associated with that larger parking area, there would have been half of the total of the people, and half of that other area, there would have been 25 people associated with those areas and that was the approach that we use.

Chairman JENSCH. Did anybody ever think of asking the United States Steel Company people themselves?

Witness MITTL. We have asked the U.S. Steel people, sir.

Chairman JENSCH. And they have refused to give you the information?

Witness MITTL. They have at this point not come forth with the information.

Chairman JENSCH. Did you talk to the union leaders who know the number of union people employed there?

Witness MITTL. No, we have not approached the union, sir.

Chairman JENSCH. It was a judgment that you made in looking at the cars and the buildings and what you thought was inside the building, and coming up with a figure, is that right?

Witness MITTL. That is correct. As I described it, sir.

Chairman JENSCH. Very well. At this time let us recess to reconvene in this room at 11:15.

(Recess.)

Chairman JENSCH. Yes.

Mr. CONNER. Excuse me, sir. On the point of the motion, we oppose any suggestion which that data, as I said, is correct, accurate and valid, strike that from the record, as serving absolutely no pursue. And it does in fact, represent the land use information as it was available at that time.

Chairman JENSCH. Well, I don't think for the moment in view of your statement, we need to spend much more time on this thing because if you bring in something more than this—there are certainly better ways to get information about the number of people in the area than the process that was undertaken here.

Mr. CONNER. Would the Chair like to tell us how it would like the study to be conducted.

Chairman JENSCH. You take another shot at it and do it in a way that is acceptable for ordinary accounts. You say you have a method that you follow——

Mr. CONNER. We propose to use professionals.

Chairman JENSCH. Well, that will be an improvement, I am sure, because I think the approach so far has been very amateurish and I think that insofar as you ascribe difficulties in getting data to place in the regulatory proceedings, I have not known any hesitancy when a number of amendments have been filed, that when you have data related to some hardware or process, you can bring it in, and likewise, since you filed this in January 1971, you happen to come across the fact that the '70 census came out and I imagine you could update the information that you have.

Mr. CONNER. Sir, the significant data has been updated as we pointed out on a couple of charts. The general land use information was illustrative. We do not propose in the ultimate to provide any census, to offer the U.S. census for this area, to support the application in any event.

Chairman JENSCH. Just do a better job than what you have done so far and I am sure it would be helpful to this proceeding.

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. THURMOND. Mr. President, recent developments in relations between the U.S.S.R. and the United States have led many to believe that the Soviet Union is softening its militaristic attitudes and genuinely seeking a more respectable position in the spectrum of world opinion. These developments should not lull Congress or the American people into forgetting the true nature of the U.S.S.R.

An essay from the Lithuanian American Community of the United States reminds us of the continued Soviet oppression of the peoples of Lithuania, Latvia, and Estonia. The Baltic people have been deprived of their basic human rights and denied even the semblance of freedom. However, these proud people have not acquiesced quietly to this occupation. The Balts have waged an intensive fight for freedom, which resulted in a short-lived independence in June 1941. Recent demonstrations among the Roman Catholics in Lithuania show us the desire of the Baltic people to continue to resist against Soviet Russia.

Mr. President, I ask unanimous consent that the essay entitled "Violation of Human Rights in Soviet-Occupied Baltic States" and House Concurrent Resolution 416, submitted in the 89th Congress, be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviets dominate Lithuania, Latvia and Estonia, and Russian troops are at hand to squelch any resistance. The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. It is the responsibility of all the people in the free world to be spokesmen for enslaved Lithuanians, Latvians, Estonians and other captive people.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded the Baltic States in June of 1940 and grabbed them by force of arms. The Baltic peoples have been suffering in Russian-Communist captivity for more than 30 years.

SAD AND GLORIOUS EVENTS OF JUNE

The month of June is very sad as well as glorious to the Balts in all parts of the world and to other freedom-loving people. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia and Estonia and took over these three peace-loving republics by force of arms. One year later—in June of 1941—the Russian Communists started mass deportations of the Baltic people, and over 150,000 Lithuanians, Latvians and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government of Lithuania remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

ANCIENT NATIONS

The Balts are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great unified Lithuanian principalities into one kingdom in 1251.

The Baltic peoples have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, Latvians and Estonians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

RESISTANCE AGAINST THE INVADERS

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never experienced of their people in their long history through centuries as during the last three decades. Since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

DESPERATE PLIGHT OF LITHUANIANS

Two events of the past several months indicate the desperate plight of Lithuanian's Roman Catholics, the primary target of the Soviet government repression among religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signatories stated that they were appealing to the United Nations to relay their protest to Leonid Brezhnev, Secretary General of the Russian Communist Party, because three previous collective letters had gone unanswered.

The most recent known demonstrations against the Soviet occupation of Lithuania and persecution of religion took place in the city of Kaunas and in other cities during the second part of May, 1972. Several thousand youths battled police and Soviet soldiers in Kaunas after a young Roman Catholic, Romas Talanta, burned himself to death in a public park for political reasons. The rioting continued for several days after the funeral of Talanta and spread throughout the entire country suffering in the Soviet captivity. This immolation has brought international furor and attention to the problems besetting the captive Lithuanian nation.

CONFRONTING THE SOVIETS WITH THEIR ACTS OF AGGRESSION

The United States Government still refuses to recognize the forced incorporation of the Baltic States into the Soviet Union. But this lack of official recognition by our Government is not enough. Our diplomatic representatives at the United Nations and elsewhere should be prepared to confront the Soviet Union with its acts of aggression against Lithuania, Latvia and Esthonia when Soviet spokesmen raise the cry of "imperialism" against our own country.

The Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges which are due to every individual from a state in which he lives. These include the rights of assembly, of free elections and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration or temporary visiting.

The United States and other countries of the free world should urge the Kremlin leaders to make these rights described in the Declaration available to the Balts and other captive people. If the rulers of the Soviet Union had the courage to carry out such reforms there would be no need for self-immolation to demonstrate the plight of Lithuanians and other people in the Russian Communist captivity.

BRINGING THE BALTIC CASE IN THE UNITED NATIONS

Past experience indicates that the Soviet Government is sensitive to criticism of its actions by those in the free world. Hoping that such means may minimize the persecution of the Balts in the Soviet captivity, the Administration should go ahead and implement H. Con. Res. 416 (89th Congress). This legislation was unanimously passed by the House and the Senate and it calls for the freedom from Soviet domination of Lithuania, Latvia and Estonia. The President of the United States should bring the issue of the liberation of the Baltic States in the United Nations and demand the Soviets to withdraw from Lithuania, Latvia and Estonia. We should have a single standard for freedom. Its denial in the whole or in part, in any place in the world, including the Soviet Union, is surely intolerable.

TREATIES THAT WERE NOT KEPT BY THE SOVIETS

ILLEGAL SEIZURE OF THE BALTIC STATES BY THE SOVIET UNION

The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist captivity for 32 years.

The seizure and annexation of Lithuania, Latvia and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

The treaties and agreements violated by the Soviet Union are:

1. *Treaty of Peace between Russia and Estonia*, signed at Tartu (Estonia) on February 2, 1940;
2. *Peace Treaty between Lithuania and the Russian Socialist Federal Republic, and Protocol*, signed at Moscow on July 12, 1920;
3. *Treaty of Peace between Latvia and Russia*, done at Moscow, completed and signed at Riga (Latvia), August 11, 1920;
4. *Treaty of Non-Aggression between the Republic of Lithuania and the Union of Soviet Socialist Republics*, signed at Moscow on September 28, 1926;
5. *Treaty of Non-Aggression and Peaceful Settlment of Disputes between Estonia and the Union of Soviet Socialist Republics*, signed at Moscow, May 4, 1932; extended in 1934 for a term to last until December 31, 1945;
6. *Convention for the Definition of Aggression*, signed at London, July 3, 1933, between Romania, Estonia, Latvia, Poland, Turkey, the Union of Soviet Socialist Republics, Persia, and Afghanistan.
7. *Convention between Lithuania and the Union of Soviet Socialist Republics for the Definition of Aggression*, signed at London, July 5, 1933; extended in 1933 for a term to last until April 4, 1943;
8. *Treaty of Non-Aggression between Latvia and the Union of Soviet Socialist Republics*, signed at Riga, February 5, 1932;
9. *General Treaty for Renunciation of War as an Instrument of National Policy*, signed at Paris, August 27, 1928, to which 63 states are parties among them the Soviet Union and the Republics of Lithuania, Latvia and Estonia;
10. *Convention relating to the Establishment of the Conciliation Commission and Conciliation Procedure* between Latvia and the U.S.S.R., signed on June 18, 1932;
11. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Estonia*, signed on Septemper 28, 1939;
12. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Latvia*, signed on October 5, 1939;
13. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Lithuania*, signed on October 10, 1939;
14. *The Covenant of the League of Nations*, came into force on January 10, 1920. Lithuania, Latvia and Estonia became Members of the League on September 22, 1921, and the Soviet Union on September 18, 1934.

As the forcible incorporation of Lithuania, Latvia and Estonia by the Soviet Union constitutes a violation of international treaties and generally accepted and recognized principles of international law, the Soviet regime in the three Baltic States lacks any legal basis and should be regarded only as a temporary occupation.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

THE FINAL FRONTIER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial in the Chicago Sun-Times of April 29, 1972, discusses the epic flight of Apollo 16. This brief but significant editorial quotes Astronaut Capt. John W. Young following their return from space. His prophetic words not only describe the significance of the Apollo 16 flight, but of the entire manned lunar landing program. As the editorial so aptly points out, only one Apollo flight remains and our Nation must now embark on a program utilizing the vast knowledge and skills derived from our first decade in space. The editorial follows:

THE FINAL FRONTIER

Americans have grown accustomed to the moon and to the brave men who go there. The spectacle of men bobbing on the moon's surface still draws prime-time attention. The moments when trouble occurs and lives are in doubt still grab at the heart. Yet, after five successful moon missions in just three years, the pure perfection of the thing has led to a degree of boredom in Americans, and that is unfortunate and wrong.

The three heroes of the just-concluded Apollo 16 trip crept to the edge of man's knowledge. They returned in wonder and exuberance that underscores the earthly pettiness of a concern for moon exploration as entertainment, rather than pioneering discovery. One of the three, Navy Capt. John W. Young, said of the $455-million voyage:

"You got your money's worth on this one. You saw an example of goal-oriented teamwork, the kind of thing that made this country great and is gonna keep it that way.

"There are secrets in that vehicle now. One of these days it's gonna benefit us all. That basic knowledge is pushing back the last real frontier, and, by golly, that's essential to the survival of humanity on this planet."

Only one more manned Apollo trip is on the schedule. That era of exploration will end, and there are many who will barely notice. But Young's comments were on target, for space travel is not commonplace. It has taken a fantastic effort, a pride in accomplishment from drawing board to moon surface, to carry science to the moon.

Astronauts Young, Lt. Comdr. Thomas K. Mattingly II and Lt. Col. Charles M. Duke Jr. have shown space exploration to be historic in both deed and value.

PROGRESSIVE BLUE CROSS MOVE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. MONAGAN. Mr. Speaker, earlier this year I introduced H.R. 14109, National Cooley's Anemia Control Act, to provide $7.1 million for research, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia. I urge my colleagues to support this essential legislation.

Cooley's anemia, a generic disorder of the hemoglobin of the blood, afflicts about 200,000 persons in this country, and tragically most of them are children. In most instances death will occur before the 20th year. Little is known of the disease. There is no known cure. Treatment consists solely of frequent costly blood transfusions to alleviate the constantly recurring anemia.

I commend the recent decision of the Connecticut Blue Cross to offer outpatient blood transfusion benefits to the victims of Cooley's anemia. This progressive action will help to alleviate the tremendous financial burdens which the families of these victims must bear.

I commend the following editorial entitled "Progressive Blue Cross Move" which appeared in the June 15, 1972, edition of the New Haven, Conn., Register to the attention of my colleagues:

[From the New Haven (Conn.) Register, June 15, 1972]

PROGRESSIVE BLUE CROSS MOVE

Connecticut Blue Cross has made a decision that seems to be both humane and practical. It is a decision that answers the special needs of those who deserve all the help they can get—victims of Cooley's anemia. And in the long run, it could benefit all Blue Cross subscribers by eliminating unnecessary hospitalization.

In offering an outpatient blood transfusion benefit to victims of Cooley's anemia, Connecticut Blue Cross is embarking upon a pilot effort. It is providing transfusion coverage to those with this genetic blood disorder. The latter require blood transfusions every four to six weeks throughout their lives—an enormous burden the cost of which had not been previously covered by either Blue Cross or private insurance plans on an outpatient basis. Now it will not be necessary for victims of the disease to be admitted to hospitals so that they can be covered for the transfusions.

TAX RELIEF FOR VICTIMS OF CRIME

HON. LESTER L. WOLFF

OF NEW YOAK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WOLFF. Mr. Speaker, as you recall, the distinguished gentleman from Florida (Mr. PEPPER) and I introduced a comprehensive bill to provide compensation in the form of tax relief to the victims of crime and to provide tax deductions for the purchase and installation of antitheft devices.

I feel that a letter which I have just received from the Northwest Civic Association of Floral Park, N.Y., provides clear support for this type of legislation and I include it in the RECORD following my remarks so that our colleagues might be aware of their reasoning.

The letter follows:

THE NORTHWEST
CIVIC ASSOCIATION,
Floral Park, N.Y., June 18, 1972.

Congress of the United States,
House of Representatives,
Washington, D.C.

(Att: Honorable LESTER L. WOLFF).

DEAR CONGRESSMAN, at its last regularly scheduled meeting before the summer recess the membership of this association has directed the undersigned, its president to convey their support and unanimous approval of your bill H.R. 14805 which will provide tax relief of victims of crime and for crime prevention.

Several of our members have been the victims of burglary resulting in theft losses of personal effects as well as household items including heirlooms and family artifacts. In most cases the resulting loss arising from this type of theft are not compensated for by insurance or otherwise. To the extent that the aggregate of these losses sometimes exceeds $100, there should be an allowance for deductions on our individual income taxes during the taxable year in which the theft or burglary occurs.

In fact, we concur with the substance and provisions of this bill, which would also provide an allowance of deduction for the expense incurred for installing locks, burglar alarms or other warning devices in the private home in order to deter future invasion of privacy by burglars and thieves.

You have our whole-hearted support and encouragement in continuing your efforts in bringing this piece of legislation into enactment.

Respectfully yours,

ALFRED MICHALSKI.

SALUTE TO EDUCATION

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. WHALLEY. Mr. Speaker, American education has much to be proud of. More than 63 million Americans are engaged full time as students, teachers or administrators in the Nation's educational enterprise. During the past decade, the number of students in our schools has increased by 13 million. It is, of course, true that the cost of education has increased tremendously in those 10 years; to be precise, by 160 percent to $70 billion. But I think the case can easily be made that our educational system has grown and improved so that the added expenditure may be more than justified.

American education has expanded on a number of fronts. There is a growing concern with the education of the preschool child. Federal efforts such as the Headstart program demonstrate our commitment in that area. We are also seeing the growth of programs in our schools which attempt to prepare students more realistically for the world outside of school. This is witnessed not only in the growth of the vocational school, but also in the increase in classes within academic schools dealing with consumer education and career plans.

At the level of higher education, there is an expanding network of junior colleges which are making more varied educational opportunities available to larger numbers. And finally, there is an increasing commitment to the education of the older learner. This is seen in both the adult basic education courses, which attempt to aid adults who are educationally deficient, and in the general adult education programs which offer a large variety of courses in fields of interest to the adult learner.

I am proud of America's educational system, because through its growth and extension into different age groups and segments of the population, it is becoming a system of true lifelong learning. It is with this in mind that today I salute American education.

WHAT IS A "LOGOPHAG?"

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SPRINGER. Mr. Speaker, every once in a while someone invents a new word that fits the times.

Clare Boothe Luce, on the floor of this House right after World War II, hit the nail on the head with the word "globaloney"—which was raising the question of whether or not the United States could carry the world on its back.

That well-known columnist for Newsweek, Stewart Alsop, has come up with a new beaut in which he designates politicians who eat their words as "logophags."

He has written a most thoughtful article in the June 10 issue of Newsweek which gives some indication of how politicians get into trouble with programs that are not well thought out and which sound quite appealing until they get caught up in the truth. It is at this point Mr. Alsop believes that the politician begins to eat his words.

It would appear that we are going to see a lot of word eating in the coming campaign if all that this article predicts comes true.

The article follows:

[From Newsweek, June 10, 1972]

MCGOVERN AS WORD-EATER

(By Stewart Alsop)

WASHINGTON.—All major politicians have to be accomplished logophags, or word-eaters. This is partly because what the voters want to hear in one election they may not at all want to hear in the next. It is partly because a politician has to appeal to one constituency to win his party's nomination and quite a different constituency to win the general election.

It is already apparent that George McGovern has more word-eating to do than any major politician since Franklin Roosevelt was elected as a passionately commited budget-balancer.

To understand why McGovern is going to have to consume a veritable feast of words, consider a discovery his California financial angel, Max Palevsky, recently made about the McGovern welfare and tax programs. McGovern's $1,000-for-everybody program was originally inspired by an episode now dim in everybody's mind—the entry of Sen. Fred Harris of Oklahoma in the Democratic sweepstakes.

It is hard to believe now, but the Harris entry gave the McGovern people sleepless nights. The whole McGovern strategy was based on co-opting the Democratic left. That was McGovern's only hope of capturing the nomination—and in those days it seemed a mighty slim hope to everybody but George McGovern. Yet, here was Fred Harris entering the race as a prairie populist and poor man's candidate.

BOLD PROGRAM

What was needed, the McGovern strategists agreed, was a bold, populist-sounding program that would leave no room for Harris on McGovern's left. Partly as a result of several telephone conversations with Yale's Prof. James Tobin, an advocate of the "negative income tax," McGovern countered the Harris candidacy with his $1,000-for-everybody program.

Any dolt capable of doing simple arithmetic could figure out the gross cost to the Treasury of paying every American from Nelson Rockefeller to the merest tot $1,000 a year—$209 billion. Aside from printing greenbacks, the only way to balance this vast sum would have been by a ferocious soak-the-rich tax program, plus heavy cuts in other government expenditures.

The major cut proposed by McGovern was the 40 per cent defense cut. As for the soak-the-rich program, in its original form, it was ferocious indeed. McGovern proposed 100 per cent taxes on all inheritances over $500,000, which would in time have left the country with a capitalist system but no capitalists. He also proposed to collect $6 billion in increased taxes on people with incomes over $50,000. Since a 100 per cent tax on incomes over $50,000 would yield only $7.5 billion, this was soaking the rich with a vengeance.

$40 BILLION SHORT

On paper, McGovern's spending cuts, plus his soak-the-rich tax program, were supposed to pay for his $1,000-for-everybody welfare plan. But toward the end of the California primary, Max Palevsky, who owes his vast fortune to mastery of computer technology, put the McGovern figures into his computers and made his discovery. The discovery was that there was a shortfall of a cool $42 billion between outgo for the welfare program and income from spending cuts and taxes. Palevsky made all the most favorable assumptions, and fed the figures into his computers front, rear and sideways. The result was always the same—a $40 billion-plus shortfall.

Six distinguished liberal economists, including Yale's Tobin, have now been summoned to a meeting in Los Angeles to "rethink" the whole McGovern tax and welfare program. The result of the rethinking is sure to be a heaping dish of words for McGovern to eat.

McGovern has already quietly eaten a substantial meal of words. He has backed away from his 100 per cent tax on inheritances over $500,000, lowering the proposed take to 77 per cent. He has also exempted family-owned businesses, notably including newspapers. There are a lot of family-owned papers left in the country, most of them worth many millions, and the thought may have occurred to McGovern that if he stuck to his original program his press support would be less enthusiastic than it has been.

In his recent full-page, $21,000 Wall Street Journal ad, McGovern sought to portray himself as a moderate fellow where taxes and the like are concerned. There has been word-eating on other fronts as well. For example, McGovern originally proposed unconditional amnesty for "those who, on grounds of conscience, have refused to participate" in the Vietnam war. Now he excludes deserters, and wants to extend amnesty to draft dodgers only.

McGovern must be given credit for candor, since he has been remarkably detailed and explicit on the issues. George Wallace, by contrast, when asked for details, talks about those sandwiches in the briefcases of the pointy-headed bureaucrats. McGovern might have done better to stick with the sandwiches.

For the words he is going to have to eat are right there, in black and white, dating from the days when nobody—but nobody—was going to get to the left of George McGovern. For example, McGovern is flatly committed, not simply to withdrawal from Vietnam, but to meeting unilaterally the basic Communist condition. This is to force the South Vietnamese to surrender by cutting off all logistic support—this *without* any explicit promise by the Communists to return the American prisoners.

WILL VOTERS BUY?

This sort of thing gets loud cheers on the campuses. But is it a proposition that a majority of the American voters will buy? For that matter, do a majority of voters really favor cutting American defenses by 40 per cent, at a time when the Soviets are clearly achieving their announced goal—to "overtake and surpass" American military power?

But the area in which McGovern is going to have to do most of his word-eating is the area in which he has been quietly eating his words already—tax and welfare reform. To those schooled in the arcane pseudo-science of economics, the negative income tax makes a sort of loony sense. Indeed, the basic notion is incorporated in President Nixon's Family Assistance Plan.

But to most ordinary Americans, the idea of handing out $1,000 a year to everybody certainly smacks more of looniness than of sense. And that huge shortfall discovered by Max Palevsky and his computers will surely compound the looniness. Word-eating will not come easily to George McGovern, since it will tend to tarnish the image of the plain-spoken antipolitician. The fact remains that, if McGovern is to have a serious shot at the White House, he will have to embark on a really prodigious exercise in logophagacity.

SMITHSONIAN'S DRUGS: A SPECIAL EXHIBITION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. PEPPER. Mr. Speaker, the Smithsonian Institution is presenting a most worthwhile exhibition on the subject of drugs. The exhibition places the drug problem of today in a historical and social context. Its message is that there are no such things as "good" or "bad" drugs, but that almost any drug can be misused. While not a "horror show,' the exhibit puts into clear perspective the dangers inherent in drugs and how misuse affects the individual and society. Using new and imaginative techniques, the exhibit presents different points of view on drugs and a clear and accurate summary of present medical knowledge about drugs and society's method of dealing with their use and misuse.

The Washington Post of May 29 carried an editorial highly praising the exhibit which I believe will be of interest to my colleagues, and I include it in the RECORD at this point.

AT THE SMITHSONIAN: AN EXHIBIT

The word "Drugs" flashes in red, green, yellow and blue neon letters amidst the Wright Brothers' airplane, the Apollo 11 space capsule and other historic hardware in the Smithsonian's Art and Industries Building these days. It invites us to a special exhibition, a somewhat bewildering but thought-provoking and informative journey through the complexities of America's drug phenomenon.

The journey begins with displays of 19th century advertising of patent medicines, drugs, alcohol and tobacco—the "magic potion notion" of our fathers and grandfathers. Next we come to an array of vending machines, symbolizing our consumer culture and dramatizing the way technology has afforded easy access to drugs for a growing public. A quarter dropped into these automats buys you a harmless trinket—rum-flavored candy and such—some printed information and admission to an air-inflated bubble dome. The plastic dome houses an array of superb photographs illustrating the drug scene, that alone is worth the admission fee. What really sent us, however, are life-size dummies of an American Indian, a Southeast Asian girl, an inner-city black, a suburban teenager and a housewife, each speaking his or her mind in an eerie sort of way. What makes it eerie is that these dummies really seem to talk in a feat of "talking pop art," created by means of rear-view projected motion pictures of an actor's face.

You go on through a more conventionally mounted but hardly less exciting maze of exhibits on the medical and social aspects of drugs that ends with a "rip-off cage," a pawnbroker's showcase of the goods stolen to support drug habits. The final section consists of a "rap theater," where various movies are shown and discussions are held.

What impressed us about this exhibition was not only its imaginative, pop-arty manner of presentation, that is sure to appeal to young people. It was also the forthright way in which the Smithsonian covered this controversial subject.

SUPPORT FOR REVENUE SHARING

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. THOMSON of Wisconsin. Mr. Speaker, we have heard support of revenue sharing from all quarters, especially from State and local officials. The mayors of our largest cities are counting on this bill to help ease their financial situations.

Revenue sharing will also help our rural counties and smaller cities. I include at this point in the RECORD, resolutions from the county boards of supervisors of Buffalo County and Vernon County, Wis., and the cities of Galesville, Osseo, and Blair, Wis., in the hope that these expressions of support for revenue sharing will help the Members of the House appreciate that the problems at which revenue sharing is aimed are problems shared by citizens and governmental units in both urban and rural areas:

RESOLUTION

Whereas, county government has badly needed federal revenue sharing to alleviate the high tax cost to local county taxpayers; and

Whereas, the federal House Ways and Means Committee has reported out of committee the $26.5 billion, 5 year compromise federal revenue sharing bill, known as H.R. 14730 the "State and Local Fiscal Assistance Act of 1972", and the House of Representatives will vote on this bill during the week of May 8, 1972; and

Whereas, the passage of this bill is the most favorable vehicle for Wisconsin taxpayers to more equitably recoup some of their federal dollars from Washington, D.C.

Now therefore be it resolved, that the County Board of Buffalo County, State of Wisconsin, does hereby urge their federal legislators to act favorably for the passage of H.R. 14730 before both the House and Senate;

Further be it resolved, that a copy of this resolution be forwarded to all U.S. Senators and Representatives from the State of Wisconsin.

XUM

VERNON COUNTY BOARD
OF SUPERVISORS,
Viroqua, Wis., May 2, 1972.

Hon. VERNON THOMSON,
House Office Building,
Washington, D.C.

DEAR MR. THOMSON: In behalf of the County Board of Supervisors, Vernon County, I wish to urge you to support the "State and Local Fiscal Assistance Act 14370" for the Federal Revenue Sharing.

Sincerely yours,

CHESTER ERLANDSON,
Chairman, County Board of Supervisors, Vernon County

RESOLUTION

Whereas, the Common Council of the City of Galesville, in regular session assembled do resolve as follows:

Whereas, the Common Council has been requested to endorse and support through Resolution the concept of Federal Revenue Sharing.

Whereas, Federal Revenue Sharing will provide the citizens of Galesville with needed local property tax relief.

Whereas, in addition our local unit of government will benefit under a program of federal revenue sharing.

Now, therefore be it resolved, that the Common Council of the City of Galesville goes on record to support and endorse the concept of federal revenue sharing and urges the adoption of such a program in the United States Congress.

The above Resolution duly adopted this 8th day of July, 1971.

OFFICE OF CITY CLERK,
Osseo, Wis., August 2, 1971.

Be it hereby resolved, that the City Council of the City of Osseo, Trempealeau County, Wisconsin, does hereby endorse revenue sharing of federally collected funds to be used to help alleviate property tax burdens in various municipalities of the state.

RESOLUTION TO THE CONGRESS OF THE UNITED STATES

Whereas, the operating costs of municipal government and public education continues to escalate, and,

Whereas, the property tax method of producing revenue has been stretched to the breaking point in both the business and private sector, especially as it affects the people of low income and the retired, and,

Whereas, the local municipal officials are in the best position to apply funds to the utmost advantage of the people under its jurisdiction,

Now, therefore be it resolved, that the Common Council of the City of Blair does endorse and urge the adoption of no strings attached Revenue Sharing Legislation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

GOULD LINCOLN'S COLUMN ON SENATOR McCLELLAN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 22, 1972

Mr. HARRY F. BYRD, JR. Mr. President, Gould Lincoln, of the Washington Star, the dean of the Nation's political columnists, had an excellent article Saturday entitled "McCLELLAN the Rackets Buster." He was speaking of Senator JOHN L. MCCLELLAN, of Arkansas, who last week won the Democratic nomination for his sixth term in the Senate.

Senator MCCLELLAN had a difficult fight, but by hard work and ability was able to come out on top. He is an outstanding Senator.

I ask unanimous consent that the column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, June 17, 1972]

MCCLELLAN THE RACKETS BUSTER

(By Gould Lincoln)

Sen. John L. McClellan, D–Ark., who won his party's nomination for re-election last Tuesday, has been a great and consistent fighter of crime during his long career, as a lawyer in private practice and in public office—including county prosecuting attorney, member of the House of Representatives and senator. This goal for illegal acts committed by individuals, by labor leaders, or by organized crime.

McClellan, 76, is seeking a sixth term in the Senate. He was challenged by Rep. David Pryor, 37. McClellan had failed to win renomination in the primary in a four-man race, although he led Pryor by 16,000 votes. In the run-off, his lead over Pryor was 20,000. McClellan was rated an underdog in the run-off. Few incumbent candidates forced into a run-off election, have won. In addition, McClellan checked the 1972 trend to nominate younger and more liberal candidates.

McClellan has had a brilliant career in the Senate as an investigator. As chairman of the Senate Government Operations Committee he turned the spotlight on labor racketeers in the 1950s. He was largely responsible for the convictions and jailing of two leaders of the powerful Teamsters Union, Dave Beck and Jimmy Hoffa. Hoffa was released in 1971 when President Nixon commuted his sentence.

The late Sen. Robert F. Kennedy served as committee counsel for McClellan during the investigation of Hoffa, and also when McClellan investigated the conduct of the late Sen. Joe McCarthy, R–Wis., who tangled with the Army and Secretary of War Robert T. B. Stevens, charging there were Communists in the U.S. armed forces. McClellan had again taken over the chairmanship of the investigating committee after the Democrats regained control of Congress in 1954. McClellan and his chief counsel in their turn charged that Republican McCarthy and his counsels, Roy M. Cohn and G. David Schine, had produced false testimony in the McCarthy inquiry into the Army.

When McClellan finished his tirade, Cohn and Schine—McCarthy, too—didn't have a word to say. This, indeed, was the beginning of the drive that eventually led to the public censure of McCarthy in the Senate.

McClellan's forthrightness brought him into conflict with two Presidents of the United States—Franklin D. Roosevelt and Harry S. Truman. While the senator from Arkansas had supported some of Roosevelt's "New Deal" measures, including the Wagner Labor Act which he regarded as needed to insure fair dealing with organized labor, he later felt that the Wagner law was working to give labor too much of an advantage. He voted for the Taft-Hartley Act and has supported it ever since. Indeed, he has in the past offered amendments to strengthen it.

Roosevelt was angered by McClellan's conservative record in the House and the Roosevelt administration turned against McClellan and brought about his defeat. He returned to the political arena in 1942 and won his Senate seat. He was defeated in 1936 in his first try for the Senate by Mrs. Hattie Caraway, widow of a senator. She was seeking a second term in 1942.

McClellan won re-election easily in 1948, although he was opposed by the liberal element of the Democratic party, particularly the Truman faction. He criticized Truman's measures, which he called "socialistic." He did not like Truman's Korean war policies, and later he sought to investigate the so-called "mess in Washington," attributed to Truman's permitting his cronies to accept gifts, some of them in cash, as well as furnishings for the White House or their offices.

McClellan was born in Sheridan, Ark. on Feb. 25, 1896. He attended public schools and was tutored in law by his father. At the age of 17, he was admitted to the Arkansas bar, after the state legislature passed a special act permitting the under-age young man to take the bar examination.

Always McClellan has been a terrific worker. His law practice was interrupted when he entered the Army at the start of World War I. He became a first lieutenant in the Infantry and Signal Corps.

During his recent campaign for renomination, McClellan charged his opponent, Pryor, with kowtowing to organized labor. He said that labor had always been against him and that labor had contributed $65,000 to Pryor's campaign. He charged, too, that Pryor was a liberal and socialistic. Pryor vehemently denied these charges. And he criticized McClellan as always a friend and supporter of the rich and well-to-do, and said McClellan was no friend to the poor and to the blacks.

The only hurdle left for McClellan is the November election in which his Republican opponent will be Wayne Babbitt, who has resigned as the Little Rock area director of the U.S. Department of Housing and Urban Development. McClellan's victory is more or less taken for granted.

SALUTE TO EDUCATION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. O'KONSKI. Mr. Speaker, education is the most important foundation for human progress. However, as times change, so does the need for quality education change. Also, as times change, methods of financing education must also change.

In many respects, the necessary changes in the quality of education and kind of education as well as methods of financing education have not kept up with the needs of our times.

As an example, studies show that in the next 10 years, four out of every five jobs that need to be filled in our Nation will not require a college education. Yet, most Federal programs are still stressing college education and neglecting technical education, which will be our most important need in the next 10 years.

Likewise, the horse-and-buggy policy of using property taxes as the main financial support for elementary and secondary education has not kept pace with the needs of our times.

We must realize, and the sooner the better, that elementary and secondary education is more of a national responsibility than is higher education. To get away from the horse and buggy of raising funds for elementary and secondary education, it is my judgment that the Federal Government must assume at least 33 percent of the cost of elementary and secondary education.

These are just a few of the challenges that face the Congress. Most unfortunately, Congress has been very slow in responding to the formulation of programs to meet their needs and to keep up with the changes that come along that must be met.

SALUTE TO EDUCATION

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, I appreciate the opportunity to congratulate the National Education Association on their "Salute to Education" which is being held today here in Washington. It gives those of us from all our 50 States an opportunity to recognize the achievements of our great educational system which I feel is second to none.

Primary and secondary education is not only an invaluable tool to be used by the individual, but is also a system that directly provides for an informed and responsive society. Education builds a foundation for life that is essential in all occupational fields. My enthusiastic support for educational legislation has exemplified my feelings for effective and innovative educational systems. This enthusiasm and concern for education is not only generated by my position as a Congressman, but is also a result of personal and family contacts in the field of education.

As a child, I was fortunate to receive a quality education in the Malden elementary schools, Beebe Junior High School in Malden, and at the Medford High School. My father taught in several school systems including Malden and Everett, my two sisters teach in the Malden and Lawrence systems and I have several nieces and nephews teaching in local school systems. My exposure to the educational systems of these communities individually and through family contacts gives me an excellent insight into the need for an even greater effort by this Nation in support of our educational system. It is my hope that our educational systems will continue to improve and will provide this type of quality education.

NEWS ON EQUAL EMPLOYMENT RIGHTS FOR WOMEN AND MINORITIES IN THE UNIVERSITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. KOCH. Mr. Speaker, the newspapers yesterday reported that the Federal Office of Civil Rights has warned the City University of New York that it must provide employment information including data on the sex and race of all employees or face the loss of Government contracts and subcontracts.

It is reported that HEW said the university must give written assurances within 10 days that the information would be made available and provide the first installment of data within 30 days of the notice.

J. Stanley Pottinger, Director of the Federal Office of Civil Rights of HEW stated that the City University had created an impass by refusing to provide information necessary to determine whether there was job discrimination against women and minority group members.

I have had correspondence with Belle Zeller, chairman of the Legislative Conference of CUNY, and with J. Stanley Pottinger on this subject which I believe would be of interest to our colleagues and part of which I am appending. Mr. Speaker, the balance of this correspondence will be inserted tomorrow.

LEGISLATIVE CONFERENCE OF THE
CITY UNIVERSITY OF NEW YORK,
New York, N.Y., January 24, 1972.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: The Legislative Conference, the collective bargaining agent for the more than 8,000 members of the full-time career faculty of the City University of New York, fully supports the efforts of the U.S. Department of Health, Education & Welfare to correct the extensive pattern and practice of discrimination which exists at the University.

It has come to our attention that the City University is at present exempt from compliance with the Executive Orders (11246 as amended by 11375) which authorizes HEW to insist on affirmative action programs. It is our opinion that the best interests of the University, the community, women and minorities are not served if such exemption is continued. In no way do we mean to question the sincerity of those members of the administration who desire to overcome discrimination in and by the University; we merely suggest that governmental directive will help speed achievement of equal opportunity.

In principle, we see no reason why the law should allow the state and local governments to discriminate against any group in our society. Declaring an institution exempt in effect condones discrimination.

We respectfully urge you to take whatever steps are necessary to eliminate the exempt status of the City and State Universities of New York.

Sincerely,

BELLE ZELLER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 8, 1972.

CONGRESSIONAL LIAISON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: I am writing to you about a matter brought to my attention by Belle Zeller, Chairman, The Legislative Conference of the CUNY, 11 West 42nd Street, Suite 554, New York, New York 10036.

I have received the enclosed letter from Miss Zeller. Subject to your existing procedures, I would appreciate your looking into this matter and informing me of your findings so that I might be advised of the situation.

Thank you for your interest in this inquiry.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 25, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of February 8 concerning the affirmative action requirements applicable to the City University of New York.

Under Executive Order 11246, as amended by Executive Order 11375, Federal contractors or subcontractors may not discriminate in employment on the basis of race, color, religion, sex or national origin, and they must take affirmative action to assure such nondiscrimination.

The applicable regulations issued by the Department of Labor provide that instrumentalities of State or local governments are exempt from maintaining a written affirmative action program (41 CFR Chapter 60–1.5 (a)(4)). However, while such institutions are not required to follow this procedure, they are nevertheless subject to the standards set by the Executive Orders. Accordingly, all contractors and subcontractors must ensure that applicants for employment and employees are treated without regard to race, color, religion, sex or national origin. In addition, as the compliance agency for institutions of higher education, the Department's Office for Civil Rights conducts compliance reviews of public as well as private colleges and universities, and in both cases the institutions have an affirmative obligation to remedy any deficiencies identified in their employment practices. Public institutions, as well as private, are required to make written commitments to provide such remedies.

This Office has held discussions with the Office of Federal Contract Compliance, Department of Labor, concerning recommended changes to the regulations, such as the modification you have proposed. However, final decisions in this regard rest with the Secretary of Labor, and therefore you may want to take the matter up with him.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 29, 1972.

CONGRESSIONAL LIAISON,
Department of Labor,
Washington, D.C.

DEAR SIR: I am writing to you about a matter brought to my attention by Belle Zeller, Chairman, The Legislative Conference of the CUNY, 11 West 42nd Street, Suite 554, New York, New York 10036.

I have received the enclosed letter from Ms. Zeller. Subject to your existing procedures, I would appreciate receiving your comments on this matter so that I might advise her.

Thank you for your interest in this inquiry.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., March 12, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in response to your letter requesting information for your constituent Belle Zeller on the status of City University of New York under Executive Order 11246, as amended. We have answered a number of letters on this same subject for members of Congress, and there appears to be some misunderstanding concerning the matter.

City University is not exempt from the Executive Order Our regulations do provide that the requirements of the equal opportunity clause in any contract or subcontract with a State or local Government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such Government which does not participate in work on or under the contract or subcontract. However, the converse of this is that a State or local Government agency which does participate in work on or under the contract or subcontract is subject to the requirements of the equal opportunity clause. Since City University does have Government contracts and is receiving Federal financial assistance for construction projects, it is subject to the Executive Order.

As a Governmental agency, City University would ordinarily be exempt from the requirements of filing the annual compliance report and maintaining a written affirmative action compliance program. But, City University was found by the Office for Civil Rights of the Department of Health, Education, and Welfare (HEW), the compliance agency in this case, not to be in compliance. When such a finding is made, the regulations provide that the compliance agency can require the contractor to develop a written corrective action program to correct the deficiencies.

According to the latest information we have been able to obtain from HEW, City University has still not filed an acceptable affirmative action plan. However, in order for your constituent to get the latest information on the status of City University, we recommend that she contract the Office for Civil Rights, Department of Health, Education, and Welfare, 26 Federal Plaza, Room 3836, New York, New York, 212/264–4633.

I hope we have been responsive to your request.

Sincerely,

FREDERICK L. WEBBER,
Special Assistant for Legislative Affairs.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1972.

DIRECTOR,
Office for Civil Rights, Department of Health, Education and Welfare, New York, N.Y.

DEAR SIR: I am writing to you concerning the affirmative action requirements applicable to CUNY. I understand from the enclosed letter that the City University has not filed an acceptable affirmative action plan.

I would appreciate your informing me when the City University was asked to submit this plan and to what date they have to comply. I do appreciate your keeping me informed of the status of this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
New York, N.Y., March 24, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: I received your inquiry of March 13, 1972 concerning the Affirmative Action requirements under Executive Order 11246 which are applicable to City University of New York. I also received the copy of the letter addressed to you from the U.S. Department of Labor on the same subject.

The letter addressed to you by the U.S. Department of Labor contains some information which somewhat confused me. I therefore took the liberty of transmitting the correspondence from you and to you from the Department of Labor to my Headquarters Office in Washington in order that any points of confusion could be ironed out at that level. My Office in Washington, after having cleared this matter, will reply to your inquiry.

I am sorry for the slight delay in responding to you but I should prefer that the response to you be accurate.

Sincerely,

WILLIAM R. VALENTINE,
Regional Director, Office for Civil Rights.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 7, 1972.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: On March 24, 1972, Mr. William Valentine, Regional Director of our New York Office, wrote to you in response to your letter of March 15 concerning an affirmative action program at the City University of New York. Mr. Valentine referred your letter to this Office because it was implicit in a recent Labor Department letter to you that the investigation at CUNY, in which it was found in noncompliance, was a recent one.

Actually this finding was reported in a November 20, 1970, letter to Mr. Bernard Mintz, Vice-Chancellor for Administration at CUNY, in which our New York Office requested CUNY to submit an affirmative action plan. Since that time, numerous meetings have been held between members of both our New York and Washington staffs and CUNY officials for the purpose of establishing an understanding of the requirements of the Executive Order and the Department of Health, Education, and Welfare's basis of jurisdiction. CUNY has submitted some material. However, it does not fully satisfy the University's responsibilities under the Order.

At the present time, officials of CUNY are objecting to making available the records and data necessary to determine compliance. We are continuing to work with the University in developing a program which will comply with the Order.

Please let me know if I can be of further assistance.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

A SALUTE TO EDUCATION

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. ANDREWS of North Dakota. Mr. Speaker, an informed citizenry is a basic and essential ingredient if our form of government is to survive. That's why, each year as our society becomes more complex, the role of our educators becomes more important.

That is why, as well, I am pleased to have this opportunity to join in this salute to our Nation's teachers.

Good citizenship is, of course, a small measure of the total responsibility of our teachers. Every industry and every profession, indeed the total fiber of our Nation, counts on the education profession to provide the young people with the knowledge, the desire and the inspiration for perpetuation.

In return, educators deserve more than our gratitude. They recognize more clearly than any of us perhaps, their desperate need of support from the Government of the people they serve so well.

They need this support particularly when dealing with the bureaucracy that has been spawned by the well meaning efforts of the Congress. Each of us has a real responsibility to make sure that this Government reacts responsively and responsibility to the needs of our educators.

There is no single group of constituents whose counsel and views I value more than the teachers in the district it is my privilege to serve in the Congress. I urge my colleagues similarly to pay heed to their teacher-constituents, respectfully submitting that none of us are too old to learn.

NEEDED: A FAIR SHAKE FOR STATE DEPARTMENT FOREIGN SERVICE EMPLOYEES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ASHBROOK. Mr. Speaker, on June 6, 1972, the Washington Star's veteran reporter on Federal employee affairs, Joseph Young, commented on an official position paper of the Civil Service Commission concerning a dastic shift in CSC policy concerning employee appeals. The position paper read in part:

Perhaps it would be better for a body other than the Civil Commission to hear and decide employee appeals and that another organization should be established by law for that purpose.

To Federal employees who are aware of the Commission's function, this is a radical departure as noted by Mr. Young in his column:

In the past the commission heatedly opposed any suggestion that it relinquish its appeals authority.

To one group of civil servants who are not covered by the Commission's appeal machinery, the Foreign Service officers of the State Department, this new thinking of the Commission must have carried an encouraging message. As I have indicated in the past, when FSO's are selected out of the Service their right of appeal within the State Department was a joke, to put it bluntly. Now, along comes the Civil Service Commission, with authority over the bulk of civil servants, stating that perhaps employee grievances can be best resolved outside the Commission. With regard to the Foreign Service this has been the thrust of legislation which I first introduced in 1968 calling for an appeals mechanism outside of the State Department for FSO's. The plight of the FSO's was, I believe, clearly stated by a 7-year veteran of the Office of the Legal Adviser in the State Department, Mr. Richard A. Frank, in a letter to the Senate Foreign Relations Committee chairman, Senator FULBRIGHT. One excerpt from the letter, which appears on page 20186 of the CONGRESSIONAL RECORD of June 8, reads:

My experiences with the Department of State and its grievance procedures have, however, not been encouraging: they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

Additional obstacles might well be in the offing for beleagured FSO's if current fears in knowledgeable circles are realized. The American Foreign Service Association, which claims to be an employee organization independent of State Department management, is vying for the right to be the exclusive employee representative of FSO's in their negotiations with State. It is claimed that AFSA is too close to the State Department hierarchy to serve as a truly solicitous voice for the FSO's.

On June 19, 1972, John Hemenway, a former FSO who was selected out at State and who after a stiff battle finally was granted a grievance hearing still in process, addressed a letter to Leonard J. Lurie, Director, Labor-Management and Welfare Pension Reports, Department of Labor, protesting the recent elections of the Board of Directors of AFSA as "undemocratic." Mr. Hemenway asserted that for this reason AFSA was not qualified to speak for Foreign Service employees under EO 11636. In support of his position, Mr. Hemenway cited the following which I quote from his letter:

(1) There was no control to guarantee that the ballots counted were in fact cast by persons having the proper credentials to vote in the election.

(2) No controls were established whatsoever to insure that, if the ballots sent out were not actually received by the person for whom designated, they were not used by another.

(3) Nor was a register maintained, with control numbered outer envelopes of ballots received, to be opened in the presence of official ballot counters; similarly, there were no controls exercised over the printing or safeguarding of ballots (the only distinctiveness was the color, fairly easily counterfeited.)

(4) There is no register of persons who actually did vote or who did not vote by mail or in person. (I was told that the vote received by mail swung the election to the persons finally declared the victors. In Washington, where recent controversial events in which you played an active role were well known and understood, the vote was fairly evenly distributed among the candidates.)

(5) 2,438 valid ballots were said to have been received; several times that number of official ballots were distributed. There is no way of knowing who on earth returned those ballots that found their way into the ballot box.

(6) Not even the most primitive ballot security controls were attempted. I was told that a padlocked box held returns received until counted. That, of course, is no safeguard—it merely gives the illusion of safeguards. No poll watchers were assigned by candidates or their slates to guard their interests during counting.

(7) It is not even a certainty who is responsible for the above events. The February *Journal* lists Stephen T. Johnson as Chairman of the AFSA Election Committee. I was under the impression that the election committee for the AFSA 1972 election was presided over by a Deputy Assistant Secre- of State named Martin Herz. Why should Johnson make the report on Herz' responsibilities?

(8) In any event, Herz was defacto chairman during the several preelection meetings held in Washington. I know this for a fact. I met him and we spoke. His was the critical role in setting policy and tone during this period. In my judgment, Herz was an odd choice for such a task in a year in which AFSA intends to apply for the privileges available under E.O. 11636. I refer, of course, to material on record in connection with the Mace confirmation hearings. See, for example, Martin Herz' own memorandum published in the CONGTESSIONAL RECORD, volume 117, part 28, page 37400, and my own letter to Senator Mace/Herz in the CONGRESSIONAL RECORD, volume 117, part 29, page 38105.

On June 20, 1972, Foreign Service Officer John J. Harter sent a communication to Mr. Lurie, enclosing documents relating to his own independent candidacy for election to the board. Among these documents is Mr. Harter's November 11, 1971, memorandum to Martin P. Herz, chairman, AFSA Elections Committee, including the following passages:

For all practical purposes, the campaign appears to have been virtually cloaked in secrecy.

The incumbent Board of Directors may appreciate this approach, which is tantamount to packing the ballot box in its favor. I can assure you opposition candidates resent this apparent effort on the part of the AFSA Elections Committee to assure continuity on the Board.

Both Mr. Hemenway and Mr. Harter referred to Mr. Herz as the chairman of the AFSA Elections Committee. Mr. Herz is a powerful senior management official in the State Department, with important political and social contacts. Currently, he is the Deputy Assistant Secretary for International Organization Affairs. Previously, he was Minister-Counselor for Political Affairs in Saigon. A former AFSA Board member, he has been given special AFSA assignments. For example, the AFSA News of January 1970 stated the following:

Special Committee to consider role in political appointments. At the request of the AFSA Board of Directors, Martin F. Herz, former Board member and currently Minister-Counselor for Political Affairs in Saigon, has agreed to establish a special AFSA Committee in Saigon. This Committee will investigate and make recommendations to the AFSA Board on the feasibility of establishing a permanent AFSA Committee to advise the President on the qualifications of potential political appointees to diplomatic posts. The Herz Committee is the first important AFSA committee to be established outside of Washington. Its establishment follows a suggestion made by Professor Galbraith at a recent AFSA luncheon.

SELECTION BOARDS AND AFSA BOARDS

On June 7, I invited the attention of the House to the way in which the State Department continued to manipulate the so-called independent selection boards which decide promotions and dismissals by "selection out" of Foreign Service officers. I cited the case of Deputy Under Secretary of State William J. Crockett who named his own brother-in-law to the 1963 Selection Board which promoted several Crockett proteges, including Idar Rimestad, Howard Mace and John H. Stutesman, Jr., who was then Special Assistant to the Deputy Under Secretary of State for Administration and who later in 1966 became the Chairman of the Board of the American Foreign Service Association.

THE FOREIGN SERVICE JOURNAL

Following a term in 1966 as Chairman of the Board of AFSA, Mr. Stutesman was named in 1967 as Chairman of the Board of the Foreign Service Journal, the official publication of AFSA.

During the years 1966 and 1967, the Stephen Koczak and Otto Otepka cases received wide distribution in the American press. Koczak charged that his efficiency record contained forged documents and he named E. Allen Lightner, Jr. as the principal officer who had permitted tampering with his records. Otto Otepka charged William Boswell with mishandling his efficiency records. Both Koczak and Otepka had complaints about Norris Haselton, who was then the Inspector General of the Foreign Service. Yet, the Stutesman-AFSA Board censored out every reference to these top officers whose names were appearing in other publications.

The silence of AFSA and its Foreign Service Journal during that period is explicable when one reviews the membership of previous AFSA Boards and the way they were dominated by management.

Let me begin with the Foreign Service personalities placed by Mr. Crockett on the 1963 William Figy Selection Board, promoting officers to class 1.

The chairman of that 1963 William Figy Selection Board was Ambassador Thomas Estes; the other FSO member was Findley Burns, then serving in Mr. Crockett's office together with Mr. Stutesman. Both Ambassador Estes and Mr. Burns knew then that Mr. Figy was Mr. Crockett's brother-in-law.

Estes and Burns were previously closely associated in several joint undertakings, not only in their official functions at the State Department but also within the American Foreign Service Association. For example, when E. Allen Lightner, Jr. was Chairman of the Board of the American Foreign Service Association, Estes was secretary-treasurer and Findly Burns was assistant secretary-treasurer. Subsequently, when Lightner became Chief of the U.S. Mission in Berlin, Findley Burns became his Deputy there, while Estes succeeded Lightner as Chairman of the Board of the American Foreign Service Association. Serving on the AFSA Board under Estes were Norris Hazelton, the Inspector General of the Foreign Service, and William Boswell, then assigned to the Security Office.

It was during this period when some

of the worst personnel malpractices in the history of the State Department and the Foreign Service took place. These included the sex and spy scandals at Warsaw and Belgrade; the perjuries committed by State Department officials before Congress; the tapping of telephones of State Department personnel; and the tampering with personnel records. I shall not review these scandals again because the public record of the Stephen Koczak and Otto Otepka cases has been well documented.

IS AFSA FREE FROM MANAGEMENT?

Has AFSA improved? Is it now free from management? The Hemenway and Harter letters to Mr. Lurie cast doubt that much change has taken place. Moreover, the record shows that the current chairman of the AFSA Board, William Harrop, saw nothing improper about acting in both a managerial and an "independent employee" capacity in testifying as an AFSA spokesman on bills before Congress in precisely the same language which he had used as the official management coordinator for the Department of State. Nor did the vice chairman of the AFSA Board, Thomas D. Boyatt, and the Acting Secretary-Treasurer, Herman J. Cohen, see anything inappropriate about serving on the 1971 Selection Boards rating Foreign Service officers for promotion and for dismissal through "selection out" while running for the Board of AFSA. Nor did Messrs. Harrop and Boyatt see anything improper about accepting the assistance of State Department management in getting authorization cards and memberships for AFSA.

Has the Foreign Service Journal improved? Just recently, it ran an editorial opposing efforts of the Charles Thomas Legal Defense Fund to collect money and affidavits to file suits against the State Department for violations of due process in selection out. Then, following recommendations by grievance panels for the promotion to FSO–3 of Alison Palmer and John Harter, because of denial of their constitutional rights, the Journal urged that the right of grievance boards to make such recommendations be limited by the Secretary of State. Beyond, these actions, the Foreign Service Journal has been silent on the details of many grievance cases which have been filed and on the charges by many grievants that the Interim Grievance Panels are themselves denying due process.

I am pleased that the House Foreign Affairs Subcommittee on State Department Organization will begin hearings soon on Congressman HAMILTON'S bill, H.R. 9188 and my own bill, H.R. 8523. I trust that during these hearings the subcommittee will have occasion to have both the State Department and the American Foreign Service Association comment on the charges which have been brought by John Hemenway and John Harter against both the State Department, in their own grievance hearings, and against the Board of Directors of AFSA in their communications to Mr. Lurie.

TOWN OF RUTLAND, MASS., CELEBRATES 250TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. BOLAND. Mr. Speaker, June 18, 1972, marked the 250th anniversary of the town of Rutland.

Centrally located in Massachusetts, Rutland's scenery is picturesque and beautiful, abounding in hills and vales, brooks and natural lakes.

The territory embracing this town was purchased from the Indians in 1686 and was settled in 1713. It was on June 18, 1722, that the Great and General Court of Massachusetts incorporated the town of Rutland. In memory of, and as a tribute to those brave pioneers who settled the town of Rutland, June 18, 1972, has been declared Rutland Founders' Day.

Rutland is so situated that it has been protected from the encroachment of the more disquieting aspects of modern life, but its pure air and fine scenery have just recently given it wide celebrity as a health resort.

In the Revolutionary War, the town of Rutland took prompt action in furnishing many volunteers, who served with honor and distinction throughout the struggle for independence.

Rutland, however, owes its greatest distinction to having been for 8 years the home of Rufus Putnam, "Founder and Father of Ohio." It is because of General Putnam and his efforts to settle Ohio, that Rutland has earned the nickname "Cradle of Ohio."

In a message to the people of Rutland on this momentous occasion, I stated:

The citizens of Rutland are to be commended for this most propitious observation of Rutland's 250 year heritage and contributions to our Massachusetts history and traditions.

Your unveiling of Rutland's first town flag will coincide with the flying of an American flag over the United States Capitol at my request on Sunday, June 18, 1972. This American flag and appropriate certificate marking Rutland's Founders' Day celebration will be given to the town of Rutland for historic preservation.

The program for the historic celebration was as follows:

PROGRAM

State Representative Edward Harrington, Master of Ceremonies.

Invocation: Rev. Edgar Pelletier, St. Patrick's Church, Rutland.

Reading of Proclamation: Selectman James Wood.

Presentation of first official town flag: Albert Thomas, Chairman of 250th Celebration Committee to Selectman James Wood.

Raising of the flag and selections by the drum and bugle corps.

Introduction of guests: Senator Daniel Foley, Main Speaker.

Benediction: Rev. Richard S. Price, First Congregational Church, Rutland.

Here is the text of the proclamation establishing Rutland Founders' Day:

A PROCLAMATION, 1972—TOWN OF RUTLAND

(By Authority of James L. Wood, Frank J. Brooks, George R. Griffin, Board of Selectmen)

Whereas, in the year of our Lord one thousand six hundred and eighty-six, an area known as Naquag was purchased from the Indian owners and later to become the site of the Town of Rutland;

Whereas, the General Court of Massachusetts acted favorably on the petition of the Proprietors On February 23, 1713 and that such new town be called Rutland;

Whereas, that the Town of Rutland on June 18, 1722 was Incorporated by the Great and General Court and that said Town of Rutland is celebrating its Two Hundred and Fiftieth Anniversary the entire year of 1972; now, therefore,

We, the Board of Selectmen of the Town of Rutland, in the County of Worcester, Commonwealth of Massachusetts, do hereby proclaim as

RUTLAND FOUNDER'S DAY, JUNE 18, 1972

in memory of, and as tribute to, those brave pioneers who settled said Town of Rutland.

Be it further proclaimed that appropriate exercises, events, and celebrations be held throughout the year; and

Be it further proclaimed that we, this Board of Selectmen, dedicate ourselves to the task of incessant progress, aimed at building a better community for ourselves and our posterity.

Given in the Selectmen's Office in Rutland, this 31st day of January, in the year of our Lord one thousand nine hundred and seventy-two, and of the Independence of the United States of America, the one hundred and ninety-sixth.

SALUTE TO EDUCATION

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FLYNT. Mr. Speaker, the quality of American education stands among the most crucial issues facing our great Nation. Concern over this issue is witnessed everywhere—in local communities, in State legislatures, in the Congress of the United States and in every home across the land. We know that the level of knowledge and skills required today and which will be required in the future far exceeds that of previous generations.

We have a good educational system. It is not without its flaws. The efforts required in the years ahead to insure quality education must be assigned a high national priority because what happens in our classrooms and in our schools affects the quality of our national life. We must make certain that the adults of tomorrow will be able to compete effectively in the job market, increase our national productivity, understand and exercise their rights and responsibilities as citizens, and provide the necessary leadership in government, industry, and in the arts and sciences.

We all share a responsibility in making certain that our schools provide the kinds of knowledge and skills which will insure that our youth have the tools to deal with the challenges with which they will be confronted when they leave the classroom and move into the mainstream of our society.

As we salute education this week, we honor those who have contributed so much to our youth—their teachers and school administrators—and we reaffirm our commitment to the young. While the Congress has supported that commitment, it must rely on the judgments of many groups and governmental leaders in the quest for quality education. We cannot avoid the challenges, some of them painful. It is a simple fact that these decisions are made in the context of financial commitment. It is the responsibility of all of us—in education and in government—to make absolutely certain that the funds appropriated for educational purposes are used for educational purposes, to improve the quality of education. None can escape his share of this responsibility, and none can escape the consequences of an inadequate response. The success of our society depends upon acceptance of that responsibility, and I am willing to accept my share of this responsibility. May a divine providence lead us to wise decisions and good programs for our young.

I STAND FOR PEACE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McCOLLISTER. Mr. Speaker, recently I received a copy of a statement by Charles Evans Hughes, which appeared in the October 25, 1916, issue of the Chicago Daily Drovers Journal as a paid political advertisement during his presidential campaign. It was sent to me by an Omaha constituent, Fred P. Curtis, who informed me it had been found in the wreckage of a building in Corning, Iowa, this spring.

Mr. Curtis feels, as I do, that it is very appropriate today, nearly 56 years later, as we find ourselves in the midst of another presidential campaign, in which peace is again an issue.

In order to share it with my colleagues in the House of Representatives and the Senate, I would like to insert it in the RECORD at this time:

I stand for peace, but I stand also for the dignity of American citizenship.

If America will stand firm for her known rights they will be recognized by every nation on earth.

If America keeps edging away in terror we shall invite contempt and insult, and the very thing these apostles of peace desire to prevent will be the thing their actions will invite.

You must stand somewhere and you had better begin collecting courage to stand at the very first attack.

I am for peace with honor and not at the sacrifice of rights.

We are together in this country to go up or down, but we won't go up unless we have the splendid spirit of the past which maintains the honor of the flag and maintains peace because the world respects our power to maintain it.

CHARLES EVANS HUGHES.

DEFENSIVE MEDICINE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GUDE. Mr. Speaker, one of the most disturbing consequences of the present method of litigation of medical malpractice suits, beyond the distressing rise in the cost of health care to the consumer, is the increasing practice of defensive medicine. For example, the physician, in order to protect himself, may order an extensive series of tests which are, in all likelihood, simply not needed. Or, he may refrain from certain complicated tests, for fear that something may go wrong. Indeed, a recent survey by the American College of Surgeons, to which over 15,000 responses were received, clearly confirms that the threat of malpractice has spurred the practice of defensive medicine of this nature. Over half the doctors indicated that they use X-rays and laboratory tests more frequently, consult with others more, and have amplified their records substantially. Approximately one out of five respondents have limited their practice as a response to the ever-present threat of malpractice suits.

I have recently introduced legislation to provide for a system of arbitration boards to hear medical malpractice suits in the District of Columbia. Arbitration of these cases can help to insure a higher quality of health care in Washington, and will assist in keeping a lid on the ever-increasing cost of that care.

In this connection, I would like to bring the results of the above survey, as reported in the American Medical News, to the attention of my colleagues at this time. Such information provides valuable evidence that we need reform, and need it now.

The article follows:

SURGEONS SEE INCREASE IN DEFENSIVE MEDICINE

More than half of the surgeons responding to a recent survey by the American College of Surgeons indicated that the threat of malpractice has spurred the practice of defensive medicine.

Twenty-one per cent of the respondents indicated they have reacted to the threat by limiting their practice through such methods as omitting certain procedures previously done, restricting the amount of procedures done, and by discontinuing attendance in emergency rooms.

Some 61% said they use X-rays more frequently; 53% indicated they use more laboratory tests; 51% reported they use consultants more frequently; and 55% said their records have been amplified substantially.

Two out of five of more than 15,000 surgeons who responded to the ACS survey have had a malpractice claim against them within the past 12 years. (A claim was considered as any indication from a patient to the physician that legal action was being planned or started.)

In a report on the survey findings in the *Bulletin of the American College of Surgeons*, the ACS said that if the present trend continues through 1974, the number of claims could easily reach one for every three surgeons.

Of the 15,219 responses to a two-page questionnaire, 6,492 reported claims experience. Some of the physicians had multiple claims that raised the total to slightly over 7,500, of which approximately 500 did not progress beyond the threat stage. One-eighth of the respondents had two to four claims in the 12-year period.

Ninety per cent of the settlements were under $100,000, and 68% were less than $10,000. Ninety per cent of the claims were settled either before trial or during the trial but before submission to the jury. Of the 8% of the claims that went to the jury, the results favored the defendant in four out of five cases. Panel and arbitration methods accounted for 2% of the settlements.

Twenty per cent of the respondents felt the suit had been stimulated by a poor result; another 20% considered the stimulus to be an attorney. Lack of patient rapport and indiscreet comments by various people were considered additional sources of origin of suits.

One-third felt that the claim arose as a result of the surgical procedure, while one-eighth believed the claim originated from events in the period after surgery.

Twenty per cent had been co-defendants with hospitals in litigation; 10% had been co-defendants with a partner or an associate; and 14% had been sole defendants.

DEFENSIVE MEDICINE

More X-rays, 61%.
More laboratory tests, 53%.
More consultants, 51%.
Amplified records, 55%.
Limit practice, 21%.
Sources: American College of Surgeons.

PHILIP J. PHILBIN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. McDADE. Mr. Speaker, no man can serve his Nation in the Congress for 28 years without leaving a mark upon this Nation, and in the death of Philip J. Philbin the Nation has lost a man who certainly left such a mark. Through his career of a generation in the House of Representatives, Phil Philbin served on the Armed Services Committee. He came at the height of the Second World War, when the principal concern of America, the termination of that war, was the business of his committee. He was part of the team which built up the military safeguards in the difficult and complex world in which we have lived since that war. Yet, with so serious a responsibility, he was an easy and pleasant man.

There was about him the strength of the young Phil Philbin who had been center on the last Harvard football team to go to the Rose Bowl—where Harvard defeated Oregon.

There was the calm dedication of the farmer in him, as indeed he had been a farmer. And there was the very thoughtful prudence of the lawyer, as the law had also been his profession.

In his lifetime, he learned the meaning of service to his Nation, and through his life and work the Nation was well served. I extend my condolences to his daughters who survive him, but I know they are consoled by the thought of the meaning of his life.

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THE GERMAN DAY IN TEXAS

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CABELL. Mr. Speaker, each year in the month of October, the German Day in Texas is celebrated by Texans of German descent and by many others throughout our State who recognize the contributions the German people have made in the growth and culture of Texas. The history of German Day is well described by Dr. T. Herbert Etzler whose chronology of "The German Day in Texas" follows:

THE GERMAN DAY IN TEXAS

(By Dr. T. Herbert Etzler)

On the 6th of October, 1683, 289 years ago, the first German colony was established on American soil.

Through the endeavours of Prof. O. Seidensticker and G. Kellner, editors of the "Philadelphia Democrat" this historic landing on our shores was celebrated in the city of William Penn, founder of Pennsylvania on the 6th of October, 1883.

Commemorating the "German Day" at the St. Louis Exposition, the Hon. Carl Schurz said: "The German Day in the United States is the celebration of the friendship of the German and the American people. The German-Americans are the hyphen between Germany and America, presenting the living demonstration of the fact that a large population can be transplanted from one to another country, and be devoted to the new homeland for life or death, and yet preserve a reverent love for the old".

In the year 1889, it was the city of Houston in the State of Texas, which began to pay tribute to the heroic pioneers of German descent. Mr. August Moseil continued in 1890 to testify "To the everlasting, faithful work and achievements of the German element of Texas in Art, Literature, Education and in all Industrial branches". In 1891, Dr. Max Urwitz was the orator of the German Day in Houston. In 1892, a first German Day parade with four divisions and twenty marshals accompanied by eight floats moved through the streets.

Thus continuing year after year from 1889 to 1910 with pageants and dancing, the German Day became an annual festival in Texas.

The year 1963 marked the renewal of an old custom in Texas, however this time, the German Day, became an officially recognized state institution. Consul Gershon Canaan, who initiated "The Texas German Day Council", won the support of Dallas Mayor Earle Cabell and of Governor John B. Connally.

The latter issued on the 6th of October, the historic date, the first German Day Proclamation, in honor of Texas pioneers of German descent. Gershon Canaan was elected Chairman and has served as such continuously. Other Council officers elected in 1963 were: James Gerhard, Co-Chairman; Teddy J. Trept, Executive Secretary and Clarence Talley as Treasurer. Heri B. Bartscht served as Co-Chairman from 1964 to 1970, when Eugene De Kieffer joined the Committee and took this position over.

The Texas German Day Council has its seat in the city of Dallas, and the German Day is annually celebrated at "The State Fair of Texas". It acts as a parent organization for all German American societies, which have representation on the Council.

During the first ten years of its existence, the German Day honored distinguished personalities such as: Admiral Chester W. Nimitz, President Dwight D. Eisenhower, Sec. of the Treasury John B. Connally. Ambassador Frhr. von Stackelberg, Composer Franz Van der Stucken, Jacob Brodbeck and General Bernard Schriever. Also Dr. Wernher von Braun and Sen. Horst Grabert, Minister-president Dr. Alfons Goppel and Dr. Rainer Kessler, Consul Generals Dr. Richard Louis, Dr. William O. Denzer and Dr. Frederick M. Lange, Consul a.D. Dr. Ludwig Fabel, Gen. W. O. Ruggles, Profs. Heri B. Bartscht and Rudolf Kruger. Also State Repr. Walter Richter, Joe M. Dealey, E. O. Cartwright and James Ling.

The German Day salutes annually cities and states of Germany and of Texas, thus building bridges of understanding and friendship between our peoples. Major cities and communities throughout the State of Texas are represented by Out-Of-Town Co-Chairmen, who co-ordinate the program activities for this statewide celebration, which is proclaimed by the Governor of Texas.

The German Day in Texas has come a long way since its inception in 1963 and has been recognized nationally and internationally. October the 15th, 1972 marks the tenth anniversary. It owes its existence and successes to the voluntary and dedicated services of the officers and members of "The Texas German Day Council" and to the Texas community at large.

IOWA WESLEYAN COLLEGE—A GREAT SCHOOL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHWENGEL. Mr. Speaker, one of the country's oldest and most historic colleges—Iowa Wesleyan College in Mount Pleasant, Iowa—is breaking interesting new ground in contemporary educational developments.

Founded in 1842, before Iowa became a State, Iowa Wesleyan has always pioneered in educating Americans for the future.

The college's Pioneer Hall, now housing the English, speech and drama department, is the oldest college building still in use west of the Mississippi River.

Wesleyan was one of the first colleges to welcome women and black students—in the mid-1860's. It was also the first college to teach sciences by using laboratory methods instead of just lectures. America's first woman lawyer, Belle Babb Mansfield, was graduated from here in 1866 and space scientist, James Van Allen, in 1935. Van Allen helped plan Wesleyan's Adam Trieschmann Hall of Science and the space-age curriculum taught there.

Wesleyan was one of the first colleges to include students in most levels of the administrative and policymaking machinery of the campus. A student is a voting member of the board of trustees.

Today's Wesleyan plan curriculum continues to keep the college on the forward edge of leadership in higher education. The small, southeastern Iowa institution, with 680 students from 35 States and nine foreign countries, last year established a baccalaureate nursing program when it discovered a need for such a program in that part of the State. Only four other Iowa colleges and universities—all larger schools than IWC—have degree-granting nursing schools.

Wesleyan's requirement that each student do a project of service to society before graduation is unique in American higher education. Many college students today are working for community betterment, but only Iowa Wesleyan makes social service a requirement for graduation through its responsible social involvement—RSI—program.

Each student picks his own project, spends as many hours on it as the project demands, doing all the research and coordination himself. Finally, he documents his project in the form of a paper, film, slide lectures, photographs, and so forth, for scrutiny by a faculty committee.

Says Jerry Richards, director of the RSI program:

We feel an obligation to involve our students in the social problems facing our nation today. It is so easy for students today to criticize the shortcomings of community life, but American citizens have an obligation to help improve the life of their fellow men so we have made social service an important part of their education.

Each student receives 6 hours' credit for completion of his RSI project, most of which average at least 100 hours' work.

Students can choose to do this work during summer vacations, or during regular semesters, in addition to their normal course work. But the majority use the January interim, a short, 5-week term between the regular fall and spring semesters. Over 140 Iowa Wesleyan students performed community services in 15 States during this year's interim term.

Now in its third year of operation, the unique program's success is now bringing in hundreds of requests for student help from as many cities and agencies.

Says the head of one school for severely retarded children:

So many volunteers are on-again, off-again affairs; these IWC students, however, are not only dependable but well-educated and highly motivated. They have done a lot of good for the children.

Says Richards:

Part of a college's responsibility should be directed toward bringing its students into all adult affairs, not just into the job market. Many of our students continue their RSI project work, even after they've completed credit requirements. And many of their individual projects grow into long-term community services involving large numbers of other volunteers.

Dr. Louis A. Haselmayer, Iowa Wesleyan president, says:

RSI has added the community as a new learning resource to the traditional academic experiences of classroom, laboratory and library. It has provided a special bridging of the generation gap between students in college and adults in the world. We regard RSI as more than just volunteer help from students in community needs. It is an important part of our entire educational philosophy of knowledge-in-action.

The Christian Science Monitor recently featured Iowa Wesleyan as one of 15 small colleges across the country having outstanding, innovative programs worthy of national attention. That article and four others help describe Wesleyan's unique RSI program of service to society, and I insert them in the RECORD for the informational benefit of my colleagues:

[From the Christian Science Monitor, Nov. 14, 1970]

WHILE GAINING CREDITS, STUDENTS "DO SOMETHING FOR SOCIETY"

(By Bill Baxter)

MOUNT PLEASANT, IOWA.—Miss Jodi Stevenson organized a community library in an abandoned city-hall building in her hometown of Drakesville, Iowa, starting with donated books and magazines.

The project earned her credit in Responsible Social Involvement (RSI) at Iowa Wesleyan College, where Miss Stevenson majored in English.

"I didn't think much of the RSI program when it was announced," the Wesleyan senior commented. "But now, after actually working on a project of my own and for the community, I think it's wonderful.

"It gives everyone a chance to do something for society, and that's the whole idea of today's youth."

A Methodist-affiliated, liberal-arts college founded in 1842, Wesleyan is said to be the first academic institution in the United States to make community service a graduation requirement for every student.

Every department emphasizes experience as a teacher:

Each French major is encouraged to spend some time in France.

Computer students run one of their own programs at the Argonne National Laboratory, Chicago, and all students are urged to use the college's computer facilities to assist in their studies, including art and music.

Students in the international-studies program spent a month in Japan with their professor last spring, getting insights from several Japanese who are alumni.

Wesleyan biology students spent eight weeks in Alaska last summer, living in their professor's mobile home, while studying the state's flora and fauna. Among them was sophomore Bill Freel.

How was this superior to studying on campus?

Mr. Freel explains:

"Well, you can't climb mountains or camp out in the Yukon in a classroom, can you? It's just a great experience, being on location to identify and study animals and plant life."

Each student tailors a program to meet his specific needs—whether it be early specialization in one of 32 majors offered or in a broad, interdisciplinary approach—for almost one-third the required 120 semester credit hours are personal options.

The 4–1–4 calendar provides a five-week "minimester" between Christmas vacation and the start of the second semester when the whole campus community breaks routine for an intensive look into contemporary American problems.

This year 800 students from 36 states and 11 other countries are enrolled. But housing and education facilities could accommodate 1,000.

About 40 percent of the students work part-time, and 45 percent receive a total of $500,000 annually in grants, scholarships, and loans from the college.

Most unmarried students live in campus dorms, which operate under an open-hours policy for all residents.

Because the college feels strongly that education is a full-time affair and that students must learn to share the responsibilities of living in a republic, students have a voice in almost all college concerns, including rank and tenure of professors.

There are 56 faculty members, 25 percent with Ph.D.s, for a 14-to-1 student-teacher ratio.

Accredited by the North Central Association of Colleges and Secondary Schools and by the National Council for Accreditation of Teacher Education, Iowa-Wesleyan offers three degrees—B.A., B.S., and B.M.E. (music education).

In keeping with Wesleyan philosophy, admission requirements are flexible and individualized.

Though seeking students from the upper half of their class with above-average scores on College Boards or American College Tests, and those who show evidence of profiting from the freedom and personal responsibilities of the Wesleyan plan, the college will consider students from the lower half of their class who show creative or academic promise.

IW's RSI

In this era of social action and volunteerism, it has become almost commonplace for young people to turn up in helping roles in hospitals, schools, political campaign headquarters, recreation centers, and the like. Nonetheless, it is noteworthy when an entire college student body turns its collective hand to projects of a social service nature. Note then Iowa Wesleyan, where the Responsible Social Involvement (RSI) program calls for every last one of the 700 undergraduates to create and carry out a project that "contributes directly to some area of social need." The chosen undertaking is worth six academic credits, its progress must be fully documented and submitted for scrutiny by a faculty committee, and its successful completion is a requirement for graduation. In pursuit of fulfilling this requirement during the four years of RSI's existence, Wesleyans have worked at mental health facilities and family planning agencies, have helped teach ecology to prison inmates and black studies to fifth graders, have coached youngsters' sports teams, and have campaigned to get a school bond issue passed. While most students choose to write papers as documentation, some have been encouraged to venture into multimedia production or to use sculpture and other art forms in their efforts at reporting and self-evaluation.

[From the Mount Pleasant (Iowa) News, Feb. 5, 1972]

RSI PROJECT PROVIDES BRIEF HUMAN SERVICE

A Responsible Social Involvement (RSI) project underway in Mount Pleasant by Iowa Wesleyan College senior Marty Goodwin has pointed up a continuing need in the community as well as provided a brief human service, the main goal of IWC's unique RSI program.

Mrs. Goodwin, an elementary education major whose husband, Richard, is Mount Pleasant Superintendent of Schools, arranges entertainment every Saturday afternoon for the five local nursing homes, the Henry County Home, and the P.E.O. Residential Home. She is a familiar figure in all these places, because she goes along each Saturday, visiting and helping the residents, driving the entertainers, and promoting her drive to make the visitations a permanent arrangement through cooperation of area clubs and organizations which will take over for her when—and if—she ever gives it up.

"Giving up" is not in Mrs. Goodwin's vocabulary. Her program directed to the elderly has its origins in a personal experience, and she's determined that the aged shall not be neglected.

To this end, she has organized weekly Saturday afternoon entertainment and visitations, relying on volunteer aid from local church groups, vocal groups, 4–H'ers, dancers, area school choirs and vocal groups and many other individuals and groups who have cooperated to help Mrs. Goodwin toward her goal.

Because she is not willing to quit when her RSI project is over, Mrs. Goodwin is looking for more individuals and groups who will give of their time on Saturday afternoons to continue the program indefinitely. "Entertainment" doesn't necessarily require performances by dancers and singers. Visitation, sponsoring birthday parties, driving residents to see Christmas lights (one of Mrs. Goodwin's projects during the season) or exhibits—any help from any quarter will be greatly appreciated by Mrs. Goodwin and even more grateful will be the many friends she has found living in quarters set aside for the elderly.

Mrs. Goodwin's RSI project is one of 48 such student projects of community service underway in 11 states. Each student must complete a service project sometime during his or her four years at IWC. Wesleyan is the country's only college or university with such a requirement.

[From the Des Moines Register, Feb. 14, 1971]

TWO COLLEGE MEN TEACHING WEEKLY CLASS IN PRISON

MOUNT PLEASANT, IOWA.—Two Iowa Wesleyan College men go to prison once a week and they couldn't be happier about it.

And neither can the dozen or so inmates at the Iowa State Penitentiary at Fort Madison who spend two hours on Monday nights discussing ecology and conservation with biology students Fredric Rahn, Mount Pleasant, and Robert Cox, Keosauqua, who are fulfilling the Wesleyan graduation requirement that each student do a project that benefits society.

The students are spending the College's January-February Interim Term working on the prison project as part of Wesleyan's unique Responsible Social Involvement (RSI) program.

"Bob and I went down there the first night with a structured, lecture-type lesson plan, but it only took about 15 minutes to tell that the five or six men attending the class that first night just wanted to talk informally," says Rahn, a senior.

"We could see that they wanted to isolate problems of the day and hash them out. They wanted to argue and debate topics. The men had something to contribute and they wanted the opportunity to just talk about these things with someone," he says.

"So, that was the way we directed the class from then on, and now about a dozen or more of the men look forward to the weekly sessions, which are held in the honor-wing dormitory of the maximum security institution," Rahn says.

With many inmates eventually assigned to work on the prison's honor farms and because of a general interest in the subject among many of the inmates, the ecology-conservation topic was chosen as the most worthwhile subject for the IWC students' project.

"We've also talked about many other things these men have on their minds," says Rahn, "and they're interested in the things that all of us are concerned about—the war, campus unrest, the economy and the future."

"Most of them, no matter how long their sentences, look to the future and talk about someday getting out. They want to keep up with things going on outside the walls," he says.

One inmate, who has been following unrest on the nation's campuses through television and newspaper accounts, told the Wesleyan students, "You know it would probably be surprising to people outside to know that nearly all of us in here abhor blowing up campus buildings for no apparent reason."

"These guys really look forward to us coming down," says Cox, a junior, "but I think the class and the ecology-conservation subject are really secondary."

"The important thing is that we've cultivated a friendship and a trust with them. Their biggest need is someone who cares,

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someone they can trust, confide in and talk with frankly," he feels.

"And most of them we've come in contact with are articulate, intelligent individuals," Cox says.

"After a couple of sessions, the men wanted us to come down twice a week but we couldn't because of other classes and the need for study time," says Cox.

"They've mentioned a couple times how good it would be if other students majoring in different fields could come down to talk about sociology, psychology, business, economics and other fields," Cox points out.

"Our project will soon be over," says Rahn, "but we hope other students will want to pick up where we left off and will be allowed by prison officials to continue what we feel is a most worthwhile endeavor in human understanding, development and friendship."

[From the Burlington (Iowa) Hawkeye-Gazette, Jan. 3, 1972]

SHE FINDS HOPE HAVEN'S CHILDREN LOVE ONE ANOTHER

MOUNT PLEASANT.—Two Iowa Wesleyan College coeds are assisting the staff at Burlington's Hope Haven school for retarded and handicapped children to fulfill a graduation requirement calling for students to do a project of human service.

Whether giving individual study assistance in class or helping in recreation, the students—Karen Gieselman, Burlington, and Kathryn Veith, Mt. Pleasant—are quick to agree that there is something very special and lovable about these children, and that their own lives have been enlarged by working with them as part of Wesleyan's Responsible Social Involvement (RSI program.)

On a typical morning this week, Miss Veith was working with a group of 10-12-year-olds—helping them to develop manual skills and word recognition. Miss Gieselman was working with two nine-year-olds—helping them learn numbers.

"I have come to love these children very much, and it amazes me how they love one another. I only hope they can find that love as they grow up and eventually leave Hope Haven," said Miss Gieselman.

In describing one of her new little friends, Miss Gieselman said, "I enjoy little Paula. She has had some kind of fever as an infant which has paralyzed her legs and damaged her brain. She walks on little crutches, but never seems discouraged. She can't talk, so she makes little signs which you come to recognize. Whenever she rubs her hands together as if she were warming them, you know she's happy. She's such a gentle little mother to her tiny toy doll, and points to things she wants others to share. It's easy to love a girl like her, and I pray and hope for the best for her."

"CAPABLE AND DEPENDENT"

Paul Eisenmann, director of Hope Haven, declared that as a rule he has found volunteer help not sufficiently responsible or regular to carry out absolutely necessary functions. "But these students are different," said Eisenmann. "They are very capable and dependable. The four students who have worked here as part of the RSI program have done a lot of good things for the children," he said. Wesleyan students Sharon Avery and Gary Beelman, both from Burlington, worked at Hope Haven for RSI credit last winter.

Over 100 IWC students are working on RSI projects in 11 states, including 66 in Iowa. Seven students are working on Indian reservations in New Mexico and Arizona. Wesleyan is the country's only college or university requiring such a project for graduation.

TOP CORPORATE EXECUTIVES ESCAPE THE PAY BOARD CEILING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. VANIK. Mr. Speaker, the Pay Board has established a 5.5-percent ceiling for any pay increases in order to hold the line on the economy. The wages of the workingman have been held in tight to that 5.5-percent ceiling—regardless of the size of his family—or the dimension of his financial obligations. The average family has been forced to a new level of frugality to comply with the law.

During this same period top management and executive salaries—including bonuses and incentives payments—jumped an average of 7 percent—some jumping as high as 219 percent. During 1970 when corporate profits were down 12 percent the big company executives took an average salary hike of 3.5 percent.

The top executives in the auto industry snapped some of the biggest increases, as industry profits climbed by 126 percent. James M. Roche, who retired in December as chairman of General Motors Corp., was boosted from $262,500 to $838,750—a "mind boggling" increase of 219.5 percent. Most of this boost was due to restoration of GM's traditionally handsome bonus, unpaid in 1970, because of a lengthy strike and sagging profits. The workers of GM received no compensation for the strike—and it seems to me that this is an act of "banditry" on corporate coffers by their own executives.

Henry Ford II, chairman of the Ford Motor Co. tock on a $190,200 pay increase—from $512,000 to $702,000.

At Bendix Corp., Chairman Paul Fontaine's pay rose by 130.4 percent.

The transportation industry pay increases for top executives were led by increases of 77.6 percent for Eastern Air Lines' Floyd D. Hall and Trans World Airlines' Charles C. Tillinghast, Jr.

It appears the whole airlines industry paid no Federal income tax at all for fiscal year 1971—not one penny. It was apparently a very bad year for the airlines industry, but the top executives seemed to effectively line their own pockets.

Both Eastern Airlines and Trans World Airlines paid no Federal income taxes. How do I explain to the people of my community who constantly ask me about their pay increases being deferred or dropped altogether when corporate executives of these corporations take incredible pay increases even in bad years?

It must also be pointed out that 10 percent increases for a man earning $10,000 is $1,000. The same percentage increase of a man earning $100,000 is $10,000—not quite equitable.

These outlandish pay increases were not limited to isolated industries. In the food industry, pay of Pepsi Corp. Chairman Donald M. Kendall was boosted by almost 50 percent to $298,000 while Nabisco's Chairman Lee S. Bickmore had a pay gain of almost $60,000, to put his compensation at over $300,000.

Harold Geneen, chairman of ITT, drew $812,494 in 1971 with stock options over $7½ million. With this rather hefty salary for ITT's chief it must also be noted that the effective tax rate for ITT in 1971 was only 4.9 percent. If you are the head of a household and earning $10,000 annually you are paying an effective tax rate of 27 percent. It seems to me that the bigger they are the less they pay in taxes, and the more they pay their executives.

Written between the lines are other fringe benefits that consist of special stock options, loans, insurance, and financial counseling, special services not available to other employees.

Executive compensation must be brought under the same control as that of the average citizen. Executives should not be permitted a choice of the highest income of the past 3 years as the base for calculating increases. Why should any citizen receive these special privileges?

It is unconscionable and unfair that the Pay Board allows this situation to continue. The Pay Board is defeating the very purpose of its creation if it does not take some action to control these "end runs" by corporate executives. The credibility of Phase I to II is being highly undermined by these "salary shenanigans" by corporate chiefs.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ROONEY of New York. Mr. Speaker, I was deeply saddened to learn of the passing of Hon. Philip J. Philbin, our distinguished former colleague from Massachusetts. Phil Philbin was a dear friend of mine for many, many years and one of the finest Americans I have ever known. It was truly a privilege to serve here in the House of Representatives with such a warm and considerate human being. He was an outstanding legislator whose career was keynoted by dedication and devotion not only to his constituency but the entire Nation. Phil was an extremely versatile man—classic scholar, musician, and athlete. He was one of the key members of the House Committee on Armed Services for many years and at one time chairman of that committee. He was an expert in the ponderous field of national security and had an abiding interest in military justice and the living and working conditions of our military personnel. But Phil Philbin was above all a wonderful man and a close friend to so many of us. He will be truly missed by all of us who were privileged to know him and to be his friends. To his daughters and family I offer my deepest sympathy and prayers upon their great loss.

"PETE" DU PONT DESERVES HIGH MARKS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I think all of us who have had the privilege to serve in the House for some time now, have been quite impressed indeed with the group of new Members who joined us in the 92d Congress. And in my view, our new colleague and friend from Delaware, PETE DU PONT, must rate as one of the most competent, dedicated and thoughtful Members of that promising class of 1970. In his quiet but steady and intelligent efforts to further measures like welfare reform, revenue sharing, fiscal and budgetary reform, environmental restoration, campaign finance reform, and a host of others, as well as in his extremely effective work in behalf of his constituents in the State of Delaware; PETE has developed a record that is most admirable, and one which is certainly a tremendous credit to this great institution in which all of us serve.

I just want to take this opportunity to publicly express my own personal high regard and respect for PETE DU PONT, and to call to the attention of my colleagues a recent editorial from the Wilmington Morning News which perhaps expresses better than could I a well-deserved tribute to one of the most able freshmen Members of this body:

[From the Wilmington, Del., Morning News, May 26, 1972]

REPRESENTATIVE DU PONT HAS LOOKED GOOD AS A FRESHMAN

Pierre S. du Pont IV has been the ideal freshman Congressman, from a Delaware viewpoint and from that of Washington.

The clubby houses of Congress expect their junior members to be seen but not heard, helpful but not boisterous. Even the talkative senators expect their freshmen, for at least one session, to make a maiden speech and then keep their mouths shut. In the House, new members take the low spots on committees, do party chores, and tend the interests of their constituencies. Rep. du Pont performed well at that standard.

What Delaware expected of its youngish new congressman is less clear. In some quarters, given his family background, personal estate, political affiliation and full membership in the Greenville Gang, he may have been expected to be quite conservative.

Actually, Pete du Pont has turned out to be a reasonable, articulate moderate. His interests, as he recently expressed them, are in fiscal and budgetary reform, revenue sharing for the cities and states, welfare reform and more help for the elderly. His style is very much that of the New Politics, Republican brand. And he has been very much his own man: The Roman numeral appended to his name is just a genealogical distinction.

Rep. Du Pont made the formal and not expected announcement this week that he will be a candidate to succeed himself, and one piece of evidence that he can be expected to be a hard man to beat is the fact there is, at this late date on the political calendar, no announced candidate in either party to oppose him. There almost certainly will be no opposition to nomination by his own Republican Party, and the Democratic nomination may turn out to be a consolation prize for one of the party's several candidates for governor.

It is noteworthy now that this scenario may have been far different. Had Sen. J. Caleb Boggs retired, as there was some feeling that he would, Rep. Du Pont could at this point be locked in a sizzling battle with Wilmington Mayor Harry G. Haskell Jr. for the Republican senatorial nomination. Mayor Haskell recently commented that it was just as well that had not happened. It's just as well from Rep. Du Pont's standpoint, too. On the basis of his first House term, he can have a long and promising future in Delaware and national politics.

SALUTE TO EDUCATION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to join my colleagues in paying tribute to professional educators in this formal salute to education. As we approach our Nation's 200th birthday it is fitting to recall the tremendous role that education has played in a society that has made us the most industrially sophisticated nation in the world. From the cotton gin to the harvesters, from the discovery of electricity to the construction of great dams, from the Wright Brothers' first flight to the landing of man on the moon, from dynamite to nuclear fission and from Morse code to television and telephones, education has, indeed, served us well.

All that makes America great can be directly or indirectly attributed to one commodity, education. Other than the home environment, education is second to none in guiding and influencing our children. All of our children have the opportunity to become President, or a millionaire, or go to college and our free society is able to nurture these dreams and prepare our children for their future, whatever course they may choose.

Education also plays a major role in contributing to the betterment of our society. More medical students are entering general practice and donating their knowledge to those who are unable to afford proper health care. Lawyers are representing the indigent and safeguarding the rights of the poor; and men and women are entering the field of social work in an effort to help those less fortunate than they. Armed with education, compassion and a willingness to give, they are making our great country greater and giving their lives a more special meaning.

In short, our education system has created a society which leads the world in offering life, liberty, and the pursuit of happiness. While it has contributed greatly to the growth of this Nation, new problems have arisen and we must be prepared to meet these new challenges. The fact that the Federal budget provides outlays of $13.5 billion for aid to education for fiscal year 1972—an increase from $2.8 billion in 1962—shows that we are preparing for the future.

Recently it was my pleasure to form a First Congressional District education review and advisory committee to provide a two-way channel of communication and continuing dialog on matters relating to education at the Federal level with a broad cross section of professional educators in my district. In addition to providing current information and reports on proposed legislation related to education, I intend to meet periodically with the committee as we work together to enhance the quality of education throughout the Redwood Empire of California.

The challenge is here and we must never commit the error of resting on our laurels. I am confident that the sincere dedication of men and women as teachers and Congress' foresight will insure that every child will have the proper direction to become a valuable asset to our society in whatever capacity he or she may choose.

THE GREEKS HAD TWO WORDS FOR IT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. JOHNSON of California. Mr. Speaker, it is my pleasure to include in the RECORD excerpts of the commencement address given by the former Under Secretary of the Interior, James K. Carr, now director of Airports for the City and County of San Francisco. Mr. Carr, a professional engineer, has served as general manager of public utilities for the city of San Francisco; as assistant general manager of the Sacramento Municipal District; as chairman of the California Water Commission. Some of my colleagues will remember him as the water and power consultant from 1951 to 1953 on the staff of the Committee on Interior and Insular Affairs of the House of Representatives.

Mr. Carr makes some cogent remarks about the great benefits of water and power projects, particularly in the Western part of the United States. He takes issue with ecologists that preach a "no-change, no-growth" policy. Excerpts from his remarks follow:

REMARKS BY JAMES K. CARR

When Santa Clara College had already been granting degrees in higher education for more than twenty years, the English language did not have a word for my topic today—Ecology-Human Ecology—a subject requested of Father President (Thomas D. Terry, S.J.) by some of the graduates.

The word "Ecology" apparently came into English usage about 1873. A German zoologist, Haeckel, used it in 1869.

We are certainly making up for lost time. Now, everyone is talking about ecology and the environment. Millions of words are being spoken and written about it.

The Greeks had two words for it: "Oikos" (household) and "logos" (the word—or study of). Ecology, therefore, means essentially "the study of the household—the household we call earth."

Human ecology is the total relationship of men and women to their resources, both material and spiritual—since they consist of body and soul—and to the consequent social, cultural and economic institutions re-

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sulting from that relationship. It involves the cities as well as the wilderness.

Environment is a part of Human Ecology, but only a part.

Environ means to surround, enclose or encircle.

To those individuals, corporations and government agencies who have "had it their way" so long in the use of natural resources, I would suppose they now think with all this upsurge of concern that the word "environ" means to entrap, exasperate or frustrate.

Let's face it: Ecological Judgment Day has arrived. Increasing Human Ecological concern, world-wide, is here to stay. The recently convened United Nations Environmental Conference in Stockholm is further evidence of that fact.

The Stockholm Conference is not a meeting to praise "motherhood", as some have erroneously assumed. Headlines such as: "Industrial Nations Fight Ecology Plan" and "Rich Nations Called on to Rethink for Environment", are indications that the Stockholm Conference won't be a scientific or political "Tea Party".

One headline: "Love for One Another Theme at Stockholm Environment Meet," even indicates some may be getting warm in the search for answers to the problems.

Make no mistake as to how long it takes and what effort is required to make progress. It will be an uphill fight all the way for those who have the audacity to challenge "The Establishment". As one of the "older conservation revolutionaries", I can cite chapter and verse.

The selfish, ruthless, dollar-hungry exploiters; the individual and corporate air, land and water polluters; the single-minded freeway builders; and even aircraft builders don't like to have so-called "posey pickers" and "butterfly catchers" stand in the way of what they define as progress.

You can save "the Ecological Crusade" if you are practical, don't bite off too much at once, don't expect Utopia overnight, and most of all, "don't quit".

The late Rachel Carson, author of "Silent Spring," a former Interior Department colleague, asked me about ten years ago to sit with her at a meeting of the Women's National Press Club. She was there to defend her views against the onslaught of the hirelings of the chemical industry—the group she had dared to offend by opposing the use of DDT and certain other pesticides that were destructive of ecological balance.

On that occasion, she bravely fended off the charges which were repeated by the correspondents.

For all her effort, she had little reward except knowing she was right and that she had the courage to speak out about it.

The book, "Since Silent Spring" is a tribute to this valiant, competent scientist who was vindicated in her environmental "call to arms". She also gave us that delightful, provocative book, "The Sea Around Us."

There are and will be intemperate speeches on both sides, overstated positions and one-sided books. Don't be "taken in" by the "Environmental Con-Men" on the one side, or "the anguished screams" of the vested interests on the other.

Practically, Perseverance and consideration of the other person's viewpoint can eventually accomplish a great deal. It doesn't hurt any of us to give up some of "our infallibility" once in a while.

Have but a goal and a purpose, and opportunities to reach your goal will burst forth like the buds in spring.

There must be personal commitment. Ecological problems both great and small can be solved more easily if you are organized. I wish there were more time to talk about that field.

Recent issues of the Sunday supplement, *California Living*, and other news media channels, can supply many references on groups you can join.

One would be remiss if you were left with the impression that environmental protection, desirable ecological policy or true conservation means no growth and no change.

Ecologists who advocate this no-growth approach do a disservice to the Ecology Crusade.

The relatively thin layer of the surface of the earth in which we are able to survive is evolving—changing every second. So are the people who live here. It's how we effect change that counts.

A college graduate without a job is just as unemployed as a "high school dropout" without a job. There must be a continuing development as long as the population and level of living increase.

Man must live off the products of the earth as well as on it.

The issue is, therefore, *how* to cope with the changing environment, not *how* to stop growth.

Change and growth are not necessarily bad.

Shasta Dam and Shasta Lake are examples of environmental change for the better.

Before the dam was built, the beautiful spots along the rivers were mostly privately-owned. In summer the rivers ran low. Drinking water from the river at Redding was tepid in summer and often turbid in winter. For most of the season a few suckers and carp constituted the fishing resource.

Today, there is a beautiful lake with 365 miles of shoreline. Water supplies have improved for every community downstream. Agriculture flourishes in the Sacramento and San Joaquin Valleys because the devastating winter floods are controlled for use during the dry months.

Huge amounts of electric energy are produced without pollution. Boating, fishing and outdoor recreation are available for millions of users on the lake and along miles and miles of free-flowing stream.

Ecologists who oppose construction of all dams are wrong. That doesn't mean we approve every dam anyone proposes. Years ago we won the battle against the huge Table Mountain Dam near Red Bluff that would have flooded the Anderson Valley.

Now, smaller lakes on tributary streams like Whiskeytown Lake are sensibly furnishing water control and stream flow maintenance, resulting in diversified recreation areas operated by ecology-minded men of the National Park Service.

Re-use of purified waste water is rapidly gaining favor. Desalting of sea water is already feasible in many areas of the world.

Yes—the world can be changed for the better.

Nations have arrived at this present "Ecological Crisis" because of the most rapid acceleration of science and technology civilization has ever known.

We find ourselves so quickly in the "ecological mire" because of technology. With the aid of technology and environmental engineering—we can get out.

Rescuing the Ecosphere (I prefer the older term, Creation.) requires choices equally important in economic, social, political and cultural fields.

The policy decision-making process cannot be accomplished by technologists alone because the problems are far from being purely technical.

Policy depends upon one's philosophy. If man consists of body and soul—if he is destined for a life hereafter—then solutions geared only to the "Now Generation" will not work.

There is no shortage of information. However, merely accumulating information isn't education in the true sense. There is always the problem of what we do with it.

Scientists have said that with our present state of the art, satellites and sensors, we could saturate the computer systems of the world with facts about the earth's environment; and the rapidity with which we can get answers is incredible.

When it was my privilege to first attend Santa Clara in 1930, Father Ricard, the internationally famous "sun spot astronomer", was spending his last months on earth. I still remember him sitting in the rose garden near the Observatory.

It is difficult to realize that since those beautiful autumn days some forty years ago, more advances in the knowledge of the science of Astronomy have been made than during all the preceding history of the world.

Accurate information is basic, but we must establish values and adhere to priorities based upon it. We must preserve in some cases and develop in others.

We must stop building monuments to ugliness.

Let me mention some examples.

When the Junipero Serra Freeway (Interstate 280) was opened south of Daly City, a very short time ago, it was beautiful. Natural-sloping, flower-covered, tree-studded hills greeted the traveler. Take a look at some stretches of it today. Monotonous look-a-like, architecturally unattractive houses are beginning to suffocate it. Warehouses are protruding to block the view of the Bay. Soon the freeway will have lost its beauty except where publicly-owned land protects it. Must "making a fast buck" at the expense of livability of the community really be so necessary?

On the highway approach to San Francisco from Marin, it is a setting of incomparable beauty.

From the Peninsula approach on the Bayshore, one enters the City past the desecration of a garbage dump and bulldozer-scarred hillside, forever mutilated—forever maimed.

This evidence of warped values would have prompted Wordsworth to repeat:

"The world is too much with us: late and soon
Getting and spending we lay waste our powers
Little we see in Nature that is ours;
We have given our hearts away, a sordid boon!"

There is a "bright side". We *can* use technology as a tool to improved environment.

At the nearby Lockheed Missile and Space Company in Sunnyvale, there are encouraging developments. Lockheed engineers are demonstrating the potential of a parabolic-shaped flywheel called the Kinetic Energy Wheel. Under a contract with the Environmental Protection Agency, Lockheed is proving that automobile engines and bus engines do not need to be so noisy and air-polluting.

The Kinetic Energy Wheel "spins up" to meet acceleration. Putting on the brakes puts energy back into the wheel. The "heat engine", therefore, can be much smaller, less noisy, and operate with a minimum of air-polluting emissions.

The U.S. Department of Transportation has been asked to approve a program test of the Kinetic Energy Wheel on trolley coaches in San Francisco.

According to Lockheed's calculations, "revving up" to 20,000 revolutions per minute in five minutes can provide enough energy in the wheel to take a trolley coach from the Ferry Building to the western end of Market Street without overhead wires, with very little noise and without air pollution.

What a boon this could mean to people living and working along crowded city streets. How we would miss those noisy, stinking, "belch-fire" buses.

Another major environmental possibility is modern, safe nuclear-energy power plants. They can be constructed to reduce polluting coal, gas and oil-fired power plants. If nuclear plants should be more remotely located, extra high voltage direct-current transmission lines can bring electrical energy to metropolitan areas.

East to west electrical power plants of this type, interfaced to recognize time zones and peak electrical demands across the United States, can reduce the total power plant capacity needed in our Nation. Similar north-south installations could bring presently wasted water power from the streams of Canada and Alaska pollution free.

As for aircraft noise—we are on the "downhill pull". The new "747", "DC-10", and "Lockheed 1011" are all quieter and less air polluting than existing operational aircraft fleets. We are on the way to abating the maddening decibels at and around airports.

Offensive black smoke has been eliminated by two California airlines: P.S.A. and Air California, on all the aircraft in their fleets. The other airlines are following suit to meet an imposed deadline.

But all this possible progress, and all the information available won't permit us to attain a more livable earth unless people possess the right attitude. We can never employ enough law enforcement officers to guarantee complete compliance with environmental legislation.

The encouraging "Ecological Crusade" can be successful only insofar as people and communities develop sound ecological policies which are dependent upon sound individual philosophy regarding man's destiny and place in Creation and his relationship to other creatures.

The community will be a reflection of individual commitment.

The ecology questions facing the world today are essentially ethical questions. This Nation's "environmental sickness" is the consequence of sustained, unfortunate, unethical abuse. Most of it happened so the more fortunate could glory in abundance of material things. We call less materialistic cultures "backward" and "underdeveloped," without much real effort to provide the essentials of food, clothing and shelter, or alleviate the poverty and malnutrition of the people who live there.

Now, some Americans are lamenting their ecological sins, their lack of compassion, and asking what changes we should make.

Longfellow, over a hundred years ago, put the situation so poetically in his, "The Birds of Killingsworth." Referring to the greedy farmers who slaughtered the birds to save a little grain, and who then suffered the defoliation and the devastation of the locust hordes, he said:

"That year in Killingsworth the
Autumn came without the
Light of his majestic look,
The wonder of the falling
Tongues of flame,
The illuminated pages of his
Dooms-Day book,
A few lost leaves turned
Crimson with their shame,
And drowned themselves
Despairing in the brook."

Despair is never the answer. A healthy recognition of our failures is the first step toward success. After all, the principle difference between St. Peter and Judas was a good confession.

There once lived a man in the 13th Century we should not overlook. He established an order of religious men and women. The men of that order built the Mission which is the focal point of this Campus. The City for which I work honors him—his name is St. Francis of Assisi—San Francisco.

St. Francis took an ontological aproach to life. It is based on a wide-spread belief in a Creator.

When he rebelled against "The Establishment of the 1200's," it was because he thought "the powerful" had lost a sense of true values and true priorities. How familiar it sounds.

St. Francis believed that if you leave out the Creator in your groping for answers, you will get the wrong answer—or no answer at all.

In his beautiful, "Canticle of the Sun", this never-to-be-forgotten "Troubador of Christianity" was singing about the interdependence of Creatures—of Creation. He is the Patron Saint of Ecologists.

He understood well for his day the obligation we have of "stewardship", as we enjoy this brief and delicate tenancy on a thin layer of "spaceship earth", where there, only we can survive.

He contemplated nothingness and infinity. He appreciated the shortness of time and the length of everlasting life—as we so often thoughtlessly refer to it. We, with our "space-age knowledge" should appreciate it so much more fully. Doubtless, he often pondered the question so beautifully expressed by the Eighth Psalm:

"What is man O Lord that you have created him
Made him a little less than the angels
Crowned him with honor and glory
And set him over the works of your hands."

St. Francis knew that "dominion" doesn't authorize man's tyranny over, or ruthless exploitation of, the rest of creation. Man was given no charter of abuse. Instead, man should consider the "parable of the talents"—each person's inescapable obligation to make use of his or her talents in whatever days we may be given on earth.

Remember, it is not the years in your life that count, but the life in your years.

The humble corroborator in his revolt against false values in the 1200's, his "Women's Lib" compatriot of that day, truly liberated in her saintliness, was the person who has the beloved, beautiful name of Santa Clara—St. Clare.

Three hundred years later another religious man—a "hawk" turned "dove"—imitated the poverty of St. Francis in a cave at Manresa, in the beautiful "hill country" above Barcelona. That same man lived with the Franciscans for a short while when he went to the Holy Land. He established a religious order that has made this University possible—the Society of Jesus, the Jesuits.

His name was St. Ignatius of Loyola—(San Inigo).

His motto was "Ad Majorem Dei Gloriam—For the Greater Glory of God."

The "spiritual exercises" of St. Ignatius form the basis of Jesuit education. Those exercises echo St. Francis in the reference to "The Right Use of Creatures".

In his First Principle and Foundation, he spelled out clearly what it's all about:

"Man is created to praise, reverence, and serve God our Lord, and by this means to save his soul. All other things on the face of the earth are created for man to help him fulfill the end for which he is created.

"From this follows that man is to use these things to the extent that they will help him..."

You were not given this educational opportunity at Santa Clara merely so you could live more prosperously than your fellow man. Your education and talents are a gift. You must someday account for their use.

In closing, I should like to paraphrase a quotation that is engraved in marble in the Nation's Capitol. Keep it in mind when you realize how relatively soon all of us will stand before God in judgment.

May you, the members of the Class of 1972, in the tradition of San Francisco, Santa Clara and San Inigo of Loyola, use your individual gifts and talents to develop the human and material resources of this earth, call forth its powers, build up its institutions, promote all its great interests—so that you, in your day and generation, may perform something worthy to be remembered—"Ad Majorem Dei Gloriam".

PRICE COMMENTS ON PROPOSED DES BAN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. PRICE of Texas. Mr. Speaker, I am concerned over an imminent announcement by the Federal Food and Drug Administration proposing a complete ban on the use of diethylstilbestrol—DES—in cattle and sheep feed. The proposal to ban DES in animal feed is based upon numerous recent cases where DES residues have been found in livers of animals at time of slaughter.

In a telephonic inquiry with Food and Drug Administration officials, I have been assured that the proposed ban has been suggested, not for the purpose of removing DES from the market, but to allow a complete public investigation and hearing whereby all options affecting the use of DES might be explored.

In taking this action, the FDA has emphasized that it is presently staying an earlier proposal to ban the use of liquid DES, since it has been concluded that this would not effectively eliminate the problem of DES residues in animal carcasses and would only severely injure liquid DES feed producers without affecting dry DES feed manufacturers.

Charles Edwards, M.D., Commissioner of Food and Drugs, was quoted as having explained the reason for the proposed ban on DES as follows:

Diethylstilbestrol (DES) is widely used in beef cattle and sheep to stimulate more rapid weight gain with less feed.

A beef animal, for example, will reach market weight of 1,000 pounds 35 days sooner using 500 pounds less feed than a comparable animal not fed DES. Also, DES increased the ratio of protein to fat, resulting in more nutritious meat.

DES clearly is a useful and effective product. Furthermore, we are convinced that it is safe when used as directed. In spite of these advantages, studies have shown DES to be a carcinogen, and the law does not allow residues of a carcinogen in meat.

Six months ago, the U.S. Department of Agriculture and the Food and Drug Administration instituted new controls to assure elimination of DES residues. This was done after USDA's monitoring program disclosed illegal residues in approximately one-half of animal livers sampled. In response to those 1 percent of animal livers sampled. In response to those findings, FDA extended the withdrawal period for DES from 48 hours to 7 day before slaughter and USDA required producers to provide written certification of withdrawal. In addition, a more sensitive method for detecting DES was put into use by USDA. Finally, in the most recent action, FDA initiated criminal prosecution against a producer for alleged misuse of the drug.

Dr. Edwards further stated:

Nevertheless, in spite of these actions, the reports of illegal residues have not declined. They have, in fact, increased.

We have been informed by USDA that their monitoring program since January 8, 1972, has found illegal residues in 39 livers, or 1.9% of 2,081 samples analyzed.

This in our judgment does not indicate that the product cannot be used safely and effectively. It does suggest that, for whatever reasons, it is not being used in conformance with existing regulations.

It is apparent that additional action must

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be taken. It is equally apparent that any action with such major consumer impact must be taken only after the most careful consideration of all scientific information and regulatory alternatives. We recognize that competent scientists and concerned consumers have strong feelings on both sides of this issue.

Before making further regulatory decisions affecting DES, the FDA must make absolutely certain it has all the facts. We have concluded that the most appropriate forum for accumulating additional facts is a public hearing. This will give everyone—scientists as well as consumers, industry as well as Government—an opportunity to participate in the development, on the public record, of full information essential to balanced and reasonable judgment by the FDA.

Within the statutory framework of the Food, Drug, and Cosmetic Act, the only mechanism for proceeding to such a hearing is for FDA to propose a formal action to withdraw approval of the drug. Such a proposal automatically provides an opportunity for an official hearing before an FDA appointed hearing examiner. Therefore, the necessary proposal for withdrawal will be published in the Federal Register next week. It will provide a procedure for us to carefully consider whether it is appropriate to withdraw approval of DES, to institute new and more effective restrictions to reduce the illegal residues or to take other appropriate action.

Such a hearing would be open to the public. It is our intention to give everyone interested the opportunity to present evidence. We seek facts, and we are particularly interested in data on these subjects:

Additional controls to eliminate the current rate of illegal residues.

The consequences of withholding or discarding all livers, the only organ in which DES has been found by USDA.

The feasibility of limiting use of the product to those producers who can demonstrate an adequate quality control program.

The effect on the environment of withdrawing DES.

The availability of alternative growth-promotant drugs.

Differences or similarities in the potential for residues if DES is used in feed or as an implant.

The likely result of the future availability of more sensitive detection methods.

We will continue, as we have in the past, to share information with authorities in Canada, where DES is also used. FDA and Canadian authorities agreed at a meeting this week that additional action is required.

Let me assure you that FDA is committed to eliminating DES residues from the meat supply in this country. At the same time, we have not yet concluded that withdrawal of approval for DES is the appropriate course of action. We believe that a full public hearing can help provide us with the information we need to make the correct decisions and take all appropriate action. The withdrawal proposal being announced today is designed to bring about such a hearing.

Persons interested in requesting a hearing or presenting data should inform the Hearing Clerk, DHEW, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852.

Mr. Speaker, my reaction to the above statement by Dr. Edwards is that this proposed action by the FDA could have far-reaching importance to both cattle raisers and the meat-consuming public. I shall continue to urge that this matter be explored carefully and that we not be driven by emotion into making decisions which will be unsound or unwarranted.

LITHUANIAN RESISTANCE TO FOREIGN DOMINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. RODINO. Mr. Speaker, the tiny Balkan State of Lithuania has been subjected to foreign invasion and domination for centuries. In 1253, Mindaugas was crowned by Pope Innocent III as king of a united Lithuania. This unification laid the groundwork for an eventual political union with Poland and the general political and cultural extension of the Lithuanian State. This union lasted until 1795, then Lithuania was annexed by imperial Russia. The courageous Lithuanians continually revolted against repressive czarist rule and finally forced the Russians to abandon their policy of assimilation and acculturation of the Lithuanian people in 1905.

Lithuania has had little freedom in the 20th century. After Russian colonization, the German aggrandizement during the First World War sought to eliminate the sovereignty and identity of this determined Balkan State. During World War II, Lithuania was one of the few countries to experience the brutality of both Hitler and the Soviet Union.

On June 22, 1941, Nazi forces overran Lithuania. The peoples of this nation have never seen real freedom and tranquillity since that day. A victory by the Allies during the war wrested control from the Germans, but ultimate authority went to the Soviets. Rule by the Communists for a quarter of a century has stifled this once vigorous, proud nation, into part of the Soviet orbit in Eastern Europe. Moreover, Soviet-sponsored dictatorship has vitiated all forms of political expression and liberty. But, the Lithuanian people have steadfastly refused to submit to alien rule. They have steered an independent course of action, wherever their energies could be exerted. For example, thousands of Catholic Lithuanians have consciously and vociferously kept their faith, despite the unremitting hostility and disbelief of the Communists.

Many in the West do not realize the magnitude of the struggle waged by the Lithuanian loyalists for 8 years—1944–52—against the Soviets. The losses incurred by the Lithuanian guerrillas reached 40,000 dead in military actions alone during this period.

On this day more than 30 years ago, the most dehumanizing and persistent oppression began by the Nazis, and more recently by the Soviets. The proud heritage of the Lithuanian people is filled with examples of resistance and determination, regardless of the odds or obstacles in their path. It is because of this courage of conviction and resistance to alien rule, that I wish to commemorate this day and ask all peoples to pause and take account of the great achievements of the Lithuanian people as symbols of independence and freedom throughout the world.

DOMESTIC SUMMIT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. CLAY. Mr. Speaker, some historians theorize that the true worth of a President will be measured by his achievements in the realm of foreign affairs; that the leader of a nation must make some form of peace with its neighbors if that nation is to survive and flourish as a great power.

The recent travels to Peking and to Moscow, by President Nixon, indicate the importance he ascribes to this aspect of the Presidency. In contrast, is the tragic lack of action in the critical area of domestic needs; so also, however, will history judge a President, for a nation at war within itself cannot long prevail.

A recent editorial in the St. Louis Sentinel poses the idea of a Presidential summit with domestic leaders, to confront the pressing problems facing millions of our citizens. For the benefit of my colleagues, I request permission to include this editorial in the RECORD of today's proceedings.

The editorial follows:

DOMESTIC SUMMIT

President Nixon has carried out within the past few months some of the more spectacular moments of his Presidential career. True to the predictions of some top Republicans upon the inauguration of Mr. Nixon, he has left the dramatic acts of his administration to its closing moments.

The admission of the People's Republic of China into the United Nations started a string of events that is bound to have its impact on the American populace. As we have indicated here before, Mr. Nixon has become a master at what we chose to call "push-pull Policies."

As Vice President Agnew denounces the caution that must be exhibited in dealing with Red China, the administration changes its policy on its admission to the U.N.

Two summits are announced in the midst of a wholesale withdrawing of troops from Vietnam. The individuals who want the boys home gain a sense of achieving in this action from the doves while stepped up bombing of the north satisfies the hawks in the country.

The President journeys to China and returns with two pandas and before he visits Moscow, he announces the mining of Haiphong harbor. In each instance he has deftly given all segments of the electorate a portion of what it has desired.

The followers of Gov. Wallace saw the President join him in his position on busing of public school children. Mr. Nixon seemed to be fully aware of the sophistication of this issue; of its widespread appeal among fear laden parents. He has not misread the pulse of this section of the nation.

True he has a soft economy on his hand and the unemployment rate has not shifted in any appreciable manner. Such things as securing jobs are much more difficult to orchestrate than, say, a dramtic appearance before a joint session of Congress immediately upon his return from Russia. He returned not empty handed, but with a culmination of the SALT talks that have been in progress and structuring stage through two Democratic Presidents. In this instance he fell heir to groundwork carefully laid by administrations before him. The promise of the joint effort in space is another agenda item the President has added to his portfolio, and now he has sent Texas Democrat John Connally off on a world tour. Does this mean that, depending upon whom the Democrats nominate in July, Mr. Nixon may find it necessary to reach for Mr. Connally rather than Mr. Agnew?

There is one area the president has not touched and we fervently wish that he would. He has had two summits, both on foreign soil. With the problems of the cities and the poor coupled with the bogging down of health and welfare programs, the President could add some Brownie points if he called together some of the concerned people of America. Former President Johnson was accused of "staging" events, but his events more than often turned out to constructive good.

Secretary Romney has spelled out the failings of HUD in critical areas. There is a move toward consolidation of HEW, OEO, HUD, etc. This is being brought about because of what many feel is a need for a restructuring of urban affairs in government.

All of this would seem to point to a great opportunity for Mr. Nixon to come to grips with ailing America. He need not gather a mass audience in Washington. There are, however, some pivotal individuals, conversant with this nation's problems. A meeting of these individuals with the highest officer in the land should lead to a better understanding of these problems or set in motion some formula to deal with them.

MR. W. BROM REESE

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FULTON. Mr. Speaker, on Tuesday, June 13, 1972 I was saddened to learn of the untimely death of my close friend, Mr. W. Brom Reese, of Nashville, Tenn.

Mr. Reese was one of the most kind and generous men with whom I have had the privilege of being acquainted. He was a man who gave fully of himself to help others, particularly our American veterans.

He was a veteran of World War I and Veterans Barrack 3214 of World War I. He also was a member of the American Legion for 53 years and a member of the Voiture 702 of 40 and 8.

Throughout his adult life he devoted a great deal of his time to veterans and veteran organizations. He was very active even after his retirement in 1965. He made weekly visits to our veterans hospital to meet and talk with patients there, giving them a word of encouragement and a bit of personal attention which is so important to those who are so confined.

One of his big annual projects was participating in and planning the Christmas programs at the veterans hospital in order that those patients who would not be able to be at home with their families and loved ones on that very special occasion would have a pleasant holiday.

Mr. Reese left a legion of friends who can all testify to the fact that the world had been a pleasanter place for his having been here.

I extend my personal sympathy and condolences to his widow, Margaret Ellen Criswell Reese.

BALTS REFLECT UPON THREE DECADES OF OCCUPATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. HUNT. Mr. Speaker, during the latter part of this month, the Baltic people will commemorate some sad and glorious events. The Soviet Union has long intimidated the peoples of Lithuania, Latvia, and Estonia and now it is time once again for this Congress to call attention to these horrendous injustices.

The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. Based on the experiences of the people of Hungary and Czechoslovakia, we are well aware that the Soviets stand ready to suppress any overt attempts of the Baltic people to secure their freedom. I believe it is the responsibility of all the people of the free world to be spokesmen for this enslaved group of people.

The Communist regime did not come to power in the Baltic States by a legal or democratic process. The Soviets invaded the Baltic States and grabbed them by force of arms. Since then, the Baltic people have been suffering from Russian-Communist activity and captivity for more than 30 years.

The month of June is a very memorable one for the Balts in all parts of the world. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia, and Estonia and took over these peace-loving republics by vicious force. One year later—in June of 1941—the Russian Communists started mass deportations of these people, and over 150,000 Lithuanians, Latvians, and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was reestablished. This free, provisional government of Lithuania was overrun by the Nazis only 6 weeks after it was established.

The Balts are a proud people who have lived peacefully on the shores of the Baltic for time immemorial. This year marks the 721st anniversary of the formation of the State of Lithuania. Mindaugas the Great unified the Lithuanian principalities into one kingdom in 1251.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged intense battles for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never before experienced such an extermination and annihilation of their people in their long history through the centuries as during the last three decades. Since June 15, 1940, the Baltic nations have lost more than one-fourth of their combined population to ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Two events of the past several months indicate the desperate plight of Lithuania's Roman Catholics, the primary target of the Soviet Government repression among religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The petition was an appeal through Dr. Waldheim to Leonid Brezhnev, Secretary General of the Russian Communist Party, because all other channels to get to the Russian leader had failed.

The forced incorporation of the Baltic States into the Soviet Union is readily evident and we should recognize it for what it is. Ironically, the Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges due to every individual from a state in which he lives. These include the rights of assembly, of free elections, and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration and temporary visiting.

Mr. Speaker, the administration should go ahead and implement House Concurrent Resolution 416—89th Congress—which would give life to the hope of freedom for the Soviet-dominated Baltic States. The United States and the other free countries of the world should urge the Kremlin leaders to make the rights described in the Declaration of reality for these oppressed people.

The seizure and annexation of Lithuania, Latvia, and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

Mr. Speaker, the text of House Concurrent Resolution 416 is identical to the resolution I am sponsoring in the current Congress. House Concurrent Resolution 169, which follows:

HOUSE CONCURRENT RESOLUTION 169

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

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Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

H.R. 9502, A BILL TO ESTABLISH A NATIONAL SYSTEM OF SOLID WASTE MANAGEMENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. GUDE. Mr. Speaker, as the solid waste problem at the local level becomes more difficult, citizens are increasingly looking to the Federal Government for assistance.

Last year I introduced H.R. 9502, a bill to establish a National System of Solid Waste Management. If enacted this bill would help alleviate the local problem by incorporating the cost of disposal in the price of the product. The funds raised would go to a trust fund designed to aid communities in devising regional approaches to the problem.

I would urge the Ways and Means Committee to hold hearings on this bill and I insert H.R. 9502 in the RECORD at this point for the information of my colleagues:

H.R. 9502

A bill to establish a national system of solid waste management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND DEFINITIONS

SECTION 1. (a) This Act may be cited as the "Solid Waste Management Act of 1971".

(b) For purposes of this Act—

(1) The term "Commission" means the Solid Waste Management Commission established by section 2.

(2) The term "Corporation" means the Federal Solid Waste Management Corporation established by section 5.

(3) The term "Board" means the Board of Directors of the Corporation.

(4) The term "trust fund" means the Solid Waste Management Trust Fund established by section 4.

(5) The term "solid waste" shall have the same meaning as such term has under section 203(4) of the Solid Waste Disposal Act.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established within the executive branch of the Federal Government a commission to be known as the Solid Waste Management Commission.

(b) The Commission, in accordance with section 3 of this Act, shall recommend to the Congress disposal tax plans and disposal bond systems for products or materials.

(c) The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. Members of the Commission shall be broadly representative of industry and of the technical and scientific disciplines involved in solid waste management. Members shall be appointed for terms of five years. Members of the Commission shall be compensated at the rate provided for level 1 of the Executive Schedule. The Chairman of the Commission shall be designated by the President.

(d) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

DISPOSAL TAXES AND DISPOSAL BONDS

SEC. 3. (a) The Commission shall conduct such studies and hold such hearings as may be necessary or appropriate to make recommendations to the Congress with respect to disposal taxes for purposes of chapter 43 of the Internal Revenue Code of 1954, and disposal bond systems under subsection (d) of this section.

(b)(1)(A) The Commission shall recommend to the Congress which products or materials require disposal taxes, at what stage in the process of manufacturing or processing of the product or material the tax shall be levied, the unit on which the tax is based, and the amount of tax per unit. The Commission shall recommend a disposal tax plan which shall specify for purposes of chapter 43 of the Internal Revenue Code of 1954—

(i) the product or material to which it applies (the taxable article),

(ii) the taxable person,

(iii) the taxable unit, and

(iv) the applicable rate of tax.

(B) Any determination under subparagraph (A) on which a disposal tax plan is based shall be made on the record after notice and opportunity for hearing. No disposal tax plan may take effect until after the plan has been approved by the Congress.

(2) Disposal taxes shall reflect as closely as possible the actual cost of disposal or processing each material or product, taking into account its physical and chemical properties, its salvage value, if any, and any special problems or hazards involved in its handling. A disposal tax on any material or product shall be uniform throughout the United States.

(c)(1) Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 43—DISPOSAL TAXES

"Sec. 4961. Imposition of tax.

"Sec. 4962. Definitions.

"SEC. 4961. IMPOSITION OF TAX

"(a) IN GENERAL.—There is hereby imposed on the sale by the taxable person of any taxable article a tax at the applicable rate per taxable unit determined under the disposal tax plan applicable to such article.

"(b) BY WHOM PAYABLE.—The tax imposed by this section shall be paid by the taxable person.

"SEC. 4962. DEFINITIONS.

"For purposes of this chapter—

"(1) DISPOSAL TAX PLAN.—The term 'disposal tax plan' means a disposal tax plan adopted under section 3(b)(1) of the Solid Waste Management Act.

"(2) TAXABLE ARTICLE.—The term 'taxable article' means a product or material to which a disposal tax plan applies.

"(3) TAXABLE PERSON.—The term 'taxable person' means a person who conducts an operation of manufacturing or processing an article which (under the disposal tax plan for such article) subjects him to tax upon the sale of the article.

"(4) TAXABLE UNIT.—The term 'taxable unit' means a unit of measure or quantity prescribed in a disposal tax plan with respect to a taxable article.

"(5) APPLICABLE RATE.—The term 'applicable rate' means the rate of tax per taxable unit specified in a disposal tax plan applicable to a taxable article."

(2) The table of chapters for such subtitle is amended by adding at the end thereof the following:

"Chapter 43. Disposal taxes."

(d)(1) If the Commission makes a determination on the record, after notice and opportunity for hearing, that a disposal bond system for a product of a particular kind is necessary in order to insure the proper disposal of such product after use, it may by regulation require the manufacturers, processors, and suppliers of all products of such kind to establish a system under which (A) a deposit is required to be made by any person who purchases the product (other than for purposes of resale) and (B) such deposit is refunded to such purchaser (or any subsequent purchaser) upon delivery of the product to a manufacturer, processor, distributor, or disposal center, as may be specified in such regulation. Any disposal bond system so prescribed shall provide adequate protection of the financial interest of consumers in any deposits made by them. No regulation prescribed under this paragraph shall take effect until ninety days after it is published in the Federal Register.

(2)(A) No product of a kind to which a regulation in effect under paragraph (1) applies may be transported or sold in commerce unless the transportation or sale is in accordance with such regulation. For purposes of this subparagraph, transportation or sale is in commerce if such transportation or sale affects commerce between a State and a place outside such State, or affects commerce within the District of Columbia, or a Commonwealth, territory, or possession of the United States.

(B) Whoever violates subparagraph (A) shall be fined not more than twice the value of the product so transported or sold.

(c) The Commission shall require that the amount of any disposal tax or disposal bond shall be separately stated at the time the product or material to which it applies is sold to the consumer.

SOLID WASTE MANAGEMENT TRUST FUND

SEC. 4. (a) There is established in the Treasury of the United States a trust fund to be known as the Solid Waste Management Trust Fund, consisting of such amounts as may be appropriated or credited to the trust fund as provided in this section.

(b) There are hereby appropriated to the trust fund—

(1) amounts equivalent to the taxes received in the Treasury under section 4961 (relating to disposal taxes) of the Internal Revenue Code of 1954; and

(2) amounts received in the course of the Solid Waste Management Corporation's operations under section 6 of this Act.

The amounts appropriated by paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c)(1) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and to report to the Congress each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceeds from the sale or redemption of, any obligation held in the trust fund shall be credited to and form a part of the trust fund.

(d) One-third of the receipts of the trust fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, to the Corporation to carry out the program authorized by section 6. Two-thirds of such receipts shall be available, as provided in appropriation Acts for making expenditures after such date, to carry out sections 206 and 207 of the Solid Waste Disposal Act.

ESTABLISHMENT OF CORPORATION

SEC. 5. (a) There is hereby created within the executive branch of the Federal Government a body corporate to be known as the Federal Solid Waste Disposal Corporation.

(b)(1) The management of the Corporation shall be vested in a Board of Directors which shall be composed of three Directors appointed by the President, by and with the advice and consent of the Senate. Except as otherwise provided in this subsection, Directors shall be appointed for terms of six years. Of the members first appointed—

(A) one shall be appointed for a term of two years,

(B) one shall be appointed for a term of four years, and

(C) one shall be appointed for a term of six years,

as designated by the President at the time of appointments. Any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. Two Directors shall constitute a quorum.

(2) The Chairman of the Board shall be designated by the President, and shall be an ex officio member of the Environmental Quality Council.

(3) The Chairman shall be compensated at the rate provided for level 1 of the Executive Schedule. The other Directors shall be compensated at the rate provided for level 2 of the Executive Schedule.

(c) For the purpose of carrying out its functions under this Act the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt and use a corporate seal, which shall be judicially noticed;

(3) may sue and be sued in its corporate name;

(4) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may make and carry out such contracts or agreements as are necessary or advisable in the conduct of its business;

(6) shall be held to be an inhabitant and resident of the District of Columbia within the meaning of the laws of the United States relating to venue of civil suits;

(7) may appoint and fix the compensation of such officers, attorneys, and employees as may be necessary for the conduct of its business, define their authority and duties, delegate to them such powers vested in the Corporation as the Board may determine, require bonds of such of them as the Board may designate, and fix the penalties and pay the premiums on such bonds;

(8) may acquire by purchase, lease, condemnation, or donation such real and personal property and any interest therein, and may sell, lease, or otherwise dispose of such real and personal property, as the Board deems necessary for the conduct of its business; and

(9) shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

(d) Section 101 of the Government Corporation Control Act is amended by inserting after the words "Tennessee Valley Authority;" the following: "Federal Solid Waste Management Corporation;"

(e) The Corporation shall submit to the President for transmission to the Congress at the beginning of each regular session an annual report of its operations under this Act.

SOLID WASTE MANAGEMENT PROGRAM

SEC. 6. (a) The Corporation shall carry out a program of research and development with respect to improved waste disposal techniques and equipment, and a program of construction and operation of facilities utilizing such techniques and equipment.

(b) The Corporation is authorized to enter into contracts with State, interstate, regional, or municipal governmental bodies, or with private industry, for the construction or operation of facilities financed by the Corporation.

(c) The Corporation is further authorized to buy, sell, lease, or exchange land and other property, including existing waste disposal facilities; and to enter into contracts with private persons or corporations for the sale of salvaged materials or other products generated at its facilities.

(d)(1) The Corporation shall develop, in cooperation with the State and local governments, a coordinated, nationwide system of solid waste processing centers. Such centers shall be located on large sites, separated from populated areas and otherwise appropriate for the location of a heavy industrial complex. The location of each such center shall be selected with due regard for the impact of solid waste processing operations on natural resources and ecological systems.

(2) Such centers shall be designed to replace all local sanitary handfills, dumps, incinerators, and similar operations now carried on by municipalities or private disposal concerns. Each center shall be equipped to receive all solid waste generated in the region it serves and to process that waste to—

(A) reclaim all potentially reusable materials,

(B) reduce the nonreclaimable waste to minimum bulk by incineration or compacting, and

(C) provide for the ultimate disposal of the reduced residue either by shipping it to remote disposal areas or, if possible, by forming it into blocks or granular materials that can be used in construction and paving.

(3) The Corporation shall undertake a program of research and development with respect to equipment designed to reclaim salvageable material generated by regional solid waste processing centers. The Corporation shall, if practicable, carry on research and development with respect to the salvage process for each community only to the point where it would become economically attractive to private enterprise to conduct salvage operations. Private industries shall be given the opportunity to contract to utilize the salvaged material under a long-term contract, to construct processing or fabricating plants within the regional processing center, and to utilize all the material of a given type generated by the center's operations.

(4) The facilities of a regional solid waste processing center shall be available to a State or local government in the region if—

(A) such State or local government continues to be responsible for the collection of waste at the local level, either directly or through the proper supervision of private collection services, and

(B) each State or local government is responsible for the cost of transporting its waste to the regional processing center up to a distance of twenty-five miles.

The transportation costs beyond twenty-five miles would be paid by the Corporation.

(5) Subject to paragraph (4), the Corporation may construct and operate (or provide by grant or contract for the construction or operation of) facilities for transporting solid waste to regional solid waste processing centers.

(e) On or before July 1, 1976, the Corporation shall report to Congress on the state of solid waste management technology as of that time, on the effectiveness of facilities so far constructed, and on its plans for the development and construction of additional facilities.

THE RIGHT TO VOTE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. QUILLEN. Mr. Speaker, next week I am sending a limited number of "Dear Friends" letters in my district urging residents to register to vote. The letter states:

The right to vote is a great responsibility. We should all exercise this privilege, for it is our best way of participating in, and influencing, the political process of our city, county, state and nation.

All too often we get caught up in our daily activities and lose this precious right by forgetting to register to vote. If any of your family, friends or neighbors haven't registered, won't you ask them to do so. I will appreciate it if you would.

Sincerely,

JAMES H. QUILLEN,
Member of Congress.

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MUSCATINE AND LOUISA 4–H CLUBS LEAD

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHWENGEL. Mr. Speaker, I recently had the opportunity to lead a group of 4–H members on a tour of the Capitol, and speak to them about the Federal Government. These young people were visiting Washington as participants in a citizenship short course sponsored by 4–H Clubs in Muscatine and Louisa Counties in the First District.

The citizenship course is only one example of 4–H activities which develop an understanding of America. Other projects cross national boundaries, opening the way for exchanges between peoples with diverse backgrounds.

The following remarks were prepared by Sue Siebke and Julie Schlapkohl, members of the 4–H group which met with me in Washington on June 21. Their paper points out the many types of projects which make 4–H a very worthwhile experience for young people in America. It was a privilege to meet with members from my district in Washington; I commend the organization for its continuing service to the Nation.

THE 4–H IN OUR COUNTY

(By Sue Siebke and Julie Schlapkohl)

The 4–H is an expanding organization to help both urban and rural youths between ages nine-twenty.

All races of people may be members. 4–H helps people to discover themselves and the world they live in.

Many new clubs are being founded and projects are being added to interest more people.

Project trainings are provided to help members learn about their various projects. The number of training sessions varies with the different types of projects.

Judging Workshops are held to inform members on selecting the desirable characteristics of their projects.

Various camps are held during the year. Day Camp is held at Wild Cat Den State Park for the nine-twelve year olds. It was developed to give these members a chance to see what camp was like and get them acquainted with different 4–H'ers in the county. Co-Ed Camp is for anyone fourteen or older. This camp is to let members find out about other activities in the state. Conservation camp is held for older members who are enrolled in Conservation related projects. Dairy Camp is held for older members who carry a dairy project.

Leadership camp is for older members to learn to become better leaders in 4–H. These camps are all held at the Iowa 4–H Camping Center in Madrid. 4–H Conference is held at the Iowa State University campus at Ames. This is for members to learn to become better citizens. Area 4–H Retreat was held for selected members of each county. At this retreat many decisions were made for improvement of the other counties. An area camp is being developed by area 4–H'ers.

Awards Night has been held to recognize outstanding achievements by individuals in their respective projects. Approximately 100 awards are presented each year. These awards are donated by various companies.

Last year 40 Muscatine County 4–H'ers went to Tioga County, Pennsylvania, for a week to learn how people in other areas of the United States live. The previous year they came to Iowa.

Sports is an active part of 4–H in our county. In the winter the boys participate in a basketball tournament. In the summer months both boys and girls participate in softball. This provides entertainment and teaches sportsmanship.

In previous years Muscatine County 4–H'ers have participated in the Citizenship Short Course. This has helped many 4–H'ers become better citizens by learning more about their government. It has been expressed by many "We left as Iowans and came home as Americans."

International Farm Youth Exchange is partially funded by 4–H. Muscatine County hosted Miss Rosalba Mora from Venezuela who is a Professional Home Demonstrator. Mr. Ronald Bolanos from Nicaragua who is a 4–H Foundation Leader, was also hosted in Muscatine County.

Muscatine County participated in an expanding nutrition program for the low income people. 4–H members volunteered their help to encourage them to plan and use nutritious foods more wisely for their families.

Teen-Builders is a club for older members who have been active in both local and county activities. As a service project they participated in the Iowa Heart Association Fund Drive. $1,032 was collected for the Heart Fund. The Teen-Builders also constructed road signs welcoming people into the County.

4–H may be a very rewarding experience for all who participate.

We have learned that 4–H can help a person develop their ability, skills, and personality. All members in 4–H live by the motto: "To Make the Best Better."

BAD NEWS AT THE GROCERY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. WOLFF. Mr. Speaker, on Monday I held a special order to condemn the lack of controls on raw agricultural products and to call for a consumer action of "meatless Tuesdays" to help cut the skyrocketing price of beef.

On Tuesday, Newsday carried an editorial on this same subject which I would like to call to the attention of my colleagues. I include in the RECORD the editorial entitled "Bad News at the Grocery."

The editorial follows:

BAD NEWS AT THE GROCERY

Housewives take note: After three months of relative stability, wholesale prices for beef, pork and many other food staples are moving up again—and sharply. Soon these increases will flow through to the retail level. But don't put all the blame on your grocer.

Supermarkets are not getting rich off the consumer's food dollar. Supermarket profit margins are less than one per cent of sales, compared to the four per cent profit that all other industries average. In other words, if the check-out clerk forgets to ring up a 20-cent package of Tasty Cakes, he has cost his boss his entire profit on a $20 order.

Then who is pushing up food costs? The continuing boom in convenience foods is partly responsible. Food processors claim they are simply meeting the housewife's demand for foods that require little home preparation; some critics claim they are not only meeting a demand but creating it. Either way, elaborate processing adds substantially to the price of a basket of groceries. The protective attitude of the Nixon administration toward the farmer also is a major contributor to higher food prices. Raw agricultural products—meats, vegetables, fruits—never have been subject to the price controls imposed on the rest of the economy.

The Nixon administration argues that farm price controls just won't work because of the seasonal nature of farming. But the argument also could be made that the absence of controls at the farm level hasn't worked either. Since November 15, the start of Phase II, food prices have risen more than three times as fast as other, controlled consumer prices, and meat prices have risen even more rapidly.

The old law of supply and demand has been responsible for the sharp rise in meat prices, says the Price Commission; they would come down again if Americans wouldn't buy so much. But another method of balancing out supply-demand pressures would be to make more meat available by importing more. The Nixon administration, however, has resisted efforts to relax or eliminate the quota system that limits imports. The quotas are necessary, says Secretary of Agriculture Butz, because U.S. farmers "need some protection."

But do farmers really need the degree of "protection" that is being lavished on them in this election year? Net farm income will climb by as much as $2 billion to an all-time record this year, according to Butz's own estimate. At the same time, farm price supports and other federal subsidies will rise to over $5 billion, up sharply from last year's $3.8 billion.

The Nixon administration makes no apologies for the security blanket it has draped over the shoulders of the farmers who form the bulk of the President's political support in the important western and midwestern states. "Farmers respond to a secretary of agriculture who understands them, who says they deserve higher incomes, who says that meat prices aren't too high," Butz said recently. "Now, if as a result of all that, farmers are happier and this is reflected in a more favorable attitude toward the Nixon administration, then the secretary of agriculture will be happy."

Butz contends that farmers have not shared fully in the nation's prosperity over the last 20 years, and there is more than an element of truth in that contention. But the nation is now engaged in a battle against inflation. Food prices are a major contributor to inflation. Steps must be taken to stabilize them.

Price controls, adjusted to take into account the seasonal nature of agriculture, would be one important step in that direction. A relaxation of meat import quotas would be another.

FORMER REPRESENTATIVE PHILIP J. PHILBIN BROUGHT HONOR TO THIS HOUSE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McCLORY. Mr. Speaker, a longtime member of the House of Representatives, former Representative Philip J. Philbin, passed on recently after a long and exemplary life of service to the State of Massachusetts and to the Nation.

Mr. Philbin exemplified the kind of thoughtful, dignified qualities which produce respect and prestige for the Congress of the United States.

In my personal contacts with Mr. Philbin, as well as with my official contacts with him as a member of the House Armed Services Committee, I found him both knowledgeable and straightforward. He defended the position of the House of Representatives and supported faithfully the interests of the Nation in the course of his long service in this body.

Mr. Speaker, it was with a sense of personal loss that I read of his recent passing, and I express to Congressman Philbin's two daughters my affection and respect for their father, and extend to them my deepest sympathy.

HON. RICHARD H. POFF

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DENNIS. Mr. Speaker, I have now served almost two terms in this body with our distinguished colleague, the gentleman from Virginia (Mr. POFF). During that period I have been privileged to be a member of the Committee on the Judiciary, of which the gentleman from Virginia is one of the senior members.

It has not been my good fortune to serve as long in this body with our colleague from Virginia as some of you have been privileged to do; but during those years it was my privilege to practice actively at the bar and, while a junior in service in this honorable body, I claim, by reason of that experience, the ability to quickly recognize an able lawyer when I see one.

I was not here many days, Mr. Speaker, before I recognized such a lawyer in the person of our friend and colleague Mr. POFF. It was my privilege, indeed, during the 91st Congress, to gain my legislative initiation in this body—largely under his tutelage and leadership—in the debate regarding amendment of the Constitution of the United States in respect to the matter of electoral reform—a subject on which Mr. POFF and I held similar constitutional views.

Such was, and is, my respect for the gentleman from Virginia, that I was pleased to recommend to the President his appointment to the Supreme Court of the United States. Mr. POFF elected, to my personal regret, to withdraw himself from consideration for that appointment; but I am most happy and pleased that he has now received a most appropriate appointment—for which he is eminently qualified—as a member of the supreme court of his native State.

The bar and bench of Virginia, from the days of George Wythe, Thomas Jefferson, Patrick Henry, and John Marshall to the present time of Mr. Justice Lewis F. Powell has been, and is, a distinguished one; and our colleague Mr. POFF belongs in, and will measure up to, that proud tradition.

We shall miss him—and the Nation will miss him—in this House where he has exerted a distinguished leadership over many years; but it is my sincere pleasure, as colleague, coworker, and friend, to bid him an affectionate farewell, and to wish him many years of fruitful and distinguished service as a member of the high court of the proud Commonwealth of Virginia.

A SALUTE TO EDUCATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, June has long been the traditional month during which we honor the graduates of our educational system. As many of our young people reach this important crossroads it behooves us to pause and reflect on the importance of our great educational system to the future of America.

Our most pressing responsibility to the continued strength of free society rests in the field of education. As our national insurance policy, we are committed to maintaining the high standards of education that in the past have made this country great. Every effort should be made to make the best use of the Nation's tremendous pool of resources in this field. The achievement of this goal is an end toward which all in Government must be dedicated

In reaffirming our commitment to education, the role that the teacher plays must not be overlooked. The Nation as a whole owes these selfless men and women a heartfelt sense of gratitude for the inestimable contribution they make in shaping a better America. Whatever rewards the classroom holds out to these dedicated people, they are richly deserved. Pride in America reflects the degree of pride we place in education.

SALUTE TO EDUCATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CONTE. Mr. Speaker, today marks the national salute to education observance and I wish to join with my colleagues in commending the teachers throughout our country for their dedication and proficiency.

I am sure that all of us can recall particular teachers during our school years who have made a significant impact upon us in terms of career choice and character development. Often their influence has dramatically changed the course of our lives. Other than caring for one's own children, there can be no more solemn and fulfilling responsibility than challenging and nurturing the minds of our youth in the classroom.

For their patience and perseverance, our Nation's teachers deserve our undying respect and gratitude. For too many years, this noble profession has labored for long hours under adverse working conditions without the recognition and recompense that it so rightly deserves. Fortunately this situation has improved somewhat over the last decade. But much remains to be done.

As a member of the Labor-HEW Appropriations Subcommittee and as one who has championed the cause of education throughout his entire public life, I pledge my continuing support for our country's educators and for their noble endeavors.

SENATE—*Friday, June 23, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose providential care has been over this Nation and its people from generation unto generation, we beseech Thee to guide us through the uncertainties and perils of this age. While we work step by step and day by day on the vexing problems of the present, keep ever before us the distant scene when men study war no more and all men are drawn together in a fraternity of peace and goodwill in Thy kingdom.

Come near to those who suffer from storm and flood, from sickness and hunger, and strengthen those who serve them in the ministries of rescue and healing.

We pray in His name, who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 23, 1972.

To the Senate:

Being temporarily absent from the Senate, on official duties, I appoint Hon. JAMES B.

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ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the Senate of June 22, 1972, the Secretary of the Senate, on June 22, 1972, received the following message from the House of Representatives:

That the House had passed the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

HOUSE BILL REFERRED

Under authority of the order of the Senate of June 22, 1972, the bill (H.R. (H.R. 15585) making appropriations for Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, was referred to the Committee on Appropriations.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of May 14, 1971, Mr. MONTOYA, from the Committee on Appropriations, reported favorably, with amendments, on June 22, 1972, the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92–919) thereon, which report was printed.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 22, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY of New York, Mr. SIKES, Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. MAHON, Mr. BOW, Mr. CEDERBERG, and Mr. ANDREWS of North Dakota were appointed managers on the part of the House at the conference.

FEDERAL EMPLOYEES HEALTH INSURANCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 822, H.R. 12202.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 12202, to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86–724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

SEC. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

Mr. McGEE. Mr. President, H.R. 12202 will increase the Government contribution toward the cost of health insurance carried by Federal employees under the Federal Employees Health Benefits Act of 1959.

There is ample justification for the enactment of this legislation. In hearings before our committee and more extensive hearings before the House committee, testimony proved beyond reasonable doubt that in the field of health insurance the Federal Government does not pay as large a share of the cost as do major employers in private enterprise. Under the current program the Government pays 40 percent of the average cost of the five largest health insurance programs. Currently, under the Blue Cross-Blue Shield policy, an employee selecting family coverage, high option pays $29.65 every 2 weeks, while the Government pays only $9.78. About 90 percent of all employees choose high-option coverage, and something more than half of all employees choose Blue Cross-Blue Shield. In private enterprise, major employers pay at least half and in many cases all of the cost of health insurance.

It is fair to say that those figures alone do not entirely describe the situation, because in order to compare fairly the Government insurance program with private enterprise programs, one would have to analyze very carefully the coverage of the insurance plans themselves. Certainly Blue Cross-Blue Shield, Aetna, and other plans available to Federal employees are among the very best in the Nation. It is far better to have an employer who pays 40 percent of a very comprehensive program than to have an employer who pays 100 percent of a very limited program.

The committee unanimously recommended this bill to increase the Government's share of the cost. As the bill passed the House of Representatives the Government will pay—

Fifty-five percent of health insurance beginning 30 days after enactment; 60 percent beginning January 1, 1973; 65 percent beginning January 1, 1974; 70 percent beginning January 1, 1975; 75 percent beginning January 1, 1976, and thereafter.

The House bill also provides that—

Employees retired prior to July 1, 1960, who are now covered by a separate health insurance act, will be eligible to enroll in the program used for employees and post-1960 retirees. There are about 221,000 people in this group, who were intentionaly excluded from the 1959 act because of the principle of retroactivity and the cost of blanketing in so many elderly retired employees.

Children of Federal employees, now covered in a family plan up to age 22 if unmarried, will be covered to age 25 if they are unmarried and students.

Employees in the Postal Service will be covered by the provisions of the bill increasing the agency contribution.

The additional cost of the bill as passed by the House is estimated to be:

Fiscal 1973—$268 million.

Fiscal 1974—$425.5 million.
Fiscal 1975—$623.0 million.
Fiscal 1976—$862.9 million.
Fiscal 1977—$1,063.8 million.

The cost of the retired employees' provision is $1.7 million a year.

The cost of the children's amendment is $1 million a year.

The administration is opposed to the enactment of the House bill.

As a compromise and an effort to get a bill enacted to improve the program for Federal employees and their families, the committee has amended the bill to provide the following:

First. Increase the Government contribution to 45 percent effective January 1, 1973;

Second. Increase the Government contribution to 50 percent effective January 1, 1974;

Third. Include the pre-1960 retirees within the active employee program, effective January 1, 1973;

Fourth. Exclude children beyond age 22;

Fifth. Exclude Postal Service employees;

Sixth. Authorize the Commission to make binding judgments with insurers on the coverage of contracts for health expenses and services.

The cost of the committee amendment would be $39.6 million for fiscal year 1973—6 months only—$130.3 million for fiscal year 1974, and $207 million for fiscal year 1975.

These cost estimates are based on a "dynamic" cost basis which assumes actuarial increases in health services and costs, Federal employee and retiree population, and a reasonable rate of inflation.

The question of whether employees of the U.S. Postal Service should be included within the provisions of this bill has been a significant issue for several months. Representatives of the postal workers have argued vehemently and effectively that as Federal employees they should be included in any legislation generally affecting Federal employees. The committee naturally is quite sympathic to their argument and, were it merely an issue of recommending legislation to improve the pay and fringe benefits for postal workers, the committee would vote unanimously to include them. However, the principal involved far transcends the simple issue of more pay for our 740,000 deserving postal employees.

In 1970, the seven AFL–CIO affiliated postal unions signed an agreement with Postmaster General Winton M. Blount giving their wholehearted support to the enactment of the Postal Reorganization Act, which included significant reformation of the postal system and provided for a 17-percent pay increase for postal workers. When Congress acted upon that agreement and passed Public Law 91–375, the specific language of the agreement reached between the Postmaster General and the postal unions regarding pay and fringe benefits was included. Section 1005 of title 39, United States Code, spells out the intention of the Congress. The law reads as follows:

§ 1005(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, *unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.*

On July 20, 1971, representatives of postal workers including the National Association of Letter Carriers and the American Postal Workers Union signed a labor-management collective bargaining agreement with the Postmaster General which included a series of across-the-board pay increases effective at different times over the 2-year life of the contract. In exchange for wage increases which the employee unions apparently considered fair and equitable, the demands of postal unions for increased employer contribution to fringe benefit programs were withdrawn. The contract is binding except insofar as it may be amended by legislative action. To so legislate, in the opinion of the committee, would vitiate all that has been accomplished to establish effective collective bargaining in the Federal Government.

Let me say to my colleagues that this is a very difficult issue to consider. I have never voted against any legislation to benefit postal employees in 14 years in the Senate. I have the honor to serve as the chairman of the committee which created the Federal employees health insurance program and many other beneficial programs which have improved the pay and working conditions of postal employees. At home, I count them among my good friends and loyal supporters; and so it is only because of my firm conviction that the policy established by the Postal Reorganization Act must be fulfilled that I recommend that the benefits of this legislation not be extended to include postal employees.

If we do so, collective bargaining in the Postal Service will come to an end. There just will not be any. If the postal union representatives know that they can come running to the Congress every time they lose an argument, or seem on the verge of losing an argument, at the bargaining table, and know that the Congress in its compassion and its political motivation will legislate what they cannot gain through bargaining, the system will be wrecked.

Some of the postal union representatives have said that collective bargaining without the right to strike is meaningless. I seriously doubt that that statement is true. Collective bargaining in the Postal Service is subject to binding arbitration, which is a solution that not only is increasingly common but was the solution which the postal unions themselves advocated, supported, and specifically agreed to just two years ago. These labor-management provisions in the Postal Reorganization Act were hammered out at the bargaining table between Postmaster General Blount and the postal unions during the postal strike in March of 1970. They were not imposed upon the helpless postal worker. They were agreed to. They were bought and paid for by the Post Office Department, the Congress, the mail user, and the American people at the cost of a 17 percent pay hike and the necessity of an 8 cent stamp. They must be given a chance to work. I think it is our duty to insure that chance by telling postal management and postal labor to sit down at the bargaining table and work out their problems.

Finally, I believe that we have worked out a pretty good bill here. From a fiscal standpoint, it reduces the cost of the bill as it passed the House of Representatives by more than $800 million a year when fully effective. It postpones the effective date of the increased contribution by about 6 months, providing additional savings to the government.

I would hope that our colleagues in the House of Representatives would look upon this effort to get a bill signed by the President, rather than vetoed by the President, with the same careful thought and fair consideration that is characteristic of the House Committee on Post Office and Civil Service. I would hope that the temptation to make a grandstand play that will result in disappointment for all concerned will be resisted.

Mr. MOSS. Mr. President, 6 months ago, the Senate overturned the President's arbitrary plan to deny Federal employees their 1972 pay comparability adjustments. The issue then, as it is now as we discuss health benefits, is one of simple equity: Should Government workers receive second-class status with employees in private industry or should all wage earners regardless of their employment, receive the same progressive treatment?

As a member of the Senate Post Office and Civil Service Committee, I have had good opportunity to see the trend of administration policy regarding the 3 million Federal employees. All too often it is one of the double standard. One standard for the private sector worker and another for the man or woman who happens to be employed in the public service. The administration's position on H.R. 12202 is no exception.

The White House opposes any increase in the Government contribution to the Federal employee health premium. It supports the continuation of the Government share at the 40-percent level, thus leaving Federal employees to bear the full weight of recent increases in the Nation's insurance rates.

At the same time, however, the administration has put itself on record in favor of a much higher level of employer contributions in the private sector of the economy. On February 18, of last year, President Nixon, himself, proposed that private industry be asked to pay at least 65 percent to their workers'

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insurance premiums during the next 2½ years and a minimum of 75 percent thereafter. What happens to this national standard when it comes to the Government's own employees?

Mr. President, what is a good criterion for the private sector employee is a good criterion for the public servant. Surely, no one can argue that their health needs are any different. Nor are the burdens they have had to carry as insurance premiums continue their record rise.

The Senate report on H.R. 12202 would increase the employee Government contribution to 50 percent over the next 2 years. Such an increase is hardly extravagant. It is in fact, considerably less than that called for in the original House version of H.R. 12202 and less than many of us believe to be the appropriate level. Nonetheless, I support the bill, because I believe the Federal employee is in dire need of immediate relief.

Last December the Price Commission approved a walloping 22-percent hike in the Blue Cross-Blue Shield premiums for Federal employees. To the workers themselves this meant an increase of almost 30 percent in their payroll deductions. While recent evidence indicates these hikes have been vastly out of line, a rollback does not appear imminent. I have written to the Price Commission personally on this matter and have been informed that a consideration of the premium increase must await further data. Employees will have to wait until next year for a review of the Blue Cross rates.

I ask unanimous consent that my correspondence with the Price Commission regarding the Federal employee Blue Cross rates appear in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 13, 1972.

C. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR MR. GRAYSON: On April 6, a representative of the Blue Cross-Blue Shield program wrote to you explaining the new cost information regarding their Federal Employees Program's 1971 experience. From their letter, it now appears that Blue Cross sustained a 1971 loss, not of $60 million, as had been predicted in the fall, but of ***$8 million.*** (The actual figures comes to 1% of claims, as opposed to the 9% figures which had previously been estimated.)

Since those same projections, which have proved to be so grossly pessimistic in 1971 were used to support Blue Cross's cost situation in 1972, I believe the Price Commission should reconsider its December 23rd ruling which allowed the 22% increase in premium.

I do not think it unreasonable to believe that the same figures which resulted in a 8% over-estimate in 1971 might do the same thing in 1972. I believe it's entirely possible that, given the current more optimistic data, Blue Cross could turn the 22% premium hike into a substantial surplus in 1972.

While Blue Cross-Blue Shield is a not-for-profit organization, I believe there could be no useful purpose in allowing these shifting cost trends to add millions of dollars to their reserves. I believe, moreover, it is our responsibility to exert the maximum downward pressure on the price of this truly vital service.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRICE COMMISSION,
Washington, D.C., May 3, 1972.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Chairman Grayson has asked me to thank you for your recent letter requesting that the Price Commission reconsider its initial decision in the Blue Cross-Blue Shield Federal Employees Program in view of the fact that the carrier suffered an actual loss in 1971 of $16 million rather than the $68 million that had originally been projected.

The Price Commission does not consider that the wide variance between actual and estimated loss for 1971 is grounds for reopening this case since our original order of 22% specifically did not allow the carrier to recoup the then estimated $68 million in losses. The 22% figure was based solely on projected costs for 1972, adjusted for the estimated effect of the economic stabilization program.

Additionally, to try to predict the outcome of the entire experience period on the basis of three months of data is not sound rate-making procedure. From an actuarial standpoint a three month experience period is far too short and a finding that the present favorable experience will continue would be premature at this time. However, if the present trend continues it will certainly be a major factor in adjusting the rate for next year.

On April 26, 1972, the Price Commission testified before the House Post Office and Civil Service Subcommittee on Retirement, Insurance and Health Benefits. At that hearing we informed the subcommittee that the only basis on which we could consider reopening this case would be if the information furnished by the carrier, on which the original decision was based, could be shown to be substantially inaccurate or misleading. Chairman Waldie indicated that he intended to furnish such evidence to the Price Commission.

Thank you for your interest in the economic stabilization program.

Sincerely,

JAMES H. HOGUE,
Director Congressional Relations.

Mr. MOSS. Mr. President, in addition to the increase in the Federal contribution to the employee health benefits, the committee report includes two provisions which are also of great importance to those involved.

One of these would permit former Federal employees who retired previous to July 1, 1960, to enroll in the same health benefits program as current employees and post-1960 retirees.

Today there are over 200,000 elderly Americans who having served their country are being intentionally denied access to this progressive health insurance program. We cannot allow this injustice to be continued.

Another provision in this bill is one which I introduced during the course of committee hearings. It authorizes the Civil Service Commission to make binding decisions regarding the coverage of health insurance contracts.

Many Federal employees have testified as to the need for such a measure. There have been numerous cases in recent months where employees have complained to the Commission and also to the Senate Post Office Committee regarding the practices of Blue Cross-Blue Shield in narrowing coverage under its contract. In these cases, employees have been denied payments for reasons, which to them seem to be without merit.

I submit one such letter as an indication of the employee frustration which the current situation allows. H.R. 12202 would provide that in all future contracts between the Civil Service Commission and the insurance carriers will give the Commission authority to determine where individual employee claims should be covered. At present the Commission has only the power of persuasion this bill would give them the power to actually overrule the Commission. I ask that this letter be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 23, 1972.

Senator FRANK MOSS,
Senior Member of Senate Civil Service Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: Enclosed are copies of letters—one from my Government Insurance Company (Aetna) and my reply.

We are having trouble, like so many, getting our *just* benefits paid. No one seems to have had any trouble, myself included, till this year and then the insurance company came up with the "non-allowable" business when they paid their benefits. It is "too much" when they make the insured accept what they choose to call "non-allowable".

I, like others here at the Rocky Mountain Laboratory, feel that since the government is paying a share of the insurance, the article that is in Issue No. 39 of the Weekly Employees News Digest under "No Health Benefits Guarantee" is "fantastic". What is the matter with the Federal Government? They have an investment of millions of dollars and can't stand behind it and protect it. I'm sure that Aetna and the other companies (ITT) don't run their investments so loosely.

We feel that the Federal Government (Civil Service Commission), the physicians, hospitals, and insurance companies should get together and decide what the *just* payments on claims should be—not leave it till a claim is to be processed and lower the "boom" on a non-suspecting insured.

This lack of disregard for *just* payment of benefits is deplorable. The situation is really "steam-rolling" and it must be stopped.

We hope you can get some action. Thank you for reading this letter and taking you away from your many other duties.

With kind regards,

MRS. RICHARD MONK.

Mr. MOSS. Mr. President, these various provisions of H.R. 12202 are grounded in fairness—to all concerned. They deserve our fullest support.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIE M. RIDGELY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 855, S. 2147.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 2147, for the relief of Marie M. Ridgely.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie M. Ridgely, of Suitland, Maryland, is relieved of liability to to the United States in the amount of $2,201.75, representing amounts received by her as a civil service annuitant while she was employed by the District of Columbia Board of Education for the period beginning June 1, 1965, and ending November 30, 1967. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie M. Ridgely an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, with respect to the indebtedness of the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–895), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Marie M. Ridgely of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher.

STATEMENT

A similar bill for this claimant, S. 876 of the 91st Congress, was approved by the committee and was passed by the Senate, but no action was taken by the House of Representatives.

The facts in the case have been set forth in a letter from the Government of the District of Columbia as follows:

"This bill would relieve Marie M. Ridgely of Suitland, Md., of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher. When Mrs. Ridgely changed her teaching status from that of a substitute teacher to that of a temporary teacher, an error in administration resulted in a failure to reduce her new salary by the amount of her civil service annuity. This resulted in an overpayment of $2,201.75 from June 1, 1965, through November 30, 1967.

"The District of Columbia is seeking legislation which would allow the District government to waive claims against a person which arise out of an erroneous overpayment by the government when the collection of such a claim would be against equity and good conscience. Although the Commission believes it is generally undesirable to provide special legislative relief to one person when others may be in a similar situation, the circumstances in Mrs. Ridgely's case are unusual and the District does not, therefore, oppose S. 876."

The committee believes that the bill is meritorious and recommends it favorably.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 857, 858, 859, and 860.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN C. MAYOROS

The Senate proceeded to consider the bill (S. 2753) for the relief of John C. Mayoros which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "of", strike out "$761.85" and insert "$529.84"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Mayoros of Middletown, Connecticut, the sum of $529.84, representing the amount the said John C. Mayoros would have received for hospitalization and medical care expenses incurred by him after his separation from active duty in the United States Air Force under a policy of health care insurance but for an administrative error on the part of United States Air Force personnel who failed to notify the said John C. Mayoros, at the time of his separation from active duty, that there were insufficient pay and allowances due him to cover the required premium on the health care insurance requested by him but not issued.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–897), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to adjust the amount payable to Mr. Mayoros after deducting (1) the cost of what the insurance premium would have been had it been paid, and (2) the amount Mr. Mayoros received as a result of an erroneous overpayment for accrued leave when he was discharged from the Air Force.

PURPOSE OF THE BILL, AS AMENDED

The purpose of the bill, as amended, is to authorize the Secretary of the Treasury to pay John C. Mayoros $529.84 for hospital expenses he incurred immediately following his separation from active duty in the Air Force. These expenses would have been paid under a health care insurance policy requested by him had the premium on the policy been paid. However, he was not notified that he had insufficient pay and allowances due him upon his separation to cover the required premium, so it was not paid.

STATEMENT

The facts of this case as reported to the committee by the Department of the Air Force are as follows:

"Mr. Mayoros enlisted in the Air Force at New Haven, Conn., on April 12, 1966. He was discharged from this enlistment at Mountain Home Air Force Base, Idaho, November 12, 1969. When he was discharged, he was entitled to travel and transportation allowances, totaling approximately $160, for travel from Idaho to Connecticut. His records also reflected that on the date of discharge, he was credited with 14 days accrued leave and was paid pay and allowances, totaling $186.55, for the period from November 1 through November 15, 1969. His account was then referred to Nellis Air Force Base, Nev., which maintained his master file under centralized personnel procedures, for final settlement, including payment for accrued leave.

"A member of the uniformed services and his dependents lose entitlement to military medical care or civilian medical care at military expense as of midnight of the day the member is discharged. The Department of Defense has arranged for members who are being discharged to purchase medical care and health insurance from designated insurers to provide coverage for 90 days following discharge. Various plans are explained to members being discharged and it is emphasized that the member must purchase the insurance either by deduction from final pay or by cash. His separation orders show that Mr. Mayoros elected coverage under the insurance provided by Blue Cross-Blue Shield and that the premium of $90 was to be deducted from the payment due him for accrued leave.

"Early in 1970, Mountain Home Air Force Base notified the Air Force Accounting and Finance Center (AFAFC) that when he was discharged, Mr. Mayoros was entitled to 3 days accrued leave rather than the 14 days shown on his separation order. As a result of this erroneous credit, AFAFC determined he had received overpayments totaling $142.01. Several letters requesting that these overpayments be repaid were sent to the address Mr. Mayoros provided when he was discharged. The letters were returned by the Postal Service because the address was incorrect. Collection action on this debt was terminated under the Federal Claims Collection Act late in November 1970 due to inability to locate Mr. Mayoros.

"On April 18, 1971, Mr. Mayoros telephoned AFAFC requesting verification that the premium on the health care insurance he requested when he was discharged from the Air Force had been processed to Blue Cross-Blue Shield. An audit of his pay account showed that in the settlement of his account, it was determined he was entitled to a lump-sum payment for 14 days accrued leave, computed at $180.74. However, it was necessary to deduct from this payment amounts due the Air Force for allotments paid on his behalf for the month of November 1969, and pay and allowances for November 13, 14, and 15 which he received in the payment made November 12, 1969, when he was discharged. A payment of $79.90 was mailed to him in December 1969 by Nellis Air Force Base. In the settlement of his account, Air Force personnel failed to notify him that the amount due him ($79.90) was insufficient to pay the $90 premium for his health care insurance. Later, of course, his pay account became more confused when an audit of his leave showed that during his tour of duty, he earned a total of 108 days leave and took 105 days leave.

XUM

"An attorney in Middletown, Conn., referred Mr. Mayoros' case to Senator Ribicoff. The attorney pointed out that when he was discharged, Mr. Mayoros was led to believe he would have Blue Cross-Blue Shield coverage and the premium would be deducted from his final pay and allowances. However, the premium was not paid and Mr. Mayoros had not been notified until recently that his final pay and allowances were not sufficient to pay the premium. The attorney also reported that Mr. Mayoros had incurred medical and hospital bills totaling $761.85 in connection with the birth of his son November 24, 1969. He concluded that had Mr. Mayoros known he did not have sufficient pay and allowances, he would have paid the premium from other funds available to him.

"On the date of his discharge, Mr. Mayoros' orders erroneously stated he was entitled to credit for 14 days accrued leave (which could be roughly estimated as at least $150). Under existing procedures, the $90 premium for the health care insurance would have been deducted from this payment and, with his application for insurance, been processed to Blue Cross-Blue Shield. There is nothing on file to indicate that personnel who counseled Mr. Mayoros, prior to his discharge, were aware he would have insufficient final pay due from which the premium could be paid. Likewise, there is no indication that Mr. Mayoros was aware at the time of his discharge that amounts he owed the Air Force would reduce the lump-sum payment for the 14 days accrued leave so it would be insufficient to pay the premium on the insurance. Inasmuch as his son was born within 2 weeks of his discharge, it is logical to assume he would have made other arrangements to pay the premium on the health care insurance, if he had any reason to believe his final pay would be insufficient to pay the premium on the health care insurance.

"The Air Force regrets the administrative error which resulted in not promptly notifying Mr. Maroyos that he did not have sufficient final pay to pay the premium on his health care insurance. When he was discharged, he had reason to believe he would have sufficient pay from which the premium would be deducted and his application for insurance would be properly processed. Had he been notified promptly that such was not the case, he would probably have arranged to pay the premium and he and his family would have had hospital and medical care insurance from November 13, 1969, through February 10, 1970.

"In view of the foregoing, the Department of the Air Force would interpose no objection to enactment of S. 2753 provided the amount authorized to be paid to Mr. Mayoros does not exceed the amount which would have been paid by Blue Cross-Blue Shield had the premium on the policy been paid provided it is reduced by $232.01 reprsenting the $90 he would have paid as a premium on the insurance and the $142.01 which he received as a result of the erroneous payment for 1 days' accrued leave."

In view of the foregoing, the committee believes that legislative relief is appropriate and recommends that the bill, as amended, he favorably considered.

VILLAGE OF RIVER FOREST, ILL.

The bill (H.R. 632) for the relief of the village of River Forest, Ill., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–898), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the village of River Forest the sum of $3,228.12 in full settlement of its claims for payment of civil defense matching funds for an emergency generator for the village of River Forest. The bill further notes the fact that, through administrative error, the payment of civil defense matching funds was not made and cannot now be made because regulations prohibit the retroactive payment of such funds.

STATEMENT

'The Department of the Army in its report to the House Judiciary Committee stated that it is not opposed to the legislation. In that report, the Department noted that the bill H.R. 632 is a companion bill to H.R. 631, which was also a subject of a report from the Army. Noting that the circumstances surrounding the two bills are identical, the Department stated:

"The Department of the Army is of the opinion that the village of River Forest, Ill., is entitled to relief for the same reasons stated in the report on H.R. 631."

In the report on the other bill, the Department of the Army stated that River Forest, Ill., is a small village with a population of approximately 12,695 ("1970 Commercial Atlas and Marketing Guide," Rand McNally & Co.). The civil defense establishment of the village relied heavily on volunteer personnel who were not conversant with the complexities of Government procurement. In 1962, the Federal Government was encouraging municipalities to participate in a nationwide civil defense program. Communities were urged to develop civil defense facilities on a "50–50" matching fund basis. This was a period of national danger and concern because of the Berlin and Cuban missile crises.

The Department further stated that in 1962, the regional director, Office of Civil Defense, then under the Office of Secretary of Defense (now under Office, Secretary of the Army) approved the River Forest grant for installation of a siren and generator for an approved public warning system. Newspaper advertisement was accomplished, sealed bids were received, and public bid openings were conducted. In November 1962 contracts were duly awarded, and the siren and equipment were procured and installed. On January 25, 1965, the village submitted its request for contribution under the Federal civil defense program (60 U.S.C., app. 2281), and submitted a billing under approved project application OCD No. I 11.600–27(65) to the State civil defense office in the amount of $5,096.50 for the Federal share. The State civil defense office refused to process the billing for payment submitted by the village under the approved application because the equipment had been installed prior to the application. The (Federal) Office of Civil Defense required the submission and approval of a project application prior to the procurement of the equipment, and prohibited retroactive Federal payments to local governments for obligations incurred prior to the beginning date of the Federal appropriation available for obligation (32 CFR 1801.8(a); 31 Comptroller General 308; 32 CFR 180128 (b)).

In order to further explain the background and the circumstances surrounding the difficulties encountered by the village, the Department of the Army quoted from a letter of the sponsor of the bills. This letter referred to the difficulties encountered by the village in filing the project application forms, including the fact that apparently a set of application forms had become lost and a new set had to be prepared. Unfortunately the village was unable to complete and file the application form when it was received because by that time the equipment had been installed.

The Department of the Army further noted that on October 7, 1969, a review of the same claims was conducted, by the (Federal) Office of Civil Defense, in connection with H.R. 389 and 389, 91st Congress. That office noted the unauthorized procurement prior to approval, and the fact that the wage scale paid to electricians was equal to the local wage ($4.75 per hour) but was less than $5 per hour determined by the Department of Labor to be the prevailing rate. The agency concluded that the procurement was proper in all other respects. On June 21, 1971, (Federal) Office of Civil Defense reported that insofar as claims of this nature are concerned, they have steadily decreased in number. None was enacted in the last Congress, and the present claims are the only ones introduced in the present Congress.

Indicating that it had no objection to relief in this situation, the Department of the Army stated in its report on the companion bill H.R. 631:

"In view of the apparent reliance of the village officials on the 1962 approval of the River Forest grant by the regional director, Office of Civil Defense, the Department of the Army is not opposed to the enactment of the bill. No prejudice or detriment was auffered by the Federal Government. In fact, the civil defense program received the full value of the property and the additional benefit of a timely installation of equipment in a period of national crisis. The Department of the Army is of the opinion that it would be inequitable to deny relief to a small community which acted in good faith not only due to reliance on the statements of responsible Federal officials but also because of the inexperience of its volunteer staff and the then existing emergency conditions, proceeded with a premature procurement. Although River Forest later lost or misplaced the project application forms, it clearly appears that the State director knew of the project and the delay in submission as early as July 1963. There is no indication that the grant of relief would result in an influx of similar bills."

In view of the circumstances of the case and the statement of the Department indicating that it has no objection to relief, it is recommended that the bill be considered favorably.

S. SGT. J. C. BELL, JR., U.S. AIR FORCE

The bill (H.R. 3227) for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–899), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay $3,992.80 to S. Sgt. J. C. Bell, Jr., of Las Vegas, Nev., in full settlement of his claim against the United States for reimbursement for medical and hospital expenses incurred by him in 1968 in Wichita, Kans., on behalf of his dependent mother as the result of erroneous information given him by Air Force personnel concerning the availability of facilities for the treatment of his mother at Government medical facilities.

STATEMENT

The Department of the Air Force in its report to the House Committee on the Judiciary on this bill has stated that it favors its enactment:

"Sergeant Bell was stationed at Bien Hoa Air Force Base, Vietnam, when his mother, Mrs. Bernice Bell, became acutely ill January 3, 1968. Mrs. Bell was living in Wichita, Kans. She was a bona fide dependent of Sergeant Bell, so recognized by the Air Force, and could have been admitted, by reason of such dependency, to the McConnell Air Force Base Hospital in Wichita. She was taken instead to a civilian medical facility, Wesley Medical Center, Wichita, and admitted to the hospital there on January 3, 1968, apparently without any notice to McConnell Air Force Base Hospital or any request to be admitted there. It is assumed that Mrs. Bell sought admittance to Wesley Medical Center Hospital, rather than the McConnell Air Force Base Hospital, because the former was the hospital nearest to her home.

"The Air Force report notes that the Uniformed Services Dependents' Medical Care Act (now chapter 55, title 10, United States Code) does not provide for Government payment toward the cost of medical or hospital care furnished from civilian sources to any dependents other than the spouse and children of military personnel. Dependent parents of such personnel are entitled to treatment at Government expense from uniformed services medical facilities only.

"Sergeant Bell returned to Wichita on emergency leave on January 6, 1968. He was concerned because his mother had been admitted to Wesley instead of the McConnell Air Force Base Hospital, and he, therefore, promptly contacted medical personnel at McConnell and requested transfer of his mother to McConnell. The request appears to have been made to both an Air Force physician (chief, internal medicine) and a master sergeant on duty in the registrar's office of the hospital. Upon being informed, by Sergeant Bell, that Mrs. Bell's illness had been described as an "aneurysm" (later more completely identified as an anterior communicating aneurysm with cerebral vascular accident), the medical personnel advised Sergeant Bell that the Facilities at McConnell were inadequate for proper treatment of such illness. It would have been appropriate for the medical personnel at that time to have at least investigated the possibility of having Mrs. Bell transferred from the Wesley Medical Center and admitted to McConnell Air Force Base Hospital with a view to further transfer of the patient, by aeromedical transportation, to an Air Force or other uniformed service hospital where Mrs. Bell could receive the required medical care. However, this possibility was not mentioned. In fact, the master sergeant in the registrar's office advised Sergeant Bell that if his mother was brought to McConnell, they would only have to send her back "down" (presumably to Wesley).

"About January 13, 1968, Sergeant Bell again sought help from medical personnel at McConnell Air Force Base. Sergeant Bell specifically asked whether his mother could be transferred to the McConnell Air Force Base Hospital and from there to an Air Force hospital which could properly care for her. At this time, he was advised that, while such procedure could be followed, aeromedical transportation would not be available until January 19. In the meantime, Wesley Medical Center was reluctant to furnish continued care because it became apparent that Mrs. Bell did not have funds for payment. Having been advised that an operation should be performed promptly, and in view of the advice from the McConnell Air Force Base Hospital, Sergeant Bell had his mother moved to Kansas University January 14, 1968. She was operated on January 16, and remained in that hospital until January 28, at which time she died."

The House Judiciary Committee concluded that the facts outlined above provide a firm basis for legislative relief. Sergeant Bell made timely requests that his mother be transferred to service facilities for the medical attention she most clearly required. The Air Force in recommending favorable action on the bill outlined the equities as follows:

"It appears from the foregoing that the Air Force hospital officials with whom Sergeant Bell dealt were either inadequately informed as to the proper procedures to follow in cases of this nature or else lacked interest in Sergeant Bell's problem. They should have inquired further in an effort to find out the procedures to be followed.

"In view of the above, the Department of the Air Force favors enactment of H.R. 3227."

This committee is in agreement with the views of the Department of the Air Force and the House Judiciary Committee that the equities of the situation are such that the claim is meritorious. Accordingly, the committee recommends favorable consideration of H.R. 3227, without amendment.

THOMAS WILLIAM GREENE AND JILL A. GREENE

The bill (H.R. 4083) for the relief of Thomas William Greene and Jill A. Greene, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–900), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, H.R. 4083, is to pay Thomas William Greene and his wife, Jill A. Greene, of San Diego, Calif., $109.50 in full settlement of all their claims against the United States for the proceeds of a Treasury check issued November 27, 1961, to them as an income tax refund which they never received.

STATEMENT

The facts of this case, as contained in the House Report 92–595, are as follows:

"The Department of the Treasury in its report to the committee on the bill states that it would have no objection to its enactment.

"The refund check which is referred to in the bill was originally issued in payment of an income tax refund and was drawn to the order of T. W. and J. A. Greene. It was dated November 27, 1961, and provided for the payment of $109.50. In the report to the committee the Treasury Department stated that the file on this matter in the Office of the Treasurer of the United States consists of two parts. The larger part is a January 25, 1970, letter to the Treasurer's Office from Thomas W. Greene with 14 enclosures which indicate that since June 1960 he has corresponded with the Los Angeles Office of the Internal Revenue Service regarding the tax refund which he alleges he and his wife never received.

"The remainder of the Treasurer's Office file shows that the first notice received by that Office of an inquiry or claim with respect to the refund check was a January 27, 1969, request for stop payment from the disbursing officer who drew the check, to which was attached a statement of nonreceipt of the check signed apparently in December 1967 by Thomas William Greene and Jill A Greene, and addressed to the District Director, Internal Revenue Service, Los Angeles. On the basis of that request the Treasurer's Office determined that the check had been paid and destroyed. On December 31, 1969, the Treasurer's Office wrote to Mr. Greene, in reply to his October 13, 1969, inquiry, advising him that the check had been paid, and that, since his claim had not been presented to the General Accounting Office or the Treasurer within 6 years of the date of issuance, 31 U.S.C. 122 barred recovery of the amount of the check. Similiar advice was offered by the Treasury Department to the sponsor of the bill by letters dated January 23 and February 5, 1970.

"The Treasury Department in its report to the committee states that there is no record that the check in question is still outstanding. The check is presumed, therefore, to have been paid on the basis of Mr. and Mrs. Greene's endorsements or under their authority, and then destroyed. All Treasurer's checks are destroyed approximately 7 years after the date of issuance in accord with longstanding procedures established by the Treasury Department with the concurrence of the General Accounting Office, under the provisions of 44 U.S.C. chapter 33. This serves to compound the difficulties because it is now impossible to say what endorsements appeared on the check.

"The Treasury Department in indicating that it has no objection to relief in this instance recognized that Mr. and Mrs. Greene made repeated efforts well within the limitations period to bring to the attention of the Government that they had not received the check. Unfortunatey they directed the inquiries to the Los Angeles Office of the Internal Revenue Service rather than the Treasurer's Office or the General Accounting Office. In this connection, the Treasury Department stated:

" 'The act of June 22, 1926, as amended (31 U.S.C. 122), bars all claims against the United States on account of any check appearing from the records of the General Accounting Office or of this Department to have been paid if the claim is not presented to the General Accounting Office or the Treasurer within 6 years after the date of issuance of the check. Mr. and Mrs. Greene's notice to the IRS of their tax refund nonreceipt was neither notice to the Treasurer nor notice to the General Accounting Office as called for in 31 U.S.C. 122. The check was issued in November of 1961. The claimant alleges that twice in each of the years 1962, 1963, once in each of the years 1964, 1965, twice in 1967 and at least once in 1968 he inquired of the Los Angeles Office of the Internal Revenue Service about his claim. Any one of these inquiries, if properly acted upon, would have stopped the running of the statute. The expense of investigating and tracing all of this correspondence, under the circumstances of this case, is wholly unwarranted.

" 'Accordingly, we interpose no objection to the enactment of H.R. 4083."

"The committee agrees that this is a proper subject for legislative relief. It is understandable that a taxpayer would assume that a notice directed to the Internal Revenue Service is a notice to the Government. The facts outlined in this report established that unfortunately this was not the case. In view of the particular circumstances of this matter and the position of the Department, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that the proposed legislation be favorably considered.

FEDERAL EXECUTIVE SERVICE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 825, S. 1682.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1682) to amend title 5, United States Code, to establish and govern the

Federal Executive Service, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Executive Service Act".

SEC. 2. Title 5, United States Code, is amended as follows:

(1) Section 1305 is amended by inserting "3141(c)," immediately after "3105,".

(2) Section 1308 is amended by inserting the following new subsection after subsection (e):

"(f)(1) The Commission shall make an annual report to Congress on the Federal Executive Service. The report shall be submitted before April 1 of each year and shall include comprehensive information for each agency in which members of the Federal Executive Service are serving and for the Government-wide operation of the Service showing—

"(A) the current authorized number of appointments in the Federal Executive Service and the projected number of such appointments to be authorized in the next fiscal year;

"(B) the current authorized percentages of career and noncareer appointments in the Federal Executive Service and the projected percentages to be authorized in the next fiscal year;

"(C) any adjustment in the number of such appointments or the percentages made under section 3134(e) of this title with the reasons therefor; and

"(D) any exceptions to the average pay rate limitation of section 3139(b) of this title approved by the Commission under such section with the reasons therefor;

"(E) the name and biography, for the 5 years preceding the date of appointment, of each individual appointed during the preceding fiscal year as a career or noncareer executive under sections 3135 and 3136 of this title (other than each such individual performing professional, engineering duties primarily concerned with research and development or professional, physical, or natural science or professional, medical duties); and

"(F) such other information on the overall program for the management of the Federal Executive Service as the Commission considers appropriate.

In the case of any agency or component thereof excluded from the Federal Executive Service by the President under section 3133(b) of this title (other than an agency or component excluded from that service for reasons of security of the United States), the report shall also include the current authorized number of individuals of such excluded agency or component making appointments at pay rates received by executives and the projected number of such appointments to be authorized in the next fiscal year.

"(2) The projected number of appointments in the Federal Executive Service, the projected percentages of career and noncareer appointments, any exceptions to the average pay rate limitation, and the projected number of such appointments by each excluded agency or component reported under paragraph (1) of this subsection are effective on that July 1 which occurs after the submission of the report for that year."

(3) Chapter 31 is amended—

(A) by amending the chapter analysis to read as follows:

"Chapter 31—AUTHORITY FOR EMPLOYMENT

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES

"Sec.
"3101. General authority to employ.
"3102. Employment of readers for blind employees.
"3103. Employment at seat of Government only for services rendered.
"3105. Appointment of hearing examiners.
"3106. Employment of attorneys; restrictions.
"3107. Employment of publicity experts; restrictions.
"3108. Employment of detective agencies; restrictions.
"3109. Employment of experts and consultants; temporary or intermittent.
"3110. Employment of relatives; restrictions.

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE

"3131. Purpose.
"3132. Definitions.
"3133. The Federal Executive Service.
"3134. Authorization of executive appointments and percentages.
"3135. General authority to appoint executives; characteristics of career and noncareer appointments.
"3136. Career appointments.
"3137. Career executive employment conditions.
"3138. Qualification Boards.
"3139. Pay.
"3140. Regulations.
"3141. Executive management outside the Federal Executive Service.";

(B) by inserting the following immediately before section 3101:

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES";

(C) by striking out section 3104;

(D) by striking out of section 3109 "5332" and inserting "3139" in place thereof; and

(E) by inserting the following new subchapter immediately after section 3110:

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE

"§ 3131. Purpose

"It is the purpose of this subchapter to establish and provide for a Federal Executive Service in order to insure that the executive management of the Government of the United States is of the highest quality and is responsive to the needs, policies, and goals of the Nation it serves.

"§ 3132. Definitions

"For the purpose of this subchapter, except section 3141—

"(1) 'agency' means—

"(A) an Executive agency;

"(B) a military department; and

"(C) the government of the District of Columbia;

but does not include—

"(i) the General Accounting Office;

"(ii) the United Postal Service;

"(iii) the Federal Reserve System; or

"(iv) any agency or component thereof excluded from the Federal Executive Service by the President under section 3133(b) of this title; and

"(2) 'executive' means an employee of an agency whose pay is fixed under section 3139 of this title and not under the General Schedule in section 5332(a) of this title nor under the Executive Schedule in subchapter II of chapter 43 of this title, but does not include—

"(A) a United States Attorney or Assistant United States Attorney in the Department of Justice;

"(B) an employee paid from—

"(i) appropriations for the Executive Office of the President under the heading 'Special Projects'; or

"(ii) funds appropriated to the President under the heading 'Emergency Fund for the President' by the Treasury, Post Office, and Executive Office Appropriation Act, 1971, or a later statute making appropriations for the same purpose;

"(C) a Foreign Service information officer in the United States Information Agency;

"(D) a hearing examiner appointed under section 3105 of this title;

"(E) an employee in the Foreign Service of the United States paid under chapter 41 of title 22;

"(F) a physician, dentist, nurse, or other employee in the Department of Medicine and Surgery, Veterans' Administration, paid under chapter 73 of title 38; or

"(G) an expert or consultant employed temporarily or intermittently under section 3109 of this title.

§ 3133. The Federal Executive Service

"(a) The Federal Executive Service consists of the executives the Civil Service Commission authorizes agencies to appoint under section 3134 of this title. The executives the Commission authorizes agencies to appoint under section 3134 are members of the Federal Executive Service.

"(b) An agency may file with the Commission an application, with reasons, that it, or a component of that agency, be excluded from the Federal Executive Service. The Commission shall review the application and reasons and undertake such other investigation as it considers appropriate to determine whether the agency or component should be excluded. Upon completion of its review and investigation, the Commission shall recommend to the President whether the agency or component should be so excluded. The agency or component shall be excluded upon written determination by the President, and a copy of such determination shall be filed with the Commission. A component of an agency may be excluded under this subsection only if the President determines that such exclusion is required for reasons of the security of the United States.

"§ 3134. Authorization of executive appointments and percentages

"(a) Each agency shall examine its executive manpower needs and submit to the Civil Service Commission, in accordance with regulation prescribed by the Commission, a written request for authority to appoint a specific number of executives in the agency. A request shall be based on the following factors:

"(1) the current level of budget and program activity in the agency;

"(2) the current level of executive staffing in the agency;

"(3) the anticipated agency program activity and agency budget requests;

"(4) pending legislation;

"(5) the level of work to be done in the agency; and

"(6) such other factors as may be prescribed from time to time by the Commission.

"(b) The request required by subsection (a) of this section shall state the number of executives requested which the agency desires to appoint by career appointments and by noncareer appointments. Within the entire Federal Executive Service not less than 75 percent of the executives shall be career executives. However, within a single agency, and subject to the Government-wide restrictions, the Commission may authorize a percentage of career executives most appropriate to the needs of the agency.

"(c) The request required by subsection (a) of this section shall be submitted annually at such time and in such form as the Commission prescribes.

"(d) The Commission, subject to section 1308(f) of this title, shall authorize—

"(1) the appointment of a specific number of executives in the agency; and

"(2) specific percentages of career executives and noncareer executives in the agency.

"(e) The number of executive appointments and the percentages authorized in any agency under subsection (d) of this section may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in the number of executive appointments under this subsection may not enlarge the Federal Executive Service by more than 1 percent in a fiscal year. If an adjustment is made under this subsection the Commission shall include information justifying the adjustment in the next annual report required under section 1308(f)(1) of this title.

"§ 3135. General authority to appoint executives; characteristics of career and noncareer appointments

"(a) With the percentages established by the Civil Service Commission for an agency, the head of the agency may appoint an executive by either a career or a noncareer appointment. The decision whether an appointment will be career or noncareer is exclusively that of the head of the agency based on the following considerations:

"(1) A career appointment is made on the basis of merit and fitness under section 3136 of this title and is appropriate for the executive whose future service is Government-oriented.

"(2) A noncareer appointment is (A) made on the basis of political agreement, program philosophy, or personal confidence, or (B) made for project service that does not entail a long-term career commitment.

"(b) An executive given a career appointment under section 3136 of this title does not serve a probationary or trial period. An executive given a career appointment—

"(1) is in the competitive service;

"(2) acquires a competitive status by that appointment; and

"(3) if he is a preference eligible as defined by section 2108(3) of this title, is entitled to the benefits of subchapter II of chapter 75 and section 7701 of this title without the completion of a probationary or trial period.

"(c) The head of an agency may appoint an individual as an executive with a noncareer appointment if the Commission determines that such individual possess appropriate experience and training for the duties he is to perform as an executive. An executive given a noncareer appointment—

"(1) is not in the competitive service;

"(2) does not acquire a competitive status by that appointment;

"(3) does not have a fixed tenure; and

"(4) serves at the will of the appointing authority without a continued employment guarantee.

"§ 3136. Career appointments

"(a) Each agency shall recruit and select candidates for career appointments in the Federal Executive Service on the basis of merit, capability, and fitness. The Civil Service Commission shall assist each agency in recruiting and selecting candidates for career appointment to insure—

"(1) that candidates of high quality having the best talent available are considered; and

"(2) that recruitment is carried out on as broad a base as is reasonable and extends to qualified individuals both within and outside the civil service.

"(b) When an agency selects a candidate for career appointment, the name of the candidate together with documentation of his qualifications and of the recruitment effort made shall be submitted to a Qualifications Board established under section 3138 of this title. Except as provided in subsection (c) of this section, an agency may make a career appointment in the Federal Executive Service only with the prior approval of a Qualifications Board.

"(c) An agency may make a career appointment in the Federal Executive Service without the prior approval of a Qualifications Board when the appointment—

"(1) is by transfer from another career appointment in the Federal Executive Service; or

"(2) is made within one year after the expiration of, or the separation of an executive from, a previous career appointment.

"§3137. Career executive employment conditions

"(a) An executive with a career appointment shall—

"(1) be assigned only to duties and responsibilities properly within the scope and purpose of the Federal Executive Service;

"(2) be provided with and participate in such training and career development activities as will enhance the proficiency of the executive and promote the program needs of the agency;

"(3) not have his pay reduced as long as he is an executive;

"(4) not be separated from service as an executive, except for such cause as will promote the efficiency of the service, on the basis of a finding by the Civil Service Commission under section 8337 of this title that he has become disabled, or as otherwise provided in subsection (b) or (c) of this section;

"(5) be entitled to resign from the agency, transfer to employment not within the Federal Executive Service, transfer to another appointment in the Federal Executive Service in another agency, or make application for optional retirement under section 8336 of this title or disability retirement under section 8337 and, if eligible therefor, be separated; and

"(6) except as otherwise provided in subsection (b) of this section, accept any assignment of duties and responsibilities, at any geographical location, that is properly within the scope, and consistent with the purposes, of the Federal Executive Service.

"(b)(1) If the reassignment of an executive with a career appointment to a different geographical location would result in undue personal hardship and the agency has no further need for his services as an executive at the place of employment, the agency shall offer him a GS–15 position, at the place of employment, in the competitive service for which he is qualified and which may be filled without displacing or reducing in grade any employee in the agency serving in a GS–15 position. If the executive accepts the offer, previous service in GS–15 not used for step increase purposes and all service as a member of the Federal Executive Service is creditable service and shall be used in determining the step of GS–15 into which he is entitled to be placed. However, if the rate of annual pay he last received as an executive is greater than the basic pay determined under this paragraph, he is entitled to basic pay in GS–15 at the annual rate of basic pay he was receiving as such an executive (including any increase equivalent to any statutory increase in the minimum rate of pay provided by section 3139(a) of this title, for a period of two years from the effective date of his appointment at grade GS–15, so long as he—

"(A) continues in the same agency without a break in service of one workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of subchapter III of chapter 53 of this title; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force caused by lack of funds or curtailment of work.

"(2) If the executive declines an offer of his agency, he is, if otherwise eligible, entitled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"(c) A career executive may be separated from service as a career executive through reduction in force. The Commission shall prescribe regulations for the release of competing career executives, to the extent applicable, in accordance with section 3502 of this title. Any career executive so separated is, if otherwise eligible, entitled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"§ 3138. Qualification Boards

"(a) The Civil Service Commission shall establish Qualifications Boards which, acting as agents of the Commission, shall review the qualifications of candidates for career appointment in the Federal Executive Service and the scope and nature of the recruitment effort made to locate the candidates. A Qualifications Board may approve a candidate for career appointment only when the Board determines that the recruitment effort was consistent with the principles in section 3136(a) of this title, and that the candidate is one of the most highly qualified candidates considered.

"(b) Each Qualifications Board shall be composed of highly qualified experts with the ability to judge the qualifications of the candidates reviewed. The Commission may appoint the members of a Qualifications Board from individuals both within and outside the civil service. A member who is an employee of an Executive agency other than the Commission may serve on a reimbursable detail under section 668 of title 31. A member selected from a State or territory or political subdivision thereof, or from the private sector, serves as an expert or consultant and his service may be obtained under section 3109 of this title at a rate of pay not in excess of the daily equivalent that may be paid an executive under section 3139 of this title. The Commission may reimburse the government of the District of Columbia for the services of a member employed by that government.

"§ 3139. Pay

"(a)(1) Subject to paragraph (2) of this subsection, an agency may fix the pay of an executive at any one of the following pay rates: $29,678, $30,667, $31,656, $32,645, $33,634, $34,623, $35,612, $36,625, $37,770, $38,915, or $39,693. Each such pay rate shall be increased automatically by the same percentage that the sixth rate of GS–15 is increased by or under statute, and such increased pay rates shall be effective on the same day that the increased sixth rate of GS–15 is effective. Commencing on such effective date, each executive shall be paid at one of those pay rates as increased. An executive appointed prior to such effective date shall be paid, commencing on such effective date, all the corresponding pay rate in effect on and after such date.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, an executive shall not be paid at a rate higher than the rate of level V of the Executive Schedule.

"(b) An agency shall establish the initial rate of pay for each executive, and adjust that rate to a higher rate authorized under this section at any time, in accordance with such factors as—

"(1) the value of the executive to the agency;

"(2) the duties and responsibilities of the executive; and

"(3) the performance of the executive.

However, the average rate of pay of all executives with career appointments within an agency and such average rate of all executives with noncareer appointments within such agency may each not exceed the fifth

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highest pay rate in effect under subsection (a) of this section, except with the prior approval of the Commission and when the Commission determines that special executive staffing circumstances justify a higher average rate of pay for executives with career or noncareer appointments, as the case may be, of that agency, in determining the average rate of pay of all executives with career and noncareer appointments within an agency, the rate of pay of each executive shall be the pay rate fixed and in effect under subsection (a)(1) of this section and not the rate paid the executive as the result of subsection (a)(2) of this section, and any advance pay under subsection (c) of this section shall be excluded in determining the pay rate of such executive. Each agency shall report to the Commission the pay rates of the executives of that agency so that the Commission may determine whether the agency is complying with this section.

"(c) An executive shall be advanced in pay successively to the next higher pay rate in effect under subsection (a)(1) of this section at the beginning of the next pay period following the completion of each 156 calendar weeks of service at any such pay rate if the executive did not receive an equivalent increase in pay from any cause during that period. An increase in pay granted an executive under subsection (a) of this section is not an equivalent increase in pay within the meaning of this subsection.

"§ 3140. Regulations

"The Civil Service Commission may prescribe regulations necessary to carry out the purposes of this subchapter, except to the extent otherwise provided in section 3141 of this title.

"§ 3141. Executive management outside the Federal Executive Service

"(a)(1) In the case of an agency or component thereof excluded from the Federal Executive Service under section 3133(b) of this title, the head of that agency shall prescribe regulations which establish within that agency or component a program of executive management as nearly like the program prescribed under this subchapter for the Federal Executive Service as conditions of good administration warrant. Any such program shall provide that individuals appointed under the program shall have their pay fixed and paid in accordance with section 3139(a) of this title and shall be advanced in pay in accordance with section 3139 (c) of this title.

"(2)(A) Any such agency or component thereof so excluded, unless excluded for reasons of security of the United States, shall submit to the Civil Service Commission a written request to appoint a specific number of employees in the agency to be paid at rates in effect under section 3139(a) of this title. The request shall be based on the factors referred to in section 3134(a) of this title. The request shall be submitted annually at such time and in such form as the Commission prescribes.

"(B) The Commission, after reviewing the agency request, shall authorize the appointment of a specific number of such employees for the agency. The number of such appointments may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in such number for an agency may not enlarge the number by more than 1 percent in a fiscal year. The Commission shall include information about any such adjustment in the next annual report required under section 1308(f)(1) of this title.

"(3) On and after the effective date of this section, in the case of any such component of an agency excluded for reasons of security of the United States, the agency is authorized to fix the pay of, and pay, at those pay rates in effect under section 3139(a) of this title, the number of employees of the component, which does not exceed the number of employees of the component serving in GS–16, 17, or 18, being paid at a rate of GS–16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of GS–16 and the rate for GS–18, immediately prior to such effective date.

"(b) The Commission, on request, shall give advice and assistance to the head of each agency establishing a program of executive management under subsection (a) of this section. The assistance given by the Commission under this subsection may include the use of a Qualifications Board established under section 3138 of this title and the use of the executive inventory maintained in the Commission.

"(c)(1) Each hearing examiner appointed under section 3105 of this title to a position not under the General Schedule in section 5332 of this title is entitled to pay prescribed by the Commission independently of agency recommendations or ratings in accordance with this subsection.

"(2) The Commission shall fix the pay of a hearing examiner paid under this subsection at a rate that is not less than the sixth rate for GS–15 nor more than the rate for level V of the Executive Schedule.

"(3) The Commission shall prescribe regulations necessary to carry out this subsection which shall include—

"(A) the bases for determining the rate of pay for each hearing examiner position based on the difficulty and responsibility of work in keeping with the purpose expressed in section 5101 of this title; and

"(B) provisions governing the rate for new appointments, the rate on change in position or type of appointment, periodic increases, and pay saving which shall be consistent with sections 5105, 5106, 5333, 5334, 5335, and 5337 of this title.

"(d) Each agency which has employees excluded by section 3132(2) of this title—

"(1) is encouraged to adopt such features on the program prescribed under this subchapter as conditions of good administration warrant; and

"(2) is entitled, on request, to receive advice and assistance from the Commission under subsection (b) of this section.

"(e) Each agency of the executive and legislative branches of the Government of the United States, the Administrative Office of the United States Courts, the Federal Judicial Center (with respect to secretarial and clerical positions), and the United States Tax Court (other than an agency included under section 3132(1) of this title, an agency or component thereof excluded under section 3133(b) of this title, and any office, agency, or establishment referred to in section 2107 of this title) having immediately prior to the effective date of this section an employee serving in GS–16, 17, or 18, who was paid at a rate of GS–16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS–16 and the rate of GS–18, shall, on and after such date, fix the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate he is receiving immediately prior to such date. On and after the effective date of this section, such agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court are each authorized to fix the pay of, and pay, in accordance with such section 3139(a), that number of employees of the agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court, as the case may be, which does not exceed the greater of the number of positions authorized to be filled or of its number of its employees serving in GS–16, 17, or 18, being paid at a rate of GS–16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of GS–16 and the rate for GS–18, immediately prior to such effective date."

(4) Chapter 33 is amended—

(A) by amending section 3302—

(i) by striking out "and" at the end of paragraph (1);

(ii) by striking out the period at the end of paragraph (2) and inserting "; and" in place thereof; and

(iii) by inserting the following new paragraph after paragraph (2):

"(3) necessary exceptions from sections 2951, 3304, 3305, 3306, 3308, 3309, 3311, 3313, 3314, 3315, 3315a, 3316, 3317, 3318, 3320, 3321, 3322, 3341, and 3361 to carry out subchapter II of chapter 31 of this title.";

(B) by striking out sections 3324 and 3325; and

(C) by striking out items 3324 and 3325 in the chapter analysis.

(5) Section 4301(2) is amended—

(A) by striking "or" after subparagraph (D);

(B) by striking the period after subparagraph (E) and inserting "; or" in place thereof; and

(C) by inserting the following new subparagraph after subparagraph (E):

"(F) a member of the Federal Executive Service or an employee under an agency program of executive management established under section 3141(a) of this title.".

(6) Chapter 51 is amended—

(A) by amending section 5102(c)(25) to read as follows:

"(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by a statute other than this chapter, at or in excess of the maximum rate for GS–15;";

(B) by amending section 5104—

(i) by striking out "18" immediately before the words "grades of difficulty" and inserting "15" in place thereof; and

(ii) by striking out paragraphs (16), (17), and (18);

(C) by striking out section 5108;

(D) by amending section 5109—

(i) by striking out the subsection designation "(a)"; and

(ii) by striking out subsection (b);

(E) by striking out section 5114;

(F) by striking out items 5108 and 5114 in the chapter analysis; and

(G) by amending section 5115 by striking out "sections 5109 and 5114" and inserting "section 5109" in place thereof.

(7) Chapter 53 is amended—

(A) by amending section 5304 by striking out "chapter 51 of this title" and inserting "chapter 51 and subchapter II of chapter 31 of this title" in place thereof;

(B) by striking out the last three lines of the General Schedule contained in section 5332(a), relating to GS–16, GS–17, and GS–18;

(C) by striking out section 5361;

(D) by amending section 5362 by inserting "to positions paid under the General Schedule in section 5332 of this title" immediately after "3105 of this title";

(E) by amending section 5363 by striking out "for GS–18" and inserting "that may be paid under section 3139 of this title" in place thereof;

(F) by amending section 5364 by striking out "equal to the pay rate of a grade and step of the General Schedule set forth in section 5332 of this title" and inserting "that is not more than the maximum rate that may be paid under section 3139 of this title" in place thereof; and

(G) by striking out item 5361 in the chapter analysis.

(8) Section 5595(a)(2) is amended—

(A) by amending clause (i) by striking out "for GS–18" and inserting "that may be paid under section 3139 of this title" in place thereof; and

(B) by amending clause (ii) by inserting "or a member of the Federal Executive Service" immediately before the semicolon.

(9) Section 7154 is amended by—

(A) inserting "subchapter II or chapter 31," immediately after "In the administration of"; and

(B) striking out "sections 305 and 3324" and inserting "section 305" in place thereof.

SEC. 3. (a) An employee who immediately prior to the effective date of this Act was serving under a career or career-conditional appointment in a position in the competitive service in GS–16, 17, or 18, or who was paid at a rate of GS–16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS–16, and GS–18, inclusive, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, is entitled to receive a career appointment under section 3136 of such title 5 in the Federal Executive Service in his employing agency without a review of his qualifications, or the approval of his career appointment by a qualification.

(b)(1) An employee who immediately before the effective date of this Act was serving in GS–16, 17, or 18 under an excepted appointment in a position in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations or in a position filled by noncareer executive assignment under subpart F of part 305 of title 5 of the Code of Federal Regulations, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, entitled to a noncareer appointment in the Federal Executive Service without a determination by the Civil Service Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(2) If immediately prior to the effective date of this Act an employee in the excepted service, other than an employee subject to paragraph (1) of this subsection or so excluded from such subchapter II, was serving in a position of GS–16, 17, and 18, was paid at a rate of GS–16, 17, or 18, or had his pay fixed by administrative action at or between the first rate of GS–16 and GS–18—

(A) the head of the agency may give that employee a career appointment in the Federal Executive Service without a review of the employee's qualifications, or the approval of his career appointment by a qualifications board, if the head of the agency determines that the employee is entitled to the appointment on the basis of merit, capability, and fitness, and that the employee's future service is Government-oriented, and if the employee has served in such position, was paid at such rate, or had his pay so fixed, for a continuous period of at least 2 years immediately prior to such effective date; or

(B) the employee is entitled to a noncareer appointment in the Federal Executive Service without a determination by the Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(c) Each agency of the Government of the United States or component thereof excluded under section 3133(b) of title 5, United States Code, having immediately prior to the effective date of this section an employee serving in GS–16, 17, or 18, who was paid at a rate of GS–16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS–16 and the rate for GS–18, shall, on and after such date, offer such employee an appointment under the executive management program of that agency or component and for the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate at which his pay is fixed immediately prior to such date.

(d) The Civil Service Commission may prescribe regulations to carry out the provisions of this subsection. The regulations shall provide a right of appeal to the Commission for an employee who believes his employing agency has violated his rights under this subsection. An agency shall take the corrective action that the Commission finally recommends in its decision on an appeal under this subsection.

SEC. 4. The enactment of this Act does not decrease the pay, allowances, compensation, or annuity of any person.

SEC. 5. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

SEC. 6. (a) Except as provided in subsection (b) of this section, this Act shall take effect on July 1, 1973.

(b)(1) Section 1308(f) of title 5, United States Code (as added by paragraph (2) of the first section of this Act), relating to the report of the Civil Service Commission, section 3134 of such title (as added by paragraph (3) of such first section), relating to the authorization of executive appointment and percentages, and those provisions of section 3141(a) of such title (as added by paragraph (3) of such first section), relating to reports of each agency establishing a program of executive management, are effective on January 1, 1973.

(2) Section 3133(b) of such title (as added by paragraph (3) of such first section), relating to the exclusion of agencies and components thereof from the Federal Executive Services, is effective on the date of enactment of this Act.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. McGEE. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 54, line 23, after "exceed the", insert the following: "greater of the number of positions authorized by law to be filled or of the".

On page 57, line 12, immediately before "to be filled", insert "by law".

Mr. McGEE. Mr. President, S. 1682 would abolish the various statutory authorities for the appointment of positions in grades GS–16, GS–17, and GS–18, and would establish an integrated, Government-wide system embodied in a new Federal Executive Service. The bill would thus provide a manpower-management program for top-level positions replacing the present fragmented and unwieldly procedures under which supergrade positions are established and appointments are made. The Federal Executive Service would operate under the general management of the Civil Service Commission.

S. 1682 is an administration measure substantially amended by the committee.

Under the bill as amended, employees in the supergrades would automatically move into the Federal Executive Service with no grade schedule and would be paid at the rates now prevailing for supergrades—from $29,678 through $39,693—presently subject to a $36,000 ceiling.

S. 1682 would cover approximately 7,000 positions within this pay range. Of this total, quota allocations to the agencies are now made by the Civil Service Commission from the pool of only 2,754 slots. The remaining positions are nonquota positions or are authorized by legislation and are beyond the administrative control of the Commission.

Under the provisions of the bill, each agency would submit a request for authority to appoint a specific number of executives based upon agency program needs. The request would include the number of career and noncareer executives desired. The Commission would make the requested allocations with a view to the Government's changing priorities and goals.

A career appointment in the FES would be based upon merit and fitness and the career commitment of the appointee, who would have competitive status in the Government. A noncareer appointee would correspond to the current excepted service appointee. He would have no competitive status and would serve at the pleasure of the appointing authority. Noncareer appointments would be authorized to constitute no more than 25 percent of the total FES appointments. This is the percentage of noncareer supergrades now prevailing.

Qualifications of candidates as new career appointees to the FES would be passed upon by qualifications boards established by the Civil Service Commission. Noncareer appointments to the FES could be made only after the Commission had determined that the candidate possessed the appropriate experience and training.

This bill as introduced provided that an executive appointed to the FES would enter into a 3-year contract with the employing agency. At the end of that period of time, his contract would be renewed, or if he were eligible he could retire. If he were not eligible for retirement, he could be reduced to grade GS–15, with saved pay for 2 years. The bill as introduced also provided that if the contract of a FES employee were not renewed and he was eligible for retirement, he could be forced to retire.

The bill as amended by the committee removes the 3-year contract requirement and provides that the removal of an FES employee would be under the same conditions as those of any other employees. The enforced-retirement provision is deleted, because of the strong possibility that the renewal or nonrenewal of 3-year contracts could become subject to political influence. The committee did not believe it fair to limit an employee's tenure after, in most cases, many years of progressively increasing responsibility at a point in his service when the employee, having committed himself to a Federal career, is in greatest need of the same security accorded other Federal employees.

S. 1682 as introduced excluded certain agencies from the provisions of the FES, but the administration's spokesmen have been unable to justify the exclusions to the committee's satisfaction. Some of the exclusions would have been based upon precedent and the legislative conditions under which certain agencies were created. The bill as amended, recognizing that there may be valid justification for

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the exclusion of certain agencies, provides that any agency may apply to the Commission and advance reasons why it should be excluded. The President, after receiving the recommendations of the Commission, may make such an exclusion. Thus, exclusions could change and would not be required by law. The committee has asked the Civil Service Commission to conduct a broad study into the question why certain agencies are not included under Commission jurisdiction.

The bill provides that the Commission would make an annual report to the Congress on the FES. The report would include the current number of FES appointments and the projected number to be authorized in the next fiscal year, as well as current and projected authorized percentages of career and noncareer FES appointments. Congress would have 90 days in which to accept or reject the Commission's FES proposal.

The bill provides that the average rate of pay of all executives in career appointments within an agency and the average rate of pay of all executive in noncareer appointments in an agency may not exceed the fifth rate of the 11 authorized pay rates. This provision requires maintenance of an average pay rate within the FES and insures that noncareer appointees do not drift to the top of the pay scale.

The bill does not apply to the legislative or judicial branch of the Government.

I am convinced that this bill represents one of the most significant reforms in Government personnel administration ever recommended for enactment. The present supergrade system in the Federal Government has proven unwieldy, unmanageable, and not in the best interests of the Government. The Civil Service Commission has had too little authority to exercise reasonable management over the system, and if the Congress expects to achieve good management results, it is imperative that we give the Commission the power to control the system.

The reluctance of the Congress to authorize a sufficient number of supergrade positions has led to individual bits and pieces of legislation from time to time, particularly in the past 2 or 3 years which has reverted to the old practice of assigning a specific number of positions to a particular agency. The new system will wipe out all of those allocations by statute, and vest in the Commission the authority to allocate all positions to call agencies in the executive branch, with a clear, regular responsibility to report to the Congress on the operation of the system.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RECONSIDERATION OF VOTES ON H.R. 12202 AND S. 1682—MOTION TO TABLE

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming (Mr. McGEE) be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. McGEE. Mr. President, I ask unanimous consent, in regard to Calendar Nos. 822 and 825, H.R. 12202 and S. 1682, that it be in order to move to reconsider the votes by which those two bills were passed.

Mr. ROBERT C. BYRD. The Senator asks that it be in order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I move that the votes by which H.R. 12202 and S. 1682 were passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay those motions on the table.

The motions to lay on the table were agreed to.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Calendar, beginning with Calendar No. 863 and proceeding ad seriatim through Calendar No. 877.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN W. SHAFER, JR.

The bill (H.R. 6820) for the relief of John W. Shafer, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–903), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the U.S. Postal Service to release in whole or in part the liability of John W. Shafer, Jr., and John F. Schumacher, employees at the Albany, N.Y., post office, for a deficiency in the amount of $3,150 in the stamp stock at that post office.

STATEMENT

The facts of this case as contained in the House report are as follows:

The Postal Service in its report to the committee on the bill states that it favors the enactment of legislation granting relief as provided by the committee amendment.

Mr. Shafer was custodian of the main stamp stock at the Albany, N.Y., post office. As such, he was accountable for that stock. On June 5–6, 1967, an inventory was taken of the stock which disclosed a shortage of $3,150 out of Mr. Shafer's total accountability of over $1,200,000. Mr. Shafer was unable to account for the missing stock. He was therefore charged for the amount of the unexplained shortage.

Investigation disclosed that from April 3 to 14, 1967, Mr. Shafer was on vacation, and another employee was in charge of the stamp stock. Under applicable regulations, an inventory should have been taken when Mr. Shafer left on leave, and again upon his return from vacation. The inventory was not taken, however. The Postal Service concluded that Mr. Shafer was negligent in this regard. It was the view of postal authorities that such an inventory would have at least determined whether the shortage occurred during that time period.

The Postal Service file also reveals that security measures at the post office were somewhat lax at the time, and prior thereto. Thus, employees other than Mr. Shafer had access to the vault where his stamp stock was stored. Also, keys to various "cages" within which stamps and other accountable paper were kept would fit other cages. Several keys would fit Mr. Shafer's cage door besides his own. These security shortcomings have since been corrected.

Further information in the file of the Postal Service states that former Assistant Postmaster (now Postmaster) John F. Schumacher has been held jointly and severally liable along with Mr. Shafer for the loss sustained in this case. It appears that on at least two occasions Mr. Schumacher, during Shafer's absence, furnished the Chief of Administrative Services with the vault combination and duplicate keys giving access to Mr. Shafer's stock. The Postal Service observed that apparently, Mr. Schumacher neglected to advise the Chief of Administrative Services that he was required to take inventory before and after he removed stamp stock.

The committee feels that it is relevant to note that the recently enacted Postal Reorganization Act provides that employees may be relieved of claims of the sort referred to in this bill on substantially the same basis as would be permitted under the amended bill. This authority is now provided for in section 2601 of title 39 of the United States Code. Private relief as would be provided by this bill is necessary because the Comptroller General has ruled that the new authority may not be used in connection with existing liabilities based upon cases which were finally determined by the post office prior to the commencement of operations of the Postal Service or based matter decided by the General Accounting Office prior to July 1, 1971. The Postal Service regards itself as unable to grant relief under the present law because the liability as to these particular employees was determined prior to July 1, 1971. However, the Postal Service states that the authority for an appropriate amount of relief should be provided as is proposed in the amended bill. In this connection, the Postal Service stated:

"We believe some relief should be granted these employees. However, consideration should also be given to the fact that they were negligent. For this reason, we believe the bill should be amended to provide that the Postal Service, upon a determination that it is appropriate to do so, is authorized to relieve the employees on such terms as it deems just and expedient of liability in whole or in part with respect to the matter involved."

The committee has concluded that relief as provided in the amended bill should be accorded in this case. It is recommended that the bill amended to include the language supplied by the Postal Service be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

AMOS E. NORBY

The Senate proceeded to consider the bill (H.R. 2118) for the relief of Amos E. Norby which had been reported from the Committee on the Judiciary with an amendment on page 1, line 8, after the word "The", insert "estate of the".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read:

"An act for the relief of the estate of Amos E. Norby."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–904), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENTS

Since the claimant died on May 13, 1971, the purpose of the amendment is to make the payment to Mr. Norby's estate.

PURPOSE

The purpose of H.R. 2118, as amended, is to change the effective date of a separate maintenance allowance granted to Amos E. Norby in connection with his employment with the U.S. Army Engineer Group on Tokashiki Island, Kerama Islands, so that the allowance will be effective from March 11, 1962, the date of his assignment to duty on the island. The bill would therefore grant his estate eligibility for the allowance for the full period of his service on the island.

STATEMENT

The facts of this case, as contained in House Report 92–443, are as follows:

The U.S. Civil Service Commission in its report to the committee on the bill stated that it has no objection to its enactment. The Department of the Army in its report deferred to the views of the Civil Service Commission.

Mr. Amos E. Norby was employed August 1, 1960, by the post engineer of the U.S. Army engineer group at the Ryukyu Islands. He was stationed at Okinawa and during the time that he was stationed on that island, he received a living quarters allowance since he and his family were not furnished Government quarters.

On March 11, 1962, Mr. Norby's duty station was changed and he was assigned to the island of Tokashiki, which is a Kerama Island located about 20 miles from Okinawa. At the time Army administrative personnel erroneously considered Okinawa as his duty station and continued the payment of living quarters allowance through April 30, 1963, until the family returned to the United States. In June of that year it was determined that Mr. Norby was not entitled to living quarters allowance payments after his assignment to Tokashiki and the amount paid him was collected by withholdings from his salary.

As is outlined in the report of the Civil Service Commission, the island of Tokashiki is an isolated island where family quarters were not available, and Mr. Norby was precluded from having his family join him there. As is also stated in the Civil Service Commission report, he received no allowance to offset the cost of maintaining his family at a separate location. Such allowance may be authorized under section 5924(3) of title 5 of the United States Code, however, the necessary authorization was not made until February of 1964. The Civil Service Commission stated that after a review of the circumstances of Mr. Norby's case, it concluded that the payment of the allowance was delayed until February of 1964, due to the Army's failure to take proper administrative action prior to Mr. Norby's reassignment to that post.

The appropriate action which should have been taken would have been to immediately request the Department of Defense to approve payment of the separate maintenance allowance and to discontinue the payment of the quarters allowance. As has been outlined above, until June of 1963. Mr. Norby was treated as if he were still on Okinawa and this, of course, was improper. Mr. Norby has been compelled to refund the amount paid through a salary deduction.

The committee agrees that this is a proper matter for legislative relief. As is stated by the Civil Service Commission, through no fault of his own, Mr. Norby served for almost 2 years without reimbursement to offset the expense of maintaining his family at a separate location. Furthermore, the Commission has stated that the information supplied to it indicates that Mr. Norby was the only employee affected in this manner. Accordingly, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends that the bill as amended be favorably considered.

AUTHORIZATION OF THE PREPARATION OF A HISTORY OF PUBLIC WORKS IN THE UNITED STATES

The Senate proceeded to consider the joint resolution (S.J. Res. 204) to authorize the preparation of a history of public works in the United States which had been reported from the Committee on Rules and Administration with amendments.

On page 3, at the beginning of line 1, strike out:

Resolved, That the Congress hereby authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress through its designated representative to enter into an appropriate agreement with the American Public Works Association to assist in carrying out this bicentennial project; and be it further

At the beginning of line 7, strike out *"Resolved,"* and insert *"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,"*; in line 10, after the word "Federal", strike out "Government" and insert "Government, the Library of Congress, and the appropriate congressional committees"; and, in line 12, after the word "required", strike out "by the Library of Congress in the collection and development of information and related materials which will be useful".

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the President of the United States and bicentennial organizations have encouraged associations and other groups to undertake meaningful activities to commemorate the two hundredth anniversary of our independence; and

Whereas the American Public Works Association is a nonprofit, public service organization comprised of top-ranking officials engaged in various phases of the broad field of public works at the local, State, and Federal levels of government and this highly respected nonpartisan organization has a long history of fostering the improvement of public works practices and the enhancement of public support for needed community facilities and services as exemplified by its sponsorship and support of the Graduate Center for Public Works Engineering and Administration of the University of Pittsburgh, the annual observance of National Public Works Week, which is designed to increase the citizen's understanding of public works, inspire excellence and loyal dedicated public service, and encourage and assist talented young persons to prepare for careers in public works, and other important programs; and

Whereas the board of directors, house of delegates, and advisory council of the American Public Works Association at a special ceremonial meeting held at Congress Hall in Philadelphia on Saturday, September 11, 1971, unanimously adopted a bicentennial resolution calling for the association to undertake as its official bicentennial project the preparation and publication of the "History of Public Works in the United States From 1776 to 1976", so that future generations may benefit from a comprehensive review of public works in perspective—the project to be conducted over the next five years from the association's Washington office, located appropriately at 1776 Massachusetts Avenue Northwest; and

Whereas there is a need for such a publication as the development of public works is of vital importance to the growth and development of the United States and the quality of life of its citizens; and

Whereas the American Public Works Association intends to draw on the resources of other interested and responsible groups in carrying out this important project; and

Whereas it is to be conducted by a competent staff with an editorial review board to assure its accuracy and appropriateness, on a nonprofit basis, resulting in no monetary benefit to the American Public Works Association or to any individual, but undertaken strictly as a public service to develop a meaningful and accurate history which would be available to the young people of our country, educational institutions, and others: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all public works oriented agencies of the Federal Government, the Library of Congress, and the appropriate congressional committees be requested to provide such assistance as may be required in carrying this important project forward.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–915), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 204 as referred would (1) authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress to enter into an appropriate agreement with the American Public Works Association to assist in the preparation and publication of a document to be entitled "History of Public Works in the United States From 1776 to 1976", which undertaking would be the association's official bicentennial project; and (2) provide that all public works oriented agencies of the Federal Government be requested to lend such assistance as may be required by the Library of Congress in the collection and development of information and related materials which would be useful in carrying this important project forward.

DESIGNATING BENJAMIN FRANKLIN MEMORIAL HALL AT THE FRANKLIN INSTITUTE, PHILADELPHIA, PA., AS BENJAMIN FRANKLIN NATIONAL MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 221) to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin which had been reported from the Committee on Rules and Administration with amendments.

On page 2, line 5, after the word "as", strike out "the national memorial in

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honor of Benjamin Franklin" and insert "Benjamin Franklin National Memorial"; and, in line 8, after the word "effective", strike out "January 1, 1974" and insert "upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior."

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the American people feel a deep debt of gratitude to Benjamin Franklin for his outstanding services to this Nation as a statesman and for his achievements as a scientist and inventor;

Whereas the Franklin Institute, of Philadelphia, Pennsylvania, has played a leading role in promoting the development of science and technology in the United States;

Whereas the said Franklin Institute named the Benjamin Franklin Memorial Hall in honor of Benjamin Franklin over thirty years ago;

Whereas the year 1974 is the one hundred and fiftieth anniversary of the founding of the said Franklin Institute;

Whereas the city of Philadelphia, Pennsylvania, is a most appropriate location for a national memorial to Benjamin Franklin since Philadelphia was his home for many years;

Whereas Benjamin Franklin Memorial Hall is a fitting memorial to this great American: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Franklin Memorial Hall located in the Franklin Institute of Philadelphia, Pennsylvania, is hereby designated as Benjamin Franklin National Memorial.

SEC. 2. The designation made by the first section of this resolution shall become effective upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior.

The title was amended so as to read: "Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–916), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 221 as referred would provide that effective January 1, 1974, the Benjamin Franklin Memorial Hall, located in the Franklin Institute of Philadelphia, Pa., be designated as the national memorial in honor of Benjamin Franklin.

Mr. SCHWEIKER. Mr. President, I am pleased that the Senate has taken early action on this important legislation to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as a national memorial to Benjamin Franklin.

The Franklin Institute in Philadelphia has played a major role in promoting the development of science and technology since 1824. In 1934, the main building now occupied by the Institute was completed. That building represented a substantial effort undertaken in the 1920's and early 1930's by Philadelphians to build a unique memorial to Benjamin Franklin which is not only impressive architecturally, but also houses a large science museum.

This memorial to Benjamin Franklin was planned over many years and the initial funding was provided by the Philadelphia Board of City Trusts, representing a bequest made by Benjamin Franklin and entrusted to the board, and an equivalent sum made available by the Institute.

Following that, the Poor Richard Club of Philadelphia started a movement to develop a fitting memorial to Dr. Franklin. The Benjamin Franklin Memorial, Inc., was established, lead by Mr. Cyrus H. K. Curtis and other leaders in industry, invention, civil affairs, and government. Over 11,000 public-spirited citizens worked with the Benjamin Franklin Memorial, Inc., in developing plans for this project.

In May 1938, Franklin Memorial Hall was dedicated. President Roosevelt sent a message to those gathered for the dedication ceremonies, which included delegates from 57 foreign countries.

This national shrine has been maintained without cost to the Federal Government by a not-for-profit institution for over 30 years.

It is certainly appropriate that this memorial be formally recognized as the National Memorial to Benjamin Franklin by Congress.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES

The resolution (S. Res. 311) authorizing supplemental expenditure by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States was considered and agreed to, as follows:

Resolved, That section 2 of S. Res. 237, Ninety-second Congress, agreed to March 6, 1972, is amended by striking out the amount "$375,000" and inserting in lieu thereof "$500,000", and by striking out the amount "$70,000" and inserting in lieu thereof "$95,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–907), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 311 would authorize the expenditure by the Committee on Foreign Relations through February 28, 1973, of an additional $125,000 ($25,000 of which could be used for procurement of consultants) for a study of matters pertaining to the foreign policy of the United States. These funds would be in addition to the amount of $375,000 ($70,000 of which could be used for procurement of consultants) which was authorized for use by that committee by Senate Resolution 237, agreed to by the Senate on March 6, 1972.

Although under the new resolution the committee would have authority to expend the additional funds for any purposes within its jurisdiction, its request is primarily predicated on a monitor, adopted by the committee, on March 24, 1972, by a vote of 13 yeas to nays, and one present, to "undertake an in-depth study of the role of multinational corporations and their relationship to the foreign policy of the United States".

AUTHORIZATION FOR THE PRINTING OF THE 1971 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

The resolution (S. Res. 314) to print the Annual Report of the National Forest Reservation Commission as a Senate document was considered and agreed to, as follows:

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed with an illustration as a Senate document.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–908), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 314 would provide that the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed, with an illustration, as a Senate document.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies) ---------- $454.69

AUTHORIZATION TO PRINT REPORT, "THE ECONOMICS OF CLEAN WATER, SUMMARY OF ANALYSIS," AS A SENATE DOCUMENT

The resolution (S. Res. 313) authorizing the printing of the report entitled "The Economics of Clean Water, Summary of Analysis" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act as amended) entitled "The Economics of Clean Water, Summary of Analysis," be printed with illustrations as a Senate document.

SEC. 2. There shall be printed one thousand five hundred additional copies of such document for the use of the Committee on Public Works.

The title was amended, so as to read: "Resolution authorizing the printing of the report entitled 'The Economics of Clean Water, Summary of Analysis' as a Senate document".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–912), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 313 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act, as amended) entitled "The Economics of Clean Water, Summary of Analysis", be printed, with illustrations, as a Senate document; and (2) that there be printed 1,500 additional copies of such document for the use of the Committee on Public Works.

At the request of the Committee on Public Works, the Committee on Rules and Administration has amended the title of the resolution to correct a clerical error.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,350.22
1,500 additional copies, at $59.21 per thousand	88.82
Total estimated cost, S. Res 313	1,439.04

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS FOR ROUTINE PURPOSES

The resolution (S. Res. 320) making $30,000 available to the Committee on Appropriations from the contingent fund was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 11, agreed to March 1, 1971, and S. Res. 229, agreed to March 6, 1972.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Appropriations for routine purposes".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–913), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong., 60 Stat. 812, August 2, 1946) authorizes each standing committee of the Senate to expend not to exceed $10,000 per Congress for routine committee expenditures.

Senate Resolution 320 would authorize the Committee on Appropriations to expend from the contingent fund of the Senate, during the 92d Congress, $30,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

The Committee on Rules and Administration is reporting Senate Resolution 320 with a pro forma amendment (amend title).

AUTHORIZATION OF EXPENDITURES BY THE SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

The Senate proceeded to consider the resolution (S. Res. 304) authorizing expenditures by the Special Committee on the Termination of the National Emergency which had been reported from the Committee on Rules and Administration with amendments on page 3, line 17, after the word "hold", strike out "such"; in line 18, after the word "at", strike out "such times and places" and insert "any time or place"; in line 21, after the word "of", where it appears the first time, strike out "such"; in the same line, after the word "of", where it appears the second time, strike out "such"; and in line 22, after the word "take", strike out "such" and insert "depositions and other".

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Committee on Foreign Relations.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

SEC. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

SEC. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 4. The expenses of the special committee under this resolution shall not exceed $100,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The title was amended, so as to read: "Resolution to establish a Special Committee on the Termination of the National Emergency."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–914), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 304 would establish a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency, and would authorize such special committee from the date of agreement of this resolution through February 28, 1973, to expend not to exceed $100,000, of which amount not to exceed $15,000 would be available for the procurement of consultants.

The special committee would be composed of eight Members of the Senate, equally divided between the majority and minority parties, to be appointed by the President of the Senate, four of whom would be members of the Committee on Foreign Relations. The special committee would select a chairman and vice chairman from among its members. A majority of the members of the special committee would constitute a quorum thereof for the transaction of business, except that the special committee could fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee would not affect the authority of the remaining members to execute the functions of the special committee.

It would be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation No. 2914, dated the same date. In carrying out such study and investigation the special committee would:

(1) consult and confer with the President and his advisers;

(2) consider the problems which might arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

The special committee would report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable

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date, but not later than February 28, 1973. Expenses of the special committee under this resolution would be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The amendments adopted by the Committee on Rules and Administration would (1) change the title to reflect the fact that a special committee would be established, and (2) incorporate certain minor pro forma changes.

A joint letter in support of Senate Resolution 304 addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator J. W. Fulbright, chairman, and Senator George D. Aiken, ranking minority member, of the Committee on Foreign Relations, is as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 16, 1972.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, Senate Resolution 304, introduced by Senator Mathias (for himself and Senators Case, Chiles, Church, Cooper, Cranston, Eagleton, Gravel, Hart, Hartke, Javits, Mansfield, Pell, Stevenson, and Williams) authorizes expenditures by the Special Committee on the Termination of the National Emergency. The resolution is currently pending before the Committee on Rules and Administration.

This resolution was approved unanimously by the Committee on Foreign Relations on June 7, 1972. It has the support of the Administration. As you will note in the concluding paragraph of the attached report, the Committee on Foreign Relations is of the view that "the time is long overdue for a thorough, objective, and bipartisan study with respect to the matter of terminating the national emergency as called for in Senate Resolution 304." Accordingly, it is requested that the Committee on Rules and Administration consider the resolution prior to the recess for the Democratic Convention.

Sincerely yours,

J. W. FULBRIGHT.
GEORGE D. AIKEN.

Additional information concerning the proposed special committee is contained in the report (S. Rept. 92–858) of the Committee on Foreign Relations to accompany Senate Resolution 304.

ELECTION LAW GUIDEBOOK

The resolution (S. Res. 323) authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document, was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 91–61, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed two thousand three hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–909), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 323 would authorize the printing as a Senate document of a revised edition of Senate Document 91–61, entitled "Election Law Guidebook"; and further would authorize the printing of 3,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$8,757
2,300 additional copies, at $515.17 per thousand	1,185
Total estimated cost, S. Res. 232	9,942

GRETCHEN E. JENKINS

The resolution (S. Res. 325) to pay a gratuity to Gretchen E. Jenkins, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gretchen E. Jenkins, widow of Norman W. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LEWIS J. SWAGGER

The resolution (S. Res. 324) to pay a gratuity to Lewis J. Swagger, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis J. Swagger, widower of Rose A. Swagger, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL

The bill (H.R. 10595) to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–910), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 10595 would change the official name of the manor house in Arlington National Cemetery from "the Custis-Lee Mansion" to "Arlington House, The Robert E. Lee Memorial."

The mansion was built by George Washington Parks Custis, General Lee's father-in-law, and was always known as "Arlington House" having been named after an earlier Custis family home (since destroyed) on the eastern shore of Virginia. Title to the mansion resided exclusively in the Custis family. However, inasmuch as General Lee, having married a Custis, lived in the mansion for approximately 3 years before the outbreak of hostilities between the States, the Federal troops who occupied the home and who knew of General Lee's residence there referred to it as the "Lee Mansion." This appellation continued in popular usage, and was enacted into law by the Congress in 1955, in a resolution paying tribute to General Lee. The proponent of that resolution, Hon. Joel T. Broyhill of Virginia, has now acknowledged the historical error of that legislation and, accordingly, has introduced this corrective bill.

AUTHORIZATION FOR THE SECRETARY OF THE INTERIOR TO PARTICIPATE IN THE PLANNING AND DESIGN OF A NATIONAL MEMORIAL TO FRANKLIN DELANO ROOSEVELT

The joint resolution (H.J. Res. 812) to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–911), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 812 would authorize the Secretary of the Interior, upon the request of the Franklin Delano Roosevelt Memorial Commission, to participate in the planning and design of an appropriate memorial to the late President, and would authorize such sums as may be necessary therefor. A companion bill, S. 3680, which would serve the same purpose, was introduced by Senator Mark O. Hatfield on June 7, 1972, and the same date was referred to the Committee on Rules and Administration.

The joint resolution of August 11, 1955 (69 Stat. 694) established the Commission and directed it to formulate plans for a memorial to President Roosevelt. Subsequently, the joint resolution of September 1, 1959 (73 Stat. 445) reserved 27 acres in West Potomac Park as the site of such memorial, and authorized the Commission to hold a competition for a design.

The winning design, by the New York firm of Peterson & Tenley, was not approved by the Commission of Fine Arts. A subsequent compromise plan was opposed by the Roosevelt family and ultimately by the Congress. Other proposals have not been acceptable to either the Commission of Fine Arts or the National Capital Planning Commission.

Recently, the concept of a National Rose Garden was advanced, and it appears that the plan has appeal to all parties concerned. Accordingly, the Chairman of the Franklin Delano Roosevelt Memorial Commission, the Hon. Eugene J. Keough, advises that the Commission has requested the assistance of the Department of the Interior in this matter, and that the passage of House Joint Resolution 812 would expedite the erection of a suitable memorial and ensure that the ultimate design would conform to the long-range plans of the Park Service for the area.

The Department of the Interior, in recommending the enactment of this legislation, estimates the costs of planning and design, including materials, to be $175,000.

House Report 92–1029, to accompany House Joint Resolution 812, contains departmental reports on the proposal from the Commission of Fine Arts, the National Capital Planning Commission, the Franklin Delano Roosevelt Memorial Commission, and the District of Columbia, none of which reports any opposition to the measure.

MEMORIAL IN HONOR AND COMMEMORATION OF THE SEABEES OF THE U.S. NAVY

The Senate proceeded to consider the joint resolution (H.J. Res. 55) proposing the erection of a memorial on public grounds in the District of Columbia or its environs, in honor and commemoration of the Seabees of the U.S. Navy, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 24, after the word "the", where it appears the second time, strike out "Interior." and insert "Interior, or, if the memorial is erected upon public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–917), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 55 would authorize the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy. (A companion measure, S.J. Res. 56, was introduced by Senator John C. Stennis on February 24, 1971, and referred to the Committee on Rules and Administration the same date.)

The Secretary of the Interior would be authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site for this memorial in the District of Columbia, or its environs. Should the site so selected be on public grounds under the jurisdiction of the District of Columbia, the approval of the Commissioner of the District of Columbia would have to be obtained as well.

All plans and the design for the memorial would be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

The Seabee Memorial Association, Inc., would assume the entire cost of the erection of the memorial. The maintenance and care thereof would be the responsibility of the Secretary of the Interior.

ORDER FOR RECESS UNTIL 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stands in recess, respectively, until 9 a.m. on Tuesday, Wednesday, Thursday, and Friday of next week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire recognition at this time?

Mr. FANNIN. No, Mr. President.

TREASURY DEPARTMENT-POSTAL SERVICE APPROPRIATIONS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate H.R. 15585, which will be stated by title.

The legislative clerk read as follows:

Calendar Order No. 879, H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT pro tempore. The time on the bill is limited to 1 hour, to be equally divided between the Senator from New Mexico (Mr. MONTOYA) and the acting Republican leader or his designee. Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the bill, the able Senator from New Mexico, yield 3 minutes to the distinguished Senator from Delaware (Mr. ROTH) on another matter?

Mr. MONTOYA. I am most happy to do so.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIOLATION OF ORDERS BY AIR FORCE GEN. JOHN LAVELLE

Mr. ROTH. Mr. President, the war in Vietnam has been a difficult burden for the Nation, one which has created a division of our people not seen in the United States for a hundred years.

There have been many fallouts from that war and many reexaminations, but one of the most significant which will be forthcoming will be an examination of the role of our military in the conduct of the war. We have already seen some indications that the war has had unfortunate effects on our forces as demonstrated by the tragedy of My Lai and the scandals of the noncommissioned officers clubs.

This war has been the longest in the Nation's history, excluding the American Revolution, and it is of deep concern to me that during the length of involvement there may have been a deterioration of the principles which in the past have led Americans to be justifiably proud of our armed services as being the finest in the world.

One of those principles is that of civilian control over the armed services and military operations. It is that principle which, in part, allows the citizens of the Nation to have pride and confidence in the military; confidence that they will perform their jobs in a state of isolation from the political processes; and that they will not interfere in that process. It is that principle upon which our national security has rested for 200 years and upon which it must continue to rest.

It is thus with deep concern that I address the situation of Gen. John Lavelle, the Air Force general who, in the process of providing a safer environment for his men, explicitly violated this principle.

The Senator from Iowa (Mr. HUGHES) and the Senator from Missouri (Mr. SYMINGTON) spoke on Tuesday concerning the matter of General Lavelle, and I share the concern they expressed. As a member of the opposite party and a supporter of the President's Vietnam policy, I join with them in calling for a thorough investigation by the Armed Services Committee into the violations of the rules of engagement. I have sent a letter to the chairman of that committee (Mr. STENNIS) requesting that such hearings be held at an early date. I ask unanimous consent that the text of the letter and an article from the Wall Street Journal in which it is stated that General Abrams was aware of the actions of General Lavelle.

I also ask unanimous consent to have printed in the RECORD a Washington Post article quoting the Defense Secretary as stating that General Abrams did not have knowledge at the unauthorized strikes.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 22, 1972.

The Honorable JOHN C. STENNIS,
Chairman, Armed Services Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The control of the armed services and military operations by civilian authority is a concept fundamental to the principles of our democracy. Therefore, it is a matter of deep concern to all Americans when this principle shows signs of erosion as has recently been demonstrated during the investigation by the House Armed Services Committee into the circumstances surrounding the retirement of General John D. Lavelle.

During the course of the inquiry, General Lavelle has admitted that he had executed strikes against North Vietnamese targets not authorized in the rules of engagement as promulgated by the Department of Defense. Such an action is a direct incursion into the principle of civilian control upon which our national security machinery must rest. To permit otherwise would raise grave doubts about the control which the Administration and the Congress have over the conduct of the affairs of our nation.

It is because of my deep concern for the preservation of the principle of civilian control that I strongly request that the Senate Armed Services Committee undertake an investigation of the case of General Lavelle. Although I do not wish to allege complicity of any other member of the military, I believe that great effort should be made to define the degree to which there has been involvement, either implicit or explicit, on the part of other military officers.

Serious charges have been raised that may well implicate others. I do not suggest that any other officers or enlisted men were involved, but serious suggestions to that effect

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have been made. I think a thorough investigation is imperative, therefore, not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion.

Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to those decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated.

I am aware of the pressing matters which are before your Committee and only hope that you view, as I do, this matter as one of great significance.

Sincerely,

WILLIAM V. ROTH, JR.,
U.S. Senate.

NIXON TO NOMINATE ABRAMS AS ARMY CHIEF, MOVE UNLIKELY TO HELP SERVICE'S IMAGE

(By Richard J. Levine)

WASHINGTON.—Gen. Creighton Abrams' long-expected selection as Army Chief of Staff could give the service more clout within the Pentagon. But it isn't likely to do much for the troubled Army's "image" problems.

President Nixon said yesterday he will nominate the 57-year-old Abrams, U.S. Commander in Vietnam since mid-1968, to replace retiring Gen. William Weatmoreland. There wasn't any immediate indication when Gen. Abrams, an aggressive World War II tank officer, would leave Vietnam or who would be his successor.

The White House aides said Adm. Thomas Moorer will be nominated for a second two-year term as Chairman of the Joint Chiefs of Staff.

The Abrams appointment would be for a four-year term, but reports indicate the general might be willing to step aside for a younger man after only two years. Gen. Abrams has had medical problems from time to time during his long tour in Southeast Asia, but is apparently in good health now.

Gen. Abrams will head an Army that has been plagued with "people" problems, ranging from racial unrest and drug abuse to barracks crime and low morale—byproducts to a large degree of its unhappy experience in Vietnam. Many Army officials believe the service is recovering, but concede a long road ahead.

To help confront such problems, some officers and high-ranking Pentagon civilians had hoped the White House would turn to a younger general who wasn't closely identified with Vietnam and who would be receptive to broad reforms. Robert Froehlke, Army secretary, is said to have pushed for this kind of selection but was overruled by Defense Secretary Melvin Laird and President Nixon who wanted to reward Gen. Abrams for his difficult, loyal service in Vietnam. Yet if Gen. Abrams should retire in two years, a younger Army chief could be chosen then.

Staff officers describe Gen. Abrams as a bright, sharp leader, though he isn't an intellectual, who is likely to continue many of the personnel changes initiated by Gen. Westmoreland. Many Pentagon officials insist Gen. Westmoreland has moved more forcefully than realized to deal with the Army's woes and has made the service attractive to young officers and enlisted men.

Anticipating that Gen. Abrams would be willing to embrace current Army policies, Westmoreland staff officers have prepared a statement for the new chief endorsing Gen. Westmoreland's reforms. "Abrams is just about as progressive as Westy," said a former staff officer. "There could have been worse appointments."

While Gen. Abrams' elevation probably will upset some younger officers looking for radical changes, the Army could gain a more effective voice on the Joint Chiefs of Staff, where many key budget decisions are made. Some knowledgeable sources see Gen. Abrams as a more forceful, articulate advocate of Army positions than Gen. Westmoreland.

For one thing, he might be able to cope better with the persuasive, young Chief of Naval Operations, Adm. Elmo Zumwalt, who once worked for Gen. Abrams in Vietnam and is leading the Navy to bigger and bigger budgets.

By nominating Gen. Abrams, who must be confirmed by the Senate, the White House signaled anew that it isn't repudiating the U.S. effort in Vietnam. "Abrams has done what the administration wanted to do in Vietnam," said a Capitol Hill staffer familiar with the Pentagon. "He's been a good soldier."

Gen. Abrams was born in Springfield, Mass., in 1914 and was graduated from West Point in 1936 as a cavalry officer. He compiled a distinguished war record in Europe, earning a reputation as a hard-driving tank commander in the mold of Gen. George Patton, under whom he served.

In 1956, he pinned on his first star; by 1964, he was a four-star general, serving as Vice Chief of Staff of the Army, the number two spot. Gen. Abrams went to Vietnam in mid-1967 as deputy commander and succeeded Gen. Westmoreland as commander a year later when Gen. Westmoreland returned to the U.S. to head the Army.

With the North Vietnamese offensive slowing but still under way, Gen. Abrams' departure might be delayed. When Gen. Westmoreland retires June 30, Gen. Bruce Palmer will become acting Chief of Staff until Gen. Abrams' arrival in Washington.

Gen. Abrams is almost certain to be questioned closely in his confirmation hearings about his role in the unauthorized bombing of North Vietnam that occurred earlier this year. Retired Gen. John Lavelle, former Air Force Commander in Vietnam, told a House Armed Services Committee hearing this month that Gen. Abrams was aware that Gen. Lavelle was ordering his planes to make unauthorized raids on military targets in North Vietnam.

However, it's highly unlikely that Gen. Abrams' confirmation could be jeopardized by the Lavelle affair.

LAIRD CLEARS ABRAMS ON LAVELLE'S BOMBING

Defense Secretary Melvin R. Laird said yesterday that Gen. Creighton W. Abrams did not know of unauthorized air strikes against North Vietnam in late 1971 and early 1972.

The raids were ordered by Gen. John Lavelle, who was later relieved of command of the U.S. Seventh Air Force and retired at three-star rather than four-star rank.

Lavelle told a congressional committee on June 12 that he had sent reports of the raids to Abrams, the U.S. military commander in Vietnam who was selected Tuesday by President Nixon to be the next Army Chief of Staff.

Lavelle said Abrams "knew what I was doing." But he also said Abrams did not know some of the reports were falsified.

The Senate has yet to take up Abrams' nomination, but the matter came up yesterday during a Senate Foreign Relations Committee hearing on the arms limitation agreements recents reached in Moscow.

Sen. Claiborne Pell (D-R.I.) said he was surprised at the nomination because he said Abrams must have known about the raids.

But Laird replied that Abrams "was not involved in any way in the abuse of authority" by Lavelle. The Secretary said he is satisfied that neither Abrams nor the Joint Chiefs of Staff were aware of the abuse of authority.

Lavelle's actions were the object of a formal complaint sworn out yesterday by Air Force 1st Lt. Delbert T. Terrill Jr.

Terrill said he was accusing Lavelle of violating the Uniform Code of Military Justice by willfully disobeying an order and making false official statements. The code provides that any serviceman can prefer charges against another.

Terrill told a Capitol Hill news conference that discipline and "law and order" would be undermined if enlisted men were court-martialed for wearing their hair too long and a general was allowed to get away with admitted violation of orders.

And Sen. Harold Hughes (D-Iowa) complained of a "conspiracy of silence" surrounding the case. But he said Sen. John Stennis (D-Miss.), chairman of the Armed Services Committee, had promised a full exploration of the circumstances surrounding the raids and the conduct of Lavelle.

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Iowa (Mr. HUGHES), I ask unanimous consent that a statement by him relative to the case of General Lavelle be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUGHES

The junior Senator from Delaware (Mr. ROTH) is to be congratulated for his sensitive and thoughtful statement on the central vital issue that arises from the actions of General John D. Lavelle.

I want to associate myself with his remarks and say that, in particular, I subscribe to the following language in his letter to the distinguished Chairman of the Armed Services Committee (Mr. STENNIS):

". . . a thorough investigation is imperative . . . not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion.

"Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to these decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated."

Mr. President, I have expressed similar sentiments, but not so eloquently as the Senator from Delaware. I want him to know that I am confident that General Abrams will have such an opportunity to give the Armed Services Committee a report on the Lavalle case and that, when General Abrams nomination is presented to the Senate, all of the pertinent facts regarding his involvement in General Lavelle's decisions will be available to assist the Senate in its decision.

TREASURY DEPARTMENT—POSTAL SERVICE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MONTOYA. Mr. President, H.R. 15585, the Treasury, Postal Service, and General Government Appropriation Bill for fiscal year 1973, which is now before the Senate, recommends total appropriations in the amount of $5,055,186,000, which amount is $126,733,397 over the appropriations for fiscal year 1972, $11,417,000 under the budget estimates for fiscal year 1973, as amended, and $1,959,000 under the bill as it passed the House of Representatives in the amount of $5,057,145,000.

Not included in the above sums are those permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 38 of the committee report. Members will note that the largest item under permanent authorizations is $22.7 billion, the estimated interest on the public debt for 1973. This is an increase of $1.3 billion over the fiscal year 1972 level.

A copy of the Senate report is before each Member, and beginning on page 41 is a tabulation which gives a complete comparison for each item in the bill. I will confine my remarks today to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have during the course of or at the conclusion of my remarks.

Under title I of the bill, recommendations for the Treasury Department total $1,670,018,000. This is $5,959,000 under the House-passed bill; $79,667,000, or a 5 percent increase, over the fiscal year 1972 appropriation; but $21,659,000 under the budget estimates for fiscal year 1973.

The largest increases under this title apply to the Internal Revenue Service where the committee recommends $508,000,000, an increase of $34,086,000—or a 7 percent increase—over 1972 for the Accounts, Collection and Taxpayer Service; and an appropriation of $590,000,000, an increase of $37,175,000—or over 7 percent—over 1972 for compliance activities.

An increase of over 3,200 additional permanent full-time employees is recommended and authorized to permit the Internal Revenue Service to cope with the growth in population, economy, and workload.

The accounts, collection, and taxpayer service is a newly created appropriation, which combines the delinquent accounts and returns activity—formerly of the compliance appropriation—with an expanded taxpayer service program and the activities of the former revenue accounting and processing appropriation.

The compliance appropriation provides funds for the activities which are primarily responsible for promoting high voluntary compliance with the tax laws and for carrying out the law enforcement programs assigned to the Service.

It should be mentioned also that the activities and funds related to the alcohol, tobacco, and firearms program, previously administered by the Internal Revenue Service, will be transferred to a newly created bureau within the Treasury Department. The new Bureau of Alcohol, Tobacco, and Firearms becomes effective on July 1, 1972, and, as mentioned, funds have been provided under a separate head in the amount of $73,727,000 for fiscal 1973, an increase of $1.2 million over 1972.

For the Bureau of Customs, the committee recommends an appropriation of $208,000,000. The increase of $14,660,000 over 1972 represents a 7.5-percent increase and provides funding for 620 additional man-years of employment over 1972, as well as 184 additional vehicles, aircraft, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs.

Attention is called to the committee report, pages 7 and 8, concerning the committee's recommendation that language in the House bill be amended to provide that none of the funds appropriated are to be obligated or expended for preclearance operations in any country which does not grant to U.S. customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the exercise of this authority.

For the U.S. Postal Service—title II of the bill—the committee recommends an appropriation of $1,410,000,000 for payment to the Postal Service Fund.

The President's January Budget contained an estimate of $1,424,039,000 for this payment, and the amount recommended by the committee is $14,039,000 under the request.

The Congress made its determination as to rates in the Postal Reorganization Act of 1970, and nothing in this appropriation is intended to disturb that determination. The fact that the amount recommended is not the same as the amount requested is not to be construed as a failure to appropriate funds for any of the purposes for which appropriations are authorized. The committee believes that this is sufficient to cover all of the appropriations authorized by section 2401(c) and necessary under section 2401(b) submitted to the committee by the Postal Service for fiscal year 1973. Like the House, the committee has again declined to earmark any of the funds recommended to be appropriated for any specific purpose as the Congress is no longer in the rate-making business.

In summary, the committee expects the U.S. Postal Service, as an independent corporation, to exercise its discretion over the use of both funds and personnel and thus attain a status of self-sufficiency as contemplated under the Postal Reorganization Act.

The Congress can neither take credit nor be blamed for actions taken by the Postal Service since its creation as an independent corporation. For example, for fiscal year 1972 the Congress appropriated $1,217,522,000 to the Postal Service for public service costs and for revenue foregone on free and reduced-rate mail—and for meeting the liability of the Post Office Department to the employees' compensation fund.

After receiving the $1,217,522,000 in the regular 1972 appropriation bill and over $1.7 billion cash balance of the old Post Office Department Fund, the Postal Service invested, on July 1, 1971, $2,797 billion in U.S. Treasury obligations. In making the appropriation, there was no congressional intent to finance Postal Service operations in fiscal 1972, even on a temporary basis.

Testimony before the committee revealed that a bond issue for $250 million went to market in January with a coupon rate of 6⅞ percent. This money was invested in U.S. Treasury obligations with a return of about 5 percent for the entire portfolio, so that in effect the Postal Service is trading 6⅞ percent money for 5 percent money. While the Congress does not consider these financial transactions as wise ones, it behooves the Postal Service to solely account to its patrons and Board of Governors for its financial manipulations and other operations.

Under title III—Executive Office of the President—a total appropriation of $179,446,000 is recommended. This is $36,242,000 over the prior year's appropriation, the same as the House allowance, but $8,075,000 under the budget estimates.

For disaster relief, the committee recommends $92.5 million, an increase of $7.5 million over 1972, but $7.5 million under the estimate for fiscal year 1973. The $100 million budget request represented an estimate of need based on the incidence of major disasters in the recent past, and should the amount recommended prove to be sufficient, the committee will consider favorably any future supplemental requests, as it has done in the past.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends $6,856,000, an increase of $3,856,000 over fiscal year 1972. This Office supervises and directs drug abuse programs formerly scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects. The increase allowed provides for funding 177 man-years of employment, an incidence of major disasters in the reincrease of 79 over 1972 and the establishment of a National Training Center in Washington, D.C., to train those responsible for establishing and operating community programs.

The committee recommends an appropriation of $19,600,000 for the Office of Management and Budget, an increase of $350,000 over the fiscal year 1972 appropriation, but a decrease of $237,000 in amount requested. In the committee's view, these funds are sufficient to continue the employment of personnel at last year's level.

Under title IV—General Government—a total appropriation of $1,795,722,000 is recommended. This is $18,733,587 over the prior year's appropriation and $32,356,000 over the amended budget estimates. This increase is the result of action by the House in adding funds for site acquisition and construction of 11 Federal buildings out of 63 now planned

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to be constructed under the purchase contract program.

For the Civil Service Commission, a total of $765,304,000 is recommended. This amount is $33,870,000 over 1972 and $127,726,000 under the estimate, largely because of the $118.5 million reduction to the payment to civil service retirement and disability fund as it pertained to the unfunded liability created by the Postal Service.

A budget amendment, contained in House Document No. 92–300, increasing the original estimate for salaries and expenses of the Civil Service Commission by $2.7 million for the purpose of immediately putting into effect the provisions of the new Equal Employment Opportunity Act of 1972, was considered by the committee. These funds will enable the Commission to undertake the critical work necessary to review, evaluate, and improve Federal Government efforts to root out discrimination in order to insure true equality for all citizens in the employment system of the Federal Government. The committee insists that this program be given the highest priority and that any reductions in the salaries and expenses appropriation account be applied to other programs.

For the General Services Administration, the committee recommends a total appropriation of $938,385,000. This amount is $166,814,000 over the 1973 estimate; $1,000,000 under the House allowance; and $3,538,500 over 1972. For construction, the projects provided for and the amount recommended for each in the accompanying bill are listed by line item.

For "Sites and expenses, public building projects," the committee recommends $25,031,000 to cover the cost of acquiring sites and for inspection and maintenance of projects listed under the construction account.

Mr. President, this, then, is a summary of the bill before the Senate.

Mr. President, I want to say, as a part of my remarks, that I enjoyed working with the senior Senator from Delaware (Mr. BOGGS), who attended the hearings and participated in the hearings and contributed greatly to what we have before the Senate today.

Now I shall be very happy to answer any questions that might be propounded at this time.

Mr. BOGGS. Mr. President, will the distinguished chairman yield to me for just a moment?

Mr. MONTOYA. I yield.

Mr. BOGGS. Mr. President, I want to take this opportunity not only to thank my distinguished friend and chairman of the subcommittee (Mr. MONTOYA) for his kind and generous remarks, but to say also, that it has been a great privilege to serve on this subcommittee under his leadership. He, with the able assistance of the other members of the subcommittee, and our able staff, headed by Mr. Joe Gonzales and Joel Bonner, have, I think, done a thorough job on this appropriation bill. They have gone into every detail of it, as a result of the careful and extensive hearings on it. I am perfectly satisfied with the job which has been done, and I recommend favorable action on it. I thank the Senator very much for yielding.

Mr. MONTOYA. I thank my distinguished colleague. I want to say at this point that the staff members, particularly Mr. Gonzales and Mr. Pete Bonner, worked assiduously and very devotedly in trying to prepare the committee for good hearings. I think we had some very good and thorough hearings, and elicited from the witnesses the information that we required in order to bring this bill before the Senate today.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 17, strike out "$62,500,000" and insert "$62,241,000".

On page 3, line 21, after "(22 U.S.C. 401)", strike out "$210,000,000" and insert "$208,000,000".

On page 4, line 20, after "United States", strike out "$75,000,000" and insert "$74,000,000".

On page 5, line 2, after the word "Commissioner", strike out "$35,000,000" and insert "$34,500,000".

On page 5, line 12, after the word "applicants", strike out "$510,000,000" and insert "$508,000,000".

On page 5, line 25, strike out "$11,500,000" and insert "$11,300,000".

On page 7, line 2, after "1973", insert a comma and "in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority."

On page 11, line 3, after the word "branch", strike out "$600,000" and insert "$700,000".

On page 12, line 14, after "section 3109", strike out "$19,700,000" and insert "$19,600,000".

On page 12, line 19, after the word "including", strike out "hire of passenger motor vehicles, and".

On page 16, line 3, after the word "amended", strike out "$62,218,000" and insert "$64,218,000".

On page 22, after line 23, insert:

Appropriations herein and heretofore granted under this heading shall be available without regard to the second proviso under this heading in the Second Supplemental Appropriations Act, 1972.

On page 24, line 3, after the word "furnishings", strike out "$6,344,000" and insert "$5,344,000".

On page 30, line 20, after the word "amended", insert a colon and "*Provided further*, That $29,041,000 of the amount appropriated is contingent upon enactment of authorizing legislation".

On page 31, after line 15, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, $3,000,000, to remain available until expended.

On page 33, after line 16, insert a new section, as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. CRANSTON. Mr. President, I send to the desk and call up an amendment which I am offering on behalf of myself and the Senator from New Jersey (Mr. WILLIAMS), and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will please read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 4, strike out "$64,218,000 and insert in lieu thereof "66,218,000."

Mr. CRANSTON. Mr. President, this amendment adds $2 million to the Civil Service Commission's salaries and expenses item for the purpose of additional staff to implement the Commission's new statutory equal employment responsibilities imposed by section 11 of the Equal Employment Opportunity Act of 1972—Public Law 92–261—which section I am proud to have authored in the form enacted, along with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. DOMINICK).

I ask unanimous consent, Mr. President, that the text of this section 11 and explanatory material from the committee report—No. 92–415—be set forth in the RECORD at this point, along with a letter I wrote to the Civil Service Commission with regard to equal employment opportunities for minority group members, especially Chicanos, in Federal employment in my State of California, and the Commission's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 92–261—92D CONGRESS, H.R. 1746, MARCH 24, 1972

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDREAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Act) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

"(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

"(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717 (a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Execution orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

"(d) The provisions of section 706(f) through (k), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government."

[From Senate Rept. No. 92–415]

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

* * * * * *

4. *Federal employment.*—The bill adds to title VII a new section 717 (section 11 of the bill) making clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion or national origin. The Civil Service Commission, which presently has the responsibility under Executive Order 11478, is given the authority under this title to enforce equal employment opportunity in the Federal government.

The Federal government, with 2.6 million employees, is the single largest employer in the Nation. It also comprises the central policymaking and administrative network for the Nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

The prohibition against discrimination by the Federal government, based upon the due process clause of the Fifth Amendment, was judicially recognized long before the enactment of the Civil Rights Act of 1964. Congress itself has specifically provided for nondiscrimination in the Federal government by stating that it is "the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin . . ." (5 U.S.C. §7151). The primary responsibility for implementing this stated National objective has been granted to the Civil Service Commission pursuant to Executive Order 11246 (1964), and more recently by Executive Order 11478 (1969). In his memorandum accompanying Executive Order 11478, President Nixon stated that "discrimination of any kind based on factors not relevant to job performance must be eradicated completely from Federal employment." This was an important step forward in the field of equal employment opportunity for Federal employees.

Progress has been made in this field, however, much remains to be done. Statistical evidence shows that minorities and women continue to be denied access to a large number of government jobs, particularly in the higher grade levels. The disparity can be clearly seen in figures presented in a recent report released by the Civil Service Commission, *Minority Group Employment in the Federal Government* (1970). On the basis of the figures presented therein, the following listing shows the percentage of minority group employees under the General Schedule by grade level:

	Negro	Spanish-surnamed	American Indian	Oriental
GS–1 through GS–4	21.8	3.0	1.8	0.6
GS–5 through GS–8	13.5	2.2	.7	.8
GS–9 through GS–11	5.1	1.5	.5	1.0
GS–12 through GS–13	2.7	.8	.2	.9
GS–14 through GS–15	1.7	.7	.2	.8
GS–16 through GS–18	1.4	.3	.1	.2

Minorities represent 19.4% of the total employment in the Federal government (15.0% are Negroes, 2.9% are Spanish-surnamed, 0.7% are American Indians, and 0.8% are Oriental). Their concentration in the lower grade levels indicates that their ability to advance to the higher levels has been restricted.

In many areas, the pattern at regional levels is worse than the national pattern. For example, the committee notes with special concern the particularly low percentage of Federal jobs held by Spanish-surnamed persons in areas of high residential concentration of such persons, particularly in California and the Southwestern States, and expects the Commission to undertake a special study of this problem to develop programs to provide greater entry level and advancement employment opportunities for Spanish-surnamed persons.

The position of women in the Federal government has not fared any better. In testimony before the Senate Labor Subcommittee this year, Mrs. Daisy B. Fields, past president of Federally Employed Women (FEW), testified as to the distribution, by percent, of all women employed by the Federal government (approximately 665,000 or about 34%) as represented by the following breakdown:

	Percent
GS–1 through GS–6	78.7
GS–7 through GS–12	21.7
GS–13 and above	1.1

The inordinate concentration of women in the lower grade levels, and their conspicuous absence from the higher grades is again evident.

One feature of the present equal employment opportunity program which deserves special scrutiny by the Civil Service Commission is the complaint process. The procedure under the present system, intended to provide for the informal disposition of complaints, may have denied employees adequate

opportunity for impartial investigation and resolution of complaints.

Under present procedures, in most cases, each agency is still responsible for investigating and judging itself. Although provision is made for the appointment of an outside examiner, the examiner does not have the authority to conduct an independent investigation, and his conclusions and findings are in the nature of recommendations to the agency head who makes the final agency determination on whether there is, in fact, discrimination in that particular case. The only appeal is to the Board of Appeals and Review in the Civil Service Commission.

The testimony before the Labor Subcommittee reflected a general lack of confidence in the effectiveness of the complaint procedure on the part of Federal employes. Complaints have indicated skepticism regarding the Commission's record in obtaining just resolutions of complaints and adequate remedies. This has, in turn, discouraged persons from filing complaints with the Commission for fear that doing so will only result in antagonizing their supervisors and impairing any future hope of advancement. The new authority given to the Civil Service Commission in the bill is intended to enable the Commission to reconsider its entire complaint structure and the relationships between the employee, agency, and Commission in these cases.

Another task for the Civil Service Commission is to develop more expertise in recognizing and isolating the various forms of discrimination which exist in the system it administers. The Commission should be especially careful to insure that its directives issued to Federal agencies address themselves to the various forms of systemic discrimination in the system. The Commission should not assume that employment discrimination in the Federal Government is solely a matter of malicious intent on the part of individuals. It apparently has not fully recognized that the general rules and procedures that it has promulgated may in themselves constitute systemic barriers to minorities and women. Civil Service selection and promotion techniques and requirements are replete with artificial requirements that place a premium on "paper" credentials. Similar requirements in the private sectors of business have often proven of questionable value in predicting job performance and have often resulted in perpetuating existing patterns of discrimination (see e.g. *Griggs* v. *Duke Power Co.*, supra n.1). The inevitable consequence of this kind of a technique in Federal employment, as it has been in the private sector, is that classes of persons who are socioeconomically or educationally disadvantaged suffer a very heavy burden in trying to meet such artificial qualifications.

It is in these and other areas where discrimination is institutional, rather than merely a matter of bad faith, that corrective measures appear to be urgently required. For example, the Committee expects the Civil Service Commission to undertake a thorough reexamination of its entire testing and qualification program to insure that the standards enunciated in the *Griggs* case are fully met.

The Civil Service Commission's primary responsibility over all personnel matters in the Government does create a built-in conflict of interest for examining the Government's equal employment opportunity program for structural defects which may result in a lack of true equal employment opportunity. Yet, the committee was persuaded that the Civil Service Commission is sincere in its dedication to the principles of equal employment opportunity enunciated in Executive Order 11478 and that the Commission has the will and desire to overcome any such conflict of interest. In order to assist the Commission in accomplishing its goals and to make clear the congressional expectation that the Commission will take those further steps which are necessary in order to satisfy the goals of Executive Order 11478, the committee adopted in section 707(b) of the bill specific requirements under which the Commission is to function in developing a comprehensive equal employment opportunity program.

Thus the provision in section 717(b) for applying "appropriate remedies" is intended to strengthen the enforcement powers of the Civil Service Commission by providing statutory authority and support for ordering whatever remedies or actions by Federal agencies are needed to insure equal employment opportunity in Federal employment. Remedies may be applied as a result of individual allegations of discrimination, CSC investigation of equal employment opportunity programs in Federal agencies or their field installations, or from review of agency plans of action and progress reports. Remedies may be in terms of action required to correct a situation regarding a single employee or group of employees or broader management action to correct systemic discrimination and to improve equal employment opportunity program effectiveness to bring about needed progress. The Commission is to provide Federal agencies with necessary guidance and authority to effectuate necessary remedies in individual cases, including the award of back pay, reinstatement or hiring, and immediate promotion where appropriate.

The bill also directs the Commission to require each Federal department and agency (including appropriate units of the District of Columbia government) to prepare an equal employment opportunity affirmative plan of action at least annually. The Commission is to review, modify, and approve each department or agency developed with full consideration of particular problems and employment opportunity needs of individual minority group populations within each geographic area. These legislative directions are, of course, not intended to limit the Commission in requiring the establishment of affirmative equal employment opportunity plans for any agency level, including local installations as needed; indeed, the committee expects the Commission to require that agency plans include specific regional plans for particularly large Federal regional installations and other regional offices with deficient records of progress in equal employment opportunity.

The Committee recognizes that this new emphasis on regional installation equal employment opportunities and action plans will require a greater commitment of both agency and Civil Service Commission personnel to planning and enforcement activities and expects the Civil Service Commission to ensure that such staffing additions will be made both at the national and regional office levels. Finally, to lend the greatest credibility to its equal employment opportunity efforts at a national and regional level, the Commission should review and revise its own equal employment action plan and implementation, particularly at its regional offices and higher grade levels, to ensure that its own record in this field is exemplary and thus a model for all other Federal agencies.

The bill requires the Commission to obtain, on at least a semi-annual basis, minority group employment and such other data as are necessary for effective evaluation by the Commission and the public of each department's agency's or unit's record of equal employment opportunity achievement and to publish at least semi-annually full statistical and other reports (comparable to the report now published annually) of equal employment opportunity progress. In evaluating agency plans for approval, the Commission is also directed to study and determine the appropriate allocation of personnel and resources committed to, and the qualifications to be established for top equal employment opportunity officials responsible for, carrying out program responsibilities, including necessary affirmative action as well as processing of individual discrimination cases, on both a central office and regional (SMSA) basis.

The Committee wishes to emphasize the significant reservoir of expertise developed by the EEOC with respect to dealing with problems of discrimination. Accordingly, the committee strongly urges the Civil Service Commission to take advantage of this knowledge and experience and to work closely with EEOC in the development and maintenance of its equal employment opportunity programs.

An important adjunct to the strengthened Civil Service Commission responsibilities is the statutory provision of a private right of action in the courts by Federal employees who are not satisfied with the agency or Commission decision.

The testimony of the Civil Service Commission notwithstanding, the committee found that an aggrieved Federal employee does not have access to the courts. In many cases, the employee must overcome a U.S. Government defense of sovereign immunity or failure to exhaust administrative remedies with no certainty as to the steps required to exhaust such remedies. Moreover, the remedial authority of the Commission and the courts has also been in doubt. The provisions adopted by the committee will enable the Commission to grant full relief to aggrieved employees, or applicants, including back pay and immediate advancement as appropriate. Aggrieved employees or applicants will also have the full rights available in the courts as are granted to individuals in the private sector under title VII.

The bill (section 717(c)) enables the aggrieved Federal employee (or applicant for employment) to file an action in the appropriate U.S. district court after either a final order by his agency or a final order of the Civil Service Commission on an appeal from an agency decision or order in any personnel action in which the issue of discrimination on the basis of race, color, religion, sex or national origin has been raised by the aggrieved person. It is intended that the employee have the option to go to the appropriate district court or the District Court for the District of Columbia after either the final decision within his agency on his appeal from the personnel action complained of or after an appropriate appeal to the Civil Service Commission or after the elapse of 180 days from the filing of the initial complaint or appeal with the Civil Service Commission.

WASHINGTON, D.C., *February 7, 1972*

Hon. ROBERT HAMPTON,
Chairman, U.S. Civil Service Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I am increasingly disturbed by the gross discrepancies in the employment of certain minorities and their lack of advancement opportunities throughout the Federal Government.

The Federal Government should be a model of equal employment opportunity. I know that you fully share this view.

This requires that Federal agencies make a special effort to employ and promote qualified minority persons according to their relative proportions in the population of the area surrounding the agency field offices. Although there has been some recent improvement, the situation is by no means satisfactory. In many instances, Federal Government minority employment remains disgracefully low. There is a national pattern of disproportionately low employment of certain minorities and a definite pattern of exclusion of minorities, when they are employed, from the higher, better-paying government positions.

In California, where at least 15.6% of the population is Spanish-surnamed, I find many such discrepancies in Federal minority group employment based on local populations. I am shocked that in my state only 5.6% of all Federal jobs, and only 5.4% of all CSC jobs, are filled by Spanish-surnamed persons. Statewide the CSC fills 16.9% of the GS–1 through 4 positions with Blacks, yet Blacks hold only 2 of the 85 jobs above GS 12.

In Los Angeles, for example, minority group employees make up 34% of all Federal employees, but white Anglo employees hold 95.4% of the top jobs in grades GS 14 and above. In contrast, minority group members hold nearly half of the positions in the very lowest grades there (42% in GS 1 through 8), often doing the most menial work with little or no opportunity to advance to management, supervisory or policy-making positions (only 6% in GS 14 through 18).

The largest minority in Los Angeles, the Spanish-surnamed Americans, makes up at least 18% of the population, but holds only about 6.2% of the total number of Federal jobs there.

The Civil Service Commission's record of Chicano employment is almost as disproportionate with only 8.6% of the CSC employees having Spanish-surnames in the Los Angeles Standard Metropolitan Statistical Area (SMSA). In the San Francisco SMSA, only 4% of all CSC employees are Spanish-surnamed, as compared to the total local Chicano population share of 14%. There also is evidence of a serious lack of upward mobility opportunity for Spanish-surnamed CSC employees in San Francisco where they hold only 1 of the 102 positions above GS–9.

The data reveal that the CSC has a good record in the employment of Blacks in entry-level, lower paying jobs. But they also show a clear lack of opportunity for upward mobility on the part of Black CSC employees. In the San Francisco SMSA, Blacks, occupying 10.3% of all CSC jobs, hold 14% of the jobs between GS 1 thru 4 but only 4 of 102 jobs above GS 8 and none of the 17 jobs at GS 14 through 18. This pattern is repeated in similar fashion at most of the other CSC installations in California.

In discussing upward mobility opportunities, I am not suggesting the advancement of persons who do not meet job qualifications. Rather, special efforts must be made to offer accessible training, upgrading and ongoing educational opportunities to minority persons to prepare them for career advancement.

As a member of the Senate Labor and Public Welfare Committee, I have introduced in Committee amendments to S. 2515, the proposed "Equal Employment Opportunity Enforcement Act of 1971," which is intended to deal with discrimination in Federal Government employment and to open up more high level positions for minorities, particularly Mexican-Americans, Blacks, Indians, Orientals and women.

I am enclosing for your information a copy of the language of my amendment contained in the bill as reported to the Senate (section 11) and the Committee report language explaining the amendment along with the Committee's views (pages 12–17). I am also enclosing, for your examination and comment, charts prepared by both your office and mine showing proportionate employment and grade level breakdown both statewide and for local SMSA's, along with a copy of the *1970 Minority Group Study* (Civil Service Commission) describing in several charts the CSC's employment and advancement opportunity record in California. Unfortunately, in some instances I do not have the full in depth 1970 data on population size, especially in the cases of American Indians, Orientals and women. (I have asked the Census Bureau to supply me with this information as soon as it is available for the 1970 census.)

Although I do not have the statistics on the employment trends for women within California, I do have information for the national level. These statistics show employment discrepancies with women holding 76.5% of all Federal jobs at GS 2, 79.1% of the jobs at GS 3, and 75.9% at GS 4; yet at the higher levels of employment they hold only 1.8% of the jobs at GS 16, 1.5% at GS 17, and .6% at GS 18 (see enclosed charts).

With respect to the employment of American Indians, I note that whereas this minority makes up .46% of the California population and comprises .5% of the State's Federal Government employment, the Civil Service Commission in California employs no American Indians.

As a member of the Senate Committee on Labor and Public Welfare, and the Senate Committee on Housing and Urban Affairs, I am particularly concerned about the minority employment trends for the Civil Service Commission and other Federal agencies in California. I, therefore, am requesting your comments on the comparison of local population statistics to the Federal minority employment record for the areas mentioned in California, both for the Civil Service Commission itself and for each Federal Agency in California. In each situation where there are large discrepancies, I would also appreciate detailed information on the affirmative steps you and each agency concerned is taking to improve both the upward mobility and the overall employment ratios for each minority group in each particular area. To this end, I request that you send a special team to conduct a field study of the Los Angeles Federal Government employment situation for minorities and prepare a special action plan to bring about prompt and substantial improvement. (Jonathan R. Steinberg, my Committee counsel, has already discussed this with Mr. Irving Kator, Assistant Executive Director of the Commission.) Therefore, I would hope this field study and plan, if successful, can be extended to all other appropriate areas in the state.

I am sending similar letters to the heads of each Federal agency with installations in California. I will be sending you a copy of each such letter for your review and comment. I would greatly appreciate any assistance you can provide these agencies to improve their minority employment ratios and upward mobility opportunities.

I would also appreciate your forwarding a copy of this letter and the enclosures to the head of each Civil Service Commission installation in California under your jurisdiction, and supplying me with a list of those addresses and copies of their reports.

Thank you for your valuable cooperation in this matter.

Sincerely,

ALAN CRANSTON.

TOTAL POPULATION CHART

Area	Total population [1]	Spanish surnamed [2] (percent)	Blacks [1] (percent)	American Indian [3] (percent)
Statewide California	19,953,134	15.6	7.0	0.46
Los Angeles/Long Beach	7,032,075	18.0	10.8	.35
San Francisco	3,109,519	14.0	10.6	.41
Oakland (Alameda)		13.0		.53
Sacramento	800,592	9.0	4.7	.42
Fresno	413,053	25.0	4.9	0.52
San Diego	1,064,714	13.0	4.6	.43
San Bernardino	1,143,146	16.6	4.4	.51
Ontario/Riverside		[4]		.60
San Jose (Santa Clara)	1,064,714	18.0	1.6	.38

[1] SMSA.
[2] County.
[3] Not available.

Source: All statistics are from official U.S. Census Bureau, 1970.

TOTAL FEDERAL EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	293,770	5.6	14.9	0.5	75.0
Los Angeles/Long Beach	66,475	6.2	25.0	.3	65.9
San Francisco	73,408	3.8	22.8	.4	65.1
Oakland (Alameda)					
Sacramento	27,390	4.6	7.5	.5	84.1
Fresno	2,703	10.7	4.6	.6	81.8
San Diego	29,272	6.2	8.0	.4	82.5
San Bernardino	13,121	11.8	6.2	1.3	80.1
Ontario/Riverside					
San Jose (Santa Clara)	8,442	6.9	6.6	.4	81.4

AGENCY EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	504	5.4	11.7	0	80.0
Los Angeles/Long Beach	116	8.6	22.4	0	66.4
San Francisco	272	4.0	10.3	0	82.4
Oakland (Alameda)					
Sacramento	36	2.8	5.6	0	88.9
Fresno	1	0	0	0	100.0
San Diego	36	2.8	8.3	0	83.3
San Bernardino	14	28.6	0	0	71.4
Ontario/Riverside					
San Jose (Santa Clara)	10	0	0	0	80.0

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THE U.S. CIVIL SERVICE COMMISSION (AGENCY)

UPWARD MOBILITY AND TRENDS IN MINORITY EMPLOYMENT

Total general schedule (pay system)[1]	Percent of total agency positions held: Spanish surnamed	Blacks	American Indian	White (other)	Total general schedule (pay system)[1]	Percent of total agency positions held: Spanish surnamed	Blacks	American Indian	White (other)
GS–1 through 4	8.2	16.9	0	71.0	GS–12 through 13	1.5	3.0	0	95.5
GS–5 through 8	8.0	18.4	0	69.0	GS–14 through 15	0	0	0	100.0
GS–9 through 11	1.6	4.8	0	88.8	GS–16 through 18	0	0	0	100.0

[1] Statistics taken from the 1970 minority group study for your agency published by the U.S. Civil Service Commission—November 1970.

WORLDWIDE/NATIONWIDE

TABLE 2-25.—1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970

Pay system	Total full-time employees, number	Negro: Number	Negro: Percent	Spanish surnamed: Number	Spanish surnamed: Percent	American Indian: Number	American Indian: Percent	Oriental: Number	Oriental: Percent	All other employees: Number	All other employees: Percent
Total all pay systems	5,268	1,236	23.5	119	2.3	8	.2	38	.7	3,867	73.4
Total general schedule or similar	5,216	1,200	23.0	118	2.3	8	.2	38	.7	3,852	73.8
GS–1 through 4	1,860	722	38.8	58	3.1	5	.3	16	.9	1,059	56.9
GS–5 through 8	1,081	325	30.1	26	2.4			9	.8	721	66.7
GS–9 through 11	1,124	104	9.3	15	1.3	1	.1	11	1.0	993	88.3
GS–12 through 13	760	36	4.7	14	1.8	2	.3	1	.1	707	93.0
GS 14 through 15	338	12	3.6	5	1.5			1	.3	320	94.7
GS–16 through 18	53	1	1.9							52	98.1
Total wage systems	48	35	72.9	1	2.1					12	25.0
Up through $5,499	4	4	100.0								
$5,500 through $6,999	13	9	69.2	1	7.7					3	23.1
$7,000 through $7,999	13	8	61.5							5	38.5
$8,000 through $8,999	9	8	88.9							1	11.1
$9,000 through $9,999	5	3	60.0							2	40.0
$10,000 through $13,999	4	3	75.0							1	25.0
$14,000 through $17,999											
$18,000 and over											
Total other pay systems	4	1	25.0							3	75.0
Up through $6,499											
$6,500 through $9,999											
$10,000 through $13,999											
$14,000 through $17,999											
$18,000 through $25,999											
$26,000 and over	4	1	25.0							3	75.0

TABLE 2-25a.—1969 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1969

Pay system	Total full-time employees, number	Negro: Number	Negro: Percent	Spanish surnamed: Number	Spanish surnamed: Percent	American Indian: Number	American Indian: Percent	Oriental: Number	Oriental: Percent	All other employees: Number	All other employees: Percent
Total, all pay systems	4,886	1,123	23.0	118	2.4	6	0.1	29	.6	3,610	73.9
Total, general schedule or similar	4,839	1,092	22.6	118	2.4	6	.1	29	.6	3,594	74.3
GS–1 through 4	1,666	686	41.2	64	3.8	3	.2	12	.7	901	54.1
GS–5 through 8	1,021	284	27.8	22	2.2	1	.1	7	.7	707	69.2
GS–9 through 11	1,126	78	6.9	18	1.6	1	.1	8	.7	1,021	90.7
GS–12 through 13	686	33	4.8	9	1.3	1	.1	1	.1	642	93.6
GS–14 through 15	293	11	3.8	5	1.7			1	.3	276	94.2
GS–16 through 18	47									47	100.0
Total, wage systems	43	30	69.8							13	30.2
Up through $5,499	7	6	85.7							1	14.3
$5,500 through $6,999	15	11	73.3							4	26.7
$7,000 through $7,999	16	11	68.8							5	31.3
$8,000 through $8,999	2	1	50.0							1	50.0
$9,000 through $9,999	2	1	50.0							1	50.0
$10,000 through $13,999	1									1	100.0
$14,000 through $17,999											
$18,000 and over											
Total, other pay systems	4	1	25.0							3	75.0
Up through $6,499											
$6,500 through $9,999											
$10,000 through $13,999											
$14,000 through $17,999											
$18,000 through $25,999											
$26,000 and over	4	1	25.0							3	75.0

TABLE C.—ALL AGENCIES

FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade[1]	Employment Oct. 31, 1969: Total	Women: Number	Women: Percent	Employment Oct. 31, 1966: Total	Women: Number	Women: Percent	Percent change: Total	Women
01	5,599	3,042	69.4	5,041	3,505	69.5	9.0	9.6
02	29,512	15,900	76.4	59,811	44,900	80.9	94.9	96.6
03	121,312	95,932	79.1	140,472	111,074	70.4	10.2	12.2
04	100,194	142,676	75.9	214,936	134,010	62.7	12.5	6.0
05	643,019	194,000	90.2	534,561	149,420	20.0	20.9	29.0
06	133,262	61,457	46.1	106,099	40,472	45.7	25.6	26.0
07	150,095	53,579	35.5	132,137	49,109	97.2	16.2	9.0
08	47,062	11,402	29.8	91,252	7,034	25.1	59.1	45.9
09	170,769	42,056	24.6	147,649	29,151	19.7	15.7	44.9
10	25,570	9,560	15.9	21,102	2,649	12.0	21.2	34.7
11	195,306	10,332	11.0	136,860	19,405	9.9	19.5	35.9
12	191,724	9,136	6.9	109,216	6,814	6.2	20.6	34.1
13	98,667	4,290	4.5	70,442	3,155	4.0	25.6	36.0
14	49,127	1,009	3.0	39,741	1,396	3.5	20.6	35.9
15	26,410	717	2.7	20,412	494	2.4	29.4	49.1
16	6,344	115	1.0	6,050	111	1.0	4.7	9.6
17	2,496	37	1.5	2,391	34	1.4	4.5	8.8
18	700	4	.6	622	5	.8	12.5	20.0
Above 18	696	17	2.6	589	11	1.9	12.5	54.5
Ungraded	6,402	2,959	39.9	45,679	9,999	21.0	86.0	74.9
Total[2]	1,900,798	665,294	33.4	4,097,062	627,220	83.6	8.9	7.8

[1] The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

[2] Excludes employees of Central Intelligence Agency, National Security Agency, Board of Governors of Federal Reserve System and foreign nationals overseas.

TABLE C.—CIVIL SERVICE COMMISSION

WOMEN—FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade[1]	Employment Oct. 31, 1969: Total	Women: Number	Women: Percent	Employment Oct. 31, 1966: Total	Women: Number	Women: Percent	Percent change: Total	Women
01	26	23	88.5	23	21	91.3	13.0	9.5
02	236	205	86.9	471	425	90.2	49.9	51.8
03	711	634	89.2	728	630	86.5	2.3	.6
04	698	609	87.2	491	433	88.2	42.2	40.6
05	577	486	84.2	484	375	77.5	19.2	29.6
06	140	124	88.6	76	63	82.9	84.2	96.8
07	280	145	51.8	320	136	42.5	12.5	6.6
08	18	15	83.3	8	5	62.5	125.0	200.0
09	350	162	46.3	348	133	38.2	.6	21.8
10	25	16	64.0	18	7	38.9	38.9	128.6
11	773	128	16.6	744	57	7.7	3.9	124.6
12	341	71	20.8	280	48	17.1	21.8	47.9
13	349	44	12.6	267	32	12.0	30.7	37.5
14	171	10	5.8	135	7	5.2	26.7	42.9
15	124	4	3.2	87	4	4.6	42.5	0
16	27	2	7.4	28	1	3.6	3.6	100.0
17	14	1	7.1	6			133.3	
18	6			3			100.0	0
Above 18	4			4			0	0
Ungraded								
Total[2]	4,870	2,679	55.0	4,521	2,377	52.6	7.7	12.7

[1] The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

[2] Excludes Foreign Nationals overseas.

1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION, FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970

AGENCY WITHIN STATE, CALIFORNIA

Pay system	Total full-time employees, number	Negro: Number	Negro: Percent	Spanish surnamed: Number	Spanish surnamed: Percent	American Indian: Number	American Indian: Percent	Oriental: Number	Oriental: Percent	All other employees: Number	All other employees: Percent
Total all pay systems	504	59	11.7	27	5.4			18	3.6	400	79.4
Total general schedule or similar	504	59	11.7	27	5.4			18	3.6	400	79.4
GS–1 through GS–4	207	35	16.9	17	8.2			8	3.9	147	71.0
GS–5 through GS–8	87	16	18.4	7	8.0			4	4.6	60	69.0
GS–9 through GS–11	125	6	4.8	2	1.6			6	4.8	111	88.8
GS–12 through GS–13	66	2	3.0	1	1.5					63	95.5
GS–14 through GS–15	18									18	100.0
GS–16 through GS–18	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, SAN FRANCISCO-OAKLAND, CALIF.

Total all pay systems	272	28	10.3	11	4.0			9	3.3	224	82.4
Total general schedule or similar	272	28	10.3	11	4.0			9	3.3	224	82.4
GS–1 through GS–4	121	17	14.0	7	5.8			5	4.1	92	76.0
GS–5 through GS–8	49	3	16.3	3	6.1			2	4.1	36	73.5
GS–9 through GS–11	50	2	4.0	1	2.0			2	4.0	45	90.0
GS–12 through GS–13	35	1	2.9							34	97.1
GS–14 through GS–15	16									16	100.0
GS–16 through GS–18	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, LOS ANGELES-LONG BEACH, CALIF.

Total all pay systems	116	26	22.4	10	8.6			3	2.6	77	66.4
Total general schedule or similar	116	26	22.4	10	8.6			3	2.6	77	66.4
GS–1 through GS–4	46	15	32.6	6	13.0			1	2.2	24	52.2
GS–5 through GS–8	22	7	31.8	3	13.6			1	4.5	11	50.0
GS–9 through GS–11	33	3	9.1					1	3.0	29	87.9
GS–12 through GS–13	13	1	7.7	1	7.7					11	84.6
GS–14 through GS–15	2									2	100.0
GS–16 through GS–18											

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 9, 1972.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: This refers to your letter of February 7, 1972, concerning minority employment in the Federal Government, and particularly in Federal installations in the State of California.

We share your concern about the employment of minority group Americans in Federal agencies and we believe that under Commission leadership the broad-range affirmative action program outlined in Executive Order 11478 is providing the kinds of results we are seeking. Our most recent published survey of minority group employment, a copy of which is enclosed, shows that de-

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spite a decline in total Federal employment, both the number of jobs and the number of better-paying jobs held by minority group Americans have continued to increase. As of May 31, 1971, the 503,608 minority group employees on the rolls of Federal agencies comprised 19.5% of the total workforce, up from 19.4% in May 1970, 19.2% in November 1969 and 18.9% in November 1967.

The survey also showed that employment of minorities in the middle and upper levels of the Federal salary structure has increased significantly and at an accelerated pace. Between May 1970 and May 1971, for example, minorities accounted for 58.6% of the total Federal increase at Grades GS–5 through GS–3 of the General Schedule during the one year period. Total employment decreased by 2,055 at Grades GS–9 through GS–11, but minority employment increased by 1,739. Minorities accounted for 15.5% of the increa e in Grades GS–12 and 13; 15.4% of the employees added at Grades GS–14 and 15, and for 40 (22.3%) of the 179 additional positions filled in the top GS–16 through GS–18 grade range. There were also increases in minority employment in the higher grade and pay brackets of postal and other pay plans.

Despite the significant progress evidenced in these overall statistics, there is need for continued affirmative action to assure equal opportunity for minorities in many occupations and in specific geographic areas, and also to provide upward mobility opportunities for employees now at the bottom rungs of the job ladder. Further progress will come as Federal agencies move forward affirmatively in this area and as improved educational and other opportunities for minorities give them the kinds and levels of skills and abilities called for in the full range of Federal jobs.

We are aware of the difference in California of Federal employment figures and minority population and there is no question in our minds that additional progress is necessary. We do question, however, the wisdom of simply comparing Federal employment with population percentages without any regard for the size of the minority workforce and the skill levels and abilities represented in it. We do not believe population alone should be the measuring stick; to make it so is an oversimplification of a complex matter and may well create more problems than provide solutions. To make meaningful progress, we have called on Federal agencies to establish numerical goals and timetables where they will contribute to the resolution of equal employment opportunity problems. Thus, an installation will set goals relating its projected staffing needs to the skills available in the minority groups within the recruiting area. In some areas, these goals may properly exceed the percentage of minority group persons in the overall workforce in the state or nation because of the nature of the employment opportunities and the location of the installation, for example, in an area of heavy concentration of minority persons. We believe locally set goals related to available skills in the recruiting area is the meaningful way to come to grips with the need to assure affirmative action by Federal agencies.

Enclosed for your information is a comprehensive report detailing examples of affirmative actions underway in the Commission and in Federal installations in California designed to open up opportunities in the Federal Government for qualified Spanish-speaking persons. Our Regional Director in San Francisco is working closely with Federal managers in the State and has conveyed to them and to our own managers your particular interest in further improving employment opportunities for minorities.

Data from a Government-wide minority employment survey reported as of November 30, 1971, are now being processed and when they are completed, we will provide you with a copy of the report. Analyses of the Civil Service Commission's own minority employment data reflect significant changes from the figures mentioned in your letter. As of March 1972, minorities comprised 25.7% of the Commission's workforce in California, up from 20.6% in November 1970. Negro employment is now 13.9% of total Commission employment in California, up from 11.7%. Spanish-surnamed employment is now 7.3% of total Commission employment in California, up from 5.4%. Oriental employment is now 5.0% of total Commission employment in California, up from 3.6%.

Increases in minority group employment have been particularly impressive in the Commission's field offices in California. In our Los Angeles office, for example, minorities now comprise 43.8% of the total Commission workforce, up from 32.7% in November 1970. Spanish-surnamed employment in the same office has almost doubled during this period, increasing to 15.2% from 7.7%. This increase includes the appointment of the Area Manager, at Grade GS–15, who is Spanish-surnamed. Employment of Negroes has increased to 26.6%, up from 22.4%. In San Francisco, minorities now comprise 22.9% of the Civil Service Commission's workforce, up from 17.6% in November 1970. Negro employment is now 11.2% of the total, up from 10.3%; Spanish-surnamed employment is 5.2%, up from 4.0% and Oriental employment is 6.3%, up from 3.3%.

Employment of women in the Civil Service Commission in California has also increased significantly. Women now hold 17% of all Commission jobs at Grades GS–9 and above. In San Francisco, women comprise 21% of the Commission's employees at these higher grades, and in Los Angeles, 13%.

A number of Federal installations in Los Angeles were recently reviewed as a part of our nationwide evaluation of the Sixteen-Point Program for the Spanish-Speaking. The findings from this review are now being assembled and will be released shortly, including pertinent information relating to the Los Angeles installations which were surveyed. In addition, a special "Action Plan for Spanish-Speaking Citizens" has been developed by the Los Angeles Federal Executive Board and is now being implemented. The plan was issued to Board Members last December and preliminary reports indicate progress in all areas of the plan. Mr. Higinio Costales, Director of the Commission's Spanish Speaking Program, went to Los Angeles last month to discuss implementation of the plan with the Federal Executive Board. A copy of the Plan is attached. We are confident that we have a good grasp of the minority employment situation in the Los Angeles area, that problem areas are being pinpointed, and that program activities and resources are being concentrated where they are needed. We believe these kinds of concerted interagency efforts, geared to achieving results, will be more effective in bringing about improvements than another special study in Los Angeles at this time. In addition, under the new Equal Employment Opportunity Act of 1972, the Commission will require Federal agencies to submit regional plans of action and such plans will further pinpoint problem areas and affirmative action in specified areas, one of which will undoubtedly be Los Angeles.

In summary, we share your view that the Federal Government must be a model of equal employment opportunity. While much progress has been made, we recognize much more remains to be done. Please be assured that the Civil Service Commission will continue to devote its resources to leadership and specific action wherever needs for change and additional programs are needed to further the objective of equal opportunity in all aspects of Federal employment.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

EQUAL EMPLOYMENT OPPORTUNITY PROGRESS REPORT, CALIFORNIA

PART I—INTERNAL EEO SITUATION IN SF REGION, CSC

Statistical information compiled for the San Francisco Region indicates that progress has been made in increasing minority representation in the workforce and reflects strides in upward mobility. The following are some of the highlights produced in the analysis of the statistical information.

Total minority representation in the Region increased from 20.3% in November 1970 to 25.1% in March 1972. In California the increase was from 20.6% to 25.7%.

Although overall employment for the Region, for California, and for the San Francisco and Los Angeles SMSAs decreased, the number and percent of minority employment in each area increased.

	Total employment		M/G employment	
	Number	Percent	Number	Percent
Region	−33	6.1	+18	16.7
California	−30	6.0	+18	17.3
SF-Oak. SMSA	−6	2.2	+15	31.3
LA-LB SMSA	−11	9.0	+10	26.3

Minority representation in middle and high grade levels (GS–5 and above) increased significantly, especially in the GS–5–8 and GS–12 and above ranges. Particularly notable are Spanish-Surnamed in the positions of Area Manager GS–15 in Los Angeles and Chief, Grants Branch, Division of Intergovernmental Personnel Programs, GS–14 in San Francisco.

There has been a substantial increase in representation of Spanish-Surnamed in each area. This is especially significant in Los Angeles where the increase from 9 to 16 (7.7% to 15.2%) brought representation very close to the 18.3% Spanish-Surnamed representation in the population.

Of the total of 97 accessions in Calendar Year 1971, 35 (36.1%) were minority group and 61 (61.9%) were women. Of the 33 accessions to positions at GS–7 and above, 11 (33.3%) were minority and 9 (27.3%) were women. One accession of a woman was to a GS–14 position of Associate Director at the Berkeley Seminar Center.

In addition to the upward mobility of minority employees shown in the statistics, the Region created four staffing assistant positions to establish a bridge between clerical and professional positions. Three of these positions were filled by minority group members, one of whom was a woman, and two of whom were first appointed under the Veterans Readjustment Appointment Program.

The Basic Education and Skills Training (BEST) program was set up in the Regional Office in 1969. The objective of this upward mobility program was to offer employees in grades GS–1 to 4 an opportunity to improve their skills in job related areas. In the first two 12-week semesters 98 CSC employees graduated. The third 12-week semester, from which 60 employees graduated, was expanded to include participation by the Department of Labor, the National Park Service and the Small Business Administration. A letter was distributed to all members of the Federal Executive Board describing the program and offering Commission assistance to establishing similar programs in other agencies. To date the Regional Office of the Veterans Administration and the Social Security Payment Center in San Francisco have initiated action to begin programs in their activities.

PART II—CSC LEADERSHIP AND GUIDANCE

We have been deeply involved in a variety of activities in providing EEO leadership and guidance to agencies.

Our full time Regional EEO Representative spends a major portion of his time consulting with agency managers and EEO program staffs on progress and problems and providing on-site assistance in developing improved program organization and procedures, strengthening action plans, facilitating contacts with minority organizations, etc. Area Managers and their staffs supplement these efforts in their contacts and assistance visits with agency officials.

Review of EEO and upward mobility plans and progress is a built-in feature of virtually every nationwide and regional option general evaluation. Many of our special inquiries and special study visits include EEO coverage. The subject is also high on our agenda of items covered in planned assistance visits. Through these means we keep abreast of program developments and problems and provide specific recommendations and assistance in developing action items to achieve needed improvements.

In the 14 months from January 1971 to March 1972 we made the following numbers of evaluations and planned assistance visits in which EEO was covered:

	Evaluations	PAV's
Region	83	150
California	78	141
San Francisco SMSA	28	37
Los Angeles SMSA	19	40

We have taken the lead, in conjunction with Federal Executive Boards (FEB) and Federal Executive Associations (FEA), in organizing Federal EEO Coordinating Committees in areas where there are concentrations of minorities and where the Federal government is a significant employer. The committees are composed of representatives of Federal agencies in the area and work to promote coordinated plans and efforts to provide improved employment opportunities for minorities and women.

EEO Coordinating Committees have been established in San Francisco, Oakland, Sacramento, San Jose, Salinas, Los Angeles, and Las Vegas.

The San Bernardino Area Office helped organize and coordinate an area-wide committee of Federal Women Coordinators.

The San Jose (or Peninsula) Committee has been active in sponsoring interagency programs for EEO orientation and training for managers and supervisors.

The Sacramento Committee has conducted studies to determine reasons for low levels of availability of Spanish-surnamed on Civil Service registers for the Sacramento area and is now devoting its resources to implementing the goals of the 16-Point Program in the Sacramento area.

A number of Regional CSC personnel maintain continuing contacts with minority groups, such as the Urban League, NAACP, CORE, United Council of Spanish Speaking Organizations, San Francisco Civic Center Forum, and the American G.I. Forum.

We have made noteworthy strides in special efforts to modify standards and eliminate similar barriers to minority entry into Federal employment.

In developing the job announcement and crediting plan for Worker-Trainee we consulted with representatives of minority and community group organizations to obtain their option and input regarding the examining and measurement approach to be used. During the period March 1971 to March 1972 there were 2032 appointments made from Worker Trainee registers in the San Francisco Region, about 1600 of them in California. Most appointments made were blacks.

In order to insure maximum employment opportunities for minority groups in Fresno, in 1970 this Region initiated negotiations with the Internal Revenue Service to modify standards for major categories of positions to be filled at the new IRS Service Center in Fresno. New standards were developed as a result of intensive job analyses by CSC representatives. Special tests were also selected on the basis of the analyses which would provide excellent opportunities for the Spanish-surnamed as well as other minorities and women in the Fresno area. During the first year operations (1971) the Center hired approximately 800 persons. Over 260 of them were minorities, at least 200 of whom were Spanish-surnamed. This model project is presently being studied for extension to other IRS Service Centers throughout the country.

Extensive sample question materials have been furnished in major metropolitan areas to the California Human Resources Department for their use in providing training in test familiarization to applicants for Federal (and other public jurisdiction) jobs. This training has been particularly successful in Oakland in helping the large black population prepare for a variety of examinations. Certain sample tests have been prepared in Spanish to provide initial experience for the bilingual. Subsequent test experiences are conducted in English. Areas in which this type of training has been most successful are Los Angeles, Oakland and Fresno.

Other standards have been modified by this Region to provide for alternate ways for applicants for jobs to demonstrate their abilities. As a result of modification in test requirements minority groups have been successful in obtaining employment in jobs such as Card Punch Operator and for apprentice positions at Naval installations. At the Hunters Point Naval Shipyard 25% of the appointments to the Apprentice Program in 1970 were black and for the period 1/72/-3/72 35% of the appointments were Spanish-surnamed.

The San Francisco Region has recently increased its efforts to provide on-site and bilingual assistance to minority applicants:

A Spanish-speaking veteran has been placed in the San Francisco Federal Job Information Center to provide better service to the public. A Chinese-speaking veteran was also recently appointed in the same office. A woman, who speaks Spanish and Tagalog, is employed in the Los Angeles Federal Job Information and Testing Center.

New Federal Job Information Centers have been established in Oakland, Fresno, Long Beach and Santa Maria, which will serve large minority communities. The supervisor of the new Oakland FJIC is a black woman.

In California we have issued some examination announcements in both Spanish and English. Bilingual announcements were issued for Worker-Trainee in San Diego, San Francisco, and Los Angeles, for Printing Trades Helper and General Helper in Sacramento, and Maintenance and Services Worker in San Diego.

Our Region is also actively involved in efforts to recruit American Indians into the Federal service. Examples of such activities are:

Two Staffing Specialists from the San Francisco Area Office attended an open house held by the Alameda Bureau of Indian Affairs Office. The program emphasis was self-determination for Indians who have left the reservation to improve their employment or educational opportunities. The BIA employment counselor requested that the Commission review vocational training offered Indians to determine if their students will meet our qualification standards upon completion of training. As a result, the training is now considered qualifying under Commission standards.

In Reno, information has been provided to Indians through special Indian Employment Counselors at SES offices and guidance counselors at the Stewart Indian Agency School. The Reno Area Office has also obtained from the Nevada Indian Agency lists of Nevada Indians attending schools of higher learning and has distributed them to Federal agencies in Nevada to assist them in employing Indians.

The San Bernardino Area Office contacts Indian youths at Sherman High School through orientation sessions with individual counselors including providing recruiting material and sample test booklets. The students were also given help in class with practice test exercises prior to scheduled on-campus tests.

The Sacramento Area Manager and his staff met recently with the President of the Federated Indians of California to exchange information which will be used to determine specific action plans—including the identification of Indian students available for work-study programs.

The new Deganawidah-Quetzalcoatl University has been established on the site of a surplus Army installation at Davis, California. The new school will be open to all creeds and races, but its curricula are tailored to specific needs of Indians and Chicanos. The Sacramento Area Office will assist school officials in identifying students available for work-study programs and will work with Federal agencies to establish such programs for the students.

The San Bernardino Area Manager met with the Tribal Council at the Morongo Indian Reservation, to discuss Federal job opportunities, veterans benefits, and assistance the Commission could give in preparing for examinations. A San Bernardino Area Office representative also attended a Tribal Council meeting to discuss individual counseling, preparation for written tests, and the administration of written tests in the reservation club house.

The San Diego Area Office recently contacted many tribes in San Diego County to assure that the Worker-Trainee examination announcement was receiving wide enough distribution on all reservations. Contact was also made with the Coordinator of the Intertribal Council to discuss ways of encouraging and interesting reservation Indians in Federal employment.

We have aided many agencies in obtaining high quality candidates from minority groups, through the use of selective criteria for placement in positions having specific or special requirements, such as those requiring bilingual ability. From January 1971 to the present, for example, agencies reported 130 FSEE appointments and 63 MAST appointments from certificates issued on the basis of such selective placement factors. In August 1971 the Region issued a letter to all appointing officers reminding them of these flexibilities and of ways of using selective placement criteria.

An extensive college relations and recruitment program, involving activities such as the following, is actively pursued.

The Region has identified colleges and high schools with significant numbers of Spanish-surnamed students and has provided this information to field installations. The Regional Recruiting and College Relations Officer and the EEO Officer have made several trips to these colleges to give information on job opportunities for minorities with the Federal government.

Federal College Associations (FCA) throughout the Region have established "Rap Sessions" with Chicano groups on-campus in which there were discussions on Federal hiring trends, employment, employment procedures, and career prospects.

Commission efforts to increase participation of Spanish-surnamed in Cooperative Education Programs have resulted in almost 100 appointments in the Internal Revenue Service.

The Region also assisted in the formulation of an agreement between the IRS and the East Los Angeles College under the Cooperative Education Program. A special curriculum was developed for students participating in semi-technical type training.

Chicano students are regularly invited to

participate as members of student panels at quarterly meetings of several Federal Executive Associations.

The Region made available to all agencies, through the Area Offices, copies of the Cabinet Committee on Opportunity for the Spanish-speaking's publication on Spanish-surnamed college graduates.

FCA's are very active in recruiting at two year and four year colleges in California where there is a significant enrollment of blacks. During the past year informational programs were held at the following schools: Merritt College in Oakland, Compton Junior College, East Los Angeles College, Los Angeles City College, Laney College in Oakland, and California State at Hayward.

Women's programs were held at numerous colleges in the past year. Recent programs were conducted at University of California at Davis, University of California at Berkeley and at Fresno State University. These activities are sponsored jointly by the CSC and agencies in the area.

The CSC has developed a slide presentation on progress that women are making in the Federal work force. The presentation emphasizes accomplishments and opportunities for women in the Federal service. Approximately 20 presentations have been made to schools during the past 12 months by Federal Women's Program Coordinators and CSC representatives.

The Regional Training Center is very active in EEO training. In the period between January 1971 and March 1972 a total of 1486 people were trained in 48 sessions of the following nine EEO courses put on in California by the RTC.

Supervising the Disadvantaged; Trainers' Institute (Supervising the Disadvantaged); EEO Counseling; Advanced EEO Counseling; Role of the Federal Manager in EEO; EEO Program Planning and Execution; Investigating Discrimination Complaints; Counseling Lower-Level Participants; Seminar for Career Women.

There has been significant participation by minorities and women in these courses. Excluding the Seminars for Career Women, there were 1066 attendees with approximately the following representations: Blacks, 25%; Spanish-Surnamed, 14%; Orientals, 4%; American Indians, 1%; Women, 32%.

PART III—AGENCY ACTIONS

Agencies, in concert and individually are increasing awareness of and giving greater emphasis to EEO activities. The following are examples of the kinds of positive actions planned and taken and results being achieved.

An example of significant progress within the Los Angeles area in the employment of the Spanish-surnamed is the involvement of the Los Angeles Federal Executive Board in the development of an "Action Plan for Spanish-Speaking Citizens." This plan was issued to the FEB members and other agencies in early December 1971. Preliminary indications show signs of good progress, due to FEB support and encouragement. The Los Angeles Area Office participated actively in the formulation of the action items, and will continue to coordinate with the FEB. Gil Gonzales, a Staffing Specialist in the Area Office, has been designated as the Chairman of the Spanish-speaking Task Group. This unit of the FEB's EEOC has been charged with the responsibility for providing leadership to Federal agencies in implementation of the various aspects of the program and monitoring progress.

The Regional Council in San Francisco is firming up an action plan to step up employment and upward mobility of minorities and women in Federal agencies in the San Francisco Region. Goals set by the plan are expected to further enhance the progress already made through individual agency EEO affirmative action plans.

The Pacific Missile Range, Pt. Mugu has established a Navy employment office in Colonia, a Spanish speaking ghetto area in nearby Oxnard, for the primary purpose of establishing a communications link between the community and the Navy activities in the area. The employment office manager is Spanish-surnamed.

IRS in Los Angeles has held pre-test preparation and counseling training sessions in the East Los Angeles Mexican-American community to assist the Spanish-surnamed in taking employment tests. That activity has also established a task force composed of Chicanos and Blacks from field audit organizations to explore ways IRS can more effectively recruit minorities in surrounding communities.

During the period 1/70–12/71 SSA Offices in Los Angeles have recruited and hired over 80 Spanish-surnamed persons for a variety of jobs. Forty-seven were at grades GS–5 or 7. In addition, they have employed 4 Spanish-surnamed persons at GS–12 and above.

Mather AFB is restructuring its middle grade positions to provide for greater upward mobility. An example of jobs restructuring occurred when a WG–8 Cook position was restructured to WG–5 to permit promotion of lower graded Food Service Workers to the intermediate position.

The Naval Electronics Laboratory Center in San Diego established a Human Relations Office in June 1971 to provide a wide range of counseling to its employees. Two counselors were hired at the GS–12 level—one Negro and one Spanish-surnamed.

IRS in this region has made special efforts to bring the Spanish-surnamed into the Cooperative Education Program. These efforts included the formulation of an agreement between IRS and the East Los Angeles College in which a special curriculum was developed whereby students participating would fully qualify for semi-technical positions. With additional training, students would qualify for professional positions. Altogether, IRS in this region has made approximately 100 appointments of Spanish-surnamed students under the Cooperative Education Program.

The Western Area, Military Traffic Management and Terminal Service, Oakland Army Base provides a number of on-post, off-clock courses to assist lower grade employees to qualify for advancement. These include courses such as Basic English, Basic Mathematics, Basic Office Services and Skills, and FSEE Preparation. The Directorate of Data Systems at this Army activity has also developed a comprehensive Upward Mobility Guide which provides an outline of career ladders and training plans for Computer Aids, Computer Operators, Computer Technicians, EAM Operators and Card Punch Operators to enable them to advance to higher skill levels in the computer field. Jobs are being restructured in the Directorate of Data Systems, and a "bridge" job of Computer Operator GS–4 has been established, to facilitate upward or lateral movement from low level Computer Aid, Card Punch and EAM positions.

Despite an overall employment decline of 12% the past year March AFB increased its Spanish-surnamed employment by 19.8% (from 106 to 127).

In 1971 the Social Security Administration hired 43 Spanish-surnamed in filling a total of 97 Claims Representative Trainee positions in Region IX. This was accomplished through concentrated recruitment at colleges with substantial Spanish-surnamed enrollments, year-round contacts with campus minority organizations, and individual recruiting letters to Spanish-surnamed graduates in the Region.

The FAA Regional Office in Los Angeles conducted tutorial classes in 1970–71 in East Los Angeles and San Bernardino. The tutorial program is geared to encouraging and preparing applicants from the Spanish-speaking community to enter the Air Traffic Control Specialist career field. Similar programs are being planned for Bakersfield, Long Beach, Pasadena and San Fernando.

Last summer the Norton and March Air Force Bases conducted a special summer program in which they employed more than 150 American Indian youths.

Norton AFB has charted career ladders for employees in deadend positions. Upward mobility for the Base's minority employees is shown in the following statistics for the period 11/70–11/71:

Spanish-surnamed

GS 1–4: −12.0% (75 to 66).
GS 5–8: +21.5% (65 to 79).
GS 9–11: +3.6% (28 to 29).
WG 1–4: +14.9% (74 to 85).
WG 5–8: −1.9% (155 to 152).
WG 9–11: +16.3% (98 to 114).

Negro

GS 1–4: +3% (33 to 34).
GS 5–8: No change (44).
GS 9–11: +40% (15 to 21).
GS 12 + above: +20% (5 to 6).

Mare Island Naval Shipyard has made a study of dead-end positions and identified employees in such positions who show potential for advancement. These employees will be given special training and counseling to provide them with greater opportunities for advancement.

From 11/70 to 11/71 Region IX of DHEW hired 128 permanent employees of whom 64 or 50%, were minority group members. Of 58 hires in positions at grades GS–7 through 15, 27 were minorities.

The Federal Correctional Institution at Lompoc, California recently placed 10 VRA's, all from minority groups, as GS–5 Correctional Officers.

The Navy Supply Center at San Diego has analyzed almost all its occupations to identify entrance and upward movement patterns, establish career ladders, and prepare career development plans within the occupational fields. It has also implemented Project STEP-UP, a basic education program for employees in positions with limited or no advancement opportunities. The program, developed in conjunction with San Diego Community College, is geared to upgrading basic educational skills to aid lower level employees in qualifying for advancement and improving their potential for upward mobility. Students attend classes on-site twice a week with one hour on government time and one hour on their own time. Sixty employees are presently enrolled.

The Defense Contract Audit Agency in San Francisco has added a total of 33 women and minority trainees to its rolls since 1970. This represents about half the total trainees for professional positions recruited in that two-year period.

Many activities have appointed minority group members to key positions, such as EEO Officer and EEO Counselor, on their EEO staffs. Many have also organized EEO Committees, with heavy minority group membership to advise and assist in identifying problems, developing affirmative action plans and evaluating progress.

Mr. CRANSTON. Mr. President, I am pleased that the Commission is responding to the new legislative responsibilities and is pressing ahead to improve the entry and upward mobility opportunities for Mexican-American and other minorities in regional Federal installations in California and elsewhere.

Mr. President, in order to carry out Public Law 92–261, the administration recently transmitted a budget amendment—House Document No. 92–300—requesting $2,782,000 for 134 additional CSC positions. Unfortunately, the House committee did not include any funds pursuant to this request. Our Appropriations Committee has added $2 million for this purpose, $782,000 less than was requested.

In my judgment and that of the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS) who was the principal author of the Equal Employment Act of 1972 and its floor manager, we need more funds and staff for the CSC's equal employment operation than this $2 million would allow. The best estimate we can gather is that the agency's submission to the Office of Management and Budget was for a $5 million increase—about double the budget amendment ultimately transmitted. We would prefer to add this full amount deemed necessary by the agency. I am sure the distinguished chairman of the subcommittee (Mr. MONTOYA), himself a great champion of equal opportunity, and the distinguished ranking minority member (Mr. BOGGS) would agree that we should and must do all necessary to beef up the Federal Government's own program of equal employment opportunity. The Federal Government must set the example in this civil rights area.

Mr. President, I have a description of the Civil Service Commission's new responsibilities under Public Law 91–261 that I shall now put in the RECORD.

PUBLIC LAW 92–261

The language of Public Law 92–261 expresses a clear mandate by the Congress for the Civil Service Commission to undertake a stepped-up affirmative action program for equal employment opportunity in the Federal Government. The law also calls on the Commission to strengthen its enforcement activities in order to eliminate any discriminatory practices in Federal agencies and to assure full compliance with equal employment opportunity law and Executive order.

AFFIRMATIVE ACTION PLANS

The new law requires that the Commission review and approve Federal agency action plans for equal employment opportunity at the regional level as well as at the national level. The Commission is thus directed to zero-in on particular problem areas at grassroots levels. It will be looking at what needs to be done to assure that qualified persons, including, for example, Chicanos in Los Angeles or Albuquerque or San Antonio, are recruited and hired for Federal jobs, and that those who are on the payroll have a fair chance to move up the ladder and to receive in-service training to qualify them for such advancement.

The effective review of each agency's action plans—including regional plans—will more than quadruple the Commission's workload in this area alone. It takes expert staff to make a meaningful review of these plans and to provide agencies direction in this area, and for Congress to give the Commission the responsibility without the funding for staff will not advance the equal employment opportunity program.

ONSITE EVALUATION AND FOLLOWUP

This close look at agency plans should be supported by a broader data base than is presently available, and must be followed up with an intensified onsite evaluation effort. To enforce the Act as Congress has intended and required will mean the Commission will have to make many more onsite evaluations of agency activities. This is one of the major ways that the Commission can find out what kind of affirmative action programs local installations are carrying out to assure equal employment opportunity for all persons.

Onsite inspections will put the Commission directly into installations in our major metropolitan areas, such as Los Angeles and San Francisco, New York and Philadelphia, where there are heavy concentrations of minority group men and women, especially blacks and Spanish surnamed. This is an essential part of the enforcement effort that we want the Commission to carry out and will create an additional need for evaluators and other personnel to carry out this effort. A large part of the increased funding for the Commission in this category will go for this kind of onsite evaluation program.

INTENSIFIED REPORTING OF RESULTS

A statistical analysis program to be able to see which agencies and which installations in the field in those agences are making progress and which are lagging behind is essential to the Commission's enforcement effort. The present system of counting minority employment every 6 months is simply not enough. The new law now requires a published report every 6 months. The Commission thus needs to know what is happening during each 6-month period, how many minority group employees were hired, how many were laid off, how many were advanced, and so forth. This type of ADP processing system will permit the Commission to do that and is an essential part of how the Commission plans to enforce its responsibilities under the Equal Employment Opportunity Act of 1972.

This also requires more funding. Congress has asked the Commission to do these things; Congress must provide the funds needed to do the job.

EXPANDED REGIONAL OFFICE OEO STAFF

Presently, the Civil Service Commission has only minimal EEO staffing in its 10 regional offices. It is not enough now, and with enactment of the new law, it is grossly inadequate. The tasks of preparing regional affirmative action plans and then implementing them, receiving and following up on agency plans and overseeing grievance and appeal procedures and management, will require more regional EEO personnel—both for the Civil Service Commission and, as a corollary, for the other Federal agencies involved. The Civil Service Commission should insist that the other Federal agencies greatly expand their allocations of staff to carry out the new law's EEO responsibilities. This is another reason why more money needs to be added here to expand Federal Government equal employment opportunity efforts at the grassroots level.

EXPEDITED COMPLAINT AND APPEAL PROCESSING

Another important responsibility we have charged the Commission to carry out is to insure that individual complaints of employees and applicants for employment are handled fairly and in an expeditious manner. Every employee has a right to an early and completely objective decision on any complaint of discrimination which he or she files. In the new law, we have provided the opportunity for employees to take their complaints into the district court after a final agency decision or within 180 days after they file the initial complaint. These employees are entitled to an administrative judgment on their complaints and should not be required to go into court to get an initial decision or to wait a half year for an administrative decision. To speed up the entire process of investigating and hearing complaints, the Commission needs additional complaint examiners and other personnel to make sure that complaints and appeals are heard within the time limits and are decided in a fair, judicious, and timely manner.

CONCLUSION

In short, this strong affirmative EEO program effort for which the Civil Service Commission has been given overall responsibility needs strong support in terms of financial and staff resources. It was expected by Congress that the Commission move affirmatively with regard to its new responsibilities, and Congress must, therefore, provide the total resources to support the role it expects the Commission to play in assuring all Americans an opportunity to participate fully in the activities of their government.

The relatively small amount of extra money we ask be included in this bill—$2,000,000—is clearly not too dear a price tag for the kind of effort we want and badly need in light of the kinds of work yet to be done and the results we expect in the area of Federal Government equal employment opportunity.

Mr. President, I have discussed this amendment in advance with the two floor leaders on this bill, and they have indicated they believe an additional $2—rather than $3—million would be adequate to do the job. I respectfully defer to their judgment and estimates. I strongly hope that they will accept this amendment and take this full $4 million increase to conference and do all possible to have it accepted in the conference report.

I urge adoption of the amendment and express my warmest thanks and appreciation, and that of all friends of equal employment opportunity in our Nation, to the Senators from New Mexico (Mr. MONTOYA) and Delaware (Mr. BOGGS) for their cooperation in this vital matter.

Mr. MONTOYA. Mr. President will the Senator yield?

Mr. CRANSTON. Yes, of course, I yield.

Mr. MONTOYA. I commend the Senator from California for having been a leader in this movement to try to exact a little more compliance in the field of equal opportunity. I know he has been a leader in it.

During the course of the hearings we covered this subject very thoroughly, and we received assurances from the Civil Service Commission that if the money was provided in this act, they would launch a very meaningful effort throughout the country to bring about equal op-

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portunity for all minorities and for all people. In fact, during the course of the hearings I suggested to the Civil Service Commission that we also take care of the so-called Anglo-Americans, because they were being discriminated against here in Washington, in the District of Columbia government, and I mean that sincerely.

There is much discrimination in the District of Columba government. I would go so far as to say that there is discrimination even in the Equal Employment Opportunity Commission. I suggested to the Civil Service Commission that they investigate the discrimination that is going on in the Commission which is charged with bringing about equal opportunity for all Americans.

So if we are going to cover this landscape of existing discrimination, we should cover it on both sides of the track and look into any discrimination that is practiced against all Americans, be they white, black, or otherwise.

It is in that spirit that we did provide the funds here, and the Civil Service Commission is on notice that it should apply the law and discharge its obligations across the vast landscape of employment in the civil service of the Federal Government.

So I commend the Senator from California for his interest, and I want to say, after consulting with the ranking minority member (Mr. BOGGS), that we will accept the amendment. I yield back whatever time I have on the amendment.

Mr. CRANSTON. I thank the Senator very much. He has been a great leader in this effort over many years, and I am deeply grateful also to the distinguished Senator from Delaware, who has also been a strong supporter of efforts in this direction.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. CRANSTON. Of course.

Mr. BOGGS. I have asked the Senator to yield, first, to commend him on bringing this amendment to the floor and taking the active, important leadership role in this effort that he is taking and has been taking over the years.

I agree with the distinguished floor manager that the committee does feel that this is a very important matter, and we did, as the Senator knows, increase the amount over and above what the other body provided.

Mr. CRANSTON. Yes.

Mr. BOGGS. We also felt that we should go as far as we reasonably could in providing whatever funds may be necessary for an adequate and fair job to be done in this important field.

I am glad that my friend the distinguished Senator from California has brought this amendment to the floor.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, before moving to a vote on the amendment, I wish to make one other point, and ask the distinguished floor manager a question. He and I both know only too well that the record of the Federal Government in providing entry, as well as upward mobility, job opportunities is a very mixed one, at best. For his people—those with Spanish surnames—who comprise close to 20 percent of the population of my own State—the record is plainly a dismal one. The letter to the Civil Service Commission I inserted in the RECORD earlier has all the statistics so I need not belabor them here.

But, plainly, much more must be done.

Frankly, I am not sure that the CSC is the agency to do it, I would have preferred assigning the task to the Equal Employment Opportunity Commission. But I was convinced that we could not have gotten such a transfer of responsibilities—strongly opposed by the administration—enacted into law this time. So we wrote the mandate clearly into the law and, in effect, put the Commission on notice that we want a major, aggressive, and effective Federal Government EEO program—less talk, less directives, more action: more real job opportunities for minority groups.

What I am leading up to is this: We cannot just add money for more staff and expect that that will get the job done. That is not the way things happen here in Washington. Substantial progress in this field is too important to leave to chance.

So, working with Chairman WILLIAMS, I have been closely monitoring the activities of the CSC in beginning to implement its new EEO responsibilities. I have requested and received reports from almost all Federal agencies on their EEO efforts, especially in my State. I am compiling and analyzing these. They are a beginning point for progress when the CSC gets new staff and funding.

I would like to ask the distinguished floor manager to join with me in keeping a close watch on how the Commission uses these new funds and how it implements section 11 of Public Law 91–261. I hope he would join me in this effort.

Mr. MONTOYA. Mr. President, I might say to my distinguished colleague from California that we already have made a good start, as shown in the hearings, by my requiring the Commission to give us a breakdown of the representation on the part of the Spanish-surnamed Americans in Federal employment. I put them on notice that I would ask them during the course of next year's hearings to furnish information as to the progress made during the course of the year.

This is the only way that Federal agencies can adequately report their progress to Congress. There has been a lot of rhetoric in this field, but very little action, and I am hopeful that with this kind of demand upon the Federal agencies, we will get some meaningful action.

I can point to other agencies in the Government that deal with equal opportunities where very little has been done. I do not mean to criticize the entire effort of the Equal Employment Opportunities Commission, because they have done a reasonably good job. But within the purview of their performance, there creeps in a little discrimination within the agency itself, and that is what I refer to.

As I say, there are other agencies which deal with equal opportunities where we have been getting a lot of rhetoric. I might say those people have been going all over the country as showpieces throwing around a lot of rhetoric and no performance within the orbit of their particular agencies and the programs which they are supposed to bring to the forefront are ignored or neglected.

I think we in Congress should exact from those people a record of performance when they appear before us for appropriations. If they do not perform, we should either cut back their appropriation or repeal the law creating the particular agency.

I am deeply concerned about the Cabinet level committee for the Spanish speaking. I do not believe that agency is doing its job. I was the author of the original legislation, and unless that agency does its job I would be one of the first to come to Congress asking for the repeal of that particular law, or to provide for legislation which would bring about more meaningful action and better performance on the part of the agency; because right now I might say that some of the people in the agency are being used for political purposes by going all over the country making political speeches; and I think that what they should do is remain in Washington and try to carve out some kind of meaningful action which would bring about meaningful results in carrying out the provisions of the original legislation itself.

Mr. CRANSTON. That is great. I am sure that, with the leadership and cooperation of the Senator from New Mexico, we, working together, along with the assistance and cooperation of the distinguished Senator from Delaware, can assure that these funds are well spent and the program moves ahead.

I would just like to touch upon one related point; it will take only a moment.

I hope the Senator will agree that it is our expectation—his as floor manager of the appropriations bill, and mine, as author of the new statutory provisions, and Senator WILLIAMS, as the principal author of the new act and chairman of the Labor and Public Welfare Committee, that we do not expect the new funds to be used solely for Washington staff; that we expect that CSC regional staffs will be beefed up with EEO officers and experts and that, particularly in the field, these new employees must be, themselves, qualified minority group persons.

In fact, I believe that we are in agreement on the proposition that of all the new EEO employees the CSC hires with the funds to be added in the bill—here and in the field—at least a majority must be from minority groups in a reasonable proportion to population; but with special emphasis on the lagging program for Spanish-surnamed employment.

Does the Senator agree with these propositions?

Mr. MONTOYA. I agree wholeheartedly.

Mr. CRANSTON. I thank the two distinguished Senators.

Mr. President, I move the adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is all remaining time yielded back?

Mr. MONTOYA. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from California yield back his time?

Mr. CRANSTON. Yes.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). All remaining time having been yielded back, the question is on agreeing to the amendment offered by the Senator from California.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. MONTOYA. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I offer the amendment I send to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

SEC. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any Country which does not presently grant preclearance privileges to the United States.

Mr. MONTOYA. Mr. President, by way of explanation, the committee covered the subject of customs' passenger preclearance very thoroughly. I ask unanimous consent to have printed in the RECORD at this point the colloquy that took place between Mr. Edwin F. Rains, Acting Commissioner of the Bureau of Customs and myself which appears beginning on page 252 of the Senate hearings and continues to the end of page 255.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CUSTOMS PRECLEARANCE OPERATIONS

Senator MONTOYA. What is the current status of customs' preclearance operations?

Mr. RAINS. Customs for a long time has been dissatisfied with its preclearance operations. There are four preclearance stations in Canada, as well as stations in Bermuda and Nassau. We also have preclearance in the Virgin Islands.

When preclearance started, it was a different day and age. Basically, the customs exemption was $500 a person. Very few people exceeded it. Airplanes were small. There were relatively few of them by present standards and we did not have a narcotics problem.

We have become increasingly concerned that preclearance has become a loophole in our narcotics program. Narcotics come into the United States from all of these preclearance places, particularly Canada, Bermuda, and Nassau, on precleared flights, a principal problem is that in the United States we can search the clothing and the person of the individual coming in, if we have any suspicion. We cannot do these things abroad.

Customs has been sufficiently concerned about this that it has taken action which had led to an interdepartmental study under the chairmanship of the Office of Management and Budget, which is currently looking into the matter from every point of view. Customs would like to see preclearance terminated. We believe we can do a much more effective job in the United States.

We believe we should not be losing the foreign exchange we lose by having to station people abroad, who are paid more and spend their money abroad.

Customs believes also that it is better to open new airports with customs facilities in the United States or to expand existing ones, because of the domestic impact in terms of domestic growth of commerce.

Senator MONTOYA. How many passenger preclearances would you say occur in a year?

Mr. RAINS. I can supply that for the record, sir.

Senator MONTOYA. What is the cost of these preclearance operations?

Mr. RAINS. I can supply that for the record.

Senator MONTOYA. Very well.

(The information follows:)

COST OF PRECLEARANCE, FISCAL YEAR 1972

Location	Reimbursable excess cost	Reimbursable overtime	Customs expenses	Total
Montreal	$96,000	$192,000	$249,000	$537,000
Toronto	138,000	285,000	370,000	793,000
Vancouver	75,000	36,000	56,000	167,000
Winnipeg	14,000	14,000	13,000	41,000
Prince Rupert		6,000	13,000	19,000
Subtotal	323,000	533,000	701,000	1,557,000
Bermuda	44,000	32,000	81,000	157,000
Nassau	80,000	37,000	93,000	210,000
Total	447,000	602,000	875,000	1,924,000

Note: In fiscal year 1971, precleared flights amounted to 47,435 with 2,645,283 passengers.

NARCOTICS SEIZURES A HIGH PRIORITY

Mr. RAINS. I must say a good many agencies disagree with us. They put what they regard as the economics of a few of the airlines as a high target of priority; whereas, we put as our high target the keeping out of narcotics. There is also some dispute as to whether preclearance is an advantage for the traveler. We do not believe that it is. We believe that the traveler gets as good treatment arriving in a domestic airport—particularly one that is adequately staffed.

Mr. MONTOYA. Mr. President, the subject of Customs' passenger preclearance is one that has disturbed the committee very much. The Bureau of Customs is trying to rid itself of passenger preclearance activities. Presently, U.S. Customs personnel perform preclearances within other countries so that passengers coming into the United States may, as a convenience, receive clearance from U.S. Customs officers in those countries ports and not go through U.S. Customs at the ports of entry in the United States. The House directed the phaseout of this program. It is not an extensive program; but several Senators have manifested an interest to the extent of observing the program at least a little longer.

In view of this, the Magnuson amendment is directed at preserving on a temporary basis what exists now.

If there is no objection to the amendment by the ranking Republican member of the committee, I am prepared to yield back my time on the amendment and ask for its adoption.

Mr. BOGGS. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment offered by the Senator from New Mexico on behalf of the Senator from Washington (Mr. MAGNUSON).

The amendment was agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senate, I wish to express my appreciation, and, on behalf of the leadership, my commendations to the very distinguished junior Senator from New Mexico for his able leadership and the great work he has performed in conducting the hearings on the bill, the markup thereon, and the debate on the floor of the Senate today in regard thereto. He has demonstrated, once again, his good judgment and his great parliamentary skill in the management of bills coming within the jurisdiction of the subcommittee which he so ably chairs. I also wish to commend the able ranking minority member of the committee, the distinguished senior Senator from Delaware (Mr. BOGGS), and all the other members of the committee on both sides of the aisle for the dispatch and the expertise they have consistently shown and for the effective work they have done.

I wish to express my personal appreciation and that of my distinguished senior colleague from West Virginia (Mr. RANDOLPH) to the chairman of the committee, to the ranking Republican member, and to the entire committee, as well, for the committee's having directed that the reduction in funds for the Bureau of the Public Debt not be applied to the ongoing transfer of activities and personnel from Chicago to Parkersburg, W. Va.

Mr. MONTOYA. Mr. President, I thank the distinguished Senator from West Virginia for being so generous in his remarks. I deeply appreciate them.

Mr. MCGEE. Mr. President, I wish to extend my appreciation and congratulations to the distinguished chairman of the subcommittee for the excellent manner in which he has handled this legislation. As always, his skill and generosity has helped the subcommittee as well as the full committee to develop a responsible piece of legislation.

As the chairman of the standing committee which has jurisdiction over legislative affairs for the U.S. Postal Service, I want to mention briefly one aspect of this bill which has raised considerable controversy for quite some time. That is the provision for subsidizing the Postal Service for a limited period of time under the provisions of the Postal Reorganization Act—Public Law 91–375. Under the various ratemaking and appropriations provisions of that law, the Congress deemed that for 13 years, at least, the Postal Service would receive a direct payment from appropriated funds equal to a percentage of the fiscal year 1971 appropriation. Presently, that is 10 percent, or about $900 million, which is the level of payment until 1979, or thereabouts. Secondly, for a period of 5 years, any mail matter previously mailed under one of the old preferential rate sections of law, as the law existed prior to the enactment of the Postal Reorganization Act, would be entitled to a partial, declining subsidy, commonly known as the revenue foregone appropriation, which means that Congress pays the difference between what would be the regular rate and the rate actually paid by the mailer on account of the law, the saved rate.

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This provision, section 2401(c) and section 3626, was carefully thought out by the Senate committee and adopted in conference with the House of Representatives. It was believed by all to be a fair and equitable manner of permitting mailers to adjust to the impact of a pay-as-you-go Postal Service. We made no distinction in the law; we did not intend to favor any mailer or discriminate against any mailer. We included all, regardless of any personal views as to their value in the mail.

Now in section 3627 of the law, we also provided that in the event that Congress failed to appropriate any of the funds authorized to pay a variety of subsidies, some temporary and some lasting, the Postal Service would be authorized to petition the Postal Rate Commission to increase rates to make up the difference. It was my impression that this contingency was included—at the insistence of the Postmaster General—to provide for the unlikely objections of the Appropriations Committees to some feature of the subsidy. Unfortunately, the enemy was not on Capitol Hill; it was at the Executive Office Building in the guise of the Office of Management and Budget.

In 1971, the OMB decided to reduce the Postal Service's submission of a budget by $210 million, and the OMB said this was taken out of the amount necessary to pay for revenue foregone from third-class mail. Our committee held a hearing to discuss this issue with the then Deputy Director of the OMB, and the Honorable Casper Weinberger. It was his position that third-class mail was mere advertising—which it is not—and unsolicited—which it is not. He felt no compunction about wearing two hats, one as a budget man and the other as the Postal Rate Commission. I have objected to that posture ever since. The law, 39 U.S.C. 410 specifically states that the Postal Service is not subject to review by the budget office, and certainly there is no place in the finely constructed postal ratemaking mechanism for the appearance of the Office of Management and Budget.

Nevertheless, Congress did not specifically restore the $210 million. Congress made no mention of the action of the OMB in its report recommending about $1.2 billion for the Postal Service for fiscal year 1972. The amount appropriated was, in the words of the Appropriations Committees, sufficient to pay the bill. I agree. I also agree that that is the case this year. The language of the committee report so states.

The issue then is whether, under the terms of the postal laws, there has been a failure of appropriation within the meaning of section 3627. Because I was, and am, the chairman of the Committee on Post Office and Civil Service, and served as the chairman of the Senate conferees on the Postal Reorganization Act, and claim some of the credit for developing the entire postal ratemaking section of the law, which was originally in my own bill, S. 3613, I do think it is appropriate for me to say that the will of the Committee on Post Office and Civil Service is not being fulfilled by the Office of Management and Budget, that their action is immoral insofar as they are charged with responsibility for carrying out the intent of the Congress, and that there is no failure of appropriation, either specific or implied, in this legislative process.

Mr MONTOYA. Mr President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Before the Chair acts on the Senator's suggestion, is all time yielded back?

Mr. MONTOYA. I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield back my time.

Mr. BOGGS. Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this particular rollcall be limited to 20 minutes with the warning bell to sound midway. Some of the Senators are having problems with high water in getting to the Capitol this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired and the bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 241 Leg.]

YEAS—72

Allen	Eagleton	Pearson
Allott	Eastland	Pell
Baker	Ervin	Proxmire
Bayh	Fannin	Randolph
Bennett	Fong	Roth
Bentsen	Fulbright	Saxbe
Bible	Gurney	Schweiker
Boggs	Hart	Scott
Brooke	Hartke	Smith
Buckley	Jackson	Sparkman
Burdick	Javits	Spong
Byrd, Harry F., Jr.	Jordan, N.C.	Stafford
Byrd, Robert C.	Jordan, Idaho	Stennis
Cannon	Kennedy	Stevens
Case	Long	Stevenson
Chiles	Magnuson	Symington
Church	Mathias	Taft
Cook	McGee	Talmadge
Cooper	Miller	Tower
Cotton	Mondale	Tunney
Cranston	Montoya	Weicker
Curtis	Moss	Williams
Dole	Nelson	Young
Dominick	Packwood	
	Pastore	

NAYS—0

NOT VOTING—28

Aiken	Hansen	McGovern
Anderson	Harris	McIntyre
Beall	Hatfield	Metcalf
Bellmon	Hollings	Mundt
Brock	Hruska	Muskie
Ellender	Hughes	Percy
Gambrell	Humphrey	Ribicoff
Goldwater	Inouye	Thurmond
Gravel	Mansfield	
Griffin	McClellan	

So the bill (H.R. 15585) was passed.

Mr. MONTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

Mr. ROBERT C. BYRD subsequently said: Mr. President, because of an oversight, I ask unanimous consent that the name of the Senator from North Dakota (Mr. YOUNG) be added as a conferee following the name of the Senator from Colorado (Mr. ALLOTT), on H.R. 15585, the Treasury-U.S. Postal Service appropriation bill, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR PASTORE ON PASSAGE OF PUBLIC BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I wish to commend the senior Senator from Rhode Island for his skillful and forthright management yesterday of H.R. 13918, a bill which provides improved financing for public broadcasting.

Despite near unanimous agreement that public broadcasting has made a significant contribution to the cultural and educational quality of American life, there are, understandably, honest misgivings on the part of some as to certain specifics in the program.

The senior Senator from Rhode Island did the Senate and the American people a great service yesterday by candidly, and in statesmanlike fashion, presenting the case for public broadcasting and for the necessity of passing H.R. 13918 expeditiously.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 10 minutes, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Is there morning business to be transacted?

Mr. BOGGS. I have none.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF ACT RELATING TO ANNUAL PAYMENT TO THE REPUBLIC OF PANAMA

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Act of August 4, 1955 (69 Stat. 464) relating to the annual payment to the Republic of Panama (with an accompanying paper); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development (Rept. No. 92-920).

Mr. SPARKMAN. Mr. President, I am reporting from the Committee on Banking, Housing and Urban Affairs a joint resolution (S.J. Res. 250) to extend, for a period of 3 months, the authority of the Secretary of Housing and Urban Development with respect to seven existing housing and urban development programs which are due to expire at the end of this month.

This resolution is being reported at this time to insure that these vital programs may continue to operate uninterrupted, while the House of Representatives completes its work on a new housing bill which contains the more comprehensive authorizations.

As you know, the Senate completed its work on the Housing and Urban Development Act of 1972 last March. This body approved, by a vote of 80 to 1, our biggest housing bill in years, which included new authorizations for the expiring HUD programs.

The resolution simply provides interim authority for programs already approved in the Senate-passed housing bill. These programs include the flexible interest rate for FHA-insured mortgages and VA guaranteed loans for housing; model cities; community facilities, including water-sewer and neighborhood facilities; comprehensive planning; open space land; and the temporary waiver for GNMA mortgage purchases.

In order that Senators may more fully understand the provisions of this resolution, I ask unanimous consent that the joint resolution, approved by the Committee on Banking, Housing and Urban Affairs, and a section-by-section summary thereof, be printed in the RECORD at this point in my remarks.

There being no objection, the joint resolution and summary were ordered to be printed in the RECORD, as follows:

S.J. RES. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATION

SEC. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

SEC. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 6. Section 3 of the Joint Resolution entitled "Joint Resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

SECTION-BY-SECTION ANALYSIS

Section One would extend the authority of the Secretary to establish maximum interest rates on insured mortgages at levels necessary to meet the mortgage market. Current housing programs would be crippled without this authority because interest rates on insured mortgages could not exceed six percent, which is well below the current market rate.

Section Two would extend authorizations for appropriations for the Model Cities Program.

Section Three would extend the authorization for appropriations for water-sewer and neighborhood facilities grant programs.

Section Four would extend the authorization for appropriations for the Section 701 Comprehensive Planning Program.

Section Five would extend the authorization for the open-space land program.

Section Six would extend the authority of the Government National Mortgage Association to purchase mortgages with principal obligations in excess of statutory limits whenever the Secretary of HUD determined such action necessary to avoid excessive discounts on Government-backed mortgages. This temporary authority was enacted last December to be effective for six months, in order to allow the GNMA program to absorb excessive discounts in high-cost areas of the nation. The 1972 Housing Bill would increase GNMA purchase limits permanently; but until this bill is enacted, a further extension of the temporary waiver of existing statutory limits is required.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. RANDOLPH), from the Committee on Public Works:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as a member of the Mississippi River Commission.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Sierra Leone;

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the United Republic of Tanzania;

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Singapore;

Miss Jean M. Wilkowski, of Florida, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Zambia;

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador

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Extraordinary and Plenipotentiary to the Republic of Burundi;

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Cameroon;

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Guinea; and

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund;

U.S. Governor of the International Bank for Reconstruction and Development;

A Governor of the Inter-American Development Bank; and

U.S. Governor of the Asia Development Bank.

REFERRAL OF BILL

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that S. 3726, a bill to amend the Export Administration Act of 1969 and to establish a Council on International Economic Policy, be referred to the Committee on Foreign Relations with instructions to report the bill to the Senate within a period of 30 days from this date.

This request has been cleared with the Chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN), with the manager of the bill (Mr. MONDALE), and with the ranking minority members of the Foreign Relations Committee (Mr. AIKEN).

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS:

S. 3742. A bill to amend the Act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3743. A bill for the relief of James G. Dole. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such Act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development. Referred to the Committee on Banking, Housing and Urban Affairs; and subsequently reported without amendment and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 3742. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, I am sending to the desk for appropriate reference legislation which would amend the act of February 24, 1925, incorporating the American War Mothers, so that certain stepmothers and adoptive mothers can become members of this fine organization.

The American War Mothers was organized in 1917 to help veterans returning from military service and to sustain the world and community spirit which is exemplified by their armed service in the defense of another country.

Since its inception, the American War Mothers have worked extensively to ease the specific problems faced by veterans. The work of these dedicated women has been most appreciated by veterans who have suffered physical or emotional problems as a result of service or who experienced severe financial or housing problems following their service.

At this time these women perform volunteer work under the Veterans' Administration Volunteer Service in each VA hospital in the country. They provide the moments of comfort and kindness which disabled or sick veterans need and deserve. Furthermore, they have donated televisions, radios, and flowers for the use and enjoyment of hospitalized veterans and in addition, they occasionally are able to make very substantial contributions. For example, in 1968 the American War Mothers collected donations from across the country and purchased a kidney machine for the VA hospital here in Washington, D.C.

Now, the American War Mothers are requesting our help in expanding their charter. The original charter passed by Congress and the amended version passed after World War II made no provision for the membership of women whose stepsons or stepdaughters or adopted sons or daughters performed military service for the United States.

The bill I am introducing today would correct this oversight, and permit a stepmother or adoptive mother to join the American War Mothers.

I sincerely hope that the appropriate committee and the Senate will take quick action on this significant improvement to the charter incorporating the American War Mothers so that mothers can belong to and officially participate in the worthwhile public service projects of the American War Mothers.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to incorporate the American War Mothers", approved February 24, 1925, as amended (36 U.S.C. 97), is amended by inserting after "her son or sons or daughter or daughters of her blood" the following: ", her legally adopted son or sons or legally adopted daughter or daughters, or her stepson or stepsons or stepdaughter or stepdaughters".

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am today introducing a bill to expand the Commission's authority to regulate trading in listed stocks by exchange member firms and their affiliates off the exchange floor.

This proposed legislation was suggested by the SEC in the course of the hearings held recently by the Subcommittee on Securities on the question of institutional membership on stock exchanges, but is not directly related to that question.

The question of trading by member firms and their affiliates is one that the subcommittee intends to consider in the course of its current study of the securities markets, and this proposal by the SEC can serve as a focus for this consideration. I am asking the SEC to provide us with information as to the extent of this type of trading and as to the type of problems it has raised, to aid us in this consideration.

Mr. President, I ask unanimous consent that the text of this proposed legislation be printed in the RECORD together with an accompanying letter from the Chairman of the SEC.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)) is amended to read as follows:

"(a) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, (1) to regulate or prevent floor trading, and (2) to regulate trading on the exchange but off the floor, by members of national securities exchanges, directly or indirectly for their own account or for the account of any person controlling, controlled by, or under common control with any such member. It shall be unlawful for a member to effect any transaction in a security in contravention of such rules and regulations, but such rules and regulations may contain such exemptions for arbitrage, block positioning, or market maker transactions, for transactions in exempted securities, for transactions by odd-lot dealers and specialists (within the limitations of subsection (b) of this section), and for such other transactions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors. For the purpose of this subsection, the Commission is authorized to define the terms used herein by rule, regulation, or order in the public interest or for the protection of investors."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 5, 1972.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I enclose a copy of the proposed bill we have discussed. This bill would amend Section 11(a) of the Securities Exchange Act of 1934 to provide for more effective and comprehensive regulation of trading by members of exchanges either for themselves or those standing in a control relationship with them. The nature of our securities markets has changed considerably since the adoption of the original Act. We believe that there must be more comprehensive regulation of members' trading if public confidence in the fairness and honesty of the exchange markets is to be maintained.

The bill, by amending the existing language of Section 11(a), which relates to members' trading, whether on or off the floors of the exchanges, confers on the Commission a clear grant of authority to regulate members' trading by prescribing appropriate rules and regulations. Any proposed rules, of course, would be subject to the provisions of the Administrative Procedure Act, which provides opportunity for comment by interested persons and the public.

Trading by member firms for their own account on the floors of exchanges has historically presented an important regulatory problem. Because of their proximity to the specialist's post, their knowledge of the trading activity in particular securities (which could be observed before it appeared on the tape) and their ability to trade without payment of a commission, floor traders were able to take advantage of trading opportunities before the public had a chance to respond. This led to the adoption in 1964 by the primary exchanges of rules designed to require that floor traders buy and sell in a stabilizing manner and yield priority and precedence (preferences flowing from being first in time or larger in size) to public orders at the same price.

Today's communications enable members to trade from off the floor with substantially similar advantages. Much of members' trading for their own proprietary accounts now is done from off the floor. Under these circumstances we believe it is presently necessary to take steps to ensure that members' trading, regardless of where it takes place, is properly regulated, so that such trading can make a positive contribution to the marketplace while due protection is accorded public orders. The bill is designed to achieve this result.

The first sentence of existing Section 11(a) limits the Commission's rule-making authority respecting off-floor trading to the prevention of "excessive" trading. The bill removes this limitation in recognition of the need to regulate trading which may unfairly exploit the advantages of membership, regardless of whether the volume of such trading is excessive.

In addition, the bill would grant this authority over trading for the account of any person controlling, controlled by or under common control with a member. The term "control" would be defined by rule and would be designed to cover relationships based on voting control or an equity interest but not those based merely on the existence of investment discretion. The Commission's rule-making authority over on-floor and off-floor trading also would apply to accounts of partners, officers, directors or employees of a member organization.

The trading of certain classes of dealers, i.e., third market makers and block positioners, the extent of whose present activities was not yet dreamed of in 1934, would be added to the permissible exemptions. The Commission also would be given authority to specify additional kinds of transactions not deemed to require regulation.

The rules which the Commission would propose to adopt pursuant to the amended language would require that members' orders yield priority and precedence to public orders at the same price and would be designed to ensure that members' trading contributes to the orderliness and liquidity of the marketplace. So drawn, these rules would provide for public protection and would go a long way to increase public confidence in the fairness of the markets.

In summary, it is clear that the Commission must have power to regulate all trading by members so that all users of the marketplace will be able to trade on an equitable and fair basis. In 1934 it was recognized in this very Act that exchange markets are affected with a national public interest. They have come to be recognized as public institutions and not private clubs. This bill will help promote and preserve the public nature of the exchange markets and insure investor confidence in the maintenance of fair and honest markets which was the original objective of the Securities Exchange Act.

Please feel free to call upon me for any assistance I may give to the Congress in its consideration of this legislation.

Sincerely,

WILLIAM J. CASEY,
Chairman.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

SCHOOL LUNCH PROGRAM

Mr. BEALL. Mr. President, today I join with my distinguished Maryland colleague, Senator MATHIAS, in introducing legislation that will make more realistic the requirements for one of our most successful and important federally funded projects, the school lunch program.

Public Law 91-248, enacted in 1970, amended the National School Lunch Act and the Child Nutrition Act of 1966. The law states, in part, that the Secretary of Agriculture shall prescribe regulations "including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this act and the National School Lunch Act." One such item regulated, with excessive zeal, I believe, has been carbonated beverages. The Secretary has determined that no such beverages will be allowed in or around the lunchroom during the lunch period.

This ruling has had important effects on both students and administrators alike. Students, in response to this edict, have left the school cafeteria and its nutritious meals in large numbers, for the more appealing choices offered by establishments off the school grounds. Others have elected to bring their lunch from home. School administrators, faced with a diminishing participation in the program, are finding it increasingly difficult to defray the costs of the basic "A" lunch without raising prices, which then forces participation down even more and makes more difficult the participation of students in certain economic brackets.

Another important aspect of this debate stems from the economic problems confronting many of our school systems. One of the larger counties in my State lost $293,000 in its lunch program during school year 1969-70. With the a la carte menu, including nonalcoholic carbonated beverages, this same county ran a $129,000 surplus during the school year 1970-71. The estimated surplus for the school year 1971-72 is $250,000. The same administrators have advised me that less food is wasted because the students know they do not have to purchase items they have no intentions of eating. This has also had a significant effect in reducing the food cost for these large school systems. I, for one, believe that it is shameful to unnecessarily waste food and I think everyone in this Chamber realizes that, in light of recent special changes, you cannot successfully dictate to 16- to 18-year-olds what they should or should not eat.

The legislation which we propose today will hopefully remove a roadblock which is contributing to the declining participation by the senior high school students in the school lunch program. We have encouraged independent thinking on our young people, granted them the right to vote, and we expect them to assume adult responsibilities at an earlier age. It is time for us to now recognize that we can no longer dictate dietary requirements to senior high students as though we are dealing with elementary children. As long as students stay out of the school lunch rooms, or bring their own lunches, it is impossible for them to derive any benefits at all from the Child Nutrition Act or the national school lunch program. It is important to stress that this bill does not require the sale of carbonated beverages. It would permit the local school authorities greater latitude in planning their lunch offerings. It is also important to note, that proceeds from the sale of such beverages would have to be deposited in the account of the food service programs covered by the two acts. Thus, its accomplishments would be twofold; first, it would bring the student back into the system by allowing him a choice that he is entitled to, and second, bring increased revenues back to the schools, enabling them to continue and expand this worthwhile program. Clearly, there are no losers in this approach, and I urge its swift and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Child Nutrition Act of 1966 is amended by adding immediately after the first sentence of such section a new sentence as follows: "However such regulations shall not prohibit the sale of non-alcoholic carbonated beverages in senior high school level food service facilities or areas during the time

of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such beverages are deposited into the account of the food service programs under this Act and the National School Lunch Act."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 191

At the request of Mr. BOGGS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 191, a bill to amend the Social Security Act to establish a national catastropic illness insurance program.

S. 3416

At the request of Mr. THURMOND, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3416, to preclude POW's and MIA's from losing accumulated leave upon return.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1272

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1285

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS (for himself and Mr. HUGHES) submitted an amendment intended to be proposed by them jointly to the bill (S. 3390), supra.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1273

(Ordered to be printed and to lie on the table.)

Mr. CASE submitted an amendment intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

OCEAN MAMMALS PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1274 THROUGH 1275

(Ordered to be printed and to lie on the table.)

Mr. HARRIS (for himself, Mr. WILLIAMS, Mr. CASE, Mr. CRANSTON, Mr. PERCY, Mr. STAFFORD, Mr. STEVENSON, and Mr. TAFT) submitted five amendments intended to be proposed by them jointly to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

Mr. HARRIS. Mr. President, for myself and other Senators, I send to the desk certain amendments intended to be proposed to S. 2871, the ocean mammals protection bill. I ask unanimous consent that they be printed and lie on the table, and that they be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1274

On page 29, beginning with line 20, strike out all through line 23 and insert in lieu thereof the following:

"(3)(A)(i) On the date of expiration of the five calendar year period following the effective date of this Act, and at the end of each subsequent 24 calendar month period following such date of expiration, the Secretary is authorized and directed, on the basis of the best scientific evidence available and public recommendations from the Marine Mammal Commission, and having due regard to the dis-".

On page 30, line 1, immediately after "determine" insert a comma and the following: "subject to the provisions of subparagraph (ii) of this paragraph,".

On page 30, between lines 21 and 22, insert the following:

"(ii) Each determination by the Secretary pursuant to subparagraph (i) of this paragraph to waive the requirements of this section shall be published in the Federal Register and transmitted to the Congress. Such determination shall become effective upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date of such publication and transmittal, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve such waiver, in which case such waiver shall be considered void and of no effect. For the purposes of this subparagraph, in the computation of the ninety-day period, there shall be excluded the days on which either the Senate or House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.".

AMENDMENT NO. 1275

On page 26, lines 14–23, strike subsection (10); insert in lieu thereof:

(10) The term "Secretary" means the Secretary of Interior as to all responsibility, authority and duties under this act.

AMENDMENT NO. 1276

On page 29, line 19, immediately after the period, add the following: "In any event the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee of Scientific Advisories on Marine Mammals to prepared for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four calendar month period. The Secretary shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

AMENDMENT NO. 1277

On page 45, line 13, strike section 106 and insert the following substitute section:

"VESSEL AND CARGO FORFEITURE

"SEC. 106(a). Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal or the entire cargo of such vessel or conveyance, or both such vessels and its cargo, shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo or both for violation of the customs laws, the disposition of such vessel or cargo or both, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance or cargo or both seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term 'vessel' includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

"(b) The Secretary is authorized and directed to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 for information and services concerning a violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.".

AMENDMENT NO. 1278

On page 51, line 23, immediately after "sustainable population.", insert the following sentence: "During the moratorium the United States shall stop the entire United States portion of the taking of the seals under the Interim Convention on the Conservation of North Pacific Fur Seals.".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1278 THROUGH 1284

(Ordered to be printed and to lie on the table.)

Mr. COOK submitted six amendments intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK submitted two amendments intended to be proposed by him to the bill (S. 3010), supra.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Levin H. Campbell, of Massachusetts, to be U.S. circuit judge for the first circuit, vice Bailey Aldrich, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Eldon B. Mahon, of Texas, to be U.S. district judge for the northern district of Texas, vice Joe Ewing Estes, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN); and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

ALL HAVE A CAREER IN CITIZENSHIP

Mr. ROBERT C. BYRD. Mr. President, on May 29, 1972, Senator JOHN C. STENNIS, one of the truly distinguished Members of this body, the chairman of the Committee on Armed Services, was honored at Belhaven College, Jackson, Miss., with the honorary degree of doctor of laws.

Senator STENNIS delivered the commencement address at Belhaven College to a graduating class of 114. In his inspiring message to these young people of Mississippi, Senator STENNIS exhorted them to remember the value of old verities and truths of the heart. He cautioned them to be wary of the doomsayers, who have already consigned their generation to be prisoners of ill circumstance and soulless technology.

A single determined, dedicated person can still change the course of history, Senator STENNIS reminded these young Americans, who are now starting out on life's journey. He did not deny the evils and problems of our times, but he averred that the basic human qualities we need to fight these problems are still within us, even as they have been since the War Between the States, or since the Greeks fought the Trojans.

This eminent Mississippian stressed to his young audience, that spiritual values will always be more lasting than material things, and that, despite the wonders of science and technology, thoughts still rule the world. He asked them never to forget that, in our Republic, power is always in the people, and that, as citizens about to take their places in our great democracy, theirs is a solemn duty to understand and to support our system of government.

There is but one way to face the future, Senator STENNIS said, and that way is—unafraid.

I ask unanimous consent that Senator STENNIS' speech be printed in the RECORD, for the edification and pleasure of his colleagues in this Chamber and for all who read the RECORD everywhere—old and young—throughout the land.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ALL HAVE A CAREER IN CITIZENSHIP

(By Senator JOHN C. STENNIS)

President Cleland, Judge Carr, Members of the Board of Trustees, distinguished faculty and staff, honored members of the graduating class, and other good friends of Belhaven College:

First, let me thank your President and Board Members, and this impressive graduating class, for so kindly inviting me to be here to share with you this happy occasion.

In addition to sharing your honors with you, I am fortunate to be able to speak to you at this *vital point* in your lives.

This opportunity to speak to such a group as you, particularly to you graduates, who begin today *a whole new life*, is a real treat to me and I am going to tell you some things very close to my heart.

You are ending today a unique period in your lives which most of you will never experience again. Your entire lives have now for four years been dedicated to one thing: learning. After today you will take on many different new projects and burdens. To some of you they may seem preferable to being a full-time student, but whatever your feelings about them, things will never again be the same for you.

As I walked across your beautiful and serene campus on my way to join you today, I thought what a pleasant place it would be to spend one's time and what a pleasant memory to look back on your college days here from what I hope will be for you long and active and satisfying lives.

It was on just such a tree-shaded campus of a small liberal arts college in Glassboro, New Jersey that President Johnson had a summit meeting with Premier Kosygin of the Soviet Union. All last week President Nixon has been engaged in a similar meeting in the Soviet Union with Mr. Brezhnev, a meeting which I believe will affect the lives of all of us in the years to come.

On another tranquil small-college campus like this one, Westminster College at Fulton, Missouri, Prime Minister Winston Churchill delivered his famous "Iron Curtain" speech, which influenced our foreign relations for decades.

Momentous happenings have taken place in just such surroundings. I hope you never feel excessively modest about coming from a small, quiet college far from the boisterous turmoil of Harvard or Berkeley; remember that William Shakespeare grew up in a small town and attended a small school, and you could hardly say it ever held him back from competing with the best and most powerful people of his day.

Just across the street from us today lives a quiet, modest lady who personifies the dignity and culture of our State and region, Miss Eudora Welty, who is one of the finest living American writers and who is now receiving the national acclaim she so richly deserves. So you see in spite of the apparent quietude of the scene, we are here and now a part of a much larger picture.

As you leave these academic halls, this quiet campus, you would do well to reflect for a moment why you were here. Simply stated, you were here to get an education. But education is a deceptively small and simple word for the vast number of powerful ideas and possibilities which it contains. In its narrowest sense your education should have taught you to earn a living. In a broader sense it should have equipped you to play your vital role as a member of our democracy whose very existence depends on wholehearted and enthusiastic participation *by well informed people*. That means you.

Education has been defined as the "systematic instruction, schooling or training given to the young in preparation for the work of life; the formation of character."

Thus, today one phase of your education ends. You have been trained to earn a living and to participate as full voting members in our people's government. From now on the rest of your education might be called "on the job training" in the school of life.

Now it's been said by some, and you might have heard it said, that your generation is a lost generation, hemmed in by circumstances beyond control; hemmed in by technology and all the things that go to lessen the power of one person to achieve greatness or to change things for the better. I deny that! It isn't true! I also deny the argument that we should give up and throw in the towel because the world is overcrowded, or there is too much crime or that hydrogen bombs threaten to obliterate our civilization. As a great Mississippi writer said on the occasion of accepting the Nobel Prize for literature: "I decline to accept the end of man." A single determined, dedicated individual can still change the course of history. The *external* problems of life may have changed, but human courage and ingenuity still reign. Like William Faulkner, I would exhort you to remember the:

"Old verities and truths of the heart, the old universal truths lacking which (human life) is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. . . . I believe that man will not merely endure; he will prevail! He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

Now I say—and I'm from the place where the battles are on and where the stakes run high—I say that you already have a running start on success and achievements, and you graduates are already among the top groups, with the education and training that you have already attained. Many of you will attain more, and all of you will attain much in the school of experience.

So in spite of the evils and problems of our times, it is a great time to be alive, and in addition, you possess the greatest of all human treasures—youth.

Now there are two opposite and conflicting views of the role of youth in our country which I have often heard put forward by some students in Washington and in the media. The first is that there is such a "generation gap" that people *under* 30 can never make themselves understood to people over 30. This is not true. We are all living the same life. The fact that some of us are farther along the path of life and have gained a little more experiences does *not* mean that we no longer remember what it felt like to be young, when every idea and emotion seemed fresh and new and unique. Nor does it mean that youth has no contribution to make. Consider the ages of the founders of our country. Jefferson, Madison and Hamilton were only a little older than many of you here today. At the same time they worked side by side with stalwart friends and allies who were already full of years. Benjamin Franklin and George Washington and John Adams were gray-haired men of considerable experience, but they shared fully the fervor and enthusiasm of young Jefferson and young Madison. The generation gap is a myth created by a part of what is now called "the media." Although our era and our challenges are perhaps "new" in the sense that they are more scientific and technological than ever before, the old human qualities with which we face them have not changed since the War Between the States, nor since the Greeks fought the Trojans.

With those ideas in mind, let's look at the positive side of what's facing you and what you are facing, and see what we find. You are citizens of the leading nation, in many ways,

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in the entire world. In technology and material resources we are well beyond every other nation. You have inherited (we all did) a system of government that, beyond all doubt, is the finest *system* of government in the world. In our country we, the people, make our own laws; we enforce our own laws, and through the orderly process of discussion and majority vote, we change our laws when the need arises. Furthermore, each and every one of you, and every other person, actually does have individual freedom and personal liberty; each has freedom of religion and freedom to speak his mind without fear.

Our system also has always recognized spiritual values, and in a broad sense has put those spiritual values first.

One of the teachers from whom I first received inspiration and confidence toward the future was Emerson. He said, many years ago:

"Great men are they who see that spiritual is stronger than any material force, that thoughts rule the world."

In my own life that principle has often sustained me; that whatever the physical or material obstacles, the power of an idea implanted in a courageous and energetic mind could always overcome. That is true in whatever profession you choose to follow, whether it be a journalist, whose duty and desire it should be to see that the people are informed truly of what is happening; or a doctor who seeks to relieve human suffering and disease; or a lawyer whose job it is to fight for the rightness of his client's position in order that disputes between persons will end with justice being done; or whether you are going to be a teacher, passing on the knowledge and wisdom gained by us and our ancestors to a new generation so that they may carry on with what is good and fight against what is evil; or whether you wish to go into direct service to the Government; or into business or other enterprise.

Whichever of these or other careers you choose, *you* will *all* have a career in citizenship. That's unavoidable. It may be a good one of generosity and sacrifice. It may be that some of you will feel it unimportant and will pay no attention to the state of our country and will not even bother to vote or have a say in who governs our lives. If so, do not forget that *you* too will *still* be having a career in citizenship—a sorry one, it's true. It deserts your friends and family and would terribly disappoint the brave and imaginative young people who founded our country, as well as your own colleagues.

Remember, if each individual doubted the value of his single vote, no one would ever cast a ballot, and in a country of over 200 million people our democratic system would die because no one believed enough in its principles to go and express his opinion at the polls. For almost 200 years now we have sustained our system of government; enough members of each generation have met the obligations of their time. However, if one generation should fail, our entire system would be lost. You, and each of you now, and all of those at your age level have already come into your own as full-fledged citizens, carrying a part of the role of leadership and responsibility. You have received additional training that has given you a special responsibility, a special call of duty, a special capacity for guidance and direction. In one way or another, all generations prior to yours have come through and kept this system intact and operating in a fairly responsive way. Each one of you now 18 years of age and beyond, assuming you've registered, or will register soon, you're voters, and the power and responsibility, as well as the challenge, have been placed directly in your hands. And I'm speaking to all youth in Mississippi today, and each of you who graduates today is already one of those who actually rule the nation and determine the fate of our country as well as a large part of the fate of the world.

In this Presidential election year, it is estimated that 25 million people will be eligible for the first time to actually take part in elections of the President of the United States, and all the other officers that are up in State and national and local elections. And I dare say that virtually every one of you is a voter now, having attained 18 years of age. Think of the responsibility, somewhere, for helping direct and train and teach the ideas of citizenship to 25 million people. Start with yourself and try to learn some additional points of responsibility before you cast those votes this year; and one of those duties, considering your attainments, is not only to train yourself, but train others. Try to influence 5 people, 10 people, 15 people. I don't mean buttonhole them and beg them to vote for some person. I mean, honestly try to make them understand, better than they do now, what it means to be a citizen; what it means to be a voter; what it means to carry the responsibilities, the load.

Nowadays we often hear the slogan: "Power to the People." Those who use those words may have good intentions, but their judgment is faulty. Power is *already* in the people. What we need is people who will have the strength and courage and wisdom to use the power for the benefit of all—we do not need revolution here, although we do need some reforms in government, as for example some of the waste and mismanagement I have been trying to combat in various departments. What we need is a better-informed, better-motivated citizenry which will shoulder the burdens and responsibilities of our system.

Under this system, established by our ancestors, we all have careers in government. Some will be very active and participate directly as office holders, as I have done. Others will join political campaigns to help elect public officials they believe in—some will try to convince close friends and associates how to vote or whom to vote for. Many will simply study the candidates and issues carefully and vote their consciences.

Those who pay no attention at all, or say that politics is no good or politicians are no good, or our government is corrupt, and don't bother to vote at all—I emphasize, they too have a career in government. It is a negative and destructive one, but it still has a strong effect—if enough people refuse or fail to participate, our democracy will fail and our children may not have any say over who rules their lives and what kind of country they will live in.

Even though our government system is the finest in all history, it is not self-executing. This is a primary point of my message to you this morning. Our system of government is not self-executive and it is not self-perpetuating. It can be nurtured and sustained and made to work only on the basis of true patriotism and self-sacrifice of people who dedicate their lives to seeing that our great principles of democracy are maintained. I didn't say all the people—but I said our system can be made to work only on the basic principles of patriotism, dedication and sacrifice of enough of the right kind of people. And this depends upon the attitude and effort of each generation in its own time.

So set your standards high—the list of admirable persons nurtured by the schools of our State and region is long and illustrious. Aspire to accomplish the very best that is in you. Keep your mind and your efforts on the things you would like to be; and "as the days go gliding by," you will find yourself gradually reaching your planned goals.

I am not saying that you will never know temporary failure, or never suffer defeat even if you are strong and loyal. You will know them, every one of you, to some degree. But if you keep the faith and are loyal and steadfast to your duties and do what you know is right, you may know temporary defeat, but you will never know shame. You will never be a failure until you start blaming someone else for your mistakes.

So, face the future with an informed mind and a stout heart; you have much to give and you will receive much in return if you truly *apply* yourselves to the problems which face our Nation and the rest of the world.

May I say a word to you graduating seniors about the future of our State and our own region. I see it as extremely promising. Economic progress is noteworthy in our State and region, not only because so much of it is the result of internal motivation rather than outside capital, but because it has been accomplished with a unique blending of the traditional values of hospitality, courtesy and strong family ties with modern efficiency and economic growth. Our State and region still have a great abundance of the things that money cannot buy: friendship, fellowship, manners, decency, pride, neighborliness. Our State and region have not yet lost their natural beauty and freshness. Our rivers are still clear and our wildlife abundant. Our climate is mild, permitting maximum opportunities for pleasant living and productive work.

Formerly, too many of our best graduates left our State to seek the more abundant and better-paid jobs in the cities of the North and West. But now with the overcrowding and pollution and decay of those cities, the trend has changed and more and more of our best young people are choosing the good life of the South, as William Faulkner described it:

"This land, this South, for which God has done so much, with woods for game and streams for fish and deep rich soil for seed and lush springs to sprout it and long summers to mature it and serene falls to harvest it, and short, mild winters for men and animals."

It is a good life here in the South, and with that thought in mind, I urge you graduating seniors, as you embark on your careers, and choose where you you will live, I urge you to consider the benefits of staying here, where your roots are, and adding your talents to the already abundant natural resources of our State. I do not know of a better place you could choose to spend your lives.

And now a special personal word. In the Senate, my duties often have to do with military power and the security of our nation. But I never lose sight of the fact that the real power in our society comes from the human values—as for instance, the strength of an individual gained through the pride and satisfaction of a job well done, his or her pride in personal achievements. Someone may say: "Those are old virtues—gone out of style in this age of technology." If that be true, then one of the essential mudsills of our society as well as our system of government is gone.

I think, too, of the great power of ideas flowing up from the masses, and also flowing from those that have had training and education; I think too of the power of ideals. I know some people are skeptical; others are uncertain. All is not well, but all is not lost. Countless millions of people still have faith in the fundamentals of our society and our system of government. There is still a great personal power and satisfaction in spiritual values and in Divine Guidance.

I look to you and to your future with great confidence. I think you can help restore hope to some who may be in a spirit of despair. I believe that you'll try, and that you will succeed. So instead of turning away from the problems of our times, let us face them, and with firmness look straight ahead.

With purpose, dedication and determination, I believe that you and those like you and the many others that you will lead look forward rather than backward, and meet the challenges; that you will look to that Higher Power, and with His added light and strength you will find your way. May God bless and sustain you, each of you, as we face the future unafraid.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, my Foreign Trade and Investment Act of 1972 (S. 2592) is based on the overwhelming need to save American jobs and keep our diversified industrial base on an even keel. A core consideration of my bill is the very aspect of economic life ignored by most economists—distribution. Whether the focus is on the developing world or the problems of highly industrialized nations, our economists—academic and financial—simply ignore the problem of who gets what.

Two recent articles in the Journal of Commerce presents a perfect case of the "let us ignore distribution" thinking. Mr. Bertram Zumeta, senior vice president of First Pennsylvania Bank in Philadelphia, predicts that as a "mature creditor" nation, the United States will become a net importer of goods that will be paid for with profits repatriated from America's foreign investments. In other words, while the stockholder revels in goods bought with rising dividends, the hundreds of thousands of workers unable to find jobs are simply a casualty of free trade.

Mr. President, because Mr. Zumeta's thinking reveals so much about our current failures in the foreign trade and investment field, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES EXPECTED TO BECOME NET IMPORTER OF GOODS

(By Ira Nambiel)

LOS ANGELES, April 9.—While the Nixon Administration feverishly endeavors to erase its balance of payments deficit with its DISC program and trade overtures to the Soviet Union and China, at least one economist concedes that the battle may be a losing one and states: "The U.S. is entering a transitional period leading to a time when we will be a net importer of goods and services."

The economist is Bertram Zumeta, senior vice-president of First Pennsylvania Bank in Philadelphia and his remarks came before the Foreign Trade Assn. of Southern California.

Mr. Zumeta contends that when the United States achieves what he calls "mature creditor status" American consumers will benefit through enhanced real incomes, "for in a world open to trade between nations, lowest cost producers—both domestic and foreign—supply the market."

The permanent import surplus, he said, will be financed by earnings on U.S. investments abroad.

MORE PRODUCTIVE STRATEGY

Mr. Zumeta cited the Hartke-Burke bill—a specific attempt to inhibit the U.S. transition to mature creditor status. He suggested that freeing international trade and promoting world and U.S. economic growth would be a more productive strategy.

"Transitional dislocations should be cushioned through individual and industry subsidies which phase down in programmed steps. Meanwhile, domestic productivity must be promoted in order to combat inflation and slow the loss of the comparative trade advantage held by traditional U.S. industries," he added.

The economist asserted that multinational companies headquartered in the United States generate employment by supplying markets which would be largely shut off from U.S. producers if their investments were restricted to domestic outlets. In this way, the U.S., an exporter of capital, offsets the dislocation in employment caused by the declining comparative advantage of its more traditional industries in the international trade market.

Mr. Zumeta warned that by forcing U.S. consumers to buy domestic products, only high-cost producers in the states would be protected and it would slow the redirection of this country's productive resources into service industries.

INFLATIONARY PRESSURES

"We are moving toward a "postindustrial" economy afforded by the increasingly high level of U.S. per capita income," he said. "Inflationary pressures would be increased from the supply side of the economic equation, and demand and growth might be adversely affected as well."

"Worse, is that foreign retaliation to U.S. restriction on international trade and investment could seriously shrink international trade, thereby increasing costs everywhere and creating serious obstacles for U.S. corporations operating.

"Bills such as Hartke-Burke must be replaced by laws which compensate for domestic dislocations and help redirect displaced productive resources", he concluded.

ECONOMIST SAYS EXPORTS TO EXCEED IMPORTS BY $7 BILLION IN 1973–74

(By Robert M. Lewin)

CHICAGO, April 9.—United States exports will exceed imports by $7 billion in 1973–74, Sidney E. Rolfe, economist and investment corporation executive, said today.

Mr. Rolfe, New York, added in an interview that the "substantial surplus" in foreign trade in the next two years would be an expansion of the surplus developing by the end of this year.

In 1971, for the first time in 88 years, a U.S. deficit occurred in international trade—nearly $3 billion on a balance of payments basis; about $2 billion on a national income accounting basis.

ONLY TEMPORARY DEFICIT

"That deficit was only temporary," asserted Mr. Rolfe, an economics professor at Massachusetts Institute of Technology and a partner in Charles Development Corp.

Asked whether a trade increase with any specific nation would create the turn-around from deficit to surplus, he replied: "It'll be trade with all countries."

Mr. Rolfe also was a speaker at the 20th Annual Management Conference of the University of Chicago's Graduate School of Business and Executive Program at McCormick Place.

Dr. Ezra Solomon, one of three members of the President's Council of Economic Advisers, told the conference that wage and price controls should expire April 30, 1973, when the federal economic stabilization law dies.

Dr. Solomon, on leave as a professor of finance at Stanford University and a former professor at the University of Chicago's Graduate School of Business, said that "the economy is on the upswing and employment is expanding at a record rate."

Arthur B Laffer, chief economist, U.S. Office of Management and Budget, who is on leave as an associate professor of business economics in the Graduate School of Business, emphasized:

"I see no tax increase after the election in November."

RECOMMENDATIONS

In the interview, Mr. Rolfe, author of "The International Corporation," said, "unless we repair the international monetary system, we are going to lose whatever integration we have in the world."

He recommended as long-term steps:

That the U.S. give exchange guarantees on deficits that would make it easier for other countries to accept additional dollars without fear of further devaluation.

That the U.S. establish a high-level standing committee that would look for ultimate solutions to the problem.

Mr. Rolfe proposed establishing "an acceptable credit instrument that would replace the dollar and gold" as an international reserve; he suggested, for example, special drawing right or a composite reserve unit.

President Nixon recently signed a bill increasing the price of gold from $35 to $38 an ounce and thus devaluating the dollar by 8.57 per cent.

Mr. Rolfe also recommended that the "acceptable credit instrument" that was agreed on would become "the common denominator rather than gold" for currencies.

"Revaluations and devaluations could take place without reference to gold," he explained. "We must have a method for smaller and more frequent changes in (monetary) parities, more flexibility in parities."

UNIONS CRITICIZED

Mr. Rolfe charged that unions are wrong in protesting that American investment in their own plants and subsidiaries in foreign countries means an export of jobs.

"Labor is wrong," he concluded, "and it should know that it will lose jobs if multinational corporation investments are stopped. Twenty-five per cent of all foreign trade goes through multinational corporation."

Insisting that "inflation psychology" in the nation has been broken, Dr. Solomon said, "we are not trying to reduce the inflation rate to zero."

INFLATION PSYCHOLOGY

"I'm glad that housewives and blue collar workers are upset over food and meat and other prices," he added, noting that they had accepted the increases from 1965–70 under the prevailing "inflation psychology."

Asked why raw agricultural products, farm products, were not placed under controls because of the uproar over increasing food prices, Dr. Solomon said that "the price of controls over them is rationing—and you would need a network of administrators and enforcement officers."

"We expect that farm product prices have passed their peak and will begin to decline," he went on. "The price of cattle on the hoof, according to the Agriculture Department, has reached its peak and is going down.

"The question is whether retail food stores reflect it on the way down. The government has carried on jawboning. We want the retail store operators to make sure they are aware of it."

Dr. Solomon stressed that an increase in productivity (output per man per hour) "is the only source of real wage gains."

Real wages are the amount of goods workers can buy with their money.

Dr. Solomon said that, in his opinion, real wages have increased 6 per cent since September 1970, and will increase in the next year.

UNEMPLOYMENT CONTINUES HIGH

He also said that although there has been a 6-month record employment increase of 1.6 million workers since last September, the number of people entering the labor force is increasing rapidly so that unemployment continues at the high rate of about 6 per cent.

The U.S. Bureau of Labor Statistics said that the March unemployment rate was 5.9 per cent, with 5,072,000 out of work—on a

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seasonally adjusted basis, that is, eliminating distortions caused by seasonal factors.

That contrasts with the February rate of 5.7 per cent, with 4,912,000 workers out of jobs.

Dr. Solomon said that 1.5 million of the unemployed in February were aged 16 to 19—and half of them are full-time students.

Richard S. Peterson, vice president and economist, Continental National Bank and Trust Co., Chicago, said that short-term interest rates had reached bottom four or five weeks ago and will rise "at a modest pace throughout the year."

Mr. Peterson also said that "a majority opinion" is that the long-term interest rate probably would move up as the year goes along and will reach 8 per cent by the end of the year.

THE OCCUPATIONAL SAFETY AND HEALTH ACT NEEDS CHANGES

Mr. CURTIS. Mr. President, on June 20, 1972, I appeared before the Small Business Committee of the House of Representatives in reference to the Occupational Safety and Health Act. Both the law and the administration of this act are grossly unfair and oppressive. I ask unanimous consent that a statement I made before the House committee on that date be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CARL T. CURTIS

Mr. Chairman, I am deeply grateful to this Committee of the House of Representatives for giving me an opportunity to appear and discuss the Occupational Safety and Health Act of 1970 and its administration.

First, I want to congratulate the House on its action in the first version of this Act which you passed and on the action you took last week to let both the Congress and the Labor Department know how you feel about the way the present Act is being administered. You passed a more reasonable and practical version of the Act in the first instance than did the Senate, and it is unfortunate for the nation's small and independent businesses and for all businesses that your bill did not prevail in conference. The House amendment to the Labor-HEW Appropriations Bill last week which provided that none of the Fiscal 1973 funds for administering OSHA may be used to pay salaries or expenses for inspecting the facilities and activities of firms having 25 or fewer employees is a message that needed to be sent to those who have allowed the arrogance of power to run roughshod over thousands of struggling small enterprises and their employees in the name of safety.

The issue presented by the brief history of this Act and the way it has been administered is clearly one of arrogant power versus education and persuasion. It is the issue of tyranny versus reason. I can best phrase it in the form of a question which I would ask those who are bringing down the heel on anyone whose "attitude" is not proper because he cannot understand the wrong of allowing the ice to come into contact with the water when an employer serves ice water to his employees, or the necessity for replacing all built-in metal ladder rungs on a silo with rungs that are eight inches away from the wall if the present rungs are but six inches from the wall. I will phrase the question this way: "Is the Federal government mandated to make every job so super-safe that it's willing to destroy a lot of jobs in the process?"

To anyone who answers affirmatively, I would suggest that he begin by calling on the Secretary of Labor this afternoon to prosecute the Federal government forthwith for sponsoring an event at Dulles Airport several weeks ago in which three persons were killed in separate accidents while performing in front of crowds of spectators. He might next take on the Indianapolis Speedway and all other automobile racing competition. He could very easily write a set of rules and regulations that would put every air show and every circus and every rodeo out of business in the United States. Those are high-risk occupations in which the threat of death or injury to participants, and in some instances also to crowds of spectators, might be deemed imminent.

Please be assured that I did not come here to challenge those occupations or events. I merely cite them as examples to show how ridiculous it is to wage hostile Federal police action against employers who engage in comparatively safe enterprises with seldom a lost-time accident in their stores or plants, some of whom has as few as one empolyee, which employee may be only part-time.

The law itself constitutes an unfair and an unwise delegation of power. It is vague and indefinite. It incorporates by mere reference thousands of requirements which have never even been discussed by the Congress, and the Secretary of Labor has adopted regulations containing references giving the force of law to still more thousands of standards and specifications which were never intended to be the law of the land.

On this table before me is a partial collection of the codes, standards, specifications and other requirements which have been blanketed into law by reference in the Occupational Safety and Health Act or the regulations implementing it. Did you know you were voting on this pile of printed material when you voted for job safety for Americans two years ago? Can you imagine a businessman with a few employees in a small town searching through his local library or talking to his lawyer to find out just what requirements apply to his line of work? Can you imagine his frustration when he discovers that he is subject not only to the regulations specifically pertaining to his line of work, but also to the broad general-duty clause which brings thousands of hidden requirements into play?

I use the term "hidden" advisedly. One week ago yesterday—on Monday, June 12—I asked the Library of Congress to provide me with a copy of every backup standard and code which OSHA blanketed into law. On Wednesday the Library advised my office that it was a monumental undertaking which would require the cooperation of the Labor Department. The Library had asked the Department to mail it a list of all the documents. On Friday, the list still had not arrived. A member of my staff called the Labor Department and was told that the Department has a complete set of the documents, but cannot lend them to anyone, not even for an hour or so and not even to a Member of Congress. The Department was kind enough to send a list of the documents to my office by messenger on Friday afternoon. A member of my staff went to the Library of Congress on Saturday and Sunday, and looked up the call numbers which enabled Library personnel yesterday and today to gather this collection of material. I would estimate this stack of books and pamphlets four feet high represents about two-thirds of the written requirements of the Occupational Safety and Health Act.

Is it any wonder that Congress has received thousands of complaints? Is it any wonder that businessmen, particularly those with small businesses, are scared? Is it any wonder that a man who hires one or two students to work part-time for him in the summer is not hiring them this year? Is it any wonder that a Nebraska doctor called me aside the other day and told me he had treated two farm women for injuries they received doing work that normally would have been done by men their husbands would not risk hiring because of the Occupational Safety and Health Act?

I would like to present to the Committee a copy of a letter that I sent to the Secretary of Labor on the 6th day of April, 1972. The letter reads as follows:

"DEAR SECRETARY HODGSON: I have a request from a gentleman in a small city in Western Nebraska. He is the proprietor of a gasoline filling station and he has four employees. He wants the information as to what he is required to do to be in compliance with the Occupational Safety and Health Act.

"Will you please send to me so that I can forward it to him a statement giving him the full information that he needs?

"Thanking you very much, I am

"Sincerely yours,

"CARL T. CURTIS,
"U.S. Senator."

My letter, as you can see, was a request for information as to what a filling station operator with four employees would have to do to comply. The reply is not at all informative.

The interesting part is that it took the Department almost six weeks to reply, and then he sent this packet of materials which I hold in my hand, consisting of several volumes of regulations as printed in the Federal Register. The language for the most part is technical gobbledygook. It is voluminous and complex. It is wrong and unfair to suggest to a man who works probably 12 or more hours a day servicing automobiles, trucks and tractors for a living that he drop everything and spend the next week or two or more trying to make sense out of these regulations.

What I wanted the Secretary to do, and what I asked him to do was prepare a statement giving the full information that a filling station operator needs to meet the requirements of the law—not a code of technical standards that a safety engineer would use in designing and operating a refinery.

One of the major problems under this law is that no one has really tried to sit down and write a set of requirements in plain English that everyone can understand for a particular industry such as the thousands upon thousands of service stations operating across the United States.

I wish to include the reply of the Assistant Secretary of Labor:

U.S. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
Washington, D.C., May 17, 1972.

Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: This is in response to your letter of April 6, 1972 to the Secretary in which you ask for information pertaining to the Occupational Safety and Health Act of 1970 on behalf of a western Nebraska filling station operator.

Enclosed are the following list of materials which should assist your constituent in complying with the Occupational Safety and Health Act of 1970 (copy enclosed):

CODE OF FEDERAL REGULATIONS

29 CFR Part 1903—Inspections, Citations, and Proposed Assessment of Penalties.

29 CFR Part 1904—Recording and Reporting Occupational Injuries and Illnesses.

29 CFR Part 1910—Occupational Safety and Health Standards.

29 CFR Part 1975—Coverage of Employers under the Williams-Steiger Occupational Safety and Health Act of 1970.

DEPARTMENT OF LABOR PUBLICATIONS

A Handy Reference Guide to the Williams-Steiger Occupational Safety and Health Act of 1970.

Recordkeeping Requirements under the Williams-Steiger Occupational Safety and Health Act of 1970.

Your constituent's interest in voluntarily complying with the Act is appreciated. If he needs more specific information, I suggest that he contact the nearest Occupational Safety and Health Administration Area Office, which is located at the following address: City National Bank Building, Room 630, Harney and 16th Streets, Omaha, Nebraska 68102, telephone 221-3276.

Very truly yours,

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

I think the Department of Labor is just as puzzled as the service station operator who wrote to me. The Department itself doesn't understand the conflicting, vague, unintelligible and voluminous regulations. If the Secretary, who has this vast Department at his command, cannot come forth with a clear, understandable answer to my letter, how can we expect the people back home to find out?

I have tape-recorded evidence of inaccurate information disseminated by the Labor Department in enforcing the Act in the field. The Area Director for OSHA in Nebraska has told groups of employers that the person who complains of a hazardous condition, leading to an OSHA inspection, must be "an employee or his representative." The law states that an employee or his representative *may* complain, but does not limit it to that. In fact, the Area Director's statement doesn't pass the test of logic, for he would be derelict if any private citizen volunteered information as to a dangerous working condition to him and he did not check it out.

This same Area Director tells his audiences that his compliance or inspection officers note the "attitude" of each employer, and gauge the size of the fines levied on alleged violators accordingly. I have one employer in my State who by those standards must have the worst attitude found to date throughout the United States. This particular employer was fined more than $36,000 by OSHA. He didn't have any fatalities or serious accidents which brought the inspectors to his job site. He was having some labor union difficulties. He made one further mistake which was evidence of a "poor attitude." He wrote a letter to me, and I contacted the Labor Department about his case. The inspectors went back to his job site a short time later and threw the book at him, imposing the fine of more than $36,000 and announcing that fact publicly in a press release.

This raises another point which warrants the consideration of this Committee. A newsman in Nebraska complained to me recently about the indictment-type press releases which the Labor Department issues in cases of this type. The press releasea tell only the prosecutor's side of the story. They are issued in the alleged violator's home town or home State, for all of his neighbors to see. In the manner in which they are worded and issued they constitute one additional step that is being assumed by the bureaucracy in the chain of arrogant power—policeman, judge, jury and news reporter.

I have made many trips back to Nebraska in the last six months. Everywhere I go there are citizens—good citizens who want to obey the law—who come up and talk to me about the Occupational Safety and Health Act. Some of them have been cited and fined. Others hear about these citations and requirements, and it makes them wonder whether or not they can stay in business.

On one occasion, some 20 or 22 individuals who had had experiences with the administration of this law gathered in a room with me.

One citizen said he was fined $85 because he did not have barricades around some floor openings. The reason the barricades were not up right then was that the phase of construction in which the workmen were engaged required the barricades to be down.

I ask you, is that just? I believe each department of government has a responsibility to be just and fair with our citizens. The Department of Labor has been punitive and unfair.

One citizen reported that a Deputy Administrator of the Act, a Regional Director and an Area Director were all present in the same meeting and they gave three different interpretations of their own regulations.

"The Area Director stipulated that all guard rails had to be made out of 2 x 4-inch lumber.

"The Regional Director stipulated that 2 x 4's or cable would auffice, but only those two pieces of material.

"The Deputy Administrator finally said that anything that passes the two-hundred-pound test criteria would be adequate, suitable guard rail material."

They thought this controversy was being cleared when one of the men said that any material or type of construction that will withstand two hundred pounds plus is all right, whereupon the Area Director opened the book and said it had to be 2 x 4's.

How can the public or any businessman or his employees know what is right and what the law requires when even the administrators and enforcers don't know?

I also received a complaint about the regulations using the term "place of work." The regulations require that certain records and files must be kept at the job site. Yet the work at one site may be completed in a matter of two or three hours, particularly for a subcontractor on a building project. Two cases were mentioned where the citizen in question actually had the papers and records required, but he was cited because they were in his office rather than out where the work was being performed.

Mr. Chairman, I ask the question, "Is the Department of Labor interested in safety and health, or are they out on a rampage of harassment?"

Another citizen reported that if he had an argument with a union business agent, a Federal safety inspector comes out within one hour to see if he can issue a citation for something. I have several specific cases in my files where OSHA safety inspections were conducted while employers were having union organizing or negotiating difficulties. One establishment was inspected four times during such a period. This is a form of harassment in which the law and the Labor Department are being used as pawns.

The situation is so bad that one businessman said he did not dare to call the Occupational Safety and Health Office for information because it was an invitation to a fine; that when he tried to get information, he would have his insurance agent or somebody else call and ask for the information.

One contractor told me that his business is primarily in sewer construction and that he and his associates are faced with very rigid regulations, while municipalities and counties are not covered by the law although 80 per cent of the deaths caused by cave-ins and other cases in this type of work are on operations conducted by governmental units or agencies.

One man reported being cited because one of his employees was operating a pneumatic hammer without eyeglasses. The employer provided the eyeglasses and instructed the employee how to use them. The employee did not use them, and the employer was cited and fined.

Another case was reported to me where an employer was cited and fined because of a defective tool when the tool was owned by the employee and was not being used, but was in his tool box.

Another citizen reported that he had a fire on the job and his men exhausted the fire extinguisher in putting it out. Within an hour an inspector came along, cited the employer and fined him $100 because he did not have the fire extinguisher loaded and in working order. This particular site was 25 miles from the home office.

Still another citizen reported that at one place in the regulations it states that certain inspections have to be made by "a competent person." At another place in the regulations, it uses the term "a competent engineer." In this particular case a competent person had made an inspection, but the Area Director ruled that it should have been a competent engineer.

The treatment that the Labor Department has given the citizens of the country in respect to this law is a humiliation to everyone who is interested in good government.

One Nebraskan was fined $500 because his fire extinguisher was not a five-pound extinguisher, but a three-pound extinguisher, and right next to his machine there was a two-inch fire hose—charged and in use—which had one hundred times the capability of the fire extinguisher.

Are these bureaucrats interested in preventing fires or are they looking for technicalities with which they can harass people?

One Nebraskan who appeared before me and told of his problems said, "As a small businessman I feel that unless something is done and done quite quickly, small business everywhere is going to be out of business."

Another Nebraskan, referring to the voluminous regulations, said "I can't read them and I don't understand them, and I need help. I can't afford to go out here and hire a safety director for anywhere from ten to twenty thousand dollars a year."

Another Nebraskan said, "You would think you would be able to call up and get some information, but this is just like asking for a fine."

An individual involved in construction work advises me as follows:

"We also wish to note that besides the fact that there are relatively massive regulations directly applicable to construction work, there are many other regulations incorporated by mere reference. For instance, there are many references to ANSI (American National Standards Institute) contained in the construction regulations. Also referred to by the construction regulations and made part of the construction regulations are certain portions of the National Electrical Code and National Electrical Safety Code in Fire Protection Codes. Also referenced are American National Standards Institute, American Hygienists, Atomic Energy Commission, Society of Automotive Engineers, National Electrical Code, American Society Testing Materials, NFPA, CFR, National Electrical Safety Code, National Bureau of Standards, Federal Aviation Agency, American Society of Mechanical Engineers, Power Crane and Shovel Associations Standard, U.S. Army Corps of Engineers, Bureau of Reclamation, American Society of Agricultural Engineers."

An individual in a position to know told me that if a taxpayer were to purchase the entire American National Standards Institute publications, it would cost between $4,000 and $6,000.

It is quite apparent that the regulations promulgated by the Labor Department are written by someone not familiar with the subject matter or industry affected. I would like to quote from another letter I received:

"In spite of the fact that the 2x4 railing specified by OSHA will not meet OSHA's other requirement that 'the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection,' OSHA makes a requirement that for steel pipe railings both the top and intermediate rail must be of at least 1½ inches nominal diameter with the posts spaced not more than 8 feet on centers. This is a gross over-requirement. Even a 1-inch nominal diameter top or intermediate rail would be better than the 2x4 top rail or

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the 1x6 intermediate rail, and a 1¼-inch nominal diameter pipe would be far superior to the 2x4 construction. The same is true of the structural steel railings when compared with the 2x4 railings."

Our people back home are faced with an unbearable and undeserved situation. There is a desperate need for immediate action, and I would suggest the following:

1. The Labor Department should be called to account for its bad performance in administering this law. The Department should be required to place competent, practical individuals in all places of authority and the regulations should be consistent and understandable.

2. The Congress should insist that the Labor Department cooperate in promoting programs in the interest of safety and health and stop treating as criminals individuals who are providing jobs for others.

3. The law should be completely overhauled along the lines of the amendments which I have introduced, and for which I now have 11 co-sponsors. The Senate version of these amendments is S. 3262 and I attach a copy.

4. In the interim, while the law is being completely overhauled, the Congress should forthwith pass an amendment which would provide a small-business exemption to this law and which would also provide that no fine be imposed on employers who bring their places into compliance within a certain period of time after an inspection.

The administration of the law is an outrage. The fact that over in the Senate the Dominick substitute, which was a reasonable bill and more like the House bill, was tabled by a vote of 41 to 39 does not give much comfort to the people who have to live under this law. The Congress as a whole must take responsibility for the Act and I hope some amendments will be adopted soon.

MILITARY OVERRUN ON THE COST OF WHITE FLAGS—ART BUCHWALD'S HISTORY FROM THE BUYING BID TO THE BAIL OUT

Mr. PROXMIRE. Mr. President, on June 5, when Secretary Laird appeared before the Foreign Operations Subcommittee of the Appropriations Committee, of which I am Chairman, he said that if Senator McGOVERN's military budget proposal were adopted we would have to spend a billion dollars on white flags.

When Senator McGOVERN appeared before the Joint Economic Committee on June 16, of which I am also the chairman, I commented that with the way the Pentagon wasted funds on weapons systems, it would probably cost them a billion dollars to buy six white flags.

Now Art Buchwald has elaborated, as only Buchwald can, on that theme. He has, in the language of the military, given us a "scenario" of what would indeed happen if the military bought white flags. There is the exaggerated bid, the excessive specifications, the delays in delivery, the failure of the system to perform, the 80-percent overrun and the added 10-percent for bonuses, the bailout, and the new contract for a new system to replace the one which did not work.

I ask unanimous consent that Mr. Buchwald's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLYING THE WF 1: THE HIGH COST OF SURRENDER

(By Art Buchwald)

Secretary of Defense Melvin Laird has suggested that if Sen. McGovern's defense budget of $55 billion is ever adopted, we might as well throw in the towel and spend a billion dollars for white flags which we will hoist all over the world.

On the basis of past performance of our defense contractors, $1 billion for white flags is a wholly unrealistic figure, and Mr. Laird knows it.

This is what might happen if the Defense Department let it be known that it was planning to contract for white flags to fly around the globe.

WASHINGTON, D.C., April 30, 1973.—The chairman of the House Armed Services Committee announced today that the Lockheed Flag Company has been given a $1 billion contract to provide 500 white flags for the Defense Department. The chairman denied the fact that Lockheed Flag was located in his district of Swampville, La., had anything to do with the company's winning the order.

SWAMPVILLE, LA., July 14, 1973.—The president of the Lockheed Flag Company displayed a prototype of the WF1 (White Flag One) for the press this morning. The President said the WF1 would out-perform any white flag now flying. It would be an all-weather flag which would fly at night as well as during the day, and could stand gusts of wind up to 100 miles an hour. Lockheed Flag said it hoped to have the WF1 production in 10 months.

EDWARDS AIR FORCE BASE, CALIF., June 15, 1974—The first WF1 was tested here today and Defense Department officials announced they were very pleased with the results. The WF1 flew at an altitude of 23 feet for three hours. Although it showed some fabric fatigue under stress, Lockheed Flag engineers said the damage was minimal, and easily could be repaired.

SWAMPVILLE, LA., September 2, 1974.—The president of Lockheed Flag announced today that due to increased labor costs, fabric fatigue and hikes in flagpole ropes, his company would not be able to fulfill its WF1 contract for $1 billion. He said he was asking for a supplementary $800 million, which was still a bargain for the country.

WASHINGTON, D.C., December 15, 1974.—The chairman of the House Armed Services Committee said he was recommending the $800 million overrun for the WF1 as the security of the nation was at stake. He also said he was adding $100 million extra for Christmas bonuses for Lockheed Flag executives.

ANCHORAGE, ALASKA, March 8, 1975.—Two WF1s crashed to the ground yesterday and Pentagon investigators suspect the wooden flagpoles used to fly the white flags were at fault. Termites were found in both flagpoles, and the Defense Department has grounded all WF1s until a new aluminum flagpole could be designed.

SWAMPVILLE, LA., May 11, 1975.—The president of the Lockheed Flag Company said he would need another $1 billion to replace the flagpoles in the WF1. He said it was the Defense Department's insistence on wooden flagpoles that caused the overrun, and he would need the money immediately if the white flags were to be delivered on schedule.

WASHINGTON, D.C., May 12, 1975.—Sen. William Proximire called the WF1 the biggest Defense Department bungle of the year and suggested the contract be cancelled.

Testifying in front of Proxmire's committee, the president of Lockheed Flag said that if he doesn't get $1 billion immediately, his company would go bankrupt and not only would create a hardship for its stockholders but it would put 35 people out of work.

WASHINGTON, D.C., September 11, 1975.—Congress, at the urging of the White House, voted today to give the Lockheed Flag Company $1 billion to complete work on the WF1 and also lend it another $1 billion to develop a new multi-white flag project which could fly six white flags from the same flagpole at the same time.

SWAMPVILLE, LA., November 9, 1975.—The president of Lockheed Flag Company announced today that because of a strike he was asking the Defense Department for another . . .

REPRESENTATIVE JOHN BRADEMAS, OF INDIANA, RECEIVES AWARD OF MERIT FROM NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. KENNEDY. Mr. President, on June 9, 1972, a distinguished Representative from Indiana, Hon. JOHN BRADEMAS, was honored with an award of merit from the National Council of Senior Citizens at the 11th annual convention of the council.

The Award of Merit is given annually to one Member of the House of Representatives and one Senator for outstanding contributions to legislation benefiting the aging. Our distinguished colleague from Illinois (Mr. PERCY) was also honored at the ceremony.

Mr. President, as the citation so aptly noted:

The nation's elderly owe a debt of gratitude to Congressman John Brademas for his efforts to make life better for the retirement generation.

I have worked closely with Representative BRADEMAS, who is chairman of the Select Education Subcommittee of the House Committee on Education and Labor, on several measures affecting older citizens, particularly the Nutrition for the Elderly Act, and I can, therefore, speak from my own observation of his effectiveness as a legislative leader on programs to benefit the older people of our society.

Mr. President, I ask unanimous consent that both the text of the citation accompanying the award of merit to Representative BRADEMAS and his own remarks on this occasion be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AWARD OF MERIT

The nation's elderly owe a debt of gratitude to Congressman John Brademas, Democrat of Indiana, for his effort to make life better for the retirement generation. Brademas is one of the principal sponsors of the Older Americans Act of 1972, the Nutrition Program for the Elderly and other measures to help the elderly. He has been an ardent supporter of an adequate level of income for thousands of Americans. A native of Mishawaka, Indiana, he attended school in South Bend, Indiana, served with the Navy in 1945 and 1946, attended Harvard University as a Veterans National Scholar, graduated with honors in 1953, studied at Britain's Oxford University on a Rhodes scholarship, named for Cecil Rhodes, British financier.

Brademas early on became a zealous advocate for the older generation, serving in 1955 as Legislative Assistant to the late Senator Patrick McNamara, one of the chief sponsors of the Older Americans Act of 1965. Brademas later served in a similar capacity for Congressman Thomas L. Ashley (Democrat-Ohio), then in 1956 was Executive Assistant to the late Adlai E. Stevenson during Stevenson's unsuccessful campaign for President that year.

In 1957–58 Brademas was Assistant Professor of Political Science at Saint Mary's College, Notre Dame, Indiana. He was elected Congressman at age 31 in 1958 to serve seven terms in the House of Representatives and presently performs the leadership role of House Majority Floor Whip. Now at age 45, Brademas is one of the most effective supporters of needed programs for the elderly in Congress.

REMARKS OF CONGRESSMAN JOHN BRADEMAS UPON RECEIVING THE "AWARD OF MERIT" FROM THE NATIONAL COUNCIL OF SENIOR CITIZENS, INC., WASHINGTON, D.C., JUNE 9, 1972

First allow me to express my appreciation to Nelson Cruikshank, Bill Hutton and the officers and members of the National Council of Senior Citizens for this award of merit and the gracious citation which accompanies it. I should like as well to extend my warm congratulations to Senator Percy, Mr. Newburger, Assemblyman McCarthy, Mrs. Pemberton, and Charles Killinger on their awards.

I am all the more gratified to receive this award in the knowledge that it comes from the largest organization in the United States championing the cause of older Americans, the National Council of Senior Citizens.

As chairman of the House subcommittee with jurisdiction over the Older Americans Act, I can assure you that your council and its eloquent and effective executive director, Bill Hutton, are unfailing in their response to our subcommittee's requests for advice and information as we seek to shape legislation better to serve the needs of the older citizens of our society.

Now you and I know that we live at a time when the credibility of politics and politicians is under particularly severe attack. More and more people in our society seem to be concluding that politicians promise too much and that their performance once in office does not match their promises. Indeed, I think that most of you would agree, whoever your favorite candidate for President next fall, and whatever your party, that one of the reasons for the remarkable support generated by Senator George McGovern across the country is that people perceive him to be a politician who says what he means and means what he says.

And I suppose that of few areas of American life can it be said that the gap between promise and performance has been greater than the role of the Federal Government on programs for the aging.

You recall how two years ago, in April 1970, President Nixon told us, "for too long we have lacked a national policy and commitment to provide adequate services for older people."

I know that all of you in this room will not be astonished to be reminded that when Bill Hutton testified before my subcommittee a few months ago on the approach of the Nixon administration to the problems of older Americans, especially the elderly who live in poverty, Bill said, "Now we ask, what has the Nixon administration done for these unfortunate men and women since they came into office three years ago? In all honesty I want to say they have done absolutely nothing."

I do not wish to appear to be partisan this morning, although I am perfectly capable of being so! For if only the White House paid more attention to the advice of Senator Percy, not to speak of the admonitions of his other distinguished colleagues who are to address you today, Senator Kennedy and Senator Church, neither Bill Hutton nor I would feel compelled to offer such criticism.

For I think I can honestly say that the major initiatives for Federal programs to make life better for the older people of our country have in the last three years not been generated from Pennsylvania Avenue, but from individual Senators and Congressmen—both Democrats and Republicans—working together on a wide variety of key legislative measures. I cite only the recent increase in social security benefits, the Nutrition Services for the Elderly Act passed by Congress last year and the outstanding work in alerting the Nation to the need to improve nursing home standards, an effort lead by my distinguished colleague, David Pryor of Arkansas.

Even the law authorizing the White House Conference on Aging was initiated in Congress and not in the White House!

So I want you to know that I accept this award today not only with appreciation but also as further encouragement on the part of the National Council of Senior Citizens to us in Congress to continue to press for legislative programs that will mean effective action for the elderly.

Indeed, before I take my seat, I must tell you of another significant measure that we in Congress have initiated which can mean much to the older citizens of our country.

I speak of what can prove to be a landmark, comprehensive older Americans services bill.

Last year and this my subcommittee heard testimony from a wide variety of citizens, including Bill Hutton, in support of this legislation and next week my subcommittee is scheduled to meet to begin drawing up a final draft of this bill. I hope that we shall be able to report a bill with strong bipartisan support to the full Committee on Education and Labor, and that, working with our Senate colleagues, we can write this bill into law before the end of the ninety-second Congress.

Here are only some of the key features of the comprehensive Older Americans Services bill:

A strengthened role for the administration on aging within the Department of Health, Education, and Welfare;

Expanded services under the Older Americans Act;

Low-cost transportation;

Expanded work service opportunities, including strengthening the retired senior volunteer program (RVSP) and the Foster Grandparents program;

Effective coordination of Federal aging programs;

Pre-retirement training programs;

Health, nutrition, education, and other social services;

Improved systems for delivering services to older Americans, and meaningful employment opportunities;

Gerontological centers to study the social and other problems of the aging process;

Senior citizens community centers.

All these provisions are aimed at ensuring that the rhetoric about the problems of our elderly citizens is translated into effective programs to solve those problems.

Let me conclude, then, with some words of an old friend of mine, on whose staff I once had the honor to serve. The late Adlai E. Stevenson. They are words which come to my mind as I consider measures to improve conditions for our older citizens. Mr. Stevenson said:

"What a man knows at 50 that he did not know at 20 is, for the most part, incommunicable. The knowledge that he has acquired with age is not the knowledge of formulas or forms or words, but of people, places, action—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the experience and emotions of this earth and one's self and of other men and perhaps too, a little faith and a little reverence for the things you cannot see."

The kind of knowledge, the kind of faith, the kind of reverence which characterizes the older people of our society is much too scarce and much too precious in this great and wealthy nation of ours to be either wasted, or perhaps worse, ignored.

The time has come—the time is now—for a genuine commitment of deeds not words, to lifting the quality of life of the older citizens of the United States.

With a renewed sense, then, of advancing these ideas which I know you and I share, I gratefully and proudly accept this award of merit.

HOW THE ESKIMOS UTILIZE WALRUSES

Mr. STEVENS. Mr. President, on May 17, 1972, the Anchorage Daily Times, Alaska's largest newspaper, published an article entitled "Cousteau Films Walrus Story," written by Mr. Dennis Cowals, a Times staff writer.

The article detailed the filming efforts of Mr. Jacques Yves Cousteau on St. Lawrence Island and his endeavors to make a realistic documentary explaining the symbolic coexistence between the island's Eskimos and its walruses.

Far from wreaking a slaughter of the beasts, Cousteau found that the Eskimos of Gambell utilize every bit of the walruses. He said:

They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs. Everything is used.

Mr. President, I highly recommend this article to Senators who are interested and concerned about the upcoming ocean mammal legislation. I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DURING "4 DAYS OF PERFECT WEATHER": COUSTEAU FILMS WALRUS STORY

(By Dennis Cowals)

Jacques-Yves Cousteau came back from St. Lawrence Island yesterday, stopping in Anchorage long enough to watch some of his traveling companions on the three-hour flight be off loaded in cages, for transshipment to Texas and California, make a long-distance call, catch up on his mail from France and make a jet connection for Los Angeles.

"We had an incredible amount of luck," the underwater explorer beamed. "We had four days of perfect weather," he said. "We shot almost the whole film in four days."

Cousteau and former Interior Secretary Walter J. Hickel flew to St. Lawrence to join Cousteau's son Philippe in filming a television documentary detailing the coexistence of the island's Eskimos and walrus populations.

Four orphaned walrus pups were brought back to Anchorage with Cousteau in his Winship charter en route to a marine zoo in Texas.

Another pair have already been flown through Anchorage to Marineland of the Pacific. Walrus keeper feeds the young pups, some only a few days old and weighing more than 100 pounds at birth, a diet of clams and Wesson oil.

From Gambell, the headquarters of the expedition, the film crews ventured 75 miles west towards Russia in skin boats accompanying and filming the Eskimo hunters at work along the edge of the retreating pack ice among the migrating pods of walrus.

The man who invented the aqua-lung now

in use around the world said he felt "extremely lucky that we could go out with the Eskimos and share their life, to film the tough life of the Eskimo as well as the extraordinary life of the walrus."

But the life styles of the creatures and the people who depends on them for their existence are equally remarkable, he said. "The Eskimos of Gambell are exploiting every ounce of the walrus," he said, "They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs," he said, "Everything is used."

Cousteau is certain that "Eskimo hunting is no threat to the walrus." And while he says "The species is not in danger for the moment, it should be protected to a certain degree."

Having warned a U.S. Senate committee last year that "the sea is threatened," Cousteau has developed strong feelings about the way man treats his oceans. "We believe strongly that conservation, good conservation, is to establish a durable balance between man and nature."

He shakes his head at the mention of the marine mammal bill pending in Congress which proposes to ban the killing of all creatures such as the walrus. "Conservation should not protect animals to sentence the man. It means managing the resource for the good of man."

Only in the spring are the Eskimos able to hunt among the northerly migrating walrus herds, he said. And even then, he added, weather and other conditions frequently permit only two or three days' hunting in a month.

He scowls when he talks of "trophy hunters" and people who call it sport. He approved of hunting for meat and says the St. Lawrence Eskimos now require all "trophy hunters" (non-Eskimo sportsmen) to bring back the meat of any walrus killed on a guided hunt for the use of the villagers.

FOOD: THE PUBLIC'S RIGHT TO KNOW

Mr. HARTKE. Mr. President, on previous occasions I have remarked that we know so little about the food which we eat each day. We feel content if the food looks appetizing, pleases our senses, and causes no untoward discomfort. Yet we care far too little about the ingredients, the freshness, or the nutritional content of that food.

On June 8, the Washington Post published an article urging the public to become more informed about the food we eat. In it is a letter which describes the death of a 10-year-old child as the result of an allegric reaction to ice cream which contained whipped peanut butter.

I ask Senators to read this article and the letter it contains and to support the public's right to know what they eat.

Earlier this year, I introduced, together with the distinguished Senator from Utah (Mr. Moss), S. 3083, the Truth-in-Food-Labeling Act. If the provisions of this bill had been law, at least one life would have been saved.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABELING: THE PUBLIC'S RIGHT TO KNOW

(By Dr. Jean Mayer)

Over the years, I have insisted the public has a right to know what they eat. The only way to be sure of this—when it comes to processed food—is better labeling. This means labeling information on the caloric content of a common portion of the food product, the proportion of protein, vitamins and minerals in the food, with an exact ingredient list.

For a lack of proper labeling, 10-year-old Michael Grzybinski died. If anyone thinks I am exaggerating the urgency of improved labeling, read this letter:

DEDHAM, MASS.,
April 29, 1972.

DEAR SIR: On Monday, April 17, 1972, my 10-year-old son, Michael, died from natural cause due to glottic edema and an aphylactic reaction to ingested peanuts. This was caused by eating ice cream with peanut butter whipped into it called "Butterfinger."

My son had an allergy to peanuts all his life. Even at age 3 he would not eat candy bars or cakes unless someone told him what the ingredients were. When older, he read the ingredients for himself. On the day this accident happened, some friends invited him for ice cream at their house. As there was only a picture of a Butterfinger candy bar, and no ingredients listed on the ice cream container, he decided it was okay to eat the ice cream. It did not say anything about containing peanuts.

When he came home the allergy reaction had already started. While I was checking to see what he had eaten, my son died.

I am writing this letter because it is my wife's and my hope that this tragedy does not happen to other people with this allergy, and that the container will be marked with the contents spelled out instead of only a picture of a candy bar.

We intend no legal action against the ice cream company, but only wish they would change their container cover to identify the contents.

Yours truly,

CHESTER J. GRZYBINSKI.

Michael's parents, with great courage, have allowed me to make this letter public in the hope that, other parents can avoid such a tragedy.

Government agencies have been curiously unwilling to enter the labeling arena. The Food and Drug Administration and the U.S. Department of Agriculture argue that they haven't the legal power to require full ingredient labeling.

The FDA at least agrees it would be useful to have such power, and has had a bill introduced into Congress. But the bill is woefully weak. And the FDA has been unmoved by the challenge of a group of young lawyers banded together and called, LABEL, Inc., who claim there's nothing in the law to prevent the FDA from taking action right now.

In desperation, a number of congressmen—chief among them Rep. Benjamin S. Rosenthal (D-N.Y.)—have introduced bills intc the House and Senate. All of the bills have gone to the Interstate and Foreign Commerce Committee.

If any action is to result, vigorous pressure by aroused citizens is needed to get these bills out of committee—favorably.

Only if the legislators know voters are deeply concerned, even angry, will we get the laws to make us nutritiously better informed and, hopefully, guarantee no more needless deaths of 10-year-olds.

BUSINESS AND THE ENVIRONMENT

Mr. GURNEY. Mr. President, I would like to call the attention of the Congress—and of the Nation—to a program of public interest which will be held on October 16–20, 1972, in Disney World, Fla. Its title is "Business and the Environment," and it is being cosponsored by the University of Miami and Federal Publications, Inc., one of the country's leading producers of educational seminars.

The program is, in essence, a concentrated course for businessmen in their environmental responsibilities and in what they can do to satisfy those responsibilities. Its approach is unique and innovative. Unlike previous conferences on the subject, it is not a hand-wringing session but, rather, one in which environmental obligations are clearly explained and businessmen will be told what—as a practical matter—they can do today to reasonably comply with those obligations.

Ten topics, integrated into a cohesive whole will be intensively discussed in 40 hours of instruction: National Environmental Policy Act, Air Pollution, Water Pollution, Energy, Land-Use Planning, Monitoring Trends and Detection Techniques, Resource Recovery, New Technologies, Financing Pollution Control, and Environment Claims and Their Defenses. The faculty is composed of distinguished experts from the Government, universities, industry, the financial community, and the legal profession.

In short, "Business and the Environment" is a program of true benefit to the public—a program of practical worth to industry—a program which will serve this Nation well. The sponsors have sought my advice in the development of the curriculum, and I am proud to say that the results of our joint efforts are most gratifying.

HELP AVAILABLE FOR FOREST OWNERS

Mr. SPARKMAN. Mr. President, the Mobile Register and Press of June 17 contains an editorial entitled "Help Is Available for Forest Owners." I think it expresses quite well the importance of our forests to the Nation and the need for encouraging greater forest production in order to meet our housing needs.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HELP IS AVAILABLE FOR FOREST OWNERS

The acceleration of forest growth has become one of the primary goals of this nation, and responsibility for success rests largely upon landowners in the South, with nearly 200-million acres classified as forest land.

Urgency of action in this area of the economy is unquestioned, since 24-million new housing units must be built in the 1970s alone. That means using a lot of lumber, since nearly all homes use wood for framing and other building applications. This, of course, is in addition to the enormous use of trees by paper-making firms.

Then there is also the vital need for tree growing as an environmental asset, first, since they give off oxygen, an essential element in the air we breathe, secondly, woodlands must be maintained to meet the recreational needs of Americans.

One of several organizations vitally concerned about this Southern problem is the Southern Forest Products Association, headquartered in New Orleans.

It has adopted the slogan "Trees Forever," as a means of enlisting support of well-defined plans to bring two-thirds of the South's non-industrial acreage now owned by individuals, into proper forest management.

"These landowners must be encouraged to develop sound forest practices, and must be given both the forestry and financial assistance necessary for them to begin growing trees on their land," says SFPA.

The association contends its program is capable of doubling timber growth in the region by year 2000.

Owners of non-industrial forest land can and are receiving help from the private forest industries. This aid comes in the form of free forestry advice, seedling and forest genetics.

Others to contact for assistance include state foresters, representatives of the U.S. Forest Service, the U.S. Soil and Water Conservation Districts and a variety of consulting foresters, county agents and others.

However, the Trees Forever effort also looks to Congress to adopt legislation extending federal assistance to landowners in need of help in the planting and managing their woodland acres with faster growing plants.

Government certainly has a big stake in whether tree growers accomplishes the goal of meeting demands of the future.

ACCUSATIONS OF GENOCIDE AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed the fear that that treaty would open the door to unfounded and slanderous attacks on the United States. These opponents do not believe that we are guilty of genocide; they are only worried that we might be charged with it. They cite, for example, a document entitled "We Charge Genocide" submitted to the United Nations in 1970 by a group of American black leaders.

I do not believe the United States is guilty of genocide. Ratifying the Genocide Convention would make our official position clear. It would provide us with specific definitions by which our actions could be measured. We have nothing to fear from such a measurement. Under the terms of the treaty, charges of genocide in the United States would be brought to court in the United States. We must never overlook the distinction between being charged with a crime and being convicted. This distinction is at the heart of our legal system. Our position is stronger if we firmly assert our belief in the law against genocide, and require any accusers to prove their case under the law.

The Foreign Relations Subcommittee on the Genocide Convention put the matter clearly:

> There is a note of fear behind most arguments [against the treaty]—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people do not trust ourselves and our society.

Mr. President, the Genocide Convention poses no dangers to our Nation. We should make our stand on genocide unequivocal; I urge the Senate to take up and ratify the Genocide Convention immediately.

PROTECTION OF MARINE MAMMALS

Mr. STEVENS. Mr. President, I have recently returned from 3 days of hearings in Nome and Bethel, Alaska, on the Marine Mammal Protection Act. These Senate Commerce Committee hearings were authorized for the specific purpose of taking Native testimony on the provisions of the bill providing exceptions from the act for certain Alaska Natives.

We traveled to Northwest Alaska to permit many people from villages and towns in that part of the State who could not afford to journey to Washington to testify on the bill as it affected them. Because these people do not have the money to come to Washington and tell us why they need to take the animals for subsistence and Native arts and crafts, the chairman of the Commerce Committee (Mr. MAGNUSON) wisely permitted us to go to them. Those of us from the committee who were privileged to attend those hearings learned a great deal from the testimony.

Many of them came at great personal sacrifice and at great cost. Not only were they financially burdened, but some of them could only come at great personal inconvenience and even physical danger. Unfortunately, this is the time of the year during which spring breakup occurs. During the winter months, ice and snow cover the ground and rivers. At this time of the year it is relatively easy for Alaska's resourceful bush pilots to reach virtually every village and settlement by landing on the ice. During the summer months, after the ice and snow have melted, it is easy to reach the villages once again on floats or by boat. However, at the time the ice is breaking up, it is far too thin and spotty to support skis upon which airplanes must land. It is also still prevalent enough to block water-borne traffic. In these waters of near-freezing temperatures, one slip into icy currents can mean instant death or severe illness. Many witnesses traveled from 200 to 300 miles or more just to testify for 10 minutes.

Mr. President, I believe we all owe these courageous Alaskans our gratitude for undertaking such hazardous journeys in order to build a correct and complete Senate hearing record on the Marine Mammal Protection Act.

The subject of the hearings was the right of Alaska Natives to manufacture and sell in interstate commerce handmade Native arts, crafts, and clothing. This is the right to be let alone to continue their centuries-old way of life and the chosen trade of their forefathers.

The Alaskan Natives speak not only for themselves, but also for their cultural identity. Many of them fear the loss of their traditions and cultural assimilation.

Even more important is the necessity of earning a living in one of the harshest natural environments on the face of the globe. As I indicated at the time I introduced amendment 1048, virtually the only form of cash economy the people of northwest Alaska's coastal areas are able to obtain is through the sale of handmade Native arts and crafts and clothing. Thus, they have become totally dependent upon these mammals for even a marginal cash economy. This amendment is actually a matter of life and death for the Alaska Native people.

To other Americans from the "Lower 49" who may visit a zoo once a year and see one or two sea mammals, my amendment might mean very little. However, if those same people had accompanied me into the villages of Alaska and listened to Alaskan Eskimos, Aleuts, and Indians testify before our committee, they would come to understand the harsh facts of life as they face my fellow Alaskans.

The testimony of these good people speaks for itself. I cannot improve upon their simple eloquence. They told it like it is.

Hunters and village leaders, carvers and old people, governmental officials and schoolchildren, merchants and housewives testified. Their testimony will be found in the printed hearing record.

A typical witness was Martha Aiken. Mrs. Aiken is an Eskimo from Barrow, Alaska, the northernmost village in the United States. The testimony of Mrs. Aiken is simple and to the point. I ask unanimous consent that it be printed at this point in the RECORD. Mrs. Aiken speaks not only for herself, as an Eskimo and as a mother and a housewife, but for tens of thousands of Eskimos and Aleuts in Northwest Alaska.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY

My name is Martha Aiken, a full blooded eskimo, born and raised at Barrow, a house wife and a mother. Recently started teaching our eskimo dialect to the 7th, 8th and 9th graders to read, write and speak it. We realize the importance of our eskimo culture our dialect and striving to help the young generation to get it back! Right now more and more of our young people are gradually speaking it in their work, playing and even in school. And, we hope not only to recapture the dialect but working on eskimo books to be edited and published. We have such high hopes for the future and will need the support of our mother country. The U.S.A. and its Congress. Surely like a mother she is to Alaska and Alaska just a few years a state. God give her wisdom to rule her children well, with love and understanding heart! And the child longing and looking up to her with expctant hopes to receive of what she asks of! You see other countries as other children, gobble more of the candy when your child had only one and your child's is blamed who had only one candy—blamed that she had finished the candy! Will you help her or will you take her only one candy as well? Alaska had lived and survived all the hardship of life way before it was sold to the U.S. and so has the hunter hunt with sheer courage and skills. What about the hunter's wife? A woman has her skills all her own—she's the one who sews all the warm clothes for the hunter—raised her children, cooks the meals, stores and dries all the meat, drying every skin of animals that her husband had killed—she's the one that cuts up the ringed seal—store the meat, cut up the blubber for seal oil, scrapes and stretch the skin to dry!

There are several different uses for ringed seal. If she needs a real poke to put away the blubber in—she picks out a smaller seal, cuts it through the head, turns it inside out, take out the meat, scrapes it and blow it like a balloon to dry, and makes sure no air comes out and rubs it with its blood and hang it to dry. Should she need a white bleached skin, she works on that in certain part of the year and in a different way! She's the one who dries, scrapes and sews the caribou skin to all sizes of clothing for the family. Every bit of caribou meat is tasty.

The head is the best part for an eskimo.

Sinews are made from the legs and also from the back. Its legs killed in wintertime are best for warm winter boots. Ugruk skins for boot soles. Walrus meat is delicious fresh or fermented.

And, the important and much sought after with much courage and skill is the priceless bowhead whale. The largest and the tastiest! Every part of the whale can be eaten. Many a man goes without sleep just to be blessed with a whale. A man with or without a job. When whale is caught there is much happiness and a means of our livelihood. All meat is taken ashore, no matter how rough the road to shore may be. And, once taken, to the villages, it is stored away in large hard dugged cellars. (So it is never spoiled or wasted all year round. To this day, eleven whales are killed at Barrow, but by the end of the year, not one piece of muktuk will be left. No wonder some call us the "blubber eaters." But we're not ashamed to be called as such because we can't live without oil, as more jobs are available more modern methods are used for hunting, but still meat and oil is our main diet. Though everybody thinks we're living modern these days, from a strangers point of view. They never get closely acquainted with an eskimo family enough to see what our main diet consists of.

There are white in our villages, but they don't go to our homes to eat with us and therefore they don't know what we eat and live on.

And, it isn't chicken and steaks daily, although we do have those occasionally. In fact, we can't afford the store bought meat for very long! We depend more on the animals on sea and on land for our main diet. Think for a minute. Let the eskimo cut all eskimo diet and seal oil for a year. You know what would become of us? They'd either lose weight so much our skilled hunters would become as frail women. Or gain so much weight trying to satisfy their gnawing stomachs for eskimo food. Could you imagine the pangs or their thirst for oil and meat? Now, if our whites were commanded to quit raising chicken and cattle, and start eating only vegetables and fruit; well, that's how miserable it would be for an oil and meat eating eskimo. If our livelihood and our diet of centuries are taken away from us—what's the use of being called an eskimo? Whats the use of trying to recapture our eskimo culture which is fast dying away! If this bill is passed and accepted what we are trying to recapture now will be completely destroyed. And once destroyed and lost who will recapture it after us?

I'm proud to be an eskimo and to say I can speak, read and write the dialect. Once I heard a teenager from Kotzebue personally say to me "It's awful to be an eskimo and don't understand or speak the language." Are we to be eskimos in name only though we look like eskimos? Or will you help us recapture our culture, customs, traditions and our dialect? Right now, eskimos are on the edge of nowhere balancing to keep their culture.

Will you be the one to balance the scale? Or will you be the ones to push us down. I pray to God that this is not so.

Mr. STEVENS. Mr. President, another particularly interesting and important facet of the Native subsistence economy is the dependence of certain villages on the bowhead whale. Alaskan Natives take a minimal number of whales for subsistence purposes each year. These few whales are vital for those several villages that depend upon them and, as indicated by expert testimony at the hearings, in no way endanger the species. On Sunday, May 21, 1972, at pages B–1 and B–2 of the Washington Post Outlook Section, Mrs. Lael Morgan wrote an excellent article entitled "Whale Hunting in the Arctic." The article was written when Mrs. Morgan was a member of one of the whaling parties from Point Hope, Alaska. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHALE HUNTING IN THE ARCTIC

(By Lael Morgan)

(The writer is an Alicia Patterson Fund fellow on leave from the Tundra Times of Fairbanks, Alaska.)

Point Hope, Alaska.—Esther Kingik Bosta wrote a note to her young brother's teacher: "Gussy is excused to go whaling." He would be away six weeks.

It was April and the start of the spring whaling season off the restless ice of the Chukehi Sea, when the Eskimos stake their lives for their groceries—the mammoth bowhead whale. Twelve crews, remnants of a thousand-year tradition, would set off with open boats for the thawing Arctic channels called "leads," camping in 10-by-12-foot tents on the treacherous ice. I became a cook for one of the crews.

The first water had opened up April 12 and the village of 400 had become tense with excitement. A week earlier the women had sewed new sealskin covers over the light boat frames made of driftwood and plywood. Now the preacher arrived by snow machine to bless our craft. The crew knelt for a prayer, in terse Eskimo, and we were away with "amen." The two dog teams went first, followed by snow machines pulling our boat and grub box.

The ice is a harsh, ever-changing world, bounded by towering pressure ridges of frozen blocks the size of deepfreezes. Our first "lead" was a narrow span of black water that spun off dark mists shot with sun. The men quickly anchored the guy ropes of our tent to hefty ice blocks. Three plywood planks were laid as flooring, and a stove, fashioned from an oil drum, puffed smoke through a pipe bedded with a shield in the canvas roof.

Outside a sharp wind tore from the northwest, adding sting to the sub-zero temperature. Inside, secure with a large dishpan of seal blubber chunks to fire the stove, we drank tea and waited for the wind to drop. Our harpoon and darting guns, modest weapons patented in the 1860s, were ready in the bow of the boat.

Our captain, Bernard Nash, waited with apparent calm, but he was actually tense inside. This was his second year as a captain and he had yet to get his whale. He was an excellent hunter; he had been harpoon man on the crew that killed Point Hope's record whale, a 65-footer. But last year he left his crew partway through the season to take a construction job outside the village. This year's hunt was outfitted at a cost of nearly $700 from his income-tax refund, unemployment check and food stamps. It was important that we scored.

Our ice expert was Gus Kowuanna Sr. Good-natured and always joking, he is one of the toughest, wisest men the Arctic can produce. Also in the crew was Sam Nash, Bernard's son, who bears the name of a famous whaler who was his grandfather. Sam was a bookworm, but he had been on the ice most of his 21 years and was a good man with a paddle. So were Earl Kingik, Isaac Killigvuk, Norman Omnik and Morris Oviok—all young and strong, all trained to the ice from childhood.

Gussy Kowuanna Jr. the 13-year-old excused from school, was our "boy" and had the hardest job of the lot. He fetched and carried, stayed up all night to tend the stove, did all the dirty work. But, as an apprentice whaler, he would get a man-sized share of the kill. He dreamed that next year or the year after he would take his place at the paddle. His sister, Esther Bosta, was our head cook and my boss in the absence of the captain's wife. She was well traveled and educated, and had become a city dweller. But she came home for whaling because she loves the ice and is sought after as a cook.

The cry was "agvik"—the Eskimo word for "whale." Often it was not given. Rather, the watch from a crew farther down the channel would alert us by making a broad swimming motion with his arm; silence was one of our weapons.

The men acted as one, quickly taking their seats in the boat. Kowuanna pushed off, took his place in the stern with the steering oar, and they moved out, pushing their paddles soundlessly through the water. The bowhead was nearly three times the size of the boat, but it was wary. It surfaced and sounded, coming up out of range. Our crew returned, pulled the boat out and carefully knocked icy skim off the hull with their paddles. Spirits were still high. The season had started early and there would be many more whales.

Among Point Hopers, it's the mark of a man to go without sleep for days. Even at the beginning of the season, when the weather was savagely cold, our hunters shunned the comfort of our tent, keeping warm instead at the water's edge. When the whales came through en masse, the men would not eat and might spend five hours straight at their paddles. They would return crusted with frozen brine and send Gussy to the tent to exchange their frozen gloves for dry ones. Only occasionally would a man come to the tent to warm up or change clothes.

The whales would appear just about any time. Sometimes they surfaced in a "lead" so small you wouldn't expect a duck to land there. Sometimes they traveled after dark, and sometimes in a blanket of fog when floating ice was at its most unpredictable and dangerous.

A whale can travel about 50 miles an hour if he puts his mind to it, Kowuanna told me. One of the Point Hope boats can go 12 miles an hour or maybe faster if the crew is good. "When you see a whale you gotta work, work, work. Work like hell to catch him . . . Work until you sweat," Kowuanna said. You must strike him from behind or directly in front, for his eyes are on the sides; if he sees you, he'll move out. Particularly with our outdated weapons, our crew needed the advantage of surprise.

The women's lot was less exciting than the men's, but we were an important support team. Cooking on the oil drum stove and a small Coleman burner, we turned out endless meals of caribou stew, boiled polar bear, muktuk (edible whale skin, which is delicious with mustard) and elder duck. The meals were served with pilot bread (thick, bland crackers) and yeast doughnuts, which we made by the gross in the dishpan, fashioning them with our fingers without the aid of a cutter. I was clumsy, and a little leery of the native foods. But the crew was patient and I managed to hold my own.

It was also our job to cut blubber for the stove, babysit the dog teams for our crew and carry meals down to our men on watch. Often we walked 5 to 15 miles a day over rough ice. After a day like that you can sleep anywhere, and when the whales ran thick we slept on the ice.

The day of the first catch, we watched our men go out until they disappeared over the horizon. For two hours we waited in the darkness until finally, from far off, we heard the echoing cheers of our crew and five others. We cheered and yelled back, laughing and crying and hugging one another. The first whale! *Agvik!* Meat!

The tension was gone at last. It was the first time in two weary weeks on the ice that the women really laughed. We knew we would eat. It was not our whale, but we had helped.

We got a share. Then we went back to our watch.

The winds shifted and tried to push our camp to Siberia. We hurried our gear to the ice of the point and returned two days later. Again we camped, only to have the men shaken in the night by crashing bergs and move again. Later the open water froze and our men smashed away at the young ice with their paddles. Finally it defeated them, freezing thick enough to support skilled walkers, who moved cautiously out to open water a mile beyond.

One day we took food to them only to evacuate in mid-meal and watch our picnic site become open water. Two of our crew fell in, hauled themselves out, changed clothes and went back to the hunt. And we scored. A 38-foot bowhead shouldered in close to the camp of a neighboring crew, who harpooned it. Our crew hurried to assist. We got our harpoon in, too. Rope was fetched to secure the animal. But it revived despite the fact it had taken six black powder bombs, spouted blood and sounded to die alone.

We searched for it. Three days later it surfaced, a "stinker." The meat was fit only for dogs, but the muktuk was good and we helped with the long, foul job of butchering. With nearly 70 men working, it took more than 12 hours. Ours was a good share.

The weather turned warmer. We took breakfast to the men one morning to find our boat out. Ruth, the captain's wife, and Esther and I waited by the lead, enjoying the sun and excitement as 20 bowheads and dozens of kittenish little beluga whales cruised by.

Our men came home happy despite the fact it was late afternoon and they had fasted for 14 hours. They had helped bring in three whales, one a 57-footer. But the south wind came in while we were butchering, and it pushed in a crushing front of lee that buried the big whale before we really got to it. The crews escaped with no time to spare. We regrouped, waited out the wind, and went back only to find old landmarks missing and our leads frozen.

"How much is a whale worth to you in groceries?" I asked the captain.

"Why, 30 to 60 tons," which would be shared with the other villagers, he replied. "And we will use every bit of it—everything but the liver and the lungs, which will go to the dogs."

But whaling meant more than food to them. "It is our tradition," Morris Oviok said. "The tradition of our forefathers."

Mr. STEVENS. Mr. President, hearing records will be available to all Members of the Senate and House of Representatives.

I am sure that all of my colleagues are aware of the problems the American Indians have faced in the Western United States in their dealings with the Federal Government. This Congress has enacted a significant piece of legislation—the Alaska Native Claims Settlement Act—to prevent the same problems from arising in Alaska.

I urge Members of Congress not to pass a mammal protection act without adequate protections for the Alaska Natives. We must be sure that we do not destroy a civilization in the hope of saving the ocean mammals.

WNEP–TV—ABC—SUPPORTS STRICT HANDGUN CONTROL LEGISLATION, DESIGNED TO BAN THE "SATURDAY NIGHT SPECIAL"

Mr. BAYH. Mr. President, I commend WNEP–TV for their editorial, "Handgun controls are in the best interest of the public," which was aired on Thursday, June 15, 1972, in Avoca, Pa.

The recent attempted assassination of Governor Wallace and the shooting of 11 persons in a suburban Raleigh, N.C., shopping center have rekindled interest in gun control legislation.

However, Congress should not let this opportunity, born of tragedy, pass without action only to reoccur when tragic events again call to the public's attention the need for legislation. There have been enough killings and enough armed robberies.

Mr. President, the full Committee on the Judiciary has before it now my bill S. 2507, which would prohibit the sale and delivery by licensed importers, manufacturers, dealers, or collectors, of any firearms, other than a rifle or shotgun, which the Secretary of the Treasury determines to be unsuitable for lawful sporting purposes. We in Congress now have the opportunity to act on this legislation and offer to the Senate a bill, which is not a panacea, but at least a starting point in controlling the abuse of weapons which are not good for anything like marksmanship or hunting animals, they just hunt people.

Mr. President, for the benefit of my colleagues, at this point in the RECORD I ask unanimous consent that the WNEP–TV editorial of Thursday, June 15, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HANDGUN CONTROLS ARE IN THE BEST INTEREST OF THE PUBLIC

In 1970 more than 8,000 Americans were killed with hand guns, an average of 22 people a day. In the same year, 130,000 robberies were committed by individuals carrying hand guns. In 1970, 79,000 individuals were victims of aggravated assault by gun.

At the same time, 73 police officers were killed with hand guns. So far this year, 42 law enforcement officers have been killed, 30 of them with hand guns. Of the 633 policemen killed in the past decade, 630 were murdered with guns and 472 of these by hand gun.

Those who tell us the 1968 Federal Gun Law is sufficient to stop the great American shootout are dead wrong. The law does ban the importation of cheap foreign made guns, but it does not prohibit the importation of their parts. The *Minneapolis Star* tells us that the parts are imported and the Saturday night specials are assembled at cottage industries where workers put together these cheap, small caliber, easily concealed pistols favored by lawbreakers.

We think these facts speak for themselves. In our opinion, strict hand gun control legislation, designed to ban the Saturday night special is in order.

This necessary reform is in the best interest of those who obey the law and those who enforce the law and it would work to the disadvantage of those who would break the law.

Washington Police Chief Jerry Wilson favors such a law. New York Police Commissioner Patrick Murphy tells us that there is absolutely no legitimate reason to permit the importation, manufacture or sale of these weapons or their parts. They are sought by people who have illicit motives, but who have some difficulty in securing a better gun.

The late J. Edgar Hoover considered tough, comprehensive, uniform gun control legislation imperative for the public's safety. Congressional action to ban the cheap hand gun—the Saturday night special—is a step in that direction and such action should be taken now.

IMPRESSIONS OF LALIBALA, ETHIOPIA

Mr. McGEE. Mr. President, this morning's Washington Post contains a column by William Raspberry describing his journey to Lalibala, Ethiopia, where he had the unique experience of exploring the 10 rock-hewn churches which date from the 12th century.

During a Senate Appropriations Committee-sponsored study mission to Africa in 1971, I also had the exciting opportunity to visit these historic treasures. And as Mr. Raspberry so aptly concludes:

If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

Lalibala is a very moving experience for those who have the opportunity to visit it. As a matter of fact, my wife, Loraine, who accompanied me on the African study mission, wrote a column for the Wyoming news media upon our return conveying her impressions of Lalibala.

I ask unanimous consent that Mr. Raspberry's column and Loraine McGee's column be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1972]

KING LALIBALA'S EDIFICES

(By William Raspberry)

LALIBALA, ETHIOPIA, June 22.—I didn't learn about Lalibala in school; you didn't either. Our children might.

If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

King Lalibala, one learns from a combination of the meager literature available and the word-of-mouth accounts of the people who live here, was emperor of Ethiopia around the 11th century, and something of a religious fanatic.

A visit to Jerusalem convinced him that he should reproduce that city in his own mountainous land. The village that bears his name is the result.

Some say he chose the technique he used in order to protect his Christian edifices from marauding Moslems, although it is difficult to see how King Lalibala—let alone any invaders—ever negotiated the incredible hills that surrounded the village.

But whatever the reason for his choice, the result is stupendous. What he did was to build, no, carve his churches out of solid rock, starting at ground level.

That is, he'd start with bedrock, dig a four-sided trench in it, and in the stone cube that remained in the center, he would carve—or have carved—a multirocked, vaulted-ceilinged, elaborate embossed and perfectly beautiful church. He did 12 of these, a few of them built up rather than monolithic. Ten of them still stand, all 10 in regular—sometimes daily—use today.

Of those eight are accessible with only a moderately treacherous scramble down steps carved into the rock-ground. Originally, all eight were interconnected by tunnels, though some of the tunnels have collapsed. These churches are almost impossible to see until you're virtually on top of them.

The other two churches—the first two built by the King, the people of Lalibala tell you—are not quite so accessible.

They are the sightseer's reward for a 1½-

hour combination walk and mule ride up unbelievably, treacherously narrow, rock-strewn trails that cling to the edge of precipices that I've been dreaming about for the two nights since my wife and I made the climb.

It makes me no less proud to recall having to pull my mule over at a wide place in the trail so that native women, barefoot and burdened with bundles of wood, could trot ahead of us, making snide remarks in Amharic to our 10-year-old guides, Tedesse and Tigabu, about how frightened we seemed to be, or to know that so many of these mountain people (somehow it never occurred to me that there were mountain people in Africa) in this village of 3,000 make the arduous scramble up to the church every week. (The villagers—men, women and children—always seem to be going up and down the mountain trails as if to a fire, though to a stranger's eyes there seems to be no good reason for the treks, there being precious little—aside from the churches—on either end of the trail.)

But the churches are the thing, and one is not inclined to take strong issue with the tourist pamphlet that characterizes Lalibala's churches as "rivaling monuments of ancient Greece and Egypt, ancient cruciform temples of mysterious origin, not 'built' but hewn and intricately carved from virgin rock . . . a true wonder of the world."

The real true wonder, though, is that they have so long escaped wide attention. (Lalibala is just a little on the way to becoming a tourist trap, though a trap for hardy tourists only.) Some of Ethiopia's magnificent monolithic churches, though not those at Lalibala, were unseen by non-Ethiopians until 1966, according to Georg Gerster, author of the authoritative, beautifully illustrated and expensive book on the subject, "Churches in Rock: Early Christian Art in Ethiopia (Phaidon Press, London, about $38).

They're seen now at least enough to keep a once-a-day DC3 flying the "historic route" that includes Lalibala and to support a small, fairly comfortable hotel.

Things should pick up even more with the promise now of major archaeological studies of the region by scientists under the joint auspices of the United Nations and the Ethiopian Archaeological Institute.

This undertaking is the best hope that our children—or at any rate, our grandchildren—will escape our own ignorance of this New Jerusalem.

LALIBALA—A 12TH-CENTURY MONUMENT TO A CHRISTIAN KING'S DREAM

(By Mrs. Gale McGee)

In the rugged and primitive mountains of north-central Ethiopia is Lalibala, the site of eleven major churches all hewn out of a single solid rock.

Gale and I had the once-in-a-lifetime experience of visiting these awe inspiring shrines during his recent Senate Appropriations Committee-sponsored study mission to Africa and the Middle East. And with the Easter season now upon us, I think it is only appropriate to share with you this experience from the pages of the history of Christianity.

King Lalibala, a 12th-century Ethiopian monarch, was a man of powerful Christian faith. This man's extraordinary dream of a "new Jerusalem" gave rise to the construction of eleven churches, each carved out of solid granite. Local legend has it that the churches were built by King Lalibala in response to a divine command and with the aid of angels. Whatever the motivating force was behind the construction of these gigantic monument, they are certainly inspirational.

The complex of churches and chapels is carved into the shoulder of a mountain. Four of the shrines are enmeshed in Lalibala's maze of tunnels, galleries, shafts and alleyways. They are completely carved out of a single block of stone.

We were told that workers freed massive rectangular blocks of stone by digging trenches on four sides down into the rock. Artists then sculptured these blocks into houses of worship, fashioning them after conventional churches. Yet, each church is a single chunk of rock and each has its own character.

The Church of the World's Redeemer is the largest. The Church of St. Mary's features luxuriant flowerlike designs painted on its ceilings. Finally, there is the Church of St. George, carved in the shape of a cruciform—a towering triumph of a people who chose to rally around the symbol of the cross.

There is considerable speculation as to how the churches were built. The majority of experts, I am told, hold that artisans chiseled the interiors from the top to the bottom of the structure, forming first the vaulted ceilings, then the arches, capitals, pillars and bases. Thus, they would, at the start, have used the uppermost rise of windows both for access and removal of debris.

However, Swedish architect, Barnard Lindahl, who has studied the shrines quite extensively, believes that the interior work proceeded from the bottom up. He believes that the stone masons chiseled from the main entrance to the altar, probably first cutting the nave (the middle part of the church which is flanked by the aisles) and then going to the aisles.

When I reflected on the tens of thousands of man-hours which must have been required to construct these churches out of the rock before me, I was overwhelmed. One can compare these works to the pyramids of Egypt, truly one of the wonders of the world. These monuments must certainly rate as even more impressive than the pyramids. They would probably be one of the wonders of the world if it wasn't for their location in this remote area of Ethiopia.

Another intriguing aspect of the Churches is the significance the Ethiopian people attach to Lalibala. According to the Ethiopians, Lalibala is the site where Christianity was born. They illustrate this belief quite graphically by pointing to crypts in the largest of the churches marking the places where they believe Moses, Jacob, and even Christ are buried.

From Lalibala, we flew to Jerusalem in the Holy Land. There we again walked through the Stations of the Cross. Our tour ended at what is believed to be Christ's tomb. We reflected on what we had seen at Lalibala and Jerusalem. It isn't important that Lalibala and all its splendor represents the stronghold of Black Christianity. What is important is that Christianity knows no color. Black or White, this faith has endured the ages. This is the real message of Easter. Christianity is as pertinent today as it was 2,000 years ago, in any language or color.

AMERICANISM AND THE NATIONAL DEFENSE

Mr. ROBERT C. BYRD. Mr. President, on March 2, 1972, a constituent of mine, Mr. J. C. Hupp, gave a prepared address to the Fairmont, W. Va., Rotary Club on the subject of "Americanism and the National Defense."

Mr. President, I ask unanimous consent that Mr. Hupp's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICANISM AND THE NATIONAL DEFENSE

Fellow members of the Rotary Club: The subject assigned to me today is Americanism and the National Defense. Colonel Jaynes, who spoke to us a month ago, spoke as an *Authority* on economic and did a good job of it. I am speaking to you today as a *Reporter*, so as to avoid responsibility if you find that I am wrong. Some of the things I will say may shock you and you may violently disagree with me.

I am sure the average American has confidence that our leaders are furnishing adequate national defense for our nation. For nearly two hundred years with the spirit of America backing up our national leaders our country guaranteed the safety of the lives of our citizens and the continuation of our national government. We have known nothing but freedom and liberty given us by the sacrifice of our forefathers. So, it is not to be wondered at that our citizens do not realize that something has happened to the leadership of our nation. The responsibility for the change is upon both these who lead us and on us voting citizens for this is a republic and the government is the responsibility of the citizens.

A great many citizens seem to think we have put too much money into defense. I do not like to come before you knowing that if you take seriously what I say, that you are going to be concerned and that you will not leave our meeting today in a cheerful mood. But I feel that Americans today are not aware of our very great danger to both the lives of our citizens and the survival of our nation. For a good many years a number of us have been deeply concerned about this subject. But most of our citizens are apparently unaware of it. All our people are against war. We want peace. The difference is how to achieve peace. A very large group of Americans seem to think we can achieve peace by doing away with our army, navy and air force. When we do away with defenses we are sure to bring on a war. Today we are facing a communist group that has never changed its objective. Today, as fifty years ago, it is out to bury us and there is only one road to peace with this group, or in fact, with any bully, and that is we must be strong and negotiate from strength. When we withheld bombing North Vietnam and from using our armies to win a victory, there was no use in trying to negotiate in Paris. The enemy did not believe we would pay the price of success and they fought on with the full expectation we would finally go home without victory and that is what we are doing now because of political pressure at home. We did the same thing in Korea and MacArthur said he had never known or studied any such method of conducting a war.

These two wars are the first of the kind we have ever fought. *It is not the American way.* The outspoken opposition at home also convinced our enemies we were not united. Eisenhower said he could not have won the second World War had he experienced the opposition at home that has prevailed during the Vietnam War. *Church leaders and others who joined the marches, prolonged the war and caused the deaths of thousands of Americans.* From these two wars and from many other causes some of which are political and much of which is a misunderstanding of the dangers we are in, has caused opposition to our defenses in Congress. So much of our welfare money has gone so far beyond the reasonable needs of our pepole, and is being worse than wasted, that it adds to the list of our people who do not want to work, fight, or do anything else. *They have become un-American.*

The surest way to get us into war is to go ahead with complete disarmament. There are reported to be more than a hundred Senators and Congressmen, some of them announced candidates for the Presidency, who think we should spend nothing on national defense.

When candidate Muskie recently condemned the President's speech on the state of the nation, he was giving aid and comfort to the enemies of our country.

As a school teacher I became deeply interested in American History and in Americanism as it has developed over the years since we became a Nation. George Washington advised us not to become too deeply involved in quarrels between foreign nations. It seems we have largely forgotten this advice—although George, himself, might modify that statement somewhat if he were with us today.

President Monroe advanced the Monroe Doctrine by which we would not stand idly by while a foreign nation built up a military system on this side of the Atlantic. President John Kennedy received bad advice and I saw him on television when he said he had made a tremendous mistake in betraying the patriots of Cuba when they were prepared to clear out the communists at the Bay of Pigs. We at that time abandoned the Monroe Doctrine and gave the communists a spring board within reach of this continent and so greatly endangering our country.

As Americans we have helped the people of many nations when they were starving and this has become an item in our Americanism. India and China were two such nations we often helped but under communist leadership these nations now profoundly hate us.

A few years ago I prepared an article for the monthly magazine of the company I work for. The title was "I Was Born With A Silver Spoon In My Mouth" in which I tried to point out that I was born in America, *a country with the greatest freedom of any nation on the face of the earth in any age of human history*—the United States of America. I was born in a country where all we have a right to ask for is an opportunity, good health, a chance for an education, and an opportunity to work in our chosen field. Behind the iron curtain is fear, not freedom; slavery, not initiative; suppression, not motivation; terror, not happiness; restriction, not help to progress.

I have been highly interested in Americanism because it represents the fundamentals of what we stand for in America. At one of the company national meetings, I opened the convention on this subject. For some years I have been state chairman of the Americanism Committee for the Society Sons of The Revolution for West Virginia and have made annual reports on this subject and attended national meetings.

I have sincerely hoped that the capitalistic system under freedom would continue down the years for those who come after us.

We have seen the continual development of socialism in America, the weakening of our national defenses, and a retreat from facing the demands of our communist enemies. We saw a ship taken by Northern Korean communists on the high seas with little immediate reaction on our part.

Just imagine what would have happened if this action had occurred when Theodore Roosevelt was president of the United States.

For years our money has gone into welfare until our people have come to believe that the Preamble of the Constitution which says *"Promote the General Welfare"* means that we are to live on the government.

As our citizens have weakened they have come more and more to look to the government for a livelihood. We have deteriorated physically until, I am informed, only 38% of the young men who came before military boards are able to pass the tests for soldiers. It is difficult to find people willing to work. The self dependence of our pioneer ancestors seems to have disappeared. Many of our young men and women demand that they start at the top and not be required to work their way up.

Many of you men, as well as myself, had to begin even below the bottom and *work* our way up to the bottom.

Today we face a host of problems in America—such as the national debt, pollution, crime, problems in our colleges, lack of interest in voting, softness on criminals, and a host of others.

Two of these problems are the national debt and irresponsible spending by the government and the other has been national defense. We expected Nixon, judging by his platform, to do much for us on these two points, but for some reason he has gone into reverse and the national debt has been larger than ever before. Also he has been timid in the face of objections to build up our national defenses and has asked for a mere pittance in proportion to our very great needs with which to face an active enemy.

But one of these problems is so important that if we neglect it and fail to solve this problem, none of the others will mean anything to us, and that is the problem of national defense. We will not be able to protect the lives of our citizens nor guarantee the survival of our government.

The history of nations is very similar in that when they become prosperous they begin to decay.

This country has tremendous wealth. Over 40% of our families have incomes of more than $10,000 per year. Rome had a like experience. They became prosperous and began to feed their people and keep them on the government pay roll. They lost the desire to defend themselves and were no longer willing to pay the price for victory. The German people of the North did not have wealth or culture, but they were willing to pay the price so they came down and took over then Rome ceased to be a nation.

Our nation is too young to die. Twice my own age goes back to within 4 years of the last Indian raid in this tri-state area. We are putting much more money into welfare than into defense. Our people no longer like to work. Most of them are on some sort of welfare. The quality of manhood and womanhood is changing. You all know about these things. Young men burn their draft cards. Many church leaders suggest that more and more of these young men be conscientious objectors. *No conscientious objector should be recognized,* but every citizen of this republic should be required to *render some kind of service at a time of national danger.*

President Nixon appointed the *Blue Ribbon Defense Panel* in 1969. The Panel submitted its report in July 1970 on certain points as to our defense system. In making this survey it became increasingly clear that if observable trends continue the U.S. will become a second rate power incapable of assuring the future security and freedom of its people. Members of the panel reserved the right to make a supplementary report and seven of them including Lewis F. Powell, Jr., who is now a member of the U.S. Supreme Court, make this report. The supplementary report subjects were not asked for by the President. The President has *not* publicized this report, as far as I know.

Here are some of the statements and facts:

This committee believes if the people know these facts they will demand that we avoid becoming a second rate power, if we are not already in that class with all the conquences of that position. The committee states: The Soviets now have superiority in ICBM's. They out-strip us in offensive and defensive weapons. Our technical superiority will soon be lost to them. *They are seeking a first strike capability.* They have long since passed the point they and we stressed in the 1960's and are going right ahead building for one thing and that is to obliterate us in the first strike so we cannot retaliate. There is a mounting hostility of our public towards the military and against our only security. Unless we change public sentiment we will soon be, if we are not now, a *second rate power.*

At our national capital the American Security Council has been organized by concerned Americans to inform our citizens of our peril. World order has been maintained by the military strength of our United States. The Soviet Union now envisions their domination with all that means. Our own superiority has ended. Our own weapons system is obsolete. I recently spent a week in Florida in the home of a retired Colonel of the Air Force. He is of the opinion we are not capable of defending ourselves against the Soviet military machine. He thinks the defense system has greatly disintegrated. Forty five officers including non-Coms have been killed in the past eighteen months by their own men both white and colored troops in Vietnam, mostly by *hand grenades.* In Vietnam the officers no longer are in command, just like the students in colleges have taken over. The officials continually fear assassination. Hand grenades have been called in and not allowed to the soldiers except when going into combat. Members of the Air Force receive periodic letters that confirm the terrible danger this country is in.

The Soviet ICBM's can deliver a megatonnage of nuclear war heads several times greater than the U.S. it is estimated from 7 to 8 times greater than our own. Their Naval build up is challenging U.S. Naval supremacy. Red China is also achieving ICBM capability. Sec. of Defense, Melvin Laird, said a year ago that by the mid 1970's neither the vital interests of the U.S. nor the lives and freedom of our citizens will be secure. We are not far from the mid 1970's. Yet in the face of this peril to America many demand that we cut down or entirely abolish the defense system we have. Recently I heard a speaker on television asking for economy and stated it can best be achieved by cutting down our defense spending which is not needed. And as our defense spending goes down that of the Soviet Union goes up. Their defense spending more than equals our own although their gross national product is half ours.

We are training fewer scientists and engineers than is the Soviet Union. And why at a time like this are many of our citizens hostile to U.S. Defense? Certainly it must be a lack of understanding of our relative position and the intentions of our enemies unless they desire to commit national suicide. We can do any one thing to assure peace and that is to have a capability *equal to or superior to theirs.* This is the only possible road to peace. The Soviets have not changed their objective and *appeasement and negotiations with them now simply means that we are on the road to national extinction.* Nato forces in Europe with 300,000 Americans are confronted with a large force and better equipped Soviet force. The Berlin Wall still stands and Soviet forces surround Berlin. Any loyal American who undermines our own military forces must either be ill informed or he must prefer suicide for himself and family.

The world order that has been preserved by America is now disintegrating. Unless we maintain superiority, all countries of the world including our own will soon suffer communist domination. In the mid seventies at the present rate of development, the Soviets will have double our ICBM force.

The Russians are now producing submarines of a superior quality and these submarines are patrolling the coasts of America all the time, which threatens the survival of our national command headquarters, most of our cities, and our bombers in what we consider hard shelters we had hoped to use as deterrents. In the 60's it was assumed that neither country would risk a first strike. We said in no event would we do so. Now we know the Soviets are planning a first strike capability.

The Soviet cities have defenses. Our cities have no defenses. They, by a first strike, can kill one hundred millions of our people, destroy our missile bases, and obliterate our capital city of Washington, D.C. Until recent years the Soviet had a great land army but

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no navy. Today it now has a challenging naval ability. It has the largest submarine fleet in the world and is rapidly overtaking the U.S. in other ships. It is taking over the Indian Ocean and is rapidly gaining command in the Mediterranean. At last President Nixon is sending a fleet to the Indian Ocean to get established at this time. Soviet ships are new and modern. The majority of ours are twenty years old. Their Navy will soon eliminate the freedom of the seas.

For well onto three hundred years the British Navy preserved the freedom of the seas. Then we took over. If we stand by and allow the Soviets to take over, there will be no more freedom of the seas.

Within a span of two decades, mostly within the last five years, we have moved from complete security to perilous insecurity. The mood of the people of this country and Congress has been to retreat from defense. This indifference in the face of national peril is without precedent in our national history. To submit to communist domination when their national produce is half of ours is unbelievable. Certainly if our people are informed they will do all they can to preserve our lives and country. Unless our people are alerted and demand that our Congress support adequate defense, many of us believe this nation is doomed—and that by 1976, the two hundredth year after the declaration of independence, we will definitely be at the mercy of communism and they have no mercy. In 1972 you will see every week articles in newspapers and magazines on this subject. The American Security Council is making itself felt. If citizens will tell their representatives how much they are concerned, then our defenses will be strengthened—if there is yet time. Don't forget that peace can come to us only through strength.

The Doves are bringing us nearer to war each day.

The Nixon trip to China is for the purpose of borrowing time.

Both we and China are in need of help in facing the Soviets. Together we can postpone any aggressive intentions of the Soviets.

The small nations of Asia no longer look to us for help. We will give up South Vietnam, Korea, and Chang Kai Chek's Formosa.

We will get nothing except a postponement of attack by the Soviets. This surrender would not have been necessary if we had kept our military power.

Unless we use this gained time to become strong militarily, we will sooner or later have to face the Soviets and possibly with the Chinese also and we will have no hope of winning.

As a nation we have fallen morally, we have lost our military superiority, and *in our standing with other nations we have sunk to a tremendous low.*

China wants to get U.S. out of Asia. She will succeed. She will succeed in the one China policy for all Chinese and that one will be Communist China.

She wants trade with the West and will get it. We are going far more than half way with China.

This final China deal proves the end of the U.S. military and political dominance.

We have only one hope and that would have to be backed up by our people.

We will have to pay the price of becoming a powerful military nation, and we are likely so committed to welfare we cannot pay the price.

This year 1972 the expenditures for health, education and welfare, is much greater than for our national defense.

Whatever the cost for national defense, we had best pay it if we want peace and if we want to survive.

Gentlemen, I take the position this country is in great peril. I shall be most grateful if any one of you can prove I am wrong.

Most of our political leaders assure us that our defense is in good form and all is well, but when you present certain facts and ask for real evidence, they are too busy to furnish it. *But our Congressmen and Senators do want to know what we think.*

THE FIRST COMMENCEMENT AT EISENHOWER COLLEGE

Mr. JAVITS. Mr. President, on May 28, Eisenhower College, at Seneca Falls, N.Y., held its first commencement. The school has come far since its groundbreaking in 1965, which was attended by General Eisenhower himself. It was altogether fitting that on the auspicious occasion of this first commencement, the address was delivered by a distinguished American who had been a close personal friend and associate of the late President Dwight D. Eisenhower, after whom the school was named and for whom the school stands as a living memorial.

I ask unanimous consent to have printed in the RECORD the address delivered by Gen. Lauris Norstad, chairman of the board of Owens-Corning Fiberglass Corp., at the first commencement of Eisenhower College.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TALK BY GEN. LAURIS NORSTAD

This first Commencement of Eisenhower College is truly an important beginning. Today, the distinction, the pride and the honor belong to you who graduate as the first class this College launches into the world. You are the first flowering of an idea, of an institution. Your families and friends, your College, are proud, as they should be, that you have successfully run the prescribed academic course. But perhaps it is an even greater thing that you, with the administration and the faculty, have pioneered in establishing a pattern of practices, customs and attitudes, social and academic standards, which, altogether, define a point of departure for Eisenhower College. It is from this base that it will continue its program toward the stature which we all hope it will attain, which its supporters throughout the country expect and which it must achieve to be worthy of the great name it bears. This is your day; we are privileged to share it with you.

But in the longer range, this event also marks the birth of a real center of interest in the ideals and principles associated with the Eisenhower name. It provides an atmosphere in which these ideas may be encouraged to grow; it establishes an instrument by which they can be propagated within and beyond these walls so that both students and the broad society of which we are a part may benefit. Thus, the goodness and the strength, the ideas and the ideals of the man we honor—as we honor you, our first graduating class—will continue to help us in times of frustration or fear, of deep private or public concern.

The significance of this institution and this, its first Commencement as monuments to General Eisenhower urge me to speak on a subject on which he offered precept by his words and gave example by his life. I shall talk to you about responsibility.

It has been said: "A university educates a man, not by teaching him what he knew not, but by making him what he was not, and what he will remain forever." (Ruskin). This, I think, expresses the value of education—not so much that it prepares one to practice a particular profession or occupation, but that it gives him a clearer view and understanding of his own opinions, his own judgments, so that, in the life ahead, he will be better able to judge ideas and circumstances with balance and perception, to act wisely on his judgments, to follow loyally or boldly lead.

Your task—for yourself as an individual, for the organizations of which you will be a part, for the country whose citizen you are—your task is to translate into constructive influence the values your education has added to your own dimensions. It is not only the voice of my generation, it is history that says change is brought only by the active and concerned, not by those who passively watch the world go by, not by the lotus eaters.

Anything one might think of saying to a graduating class sounds almost too familiar; it seems to have been said so many times before. But it is not in the nature of things for someone of my generation to resist the temptation to advise and counsel those younger than himself. Although we may think we speak with a certain wisdom, you may not be inclined to give us top marks even for our handling of our own private affairs; you may question seriously our conduct of the public business. Yours is supposed to be a generation of doubt, of protest but, strangely, that has been said, with more or less justification, of almost every generation before yours. And it is a good thing.

The right to question—to challenge—to dissent, is clearly etched into the framework of the concept and the practice of democracy in this country. Our country's founders were dissenters. But this right, like most others, carries with it an obligation to think and to act responsibly. There have been *other* periods of questioning and dissent—the Reformation and the Renaissance, the Age of Reason and the Industrial Revolution—and *other* generations have met challenges as great for their time as ours are today for us, and, in the process, they have advanced civilization and enhanced the general welfare.

So as you go out to make this world you inherit different and, we hope, better than what we turn over to you, I encourage you to doubt, to question, to dissent, whenever you really believe your point. But as we examine public goals and priorities, as we question economic and social programs, challenge military concepts and strategies, and voice our doubts on the conduct of foreign affairs, let us note that there are two kinds of criticism of public policy. There is reckless, irresponsible criticism which defaces the relevant facts, debases men's motives, argues that the way to deal with trouble is to evade it, and ignores the fact that for the leader there may be as many moral issues involved in *inaction* as in *action*. On the other hand, there is responsible criticism, when the self-disciplined, free man seeks out the facts, thoughtfully considers them, and offers or supports positive, constructive alternatives. It seems to me that, out of respect for a past that has brought this country greatness and out of obligation to the future to which you may elect to be more master than slave, you must choose carefully and consciously between these courses.

At this point I must note that the words spoken here today are silhouetted against the screen of current events: Vietnam, the fear, the misery, the death of people there, the agony of people here as we resent our failure over a period of more than ten years, live with the painful moral issues involved, suffer over the right course for our country. And all this happens in an election year, a time when over-simplification and hyperbole tend to cloud and confuse every issue. This, indeed, is a challenge to our sense of responsibility and to our obligation to penetrate the rhetoric, to remember that, even if we seem now to be a somewhat divided people, we are united in our wish for an end to this tragic struggle, in our hope for peace.

Perhaps there was more hope than history,

and certainly there were the circumstances of a far simpler world, when Cardinal Newman said that knowledge "puts the mind above the influences of chance and necessity, above anxiety, suspense, unsettlement and superstition, which is the lot of the many." These influences, all of them, it seems to me, are part of our lives; they define our time. *Chance and necessity, anxiety, suspense, unsettlement and superstition.* But there is also challenge, excitement, purpose, honor, trust, faith and hope. The balance of influences, it seems to me, is a favorable one—perhaps never more favorable.

As we look to your future, and as we consider the responsibility you must carry, it is inevitable that you should wonder about this charge being imposed on you by an earlier generation. It is reasonable for you to ask—indeed, even to ask with some vehemence—how well that earlier generation stepped up to the obligations which were there to be met in its time. Every succeeding generation has had the right to do this asking in respect to its predecessors. Every generation has weighed those who have gone before and, in some measure and to some degree, has found them wanting.

If you evaluate us, you will find it evident that we have not done everything well, that we have left you no end of hard jobs, creative, important and exciting jobs. Yet, I would not want you to infer from this that we of the generation still more or less in charge have been failures simply because we have left still undone so much that is important.

We have, indeed, failed in many ways. But while we lament the loss of what could have been, we note a well-known circumstance of life: it is in the nature of man to fail. But failure brings shame only when there is no sense of purpose, when man stops trying. I would like to believe that in my time Americans have tried hard. Fearful wars were fought. Tyrannies were put down. Broken societies were repaired. Vast sections of mankind have found freedom. A world organization has been set to adjudicate the disputes of nations and to extend the rule of reason and of law. New Alliances were constructed to hold off the new tyrannies, and under those defensive shields we prospered. We have done things, we have paid terrible prices, we have borne agonies—in great measure so that you will not have to repeat these experiences. Your future is clearer because of what we have swept away.

And the past gives you great advances in science, in education, in social and political philosophy, in every field of man's knowledge. It permits you to move to a new set of priorities—priorities which gain in significance because of what that past can claim as accomplishment, priorities which are launched from what has been learned in such accomplishment, priorities which allow you to refine and perfect the grosser results of earlier effort. The record that we of the older generation have built, with all of its imperfections, we add to our legacy to you—with some sorrow and regret for our failures, with some measure of pride for the good achieved in our time. And all this we pass on without apology.

As you accept this legacy, and you have little choice, and as you start the business of creating the better one which you in turn will pass on a few decades from now, you will find inspiration and direction in these final official words of President Eisenhower, spoken in January of 1961:

"To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

"We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love."

And now to return to here and now and to you who graduate today.

The shocking violence in Maryland a few weeks ago, although not unprecedented as we know all too well, still troubles us. And it should. As I have said earlier, in disturbing times, we turn to the voices of the good and the strong to sustain us. Thus turning, let me give you the words of a distinguished American, a friend and admirer of General Eisenhower, a man who was a great servant of his city, his state and his nation for more than fifty years, the late Henry Stimson. More than a quarter of a century ago he said:

"We must not let ourselves be engulfed in the passing waves which obscure the current of progress. The sinfulness and weakness of man are evident to anyone who lives in the active world. But men are also good and great, kind and wise. Honor begets honor; faith begets faith; and hope is the mainspring of life. I have lived with the reality of war, and I have praised soldiers; but the hope of honorable, faithful peace is a greater thing, and I have lived with that, too. That a man must live with both together is inherent in the nature of our present stormy stage of human progress, but it has also many times been the nature of progress in the past, and it is not reason for despair."

Mr. Stimson then referred to the generations ahead, to you here today!

"Let them have hope and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat."

From his experience, from his deep sense of responsibility, from his own life full of service and achievement, General Eisenhower would wish you each an active and vigorous life with its share of pain, problems, sorrows, but all of these balanced with the joy of having tried hard, and the satisfaction of having returned something of value to the civilization, the nation and the people which have given you so much. We join him in this wish.

CIVILIAN CONTROL OF THE MILITARY—THE NOMINATION OF GENERAL ABRAMS

Mr. PROXMIRE. Mr. President, unless Gen. Creighton W. Abrams gives a complete and thoroughly satisfactory explanation of the more than 20 unauthorized airstrikes by the 7th Air Force while Abrams commanded our forces in Vietnam, I will fight his confirmation as Army Chief of Staff.

The entire issue of civilian control over the military in forming American policy is at stake. I do not intend to see this most important constitutional question swept under the rug, downgraded, ignored, or whitewashed.

At the time of General Lavelle's unauthorized bomber raids in Vietnam over a considerable number of weeks, General Abrams was the Commanding General of MAC–V, the head man in Vietnam. On the face of it, he has a great deal to explain.

If he knew what was going on, if he allowed General Lavelle to exceed his orders, and did nothing about it, he is culpable.

If he did not know about it, and that is what Secretary Laird now tells us, unless he has some completely satisfactory explanation, he should have known about it. In either case, there is a real question whether General Abrams fulfilled his obligation. Traditionally, the American military has acknowledged civilian control not only in words but in deeds. General Abrams must show, in the most affirmative way, that in his actions he displayed the deepest respect for civilian control over the military and that he was not an overt or covert party to exceeding proper orders.

GENERAL ABRAMS SHOULD HAVE KNOWN

There are many objective reasons why General Abrams as MAC–V should have known what was going on. Throughout the period when General Lavelle was carrying out his unauthorized airstrikes, his command submitted afterstrike reports to MAC–V on all missions flown. General Lavelle had to get MAC–V clearance for projected missions. Reports of bombs and rocket usage as well as fuel consumption were made routinely. There is a vast difference between the amount of ordnance needed for a few protective reaction strikes on radar and antiaircraft weapons and the amounts for preventive and interdiction bombing carried on by General Lavelle's 7th Air Force. Future stock levels of bombs and rockets had to be requisitioned by the 7th Air Force from MAC–V on the basis of future planned strike requirements.

Unless MAC–V knew what was going on and covertly approved it, these actions should have raised the most serious questions in the mind of General Abrams as to what was actually going on. If he did not know about it, he should have known about it.

SENATE MUST PERFORM ITS CONSTITUTIONAL DUTY

It is the duty of the Senate to determine whether General Abrams has upheld both the spirit and the letter of the Constitution of the United States before he is confirmed as Army Chief of Staff.

Unless he can show in the most affirmative way that he did not know about General Lavelle's actions and/or gives us a complete explanation as to why he did not know about them, his competence to act as Army Chief of Staff in a democratic society will be under the most serious question.

The credibility of the Army and the issue of civilian control of the military are both at stake.

A SALUTE TO EDUCATION

Mr. PASTORE. Mr. President, in these June days, throughout the length and breadth of America, the teachers and those whom they have taught are offering "A Salute to Education."

It is only natural that the State of Rhode Island, that colonial pioneer in learning, should raise its voice in praise.

In historic New England only Harvard and Yale antedate Brown University which 203 years ago graduated its first class.

The charter of that college was one of the most liberal of its kind written in the 18th century. Its doors were

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closed only during the years of the Revolution as faculty and students bore arms—and its buildings were the bivouac of the French soldiers of Rochambeau.

In those historic times, Brown conferred honorary degrees on such immortal figures as George Washington, John Adams, Thomas Jefferson, Benjamin Franklin, John Hancock, Alexander Hamilton, Nathanael Green, and Stephen Hopkins, Rhode Island's delegate to the convention that produced the Declaration of Independence.

Yes—Rhode Island fostered the great university. But it also fostered that immortal educational institution, the one-room school.

I would like to frame my "Salute to Education" in the dimensions of those devoted teachers whose years of service reach back to that school of schools.

June, the month of graduation for scholars, is proverbially the month of retirement for teachers bringing their precious task to a close.

It so happens that two such teachers are retiring this June in a typical small Rhode Island community. They are teachers whose service spans the growth from the one-room school to the most modern of educational facilities.

The community of their dedication paid them high tribute on the occasion of their retirement and I had the privilege of adding my sentiments to the general accolade.

I am sure that my thoughts express the universal appreciation and affection of pupils past and present—indeed, the thoughts of all our people—and our praise for all teachers is personified by these recipients.

So I add these letters to my "Salute to Education" and make them my salute to educators everywhere.

Mr. President, I ask unanimous consent to include these letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 8, 1972.

Mrs. JANE ANDERSON,
Exeter-West Greenwich Regional School District, Nooseneck Hill Road, Coventry, R.I.

DEAR MRS. ANDERSON: Let me include every good birthday wish along with words of appreciation as your school year comes to a close—and wrap them all up in congratulations for all the school days of 1972—which you have distinguished as Teacher of the Year.

You symbolize what I dare to call the sacredness of the one-room schoolhouse—than which the greatest university cannot claim to be so close to the human heart and home.

You signify the wide responsibility—the character and capability—the deep dedication of the teacher in that intimate schoolhouse—a responsibility concentrated in the close communion with youth you guide to a sense of duty and destiny—the individual's important service in a world however wide.

From all the decades of devotion you draw dividends of satisfaction in the lives you have influenced.

May you be an inspiration to good minds and great hearts to accept that onerous but so honorable profession of teaching—that they may find their reward—as you have found yours—in shaping the citizen of tomorrow in the soul of the student of today.

Again—congratulations and appreciation.

Most sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

JUNE 14, 1972.

Mrs. MARGARET WHITFORD,
Lineham School,
West Greenwich, R.I.

DEAR MRS. WHITFORD. As you retire from the responsibilities of teaching after thirty two devoted years, let me add my word of commendation to the praise and gratitude of the community you have served so well.

I speak as a public official who, as Governor and United States Senator, found greatest satisfaction in government commitment to education—and its finest dividends in the "close to home" values of the community school and its capable teachers.

There has been placed in your keeping the most priceless of our possessions—our children—whose lives and loyalties you mold in their very learning.

You have seen and shaped great advances in education from the one-room school to the most modern facilities—but the heart of the school is still the heart of the teacher.

Indeed, the American character is at its truest in the small community where knowledge of neighbor creates love of neighbor—love that is expressed tonight as neighbors and friends—associates of the present and students of the past pay tribute to you as teacher—honoring themselves and your profession as they honor you.

May this night be memorable through a future of health and happiness for you.

Most sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

THE CEASE-FIRE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I welcome the cease-fire scheduled to begin next Monday in Ulster. The cease-fire is an important and historic new step on the road to peace in Northern Ireland, a step full of hope that a permanent peace can soon be achieved with full respect for the rights of all the people of Ulster, Catholics and Protestants alike.

Leaders on both sides in Ulster and Great Britain deserve the strongest praise for their success in accomplishing the cease-fire. In many respects, this new step toward peace is a tribute to the skillful, fair, and patient efforts of Mr. William Whitelaw, and the very real progress he has made toward ending the old policy of internment and translating the new policy of direct rule into fair and evenhanded action. The cease-fire is also a tribute to Mr. John Hume, Mr. Paddy Devlin, and other moderate Catholic leaders in Northern Ireland, who have responded to the deep yearning of their people for an end to the killing and violence. It is a tribute to the persistent efforts of thousands of ordinary citizens in Ulster, especially the Catholic women who stood up so bravely against the terrorists in recent weeks and demanded peace. And, it is a tribute to the leaders of the IRA, who at last have accepted the call for peace and an end to the campaign of terror.

Above all, perhaps, the cease-fire is a tribute to Prime Minister Heath and the success of the new initiative announced last March by the British Government, including the suspension of the Stormont government, the institution of direct rule, and the beginning of the end of internment.

For months, while policies like internment, tragedies like Londonderry, and the daily bombings and murders were seared into the conscience of the world, all calls for change were resisted. The intransigent policy of the Stormont regime continued to inflame the issue. At last, in March, a policy that failed was put aside, and Britain regained the road to peace in Ulster.

One more point needs to be made. The world knows the bitter passions and violence that have been spawned by centuries of conflict over Ireland. Frequently, in my own past comments on British policy toward Ulster, I have noted that, in some respects, Ulster seemed to be Britain's Vietnam. But the analogy was reciprocal, and it now has a brighter side.

Surely, if Britain can find its way in Ulster, the United States can do no less in Vietnam. Surely, it can be no more difficult for Britain to reach agreement with the IRA than it is for the United States to reach agreement with North Vietnam. So long as the unparallelled killing and violence go on in Indochina, the cease-fire in Ulster will be a constant reminder that our own intransigent policy toward Vietnam has failed, and that we have not yet found the formula for peace. Prime Minister Heath and Mr. Whitelaw have set a high standard for President Nixon and Dr. Kissinger to follow. The world now has a dramatic demonstration of what can be accomplished by men of good will, genuinely seeking peace. Thus, it is my hope and prayer that the cease-fire in Ulster will be followed at the earliest possible opportunity by a cease-fire in Indochina.

Mr. President, I ask unanimous consent that two articles by Mr. Whitelaw may be printed in the RECORD. The first is an article entitled "There Are Only Victims in Ulster," which appeared in yesterday's New York Times, and which is an excerpt from a recent speech by Mr. Whitelaw in London. The second is the text of a television address made by Mr. Whitelaw to the people of Ulster on June 16, and reprinted in the Manchester Guardian on June 17.

[From the New York Times, June 22, 1972]

THERE ARE ONLY VICTIMS IN ULSTER

(William Whitelaw is British Secretary of State for Northern Ireland. This article is excerpted from a recent speech in London)

(By William Whitelaw)

LONDON.—I have set myself to make use of every possible approach—diplomatic, blunt, direct, polite—to persuade as many people as possible to join hands with me in making Northern Ireland a place where the man who wants to draw attention to his point of view doesn't have to depend on a loaded gun or a bomb for the purpose.

The situation is not just about law and order. It is not simply a question of meeting a force of which we cannot approve with a greater force of which we can approve. If history is to pass judgment on the work we are trying to do now then please God let it not be, "They took the easy way out—the way to short-term peace and long-term disaster."

Nor is the situation one where a single, straightforward move, whether by Protestants, Catholics, by us here in London or by statesmen anywhere in the world, will produce a solution as if by a wave of a magician's wand, in a flash.

Nevertheless this is not a situation in which there is no peace to be found. It is not beyond the wit of man to devise a solution. I know that those who want peace will triumph in the end. But the point of view is often put—how can we hope to get anywhere with a problem that has defied the abilities of many of our politicians for centuries? The Irish will always fight among themselves, it is argued. Surely we should just wash our hands of the whole sorry mess? This I cannot possibly accept.

To begin with I doubt whether any of us would be in public life if we did not sincerely believe that it is in the power of man himself to right these wrongs which man himself has inflicted. That is the simple answer to those who say there is no peace to be found. But there is also a more specific answer. It is not a matter of votes won or lost, it is not an arguing point for academics. It is a brutal and brutalizing tragedy where grievous suffering and destruction is daily inflicted, where people are regularly maimed and disfigured for life, where the ultimate disaster of loss of life is an almost daily happening.

Fear is the constant companion of a great number of its people. Not just the physical fear of the bomb and the bullet but fear of the things their fathers feared. For a Protestant, fear that he will be handed over into a united Ireland against his will. For a Catholic, the fear that discrimination and political intimidation will bedevil his own life and that of his family. On both counts the British Government has made its position totally clear. Let me say it again. Without the consent of the majority of the people of North Ireland the United Kingdom Government will not countenance the absorption of the province into a united Ireland.

To the Catholics in Northern Ireland let me say that the security forces will give their protection to all who are in need of it. There will be no discrimination on the grounds of religion either in Northern Ireland, or, indeed, anywhere else in the United Kingdom.

What then is to be done? If we were sure, in all likelihood I would not be here tonight, for there would be no office of Secretary of State for North Ireland, and the horrific events which have become such a depressing feature of Ulster life would not be screaming at us from the headlines and the television sets. So we work and we think and we hope and we pray.

It appalls me, as it must appall all people of good sense, to read of behavior which puts men's jobs at risk. What good does it do any cause to wage war on workpeople, to imperil their right to earn an honest livelihood, to prevent a man from trying to pay his way and do the best for his family? I know now that I have a great reservoir of goodwill in Northern Ireland on which I can draw in my efforts. And I know I have the united people of Great Britain. What I am seeking to achieve is simple. I am seeking the help of all in building a place with a real future, a place of promise, a place where the voices that are loudest in the land are not the voices of the wreckers and the chronically disgruntled.

And I am convinced that slowly—and there are signs that it may be already happening—the two communities in Northern Ireland must learn to come together and to live together. It will happen because it must happen. There are no martyrs in Northern Ireland. There are only victims. The dying will have to stop. We are utterly determined that it should be soon.

[From the Manchester Guardian, June 17, 1972]

WHITELAW BEGS ULSTER FOR SANITY

Mr. William Whitelaw, Secretary of State for Northern Ireland, said in a statement to the people of Ulster last night:

After almost three months of direct rule the time has come for some straight talking. Since I have arrived here I have found that no one in Northern Ireland believes in mincing words. You now want to know from me where events are taking us and how I see the future for Northern Ireland; above all, what is to happen to you and your families, and what you can do to help shape events.

First then, what I am doing. I am here on behalf of the British Government, who represents you just as much as the people in England, Scotland, and Wales, to try to lead the way out of the strife and bitterness that has bedeviled Northern Ireland for so long.

Some of you may think that I have been making too many concessions to this or that group; that I have been seeing more of some people than others; that I have listened too readily to some and not to others. But I can say that I have shown there is on all sides a real demand for peace and a craving for an end to violence and terrorism, that people everywhere have had enough.

Very well, then, what happens now, especially as we all realise in our hearts that time is short in which to find the solution we all, or very nearly all, seek so desperately?

I have always insisted on working for the community of Northern Ireland as a whole; one community. But I have to face the fact that there are two parts of this community.

To the majority, the Protestants, I say this. I represent the British Government which has placed on the Statute Book for Parliament a categorical pledge that the border will not be changed against your will, and the Labour Party has endorsed this pledge in Parliament. No one is going to force changing that against your will, as certainly as no terrorist or gunman is going to be able to blast and bomb you into the republic.

To the minority, the Catholics, I give a pledge, too. You will have a square deal. The new jobs available will be shared out fairly. New investment will be spread evenly across the province. You will have the opportunity to play your full part in the life of the community. I think I have proved my honest intentions by the way in which I have been phasing out internment. I believe I have shown you can trust me too.

And to both communities I can say I have made no secret deals. I think you can judge, just as I am not the sort of man who responds to ultimatums or a loaded pistol at my head, nor am I the sort of man who makes secret deals with anyone, whoever they are.

I want an end to violence. I want peace. There is nothing secret about that, believe me. And violence is not only shooting or bombing in crowded thoroughfares. It is just as violent an outrage if a man and his family are driven out of their home, have to pack their belongings and quit because of sectarian threats. How can I get new jobs in Drumahoe when fanatics are allowed to destroy the historic Londonderry Guildhall, from which so much good work has been done for the city by the Commission?

Equally, how can I persuade firms to come to Belfast when teenagers roam the street, burning cars and barricading, ripping up the paving stones and destroying the disciplined image the Ulsterman has abroad? You know it cannot go on. Nor can independent areas be permitted to offer shelter for those who plan death and destruction to the innocent.

I must say that, while I do not envisage a purely military solution to this problem, I will have to come to grips with it unless the people within themselves take a hold of the situation. They can in one way immediately demonstrate, as can others, that they accept the time has come to put their house in order.

OFFENSIVE

The civil disobedience campaign is deeply offensive, not only to law-abiding people in Northern Ireland who have been paying their way throughout the troubled years, but also to the tax payers throughout the United Kingdom. This is a way in which now, this week, every individual person can show that they want a return to normality by starting to pay their way again.

Well, now what am I going to do to help? I recognise that one of the big problems worrying everybody is the feeling of insecurity that is in the air. Yesterday, in Parliament, I invited the people of Northern Ireland to discuss with me, urgently, how a conference should be set up about the future of the democracy in Northern Ireland.

It really is time to start the talking and stop the shooting. I want them now to get round the table and hammer out the problem. Some will say they won't agree. At first, meetings like this rarely do, but it is from meetings and talks that sooner or later the solutions must come. If my conversations show that there is a widespread desire for an early plebiscite on the border then the British Government will be ready to arrange it.

The other opportunity for democracy is the future local government elections. I have already said that the local government elections must go ahead this autumn. After much thought, however, and discussion, I have decided that it would be right to hold these elections on the basis of proportional representation such as Northern Ireland had in the 1920s.

This may mean that the elections will have to be postponed to November or December, but the new Councils will take office in April, as planned. This decision to have proportional representation will not bind any future Northern Ireland election. It will, however, be an opportunity to see how this system works and so to decide whether it would be appropriate for the future.

These, then, are the opportunities that I offer. This is a moment when a stark choice faces us all in Northern Ireland. The danger of intersectarian conflict is very real. No one, not even the most bitter extremists themselves, will gain from that. At the same time, many innocent people, including women and children, will suffer.

If, alas, such a tragedy were to occur, I can assure you that the British Government will discharge its responsibility to you and seek to protect you as citizens of the United Kingdom. But we could not hope to prevent bloodshed. There is, however, another way. There is a real chance now to draw back from the brink, end the violence, and promote a real and lasting peace. A ceasefire now would provide new opportunity for us all. Sanity and common sense must prevail before it is too late.

SALUTE TO AMERICAN EDUCATION

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with those who on yesterday, gave their salute to American education, emphasizing its importance in a free society.

Education, above all else, is the one essential upon which any free society must rest. Representative government and free, democratic institutions cannot exist without an informed people..

Nowhere is this more clearly demonstrated than in totalitarian societies, where the first impulse, and the first goal, of the dictator is to bend the educational process to his own ends.

It is highly appropriate, then, that the importance of education in a society such as ours should be marked in the

manner in which my colleagues have done so.

Almost my first reaction, when education is mentioned, is to recall the influence which three wonderful teachers had on my own life. I have been fortunate in having had many good instructors in my life, in college classes, in law school, and elsewhere. But three who taught me in my high school days in the southern West Virginia coal fields stand out.

One was an English teacher, one was a math teacher, and the other, who only recently passed away, was my music teacher. Each in his or her own way made an indelible impression for good upon me that will last as long as I live.

The English teacher to whom I refer was Miss Anna Brochick, who, like the other two, taught me when I was a student at Mark Twain High School at Stotesbury in Raleigh County, W. Va. Through literature and language, she opened a window on the world for me. She introduced me to books which informed and inspired me. And so thoroughly did she drill me in the rules of grammar that they remain with me to this day.

David Reemsnyder was a high school mathematics teacher. He made algebra and geometry exciting to me. He made figures come alive. He taught me the orderliness and the precision of numbers, the exactness of expressing the relationship of facts through equations. I am sure that he stimulated me to think more logically than I might otherwise have done.

And then there was Mrs. W. J. B. Cormany, wife of the principal of our school and my music teacher, who I am sure has gone to join a choir of angels somewhere on high. She taught me to play the violin, and the music I made lifted me above the mundane, workday world. I shall be forever in her debt for her inspiration, and for the appreciation she helped me develop for things other than the material things of this world.

I must also mention Mr. Cormany, in addition to the others. He was a physics teacher as well as principal. But I remember him best for the discipline which he both demanded and inspired. There was none of the permissive nonsense about him which weakens schools today. He was a strong man and a fine educator whom we respected. He is deceased now, but his influence with those who were his students lives on.

The school in which these dedicated teachers taught was, because of them, a remarkably good high school for that time and place. Many young people other than I benefited greatly from being students there. I am sure that there were then, and that there are now, innumerable schools like it throughout our land.

Because this is so, because America's school system—from kindergarten to the university—makes education available for all, our free society survives and flowers as a model for all people in a world that grows increasingly authoritarian.

Education is the leavening force which makes democratic institutions work. It is the enemy of autocracy. A free people, to remain free, must always be the champions of education for all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business having expired, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows: A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1265

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), which the clerk will state.

The assistant legislative clerk read as follows:

On page 6, line 20, strike "$600,000,000" and insert in lieu thereof "$725,000,000".

On page 8, lines 14 and 15, strike "$618,000,000" and insert in lieu thereof "$618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

On page 8, lines 15 and 16, strike "$650,000,000" and insert in lieu thereof "$770,000,000, of which not less than $70,000,000 shall be available solely for Israel".

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican leader yield me 30 seconds?

Mr. SCOTT. Yes, Mr. President, I yield to the distinguished assistant majority leader.

The PRESIDING OFFICER. Will the Senator from West Virginia withhold his comments until the Senate is in order? The Senate will be in order.

The Senator may proceed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 878, S. 3511. This item has been cleared on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3511) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973, to enable it to carry out its functions under the National Science Foundation Act of 1950, and under title IX of the National Defense Education Act of 1958, for the following categories:

(1) Scientific Research Project Support, $275,300,000;

(2) National and Special Research Programs, $112,500,000;

(3) National Research Centers, $42,300,000;

(4) Computing Activities in Education and Research, $20,500,000;

(5) Science Information Activities, $9,500,000;

(6) International Cooperative Scientific Activities, $4,700,000;

(7) Research Applied to National Needs, $96,500,000;

(8) Intergovernmental Science Program, $3,200,000;

(9) Institutional Improvement for Science, $22,000,000;

(10) Graduate Student Support, $25,000,000;

(11) Science Education Improvement, $76,000,000;

(12) Planning and Policy Studies, $3,200,000; and

(13) Program Development and Management, $29,300,000.

SEC. 2. Notwithstanding any other provision of this Act—

(a) of the amount stipulated for the purpose of "National and Special Research Programs" in category (2) of section 1, not less than $6,000,000 shall be available for the oceanographic ship construction/conversion program;

(b) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than $26,000,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other nonconventional energy sources, and not less than $10,000,000 shall be available for earthquake engineering programs.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Appropriations made pursuant to the authority provided in sections 1, 3, and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 6. (a) No funds may be transferred to or from any particular category listed in section 1 if the total of the funds so transferred to or from that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

(b) The provisions of subsection (a) shall not apply during any period in which the Congress is in adjournment sine die.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting "and scientific education programs at all levels" after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

SEC. 9. The National Science Foundation shall establish a Division of Energy Research and Technology which shall carry out the Foundation's energy research and technology programs.

SEC. 10. This Act may be cited as the "National Science Foundation Authorization Act of 1973".

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 3511, the National Science Foundation Authorization Act of 1973. This bill would authorize the Foundation $720 million for fiscal year 1973. I introduced the bill on April 19 and the bill with an amendment, was unanimously voted by the Committee on Labor and Public Welfare on May 30.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs are both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific knowhow can be effectively applied to particular problems in areas such as transportation, health care, housing, communications, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

S. 3511, as amended by the Committee on Labor and Public Welfare would authorize $720 million for these purposes in fiscal year 1973. This represents only a 2-percent increase over the $704 million authorization voted by the Senate for fiscal year 1972. This is less than would be necessary to account for the inflation in research and education costs.

The bill, however, is $73 million higher than the $647 million amount contained in the administration's budget request for fiscal year 1973. This additional funding is for urgently needed research and education programs in science and engineering. The principal programs which account for the additional funding are $48 million more for science education programs; $16.5 million more for research applied to national needs; $3.2 million more for oceanographic ship construction; and $2.2 million more for intergovernmental science programs.

The $48 million more for science education programs includes $18 million more for institutional improvement for science, $17.8 million more for graduate student support, and $20.2 million more for science education improvement. These increases are necessary to arrest the recent decline in Federal support of science education programs and assure the Nation a strong academic science program and an adequate supply of scientific talent over the coming years.

Although the country is witnessing a high level of technical unemployment at this time, this is a condition which cannot continue. S. 32, the National Science Policy and Priorities Act, which is now under consideration by the Committee on Labor and Public Welfare, should go a long way toward reducing the current unemployment rate among scientists, engineers, and technicians, if it is enacted. And the increasing pressure of national problems requiring scientific talent for their solution makes it clear that overall demand for scientific talent in our society will continue to grow over the years ahead.

In the April 7 issue of Science magazine, the executive director of the Scientific Manpower Commission—Mrs. Betty Vetter—was quoted as follows:

The needs for technologically trained experts to meet national and social goals will not have diminished by the time these smaller classes emerge from the educational pipeline. We will still be trying to erase urban blight, produce adequate clean energy, purge the environment, create effective transportation systems, and provide adequate health care, while maintaining our national defense and continuing some level of space exploration. If the state of the economy and a reordering of national priorities has enabled us to convert these needs into demand (meaning jobs), the supply of technologically trained specialists may again be too small in a few years.

The situation has been further exacerbated by the administration's unconscionable action in impounding $21,000,000 in fiscal year 1972 appropriated funds for National Science Foundation educational programs. During fiscal year 1972, the Office of Management and Budget

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impounded $5,000,000 for institutional improvement for science, $4,800,000 for graduate student support, and $11,200,000 for science education improvement. Although the administration has indicated these funds will be released in fiscal year 1973, the injury to important science education programs has already been incurred.

To provide the Nation with the scientific talent which will be required over the coming years, it is important that the National Science Foundation be authorized the total of $123 million for educational programs which is contained in this bill.

The $16,500,000 additional for research applied to national needs includes $12,600,000 additional for energy research and technology, and $3,900,000 additional for earthquake engineering. The bill brings the total in those two areas to $26,000,000 for energy research and technology, and $10,000,000 for earthquake engineering.

The proposed program of research applied to national needs—RANN—is substantially below minimum requirement levels based on the assessment of need provided by various non-NSF witnesses particularly in the areas of energy research and earthquake engineering. Congressman MIKE MCCORMACK testified on the Nation's burgeoning energy problem and the urgency of finding ways to meet these increased energy demands. This and other information convinced the committee that the amount of $13.4 million included in the Foundation's budget request for energy research is far less than that demanded by the situation. The dimensions of the energy problem were brought into sharp focus by the testimony provided by Congressman MCCORMACK. For example, by 1985 it is estimated that the United States will have to import more than 44 percent of its oil. Some estimates indicate that domestic supplies of natural gas may be entirely exhausted by the decade 1990–2000, and that by that time as much as 50 percent of our petroleum requirements may have to be met from foreign sources. S. 3511 provides that a minimum of $26 million is to be used by NSF for the purpose of energy research and related technological problems, including research on solar, geothermal, and other nonconventional energy sources.

The budget request for NSF includes only $6.1 million for earthquake engineering. This program provides research support for projects to develop economically feasible design and construction methods for earthquake resistant structures, including buildings, dams, and so forth, that can significantly reduce the hazards to life from earthquake motions. The NSF program in earthquake engineering is unique in that it is the only program of its kind aimed at finding practical engineering methods that can help alleviate the damages caused by earthquakes. The need for greatly expanded Federal support for research in this area was strongly substantiated by the information included in the hearing record.

The additional $3,900,000 for earthquake engineering, for a total program of $10 million, is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the nations continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 or more years ago. The Foundation's budget request provides for the construction of one new research vessel at a cost of $2.8 million. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1973; therefore S. 3511 provides an additional $3.2 million to augment the Foundation's ship construction program, bringing the authorization for new ship construction to $6 million in fiscal year 1973.

The additional $2.2 million for intergovernmental science programs, bringing the total to $3.2 million is designed to make the benefits of science and technology available for practical utilization within the various States and regions of the Nation. States, regional, and local governmental agencies must be strengthened so that they can play their proper role in transferring scientific knowledge into industrial applications and into public technology programs which serve the citizens in their regions. For several years the National Science Foundation has been sponsoring a pilot intergovernmental science program designed to achieve these goals. The program has proved successful, and the time has come to expand its pilot activities to a level which can meet the widespread needs throughout the country.

The following is a brief summary of the programs included in the National Science Authorization Act:

First. Scientific research project support, $275,300,000. The objectives of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. The fiscal year 1973 program provides for the expansion of biological, physical, environmental, and social sciences, and engineering, particularly in those areas where new knowledge can lead to the solution of problems of national concern in the seventies, or where increased efforts can significantly advance our understanding of basic life processes, natural phenomena and physical laws that govern our universe.

Second. National and special research programs, $112,500,000. These are a variety of major programs which require special coordination, and include the: International biological program; Global atmospheric research program; Experimental R. & D. incentives program; National R. & D. assessment program; International decade of ocean exploration; ocean sediment coring program; Arctic research program; U.S. Antarctic research program; oceanographic facilities and support; and logistics support for the 1973 solar eclipse.

Third. National Research Centers, $42,300,000. These include the National Astronomy and Ionosphere Center at Arecibo; Kitt Peak National Observatory; Cerro Tololo Inter-American Observatory; National Radio Astronomy Observatory; and National Center for Atmospheric Research.

Fourth. Computing activities in education and research, $20,500,000. This program is designed to: develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems; promote the development of innovative computer uses in the educational process; and seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, $9,500,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, $4,700,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs. $96,500,000. This program includes: $25,500,000 for advanced technology applications; $26,000,000 for energy research and technology programs; $25,000,000 for environmental systems and resources; $14,000,000 for social systems and human resources; and $6,000,000 for exploratory research and problem assessment.

Eighth. Intergovernmental science program, $3,200,000 to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional improvement for science, $22,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, $25,000,000. Of this amount $17,000,000 will go for graduate fellowships to assure an adequate flow of highly talented individuals into science careers; $10,000,000 will go for postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science Education Improvement, $76,000,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and Policy Studies, $3,200,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program Development and Management, $29,300,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs, and amount to less than 4 percent of the total authorization of $740,000,000.

In addition to the above programs, the bill authorizes the appropriation to the National Science Foundation of $7,000,000 to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be seen from the foregoing summary, the programs of the National Science Foundation are extremely diverse and far reaching. In many cases their effects will not be felt for years, or even decades. But if the history of our century can serve as a guide, sooner or later their effects will definitely have a major impact.

Science is the key to progress in our time, and the programs of the National Science Foundation represent an essential investment in the Nation's future. If we do not make the necessary investment today, we, our children, and our children's children will suffer immeasurably for our shortsightedness in the years ahead.

I urge each Senator to vote for this important authorization.

Mr. CRANSTON. The National Science Foundation bill reported today by the Labor and Public Welfare Committee contains an authorization for $10 million for earthquake engineering research. The administration's original proposal called for a $3 million earthquake engineering program. On March 21, 1972, I introduced legislation calling for the establishment of a $10 million per year earthquake engineering program in the NSF. Thereafter the administration revised its request upward to $6.1 million. The $6.1 million authorization, however, still fell short of the level of research which my studies had indicated was needed to achieve timely results in light of the overwhelming need for better knowledge in the earthquake engineering field. I therefore introduced an amendment to increase the program level to the full $10 million I had originally proposed. The committee accepted that amendment and this legislation calls for a $10 million earthquake engineering research program for fiscal year 1973.

Passage of this proposal is an important first step toward the creation of a program conducted at the national level. In August, the Senate Commerce Committee will commence hearings in California on my legislation to create a permanent earthquake engineering program with a multiyear authorization. That program establishes certain goals, such as the rewriting of building codes to conform to findings of earthquake engineering research.

The need for earthquake engineering research is clear.

The San Fernando earthquake registered only 6.6 on the Richter scale—the 1906 San Francisco earthquake registered 8.2; the 1964 Alaska earthquake, 8.4. An earthquake measuring 8.0 on the Richter scale releases almost 1,000 times the amount of energy as an earthquake registering 6.0.

If another earthquake of the magnitude of the 1906 San Francisco quake were to strike California, 500 times the energy of the San Fernando quake would be released. A 1968 report prepared by a group of the Nation's top earthquake experts for the President's Office of Science and Technology, estimates that an earthquake registering 8.2 in California today could cause up to $50 billion damage and take thousands of lives.

There is a 75-percent chance that an earthquake of that magnitude will occur along the San Andreas fault in California within the next 30 years, according to testimony by the former director of the California Earthquake Office before the Senate Public Works Committee last year. An earthquake of magnitude 7.0 or greater is likely to occur at least once a decade, according to an earthquake engineering report prepared for the National Science Foundation in 1969.

During an earthquake, every structure or object in contact with the earth, every piece of equipment in contact with a structure, even the ground that supports the structure, all experience stresses and strains. Whether the structure collapses will depend largely on the original engineering design.

It is the objective of earthquake engineering to develop structural designs and code standards to avert massive death and destruction. The advantages of such construction designs were demonstrated during the 1923 Tokyo earthquake. Some 74,000 persons died, 54 percent of all brick buildings collapsed, and 10 percent of the few reinforced concrete structures collapsed. Frank Lloyd Wright's Imperial Hotel was the only large building that offered safety because of its revolutionary, floating cantilever construction.

Current minimum construction standards are determined throughout the United States by city and county building codes. The Uniform Building Code published by the International Conference of Building Officials and based on testing done by the Structural Engineers Association of California, is preeminent in the field. However, the San Fernando earthquake has raised serious questions about the adequacy of the code provisions.

Earthquake engineers call the San Fernando earthquake the first comprehensive practical test of American earthquake codes. That earthquake tragically demonstrated the inadequacy of existing building codes.

The $24 million Olive View Medical Center was dedicated in November 1970. Three months later, the second floor of the psychiatric center collapsed to the ground in the earthquake; the facility is a total loss. The San Fernando earthquake caused the collapse of a freeway interchange under construction at the time of the quake. It was designed in late 1968.

Many other buildings, bridges, and utility structures which sustained serious damage under the earthquake stress had been built to meet current code requirements. Clearly, we must reevaluate the assumption on which the codes are based. A critical and comprehensive review is needed.

Earthquake engineering research, which will use new methods, such as computer analysis of structural reaction to earthquakes, will enable earthquake resistant structures to be built. The new knowledge gained from a program in earthquake engineering research will be translated into revised building codes.

Mr. DOMINICK. Mr. President, I am extremely pleased to support S. 3511 which authorizes funding in the amount of $727 million for important scientific research, science education, and other science activities of the National Science Foundation for fiscal year 1973.

Our Nation and our democratic form of government are experiencing environmental, economical, and technological challenges which are far more complex and more costly to resolve than any we have had to face in our 196 years of existence as a Nation.

It is clear that the future health of this Nation depends to an increasing degree on the success we are able to achieve in utilizing science and technology for purposes that will be of benefit to mankind. The National Science Foundation has a broad congressional mandate to support programs that will extend the frontiers of science and technology and that will bring the Nation's science resources to bear more effectively on major problems of national concern.

Specifically, the program authorized by S. 3511 will permit the Foundation to make significant progress toward the attainment of the major science mission objectives of the agency.

First, it provides $405.6 million for fundamental research designed to increase the base of scientific knowledge through a number of major research programs, including research project support in the various fields of science, through eight national research programs, and through fundamental research programs carried out at five national research centers.

Second, it provides $121 million for research in selected areas that can contribute to the achievement of national goals through the use of science and technology. It is in this area that the Foundation has demonstrated its unique ability to be responsive to emerging needs of the Nation. For example, under the Foundation's program of research applied to national needs, major research efforts will be focused on the Nation's energy requirement including alternative methods to supply this energy. Another major research thrust is designed to find

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economical ways to build earthquake resistant structures that can reduce the hazards to life and to property caused by earthquakes.

Authorization is also included for two new programs that deal specifically with the encouragement of R. & D. programs that can benefit the civilian economy and projects that will increase our understanding of the process of invention, innovation, and application of science and technology and their impact on economic growth and productivity. I am convinced that these pioneering programs will open avenues for more effective employment of science and technology in all aspects of our industrial and service economy. I should add that these initiatives will experiment, test, and assess the use of R. & D. in State and local agencies and other organizations in the public sector as well.

The science programs authorized in this bill will make important contributions to our national commitment to improve the quality of life and of our citizens and will help provide the basis on which American can remain strong among the nations of the world.

Third, the program authorized by S. 3511 will permit the Foundation to proceed with the development and implementation of a revitalized science education improvement program. The science education activities of the Foundation have undergone a major restructuring in order to bring these activities in line with the emerging needs of students, instructors, institutions, and our society in general. I want to stress that it is essential that the Foundation be provided the funding necessary to develop more diversity in the science education experience of students to broaden their range of career options and to better prepare science and nonscience students for a productive life in our highly industrialized and technologically advanced society. The bill, as proposed, will also help insure the Nation a flow of the very best of the Nation's science and engineering student population into the stream of science and engineering careers.

Finally, Mr. President, S. 3511 provides the necessary authorization to permit the Foundation to extend those programs that increase the exchange and accessibility of scientific knowledge on a national and global basis, and that will enhance capabilities for using computers to perform advanced research, and to make greater use of computers in the education process.

Taken together, Mr. President, the programs authorized by S. 3511 represent a strong commitment on the part of this Nation to the further development of the Nation's scientific and technological capabilities.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I yield myself such time as I may require.

This amendment raises the authorization for grant military assistance to $725 million and the authorization for security supporting assistance to $770 million, of which $70 million is specifically earmarked for Israel.

First. The amendment restores $125 million to the authorization for grant military assistance which was cut by the Foreign Relations Committee. This figure is still a reduction of over $55 million from the administration's original request of $780 million; but it will, if approved, provide a military assistance program which will give us an international environment in which our security interests will be protected.

As the Members of the Senate are well aware, the grant military assistance program is the linchpin of the Nixon doctrine. It allows us to withdraw American forces from around the world by enabling allied and friendly governments to field armed forces which can bear an increasing share of the common defense burden. Now for the first time since the conclusion of World War II, we can look to our allies to bear the primary burden for meeting nonnuclear threats to the common peace. The millions we authorize for these grant military assistance programs save billions for the American taxpayer. It is conservatively estimated that it costs $10,000 a year to keep an American soldier overseas, but only $500 a year to train and equip a foreign soldier to take his place.

Cuts of the magnitude proposed in the bill as it now stands would stall the equipment modernization program for Korea, hence making it more difficult to reduce our military presence there in future years.

These cuts would also reduce our efforts to assist Cambodia in meeting North Vietnamese attacks. Cambodia's armed forces are tying down North Vietnamese, Vietcong troops which would otherwise be available for service in Vietnam.

Cuts of this magnitude would have a serious impact on Thailand as well, for a substantial cutback in our program there would set back Thailand's counterinsurgency efforts and could place in jeopardy the essential facilities in Thailand which are used by our forces operating in Southeast Asia.

In less than 3½ years, over half a million American military personnel have been withdrawn from the east Asia and Pacific area alone. The cost to the American taxpayer of the Vietnam war has dropped from $29 billion in fiscal year 1968 to $10 billion in fiscal year 1972. Yet because of our grant military assistance programs, the MASF funded defense appropriation, and the security supporting assistance program, others have been able to fill in behind us.

Second. On the security supporting assistance side, my amendment restores $120 million which the Foreign Relations Committee cut from the administration's request. This is still a reduction of $74 million from the administration's original request of $884 million. This amendment, if adopted, would give us a continuing viable program. A program which would give us the resources to provide the economic support which allied and friendly governments in Southeast Asia need to allow them to carry on with the primary burden of their own defense as our involvement in Vietnam winds down. Funding at this level would also assure continued stability in the Mideast by assuring the economic viability of Israel and Jordan. I have specifically earmarked $70 million of supporting assistance for Israel—$20 million more than under present law—to assure that that Nation and her people will not lack resources during this continued twilight period of no war and no peace in the area.

Mr. President, my amendment will restore these programs to respectable levels, and in my view this restoration is justified. The administration is winding down the war in Vietnam in a responsible manner. This administration is reducing America's share of the cost of common security programs. This administration has demonstrated that it has the capacity to devise new policies to meet changing world conditions. These new policies are working in Southeast Asia and elsewhere. And this bill will, if adequately funded, give us the resources we need to continue to make progress.

In the foreseeable future the hope for a better world will rest primarily as it has in the recent past upon the faith that other nations, friend and foe alike, have that this country will keep its word and honor its commitments.

The Nixon doctrine is moving the primary burden for meeting nonnuclear threats to the peace from us to others. This policy is working in Southeast Asia and elsewhere. And this legislation, if adequately funded, will enable us to complete the job.

Mr. President, one of the most important objectives of my amendment is to keep the Government's faith with the Republic of South Korea. As is well known, in order to reduce our forces generally overseas, we have reduced the sum of our presence in South Korea by a very substntial withdrawal of personnel. But in doing so, we have given our own word as a government to the Republic of South Korea that we will not allow them to be penalized by this withdrawal to the extent of being unable to defend their own country, and they have said to us that while they need our forces, they also understand our problem, and that if we will modernize their equipment and give them the tools to protect their own country, it will to some degree compensate them for the lowered American presence in the area.

Mr. President, I have been at the armistic line at Panmunjom. I have seen the Korean forces. I have reviewed their crack regiments myself. I have seen their men and their officers and their equipment, and their air forces.

These are among the bravest people in the world. Buffeted as they have been over the centuries by their neighbors, occupied for long periods of time by China and by Japan, brought into a condition of dependency for generation after generation, these people who early maintained an independent and magnificent culture of their own, from the time of the Silla Dynasty and before, on through the Koryo Dynasty, and down to the Yi Dynasty. These people who have maintained their national strength, whose culture and economic achievements have been a source of pride to civilization—those who value civilization—saw their future very much brightened after World War II when their independence was restored to them and they again became the Republic of Korea.

Then, one more time they were divided, this time by internal conflict, into two nations, a long and bloody conflict, in which the United States participated, which I had the opportunity to see briefly in uniform, on the ground, and in the air.

I talked to General Hodge before we withdrew the American presence there once before in Korea, in Seoul; and he said to me:

If we withdraw these forces, it will only mean war.

A couple of years later, that is exactly what happened, in 1950. I think I talked to him in 1947 or 1949. Our complete withdrawal of the American presence did not contribute to peace. It actually encouraged the hostile forces of the north to move in. It encouraged subversion in both north and south.

As a result, the independence of Korea was threatened and the country ultimately was divided. The United States was forced into a war which could have been avoided had we not, in the late 1940's, hastily withdrawn all our troops, under our cry of, "Let's not be involved any more." So we decided not to be involved, and we became involved in one of the most costly conflicts in our history. That is the lesson of Korea.

I think we owe it to our own security and survival, and to theirs, and we owe it to our own sense of justice—we owe it to ourselves as a nation which has given its word to aid these people—to help them modernize their forces, if we are again in the process of withdrawal from the territory of a friendly nation. So I hope this amendment will be adopted.

I think the business of second-guessing your government on matters of this kind is highly risky. Where a government has been elected by the people, where it is carrying out the foreign policy of the nation, where it makes commitments and pledges its word to governments, the Senate of the United States ought not come in and say, "Well, we think we can do better. We are better foreign policy experts than you are. Never mind what you said in South Korea. We just won't give them the money."

Not only would that damage us in South Korea; it would damage our credibility wherever else in the world the word of the United States is pledged and is felt to be as good as its bond. So I hope that the Senate will adopt this amendment, that we will do justice to Korea.

There is, of course, our obligation to assist Cambodia; because Cambodia is pinning down troops of the enemy which otherwise would be engaged in South Vietnam and prolong that conflict, which already has gone on much too long.

I have added $20 million for Israel, because we want at least to continue to maintain the status quo, in the hope that Israel and the Arab nations finally will be able to convert the cease-fire into a permanent peace. We have a cease-fire and no peace in two parts of the world—in Korea and in the Middle East.

Our purpose in our foreign policy is to promote peace—to promote peace in Korea, to promote peace in Indochina, and to promote peace in the Middle East. Our best chance of doing so is to be prepared to keep our commitments and, in the case of Israel, the only democracy in the Middle East, to support its very valiant forces as they, by their very determination and readiness to defend themselves, deter aggressors, whether they be neighbors or whether they be great powers.

So it seems to me that this amendment is meritorious. It does not restore all the money. It is realistic. It is a reduction from the amount which the administration asked, as I recited earlier. But it does restore it to a more viable level which would enable us at least to keep our commitments.

I hope, therefore, that the amendment will be adopted.

Mr. DOLE. Mr. President, I rise in support of the amendment of the distinguished Republican leader which would restore a measure of the cuts in military and supporting assistance proposed by the Senate Foreign Relations Committee and earmark an additional $20 million in supporting assistance for Israel. Total supporting assistance for Israel would then amount to $70 million.

Although it would be a disservice to the cause of world peace to exaggerate or otherwise create undue optimism concerning recent international developments—developments largely resulting from U.S. initiatives—I think it is a fact that there exists in this country and in this body increased hope that after a quarter of a century the enmity of the cold war may be disintegrating. And one would also hope that developments on the world scene will have an impact on the conflict in Vietnam. But if there are significant movements toward peace today, it is because we and our allies have the strength which encourages those who have different views to seek to resolve our differences through peaceful means.

Nonetheless it is vitally important to remember that we will only be able to capitalize on such opportunities for peace if we and our allies can continue to negotiate from positions of strength. For more than 10 days, now, the Senate has been considering legislation which is crucial to the Nixon doctrine, which encourages our allies to assume greater responsibilities for their own defense, and to the maintenance of our allies' self-defense capabilities at sufficient strength to encourage the process of detente which President Nixon has so imaginatively pursued in recent months.

But severe cuts by the Senate Foreign Relations Committee in the supporting assistance and military assistance programs recommended by the administration jeopardize important U.S. security interests in Europe, the Middle East, as well as in Southeast Asia. Supporting assistance provides the economic support which Vietnam, Cambodia, Laos, Thailand, Israel, Jordan, and others need to sustain their economies while they withstand military and political pressures from their adversaries. We have seen that the need to maintain strong military forces in the Middle East has created an economic strain on both Israel and Jordan which they cannot meet without outside assistance. The same is true in Vietnam, Cambodia, and Laos, where the substantial amounts of military equipment which we are supplying to them will be far less effective if we do not provide an adequate level of economic aid which will permit them to mobilize their own manpower.

Supporting assistance also includes the financial support which we provide for the care of refugees and war casualties in Southeast Asia. The recent North Vietnamese offensive caused an additional 800,000 refugees in Vietnam and an uncounted number of civilian war casualties. It is my impression that most Members of the Congress agree that support for this purpose should be adequate in all cases and even relatively generous.

The grant military assistance program is the linchpin of the Nixon doctrine. It provides allied and friendly governments with a portion of the equipment and training necessary to enable them to bear primary responsibility for their own defense.

A 23-percent cut in grant military assistance in fiscal year 1973, coming on top of a 28-percent cut in fiscal year 1972, would threaten the stability of Cambodia and Thailand; weaken the contribution Turkey can make to stability in the Middle East and the strength of the Mediterranean flank of NATO; set back our program to modernize Korea's armed forces; and weaken our relationships with a number of nations who permit us to station U.S. forces on their territory. With these reductions in effect, meaningful programs for such countries as China, Indonesia, the Philippines, Greece, and Ethiopia could not be completed, and important U.S. policy objectives in these countries would be imperiled.

This program cannot be viewed in isolation from other expenditures for national security. It is considerably less costly to train and equip an allied soldier than to station an American soldier overseas. Thus these programs provide a great advantage to wise allocation of defense funds and to effective distribution of the Nation's resources. As a direct result of this program and the Vietnamization program, we have been able to withdraw over half a million American personnel from East Asia and the Pacific thus saving both lives and dollars.

While the bill before us is an amendment to the Foreign Assistance Act, it is in fact almost exclusively a bill concerned with the international security program of our country. To maintain the position of strength essential to our country our allies and our friends in what we trust will prove to be a turning point toward peace, the Scott amendment would raise the authorization for grant military assistance to $725 million and the authorization for security supporting assistance to $770 million, of which

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$70 million is specifically earmarked for Israel. I urge Senators to support the President's efforts for peace by supporting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. SCOTT. I yield.

Mr. SPARKMAN. As I understand it, the Senator's amendment provides for an amount, we may say, between what the administration requested and what the committee recommended.

Mr. SCOTT. That is correct. It restores a part of the fund, but it is a reduction of more than $55 million from the original request of $780 million, and it is a reduction——

Mr. SPARKMAN. From $844 million.

Mr. SCOTT. It is a reduction of $74 million from the administration's original request of $884 million.

Mr. SPARKMAN. That is, in supporting assistance.

Mr. SCOTT. Yes.

Mr. SPARKMAN. And $55 million in military grant aid.

Mr. SCOTT. That is correct.

Mr. SPARKMAN. Did the Senator name the beneficiary nations?

Mr. SCOTT. I will be glad to do so.

Mr. SPARKMAN. I am not suggesting amounts, just the countries.

Mr. SCOTT. The beneficiary nations which particularly would be benefited here are the Republic of South Korea, the Government of Thailand, the Government of Cambodia, the State of Israel, and the Kingdom of Jordan.

Mr. SPARKMAN. Is it the Senator's contention that we have commitments to all those countries?

Mr. SCOTT. That is correct.

Mr. SPARKMAN. In the South Korea allotment—or whatever it is called—is the matter of modernizing their equipment involved?

Mr. SCOTT. It is. That is the principal purpose of the restoration, to enable us to keep the given word of the United States, that in consideration—in part, certainly—of the necessity for us to lower our profile in that area, to reduce our presence in that area, we have agreed to help them to modernize their means of defense.

Mr. SPARKMAN. That was really a part of the arrangement that was worked out, either formally or informally, making it possible for us to withdraw U.S. troops from South Korea?

Mr. SCOTT. That is correct.

We are in the position of having gone ahead with the withdrawal of our troops, having taken the benefit of the agreement so far as America is concerned, and then being confronted with a hesitant situation in the Senate, as to whether we should keep our part of the bargain—the modernization of the equipment of the South Korea forces.

If I were a South Korean and heard that the Senate had gone ahead with the return of American soldiers and then had failed to supply the modernization of equipment as promised, not only would I have a low opinion of the Senate, but also, I would have a very low opinion of the word of the United States.

Mr. SPARKMAN. I may say this, that I have a strong feeling for the South Korean situation. I have visited there several times. I have been up on the DMZ area where the South Koreans have their divisions and we have our men. I have seen the equipment the South Koreans use. I know how badly they need modernization. I was pleased when our Government and the South Korean Government worked out an understanding to the effect that we would help them modernize.

Let me say to the Senator from Pennsylvania that I have asked someone who is opposed to this to come to the floor to handle the opposition. I am not in a position to oppose the position of the Senator from Pennsylvania because I think it is so important to all the countries the Senator named, but particularly is the importance to South Korea and Israel. The others may be just as important, I am sure.

Mr. SCOTT. The Senator is right about South Korea. I have already made the point that I served briefly in South Korea on the carrier *Valley Forge*.

I did see the fighting quality of the South Koreans. I have been honored by their government along with General Van Fleet on a subsequent occasion at the time of the inauguration of President Park. This might be said to dispose me even further in their favor, but what moves me is the keeping of a promise and my own personal observation of the gallantry and the determination of the South Koreans to preserve their independence.

Mr. SPARKMAN. I have shared similar recognition by the South Korean Government. I was also given an honorary degree by their National University. However, let me say that does not convince me on this. I am convinced on this by the absolute necessity of having a well-equipped force on the DMZ line, as long as we do not have some kind of agreement whereby peace can be assured. We are still there under the armistice; are we not?

Mr. SCOTT. Yes.

Mr. SPARKMAN. It is necessary to keep the force there. My own feeling is that we should have it there.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time for the quorum be charged equally to both sides.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Florida (Mr. GURNEY) be recognized for 5 minutes on the time of the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I strongly support the amendment of the distinguished minority leader to restore some of the military assistance funds cut by the Foreign Relations Committee.

First, this amendment will provide adequate economic supporting assistance to Israel—a nation whose continuing economic stability is crucial if peace is ever to be achieved in the Middle East. The recent activities of the Palestinian guerrillas and the tragic shootout at LOD Airport in Tel Aviv underscore the need for such assistance.

Second, this amendment will enable the administration to move ahead in implementing the Vietnamization program. It gives allies and friendly governments the assistance which they continue to need if North Vietnamese aggression is to be successfully contained.

Finally, it enables us to get on with the job of equipping and training allied and friendly government forces so that these forces, rather than U.S. forces, will be able, in the first instance, to meet conventional threats to the common peace.

Mr. President, these programs, which we are considering today, have been instrumental in creating the essential preconditions for a generation of peace. They have enabled us to bring American servicemen home—over half a million from the Pacific alone—and they have enabled us to leave local forces behind which are capable of defending their own governments and institutions.

I do not think there is any more dramatic and convincing evidence of that than what is going on in Vietnam at the present time. The North Vietnamese launched an invasion of South Vietnam and used practically all of their forces. These forces were as well equipped as any modern army. They used tanks and artillery pieces by the hundreds. Many of them were of the modern type of artillery. There were also rocket weapons.

The siege at An Loc ruined that village. Yet, despite that massive attack with the most modern of equipment, the South Vietnamese has not only been able to contain the aggression and turn back the attack, but in some cases they have made slight advances.

Mr. President, as I say, there is no more dramatic evidence that Vietnamization is working and that the training of the South Vietnamese troops to take over their own battles has been successful. That is what this foreign assistance program is all about. If we continue to do that at the level of spending the administration has recommended, it seems to me that servicemen other than the U.S. soldiers will do this kind of fighting, which is what ought to be done.

Mr. President, for the first time in over 25 years other nations are becoming increasingly able to stand on their own, militarily. Given this record of accomplishment, I believe that this military assistance program deserves our continued support. Deep cuts of the nature imposed by the Foreign Relations Committee would serve merely to cripple this administration's foreign policy without bringing forward valid alternative policies. As far as this Senator is concerned, such drastic cuts are neither justified or desirable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GURNEY. Mr. President, I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I send to the desk a perfecting amendment to that offered by the distinguished minority leader, and ask that the amendment be stated.

The PRESIDING OFFICER. The amendment is not in order, except by unanimous consent, until all time has been used on the pending amendment or has been yielded back.

Mr. SCOTT. Mr. President, if the Senator will yield, I have not seen the amendment, and I would rather defer——

Mr. CHURCH. Mr. President, I ask that the amendment be returned in order that it may be examined by the distinguished minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. President, I have reached an understanding with the distinguished minority leader and we are ready to yield back the remainder of the time on each side to bring up the perfecting amendment.

Mr. President, I ask unanimous consent that the amendment I have offered may be called up and considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read the amendment offered by Mr. CHURCH for himself and Mr. BAYH to the Scott amendment (No. 1265) as follows:

Strike out the first paragraph of the amendment. In lieu of the language proposed to be inserted by the third paragraph of the amendment by Senator Scott insert the following: $685,000,000, of which not less than $85,000,000 shall be available solely for Israel."

Mr. SCOTT. Mr. President, I yield myself 3 minutes on the substitute.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes on the substitute or perfecting amendment.

Mr. SCOTT. Mr. President, all the substitute does is to attempt what has often been tried in the Senate, and that is to increase the amount to Israel, hoping that all Senators who are motivated by the Jewish vote will immediately rush in and support the substitute, and, or course, the $15 million additional can then be knocked out in conference and everybody will be happy.

Well, that is about all it is. My amendment, of course, adds $20 million for Israel. To that the distinguished Senator from Idaho adds another $15 million, but the price of his giving a little more money to Israel is that no more money goes to Korea, and no more money goes to any other country mentioned in my amendment—no more money goes to Jordan, no more money goes to the Middle East.

This is simply an attempt to say to Senators, as they walk through the door just before the vote, "We raise the amount of money for Israel. You want to vote for that don't you?", and in that way hope that Senators will thereby adopt the substitute and strike out what we are trying to do; namely, the restoration of all these other funds in the amendment.

So I do not think the substitute should be passed for that reason alone. Otherwise we get into a bidding contest here, where each Senator who has an amendment offers to authorize more money for Israel, but always at the cost of cutting everybody else. I do not think the Government of Israel wants you to do that, and I do not think the Government of the United States wants you to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SCOTT. I yield myself 1 additional minute.

I do not think this is the way to legislate.

I realize that by being exceptionally candid on the floor I have abandoned the usual subterfuges which we interchange with each other so often, but that is all this is. When one examines the proposal, he will see that it is done for the purpose, when a Senator comes in and asks what this is all about, of being able to say, "Well, it is a substitute amendment to give Israel more money." This is a time when there is hardly anybody on the floor—there is nobody here now except us chickens—I am sorry; the Senator from Wyoming (Mr. MCGEE) says that I should speak for myself—for us chickens and one rooster, then. [Laughter.]

There is nobody else here, so when they come in and they want to know what it is all about, unless somebody makes the record clear what it is all about, they will not know it is an attempt to keep face with South Korea and an attempt to shore up other nations who have been friendly to us, who are pinning down other nations who are not friendly to us, and as an attempt to continue peace in the Middle East——

Mr. SYMINGTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes so I may yield to the Senator from Missouri.

Mr. SYMINGTON. May I ask the Senator if he thinks that adding $20 million for Israel will hurt the overall bill?

Mr. SCOTT. The overall bill?

Mr. SYMINGTON. Yes. Would adding $20 million hurt the Senator's proposal? As long as nobody is here but "us chickens," I thought I might as well bring it up.

Mr. SCOTT. Yes. My proposal would help Jordan, Israel, Korea, Cambodia, and would ease tensions, I believe, in those areas of the world. I am so used to, as an old hand around here, almost going into my 30th year in Congress, all these substitute motions. The usual maneuver in the House is on a motion to recommit. Over here it is a motion to do something for Israel. That is all it is.

I hope the substitute will fail, for the reason that it does strike down our attempt to keep faith with the Government and people of South Korea and to maintain our foreign relations in those other areas.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. CHURCH. Mr. President, in the same spirit of candidness that has been shown by the distinguished minority leader, recent votes taken in the Senate have been against increasing the overall amount of this bill. For instance, only last week the Senate rejected attempts to increase military credit sales. Yet, at this point comes another attempt to increase the total amounts in the bill.

But this one has a sugar spoon attached, earmarking an additional $20 million for Israel.

I would first point out that the Senate Committee on Foreign Relations has earmarked $50 million in the present bill for Israel. We wanted to make certain, given the present circumstances in the Middle East, that the military capabilities of Israel are sufficient to discourage another Arab attack on that country. We wanted to provide in various ways Israel the capability to secure its borders. If we are going to err, let us err on the side of generosity. Let us make certain that Israel's defense is adequate, particularly in view of the continuing Russian effort to rebuild the Arab military forces.

So, with respect to this one particular in the amendment offered by the Senator from Pennsylvania, I have no quarrel. The amount, in fact, could well be increased further. That is the reason that I have added an additional $15 million, so that the increase for Israel is not the $20 million provided in Senator SCOTT's amendment, but the $35 million provided in the perfecting amendment.

That, I think, can be justified; but the rest cannot be justified. The rest of this amendment would increase the overall cost of this bill by $245 million—nearly a quarter of a billion dollars would be added, if the Senate adopted the amendment offered by the minority leader—$125 million for military grant assistance and $120 million for economic supporting assistance.

The Senate bill is fully adequate. The committee took the evidence and heard the testimony; it has, in fact, increased the overall amount for military assistance above the levels of last year. The bill contains approximately $100 million more in military assistance than the Senate approved last year. The committee feels that that is fully adequate to meet the need.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Indiana.

Mr. BAYH. I do not wish to interrupt the carefully considered remarks of one of the most distinguished and illustrious members of the Foreign Relations Committee, but as one who is not a member of the Committee on Foreign Relations,

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I must say that I find great logic in the presentation of the Senator from Idaho.

The Senator has stressed the difference between the committee's recommendations and the recommendations of our illustrious minority leader. From a slightly different perspective, I find it equally alarming to look at the trend of the last couple of years.

While, in the early years of this administration, there was established a doctrine known as the Nixon doctrine, which was designed to try to spread the burden of regional defense among the nations of that region. This policy goal made a great deal of sense to me since it would enhance international cooperation, and lessen the overloaded burden that existed on the backs of the taxpayers of the United States. Nevertheless, as I look at the figures that are before me, it seems as if the trend has been alarmingly in the opposite direction.

For 1970 we appropriated $350 million in military grants, $70 million in military credit sales, and $395 million for supporting assistance; the amount requested by the administration for 1973, just 4 years later, is more than twice that amount—$780 million in military grants, $527 million in military credits, and $844 million for supporting assistance.

The committee, in its wisdom, cut those figures back to $600 million, $400 million, and $650 million respectively, but the Senator from Pennsylvania seeks again to raise that military grant figure to $725 million and the supporting assistance figure to $770 million. The committee has already doubled the amount which was appropriated for 1970; this amendment would add still another quarter of a billion dollars when we are trying to implement the Nixon doctrine by spreading the burden of defense costs.

Mr. CHURCH. The Senator is quite correct. All the committee is trying to do is hold the line rather modestly against this swelling program.

All these programs, as the Senator knows, get larger with each passing year through "bureaucratic momentum;" the committee is trying to put the brakes to this phenomena.

I call the Senator's attention to the fact that in so doing, we have had to yield some ground. There is $100 million more in this bill than in last year's bill, to start with, for military assistance. The Senator from Pennsylvania, however, has added a quarter of a billion dollars more. As a consequence, unless we are just going to throw open the door and say, in effect, that any amount is acceptable to Congress, that we will no longer exercise our judgment or attempt to impose some reasonable restraint on behalf of the people we represent, who must pay the bill, then I would think it prudent for the Senate to support the committee.

Mr. BAYH. Will the Senator permit me to interrupt for just one last question, to get his thoughts?

Mr. CHURCH. I yield.

Mr. BAYH. This whole question of when and where to spend military funds has not been examined in the past as carefully as I think the Senate is determined to examine it in the future.

A fundamental principle which must be considered is the relationship of the expenditures to our national interest.

It is rather obvious to the Senator from Indiana, and I am sure to the Senator from Idaho, that what happens in the Middle East with respect to the security and continued freedom of the State of Israel is very much in our national interest, and that there is a great deal of sympathy in this country to support that small democracy and provide them the wherewithal to defend themselves. That is exactly what they are doing; we are not asking for divisions or air support from the United States, but for the military hardware to defend themselves.

I do not want to be too harsh, but it appears almost as if this very important authorization to help sustain democracy in Israel is being used almost as a blackmail effort to get several times that amount to spend we know not where and we know not for what. Is the Senator from Indiana too harsh in his judgment?

Mr. CHURCH. The Senator is accurate in his observation, and his statement is certainly no more harsh than the opening remarks of the distinguished minority leader. The distinguished Senator from Indiana is quite right.

I have never had any difficulty when it comes to supplying military assistance or economic assistance, when needed, to Israel. Israel is a democratic country. It has the full and loyal support of its people. It has demonstrated again and again its capacity to defend itself, without ever calling upon a single American soldier.

My difficulty is with this tendency of ours, through this military assistance program and the foreign military sales effort, to supply 40 or 50 different governments in the world with our arms, and in the main, to supply various dictatorial regimes, all under the guise of anticommunism. However, most of these American financed and furnished weapons have been used by these regimes to hold their own people in check. We have allowed this to grow and grow until it has become global in its scope. It is now a monstrously immoral program.

I point out to the Senator that, insofar as the war theater is concerned, insofar as Laos and South Vietnam and Cambodia are concerned, whatever military assistance is needed for those countries is not covered by this bill, anyway. All of that—and it is a great deal, as the Senator knows—is covered in the so-called defense budget of the United States.

What is really being asked for here is a quarter of a billion dollars more to distribute to countries which, in the main, if not almost in the entirety, are reactionary, repressive regimes, and certainly by no stretch of the imagination could be compared to the kind of government or society represented by the free and sovereign State of Israel.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SCOTT. Does the Senator include the Republic of South Korea as a reactionary, regressive regime?

Mr. CHURCH. The Senator from Idaho has no particular admiration for the Government of South Korea. There is a great difference between that government and the Government of Israel. I want to say that most emphatically. The two are not comparable at all.

Mr. SCOTT. The Senator has met the ruler of the Kingdom of Jordan. Does he include the Kingdom of Jordan as a reactionary and regressive or recessive regime?

Mr. CHURCH. I do not place it in the list of flourishing democracies in the world.

Mr. SCOTT. In other words, the Senator is condemning all these other countries which have been friends and allies of the United States and is using that as an argument for not keeping our given word, as in our promise to Korea to modernize their equipment.

Mr. CHURCH. The Senator from Idaho does not condemn any government. The Senator from Idaho is saying that the committee bill contains adequate money for these purposes and that it ought not be increased by another quarter of a billion dollars. It already has been increased by $100 million, and nearly all the bill is directed toward such governments as those mentioned by the Senator from Pensylvania. It is sufficient. It need not be increased.

A special case can be made for Israel, because it is a very special country, faced by a very difficult problem—the problem of Russian-supplied military arms and equipment to the surrounding Arab States which are unanimously hostile to Israel and against whom Israel has fought several wars.

Israel's position is a special one. We should be particularly careful to make certain that we earmark sufficient funds for Israel to maintain an effective and successful military deterrent against the outbreak of further warfare in the Middle East.

Mr. SCOTT. Would not the Senator, then agree, that it is necessary to help South Korea maintain an effective and successful military deterrent against those who might endanger its security?

Mr. CHURCH. The bill as reported by the committee contains adequate funding for that purpose.

Mr. SCOTT. I think it is obvious that we cannot agree——

The PRESIDING OFFICER. All time of the Senator from Idaho has expired. The Senator from Pennsylvania has 9 minutes remaining.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion to table has not been offered.

Mr. CHURCH. I give notice that I shall ask for the yeas and nays when the motion is made.

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SCOTT. Mr. President, I yield back the remainder of my time, and I now move to table the substitute of the Senator from Idaho to the amendment of the Senator from Pennsylvania.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and the nays were not ordered.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask for the yeas and the nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. GAMBRELL), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Ohio (Mr. TAFT) are detained on official business.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 242 Leg.]

YEAS—35

Aiken	Allott	Beall
Allen	Baker	Bennett
Boggs	Fong	Smith
Buckley	Gurney	Sparkman
Cook	Jordan, Idaho	Stafford
Cooper	Mathias	Stennis
Curtis	Miller	Stevens
Dole	Packwood	Talmadge
Dominick	Pearson	Thurmond
Eastland	Saxbe	Tower
Ervin	Schweiker	Young
Fannin	Scott	

NAYS—38

Anderson	Cranston	Montoya
Bayh	Eagleton	Nelson
Bentsen	Fulbright	Pastore
Bible	Harris	Pell
Brooke	Hart	Proxmire
Burdick	Hartke	Randolph
Byrd, Harry F., Jr.	Jackson	Roth
Byrd, Robert C.	Javits	Spong
Cannon	Kennedy	Stevenson
Case	Long	Symington
Chiles	Magnuson	Tunney
Church	McGee	Weicker
	Mondale	Williams

NOT VOTING—27

Bellmon	Hatfield	McGovern
Brock	Hollings	McIntyre
Cotton	Hruska	Metcalf
Ellender	Hughes	Moss
Gambrell	Humphrey	Mundt
Goldwater	Inouye	Muskie
Gravel	Jordan, N.C.	Percy
Griffin	Mansfield	Ribicoff
Hansen	McClellan	Taft

So the motion to table the Church amendment was rejected.

The PRESIDING OFFICER (Mr. KENNEDY). The question occurs on agreeing to the Church amendment to the Scott amendment. All time has expired.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

[No. 243 Leg.]

YEAS—54

Allott	Dole	Pell
Anderson	Eagleton	Proxmire
Baker	Eastland	Randolph
Bayh	Fulbright	Roth
Bentsen	Harris	Saxbe
Bible	Hart	Schweiker
Boggs	Hartke	Sparkman
Brooke	Jackson	Spong
Buckley	Javits	Stevens
Burdick	Kennedy	Stevenson
Byrd, Harry F., Jr.	Long	Symington
Byrd, Robert C.	Magnuson	Talmadge
Cannon	Mathias	Thurmond
Case	Miller	Tower
Chiles	Mondale	Tunney
Church	Montoya	Weicker
Cook	Nelson	Williams
Cranston	Pastore	
	Pearson	

NAYS—21

Aiken	Dominick	Packwood
Allen	Ervin	Scott
Beall	Fannin	Smith
Bellmon	Fong	Stafford
Bennett	Gurney	Stennis
Cooper	Jordan, Idaho	Taft
Curtis	McGee	Young

NOT VOTING—25

Brock	Hollings	McIntyre
Cotton	Hruska	Metcalf
Ellender	Hughes	Moss
Gambrell	Humphrey	Mundt
Goldwater	Inouye	Muskie
Gravel	Jordan, N.C.	Percy
Griffin	Mansfield	Ribicoff
Hansen	McClellan	
Hatfield	McGovern	

So Mr. CHURCH's amendment to the Scott amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment to the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Scott amendment, as amended.

Who yields time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. CHURCH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the Scott amendment, as amended (putting the question).

The amendment, as amended, was agreed to.

Mr. CHURCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the amendment to be offered by the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 18, delete "(a)", On line 22, beginning with the word, "by" strike through the word, "funds" on line 24, and insert in lieu thereof: "in Thailand by any military forces, other than the national forces of Thailand or the United States,".

On page 8, line 1, insert a period after "purpose".

On page 8, line 1, beginning with the word, "and" strike through line 10.

Mr. DOMINICK. Mr. President, if I may have the attention of Senators I think we can be very brief on this amendment and, hopefully, with the cooperation of the Senator from New Jersey and the Senator from Idaho, we will be able to dispose of it rather rapidly.

Mr. President, my original amendment which was printed would have struck the total section 515 on pages 7 and 8. I have talked at length with members of the staff and with the Senator from New Jersey, and the amendment I have submitted is different in considerable substance from the amendment which was originally offered.

What we are doing in the amendment I have offered now is strike any reference either to combat or military operations in Laos or military operations in North Vietnam, leaving in, however, the proposed prohibition on the use of funds insofar as third countries are concerned in Thailand.

Mr. STENNIS. Mr. President, may we have quiet in the Senate? This is an important matter.

The PRESIDING OFFICER (Mr. BURDICK). The Senate will be in order.

Mr. DOMINICK. As a result of this amendment, if agreed to, the provision which is before Senators on pages 7 and 8 would read as follows:

No funds authorized or appropriated under any provision of law shall be made available by any officer, employee, or agency of the United States Government, for the purpose of financing any military operations in Thailand by any military forces other than the national forces of Thailand or the United States . . .

Then it would read after that:

unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose.

And the remainder of the section would then be stricken.

The reason why we have done this is that the Armed Services Committee as such by, I believe, a general agreement between the Armed Services Committee Chairman and the Chairman of the Foreign Relations Committee, has maintained jurisdiction in connection with Vietnam and with Laos.

The general military assistance jurisdiction is in the Foreign Relations Committee and would be applicable insofar as Thailand is concerned. So we are leaving Thailand in. But I want to make it explicit—and I think the Senator from New Jersey would agree with this—that there is no situation in Thailand at the present time which would lead to support of any third party troops in that area. We anticipate none. Consequently, this wording, although it may be important from the point of view of asserting jurisdiction in what we are doing in military operations country by country, is no more important for Thailand than it would be for India or Pakistan or any other country in the world in which we do not contemplate doing this.

Personally, I feel the legislation as such is not what I would like to see in the bill, but almost all legislation in this body is a matter of compromise along these lines, and it may be that the question of whether this provision should be in at any point can be taken up, as it has been in the past, in conference, and then either knocked out or left in by the conferees.

It is, as I say, my feeling that this is a good substitute; that it takes care of the items which were of concern to me and the other distinguished members of this body who sponsored the original proposal that I put in, namely, Senators STENNIS, YOUNG, EASTLAND, BENNETT, TOWER, and DOLE. I believe, as far as I can ascertain, that this amendment would be satisfactory to those cosponsors. I tried to stay in touch with as many of them as I could. As I say, it does, in part at least, meet some of the purposes the Senator from New Jersey was seeking, but it does not any longer conflict with the jurisdiction we would otherwise have in the Armed Services Committee.

I am happy to yield at this point to the Senator from New Jersey.

Mr. CASE. I thank my colleague. His statement is accurate and very fair, as his statements always are. I would have preferred that the section the Senator from Colorado is amending remain in the bill as I introduced it and the Foreign Relations Committee approved it, but we cannot always get everything we want. I am glad, speaking for myself only, to accept the Senator's amendment as the best that we can get under the circumstances.

Mr. President, I am absolutely opposed to the United States carrying on large scale mercenary operations anywhere—Southeast Asia or anywhere else—without congressional authorization. I think that if our democracy and our Constitution mean anything, such authorization should be mandatory. But I think we cannot avoid the fact that there are ongoing mercenary operations in Laos and in North Vietnam financed by the United States. We know this. We know that Thai troops are in Laos because, after a long series of newspaper leaks and interviews with Thai troops themselves, the administration finally stated publicly last year that this was so. We know of the operations in North Vietnam only because of newspaper accounts. Perhaps some day we are going to be officially informed of the facts on American financed ground raids in North Vietnam.

But I do accept the fact that these operations exist, although I believe Congress should have been asked to authorize them. Congress unofficially has been aware of them. The Armed Services Committees have been advised about them. As I understand, the Appropriations Subcommittee dealing with defense appropriations has known about them. Appropriations have been made by Congress with this knowledge. So, in a sense—and I am sure this is the view of the majority of the Members of the Congress—there is some feeling that these operations have been authorized by Congress and that the Senate is unwilling to stop them at this particular point, with hostilities continuing.

Recognizing that while not necessarily agreeing, I accept the suggestion offered by the Senator from Colorado (Mr. DOMINICK), although it goes against my grain to do so because of my general view of the undesirability of unauthorized mercenary operations; but I think he has proposed something which meets one of my main purposes, and that is to establish the fact that, in the future, specific congressional authorizations should be necessary.

Mr. DOMINICK. Mr. President, I appreciate what the Senator has said. I know it has been a concern of his for a long period of time. It is my understanding, on reading this amendment—and I would like to have this colloquy with the Senator from New Jersey—that this would not prohibit the United States from supporting our ally Thailand within Thailand with some of the problems they may have. Is that correct?

Mr. CASE. This does not prevent American support in Thailand to Thai troops. That is quite correct.

Mr. DOMINICK. And it would not prohibit our support of what might be termed irregular troops who are nationals of Thailand?

Mr. CASE. Would the Senator repeat that?

Mr. DOMINICK. Yes. It would not prevent support of what might be termed irregular forces or nationals of Thailand. In other words, in case some of the tribesmen who are not part of the regular armed forces there should find themselves in problems because of invasion by some country, they could be supported, too?

Mr. CASE. It would be my feeling that the rationale of what we are doing would not prohibit American support to Thai regular or irregular troops in Thailand so long as they were under direction of the Thai Government.

Mr. DOMINICK. That is what I wanted to get as far as the RECORD is concerned. I am glad the Senator goes along with that, because that is my understanding of what the amendment would do.

It seems to me that the striking of lines 2 through 10, really, on page 8 is a significant compromise by the distinguished Senator from New Jersey—taking out reference to Laos and Vietnam.

I see my distinguished chairman here. I am sure he may have some questions or comments on it.

Mr. CASE. Would the Senator permit me to make one more observation before completing this colloquy? I think I should say I do not regard what we are doing here in any way to be an authorization of any kind for American assistance, but the elimination of new proscriptions against certain kinds of American assistance. That is the purpose of it.

Mr. DOMINICK. That is my understanding.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. I would like to make this comment. This is a subject of concern to all of us. It is a matter that is very difficult to handle, frankly. It is difficult for the Department of Defense or the Department of State, or whatever agency of government may be involved. We have had this problem before our committee many times, and will continue to have it.

I want to commend the Senator from Colorado, who is a very able member of our committee, for the work he has done in connection with this provision in the bill. I think he and the Senator from New Jersey have reached a very good adjustment of the situation without injury to the position we find ourselves in over there.

Believing that as I do, I am glad to join with him in the modification that he has proposed here, and am delighted to see, too, the Senator from New Jersey willing to meet the Senator and seek to accomplish something that I think will improve the situation without aggravating our present problem there.

Mr. DOMINICK. Mr. President, I surely appreciate the support of the Senator from Mississippi and the Senator from North Dakota, who was one of the very prominent cosponsors of my originally proposed amendment.

I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, as I understand the modification, it would not run contrary to the Nixon foreign policy, which I believe is a good one, that of helping friendly nations throughout the world but not using our own troops. They would do their own fighting. I think from time to time it is helpful to give financial assistance to other countries and military supplies and money for economic and other purposes. I hope we will get away from this business of trying to fight the battles of the whole world. That is what the main part of the Nixon policy is about. I think the modification fits well into that foreign policy.

Mr. DOMINICK. I thank the Senator from North Dakota, and I completely agree with him.

As we all know, there are problems in Thailand. They are not nearly as serious as they are in some areas of Southeast Asia, but there are problems in both northeast and southeast Thailand. To date, their regular armed forces have been able to maintain this problem within a reasonable area. That would not prohibit us from giving adequate support, in case they need it, to provide the Thais, or nations in that area, the ability to do their own fighting, which I think we are all for.

So I thank the Senator from New Jersey, the Senator from Mississippi, and the Senator from North Dakota for their support, and I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the Senator is limited in time, perhaps I had better seek time from the Senator from Arkansas. Will the Senator from Arkansas yield me some time?

Mr. FULBRIGHT. I yield the Senator from New York whatever time he may require.

Mr. JAVITS. Mr. President, I am in agreement with the Senator from New Jersey that this is probably the best way now realistically available to us in which to resolve the question. I appreciate that in war, you use many means which may be distasteful. I am deeply opposed to our being in this war in Indochina, but that is neither here nor there on this issue. The important point here, Mr. President, is that we are, in a sense, condoning a lack of information to Congress.

We did not adopt this amendment lightly in the Foreign Relations Committee. We adopted it only in extremis, because the whole concept of advice and consent in consultation with the Committee on Foreign Relations has broken down in a very serious way. I hope that seeing these evidences of it—which are numerous, not just this alone; the Azores and Bahrain provision, the executive agreements provision, and other matters with which we have dealt, reflect that as well. It will be seen that the situation might have been otherwise had the administration kept us closely informed of what it was doing and why.

I see no reason why it should not have done so. This idea that only the President and his people can be trusted with a secret has already been exploded by the revelations of the Pentagon papers, the Jack Anderson disclosures, the daily trickle of official "leaks" and so on.

The Joint Atomic Energy Committee is entrusted, we believe, with the very highest secrets of government, at least what are alleged to be the highest secrets of government, without qualm. What is it that seems to create a barrier between the Committee on Foreign Relations and the administration, in respect of accountability and responsibility for "classified" information? I think that is what is at the base of this provision, and I deprecate it.

Mr. President, beyond that, we have ongoing activities in Cambodia which raise very serious questions about the good faith with which the administration is sticking by the provisions of the law, including the amendment of Senator COOPER and Senator CHURCH with respect to the range of activities to go on in Cambodia with our backing, and my own amendment making clear in law that we have no commitment to the defense of the Government of Cambodia nor does our aid imply or authorize any such inference.

Yet, the evidence continues to mount that there is a real effort to sort of get around those particular provisions with respect to Cambodia. The press has reported that American advisers—prohibited by law in Cambodia—hover off the ground in helicopters, so their feet do not touch the earth while they direct operations. Such maneuvers to avoid one of the inhibitions of the law raised serious questions of the integrity of the law and the authority of Congress, somewhat like General Lavelle's unauthorized raids.

It is this kind of thing, Mr. President, which deeply troubles Members of Congress and deeply troubles the relationships which are involved here with the executive department, and which cause such deep concern with respect to the whole Indochina involvement. Mr. President, if there is one thing we have now learned, and the decisive passage by the Senate of the War Powers Act is a clear indication of that, it is that we do not want to back into another Vietnam, or be drawn into it, because the progress of events is such as to make it inevitable.

In 1970, following the Lon Nol coup d'etat against Sihanouk's neutralist government and the attack he ordered against the Communist staging bases along the Cambodia border, President Nixon sent U.S. forces into Cambodia—in that much disputed action. In his April 30 address announcing this attack, the President justified it as a move "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal programs."

The attack in Cambodia was described as a one-shot affair and subsequent requests to Congress for military aid funds for Cambodia were portrayed as being short term measures related to Vietnamization and withdrawal of U.S. forces. On May 14, Secretary Rogers said that the defense of the Cambodian Government was not the primary purpose of the actions taken, and "that will not be our purpose in the future."

When Congress first authorized the Cambodian assistance request of President Nixon, I authored an amendment which was included in the law, and which has been retained in slightly reworded form since. My amendment, section 7(b), stated:

Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The initial administration request for military assistance to Cambodia, on May 12, 1970, was for $7.9 million but grew by the end of the year to $155 million. In 1971 it grew to $246.4 million, and this year the request was $300 million for military aid and $30 million in economic aid.

This pattern of logarithmic growth of U.S. military support and involvement in Cambodia would have been cause for grave concern in and of itself. But then, on March 14, 1972, Secretary Rogers stated to the House Foreign Affairs Committee, in support of the Cambodian aid request:

As you know, one of the reasons we have increased the request for Cambodia assistance is that we are anxious to see that the Government in Cambodia survives.

Mr. President, what has become of the provision written into law from the outset, and retained in law ever since, establishing that we have no commitment to Cambodia—or to the Government of Cambodia—for its defense?

I do not think we are being kept candidly informed about what is going on in Cambodia. I have doubts that the thrust of U.S. programs in Cambodia square with the spirit, intent, and letter

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of the law. Moreover, the question is not merely an academic one. It is a very important one closely related to our whole Indochina experience. The situation in Cambodia, according to a June 6, 1972, New York Times report, is disquietingly like the situation in Vietnam in the early 1960's. I include this report as part of my text:

CAMBODIA SEEMS ADRIFT AFTER 2 YEARS AS REPUBLIC

(By Craig R. Whitney)

PNOMPENH, CAMBODIA, June 5.—From a start full of hope two years ago, Cambodia has sunk into a deep malaise, without confidence in her leadership, institutions, or ability to decide her own future, in the assessment of a wide range of Cambodians and foreign diplomats.

The malaise has been months in developing, but has had a chance to take root in the last two months, during which the Government of President Lon Nol has been virtually paralyzed by its attempts to legitimize itself as a popularly elected presidential regime.

Yesterday the country held its first presidential election. Marshall Lon Nol was ahead in preliminary results today with 58 per cent of the vote, while his closest contender, In Tam, had 24 per cent, and the marshal will almost certainly turn out to be the winner when the final results of the light voting are proclaimed by the Government in a few days.

He proclaimed himself President March 13 after dissolving what remained of the Cambodian legislature, with Mr. In Tam at its head, and bowed to student pressure to eliminate his friend and closest adviser, Lieut. Gen. Sisowath Sirik Matak, from the Government. The next legislative elections will not take place for three months.

The beginning of the worst part of the decline in Cambodia's morale seems to date from the disastrous rout of Cambodian troops trying to clear Route 6 north of Phnompenh in December. Since that operation, called Tchenla 2, the Cambodian Army has made no new offensive sweeps except unsuccesful ones around the temples of Angkor.

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River that North Vietnamese and Vietcong troops are using as a staging area for the offensive in South Vietnam.

AMERICAN OFFICIAL GLOOMY

A high American official, speaking of the United States' $200-million military aid program in Cambodia, shrugged his shoulders as if in despair and said: "I don't see any vigorous prosecution of the war in the cards. Tchenla 2 caused a certain lack of confidence on the part of Lon Nol and the army and the Communists' use of tanks and large amounts of heavy ammunition in their offensive has just indicated to the Khmer that they are no match for the North Vietnamese.

It was also the failure of Tchenla 2 that caused the exacerbation of political strains, but that had been growing quietly ever since March, 1970, when Marshal Lon Nol enjoyed seemingly unanimous backing at the beginning of the republic. The trend since then has been one of centralized rule in his weak hands, but with growing frustration and, with the elections of the weekend, open opposition by some who supported the President in the beginning.

Marshal Lon Nol's principal opponent in the election, Mr. In Tam, was president of the Cambodian National Assembly at the time of the overthrow of Prince Narodom Sihanouk and was one of the three principal figures of the new republic in 1970—along with the President and his close friend, General Sirik Matak.

What has happened to Mr. In Tam and to General Sirik Matak shows, in some ways, the deterioration of the regime. In the summer of 1971, Mr. In Tam became Minister of the Interior, but asked to resign and was dismissed last September as his differences with the marshal grew. He became president of the renamed Constituent Assembly in November after Marshal Lon Nol took away the legislature's law-making powers and told it to proceed with the drafting of a constitution.

But in March, after student demonstrations against General Sirik Matak, who was Lon Nol's premier and, in effect, the man who had ruled Cambodia since the marshal's stroke more than a year ago, the President bowed to these outside pressures, took General Sirik Matak out of the Government and abolished the Constituent Assembly.

Within 10 days, he had his subordinates draft a constitution to his liking, establishing a presidential form of government with a Cabinet answerable to him and to the two-house legislature, and submitted it to a nationwide referendum, which approved it April 30.

Since March, the Government has been headed by the only man Lon Nol could get to accept the job, Son Ngoc Thanh, a shadowy figure who was on the side of the anti-Sihanouk forces at the beginning of the republic but whose allegiance is now believed to be mostly to the forms and trappings of the republican Government.

"The Government has been virtually paralyzed for the past two months while Lon Nol has been trying to secure his political future," a senior diplomat said. "I would hope he'd start to govern again rather quickly after the elections."

Indeed, in the last few days in Pnompenh have been devoted almost entirely to political activities. A giant parade of military vehicles filled with soldiers bearing placards has circled the city almost every morning, blaring Marshal Lon Nol's political propaganda and DC-3 aircraft have dropped thousands of little pictures of the marshal—similar to those printed on the ballots—all over the city.

During the voting yesterday, Mr. In Tam charged that the Government was making it difficult for his supporters to vote for him, and that his pollwatchers had not been permitted in some of the places where military people, who strongly support Marshall Lon Nol, were voting. Today, he said he would contest the results as "fraudulent and antidemocratic." There has been talk of a coup d'etat by disgruntled elements, but Mr. In Tam refused, in an interview, to go that far.

The third candidate, Keo Ann, was the dean of the Faculty of law of Pnompenh, whose students led the fight against General Sirik Matak in the spring, but he did not campaign prominently and was expected to get less than 5 per cent of the vote.

Mr. In Tam campaigned actively, but one Western diplomat said: Even if In Tam said nothing, a lot of people would vote for him. There's a feeling that the Government has not kept any of the promises it had made, and that it is corrupt.

NOT ENTIRELY BLEAK

In the preliminary results, Mr. Keo Ann did better than expected and the two opposition candidates together had almost 42 per cent.

American officials here point out that the situation is not entirely bleak, and say that a series of monetary reforms and changes in Government policy have staved off a serious rice shortage that seemed to be inevitable last fall. In fact, only 20,000 tons of rice was imported and only 10,000 tons had to be used, according to American economists.

The Nixon Administration has asked Congress for $75-million in economic aid to Cambodia for the fiscal year beginning July 1, twice this fiscal year's amount.

But the Cambodian budget is at a large deficit because of the war, and unrest is growing among low-paid civil servants and salaried workers whose pay has not kept up with inflation. In the last few weeks, for example, there have been a series of strikes for higher wages in Government ministries—something inconceivable in the early days of the republic.

The unrest within the Government and in political movements outside it has been matched by a growth in the ranks of the Cambodian Communists, who are fighting against the Government forces alongside the North Vietnamese and Vietcong in the occupied parts of the country.

The number of members of Khmer Rouge, the Cambodian Communist force, is now estimated at at least 30,000. "There has been a growth, a development of the movement, which, we think, has serious longer-term meaning for the country," an American diplomat said. "But the Government seems to resist the notion that the way to stand up to them is to fight them hard."

Both Mr. In Tam and Marshal Lon Nol, in their campaign statements, emphasized that they wished for a reconciliation with the Cambodian Communists but neither offered any detailed proposals for achieving a reconciliation. One Western diplomat even said, "I don't think it's certain that even if the Vietnam war ended by negotiations, the war in Cambodia would necessarily end at the same time."

All the Cambodian factions seem to realize that, ever since Tchenla 2, it is futile to talk of chasing the North Vietnamese out of the country and that peace will not come to Cambodia before it comes to Vietnam—in the framework of an internationally guaranteed settlement.

The outlook for the future, according to diplomats here, is that the Cambodian forces will offer only token resistance to the Vietnamese Communists, reoccupying lost territory only when the enemy abandons it, and leaving again—as the Cambodian Army has done in the last two months in Svayrieng and Preyveng provinces near the Vietnamese border—when the North Vietnamese want that territory. It is already a kind of de facto truce.

Mr. President there is another aspect of the situation there which gives me concern. I had a colloquy with Senator SPARKMAN and Senator MANSFIELD, concerning the handling of our military assistance in Cambodia. This colloquy took place on December 22, 1970 when the conference report on the first Cambodian aid authorization was adopted in the Senate. The focus of the colloquy was on the question of avoiding the establishment of a large U.S. military organization in Cambodia to run the MAP program. I quote that colloquy because it is quite interesting and instructive in light of the actual situation we find today:

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals

operating out of the military section of the embassy or by a MAG.

Mr. MANSFIELD. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. JAVITS. That is the important point.

Mr. SPARKMAN. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. JAVITS. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator AIKEN'S worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. SPARKMAN. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessarily state the true conditions.

Mr. JAVITS. I think it is important for the Senate that Senator SPARKMAN and Senator MANSFIELD express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. SPARKMAN. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. JAVITS. I think the Senator has made a fine record on it, and I thank him very much.

Mr. President, the situation seems to have turned out quite differently from what we intended. In this regard, let me quote briefly from a recent report of the Foreign Relations Committee:

On January 31, 1971, a Military Equipment Delivery Team Cambodia (MEDTC) was formed to administer the program. The Chief of the MEDTC and his staff were located in Saigon, but 16 and later an additional 7 MEDTC officers were stationed in Phnom Penh. In July 1971, the MERTC Chief, a Brigadier General, moved to Phnom Penh, and the MERTC element in Cambodia was raised to its present strength. In Phnom Penh, there are now 43 MEDTC personnel (50 are authorized and up to 12 more have been approved by the Executive Branch). There are 63 other MEDTC personnel at MACV in Saigon. Of the 12 new personnel, 4 will be used to monitor third-country national contracts (50 additional third-country nationals will be hired to train Cambodians in logistics), 4 to monitor training, 3 to be assigned to help advise on port operations at Kompong Som and 1 will be a fiscal specialist who will monitor the military uses portion of the Public Law 480 agreements (these agreements are discussed below).

Although American military personnel in the MEDTC seem to be acutely aware of the prohibition against their acting as advisors or participants in the planning and execution of tactical operations, they are nevertheless deeply involved as advisors or organizers in activities such as force planning, military budgeting, logistics and training. As noted above, 11 of the 12 new MEDTC personnel will be involved in logistics and training activities.

I have heard that the spirit of the law has been stretched even further in that U.S. military personnel who are training Cambodian troops in South Vietnam sometimes accompany those Cambodian forces back to Cambodia, and at the border these U.S. trainers become members of MEDTC. If this is so, I question whether it is not tantamount to a violation of the law.

I know we are at war, and I am in favor of supporting the South Vietnamese financially, assuming they can remain viable. I know that could include ARVN military actions in Cambodia. I have no objection per se to that, Mr. President; and I believe that is probably the generality of opinion in the Senate.

But that is a very different thing from backing into a war by getting involved ourselves in Cambodia, whether directly or indirectly through advisers or in some other way, so that we inevitably somehow acquire a "national commitment," and it is said the national "honor" is at stake, as the President has expressed it, or his honor as President is at stake, and the powers of his office. We get all involved in our own dialectic, and next thing you know you have had it, you are in another Vietnam fighting to honor another "commitment."

Mr. President, I make these remarks only by way of expressing the hope that provisions such as the ones addressed by Senator DOMINICK'S amendment may be obviated by a much closer relation, between the appropriate committees of Congress, in this case, the Senate Foreign Relations Committee. I do not relish the idea of locking this into law, which does have a tendency to put U.S. policy in something of a bind—Senator DOMINICK and his associates are strongly calling our attention to that, and I understand it perfectly—but it is brought about by a long-standing and long proceeding series of events which erode a sense of feeling on the part of those who have responsibility to the Senate for foreign policy, insofar as we ourselves participate in it, that they really know what is going on.

As regards the Cambodia situation, I am considering whether there is an appropriate amendment to introduce to clear up the anomolies and ambiguities I have discussed.

Mr. President, I hope very much it is in this area that we can make the most progress, and can be instructed by what has here occurred, in showing how urgently necessary it is that we be informed.

Mr. COOPER. Mr. President, will someone yield me 3 or 4 minutes?

Mr. DOMINICK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, first I wish to ask a question of the distinguished Senator from Colorado. Does the Senator's amendment strike subsection (b) on page 8 also?

Mr. DOMINICK. Yes, it does.

Mr. COOPER. I am glad it does, because even if we had to vote on the total section, I intended to ask that (a) and (b) be severed for a separate vote. I do not believe we have a constitutional right to require the President of the United States to provide the Congress to report, at least in advance, on detailed military operations.

But to go to the subject which the Senator from New York (Mr. JAVITS) has just been ably discussing.

I should like to point out that we learned—I am sure that some Members of the Senate knew before—sometime in 1967 and 1968 about our operations in Laos. These operations began in 1962 or 1963 under the administration of President Kennedy, and have continued since that time.

I recall that on August 12, 1968, I offered an amendment to prohibit the use of any U.S. forces in support of Thailand or Laos, to prevent the expansion of the Vietnam war, excluding Cambodia, because at that time Cambodia was considered a neutral country. The amendment was adopted unanimously by the Senate, although we were told at that time by Senator STENNIS that Secretary Laird had reported that it was not of any effect. Later I discovered why it was not—because my use of the term "U.S. Forces" evidently did not include the use of CIA forces.

I support the modification of the Senator from Colorado, but I do want to point out a contradictory position. Evidently, we are supporting this amendment because we are at war and operations are going on in Laos which we are not willing to interrupt because we are at war, and evidently because we consider it would endanger our forces, whether CIA in Laos or regular U.S. forces in South Vietnam, are not willing to strike all funds for Laos and to stop this operation.

I simply point out that it is contradictory to adopt this kind of measure with respect to Laos, and to vote then for an amendment to take our troops out of Vietnam by August 31, 1972, where they are certainly at war and could be greatly endangered by a sudden evacuation. I have supported most of such proposals, with the exception of the Hatfield-McGovern amendments and then because of my opposition to a fixed date I have always believed that the flat and clear way is to adopt an amendment which says, "Take all our forces out. Stop the war and prohibit funds except for withdrawal." I have believed there would

be a greater possibility of getting prisoners of war back and of having a peaceful settlement. The situation since the massive attack by North Vietnam has changed and our remaining forces have been placed in danger. This is evidently recognized by the pending amendment. The same argument must be considered when the Mansfield amendment comes up.

Mr. DOMINICK. Mr. President, I thank the Senator from Kentucky for his support.

I think it is only proper to say that a number of difficulties are involved in the proposal as it was originally written in this bill, not the least of which, of course, is the question of jurisdiction, as to who is going to take care of the situation with regard to Laos and Vietnam. I appreciate the Senator's support.

I can understand the concern of a number of Senators as to whether or not we are getting involved. I think it is only fair to say, in support of the President, that he has been getting us disinvolved, as opposed to involved, compared to what was going on in previous years. His thesis is that if we are going to maintain the opportunity of freedom in these areas, the only way it can be done properly is by giving assistance, so that the governments which are trying to provide a method of dignity and decent livelihood for their people will have both the economic and the military strength to offset attacks from outside. This seems to me to be a far more fruitful way, so far as we are concerned, than sending our own troops in and trying to contain something in the event of an actual battle.

I thank the Senator from Kentucky. I just wanted to make those few remarks for the RECORD.

Mr. SYMINGTON. Mr. President, the Case amendment, as included in the committee bill, did not prohibit financing foreign troops in Laos, South Vietnam, or Thailand. All it did was to require prior congressional authorization.

I say in all sincerity, however, that it does not really make much difference what type and character of legislation we pass on this floor with respect to such a matter, because the record will show that regardless, the administration will do what it wants to do, in spite of any legislation, even though that legislation has been signed by the President.

This matter came up in last year's across-the-board reduction in supporting assistance which, of course, included Vietnam, and was enacted into law. It is interesting to note, what has happened in the course of the past year in connection with the assistance that has been given Vietnam.

Direct gross economic assistance now being asked for is the most ever, more than three quarters of a billion dollars.

In previous years, the United States has supported the economy of Vietnam in three principal ways—through the commercial import program, through Public Law 480, and through the purchase of piasters by the Department of Defense and American servicemen. The last of these sources, which in the past financed a large share of the deficit in the Government of Vietnam's balance of trade—$700 million in imports versus $13 million in exports last year—no doubt will decline in 1972 because of the reduction of American Forces.

The decline in Vietnamese dollar earnings from the Department of Defense and U.S. troop spending had been expected to begin in 1971; but, as a result of congressional cuts decided upon reductions in the fiscal year 1972 aid program, several interesting steps were taken to maintain Vietnamese dollar earnings from these sources at high levels.

Defense Department procurement practices were changed to increase in-country contracting and purchases. The exchange rate for official purchases of piasters was kept at a level of 118 to the dollar rather than being increased as had been planned, thus in effect providing right there the Vietnamese Government with a substantial additional subsidy.

As a result of these policies, official U.S. Government dollar expenditures in 1971 amounted to a total of $271 million. If the official exchange rate had been changed to the 275 rate used in other transactions, Defense Department expenditures could have been reduced to $116 million. The expenditures in Vietnam would have been even lower if procurement policies had not been changed.

While the official exchange rate remained at 118 until April 1972, the exchange rate for personal purchase of piasters for dollars was increased to 275 in October 1970. This change brought about a great increase in personal exchange transactions in 1971 which provided $132 million in dollar exchange for the use of the Vietnamese Government. These various moves, that is, $132 million in personal dollar exchanges and the $271 million in Department of Defense purchases involving Defense Department and personnel spending and Vietnamese exchange rates brought Vietnamese dollar earnings in 1971 to an all time high of $403 million despite the congressional cut in aid funds.

In other words, I say again that it does not really make any difference what we do here on this floor. The matter will be handled by the administration the way they see fit regardless of any legislation. From the standpoint of the constitutional rights of the Senate, however that should give us cause for thought.

For example, last year this administration spent more than $100 million in financing Thai troops in Laos. We had passed a law providing that that type and character of payment to mercenaries could not be made. The law says mercenaries cannot be financed by the United States to fight in Laos.

When we heard Thais were fighting in Laos, and paid by the United States, we sent out investigators. They went up to one Thai soldier and said, "Why are you here?" The soldier replied, "Because I was ordered to come here." The investigator said, "Well, is that the only reason you are here?" The soldier replied, "Why would I want to come if I was not ordered to do so?"

They asked another Thai soldier, supposed to be a volunteer—and that word "volunteer" is the word used to evade the law—"Why are you here?" The soldier replied, "Because I could not find a job to support my family if I did not accept their request to come here."

So there you have the reason Thai soldiers are fighting in Laos.

This year, again, we are asking for about the same amount of heavy money to keep these mercenaries fighting in Laos.

Let me ask what the function of the Senate is, if we pass laws that stipulate one thing as to how the taxpayers money is used, but, regardless of the law, the administration does what it pleases.

In this case, it actually goes beyond that particular aspect. In order to avoid the reduction the Congress made in the AID program, the administration has manipulated the exchange rates to the point where the dollar earnings of the Vietnam Government were kept at an all time high, despite the congressional reduction.

Many people, when you ask them to name the country that has received the most aid, will say, "Yes." When you say "Which one?" they generally say "India." But that is not true. The country that has received by far the most economic and military aid from the United States, aside from the cost of the war, is South Vietnam.

That does not worry me so much as the fact that, after we pass a law and it is clear what the intent of that law is, our investigators find that law has been deliberately violated.

That is why I support the Case amendment. Mr. President, if the press is right, and the press has been right more times than anyone else, we have no more combat ground troops in Vietnam. So what we are supporting now is the great air and naval war, air conducted in the main out of Thailand; much bigger than before. The naval war conducted off the shores, in the Gulf of Tonkin, is much bigger than ever before. Now we are even asking for about the same money as last year to finance mercenaries in Laos, still against the law.

This unfortunate development is one which every Senator, regardless of party, should give serious consideration; that is the reason he is here in the Senate.

Mr. FULBRIGHT. Mr. President, I recognize the situation. I only wish to make the comment that I think the first effort in trying to restrict the use of American funds to pay for mercenaries fighting in Laos was an amendment which I offered. The intent of that amendment has been evaded by the Government, by semantic gymnastics, calling the mercenaries "local forces." We are all familiar with that, so I am under no illusions that what we put into the law will be carried out.

With respect to the provision sponsored by the Senator from New Jersey, which amendment I am in great sympathy with and approve of but, nevertheless, I recognize his reasons—everyone looks at this matter from his own point of view. I have no criticism of his being willing to accept the provisions of the amendment offered by the Senator from Colorado, but I personally oppose the amendment, because I think that this program of continuing to spend ever-increasing amounts of money to hire mercenaries to fight in a lost cause will only serve to bankrupt the Nation and prolong the agony of the war in Vietnam and Indochina. I have very little hope that these troops will make a decisive difference. The reports from Laos support this view. In fact, I do not understand quite why the Government continues the war in Indochina. It is becoming more and more difficult for me to understand what purpose they have in mind by continuing the war and not bringing it to a close. But that is a broad question.

On the pending amendment, I oppose it, for whatever it is worth. I oppose it on the principle that I do not think our country should spend the kind of money it is spending to hire Thai soldiers to fight in a cause which we initiated in Laos. Nor do I approve of hiring Thais or Koreans to fight in Vietnam or in Cambodia.

We have debated this matter before. We put a prohibition in the law and the administration has found a way of evading it. I thought it was rather interesting that the Senator from Colorado himself referred to these troops as "foreign troops," whereas the administration, in its evasion of the original provision, has called them "local forces."

It is about the same sort of difference between a "bombing raid" and a "protective reaction strike." The terms are identical but they are used to hoodwink the public.

I do not know that there is anything further to say, except that I disapprove of the use of our money as now estimated to be over $100 million in payment to Thai troops to fight in Laos. I thoroughly disapprove of it.

That is about all I care to say at this time.

Mr. SYMINGTON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. The able Senator from Arkansas, a former chairman of the Senate Banking and Currency Committee, knows plenty about our financial situation. He knows also that the House has just passed a bill which we understand is favored by the administration, to give $29 billion back to the States in the form of revenue sharing. He knows that, whereas 20 years ago we had $25 billion in gold and owed but $7 billion redeemable in gold, today we have $10 billion in gold and owe—depending on how one figures it—from $35 billion to $60 billion. He knows, too, that the mayors of nearly all our large cities are frank in saying their cities are bankrupt. He knows that the States cannot spend more money, under their State constitutions, than they take in in taxes.

I would ask the able former chairman of the Senate Banking and Currency Committee, does he know where we are going to get the money to continue these gigantic expenditures in Cambodia, Thailand, Laos, and various other countries with whom we are not yet at war. As a matter of fact, we are not officially at war in Vietnam, either. In any case, does not the Senator agree that it is easier to get $1 billion to put into this military effort in the Far East than to get, say, $100,000 for schools and roads in the Senator's State of Arkansas, or roads and schools for Missouri?

Mr. FULBRIGHT. The Senator from Missouri is absolutely right. Senators can get up on the floor of the Senate and propose an amendment increasing the amount for military programs without any hearings, without any evidence whatever, and get it adopted.

We cannot begin to get $100,000 for the State of Missouri or for the State of Arkansas without long hearings, plus an authorization bill and an appropriation bill. There is quite an obsession in Congress with regard to anything of a foreign, military nature. Such a matter can be easily passed here. We have done it time and again.

I thought about this this morning on my way to work. I was caught in the traffic jam like nearly everyone else. We see examples where there is a rainstorm and everything is disrupted. With the great technological advances that the United States has made, we can get to the moon. However, we cannot make arrangements to get to our offices under adverse weather conditions. It normally takes me 10 minutes. However, this morning it took me over an hour because of the recent storm.

It is amazing when one considers how this Nation has wasted its resources all around the world. The pending amendment is an example of it. What good does it do to pay more money to hire people to fight a war which we want to end?

The taxpayers must bear the cost of all of this. And if the cost is not paid out of their taxes, some money is borrowed, and our children and grandchildren will pay for it.

I have no idea what good can come out of hiring Thais to fight in Laos.

Mr. SYMINGTON. Does not the former chairman of the Senate Committee on Banking and Currency believe that a viable economy, with a sound dollar, is as important to true national security of the United States as is defending the countries of Laos, Cambodia, Thailand, South Vietnam with billions upon billions of dollars, and little or no help from our allies? Even that help we pay for.

Mr. FULBRIGHT. Mr. President, indeed they are. On the other hand Laos has not the slightest relation to our own security, none whatever.

The soundness of our economy is the basis of our strength. The idea has somehow developed that national security is solely military in character, which is simply not true. The military itself is dependent on a strong economy to pay for their expenditures. We are sacrificing for the military by exaggerating the significance of this war.

Our nuclear weapons are a good example. We do not dare to use them. We could drop an atomic bomb on North Vietnam. We could incinerate it all at once. Instead, we are doing it piecemeal.

These countries are not significant to our security. I do not think that anyone can make a case that they are.

Laos does not make any difference at all to the security of our Nation. I do not believe it makes any difference to the United States what happens to Laos. Does the Senator from Missouri think that it does?

Mr. SYMINGTON. It does not. The able Senator from Arkansas has expressed my position better than I have.

Does the Senator from Arkansas believe we will continue to spend our dollars at the rate of more than $100 million a year to finance these troops in Laos after we possibly have reached some agreement with North Vietnam? What are the ideas of the able Senator with respect to our employing our own military forces and mercenaries in the Far East despite the increasing surge of various demands at home, even if we do reach an agreement to end this Vietnam tragedy?

Mr. FULBRIGHT. That depends on the election this fall. I have no control over that. If President Nixon wins reelection, we will continue to be there, I suppose. For what reason I do not understand.

Mr. SYMINGTON. Nor do I at this stage.

Mr. FULBRIGHT. If the country wishes to discontinue this kind of policy, it can express itself. We will have an opportunity to do so this fall.

We have tried to stop the war. The Senator from Missouri has been one of the leading figures in trying to bring this war to an end, and to show the disastrous effects of it. But we have been unable to do it. It is up to the American people in November to make their choice as to whether they want to continue the war and to continue our sacrifices, not being able to do what we want to do and not having decent roads and transportation systems here at home.

I heard on the radio this morning, having to listen to it in the car, that towns in Virginia and Pennsylvania are without water and without water systems. Their bridges are out.

All of this is obviously a sign that someone had not foreseen and prepared for an emergency of this kind. In the meantime, we are engaged in the war in Vietnam, and I guess the cost now would approach $200 billion. We are pouring out money in the amount of hundreds of millions of dollars. The Senator from Missouri knows it better than anyone else. It is so incomprehensible and irrational that I do not know how to comment on it in a reasonable way. It is almost impossible to do so.

Mr. SYMINGTON. I remember, back in 1961 at the time General Taylor and Mr. Rostow made their famous trip to Saigon. I was there then also and a member of the AID program said, "Let me show you the way the taxpayers' money is being spent out here." We went out and saw a beautiful cloverleaf on one of the roads, the type you see where there is heavy traffic in this country. We took out our watches to observe the amount of traffic. With this beautiful addition to the roads and economy of Vietnam, to the profit of certain American contractors and others, exactly three cars utilized that cloverleaf in 15 minutes. That was in 1961, at the very beginning of what has been going on ever since.

Mr. FULBRIGHT. Mr. President, I can

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agree with the Senator on the absurdity of such extravagance. However, I believe that is better than the cost of these 20 million craters that we have made in Vietnam. Those craters are 20 feet deep and 30 or 40 feet across. They are all across that country. I think that even the example of the cloverleaf, while it is an excellent example, is a little less extravagant than the craters we have formed in that country and the forests that we have destroyed and defoliated. I would rather have the cloverleaf than the other.

The whole thing is so irrational in my mind. People cannot believe it. It is so far out that most American people refuse to believe it. It revolts them so that they will not believe it. They think that it could not be true that their country would do a thing like that.

Mr. President, I would venture to say that if we could really look into the minds of the American people, the majority of them would say that this could not be true, that their country would not do such a thing.

Mr. SYMINGTON. Mr. President, I ask the Senator from Arkansas, the former chairman of the Senate Committee on Banking and Currency if he does not believe the time will soon come when the American people will be forced to believe it because our economy is suffering so heavily as a result of the tremendous export of jobs and dollars. This has been going on now to the tune of tens of billions of dollars a year for over a quarter of a century.

Mr. FULBRIGHT. The Senator from Missouri is correct. Because of our accumulated wealth 15 or 20 years ago, it is hard for the people to believe what has happened in the last decade.

We are going through a period of inflation and enormous budget deficits. We are adding daily to the national debt. The administration is now asking for another $15 billion increase. They want an overall debt ceiling of $465 billion.

The situation may not appear quite so bad because during an inflationary period, people think that they are getting richer. They look at the price of stocks and at the price of land. They think that they are better off. The collapse will come later.

As the Senator from Missouri knows, it has taken place time after time in other countries. At the moment, people think that we are fairly well off. We see the reports in the newspaper prophesizing better business conditions. It will be some time before we have to pay for the kind of extravagance we have been going through in the last 10 years. But the day of reckoning will come.

Mr. SYMINGTON. Is it not true that the interest on the debt today is the third largest component cost to the American taxpayer in the Federal budget?

Mr. FULBRIGHT. Yes: some $20 billion. The Senator is correct. That is payment for past military expenditures. At present it is $83 billion. Those figures do not include, for example, the care for veterans, which will go on for the next 50 years.

Mr. CASE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield the floor, if the Senator wishes. Or does the Senator wish to ask a question?

Mr. CASE. I just want to say a few things. First, I appreciate very much the friendly reference to my participation in the particular amendment and the understanding of my position, which the Senator has expressed.

I understand fully his unwillingness to go along with it, especially because of his experience with the 1970 amendment of which he was the sponsor and by which Congress directed that money not be spent for mercenaries in Laos.

The Dominick amendment would limit the effectiveness of the particular section to Thailand. In the judgment of the Senator from New Jersey, and this is his only difference with his chairman, it is worth getting that restriction into law, and getting that restriction into law is better than getting nothing.

For that reason the Senator from New Jersey has agreed to this compromise.

Mr. FULBRIGHT. I want to make it clear that everyone tries to do what he can. I think the Senator's objective is the same as mine.

I have about given up hope of influencing the administration. We already have a prohibition in the law but by semantic gymnastics the administration has evaded it; they pay no attention to it. I do not know how we can do any more.

I go along with the Senator's original effort, and I do not question this modification in any way.

Ever since I was in grade school and read about the Hessians I have had a fixation about mercenaries. I think it unfair that we have other people to fight wars. If people believe in it they should fight the wars themselves.

Evidently, we do not believe in it; we hold back, but at the same time we pay these poor people in Thailand to go there and fight. They do not do a good job. Their hearts are not in it. They pick up a few hundred dollars. I am sure they are not going to prevail and win freedom for Laos any more than the Hessians did for England.

It is a futile operation to try to get this administration to abide by existing law, but we do the best we can.

Mr. DOMINICK. Mr. President, at the request of the distinguished Senator from Tennessee (Mr. BAKER), I ask unanimous consent that a statement by him in support of my amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

I support the compromise amendment offered by the distinguished junior Senator from Colorado regarding Section 515 of the Foreign Assistance Bill. That section, which would require prior Congressional authorization for U.S. assistance to foreign troops operating in Laos, Thailand, and North Vietnam, comes at a very delicate time in the tragic history of U.S. involvement in that conflict for seldom, if ever, have conditions been as conducive to bringing a just and honorable end to the war as they are today. I realize, of course, that hopes have been falsely raised many times before and I am not contending that peace in Southeast Asia is just around the corner, but I am saying that there is substantial reason for hope and that hope can only be enhanced by not limiting the power of the President which is what Section 515 would do. A brief examination of the record should help prove why recent developments make striking Section 515 of the bill a reasonable and responsible thing to do.

On the military front, after 71 long and courageous days of fighting, the seige at An Loc has been lifted. Kontum, which at one point appeared destined to fall, now seems to be in no immediate danger. The prized provincial capital of Hue which also appeared doomed for destruction now seems to have been converted from a defensive fortress into a staging ground for sporadic attacks by the South Vietnamese Army into enemy-held Quang Tri province—attacks which, though limited, have succeeded in keeping the North Vietnamese army off guard.

In addition, the massive bombing of enemy targets in the North and South combined with the comprehensive mining of North Vietnamese waters has served to significantly reduce the strength of the North Vietnamese invasion as well as cause some disagreement over current policy among Hanoi's top officials. It would be historically naive, perhaps, to believe that the increased bombing and mining had broken the will of the North Vietnamese, but it is safe to say that it has caused a careful re-examination of their policies, especially in light of other diplomatic activity.

The President's trip to Moscow apparently convinced the Soviet leadership that he was totally serious about ending the war and that seriousness was later conveyed to the Hanoi leadership when Soviet President Podgorny visited North Vietnam for several days of talks last week. Upon the conclusion of those talks, President Podgorny said that the Soviet Union "will do everything possible for a de-escalation of the Vietnam war." Such a desire on the part of the Soviets is entirely consistent with their increasing interest in reducing spending in Southeast Asia to meet more pressing needs in other parts of the world and at home.

Moreover, Dr. Henry Kissinger is currently in Peking conducting substantive discussions with the Chinese leadership in an effort to obtain a commitment to de-escalate, similar to that of the Soviet Union. Although it most likely will be very difficult to determine whether we actually received such a clear commitment, the Chinese also have domestic needs that require greater attention and there is certainly reason to believe that the Chinese will be interested in ending the Vietnam War.

All of these factors are reasons why the North Vietnamese might, in the near future, be willing to seriously discuss the President's latest peace proposals and if such willingness is forthcoming, we should be prepared. The President's latest offer would most likely leave the North Vietnamese in control of most or all of the territory they have gained or held since the offensive began and in an effort to minimize their gains, it is necessary to continue assistance to the Thai irregulars who are fighting with Lao and tribal forces to keep Laos from falling to the North Vietnamese. Their success as a fighting force has helped protect not only Thailand, but also South Vietnam as well.

Section 515 of the Foreign Assistance Bill would require Congressional authorization for these on-going, vital efforts and such a process could be extremely time-consuming and costly at this very delicate point in the war. I do not object specifically to the intention of Section 515 in involving the Congress in future such operations, but under the circumstances of this situation, I feel very strongly that an attempt to limit the President's power at this time would be the height of irresponsibility and it is for this reason that I support the compromise offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, if there are no further comments I move that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment. (Putting the question.)

The noes appear to have it.

Mr. YOUNG. I ask for a division.

Mr. DOMINICK. I did not understand what the Chair said.

The PRESIDING OFFICER. The noes appear to have it.

Mr. YOUNG. I am on my feet asking for a division.

Mr. DOMINICK. Let us have a standing vote.

The PRESIDING OFFICER. All in favor of the amendment will stand and be counted.

Mr. YOUNG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is not a sufficient second.

Mr. YOUNG. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Standing vote, Mr. President.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask for a division on the vote.

The PRESIDING OFFICER. A division has been requested. All in favor of the amendment will please stand. Those opposed will please stand.

The amendment is agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. FANNIN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, under the order, the distinguished Senator from Texas (Mr. TOWER) was to be recognized at this time for the purpose of calling up his amendment.

The PRESIDING OFFICER. The Senator is correct. The Senator from Texas is not in the Chamber.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. ROBERT C. BYRD. Without prejudice to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the distinguished junior Senator from Texas (Mr. BENTSEN) may be recognized at this time for the purpose of calling up an amendment without prejudice to the distinguished senior Senator from Texas (Mr. TOWER) who, under the order, was to be recognized to call up two amendments in succession.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I do not object.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 1237

Mr. BENTSEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of the bill add the following new section:

AMENDMENT CONCERNING CERTAIN TRAINING PROGRAMS FOR YOUTH

SEC. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part.".

Mr. BENTSEN. Mr. President, at the outset I commend the distinguished Senator from Wisconsin (Mr. NELSON) for his work on the economic opportunity amendments.

The committee which he chairs has brought an urgently needed bill to the Senate for approval. It has been refined and perfected to meet the President's objections and it should receive overwhelming approval in this body. The programs contained in the 1972 economic opportunity amendments are vitally important to the poor in this Nation, and they must be continued.

Mr. President, my amendment is very brief and is directed at the section of the Economic Opportunity Act of 1964, which concerns eligibility for the Neighborhood Youth Corps and other youth employment programs.

Essentially, the amendment would insure that low-income persons who reside in a public or private institution such as an orphanage or a penal or correctional institution would be eligible for participation in training and employment programs for youth.

I note with some satisfaction that the committee has increased the authorization for the Neighborhood Youth Corps by some $500 million to create 100,000 work and training opportunities in this very vital program.

We know what the Neighborhood Youth Corps can do, and we know how much it has meant to low-income youth. We also know that unemployment among 16 to 19 year olds has risen steadily since 1966 and that present projections indicate that it will total over 1,800,000 in 1972, more than a 100-percent increase since 1966.

At the same time, Mr. President, I have been distressed by recent administrative decisions by the Department of Labor, and in particular the regional office in Dallas. These decisions have led me to offer my amendment.

On March 29, 1972, the Labor Department's Manpower Administration in Dallas issued a memorandum to sponsors of youth employment programs indicating that prospective enrollees in the Neighborhood Youth Corps who regularly live in institutions, such as orphanages or correctional institutions, would no longer be eligible for enrollment in the programs.

Mr. President, this seems to be a particularly insensitive action. It is very difficult for me to rationalize, and the rationale offered by the Labor Department is completely unconvincing. I received a letter from the Deputy Assistant Secretary for Manpower, who said that:

Residents of State or private child care and correctional institutions are not eligible to participate in the program since it is presumed that the supporting agency has allocated resources to maintain their residents while in high school or for the duration of their internment.

Mr. President, if I may say so, this is a rather shaky presumption. Letters I have received from orphanages in Texas indicate that the Labor Department's reading of the situation is inaccurate at best.

One letter from St. Margaret's Center for Children in El Paso indicates that six of the eight teenagers living there are in the custody of the El Paso Child Welfare Department and that the county pays approximately $2 a day for their upkeep.

The orphanage, which has to serve as a substitute parent, must constantly be searching for other resources to meet the needs of the children in its care.

The truth is, Mr. President, that conditions in various public and private institutions vary, and there is no reason to assume that a child living in an orphanage, a correctional institution, or any other public or private institution is being given the kind of resources he needs to give him an even break in schooling. To exclude all of these chil-

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dren from participation in the Neighborhood Youth Corps is both callous and unrealistic.

In fact, Mr. President, many of these institutions merely provide a roof over a young person's head and a few essentials. Because of their financial predicament, they can offer him with very little else. Any young man or woman who wants to budget his money, to build some self-reliance, to buy clothes and necessary school supplies, and even to begin saving for money to go to college should have at least the opportunity to do so, regardless of whether he resides in a public or private institution.

We have not been nearly so callous, Mr. President, in considering the needs of neglected and delinquent children under the Elementary and Secondary Education Act. In fact, they are made specifically eligible for participation in these programs by Federal law. The same policy should hold true for youth employment programs.

What does my amendment do? It merely says that low-income persons living in institutions shall be eligible to participate in these programs. It does not give them priority; it does not say that all of them must be accepted; it does say, however, that they shall be eligible regardless of whether they happen to reside in an institution.

I should add, Mr. President, that the language of my amendment will not be satisfied by the acceptance of a few token participants from institutions. The Director should insure that a reasonable number of these low-income youths can participate.

It seems to me, Mr. President, that during a time of skyrocketing unemployment among youth, we should not be in the business of ruling certain people out of Government employment programs. We should, rather, be concentrating our energies on bringing them in, on broadening these programs as much as possible.

I believe that this amendment restores an element of equity and fairness to these programs, and I urge its acceptance by the floor manager of the bill.

At this time, Mr. President, I ask unanimous consent to insert in the RECORD a copy of the Department of Labor memorandum of March 29 and a letter from Sister Marie Renee Ettling of the St. Margaret's Center for Children in El Paso.

There being no objection, the memorandum and letter were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
MANPOWER ADMINISTRATION,
Dallas, Tex., March 29, 1972.

Re Neighborhood Youth Corps and Operation Mainstream Sponsor Issuance No. 17–72.
To: All NYC and Operation Mainstream Sponsors.
Purpose: To Clarify Policy Regarding Eligibility of Wards, of Private or Public Agencies.

We have been advised by our National Office that the following policy is to be followed by all sponsors.

"Wards of private or public agencies who *do not* regularly live in institutions and who meet the income criteria are eligible for enrollment. If the parental rights have been severed by the court, or if the income of the natural parents cannot be determined because their whereabouts are not known, a ward is presumed to have met the income criteria for enrollment. The income of the family with whom the ward is placed, except in the case of blood relatives, shall not be a factor in determining the youth's eligibility. When a ward is placed with blood relatives, sponsors must use their discretion in determining the economic needs of the individual."

Prospective enrollees who regularly live in institutions are *not* eligible for enrollment. If you have enrollees in your project that regularly live in institutions, they are to be separated immediately.

It is assumed that any ward of the State is adequately cared for and is, therefore, not eligible. This would include penal or correctional institutions. The same would apply to orphanages or other institutions where room, board, medical and other needs are met.

TRACY C. MURRELL,
Acting Regional Manpower Administrator.

ST. MARGARET'S CENTER
FOR CHILDREN,
El Paso, Tex., April 24, 1972.

Sen. LLOYD M. BENTSEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BENTSEN: Enclosed please find a copy of the directive we recently received from the U.S. Department of Labor concerning restrictions of the Neighborhood Youth Corps. We are impelled to state that we consider it discriminatory and believe that it should be brought to your attention.

Youngsters who live in institutions or in foster homes, for reasons beyond their control, have the same need for meaningful work experiences as part of their maturing as youngsters not living in such situations. Naturally, this is not the only reason we think it essential for teen-agers living apart from their families to have employment opportunities. Many of these children are wards of the State and are financially provided for by the barest minimum.

For instance, six of the eight teen-agers living here at St. Margaret's are in the custody of El Paso County Child Welfare and therefore the County pays approximately $2.00 a day for each of the youngsters' care. This can certainly not be considered adequate care from a financial aspect. However, in order to provide these children with truly adequate care in every respect, we must constantly be searching for other resources to meet their needs.

Since most of these children will be independent and financially responsible for themselves when they leave the institution or the foster home, it is imperative that they have supervised work experience during their formative years. While acquiring knowledge of various occupations, these young people can also save for further educational or vocational plans and for a future outside their present environment.

Last summer six of our teen-agers held NYC jobs and benefited greatly from this. They learned to budget their money and were able to buy clothes and the necessary school supplies as well as begin small savings accounts. These youngsters showed reliable, interested attitudes in their employment and were looking forward to again participating in NYC.

In behalf our own teen-agers and of all those affected by this ruling which appears to us to be unfair, we ask you to seriously consider our viewpoint. Whatever you can do, both in an individual capacity and in that of a government official, will be deeply appreciated by many youths and by those who are concerned about them.

Thank you, Senator Bentsen. We realize that you could not be aware of all the circumstances of this issue and are grateful for the opportunity of sharing our views. We trust you will forward this letter to the Department in Washington responsible for this decision or inform us as to whom to contact.

Sincerely,
Sister MARIE RENEE ETTLING,
Administrator.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, I think this is a most appropriate amendment by the distinguished junior Senator from Texas. As a member of the committee since the Economic Opportunity Act was originally passed in 1964, I would have anticipated that, in fact, the group that the Senator from Texas is attempting to afford the opportunity for participation was intended to be included in the first place.

Do I understand that there was a specific instance in the Senator's constituency in which the Labor Department ruled that young people in institutions such as orphanages or training schools of some kind were not eligible? Is that the ruling they made?

Mr. BENTSEN. The Senator from Wisconsin is correct, and all my amendment does is to say that these low-income children living in institutions shall be eligible for these programs. It does not mandatorily include them, but it says they shall not be excluded because they are members of those institutions. We have a specific instance of that situation where Sister Marie Renee Ettling, of St. Margaret's Center for Children in El Paso, has cited just such an example.

Mr. NELSON. Well, I certainly agree with the Senator from Texas. Since this is an amendment on behalf of orphans and deprived children, and so forth, I wonder if the Senator does not think we ought to require Senators to stand up and be counted on an amendment like this and have a rollcall?

Mr. BENTSEN. I certainly agree with the Senator from Wisconsin and, Mr. President, I request the yeas and nays on this amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I withdraw my request for the yeas and nays.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I find myself in agreement with the manager of the bill and the chairman of the subcommittee. I am the ranking member on this side. I believe the amendment is desirable, and hope the Senate will adopt it.

Mr. BENTSEN. Mr. President, I thank the Senator.

Mr. ALLEN. Mr. President, I would like to ask one question of the distinguished Senator from Texas.

Mr. BENTSEN. I yield.

Mr. ALLEN. I notice the amendment reads:

The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part.

I would assume that a "public institution" would cover such institutions as penitentiaries. Would the fact that that would make inmates of penitentiaries eligible for participation have the effect of commuting their sentence or reprieving them? How else would they be eligible, unless they were outside, in order to participate in the program?

Mr. BENTSEN. This in no way is a mandatory requirement of their participation in this program. It just says the director cannot exclude persons who are in those institutions.

Mr. ALLEN. Would it not be better to say that, than to say they shall be eligible? Would it not be better to say that they shall not be excluded for that reason? Then there would be left the option of excluding them for another reason. The fact that they are inmates, under definite sentence, and are made eligible to participate in a program on the outside might result in reprieve or commutation of the sentence.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. I think we have a right to construe the word "eligible" the same as we construe the word "authorized"; that is, that an eligible person is not necessarily vested with the right to get that for which he or she is eligible. In other words, he is eligible if he is able.

May I say to the Senator, because this is something I have dealt with as attorney general of my State, and because I have sponsored a bill to provide training opportunities in prisons for youth, I know that in some States they have a release system for some offenders; in some States they have a halfway house system; in some States they actually work in the prisons. Generally it is State work, but sometimes it may not be, by arrangement by private contractors.

So it seems to me, I respectfully submit to the Senator from Alabama, that if the legislative history makes it clear—and I am sure it is clear as a matter of law—that the word "eligible" means no more than the word "authorized," and that there is no purpose or design to imply—I do not see how it is implied—that this in any way deals with any other aspect of law—except that these young people who may be in an institutional setting would be available if otherwise available for this training—it should satisfy that point.

But I think the key point, I say to the Senator as a lawyer, is that the word "eligible" is equivalent, as I see it, and I think the cases bear that out, to the word "authorized," rather than any mandate that vests a right in the particular individual.

Mr. ALLEN. Should it not be made subject to the rules and regulations of the particular institution, though? The amendment as stated would substitute the judgment of the director for the judgment of those in charge of the institution. It might not suit those in charge of the institution to give access to the program to certain of the inmates. Might there not be a clash, then, between the institution and the director of the program?

Mr. BENTSEN. Mr. President, to further develop the intent of the language and establish the record, the Senator from Texas, as author of the amendment, would say the eligibility has reference to the program of the administrator of OEO, that was the intent, and to insure that they not be precluded by a limitation in the program itself, and that this would in no way be construed as being in conflict with the regulations of the institution.

Mr. ALLEN. Would the Senator object to modifying his amendment to insert that, to say that it would be subject to the regulations of the institution involved?

Mr. JAVITS. Mr. President, that is a kind of blind alley; we would not know where that would lead us.

I think the Senator's fundamental purpose is not anything anyone is controverting.

Mr. ALLEN. I think that is true. The question is as to the meaning of the language.

Mr. JAVITS. May I make this suggestion. Perhaps this would do what the Senator wants.

Could we say, "The Director shall insure that low-income persons who are otherwise able to accept such participation, and who reside in public or private institutions, and so on, shall be eligible"? Or we could even use the word "may"; I do not think we even need the word "shall".

Mr. ALLEN. I think that would make it subject to the rules and regulations of the institution.

Mr. BENTSEN. I do, too.

Mr. ALLEN. Does that sound all right to the Senator? That would clear it up.

Mr. BENTSEN. I agree with that language, but I think we should let it remain "shall be eligible," subject to the limitation.

Mr. JAVITS. I would suggest such language.

Mr. ALLEN. Would the Senator mind stating, then, how the amendment would read?

Mr. JAVITS. "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part."

Mr. ALLEN. I think that would probably meet the objections I have raised. I have no other objection to the amendment.

Mr. BENTSEN. Mr. President, I would like to make a further technical correction in the amendment by striking the words "amendment concerning certain" on line 1.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BENTSEN's amendment (No. 1237), as modified, is as follows:

At the end of the bill add the following new section:

TRAINING PROGRAMS FOR YOUTH

SEC. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part.".

Mr. NELSON. Mr. President, I am prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1237) of the Senator from Texas, as modified.

The amendment was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I rise in support of section 222(a)(11) of the bill now before the Senate. This provision will inaugurate a badly needed effort to upgrade housing for the rural poor by utilizing the work and energies of the rural poor themselves, particularly the aging, who might otherwise be on welfare rolls.

Enactment of the proposal would be a significant supplement to the rural housing and other programs included in the Rural Development Act of 1972. The proposed new rural housing program would in no way overlap or conflict with the policies and programs included in the Rural Development Act.

In fact, the committee report before us states:

The Committee is particularly interested to see if the authority in the new rural housing program can be used to supplement existing housing programs in such a way that they will be more accessible to low-income persons in rural areas.

I commend the committee for its foresight and for its desire to develop a coordinated, hard-hitting, rural housing program for all economic groups in rural areas, including those who are less able financially to repair and improve the home they own and occupy.

It has been my observation that there is a great deal of existing substandard housing in rural areas that could be easily rehabilitated if a minimum of capital were available.

This is true because rural areas of America have experienced rapid outmigration in recent decades. Unfortunately, our housing programs have placed too little emphasis on rehabilitation of existing structures. Many of the rural poor cannot afford to build a new home, even with Government aid. However, they often own existing substandard homes that can be made adequate with the type of aid to be furnished under this section.

The activity proposed in section 222(a)(11) is not a major new operating program. Rather it is an experimental or pilot project program to see whether the work of mainstream participants can be utilized to repair and rehabilitate existing dilapidated owner-operated homes in rural areas and to build new homes that extremely low-income families can afford to rehabilitate or buy through the subsidized interest rate low and moderate income rural housing program of the Farmers Home Administration now car-

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ried out under title V of the Housing Act of 1949, as amended. This proposed new program is confined to rural areas, which in the past have been relatively neglected by the Office of Economic Opportunity and the Department of Housing and Urban Development.

This provision authorizes an appropriation of $10 million for fiscal year 1972 and $15 million for fiscal year 1973. This money would be expended for purposes which include providing building materials and the wages of mainstream workers for use in connection with the rural housing programs of the Farmers Home Administration to reduce the cost of rehabilitation of existing homes or to build new homes to a point where the lowest income families in rural areas can carry out their obligation to repay the housing loan. These families have extremely low incomes, but they are proud and willing to work. I hope the new program will prove successful in helping them to improve their houses.

Mr. President, looking realistically at this problem of trying to assist all families in rural areas to acquire decent, adequate housing, we just simply acknowledge that we must find some way to provide adequate housing at lower costs.

The short, but successful, experience in the 1960's of the Farmers Home Administration in operating a similar program indicates both that better housing can be provided within the ability of low-income rural people to pay for it and that the energies of the unemployed and underemployed can be effectively utilized to reduce building costs.

Section 222(a)(11) will formalize this type of low cost repair and rehabilitation program, combine it with utilizing the energy of mainstream workers who might otherwise be on welfare rolls, and with existing rural housing programs to test whether such an approach might not be workable on a wider basis.

I wish to associate myself with the statement of the committee when it says:

> The committee feels strongly that it must direct more attention to the solution of rural problems, for unsolved rural problems add immeasurably to the already intolerable problems faced by our cities.

This new rural housing provision will work with the programs provided by the Rural Development Act of 1972 to make a major and significant effort to improve urban conditions as well as rural.

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. DOLE. Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young woman's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, regarded by many as a Communisty Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quentin correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as cochairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any juridiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of Slate, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now. An underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery. a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service program has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans. S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

> It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

LEGISLATIVE PROGRAM

Mr. ALLOTT. Mr. President, if I may have the attention of the distinguished acting majority leader for a moment, I would like to make inquiry of him as to the program for the remainder of the day.

Mr. ROBERT C. BYRD. Mr. President, in response to the inquiry of the able and distinguished Senator from Colorado, may I say it is the hope of the leadership on this side of the aisle that we can proceed for another couple of hours in an effort to make some substantial progress on the pending business.

Under the order that has already been entered, the distinguished Senator from Texas (Mr. TOWER) is to be recognized at this time for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

If we get those two amendments up and dispose of them, I have a note in my pocket somewhere that my office received from the office of the Senator from Tennessee (Mr. BROCK) saying he would be here at 4:30 and would be prepared to call up his amendment. Whether or not we would be able to finish that amendment is something else, but at least it could be laid down today.

It is my hope, may I say in further response to the distinguished Senator from Colorado, that we can finish this bill on Monday of next week. We are confronted with this situation: We have 5 days next week in which to transact business. We have the unfinished business, the Foreign Assistance Act; we have this business, the Economic Opportunity Act, which is the so-called second-track item at this point; there are a few other bills backed up on the Calendar, most of which are very controversial, of course, and additional bills will be reported during the forthcoming week by committees.

We have the HEW appropriation bill, which, by agreement, will be called up next Tuesday. There is a time limitation on that bill. I assume that most of the day, or certainly a good part of the day next Tuesday would be used up in transacting business on that bill.

Then on Wednesday, we expect to call up the Interior appropriation bill at some point during the day. We do not expect a great deal of trouble on that bill, but it will take some time.

Then on Friday of next week, we have the public works appropriation bill, again not too much trouble, but some time will be required.

So, in summation, we have these things: The Foreign Assistance Act, which we ought to finish next week at some point; there are one or two amendments remaining, including one of the most controversial, the Mansfield amendment.

We have the OEO bill, now pending, and at least three appropriation bills next week, and behind them will come the minimum wage bill, the maritime bill, the no-fault insurance bill, and the debt limit.

So we have only 5 days, if we are to stick to the previous plan, and we are coming in early next week, at 9 o'clock every morning with the exception of Monday. Then the Senate will be out for 17 days, and when we return we will have the welfare bill, the supplemental appropriation bill, and the Defense appropriation bill, the Agriculture appropriation bill, and others. We will have, of course, no-fault insurance, if it goes over. We will have the maritime bill if it goes over.

So I have gone to some length to ex-

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plain why the leadership on this side of the aisle feels it is imperative to try to make as much progress as possible this afternoon before going out until Monday. If we could arrange a unanimous-consent agreement on the OEO bill so that we could be assured of wrapping that up on Monday, I would see no necessity for staying in too much longer today. But thus far, I have been unable to work out any agreement.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. Relative to my second amendment, I will not bring that up until the Brock amendment is disposed of. If the Brock amendment is adopted, I will not bring it up at all.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. ALLOTT. Did I understand the distinguished Senator to say that he does have a communication from Senator Brock that he will be here at 4:30 to take up his amendment?

The reason why I propounded this inquiry to the acting majority leader at this time was that, for some reason, while it was my understanding that there would be a session this afternoon, I notice that on both sides of the aisle a considerable number of people apparently have an opposite impression and apparently left town.

I am sure that the Senator does not want to have any important matters before the Senate without a really representative vote here, any more than I do. We find ourselves in this quandary, which I am sure is not of his making. But, somehow or other, some of the Senators interested, I suppose, thought we were not going to be in session.

May I propound another inquiry to the Senator at this time, for the guidance of those who are here?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT. Is there any desire on his part, or any intention on his part, that we will be in session a week from Saturday?

Mr. ROBERT C. BYRD. No.

Mr. ALLOTT. Or that we will adhere to our announced schedule and adjourn Friday, sometime Friday?

Mr. ROBERT C. BYRD. Mr. President, there is no intention on our part—and I certainly feel that I speak for the distinguished majority leader in saying this—to have the Senate in session on Saturday, a week from tomorrow.

Mr. ALLOTT. I think that answers my inquiry.

I just want to remark that I am very happy to see that today we finally passed the authorization for the National Science Foundation, which I understand has been ready for some weeks, although it had not been reported to the calendar. We had a meeting of the HUD, space, and science conferees this week and had to recess the conference without doing anything because we still had no authorization. So I am happy to see that we have accomplished that today. Perhaps we can get one of these bills out of the way and to the President before we leave here on June 30.

Mr. ROBERT C. BYRD. Mr. President, in further response to the very able Senator from Colorado (Mr. ALLOTT), may I say that, to my knowledge, no Senator on this side of the aisle is under any illusions with respect to the program for today; and no word has been given out to Senators on this side of the aisle that we would not be in long today. Some of our Senators have left for the day but not for that reason. They had planned to go anyway.

As a matter of fact, my whip notice of Wednesday, June 21, very clearly stated the program for today. It stated that there would be a vote on the Treasury-Post Office appropriation bill the first thing today, followed by the amendment by Mr. SCOTT, on which there was a time limitation of 2 hours, followed by the Dominick amendment, on which there was no time limitation; that then the Senate would return to the consideration of the second-track item, the Economic Opportunity Act.

Yesterday, it was agreed that when the Senate returned to the consideration of the Economic Opportunity Act today, the distinguished senior Senator from Texas (Mr. TOWER) would be recognized for the purpose of calling up two amendments, on each of which there would be 1 hour.

So I think that all Senators were on notice—ample notice, very clear notice—that we were likely to be in for a reasonably long time today.

Moreover, I state the program every day, at the end of the day, and I would hope that all Senators and their staffs were aware of this, because it is not done without some degree of effort.

I go to considerable length in this respect. Of course, the leadership on the other side of the aisle is always here—or someone representing the leadership—to follow what is being said with respect to the program for the following day.

Yesterday, I said this, in part:

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments.

Referring to the two amendments which would be called up upon the Senate's returning to the pending business, the Economic Opportunity Act.

Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half-dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. TOWER, making a total, in all likelihood, of at least five rollcall votes tomorrow.

So the Senate was on notice that we would have a reasonably long day today.

I do not know how the English language can be expressed any more clearly than I attempted to state it in the announced program. So there is no reason why Senators should have left early today. Certainly, on my side of the aisle—I cannot speak for the other side of the aisle—Senators have been given no indication whatsoever that we would adjourn early.

Mr. ALLOTT. Mr. President, I know that the Senator knows that I am not, inferentially or other, taking him to task.

Mr. ROBERT C. BYRD. Yes; I understand that.

Mr. ALLOTT. That is the last thing on my mind.

But we do, nevertheless, face a situation, and I do not know how it arose. I think it probably arose partially out of the Senator's statement of yesterday which he just read in the RECORD.

We have had three rollcall votes today, have we not? Senator SCOTT took much less time on his amendment and yielded back time. I believe Senator DOMINICK'S amendment was accepted, which foreshortened the time and probably foreshortened the time Senators had planned to use. This is what I suspect.

What the Senator has said here with respect to the program is fortified by the notes on page D718 of the RECORD, in which reference is made to the bills that will be brought up and the OEO amendments—to consider two Tower amendments. As I understand, one is to be accepted and the other will not come up, depending upon the outcome of the Brock amendment.

As is the Senator, I am here. I have canceled all engagements in my State this month in order that I can be in attendance at the Senate. I am here today, I will be here tonight, I will be here tomorrow, and I will be here Sunday.

If we really are not going to get anything done, I suggest to the acting majority leader, if I may, that he might consider a long quorum call—although I understand that some Senators will not consent under any circumstances to a unanimous-consent request as to time. Is that the Senator's understanding?

Mr. ROBERT C. BYRD. As of this moment, we have reached no time agreement on this bill. I am not sure that there is a set-jawed position here on the part of any Senator that he will not agree to a time limitation on the bill. Certainly I know of no such opposition to a time agreement on the part of any Senator on this side of the aisle.

I am not ready to believe at this point, may I say to the Senator—if he will yield further—that no further progress can be had on this bill today. I would like to see.

As the Senator has indicated, the Senator from Texas will call up his amendment, and then perhaps another Senator would be ready to call up another amendment.

Mr. ALLOTT. Mr. President, pending anything else—of course, I have this as a matter of right, but I did not want to do it if the Senator did not want to—let us have a quorum call and find out where we are.

Mr. ROBERT C. BYRD. Well, Mr. President, I would hope that the Senator would not press that at this moment. Let us dispose first of the amendment of the distinguished Senator from Texas (Mr. TOWER).

Mr. ALLOTT. I had my back turned to him. I did not see him come into the Chamber. I will not suggest the absence of a quorum at this time.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair now recognizes the Senator from Texas (Mr. TOWER) to call up his amendment.

Mr. TOWER. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 119, line 19, before "The", insert "to the extent authorized by the Corporation".

On page 119, line 22, strike the period and add the following: "and may be available for inspection to the President of the United States and Members of the Congress".

On page 120, line 25, after "available", insert "for inspection".

On page 121, line 1, following the comma, add the following: "and, upon request, to the President of the United States and to Members of the Congress".

The PRESIDING OFFICER. Does the Senator from Texas desire that his amendments be considered en bloc?

Mr. TOWER. Mr. President, I ask unanimous consent that my amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. TOWER. Mr. President, while I consider this amendment basically of a clarifying nature, I think that it is essential to the implementation of a responsible legal services program. This is so because one of the themes that runs through the entirety of title IX is the lack of accountability which the Corporation and those who hold fiduciary duties would have to the public and to the elected representatives of the public in the Congress and the executive branch.

This amendment would amend section 908(b) of title IX relating to reports on evaluations, inspections, or monitoring grantees and contractees. In many instances these evaluations and inspections are in response to possible violations of the law. In the past, the General Counsel's staff of the Office of Economic Opportunity has undertaken such evaluations of grantees in response to alleged violations of the Hatch Act or criminal or negligent mismanagement of funds.

I feel very strongly that the Congress and the President should be made aware of these evaluations and inspections. We must remember that the proposed Legal Services Corporation is publicly funded and should therefore, remain accountable just as other agencies of Government remain accountable.

The amendment strikes from section 908(b) the provision in the bill that would allow the grantee or contractee to receive the substance of the reports on the evaluations or inspections.

I think that this language must be stricken from the bill if a responsible program is to be implemented. It is not current OEO policy to allow these reports to be made available to the grantee being evaluated. If they should be made available, I fear a very real problem could exist. It is quite possible, for instance, that a Legal Services employee under investigation could disappear if he learned that the substance of the reports indicated the possibility of an indictment being lodged against him for embezzlement of funds. Additionally, I do not feel that it is in the best interest of the Legal Services program to have these reports circulated outside the confines of the Corporation administrators, the Congress, or the executive branch. Such publicity could precipitate the type of turmoil at the local level that is one of the main reasons that the current Legal Services setup has not been totally successful.

I would also amend section 910(a) of the bill so that upon request a full annual audit would be made available to the President or to a Member of Congress. This portion of the amendment is strictly of a clarifying nature. Section 910(b)(1) relates to the authority of the General Accounting Office to undertake such an audit on an annual basis. Therefore, my amendment to this section of the bill is intended to emphasize the Congress, genuine concern over the proposed Corporation's accountability. I think it is essential to the legislative history on this bill that these words be added.

Mr. President, this amendment is an attempt to make the Corporation more accountable to the public. The bill as reported by the committee suffers from this lack of accountability. As long as the Corporation is publicly funded, I strongly believe that we have a duty to make sure that some control is exercised over it.

I sympathize with the proponents of the legislation who want to make sure that the Corporation does not come under political influence. However, there is no way to eliminate all political influences from any program that is publicly funded. It is unrealistic to think otherwise. Without some measure of accountability, grantees under the Corporation will engage in political or quasi-political activities as they have in the past, and the Congress will be powerless to rectify the situation.

Mr. MONDALE. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. MONDALE. Speaking for the distinguished chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), the floor manager of the bill, I am told that he has no objections to the Senator's amendment. He thinks it is a good amendment. Perhaps we could hear now from the ranking member on the Committee on Labor and Public Welfare, the Senator from New York (Mr. JAVITS), as to whether the minority leader has any objection to the amendment.

Mr. TOWER. I would be delighted to yield, on my time, to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I find the amendment acceptable. We have collaborated with the Senator from Texas in drafting it. I wish to have his concurrence on one point. Where the words "for inspection" are used, on page 120, line 25, it is understood that the books, accounts, financial records, reports, files, and other papers, will be available for inspection at the offices of the corporation.

Now I know very well that if a Member wants some document or report, or the President wants something, he will get it, but we do not want anything vexatious to occur like saying, "Send over three truckloads of material to my office."

Mr. TOWER. I concur with the Senator from New York.

Mr. JAVITS. I thank the Senator very much. That is the only point I have.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments en bloc have been yielded back.

The question is on agreeing to the amendments en bloc of the Senator from Texas (Mr. TOWER).

The amendments, en bloc, were agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, what does the order call for?

The PRESIDING OFFICER. It provides for the Senator from Texas to call up one of his amendments.

Mr. ROBERT C. BYRD. Mr. President, I understood a little earlier, in the remarks of the distinguished Senator from Texas (Mr. TOWER), that he would like to delay taking up his second amendment.

Mr. TOWER. Yes, that is correct. Mr. President, I ask unanimous consent that under the consent agreement relative to my second amendment that the time be vacated.

Mr. ROBERT C. BYRD. The Senator means with respect to the time it is to be called up?

Mr. TOWER. Correct.

Mr. ROBERT C. BYRD. But not with respect to limitation of time on the amendment.

Mr. TOWER. I may not bring it up at all. If I do, I am willing to agree to 30 minutes of time.

The PRESIDING OFFICER. Without objection, the second amendment of the Senator from Texas will not be taken up at this time.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 244 Leg.]

Allen	Byrd, Robert C.	Mondale
Allott	Cooper	Montoya
Bellmon	Cranston	Stevens
Bentsen	Ervin	Talmadge
Byrd, Harry F., Jr.	Fannin	
	Javits	

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken	Fong	Pell
Anderson	Fulbright	Proxmire
Bayh	Gurney	Randolph
Beall	Harris	Roth
Bennett	Hart	Saxbe
Bible	Hartke	Schweiker
Boggs	Jackson	Smith
Buckley	Jordan, N.C.	Sparkman
Burdick	Jordan, Idaho	Spong
Cannon	Kennedy	Stafford
Case	Long	Stennis
Chiles	Magnuson	Stevenson
Church	Mathias	Symington
Cook	McGee	Thurmond
Curtis	Miller	Tower
Dole	Nelson	Tunney
Dominick	Packwood	Weicker
Eagleton	Pastore	Williams
Eastland	Pearson	Young

The PRESIDING OFFICER. A quorum is present.

THE PRESIDENT'S APPROVAL OF THE HIGHER EDUCATION BILL

Mr. PELL. Mr. President, President Nixon's signing of the higher education bill is a most memorable event in my life. One of my desires upon entering the Senate was to work on education, with the goal that postsecondary education would be available to all. The provisions contained in S. 659 go a long way to accomplishing this goal.

I have worked on this specific legislation for 3 years. To have it signed into law and know that in the future higher education will be available to so many more people is a most gratifying event.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, was read twice by its title and referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate will shortly adjourn under the order. It is my understanding that the river is expected to crest a little later this afternoon, or somewhat later—I am not sure just when—and that there might be some difficulty later in getting across some of the bridges. Consequently, it will be the intention of the leadership to move to adjourn shortly after the program has been stated.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business, S. 3390, and immediately the Chair will then lay that bill aside temporarily, and the Senate will proceed to the consideration of the so-called Economic Opportunity Act, S. 3010.

The Foreign Assistance Act, S. 3390, remains the main track item before the Senate, it being the unfinished business; but under the order, the Senate will consider on Monday, throughout the day, the Economic Opportunity Act, S. 3010.

At the close of business on Monday, the Senate will return to the consideration of the unfinished business, S. 3390, or upon the disposition of S. 3010, the Economic Opportunity Act, whichever is the earlier.

Several amendments are ready to be called up by various Senators on Monday, some of which undoubtedly will be accepted by the manager of the bill, the Senator from Wisconsin (Mr. NELSON), others of which will require a rollcall vote. There is no time agreement on the bill as of now. There is no time agreement on any amendment thereto, with the exception of one amendment by Mr. TOWER, on which there is a 1-hour limitation.

Rollcall votes, then, can be expected on Monday. I would assume that there would likely be several rollcall votes. The Senate will be prepared to stay in reasonably late on Monday.

The Senate will meet at 9 a.m. daily on Tuesday, Wednesday, Thursday, and Friday of next week, and the Senate can be expected to stay in until a reasonably late hour daily.

Mr. President, a little earlier, in response to the distinguished Senator from Colorado (Mr. ALLOTT), the acting minority leader, I stated that it was the intention of the distinguished majority leader, so far as I knew, without consulting with him, and it also was my feeling, that the Senate would not be in session on next Saturday. However, upon reflection, I think I ought to state, and again without having consulted with the distinguished majority leader, that Senators should be prepared to come in next Saturday, if necessary.

I do not know what will happen with respect to the debt limitation bill. This is a very important piece of legislation. I do not think that the Senate or the House would want to adjourn until July 17 without a debt limitation bill having been enacted and placed on the President's desk, because the Government could not continue to pay its bills without some action being taken by midnight June 30 or soon thereafter.

Consequently, it might be necessary for the Senate to come in next Saturday. It might even be necessary for the Senate to return to session on the 5th, 6th, and 7th of July. But that remains to be seen.

I do want Senators to be alerted, however, to the fact that we cannot at all be sure that the Senate will not be in session next Saturday.

Mr. AIKEN. Mr. President, I appreciate the fact that the acting majority leader is not calling for any action on this bill tonight or asking for any limitation of time on any amendment which may be proposed next week.

I am afraid that most Members of this body do not realize that this bill, to a large extent, would destroy and nullify the provisions of the Rural Development Act, which has passed both the House and the Senate. I believe it was passed by the Senate by unanimous vote, or almost unanimous. It has been in conference between the two Houses, and the conference report is now awaiting approval by the House, which has to act first. As I understand it, there has been objection to the House taking up this conference report so far, and apparently some of the Members are waiting to get this bill through first.

This bill, in effect, would preempt a great deal of the services which have been performed by very successful branches of the Department of Agriculture.

So I felt that we should not take up this matter this afternoon until the members of the Committee on Agriculture and Forestry and others have had a chance to study it and to see what would really happen to that department should this bill pass as is. There may be many desirable features in this bill, but certainly there are some that are extremely undesirable ones which take away, in a large degree, the power of the lending agencies for cooperatives and other programs of the Department of Agriculture and virtually put control of a good share of our agriculture enterprise under the OEO.

While the operators of OEO may be qualified to operate Headstart—and I think they have done a good job there and in some other parts of their work—I do not think they are yet as well qualified to run the Department of Agriculture as are the people who have been running it successfully over the many years.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Vermont.

Mr. President, let me say this, further, with respect to the program, because I do not want to keep Senators here long, and I do not want to keep our pages and Senators' staffs around waiting on a whip notice, in the event Senators want to let their staffs go home earlier than usual.

Next week, the HEW appropriation bill will be brought up on Tuesday. There is a time limitation on that bill.

Several votes can be expected on that bill.

The Interior appropriation bill will be brought up on Wednesday of next week. Usually Senators can expect at least one rollcall vote on final passage and possibly votes on amendments thereto.

On Friday of next week, the public works appropriation bill will be called up.

In addition to these bills, all of which will require yea-and-nay votes, undoubtedly, there remain measures such as the following, on which the leadership would hope for final action next week or before adjournment for the Democratic Convention:

S. 2871, dealing with marine mammals.

H.R. 13324, the authorization for certain maritime programs.

S. 5, to promote the public welfare.

S. 632, on water resources.

Senate Resolution 232, on rural electrification.

S. 945, on no-fault insurance.

I have already mentioned the debt-limit legislation. I might also mention legislation to amend the Fair Labor Standards Act of 1938 in connection with which there is a Senate bill on the calendar, S. 1861, and House bill H.R. 7130.

Obviously, it will not be possible to complete action on all these measures before the Senate adjourns prior to the Democratic Convention, but the leadership would like to notify all Senators that the leadership would expect, and will be prepared, to call up any one of these measures, at least whenever it is possible and necessary to do so and, hopefully, to make progress thereon and to see final enactment thereof.

Conference reports may, of course, be called up at any time, and rollcall votes may occur thereon.

Mr. President, in closing, I want to express the hope—and I know that the distinguished majority leader would share this hope with me—that, when the Senate convenes on Monday next, we can move forward on the Economic Opportunity Act; and that during the early part of next week it might also be possible to reach agreement on the remaining amendments to the Foreign Assistance Act, and that that bill can be disposed of next week.

We would hope to have the utmost cooperation on both sides of the aisle and from all Senators in the effort to reach time agreements and enact as much of the remaining "must" legislation as possible before the Senate adjourns for the Democratic Convention, so that when the Senate returns, thereafter, and following the Republican Convention, at least we might not have to stay around too long before the Senate could adjourn sine die.

Mr. ALLOTT. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLOTT. Let me underscore what the Senator is saying, because it is a correction of the colloquy the Senator and I had earlier, in which the Senator stated that it was hoped to adjourn the Senate a week from today. It will be necessary and everyone should be on notice, then, that unless we have taken care of the debt ceiling matter, the Senate will continue in session until that matter is taken care of.

Mr. ROBERT C. BYRD. I cannot say. All I can say is that I want——

Mr. ALLOTT. Or they should be put on notice that there is a strong probability——

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT (continuing). That it will.

Mr. ROBERT C. BYRD. I want to remove anything from the RECORD which may be interpreted as indicating that the Senate definitely will not be in session next Saturday and will adjourn from the close of business next Friday, June 30, until the 17th of July, 1972. There is no such assurance, especially at this time.

Mr. ALLOTT. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished acting Republican leader, the distinguished Senator from Colorado (Mr. ALLOTT).

ADJOURNMENT TO 10 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, June 26, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 19), 1972:

ACTION

Donald Kready Hess, of Maryland, to be an Associate Director of Action, vice Kevin O'Donnell, resigned.

U.S. DISTRICT COURT

Eldon B. Mahon, of Texas, to be a U.S. district judge for the Northern District of Texas, vice Joe Ewing Estes, retiring.

IN THE NAVY

Rear Adm. William T. Rapp, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

Capt. Jack T. Kline, U.S. Marine Corps, for appointment to the grade of major.

IN THE MARINE CORPS

The following-named officer of the Marine Corps for temporary appointment to the grade of first lieutenant:

John C. Langenus.

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Donald L. Abblitt
Richard P. Adams
Anthony C. Akstin
Walter D. Albritton
Richard L. Alderson
Allen F. Alexander
Charles B. Alexander III
Edwin A. Allan
Bonnie L. Allen
John E. Allen
Thomas E. Allen
Scott D. Anderson
William V. Arbacas, Jr.
Anthony P. Armbrister
Timothy M. Atkinson
Michael V. Avery
Billy T. Babin
Howard R. Bacharach
John M. Baldwin
Edward J. Ball III
Jeri D. Balsly
Alan N. Bandoli
Gary W. Barnes
Terry L. Barnes
Thomas L. Barrows
Stanley N. Barton
Cameron G. Beals
Paul A. Beames
Stephen A. Beaulieu III
Bruce H. Beckett
Joseph F. Bellegarde, Jr.
Michael V. Bergamini
John W. Bergman
Martin R. Berndt
William D. Berry
James P. Bessey
Albert H. Bickmore
Margaret E. Bird
Harold C. Boehm, Jr.
William J. Boese
John R. Bollman
Steven A. Bosshard
David F. Boulden
Rodney L. Bowers
Thomas G. Bowman
Gene R. Boyce
Robert J. Boyd, Jr.
Michael F. Boyer
William W. Boykin
Richard W. Bridy
Richard H. Briggs
Ira E. Brighton
Stephen A. Brixey
Donald G. Brophy
George B. Brown III
Richard F. Brown
George E. Brudzinski
David G. Buell
Duncan H. Burgess
Robert R. Burke
James J. Burns
Jerry L. Burton
Richard P. Bush
Robert C. Butler
William S. Buttrill
Don E. Caldwell
Richard W. Campbell
Stanley E. Carlin
Victor E. Carlin
Emerson F. Carr
Jack L. Carter, Jr.
Lusty L. Cebula
Thomas R. Childers, Jr.
William R. Christoph
Warren J. Cicerrella
Charles B. Clark, Jr.
Robert D. Clarke
Kenton P. Cleary, Jr.
Johnny D. Cockle
Larry D. Cohen
Dan M. Colglazier
Gary W. Collenborne
Clarence M. Collins III
James A. Collins
Stephen W. Comiskey
Michael D. Conrad
Joel L. Cooley
Robert M. Corrigan
Martin J. Costello
John D. Counselman, Jr.
John K. Covey
Robert W. Cowin
Jerry L. Creed
Bruce A. Cripe
Michael J. Cross
Ronald J. Cruz
Michael T. Curtis
Daniel R. Dame
King F. Davis, Jr.
William J. Davis
Orland C. Defrates, Jr.
John R. Defreytas
Donald V. Demikis
Barry L. Denes
Richard E. Deneut, Jr.
Terrence M. Denight
William F. Deubler
Howard Devore, Jr.
Benjamin F. Dillingham
William O. Doig, Jr.
John P. Doolittle
Robert M. Dowd
John E. Drury
Francis H. Dubay, Jr.
Cyril P. Durbrachek
George R. Dunham
Clifford D. Dunn, Jr.
Perry R. Dunn
Matthew W. Durney
Richard G. Duvall
Robert W. Dyar, Jr.
Stephen A. Edwards
Robert C. Elkenberry
Charles C. Emmons
John D. Engstrom
Steven C. Erickson
Linda A. Essex
Kenneth W. Estes
Donald H. Estey, Jr.
Harold W. Evans, III
Stephen P. Eyman
Kenneth R. Falasco
Jerry M. Farrow
Thomas R. Fasulo
Robert J. Fawcett
John C. Feeney
William V. Fello
Robert G. Fender
Arnold Fields
Paul R. Fields
Charles S. Fisher
Lloyd D. Fitzpatrick
Thomas A. Flaherty
Peter J. Flatley
Peter Florea
Allen L. Force
Leonard S. Foster
Edward R. Friedrich
John A. Furman
Gary G. Gage
Gary L. Galiger
David M. Gally
Joseph C. Garbrous
William D. Gardner
Robert B. Garey
William R. Garland
Robert D. Garner
James E. Gass, Jr.
Robert W. Geary
Thomas M. Georgi
James H. Gesner
Ronald M. Gilbert
Cheryl S. Gillespie
Bruce A. Gombar
Ronald Gonzalez
Charles L. Gravett III
John H. Gray
Michael R. Greene
Arthur J. Grimley
Ronald J. Gross
Robert L. Gruber
Richard C. Guess, Jr.
Dennis V. Hacker
Lawrence B. Hagel
John M. Hamilton
Charles T. Hammond, Jr.
James D. Hammond
Thomas E. Hampton
James R. Hannemann
Bruce R. Harder
Edward L. Hardister
John P. Harrington
Michael B. Harrison
Thomas C. Hayden III
Edward G. Hayen II
Askold T. Haywas
Allen T. Head, Jr.
John W. Heath
Roger D. Herring
Theodore G. Hess
Christopher R. Hickey
Ross J. Hieb

XUM

Andrew C. Higgins
Stephen M. Hill
Kennon D. Hines, Jr.
James K. Hinnant
Richard C. Hoeschele
George W. Holbert
James L. Holcombe II
Ronald C. Hood III
David S. Horton
Michael A. Hough
Dan P. Houston
Richard A. Houston, Jr.
John E. Howard
Kenneth M. Howard
Richard O. Howard
Thomas P. Hudson, Jr.
Jan C. Huly
Jerry D. Humble
Robin S. Jackson
Jose L. Jimenez
Erick T. Johanson
Floyd T. Johnson
Zachery T. Johnson
Alan M. Jones
Perc L. Jones
Sherman C. Jones III
Thomas S. Jones
William K. Jones, Jr.
William R. Jones
Kevin P. Judkins
Martin O. Juve
Carl L. Kah, Jr.
John F. Keenan
Terrell T. Kelley
Karen I. Kelly
James V. Kelly
Kevin M. Kennedy
Dennis W. Kerrigan
Scott D. Ketchie
George S. Keys
Wayne E. Kiger
Charles R. Kimak
Merle C. King
Robert C. King
Merritt B. Kleber
Christopher M. Klein
Diane E. Kline
John P. Kline, Jr.
Samuel H. Kline III
Mac D. Kolar
Phillip J. Kolczynski
Daniel P. Kollay
William J. Kopp
Rudolph J. Kosits
George V. Kuck, Jr.
Duane E. Kyler
Terry D. Labar
Rea D. Laiblin
Thomas E. Lakin
James P. Lamphron
Edward R. Langston, Jr.
Jack D. Larson
John R. Lasher, Jr.
Donald J. Lavoy
Arthur W. Leak
Robert B. Lees
Linda J. Lenhart
Edward M. Leonard
John E. Leonard
Robert I. Leonard
William H. Leppig
Kenneth B. Levan
Timothy B. Levan
Nancy J. Lewis
Richard B. Lieb
Dennis C. Lindeman
Douglas E. Lindeman
Stephen T. Linder
Daniel J. Long
Henry C. Lorange
Richard C. Lottie
Curtis L. Lowe
James L. Lowery, Jr.
John M. Lowry
Robert Magnus
Ronald J. Makovitch
Michael V. Maloney
Herbert H. Markle
Frank J. Martello, Jr.
Steven E. Martin
Keith L. Maxfield
Timothy A. McBrier
Stephen M. McCartney
John I. McClurkin III
Dennis A. McConaghy
Frederick McConnell II
Peter R. McDonald
Robert C. McDonough Jr.
Roger C. McElraft
Michael P. McGee
Dwight R. McGinnis, Jr.
John H. McLees, Jr.
James A. Messerschmid
Lonnie L. Messick
Peter T. Metzger
Douglas L. Miller
Paul W. Miller
Ludwig B. Miosi
David M. Mize
Roger C. Moll
James E. Moorehead
James P. Morgan
William Morgan, Jr.
Robert V. Morris
Stanley J. Mosiej
David A. Mrachek
Robert Mudrak
William T. Mundt
Ronald V. Murray
Richard Myers III
Richard H. Myers
Rollin G. Napier
Richard E. Nelson
Michael A. Newlin
Paul S. Nickolaus
Miken J. Nielsen
Juan C. Nogueira
Andrew L. Normand, Jr.
Nicholas O. Norris
William E. O'Connor
Palma M. O'Donnell
Michael J. O'Hara
Dennis O. Olson
Martin E. O'Malley
Hugh J. O'Neill
Calvin K. Oram
Thomas F. O'Reilly
Thomas A. O'Rourke
Henry P. Osman
Nat M. Pace, Jr.
Michael G. Pallo
Donald W. Pardue
Frederick D. Parker
Garry L. Parks
Thomas D. Pasquale
Christopher R. Pastel
James H. Patterson
Ralph E. Pearcy II
Robert L. Pegan
Gregory C. Peterson
Stephen E. Petit
William T. Pettit
Jackson C. Pharris II
Terry R. Phelps
William M. Phillips, Jr.
Paul M. Philpott
Thomas J. Pitman
John W. Pitz
Arthur M. Plummer
Allan J. Polachowski
Geoffrey W. Pomroy
Karen S. Pond
Charles R. Porter
John H. Post III
Stephen E. Potter
Larry F. Potts
Richard H. Priest
Kenneth L. Priestly
Ronald H. Pritz
Charles R. Provini
Robert W. Prycejones
Garrett V. Randel, Jr.
Kerry O. Randel
Robert W. Rathbun
Michael A. Ray
Ross Rayburn
Richard P. Red
John F. Reiner III
Dwight B. Reynolds
Charles Ribalta
Jeffrey L. Riggs
Robert W. Rivers
John M. Roake
James S. Robbins
Billy J. Roberts
Steven G. Rogers
William C. Rogers
Michael P. Rose
Timothy C. Rosenhan
Robert M. Rudolf
David P. Russell III
James R. Sandberg
David A. Sannes
William P. Schmeisser
Robert C. Schneidler
Walter P. Schortmann
Robert E. Schwab
Richard R. Schwabe
William L. Sciba, Jr.
Michael D. Selzer
Walter W. Sevon, Jr.
Michael J. Shaw
James D. Shimp
Roy M. Shoemaker
Harold C. Short
David S. Simon
Victor A. Simpson
John D. Slattum
Clyde H. Slick
William S. Sloan
Edward D. Smith, Jr.
Terry A. Smith
John D. Snakenberg
Charles W. Spencer
Daniel F. Spond
Clark G. Spurlock
Douglas R. Stanley
David V. Stocks
William G. Strohlein
Russel M. Stromberg
Alan E. Strong
Thomas L. Stuckey, Jr.
Kenneth M. Sullivan
James P. Sureau
Timothy D. Sutton
Sandra R. Swango
Robert B. Swortwood
Donald H. Tanaka
Jimmy D. Tappon
Philip L. Tedder
Michael J. Teller
John L. Thompson
Edward T. Timperlake
James L. Todd
John S. Tolmie Jr.
Thomas G. Tomkowiak
Charles B. Troutman
Robert D. Tuke
Kenneth M. Ture
James T. Turner Jr.
Thomas W. Tyler
Arthur F. Uhlemeyer
Neal W. Vanhouten, Jr.
John A. Vansteenberg
Joseph R. Waldron
Ronald E. Walker
John E. Walsh
James J. Ward
Stephen A. Ward III
William C. Ward
Walter H. Warme, Jr.
Merrill C. Waters
James C. Weaver Jr.
Joseph A. Wellington
David A. Wellman
Charles N. Wells
David M. Wells
William J. Wesley
John N. Whipple
Paul A. Whitham
Robert H. Whitlock
Edward B. Wild
John M. Wilkinson
Rufus T. Williams, Jr.
Clarence E. Willie, Sr.
James F. Wilson
Phillip H. Wilson
Robert C. Wooten
Doald W. Workman
Charles W. Wright
Nolan W. Wright, Jr.
John W. Yarrison
Kenneth H. Yazel
Charles F. Young
Brian M. Youngs
Paul A. Ziegler
James C. Zimmerman

EXTENSIONS OF REMARKS

PEARL S. BUCK, ILLUSTRIOUS NATIVE WEST VIRGINIA WOMAN, 80TH BIRTHDAY ANNIVERSARY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 23, 1972

Mr. RANDOLPH. Mr. President, on June 20, West Virginians celebrated the State's 109th anniversary. On Monday, June 26, our citizens and others throughout the world will join in celebrating the 80th birthday of Pearl S. Buck, one of the most famous daughters of West Virginia.

A native of Hillsboro, Pocahontas County, Miss Buck has become a legend in her own lifetime. Her mother, the daughter of Southern Presbyterian missionaries, accompanied her husband to China shortly after marriage in 1880 to serve as missionaries. After 12 years in the interior of China, a period of extreme privation during which all of their children died of tropical diseases, the couple returned to America. Their sole surviving child, Pearl Comfort Sydenstricker, was born on June 26, 1892, in the old family mansion at Hillsboro.

Five months later, the parents returned to China, taking the baby girl with them. Her childhood was spent in the historic city of Chinkiang, where the grand canal crosses the great Yangtse River. She learned to speak Chinese before English. During long periods when the father visited the interior, little Pearl listened to her mother's description of her own childhood in West Virginia.

Pearl Buck has vivid memories of the Boxer Rebellion, after which she was brought to the United States at the age of 9.

She returned to China at the age of 15 to attend boarding school in Shanghai, and 2 years later came back to enroll at Randolph-Macon College. After graduation in 1914 she taught briefly at the college, then returned to China to nurse her mother through an illness. She then married John Lossing Buck, an agriculture teacher, and they went off to live in a town in North China.

Her experiences during the 5 years there formed the basis for her best-known novel, "The Good Earth."

Miss Buck's scholarly study of the language and history of China provided her with a deep understanding of, and appreciation for, Chinese culture and philosophy. This unique background, combined with a superb writing talent, enable Pearl Buck to re-create for the Western World the essence of the East.

Her first published novel, "East Wind, West Wind," was followed by "The Good Earth," which brought her worldwide recognition as a writer. As the modern world's most translated author, she has been described by the National Book Committee, in 1972, as "America's first literary ambassador."

Miss Buck is the only American woman to have received the Nobel Prize for Literature. She also has won the Pulitzer Prize, the William Dean Howells Medal, and hundreds of other distinguished awards for literature and her humanistic accomplishments.

It is the latter work which has brought new fame and approbation to Miss Buck in recent years. Her writings served as a bridge of understanding between nations; her selfless service to humanity was served to bridge the understanding between people.

During World War II, she took a deep interest in the struggles of the Chinese people. And looking even beyond China, she founded in 1941 the East and West Association, devoted to mutual understanding between peoples.

After the war, her interest in Asia continued to be reflected in her many novels and other literary works. In 1950 she published a small book entitled "The Child Who Never Grew," which was the story of her own experience with her oldest daughter, whose mental growth was retarded. The book, based on an article in the Ladies' Home Journal, was written for the purpose of giving some help to parents of other retarded children. Her daughter's condition was the result of phenylketonuria, the inability to assimilate protein. Today there are compulsory tests for this deficiency in many States.

In 1949, Miss Buck founded Welcome House, Inc., an adoption agency, which secures permanent homes and parents for children of mixed Asian-American blood. It has had a liberalizing influence on the whole field of adoption.

The Pearl S. Buck Foundation was established in January 1964, as an agency devoted to the health, education, and welfare of children born in Asia of American fathers and Asian mothers who remain in the lands of their birth. For this work, Pearl Buck has received from the Government of the Republic of South Korea its highest award of honor.

In recognition of the generous contributions she has made to the children of the world, and to the understanding of the East she has conveyed through her writing and deeds, I join with my colleague from West Virginia (Mr. BYRD) and the people generally of the United States in congratulating Pearl S. Buck on the anniversary of a life devoted to mankind.

WHO'S BORED BY APOLLO 16 LIFTOFF?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Reg Murphy in the Atlanta Journal-Constitution of April 16, 1972, reviews not only the accomplishments of our national space program, but our opportunities. He points out that although our Apollo program has made space flight seem almost routine that the programs and opportunities in space available to our Nation are only beginning. I commend this important article to your reading:

WHO'S BORED BY APOLLO 16 LIFTOFF?

(By Reg Murphy)

In the early days it excited people enough for them to think of "a fire on the moon." Then it got to the point where moon rocks were being distributed as gifts when the President went traveling. Now it produces no more excitement than the President's visit to Canada.

How blase we have become! Sunday Apollo 16 will spit fire and roar away from the sandy Florida beaches headed once more for the moon. Bored now because we know it can be done, many Americans have decided the exploration is not worth the $40 billion it has cost.

Liberal intellectuals in particular have become very critical of the program. They argue with faces wreathed in bitter-lemon grimaces that the money should be spent on earth.

Perhaps it is unfair to recall that precisely the same crowd was the most alarmed in the late 1950s when the Soviet Union sent the first Sputnik whirling around the earth. Maybe the fact that the United States excellence in science during the 1960s stemmed from that concern has nothing to do with our continuing excellence.

Maybe . . . but not really. The intellectuals who continue to argue for education funds, for academic freedom, for free inquiry—these are the ones trying to kill the space program.

It is an incredible folly. Only by continuing to feed the nation's consuming interest in exploration will the boundaries of knowledge be pushed back. Only by continuing to ask the questions about the universe will intellectual inquiry be sustained.

For example, can a space shuttle be built, one which can leave earth, go into space and then return to earth to land like a conventional jet airplane? That question may or may not be answered. The argument over the space shuttle and its funding will go on for several years.

Still another example is whether the nation will send planetary probes to Pluto and the other planets. Congress is going to be in a mood to ask hard questions about that. The National Aeronautics and Space Administration may not be able to convince the spenders that the plan is worthwhile.

The skeptics will have all the best of it for a time. Tired of spending money and confused about whether space exploration is even worthwhile, Americans might welcome a temporary halt to the program.

But consider this: By next year five million children in remote areas of India will learn their reading, writing and arithmetic from communications satellites hovering 22,300 miles above the Indian Ocean.

Other U.S. satellites will be directing air and sea traffic for all forms of communications. One guess is that the signals will deal with everything from oil searches to good fishing grounds, pollution pockets to arable land.

Even the weather forecasting may be moved significantly forward by the eternal vigilance of the satellites.

And one other thing: If U.S. satellites are not up there, it is absolutely certain that Russian satellites will be. Some people believe the Russians are working to develop a nuclear weapons arsenal up there. Nobody would argue we can afford to pretend that isn't happening.

So when the Apollo 16 lifts off Sunday, a great deal more than a political argument is at stake. It isn't as boring as some people would have you believe.

CHAPTER II: NEWS ON EQUAL EMPLOYMENT RIGHTS FOR WOMEN AND MINORITIES IN THE UNIVERSITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. KOCH. Mr. Speaker, I should like to provide the House with the full correspondence I have had on the subject of the City University of New York, part of which was placed in yesterday's RECORD.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1972.

J. STANLEY POTTINGER,
Director, Office of Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. POTTINGER: Thank you for your letter of June 7 concerning an affirmative action program at the City University of New York.

I understand that when a finding of noncompliance is made, the regulations provide that HEW can require the City University to develop a written corrective action program to correct the deficiencies. I would appreciate your informing me if, under the present law, you have the power to subpoena the very records and data necessary to determine compliance which "officials of CUNY are objecting to making available".

If you do not have such authority, I would appreciate knowing if you would support legislation giving you this power of subpoena.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 20, 1972.

Hon. EDWARD I. KOCH,
House of Representatives, Washington, D.C.

DEAR MR. KOCH: As you know, the Department's Office for Civil Rights has been delegated certain responsibilities to enforce Executive Order 11246, as amended, which prohibits discrimination in employment as to race, color, religion, sex, or national origin on the part of institutions, such as colleges and universities, which hold Federal contracts and subcontracts.

The Executive Order and implementing regulations issued by the Department of Labor provide this Office with the authority to require Federal contractors and subcontractors to submit basic employment data and to provide access to other personnel information deemed necessary to assess the compliance status of affected institutions.

This is to inform you that informal efforts to secure such data and access with respect to the City University of New York (CUNY) have failed. For this reason, the Office for Civil Rights has notified the University of its intent to recommend the initiation of administrative enforcement proceedings unless CUNY provides us with an assurance within ten days that the data and access to information as indicated above will be granted.

For your information, I am enclosing a copy of the notification to Dr. Robert Kibbee, Chancellor of the University.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 20, 1972.

Dr. ROBERT KIBBEE,
Office of the Chancellor, The City University of New York, New York, N.Y.

DEAR DR. KIBBEE: As you know, Executive Order 11246 (September 24, 1965) as amended by Executive Order 11375 (October 13, 1967) enunciates a national policy of equal employment opportunity without discrimination because of race, color, religion, sex or national origin and sets forth a program of equal opportunity for all persons employed or seeking employment with Government contractors and subcontractors.

Careful analysis of the numerous negotiations with you and other representatives of the City University of New York (CUNY) reveals a failure by CUNY to comply with requirements under Executive Order 11246 and implementing regulations by refusing to provide to the Department of Health, Education, and Welfare, Office for Civil Rights (OCR), employment data and access to personnel files, both of which are necessary for our office to fulfill its compliance responsibilities under the Executive Order.

One of the provisions of the Equal Opportunity Clause in CUNY's contracts with the Federal Government reads as follows:

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the

Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

This provision is further amplified by Federal regulations, 41 CFR Sections 60–1.7(a)(3) and 60–1.43. Clause (4) of the Equal Opportunity Clause requires compliance with all its provisions, and with all regulations applicable under Executive Order 11246. CUNY's refusal to supply the information which will permit us to ascertain its compliance with the equal employment requirements of the Executive Order is, therefore, a violation of its contractual obligations.

The Office for Civil Rights has specifically requested that CUNY provide the information it needs as a basis for conducting compliance reviews at the various constituent campuses of the University. At a meeting held on March 7, 1972, between Mr. Joseph Leahy, Chief Contract Compliance Branch, Region II; other members of the New York Regional Office staff; Dr. Seymour Hyman, Deputy Chancellor; Dr. David Newton, Vice Chancellor; Arthur Kahn, General Counsel, Board of Education; and Frank Negron, Affirmative Action Officer, Mr. Leahy asked that the University provide the New York Regional Office with a listing of all the employees presently on the CUNY payroll which would include the name, job classification (occupational title), date of hire, salary, grade, starting rate of pay, current rate of pay, race, sex, age, and date of tenure, if applicable, of each employee. In response to this request, your representatives adamantly refused to provide the information requested. They further indicated that they would rather not receive Government contracts if they must provide information on matters relating to employment practices affecting academic personnel.

Related to our request for data is the matter of access to personnel records of employees of CUNY. Such a request was first made to Brooklyn College on February 2, 1971 by OCR specialists who were endeavoring to investigate a complaint of employment discrimination filed by Dr. Anna Babey-Brooke. Following an initial refusal to grant access to personnel records necessary to investigate the Dr. Anna Babey-Brooke complaint, your representatives provided the access requested and our office conducted an investigation of the complaint.

The investigation entailed an examination of forms D, faculty folders, and Personnel and Budget Committee minutes. As a result of this investigation, the Regional Office made a preliminary finding in favor of the complainant and recommended that the University promote Dr. Babey-Brooke to the rank of Professor. The University rejected this finding and recommendation and submitted additional information to support its position that she had not been the victim of sex discrimination. We are reviewing the entire case and are seeking to determine, based on additional information submitted by the University, whether the University has raised sufficient questions of fact to warrant additional investigation prior to a final determination by this Office on the validity of Dr. Babey-Brooke's charges. Any additional investigation necessary to answer these questions of fact may require the review of additional personnel files of faculty personnel at Brooklyn College.

On April 13, 1972, contract compliance specialists visited Brooklyn College a second time and requested access to personnel files. On that occasion the specialists were endeavoring to investigate complaints of employment discrimination because of sex filed by Drs. Zalmar Perlin and Priscilla Pollester against Brooklyn College. In response to the OCR request for access to personnel files of faculty members in the same departments as the complainants', Mr. Richard Knoller, Special Assistant to the Dean of Faculties, on the advice of Arthur Kahn, General Counsel of the University, informed our representative, Miss Fraser, that she would be permitted access only to the personnel files of the complainants. Mr. Knoller also stated that one of the reasons for the denial of access was that CUNY was establishing new guidelines on the matter of access to files in general. To date, our Office has received no information regarding new access guidelines.

At both the March 7, 1972, and April 13, 1972, meetings, the New York Regional Office representatives requested information which was necessary to determine whether or not the University is complying with the nondiscrimination obligation assumed by the University under the equal opportunity clause contained in its contracts with the Federal Government.

At the request of CUNY officials, representatives of our New York Regional Office for Civil Rights, Region II, met on November 12, 1971, with CUNY representatives, Mr. Seymour Hyman, Deputy Chancellor; Mr. Nathaniel Karol, Dean for Administration; Mr. David Newton, Vice-Chancellor for Faculty and Staff Relations and Mr. Frank Negron, Director of the Affirmative Action Program. At that meeting, Mr. Joseph Leahy, New York Regional Office Contract Compliance Chief, provided information and answers to various questions regarding CUNY's obligations under Executive Order 11246, and stated that it would be impossible for the New York Regional Office to conduct compliance reviews of the CUNY system without certain statistical data and other information regarding University employees. The CUNY representatives expressed confusion about the obligation of the University to develop an affirmative action plan and asked Mr. Leahy whether the University was required to develop an affirmative action plan under Order No. 4 (41 CFR part 60–2.) In addition, your representatives asked for identification of the specific contract with CUNY then had with the Department of Health, Education, and Welfare. They indicated that the Research Foundation of CUNY represents the system in its contracting with the Federal Government, and therefore questioned whether a contractual relationship exists between CUNY and the Federal Government.

During the course of the meeting, Mr. Leahy informed the group that CUNY is not required to maintain an affirmative action plan in accordance with Order No. 4, but that when employment deficiencies are found in the course of a compliance review, the Department of Health, Education, and Welfare has the authority and responsibility to request the development of an equal employment opportunity program designed to correct all employment deficiencies. Such a program must include the development and submission of specific written commitments and set forth the precise action to be taken and the dates for completion. See 41 CFR 60–1.20(b).

In response to the administrators' contention that the Research Foundation of CUNY is a separate contracting entity, Mr. Leahy gave his view that the Office for Civil Rights would probably consider the Research Foundation an instrumentality of CUNY, and not a separate contractor. The assembled officials asked for written answers to the questions raised. In a letter of March 16, 1972, addressed to you, Mr. Roy McKinney, Acting Director of the Contract Compliance Division, provided detailed replies to all questions raised at the November 12, 1972 meeting and additionally specified the contracts with CUNY on which the Department of Health, Education, and Welfare based its jurisdiction.

Specifically, Mr. McKinney advised you, by way of a memorandum prepared by the Office of General Counsel and attached to his letter, that the Research Foundation cannot be considered a separate contracting entity divorced from CUNY because the University retains a high degree of control over the Foundation as to decisions to apply for grants or contracts and as to the content of proposals. The memorandum also pointed out that the University interacts with the Foundation to a significant extent through the existence of an interlocking directorate. Therefore, contracts entered into through the Research Foundation must be considered contracts with CUNY.

In refusing to provide information during the March 7 meeting referred to above, CUNY officials alluded to the University's prior submission of an "affirmative action plan" and this Department's failure to respond to the submission. Two equal employment opportunity programs were submitted to the New York Regional Office—one from the CUNY central office, submitted July 15, 1971, and the other from Brooklyn College, submitted April 15, 1971—as a result of extensive contacts and communications with CUNY representatives which took place from October 8, 1970. Both were submitted in response to requests from OCR representatives for a plan for the University system (and each campus of the University) which would correct deficiencies in employment opportunity indicated by the findings of OCR specialists who conducted the on-site reviews at Brooklyn College and Borough of Manhattan Community College in July and August 1970. In the course of these requests, OCR representatives detailed the way in which an equal employment opportunity program should be prepared and specified the information such a program should contain. Following the November 12, 1971, meeting with the administrators of CUNY, you submitted to the Office for Civil Rights another equal employment opportunity program, entitled "Affirmative Action at the City University of New York."

After careful analysis of this document, as well as the initial CUNY central office and Brooklyn College submissions, it became clear that while they state an apparently acceptable policy of non-discrimination and establish what appears to be an acceptable administrative structure for the effective implementation of a program, they do not include the information adequate to make a detailed examination of the personnel policies and practices of the University. In addition, the statistics provided in the program are not sufficient to permit a determination of whether discrimination has taken place or is being practiced in any organizational component, job classification or physical location or, if such discrimination has occurred or is occurring, at what point is the entire personnel process it takes place. While some general conclusions are stated in the program regarding possible problems of underutilization of minorities and females, these conclusions cannot be adequately evaluated since they are not substantiated by a determination of the availability of minorities and females for specific jobs, and thus are not supportable conclusions of deficiencies in the University's performance. In any event, even where an affirmative action plan is acceptable on its face, a complaint review by our office is necessary in order to verify the effectiveness of the Federal contractor's program.

Therefore, the University's programs do not eliminate the need or requirement for additional on-site compliance reviews and complaint investigations by the Office for Civil Rights, nor do they alter the nature and format of the information necessary to permit a review or the need for access to individual personnel files of employees other than complainants. Further, the information gathered from the 1970 compliance reviews is unlikely to be an accurate reflection of the current employment conditions at CUNY, and thus no longer provides an adequate basis for evaluating the need for steps by CUNY to comply with Executive Order 11246.

Section 209 of the Executive Order authorizes the imposition of sanctions and penalties for failure of any contractor or subcontractor to comply with the provisions of the Order and the rules, regulations and orders of the Secretary of Labor. Section 60–1.7(a)(4) of the regulations provides that failure to file timely, complete and accurate reports, including employment or other records, constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is grounds for the imposition of any sanctions as authorized by the Order and Part 60–1 of the regulations.

Therefore, to avoid the need to initiate enforcement action, I am requesting that you provide assurance in writing within 10 days of your receipt of this letter that the City University of New York will provide the following information to the Office for Civil Rights:

1. A list consisting of the names, job classifications (or occupational title), department, date of hire, salary grade (if applicable), sex, race, and source of referral of all employees hired during the last twelve months.

2. A master list (computer printout acceptable) of all employees presently on the University's payroll, by department, showing name, job classification (or occupational title), date of hire, salary grade, current rate of pay, race, sex, age and date of tenure (if applicable).

While we recognize that not all of the requested data can be compiled and submitted to us within a 30 day period, at least some of the material can be obtained during this period in form and content sufficient to permit our office to begin a review of CUNY within 30 days after your receipt of this letter. We are, therefore, requesting that you provide us with the above information for two representative campuses within 30 days of your receipt of this letter, with the remaining information provided on a time schedule which will lead to the submission of all necessary information on the promptest possible basis. In addition, I am also requesting that you assure us that the University will comply with the above cited regulations with regard to the provision of other information which may from time to time be requested by our office in accordance with the regulations.

Additionally, I must request your assurance that in the future the University will make available to representatives of the Office for Civil Rights during normal business hours all books, records, and accounts, including personnel files, pertinent to compliance with the Executive Order and the rules and regulations of the Secretary of Labor for the purpose of conducting compliance reviews and complaint investigations. I should note that, while it is our practice to copy as little personnel file information as possible, the copying of some information may be a necessary part of our compliance activity, and we would construe your assurance to provide access to requested information as constituting consent to our copying material which we find to be necessary to fulfill our compliance responsibilities.

You should also know that we will place strict limitations on the public disclosure of information which CUNY provides to the Office for Civil Rights pursuant to the assurances requested in this letter. No information gathered during a compliance review or complaint investigation will be voluntarily disclosed by OCR until the investigation or review has been completed. Even thereafter, it is our policy to see that only certain general types of information, such as any affirmative action plan received, employment policies and written employment procedures, and statistical data; will be subject to disclosure. Information "the disclosure of which could constitute a clearly unwarranted invasion of personal privacy," within the meaning of the Freedom of Information Act, 5 U.S.C. Section 552(b)(6), will also not be disclosed.

OCR may, of course, find it necessary to disclose information, in the form of evidence in an enforcement proceeding that may arise, whether administrative or judicial in nature. OCR will cooperate with the University, however, in securing appropriate guarantees of confidentiality for such material in any enforcement proceeding. OCR also will not grant access to these types of information under the Freedom of Information Act, and will recommend that any resulting suit by the requesting party be defended by the Department of Justice.

If the Office for Civil Rights fails to receive the aforementioned requested assurances from you within 10 days, we will construe this as a denial of the information and access we have requested. We will then seek to initiate appropriate administrative proceedings against the City University of New York for failure to comply with the requirements of the equal opportunity clause placed in its Government contracts pursuant to Executive Order 11246, and with the implementing regulations. Resulting sanctions may include the termination, suspension or cancellation of existing contracts and subcontracts held by the University and debarment of the University from future receipt of contracts and subcontracts. Such a proceeding would, of course, involve an offer of a public hearing before an impartial hearing examiner prior to the imposition of any sanctions or penalties. In the event that it becomes necessary to initiate an administrative proceeding, it will not be possible for this office to certify that the City University is capable of complying with the equal opportunity clause. This lack of certification would jeopardize contract awards during the pendency of such proceedings.

I look forward to the receipt of your assurances within the period indicated. Representatives of our New York Regional Office and this office are available during the interim to discuss this matter with you personally, or with your designated representatives.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

THE CASE FOR PRESERVING THE CAPITOL'S WEST FRONT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FRASER. Mr. Speaker, the plan to put a false front on the west side of the Capitol Building to make room for a restaurant and offices will again come before the House next Wednesday or later when the conference report on legislative appropriations is taken up.

Members should read carefully the statement by James Biddle, president, National Trust for Historic Preservation as it appeared in the March 23 Washington Post.

The National Trust urges restoration, not extending and rebuilding the last original part of the U.S. Capitol Building. The statement follows:

THE CASE FOR PRESERVING THE CAPITOL'S WEST FRONT

Americans who are concerned about the quality of their man-made environment will applaud the stand which you have taken (in your editorial of March 13) on the proposed extension and rebuilding of the west front of the United States Capitol. As a spokesman for the preservation movement in the United States, the National Trust for Historic Preservation welcomes your support on this most significant preservation issue currently under consideration.

The Capitol is without question among this nation's most important landmarks. The west front is the one remaining portion of the building that contains 18th and 19th century elements designed and built by Dr. William Thornton, Benjamin Latrobe, and Charles Bulfinch. A course of action, as has been proposed by the Commission for the Extension of the Capitol, which would compromise the integrity of this facade of the Capitol, would be a negation of national policy. Congress itself stated in the Historic Sites Act of 1935 (Public Law 74–292) that "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." This policy was further enunciated in the National Historic Preservation Act of 1966 (Public Law 89–665), in which Congress declared "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people," although the Capitol was specifically exempted from the provisions of this act.

Furthermore, reflecting the attitude and concern of a growing number of Americans, President Nixon on May 13, 1971, issued an executive order stating that "the federal government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the nation." While the order was directed to agencies of the executive branch of the government, its spirit and intent were perfectly clear in saying that these agencies should "(1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generation [and] (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people . . ." Surely, one of our country's most historic landmarks and tangible symbols of our government was not intended to be exempt from this obvious concern for the preservation of our heritage.

"Attesting to the excellence of its builders and to the concern of those responsible for maintaining this . . . national monument to our Republic," the United States Capitol survives in relatively good condition. This, in part, was the report of an engineering firm hired to study the feasibility of restoring the west front. Historical and aesthetic considerations aside, the report indicates that restoration is preferable to the proposed extension on an economic basis alone. You have referred to the escalating cost of extending and rebuilding. You have also referred to the report of the American Institute of Architects, which report the Trust fully supports.

The National Trust, charged by Congress with the responsibility of furthering the policy of the 1935 Historic Sites Act and of facilitating public participation in the preservation of buildings, sites, and objects of national significance, would be remiss in discharging its obligations if we did not strongly urge the preservation of the historic west front.

We believe that the architectural designs of our country's foremost early architects, as they are preserved in the west facade, as well as its great landscape terrace by Frederick Law Olmsted, are significant parts of the national heritage of architecture and landscape architecture that we all prize and

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that deserve permanent protection. This fact alone is justification for the preservation of the west front of the Capitol; it should neither be destroyed nor altered. Strengthening and restoration only are indicated under the circumstances.

JAMES BIDDLE,
President, National Trust for Historic Preservation.
WASHINGTON.

ENERGY CRISIS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. MILLER of California. Mr. Speaker, it is no longer news that our Nation and much of the world is facing an energy crisis. The question is when it will reach such a degree of severity that our economy and perhaps the very fabric of our society are disrupted.

A solution to the energy crisis is something which we all desire. But this will not be simple, especially since any solution will impinge upon many of the important policy issues facing our Nation, including national security, environmental protection, and economic growth.

Mr. Speaker, the longrun answers to the energy crisis must depend on science and technology. Our traditional energy sources cannot meet the needs of the future, so we must develop new ones and find new methods for converting these energy sources into desirable forms such as electricity and gas. We must also develop more efficient means for transmitting energy to locations where it is needed.

In an effort to promote new research in science and technology directed toward the energy crisis, last summer I constituted an energy task force within the Committee on Science and Astronautics. Chaired by Representative MIKE MCCORMACK, of Washington, this task force is under the jurisdiction of Chairman JOHN DAVIS' Subcommittee on Science, Research and Development. I have also called for the establishment of an interagency group to foster research and development in the specific area of solar energy.

Congressman MCCORMACK's task force has done a superb job of studying and evaluating the legislative issues related to energy research and development. A report based on their work and recent hearings before the Science Subcommittee is expected to be issued this fall, and that report should provide the Congress with solid recommendations on energy research and development policy and priorities.

A perceptive article recounting the work of the energy task force and the Science Subcommittee appeared in the Chemical and Engineering News of June 12, 1972. I commend the article to the attention of my colleagues, and insert it in the RECORD at this point.

CONGRESS PROBES U.S. ENERGY R. & D. POLICY

At last a Congressional committee is taking a penetrating look at the U.S. research and development dealing with energy without immediately trying to make political hay out of the issue. And that's different. For in recent months almost every committee and member of Congress has issued some kind of purely political pronouncement on the "energy crisis," usually without doing very much homework on the matter.

And that's what makes the effort by the House Subcommittee on Science, Research and Development, chaired by Rep. John W. Davis (D.-Ga.), and its Task Force on Energy unique. So far, they're trying to keep politics out of it, they've done their homework, and they're still at it.

No legislative proposals are expected to stem from the subcommittee's work, at least in the near future. The task force will issue a report about Oct. 1, however, recommending an energy R&D policy, a set of priorities, and either an energy superagency or a directorate to coordinate the work of existing agencies. And next spring the subcommittee may sponsor a two-day symposium on energy R&D or maybe an energy R&D fair.

At the core of the subcommittee's effort is the bipartisan task force set up last year under the direction of Rep. Mike McCormack (D.-Wash.), a chemist by training and 20 years a research scientist at Hanford. He is presently the only "scientist" member of Congress. For staff, the task force draws on the competent professional staff of the House Committee on Science and Astronautics.

To gain insight, the task force was briefed almost every Monday afternoon last fall on the status of energy R&D activities by officials of federal agencies. Even so, Rep. McCormack said at the opening of subcommittee hearings early last month, "We still don't know exactly where we are in this country in regard to energy R&D, but we do know a lot more than we did a few months earlier."

One thing that is known with much more certainty is who is doing what R&D where, how long various projects are going to last, who is paying for them, and how much the nation is spending on energy R&D. An unheralded, but very valuable fruit of the task force effort, the "Inventory of Energy Research," was compiled by Oak Ridge National Laboratory with funds from the National Science Foundation. The inventory, which greatly improves and expands on an inventory prepared for NSF by Booz, Allen and Hamilton, Inc., lists about 4400 research projects that have an estimated total funding of about $1 billion. NSF is to update and publish the inventory at as yet to be determined intervals.

Another element of the national energy R&D effort emphasized at subcommittee hearings is that neither Congress nor the executive branch is very well organized to deal with energy R&D matters. Presidential science adviser Edward David pointed to the fragmentation of the effort in the executive branch. The Atomic Energy Commission and Department of Interior, the predominant energy R&D agencies, recently have been joined by the Environmental Protection Agency, NSF, the National Bureau of Standards, the Tennessee Valley Authority, and the Department of Housing and Urban Development. President Nixon has proposed putting energy elements of these agencies into an Energy Administration within a Department of Natural Resources, but the proposal seems to be going nowhere in Congress.

In Congress, Rep. McCormack tells C&EN, there are at least 13 committees that deal with energy: 11 legislative committees and two joint committees. Moreover, committee jurisdictions are carefully defined. For instance, the House Subcommittee on Science, Research and Development has general jurisdiction over R&D efforts. But for atomic energy, the Joint Committee on Atomic Energy holds the power.

Perhaps the most sweeping comment on the national energy R&D effort was presented to the subcommittee by S. David Freeman, director of the Ford Foundation's $2 million energy policy study and for years the top expert on energy matters at the White House Office of Science and Technology. Echoing the concerns of several federal, industry, and academic witnesses, Mr. Freeman says that the problem areas are clearly management and funding of energy R&D programs. No one is responsible for new energy sources in this nation, he says, adding that "that's one reason we're in trouble. With the exception of AEC, the efforts are scattered and relatively weak."

Moreover, except for the nuclear program, the energy sector of the economy has "sadly neglected" its R&D opportunities. "The flow of new technology to produce energy in an environmentally acceptable way is running like a dry creek," he adds. For instance, "U.S. projects under construction to convert oil and coal into synthetic gas require the use of technology developed in Germany and Great Britain . . . technology that is inadequate and expensive." Yet nothing else was available, he adds.

To remedy the situation, Mr. Freeman recommends immediate Congressional action to consolidate energy R&D activities of the Government into one agency—AEC. He says AEC has demonstrated the ability to develop new energy technology and has the needed technical talent and laboratories.

Mr. Freeman also suggests that Congress be reorganized to oversee and support a new thrust in energy R&D. The Joint Committee on Atomic Energy, for instance, might become a Joint Committee on Energy.

He also calls for sharply increased federal spending for nonnuclear energy R&D programs. He says additional funds could be raised by taxing the consumer's energy bill and recommends that Congress pass a pending bill to so tax electric power.

CAUTION—TOO MUCH SALT IS HARMFUL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. WYMAN. Mr. Speaker, unless we implement the options permitted us under SALT to keep our military capabilities at peak efficiency we are stupid. In fact worse than stupid—for deterrence through strength continues to be essential defense policy for an opulent America that wants to remain free in a world of lesser wealth and many more people.

In this connection a column by Joseph Alsop pointing out the border situation between the U.S.S.R. and mainland China as it relates to SALT is significant. Mr. Alsop's remarks deserve thoughtful consideration in understanding that too much emphasis on SALT and too little food for defense capabilities is dangerous to the continued freedom and safety of the United States.

COUNTERING RUSSIA

(By Joseph Alsop)

Soviet reinforcement of the huge forces already deployed along China's frontier, is currently proceeding at a net rate of 175,000 men per annum. The frontier armies are getting the very newest Soviet equipment, like the swing-wing version of the "fitter" fighter-bomber. Above and beyond normal divisional requirements, major reserves of heavy equipment are also being prepositioned.

Not unexpectedly, the Peking government is responding to this never-ending Soviet military buildup on the frontier in a quiet new way. The former defense in depth, with the lightest of screening forces forward, is clearly being abandoned. Strong Chinese forces are being moved up towards the frontier itself.

Whatever Moscow may decide in the end, in sum, the Soviets are most actively continuing their long, methodical preparations to attack China. Peking, in turn, is taking these preparations even more seriously than before—which is saying a great, great deal.

Without bearing these grim facts continuously in mind, President Nixon's diplomatic successes of the last twelve months cannot even be dimly understood. It was the Soviet threat on the frontier that caused the Chinese to invite the President to Peking. It was the journey to Peking which made it possible for the President to make another triumphant visit, this time to Moscow, against the reasonably lurid backdrop of Haiphong harbor.

By the same token, these same most unpalatable facts should be the main consideration in the combined Senate debate about the SALT agreement and about President Nixon's request for more funds for the U.S. strategic forces. Even Sen. J. W. Fulbright has a duty, after all, to answer the key question hanging over this debate.

The key question is why the Soviets paid such a high price to welcome President Nixon—and no one should forget that the price was inordinately high, because of the port blockade and bombing in North Vietnam! The answer to that question lies in China. When the President and his party were in Moscow, the Soviet leaders and negotiators were downright obsessive on the topic of China.

Nor is that the end of this grim story. In one of his astonishing press conferences in Russia—the climatic one in Kiev—Dr. Henry A. Kissinger said forthrightly that he was not "rejecting the possibility" that the various agreements at Moscow were "intended" by the Soviets "as a tactical device to lull certain people."

Since returning from Moscow, both the President and Dr. Kissinger have gone even further on the same line. "Gaining a free hand to deal with China" has in truth been described as the primary Soviet aim. In other words, the Moscow summit has to be seen, at least in part, as the principal episode in a vast Soviet tranquilization plan. In addition, this plan has of course included the Soviet actions in Western Europe and the Soviet inaction in the Middle East.

It has to be faced, further, that the way the Soviets are preparing to "deal with China" is by naked military force. What men and nations prepare to do, may not always get done in the end. But anyone is a fool who says, "it will never be done," even though the preparations are plainly being made at enormous cost.

There are some other facts to face, too. The Soviets cannot undertake the nuclear castration of China, and then just stop there. If they destroy China's nuclear power before it grows too big to suit them, that act alone will transform the world we live in. Other, equally brutal Soviet moves, in the vulnerable and vital Persian Gulf, for example, will surely have to be expected if all the rules of the game are so abruptly and crudely changed.

This is why Dr. Kissinger and Prime Minister Chou En-lai have undoubtedly been discussing how to deter the Soviets from doing what they are preparing to do. This is also why the current mood of the U.S. Senate verges on actual imbecility. There will be no better way to encourage the Soviets to be resolutely brutal, than to reject the President's proposals for modernizing our own strategic forces.

That is the sort of thing the Soviets always understand, and always slow down for, just as the Soviets have unfailingly reacted by a grab for new advantages whenever the U.S. has recklessly begun disarming. Rightly handled, in fact, what has happened can prove the door to a much better world. But wrongly handled, it can lead to a radically novel situation of the direst danger.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks; "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Monday, June 26, 1972*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON, III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose spirit follows all our days and invests them with meaning, help us to begin this new week with a determination to work at the things which count most in advancing Thy kingdom. Give us a holy determination to surmount that which divides, distracts, or frustrates the nobler heights to which life may ascend. Deliver us from all that is petty or mean or hurtful. Guide the President and all our leaders that with one accord and in one spirit we may labor together to promote the common good. Accept the consecration of ourselves which we offer in Thy service this day. May we labor with the radiant faith and glowing idealism which is the gift of our heritage.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 23, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 862.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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DENNIS KEITH STANLEY

The Senate proceeded to consider the bill (S. 910) for the relief of Dennis Keith Stanley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", where it appears the first time, strike out "$270.27" and insert "$199.29"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dennis Keith Stanley of Springfield, Oregon, is relieved of all liability for repayment to the United States of the sum of $199.29, representing the amount (1) of a lump-sum payment for accumulated, unused leave the said Dennis Keith Stanley was erroneously paid by the United States Marine Corps upon his discharge from active duty with the United States Marine Corps, and (2) pay and allowances received by the said Dennis Keith Stanley for those days on which he was on leave and which were, at the time of such discharge, in excess of the days of leave to which he was entitled. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dennis Keith Stanley, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–896), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 910, as amended, is to relieve Dennis Keith Stanley of Springfield, Oreg., of all liability for repayment to the United States of the sum of $199.29 which represents the amount of erroneous payment to him at the time of his discharge from active duty in the U.S. Marine Corps.

STATEMENT

The facts of this case as contained in the report of the Department of the Navy are as follows:

Navy Department records indicate that Cpl. Dennis K. Stanley was discharged from the U.S. Marine Corps on February 12, 1969. His pay account was reviewed at the Marine Corps Finance Center, Kansas City, Mo., after his discharge, and this initial review indicated that he had been overpaid $270.27 incident to his active service. Later, a more comprehensive audit of his pay and related personnel records was conducted which revealed a number of pay discrepancies in his account. The audit revealed the following erroneous transactions:

Charges:	
Erroneous payment on discharge for 19 days, accrued unused leave	$175.50
Failure to deduct 9 days pay and allowance while in an excess leave status	130.32
Arithmetical error	.67
Insufficient deduction for FICA taxes	1.10
Total charges	307.59
Credit:	
Underpaid basic pay for period 11 June 1968 through 12 February 1969	108.30
Net overpayment	199.29

The errors which led to Corporal Stanley's indebtedness to the United States are attributable to the actions of Government officials and are not a result of fault on his part. The nature of the errors is such that Corporal Stanley could not reasonably have been expected to detect them. The fact that he was underpaid with respect to basic pay for a lengthy period of time points convincingly to a lack of full awareness on his part of his entitlements. Since the administrative errors which have caused Corporal Stanley's indebtedness were caused by officials of the Government and since the records of the Navy Department substantiate the conclusion that Corporal Stanley acted in good faith, the Department of the Navy supports enactment of S. 910.

Based on the foregoing facts, the committee believes that legislative relief is appropriate and recommends that S. 910 be favorably considered.

MAJ. MICHAEL M. MILLS, U.S. AIR FORCE

The bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–902), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Maj. Michael M. Mills, U.S. Air Force, $1,620 in full satisfaction of his claims for an erroneous discontinuance by the Air Force of his allotment to the Miami National Bank, Miami, Fla., in 1967.

STATEMENT

The facts of the case as contained in the House report are as follows:

The Department of the Air Force in its report to the committee on the bill stated it would have no objection to the bill with the amendment recommended by the committee reducing the payment to $1,620, representing the out-of-pocket loss Major Mills actually incurred as a result of the discontinuance of the allotment.

The allotment referred to in the bill was authorized by Major Mills early in 1963. The allotment was in the amount of $30 a month and was to be sent to the Miami National Bank, Miami, Fla., to be credited to the account of Lehigh Acres, a real estate firm, under his account number.

Beginning March 1, 1963, AFAFC sent a check in the amount of $30 to the Miami bank. When he transferred from McGuire Air Force Base, N.J., to Vietnam, Major Mills authorized a $700 allotment to be sent to the Winters National Bank, Dayton, Ohio, effective May 1967. The officer has advised the sponsor of the bill that he had been informed by finance personnel that the bank allotment of $30 would not bar the additional allotment. Upon receipt of this authorization, AFAFC returned it to the personnel officer in Vietnam who, under existing procedures, was to notify Major Mills that this allotment had been rejected since he had one allotment in effect to a bank. However, the sponsor has advised the committee that Major Mills was not given this notification. The immediate return of the authorization for the $700 per month allotment was interpreted by AFAFC to mean that this allotment should be placed in effect and the allotment to the Miami bank discontinued. It was also assumed deductions from Major Mills' pay for the $30 allotment were discontinued. Accordingly, AFAFC discontinued sending a check each month to the Dayton bank.

In April 1968, AFAFC made a comparison of allotment deductions being made from Major Mills' pay account with the allotments which were being paid. This comparison showed that $30 was being deducted from his pay in addition to the deductions for allotments that were actually being paid. Action was taken to discontinue the $30 deductions and the amount which had been deducted for which allotments were not paid was refunded to him.

In January 1969, Major Mills filed a claim against the Air Force for $3,390. In his claim, he stated the allotment to the Miami bank was initiated to make payment on two real estate lots purchased on contract in December 1962. Since deductions were being made from his pay for this allotment, he believed the payments on the contract was being made. He stated that the first he knew that the allotment had been discontinued was in May 1968, when the real estate company advised him, in reply to his notification of a change of address, that his account had been closed in January 1968, because of his failure to make monthly payment on his contract. The company also advised him that prior to closing his account it had attempted to notify him but in the absence of a correct address had been unable to do so. The company also reported that the lots he had purchased had been resold for $3,390; however, the amount he had paid on the principal ($875) could be applied against the purchase price of two other lots. He did not accept this offer inasmuch as he was stationed in Okinawa and could not examine the lots.

In its report to the committee, the Air Force stated that the claims officer at Kadena Air Base, Okinawa, estimated that, as a result of the discontinuance of his allotment to the Miami bank, Major Mills had suffered a net loss of $2,020. This amount was computed by deducting the amount Major Mills had actually paid on the lots ($1,620) from the initial purchase price ($2,990) to establish the amount ($1,370) he owed on the date the allotment was discontinued. This amount was then deducted from the amount ($3,390) for which the lots were resold. However, it should be noted that, in his computations, the claims officer did not take into consideration that although Major Mills paid $1,620 to the real estate company only $875 was applied to the principal and the remaining $745 was interest on the loan. On July 25, 1969, Pacific Air Force headquarters notified Major Mills that his claim had been disapproved because it was not cognizable under the Federal Torts Claims Act (28 U.S.C. 2671–2680). He was also advised of his right to file a suit in a U.S. district court.

The Air Force stated that under these circumstances, there are no administrative procedures under which Major Mills' claim against the United States may be paid. While under normal peace-time conditions, it would be reasonable to assume that a purchaser of lots would have the responsibility of verifying the fact that periodic payments were received and correctly credited to the account to satisfy the obligation for the purchase of the lots, the unusual circumstances of this case made this all but impossible for a man assigned to service in Vietnam. In fact, the confusion concerning allotments appears to have a direct relation to that service. Furthermore, as is noted in the Air Force report, the fact that the Air Force failed to suspend deductions for the allotment from the man's pay until a considerable period had passed also would have served to indicate to the individual that the allotment was being made as he had originally directed. Accordingly, the committee has concluded that relief should be extended to this individual in the reduced amount suggested by the Air Force. The Air Force pointed out that the out-of-pocket loss suffered by Major Mills was equal to $1,620 which is the full amount he paid prior to the discontinuance of the allotment. It is recommended that the bill with this amendment be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

MISSISSIPPI RIVER COMMISSION

The second assistant legislative clerk read the nomination of Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nomination are considered and confirmed en bloc.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

The second assistant legislative clerk read the nomination of George P. Schultz, of Illinois, for appointment to the offices indicated: U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FLOOD DEVASTATION IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the Commonwealth of Pennsylvania has, as a result of the devastating flood, sustained the worst damage from a natural disaster in its entire history.

From a discussion with Gov. Milton J. Shapp and as a result of the visit to the Commonwealth by President Nixon and General Lincoln, of the Office of Emergency Preparedness, it would appear on the basis of incomplete information that damage to highways and bridges alone is in the neighborhood of $550 million; that the latest count is that 126 bridges are out in Pennsylvania; that as of noon yesterday, damage to schools is in the area of $40 million to $50 million, with no reports yet in from colleges and universities; that whole cities are inundated and have suffered extraordinarily heavy damage; that the downtown district of Wilkes-Barre, Pa., is entirely under water; that the principal industry of Bloomsburg, the Bigelow Carpet Co. is half under water; that the Bethlehem Steel plant is totally under water; that 150 to 200 major factories have been disabled in the State; and that more than 50 sewage systems are out.

It is estimated that somewhere between 40,500 to 50,000 houses have been damaged in Pennsylvania.

The Office of Emergency Preparedness has assured the Commonwealth that it will furnish all assistance within its power, subject to its authorizations and the funds available. That may not and probably will not be nearly enough. The water is stagnant there. Unlike damage in other areas, the water remains. It has not flowed off. It has not acted as a flash flood would in most cases. When water stays 5 or 6 days in a community, it means the virtual destruction of that part of the community so inundated.

Mr. President, it may well be necessary for us to ask for an emergency authorization and appropriation providing for a substantial sum to aid the Commonwealth of Pennsylvania to recover from this terrible disaster.

I have discussed with the Governor the advisability of meeting with the Pennsylvania congressional delegation, probably tomorrow, and if it is necessary to ask for emergency funds, we will appeal to our colleagues in both bodies for sympathetic understanding, and expeditious action on this request.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routing morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INVESTIGATION OF LITTON INDUSTRIES

Mr. PROXMIRE. Mr. President, I have asked the Securities and Exchange Commission, the General Accounting Office, and the Navy to investigate the financial capability of Litton Industries to complete performance of its Government contracts. I have also asked Navy Secretary John W. Warner, in a letter I am releasing today, to reject proposals made by Litton that the Navy pay inflated and unsubstantiated claims and take other actions in order to help the company solve its financial difficulties.

It is becoming increasingly clear that Litton is unable to perform any of its major shipbuilding contracts without running up huge cost overruns. Litton's $450 million worth of shipbuilding claims against the Navy must be seen as an attempt to shift the costs of its own inadequacies to the American taxpayer.

Litton executives, from the president on down, have been meeting almost daily with Navy officials in an effort to obtain a bailout from its financial plight.

In my letter to Secretary Warner, I said:

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

Because of Litton's cash shortages, the huge cost overruns, schedule delays, and technical difficulties encountered on its

XUM

shipbuilding programs, a shadow has been cast over two of the largest ship contracts awarded in recent years.

Litton is now 2 years behind schedule on the LHA contract and there is a serious question as to whether Litton is capable of building even the first LHA ship.

LHA contract has already been delayed with adverse effects to the DD–963 destroyer program and Litton may also be unable to deliver on that contract.

Litton has given the Navy grounds for declaring the LHA contract in default and continued failure to take corrective action on the Navy's part could increase the cost to the taxpayer by hundreds of millions of dollars.

If the Navy does not pay the unsubstantiated portion of Litton's claims, the company could face a financial crisis of major proportions in the near future.

For these reasons, I have asked the Securities and Exchange Commission to tell me whether Litton's annual reports correctly state the company's earnings. If the shipbuilding claims have been reported as earnings but are rejected by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

I have also asked the Commission to state whether Litton's reporting methods comply with SEC rules and regulations, and whether the SEC requires public disclosure of expected large overruns or underruns of defense contracts by defense contractors.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to carry out its Government contracts.

I ask unanimous consent, to insert in the RECORD copies of my letters to the Securities and Exchange Commission, the General Accounting Office, and the Department of the Navy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 19, 1972.

Hon. WILLIAM J. CASEY,
Commissioner, Securities and Exchange Commission, Washington, D.C.

DEAR MR. COMMISSIONER: As you know the Joint Economic Committee has held several hearings on weapons acquisition programs of the Department of Defense. One aspect of these hearings involves large claims by Navy shipbuilders. Currently these claims total about $1 billion and involve some of the Nation's largest companies.

Litton Industries has the largest dollar amount of claims against the Navy; these total about $450 million. Some Litton claims are several years old. Navy witnesses have testified that Litton's claims appear exaggerated and Litton's actual entitlement is substantially less than the amounts of its claims. Reports by the General Accounting Office indicate that some of the claims have been overstated.

Recently Litton announced it was taking a $25 million write-off against FY 1972 operations for expected loses on the LHA Navy shipbuilding contract. According to the press, Litton stated that the company doesn't expect a further write-off this year, but indicates that the negotiations with the Navy are continuing. But looking at Litton's published financial statements in the light of its recent release, it appears that for several years the company has been reporting profits based on the anticipation of obtaining substantial sums from its claims against the Navy. If these claims are in fact overstated, Litton's profits for the past several years may also have been overstated. At least it appears that Litton's profits or losses are subject to considerable uncertainty until these claims are settled, and have been for some time. Yet there are no footnotes or other explanations in Litton's published reports—specifically in its FY 1971 annual report and interim reports of October 31, 1971, and January 31, 1972—to indicate that this is the case. In fact, the Litton FY 1971 annual report states:

"The outlook for Defense and Marine Systems is good. Our present backlog spans several years of activity providing a basis for continuing growth of sales and profits independent of the general economy."

The Accountants Report for that year—by Touche, Ross and Company—also fails to note that Litton had several large claims against the Navy in process or under negotiations, the outcome of which could substantially alter Litton's financial results. These reports, therefore, appear very misleading.

I would like to know:

Has Litton in fact reported earnings based on its expected recovery of large claims against the Government? If so, can you tell me to what extent Litton's earnings have been overstated for the past several years—say 1968–1971—if such claims are not honored by the Navy? It appears to me that if substantial portions of the alleged claims are not paid by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

What are the Securities and Exchange Commission rules concerning the company's obligations for public disclosure of information in a situation such as this? If, in fact, Litton was including anticipated claims settlements as valid receivables from the Government, would it be violating any SEC rules? Has Litton violated any Securities and Exchange Commission rules by its failure to reflect uncertainty in its published reports as to the ultimate settlement of its claims against the Government.

Do other publicly owned defense contractors follow similar practices? If so it seems to me that defense contractors can manipulate earnings to show whatever they want to show just by the size of their claims against the Government.

At what point does the Securities and Exchange Commission require disclosure of expected large over-runs or under-runs of defense contracts by defense contractors.

I would appreciate obtaining answers to my questions by June 30, 1972.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. JOHN W. WARNER,
Secretary, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I have become increasingly concerned over the Navy's problems with the Ingalls Shipbuilding Division of Litton Industries. As you know, Litton is responsible for the largest single amount of outstanding shipbuilding claims now pending against the Navy, totaling about $450 million. In addition to the huge cost overruns represented by these claims, Litton has fallen far behind the performance schedule on the LHA and is experiencing serious technical difficulties on this and other government programs.

I now have reason to believe that because of cash shortages, Litton is confronted with a financial crisis of major proportions. I am informed that in order to extricate itself from its financial problems, the company is attempting to persuade the Navy to pay millions of dollars of worthless and inflated claims. Or, alternatively, to restructure the LHA contract or take other steps to solve Litton's shipbuilding problems, including a Navy takeover of the Litton shipyards at Pascagoula.

According to my information, Litton has told the Navy that it wants at least $40 million for two of its larger claims to be paid no later than July 31, 1972. This date coincides with the end of the company's fiscal year when it will be required to demonstrate its financial solvency to its auditors and creditors. You may already be aware of Litton's precarious financial condition. After the first nine months of its current fiscal year, Litton showed a loss of $11.1 million. In addition, a preliminary review of Litton's financial statements for the past several years, suggests that the company has been reporting earnings based on anticipated settlements of claims pending against the Navy. If this is correct, and Litton's claims are in fact exaggerated, the company will soon have a lot of explaining to do. Such a method of reporting profits would be highly irregular if not improper because of the uncertainty surrounding claims against the Government, especially Litton's claims. I have already written to the Securities and Exchange Commission requesting an investigation of this matter. A copy of my letter of June 19, 1972, to Commissioner William J. Casey is attached for your information.

One can easily understand why Litton so desperately needs large amounts of cash and why it is making such a great effort to extract favorable settlements of its shipbuilding claims. There is considerable evidence, however, that at least part of Litton's claims are inflated and insupportable. The two claims I mentioned above, for example, total $82 million. These claims involve work at Litton's East Bank Shipyard on nuclear submarines and ammunition ships. The Navy apparently considers both claims grossly overstated as it offered to pay Litton approximately $12 million for both claims as recently as a month ago. I am informed that a review and investigation of these claims by the appropriate authorities in the Navy shows that these claims cannot be substantiated for more than the amount the Navy offered to pay.

As you know, there are about $180 million worth of claims arising out of the East Bank Shipyard, including the above two. The largest claim in the East Bank Shipyard is for $95 million for the alleged "ripple effect" on Litton's business produced by change orders to a number of submarines built at this yard several years ago. NAVSHIPS, according to my information, considers this claim totally unjustified.

The largest Litton claim, valued at $270 million based on the LHA contract, arises out of the West Bank Shipyard. This is a relatively new claim and has not yet been fully evaluated. There are other problems with the LHA contract. As you know, the original amount of this contract was about $1 billion for nine LHA ships. The current estimate to complete the work on the five ships comprising the present program is $1,441,000,000. The unit cost of this contract has risen from about $113 million to $288 million per ship. In addition to this huge over-run, the program is now estimated to be about two years behind schedule. In my judgment, the schedule delay constitutes grounds for declaring the contractor in default of his contract, and I am at a loss to understand why the Navy has not issued a 10-day cure notice. The continued failure on the part of the Navy to take action could be construed as a constructive change and could result in the loss of millions of dollars for the Government.

The delays in the LHA program have already impacted on tht DD–963 destroyer program which Litton is also supposed to be performing in the West Bank Shipyard. Although it is true that a keel-laying ceremony was conducted recently for the first DD–963, I am informed that the delays and technical problems in the West Bank Shipyard are so serious that Litton has proposed to the Navy that it be permitted to construct several of the DD–963's in its older East Bank Shipyard, where nuclear submarine construction is now in progress. As you know, one of the major reasons for awarding the DD–963 contract to Litton was in anticipation of the efficiency of operations in the new and modernized West Bank Shipyard. So far as I can tell, none of the benefits expected from the West Bank Shipyard have yet been realized. Moving the destroyer program into the East Bank would not only cast doubt on the decision to award this contract to Litton, it could have a detrimental impact on the nuclear submarine construction in the East Bank Shipyard.

It occurs to me that the only way the Navy may be able to obtain the DD–963 destroyers would be to further reduce or terminate the LHA program so that work on the DD–963 can go forward. I plan to communicate with you further on this matter.

It is not surprising that officials of Litton, including the President, the Executive Vice President, a Senior Vice President, and a Vice President, have made recent visits to high officials in the Department of the Navy circumventing the officials charged with the responsibility for negotiating claims settlements in attempts to resolve its difficulties.

In view of the distributing facts, I would like the Navy to respond to the following questions:

1. Does the Navy plan to pay unsupported and unsubstantiated shipbuilding claims to Litton or to take other steps calculated to bail out the company from its financial difficulties?

2. What is the Navy's assessment of Litton's financial capability to complete performance on its Navy contracts? Has the Navy done a cash flow study of Litton?

3. Why hasn't the Navy declared the Litton LHA contract in default?

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to perform its contracts, and I hope you will fully cooperate with it.

Your early reply to this letter will be appreciated.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: Recently I have written to the Chairman of the Securities and Exchange Commission and the Secretary of the Navy requesting answers to questions concerning Litton Industries. Copies of those letters are enclosed for your information.

There is a growing amount of evidence raising questions about Litton's corporate finances. If my information is correct, Litton in addition to suffering a loss on the first nine months' business of the current fiscal year, has been reporting as earnings the full amount of pending claims on Navy shipbuilding contracts.

As you know, shipbuilding claims in the past, including claims of Litton Industries, have often been grossly overstated. If Litton's shipbuilding claims are in fact exaggerated, the company's true financial condition may be at sharp variance from the picture portrayed by its public reports.

This letter is to formally request that the General Accounting Office conduct an independent investigation of Litton's financial capability to carry out its government contracts. Because of requests now pending before Congress affecting some of these contracts, I would hope that your investigation can be begun immediately and completed by July 31, 1972. I am sure you are aware of the seriousness of the questions I have raised and the need to answer them at the earliest possible time.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PLANNED ADJUSTMENTS IN NASA SPACE FLIGHT OPERATIONS PROGRAM

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on planned adjustments in the NASA Space Flight Operations program (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON ORDERLY LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES

A letter from the Acting Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF RECEIPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for the third quarter of 1972 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, of a facilities project proposed to be undertaken for the Naval Reserve, at the Naval Air Station, South Weymouth, Mass.; to the Committee on Armed Services.

REPORT ON UH–1H HELICOPTER AND T–53 ENGINE ASSEMBLY PROGRAM

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on the UH–1H helicopter and T–53 engine assembly program (with an accompanying report); to the Committee on Foreign Relations.

REPORT ENTITLED "NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS—REPORT ON EXAMINATION OF ACCOUNTS"

A letter from the firm of LeBoeuf, Lamb, Leiby & MacRae, Washington, D.C., transmitting, pursuant to law, a report entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts, December 31, 1971" (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–921).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–922)

Mr. BAYH, from the Committee on the Judiciary, pursuant to S. Res. 32, 92d Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENNETT:

S. 3746. A bill for the relief of Charles Eugene Fickas, Marjorie Jean Fickas, Charles Bradley Fickas, and Steven Fickas. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

A TAX CREDIT FOR PUBLIC SCHOOL EDUCATION

Mr. GOLDWATER. Mr. President, there is a growing campaign at all levels of government to grant a measure of tax relief to parents who send their children to private elementary and secondary schools. Today I propose that this campaign be broadened to include relief for the many additional millions of average citizens who support the public school system in America.

Mr. President, the proposal is a simple one. It would create a special tax credit of $150 that would be available to every homeowner in the United States who pays a tax on his residential property, whether it is paid to his local government, to a school district, or to a State. In other words, every taxpayer who pays a school tax on his residence, or as part of his real estate tax, shall, after having calculated the amount of Federal income tax which he must pay, be permitted to subtract from his Federal tax bill the full amount of his school tax up to $150.

Mr. President, let me emphasize that my proposal would retain the existing Federal deduction granted on account of State and local school taxes. But in addition, it would permit each homeowner to take a $150 credit against what he owes the Federal Government. This approach will direct the savings to the lower and average income persons who can enjoy the full benefit of the credit, in contrast with the tax deduction which provides the greatest savings only to persons with the highest incomes. Of course, if any taxpayers' credit would be more than the actual Federal income tax he owes, the taxpayer is allowed to take a credit against that amount of tax which he owes, and no more.

Mr. President, I am certain that everyone is aware that the local and State property tax is still the primary source of financing for public education. It provides over half of the funds spent annually on public school support, while only 7 percent comes from the highly publicized Federal aid to education programs. The percentage of these taxes levied by local school districts has remained at a stable level for the past 20 years. In 1950–51, local property taxes provided 57 percent of the money spent by public schools. In the 1970–71 school year, these local taxes still provided 52.8 percent of all school revenues.

Mr. President, not only has the local share of public school expenses remained at a high level, but 37 States still levy some kind of State property tax that produces nearly a billion dollars annually. Furthermore, as I shall discuss later, four recent court decisions might act as a catalyst toward a much greater State role in funding education through property taxation at the State level.

On top of these developments, expenditures for public schools have increased at an average of 10.5 percent each school year over the past decade. In fact, in the 1961–62 school year, when I first introduced a tax credit proposal similar to the one I am offering today, the total expenditure for public elementary and secondary education was $14.7 billion, but in the school year 1971–72 this will have risen to a total of $39.6 billion. So there is no relief in sight for the taxpayers who must meet this heavy bill.

Mr. President, it was recently estimated by Secretary of Health, Education, and Welfare Richardson that at least $11 billion of public school financing is currently raised by local property taxes on strictly residential property. It is this category of American homeowner who is finding himself hard pressed to meet the combined burden of Federal, State, and local income and sales taxes in addition to his ever-rising property tax, not to mention the taxes on electricity, gas, telephones, and other basic necessities of life which he must pay. These taxes hit especially hard at retired persons who in their older age are living on fixed and small incomes, but they are also severely felt by the vast majority of salaried taxpayers who are unable to take advantage of special business tax credits or to reduce their taxable incomes with a wide range of expense deductions.

Mr. President, property is no longer an index of a man's wealth. The take from the property tax now hits individuals of all income brackets. In the most recent year for which statistics are available, the 1968 tax year, 23.7 million taxpayers took a deduction on their Federal income tax returns on account of real estate property tax payments. Almost 3 million, or 12 percent, of these taxpayers had adjusted gross incomes of less than $5,000. The greatest number of taxpayers using the real property deduction were in the range of $5,000 to $10,000 income. There were 8.5 million of these taxpayers. Another 7.4 million of these taxpayers had between $10,000 to $15,000 of adjusted gross income. In all, 48 percent, or almost half, of the taxpayers who itemized real property tax payments had an annual income of below $10,000, and 79 percent of all taxpayers who claimed real property tax payments reported incomes of less than $15,000.

On these facts, Mr. President, it is evident that the enactment of a property tax credit such as I propose would not be a boon to the wealthy, but would be of serious financial help to the average citizen. Not only is the great bulk of homeowners who feel the bite of property taxes made up of middle and lower-income persons, but my proposal would almost wipe out the burden of the school tax paid by the lowest income groups since the $150 tax credit, together with the existing tax deduction provision, will nearly equal the amount of their average property tax payment.

In addition, Mr. President, I wish to emphasize that my proposal would not overlook the education tax burden that is shared by Americans who live year around in mobile homes. It is high time that we in Government took note of the fact that over 7 million Americans are now living in mobile homes and that half of the one-family homes being built in the United States today are mobile homes. In 1971 alone, over half a million mobile homes were manufactured, which was a 24 percent increase over the production a year earlier.

In my own State of Arizona, there were 17,380 mobile homes shipped to dealers in 1971, a 99-percent boost over 1970. Think of it, Mr. President, these figures indicate that there were nearly 20,000 newly established households in the State of Arizona in 1971 represented by purchasers of mobile homes. This figure includes 7,231 families who live in mobile homes produced in Arizona itself, where the production of such homes rose by a whopping 379 percent over 1970.

This gives all of us some indication of why we had better begin to take account of the interests of the many millions of Americans who are now turning toward mobile homes as their family households. I know from my own observations in Arizona that this includes a sizeable group of younger Americans, such as college students and returning veterans, as well as retired citizens.

Accordingly, I have provided in the legislation I am introducing today that taxpayers who own and use mobile homes as their residence shall be entitled to the same tax credit as the one given to the owners of standard homes. To nail this feature down, the bill expressly states that any State and local taxes or license fees under whatever name that are imposed on residential mobile homes and serve the same purpose of supporting public education as regular property taxes do, shall be treated as a real property tax for purposes of entitlement to the tax credit established in my bill.

This is a good place to mention, Mr. President, that my proposal would allow a credit for that portion of a homeowner's property tax which is imposed for the support of public elementary and secondary education and no more. It is the financing of public education with its skyrocketing increases in costs that has caused the heavy burden suffered by homeowners, and a reduction in the impact of this tax take will substantially assist the financial picture of the average citizen. It is the burden of meeting the enormous problem of school financing that I am attacking today, and not the portion of property taxes that are used for street lighting, public safety, sewers, and the like.

Mr. President, before I conclude, I wish to make one observation about the recent decisions by State and Federal courts in California, Minnesota, Texas, and New Jersey relative to property taxes. These cases do not mean that the property tax is unconstitutional, even if their holdings are eventually upheld by the U.S. Supreme Court. The local property tax itself might remain a powerful source of school revenues under any new State school financing plan so long as the method chosen to distribute its revenues eliminates the discrimination among different school districts in the State. Also, it appears likely that a statewide real property tax might be substituted for the locally raised tax.

In other words, I think it is far too early to predict the demise of either local or State real property taxes and feel that these court decisions should not stand as any barrier against providing American taxpayers immediately with relief from the burden of the high taxes they are now paying. If the grand day should ever occur when some State financial wizards discover a way of meeting the operating expenses of their public school systems without relying on property taxation at all, then the tax credit feature that I have proposed today can simply go unused; but until that bright day falls on the horizon, I think our homeowners who are still paying their tax bills each year will find it a little easier to make their way in these expensive times if we enact the tax credit I have proposed.

Mr. President, I ask unanimous consent that a copy of the bill, entitled the "Residential Property Tax Relief Act of 1972," be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residential Property Tax Relief Act of 1972."

SEC. 2. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. RESIDENTIAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $150 ($75, in the case of a married individual filing a separate return), or

"(2) the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under the preceding sections of this part (other than sections 31 and 39).

"(b) Income Tax Benefits Not to Exceed Amount of Residential Property Taxes Paid for Support of Public Education.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for State and local residential property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) State and Local Residential Property Taxes.—For purposes of this section, the term 'State and local residential property taxes' means—

"(1) State and local real property taxes (within the meaning of section 164) on property which is comprised primarily of one or more dwelling units and the land on which the dwelling unit or units are situated, and

"(2) State and local taxes (other than real property taxes) or license fees on mobile homes.

"(d) Determination of Amount of Residential Property Tax Paid for Support of Public Education.—For purposes of subsection (a), the amount of any State or local residential property tax which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any residential property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any residential property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction,

as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(e) SPECIAL RULES.—

"(1) TAXES CONSTRUCTIVELY PAID.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a).

"(2) MOBILE HOMES.—No credit shall be allowed under subsection (a) for any residential property tax on a mobile home, unless such mobile home is used by the taxpayer as his principal residence.

"(3) TRUSTS.—No credit shall be allowed under subsection (a) to a trust."

(b) The table of sections for such part IV is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 42. Residential property taxes paid for support of public education.
"SEC. 43. Overpayments of tax."

SEC. 3. The amendments made by this Act shall apply to taxable year beginning after December 31, 1971.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST SETTLEMENT ACT OF 1972

Mr. BAYH. Mr. President, I introduce for appropriate reference "The Antitrust Settlement Act of 1972." This bill will reform the process by which antitrust cases are settled in two important respects. First, it will provide a meaningful way for interested citizens to make their views known before an antitrust case is settled. Second, it will require the Department of Justice to explain to the court and to the public the reasons it has agreed to the proposed settlement.

One of the many lessons which can be learned from the extensive Judiciary Committee hearings into the manner in which the Justice Department reached a settlement of its antitrust suit against ITT is that there is currently no effective mechanism for insuring that the public interest is protected in negotiated antitrust settlements. For this reason, the public is rightfully skeptical about the nature of the relationship between government and large private economic interests.

Few political realities are more evident today than the need to increase public confidence in the integrity of government. This legislation is a means of accomplishing that goal in an area where public confidence is especially low at the present time. How we react to this and other measures, which combine public involvement and full disclosure, will ultimately determine whether our system of government can fulfill its high goals. Democracy simply will not succeed if government insists on being aloof from the people from which its power flows.

The vast majority of antitrust cases are settled by agreement between the Department of Justice and the alleged violator without a full trial of the issues. Yet under present regulations, individual citizens have precious little opportunity to bring to the attention of the court and the Department their views of the terms of the settlement. Today, after secret negotiations between the Department and the antitrust defendant are concluded, the Department simply sits back and allows the public to comment for 30 days. There are no requirements that the Department publicize the terms of the proposed settlement, or seriously consider the comments that it receives. The bill I introduce today will change that.

The Antitrust Settlement Act of 1972 will require that the terms of every antitrust settlement be broadly publicized, and that relevant documents be made available to the public around the country. This will insure that concerned citizens know that the Department has decided to forego a full trial of the case, and that these citizens have the information they need to make intelligent comments about that decision. Further, the bill will require that, the court to which the proposed settlement has been submitted withhold a decision on whether to accept the settlement for at least 60 days, during which time it and the Department will consider the comments the public submits.

There are two other important aspects of this bill, both of which are substantial and necessary changes from present practice. First, the court is directed to hold a hearing on the proposed settlement unless it finds that there is no substantial controversy about it. This will give the public a chance in every important case to bring its arguments directly to the judge, or if the court so directs, to a special master appointed to hold the hearing. Second, and perhaps most important of all, the bill requires the Attorney General to present to the court and to the public before the settlement becomes final a full statement of the reasons that he believes the proposed settlement to be consistent with the antitrust laws and to be in the best interests of the United States.

Mr. President, such a statement by the Attorney General is the best safeguard the public has to insure that antitrust settlements are really reached in the public interest. When the Department has good reasons for settling a case—and when it has thought those reasons through—it should have no objection to making its reasons public. And by mak-

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ing them public the Department will avoid the cloud of suspicion that all too often surrounds antitrust settlements. If the Department has done its jobs conscientiously, there will be little or no administrative burden involved in submitting to the court and the public the statement of reasons this bill requires.

Our antitrust laws reflect our Nation's basic faith in the free enterprise system and our Nation's healthy skepticism of the concentration of power—political or economic—in the hands of the few. Antitrust actions by the Justice Department are the most important single means of enforcing these laws. I do not go so far as to say that antitrust regulation is too important to be left to the regulators. But I do think that the regulators and the courts will benefit from listening to the views of interested citizens. And, equally important, public confidence in the way that antitrust settlements are reached will increase markedly if the public has a meaningful way to participate in the process.

I ask unanimous consent, Mr. President, that two articles from the New York Times be printed in the RECORD. One describes the efforts of Federal Judge David N. Edlestein of New York, who issued an order requiring publicity of an antitrust case very similar to the kind of publicity this bill would require. The other is an excellent and important article entitled "Should The Public Play a Role in Antitrust Settlements?" I also ask unanimous consent that the text of the Antitrust Settlement Act of 1972 be printed in the RECORD.

There being no objection, the articles and bill were ordered to be printed in the RECORD, as follows:

ADVANCE PUBLICITY IN ANTITRUST CASE ORDERED BY JUDGE

(By Eileen Shanahan)

WASHINGTON, June 13.—In the first such order ever issued, a Federal judge is requiring the Government to publicize widely the terms of settlement of an antitrust case before the settlement becomes final.

The case involves two trade groups that were accused of having conspired to block the sale of foreign-made steam boilers in the United States by denying the foreign products the safety certifications that are required by law in many localities.

The idea behind the judge's order was that persons other than those directly involved in the case should have an opportunity to learn of the settlement and have time to file a protest if they found the terms of the settlement inadequate.

The order was issued yesterday by Daniel N. Edelstein, chief judge of the United States District Court for the Southern District of New York. Details of the settlement and of the judge's requirement for publicizing it were announced today.

In issuing the order, to which the parties in the case agreed, Judge Edelstein called it "a historic first."

The order requires that an advertisement, detailing the terms of the proposed settlement, be published in seven consecutive issues of the New York Times, as a paper of general circulation, and of The New York Law Journal, as a paper seen by lawyers.

The advertisement will specifically invite comments on the settlement from interested members of the public and tell them where they may obtain or inspect copies of the basic documents in the case.

Anyone who wishes to comment on the settlement has 60 days from today in which to do so.

Under ordinary procedures for settling antitrust cases, the settlements become final within 30 days after being filed with a court. Judge Edelstein proposed the extension of time.

PROCEDURES CRITICIZED

The judge's action, which did not appear to imply that he saw anything wrong with the settlement of this specific case, followed mounting criticism of the procedures for settling antitrust cases from antitrust lawyers and from such organizations as Ralph Nader's antitrust study group.

The criticism intensified following disclosure of the involvement of a White House staff member in the settlement last year of cases against the International Telephone and Telegraph Corporation.

The basic trust of the criticism has been that parties other than the defendants and the Justice Department should have a greater opportunity than they do now to challenge antitrust settlements that they believe are not in the public interest.

Up until the early nineteen-sixties, there was no opportunity for participation by third parties in antitrust settlements, which were announced and made final simultaneously.

Attorney General Robert F. Kennedy, heeding criticism that had been heaped on his predecessors, adopted the procedure of announcing settlements 30 days before they became final. Dissatisfied parties could then ask for changes in the settlements, and in a few cases they have been successful. But no procedures for publicizing the settlements, beyond issuance of a Justice Department press release, were employed.

The current case involves the American Society of Mechanical Engineers, Inc., and the National Board of Boiler and Pressure Vessels Inspectors.

According to the Justice Department's original complaint, which was filed in July, 1970, the two organizations conspired illegally to deny certain safety certifications and stamps to foreign-made boilers and pressure vessels. Forty-two states and many local governments require such certifications of boilers.

The complaint said that a majority of the members of the committees of the two organizations that dealt with the safety certifications were officers or employes of domestic manufacturers of boilers or pressure vessels or their suppliers or insurers.

As is true in all settlements of antitrust cases, the accused parties did not admit that they had engaged in the illegal conduct that was alleged. But they agreed to take a number of steps aimed at making such illegal behavior impossible in the future.

Among other things, they agreed to inaugurate within 90 days "a fair, reasonable and nondiscriminatory procedure enabling foreign manufacturers who meet the requirements" to receive safety certifications and stamps" on an equal basis with domestic manufacturers."

Provisions involving licensing of inspectors on a nondiscriminatory basis are also included in the settlement.

SHOULD THE PUBLIC PLAY A ROLE IN ANTITRUST SETTLEMENT?

By Eileen Shanahan

WASHINGTON.—"Just as war is too important to be handled exclusively by the military generals, big antitrust settlements are too important to be handled exclusively by the attorneys general—of either party."

In this fashion a noted antitrust lawyer opened a panel discussion last week on the necessity and wisdom of permitting persons other than the Government and the defendant corporations to have a say in the settlement of antitrust suits.

Coincidentally, the day before the panel took place, two events raised prospects of increasing public participation in antitrust settlements:

In Hartford Federal Judge Joseph Blumenfeld ruled that Ralph Nader and an associate should be allowed at least to make their formal argument that the Government should be required to explain further why it settled three antitrust cases against the International Telephone and Telegraph Corporation.

In New York Federal Judge David N. Edelstein told the Justice Department and two trade organizations against which it had brought suit that he would not accept their settlement of the case until it had been publicized in both general-circulation and legal periodicals. The public will have 60 days, under Judge Edelstein's order, in which it may protest the settlement.

The common thread that tied together the judge's actions and the lawyer's speech was, plainly, a fear that when the Government and an antitrust defendant negotiate a settlement, the Government may not always be acting in the public interests; that it may have some reason—justifiable or otherwise—for not driving the hardest possible bargain.

That is exactly what had been alleged in the long inquiry by the Senate Judiciary Committee into the I.T.T. settlement. The implication was that the White House had persuaded the Justice Department to go easy because the company had pledged a big contribution toward the Republican National Convention.

While much testimony rebutted that notion, one indisputable point was that the Justice Department gave one set of reasons at the time the settlement was announced and another set to the committee.

In the first instance, the Government argued that the settlement was good, really reducing the impact of I.T.T.'s mergers, even though the company was allowed to retain control of the vast and highly liquid Hartford Fire Insurance Company. In the hearings, and ever since, Justice Department officials have said they settled the case because they feared the harm to I.T.T., the stock market and possibly the entire economy, if the merger with Hartford were undone.

It was on this matter that Mr. Nader went to court. At the very least, he argued, the Government should be required to state to the court itself all of its reasons for the settlement and to explain why it had not stated them from the outset. Judge Blumenfeld agreed to consider the point, and added: "What troubles me is the suggestion that a fraud has been committed upon the court."

In asking for briefs over what the Government should be required to disclose about its motives for settlement, Judge Blumenfeld was still a long way from reopening the I.T.T. settlement.

But even if he requires only that the Government explain itself, he will have injected a new element into the settlement syatem. Explanations of motives have not been given in the past, and the Justice Department argued before Judge Blumenfeld that it would be harmful to disclose them and to ask a court to weigh "the Attorney General's balancing of the considerations leading to a settlement." The considerations would include an assessment of the likely success or failure of the Government's case and that assessment could provide ammunition for other antitrust defendants in future cases.

"Such a judicial inquiry would, in effect, require a trial on the entire range of factors bearing on settlement, the Justice brief said. "The hearing could be as complex as a trial on the merits and it would, in effect, involve a trial of the Attorney General's good faith and good judgment."

Those who have long worried about the secrecy surrounding the Government's decisions to settle antitrust cases are willing to run whatever risks may come with disclosure.

Among the worriers is Victor H. Kramer, the lawyer who said that big antitrust settlements were too important to be handled exclusively by attorneys general.

Mr. Kramer, who heads a public-interest law group at the Georgetown University Law Center, had a long career in the Government and then in private practice. He outlined some situations in which he would like to see the traditional privacy of settlement negotiations interrupted.

One of these was relevant to the I.T.T. case: the settlement "did not undo the principal acquisition attacked" in the original law suit, that of the Hartford Fire Insurance Company, although it did undo other acquisitions and forbade I.T.T. from making certain types of future acquisitions.

In the case that was heard by Judge Edelstein in New York, the issue was not explanations of the Justice Department's actions. In fact, on its surface at least, the settlement seemed to have met the test enunciated by Mr. Kramer. The settlement appeared to cover most or all of the points raised in the original suit, which involved an alleged conspiracy to keep foreign-made boilers out of the United States by denying them essential safety certifications.

Judge Edelstein gave no indication in his statements in court that he found the settlement inadequate.

He will not discuss the case, because it is still before him, but someone who knows his thinking reports that he has long been disturbed by the antitrust-settlement process. In brief, the Government and the accused company negotiate, and the Government may consult other parties, if it chooses. Once an agreement is reached, it is entered with a Federal district judge and announced, with as much or as little detail as the Government and the company wish to give.

In the ordinary case, 30 days must elapse before the settlement becomes final, and those who think the settlement is defective may ask the court for permission to intervene. The Justice Department has always opposed such intervention by "third parties," but even so, a settlement has been changed occasionally.

Judge Edelstein, who was reported to have decided after reading about the I.T.T. case, that he should follow his long-held feelings and try to improve the prospects for "third-party" interventions, ordered a 60-day waiting period in a case involving the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Inspectors.

He also ordered the terms of the settlement to be advertised for seven consecutive publishing days in The New York Times and The New York Law Journal, together with information on where the full text of the settlement and other documents in the case might be obtained, or inspected—in brief, from the Justice Department's Antitrust division in Washington or at the Federal Courthouse in Foley Square in New York.

Those who have sought greater public access to the antitrust settlement process are not sure that Judge Edelstein's order will change things much, even if it is widely imitated. They question whether affected parties will learn more about settlements through Judge Edelstein's method than they do now from the department's press release.

They are looking for greater reform—possibly including public participation in the negotiating process.

Many jeer at this idea. For example, Lloyd Cutler, a noted Washington lawyer who debated Mr. Kramer on the panel, which was sponsored by the Federal Bar Association and the Bureau of National Affairs, called the idea "essentially a plan to prevent any settlement from taking place."

Mr. Cutler also expressed the fear that any formal proceeding could take a long time, so long that constructive solutions to the problems would be delayed.

Possibly his most fundamental complaint went to the notion that there would often—or ever—be anything wrong with a settlement worked out between the Justice Department and the defendant company.

The notion that someone should be allowed to intervene in the settlement process "reflects excessive skepticism about the good faith of our fellow lawyers, in and out of Government, and excessive faith in the rectitude of the facts alleged in the complaint," he said.

A major debate over the issue is currently going on in law journals, producing a number of ideas of ways to protect the public interest when antitrust suits are settled. With the growth of public-interest law firms, additional courtroom challenges will obviously be brought.

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as "The Antitrust Settlement Act of 1972".

SEC. 2. (a) Before any court of the United States permits any proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws and brought by or on behalf of the United States to become final, it shall:

(1) direct the United States to publicize the terms of the proposed settlement

(A) by publishing for seven days over a period of two weeks in newspapers of general circulation of the district in which the case has been filed, in Washington, D.C., and in such other districts as the court may direct (i) a summary of the terms of the proposed consent judgment or decree or other settlement, (ii) a description of the case (including the alleged conditions which lead the Department of Justice to conclude that the antitrust laws had been violated), (iii) a list of the materials available under subsection (a)(1)(B) and the places where such material is available for public inspection, and (iv) an invitation to members of the public to send their comments on the terms of the proposed consent judgment or decree or other settlement to the Attorney General; and

(B) by making available to members of the public at United States Courthouses in every district mentioned in subsection (a)(1)(A), and in such other districts as the court may deem appropriate, copies of the proposed consent judgment or decree or other settlement and such other documents as the court deems necessary to permit meaningful comment by members of the public on the proposed settlement; and

(C) by taking such other steps as the court deems appropriate to ensure that members of the public have knowledge of the terms of the proposed consent judgment or decree or other settlement and an opportunity to comment thereon; and

(2) withhold decision on whether to permit the proposed consent judgment or decree or other settlement to become final for at least 60 days, or such other longer period as it deems necessary to allow the public adequate time to comment thereon and the United States and the court adequate time to consider such comments, *provided however* that the court shall not permit the proposed consent judgment or decree or other settlement to become final before the Attorney General has complied with the requirements of subsection (b) and a hearing has been held in compliance with subsection (c).

(b) The Attorney General or his designate shall (1) distribute to the court and to the defendant copies of any comments he receives on the terms of the proposed consent judgment or decree or other settlement, and (2) if no substantial changes of public interest are made in the proposed consent judgment or decree or other settlement, submit to the court, by such date as the court may direct after the expiration of any period under subsection (a)(2), a statement that he has taken into consideration the comments, if any, received from members of the public and that he believes the proposed consent judgment or decree or other settlement to be consistent with the antitrust laws and to be in the best interests of the United States, together with a full and complete articulation of the reasons for his belief, *provided* that if substantial changes of public interest are made in the proposed consent judgment or decree or other settlement the provisions of sections (a) and (b) of this section will be applicable as if the proposed consent judgment or decree or other settlement were being presented to the Court for the first time.

(c) The court shall order that a hearing be held on whether the proposed consent judgment or decree or other settlement should be allowed to become final, unless it finds after the Attorney General has complied with subsection (b) that there is no substantial controversy concerning the proposed consent judgment or decree or other settlement. The court may direct that such hearing be held before a special master appointed for that purpose.

(d)(1) The costs of any publicity ordered by a court pursuant to this section shall be borne equally by the United States and the defendant.

(2) The court, after deciding whether to allow the proposed consent judgment or decree or other settlement to become final, may award to any persons the actual, necessary and reasonable costs incurred by such person in preparing and presenting comments or preparing and presenting responses to comments (other than the report required of the Attorney General by subsection (b)(2)) pursuant to this Act, whenever the court finds it is in the public interest to make such an award.

(e) Nothing in this section shall limit in any way the power of the courts of the United States to make such other orders in connection with a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws as the court may lawfully make; nor shall anything in this section limit or expand in any way the power of the courts to accept or reject a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws; nor shall anything in this section limit or expand in any way the rights of any person to intervene in any suit, action or proceeding arising under the antitrust laws or any other laws.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several State in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

ANIMAL HEALTH RESEARCH ACT

Mr. ELLENDER. Mr. President, the United States enjoys one of the highest standards of animal health in the world with many diseases having been eradicated or controlled. Economic losses, however, currently are experienced due to serious chronic infections and parasitic, toxic, metabolic, nutritional, reproductive, degenerative and neoplastic diseases and disorders of animals. Total loss to the public, livestock and poultry industries was estimated in 1965 to be ap-

proximately $2.7 billion a year. The food loss for which these diseases are responsible is too great to be accepted.

We are not accustomed to thinking in terms of shortages of animal protein or of other foods, but which the world's growing population overtaking the food supply, we must develop newer technology to meet and stay ahead of demand. This means intensifying efforts to improve livestock and poultry production and it means providing the domesticated animal industry with better protection against disease.

Great strides have been taken in this country in the expansion of livestock production and many noteworthy improvements have been achieved in the breeding, nutrition, and management of herds and flocks. However, the presence of animal disease has been and continues to be the most important limiting factor to the continued expansion of the industry. In the report "A National Program of Research for Agriculture" it was stated that "infectious diseases represent the single greatest hazard to the production of an adequate and wholesome supply of animal protein." Ironically, the conditions which give rise to these disease dangers are more widespread today than ever before. Both livestock and poultry are now concentrated in larger and more intensively managed units. This system has the inherent risk of greater and more frequent exposure to the ever present sources of disease. The National Academy of Sciences has estimated the animal disease losses to be 15 to 20 percent per year in the United States and 30 to 40 percent in less developed countries of the world.

Members of the Council on Research of the American Veterinary Medical Association have expressed concern over the limited scope of research on livestock and poultry disease problems. They concluded that the present research effort is incompatible with future demands to meet the Nation's or the world's food needs and went on record recommending a substantial increase in the livestock disease research effort, and so they developed this bill which I am now introducing.

Veterinary medical research is conducted in all of the 18 schools of veterinary medicine and in 36 agricultural experiment stations in the United States and Puerto Rico which do not have schools. Associated with the latter group are 19 departments of veterinary science and 49 departments of animal science, animal pathology or the equivalent. These, plus the USDA laboratories constitute the principal institutions where veterinary research is conducted.

In fiscal year 1969, the State agricultural experiment stations expended approximately $15.3 million in support of research on livestock and poultry diseases and parasites. This amount included moneys from State and Federal appropriations and some support from industry. In addition, $926,241 of USDA federally appropriated funds were used to pay State experiment stations for performance of specific research contracts, grants and cooperative agreements. During the same period the U.S. Department of Agriculture Research Agencies spent approximately $16.6 million in support of livestock and poultry disease research and an additional $331,718 in support of contracts, grants, and cooperative agreements. If these estimates are correct, the total cost of research work on animal diseases and parasites is little more than 1 percent of the estimated annual losses. This is not an adequate program.

The proposed act would provide funding for the colleges of veterinary medicine and, in those States not having a school of veterinary medicine, the departments of veterinary science or animal pathology or similar units conducting animal health research in the State agricultural experiment stations. The basic distribution of funds to the institutions would be on a formula administered by the Secretary of Agriculture in consultation with an advisory board taking into account the livestock and poultry values and the research capacities in each State.

Authority also would be provided for the Secretary to support the funding of needed research facilities. The funds for facilities also would be apportioned among the research institutions in the several States, except that, to meet special needs, the Secretary could request additional funds for facilities at one or more of the eligible institutions, after consultation with the advisory board.

The advisory board, appointed by the Secretary, would be composed of members representing livestock and poultry associations, the schools of veterinary medicine, and the appropriate animal health research units of the agricultural experiment stations. The advisory board would recommend priorities for the conduct of animal health research and otherwise advise the Secretary in administering the provisions of the act.

I am concerned about certain definitions used in section 3 of this bill, especially that applied to eligible institutions. It seems to me that animal health research should be done wherever the talent exists and whenever a salutary effect on animal health can be achieved. It is vital to State, regional, and national interests that we do not exclude any capabilities or competencies in our effort to improve the health status of the livestock and poultry industries. This bill excludes animal health research in agricultural experiment stations in those States having a school of veterinary medicine. In the final analysis, my suggestion would be to include as eligible institutions both colleges of veterinary medicine and agricultural experiment stations. This in effect would qualify health research and would reduce duplicate efforts in terms of research administration as was done in the McIntire-Stennis Cooperative Forestry Act. However, to delay enacting such legislation would delay implementing essential animal disease programs and would add to the increased pressures being applied to the livestock and poultry industries of the Nation. I am confident that any inequities, whatever they be, can be resolved before this measure is reported to the Senate.

Too often we consider that animal disease losses are problems of livestock producers only. Disease losses necessarily must be reflected in the price of meat, milk, eggs, and wool. The price of pork is influenced by young pigs which die before they reach marketable age. Bovine mastitis reduces milk production and increases the market price of milk. Disease losses are a part of the cost of production and the public must pay for this as well as for the cost of feed and care of producing animals. The prices of livestock and animal products on the market are geared to average disease losses and this figure today is much greater than it should be. The producer who can manage to keep his losses low, profits by greater margins. The ones that have excessive losses eventually go out of business.

The Animal Health Research Act would make possible an expanded animal disease research program essential to achieving goals outlined in the National Program of Research for Agriculture. I am confident this bill will receive the most serious consideration in forthcoming attempts to correct the imbalanced funding on animal disease research. We must move toward early enactment of such legislation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of veterinary medical colleges and State agricultural experiment stations which would be eligible to receive Animal Health Act funds.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ANIMAL HEALTH RESEARCH ACT

1. VETERINARY MEDICAL COLLEGES ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

School of Veterinary Medicine, Auburn University, Auburn, Ala.
School of Veterinary Medicine, Tuskegee Institute, Tuskegee Institute, Ala.
School of Veterinary Medicine, University of California, Davis, Calif.
College of Veterinary Medicine, Colorado State University, Fort Collins, Colo.
School of Veterinary Medicine, University of Georgia, Athens, Ga.
College of Veterinary Medicine, University of Illinois, Urbana, Ill.
School of Veterinary Science and Medicine, Purdue University, Lafayette, Ind.
College of Veterinary Medicine, Iowa State University, Ames, Iowa.
College of Veterinary Medicine, Texas A&M University, College Station, Tex.
College of Veterinary Medicine, Kansas State University, Manhattan, Kans.
College of Veterinary Medicine, Michigan State University, East Lansing, Mich.
College of Veterinary Medicine, University of Minnesota, St. Paul, Minn.
School of Veterinary Medicine, University of Missouri, Columbia, Mo.
New York State Veterinary College, Cornell University, Ithaca, N.Y.
College of Veterinary Medicine, Ohio State University, Columbus, Ohio.
College of Veterinary Medicine, Oklahoma State University, Stillwater, Okla.
School of Veterinary Medicine, University of Pennsylvania, Philadelphia, Pa.
College of Veterinary Medicine, Washington State University, Pullman, Wash.

2. STATE AGRICULTURAL EXPERIMENT STATIONS ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH FUNDS

Institute of Agricultural Sciences, University of Alaska, College, Alaska.*
Arizona Agricultural Experiment Station, Tucson, Ariz.
Arkansas Agricultural Experiment Station, Fayetteville, Ark.
Connecticut Agricultural Experiment Station, New Haven, Conn.*
Connecticut Agricultural Experiment Station, Storrs, Conn.
Delaware Agricultural Experiment Station, Newark, Del.
Institute of Food and Agricultural Sciences, University of Florida, Gainesville, Fla.
Hawaii Agricultural Experiment Station, University of Hawaii, Honolulu, Hawaii.
Idaho Agricultural Experiment Station, Moscow, Idaho.
Kentucky Agricultural Experiment Station, Lexington, Ky.
Louisiana Agricultural Experiment Station, University Station, Baton Rouge, La.
Maine Agricultural Experiment Station, Orono, Maine.
Maryland Agricultural Experiment Station, College Park, Md.
Massachusetts Agricultural Experiment Station, Amherst, Mass.
Mississippi Agricultural and Forestry Experiment Station, State College, Miss.
Montana Agricultural Experiment Station, Bozeman, Mont.
Nebraska Agricultural Experiment Station, Lincoln, Nebr.
Nevada Agricultural Experiment Station, Reno, Nev.
New Hampshire Agricultural Experiment Station, Durham, N.H.
New Jersey Agricultural Experiment Station, New Brunswick, N.J.
New Mexico Agricultural Experiment Station, New Mexico State University, Las Cruces, N. Mex.
New York State Agricultural Experiment Station, Geneva, N.Y.*
North Carolina Agricultural Experiment Station, Raleigh, N.C.
North Dakota Agricultural Experiment Station, State University Station, Fargo, N. Dak.
Ohio Agricultural Research and Development Center, Wooster, Ohio.
Oregon Agricultural Experiment Station, Corvallis, Oreg.
Pennsylvania Agricultural Experiment Station, University Park, Pa.
Puerto Rico Agricultural Experiment Station, Rio Piedras, P.R.
Rhode Island Agricultural Experiment Station, Kingston, R.I.
South Carolina Agricultural Experiment Station, Clemson, S.C.
South Dakota Agricultural Experiment Station, Brookings, S. Dak.
Tennessee Agricultural Experiment Station, Knoxville, Tenn.
Utah Agricultural Experiment Station, Logan, Utah
Vermont Agricultural Experiment Station, Burlington, Vt.
Agricultural and Life Sciences Research Division, Virginia Polytechnic Institute, Blacksburg, Va.
West Virginia Agricultural Experiment Station, Morgantown, W. Va.
Wisconsin Agricultural Experiment Station, Madison, Wis.
Wyoming Agricultural Experiment Station, University Station, Laramie, Wyo.

3. STATE AGRICULTURAL EXPERIMENT STATIONS INELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

Alabama Agricultural Experiment Station, Auburn, Ala.
California Agricultural Experiment Station, Berkeley, Calif.
Colorado Agricultural Experiment Station, Fort Collins, Colo.
Georgia Agricultural Experiment Station, Athens, Ga.
Illinois Agricultural Experiment Station, Urbana, Ill.
Indiana Agricultural Experiment Station, Lafayette, Ind.
Iowa Agriculture and Home Economics Experiment Station, Ames, Iowa.
Kansas Agricultural Experiment Station, Manhattan, Kans.
Michigan Agricultural Experiment Station, East Lansing, Mich.
Minnesota Agricultural Experiment Station, St. Paul Campus, St. Paul, Minn.
Missouri Agricultural Experiment Station, Columbia, Mo.
New York Agricultural Experiment Station, Cornell Station, Ithaca, N.Y.
Oklahoma Agricultural Experiment Station, Stillwater, Okla.
Texas Agricultural Experiment Station, College Station, Tex.
Washington Agricultural Experiment Station, Pullman, Wash.

* Eligible Agricultural Experiment Station in which there apparently is not current animal health research.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3492

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972.

S. 3700

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 3700, a bill to allow tuition tax credits to the parents of non-public-school students.

S. 3741

At the request of Mr. MATHIAS, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3741, a bill to require full disclosure for Members of Congress.

SENATE RESOLUTION 327—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "SOCIAL SECURITY AND WELFARE REFORM"

(Referred to the Committee on Rules and Administration.)

Mr. LONG submitted the following resolution:

S. RES. 327

Resolved, That there be printed for the use of the Committee on Finance two thousand additional copies of its Committee Print of the current Congress entitled "Social Security and Welfare Reform."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENTS NO. 1288 AND 1289

(Ordered to be printed and to lie on the table.)

Mr. PASTORE submitted two amendments intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1300

(Ordered to be printed and to lie on the table.)

Mr. SCOTT, for himself, Mr. SCHWEIKER, and Mr. MATHIAS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15417), supra.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973—NOTICES OF MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 1290

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, after the figure on line 13 insert a comma and the following: "including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

Mr. BIBLE submitted the amendment (No. 1290) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1291

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1291) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1292

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1292) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1293

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice

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in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the followiug amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1;".

Mr. BIBLE submitted the amendment (No. 1293) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1294

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, line 19, after "$50,000,000" insert a colon and the following:

"*Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Mr. BIBLE submitted the amendment (No. 1294) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1295

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies".

Mr. BIBLE submitted the amendment (No. 1295) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1296

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided further*, That $550,000 shall be available to the National Park Service to complete the construction of two locomotives, a locomotive storage and display building, and for the restoration of historic trestles at Golden Spike National Historic Site notwithstanding the Act of July 30, 1965 (P.L. 89–102)".

Mr. BIBLE submitted the amendment (No. 1296) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1297

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 38, after line 26, insert the following:

"John F. Kennedy Center for the Performing Arts

"For expenses necesary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000, to be available for obligations incurred in fiscal year 1972."

Mr. BIBLE submitted the amendment (No. 1297) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1298

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

EXTENSION OF LEVEL IN THE PUBLIC DEBT—AMENDMENT

AMENDMENT NO. 1299

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

MARINE MAMMAL PROTECTION ACT

AMENDMENT NO. 1275

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. HARRIS.)

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR HARRIS

On June 23 I introduced with the junior Senator from New Jersey (Mr. WILLIAMS), the senior Senator from New Jersey (Mr. CASE), the senior Senator from California (Mr. CRANSTON), the senior Senator from Illinois (Mr. PERCY), the junior Senator from Vermont (Mr. STAFFORD), the junior Senator from Illinois (Mr. STEVENSON), and the junior Senator from Ohio (Mr. TAFT) several amendments pertaining to the Marine Mammals Protection Act of 1972. It has come to my attention that through a clerical error included in the package was an amendment to transfer authority for implementation of the Act from the Secretary of Commerce to the Secretary of Interior.

I personnally support such an amendment which I understand will be offered during Senate debate on the Marine Mammals Protection Act. But the amendment, number 1275, should not have been included in the package.

For parliamentary reasons it is not possible for an amendment once introduced to be withdrawn. However, I wish to clarify now that the Senators listed as co-sponsors of the package do support amendments 1274, 1276, 1277, and 1278. My introduction of amendment number 1275 does not necessarily reflect their position on the issue of whether the Secretary of Commerce or the Secretary of Interior should be required to implement the proposed legislation.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1273

At the request of Mr. CASE, the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Amendment No. 1273, intended to be offered to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973.

ANNOUNCEMENT OF HEARING ON BILL TO AMEND THE ADMINISTRATIVE CONFERENCE ACT

Mr. KENNEDY. Mr. President, on Tuesday, June 27, 1972 at 2 p.m. in room 4232, New Senate Office Building, the Subcommittee on Administrative Practice and Procedure will hold a legislative hearing on S. 3671, a bill to amend the Administrative Conference Act. The bill would first, authorize the Conference to seek a level of funding to expand its activities; and second, permit it to enter into supporting research arrangements and to receive grants from private nonprofit institutions. Witnesses will include Roger C. Cramton, chairman of the Administrative Conference of the United States, and Warner W. Gardner, a Washington attorney who is a member of the conference and chairman of its informal action committee.

NOTICE OF HEARING ON IMPACT OF SUPREME COURT WIRETAPPING DECISION

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure will hold a hearing on Thursday, June 29, 1972, on the interpretation, implementation, and implications of the Supreme Court's June 19 decision that the Attorney General must obtain court warrants before he can wiretap or bug for so-called "domestic security" information.

The Supreme Court has given the Amercan people new confidence that our liberty and freedom will be protected from Government interference. The Court has unanimously rejected the administration's claim that it could bug or wiretap anyone it wanted to, without any judicial authorization or controls. But the Court's ruling will turn out to be a cruel hoax on us all unless we can be sure that the Department of Justice intends to translate both the letter and the spirit of the decision into a real reduction in the amount of warrantless executive branch electronic spying on domestic groups and individuals. Thus it is vital that the public be told now how the Department interprets the Supreme Court's decision and what is being done to implement it. Among the questions which need answers are:

How many bugs and taps have been removed as a result of the decision?

Will the Department use the existing statutory procedures to obtain new warrants for "domestic security" intelligence or will it await the passage of new legislation specifically designed for such matters, as the Court suggests?

What level of foreign domination and control over a domestic group will be considered sufficient to bring the group into the area of foreign activities which the Court has not yet ruled upon, and what procedures will be followed in this area?

What will be done to notify those who have been unlawfully bugged and tapped since passage of the 1968 law so that their possible entitlement to damages can be determined?

The Department of Justice will be represented at the hearing by Deputy Assistant Attorney General for Internal Security, Kevin Maroney. Other witnesses invited include former Attorney General Ramsey Clark, former Assistant to the Solicitor General Nathan Lewin, and other experts. These witnesses will discuss both the Supreme Court opinion and the Department's interpretation of the opinion, as well as the practical impact of the decision on the Government's information-gathering functions, on the criminal justice system, and on citizen privacy.

Especially at a time when the arrest of the "Watergate 5" with bugging equipment in the offices of a political party has given Americans new concern about the sanctity of their homes and offices, it is vital that they be reassured that unauthorized eavesdropping will not be conducted by government agents. Of course, at this time it would be premature for the subcommittee to delve into the Watergate case itself. I would expect, however, that the professional staffs of the Criminal Division, the U.S. Attorney's Office, the FBI, and the Metropolitan Police have been authorized and directed to proceed independently of any political influence or control, to utilize every available resource, and to determine all the facts as to the ultimate responsibility for the alleged spying activities. In particular that investigation must necessarily determine the involvement of employees, consultants, or agents of the White House or White House-connected organizations—such as the Nixon Reelection Committee or the Republican National Committee—in the Watergate incident or related activities.

The Nation is also entitled to expect that, at the earliest possible moment, the Departemnt of Justice will give the American public as full and comprehensive a report as possible on these matters, consistent with the rights of those who may actually be indicted.

For certainly if there is no involvement of its staff or party, the administration should have no hesitation to reveal the facts fully. And if any of them is involved, then the public has a right to know, and to know immediately and completely, who and how and why.

The subcommittee's hearing is scheduled for 10 a.m. in room 6202, New Senate Office Building. To assist those who may be interested in the subject of warrantless electronic surveillance and who may wish to provide the subcommittee with their views of the implications of the Supreme Court decision, I ask unanimous consent that a copy of the Supreme Court's opinion in the case of the United States District Court, et al. (Keith) be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL.

(Certiorari to the United States Court of Appeals for the Sixth Circuit; No. 70–153. Argued February 24, 1972—Decided June 19, 1972)

SYLLABUS

The United States charged three defendants with conspiring to destroy and one of them with destroying, Government property. In response to the defendants' pretrial motion for disclosure of electronic surveillance information, the Government filed an affidavit of the Attorney General stating that he had approved the wiretaps for the purpose of gather[ing] intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." On the basis of the affidavit and surveillance logs (filed in a sealed exhibit), the Government claimed that the surveillances, though warrantless, were lawful as a reasonable exercise of presidential power to protect the national security. The District Court, holding the surveillances violative of the Fourth Amendment, issued an order for disclosure of the overheard conversations, which the Court of Appeals upheld. Title III of the Omnibus Crime Control and Safe Streets Act, which authorizes court-approved electronic surveillance for specified crimes, contains a provision in 18 U.S.C. § 2511(3) that nothing in that law limits the President's constitutional power to protect against the overthrow of the Government or against "any other clear and present danger to the structure or existence of the Government." The Government relies on § 2511(3) in support of its contention that "in excepting national security surveillances from the Act's warrant requirement, Congress recognized the President's authority to conduct such surveillances without prior judicial approval." *Held:*

1. Section 2511(3) is merely a disclaimer of congressional intent to define presidential powers in matters affecting national security, and is not a grant of authority to conduct warrantless national security surveillances. Pp. 4–10.

2. The Fourth Amendment (which shields private speech from unreasonable surveillance) requires prior judicial approval for the type of domestic security surveillance involved in this case. Pp. 16–23, 25.

(a) The Government's duty to safeguard domestic security must be weighed against the potential danger that unreasonable surveillances pose to individual privacy and free expression. Pp. 16–17.

(b) The freedoms of the Fourth Amendment cannot properly be guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch without the detached judgment of a neutral magistrate. Pp. 18–20.

(c) Resort to appropriate warrant procedure would not frustrate the legitimate purposes of domestic security searches. Pp. 20–23.

444 F. 651, affirmed.

POWELL, J., delivered the opinion of the Court, in which DOUGLAS, BRENNAN, MARSHALL, STEWART, and BLACKMUN, JJ., joined. DOUGLAS, J., filed a concurring opinion. BURGER, C. J., concurred in the result. WHITE, J., filed an opinion concurring in the judgment. REHNQUIST, J., took no part in the consideration or decision of the case.

Mr. JUSTICE POWELL delivered the opinion of the Court.

The issue before us is an important one for the people of our country and their Government. It involves the delicate question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. Successive Presidents for more than one-quarter of a century have authorized such surveillance in a varying degrees,[1] without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable Government intrusion.

This case arises from a criminal proceeding in the United States District Court for the Eastern District of Michigan, in which the United States charged three defendants with conspiracy to destroy Government property in violation of 18 U.S.C. § 371. One of the defendants, Plamondon, was charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan.

During pretrial proceedings, the defendants moved to compel the United States to disclose certain electronic surveillance information and to conduct a hearing to determine whether this information "tainted" the evidence on which the indict-

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ment was based or which the Government intended to offer at trial. In response, the Government filed an affidavit of the Attorney General, acknowledging that its agents had overheard conversations in which Plamondon had participated. The affidavit also stated that the Attorney General approved the wiretaps "to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government."[2] The affidavit, together with the logs of the surveillance, were filed in a sealed exhibit for *in camera* inspection by the District Court.

On the basis of the Attorney General's affidavit and the sealed exhibit, the Government asserted that the surveillances were lawful, though conducted without prior judicial approval, as a reasonable exercise of the President's power (exercised through the Attorney General) to protect the national security. The District Court held that the surveillance violated the Fourth Amendment, and ordered the Government to make full disclosure to Plamondon of his overheard conversations. —— F. Supp. ——.

The Government then filed in the Court of Appeals for the Sixth Circuit a petition for a writ of mandamus to set aside the District Court order, which was stayed pending final disposition of the case. After concluding that it had jurisdiction,[3] that court held that the surveillances were unlawful and that the District Court had properly required disclosure of the overheard conversations, 444 F. 2d 651 (1971). We granted certiorari, 403 U.S. 930.

I

Title III of the Omnibus Crime Control and Safe Streets Act, 18 U. S. C. §§ 2510–2520, authorizes the use of electronic surveillance for classes of crimes carefully specified in 18 U. S. C. § 2516. Such surveillance is subject to prior court order. Section 2518 sets forth the detailed and particularized application necessary to obtain such an order as well as carefully circumscribed conditions for its use. The Act represents a comprehensive attempt by Congress to promote more effective control of crime while protecting the privacy of individual thought and expression. Much of Title III was drawn to meet the constitutional requirements for electronic surveillance enunciated by this Court in *Berger* v. *New York*, 388 U. S. 41 (1967), and *Katz* v. *United States*, 389 U. S. 347 (1967).

Together with the elaborate surveillance requirements in Title III, there is the following proviso, 18 U. S. C. § 2511 (3):

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U. S. C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. *Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government.* The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial, hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis supplied.)

The Government relies on § 2511(3). It argues that "in excepting national security surveillances from the Act's warrant requirement Congress recognized the President's authority to conduct such surveillances without prior judicial approval." Govt. Brief, pp. 7, 28. The section thus is viewed as a recognition or affirmance of a constitutional authority in the President to conduct warrantless domestic security surveillance such as that involved in this case.

We think the language of § 2511(3), as well as the legislative history of the statute, refutes this interpretation. The relevant language is that:

"Nothing contained in this chapter . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect . . ." against the dangers specified. At most, this is an implicit recognition that the President does have certain powers in the specified areas. Few would doubt this, as the section refers—among other things—to protection "against actual or potential attack or other hostile acts of a foreign power." But so far as the use of the President's electronic surveillance power is concerned, the language is essentially neutral.

Section 2511(3) certainly confers no power, as the language is wholly inappropriate for such a purpose. It merely provides that the Act shall not be interpreted to limit or disturb such power as the President may have under the Constitution. In short, Congress simply left presidential powers where it found them. This view is reinforced by the general context of Title III. Section 2511(1) broadly prohibits the use of electronic surveillance "except as otherwise specifically provided in this chapter." Subsection (2) thereof contains four specific exceptions. In each of the specified exceptions, the statutory language is as follows:

"It shall not be unlawful . . . to intercept" the particular type of communication described.[4]

The language of subsection (3), here involved, is to be contrasted with the language of the exceptions set forth in the preceding subsection. Rather than stating that warrantless presidential uses of electronic surveillance "shall not be unlawful" and thus employing the standard language of exception, subsection (3) merely disclaims any intention to "limit the constitutional power of the President."

The express grant of authority to conduct surveillances is found in § 2516, which authorizes the Attorney General to make application to a federal judge when surveillance may provide evidence of certain offenses. These offenses are described with meticulous care and specificity.

Where the Act authorizes surveillance, the procedure to be followed is specified in § 2518. Subsection (1) thereof requires application to a judge of competent jurisdiction for a prior order of approval, and states in detail the information required in such application.[5] Subsection (3) prescribes the necessary elements of probable cause which the judge must find before issuing an order authorizing an interception. Subsection (4) sets forth the required contents of such an order. Subsection (5) sets strict time limits on an order. Provision is made in subsection (7) for "an emergency situation" found to exist by the Attorney General (or by the principal prosecuting attorney of a State) "with respect to conspiratorial activities threatening the national security interest." In such a situation, emergency surveillance may be conducted "if an application for an order approving the interception is made . . . within 48 hours." If such an order is not obtained, or the application therefor is denied, the interception is deemed to be a violation of the Act.

In view of these and other interrelated provisions delineating permissible interceptions of particular criminal activity upon carefully specified conditions, it would have been incongruous for Congress to have legislated with respect to the important and complex area of national security in a single brief and nebulous paragraph. This would not comport with the sensitivity of the problem involved or with the extraordinary care Congress exercised in drafting other sections of the Act. We therefore think the conclusion inescapable that Congress only intended to make clear that the Act simply did not legislate with respect to national security surveillances.[6]

The legislative history of § 2511 (3) supports this interpretation. Most relevant is the colloquy between Senators Hart, Holland, and McClellan on the Senate floor:

"Mr. HOLLAND. . . . The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . *We are not affirmatively conferring any power upon the President.* We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.

"There is nothing affirmative in this statement.

"Mr. MCCLELLAN. Mr. President, *we make it understood that we are not trying to take anything away from him.*

"Mr. HOLLAND. The Senator is correct.

"Mr. HART. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

"Mr. MCCLELLAN. Even though we intended, we could not do so.

"Mr. HART. . . . However, we agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

"In addition, Mr. President, *as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague. . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III.* (Emphasis supplied.)[7]

One could hardly except a clearer expression of congressional neutrality. The debate above explicitly indicates that nothing in § 2511(3) was intended to *expand* or to *contract* or to *define* whatever presidential surveillance powers existed in matters affecting the national security. If we could accept the Government's characterization of § 2511(3) as a congressionally prescribed exception to the general requirement of a warrant, it would be necessary to consider the question of whether the surveillance in this case came within the exception and, if so, whether the statutory exception was itself constitutionally valid. But viewing § 2511(3) as a congressional disclaimer and expression of neutrality, we hold that the statute is not the measure of the executive authority asserted in this case. Rather, we must look to the constitutional powers of the President.

II

It is important at the outset to emphasize the limited nature of the question before the Court. This case raises no constitutional challenge to electronic surveillance as specifically authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Nor is there any question or doubt as to the necessity of obtaining a warrant in the surveillance of crimes unrelated to the national security interest. *Katz* v. *United States*, 389 U.S. 347 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967). Further, the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country. The Attorney General's affidavit in this case states that the surveillances were "deemed necessary to protect the nation from attempts of *domestic organizations* to attack and subvert the existing structure of Government" (emphasis supplied). There is no evidence of any involvement, directly or indirectly, of a foreign power.[8]

Our present inquiry, though important, is therefore a narrow one. It addresses a question left open by *Katz*, *supra*, p. 358, n. 23:

"Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security . . . ."

The determination of this question requires the essential Fourth Amendment inquiry into the "reasonableness" of the search and seizure in question, and the way in which that "reasonableness" derives content and meaning through reference to the warrant clause. *Coolidge* v. *New Hampshire*, 403 U. S. 443, 473–484 (1971).

We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, § 1, of the Constitution, "to preserve, protect, and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President—through the Attorney General—may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government.[9] The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946.[10] Herbert Brownell, Attorney General under President Eisenhower, urged the use of electronic surveillance both in internal and international security matters on the grounds that those acting against the Government

"turn to the telephone to carry on their intrigue. The success of their plans frequently rests upon piecing together shreds of information received from many sources and many nests. The participants in the conspiracy are often dispersed and stationed in various strategic positions in government and industry throughout the country."[11]

Though the Government and respondents debate their seriousness and magnitude, threats and acts of sabotage against the Government exist in sufficient number to justify investigative powers with respect to them.[12] The covertness and complexity of potential unlawful conduct against the Government and the necessary dependency of many conspirators upon the telephone make electronic surveillance an effective investigatory instrument in certain circumstances. The marked acceleration in technological developments and sophistication in their use have resulted in new techniques for the planning, commission and concealment of criminal activities. It would be contrary to the public interest for Government to deny to itself the prudent and lawful employment of those very techniques which are employed against the Government and its law abiding citizens.

It has been said that "the most basic function of any government is to provide for the security of the individual and of his property." *Miranda* v. *Arizona*, 384 U.S. 436, 539 (1966) (WHITE, J., dissenting). And unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered. As Chief Justice Hughes reminded us in *Cox* v. *New Hampshire*, 312 U.S. 569, 574 (1940):

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses."

But a recognition of these elementary truths does not make the employment by Government of electronic surveillance a welcome development—even when employed with restraint and under judicial supervision. There is, understandably, a deep-seated uneasiness and apprehension that this capability will be used to intrude upon cherished privacy of law-abiding citizens.[13] We look to the Bill of Rights to safeguard this privacy. Though physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed, its broader spirit now shields private speech from unreasonable surveillance. *Katz* v. *United States*, *supra*; *Berger* v. *New York*, *supra*; *Silverman* v. *United States*, 365 U.S. 505 (1961). Our decision in *Katz* refused to lock the Fourth Amendment into instances of actual physical trespass. Rather, the Amendment governs "not only the seizure of tangible items, but extends as well to the recording of oral statements 'without any technical trespass under . . . local property law.'" *Katz*, *supra*, at 353. That decision implicitly recognized that the broad and unsuspected governmental incursions into conversational privacy which electronic surveillance entails[14] necessitate the application of Fourth Amendment safeguards.

National security cases, moreover, often reflect a convergence of First and Fourth Amendment values not present in cases of "ordinary" crime. Though the investigative duty of the executive may be stronger in such cases, so also is there greater jeopardy to constitutionally protected speech. "Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power," *Marcus* v. *Search Warrant*, 367 U.S. 717, 724 (1961). History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect "domestic security." Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent. Senator Hart addressed this dilemma in the floor debate on § 2511(3):

"As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government."[15]

The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power. Nor must the fear of unauthorized official eavesdropping deter vigorous citizen dissent and discussion of Government action in private conversation. For private dissent, no less than open public discourse, is essential to our free society.

III

As the Fourth Amendment is not absolute in its terms, our task is to examine and balance the basic values at stake in this case: the duty of Government to protect the domestic security, and the potential danger posed by unreasonable surveillance to individual privacy and free expression. If the legitimate need of Government to safeguard domestic security requires the use of electronic surveillance, the question is whether the needs of citizens for privacy and free expression may not be better protected by requiring a warrant before such surveillance is undertaken. We must also ask whether a warrant requirement would unduly frustrate the efforts of Government to protect itself from acts of subversion and overthrow directed against it.

Though the Fourth Amendment speaks broadly of "unreasonable searches and seizures," the definition of "reasonableness" turns, at least in part, on the more specific commands of the warrant clause. Some have argued that "the relevant test is not whether it was reasonable to procure a search warrant, but whether the search was reasonable," *United States* v. *Rabinowitz*, 339 U.S. 56, 66 (1950).[16] This view, however, overlooks the second clause of the Amendment. The warrant clause of the Fourth Amendment is not dead language. Rather it has been

"a valued part of our constitutional law for decades, and it has determined the result in scores and scores of cases in the courts all over this country. It is not an inconvenience to be somehow 'weighed' against the claims of police efficiency. It is, or should be, an important working part of our machinery of government, operating as a matter of course to check the 'well-intentioned but mistakenly over-zealous executive officers' who are a part of any system of law enforcement." *Coolidge* v. *New Hampshire*, *supra*, at 491.

See also *United States* v. *Rabinowitz*, 339 U.S. 57, 68 (1950) (Frankfurter, J., dissenting); *Davis* v. *United States*, 328 U.S. 582, 604 (Frankfurter, J., dissenting).

Over two centuries ago, Lord Mansfield held that common law principles prohibited warrants that ordered the arrest of unnamed individuals whom the *officer* might conclude were guilty of seditious libel. "It is not fit," said Mansfield, "that the receiving or judging of the information ought to be left to the discretion of the officer. The magistrate ought to judge; and should give certain directions to the officer." *Leach* v. *Three of the King's Messengers*, How. St. Tr. 1001, 1027 (1765).

Lord Mansfield's formulation touches the very heart of the Fourth Amendment directive: that where practical, a governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizen's private premises or conversation. Inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate." *Coolidge* v. *New Hampshire*, *supra*, at 453; *Katz* v. *United States*, *supra*, at 356. The further requirement of "probable cause" instructs the magistrate that baseless searches shall not proceed.

These Fourth amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute. *Katz* v. *United States*, *supra*, at 359–360 (DOUGLAS, J., concurring). But those charged with this investigative and prosecutorial duty should not be the sole judges of when to utilize constitutionally sensitive means in pursuing their tasks. The historical judgment, which the Fourth Amendment accepts is that unreviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech.[17]

It may well be that, in the instant case, the Government's surveillance of Plamondon's conversations was a reasonable one which readily would have gained prior judicial approval. But this Court "has never sustained a search upon the sole ground

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that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end." *Katz, supra*, at 356–367. The Fourth Amendment contemplates a prior judicial judgment,[18] not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the difference branches and levels of Government. John M. Harlan, Thoughts at a Dedication: Keeping the Judicial Function in Balance, 49 A. B. A. J. 943–944 (1963). The independent check upon executive discretion is not satisfied, as the Government argues, by "extremely limited" post-surveillance judicial review.[19] Indeed, post-surveillance review would never reach the surveillances which failed to result in prosecutions. Prior review by a neutral and detached magistrate is the time tested means of effectuating Fourth Amendment rights. *Beck* v. *Ohio*, 379 U.S. 89, 96 (1964).

It is true that there have been some exceptions to the warrant requirement. *Chimel* v. *California*, 395 U.S. 752 (1969); *Terry* v. *Ohio*, 392 U.S. 1 (1968); *McDonald* v. *United States*, 335 U.S. 451 (1948); *Carroll* v. *United States*, 267 U.S. 132 (1925). But those exceptions are few in number and carefully delineated, *Katz, supra*, at 357; in general they serve the legitimate needs of law enforcement officers to protect their own wellbeing and preserve evidence from destruction. Even while carving out those exceptions, the Court has reaffirmed the principle that the "police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure," *Terry* v. *Ohio, supra*, at 20; *Chimel* v. *California, supra*, at 762.

The Government argues that the special circumstances applicable to domestic security surveillances necessitate a further exception to the warrant requirement. It is urged that the requirement of prior judicial review would obstruct the President in the discharge of his constitutional duty to protect domestic security. We are told further that these surveillances are directed primarily to the collecting and mantaining of intelligence with respect to subversive forces, and are not an attempt to gather evidence for specific criminal prosecutions. It is said that this type of surveillance should not be subject to traditional warrant requirements which were established to govern investigation of criminal activity, not on-going intelligence gathering. Govt. Brief, pp. 15–16, 23–24. Govt. Reply Brief, pp. 2–3.

The Government further insists that courts "as a practical matter would have neither the knowledge nor the techniques necessary to determine whether there was probable cause to believe that surveillance was necessary to protect national security." These security problems, the Government contends, involve "a large number of complex and subtle factors" beyond the competence of courts to evaluate. Govt. Reply Brief, p. 4.

As a final reason for exemption from a warrant requirement, the Government believes that disclosure to a magistrate of all or even a significant portion of the information involved in domestic security surveillances "would create serious potential dangers to the national security and to the lives of informants and agents . . . . Secrecy is the essential ingredient in intelligence gathering; requiring prior judicial authorization would create a greater 'danger of leaks . . ., because in addition to the judge, you have the clerk, the stenographer and some other official like a law assistant or bailiff who may be apprised of the nature' of the surveillance." Govt. Brief, pp. 24–25.

These contentions in behalf of a complete exemption from the warrant requirement, when urged on behalf of the President and the national security in its domestic implications, merit the most careful consideration. We certainly do not reject them lightly, especially at a time of worldwide ferment and when civil disorders in this country are more prevalent than in the less turbulent periods of our history. There is, no doubt, pragmatic force to the Government's position.

But we do not think a case has been made for the requested departure from Fourth Amendment standards. The circumstances described do not justify complete exemption of domestic security surveillance from prior judicial scrutiny. Official surveillance, whether its purpose be criminal investigation or on-going intelligence gathering, risks infringement of constitutionally protected privacy of speech. Security surveillances are especially sensitive because of the inherent vagueness of the domestic security concept the necessarily broad and continuing nature of intelligence gathering, and the temptation to utilize such surveillances to oversee political dissent. We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment. In this case we hold that this requires an appropriate prior warrant procedure.

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation. Courts regularly deal with the most difficult issues of our society. There is no reason to believe that federal judges will be insensitive to or uncomprehending of the issues involved in domestic security cases. Certainly courts can recognize that domestic security surveillance involves different considerations from the surveillance of ordinary crime. If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance.

Nor do we believe prior judicial approval will fracture the secrecy essential to official intelligence gathering. The investigation of criminal activity has long involved imparting sensitive information to judicial officers who have respected the confidentialities involved. Judges may be counted upon to be especially conscious of security requirements in national security cases. Title III of the Omnibus Crime Control and Safe Streets Act already has imposed this responsibility on the judiciary in connection with such crimes as espionage, sabotage and treason, § 2516 (1)(a)(c), each of which may involve domestic as well as foreign security threats. Moreover, a warrant application involves no public or adversary proceedings: it is an *ex parte* request before a magistrate or judge. Whatever security dangers clerical and secretarial personnel may pose can be minimized by proper administrative measures, possibly to the point of allowing the Government itself to provide the necessary clerical assistance.

Thus, we conclude that the Government's concerns do not justify departure in this case from the customary Fourth Amendment requirement of judicial approval prior to initiation of a search or surveillance. Although some added burden will be imposed upon the Attorney General, this inconvenience is justified in a free society to protect constitutional values. Nor do we think the Government's domestic surveillance powers will be impaired to any significant degree. A prior warrant establishes presumptive validity of the surveillance and will minimize the burden of justification in post-surveillance judicial review. By no means of least importance will be the reassurance of the public generally that indiscriminate wiretapping and bugging of law-abiding citizens cannot occur.

IV

We emphasize, before concluding this opinion, the scope of our decision. As stated at the outset, this case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents.[20] Nor does our decision rest on the language of § 2511(c) or any other section of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That Act does not attempt to define or delineate the powers of the President to meet domestic threats to the national security.

Moreover, we do not hold that the same type of standards and procedures prescribed by Title III are necessarily applicable to this case. We recognize that domestic security surveillance may involve different policy and practical considerations from the surveillance of "ordinary crime." The gathering of security intelligence is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency. Thus, the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.

Given these potential distinctions between Title III criminal surveillance and those involving the domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens. For the warrant application may vary according to the governmental interest to be enforced and the nature of citizen rights deserving protection. As the Court said in *Camara* v. *Municipal Court*, 387 U.S. 523, 534–535 (1967):

"In cases in which the Fourth Amendment requires that a warrant to search be obtained, 'probable cause' is the standard by which a particular decision to search is tested against the constitutional mandate of reasonableness. . . . In determining whether a particular inspection is reasonable—and thus in determining whether there is probable cause to issue a warrant for that inspection—the need for the inspection must be weighed in terms of these reasonable goals of law enforcement." It may be that Congress, for example, would judge that the application and affidavit showing probable cause need not follow the exact requirements of § 2518 but should allege other circumstances more appropriate to domestic security cases; that the request for prior court authorization could, in sensitive cases, be made to any member of a specially designated court (*e.g.*, the District Court or Court of Appeals for the District of Columbia); and that the time and reporting requirements need not be so strict as those in § 2518.

The above paragraph does not, of course, attempt to guide the congressional judgment but rather to delineate the present scope of our own opinion. We do not attempt to detail the precise standards for domestic security warrants any more than our decision in *Katz* sought to set the refined requirements for the specified criminal surveillances which now constitute Title III. We do hold, however, that prior judicial approval is required for the type of domestic security surveillance involved in this case and that such approval may be made in accordance with such reasonable standards as the Congress may prescribe.

V

As the surveillance of Plamondon's conversations was unlawful, because conducted without prior judicial approval, the courts below correctly held that *Alderman* v. *United States*, 394 U.S. 168 (1969), is controlling and that it requires disclosure to the accused of his own impermissibly intercepted conversations. As stated in *Alderman*, "the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect." 394 U.S. 185.[21]

The judgment of the Court of Appeals is hereby

Affirmed.

The CHIEF JUSTICE concurs in the result.

Mr. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] See n. 10, *infra*.

[2] The Attorney General's affidavit reads as follows:

"JOHN N. MITCHELL being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

[3] Jurisdiction was challenged before the Court of Appeals on the ground that the District Court's order was interlocutory and not appealable under 28 U.S.C. § 1291. On this issue, the Court correctly held that it did have jurisdiction, relying upon the All Writs Statute, 28 U.S.C. § 1651, and cases cited in its opinion, 444 F. 2d, at 655–656. No attack was made in this Court as to the appropriateness of the writ of mandamus procedure.

[4] These exceptions relate to certain activities of communication common carriers and the Federal Communications Commission, and to specified situations where a party to the communication has consented to the interception.

[5] 18 U.S.C. § 2518, subsection (1) reads as follows:

"§22518. Procedure for interception of wire or oral communications

"(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

"(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

"(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

[6] The final sentence of § 2511(3) states that the contents of an interception "by authority of the President in the exercise of the foregoing powers may be received in evidence . . . only where such interception was reasonable. . . ." This sentence seems intended to assure that when the President conducts lawful surveillance—pursuant to whatever power he may possess—the evidence is admissible.

[7] Cong. Rec. Vol. 114, pt. 11, p. 14751, May 23, 1968. Senator McClellan was the sponsor of the bill. The above exchange constitutes the only time that § 2511(3) was expressly debated on the Senate or House floor. The Report of the Senate Judiciary Committee is not so explicit as the exchange on the floor, but it appears to recognize that under § 2511 (3) the national security power of the President—whatever it may be—"is not to be deemed disturbed." S. Rep. No. 1097, 90th Cong., 2d Sess., 94 (1968). See also The "National Security Wiretap": President Prerogative or Judicial Responsibility where the author concludes that in § 2511(3) "Congress took what amounted to a position of neutral noninterference on the question of the constitutionality of warrantless national security wiretaps authorized by the President." 45 S. Cal. L. Rev.—(1972).

[8] Section 2511(3) refers to "the constitutional power of the President" in two types of situations: (i) where necessary to protect against attack, other hostitle acts or intelligence activities of a "foreign power"; or (ii) where necessary to protect against the overthrow of the Government or other clear and present danger to the structure or existence of the Government. Although both of the specified situations are sometimes referred to as "national security" threats, the term "national security" is used only in the first sentence of § 2511(3) with respect to the activities of foreign powers. This case involves only the second sentence of § 2511(3), with the threat emanating—according to the Attorney General's affidavit—from "domestic organizations." Although we attempt no precise definition, we use the term "domestic organization" in this opinion to mean a group or organization (whether formally or informally constituted) composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies. No doubt there are cases where it will be difficult to distinguish between "domestic" and "foreign" unlawful activities directed against the Government of the United States where there is collaboration in varying degrees between domestic groups or organizations and agents or agencies of foreign powers. But this is not such a case.

[9] Enactment of Title III reflects congressional recognition of the importance of such surveillance in combatting various types of crime. Frank S. Hogan, District Attorney for New York County for over 25 years, described telephone interception, pursuant to court order, as "the single most valuable weapon in law enforcement's fight against organized crime." Cong. Rec. Vol. 117, pt. 11, p. 14051. The "Crime" Commission appointed by President Johnson noted that "the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. They maintain these techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions." Report by the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 201 (1967).

[10] In that month Attorney General Tom Clark advised President Truman of the necessity of using wiretaps "in cases vitally affecting the domestic security." In May 1940 President Roosevelt had authorized Attorney General Jackson to utilize wiretapping in matters "involving the defense of the nation," but it is questionable whether this language was meant to apply to solely domestic subversion.

The nature and extent of wiretapping apparently varied under different administrations and Attorneys General, but except for the sharp curtailment under Attorney General Ramsey Clark in the latter years of the Johnson administration, electronic surveillance has been used both against organized crime and in domestic security cases at least since the 1946 memorandum from Clark to Truman. Govt. Brief, pp. 16–18; Resp. Brief pp. 51–56; Cong. Rec. Vol. 117, pt. 11, pp. 14051–14052.

[11] Brownell, The Public Security and Wire Tapping, 39 Cornell L. Q. 195, 202 (1954). See also Rogers, The Case For Wire Tapping, 63 Yale L. J. 792 (1954).

[12] The Government asserts that there were

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1,562 bombing incidents in the United States from January 1, 1971, to July 1, 1971, most of which involved Government related facilities. Respondents dispute these statistics as incorporating many frivolous incidents as well as bombings against nongovernmental facilities. The precise level of this activity, however, is not relevant to the disposition of this case. Govt. Brief, p. 18; Resp. Brief, p. 26–29; Govt. Reply Brief, p. 13.

[12] Professor Alan Westin has written on the likely course of future conflict between the value of privacy and the "new technology" of law enforcement. Much of the book details techniques of physical and electronic surveillance and such possible threats to personal privacy as psychological and personality testing and electronic information storage and retrieval. Not all of the contemporary threats to privacy emanate directly from the pressures of crime control. A. Westin, Privacy and Freedom (1967).

[14] Though the total number of intercepts authorized by state and federal judges pursuant to Tit. III of the 1968 Omnibus Crime Control and Safe Streets Act was 597 in 1970, each surveillance may involve interception of hundreds of different conversations. The average intercept in 1970 involved 44 people and 655 conversations, of which 295 or 45% were incriminating. Cong. Rec. Vol. 117, pt. 11, p. 14052.

[15] Cong. Rec. Vol. 114, pt. 11, p. 14750, May 23, 1968. The subsequent assurances, quoted in part I of the opinion, that § 2511 (3) implied no statutory grant, contraction, or definition of presidential power eased the Senator's misgivings.

[18] This view has not been accepted. In *Chimel* v. *California*, 395 U.S. 752 (1969), the Court considered the Government's contention that the search be judged on a general "reasonableness" standard without reference to the warrant clause. The Court concluded that argument was "founded on little more than a subjective view regarding the acceptability of certain sorts of police conduct, and not on considerations relevant to Fourth Amendment interests. Under such an unconfined analysis, Fourth Amendment protection in this area would approach the evaporation point." *Chimel, supra*, at 764–765.

[17] Lesson, The History and Development of the Fourth Amendment to the United States Constitution, 79–105 (1937).

[18] We use the word "judicial" to connote the traditional Fourth Amendment requirement of a neutral and detached magistrate.

[19] The Government argues that domestic security wiretaps should be upheld by courts in post surveillance review "unless it appears that the Attorney General's determination that the proposed surveillance relates to a national security matter is arbitrary and capricious, *i.e.*, that it constitutes a clear abuse of the broad discretion that the Attorney General has to obtain all information that will be helpful to the President in protecting the Government . . ." against the various unlawful acts in § 2511(3). Govt. Brief, p. 22.

[20] See n. 8, *supra*. For the view that warrantless surveillance, though impermissible in domestic security cases, may be constitutional where foreign powers are involved, see *United States* v. *Smith*, — F. Supp. — (1971); and American Bar Association Criminal Justice Project, Standards Relating to Electronic Surveillance, Feb. 1971, pp. 11, 120, 121. See also *United States* v. *Clay*, 430 F. 2d 165 (1970).

[21] We think it unnecessary at this time and on the facts of this case to consider the arguments advanced by the Government for a reexamination of the basis and scope of the Court's decision in *Alderman*.

MR. JUSTICE DOUGLAS, concurring.

While I join in the opinion of the Court, I add these words in support of it.

This is an important phase in the campaign of the police and intelligence agencies to obtain exemptions from the Warrant Clause of the Fourth Amendment. For, due to the clandestine nature of electronic eavesdropping, the need is acute for placing on the Government the heavy burden to show that "exigencies of the situation [make its] course imperative." [1] Other abuses such as the search incident to arrest, have been partly deterred by the threat of damage actions against offending officers,[2] the risk of adverse publicity, or the possibility of reform through the political process. These latter safeguards, however, are ineffective against lawless wiretapping and "bugging" of which their victims are totally unaware. Moreover, even the risk of exclusion of tainted evidence would here appear to be of negligible deterrent value inasmuch as the United States frankly concedes that the primary purpose of these searches is to fortify its intelligence collage rather than to accumulate evidence to support indictments and convictions. If the Warrant Clause were held inapplicable here, then the federal intelligence machine would literally enjoy unchecked discretion.

Here federal agents wish to rummage for months on end through every conversation, no matter how intimate or personal, carried over selected telephone lines simply to seize those few utterances which may add to their sense of the pulse of a domestic underground.

We are told that one national security wiretap lasted for 14 months and monitored over 900 conversations. Senator Edward Kennedy found recently that "warrantless devices accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order." [3] He concluded that the Government's revelations posed "the frightening possibility that the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time." [4] Even the most innocent and random caller who uses or telephones into a tapped line can become a flagged number in the Government's data bank. See *Laird* v. *Tatum*, 1971 Term, No. 71–288.

Such gross invasions of privacy epitomize the very evil to which the Warrant Clause was directed. This Court has been the unfortunate witness of the hazards of police intrusions which did not receive prior sanction by independent magistrates. For example, in *Weeks* v. *United States*, *supra*; *Mapp* v. *Ohio*, 367 U.S. 643; and *Chimel* v. *California*, *supra*, entire homes were ransacked pursuant to warrentless searches. Indeed, in *Kremen* v. *United States*, 353 U.S. 346, the *entire contents* of a cabin, totalling more than 800 items (such as "1 Dish Rag") [5] were seized incident to an arrest of its occupant and were taken to San Francisco for study by FBI agents. In a similar case, *Von Cleef* v. *New Jersey*, 395 U.S. 814, police, without a warrant, searched an arrestee's house for three hours, eventually seizing "several thousand articles, including books, magazines, catalogues, mailing lists, private correspondence (both open and unopened), photographs, drawings, and film." *Id.*, 815. In *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, federal agents "without a shadow of authority" raided the offices of one of the petitioners (the proprietors of which had earlier been jailed) and "made a clean sweep of all the books, papers, and documents found there." Justice Holmes, for the Court, termed this tactic an "outrage." *Id.*, 385, 390, 391. In *Stanford* v. *Texas*, 379 U.S. 476, state police seized more than 2,000 items of literature, including the writings of Mr. Justice Black, pursuant to a general search warrant issued to inspect an alleged subversive's home.

That "domestic security" is said to be involved here does not draw this case outside the mainstream of Fourth Amendment law. Rather, the recurring desire of reigning officials to employ dragnet techniques to intimidate their critics lies at the core of that prohibition. For it was such excesses as the use of general warrants and the writs of assistance that led to the ratification of the Fourth Amendment. In *Entick* v. *Carrington*, 19 How. St. Tr. 1029, decided in 1765, one finds a striking parallel to the executive warrants utilized here. The Secretary of State had issued general executive warrants to his messengers authorizing them to roam about and to seize libel and libellants of the sovereign. Entick, a critic of the Crown, was the victim of one such general search during which his seditious publications were impounded. He brought a successful damage action for trespass against the messengers. The verdict was sustained on appeal Lord Camden wrote that if such sweeping tactics were validated then "the secret cabinets and bureaus of every subject in this kingdom will be thrown open to the search and inspection of a messenger, whenever the secretary of state shall think fit to charge, or even to suspect, a person to be the author, printer, or publisher of a seditious libel." *Id.*, 1063. In a related and similar proceeding, *Wilkes* v. *Wood*, 9 How. St. Tr. 1153, 1167, a false imprisonment suit, the same judge who presided over Entick's appeal held for another victim of the same despotic practice, saying "to enter a man's house by virtue of a nameless warrant, in order to procure evidence, is worse than the Spanish Inquisition. . . ." As early as *Boyd* v. *United States*, 116 U.S. 616, 626, and as recently as *Stanford* v. *Texas*, *supra*, at 485–486; *Berger* v. *New York*, 388 U.S. 41, 50; and *Coolidge* v. *New Hampshire*, *supra*, at 455, n. 9, the tyrannical invasions described and assailed in Entick and Wilkes, practices which also were endured by the colonists,[6] have been recognized as the primary abuses which ensued the Warrant Clause a prominent place in our Bill of Rights. See J. Landynski, Search and Seizure and the Supreme Court 28–48 (1966). N. Lasson, The History And Development Of The Fourth Amendment To The United States Constitution 43–78 (1937); Note, Warrantless Searches In Light of *Chimel*: A Return To The Original Understanding, 11 Ariz. L. Rev. 455, 460–476 (1969).

As illustrated by a flood of cases before us this Term, *e. g.*, *Laird* v. *Tatum*, No. 71–288; *Gelbard* v. *United States*, No. 71–110; *United States* v. *Egan*, No. 71–263; *United States* v. *Caldwell*, No. 70–57; *United States* v. *Gravel*, No. 71–1026; *Kleindienst* v. *Mandel*, No. 71–16; we are currently in the throes of another national seizure of paranoia, resembling the hysteria which surrounded the Alien and Sedition Acts, the Palmer Raids, and the McCarthy era. Those who register dissent or who petition their governments for redress are subjected to scrutiny by grand juries,[7] by the FBI,[8] or even by the military.[9] Their associates are interrogated. Their homes are bugged and their telephones are wiretapped. They are befriended by secret government informers.[10] Their patriotism and loyalty are questioned.[11] Senator Sam Ervin, who has chaired hearings on military surveillance of civilian dissidents, warns that "it is not an exaggeration to talk in terms of hundreds of thousands of . . . dossiers." [12] Senator Kennedy, as mentioned *supra*, found "the frightening possibility that the conversations of untold thousands are being monitored on secret devices." More than our privacy is implicated. Also, at stake is the reach of the Government's power to intimidate its critics.

When the Executive attempts to excuse these tactics as essential to its defense against internal subversion, we are obliged to remind it, without apology, of this Court's long commitment to the preservation of the Bill of Rights from the corrosive environment of precisely such expedients.[13] As Justice Brandeis said, concurring in *Whitney* v. *California*, "those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty." Chief Justice Warren put it this way in *United States* v. *Robel*, 389 U.S. 258, 264: "[T]he concept of 'national defense' cannot be deemed an end in itself, justifying any . . . power designed to protect such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideas which set this nation apart. . . . It would be indeed ironic if, in the name of national defense, we would sanction the subversion of . . . those liberties . . . which make the defense of the Nation worthwhile."

The Warrant Clause has stood as a barrier against intrusions by officialdom into the privacies of life. But if that barrier were lowered now to permit suspected subversives most intimate conversations to be pillaged then why could not their abodes or mail be secretly searched by the same authority? To defeat so terrifying a claim of inherent power we need only stand by the enduring values served by the Fourth Amendment. As we stated last Term in *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455: "In times of unrest, whether caused by crime or racial conflict or fear of internal subversion, this basic law and values that it represents may appear unrealistic or 'extravagant' to some. But the values were those of authors of our fundamental constitutional concepts. In times not altogether unlike our own they won . . . a right of personal security against arbitrary intrusions . . . . If times have changed, reducing every man's scope to do as he pleases in an urban and industrial world, the changes have made the values served by the Fourth Amendment more, not less, important." We have as much or more to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the Government as we do from the likelihood that fomenters of domestic upheaval will modify our form of governing.[14]

Footnotes at end of article.

FOOTNOTES

[1] *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455; *McDonald* v. *United States*, 335 U.S. 451, 456; *Chimel* v. *California*, 395 U.S. 758; *United States* v. *Jeffers*, 342 U.S. 48, 51.

[2] See *Bivens* v. *Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388.

[3] Letter from Senator Edward Kennedy to Members of the Subcommittee on Administrative Procedure and Practice of the Senate Judiciary Committee, Dec. 17, 1971, p. 2. Senator Kennedy included in his letter a chart comparing court-ordered and department-ordered wiretapping and bugging by federal agencies. This chart is reproduced in the Appendix to this opinion. For a statistical breakdown by duration, location, and implementing agency, of the 1,042 wiretap orders issued in 1971 by state and federal judges, see Administrative Office of the United States Courts, Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications (1972); The Washington Post, May 14, 1972, at A29, col. 8.

[4] Kennedy, *op. cit.*, 2–3. See also H. Schwartz, A Report on the Costs and Benefits of Electronic Surveillance (1971); Schwartz, The Legitimation of Electronic Eavesdropping: The Politics of "Law and Order," 67 Mich. L. Rev. 455 (1969).

[5] For a complete itemization of the objects seized, see the Appendix to *Kremen* v. *United States*, 353 U.S. 346, 349.

[6] On this side of the Atlantic, the validity of general search warrants centered around the writs of assistance which were used by customs officers for the detection of smuggled goods." N. Lasson, The History and Development Of The Fourth Amendment To The United States Constitution 51 (1937). In February 1761, all writs expired six months after the death of George II and Boston merchants petitioned the Superior Court in opposition to the granting of any new writs. The merchants were represented by James Otis, Jr., who later became a leader in the movement for independence.

"Otis completely electrified the large audience in the court room with his denunciation of England's whole policy toward the Colonies and with his arguments against general warrants. John Adams, then a young man less than twenty-six years of age and not yet admitted to the bar, was a spectator, and many years later described the scene in these oftquoted words: 'I do say in the most solemn manner, that Mr. Otis's oration against the Writs of Assistance breathed into this nation the breath of life.' He 'was a flame of fire! Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In 15 years, namely in 1776, he grew to manhood, and declared himself free.'" N. Lasson, *supra*, 58–59.

[7] See Donnor & Cerruti, The Grand Jury Network: How the Nixon Administration Has Secretly Perverted A Traditional Safeguard Of Individual Rights, 214 The Nation 5 (1972). See also *United States* v. *Caldwell*, 1971 Term, No. 70–57; *United States* v. *Gravel*, 1971 Term, No. 71–1026; *Parnas* v. *United States*, and *United States* v. *Egan*, 1971 Term, Nos. 71–110 and 71–263. And see N.Y. Times, July 15, 1971, at 6, col. 1 (grand jury investigation of N.Y. Times staff who published the Pentagon Papers).

[8] *E.g.*, N.Y. Times, April 12, 1970, at 1, col. 1 ("U.S. To Tighten Surveillance of Radicals"); N.Y. Times, Dec. 14, 1969, at 1, col. 1 ("F.B.I.'s Informants and Bugs Collect Data On Black Panthers"); The Washington Post, May 12, 1972, at D21, col. 5 ("When the FBI Calls, Everybody Talks"); The Washington Post, May 16, 1972, at B15, col. 5 ("Black Activists Are FBI Targets"); The Washington Post, May 17, 1972, at B13, col. 5 ("Bedroom Peeking Sharpens FBI Files"). And, concerning an FBI investigation of Daniel Schorr, a television correspondent critical of the Government, see N.Y. Times, Nov. 11, 1971, at 95, col. 4; and N.Y. Times, Nov. 12, 1971 at 13, col. 1. For the wiretapping and bugging of Dr. Martin Luther King by the FBI. See V. Navesky, Kennedy Justice 135–155 (1971). For the wiretapping of Mrs. Eleanor Roosevelt and John L. Lewis by the FBI see Theoharis & Meyer, The "National Security" Justification For Electronic Eavesdropping: An Elusive Exception, 14 Wayne L. Rev. 749, 760–761 (1968).

[9] See *Laird* v. *Tatum*, 1971 Term, No. 71–288; See also Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, 92d Cong., 1st Sess. (1971); N.Y. Times, Feb. 29, 1972, at 1, col 4.

[10] "Informers have been used for national security reasons throughout the twentieth century. They were deployed to combat what were perceived to be an internal threat from radicals during the early 1920's, When fears began to focus on Communism, groups thought to have some connection with the Communist Party were heavily infiltrated. Infiltration of the Party itself was so intense that one former FBI agent estimated a ratio of one informant for every 5.7 members in 1962. More recently, attention has shifted to militant antiwar and civil rights groups. In part because of support for such groups among university students throughout the country, informers seem to have become ubiquitous on campus. Some insight into the scope of the current use of informers was provided by the Media Papers, FBI documents stolen in early 1971 from a Bureau office in Media, Pennsylvania. The papers disclose FBI attempts to infiltrate a conference of war resisters at Haverford College in August 1969, and a convention of the National Association of Black Students in June 1970. They also reveal FBI endeavors 'to recruit informers, ranging from bill collectors to apartment janitors, in an effort to develop constant surveillance in black communities and New Left organizations' [N.Y. Times, April 8, 1971, at 22, col. 1]. In Philadelphia's black community, for instance, a whole range of buildings including office of the Congress of Racial Equality, the Southern Christian Leadership Conference [and] the Black Coalition' [*ibid.*] was singled out for surveillance by building employees and other similar informers working for the FBI." Note, Developments In The Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1272–1273 (1972). For accounts of the impersonation of journalists by police, FBI agents and soldiers in order to gain the confidences of dissidents, see Press Freedoms Under Pressure, Report of the Twentieth Century Fund Task Force on the Government and the Press 29–34, 86–97 (1972). For the revelation of Army infiltration of political organizations and spying on Senators, Governors and Congressmen, see Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcom. on Constitutional Rights of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess. (1971) (discussed in my dissent from the denial of certiorari in *Williamson* v. *United States*, 405 U.S. ——). Among the Media Papers was the suggestion by the F.B.I. that investigation of dissidents be stepped up in order to "enhance the paranoia endemic in these circles and [to] further serve to get the point across that there is an FBI agent behind every mailbox." N.Y. Times, March 25, 1971, at 33, col. 1.

[11] *E. g.*, N. Y. Times, Feb. 8, 1972, at 1, col. 8 (Senate peace advocates said, by presidential adviser, to be aiding and abetting the enemy).

[12] *Amicus curiae* brief submitted by Senator Sam Ervin in *Laird* v. *Tatum*, 1971 Term, No. 71–288, at 8.

[13] *E. g.*, *New York Times Co. v. United States*, 403 U. S. 713; *Powell* v. *McCormick*, 395 U. S. 486; *United States* v. *Robel*, 389 U. S. 258, 264; *Aptheker* v. *Secretary of State*, 378 U. S. 500; *Baggett* v. *Bullitt*, 377 U. S. 372; *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U. S. 579; *Duncan* v. *Kahnamoky*, 327 U. S. 304; *White* v. *Steer*, 327 U. S. 304; *De Jonge* v. *Oregon*, 299 U. S. 353, 365; *Ex parte Milligan*, 4 Wall. 2; *Mitchell* v. *Harmony*, 13 How. 115. Note, the "National Security Wiretap": Presidential Prerogative or Judicial Responsibility, 45 So. Cal. L. Rev. 888, 907–912 (1972).

[14] I continue in my belief that it would be extremely difficult to write a search warrant specifically naming the particular conversations to be seized and therefore any such attempt would amount to a general warrant, the very abuse condemned by the Fourth Amendment. As I said in *Osborn* v. *United States*, 385 U. S. 323, 353: "Such devices lay down a dragnet which indiscriminately sweeps in all conversations within its scope, without regard to the nature of the conversations, or the participants. A warrant authorizing such devices is no different from the general warrants the Fourth Amendment was intended to prohibit."

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APPENDIX TO OPINION OF DOUGLAS, J.—FEDERAL WIRETAPPING AND BUGGING 1969–70

Year	Court-ordered devices		Executive-ordered devices		
	Number	Days in use	Number	Days in use Minimum (rounded)	Days in use Maximum (rounded)
1969	30	452	94	8,100	20,800
1970	180	2,363	113	8,100	22,600

Year	Ratio of days used Executive ordered: Court ordered		Average days in use per device		
	Minimum	Maximum	Court-ordered devices	Executive-ordered devices Minimum	Executive-ordered devices Maximum
1969	[1] 17.5	[1] 45.0	15.4	86.2	221.3
1970	3.4	9.6	13.1	71.7	200.0

[1] Ratios for 1969 are less meaningful than those for 1970, since court-ordered surveillance program was in its initial stage in 1969

Source:
(1) Letter from Assistant Attorney General Robert Mardian to Senator Edward M. Kennedy, Mar. 1, 1971. Source figures withheld at request of Justice Department.
(2) 1969 and 1970 Reports of Administrative Office of U.S. Courts.

UNITED STATES, PETITIONER, v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, ET AL

[Supreme Court of the United States, No. 70–153, on Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, June 19, 1972]

Mr. JUSTICE WHITE, concurring in the judgment.

This case arises out of a two-count indictment charging conspiracy to injure and injury to Government property. Count I charged Robert Plamondon and two codefendants with conspiring with a fourth person to injure Government property with dynamite. Count II charged Plamondon alone with dynamiting and injuring Government property in Ann Arbor, Michigan. The defendants moved to compel the United States to disclose, among other things, any logs and records of electronic surveillance directed at them, at unindicted coconspirators, or at any premises of the defendants or coconspirators. They also moved for a hearing to determine whether any electronic surveillance disclosed had tainted the evidence on which the grand jury indictment was based and which the Government intended to use at trial. They asked for dismissal of the indictment if such taint were determined to exist. Opposing the motion, the United States submitted an affidavit of the Attorney General of the United States disclosing that "[t]he defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government," the wiretaps having been expressly approved by the Attorney General. The records of the intercepted conversations and copies of the memorandum reflecting the Attorney General's approval were submitted under seal and solely for the Court's *in camera* inspection.[1]

As characterized by the District Court, the position of the United States was that the electronic monitoring of Plamondon's conversations without judicial warrant was a lawful exercise of the power of the President to safeguard the national security. The District Court granted the motion of defendants, holding that the President had no constitutional power to employ electronic surveillance without warrant to gather information about domestic organizations. Absent probable cause and judicial authorization, the challenged wiretap infringed Plamondon's Fourth Amendment rights. The court ordered the Government to disclose to defendants the records of the monitored conversations and directed that a hearing be held to determine the existence of taint either in the indictment or in the evidence to be introduced at trial.

The Government's petition for mandamus to require the District Court to vacate its order was denied by the Court of Appeals. 444 F. 2d 651 (1971). That court held that the Fourth Amendment barred warrantless electronic surveillance of domestic organizations even if at the direction of the President. It agreed with the District Court that because the wiretaps involved were therefore constitutionally infirm, the United States must turn over to defendants the records of overheard conversations for the purpose of determining whether the Government's evidence was tainted.

I would affirm the Court of Appeals but on the statutory ground urged by respondent Keith (Brief, p. 115) without reaching or intimating any views with respect to the constitutional issue decided by both the District Court and the Court of Appeals.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 212, 18 U.S.C. §§ 2510–2520, forbids under pain of criminal penalties and civil actions for damages any wiretapping or eavesdropping not undertaken in accordance with specified procedures for obtaining judicial warrants authorizing the surveillance. Section 2511(1) establishes a general prohibition against electronic eavesdropping "except as otherwise specifically provided" in the statute. Later sections provide detailed procedures for judicial authorization of official interceptions of oral communications; when these procedures are followed the interception is not subject to the prohibitions of § 2511(1). Section 2511(2), however, specifies other situations in which the general prohibitions of § 2511(1) do not apply. In addition, § 2511 (3) provides that

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U.S.C. § 805) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power."

It is this subsection that lies at the heart of this case.

The interception here was without judicial warrant, it was not covered by the provisions of § 2511 (2) and it is too clear for argument that it is illegal under § 2511 (1) unless it is saved by § 2511 (3). The majority asserts that § 2511 (3) is a "disclaimer" but not an "exception." But however it is labeled, it is apparent from the face of the section and its legislative history that if this interception is one of those described in § 2511 (3), it is not reached by the statutory ban on unwarranted electronic eavesdropping.[2]

The defendants in the District Court moved for the production of the logs of any electronic surveillance to which they might have been subjected. The Government responded that conversations of Plamondon had been intercepted but took the position that turnover of surveillance records was not necessary because the interception complied with the law. Clearly, for the Government to prevail it was necessary to demonstrate first that the interception involved was not subject to the statutory requirement of judicial approval for wiretapping because the surveillance was within the scope of § 2511 (3); and, secondly, if the Act did not forbid the warrantless wiretap, that the surveillance was consistent with the Fourth Amendment.

The United States has made no claim in this case that the statute may not constitutionally be applied to the surveillance at issue here.[3] Nor has it denied that to comply with the Act the surveillance must either be supported by a warrant or fall within the bounds of the exceptions provided by § 2511 (3). Nevertheless, as I read the opinions of the District Court and the Court of Appeals, neither court stopped to inquire whether the challenged interception was illegal under the statute but proceeded directly to the constitutional issue without adverting to the time-honored rule that courts should abjure constitutional issues except where necessary to decision of the case before them. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 346–347 (1936) (concurring opinion). Because I conclude that on the record before us the surveillance undertaken by the Government in this case was illegal under the statute itself, I find it unnecessary, and therefore improper, to consider or decide the constitutional questions which the courts below improvidently reached.

The threshold statutory question is simply put: Was the electronic surveillance undertaken by the Government in this case a measure deemed necessary by the President to implement either the first or second branch of the exception carved out by § 2511(3) to the general requirement of a warrant?

The answer, it seems to me, must turn on the affidavit of the Attorney General offered by the United States in opposition to defendants' motion to disclose surveillance records. It is apparent that there is nothing whatsoever in this affidavit suggesting that the surveillance was undertaken within the first branch of the § 2511(3) exception, that is, to protect against foreign atack, to gather foreign intelligence or to protect national security information. The sole assertion was that the monitoring at issue was employed to gather intelligence information "deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." App. 20.

Neither can I conclude from this characterization that the wiretap employed here fell within the exception recognized by the second sentence of § 2511(3); for it utterly fails to assume responsibility for the judgment that Congress demanded: that the surveillance was necessary to prevent overthrow by force or other unlawful means or that there was any other clear and present danger to the structure or existence of the Government. The affidavit speaks only of attempts to attack or subvert; it makes no reference to force or unlawfulness; it articulates no conclusion that the attempts involved any clear and present danger to the existence or structure of the Government.

The shortcomings of the affidavit when measured against § 2511(3) are patent. Indeed, the United States in oral argument conceded no less. The specific inquiry put to Government counsel was: "[D]o you think the affidavit, standing alone, satisfies the Safe Streets Act?" The Assistant Attorney General answered "No sir, we do not rely upon the affidavit itself. . . ." Tr. of Oral Arg., p. 15.[4]

Government counsel, however, seek to save their case by reference to the *in camera* exhibit submitted to the District Court to supplement the Attorney General's affidavit.[5] It is said that the exhibit includes the request for wiretap approval submitted to the Attorney General, that the request asserted the need to avert a clear and present danger to the structure and existence of the Government, and that the Attorney General endorsed his approval on the request.[6] But I am unconvinced the mere endorsement of the Attorney General on the request for approval submitted to him must be taken as the Attorney General's own opinion that the wiretap was necessary to avert a clear and present danger to the existence or structure of the Government when in an affidavit later filed in court and specifically characterizing the purposes of the interception and at least impliedly the grounds for his prior approval, the Attorney General said only that the tap was undertaken to secure intelligence thought necessary to protect against attempts to attack and subvert the structure of Government. If the Attorney General's approval of the interception is to be given a judicially cognizable meaning different from the meaning he seems to have ascribed to it in his affidavit filed in court, there obviously must be further proceedings in the District Court.

Moreover, I am reluctant myself to proceed in the first instance to examine the *in camera* material and either sustain or reject the surveillance as a necessary measure to avert the dangers referred to in § 2511 (3). What Congress excepted from the warrant requirement was a surveillance which *the President* would assume responsibility for deeming an essential measure to protect against clear and present danger. No judge can satisfy this congressional requirement.

Without the necessary threshold determination, the interception is, in my opinion, contrary to the terms of the statute and subject therefore to the prohibition contained in § 2515 against the use of the fruits of the warrantless electronic surveillance as evidence at any trial.[7]

There remain two additional interrelated reasons for not reaching the constitutional issue. First, even if it were determined that the Attorney General purported to authorize an electronic surveillance for purposes exempt from the general provisions of the Act there would remain the issue whether his discretion was properly authorized. The United States concedes that the act of the Attorney General authorizing a warrantless wiretap is subject to judicial review to some extent. Brief for the United States, pp. 21–23, and it seems improvident to proceed to constitutional questions until it is determined that the Act itself does not bar the interception here in question

Second, and again on the assumption that the surveillance here involved fell within the exception provided by § 2511(3), no constitutional issue need be reached in this case if the fruits of the wiretap were inadmissible on statutory grounds in the criminal proceedings pending against respondent Plamondon. Section 2511(3) itself states that "[t]he contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding *only* where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis added.) There has been no determination by the District Court that it would be reasonable to use the fruits of the wiretap against Plamondon or that it would be necessary to do so to implement the purposes for which the tap was authorized.

My own conclusion, again, is that as long as nonconstitutional, statutory grounds for excluding the evidence or its fruits have not been disposed of it is improvident to reach the constitutional issue.

I would thus affirm the judgment of the Court of Appeals unless the Court is prepared to reconsider the necessity for an adversary, rather than an *in camera*, hearing with respect to taint. If *in camera* proceedings are sufficient and no taint is discerned by the judge, this case is over, whatever legality of the tap.

FOOTNOTES

[1] The Attorney General's affidavit concluded:

"I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter." App. 20–21.

[2] I cannot agree with the majority's analysis of the import of § 2511 (3). Surely, Congress meant at least that if a court determined that in the specified circumstances the President could constitutionally intercept communications without a warrant, the general ban of § 2511 (1) would not apply. But the limitation on the applicability of § 2511 (1) was not open-ended; it was confined to those situations which § 2511 (3) specifically described. Thus, even assuming the constitutionality of a warrantless surveillance authorized by the President to uncover private or official graft forbidden by federal statute, the interception would be illegal under § 2511 (1) because it is not the type of presidential action saved by the Act by the provision of § 2511 (3). As stated in the text and footnote 3, the United States does not claim that Congress is powerless to require warrants for surveillances which the President otherwise would not be barred by the Fourth Amendment from undertaking without a warrant.

[3] See the Transcript of Oral Argument in this Court, pp. 13–14:

"Q. . . . I take it from your answer that Congress could forbid the President from doing what you suggest he has the power to do in this case?

"Mr. Mardian [Assistant Attorney General]: That issue is not before this Court——

"Q. Well, I would—my next question will suggest that it is. Would you say, though, that Congress could forbid the President?

"Mr. Mardian: I think under the rule announced by this court in *Colony Catering* that within certain limits the Congress could severely restrict the power of the President in this area.

"Q. Well, let's assume Congress says, then, that the Attorney General, or the President may authorize the Attorney General in specific situations to carry out electronic surveillance if the Attorney General certifies that there is a clear and present danger to the security of the United States?

"Mr. Mardian: I think that Congress has already provided that, and——

"Q. Well, would you say that Congress would have the power to limit surveillances to situations where those conditions were satisfied?

"Mr. Mardian: Yes, I would—I would concur in that, Your Honor."

A colloquy appearing in the debates on the bill, appearing at Cong. Rec. Vol. 114, Pt. 11, pp. 14,750–14,751, indicates that some Senators considered § 2511 (3) as merely stating an intention not to interfere with the constitutional powers which the President might otherwise have to engage in warrantless electronic surveillance. But the Department of Justice, it was said, participated in the drafting of § 2511 (3) and there is no indication in the legislative history that there was any claim or thought that the supposed powers of the President reached beyond those described in the section. In any case, it seems clear that the congressional policy of noninterference was limited to the terms of § 2511 (3).

[4] See also Transcript of Oral Argument, p. 17:

"Q. [I]f all the *in camera* document contained was what the affidavit contained, it would not comply with the Safe Streets Act?

"Mr. Mardian: I would concur in that, Your Honor."

[5] The Government appears to have shifted ground in this respect. In its initial brief to this Court, the Government quoted the Attorney General's affidavit and then said, without qualification, "These were the grounds upon which the Attorney General authorized the surveillance in the present case." Brief for the United States, p. 21. Moreover, counsel for the Government stated at oral argument "that the *in camera* submission was not intended as a justification for the authorization, but simply [as] a proof of the fact that the authorization had been granted by the Attorney General of the United States, over his own signature." Tr. of Oral Arg., pp. 6–7.

Later at oral argument, however, the Government said: "[T]he affidavit was never intended as the basis for justifying the surveillance in question . . . . The justification, and again I suggest that it is only a partial justification, is contained in the *in camera* exhibit which was submitted to Judge Keith . . . . We do not rely upon the affidavit itself but the *in camera* exhibit." Tr. of Oral Arg., at pp. 14–15. And in its reply brief, the Government says flatly: "These [*in camera*] documents, and not the affidavit, are the proper basis for determining the ground upon which the Attorney General acted." Reply Brief for the United States, p. 9.

[6] Procedures in practice at the time of the request here in issue apparently resulted in the Attorney General merely countersigning a request which asserted a need for a wiretap. We are told that under present procedures the Attorney General makes an express written finding of clear and present danger to the structure and existence of the Government before he authorizes a tap. Tr. of Oral Arg., pp. 17–18.

[7] "Whenever any wire or oral communication has been intercepted, no part of the con-

Footnotes at end of article.

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tents of such communication and no evidence derived therefore may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter." 18 U.S.C. § 2515.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS AT STOCKHOLM CONFERENCE ON HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, in a speech I delivered on the floor of the Senate last week, I listed what I considered to be the 12 most significant accomplishments of the United Nations Conference on the Human Environment, just concluded in Stockholm. Many of those accomplishments, after consideration by the U.N. General Assembly this fall, will require action by the Senate in the form of treaty ratification or appropriations.

In anticipation of this fact, several Senators—Mr. ALLOT, Mr. BUCKLEY, Mr. CASE, Mr. MAGNUSON, Mr. MOSS, Mr. NELSON, Mr. PELL, and Mr. WILLIAMS—were asked to attend as advisers and delegates for the United States at the Conference. Although all of the Members of the Senate who participated at Stockholm deserve the praise of their colleagues, I want to mention specifically and commend the fine job done by Senators CASE and MAGNUSON, who were selected as the leaders of the senatorial delegation. Their expertise in the areas of foreign relations and international commerce, in addition to their keen sense of environmental awareness, was of immeasurable value to the entire U.S. delegation in its efforts to bring about a successful Conference.

When the Senate begins its consideration of many of the measures adopted at Stockholm, I look forward to the same type of leadership from Senators CASE and MAGNUSON at home, that they exhibited so well abroad, and I hope that together we might gain the support of the Senate for the spirit of action to respect, preserve, and protect the environment, the spirit which was begun at Stockholm.

OBSERVATIONS OF TOM DOWLING ON THE CURT FLOOD CASE

Mr. ERVIN. Mr. President, the noted sportswriter Tom Dowling had some interesting observations on the recent decision of the Supreme Court in the Curt Flood case. These observations appeared in the Washington Evening Star for June 22 and June 25, 1972.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, June 22, 1972]

FLOOD VERSUS KUHN: NOT THE COURT'S FINEST HOUR

(By Tom Dowling)

When the players themselves sound glum and apologetic for the game they've just played, you have to figure the sport involved is baseball. And sure enough that's the way the Supreme Court sounded in its 5–3 decision Monday siding with baseball in the Curt Flood case. It was the third time this century the court has had its fling with the National Pastime and it has yet to get the hang of the game.

Essentially, the issue before the court was whether baseball's reserve clause violates antitrust law because it imposes restraint of trade by denying ball players the right to sell their services on the open market.

An ancillary consideration was why baseball should be the sole American professional sport to be granted the special privilege of antitrust immunity as a result of the High Court's decision in Federal Baseball Club of 1922 and Toolson of 1953.

ASTOUNDING RULING

Monday's ruling was astounding on several counts.

In the first instance, all knowledgeable observers, including baseball's own lawyers, assumed that the court had agreed to hear Flood vs. Kuhn last October because it had distinct reservations over the wisdom of its earlier decisions conferring antitrust immunity on a game that becomes more and more business oriented with each passing year.

Secondly, there is no clear evidence that the present court is markedly less vigilant in upholding antitrust statutes than its predecessor, the Warren Court. Finally, the five justices who voted to reaffirm baseball's unique status were at best tepid in defense of their votes.

Writing for the majority—though two of his colleagues pointedly snubbed two-fifths of his opinion—Justice Harry Blackmun termed baseball's reserve clause exemption "an exception and an anomaly . . . an aberration." In a concurring opinion, Chief Justice Burger's most ringing defense of his own position was to note he had "grave reservations as to its correctness."

CHARITABLE INTERPRETATION

You would think that with friends like this the reserve clause hardly requires an enemy. Yet the indefensible carried the day, the unlikely and the illogical retains its age-old privileged sway. The obvious and disquieting explanation for baseball's triumph is that the court did not regard the clear if lucrative servitude of ballplayers as a very serious public issue.

In substance, Burger's opinion argues that the reserve clause is an awkward but hallowed custom best left to Congress to rectify.

Blackmun, on the other hand, asserts that Congress "positive inaction" over baseball's anomalous antitrust position implies legislative satisfaction with the status quo. This is surely one of the most charitable possible interpretations to account for Congress characteristically dropsical inactivity, a torpor that extends to almost every issue of public policy. Indeed, by a 5–2 majority the court repudiated Blackmun's thesis on this point. In sum, both the Blackmun and Burger opinion are copouts.

This is all the more disappointing since the chief institutional difference between the Supreme Court and the Congress is that the former is alive and working, while the latter has long ago forfeited any public confidence in its capacity to take decisive action.

While it is possible to make a persuasive case that inequities and even chaos might result should baseball be shorn of its reserve clause, the fact is that such consequences are no concern of the Supreme Court, which commands considerable respect for rigorously deciding matters on the basis of the law. Sadly enough, by its own acknowledgement the court eschewed that responsibility with Curt Flood. True, he is only an individual, but then the rights of a single man are the special majesty of the law.

CONSIDERABLE CONFUSION

Because the court's deliberations are held in secrecy it is impossible to determine exactly how the Flood decision was reached. However, some details have come to light, which may help explain why Flood vs. Kuhn was not the High Court's finest hour, was indeed a matter of considerable confusion.

Justice Lewis Powell, who heard the oral arguments last March, promptly disqualified himself from the case, apparently because he owns 880 shares of Anheuser-Busch stock, worth approximately $44,000 at the time Powell was appointed to the court. Since Gussie Busch owned not only the Budweiser brewery but also the St. Louis Cardinals, Powell clearly felt that his active participation in the Flood case would raise a possible conflict of interest.

That left eight votes. Informed sources close to the court say that the eight justices originally were split in conference 5–3, with Chief Burger on Flood's side and Justice Thurgood Marshall on baseball's side. This is entirely plausible since the Star has learned that Justice Potter Stewart assigned the majority opinion to Blackmun. This could only happen in the event the Chief Justice and the next two justices senior to Stewart, William Douglas and William Brennan, were in the minority, as was, in fact, the case.

So, after the opinion for the majority had been given to Blackmun, either Burger or Marshall switched his position on the case. That change would have meant a 4–4 deadlock, which in turn would mean that the court could render no decision whatsoever in the case. Given the considerable publicity surrounding Flood vs. Kuhn, such a stand-off doubtless would prove embarrassing to the court. After all, why go to the lengths of reopening baseball's antitrust immunity only to leave the matter up in the air? For if the court failed to speak to Flood vs. Kuhn, another baseball player could test the legality of the reserve clause again in the courts.

RULING INSURED

The cost of the Flood litigation was around $100,000. This is a fair sum of money for the Major League Baseball Players Association to spend on still another suit against baseball with the possibility that the issue ultimately would return to the Supreme Court only to be left dangling again in irresolution.

Therefore, whichever justice—Burger or Marshall—abandoned the majority to create the 4–4 standoff, the remaining one then reportedly defected from the minority side to create the final 5–3 vote. Internal evidence would suggest that Burger, who as Chief Justice has a special concern if not proclivity for preserving the court's public image of efficiency, was the last switch, thus insuring a ruling even if it were of an intellectually disagreeable nature.

Such switches are by no means an uncommon practice at the court, where decisions frequently are the result of consensus politicking and independent re-examination of views. Yet, these reported shifts certainly imply a confused, even a Byzantine approach to the relatively cut and dried antitrust issue involved in Flood vs. Kuhn.

Perhaps the explanation lies in the almost mythical grip of baseball on the national consciences, especially among the generation now old enough to sit on the Supreme Court. How else can you view Monday's curious decision with its extralegal, sentimental qualities?

More on that Sunday.

[From the Washington Star, June 25, 1972]

QUAINT OPINION FROM THE COURT

(By Tom Dowling)

"The Supreme Court follows the election returns," drawled Mr. Dooley to Mr. Hennessy in 1901, when major league baseball was king. Nowadays, when the whole face of America has altered, it seems that the Supreme Court only follows the baseball standings—circa 1901.

Why, even Mr. Hennessy could tell that the court's 5–3 ruling last week against Curt Flood's challenge to the reserve clause says one thing with any particular clarity: We don't want to put any new-fangled asterisks in the baseball record book, whatever the rights of the case.

Baseball takes its special character from its turn of the century roll-call of mythic heroes, of big strapping farmboys abandoning their ploughs in the fields to journey to the burgeoning cities beyond the Appalachians—Pittsburgh, Cleveland, Cincinnati, St. Louis, Detroit, Chicago. The future was out West and, sure enough, St. Louis, the gateway city, had two ball clubs, as many as patrician Boston and merchantile Philadelphia.

Like the railroads, baseball was one of the sinews reminding us how the nation was tied together in the days of manifest destiny. And, if, like the railroads, baseball is now only a waning shadow of its former self no one wants to be reminded of that painful fact.

THE BIZZARRE PART

How else to account for the backward-looking majority opinion of Justice Harry Blackmun in the Flood case? Blackmun's opinion is divided into five parts, the first of which—judicially speaking, at least—is perhaps the most bizarre literally effort ever handed to the Supreme Court printers.

It is, in fact nothing less that a breathless hymnal to major league baseball—lyrical, devout, bombastic, yet oddly touching in its awkwardly Whitmanesque power to summon up the breadth of a vanished era.

Here is a small flavor of Blackmun's rhapsodical pre-Grantland Rice prose: "It is a century and a quarter since the New York Nine defeated the Knickerbockers 23–1 on Hoboken's Elysian Fields June 19, 1846, with Alexander Jay Cartwright as the instigator and the umpire. . . . And one recalls the appropriate reference to the 'World Series' attributed to Ring Lardner Sr., Ernest L. Thayer's 'Casey at the Bat,' the ring of 'Tinker to Evers to Chance,' and all the other happenings, habits and superstitions about and around baseball that made it the 'national pastime'. . . ."

Blackmun at his rhetorical peak gushes forth a list of no fewer than 88 heroic baseball players "celebrated for one reason or another, that have sparked the diamond and its environs and that have provided tinder for recaptured thrills, for reminiscence and comparisons and for conversation and anticipation in-season and off-season."

THE ANCIENT NAMES

The first names roll by as in some rich processional pageant of a cozier era: Ty, Goose, King, Big Dan, Wahoo Sam, Wee Willie, Iron Man, Three Finger, Smoky Joe, Chief, Dazzy, Cap, Nap, Stuffy, Zack, Eppa, Pie, Rube, Old Hoss, Rabbit and Lefty.

Yes, Good God, yes, this game is touched with a grandiose and venerable zaniness, a next-door-neighbor intimacy when baseball teams were special, made up of big-hearted men-children just like the butcher's boy, the carpenter's apprentice up the street, each with his own vivid moniker and derring-do you could never forget.

There is surely a place for mythic recollections. But in a Supreme Court opinion on antitrust law? It is hard to grasp why such romantic sentiments have anything to do with Curt Flood who came to the Supreme Court for equitable redress, not to hear rhapsodical encomiums on Cap Anson and Rabbit Maranville.

In that sense, it is noteworthy that Chief Justice Warren Burger and Justice Byron White, while joining in the 5–3 majority against Flood, specifically disassociated themselves from Blackmun's celebration of baseball. You have to speculate that Burger and White felt a trifle squeamish that a colleague assigned to deliver the majority opinion on a landmark baseball decision would begin with a preamble that even Commissioner Bowie Kuhn would be inclined to tone down for credibility's sake. Judicial impartiality blurs somewhat when the author wears his heart on his sleeve.

TOO LITTLE HEART

Yet, if Blackmun displayed too much heart for baseball's past the others who joined in the majority vote showed perhaps too little heart to face the issue of baseball's present.

It is hard to foresee any legislative response to the High Court's invitation to Congress to deal with the reserve system. What seems a more probable ramification is that the more hard-nosed baseball owners, a working majority already, will see the decision as a vindication of their point of view.

Bowie Kuhn has already issued a conciliatory sounding statement on the impact of the ruling on owner-player relations. But that does not mean that the owners, who have the real power, are going to take a moderately compromising tack with the Players Association over modifying the reserve clause. That would require considerably more foresight and even-handedness than the owners have ever demonstrated.

Indeed, with the fear of legal reprisal now removed by the Supreme Court, the owners may seek to further consolidate their gains by seeking to crush, or at least humble, the players' association during the next round of baseball negotiations. That could mean a baseball strike next year that would make this year's walkout seem a mere friendly misunderstanding.

Such a bitter labor-management showdown wouldn't have much to do with the baseball lore Harry Blackmun finds so appealing. But then today's game doesn't have much to do with the sport he and the court majority remember, either.

ROBERT E. LEE

Mr. BOGGS. Mr. President, last Friday the Senate passed H.R. 10595, which would change the official name of the Custis-Lee Mansion in Arlington National Cemetery to "Arlington House, the Robert E. Lee Memorial." I support this change for both its historical accuracy and the tribute it pays to this great American.

This legislation restores the house's original name, Arlington House. But it also takes note of the house's greatest historical value, the fact that it served as the home of Gen. Robert E. Lee for 3 years prior to the beginning of the War Between the States.

I am personally a great admirer of General Lee. I believe his life and career are examples of the highest qualities of statesmanship, and I am pleased that his name will be linked permanently with this landmark visited every year by millions of Americans.

General Lee was the founding father of the first chapter of Kappa Alpha Order at Washington College—now Washington and Lee—during his tenure as the school's president following the War Between the States. I was privileged to become a member of Kappa Alpha when I was a student at the University of Delaware, and I am proud of the association with the memory of Robert E. Lee which that membership has brought me.

THE PRESIDENT QUITS ON WELFARE REFORM

Mr. RIBICOFF. Mr. President, as yesterday's Washington Post editorial and today's New York Times editorial accurately indicate, President Nixon has made it clear that he does not wish to enact a welfare reform bill.

I am deeply disappointed that President Nixon does not wish to work with those of us in Congress seeking meaningful welfare reform. In the past the President has asked to be judged by his deeds, not his words. He has failed his own test—delivering words on welfare reform but little else. As a result of his lack of commitment to secure passage of reform legislation, the prospects for reforming our Nation's welfare mess are growing dimmer.

For some time it has been evident that the only possibility for enactment of worthwhile legislation lies in accommodation between those of us supporting improvements to H.R. 1 and the President.

I fail to understand how the President can say that moving in the direction of compromise is wrong on the merits. The fact is that in the past he has supported virtually every element of the proposed compromise bill.

In 1969 and 1970, President Nixon's welfare reform guaranteed benefits no lower than under the present system. Now he rejects that principle.

He agreed to optional work registration for mothers with preschool children. Now he rejects that principle.

He agreed to require State supplementation of families headed by unemployed males. Now he rejects that principle.

He agreed to job suitability provisions, eligibility based on current need, simplified, efficient administrative requirements. Now he rejects these principles.

In short, by rejecting an accommodation with those of us seeking meaningful reform, he is turning his back on all the principles he has supported in the past. He is left with H.R. 1—a regressive, inhumane, and unacceptable welfare bill. It should be obvious to him by now that there are no supporters for H.R. 1 as it passed the House. Not one Republican member of the Senate Finance Committee supported it. Instead, they supported a subpoverty make-work program, which is completely incompatible with the concepts of the family assistance plan.

A large group of Republicans and Democrats remain committed to passage of worthwhile welfare legislation. Without the President's support, however, welfare reform is dead.

I ask unanimous consent that the Washington Post and the New York Times editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 25, 1972]

PRESIDENTIAL POLITICS AND WELFARE REFORM

With his latest statement on welfare reform, President Nixon has finally made his

game plan on this issue quite clear and it looks from here to be significantly more disastrous than the play he gave to the Redskins last December and substantially less well intentioned. Along with revenue sharing, some executive reorganization and one or two other legislative items, welfare reform was trumpeted as part of the President's New American Revolution. Then came the economic crisis last summer and with a grand gesture, he deferred this part of the Revolution to a later date. That gave some people a bit of pause about the seriousness of his intentions, but with many others, we gritted our teeth, waited for the rest of the story and hoped for the best.

The course of welfare reform has been tortuous and hazardous. First, the House took the President's proposals, added some harsh measures with the President's assent and sent the bill over to the tender hands of the Senate Finance Committee. Whereas the House-passed measure (H.R. 1) would have simply insured that a large number of the people now receiving benefits would receive less in the way of payments and food stamps, the bill fashioned by the Senate Finance Committee is draconian by comparison. The House passed bill at least had the virtue of embodying the humane principle of a cash floor under income. The Senate Committee, on the other hand, designed a weird forced make-work program which would trap both the government and welfare recipients into an untenable and costly relationship which would also endanger some of the fundamental freedoms of those in the program.

Senator Ribicoff, meanwhile attempted to fashion a bill which would retain the humane aspects of H.R. 1 while ensuring that no recipients would be hurt by the "reforms." While the Ribicoff plan picked up substantial support in the Senate, the argument that it was too costly threatened to impede its headway there. A compromise, embodying the Ribicoff safeguards, but which would cost the taxpayers less has been worked out and has the support of 19 Republican senators as well as the President's own Secretary of Health, Education and Welfare. Sophisticated nose counters believe that the original supporters of the Ribicoff measure plus those who could support the compromise promised a Senate majority for a rational and humane welfare reform measure.

The time thus had come for the President to move past rhetoric and to turn his cards up. Now, apparently, he has done that by telling us that he cannot support the compromise, because, among other reasons, he believes it "would not be in the interests of the welfare recipients themselves." Aside from being dead wrong on the facts—the Senate compromise would enhance benefits rather than cut them as would H.R. 1, which the President supports—the President has probably dealt a lethal blow to the meaningful welfare reform that he once assured us that he wanted. By undercutting the moderate Senate majority for the compromise plan, Mr. Nixon has either killed welfare reform entirely or given us the horrendous possibility of something that is a cross between H.R. 1 and the Senate Finance Committee bill.

In a word, then, Mr. Nixon's game plan seems to be to dump the whole thing—and blame it on Congress in the fall campaign. And that is a point to remember. For all the political rhetoric, it now seems clear that it is the coach himself and no one else who will be responsible for the death of any hope for real welfare reform.

[From the New York Times, June 25, 1972]

THE WELFARE SWAMP

President Nixon has made no contribution toward enactment of welfare reform by undercutting the efforts of a Senate coalition headed by Senator Ribicoff to correct defects in the bill already passed by the House.

From the time when the President first advanced his proposal for putting a Federal floor under family income nearly three years ago, the basic idea seemed to us an innovative and imaginative approach to solving the present catastrophic welfare program. Chairman Mills of the House Ways and Means Committee, after a long period of soul searching, twice succeeded in persuading the House to go along with this effort to erase the demeaning line between the working poor and those wholly dependent on public support.

In the Senate, however, the measure has been hammered into unrecognizability by the conservative majority in the Senate Finance Committee. It is about to report out an abomination that would make the existing welfare system even more degrading, costly and chaotic. Meanwhile, the ranks of Senators who ought to be stanch supporters of the original concept of welfare reform have been split by a wrecking campaign initiated by ultramilitants among welfare recipients, dissatisfied with any measure that fails to double or treble the already high cost of the House bill.

Senator Ribicoff has sought to repair the damage through months of conferences with Secretary Richardson of the Department of Health, Education and Welfare and other high Administration officials. Out of these talks came a compromise that would have vastly improved the House bill without departure from the principles originally enunciated by the President.

In essence, the compromise would raise the Federal income guarantee for a family of four from the House level of $2,400 a year to $2,600, a decidedly modest liberalization. Even more important, it would insure that adoption of the reform program would not mean a reduction in benefits for families now on the rolls. The plan also would entail more realistic provisions for moving welfare recipients into jobs and establish Federal administration of benefit payments.

This is a program that deserves Senate approval, but it is unlikely to prevail unless the President, modifying his present declared intention to stick with the House version, swings to active support of the Ribicoff compromise. The alternative is less likely to be passage of the House bill than the killing for this Congress of any real move to dredge the swamp that is welfare.

UNITED AIRLINES AND TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Mr. DOLE. Mr. President, the elderly citizens of our Nation face many pervasive and complex problems, and the 1971 White House Conference on Aging identified transportation as one of the most pressing. In its report the conference stated: For many of the elderly, the lack of transportation itself is the problem; for others it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems.

Several modes of transportation are available to the elderly, chiefly automobiles, cabs, buses, and airlines. Many elderly citizens do have the financial resources to purchase or do own a car, but they are not able to drive themselves because they are physically handicapped. Cab service is expensive and often unreliable; bus service is often inconvenient for the elderly since the waiting periods are often lengthy—especially for intraurban travel—the fares are high, and the buses are often overcrowded.

The commercial airlines are one form of transportation which is utilized by elderly citizens for long distance travel, and the Nation's airlines offer many valuable free services to the disabled and the elderly. Airlines frequently provide escorts from the ticket area to the plane, arrangements can be made for early boarding of flights to avoid the crush and confusion of regular boarding operations, specific meals can be ordered to meet dietary requirements, airline personnel will often notify an elderly person's relatives or friends when and where the passenger will arrive, and wheelchairs are available in most terminal buildings. One carrier which offers such services and has an outstanding record in serving the elderly and the handicapped is United Air Lines. On Monday, June 12, the Federal Aviation Administration presented United Air Lines with a distinguished service award for its leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers.

John H. Shaffer, Administrator of the FAA, recently visited United's executive offices in Chicago to present this citation to Mr. Edward E. Carlson, president of United, and while there he also presented a silver medal to Mr. Robert G. Sampson, vice president, property central division, who is himself handicapped.

The citation to Mr. Carlson read:

The distinguished service award goes to United Air Lines whose pioneering efforts in providing airline service tailored to the special needs of physically handicapped and elderly persons has immeasurably enhanced their ability to use and enjoy the benefits of air transportation. This airline's leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers is a corporate responsibility and compassion and deserves the gratitude of the entire aviation community.

Mr. President, I would hope that the beneficial services offered by United Air Lines to elderly and handicapped passengers will soon be offered not only by all airlines, but by other modes of transportation, as well.

CLINTON R. GUTERMUTH, A FRIEND OF WILDLIFE

Mr. CHURCH. Mr. President, at a time of growing appreciation of our interdependence on wildlife, we owe a particular debt of gratitude to those who seek to promote and protect our wildlife. The national interest in wildlife has, to some extent been recent, and those who pioneered this awakening to the value of wildlife deserve the special thanks of all Americans.

One such individual is Clinton Raymond Gutermuth, known to his many friends as "Pink" Gutermuth. His long and distinguished record as a conservationist and expert in wildlife management is nationally and even internationally known. As vice president of the Wildlife Management Institute for 26 years and as a member of the boards of directors of countless conservation organizations, "Pink" Gutermuth has made his mark as one who treasures our national and wildlife values.

This spring the University of Idaho selected Clinton R. Gutermuth to receive an honorary doctor of science degree. This award, signifying the recognition of both his contribution to wildlife and conservation on the national level and of his special contribution to the organization of the Idaho Cooperative Wildlife Research Unit, was given at graduation ceremonies at the university in Moscow, Idaho, on May 21, 1972.

I and other Idahoans owe a debt of thanks to Charles R. Gutermuth for his exemplary career in conservation and wildlife management. I know that Senators will want to join me in extending congratulations to "Pink" Gutermuth on the occasion of this award.

I ask unanimous consent that the citation conferred with the honorary doctor of science degree upon Charles R. Gutermuth be printed in the RECORD for the information of the Senate and those who are interested in wildlife and conservation.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

Clinton Raymond Gutermuth—Your contributions to conservation, wildlife management, and the education of the general public in these areas make us proud to welcome you to our fellowship of honorary alumni. A graduate of the American Institute of Banking, Notre Dame University in 1927, you, early in your career, opted to leave banking and commerce in favor of the interests of conservation in its broadest and best sense. From 1934 to 1942 as Director of Education and Director of Fish and Game for the State of Indiana, you establish a national and international reputation which led to your appointment in 1942 as Executive Secretary of the American Wildlife Institute. In 1946 you moved to the vice-presidency of the Wildlife Management Institute, a post which you held for 26 years until your retirement in 1971. A member or officer of countless boards of directors of various conservation agencies throughout the world, we in Idaho are in your debt for your special attention and help in the organization of the Idaho Cooperative Wildlife Research Unit and for your continuing attention to its needs and to its promotion. A frequent visitor to this campus and to this state, you had a major role in the 1952 study of Idaho's fish and game management program. This survey led directly to substantial improvement in the operation of the state's Fish and Game Commission and Department. Author, astute manager, educator, great good friend of all the world and its natural populations, your public honors are legion. To them the University of Idaho is proud to add its honorary degree Doctor of Science. This degree, by virtue of the authority vested in me by the Regents, I do now confer, together with all of its rights, privileges, and responsibilities.

A RECOMMITMENT TO HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Senators are well aware of the practical implications of the Genocide Convention. A rational examination of the treaty reveals that it does not attempt to interfere with the domestic jurisdiction of sovereign nations, and would not jeopardize the constitutional rights of U.S. citizens.

I shall address myself, however, to the moral and philosophical questions which have been raised by this modest proposal. Supporters and opponents alike have been moved to consider this treaty as a statement on man's responsibility to his fellow man, on the responsibilities of governments to their citizens. I commend such lofty thinking; it is heartening to know that there are those who recognize the ever-increasing need for respect and cooperation among the world's people. As the earth becomes more crowded, the behavior of individuals and of nations must be based on ever higher and more humane standards.

President Kennedy eloquently expressed his awareness of this need when he said:

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the people of other nations . . . There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

Mr. President, we have an opportunity to recommit ourselves to that basic belief in the sanctity of human life upon which our Nation was founded; we have an obligation to reaffirm our opposition to that desecration of human life which we have so often fought. I urge Senators to take advantage of this opportunity, to accept this obligation, and move for the immediate ratification of the Genocide Treaty.

STATEMENT OF SENATOR HARRIS BEFORE DEMOCRATIC PARTY PLATFORM COMMITTEE

Mr. HARRIS. Mr. President, yesterday I testified before the Platform Committee of the Democratic Party. Believing that the issues I raised then are relevant to the decisions confronting the Senate, as well, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CHOICE: GREATER INDIVIDUAL POWER OR GREATER CORPORATE AND GOVERNMENTAL POWER

Mr. Chairman: A few times in history—very few—party platforms have made a difference. Most often, they have re-worded the good intentions of four years before.

1968 was different in a key respect: the struggle over the issue of the Vietnam war—though the final platform provision had little meaning—nevertheless focused the attention of the nation and ourselves on the immorality and impracticality of our involvement in that war, made us see that the Democratic Party was fundamentally undemocratic, made us excrutiatingly aware that America was living on a level far below its ideals.

1972 could be a memorable year, as well. We might begin to put America back together again—across race, age, sex and regional lines—around fundamental issues and principles.

Re-read Jackson's words when he voted the bank renewal bill, Cleveland's message to Congress in 1888, the best of the Bryan's campaign oratory and Franklin Roosevelt's acceptance speech of 1936. These men spoke bluntly, and they sided with the people.

That is the lesson of the 1972 primaries. The centrists did not win. The people did not rally to the campaigns of the Muskies, the Humphreys, the Jacksons. The big winners in 1972 were George McGovern and George Wallace—a strange result to those accustomed to the old terms of "liberal" and "conservative." But in terms of power, in terms of the overriding sense of powerlessness which most Americans feel, the meaning of the McGovern and Wallace candidacies comes into focus. People want change. They do not like the way things are. They are dissatisfied with those who hold power and the way they use it.

George McGovern understood this best and offered the best alternatives—and his campaign succeeded best.

Foolish in the extreme are those—some are McGovern's friends who do not yet understand why this gentle man stirs up such enthusiasm; some are his enemies who still cannot figure out what it is he has—foolish are those who now counsel that McGovern's campaign must abandon its most appealing aspects—its honesty, its directness, its fundamental issues—and become centrist. Nonsense! For God's sake, a centrist is what we have in the White House right now—and look where that's gotten us!

Those who counselled the candidates of 1972 to avoid the American shame of race to speak only in vagueness, to look away from the deprivations of the poor and the privileges of the rich—these counsellors counselled their candidates to defeat.

Pandering to the baser fears and prejudices which lurk within us all is not what Presidents are for. Nor is finding out where the middle ground is and getting there as fast as one can. Presidents and presidential candidates—and political parties—have a higher duty, a duty to lead, to search out and gather up and shout forth a better vision of ourselves.

No Party can turn its back on black people or the problems of the central cities, no Party can refuse to stand up for the poor and hungry, no Party can fail to seek redress of inordinate imbalances in economic and political power without calling into serious question its reason for existing as a political party.

The success of the McGovern campaign should not surprise those who really believe in America and its people. While it may not be technically true, as Thomas Jefferson said, that "one man with courage is a majority," that man or woman will eventually *win over* the majority if right. To question that is to question whether our system will really work and whether people really are smart enough and decent enough to govern themselves.

I believe they are. And it is our job to give them a choice. If we do that, 1972 will come to be looked upon as the pivotal year in the long history of our nation.

The choice is between greater individual power or greater corporate and governmental power. The 1972 election should be decided on this issue.

Where is our sense of common struggle and shared ideals? Both the "hard hat" and the student look to us for that answer.

What does it mean to be an American in the last third of the 20th century? Both the jobless black teenage drop-out from a criminally ineffective school system and the white pulpwood cutter in Alabama who cannot feed his family want to know.

They know the *symptoms*—and so do we: rising alcoholism, increasing use of narcotics, alarming crime rates, growing violence and suicides and apathy. These *are* symptoms. They are not causes. They are symptoms—pathological symptoms—of a society in deep stress. The steelworker in Gary, the small farmer in Oklahoma, the Chicano mother in Los Angeles, the old person in Miami, the Native American in Arizona, the teacher in Cleveland, the garbage worker in New York—they all know what we *should* know. A little more housing, a little more food stamps, a

few more summer jobs—though we need them all—will not do.

Deep down, they all know that America ought to be a place where every person has a right—not a matter of charity, but a *right*—to a decent share in things, and that America ought to be a country where we practice, at home and around the world, the human ideals we profess. They know that America *should* be that kind of country, that it *isn't*, that it *can* be.

It can be, if we will help make it so. Even a campaign can make a difference.

But the people cannot be rallied to a mere restatement of traditional liberalism, nor to a quantitative call for adding on to old programs. Reform is too circumscribed to bring about fundamental change if we will not deal with fundamentals.

The 1972 platform of the Democratic Party should state bluntly and plainly that it is our aim—and should be the goal of our nation—to:

More fairly distribute income and wealth;

Deconcentrate economic and political power, and

Make real the inherent power and liberty of the people.

MORE FAIRLY DISTRIBUTE INCOME AND WEALTH

The social problems of America will not be solved by more handouts to the rich, but by more income for the people. People can buy health and housing and education with dignity, if they have money. Advice will not suffice.

Today, the richest *one-fifth* of our people have forty-one percent of the income, *after taxes*. That is more than the lower three-fifths combined, who have only thirty percent. The lower one-fifth of our people have only five percent of the income. This endemic maldistribution of income—with all of our New Deal programs—has gotten slightly worse, not better.

That is the kind of America we said we wanted. We are not an organized government in order to protect the rich and powerful; the rich and powerful can take care of themselves. We are an organized government so that everyone will have a fair share. We should say so, straight out, and then the people will make us do something about it.

The maldistribution of wealth is even worse. The richest *eight* percent of our people now own over sixty percent of all private assets. The upper *two* percent own nearly all of the personally-held income producing investments—eighty percent of corporate stock, ninety percent of corporate bonds and one hundred percent of municipal bonds.

The rule of prime-geniture, a system by which the king's oldest son became king, went out of vogue a long time ago, despite the fact that some people justified it on the grounds that, "We got a lot of bad kings that way, but it saves a lot of trouble". Yet, today's rich—the Mellons, the Rockefellers, the Fords and DuPonts—as well as the owners of great bolcks of General Motors stock and other fortunes—pass from one generation to another with little diminution more power over human lives than most of history's kings dared dream of.

With all these glaring disparities in the distribution of income and wealth in America, some liberal economists still position themselves along side President Nixon, urging that we must not lose the "cooperative spirit" in our economy, and that it would be better if we hush up about the inequities of the division and promote, instead, economic growth as the best way for "everyone" to gain.

Aside from the serious questions now rightly being raised about the awesome problems which go hand in hand with unlimited growth for private gain, poor people and working people, black people and other minorities, know their *relative* share is getting less, not more, and it was already an unfair share.

Enough of this saying that poor people in America are better off than poor people in Belgium! Enough of this saying that working people in America are better off than working people in Spain! Enough of this saying that black people in America are better off than black people in Africa!

Poor people and working people and black people and other minorities in America are not Belgians, nor Spaniards, nor Africans. They are American, and they have a right to judge their lives and their hopes by *American* standards.

The Democratic Party must say that everyone in America willing and able to work has a *right* to a job, and that those who cannot work or who cannot find work have a *right* to a decent income. Not only or just out of the goodness of our hearts, but because that is the only kind of system which will work.

The Democratic Party must say it is going to stop all this redistribution in the wrong direction—stop these farm and other subsidies to the rich.

Most basically, the Democratic Party must say that the government is going to have to start taxing on the basis of income and wealth, stop *all* the tax loopholes and restrict the transfer of inordinate wealth from one generation to another.

A comedian of some years ago regularly drew great laughs when he said that, if he were President, he would tax the poor, not the rich, because, he said, that would give the poor some incentive to *be* rich. That pretty well sums up our present tax policy and the Democratic Party must offer fundamental change in that system.

After all, if the way we finance government is unfair, what *is* fair?

DECONCENTRATE ECONOMIC AND POLITICAL POWER

The economic problems of America will not be solved by more government intervention, but by more economic liberty. As someone wisely said, the Nixon Administration may not be soft on Communism, but it's damn sure hard on capitalism.

Why not try a little free enterprise? It cannot be worse than what we have. Some of the socialist countries of eastern Europe are making steps in that direction. Why shouldn't we?

Despite government controls, prices continue to go up and joblessness remains tragically high in a country where there are plenty of things that need to be done. Even some liberals side with President Nixon and say that what we may need are even *more* government controls. The Chamber of Commerce and big industry support President Nixon's government controls. Where are the traditional defenders of free enterprise? Doesn't it seem strange that they are either quiet and docile in the face of these economic controls, or speak out in their support?

Not so strange. If one has the power and pretty much controls the government, he doesn't so much mind the government controlling him.

There are natural market forces which hold down prices and unemployment. The government must step in where they do not work or to hold them within human bounds, but our government increasingly has intervened on the side *against* natural market pressures.

The big rich and corporate farmers are not more efficient at farming. They are more efficient at farming the government.

The small farmer being forced off his land knows something is wrong when the big conglomerates like Tenneco and other huge landholders unfairly compete with him with the *help* of government irrigation water and tax, farm payment and labor law subsidies.

The homeowner knows something is wrong when utility rates go up and up while service gets worse and worse and the big bankers and insurance companies and oil companies, which monopolize our energy resources, grow richer and richer without competition or control.

The small landowner and the deep-mine coal worker out of work know something is wrong when huge land holders are allowed to devastate the mountains, destroy the streams and exploit the people through strip mining, making politicians dance to their tune.

The worker in the Vega plant in Lordstown, Ohio, who turns the same little screw 107 times an hour, having to hold up his hand to go to the toilet or having to slip around to take a smoke, knows something is wrong when he draws only one ninetieth the salary of Mr. Richard C. Gerstenberg, President of General Motors, with all of his plush offices, corporate jets and huge incentives.

That kind of system drives people mad, and it will not work. Why should we only advocate land reform in Vietnam and South America? What's wrong with a little land reform in America?

Why can't *workers* have the incentive of owning shares in their company and having some control over their work?

Those in power do not need *new* favors; they already have them. And the people of this country are becoming painfully aware that our scandalous system of campaign financing, and the tax laws that allow U.S. Steel to deduct as a business expense the cost of advertisement and lobbying to tell us about the beauties of strip mining, are not the earmarks of a system designed to diffuse economic and political power.

We have more and more developed into a system in which the interests of big industry and big government are virtually synonymous. The Kleindienst-ITT affair is not an isolated case. It evidences the *rule*, rather than the exception. It should not be remembered merely as a question of Mr. Kleindienst's fitness to be Attorney General. We are going to get a bad attorney general in any event under this Administration.

The lesson of the Kleindienst-ITT case is that inordinate corporate power, sought to be regulated to some degree by inordinate government power, is *not* our only alternative.

Look at a graph showing mergers—fewer firms and less competition—over the last years. The peak of mergers just before Theodore Roosevelt took office looks like Pike's Peak; then it goes down again. The peak of mergers just before Franklin D. Roosevelt took office looks like Mount Everest; then it goes down again. But the peak of mergers during the last two years hasn't been reached yet, and it already goes off the top of the chart!

The biggest 200 corporations in America now control sixty percent of all manufacturing, as compared with only forty-six percent at the end of World War II.

Thirty-five percent of all industry in America—and that includes steel, automobiles, soap, soup, aluminum, farm machinery, containers and oil and gas—are dominated by four or fewer firms which have seventy percent or more of sales. That is *some* kind of system, but it is *not* the free enterprise system.

Prices in America are twenty percent too high because of the lack of competition in these shared monopolies, quality is held down and technological developments are stifled. Thus, we can't compete with foreign industry in too many of these fields, so we export jobs.

We must break up these shared monopolies such as GM and make the market work. Bigness—particularly with recent technological developments—is not essential, and is not benign, no matter who controls it. Bigness tends to grind down individuals.

The case for government controls and ownership is not well made. Government controls have not done so well with the Post Office, nor with foreign policy for that matter. Why not try a little old-fashioned American competition?

The Democratic Party must say: reverse government control; inordinate concentration of economic and political power—whether in government, in industry or in labor—is not the American way.

MAKE REAL THE INHERENT POWER AND LIBERTY OF THE PEOPLE

The problems of instability in our society will not be solved by more government control, but by more individual freedom. It has been wisely put: the cure for the problems of democracy is more democracy.

If people are searching—as they are—for the underlying worth and meaning in their own lives and in their society, it is no wonder.

We have a government which says that we must continue the draft so we can have a volunteer army, spend more for arms so we can agree on arms control, bomb for peace.

Our government refuses to justify its foreign and military policies on moral grounds, but, nevertheless, presumes to invade the individual privacy of its citizens to enforce its own ideals of morals.

So, it involves itself in the private sexual behavior of consenting adults, breaks in and criminalizes the possession of marijuana, injects itself into the conscience-matter between a woman and her doctor over the control of her own body.

Our government wants to know what private citizens are saying and doing, but will not talk straight and openly about what *it* is doing.

We have a government which asks us to pledge allegiance to "one nation, indivisible," but itself acts to hinder equality of opportunity in education, its most important service.

Our government announces that the Vietnam War is wrong and unwinnable, but continues to make pariahs of those who knew it first.

But it is said that these are issues the Democratic Party must not deal with, except obliquely and vaguely and indecisively.

I say that the Democratic Party and the nation *will* deal with these issues, whether we want to or not.

And it is better that we deal with them in the right context and see the underlying American principles involved. For the real issues are the issues of human liberty and the right to be free of improper government control.

These *are* real issues, involving real principles. If we will not lead on them and help the nation see them aright and work them through, who will?

Enough of these euphemisms—"no-knock", "preventive detention", "moratorium", or legitimate court orders—which mask such ugly concepts!

In times of stress and trouble, freedom's cause is not furthered by abandoning its tenets.

The Democratic Party must call our people back to their basic belief in the inherent power and liberty of the individual. If we will not do so, it may not be done.

Mr. Chairman, "populism" is a popularly heard term in our land again. Some think it a passing fad. Some hope it is.

But there is more to the New Populism than the name. And some who call themselves by that name shun both its burden and its promise.

The New Populism—and it doesn't matter what you call it—means that most Americans are commonly exploited, and that, if we get ourselves together, we are a popular majority and can take back our own government.

It promises a more stable, secure society of self-esteem—for the rich as well as for the poor and the not-so-rich. We all will be willing to pay and sacrifice for that promise if we can be assured that, unlike in the past, what we pay and what we give will really make a difference.

In calling America back to the greatness and goodness that is in us, we can help the people of our country find purpose and community in a common enterprise worth being a part of, because it is bigger than ourselves.

Demos means people, and it is the Democratic Party which can take up the peoples' cause again.

THE HALF-FOUGHT WAR AGAINST HUNGER

Mr. HOLLINGS. Mr. President, in recent days we have been reminded again of a familiar story: The story of a war half-fought—a war in which the full resources at our command have not been utilized—a war in which we settle for less than victory because of an unwillingness to see the battle through—a war in which politics has all too often intruded and interfered with a commonsense battle plan.

I speak not of Vietnam, Mr. President, but of a battle much closer to where we stand today. I speak of the war against hunger. Because once again this year, the witnesses tell Congress—and the newspapers tell the country—that the administration continues in its traditional apathy toward the feeding of America's hungry. Once again we hear of appropriated moneys going unspent, and we learn that not only does the administration phase back this year, but it plans to phase out still more of the proven programs which have made a real beginning in this war.

At this minute, less than half of those standing in need of food assistance are being helped by the food stamp program. Yet the Department of Agriculture has just announced that it is returning $400 million unspent funds to the Treasury—money that had been authorized and appropriated by the people's representatives in Congress. Millions more have gone unexpended in the school luncheon program, supplemental food assistance, and so on.

Mr. President, the Washington Evening Star of June 23, 1972, contains a sobering column entitled "Hunger War Undermined by Tightwad Agency," written by Mr. Carl T. Rowan. It details just where we stand in the effort to stamp out hunger, American-style. And it shows beyond shadow of doubt the conscious efforts being made by those in positions of high responsibility to welsh on the promise to end hunger.

It is sad but true that hunger still persists in America. The tragedy is that the situation is not necessary; on the contrary, we could eliminate hunger in short order if we put our best efforts to the task. And we could do so at far less cost than some of the welfare schemes which are being bandied about in the politics of this election year.

Mr. President, I ask unanimous consent that Mr. Rowan's excellent piece be printed in the RECORD. I urge the widest possible audience for this column. It is time we take off the gloves in the war against hunger. It is time to follow through on the commitment already made. It is time, in truth, to insist on total and unconditional victory. The outcome will affect us all—not only the 25 million Americans who stand in need of food assistance, but also the remaining 183 million who will reap the benefits—or the consequences—of the outcome.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, June 23, 1972]

HUNGER WAR UNDERMINED BY TIGHTWAD AGENCY

(By Carl T. Rowan)

It is hard to think of a more heartless scene than a child squirming in a classroom, unable to stay awake, or follow the teacher, because that child's stomach aches from hunger.

But a lot of children faced that plight this year because the Department of Agriculture squeezed some children out of eligibility for a free school lunch and declined to spend $82 million that Congress allocated for food for needy schoolchildren.

It is hard to think of a longer-lasting cruelty than to deprive poor, pregnant women of the special nutritious foods that make it possible for them to produce healthy babies. The hurt is long-lasting because ill-nourished mothers produce babies that may be premature, or weak in some respects, and such infants run a high risk of early death or mental retardation.

But a lot of pregnant women and young children who are especially vulnerable to malnutrition are not getting the supplemental foods that Congress says they should have. The Agriculture Department decided to spend in fiscal 1972 only $13 million of the $36 million Congress allocated for the Supplemental Foods program.

Of all the programs designed to aid America's 26 million poor people, the one hardest to begrudge is the food stamp program, which is the major bulwark against hunger for 11.5 million Americans.

But at a time when President Nixon was reiterating his pledge to end hunger in America for all time, was the Agriculture Department trying to extend the food stamp program to the 14.4 million poor people not yet aided by it? No, the department was pushing policies that limited participation and reduced benefits to many people already using the program—with the result that the department refused to spend $400 million that Congress allocated for food stamps for the poor.

These are facts reported by the Senate Select Committee on Nutrition and Human Needs, which claims that of seven food assistance programs, the department will turn back to the Treasury some $700 million this year.

The administration announced with pride recently that the budget deficit this year will be several billion dollars less than anticipated. That is supposed to be good news in an election year. The Agriculture Department obviously was playing the nice political game by squeezing almost a billion dollars out of the mouths of the aged, the poor, the helpless children who are the great victims of hunger.

It is an ironic coincidence that the select committee is chaired by Sen. George McGovern, now the leading candidate to oppose President Nixon for the presidency. McGovern has wasted no time lashing the administration for "pick-pocketing the poor." But many congressmen have made it clear that this issue transcends partisan politics.

Many Republican governors and congressmen were part of the nationwide protests that in January caused Agriculture Secretary Earl Butz to rescind regulations that

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would have increased the cost of food stamps to a level where many poor would be driven out of the program.

Arthur Schiff, assistant administrator of New York City's Human Resources Administration, told the Senate committee that the people won that January battle with Butz but they are losing the war. He says that through the "interpretation" of regulations and the issuance of new food stamp tables the Agriculture Department is acomplishing piecemeal what a public outcry prevented it from doing in one fell swoop.

For example, even when the administration emphasizes "workfare" and "job incentives" for people on welfare, the Agriculture Department has come up with an interpretation that has had what McGovern calls "a devastating effect on food stamp recipients who participate in work, training or education programs intended to make them self-sufficient."

Previously, for example, money used by a mother for a babysitter, or for transportation to work, was not counted as money available for food. Now the department counts that money, meaning that some stamp recipients suddenly are paying $20 to $30 more a month while their income has not increased.

The hanky-panky in Agriculture is especially dismaying in view of the progress that was being made against hunger. In 1969 some 21 million children participated in the school lunch program, with only 3.8 million receiving lunches free or at substantially reduced prices. There are now 25 million children in the program, with 8 million receiving free or reduced-price lunches.

That kind of progress augurs well for a healthy, happy population, which must forever be our greatest national asset.

But the bureaucratic scrooges in the Agriculture Department have 700 million unspent dolars as proof that they can produce defeat just when victory seemed attainable in this grim war against hunger.

TORTURE IN BRAZIL

Mr. TUNNEY. Mr. President, tomorrow I will call up my amendment No. 1272 to S. 3390, the Foreign Assistance Act amendments, on behalf of Senators CRANSTON, HART, MCGOVERN, PROXMIRE, RIBICOFF, and myself. This amendment addresses itself to the urgent problem of the torture of political prisoners in Brazil.

In the meantime, I ask uanimous consent to have printed in the RECORD at this point several documents which I believe will help Senators to understand more fully the pressing need for our Government to respond to the problem of Brazilian torture of political prisoners.

These documents reflect the international outcry against these abuses to human dignity. They record the views of representatives of the International Commission of jurists, the National Council of Churches, the World Federation of Trade Unions, the Inter-American Commission on Human Rights, and others on this urgent matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACT SHEET ON TORTURE IN BRAZIL

"Well known declarations from moderate and impartial sources concerning the inhuman treatment of political prisoners awakened the world's conscience as never before".

Mr. NIALL MAC DERMOTT,
Secretary General of the International Commission of Jurists—address to the U.N. Commission on Human Rights—plenary session of the Geneva meeting, March 1971.

"Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the Fall of 1969".

Latin American Department of the National Council of Churches—June 5, 1970.

". . . it becomes a regular practice to detain and torture with no concrete accusation . . . it is a system of *repression* by *intimidation* whose realisation supposes a complete despise for human rights".

International Commission of Jurists, Statement on torture in Brazil. Press release July 22, 1970.

From 1969 until the present, but mainly in the last 15 months, an increasing number of political prisoners were listed as "killed while resisting arrest", or "while trying to escape", or "committed suicide" in prison. "The case of another prominent Brazilian—former congressman, Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it." (*Washington Post*, Sept. 26, 1971)

"Torture . . . has become a political weapon . . . is systematically applied often even before the interrogation itself starts".

". . . Organs of repression often conduct round-ups on university campuses . . . factories or in the out back of the country . . . these suspects are systematically tortured in the hope that they will reveal a plan of action, a hiding place about which the torturers themselves have not the slightest idea".

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"Documents, expert medical evidence, and statements examined by reporters indicate that torture techniques vary little.

1. The water torture: the head of the prisoner is . . . submersed . . .

2. The electric torture: the captive is hung by his feet and arms . . . from an iron bar. Electrodes are then applied to his genital organs, ears, . . . electric shocks . . . are then passed through the victim's body.

3. Blows: to strike them (the genital organs, kidneys, head, feet, and hands) with iron or lead clubs.

4. Rape of women prisoners frequently committed.

5. . . . Frequently a child is tortured in front of her mother . . .

6. . . . Dogs are specially trained to attack the delicate parts of the human body."

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"A powerful group of Roman Catholic Church leaders (the southern region of National Conference of Brazilian Bishops) has accused Brazilian authorities of torturing political prisoners physically, mentally, and morally so that some of them are mutilated, broken in health or even die. The Church leaders said that they had urged the government to stop torture two years now. But they added that the Church now has evidence of a sufficient number of recent cases to know that substantially the situation has not changed since that time".

Washington Post, June 13, 1972.

There is no sign of reduction or restriction on the application of torture and the use of massive arrests in Brazil. Round-ups:

In the state of Bahia in May, 1971 (letter from 30

In the state of Bahia in September, 1971 (*Le Monde*, Sept. 18, 1971)

In the state of Sao Paulo in February, 1972 (*Le Monde*, June 2, 1972)

In the state of Maranhao in January, 1972 (letter to President Emilio Garrastazu Medici from the Division for Latin America, United States Catholic Conference, March 22, 1972)

In the state of Pernambuco in April, 1972 (from a pastoral letter from Archbishop Helder Camara, May 1, 1972)

These round-ups brought hundreds of Brazilian citizens to prison, and resulted in protests from church organizations.

"Very serious and sad incidents forced us again to write you . . .

As pastors, and assuming responsibility before God, before our own consciences, and before those who trust us, we declare that the rule of treatment of those arrestees involves unbelievable moral and physical torture. There has been increasing pressure against the Catholic Workers' Action: many members and one national director have been arrested."

DON HELDER CAMARA,
Archbishop of Olinda and Recife.

JOSE LAMARTINES SUARES,
Auxiliary Bishop,
Pastoral letter from May 1, 1972.

The denunciation of such procedures is very difficult inside the country because of both military censorship on the press and other media, and strict control of the Congress.

The reaction of the Brazilian people to the torture is one of horrified rejection, but also of terrorized silence. As the National Council of Brazilian of Bishops states: "It is exactly the absence of these freedoms and especially the habeas corpus that has created this climiate of insecurity" . . . "These are the insecurities of people who feel themselves threatened with prisoner maltreatment on mere suspicion or even by the state; the insecurity of entire families who find it impossible months to obtain information about missing members who have been arrested; the insecurity of the whole society which today is uncapable of confiding in those which have the responsibility for the protection of the people" (*Washington Post*, June 13, 1972.)

A STUDY OF THE SITUATION IN BRAZIL WHICH REVEALS A CONSISTENT PATTERN IN VIOLATION OF HUMAN RIGHTS, PRESENTED TO UNITED NATIONS COMMISSION ON HUMAN RIGHTS

1. Recent information about Brazil has been characterized by one common trend: allegations of the systematic violation of human rights by the Brazilian authorities. This concern has been voiced by a number of Brazilian and international institutions, as well as by outstanding personalities. They suggest that such persistent violations are being felt by all strata in Brazil. Increased protests are coming from all sectors of the population, including many who thus far hesitated to speak out.

2. The National Conference of Brazilian Bishops, in a statement issued in May 1970, denounced "trials conducted too slowly, arrests on the basis of mere suspicion, hasty and unproven charges, and investigations carried out while the defendants are detained in secret prisons and are often deprived of the fundamental right of defence." Still more recently, in February 1971, the Conference restated: "We must affirm that unfortunately tortures exist in our country."

3. The Brazilian Association of Lawyers has time and again protested against the ill-

treatment of political prisoners and their seriously restricted right of defence.

4. Trade union organizations have protested against the limitation of freedom of association and democratic liberties, and have expressed their concern about the violation of their right to organize and to express grievances in Brazil.

5. Reports have been received of widespread intimidation of suspects by their arrest, detention, and torture, either physical or psychological, by police and military organizations, these suspects being later released without any attempt to charge or try them for any offense—a procedure which is a complete abuse of the Rule of the Law and Human Rights.

6. In view of the apparent powerlessness of judicial institutions in Brazil, seen by some to be dangerously threatened by undue interference by the executive power, a number of international organizations have felt it important to determine the validity of these allegations. In July 1970, the International Commission of Jurists requested the Brazilian government to grant facilities to the International Committee of the Red Cross and to Amnesty International to visit all places of imprisonment and detentions, and asked the Inter-American Commission on Human Rights to undertake an investigation into the treatment of political prisoners in Brazil, in order to ensure, at least, that the United Nations standard minimum prison rules are respected.

7. The Brazilian government has chosen to reply by denying the existence of political prisoners and the use of torture in the country, and by refusing to authorize the visit of any international organization, thus impeding any partial ascertainment of the validity of the allegations.

8. The allegations can no longer be ignored by the United Nations. In particular, the growing protest from important Brazilian and international ecclesiastical, trade unions, lawyers associations and other bodies, that the Universal Declaration of Human Rights, to which the Brazilian Government is a signatory, is being systematically violated through the torture of political prisoners.

9. For this reason, the international Organizations, listed in the annex to this document, have addressed a joint appeal to the Brazilian Government, urging it to accept an impartial investigation by a competent international commission. The full text of this appeal is attached.

10. They further urge the United Nations Commission on Human Rights to place the specific case of human rights violations in Brazil on its agenda. They are prepared to place at the disposal of the Commission extensive documentation of these allegations which, we are convinced, contain sufficient evidence to demand study and eventual action by the United Nations. Such a preliminary dossier has been presented to the Secretary-General, and we are at his disposal to provide such further information as he may deem useful and necessary.

World Federation of Trade Unions Commission of the Churches on International Affairs of the World Council of Churches; International Commission on Jurists, Pax Romana.
March 1971.

ORGANIZATION OF AMERICAN STATES,
May 3, 1872.

RESOLUTION ON CASE 1684 (BRAZIL), APPROVED BY THE COMMISSION AT ITS THIRD MEETING HELD ON MAY 3, 1972

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Having seen the report prepared by the rapporteur and the Chairman of the Commission on case 1684 (doc. 6-28) concerning alleged violations of human rights in Brazil.

Whereas: Article 9, paragraph b) empowers it to "make recommendations to the governments of the member states in general, if it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic legislation and, in accordance with their constitutional precepts, appropriate measures to further the faithful observance of those rights."

Resolves: To approve the "Fourth Report on case 1684 (Brazil)" (doc. 6-28) concerning alleged violations of human rights in Brazil, prepared by the rapporteur, Dr. Durward V. Sandifer, and the Chairman of the Commission, Dr. Justino Jimenez de Aréchaga; and

Decides: 1. To declare that, because of the difficulties that have hindered the carrying out of the examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the presuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

2. To exercise the power granted to it by Article 9, paragraph b) of its Statute and recommend to the government that it carry out a thorough investigation, the results of which the Commission would like to be able to examine at its next regular session, in charge of independent judges, not subject to military or police influence, with a view of determining, with all the guarantees of due process,

(a) Whether acts of torture, abuse and maltreatment have been carried out against persons detained in any of the places of incarceration indicated in Chapter IV of this report; and

(b) Whether acts of torture, abuse and maltreatment of prisoners have been carried out by any of the military or police authorities whose names are included in Chapter IV of this report.

3. To request the Government of Brazil that, once the investigation is completed,

(a) It inform the Commission of the results (Statute, Article 9, paragraph *d*) and forward to it a copy of the basic parts of the report, and

(b) It punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights.

4. To forward to the Government of Brazil a copy of the report of the rapporteur and the Chairman of the Commission as well as this resolution; and to inform the claimants of the contents of this resolution.

STATEMENT ON POLITICAL REPRESSION AND TERROR IN BRAZIL (JUNE 5, 1970)

I. INTRODUCTION

The people of the United States are deeply involved in the economic, military, cultural, religious and political affairs of Brazil. That nation is the third largest recipient of U.S. economic assistance in the world. Over 600 U.S. industries operate in Brazil as well as hundreds of other U.S. based institutions and agencies. Approximately 2,100 U.S. Protestant personnel representing 120 denominations and mission sending agencies and 700 U.S. Roman Catholic personnel representing 38 religious orders and lay agencies live and work in Brazil.

In spite of the vast range of this involvement the people of the United States have not been apprised of the extensive information regarding the repression, terror and torture by which Brazil is governed today. The result is that both public and private funds appear to support and strengthen a military regime which, in the name of law and order and of anti-communism, crushes dissent and all advance toward a free and open society. Christian concern must center, in such a situation, upon the loss of human rights and the deprivation of that dignity which belongs to all men as creatures of God.

It is not the business of the North American churches to concern themselves with the affairs of every country around the world, but the cries of oppressed people must not be ignored and especially not when these cries come from people whose lives are affected by the policies of public and private institutions in our own country.

II. CONDITIONS IN BRAZIL

In 1964 Brazil suffered a "coup d'etat" at the hands of the Brazilian military. The U.S. Government immediately extended diplomatic recognition to the new regime and U.S. economic aid was sharply increased. Many United States Government officials have considered the military officers who took control of Brazil in 1964 to be progressive and dedicated to the economic development of their country and to the preservation of democratic institutions. Under this tutelage Brazil increased its Gross National Product by 3% in 1964 to over 4% in 1968. But this growth has been achieved at an extraordinarily high price in social and political control.

Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the fall of 1969. Allegations of political torture are not entirely new. Many Brazilians say that such tortures began with the military take-over in 1964, although it was not until the fall of 1969 that these stories began to attract attention outside Brazil.

Virtually no sector of the Brazilian population has been immune from the repressive policies of the military government, though the blows have fallen hardest on students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers and artists. Anyone in Brazil today who publicly dissents from government policy is in danger of running afoul of the country's stringent laws of national security, and of arbitrary arrest and persecution. Furthermore, anyone suspected of anti-government actions, or of having information which might lead to the arrest of others is in danger of arrest for interrogations—including torture as a means of extracting information or confessions.

We recognize that the Brazilian government officially denies that political prisoners are tortured. But the reports have been too numerous, too widely documented and recognized by too many reliable sources to be discounted. All indications are that a quiet and efficient "reign of terror" against political dissent is currently continuing in Brazil. If torture is practiced in this hemisphere it is incumbent upon us as churchmen and citizens both to take note of this fact and actively seek to determine to what extent our own government or business community are in any way supporting repression and torture in that country.

III. LATIN AMERICA DEPARTMENT POSITION

The Latin America Department, Division of Overseas Ministries of the National Council of Churches of Christ, U.S.A. declares its solidarity with the Committee of International Affairs of the U.S. Catholic Conference in its Brazil Statement of May 26, 1970, and further registers its own position as follows:

1. As churchmen and citizens we condemn the torture of men and women anywhere, at any time and under any circumstances.

2. We call upon the Congress of the United States to schedule a Congressional Hearing

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on the effects of U.S. Government policy in Brazil, examining especially the nature and dimension of U.S. aid to determine to what extent public funds are used to support political repression in Brazil.

3. We call upon the World Council of Churches to invite the Vatican to share in an investigation of possible abuses of civil liberty in Brazil, with special attention to alleged arrests and torture and reported acts of intimidation against persons and institutions, and to publicize the results of the investigation.

4. We urge the Commission on Human Rights of the United Nations and the Commission on Human Rights of the Organization of American States to initiate an investigation based on the numerous depositions and other evidence of torture in Brazil perpetrated upon students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers, artists, and others.

5. We take note of the fact that reports of political repression are coming from a country which is currently experiencing a period of rapid industrial growth stimulated by the direct investments of major North American and Western European corporations. As U.S. Churches begin a special year of study on Latin America and as concern for church-support for economic and social development in Latin America grows, we ask those churches, their judiciatories, boards and agencies to seek to determine to what extent U.S. economic investment (as it is taking place in Brazil) in any way contributes to or depends upon social and political repression.

LETTER FROM PRISONERS IN THE DOPS OF RECIFE

(DOPS is the acronym for the Brazilian Government organization known as the "Department of Public Order and Security").

We are young Brazilians. We are imprisoned in the DOPS of Recife, Pernambuco. We decided to make this (statement), aware of the risk that we are running.

Some of us were witnesses to the savage murder of Odijas Carvalho and we are exposed to the same fate. Odijas arrived in the DOPS on January 30, 1971. From 11:00 o'clock until 2:00 in the morning of the following day, without interruption, he was submitted to the most stupid tortures, consisting principally of being kicked and beaten in the head, the intestines, the kidneys and the testicles (which caused a paralization of his urinary system). At 2 o'clock in the morning he was taken to the cell and we could verify that his buttocks were like raw meat from the beating he had received. He was thrown into the cell but seconds later was taken out by Silvestre, an inspector of DOPS, and the tortures were continued until 4 o'clock. Odijas passed 5 days without eating and groaning with pain. On the fifth, at night he was taken to a hospital. On February 1 we were awaken by the cries of the wife of Odijas who, overtaken by a crisis of nerves, was weeping for the loss of her husband.* It was then that we were aware of the fact. The walls of his cell are still stained with blood. Even though tortured to death, Odijas maintained a position of firmness and bravery.

His torturers and murderers are persons whose names are well known but who continue unpunished. Miranda (involved in the murder of Father Henrique and in the attempt on the life of Candido Pinto), Fausto, Edmundo, Rocha, Carlos de Brito (bachelor of laws), Venicios, Silvestre de Olivera (inspector of DOPS) and others whose names we do not know, beside Eusebio Osvaldo.

Our situation is desperate. Our tortures continued during 4 days but they were interrupted by the death of Odijas. They will, however, return at any moment especially because of the fact that among us are witnesses of the cold blooded murder of Odijas.

The practice of tortures in our country has been a systematic practice and is a rule and not the exception. Right here among us there is a young man—Alberto Vinicios Mello do Nascimento—who was tortured for 16 days in Paraná and in São Paulo. He was submitted to beating, the parrot's perch, electric shocks in his genital organs, his anus, in his feet and his hands, his head and his buttocks. His leg was broken by blows from a policeman's stick and remained without a cast on it for 10 days. He was held incommunicado until February 11, 1971, although he was imprisoned on November 29, 1970.

As we make these charges, we know that reprisals may come, but we also know that the sacrifice of Odijas and our own will not be in vain, because the ideals of justice and liberty will not die with us.

We hope that our words may echo in the conscience of men who love justice and liberty and that something may be done.

DOPS, Recipe, March 2, 1971

The following prisoners sign:

Lilia Guedes
Maria Ivone Loureiro—wife of Odijas
Carlos Alberto Soares
Alberto Vinicios Mello Nascimento
Mario Miranda Albuquerque
Claudio Roberto Marques Gurgel
Rosa Maria Soares

Translator's note: 1. The entire document, including the names at the end, is printed in the same hand.

2. The document was received on film. The missionary who sent it said: "I can vouch personally for its authenticity."

* There is some evident confusion in identifying days, but the translation is exactly as stated in the document.

SENATOR KENNEDY'S SUMMING UP OF ADMINISTRATION INACTION ON AGING

Mr. CHURCH. Mr. President, the Senate Committee on Aging and individual members of that committee have recently expressed misgivings and impatience about the slow pace of the executive branch in implementing recommendations made at the White House Conference on Aging.

After all, that Conference took place nearly 7 months ago. Its 3,400 delegates were quite clear about the emergency nature of most of their recommendations. They wanted action, not another administration game plan.

Our major complaint, of course, is that the administration has no real plan, and apparently no intention to end poverty among 5 million older Americans. In the face of widespread congressional support for a 20-percent increase in social security benefits, for example, the administration has remained stolidly committed to a mere 5 percent. On many other fronts related to aging, the administration is providing only timid, standpat responses. It will occasionally go along with congressional initiatives, but more often it will oppose them or passively resist them.

It is still not too late for the administration to put together a comprehensive action program on aging, but it is getting late in the day. What we need now is a rising chorus of complaints, not only from older Americans but from Congress, as well.

One such statement was delivered a few days ago by the Senator from Massachusetts (Mr. KENNEDY) in an address to the National Council of Senior Citizens 11th Annual Convention.

A part of that address was a comparison of executive branch profligacy in matters it considers important—such as tax loopholes for special interests—and its niggardliness when it comes to security and satisfaction for older Americans.

Senator KENNEDY, drawing from his firsthand inquiries as chairman of the Senate subcommittee studying health problems throughout our Nation, also gave poignant commentary about costs and deficiencies of our medical care system.

His powerful speech should be shared. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE NATIONAL COUNCIL OF SENIOR CITIZENS' 11TH ANNUAL CONVENTION, WASHINGTON, D.C.

I appreciate the opportunity to be with you at this eleventh convention of the National Council of Senior Citizens. For it has been this group above all others, here in the national capitol, in state capitals and in local council chambers, which has raised its voice to demand equal rights for America's elderly.

And it has been this group which has raised its voice on behalf of equal rights for all Americans.

For you know as I do that the test of this land and the test of our people is whether we can say here in America as Cicero did long ago: "Herein is old age honest and honorable, in defending and maintaining itself, in saving itself free from bondage and servitude . . . even until the last hours of death."

But it is a goal still to be reached.

For as a nation, we have moved cautiously and timidly when the conditions of the elderly in this land require bold and creative action.

As a nation, we have been silent partners in the isolation of millions of older Americans from the mainstream of American life.

As a nation, we have closed our eyes to the plight of 20 million older Americans.

But no one has to tell this convention what the needs of the elderly are in this country.

No one has to tell this convention that 5 million elderly Americans live in poverty.

No one has to tell this convention that thousands of men and women between 60 and 64 were forced into early retirement last year.

No one has to tell this convention that elderly Americans live in inadequate housing, receive inadequate health care and live out their lives in fear rather than comfort.

You know the unmet needs too well.

If any documentation was needed, it was gathered in the White House Conference of 1961. The full shame of our neglect was unfolded and an agenda for change was set forth.

Although we can point to Medicare and Medicaid and the establishment of the first Administration on Aging as its legacy, the agenda in large measure remains unfulfilled.

And now six months have passed since the 1971 White House Conference on Aging issued its recommendations.

What we don't need now is any more studies or any more analyses or any more rhetoric. What we need is leadership and commitment to implement those recommendations.

And I ask this Administration and I ask this Congress, what is your response?

What is your response to the White House Conference?

The White House promised the Conference delegates that there would be a response to each of the recommendations. But that response is nowhere to be seen.

The White House promised the Senate and House Committees that there would be a response.

But we are still waiting and the elderly of America are still waiting.

When the oil companies want an answer, they come up to the Hill, and they get an answer.

When the banks want an answer, they make a phone call and they get an answer. When ITT wants an answer, they walk right in to the highest offices of this land, and they get their answer. I think twenty million older Americans also deserve an answer.

But if the Administration record thus far is any indication, the answer may be less than satisfactory. It took three years for the President to send Congress his message on the aging.

It took three years for the Administration to end its opposition to major funding increases needed for the Administration on Aging.

It took two years for the Administration to drop its opposition to nutrition for the elderly legislation.

And then, it was only when the White House Conferees came to Washington that it was possible to pass those measures.

I had introduced S. 1163 with twenty cosponsors. The Administration testified against it in both the House and the Senate. But with the delegates in town, the Administration dropped its public opposition and S. 1163 passed the Senate 88–0 on the opening day of the Conference.

This measure, signed into law in March, begins to meet the White House Conference recommendation on nutrition by providing a hot meal-a-day and out-reach services to low income isolated elderly persons.

There was a second immediate benefit from the White House Conference. For the past three years, the Administration has requested less each year than the Congress has appropriated the previous year for the Older Americans Act. Each year, the gap between what Congress had authorized and what the Administration requested grew larger and larger. But with the Conference delegates still in town, the Administration supported the amendment that I introduced to the Supplemental Appropriations bill which more than doubled the Older Americans Programs to its present $100 million level.

So, there were some immediate and direct benefits from the White House Conference.

Unfortunately, the impact was short-lived. For once the delegates packed their baga and traveled back to Boston or Boise or Kansas City, the needs of elderly Americans no longer were given top priority in Washington.

The passage of time means that a policy of neglect will continue.

The passage of time means that more older Americans will be forced into early retirement and poverty.

The passage of time means that more elderly persons will be shunted into institutions, shut up and closed off from the world around them.

If we are capable of providing services to the affluent and the comfortable, then we surely can find the means to enable elderly Americans to live out their lives in their own homes and among their own friends. And not only do we have that capability, but, if we are pledged to a just society, then we must begin, and begin now, to use that capability.

First, we must provide the nation's elderly with adequate income. One of every four Older Americans lives on an income beneath the poverty line, an increase of over 200,000 in the past three years.

Why is it that those who have the least are made to suffer the most?

Why is it that an elderly American is twice as likely to be poor as a younger American?

Why is it that the nation's elderly are bearing the heaviest burden of the past three years of economic decline?

If it is all right to provide a guaranteed income to the special interests through tax loopholes, then surely we can provide a decent income for the nation's elderly poor. If it is all right to recommend a 7 percent hike in the defense budget, then surely the President can recommend more than a five percent increase in Social Security. If the Administration can ask for $5 billion more for bombs to destroy life, then surely we can expect at least $5 billion more for Social Security to preserve life.

If we want to resolve the crisis of inadequate income, then the answer is clear—a guaranteed adequate income for the nation's elderly, financed by general revenues and Social Security.

A first step toward that goal is the 20 percent increase in Social Security which I and 55 other Senators have sponsored. This is far closer to the needs of the elderly than the five percent hike proposed by the President.

And we are not going to adjourn this Congress until we enact that 20 percent increase.

The second challenge facing us is whether we will provide quality health care to the elderly of this nation.

For most older Americans, Medicare seemed to promise an end to the financial hardship that followed serious illness.

But the facts are otherwise. Today, despite Medicare, older Americans are paying out of their meager income the same astronomic sums for health care that they paid in 1966.

Today, despite Medicare, older Americans are paying out-of-pocket health costs that are double the costs of younger Americans.

Today, despite Medicare, older Americans are paying for eye glasses, for foot care and for hearing aids.

Today, despite Medicare, older Americans receive less medical care for their dollar than they have ever before.

And this failure of the health care system has dramatic and tragic personal meaning to thousands of persons across this land.

In the hearings of my Health Subcommittee, I heard the frustrating stories of older Americans caught in the net of our non-system of health care.

Stories of a woman who has to pay $5 a month for health costs out of an $85 Social Security check.

Stories of a 65-year-old man whose life depended on a kidney machine he could no longer afford.

Stories of a widow from New York who quit working at age 69 and found that her dentist would not treat her because she was now on Medicaid and the costs were not covered.

Stories of a disabled World War II veteran living on a pension of $200 a month and paying $5 a month on a three-year-old hospital bill.

Stories of a college professor dead of brain cancer at 46, after tens of thousands of dollars in expenses. Now, the lives of his wife and children are mortgaged for years into the future. The cruelest irony is that the wife is from Israel, where all of her expenses would be covered.

These personal tragedies emphasize that the Nation now faces a crisis in health care, a crisis which can only be relieved by a fundamental restructuring of our health care system.

We need a new health care system so that when you rush to the hospital in an emergency, they meet you at the door and ask how sick you are, not how much health insurance you have.

We need a new health care system so that when you get the bill, it's stamped "Paid in Full" by health insurance, without any loopholes or deductions, so it will not be turned over to a collection agency to harass you when you are sick and cannot afford it.

I am convinced that the basic step that must be taken to meet the crisis is for the Congress to pass the Health Security Act, S. 3.

The principles of the Health Security Act are straightforward:

It guarantees health to be a basic right for all, not just an expensive privilege for the few.

It guarantees every man, woman and child in America to be covered at any time for any illness by health insurance at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should have the tragedy of serious illness compounded by the tragedy of a serious financial burden.

It guarantees every American the same high quality of health care that anyone else receives. No American should be given second-class health care because he is old or poor or black.

It guarantees a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

That is why passage of the Health Security Act is so important.

But the administration opposes this measure and puts forward instead its own proposal. But who does that bill rely on to provide the basic services? It relies on the same private health insurance companies which have grown rich off the present system. It offers them a billion dollar bonanza to keep doing the same thing they are doing now—providing a minimum of service at a maximum of costs.

And one of its most glaring failures is its disregard of the basic needs of the elderly. For, while the administration bill offers increased benefits for doctor bills, there is an enormous cutback in the coverage of hospital costs. The Nixon bill pays only one-fifth the number of hospital days covered under present law.

The President is sending a clear message to 20 million Americans over 65: "We'll help you with your doctor's visit," he says, "but if you're sick enough to require long-term hospital care, you're on your own." At the very time we ought to be closing the gaps in Medicare, the President is expanding them. I think it is time to close those gaps and the Health Security Act does the job.

It closes the gaps by paying all hospital costs from the first day a patient enters until the day he leaves.

It closes the gaps by covering all health services for the prevention and early detection of disease, the care and treatment of illness and medical rehabilitation.

It closes the gaps by covering the cost of drugs and eyeglasses and hearing aids.

None of these costs are covered by the Administration bill.

Moreover, the Health Security bill contains no cutoff dates, no co-insurance, no deductible, no waiting periods.

These are only some of the reasons why I feel strongly that S.3, the Health Security

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Act, is required if quality health care is to be provided for our elderly citizens.

A third challenge is to provide adequate employment opportunities so that every man or woman who wants to work can work.

In 1972, we still are closing the doors of our factories and businesses to elderly Americans. In 1972, more than 1 million persons 45 and older are jobless, almost 75 percent higher than three years ago. In 1972, we continue to deny ourselves the benefits of the talents and skills and creative energies of older workers, and the nation cannot afford that denial.

The first step to reverse that process is to pass legislation outlawing age discrimination for all public and private employers.

And the next step is to pass legislation providing the enforcement tools to make sure the law is obeyed.

No one who is able and willing to work should have his job application turned down because of his age. Nor can the nation build its future while it is discarding talented older men and women for the sole reason that they can no longer be called young.

The federal government's disdain for the employment needs of older Americans also is mirrored in the statistics of its job training programs. While 10 percent of the nation's unemployed are 55 and older, only one percent of the job trainees are in the same age bracket. We not only can do better; but we must do better.

Congress now is considering S. 555 to provide community service employment opportunities to elderly Americans. This measure, which I introduced, provides $250 million in the next two years to fund jobs for older Americans in schools, libraries, hospitals and recreation centers across the nation.

If we have learned anything from the Senior Aide and Green Thumb Programs it is this—they work and they work well. And I think it is time to make those programs permanent and nationwide.

A fourth challenge exists in the area of housing. Across this land, 2 million housing units were built last year. Yet elderly Americans still live in cold rooms in falling-down boarding houses, in decaying inner city tenements, and in the oldest and most substandard rural housing.

The White House Conference was explicit in its recommendations. Heading the list was a call for the construction of 120,000 units per year of elderly housing.

But how far have we moved? Instead of the goal set by the Conference, we find the Administration recommending plans to provide only slightly more than half that number of units for FY 1972.

The Senate has at least started toward the Conference goal. We have passed legislation establishing an Assistant Secretary for Housing for the Elderly. And we have increased direct loans for subsidizing elderly housing. But we are still far short of the mark.

We have provided, and rightly so, millions of dollars to help meet the housing crisis of the under-developed world. But if we are able to recognize the critical need for adequate housing in other nations, surely we can recognize that need here in America.

I find no justification for a single American, whether old or young, to live in wretched, unsafe and unhealthy housing. We can and we must achieve decent housing for all Americans.

Finally, there is the challenge in the nursing home industry, where one million elderly Americans endure the final years of their lives.

A missionary wrote in his diary in the last century of a conversation he had with a woman abandoned in the desert. "Yes," she said, "my own children . . . have left me here to die . . . I am very old, you see, and am not able to serve them. When they kill game, I am too feeble to help with carrying home the flesh. I am not able to gather wood and make a fire, and I cannot carry their children on my back as I used to do."

And so they left her out.

And so too today, do we leave too many elderly Americans, not to live out their lives in peace and dignity, but to survive until their death.

Although there are many fine nursing homes among the 24,000 that exist across the country, too many remain "warehouses for the dying."

When the federal government pays 40 percent of the cost of operating this industry each year, when fifty chains of nursing homes now have their stock listed on Wall Street, and when a million persons depend on them for support, then we cannot continue to ignore their conditions.

We must develop a comprehensive home care program that ensures that institutionalization is the last step and not the first step in the aging process.

We must provide rewards to those nursing homes which offer exemplary care and which are aimed at rehabilitation rather than custodial care.

We must ensure that nursing home personnel are better trained and better paid so that they are capable of serving in a quality care system.

We must provide federal inspectors if state inspectors cannot do the job. And they must inspect not only physical facilities but patient care as well. And when they do find violation of standards they must be penalized—we cannot afford to wait for the next nursing home fire to remind us of the need for vigilance.

And so when we look at the challenges that remain to secure the quality of life for the elderly of this land, we know that we have lacked neither the resources nor the skills to overcome them. But we have lacked the leadership and the will.

What we require today is a national policy of concern, a policy that spans the fields of health and housing and employment and income, and nursing home care, a policy that starts with the recommendations of the White House Conference and goes forward from there.

The historian, Toynbee, concluded that the quality and strength of a society can be measured best "by the respect and care given its elderly citizens."

If we are to enrich the quality of life of all Americans, and if we are to maintain the strength and vigor of this great land of ours, then we must provide the means for elderly Americans to find fulfillment and not frustration in the final years of their lives.

It is not too much to ask of a society which owes them so much and which can still benefit from their wisdom and service.

THE BLACK PRESS IS ALIVE AND WELL

Mr. HUMPHREY. Mr. President, last Friday, June 23, it was my privilege to address the National Newspaper Publishers Association convention in Miami, Fla.

Many of us ignore the significant contribution made by the black press in our country. Many of us do not know that more than 200 such newspapers are published, all over the United States, bringing to the black public news which would not be available elsewhere.

The subject matter and the perspective of the black press differ consciously and qualitatively from that of the white press. These newspapers are truly independent, and have never in the course of their 150-year history attempted to model after the white press. Their strength over so many years is attributable to their commitment to provide news of concern to blacks, written by blacks, published by blacks, from a truly unique perspective not reflected in the white press.

The earliest black newspaper of record was the Freedom's Journal, founded in 1827 during the time of slavery by a young black Bowdoin College graduate. From that day to this, there has always been a black press in this country. Garth C. Reeves, president of the National Newspaper Publishers Association, states that nearly 3,000 black newspapers have existed in our country at one time or another.

Unlike their white counterparts, black publications are increasing in number, strength, and influence. Americans generally underestimate, if not ignore, the power of the black press. This power is growing.

Several fine articles appeared in the National Newspaper Publishers Association convention journal. I ask unanimous consent that two of these be printed in the RECORD in their entirety. The first, written by Garth C. Reeves, president of the NNPA, is "The Black Newspaper," an article prefaced by his "President's Message." The second, "The Black Press—Voice of Protest and Self-Improvement," was written by Sherman Briscoe, executive director, NNPA.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S MESSAGE

Despite the complexity of problems facing the Black Press in this country today, the 1944 forecast of Gunnar Myrdal seems like a prophecy. Diligent and sustained efforts of black publishers to improve their products without losing sight of the black perspective are paying off in higher circulation figures and increased advertising revenue.

For 145 years the Black Press has involved itself directly in the black struggle, and in many instances not only initiating but actively leading the fight not only with words, but physically and financially. In a capitalistic society economics is the name of the game.

That is why the theme for this 32nd annual convention is "How the Black Press Can Help Improve the Economic Status of Black Americans." Black publishers realize the importance of seeking out and interpreting to their readers those progressive and meaningful programs that help our black brothers and sisters find their way into the economic mainstream of this country.

Here's hoping our discussions will be constructive and meaningful and out of them will come new and innovative ideas to alleviate the frustrations of a growing number of our society.

When your work is done there is no need to hurry back home. Greater Miami welcomes you to stay and enjoy its many attractions.

THE BLACK NEWSPAPER

(By Garth C. Reeves, President NNPA)

Roland Wolseley in his book on the Black Press gave these three qualifications which a publication must meet to be considered a unit of the black press:

First—Blacks must own and manage the publication; they must be the dominant racial group connected with it. In support of that requirement it can be said that if the publication is not black-owned and black-operated, its aims, policies, and programs can be altered by persons unsympathetic to the goals of black editors and publishers.

Second—The publication must be intended for black consumers. A newspaper for black citizens deals with their interests and concerns and is not primarily for whites. So long as there is a cultural and ethnic distinction in society between black and white citizens there will be a place for black journalism.

Third—The paper must serve, speak and fight for the black minority. It must also have the major objective of fighting for equality for the black man in the present white society.

This third proviso makes the Black Press a special-pleading institution, one with a cause, goal, or purpose going beyond the basic one necessary for survival in the American economy—the making of a profit.

OPEN AND CLOSE

Since John B. Russwurm and the Rev. Samuel Cornish founded the first American black newspaper in New York City in March 1927, 2800 different black newspapers have opened or closed—mostly closed.

With the exception of Muhammad Speaks, the once popular national newspapers are no more. This is partly due to the large size of this country, but more so that virtually all black papers are weeklies, and several cover the black news of the country in about the same way as a weekly newsmagazine.

There are six newspaper groups or chains in the black press today, the largest being the Sengstacke chain that embodies the Defender and Courier nine-paper publications.

The Afro-American Group publishes five editions, and the California Post Group and the Louisiana New Leader Group have four papers each. The World Group, anchored by Atlanta's Daily World has three papers. The group with the largest circulation is the California Wave publications with a combined circulation over 200,000.

Some of the independent black papers with circulation over 20,000 include the Houston Forward Times, Cleveland Call and Post, Norfolk Journal & Guide, Atlanta Inquirer, Miami Times, Los Angeles Sentinel, Philadelphia Tribune, St. Louis Sentinel, Louisiana Weekly and Dallas Post Tribune.

Four black dailies are presently in operation: The Atlanta World, Chicago Daily Defender; Columbus, Ga. Times, and the newly-organized New York Challenger.

There are 215 black newspapers currently published on either a daily or weekly basis in the United States. The combined circulation of the black press today exceeds three million.

LARGEST PAPER

The largest black paper is Muhammad Speaks, which has a weekly circulation of 600,000. It is published in Chicago by the Nation of Islam. Next in circulation size are the Amsterdam News in New York City with 85,000; and the Detroit, Michigan Chronicle with 65,000.

Of the 215 newspapers now printing, more than half have been established since 1950 and one third since 1960.

Only 19 of these papers were founded before 1920, and just five have founding dates before 1900. These papers are the Philadelphia Tribune (1885), Houston Informer (1892), Des Moines Bystander (1894), and the Indianapolis Recorder (1895).

There are 14 states in which no black papers are published: Alaska, Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming.

Most black papers today would probably not get a high rating if they were judged by the white measuring stick of American journalism—the three major standards being (1) Integrity: being detached from political or commercial influence that might deny readers the truthful information they are led to expect. (2) Fairness: which means giving all sides of a news event and restricting the paper's opinions to the editorial columns, and avoid printing opinions as news unless the source is clear. (3) Technical excellence: including legibility of printed matter, correctness of grammar and spelling, professionalism in layout and make-up.

INTEGRITY, FAIRNESS

The first two standards for operation—integrity and fairness—are within the reach of most publishers, but the third standard—technical excellence—often is much less attainable because it requires substantial capital investment.

But if black newspapers were carbon copies of white papers, they would be worthless. They are purchased by their readers for the specific reason that they are not white papers; that what they purport to do is to report events of concern to black people from a black viewpoint.

Like any other business today the black press has its share of problems and shortcomings. We are not paragons of virtue. An alarming number of black papers are still designed primarily for the middle class black, with too little attention paid to those who have not yet made it up the ladder.

Some tend to accept at face value the efficacy of old formulas, without taking full account of changing priorities and techniques designed to answer new problems. Some sometimes expend their resources on insignificant news events that should be explored in greater detail. Our coverage, because of thinness of staff, is sometimes spotty.

These are faults, however, that the black press can correct. The increased revenue we are receiving from advertisers, as more and more merchants discover the effectiveness of their messages in a black newspaper, should enable us to attract and retain capable journalists.

Looking to the future of the black press, the words Gunnar Myrdal wrote in 1944 are still valid:

"No feasible widening of the reporting of Negro activities in the white press will substitute for the Negro press. What happens to the Negroes will continue to have relatively low 'news value' to the white people and even the most well-meaning editor will have to stop far short of what Negroes demand if he wants to satisfy his white public. Whether or not this forecast of an increased circulation for Negro papers comes true, the Negro press is of tremendous importance."

In a fully integrated society, the Black Press would shrink and eventually vanish, much in the manner of the foreign language press. Pending that, however, it is alive and well.

THE BLACK PRESS—VOICE OF PROTEST AND SELF-IMPROVEMENT

(By Sherman Briscoe)

The voice of one of the longest protests in history is the Black Press of America which celebrated its 145th anniversary last March.

But it has been more than an effective voice of protest that has played a major role in every erg of resistance overcome; it has also stimulated attainments in education and self-improvement to help keep black people abreast of opportunities as they have been achieved.

It was in March of 1827—more than 200 years after slavery had been established in America—that John B. Russwurm and the Rev. Samuel E. Cornish launched Freedom's Journal, the first black newspaper in the United States and the first black voice raised in newsprint against bondage.

The Journal not only spoke out against slavery in the South and ill treatment of freed blacks in the North, but it also emphasized education, self-improvement, industry, and thrift on the part of freedmen.

Within a little over a year, Russwurm, an 1826 graduate of Bowdoin College, became discouraged, left the paper and joined the American Colonization Society. He emigrated to Liberia where he served as superintendent of schools and governor of the Maryland colony until his death in 1851.

CHANGES NAME

The Reverend Mr. Cornish, founder of the first black Presbyterian Church in America, continued briefly with the Journal, changing its name to "The Rights of All."

Between the death of the Journal and the death of slavery, 23 other black newspapers were to raise their mastheads in protest of that institution, of the denial of full enfranchisement of freed blacks, and of oppression of them. Equally, they promoted the Underground Railroad and other abolitionist efforts, while constantly encouraging self-improvement, self-definition, industry and thrift.

Among the most outstanding of these mostly short-lived papers were: Fred Douglass' North Star, Willis Hodges' Ram's Horn, William Welles Brown's Rising Sun, Phillip Bell and Charles Ray's Colored American, Dr. Martin Delaney's Mystery, and the AME Church's Christian Advocate which is still going after 124 years.

With slavery dead in 1865, black leaders believed there was no urgency to continue black newspapers. Only about 10 such papers were established between the end of the Civil War and the Hayes-Tildren deal which led to the withdrawal of troops from the South in 1877 and the rolling back of the clock whose hands were to stand still in racial progress for more than half a century.

Between 1877 and 1900, about 150 black newspapers came into being to protest mob violence, lynchings, the total abrogation of the 14th and 15th amendments and only half observance of the 13th.

STILL GOING

The leading black papers of this dark period were: The Washington Bee, established in 1879 by Attorney William Calvin Chase; the Cleveland Gazette, launched in 1883 by Harry C. Smith; the Philadelphia Tribune, founded by Chris J. Perry, a successful realtor, in 1884. This 88-year-old paper, now under the leadership of the able Eustace Gay, is one of five that still survive from the 19th century.

Other outstanding papers of the era were: Timothy Thomas Fortune's New York Age, John Mitchell's Richmond Planet, Sol Johnson's Savannah Tribune, Phillip Bell and W. J. Powell's San Francisco Elevator, Nick Chiles' Topeka Plaindealer, John Murphy's Afro-American which, along with the Indianapolis Recorder, the New Iowa Bystander, and the Houston Informer and Texas Freeman, are the other four that are still going.

Harvard educated William Monroe Trotter practically opened the 20th century with his Boston Guardian. Much like Rev. T. J. Smith's Pittsburgh Broad-Axe, it let the chips fall where they may.

The Guardian was soon followed by Robert Sengstacke Abbott's Chicago Defender in 1905, P. B. Young's Norfolk Journal and Guide, James Anderson's Amsterdam News, Robert L. Vann's Pittsburgh Courier, Roscoe Dungee's Oklahoma Black Dispatch, and Joseph and William Mitchell's St. Louis Argus.

With the departure of George White of North Carolina from the Congress in 1901, the long night of disfranchisement, nurtured by the Ku Klux Klan and grandfather clauses in state constitutions, set in for 27 years.

GO NORTH

But Robert Abbott, unlike Boston-reared Trotter, was born and reared in Savannah, Ga., and educated at Hampton Institute of Virginia. He knew that no amount of cursing and protesting and demanding alone would improve the plight of black people as long as they remained in the South. The answer, as he saw it, was to get as many black people as possible out of the South. And he launched his campaign to bring them North.

By the time his campaign got well underway, World War I had begun and there arose a demand in the North for black workers to help man the steel mills, stockyards, and other industries. During and following the war, Abbott's Chicago Defender carried red headlines week after week, reading: "Negroes are Coming North by the Thousands."

Largely, it has been the voting leverage of blacks in the North that has made the difference in civil rights advance. And Abbott and his Defender are rated the most significant black journalistic achievement of the first half of the 20th century.

His paper—now directed by one of his nephews, John H. Sengstacke, has become one of four black dailies in continental U.S. The other three are the Atlanta Daily World, founded by W. A. Scott in 1932, the New York Challenger, launched in March by Thomas H. Watkins, Jr. of the New York Recorder, and the Columbus Times of Columbus, Ga., two years old, Mrs. Ophelin DeVore Mitchell, Publisher.

In addition to the Defender, Sengstacke owns the New Pittsburgh Courier, The Michigan Chronicle, and the Memphis Tri-State Defender.

John Murphy's Baltimore Afro-American was expanded into a chain by his sons Carl and Arnett and other members of the family. The chain includes Afro-American in Newark, Philadelphia, Richmond, and Washington which absorbed the Washington Tribune.

BOUGHT BY SYNDICATE

James Anderson's Amsterdam News, named for the street he lived on, was taken over by Drs. C. B. Powell and Philip Savory in 1936. Last year it was purchased for more than $2 million by Attorney Clarence B. Jones and the Amsterdam News Syndicate.

These and other papers joined the Defender in its migration drive. In their deal, their editors made negative reporting a fetish, seldom seeing anything good about the South or about the black people who lived there. Much of this attitude slopped over into the North where it still exists.

While negative reporting fired the migration movement and the protest against segregation and mob-violence, it may have had the harmful influence of retarding greater efforts in education, self-improvement, industry and thrift.

Black protest was also fired by Woodrow Wilson's false promise of entering World War I "to make the world safe for democracy." At first blacks believed the slogan, but soon discovered that it was merely a slogan. Angered by the deception, black editors pressed hard for the rights of their people and took every opportunity to expose the failings of democracy.

So vocal was the black press in its protests and demands, that the War Department summoned 31 of the loudest voices to Washington to face complaints and criticism. But the editors brought complaints of their own —anti-Negro mob-violence, ill-treatment of black troops, segregation here at home, and disfranchisement. Their complaints went unanswered by the War Department and the Department of Justice, and they returned to their typewriters and continued their criticism and protest as before. A Philip Randolph's Messenger was one of the most outspoken.

The riots which followed the war stimulated the establishment of a number of black newspapers. Among the most important of these were: Chester Franklin's Kansas City Call, Anthony Overton's Chicago Bee, William O. Walker's Cleveland Call & Post, E. L. Goodwin's Oklahoma Eagle, H. E. Sigismund Reeves' Miami Times, M. L. Collins' Shreveport Sun, and C. C. Dejoie's Louisiana Weekly. The latter three papers are now operated by sons of the founders—Garth Reeves, M. L. Collins, Jr., and C. C. Dejoie, Jr.

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The rioting also led to the establishment of the Associated Negro Press by Claude A. Barnett, a Tuskegee graduate and a former staffer of the Chicago Defender. He developed it into an effective news service and continued it from 1919 until his declining years in 1964.

On the eve of the 1929 depression were born Nathaniel A. Sweets' St. Louis American, L. E. Austin's Durham Carolina Times, and the Scott brothers' Atlanta World as a weekly.

During the 1930s, scores of black papers arose and fell. Among those that have survived are: The Defender established Louisville Defender, now published by Frank Stanley, Sr., and the Michigan Chronicle with Louis Martin as editor. Longworth M. Quinn now runs the paper for the Sengstacke chain.

Other papers of the 1930s are: Leon H. Washington's Los Angeles Sentinel, Cecil Newman's Minneapolis Spokesman, Mrs. Mildred Brown's Omaha Star, and Percy Greene's Jackson Advocate.

In the 1940s with the war and the Fair Employment Practices Commission—more national advertising became available through Interstate, now Amalgamated Publishers, Inc. (API). Since then, more than 100 papers have been launched; about half are still going. Adam Powell's People's Voice was one of the casualties. Among the more substantial survivors are: The Jervay Brothers' Raleigh Carolinian and Wilmington Journal, Dr. Carlton B. Goodlett's San Francisco Sun Reporter, the late John Kirkpatrick's East St. Louis Crusader.

Also C. Blythe Andrews' Florida Sentinel Bulletin which took over the Tampa Bulletin, Frank Thomas' Mobile Beacon, Jesse Hill's Atlanta Inquirer, Charles Bolen's Ft. Pierce Chronicle, J. K. Land's News Leaders in Baton Rouge and four other Louisiana cities, Marjorie Parham's Cincinnati Herald, Mrs. Julius Carter's Houston Forward Times, Clyde Jordan's East St. Louis Monitor, the Muslims' Muhammad Speaks, John Johnson's Jet, Jerrel Jones' Milwaukee Courier, and out in California, William Lee's Sacramento Observer, Earl Davis' San Diego Voice & Viewpoint, Thomas Berkley's Berkeley Post chain, and Chester Washington's Central News-Wave chain.

Also the 1940s saw the coming of age of the National Newspaper Publishers Association (NNPA) which was organized in 1940 with 11 members at a meeting in Chicago called by John Sengstacke. Representing the combined strength of the Black Press, an NNPA committee called on President Roosevelt in 1944 and demanded an end of segregation in the armed forces. This helped start the ball rolling, and in 1948 a Truman commission, on which Sengstacke served, drew up the guidelines for ending segregation in the military.

Since that first call on Roosevelt, NNPA has met with every President and presented its position on issues concerning the welfare of black Americans.

Protests of injustice, racial discrimination and segregation, unequal employment and promotion opportunities for black people are still the driving force of the Black Press. And encouragement is given the shock troops by its reports of black success, solid achievement, and general advancement of black people here at home, in Africa, and throughout the world.

INCOME TAX CREDIT FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, unless action is taken soon by Congress, many of our Nation's nonpublic schools will be forced to close.

The President's Panel on Nonpublic Education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In an attempt to alleviate this problem, I have introduced a bill (S. 3700) to grant tuition tax credits to the parents of nonpublic school pupils. I am hopeful that Congress will give this complex problem its close attention in the months ahead.

During its deliberations, the President's Panel on Nonpublic Education studied a report prepared by Roger A. Freeman, a senior fellow at the Hoover Institution on War, Revolution and Peace. Because I believe that Senators will find it most informative, I ask unanimous consent that a synopsis of Mr. Freeman's report, entitled "Income Tax Credits for Tuitions and Gifts in Nonpublic School Education," be printed in the RECORD. The complete text of this report can be obtained from the President's Panel on Nonpublic Education.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

INCOME TAX CREDITS FOR TUITIONS AND GIFTS IN NONPUBLIC SCHOOL EDUCATION

SYNOPSIS

1. Nonpublic elementary and secondary schools have been in a rapid decline over the past five to six years which seem to be accelerating and it appears now that many and possibly most of those schools may be forced out of existence during the 1970s unless some type of action is taken to keep them alive.

2. The closing of most nonpublic schools could throw up to 5 million children on to the public school system and place an annual $4 to $5 billion burden on the taxpayers' backs. With few if any alternatives available, virtually all children would then have to get their education in the public schools, save for the children from the most affluent families. Many observers regard attendance of the same schools by all children to be the best preparation for life in a democracy. But it would certainly make a hollow shell of the natural right of the parents to direct their children's education, as defined by the U.S. Supreme Court in its unanimous decision in *Pierce v. Society of Sisters*.

3. The President made it a particular assignment of the Commission on School Finance to consider the financial problem in nonpublic education, especially in religious schools, and to recommend measures by which their decline can be halted and their threatened collapse prevented.

4. Several decisions of the U.S. Supreme Court rule out the appropriation of public funds for direct governmental subsidies to religious schools but permit tax benefits to churches and other religious institutions. It appears therefore that church-connected education can be effectively aided either by tax benefits of some kind or not at all.

5. The Internal Revenue Code now leaves about one-half of all personal income free from federal income taxation. Most of the numerous types of tax benefits are intended a) to establish greater horizontal equity, i.e., make taxes fairer by making allowance for special burdens, or b) to stimulate socially desirable activities by offering tax incentives.

6. Income tax deductions have long been permitted for special burdens such as state and local taxes, interest payments, casualty losses, medical expenses, etc., as well as for donations for religious, educational and charitable purposes. Considerations of equity as well as social policy make it desirable to add tuitions to the list; this seems to be the most effective method, and possibly the only method, by which parents can be aided in exercising their right of choice and church-connected schools can be helped to survive.

7. Because of the progressive income tax rate scale, deductions confer proportionately greater benefits on taxpayers in high income brackets than on low or middle income persons. This lopsided situation can be rectified by using tax credits—deductible from tax liability—instead of deductions from adjusted gross income. I suggest that the privilege which is now enjoyed only by taxpayers in the highest income bracket—to offset 70% of their donations to schools against their tax liability—be extended to taxpayers at all income levels. This would effectively stimulate contributions among middle and lower income persons.

8. Tuition tax credits can help parents to augment their support of nonpublic schools without placing a commensurate burden on them. If well designed, tuition tax credits are on firm constitutional grounds and will stand up against any conceivable constitutional challenge.

I suggest a 70% tax credit for tuitions in all regular schools. Such a credit could, for example, apply to tuitions between $100 and $300 in elementary schools and between $100 and $500 in secondary schools, with an upper income cutoff. Its annual cost may be estimated at $900 million, which is less than one-fourth of the expense of educating those children in public schools.

9. Public schools, as well as homeowners and renters, could be aided by the granting of income tax credits for residential property taxes levied for school purposes (or, possibly, for all purposes).

WHEN ARE WE GOING TO START TO BUILD ENOUGH RECREATION ROADS?

Mr. MOSS. Mr. President, what must be called an "explosion of use" of our recreational areas is occurring in America—with an "explosion of demand" for roads to reach these areas. In my State of Utah motorists are traveling on any road, track or trail that will carry them to spectacular scenic spots, placing far too heavy a load on low standard roads and breaking their axles and blowing their tires on barely passable tracks and trails.

Recently I prepared a statement for the Roads Subcommittee of the Committee on Public Works recommending that authorization levels be substantially increased for fiscal 1974 and fiscal 1975 for all scenic and recreational roads in the Federal Aid Highway Authorization Act of 1972, now under consideration. Higher authorization levels will hold out some hope of getting higher appropriation levels in years to come, and eventually of stepping up our pace in building the roads we need to serve our outdoor-oriented, increasingly mobile population. To call the attention of all of my colleagues to the recommendations I have made, and why I made them, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL AID HIGHWAY AUTHORIZATION ACT OF 1972

Mr. Chairman, it is a pleasure to testify before this subcommittee, of which I was a member for so many years. From my own experience I know how difficult is the task which confronts you. Determining the level of authorization for the various Federal aid highway programs—in this instance for fiscal 1974 and 1975—and dealing with all of the very controversial questions which arise out of the financing, construction and use of these highways, is one of the hardest and most complex jobs this subcommittee, or in fact the Congress as a whole, undertakes in the second session of each Congress. I offer you my sympathy and support.

I come here today because I am outraged by the low level of authorization recommended in S. 3590 for fiscal 1974 and 1975 by the Nixon Administration for categories of the Federal aid highway system which help us build our scenic and recreational highways. The levels the Administration suggests are both unrealistic and unwise. I sometimes wonder if those who set these levels are living in the same country as I, with our millions of outdoor-loving, mobile citizens out every weekend crowding every highway, every gravel and dirt road, and even every wagon track that will lead them to any recreation area.

My own state of Utah is a prime example of what is happening. The explosion of interest in outdoor recreation has led people to try to reach any spot where they can camp or picnic or hike or boatride or fish or enjoy a scenic view. They drive over any road that is passable, putting on it a burden in weight and numbers far beyond what it can carry. They often blow out their tires and break their axles and do other damage to their cars. But they keep coming and coming—seeking outdoor recreation experiences. Where scenic highways have been built, or the recreational access roads have been constructed, the cars extend bumper to bumper with hours of delay on weekends in getting to or from a popular area.

As one way of beginning to build the highways and roads we need, I recommend a substantial increase in authorization in all Federal aid highway categories which are used in any large measure for recreation.

Now, I am sure someone will remind me: But Congress is not appropriating the fully authorized amount for these categories in most instances now, so why increase the authorization?

My reply is a simple one. We are not appropriating more because in most instances the Administration is sending a budget request to Congress which only asks for one half or two thirds of the authorization and the Congress, fearing additional funds will only be frozen by the Administration if they greatly exceed the budget request, is increasing appropriations by cautious amounts. Perhaps if we get the authorizations up, we will get the budget requests up, and then we can get the funding up and we can begin to move along faster in building some of the roads we so desperately need.

I would, therefore, recommend that Section 105(a) of S. 3590 be amended, to make the following changes in levels of authorization for scenic roads, recreation access roads, park and parkland roads and roads across public lands:

For Forest Highways, out of the Highway Trust Fund, $50 million for fiscal 1974 and $50 million for 1975, instead of the $33 million recommended for each year.

For Public Land Highways, out of the Highway Trust Fund, $25 million for fiscal 1974 and $25 million for fiscal 1975, instead of the $16 million recommended for each year.

For Forest Development Roads and Trails, $170 million for fiscal 1974 and $170 million for fiscal 1975 out of general revenue funds instead of the $75 million recommended for each year.

For Public Land Development roads and trails $20 million out of general revenue funds for fiscal year 1974 and $20 million for fiscal 1975, instead of the $10 million recommended for each year.

For park roads and trails, $50 million out of general revenue funds for fiscal year 1974 and $50 million for fiscal 1975, instead of the $30 million recommended.

For parkways, $40 million out of general revenue funds for fiscal 1974 and $40 million for fiscal 1975 instead of the twenty million recommended.

These are substantial increases, I realize, but not unreasonable in view of the need. The Forest Highway authorization, for example, has been at a level of $33 million for over 10 years. There is already a tremendous backlog of Forest Highway projects. In Utah alone, at the present rate of authorization, it is estimated it will require some 40 to 50 years to complete the system. And we are not even appropriating the $33 million authorized each year. In fiscal 1972, for example, we appropriated only the amount of the budget request which was $20 million.

I suggest that the subcommittee not only increase the authorization for Forest Highways, but also include in the bill which is reported a provision requiring a study of "Forest Highway Needs." I understand that Forest Highways were not included in the most recent highway needs study, and we really don't know how much money we need to build the Forest Highway system. A study would probably show that my suggested figure of a $50 million authorization is far too low—as there can be little doubt that the $33 million figure is.

The Forest Roads and Trails authorization request is equally unrealistic. The fiscal 1974 and 1975 authorization for $75 million is almost a hundred million short of the $170 million authorization for fiscal 1973. I realize that there is some unfunded authorization available, but this could be used up quickly with increased appropriations and no budget restraints and the necessary personnel. By suggesting a cut of more than 100 percent in the Forest Roads and Trails authorization for fiscal 1974 and 1975, I would hope that the Administration did not intend to indicate that the present rate of development of Forest Service roads and trails is adequate—because it isn't.

In the state of Utah we received about $4 million in the current fiscal year for Forest Roads and Trails. The demand upon these funds has been tremendous. The spectacular rise in the use of Utah recreational roads is indicated by the following figures:

In 1967, there were 6,494,000 recreation visitor days in the state which represented 4.3 percent of national visitor days. Some 1,245,000 of these visitor days were used in traveling Forest Service roads and trails in Utah.

By 1971, the total number of recreation visitor days in the state had skyrocketed to 9,604,000 and to 5.3 percent of the national total, with 1,880,000 of those days of travel on U.S. Forest Service roads and trails.

In other words, not only are we experiencing constantly increasing recreational visitor use in Utah, but we are rapidly escalating our share of the national total in days of visitor use. Recreation use in Utah is rising

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faster than in many other states, and it is rising especially fast on Forest Service roads and trails.

I can best explain what is happening by discussing the Nebo Scenic Loop in the Uinta National Forest which goes from Payson Canyon up the remote back side of Mt. Nebo and comes into Salt Creek Canyon east of Nephi—the whole trip a refreshing, scenic experience. The road is approximately 20 miles long. It is built on an old existing road constructed during the CCC days. This deteriorating road carries heavy traffic each summer weekend. It becomes rutted and filled with chuck holes. A $250,000 contract is now being advertised by the Forest Service which will allow improvement of one segment of the road. $500,000 could well be used on this road in one construction season. But only half this much needed work will be done this year. We need urgently to step up the pace of the work.

Or again, consider the 130 mile Skyline Drive through the MantiLaSal National Forest which contains some of the most beautiful scenery in the state of Utah. About three miles of road through Huntington Canyon is on the Forest Highway system—the rest must be built with Forest Road and Trails money. A recent report describes the road as follows:

"From the elevated portions of the route, magnificent panoramas of the surrounding mountain areas are visible. On a clear day you can see for over 300 miles. Numerous opportunities for hiking, fishing, boating, camping, hunting and just plain looking exist along and adjacent to the entire route. Over 40 recreation areas and 17 lakes could be serviced from this road."

Most of Skyline Drive is also in very poor condition—little more than a couple of tracks in some places. But a few hardy souls try to drive through its Alpine meadows and forest Sunday after Sunday, week after week. A paved or even a well graded road would give thousands more an opportunity to do so and to enjoy its grandeur.

Another point of great interest to me is the fact that this proposed road lies in a rural area covering portions of four different counties all of which are in dire need of economic assistance that could be stimulated, in part, by opening up this valuable area to the many tourists, campers, hunters and fishermen, who otherwise cannot get into the area.

But perhaps the level of authorizations which most appall me are the $30 million request for parks roads and trails, for which I have proposed the higher authorization of $50 million, and the $20 million authorization for parkways, for which I would substitute $40 million. I am not overstating it when I say we could use the $30 million for park roads and trails immediately in the state of Utah, where we have in the past few years established three new national parks—Canyonlands, Capitol Reef and Arches—and one recreation area—Flaming Gorge—and where we are about to pass legislation setting by statute the final boundaries of the million acre Glen Canyon National Recreation Area.

And Utah will soon, I hope, be calling on the National parkways funds for the Canyon Country National Parkway, for which legislation I have introduced is pending.

In 1964 when Canyonlands National Park was established the National Park Service unveiled a five year, $8 million development plan which called for considerable road building to provide access to the park. Included was improvement of the road already in existence from the northern end of the park to Island of the Sky and the confluence of the Green and Colorado Rivers, and construction of a road from the southeastern entrance of the park through the Squaw Flat area to the confluence.

Now eight years later, we are still working on the Squaw Flat Road, and are at least ten miles from the confluence. No other roads have been built. A contract for about $600,000 has recently been advertised for the Squaw Flat Road which will build it to the Big Springs Bridge. The bridge itself is estimated to cost about a million and a half dollars. The projected million people a year visitation to Canyonlands has shrunk to the 55,400 people who actually visited the park last year.

Far fewer people than once expected have been able to enjoy Canyonlands because access has not been provided, and the projected economic benefits to the surrounding area have not been realized either. The people in the area are thoroughly disillusioned. Most of the park can be seen only by those who backpack in. We want, of course, to keep large sections of Canyonlands in wilderness for the enjoyment of those who seek nature experiences, but we must quickly open up other parts of the park so everyone can enjoy them. We will then take the pressure off some of our other overburdened recreation areas.

Glen Canyon National Recreation area, which encompasses Lake Powell is an area of very high visitation. But the facilities there are greatly overburdened, and must be extended. One road—the Glen Canyon to Bullfrog Road—which would provide quicker and easier access to new recreational sites on Lake Powell will cross the Glen Canyon Recreation Area, and will cost some $40 million to build. This road is so seriously needed, and is such an issue in my state of Utah, that the Utah Congressional delegation will try to authorize its construction right in the bill establishing the Glen Canyon National Recreation Area.

Mr. Chairman, the National Park Service advises me it will take an estimated $1 billion to bring all its parkways and its park roads and trails up to standard. And yet the Nixon Administration sends to Congress an authorization request for a combined $50 million for both categories in each of the coming two fiscal years—1974 and 1975. Surely by then we will be out of Vietnam and be able to concentrate more money on our domestic problems. The authorization figures are so out of proportion to the nation's needs that they are indefensible. I trust that the subcommittee will substantially raise them all.

In conclusion, let me state also that I support the bill, S. 3405, introduced by the distinguished Chairman of the Senate Public Works Committee, Mr. Randolph and cosponsored by the Chairman of this subcommittee to amend Title 23 of the U.S. Code to establish a special national scenic and recreational highway program. The bill would authorize $30 million for each of the fiscal years ending June 30, 1974 and 1975 to build scenic highways, and to furthermore authorize $150 million for each of the fiscal years ending June 30, 1974 and 1975 to allocate grants to the states to build scenic roads.

I hope that the subcommittee will include the provisions of this measure in the bill it reports.

ADDRESS BY SENATOR HUMPHREY TO THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 20, 1972, I was privileged to address the annual meeting of the U.S. Conference of Mayors.

It was a memorable occasion for me. As a former mayor, I always feel at home with the mayors of our country.

Mr. President, the thrust of my remarks was clear: We cannot begin to take care of America until we take care of America's people. And, America's people live predominantly in urban areas.

The urban areas of our Nation need our help. And, they need it immediately. Long-range plans are essential—and I spoke to the necessity for a national growth policy. But, as I said, cities have to be operated now. People have to live now.

The U.S. Government has an obligation to help restore the fiscal vitality of the cities.

That is one reason why I have been a consistent supporter of revenue sharing. That is why I have joined with the Senator from Tennessee (Mr. BAKER) in introducing in the Senate the House Ways and Means Committee-approved revenue-sharing bill.

That is also why I have asked the Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance to move ahead quickly on hearings for the swift passage of revenue sharing.

Chairman LONG has given me his assurance that he will indeed move forward as expeditiously as possible.

In my remarks to the mayors, I spoke of my talk with the chairman, and I relayed to the mayors my intention to be the leadoff witness for revenue sharing when hearings are held in the Senate.

Mr. President, I ask unanimous consent that my address to the U.S. Conference of Mayors be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY TO THE U.S. CONFERENCE OF MAYORS, NEW ORLEANS, LA., JUNE 20, 1972

Last year when I had the privilege of addressing the Conference of Mayors, I said that our Nation must develop a national urban strategy to deal with the diminishing quality of life in urban America.

A year has passed and there has been little visible progress towards meeting the great needs of American cities.

Tragically, we have no national urban policy to guide us.

Yet every day we are faced with the fact that more and more Americans are moving to urban areas.

Every day the need for fundamental services for urban Americans increases.

Every day the financial resources prove to be less and less.

In the face of this crisis, what is the response from the Federal Government?

Too often it runs away from the problems:

It underfunds badly needed programs.

It encumbers effective local action with bureaucratic over-regulation.

It ignores the neighborhoods—it guts them with indiscriminate highway programs and plans urban renewal projects which are in effect, people removal programs.

But the Federal Government's greatest failure is to try to solve urban and suburban problems of the 1970's with the solutions of the 1950's and 60's.

What are the realities of urban life today?

Realistically, our urban society extends beyond city lines into increasingly urbanized suburbs.

But the problems of the city—because they are people problems—don't stop when concrete and pavement become green grass and shopping centers.

There isn't a metropolitan area in this Nation which has avoided the social disintegration and economic decay caused by affluent Americans running away from the poor.

There are few families in suburbs who can claim today that the drug problem of the inner city is not theirs also.

Crime knows no neighborhood—no one is free from assault and stick-ups; no American home or apartment is safe from burglary and no American can be secure when there is violence and disorder.

Throughout metropolitan areas the educational system is breaking down:

School bond issues are being defeated.

Classroom size is being increased.

School taxes are going up.

Parochial schools are closing.

Students and parents are having serious doubts about the educational quality of our school system.

And there is no metropolitan area where the level of basic services has kept pace with needs of the people.

This means that people are angry, frustrated and often disillusioned.

The despair and crushed spirit of urban American increases every day because we know that cities can come alive again.

We know that cities can have green parks, tree-lined roads, safe and clean streets, good schools and a style of life that gives people dignity, hope and opportunity.

I believe it's time for America to stop running away from its own problems—to face up to the urban crisis and to act accordingly.

It's time to do for ourselves what we have been doing for the rest of the world during the past 27 years.

We must restructure our political organizations, adapt our social institutions to changing times, revitalize our community services and commit the financial resources needed to do the job.

These are the long range goals which deserve a national commitment.

But people have to live today and your cities can't wait for another five or ten years.

Let me be specific and give you my ideas as to what together we must do now.

The passage of an adequate revenue sharing bill is imperative. Revenue sharing is not a panacea for the ills of American cities. And it cannot replace the grant-in-aid programs.

But our plans, our goals, our long-run objectives are simply useless without a continuing, well-funded revenue sharing program, and I have been a consistent advocate of revenue sharing.

I believe that it is a program for the 1970's.

Tomorrow, the House of Representatives will begin debate on the Mills fiscal assistance proposal.

And in the Senate, Senator Howard Baker and I have introduced an identical revenue sharing bill. There are now 41 co-sponsors of that legislation.

I want the mayors of America to know that I have talked with Chairman Russell Long of the Senate Finance Committee and requested Senate revenue sharing hearings.

I can report to you today that Chairman Long has given me his personal assurances that the Finance Committee will promptly begin hearings on this legislation and expedite its report to the Senate floor.

I will be the first witness before the Finance Committee on behalf of the mayors and the cities when the hearings begin.

Revenue sharing will be an article of law this year. But revenue sharing is but the first step.

The second immediate task is enactment of the National Domestic Development Bank—legislation I introduced to help cities, States and towns finance vitally needed public projects.

This legislation is based on accepted principles of international finance.

I propose that we now apply them at home by providing long-term loans at low interest rates, and that we couple the financial help with technical assistance.

My plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative and supplemental source of funds for a nation that is privately wealthy and publicly poor. It will bring together public and private financing for the revitalization of urban America.

It can help end the stop-start history of public construction in this country by providing for an orderly and continuing new financing mechanism and the National Domestic Development Bank is a program for all the communities of America.

It can facilitate economic development in depressed areas.

It can provide jobs.

It can stimulate the economy.

Once cities have the necessary tools to achieve some of their objectives the next stop is to change the way the Federal Government makes its budget decisions.

Right now, mayors and city officials, supervisors, city managers, county officials, governors and the people are closed out of the Federal Government's budget process.

Decisions are made every day about your city by bureaucrats in Washington.

You are seldom consulted.

Your true needs are often ignored. You and the people end up living with decisions you had no part in making. This makes no sense.

I want the budget process of the Federal Government to be open to the mayor before the decisions are made.

I propose that the budget officers leave Washington, go into the cities and regions of this Nation and hold hearings and meetings on the coming fiscal year's budget.

Let's send the President's executive decision makers to where the problems are so that they can hear first hand from you and others who face urban problems every day.

If an assured level of funding is available over a period of years and if mayors and city officials have full access to the Federal budget process, then we can take the fourth step: effective planning and use of our resources to meet our needs.

We have visions of tomorrow, but we lack the specific plans to make our tomorrows a reality.

The basis of our vision for the future should be targeting a rural-urban balance—a healthy balance between the people and the land.

This mans focusing on orderly growth—designing this for people rather than for expediency, and an essential component for ordered growth is slowing down the forces which have placed a third of the American people in the six States of New York, California, Illinois, Pennsylvania, Ohio and Texas. Yet there is not a single mechanism or process to plan the future growth and development of the United States.

Today we are a nation of 209 million people, 70% of whom now live in cities of 50,000 or more—by the 1980's—80%.

By the end of this century, 300 million people will populate our country and as many as 90 percent will live in metropolitan complexes.

We have totally neglected the impact of a growing population let alone the movement of people within our Nation.

Because we lack a national planning process, Americans are deprived of the benefits planned growth can provide.

I will soon introduce a national growth and development act that will be the first step towards planning the national growth of our country.

A national growth policy can mean:

Overcoming fiscal crises through planning.

Making the best possible use of land in our metropolitan areas.

Coordinating an attack on all types of pollution.

Planning for services and facilities so that when people move in, the services are already there.

The legislation I will soon introduce will establish an Office of National Growth and Development within the White House. It will provide the leadership necessary to coordinate all departments and agencies—and regulatory bodies—with respect to development and implementation of national policy.

And in the Congress, I propose that a Joint Committee on National Growth be established, and supported by a Congressional Office of Policy and Planning.

Finally, my legislation would force the Federal Government for the first time to anticipate the consequences of growth when it plans a facility, lets a large contract, implements a new program or expands its funding.

For thousands of years cities have reflected the spirit and achievement of a civilization.

It has been in the cities where the centers of learning, art and culture have flourished. The great libraries, universities, theatres, museums and centers of commerce have existed in the cities of the world.

But cities have always been a measure not only of a society's culture, but of its humanity.

But as long as there are slums, people in poverty, hungry children, segregated and dilapidated neighborhoods, deteriorating schools, polluted air and pervasive crime in our cities, then the quality of our entire civilization is threatened.

Can our nation build great cities?

There is no alternative.

The answer must be yes.

I want to be President of an America where cities are a place people want to come to learn, to live and to raise their children.

This type of urban and suburban society can be achieved if our leaders are truly committed to the revitalization and rebuilding of life in urban America.

DEBUNKING THE McGOVERN AS GOLDWATER MYTH

Mr. CHURCH. Mr. President, the Saturday Review of July 1, 1972, contains a highly significant article on the Presidential candidacy of Senator GEORGE MCGOVERN, written by John Kenneth Galbraith.

Of particular interest is Mr. Galbraith's debunking of the myth that a McGovern candidacy would, in some fashion, be comparable to the Republican candidacy in 1964 of Senator BARRY GOLDWATER.

Mr. Galbraith writes:

The comparison with Goldwater is a brilliant piece of political polemics, it is also nonsense.

It is, indeed.

As Mr. Galbraith points out:

Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts.

Mr. Galbraith further points out that if one must search for historical analogies, the proper comparison with Senator MCGOVERN is Franklin Delano Roosevelt with his reforms of 40 years ago which, like the case today, were designed to benefit the majority.

Mr. President, I ask unanimous consent that Mr. Galbraith's article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THE CASE FOR GEORGE MCGOVERN

(By John Kenneth Galbraith)

It all happened in a matter of three months this spring. Before the New Hampshire primary in March, George McGovern was nowhere—an object of the sympathy and amusement of the established political sages to the extent that his seemingly feckless effort was deemed worthy of notice by men of such stature. By the end of May he had it made. The California primary—some unprecedented accident apart—all but wrapped up the nomination, although, in a shrewder view, it was probably Ohio that decided things. There it was evident that McGovern not only had a strangle hold on liberal urbanites, suburbanites, and students but could also make deep inroads into the blue-collar and ethnic columns that were meant to march for Hubert Humphrey.

There remained, to be sure, some doubt as to how McGovern did it. Joe Alsop, whom I cherish as one of the splendidly comic figures of our age and always read before Art Buchwald, thought carefully and concluded that the McGovern men had stolen the primaries and the state conventions. They had organized, and organization (anyhow, if by the liberal and young) defeats the popular will. Stewart Alsop, although conceding McGovern some considerable appeal, thought that people were voting for him out of mass misinformation—they did not see what he was up to on abortion, economics, and things like that. When they did—wow! But most others have agreed that McGovern is somehow popular with voters. For judging his prospects next fall, it is worth knowing just what happened this spring and why.

The McGovern success can be understood, I think, only in terms of the preferred position in the United States of social diagnosis as compared with practical action. No country approaches us in the candor and quality, not to mention the sheer volume, of such diagnosis. If something is wrong with our economy or polity or otherwise with our society, we search out the flaw and an explanation for it with relentless force. This has been especially so in these last years, when so much has seemed wrong—when the phrase "credibility gap" has come to grace a general commitment by the government to uninspired falsehood; when a costly and intellectually inexplicable involvement in Indochina has persisted contrary to all reason and expectation; when our military budget has become absurd in light of either military need or the starvation of our cities; when we have put moon travel on a commuter basis, while people at home cannot get to work; when a disenchanting combination of severe inflation and severe unemployment has persisted in conflict with all reputable economic instruction; when the welfare mess has caused people to crowd to the cities and has then penalized them for taking a job; where the fiscal system has been fostering a whole new class of income-tax dropouts, who were even so gauche as to convene by private jet at John Connally's ranch to hear the President defend their graft with wonderful indifference to the trouble the average citizen was having with the tax on his house; and when it was being discovered that our air, streams, lakes, beaches, roadsides, and countryside were all being sacrificed to uninhibited economic (and corporate) growth.

On all of these problems, as noted, men of wisdom had been speaking urgently, righteously—and, in most cases, for very adequate compensation. But it was implicit in this discussion that nothing much would be done that would upset the basic equilibrium in our politics, an equilibrium based on the understanding that we will analyze, deplore, recommend, and, on occasion, demand but will not act. This rejection of action is held to reflect the public will. No matter how serious the problem, the people will vote against the man who proposes remedies, for remedies cost money and make him a radical. There is, alas, an element of pecuniary self-interest in all this. Social diagnosis is a considerable industry in the United States. A lot of this industry's entrepreneurs, without ever quite admitting it, find things entirely comfortable as they are. They persuade themselves that others, despite the troubles they describe, are really quite comfortable, too.

Thus George McGovern. He got hold of the novel idea that a fair majority of citizens not only want to understand their sorrows, they would like to have something done about them. The other candidates made the mistake of believing that all the talk about truth in government and change in the society was purely theoretical. For months friends have kept calling me to say what a mistake it was for McGovern to spell out his position on tax loopholes, welfare reform, and the military budget in such unnecessary detail. He would frighten people. No doubt quite a few were frightened off. But it won him the primaries and will him the nomination. Only an honest and serious man bothers to tell you exactly what he hopes to do, and these qualities evidently appeal to voters these days.

Now it will be said—and said and said—that, while McGovern's commitment to the reform of military, economic, and fiscal policies that nearly everyone agrees are ghastly was great for winning the nomination, it will lose him the election. Zealots who want change can nominate a man; only defenders of the *status quo* can elect one. If McGovern doesn't now adopt the Establishment view, it is asserted, he will do more this autumn to make Richard Milhous Nixon a statesman than Barry Goldwater did to make L.B.J. a pacifist.

The comparison with Goldwater is a brilliant piece of political polemics. It certainly has taken hold. It is also nonsense. The natural reaction of some McGovern defenders has been to argue that he isn't all that extreme. He hasn't really advocated compulsory abortion; the next generation of Rockefellers will still have a few of the millions rightfully accruing to them from the only moderately righteous enterprise of their great-great grandfather a hundred years ago and so will be available for public office; McGovern proposes amnesty only for those who resisted the war and will not release all felons from jail. Doubtless all this is true, but it would have been more to the point to argue that McGovern, unlike Barry Goldwater, was urging the kind of change that most voters want. Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts. It was Barry Goldwater's romantic thought that the poor wanted more done for the rich, less for themselves. He had inveighed against the progressive income tax; when the campaign started, he was still worried about the effect of Social Security on the moral fiber. He wanted more freedom, which, generally speaking, meant freedom for the privileged to expand their preferred form of plunder. The McGovern reforms—on employment, taxes, welfare, equality—are all designed to benefit the majority. An important distinction.

If one is searching for historical analogies, it could be recalled that Roosevelt's reforms of forty years ago were similarly concerned with the majority. They also made him a dangerous radical. And they made him electorally invulnerable. There is a difference between a Democratic Goldwater and a Democratic Roosevelt. McGovern's identification, if he remains on course, is more plausibly with Roosevelt.

It might also be added that Goldwater was a hawk. McGovern is that most curious of political birds, a dangerous dove. As a final point, this whole discussion seems to me a bit hard on Barry Goldwater. He is a nice man who brought a marked passion to his program for enriching the rich. Why hurt his feelings? Let the McGovern people help Barry out: Let them say that McGovern is the Goldwater of the forgotten man.

It is necessary, of course, that McGovern resist the pressure of the privilege. As I've said, in the months ahead it will be a wonderful thing to watch. Having failed to nominate an adequately inert man, the Establishment philosophers will try to do the best with what they have. Only a man indistinguishable from Nixon—or preferably Scoop Jackson or possibly Sam Yorty—will, so they will say, stand a chance of election. I think that, on the whole, McGovern will resist. (I, of course, distinguish between conciliation, even occasional compromise, and retreat.) Accordingly, he will be an alternative to Nixon. He will appeal to the unrich, unpowerful, and unprivileged majority, and, therefore, like Roosevelt, he will be elected. This expectation derives partly from an impression of the man and partly from his reaction to the issues in the past. Let me say something about each.

I first worked with George McGovern when I was in India, and he was head of the Food for Peace Program under President Kennedy. The whole effort was a mirror of the McGovern mind and mood. As a farm congressman from South Dakota, he had constituents for whom wheat growing was halfway between an industry and an obsession. He wanted to see that farm plant used efficiently. And he believed that hungry people should have enough to eat—an idea he thought applicable even to the United States, to the terrible distress of Congressman Jamie Whitten of Mississippi and similar philanthropists. Many diagnosticians had pointed to the inconsistency between big food surpluses and pervasive hunger; McGovern was bent on doing something about it, and he did. Many people are now alive as a result of his efforts to make food surpluses available to the starving. I might add that these efforts won the United States—and him—a very pleasant response. His reception, when he came to India in 1962, was better than that accorded Henry Kissinger last year. I share with others a certain nostalgia for the days when Americans were thought nice.

I really got to know George McGovern with the Vietnam War. The mid-Sixties were lonely years for opponents of the war; we were treated in Washington with all the cordiality that is commonly accorded acute paresis. Following close on the heels of Wayne Morse and Ernest Gruening, McGovern was one of the little band of men who led the fight against the war in the Senate. More than anyone else except Gene McCarthy, he translated what had been dissent into organized and legitimate, and hence effective, political opposition. It did not seem at the time to be a politically profitable enterprise. To take such a stand was surely a fair test of commitment. Prominent among those leading the chorus on the other side—demanding that L.B.J. send in more troops, more bombers, unleash the Joint Chiefs of Staff—was Richard Nixon. He is wiser now. But it would be safer and a lot more economical to have as President a man who foresees disasters. One-hundred-and-fifty-billion dollars—not to mention the lives—is a large price for educating Richard Nixon. And on Vietnam he is still a very retarded boy in the class. He has, in fact, been even more brutal than his predecessors in his policy of destroying and maiming the people of Vietnam and in wrecking the countryside on which they live. But they are poor people who are accustomed to death and dismemberment—or anyhow that has long been the Washington view.

Mr. Nixon, to be sure, has seen how completely the American people have come to reject the old Cold War rhetoric and anger, how much they want an affirmative effort for peace with the Communist countries. So we have the engaging picture of this man—the greatest Cold Warrior of them all, the politician who once equated negotiation with treason, the man who wanted to send soldiers to Vietnam in 1952—emerging, by his own billing, as the new apostle of peaceful coexistence. He has used the phrase. He has been to Peking. He has been to Moscow.

We cannot deplore the journeys to Peking and Moscow. They must have been a severe trial for Mr. Nixon's old anti-Communist friends; one wonders how Joe McCarthy must be reacting from wherever Joe is these days. But it is better to have a man of flexible principle such as Richard Nixon than a principled man who sticks to principles that are wrong. It would be better still to have a principled man who is right. This, on the record, is the case for McGovern.

There is still much to be done in the field of foreign policy. We face a long period of negotiation with the Soviet Union, in which the primary task is to get the arms race under control. This has been a major McGovern goal. Any notion that such control was achieved in Moscow has now been dissipated by Mel Laird. He has just explained that the agreements signed by Mr. Nixon in the Kremlin have made an increase in spending by some billions for the manned bomber, the Trident submarine, and several other gadgets more necessary than ever.

There also lies ahead the major task of reforming our relations with the Third World. We have learned in these last years that there is little in the inner life of the Third World nations that we can control. And we have learned that there is less that we need or ought to control. We have earned that, if some people in this world choose to call themselves Communist, there is little we can do about it. And we have learned that the difference between a Communist jungle and a non-Communist jungle is not all that evident except to the CIA. Similarly with rice paddies. We need to contract our policy in the Third World—to reduce our own bureaucracy there, notably our troops, bases, fleet, military missions, and spooks. Specifically, we need to get out of the business of chasing Communists over Laos or making plots in Chile.

We need also to get out of the business of propping up dictatorships. Men of wisdom have often pointed regretfully to the necessity of choosing between strategy and morality in foreign policy. But last year, in its support of the military government of Yahya Khan in Pakistan against the people of Bengal, the Nixon administration accomplished something new—it managed to offend both. Its continuing support of the Greek colonels—and of dictatorships in other countries—is equally offensive. Messrs. Nixon and Agnew have forgotten that we are a democracy. McGovern has not. On all of these matters the position of McGovern is clear. And so is that of Mr. Nixon; his re-election would mean only more of the same.

On domestic policy McGovern's positions—and his commitment to them—seem to me equally strong. Here there will be four major issues: the management of the economy; the excessive share of taxes being borne by the average man; the need for real equality—equality between the races, between men and women, in the way income is distributed, and between those with the bad jobs and the good; and the effect of modern industrial development on our surroundings.

Good economic management requires controls that are equitably administered—they must be equitable if they are to have the confidence of consumers and the consent of labor. This is the area of Nixon's greatest failure. His price administration has been spineless—a ratification of increases that would have occurred anyway. His employment policy has been based, all but exclusively, on tax incentives for corporations and the comparatively affluent. In consequence profits and property income (as well as prices) have been rising at a record rate. The unions are rightly aroused; one cannot have wage stabilization unless living costs, profits, and executive compensations are also stable. George McGovern was the first of the candidates to spell out a policy of equitable price and wage administration—combined with equitable taxation of business profits.

Given wage and price stability, the next task is to increase employment. The efficient as well as the egalitarian way to do this is by increasing needed public outlays either in general or specifically for public-service employment, thus supporting the living standards for the poor. The worst way is to reduce taxes on the well-to-do in the hope that they will spend more. The contrast here between Nixon and McGovern should work well at the ballot box.

For easing the burden on the average man, it is also essential that we close the loopholes on the rich. I would personally go further than McGovern. I have come to believe that every person who adds to his wealth by a given amount—whether by earned income, property income, capital gains, real estate income, oil income, inheritance, or defrauding McGraw-Hill—should pay the same progressive tax on the particular amount of the enrichment. The operative rule is that a-buck-is-a-buck-is-a-buck. But McGovern's requirement that, regardless of loopholes, everyone pay at least 75 per cent of what is specified in the tax tables is a step in the right direction. That too will be hard to attack at the supermarkets.

A decent tax system is the first practical step toward greater equality. The second requirement is to strongly support organizing activity by those people—the farm workers, for example—who have the weakest position in the economy. Here the McGovern position is clear, and it has won him the support of Cesar Chavez, who leads the weakest workers of all. The third step is to place a floor under family and individual income. The McGovern position on this—one that still requires a good deal of work, as McGovern himself might agree—was duly celebrated in the California debates with Hubert Humphrey. The step is vital. Mr. Nixon cannot effectively attack the principle of a guaranteed minimum income; he—greatly to his credit—has proposed one himself. He will attack McGovern for urging that the minimum be brought to a reasonable level, to a level where it protects not only the family that is without employment but those whose weakness in the labor market makes them the natural object of exploitation.

The McGovern plan, it should be noted, provides what is lacking in all present welfare arrangements—namely, a voluntary incentive to take a job. The man who is now on welfare and takes a job at wages around the welfare level of payment gives up all his welfare income. He has, in effect, a 100 per cent tax on his additional income. It is only human to wonder why one should bother to work. The new design ensures that the man who works will always have more money than the man who does not. It is a long step toward both economic decency and the Calvinist virtue appropriate to a South Dakotan.

Finally, there is the matter of racial equality. That Mr. Nixon has managed to alienate the black voter not many will deny. And that McGovern has gained strength in the black community during the course of the primaries most will agree. His reforms have opened the Democratic party to blacks in spectacular fashion—as the Miami convention will show. On busing he hasn't had one position in the North and another in the South. He has argued everywhere for upholding the Supreme Court. That didn't help him in Florida, or in Maryland, or everywhere in Michigan. But it probably did help in the country as a whole. It showed that he was the one thing not even the greatest enemy of busing can criticize—namely, an honest man.

As for protecting the environment, what we have to do is to specify, by law, what business, large and small, may and may not do. And having so specified what may not be done, the law must be enforced, however influential the offender. There can no longer be one law for the citizen, another for the corporation. On this there is no question as to where George McGovern stands. And, unlike the administration, it is not his business to befriend the corporations.

Better economic management, a better break for the average citizen, greater equality, and a better environment are related to each other; they are also related to military and foreign policy. If it weren't for the exaggerated demands of the Pentagon, federal tax revenues would be available in volume to aid the cities and to ease the pressure on the property tax. More capital would also be available for civilian industry. In consequence, we would not be producing goods with obsolescent machinery in competition with the Germans and the Japanese who, having lost a war, have been forced to use their capital resources for useful purposes. Our competitive position would be better, our balance of payments would be much stronger.

In the campaign this year Mr. Nixon will be calling for more defense expenditure. As noted, Secretary Laird has already sounded the trumpet. McGovern will be for less. Thus Nixon will be for heavier taxes on the average man, a weaker economic position in the world at large. McGovern will be for relief for the average taxpayer, a stronger civilian economy, a better balance of payments. President Nixon will be getting the applause of the big weapons firms and, quite deservedly, of corporate enterprise in general. This is as it should be. The corporations and the privileged and powerful have a right to be represented. It is the historic function of the Republican party to represent them. And no one who has watched its recent dealings with Hal and Phil and Dita and those other splendid people at ITT will doubt that the party has kept the faith—the best evidence of how it has kept the faith seems to have got shredded. McGovern will be for a government that distinguishes the public interest from the corporate interest, the popular interest from the privileged interest. This, I venture, will be far from bad at the polls.

So it is perfectly clear, as President Nixon would say, that McGovern is the best man. And, in contrast with what President Nixon often says, this is the truth. If we can't elect the best man, something is wrong. But we can; the fact that McGovern has made it again and again and again in South Dakota—once the most Republican state in the Union—shows that he is highly electable. And, for once, my credentials as a prophet are impeccable. Speaking twelve weeks ago in Wisconsin, before the primary, I offered a scenario—not, I then said, as "an exercise in political euphoria but as a decent prediction." With even more than normal pleasure I now quote myself. "McGovern will carry Massachusetts and Nebraska next month. He will carry Oregon. He will take California and New York, the two largest states of the Union. Will the convention deny the nomination to a man with this record? I think not." Nor, I am now convinced, will the country reject George McGovern in November.

SENATOR WILLIAMS PRAISES SENATE APPROVAL OF VETERANS' ADMINISTRATION APPROPRIATION

Mr. WILLIAMS. Mr. President, I am delighted that the Senate by a vote of 70 to 2 has passed H.R. 15093, which included appropriations for the Veterans' Administration budget for fiscal year 1973.

Three years ago the Congress and the Nation were informed of the acute problems and insufficiencies facing veterans who needed medical care. Unbelievably, many thousands of young men who were casualties in Vietnam returned home and found wholly inadequate medical care available to them through the Veterans' Administration hospital system.

At about that time, many Members of Congress began an intensive effort to correct the great deficiency of the VA medical system. For fiscal years 1971 and 1972, $376.1 million was added over the administration's request for veterans' medical care. These substantial increases have led to general improvements across the country in medical care for veterans and vital increases in VA hospital staffs.

Once again, in the Senate version of H.R. 15093, major advances have been made.

The sum of $54,580,000 has been added to the budget estimate for medical care. As I think of the 303,600 Vietnam-era veterans who have service-connected disabilities, I understand the importance of this increase for the men who have suffered physically in the service of their country.

This increased appropriation allows the VA to maintain an average daily patient census of 85,500 and to add 400 full-time employees for spinal cord injury units up to the necessary level.

In order to maintain high morale and to continue attracting high caliber medical personnel, the committee has determined that, contrary to the wishes of the Office of Management and Budget, administrative grade reduction control and employee ceilings are not to be imposed on the VA medical program in fiscal year 1973.

And there is an additional section of H.R. 15093 which is particularly gratifying to me. The sum of $28,342,000 has been added over the budget estimate for the construction of hospital and domiciliary facilities. Among the 12 projects covered by this section is $3.7 million to begin work on a desperately needed new Veterans' Administration hospital in southern New Jersey. When completed, this hospital will serve a rapidly growing nine-county area in the Nation's most densely populated State and the Philadelphia metropolitan region.

Between 1960 and 1970 the total population of these counties increased by 29 percent from 1,579,012 to 2,038,740. As might be predicted, veterans constituted a considerable part of this growth rate: The veteran population in this area rose from 252,620 in 1966 to 274,170 in 1969—a 9-percent increase over a period of only 3 years.

While we are faced with problems of insufficient hospital beds and staff to care for veterans on a national scope, the shortage of VA hospital beds is particularly acute in South Jersey. At present, the veterans from this area are forced to go to several different hospitals, either in the northern part of the State or completely outside of the State. According to the VA, as of January 1, 1972, 854 South Jersey veterans had to be placed in the East Orange, N.J. facility; 823 in Wilmington, Del.; 200 in Coatesville, Md.; 36 in Baltimore, Md.; 88 in New York City; and 132 in various other VA hospitals throughout the United States. In addition, 183 veterans had to be placed in public facilities because the VA hospital system could not accommodate them. This situation not only results in substantial transportation expenses for the patient and his family but makes family visits—which are so important to patient morale and recovery—almost impossible.

Last fall, after several years of attempting to have a VA hospital located in southern New Jersey, I realized that immediate congressional action was necessary. In order to accomplish this objective, I invited Governor Cahill and other State and Federal representatives to meet with me to discuss the best means of obtaining this vitally needed hospital. That meeting in my office was an important step because the VA had announced that its future policy would be to build new hospitals only if they were affiliated with a medical school. Because of this precondition, it became necessary to secure an agreement with New Jersey officials that the State would undertake to operate a new medical school if we were able to secure funding for a veterans hospital in South Jersey. At the meeting, Governor Cahill agreed that he would commit the resources of the State to building and operating such a medical school. With this agreement, prospects for the new hospital gained momentum.

In January of this year, the Nixon administration submitted its budget for fiscal year 1973 for the Veterans' Administration, but once again failed to request funds for a new VA hospital in southern New Jersey. Despite this fact, Representative ED PATTEN and I worked to see that funds were included in the VA budget in the appropriations bill which passed the House earlier this year. The appropriation which passed the House was $2.7 million and was specifically directed for planning and architectural services for a new VA hospital in southern New Jersey.

It was, of course, necessary that similar action be taken in the Senate. I began working with Senators MAGNUSON and PASTORE to secure a similar budget recommendation in the Senate bill. We developed an amendment designed to accomplish that specific objective.

On May 31, 1972, the Senate Appropriations Committee approved its version of the VA budget which included $3.7 million for planning and architectural services for a hospital in the southern New Jersey region. I was very much pleased by this important action, since it is $1 million over the House amount, and for the first time both the Senate and the House bills contain language which gives strong impetus for the location of a new hospital in southern New Jersey.

Now, with the Senate passage of the VA appropriations bill, it is assured that during fiscal year 1973 preliminary planning and drafting for this hospital will begin.

On behalf of the veterans of southern New Jersey, I commend Senators PASTORE, ELLENDER, and MAGNUSON for their accomplishments in this area and thank them particularly for their exemplary leadership in meeting veterans health needs in this specific area.

During the last 3 years, American veterans have become extremely fortunate in that several Senators have become aware of the crisis in the VA medical system and have worked successfully to mitigate those problems. Now, because of this concern, veterans again will be able to have faith in the medical system established for their care and use.

FUNDS FOR HIGHWAY CONTRACT PLACEMENT IN MONTANA

Mr. METCALF. Mr. President, the Montana Senators support the administration in its efforts to promote world peace, especially the international agreements entered into by the President and the Soviet Union. This we do knowing full well that the cancellation of the one Safeguard project has created a tremendous economic impact in our State—the only area which is immediately affected by these international agreements.

The administration has a very definite responsibility in assisting the people and communities of north central Montana. Several agencies of the Federal Government have already responded to this need and the people of the area are most appreciative. The greatest need is to provide jobs to absorb the unemployment created by the stoppage of this huge contract. The most immediate possibility which has come to the attention of the Montana delegation is the highway construction program. The State of Montana has some $19 million worth of highway projects which could be placed under contract immediately if the Department of Transportation would release the funds to Montana.

Senator MANSFIELD and I earlier this month made an appeal to the Secretary of Transportation asking that Federal funds be released to the State either from a reallocation of funds for this current fiscal year or the release of moneys held by the Office of Management and Budget. The response from the Secretary of Transportation is something less than encouraging.

Mr. President, I ask unanimous consent that at this point in my remarks Senator MANSFIELD's and my letter of June 5 and the Secretary's response be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 5, 1972.

Hon. JOHN VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: The State of Montana was slow to proceed with the construction of the Interstate Highway System in the early years of the program but now advises it is in a position where they can proceed rapidly in completing this construction only to find that they do not have the federal funds with which to proceed. At the present time, our State has utilized all 1972 authority obligations and, if funds were available, they could let contracts for some nineteen million dollars worth of construction before the end of this fiscal year.

We would appreciate knowing if the Department intends to assess the amount of the federal highway funds unobligated in the fifty states for a possible reallocation prior to June 30th. If this is done, we ask that Montana be given special consideration. The highway construction program has been of considerable economic importance to the State. It can be an even more important instrument in stabilizing the State's economy at a time when we are attempting to respond to the economic chaos created by the recent announcement by the Administration to suspend construction of the Safeguard Project in north-central Montana. An accelerated highway construction program could absorb a considerable number of the work force which anticipated employment for the Safeguard.

The difficulties created by the suspension of the Safeguard Project are the responsibility of the Department of Defense and we believe that the Administration has a responsibility to assist the people of Montana in adjusting to this situation. This assistance can best come from non-military sources. The release of additional highway funds to the State of Montana is, in our estimation, the most immediate source of financial aid. Your cooperation would be most appreciated.

With best personal wishes, we are

Sincerely yours,

MIKE MANSFIELD,
U.S. Senate.
LEE METCALF,
U.S. Senate.

SECRETARY OF TRANSPORTATION,
Washington, D.C., June 21, 1972.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: We are responding to your letter of June 5, co-signed by Senator Metcalf, concerning obligation authority available for the Federal-aid highway program in Montana during the fiscal year 1972.

As you know, the Federal-aid highway funds authorized by the Congress and apportioned to the States in accord with Title 23, U.S.C., are released for obligation in accord with budgetary requirements and economic stabilization programs in effect since 1966. Ceiling limitations for the program are set by the Office of Management and Budget.

A total of $52.9 million has been made available to Montana for obligation during the current fiscal year, and these funds have been nearly all obligated. We regret that the funds available for obligation are insufficient to permit Montana to proceed more rapidly with completion of its Interstate System as an offset to suspension of the Safeguard project.

As discussed in your letter, we are taking steps to redistribute the fiscal year 1972 obligation authority that will not be used by some States. However, we have determined that all but a very few States will make full use of their funds, as has Montana, and that the amount available for redistribution will be very minimal.

We will endeavor to release additional obligating authority to Montana if it is possible to do so from the funds available for redistribution. Otherwise we have no additional obligating authority that can be made available to Montana for the fiscal year 1972.

Obligating authority for the fiscal year 1973 is being released to the States in total effective July 1, 1972. Montana's share of the total $4.4 billion is $46.3 million, and this release will permit the State to proceed with its program more promptly than if the funds were to be made available on a quarterly basis.

You may be sure that we will make additional obligating authority available to Montana whenever possible.

Sincerely,

JOHN A. VOLPE.

Mr. METCALF. Mr. President, this situation prompts me to express great concern about the administration's handling of the Nation's highway program. The Congress has consistently increased the authority for highway construction yet the administration, through the Office of Management and Budget, has reduced the highway program while highway funds continue to accumulate in the trust fund. In the current fiscal year, $52.9 million were made available to Montana for obligations. I am now advised that during the next fiscal year, Montana's share will be reduced to $46.3 million. This reduction comes at a time when the State could easily expand its highway construction program.

Senators know, of course, that the motorists of the Nation pay gasoline taxes which are channeled into the highway trust fund. These moneys are piling up and are not being used for their intended purpose. By the end of fiscal year 1971, the trust fund accumulated $3.586 billion, by the end of fiscal year 1972 it will have accumulated $4.391 billion and it is estimated that by the end of fiscal year 1973, the fund will contain $5.128 billion. The highway trust fund is, in fact, lending money to the general fund and collecting $200 million interest. The administration is using the highway fund as a financing device rather than for highway construction. It would seem that the citizens of the Nation can, with justification, request a reduction in the gasoline tax if they are not to realize the benefits for which the tax is collected.

In addition, I do not like reports I have been receiving that the Federal highway authorities are placing far greater emphasis on urban construction at the expense of highways in rural States. I need not remind Congress that in many of our cities, they are resisting freeway and highway construction. It would seem that the time has come for Congress to reassert some of its authority over the highway construction program.

I respectfully suggest that the Senate Committees on Public Works, Finance, and Appropriations have a responsibility to review the usage of highway construction funds and the goals of the Nation's highway program.

ON LETTING GEORGE DO IT

Mr. CHURCH. Mr. President, the Washington Post has manfully recognized that it grossly misjudged GEORGE MCGOVERN's early drive for the Democratic nomination for President and is in no position now to offer the Senator any advice on where to go from here. The Post editorialized—

It might just be, that a low-keyed, plain-spoken gentle revolutionary is what a large number of voters really want.

At any rate, the Washington Post concludes that—

As of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is rolling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

That is good advice—letting George do it.

I ask unanimous consent that the lead editorial of the Washington Post of June 23, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1972]

ON LETTING GEORGE DO IT

By most estimates, Senator George McGovern has almost all the delegates he needs, either in hand or in prospect, for a first-ballot nomination, and while no candidate ever thinks he has enough money, he probably is in a position to attract a sufficiency of that. But where his cup runneth over, where he is rich beyond measure, is in a super-abundance of unsolicited advice. Having confounded the predictions and expectations of all the experts—including, one would surmise, some of his own most zealous supporters—he is now being freely counseled to abandon the fresh and often radical doctrines that have carried him through an almost impossibly testing obstacle course from New Hampshire to New York and to make himself more conventionally acceptable. He is being told that his voice is flat and his style colorless, that he doesn't exhilarate or electrify. It is being said that he must "clarify" the positions he has taken up to now, which is another way of saying that he must modify them to the taste of one or another of the challengers that he has disposed of along the way. In brief, he is being hassled and chivvied to become precisely the antithesis of what he has presented himself to be, which is something new and apart from the old political etsablishment, and to seek security in some hypothetical Center where the decisive votes of the American electorate have always been supposed to be.

Well, there may be great political wisdom in a lot of this, but frankly, having been among the pundits who grossly misjudged the McGovern candidacy from the beginning, we are sufficiently shell-shocked by his stunning successes to be chary—at least for now, mind you—with advice. Just for one thing, we're not quite as certain as we thought we were about just where the Center is to which Senator McGovern is now being asked to move. True, his total popular vote, in all the primaries he contested against a proliferation of candidates, is not the truest register of voting sentiment across a representative sample of the electorate. But it says something about a degree of popular disenchantment with things as they are that does not encourage conventional reliance on the old politics.

For another thing, it is important to consider who is doing most of the hassling. Who is it that's saying that McGovern would be a "disaster" for the Democrats? Who is heaping scorn upon his boisterous, hot-eyed, tireless army of party irregulars who have outfought and outorganized and outworked the organization regulars? Who is telling the

senator that what was good enough in January and June, and presumably will be good enough in July, will not wash in November because it's too woolly or too wild? The answer is that today's chorus of advisers-without-portfolio to George McGovern is made up in considerable measure of (1) columnists and commentators who still can't believe, or admit, that he's all but won the whole thing and that they were horribly and consistently wrong about his prospects; (2) governors and other party leaders who backed losers in the race and are likewise unwilling to concede to their own supporters that they made a mistake; (3) the losers themselves who would like to find some vindication of their own performance by forcing Senator McGovern to repudiate his; and (4) old hands from earlier Democratic administrations and/or campaigns whose current putdowns of Senator McGovern reflect at least in part their concern about how they can still scramble aboard the bandwagon, after having missed it, and where—or even if—they can find a suitable seat.

None of this is to suggest that a campaign fitted to the zany rough-and-tumble of the primaries does not need some overhauling and refitting before it's ready for the big struggle in the fall. Large parts of the McGovern program on taxes, welfare, defense and foreign policy, as it has been unfolded on the dead run these past months, have struck us as hastily assembled, in some cases misconceived, and in others incomprehensible, and therefore susceptible to what could be fatal misunderstanding. Mr. McGovern would not be the first candidate to be victimized in the fall by false impressions and distorted images allowed to form in the spring under the particular pressures of primaries involving disparate electorates in widely differing states. So there is obviously a need for re-thinking and re-statement and we gather that process is underway. There is also an urgent need for reconciliation with substantial elements of the party who find the senator's philosophy, to say the least, unsettling, and that need also seems to be recognized by the more responsible and realistic members of the McGovern camp including, we would judge, the candidate himself; he did not get where he is by being entirely insensitive to his political imperatives.

Whether he will, or can, adjust enough to bring some greater cohesion to his sorely divided party is something else; there are enormous differences to be reconciled. How much he *ought* to change is also something else which nobody should be too quick to be categorical about; it might just be that a low-key, plain-spoken gentle revolutionary is what a large number of voters really want.

No self-respecting pundit, ourselves included, could consider letting George do it all by himself without at least a little critical counseling from time to time. But as of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is rolling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

PEACEKEEPING AND THE UNITED NATIONS

Mr. CRANSTON. Mr. President, I have long felt that a truly international United Nations peacekeeping force would serve the interests of all countries, including our own. Although our military spending has reached enormous peaks, no nation can feel truly safe in a world punctured by crises and aggravated by unilateral military responses.

In San Francisco an effort to solicit public opinion on a United Nations peacekeeping force is at present underway. The campaign would place on the ballot the proposition that the United States offer to reallocate 10 percent of its annual defense appropriation for the development of a potent United Nations peacekeeping force under international controls.

Mr. President, I think that the time is long overdue to solicit the views of the American people on the pressing questions of war and peace. I therefore ask unanimous consent to have printed in the RECORD the case for the peace force proposition campaign.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CASE FOR THE UNITED NATIONS PEACE FORCE PROPOSITION

This is not a radical proposal. It is, in fact, "reactionary"—a return to the original agreements of the United Nations Charter, particularly Articles 42 to 48 dealing with collective security and the military responsibilities of the U.N. The Peace Force Proposition in San Francisco is a pilot campaign. We intend to follow up with similar campaigns in other communities throughout the United States in our endeavor to focus Congressional and Presidential attention on these forgotten United Nations responsibilities. We feel that this Peace Proposition also raises, in an urgent way, a number of fundamental public policy questions related to taxation, defense spending, arms control strategy, the termination of the Indochina and Middle East crises, and the revival of the middle-of-the-road peace movement in America.

OUR MONEY'S WORTH IN NATIONAL SECURITY?

Have we not reached the point of diminishing returns in our tax investment for defense spending? If the objective of a $76 billion defense budget (soon to be raised by another $6.3 billion) is to produce national security, is this program succeeding? Do we feel safe, militarily speaking? Or is the arms race, like inflation, denying us the national security we seek? We now spend about $380 per capita unilaterally for our defenses but give a mere $1.50 to the United Nations for all U.N. activities, including peacekeeping. The Peace Force Proposition campaign contends that a transfer of our military spending to the United Nations will provide us, under appropriate control arrangements, with more national security for fewer tax dollars.

ARE WE ENDING THE ARMS RACE?

Is it not time to turn a new corner in our fumbling efforts to end the $200 billion-a-year world arms race? Most disarmament proposals assume that the way to end war is to eliminate weapons. Removing the the symptoms will not end the disease. No nation can feel safe in a violent and hostile world unless it has the protection of one of the major powers or, alternatively, a United Nations collective security system. Arms limitations agreements are just as unlikely to end the arms race. We see at the Strategic Arms Limitations Talks (SALT) a military duopoly trying to limit costs of competition and prospective competitors, particularly in nuclear weapons. The arms race has and will continue to go on in every other type of weaponry. The Peace Force Proposition contends that arms control may be most quickly and permanently achieved by implementing the all-but-forgotten Articles 42 to 48 of the U.N. Charter. In a way unknown twenty-five years ago, today's weapons technology makes collective security the only alternative. Unilateral national security efforts produce inflationary arms races, and nothing more.

IS A UNILATERAL INITIATIVE RISKY?

Is it risky for the United States to act unilaterally in offering to give a tenth ($7.6 billions) of its defense resources to the United Nations? Unilateral initiatives in the cause of peace are not new to our Government. The 1946 Baruch Plan for international control of nuclear weapons was such an initiative whose time had not yet arrived. Our defenses of Berlin, South Korea, South Vietnam, and other communities were initiated unilaterally. The Peace Force Proposition contends that an offer to give is very different from an outright gift; it sets in motion essential negotiations about who else gives, who has access to collective protection, and who manages the military arm of the peacekeeping organization. We also contend that the Proposition's proviso—that the resources be used solely for creation of a Peacekeeping Force under international controls that would assure American security—will keep these negotiations on the right track, namely, realistic arrangements for collective physical security for all nations. If the Proposition were implemented, it would begin to take the heat off the United States as the major military power in the world. If the Soviet Union wishes to brandish its military might at the United Nations, that is their privilege. Americans are weary of the policeman role and the Soviet diatribe that is elicited by it.

WHO WILL POLICE INDOCHINA AND THE MIDDLE EAST?

When the time comes for ending the military tragedies in Indochina and the Middle East, who is going to police these regions? This will be no minor military assignment. These two conflicts are undoubtedly difficult to terminate precisely because there are no significant post-hostilities policing proposals under consideration. The Peace Force Proposition contends that only an offer as dramatic and as serious as the contribution of a tenth or more of our defense budget to a U.N. Peace Force can introduce a significant new and productive consideration in the pacification of these two regions of the world.

HOW DOES THIS PROPOSITION FIT INTO THE PEACE MOVEMENT?

Where does the Peace Force Proposition stand in the American peace movement today? The Proposition stands on the Left in its promise to get the United States out of Vietnam and end American activities as policeman-for-the-world. The Proposition stands on the Right in its concern for effective spending of our defense dollars and for improvement of our national security. The Proposition, most of all, stands in the Center as an endorsement of collective security through the United Nations. No people in the world are as aware as Americans that well-governed police forces—whether local, national, or international—are the best assurance of safety without violence. The only alternative is and has been the primitive lawlessness of the frontier.

Please, therefore, help us with our campaign to revive a forgotten American strategy for placing the responsibility of defending the world upon the shoulders of the United Nations. This strategy promises greater national security for fewer tax dollars. It promises an end to the escalating arms race as well as a way of stabilizing Indochina and the Middle East. Please be a Sponsor, a contributor, a voter for the Peace Force Proposition. Contributions may be made to "Peace Force Campaign." (A Campaign financial statement will be made available to all contributors upon request.)

McGOVERN IN THE HERITAGE OF EISENHOWER

Mr. CHURCH. Mr. President, the Washington Post of June 25 contains an article by George C. Wilson comparing the defense proposals of Democratic presidential candidate GEORGE MCGOVERN with the defense policies of the late President Dwight D. Eisenhower.

This is a remarkable article. It traces the lines of parallel thought in the approach of these two men to the defense of their country, and clearly shows that rather than being irresponsible, Senator MCGOVERN's outline of his defense strategy is a highly responsible, straightforward alternative to the ever-spiraling costs of the Nixon administration's defense budgets.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RERORD, as follows:

[From the Washington Post, June 25, 1972]

MCGOVERN ON DEFENSE: A DISCIPLE OF EISENHOWER

(By George C. Wilson)

Even in this strange political year it may take some by surprise to learn that George McGovern views his military policy as inspired largely by Dwight D. Eisenhower. Yet that is indeed the case, as McGovern will tell you if you ask.

"President Eisenhower was the biggest single influence on me in the defense field," says the leading contender for the Democratic presidential nomination. "I admire his restraint—his willingness to settle for less than total victory in Korea, his realization that money taken for defense is by its nature wasted, his willingness to undertake unilateral actions for real world security, such as restraint in nuclear testing in hopes of bringing about a test ban treaty."

Skeptics might dismiss such praises to the late general as an attempt to help McGovern's controversial plan to slash the defense budget. They might consider McGovern's fondness for quoting Eisenhower's warning about the military-industrial complex as merely a vote-getting gimmick. They might see only politics in McGovern's little noted habit of quoting Eisenhower's 1953 statement that "every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed."

But an examination of the record shows it to be more than politics. There is indeed a lot of Dwight Eisenhower in George McGovern's "alternative" military budget. And the ironic prospect is that, if nominated at Miami Beach, George McGovern is likely to be firing some of the Eisenhower ammunition at Eisenhower's old running-mate, Richard M. Nixon.

Consider, for example, the question of U.S. troops in Europe. The McGovern and Eisenhower views are alike on this issue and in conflict with Mr. Nixon's. Under the name "redeployment," President Kennedy seemed to be moving toward withdrawing troops from NATO, but he never made a big cut. He did, however, remove extra troops in 1961–63 after the Berlin crisis eased. Eisenhower favored reducing the troop commitment from 4⅓ Army divisions in Europe—about 300,000 men—to one division. In the Oct. 26, 1963 issue of the Saturday Evening Post, he wrote:

"Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economics were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can show the flag as definitely as can several . . . Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European counties should provide for themselves . . ."

While McGovern would leave two divisions in Europe rather than Eisenhower's one, there is a remarkable similarity in their positions. As McGovern states in his proposed defense budget:

"Our European allies all devote a smaller share of their national wealth than the United States to national defense . . . Yet they have all achieved dynamic economies since World War II, and they are unquestionably capable of carrying a greater share of the burden of their own defense. Moreover, U.S. forces in Europe pose a balance-of-payments problem for the United States which would not be suffered by NATO partners supplying added forces to meet their own assigned quotas . . . Two and one-third of the 4⅓ active divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe . . . This redeployment should return roughly 170,000 men, leaving 130,000. A force of that size would be sufficient to supply an important military contribution at the start of any conflict and also to signal the U.S. commitment both to Europe and in the Middle East . . ."

NIXON VERSUS EISENHOWER

It is Mr. Nixon who disagrees with the Eisenhower and McGovern view. In his February 1971, annual report to Congress on foreign policy, for example, he declared:

"I decided, despite these pressures [for withdrawing U.S. troops], that given a similar approach by our allies, the United States would maintain and improve its forces in Europe and reduce them without reciprocal action by our adversaries . . . It had become clear to me that without undiminished American participation in European defense, neither the Alliance's strategy, nor America's commitment, nor Western cohesion would be credible.

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 per cent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us . . .

"America's presence in substantial force is psychologically crucial as well. It provides the sense of security which encourages our partners' efforts to unit and do more for themselves . . ."

On the issue of Vietnam-type forces, McGovern turns away from the Kennedy-Johnson effort to build counter-insurgency troops to combat "national wars of liberation" and heads back toward Eisenhower's opposition to U.S. troop involvement in such wars. President Nixon, under his doctrine of helping foreign nations at arms length, as distinguished from fighting beside them on the ground, is heading in McGovern's general direction, but not as far.

For example, Mr. Nixon insists that the United States must substitute military aid—money for weapons and training—for the American presence in Vietnam and other nations. In contrast, McGovern says: "We must terminate military aid overseas except to NATO and Israel." (Eisenhower agreed with Mr. Nixon on the need for military assistance.)

McGovern also says he is willing to take risks to slow the arms race, contending that this was the Eisenhower approach to achieve a test-ban treaty.

Eisenhower in 1963 said he authorized a moratorium on nuclear testing in the atmosphere in 1958—a moratorium which the Russians, who proceeded into a series of tests, did not observe. Even so, Eisenhower said in backing the 1963 test ban treaty that it had to be tried, partly because the "limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament."

President Nixon and Secretary Laird, on the other hand, have rejected recommendations to halt MIRV tests. Backers of such a moratorium say it would decrease pressure on the Soviets to develop and deploy that multiple warhead weapon.

Laird, in another example of the bargaining chip argument, told Congress it should approve the construction of an anti-ballistic missile defense to give President Nixon the leverage needed to negotiate such weapons out of existence in sessions with the Soviets.

McGovern contends President Eisenhower's willingness to try a nuclear testing moratorium paved the way for the test ban and is the type of risk-taking which must be followed to curb the arms race. Says McGovern:

"The bargaining chip tragedy—under which we have begun building our own ABMs and MIRVs long before there was any military necessity—has been exposed as a grave and tactical blunder. Tugging the MIRV cat out of the bag has seriously compounded the problem of inspection.

"So we have ended up with a limited arms control agreement which completely leaves out the qualitative jumps that have become the real arms race issue in recent years. By exercising restraint, I believe we could have prevented both Soviet and American MIRVs. But because we were so determined to play them, we have lost those bargaining chips. Certainly our ability to build these systems should be just as effective for bargaining purposes as actual construction."

A DIFFERENCE OF DEGREE

From Eisenhower on, U.S. strategy for avoiding nuclear war has been to make it look like suicide to any would-be attacker. This requires enough American H-bombs on land and sea missiles and inside bombers to survive a surprise attack and retaliate with devastating power. McGovern embraces this same deterrent strategy and purposes keeping most of today's retaliatory forces on the line. His argument with Nixon is over how much is enough, with the President favoring full-speed-ahead with MIRV multiple warheads and a new generation of missile submarine, the Trident. McGovern favors a slower pace in hopes of deterring the Soviet Union from making the same plunge into new weaponry.

While the popular image of Eisenhower's military stance was the "massive retaliation" policy enunciated by his Secretary of State, John Foster Dulles, that really overstates the policy of the late Eisenhower years.

The following excerpts from the Jan. 13, 1960, testimony of Eisenhower's Secretary of Defense, Thomas S. Gates Jr., show that Eisenhower—like McGovern—wanted balanced forces and felt nuclear weapons had limited power:

"The two principal objectives of our defense program continue to be: first, to deter the outbreak of general war by maintaining and improving our present capability to retaliate with devastating effectiveness in case of a major attack upon us or our allies; and second, to maintain together with our allies a capability to apply to local situations the degree of force necessary to deter local wars, or to win or contain them promptly if they do break out. . .

"Just matching our competitor missile for missile is not the answer. The simple piling up of ever larger numbers of a single weapon, without regard to their ability to survive a surprise attack or to perform effectively under

a wide range of conditions, would not only be enormously costly but would not assure our security . . ."

CAN IT BE DONE?

Are McGovern's ideas on national defense unrealistic, or worse? Can he cut the budget to $54.8 billion by 1975 without endangering U.S. security? Like beauty, the answer lies in the eye of the beholder.

The Joint Chiefs of Staff would say no. Those military leaders argue that the United States must project overall superiority to its adversaries. They have argued in the past for putting a thick missile defense around the United States to preserve what they call "the Cuban environment" of military superiority.

A group of arms specialists—including Herbert York, former Pentagon research director, and Paul Warnke, former assistant secretary of defense for foreign policy questions—said on May 27 that the McGovern budget "provides a sound, constructive and fully adequate level of military spending by the United States."

Defense Secretary Melvin R. Laird, charged McGovern's budget amounts to running up the white flag of surrender. And the Pentagon's comptroller, Robert C. Moot, said McGovern was $10 billion too low in calculating the cost of his plan. Moot said even $64.9 billion for the McGovern budget would mean "manpower and investment levels much lower than any since the Korean War, the Nato commitment and Soviet possession of nuclear arms."

Sen. William Proxmire (D-Wis.), who has thrown more harpoons at the military and its programs than any other senator, believes McGovern's alternative budget cuts too deep.

THE REAL QUESTION

But these assorted views do not face up to the real question: What would McGovern as President want to do in the world? Looking at how many soldiers and airplanes McGovern would have is staring through only one end of the telescope, unless one believes weapons should dictate policy rather than the other way around.

Obviously, McGovern's proposed budget has enough nuclear power in it to incinerate the Soviet Union and China simultaneously—just as he says it does. He would keep the triad of nuclear land and sea missiles and long-range bombers. Both the United States and Soviet Union have agreed under SALT to leave themselves naked to offensive missiles by foregoing defenses against them. Thus, the nuclear weapons considered adequate to deter an attack in the days when the Soviet Union was building a missile defense would seem to be more than adequate after that defense has been abandoned.

John F. Kennedy in 1960, sounded the alarm about the "missile gap" with the Soviet Union—only to have his defense secretary admit after Kennedy's election that he could not find such a gap. In the years since, the terms for expressing the nation's military strength have gone from "superiority" to President Nixon's "sufficiency." The President has defined sufficiency "in its broader political sense" as "forces adequate to prevent us and our allies from being coerced."

Again, what is "adequate" for that purpose is debatable. It also leads to the larger question of what constitutes a nation's strength. Here, too, there are Eisenhower and McGovern quotes which show parallels in their arguments that a nation must be strong economically as well as militarily to project strength to nations that might try to coerce the United States.

In sum, at the very least, the McGovern alternative budget is a responsible document for stimulating responsible debate. It is not—and cannot be—the definitive blueprint, but a sketch of intentions, world conditions permitting.

BLOODY CIVIL STRIFE IN BURUNDI

Mr. KENNEDY. Mr. President, on June 12, as chairman of the Judiciary Subcommittee on Refugees, I spoke in this Chamber to express deep concern over developments in Burundi. Evidence pieced together by journalists and others told a story of bloody civil strife between two tribal groups in the preceding 6 weeks. It was a story of human suffering, refugees, and massacre of thousands. Some estimates put the death toll at 150,000 or more.

At the time I made my statement, it was reported from several sources—including the Department of State—that the civil strife and slaughter had ended, that things in Burundi were under control, and the preparations were underway to meet emergency relief needs within Burundi and among the thousands of refugees who fled into neighboring countries.

This optimistic assessment about Burundi—like early assessments out of Bangladesh and elsewhere—was apparently premature—if not an effort in some quarters to cover up another world tragedy involving suffering and death for thousands of our fellow human beings. For the record is now clear—from nongovernmental and official sources—that the killing has continued.

Reports within our own Government say that selective genocide has continued to take a heavy toll among the majority Hutu tribe in Burundi. In fact, very recent field reports to our Government say that the repression is continuing its ruthless course—that many persons are being arrested—that the criteria of the government's repression is unknown, but that it has now reached beyond the Hutu intellectual and leadership elements, of whom few are left, into the masses of villagers and refugees throughout the country.

These reports also say that the meager government relief program is not uniformly administered—and that in certain cases where government authorities have given refugees an assurance of safe return to their home villages, the refugee males have been picked up and summarily slaughtered. The description in these reports of Burundi Government reprisals against the Hutus is gruesome and shocking.

The reaction of the administration to this latest link in the chain of war ravaged populations around the globe is not encouraging. Once again massive human tragedy—involving many deaths and the flight of refugees across international borders—is apparently viewed by our Government as an internal affair of Burundi.

As I said on June 12, I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world the Burundi issue is a complex matter for diplomats and humanitarians alike. But the frequency of these massive human tragedies in recent years cries out for greater international concern and relief.

The people of Burundi, however small their numbers and importance in world affairs, are experiencing horrendous suffering. Hopefully, our Government will finally give some public evidence to reflect a growing concern among many Americans over events in Burundi. And, hopefully, the United Nations mission which arrived in Burundi over the weekend has the strong support of all governments in helping to bring peace and relief to a troubled area.

Mr. President, in this connection I commend the religious groups and voluntary agencies present in Burundi for taking early initiatives in meeting humanitarian needs. As so often in the past, the private sector has been in the vanguard of a needed relief effort. With modest help from the American Embassy's emergency fund and the United Nations food program in neighboring Uganda, missionaries representing a number of American denominations and Catholic Relief Services are doing whatever they can to relieve human suffering in Burundi. I ask unanimous consent to have printed in the RECORD the latest report of Catholic Relief Services.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES

EMERGENCY AID PROGRAM FOR BURUNDI

On April 29, 1972, an attempted overthrow of the Government of Burundi created confusion and chaos throughout the country. Attacks by insurgent forces and reaction by government forces to put down the rebellion resulted in the indiscriminate killings of innocent men, women and children. The actual death toll may never be known, but observers say that perhaps at least 50,000 and possibly more than 100,000 lives were lost. Also, many more thousands of persons have fled from their home villages to hide in the bush or across the borders into the neighboring countries of Zaire (the former Congo), Rwanda, and Tanzania.

The uprising, which started during the first week of the planting season, forced an estimated 200,000 people to abandon their farms. Planting cannot begin again until September, after the next rainy season, and hence there will be no harvest until December. The people are facing a famine situation unless food relief reaches them as they return to their villages.

CATHOLIC RELIEF SERVICES RESPONSE

Catholic Relief Services (CRS) is the only American voluntary agency with a welfare program in Burundi. Immediately after the initial tragedy, Catholic Relief Services made available from stocks within Burundi 320,000 pounds of food supplies, valued at $45,000. An additional 16,000 pounds of clothing and medicines were flown from Zaire (Congo) on May 7, out of the CRS stocks there.

On June 14, from New York, CRS airfreighted 57,000 pounds of food, clothing, blankets and medicines, valued at $100,000, to Bujumbura, the capital of Burundi. Also, 54,000 pounds of baby foods from CRS stocks in the Cameroons were flown to Burundi. Another 60 tons of U.S. donated foods, obtained from the U.N.'s World Food Program in Uganda, were distributed by CRS in Burundi.

The Catholic Relief Services representative in Burundi, Mr. Laurence Bourassa, reports that distribution of the relief supplies is being conducted without undue obstacles, and with every effort made to assist all in need, without discrimination. In addition to providing immediate aid, Catholic Relief Services will supply materials and financial assistance to displaced families to enable them to begin shelter construction, and obtain household goods and agricultural tools. It is estimated that each family will eventually require approximately $100-worth of materials to begin rehabilitation.

A special committee, of which CRS is a member, has been set up to coordinate and plan the emergency relief program. Caritas (the Catholic Charities of Burundi) is active in the distribution of CRS relief. Missionaries and local Churches, both Catholic and Protestant, are providing shelter to the homeless as well as food and other emergency aid. From its stocks in Zaire and Rwanda, CRS is assisting needy refugees in those countries with food and other relief supplies.

HOMEOWNERSHIP COUNSELING PROGRAMS UNDER SECTIONS 235 AND 237 URGED BY SENATOR PERCY

Mr. PERCY. Mr. President, I have always been a strong advocate of homeownership for low-income families. I am a strong supporter of the section 235 program and particularly of the homeownership counseling provisions of sections 235 and 237. I have long felt these counseling programs were crucial to the success of the entire program.

I recently engaged in a colloquy on the floor of the Senate with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT) during the consideration of the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development. We all agreed that the omission of a budget request specifically for the counseling programs was a grave error. I did not press my amendment to make these counseling programs operational after receiving assurances from my distinguished colleagues that they would urge Secretary George Romney to submit a budget estimate for the supplemental appropriations bill.

The evidence in support of the effectiveness of counseling programs is overwhelming. On Saturday, the Washington Post published a report by Robert L. Gray, of the Mortgage Bankers Association, on a study of counseling programs in eight areas of the country.

Mr. Gray concluded "that counseling in the 235 and 237 programs is highly effective in reducing foreclosures." Mr. Gray went on to praise the highly successful and innovative counseling program in Wisconsin.

This program includes pre- and post-purchase counseling on money matters as well as home maintenance problems; careful pre- and post-purchase inspections of the properties; and close cooperation between Wisconsin's housing, welfare, and university extension officials.

The time has come to make programs such as the Wisconsin one available to all purchasers of properties under the 235 and 237 programs. These programs reduce the foreclosure rate and thus save the taxpayers millions of dollars. I cannot understand the reluctance of HUD to make a small investment in counseling which can gain such large dividends.

I ask unanimous consent that Mr. Gray's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 24, 1972]

COUNSELING KEY TO SUCCESS OF SECTION 235

(By Robert L. Gray)

There is really no need for a high foreclosure rate in the FHA Section 235 mortgage interest subsidy program.

A study made by the Mortgage Bankers Association in eight areas of the country shows that counseling of prospective buyers in the 235 and 237 programs is highly effective in reducing loan foreclosures.

The results indicate that foreclosure rates are an inverse function of the quality of counseling.

Nowhere is this more evident than in the dramatic success of the 235 program in Wisconsin. If the Department of Housing and Urban Development wants a model program, it would do well to recommend that insuring offices in other states adopt the program of counseling and assistance developed by Wisconsin's former FHA administrator, Lawrence S. Katz, now vice president of urban affairs and financing at the Midland National Bank of Milwaukee.

The score, as of a few months ago was 9 foreclosures out of 8,500 mortgages insured under sections 235 or 237, according to Katz. That is a foreclosure rate of only .09 of one per cent. The national foreclosure rate for all types of mortgages is .50 per cent.

Milwaukee's system of counseling practically guarantees against failure if the applicant gets as far as closing.

And almost anyone who has the determination to sit through Katz's prepurchase clinics would find it hard not to qualify.

The typical low-income applicant, frequently a welfare mother, is not likely to fit into normal underwriting patterns. Katz's system recognizes that such a person has no money for repairs after paying the mortgage. So, the welfare departments in 13 Wisconsin counties have been asked to guarantee the financial stability of buyers who may have to meet unexpected maintenance expenses.

The HUD office in Milwaukee has a two-man counsel operation. Before an applicant is permitted to choose a home, he must attend three counseling classes where the staff explains taxes, insurance, amortization and the buyer's responsibility.

At the conclusion of the classes, the applicant is told:

"Now you are on your own. Find a house and talk to the real estate broker." The FHA office maintains a list of brokers and properties.

Some applicants can provide their own $200 downpayment, the minimum on a 235 house, but for others, the St. Vincent de Paul Society in Milwaukee will supply the sum from a $100,000 fund for downpayment grants.

Once the applicant is graduated from the FHA counseling course, he is required only to prove his need. The Society then notifies FHA of its willingness to grant a downpayment. But there is much more to be done before settlement.

Next, the county welfare agency looks at the house. A staff of 10 housing aides at the Milwaukee County Welfare Department is on duty to check the physical condition of the house and to determine that the family has adequate living space and basic comforts. If the welfare office is satisfied with the house, it notifies FHA and the sales contract is signed. The FHA then makes its standard inspection and, upon approval, notifies the St. Vincent de Paul Society to release the downpayment money.

At this point, one of a group of volunteer lawyers operating under an Office of Economic Opportunity program, represents the buyer. Five days before the closing, FHA requires the 235 buyer to examine the property and sign an acceptance that lists any criticisms of the house. Katz considers this a particularly important step in instances where the applicant has agreed to buy, but has seen no model home.

After choosing the house, the applicant attends classes in home maintenance conducted by the Milwaukee County Welfare Department. The intensive teaching and counseling course is held in facilities that resemble a high school home economics laboratory. The woman of the house is paid $53 a month for two months to attend the classes. She receives free transportation and nursery care for her children while she is in class.

The University of Wisconsin's extension program assists in the instruction program. In addition, a select group of welfare mothers, previously counseled in 235 ownership, assist and instruct as team leaders. The buyer is taught how to replace faucet washers and fuses, to repair upholstery, to make draperies, to varnish floors, and to replace window panes.

At the end of the course, the buyer can pick out $65 worth of home tools provided by a government grant to the University of Wisconsin.

Once the family has occupied the premises, a welfare aid returns every 3 months to inspect the house for maintenance problems that might cause serious deterioration. The welfare department does this to protect its own financial exposure as well as the family.

When it endorsed the house prior to purchase, the department guaranteed to pay for all major and minor repairs that the buyer is unable to handle. Costs incurred in this program are shared—55 per cent is paid by the Federal Government (OEO,, 27.5 per cent by the state, and 7.5 per cent by the county. The buyer pays 10 per cent.

Since Katz's innovative program, other attempts have been made to cover the unexpected maintenance costs for the low-income homeowner. In present form, their effectiveness is questionable. For example, a new program, Section 518 (b) of the National Housing Act, requires the Secretary of HUD to take responsibility for some major maintenance and repair costs.

However, it authorizes the Secretary to pass on portions of this maintenance bill to the seller. HUD has set up regulations requiring the seller to put 5 per cent of the sales price in escrow to meet these costs. The effect of this regulation has been to encourage sellers of existing homes to abandon the 235 program in favor of the section 221 program.

Until this more recent method of covering home maintenance costs is perfected, the Katz system remains the best. If HUD needs an overall national model to reduce foreclosures in the 235 program, it has an example within its own shop.

Even with its present foreclosure rate, the program is a success when judged in the context of its purpose. The 235 program was designed to make home ownership available to people denied this opportunity by circumstances of poverty. Even if the nationwide foreclosure rate on 235 loans were to go as high as 10 per cent, it would mean that an unbelievable 90 per cent of these buyers are succeeding in the face of severe personal austerity. In a program created to deal with the economically disadvantaged, a 90 per cent success is a miracle. It is obvious from the Wisconsin experience that section 235 can be a success throughout the country.

(The writer of this piece is director of information for the Mortgage Bankers Association. He has conducted interviews on Section 235 ownership in various parts of the U.S.)

XUM

NATIONAL GUARD TECHNICIANS RETIREMENT ACT

Mr. BAYH. Mr. President, today the House Post Office and Civil Service Committee will be considering the National Guard Technicians Retirement Act which the Senate passed last month. As a cosponsor of this important measure I want to urge the Members of the House to give this matter prompt and favorable attention.

This legislation is necessary to correct an unfortunate inequity in the 1968 law which brought the 42,000 National Guard technicians within the purview of Federal benefits, including retirement benefits. At that time National Guard technicians were credited with only 55 percent of their prior service for the purposes of computing their well-deserved retirement benefits.

The new legislation, which the Senate passed without opposition, would give National Guard technicians the opportunity to receive 100 percent credit for service prior to 1968. Of course, this is a voluntary program since eligibility will be contingent upon the willingness of the technician to reimburse his retirement fund in an amount equal to that which would have withheld had he been fully enrolled prior to 1968.

Mr. President, there are 42,000 National Guard technicians across the country. In 31 States they are not covered by State retirement programs and the currently inadequate program places them in an impossible position. The simple fact is that our National Guard could not properly perform its assigned tasks without the essential support services provided by the technicians.

What is involved here is a simple but important measure to bring a deserved measure of equity to National Guard technicians. I am gratified, as a cosponsor, that the Senate passed this legislation without opposition and hope that the House of Representatives will act quickly so that this injustice can be redressed without further delay.

PAKISTANI-INDIAN MEETING

Mr. THURMOND. Mr. President, this week the President of Pakistan, Zulfikar Ali Bhutto, will be meeting with Mrs. Indira Gandhi, Premier of India, for the long-awaited discussions to bring a settlement between their two countries.

As everyone recognizes, this meeting is taking place under the most unequal circumstances. Pakistan has been dismembered as a result of armed intervention by the Indian Government in December 1971. India has continued to arm and has increased its military budget this year and is even manufacturing some of her own war materials in her own ordinance factories. In addition, as a result of the military treaty signed with the Soviet Union on August 9, 1971, she is receiving massive military assistance from Moscow, including the latest sophisticated Soviet weapons.

On the other hand, Pakistan has no military production capability of its own. More than 80 percent of Pakistan's armament system has been geared to supplies from the United States, although, of course, U.S. military assistance was cut off in 1965 and more recently there is a total ban on shipment of U.S. supplies to Pakistan, including the sale of spare parts.

Whatever the problems originally involved in the East Pakistan affair, we now have an entirely different situation. Whatever excuse India had for forceable military intervention in the affairs of another state is now gone. Yet many observers have expressed apprehension that India will continue to use the military advantage gained in its unlawful confrontation to secure further political advantages from Pakistan. At present, India still holds 93,000 Pakistani prisoners of war. These are just not soldiers or those engaged in active combat; they include civil servants and civilians—men, women and children. Under the terms of the third Geneva Convention, such prisoners should have been released immediately upon the cessation of hostilities. Such a cessation of hostilities was clearly indicated by the United Nations Security Council Resolution No. 307(71) of last December 21.

Yet India has allowed 5 months to go by and is still holding these prisoners almost, as it were, hostages in contravention of international law. It is now up to India, if she wishes to regain some measure of respect in the international community of nations, to release these prisoners, both as a sign of good will and as a sign of living up to her responsibilities. Pakistan has already made any number of such concessions while India gives the impression of attempting to squeeze the maximum advantage out of her situation.

Let us hope that during the meeting of President Bhutto and Mrs. Gandhi the prisoners of war matter will be solved with a magnanimous gesture. This will certainly clear the air and allow the other problems to be solved. The world will be waiting to see whether India regains its place in the community of peaceful nations.

E. M. DEBRAH: AMBASSADOR EXTRAORDINAIRE

Mr. BROOKE. Mr. President, yesterday was a day of tribute to one of the world's most outstanding men. Next Sunday will see his departure from our land and his return to his own, where I have no doubt but that he will serve his nation with continuing great distinction.

I refer, of course, to Ghana's departing Ambassador, Ebenezer Moses "Kojoe" Debrah.

Ambassador Debrah has served for 5 years as his nation's ambassador to the United States. Before that he had served from 1960 to 1963 as Ghana's Counselor of Embassy in Washington. In his total 8 years of service in America Ambassador Debrah has seen a great deal of change.

But he has been far more than a witness and a reporter of the American scene. He has in fact been far more than an ambassador from his government to our own.

Kojoe Debrah has been a personal envoy from the people of Ghana to the people of the United States.

In his early years here, he quickly perceived the struggle for pride and identity then occurring in the black community. He recognized, as few others did either in America or around the world, the essential rootlessness and uncertainty of the black people of America.

But he recognized, too, that black Americans are Americans first—not Africans. And if they are to find pride and identity, it must be found within their own situation—here in the United States.

Ambassador Debrah's personal philosophy can be summarized in two words: "inspire and support." And he has sought to inspire by example, and support by personal encouragement, a multitude of efforts and individuals.

Ambassador Debrah has many "firsts" to his credit:

The first foreign envoy to walk the streets of Washington during and after the 1968 riots.

The first foreign envoy to visit the Lorton Reformatory, and to become involved in the program of the Inner Voices and other self-help groups.

The first foreign envoy to make it a practice of visiting Junior Village to work with the homeless youngsters there, to "inspire and support" them.

The first foreign envoy to visit, and speak to, every black college in America.

The first foreign envoy ever to entertain prison inmates in his own home on special holidays—and to implant and encourage in them a deep sense of self-respect and self-worth.

Ambassador Debrah has visited nearly all the 50 States—not as an observer, but as a direct participant in the programs and the lives of the people. He has promoted cultural exchange on a broad scale, becoming personally involved in the activities not only of the Museum of African Art on Capitol Hill, but of the Anacostia Neighborhood Center on Martin Luther King Avenue and of cultural festivals from Howard University to local block parties.

But all of these involvements do not define the man who is leaving America this Sunday. There is about Kojoe Debrah an unlimited capacity for caring about his fellow men. He is a man who took time from his formal duties to travel to my own State of Massachusetts with an inmate group to participate in an educational conference on drug abuse. He is a man who would prefer to join a group of students in a college cafeteria than attend the luncheon being held in his honor elsewhere. He is a man who has earned the lasting admiration and affection of every man, woman, and child whose life he has touched.

The Washington Post today contains an article entitled: "Farewell, Kojoe, Spirit of a Nation." I have visited his country, and I know that the confidence the ebullience, the concern and the creativity which Kojoe Debrah conveys is, indeed, the spirit of his nation.

I am proud to salute the man who has conveyed some of that spirit to us, and I pray that one day his spirit may be ours as well.

Mr. President, I join now with our many mutual friends in wishing the Ambassador a future filled with joy and opportunity. I ask unanimous consent that the article from today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAREWELL TO KOJOE

(By Dorothy McCardle)

In an unprecedented display of affection from citizens of this city for a foreign diplomat, retiring Ambassador of Ghana Ebenezer Moses Debrah was praised yesterday in song, dance, proclamation, eulogy, clapping and foot stamping.

At a testimonial luncheon in his honor at the Mayflower, the ambassador heard 2½ hours of sustained tribute from spokesmen for the 400 persons who paid $12.50 each to honor him.

Then he stood erect in his robe of Ghanaian kente cloth and, a catch in his voice, responded with a small joke stemming from American politics.

"There was a time when crying in public for a good cause was acceptable. But no more. If you cry, you are finished."

After the laughter subsided, he added,

"Even though I am completely overwhelmed and deeply touched by your presence here, by your very kind words and your good wishes, I must not show the wrong emotions. The Ghanaian proverb says 'Men don't cry.'"

Kojoe, as Ambassador Debrah has become affectionately known during his almost five years here as chief of Ghana's mission, goes home next Sunday to become a member of Ghana's foreign affairs ministry.

Yesterday was his day. Mayor Walter Washington read a proclamation which hailed the African diplomat as "Ambassador Ebenezer Moses Debrah Day," a move which the Mayor said had been suggested by the National Council of Negro Women.

"He has walked with kings, queens, presidents and prime ministers," said Mayor Washington. "But he has never overlooked anyone. His hand is always out to everyone. I call him the reach-out diplomat."

Mrs. Willie Hardy, civil rights activist and Afro-American Woman of the Year, briefly pinpointed the reasons for the expressions of affection.

"He has identified with black America as no other foreign diplomat has ever dared to do before," said Mrs. Hardy.

"You have helped so many of us to be proud of being black and not to be ashamed," said D.C. Superior Court Judge Harry T. Alexander. "You have helped the white man to understand this, too."

Speakers referred to the fact that Debrah is the first foreign ambassador ever to visit Lorton Reformatory and to invite a group of the talented prisoners there, The Inner Voices, to perform and dine at his embassy residence. Rhozier Brown, director of Lorton's Inner Voices was there to recall this. His interest in young people has taken him to colleges and universities all over America, telling them of the greatness of their black heritage.

Vice chairman of the D.C. City Council Sterling Tucker urged that Debrah be "made an honorary citizen of this country" because of his interest in blacks all over the nation.

Assistant Secretary of State for African Affairs David D. Newsom put Kojoe into international diplomatic perspective.

"Kojoe is as popular at Foggy Bottom as he is at City Hall," said Newsom. "Any nation would be proud to have Kojoe Debrah as its ambassador. He has conveyed to us the spirit of a nation and the essence of a continent."

Then came more encomiums from James J. Cheek, president of Howard University, Ruth Sykes of the National Council of Negro Women, Jim Pope of the United States Information Agency, Ethel Payne of Senstack Publications, Lillian Wiggins and Bill Johnson, committee members of the Friends of Ghana, were co-equally in charge of the ceremonies. Mrs. Charles C. Diggs Jr., wife of the Democratic member of Congress from Michigan, brought a message from her husband.

In between, the Melvin Deal dancers and a choral group from Washington's high schools—all of whom Ambassador and Mrs. Debrah have aided—sang and danced.

Then it was learned that even the luncheon to honor Dabrah was a benefit for an American cause. Former Assistant Secretary of Labor Arthur Fletcher announced that proceeds will go to the United Negro College Fund of which Fletcher is now president.

In the end Debrah had the final words, and they were not "bikini brief," as he had promised his audience at the atart.

Reading from the 12-page speech he preached what he has spoken over the years to many who have become his friends. He took the late Dr. Martin Luther King as the model for the future.

"Please let us remember that Christianity is not a voice in the wilderness, but a life in the world," said Debrah. "It is not an exotic slant to be kept under glass, but a hardy plant to bear 12 months of fruits in all kinds of weather."

THE POSTAL ACADEMY PROGRAM

Mr. PERCY. Mr. President, it has been announced that, as of June 30, the Postal Academy program will be terminated by the Postal Service. This program, begun as street academies for high school dropouts by former Postmaster General Winton Blount, has been an undeniable asset to the city of Chicago as well as the other five cities in which it is located. The unique Postal Academy program is the only national academic program for high school dropouts.

The national enrollment has grown from an initial 250 students in May of 1970 to the present enrollment of 1,275. In Chicago where we have three Postal Academies, there are 217 students currently enrolled. Almost 500 students have been able to take advantage of the program since its beginning. As of January 1972, the Postal Academy program has recorded 58 students who are in college, 95 students who have received high school equivalency diplomas, 103 students who entered full-time employment, 16 students who entered the armed services, and 57 students who returned to public schools.

The program has been funded by the Postal Service, Department of Labor, and the Department of Health, Education, and Welfare, with the Postal Service providing approximately 10 percent of the funds and part-time employment during the program with, hopefully, full-time work upon completion of the training. However, the Postal Service now has decided that since only 22 percent of the students can be placed in its organization, its participation in the program must be discontinued.

With 850,000 high school dropouts each year and the desperate problems we face with unemployment and poverty, it seems logical that funding for this successful program should be continued by Department of Labor or the Department of Health, Education, and Welfare, or a combination of the two. The program was evaluated recently by the Department of Labor. That evaluation stated that the Postal Academy program is an "asset to our communities" and documented an "air of exuberance" among the students, instructors and streetworkers.

I strongly urge that efforts be undertaken by the Department of Labor and the Department of Health, Education, and Welfare to make certain that the Postal Academy program does continue.

HOUSING RESEARCH

Mr. METCALF. Mr. President, my attention has been called to a study of research into housing conducted by the U.S. Department of Agriculture and the agricultural experiment stations for calendar year 1970. This study was done by Prof. Don F. Hadwiger, a member of the faculty at Iowa State University, Ames, Iowa.

It is a detailed, perceptive, and disturbing document, if we will recall that the USDA and the agriculture experiment stations are the agencies that are responsible for research affecting the lives of rural people in this country.

It is apparent from reading Professor Hadwiger's analysis that a good portion of the research was directed to, first, increasing the use of forest products in housing construction, or, second, aiding housing producers on narrow, technical aspects of material usage, or, third, was so indecisive as to be more or less useless. Professor Hadwiger's concluding remark is:

It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America.

There was no meaningful research into the problem of meeting the needs of rural and smalltown people where 60 percent of the substandard housing of this Nation exists, certainly none as regards the matter of providing data needed by policymakers to meet this need. This fact makes one wonder just who is responsible for the research necessary to improve the quality of the lives of rural people.

I cannot resist commenting on some of the findings of the studies that have been done:

Termite behavior and migration;

Mobile homes are a major supplier of low-income housing:

Strength of glue;

Difficulty of homemaking tasks is related to housing;

Employed homemakers have less time for housekeeping tasks than non-employed homemakers;

I might not react adversely to this research, nor to such astounding discoveries that a woman with two jobs has less time to spend on one than has a woman with only one job, if, as a consequence, rural people were being housed better. That has not been the case.

I am particularly concerned that the needed research is not being done because my state of Montana has been victimized by the housing programs of the Farmers Home Administration. That agency has been far more active in neighboring States than in my own State by any criterion.

If we consider the total amount of

loans in fiscal 1971 under Farmers Home's homeownership, rural rental, and home repair programs, we find that in Montana the agency lent $6 per capita while the comparable figures were $13 in South Dakota, $18 in Wyoming, $25 in North Dakota and $30 in Idaho.

If we relate the number of homeownership loans to the number of nonmetro units lacking essential plumbing facilities as reported in the 1970 census, we find that in Montana, Farmers Home Administration made 1.3 loans for every 100 such units, while the comparable figures for the other States were 2.3 in South Dakota, 4.0 in North Dakota, 6.7 in Wyoming, and 11.7 in Idaho.

Mr. President, it is possible meaningful research into the housing problems of rural America might disclose why Montana's neighboring States are so favored by the Farmers Home Administration. I do not begrudge our neighbors their successes with Farmers Home Administration; I do believe Montana should be equally benefited.

It is small wonder, given this approach to research, that the USDA has had virtually nothing to offer in the way of ideas for solving the rural housing problem. The truth is pretty obvious: They are not really concerned about the rural housing problem.

I ask unanimous consent that Professor Hadwiger's paper be included in the RECORD as a kind of benchmark on the devotion of the USDA researchers to the welfare of rural people and the keen perception they enjoy in going about the task.

There being no objection, Professor Hadwiger's paper was ordered to be printed in the RECORD, as follows:

ANALYSIS OF RESEARCH PROJECTS OF USDA AND AGRICULTURE EXPERIMENT STATIONS FOR CALENDAR 1970, CATEGORIZED UNDER RPA 801 (HOUSING)

(By Don F. Hadwiger)

INTRODUCTION

My objective is to classify USDA and CSRS research projects designated under "housing" into sub-categories based on their intended objectives or anticipated findings. A particular interest in doing this is to learn how findings might be useful or not useful in determining public policy for rural housing.

The information was gained from progress reports for calendar year 1970, with the project descriptions and publications listed therein, as furnished by the Department of Agriculture. These reports were uneven in structure. Inconsistencies between the more general project descriptions and particular results listed in progress reports and publications often required a judgment as to the real nature of the project. The effort was made to settle upon the major theme of ongoing research.

A special task force of CSRS, reporting in 1965, found that relatively little research was devoted to the social, economic, and human aspects of rural America. More recently, J. Patrick Madden expressed similar concern about lack of public policy research, in an article in the American Journal of Agricultural Economics (May, 1970) entitled "Social Change in Public Policy in Rural America: Data and Research Needs for the 1970's." Madden listed five major problems in rural American on which public policy research was needed. One of these five problems was—"meeting the housing needs of rural families." The other four problems were—improving economic opportunities of rural people, improving rural community institutions and services, finding causes and cures for poverty, and isolating social and economic barriers to change.

For each of these problems several types of research are needed, Madden said. These types of research, as he lists them, provide one basis for classifying housing research projects. Madden's list includes the following: (1) determine the existing situation, including description of the target population; (2) analyze relevant forces impinging, and estimate casual relations; (3) study the effects of current intervention programs; (4) evaluate potential innovations in intervention programs, using pilot studies; (5) pull together from all the studies a wide range of readily accessible information and knowledge so that policy makers from all levels can make informed decisions in program formulation. Since Madden also emphasized using techniques to make the knowledge accessible to the decision makers, this communications function is listed as the sixth type of research. He emphasized that many "elegant" reports had no real impact, because they were not in a form communicable to decision makers.

It was not possible to categorize all rural housing research projects under Madden's six headings. Many projects dealt with purely technical aspects of housing construction which, at best, would have only an indirect impact upon any of the categories mentioned above. For example, research on new techniques for gluing joints might well reduce the cost or increase the durability of low-cost housing, but it did not seem reasonable to list this in one of the categories that Madden mentioned. Therefore, three additional categories were included: physical construction—technical aspects; physical challenges to housing (such as termites); and technical aspects of operating and maintaining houses.

This eight-part categorization will be entitled. "Types of Research." In subsequent sections this research will also be classified as to who is likely to use it, and then as to how immediately applicable it may be. Finally, the effort will be made to state the major finding of each research, and these will simply be listed in the order in which projects appeared. Publications will also be listed in the same order.

TYPES OF RESEARCH

1. *Determining existing situation including describe target population:*

Out of the total of 71 projects listed under RPA 801 (housing) for which some description was provided, twelve projects were placed in the category of describing the situation. However, out of a total of 48.3 man-years for all projects, only 6.6 man-years were involved here, and 3.7 of these were committed to one ERS project which undertook to determine rural housing trends and prospects both with respect to new kinds of housing and characteristics of housing occupants.

Several kinds of situation research were differentiated, the major one (three projects, including the ERS project, with 4.7 man-years) being descriptions of the kinds and quality of housing used by occupants categorized by income or age or ethnic background or other social or demographic characteristics. The second largest kind of research consisted of behavior studies in which resident behavior patterns were observed in an effort to discover housing designs which were most convenient (four projects, .3 man-years). Other kinds of research explored consumers' desires or demand for housing (two projects, .6 man-years), and development of concepts as to understanding the situation or character of recipients (one project, .3 man-years).

Comments: Most of these projects were quite specific as to subject, dealing with fragments of the total situation. For example, the behavior studies dealt mainly with behavior of elderly people within a particular design of kitchen, or home. There was no counterpart study of behavior patterns of families, or of the many behavior problems involved in multi-family housing. Most of the situation studies were region-specific.

The ERS project on rural trends produced at least two publications with comprehensive findings. However these are based upon secondary data mainly, in the case of the generalized rural housing trends and prospects.

2. *Analyze relevant forces impinging, estimating casual relations:*

Eleven projects and four man-years were placed under this heading. These were differentiated as follows:

Community economic resources available to be devoted to housing (one project, .3 man-years)

Relationship between housing, other socio-economic characteristics, and fertility rate (one project, 1 man-year)

Effect of housing on other life aspects such as—difficulty of or preference for tasks; and eating habits (three projects, .8 man-years)

Effective legal constraints on use of new technology and other factors affecting supply of housing (two projects, 1 man-year)

Relationship of socio-economic and demographic characteristics of occupants—*to* demand for housing (one project, .0 man-years); and credit-behavior, housing-meanings characteristics *to* desire for housing (one project, .0 man-years); and credit-behavior, house-meanings characteristics *to* quality of housing (one project, .3 man-years); *to* demand for housing (one project, .0 man-years); *to* maintenance of housing (one project, .2 man-years); *to* housing attitudes and use patterns (one project, .2 man-years); *to* work habits and patterns (two projects, .6 man-years).

Comments: The amount of research into causal relationships, using housing either as independent or dependent variable, is obviously small. Most studies involve a small universe of residents, located in one community or small area. Most do include some low-income housing occupants.

As to whether the findings are policy relevant, and whether their authors were concerned about this matter, some doubts and reservations are expressed in a later section. Presumably some of these projects address the question, "who is in bad housing, and why?" But the studies do not seem structured to say much directly about the dynamics of improvements in housing. Instead, the research usually explored socio-economic relationships, which are presumably conservative (reinforce status quo) rather than dynamic in their effects.

3. *Study the effects of current intervention programs:*

Only one project seemed appropriate for inclusion in this category, despite efforts to be inclusive. This one was included because one aim (out of several) was to compare satisfactions of people living in public housing projects with satisfactions of those living in trailer homes. There were no man-years committed to this project in 1970.

Obviously there is much experience to be studied with respect to a number of federal and state programs as well as housing regulations, catalytic efforts, and other types of federal, state, or local initiatives to improve housing, especially during the last four years. The lack of research in this area is not explained by lack of methodology or interest or activity.

4. *Evaluate potential innovations in intervention program, using pilot studies:*

There are four projects which seem to qualify here in the sense that some experimentation had been undertaken, using human subjects in a new situation. A total of .7 man-years were involved, and the activities included independent housing for elderly persons, acceptability of new housing designs for for low-income people, promoting self-help organizations, and an anticipated experimentation in improving rural low-income housing.

A good deal of experimental or pilot program research *has* occurred in other areas of behavior such as nutrition education, and this kind of research is common procedure in the natural sciences. Is the lack of this kind of research by USDA and CSRS in rural housing due to lack of interest on the part of researchers, or lack of qualified researchers to undertake projects of this nature, lack of resources, or simply lack of priority for rural social phenomena?

5. *Synthesis of findings:*

Two projects seemed primarily interested in bringing findings together either for others or for the use of scholars at the institution. The first assembled materials on house designs into a handbook, and the second assembled bibliography to guide a research program. A total of two projects and .6 man-years were involved here.

There is very little information available on housing needs and housing programs for use by community non-profit organizations. The area of housing is one in which the average community leader and even housing planners act without information, in the absence of any efforts to synthesize findings. Rural housing situations, for example, are particularly unknown from one region or one subject to another.

6. *Making knowledge accessible for policy makers at all levels:*

Two projects seemed to fit this category, with a total of .5 man-years. One project was to prepare a handbook of rules on migrant housing; another was to instruct builders (not policy makers) on use of surface bonding of concrete block. Conceivably the ERS publication on housing trends, indicated earlier under No. 1 might also have been classified in this category.

7. *Technical aspects of physical construction of houses:*

There were 15 projects in this category, but these included 39.6 man-years (60%) of all housing research man-years. These projects were undertaken primarily by the Forest Service or Agricultural Engineering Departments. Many or most of the experiment station projects classified here were labeled as efforts to reduce costs of low-income housing; and this designation would certainly seem accurate, for example, for research on bonded concrete block walls (eliminating the need for mortar). However the relationship in terms of output was not always clear, as in the case of a project, classified under (9) below, testing the effects of foot traffic wear upon wood floor surface. The title of this project on floor surfaces was "physical, social, and economic aspects of functional housing for low-income families."

While two or more projects dealt with concrete building materials, most projects endeavored to improve the use of wood, and often were specifically aimed at increasing the use of wood in low-income or other housing. This may be understandable in view of the input of Forest Service and forestry professionals under this category, but the fact deserves comment. Materials other than wood may be less scarce, or in any case deserve more proportionate treatment in federal research.

8. *Parasites:*

Six projects, with a total of 12 man-years, were devoted to studying the behavior of termites or bacteria or other enemies of wood. This accounted for 18% of total man-years in rural housing research, about equal to all man-years under the Madden categories.

9. *Operation of houses and utilities:*

Three projects, with a total of 1.2 man-years, were categorized as designed to provide maintenance of houses—the proper use of electricity, upkeep practices of elderly people, and wearability of wood floor surfaces.

FOR WHOM WAS RESEARCH INTENDED?

An effort was made to list the parties or agencies for whom research might be intended, although the progress reports themselves did not usually specify a target group.

As indicated, most research was concerned with technical aspects of construction or maintenance of property, and therefore a large number of the projects, encompassing the bulk of total man-years, were listed as being intended for those who construct or maintain houses—architects, builders, service industries. One may postulate that economies achieved in the construction of houses will be passed along to the consumer, though that proposition was not tested or even touched upon in any rural housing research project. Furthermore, consumer interests were rarely mentioned, and some research seemed intended as a direct service to producers. For example, one research project was producing market surveys and undertaking law searches designed to provide information to facilitate the marketing of lumber. There was no project which would have measured the efficiency of the lumbering industry, or its profit-taking. There was no look at the institutions involved in producing or selling housing. Yet there is need for this kind of analysis, because a long chain of private individuals and firms now provide specialized inputs in the process of providing federally subsidized housing to consumers, and the value of these services is nowhere examined in this research. Instead, the spirit and intent of much research is industry-oriented, as indicated in the description of one very substantial project, "Use of automated and more complex sawmill machinery is increasing demand for operations research to provide information for decision making in forest product industries. Benefits of operation research analysis are useful to an existing plant, and are extremely valuable in evaluating investment in both horizontal and vertical integration and in new plant facilities."

While most research was for the initial benefit of the building industry, the second largest use category contained research for which no user was apparent. It was difficult to know, for example, who would be the user or recipient of new information about relationships between socio-economic characteristics of residents and the quality of their housing. Farmers Home Administration might incorporate such information in its proposals for program changes, and individuals or terms within USDA research agencies could pick up this information and assure that it does become a basis for program suggestions. However, only a part of these findings would have clear program relevance. Many potential research questions designed to find causes which are subject to administrative control would be related to existing programs but many of these have to do with the method of administering programs, which has yet to be looked at in any single project. Another approach would be to seek socio-economic characteristic and demographic relationships with program outputs. This would tend to indicate shortcomings in the program in addition to those in administration.

Is summary, most research is not intended for the benefit of consumers directly, or for policy makers. It is pointed toward use by the housing industry, or to be incorporated into a body of sociological knowledge.

USABILITY OF RESEARCH

An effort was made to put research into three categories—that which was immediately usable or practical; that which was an increment or addition to a body of knowledge which might then be useful as a whole; and research which was purely theoretical or methodological, not intended at all for practical use. This required very large judgments, but perhaps the evaluation supports a few statements.

Much of the research dealing with housing construction or maintenance fell into the category of direct and practical. A total of 15 projects dealing with housing construction and maintenance were listed as practical, and another four non-construction, non-maintenance projects were listed in this category. The latter four included a survey of low-income housing residents, research on how much repair is needed in rural low-income homes, a model for self-help housing, and the development of a bibliography for use by scholars at one institution.

On the other extreme—theoretical and methodological, five projects were listed. The other projects fell in between these, with no apparent immediate or practical use, although perhaps many of these findings could be incorporated into program design or administration if there exists a good chain of communication and synthesis of information between researchers and program administrators.

FINAL COMMENTS

It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America, as solicited in the paper by J. Patrick Madden. Some of the needs Madden mentions, such as analysis of existing policy and testing innovations, are entirely neglected.

Perhaps this conclusion drawn from examination of projects should be tested from the other direction, that is, by devising ways to learn whether decision-makers are in fact tapping research knowledge being produced by USDA–CSRS projects.

APPENDIX: PUBLICATIONS IN PROCESS OR COMPLETED UNDER 801, 1970

The following are abbreviated titles of the publications listed in the rural housing research progress reports:

Housing agricultural workers—Handbook.
Five publications on use of concrete.
Rural housing quality in Ozarks as related to characteristics of units and occupants.
Reduce housing costs.
Housing trends.
Mobile homes.
Inhabitants of substandard housing, future needs.
New test procedure.
Review of literature on thermal degradation.
Evaluation of fire-resistant treatments.
Effects of heat on wood properties.
Effectiveness of preservatives (several publications).
Withdrawal resistance of tapping screws into different wood density.
Some articles on glue-laminated beams, etc.
Housing conditions and financial management practices.
Method of assessing consumer preferences.
(Physical) Housing needs of older citizens.
Housing and activities of the elderly.
Use of community and mobile park resources by the elderly.
Differences in homemaker's considerations in accomplishing household tasks.
Approach to study of managerial control.
Home managerial tasks, perceived competence, and related consequences.
Effectiveness of sound absorption in drywalls.
Sound insulation of wood-framed floors.
Moisture of laminated timbers.
Model home for low-income families.
Residential heating.
Residential cooling.
Better utilization of forest products in housing.
Changing form of wood.

Moisture content of laminated timbers.
Effect of air conditioning or moisture conditions.
Changing building codes to permit innovation.
Building code relationships.
Wood floors are competitive with concrete slab.
Risk and the lumber futures market.
Soil penetration by insecticides.
Residues of heptachlor.
Termites.
Chemical studies of attractants.
Genetic control of bacteria.
Capacity of bacteria to cause decay.
Micro-organisms in pines.

TYPES OF RESEARCH UNDER RPA "RURAL HOUSING," BY CSRS AND USDA, CALENDAR 1970[1]

	Number of projects	Man-years
Madden public policy categories:		
1. Situation	12	6.6
2. Causes	15	4.4
3. Current programs	1	.0
4. Innovations	4	.7
5. Synthesis of findings	2	.6
6. Communication to decision-makers	2	.5
Subtotal	36	12.8
Technical findings:		
7. Construction	15	39.6
8. Parasites	6	12.0
9. Maintenance	3	1.2
Subtotal	24	52.8

[1] Derived from information in annual progress reports.

SPECIFIC FINDINGS, 1970

Below is a list of major findings of rural housing research projects. For each project reporting findings, an effort was made to extract that finding which was most emphasized. These appear in abbreviated form below, listed in the order in which projects appeared.

Better house designs.
Amount of electricity used in farm homes.
Relationship between SES, credits, demographic, ownership, and quality of rural housing.
Termite behavior, migration.
Ways to reduce housing construction costs.
Little mortgage credit is available in rural Arkansas.
Substandard houses are inhabited by old or disabled or women; and mobile homes are a major supplier of low-income housing.
Strength of glue.
Durability of wood finishes.
Fire resistant material was uneconomical.
Effectiveness of wood preservatives.
Engineering values for strength of wood paneling.
Need adequate anchorage for wood beams.
Sandwich panels perform well.
Financial management practices are related to housing conditions.
Technique of building concrete blocks without mortar.
A method of assessing consumer preferences for housing.
Physical aspects of housing needs for elderly.
Floor surface wear is reduced after a time.
Elderly did not prefer public housing over other forms, and use of public facilities was determined by proximity.
Difficulty of homemaking tasks is related to housing.
Employed homemakers have less time for housekeeping tasks than nonemployed homemakers.
There are differences between rural and urban in completion of housing tasks.
Sound does not unduly penetrate wood frame walls.
Low cost home design.
Use of new nails, new glue and preventing decay of wood.
Operations research can help forest products industry.
Behavior of termites.
Bacteria deterioration of wood.
Conditions and remedies for problems of low-income housing.
Housing status is related to SES, housing meanings, social participation.
Urban-rural differences are related to fertility rates.
Size of families and income of rural families.
How much does a home cost the community, and how much does the community receive from taxes (community cost for residence versus community income from taxes)?
Heat and radiation varies specifically with size and position of wall openings.

CONFIDENCE IN AMERICA: THE CONCERNS AND PROPOSALS OF SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, today, perhaps more surely than at any other time in the past 40 years, we are faced with a crisis of confidence in our governmental institutions.

A crisis of confidence in the believability and integrity of government.

A crisis of confidence in our Government's willingness to understand the everyday problems and needs of people.

And most important of all, a crisis of confidence in the ability of government to act.

Last week, a respected national survey reported a precipitous rise in the feelings of alienation among the American people over the past few years.

The Harris survey reported a sharp increase in the number of Americans who believe that the people running the country do not really care what happens to the average American or what the average American thinks.

Most shocking of all, nearly 70 percent of those interviewed expressed the belief that they were living in a political, social, and economic system in which, inevitably, "the rich get richer and the poor get poorer."

We are faced with a situation of rising anger, discontent, fear, frustration, raw group hostility, and widespread hopelessness.

Either we confront and deal with the root causes of these dangerous symptoms or the very foundations of the institutions which have made this country great will be threatened.

A CRISIS OF CONFIDENCE

What are some of the elements in this crisis of confidence?

It is a war that does not end.

It is a wife whose husband has been a prisoner of war for 6 years.

It is cities rotting from within.

It is a society in which our elderly feel neglected, the middle aged feel ignored, and the young feel ineffective.

It is a man with a family without a job wondering how he will pay the rent.

It is a child in a land of plenty going to bed hungry.

It is a tax system which is unfair.

It is a retired person counting out her pennies to pay for an inadequate diet in a society which too often says life is over at age 65.

It is the fear of getting sick because it costs too much to get well.

It is the thousands of kids standing on street corners, getting into trouble, going on drugs because they cannot find work.

It is the young worker too often invisible and too often forgotten by a country that says a college education is the only way to get ahead.

It is millions of men and women working in our mines and factories under unsafe and hazardous conditions because of a Government that lacks compassion and courage to enforce job safety laws.

It is the family that is afraid to take an evening walk together.

All this need not be.

We have the ability and the resources to change things, and shape the conditions which affect our lives.

To do so we need only the will and commitment to act. And, we must chart a course to give us direction.

Mr. President, this is part of the message I have been stating in all parts of our country over the last few months and which I emphasized to the Democratic Party Platform Committee in Washington, D.C., this past weekend.

I have confidence in America and I have spelled out a comprehensive program of action which will activate and direct the great strengths of our people.

Today I shall spell out in detail my overall program, but I first wish to emphasize some of my concerns.

END THE WAR AND REVIEW OUR COMMITMENTS

Our first order of business is to end the war in Vietnam.

The Democratic Party should endorse, and our Government should set, an immediate deadline for the complete withdrawal of American troops from Vietnam, and the termination of all U.S. military operations in South Vietnam, Laos, and Cambodia contingent upon the release of American prisoners of war and an accounting of our personnel missing in action. We must persistently pursue a cease-fire throughout all Indochina, using every possible diplomatic channel, including the use of the United Nations.

After more than a decade of U.S. military assistance, it is clear that we have more than fulfilled any commitment to South Vietnam.

With a commitment to ending our military operations in Indochina should come a parallel commitment to a comprehensive review of American defense posture. The goals of this analysis should be—

Review all American commitments to determine which of those remain in our national interest.

Reduce American bases overseas.

Pare down our top-heavy command structure and increase the proportion of effective combat troops to support troops.

Establish a long-term defense plan to provide for U.S. national security and at the same time enhance U.S. foreign policy.

Maximize and modernize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures to reduce enormous cost overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament agreed upon by nuclear and nonnuclear powers.

This review must take place before detailed budget decisions can be made. Our defense budget can take reductions. There is waste and duplication. I have previously suggested that reasonable reductions that would not impair our defense capabilities would be in the range of $12 billion. This figure has also been recommended by the Brookings Institution. Cuts beyond this range without comparable reductions in the Soviet Union's defense structure would not be realistic nor responsible.

PUT AMERICA BACK ON ITS FEET

The Democratic Party has an obligation to establish the programs and policies that will put Americans back to work and our Nation back on its feet.

The Nixon economic policies have given the American people the highest unemployment in a decade, the highest inflation rate in two decades, the highest budget deficits in four decades, the highest trade deficits in eight decades and the highest interest rate in 100 years. Combined, these Republican economic failures have brought hardship and tragedy to millions of American families.

The goal of the Democratic Party must be the creation of jobs and meaningful work. The right to a job must become an accepted economic and social principle. That 5-percent unemployment, or 4 million Americans without jobs is acceptable must be totally rejected by the party which represents the working families of this Nation.

I have submitted proposals calling for the creation of at least a 1 million job public service employment program, a special youth employment program, retention of the investment tax credit and the creation of programs to deal with unemployment among highly skilled persons.

Jobs are one half of the economic equation.

Controlling inflation is the other half.

We must have a price and wage stabilization mechanism that is fair, efficient, and an advocate of the public interest—not a rubberstamp for corporate business. Stiff prosecution for price violators and price rollbacks where necessary are important components of a fair economic policy.

RESTORE TAX JUSTICE

Fairness must also be carried to our tax system. The American tax system is rigged against the working families of this country.

Because we have reduced Federal income taxes in recent years, the regressive payroll, sales, and property taxes have taken larger and larger amounts from the taxable incomes of working families.

The middle-income families are being increasingly taxed with regressive payroll and sales taxes while giant corporations and the privileged few escape paying their fair share.

Since the Nixon administration has blatantly refused to endorse tax reform this year, our party has a special obligation to make a firm and realistic commitment to tax reform.

At a minimum, the essentials of the Democratic Party's tax reform program must be:

Review the tax code with the objective of eliminating those special tax privileges which permit the wealthy few and the giant corporations to avoid paying their fair share.

By closing tax loopholes we can make available funds to local areas to reduce substantially the homeowner's property tax burden.

Revising the social security system to cut payroll taxes.

Simplification of all tax forms and procedures.

Elimination of Federal tax liability for those people with poverty-level incomes.

Creation of a tax structure which will not inhibit investment or limit the incentive to earn.

An extra effort must be made to create a progressive tax system at every level of government.

A progressive tax structure is not only fair but it can be used to achieve a more equitable distribution of income among all Americans. The increasingly regressive nature of the American tax structure is leading to unfair concentration of wealth and a growing tax burden on middle-income persons.

REFORM PUBLIC ASSISTANCE

Another goal of our party must be an effective reform of the public assistance system.

We must have a welfare system that treats recipients and taxpayers fairly. To do this we must scrap the present system and recognize welfare as a national problem demanding national answers and national financing.

Here is what I believe we must do to assure that compassionate aid for those in need is provided:

Federalize the cost of welfare.

Set uniform eligibility standards and provide a basic level of assistance for those in need.

Maintain the incentive to work by providing jobs and job training along with the establishment of a suitable work requirement for recipients.

Establish a nationwide system of child day care and development centers and conduct an extensive effort to broaden the food stamp program to every county in America.

Begin an effort to lift 5 million elderly Americans out of poverty through increases in the social security and old-age assistance programs.

I am opposed to substituting a vast national income redistribution scheme for a truly effective and progressive public assistance program.

To aid those in need must be our goal. I do not believe that in order to achieve this goal we must provide all Americans—regardless of their wealth—with an income grant.

EMPHASIZE THE NEEDS OF OUR CITIES AND SUBURBS

Finally, the programs of the Democratic Party and our Government must emphasize the needs of the 70 percent of the people living in urban and suburban America.

It should be our goal to focus on street-level government, to maintain the integrity of neighborhoods, to establish certain basic services for our cities, to provide new financing mechanisms, and to plan the use of our resources through a national growth and development policy.

I have offered a detailed plan and legislative program which includes a well-funded revenue-sharing program and a National Domestic Development Bank to enable cities and communities to move ahead on a wide range of urgently needed public construction funded by long-term loans.

We cannot solve the problems of this country without solving the problems of urban America. And, the difficulties confronting urban America are due in part to the mass migration of rural Americans to the urban areas. The Democratic party must commit itself to the revitalization of rural and urban America. They are inseparable. There is no relief for one without help for the other. We simply must move toward an urban-rural balance.

And part of this commitment must include a willingness to use planning to meet our future needs. We must outline the creation of structures and policies in Congress, the executive branch, and at all levels of Government that will enable us to better shape and give direction to our national growth.

Mr. President, now I shall review and specify the proposals I have made for a national program to restore confidence in America.

1—THE RIGHT TO A JOB

ISSUE

Thirty-five million Americans will be seeking their first jobs between 1972 and 1982, or 700,000 per year more than in the 1960's. Today over 5 million Americans are now unemployed. Joblessness among teenagers is over 17 percent. Joblessness among minorities runs from 10 to 40 percent depending on age group. Unemployment among Vietnam veterans is over 12 percent.

HUMPHREY JOB PROGRAM GOALS

To provide a job for all those who want and can work with emphasis on providing people with opportunity for a job or career they want.

To stimulate our economy so that our industries begin producing again.

To provide training and opportunities for those without skills so they may advance.

To get this Nation back to work and our country moving again.

HUMPHREY JOB PROGRAM

One million public service jobs—the Employment Opportunities Act of 1972.

Two-hundred and fifty thousand youth jobs.

Continued support for the recently enacted investment tax credit to stimulate jobs in the private sector.

Support for research and development funds tied directly to jobs produced as a result of research.

Accelerated public works program.

Community conversion corporations for aerospace and defense related personnel.

Expanded manpower training programs—programs that lead directly to employment, not more training.

Massive 10-year program of urban and rural revitalization.

2—TAXES

ISSUE

The American tax system is rigged against the working man. Working families end up paying more than their fair share of the tax burden while a privileged few and some giant corporations can use loopholes to escape taxation.

Property taxes are too high and payroll taxes too regressive, with the result that the progressive principle of the tax system has been almost destroyed.

The burden of paying for government programs has been shifted from higher income peoples to low income peoples.

GOALS OF A HUMPHREY TAX PROGRAM

To close the door on tax loopholes which give special privilege for the wealthy and the giant corporations.

To end the fast write-offs and other undue tax breaks for American corporate enterprise.

To promote inventiveness and imagination among all our people by making certain that the tax system does not penalize some to the advantage of others.

To eliminate from federal tax liability the poor and impoverished.

To bring the taxing systems—federal, state, and local—into harmony with each other so that the systems are truly progressive.

To have a tax system that will not inhibit investment or limit the incentive to earn.

To reduce the burden for low and moderate income families.

HUMPHREY TAX REFORM PROGRAM

Reform of the Payroll Social Security Tax to cut the payroll taxes by at least one-third.

Tax Reform Act of 1972 to raise $16 billion and return this money to the homeowner so that property taxes can be reduced.

Complete tax code overhaul within the first 100 days of a Humphrey Administration, including making the forms simplistic and readable, and rewriting rules and regulations.

Incentive for states to make their state taxes as progressive as possible.

Tax credit for home rehabilitation, remodeling and repair.

One-third educational funding through an education trust fund, to take the burden off the backs of local property owners, and more equally distribute resources for education.

Federalizing the cost of welfare, to help relieve local and state tax burdens.

Humphrey's Poor People's Amendment—to eliminate those people who live below the poverty line from federal tax liability.

To review in detail all present tax exemptions and deductions.

3—AMERICAN LABOR

ISSUE

Today workers confront a totally inadequate minimum-wage floor beneath an oppressive wage-increase ceiling. And, rising costs of living, including more taxes, and the frequent loss of retirement income security, are the harsh reality for America's working families.

The Nixon Administration continues its legislative efforts to impose compulsory arbitration.

Government policies continue to give low priority to the needs of the worker and the middle-income consumer.

GOALS OF THE HUMPHREY PROGRAM

Establish full employment and at a fair wage.

Strengthen the collective bargaining process.

Enact tax reforms to assure that every American pays his fair share.

Establish a balanced and comprehensive approach to stabilizing and strengthening the American economy, assuring justice for the worker and the consumer.

Bring an end to hazardous working conditions, and assure the protection of a worker's pension rights.

HIGHLIGHTS OF SPECIFIC HUMPHREY ACTIONS

Author of legislation to establish a public service employment program providing over one million critically needed jobs.

Sponsor of legislation to achieve vital pension plan reforms.

Sponsor of immediate legislation to extend and increase unemployment compensation benefits.

Author of a major legislative program to launch economic and public development in the cities, towns, and rural areas of America, and to channel immediate federal fiscal assistance to states and cities to provide vitally needed tax relief to the American taxpayer.

Sponsor of a program to provide employment for skilled and professional workers thrown out of work by defense cutbacks, and to provide extensive job opportunities for all older workers.

A central advocate in Congress of specific measures to end the harsh reality of joblessness confronting Vietnam-era veterans and America's youth.

Original sponsor of legislation to strengthen the enforcement of civil rights laws, including the prohibition of employment discrimination and of barriers to the right to vote.

Immediate increases in the minimum wage, raising it to $2.20 within one year, and to extend its coverage to major new categories of American workers.

Further measures by the Department of Labor to assure the effective enforcement of the Occupational Safety and Health Act, and of protective measures on behalf of farmworkers and coal miners and their dependents.

4—CONTROLLING THE COST OF LIVING

ISSUE

In the face of increasing inflation, the Nixon Administration announced a freeze on wages and prices; then the Administration began a program of economic controls ostensibly designed to halt inflation. The end result of the Nixon program has been increased food cost, higher profits for the big corporations, price increases, and frozen wages.

GOALS OF THE HUMPHREY COST OF LIVING CONTROL PROGRAM

Fairness—all sectors of the economy must bear their fair share of the inflation control burden.

Price stabilization must work for the American families rather than against them.

Inflation must be reduced substantially.

HUMPHREY COST OF LIVING CONTROL PROGRAM

A Wage-Price Control Program that emphasizes tough, firm, strict and fair enforcement.

Wage and price mechanisms that are broadly representative of all sectors of the economy—agriculture, labor, management, consumers, and the public.

Price control decisions that are made in the open, with open hearings, and open decision-making.

Price control decisions that reflect what the actual price increase means to the individual—not just what happens to a company's profit margins.

Price controls in the service area of the economy must be as effective and efficient as in the manufacturing sector.

Price rollbacks when necessary; strict prosecution of price control violators.

A price board that is the people's, not the corporation's advocate.

Profits that are in excess must be taxed—either through a higher corporate rate or an excess profits tax.

Wage controls that are firm but fair and supported by both Labor and Management.

5—RECONVERSION: UTILIZING OUR NATIONAL EMPLOYMENT TALENT

ISSUE

As our national economy switches gears from a wartime to a peacetime economy there are likely to be dislocations in the employment sector. In short, many highly skilled, talented persons with aerospace and non-aerospace work experience will be without work. At the same time, our Nation has vast unmet public and private needs. What must be done is to match the resource talent with needs of our Nation.

HUMPHREY GOALS FOR RECONVERSION

To match immediate available talent with resources to meet public needs.

To have programs for non-aerospace and non-defense related personnel as well as aerospace and defense employees.

To utilize workers immediately—the emphasis is on work, not unemployment compensation, transition allowances or relocation assistance.

HUMPHREY PROGRAM FOR RECONVERSION

Creation of and the funding of Community Conversion Corporation to hire workers to plan, identify, and begin operations on badly needed community projects.

The National Science Policy and Priorities Act of 1972 to provide federal assistance to Community Conversion Corporations.

Special Emphasis Programs for the non-aerospace worker living in a community affected by aerospace cutbacks.

Community Revenue Assistance to help those communities finding their tax base reduced by cutbacks in defense and aerospace contracting.

Extra optional services and payments such as relocation assistance for those employees who relocate or seek training in such fields as local government services.

Job training and job reorientation programs for those who wish to change

careers or upgrade their employment status.

Special employment placement assistance for out of work aerospace personnel.

One million jobs through the Employment Opportunities Act to put Americans back to work building for this nation.

6—PUBLIC ASSISTANCE REFORM

ISSUE

In the last four years, more than 6 million persons have been added to the public assistance rolls. Costs have increased. And families have little or no chance to break the dependency on welfare.

Welfare has become a system that no one likes and no one understands.

HUMPHREY GOALS FOR PUBLIC ASSISTANCE REFORM

An end to hunger in America.

Enact a welfare system that treats recipients fairly, provides coverage and adequate income for the needy, and guarantees that no recipient receives less under a reformed system than under the present welfare system.

Strengthen the family by providing coverage and greater opportunity to the working poor.

Provide fiscal relief from the crush of local taxes.

Recognize welfare as a national problem demanding national answers and the commitment of national resources.

HUMPHREY PUBLIC ASSISTANCE PROGRAM

Phased-in federalization of family welfare program with an initial $3,000 minimum benefit for a family of four based on need.

Adequate day care centers, sufficient public sector jobs, and a suitable work requirement for those who can work.

Increase the food stamp budget to guarantee all localities who want a program the resources to have a program.

Increase the minimum benefit for adult categories so that all elderly will be lifted out of poverty. Federalize the cost and administration of these categories.

Eliminate those persons with incomes below the poverty level from federal tax liability.

Immediate 25 percent increase in Social Security benefits.

A national Health Security Program to provide health services care for Americans.

Manpower Training and Development Programs—to upgrade job skills and prepare one for entry level jobs.

Employment Opportunities Act—to provide one million public service jobs to put America back on its feet and Americans back to work.

7—ELDERLY

ISSUE

For too many older Americans, life indeed is over at age 65. Or at least that is the attitude of many Americans. The fundamental fact is that older Americans often lack income; they are beset by high taxes and increasing cost of living; they face increasing health costs—and they must pay for these services from what is likely to be a fixed income or savings.

HUMPHREY GOALS FOR OLDER AMERICANS

To assure older Americans the dignity, decency and security of a full life.

To assure older Americans of adequate income support.

To assure older Americans of adequate health care.

To dispel the present American attitude toward older Americans—an attitude that too often prevents older Americans from having the same choices of younger Americans.

HUMPHREY PROGRAM FOR OLDER AMERICANS

Immediate 25 percent increase in Social Security, with cost of living escalator.

Guaranteed minimum public assistance payment of $165 for individual and $215 for a couple, to bring all older Americans out of poverty.

Comprehensive Home Health Care legislation to provide needed care in the homes of older Americans—not force them to seek hospitalization for every illness.

Medicare changes such as elimination of the $50 deductible, elimination of the doctor's insurance premium, freezing of the hospital copayment, home nutritional health care, prescription drug payments, hospital insurance for the uninsured.

Increase in the limitations on retirement earnings from $1680 to $3000.

One hundred percent widow's benefits.

Cabinet level Office for the Aging.

Elderly Nutrition Act, to expand the Meals on Wheels Act and provide home nutritional services and nutritional meals to older Americans.

Reduced-fare public transportation for senior citizens backed by Federal subsidies.

At least 125,000 housing units for the elderly built each year.

Tax relief for elderly from crush of property tax burden.

8—CHILD NUTRITION, ELDERLY, AND FAMILY FEEDING PROGRAMS

ISSUE

Child Nutrition: Over 10 million children and over 20,000 schools are now excluded from participating in the National School Lunch Program. The current child nutrition program is a patchwork of individual programs which have created a legislative and administrative maze of confusion.

The program desperately needs to be completely overhauled and updated in response to total national need. The current system contains no nutrition educational component, no training program for new food personnel, nor any supplemental feeding program for infants, preschool children or low-income pregnant women. Current school-feeding programs foster an "economic caste system: which is not only degrading to children of lower-income families, but which also work against the "nutritional improvement" objectives of the program as they relate to *all* schoolchildren, regardless of their parents' income.

Food Stamp Program: Expansion of the Food Stamp Program has been slowed due to the "budgetary politics" of the Nixon Administration. More than 12 million poor in this Nation do not participate in the program. While the Administration has called for a modest $45 million increase in funding for child summer feeding and school breakfast programs, it plans to return ten times that amount in unspent food stamp funds to the Treasury at the end of this month which Congress appropriated for the program for fiscal year 1972.

HUMPHREY GOALS FOR FOOD ASSISTANCE

To end hunger and malnutrition in America.

To provide every American school child with at least one "free" meal per day and to provide a school breakfast for every child that needs or wants one on a free or reduced-price basis.

To provide for a nutrition education program within our Nation's school system—tied, if possible, to a national nutrition labeling program.

To provide for supplemental feeding program for infants, preschool children and low-income pregnant women.

To provide those schools having either no or inadequate school cafeteria services with the financial resources to acquire the equipment and personnel to establish such services.

To further expand the Food Stamp Program and facilitate establishment and expansion of nutrition programs for the elderly to reach all those who are in need of such assistance.

HUMPHREY PROGRAMS

Universal Child Nutrition and Nutrition Education Act—which would completely overhaul existing patchwork of child feeding programs and would establish a national child nutrition education program. Every child, regardless of parent's income, would be provided with at least one "free" meal per day while he is attending school.

Expansion of Baltimore experimental project utilizing "formulated" foods to meet the nutrition needs of infants, preschoolers, and low-income pregnant women.

Increase federal reimbursement rates and funding for school lunch, breakfast, and summer feeding programs.

Expansion of Food Stamp Program to guarantee every locality sufficient funds for a program.

To expand the elderly nutrition program so that all those in need are reached.

9—VETERANS

ISSUE

More than 350,000 Vietnam-era veterans are unemployed. While veterans' education benefits have risen only slightly in actual dollar value since World War II, college tuition costs have soared, more than 350 percent.

Despite a Congressional mandate that the daily bed patient level at VA hospitals be raised to 85,500, the actual level earlier this year was only 83,662—meaning continued waiting lists—and the ratio of staff to an in-patients was even worse (1.4:1) than last year.

Older veterans on fixed pensions struggle to meet the rising cost of living; a problem that is compounded for the disabled veteran dependent on compensation payments.

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GOALS OF THE HUMPHREY PROGRAM

Guarantee the right of America's veterans to dignity and self-respect.

Provide good medical care and rehabilitation services to all eligible veterans.

Assure returning veterans the opportunity to continue their education or obtain effective job training while receiving an adequate income.

Provide extensive job opportunities at a fair wage.

Insure the right of older veterans to the security of a liveable income.

HIGHLIGHTS OF THE HUMPHREY PROGRAM

Author of the Employment Opportunities Act of 1972, establishing a program to provide more than 1 million public service job opportunities, with first priority given to Vietnam-era veterans.

Sponsor of the Veterans Employment and Readjustment Act, focused on the specific employment service and job training needs of veterans. Decisive action must replace failure of Nixon's Jobs for Veterans program.

Has proposed and sponsored legislation to raise a veteran's basic monthly education allowance from $175 to $220, and to provide a direct tuition payment of $1,000 per year to the college where the veteran is enrolled.

Sponsor of legislation to authorize the issuance of $10,000 life insurance policies to all Vietnam-era veterans.

Author of legislation to prohibit discrimination in employment on the basis of a mental or physical handicap, and original sponsor of legislation recently passed by the Senate to increase statutory awards and compensation payments to disabled veterans and provide further benefits.

Sponsor of major legislation to substantially improve VA medical care facilities and increase medical staff, and to improve nursing home care for veterans. Has called for extensive utilization of the skills of veterans themselves in the VA, particularly as parmedical personnel. Has called for the establishment of a National Commission on Veterans' Medical Care to develop specific recommendations on solving current problems and meeting future needs. Introduced legislation to expand greatly drug abuse treatment and rehabilitation services for veterans and to make these services immediately accessible through community mental health centers.

Strongly supported the enactment of bills to increase pension benefits, and sponsored legislation to prevent pension cutbacks resulting from certain other retirement benefit increases.

Acted to halt delays and cancellations in the direct loan program for veterans seeking to purchase homes in credit-tight counties, and strongly supported the enactment of legislation to provide mortgage protection life insurance for disabled veterans.

10—CONSUMER

ISSUE

Despite current publicity, the American consumer is still largely unprotected, in the marketplace, in the areas of disclosure, standards, and redress of damages.

HUMPHREY GOALS

Every American should be able to know the content and quality of what he buys.

The goverment must protect the people from unfair or deceptive practices and unsafe and unreliable products.

Fullest possible disclosure of warranties, guarantees, and terms of purchase must be routinely available to the consumer.

Consumers should have the right to redress of damages, including the class action lawsuits.

HUMPHREY PROGRAM

Independent Consumer Protection Agency, to become the public's advocate for protection of American consumers. To search out unlawful consumer practices and bring prompt legal action against offending companies.

Consumer credit protection, to provide for complete disclosure, full realization by borrower of his obligation, and to regulate effectively consumer credit companies in a manner consistent with the public interest.

Class action lawsuits to permit consumers the widest legal tools against unlawful consumer practices.

Consumer Product Warranties and Federal Trade Commission Improvements Act, to provide for full disclosure of terms and conditions of warranties for items valued at $5 or more.

Consumer Product Safety Act, to provide for safety inspections of consumer goods.

11—HOUSING

ISSUE

Our nation continues to fall way behind its goal of producing 2.6 million housing units per year.

Blacks remain trapped in the ghetto.

Elderly on fixed incomes struggle with high maintenance costs and taxes on their homes; fined few options in seeking apartments.

Young couples confront high settlement costs and interest rates.

And, the Nixon Administration faces charges of gross mismanagement of subsidized housing programs for lower income families, while Secretary Romney speaks of urban renewal as a failure and suggests a halt to further public housing in the city.

HUMPHREY GOALS FOR HOUSING

To assure every American a decent living environment.

To make adequate housing available for low and moderate income families.

To curb the cost of buying homes.

To use the most innovative housing technology available to meet our national shelter needs.

HUMPHREY PROGRAM FOR HOUSING

No down payment, government-guaranteed housing loans, to make home buying within reach of those Americans who choose to do so.

Home Protection Agency, to provide American families with advice and advocacy in case of deception, procrastination, or unlawful builder and developer practices.

Full appropriations for federally subsidized housing, coupled with basic administrative reforms.

Direct housing certificates to lower-income families who can exercise choice in housing.

Full support for metropolitan housing development to create planned approaches to providing open housing for all under innovative approaches to achieve decent communities.

Major thrust toward providing housing specially designed for the elderly and enabling older couples to keep their homes.

Include property tax relief, home rehabilitation grants, at least 125,000 units of housing for elderly per year.

Place major emphasis on "new communities" and "new towns" to expand housing market in a decent environment.

Decisive Federal effort to control settlement costs and mortgage interest rates.

Transportation system planning assistance geared to relating jobs to housing and accessible location of shopping and services. Emphasis upon the living environment needs of people.

Federal financial assistance incentives to cities and towns to adopt tax reforms geared to the rehabilitation of depressed areas.

Extensive Federal programs to assure constructive land use.

Deepen housing assistance subsidies in recognition of operational and upkeep costs. Provide direct assistance to communities for public facilities costs of public housing, and establish a sustained Federal program on housing management to combat extensive problem of housing abandonment.

Tax credit for home improvement—to give incentive for rehabilitation and remodeling.

12—A NEW EDUCATION POLICY

ISSUE

Across the nation, local school districts and institutions of higher education are exhausting their financial resources as expenses continue to mount. Recent court decisions have held that the disparities of local property-tax school financing constitute a denial of the equal protection of the laws, emphasizing the demand both for tax relief and for sharply increased State and Federal assistance to equalize educational opportunity.

The record of the present administration has been one of repeated vetoes and cutbacks in education program assistance funds. As a result, tens of thousands of children are condemned to an inferior education; far too many youth are denied the right to continue their education; and millions of adults are deprived of the opportunity to pursue basic and specialized courses.

GOALS OF THE HUMPHREY PROGRAM

Establish a new education policy to guarantee that all children, without regard to circumstances of residence, family income, or race, will have a full and equal educational opportunity.

Substantially increase the Federal investment in education, to one-third of all public resources.

Establish education as a high national priority in the protection and development of America's human resources.

Broaden the spectrum of educational opportunity, from the preschool to the adult level.

SPECIFIC HUMPHREY ACTIONS AND PROPOSALS

Author of legislation to establish a Department of Education, to consolidate federal resources and programs, and to give education an advocate at the highest level of government.

A National Educational Trust Fund to provide an assured revenue base for the advanced planning and development of America's education resources.

A federal grant and loan guarantee program would be established for school construction and modernization, with the priority given to deprived rural and urban areas.

There must be a program of sharply increased federal and state assistance to balance public support among school districts to guarantee an equal opportunity for a quality education to every child. There must be incentives for a sustained and progressive effort by local agencies to improve the school situation, and to provide effective relief to local residents from the burden of education costs, through progressive tax reforms.

Emergency assistance must be provided to assure modern, high-quality schools in urban and rural areas of poverty, and to overcome educational handicaps resulting from racial and economic isolation. To compensate for generations of neglect, we must provide these children with extensive remedial services to upgrade basic learning skills, daily nutritious meals to combat the hunger that thwarts learning, new bi-lingual and bi-cultural curricula and instructional programs in schools serving children whose language is other than English, full guidance and counseling services, innovative applications of communications media and audio-visual resources, and inter-school resources, and inter-school programs where transportation can improve the quality of a child's education.

Comprehensive early childhood development programs must be provided in local communities across the Nation, to provide critically needed opportunities and quality care for over 6 million children, and to give essential help to millions of mothers who want and need to work.

New initiatives must be launched on behalf of disadvantaged teenagers who have dropped out of school and over 8 million forgotten working young men and women unable to pursue a higher education on a full-time basis. Under a major reform of a Neighborhood Youth Corps work training assistance program, disadvantaged youth can be involved in extensive community improvement programs, and at a fair wage, while also being given a broad range of opportunities through community colleges and other institutions to continue their education with federal assistance. And young people will benefit from a further program proposed by Senator Humphrey to provide educational scholarships and loans for part-time education to advance their vocational skills and fulfill educational expectations that would otherwise be denied.

Major new directions must now also be taken in adult education, with federal assistance, to provide continuing education opportunities and training in new job and professional skills.

The strengths of puralism and diversity in American education must be maintained, both through effective federal aid to private colleges and extensive student aid based on need, and through a tax credit to parents bearing the additional costs for their children attending private and parochial elementary and secondary schools. Private schools and colleges must also be assured a fair share of federal education assistance.

The civil rights of millions of mentally and physically handicapped children to obtain public education services must now be guaranteed, and a substantial program of federal help to school systems should be launched to assure that this guarantee is carried through.

Author of a resolution that was instrumental in obtaining legislative action to grant teachers the retroactive pay denied under Nixon Administration wage-freeze decisions, Senator Humphrey believes teachers should have a national structure to assure them access to good-faith collective bargaining and should be able to earn a decent income commensurate with the cost of living as well as to exercise their professional rights and responsibilities.

Busing—I am opposed to busing children away from their neighborhoods unless it improves the quality of their education. It makes no sense to bus a child from a good school to a poor school. It makes sense to bus a child from a poor school to a better school. It makes better sense to improve schools in all neighborhoods. We must no longer permit the quality of a child's education to be determined by the wealth or poverty of his community. To correct this profound inequality, we must achieve property tax reforms and apply extensive federal and state assistance leading to an overall balancing of public support among school districts. And we must target additional compensatory aid, remedial services, and teaching facilities improvements to help educationally disadvantaged children in depressed areas.

Neither racial nor economic discrimination must have any place in our school systems. I believe that the President's legislative proposals would wrongly work to maintain existing school segregation problems, not only through imposing a moratorium on all new court-ordered busing, but also by tying this action to a measure that fails to provide for any new educational financial assistance for disadvantaged children beyond what has already been authorized by Congress.

13—HEALTH: QUALITY AND COST

ISSUE

The cost of getting sick has made it almost prohibitive to become ill. Hospital charges of $100 are not uncommon. Over 30 million Americans are without basic health insurance. Health care delivery systems are uneven—with deficiencies in inner city and rural areas. Specialized health care problems such as dental care, handicapped, and mental illness lack adequate funding and support. Shortages of medical personnel have reached crisis proportions. And there is a severe lack of emphasis on preventive as opposed to curative health care.

HUMPHREY GOALS FOR HEALTH CARE AND HEALTH INSURANCE

To make the best health care available to everyone.

To reduce drastically the cost of health care.

To meet with sufficiency the specialized health care problems of mothers, mentally handicapped persons, and the physically disabled.

To provide the assistance necessary so that adequate medical personnel is available.

To meet health care shortages in inner city and rural areas.

To foster the development of new medical technology, and increase the usage of paramedical personnel.

HUMPHREY PROGRAM FOR HEALTH CARE AND HEALTH INSURANCE

A program of National Health Security—to cover cost of physicians services, hospital services, nursing home care, outpatient services, psychiatric services, dental services, medicines, therapeutic devices and eyeglasses.

Increased federal financial support for medical, dental, and nursing schools.

Paramedical and Medical Technology Advancement Act, to give increased federal support for the development of alternative types of health care delivery systems and increase health care aides.

Cancer Cure Agency—to launch an all-out attack on cancer, to put an end to this dreaded killing disease.

Comprehensive Home Health Care Act, to provide home health care services in a patient's home rather than to force hospitalization.

Continued support but on an expanded scale for the Hill-Burton Hospital Construction program, the Regional Medical programs, and specialized medical research endeavors through the National Institutes of Health, Mental Health Institutes.

Major new efforts through a Drug Cure and Control Authority to crack down on hard drug pushers and begin rehabilitating the addict.

Federal incentives and support for Group Medical Practice, to make quality health care available at lowest cost through Health Maintenance Organizations.

To support adequately federal programs designed to deal with health problems such as lead based paint and job health conditions.

14—TRANSPORTATION

ISSUE

American transportation is primarily dependent on the single family car. The single family car has given this nation unprecedented mobility, but at the expense of congestion, pollution, often the break-up of neighborhoods for costly highway systems.

At the same time, public transportation is often too costly and remote to provide the service necessary to meet the needs of people.

HUMPHREY GOALS FOR TRANSPORTATION

A balanced transit system of private and public modes; an integrated trans-

portation system of air, water, and land mobility.

A transportation system accessible with minimum cost to all—elderly, inner-city, suburban, rural areas.

A transportation system that maintains the integrity of our neighborhoods.

A transportation policy that meets immediate crisis needs while laying the foundation for solid future development.

HUMPHREY TRANSPORTATION PROGRAM

The Ground Transportation Systems Improvements Act of 1972.

Open up the highway trust fund for mass transit financing.

Operating subsidies for present transportation systems in our communities.

Airports Improvement Act, to provide the latest technology, weather communications, and safety equipment for all of our airports.

Reinvigoration of America's shipbuilding industry, including subsidies.

Federal assistance for development of new modes of water transportation and development of our waterways.

Federal support and incentives for railroad service—freight and commuter—so that Americans do not lose benefits of rail travel.

Assistance for small communities threatened by lack of rail service through track abandonment.

Insistence that the Interstate Commerce Commission become the people's advocate acting in public interest.

15—ENERGY

ISSUE

Americans use six times as much electric power as the world average. We burn 30 percent of the world's fossil fuel consumption. We utilize 15.5 million barrels of oil a day. And by 1980, between 20 and 25 million barrels will be needed. The United States consumes 49 percent of total natural gas used in the world, and we burn over 530 million tons of coal.

In less than 15 years, our energy needs will double.

Yet, the supply of fossil fuel is finite. Experts predict that by the year 2035, 90 percent of all the oil, coal, and gas will be gone.

There is an energy crisis. And it must be met.

HUMPHREY GOALS FOR ENERGY

To develop clean energy supplies.

To assure effective utilization of existing energy supply.

To bring energy and environmental demands into harmony.

To develop new sources of energy.

HUMPHREY PROGRAM FOR ENERGY DEVELOPMENT

Establish an Energy Council take stock and assist in development of our energy resources, who own resources, and utilization of them.

Federal assistance to develop additional energy sources including earth heat, solar, water power, nuclear fusion, and additional mechanisms for energy storage.

An expanded program of research into energy alternatives for the future.

Development of a National Electrical grid.

ENVIRONMENT

ISSUE

For too long, Americans have assumed that environmental resources were infinite. As a result, no concerted effort to rationalize the use of natural resources has evolved. We are now paying that price—sewage systems out of date, polluted air and water, land use policies that make little sense, pesticides that are toxic, high level of noise, and lack of national energy policies.

HUMPHREY GOALS FOR THE ENVIRONMENT

To halt the raping and scarring of our land.

To begin a systematic air pollution and water pollution control program with definite goals and fund commitments.

To protect man's remaining frontiers—timber, water sheds, refuges.

To focus the attention of the individual citizen on his immediate neighborhood environmental program.

To develop rationalized methods for control growth and bringing it into harmony with environmental objectives.

HUMPHREY PROGRAMS FOR THE ENVIRONMENT

Community coalitions for a clean environment, a broad based citizen's effort to identify local environmental problems and move to meet them.

Environmental Trust Fund and Environmental Savings Bonds to finance pollution protection programs.

River Basins Waste Treatment Authorities Act, to begin a comprehensive attack on sewage problems and solid waste disposal problems and a general clean-up of our rivers.

Tax on pollutants, to provide industries with the incentive to clean their own environmental problems.

Class Action Environmental Suits—to attack polluters through the courts.

National Growth and Development Act, to plan the use of our land, the allocation of our resources, and the use of our environment.

Environmental Research laboratories, to conduct a continuing research program into the causes, consequences, and alternatives to environmental pollution.

Strengthen the Environmental Protection Agency program to deal with the environment of the inner city including street dirt, garbage, lead based paint, and noise.

Continued protection for our coastlines and estuaries. Full federal support for anti-ocean dumping measures.

Refuge and Forest Protection Act, to expand our wildlife refuges, protect our national forests, and protect man's remaining frontiers such as the Everglades and Big Cypress Swamp.

Work against the cause and effects of pollution on an international scale through the United Nations Environmental Board and the International Environmental Conferences.

Continued support for the National Environmental Policy Act—including the Environmental Impact Statement.

Effective pesticide control legislation.

17—BALANCED NATIONAL GROWTH AND DEVELOPMENT POLICY

ISSUE

The United States currently lacks any stated policy pertaining to its future growth and development. The country even lacks specific policies relating to the major determinants of growth, such as land use, transportation, communication, regional distribution of national economic growth, education, health, housing, population, income distribution, energy and fuels, human nutrition, and food and fiber production.

No mechanism or process even is available today to develop and implement such national policies, let alone provide for their integration into a total national strategy or policy to govern and guide the future growth and development of the nation.

HUMPHREY GOALS ON NATIONAL GROWTH

To develop national economic, social, environmental and political polices affecting the future growth and development of our nation.

To provide for policies that will lead to balanced urban-rural development.

To provide each American with an expanded range of choices as to where and what pattern of life style he or she wishes to pursue.

To provide new mechanisms of financing public development and building badly needed public facilities.

HUMPHREY PROGRAM FOR NATIONAL GROWTH POLICY

National Growth and Development Act of 1972—this legislation provides the framework, mechanisms, and policies for implementing the above-mentioned goals. Included in this legislation is:

An Office of Balanced National Growth to develop policies and coordinate programs leading to understanding and humanizing growth.

To provide for direct citizens' participation in the development of national growth and development policy.

To provide in both the Congress and in the Executive Branch the mechanisms and personnel needed to address these essential policy development questions.

To provide for multi-state regional policy and development mechanisms to insure that all states share more equitably in the distribution of our nation's future economic growth and development.

To require the federal government, as it relates to both its facility location and procurement policies, to develop and adjust such policies so as to maximize benefits and minimize costs (social and environmental) as they may affect national, regional, state, or local community growth and development goals.

To provide for uniform standards and centralization of financial assistance to help regions, states, and local communities "plan" for their future growth and development so they can avoid and minimize unanticipated happenings relating to growth which often lead to a deterioration of communities and the quality of life of individual citizens.

To provide for the research required to develop "alternative futures" including identification and forecasting of current and future happenings in both the "hard" and "soft" sciences.

To provide for continuous analysis and forecasting of population and demographic data.

National Domestic Development Bank Bill, to provide long-term financing for badly needed public development.

Rural Development Act of 1972.

Rural Development Credit Act, which will embody a new Rural Development Banking and Financial System, to provide rural America with an expanded range of financial and credit opportunity.

Humphrey General Revenue Sharing Bill—for a short term infusing of funds.

URBAN AMERICA

ISSUE

America is an urban nation. More and more Americans are moving to and living in metropolitan areas. Yet, urban areas have been unable to deal effectively with the crush of people and the services they require. The essential problem is one of programs, the lack of financial resources, declining tax base, and the unwillingness to make the commitments of resources necessary to solve the urban crisis.

HUMPHREY GOALS FOR URBAN AMERICA

To bring government close to the people and be responsive to their needs.

To maintain the integrity of neighborhoods—to refocus on street level government, where people live.

To establish certain minimums of basic services for all our cities and communities.

To establish new financing mechanisms, including long term credit, short term immediate financial assistance and multi-year bloc grant program funding.

To plan the use of resources through a national growth policy.

HUMPHREY PROGRAMS FOR URBAN AMERICA

White House Regional Ambassadors—to expedite the flow of business and plans among the levels of government.

National Budget—to allow governors, mayors, and citizens to have input on what the expenditures should be and the direction the resources allocation should take.

Neighborhood Service Centers—to bring under one roof comprehensive neighborhood services so that these services (consumer protection, information referral, etc.) are accessible to the citizens.

Basic service improvement programs such as The Ground Transportation Systems Improvement Act of 1972, the Community Coalitions for a Clean Environment, the River Basin Waste Treatment Authority Act, the Social Security Improvements Act, the Educational Trust Fund with its new method of financing education, the National Institutes of Justice, Tax Credits for Housing Improvement, Drug Abuse Control Act.

New Methods of Financing Urban America:

The National Domestic Development Bank, to provide long term loans at low rates of interest to build needed public facilities.

Revenue Sharing—as an immediate infusion of funds to the cities and suburbias and communities.

Multi-year Planning and Program Operation Grants—programs funded on a three year basis to allow more long term planning and fiscal authority.

National Balanced Growth and Development Act of 1972 to establish a framework for planning for the future growth of this country, including within the Office of the President, a National Planning Agency and the Office of Balanced Growth and Development. To establish a Congressional Joint Committee on National Growth to begin the planning process at all levels of government and in the private sector, and to plan for bringing about balanced urban-rural growth.

Demonstration Cities—to build new towns and new communities in towns.

Metropolitan Land Reserve Act—to allow metropolitan areas more flexibility over what kind of development takes place on municipal property.

19-REVITALIZATION OF RURAL AMERICA

ISSUE

Thirty million people, mostly young and many poor, have migrated from our farms and countryside to our nation's cities in the last 30 years. That movement still continues today at a rate of about 600,000 yearly. As this depopulation of our countryside continues, Rural America is being stripped of both its promise and its potential while the huge urban centers of our nation continue to deteriorate as a result of the overcrowding, congestion, and myriad of problems such population concentrations create.

HUMPHREY GOALS

To provide for the improvement of public services and job opportunities for the almost 70 million Americans living in nonmetropolitan America.

To provide freedom of residence for all Americans so that those who wish either to remain or move to Rural America may do so.

To encourage the development of Rural America on a "planned" basis.

To provide the credit and other financial resources that will be needed to accomplish the revitalization of Rural America.

Stop the abandonment of rural rail trackage and service essential to the economic well-being of small rural communities.

To provide full funding to meet the financial needs of rural electric and telephone cooperatives.

Development of programs designed to develop the human resources of Rural America, especially, among the rural poor.

Continue to strengthen the comprehensive area-wide planning and development concept in Rural America through non-metropolitan multi-county planning and development districts.

HUMPHREY PROGRAM

Rural Development Act of 1972 which provides:

For the expansion of Farmers Home Administration in providing business and industrial loans, and increased grants for community services and facilities, including those important to attracting new businesses and jobs.

For increased funding under the Watershed and Bankhead-Jones Acts for municipal and industrial water supply development, pollution abatement and other environmental activities.

For a new program to help small communities establish or improve their fire fighting capabilities.

For a new nationwide research and extension program concerning rural development and small farmers.

Further liberalization of credit for rural housing.

For increased water and waste disposal planning and construction funds.

For rural development planning funds.

For strengthening the role of the U.S. Department of Agriculture within the Executive Branch concerning Rural Development and for the improved coordination of federal agency activities in rural areas.

Establishment of a new borrower-owned system of rural development credit and financial assistance which would secure its loan funds from the nation's central money markets.

Establishment of a block-grant rural development fund for sharing federal revenues with states, non-metropolitan planning and development districts and local governments.

20—PRESERVATION OF AMERICA'S FAMILY FARM SYSTEM

ISSUE

About 100,000 families continue to be forced out of American agriculture each year. Low prices, lack of bargaining power, and inadequate federal farm programs continue to plague the farmers of this nation in their efforts to secure a fair return on their investments and labor.

HUMPHREY FARM GOALS

To restore parity of price and income to our nation's farmers.

To rely upon more effective supply-management approach as a means to maintain workable supply-demand relationships.

To establish a national grain reserve to help minimize production planning risks which will help insure a more stable price and supply situation for farmers and consumers as it relates to both grain and livestock production.

To enhance the bargaining power of farmers in the marketplace.

To prohibit the takeover of American agriculture by nonfarm corporate interests.

To strengthen prices, supply commitments, and expand access for U.S. farm products in world markets.

Continue to strengthen and expand world food assistance and development of foreign markets under our nation's Food for Peace program (initiated by Senator Humphrey in 1954).

To provide special help and assistance to both young and small family farmers to improve their farm and off-farm income opportunities.

HUMPHREY AGRICULTURAL PROGRAM

Increase price support levels for farm commodities under federal farm programs accompanied by effective adjustment programs to insure that workable supply-demand relationships are maintained including establishment of national reserve inventories of essential farm commodities—the Strategic Storable Farm Commodities Act.

Strengthen farm bargaining and ex-

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panded marketing order approach—National Bargaining and Marketing Order Act.

Permit federal crop insurance through the Federal Crop Insurance Act to be provided on a "cost for investment" basis and expand federal funding authorization for administration of this program.

Encourage U.S. negotiators to pursue new International Grains Agreement containing minimum and maximum price levels and supply commitments.

Enactment of Family Farm Act, which would prohibit any further encroachment by large corporations into farming.

Liberalize credit for young farmers just getting started in agriculture and require Land Grant College and State Extension Services to provide more help and assistance to small farmers—both provided for in Humphrey Rural Development Act of 1972.

Maintain an effective Department of Agriculture with a Secretary of Agriculture coming from a family farm background.

Include an agricultural economist as a member of the Council of Economic Advisors. Include in the Federal Reserve Board a farm spokesman with experience in commercial agriculture.

Include agricultural representation on the Federal Tariff and Federal Trade Commissions.

21—CRIME AND JUSTICE

ISSUE

The American justice system is in need of overall reform and modernization. Our courts are congested, cases take too long to come to trial and hence pre-trial detainees congest the jails. Ten thousand laws are passed in our country each year. There is too little inter-jurisdictional coordination. There is inequity.

American confidence in the justice system is diminished, and distinguished jurists have begun to propose a thorough and complete review and reform of the justice system.

HUMPHREY GOALS

To give as great or greater an emphasis on justice for every American as is now given to social reforms in the areas of health, welfare, etc.

To create an effective federal mechanism for justice reform.

HUMPHREY PROGRAM

Senator Humphrey has introduced a bill for the establishment of a National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

The five major functions of the institute would be:

To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations.

To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions.

To establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system.

To advise, upon request, federal, state, or local public agencies, professional legal societies, and/or members of the bar.

The ultimate aim of the National Institute of Justice would be that of a national focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all our rights, and a heightened responsiveness to the age in which we live.

22—LAW ENFORCEMENT

ISSUE

During the first two years of the Nixon Administration, total crime increased by over 22 percent. Crimes of violence were up 28 percent. Robberies were up over 30 percent.

Nearly $2 billion was spent in crime-fighting by the Law Enforcement Assistance Administration, 92.1 percent of the fiscal year 1971 monies never reached local enforcement agencies but were tied up at state or county levels.

In short, the crime problem has been compounded. Massive efforts—Omnibus Crime and Safe Streets legislation and the Law Enforcement Assistance Administration have been established but, in fact, Americans do not feel any more secure on the streets than before these efforts.

HUMPHREY GOALS FOR LAW ENFORCEMENT

An all-out attack on organized crime.

Better training, benefits, and community involvement with law enforcement officers.

Eradicate the sources of hard drugs.

Emphasize training, employment and rehabilitation of convicts.

Effective gun control legislation that gets guns out of hands of criminals but does not penalize the legitimate sportsman.

Speedier trials, equitable bail rates.

Reduce juvenile crime.

HUMPHREY LAW ENFORCEMENT PROGRAM

Correction Systems Reform Act—to upgrade and reform the prison system, including national minimum standards, rights of inmates, grievance procedures.

Juvenile Crime Reduction Act—to reduce the incidence of juvenile crime, create a National Office of Juvenile Justice and Delinquency Prevention.

Drug Cure and Control Authority—to stop the pusher, mount a total effort against hard drugs, and rehabilitate the addict.

Victims of Crime Act—to compensate the innocent victims of violent crime for injuries.

Life insurance for families of public safety officers and firemen killed in line of duty.

Legislation to rid our streets of the infamous "Saturday Night Special," while protecting the legitimate rights of sportsmen to own sporting weapons.

Legislation that would make killing a policeman or fireman a federal crime.

23—DRUGS

ISSUE

The use and misuse of drugs has become a problem pervading almost all parts of our society. The results of drug usage are evident: lives ruined, increase in crime, families torn apart, and in many cases, death.

HUMPHREY GOALS FOR DRUG CONTROL

To search out the hard drug pushers in our country and put them out of business.

To broaden and make more accessible the treatment and rehabilitation facilities.

To begin comprehensive programs of drug education in all of our schools.

To move ahead on drug research.

To emphasize medical and social rehabilitation rather than prolonged incarceration for addicts.

HUMPHREY DRUG PROGRAM

Drug Cure and Control Authority, an independent agency within the Executive Branch to attack the drug problem from all aspects: rehabilitation, treatment, and law enforcement.

Drug Education Act, to provide funds and support staff for drug education programs in elementary, secondary, and college schools.

Increase funding of $160 million for community health centers to increase addict treatment and rehabilitation programs of these centers.

To review penalties for private possession or use of marijuana with a view for decreasing these penalties.

To enlist the support of allies overseas in effective drug control programs at source. And, if there is no cooperation, then to refuse foreign aid to those countries that will not take steps to halt the flow of hard drugs to the United States.

Funding and staffing for centers that would conduct an active programming treatment and rehabilitation of addicted G.I.'s.

24—CIVIL RIGHTS

ISSUE

The Administration's performance in the field of Civil Rights has been hesitant and inadequate. There has been a basic absence of policy towards establishing equal justice and opportunity for all Americans. Civil rights laws now on the books are not vigorously enforced. And there has been a failure to provide the necessary moral leadership to assure the civil rights of all Americans.

HUMPHREY GOALS

Equal economic and job opportunities.

Carry out the mandates of the Civil Rights Acts.

Guarantee every American full rights of citizenship, political representation, and equal protection of the laws.

Break barriers of racial discrimination.

HUMPHREY PROGRAMS

Employment Opportunities Act of 1972, leading to over one million public service jobs.

250,000 youth jobs.

Upgrading of the Equal Employment Opportunities Commission, including

cease and desist orders, adequate funding and staff to reduce the discrimination complaint backlog. Emphasis on appointment of minorities and women to higher positions in government.

Community economic self-development programs, including minority enterprise aid, technical assistance, and adequate capital investment aid.

National Voter Registration Act, to protect and guarantee every citizen effective right to vote.

Adequate housing supply and enforcement of fair housing laws.

Welfare reform, to scrap the present system and federalize the entire public assistance program.

Child development program, to provide adequate day care service and educational development programs.

Humphrey Drug Cure and Control Authority Act, to search out and convict the drug pushers and rehabilitate the addict.

Bail and parole procedure reforms.

Prison system reforms.

Tax reform proposals, including a closing of tax loopholes and a return of money to the local level to reduce property taxes.

Humphrey Poor People's Amendment, to eliminate the poor from federal tax liability.

An expanded health care system, including funding of neighborhood health centers and home health care.

A total program for the elderly, including a 25 percent increase in Social Security, home nutritional care, Medicare and Medicaid liberalizations.

Major program of federal assistance to upgrade schools and advance desegregation, plus sharply increased financial help to college students from lower income families, and to higher education institutions that promote equal education opportunities for minority and disadvantaged youth.

Self-determination for the District of Columbia.

25—WOMEN'S RIGHTS

ISSUE

In our continued striving for a just society we have given too little attention to the repression of our neglected majority, over half of our national population: 104 million American women.

HUMPHREY GOALS FOR WOMEN

A society that will no longer tolerate more than half of its population relegated to second-class citizenship.

A society in which men and women will share more equally in the responsibilities of raising their children.

A society in which men and women can be equally productive participating and efficient members of the American economic, social, and political systems.

A society in which people will change the way they think about the roles of women and men.

HUMPHREY PROGRAM

Professional and comprehensive day care and child development centers available to every woman regardless of income level.

Equal pay for equal work as a basic tenet of our economic system.

Equal access to leadership positions in business, government, and the professions.

Guaranteed maternity leave without loss of position.

Meaningful participation in American politics, as decisionmakers in the Government Cabinet, judicial branch, agencies, and commissions.

Equal rights amendment—to make certain that equal protection under the law is in fact implemented.

Endorse cochairmanships for women at Democratic Convention.

Prohibit sex discrimination in higher education.

Tax relief for child care expenses for working parents.

Continue to advocate, as in the past, the appointment of women to the Supreme Court.

26—YOUTH

ISSUE

The crisis of youth is at once one of direction, one of opportunity, and one of goals. Not all youth are in college and these young workers are too often forgotten by a society that says a college education is the only way to get ahead.

Young people want jobs. They want good health care. They want adults to respect them as persons. And they want to be heard.

HUMPHREY GOALS FOR YOUTH

A voice in the affairs of our Nation.

Opportunity for the kind of education one wants.

A meaningful job, with good pay, interesting work.

HUMPHREY PROGRAMS FOR YOUTH

Two hundred and fifty thousands jobs in neighborhood improvement.

Americans for Domestic Development, a major new service corps to utilize the idealism of American youth to meet the human needs of this Nation.

Community part-time employment program, to provide part-time, odd-job employment for American youth.

Educational scholarships for America's forgotten youth, to focus attention on needs of America's invisible—the more than 8 million young men and women not in college. They should have a fair share in the educational subsidies and privileges enjoyed by college students.

Office of Youth Affairs, to bring the voice of young America into the highest councils of government.

Interns for Political Leadership, to provide opportunities for young people to work as interns in offices of elected local, state, and national officials.

Utilization of Department of Defense training facilities, equipment, staff, and programs for job training and work experience for all young men and women—service and non-service.

National program to focus on job advancement opportunities, and job conditions for young workers.

27—INDIANS

ISSUE

Our nation has never addressed with determination the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an all-too-often alien culture of the city.

HUMPHREY GOALS

To acknowledge and further the rich heritage this pluralistic nation enjoys in the traditions and values of Indian people.

A totally new national policy toward Indian people, formed with and by Indian people.

A commitment to meet vital needs of Indians in areas of health care, education, employment, housing, and the protection and development of land resources.

HUMPHREY PROGRAM

Support for land resource rights such as "Blue Lake" land in New Mexico and the Alaskan Native Land Claims.

Repeal of the Termination Act affecting the Menominee Indians.

Trust and responsibility extended to all Indian people, regardless of where they reside.

Sufficient funding to fully staff Urban Indian Service Centers. The Bureau of Indian Affairs simply must extend its services to off-reservation Indians.

Implementation of the new eligibility for federal services to off-reservation Indians in urban, rural, and state reservations locations.

Job opportunity and economic opportunity for Indians.

A federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the federal government.

Increase in the health services and housing assistance programs critically needed by Indians.

The establishment of an American Indian Development Bank to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources.

28—SPANISH-SPEAKING PEOPLE

ISSUE

America's second largest minority group, the Spanish-speaking people have for too long experienced the harsh realities of discrimination, compounded by language barriers and society's ignorance of and disrespect for their rich and varied cultural heritage. Experience of exploitation and cultural repression are particularly severe for the 15 million citizens of Mexican-American, Puerto Rican, Cuban, and Central and South American origin. The reality of life in the United States for Spanish-speaking Americans is the placement of their children in classes for the mentally retarded because of language difficulties, rampant unemployment, an unbroken cycle of poverty, and grossly substandard housing.

HUMPHREY GOALS

A national policy of commitment to assuring Spanish-surnamc Americans the equal protection of the laws and the full range of opportunities available to other citizens.

Sustained, high-priority programs by the federal government to carry out this commitment by sharply focusing public attention on these needs, demonstrating equality of opportunity in federal employment and contracts, assuring nondiscrimination in programs receiving fed-

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eral assistance, and launching new initiatives to meet the critical needs of Spanish-speaking Americans for jobs at a fair wage, decent housing, and readily available health, education, and social welfare services.

HUMPHREY PROGRAM

Assure Americans of Spanish ancestry a fair share of the more than one million public service jobs that can be provided with the enactment of the Humphrey Equal Employment Opportunities Act. Promote economic self-development in Spanish-American communities.

Sharply focus federal statistical reporting on the critical problems of Spanish-speaking Americans, in line with the legislative demand made by Senator HUMPHREY that the national unemployment rate for this important but ignored population group be published in the regular monthly employment report issued by the Bureau of Labor Statistics, as well as data on the social and economic condition of the Spanish speaking.

Act immediately to end the severe educational handicaps borne by 2 million Spanish surname schoolchildren, by specifically requiring bilingual educational programs, the recognition of Spanish history, heritage, and folkiore in school curricula, and the hiring of specially qualified teachers, administrators, and guidance counsellors, who are committed to these goals, as a condition of Federal assistance.

In line with initiatives by Senator HUMPHREY dating back to 1951, concerntrate federal programs and protective measures on meeting the vital needs of migrant farmworkers for fair wages and better working conditions, decent housing and immediately available health and social welfare services, and extensive continuing education opportunities.

Place a major emphasis on extensive child care and development programs vitally needed for Spanish-speaking preschool children and working mothers.

Assure that special attention is given to providing new housing and effective housing management services for Spanish-surname communities.

Establish leadership in the Office of the President in guaranteeing a full range of equal employment opportunities for Spanish-speaking Americans, by appointing Americans of Spanish ancestry at cabinet-level rank and high civil service positions and insuring affirmative non-discrimination compliance efforts as a condition of federal contracts.

29—VIETNAM

ISSUE

President Nixon promised in the Presidential campaign of 1968 that he would end the war 6 months after he was elected. Six months have been dragged out to 3½ years. U.S. troops have been steadily withdrawn, but expenditures in human lives and American treasury continue to remain high. What was once determined to be a limited war for limited purposes in North and South Vietnam has been expanded by the Nixon Administration into a war with heavy American air combat involvement throughout Indochina Peninsula. First there was the invasion of Cambodia starting on April 30, 1970; then there was the South Vietnamese invasion of Laos with heavy U.S. air combat support beginning February 8, 1971; then, the intensification of U.S. bombing in South and North Vietnam and finally, on May 8, the President's decision to mine the harbors of North Vietnam and bomb civilian as well as military targets above the demilitarized zone. In sharp contrast to the military escalation of the war, the President has progressively changed his hard-line diplomatic position to one somewhat more in keeping with the suggestions outlined by the solid Democratic coalition in Congress.

The central question which Vietnam poses today, whether or not a settlement is reached by November, 1972, is what price did Americans, their allies and the Vietnamese people have to pay for the cruel duration of this war? Could President Nixon have terminated American involvement at an earlier date with an agreement to release American prisoners of war and an accounting of our personnel missing in action?

HUMPHREY GOALS

Secure the release of American prisoners of war and an accounting of all American personnel missing in action.

Terminate all U.S. military operations in Indochina.

Bring about complete disengagement of all U.S. Armed Forces from South Vietnam.

Offer assistance in securing a negotiated settlement of the war throughout Indochina.

HUMPHREY PROGRAM

Humphrey's legislative record on Vietnam since his return to the Senate indicates his strong and consistent opposition to the war and his concern about the fate of American POW/MIA's.

Humphrey's proposals on Vietnam have been three pronged:

Terminate all U.S. military operations in Indochina and obtain an agreement on the release of American POW's and an accounting of our MIA's.

Withdraw all U.S. Armed Forces from South Vietnam contingent upon the release of American POW's and an accounting of American personnel mission in action.

Work through the United Nations to obtain a cease-fire in Vietnam and to help resolve the issues which have continued to be an obstacle to the negotiated settlement of the war. In particular, Humphrey has urged the major powers involved in supplying both North Vietnam and South Vietnam with military assistance to implement a moratorium on further military assistance. This moratorium could strengthen any settlement which was finally reached.

30—THE MIDDLE EAST

ISSUE

It has been five years since the outbreak of the "6-Day War," and still the Middle East remains the world's most threatening powder keg, ready to ignite at any moment. The Soviet Union continues to supply Arab countries with provocative weapons, Soviet military technicians, and diplomatic tactics which only serve to bolster their intransigence towards reaching a comprehensive agreement with Israel. It is making economic forays into the Middle East which may strangle the world's fuel supplies. In short, the Soviet Union has assumed an aggressive posture in the Middle East which has muddied the waters for a negotiated settlement and for international cooperation in that part of the world.

HUMPHREY GOALS

To secure a negotiated settlement in the Middle East, as agreed upon by Israel and the Arab countries themselves in keeping with the spirit of UN Resolution 242.

To insure the defense capabilities of the state of Israel.

To achieve a normalization of economic and diplomatic relations in the Middle East and to support UN efforts in this direction.

HUMPHREY PROGRAMS

Humphrey's legislative record has been one of consistency and constancy in his support of Israel, to help Israel maintain its freedom, and in his effort to reduce tension throughout the Middle East. His proposal for achieving a peaceful settlement include the following points:

The United States must convince the Soviet Union to assume a stand-off position in the Middle East and reach an agreement whereby neither country attempts to obstruct negotiations. The Soviet Union must exercise self-restraint, comparable to that of the United States.

Any settlement must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

A settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy places.

Recognition of Jerusalem as the capital of Israel.

Economic assistance for the settlement of refugees.

Assure the availability through credits of the necessary planes, tanks and defensive weapons vital for the security of Israel.

Insistence that Soviet Union guarantee the right of Soviet Jews to migrate to Israel.

Furtherence of cultural relations with Israel.

31—SPACE

ISSUE

Space exploration and work in the field of astronautics has come under some attack in the debate on national priorities. The Nixon Administration has provided little leadership in defense of this field and in the creation of imaginative programs which have direct application to our needs at home. The Administration has been slow in attempting to promote an array of international programs in the field of space which could benefit all mankind.

HUMPHREY GOALS

A comprehensive space program which integrates scientific discoveries with domestic planning and programs.

Achievement of expanded international cooperation in space for the control of the human environment and its resources.

Stress work in space for peaceful purposes.

HUMPHREY PROGRAMS

Humphrey has always been a vigorous and articulate supporter of space and aeronautics progress with special emphasis on the practical benefits of such developments. As Vice President, he served as the Chairman of the National Aeronautics and Space Administration.

The Humphrey program would:

Support the space shuttle as part of the new phase in manned spaceflights.

Encourage greater cooperation in space, not just with the Soviet Union but other countries as well, on a bilateral and multilateral basis.

Establish an integrated approach to space programs so that there is a direct tie-in to domestic programs in such fields as urban planning, communications, health and rural development.

Apply space technology for a breakthrough in global resource management, beyond the terms set up in the Outer Space Treaty.

Support and encourage the domestic development of space-spawned technological advances such as Communication Satellites, Earth Resources Technology Satellites (ERTS), Nimbus Weather Satellites, advance medical technology improvements, new metals and fabrics, computer advances and medical pacesetters.

32-DEFENSE

ISSUE

This year, the defense budget calls for $83.4 billion, roughly 30% of the total federal budget. This represents a jump of $6.3 billion in new budget authority at the same time that the Administration claims it is withdrawing from Vietnam and halting construction of defensive nuclear weapons. In other words, defense expenditures have absorbed the so-called Vietnam peace-dividend, the savings from the SALT agreements, and then some. Defense planning and strategic thinking has remained static, failing to take account of the latest international diplomatic developments and requirements for our national security.

HUMPHREY GOALS

Establish a long-term defense plan to provide for U.S. national security and to enhance U.S. foreign policy.

Maximize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures in the military to reduce enormous cost-overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament, agreed upon by nuclear and non-nuclear powers.

Reduce overseas bases and military personnel.

HUMPHREY PROGRAM

Humphrey's public career has been dedicated to peace and disarmament:

Delegate to the United Nations in 1956–57.

Author of the bill to establish the Arms Control and Disarmament Agency.

Sponsor of the Limited Test Ban Treaty of 1963.

A leader in the planning and development of the Nuclear Nonproliferation Treaty of 1968.

As Vice President, played a leading role in the creation of a nuclear free zone in Latin America.

Since returned to the Senate, has introduced several important pieces of legislation to help bring a halt to the arms race.

Humphrey's legislative record on defense has been marked by a studied approach to reforming and modifying our defense program.

Voted to cut spending for the overly sophisticated F–14 fighter bomber and the B–1 bomber.

Had legislation calling upon the Department of Defense to make available to Congress a five-year defense budget and to submit an alternative budget for Congressional consideration.

Voted for increased funding of our research and development programs to insure U.S. preparedness.

Humphrey's defense proposals:

Begin comprehensive review of the proper relationship of defense to foreign policy, weapons systems to security requirements, and the structure of our system of defense to battlefield requirements.

Restrict air defense system to a surveiliance role while maintaining current programs for the modernization of offensive strategic weapons.

Modest reduction in active duty strength, matched by improved readiness of reserve units.

Provide for a modified aircraft carrier program and tactical Air Force modernization program.

Reduce the ratio of support to combat forces to level in 1968.

Reduce number of overseas bases.

Reduce military manpower to 2.0 million to assure the implementation of an all-volunteer army.

Seek reciprocal reduction of armed forces and armaments in Europe and move ahead for further, more comprehensive arms control agreements.

Tie any reductions in civilian and military personnel, stemming from cuts in our defense programs to comprehensive economic assistance and employment programs.

Establish new acquisition and procurement procedures which would include greater use of competitive prototypes, enforcing fly-before-you-buy provisions, return to the firm, fixed price contracts, reduce in-service rivalry, and simplify weapons to eliminate "gold plating."

33—RESPONSIVE AND OPEN GOVERNMENT

ISSUE

Too many Americans have come to feel that their government is remote from them, that it responds poorly to their needs, and is often closed off to them. Yet, they see the rich and the powerful with almost full access to the decision-making centers of their Government.

The people want to be heard. They want to be listened to. They want to have control over their lives.

Government that does not do so is not government of the people.

HUMPHREY GOALS FOR A RESPONSIVE GOVERNMENT

A government that is open, with open doors, public meetings, and fully explained decision-making consistent with the national interest.

A government that recognizes the neighborhood, the street where people live, as important and crucial to people's lives.

A government that does not try to run everything from Washington.

A government with heart, that feels the pulse of the people, that is an advocate and servant of the people rather than their master.

HUMPHREY PROGRAMS FOR A RESPONSIVE GOVERNMENT

Implementation of the Freedom of Information Act.

White House Regional Ambassadors—as direct representative of the President to cut through the red tape and get programs operating faster.

Creation of the Office of Balanced National Growth and Development.

National Budget—a change in the budgetary process that would make it more open—to bring Governors, Mayors, local officials into the budget process before decisions are finalized.

A comprehensive program to revitalize basic services at the local level—including proposals on housing, neighborhood improvement, transportation, health, education, property tax relief, welfare reform.

Citizen's Committee to Study Congress—a citizen's based committee to launch an indepth study and analysis of congressional procedures with the goal of reform in the policy and procedures.

Tax Expenditure Awareness Act—to provide every taxpayer in the United States a breakout of exactly how his own tax dollars are spent by the Federal Government.

Joint Committee on National Security—to assure coordination and cooperation among both Houses of Congresses in matters of national security.

Humphrey Universal Voter Registration Act—to expedite voting registration.

Direct election of President and Vice President.

A SALUTE TO EDUCATION

Mr. TOWER. Mr. President, the National Education Association is sponsoring a "Salute to Education" during this week and I am pleased to join in this tribute to our Nation's educational system.

As a former university professor, I firmly believe that there is nothing more important to the continued growth and development of our Nation than a strong educational system. In the last few years tremendous changes have been taking place in the system. Because of these changes the educational structure is now in a period of hiatus.

Our public school systems continue to grow in a variety of ways. Over the last school year expenditures have increased by 7 percent even though daily attendance has only increased by a half percent. Interest on the overall school

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debt has risen by more than 6 percent. Compounding these conflicting statistics are the recent Federal and State court decisions, one of them in my State, which ruled that the manner is which the public schools are financed is unconstitutional.

All Americans must find common ground in order to meet these challenges. Governments at all levels must join together to improve the quality of our educational system. The Federal Government must play a role in improving the overall quality of the educational system. However, this role should be limited to assisting local communities when those communities do not have at their disposal the resources necessary to make the improvements we all desire.

This Nation has prospered primarily because of the superiority and of our innovative and flexible approach to education. Without local control of our educational system, I firmly believe that innovative and experimental projects will suffer.

Our superior and constantly improving educational system has been made possibe by the unending devotion of local school administrators, teachers, and parents, as well as America's youth. This tribute is to them; and again, I am pleased to be part of it.

ARTS IN OUR SOCIETY

Mr. TOWER. Mr. President, the administration has recently requested a funding level of $39 million for the National Foundation on the Arts, to provide for its continued expansion efforts. One of the primary goals for 1973 is to insure that all Americans have an opportunity to experience a wealth of cultural activities.

State art councils, in cooperation with the endowment, are making great strides toward this objective. Growing professionalism among the directors, the store of information being gathered from our Nation's cultural resources, and the creativity of State council programs, have contributed immeasurably to our understanding and appreciation of our artistic wealth.

Recently, Harold J. Elias, a member of the Texas Fine Arts Commission from Longview, Tex., expressed his thoughts on the arts in our society in an editorial for the Longview Daily News. I ask unanimous consent that the full text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT BEAUTY?

(By Harold J. Elias)

In any past society or civilization, its evaluation is the result of its thinkers. The social and monetary values come later. These people who look to the future are found in every profession, but in the area of artistic expression there are more who look ahead and re-examine the past for new paths of self expression.

Although this group is small in number these artists, musicians, poets, and dramatists are in many instances more sensitive to their surroundings, and from their observations, talents and imagination, are the architects who advance their art creating beauty to enhance a community, a country, or even the world.

In past civilizations the arts were supported and nurtured by the church and the nobility. These societies recognized that the practitioner could not make a living then, and there is no reason to believe he can make a living at it today. Many play the violin, piano and guitar, many write and put paint on canvas; this does not make them musicians, poets, dramatists or artists. Art is a world of talent, knowledge, intensive training and experience, and few people ever produce that quality, to be called artists. There are practitioners who make money in the arts, but these are not necessarily artists.

Artists such as Da Vinci, Michelangelo, Mozart or Beethoven, were not always understood in their own time, because their intelligence and creative powers were beyond the average citizen then, and possibly ahead of many even today. There have been artists like Schubert and Van Gogh who produced great works of beauty, but died as paupers unrecognized. Why? Because they were judged by those who did not have the knowledge or ability to understand creative progress.

Centuries ago various societies realized that the artists should be subsidized as the teachers and preachers are today. The nobility and church wanted beauty to enhance their lives, so they saw to it that the artists had the necessary items and commissions to put their creative talents to work. They also gave respect and recognition to creative talent.

The revenue of a community is the total collected taxes from all its citizens. Such revenue must be used intelligently and effectively for the good of the whole community. With this money we build roads, build schools and public buildings. This revenue comes from those contributing who may not be using these roads, have no children to send to school or do not use our public buildings.

Why do we hesitate when it is suggested we maintain a symphony, a threatre or a Civic Center? Because only a handful of people like symphonic music or because only a small group would use a Civic Center? No, only a handful of people use a certain street in our town, but it is built. When will it be that we can put beauty and creative activity on a par with building a street or a public building?

Beauty is found in a good painting, an inspired symphonic concert and a fine theatre production; these belong to and are yardsticks by which to measure a community. A city can by its own efforts lift itself to produce a Civil Center which can have, as only one of its activities, that of being cultural hub of its part of the state. With only a few people to teach and a gentle persuasion to others to see and hear these things, life will gain a quality of stature in this community which will never be the same.

Man can see the real value of the arts, and never be alone, when he can sit down with a good book, enjoy a fine play, listen to great music and be in the company with the great intellects who created it. God has blessed us with these gifts through talented writers, musicians and artists. Make use of them, give your life a dignity and quality you would not have if they were not available. This cultural uplift is just as important to a community as schools, churches, streets, the fire and police departments.

We can, as a unit, use our collective means to produce those things which will give us new horizons to beauty which will excite the mind and the soul. By uniting, I mean beauty is for everyone, not intended for the sophisticated, the diamond or mink crowd or the odd balls; beauty is that glorious quality which can be enjoyed by all.

If you are not aware of this then you are missing one of the great glories of being alive. Longview must see to this for her people. And the people in Longview must see to this for themselves in order that future generations can prosper.

Our future will not be remembered by our social or monetary values. It should be for the future generations to discover how great we were to produce such beauty.

CAUSTIC DETERGENTS

Mr. HARTKE. Mr. President, on October 1 of last year, I introduced an amendment to the Federal Hazardous Substances Act which would have made it clear that the Secretary of Health, Education, and Welfare has the authority to ban or otherwise restrict the sale of caustic household detergents.

My bill was introduced in response to the conflicting statements of administration officials on the question of so-called caustic, nonpolluting detergents versus those detergents which are harmful to our environment. At the time of introduction, I stated that HEW could solve this dilemma by requiring all caustic detergents to bear an appropriate label stating their potential hazard to human health. My bill further provided funds to develop a "childproof" type of container for household detergents to prevent their misuse by children.

To date, no action has been taken, yet a recent article in the Washington Post makes it clear that caustic detergents are extremely hazardous. To permit their unrestricted marketing is to fly in the face of the Federal Hazardous Substances Act.

Mr. President, I call for congressional action to end this serious danger—a danger which is present in millions of American households—and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAUSTIC DETERGENTS ARE SECRETLY SHOWN TO CAUSE BLINDNESS

(By Morton Mintz)

Evidence that a group of household detergents with a small but growing share of the market causes blindness in laboratory animals has been gathered but not disclosed by the Department of Health, Education and Welfare, The Washington Post learned yesterday.

The detergent group, the caustics, poses a hazard primarily for children too young to read the warning labels required by the Food and Drug Administration.

Tests showing that the caustics, which contain little or no phosphate, can cause blindness were done by the National Institute of Environmental Health Sciences at the request of Surgeon General Jesse L. Steinfeld.

The director of the institute, Dr. David Rall, declined to comment. Dr. Merlin K. Duval Jr., assistant secretary of HEW for health and scientific affairs, directed Rall not to disclose the test results—even to Dr. Steinfeld, it was learned.

Steinfeld, who has been at odds with HEW on several issues, set off a flap last September when he advised housewives to use phosphate detergents or soap in preference to the caustics.

He warned that caustics threaten toddlers with a "serious risk of irreversible loss of sight, loss of voice, ulcerations and blockage of the esophagus, severe skin burns and even death."

About 3,900 children a year are reported to eat detergents, although many times that number of cases are believed to go unreported. Extremely few cases of blindness associated with the products are known—but the FDA has never required reporting of eye damage.

In the new studies, however, researchers found that while all detergents cause inflammations in the eyes of rabbits, only the caustics cause permanent damage and blindness.

One qualified source told a reporter that irreversible blindness in a child that touched a caustic detergent to its eyes could occur even if the eyes were to be rinsed a few minutes later.

The FDA, in a report last year on 39 detergents of the caustic and high-phosphate types, said that all of them caused inflammations lasting three days.

Some HEW scientists have complained privately that the FDA insufficiently emphasized the danger from the caustics, despite abundant evidence that it should have done so.

Malcolm W. Jensen, director of the agency's Bureau of Product Safety, said last night that the FDA will propose new regulations this week to require manufacturers to test detergents in rabbit eyes for at least seven days. In the new tests, some cases of blindness were not found until about 14 days, it was learned.

Environmentalists oppose phosphate detergents on the grounds that they cause lakes and rivers to die—a problem Steinfeld has urged be solved with sewage treatment.

Another form of detergent, the so-called NTAs, cause neither blindness nor the death of waterways, but, scientists say, have not been shown to be free of a potential to cause cancer or other serious adverse effects.

MEAT PRICES

Mr. TOWER. Mr. President, today, President Nixon announced his decision to relax meat import quotas in an attempt to increase supply and to meet current demands for beef. Meat prices have been the subject of considerable debate over the past few months. I have opposed increasing meat import quotas and I remain opposed to that action. But we may be faced with raising imports or accepting price controls on raw agricultural products. I see raising imports as the lesser of the two evils.

Price controls on farm produce will not stop the rise in food prices. This is because the basic problem for rising food prices is not on the farm. Farmers are currently receiving about the same price for their products as they were receiving approximately 20 years ago, even though production costs have risen considerably. A possible result of price controls on raw agricultural products is food shortages. We cannot expect the farmer to continue to produce, if he must do so at an economic loss. The profit ratio for American farmers today is already razor thin. Our farmers have been producing over the past many years in an economic climate which reflects the high labor and manufacturing costs of America and simultaneously an economic climate which force their products to compete for sales against foreign produce grown with far less overhead.

U.S. Department of Agriculture and Department of Labor statistics show the plight of the farmer and rancher who produces beef:

The U.S. average wholesale price received by the farmer for all grades of beef cattle in 1951 was $28.70 per hundredweight. Preliminary estimates are that the comparable figure for 1971 was $28.80.

Meanwhile, average hourly employee earnings in the meatpacking industry were $1.56 in 1951, and $4.17 in 1971.

The U.S. average retail price to the consumer in the grocery store for roundsteak in 1950 was 93.6 cents per pound, compared with an estimated 136.1 cents per pound in 1971; and for hamburger the 1950 price was 56.5 cents per pound, compared with 68.1 cents per pound last year.

A one-tenth cent per pound rise in the cost of live cattle simply cannot, by itself, cause a 42.5-cent rise in the consumer price of roundsteak. The cause of high food prices does not lie with the farmer and rancher.

The American farmer has proved to be one of the Nation's most efficient producers. He has never yet failed to meet the demands of the American people for more and better food. I am confident that, without price controls, he will continue to meet growing food demands. But to insure a sufficient supply of food and fiber, we must allow the farmer to make a profit. Price controls on raw agricultural products may erode what is already a very thin farm profit margin. If we act to deny the farmer a profit, we may very well face food production shortages. Drastic measures to control beef and food prices might place us in a new and dire situation; one in which sufficient food is not available at any price.

Today, we are experiencing an increasing demand on the part of consumers for the better cuts of meat. As that demand grows, and as more consumers choose to buy more of the better cuts and less of the cheaper cuts, the price of those better cuts goes up, and this rise contributes to an overall rise in consumer food prices. But a large part of the reason for the increase in demand for the better cuts of meat is the fact that more families are now able to pay the higher prices of these better cuts. Consumers do not suddenly develop a preference for steak over hamburger. They have had that preference all along, but now more of us are achieving the income levels which allow us to buy more steak.

Although most consumers are now spending more dollars in the grocery stores, most consumers are also paying a smaller proportion of their disposable income there.

Price controls on raw agricultural products may temporarily lower the food prices, but such an action might very well lower the supply of food, perhaps drastically. The President noted in his recent news conference that price controls placed on items in short supply can result in black marketing. We must avoid that possibility.

We should be pleased that the incomes of Americans is such that the demand for better, more expensive, cuts of meat are going up. And we should be pleased that the American farmer is producing sufficient quantities so that our population can be fed better than it ever has been. But it would be a grave mistake to impose price controls which might jeopardize our food supply by further diminishing farm profit margins.

An increase in meat imports, undesirable as I think they are, will increase meat supplies. Hopefully this action will enable us to avoid any temptation to impose price controls on raw agricultural products.

LAW ENFORCEMENT PROFESSIONALISM

Mr. HARTKE. Mr. President, a recent article entitled "Indiana Puts Police Work in College," published in the Christian Science Monitor, demonstrates some of the activity in my home State of Indiana to professionalize law enforcement. Although courses in police administration have been taught at Indiana University for some time, recent changes and innovation have expanded the value of the police curricula. A new cadet program and additional courses insure that a graduate will be amply qualified to enter the field of law enforcement.

The program at Indiana University typifies the degree of professionalism that we must achieve if law enforcement is to keep pace with its increasing demands and public expectation. Last fall, upon introduction of S. 2540, I stressed the need for such activities, to be the positive impetus needed to upgrade law enforcement.

We must realize that adequate protection of citizens will not be accomplished by a bumper-strip war against crime. It will be met only through the application of the most sophisticated methods in the fight against crime. S. 2540 projects massive national action like that at Indiana University as the means to provide the citizens of our Nation with the best law enforcement protection possible. The citizens of this country deserve and desire a new standard of excellence in law enforcement.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIANA PUTS POLICE WORK IN COLLEGE

(By Harold F. Bennett)

BLOOMINGTON, IND.—Indiana University has woven the goal of upgrading the professional status of the policeman into its curricula—a new program aimed at giving students who sign up for it a background in law enforcement.

Some courses in police administration have been taught at the university since 1935, but additional courses and a new cadet program have expanded these to provide students with a background of practical experience before they graduate from college.

"Innovative and practical," is the description Robert K. Konkle, superintendent of the Indiana State Police Department, applies to the cadet program. "It should produce the kind of leaders so critically needed in law-enforcement work."

Indiana University students who enter the cadet program fulfill the requirements for a standard university degree. But to be eligible for the program, they must complete their freshman year and must major in subjects related to law enforcement—education,

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forensic studies, sociology, data processing, and management.

TRAINING SKETCHED

When they graduate, they offer prospective employers—in addition to the college degree—the equivalent of six months at a police academy and one year of on-the-job training.

Three summer sessions supplement the regular academic courses. Orientation soon after acceptance lasts about one month. Eight weeks of training during the following summer fulfills the minimum requirements of the Indiana Law Enforcement Training Board.

Cadets work and train approximately 20 hours a week with the university safety division. As sophomores, they wear blue slacks and blazers with a distinctive emblem while on duty. At games, concerts, and other public events, as well as during rush hours, some help to direct traffic. Others assist in communications or record keeping, at information centers, or on security patrols. During this period they have no authority to make arrests.

Juniors and seniors are commissioned as full-fledged (but part-time) uniformed police officers. The corps is part of a reorganization offering extended safety services to the entire student body.

Cadets are paid for the police training courses as well as for their working hours. By graduation they may earn up to $7,000. Several scholarships based upon financial need can be earned.

Four of the 37 members of the first class are women. The female role in law enforcement is the subject of a current research project.

Two former policemen are among the students. Roger Allton was a patrolman for more than four years in Greendale. John Bowman also served approximately four years with an Indiana police department. He was a technician in Richmond. Cadets Allton, Bowman, and 11 other military veterans are enrolled under the GI Bill of Rights.

HOW PROGRAM STARTED

The cadet corps is the idea of Irvin K. Owen, appointed university director of the Office of Safety last year. His 23 years with the Federal Bureau of Investigation have enabled him to work closely with police and sheriffs throughout Indiana.

Assistant Director J. Russell Prior, while on loan to the Agency for International Development, taught law enforcement in Brazil, Jordan, and Thailand.

A major share of financing for the cadet program is from federal grants channeled through the Indiana Criminal Justice Planning Agency.

Safety division officials double as faculty members of the university police academy. Part of the appeal of the new program comes from their diversified experience. Besides Mr. Owen, a retired FBI agent, and Mr. Prior, a state policeman for 15 years, faculty include George E. Huntington Jr., city police chief, Ronald F. Bryant, sheriff's executive officer, and James L. Kennedy, county coroner's chief investigator. Guest lecturers also share their expertise.

AWARD TO DR. ROBERT A. BOTTENBERG

Mr. TOWER. Mr. President, on May 3, Dr. Robert A. Bottenberg, at the annual meeting of the President's Committee on Employment of the Handicapped, received the President's Trophy as the Handicapped American of the Year.

Dr. Bottenberg suffered loss of sight, taste, smell, and partial hearing when he was struck by an artillery shell fragment during an assault operation with the 63d Infantry Division in Germany in 1945.

As Sydney Smith said:

A great deal of talent is lost in this world for the want of a little courage.

Dr. Bottenberg has far more than "a little courage." Today he is chief of the Computer and Management Sciences Branch of the U.S. Air Force Human Resources Laboratory at Lackland Air Force Base, Tex. In this position, he manages over a hundred professional and technical personnel.

I ask unanimous consent to have printed in the RECORD the transcript of a speech delivered by Max Robinson, WTOP-TV "Eyewitness News," at the presentation ceremonies in which he describes Dr. Bottenberg's life of courage and determination. He is an inspiration, not only to other handicapped individuals, but to all Americans.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO COURAGE

(By Max Robinson)

"Well, Andy, it looks as if I'll have to start over."

These were the first words of a newly-blind soldier to the friend who had dragged him from the path of exploding mortar shells. It was just one day after both men had been wounded in an assault on German fortified positions east of the Rhine River, in the year 1945. The place was a field hospital where casualties of the U.S. Army's 63rd Division had been rushed for medical care.

The private first class who made this statement was 21-year-old Robert A. Bottenberg, whom we honor today as Handicapped American of the Year.

Fate, or the hand of God—call it what you will—had brought him blindness on the battlefield. What had brought him this acceptance of his state, the recognition that one life had been shattered and another must be built?

Mankind calls it courage, which we revere, strive for and can never fully comprehend. To help us understand its embodiment in Robert Bottenberg, we must start at the beginning.

Robert was born in Kansas City, to Grace and Homer Bottenberg. They were wise and loving parents, who encouraged their son's eagerness for learning, his enthusiasm for athletics, camping and nature and his interest in church and Boy Scout activities. Academically, he was at the head of his class, and he excelled in baseball, football and other sports.

Although an only child, he had warm ties to cousins and others in a close family relationship, and many friends.

After high school, Robert went to Kansas City Junior College, with the intention of majoring in chemical engineering. But World War II broke out and he joined the service. He trained with the 63rd Infantry Division in Centerville, Mississippi, and left for Europe in 1944, to see action in France and Southern Germany.

He was a good soldier, his platoon leader recalls, and well liked by his buddies and superiors. He had a habit of saying, "If I get back to Kansas City, I'm going to marry Gene." Gene Laffoon was a girl who went to his church at home, and to the same junior college.

Six months after he arrived in Europe, Robert Bottenberg's optic nerve was destroyed by a shell fragment that pierced his left temple, passed behind his forehead and lodged against his right temple. In addition, he suffered considerable facial damage, some loss of hearing and lost his sense of smell.

And it was on the next day that he said: "It looks as if I'll have to start over."

The first month was grim. Robert was transferred from the field hospital to a hospital in Paris, where the emphasis was on medical treatment, with no attempt at rehabilitation. Then, he was flown to Dibble Hospital, Minelo, California, which specialized in treatment of eye injuries.

This is where Robert's new life began. He was taught to do many things, and new ways of doing others. He learned braille, typing and how to travel. A friend who went to see him reported: "At the end of the visit, Bob said, 'Take my arm and I'll get you out of here.' When he said that, I knew he'd never have a problem."

Three months at Dibble were followed by stays at other hospitals for plastic and medical surgery and a final period of concentrated rehabilitation.

Recalling this time of his life, Robert Bottenberg says: "While I was still undergoing medical treatment, I made the decision to go to college. It was really only a question of how I was going to school, not whether I was." He was encouraged in this decision by the doctors and other staff at the hospitals where he convalesced.

In July 1946, Robert was separated from the Army, returned to Kansas City and in the same month, keeping his promise to himself, he married Gene.

They moved to Columbia, where Robert attended the University of Missouri. He had given up the idea of becoming a chemical engineer, realizing that blindness would limit participation in laboratory work, and decided instead on a degree program in psychology, with the tentative goal of teaching at the college level.

Under Public Law 16 which applied to disabled veterans, he was able to hire sighted individuals to read his text book assignments for recording on a sound scriber. He took lecture notes in braille, which Gene, too, learned. And she was a readily available reader. Another help was a keen memory which Robert further developed, along with his reasoning powers, by doing calculus problems in his head.

In two years he earned his BA degree, graduating Phi Beta Kappa. Next came a non-academic achievement—the first of the Bottenberg's three daughters, born in 1949.

Robert earned his MA degree the following year and the family moved to California. At Stanford University he began to work toward his PhD in psychology, with a minor in mathematical statistics. By a quirk of fate, the Bottenberg apartment was in a building that once had been part of Dibble Hospital, where Robert's new life had started just five years earlier.

By 1953, he had finished the written part of his thesis and his faculty adviser, impressed by his brilliance, contacted the Air Force's Personnel Research Laboratory at Lackland Air Force Base, San Antonio, Texas, and recommended Robert for employment there. That same year, he started work at Lackland. Four years later, he completed his thesis and was awarded his PhD.

During his years at Lackland, Dr. Bottenberg had climbed steadily up the career ladder, enriching his background by attending seminars and courses in computer sciences, mathematics, statistics and psychology. In 1963, with Joe H. Ward, Jr., he co-authored a book, "Applied Multiple Linear Regression," which is a classic in the field of applied statistical techniques.

Today, he is Chief of the Computer & Management Sciences Branch, Personnel Research Division, Air Force Human Resources Laboratory. In this capacity, he manages a work force of over 100 professional and technical personnal engaged in the solution of Air Force personnel management problems. He is the focal point in the Air Force for the formulation and development of mathematical models of its personnel system. He also acts as consultant on scientific and operational operations to Federal agencies, educational institutions and research foundations.

Impressive as his academic and professional achievements are, they reflect only part of the man who is Robert Bottenberg.

When called upon by the Texas Commission for the Blind, he tutors blind youngsters in mathematics and braille, and helps them adjust to their handicap. He encourages and inspires blind veterans at Brooke General Hospital, where they undergo medical treatment before receiving rehabilitation. He has served as president of the Blinded Veterans Association, was a member of the Advisory Committee for the Blinded Veterans Research Project carried out by the American Foundation for the Blind, and serves on the Advisory Committee to the Sensory Aids Evaluation Research Center at M.I.T.

In his community, he belongs to the Kiwanis, and is on the session of the Grace Presbyterian Church, where he and his wife teach in the church school. No doubt because he is the father of daughters and Mrs. Bottenberg remains active in the Girl Scouts, he is as enthusiastic a spokesman for Girl Scout cookies as can be found anywhere.

He is a father who built a playhouse for his girls when they were small, and played and went bike riding with them. He never tired of their constant "What's for dessert?" query, which he answered with "Chocolate covered nails" until the night they persuaded their mother to serve exactly that.

He taught his wife and one of his daughters to drive a car, and when someone asked in amazement, "How could you do that?" he replied: "It didn't bother me a bit. I couldn't see a thing."

With Mrs. Bottenberg he enjoys theatergoing, dining out, bridge, and working in the garden. And in their garage is a bicycle built for two.

Dr. Robert A. Bottenberg—soldier, scholar, scientist, citizen and family man—we pay tribute today to your courage, your achievement and your humanity, and we salute you as Handicapped American of the Year.

JOHN PAUL VANN

Mr. TOWER. Mr. President, John Paul Vann, probably more than any other American, symbolized the U.S. commitment in Vietnam. For 11 years he served as a leader, an adviser, and a fierce proponent of the American effort to prevent a Communist takeover of South Vietnam, never wavering in his belief that the South Vietnamese could and would defend themselves.

Rising from the military rank of lieutenant colonel, Vann, at his death was the third-ranking American in Vietnam, serving as chief U.S. adviser in the military region II. He was flying to the embattled provincial capital of Kontum when the crash of his helicopter took his life.

John Paul Vann was a man so committed to his responsibilities, to the South Vietnamese, and to his own country, that he took risks daily which others found unacceptable. He inspired leadership, courage, and confidence in those around him. He commanded a respect unequaled in South Vietnam.

Mr. President, the death of John Paul Vann is a crushing blow to those of us who knew him and respected him. At Arlington Cemetery R. W. Komer captured the very spirit of the man in a brief but stirring tribute to this extraordinary American. I ask unanimous consent that the tribute of Ambassador Komer to John Paul Vann be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO JOHN PAUL VANN

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the exuberant energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-necked guy with a rural Virginia twang—always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was proud to be a controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or his own people, but to presidents, cabinet officers, ambassadors and generals—letting the chips fall where they may. After one such episode I was told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

If John had few illusions, he also had no torturing doubts about *why* he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials as well as their joys, than any other American. He was more at home in the hamlets, where he so often spent the night, than in the offices of Saigon.

But John was more than a talented advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. To him the role of a leader was to lead, regardless of the risk. He was the epitome of the "can do" guy. And I've never met one among the thousands of men who served with or under John who didn't admire him. He educated and inspired a whole wartime generation of Vietnamese and Americans—as our teacher, our colleague, our institutional memory, our hairshirt, and our friend.

But John's greatest achievement, which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. Long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached. When I last visited him this February in Kontum, Pleiku, and Bin Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending use of its only remaining option—bringing down the rest of its regular army—would fail to reverse this trend.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letters he forecast that Kontum would hold. As so often, he seems proved right again.

It's also fitting that John should lie in Arlington, among our nation's fallen military men. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood well that firepower alone was not the answer to Vietnam's travail—and few did more to protect and build. Let us hope that his real monument will be the free and peaceful South Vietnam for which he fought so well.

Yet whether or not this tragic conflict ends with that aim fulfilled, all of us who served with Vann will long remember him. He is not a man who will be easily forgotten. So we salute one of the authentic heroes of a grim unpopular war, who gave all of himself to the cause he served, finally even his life. No, we shan't forget you, John. You were the best we had.

OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENT OF 1972

Mr. MATHIAS. Mr. President, S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972 was introduced on April 12, 1972. At that time, the text of the bill was not inserted in the CONGRESSIONAL RECORD. However, due to its popularity, I now ask unanimous consent that the full text of the bill appear in the RECORD. I urge Senators to read the bill, and on behalf of myself and the 12 sponsors of S. 3492, we welcome any additional cosponsorship.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Criminal Justice Reform Amendment of 1972".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the ever-increasing number of serious crimes committed in the United States, the backlog of criminal cases in the courts, and the overcrowded and inadequate conditions of correctional institutions are such that only comprehensive reform can achieve a truly adequate system of criminal justice in the United States;

(2) effective control and prevention of crime can best be attained if States and localities adopt comprehensive criminal justice reforms, including reforms in recruiting, training, compensating, and supervising police and other law enforcement personnel, expediting and improving criminal court procedure, and strengthening correctional systems;

(3) the recommendations of the President's Commission on Law Enforcement and the Administration of Justice, together with the planning and recommendations of a number of State planning agencies and commissions and other agencies, provide an excellent basis for the adoption of such reforms;

(4) the responsibility for law enforcement and the administration of criminal justice is essentially the responsibility of State and local governments, but the Federal Government has a responsibility and a unique opportunity to provide financial and technical assistance to encourage comprehensive criminal justice reform;

(5) the security, economic stability, peace, and tranquility of many of the cities of the Nation are threatened by an alarming rise

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in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(6) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitates a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation, and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(7) experience has shown that the development, administration, and delivery of effective programs designed to bring about reform of the entire criminal justice system pose extremely difficult, complex, and long-term problems for the offender, the State, and the local community;

(8) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime;

(9) the crime rate in the United States would drop significantly if most convicted criminal offenders returned to the community as responsible citizens;

(10) a substantial percentage of convicted criminal offenders become recidivists, and for many such offenders, correctional institutions have often been a detriment to rehabilitation;

(11) a large proportion of convicted criminal offenders come from backgrounds of poverty and are members of groups that suffer from economic and social disadvantages;

(12) recidivism will be reduced among convicted criminal offenders who are offered vocational rehabilitation and training so that they may obtain and hold decent jobs;

(13) a major commitment by the Federal Government, including assistance to the State, is necessary to marshall the Nation's educational, training, vocational rehabilitation, and employment resources to institute an adequate and effective program for the rehabilitation of convicted criminal offenders;

(14) a reorganization of the Federal departments and agencies dealing with people, probation, and other activities relating to the disposition of Federal offenders is necessary to insure a unified and coordinated approach to the rehabilitation of such offenders, and the protection of society; and

(15) the Federal Government has unique responsibility for formulating coordinated Federal corrections policies with regard to prison construction, the appointment and training of corrections personnel, pretrial and posttrial release programs, alternatives to incarceration, the establishment of a national clearinghouse and study center for corrections, and other similar activities.

DEFINITIONS

SEC. 3. As used in this title—

(1) "administration" means the Law Enforcement Assistance Administration;

(2) "administrator" means the Administrator of the Law Enforcement Assistance Administration;

(3) "criminal offense" includes juvenile offense, except as otherwise specified;

(4) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(5) "Federal agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(6) "State" means each of the several States of the Union, and the District of Columbia.

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 101. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended at the end thereof the following:

"PART K—GRANTS FOR COMPREHENSIVE CRIMINAL JUSTICE REFORM

"SEC. 701. It is the purpose of this part to encourage States and units of general local government to develop comprehensive programs to strengthen and reform the criminal justice system within the State.

"SEC. 702. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the administration establishes under section 704 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the administration for that fiscal year in accordance with section 302 of this title.

"SEC. 703. The administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive approach to a statewide program of criminal justice reform, including construction, acquisition, or renovation of facilities and improvements of practices in and throughout the State to recruit, train, compensate, and supervise police and other law enforcement personnel; expedite and improve criminal court procedures and strengthen correctional systems;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurance that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis of the development of statewide cooperation with all units of local government to facilitate criminal justice reform within the State; and

"(5) complies with the same requirements for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303.

"SEC. 704. The administration shall by regulation prescribe basic criteria for applicants and grantees under this part, and such regulations shall include the following:

"(1) such State and each such locality within such State eligible to receive assistance under this title must establish with respect to police and other similar law enforcement personnel—

"(A) standards for recruitment which are uniform throughout the States;

"(B) appropriate educational requirements for advancement which are uniform throughout the State;

"(C) beginning compensation and increases in compensation which are appropriate for a professional, considering the size of the community and the cost of living in the community in which such personnel serve;

"(D) a retirement system that is uniform throughout the State, and a statewide pension plan for such personnel;

"(E) to the extent possible, uniform promotional policies for such personnel throughout the State;

"(F) to the extent appropriate, standard operational procedures for such personnel throughout the State;

"(G) lateral entry between law enforcement agencies of each locality within the State and between Federal, State, and local law enforcement agencies located within the State, with appropriate conditions on the period of initial service for such personnel; and

"(H) facilities offering short-term mandatory training for all such personnel within the State;

"(2) each such State and locality within such State having jurisdiction over the trial of criminal offenses must implement such necessary reforms as will insure that (A) the trial of all such offenses (excluding juvenile offenses) will be commenced no later than sixty days from the date on which the defendant was charged by the authorities with such offense, whichever occurs first, and (B) the charges will be dismissed with prejudice for failure to comply with the requirements of this paragraph, except that the administrator shall, by regulation, provide for the exclusion from such sixty-day period of any periods of delay that he designates as may reasonably be necessitated in the interest of justice; and reforms under this paragraph may include, without limitation—

"(i) increasing the number of judges trying criminal offenses;

"(ii) improving the efficiency of criminal court procedures;

"(iii) appointing professional court administrators; and

"(iv) increasing personnel engaged in prosecuting and defending criminal cases;

"(3) each such State and, where appropriate, each such locality within such State eligible to receive assistance under this title—

"(A) shall establish a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

"(B) shall establish a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

"(C) shall provide comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of persons charged with or convicted of criminal offenses;

"(D) shall provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

"(E) shall establish standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

"(F) shall provide parole and probation services for felons, for juveniles, for adult misdemeanants who need or can profit from community treatment, and supervisory services for offenders who are released from correctional institutions without parole;

"(G) shall establish caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

"(H) shall establish statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of inservice training; and

"(I) shall develop and operate programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration;

"(4) each State eligible to receive assistance under this title shall have under study by an appropriate and responsible group for consolidation of law enforcement agencies within such State best suited to the particular needs of that State; and will report to the administrator on its findings not later than two years following the approval of its State plan;

"(5) each State and locality eligible to receive assistance under this title must have under study by appropriate and responsible group the application of the criminal laws, as well as the propriety of the application of such laws to—

"(A) alcoholism and drunkenness;

"(B) narcotics addiction and drug abuse;

"(C) gambling;

"(D) vagrancy and disorderly conduct; and

"(E) such other related areas which the State deems appropriate and will report to the administrator on its findings with respect to such matters not later than two years after the approval of its State plan.

"SEC. 705. The administration may, by regulation, waive some of the basic criteria, whenever the administrator deems that to do so would permit a less densely populated State to participate and would further the objectives of the Criminal Justice Reform Amendments of 1972.

"SEC. 706. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the administration as follows:

"(1) 50 per centum of the funds shall be available for State planning agencies; and

"(2) the remaining 50 per centum of the funds may be made available, as the administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"SEC. 707. (a) The administration is authorized to make grants to and to provide technical assistance to States and to localities in accordance with the provisions of this part, beginning July 1, 1972, and ending

"(b) There is hereby authorized to be appropriated $300,000,000 to carry out the purposes of this part."

TITLE II—URBAN CRIME REDUCTION

SEC. 201. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end thereof the following:

"PART L—EMERGENCY URBAN CRIME REDUCTION GRANTS

"AUTHORIZATION

"SEC. 801. (a) There is authorized to be appropriated to carry out the provisions of this part $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

"(b) The administrator is authorized to make grants to eligible cities that have applications approved under this title to pay the Federal share of the costs of carrying out the projects described in such applications.

SUBPART 1—EMERGENCY PROGRAM

"SEC. 802. It is the purpose of this part to encourage and aid eligible cities and units of local government to develop and implement programs to reduce urban crime.

"ALLOTMENTS TO ELIGIBLE CITIES

"SEC. 803. (a) Funds appropriated to carry out this part shall be allotted by the administrator to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

"(b) For the purpose of this part—

"(1) the term 'eligible city' means any city determined by the administrator to be among the first twenty-five cities in the United States in a crime index prepared by him for the purposes of this part; and

"(2) the term 'crime index' means a listing of designated cities in the United States, having a population of at least two hundred and fifty thousand persons, which shall be determined by the administrator after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnapings, auto thefts, and other felonies accompanied by the use or threatened use of force of violence per one hundred thousand inhabitants of each such city.

"(c) The crime index and the population of each eligible city shall be determined by the administrator in accordance with the provisions of this part on the basis of the most satisfactory data available to him for each fiscal year.

"(d) If the administrator determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the administrator may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the administrator estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this part, and the total of such reduction shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allot • • • under section 224. Each such application shall—

"SEC. 804. (a) An eligible city desiring to receive its allotment of Federal funds under this subpart shall submit an application, consistent with the provisions of this section and other requirements as the administrator may establish under section 224. Each such application shall—

"(1) set forth a program for—

"(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) facilitate the recruitment and training of new law enforcement personnel;

"(ii) improve the organizational systems and administrative machinery of law enforcement agencies, in part, by recruiting, training, and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

"(iii) establish, organize, and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patroling, surveillance, and other crime prevention activities, under the direct supervision of law enforcement authorities; and

"(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning;

"(B) reforming the courts component of the criminal justice systems within such city, including but not limited to projects designed to—

"(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

"(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

"(iii) refine and apply uniform criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

"(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by nonprofit, private corporations, and community release programs; and

"(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification, and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

"(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

"(ii) facilitate the recruitment and training of such professional correctional officers;

"(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children; and

"(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools, and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

"(2) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph;

"(3) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this part; and

"(5) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) The administrator shall approve any application and any notification thereof which complies with the provisions of subsection (a).

"SEC. 805. As soon as practicable after the enactment of this part, the administrator shall by regulations prescribe basic criteria for the full range of projects for which funds

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may be used under clauses (A), (B), and (C) of section 804(a)(1).

"SEC. 806. (a) In order to carry out the provisions of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31 United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(6) to accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

"(1) to request such information, data, and reports from any Federal agency as the administrator may from time to time require and as may be produced consistent with other law.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"SEC. 807. (a) The administrator shall not finally disapprove any city plan submitted under this part, or any modification thereof, without first affording the city coordinating council submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the administrator after reasonable notice and opportunity for hearing to the council administering a plan of an eligible city approved under section 223, finds that—

"(1) the plan has been so changed that it no longer complies with the provisions of such section; or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision, the administrator shall notify the council that the city will not be eligible to participate in the program under this part and no payments may be made to such city by the administrator until he is satisfied that there is no longer any such failure to comply.

"SEC. 808. (a) Payments under this part shall be made from an eligible city's allotment to any such city which administers an application approved under section 223. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

"(b) Payments to an eligible city under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

"(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grants under this part.

"SEC. 809. In order to provide assistance to cities, municipalities, and units of local government that do not qualify as eligible cities under section 802, the administrator may provide grants not to exceed 20 per centum of the authorized amount of section 801 on a demonstration basis directed at aiding units of local government to concentrate their law enforcement resources on the reduction of violent street crime.

"Subpart 2—Street Crime Reduction

"SEC. 811. For the purpose of this subpart—

"(1) the term 'eligible city' means any city having a population of at least two hundred and fifty thousand persons desiring to participate in a program under this part and determined by the administrator to have a high incidence of street crime; and

"(2) the term 'street crimes' means robbery, rape, assault, and any other serious offense, committed by a stranger upon the victim either on the street or in his place of residence.

"SEC. 812. (a) Any eligible city desiring to participate in a program under this subpart shall submit an application to the administrator in such time and containing information as the administrator may reasonably require. Each application shall—

"(1) describe with particularity the programs and activities which that eligible city, after consultation with the administrator, determines will best contribute to reducing street crime, including—

"(A) public education concerning protection against and prevention of the commission of street crimes;

"(B) increased police patrolling and any new or innovative police activities or equipment designed to reduce street crime;

"(C) priority for the prosecution of offenders who have committed street crimes;

"(D) speedier trials and other strengthened procedures in the criminal courts located in that city to more expeditiously prosecute offenders who commit street crimes; and

"(E) special rehabilitative efforts in correctional institutions designed to help particularly first offenders who have committed street crimes;

"(2) provide assurances that the city will pay from non-Federal sources the remaining costs of such an application;

"(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid to the eligible city (including such funds paid by the eligible city to any agency of that city)) under this part; and

"(4) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) Before approving an application under his subpart the administrator shall consult with the applicant eligible city in order to develop jointly the most effective program for the reduction of street crimes in that city. The administrator shall approve any application and any modification thereof which complies with the provisions of this section and he shall not thereof without affording the eligible city notice and an opportunity for a hearing.

"SEC. 813. In order to carry out the provision of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization; and

"(6) to accept voluntary and uncompensated service, notwithstanding the provisions of section 665 (b) of title 31, United States Code.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"SEC. 814. (a) Payments under this part shall be made to an eligible city in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the governing party of such city, or to both.

"(b) The Federal share shall not exceed ——— per centum of the costs of carrying out such application.

"SEC. 815. Whenever the administrator, after giving reasonable notice and opportunity for hearing to an eligible city receiving a grant under this part, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this part; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provisions; the administrator shall notify such eligible city of his findings and no further payments may be made to such eligible city by the administrator until he is satisfied that such noncompliance has been, or will promptly be, corrected. The administrator may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such eligible city and which are not involved in the noncompliance."

TITLE III—JUVENILE DELINQUENCY

PART A—CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that:

(1) Delinquency among the youth of this country continues to be a national problem.

(2) While much progress has been made in developing services which can assist in solving the program of juvenile delinquency, obstacles to the effective provision of those services still exist.

(3) These obstacles often take the form of fragmentation among many agencies and organizations of the responsibility for providing services to juvenile delinquents and those in danger of becoming delinquent; structural rigidity and arbitrary categorization of Federal, State, and local programs; and lack of coordination and communication among agencies and organizations which provide services to youth.

(4) Apply and develop innovative means of dealing with the problem of juvenile delinquency.

(5) There is a need to assist States and units of local government in the prevention of juvenile delinquency and encourage and assist State and local agencies to enter into new cooperative arrangement.

(6) There is a need to encourage comprehensive youth services systems among the States which will—

(a) assist in the prevention of juvenile delinquency or the rehabilitation of youth who are delinquent;

(b) improve the delivery of services to individuals who are delinquent or in danger of becoming delinquent; and

(c) divert as many juveniles as possible from the established system of criminal justice and the traditional methods of law enforcement.

(7) There is a need to delineate the responsibilities of the Department of Justice and the Department of Health, Education, and Welfare with regard to their programs and activities in the area of the prevention, treatment, and rehabilitation of juvenile delinquency.

(8) There is a need to provide greater protection for juveniles in the Federal courts of the country.

PART B—THE CREATION OF THE JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

DEFINITIONS

SEC. 311. For purposes of this title—

(1) The term "youth services" means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facility or service, and legal services.

(2) The term "comprehensive youth services system" means a coordinated system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency, organization, or institution which desires to provide such services through such system;

(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

(3) The term "State" includes the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(5) The term "chief executive" means the Governor of the State in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

SEC. 312. There is hereby established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention and Coordination Administration to be directed by an Administrator of Juvenile Delinquency Prevention, who shall be appointed by the President by and with the advice and consent of the Senate. The administrator shall be executive head of the agency and shall exercise all necessary powers subject to the direction of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 313. (a) The purpose of this section is to encourage States and units of general local government to develop and administer a comprehensive youth services system for delinquency prevention and coordination.

(b) The administration shall make grants to the State for the establishment and operation of a Juvenile Delinquency Prevention and Coordination Planning Agency hereinafter referred to as the Juvenile Delinquency Planning Agency, for the preparation, development, and revision of State plans required under section 314 of this title. Any State may make application to the administration for such grant within one year of the enactment of this title.

(c)(1) The grant made under this subparagraph by a State shall be utilized by the State to establish and maintain a Juvenile Delinquency Planning Agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. Such agency must be given authority to coordinate activities of State operating agencies involved in education, mental health, public health, welfare, youth development and vocational education as they relate to delinquency prevention. The State planning agency shall be representative of these juvenile delinquency prevention and youth development agencies and units of general local government within the State. In order for a Juvenile Delinquency Planning Agency to be approved by the administrator, he must have assurances, pursuant to developed guidelines, that it represents a wide spectrum of disciplines and the social and economic facets of the community. Any existing statewide agency which meets these qualifications and fulfills the objectives of this Act may qualify and be designated by the Governor as the Juvenile Delinquency Planning Agency.

(c)(2) The Juvenile Delinquency Planning Agency, shall, in accordance with regulations and guidelines promulgated by the Administrator, (a) develop in accordance with section 314 a statewide comprehensive youth services system for juvenile delinquency prevention throughout the entire State, (b) define, develop, and coordinate juvenile delinquency prevention programs for the State and units of general local government in the State, (c) establish goals, standards, and priorities for the improvement of juvenile delinquency prevention throughout the State.

(c)(3) The Juvenile Delinquency Planning Agency shall make such arrangements, as are required by regulations developed by the administrator, to assure that adequate planning funds are made available to units of local government within the State. In allocating funds under this subsection the State planning agency, pursuant to regulations developed by the administrator, must assure that major cities and counties within the State receive adequate planning funds to develop comprehensive programs and coordinate functions at the local level.

(d) A Federal grant authorized under this section may provide 100 per centum of the expenses for establishment and operation of the State planning agency, for the preparation, development, or revision of the plan required by section 314, and for the coordination of juvenile delinquency prevention programs.

(e) Funds appropriated to make grants under this section for a fiscal year shall be allocated by the administration for use therein by the State planning agency or unit of general local government as the case may be. The administration shall allocate $250,000 to each of the States and it shall then allocate the remainder of such funds available among the States according to their relative population. Where the State has no clearly demonstrated need for $250,000 allocation, the administration after notice and opportunity for hearing may grant less than $250,000 to the State. Where the State fails to file an application for a planning grant, the administrator may grant the funds available in this section to units of local government within the State.

(f) No State shall receive planning money under this title, if, after two annual planning grants allocated to the Juvenile Delinquency Planning Agency, said agency has not had approved by the Administrator, a youth services system as required in section 314 of this title.

ASSISTANCE FOR JUVENILE DELINQUENCY PREVENTION AND COORDINATION

SEC. 314. (a) The Administrator is authorized to make grants to States having State comprehensive youth service systems for establishing and operating programs for juvenile delinquency prevention and for coordination of such efforts.

(b) Any State desiring to participate in the grant program under this section shall establish a State planning agency as described in section 313.

(c) The Administration shall make grants under this chapter to a Juvenile Delinquency Planning Agency if such agency has on file with the Administration an approved comprehensive youth services system plan which conforms to guidelines and regulations set forth by the Administrator. No State plan shall be approved as comprehensive unless the Administrator finds that the plan provides for, (a) adequate resources for urban areas or areas of high juvenile crime, and (b) the allocation of adequate resources to deal with alternative methods of handling traditional law enforcement problems in those geographic areas characterized by high juvenile delinquency incidence and activity. Each plan shall—

(1) provide for the administration, supervision, or coordination of such plan by the State planning agency and any local agency where appropriate;

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(2) provide adequate opportunity for recipients of youth services and public or private agencies, organizations, or institutions rendering youth services within the State to present their view to the Juvenile Delinquency Planning Agency with respect to such plan;

(3) include a description of—

(A) the functions, programs, and services which will be coordinated and the agencies and organizations which have agreed to participate in this coordinated effort;

(B) the administrative program which will lead to a stated efficiency to be achieved by the plan;

(C) the procedure which will be established for protecting the rights under Federal, State, and local law of recipients of youth services and shall assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(D) the procedure which will be established for evaluation of programs supported with funds granted under this section; and

(E) such other information as the Administrator deems to be necessary for carrying out the purposes of this Act;

(4) provide for special programs dealing with minority and disadvantaged youth;

(5) provide a comprehensive data review of delinquency statistics and youth problems;

(6) clearly identify current delinquency prevention services in the State including manpower services, demonstration programs, vocational and career training programs;

(7) include five- and ten-year goals and clearly define the increase or modified State expenditures that will be used to fully implement program and concepts under this Act;

(8) set forth procedures and policies designed to assure that Federal funds made available under this section will be so used as not to supplant State or local funds but to increase the amount of such funds that would in the absence of such Federal funds be made available for law enforcement;

(9) provide for comprehensive State fiscal and audit control of expenditures in accordance with regulations promulgated by the Administrator; and

(10) provide for coordination with those programs which are funded through the Safe Streets Act of 1968, as amended.

(d) The funds appropriated each fiscal year to make grants under this section shall be allocated by the Administration as follows:

(1) 70 per centum of such funds shall be allocated among States according to their respective population for grants to juvenile delinquency planning agencies.

(2) 30 per centum of such funds, plus any additional amount made available by virtue of other sections, of this Act, may in the discretion of the Administrator, be allocated among the States for grants to units of general local government or combinations of such units, according to developed guidelines and criteria and on the terms and conditions the Administrator determines consistent with this Act. Grants made from funds available under this section may be up to 80 per centum of the costs of the programs or projects for which such grant is made. In the case of a grant or subgrant to an Indian tribe, or a low income area defined by the Administrator, if the Administrator determines that the tribe or such areas do not have sufficient funds available to meet the required share of the cost of any program or project to be funded, the Administrator may increase the Federal share of the costs thereof.

(e) If the Administrator determines a date certain that a portion of the funds allocated to a State for grants to the juvenile delinquency planning agency under this section will not be required by the State or that the State will be unable to qualify to receive any portion of the funds under the requirements of this Act, that portion shall be available for reallocation to other States under paragraph (1) of subsection (d) of this section.

(f) Juvenile delinquency planning agencies shall receive application for financial assistance from units of general local government and combinations of such units. When a planning agency determines that such an application is in accordance with the provisions of this Act and the comprehensive plan, the planning agency is authorized to disburse funds to the applicant.

(g) Where a State has failed to have youth services plan approved under this title within the period specified by the Administrator for such purposes, the funds allocated for such State under paragraph (1) of subsection (d) of this section shall be available for reallocation by the Administrator under paragraph (2) of subsection (d) of this section. The failure of any State to submit such comprehensive plan shall not deprive any city or local government located within such State to receive money under this Act if it complies with the criteria set forth by the Administrator. Such criteria shall include comprehensive planning for that geographical area. The Administrator in his discretion may reallocate among the States and these cities on a population basis planning funds originally allocated for such planning agencies under section 313 of this Act if such State has failed to have its comprehensive plan approved.

(h) Youth already under the authority of the juvenile justice system may be accepted for a specific type of care or service if—

(1) such care or service is ordered by the court which has jurisdiction over the child; and

(2) such care or service is consented to by the correctional agency which has jurisdiction over the child; and

(3) if the child consents to such a service or program.

PAYMENTS

SEC. 315. Payments under grants or contracts made under section 4 may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 316. (a) The Secretary may, directly or by grant or contract, evaluate programs assisted under section 314 in order to determine the achievements of such programs and the efficiency and effectiveness of the youth services provided on a coordinated basis thereunder. In addition to funds otherwise available therefor, such portion of any appropriation to carry out this Act as the Administrator may determine, but not less than 1 per centum thereof, shall be available to him for carrying out this subsection.

(b) The Administrator shall disseminate the results conducted under subsection (a), as well as other information concerning comprehensive youth services systems and significant findings of research activities in the field of delinquency prevention and youth development, to interested agencies, organizations, institutions, and individuals.

(c) The Administrator shall provide, directly or by grant or contract, such technical assistance as he determnes to be necessary to assist public or nonprofit private agencies, organizations, or institutions in the planning, establishment, or operation of comprehensive youth services systems, or in the provision of youth services.

DEVELOPMENT OF RESEARCH AND INNOVATIVE METHODS

SEC. 317. The Administrator shall collect, synthesize, and formulate useful information and data on youth development, delinquency, delinquency prevention and rehabilitation, and related matters and disseminate upon request to Federal, State, local, and private agencies and concerned citizens. On the basis of the Administrator's research and analysis, he shall directly or by grant or contract, develop and test new and innovative methods whch, in his judgment, show promise of making a substantial contribution toward the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent or in danger of becoming delinquent.

INTERDEPARTMENT COORDINATION

SEC. 318. (a) It shall be the responsibility of the Administrator to coordinate the juvenile delinquency activities of all Federal agencies. Any Federal agency shall consult with and seek advice from the Administrator to insure fully coordinated efforts and the Administrator shall undertake to coordinate such efforts.

(b) There shall be an Advisory Council on Juvenile Delinquency (hereinafter in this section referred to as the "Council") composed of the Attorney General or his designee, the Administrator of Juvenile Delinquency Prevention and Coordination and the representatives of such other departments or agencies as the President may designate.

(c) The functions of the Council shall be to assist the Administrator in the coordination of all programs and activities within the Federal Government which relate to juvenile delinquency prevention or rehabilitation.

(d) The Administrator shall serve as the Chairman.

(e) The Council shall meet a minimum of six times per year and shall submit to the President an annual report which shall contain, among other things, a description of the activities of the Council and of the activities relating to juvenile delinquency of the Federal departments and agencies.

ADMINISTRATIVE PROVISIONS

SEC. 319. (a) The Administrator is authorized and shall establish within ninety days of enactment of this Act and where appropriate after consultation with representatives of States and units of general local government, such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Act.

(b) The Administrator may delegate to any officer or official of the Administration, or, with the approval of the Secretary, to any officer of the Department of Health, Education, and Welfare, such functions as he deems appropriate.

(c) Subject to the civil service and classification laws, the Administrator is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out his powers and duties under this chapter.

(d)(1) Whenever the Administrator, after reasonable notice and opportunity, finds that, with respect to any payments made or to be made with this chapter, there is a substantial failure to comply with—

(A) the provisions of this Act;

(B) regulations promulgated by the Administrator under this chapter; or

(C) a plan or application submitted in accordance with the provisions of this chapter; the Administrator shall notify such applicant or grantee that further payments shall not be made (or in its discretion that there is such failure), until there is no longer such failure.

(2) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this chapter, or any applicant or grantee is dissatisfied with the Administration's final action under this title, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action.

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall hereupon file in the court the record of the proceedings on which the action of the Administration was based.

(3) Conclusiveness of determinations: The determinations and findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of facts and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determination shall likewise be conclusive if supported by substantial evidence.

(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(e)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof: "(56) Administrator of Juvenile Delinquency Prevention and Coordination".

(2) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5.

(3) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this chapter as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this chapter during the preceding fiscal year.

(g)(1) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

ACCESS, AUDITS, AND EXAMINATIONS

(2) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

Primary Grants or Contracts and Subgrants or Subcontracts

(3) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administrator.

AUTHORIZATION

SEC. 320. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next four fiscal years, $250,000,000 for carrying out this Act.

EFFECTIVE DATE

SEC. 321. The provisions of this Act shall become effective July 1, 1972.

REPEALER

SEC. 322. With respect to appropriations beginning after June 30, 1972, the Juvenile Delinquency and Control Act of 1968, other than section 407 thereof, is repealed. Section 407 of such Act is repealed effective with the close of June 30, 1972.

PART C—AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT

SEC. 331. (a) Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Proceedings against juvenile delinquents

"(a) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court of a State (1) does not have jurisdiction over said juvenile with respect to such act of juvenile delinquency, or (2) there is not available to such State juvenile court the rehabilitation and treatment services which would be needed by such juvenile.

"(b) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State for such action as they may deem legally warranted.

"(c) If the Attorney General does so certify, the Attorney General shall proceed against such juvenile as a juvenile delinquent by information and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency: *Provided*, That with respect to a juvenile who is alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun against such juvenile with respect to such act if the Attorney General moves in the appropriate district court of the United States that such criminal prosecution be undertaken and such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority."

(b) Section 5033 of such title is amended by deleting everything after the second sentence thereof.

(c) Section 5034 of such title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which persons convicted of a crime or awaiting trial on criminal charges are confined."

(d) Section 5035 of such title is amended to read as follows:

"§ 5035. Detention of alleged juvenile delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the officer taking such juvenile into custody shall advise such juvenile of his legal rights, immediately notify the Attorney General, and forthwith take such juvenile before a committing magistrate.

"Such juvenile may be detained only in a juvenile home or such other suitable place as the Attorney General may designate by the officer taking such juvenile into custody but not for a longer period of time than is necessary to produce the juvenile before a committing magistrate.

"The committing magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, or custodian upon their promise to bring such juvenile before the appropriate court when requested by such court unless the committing magistrate determines, after hearing, that the detention of such juvenile is required—

"(a) to protect the person or property of others or of the juvenile; or

"(b) because the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for such juvenile; or

"(c) to secure the timely presence of such juvenile before the appropriate court.

"Any child ordered to be detained by a committing magistrate shall be detained only in such juvenile home or other suitable place as the Attorney General may designate.

"No juvenile shall be detained in a jail, prison, or other similar place of confinement.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, such juvenile and his parents, guardian, or custodian shall be advised by the officer or by any court before which such juvenile may be brought that such juvenile has the right to be represented by legal counsel at all stages of all proceedings. If legal counsel is not retained for such juvenile, or if it appears that legal counsel will not be retained, legal counsel shall be appointed by the court for such juvenile.

"Unless advised by legal counsel, the statements of a juvenile, while in custody, made to the officer taking such juvenile into custody, to any officer having custody of such juvenile, or to any court or court official shall not be used against such juvenile prior to the determination by the court that the juvenile did commit an act of juvenile delinquency.

"A juvenile charged with an act of juvenile delinquency shall be accorded the privilege against self-incrimination. Any extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding against such juvenile shall not be received in evidence over objection made by or on behalf of such juvenile.

"Evidence with respect to such juvenile illegally seized or obtained shall not be received in evidence over objection made by or on behalf of such juvenile in order to establish that such juvenile committed the alleged act of juvenile delinquency.

"An extrajudicial admission or confession made by the juvenile shall be insufficient to support a finding that the juvenile committed the alleged act of delinquency unless such admission or confession is corroborated by other credible evidence.

"Criminal proceedings based upon an alleged act of juvenile delinquency shall be barred where the court has begun taking evidence with respect to such act or where the juvenile has in open court admitted that he committed the alleged act of delinquency."

PART D—AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

PLAN COMPONENT

SEC. 341. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of part F of this Act, no State plan shall be approved as comprehensive, unless it includes a juvenile justice component, as provided for in part F, and providing that at least a certain per centum as determined by the administrator each year on the basis of guidelines developed, of Federal assistance granted to the respective State planning agency for any fiscal year be allocated to the juvenile justice component of the State plan as provided for in part F."

XUM

GRANTS AUTHORIZED

SEC. 342. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after part E the following new part:

"PART F—GRANTS FOR JUVENILE DELINQUENCY PREVENTION AND REHABILITATION

"SEC. 471. It is the purpose of this part to assist States and units of general local government to develop and implement programs and projects for the rehabilitation and treatment of juvenile delinquents.

"SEC. 472. The Administration is authorized to make grants under this part to a State planning agency: *Provided*, That the application sets forth a comprehensive statewide program for the rehabilitation and treatment of juvenile delinquents which shall include the following requirements:

"(a) provides that no less than 50 per centum of the funds available to such State pursuant to section 474(a)(1) will be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers, and other similar facilities as the Administrator shall designate as prohibited pursuant to its authority contained in section 473 of this Act;

"(b) provides that the applicant State will treat juveniles who have committed offenses that would be criminal offenses if committed by an adult in separate facilities with separate and distinct programs;

"(c) provides for advanced techniques in the design of services and facilities, such as, but not limited to the following:

"(1) community-based services and facilities for the rehabilitation and treatment of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential community-based treatment or rehabilitative facility or service;

"(2) diagnostic facilities and services on a state-wide, regional, or local basis;

"(3) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel according to standards promulgated by the Administration pursuant to section 474 of this Act, and community-oriented programs for the supervision of juvenile probationers and parolees;

"(4) comprehensive programs of drug abuse education and programs for the treatment and rehabilitation of drug dependent youth (as defined in section 2 of the Public Health Services Act (42 U.S.C. 201) as amended);

"(d) provides for special training and other qualifications in order to meet personnel standards required in dealing effectively with juvenile delinquents;

"(e) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12), of section 303 of this title.

"SEC. 473. The Administration shall by regulation prescribe basic criteria for applicants, grantees, facilities, and services; and shall promulgate such rules and regulations as are necessary to effectuate the provisions of this part.

"SEC. 474. (a) The funds appropriated for each fiscal year for grants under this part shall be allocated by the Administration as follows:

"(1) 85 per centum of the funds shall be available for grants to State planning agencies on the basis of the respective populations of juveniles aged eleven through seventeen, inclusive, of eligible States; and

"(2) the remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. Funds awarded under this part may be used for real estate acquisition, provided that a specific comprehensive audit by the Administration is made at the time of purchase and at the time of selling of said property.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"SEC. 475. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $500,000,000 for the succeeding fiscal year."

TECHNICAL AMENDMENTS

SEC. 343. (a) Paragraph 4 of section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking the word "delinquents,".

(b) Subsection 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking out the word "There" and inserting in lieu thereof "Except as provided in part F, there".

(c) Parts F, G, H, and I of title I of such Act are redesignated as parts G, H, I, and J, respectively.

TITLE IV—NEW TRAINING AND EDUCATION PROGRAMS FOR CORRECTIONAL AND OTHER LAW ENFORCEMENT PERSONNEL

DEFINITIONS

SEC. 401. As used in this title—

(1) "Council" means the Coordinating Council for Regional Law Enforcement Academies;

(2) "law enforcement" means any activities pertaining to the prevention or reduction of crime, including the correctional rehabilitation of criminal and juvenile offenders, and the enforcement of the criminal law, and activities pertaining to court administration;

(3) "regional academy" means any regional academy established pursuant to section 405;

(4) "regional board" means the governing body of the regional academy as defined in section 405;

(5) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa; and

(6) "correctional personnel" includes all officers and employees of any public agency engaged in the operation or supervision of any penal or correctional institution and all other professional and semiprofessional personnel who are involved in the protection, instruction, discipline or rehabilitation of persons charged with or convicted of offenses (on a part-time as well as a full-time basis).

APPROPRIATIONS AUTHORIZED

SEC. 402. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this part.

ESTABLISHMENT OF THE COORDINATING COUNCIL

SEC. 403. (a) There is hereby established a Coordinating Council for Regional Law Enforcement Academies, hereinafter referred to as "Council".

(b) The Council shall be composed of eleven members as follows:

(1) the Commissioner of Education;

(2) the Director of the Federal Bureau of Prisons;

(3) the Administrator of the Law Enforcement Administration in the Department of Justice;

(4) a member of the police community appointed by the Attorney General;

(5) a member of the correctional community appointed by the Attorney General;

(6) an educator appointed by the Secretary of Health, Education, and Welfare;

(7) an urbanologist appointed by the Secretary of Housing and Urban Development;

(8) a criminologist appointed by the Attorney General;

(9) a psychologist or psychiatrist appointed by the Secretary of Health, Education, and Welfare;

(10) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity; and

(11) a judge experienced in criminal law appointed by the Chief Justice of the United States.

(c) Members of the Council appointed pursuant to clauses (4) through (11) of subsection (a) of this section shall be appointed with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, two shall serve terms of two years, two shall serve terms of three years, two shall serve terms of four years, and three shall serve terms of five years as designated by the President at the time of appointment;

(2) in the event an appointed member should resign or be removed from the Council, such vacancy shall be filled in accordance with the provisions of section 3(a) of this Act but only for the unexpired portion of the vacant term; and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of confidential Director. The Executive Director shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council, and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE COORDINATING COUNCIL

SEC. 404. In order to carry out the purposes of this title, the Council is authorized to—

(1) assist the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration to establish not less than seven regional academies in accordance with section 5 of this title;

(2) supervise the operation of such regional academies;

(3) establish general policies with respect to curriculum development, courses of instruction relevant to the field of law enforcement, corrections, and court administration, the hiring and firing of faculty and degree requirements, for such regional academies;

(4) establish general procedures for qualifications for applicants to such regional academies;

(5) grant a degree equivalent to the bachelor of arts degree to any candidate who satisfactorily completes the requirements set forth in section 8 of this title;

(6) report annually to the Congress on the operations of the Council;

(7) publish pertinent information in forms useful to individuals, agencies, and organizations concerned with correctional systems, law enforcement, and court administration;

(8) make legislative and policy recommendations to the Congress in the area of law enforcement; and

(9) perform such other functions as may be necessary to carry out the provisions of this title.

REGIONAL ACADEMIES

SEC. 405. (a) The Secretary of the Department of Health, Education, and Welfare, in conjunction with the Administrator of the Law Enforcement Assistance Administration of the Justice Department shall establish not less than seven regional law enforcement academies. The location of the academy shall be determined by guidelines published by the two departments. However, emphasis shall be placed upon the already existing law enforcement educational facilities to accommodate a particular region. The campus of a college or university shall be given priority in the location of a regional academy.

(b) The regional academy shall be administered by a regional board composed of two persons from each State within the region who by reason of experience or training are specially qualified to serve on such board and who shall be residents of the region which they are to serve. For purposes of the regional board, no State may be placed in more than one region.

(c) (1) The members of the regional board shall be appointed by the State planning board of each State for each region established pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) Members of the regional boards shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of any regional board.

(d) Each regional board is authorized to—

(1) appoint a chancellor of the regional academy from among those who are suitably qualified by reason of experience and training, who shall serve at the pleasure of the regional board, and who shall be an ex officio member of the regional board, and who shall carry out such duties as may be assigned to him by the regional board and who shall be compensated at the rate provided for GS–18 of the General Schedule of title 5 of the United States Code;

(2) develop, in accordance with general policy set by the Council, a curriculum of study with particular emphasis upon community relations, criminology, humanities, social and behavioral sciences, penology, government, law, court administration, riot control, and other subjects appropriate and relevant to the law enforcement, corrections and court administration of the region to be served by the regional academy;

(3) provide for a three-year period of instruction for persons engaging in or preparing to enter the field of law enforcement and assist in obtaining a one-year internship as described in section 407(2) of this title in the law enforcement, correctional, or court administration field in the region served by such academy;

(4) process and accept qualified applicants in accordance with the guidelines set forth by the Council;

(5) report annually to the Council on the operations of such regional academy and include therein any recommendations for Federal and State legislation, regulation and other relief in the area within the Regional Academy's jurisdiction;

(6) establish full- or part-time training programs for Federal correctional personnel and provide at the request of a State or unit of local government full- or part-time training programs for State and local correctional personnel;

(7) each regional academy is authorized to establish programs which shall enable the regional academy to serve as—

(a) a training institution for students and practitioners of criminal justice;

(b) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

(c) a consultation center for criminal justice agencies and relevant professional schools; and

(d) a research center for basic and applied studies of criminal justice;

(8) the regional academy is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations to assist them in planning, developing, strengthening, or carry out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration, rehabilitative services, court administration, and law enforcement;

(9) authorized to assist States and units of local government in recruitment for law enforcement personnel; and

(10) conduct seminars for attorneys, judges, administrators, Federal and State correctional officials, ex-offenders, and students of the correctional system.

(e) The authorized number of students at each regional academy shall be determined each fiscal year on the basis of population and need of each region by the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration.

STIPENDS

SEC. 406. Every full-time student at a regional academy as described in section 405 (13) shall receive during the period of instruction such reasonable stipends and allowances as the regional board upon approval of the Council determines to be necessary. Each student during the one-year internship described in section 407(2) of this title shall receive such stipends together with the compensation paid to such student intern by the State or local law enforcement agency for the year as the regional board upon approval of the Council determines is necessary to assure that such student intern receives not less than a minimum salary for auch year.

AGREEMENTS

SEC. 407. Each student as described in section 405(c)5 selected for admission to a regional academy shall sign an agreement, that unless separated, he will to the best of his ability attempt to—

(1) complete a three-year course of instruction at the regional academy;

(2) serve, in an intern capacity with a State or local law enforcement agency acceptable to the appropriate regional board, in the region from which he was appointed, for a period of not less than one year immediately following the end of the period of instruction at the regional academy. The law enforcement agency shall certify to the regional board upon the satisfactory completion, as defined by the board, of the internship;

(3) after said internship program serve in a State, local or Federal enforcement agency within the region from which he was appointed or within any other region acceptable to the appropriate regional board for a period of not less than three years; and

(4) in the event he shall terminate the course of instruction prior to the end of three years, terminate his internship prior to the end of one year, or terminate service with a State or local enforcement agency within the appropriate region prior to the end of three years, he shall be required to repay 50 per centum of the stipends and allowances received under this title. Appropriate exceptions to this requirement may be made by the appropriate regional board pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

SEC. 408. The Council, and each regional academy under the supervision and direction of the appropriate regional board is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III, of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this title.

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council and the regional academies; and

(6) to use the services, personnel, facilities, and information of Federal executive agencies and private organizations pursuant to an agreement with the head of any such agency.

TITLE V—CORRECTIONAL REORGANIZATION AND STANDARDS

PART A—FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD

SEC. 501. (a) There is hereby established the Federal Circuit Offender Disposition Board (hereinafter referred to in this part as the "Circuit Board"), which shall be composed of eleven members appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of four years, except that, of the members first appointed, three shall serve for terms of one year, three shall serve for terms of two years, three shall serve for terms of three years, and two shall serve for terms of four years, as designated by the President at the time of their appointments. Members shall be eligible for reappointment. At the time of his appointment, each member shall be designated by the President to represent a specific judicial circuit. The Attorney General shall call the first meeting of the Circuit Board within six months of enactment.

(b) The Circuit Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the circuit and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of the duties of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Circuit Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

XUM

FUNCTIONS OF THE CIRCUIT BOARD

SEC. 502. It shall be the function of the Circuit Board to formulate, promulgate, and oversee a national policy on the treatment of offenders under the jurisdiction of any court of the United States on the basis of a charge of having violated any of the laws of the United States. In carrying out such function, the Circuit Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the United States courts, and provide periodic review thereof;

(2) establish guidelines and standards for the United States courts in probation, parole, or other forms of release of offenders;

(3) hear appeals by offenders denied parole on the sole ground that a district board deviated from the established national guidelines and standards established pursuant to clause (2) of this section;

(4) assign to each member of the Board the responsibility of overseeing the direction and operation of the various District Boards within the circuit which such member represents; and

(5) assign each member of the Board the responsibility of notifying the President of the United States of any vacancy on the various District Boards within the circuit which such member represents.

REPORTS

SEC. 503. The Board shall, not less than annually, made a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

DISTRICT COURT DISPOSITION BOARDS

SEC. 504. (a) There is hereby established in each judicial district a District Court Disposition Board (hereinafter referred to in this Act as the "District Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. The Board shall elect, from among its members, one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of each District Board.

(b) Each member of a District Board shall be compensated in an amount equal to $—— per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Such District Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties

(d) Immediately following the arraignment of a person charged with a Federal offense, the case shall be assigned to the District Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent;

(2) recommend, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of record for such defendant, and the office of the United States attorney having jurisdiction over the case.

(e) The report shall set forth the findings and conclusions of the District Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the United States Attorney and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the United States Attorney and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months subject to the defendant agreeing to participate in that program. The board shall file with the court a statement of the date the defendant has commenced participation in the program. The United States Attorney shall make periodic reviews as to the progress of the defendant while participating in the program, and if the United States Attorney is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the United States Attorney does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the United States Attorney to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for and convicted of, a Federal offense, the court shall refer the record of the case to the appropriate district board for review and consideration prior to sentencing. The board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the board shall file a written report with the court, the counsel for the defendant, and the United States Attorney. Such report shall include—

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence, or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District Board.

(h) If the court determines not to follow the recommendations of the District Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District Board shall carry out, with respect to a defendant who has been sentenced, the functions relating to probation, parole, or other form of release (as the case may be) transferred to the Board pursuant to section 508 of the Act. In carrying out these functions, the District Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross-examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determination by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender may be so reduced so that the offender may be so released, or that an authorized alternative disposition be made, and within fourteen days after the determination, the District Board shall submit to the offerder and to the appropriate court a written report containing the decisions of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District Board.

(k) The decision of the District Board may be appealed to the Circuit Board by the offender affected by the decision solely on the basis that the District Board, in conducting the hearing, failed to follow the standards and guidelines established by the Circuit Board pursuant to section 505(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the Federal courts.

(l) The District Boards are authorized to enter into contracts or other arrangements for goods or services, with public or private profit organization to assist them in carrying out its duties and functions under this Act.

TRANSFER OF FUNCTIONS PAROLE: PROBATION

SEC. 505. There are hereby transferred to the District Boards established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the Federal Board of Parole;

(2) by any United States court relating to the appointment and supervision of probation officers;

(3) by the Attorney General relating to the prescribing of duties of probation officers; and

(4) by the Director of the Administration Office of the United States courts relating to probation officers and the operation of the probation system in the United States courts.

TECHNICAL PROVISIONS

SEC. 506. (a) With respect to any function transferred by this title and exercised after the effective date of this section, reference in any other Federal law, rule or regulation to any Federal instrumentality or officer from which or whose functions transferred by this Act shall be deemed to mean the instrumentality or officer in which or whom such function is vested by this Act.

(b) In the exercise of any function transferred by this Act, the appropriate officer of the District Board to which such functions were so transferred shall have the same authority as that vested in the officer exercising such function immediately preceding its transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such function prior to its transfer by this title.

(c) All personnel (other than the members of the Board of Parole), assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by this title are hereby transferred to the District Boards in such manner and to such extent as the said Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) Effective on the effective date of section 401 of this Act, the Board of Parole shall lapse.

(e) As used in this Act, the term "function" included powers and duties.

EFFECTIVE DATE

SEC. 507. Sections 502, 503, 505, subsections (d), (e), (f), (g), (h), (l), (j), and (k) of section 507, and sections 508 and 509 of this Act shall take effect upon the expiration of the one hundred and twenty-day period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

DEFINITION

SEC. 508. As used in this part, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

AUTHORIZATIONS

SEC. 509. (a) On and after the date of the enactment of this Act, all moneys received by any court of the United States as fines, penalties, forefeitures, and otherwise shall be deposited in the Treasury to the credit of Federal Circuit Offender Disposition Board and shall he available for carrying out the purposes of this Act.

(b) There are authorized to be appropriated such sums as may be necessary in addition to those available pursuant to subsection (a) of this section to carry out the provisions of this part.

PART B—CORRECTIONAL STANDARDS

NATIONAL ADVISORY COMMISSION ON CORRECTIONAL STANDARDS

SEC. 511. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454. (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a National Advisory Commission on Correctional Standards.

"(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the Federal, State, and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any Federal, State or local governmental department or agency.

"(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pretrial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

"(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

"(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pretrial detention facilities receiving Federal financial assistance, or in which programs receiving Federal financial assistance are operated pursuant to this Act.

"(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant—

"(A) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and

"(B) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Attorney General.

"(2) The Attorney General shall take whatever action is necessary to assure that all Federal correctional institutions meet the standards established by the Commission under thi section.

"(D) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b)(1) of this section shall relate to—

"(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counseling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

"(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

"(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

"(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

"(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

"(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

"(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating or correspondence, and the transmitting of written material for publication;

"(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

"(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

"(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of State and local law;

"(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

"(12) the employment and utilization of custodial, administrative, and rehabilitative professional and paraprofessional personnel who are representative of minority groups; and

"(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

"(e)(1) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(2) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

"(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this part."

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TITLE VI—CRIMINAL OFFENDER'S REHABILITATION AND RESTORATION OF RIGHTS

PART A—PAYMENT OF MINIMUM WAGE AND SOCIAL SECURITY BENEFITS TO INMATES

MINIMUM WAGE FOR INMATES EMPLOYED IN CONNECTION WITH PRISON-MADE PRODUCTS

SEC. 601. Section 4126 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this title or any other law, any inmate employed in any industry, or performing outstanding services in institutional operations shall be compensated at an hourly rate of not less than seventy-five cents, but in no event shall the Attorney General be precluded from authorizing, by regulation, a higher rate in connection with promotions or other incentive purposes."

SEC. 2. The first pargraph of section 4124 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "Such departments, agencies, and institutions may purchase, at not to exceed current market prices, prison-made products from State penal or correctional systems, if the inmates employed in connection with the making of such products were compensated therefor at an hourly rate of not less than seventy-five cents."

SOCIAL SECURITY COVERAGE

Coverage of Inmates of Federal Penal Institutions

SEC. 602. (a) Section 210(a)(6)(C) of the Social Security Act is amended by striking out clause (iii) thereof.

(b) Section 3121(b)(6)(C) of the Internal Revenue Code of 1954 is amended by striking out clause (iii) thereof.

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of enactment of this Act.

PART B—CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS

CIVIL ACTIONS AUTHORIZED

SEC. 611. Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to deny to any person who has been convicted of a criminal offense, the right to bring an action, suit, or other proceeding under the provisions of this chapter and title 18, United States Code, for the protection of all persons in the United States in their civil rights, and for their vindication."

PART C—USE OF CERTAIN FEDERAL PRISON EARNINGS FOR TRAINING

INMATE VOCATIONAL TRAINING AND REHABILITATION FUNDS

SEC. 621. The third paragraph of section 4126 of title 18, United States Code, is amended by striking out "in the vocational training of inmates without regard to their industrial or other assignments;" and inserting at the end thereof the following: "With respect to the earnings that accrue to the corporation each year, the Attorney General shall direct the employment of not less than 100 per centum of such earnings for the purpose of providing vocational and rehabilitational training for inmates. Such training shall take into consideration the vocational and rehabilitative needs of the inmates and shall be undertaken without regard to the needs arising in connection with the industrial and other activities of the Federal prison industries."

PART D—SURPLUS FOOD FOR CORRECTIONAL INSTITUTIONS

PROGRAM AUTHORIZED

SEC. 631. Section 210 of the Agricultural Act of 1956 is amended to read as follows:

"SEC. 210. Notwithstanding any other limitations as to the disposal of surplus commodities acquired through price-support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price-support operations to Federal penal and correctional institutions, to State (including the District of Columbia and the Commonwealth of Puerto Rico) penal and correctional institutions, and to penal and correctional institutions (including jails) of any political subdivision of any such State, other than those in which food services is provided for inmates on a fee, contract, or concession basis."

PART E—RIGHT TO VOTE FOR REHABILITATED OFFENDERS

AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

SEC. 641. The Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—RESTORATION OF RIGHT TO VOTE OF PERSONS CONVICTED OF CRIMES

"DEFINITIONS

"SEC. 401. As used in this title, the term—

"(1) 'Federal election' means a primary, general or special election held to vote for electors for President and Vice President, President or Vice President, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

"(2) 'State' means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"RIGHT TO VOTE

"SEC. 402. No citizen of the United States who is otherwise qualified to vote in a Federal election shall be denied the right to vote in any Federal election because he has been convicted of any crime in any Federal or State court if subsequent to such conviction he has been pardoned or if he is no longer subject to the jurisdiction of any court with respect to such conviction.

"JUDICIAL RELIEF

"SEC. 403. Whenever the Attorney General has reason to believe that a State or political subdivision is undertaking to deny the right to vote in any Federal election in violation of this title, he may institute for the United States, or in the name of the United States an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 404. Whoever shall deprive or attempt to deprive any person of any right secured by this title shall be fined not more than $5,000, or imprisoned not more than five years, or both."

TITLE VII—COMMISSION ON VICTIMLESS CRIMES

DEFINITIONS

SEC. 701. For the purpose of this part—

(1) "victimless crime" means—

(A) prostitution;

(B) narcotic addiction and drug abuse;

(C) gambling;

(D) vagrancy and disorderly conduct;

(E) juvenile delinquency and related offenses committed by juveniles which, if committed by an adult, would not be a crime; and

(F) any other similar offense determined by the Commission to be victimless crime; and

(2) "Commission" means the National Commission on Victimless Crimes.

COMMISSION ESTABLISHED

SEC. 702. (a) There is established a Commission on Victimless Crimes composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals who by virtue of their experience or training are especially qualified to serve on the Commission. In making appointments to the Commission, the President shall appoint individuals who represent a broad range of occupations and who will provide, collectively, broad expertise in the field of victimless crimes, and will provide, collectively, an appropriate regional balance.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 703. (a) The Commission shall make a complete and full study and investigation of the application of criminal law to victimless crimes, with a view to determining the propriety of applying such laws to victimless crimes, and establishing alternative means of dealing with the effects upon society of dealing with such crimes.

(b) Within one year after the enactment of this title, the Commission shall submit to the President and the Congress interim reports with respect to its study and investigation and a final report, not later than one year after the date of enactment of this Act, which shall include recommendations and proposals, including legislative proposals necessary to carry out its recommendations.

(c) The Commission shall cease to exist 90 days after the submission of its final report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 704. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings as may be required for the performance of its functions under this title, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearing. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code; and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(d)(1) Subpenas issued pursuant to subsection (a) of this section shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

COMPENSATION OF MEMBERS

SEC. 705. (a) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at the rate of $_____ a day, including traveltime, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

EXPENSES OF THE COMMISSION

SEC. 706. There are authorized to be appropriated $1,000,000 to carry out the provisions of this title.

TITLE VIII—LAW ENFORCEMENT PERSONNEL DEATH BENEFITS PROGRAM

PROGRAM AUTHORIZED

SEC. 801. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART L—PUBLIC SAFETY AND CRIMINAL JUSTICE AND CORRECTIONAL PERSONNEL DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under this title, upon certification to the Administration by the Governor of any State that a law enforcement officer employed on a full- or part-time basis by that State or a unit of general local government within the State has been killed as a result of his employment, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the law enforcement officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'law enforcement officer' means all public safety and criminal justice personnel including police, sheriffs, deputy sheriffs, highway patrolmen, firemen, including volunteer firemen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

APPROPRIATIONS AUTHORIZED

SEC. 802. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding, "except that for the purposes of part L the term does not include the District of Columbia".

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 804. Section 101(b)(2)(A) of the Internal Revenue Code of 1964 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that an amount not to exceed $50,000 shall be excludable under such paragraph if such sum is paid under the provisions of part J of the Omnibus Crime Control and Safe Streets Act of 1968."

EFFECTIVE DATE

SEC. 805. This title shall become effective with respect to any death of a law enforcement officer on or after January 1, 1967.

TITLE IX—CRIMINAL INJURIES COMPENSATION PROGRAM

PART A—DEFINITIONS AND APPLICABILITY

DEFINITIONS

SEC. 901. As used in this title the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 922 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

APPLICABILITY

SEC. 902. Notwithstanding any other provision of this title, no claim shall be paid by the Violent Crimes Compensation Commission or by any State commission unless the victim provides satisfactory evidence of a good faith attempt to recover damages from the criminal offender.

PART B—VIOLENT CRIMES COMPENSATION COMMISSION

COMMISSION ESTABLISHED

SEC. 911. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crime Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advise and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal Court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this title.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 916(1) of this title, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 912. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this title for compensation for personal injury resulting from violent acts in accordance with part C of this title;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this title;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 944 of this title; and

(5) make grants in accordance with the provisions of part D of this title.

ADMINISTRATIVE PROVISIONS

SEC. 913. (a) The Commission is authorized in carrying out its functions under this title to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this title;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this title;

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(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this title;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this title.

(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $_____ a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each such member shall also be reimbursed, for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 914. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Commission."

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Commission."

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Commission.

"(132) General Counsel, Violent Crimes Commission."

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 915. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 916. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman; and

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

PART C—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 921. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 922 of this title, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this title, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person;

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year; or

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this title, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this title until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 922. The Commission may order the payment of, and pay compensation in accordance with the provisions of this title for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;

(2) assault with intent to commit mayhem;

(3) assault with a dangerous weapon;

(4) assault;

(5) mayhem;

(6) malicious disfiguring;

(7) threats to do bodily harm;

(8) lewd, indecent, or obscene acts;

(9) indecent act with children;

(10) arson;

(11) kidnaping;

(12) robbery;

(13) murder;

(14) manslaughter, voluntary;

(15) attempted murder;

(16) rape;

(17) attempted rape; or

(18) other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 923. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent or attorney.

(b) Where any application is made to the Commission under this title, the applicant or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this title is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 924. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this title, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within 90 days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this title any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 925. The Commission may order the payment of compensation under this title for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 926. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 927. (a) No order for payment of compensation shall be made under this title unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this title to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 928. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 921 of this title any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this title), a State or any of its subdivisions, for personal injury or death compensable under this title, but only to the extent that the sum of such payments and any awarded under this title are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

PART D—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 931. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this title for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within a year institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States or any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 932. An order for the payment of compensation under this title shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

PART E—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 941. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 942. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of such victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 944;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based upon a schedule substantially similar to that provided in part C of this title;

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in part D of this title.

STATE PLANS

SEC. 943. (A) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 942;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part; and

(5) provide that the State will submit to the Executive Secretary—

(a) periodic reports evaluating the effectiveness of payments received under this part in carrying out the objectives of this title; and

(b) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(B) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

EASIC CRITERIA

SEC. 944. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 942. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made; and

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 945. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 953.

WITHHOLDING GRANTS

SEC. 946. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 943; or

(2) that in the operation of any program assisted under this part there is a failure to comply substantially with any applicable

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provision of this part; the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this part until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 947. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 948. For the purpose of this part the term "State" means each of the several States.

PART F—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 951. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act.

SEC. 952. There is hereby authorized to be appropriated as much money as necessary to carry out the purposes of this title.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDENT pro tempore. Under the previous order the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now lay aside temporarily the unfinished business and proceed to the consideration of S. 3010, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES OF NATIONAL SCIENCE FOUNDATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on Friday by which the bill (S. 3511), National Science Foundation authorizations, was passed be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 14108 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, the committee is discharged from further consideration of the bill and the Senate will proceed to its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 14108 be stricken and that there be substituted in lieu thereof the text of S. 3511 as passed by the Senate on last Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14108) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3511 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Committee on Labor and Public Welfare be admitted to the floor during the consideration of S. 3010: Mr. Richard E. Johnson, Mr. William J. Spring, Mr. Jonathan Steinberg, Mr. John Scales, Mr. Richard Siegel, and Mr. Steve Engleberg.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, the Senate has now been in session for 1 hour and 20 minutes. Fifty-five minutes have expired since the close of morning business. The pending business, the economic opportunity amendments, is now before the Senate.

The leadership would ask Senators who have amendments thereto to come to the Chamber and to be prepared to offer amendments so that progress can be made in disposing of this bill today if at all possible. Much remains to be done during the remainder of the week, and I feel it would be appropriate at this time to suggest the absence of a quorum and justifiable to state that this will be a live quorum so that the cloak room personnel can notify Senators on both sides accordingly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONDALE). The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 245 Leg.]

Brock	Cook	Ribicoff
Buckley	Griffin	Saxbe
Byrd,	Hruska	Stafford
Harry F., Jr.	Mondale	Stevens
Byrd, Robert C.	Nelson	Stevenson

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken	Ervin	Miller
Allen	Fannin	Montoya
Allott	Fong	Moss
Anderson	Fulbright	Packwood
Bayh	Goldwater	Pastore
Beall	Gurney	Pearson
Bellmon	Hansen	Percy
Bennett	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hatfield	Roth
Boggs	Hollings	Schweiker
Burdick	Humphrey	Scott
Cannon	Inouye	Smith
Case	Jackson	Sparkman
Chiles	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cranston	Long	Tower
Curtis	Magnuson	Tunney
Dole	Mathias	Weicker
Dominick	McClellan	Williams
Eagleton	McIntyre	Young
Ellender	Metcalf	

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Iowa (Mr. HUGHES), the Senator from Virginia (Mr. SPONG), the Senator from Maine (Mr. MUSKIE), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). A quorum is present.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding, after a discussion with the able assistant Republican leader, that he is prepared to offer an amendment shortly, within the next 3 or 4 minutes. Therefore, I suggest the absence of a quorum, and I hope that it will be only a brief quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 138, strike out line 23, and insert in lieu thereof the following:

"AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS"

On page 138, between lines 23 and 24, insert the following:

"SEC. 24. (a) Section 801 of the Economic Opportunity Act of 1964 is amended as follows:

In the second sentence of Section 801, after the words "to eliminate poverty" insert the words "and to deal with environmental needs."

"(b) Section 811(a) of such Act is amended:

"(1) by striking out the first sentence thereof, and

"(2) by inserting in lieu thereof: 'Volunteers under this part shall be required to make a full-time personal commitment to achieving the purposes of this title and the goals of the projects or programs to which they are assigned.'

"(c) Section 820(a) of such Act is amended:

"(1) by striking out the first sentence of subsection (a) and

"(2) by inserting in lieu thereof: 'The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this title.'."

On page 138, beginning with line 24, strike out through "1964" in line 25 and insert in lieu thereof the following:

"(d) The first sentence of section 821 of such Act".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided between the able Senator from Michigan (Mr. GRIFFIN) and the able Senator from Wisconsin (Mr. NELSON); and that time on any amendment to an amendment, debatable motion, or appeal in relation thereto, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Michigan, the author of the amendment, wish to have a rollcall vote on it, and would he want to get the yeas and nays shortly, or would he wish to wait?

Mr. GRIFFIN. Perhaps we should wait. It may not be necessary to have a rollcall vote.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, this amendment will broaden the authority of VISTA, the volunteer organization, so that it would be able to enlist and use volunteers in environmental cleanup projects.

At the present time, the basic legislation which established VISTA is restrictive in its terminology and requires that volunteers in VISTA can only operate with respect to the problems of poverty.

To be sure, there is plenty of work to do in connection with the problems of poverty and we can use all the volunteers available to work with that particular problem. But one of the unfortunate things is that there are many volunteers, particularly among young people, who would like to devote themselves to various programs and projects which have to do with cleaning up the environment.

In a real sense, the problem of poverty and the problem of pollution are inseparable. I do not think there is any question that the segment of our society which suffers most from pollution is the poor, in the inner cities—those who suffer from pollution of the air, and water, from rats and from unsightly conditions that exist in some areas because of litter. This group would benefit the most from the use of volunteers in environmental projects.

Mr. President, this amendment does not require the director of VISTA to put any particular number of volunteers to work in environmental projects. It merely expands the authority of the agency so that it can utilize volunteers who are able and willing to devote themselves primarily to environmental problems and environmental needs.

Personally I think that legislation of this kind should have been on the books years ago. In fact, when my staff people advised me that in our range of volunteer programs there is no present authority to utilize volunteers for environmental programs, I could hardly believe it. And I insisted that they do a good deal of research to be sure that is the case, because we are all aware of the great interest in environmental problems and the interest of many young people to do something about these problems.

So, the amendment is very simple. In my opinion it should not be controversial. It would merely provide that those who are operating the VISTA program would be able to enlist and utilize volunteers not only for projects that directly relate to poverty, but also for projects such as cleaning up the environment. I would hope that this amendment would be adopted by the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, on the question of authorizing VISTA volunteers to work in the area of environmental needs, I think that the authorization is already in the law so long as the activity that the VISTA volunteers are involved in is beneficial to poor people. Is that not correct?

Mr. GRIFFIN. Mr. President, I would say that is not the understanding. And it is not at all clear that is the case. If the floor manager of the bill believes that is so, then the amendment I propose would not be objectionable and he would agree to it.

Mr. NELSON. Mr. President, the distinguished Senator from Michigan mentioned lead-based paint. As I recall it, the testimony of Mr. Blatchford before our committee was in fact that VISTA volunteers work in that field now.

Is it the intent of the distinguished Senator from Michigan, concerning the environmental matters in which we would authorize VISTA volunteers to involve themselves, that these activities be for the specific and direct purpose of helping people in poverty.

Mr. GRIFFIN. Mr. President, it would be my thinking that we should not restrict it in that way. However, I have indicated that I have no doubt in my own mind that the group or segment of our society that would benefit most from volunteers working in the area of environmental problems would be the people who are in the inner city and the poor, because they are the ones that suffer the most from air and water pollution, and from the various other problems that are related to the abuse of the environment.

Mr. President, this would leave the discretion within the agency. It does not strike at the fact that the primary purpose of VISTA is directed at poverty. I am sure that should be taken into ac-

count even in interpreting the language which I am suggesting. However, I do not think I would want to be confined to that. I think that if we can get volunteers who are willing and able to go out and pick up litter and trash and help to clean up our environment, I am for using them whether it happens to be in a situation that is directly involved with poverty or not.

Mr. NELSON. Mr. President, one of the problems, as the Senator from Michigan is aware, is that very frequently the environmental movement is attacked as being a movement of the affluent and the middle and upper classes. I happen to agree with the Senator from Michigan that such is not the case, and that in fact the environment that is the worst in this country is in the city ghettos where the environmental noise is the worst, where the air pollution is the worst, where there is less clean space, less open space, less playgrounds, and less of all of the amenities of life.

It would be very disturbing to me if, for example, in a public park in a city in which the accessibility to the park was confined to affluent suburban and middle-class people, we had VISTA volunteers in there cleaning up the park and making the public park a nice place, whereas we have a much worse situation in a park down in the ghetto and the VISTA volunteers are not working there.

I do not think it would be defensible under this program, which is oriented toward helping the poor, to allow discretion in the VISTA program for them to do environmental clean-up work in well-to-do areas in which the environment is still much better than it is in the ghettos. That would concern me.

If the Senator is saying that they should be authorized to work on environmental problems, as he mentioned, in helping in the matter of lead-based paint, cleaning up of playgrounds, and supervising playgrounds oriented toward the poor, I would find no trouble in accepting the amendment. However, if the Senator proposes that these volunteers can be used in the other areas, I think it would be highly questionable.

Mr. GRIFFIN. Mr. President, if I may respond to the distinguished floor manager of the bill, I ask him if it would not make sense to agree to the amendment and give those who run the VISTA program a reasonable opportunity to operate and let us see how they use their authority. If it should be that volunteers are only used to clean up the parks in the affluent areas, if they are ignoring the problems of the inner city, I would be the first to join with the Senator from Wisconsin in asking for some kind of further restriction. However, I do not think that at this point it is necessary. I would assume without question that the Director of VISTA would not confine the use of volunteers to the areas that the Senator from Wisconsin referred to and that certainly a large percentage of these people would be used in the inner city.

Mr. NELSON. What puzzles me a bit is the reluctance of the Senator from Michigan to agree in the colloquy that the funds expended on environmental matters here should be oriented to the environmental problems of the poor. The thing that puzzles me is that if there were appropriated 10 times as much or 200 times as much there would not be enough money to make a significant dent in the disgraceful, deteriorating environmental circumstances in the poverty area. So I would be most reluctant to give the Director the discretion to use VISTA volunteers in the improvement of the environment in areas other than poverty areas. The Senator said he is sure that any Director would emphasize the poor, but why not agree to saying so in the amendment. I do not understand the reluctance to do that. I am for authorizing these activities but not to do work that benefits people who are not poor.

Mr. GRIFFIN. Mr. President, how much much times remains to each side?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes remaining and the Senator from Wisconsin has 5 minutes remaining.

Mr. NELSON. Mr. President, how do I have 5 minutes remaining when the Senator from Michigan took more time speaking than I did? Did the Chair count all of the Senator's answers to my questions on my time instead of his time?

Mr. GRIFFIN. I will be generous and yield time to the Senator.

The PRESIDING OFFICER. When the Senator from Michigan first took the floor he yielded. The Senator from Wisconsin was recognized. Everything since has been on the time of the Senator from Wisconsin.

Mr. GRIFFIN. Mr. President, I respond to the Senator from Wisconsin in this way. It may well be that the authorization, in terms of money, does need to be increased and it may be we will not, as a Congress, be willing to use the authorization in funding to the extent we could utilize all the volunteers who might be available to work in environmental projects. But I think it a tragedy that at the present time there are people willing to volunteer and work to clean up the environment and we do not have a program to utilize them.

We have the Teachers Corps, the Peace Corps, and VISTA, and the authorization is so restrictive and limited that people who are interested in working in cleaning up the environment have no place to go and say, "I want to work."

Now, I think that we should start by providing that authority in the law. That is what my amendment would do. In other portions of the bill I am willing to consider an increase in the authorization funds to make sure that by broadening this authority we are not going to cut back on the amount of work that the volunteers will do that will be directed specifically at poverty programs not related to the environment. But I would hope that the Senate would see the wisdom finally, after these many years, of making it possible for the VISTA program to enlist and use young people who do want to work in this area of cleaning up the environment. We certainly talk enough about it. We read about it. We know pollution is a serious problem. I rather imagine that most of the citizens of the country and our constituents would be a shocked as I to learn we have no way now under existing programs to utilize those who want to work in cleaning up the environment.

I think the justification for it and the good sense of it are apparent on the face. Again I urge that the floor manager and other Senators support the amendment.

Mr. NELSON. Mr. President, I find the objective of the amendment commendable. I suppose that in the 24 years I have been in public office no one in either House of Congress has spent more time on the issue of the environment than I have. I agree that this is a fundamental and important activity. I agree that VISTA workers should be eligible to participate in that kind of work. I think they are under the present law. I have no objection to broadening the scope of the authorization to make it more clear. I agree with the Senator that the Director of the program is likely to use good sense and to emphasize that the effort in the environmental field through VISTA workers be performed for the benefit of the poor. I suspect that if he has a choice between sending them to fix up a playground in a poverty as against an affluent area, he would choose to have them do work in the poverty area. Dealing with the problems of the poor is the objective of the efforts of VISTA workers. I assume that is what the Director would do in this program and I assume that because of the emphasis on that very aspect by the Senator from Michigan in his opening remarks that the Director of the program would take note of that and the intent would be clear.

I am willing to accept the amendment but I would make it clear in the legislative history that if the emphasis of the program is not on the poor I will return to the floor to take that authority away from the ACTION program and the VISTA program at the first feasible moment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. GRIFFIN. Mr. President, I am delighted that the manager of the bill has taken that position, but I believe that to maintain the position of the Senate in conference I nevertheless would like to ask for the yeas and nays. The requisite number of Senators are in the Chamber. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. I thank the Senator.

Mr. NELSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 21 minutes remaining.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum, and I ask that the time be charged equally against the author of the amendment and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President——

The PRESIDING OFFICER. The Senate is operating on limited time. All time has expired on the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each side be extended by 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Michigan.

Mr. President, the present Economic Opportunity Act provisions make plain in section 810(a)(3) that VISTA Volunteers may be assigned to work in connection with programs or activities authorized, supported, or of a character eligible for assistance under this act. There is a section in the pending bill—section 7—providing for a special emphasis program to be added to section 222(a) of the Economic Opportunity Act to authorize an environmental action program that focuses on environmental problems in the poverty community.

I ask unanimous consent that that provision may appear in the RECORD as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed), on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

Mr. CRANSTON. Mr. President, we have held long and detailed hearings in the Human Resources Subcommittee of the Committee on Labor and Public Welfare on the Action program. I introduced an Action Agency bill—S. 3450—by request, and in those hearings the matter of environmental work and other nonpoverty work for VISTA volunteers was discussed. Every witness before us on this matter made plain their opposition to any environmental work that competed for scarce dollars committed to the war on poverty. We had testimony from Community Action Agency representatives, VISTA representatives, labor representatives, the poor themselves and others.

I believe that a simple amendment to the amendment of the Senator from Michigan would deal with this problem in an adequate way, and I therefore ask if he would accept an amendment on page 2, line 1, to strike out the word "needs" and insert "problems focused primarily upon the needs of low-income persons and the communities in which they reside." Would that be satisfactory?

Mr. GRIFFIN. I would say to the Senator from California that that would be satisfactory. It is not absolutely restrictive, but it recognizes that we should extend the benefits of the bill, and the primary thrust of the bill should be directed toward the solution of problems of poverty and environmental problems associated therewith. I think it is a constructive amendment, and I am glad to accept it.

Mr. CRANSTON. I thank the Senator.

With that understanding, I have no objection to the amendment.

On another matter regarding the amendment, I ask unanimous consent that lines 3, 4, and 5 on page 3 be stricken.

Mr. GRIFFIN. Could we take care of the first one first?

The PRESIDING OFFICER. It takes unanimous consent to adopt the amendment.

Mr. GRIFFIN. I think we can adopt it by voice vote, Mr. President. I refer to the amendment of the Senator from California.

Mr. CRANSTON. Mr. President, I offer that amendment.

Mr. GRIFFIN. Mr. President, would it have to be done when the time expires?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. Mr. President, I am prepared to yield back the remainder of my time, if we may do so, except there is a technical error the staff has found.

I ask unanimous consent that the language on lines 3, 4, and 5 on page 3 of the printed amendment be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I offer an amendment to the amendment of the Senator from Michigan as follows:

On page 2, the top line, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk so that it may be reported?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1 of the modified amendment, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. CRANSTON. I yield back whatever time I may have remaining.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. SPARKMAN). The question now is on agreeing to the amendment of the Senator from Michigan as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Colorado (Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 246 Leg.]

YEAS—79

Aiken	Ervin	Moss
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Fulbright	Pastore
Bayh	Goldwater	Pearson
Beall	Griffin	Percy
Bennett	Gurney	Proxmire
Bentsen	Hansen	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott
Byrd, Harry F., Jr.	Humphrey	Smith
	Inouye	Sparkman
Byrd, Robert C.	Jackson	Stafford
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Talmadge
Cook	Magnuson	Thurmond
Cooper	Mathias	Tower
Cranston	McClellan	Tunney
Curtis	McIntyre	Weicker
Dole	Miller	Williams
Eagleton	Mondale	Young
Ellender	Montoya	

NAYS—0

NOT VOTING—21

Baker	Gravel	Metcalf
Bellmon	Harris	Mundt
Brooke	Hughes	Muskie
Cotton	Javits	Pell
Dominick	Mansfield	Spong
Eastland	McGee	Symington
Gambrell	McGovern	Taft

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So Mr. GRIFFIN'S amendment (No. 1268), as modified, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. BROCK. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Page 71, line 1, strike out "IX, and X", and insert in lieu thereof "and IX".

Page 71, line 13, place a period after "1964", and strike out "and" and all that follows down through and including line 15 on page 71.

Page 71, strike out lines 24 and 25, and insert in lieu thereof the following:

"$466,400,000 shall be for the purpose of carrying out title II of which $71,500,000 shall be for the purpose of carrying out the Legal Services program described in section 222(a)(3), $114,000,000 shall be".

Page 75, strike lines 10 through 12 inclusively, and renumber succeeding paragraphs.

Page 100, strike out line 22 and all that follows down through and including line 21 on page 129.

Page 130, strike "Title X", insert in lieu thereof "Title IX", and redesignate section numbers therein accordingly.

AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD, FISCAL YEAR 1973—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And that the Senate agree to the same.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. LONG. Mr. President, the Managers on the part of the Senate were successful in getting the Managers on the part of the House to accept all of the Senate amendments to H.R. 13188, with one exception in which the Managers on the part of both Houses felt a slight revision was in order.

To all intents and purposes, the House agreed to the Senate amendment other than that they wanted the amendments to be of general application, which was agreed to.

Mr. President, I ask unanimous consent that the statement of explanation of the joint managers be printed in the RECORD, and that the requirement to print the report as a separate document be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the Cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30, 1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

Mr. LONG. Mr. President, I move adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 632. An act for the relief of the village of River Forest, Illinois;

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6620. An act for the relief of John W. Shafer, Junior;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) subsequently signed the enrolled bills and joint resolutions.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. BROCK. Mr. President, I rise to offer an amendment which would keep the legal services program within the office of the OEO.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I should like to ask the able Senator whether there is any chance of getting a time limitation on his amendment at this time.

Mr. BROCK. I wish I could accommodate the distinguished majority whip, but I cannot at this time as I have a number of requests for time and I do not know how much will be used.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. BROCK. Mr. President, the amendment does not strike any program of the legal services for the poor. During the past few months, we have heard certain aspects of the House and Senate debate on this proposal which infers that a motion to strike proposed title IX of the Economic Opportunity Act of 1964, as amended, would be a motion to destroy the Federal Government's commitment to providing legal services to the poor. Nothing could be further from the truth.

Specifically, my amendment would strike section 18 of the bill, which seeks to establish a National Legal Services Corporation and attendant program as title IX of the EOA. Thus, it preserves the legal services program within OEO, not only as a viable program but also with an increase in authorized funds over previous years.

What is the difference between a federally funded legal services program within OEO and a federally created and federally funded legal services program within, and administered through, a proposed corporation? The difference is major. It is the heart of this debate.

During previous discussion of this program, we have had problem area after problem area, unresolved controversy after unresolved controversy, horror story after horror story brought to the attention of this body. And, in reality, not one of these would be effectively resolved by the proposal now pending.

Policy questions and administrative issues as great as the meaning and role of accountability of the Corporation and its programs to the public and their elected representatives in the Congress; the role of Federal oversight; the qualifications of attorneys and personnel; the eligibility of clients; the nature of the attorney-client relationship; the permissible scope, if any, of solicitation by project attorneys; the permissible scope of the outside practice of law among project attorneys; the determination of priorities as to cases handled by the program; the role of project attorneys in criminal representation and prisoner organization; the role of project attorneys in so-called community education and community organizing; the role of federally funded attorneys engaging in lobbying activities with the blessings of the bill pending before us; the role and propriety of promoting ideological, philosophical, political, and partisan points of view with Treasury funds; the efficacy of involvement and participation in various forms of direct action—rallies, demonstrations; the role of project attorneys in social issues such as busing, abortion, workfare requirements; the role of State officials; the role of State and local bar associations; and the end result of this proposed program—each of these questions have been inadequately resolved.

In his veto message of the proposed National Legal Services Corporation last December 9, the President stated emphatically:

It would be better to have no legal services corporation than one so irresponsibly structured.

Mr. NELSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I am delighted to yield to the Senator from Wisconsin.

Mr. NELSON. The Senator realizes, I assume, that the President's objection to the structure of the Board was that he would have been able to nominate only six of the 17 members. Does the Senator realize that the President asked in his message to create a separate Corporation—that he recommended and asked Congress to approve a separate Legal Services Corporation?

Mr. BROCK. Of course.

Mr. NELSON. So it is the Senator's position that he does not agree with the President that there should be a separate Corporation?

Mr. BROCK. I fully agree with the President. I support the President. But I think the question before us is whether the committee has addressed itself to the points he raised in his veto message and whether the committee has addressed itself to them adequately.

In my reading of this vast bill, all are unresolved questions. They all remain unresolved.

The bill, as written, is not responsive to the request of the President for a Legal Services Corporation which would benefit the poor.

Mr. NELSON. May I ask another question?

Mr. BROCK. Certainly.

Mr. NELSON. Do I correctly understand the Senator, then, to say that he does agree with the President in principle, that there be established a separate and independent Legal Services Corporation?

Mr. BROCK. Yes, I do.

Mr. NELSON. And that the difference is in the spelling out of the details of that Corporation in the bill?

Mr. BROCK. The Senator has correctly stated my position.

Now, to continue my statement, Mr. President, the question, thus, becomes: Do we have any reason to believe that the new program—federally created and federally funded—will manifest itself any differently than the existing program? The answer, unfortunately, is, "No." As a matter of fact, it could be worse, because we divorce the new Corporation from any public accountability. Nothing has been brought to the attention of this body which demonstrates that the transfer of this program from a Federal agency to a federally created Corporation will resolve the mammoth issues brought to our attention.

Mr. President, I suggest that the problems with this program unquestionably reveal that the only way to substantively reform this program, to make it stronger and more effective in meeting the legal needs of the poor—is to keep the program, for the time being, within OEO where it is more susceptible to reform to improve the delivering of legal services to the poor. The debate has brought to the attention of everyone concerned with this program the nature of the

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changes and reforms which need to be made.

Mr. President, it is the responsibility of this body collectively, and of its Members individually, to insure the proper administration of any program funded with taxpayers' dollars. The legal services program should be no different from any other. Proper administration can come if this program remains within OEO.

This means that we will have the opportunity to pursue the reforms now in progress, to resolve the questions which are before us in a manner which will ultimately allow us to have a full legal services program of an adequate and responsive nature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I would like to address myself to the amendment offered by the Senator from Tennessee (Mr. BROCK) which is designed to eliminate the Legal Services Corporation from the bill.

LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

Mr. President, contrary to the position of the distignuished Senator from Tennessee (Mr. BROCK), the committee reported bill's legal service title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority. If my memory is correct, the final bill was reported by a unanimous vote of the whole committee.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative To Providing Legal Services to Americans Otherwise Unable To Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

> • • • (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. • • •

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his Message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

Mr. President, I would like to point out that the president of the American Bar Association sent the telegram on June 15, 1972, reading as follows:

> The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.
>
> LEON JAWORSKI,
> *President, American Bar Association.*

On the same day, the President's message of legal services was sent to Congress, the administration's bill was introduced. The Senator from Kentucky (Mr. COOK) introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal-clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. These 11 would, under last year's bill, have been selected by the President from lists of recommendations containing from three to 10 names for each position to be filled. One person would have been nominated from lists of names submitted by the American Bar Association, one from names from the Association of American Law Schools, one from the National Legal Aid and Defender Association, one from the National Bar Association, and one from the American Trial Lawyers Association; two from lists of names submitted by the Judicial Conference of the United States; two from lists of names submitted by the Clients Advisory Council; and two former legal services attorneys from lists of names submitted by the Project Attorneys Advisory Council—totaling 11.

In response to the President's objection in his veto message to the provisions of last year's bill which provided the President with full discretion only with respect to six of the 17 nominees to the board of directors, the committee this year has substantially altered the composition of and manner of appointing the board.

First, the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations as follows: one from recommendations made by the American Bar Association, one from recommendations of the Association of American Law Schools, one from recommendations of the National Bar Association, one from recommendations of the National Legal Aid and Defender Association, one from recommendations of the American Trial Lawyers Association; then two members are named by the President from recommendations made by the Clients Advisory Council and two members are to be former legal services project attorneys from recommendations by the Project Attorneys Advisory Council. (The two members from recommendations of the Judicial Conference of the United States, which last year's bill provided, are not included in this year's bill.)

Let me point out that this year's bill omits the requirement in last year's bill that lists of three to 10 names be submitted for each position to be filled. The committee accepted the suggestion that the 1971 bill's specific requirement that recommendations be submitted by way of lists was unnecessarily abrasive and could inhibit or be less conducive to informal discussions between the President and the groups making the recommendations.

The committee bill gives absolute policymaking control to the 10 persons the President wishes to appoint. A majority of the board will make the policies governing the Corporation's role in providing legal services to the poor. And the President still appoints the remaining nine from recommendations. The President does not have to submit the name of any individual he does not wish to appoint to the board of directors. No one can be appointed to the board whom the President does not approve.

I might emphasize here that the President could reject 10 recommendations, 100 recommendations, 1,000 recommendations; he could reject every single recommendation made by all recommending bodies under the bill until such time as he had a board made up as he desired it to be made up. I do not know what more anyone could ask. As a matter of fact, OEO people do not object. I understand from the Senator from Kentucky (Mr. COOK) that he does not object to the present composition of the board. I do not know what further objection there could be unless it is the position of the Senator from Tennessee (Mr. BROCK) and those supporting him that the American Bar Association should not be permitted to make a tiny suggestion to the President of the United States about the Legal Services Corporation, or that the Association of American Law Schools should not make recommendations to the President, even though it is not binding on him.

I would think the President would like the benefit of recommendations from these distinguished groups around the United States.

Mr. MONDALE and Mr. BROCK addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

Mr. MONDALE. In addition to the very strong point the Senator from Wisconsin has made, I would like to refer to page 44 of the committee report which shows that when this measure was reported, including the Legal Services Corporation provision, the committee by a vote of 17 to 0 voted to recommend it. Every Democrat and every Republican on the Committee on Labor and Welfare voted to recommend the bill. Some objections were cited in the concurring statements appearing later in the report, but as I read those suggestions, none of them suggest that anyone on the committee wanting to eliminate the provision for an independent Legal Services Corporation. Am I correct?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. So I am at a loss to reconcile the statement by the sponsor of this measure that he is supporting the President when he seeks to do away with the Legal Services Corporation, which the President supports. Can the Senator advise me if it is possible to support the Brock amendment and still support the President's position?

Mr. NELSON. I did not understand the Senator's question.

Mr. MONDALE. As I understand the position of the President, he wants us to create a National Legal Services Corporation.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. The amendment offered by the Senator from Tennessee would strike the National Legal Services Corporation and keep the present administrative apparatus. Is that correct?

Mr. NELSON. The Senator is correct. That is what is puzzling me about the response of the Senator from Tennessee when I asked him if he supported the President's position in favor of a separate Legal Services Corporation. If that is the case I would think the Senator would offer a specific amendment to the program.

We have agreed to nearly everything the administration asked for. We met the objections of the veto message. If there is some specific change the Senator from Tennessee thinks should be made in the bill, I think he should offer an amendment.

But the Senator from Minnesota is correct that if the Legal Services Corporation is struck from the bill that is contrary to the position of the President.

Mr. MONDALE. As I understand the situation, the bill which we sent to the President—which he vetoed—involved a difference between the conferees and the President, not on the question of whether there should be an independent Legal Services Corporation, but what the form of that corporation should be.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. It was not a question of principle, but rather a question of form.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. What we are trying o do now is change the makeup and some of the other details of the Legal Service Corporation so that the bill meets the objections set forth in the President's veto message.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. Is it not true that in doing so we worked closely with the minority members of the Committee on Labor and Public Welfare to try to shape a measure to meet the objections of the President?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. And the majority went a great distance to try to make this a measure acceptable to the President. Is that correct.

Mr. NELSON. The Senator is correct. I think it worthwhile to point out to the Senator that the House-passed bill provides for the President to be authorized to appoint just six members, as did the bill a year ago, whereas this bill authorizes an absolute majority to be appointed by the President, and it provides that the American Bar Association, the American Trial Lawyers Association, and the American law schools can recommend to the President somebody to go on the Legal Services Corporation without any requirement at all that the President appoint anyone they recommend, with the right to reject any number of recommendations. So the President has ab-

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solute control of the board by appointment of the majority.

He has the authority to reject all recommendations that are made to him. I do not know what more could be asked.

Now, he had one other objection. The board was the main one. The other one was the incorporating trusteeship arrangements. He did not like the interim incorporating trusteeship, and he attacked that in his veto message. We have abolished that. There is no interim incorporating trusteeship anymore. The Director of the OEO runs the program until the new corporation has been established. So the President got, I think, everything he was asking for. I do not know what more there is to ask for, unless he wants to say he wants to make all the appointments without even consulting us and without having them go to the Senate for confirmation; but I do not think either house would want that

Mr. MONDALE. Not even that would be so under the amendment offered by the Senator from Tennessee, because he would oppose the principle of an independent corporation which the bill calls for.

Mr. NELSON. That is correct.

Mr. MONDALE. If I understood the Senator from Tennessee, he makes the point of what he considers mistakes, errors, and bad judgment by an occasional member of the legal services program. I do not in any way support those contentions. What I do not understand is the logic of the Senator from Tennessee's view; if he is correct about these examples about mismanagement—which I doubt—what he is proposing to do is keep the same system of mismanagement which created the problems he is talking about.

Mr. NELSON. That is correct.

Mr. MONDALE. We have tried to create a Legal Services Corporation which would have the maturity, experience, and judgment of the legal profession, as well as those whom the President will select; a Corporation run by an independent board which is seasoned and experienced, and which would hopefully remove this program from political pressures and political compromises. Would the Senator agree with that?

Mr. NELSON. I would agree with that, and the reason why we reached this compromise was that the members of this committee have spent just about 2 years on this issue. We have conducted extensive hearings on the bill and the issue. We have met day after day after day in executive session. We finally hammered out a proposal that we were satisfied with, on a bipartisan basis, including the distinguished Senator from New York (Mr. JAVITS), and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD. We worked on a bill that reached a compromise between the majority and the minority, that caused the bill to be sent to the floor of the Senate with a unanimous vote of 17 to 0.

This was, as I have said, after 2 years of effort, which I would hate to see destroyed by an amendment tossed on the floor of the Senate without even the benefit of having the rest of the Senate hear the discussion.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. MONDALE. The last time we considered the measure, substantial objection was raised by the Senator from Kentucky, which received quite a bit of support, that under no circumstances should the legal services attorneys engage in criminal defense work.

Mr. NELSON. That is correct.

Mr. MONDALE. Am I not correct that, even though some of us felt that under certain limited circumstances, such attorneys should be available for criminal defense work, nevertheless, in order to reach the objective, this measure prohibits criminal defense by attorneys under this program?

Mr. NELSON. Yes, and I agree with the Senator from Minnesota that there would be special cases in which some criminal conduct may arise out of some civil actions where in fact the attorney ought to be able to represent the client; but in order to meet this objection, we leaned over backward and inserted a section, which is on page 118 of the bill, which reads, starting on line 1:

> That no funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

So that issue raised by the Senator from Kentucky (Mr. COOK) was resolved and specifically provided for in accordance with and to meet the objections he had to this bill.

Mr. MONDALE. So, in accordance with the objections made by the President in his veto message, and in terms of the single objection we heard prominently last time this measure was debated—in both instances—we went all the way in an effort to meet the objections. Is that correct?

Mr. NELSON. So far as I know, we met every major objection that was made on the floor of the Senate and by the President's veto message, and accommodated those objections in whole, or almost totally, in every single case.

Mr. MONDALE. I thank the Senator.

Mr. NELSON. Let me explain how the Advisory Councils for the clients and the Advisory Council for the Project Attorneys are appointed. There is a transition period of 6 months during which the Legal Services program continues in OEO while the new National Legal Service Corporation, is being established. During the first 60 days of this transition period, the initial councils are selected in accordance with the procedures established by the Director of OEO, who is the incorporating trustee during this transition period. After the first board of directors of the corporation has taken office, procedures for selecting subsequent members of the Advisory Councils are made by the board of directors. It is therefore clear that the Councils which will be making recommendations for four of the members of the board of directors—two from each Council—will themselves be appointed in a manner acceptable to the Director of OEO who is an appointee of the President and is a high ranking administration official.

Last year's bill provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the Legal Services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

Mr. BROCK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Tennessee has requested the Senator from Wisconsin to yield for a question.

Mr. NELSON. Yes, I yield for a question.

Mr. BROCK. I do not intend to get into a debate on the President's veto, but I think the President felt that no Legal Services Corporation would be better than one which was not accountable to the people of this country.

Mr. NELSON. That is one I do not understand. In what way is this Corporation unaccountable?

Mr. BROCK. The Senator mentioned that it requires the American Bar Association to make recommendations, and so forth. The President does not have to accept these, but the net effect is that he does because the Board cannot function until all are appointed.

Mr. NELSON. The Board has an absolute majority based on the President's recommendations.

Mr. BROCK. But the Board does not come into effect until all 19 are named. The point is there is no prohibition against the OEO or upon the President's receiving recommendations from the American Bar Association or anyone else. If I may cite one example which is related in this context, there are 2 Commissions under the present anti-inflation program. The first is the Price Board and the other is the Pay Board. The Price Board is composed entirely of public representatives. The Pay Board is represented by advocates of varying views. The question arises as to which Board has been more representative of the American public? I do not think there is any question that the Price Board has done a better job. Under the Pay Board, a condition is created where you have certain groups represented and there will always be an effort to see that certain groups shall or shall not be represented. My point is that the public at large should have the voice in this.

Mr. NELSON. I did not understand.

Mr. BROCK. The public is the one who should have the prime voice. To mandate the President to take appointments by any group is an insult to the President and the American people. If we are going to compromise this bill, we should have a chance to make a judgment on who will represent the American people. To imply that my approach would prohibit the American Bar Association or anyone else from making recommendations just is not so.

Mr. NELSON. I do not understand what the Senator's point is. Number one, until the Board is appointed and confirmed, the Director of OEO serves as incorporating trustee. So if they were never appointed or confirmed, then the Director of OEO would continue to run the legal services program.

Now, the Corporation would be responsible to the public, and the President represents the public. That is why we gave the President an absolute majority. The Senator says he has no objection to the bar associations, the Association of American Law Schools, or the American Trial Lawyers Association making recommendations. Well, if he has no objection to it, why object to the provision in the bill, which simply says they may make recommendations? That is all it says. The President does not have to accept any recommendations they make.

Mr. BROCK. But if he does not, the Board will not begin to function.

Mr. NELSON. Well, the Senator ought to be happy with that. He is trying to strike out the Board. The Legal Services would be run as it is now run, out of the OEO. But if the Senator is really seriously suggesting that these responsible national organizations would keep sending to the President people who were so disreputable or so much in philosophical disagreement with the President that in no way could the President conceivably accept any of the recommendations these national associations would make—I do not think the Senator would intend to insult these organizations in that way, or insult the President in that way. It is absolutely preposterous to suggest that the American Bar Association would not send to the President of the United States or recommend to the President of the United States distinguished, able lawyers. If they did not, the President ought to reject them, and he will reject them.

It is preposterous to think that the American Trial Lawyers Association would not recommend, from their group, some highly distinguished, reputable lawyer to participate on the legal services corporation. And if they did not, the President would reject the recommendation and they would come back with another.

I do not think there is any substance at all to the kind of objection the Senator is making. He says they are entitled to make recommendations anyway. All right; that is all we have said here.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, I have completed my remarks for the time being. I yield the floor to the Senator from New York. There is no time limitation on the bill thus far.

Mr. JAVITS. Mr. President, addressing myself to the question asked by the Senator from Tennessee, there is a difference, and that difference is in the professional responsibility of lawyers and the need for the recruitment of able and effective lawyers in this program. Therefore the bar association, it seems to me, has a place, which is not the situation with the Price Commission. But in addition to that, all of us are always wary of being holier than Caesar, or holier than whoever is holiest, and the American Bar Association, which represents half the lawyers in this country—we have 330,000 lawyers, and 146,000 are members of the ABA—has sent a telegram to me dated June 15, which reads as follows:

> The American Bar Association supports the enactment of legislation establishing a national Legal Services Corporation. Having concluded that the corporation will tend to further the Association's interest in preserving the independence and professional integrity of the legal services program, I would therefore urge that you resist amendments to S. 3010, the Economic Opportunity Amendments of 1972, seeking to strike title IX, or which would threaten the independence of the corporation or the responsibility of lawyers providing legal services for the poor. This position is consistent with the Association's long-standing commitment to equal access to justice for all citizens.
>
> Signed,
>
> LEON JAWORSKI,
> *President, American Bar Association.*

Mr. President, it seems to me that this is rather rare, that we should have such a firm declaration by the American Bar Association, which is certainly no wild-eyed radical body, and which has been invoked many times here as a very conservative and stabilizing force in the country, in many cases against positions which I and others like me have taken.

Here is the American Bar Association saying, with respect to this bill, "Resist all impeding amendments, and especially resist an amendment to strike the title," basing it upon what I think is the soundest argument of all, which is the professional integrity and the professional responsibility of the individual lawyer.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. This is a concept that I think may be difficult for non-lawyers to understand, and yet it lies at the heart of an independent and ethical judicial system—namely, the concept that a lawyer is an officer of the court, and that his responsibility is to the laws, to the Constitution, and to the courts of the land to represent his client fully and ethically in accordance with the ethics of the legal professions. Is that not correct?

Mr. JAVITS. That is correct.

Mr. MONDALE. What we are seeking to do with this National Legal Services Corporation is to deal with the pervasive criticism that these lawyers, in the pursuit of these ethical obligations, have been placed under heavy political pressure to compromise what the rules of ethics require. The National Legal Services Corporation is designed to make certain that the integrity of the attorney-client relationship shall be maintained. I think that is what the President had in mind in recommending the creation of this Corporation, and it is why the American Bar Association—which I think we can take judicial notice is a conservative organization—is here strongly objecting to amendments such as that pending at this time.

Mr. JAVITS. And this is not an amendment; it is a proposal to just cut it out.

Mr. MONDALE. That is right.

Mr. JAVITS. Mr. President, one other item of fact here. I happen to have the most profound regard—and I believe he deserves it; I believe this is also true of many, many of the thousands of lawyers in the country—for Orison Marden, a man who has spent almost his whole life rendering, in the professional arena, legal services to the poor. He is the very model and epitome, the summing up of the Legal Aid Society movement in this country.

He came here to see me with especial reference to this situation, and he sent me a wire to be sure I would have something to state on the Senate floor, which reads as follows:

> I hope that S. 3010 providing for a nonprofit Legal Services Corporation will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests. Orison S. Marden.

I know of no man whose whole life epitomizes so greatly his devotion to this subject. I think that is the common opinion of lawyers. Nor do I know of any more venerated character in the professional ranks of lawyers than that of Orison Marden, one of the real leaders of the bar in this country.

Mr. President, I ask unanimous consent that the wire from the American Bar Association, that of Mr. Marden, and those of many others, including the Association of the Bar of the city of New York, from Bernard Botein, its president, from Sydney Rubin, president of the Monroe County Bar Association, and many others who have backed this legislation, be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
June 22, 1972.

HON. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.:

I hope that S. 3610, providing for a nonprofit legal services corporation, will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests.

ORISON S. MARDEN.

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NEW YORK, N.Y.,
June 22, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment. This supplements my previous communications on the legal services bill when president of the association of the bar of the city of New York.

BERNARD BOTEIN.

CHICAGO, ILL.,
June 16, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The American Bar Assn. supports the enactment of legislation establishing a national legal services corporation having concluded that the corporation will tend to further the association's interest in preserving the independence and professional integrity of the legal services program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike title IX or which would threaten the independence of the corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

ALBANY, N.Y.,
June 23, 1972.

Hon. JACOB K. JAVITS,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

I ask your support for prompt action on S. 3010 which includes title IX—Legal Services Corporation Act. I hope you will vigorously oppose efforts to amend or sever title IX from the bill. The continuing support you have given to the legal services program is appreciated. As you may know the report of committee on availability of legal services of New York State Bar Association has previously recommended support of title IX, which recommends action as approved by executive committee of the association.

THOMAS FORD,
Chairman of the Legal Aid Committee, New York State Bar Association.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in forcing out the accommodations in the present bill and strongly urges that you support its passage without amendment.

OTTO G. OBERMAIER,
Chairman, Committee on Legal Assistance.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for the continued support of bill S–3010, the bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment.

DONALD T. FOX,
Chairman, Committee on Professional Responsibility, the Association of the Bar of the City of New York.

ROCHESTER, N.Y.,
June 22, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

Monroe County Bar Association approves the principals of S-3010 and appreciates your continued support.

SYDNEY R. RUBIN,
President, Terminal Building.

CAMDEN, N.J.,
June 23, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

I urge you to continue your firm support of S–3010, without amendment, for the National Legal Services Corporation.

JOSEPH H. RODRIGUES, Esq.

TUCSON, ARIZ.,
June 24, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Pima County Bar Association urges passage of SB3010 as reported out by Senate committee whereby nine of nineteen directors of legal services corporation will be selected by President from lists furnished by American Bar Association and other associations.

RUSSELL E. JONES,
President.

TUCSON, ARIZ.,
June 23, 1972.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

I urge support of SB3010 presently drafted. The professional independents of legal services projects requires board based board of directors of the legal services corporation.

CHARLES E. ARES,
Dean, College of Law University of Arizona.

SANTURCE, P.R.,
June 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

Sir, as chairman of the board of director of the Puerto Rico Legal Service Inc. I do respectfully request your support to the passage of the Legal Services Corp. Act—Bill S–3010—legislation is expected to bring about significant changes in the type of legal services rendered to the under privileged of this nation its approval without amendment is highly desired and I thank you in advance for your usual useful support cordially yours.

MIGUEL J. RIOS LUGO,
President of the Board.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Bar Association of San Francisco strongly supports the adoption of S3010 which includes the National Legal Services Corporation Act of 1972 (Title IX). Major Bar Associations and other interested groups must have the right to participate in the selection of the board in order to maintain the Independence of the NLSC.

CHARLES H. CLIFFORD,
President.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: San Francisco Chapter of the National Lawyers Guild strongly urges you to support Senate Bill 3010 as the proposal came from committee specifically we recommend that only 10 of the 19 regional heads of legal services be appointed by the Presidents very truly yours.

GORDAN GAINES,
President, San Francisco Chapter Lawyers Guild.

JUNE 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

SIR: It is my understanding that the legal services corporation at view S–3010 is coming before the consideration of that body and I do respectfully request your enthusiastic and valuable support in behalf of this legislation legal services for the poor will start schating up into a relative with the passage up this view without amendment and I certainly thank you in advance for your efforts toward the attaining of this goal.

Cordially yours,

JOSE A. CABBERA,
Executive Director.

ANCHORAGE, ALASKA,
June 25, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Board of Directors of Alaska Legal Services Corporation unanimously adopted a resolution supporting the National Legal Services Corporation Bill without amendment.

CHANCEY CROFT,
President.

Mr. JAVITS. What have we done to meet the President's points which he made when he vetoed the previous so-called antipoverty bill? In the first place, we have a real problem here as to the freedom of the lawyer in terms of his professional responsibility to his client. If we want to have a legal services program, that has simply got to be observed, notwithstanding the irritation, distaste, or disagreement of many Members of Congress with the so-called law reform cases, that is, cases brought by attorneys in the legal services program under the OEO, which sought to upset some governmental dictate or some law or to challenge some decisions made by a Government official.

What are lawyers all about? And why, if that is justice, should it be denied to an individual who is poor? If you overturn a law, you are not perpetrating an injustice. On the contrary, you are carrying out an act of justice. If the courts overturn it, why deny that justice? Is there something wrong about that? Are we now living in a country where, if you challenge a law, you are thrown outside the moral pale and we will have none of it? Just because you are poor, are you to be denied that privilege? That is what we face.

Therefore, in order to deal with that, we have endeavored to establish a corporation which, within itself, would have such mechanisms as to prevent mischief-making and troublesome suits, specious actions, delaying litigations, and expensive costs to individuals who might be sued.

There is such a thing as the tyranny of the weak, and that is what we are seeking to deal with and restrain. We have no interest in that, any more than the Senators who are sponsoring this particular title.

Mr. President, how did we do it? We did it as follows:

We provided for an integral unit, a corporate personality, which would carry out this program, remembering always that Congress can always pull the plug out by appropriations every year and that this corporation can last only so long as Congress appropriates money for it. That is the ultimate sanction, as we all know, or should know.

Then we provided, in the makeup of the managing board of the corporation, a sufficient—indeed, a very large—representation of the profession in its most substantial aspects.

Then we provided for the selection of a project attorney's advisory council to deal with the problems which related to the individual lawyer and his own problems with respect to the work he was doing.

We provided that that council should advise the board and that the board would select the council and that, therefore, it would be on the operating level as to the individual, aside from the policies which were set by the board and in which we had a very heavy professional preponderance.

Furthermore, as the Senate would confirm all these nominees, it is hardly likely that any wild-eyed radicals we did not want would be on the basic board.

Finally, insofar as we could restrict the operations of an individual lawyer without robbing him of his professional capacity as a lawyer, we eliminated, in essence, criminal actions, and we eliminated outside practice of law for all practical purposes, and we eliminated any question of conflicts of interest insofar as the lawyer's interests are concerned in the case of members of the board. That, it seems to me, is going a very long way in addition to the sanctions built in of appropriations and the professional standing of the lawyer himself.

As Senator MONDALE has said, the lawyer is answerable to the court. Upon complaint of his local bar association, he can be disciplined.

The President wants to appoint all 19 members and to submit them for confirmation by the Senate. I understand that. But there are other people in the world aside from the President of the United States, including the Members of Congress, in both bodies, and they do not happen to agree that it ought to go all that way. They offered a proposal before which he did not find acceptable, and which he rejected. He vetoed the bill for many other reasons. In any case, let us assume that he vetoed it for this reason. So an effort has been made to submit to him a reasonable compromise, and I deeply feel—and I will do my utmost to demonstrate—that it is eminently reasonable.

Incidentally, I fought for the President's total position before the committee. I felt it my duty, as the ranking Republican member, to do everything I could to bring about, if I could, approval of the President's position. I am satisfied that that is impossible.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I should like to confirm the statement of the distinguished Senator from New York that he sought to convince the committee that the President should be authorized to appoint de novo all members of the board, without relying upon or waiting upon any recommendations from any individuals or groups.

I should like to state for the record, further, that I have supported the proposition from the very beginning that the President ought to have the majority of the appointees.

As the Senator from New York realizes, the House has refused to accept that position. As I mentioned a few moments ago, the House of Representatives already has passed a bill in which the Legal Services Corporation is essentially identical with the one in last year's bill, with the 17 members, with only six appointed by the President.

So we have had a difficult problem here in trying to reach agreement, both in the Senate and in the House.

As the Senator knows, a year ago I supported the proposition that we send a bill to the President in which he would have a majority of the appointees. It was a compromise toward the President's position, a very substantial one by the majority, who had fought and opposed the concept giving the President the majority of appointees. On that issue, the majority on our side prevailed, although, as I say, I favored giving the President the majority of the appointees. We have now accomplished that. I think it is about as far as we can go in that direction and expect to get any agreement at all by the House conferees when we meet on this measure.

Mr. JAVITS. Mr. President, let us get to the mechanics of the appointment. Ten members out of 19 are appointed exactly as the President would want—to wit, they are appointed by him without restraint. Six must be lawyers, but I do not think the President has any objection to that, since his own bill had that element.

It is conceivable that the President could appoint these 10, that they could be confirmed by the Senate, and that he might choose to accept none of the recommendations made to him for the other nine. In that case, the Board still could go ahead and organize and do business. The President would not be impeded for 1 minute in moving forward with a corporation. I know that he would not do that, and I know that we would not do that. Nonetheless, that is possible.

In addition, the President has objected that the members of a group which had to file the incorporation papers and could therefore work out the terms, and so forth, of the charter were unsatisfactory to him, as put in the vetoed bill. His views upon that were met 100 percent. The incorporating trustee for this Corporation is now to be the Director of the Office of Economic Opportunity, his own appointee. There is no problem whatever, and the President fully prevailed there.

As to the text of the appointment of the other nine members, we advisedly changed the language—and I will explain the reason for the change—from the idea of a list, which was in the vetoed bill—that is, the President was asked to choose from lists submitted by these organizations—to recommendations.

The reason why the change is meaningful is the following: It absolutely latches in the proposition that the President can turn down as many recommendations as he chooses, which is what Senator NELSON, the manager of the bill, made very clear. We all understand that only too well.

Second—and very important—a list could mean any number of members. They could submit to him a list of 100 or 200, with the resulting embarrassment to many people when the President passed them over and said, "I will take only so and so on the list," or, "I will take none on the list." So that this was a matter which the President might properly feel would be distasteful to him. That is not true in these recommendations. They are clearly labeled recommendations. The President makes thousands of recommendations. I suppose, in 1 year, every Senator makes a minimum of 500. I know that in my office, and I am sure in the offices of other Senators who come from a major industrial State, we make probably one or more average recommendations a day. When these people are rejected, no one is insulted. It is standard American procedure. Many are recommended. They might get someone else on another occasion. They are most grateful for the recommendation, which is a mark of distinction by their Senator or a number of Senators who join, or Representatives, in making the recommendation. So we use the term which in no way is invidious. In no way would it make the President feel that he was being locked in on any of those on the list, or by the numbers of people on the list, which may be numerous, or might be, if any associations wanted to be mischievous and were passed over by the President. So there are real changes, real advances, in every aspect of the choice so as to make the difference.

Mr. President, the President did not descend from heaven and become President. He served in this body. He served in the other body. He is a working politician. He was Vice President of the United States, a Senator, and a Representative. He has been active in politics for many years, at every level right down to the local district level. So if anyone can understand that we cannot always get things the way we want to, it is the President.

So I hope the President will find this acceptable—if we send it to him—and can prevail in conference. I can pledge myself to the Senate that if anything, I will make a last ditch fight in conference to resolve this provision which I think the President has a right to insist on as the maximum he will take. But I really deeply and sincerely feel that a reasonable man, and the President of the United States is reasonable—would accept this as a fair resolution of the controversy which has now delayed for so long a while—well over a year—an optimum administrative legal services program.

Before I complete my principal statement, one last point, and that is: What

is the importance of the legal services program?

I respectfully submit to my colleagues that, in my judgment—and I say this to the Senator who has moved to strike this—because the program will go on in OEO even if we do not have the corporation—I do not know of any single thing that has become and that is more effective in terms of the national interest respecting the poor than the legal services program. It has added the one thing and that is the element of dignity.

The poor man or woman feels a certain dignity, that if anyone challenges him. say a rascal in a furniture store tricks him, he is not bereft of the opportunity to fight back because he cannot afford it—that it simply is not worth it because $250 may be what is involved and if one goes to a lawyer it costs that much just to walk in the door. I know. I have lived that way, and with thousands of others. So I cannot emphasize enough to my colleagues the critical importance to the poor and to the national interest in trying to redeem them from the poverty syndrome through the legal services program.

I respectfully submit, therefore, that one of the greatest contributions we can make in this bill is to add the additional strength, additional integrity, additional capacity to the program in the manner proposed in the bill.

Mr. President, the President himself feels that the Legal Services Corporation is an excellent opportunity for all of us and that we should effectuate it and I urge that we do so.

I believe that we have effected the best meeting of the minds humanly possible on the mechanism by which the Corporation can be operated, and I hope very much that the Senate will retain it.

Mr. BROCK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BROCK. I have great respect for the distinguished Senator from New York (Mr. JAVITS), for his ability, and for his sincerity in his quest. I do not believe that many will disagree with the objective of trying to give a voice to the disadvantaged people in this land and their right to counsel. The Senator from New York mentioned the poor man who could be bilked by a landlord or a merchant, or the poor man who has no access to the judicial process. Without adequate recourse to law, such a person does not have the full extent of freedom available to the rest of us in this country. I am in full agreement with the Senator on this point.

Where I raise my question is the incentive that exists in this bill to create a group of political ambulance chasers. In some cases a lawyer who joins the Legal Services Corporation may have a political objective in doing so. All he has to do in order to avoid the political activities restrictions in the bill is to seek out and solicit a client, and then he can involve himself in any kind of activity he wants to. That is the problem. We have so many examples of that activity right now. Currently, the OEO is trying to cope with that and they are making some progress. But, to pass this bill and remove the legal services programs from any accountability, when they are already in grave jeopardy of abusing the intent of Congress, that is something else entirely.

That is why I think we need some time for these reforms to be inculcated into the earlier legal services.

Mr. JAVITS. I thank the Senator from Tennessee for his frankness. My answer is as follows: In the first place, I believe we go a long way toward insuring what I could call the integrity of the program.

Champerty is an established violation of the code of ethics of practice by a lawyer, whether in private or public life. I am sure that the Senator knows that any lawyer is disciplinable, even if he has a job with the Corporation on legal services, or works with the Department of Justice. That does not save him. Unfortunately, I wish the bar were tougher on that than it is. They have the idea that if they work for the Government, as the district attorney, or as the U.S. attorney, that kind of gives them immunity. That is dead wrong.

Another thing that is very important is the way the Corporation is set up with a heavy balance of the profession in it.

I know they have the scrutiny which Senators like the Senator from Tennessee and myself will give to any nominees for directors of this Corporation. I really think we have a grip on it.

The last point I mention is explicit law. I mention it last because, like the Senator from Tennessee, I am pretty sophisticated myself. The written law is the last thing to mention. But it is a fact, and I mention it because the record needs to be complete in this regard.

The Senator will find a strong provision against solicitation on page 116, line 23, and I should like to read it into the RECORD, though I again repeat I am not trying to mislead the Senator into any idea that we have written it into the law and that is the end of that. It will erect something in the way of a standard. It should be the law anyhow. The basic professional ethic, as the Senator called it "ambulance chasers," I used the word "champerty." Many lawyers have been disbarred for exactly that practice. Just so that the record will be complete, we have written into the law the following:

> The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit . . . the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation.

There are also various provisions about advertising, and so forth. We have written it into the law so that any one of us who runs into a case of this kind has a strong statutory basis for raising the question.

Mr. BROCK. Mr. President, I appreciate that. When an attorney has been disbarred, I do not think there is any question about the matter. However, I do not think there is any question that they have engaged in such activities under the present program.

I cannot see how any law could be written that would safeguard us against that kind of problem at this very moment we have these lawyers working in various corporations in the field. I cite the Senator the Monterey Legal Society where they had a city counseling service. What happened was that they did not have to solicit clients. The agencies with whom they work go out and solicit clients within or out of the military. There is nothing we can do as the law is written now to prevent that kind of thing.

Mr. JAVITS. Mr. President, if I were a prosecuting attorney or in charge of grievances for a bar association, I think I could trace back the lawyers who fomented the idea on the alleged client group. The question becomes very tricky in those cases. However, we can get the truth.

The other aspect is that really this is going to be administered for the first time by the profession. The President is asked to appoint six lawyers. There is bound to be a very heavy majority of members of the profession. The bar associations will probably not recommend anyone other than a lawyer. We would have a minimum guaranteed, absolutely locked-in majority of the board, 11 out of 19.

Mr. BROCK. Mr. President, is there any possibility that with 19 votes on the executive board, we could have 11, a majority of which was not representative of that particular context, and they could name the executive committee?

Mr. JAVITS. Mr. President, there would be an amendment on the executive committee. I might tell the Senator the problem I had with that approach. If we try it generically and it does not work that way, we deal with it by sections.

I am very interested in the amendment of the executive committee. It seems to be organized very well now. However, I want to hear the views of Members of the Senate on that. The Senator from Texas (Mr. TOWER) has an amendment with respect to the basic areas of responsibilities with which he is concerned. I will try to work that matter out.

The Senator from Nebraska (Mr. HRUSKA) has a number of amendments.

I do not know whether the Senator from Wisconsin (Mr. NELSON) will join with me. However, if the Senate will listen with an attitude of reason—which I know the Senator from Wisconsin and his colleagues will have—we might work out the individual portions of the Tower amendment dealing with the generic approach so as to make the program better in the future and more satisfactory even to those who are so strongly opposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I rise in support of the amendment offered by the Senator from Tennessee (Mr. BROCK). I wish to emphasize that neither he nor I are attempting in any way to terminate the legal services program for the poor. Rather we are concerned they may be rendered to the poor in the most effective manner possible.

Mr. President, title IX of S 3010 would create a new National Legal Services Corporation to incorporate and to extend the legal services program now operating within the Office of Economic Opportunity.

I had hoped that the Committee on Labor and Public Welfare would have met more fully the objections which had been raised by Members of this body and by the President during the preceding months.

Unfortunately, on the basis of an examination of title IX, I must conclude that the bill not only does not resolve existing problems, but may also create new ones in the effort to provide legal services to the poor. Instead of a new Corporation, freed from the shadowed history of the preceding program, it appears in all likelihood that the new Corporation will not operate in any significant way differently from the preceding program. Furthermore, the defects are so numerous that they cannot readily be remedied through floor amendments.

For the benefit of my colleagues, some of whom may not yet have had an opportunity to examine the reported bill section by section, let me review some of the provisions of title IX:

Proposed section 902(b) of S. 3010 would confer, by legislative enactment, a tax-exempt status on the new Corporation.

It is unsound practice for the Corporation to be conferred such a tax-exempt status by the Congress, especially in light of some of the purely political activities which have been carried on under the existing program. All other nonprofit corporations—no matter how worthy their goals may be—must obtain such exemptions through the procedures set forth by the Code and by regulation.

It seems to me to be sound policy that all tax-exempt corporations—even those created by Act of Congress—should be required to meet the same objective standards as a condition to retaining their privileged status.

POTENTIAL CONFLICTS OF INTEREST

Let me move on to another point, involving potential conflicts of interest. In order to maintain its credibility with the public and in order to protect its mission of rendering legal services to the poor, the new Corporation must be protected from the traps which in the past have prevented so many antipoverty efforts from fully achieving their stated objectives. In too many cases there have been conflicts of interest which have given rise to the charge that funds intended to help the poor have been largely expended instead on what might be called a professional poverty industry.

One of the major problems in attempting to correct difficulties within the present OEO program has been that those who ought to be in a position to help correct its deficiencies—such as members of the National Advisory Committee on Legal Services—too frequently represent organizations which are recipients of financial assistance from the program, in prior capacities as grantees, contractors, that is. In addition, members of project attorney and client organizations—representing, respectively, employees of the program and beneficiaries of services of the program—are represented on the advisory board.

The new corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is to write into the language of the bill clear and unambiguous language that such conflicts are violations of the title.

DIRECTORS AND OFFICERS

Let us now move on to section 904 which purports to be a compromise between the bill vetoed by the President last December and the language sought by the President as to the officers and directors of the Corporation. S. 3010, as reported, is more of a compromise of form, than one of substance. It does not meet the President's principal concern—that of accountability by the board and the Corporation to the public and to their elected representatives in Federal service.

Under section 904, there would be a nineteen man board of directors, appointed as follows: Ten members of the board would be chosen at the sole discretion of the President, of whom at least six must be members of the bar; and the remaining nine directors would be appointed by him from recommendations made by seven different groups associated in one way or another with the legal profession.

In his veto of last year's bill, the President said:

> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

The present bill does not meet this important Presidential objective—and objection. The language does not preclude the possible conflicts of interest which might arise by these potential grantees and contractors serving on the board of directors through a designee.

Under the provisions of section 905, and under the provisions of the District of Columbia Nonprofit Corporation Act, the executive committee of a corporation has full plenary powers. It can act on matters of policy and administration with full power, subject only to subsequent review by the board of directors. Such procedure puts those on the board who are dissatisfied with an executive committee decision in a posture of having to oppose an action already taken by the executive committee.

The language of section 905(d) is ambiguous. It provides that the board may establish an executive committee, to be composed of five to seven members of the board. While the chairman of the board is to serve on the executive committee, the bill does not require him to serve as the chairman of the executive committee; thus, we could have the situation arise where there are, in effect, two chief policy officers—the chairman of the board, and the chairman of the executive committee.

In light of the full plenary power the executive committee may exercise pursuant to the authority of the District of Columbia Act, the provisions of section 905 will need to be tightened.

REPRESENTATION OF THE NONPOOR AND THE VOLUNTARY POOR

By virtue of section 906(a)(8) of the bill, which appears on page 113 thereof, the Corporation is authorized to:

> Establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain legal services.

The bill does not attempt to define the standards of eligibility, despite the overriding importance of such a definition. The standards to be set by the Corporation will determine who is, and who is not, eligible to receive assistance. Is it to be a person with an income of $3,000 per year? Or $6,000? Or $9,000? How about someone who is voluntarily poor, by whom I mean someone who refuses to take available employment? Is the program to be limited to individuals? Or will it be expanded to include organizations?

The legal services programs within OEO have, on more than a few occasions, provided legal representation to individuals outside of the poverty guidelines or outside the scope of what ought to be permissible representation. Examples of this may be found in the north Mississippi rural legal services program, in the New Orleans legal assistance program, in the legal services program in Dallas, and in the legal services program in Camden, N.J.

In each of these programs can be found representation of the nonpoor and of the voluntary poor.

The effect of all this, of course, is to diminish the services which are available to, and needed by, the poor. There is no reason to believe that these abuses will disappear merely because the program is shifted to a corporation. The only way to guard against repetition of such violations is to enact the necessary

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protection as part of the Corporation's authority to establish standards of eligibility.

Another area in which title IX requires considerable tightening is in the area of the qualification of attorneys who are to represent the poor under the aegis of the program. In too many instances, neighborhood legal services programs within OEO have had staff "attorneys" who were not, in fact, admitted to the bar of the State in which services were being offered, or even to that of any State. Let me cite a few examples:

The Legal Aid Society of Alameda County, Calif., employed one James H. Rollins, formerly of St. Louis and a co-chairman of the National Conference on New Politics, as a staff attorney under an alias, Lee J. Evans. Rollins was not an attorney and had dropped out of law school after an arrest on a charge of dispensing marihuana. Rollins is now being sought on two counts of first degree murder by the California authorities and by the FBI.

An evaluation of the Appalachian Legal Research and Defense Fund, a project funded by OEO and known as "Appal Red," concluded that the clients receiving assistance through the program—which operates both in Kentucky and West Virginia—were receiving inadequate or limited legal assistance because the "attorneys," in a majority of instances, were not admitted to practice in the jurisdiction where the clients needed to be represented.

In another instance, a Reginald Heber Smith Fellow, funded by legal services within OEO, was providing legal services as a staff member of a project in California at a time when he had not yet been admitted to the bar of the State, and had, in fact, been denied admission at that time because of a record of prior arrests.

Finally, title IX has failed to come to grips with one of the major objections to the manner in which the current program has operated. Too many project attorneys and legal service fellows have been making use of the program, not to help the poor in the manner intended by the Congress, but to use the program as a springboard for launching attacks on our institutions, or to advance their own, often radical, objectives. For examples of these abuses, I refer you to the remarks made on the floor last Friday by the senior Senator from Kansas (Mr. DOLE), which were printed on pages 22250 and 22251 in the CONGRESSIONAL RECORD for that day.

I ask unanimous consent that his remarks be reprinted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I have no objection to anyone in this country exercising his constitutional right to advance, within lawful limits, any political cause, however radical. But I do most strongly object to having the Federal Government subsidize attempts by lawyers on the public payroll to exploit the poor for purely political ends.

It seems to me that an explicit congressional mandate, which is now lacking in title 9, is required in order to prevent the employment of lawyers who cannot distinguish between providing professional legal services to the poor and engaging in political activism.

These, Mr. President, are some, but by no means all, the deficiencies of title IX as I see them. I doubt that they can be corrected by a patchwork of amendments offered on the floor. This is why I support the motion of the Senator from Tennessee.

EXHIBIT 1

STATEMENT OF SENATOR DOLE

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young women's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, a regarded by many as a Communist Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quention correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as co-chairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any jurisdiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of State, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komsol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now, an underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Land Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service programs has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsmen to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans, S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. BROCK. I would like to commend the Senator for his statement and to point out some of the areas in which we are in such profound agreement. The Senator mentioned the tax exemption granted automatically to the new corporation. I know of no other corporation which, by law, is granted tax exemption without review. I think it is unwise, and obviously inequitable, to enact legislation which confers the benefits of an exemption without requiring compliance with existing law.

Mr. BUCKLEY. If the Senator will yield, this is a very important point, because by having constantly to prepare to meet a tax challenge which might be offered by the district directors of the Internal Revenue Service, we increase the internal pressure for the absolute avoidance of any political activity.

Mr. BROCK. The point is that under this Legal Services Corporation, as written in the language of this bill, political activity is not only allowed, it is actively encouraged. An example is the exemptions granted to attorneys for the Legal Services Corporation who have a client who is engaged in political activity. The law purports to stop lobbying or political activities, but it goes on to say that if you have a client, you can do anything you want to, and that is what has actually happened. Let me cite several cases.

Legal Services attorneys have been encouraged to provide advice to welfare demonstrators and legal counsel during rent strikes.

In northern Mississippi, they have used program facilities to support candidates for public office, and have represented ineligible clients on political matters.

In Connecticut, Governor Meskill claims that the Tolland-Windham legal assistance program played a key role in the defeat of a local official who was critical of two welfare applicants.

Legal Services funds a program in Yakima, Wash., which is run indirectly by Cesar Chavez's United Farm Workers organizing committee. Among other things, the program is involved in "insuring that existing legal rights are enforced, for example, in the area of voter registration." That is a quotation from their own pamphlet.

The Legal Aid Society of Union City, Calif., until recently, was used as an official voter registration office.

In Colorado, an attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, on CRLS stationery, a juvenile client to serve as a distributor for the newspaper, which advocated, among other things, draft evasion.

The list goes on and on and on.

In Camden, the Camden Regional Legal Services program has acknowledged representing nonpoor clients on grounds that such clients were "unable to obtain private counsel because of their personal unpopularity or the unpopularity of their causes." The Director of CRLS believes that Legal Services should act "as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions." CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

In Florida, Florida Rural Legal Services used Federal funds to publish an underground newspaper which provoked friction by referring to policemen as "pigs" and displaying cartoons with white policemen beating young blacks.

Mr. President, that is why, when I see the bar association coming in with a wire to the Senator from New York, saying that they support the Legal Services Corporation without amendment, I think that is utterly ridiculous on the part of the bar association, to take such a position. You cannot tell me that the members of the bar of America think the legislation is not subject to improvement. I cannot believe they are that blind. I cannot believe that Mr. Jaworski speaks for the lawyers of this country. I will guarantee him he does not speak for the lawyers of Tennessee.

Mr. BUCKLEY. Mr. President, if the Senator will permit me to make an observation, I think too often, with the enormous press of affairs that each group is subject to, we are ending up with legislation by slogan. If a slogan seems attractive, if it seems on the surface beneficial, it is very easy to secure the agreement of the representatives of this group or that group to the proposition that any change is bound to be deleterious. I think that is unfortunate. I certainly have the greatest respect for the American Bar Association, and I am sure the man who is presently its president is a most competent and conscientious practitioner. But the absolutely categorical statement contained in his telegram suggests to me that he has not had the opportunity to inquire into the

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defects which I believe the Senator from Tennessee has pointed out with great eloquence, and which certainly the junior Senator from New York has attempted to point to.

Mr. BROCK. I think the bar association first got into the support of the program of the Legal Services Corporation. They undoubtedly felt a need to depoliticize an agency which was already involved in far too much chicanery, far too much political activity, and far too much lobbying activity, using the money that comes from the sweat of the taxpayers of this country to disrupt and destroy the fabric of the society in which those taxpayers exist.

The Bar Association, the President, and a great many other very sincere people decided that one of the objectives should be to depoliticize the agency. Yet, I cannot believe they have read this bill, because it does not do that. Moreover, it provides an exception from any political surveillance or any accountability for inequitable, unfair, or partisan political activity.

If the advocates of this measure were really sincere about depoliticalization, then they should cover the employees of this agency under the Hatch Act; and they very specifically have not done so. Why? If the advocates of the Legal Services Corporation want to claim there is not going to be any politics involved, why not put these employees under the same coverage that anyone else in the Federal Government is subject to, under the Civil Service Act and the Hatch Act? This would protect the American people against political abuse.

The fact of the matter is that they have no such protection. They have no such guarantee. You know, the Hatch Act was not written any more for the protection of the American people than for the protection of the employees themselves. A nongovernmental employee who works for someone else, and that someone says, "You have got to do certain political things," and he does not agree, can lose his job. The Hatch Act was designed to protect civil servants from that kind of abuse.

There is no such protection for employees of this new corporation. All it says is that attorneys hired by this program shall not engage in political activities during working hours unless they are representing a client. It does not even mention after working hours. So during the day, if they are representing a client, it means they can engage in any partisan activity they want to, and after working hours there is no prohibition at all, so the effect is to say, "Go ahead, get involved, do anything you want to; there is no limit."

Mr. BUCKLEY. Mr. President, there is another aspect about this whole program and the abuses which have crept into it which intrigues me, and they were certainly brought into highlight by the chronicle of political activities which the Senator recited, taking place throughout the United States.

The objective which the Senator from Tennessee believes strongly in, and which I believe strongly in, is to make sure that someone is not deprived of recourse to the law or of justice because of poverty.

It seems to me, however, that the effect of the legislation has gone beyond that. I cannot think of anyone who is not poor who has available to him the open-handed coffers of Uncle Sam to try to pursue any possible legal theory to the ultimate results in the courts. It is a kind of authorization for judicial fishing expeditions. It certainly goes beyond anything which I think is prudent. It certainly goes beyond my concept, at least, of providing a man who happens to be out on his luck with the opportunity to test whether or not he is being pushed around by this or that governmental official or by his landlord, or to see that his rights are protected in the manner in which others who can afford legal services are inclined to go after protection of their own rights.

Mr. BROCK. The Senator is certainly correct. We have a case in this regard. Staff members of the Lawyers Committee for Civil Right Under Law, which is an OEO grantee in Cairo, Ill., have been active in picketing and demonstrations conducted by the Black United Front, a militant civil rights organization, in a racially explosive community.

It is difficult for anyone to explain how those people were acting in the interests of poor clients who have some problem with a merchant who has bilked them out of a hundred dollars.

If they are going to engage in picketing, if they are going to engage in lobbying, if they are going to engage in political activities, if they are going to run around trying to pick up cases which will allow them to avow their own political viewpoint, they are not serving the poor people of this country. Quite the contrary they are serving their own self-interest, and they are using the money of the taxpayers of this country to promote causes with which the taxpayers do not happen to agree.

I think it is ridiculous for us to ask the people of this country to finance this kind of activity, which is inimical to the very system which supports it.

I fully agree with the Senator from New York, and I am very grateful for the remarks he has made in support of my amendment.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield the floor to the Senator from Arizona.

Mr. FANNIN. I thank the Senator from New York. I did not hear the entire colloquy, but I am very much in agreement with those statements I did hear. We have a common goal, which is to be fair and equitable with the poor people who are supposed to be involved in these programs.

I commend the distinguished Senator from Tennessee. I agree wholeheartedly with his efforts in the direction of doing what would be most beneficial for the people about whom we are talking.

I speak with some relevancy; in Arizona a vast amount of money is being spent sometimes just to advocate the personal views of individual attorneys as to what should be done on the Indian reservation. They have chosen to involve themselves inappropriately into school board elections and other activities that are in conformity with their intended work.

Mr. President, along with many of my colleagues, I have some deep concerns about the legal services program as it has been conducted. I particularly am troubled about the activities of legal services attorneys in the area of lobbying, or, as it is sometimes called, legislative advocacy. Before we take the steps provided in this legislation, should not we correct the many inequities now prevailing in the operations of the legal services program? I feel that the Senator is taking a very beneficial step.

The vision of lawyers sitting in a storefront office, providing legal assistance to poor people about problems with their landlord, or about marital difficulties, accords with the vision most of the Members of Congress had in supporting the legal services program. And there is, unquestionably, considerable authenticity in that vision, as has been expressed by both the Senator from New York and the Senator from Tennessee. But it is equally unquestionable that many of the legal services attorneys have engaged in lobbying, both at the Federal and State governmental level. This is a matter of policy within the program.

As I have stated, it has even happened within a county or within one Indian reservation. I know that other Indian reservations besides the Navaho's have experienced similar difficulties.

For example, the California Rural Legal Assistance program maintains on its staff, attorneys designated as legislative advocates, whose responsibility is to lobby the State legislature in Sacramento.

As a further example, I have a copy of a letter from the director of the Maricopa County Legal Aid Society of Arizona advocating participation in a political dispute involving the unionization of farm labor. This letter clearly demonstrates what kind of role the legal aid society conceives for itself. Even though the director disclaims any official participation by the Legal Aid Society, he asks that members of the legal services programs participate in this dispute to the extent of assisting in the recall of Arizona's Governor. That is how far it has gone. Notwithstanding the disclaimer of official support, the director has by his own letter involved the Legal Aid Society, since the letter is directed not to private individuals, but to members of the legal services programs over which he has supervision.

Mr. President, I find it hard to believe this disclaimer. A letter written by a private individual is one thing, but one which carries an officially designated title to the director of the Maricopa Legal Aid Society clearly implicates the society, notwithstanding his efforts to disclaim any official involvement. It is a serious matter when a federally supported organization is encouraged by its director to participate in a political controversy. Such encouragement is wrong and should be prohibited.

I should like to read this letter, because I think it is important to understand just how far the executive director, Mr. Bruce N. Berwald, of the Maricopa County Legal Aid Society, in Phoenix, Ariz., has gone. This what he said:

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue. I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. MONDALE. I want to ask a factual question.

Is the person who wrote this letter on the staff of the legal services program, or is he simply a lay member of the legal aid board in Maricopa County?

Mr. FANNIN. I say to the distinguished Senator from Minnesota that he is the executive director of the Maricopa County Legal Aid Society—the executive director.

Mr. MONDALE. So he is on the paid staff.

Mr. FANNIN. He is on the paid staff. He is the executive director.

I read further from the letter:

There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare, and various other legal problems.

Mr. President, before I read further from this letter, I want to explain that this is a gentleman who says that he is disassociating himself from the Maricopa County Legal Aid Society, as its executive director, and yet, in the letter he has sent out, he says: "To all Legal Services programs, from Bruce N. Berwald, executive director, Maricopa County Legal Aid Society." He also uses the address of the Legal Aid Society. That is absolutely absurd.

He goes on to say:

My purpose in writing is to ask that you encourage your family, friends, staff—

Note that he says "staff"—

client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona.

Now, Mr. President, I will read further from the letter but I wish to comment first, that here is a man taking part in a political action to recall the Governor of his State. Yet he represents himself as not being involved with the society, still he uses his title as executive director and then sends it out to all the legal services programs, and all the personnel involved.

Continuing to read from the letter:

I am certain that you and your staff receive numerous requests for moral and financial suport of various causes. It is my hope that this letter to you from me as a colleague—

Now he is becoming a colleague—

will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Of course, that is questionable.

Mr. President, how can a person say that this reflects his personal viewpoint and not that of the society when he addresses it to all the legal services programs and then has it coming from him stating right on the front of the release that he is the executive director?

Mr. President, furthermore, if we consider what is involved here, he is saying that they should recall the Governor because of this bill. Well, the bill was passed by the Arizona State Legislature. It was not done on the recommendation of the Governor. Sure, he signed it because it was something that was desired evidently by the people of Arizona, by their elected officials, and the Governor did sign the bill. It is a fair bill. It is designed very much in line with the National Labor Relations Act. It does have a procedure which can be followed, similar to what the National Labor Relations Board follows. It is fair and equitable to the worker. It gives some protection which, of course, is only right, to the farmer.

I do not believe that anyone who will look at this matter in a fairminded fashion would disagree that is is not a fair and equitable bill.

Mr. President, I ask unanimous consent that the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To: All Legal Services Programs
From: Bruce N. Berwald, Executive Director, Maricopa County Legal Aid Society, 132 South Central, Phoenix, Arizona 85004
Date: June 1, 1972

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Since Arizona is one of the largest producers of lettuce in the country, and since this is the primary product of most of the large growers, the union has called for a nationwide boycott of non-union lettuce. As with the grape boycott a few years ago, the economic pressures which could be exerted upon large growers by a national boycott of lettuce, might be sufficient to force them to enter into good faith negotiations with the union concerning improved working conditions, wages, etc. There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare and various other legal problems.

My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona. I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Mr. FANNIN. Now, Mr. President, I feel sure that every Member of this body supports the concept of equal access to the system of justice, for the poor as well as for the rich. But that is not to say that legal services attorneys should be assigned to engage in lobbying activities.

Mr. President, they have been engaged in lobbying activities and the primary example of this has been their attempt to kill the Arizona farm bill. These lobbyists were in fact, attorneys in the employ of the Legal Services program. This, of course, was something that should be beyond their regular work.

There is a very fundamental principle involved here, and that is that the Federal Government should not be in the business of subsidizing one particular point of view. So many of our most important constitutional rights, Mr. President, are based on the premise that Government ought not to limit freedom of thought, freedom of expression, yet here we have a program whereby the Federal Government is using tax revenues to pay the salaries and expenses of lobbyists, seeking to influence the passage of legislation reflecting their own political agenda. I think this is wrong, Mr. President, and I think it should stop.

Now, Mr. President, they are not only entering into this matter from the standpoint of the legality, from the standpoint of what is fair and equitable, but they are also taking it on themselves to assume the responsibility, even in the circulation, as I understand it, of petitions, of doing the work that is certainly up to the people of Arizona and not up to attorneys involved in working in the Legal Services program. They have taken it upon themselves to carry their activities far beyond what is intended and I think, intended by the laws en-

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acted which approved the legal aid concept.

The Government has long denied tax-exempt status to organizations engaging in lobbying activities. As long ago as 1929, in the case of Slee against Commissioner of Internal Revenue, Judge Learned Hand wrote:

Political agitation as such is outside the statute, however, innocent the aim, . . . controversies of that sort must be conducted with public subvention; the Treasury stands aside from them.

But in the case of Legal Services, Mr. President, we have been providing Federal funds directly for this kind of activity. I think the Treasury should stand aside from lobbying by legal services lawyers, too.

There may be those who argue that, without pressure from legal services attorneys, the Congress and the State legislatures will not have sufficient regard for the needs of the poor. It seems to me that it is an insult to the Members of Congress and the State legislatures to make such a suggestion. It would be a good deal more accurate to say that the legislatures do not have the same political agenda as the legal services attorneys.

I believe, Mr. President, that there ought to be a flat prohibition on lobbying activities by legal services attorneys. In this respect, the proposed title IX of S. 3010 is deficient, and should not pass.

I give my full support to the distinguished Senator from Tennessee in trying to correct what is a great inequity.

Mr. BROCK. Mr. President, will the distinguished Senator from Arizona yield?

Mr. FANNIN. I am very happy to yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator from Arizona for his comments and his support. I cannot adequately express my agreement with his statement, insofar as the responsibilities of the Government are concerned, in the area of lobbying.

One of the basic principles which has guided our free society over the years holds that is wrong and a threat to civil liberties for the Government to subsidize the private advocacy of particular ideas. This has governed our views on separation of church and State and has strengthened the freedom of speech which is the birthright of every American.

Let me read what has actually happened as opposed to this very fine objective.

The Director of the legal services-funded Center on Social Welfare Policy and Law recently stated:

The maintenance and expansion of rights cannot be long assured unless the recipients themselves are united in a strong and self-reliant organization. We have seen in the last five years the development of a national welfare rights organization which, together with its hundreds of local affiliates, has been able to work effectively with lawyers and, with them, formulate priorities and strategy.

In the same column, the project director said:

We have mastered the federal and state welfare laws understood by only a handful of people less than five years ago . . . we have worked together with recipients who have learned their rights and organized to secure and expand them . . . we are beginning to learn to respond to planned and systematic repression in an effective and organized manner.

A recent article by the director and deputy director of a legal services grantee in Oregon stated:

Lobbying efforts pose excellent opportunities to involve citizens in the lawmaking process . . . we assisted in the formation of a coalition of groups, both rich and poor . . . Two lobbying seminars were held aimed at teaching those who had no influence in government how to make their voices heard.

Legal services involvement in group representation is, furthermore, not limited to lobbying as it has been known in the traditional sense. The lawyers have also been encouraged to assist those engaged in such direct action activities as welfare demonstrations, rent strikes, boycotts, and the like.

All of this raises the question as to whether legal services grantees should be specifically granted tax-exempt status, as would be provided in the legislation. To grant such preferred status to legal services activists, while denying it to other organizations not publicly funded would, as elsewhere, tend to violate our traditional inhibition against providing Government support to some groups engaged in influencing public policy, while denying it to others.

I think that is a very fundamental question about the legal services corporation as it presents itself in this very bill. I think it is a legal reason why, with my amendment, there is some logic to action which would give us another year or so in which to reform the existing agency under OEO, to structure it to the purpose of servicing the poor people of the country and not abusing the taxpayers and the citizenry who have labored so long and hard to provide the funds that the Government is making available to this agency.

There are so many examples of their ongoing lobbying activities. In case after case they have joined not only in the demonstrations, rent strikes, and boycotts, but also in writing legislation and appearing before various groups to teach them how to organize for political purposes.

Mr. FANNIN. Mr. President, I agree with the Senator from Tennessee.

The Senator can imagine what could happen to our Government if we continued to sponsor programs that would result in the recall of publicly elected officials such as the Governor of Arizona.

Mr. BROCK. What we have is the taxpayers of America, without any voice in the process at all, being required to send funds to Washington which are then used to remove the Governor of a State. Without any voice of either party, we have the weight of the Federal Government behind an action such as this. It is incredible.

Mr. FANNIN. I agree with the Senator. It is incredible.

I will say to the Senator from Tennessee that we can imagine the tremendous amount of work involved and the cost to the State if the recall election is brought about. It would require 103,000 signatures to petition an election. Then, we have to have the vote and carry it through to an election. I am very confident that the Governor would have an overwhelming victory. However, it is so unnecessary to take up the matter and to take up the legal process of our State to accomplish something that is so unnecessary.

It seems to me that when the legal services attorneys decide that they are going to go beyond the people of that State and make a decision such as this, it is absolutely ludicrous.

Mr. BROCK. Mr. President, during this debate we have been made aware constantly of a wire received by the Senator from New York and the Senator from Wisconsin from Mr. Jaworski endorsing this bill categorically and urging that the Senate approve it without amendment. The sending of such a wire is utterly ridiculous. It could not be reflective of the mood of the attorneys of this country to make the argument that no such legislation should be amended.

I am confident that the Bar Association of Arizona or at least a great many of the attorneys of that State would be surprised to find that they were put in a position of categorically endorsing this kind of corporation which has no accountability.

Mr. FANNIN. Mr. President, I am very sure that the Senator from Tennessee is correct, that the lawyers would be very surprised. Furthermore, I know that leading members of the Democratic Party and even the minority leader of the State senate have stated publicly that they are not in agreement with what these attorneys are trying to accomplish. They have almost instigated this matter. They are supporting a man from outside of the State of Arizona, a man who should not be involved or connected with a matter involving the Governor.

I cannot imagine a man from outside of the State taking it upon himself to use the Legal Aid Society to recall the Governor of that State, a matter in which he does not have a voice or a vote. It is most absurd, but it is happening. And that is why I say that we do need some time to consider the matter. I know that the distinguished Senator from Tennessee realizes that we have made some progress since the last time we discussed this matter. I can recall when we were discussing the Indian people of our State and how they were very dissatisfied, the junior Senator from Arizona (Mr. GOLDWATER) said, and it is in the RECORD, that the elected representatives of the Navajos do not want this society handling the program. They are opposed to the OEO going around and establishing on the reservation a legal services program over which the Government agency has no control. He said that in essence this is the whole thing.

This has changed to some extent. They have corrected some of the inequities in that regard. However, we still have a great deal more to do. And I hope that we do have time to formulate a program that will have the support of the people.

Mr. BROCK. The question is how do we do it? Do we take action today which sets up this totally nonaccountable, uncontrollable Legal Services Corporation which builds in all of the inequities, all of the inefficiencies, and all of the problems which have been brought to our attention today.

It seems to me that the only way to arrive at a program that is responsive to all of the people of this country to all of the taxpayers who are paying the bill would be to adopt an amendment continuing the legal services program under the OEO where we are achieving a greater degree of reform today. It can ultimately resolve itself into an organization that is of benefit to all parties. However, if we take action today to separate from legal control the legal corporations with all of the problems now existing, that will not be so.

Mr. FANNIN. It would be wholly impracticable to try to accomplish that at this time, to try to make a complete change when we have so much to do in regard to the correcting of the inequities that now exist.

The Senator from Tennessee has made an extremely good case for this change. I commend the Senator for what he has done.

Mr. BROCK. Mr. President, I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. ADDABBO, Mr. ROYBAL, Mr. STOKES, Mr. BEVILL, Mr. MAHON, Mr. ROBISON of New York, Mr. EDWARDS of Alabama, Mr. RIEGLE, Mr. MYERS, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 26, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ALLEN. Mr. President, I rise in support of the motion of the distinguished Senator from Tennessee (Mr. BROCK) to strike title IX of S. 3010. The only way I believe that this motion could be improved upon would be to move to table the entire bill, but the removal of title IX from the bill will constitute a great improvement in the bill.

Listening to the argument in the Senate earlier this afternoon I was impressed by the fact that the proponents of the bill (S. 3010) pointed out to the distinguished Senator from Tennessee (Mr. BROCK) that if his motion to strike title IX should prevail that it would leave the provisions of law with respect to the legal services program exactly like they are, and the statement was made that the opposition of title IX was based upon the abuses and the weaknesses of the present program. A considerable point was made of that argument.

Well, just the reverse of that argument can be made from the very same fact because obviously someone must have thought that the present program was not working well enough and it became necessary to come forward with a Legal Services Corporation. Obviously the proponents of the Legal Services Corporation concept feel that the present legal service program can be improved upon and that it needs to be improved upon.

Somewhere during the course of debate, and I anticipate there will be considerable debate upon this motion to strike, I would like to be advised by the proponents of the measure why it is necessary on page 75 of the bill, subsection (f)(2) to authorize the appropriation of $100 million for the next fiscal year for this Legal Services Corporation, when I am advised that the present appropriation for the legal services program being carried on by OEO is only $61 million for the current fiscal year.

That is not all, Mr. President. On page 71 there is provided—and if my construction of these figures is not correct I feel sure the proponents of the measure will hasten to point out the error of my analysis—in subsection (2) it is provided that for the fiscal year ending June 30, 1973, and that is the fiscal year that starts in just a few days, and for the succeeding fiscal year, and that would be a 2-year authorization:

The Director of the Office of Economic Opportunity shall have for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 not less than $71.5 million for Legal Services programs under section 222(a)(3) and title IX of Act.

Obviously they are talking two bites out of the public purse in this bill for the Legal Services Corporation: $100 million on page 75, subsection (f)(2) and $71.5 million on page 71. I am sure that after I have concluded my remarks the error of my analysis will be pointed out if the wording of this bill does not correctly reflect the intention of the proponents of the measure.

This title IX is intended to expand, institutionalize, and fatten with increased authorizations the legal services programs now administered by the Office of Economic Opportunity. In doing so, I find no fault with the idea of providing the poor with "equal access to our system of justice."

Mr. President, were this the sole purpose of the bill, we could invoke the familiar observation that where the ends are agreed upon the only remaining questions concern a choice of the best possible means of achieving the end.

But I contend that the ideal of "equal access to our system of justice" is not and has never been the guiding principle underlying the legal services program.

This work is being carried on now under the OEO, and there is some little control by the OEO, and through the OEO by the President himself, of the work of the legal services program. But set up this corporation and it will be absolutely without rudder. It will be able to go wherever it is tossed by the efforts and the thoughts and the ideas of activists who will unquestionably carry out the program.

There is ample evidence to support the conclusion that the purpose of legal services is to exploit the revolutionary concept of class actions against State and local governments and to otherwise exploit the concept of class warfare both in our courts of law and in appropriate economic areas.

Nevertheless, if we were to assume for the purpose of argument that legal services programs are designed merely to provide equal access of the poor to our system of justice, we would have to conclude that the means chosen to provide this service have been demonstratively disruptive, inefficient, and inappropriate. If Congress is insistent on providing legal services for the poor, why in the name of commonsense isn't the money provided for administration of the program by the States? Why is it necessary or even desirable that the program be administered by the Federal bureaucracy?

This certainly would be a bureau to end all bureaus. If it were set up without any control whatsoever, to carry on such functions in the legal services field as it saw fit to carry on, we would have a bureaucracy to end all bureaucracies, and pretty soon we will find the tail wagging the whole dog of the Federal Establishment and Federal bureaucracy.

Mr. President, section IX of the bill before us is in one sense an admission of failure of the past program, as I pointed out in my introductory remarks.

It is true that the failure is blamed on what proponents refer to as "political interference," which means that State and local governments have strenuously objected to some of the activities funded by the program. In recognition of the past failures, it is now proposed that there be created an independent Legal Services Corporation with substantially increased funding and independent of any kind of interference, and, I might add parenthetically, any direction or control.

I will have more to say about the proposed new corporation in just a moment. In the meantime, I want to give an example of the truly revolutionary type of

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class actions which can reasonably be expected to be funded and directed by the Corporation, and I have ample examples to point out if the occasion arises.

I want to bring this a little closer to my home State and what we might possibly envision from actions taken by such a Legal Services Corporation or a similar legal services program.

Recently, a class action was instituted in a U.S. District Court against the State of Alabama as a defendant, together with all State officials having any responsibility, directly or indirectly, with the operation and management of Alabama's system of mental hospitals.

I hasten to say this was not an action brought by the legal services program, but it is actions of this sort that may be brought and that it is contemplated will be brought by the Legal Services Corporation or under the legal services program as it now exists.

I might say that when I oppose the concept of a Legal Services Corporation, that does not mean I favor the concept of the legal services program as now being administered by the OEO. The present legal services program administered by the OEO is bad. It ought to be abolished, or substantially amended. But the concept envisioned by setting up a separate corporation, with no helmsman under the control of the Federal Government, under the control of the Government's spending the taxpayers' dollars, with no control over this Corporation, is what I strongly object to. It is self-controlled—self-contained, so to speak.

So when I say I oppose the concept of the Legal Services Corporation, I oppose that even more than I oppose the concept of the legal services program now being operated by the OEO, because there is some measure of control. It can be held within half-way reasonable bounds. If you turn them loose as a separate, independent corporation, fattened by authorizations of $150 million, as contained in the bill before us, you watch then what it is going to do. I fear for every State government, for every local government, for every worthwhile program of the National Government. All of these programs would be subject to attack as a result of a whim or caprice on the part of the Legal Services Corporation.

So I oppose the Corporation. I oppose the legal services program. All the motion or amendment would do is to strike out the Corporation concept. It would leave us with a bad program. It might save us $100 million—that is not to be lightly regarded—if it were knocked out, because over on page 75 is an authorization of $100 million. Starting the first day of July of this year, there would be an authorization of $100 million a year for the Corporation set up by title IX Obviously, if no corporation is set up under title IX, then this authorization would in effect become null and void. So if we adopt the motion or adopt the Brock amendment, we would at least save the American taxpayer $100 million. I do not believe anybody would be hurt by that except some of these attorneys, these moonlighting attorneys. I might say, who put in part of a day's work, in many cases, with the legal services program and then proceed to do outside work.

A great to-do was made some minutes ago when it was said, "Why, we have doctored this bill up. We have removed some of the President's objections. We have removed Senator Cook's objections, who objected to their doing criminal practice in addition to working for the legal services program."

We are going to prevent that. But I did not hear anything about removing them from carrying on a civil practice, and that is where most of this practice would be. It would not be criminal practice, as I see it. I may be wrong, but I do not believe that they are prohibited from carrying on lobbying activity, and in fact legal services might be a pretty good springboard or entree to carrying on that type of activity.

Suppose I am an attorney with the Legal Services Corporation. I do not read anything in the bill—perhaps it is there—which says that such moonlighting activity would be forbidden to the people carrying out the provisions of the section setting up this Legal Services Corporation.

But I have digressed from my remarks. I was talking about the action that was brought in the State of Alabama, in a U.S. district court, with the State of Alabama as the defendant, together with all of the State officials having any responsibility, directly or indirectly, for the operation and management of Alabama's system of mental hospitals.

The facts in the case were not in dispute. Alabama unfortunately does not have the most modern institutional facilities for care of the mentally ill nor is its system of hospitals adequately funded to provide all of the services to be desired either by way of professional staff or physical facilities. In this regard, the State of Alabama is not alone. I think it is reasonable to suggest that all States recognize that there is room for vast improvement in the respective States. However, the problem in Alabama was dramatically highlighted by the late Gov. Lurleen Wallace, who marshaled public sentiment in support of legislative efforts—and a large bond issue, I might say—to help correct the admitted deficiencies, and it is unquestioned that some progress has been made—not as much as we would like to see, but some progress has been made, and public opinion supports major additional changes for the better in our care for the mentally ill.

But to get to the point, the U.S. District Court judge who presided over this class action—the type of class action which is contemplated under the Legal Services Corporation—established what he referred to as constitutionally required minimum standards of care and treatment of mental patients in State-operated institutions. These standards are listed in a 13 page appendix to the court order and cover every significant detail in the operation and management of the hospitals, including everything from bathrooms to diets, recreation, clothing, haircuts, and qualifications of employees and staff, as well as physical and medical therapy and procedures. These standards were ordered to be implemented by way of mandatory injunction.

Mr. President, I have no argument with the desirability of the standards. They were fine. My objection is that such standards are not required by the Constitution of the United States. It was obvious to the plaintiffs and to the judge that implementation of the court-ordered standards would require a very substantial initial appropriation by the Alabama Legislature and substantially increased appropriations in future years. There is the rub.

Mr. President, I wonder if any Member of the Senate will subscribe to the proposition that Federal courts, under authority of the U.S. Constitution, can order a State legislature to levy taxes, determine priorities in the allocation of tax revenues, and order appropriations in such amounts as a Federal judge may determine?

If that is the law, what is the need of having a State government? What is the need of having a State legislature to make these decisions? What is the need of having a Governor to see to it that the laws passed by the legislature are put into effect?

If the "due process" clause of the Constitution authorizes a Federal judge to dictate to State legislatures in the matter of levying taxes and appropriating revenue, we would have to admit that Federal courts have the same power over Congress by virtue of the "due process" clause.

If a Federal court can order a State legislature to levy a tax or to make an appropriation, why could it not also order Congress to levy a tax or to make appropriations, or determine for Congress the priorities? Or for the President. That is going to be one of the big issues in the presidential election, the priorities for expenditure of the taxpayers' funds. That is going to be possibly the biggest issue in the presidential election. But if we follow the reasoning of the Federal judge in this case, in which he takes unto himself the power to order the legislature to act, out to its necessary conclusion, we are going to reach the conclusion that the Federal courts, headed by the U.S. Supreme Court, can issue similar orders to Congress. And I do not believe we in the Senate are prepared yet to take that position.

It is interesting, I think, to note the cavalier manner in which the judge treated this particular problem. On this point, I want to read from the judge's order:

> In the event—that the State Legislature fails to satisfy its—constitutional obligation and the mental health board, because of lack of funding—fails to implement fully the standards herein ordered, it will be necessary for the Court to take affirmative steps—to insure that proper funding is realized.

Mr. President, in a footnote the judge states:

> If the Legislature does not act promptly to appropriate the necessary funding for mental health, the Court will be compelled to grant plaintiffs motion to add various state officials and agencies as additional parties in this litigation, and to utilize other avenues of fund raising.

I reiterate, if the Federal courts in the State of Alabama can order our legislature to levy taxes and make appropriations, it is not going to be many years before they take the same attitude with respect to the national Congress.

Mr. President, in the judge's opinion, it appears that the additional parties to the suit which he contemplates adding include all members of the Alabama Legislature, the State treasurer, and the comptroller, among many others. In other words, this particular U.S. district judge asserts the power to compel the Alabama Legislature to appropriate funds for such purposes and in such amount as the judge may deem fit and proper. In addition, when the judge speaks of utilizing other avenues of funding, he is referring to what he conceives to be his power to compel the State of Alabama to sell certain of its real property and to order the State to allocate the proceeds of the sale to the implementation of court-ordered standards for the operation of mental institutions.

Mr. President, I insist that this is one type of action which is contemplated by the proposed Legal Services Corporation.

We can only ask if Senators have contemplated the serious implications of funding lawyers to bring actions against States and municipalities in Federal courts presided over by judges who conceive themselves empowered to order members of State legislatures to levy taxes and appropriate funds as the judge may see fit. There is not a single State nor municipality in the United States which cannot be made a party defendant to a class action such as this one involving every conceivable type of public service afforded by the States or local governments.

Mr. President, this is one type of class action which we can continue to expect if we authorize the establishment of the Legal Services Corporation with near unlimited powers as contemplated by this bill.

All of us are more familiar with the disruptive activities of Legal Services lawyers who have occupied their time in helping organize groups and coalitions for welfare rights, tenants unions, and in organizing boycotts, demonstrations, and lobbying activities.

It was these and other serious problems with the program that prompted a Presidential veto in December 1971. There has been some change in rhetoric and appearance of the bill but its deficiencies stand out like a sore thumb.

Mr. President, it is not my intention to explore all of the reasons cited by the President for his veto. However, there is one point in particular on which I do want to comment. I refer to the general subject of "accountability." Let us analyze that and see to whom and to what extent this Corporation, set up by title IX, is accountable.

In the President's message of December 9, 1971, he said that "the quintessential principle of accountability has been lost." In this connection, there are two aspects of accountability. I am more concerned about accountability of the Legal Services Corporation to the public than I am about the esoteric arguments relating to accountability in the limited context of the attorney-client relationship.

To whom are these people accountable?

It is one thing for a legal services attorney, once engaged with his client, to be immune from outside pressures. That is all well and good. I respect, I endorse, and I approve of the confidential relationship that exists, and that should exist, between a lawyer and his client; and I would take the position that a lawyer-client relationship is created in the case of a person for whom a legal services attorney is doing legal work contemplated by the act. So it is one thing for a legal services attorney, once engaged by his client, to be immune from outside pressures, at least to the extent that he would be immune, if he were in private practice and representing that client. There is no difference between the confidential relationship of an attorney in private practice dealing with a client who is paying him a fee and a person for whom a legal services attorney is rendering a legal service, not with compensation from the client but as part of his duties as an attorney with the legal services program. I say "program" because that is what it is now, rather than "legal services corporation," which is contemplated by title IX. It is quite another, however, for a corporation which they are seeking to set up under title IX, funded with taxpayers' dollars and authorized by their representatives in Congress, to enjoy immunity from oversight and review.

What other department in the executive branch of Government or in the legislative branch of Government is not subject to review by somebody? Even in the judiciary there is some little measure of control by the Supreme Court of the lower courts. Apparently, there has been very little control of the Supreme Court by anybody—the legislative branch, the executive branch, or the Court itself. I do not know of any agency set up by the Federal Government and paid for with taxpayers' dollars that is not subject to some measure of review. This corporation is to be set apart as sacrosanct so far as any control by Congress is concerned, or by the President, except for his power of appointment of the directors of the corporation.

But it is quite another thing, as I say, for a corporation funded by taxpayers' dollars and authorized by their representatives in Congress to enjoy immunity from oversight and review. Obviously, it should not be. The principle that the Corporation must protect the attorney-client relationship of its project attorneys and members of the client community, on the 1-to-1 basis protected by the Canons and the Code, is not the same as the Corporation having immunity itself from the establishment of policy and administrative directions and emphases. Actually, the Corporation, as a consumer of taxpayers' dollars—and I say that it is going to have a voracious appetite, to consume some $178 million a year—and as a vehicle for meeting the needs of a problem recognized by Congress; must be subject to the long-range scrutiny that other federally funded entities are.

I say again: Why should not this Corporation be subject to some review by Congress and the executive branch, or by Congress or the executive branch? Why make it a law unto itself? That is what would seem to be one of the major thrusts of title IX: Set up this corporation, give it independence, along with $178 million to spread out all over this country, bringing harassing lawsuits against States, local governments, and worthwhile programs of the Federal Government.

The question can be well put, therefore: Does S. 3010 as reported by the Senate Committee, strike an acceptable balance between these differing—yet not necessarily conflicting—means of accountability? I think the answer is a negative one. This is true in many instances.

The appointment of members of the board of directors of the Corporation from lists recommended by grantees and potential grantees of the Corporation jeopardizes accountability to the public. The public is entitled to a little consideration in this matter, not people bringing lawsuits, not people whose aim it is to harass. Let us consider the public once in awhile, not just toss $178 million of the taxpayers' money into this program.

The appointment of at least two of the members of the board from among those recommended by the project attorneys council and the clients council—one each—jeopardizes accountability by placing policymaking control in the hands of those who benefit directly from the program. That is interesting. At least two members of the board are to be appointed from among those represented by project attorneys council and clients council—one each.

Should the Corporation ever be taken to task by the beneficiaries of the program, maybe if they were not benefiting enough, they might complain, but that hardly seems to provide true accountability. It hardly seems to demand real accountability from this Corporation.

A private corporation is accountable to its stockholders. In a sense, it would seem to the junior Senator from Alabama that the taxpayers of America might well be considered to be stockholders in this Corporation, except that they do not have any voice. Stockholders in a private corporation like General Motors, General Electric, the Ford Motor Co., have some say. If one has only one share of stock in a corporation, and he feels that the affairs of the corporation are being mismanaged, he can file suit against the corporation and against the board of directors of that corporation, to hold that corporation, its officers and its board of directors, accountable to the trust that has been placed in them when they were made officers and directors of that corporation. A person does not have to have much stock in a corporation—one share would suffice. That will entitle him to a suit.

Why is it that a poor, downtrodden taxpayer is not given the right to call the Legal Services Corporation to account for the actions of its officers and directors? Why should they not be regarded as acting in a fiduciary capacity, accountable to the taxpayers?

Since we do not have a true democracy in America—not like the true democracy

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back in the days of the Greek city-state—but we do have a republic or a representative democracy, certainly, then, it would seem that the people's duly elected representatives in Congress or in the executive branch—those who are elected—should have some way to hold this corporation accountable for its actions.

But there is no accountability outside of the corporation itself. That does not seem to be acting in the best interests of the people of this country. It is not acting in the best interests of the taxpayers of this country.

The absolute prohibition, embodied in proposed section 913, against Federal oversight would totally destroy the principle of accountability of the corporation to the public and their elected representatives, not to mention the requisite accountability desired as to such Federal agencies as the Office of Management and Budget—every other agency I know of in the executive branch is accountable to the Office of Management and Budget but not the Legal Services Corporation—the Civil Service Commission, the Department of Justice—all of these departments and agencies of Government are accountable. If we appropriate all the money to this corporation and have no control over the purse strings, we will see this money tossed to the winds. We will see a Federal boondoggle that wil exceed anything we have seen in a long time, in the judgment of the junior Senator from Alabama.

Placement throughout the legislation of authority to make determinations into the hands of the board of the corporation, when such determinations—like the eligibility of clients, the scope of representation, et cetera—ought to rest in the hands of the Congress. Turn this money over to them and let them go outside—in effect, I would say—I would not say that they would be going out to drum up business, which is certainly an unethical act on the part of attorneys in private practice. I would hope it would be so regarded in this corporation.

Mr. President, my analysis of the legislation pending before the other body convinces me that the President's criticism of the lack of accountability has not been met, and neither has it been met in S. 3010.

Mr. President, I should like to go into this matter of a potential veto a little further. It has been said that all the President's objections have been removed. Possibly that is true. I am not in touch with the President as regards his views.

In his veto message of December 9, the President said:

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

Mr. President, I submit that this authorization bill is going to still have within its borders provisions that are not going to be pleasing to the taxpayers of this country and to those who want to see accountability for the expenditure of public funds. I do not believe that the criterion is being met by this bill.

Many of the areas susceptible to abuses remain in this bill.

First, there are the areas susceptible of abuse by virtue of political activity. Sections 906(e) and 907(d) (1)-(2) would permit many kinds of political activity among employees of the corporation and programs assisted by the corporation, and would, for the first time in the history of this program, specifically authorize lobbying activities—political, by definition.

Mr. President, perhaps other Members of the Senate might welcome lobbying activities to further the interest of this program and to further the interest of any Federal program, to advance the interest of any legislation, or any public figure, for that matter, as that public figure might be affected by legislation or an appointment pending before the legislation. However, for the first time in the history of this program there is specifically authorized lobbying activities, political by definition.

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for non-profit, tax-exempt organizations.

So here, Mr. President, we are going to have a corporation enjoying tax-exempt status, not controlled by the Government except that it has to ante up millions of dollars every year to see that the program is carried on.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLEN. I yield for a question.

Mr. COOK. Does not the Senator find it very interesting that there is a debate going on throughout the United States today about tax loopholes and in one section of this bill it provides an absolute tax-exempt status and in another section they are given the opportunity of lobbying. Yet they have a tax-exempt status. Under the present Internal Revenue regulations one of the things that one cannot do under any circumstances is to lobby. Yet, because we are allowing this corporation to accept gifts, we have opened up the door for every major foundation in the United States to break the law by subterfuge. Every foundation that can make a grant to this corporation cannot lobby now. However, they can give it to this corporation that can lobby, and rather than work for their tax-exempt status, they are automatically given one.

Mr. ALLEN. Mr. President, I certainly agree with the Senator from Kentucky. He has put his finger on one of the major defects in the bill, and certainly one that sets this corporation apart for special treatment in many areas—although it is certainly not a tax foundation—and allows it to accept contributions from individuals, corporations, and foundations which other corporations engaged in political activity are not allowed to accept. It is another vicious instance of setting apart this corporation for special discriminatory treatment and partial treatment.

Mr. COOK. Mr. President, this is a tax loophole that would no longer jeopardize any major foundation in the United States as long as they could have another corporation to give it to by reason of which they give tax exempt funds to an organization that had the right to lobby but did not have to fight for its exemption under the Internal Revenue. However, for the first time conceivably in the history of the legislative process we automatically legislate a tax exempt status for a corporation and then allow it to lobby.

Mr. ALLEN. That is certainly true. It is a very vicious defect in the opinion of the junior Senator from Alabama.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. JAVITS. Mr. President, the Senator has an amendment, does he not?

Mr. COOK. I have an amendment if I have the opportunity to present it, yes. I have one on which I will ask for the yeas and nays. However, at this stage of the game, I have no idea whether I will be successful.

Mr. JAVITS. I understand that. However, the point I am making is that the argument of the Senator from Alabama is designed to strike the entire title. I believe that the Senator from Kentucky and I can deal with that most constructively and affirmatively. His amendment does point to the right thing to do. We can submit it to the scrutiny of every Senator.

Mr. COOK. I cannot disagree with the Senator. I raise the point with the Senator from Alabama that, as the bill is presently written, this could happen.

Mr. JAVITS. That is legitimate. However, it is also legitimate for the defenders to point out that this is an aspect which can be dealt with by amendment. However, the Senator from Tennessee (Mr. BROCK) and the Senator from Alabama (Mr. ALLEN) seek to strike out the whole thing.

Mr. COOK. Mr. President, to at least set the record straight—and I apologize to the Senator from Alabama—I can only say that many other sections will also need amendments.

Mr. JAVITS. There are other amendments and we can deal with those in the most constructive and affirmative spirit.

Mr. COOK. Mr. President, the point I was trying to make to the Senator from Alabama is that the way the bill is presently written and before us, it authorizes lobbying and a tax exempt status which under the present Internal Revenue Code could be a tremendous loophole for gifts, contributions, and direct contributions of funds from organizations throughout the United States who are now tax exempt and are prohibited from lobbying, but would be allowed to give to this corporation which would be allowed to lobby.

Mr. ALLEN. Mr. President, I express my appreciation to the distinguished Senator from Kentucky for his contribution to this discussion and say to him that I feel that he has made a valid point. I also have to express the hope, however, that it will not be necessary to consider the amendment that is hoped to be offered by the Senator from Kentucky because I hope that the amendment offered by the Senator from Tennessee (Mr. BROCK) is agreed to.

I might say that this bill does not need a surgeon's scalpel. It needs a meat axe approach. It does not need to be operated on with a fine instrument. It needs to be knocked completely out of the bill. There is no need to change the title as far as the junior Senator from Alabama is concerned.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator for his support and I agree with the Senator's statement.

I wish to point out that it is almost impossible to remedy the defects in the existing proposal by amendment. For example, on the matter of lobbying, the Senator from Kentucky has an excellent amendment which would do some good, but there is no way all of these faults can be corrected. For example, if we prohibit other organizations from giving to the Corporation, there is still no prohibition against employees of the Corporation from engaging in political activities on their own. As I stated earlier, the Hatch Act was not passed simply to protect the American people against that, but also Government employees from undue influence from their supervisors or managers to assure them of continuing employment.

There are thousands of examples of this sort in abuses which took place time after time in State after State which are not subject to control or remedy in the context of the law as proposed in this legislation.

If we are going to respond to the need, I see no alternative than to agree to the amendment. To do otherwise, would freeze into law the existing pattern without accountability.

Again, I thank the Senator for his support.

Mr. ALLEN. I thank the Senator from Tennessee for his remarks, for offering the pending amendment, and for his excellent presentation in his introductory remarks, the colloquy in which he has engaged, the questions he has asked, and the colloquy he has had with me on this subject.

I appreciate very much the distinguished Senator from Kentucky pointing out still another defect in title IX and in the concept of this bill.

Repeating, for the purpose of continuity:

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for nonprofit, tax-exempt organizations.

The distinguished Senator from Kentucky pointed out that this section can be abused, how it would be a great loophole in our tax laws and could easily be evaded.

I might express this confidence to the distinguished Senator from Kentucky. There are in this body a number of Senators who are running for the high office of President of the United States, and all of them are interested in closing the loopholes in our tax laws or, at any rate, they have expressed that opinion throughout the length and breadth of this land. I am hopeful that when the amendment offered by the distinguished Senator from Tennessee—and, if it becomes necessary, the amendment of the Senator from Kentucky—is voted upon that these senatorial presidents will be on hand to cast their votes in favor of closing loopholes actual and potential in our tax structure.

Third, the advisory councils which would be created by virtue of section 903 are comprised of those parties with direct interests in the programs, grants, and funding—the clients and the project attorneys—admitting thereby of publicly visible conflicts—in short, a further extension of the poverty-bureaucracy complex.

I am pointing out here some of the abuses of the bill that could very well lead to a Presidential veto of the entire bill, even in the face of the statement made on the floor that the objections of the President have been met. Whether he raised these objections or not is not known.

I note that while he may have expressed a desire to see a Legal Services Corporation set up, I would hazard the guess that he would not be suggesting that a tax-exempt corporation be set up, one that would permit lobbying activities on the part of this corporation and the acceptance without tax, either to the donor or donee, of money for lobbying purposes. I would seriously doubt if the President of the United States would support such a concept as that.

Fourth, section 904(c) would permit the chief executive officer—the executive director—of the corporation to serve at the pleasure of the board, not at the pleasure of the elected representatives of the people. He is appointed and serves at the pleasure of the board of directors of the corporation, with no consent from the Senate required and with no appointment by the President mandated. Whereas the directors may have to be approved by the Senate, as suggested by the distinguished Senator from Wisconsin in his remarks, I do not believe it will be found that the executive director has to be approved by the Senate. Possibly it does and if so I did not notice that requirement.

Fifth, section 904(e) permits meetings of the board to be closed—not subject to public scrutiny.

Sixth, section 906(a)(8) permits an establishment of standards of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria for other programs of the Federal Government. Here again I say they would be out in a stormy sea without a rudder. That is the situation of this corporation as regards any congressional oversight.

Seventh, while section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

Mr. President, the ultimate slam at public accountability is section 913, which reads as follows:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

That is a shocking provision that is suggested as the law of the land. It seems to have two authorizations in the bill, one for $100 million and another for $78 million and it is provided:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employer of the United States to exercise any direction, supervision, or control over the corporation.

Would that mean, Mr. President, that the General Accounting Office would not be able to come in from time to time, as required by law for other Federal public agencies, and check the books and records of this Corporation? That is what it says. I guess it means what it says, because it is not going to authorize any department, agency, officer, or employee of the United States. I assume the General Accounting Office comes within that general language. They are not going to authorize anybody to exercise any direction, supervision, or control over the Corporation.

What about a Federal grand jury? What if they steal the Corporation blind? Are you going to allow a Federal grand jury to check into the affairs of the Corporation? I doubt it. The bill provides:

> "Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation . . ."

That is a pretty shocking provision.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield for a question.

Mr. JAVITS. I asked the Senator to yield to correct the facts, because they will appear in the RECORD. I call attention to the Senator to the provision of section 910(b)(1), on page 121 of the bill, which reads:

> The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office . . .

And so forth.

That is one.

I wish to point out to the Senator that the report of such audit is to be made to the Congress and that it is to be kept available here within the Congress, and so forth.

Also, I wish to point out to the Senator that, in my judgment—the Senator naturally is entitled to his own opinion on that—the words "direction, supervision, or control" would not include even an indictment of the Corporation—and this refers only to the Corporation, not those who work for the Corporation, or any individual—and that the Corporation, in my judgment, could be indicted by a grand jury. Notwithstanding those words, I do not believe the words cover any immunity for criminal prosecution.

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The final fact is that, if the Senator will refer to section 308 of the public broadcasting law, he will find a similar provision.

I wish to state to the Senator once again, simply as a fact, that the reason for the adoption of this amendment was that it was strictly an amendment which deals with the confidentiality and the integrity of the professional relations between lawyers and their clients.

Again, if the Senator would have in mind, or any other Senator would have in mind, an amendment which would make that precise and clear, I personally would be very anxious to have them take a constructive and positive role in making what I have just said clear.

Mr. ALLEN. I appreciate that.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. Yesterday we accepted an amendment by the Senator from Texas (Mr. TOWER) to make all of the information, except matters of confidential relationship between lawyer and client, available for the inspection of any Member of Congress, also.

Mr. JAVITS. I thank the Senator.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from New York in clarifying some of the language of this section. I would hope that, if title IX survives a motion to strike it, he would make it clear that the prohibition against the exercise of any direction, supervision, or control over the Corporation would not prohibit an investigation by the General Accounting Office, because it would seem that these sections are in conflict. I hope that that change would be made. I hope it will not be necessary to make the change, because I hope the whole title will be stricken.

It is readily apparent, upon the enactment of this legislation, that there is to be no accountability to the public through their elected officials, despite the Federal creation and Federal funding of the Corporation.

This absolute prohibition against "Federal control" would, in my opinion, limit the authority of the Office of Management and Budget to suspend assistance if the program were acting outside the scope of its authority. It would limit the authority of the Department of Justice to investigate and pursue actions with respect to misappropriations of funds. It would limit the authority of the Civil Service Commission with respect to anything within its jurisdiction as to the operation of the staff and personnel of the corporation.

Mr. President, the specific question might arise as to how the Federal financing of the proposed corporation acts as a subsidization of political activity. It can be answered convincingly. By assuring persons who engage in politicking and radical activities of a continuing salary through the program—salaries made possible through Federal taxpayers' dollars—these persons are able to engage in free-time political activities and organization of persons into radical activities and associations.

Sometimes the employees work for a legal services program for a while, until something comes to the front burner. Then they drop out of the program, undertake their own self-imposed missions, after which some drop back into the legal services program. Others are able to get positions in the program by virtue of having engaged in radical activities. But the most common case is the one where a person, heavily involved in political activity, carries on such activities during varying sorts of free time—annual leave, compensatory leave, "afternoon leave," and so forth. This is possible because the legal services attorneys are not covered by the restrictions of the Hatch Act which apply to Federal employees.

Here is another example of failure to hold this corporation and its employees to the same degree of accountability as is required of other Federal agencies. They are not required to be held under the restrictions of the Hatch Act, which applies to all other Federal employees. Nor are such employees prohibited from the outside practice of law. It was pointed out that they are prevented from practicing criminal law, I believe, but it does not cover civil law. This divergence of treatment is true, even though the dollars come from the same source—the Federal treasury. By paying a person to work for the program for a certain number of hours each week, the person is assured of an income, irrespective of what he does in his off-duty hours. We are, in reality, subsidizing through this program a mammoth number of employees and project attorneys who are engaged in carrying out their own ideological, philosophical, political, or partisan agendas.

Mr. President, the point is clear. We are subsidizing through this program a plethora of political activists who work for OEO, and who, because of the assurance of that paycheck, are able to carry out their own loaded agendas in pursuit of ideological and partisan goals. This must be stopped.

I believe a step in the right direction would be the adoption of the amendment of the distinguished Senator from Tennessee (Mr. BROCK), and I urge that the Senate agree to the amendment.

Mr. President, the day is past when "you can't sue city hall." Suits against Federal, State, and local agencies are proper if they arise from the specific legal needs of particular clients, rather than from private or partisan objectives of legal services attorneys. Such suits may be appropriate responses to the needs of poor people seeking relief.

In keeping with the consistency of professional quality rendered by the legal profession in our Nation, the approach to the question as to whether or not a suit should be initiated on behalf of one's client against a public agency should be no different for a legal services attorney than it is for an attorney in private practice. Specifically, such suits should not be frivolous; they should be born out of the genuine needs of the client to obtain judicial relief. Additionally, such suits should not be filed for the purpose of harassing public agencies and officials. Finally, such suits should not be brought if the administrative remedies available to the client, or the class of persons that client represents, have not been fully exhausted by the client and the project attorney. If another remedy is more appropriate to the client's situation, it should be used. As a matter of procedure, legal services attorneys ought to explore every possible solution to a legal problem and exhaust their administrative remedies before initiation of legal action. This is expected of attorneys in private practice; no less should be expected of attorneys in legal services programs.

Unfortunately, since legal services programs are largely funded by tax dollars, there are insufficient negative incentives imposed—either through the project board and project directors or through self-discipline—on the project attorneys. Thus, the tendency is to rush to court, frequently resulting in the filing of unmeritorious suits against public agencies. At a minimum, such actions frequently result in the filing of suits where other remedies were available and appropriate.

An examination of the record indicates that with each passing year there are more and more suits being initiated, through legal services programs, against public agencies on all levels—Federal, State, and local. The increase in such suits is demonstrable.

The Clearinghouse Review is published monthly by the National Clearinghouse for Legal Services, an operation funded pursuant to a contract between Northwestern University and OEO. One of the purposes underlying its publication is the communication of summaries of legal action cases of interest to legal services attorneys across the Nation. I have recently examined volume V of Clearinghouse Review, which covers the period from May 1971 through April 1972—12 months. I have extracted from this one volume the names of public agencies against which suits were brought by parties represented by legal services programs. Since many suits were brought against officials of those public agencies in their individual names, the list below is probably not all inclusive. The list of public agencies sued is as follows. Some were sued more than once; some often:

Department of Health, Education, and Welfare, U.S.
Springfield School Committee, Massachusetts.
Board of Education, Peoria, Illinois.
New York City Board of Education.
Emeryville City Officials, California.
Florida Department of Commerce.
West Springfield Housing Authority, Massachusetts.
Newport Housing Authority, Rhode Island.
Union City, California.
National Capital Housing Authority, Washington, D.C.
United States Government.
District of Columbia Government.
Peekskill Housing Authority.
Department of Housing and Urban Development, U.S.
Los Angeles Housing Authority, California.
Housing Authority, Long Beach, California.
State of Maine.
Wayne County Board of Commissioners, Michigan.
California Public Utilities Commission.
Regional HEW Commissioner, Illinois.
South Bend School Corp., Indiana.
Attorney General of the United States.

Equal Employment Opportunity Commission, U.S.
Secretary of Defense.
Illinois Department of Public Aid.
City of Wilmington, Delaware.
Secretary of the Army.
Administrator, Unemployment Compensation Act, Hartford, Conn.
Wisconsin Department of Health and Social Services.
Governor of California.
Department of Social Welfare, California.
Department of Public Welfare, District of Columbia.
San Francisco Unified School District, California.
San Jose Unified School District, California.
Chicago Board of Education, Illinois.
Dade County School Board, Florida.
Board of Education, Bergen County, N.J.
Minneapolis Fire Department and Minneapolis Civil Service Department, Minnesota.
New York City Department of Parks and Recreation.
State of Oklahoma.
Secretary of the Interior, U.S.
Director, Selective Service System.
Secretary of Health, Education, and Welfare, U.S.
County of Madera, California.
Commonwealth of Massachusetts.
Attorney General, State of Florida.
School Board of the District of Columbia.
State Department of Public Safety, Utah.
Oxford School District, Calif.
Little Rock School District, Arkansas.
Milwaukee Board of School Directors, Wisconsin.
Board of Education, Cleveland, Ohio.
Board of School Directors, Portland, Me.
Alaska Board of Education.
Texas Employment Commission.
United States Postal Service.
Secretary of Transportation, U.S.
State of Mississippi.
Clark County School District, Nevada.
Massachusetts Department of Public Welfare.
Pima County Board of Supervisors, Arizona.
Governor, New York.
Wisconsin Department of Health and Social Services.
Mount Laurel Township, N.J.
Norwalk Housing Authority, Conn.
Port Chester Housing Authority, New York.
City of Helena, Montana.
Board of Education, Arizona.
Bureau of Indian Affairs, U.S.
Berkeley Police Department, California.
Denver Juvenile Court, Colorado.
Wayne County General Hospital, Michigan.
San Francisco Planning Commission, California.
Secretary of Labor, U.S.
Los Angeles City Council, California.
Commonwealth of Pennsylvania.
Public Utilities Commission, California.
Arkansas Public Service Commission.
City of St. Paul, Minnesota.
Ohio Bureau of Employment.
State of Alaska.
Commonwealth of Virginia.
Mayor, New York City.
Cook County Junior College Board, Illinois.
City of Minneapolis, Minnesota.
City of Flint, Michigan.
Secretary of the Treasury, U.S.
Secretary of the Navy, U.S.
New York Department of Social Services.
Rochester Board of Education, New York.
Chicago Board of Education, Illinois.
New York State Education Department.
Swartz Creek Community Schools, Michigan.
Milan Public Schools, Michigan.
Tempe School District No. 3, Arizona.
Alameda County Board of Supervisors, California.
New Rochelle Municipal Housing Authority, New York.
Yonkers Municipal Housing Authority, New York.
Lake County Board of Supervisors, California.
County of Riverside, California.
Michigan Employment Security Commission.
Board of Water Commissioners of St. Paul, Minnesota.
Melrose Park Village, Illinois.
Delaware Board of Education.
Okolona Municipal Separate School District, Mississippi.
Kentucky Program Development Office.
Indianapolis Housing Authority, Indiana.
The President of the United States.
Boston Police Department, Massachusetts.
South Bend School Corp., Indiana.
Board of Examiners (of New York City School System).
Nassau County Civil Service Commission, New York.
Health and Hospital Commission, Chicago, Ill.
Mamaroneck Village Board of Trustees, New York.
State of Hawaii.
Department of Agriculture, U.S.
Tarrytown Urban Renewal Agency, New York.
State of Washington.
Baltimore Detention Center, Maryland.
Michigan Employment Security Commission.
New York Department of Labor.
New York City.
Detroit Public School System, Michigan.
Spokane School District, Washington.
Metropolitan Dade County, Florida.
Secretary of Agriculture, U.S.
Board of Review, Department of Labor, Illinois.
Department of Social and Rehabilitative Services, Rhode Island.
Trinity Area School District, Pennsylvania.
Austin Housing Authority, Texas.
City of Philadelphia, Pennsylvania.
Paintsville Housing Authority, Kentucky.
Newark Housing Authority, New Jersey.
West Virginia Department of Highways.
Federal Home Loan Bank Board.
Milwaukee Housing Authority, Wisconsin.
Virginia Board of Bar Examiners.
Virginia Industrial Commission.
New York Division of Human Rights.
Wisconsin Department of Transportation.
Los Angeles County Civil Service Commission, Calif.
Florida Department of Health and Rehabilitative Services.
Department of Human Resources, District of Columbia.
White Plains Housing Authority, New York.
City of Hamtramck, Michigan.
District of Columbia Public Service Commission.
Department of Human Resources Development, California.
Maryland Department of Social Services.
Minnesota Department of Public Welfare.

I remind my colleagues that only a small number of cases brought by legal services attorneys are highlighted in this publication. Undoubtedly, there are hundreds more.

It is the responsibility of the Congress, as we consider the creation of a "new home" for the legal services program, to insure against repetition in that new home of the misemphases which have characterized the existing program within OEO. We could rely upon the board of the proposed corporation, or its executive director, or its staff to promulgate guidelines which would place sufficient policy directions before the individual project attorneys so as to curtail actions against public agencies not yet ripe for suit. I cannot help but feel, for myself, that the program which would be transferred by the provisions of this legislation would not manifest itself in any means significantly different from its existing approach and emphases, unless the Congress specifically mandated it through provisions of the legislation.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No; they have not been ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, the existence of the OEO legal services program is, without a doubt, the most controversial aspect of the very controversial OEO program to which Congress gave birth only a few years ago.

Many have defended the idea of free legal services when necessary for those unable to pay for them, so as to put them on an equal basis with our citizens who, one way or another, can pay for lawyers. This idea has been justified on the same basis as medicare and medicaid.

However, when the idea has been reduced to endeavors to create a viable system compatible with basic doctrines of fairness and the proper role of government, the legal services programs as they have functioned under OEO so far have usually been found to be on the lighter side of the scale.

Now, we find ourselves faced with a piece of legislation which would make this OEO program a full-time, permanent, ongoing part of American life but not as a Government agency, like almost every other congressionally spawned program but, instead, as an independent entity—except for providing the money to make it go—and, what do we find as justification?

First. The OEO program as presently constituted has not worked well.

Second. The OEO program has been involved in too much controversy.

Third. Congress has had too much to say about the program with "injurious" results.

Fourth. It has been cumbersome and embarrassing to Members of Congress to have to respond to constituent objections.

Fifth. Therefore, the legal service program should be made a permanent fixture, independent of all governmental "control and interference," in the words of the bill.

Mr. President, I cannot accept the reasoning which supports this addition to

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our American institutions. I also cannot accept the language which has been chosen to effect this proposal.

There is something very, very fundamental to the matter of providing free legal services which has not received proper attention. This title, when it provides free attorneys, necessarily is going to be involved in litigation in our courts but, unfortunately, this title constitutes a mandate for this entity to devote its activities primarily to litigation. Litigation first requires a "dispute." Lawsuits are adversary proceedings. At least two people, two groups, two interests, and two beliefs are involved and when somebody wins, somebody else loses. Judges rarely call a case "a draw."

Rich or poor, black or white, "southerner" or "northerner," no matter who it is, all people have "gripes," complaints, and grievances but most people do not go to court to seek redress or a remedy of their "grievance." A citizen may be madder than hops that the "Senators" are leaving Washington, that he did not get a raise he thought he had been promised, that the car dealer took 2 weeks to make a repair he thinks should only have required 2 days, that the trash handlers will not pick up limbs longer than 3 feet, that a signal light has not been installed, that his income tax is too high, that his child is being bused to school, that the neighbor's dog barks at night, that the landlord has never installed what he promised, and so on. But the average citizen does not go out and file a lawsuit, even if he never "gets justice," contrary to the basic reasoning for this title. He may go to a city council meeting or sign a petition for the traffic light; he may ask his neighbor to keep his dog in at night, or buy ear plugs; he may write a letter of complaint to the car dealer and switch his business elsewhere, and take other action short of lawsuits.

There are a number of reasons that the average guy does not file a lawsuit every time he has a "grievance." Let us examine some of them:

First. Inertia—he thinks he should do it but never brings himself to the point of actual decision. It is an unknown which he avoids if possible and the "grievance" just is not that pressing.

Second. Peacefulness—he thinks he is right and the other party is wrong but he has an aversion for situations where there is conflict.

Third. Possible expense—in most cases he believes, or his lawyer tells him, it will cost him money in court fees, attorney's fees, and other related expenses and in some cases the relief he desires will not produce money which would offset that expense—for example, the barking dog, the traffic light, or school busing—and even if it could produce offsetting money, there is no guarantee that he would win—the role of judge and jury presupposes they have a choice. Also, if he wins a judgment for money it might not be collectible.

Those are some reasons I think we all can appreciate which govern the average person when we talk about filing a lawsuit.

What I want to emphasize, so that no one in this Chamber misses it, is the result: Contrary to what supporters of this provision say, the result is that the average man does not file lawsuits unless he has an extremely serious problem which absolutely must be cured and the only way to do it is to hire an attorney and engage in a court battle.

Now, I ask that all of you examine with me the previous instances and considerations where everything is the same except the income of the individual is below whatever level is set by the corporation as its criteria—or his credit is not good enough for him to obtain a loan to pay the attorney.

First. The matter of inertia. With this legal service corporation and its grantees working in every community for the sole purpose of providing legal representation, one of their declared activities will be the same as has been advocated under OEO, seeking out and encouraging people to make the decision to file a lawsuit. They will overcome this "inertia control" so we can discount it.

Second. The matter of peacefulness. Experience with the OEO legal service program, even under the "interference and control," which this title seeks to avoid, has been that the lawyers and the program itself, through personal contact, seminars, community action meetings, happenings, and so on, has been to preach a theory. That theory is that the peacemaker is not blessed, as the Bible tells us. Instead, they say to these people, peacefulness is an avoidance of a civic and moral duty. They teach that a person who attempts to accept the instance which has caused him concern, to compromise, to accommodate, is a weak-spined, lily-livered individual. They point out that our Nation has a judicial system for resolving differences and that it should be used. Thus, they say, it is the person's duty as a citizen to present his problem to a court and let that court make the decision. By so doing he not only gets his problem resolved, if he wins, he also, they advise, has a service for others with similar problems by setting a judicial precedent. This, they go on to recommend, is worth any inconvenience, loss of work, and so forth, which the person suffers as a result of being involved in litigation.

With this sort of encouragement, we can discount the effectiveness of the control of "peacefulness."

Third. The matter of possible expense. Let us face it, Mr. President, no average person wants to stand the expense of litigation just to get "satisfaction." This is the main "control." The fervor and hot blood of the average guy palls and cools when resolving his complaint gets down to the question of how much he is willing to spend to obtain, or attempt to obtain, satisfaction.

Over the years this one consideration has been the primary one which has protected our judicial system from being overcome by efforts to use it as a forum for "airing gripes." It has meant that when there is a case which absolutely must be resolved by a court, the injured person can expect to receive reasonably prompt attention from the courts, although we already have overcrowded dockets.

It has meant that you, your friends, your neighbors, your constituents consider it a rarity to find themselves being summoned to appear before a court regarding someone's "grievance" against them.

How does this title affect this control? Under the bill, S. 3010, the Corporation and its grantees, throughout the entire Nation, will be on hand to provide free legal services—not to everybody, but only to those who are poor enough or whose credit is bad enough.

Nowhere in this title is there any limitation on when and where, or under what circumstances, these lawyers who get paid for providing the legal services can provide them. In fact, the filing of even unfounded and unwarranted cases is not specifically limited or prohibited. But even if John Doe does have a "grievance" based upon fact against his neighbor and his barking dog, regarding where his child sits on the schoolbus, the traffic light, his hoped-for raise, or a slightly dented fender, there still are no restrictions or guidelines in this bill which in any way serves to replace the control which comes from having to pay the expenses of litigation.

In conclusion, I believe I have demonstrated that this title will irretrievably result in a complete upheaval of a built-in system of checks and balances in our judicial system; will not place poor people on an equal status with the nonpoor; and, in fact, will put the average citizen at a clear disadvantage with which he will not be able to cope.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Legislative Advocacy," written by Mickey Kantor, and an article entitled "Legislative Advocacy at CRLA," written by James F. Smith, both published in Clearinghouse Review, the publication of the Legal Services Division of OEO, of February 1972. Both are perfect examples of what we have been talking about today.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LEGISLATIVE ADVOCACY

(By Mickey Kantor, Executive Director, Action for Legal Rights, Incorporated)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" [2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Service lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's Code of Professional Responsibility makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1954.[6] That section's directive, "To further the cause of justice . . . by legal counselling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Program stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue.[8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, or (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating or self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant;

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest.[13]

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—i.e., a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support? [14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation

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which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempts to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises and potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocates must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon[15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their new reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive legislative advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed by each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

MODEL LEASE AVAILABLE

Legal Services attorneys usually come into landlord-tenant problems too late. They see the tenant only after the dispute has arisen. In trying to resolve it, they are faced with a deck stacked in the landlord's favor: eviction laws enabling the landlord to remove the tenant quickly with few defenses allowed, and a form lease imposing obligations only on the tenant.

Together with Legal Services attorneys, we have done a lot of work attacking eviction laws, both in court and in the legislature. Now we have tried to do something on the other problem too, the lease.

We have prepared a Model Lease and Model Month-to-Month Rental Agreement for California tenants. Unlike the forms prepared by landlord's organizations and real estate associations, these forms try to present a fair allocation of responsibilities between landlord and tenant. They are printed to appear as "standard forms," looking very "legal," similar to those landlords use.

Although these models were drafted for the California tenant, most provisions could apply in every state, and the task of adapting them for use in other states should be fairly easy. Copies of these model forms are available from the Clearinghouse, Clearinghouse No. 7064 (4 pp.).

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FOOTNOTES

[1] Gross, "The Legislative Struggle," at 153–4: "The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation." Others have argued, in the past, that so-called "law reform" efforts are better left to the legislatures. *See Hazard, Social Justice Through Civil Justice,* 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970): "In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim issue or defense."

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Shere, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Services Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906(e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess., pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 177 Congressional Record (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum (2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge,* 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, Staff Attorney and Legislative Advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This article will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature, and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California Legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf of our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (*e.g.,* welfare rights organizations on welfare), or if the likelihood of success in a given poverty law are (*e.g.,* the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. are those issues susceptible of administrative reform by the defendant private industry or governmental entity?

The latter question is probably the most important practical one, because major test litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticides. AB 2399 (Arnett, R.–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemiologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D.–Oak) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governors' Office to justify the vote of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast, 41 were needed.

One of the most active areas of prison reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearing-

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house No. 152, provides for due process protection appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D–Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6' x 9' cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influencd by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, may I ask, is a vote expected on the pending amendment to strike?

Mr. JAVITS. Yes. However, there is no reason why the Senator cannot speak.

Mr. COOPER. May I have the floor?

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. COOPER. Mr. President, I have studied the new title IX which would establish a new National Legal Services Corporation. I support and have supported the OEO since its inception. It has been active in my State, and has been helpful. I have maintained an interest in its activity and on the whole, it has been beneficial. There have been problems connected with its operations as with all government programs. I believe it has built up too large a bureaucracy, and sometimes I have the concern that some in the bureaucracy seem to be more interested in maintaining the poor as a constituency rather than helping them escape the awful cycle of poverty.

Some programs in my State have not been well coordinated, and I am sure that millions of dollars of the total which have been appropriated, have not always gone for the benefit of the poor. It has been wasted because of lack of coordination, duplication of other programs and sometimes corruption.

The problem before us is one which causes me concern, and I am sure has caused all of us concern. A vote for this motion to strike title IX from this bill, of course, will be characterized by some as a vote to deny legal services to the poor, or to those who are beneficiaries under class actions. I do not consider it a correct characterization.

In the first place, we are not abolishing legal services. We are considering whether the program which has been submitted by the committee, or at least a majority of the committee, shall be adopted, or whether the present program shall be maintained and, if necessary, amended to make it a more effective program.

I have asked for information about the existing program, which is rather simple in its authorization, compared to the bulky provisions of title IX.

Legal services for the poor have been and are now being made available. I understand there are about 5,000 employees in this section, with hundreds of lawyers employed throughout the country and amply funded—$61 million last year. In my State they have given legal help to the poor in many fields.

My concern is, why is it necessary to establish such a structure of many lawyers, very formidable in its description? In my view, it will become a great new bureaucracy run almost exclusively by the executive committee of the board of directors, and by its chairman, with the authority to enter into contracts, to employ lawyers, and to make regulations for the services that they perform.

I understand that a chief argument is that it is necessary to erect this very formidable structure to remove the legal services from political activity. Of course, there has been political activity under the present system, as there has been political activity in the OEO. I do not know how we will ever prevent some political activity in these organizations, whatever rules we write. But the establishment of a new corporation, designed to insulate it from outside communication, providing in section 913 that its lawyers, grantees or employees, shall not be subject to direction, supervision, or control by any agency or department of the Federal Government, it seems to me, would so surely give it such power, that if it desired to conduct its activities in a political way, it could do so without let or hindrance, or any inhibition, and there would be no control whatsoever upon its political activities.

Also, I know that there has been complaint because some Governors have exercised a temporary veto upon the activities of OEO's legal services. That can happen. But if the Director or the Administrator of the OEO believes that the Governor is wrong—and I would say in almost every instance he would have to find the Governor is wrong unless the legal services have suddenly become so political and so corrupt that one could not tolerate their existence—of course, the Director or administrator of OEO would overrule the Governor.

On the other hand, why should not this Corporation, or any legal services agency, if it is not behaving correctly, come under the critical observation of the Governor, other officials, and the people of a State, and bar associations, as any other organization? I think it is a very democratic process.

I wanted to make my own position clear in this short statement. I have supported the OEO. I support the legal services. If there is something wrong with the present administration of the legal services it should be corrected. But I do not see the reason for establishing this overstructured organization, with all its layers of officials, placing it above the supervision of the Congress which must continue to subsidize it, attempting to protect it from criticism, even if it deserves criticism by Congress, and from criticism by the officials of a State if it deserves their criticism?

Why should these worthy programs which are capable of doing great good, be constantly burdened with additional layers and layers of officials and regulations, removing them farther and farther from the people?

I have been familiar with the OEO program perhaps longer than some members of the committee and have watched its operation in my own State. I do not think it will be helped by establishing this new, formidable, structured system in an attempt to take the legal service out of the life of the Congress, the States and the people of the States, and their approval or criticism. I have said earlier that one of the sad things I have noticed in my observation of some of the OEO work in my State—I think I know a good deal about it; I know the area; I live in it; I have known this program from the inception—is that there are times, unfortunately, when some of the people directing the program seem to me to be more interested in keeping these people in the class of the poor, a permanent constituency of the poor, instead of helping in moving them out into larger opportunities of life.

I shall vote for this amendment. If it is rejected, I hope that amendments can be added to title IX which will make it better. But in studying it I found it hard to see how any amendments could help it very much.

Mr. BROCK. Mr. President, I congratulate the Senator from Kentucky. I do not know of another Member of this body who, over a distinguished career, has devoted greater effort to the impoverished people, not only of Kentucky but of the entire United States, than the Senator from Kentucky. I know of his concern and the quality of his efforts on their behalf.

I think he brought to focus the point at issue today. The amendment offered by the Senator from Tennessee does not strike the legal services program. It continues it. It continues it at an increased funding level, from $61 million to $71 million. But it does say that this Corporation deserves further review and scrutiny before we freeze into law the inequites and the problems which have not been dealt with to date and which are inadequately remedied by the proposed legislation.

The legal services program has been plagued with problems that have resulted from attorneys using the program as a base for promotion of their own political objectives, unrelated to assuring the poor access to justice. Thus, the choice before us at this point is between a corporation legislatively required to concentrate on serving the poor or a permissive corporation through which federally funded attorneys would be free to advance their personal sociopolitical objectives in a largely unrestricted and unaccountable way. I think the choice is clear.

I hope the Senate will adopt the amendment. I am prepared to yield back the remainder of my time.

Mr. JAVITS. There is no time limit.

Mr. President, I shall not detain the Senate.

I think it is a fine matter of Senate procedure that we are going to face this issue and vote it up or down. The Senate should express its view on this very important question.

Whether the Senator from Kentucky was supported by 1 or 98, I would always wish—because of my deep affection and admiration for him—to respond. He and I have differed before. I am always very unhappy about it. I know he is. But that is the way of life and our duty here.

Incidentally, each Senator has on his desk, both on this side of the aisle and on the other side of the aisle, a letter seeking to set forth in concise terms why we feel this is a proper provision in the bill. Our letter on the Republican side is signed by me, together with Senators TAFT, STAFFORD, and SCHWEIKER.

To answer the question why—as Senator COOPER so eloquently put it—a new, formidable, structured system?

The reason is the very effort to close off the legal services program, expressly in response to the complaint which has been made that it was too much involved in the political process. So we thought that by giving a heavy quotient of lawyers, professional handling of the situation through this structure—which would be dominated and controlled by lawyers—we were creating, as closely as we could, the legal aid society setup on a national basis.

We have had our problems with those who are appointed by the OEO Administrator as heads of the legal services program, and inevitably it had to be officials with some kind of political complexion. This caused us great difficulty on both sides. Some said they were not doing what they ought to do in defense of the poor. Others felt very strongly—as my colleagues who are backing the amendment of Senator BROCK—that they were going much too far and were perpetuating or trying to carry out their own social philosophy. So, for the first time, we tried to put the program more completely under the control of lawyers.

As to public control, there are two vital factors: First, the Corporation must live on appropriations. As Senator BROCK has said, $71.5 million this year, and next, and it could be nothing in the following year, or more. That is in the control of Congress. Second, we have legislative oversight over this Corporation, as we have over many other corporations. It is by no means escaping from the public scrutiny; and the control of the President and the Senate over appointees to its board—if the mere fact of legislative oversight did not adequately cover that—demonstrates that fact. No officer, no member of the board, no attorney will be immune from being called before an appropriate congressional committee of the House or the Senate to account for himself.

All of this is in addition to every other aspect of the bill and the professional responsibility of the lawyer, which becomes more important now in this setup, because it will be controlled by lawyers.

I make the point that what we are trying to do is to establish a legal aid society setup, which will be on the national level.

Mr. President, there is no provision of S. 3010, the Economic Opportunity Act Amendments of 1972, more crucial to the future of the poor and the Nation than section 18, which establishes a new National Legal Services Corporation.

As Members know, the Corporation would be run by a 19-member board appointed by the President, by and with the advice and consent of the Senate.

It would take over responsibility for the current legal services program conducted under the authority of section 222 (a) (3) of the Economic Opportunity Act of 1964.

It has become a highly controversial element of this bill although in justice it represents the most basic expression of everything that we hold dear in this country.

Mr. President, there is really only one central issue before us in this matter: Are the executive and legislative branches of the Congress willing to make it possible for the poor to seek redress for their grievances in the courts?

Stated more bluntly, are we prepared to say "hands off" to the legal rights of the poor?

Since this legislation was first proposed, we have been quibbling and bargaining with those rights.

Some urge that we drop the idea of an independent corporation and merely continue legal services in its present form under the basic poverty program.

Mr. President, the Legal Services Corporation idea has now gone too far, if we drop this title from the bill now we will drop the heart right out of the poverty program and the poor.

Others are willing to relinquish some control through the creation of the Corporation, but would then attempt to get it back in the form of political control of the board.

And still others seek to put a measure of restraint on the legal services attorney by telling him what kind of suits he may or may not bring on behalf of his client or even the subject matter areas in which he shall advise his client.

Mr. President, the result has been 1½ years of disputes between the executive and the legislative branches over the basic elements of the Corporation and its activities.

Indeed, it must be shocking to the poor that the Congress and the executive are able to release their grip on patronage and establish an independent Postal Corporation to deliver the mail but tremble when it comes to insuring the basic access of the poor to our system of justice under law.

We now need some basic domestic statesmanship on the part of the administration and the Congress, to accept this committee bill and to give the poor that to which they are basically entitled.

For, as I shall outline, I believe this bill provides a proper balance between accountability and the need to keep the Corporation from political control.

Mr. President, I comment now in summary on three basic aspects of this legislation: the establishment of the Corporation, the composition of the board of directors, and the necessity of insuring the freedom of the legal services attorney to do what is in the best interest of his client the poor.

The success of legal services as an element of the antipoverty program can be measured both in quantitative and qualitative terms.

Legal Services began as a small experimental program within the Office of Economic Opportunity 6 years ago; it has grown to an independent office within the agency and now encompasses 265 projects with over 2,000 attorneys serv-

ing in more than 900 neighborhood offices.

More than a million cases are handled by these attorneys each year.

The program includes the provision of legal advice, counseling and representation, preventive legal education to inform the poor of their legal rights and responsibilities, and training and educating law students, lawyers and others in the legal needs of the poor. Importantly, it also encourages the entry of minority group members into law schools and the legal profession and aids poor people who are starting to operate businesses.

Legal services lawyers have compiled an impressive record of landmark cases establishing the rights of the poor.

For example, legal service initiated actions have prompted the Supreme Court to hold that the prejudgment garnishment of a debtor's wages without a prior hearing violated the constitutional requirement of due process.

In a suit brought on behalf of clients defrauded in a retail sales contract, the California Supreme Court upheld the right of the poor to file class action suits against consumer frauds.

These accomplishments in these so-called law-reform cases are substantial.

But because of their value and the great attention that is given to them, there exists a myth that legal services lawyers spend most of their time on actions of this kind.

In fact, a recent sampling of 32 representative legal service programs indicated that one-tenth of 1 percent of the legal matters handled by operating programs were class actions of the so-called law reform category.

The great majority of legal matters are in the representation of individuals in housing, domestic relations and consumer frauds.

Mr. President, it is also true that the actions of the law-reform nature are extremely cost effective. For example, suits brought in California in regard to the medicaid program and welfare residency increased the money and services to the poor by $340 million, or five times the annual appropriation for the legal services program.

Another myth exists with respect to the legal service lawyer.

It is quite generally assumed by those who oppose the program that the legal services attorney is inclined to bring factions designed only to confront the establishment.

But a 1969 study showed that of litigated cases, legal services attorneys won favorable decisions for their clients in approximately 70 percent of the cases and negotiated settlements in an additional 15 percent.

Mr. President, such a program with 85 percent success must be deemed a success.

The poor value dignity even more than they value improvement of their economic condition and it lifts the spirit of poor to know that they have lawyers, too, and have available to them access to the judicial system and process.

And this fact has a great multiplier effect in terms of the attitude of the poor toward society and "the establishment" generally. As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to ensure that the highest standards of professional conduct are maintained. We know at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, with these successes one might ask why it is necessary to transfer the program from OEO to a new Corporation.

President Nixon answered this question quite well, in his message to the Congress of May 5, 1971, to which I referred earlier.

He said:

> The Nation has learned many lessons in these 6 short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

We have seen these pressures exert themselves, most dramatically perhaps in 1969 with the so-called Murphy amendment which would have given each Governor an absolute veto over any legal services program in his State.

It is a mark of our acceptance of these programs that neither the administration's original proposal for a Corporation, S. 1769, introduced by Senator COOK, nor any other proposal has contained that element.

Mr. President, there is another reason why a Corporation will be meaningful and that is that it would provide the poor with a viable symbol of a national purpose to insure their civil rights.

Finally, it will provide a framework in which we can expand the provision of legal services to a greater number of the poor in the Nation.

At the current time, the program is reaching less than 20 percent of the low-income persons who should use its services.

Twenty-three States have fewer than four legal services programs, and these are States which include some of the heaviest concentrations of the rural poor.

Seventeen metropolitan areas with populations each exceeding 100,000 are without organized comprehensive legal services programs.

Two groups with the highest incidence of poverty, Indians and migrant workers are largely without legal services to deal with their unique problems.

The elderly—a steadily increasing percentage of the poor—need but do not receive legal services designed to meet their needs.

Mr. President, in my own city of New York, on a number of occasions in the past 4 years, local legal services offices have been forced to suspend their activities due to lack of funds.

The committee bill would reserve for each of the next 2 fiscal years $71.5 million for the legal services programs, the amount requested by the administration for the coming fiscal year. Incidentally, this represents an increase of $10.4 million over fiscal 1972.

In addition, it authorizes, as an add-on $100 million for the program for each of the fiscal years 1973 and 1974.

THE COMPOSITION OF THE BOARD AND OTHER ELEMENTS OF THE ORGANIZATIONAL STRUCTURE

Mr. President, despite the general agreement on the need to establish a legal services corporation, we have witnessed a frustrating series of roadblocks to its fruition.

The key impediment has been the failure to reach agreement on the composition of the board of directors.

The failure to reach agreement on this element was a substantial contributing factor to the President's veto of the previous measure, S. 2007.

The President said in his veto message of December 9, 1971:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions the President has full descretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

The committee was very responsive to this objection and worked out a compromise, which I believe should meet the administration's objections.

As a result of an amendment which I offered with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, and Senators SCHWEIKER and STAFFORD, section 904 of the new legal services title established under the committee bill now provides for a 19-member board consisting of 10 public members appointed by the President; the remainder of nine members are to be appointed by the President from recommendations made by various national bar, client, and project attorney groups.

We chose in respect to the nine to use the language contained in the Railroad Retirement Board Act, which provides that—

> One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers.

We did so to make it very clear that we were abandoning the arbitrary list procedure of the vetoed bill and that we anticipate an informal give and take between the recommending groups and the President.

This in fact is the situation in the Railroad Retirement Board.

Mr. President, I submit that this formulation provides the accountability which the President urged, while continuing the element of involvement of the organized bar and other groups which have contributed so much to the legal services program.

It should be further noted, in connection with the reference made by the President to possible conflicts of interest, that section 904(f) of the legal services title of the committee bill specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, the President's other principal objection to the legal services provisions of the vetoed bill was the fact that the incorporating trusteeship—the entity to be responsible for taking the initial steps in regard to the establishment of the corporation—was to consist of a number of leaders of the organized bar.

We have dealt also with this objection by designating the Director of the Office of Economic Opportunity as the sole incorporating trustee, thus again providing the element of accountability.

Therefore, I believe that it is quite proper to view the organization aspects of the corporation as both appropriate in terms of the purposes of the legislation and as responsive to the President's objections.

INDEPENDENCE OF THE LEGAL SERVICES ATTORNEY

Mr. President, just as there must be accountability of the corporation to the entire American people, it is true on another level that the legal services attorney should be accountable principally to his client, to the organized bar, and to our system of justice.

As President Nixon said in his May 5, 1971 message to the Congress:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this way can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Former Director of the Office of Economic Opportunity, Donald Rumsfeld, also made this clear in testimony before the Subcommittee on Employment, Manpower, and Poverty on November 14, 1969:

> I think it would be a very undesirable thing to permit someone to control, anyone, frankly the kind of activities that legal services program attorneys are involved in.

Mr. President, I believe this is very sound policy and accordingly I find completely unacceptable—if not repugnant—any attempt to limit the kind of case or controversy which the legal services attorney may handle.

We have in this legislation, as the administration has requested, included a complete prohibition against representation in criminal matters, based upon our sense of the priorities and the fact that criminal representation may be available more readily from other sources.

But there is a difference between this kind of judgment and using a bill designed to insure the exercise of the rights of the poor as a vehicle for the specific denial of those rights in particular areas.

Mr. President, we need to realize that while this is a poverty bill we are dealing with something even more delicate than poverty itself.

We are dealing with the most basic rights and sensitivities of the poor.

There are some who hold that the poverty program has only kindled frustration by making promises that Government cannot keep.

Mr. President, the legal services program makes no new promise.

It is designed to implement an old promise.

And that old promise having its basis in the constitution not merely the poverty law.

It is the promise of equal justice under law.

Let us not tamper with that promise, let us provide for its fulfillment.

Mr. KENNEDY. Mr. President, I rise to oppose the amendment offered to delete the Legal Services Corporation from the OEO extension.

Over the past 7 years, Legal Services programs across this land have been vital to the protection of the rights of the poor.

For the first time, the concept of equality before the law for the Nation's poor has been buttressed by access to legal counsel.

But over the years, we have found a growing threat to legal services programs in political attacks, Governor Reagan's attack against California rural legal assistance is only the most widely publicized. Thus, the President of the American Bar Association, Edward Wright, testified a year ago, in favor of creating an Independent National Legal Services Corporation: "Only through assuring the professional independence of the lawyer can the trust and confidence of the clients be obtained," He said:

> The association recommends that all effective steps be taken to insulate the corporation and its lawyers from political influences that might in any way jeopardize the independent professional judgment required of all lawyers. In this regard, we would hope that no political clearances would be applied in the staffing of the corporation.

For that reason, we have sought to establish a corporation independent of both the executive and legislative branches. However, the President argued that there should be public accountability and therefore we have given him the power to appoint all 19 of the board members, 10 of those without any restrictions on who he may appoint.

And in the effort to assure some independence we have provided that the President shall name the other nine persons from recommendations proposed by the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association, the Clients Advisory Council, and the Project Attorneys Advisory Council.

Clearly, the intent of providing for a board independent of political influence should be satisfied in this way.

The record over the past 7 years of the success of the Legal Services program is unquestioned. It has won the most commendations from the public as a whole for its efforts to provide the poor with access to the legal system.

Even the Vice President has acknowledged that 98 percent of the law suits brought by OEO Legal Services lawyers could not be criticized.

And his criticism of the remaining 2 percent was aptly discussed by the American Bar Association Journal in its April 1972 publication.

The Bar Association editorial states:

> The Vice President seems to be raising again the shopworn and discarded idea that Legal Services lawyers must in some way be controlled: particularly in commencing or participating in litigation involving governmental agencies. . . .
>
> This idea has been rejected by the organized bar from the beginning of the national legal services program; indeed the program would not have the support of the organized bar if it were otherwise.
>
> Congress has defeated attempts to give government officials power to veto the type of suits that legal services lawyers may file. A major benefit from the establishment of the national legal services corporation would be to enhance the freedom of the program from political pressures.

And so the editorial goes on to quote the May 5, 1971, message of President Nixon:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Thus, even the President urged creation of an independent national legal services corporation.

The bill now before us establishes that corporation. It provides for public accountability. It also provides for independence from political pressure in its operation.

Simply stated, this bill is an effort to provide the means whereby poor Americans can acquire legal counsel that they have been denied over time because of their economic conditions. Equal justice is meaningless if the tools to obtain that justice are available only to those able to pay for them. The legal tools of professional, competent counsel must be available to the poor. This bill seeks to make these tools available.

Any effort now to separate legal service from this bill represents both an unjustified delay and a direct attack on the concept that we bear a responsibility to see that poor Americans have access to legal redress of their grievances.

And if we take that point of view, then we are telling the poor, the courts of America are not for you. And when we do that, we must not be surprised at their response.

I would strongly urge the Senate to reject this amendment and to stand behind a strong independent National Legal Services Corporation.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BROCK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator

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from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Florida (Mr. CHILES), are necessarily absent.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from from Alaska (Mr. GRAVEL).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Michigan (Mr. GRIFFIN) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Michigan would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 37, nays 46, as follows:

[No. 247 Leg.]

YEAS—37.

Aiken	Cooper	Jordan, N.C.
Allen	Cotton	Jordan, Idaho
Allott	Curtis	Long
Beall	Dole	Miller
Bellmon	Dominick	Packwood
Bennett	Ellender	Roth
Boggs	Ervin	Smith
Brock	Fannin	Sparkman
Buckley	Fong	Stennis
Byrd, Harry F., Jr.	Goldwater	Talmadge
	Gurney	Thurmond
Byrd, Robert C.	Hansen	Tower
Cook	Hruska	

NAYS—46

Bayh	Humphrey	Proxmire
Bentsen	Inouye	Randolph
Bible	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Kennedy	Schweiker
Cannon	Magnuson	Scott
Case	Mathias	Spong
Church	McClellan	Stafford
Cranston	McIntyre	Stevens
Eagleton	Metcalf	Stevenson
Fulbright	Mondale	Symington
Hart	Montoya	Tunney
Hartke	Moss	Weicker
Hatfield	Nelson	Williams
Hollings	Pastore	
Hughes	Percy	

NOT VOTING—17

Anderson	Griffin	Muskie
Baker	Harris	Pearson
Chiles	Mansfield	Pell
Eastland	McGee	Taft
Gambrell	McGovern	Young
Gravel	Mundt	

So Mr. BROCK's amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I rise to urge support for S. 3010, the OEO Amendments of 1972, which I cosponsored, as the minimum act possible by this body if we are to maintain faith with the 26 million Americans who continue to live in poverty.

When I say that the present bill represents a minimal effort, I do so with two thoughts in mind. First, I say that because for the first time in a decade, the pattern of annual declines in the number of persons living in poverty has been broken, with an actual increase in the number of poor.

Second, I say that because this bill, even though it is some $1 billion more than the administration budget request is a far cry from what was conceived at the inception of OEO.

In 1965, OEO set forth a 5-year projection of where the program should be by 1970. That projection was one of the first victims of Vietnam. For the funds that were earmarked to meet the needs of poor Americans went instead to the war in Vietnam.

By 1970, instead of the budget of $3.3 billion proposed in this bill—including programs delegated to other agencies—there would have been a $16.8 billion budget.

There would have been $5.5 billion being spent on providing public service jobs: today there is barely $1.5 billion.

There would have been $2.5 billion for Headstart: today there is under $500 million.

There would have been $561 million for neighborhood health centers: today there is less than $150 million.

There would have been $98 million for legal services: today, even under the independent board, we are only recommending $71 million.

There would have been $78 million for Vista: today we are recommending only $44.5 million.

These are only a few of the indications of how limited has been our effort to eradicate poverty. The projections I have quoted would have been the levels of support for fiscal year 1970, which is really 3 years ago. So, the comparison to what is being planned today shows how little we actually are attempting.

Mr. President, I would like to have placed in the RECORD at the conclusion of my remarks the statistical summary of the 5-year plan of OEO, prepared in the fall of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. KENNEDY. Mr. President, I would like to discuss briefly the legislative history behind this measure. For the history behind this measure and the reason why we are forced to once again conduct this debate are almost sordid in their exhibition of the lack of concern by this administration for the Nation's poor.

The Senate passed this measure 49 to 12 on September 9, 1971. Then again on December 2, 1971, the Senate voted 63 to 17 to accept the conference report. But the administration, in what I can only consider to be a continuing callous regard for the Nation's poor—a regard also shown by its recent decision to turn $699 million back to the treasury rather than spend it on additional food programs for the Nation's poor—vetoed the OEO bill. The veto message was almost hysterical in its creation of imaginary motives and purposes behind the child care provisions of that bill and its objections to an independent national legal services board meant one thing only, that it was opposed to permitting even legal means of redress to be available when the contest was between the established order and the poor. It was perfectly all right to have legal services attorneys representing a poor client in a divorce case. But the idea that the poor might have representation in a case against involving constitutional rights, such as challenging certain States' residency requirements for welfare, was unacceptable.

And so we started again this year. The result is a bipartisan compromise, a compromise which seeks to meet even the phantom arguments raised by this administration, a compromise which surely represents the good faith of the members of this committee. The distinguished chairman, Senator NELSON, and the distinguished minority leader, Senator JAVITS, deserve particular commendation for their efforts to produce this compromise.

As an example of the compromises which the committee adopted, let me mention the following:

First, the committee dropped its previous prohibition against the delegation of any programs away from OEO to other agencies. Instead, it limited that provision only to the local initiative and community economic development programs, which is the minimum necessary if OEO is to remain at the point of the Nation's effort to remove poverty.

Second, on child care, the committee agreed to separate the child care provisions and that bill was considered by the Senate and adopted a week ago.

Third, there was an objection to the earmarking of funds contained in last year's measure. This year, instead of the 15 programs containing earmarking, we now have limited that requirement to only four programs.

Finally, there were objections raised to the specific provisions establishing the Legal Services Corporation, the concept which even the President approved. Therefore, the committee changed the number of directors appointed by the President without any strings attached, from six to 10, giving him a clear majority of the Legal Services Board. He also names the entire 19-member Board, thus providing a veto over every member.

Also, the President objected to the incorporating trusteeship during the temporary period while the new Corporation was being established. Again the committee compromised, naming the Director of OEO as the person who runs the shop until the Board members of the new Corporation are selected.

Thus, there has been substantial compromise by the committee in response to the administration's objections, objections which I continue to believe were unfounded. However, in the pursuit of a bill that would permit the poverty program to continue, we have agreed to these changes.

The result, I believe, is the maintenance of OEO as a continuing voice for the needs of the Nation's poor.

Let me say what the bill does include:

First, it would expand the special impact program into a major drive toward urban and rural community economic development;

Second, it would establish a new legal services corporation to assure the separate identity and independence of legal services for the poor;

Third, it would provide a fivefold increase in Neighborhood Youth Corps programs to cope with the effects of massive unemployment among poverty area youngsters; and

Fourth, it would make permanent several successful pilot programs in recreation, rural housing and community design programs.

I was particularly pleased that the committee accepted legislation I introduced with Senator Javits to create a separate community economic development title within the act, a title that reflects the belief that the major demonstration project within OEO should be the promotion of economic development in the poverty areas of the Nation.

To those who say the answer to the plight of the inner cities is dispersal to the suburbs and to those who say the answer to the plight of rural America is dispersal to the cities, I say you are deluding yourselves and the Nation.

We cannot turn away from the Harlems, the Bedford-Stuyvesants, the Watts, the Roxbury's, the East Los Angeles, or the rural reaches of West Texas or northeast Oklahoma. We must find ways to strengthen those communities and promote economic development so that these Americans have a place to shop, a place to work, a place to live.

Six years ago, Robert Kennedy walked through the streets of Bedford-Stuyvesant and was stunned by the unfulfilled potential that he saw. It was not only the broken windows, the deteriorating housing and the other marks of poverty that depressed him. It was the failure of a Nation to harness the energies and abilities of the human resources of this community which was appalling.

Robert Kennedy came away convinced that the human resources of the community had to be mobilized and linked to the technical skills and to the capital of the business world and government. The answer that he devised along with Senator JAVITS was the Community Development Corporation. Their design was contained in the title I–D Special Impact Amendment to the Economic Development Act adopted in 1967.

Under that title, Bedford-Stuyvesant has been receiving Federal assistance since 1967. And for each dollar of Federal money that has been granted to the community-controlled corporation of Bedford-Stuyvesant, $2 in private capital have been attracted.

The result that the Poverty Subcommittee saw in hearings I chaired in New York a year ago included a $100 million mortgage pool, a 240-man IBM plant, a $2 million assistance program, 48 local businesses, construction of a modern neighborhood and community center, 1,450 renovated homes in a program employing 900 formerly unemployed and unskilled youth, and planning for a new modular housing factory. But beyond those physical testaments, we listened to residents who expressed pride in their community and hope in their future.

Lloyd Doyle, a 30-year Bedford-Stuyvesant resident, told the committee:

> We have seen houses . . . in this community become vacant lots, garbage uncollected, broken-up cars . . . so this causes our hopelessness . . . Now in (this) community you have an organization (Bedford-Stuyvesant Restoration Corporation) that can help you renovate your home, give you a decent place to live, and it gives hundreds of thousands of people hope.

And not only in Bedford-Stuyvestant are these results taking place, but in 37 communities, Federal grants have been extended to sponsor community development corporations. But the need for additional Federal support goes far beyond what is now provided. Since November 1970, 100 proposals have been received. OEO has been able to fund only five.

There is simply no adequate jusification on the part of the administration for its decision to cut funding back to $25 million this year for CDC's. Last year some $36 million was appropriated, still below the authorization. This bill brings that authorization for fiscal year 1972 to $60 million and proposed doubling it to $120 million for fiscal year 1973.

The most recent evaluation of the Special Impact Program, a 6-month inquiry by the Twentieth Century Fund, was overwhelming in its endorsement of the CDC as "the most promising economic structure presently operating in the ghettos."

For all of these reasons, I introduced legislation, along with Senator JAVITS, to reemphasize and improve Federal support for community economic development.

First, this legislation seeks to continue and expand the urban community economic development program, the present ID program and to extend its benefits to rural areas.

Second, the legislation would continue the rural loan program which the administration proposed to phase out.

Third, the legislation established an expanded program of technical assistance, including a development loan program for both urban and rural CIC's and rural cooperatives.

Finally, the legislation removes a barrier to full Federal cooperation with community development corporations by directing the Small Business Administration, the Economic Development Administration and the Department of Housing and Urban Development to take all steps necessary to insure that CDC's have full access to their programs.

In this way, we hope to make clear the commitment of the Federal Government to the concept that communities have the right to control and direct their own social, economic and political development.

LEGAL SERVICES

The second major area of change within the OEO Extension Bill is the establishment of a private, non-profit corporation to administer the present legal services program. As an independent, self-governing corporation, the National Legal Services Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

The 19-member board will include representatives of the public, representatives of the poverty community, representatives of the Legal Services attorneys, and the presidents of the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the Association of American Law Schools and the National Legal Aid and Defender Association.

And the amendment I proposed in committee provides that at least one member of the board shall represent the non-English speaking population.

More than 15 percent of the Legal Services clients are Spanish speaking. The least that we can do is insure that they are represented on the board. In addition, an amendment I joined others in introducing provides that special emphasis programs for migrant or seasonal farmworkers, Indians and the elderly poor will be authorized. These programs have been critically important in protecting the legal rights of those who traditionally have been excluded from the system.

The continuing threat of political interference has necessitated the establishment of this independent corporation.

The legislation introduced by Senator MONDALE, which I cosponsored and which has been incorporated into S. 3010, had the endorsement of State bar associations as well as the American Bar Association. The ABA president, testified:

> These recurring attacks on the Legal Services Program have helped shape our view that the Legal Services Program should be provided a new and independent home.

I believe that in its new home it will be in a strong position to continue the remarkable record achieved since its inception in 1965.

The poor have every right to expect the same treatment before the courts of our land as the wealthy and I believe this program will insure that lack of knowledge of the law and lack of funds to hire the services of a lawyer will no longer deny justice to any American.

At a time when the indicators of youth unemployment have been rising to alarming heights, the Nation's efforts to provide employment opportunities have been on the decline. In 1966, the number of 16 to 19 year-old youths unemployed was 836,000 while the number of Neighborhood Youth Corps out-of-school job slots has dropped to 36,800.

With that intention, there is an increase of $500 million proposed for the NYC program, an increase that will fund 100,000 new jobs.

PILOT PROGRAMS

There are several additional programs that I would call to the attention of the Senate. I joined with Senator CRANSTON and Senator TUNNEY in introducing the youth recreation and sports program which will establish on a permanent basis the pilot national summer youth sports program that has operated for the past two summers. Under this program, some

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124,500 youngsters from around the country participated in summer sports and recreation programs at area colleges and universities.

In my own State at Boston College, Boston University, Springfield College and Boston State College these programs have been operating successfully for the past several years. The intent of the administration to end this program flies in the face of the positive evaluations that have been received.

The committee also included permanent funding for design and planning assistance centers to give low income persons the tools to participate in the planning and development of their communities.

Just as legal services offers long-denied legal rights to citizens, so too do the design and planning centers offer the poverty community the chance to be represented in city, county and State planning and redevelopment councils.

Since 1967, we have seen the pilot planning organizations spring up in Harlem, in San Francisco and in Boston. These OEO-funded programs have convinced the committee of the need to provide permanent status for them in the Economic Opportunity Act.

Also, we have seen the great need for the proposed rural housing program which will be a new experiment to repair and rehabilitate existing substandard housing in rural areas.

I believe these new programs add to the weapons available to OEO in meeting the challenge of reducing poverty in this Nation. The measures we adopt in the Economic Development Act are the most visible expression of a continued Federal commitment to eradicate poverty. I believe we have furthered that commitment by this legislation and I urge its passage.

OFFICE OF ECONOMIC OPPORTUNITY—NATIONAL ANTIPOVERTY PLAN

[Units in thousands—dollars in millions]

Program	Unit type	Fiscal year 1966		Fiscal year 1967		Fiscal year 1968		Fiscal year 1969		Fiscal year 1970	
		Units	Amount	Units	Amount	Units	Amount	Units	Amount	Units	Amount
I. Jobs:											
Public employment	Jobs			200	$840	500	$2,022	700	$2,750	800	$3,095
Neighborhood Youth Corps	Enrollees	280	$255	650	688	1,050	920	1,540	1,184	1,775	1,291
In-school		100	70	250	175	450	310	700	477	825	562
Out-of-school		120	140	150	390	150	390	140	364	125	325
Summer		60	45	250	123	450	220	700	343	825	404
Job Corps	Enrollee cap	50	235	50	350	100	560	100	650	125	755
Work experience	Hardcore unemployed adults	109	150	196	300	208	324	219	344	230	365
Mobility:											
Moves	Number of moves			120	39	120	39	120	39	120	39
Searches	Number of searches			480	29	480	29	480	29	480	29
Subtotal, jobs			640		2,246		3,894		4,996		5,574
II. Social programs:											
VISTA	Volunteers	4	18	7	36	10	52	13	65	15	78
Head start	Students										
Full		200		300		600		1,000		2,000	
Summer		300	150	350	410	600	755	1,000	1,260	2,000	2,500
Follow				400		350		600		1,000	
Upward Bound	Students	27	27	85	85	125	125	125	125	125	125
Remedial/tutorial education	do	905	82	1,800	154	1,800	144	1,800	144	1,800	144
Adult basic education	Participants	105	30	605	173	888	253	888	253	888	253
Legal assistance	Family heads and unrelated independent	1,400	10	3,000	20	6,000	46	9,000	69	12,000	98
Family planning	Women contacted		4	1,500	12	1,728	20	2,097	30	1,638	30
Health:											
Centers	Centers (cumulative)	[1]10	18	[1]30	49	[1]130	203	[1]330	437	[1]530	561
Health aides	Beneficiaries	1,000	31	3,000	38	7,000	49	10,000	57	17,000	76
Foster grandparents	Adults		10	25	50	25	50	25	50	25	50
Rural employment programs	Beneficiaries	105	16	145	21	150	23	150	23	150	23
Loan programs:											
Rural	Number of loans	16	35		36		38		40		45
SBDC (to SBA in fiscal year 1967)	Number of centers	[1]35	2	[1]70	4	[1]70	4	[1]70	4	[1]70	4
SBA	Number of loans		(25)		35		35		35		35
Housing program subsidy	None				345		727		1,188		1,756
Multipurpose center	Number of families		167	1,940	245	3,940	497	5,340	650	6,730	846
Other C&A demonstrations and research	None		95		200		200		150		150
Training of poverty workers	Number trained	117	21	131	48	292	67	285	67	295	79
Migrants	Beneficiaries	673	40	1,000	245	1,600	300	1,600	300	2,000	300
Program development (204)			9		10		10		10		10
Technical assistant/CAA (205)			8		15		17		19		20
Technical assistant/State (2095)			8		9		10		12		15
CAP program direction			7		12		16		10		22
Subtotal, social programs			788		2,252		3,641		5,008		7,220
III. Transfer payments:											
Negative income tax					4,700		4,500		4,300		4,100
OASDI					(5,300)		(5,600)		(5,800)		(6,000)
Total			1,428		9,198		12,035		14,304		16,894
Recap by organization:											
Public Employment Service (CAP)					840		2,022		2,750		3,095
Neighborhood Youth Corps			255		688		920		1,184		1,291
Job Corps			235		350		560		550		755
Work experience			150		300		324		344		365
Mobility					68		68		68		68
VISTA			18		36		52		65		78
Adult basic—OE			30		100		150		150		150
Rural loans			35		36		38		40		45
SEA			(25)		39		39		39		39
Housing					345		727		1,188		1,756
CAP (including migrants)			705		1,614		2,484		3,274		4,652
OE-preschool rem. and tut					82		151		252		500
Transfer payments					4,700		4,500		4,300		4,100
Total			1,428		9,198		12,035		14,304		16,894
OEO O'vd			12		30		30		30		30
Total			[2]1,440		9,228		12,065		14,334		16,924
OEO portion of program			(1,440)		(3,994)		(6,580)		(8,437)		(10,461)

[1] Number of centers not in thousands.

[2] Fiscal year 1966 work study program for $60,000,000 excluded: Assumes passage of Higher Education Act.

CONTINUING THE STRUGGLE AGAINST POVERTY

Mr. MOSS. Mr. President, let us join together and move quickly to extend the life of the Office of Economic Opportunity. We all know the lengthy struggle that has occurred over the passage of an authorization bill for the poverty program and its various components. I believe the Senate Labor and Public Welfare Committee has placed before us a very workable compromise, designed to satisfy the objections raised by the President in his veto of the poverty bill last December. In working out this compromise, the committee has still retained many of the innovative measures contained in the original bill and should be complimented for the long hours of hard work and careful legislative activity that have gone into S. 3010.

The Legal Services Corporation, though modified, remains a part of the new OEO bill. Lawyers working for those who seldom can afford to pay legal fees have participated in over 1 million cases. In many of these cases, justice would have been denied the poor without the intervention and advice of legal counsel. In the committee's bill, the President would retain control of this new Corporation through the appointment of 10 of the 19 Directors of the Corporation. The appointment of the nine remaining Directors would be from a list submitted to him by a panel of experts. Lawyers working for the Corporation would not be allowed to lobby, to engage in direct political activity, or to be involved in criminal cases.

Jobs for the adolescent poor will be increased under the Neighborhood Youth Corps program included in this bill. It seems so obvious that poverty ought to be fought through employment and through the subsequent payrolls that accompany job creation, yet all too often we fail to remember this point. Forty percent of those 16 to 17 years old are unemployed in major urban areas. In spite of this, the number of jobs in the neighborhood youth program declined from 98,000 in 1966 to 36,000 in 1972. This bill would increase the Neighborhood Youth Corps program and start a renewed expansion of this vital program. We must employ our youth if we expect them to enter the mainstream of American life, and that, after all, is the ultimate objective of the poverty program.

The bill also contains new programs dealing with rural housing and environmental action. It seems entirely appropriate that we involve the poor in programs designed to create a better total environment for all of society. Numerous studies have shown that pollution covers every neighborhood of the land, rich or poor. The rural housing section is designed to create modest experimentation in programs for rehabilitation and repair in rural America. This is particularly applicable in rural areas where there is a great deal of owner-occupied housing, as opposed to the urban situation where renting dominates. These two programs are in the best tradition of the OEO philosophy: new ideas for bringing the poor into the mainstream of America must be tried, and when they are successful, they can then be expanded into major programs.

The new community development program brought forth in this bill will provide for the growth of small cooperatives through technical systems, long term loans, special impact programs, and innovative management ideas. Though this will still be an experimental program, it is important to note that it is based on pilot projects that have been done in areas such as Bedford-Stuyvesant in Brooklyn, N.Y. Such a program will create economic development and allow communities to develop in such a way as to move out of the ranks of the poor.

In summary, this is a bill for all to support. It maintains the momentum of the essential core of OEO programs, and adds a manageable variety of new innovative ideas. Its programs are geared to offering the hand of help to those who choose to better their lot. I urge the passage of this bill.

ECONOMIC OPPORTUNITY FOR PUERTO RICO

Mr. BROOKE. Mr. President, the bill now before us, S. 3010, the Economic Opportunity Amendments of 1972, contains a vitally important and progressive provision for the people of Puerto Rico. Under this bill as reported from committee, the Commonwealth of Puerto Rico is regarded as a State for the purposes of funding OEO programs.

The 2.7-million people of Puerto Rico are in a very anomolous position. They are citizens, they pay Federal income taxes, and they are drafted to fight in our wars. Yet they cannot vote for President, and they do not currently participate fully in the distribution of Federal revenues.

The United States assumed responsibility for Puerto Rico and its people as a result of the Spanish-American War, in 1898. We will not have met our responsibilities, however, until the people of Puerto Rico enjoy the same standard of living as other American citizens.

The Puerto Ricans have done much to help themselves. Per capita income on the island has increased from a bare $297 per year in 1950 to nearly $1,500 per year today. Puerto Rico's gross annual product has increased in the same time period from $755 million to $4.6 billion. Under the administration of Gov. Luis Ferre, health care has been improved and extended, and thousands of classrooms have been constructed for the education of the children of the Commonwealth.

But even with all these efforts, Puerto Rico's needs are great.

Puerto Rico has a greater percentage of its people living in poverty, and a greater percentage of its adults unemployed, than any of the 50 States of the Union. Unemployment on the island is now an unconscionable 11.8 percent.

Nearly 20 percent of the children in this country living in families with less than $1,000 in income, live in Puerto Rico. Clearly, if these children are to be given the opportunity they deserve as American citizens, Puerto Rico must receive a greater percentage of Federal aid.

The legislation presently before us would provide this long-needed opportunity. Instead of allocating 4 percent of funds available under OEO title II to Puerto Rico, the Virgin Islands, Samoa, and the Pacific Trust Territories, this bill would treat Puerto Rico as a State for the purposes of computing its share of the funds, and would reserve 2 percent of the total appropriation to the other territories. Puerto Rico's share of the funds would thus be computed on the basis of: number of public assistance recipients as compared with the other States; average number of unemployed persons as compared with the other States; and the number of related children living with families with income of less than $1,000 as compared with the other States. This system is already being followed with regard to numerous other Federal programs; it should certainly be done with regard to the vitally needed educational and job-training opportunities.

When we consider Puerto Rico's unique position within our system of government, and its extraordinary needs which are directly related to our national policy, I believe we have no choice but to accord Puerto Rico "statehood status" for the purpose of computing its benefits under this bill.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

TIME LIMITATION AGREEMENT ON DEPARTMENT OF INTERIOR APPROPRIATION (H.R. 15418)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Interior, H.R. 15418, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), with time on any amendment thereto limited to 30 minutes, the time to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE); that time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill; and provided that Senators in control of time may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SCOTT. Presently from Pennsylvania, and for the last many years.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Would the distinguished acting majority leader advise me whether this matter has been cleared with the Senator from North Dakota (Mr. YOUNG)?

Mr. ROBERT C. BYRD. This matter has been cleared with the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), and I think it has been cleared with the distinguished Senator from North Dakota (Mr. YOUNG). The reason I say "I think so" is that I presented this request one day last week after having cleared it and it was objected to at that time by the able Senator from Florida (Mr. CHILES), who objected only because the committee report was not then available.

Mr. SCOTT. I understand from the Senator from Alaska that the matter has been cleared with the Senator from North Dakota (Mr. YOUNG).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 9 A.M., WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday it stand in adjournment until 9 o'clock a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON WEDNESDAY, JUNE 28, AND FOR H.R. 15418 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday after the two leaders, or their designees, have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 15418, the bill making appropriations for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR FOREIGN ASSISTANCE ACT (S. 3390) TO BE LAID ASIDE TEMPORARILY ON WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday the unfinished business, the Foreign Assistance Act (S. 3390), be laid aside temporarily at the conclusion of morning business, and that it remain in a temporarily laid aside status until the disposition of H.R. 15418, the bill making appropriations for the Department of Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON SPARKMAN-SCOTT AMENDMENT TO FOREIGN ASSISTANCE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate on Wednesday, an amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT) be made the pending question and that time on that amendment be limited to 1½ hours, the time to be divided and controlled by the Senator from New Jersey (Mr. CASE) and the distinguished manager of the bill (Mr. SPARKMAN).

Mr. PASTORE. Will the Senator tell us what that is all about?

Mr. ROBERT C. BYRD. I shall ask the Senator from Alabama to respond.

Mr. SPARKMAN. Senators will remember that the other day I offered an amendment relating to the Azores and Bahrain. On Wednesday the Senator from Pennsylvania, the minority leader, and I will jointly sponsor an amendment that will pertain to Bahrain only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the so-called Bahrain amendment be limited to 20 minutes, to be equally divided between the mover of such and the Senator from Alabama (Mr. SPARKMAN), and that an equal amount of time be similarly allotted to any debatable motion, or appeal in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST ON OEO BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the pending second track item, the so-called OEO bill, there be a time limitation on further debate thereon of 4 hours, the time to be equally divided between the distinguished Senator from New York (Mr. JAVITS) and the distinguished manager of the bill (Mr. NELSON); that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill (Mr. NELSON); that time on any amendment to an amendment, debatable motion or appeal in relation thereto be limited to 20 minutes, equally divided between the mover of such and the manager of the bill; provided that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and provided finally that if the distinguished manager of the bill is in favor of such amendment, debatable motion, or appeal the time in opposition thereto then be under the control of the distinguished Republican leader or his designee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I wish to state as to time on the bill which I control, I will be glad to yield as much time as necessary to opponents.

Mr. COOK. I object.

The PRESIDING OFFICER (Mr. HARTKE). Objection is heard.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and the navigable waters of the United States.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HARTKE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162); shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: *Provided*, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: *And provided further*, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons: *And provided further*, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION: CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the

kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEDURES.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

"SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

"SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (1) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (1), (ii), or (iii) above not possible, an explanation of the reasons therefor."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))", and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House receed from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102."; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103."; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104."; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105."; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106."; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following "title", and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000."

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

UNIFORMED SERVICE HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HARRY F. BYRD, JR., Mr. JACKSON, Mr. BENTSEN, Mr. STENNIS, Mr. DOMINICK, Mr. SAXBE, and Mrs. SMITH conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes tonight. I do not know what the chances are, but it is possible that a request may again be offered, and consent granted thereto, in connection with a time limitation on the economic opportunity bill. I am not sure what may develop, but, at any event, there will be no more rollcall votes tonight.

The order entered last week provides for a recess of the Senate today until 9 o'clock tomorrow morning. In the event an agreement can be reached yet today with respect to the Economic Opportunity amendments, that recess order will be vacated and, instead of coming in at 9 o'clock tomorrow morning, the Senate will adjourn today at the close of business and will come in at 10 o'clock, and after morning business the Senate will proceed to take up the Labor-HEW appropriation bill under the agreement previously entered.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I am hopeful that we may start discussion of the Labor-HEW appropriation bill at about 10:30 tomorrow. There are many items in that bill. There are about 105 line items, to begin with. It involves not only HEW, but the Labor Department. I am hopeful that Senators who have an interest in the bill will be present. There are some amendments to the bill. It is a $29 billion bill. The Senator from New Hampshire and I heard almost 500 witnesses. We hope it is the culmination of a long effort. The bill has items of interest to many Senators. I do hope that tomorrow Senators who have an interest in those items will be here to express their opinions.

There will be some amendments on which there will be some rollcalls. The amendments will be to increase, not to cut anything out of the bill. We will discuss those when the time comes, but I wanted Senators to know about it. This is one of the big bills. We hope to get it out of the way tomorrow and get to a conference on it as soon as possible.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Washington.

Mr. President, for the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, following the recognition of the two leaders or their designees, the distinguished Senator from Virginia, Mr. HARRY F. BYRD, Jr., be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS AND THE LABOR-HEW APPROPRIATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the recognition of the two leaders or their designees under the standing order the Senate return to the consideration of the unfinished business; that at the hour of 10:30 a.m. the unfinished business be temporarily laid aside and the Senate proceed to the consideration of the Labor-HEW appropriation bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of the Labor-HEW appropriation bill, or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE ECONOMIC OPPORTUNITY AMENDMENTS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Labor-HEW appropriation bill tomorrow, the Senate return to the consideration of the economic

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opportunity amendments, and that the unfinished business remain in a temporarily laid aside status until the disposition of the so-called Economic Opportunity Amendments Act, or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following the recess.

After the two leaders or their designees have been recognized, the Senate will proceed to the consideration of the unfinished business.

Mr. DOLE. Mr. President, if the Senator will yield, is the unfinished business foreign aid or OEO?

Mr. ROBERT C. BYRD. S. 3390, the Foreign Assistance Act.

At 10:30 am, the Chair will lay aside the unfinished business and the Senate will proceed to consider the bill making appropriations for the Departments of Labor and HEW, H.R. 15417.

The unfinished business will remain in a temporarily aside status, and upon the disposition of H.R. 15417 the Senate will return to the consideration of the so-called second track item, the economic opportunity amendments, and the unfinished business will continue to remain in a temporarily laid-aside status until the dispositon of the second track item, the Economic Assistance Act, or until the close of business tomorrow, whichever is the earlier.

Mr. COOK. Mr. President, will the Senator explain that to me again? It sounds to me as though what we have to do is conclude the OEO bill tomorrow night; is that right?

Mr. ROBERT C. BYRD. No; the unfinished business, the Foreign Assistance Act, will remain in a temporarily laid-aside status until the Economic Opportunity Act is disposed of tomorrow, or until the close of business, whichever is the earlier.

Mr. NELSON. May I ask the Senator a question? There is no time-limitation agreement on either the bill or the amendments; is there?

Mr. ROBERT C. BYRD. There is none.

Mr. NELSON. At what time are we likely to get to the Economic Opportunity Act, could the Senator say?

Mr. ROBERT C. BYRD. I cannot answer that question. The HEW appropriation bill will be laid before the Senate at 10:30 tomorrow morning. There is a time limitation on that bill which was entered into last week, as I recall of 5 hours on the bill and a limitation on amendments thereto which I do not exactly recall.

Mr. NELSON. For HEW?

Mr. ROBERT C. BYRD. For the HEW appropriation bill.

Mr. NELSON. And if it was all used, that would bring us to about 3 o'clock in the afternoon or thereabouts?

Mr. ROBERT C. BYRD. Well, if all the time on the bill were used, yes, but normally all the time is not used. There may, however, be some amendments thereto, which would require some time.

Mr. NELSON. Is it the intent of the leadership to continue on the OEO bill tomorrow until it is finished?

Mr. ROBERT C. BYRD. Depending on developments between now and then. Depending also upon what time the Senate completes the HEW appropriation bill tomorrow.

Mr. COOK. Do I correctly understand that, therefore, if the OEO bill is not finished tomorrow night, it will automatically become the pending order of business on Wednesday morning?

Mr. ROBERT C. BYRD. Not automatically.

Mr. NELSON. I am trying to get an understanding as to where I will stand in respect to time.

Mr. ROBERT C. BYRD. Yes.

Mr. NELSON. Is it the intention, if it is not finished tomorrow, that we go to that bill, if we can get unanimous consent to do so, on Wednesday morning?

Mr. ROBERT C. BYRD. On Wednesday morning, under the order previously entered, the first thing will be the Department of the Interior appropriation bill. There is a time limitation agreement thereon.

Upon the disposition of that bill, the Senate will return to the consideration of the unfinished business, which is the Foreign Assistance Act. The pending question at that time will be on the adoption of the amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT). There is a time limitation on that amendment.

Upon the disposition of that amendment, it would be the intention of the leadership to return to the Economic Opportunity Act Amendments, if in the meantime that measure has not yet been disposed of.

Does the Senator from Kentucky have a further question?

Mr. COOK. No.

Mr. ROBERT C. BYRD. Mr. President, there will undoubtedly be yea-and-nay votes on tomorrow, especially in connection with the HEW appropriation bill, and I would expect a reasonably long day tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARTKE). Without objection, it is so ordered.

RECESS TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 6 p.m. the Senate recessed until tomorrow, Tuesday, June 27, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1972:

DEPARTMENT OF TRANSPORTATION

John E. Hirten, of California, to be an Assistant Secretary of Transportation, vice Herbert F. DeSimone, resigned.

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, Title 10, United States Code, as amended, and Public Law 92-129.

Lieutenant colonel to colonel

NURSE CORPS

Hamlin, Katherine E., 486-16-4900.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Adair, Malcom H., 258-28-2920.
Adam, George F., 088-24-1299.
Adams, William P., 002-20-7347.
Adler, Philip, Jr., 220-34-5347.
Alexander, Charles, 345-18-7892.
Alexander, James D., 446-20-8278.
Alford, Donald E., 436-38-2085.
Allen, Preston H., 717-14-5115.
Allen, Robert D., 467-38-9959.
Allen, Russell E., 554-36-2175.
Anderson, Charles S., 474-20-5271.
Anderson, Dan E., 518-22-3590.
Anderson, James B., 251-34-1551.
Anderson, Robert S., 426-58-0943.
Anderson, Ted Jr., 261-40-4198.
Anderson, William M., 428-32-6846.
Angell, Lloyd E. Jr., 466-50-4885.
Ankeny, Robert H., 508-24-6745.
Annan, James C., 235-12-0940.
Apel, Elmer C., 269-28-7982.
Aten, Donald, 153-20-3767.
Aulds, Lonnie D., 439-12-1329.
Babcock, John B. G., Jr., 086-18-5072.
Badeaux, Nolan J., 435-32-0333.
Badenhoop, Richard L., 510-26-5771.
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Newhall, Donald E., 564–38–9993.
Newman, Robert J., 110–24–4247.
Nichols, John T., Jr., 033–22–7042.
Nix, Charles F., 267–05–2861.
Nolan, Robert L., 133–24–8187.
Norris, Eddie K., 467–34–0002.
Norton, Charles J., 536–28–0384.
O'Brien, William L., 726–07–0160.
O'Connell, Edward Y., 047–24–8234.
O'Connor, Patrick J., Jr., 026–16–0487.
O'dom, Jim D., 428–38–7309.
Opheim, Lee A., 474–26–6951.
Oslund, Glen A., 725–01–4188.
Ostrowski, Daniel J., 217–20–1459.
Page, William L., 463–46–1366.
Palmer, Jack W., 212–28–4453.
Panek, Paul E., 488–22–0125.
Pannell, William T., Jr., 408–42–7049.
Panosian, Stephen, 013–12–3042.
Pardo, John R., 451–44–2001.
Paris, Beity J., 555–22–7672.
Park, Herbert C., 575–26–7698.
Parks, Burton H., 455–38–6441.
Parris, Richard M., 246–34–4245.
Parry, Lloyd H., 528–24–3494.
Partridge, Gordon L., 040–24–4397.
Patrick, Eddie L., 447–14–7821.
Patterson, Gaylon, 417–32–9530.
Patterson, George W., Jr., 466–32–4577.
Payne, Earl J., 267–28–4265.
Peacock, Charles L., Jr., 433–54–5738.
Peraro, Donald S., 522–26–4378.
Percy, Harry F., 445–30–5436.
Perkins, Grover B., 506–22–5426.
Perkins, Stanely L. 455–32–1594.
Perry, Roland L., 002–05–7859.
Peters, Ronald M., 406–28–4899.
Peterson, Lyle, 341–20–8842.
Peterson, Philip F., 397–18–7358.
Peterson, Robert L., Jr., 347–26–9106.
Petrush, Raphael J., 185–16–2281.
Pezze, Frank P. Jr., 027–18–3698.
Phelps, Herman D., 240–32–9866.
Phillips, Donald L., 497–28–0954.
Pierson, David A., 559–36–5057.
Pitchford, John J. J., 428–40–3878.
Pizza, John R. Jr., 366–22–8511.
Plott, William M., 245–14–8534.
Pochron, Julian R., 163–22–8521.
Pope, Donald L., 467–34–0570.
Porter, Harold W., 527–22–4946.
Potts, Donald H., 346–26–6487.
Poulsen, Gerald E., 521–18–7990.
Powell, Joseph C. Jr., 403–38–7941.
Price, Harry O., 484–28–4475.
Price, Robert E., 462–34–2637.
Proctor, John L., 457–30–0391.
Proctor, Tom H. Jr., 413–22–2270.
Purton, Kingsley G. Jr., 373–28–9707.
Putman, David W., 220–16–2205.
Quinley, Earl M., 414–26–1206.
Quinn, Richard K., 479–24–3384.
Raabe, Ralph C., 279–24–8205.
Rafftery, William E., 046–12–1787.
Raniere, Lawrence C., 222–18–4898.
Rankin, Daniel F., 216–24–8615.
Rapalus, John J., 030–22–5163.
Rardin, Jack W., 515–12–3190.
Rasmussen, Richard H., 460–64–5034.
Ratchen, Rollin L., 388–24–7247.
Rawl, Hugh B., 247–46–8173.
Raymondo, Charles S., 265–32–3252.
Redman, William A., 503–22–7093.
Reinhart, Thomas B., 200–26–7888.
Reed, Lyman S., 453–40–6187.
Relk, John, 543–32–0005.
Rempes, Paul E., Jr., 281–26–6416.
Renaud, Alphonse T., 710–03–6593.
Restivo, Andrew J., 450–46–9836.
Reynolds, Frank E., 232–42–3761.
Reynolds, Mandell B., 411–46–6570.

Reynolds, Thomas A., 559–40–0846.
Reynolds, Thomas G., 571–38–7537.
Richard, George H., 439–40–5080.
Richards, Lloyd O., 210–22–2345.
Ries, Willard A., Jr., 294–26–2540.
Ringel, Fred M., 259–38–9017.
Ringhofer, Charles G., 471–30–5115.
Ritchey, George W., 701–18–3654.
Ritchie, Banks S., 237–26–9931.
Ritter, Rupert E., 304–26–8243.
Roberts, Leonard F., 449–28–7610.
Rodgers, Don C., 464–28–2350.
Rodgers, Charles B., 374–30–5763.
Rogers, Curtis E., 452–32–7407.
Rogers, Preston C., Jr., 214–24–0396.
Rohrer, Walter W., 551–30–3449.
Roig, Robert W., 081–20–4206.
Rollins, Joseph G., 475–30–8843.
Ross, Frank G., 512–24–0218.
Ross, Glenn R., 455–34–3184.
Ross, John W., 261–46–8330.
Roth, Daniel B., 283–24–3016.
Rouser, James S., 447–24–3776.
Ruben, Renee, 563–36–9408.
Rubens, Roger W., 090–20–8680.
Rugg, Richard W., 115–16–5734.
Sabol, John, Jr., 280–16–0763.
Sadow, Jack, 135–22–2282.
Sageser, Floyd E., 515–26–3520.
Sailor, Harlan L., 346–22–8830.
Salem, Rose H., 203–12–1817.
Salvato, Rudolph M., 149–14–1313.
Sams, Charles A., 542–26–1413.
Sanford, Marcus P., 468–18–7028.
Saxe, Walter A., Jr., 201–24–5644.
Schaaf, Walter S., Jr., 258–34–3841.
Scheitler, Norbert E., 331–26–8771.
Schipper, Donald L., 372–26–6751.
Schmitt, Quentin R., 498–14–2749.
Scott, John K., 478–28–4030.
Scott, Richard H., 525–78–2667.
Scott, Vivian, 481–16–9002.
Scully, Edward J., 099–24–6558.
Seitzinger, Newton H., 193–12–5709.
Serlet, Duane R., 477–16–9839.
Seward, William R., 572–36–5069.
Shaffer, Dale V., 482–30–3998.
Shapiro, David A., 022–22–3014.
Shea, Robert S., 049–12–0030.
Sheffield, Joe P., 428–50–3591.
Shelby, Jack F., 467–32–4947.
Sheridan, John D., 003–12–3076.
Shideler, Philip E., 511–32–4970.
Shields, Fred R., Jr., 444–20–2345.
Shive, Charles B., Jr., 428–56–5272.
Siegrist, William, 046–16–2942.
Six, Forrest C., Jr., 542–26–4402.
Slone, Therese M., 085–03–7555.
Smith, Billy F., 426–46–3275.
Smith, Donald E., 518–20–5763.
Smith, Hardy B., 424–30–7958.
Smith, Harry P., 026–32–9852.
Smith, James R., 253–32–6170.
Smith, Jimmie B., 443–24–7738.
Smith, John D., 445–18–8725.
Smith, John L., 500–28–2662.
Smith, Ramon G., 426–58–7756.
Smith, Stanley L., 017–20–8200.
Smith, William C., Jr., 533–30–2820.
Sobelson, Robert, 098–12–7287.
Solberg, Herbert S., 446–28–0735.
Solberg, Myron, 018–24–2653.
Solomonic, Robert J., 190–26–5459.
Sowpel, Nicolai, 049–12–3227.
Spangler, Clinton R., 508–20–8188.
Sparn, Theodore R., 522–24–5173.
Spear, Troy E., 406–20–1319.
Spellman, James E., 115–14–2140.
Spille, Erwin H., 305–24–8139.
Spolyar, Ludwig J., 582–30–2827.
Steele, Myron E., Jr., 529–34–8682.
Stevens, Donald P., 317–24–6363.
Stevens, Richard P., 003–20–4390.
St. George, Leo J., 374–24–2491.
Stieneken, Roy S., 405–26–1520.
Stodder, Joseph H., 318–22–7889.
Stoller, Alvin K., 536–07–3435.
Storm, Francis F., III, 044–22–9149.
Storm, Warren E., 559–32–2390.
Stowell, James H., Jr., 581–26–0151.
Strang, Fowler E., 176–32–5770.
Straub, Victor C., 205–22–9111.
Stringer, Thomas F., Jr., 416–36–5617.
Strong, Emory M., Jr., 537–30–5560.
Stroud, William L., 441–20–9275.
Suits, Herschel L., 5040–30–7945.
Sund, Eldun H., 334–28–7959.
Sutton, Paul, 404–46–7034.
Swain, Raymond G., 125–18–5013.
Swearinger, Ronald E., 549–22–9957.
Sweeney, James J., 521–16–8942.
Swersky, Norman, 100–14–8027.
Talbot, Thomas F., 417–36–6337.
Taylor, David S., 232–40–6122.
Tenczar, Edward J., 032–12–3318.
Thiele, Robert E., 513–22–2259.
Thoene, Carl L., Jr., 576–22–2221.
Thomas, Joseph W., 185–18–2980.
Thompson, Gene R., 480–38–3838.
Thompson, John C., Jr., 226–32–8589.
Thompson, Lewis A., Jr., 431–48–4040.
Thompson, William L., 442–22–4536.
Thorpe, William H., 245–48–7852.
Thurston, Claud G., 487–18–5042.
Tori, Leander P., Jr., 726–10–0475.
Trammell, Jack R., 453–38–8631.
Trast, Richard P., 579–36–5222.
Trauth, Ignatius C., Jr., 453–36–9625.
Trautman, Konrad W., 174–20–4904.
Trew, James O., 378–12–3672.
Trotter, Charles E., Jr., 409–38–5213.
Trout, Robert J., 443_30–7778.
Trueswell, Richard W., 158–20–2690.
Trupp, Donald D., 518–36–4661.
Tuitt, John D., 378–24–8429.
Tullos, Thomas A., 425–52–2542.
Urbanovsky, Joe H., 461–28–6855.
Vaccaro, Michael J., 133–18–7862.
Vail, Richard C., 484–26–1522.
Valderas, Harold L., 075–18–1609.
Vanblyenburgh, George, 270–26–8331.
Vancleve, Charles W., 310–26–9237.
Vanhoorebeke, Jackie L., 327–24–4690.
Vaughan, Utha H., Jr., 247–42–3533.
Vautrinol, Theodore A., 025–24–7786.
Vellis, Lewis J., 191–18–5346.
Velten, Robert E., 456–34–9684.
Verrengia, Augustine A., 206–26–8316.
Vitrano, Frank J., 434–52–4439.
Vivian, Robert L., 494–28–6968.
Vogt, Cecil K., 375–20–5639.
Voyles, Jack L., 377–20–4904.
Wade, Clifford E., 512–12–3533.
Wagner, William V., 235–36–0348.
Wahleithner, James C., 399–30–8303.
Walker, Albert H., 505–12–8923.
Walker, Frank N., Jr., 455–22–1093.
Walker, Gerald S., 522–22–7673.
Walker, John Q., 528–48–8413.
Walker, Kenneth R., 723–12–9903.
Wall, Philip T., 243–42–8305.
Walters, John L., 549–22–9821.
Walz, John D., 503–24–6190.
Wardlow, Tommy G., 425–54–4099.
Warner, Grant E., 527–32–2466.
Waterman, Charles J., 579–34–6245.
Weaver, Sammie W., III, 224–36–7884.
Weil, Ernest A., 080–18–1348.
Welch, Harvey, Jr., 348–26–2602.
Welch, Ralph T., 498–20–8749.
Welch, Robert J., 370–22–4879.
Wernick, Ned, 084–18–9635.
Wert, Paul G., Jr., 157–22–2959.
Whatley, William M., 458–28–9988.
Wheeler, Edward, 404–24–8846.
Whistler, Ross, 013–26–1387.
White, Byron E., 413–36–3218.
White, Herman E., Jr., 458–34–5994.
Whitmer, James D., 401–26–8558.
Whitten, J. Lawrence, 045–16–4042.
Wifler, Robert F., 051–18–4578.
Wile, Albert L., 209–14–8300.
Wiley, Gerald L., 307–26–7308.
Wiley, Thomas L., 427–28–8618.
Wilford, Joseph I., 231–12–5316.
Wilkerson, Clarence W., Jr., 579–26–1402.
Williams, Damien E., 546–32–3400.
Williams, Gilbert R., 524–26–9737.
Williams, James E., 454–30–1896.
Williams, Ray A., 455–22–2659.
Williams, Robert J., 118–22–6462.
Wilson, James H., Jr., 400–38–1343.
Wilson, James R., 425–36–4507.
Wilson, James R., Jr., 246–22–6163.
Wilson, Jonathan W., 544–20–9916.
Wilson, Royal D., 514–16–9002.
Winchester, Marcus L., 409–34–4886.
Woltman, Nile E., 398–26–5403.
Wood, Norman L., 429–34–9263.
Wooddell, Edward E., 524–36–5250.
Woods, Clifford R., 521–26–2049.
Workman, Samuel J., 251–64–5207.
Wright, James R., 410–48–0028.
Wrye, Blair C., 023–22–5884.
Wyatt, Charles E., 296–14–4549.
Yard, Charles R., Sr., 408–22–8091.
Yaskovich, Harold, 180–20–8977.
Zamsky, Robert I., 579–36–2651.
Zimmerman, Harry E. A., 578–44–1279.
Zobel, Robert H., 251–52–6084.
Zobel, Rudolph D. Jr., 248–40–9497.
Zust, Walter Jr., 328–22–2303.

CHAPLAINS

Anderson, Carroll N., 475–18–2450.
Andresen, Andres W., 475–07–6250.
Blaha, Wesley E., 181–24–1816.
Borkowski, John A., 153–16–7411.
Cooney, Jerald T., 311–22–7260.
Coverdale, Gerald D., 472–16–0820.
Crea, Joseph F., 183–14–5799.
Dockery, Clarence A., 527–22–2081.
Duckworth, James O., 525–40–0642.
Duncan, Donald K., 408–12–7075.
Duncan, Kenneth J., 278–20–3139.
Fallon, Donald J., 476–14–6622.
Fox, James L., 466–44–4544.
Franzen, Howard B., 476–18–0007.
Gard, Grant G., 536–26–0310.
Hoops, Victor J., 483–30–0734.
Jarcynski, Eugene T., 054–20–6229.
Jasinski, Anthony J., 088–18–8132.
Kelly, Frank G., 197–14–7122.
Koelemay, Ralph L., 463–24–9745.
Ledbetter, Curtis E., 462–34–1331.
Lewis, Robert C., 243–22–7908.
Loughran, Peter G., 032–16–2824.
Maloney, Samuel D., 413–58–0319.
McNamara, Joseph C., 261–08–8675.
McNiel, Paul R., 411–36–1724.
Meyer, Arthur W., 395–18–4109.
Morgan, Guy, 062–20–0643.
Nevitt, Benjamin W., 578–18–8828.
Newhouse, Gilfred C., 470–16–9128.
Prendergast, Thomas J., 074–16–8632.
Pullen, Paul T., 236–40–2410.
Stolarik, Cyrill M., 193–12–2928.
Waterhouse, Sidney L., 259–03–1972.
Williams, Robert O., 407–34–0413.
Wolf, Dean H., 561–28–6766.
Worner, George J., 325–20–6989.
Young, Emory F., 255–01–5499.

DENTAL CORPS

Bachand, Donald E., 504–22–3942.
Betts, Richard H., 005–28–6283.
Brodsky, Arthur B., 203–26–3214.
Carr, Bernard M., 207–22–7679.
Croce, Raymond A., 042–26–9188.
Cushen, Robert A., 535–26–0426.
Davis, John C., 525–58–3206.
Goldstone, Donald J., 083–22–2958.
Lapidus, Donald A., 199–24–0293.
Long, Robert, 238–62–6497.
Meador, Dock, 407–22–0791.
Morgan, Albert F., 130–22–8202.
Nahhas, Richard S., 539–18–1791.
Puma, Joseph P., 152–12–1008.
Rogers, Charles L., 413–28–1887.
Sellers, Henry G., Jr., 452–22–3591.
Sharbondy, Gary P., 483–28–0481.
Soltesz, Edward I., 294–12–9380.
Sutherlin, Robert R. H., 482–32–1618.
Wolz, Robert C., 494–32–3519.

MEDICAL CORPS

Allyn, Burton, 087–22–1111.
Botticelli, James T., 385–24–7081.
Christophersen, Erling B., 466–64–1356.
Church, McGregor, L., 538–22–3630.
Dehnel, Luther L., 476–20–9800.
Gregory, Kennith C., 460–44–7173.
Miller, Dwight F., 016–26–7839.
Page, John G., 030–28–9240.
Paulsen, Richard E., 509–34–5893.
Perry, Virgil B., 431–48–3714.
Qualfe, Merton A., 508–28–2433.

Reiland, Bernard F., 328–24–1727.
Stecker, Donald C., 077–28–3792.
Tamura, Raymond M., 575–28–2561.
Williams, J. O., Jr., 450–24–3647.
Wilson, Hal T., 384–01–8576.

NURSE CORPS

Ballard, Sara E., 241–48–1748.
Black, Barbara A., 212–32–0934.
Boyce, Virginia E., 488–38–7414.
Childs, Dixie K., 538–22–6910.
Cole, Jane P., 221–18–8196.
Crews, Bernice L., 114–26–2883.
Curtis, Jeanne L., 526–26–1687.
Davis, Edith R., 149–12–4508.
Detraz, Linnie L., 257–30–3237.
Dominowski, Elaine, 386–28–8036.
Fikentscher, Rita F., 040–24–1802.
Fitzgerald, Mary R., 150–16–2835.
Geelier, Helen L., 512–24–8266.
Grant, Phyllis E., 099–20–7772.
Hallmark, Lula J., 450–38–2438.
Haritos, Dolores J., 023–20–3967.
Hart, Grace M., 149–22–0607.
Higgins, Eileen M., 133–20–1321.
Hilty, Winifred J., 292–26–4410.
Hollen, Marriane R., 570–28–0658.
Kubica, Veronica, 165–24–6530.
Latimer, William T., 064–22–6537.
Laurash, Mary K., 188–18–2844.
Magie, Bonita D., 431–60–8551.
Makowski, Mary H., 182–16–5436.
Malone, Frances C., 568–30–3948.
Marabito, Margaret, 297–24–3215.
Mazzali, Billie L., 381–20–8178.
McConnell, Lesta I., 512–32–9498.
Morris, Betty L., 276–22–6382.
Mosher, Lorene M., 236–42–2057.
Moss, Dorothy E., 249–24–8171.
Mulligan, Veronica E., 051–16–0030.
O'Donnell, Georgia M., 555–30–9167.
Oestreic' Phyllis J., 538–26–7323.
Ohnemus, Blanche E., 503–38–5208.
Owsiak, Mary S., 376–24–1461.
Phillips, Sarah L., 488–34–1148.
Power, Genevieve, 472–18–1504.
Reavis, Mary A., 478–30–4473.
Reuter, Margaret A., 452–44–4059.
Schon, Lorraine M., 360–22–6206.
Sidberry, Thelma R., 185–14–3348.
Stanley, Bernice H., 016–12–2934.
Stroup, Louise, 196–14–7662.
Webb, Ima R., 422–34–1088.
Weill, Leu, 068–22–1000.
West, Agnes S., 156–24–3148.
Wright, Evelyn J., 554–38–7143.
Zumwalt, Richard I., 552–22–9191.

MEDICAL SERVICE CORPS

Allen, Dewey E., 460–12–9270.
Beighey, Herbert L., 174–14–8029.
Black, Charles F., Jr., 408–20–0133.
Bunce, William E., 527–28–8248.
Cantu, Arnoldo, 463–26–0295.
Casey, John F., 102–22–6172.
Cohen, Phillip L., 497–24–9591.
Davis, Charles, 116–20–4755.
Eberle, Melvin H., 202–14–8603.
Garris, Edward W., Jr., 262–40–1895.
Joublanc, Eugene M., 395–20–7171.
Katz, Murray L., 080–12–7646.
Kelly, Robert W., 539–12–8869.
Laville, Robert R., 434–52–6919.
McInnis, Victor A., 022–20–5336.
McKnight, Harry T., 300–18–9385.
Miller, Seth A., 539–09–9058.
Nixon, Lester D., 514–24–3458.
North, Charles W., Jr., 481–20–2122.
Rauschenberg, William H., 258–28–8924.
Sevastos, James P., 285–24–8035.
Shahan, Norman D., 532–28–0702.
Shaw, Lawrence A. Jr., 561–34–9366.
Veale, Francis J., 516–12–8139.
Vogel, William O., 484–20–5064.
Vogt, Harry A., 518–12–4150.
Washburn, David D., 310–22–8477.

VETERINARY CORPS

Bedell, David M., 247–24–5890.
Canon, William W., 427–60–6390.
Gisler, Donald B., 271–26–6295.
Helper, Lloyd C., 340–22–4838.
McConnell, Edward L., 255–20–9589.
Rushing, Ernest B., Jr., 253–20–7139.
Williams Leslie P. Jr., 521–36–7832.

BIOMEDICAL SCIENCES CORPS

Brenner, Theodore E., 152–22–5533.
Brodnicki, Dorothy M., 361–12–5030.
Bruce, Jean Hunt, 253–50–4390.
Burkhardt, Howard L., 539–09–9068.
Cox, Joseph C., 252–40–8924.
Downing, Suzanne E., 190–24–7098.
Goodrich, May E., 301–20–1717.
Hooten, Exa F., 466–40–2112.
Klenck, Wayne P., 195–22–6869.
Lewis, Charles R., Jr., 427–42–5901.
Moyer, James E., 466–24–4617.
Porterfield, Cliffo, 174–09–2378.
Remboldt, Dennis A., 351–24–4615.
Winslow, Glen R., 529–20–1079.

The following officers for appointment in the Reserve of the Air Force, in grade of Lieutenant Colonel, under the provisions of Sections 593 and 1211, Title 10, United States Code and Public Law 92–129.

French, Kenard J., 109–14–8294.
Stevens, Gene L., 326–14–0664.

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of Lieutenant Colonel, under the provisions of Section 593, Title 10, United States Code and Public Law 92–129, with a view to designation as Medical Officers under the provisions of Section 8067, Title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force.

Costanzi, John J., 204–26–4964.
Jones, Frank L., 437–40–1489.
Marshall, Angus, 463–44–2005.
Sisson, Charles A., Jr., 427–60–6015.
Warren, Glen C., 427–50–7843.

The following person for appointment in the Reserve of the Air Force in the grade indicated, under the provisions of Section 593, Title 10, United States Code, and Public Law 92–129.

To be Lieutenant Colonel

Malberg, Philip O., 027–09–6378.

DEPARTMENT OF THE TREASUAY

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury (new position).

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury (new position).

DEPARTMENT OF JUSTICE

Robert E. J. Curran, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years vice Louis C. Bechtle, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1972:

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

DIPLOMATIC AND FOREIGN SERVICE

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years;

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

HOUSE OF REPRESENTATIVES—*Monday, June 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work.—John 4: 34.

Almighty God, our Heavenly Father, we pray that Thy spirit may come to new life in the lives of these Representatives of our Nation, giving them strength for arduous tasks, wisdom to make right decisions, and courage to lead our Republic in the ways of truth and justice. Direct them in the work of this day that what is done may minister to the welfare of our citizens and increase the spirit of good will in our world.

Kindle in the hearts of all men a true love for peace, a real concern for justice, and a genuine desire for goodness that Thy kingdom may go forward and Thy will be done on earth. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 2118. An act for the relief of Amos E. Norby;

H.R. 12202. An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes;

H.R. 15585. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15585) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, Mr. ALLOTT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S.J. Res. 72. Joint Resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service and for other purposes;

S. 2147. An act for the relief of Marie M Ridgely;

S. 2753. An act for the relief of John C. Mayoros;

S. 2822. An act for the relief of Alberto Rodriguez;

S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

S. 3419. An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; and

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; and

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

SWEARING IN OF POSTMASTER

Mr. Robert V. Rota, Postmaster-elect, appeared at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ATTEMPTED BUGGING OF DEMOCRATIC NATIONAL COMMITTEE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, during the past 2 weeks or so, the public mind and the newspaper headlines have been a great deal agitated by this very mysterious so-called bugging attempt of the Democratic National Committee. In fact, one of the individuals involved happens to bear a name the same as mine—Gonzalez—but I want to say he is not related. He is of Cuban origin and comes from Miami.

My Cuban underground sources have just informed me, and I hope all people involved including the grand juries and the prosecutors will keep this in mind, that this was a terrible foulup. These men were not really going in to bug the Democratic headquarters. They got the wrong apartment. They were supposed to bug Martha Mitchell, so we should not have anything against a husband trying to preserve the marriage.

PERSONAL ANNOUNCEMENT REGARDING VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Thursday, June 22, I left the floor at 6:30 p.m. after the final passage of H.R. 14370, the revenue-sharing bill. I, therefore, missed rollcall votes 222 through 226, which occurred later that evening, and I would have cast my votes as follows:

Rollcall No. 222: I would have voted "yea" on the amendment to H.R. 15585, that sought to reduce $2 million for salaries and expenses of the Office of Telecommunications Policy. This amendment was rejected by a record teller vote of 148 ayes to 188 noes.

Rollcall No. 223: I would have voted "no" on the amendment to H.R. 15585 that sought to delete $100,000 for the Commission on Executive, Legislative, and Judicial Salaries. This amendment was rejected by a record teller vote of 135 ayes to 196 noes.

Rollcall No. 224: I would have voted "yea" on the amendment to H.R. 15585 that sought to cut the number of personnel paid between $21,000 and $42,500 in the Executive Office of the President from 908 to 549—excluding members of the White House staff. This amendment was rejected by a record teller vote of 122 ayes to 210 noes.

Rollcall No. 225: I would have voted "yea" on the amendment to H.R. 15585 that sought to prohibit the use of funds for chauffeur-driven automobiles except for the President of the United States. This amendment was rejected by a record teller vote of 121 ayes to 205 noes.

Rollcall No. 226: I would have voted "yea" on final passage of H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President for fiscal year 1973. This measure passed by a record vote of 321 yeas to 11 nays.

INDIANA UNION CARBIDE CORP. AWARDS YOUNG CITIZENSHIP SCHOLARSHIP

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Washington sees many groups of young people come and go throughout the year, but one group of teenage Americans that are here with us this week merits special attention. I am speaking of the Washington Workshops Congressional Seminar. Since 1967, this involved organization has annually sponsored a series of creative and highly effective seminars dealing firsthand with the work of Congress and American government.

This week close to 200 of these intelligent and concerned workshops students are visiting here on Capitol Hill and throughout the city. I am particularly happy to note that one of my constituents is enrolled in the current seminar session. She is Crista Zivanovic of East Chicago, Ind. Crista's seminar attendance was made possible by a young citizenship award granted to her by the Union Carbide Corp. in East Chicago. I understand this company makes similar awards available to other

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young people in their plant communities across the country.

I can think of no better way to make our fine young people more aware of the qualities and greatness of their national heritage. Through the teachers and administrators in each plant community, student scholars are chosen and presented with these Union Carbide-Washington Workshops awards, and I congratulate this organization on its unique and highly successful citizenship program.

Miss Zivanovic is fortunate indeeded to be one of the Union Carbide scholars this year, and I welcome her to Washington and extend my warm good wishes for her future and that of her entire young generation of Americans.

PERSONAL EXPLANATION

Mr. PETTIS. Mr. Speaker, last Thursday, June 22, I had to leave Washington, D.C. at 5:30 p.m. to make transportation connections for important appointments in seven communities of my district in California. Such local problems as flood control, sewage disposal, public housing and other federally related subjects required my presence in California and caused me to miss the final vote on the Revenue Sharing Legislation. At no time on Thursday was the final passage of this bill in doubt and had I been present I would have voted for passage as I did at all stages of this legislation including consideration of it by my committee on ways and means on the Post Office Civil Service appropriation bill I would also have voted "aye"

And on the gross amendment to strike the expenses for the commission on executive; legislative and judicial salaries I would have voted "aye."

CUT THE OFFICE OF EMERGENCY PREPAREDNESS

(Mr. ROBISON of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBISON of New York. Mr. Speaker, late last Thursday evening, during consideration of the Treasury, Postal Service, and General Government appropriation bill, the House defeated an amendment—on a recorded teller vote of 122 to 10—which would have resulted in about a 30-percent, across-the-board reduction of personnel within the so-called Executive Office of the President.

It is somewhat difficult to say exactly how such a cut in people would be applied—since the amendment did not so specify—but if it were applied proportionately to all the numerous agencies that would have been affected, I think it fair to state that this meat-ax attempt at what was false economy could have cost the Office of Emergency Preparedness some 62 people, reducing its staff from 216 to 154.

Of course, such a cut would not have prevailed until after July 1 but, in light of the vital functions OEP has had to carry out over these past several days, and will have to carry forward for weeks to come in helping the citizens of New York, Pennsylvania, Maryland, and Virginia, especially, recover from the ravages of the disastrous floods those regions have suffered. I should think every Representative from those States would be glad he was on the right side in helping defeat that ill-considered amendment—if that is where he was.

POSITION OF MR. CHAMBERLAIN

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, I am unrecorded on several rollcall votes this session and wish to state my position for the RECORD:

On rollcall No. 12, I would have voted "yea."

On rollcall No. 52, I would have voted "yea."

On rollcall No. 76, I would have voted "yea."

On rollcall No. 87, I would have voted "yea."

On rollcall No. 119, I would have voted "yea."

On rollcall No. 123, I would have voted "yea."

On rollcall No. 124, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

The Chair hears none, and appoints the following conferees: Messrs. STEED, ADDABBO, ROYBAL, STOKES, BEVILL, MAHON, ROBISON of New York, EDWARDS of Alabama, RIEGLE, MYERS, and BOW.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-1174)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 8, 9, 10, and 13, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$209,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,859,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 12, 14, 15, and 16.

TOM STEED,
JOSEPH P. ADDABBO,
EDWARD R. ROYBAL,
TOM BEVILL,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
DONALD W. RIEGLE, Jr.,
JOHN T. MYERS,
FRANK T. BOW,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
GALE W. MCGEE,
J. CALEB BOGGS,
GORDON ALLOTT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—TREASURY DEPARTMENT

Bureau of Accounts

Amendment No. 1: Appropriates $62,241,000 for salaries and expenses as proposed by the Senate instead of $62,500,000 as proposed by the House.

Bureau of Customs

Amendment No. 2: Appropriates $209,000,000 for salaries and expenses instead of $210,000,000 as proposed by the House and $208,000,000 as proposed by the Senate.

Bureau of the Public Debt

Amendment No. 3: Appropriates $74,000,000 for administering the public debt as proposed by the Senate instead of $75,000,000 as proposed by the House.

Internal Revenue Service

Amendment No. 4: Appropriates $34,500,000 for salaries and expenses as proposed by the Senate instead of $35,000,000 as proposed by the House.

Amendment No. 5: Appropriates $508,000,000 for accounts, collection, and taxpayer service as proposed by the Senate instead of $510,000,0000 as proposed by the House.

Office of the Treasurer

Amendment No. 6: Appropriates $11,300,000 for salaries and expenses as proposed by the Senate instead of $11,500,000 as proposed by the House.

General Provisions—Treasury Department

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows. In lieu of the language proposed by the Senate, insert the following:

"SEC. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Expenses of Management Improvement

Amendment No. 8: Appropriates $700,000 as proposed by the Senate instead of $600,000 as proposed by the House.

Office of Management and Budget

Amendment No. 9: Appropriates $19,600,000 for salaries and expenses as proposed by the Senate instead of $19,700,000 as proposed by the House.

Office of Telecommunications Policy

Amendment No. 10: Strikes out House language concerning hire of passenger motor vehicles, as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

Civil Service Commission

Amendment No. 11: Appropriates $65,859,000 for salaries and expenses instead of $62,218,000 as proposed by the House and $66,218,000 as proposed by the Senate.

General Services Administration

Construction, Public Buildings Projects

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to eliminate the proviso contained in the Second Supplemental Appropriation Act, 1972, concerning approval of revised prospectuses for public buildings projects.

Expenses, United States Court Facilities

Amendment No. 13: Appropriates $5,344,000 as proposed by the Senate instead of $6,344,000 as proposed by the House.

Department of Defense

Civil Defense Preparedness Agency

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which makes a portion of the sum appropriated contingent upon enactment of authorizing legislation.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Emergency Health

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, appropriating $3,000,000 for Emergency Health community preparedness activities.

TITLE V—GENERAL PROVISIONS

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which would direct the General Services Administration to continue to apply the existing Buy-America differential in the procurement of hand or measuring tools.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 total, to the 1973 budget estimate total, and to the House and Senate bills follows:

	Amounts
New budget (obligational) authority, FY 1972	$4,928,452,603
Budget estimates of new (obligational) authority, FY 1973	5,066,603,000
House Bill, FY 1973	5,057,145,000
Senate Bill, FY 1973	5,057,186,000
Conference agreement, FY 1973	5,057,827,000
Conference agreement compared with:	
New budget (obligational) authority, FY 1972	+129,374,397
Budget estimate of new (obligational) authority, (as amended), FY 1973	−8,776,000
House Bill, FY 1973	+682,000
Senate Bill, FY 1973	+641,000

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J. CALEB BOGGS,
GORDON ALLOTT,
MILTON YOUNG,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Texas (Mr. CABELL).

NATIONAL CAPITAL TRANSPORTATION ACT OF 1972

Mr. CABELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1½ hours, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. NELSEN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15507, with Mr. BRADEMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. CABELL) will be recognized for 45 minutes; and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CABELL. Mr. Chairman, under the terms of the unanimous-consent agreement the gentleman from Minnesota (Mr. NELSEN) or the gentleman from Virginia (Mr. BROYHILL) will have control of 45 minutes of the time, pending which I yield myself 15 minutes.

Mr. CABELL. Mr. Chairman and members of the Committee, this bill is for the final completion of the funding and financing of the Metro system, covering upon its completion some 90-odd miles of rapid mass transit covering the District of Columbia and portions of northern Virginia and Maryland, this being under a tripartite compact

As was originally planned, the balance of the financing, other than the grants and contributions made by the compact jurisdictions, and the grants made by the Department of Transportation, was to have been by revenue bonds or tax-free revenue bonds, which have generally been the case in financing operations of this sort. Due to considerable uncertainty concerning the salability of tax-free revenue bonds, and in an effort to hold down the number of such bonds to a minimum, the Department of the Treasury has sponsored this bill which would provide Government guarantee for not to exceed $1.2 billion for the completion of the capital requirements of the Metro system. That $1.2 billion would not exceed $900 million unless the compact made an additional contribution to the metro system of one-third of the $300 million involved.

In other words, they would put up additional venture capital.

To date, under the terms of the National Capital Transportation Act of 1960 and as amended in subsequent bills there has been committed $600 mililon. It is contemplated that with contracts

which are presently pending that commitment would be $800 million within the very near future.

Under the terms of this bond guarantee, the bonds would be sold on a competitive basis to the low bidder. The only exception would be, should the Secretary of the Treasury feel that a better price could be obtained on those bonds it could be done under negotiation. Otherwise it would be to the low bidder or the best bidder for the first increment of $900 million of these bonds.

It is contemplated that these bonds would be sold under those circumstances at a rate of not to exceed 7 percent. The Treasury would rebate to the Transit Authority 25 percent of the interest cost, costs of preparation, and other costs contingent upon the sale of those bonds.

A question has arisen—one always has and always will, of course—as to what chance Metro has for paying off these bonds without calling upon the guarantor.

I call the attention of Members to the first chart, which is on the left, showing the anticipated revenues, compiled by the best engineers and research people available, as to the contemplated and expected revenues to accrue to this operation.

May I say that the present plans, which are on schedule at the present time call for approximately 9 miles of the system to be operated in 1974, with nearly a complete innercity system in operation by 1976, in time for the centennial, and with a completion of the 90-odd miles for the entire system by 1979.

I should like to call attention to the anticipated and projected revenues of this system. Members will note that the total anticipated fare box revenue by 1990 will be $195.5 million. Taking the adjusted gross revenue, the total would be $203.8 million. This is annually. The operating and maintenance expenses are anticipated to be $107.2 million, with a net revenue after depreciation of $81.3 million. This we see is more than ample to pay the costs to retire these bonds, from the fare box.

I should like also to call attention to the fact that this type of financing is entirely feasible. because the payment of interest and principal on the bonds comes off the top of the revenue. It is granted that there are few, if any, subway systems which operate completely out of the fare box today. Please bear in mind that inasmuch as $2.1 billion of the total of $3 billion, approximately, is in the form of grants and contributions that do not have to be repaid under the terms of the Urban Mass Transportation Act. The DOT is committed to provide two-thirds of this cost of $2.1 billion, with the compact, made up of the District of Columbia, Virginia, and Maryland, providing one-third of that amount, or $720.5 million.

May I advise this Committee that at this time all of the contributions of the compact members have been paid in. they are not in default, and they are ready to meet their commitments as they fall due.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this is such a wondrous statement in high finance that I cannot resist the temptation to welcome some more people over here. Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Abbitt	Dent	McCloskey
Abernethy	Devine	McDonald,
Abourezk	Dickinson	Mich.
Abzug	Diggs	McKinney
Alexander	Dingell	McMillan
Anderson,	Donohue	Mathis, Ga.
Calif.	Dowdy	Meeds
Anderson,	Downing	Melcher
Tenn.	Edmondson	Metcalfe
Archer	Erlenborn	Mills, Ark.
Arends	Esch	Mills, Md.
Aspin	Fish	Mollohan
Badillo	Flood	Mosher
Baker	Flynt	Pelly
Bell	Ford,	Pepper
Blanton	Gerald R.	Pickle
Boggs	Fraser	Pryor, Ark.
Bolling	Frey	Pucinski
Broomfield	Fulton	Railsback
Burke, Fla.	Gallagher	Rarick
Byrnes, Wis.	Gray	Riegle
Caffery	Griffin	Ruppe
Carney	Griffiths	Scheuer
Celler	Hagan	Schmitz
Chisholm	Hall	Schwengel
Clark	Harsha	Stokes
Clay	Hastings	Stuckey
Conyers	Hébert	Sullivan
Cotter	Holifield	Symington
Coughlin	Kee	Teague, Calif.
Davis, Ga.	Keith	Teague, Tex.
Davis, S.C.	Kluczynski	Thompson,
Delaney	Kuykendall	N.J.
Dellums	Lent	
Dennis	Long, La.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15507, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of no quorum was made the gentleman from Texas (Mr. CABELL) had the floor, and the gentleman has 6 minutes remaining.

Mr. CABELL. Thank you, Mr. Chairman. I will try to wrap this up as quickly and as concisely as possible.

May I inform the Committee that the overall program of the Metro system contemplates not only the Rapid Transit System but also a series of parking facilities to assist those who come from a distance and then take the Metro either into the District or across the District, as the case may be.

There have been a number of proposals submitted with reference to the use of existing rail systems as a part of the rapid transit system. May I inform the Committee that very intensive study has been made as to the feasibility of the use of these rail lines, and it has not been deemed feasible at this time.

May I add, however, that additional studies are contemplated, which possibly will lead to the use of one or two, or perhaps three, of such rail lines, to provide feeders to the Metro System, if the studies indicate the feasibility of such operations.

This proposal, the method of financing came about by the recommendation of and with the full support of not only the Department of Transportation but also the Secretary of the Treasury and the White House. Obviously the bond attorneys and prospective underwriters who would have the problem of selling these bonds at the most advantageous price possible for such undertaking support it.

Does the gentleman from Iowa wish me to yield to him?

Mr. GROSS. Yes, Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note on page 4 of the report in the third paragraph that it says:

> In addition, the findings of the financial advisors to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue.

What does this mean? Does it mean that without the full faith and credit, and all the full faith and credit of the U.S. Government, these bonds cannot be sold? Is that what it means?

Mr. CABELL. Revenue bonds as such would not carry the full faith and credit of the U.S. Government. They would depend entirely on the fare box. And as the gentleman from Texas stated in the earlier part of this statement, the revenue bond market, the tax-free revenue bond market is very soft, and it is not possible to market them. And it is the considered opinion of the gentlemen who are far more knowledgeable than I am in this subject that it would be most difficult if not impossible to sell State tax-free revenue bonds for this much so that the Secretary of the Treasury and the Department of Transportation have recommended this means of financing these bonds.

Mr. GROSS. If the gentleman will yield further, does the gentleman mean to say that tax-free bonds selling at 7 percent are going to begging these days, and that buyers cannot be found?

Mr. CABELL. May I say that 7 percent is entirely too high for a tax-exempt bond, and that shows definitely how soft this market is.

May I remind the gentleman from Iowa that under the provisions of this bill where they can be guaranteed by the Treasury Department through the Department of Transportation that one-fourth of the interest collected would be rebated to the Metro system which would still yield the Government more money than they would get from a tax-free bond, and would yield as much money as they are getting from their present long-term obligations so that there would be no loss to the Government in that case.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. Yes; I will be happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, in answer to the question of the gentleman from Iowa as to why you cannot sell tax-exempt bonds, the fact of the matter is that upon the best evidence from those people who are most expert in this country in selling tax-exempt bonds, in the opinion of the Metro financial advisers, two of the most eminent companies in the country today, they have advised that they would not be able to sell tax-exempt bonds.

Now, we could argue back and forth as to why they cannot sell tax-exempt bonds, but the fact of the matter is that they say it would be almost impossible to sell tax-exempt bonds in the market, transit authority bonds particularly, and other types of authority bonds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CABELL. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman for yielding.

We are actually faced with the fact that this type of bond cannot be sold. If we are going to proceed with the construction of Metro, then we must change the financing picture. This is why the Treasury Department and the Department of Transportation all have come forth with this revision—it will be a taxable bond with an interest subsidy.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. GROSS. If that statement is so good—that net revenue statement—then why this bill?

Mr. GIAIMO. Mr. Chairman, will the gentleman yield further?

Mr. CABELL. I am happy to yield to the gentleman.

Mr. GIAIMO. I can appreciate the gentleman from Iowa being impressed with the fact that there will be a net revenue after appreciation of $81 million.

But let me say, even though the gentleman from Iowa may be impressed with that statement, I am certain that no bonding company would be. Because that is talking of estimated income in 1990. You just cannot sell bonds any place in the United States, in 1972, on what the estimated income may be in 1990.

The fact is that we need this money and we need it now in order to provide for the construction of Metro.

Mr. GROSS. I thank the gentleman from Connecticut for his frankness. I was certain that that chart represents the King Midases on the District of Columbia Committee and not reality.

Everything that the District Committee brings here, as with stadiums and everything else, for the District, is sold to us as something which will turn to gold instantly.

I appreciate the gentleman's frankness in telling us that as related to 1972 that 1990 chart is about as meaningless as anything could be.

Let me ask the gentleman a question. If the Treasury Department is so strong for this bill, why did not the Treasury Department submit something to that effect for printing in the report? I find nothing in the report that represents the position of the Treasury Department, which certainly should be an interested party to this kind of a deal.

Mr. CABELL. If there was an omission as to that, it was an error. Because the Treasury Department appeared at our hearings, and representatives of the Treasury Department appeared and they were in full accord. It is in the report that has now been out for the necessary number of days.

May I remind the gentleman—as much as I dislike getting into any kind of argument with my good friend, the gentleman from Iowa—this is not a Midas touch by any means. This estimate has been made by people who we have reason to believe know their business and who know what they are talking about, and not shooting from the hip. The gentleman from Texas is not shooting from the hip on this and if he did not believe it, he surely would not be up here trying to put this bill across.

I will be as frank with you as I can be on any question you wish to ask.

May I further say that the maximum income is based on 1990, when it will be 1979–80 before the full system gets into operation.

But then you will have an ample cushion—you will have more than an ample cushion to retire those bonds as they become due, and during the interim there will be the money available for interest.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. RANDALL. Mr. Chairman, I have a question or two.

Actually, there must be some strong reason that you are seeking a Federal guarantee for these bonds. There must be some doubt whether they are going to be salable without this guarantee.

Now I have great respect for the gentleman from Texas. He has a job to do, and he must go ahead with it.

I note under the second reason on page 2, why this guarantee is in the interest of the United States, which I read.

> (2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

Let me suggest contrary to this lofty language that there is just no way to protect the interest of the United States—if these revenues go down, then the Government is going to have to pay off the bonds. If we do what we are asked to do today these bonds are no longer revenue bonds, but become general obligation bonds of the U.S. Government.

Mr. CABELL. These are revenue bonds.

Mr. RANDALL. Sure, they are but you are proposing they be guaranteed revenue bonds.

Mr. CABELL. But nevertheless the revenues are derived from the fare box that are used.

Bear in mind, these payments to the bondholders come off the top of this revenue.

Mr. RANDALL. Yes.

Mr. CABELL. I would say at the time that this was worked out and approved, my good fellow, Texas is not in the habit of giving money away and it is with his full approval and full endorsement.

Mr. RANDALL. The fact of the matter is—something has gone wrong. These bonds are not moving. They are not being purchased. There is no way to deny that such is the reason they are asking for this guarantee. Without the guarantee they should be described as soft bonds.

Mr. CABELL. That is partly correct. They are not being purchased.

They are not soft bonds, but this makes them a good deal heavier, which will mean that we can sell them at a lower interest rate than if we had to just throw them on the market.

Mr. RANDALL. One more question: When we guarantee these bonds, they become, in effect, the obligation of the U.S. Government, and have to be paid by the United States if the revenues or fares are not enough to make the payments. Is that correct?

Mr. CABELL. Certainly they do, and may I remind the gentleman that there is ample precedent set for this type of financing? I call your attention to the financing of hospital construction. Bond issues for hospital construction are guaranteed by the U.S. Treasury. May I call your attention to the fact that bonds issued under the Model Cities program are guaranteed by the Federal Government? May I also call your attention to the fact that under FNMA there are certain Treasury guarantees? So this is not a unique situation. There is ample precedent for it.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I am glad to yield to the gentleman from Kentucky.

Mr. SNYDER. Is it not true that a 7-percent tax-free bond on today's market, which is not soft, will sell at a premium of between $108 and $110?

Mr. CABELL. I think the gentleman is correct. Even then some of them go higher than that through a discount of the bonds so that the yield would be 10 percent or more. I thank the gentleman for his consideration.

I yield to the Delegate from the District of Columbia such time as he may consume.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 15507, the 1972 National Capital Transportation Act which provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, the agency which is charged with the construction of the subway in the Washington metropolitan area.

In 1965, the Congress passed the original legislation authorizing the construction of the subway. Since that time,

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11 miles and 14 stations have been put under construction, 23 stations are in the final design stage, and financial plans are well enough along to require that debt financing be looked upon as the primary source of funds.

While the plan originally called for the sale of unsecured bonds, inflation and rising interest rates have made that initial decision unsound. If the bonds are to be marketed at rates which will attract investors and yet be low enough to be repaid from the anticipated revenues which will be collected through the farebox, Federal guarantees are necessary.

The Federal guarantee only assures the investor that for his lower yield the Federal Government stands ready, if the need should ever rise, to repay his principle and interest. The possibility of such an event is very remote for the legislation amply provides for the Secretary of the Treasury to determine and then certify that the bonds represent an acceptable risk to the United States. Beyond this the authority must agree with the Secretary of Transportation to take such action so as to assure that the interest of the United States is protected and the risks minimized. In every case, the decisions that would affect the financial integrity of the bonds is left to those Federal officials who are responsible for national fiscal and national transportation policy. There is no way that the transit authority can ignore the necessities that will permit the implementation of reasonable and intelligent plans for the repayment of these bonds.

Since the time of the original authorization, the local governments and the United States have obligated more than $900 million to this project. A failure to provide the guarantees will mean that work will have to stop. Ultimately—indeed very quickly—unless alternative means of finance were found, it would be necessary to fill the tunnels and the stations, wasting the money already spent. Additionally, since most of the funds have been spent in the District of Columbia, both Maryland and Virginia would have a basis for a suit of rather large proportions against the District, the cost of which may very well have to be ultimately paid out of the Federal Treasury since much of the work has been done with their money.

Both the District of Columbia and the States of Maryland and Virginia have relied on the good faith of the Congress to see this system through. Both Virginia and Maryland have allowed their funds to be committed and spent in building the portions in the city that we expect will be ready for the Nation's bicentennial celebration. More than 40 million Ameircans are expected to visit this city in honor of 200 years of freedom and progress in every conceivable area.

With the anticipated influx of visitors and the continued growth of our metropolitan area, the completion of this subway is our only hope in avoiding strangulation from automotive emissions and congestions that will drive business and people from the capital.

I urge you to support this urgently needed and timely legislation that will assure the completion of this subway system.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, first I should like to commend the gentleman from Texas (Mr. CABELL) for his outstanding leadership and the efforts that he put forth during the hearings and in subcommittee and in the full committee in order to get this bill written and make it possible for its consideration on the floor of the House today.

I rise to urge the support of my colleagues for the bill H.R. 15507, of which I am pleased to be a cosponsor. This proposed legislation is vitally important as a means of assuring uninterrupted progress on the construction of the Regional Transit System, an essential element in the orderly development of the Washington metropolitan area.

Basically, this legislation will assure the financial feasibility for the completion of the Metro system by providing assurance of the marketability of the revenue bonds and by helping the WMATA meet the increased costs of planning and construction which have resulted from the severe inflation which has beset the construction industry.

For nearly 20 years, the Congress and the governments of all the jurisdictions in the Washington metropolitan area have engaged in discussion, planning, and providing a basis for the development of a regional rapid transit system, which can serve to alleviate the growing problems of transportation solely by automobiles and buses. Public Law 86–669, approved on July 14, 1960, provided the foundation for the realization of this goal by authorizing the development of an interstate compact, and I am humbly proud that I was the author of that legislation.

In 1965, the Congress authorized initial appropriation to an interim agency; and in 1966, the interstate compact was approved. And most recently, the National Capital Transportation Act of 1969 authorized the construction of the 98-mile Metro system, which will provide a rapid transit system to serve the entire area.

This sequence of legislative achievement represents not only the diligent work of the Congress in its determination to provide a solution to the dire and growing problem of transportation in the Capital region. Much more than that, it reflects a truly remarkable degree of political and financial cooperation among the various local governments, without which this dream could never have been realized.

At this time, despite agonizing setbacks in financing, the Metro system is taking shape at a rapid pace. Starting, of course, in the District of Columbia itself as the heart of the system, the WMATA has forged ahead under most capable administration, in the planning and construction of this mammoth enterprise. Today, more than 9 miles of the system are under construction contract, including 11 stations. Work is proceeding rapidly at Judiciary Square, along G Street, at Dupont Circle, and on both sides of the Potomac River in the Rosslyn-Georgetown area. Tunneling has proceeded as far west as Rock Creek. In addition, final design has been completed on some 26 miles of the system, including 24 stations.

At this time, WMATA has a total of $887 million available, all of which has been committed. Of this amount, $834.7 million has actually been obligated. Thus, only $52.3 million of presently available funds remains unobligated.

When the National Capital Transportation Act of 1969 was approved, the total cost of the 98-mile system was estimated at $2.535 billion. Of this amount, $835 million was to be raised through the sale of revenue bonds, principal and interest of which would be paid from receipts from the fare box. The balance of $1.7 billion was to be shared by the Federal Government and the eight participating jurisdictions of the area, on the basis of two-thirds Federal and one-third local participation.

As a result of inflation and unexpected delays, it is now estimated that the construction of the entire system will cost some $500 million more than was projected in 1969. However, the revenue projections have also increased to some extent, so that the net increase in cost is estimated at $450 million.

This project has now reached the point where the sale of the revenue bonds is essential for the continued and uninterrupted development of the Metro system. However, it has been found that the present condition of the bond market makes it necessary to provide investors with assurances beyond those which were anticipated in 1969. This situation is a result of higher prevailing interest rates than were originally expected, the $450 million cost gap which has developed in the financial plan, and a reluctance on the part of investors to buy transportation bonds in view of the availability of many other types of securities.

Broadly, the thrust of H.R. 15507 is to provide the assurance needed to facilitate the sale of these revenue bonds by authorizing the Secretary of the Treasury to guarantee the repayment of both principal and interest thereon. The bill provides also that the interest on these bonds shall be taxable, with sufficient of these revenues thus accruing to the U.S. Treasury to be returned to WMATA as a subsidy to pay 25 percent of the interest, fees, and commissions incident to the issuance of the bonds. This subsidy is expected to finance the debt service on an additional $300 million in revenue bonds, the total of which will then reach $1.2 billion which is the maximum authorized to be guaranteed by the Federal Government. Thus, through this subsidy the Federal Government's two-thirds share will be provided of the additional $450 million cost of the system; and the local jurisdictions will be required jointly to contribute an additional $150 million as their one-third share of this additional cost. The bill also provides the means for the payment of the District of Columbia's share of this additional cost, through increased borrowing authority.

The bill prescribes certain conditions under which the Secretary of the Treasury may guarantee the Authority's obligations incident to these bonds. First, the Secretary must find that the obligation to be guaranteed represents an acceptable financial risk to the United States. And further, there must be a determination and a certification by the Secretary that (a) the prospective revenues of the Transit Authority furnish reasonable assurance that timely payments of interest on the obligations will be made; (b) guaranteed obligations—other than short-term notes—will be sold by a process of competitive bidding as prescribed by the Secretary unless he makes a written determination that competitive bidding under prevailing market conditions would result in higher net interest costs or otherwise increase the cost of issuing obligations; and (c) the rate of interest payable or guaranteed obligations is reasonable in light of prevailing market yields.

The bill also makes several amendments to the Washington metropolitan area transit regulation compact, one of which removes an existing 6-percent interest-rate limitation applicable to both temporary and long-term borrowing by the Authority. Two other amendments to the compact relate to the protection of the Federal interest if the Authority's bonds are to be guaranteed. The first of these provides labor standards governing transit operations and protective arrangements, terms, and conditions of employment for employees of transit properties acquired by the Authority. These provisions include mandatory arbitration of labor disputes which should assure continuity of operations and, hence, no interruption in the flow of fare-box revenue. The second such amendment would assure that in the event any jurisdiction desired reduced fares for any class or category of its citizens, provision will be made for an equitable subsidy arrangement by contract with the Authority.

Other amendments to the compact provide (a) a redefinition of the term "transit services" so as to permit the performance by the Transit Authority of charter service originating within the transit Zone; (b) that an alternate Director from the District may act on behalf of an absent District of Columbia Director whether or not the absent Director is the one for whom the alternate was appointed—this provision applies, of course, to the board of directors of WMATA; permission for the WMATA to operate its transit facilities either directly or by contract as the board may determine. All of these amendments to the compact have been enacted by both Maryland and Virginia.

Essentially, therefore, this proposed legislation is designed to facilitate the sale of the revenue bonds, to maintain the original ratio of two-thirds Federal to one-third local payment of the balance of the costs, and thus to assure the completion of the Metro system on a schedule designed to minimize the total cost thereof.

The principal provisions of this bill were submitted to the Congress as far back as June 1971, jointly by the Department of Transportation, the WMATA, and the District of Columbia government. The Office of Management and Budget approves the measure as being in accordance with the President's program, and the bill has the full concurrence and support of all the local jurisdictions which are parties to the Interstate Compact.

Mr. Chairman, it has truly been said that the development of the Metro dream has been a bipartisan effort. It was started during the administration of President Dwight D. Eisenhower, it had the strong support of President John F. Kennedy, and President Lyndon Johnson urged the construction of the rapid transit system in the area to "help us fulfill our goal in making the District of Columbia the model city for the Nation that Washington ought to be." And we are all aware of the great promise for our Nation's Capital that President Richard Nixon envisions through the completion of this great enterprise.

All in all, we should be hard pressed to cite a finer example of local, congressional, and Executive togetherness than the spirit and effort of 20 years toward this goal.

All the studies and all the plans for the development and construction of this great transportation system have been made. At this point, the vital need is for a remedy for the financial crisis which has been brought about by the economic circumstances of recent years and which now threatens to delay the completion of the Metro system and thus further increase its cost. For two decades, the Congress has taken the lead in developing and approving the means of achieving this great vision for the Washington metropolitan area, and I am confident that this body will take firm and immediate steps to avert this present threat by favorable action on this proposed legislation today.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, some of us who find ourselves in the—I almost said "unfortunate"—position of being assigned to the Committee on the District of Columbia often find it very difficult, but we have been given an assignment and we try to do the job, having in mind that we are serving the Nation and our Federal city.

A number of years ago we put together a bipartisan team to go ahead with the transit system, having in mind that something would have to be done, but there has been delay, delay, delay not because of inaction of those who are in charge of the program but because of other obstacles that have arisen relative to other problems dealing with the transportation system of the District. But the cost has gone up and up and up because of inflationary trends which prevail all over the country.

Let me call attention to the fact that in 1950 459,000 automobiles crossed the District line daily in both directions. In 1960, 804,000 crossed the District line. In 1970, 1.2 million crossed the line daily, which is a 140-percent increase in that length of time. There will be further increases in the future unless some action is taken to implement mass transportation in the Washington, D.C., region.

I wish to call attention to the fact that in our deliberations in the committee some of us who move cautiously but deliberately were opposed to a provision in the bill that provided for public takeover. There are some of us who instinctively shy away from setting up a legislative delegative authority that is going to give WMATA a chance to expand its already broad authority. If that is to take place—public ownership—at a later date it needs to be reviewed carefully, because somehow or other it seems to be the rule rather than the exception that where there is public operation and ownership you do not always have the most efficient management. There is a loss of tax revenue, higher costs, and larger Government payrolls potentially facing a public takeover.

The committee has stricken the provision at one time appearing in the bill as far as public ownership of the D.C. Transit is concerned.

In the discussion earlier I noted that the Delegate from the District of Columbia asked to revise and extend his remarks. I do not know just what was in them. I should like to have heard the Delegate read the remarks for the reason that I noted on the news broadcasts this morning that he is requesting the presidential candidate he is supporting an endorsement of the so-called Washington agenda which provides for takeover of D.C. Transit and provision for free bus fares for District residents. If it is the feeling of the Congress that we are committing ourselves to free fares to District transit system users, I wish to make it known here and now that the taxpayers in Minnesota are not going to be very happy about putting Federal money into a system that is going to provide free bus rides in the District of Columbia.

I think it should be made very clear to the Congress whether they so intend to provide free busfares. I think that some of the very liberal forecasts of how the revenues are going to increase and be more than adequate to handle the interest costs of the bonds may be somewhat unrealistic 10 years from now. I have seen this happen before. It has not always worked out as promised; and I know there may be errors in judgment, but I do not wish to make the mistake of supporting something like free fares and bus company purchase without knowing that I may be indirectly supporting it.

The leadership of the District of Columbia Committee does not intend to provide free busfares or for the takeover of the D.C. Transit Co. I have not worked in committee on the details of this bill as some others have—Mr. CABELL and Mr. BROYHILL of Virginia—but I am generally well familiar with its provisions by reason of our work in the committee. My feeling is that we have done the best that we can under these circumstances in reporting out this bill. But I do not want loopholes in this bill that provide for things I do not support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

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Mr. NELSEN. I yield to the gentleman from Iowa.

Mr. GROSS. I am very much interested because we had taken a position contrary to the position of the Delegate of the District of Columbia, because we had that issue up when the busing bill was before the House.

Is the gentleman suggesting that the delegate from the District of Columbia might come along at some time later, after good old "Uncle Sucker" was made the beneficiary of the bonds, in a take-over process, and want the people of the District of Columbia to ride free on this subway that had been unloaded on the Federal Government?

Mr. NELSEN. I do not know. The Delegate's position, I assume, is as stated in his extension of remarks in the RECORD without any oral statement on the floor. I would like to know what the position is on the part of the Delegate from the District of Columbia as to what he supports and what he believes this bill provides as it relates for bus fare subsidy and transit purchase.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. FAUNTROY. Mr. Chairman, while the discussion of free transportation is not at all relevant to the bond issue that is before us for decision——

Mr. NELSEN. I do not agree with the gentleman. It is very relevant in my opinion.

Mr. FAUNTROY. I am sorry this question has been raised. I only wish the distinguished gentleman, my close colleague, would carefully read the entire Washington agenda, for then he would see why the citizens of the District of Columbia believe transportation ought to be free. Frankly, personally I agree with them.

The time has arrived when transportation, like police and fire protection, street maintenance, sanitation, and street lights ought to be provided through the general revenues, thereby spreading the cost to everybody, and protecting everybody in the system at the lowest possible rates.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I will yield to the gentleman.

Mr. NELSEN. Mr. Chairman, I have the time. Has the gentleman completed his statement?

Mr. FAUNTROY. No, I have not. May I simply revise and extend my remarks?

I cannot imagine anyone here wanting to return to the era of paying the firemen when they respond, of paying the police on a "use basis," of paying for the maintenance of the street and sidewalk in front of his house. No one seriously suggests "use basis" payment because we all want what is best for all of the people; we all want viable communities, we all want our children and our elderly to be able to participate in all of the events that this Nation and particularly this city can offer.

The fact is that a family of four cannot visit our free museums and galleries, they cannot attend the free concerts, they cannot visit the free zoo and see our playful pandas for less than $3.20. This is an utter shame and it is worse when we stop and realize that the man probably earns less than $3.20 per hour or a mere $6,300 per year.

Transportation is more than allowing people to visit the free events. It is allowing an elderly person to attend church, to visit the doctor and friends, to shop. It is the basis of bringing people to the central business district where goods and services are sold, taxes paid, people employed. It is the lifeblood of a city and it seems to me that these values are worth preserving and worth paying for through the use of general revenues.

The most recent studies show the fallacy of continuing to provide a system of private car transportation for an average one-way commuting trip to the central business district based on 6.2 miles distance in a metropolitan area of 1 million plus person. It costs 42 cents per person per one way by bus versus $2.28 per person for the same trip in a private car. Even using average per person costs in private car transportation, the costs, then based on 1.6 people per car, is a still very high $1.42 per one-way trip. Now the fact is that this is using a very favorable 10-year lifespan for a car and an average—and in this area low—12-year lifespan for buses.

Even the allocation of public costs is extraordinary between the two modes. Assuming transit fares cover operating costs and that fares represent private cost, the fact is that the taxpayer is paying 27 cents per one-way trip per car versus 8 cents per one-way trip per bus. For just a net expenditure of 7 cents more we can make that trip free.

Let me tell you what this means. It means that we can turn some of 142 miles of freeways back to productive use. In this urban community we have 340 square miles of urban area with 142 square miles of freeways—more freeways per miles and per capita than any other city in the United States. Of the 62.5 square miles or 40,000 acres in the city proper, 30 percent is devoted to highways. Since 1948, past and present plans consume 1,218 acres of land.

The loss of property and other taxes is expected to exceed $6 million per year. Today, 60 percent of the central business district is devoted to the function of storing and moving motor vehicles. Less than half of this figure results from the L'Enfant plan.

With the increases in roads and cars came increases in traffic injuries. In 1940, 5.9 persons per 1,000 residents were killed or injured in traffic accidents. In 1964, after $400 million in traffic improvements were made, the accident figures rose to 13.6 persons per 1,000 residents.

In short, injured and dead rose from 3,900 in 1940 to 11,000 in 1964. The costs of these accidents is immeasurable. Yet, the population decreased from a high of 920,000 in 1947 to 760,000 in 1970. Need I begin to discuss the other external costs? Inordinate travel times because everyone drives, pollution, respiratory disease, lead poisoning, et cetera.

Mr. Chairman, I am sorry that it is necessary to take the time to discuss a matter that is not at issue here. The issue is support for the bill and nowhere do I or does anyone urge that the system be free or even be subsidized. All we ask here is the opportunity to be able to see the means to sell bonds at prices we can afford in anticipation of fare box collections.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

But first let me say that if Mr. FAUNTROY wishes to provide free bus fares to District residents that he come up with ways to pay for it other than Federal subsidy. I might point out that in committee the other day Mr. FAUNTROY opposed retroactive pay for District police, as I understand it, because there were insufficient funds to provide for it. Where is he going to get the funds for free transit fares and to buy a bus company.

Mr. BROYHILL of Virginia. As I pointed out in my remarks, this legislation prohibits any subsidy for any community for any rides to be charged to the transportation system itself. That would have to be provided by the community.

If the Delegate from the District of Columbia (Mr. FAUNTROY) wants to provide free fares for the citizens of the District of Columbia, he would have to come back with subsequent legislation asking for such payment.

Mr. GROSS. Now is that not nice? What a beautiful clobbering for the taxpayers of Iowa and Minnesota when they come back in subsequent legislation and make them pay through the nose for a program that benefits principally the District of Columbia and the States of Maryland and Virginia. And they will ride the subway free if the Delegate from the District has his way, and all our taxpayers would pay the bill. I do not like it.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I believe it should be made eminently clear that on page 17 of the legislation, as the gentleman from Virginia pointed out, there is a compact against charging any of these reduced fares to the Washington Metropolitan Transit Authority. The Washington Metropolitan Transit Authority is going to furnish subway service. People are going to pay for it.

If some one of the subdivisions wants to come in and make a provision for reduced fares to the poor, or for reduced fares to the elderly, or for reduced fares to the handicapped, that is not a function or a cost of the WMATA. That money will have to be paid to the Transit Authority by the jurisdiction which wants to be generous and kind. We cannot and must not, and under the law absolutely cannot, charge it to the Transit Authority.

Whatever the delegate from the District of Columbia may suggest, he would have to find the money elsewhere, and presumably in the District of Columbia.

Mr. NELSEN. Mr. Chairman, I will conclude my remarks in a moment, and only wish to say that I realize what has been said is contained in this bill.

I dislike very much to have this kind of a proposition suggested over radio and television and not on the floor. I regret that I did not see the statement. It was put into the RECORD without my having an opportunity to read it. As you know one cannot read an extension of remarks, ordinarily until the next day or with the permission of the author.

This does not show responsible leadership, to ask the taxpayers in Minnesota, in Iowa, and all over the country to help pay for the construction of this subway system and then later be asked to provide free rides; because every other community could ask for the same thing and certainly they would be entitled to it if it is provided District residents.

I, for one, do not want to have my fellow members claim that we were not honest in bringing up this bill if 6 or 12 months from now another bill is reported out (even over my objection) providing for free bus fares.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. NELSEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think it is important at this point in the debate, and I would suggest to the gentleman from Minnesota that we should clarify one matter. Perhaps the explanation offered by the gentleman from Connecticut (Mr. GIAIMO) has already done that. But I, for my own part, would like to make it perfectly clear that in supporting this legislation today, and as I understand it this is an administration initiative, it is supported by the White House, by the Department of Transportation, by the Treasury Department, and supported by the Republican leadership on this side of the aisle, that in supporting this particular legislation we are not taking even the first small step down the road toward approving free fares for any riders in the District of Columbia.

I am correct in that, am I not?

Mr. NELSEN. The gentleman is correct and I thank him for his remarks which further clarify this matter and I state that I wish to associate myself with his remarks. I believe we are committed to this bill but I believe it should be made abundantly clear that we are not endorsing free transit use or the purchase of a bus company.

Mr. Chairman, the Congress is commited to the construction of a regional mass transportation system in the Nation's Capital. The large number of employees of the Federal Government who live in the metropolitan area must be transported from their homes to their offices in the District of Columbia in an expeditious manner and yet in a manner that does not cause excessive pollution in the air in the District of Columbia either for its residents or for those many visitors to the Nation's Capital. Furthermore, the traffic congestion that the city of Washington has experienced over the last 20 years cannot continue without either vastly improving and increasing the highway system, the parking system in inner city areas, while at the same time, insuring that some type of device is installed on all automobiles that will maintain the exhaust fumes from automobiles at a level that will not contaminate the air beyond permissible and reasonable limits.

The number of vehicles crossing the District of Columbia boundaries during a 24-hour period has increased dramatically since 1950. In 1950 it was estimated that 495,000 automobiles cross the District of Columbia boundaries daily. In the 1960's the estimate was approximately 804,000 automobiles crossed the District of Columbia boundaries daily; and in 1970, the number was approaching 1.2 million daily—for an increase over 20 years of 140 percent. There is every indication that that number has risen substantially since 1970 and will continue into the 1970's and 1980's without some relief such as a subway system.

The commitment of the Congress to the establishment to the National Capital region mass transportation goes back to 1960.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969 (83 Stat. 223), which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. Initial construction was concentrated in the District of Columbia which is the core area of the region. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, Farragut Square, and along G Street, out Connecticut Avenue to DuPont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976. It is estimated that during the bicentennial activities an estimated average of 100,000 visitors per day will visit the area during the year. Such parts of the system as are completed will furnish a much needed additional people moving capacity in the National Capital area.

As noted earlier, the principal construction authority for the transit system was enacted by the Congress in 1969, which placed the cost of the 98-mile system at approximately $2.5 billion. However, as all of us know from our own personal financial situation and from the experience in our own congressional districts in the cities, counties, and States that the costs of construction have risen dramatically in the last 3 years. The Washington Metropolitan Area Transit Authority is experiencing the same problems in increases in costs that all local, State, and Federal Government projects are encountering.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Now there are those in the House who will say that they forecast this underestimation of the cost of the subway system for the District of Columbia. Certainly I think that most Members of Congress anticipated that over the near-term that there would be some additional costs as a result of inflationary factors in our economy. However, the only alternative to meeting these inflationary costs by providing for increasing bonding authority of approximately $450 million is to cover this with appropriations to meet an apparent deficit. I believe that the choice of increasing the bonding authority is the better way to proceed in the total circumstances as they exist currently in the Washington, D.C. metropolitan area.

The proposed provisions of the new section 9 of the National Capital Transportation Act of 1969 permits the Secretary of Transportation to guarantee Transit Authority bonds issued with the approval of the Secretary of the Treasury. In addition, the Secretary of Transportation must certify that: First, the obligations represent an acceptable financial risk to the United States; second,

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that the Transit Authority has entered into a suitable agreement with the Secretary to take such prudent action respecting its financial condition as the Secretary determines to be necessary to protect the interest of the United States; third, that the issue, unless the obligation is a short-term note, will be sold through a process of competitive bidding as the Secretary may prescribed; and fourth, that the interest rate is reasonable in view of market yields.

These requirements clearly provide necessary protections to the Federal Government. The important determinations are not left to persons below the Federal level.

However, the bill also authorizes the Secretary of Transportation, under certain conditions, to guarantee obligations to be sold by the Transit Authority through a process of negotiation. The Secretary must first make a determination that the prevailing market conditions would result in a higher net interest cost to the Authority or the cost of the issuance would otherwise be higher through the competitive bidding process. The Secretary of Transportation shall report his findings in writing, with detailed explanation of the reasons for the recommended action.

The net effect of these new provisions is that while the Transit Authority may receive the benefits of the Federal guarantee, the prime responsibility for the guarantee rests with the Secretary of Transportation and the Secretary of Treasury rather than with the Transit Authority. Thus, the same elements of confidence and judgment which normally guide the Federal Government in its issuance of obligations would be operating in connection with the sale of obligations of the Transit Authority.

The revised financial plan for the subway system, as I understand it, is generally as follows:

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

The advantages of the revised plan are that it will allow immediate sale of bonds at the most favorable interest rate and thus avoid any delays in the construction scheduled. It will allow local governments time to arrange the necessary legal steps to provide their increased share and at the same time protect the Federal interest by withholding the sale of the $300 million additional amount of bonds until the matching funds have been committed to or contributions have been paid into the Transit Authority.

Any guarantee by the Secretary of Transportation of a security issued by the Transit Authority shall be conclusive and incontestible except for fraud or material misrepresentation. The aggregate amount which may be guaranteed shall not exceed $1.2 billion. However, no obligation in excess of $900 million may be guaranteed unless local participating governments have made contributions to the Transit Authority in an amount of not less than 50 percent by which any proposed additional obligation would exceed the sum of $900 million or, if local enforceable commitments have been made to the Transit Authority, for payment of such contributions by the end of the fiscal year in which the obligation is issued. The interest on such bonds shall be considered as income for tax purposes under the Internal Revenue Code.

The provisions of the amendments in these bills are generally as follows:

I. Amends the National Capital Transportation Act of 1969 to:

(a) authorize the Secretary of Transportation, on approval of the Secretary of the Treasury, to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority.

(b) authorize the Secretary of Transportation to make payments to the Authority amounting to 25% of the interest and other financing costs incurred by the Transit Authority.

(c) authorize the appropriation of such sums as necessary to make such payments.

(d) authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 to $269.7 million and provides funds for the increased contribution by increasing—by a similar amount—the authority of the District of Columbia to borrow from the Treasury.

II. Provide the consent of the Congress to amendments to the Compact to:

(a) remove the present limitation on interest rates applicable to borrowing by the Authority.

(b) provide for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference between the full rate fare and any reduced fare available to any class of riders.

(c) provide labor standards governing operation of the Authority'a transit facilities including a system of arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Authority. This is in effect a "no strike—no lockout" provision.

(d) permit the Authority to operate its transportation facilities either directly or under contract.

Generally speaking, the cost estimates as noted in the House Report No. 92–1155, accompanying this bill, are as follows:

This bill provides for new expenditures of Federal funds as follows: there is an authorization of appropraitions of such sums as may be necessary to (1) make payments under Federal guarantees of Transit Authority obligations, and (2) make payments to the Transit Authority of one-fourth of the interest and other marketing costs it incurs in issuing such obligations. The Transit Authority estimates that appropriation requests under that authorization will be made as follows: Fiscal year 1973—$8 million, fiscal year 1974—$11 million, fiscal year 1975—$16 million, fiscal year 1976—$20 million, and fiscal years 1977 and 1978—$21 million each.

As has been pointed out, the additional costs to the Federal Government are expected to be offset by the additional revenue the Federal Government will receive from taxes on interest income received from Transit Authority obligations.

The District of Columbia's share of the transit system is increased by $53.2 million dollars. However, the additional contribution will be made from funds provided by loans from the United States which will be repaid by the District of Columbia from its revenues.

This bill has the support of the Department of Transportation, the District of Columbia government and the Federal Office of Management and Budget. The latter indicates that enactment of this bill is in accord with the President's program for the Washington metropolitan area. It also has the strong support of members of the business and community groups who testified before the Committee of the District of Columbia. There are also a number of other provisions in this bill, as indicated earlier, which I would like to address. First, at one point it was proposed to be included in this legislation a provision authorizing WMATA to purchase and operate the D.C. Transit Bus System. I voted in the committee to delete that provision from the bill, and I will vote against any amendment on the floor today which would add such a provision to this bill. It is my position that that matter should be the subject of separate legislation and that any such purchase authority that is undertaken by Congress should be narrowly drafted if it is to be delegated—and it is questionable whether it should in fact be delegated—and it should be consistent with the earlier action taken by Congress in granting a franchise for the operation of the transit system in the District of Columbia to the D.C. Transit Co.

Furthermore, I believe that questions of such a matter in this bill will only tend to confuse the principal issue which is before us, which is that of the commitment that the construction of the subway system should proceed as we have authorized on a number of previous occasions by this Congress.

The following subjects are included in the bill, and I believe they have been reported out in a form such that they can be given favorable consideration by the House, that is, matters covering reimbursement for interest and related costs, lawful investments, compact labor amendments, and the matter of the compact labor amendment as well as fare box revenues.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Mr. Chairman, I would rather reserve some of my time for other requests, and if the gentleman from Maryland would request time from my colleague (Mr. CABELL) I would prefer that he do so. But I will be glad to yied time to the Members that I have on my list, and the first of those is the gentleman from Maryland (Mr. HOGAN).

So, Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Illinois (Mr. ANDERSON) and to state that those of us who so strongly support this legislation as well as the concept of a balanced transportation system, are in no way indicating that we are in support of free bus transportation. I personally would very much oppose such a thing.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Chairman and members of the committee, this dog has been kicked around long enough, and I think it is time we put it to rest. This argument about the reduced fares is completely moot. The bill before us becomes the indenture under which those bonds are sold and as long as there is one of those bonds outstanding it cannot be amended, and there can be no reduced fares. Furthermore, the compact has the obligation to put a fare on the fare box sufficient to pay these bonds and their interest.

So let us not kick that dog around any longer. If we have anything else to argue about, all right, but this argument is completely moot.

Mr. NELSEN. I thank the gentleman, but I believe our discussion was enlightening to all Members.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I do not believe the relationship between this bill and the reduction of fares could be any more forcibly or better stated than has already been done by the gentleman from Connecticut (Mr. GIAIMO), and the gentleman from Texas, the chairman of our subcommittee (Mr. CABELL).

The gentleman from Texas (Mr. CABELL), has served as the chief executive of one of the large cities in the United States, and he well understands the needs and problems of a metropolitan area. He has worked long and hard on this legislation, and we are eternally grateful to him for his careful analyses and his work in its production.

Let us face it, 12 of Metro's most difficult downtown underground track-miles and 16 similarly difficult subway stations are already under construction, with contracts let amounting to 27 percent of the total system's cost, as was planned and forecast. In terms of construction much of the hard work is done or underway so that a fast highly automated and very practical system will be ready to serve the citizens from the 50 States who will celebrate the Nation's bicentennial with visits here.

With labor costs in this automated system amounting to only about 55 percent of operating costs, the Metro is a practical and conservative investment. But its financing is tied to the sale of revenue bonds beginning now. At the present time, however, this is difficult because of the current strong demand for capital the availability of more seasoned securities, the past congressional delay in releasing the District of Columbia's contribution and the competition of bonds backed by tax-raising authority. Thus, Metro's revenue bonds require a Federal guarantee, as would be provided in this legislation.

The alternatives would produce an overall increase in costs and almost certainly an additional Federal grant. Economy and prudence—in assuring that the great investment already made in the system is not undermined—require a vote today for the Federal guarantee.

The guarantee sought today would be for an amount not to exceed $1.2 billion. Since the Metro program has always worked under a conservative approach designed to pay off all bonds from revenues, the Federal guarantee would be backing a very conservative enterprise.

The Metro cars' average speed of 35 miles an hour, for example, is as much as twice the speed of older systems and will not only attract riders but reduce the number of trains needed, saving on both crew and maintenance costs. The broad, sweeping curves of track that permit this speed are made of heat-treated rails that promise a life expectancy four times that of ordinary rail.

The longer cars, their automation and their easy housekeeping all are planned to permit a good ratio of revenue to costs.

Metro's planning and its accuracy in forecasting these future costs gain great credibility from its great accuracy in estimating the costs of construction.

Pride in our Nation, prudence in our use of public moneys, concern for the soundness of our cities—all dictate a vote in favor of this Federal guarantee.

Mr. CABELL. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. WAGGONNER) 3 minutes.

Mr. WAGGONNER. Mr. Chairman, it is in no way my intention to criticize the House Committee on the District of Columbia.

The truth is that they have an impossible task. They are doing a good job in an impossible situation.

I think the truth is that all you can do here is probably to voice a protest by voting "no" because as a practical matter, I can see no way to build this system and to bring it to its completed stage except to guarantee these bonds.

But I am here today simply to point out that you have to be on pot—if you believe these statistics that are up here—having to do with the estimated income statement for 1990.

In 1965, we authorized the construction of a system to be 25 miles long. It was estimated to cost $438 million. In 1969, we expanded it to be a 98-mile regional project to cost in the vicinity of $2.5 billion.

Go back and look at the track record. How many of you remember the rosey and glowing projections about the District of Columbia stadium and its value—look where it is now. They cannot even pay the interest on the borrowed money. They are paid nothing on the principal.

Go back and look at the glowing and rosey projections about the Kennedy Center and what it would do and what income would be available there toward its operation and the retirement of the debt. Go and look at yesterday's paper and you will see that they cannot even pay the construction costs and they need upward of $5 million now to even pay their delinquent operating costs.

Anybody who believes that these figures are right just simply adheres to the old idea that you can prove whatever you want with statistics. It is not easy to believe, if you know what to believe in.

But do not believe these figures. The revenues are not going to be there. It simply is not going to be the case. The Government is going to subsidize it from here on and make no mistake about it.

If you think this is not so, look at New York City which has a system for which they cannot even pay their operating costs much less defray modernization costs and construction costs if they want to expand the system. You are not going to do it here either. Revenue sharing will not even do it.

I am just simply saying that if you are going to vote for it—just vote for it on the basis that this is the only way to complete it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman surely has, as I have, looked at the average income of the people who live in the Washington area and compared it with the average income in his own district. I have certainly compared it with the average income in my district. Average income in the Washington area is the highest in the Nation.

I ask, why the moderate-income people who live in my district or in your district for that matter, should dig into their pockets to pay a transportation subsidy to the people who live in one of the highest income areas of the United States?

Can the gentleman give me any reason why?

Mr. WAGGONNER. We are told we are going to make Washington your model city. It is a model, all right, but at the wrong end of the spectrum.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Maryland.

Mr. HOGAN. The gentleman made some very sage observations about the stadium in the District of Columbia and the Kennedy Center. I would remind the gentleman that there are those who seriously propose creating still another white elephant here in the District of Columbia—a sports arena. I hope the gentleman will oppose that as I do. The facility which will be built in Largo, Md., is far preferable.

Mr. WAGGONNER. We have one here, do not worry about another one yet.

Mr. CABELL. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

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Mr. GIAIMO. Mr. Chairman, I rise in support of this legislation. I do not think there is any Member of the House who will be more adversely affected by the construction of the Metro than I am, as I told you some time ago, because they are building a station right in front of my house on D Street SE., and will be terrible for me personally for the next year and a half. It will come within 4 feet of my house, taking the front yard, the trees, and everything else.

The fact is that I believe in Metro because it is in the best interest of the District and of the people of this country, and I do not think we are here today to argue whether we should or should not have Metro. Metro is already in construction. Metro has been approved by the Congress. We must go ahead with it. Certainly we do not want to stop construction on Metro after we have spent or committed to spend in the neighborhood of $500 million already of the total package cost of $3 billion. The question today is one of financing. That is the argument.

Surely, it is all well and good to point out, as my good friend from Louisiana did—and I love him and he knows that I do—the problems of the District of Columbia Stadium, which is used 7, 8, 9, or 10 days a year, and surely it is all right to point out that the Kennedy Center is costing us money, and I am not going to get into the argument of how you evaluate the real benefits of a cultural center. Is it in terms of just dollars alone or is it in terms of the great cultural contributions which it brings to our Nation?

Suffice it to say, America lags behind many of the other nations of the world in supporting the arts and humanities, and at long last we have begun to do something about it and we are supporting them.

Metro is a very real thing. It is going to carry people to and from their occupations in the city, and the gentleman from Louisiana—and I hate to pick on my good friend, Mr. WAGGONNER—has pointed out that the New York Subway System cannot pay its own way, and it is true that it cannot pay its own way. Many Metro systems are old and antiquated, and with rising operating costs, rising labor costs and everything else, they cannot pay their own way.

But I would ask this committee one question today: Could the City of New York survive without a mass transit system? I submit to you that the city would not.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Perhaps it would be a better question if we asked whether New York can survive with one.

Mr. GIAIMO. The question is a good one. But the fact of the matter is, and I am sure the gentleman well knows, that with our growing population we have got to have mass transit. We have got to have it in these large urban areas. We certainly have to have mass transit in a city the size of New York, and it is obvious that we have to have one here in the city and in the Greater Washington area.

So the question today is not whether we should go ahead and build a subway. We are already building it. We have already spent or committed $500 million. The question today is what? First, changing the method of selling bonds because of the fact that they cannot, on the best advice obtainable, sell tax-exempt bonds. They must be bonds guaranteed either by the full faith and credit of the Federal Government or by some tax back-up plan, which cannot be accomplished, particularly since, as I understand it, the Supreme Court of Virginia has ruled against it.

This leaves the full faith and credit of the Federal Government. Is that unusual? It is not.

We are guaranteeing hundreds of millions of dollars in bonds for housing, billions of dollars over a 40-year period. We are doing it in many other areas. In this instance, we are asking to have taxable bonds issued to the extent of $880 million or $900 million taxable bonds issued, guaranteed by the Federal Government, and hopefully and I trust they will be retired out of the fare box.

In addition to that, because of the high inflation which has hit this Nation in the last 3 or 4 or 5 or 6 years, and because of delays in construction and in getting underway, and because of refinement in engineering design, the original cost of Metro has increased by $450 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CABELL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GIAIMO. Where will that money come from?

It will come, $300 million of it, from the Federal Government through this interest subsidy. Bear in mind that the $300 million will be matched by another $150 million by the other communities, making in all $450 million additional which is needed. Of the $300 million interest subsidy which the Federal Government will be putting in, that will be recouped by the Federal Government by the fact that it will be deriving taxable income on the bonds, and it should wash out; in fact, I think there will be a balance left in favor of the United States Treasury, as I think the gentleman from Viriginia pointed out.

So this works out fairly well, and it will enable us to obtain the $450 million additional needed for the additional cost estimate.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I commend the gentleman from Connecticut for his very fine statement.

I support the bill. I had the privilege of serving on the District Committee and chairing this subcommittee the able gentleman from Texas chairs now. The plan was discussed in the committee for many years. I think this is the only way we can sell these bonds. It is not unique to pledge the full faith and credit of the Government behind these bonds. I think the plan is feasible, and we need it very desperately in the District of Columbia.

Mr. Chairman, I commend the gentleman for his statement and urge the passage of the bill.

Mr. GIAIMO. I thank the gentleman from Florida.

Mr. Chairman, there is another thing I would like to point out here. Metro has come in and honestly shown why it is going to cost $450 million additional over the past 3 years. There have been all kinds of figures mentioned as to what the ultimate cost of Metro will be. The best estimate figures at the present time are $3,046,000,000. We have never in the history of this Congress authorized a public works program where we have hit an estimate on the head, and let us not fool ourselves today, but Metro has held very closely to the line on its estimates and what has actually happened. I think they are to be commended. For example, on the contractor's low bids, compared with Metro estimates as of May 10, 1972, the Metro estimates were $592 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. NELSON. Mr. Chairman, I yield the gentleman from Connecticut 2 additional minutes.

Mr. GIAIMO. Mr. Chairman, the contractors' low bids, and this included figures as of May 10, as compared with the WMATA estimates shows the estimate was $592 million—and remember, these are contracts actually contracted for and let—and the contractors' low bid was $544 million, which shows a differential in favor of Metro. So they are doing good bargaining. They are doing even better than staying within their original estimates.

There is no runaway in the costs as compared to the estimates. This includes many or all of the contracts which are contracted for and engaged in today. It includes the ones which were recently let for the subway cars. This shows a real effort on the part of the Transit Authority to hold the line on inflation and on inflated costs.

Mr. Chairman, I think this legislation is necessary, because obviously if we do not pass it and if they cannot sell their bonds under the present legalization, they will not be able to proceed with Metro.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me?

Mr. GIAIMO. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. Why can you not sell the bonds? This is a question that no one seems to be able to answer.

Mr. GIAIMO. Mr. GROSS, if you have ever dealt with bonding authorities—and they are mainly located in New York—you will find they are pretty tough cats to deal with. The fact of the matter is that they want the best they can get for the money and the best they can get for the money means governmental guarantees. Authorities which seek to sell bonds have a very difficult time in doing that at any time in our history and particularly today when there is high competition for the available bond dollar.

Mr. NELSEN. Mr. Chairman, I yield

5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, passage of this legislation is absolutely essential if we are to realize our goal of establishing and operating the Metro system in the Nation's Capital.

On two previous occasions this year, the House by overwhelming margins approved the continuing funding of the subway in the District of Columbia and transportation appropriations bills. This meritorious legislation should likewise receive our enthusiastic endorsement.

Make no mistake about it, a vote against this bill is a vote against the hopes, the sacrifices, and the determination of the many individuals who have such a vital stake in the successful completion of this project. I had the privilege of inspecting portions of the subway last December and I was amazed at its progress. There can be no question that the Metro will add immeasurably to the prestige of our Nation's Capital. I am convinced that our system will rival and surpass those of Moscow, Paris, and London. In terms of design, safety, and equipment, it will be second to none.

And with the 100,000 visitors that will be flocking to the Capital and its environs each day in 1976 for the bicentennial celebration, it is imperative that we allow for the anticipated 24 miles of service linking 28 stations by that time. Passage of this legislation will help insure the attainment of that goal.

There is more at stake here, however, than questions of prestige and convenience to visitors. There is the even more urgent concern of the millions of area residents. It is they who must bear the agonizing frustration of not being able to travel from one point to another in this area with a reasonable expenditure of time and effort.

The daily experience of us all, coupled with the catastrophic conditions caused by the flooding of the Potomac last week, dramatically demonstrates the need for an alternate mode of transportation in the Washington metropolitan area. We cannot ignore the legitimate interests of those who seek nothing more than to reach their jobs or residences with a modicum of dignity and efficiency.

It is important to stress that there are 175 cases of precedent for the Federal guarantee of bonds issued by local governmental agencies. And there are two recent instances in Congress which provide a precedent for the interest subsidy embodied in the legislation we are now considering.

Also important is the fact that the taxability of the bonds will enable the Federal Government to receive back as much or more than the amount of the subsidy that will be paid on the bonds. Thus, no extra cost to the Federal Government should result from passage of this legislation.

All of us on one occasion or another have invoked the rhetoric of commitment to a balanced transportation system. All of us have pledged our support of efforts to ease the plight of the urban traveler. Let us now transform our rhetoric into reality by approving this bill.

Thank you, Mr. Chairman.

Mr. CABELL. Mr. Chairman, I yield at this time 2 minutes to the gentleman from Missouri (Mr. RANDALL).

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. RANDALL. Thank you, Mr. Chairman. I asked for this time to try to put a few things into perspective. One speaker said a moment ago there were precedents for what we are doing. I would ask the Chairman now if he knows of any mass transit projects anywhere in the country, other than this one where the Federal Government is guaranteeing revenue bonds. I think I know the answer. This is the only project that after revenue bonds have already been issued there is a subsequent request that they be guaranteed by the United States.

Mr. CABELL. Will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas cited several instances of guaranteed bonds for hospital construction for inner cities, and they have nothing to fall back on. This is not a general obligation tax bond; this is a capital bond which requires only one-third of this bond issue to pay their total capital outlay back. But they are given additional support and additional strength by pledging in their indenture that the fare rate must be kept at a rate that would top off and pay the obligation of these bonds; so it is a better bond than might otherwise be considered.

Mr. RANDALL. Of course, these may be guarantees for some hospital bonds, but I submit again this is the only transit project, metro or subway, in America in which the Government guarantees revenue bonds.

If I understood the Delegate from the District a moment ago, he advocated free transportation for the residents of the District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. May I have 1 additional minute?

Mr. NELSEN. I yield the gentleman 1 additional minute.

Mr. RANDALL. I will ask the gentleman, what will happen as we look down the road a few years to the day of home rule. What will happen if the city government under home rule says, "No, we are not going to pay attention to the compact; we are going to provide free transportation to our citizens?"

Mr. CABELL. Mr. Chairman, apparently the gentleman from Missouri was out in the hall at the time that this dog was laid to rest, so for his benefit may I advise him that this becomes a part of the indenture under which the bonds are sold, and once they are sold and guaranteed, they cannot be amended.

I do not know how much the gentleman knows about bonds, but one does not amend a bond indenture without the approval of the bondholder.

Mr. FRENZEL. Mr. Chairman, the Washington Metropolitan Area Transit Authority study shows that the Metro subway system cannot go forward without a Federal guarantee of revenue bonds issued by the Transit Authority. Without this Federal guarantee, financial experts tell us it would be practically impossible to market the tax-exempt bonds which the Transit Authority is currently authorized to issue.

This project has suffered more than its share of delays in funding authority. A total of nearly $1 billion has already been obligated for the Metro. A significant proportion of the system should be working to help carry the thousands of daily visitors during the 1976 bicentennial celebration.

Delay will only permit further inflation of projects. Hopefully Congress will move quickly to forestall further delays in construction.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 15507, the National Capital Transportation Act of 1972.

The purpose of the bill before us, H.R. 15507, is to authorize Federal guarantees of debt obligations issued by the Washington Metropolitan Area Transit Authority and to complete the enactment of certain amendments to the Washington Metropolitan Area Transit Authority Compact, these amendments have been adopted by the legislatures of the States of Maryland and Virginia. Approval of the bill is urgently needed to facilitate and expedite the construction program for the completion and operations of the Transit Authority facilities.

Enactment of the bill would amend the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation, on approval of the Secretary of the Treasury to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority. I would authorize the Secretary of Transportation to make payments to the Transit Authority of an amount equal to 25 percent of the interest and other financing costs incurred by the Transit Authority. It would authorize the appropriation of such sums as are necessary to make such payments and authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 million to $269.7 million and to provide funds for the increased contribution by increasing by a similar amount the authority of the District of Columbia to borrow from the Department of the Treasury. The bill would also provide the consent of the Congress to amendments to the Washington Area Transit Authority Compact to remove the present limitation on interest rates applicable to borrowing by the Transit Authority the legislation before us today provides for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference in the full rate fare and any reduced fare available to any class of riders, such as the elderly, schoolchildren, or low-income people. The bill would provide labor standards governing operation of the Authority's transit facilities including a system of

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arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Transit Authority, and permit the Authority to operate its transportation facilities either directly or under contract.

Severe inflationary pressures within the construction industry have made necessary the revision of the financial plan for the Transit Authority. The revised financial plan covers the deficiency in the original plan and maintains the two-thirds to one-third formula for Federal-local participation in the costs of financing the system.

The Transit Authority's financial advisors concluded that it would be impossible to successfully place an issue of Transit Authority revenue-financed bonds. The alternatives were either a Federal guarantee or a complicated tax back-up to be approved by the several local taxing jurisdictions involved. The revised financial plan proposes the use of a Federal guarantee. It is important to the Transit Authority and to the signatory parties to the Compact agreement as well as to the Federal Government that the obligations of the Authority be issued on such terms that will provide for their purchase in the market at the lowest possible interest cost. The Transit Authority plan has progressed to a point where the needs for capital require the Transit Authority to rely primarily upon debt financing through the issuance of bonds or, for short interim periods, the sale of short term notes. To provide the best possible protection to the Federal Government for its guarantee, the Transit Authority needs approval of the proposed Compact amendments to maintain fare-box revenues and those designed to resolve disputes which might otherwise curtail or stop transportation operations. It is, therefore, urgent that this bill be promptly enacted.

The program for mass transportation for the metropolitan area was launched by the enactment of the National Capital Transportation Act of 1960, which provided the authority to study and prepare a development program. The National Capital Transportation Agency was created and charged with the responsibility of preparing a mass transit program indicating the location of facilities and containing a timetable for such development and of reporting on financial costs, revenues, and benefits to the National Capital Region.

Maryland, Virginia, and the District of Columbia were authorized by the 1960 act to negotiate an Interstate Compact agreement which would provide for a regional organization, as a successor to the Agency, to carry out and perfect the plans and proposals of the Agency.

The first authorization of rapid transit facilities was made in the act of September 8, 1965, the National Capital Transportation Act of 1965 which authorized a development program essentially limited to the District of Columbia, consisting of a basic system of 25 miles at an estimated cost of $438 million and designed for expansion into a regional transit system. Following the development and approval of the terms of the Washington Metropolitan Area Transit Compact by the Congress in the act of November 6, 1966, the Washington Metropolitan Area Transit Authority was formed. The Authority proceeded with the expansion of the transit system into the National Capital region outside the District and the development of the financial base within the compact jurisdictions to provide the contributions to furnish the local share of construction costs.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969, which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, and, Farragut Square, and along G Street, out Connecticut Avenue to Dupont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit Authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

Mr. Chairman, I urge my colleagues to support this vitally needed legislation.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. CABELL. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Capital Transportation Act of 1972".

TITLE I—FEDERAL GUARANTEES OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY OBLIGATIONS

Mr. CABELL. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, at this time I object.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

SEC. 101. The National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new sections:

"GUARANTEE OF TRANSIT AUTHORITY OBLIGATIONS

"SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal of and interest on bonds and other evidences of indebtedness (including short-term notes) issued with the approval of the Secretary of the Treasury by the Transit Authority under the Compact. No such guarantee or commitment to guarantee shall be made unless the Secretary of Transportation determines and certifies that—

"(1) the obligation to be guaranteed represents an acceptable financial risk to the United States and the prospective revenues of the Transit Authority (including payments under section 10) furnish reasonable assurance that timely payments of interest on such obligation will be made;

"(2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

"(3) unless the obligation is a short-term note (as determined by the Secretary), it will be sold through a process of competitive bidding as prescribed by the Secretary of Transportation; and

"(4) the rate of interest payable with respect to such obligation is reasonable in light of prevailing market yields.

Notwithstanding clause (3) of the preceding sentence, the Secretary of Transportation may guarantee an obligation under this section sold through a process of negotiation if he makes a determination that prevailing market conditions would result in a higher net interest cost or would otherwise increase the cost of issuing the obligation if the obligation was sold through the competitive bidding process. The Secretary's determination shall be in writing and shall contain a detailed explanation of the reasons therefor.

"(b) Any guarantee of obligations made by the Secretary of Transportation under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

"(c) The aggregate principal amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000; except that (1) no obligation may be guaranteed under this section if, taking into account the principal amount of that obligation, the aggregate amount of that obligation, the aggregate amount of principal of outstanding obligations guaranteed under this section exceeds $900,000,000 unless the local participating governments (A) make, in accordance with agreements entered into with the Transit Authority, capital contributions to the Transit Authority for the Adopted Regional System in a total amount not less than 50 per centum of the amount by which the principal of such obligation causes such aggregate amount of principal to exceed $900,000,000, or (B) have entered into enforceable commitments with the Transit Authority to make such contributions by the end of the fiscal year in which such obligation is issued, and (2) obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation.

"(d) The interest on any obligation of the Transit Authority issued after the date of the enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"REIMBURSEMENT FOR INTEREST AND RELATED COSTS

"SEC. 10. The Secretary of Transportation shall make periodic payments to the Transit Authority upon request therefor by the Transit Authority in such amounts as may be necessary to equal one-fourth of the total of the—

"(1) net interest cost, and

"(2) fees, commissions, and other costs of issuance, which the Secretary determines the Transit Authority incurred on its obligations issued after the date of the enactment of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 11. (a) There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to enable him to discharge his responsibilities under guarantees issued by him under section 9 and to make the payments to the Transit Authority in accordance with section 10. Amounts appropriated under this section shall be available without fiscal year limitation.

"(b) If at any time the moneys available to the Secretary of Transportation are insufficient to enable him to discharge his responsibilities under guarantees issued by him under section 9 or to make payments to the Transit Authority in accordance with section 10, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary of Transportation from appropriations available under subsection (a) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"OBLIGATIONS AS LAWFUL INVESTMENTS

"SEC. 12. (a) Obligations issued by the Transit Authority which are guaranteed by the Secretary of Transportation under section 9 shall be lawful investments, and may be accepted as security for fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are issued by the United States.

"(b) The sixth sentence of the paragraph of section 5136 of the Revised Statutes of the United States designated 'Seventh', (12 U.S.C. 24) is amended by inserting ', or obligations of the Washington Metropolitan Area Transit Authority which are guaranteed by the Secretary of Transportation under section 9 of the National Capital Transportation Act of 1969' immediately following 'or general obligations of any State or of any political subdivision thereof'.

"(c) Any building association, building and loan associations, or savings and loan association, incorporated or unincorporated, organized and operating under the laws of the District of Columbia, or any Federal savings and loan association, may invest its funds in obligations of the Transit Authority which are guaranteed by the Secretary of Transportation under section 9."

Mr. GROSS (during the reading). Mr. Chairman, I ask unanimous consent that section 101 of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, none of the answers given as to why these bonds cannot be sold without a Federal Government guarantee, in my opinion, is valid.

These bonds could be sold if the brokers and purchasers had any faith in the District of Columbia. The reason why the bonds cannot be sold without Federal guarantee is because there is no confidence in the District of Columbia government's ability to pay. This is startling, because less than 2 months ago the Department of Commerce produced figures which showed that the per capita income in Washington, D.C., jumped 11.1 percent in 1971 over 1970, almost twice the national average of 5.6 percent.

When the people of my State, my county, or the municipality in which I live have to float bonds, there is no guarantee by the U.S. Government to help them get a favorable rate and U.S. Government to help pay the interest. They have to peddle their own bonds.

Let me add that in Virginia and Maryland per capita income has also increased. In Virginia it was up 6.9 percent and in Maryland it was up 5.9 percent. Thus the area served by this subway system is in better condition to issue bonds without the direct backing of the U.S. Government than are the people of Mississippi, Iowa, Minnesota, or Texas. Yet there are those who have the nerve to come in here today and ask that the taxpayers of Iowa and of all the other States underwrite the bonds for this subway boondoggle.

Let me go back to July 15, 1965, when Mr. Whitener, our former colleague from North Carolina, fronted out for a subway system. In a colloquy with the gentleman from North Carolina, Mr. Whitener, I asked:

Are the taxpayers of the country going to be saddled with the expense of providing parking lots to serve the subway in Virginia?

Mr. WHITENER. Of course the gentleman knows that after the $150 million is paid out of the District and Federal Treasuries in the fares paid in to the fare boxes will pay the balance. The folks who use the system will be paying for it.

I repeat:

The folks who use the system will be paying for it.

Later in that colloquy I said:

Go back and read the Record of the debate on the District of Columbia Stadium. You will find that Members of Congress came down to the well of the House as they are doing today saying it was not going to cost the taxpayers, your taxpayers and mine, a dime, for that white elephant stadium.

They also asserted that it would cost six or seven million, and it wound up costing $20 million.

Continuing with respect to the stadium I said:

Yet today not one dime has been paid on the principal of the stadium bonds, and they are not likely to be paid by the District. One of these fine days the House is going to get the bill for that $20 million. I said at that time I did not care if a stadium was built at every street intersection in the District of Columbia, and I do not care today if you build a subway system east, west, north and south in the District of Columbia, but I want the taxpayers of the District of Columbia and not the taxpayers I represent to pay the bill.

That was 7 years ago—

If you want this kind of a deal—if you propose to obligate your taxpayers today for nearly half a billion dollars to build a subway in Washington, D.C., that has an ultimate cost of $3 billion—

And I understand it is now estimated at $5 to $6 billion—

Then you explain it to the citizens you represent. I want no part of it.

And I doubt that the people of Texas want any part of this underwriting because you know as certainly as you are sitting or standing in this House today that it will be the U.S. Government that eventually takes over the bonds that you are proposing to underwrite—$1.2 billion worth of bonds. And it is something you will not do for any other transportation or transit system anywhere in the country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, if you think that the Federal Government is not going to wind up holding the sack for $1.2 billion worth of subway bonds, you should look out of the windows of the House Chamber. I am sure you will see pigs flying by.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. CABELL. I want to thank the gentleman in the well for his splendid contribution to the passage of this legislation by having cited the splendid per capita income that prevails in the District, in Virginia, and in Maryland. This shows that there is ample per capita income for those folks to afford the fares necessary to pay off these bonds.

Mr. GROSS. The gentleman does not think for one cockeyed minute that the people in and near this area are going to miss the opportunity to saddle on poor old Uncle Sam the $1.2 billion; do you? I have been around long enough to know better. I listened to the assurances made to the House on the stadium deal, and on the beggar's roost known as the Cultural Center. I have heard all these assurances that have not been kept, and I am hearing another one here this afternoon. I hope that before that chart disappears from the well of the House that somebody reads the estimated income figures into the RECORD for posterity so that when the day comes that the taxpayers of the Nation wind up holding the bag for these local bonds anyone who cares to do so can look back in the CONGRESSIONAL RECORD, as I went back today to the assurances of the gentleman from North Carolina 7 years ago that after the $150 million we would not be asked for additional money.

Mr. Chairman, the proponents of this bill have displayed a chart in the House this afternoon in an attempt to justify this legislation. It reads as follows:

Estimated income statement in millions of dollars

Total fare box revenue	195.5
Nonfare box revenue	8.3
Adjusted gross revenue	203.8
Operating and maintenance expenses	(107.2)
Net revenue before depreciation	96.6
Depreciation expenses	15.3
Net revenue after depreciation	81.3

Mr. Chairman, anyone who believes the District of Columbia subway will ever return a net revenue of $81.3 million in 1990 or any other year believes that the rails are made of pure gold.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. O'KONSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, here we are again with a broken record. I have heard it time and time again in the years I have been a Member of this House. This is all it is going to cost. This is all it is going to cost. This is all it is going to cost. How many times have we heard this refrain?

What we are actually engaged in is a deception. We are again deceiving the taxpayers of our Nation. Time and time again we have engaged in gross deception. But this Metro system is the grossest deception of all time.

We deceived the taxpayers and Members of Congress when the Member from this House from the State of Arkansas got on the floor of the House over here and said that the stadium was going to cost $4 million. He said every penny of it would come back from the use and the rental of the stadium.

He deceived the taxpayers. It did not cost $4 million—it cost close to $20 million. It is falling apart at the seams and is costing the taxpayers $2½ million a year to keep it up. Every time the Redskins play a game at the stadium it costs the taxpayers a quarter of a million dollars.

We deceived and we lied to the taxpayers about the Center for the Performing Arts. I remember when supporters of the Center came in the well of the House and said "If we give them the land, that Center is not going to cost the taxpayers a dime—it is going to be paid for by the schoolchildren, a dime a piece. The taxpayers were to be spared."

But somehow the schoolchildren forgot about it and did not respond. It already has cost us $70 million. As one gentleman mentioned in the paper yesterday they are $5 million in the red right now. What the end is going to be—nobody knows. But they will be back for more millions, rest assured of that. And they will be back for more and more and more.

Again we deceived the taxpayers of this Nation. We are engaged in the biggest deception in the history of the Congress with Metro. Now we are deceiving them by what I consider to be the biggest boondoggle in the history of all mankind—and that is what this Metro System is—the biggest boondoggle in the history of man. Nothing in the whole wide world comes near the cost of this biggest of all boondoogles.

I do not know of a single boondoogle in the history of the world that is going to cost as much as this Metro System. When Members get up on the floor of the House over here and say its going to pay for itself they are engaging in gross deception. These same people said the stadium is going to be paid for by the rentals and by those who are going to use this stadium. They said the center is going to be paid for by the schoolchildren of America. Now they say these bonds are going to be paid for by way of the fare box.

They also say that Metro is going to cost only $3 billion. When anybody here comes before this body and tells me that this Metro System is going to be finished for $3 billion, they are insulting my intelligence, and I do not subscribe to it at all. This system is going to cost the taxpayers of the United States of America a minimum of $5 billion before it is finished and it could well go to $7 billion. And it may well never be finished after we spend the $7 billion.

You talk about priorities spending $5 billion to $7 billion in one city is madness. I think we would be better if we turned those holes that they have dug into the ground and handed them over to the underground like the Quick Silver and other underground groups. At least we would know where they are.

Now this is just for one city. It is going to set an example of what we are going to be asked to do in every major city in the United States of America. This is not the end—it is just the beginning.

Now let us look at it in another way. Suppose we took this $3 billion—not the $5 billion or $7 billion that it is actually going to cost—let us take just $3 billion—if we gave this $3 billion to Amtrak, we could restore railroad service to every major community in the country—to every city with a population in excess of 10,000 and we could put a quarter of a million men and women to work if we give this money to Amtrak instead of giving it to this boondoggle, the largest in the history of mankind—in one city.

So I am not going to be fooled by this figure of $3 billion.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(Mr. O'KONSKI was granted permission, at the request of Mr. GROSS, to proceed for 2 additional minutes.)

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Michigan.

Mr. RUPPE. Is it not really true that there is one reason, and probably one only, why these bonds cannot be sold, and that is simply that the bond houses in New York have absolutely no confidence whatsoever that either the principal or the interest on the bonds will ever be paid out?

Mr. O'KONSKI. If there is any notion, or if any financier had any idea or belief that the bonds were worth the paper they were written on, you would not have this bill before Congress. The very fact that you have this bill before Congress demonstrates that no one in America feels that the value of these bonds is worth the paper they are written on unless the Federal Government says, "If they default, we will pay the bill."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Iowa.

Mr. GROSS. I want to point out to Members of the House that the gentleman from Wisconsin (Mr. O'KONSKI) is no "Johnny come lately" in opposition to Federal financing of this subway deal. He denounced this proposed rape of all the taxpayers on July 15, 1965, 7 years ago, just as he denounces it today, and I commend him.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has made a profound statement and I agree with everything he says. I want to add one more consideration, however. People are going to be afraid to ride the subway because you are going to have a tremendous crime problem unless one or two thousand police ride shotgun on it day and night.

Mr. O'KONSKI. I wanted to point out that what you are doing is your are asking me and all other taxpayers to underwrite bonds that are not worth the paper they are written on otherwise you would not have to appear before this body and ask it to assist in the financing of the greatest boondoggle in the history of mankind.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. CABELL, and by unanimous consent, Mr. O'KONSKI was allowed to proceed for 1 additional minute.)

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas would like to express the very sincere regret that the gentleman in the well, who is a member of the committee, did not give to the committee any of his time or the benefit of his superior knowledge as to what the ultimate cost of this system would be. I am sure that had he seen fit to attend the hearings and to attend the markup meetings on the bill, his very sage observations and, I am sure, his accurate statements as to the probable cost would have been given an attentive hearing.

Mr. O'KONSKI. Is the gentleman talking about the cost of the system? Is that what the gentleman referred to? I may answer that by saying that the Rayburn Building, in which I have my office, was originally supposed to cost the taxpayers $32 million. When it was finished it had cost, I believe, $138 million.

Then you come before this body and say that you are going to build the subway for $3 billion, and I say that I have been around here long enough to know that that will be only a small percentage of what it will actually cost.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRASER. Mr. Chairman and members of the committee, I am not an expert on the Metro subway and I am not an expert on selling revenue bonds. But I do have the very firm impression from my work on the District of Columbia Committee that this bill is essential. We are going to have the Metro System completed. I do not really see any choice. This system is well under construction. We cannot stop now.

Before I was a Member of Congress there was a time that I was involved in trying to market municipal bonds. I know that just because a bond might be difficult to market does not mean it is worthless.

The revenue bonds are notoriously difficult to market particularly, when it is hard to predict with certainty that they will generate the needed revenue. But this does not mean the bonds are no good or that there is prospect for repayment.

I see no choice except to move ahead with Metro unless we leave a great many holes in the ground, and leave this area with a transportation system that is totally inadequate. I just do not see any choice. I really do not understand how anybody can propose that there is a realistic alternative before us.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think the gentleman has made a very valid statement.

I ask the gentleman if it is not true that, given a choice, given the fact that the subway is already under construction, and the fact that we do not want to come to 1976 or any other year with torn up holes in the ground, I ask the gentleman whether the only other choice would be the infusion of more Federal capital funds into this project? The very purpose of this guaranty provision of the revenue bonds is to avoid new amounts of Federal capital having to be appropriated by this body.

Mr. FRASER. The gentleman is correct. As I understand it, the only other way to do it is by appropriation, if we do not do it in this way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. GROSS. I would be glad to shift the burden of this from the taxpayers of Iowa to the taxpayers of Illinois or Minnesota. I would be delighted to have it taken off our backs and transferred to the backs of the taxpayers of Illinois and Minnesota.

Mr. FRASER. I think the gentleman's constituents want to get around in the capital in an efficient manner also. These observations should have been made before this project was started.

Mr. GROSS. They were made.

Mr. FRASER. If we do not underwrite the sales of these bonds in this fashion, the funds for Metro will come directly from the taxpayers. There is no other choice.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for his observations. I would like to remind the Members that at stake in this vote is whether or not we will complete the subway system. We have already voted on a number of occasions as to whether or not there should be a system, and that subject is not really the question before us unless we vote against this bond bill, in which case there will be required, as the gentleman pointed out correctly, an infusion of Federal capital to carry out the construction of the system, or we will not be able to complete the system.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, I can understand the gentleman's interest and the fact that he has done a great deal of work, profound work, exercised in behalf of the subway system.

I do think one of the weakest excuses possible for this legislation is the feeling or the statement that since we have begun or that we have 24 holes dug in the ground, that we have to go forward regardless of the cost. It seems to me the subway ought to be able to stand on better merit than that. This legislation today reflects the fact that the legislation was not well considered, and the cost and revenues of the project were not estimated accurately.

As the gentleman says, the revenue bonds are difficult to sell when the revenue itself is in question, and I think the gentleman has indicated that very well by his statement.

Mr. FRASER. When the revenue bondholders cannot predict with some confidence that the revenues will be sufficient to pay the principal and interest, they want some margin of safety. When we cannot give that firm assurance, it does not mean the bonds cannot be paid off, but only that marketing might be somewhat more difficult. Obviously its a gross overstatement to say that the bonds are worthless. I have been involved in the sale of municipal bonds, and I have some concept and some understanding of what the buyers want.

I think it is also unfair to say that Metro to date is only a series of holes in the ground. Development is much farther along than that.

Former Congressman Whitener was involved in the original work on this project, and he spent a great deal of time on it. There have been some changes in cost, and there will probably be more, but it seems to me quite clear that Washington needs a Metro subway system.

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Mr. RUPPE. I understand the gentleman's position. I would suggest whether we guarantee the bonds or put more Government infusion of money into it is immaterial. I think we will have to pay out the moneys for the increased cost in the subways.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 7, insert after line 18 the following:

SEC. 102. The Secretary of Transportation shall (1) conduct a study to determine the additional funds (if any) needed to bring the facilities and services of the Adopted Regional System into conformity with the national policy respecting the needs of the elderly and the handicapped stated in section 16(a) of the Urban Mass Transportation Act of 1964, and (2) report to the Congress the results of such study.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I think the House ought to proceed in an orderly fashion. This bill has not been considered as read. Only the first section, section 9, has been read. Therefore, I ask unanimous consent, without invalidating the reading of the gentleman's amendment, that the bill now be considered as read and open to amendment at any point.

PARLIAMENTARY INQUIRY

Mr. CABELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CABELL. Was this amendment to section 1, which has been read? Does it apply to that?

The CHAIRMAN. It is an amendment to the first section of the bill.

Mr. CABELL. I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

Mr. GROSS. Mr. Chairman, yes, but page 7 goes beyond the first section of the bill.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from New York is an amendment to the first section of the bill.

Mr. GROSS. Mr. Chairman, a further point of order. The request I made was to dispense with the reading of section 9, which ends on page 4 with section 10.

The CHAIRMAN. The Chair will state that the unanimous consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment offered by the gentleman from New York is to the first section of the bill and is therefore in order.

The Chair recognizes the gentleman for 5 minutes in support of his amendment.

Mr. CABELL. Mr. Chairman, this side accepts the amendment offered by the gentleman from New York.

Mr. NELSEN. Mr. Chairman, we find the amendment acceptable.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. Yes. I am delighted to yield.

Mr. GROSS. What is the amendment?

Mr. BIAGGI. The amendment deals with the Mass Transportation Act of 1964, as amended by my amendment of 1970. This amendment would require the Secretary of Transportation to conduct a study to determine what additional funds, if any, would be needed to bring the facilities and services of the Metro subway stations into conformity with the national policy respecting the needs of the elderly and the handicapped. This national policy was established with the passage of my amendment to the Urban Mass Transit Act of 1970 which stated that the elderly and the handicapped should have an equal right to mass transit facilities. It further required that all federally funded projects include design features to meet their needs. It also authorized discretionary funding for modification of existing facilities and for research and development programs.

I decided to offer this amendment when I learned this weekend that a U.S. district judge ruled Friday that unless Congress provides the money, the Washington Metropolitan Area Transit Authority cannot be compelled to obey the Urban Mass Transit Act requiring added facilities to serve the handicapped.

Under the present plans for Metro stations, they will have only escalators to carry passengers from street-level station entries to the fare-collection mezzanines and from the mezzanines to the track platform and back again. The handicapped and elderly citizens need elevators at these stations, however, if they are to use this system. The Urban Mass Transit Act requires Metro to use part of whatever money is now available for the system to provide the elevators.

Mr. Chairman, the vast majority of Federal resources have been directed toward research and development of separate systems such as the Dial-a-Ride bus program currently in operation. Such separate systems are too costly and do not reach a sufficient number of the affected persons to justify the expenditures. We must have systems that can be used equally by our elderly and handicapped citizens—not separate and unequal facilities. The Washington Metro system and all of the Nation's transit systems must be as accessable to our elderly and handicapped citizens as they are to anyone else. We cannot stand idly by while these citizens are kept from riding on these facilities.

We must, therefore, modify existing systems as well as be certain that new mass transit facilities are accessible to these people. They cannot be treated as second-class citizens any longer. They have an equal right to use the system and should be served as a matter of course.

Mr. Chairman, my amendment to the Urban Mass Transit Act, section 16, marked a turning point in national concern for the transit needs of the elderly and the handicapped. For the first time, it was acknowledged that these people have an equal right to mass transit facilities. We must make every effort in the Congress to see to it that this section of the law is carried out.

I, therefore, offer this amendment to the National Capital Transportation Act to require a cost study by the Secretary of Transportation to determine the costs, if any, to bring the Metro facilities in line with the intent of Congress and make these facilities accessable to the elderly and handicapped citizens.

I urge my colleagues to support my amendment for the good of our elderly and handicapped citizens so that they may enjoy the new Metro system—along with everyone else.

Mr. GROSS. This does not provide for policemen or armed persons of some description to ride on every subway car, does it?

Mr. BIAGGI. No. Nothing whatsoever like that.

Mr. NELSEN. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. NELSEN. I want to say this is a very thoughtful amendment. I know the gentleman is concerned that facilities are designed in a manner that makes it possible for the handicapped to make use of the system. It is a thoughtful amendment and I am sure this House will approve it.

I thank the gentleman for yielding.

Mr. CABELL. Will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. CABELL. Will the gentleman yield for a motion?

Mr. BIAGGI. Yes.

Mr. CABELL. Mr. Chairman, I move that the bill be considered as read and printed at this point in the RECORD and open to amendment at any point.

The CHAIRMAN. The Chair must rule that the gentleman from Texas is not in order in making that motion at this time. The Chair will entertain, however, a unanimous-consent request to that effect.

Mr. CABELL. Then, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill is as follows:

TITLE II—INCREASED DISTRICT OF COLUMBIA CONTRIBUTION

SEC. 201. (a) Section 4(a) of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1-1443(a)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

(b) Paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(3)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

TITLE III—COMPACT AMENDMENTS

SEC. 301. (a) The Congress hereby consents to amendments to articles I, III, VII, IX, XI, XIV, and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1-1431 note) substantially as follows:

(1) Section 1(g) of article I is amended to read as follows:

"(g) 'Transit services' means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; and".

(2) Section 5(a) of article III is amended to read as follows:

"5. (a) The Authority shall be governed by a Board of six Directors consisting of two Directors for each signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the City Council of the District of Columbia from among its members, the Commissioner and the Assistant to the Commissioner of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. In each instance the Director shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with his term on the body by which he was appointed. A director may be removed or suspended from office only as provided by the law of the signatory from which he was appointed. The appointing authorities shall also appoint an alternate for each Director, who may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment."

(3) Section 21 of article VII is amended to read as follows:

"Temporary Borrowing

"21. The Board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the Board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money."

(4) Section 35 of article IX is amended to read as follows:

"Interest

"35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually."

(5) Section 39 of article IX is amended to read as follows:

"Sale

"39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the Board shall determine."

(6) Section 51 of article XI is amended to read as follows:

"Operation oy Contract or Lease

"51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine."

(7) Section 66 of article XIV is amended to read as follows:

"Operations

"66. (a) The rights, benefits, and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authority shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

"(b) The Authority shall deal with and enter into written contracts with employees as defined in section 152 of title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

"(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term 'labor dispute' shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one-half of the expenses of such arbitration.

"(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except social security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

"(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records of labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained

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and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system."

(8) Section 79 of article XVI is amended to read as follows:

"Reduced Fares

"79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of article XIII hereof for any specified class or category of riders."

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a), to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

Mr. PEYSER. Will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to my colleague.

Mr. PEYSER. I would like to compliment the gentleman from New York on his amendment. I think it speaks to the very problem involved in transportation throughout this country. I am delighted to have the elderly and the physically handicapped included in this kind of action and hope that it will produce results that will enable their travel to be made far easier and less expensive under this system.

I strongly urge that the House support this amendment.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I shall be glad to yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I wish to commend the gentleman from New York on his amendment. It is certainly worthwhile and deserving of support of the House.

We must explore every reasonable means to assure that the elderly and the handicapped truly have the same right as other persons to mass transit facilities. Conduct of this study to eliminate such barriers to free access to transit is consistent with the rigorous standards the Metro authority has steadfastly pursued.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was agreed to.

Mr. CABELL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered on the bill and the amendment thereto.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 282, nays 75, not voting 75, as follows:

[Roll No. 228]

YEAS—282

Abbitt	Carlson	Evins, Tenn.
Adams	Carter	Fascell
Addabbo	Casey, Tex.	Findley
Anderson, Ill.	Cederberg	Flynt
Andrews, N. Dak.	Chamberlain	Foley
Annunzio	Clausen, Don H.	Ford, William D.
Ashley	Clawson, Del	Forsythe
Aspin	Clay	Fountain
Aspinall	Cleveland	Fraser
Badillo	Collier	Frelinghuysen
Barrett	Collins, Ill.	Frenzel
Begich	Conable	Fuqua
Belcher	Conover	Gallifianakis
Bennett	Conte	Garmatz
Bergland	Conyers	Gaydos
Betts	Corman	Gettys
Biaggi	Culver	Gialmo
Biester	Curlin	Gibbons
Bingham	Daniel, Va.	Gonzalez
Blackburn	Daniels, N.J.	Goodling
Blatnik	Danielson	Grasso
Boland	Delaney	Gray
Brademas	Dellenback	Green, Oreg.
Brasco	Dellums	Green, Pa.
Brooks	Derwinski	Grover
Brotzman	Dingell	Gubser
Brown, Mich.	Dorn	Gude
Brown, Ohio	Dow	Haley
Broyhill, N.C.	Drinan	Halpern
Broyhill, Va.	Duiski	Hamilton
Buchanan	du Pont	Hammer-schmidt
Burke, Mass.	Dwyer	Hanley
Burleson, Tex.	Eckhardt	Hanna
Burton	Edmondson	Hansen, Idaho
Byrne, Pa.	Edwards, Ala.	Hansen, Wash.
Byrnes, Wis.	Edwards, Calif.	Harrington
Byron	Eilberg	Harvey
Cabell	Eshleman	Hathaway
Carey, N.Y.	Evans, Colo.	Hébert
Hechler, W. Va.	Minish	Scott
Heckler, Mass.	Minshall	Selberling
Heinz	Mitchell	Shipley
Helstoski	Mizell	Shoup
Hicks, Mass.	Monagan	Shriver
Hillis	Moorhead	Sikes
Hogan	Morgan	Sisk
Horton	Moss	Smith, N.Y.
Hosmer	Murphy, Ill.	Springer
Howard	Murphy, N.Y.	Staggers
Hungate	Natcher	Stanton, J. William
Hunt	Nedzi	Stanton, James V.
Jarman	Nelsen	Steele
Johnson, Calif.	Nix	Steiger, Wis.
Johnson, Pa.	Obey	Stephens
Jones, Ala.	O'Hara	Stratton
Karth	O'Neill	Stubblefield
Kastenmeier	Pelly	Talcott
Kazen	Pettis	Taylor
Keating	Peyser	Teague, Calif.
Keith	Pike	Thompson, Ga.
Kemp	Pirnie	Thompson, N.J.
King	Poage	Thone
Koch	Podell	Tiernan
Kyros	Poff	Udall
Landrum	Powell	Ullman
Leggett	Preyer, N.C.	Vander Jagt
Lennon	Price, Ill.	Vanik
Lent	Pucinski	Veysey
Link	Purcell	Vigorito
Lloyd	Quie	Waldie
Lujan	Rangel	Wampler
McClory	Rees	Ware
McCloskey	Reid	Whalen
McClure	Reuss	Whalley
McCormack	Rhodes	White
McCulloch	Riegle	Whitehurst
McDade	Robison, N.Y.	Widnall
McEwen	Rodino	Wiggins
McFall	Roe	Williams
McKay	Rogers	Wilson, Bob
McKevitt	Roncalio	Wilson, Charles H.
Macdonald, Mass.	Rooney, N.Y.	Winn
Madden	Rooney, Pa.	Wolff
Mahon	Rosenthal	Wright
Mailliard	Rostenkowski	Wyatt
Mallary	Roush	Wylie
Mann	Roy	Yates
Martin	Roybal	Yatron
Mathias, Calif.	Ruth	Young, Tex.
Matsunaga	Ryan	Zablocki
Mazzoli	Sandman	Zwach
Melcher	Sarbanes	
Mikva	Satterfield	
Miller, Calif.	Saylor	
	Schneebeli	

NAYS—75

Andrews, Ala.	Henderson	Price, Tex.
Archer	Hicks, Wash.	Quillen
Ashbrook	Hull	Randall
Baring	Hutchinson	Roberts
Bevill	Ichord	Robinson, Va.
Bow	Jacobs	Rousselot
Bray	Jonas	Runnels
Brinkley	Jones, N.C.	Ruppe
Burlison, Mo.	Jones, Tenn.	Scherle
Camp	Kyl	Sebelius
Chappell	Landgrebe	Skubitz
Clancy	Latta	Slack
Collins, Tex.	Long, Md.	Smith, Calif.
Colmer	McCollister	Smith, Iowa
Crane	Mayne	Snyder
Davis, Wis.	Michel	Spence
de la Garza	Miller, Ohio	Steed
Denholm	Mills, Md.	Steiger, Ariz.
Duncan	Montgomery	Terry
Fisher	Myers	Thomson, Wis.
Flowers	Nichols	Whitten
Goldwater	O'Konski	Wydler
Grosa	Passman	Wyman
Harsha	Patman	Young, Fla.
Hays	Patten	Zion

NOT VOTING—75

Abernethy	Chisholm	Frey
Abourezk	Clark	Fulton
Abzug	Cotter	Gallagher
Alexander	Coughlin	Griffin
Anderson, Calif.	Davis, Ga.	Griffiths
Anderson, Tenn.	Davis, S.C.	Hagan
Arends	Dennis	Hall
Baker	Dent	Hastings
Bell	Devine	Hawkins
Blanton	Dickinson	Holifield
Boggs	Diggs	Kee
Boiling	Donohue	Kluczynski
Broomfield	Dowdy	Kuykendall
Burke, Fla.	Downing	Long, La.
Caffery	Erlenborn	McDonald, Mich.
Carney	Esch	McKinney
Celler	Fish	McMillan
Ford, Gerald R.	Flood	Mathis, Ga.
Meeds	Perkins	Schwengel
Metcalfe	Pickle	Stokes
Mills, Ark.	Pryor, Ark.	Stuckey
Mink	Railsback	Sullivan
Mollohan	Rarick	Symington
Mosher	Scheuer	Teague, Tex.
Pepper	Schmitz	Waggonner

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Arends.
Mr. Waggonner with Mr. Hall.
Mr. Dent with Mr. Devine.
Mr. Cotter with Mr. McKinney.
Mr. Celler with Mr. McDonald of Michigan.
Mr. Kluczynski with Mr. Broomfield.
Mr. Holifield with Mr. Erlenborn.
Mr. Fulton with Mr. Baker.
Mr. Pickle with Mr. Esch.
Mr. Pepper with Mr. Burke of Florida.
Mr. Meeds with Mr. Schwengel.
Mr. Blanton with Mr. Fish.
Mr. Boggs with Mr. Gerald R. Ford.
Mrs. Sullivan with Mr. Mosher.
Mr. Stuckey with Mr. Perkins.
Mr. Stokes with Mr. Dowdy.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mrs. Abzug.
Mr. Hawkins with Mr. Scheuer.
Mr. Carney with Mr. Metcalfe.
Mr. Diggs with Mr. Gallagher.
Mrs. Chisholm with Mrs. Griffiths.
Mr. Abernethy with Mr. Hagan.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Mollohan with Mr. Donohue.
Mr. Davis of Georgia with Mr. Dickinson.
Mr. Clark with Mr. Caffery.
Mr. Davis of South Carolina with Mr. Frey.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Flood with Mr. Coughlin.
Mr. Fountain with Mr. Hastings.
Mr. Rarick with Mr. Dennis.
Mrs. Mink with Mr. Railsback.
Mr. Mathis of Georgia with Mr. Symington.
Mr. McMillan with Mr. Schmitz.
Mr. Mills of Arkansas with Mr. Downing.
Mr. Kee with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corp of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15586, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 20, 1972, the Clerk had read through line 10, page 2 of the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on Tuesday, June 20, under the rule of general debate I spoke at length on the public works and Atomic Energy Commission appropriations bill for 1973.

I went into some detail concerning the appropriations and merits of this vital and important bill.

At that time I omitted any reference to the disastrous flood at Rapid City, S. Dak. Subsequently the tropical storm Agnes has wreaked havoc in the mid-Atlantic States, triggering the worst floods in this area in the Nation's history.

Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, and the District of Columbia have all been hard hit by devastating floods.

The latest reports indicate that 117 persons have died in this unprecedented flood in the East with thousands left homeless and property damages estimated at more than $2 billion.

I am sure it is not necessary to point out the impact of nature uncontrolled as a polluter and contaminator of the natural environment.

I am also sure it is not necessary to point out that this flood demonstrates the necessity of providing for adequate flood control to assure the protection of life and property.

In this connection, I think it is again appropriate to stress the importance of this bill as a protector of life and property throughout the United States.

In my view, these latest disastrous floods have demonstrated the necessity of strengthening existing floodwalls which have shown to be inadequate.

My committee will consider any request for supplemental appropriations to relieve the effects of this disaster as required and needed.

The Corps of Engineers has advised that their preliminary estimates are that during the recent flood disaster on the east coast—

First. The Kinzua Dam, Allegheny River, averted damages of $160 million in the areas of Pittsburgh and New Kensington, Pa., and Wheeling, W. Va. Total cost of the dam was $107 million.

Second. The Conemaugh Dam, Allegheny River, averted $200 million worth of damages in the areas of Pittsburgh and New Kensington, Pa. and Wheeling, W. Va. The total cost of the dam was $46 million.

Third. The Mount Morris Dam, Genessee River near Rochester, N.Y., averted $140 million in damages; the cost of the dam was $24 million.

Fourth. Various projects on the Lehigh River averted $25 million worth of damage.

Total $860 million.

In addition, five other projects—Bush Curwensville, and Sayers Reservoirs; and local protection projects at Williamsport and Sunbury, Pa.—averted damages of $360 million. The total cost of these works was $80 million.

Mr. ROBISON of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from New York.

Mr. ROBISON of New York. I should like to congratulate the distinguished gentleman, the chairman of our subcommittee, for the statement he has just made.

I am probably one of several Members of this House who, over the past weekend, returned to their home districts to see the actual amount and extent of the devastation which followed in the wake of "Agnes" this past week and continued into the weekend.

The area in my part of upstate New York, particularly the cities of Corning and Elmira, were especially badly hit, as reported in the press, with loss of life and destruction of property which will obviously cost millions of dollars to repair or restore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

Mr. ROBISON of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to complete my statement.

Mr. Chairman, the Chemung River, a tributary of the Susquehanna River flows through Corning and Elmira. On that river there is a flood prevention structure under construction, in the northern part of Pennsylvania, to be known as the Tioga-Hammond Reservoir. I wish there were additional money in this bill before us to further accelerate the construction of that reservoir, because if it had been in existence at the time of this flood there would not have been anywhere near this amount of damage, and perhaps no damage at all, to these communities. The $10.8 million in the bill before us for this particular reservoir represents, however, the full capability of the Corps of Engineers. I merely wish to express the hope, for the record, that the Corps will keep this project in mind and appreciate more than it has, perhaps, in the past, the now demonstrated and re-demonstrated need for this particular flood prevention project, and will do all it can in future years to accelerate its construction.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I should like to say to my good friend the gentleman from New York, and to the chairman of the subcommittee, that I associate my remarks of both gentlemen concerning the effectiveness of the structures which have been completed. I join in the remarks of my friend from New York, in being sorry that perhaps some projects have not now been completed.

In Arizona we had 160 days without rain. Then mother nature tried to make up for it all in one day. As a result there were disastrous floods in the Phoenix and Scottsdale areas. The flood at Scottsdale would have been contained largely by the Indian Bend Wash flood control project, had the project been completed.

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The Arizona Canal, a part of the Salt River Project system, helps carry off flood waters, but in this instance could not carry them off fast enough. The waters broke over the canal and flooded the north central area of the city of Phoenix.

There again, if Cave Creek Dam, also in the planning stage in this bill, had been constructed, this probably would not have happened.

The bill we have before us today is extremely important to all parts of the country, and I hope we can proceed with expedition to pass it.

Mr. ROBISON of New York. I thank the gentleman.

Mr. CONOVER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Pennsylvania.

Mr. CONOVER. I thank the gentleman for yielding.

I should like to say to the chairman of the subcommittee, I have just returned from Pittsburgh. I believe the comments he made about the projects in Pittsburgh and the vicinity are very appropriate, and those projects have reduced the amount of damage. It is estimated that without those projects the flood would have been about 3 feet higher than the 1936 flood. It crested at approximately 37 feet, in this flood.

I should like to compliment the gentleman on his comments, and I hope we can continue our review of flood control projects which I hope will avoid any future situation in southwestern Pennsylvania similar to those of 1936 and the recent damage caused by Hurricane Agnes.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee for including in the bill substantial funds for flood control on the Missouri and Big Sioux Rivers which affect my hometown of Sioux City. We have had disastrous floods there in the past, but fortunately they are not occurring in that part of the country right now, thanks in part to the good foresight that this committee has shown in providing adequate funds for flood control and abatement.

Mr. Chairman, I am pleased that the administration and the House Appropriations Committee would provide $78,000 for this next fiscal year for Army Corps of Engineers planning toward solution of flood control problems engendered by the lower Big Sioux River at my hometown of Sioux City, Iowa, and its South Dakota environs. There is no question but that the history of disastrous floods in the lower Big Sioux River Basin and the tragic experiences of the hapless victims of this flooding more than amply justifies this expenditure. Although this year those living in the area of the Big Sioux River have so far been fortunate in not having the torrential rains and conditions which brought tragedy to our good neighbors in western South Dakota, there is no guarantee that the Big Sioux River, if not tamed, will not soon again surge out of its banks and wreak havoc upon all in its path.

The tragedies caused by the torrential flooding in recent weeks at Rapid City, S. Dak., and in Metropolitan Washington and other parts of the eastern seaboard must surely have persuaded all in this Chamber of the urgent need for stepping up flood control planning and construction to help prevent such disasters in the future. We can ill afford to ignore this pressing problem. Appropriate solutions are within our grasp within the foreseeable future if only we continue to allocate the needed funds for flood control and assign to such projects higher priority than any other public works programs.

I commend the administration and the committee also for providing $10,000 for general investigations and study regarding flood control for the Little Sioux River, another northwest Iowa tributary of the Missouri River capable of tremendous destructive power if left unleashed. I know those living in the basin of the Little Sioux, a beautiful and fertile valley in normal times, will appreciate this consideration of their need for assistance to assure protection of their homes, farms, and businesses.

The administration requested and the committee fully provided in its wisdom the $1,675,000 required to continue construction of flood control projects affecting the Missouri River. I strongly approve this action, and the further action taken by the committee providing the $10,300,000 requested for the improvement of navigation on the Missouri River between the Port of Sioux City and the mouth of the Missouri. The Army Corps of Engineers over the years through its persistent and dedicated efforts has to a great extent tamed the wild Missouri, making disastrous floods largely a thing of the past—this work must not be abandoned.

Mounting inadequacies of railroad transportation and recurrent problems of boxcar shortages at harvest time, together with vast export market opportunities abroad for corn, soybeans, and other produce of northwest Iowa and other Missouri River Basin areas served by the Port of Sioux City, have made it increasingly important that water routes to the Midwest, particularly between the Port of Sioux City and the Gulf of Mexico, be maintained and improved. The export trade flowing through this already important and thriving river port has contributed massively to the improvement of our balance-of-payments picture. The future of the Port of Sioux City may well be assured by the funds which the administration and the committee have provided in the present bill for Missouri River navigation programs.

In this connection, I am pleased to take this opportunity to invite all my colleagues, but most particularly those serving on the House Appropriations Committee Subcommittee on Public Works Appropriations, to participate in the annual Rivercade celebration beginning July 26 at Sioux City. There you will readily observe the great extent to which opening the Missouri River to navigation has already contributed to the continuing economic prosperity of an area which otherwise would be painfully caught in the pinch of diminishing access to adequate transportation.

Certainly the committee's direction to the Army Corps of Engineers, that the corps consult with the Tribal Council in an effort to work out a mutually acceptable plan of action before any construction is initiated regarding the proposed Snyder-Winnebago recreation project, is appropriate. Every effort should be made in every project to consult with all persons and parties affected.

In general, I believe the various flood control and navigation projects contemplated in the bill and report are justified. Growing needs for energy to meet industrial needs and home consumption can be met at least partially through hydroelectric and nuclear power generation capabilities proposed in the bill, subject to appropriate safeguards to negate or lessen impact on the environment.

However, I seriously question the wisdom of funding the several very substantial Bureau of Reclamation irrigation projects proposed in this bill. These projects would add countless acres of irrigated cropland to the present surplus of tillable acres, in subsidized competition with northwest Iowa farmers and other farmers who have voluntarily cooperated in the feed grain program's retirement of land from production. This does not make good sense in my opinion and that of millions of farmers and taxpayers throughout this Nation.

No land receiving irrigation through these Federal projects should be able to enter into production of crops already in surplus or near surplus. Bureau of Reclamation programs should not become a vehicle for moving the Corn Belt artificially from those areas best adapted by nature to the raising of feed grains, and as the fertile, unirrigated farms of northwest Iowa, farms dependent on God's providence and not on taxpayer-subsidized irrigation. I seriously question whether there is any real national interest in the false economy proposed by these Bureau of Reclamation irrigation projects. In many cases they do irrevocable damage to our environment, bury some of our Nation's most beautiful natural wonders under the muck of irrigation reservoirs, wash away the soil cover and pollute the rivers and lakes with salts and alkali. I do not believe many of these irrigation projects will produce any short- or long-term benefits which can equal their high cost and detrimental effects.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise once again in strong support of the Public Works Appropriations bill for fiscal year 1973. I reviewed the basis for my approval of this legislation in some depth during debate last week. Since that time, however, much of the Eastern Seaboard has been hit hard by severe flooding caused by heavy rains.

It is extremely regretable that it takes a major disaster of this magnitude to focus some people's attention on the need for adequate and foresighted flood control and water conservation planning.

For years I have witnessed the aftereffects of these natural disasters and have on each occasion urged the completion of an integrated, comprehensive flood control and water conservation plan for every river basin in the country. But, on each occasion and with each passing day the memory of the devastation fades and with it goes the impetus for constructive action.

Many are willing to expend billions after the fact for repair and restoration but give no consideration or, in fact, oppose the expenditure of only millions—or even thousands—for prevention. In this particular instance, if ever a cliche was true it is that "an ounce of prevention is worth a pound of cure."

At the present time there are 117 dead and 112,000 homeless in this most recent flooding. According to early reports, property damage in Pennsylvania alone has exceeded $1 billion.

These incredible damage costs justify our Government assisted flood insurance concept and our comprehensive disaster relief program. Both of these measures have been enacted by the Congress but the basic solution—flood control and water conservation—remains a budgetary stepchild.

The committee report on the bill before us points out that only 25 of 127 flood control or related projects ready for construction can be funded in the coming year. In addition, planning starts for only 31 of a backlog of 185 can be funded.

Preventing floods requires a carefully formulated combination of flood plain management, major reservoirs, smaller impoundments, estuarine improvements, development prohibtions, and many other actions.

In many river basins the river can, and should, be left as it is. In others, flood protection is desperately needed and a plan should be adopted. In any event, planning should begin now.

I believe the Subcommittee on Public Works has come up with and excellent bill but, as I have said, last week's major flood shows clearly the scope of the task that lies before us.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hiring, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $2,129,000,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, lines 21 and 22, strike "$2,129,000,000" and insert in lieu thereof "$2,079,000,000".

Mr. DOW. Mr. Chairman, the amendment I am offering would delete $50 million in the appropriation which is authorized for the liquid metal fast breeder reactor—LMFBR—demonstration project. This item is referred to on page 5 of the committee's report. I am not attempting to reduce the $131.5 million in the bill for LMFBR research which we already debated during the authorization process on June 7.

The LMFBR has been hailed as the answer to our energy shortage problems. It is argued that the predicted national uranium shortage will be avoided, because the LMFBR will produce more fuel than it consumes. Great savings have been projected.

The negative side of the picture, however, should make us stop dead in our tracks and reassess our entire program for developing future energy resources.

The switch to LMFBR's will lead to a tremendous increase in the Nation's production of plutonium, one of the most toxic substances known to man.

It is unanimously agreed that fusion reactors will be preferable to LMFBR's when they are developed.

We are committing the Nation to LMFBR's when their feasibility has not been fully established.

The toxicity of plutonium, considered by itself, should make us very wary of a switch to plutonium energy production. An impressive list of America's foremost scientists, including several Nobel laureates, have warned us of the hazards involved. As long as these eminent men express such doubt, the LFMBR should be held in limbo and the doubt resolved before going ahead.

Plutonium has a half-life of 24,000 years. It takes half a million years to decay to an innocuous level. The persistence of this substance in the environment is said to exceed any of the chemicals or elements we have ever worked with on a large scale. The amount of plutonium now produced in the Nation annually is measured in kilograms. AEC projects that 30 tons will be produced annually by 1980, and by the year 2000, 100 tons will be produced annually. This will add up to millions of pounds of material that will be extremely deadly so far into the future that it is impossible for the ordinary mind to comprehend the danger.

Plutonium is so deadly that one-millionth of a gram has caused cancer in mice. Similar amounts injected into dogs created a high incidence of bone cancer, one of the most painful and incurable forms of this dread disease. Plutonium is not soluble; as a consequence, it cannot be diluted in the environment or a living organism. Plutonium is eliminated so slowly from the body that as much as 80 percent will still be there after 50 years.

At the present time, the permissable concentration of plutonium in the air is about one part per million billion. A particle of plutonium the size of a pollen grain can remain suspended in the air for a very long period of time. If inhaled, a tiny particle such as this would pose a threat of lung cancer.

It is true that we do handle plutonium now and even ship it for long distances, but nothing done presently even approaches the scale of transportation and production contemplated with a plutonium energy economy. Right now we make about 100 shipments per year of spent radioactive material. By the year 2000, we will have 20,000 shipments per year. We are multiplying the chance of an accident by a factor of 200.

In addition to the chance of accident, we are greatly increasing the risk of unauthorized diversion or sabotage. It only takes a few kilograms to provide the raw material for an explosive device. The Nuclear Materials and Equipment Corp.—NUMEC—over several years of operation, was unable to account for 6 percent, or 100 kilograms, of highly enriched uranium that passed through its plant. A number of misroutings of nuclear material has already occurred. Crime in interstate commerce is notorious. Consider, for a moment, that plutonium, at a present price of $10,000 a kilogram, is five times more costly than heroin, and 10 times as costly as gold.

With 100 tons transported in 20,000 shipments per year, you do not need a very fertile imagination to consider the possibilities for unauthorized diversion. AEC has conceded that, at the very best, losses can be limited to 1 percent. We will have to do better than that, or there will be 1 ton of plutonium unaccounted for every year by the year 2000.

I do not see why we must be so committed to the plutonium energy economy. We are running low on uranium to fuel our existing light water reactors, but we will have plenty enough to last into the next century. Long before that, we should be able to develop a fusion reactor technology which is much cleaner and efficient. Everyone agrees that we should eventually switch to fusion reactors, so why should we sink $3 or $4 billion into development of a reactor that will become obsolete? I would like to offer an amendment on the positive side to increase funding for the fusion process but that option was foreclosed when we sought to do just that in the related authorization bill.

Moreover, the feasibility of LMFBR's has not been firmly established. The first attempt to build a commercial LMFBR power plant, the Enrico Fermi nuclear powerplant near Detroit, has not succeeded in producing more than a trickle of electric power, and a fossil-fueled plant had to be built to supplement it. It was shut down in 1966 after a core melt-down accident, and its license ex-

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pired in February of this year. Experimental Breeder Reactor I—EBR I—went into operation in 1951 and melted down in 1955 due to an operator's mistake. Finally, testing of the LMFBR's component parts has not been completed. Appropriations for such a facility were begun in 1967, and it will not be completed until June or July 1974. The LMFBR operates at a temperature quite close to the melting point of its component parts, and is more difficult to control for that reason. Moreover, recent studies indicate that the stainless steel portions of the reactor swell due to radiation bombardment, and the implications of this discovery have yet to be fully assessed.

I think we ought to delay this project, and not put so much emphasis on the LMFBR to meet our future power needs. Other nations are proceeding with the development of the LMFBR, and it has been argued that we ought keep ahead of these nations. If we really want to be ahead we should concentrate on fusion, which everyone agrees is the power source of the future. We should not allow the LMFBR, a questionable endeavor, to gather so much momentum that our course is irreversible and our work toward fusion is neglected.

In a memorandum to Senator GRAVEL, Hannes Alfven, winner of the 1970 Nobel Prize for physics, stated that—

> In my opinion, a solution of the fusion problem is less distant today than the moon was when the Apollo project was started.

He stated that, although there were serious problems to be overcome in fusion technology, there was no fundamental obstacle.

In testimony before the Joint Committee on Atomic Energy, Dr. Roy Gould, AEC's Assistant Director of Reactor Reseach, stated that a strong financial commitment would create a high probability of scientific feasibility for fusion in the 1970's.

At best, LMFBR's will not begin to function in any significant number until 1985 or later. With the proper amount of research and funding, we could probably have fusion power on a large scale by the end of the century. With fusion so close, we should not fund an interim power source that will leave a permanent legacy of deadly waste. The demonstration project should be delayed until we have a total assessment of all the technologies that will best meet our future power needs, and the feasibility and safety of any program fully established before we proceed with a multibillion dollar commitment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I rise in support of Mr. Dow's amendment to delete the funds for the LMFBR demonstration plant until an independent assessment of this technology taking into consideration other energy options is completed. There are many aspects of the LMFBR project that disturb me. There have been questions raised about this project's environmental, technological, and safety hazards by a group of over 30 prominent scientists, including the noted physicist, Dr. Donald Geesemen, of Lawrence Livermore Radiological Laboratory. The 1970 Nobel Prize winner in physics, Dr. Hans Olof Alfven, has released a statement known as the "Alfven Memorandum" in opposition to the LMFBR technology. The AEC's uranium reserve estimates have been brought into question by the Edison Electric Institute, the Kerr-McGee Corp., and the new Energy Forms Task Force of the National Petroleum Council. Without a uranium reserve incentive, there is no reason to push rapidly ahead with this project. With ample supplies of uranium, we have the time to wait until the feasibility of fusion is established before we push forward with a new nuclear energy initiative.

The priority of this initiative is very much a major point to consider in this situation. Dr. Gould of the AEC believes that with a high funding priority, the scientific feasibility of fusion could be established by 1977. I see no reason for us not to wait. The LMFBR will not be giving us a significant amount of electricity until 1995 if all goes well. We could have fusion power by 2000 or 2010. Why are we funding an interim power source which will leave us with a permanent legacy of radioactive wastes?

I urge my colleagues to withhold the funds for the LMFBR demonstration plant until we have the answer to the fusion question and until this project has been evaluated by an impartial panel of experts.

Mr. EVINS of Tennessee. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York wants to strike out $50 million for the liquid metal fast breeder reactor program.

May I say, this Nation is confronted with a power crisis. Leaders in key positions in the energy field have warned repeatedly that many areas of the Nation this summer may face blackouts and serious brownouts.

Chairman Schlesinger of the Atomic Energy Commission testified to this fact. Chairman Nassikas of the Federal Power Commission, Chairman Wagner of the Tennessee Valley Authority, and leaders in the private power industry have all warned of this potential danger.

We must develop more efficient sources of power. With only a few hydroelectric sites remaining available in the Nation—and with fossil fuels limited—the LMFBR appears to offer the best opportunity for safe, clean, efficient, and abundant electric power.

This reactor will utilize uranium 40 times more efficiently than today's light water nuclear plants.

The President in a special message to the Congress recommended high priority for the fast breeder technology.

The President recommended $100 million for a demonstration project. Fifty million dollars has already been appropriated and this bill will provide the remaining $50 million for the demonstration project.

The demonstration plant has been approved by the Joint Committee on Atomic Energy. The amount has been recommended by the President and these funds have been approved by the Committee on Appropriations.

With reference to the technical and economic aspects pointed out by the gentleman from New York (Mr. Dow), I would say the only way to determine these factors and the only way to get the information is to build the demonstration plant and to secure the facts through research and development.

The bill does not commit this Nation to a $4 billion or $5 billion investment, as was stated, but only the $100 million that the President recommended.

The gentleman from New York (Mr. Dow) refers to fusion in his "Dear Colleague" letter circulated to Members. Fusion power is way down the road.

Testimony before our committee, Dr. Gould, of AEC, indicated that fusion power will not be available before the year 2000 or beyond. With the current power crisis facing this Nation, we cannot wait that length of time. We face a power crisis, and we should go forward with this LMFBR technology. I recommend defeat of the amendment.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague for yielding. Nobody has been more critical of the AEC than I have been over the years, but in this instance I rise in opposition to the Dow amendment. We should build a plant that will really test the technology that has been developed up until now. If we do not do so, all the money that we have spent in experiments until now will have been wasted. I urge defeat of the amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York would eliminate appropriations requested for this Nation's first liquid metal fast breeder demonstration reactor.

Much can be said about the importance of this project to our national effort to meet our future energy needs. I would like to point out that the Joint Committee on Atomic Energy, of which I have the honor to serve as vice chairman, has been studying for well over a decade the potential contribution which nuclear power and other energy sources can make toward solving the energy needs of our future generations. The committee's review has been founded upon comprehensive studies within the executive branch which have collated and evaluated the data, the research, and the judgments of the major Federal agencies having expertise in the various energy fields. The judgments, made years ago, have produced carefully considered programs which are already underway and are vital to future progress in this important endeavor.

The Joint Committee on Atomic Energy has oversight and authorizing responsibility with respect to the programs conducted by the Atomic Energy Commission. We have fully supported the

scope, the objectives and the plans which form this country's liquid metal fast breeder reactor program. President Nixon has designated the development of the breeder reactor as a national program of highest priority and has established the goal of achieving a successful demonstration breeder by 1980. I am pleased to note that the Appropriations Committee of this body has consistently supported this program and provided the necessary funds to permit it to proceed at an appropriate pace. Our colleagues on the Appropriations Committee have given careful study to this program and I would be reluctant to see any modifications made which did not represent a carefully considered, well-thought-out appraisal of the impact which those modifications could have on the program.

The LMFBR research program is now over 20 years in being. It has been supported to the extent of some $800 million. Experimental reactors of this type have been operating since 1951 when ERB–I was started up—and, by the way, that was the first generation of electricity by any type of nuclear reactor in the world. That reactor demonstrated the feasibility of breeding in 1953. Since then we have had the EBR–II started in 1963 and the SEFOR—Southwest experimental fast oxide reactor—in 1969. The first, small, central station type liquid metal breeder, Enrico Fermi atomic powerplant unit 1, was started in 1963 under the power demonstration program and it generated approximately 60 megawatts of electricty. We are now undertaking the demonstration of a commercial size breeder—the goal of this 20 years of research. The very questions being raised by the proponents of the amendments are those which this demonstration plant is designed to answer.

I urge my colleagues not to send this research program to purgatory—not to resort to the bromide of bureaucracy by avoiding decision for yet more study. I urge defeat of the amendment.

Individual Members of this body in recent years have urged that funds be provided to exploit the possibilities of various new sources of electrical energy—fusion, wind power, solar power, ocean thermal gradients, tidal power, photosynthesis, and the like.

Our need for energy is so great and the provision of that energy is so vital to our national well-being that we must utilize all practicable means of meeting those needs. I do not scoff at the possibility that a form of energy other than fossil fuel, nuclear fuel, or hydropower will some day make a significant contribution. I do urge, however, that every Member of this body recognize that it does require a great deal more than simply a provision of funds to achieve a device or technique which will contribute to the solution of the problems now before us. Certainly, time is a factor ignored by those who recommend the exploitation of the various energy forms and energy converters which I have already enumerated. We cannot overnight demonstrate the scientific feasibility, the practicability, and the economic attractiveness of fusion, magneto-hydrodynamics, harnessing the gulf stream, or satellite-borne solar collectors microwaving energy into Times Square. We need research and development at a studied pace in all areas which show reasonable promise of success.

The Federal energy R. & D. funding picture for other than the LMFBR program is far from discouraging. An examination shows that during the past 5-year period the following percentage increases are evident:

	Percent
Coal Resources Development	+305
Fusion	+100
Petroleum and Natural Gas	+93

The appropriations request now before us contains $50 million intended for a portion of the Federal assistance to be provided for the first demonstration fast breeder reactor—the total amount authorized in prior years for this demonstration project is $100 million. The funds requested are needed to keep this program going at a pace which should make it possible to meet the goal established in June of last year by President Nixon to have a demonstration fast breeder reactor on the line by 1980. Time is already short, we must continue to move ahead without delay.

It is anticipated that liquid metal fast breeder reactor plants will begin to come on the line in increasing numbers late in the 1980's and throughout the 1990's. The expectation is that by the year 2000 one-half of this country's electric generation will be in the form of reactor powerplants and many of these will be breeder reactors.

The breeder reactor, as has been stated many times, has been demonstrated to have the capability of producing more nuclear fuel than it consumes. This attribute will extend the energy capability of our uranium resources from a few decades to centuries. It is our responsibility in this body to authorize and appropriate funds for programs which have far reaching impact. Our judgment should be based upon the very best information, counsel, and advice we can obtain. We should not shoot from the hip hoping that somehow we will hit the right target.

I urge rejection of the amendment.

I should like to make one additional—and very fundamental—point. The proponents of the amendment state in their letter of June 20 to the Members of this body:

> We will not attempt to delete research funds, but only those appropriations for the demonstration project.

I am compelled to inquire, what is a demonstration project if not the last step in and the culmination of a research program—that final portion of research effort without which all of the labor, all of the funding, all of the plans are relegated to limbo. This assertion by the proponents of the amendment is tantamount to advocating that research for research's sake is justifiable, but research for the purpose of developing and testing and proving the usefulness of a real machine is not what the Congress had in mind when it authorized this LMFBR demonstration powerplant 2 years ago in the AEC authorization act for fiscal year 1971—Public Law 91–273.

Such an assertion is astounding. I cannot imagine that any Member of the Congress supported a program of research with the thought that it should never be applied in a practical sense, and the capacity to make such a practical application is not developed without the final phase of the research—the demonstration plant.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Does the gentleman feel that the best way to get the facts and the information needed for analysis is to have the demonstration plant itself?

Mr. PRICE of Illinois. That is the only way we are going to get the information. The gentleman from New York himself said he supports the research in this area. You are not going to get the answer, no matter how much book research you do, unless you do build a demonstration plant. A demonstration plant is the essential part of any reactor research program.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. DOW. I am fearful that we will put our eggs in this one basket of the fast breeder reactor and come down the road 10 years from now and find out that it is unsafe.

It is a hazard, because there will be less of plutonium around, not just the grams we have today, and then where will we be if we have not put more emphasis on the much better prospects inherent in the fusion process?

Mr. PRICE of Illinois. We are not placing all our eggs in one basket. I think the gentleman from New York recognizes that fact. For 20 years we have been researching the fusion process. We are 10 years away from proving the feasibility of the fusion process, and maybe it would not be until the year 2000, after we prove feasibility before we have it available. I will say to the gentleman that we have appropriated millions in fusion research and we have increased our efforts about 100 percent in the last year.

Our distinguished colleagues who would scuttle the LMFBR demonstration project while searching madly for other methods of generating electricity have not done their homework with regard to fusion as the means to alleviate the forthcoming energy crunch. They have stated only a very small part of what will be necessary to have fusion providing electricity for the United States. In their "Dear Colleague" letter of June 20, they stated that Dr. Gould, who is Director of the Atomic Energy Commission's Division of Controlled Thermonuclear Research, stated that the scientific feasibility phase, the so-called "break even" experiment, could be demonstrated by 1977. For the edification of those present, I would like to explain that the dem-

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onstration of scientific feasibility requires that a gas be heated to a temperature near 100 million degrees; that this gas be dense enough to represent a current of 1 million amperes or more; and that this hot, dense gas be held together for the significant portion of a second so that the fusion reaction can take place.

Let me tell you what Dr. Gould said at the joint committee hearings, which were held November 10 and 11, 1971, on controlled thermonuclear research in the United States. Dr. Gould stated that should the Congress approve a significantly expanded program for CTR, an expenditure of $559 million from fiscal year 1973 through 1980, he was fairly certain that scientific feasibility could be demonstrated. If the Congress was willing to go all out and appropriate almost $900 million between 1973 and 1977, there was a probability that scientific feasibility might be demonstrated by 1977.

But where are we when we have this demonstration of scientific feasibility? Our distinguished colleagues who are against the LMFBR failed to inform you that two additional research phases will still be necessary before CTR will be providing electrical energy in the United States. After scientific feasibility, it will be necessary to develop an experimental reactor which will provide a net output of energy. This demonstration will take the program well into the 1980's. After the experimental reactor proves successful, it will still be necessary to build prototype or demonstration reactors to prove the economics of the system. The best estimates of the experts who testified before the Joint Committee was that this would not take place before the time period of 1995 to the year 2000. I would ask my distinguished colleague what we will use for electricity so that we can conduct experiments if the breeder program does not come to fruition.

I urge that the amendment be rejected.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope this amendment will not be adopted. The liquid metal fast breeder reactor is a most important mechanism for the future welfare not only of the people of this country, but also for the economy of the country. As is well known, there are studies that the Federal Power Commission has made recently which indicate we face an imminent power shortage in this country. We face brownouts and sometimes even blackouts, and some of them may occur in certain parts of the country this year. It would be well if we could have this liquid metal fast breeder reactor ready right now, but we do not have it. But let us do all we can to make sure it is on the line as soon as possible.

Mr. Chairman, this device will allow the consumption of uranium at a rate 40 times as efficient as is the case in the most efficient reactor we have now in operation. We do not have enough uranium in this part of the world to provide for all our needs at the rate of efficiency at which we are now using it, so it becomes necessary for us to be more efficient. The liquid metal fast breeder reactor allows us to do that. The gentleman from New York, I think, has an anachronistic position here. He is saying he is going to strike the demonstration plant because he feels there will be too much plutonium created, and yet he is not striking the amount of money which is in for research for the liquid metal fast breeder reactor. It seems to me if plutonium is such a terribly bad thing, we should not be even conducting research to complete a reactor which will result in more plutonium being created from the U^{238} which is in the reactor. The credibility of the movement to take this money out, I think, suffers rather heavily from this very fact.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, we intended to take out the research money in the authorization bill, and since we were thwarted in that endeavor, we have turned to the demonstration project.

Mr. RHODES. The gentleman knows perfectly well plutonium is plutonium, and if it is bad in a demonstration plant, it is bad as far as research is concerned.

The gentleman has also made some very simplistic statements concerning the fusion process. To hear the debate on the floor today, we would assume the fusion process is going to be available the day after tomorrow, if we just spend more money on it. Those unfortunately are not the facts. I would agree with the gentleman that the best means for producing power for the distant future of this country and for the world will be in the fusion process, but it is not ready, and it is not going to be ready for the foreseeable future.

The state of the art has just not advanced that far. We hope it will. We are spending more mony in this bill for the fusion process than ever before. There is $38 million, compared to $31 million last year. We have told the Atomic Energy Commission year after year that if they can spend more money and do it efficiently to hasten the day we have the fusion process completed, we will give them the money. They have not been able to do that as yet, and there is not any reason to believe they are going to be able to complete this process much before the year 2000.

Mr. Chairman, we just cannot wait for the year 2000 to begin to supply the electric energy which this country will need long before that time.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I will be glad to yield.

Mr. DOW. I am in confusion about the fusion process, because on the one hand, I hear we are working on it, and spending money on it, yet other speakers on the gentleman's side of this issue have said it is way down the track, years away, to the year 2000.

Mr. RHODES. That is what I have said.

Mr. DOW. Which is it?

Mr. RHODES. Those statements are not contradictory.

Mr. DOW. What is the status of the fusion process today?

The CHAIRMAN. The time belongs to the gentleman from Arizona.

Mr. RHODES. Those statements are not contradictory. The gentleman is confused, as he said he was. We are working on the process and hope for success, but it has not yet occurred.

Mr. DOW. Will the gentleman yield further?

Mr. RHODES. Yes. Certainly.

Mr. DOW. I want to apologize. I understood the gentleman yielded to me, and I hope that the Chairman will understand that I thought he had yielded to me. I did not intend to usurp his time.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in relation to the question that was just posed as to when fusion technology might on an economic scale be available to produce kilowatts in the United States, I would say to the gentleman from New York that in careful hearings last November held by the Joint Committee on Atomic Energy addressed to that precise question we asked most of the greatest experts on the subject in the United States to come to the hearing room here in the Capitol and tell us when this could be expected.

Their universal answer was the year 2000 as a beginning, and they added this qualification: that if you spent untold billions of dollars, you might accelerate that date by perhaps as much as 10 years. That would bring you to the year 1990 for this fusion process at the absolute earliest.

In the meantime this country requires all of the kilowatts that it is now capable of producing, and each day, each month, each year it requires more. Our usual conventional sources of energy are finding it difficult to supply the new and additional electrical generating capability. We are starting to depend heavily upon overseas petroleum and we are having problems in the coal mines getting out low-sulphur coal which is compatible with producing electric kilowatts without at the same time contaminating the environment.

Mr. DOW. Will the gentleman yield?

Mr. HOSMER. So at this period of time between now and when this fusion process can come into being there has to be some kind of a rational system in addition to what we have now of generating kilowatts. This gap is at least 20 years wide and, as a practical matter, probably much wider.

Throughout many years of study both in the United States and abroad the liquid metal fast breeder reactor has been decided upon by men of wisdom on this side of the Iron Curtain and on the other side of the Iron Curtain as the most likely prospect for filling this gap and producing these necessary kilowatts.

Today we are at the stage of putting $50 million up to demonstrate the feasibility of this particular process that has been agreed upon.

There could be alternate ways of generating these needed kilowatts with different kinds of breeder reactors. There are such possibilities as the light water breeder reactor, the molten salt breeder reactor, and the high-temperature gas pool. These are good possibilities but none of them is by no means as good a possibility as the liquid metal fast breeder reactor. That is why we are betting on it primarily and covering our bets by continued research and development in these other technologies.

Going ahead with the LMFBR is the only sensible thing we can do unless we want to surrender our modern world to the antitechnologists, turn back the clock to the dark ages, and forget about the modern, energy-dependent economic society we now enjoy and simply revert to some totally different and primitive kind of life.

This is the decision that the Dow amendment is posing to this body today. To stop the breeder would be the signal to stop other things too. Are we going to forget about technology and go back to a different, a pretechnology type of existence? I do not think you want to do that.

Nor do I think you would particularly want for the totally specious reasons stated by the gentleman from New York (Mr. Dow) concerning plutonium. Plutonium already is being manufactured in quantity in the light water reactors we have today. There is plenty of it around. If there is a proliferation problem or a toxicity problem it has certainly not been created nor will it be intensified by the fast breeder reactors. Rather, it will probably be minimized by them because plutonium is valuable for a peaceful purpose, namely the production of energy. When we have the breeders, plutonium will find its way inside reactors. It will not be stored and be laying around some place to cause proliferation or public health problems.

I urge defeat of the amendment.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I shall be glad to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in opposition to the amendment to delete funds for the liquid metal fast breeder reactor demonstration plant.

This demonstration plant is an integral part of the Commission's research and development program. The engineering accomplishment of a demonstration project is an inherent part of any development program. If this project is slowed or eliminated, the entire program of developing this needed new resource for energy production will suffer.

It has been alleged that the safety aspects of the breeder give cause for alarm. I know from personal study of the Commission's reactor safety program over the years, including visits to remote sites where safety experiments are conducted, that safety has been of paramount importance in the breeder development program. Much of this work has been done at the National Reactor Testing Station in Idaho. It was there that in 1953 the feasibility of the breeding reaction was first achieved in the EBR–I reactor. The TREAT reactor, also at NRTS, was instrumental in providing valuable data on the safety of breeder fuel. The SEFOR reactor, in Arkansas, was built and operated solely for the purpose of proving the inherent shutdown capability of the breeder through the demonstration of a negative doppler coefficient.

Let me list some of the other factors under study by the Commission which form the basis for my belief that breeder reactor safety design is receiving the utmost in consideration:

First. Incorporation of intrinsic design features, protection against minor incidents, prevention of major failures.

Second. Capability for inspection and maintenance of systems and components.

Third. Capability to detect and locate failed fuel assemblies—outlet instrumentation on fuel assemblies—design features to avoid flow blockage.

Fourth. Control and protection equipment testable during full load operation.

Fifth. Use of nationally recognized codes and standards.

Sixth. Use of three piped loops with loop isolation provisions.

Seventh. Emergency cooling through natural circulation in primary system.

Eighth. Two independent shutdown systems with diverse location and configuration.

Ninth. Use of inerted equipment cells and gastight, steel-lined reinforced concrete containment building to provide a two barrier containment system.

There has been much said about the toxicity of plutonium. It is highly toxic, no one denies that. But, we have been handling it for 25 years in this country in a variety of forms. We have this experience both in our nuclear weapons program and in our civilian reactor program. Naturally, we will need to continue to exercise a high degree of care and engineering expertise in the design and operation of nuclear facilities which utilize plutonium.

In summary, the Commission and the participants in the demonstration breeder project are fully cognizant of the need to develop a safe, reliable reactor plant which will assure proper protection of the public health and safety and the environment.

I urge rejection of the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to take this time to express my support for the defeat of the amendment offered by the distinguished gentleman from New York (Mr. Dow).

I suggest, Mr. Chairman, that our colleagues pay particular attention to the remarks of the chairman of the Subcommittee on Public Works (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) who have been holding hearings on this appropriation for about 5 months.

In addition, we should note well the views of two leading congressional experts on this subject, the gentleman from California (Mr. HOSMER) and the gentleman from Washington (Mr. McCORMACK) who is a nuclear physicist.

Based upon the research I have conducted both on my own and with the Committee on Interior and Insular Affairs, of which I am a member, I am of the very strong conviction that we cannot postpone the President's recommendation for the necessary research and development of pilot breeder reactor plants.

While others more technically qualified can discuss this question in more depth, it is my understanding that the overwhelming percentage of scientists are in accord with the President's recommendation and the committee's decision on this matter.

We must develop and demonstrate the scientific feasibility now because it will obvoiusly require a long leadtime to accomplish.

Questions of safety have quite rightly been raised by those who would have us limit our energy capacity and capability. However, the overwhelming preponderance of the evidence anyone has yet to offer clearly shows that safety has been and can be expected to be the primary concern of those in the nuclear energy field.

The greatness of America is due in part to a cheap, bountiful supply of electrical energy. Every aspect of American society and culture is served and enhanced by electricity. Furthermore, atomic energy is the least damaging to our environment.

Increasing utilization of nuclear power is inevitable and we must now move to make certain that all the basic research and development is concluded at an early date so we can make our future decisions on the basis of firm scientific knowledge.

The Dow amendment would nullify this effort and should be soundly defeated.

Mr. McCORMACK. Mr. Chairman, I should like to speak directly to the sponsors and supporters of this amendment concerning several points that have been made here today. Perhaps I can take this opportunity to clear up a little confusion that may exist in your minds. Some of my statement will be repetitious, but let us make these points once more, just for clarification. There are many tons of plutonium in existence today, and more is being manufactured every day. It has been manufactured for the last 25 years. It will continue to be manufactured by our light water reactors, and every reactor that operates. The proper care of plutonium is simply a matter of responsible engineering.

We have demonstrated, under the guidance and regulations of the Atomic Energy Commission that we can manage plutonium. It does not create any problem that cannot be solved by good sense and responsible engineering.

The second asks why we should develop the breeder. The answer to that is really quite simple. Based on what we know today, we need the breeder reactor to provide us with adequate fuel to give us the energy we need during the late years of the century. If we do not have the breeder, we are in serious danger of having to burn up virtually all the fossil fuels we have in this country, and use up most of our uranium resources just to provide the energy we need between now and the year 2000.

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Speaking to the schedule for the development of the fusion reactor, Congressman Dow has quoted the statement that scientific feasibility may be demonstrated in the 1970's. I agree. I hope we can make it. If we can demonstrate scientific feasibility for a fusion reaction during the seventies, then we can hope that we can have electricity from fusion by the year 2000; but it will require that 20 years between demonstrating scientific feasibility and getting the power on the line. There are major steps between. When we demonstrate scientific feasibility, we will not be creating electricity; we are just showing that a reaction will occur. Then we have to determine how to convert the energy released into electricity.

Then we have to learn what materials we can use in fusion reactors. This will be a billion-dollar program itself, just developing materials that can be used in a fusion reactor. Then we will need a pilot plant before we get a demonstration plant producing electricity. We hope to accomplish this by the year 2000, if we demonstrate scientific feasibility by the 1970's. So we must proceed with the breeder now because we cannot now anticipate fusion produced electricity before the year 2000. The energy crisis we are facing demands an unemotional program, and this program calls for building a breeder now and pushing ahead on fusion research as rapidly as we can in the hope that we can have breeders on the line producing by 1985, and fusion reactors by the year 2000.

I urge the Committee to reject this amendment.

Mr. DOW. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. DOW. I have heard a great deal about the need for more power sources, and certainly we all admit the need for more power sources, but I have heard very little from the other side to rebut the assertion I have made that these grant breeder reactors are very unsafe, and I do not think, I may say to the gentleman, that the need for power is any index for safety. The emphasis that I should like to place here is an emphasis on safety.

Mr. McCORMACK. The consensus of almost all qualified nuclear physicists and nuclear engineers is that breeder reactors will be in many respects safer than are the light water reactors now in use, and these water-cooled reactors are so safe that the most informed and qualified nuclear scientists all over the world have no qualms about working in the reactor control rooms, and raising their families just downwind and downstream from them.

Mr. DOW. May I comment on that?

Mr. McCORMACK. I am glad to yield to the gentleman.

Mr. DOW. I have the names of a large number of eminent scientists, some of them Nobel laureates, who are advising against the breeder on the grounds of safety. Among these are Dr. Linus Pauling, Dr. Barry Commoner, Dr. Harold Urey, and Dr. George Wald.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. McCORMACK was allowed to proceed for 1 additional minute.)

Mr. McCORMACK. Mr. Chairman, it is true there are about 30 members of the scientific community whose names have been solicited and have been obtained in a statement that says they believe the breeder program should not be pursued on its present schedule. These gentlemen, esteemed as they may be, represent only a minute fraction of the scientific community, and their position is overwhelmed by that of thousands of highly qualified nuclear physicists and engineers who have spent their lives in research and development on reactor and nuclear safety.

Mr. RONCALIO. Mr. Chairman, during the recent AEC funding bill, several Members spent a long afternoon debating the value of the various programs now under discussion.

I offered at that time to transfer some $10 million from the Wagon Wheel program on natural gas production to the breeder program, arguing among other things that Wagon Wheel was a waste of two valuable resources, uranium and natural gas. Also that Wagon Wheel was not making a substantial contribution to solving the emerging energy crisis.

I was pleased to notice that an item in the Sunday Denver Post by Mr. Robert C. Cowen, copyrighted by the Post and the Christian Science Monitor, sustains my point and makes an excellent argument in its favor. The high point of this article is that the success in harnessing fusion begins to look not like a question of whether but more like a question of when.

When depends only on Congress.

Energy planners will continue to emphasize fusion plants, especially breeders. To continue wasteful programs like Wagon Wheel, and skimp on thermonuclear research, is the essence of shortsightedness, of national folly. New sources of energy cannot be found by repeating wasteful practices of the past. The only technologically visible solution is atomic (fusion) energy, not atomic explosives compounding wasteful practices of the past.

I was very pleased to notice that within 3 days following the House debate on delaying the Wagon Wheel project for a year or two, Dr. Philip Randolph of the El Paso Natural Gas Co. was thoughtful enough to delay the program on his own initiative citing the congressional discussion regarding the program as one of his reasons. Also, AEC has not yet OK'd the trigger mechanisms to sustain the shock of the one below it, to safely be used in sequential firings.

Wagon Wheel and similar unsound programs should be permanently delayed and the atomic (fission) program should be spurred on with a crash program of research funding now. This article tells why. This is why I reluctantly oppose the Dow amendment.

The article from the Denver Post of June 25 follows:

HOPES BEGIN TO GROW FOR FUSION POWER UNIT

(By Robert C. Cowen)

WASHINGTON.—Trying to tame hydrogen fusion to tap a virtually unlimited fuel supply has been like a fairy tale quest for fabled treasure.

Whenever discouragement threatened to overwhelm the researchers, their goal swam distantly into view. They realized just enough laboratory progress to keep their hopes alive.

Now that goal looms more closely, those hopes glow more brightly than in the two decades. A bit more money, a bit more effort, and most fusion workers expect they could have a tame hydrogen reaction running in their laboratories by 1980.

Given a bit more money and prodigiously more effort they think they could have a prototype power plant running by the late 1980s or early 1990s and by the century's end, they just might have developed economically attractive power plants.

The energy reward of fully mastering fusion power would be immense. It's primary fuel would be doubly heavy hydrogen, called deuterium. This is present in seawater to the extent of one in every 6,500 hydrogen atoms.

While this may not sound like much of a concentration, the half gram of deuterium in a gallon of seawater has the fusion energy equivalent of 300 gallons of gasoline.

VAST SOURCE

To put it another way, the fusion energy available from a cubic kilometer of seawater corresponds to the energy equivalent of 2,000 billion barrels of oil or roughly the world's oil reserve, to use a recent estimate.

Experts figure there's enough easily extracted deuterium to supply human-energy needs at something like 10 times present world consumption for several billions of years and a population level of seven billion people.

Lawrence M. Lidsky of the Massachusetts Institute of Technology notes in the journal, Technology Review, "It is far simpler and just as accurate to say that fusion of deuterium represents an essentially inexhaustible supply of energy."

Furthermore, the deuterium fuel can be had rather cheaply. Its extraction should account for only a few thousandths of a percent of the price of electric power.

To get that power, physicists must hold the reacting hydrogen gas together for perhaps a second and at temperatures of many tens of millions or even hundreds of millions of degrees. The research agonies they have endured for the past decade have involved this problem of containment.

MAGNETIC FORCES

Since the hot gas is made up of electrically charged particles, magnetic forces can grasp hold of it. Thus researchers use magnetic fields to manage the gas. They quickly discovered that the gas has more ways than a greased pig of escaping the magnetic grip. These instabilities in its behavior allow it to escape to the walls of the reactor vessel where it quickly loses temperature and any fusion reaction is quenched.

By the early 1960s, some of these instabilities seemed so intractable, from both a theoretical and experimental point of view, that many workers were openly discouraged. America and Britain gave only lukewarm support to the research. But the Soviet Union maintained both faith in and funding of its projects and thanks to the Russian research, nearly everyone now takes a much brighter view of fusion's prospects.

Researchers in several countries have confirmed and extended Russian work. These and other experiments have brought fusion research to the point where there is a growing acceptance among experts that the eventual achievement of fusion power is a virtual certainty.

"WHEN QUESTION"

Thus success in harnessing fusion begins to look like a question of "whether" and more like a question of "when." And "when" depends as much on money as on the skills and insights of the researchers.

M. B. Gottlieb who heads the Princeton Plasma Physics Laboratory, told the congressional Joint Committee on Atomic Energy that fusion workers could fiddle indecisively for decades if restricted to present funding levels.

Roy W. Gould, head of the U.S. Atomic Energy Commission's Division of Controlled Thermonuclear Research, has given Congress cost estimates for three alternative levels of effort.

Just to keep on as at present would take about $300 million from 1973 to 1977. Roughly doubling this outlay would give a significantly more active program that might well demonstrate scientific feasibility by 1980. A "go for broke" crash program would involve spending $900 million to $1 billion between 1973 and 1977. It just might show scientific feasibility by that earlier date, Gould said.

NO ONE KNOWS

Right now, no one knows what Congress will approve. The AEC thinks it will probably get $38 million for fiscal 1973. That's about a 24 per cent rise from the $31 million for fiscal 1972, the kind of boost Dr. Gottlieb says would merely take some of the strain out of present efforts. However, observers here also think Congress has sympathy for Dr. Gould's intermediate program suggestion. It may well vote $600 million to $700 million to try to get fusion going in the laboratory by 1980.

This compares with roughly $450 million America has spent to date on fusion research. That's perhaps half of the Russian outlay. To give some feel for the world effort, the Russians last year accounted for something like 37.5 per cent of that effort. Western Germany accounted for 16.6 per cent, America for 15.6 per cent, Britain for 7.0 per cent, Japan for 6.1 per cent and a miscellany of other countries for the balance.

Dr. Edward E. David, presidential science advisor, noted, there's far more a spirit of world sharing in this field than of competition.

With laboratory fusion seemingly close at hand, many environmentally concerned people urge authorities to concentrate on its development, playing down further development of nuclear-fission power plants, especially those based on breeder reactors. They realize that fusion would be easy on the environment. It involves less radioactivity. It offers relatively little danger of catastrophic accident. It should involve less heat pollution.

However experts see several misconceptions in the fusion-only approach. First, there are many different kinds of fusion. This is a process in which nuclei of light weight elements fuse to form heavier nuclei, releasing energy in the process. With 30 kinds of such reactions to choose from, physicists concentrate on the simplest and easiest to control.

When deuterium fuses with deuterium is the full fusion dream likely to be realized. Then will the fuel be virtually unlimited. Only with this and a few other reactions will radio-active dangers be minimized and heat pollution reduced to the fullest extent.

In such reactions, much of the energy goes off as electrically charged particles. It may be possible to tap this electrical energy directly, bypassing any heat cycle, and realizing efficiencies of 80 per cent or 90 per cent compared with 35 per cent for present power sources.

Today, such reactions largely wait in the wings while work focuses on the more tractable tritium-burning cycles. Thus decades of expense and effort could well bring commercial fusion power by A.D. 2000. Yet this would only be a stage in the attainment of the full fusion goal.

More importantly in setting energy-development priorities now, no expert foresees substantial installation of fusion power before A.D. 2000. Meanwhile, over this century's remaining three decades, mankind's energy needs will leap ahead.

WON'T WORK

Trying to hold those needs in check while waiting for fusion just won't work, as economist Barbara Ward and biologist Rene Dubos point out in their book "Only One Earth," a background report commissioned for the United Nations Conference on the Human Environment.

"If the world population which is already on the way to be better fed and housed . . .", they write, "new sources of energy must be found and the only technology visible on a sufficient scale at this moment is atomic (fission) energy. Even if citizens in already developed societies decide to check the rise of their own energy demands . . . the sheer basic needs of all the world's people could not be met by rationing the energy of the already rich . . .

"To keep 7 to 10 billion people alive and reasonably well served on this planet, atomic (fission) energy looks like being the most likely answer. The alternative—of too little energy—would cause infinitely larger rates of malformation and death."

This is why energy planners continue to emphasize fission plants, especially breeders, for this century even though environmentally soft fusion now seems the brightest gleam on their long-distance horizon.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had no intention, when I sat down here, of getting into this argument, but it has gone so far I believe I should clarify something. I hope the gentleman from New York (Mr. Dow) will kindly give me his attention, because he made certain statements and has mentioned Nobel laureates.

I believe I have had about as much experience in this House as most people who deal with the scientific community, and I have never seen one facet of it yet that did not have those who differed with the majority. We do not get unanimous support out of any facet of the scientific community in its recommendations.

So if we want to approach this from that point of view, we have to take the findings of the great majority of the respected scientists, and I believe the gentleman from Washington (Mr. McCORMACK) has set forth this very point.

We talk about the necessity for this. We cannot wait for 20 years or 10 years from now to replace the present sources of power and energy in this country. Why, 25 years ago if we had told people that oil and gas and coal were going to disappear by the beginning of the century they would have laughed at us.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. HOSMER. I believe somebody should express appreciation to the gentleman for what he is saying. No one in this body better knows the scientific community or has a closer association with it or has a more capable assessment of what it does, how it does it, and what the backgrounds and what the motives of the members of that community are, than the gentleman from California.

The gentleman is properly pointing out that the so-called list of a very small minority of the so-called scientific people who oppose the breeder reactor is composed of a very large mix of disciplines. Out of the 30 they have been able to muster in opposition to the fast breeder reactor only a small fraction are men in disciplines that give them any expertise whatsoever to render judgment upon the breeder reactor. That, too, should be considered in evaluating this opposition.

There are a lot of Ph. D.'s "popping off" in the public press as scientists, but very few of them really are identifying whether or not they are in fact experts on the subject in which they are "popping off."

When we see most of these lists to which these names denouncing the breeders have been attached we find out that they are mostly biologists or M.D.'s or others who may know something about their own specialty, but who are totally outside the field of their expertise when rendering these olympian judgments against the breeder reactor.

I thank the gentleman.

Mr. WOLFF. Mr. Chairman, the Public Works-Atomic Energy Commission appropriations measure which we are considering today contains a funding provision which I believe should be brought to the attention of this body as an ill-advised proposal. Such an indictment is not lightly made, but I strongly believe that if we act today to appropriate funds for development of the Liquid Metal Fast Breeder Reactor, we will be committing our Nation to an unwise, unsafe, uneconomical, and certainly irrevocable course of action for decades to come.

Let us examine the assumptions upon which the administration, and subsequently the Joint Atomic Energy Committee and the Appropriations Committee based their judgment. First, it is declared that we are faced with a serious and immediate energy crisis, as a result of near depletion of our traditional fossil fuel energy sources. While I accept this premise in principle, I question the ability of the LMFBR to adequately respond to this so-called crisis. Overlooking the alternatives we might employ simply within the realm of conventional fossil fuel, including a revision of our policies of energy development, energy use and distribution, and our import and energy development agreements with other nations, the projected capabilities of the LMFBR plainly do not satisfactorily answer the stated needs for magnitude or immediacy to any decree to justify so massive, a commitment to its development.

If we consider the fact that estimates place our reserves of uranium as lasting only through the year 2020, it appears that we are putting all our eggs in one very shaky basket in our approach to meeting this Nation's energy needs.

Supporters of the LMFBR maintain that this is merely an interim power source, which will fill in the gap until a more permanent, stable energy source can be developed. Yet the facts present a convincing rebuttal of this argument as

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well. Our existing technologies are not adequate to cope with the dangers of a nuclear accident from a conventional conversion reactor; if we commit ourselves to development of a plutonium-fed reactor, we will be jeopardizing the population to possible exposure to one of the most highly toxic and permanent elements known to man. For example, an infinitesimal speck of plutonium on the lungs can cause cancer. Plutonium has a half-life of 24,000 years in comparison to a 15-year half-life attributed to most present waste materials. Additionally the LMFBR depends upon constant transportation and handling of this deadly fuel, which presents an uncontrollable possibility for accident or theft.

Consider for a moment what conditions we have created with wastes from conventional reactors, wastes whose radioactive properties are supposedly much less dangerous than those that will be manufactured by the LMFBR. Several years ago, the Atomic Energy Commission sought to dispose of a quantity of highly radioactive waste by enclosing the material in steel casing and then completely enclosing the steel canister in concrete. This package was subsequently lowered into a hole 3,000 feet deep into the base of a mountain. Three years later, after the canister had been buried, and the hole filled, the snow on the top of the mountain started to melt from the radioactive heat. It is dangerous speculation indeed to wonder what would be the result should that package ever be unearthed by earthquake or other means.

Another frightening but no less significant an event occurred in 1966 at the Enricho Fermi reactor located near Detroit when the reactor core suddenly melted, halting operation of the plant and threatening the surrounding area with the possibility of nuclear contamination. For 2 months the core was not opened for fear that the concrete protective shield would disintegrate and precipitate just the sort of disaster our technology is unable to contain.

In light of the existing potential for disaster, I question the advisability of turning our attention so exclusively to development of yet another interim solution, with even greater hazards than we already have, when we could instead continue for a time to rely upon the capabilities of conventional converter reactors while devoting the bulk of our resources, both research effort and money, to the development of safe, functional alternatives, many of which are well into the development stage already, such as nuclear fusion, solar energy, magnetohydrodynamics and geothermal energy sources.

Mr. Chairman, today, an amendment has been offered to delete all funds for a liquid metal fast breeder reactor demonstration plant until an independent assessment of this technology, taking into consideration other energy options, is completed. I would like to call to my colleagues attention an article which further illustrates the need for caution and the folly of committing ourselves to full-scale development of the breeder reactor prototype without more objective consideration of alternatives. And finally, I urge my colleagues to consider carefully the decision they make today that will affect the safety and well-being of our population and will ultimately affect the future of our Nation as a responsible lender in energy development in the world. I therefore urge my colleagues to join with me in opposing funding for development of the LMFBR at this time, and until such time as an appropriate independent assessment of other energy options can be completed.

Mr. LLOYD. Mr. Chairman, the budget request of the Atomic Energy Commission includes funding for a demonstration plant of an LMFBR, which the Joint Committee on Atomic Energy fully supports. Congressman Dow offers an amendment to delete the demonstration plant funds, which were to be used in conjunction with private industry in developing the plant.

In evaluating the advisability of building the LMFBR demonstration plant, I have been concerned with four issues:

First, energy needs; second, available alternatives; third, environmental effects; fourth, safety of the technology.

U.S. energy needs are growing at a phenomenal rate, projected to quadruple by the year 1990 A.D. Even if the need does not grow at this rate, present brown-outs indicate a pressing need in the future. Unless we develop energy sources for the long run, we will not be able to supply the demand, especially in light of the limited nature of the present fuel sources.

Present sources of power are primarily fossil fueled. Limited fuel sources make this alternative risky in matters of national security—foreign source dependence—as well as not guaranteeing fulfillment of energy needs. The environmental effects of these plants are also devastating, and with a proliferation of new plants would become prohibitive.

The only other viable alternative is nuclear power. Other possible sources have not reached anywhere near a stage of technological feasibility. Light water reactors, the present type of powerplant, rely on diminishing sources of uranium 238 for fuel. We cannot depend on the supply of deposits being able to supply our needs, according to the AEC, especially in light of the inefficiency of the process.

The LMFBR utilizes uranium 40 times more efficiently than today's nuclear plants, extending fuel sources for centuries. As with every new technology, however, we must be concerned with its safety and the environmental effects.

The Joint Committee on Atomic Energy is convinced that all necessary precautions are being taken to assure that development of the LMFBR demonstration plant. The plutonium produced by the breeder will be handled with extreme caution to protect both the environment and people. Such precautions are necessary if we want to supply future needs of energy without adverse effects on our children, not only in the nuclear area, but on all fronts.

An attractive alternative being proposed by some groups is a fusion-type reactor, which would reduce the production of radioactive wastes and utilize fuel even more efficiently. However, the technology is not sufficiently advanced to be workable until at least the year 2000 A.D. for commercial purposes, even with massive funding. If we were to rely on this development, we face an energy crisis for at least 10 to 15 years more than with the breeder. If the technology did not develop as expected, with technical feasibility in the last 1970's or early 1980's, the crisis would last even longer.

The breeder reactor will begin to provide power in the 1980's, and will continue to solve our needs until an alternative, such as nuclear fusion, is available. The LMFBR should be regarded as an interim solution, just as fossil fuels is now, and funding should be continued and increased for promising alternatives such as the fusion reactor—CTR—controlled thermonuclear reaction. The necessity for safeguards to protect against accidents must continually be stressed to insure a safe, reliable, and economical source of energy for our future.

Safety precautions include testing of components and safety devices at other plants, and the FFTF, fast flux test facility, will be used to improve the economic factors of the reactors and provide fuel for the LMFBR.

Mr. HOLIFIELD. Mr. Chairman, an allegation has been made by the gentleman from New York that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should delay the breeder demonstration reactor project. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

Light water cooled and moderated civilian power reactors which have been in operation in this country for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of value, are recoverable for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nuclear facility.

In summary, we should no more slow or give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give up the manufacture of chlorine—for water-treatment purposes related to the preservation of the public health, or give up the manufacture of commercial explosives important to construction and mining activities because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and the record shows that the Atomic Energy Commission, through its licensing program has in the past, and I am sure will in the future, insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

It also has been argued that breeder reactors are too dangerous. Such statements ignore the purpose of our basic research and development effort in the breeder field in developing a safe reactor system. Much has been done in this area. Additional work is required. A significant portion of this appropriations request is for obtaining the remainder of the answers to design, construction, and operation of reliable and safe reactors. Tests have been conducted in Idaho on the safety of breeder reactor fuels. The Fast Flux Test Facility being built in Richland will be utilized to obtain additional safety data on both fuel and fast breeder reactor components. A major facility, the SEFOR reactor in Arkansas, has just completed several years of operation to obtain data on a very fundamental concept of reactor safety referred to as the Doppler effect. The data which were obtained, I might add, are most reassuring as to the ability to safely control liquid metal fast breeder reactors.

Of course, much of the safety information which was developed for the present commercial reactors including years of safe operation is also applicable to the fast breeder. In summary, the nuclear reactor program is unprecedented in the emphasis which has been given to safety from the very start. I might add that all the leading nuclear power developers of the world have considered safety aspects of the various potential systems and have also selected the liquid metal fast breeder reactor as their priority effort.

Consideration of these factors makes it completely out of order that we slow our efforts in the development of the liquid-metal fast breeder reactor as the priority program in the search for new energy sources for our long-range need. Accordingly, I recommend strongly that the amendment to delete funds for the liquid metal fast breeder demonstration reactor be rejected.

The great majority of the knowledgeable scientists and engineers who have helped to develop the domestic uses of atomic energy are confident that we have developed safe processes. Only a few scientists have raised the cry of fear and danger.

I am surprised that the proponents of this amendment continue to advance their unfounded charges based on a total lack of credible information at best, and a surplus of the wrong kind of information at the worst.

There is no alternative for adequate future supplies of electricity other than from nuclear fuel.

The Congress, the President and the electric generating industries of the United States have endorsed the fast breeder reactor concept.

Let us get on with the job.

Mr. VANIK. Mr. Chairman, the committee has reported an appropriation of $50 million for the construction of the first breeder reactor. They argue that it is necessary if nuclear power is to make substantial contributions to the electricity supply in the 1990's and beyond. Energy is such an important resource that this argument is hard to challenge.

Opponents of the breeder reactor tell us that such reactors—in fact, all fission type plants—are dangerous, fantastically dangerous, on many, many counts. A statement arguing against the breeder on these counts was signed by 30 eminent scientists; I would like to enter several paragraphs of this statement here.

The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

Briefly, then, there are critically important environmental, public health and safety questions involved in the handling, use and proliferation of enormous quantities of the almost indefinitely long-lived radioactive materials to be used in the new reactors now planned by the AEC.

In the face of this dilemma—the necessity for adequate energy resources as opposed to the grave dangers of the fast breeder project—what should we do?

First, we must opt to go more slowly in the construction of the large 300–500 magawatt LMFBR demonstration plant. Construction of such a large plant without intervening smaller scale demonstration plants seems to risk both public funds and public safety. The construction of the test facility to evaluate the structural capabilities of the components to be used in the LMFBR is not even due to be complete until June 1974, so it is unwise to hurry ahead with the construction of so potentially dangerous a plant.

Just as important as the lack of knowledge regarding the components of the LMFBR, and perhaps much more important in the long run, is the lack of knowledge both in Congress and in the general public of the general environmental impact of this reactor. Full funding of the demonstration unit should be deterred until the AEC's environmental impact analysis has been published in final form, together with other independent agency views—especially that of the Environmental Protection Agency. We must require an independent assessment of the LMFBR technology especially as the National Environmental Protection Act requires the AEC to consider alternative energy technologies before proceeding with its program for the commercial development of LMFBR's. The AEC has circulated NEPA statements on individual reactors, but we and the public must have before us considerations on the impact of the LMFBR program as a whole and as it compares with alternative energy possibilities.

Under these circumstances, no funds should be appropriated for a second LMFBR demonstration plant until results of the first experiment have been published and evaluated by various agencies.

Now it may well be asked, if we delay the development of the highly touted LMFBR program, what shall we do about our impending energy crisis? This is a crucial question and there are many answers. The fact is that we, as a Nation, have not given enough emphasis to the development of alternative, cleaner and safer forms of energy.

First. First of all, we must really expedite the coal gasification program. This program can yield both pipeline quality—high BTU—gas, and low BTU gas for gas turbines at the mines to generate electricity. If necessary, such experimentation should be transferred to the AEC labs for the quickest possible development. Perhaps the AEC jurisdiction should be changed to include a wider range of power sources. What we need today is an Energy Development Commission.

Second. We must really expedite ways to more efficiently burn coal while trapping pollutants.

Third. We must realize that there is no one solution to the 'energy crisis', and that different localities will be able to use different energy resouces. For instance, for some localities we must demonstrate new geothermal processes. Geothermal energy has been proven out since the beginning of the century in Italy, and is used as an important source of power in Australia and New Zealand. The Pacific Gas & Electric Co. has a successful plant in northern California.

Fourth. Other localities, such as New York City, can help solve their waste disposal and their energy problems at the same time; we must really find out to

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what extent urban solid wastes can be used as or for fuels.

Fifth. Still other communities ought to be encouraged to demonstrate solar energy for such uses as heating and air conditioning.

Sixth. There are a number of new and exciting energy potentials under discussion. We must make increased commitments to research into these new fields which hold out the potential for virtually limitness sources of nonpolluting energy. For example, new ideas have been advanced for ways to use the differentials in the temperatures of the oceans to generate electricity. The oceans of the world absorb—and hold—most of the solar energy reaching the surface of the earth. It appears theoretically possible to convert the energy of the heat stored on the surface of the oceans to electrical energy.

Seventh. Just as we must expedite such new sources of energy, we must also push for getting more out of present energy and plants. Probably most important here is magnetohydrodynamics—MHD. The AEC does not even include in its 1973 budget, evaluation of MHD, combined power cycles, or direct conversion of heat energy to electrical energy. MHD especially is important, because it presents the possibility of increasing the efficiency of our ordinary fuel-burning plants from the present 33 percent maximum to 50 percent efficiency. The Soviet Union is far ahead of the United States in this regard. In light of the urgency of our power needs, and in the spirit of recent international developments, a high priority should be put on the exchange of information between the United States and Russia on MHD developments.

Eighth. Other priority programs should be the improvement of energy transmissions, improvements in insulation of housing, et cetera.

Probably the most important program which we will consider is the development of controlled thermonuclear fusion plants. I am well aware of the great hopes held for fusion. I am equally aware that a workable controlled fusion process has yet to be demonstrated. If we can get fusion to work, mankind literally will have all the energy we can ever use—clean energy at that. If we can't get it, we must know as soon as possible. Fusion is far superior to fission if it works as envisioned, and our policy must be such that our priority is on this more promising and safer technology. We must provide funds now, not just for testing the feasibility of this program in the immediate generation of experimentation, but also to provide for the technology towards the building of the eventual reactors. This sort of technology accounts for only 5 percent of the current budget of the Division of Controlled Thermonuclear Research. This sector of the AEC's budget must be given a much greater priority. We must be sure that the engineering side of fusion is put into development immediately. We must make sure that scientists with new ideas are adequately funded, and we must again stress and press for vigorous collaboration—not just parallel efforts—between the United States and the U.S.S.R. which is, again, far ahead of the United States in this essential field.

Because of the appropriation for this dangerous reactor and because of the almost $½ billion appropriation for the Bureau of Reclamation projects—which bring new farmland into production and subsequent retirement in the soil bank, I feel constrained to oppose this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

Mr. HANNA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not intend to take the full 5 minutes, but I take this opportunity to present some questions to the chairman.

First of all I should like to ask, given the status of the legislation which authorized the expenditures and given the expenditures and their limitations, is there any possibility that there is money in this bill to proceed with studies for the establishment of a nuclear energy plant for desalinization and electrification at the mouth of the Colorado River in the territory under the jurisdiction of Mexico?

Mr. EVINS of Tennessee. Mr. Chairman, I would say to my friend, the gentleman from California (Mr. HANNA) that there is no money for a specific plant. There are funds in the bill for AEC to continue research and development on the desalting program, including the area in which the gentleman is interested, but not specifically for the construction of a plant. We also provided $2,060,000, an increase of $1,005,000 in the budget, for the Colorado River water quality improvement program of the Bureau of Reclamation.

Mr. HANNA. Mr. Chairman, I should like to urge that the chairman of both the authorization committee and the appropriation committee utilize all the powers that are presently in the law, or to request very early powers which will make it possible to be able to address this problem that was brought to the attention of the House by President Echeverria when he was here just recently. I think that it is long past the time, when with the great technology we now have, we should address ourselves to this situation which is causing friction, and rightfully so, between ourselves and a very valuable neighbor to the south, Mexico.

I would think it would take very little money to get started on a study that would give that neighbor some hope that we are not unaware of the problem which we have created over the last 40 years by building dams on the Colorado River. The chemical and mineral content of the water that ultimately reaches the Santa Clara Valley has incresed to a point where it was once below 300 parts per million to where right now it is near 800 parts per million.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Arizona (Mr. RHODES). The gentleman is from the lower Colorado River area of the country, and he is well aware of the problem which I am here addressing.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding, and I can assure the gentleman that we are, all of us in this area, very well aware of the situation. As a matter of fact, there have been negotiations between the United Mexican States and the United States of America for some time now to try to find a good means of solving the problem. The President of Mexico was, I think, exactly within his rights in dramatizing the problem which does exist.

The best way to handle the problem is to produce more water, and certainly one of the atomic plants, hopefully a liquid metal fast breeder reactor, should be constructed in that area that can be used to produce fresh water from the Gulf of California.

Of course, as the gentleman knows, this will require agreement with the Republic of Mexico, which is now being worked upon, but which has not yet been perfected.

So I congratulate the gentleman for the interest he has shown in this matter, and to assure the gentleman that this is a problem which is receiving attention from the people in our Government, not only in the executive branch alone, but also in the legislative branch.

Mr. HANNA. Mr. Chairman, it gives me a great deal of relief to hear the gentleman from Arizona (Mr. RHODES) to so express himself on that point.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I would like to caution that the United States in its relationship with Mexico is based upon a treaty, and that treaty established certain rights with respect to the quantity of water as far as Mexico is entitled from the flow of the Colorado River, but that there is nothing in that treaty respecting the quality. The quality is not an obligation by treaty or by any other legal means of the United States with respect to the Colorado River water.

Now, certainly with regard to the Republic of Mexico, with respect to the water supply quality there, this should be done and should be considered in the context of an agreement between the countries, and by no means—by no means whatever—any obligation, legal, moral or otherwise, upon the Government of the United States, and its taxpaying citizens.

Mr. HANNA. I think that I can agree with part of what the gentleman has said, but I just cannot believe that this country feels that there is no moral obligation when we are taking all of the benefits through the building of dams to improve substantially our use of the river water and then pass it on to a neighbor in a deteriorated quality. I cannot believe that we, as Americans, believe there is no moral obligation to the consideration of this problem at all.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. RHODES. In furtherance of what the gentleman from California says, when the treaty with the Republic of Mexico was concluded, it provided much more water to go into Mexico than anybody ever thought that they would use, because of the realization that the salt in the Colorado River would increase, and get in the river further up, as these projects were built. So it is not a treaty which is unjust.

However, we think it would be, certainly as a matter of international comity, the best way to treat a good friend, as the United Mexican States are, by indicating that we want to take the salt out of that water and give them just as good quality water as we possibly can. This we will do.

Mr. FINDLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to thank the subcommittee for the consideration that has been extended by this bill in the interest of the district I represent and to the subcommittee on previous occasions for similar very favorable consideration. I appreciate it very much.

Mr. Chairman, this is the ninth appropriation bill considered so far by this body for fiscal 1973. While it is under the budget request for Public Works and the Atomic Energy Commission, it nevertheless contains a considerable amount of red ink.

This is so because the aggregate budget requests for fiscal 1973 for the Federal Government exceed revenue forecasts by $25 billion. The budget requests involve that much red ink.

The budget request for this appropriation was $5,489,058,000. The committee recommendation was slightly less and was $5,437,727,000. This was a cut of 0.9 percent or $51,331,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $768,468,120. Making adjustment for the 0.9-percent cut actually made by the subcommittee, means that the red ink still in the bill amounts to 13.1 percent or $717,137,120.

Assuming that the House eventually approves this bill without amendment, as I assume it will, the House will have approved spending for the fiscal year 1973 in the amount of $75,010,164,814.

The budget request for the same purposes totalled $74,448,223,104.

In effect, we are piece by piece building a Federal deficit for fiscal year 1973 considerably in excess of $25 billion.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink even though most of them have been below the budget request.

The amounts I have referred to are summarized in a table which I insert at this point under permission already granted.

The matter referred to is as follows:

REPORT ON "RED INK" FINANCING FOR FISCAL 1973

Appropriation bill	Budget request	Balanced budget level (14 percent cut)	Amount approved by House	"Red ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,000	2,529,558,200	362,065,800
Labor, HEW, and related agencies	$27,327,323,500	$23,501,498,210	$28,603,179,500	$5,101,681,290
Treasury, Postal Service, and general Government	5,066,603,000	4,357,278,580	5,057,145,000	699,866,420
Total				10,250,255,824
Public works and Atomic Energy Commission	5,489,058,000	4,720,589,880	[1] 5,437,727,000	[2] 717,137,120
Total	74,448,223,104		75,010,164,814	10,967,392,944

[1] Recommended by committee.

[2] If committee recommendation is approved.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty shall be in addition to, and not in substitution for, any other provisions of existing law.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the time I prepared supplemental views on this legislation, I was able to determine that upward of two dozen of the 482 projects in this bill were being funded despite the fact that no final environmental impact statements on them had been filed with the Council on Environmental Quality.

Since that time I have discovered that there are at least 233 Corps of Engineers projects in this bill for which final impact statements are not available, including at least 176 projects for which not even draft impact statements are available. They include the following:

NO FINAL ENVIRONMENTAL IMPACT STATEMENTS—DRAFTS FILED

Alum Creek Lake—Ohio.
Beaver Drainage District—Oregon.
Big Sioux River—Iowa & South Dakota.
Birch Lake, Birch Creek—Oklahoma.
Cache River Basin—Arkansas.
Corte Madera Creek—California.
Cayuga Island—New York.
Clayton Lake—Oklahoma.
Clear Creek—Texas.
Copan Lake—Oklahoma.
El Dorado Lake—Kansas.
Falmouth Lake—Kentucky.
Kalamazoo River—Michigan.
Kehoe Lake—Kentucky.
Lakeview Dam & Reservoir—Texas.
Lawrence—Kansas.
Levee Unit #L-246, Missouri River—Iowa.
Lincoln Lake—Illinois.
Lower Columbia River Bank—Oregon & Washington.
New Melones Lake—California.
Nookagee Dam—Massachusetts.
Paint Creek—Ohio.
Ririe Dam & Lake—Idaho.
Rowlesburg Lake—West Virginia.
Russian River Basin—California.
Saginaw River—Michigan.
Santa Paula Creek Channel & Debris Basin—California.
Shidler Lake—Oklahoma.
Smithville Lake—Missouri.
South Branch, Rahway River—New Jersey.
Sprewrell Bluff Lake—Georgia.
Tallahala Creek Lake—Mississippi.
Trexler Lake—Pennsylvania.
Trotters Shoals Dam & Lake—Georgia & South Carolina.
Wahkiakum County—Washington.
Woodcock Creek Lake—Pennsylvania.
San Diego River & Mission Bay—California.
Atchafalaya River, Bayous Chene, Boeuf & Black—Louisiana.
Oak Orchard Harbor—New York.
Hannibal Locks & Dam, Ohio and West Virginia—Ohio.
Lorain Harbor—Ohio.
Vermillion Harbor—Ohio.
Willow Island Locks & Dam, Ohio & West Virginia—Ohio.
Sklatook Lake—Oklahoma.
Columbia River & lower Willamette River—Oregon & Washington.
Corpus Christi Ship Channel—Texas.
Mouth of Colorado River—Texas.
Inland Waterway (Delaware River to Chesapeake Bay)—Delaware & Maryland.
Morehead City Harbor—North Carolina.
New York Harbor collection and removal of drift—New York.
New York Harbor (anchorages).
Port Hueneme Harbor—California.
Libby Dam-Lake Koocanusa—Montana.
Brevard County—Florida.
Hamlin Beach Harbor—New York.
Sacramento River bank protection—California.
Cordell Hull Dam and Reservoir—Tennessee.

NO DRAFTS OR FINAL ENVIRONMENTAL IMPACT STATEMENTS SUBMITTED (CORPS)

Montgomery—Alabama planning.
Indian Bend Wash—Arizona planning.
Phoenix and vicinity, Arizona construction and planning.
Bell Foley Lake—Arkansas planning.
Dierks Lake—Arkansas construction.
Alameda Creek, Del Valle Reservoir—California construction.
Butler Valley Dam-Blue Lake—California planning.

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Chester, North Fork of Feather River—California planning.
Cucamonga Creek—California planning.
Dry Creek (Warm Springs) Lake and Channel—California $10 million, construction.
Fairfield vicinity streams—California planning.
Lakeport Lake—California planning.
Mormon Slough—California construction.
Pajaro River—California planning.
Sacramento River and major and minor tributaries—California.
Sacramento River Chico Landing to Red Bluff—California $100,000 construction.
San Diego River, Mission Valley—California planning.
Sonoma Creek—California planning.
Walnut Creek—California $2.4 million, construction.
Boulder—Colorado planning.
Chatfield Lake—Colorado $11 million, construction.
Trinidad Lake—Colorado $7.4 million, construction.
Derby—Connecticut $1.5 million, construction.
Delaware Coast protection—Delaware planning.
Four Rivers basins—Florida $7.6 million, construction.
East Moline—Illinois planning.
Freeport—Illinois $200,000, construction.
Fulton—Illinois planning.
Helm Lake—Illinois planning.
Lake Shelbyville—Illinois $3.1 million, construction.
Louisville Lake—Illinois planning.
McGee Creek Drainage and Levee District—Illinois planning.
Moline—Illinois planning.
Rend Lake—Illinois $3.8 million, construction.
Rock Island—Illinois $2.5 million, construction.
Rockford—Illinois $200,000, construction.
Saline River—Illinois $2.7 million, construction.
Big Pine Lake—Indiana land acquisition.
Big Walnut Lake—Indiana.
Brookville Lake—Indiana $7.5 million, construction.
Evansville—Indiana $600,000, construction.
Greenfield Bayou levee—Indiana $500,000, construction.
Island levee—Indiana and Illinois $300,000, construction.
Levee Unit No. 5—Indiana $569,000, construction.
Mason J. Niblack levee—Indiana $200,000, construction.
Newburgh bank revetment—Indiana $11 million construction.
Bettendorf—Iowa planning.
Clinton—Iowa planning.
Davenport—Iowa planning.
Dubuque—Iowa $1.2 million construction.
Guttenberg—Iowa $600,000 construction.
Marshalltown—Iowa $2.3 million construction.
Missouri River levee system—Iowa, Kansas, Missouri and Nebraska $1.6 million construction.
Saylorville Lake—Iowa $10 million construction.
Cedar Point Lake—Kansas planning.
Grove Lake—Kansas planning.
Hays, Big Creek—Kansas $200,000 construction.
Melvern Lake—Kansas $6.9 million construction.
Onaga Lake—Kansas planning.
Perry Lake area—Kansas planning.
Winfield—Kansas planning.
Wolf-Coffee Lake—Kansas planning.
Carr Fork Lake—Kentucky $4.7 million construction.
Cave Run Lake—Kentucky $8.8 million construction.
Green River Lake—Kentucky $250,000 planning.
Pikeville—Kentucky $1 million construction.
Red River Lake—Ketucky $500,000 construction.
Bayou Bodcau and tributaries—Louisiana $1 million construction.
Grand Isle and vicinity—Louisiana planning.
Lake Pontchartrain and vicinity—Louisiana $20 million construction.
Michould Canal—Louisiana $1 million construction.
Monroe Floodwall—Louisiana $505,000 construction.
Tawas Bay Harbor—Michigan planning.
Lexington Harbor—Michigan $100,000 construction.
Beaver Bay Harbor, including Silver Bay—Minnesota planning.
Lutsen Harbor—Minnesota planning.
Mankato and North Mankato—Minnesota $1.6 million construction.
Winona—Minnesota planning.
Brookfield Lake—Missouri planning.
Mercer Lake—Missouri $2.5 million construction.
St. Louis—Missouri $1.2 million construction.
Martis Creek Lake—Nevada $450,000 construction.
Cochiti Lake—New Mexico $14.9 million construction.
Allegheny—New York planning.
Cattaraugus Harbor—New York planning.
East Rockaway Inlet to Rockaway Inlet and Jamaica Bay—New York planning.
North Ellenville—New York $2.2 million construction.
Wellsville—New York $840,000 construction.
Yonkers—New York planning.
Brunswick County Beaches—North Carolina planning.
Howards Mill Lake—North Carolina planning.
Randleman Lake—North Carolina.
Reddies River Lake—North Carolina.
Wilmington Harbor 32-foot—North Carolina.
Burlington Dam—North Dakota.
Missouri River, Garrison Dam to Lake Oahe—North Dakota.
Chillicothe—Ohio.
Huron Harbor—Ohio.
Newark—Ohio.
Utica Lake—Ohio.
Youngstown, Crab Creek—Ohio.
Hugo Lake—Oklahoma.
Lukfata Lake—Oklahoma.
Optima Lake—Oklahoma.
Waurika Lake—Oklahoma.
Tillamook Bay and Bar—Oregon.
Willamette River Basin bank protection—Oregon.
Willow Creek Lake—Oregon.
Yaquina Bay and Harbor—Oregon.
Chartiers Creek—Pennsylvania.
Raystown Lake—Pennsylvania.
Shenango River Lake, Pennsylvania & Ohio—Pennsylvania.
Tyrone—Pennsylvania.
Union City Lake—Pennsylvania.
Cooper River-Charleston Harbor—South Carolina.
Aquilla Lake—Texas.
Aubrey Lake—Texas.
Big Pine Lake—Texas.
Buffalo Bayou and tributaries—Texas.
Cooper Lake and channels—Texas.
Elm Fork floodway—Texas.
Freeport and vicinity—Texas.
Greenville—Texas.
Lake Brownwood modification—Texas.
Lake Kemp—Texas.
Millican Lake, Navasota River—Texas.
Mineola Lake—Texas.
Port Arthur—Texas.
San Gabriel River—Texas.
Texas City and vicinity—Texas.
Trinity River and tributaries—Texas.
Trinity River project—Texas.
Little Dell Lake—Utah.
Weber River and tributaries—Utah.
Gathright Lake—Virginia.
Salem Church Lake—Virginia.
Little Goose lock and dam—Lake Bryan—Washington.
Lower Granite lock and dam.
Vancouver Lake—Washington.
Beech Fork Lake—West Virginia.
Coal River Basin—West Virginia.
East Lynn Lake—West Virginia.
Leading Creek Lake—West Virginia.
R. D. Bailey Lake—West Virginia.
West Fork Lake—West Virginia.
Green Bay Harbor—Wisconsin.
Sheridan—Wyoming.
Alabama River Channel improvement—Alabama.
Clairborne lock and dam—Alabama.
Jones Bluff lock and dam—Alabama.
Millers Ferry lock and dam, William "Bill" Dannelly Reservoir—Alabama.
Kake Harbor—Alaska.
King Cove Harbor—Alaska.
Snettisham power project—Alaska.
De Gray Lake—Arkansas.
McClellan-Kerr Arkansas River Navigation System—Arkansas and Oklahoma.
Ozark lock and dam—Arkansas.
Humboldt Harbor and Bay—California.
Marysville Lake—California.
Dade County—Florida.
Duval County—Florida.
Virginia Key and Key Biscayne—Florida.
Carters Lake—Georgia.
Savannah Harbor, 40 feet widening and deepening—Georgia.
Savannah Harbor sediment basin—Georgia.
West Point Lake—Alabama and Georgia.
Maunalua Bay Small Boat Harbor—Hawaii.
Wainae Small Boat Harbor—Hawaii.
Dworshak Dam and Reservoir—Idaho.
Illinois Waterway, Calumet-Sag modification—Illinois and Indiana.
Illinois Waterway Duplicate Locks.
Kaskaskia River navigation—Illinois.
Cannelton locks and dam, Indiana and Kentucky.
Newburgh locks and dam—Indiana and Kentucky.
Uniontown locks and dam—Indiana and Kentucky.
Laurel River Lake—Kentucky.

Some Members may say, "so what?"

One simple answer is that the law is the law.

Another answer lies in the reasoning of the Congress in passing the National Environmental Policy Act in the first place. Congress required environmental impact statements, I think, so that an agency, in its decision-making process, can give appropriate, careful and full consideration to the environmental impacts of its proposed actions.

Some agencies do not agree that completed environmental impact statements should accompany proposals through all existing levels of review.

I agree with the General Accounting Office, however, in its recently expressed belief that:

> If this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectivity and fully.

As I indicated in my supplemental remarks, there are no final impact statement, for example, for the following four projects funded in the bill:

First. The Sprewell Bluff Dam in Georgia;

Second. The Lincoln Lake Dam in Illinois;

Third. The Trotters Shoals Dam in South Carolina and Georgia; and

Fourth. The Central Arizona Project in Arizona.

With regard to the Sprewell Bluff project, I think it it is important to point out that to the best of my knowledge, gained from the hearings on this bill, this project is being funded not only without a final impact statement, but also in spite of the fact that the Corps of Engineers will be holding a major public hearing on it, probably this summer, to determine the views of Georgia residents on the project.

There are also substantive issues involved with that project.

It is my understanding, for example, that the Georgia Natural Areas Council has listed the Flint River, which would be damned by the project, as the most scenic stream in the Georgia Piedmont. The Georgia Recreation Commission is apparently opposed to the project, as well as the Georgia Game and Fish Commission.

Substantive issues can be raised about other projects as well.

The Bureau of Sport Fisheries and Wildlife has condemned the Lincoln Lake project in an April 1971 report in which it pointed out that "one of the finest, if not the finest natural streams in Illinois, will be destroyed as a result of the project implementation."

The central Arizona project is a controversial project which has raised a variety of questions in some minds. For example, will further withdrawals of Colorado River water aggravate salinity problems in the water flowing into Mexico or will it lead eventually to the demand for diversion of the waters in the Columbia River Basin?

Mr. Chairman, I do not mean to suggest that these projects, or the others listed here are necessarily worse than some others funded in this bill. In all probability a great many of these projects are worthwhile and ought to be funded by Congress. But I have not had the tools nor the time to decide whether that is correct or not. And I have taken this time principally to make that point.

Fortunately many of the projects with no environmental impact statement now are getting planning—but not construction money.

We are told there will be construction in the future until final impact statements are filed. I am pleased to hear that.

We all realize how big an impact these kinds of projects can have on the environment—and for that reason I think it is obvious why we need environmental impact statement on them early—not just 30 days before construction begins.

Therefore, given the questions raised about the necessity or the environmental consequences of some of these projects, and the lack of environmental impact statements on a significant number of them, I intend to vote against final passage of this bill.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I applaud the gentleman from Wisconsin for his statement. I wonder if the information which he has available indicates whether or not the Rowlesburg Lake in West Virginia is one of the projects that has not filed a final environmental impact statement.

Mr. OBEY. It is my understanding that the Rowlesburg Lake project is not accompanied by a final environmental impact statement. I would point out it is very difficult to tell because you have to get the agency reports, run through all of them, and compare them with what is in the bill.

In my judgment the agencies ought to be required, and I am certain in the future the subcommittee is going to try to require them, to tell us which ones have reports and which ones do not.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, there are many questions on this and other projects which could be settled if these environmental impact statements were filed. There have been a large number of environmental criticisms of the Rowlesburg project, which will cost a grand total of over $150 million before completed—$143 million of which is in Federal funding. Under the heading of construction, the committee report states that $200,000 is included for land acquisition for the Rowlesburg Lake in the next fiscal year. I regret that this amount has been included for a project which will constitute the most expensive dam east of the Mississippi River.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this in order to make a statement on environmental impact policy for the RECORD and for all Members.

In specific answer to the gentleman from West Virginia. I will state the Rowlesburg Lake project is not funded for construction. No work will be initiated until a final environmental impact statement has been filed.

Mr. Chairman, I have a specific answer for each of the four projects the gentleman from Wisconsin mentioned, namely:

(a) Sprewell Bluff Dam, Georgia:

(1) The Committee specifically reduced the budget request by $1.1 million because of delays in finalizing the environmental impact statement;

(2) Draft EIS has been available for review since July, 1971—final pending.

(b) Lincoln Lake, Illinois:

(1) The Committee reduced the budget request by $500,000 because of the delays being encountered in connection with resolution of pending issues;

(2) Draft has been available for review since May, 1971—final pending.

(c) Trotters Shoals Lake, Georgia and S.C.

(1) The funds allowed in the bill are strictly for land acquisition to avoid cost escalation in the area and hardship to the landowners.

(2) Draft has been available for review since July, 1971.

(d) Central Arizona Project:

(1) The draft environmental impact statement has been available for review since Sept. 27, 1971, and the final statement is scheduled for July, 1972.

Certainly we would be ridiculous to stop projects that have been long under construction, especially in view of the recent devastation of floods which have occurred in this Nation.

Finally, the environmental impact statements are being prepared as fast as possible on all projects under study and review, and all old projects under construction. I hope this policy statement will satisfy Members and all those concerned.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Tennessee on the statement he has just put into the RECORD concerning national environmental policy and the filing of impact statements.

I would like to commend the gentleman, also, and the whole Committee on Appropriations, for its wisdom and foresight in dealing with the question of the Tocks Island Dam.

As the Members may know, construction funds were not appropriated this year for the Tocks Island Dam, one of the reason being this very question of the environmental impact statements. This brings me to the gentleman from Wisconsin and his comments in the well a few moments ago concerning the failure to file the environmental statements in the case of a great many projects. I would like to associate myself with his remarks and point out that the Tocks Island Dam situation was a prime example of the type of trouble we can get into if these environmental statements are not filed.

A year ago no comprehensive statement had been filed on that project and the Congress did appropriate some construction money. Between the appropriation last year and the committee hearings this year the full environmental impact statement did show the severe ecological problems associated with the Tocks Island Dam project.

So here, Mr. Chairman, is a prime example of the need for filing these environmental statements. The gentleman from Wisconsin is quite correct in his remarks and I commend him for his research and concern in this important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $54,200,000, to remain available until expended: *Provided*, That $1,000,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 53–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: Page 5, line 16, strike out "$54,200,000" and insert in lieu thereof "$54,050,000".

Mr. YOUNG of Florida. Mr. Chairman, this amendment deletes $150,000

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from H.R. 15586 that would finance yet another study of the defunct Cross-Florida Barge Canal, a project already studied to death and one opposed by conservationists in Florida and throughout America. The first study on this project was conducted in 1826 followed by eight more before 1930, and numerous others since.

Now, Mr. Chairman, it sounds good to have an environmental impact study, but I submit that such a study would only be needed if this project was going to go ahead; however, the digging of the Cross-Florida Barge Canal has been permanently halted by Presidential order to prevent further damage to the state's environment.

So the proposed study is a very obvious ploy to resurrect a discredited project. The Congress is being asked to put a stamp of approval on a canal that would do irreparable harm to Florida's natural resources and seriously threaten the underground aquifer that supplies drinking water to the central part of my State.

This canal is not something new. The Cross-Florida Barge Canal has been on again, off again for 150 years and for decades, the canal supporters have had their way. In fact, so far, $53 million of taxpayers' money has been wasted on the big ditch. During this time, opponents of the canal were unable to have their voices heard. We were refused the opportunity to participate in the decisions.

Finally, our voices were heard. On January 19, 1971, President Nixon permanently halted the canal, and last year this Congress appropriated $4.15 million to clean up the damage and halt construction on the canal. The Army corps of engineers reported to me that their work on the canal was being continued "solely because it is necessary to leave the affected areas in a safe condition or mitigate adverse environmental effects. Continuation of these contacts does not represent resumption of the canal project which was permanently halted by President Nixon."

Another study would merely waste even more of the taxpayers' money on a project that should not be revived. But the Florida delegation has always stood together on our stated public works requests. This study was not approved by the Florida cabinet as part of the State's official request for public works funds for fiscal year 1973. Nor has our Governor requested money for another study.

The Cross-Florida Barge Canal is not supported by the people of Florida and Florida's representatives here in Congress are divided on this issue.

In stopping the canal, President Nixon said:

> A national treasure is involved in the case of the Barge Canal—The Oklawaha River, a uniquely beautiful, semi-tropical stream, one of the very few of its kind in the United States, which would be destroyed by construction of the Canal.

A study recently was completed on the Oklawaha River Basin which makes up a large portion of the canal area. This study involved more than 100 environmentalists from Federal and State agencies and several universities, and it led to a recommendation on May 18 from the Council on Environmental Quality and Corps of Engineers calling for action to preserve the Oklawaha River.

While time prevents me from outlining all the environmental objections to the Cross-Florida Barge Canal, I want to point out that another study would be reviewed by the Council on Environmental Quality which is already on record in opposition.

A study last year by 126 Florida scientists concluded that:

> The recently abolished Cross-Florida Barge Canal project will stand as a classic example of the reckless degradation of the natural environment.

The Florida Game and Fresh Water Fish Commission found that the Rodman Reservoir, part of the canal system, "created ecological problems almost beyond comprehension."

There are many reasons why people are opposed to this project. Some have asked why my great concern in this matter since it is not in my district. We must realize, however, that the effects of this project are not limited simply to the area of construction. Russell Train, Chairman of the Council on Environmental Quality, concluded that:

> Potential pollution from the project may be transferred to the Florida Aquifer, setting off a destructive chain reaction affecting the water supply for many users—including those in my district.

The U.S. Geological Survey agreed and pointed to:

> Potential aquifer contamination and pollution of canal waters which could affect estuarine waters and their ecologies.

The availability of fresh water, I might add, is a serious consideration and from time to time, water rationing is required in parts of Florida including Pinellas County in my district of Florida.

So I say again, the only reason this study would be needed is if digging of the canal is going to be resurrected. Those who want to do that should oppose my amendment—but those who want to keep the project dead, those want to protect the natural environment, and those who want to save the taxpayer's money, should support my amendment.

I urge a vote for this amendment to delete funds for still another study of the Cross-Florida Barge Canal. Too much of the taxpayers' money already has been wasted on this discredited project—and there are literally thousands of good projects where this money could be spent to protect natural resources and benefit the people of our districts.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four members of the Florida House delegation have a direct and personal interest in this project. It is an interest based on the economic effect of the project on the districts and the people whom we represent. The concern expressed by my good friend. BILL YOUNG, about water supply is, of course, a legitimate interest.

Water supply is becoming increasingly a matter of importance to city dwellers and industrial users throughout the Nation. We, in Florida, more than most States, have been blessed with an abundant supply of fresh water, but even that abundant supply is not inexhaustible. More careful planning for future requirements will be required.

The essential point is that there can be little fear about danger to the water supply from a barge canal across Florida. This issue was thoroughly explored many years ago. There was concern, legitimate concern, about a sea level canal which might have interferred with the passage of water through subterranean channels to south Florida. No such concern, other than by isolated engineers, was ever expressed about adverse effects to water supply from a 12-foot barge canal. But let us get the facts.

That is what we propose to accomplish by spending funds for an ecological and economic study. First of all, there is no unbiased, factual study which was prepared subsequent to work stoppage by the President in January 1971. There have been reports from agencies and groups which support the President's position. There have been no—repeat no—studies which brought out both sides of the question. This has resulted in a distorted picture. We think there is a need to be able to look at the good side as well as the bad side of the canal.

If for no other reason let us not overlook the fact that nearly $50 million of the taxpayers' money has been spent on this project after it was fully justified from studies made by the U.S. Corps of Engineers. The State of Florida has spent something like $10 million principally to acquire right-of-way. That is a lot of money to have go down the drain with nothing to show for it. By this study we can get the facts.

The principal point which appears to disturb the ecologists is the loss of the scenic Oklawaha River, and this is a very considerable loss. However, there were many of us who proposed well in advance of the President's action that the Oklawaha be preserved by rerouting the canal. This would not have been a difficult problem but it would have meant some additional cost.

The ecologists have been heard on this subject. The President's advisers have been heard. The taxpayers who invested in the project have not been heard. The Congressmen who sponsored the project have not been consulted in the slightest to this date. The potential users have not had an opportunity to be heard. What is wrong with looking at both sides of any issue?

It must be said by any impartial observer that the ecological damage that might come from the Cross-Florida Barge Canal is far less than that which will result from a pipeline for the oil companies across Alaska. If the Cross-Florida Barge Canal is bad, then the Alaska pipeline is doubly bad. The administration has not see fit to apply the same guidelines to both projects.

The President, by executive order, stopped work on the Cross-Florida Barge Canal and thereby repealed the statutes by which Congress had authorized and funded the canal. It was an action taken without any consideration for the proponents of the canal. I think the Congress has a right to know all the facts.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this canal has been under consideration for a long time. It is a valuable canal. It is valuable not only from the standpoint of economics but also from the standpoint of national defense. In time of war the movement of oil from the western producing areas to the eastern consuming areas might be quite important to our national defense. Over a billion dollars worth of oil shipping was lost in 1 year alone on the coast of Florida in World War II. The submarine threat is much greater today than it was then.

The only points that have been raised here are that there might be some shortage of water and there might be some pollution of water. That is all I heard said. Perhaps some other things were actually said when the gentleman from Florida made his speech, and I should be glad to address any point he would like to ask me about.

The authorities have stated in the hearings repeatedly that the water table up and down will have no significant change at all. Quite obviously one does not really have to be an engineer to figure out that no depletion of water is likely because we are not talking about a sea level canal, we are talking about a canal which has a reservoir on the top of the ridge of Florida. Obviously there could not be any depletion of water in the water table because of a new lake erected on a ridge in Florida.

I refer now to the testimony in the hearings before the Subcommittee on Appropriations, 91st Congress, second session. General Free testified on page 672 there would be no significant effect whatsoever on the water table even in the immediate vicinity of the canal. Certainly it would not affect anything in the situation of the gentleman from South Florida; but it would not significantly affect the water table even in the immediate vicinity, so far as the lowering of the water table is concerned, in any respect.

With regard to the pollution of water, that is exactly what we want to have this hearing upon. We have never had the opportunity to be heard.

The President announced in January of 1971, he was halting the canal. He did not say it was a permanent halt. He did say he was halting it. He said he did this because of the recommendation of the Council on Environmental Quality.

So the Members of Congress and other people and I went to this council and, after much difficulty, we had a hearing; a hearing in the sense that we were heard in protest after the fact. But at that hearing it was said by the head of the Council on Environmental Quality that they had never, never made any study whatsoever as to the ecology of the Cross-Florida Barge Canal and that they had no intention of making such a study.

The gentleman from Florida, that is from St. Petersburg, put in the CONGRESSIONAL RECORD reasons, which are quite cogent, as to why they wanted the canal stopped. I did not put it in because I thought it might involve Presidential privilege, but the gentlemen did, and it is stated there, if you read it—and I am sure the gentlemen could give you the page number—it deals somewhat with ecology, but mostly with politics. But regardless of whether politics or ecology the Council on Environmental Quality told us repeatedly in that meeting—and it was an open meeting, and many people were present—that they had never made a study of the ecological effect of this canal.

I told them that I thought they should. So they did make one, and they did not invite me or any Member of the Congress, or any ecologists who favored the canal—and many ecologists do favor the canal—they did not invite anyone from our side. They just went on their own little way in arriving at the paper that they presented. And it is refuted in its entirety by materials in the CONGRESSIONAL RECORD, volume 117, part 12, page 15431.

What is the legal situation? I have briefed the law on this matter. I used to be a lawyer. There is not a single case in the entire judicial history of the U.S. judicial system which says that the President can repeal a law such as this where there has been an authorizing and appropriating of money for a canal on other project. Many cases hold just the opposite.

The courts have been asked by the Department of Justice at the requests of the President to try to upset these cases, and they have not been able to do so. They have tried repeatedly, and the courts have said no, right up to today, that the President has absolutely no constitutional right to repeal such a law.

What did the law on environmental protection say when we passed that act? That act provided that there would be studies made that would be presented to the Congress for the Congress to act upon. Then, if Congress wanted to repeal a law it would have that authority, of course. And that is what the law says with regard to the environmental situation in connection with the Council on Environmental Quality. It does not say that the Council on Environmental Quality would report to the President who would then repeal the law, or end a project. It says that the President will take the report and give it to the Congress with recommendations and that the Congress should act upon it as it would with any other law or repeal of law.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 1 additional minute.)

Mr. BENNETT. In conclusion, the Cross-Florida Barge Canal was authorized by law. The President has no right to repeal that law, and the courts have held this to be so, in this year. The law we passed with regard to environmental quality said that the Council should report to the President who in turn would report to the Congress, and that the Congress would then take whatever action Congress decided was advisable.

The gentleman from Florida (Mr. SIKES), and others have recommended that the Oklawaha River be bypassed. and this can be done for less than $5 million.

This is a most important project for our country, for the future and for ecology as well as economics. The country as a whole has a right to be heard. The good values of this project should be made known. The Congress should be heard in this matter, and the citizens of this country should be heard, and all this should be done before the President attempts to repeal a law in this manner.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

My distinguished colleague, the gentleman from Florida, made comment and referred to a memorandum from Russell Train that had been used and bandied about considerably.

I think just picking out sections of that memorandum and using it for one's own benefit is all right politically, but I think it is only proper that we hear some of the other contents of that same memorandum.

With reference to the Cross-Florida Barge Canal and from the standpoint of the ecological question and the protection of natural resources. This canal project is very marginal economically according to officials and Russell Train says:

> The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

In another section of that same memorandum, this is where the political accusations come from, Mr. Train said to the President:

> I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it.

I think he was absolutely correct. The people of Florida are opposed to digging this canal.

Let me talk for just a minute about another phase of the economic problem.

In one basin in this canal, the Inglis Basin which is on the western approach to the canal, it is estimated it is going to cost $1,630,000 a year just to clear the hydrilla from the Inglis Basin. The hydrilla problem is much like the water hyacinth that grows and grows out of control.

It will also cost some $10,000 to $12,000 per mile per year just to keep the aquatic growth clear in the canal.

Comments were made on the possible contamination of the Florida aquifer that supplies water to central Florida. This aquifer is much like a sponge made of limestone and in many areas comes very, very close to the earth's surface and scratching a ditch into this aquifer could very well allow contamination to seep into the water-holding aquifier. This concern is voiced not only by me but also by the Director of the U.S. Geological Survey and also the Chairman of the Council on Environmental Quality.

I suggest that ample evidence has been submitted to question the ecological ef-

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fect of this canal, and when President Nixon stopped this canal, he rightfully earned the gratitude of the people of Florida. I know they are hoping we will approve this amendment and delete the money which would resurrect this canal.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have read the brief memorandum from the Council on the Environmental Quality.

It said, in addition to the environmental issue, three things. It said: First, "Mr. President, if you will stop this project, it will save you some money this year."

Second: "Mr. President, it will save a lot of money in the long run."

Third: "Mr. President, we think it is politically wise to stop the project."

This was a judgmental factor on the part of CEQ and the administration to stop the project.

The President has no authority to repeal the law—to repeal an act of Congress.

This matter has been in Federal Judge Johnsen's district court in Florida and he stated that there had not been a full and complete environmental statement filed on the project.

It seems that some of the environmentalists favor a study for stopping the project, but they are against a study of an environmental impact statement if it would bring further light and further information about the project.

So I think we should get the facts. This matter is under the general investigation funds section. This is merely a study and is in compliance with Judge Johnsen's request of the Federal district court.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 15, noes 31.

Mr. YOUNG of Florida. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

AMENDMENT OFFERED BY MR. THOMSON OF WISCONSIN

Mr. THOMSON of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMSON of Wisconsin: On page 5, line 24, following the word "Army", strike the period and insert "*: Provided further*, That no funds shall be expended for continuation of the twelve foot Mississippi River channel study north of Guttenberg, Iowa, except for the purposes of investigating environmental impact, and activation of auxiliary locks for small boats and pleasure craft."

Mr. THOMSON of Wisconsin. Mr. Chairman, this amendment relates to another study, which is a study to consider a 12-foot channel on the Mississippi River. The study has been underway for several years. A preliminary report has been issued by the Corps of Engineers. The report received so much criticism after it was circulated in February of this year that it was withdrawn and has not yet been filed. The people on the upper Mississippi River, those who are north of gate and lock 10, at Guttenberg, Iowa, are extremely disturbed about the damage that will be caused by a 12-foot navigation channel on the upper reaches of the Mississippi River.

One good reason why we need no further study on the engineering and economic factors of the proposal is that it proposes a 12-foot channel in 22 miles of the lower St. Croix River. The St. Croix River is such a beautiful stream. It is part of the boundary between Minnesota and Wisconsin. Its lower 52 miles is presently being considered for inclusion in the wild and scenic river system and all of the upper St. Croix was included in the original wild and scenic river system. We cannot have a 12-foot barge channel in a wild and scenic river. We need no further study on the economics and engineering which will affect a priceless, beautiful river such as the St. Croix. We ask in this amendment that any further investigation and study be limited strictly to the environmental impact on the Mississippi River north of lock and gate 10 at Guttenberg, Iowa, and that the study include the use of auxiliary locks in the dams that are already built.

In the 40 years that this river has had a 9-foot channel, use of the river by pleasure craft and for recreational uses has increased thousands of times. But it seems every time a boater comes to a gate and lock on the Mississippi River there is always a barge and a towline that is waiting to get through the lock, and pleasure craft in large numbers are refused entrance into the lock until the commercial use of that lock is concluded. Pleasure craft are often delayed there for 2 and 3 hours before they can get through each lock.

The Corps of Engineers in their wisdom, when they built the lock and dams, included some space for auxiliary locks which has never been used. If we want to increase the barge traffic and take advantage of the tremendous increase in the recreational use of that river, we ought to examine whether those auxiliary locks should be put into use at the present time. The study by the corps should include the use of the auxiliary locks as a prime concern.

On the upper Mississippi River there are over 120,000 acres of Federal wildlife refuge. We have there ducks and egrets and fish and wildlife on the water. They are there in such great abundance. And, their habitat there is in serious danger of being destroyed should we have a 12-foot channel in that river.

A 12-foot channel may mean dredging and pouring out of siltation and sludge along the banks of the river, or in the alternative, raising the level of the pools themselves, which will completely destroy the wildlife refuge.

Mr. Chairman, we insist that this study be limited to those ecological and environmental factors that are so important to us in the reaches of the upper Mississippi and to the full use of those locks and dams by small boats and pleasure craft. We think the esthetic values of the upper Mississippi are worthy of equal consideration with the economic advantages of putting bigger tows on the river, and we think that the environmental impact and esthetic values should be studied first. I, for one, will oppose any attempt to put a 12-foot channel into the Mississippi River until an environmental impact study is filed, evaluated, and approved as ecologically safe. Such an eventuality, despite these additional funds for study, is unlikely. Deepening the upper Mississippi to 12 feet would be an environmental loss with no offsetting economic advantage.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Wisconsin, Governor Thomson, spoke to me about the matter today. We discussed it. I would say to the gentleman this is not for dredging, this is not for construction. The funds in this bill are just for continuing the study. This is just for getting the facts. The decision will be made later by Congress as to whether a project is authorized for construction.

This is a $2.5 million study for which we have already allocated $1.2 million. The amount funded in the bill is only $126,000 to continue the study of the economic feasibility as well as the ecological and esthetic factors which the gentleman requests. We need to complete a balanced study of all the issues involved in the proposed project.

I would say we are substantially in agreement with the objectives the gentleman requests. So in view of the amount of funds expended, the facts that will be obtained, and the interest from the representatives of the several States who appeared before our committee, I ask that the amendment be defeated.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Wisconsin that we limit the study to the environment and to the possibility of auxiliary locks for small boats and pleasure craft. In fact, I think we have gone far enough in the study to find out now that the deepening of the channel is not economically feasible. Evidently that is one of the problems concerned in why they have not submitted the report yet.

There are some other considerations we might take into account now, which are even more important now than when the study began, and those are the recreation uses of the river.

As the population increases and the influence of the people increases, there is greater demand for recreation uses on the river. The idea that this is primarily a waterway for transportation, I think, is something that has long gone by.

There is pretty serious difficulty with the 9-foot channel. When they made the study, they looked at the river to see how they would make a 12-foot channel. There are only two ways to do it. One would be to raise the water level, and the other is by dredging. If we raise the water level, we get other problems of destroying the breeding grounds of the waterfowl and fish. Also whenever we have a rain such as we had recently, or in the spring runoff, if we raise the level of the river, it will be more difficult for the tributaries to empty out into the river, and they will back up and cause more flood damage to the communities upstream.

Not only would this be in the highways, but it would be in the railroads in the form of bank erosion. You have to look at the streams and see what a raise in the level of the rivers does to bank erosion that did not occur before. All indications are they are dredging as they deepen the channel rather than raising the water level. Here you have an even more catastrophic problem that would occur.

If you dredge, one of the problems is they have to drop the dredge as close to the edge as possible for convenience. What happens now is the river there is going to be higher than the surrounding land because of the dredging. In other areas it increases erosion back in again, and therefore they are stirring it up and the turbulence is greater and it is harder for the fish to live because you cannot get the photosynthesis there due to the reduced amount of light. All of this is causing a problem.

Another part is they are now down to the bedrock of the channel, and if there is more dredging, this would create a problem, but also they are going to have to dynamite in order to get a deeper channel. The main purpose here is so that the barges can get a larger load by having a little larger draft. I think that the economic benefit, which would be an economic benefit to the barge line, is not anywhere near the kind of benefit they would need in order to create this damage that would occur to the river.

The way it could be used by the thousands and thousands of people who now use the river would make it necessary for them to leave this untouched.

Therefore, I support the amendment offered by the gentleman from Wisconsin which would limit the study for this year to an environmental study and a possibility of installing auxiliary locks.

I think we ought to look seriously next year at whether we want to continue the study on the 12-foot channel at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. THOMSON).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 29.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $1,181,098,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That $840,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army: *Provided, further*, That $1,000,000 of this appropriation shall be transferred to the Appalachian Regional Commission for the Pikeville, Kentucky, model city program.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI: Page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,181,198,000".

Mr. NEDZI. Mr. Chairman, I rise in behalf of two of my colleagues from Michigan, Mr. BROOMFIELD and Mr. O'HARA, to request a very small amount of money be added to the pending appropriation bill.

As we all know, the forces of nature in the last couple of days have underscored the importance of prudent flood control measures. The chairman of the subcommittee itself has alluded to this fact. That is the purpose for which we seek these funds.

Our amendment asks for the very reasonable sum of $100,000 for preconstruction planning for the Clinton River-Red Run drainage control project in Oakland and Macomb Counties, Mich. This is a project of tremendous importance to the people we represent in this area known as the Clinton River drainage basin and covers 760 square miles in southeastern Michigan just north of the city of Detroit. Within this area, which is the fastest growing in Michigan, live 1½ million people who are affected to one degree or another by the Clinton River and its tributaries. Fourteen times since 1938 this river has overflooded its banks—in 1962, in 1965, and twice in 1968 there was severe flooding. The danger in the area grows as the area becomes more and more urbanized.

In 1970, my colleagues, after many years of study by the Corps of Engineers, the Congress authorized the expenditure of $40 million as the first installment toward the construction of an adequate flood control system on the Clinton River and Red Run drain. The $40 million in Federal funds would be augmented by $60 million in expenditures by local governments, and the local governments here have indicated a willingness—indeed an eagerness—to participate because they recognize the terrible danger which continues to exist.

Let me precisely emphasize the points I believe are persuasive. In the first place, there are 1½ million people involved. This is a number which exceeds the populations of a third of our States. Second, in 1970 the authorization of $40 million recognized the need, and still not a single Federal dollar has been appropriated. There has been a long and continuing history of unchecked flooding in the area with the prospect of more frequent troubles as the area's urbanization increases.

Fourth, the annual flood loss, as estimated by the Corps of Engineers, is some $20,421,000. This is annually, and hundreds of people have been and are driven from their homes.

Fifth, there has been a finding by the Corps of Engineers that a serious flood and major drainage problem exists in the area, and the corps forecasts future damaging floods.

Finally, this project, unlike the Florida canal or other projects that have been approved, has a very favorable cost-to-benefit ratio of 4 to 1.

Our amendment is modest to the point of being almost invisible when you view the total annual flood loss in this area, let alone the total amount of this appropriations bill. The need has been clearly established after prolonged study, and in 1970 a substantial commitment was made by the Congress. We ask that this overdue and small implementation—only $100,000—at last and at least be taken.

Mr. Chairman, I urge the adoption of our amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. PEYSER FOR THE AMENDMENT OFFERED BY MR. NEDZI

Mr. PEYSER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The Clerk read as follows:

Amendment offered by Mr. PEYSER as a substitute for the amendment offered by Mr. NEDZI: On page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,193,698,000."

Mr. PEYSER. Mr. Chairman, I was going to offer this as an amendment originally, but I am now offering it as a substitute to the gentleman's amendment.

I was encouraged when this session first started when the chairman rose to speak about the flooding conditions in our country today because I felt that perhaps he was going to make a motion to restore some of the $12.6 million that had been cut from the administration's requests dealing with flood prevention construction under this bill. But he did not move to restore that money.

I should like to talk for a moment on the terrible flooding we have been facing in Westchester County, N.Y. I realize it

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is not as serious as in many others in the States around me—New Jersey, Pennsylvania, New England States—but it is nevertheless very severe. My district includes the city of Yonkers, which has approximately 210,000 people and has the Saw Mill River running through it.

The Saw Mill River project has been before the Public Works Committee for nearly 14 years, and during that period there have been a number of studies which have been continually authorized, to find ways to stop its continued flooding. As a matter of fact today's bill includes yet another study of this problem. During the storm last week more than 300 homes and 100 businesses were badly damaged. I personally went into these homes and businesses with 5 or 6 feet of water in them.

It distresses me, that we have had this type of a problem for so many years and no action has been taken to prevent the flooding.

The total estimate for this program is less than $8 million to cure the entire problem, including Ardslery, Elmsford, and Chappaqua.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Arizona.

Mr. RHODES. For the purpose of clarification, I understand the gentleman is interested in adding funds for the Yonkers, N.Y. project; is that correct?

Mr. PEYSER. I am seeking to add funds to prevent future flooding of the Saw Mill River. I am trying to put back into this bill the $12.6 million originally budgeted by the committee in this portion of the bill with the idea that $8 million of the $12.6 million will go to prevent future Saw Mill flooding.

Mr. RHODES. Is the gentleman saying that the reductions which were made, as shown in the report of the committee on pages 44 and 45, are not warranted reductions?

Mr. PEYSER. I am saying that I would like to see the $12.6 million which the committee cut from the administration's request be restored with enough of that money going to solve this Saw Mill River problem.

I include the following list of projects necessary to stop future flooding of the Saw Mill River:

Yonkers. The flood control project for Yonkers, New York is located along the Saw Mill River in the City of Yonkers, Westchester County, New York on the northern boundary of New York City. The proposed flood control plan is primarily a channel improvement along a 9,500-foot long, highly industrialized reach of the Saw Mill River extending from a point upstream of Yonkers Memorial Park to a point upstream of Old Napperhan Avenue. This project is designed to provide flood protection by lowering flood flows through the use of a more efficient river channel. The plan consists of 700 feet of clearing and snagging and 400 feet of channel excavation in the lower reach. Continuing upstream, the plan includes approximately 3,800 feet of concrete flume, approximately 4,600 feet of channel excavation and approximately 5,400 linear feet of concrete walls. The plan also provides for the raising or reconstruction of nine bridges, five footbridges and three covered passageways, and constructing a railroad closure structure and passageways, and interior drainage facilities which include three ponding areas and drainage structures as required.

Cost of Federal share to complete Yonkers project, $3,570,000.

Chappaqua. The site of the proposed improvement is located at the confluence of Saw Mill River and Tertia Brook in the Town of New Castle with the lower reaches of the improvement extending into the Village of Pleasantville. The plan involves straightening the existing channel and excavating it to a trapezoidal shape over a 6,000 foot reach. This plan also involves the replacement of a road bridge and an access bridge and modifications to two railroad bridges. An alternative plan was also investigated at the request of the Town of New Castle which would divert Tertia Brook directly to the Saw Mill River and allow the Town to have additional lands for its town civic center and commuter parking area.

Cost of Federal share to complete Chappaqua project, $893,100.

Elmsford. The considered plan would be located between Warehouse Lane and the Penn Central Railroad and would consist of approximately 2300 linear feet of channel improvement, 2800 linear feet of earth levee and concrete wall on the left bank, 1400 linear feet of earth levee and concrete wall on the right bank, stop-log structure, bridge construction, and interior drainage facilities.

Cost of Federal share to complete Elmsford project, $1,500,000.

Ardsley. The plan of improvement for Ardsley, New York would consist of relocation and widening and deepening the existing channel. In addition, protective works consisting of floodwalls and levees with necessary drainage facilities to existing system would be provided.

Cost of Federal share to complete Ardsley project, $1,092,000.

Total cost to prevent Saw Mill flooding, $7,055,100.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the Peyser substitute amendment and also the Nedzi amendment.

Let me say to the gentleman from New York, he could not further the Yonkers project by providing additional funds for the Corps of Engineers. We checked with them this morning on the Yonkers project and were informed that the funds in the bill represented the full corps capability.

We have recommended a $12.6 million net reduction in the construction, general appropriation. The gentleman would restore the full amount of this reduction. This will not improve or enhance the project in which the gentleman is interested. In fiscal year 1971 we added $55,000 over the budget to expedite this project. This amount was placed in the budgetary reserve and not released until the current fiscal year. This has resulted in a delay in planning the project.

We are very sympathetic to the Yonkers project.

Since we have allowed the corps full capability in this bill which will complete planning, I would believe the substitute amendment should be defeated.

Mr. Chairman, with respect to the Red Run Drain, Lower Clinton River project in Michigan, which the gentleman from Michigan (Mr. NEDZI) addressed himself to, we are very sympathetic. I agree it does have a good benefit-to-cost ratio. But the gentleman refers only to a very small amount of money being involved.

Although the amendment is only for $100,000, it would constitute a commitment to begin planning on a $142 million project. The committee adopted a policy of including only a limited number of very small, low-cost planning starts in the bill. We added 18 projects, but the highest one involved a total cost of only $38 million. I repeat; this project referred to by the gentleman from Michigan is a $142 million project.

I would also state that there are 181 authorized projects in the current planning backlog which are not funded.

There has not been an adequate opportunity for a hearing on the project. For these reasons I oppose this amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Nedzi amendment.

Mr. Chairman, it is true that we did not again this year appear before the Subcommittee on Public Works. We have tried that route, Mr. Chairman, and it does not seem to do much good. Our pleas fall on deaf ears.

I can understand the desire of the gentleman from Tennessee (Mr. EVINS) and the members of the committee to save some money. We all like to do that. But I believe that the way in which it is being saved here is one that does not make much sense. The chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS), admits that this bill contains numerous projects having a lower cost-benefit ratio than this one. In other words, if you want a project in the bill, think up a dinky one. It does not matter if it has a poorer cost-benefit ratio, just so it is small enough, we can get it funded.

But we do not have a small problem here. The gentleman from Michigan (Mr. NEDZI) pointed out that 1.5 million people live in this area, and are affected by the flooding. The damages, when we have a flood—and we have had 14 of them since 1938—are tremendous. Of course it is going to cost something to fix it up. But if we are going to spend money, let us spend it on projects where we do get a decent cost-benefit ratio like on this one, and not just keep turning our backs on it year after year. I know they would rather take care of some little, bitty ones and cheaper ones, even though they do not have anywhere near as good a cost-benefit ratio, but I think that is a foolish way of spending the limited funds that are available.

The amendment offered by the gentleman from Michigan (Mr. NEDZI) is a good amendment, and it provides for merely $100,000 for a planning start. So let us adopt the amendment.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose both amendments.

Mr. Chairman, I hope the Committee will vote not to approve these amendments. To begin with, they would accomplish nothing worthwhile except that it would provide a slush fund for the Corps of Engineers with no direction whatsoever, if the Peyser substitute amendment were to be adopted.

As far as the Red Run Drain, Lower Clinton River project is concerned, I agree with the gentleman from Michigan who was just in the well and also with the author of the amendment that this is a good project.

It has a 3.6 to 1 benefit-to-cost ratio. It ought to be built sometime and I am in hopes it will be. I also hope we will not commit the folly of putting a project in like this on the floor of the House in the consideration of this bill—a project which costs $142 million.

This is a lot of money. When it is started, it should be put in the regular way. I am sure it will be built before too long.

There is a current backlog of 181 authorized projects which have not been funded for initiation of planning.

So if this were the only project that has not been funded for the initiation of planning, then I would say to my good friend, the gentleman from Michigan, that he has a point. But this is not the only project. There are 181 other projects in the backlog. It would be my hope that we could approach this matter in an orderly way and not do it on the floor like this.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. NEDZI. Does the gentleman have any information as to what the cost-benefit ratio of the 181 projects are?

How many actually have a cost-benefit ratio superior to the project that we are suggesting?

Mr. RHODES. I have no figure such as that, but I would venture to say, and I would probably agree with the gentleman, that most of them would have a lower cost-benefit ratio than this.

But again it seems to me that the orderly way to start a project is to do it by appearing before the committee and having the committee vote out the project.

If the gentleman would do this next year, I, for one, will certainly promise him a sympathetic ear and I hope that it will be voted out first.

Mr. NEDZI. I certainly thank the gentleman and I can assure you that we will be back, back, and back again.

Mr. RHODES. I thank the gentleman.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. ROBISON of New York. Mr. Chairman, I too join with the gentleman in opposing both the substitute amendment and the amendment itself.

I want to make sure for the record that my friend and esteemed colleague, the gentleman from New York, understands that this does not mean that I do not have an awareness of the need for and, in fact, the urgency for the Yonkers, N.Y., project.

The only thing is, as I am sure he understands, the money in the bill will complete the preconstruction planning for this project. If we were to add additional money that the gentleman proposes, there is no guarantee and, in fact, it would be very unlikely that those moneys would be put to use in Yonkers.

The gentleman has done exactly what he should have done and he has done what I would have done in this situation. That is to call our attention to the need for this project.

I can assure the gentleman that the subcommittee will give this careful consideration next year as a construction start.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I just want to add to what the gentleman from Arizona has already said with reference to the substitute amendment. What the gentleman from New York has suggested is that we simply put back in the net reduction figure which the committee has recommended in the construction general paragraph of this bill.

Now this net figure was arrived at by changes in a large number of projects throughout the country as outlined in the report.

I am afraid that if this amendment were to be adopted, it would be interpreted as undoing everything that the subcommittee has done with respect to a large number of individual projects. By inserting the original budget figure in this regard, it would probably indeed be interpreted by the Corps of Engineers as saying—well, what the House wants to do is to reinstate item by item the figures just as they were submitted in the budget. They would, therefore, decline to make use of some of the increases for some of the special projects included in this bill and would take no notice of the decreases that were made.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. PEYSER) for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The amendment was rejected.

Mr. DENHOLM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and distinguished members of the subcommittee, I associate myself with the remarks of the distinguished chairman in his opening statement this afternoon. I commend the distinguished gentleman from Tennessee and his associate members of the committee for the excellent work that they have done in reporting this matter today.

Peculiar storm conditions have occured this year. In the month of June much devastation and tragedy has befallen our country. Several States and many areas have been victimized by tragedy since this bill was marked up and since the members of the committee deliberated thereon. South Dakota is no exception. The people of South Dakota have sustained a devastating loss, shock, and tragedy.

The reservoir water crest is at an all-time high on the Missouri and at the lower end of the four main stem dams on the Missouri the impact of increased discharge of flood waters is released with a tremendous amount of damage to the side walls and the banks of the Missouri River between Yankton, S. Dak. and Sioux City, Iowa.

The floodgates have been opened, and there is an outpouring of water that is undercutting huge parts of the terrain and parts of the bank that have declivities up to 40 to 50 feet in height. Acres and acres are falling into the river at an excessive rate and the damage to the riverbanks is now endangering a $10 million hospital and a powerplant at Yankton, S. Dak.

I realize, Mr. Chairman and members of the committee, that there is no authorization in support of appropriations at this point in time. I intended to submit an amendment to provide for additional funds in the appropriations now before this body but I have been informed that a point of order will be made and sustained against that amendment absent of authorization in support thereof. Therefore, Mr. Chairman and members of the committee—I refer to the language only for the purpose of foundation to a question—an amendment beginning at page 6, line 9, to delete the general construction appropriation of $1,181,098,000 and substitute therefor the sum of $1,184,098,000. Further, on page 7, line 7, add language after the last sentence as follows, to-wit:

Provided further, that $3,000,000.00, subject to authorization of this appropriation shall be utilized by the Chief of Engineers, Corps of Engineers, below the Gavins Point Dam at Yankton, South Dakota, for emergency bank stabilization on the Missouri River.

Mr. Chairman, I realize that you are fully informed on the details of this matter and that you are sympathetic to our cause. What would the attitude of the committee be on considering without delay a supplemental appropriation if we can achieve authorization for appropriations in the near future on this matter?

Mr. EVINS of Tennessee. The gentleman is correct. We are sympathetic to the problem of bank erosion on the Missouri River, but, as I stated in my original statement, the project has not been authorized and would be subject to a point of order. We could not approve the funding of a project of this type without authorization. The gentleman is working on the authorization. If it is authorized, we would be sympathetic to its being handled in a supplemental appropriation bill or in conference. We are sympathetic if and when the project is authorized.

Mr. DENHOLM. I thank the Chairman and I will appreciate the immediate consideration of the members of the committee when appropriate authorization has been granted. Thank you very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $267,625,000, of which $115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be

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used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 11, line 8, strike out "$267,625,000" and insert in lieu thereof "$280,357,000".

Mr. MELCHER. Mr. Chairman, I shall keep the committee only briefly, because I want to draw the attention of the committee and the House to a Bureau of Reclamation dam that needs repair in Montana and needs it now.

My amendment adds $12,732,000 to rebuild the spillway of Tiber Dam in Montana—which now is inoperative because of a structural collapse—and raising the embankment to make the dam and reservoir safe and functional. Tiber Dam is on the Marias River, which flows into the Missouri.

I feel that in view of the recent history of dam collapses, such as the Buffalo Creek tragedy in West Virginia and the Rapid City, S. Dak., disaster, the Bureau of Reclamation should move up its schedule to finish this uncompleted work on the Lower Marias Unit in north central Montana. The authorizing bill is still in conference, but funds for Tiber Dam repair have been approved by both bodies.

Water levels in the Tiber Reservoir behind the dam are being kept low because the main spillway is in poor condition.

The Bureau of Reclamation is maintaining a low water level in the reservoir by using only one operable tunnel-type spillway. Mr. Chairman, it is my understanding that any great amount of water from a heavy rainfall or runoff could not be handled safely over the complete spillway as designed when the dam was constructed. The work is included in the Bureau's program some time during the next 5 years, but it should be done now. If the Tiber Dam was to fail because of incomplete, unoperative spillways, another tragic flooding could result.

Mr. Chairman, it is clear that our obligation to assure the safety of Tiber Dam includes making the appropriation to rebuild the spillway now, and hopefully the repairs can be completed before any serious damage could result to the dam or to the people below the dam.

Mr. Chairman, I urge the committee to accept the amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Montana (Mr. MELCHER) appeared before our committee on a project for funding, and we funded the project in accordance with his testimony. In reference to the Tiber Dam covered by his amendment, I understand the work has just recently been authorized and our committee has had no opportunity to hold hearings on that item.

I would say the Bureau of Reclamation has an emergency fund for rehabilitation and betterment of projects to the extent an emergency develops which cannot await consideration in the regular appropriation bill. So the Bureau can utilize existing funds in the emergency fund to the extent necessary until an estimate has been submitted, and cost determined, and the matter has been considered in regular order.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read in full and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHEL. Mr. Chairman, reserving the right to object, would that foreclose the making of a point of order against a point that has not been reached in the bill?

A point of order can still be made?

The CHAIRMAN. Yes.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a further parliamentary inquiry.

Mr. Chairman, is it not necessary that the point of order be made now?

Having dispensed with the reading of the bill, the point of order has to be made now?

The CHAIRMAN. If the unanimous-consent request of the gentleman from Tennessee is approved, the gentleman from Iowa is correct, the point of order should be made at that time.

POINT OF ORDER

Mr. MICHEL. Mr. Chairman, may I put the Chair on notice that I intend to make a point of order against the language appearing on page 20 of the bill.

The CHAIRMAN. The Chair will protect the gentleman's right.

Is there any objection to the request of the gentleman from Tennessee?

There was no objection.

The portion of the bill to which the point of order relates is as follows:

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, $5,098,000: *Provided*, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MICHEL. Mr. Chairman, I make a point of order against the language appearing on page 20, beginning with line 8, as follows:

Provided, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. Chairman, if I might be heard on the point of order, in the Interior Department appropriation bill in 1943, Public Law 216, there was established a $100,000 continuing fund to insure continuity of power operations for use in emergency.

Then in the Interior Department Appropriation Act of 1950, Public Law 350, this so-called continuing fund was increased to $300,000 and extended its use to include the purchase of power and rental of transmission lines. Between 1950 and 1952 the Department of the Interior and the Southwest Power Administration interpreted the continuing fund as a revolving fund which replenished itself automatically from the Southwest Power Administration power revenues. Therefore, there was no upper limit on the amount that could be withdrawn from the continuing fund each year except from the Southwest Power Administration gross power receipts in that year.

Congress recognized that the Southwest Power Administration's use of the continuing fund for the purchase of power and the payment of transmission charges gave the Southwest Power Administration unlimited funds through the back door of the Treasury without going through the congressional appropriation procedure. Therefore in 1951 the Congress added to the continuing fund statute the following provision:

Provided, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy, and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

Congress itself thus closed the back door to the Treasury to the Southwest Power Administration and recaptured its control of Federal expenditures.

Since 1952 the Southwest Power Administration budgeted and received appropriations for its estimated power purchases and transmission costs which appropriations together with supplemental appropriations as have been required from time to time have permitted SPA to fullfill contract commitments in emergencies.

If I might simply cite that statute back in July 1952, Public Law 470, the proviso here said:

Continuing fund, Southwest Power Administration not to exceed $1,000,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy and rentals for the use of transmission facilities.

Ever since that time we have been using varying appropriation language setting a particular figure.

If I might read from the code, page 4013, title XVIII, under "Conservation," paragraph 825S–1, the one to which we make reference here and the language to which I object, we read:

All receipts from the transmission and sale of electric power and energy under the provisions of Sec. 825S of this title, generated or purchased in the Southwest Power Area shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of $300,000, including the sum of $100,000 in the continuing fund established under the Administrator of the Southwest Power Administration. . . .

And so on and so forth.

Then it goes on and concludes with a proviso:

Provided, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

The language on page 20 and beginning on line 8 adds the further proviso to the continuing fund as follows:

Provided, That, in addition, such sums as may be necessary shall be available from the continuing fund, Southwest Power Administration, (U.S. Code 825S–1,) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

In addition to being a double negative or having that effect of a double negative, the adoption of this proposed wording would actually be a change in the basic law concerning the use of the continuing fund. It is not merely a change in appropriations, as suggested.

Mr. Chairman, this change is legislation in an appropriation bill, and I request that my point of order be sustained.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. EVINS of Tennessee. Yes, Mr. Chairman.

Mr. Chairman, the Department of the Interior requested that we use the continuing fund for the Southwest Power Administration to utilize such funds to defray emergency expenses. We might not be in session when an emergency might occur. They have $300,000 in that fund. As I said in general debate, we have limited it to this amount, so it is a limited amount that they can utilize, up to $300,000, to defray emergency expenses. We think in view of the establishment of the emergency fund and in view of the language written into it and the funds available, they should be able to utilize the emergency fund.

Mr. MICHEL. Mr. Chairman, I submit that this is a change because in prior years we have been setting an appropriated amount. When you have a revolving fund, you have no limit. Whether it is $300,000 or whatever it might be, you can borrow out of it, and this provision provides for automatic replenishment. The minute you automatically replenish it, you take out $200,000 today and tomorrow you take $300,000. Again there is an automatic provision here for replenishment. It sets no limit, and I submit that going back 20 years we provided for annual appropriations, and this sets no limit, and this is legislation on an appropriation bill.

The CHAIRMAN. The Chair understands that the gentleman from Illinois makes a point of order against the language appearing on page 20, line 8, beginning with "*Provided*" and the balance of the paragraph; is that correct?

Mr. MICHEL. Yes, Mr. Chairman.

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule. The Chair is of the opinion that the language does permit the transfer of an indefinite sum of money from the continuing or revolving fund and, in fact, changes existing law and, therefore, is legislation on an appropriation bill.

The Chair sustains the point of order.

Mr. WHITTEN. Mr. Chairman, today we continue the consideration of our bill providing funds for the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standard of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

It is a pleasure to serve on the 55-member Committee on Appropriations where I rank next to Mr. MAHON, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I wish to compliment my chairman, JOE EVINS, of Tennessee, and the ranking member, JOHN RHODES, of Arizona—they, with our fine staff headed by Gene Wilhelm, do an excellent job as do other members of our subcommittee.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill; however, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $105 million for the lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $375,000; the upper auxiliary channel or alternate channel, $475,000; the full amount that can be used for preliminary planning and construction; Yazoo backwater, $3,615,000; Tombigbee River and tributaries, flood control, $1,500,000; Tennessee-Tombigbee Waterway, $12,000,000; Yellow Creek Port project-TVA, $3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs: Arkabutla, Enid, Grenada, and Sardis for regular development toward the master plan of recreational development the sum of $1,603,000.

In addition, the committee has provided an additional amount of $300,000 under construction, general, and $150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step toward recreational development up to national levels.

OUR REPORT

In our report we provide the following directive:

In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads.

Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91–566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will complement and in fact initiate a project that will total $9 million under the recommendation of the Corps of Engineers now before the legislative committee:

The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

HIGHWAYS

Mr. Chairman, our committee on page 66 of the report, provides $25 million additional funds to the development highway program of the Appalachian region to finance limited allocations from the advance contract authority to expedite high priority projects and to assist those States which are fully utilizing their current allocations.

Mr. Chairman, it is thought that within this $25 million the Appalachian Commission will proceed with planning of a corridor highway in the Appalachian section of my State and others to enable those States not presently financed in the corridor program to be treated as are other States of the region. We must deal fairly with them.

Particularly do I call to your attention that when my State and several others came into the program, they became full-fledged members of the Appalachian region, that at least one, New York State, has been voted a corridor highway by the cochairman of the other States in the region.

I shall confer with my friend and colleague from Mississippi, Senator JOHN STENNIS, chairman of the Appropriations Subcommittee in the Senate. If addi-

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tional language will help, we can put it in the conference report.

Mr. Chairman, I call attention to the fact that under the law the Governor of each State must select and initiate the particular corridor, subject to agreement with the Governors of adjoining States and approval of the other cochairman of the Commission.

My whole State would benefit whatever highway was selected, for it would leave more State and Federal funds for other highways.

Mr. Chairman, this is a good bill and should be passed.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation was fearsome to contemplate.

For I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country; if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in the natural resources, rich in the things that provide our high standards of living, then we truly will have left them a fine heritage.

Mr. BROTZMAN. Mr. Chairman, I am pleased to support the efforts of the House Appropriations Committee in bringing H.R. 15586, the Public Works and Atomic Energy Commission Appropriations for fiscal year 1973, to the floor of the House at this time.

I am particularly pleased because this bill provides nearly $14 million for public works projects in the Second Congressional District of Colorado. This figure is sufficient to keep all three of my district's flood control projects on schedule, and thus, is a major additional step in securing positive flood control for the entire Denver metropolitan area.

Of the $14 million total, Chatfield Dam and Reservoir, at the confluence of the South Platte River and Plum Creek, will receive $11 million. This amount will enable the Corps of Engineers to maintain their timetable which calls for closure of the dam in the summer of 1973. It brings the obligations to date on the project to $61,399,000.

Eventually the dam and reservoir is expected to cost a total of $86.4 million. The $25 million remaining to be funded is anticipated to be spent on work which can be accomplished after the dam is closed.

Another $2,500,000 is made available primarily for the acquisition of land near Morrison, Colo., for the construction of the Mount Carbon Dam and Reservoir site on Bear Creek. This project, still in its initial stages, is estimated by the Corps of Engineers to reach a total cost of $53 million. This bill brings the appropriations to date to $4,324,000.

The bill also anticipates the completion of preconstruction planning in the Boulder Creek flood control project by providing $80,000 toward this goal.

Finally, included in this bill is the funding for the Front Range feasibility study by the Bureau of Reclamation. H.R. 15586 adds $100,000 for fiscal year 1973. This brings to $420,134 the appropriations to date on a study of ways to better utilize the water resources of northern Colorado. The project is scheduled for completion by fiscal 1975, at a total cost of $736,000. It is hoped that this project will show ways to add more than 100,000 acre-feet of water to the annual supplies of such communities as Boulder, Longmont, Broomfield, Louisville, Fort Collins, Greeley, Loveland, and Estes Park.

Again, Mr. Chairman, I would like to commend the members of the Appropriations Committee for their efforts, and I urge my colleagues in the House to vote for the passage of this bill.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the gentleman from Tennessee (Mr. EVINS) and the members of his subcommittee for their careful deliberations which have produced H.R. 15586, making the appropriations for public works and related building activities for the people of this country.

Because of the great needs within the 50 States, the subcommittee's task of allocating limited resources has been difficult. They have brought to the House a tight proposal of the most essential requirements. Every program in the legislation could be increased to the total profit of the Nation.

This is the capital investment we are making in the building of the United States. Every cent invested is repaid many times over in benefits which are enjoyed by all the citizens.

The bill appropriates the essential funds for development of rivers and harbors, for protection of life and property through flood control, for improvement of navigation, to advance economic development, to aid in the restoration and protection of the environment, and to provide electric power. Basically this enhances the ability of the people to improve their standard of living.

The legislation's increased attention to the requirements for electric power and development of the Appalachia region are particularly commendable.

These investments, and the others provided for in the appropriations, create the foundations on which our Nation's future prosperity will be realized. The programs and projects serve the true public interest, and this legislation merits our full endorsement.

Mr. THOMPSON of New Jersey. Mr. Chairman, I am certain I speak the mind of the House when I say that we all share a sense of shock and dismay at the human suffering and property loss wrought these past few days by Hurricane Agnes. More than 100 persons are dead; dozens of our cities and towns are in ruins; and thousands of acres of countryside have been laid waste in Virginia, Maryland, Pennsylvania, and New York. It is, of course, imperative that all appropriate Federal and State agencies rush assistance to the stricken areas so that those in need may be fed and housed and that essential services be restored as promptly as possible.

To those of us who represent constituencies in the Delaware Valley, it would appear that fate has taken an ironic turn in having the House work its will today on the public works appropriation bill. For while thousands of our fellow citizens are cleansing their homes and places of business from the mud and debris left by Agnes, we are asked to approve funds for a flood control project spawned by a similar disaster 17 years ago. I speak of the $14.8 million recommended by the committee for the Tocks Island Dam and Reservoir, a project which emerged from the death and destruction of Hurricane Diane in August 1955. In the event that time has dimmed the extent of that disaster in some minds, let us review that litany of horror: One hundred dead in the Delaware River and her tributaries; more than $100 million property loss. In that area of the River Valley from Easton, Pa., to the Camden County line, 9,223 acres were flooded; 2,063 residences destroyed or badly damaged; 330 commercial properties ruined; and 29 industrial properties devastated. In my home county of Mercer the damage was $4.7 million. In Warren County the toll was $5.7 million; in Bucks County it was $9.7 million. But as grim as these figures are, we of the Delaware Valley ought to be on our knees today giving thanks. In 1955 Hurricane Diane deposited 6 to 7 inches of rain in the basin. Last week, Agnes drowned the Susquehana Basin in 10 to 12 inches. In short, but for the vagaries of nature, those who inhabit the area drained by the Delaware would have suffered a catastrophe that would have made the flood of 1955 seem an act of mercy.

It does not please me to dwell upon disaster, but Agnes leaves us no choice. We all live with the certain knowledge that the Eastern States are prone to invasion by hurricanes and storms of tropical origin. The forces that bred Agnes are fully capable of breeding Bertha, Chloe, Denise, and an unknowable series of equally deadly storms. I feel very strongly that the $14.8 million recommended for fiscal year 1973 for the Tocks Island project should be approved. But more needs to be said. The committee has directed that none of these moneys be spent for construction of the Tocks Island Dam pending satisfactory resolution of certain environmental questions raised by the President's Council on Environmental Quality. Instead, the Corps of Engineers is directed to employ the entire appropriation plus some $1.6 million in carryover funds for an accelerated program of land acquisition to complete purchase of the reservoir site.

What needs to be said—and the fact cannot be overemphasized—is that the Tocks Island Dam is first and foremost a flood control structure. It is specifically designed to protect the main stem of the Delaware River from flood waters. Ownership of the Tocks Reservoir site is essential to the project. But ownership of the site will not provide flood protection. A start on construction of the Tocks Island Dam has been delayed for some 17 months pending completion of the processes required by the Environmental Protection Act of 1969. The final environmental impact studies required by the law have been pending before the President's Council on Environmental Quality since October 1, 1971. I have today written President Nixon urging that CEQ expedite its consideration of those impact studies. In my judgment it would be unconscionable to countenance any further delay on this project absent clear and compelling reasons.

Mr. PATTEN. Mr. Chairman, I rise in support of the committee bill appropriating the full $14.8 million requested by President Nixon for the Tocks Island multipurpose development on the Delaware River between New Jersey and Pennsylvania.

This project is of urgent importance to the great State of New Jersey, and to the sustained water supply, water recreation, and electric power needs of its 15th District which I have the honor to represent.

As explained by a former Member of this body, speaking in 1965, the present Governor of New Jersey, the Honorable William Cahill:

> The importance of the prospective Tocks Island Dam and Reservoir cannot be overestimated. The dam will provide the only reservoir project in the Delaware River Basin large enough to simultaneously meet the rapidly expanding water requirements of the Metropolitan Philadelphia region and the other metropolitan regions in north and central New Jersey.
>
> Following the construction of the dam, if and when the Delaware River should again reach flood stage, the prospective Tocks Island Reservoir will afford substantial flood protection to the communities along the river as far south as Burlington, N.J. In addition, this enormous reservoir will permit the development of hydroelectric power (*Cong. Rec.* of July 12, 1965, at 16366).

Mr. Chairman, there is no further need for me to explain or demonstrate the need for the Tocks Island project; the Delaware River has done that far more effectively than I or Governor Cahill could do. Tocks Island project is the outgrowth the disastrous Delaware River floods of the 1950's; its water supply function is the answer to a repetition of the disastrous Delaware River Basin droughts of the 1960's.

In this latter connection, let me remind the Members of this body of the testimony of former Interior Department Secretary Stewart Udall, as to the importance of Tocks Island project to the growing human water supply requirements of the area in and around the Delaware River Basin. In his testimony during the Senate Interior Committee investigation of that drought disaster—Senate Interior and Insular Affairs Committee Hearings on Northeast Water Crisis, September 1965—Secretary Udall emphasized:

(1) that the Delaware River Basin suffered more than all other regions affected by the drought: "Tocks Island Dam . . . is an opportunity for this very region that is suffering most now to permanently solve its problems" (p. 33), and

(2) that "if we had the Tocks Island Dam in today, just this one dam on the mainstem . . ., you would have no problem because you would have the storage. Northern New Jersey would have no problem because you would have an adequate, assured, long-term supply." (p. 44.)

To summarize, Mr. Chairman, in 1962 the necessity of the Tocks Island project's water supply and related purposes was fully established by its authorization studies, in which the State of New Jersey fully participated and concurred. From 1962 to 1967, Tocks Island's indispensability to New Jersey's supply security was made self-evident by the disastrous Delaware Basin drought. In 1969 New Jersey's need for Tocks Island was again affirmed by the studies of the New Jersey Department of Conservation and Economic Development, as set forth in its publication numbered Water Resources Circular 21. And most recently, in 1972, we are informed that all Corps of Engineers additional studies, mandated the Northeast Water Supply Act of 1965, of ways of meeting this region's growing water supply requirements strongly affirm the need for the Tocks Island project for New Jersey. This is explained in detail in the following letter of June 12, 1972, by Major General Groves to our colleague, the Honorable FRANK THOMPSON:

JUNE 12, 1972.

Hon. FRANK THOMPSON, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. THOMPSON: I am replying to your recent letter in which you requested information on the relationship between the Tocks Island project and the Northeastern United States Water Supply (NEWS) Study.

The NEWS has been carried through the technical feasibility phase for Northern New Jersey, Southeastern New York and Southwestern Connecticut Metropolitan area and a draft has been prepared of a preliminary study of regional water supply for the Philadelphia-Trenton-Wilmington Metropolitan area. Based on our work to date, certain preliminary findings have been made.

For the Northern New Jersey-Southern New York-Southwestern Connecticut Area the availability of 300 million gallons of water per day (mgd) from the Tocks Island Project is an essential element in 6 of the 7 alternative programs we have considered. The seventh alternative also relies upon the Delaware, through floodskimming. We do not believe that floodskimming is likely to be approved by the Delaware River Basin Commission or the Supreme Court, since it does not provide an assured downstream flow. Such an assured flow could come duly from Tocks Island or from another large Delaware reservoir.

Among the projects analyzed in the feasibility phase of the NEWS Study, there are possible combinations that do not require the use of Tocks Island to satisfy the NJ-NY-Conn. Metropolitan Area. Each of these combinations would require drawing on the Hudson for additional water beyond the amounts already contemplated in programs that include Tocks Island. This added increment of 300 mgd from the Hudson would require more upstate New York reservoirs than the non-Adirondack reservoirs which are now contemplated. Such an alternative might include a site similar to Cooley No. 1 on the Hudson just north of Indian Lake. Yet, the New York legislature passed and the Governor signed a bill (S. 2703 and A. 4944) prohibiting the construction of a reservoir in that area. There are strong political and environmental objections to such a reservoir. It would seem that a large reservoir in that area would have larger environmental costs and fewer benefits than the Tocks Island Project.

In the Philadelphia-Trenton-Wilmington Area, our work to date indicates that no reasonable substitute exists for Tocks Island. Although we have not yet analyzed every conceivable alternative, we have analyzed the most likely ones and have found that all of them have severe economical, political or environmental problems. Groundwater available for transfer from South-Central New Jersey, for instance, is limited and would deprive that area of its only major developable water resources. Such transfer is likely to have severe environmental impacts on the Pine Barrens and coastal bays of the area. Any reduction in the transfer of Delaware water to New York, calculated to make more water available for the Philadelphia metropolitan area, would meet with strong opposition elsewhere and would necessitate developments likely to have severe negative environmental impacts. Using Susquehanna water would require costly reservoirs and costly transmission and would create new environmental problems on the Susquehanna and, more important, in the Chesapeake Bay.

Recirculation of waste water appears not to be ready for employment in a large metropolitan area at this time because of as yet unanswered public health questions. While

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there will undoubtedly be some recirculation in the more distant future, it is likely to be a costly and controversial procedure.

Desalting requires not only very large capital investments and high operating costs, but it is linked to the problems of nuclear power plant siting, hot brins disposal and long distance piping.

In summary, there appears to be no viable alternative to Tocks Island if we are to meet the foreseeable water supply needs of this region, the needs toward which the Congress has directed our attention.

Sincerely yours,

R. H. GROVES,
Major General, U.S. Army, Division Engineer.

Mr. Chairman, I commend President Nixon, the members of the full committee, and the membership of this body for the appropriation necessary to move forward the Tocks Island multipurpose project—shown by a long line of independent studies by our most competent Federal and State experts to be so indispensable to meet the foreseeable water supply and related needs of this region.

Mr. FRENZEL. Mr. Chairman, during the debate of June 7, 1972, concerning the authorization for this AEC appropriation, I inquired of the gentleman from California (Mr. HOSMER) whether it was unwise to continue with the construction of the LMFBR demonstration plant before the testing of its components had been conducted at the fast flux facility—FFTF—in Richland, Wash., which will not be completed until June or July of 1974. Mr. Hosmer replied:

The (FFTF) largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronics of the system.

But, according to the AEC Analysis published for January–December 1970, page 156:

The Fast Flux Facility is the key project for most of the presently planned technical work in the LMFBR program.

According to the environmental statement of the FFTF issued in May of 1972 by the AEC, on page 1:

It will provide for testing purposes a fast neutron flux irradiation environment similar to that of an LMFBR.

This report, on pages 6 and 7, further states that—

The use of existing fast flux reactors in this country for fast reactor fuels and materials irradiation testing and other programmatic needs was evaluated, and it was determined by the AEC that existing facilities would inadequately meet the objectives of the LMFBR program. The experimental Breeder Reactor No. II (EBR–II), a priority project in the LMFBR program, while providing fast flux irradiation test space for the FFTF and the first demonstration plant cores, must be measurably augmented by other facilities such as the FFTF, to provide for fast flux testing requirements of future LMFBRs. The EBR–II does not have fully prototypic LMFBR environmental conditions, instrumented closed-loop space for controlled environment testing and a sufficiently high fast flux. Use of the Fermi Reactor, the Southwest Experimental Fast Oxide Reactor (SEFOR) and other reactors for irradiation testing has been considered, but inherent features in these reactors are even more restrictive than EBR–II in meeting LMFBR irradiation program needs beyond the FFTF and the first demonstration plant cores. In particular, the existing thermal neutron spectrum, water-cooled test reactors cannot provide the required environment for fast flux irradiation testing. Extensive reviews by AEC and the nuclear industry have resulted in the conclusion that only the construction of the FFTF, specifically designed for testing purposes, can meet the fuels and materials fast flux irradiation needs of the LMFBR program.

In the AEC authorization hearings of fiscal year 1970, as published in part II of April 24, 1969, on page 1159, Dr. Milton Shaw of the AEC mentioned that the FFTF's functions were to test and determine certain factors in the fuel processing, fuel rods and structural components.

In the Record of Hearings before the JCAE on the AEC authorization for fiscal year 1967, on pages 739, 740, and 741, Mr. Shaw, testifying for the AEC, said that—

We prefer to wait until we have more detail information in all the technical areas of the liquid metal program before committing ourselves to the first demonstration plans. We are not in a technical position to evaluate the risks in proceeding with such a large plant commitment. We will be in time.

In light of this information, I again ask whether good sense does not dictate a slowdown of further development of the LMFBR demonstration project until the "urgently needed" testing which we funded in 1967 has been completed.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 15586, the appropriation bill for public works for water and power development for fiscal year 1973.

I take this time not simply to urge passage of the bill but to consider what result the passage of this bill today may have upon some litigation pending against one of the line items. I had hoped that it might be possible to engage in a colloquy with the floor manager of this measure, the gentleman from Tennessee (Mr. EVINS) about an item for general construction known as the Harry S. Truman Dam and Reservoir, formerly known as the Kaysinger project, in the amount of $19,500,000 as the approved budget estimate for fiscal year 1973.

Unfortunately, because of a series of urgent commitments off the floor, I was denied that privilege but this is to certify that I have discussed with the gentleman from Tennessee the contents of the remarks I am making herewith and that these remarks as they refer to him have his approval.

Earlier this year, in the U.S. District Court of the Western District of Missouri, the Environmental Defense Fund of East Setauket, N.Y., sued the Secretary of the Army, Robert F. Froelke and Gen. Frederick B. Clarke, Chief of Engineers, Corps of Engineers, in a civil suit for injunction and declaratory judgment seeking to halt construction of the Truman Dam and Reservoir in west central Missouri.

While I was not present in court during any of the days of that trial, from press reports and heresay conversations with some of those who were present, I learn several days were devoted to hearing plaintiff's witnesses about the extent of damage to paddle fish in the area, and other environmental impacts. It was my understanding that when the trial was halted, the court took the position that notwithstanding the existence of some measure of damage, that if and when an environmental impact statement has been prepared and filed by the Corps of Engineers, then at that point under the doctrine of separation of powers in our Government, the ultimate decision to proceed will rest with the Congress.

For one who is not privy to the exact comments of the court, I am sure he did not intend that the Congress would single out this one project and make some kind of direct or express announcement that, disregarding the lawsuit and disregarding the possible environmental impact, the project should proceed. Of course it was never intended that Congress should legislate in such a manner.

Rather, by our action today in approving this appropriation bill, there is presented the strong implication that Congress intends to proceed with this project. The only missing link in the syllogism is whether or not when it acted, Congress had knowledge of the pending litigation intended to halt construction.

The purpose of my comments at this time is an effort to take the place of the legislative history that I had hoped to establish by a colloquy with the floor manager of this bill but which I have said heretofore has been discussed with him and bears his approval.

The facts are that when the organization known as Mo-Ark, consisting of a group of interested businessmen, came to Washington to testify in favor of the Public Works bill, they appeared before the Public Works Subcommittee of the House Appropriations Committee, meeting in the Small Business Committee rooms in the Rayburn Building. On that particular afternoon, witness after witness mentioned the lawsuit filed by the Environmental Defense Fund against the Secretary of the Army and the Chief of the Corps of Engineers, and urged again and again that the mere filing of this lawsuit after over $60,000,000 had already been spent and another $35,000,000 obligated should not influence the Appropriations Committee to withhold funds for fiscal year 1973.

I was in the committee rooms at that time, and I can assure one and all that the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) commented that simply because this lawsuit had been filed it would not influence the deliberations of his subcommittee but that further appropriations would be made with only two factors considered: First, the size of the budget estimates; and second, the capability of the Corps of Engineers to proceed with the work.

While I must once again rely on heresay information, it is my understanding that the court granted to the Corps of Engineers until March of 1973 to file its environmental impact statement so the Congress could have the benefit of this statement prior to deliberation on appropriations for fiscal year 1974.

Based upon press reports and heresay, the decision has not yet been reached as to whether or not the project should be halted until the completion of the environmental impact statement in March of 1973. If my information is correct the court ruled that once the impact statement has been filed, then the ultimate decision upon whether the project is a good one or a bad one, and whether or not construction should continue is up to Congress.

Mr. Chairman, the passage of H.R. 15586 which contained a line item appropriation of $19,500,000 for the Truman project, formerly known as the Kaysinger project, should be a strong indication of the intention of one body of the Congress. In other words, the House of Representatives today spoke out loudly and clearly—the Truman Dam and Reservoir is a good project and should go forward without delay. Hopefully, the other body of the Congress, on the north side of the Capitol, will promptly concur in our action today to make crystal clear the intention of the Congress as to the Truman project.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 17, not voting 69, as follows:

[Roll No. 229]

YEAS—346

Abbitt, Adams, Addabbo, Anderson, Ill., Andrews, Ala., Andrews, N. Dak., Annunzio, Archer, Ashley, Aspinall, Badillo, Baring, Barrett, Begich, Belcher, Bennett, Bergland, Betts, Bevill, Biaggi, Biester, Bingham, Blackburn, Blatnik, Boland, Bow, Brademas, Brasco, Bray, Brinkley, Brooks, Brotzman, Brown, Mich., Brown, Ohio, Broyhill, N.C., Broyhill, Va., Buchanan, Burke, Mass., Burleson, Tex., Burlison, Mo., Burton, Byrne, Pa., Byrnes, Wis., Byron, Cabell, Camp, Carey, N.Y., Carlson, Carter, Casey, Tex., Cederberg, Celler, Chamberlain, Chappell, Clancy, Clausen, Don H., Clawson, Del, Cleveland, Collier, Collins, Ill., Colmer, Conover, Conte, Corman, Crane, Culver, Curlin, Daniel, Va., Daniels, N.J., Danielson, Davis, Wis., de la Garza, Delaney, Dellenback, Denholm, Derwinski, Devine, Dingell, Dorn, Dow, Downing, Drinan, Duiski, Duncan, du Pont, Dwyer, Eckhardt, Edmondson, Edwards, Ala., Edwards, Calif., Ellberg, Eshleman, Evans, Colo., Evins, Tenn., Fascell, Findley, Fisher, Flowers, Flynt, Foley, Ford, William D, Forsythe, Fountain, Fraser, Frelinghuysen, Frenzel, Fuqua, Gallifianakis, Garmatz, Gaydos, Gettys, Giaimo, Gibbons, Goldwater, Gonzalez, Goodling, Grasso, Gray, Green, Oreg., Green, Pa., Gross, Grover, Gubser, Gude, Haley, Halpern, Hamilton, Hammerschmidt, Hanley, Hanna, Hansen, Idaho, Hansen, Wash., Harrington, Harsha, Harvey, Hathaway, Hays, Hébert, Heckler, Mass., Helnz, Helstoski, Henderson, Hicks, Mass., Hicks, Wash., Hillis, Hogan, Horton, Hosmer, Howard, Hull, Hungate, Hunt, Hutchinson, Ichord, Jacobs, Jarman, Johnson, Calif., Johnson, Pa., Jonas, Jones, Ala., Jones, N.C., Jones, Tenn., Karth, Kazen, Keating, Keith, Kemp, Kluczynski, Kyl, Kyros, Landgrebe, Landrum, Latta, Leggett, Lennon, Lent, Link, Lloyd, Long, Md., Lujan, McClory, McCloskey, McClure, McCollister, McCormack, McCulloch, McDade, McEwen, McFall, McKay, McKevitt, Macdonald, Mass., Madden, Mahon, Mailliard, Mallary, Mann, Martin, Mathias, Calif., Mathis, Ga., Matsunaga, Mayne, Mazzoli, Melcher, Michel, Mikva, Miller, Ohio, Mills, Md., Minish, Minshall, Mitchell, Mizell, Monagan, Montgomery, Moorhead, Morgan, Moss, Murphy, Ill., Murphy, N.Y., Myers, Natcher, Nedzi, Nelsen, Nichols, Nix, O'Hara, O'Konski, O'Neill, Passman, Patman, Patten, Pelly, Perkins, Pettis, Peyser, Pickle, Pike, Pirnie, Poage, Podell, Poff, Preyer, N.C., Price, Ill., Price, Tex., Pucinski, Purcell, Quie, Quillen, Randall, Rangel, Rees, Reid, Rhodes, Riegle, Roberts, Robinson, Va., Robison, N.Y., Rodino, Roe, Rogers, Roncallo, Rooney, N.Y., Rooney, Pa., Rostenkowski, Roush, Rousselot, Roy, Roybal, Ruppe, Ruth, St Germain, Sandman, Sarbanes, Satterfield, Saylor, Scherle, Schmitz, Schneebeli, Scott, Sebelius, Selberling, Shipley, Shoup, Shriver, Sikes, Sisk, Skubitz, Slack, Smith, Calif., Smith, Iowa, Smith, N.Y., Snyder, Spence, Springer, Staggers, Stanton, J. William, Stanton, James V., Steed, Steele, Steiger, Ariz., Stephens, Stratton, Stubblefield, Sullivan, Symington, Talcott, Taylor, Teague, Calif., Terry, Thompson, Ga, Thompson, N.J., Thomson, Wis., Thone, Tiernan, Udall, Ullman, Van Deerlin, Vander Jagt, Veysey, Vigorito, Waggonner, Waldie, Wampler, Ware, Whalley, White, Whitehurst, Whitten, Widnall, Wiggins, Williams, Wilson, Bob, Wilson, Charles H., Winn, Wolff, Wright, Wyatt, Wydler, Wylie, Wyman, Yates, Yatron, Young, Fla., Young, Tex., Zablocki, Zion, Zwach

NAYS—17

Aspin, Clay, Collins, Tex., Conable, Conyers, Dellums, Hechler, W. Va., Kastenmeier, Koch, Obey, Powell, Reuss, Rosenthal, Ryan, Stelger, Wis., Vanik, Whalen

NOT VOTING—69

Abernethy, Abourezk, Abzug, Alexander, Anderson, Calif., Anderson, Tenn., Arends, Ashbrook, Baker, Bell, Blanton, Boggs, Bolling, Broomfield, Burke, Fla., Caffery, Carney, Chisholm, Clark, Cotter, Coughlin, Davis, Ga., Davis, S.C., Dennis, Dent, Dickinson, Diggs, Donohue, Dowdy, Erlenborn, Esch, Fish, Flood, Ford, Gerald R., Frey, Fulton, Gallagher, Griffin, Griffiths, Hagan, Hall, Hastings, Hawkins, Holifield, Kee, King, Kuykendall, Long, La., McDonald, Mich., McKinney, McMillan, Meeds, Metcalfe, Miller, Calif., Mills, Ark., Mink, Mollohan, Mosher, Pepper, Pryor, Ark., Railsback, Rarick, Runnels, Scheuer, Schwengel, Stokes, Stuckey, Teague, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mrs. Abzug against.

Until further notice:

Mr. Mills of Arkansas with Mr. Hall.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Dent with Mr. Arends.
Mr. Cotter with Mr. Broomfield.
Mr. Holifield with Mr. Coughlin.
Mr. Meeds with Mr. Railsback.
Mr. Fulton with Mr. Kuykendall.
Mr. Donohue with Mr. King.
Mr. Pepper with Mr. Hastings.
Mr. Blanton with Mr. Mosher.
Mr. Stuckey with Mr. Ashbrook.
Mr. Stokes with Mr. Esch.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mr. Metcalfe.
Mr. Hawkins with Mrs. Griffiths.
Mr. Carney with Mr. Schwengel.
Mr. Diggs with Mr. Dowdy.
Mrs. Chisholm with Mr. Gallagher.
Mr. Abernethy with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Davis of South Carolina with Mr. Burke of Florida.
Mr. Davis of Georgia with Mr. Frey.
Mr. Flood with Mr. McKinney.
Mr. Alexander with Mr. Dickinson.
Mr. Rarick with Mr. Pryor of Arkansas.
Mrs. Mink with Mr. Erlenborn.
Mr. Scheuer with Mr. Fish.
Mr. Miller of California with Mr. McDonald of Michigan.
Mr. Kee with Mr. McMillan.
Mr. Caffery with Mr. Griffin.
Mr. Runnels with Mr. Mollohan
Mr. Mathis of Georgia with Mr. Hagan.

The result of the vote was announced as above recorded.

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A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and that I be permitted to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REQUEST FOR PERMISSION TO EXTEND REMARKS

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming (Mr. RONCALIO) may be permitted to have his remarks appear in the RECORD immediately following those of the gentleman from Washington (Mr. MCCORMACK) on H.R. 15586, just completed.

The SPEAKER. The only way the gentleman can do that is do it himself in the Extensions of Remarks, or he can get it in the body of the RECORD under a special order.

PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, today on rollcalls Nos. 227 and 228 I was not recorded. The reason for my absence was that I was in Bethesda Hospital filling an appointment that had been made for that time.

I ask that the RECORD reflect the reason for my absence.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1025 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1025

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purpcses, and all points of order against section 601(b) of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the able gentleman from California (Mr. SMITH) and pending the utilization of that time, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1025 provides an open rule with 4 hours of general debate for consideration of H.R. 15495, the military procurement authorization bill. The bill shall be read for amendment by titles instead of by sections and points of order are waived against section 601(b) for failure to comply with the provisions of clause 14 of rule XXI. Section 601(b) provides a retroactive increase of $200 million in the prescribed statutory ceiling for the support of free world forces in Southeast Asia contained in the Armed Forces Appropriations Act for fiscal year 1972 and constitutes an appropriation in a legislative bill. That is the reason for the waiver.

The purpose of H.R. 15495 is to authorize appropriations for fiscal year 1973 for military procurement, research, development, test and evaluation for the Armed Forces, to authorize construction in connection with the Safeguard antiballistic missile system, and to prescribe authorized personnel strength for the active duty components as well as the Reserve units.

The total authorization for fiscal year 1973 is $21,318,788,250.

The authorization for procurement is $12,940,900,000. For aircraft, $134.5 million are authorized for the Army, $3,101,600,000 for the Navy and Marine Corps, $2,508,600,000 for the Air Force.

For missiles, $888,400,000 are authorized for the Army, $769,600,000 for the Navy, $22.1 million for the Marine Corps, $1,772,300,000 for the Air Force.

For naval vessels, $3,201,300,000 are authorized.

For tracked combat vehicles, $189.1 are authorized for the Army, $62.2 million for the Marine Corps.

$194.2 million are for the Navy for torpedoes and related equipment.

For other weapons, $70.4 million are authorized for the Army, $25.7 million for the Navy, $900,000 for the Marine Corps.

The total authorization for research, development, test, and evaluation is $8,371,888,250. Of this amount, $1,997,332,200 are for the Army, of which a maximum of $174,658,000 is for military sciences budget activity; $2,661,533,250 is for the Navy and Marine Corps, of which a maximum of $131,022,400 is for military sciences budget activity; $3,168,940,150 are for the Air Force, of which a maximum of $124,338,000 are for military sciences budget activity; $494,082,650 are for the Defense agencies.

In addition, $50 million are for the Department of Defense for use as an emergency fund for research, development, test, evaluation, or procurement, or production related thereto.

Except when the President determines that our national security would be in jeopardy, maximum active duty personnel are authorized at 841,190 for the Army, 601,672 for the Navy, 197,965 for the Marine Corps, and 717,210 for the Air Force.

The Reserves shall have a minimum average strength of 402,333 for the Army National Guard, 261,300 for the Army, 129,000 for the Navy, 45,016 for the Marine Corps, 87,614 for the Air National Guard, 51,296 for the Air Force, and 11,800 for the Coast Guard.

Military construction is authorized in the amount of $6 million for family housing $218 units at the Grand Forks Safeguard site in North Dakota.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1025 provides for 4 hours of debate under an open rule for the consideration of H.R. 15495, the military procurement authorization bill.

Points of order are waived in the rule, Mr. Speaker, against section 601 (b) of the bill for failure to comply with the provisions of clause 4, rule XXI. The reason for this simply is that there is a retroactive increase of some $200 million in this authorization bill in the nature of an appropriation, which is brought about by the occasion of the support of free world forces of Southeast Asia. It would be subject to a point of order.

Accordingly, we decided this should be presented so that we could have this additional $200 million to carry on the activities in Southeast Asia, which recently have been extended to some extent.

The primary purpose of H.R. 15495 is to authorize appropriations during fiscal year 1973 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons. In addition, the bill includes funds for research and development, and the Safeguard anti-ballistic missile system, and prescribes the authorized personnel strength for each of the Armed Forces.

The bill authorizes a total of $21,318,788,250. By way of comparison, the amount requested by the Department of Defense is $22,881,967,000. The amount actually appropriated for these same purposes in 1972 was $20,461,802,000.

This bill provides $12,940,900,000 for procurement of weapons, $8,371,888,250 for research and development, and $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak. The bill continues the authority for merging military assistance for South Vietnam, other free world forces in support of South Vietnam, and local forces in Laos, with the funding of the Department of Defense, subject to dollar limitations and other restrictions.

This bill authorizes a maximum active duty strength for each component of the Armed Forces as follows: Army, 841,190; Navy, 601,672; Marine Corps, 197,965; and Air Force, 717,210.

The funds authorized in this bill are only a part of the approximately $83,400,000,000 in new obligational authority requested by the President for the Department of Defense in fiscal year 1973. Appropriations for personnel, operation and maintenance and a part of procurement are made on the basis of continuing authorizations. Military construction is authorized in separate legislation.

Mr. Speaker, I urge adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15495, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 2 hours, and the gentleman from Indiana (Mr. BRAY) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the hour is late and I recognize the fact that we may infringing on the time of many Members. Therefore, I will do my best to expedite the handling of the general debate.

The leadership has scheduled a very heavy schedule during the rest of this week in order that the House may recess on time by the end of the week. I make this statement now so that everyone can be guided by what the circumstances are. I intend to finish the general debate this evening and we will read the bill for amendment and then ask that the Committee rise. There will be no vote taken today. The Committee will rise under the rule, and tomorrow we will begin the 5-minute rule, at which time the bill will be open by title for amendment under the rule, and we will continue from then on until we complete the bill.

Mr. Chairman, I bring to the floor today at the direction of the Committee on Armed Services one of the most important pieces of legislation that will be considered by the Congress.

This bill authorizes the procurement of major weapons systems, of all research and development, and sets the strength ceilings for both the active duty and Reserve components of our Armed Forces for the coming year.

The bill authorizes appropriations totaling $21.3 billion. This includes $12.9 billion for the procurement of aircraft, missiles, ships, combat vehicles, torpedoes, and other weapons; $8.3 billion for research, development, test, and evaluation; and $6 million for family housing at the Safeguard site at Grand Forks, N. Dak.

I will explain the salient features of the bill as briefly as possible. I ask that I be allowed to complete my explanation uninterrupted. Following that I will be prepared to answer questions that Members of the House may have.

Last year, when I brought the authorization bill to the floor for the first time as chairman of the Armed Services Committee, I told you I would make no move to cut off debate and that I was prepared to stay on the floor as long as necessary for the House to work its will on the legislation. I make this same pledge to you today.

COMMITTEE REDUCTIONS

The bill as presented to you today is $1,563,000,000 below the amount requested by the Department of Defense. This is the largest reduction made in such a bill by our committee since the authorization process began 12 years ago.

Of this reduction, $582,000,000 is a net reduction related to changes in the ABM because of the SALT treaties. This reduction was concurred in by the Department of Defense.

Other major reductions were made in the AWACS program of the Air Force, in total R. & D. spending authorization, and in the Navy's DD–963 destroyer program.

The committee added funds to the bill for additional procurement of three aircraft, the C–130, A–7D, and the F–5B, to assure that production lines are kept open on aircraft for which there will be a continuing requirement.

The total authorized in the bill is approximately two-thirds of a billion dollars less than the Armed Services Committee recommended to the House last year.

For procurement of aircraft, the amount is $787.8 million less than last year; for procurement of missiles it is $192.9 million less than last year; and for naval vessels it is $127.6 million less than last year.

The only area that shows a substantial increase over last year is research and development. Here we recommend $408.6 million above last year. However, it reflects a net reduction of $323.9 million below the amount requested by the Department of Defense.

COMMITTEE REVIEW OF THE LEGISLATION

This legislation comes to the House after the most extensive review in the Armed Services Committee in my memory. The committee and its subcommittees held more than 50 hearings, stretching over 5 months. Our printed hearings, available to all Members, cover 2,921 pages in three volumes. In addition, supplementary hearings were held relative to SALT. Government, industry, labor, and the academic community are represented in our list of those who testified or provided information. It was only after this extensive review that the Committee was able to make the substantial cuts that I have outlined.

It would be impossible for the committee to have achieved what it has achieved on this bill without the cooperation and the hard work of many members of the committee, and I express my appreciation to all of them. But I would particularly like to call attention to the three subcommittee chairmen whose exhaustive hearings have added significantly to the legislation before you today. I refer to the distinguished gentleman from Illinois (Mr. PRICE) chairman of our R. & D. Subcommittee; the distinguished gentleman from Texas (Mr. FISHER) whose subcommittee reviewed the manpower requirements; and the distinguished gentleman from Florida (Mr. BENNETT) chairman of our CVN–70 Subcommittee. Parenthetically, let me say our records show an average of better than 90 percent attendance by members.

At the conclusion of my remarks I am going to yield to Mr. PRICE to explain the R. & D. authorizations; Mr. FISHER to explain the active duty and Reserve force levels; and Mr. BENNETT to talk about both the carrier and other shipbuilding requirements. I hope all of the Members of the House will listen carefully to what they have to say. Each is an expert in his field.

REDUCTIONS RELATING TO SALT

As all Members of the House are aware, the President on his recent trip to Moscow, negotiated a treaty on antiballistic missile systems and an interim agreement on limitation of offensive weapons.

As a result of those agreements, each side is limited to one ABM site surrounding an intercontinental ballistic missile location and one site at the Nation's Capital. In line with the treaty, the President has suspended all work at the Malmstrom, Mont., Safeguard ABM site, which was approximately 5 to 10 percent completed, and all work on the Whiteman, Mo., and Warren Air Force Base, Wyo., sites where ABM deployment was to begin in earnest in the coming year. The President designated, as the one ICBM site to continue, the ABM complex at Grand Forks, N. Dak., which is 90 percent completed and scheduled to be operational in the fall of 1974.

As a result of these actions the committee was able to delete all ABM construction money in the original defense request and was able to cut $265,000,000 from procurement authorizations and $34,000,000 from R.D.T. & E. authorizations. In addition, $6.4 million was reduced from the family housing authorizations for Safeguard locations.

The committee considered military construction relating to Safeguard with the present bill rather than with the military construction authorization bill

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because the system is inextricably tied to the decision the Congress makes on the SALT treaties.

The total of ABM reductions in this bill are $692.4 million.

In concurring with these reductions, the Secretary of Defense requested additional amounts in research and development funds for four systems which will be of increasing importance in the strategic climate created by SALT.

The additions, approved by the Committee, were:

The sum of $60 million for development work on Site Defense of Minuteman (SDM), which is the backup system to provide close-in defense of Minuteman augmenting the Safeguard system. The system is still years away from deployment.

The sum of $20 million to accelerate the Navy's deployment of a submarine-launched cruise missile.

The sum of $20 million for additional research and development effort on reentry vehicle technology.

The sum of $10 million for improved military communication, command and control capability.

The total of these additions is $110 million. The net reduction, therefore, as a result of SALT, is $582.4 million.

I have been amazed to read in the papers in recent weeks that SALT is not really saving any money and that the Defense Department is asking new and more costly systems as a result of SALT.

It should be very clearly understood that there is a saving of over a half billion dollars in this bill due to the SALT agreement. The bill would be a half billion dollars more without the SALT treaty. Additional savings will be experienced in future years as a result of the cutback in the Safeguard program.

It should also be clearly understood that these reductions related to SALT are predicated on the idea that Congress will approve the treaties. Make no mistake about it: if the treaties are rejected, there will be a supplemental in very short order from the Department of Defense and consideration by the committee of additional spending to continue the work suspended.

It is also my considered opinion that should Congress reject the treaty there would also in rapid order be a supplemental spending program at the Presidium of the Supreme Soviet in Moscow and the shock waves will send the Soviet budget far above what it was before the negotiations.

STRATEGIC SYSTEMS

Now let me briefly review some of the other strategic weapons systems for which funds are provided in the bill.

B–1

As the Members of the House know, I have been a consistent spokesman for the idea of keeping manned systems in our strategic force. If I had my way, the B–1 would be much further along than it is at present and would be operational long before the earliest date we can now expect—1978.

In this year's bill there is $444.5 million to continue engineering development on the B–1. Let me emphasize that all of the spending for B–1 is still in research and development. There is no decision yet made to go ahead with production. The first flight of the B–1 is planned for April 1974. A production decision will not be made until sometime in 1975. This program, you will be happy to hear, is on schedule and is within cost estimates.

THE ADVANCED AIRBORNE COMMAND POST

Retaining an assured command and control capability is one of the crucial elements of our strategic deterrent. We must put at the command of the President in time of grave national crisis the best system we can devise to assure that he can continue to carry out his responsibilities as Commander in Chief.

To this end there is a national emergency airborne command post which presently uses EC–135 aircraft. Those aircraft have gotten to the limits of their space expansion.

The bill provides $217.6 million for buying six 747 aircraft for use as the airborne command post. These aircraft will provide greater space, greater endurance and the ability to land at a good many more airfields.

I would note that in this instance the committee departed from its traditional insistence on competitive procurement. But since it has such a unique mission, relating to the safety and the continued functioning of the President, the committee has approved this procurement.

TRIDENT

The bill contains $926.4 million for the Trident, or, as it was formerly called, the ULMS—the undersea, long-range missile system.

Confusing stories have appeared in the news media following the SALT negotiations that Trident has been accelerated as a result of the SALT agreement. That is not correct. The amount provided is the amount requested in the original budget submission.

As a result of SALT, both sides are limited in the number of nuclear submarines they can deploy. That very limitation increases the importance of developing Trident, since the number of submarines allowed to the United States is less than that allowed to the Soviets. It is particularly important that we keep our submarines as modern as technology allows so that the Soviets do not achieve a qualitative as well as quantitative advantage. By the time it is coming into operation the Trident will be replacing Polaris submarines which will then be over 20 years old.

In terms of usage these Polaris subs will be the equivalent of more than 40 years old because they have "Blue" and "Gold" crews and are in constant use. They are like taxicabs that wear out faster from continuous use. When one driver goes home another takes over and the taxi keeps going.

STRATEGY AFTER SALT

I urge all Members to keep in mind that SALT sets quantitative but not qualitative limits. The number of systems are fixed by treaty and the number favor the Soviets in missile launchers and in submarines.

The Soviet quantitative advantage is institutionalized by the treaties.

The treaties, however, do not address themselves to qualitative improvements. In quality of strategic systems the U.S. has a marked advantage but the Soviets are free under the treaties to improve their systems in an effort to catch up.

To retain overall parity, therefore, we must not let our technological lead slip away.

To scrap follow-on development in key systems now, to halt developments which will assure the continued invulnerability of our deterrent, would be to let an acceptable parity slip into an unacceptable inferiority.

It would be the most dangerous game we could play with our national defense.

SEARCH FOR SAVINGS

I want to bring to the attention of the House two actions we have taken in our continuing effort to control defense costs.

In our hearings, we invited industry and labor leaders to testify as to the causes of cost escalation. Some industry leaders testified. Labor representatives were unable to make it, but submitted statements for the record. The views of both will be found in the hearings.

However, the committee found that we still do not have the data required to clearly identify the impact that various factors have on cost escalation.

The committee, therefore, has directed the Department of Defense to conduct a detailed study of cost escalation so as to develop accurate cost accounting information that the committee can use in reviewing authorizations.

At the same time, we asked the Comptroller General to make an independent study of the reasons for cost escalation in procurement contracts.

We will have the results of both of these studies when we bring the authorization bill to the floor next year.

We have added to the authorization law the requirement for authorization prior to appropriations for any funds used for training or education of military personnel. This is an area with annual expenditures of $6 billion. And the Department of Defense admits that it does not have a complete grasp of what it spends in this area. The committee believes that substantial savings might be achieved in this element of defense spending.

PERSONNEL AUTHORIZATIONS

We have authorized the numbers requested for the active duty strength of the Armed Forces and for Reserve strength. However, we have changed the authorization requirement from an average annual active duty strength to a maximum end strength to allow better management of the active duty force.

The strength of our Armed Forces at the close of fiscal year 1973 will be as follows: Army, 841,190; Navy, 601,672; Marine Corps, 197,965; and Air Force, 717,210.

We have also included in the bill a prohibition against expenditure of defense funds at institutions of higher learning when recruiting personnel of the Armed Forces are barred by policy or where the institution, as a matter of policy, eliminates ROTC. If institutions of higher learning want to sever their relationship with the Armed Forces, that is their prerogative. But we think the separation should be complete.

We don't want to tempt their morality with Government dollars.

The gentleman from Massachusetts, our distinguished majority whip, said he thought an individual in the Armed Forces ought to be free to choose whatever school he wishes. He is—if he is willing to pay for it. But where the education is paid for by the Government and the individual is being paid by the Government and the education is for the Government's purpose. we think the Congress should determine Government policy. This is not a new policy. All Federal programs have cooperative requirements for the receipt of Federal funds.

OTHER MAJOR COMMITTEE ACTIONS

I could talk for hours and still not fully explain the bill. But I want to give other Members an opportunity to be heard. Our report is available to all Members and I urge you to read it. But let me briefly review some other major actions of the committee.

F–14

The committee spent many hours interrogating Navy witnesses on the F–14 aircraft. We have provided $732.7 million for the F–14—the amount requested. But we have made it clear in our report that not more than $407.8 million shall be available only for the procurement of not less than 48 F–14 aircraft. This means that the contractor must deliver on the basis of the terms in the existing contract without a $2 million increase in unit price as he has requested.

DD–963

The committee spent an even longer time agonizing over the Navy's ship construction program. The Navy had asked for $610 million for the DD–963. The Committee has provided $247 million, a reduction of $363 million. The amount provided will assure availability of authorization for long leadtime commitments. It allows the Navy to keep its options open. But it is not an authorization for the seven additional destroyers requested. A procurement decision on those seven destroyers will require further action by the Congress.

The contractor on this program, Litton Industries, has to date met all contractual milestones. But the committee is concerned because of delays in the LHA program being built by the same contractor. We will have to see evidence of improvement in the performance in these ship construction programs before we will authorize further ships.

MULTIYEAR PROCUREMENT

In line with our concern about procurement programs extending over several years, the committee included language in the bill to prohibit multiyear procurement involving cancellation ceilings in excess of $1 million. The Navy has entered into procurement contracts which have obligated the Government to pay substantial cancellation charges if the procurement is terminated. In effect, it results in an obligation on the Government never approved by the Congress. We think that is an intolerable situation, and we are not going to let it continue.

NAVAL SHIPYARDS

The committee also took action to require that some new construction be given some naval shipyards which, under present policy, are limited to repairs and conversion. These shipyards are national assets which we do not wish to see lost, and they must be given an adequate level of work to operate efficiently.

SOUTHEAST ASIA SUPPORT

As Members know, we carry in this bill each year a ceiling on appropriations to be made available for support of Vietnamese forces and other Free World forces in Vietnam, and local forces in Laos. This ceiling was set last year at $2.5 billion. Section 601(a) of the bill continues this authorization for fiscal year 1973. Section 601(b) of the bill provides a retroactive increase of $200 million in the authorization for fiscal year 1972—an increase to $2.7 billion. This is merely to reflect the increase required as a result of the North Vietnamese offensive.

CONCLUSION

The reduction made by the committee in this bill, $1.5 billion, is the largest reduction ever made in such legislation in my memory.

The actual effect of these reductions will be greater when inflation is taken into court.

I have said before that we can only afford as much national defense as we cannot afford to be without. That is what we have provided in this bill. It assures a strong America. It assures an invulnerable deterrent. It assures no weakening of our national security. But perhaps most important of all, it provides that a decade from now our freedom will be equally secure.

I urge all Members to vote for the bill.

Mr. BRAY. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ARENDS (at the request of Mr. BRAY), was granted permission to extend his remarks at this point in the RECORD).

Mr. ARENDS. Mr. Chairman, the bill that our committee presents to the House today provides $21.3 billion for procurement of weapons and research and development in the year beginning July 1.

The chairman of our committee, in his usual fashion, has explained the bill to the Members very cogently and I will avoid repeating the things he has said.

The chairman has pointed out the total reductions made by the committee—$1.5 billion—represent the largest cut in such a bill ever made by the Committee on Armed Services.

I would emphasize two points:

As a result of SALT there is a saving of $582 million.

Independent of SALT we have made reductions of almost a billion dollars—specifically, $931 million.

The amount provided for procurement of aircraft, missiles, and ships is less than that authorized last year. Only in R.D.T. & E. funds have we shown an increase over fiscal 1972.

The total recommended for R.D.T. & E. is $408.6 million above that recommended last year, but even so we have reduced the amount $323.9 million below what the Department of Defense requested and, frankly, I have some reservations as to whether or not we were too severe in our cuts.

The increase over last year in R.D.T. & E. funds is mainly to compensate for inflation factors and, above that, allows only a modest increase in our technological effort. This is one of those areas where the Soviet effort has been considerably greater than ours for some years. If such a disparity continues, our technological advantage could gradually disappear.

I will have more to say on the importance of this technological threat in a moment.

The $21,318,788,250 of appropriations authorized in this bill includes:

The sum of $12,940,900,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons.

The sum of $8,371,888,250 for research, development, test, and evaluation.

The sum of $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak.

In addition to making record dollar reductions in the bill, we have made important changes in authorization procedures. We have changed the personnel strength authorization for the Armed Forces from an average annual active duty personnel strength to a maximum end strength. We have found this necessary to properly manage the active duty force.

President Nixon and Secretary Laird, in the course of winding down the Vietnam war, have been able to bring about great reductions in the personnel strength of the Armed Forces. By the end of this month, our total Armed Forces will have been reduced by 1 million men below the strength they were when the Nixon administration took office. However, these reductions unfortunately create some temporary turbulence, and during this period of turbulence an end strength authorization is much easier to manage.

ATTACKING COST GROWTH

We have provided other restrictions on expenditures of funds which the chairman has outlined to you and which I think will allow the Congress to more carefully control the use of funds in future years.

I want to particularly take note of two of these:

First, there are the two studies we are requiring to be made by the Comptroller General and the Department of Defense on cost escalation. We have found that—to our surprise—the Department of Defense did not have sufficient data at the present time to determine which element contributes most to cost escalation. For example, the percentage of cost growth due to wage increases as compared to increases in materiel costs could not be readily determined.

We invited representatives of labor and industry to testify before our committee. Frankly, they did not have the answer either.

But we are determined to find the answer. The conclusions of the studies

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are due by March 1 of next year and I am hopeful that they will aid the Congress in controlling cost growth.

Let me say here that our committee is willing to listen to anybody who has ideas on how to improve our national defense or how to save defense dollars without hurting national defense, or how to make improvements in any areas of military management. I was amazed to hear the accusation that the committee was making no effort to receive ideas from non-government sources. The committee specifically invited industry and labor representatives. The labor representatives, unfortunately, did not appear, but that was not the fault of the committee, and they did send prepared statements.

The committee, in addition, heard from all those who requested permission to testify. Witnesses included spokesmen from the Federation of American Scientists, and representatives from such diverse groups as the Friends Committee on National Legislation, the Coalition on National Priorities and Military Policy, the National Guard Association, SANE, the Aerospace Industries Association, the International Association of Machinists and Aerospace Workers, the Aerospace and Agricultural Workers of America, the National Council of Business Executives Move for Vietnam Peace and New National Priorities, and the United Church Board for Homeland Ministries of the United Church of Christ.

Abraham Lincoln once said:

If you know anybody who thinks he is smarter than I am, let me know, I need him in my cabinet.

Let me say to the Members, if you know any one who you think is smarter than we are on national defense matters, send them to us; we will be glad to hear them.

THE TREND OF SPENDING

The chairman of the committee has explained the bill thoroughly and the committee report is available to all the Members. Rather than repeat information which has been made available to you, I would like to spend the remainder of my time to consider with you some of the long-range effects of the action that we take here today.

Members should understand that the trend of spending as far as the procurement of weapons has been downward for several years. In real terms—that is, after inflation is taken into account—procurement outlays have dropped almost every year since 1967. In 1971 they were only about 70 percent of the 1967 level. In real terms they dropped further in the present bill.

Personnel and personnel related costs now take up about 57 percent of the defense spending. This is true even though President Nixon has been able to reduce the strength of the Armed Forces by 1 million men and has reduced defense civilian employment by several hundred thousand. Personnel costs have increased because this Congress, as a matter of policy, determined that we should have an all-volunteer force.

We told you very clearly last year when we brought the draft and pay bill to the floor that if you wanted an all-volunteer force you must be prepared to pay the price.

The personnel area is where the bulk of the defense budget has now gone, and we have squeezed out as much as we can for weapons procurement.

THE SALT AGREEMENTS

It is important that the Members of the House look at the effects of SALT in the proper perspective.

The SALT agreement is not an assurance of peace; it is a beginning step toward peace.

It is not a substitute for strength; it is something that strength has brought about. And it is something that only continued strength will insure.

I was amazed to find in the press allegations that the SALT agreement is not really saving any budgetary dollars and that it is being used to justify new and expensive strategic developments. That is simply not the case.

To begin with, there was a reduction in this bill of over a half billion dollars as a result of SALT. If the agreements had not been signed and we did not have the assurance of slowing down the momentum of the Soviet ICBM development, we would have had to leave that half billion dollars in the bill. If SALT is not ratified, there will be a supplemental—make no mistake about it.

Simple arithmetic will also show that as a result of SALT, there will be substantial savings down the road compared to what we would have had to spend if the Soviet arms development had continued at its previous rate. The cost of a two-site ABM program is roughly $8 billion. The estimated cost of a 12-site program, which we would have had to develop eventually is approximately $18 billion. So, over the years there is a potential saving of close to $10 billion.

Even if we were limited to a four-site deployment, the estimated cost of Safeguard is something over $12 billion. So, the outyear savings are at least on the order of $4 billion.

I am very hopeful there will be further savings as a result of follow-on agreements that the President may negotiate in strategic offensive weapons—if we keep up a sufficient level of strength to provide the necessary incentive for such negotiations.

THE NEED FOR OTHER STRATEGIC SYSTEMS

The offensive strategic systems included in this bill are all follow-on systems to replace those now in existence.

The B–1 is to replace the B–52, the latest of which will be on the order of 20 years old by the time the B–1 is deployed.

The Trident is to replace the Polaris submarines, some of which will be over 20 years before the Trident is deployed.

In the case of the Minuteman, there are no new systems being developed but money is requested for continued force modernization and a relatively modest R. & D. program to improve the capability of reentry vehicles.

All of these systems had been requested prior to SALT—in fact, funds for all of them were in last year's bill. None of the authorization requests were increased as a result of SALT.

The Trident—formerly known as ULMS—undersea long-range missile system—would be needed in any case by the time it is scheduled to come into operation toward the end of this decade. At that point, our oldest Polaris submarines will be 20 years old, and close to the end of their life expectancy.

Keep in mind that you can live with some margin of error with many older systems and pieces of equipment, but you do not want to be in such condition with systems based on nuclear power. So, the Trident would be necessary in any case.

But the environment created by the SALT agreement makes development of the system even more imperative.

THE ALLOWANCES UNDER SALT

Let us look a little bit at what the SALT treaties do. Nobody gets everything he wants in a negotiation, and there are advantages and disadvantages for both sides.

The Soviets were ready for an agreement because they got some things that they wanted: A limitation on the U.S. Safeguard development, formalization of their numerical advantage and the attendant prestige on the world stage that such an agreement implies.

We got some things we wanted: Chiefly, a slowdown in the frightening momentum of Soviet missile development and ballistic missile submarine development, an improved atmosphere in international relations, and the beginning steps toward President Nixon's goal of a generation of peace.

For what we got, we paid a price; namely, a fixed number of missile launchers and ballistic submarines with the numerical advantage on the side of the Soviets.

The Soviets were allowed 62 ballistic missile submarines under the agreement and the United States 44, the United States is allowed a total of 1,764 missile launchers; the Soviets, 2,358.

Neither side is prevented from building new submarines but they cannot go above the numerical ceiling. So deployment of a new submarine means the elimination of an older one.

If older land-based missiles are destroyed, they can be replaced by a sea-based missile—always with the caveat that there be no increase in the maximum number of submarines and the maximum number of submarine missile tubes allowed.

In other words, the treaties address themselves to quantity but not to quality.

The numerical limits are acceptable to us because we have a technological advantage.

But the Soviets are in no way restricted by the treaty from improving their systems. We have got to assume that in a few years they will have MIRV capability. If we allowed our technology to stand still and the Russians improve their technology substantially, by the end of the 5-year period of the treaty we could be in the awful situation where they have a combination of numerical superiority and the equivalent technological capability.

That would put us at a simply unacceptable disadvantage in international affairs.

THE NEED FOR KEEPING OUR DEFENSE STRONG

I say with all the sincerity of my being that I hope the Members of the House will remember well the lessons of the 1920's when disarmament negotiations were followed by rapid destruction of ships without adequate safeguards.

I am not one of those who is capable of developing a sense of euphoria because of Soviet signatures on pieces of paper. You can only secure by treaty what you can defend on the battlefield.

There were those who told us several years ago that the ABM might prevent a SALT agreement. But the very opposite was true. Remember that the first Russian announcement of interest in strategic arms limitation talks followed by only 48 hours the announcement first of our intentions to begin deployment of the ABM. There is strong evidence that our resolution in going ahead with the Safeguard was one of the principal incentives to the SALT negotiations.

If we should now fail to keep up our technological capability and fail to continue developing follow-on systems to assure the invulnerability of our deterrent what incentive would there be for the Russians to take in further negotiations for limitation of offensive weapons? We must deal with the Soviets from a position of strength or we will not be able to deal with them at all.

The President's journey to Moscow was the beginning of a long journey for all of us, the up-hill journey for peace.

Let me remind you what Defense Secretary Laird said:

Euphoria has no place on this journey. Neither is there a place for detour prompted by wishful thinking.

Like any other important journey, this one must be adequately financed.

I hope the Members of the House will support this bill. But more important I hope in supporting it they will be signalling to the world our resolution to maintain our strength and signalling to Moscow that we will never be lulled into being a second-rate power.

Mr. BRAY. Mr. Chairman, I particularly urge all the Members to read Mr. ARENDS' remarks. It is not simply a review of details in the bill but is an important discussion of strategic considerations that we must keep in mind in the post-SALT atmosphere.

I would like to add on my own that I think this bill is the result of the most thorough job that the Committee on Armed Services has ever done on this major annual authorization legislation.

This bill authorizes $21.3 billion for procurement of missiles, planes and ships, research and development, tracked combat vehicles, torpedoes, and other weapons. This authorization governs only part of the approximately $83.4 billion defense appropriation requested by the President; but it is the most important part, the cutting edge. It dictates the level of spending on not only procurement for our present force, but on the kind of systems that we will have in the years ahead. It is, quite literally, the job of the Congress in voting on this fiscal 1973 authorization to determine the type of defense and the level of national security which we will have in 1983.

The SALT agreement sets a limit on numbers of systems available to each side. It sets no limits on technological advancement.

The number of strategic systems available to each side, according to the treaties, give an advantage to the Soviets. According to executive branch estimates, the Soviets have a present level of 1,618 ICBM's operational or under construction and about 740 submarine-launched missiles for a total of 2,358 missile launchers.

The United States has 1,054 land-based missiles and 656 sea-based missiles. The treaty allows us to go to 750 sea-based missiles for a total allowance of 1,764.

Complaints are made that the treaty gives the Soviets a numerical advantage. That is true. But keep in mind that they had that advantage anyway and the advantage would have been greater without the treaty because they were developing land-based missiles at the rate of approximately 200 a year and sea-based missiles at the rate of approximately 130 a year. We have not produced increased numbers of land-based missiles since 1967 and have not increased sea-based missiles beyond the 656 deployed on 41 submarines. Even if we changed our policy and decided to deploy more missiles, it would be years before they could become operational. Hence the numerical advantage of the Soviets, which was there before the treaty, would have grown larger without the treaty.

We can accept the numerical advantage of the Soviets because we have qualitative superiority. But quite obviously it would not be acceptable without our technological advantage.

It is particularly important, therefore, that we maintain our ongoing technological capability and that we continue the modernization of our systems.

It is in that light that I think Members of the House should view this bill today. The big programs that are authorized in this bill which engendered such debate are replacement programs.

The Trident submarine will replace the Polaris submarine; and, as has been indicated, by the time it is ready to be deployed, the submarine it will be replacing will be over 20 years old.

The B–1 system is a replacement for the B–52's, the last of which came off the production line in 1962.

PERSONNEL IMPACT

While this bill does not authorize appropriations for personnel and operation and maintenance, it does have considerable impact in those areas because it sets the ceiling on personnel strength.

The strengths authorized for the active-duty forces for the year beginning July 1 are as follows:

Army—841,190; Navy—601,672; Marine Corps—197,965; and Air Force—717,210.

The authorization is set on an "end strength" basis. Previously it has been on an average annual strength basis. The reason for the change is to provide more flexibility in managing the force which has been made necessary by the substantial personnel reductions of recent years. Armed Forces have been reduced by 1 million men from the strengths we had in 1968.

It has been pointed out that the reduction made by the committee in the bill—$1.5 billion—is the largest such reduction ever made by the Committee on Armed Services. In each of the major procurement categories—aircraft, missiles, and ships—the amount recommended is less than what we recommended to the House last year. You all understand the net buying power is reduced further by the effects of inflation—$582.4 million of the reduction is associated with the SALT agreement. This is one point I think we cannot stress too often—that there is a cut in the bill of over a half billion dollars as a result of SALT and, in addition, we will save billions of dollars in the coming years over what we would have spent on the ABM if the limitation treaty had not been negotiated. A four-site ABM deployment would cost an estimated $4 billion a year more than the two-site deployment allowed by the treaty.

I hope Members of the House will recognize that independent of the SALT negotiations we have cut almost a billion dollars from the bill.

We have also taken steps to assure better congressional control of spending in the future. In this regard we have put a prohibition on multiyear procurements where the cancellation charge exceeds $1 million. We found, in reviewing the Navy's ship-construction program, that the Government had been, in effect, committed to long-range procurement programs with substantial cancellation charges. In effect, this was obligating Government money not authorized by the Congress. That sort of procedure must be prevented.

We are also commissioning studies by the Defense Department and by the General Accounting Office of procurement procedures to aid us in getting a better control of future costs on procurement programs. The results of both studies will be available in March of 1973.

I will not take any more time to explain the details of the legislation. The committee's report is available to all Members of the House. I urge you all to read it.

Let me close by reminding you of what the President said in sending the ABM Treaty and Interim Agreement on offensive arms to the Speaker of the House:

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. PRICE), the ranking majority Member on the Armed Services Committee.

Mr. PRICE of Illinois. Mr. Chairman, the fiscal year 1973 defense R.D.T. & E. budget recommended by the Committee on Armed Services totals $8,371,888,250. This is $323.9 million less than was requested by the Department of Defense, even though it includes a transfer of $83

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million from the Air Force aircraft procurement account for the airborne warning and control system—AWAC's—and an add-on of a net $76 million related to the SALT agreement. The amount recommended also includes $54 million in civilian pay raises and $141 million which was earlier presented in the fiscal year 1972 supplemental and later incorporated in this bill.

The amount recommended is $578.5 million more than Congress authorized last year and $408.6 million more than the committee recommended last year. The increase is approximately 7.4 percent over the congressional authorization for fiscal year 1972. This increase merely compensates for inflation and the increased cost of doing research and development. It allows very little, if any, increase in our overall defense research and development effort.

Mr. Chairman, the subcommittee reviewing the defense R. & D. budget attempted to make a thorough and detailed review of the programs requested. Some 19 meetings were held with the various military services and defense agencies. In these meetings we received testimony on more than 1,500 budget items. Each program was carefully examined with the objective of trying to maintain an overall R. & D. effort of approximately the same level as last year. As I mentioned earlier in my statement, the amount recommended by the Committee on Armed Services meets that objective.

The one portion of the R. & D. budget which gave the committee the greatest concern was Budget Activity No. 1, otherwise known as military sciences. This is the budget activity which includes basic and some applied research conducted by both in-house military laboratories and by colleges, universities and industry.

For fiscal year 1971, the last complete year for which statistics are available, this included contracts or grants with some 365 educational and other nonprofit institutions among which were 45 foreign institutions or foreign government agencies.

The contracts awarded for R.D.T. & E. in this area total in the thousands. Unlike the projects under the other activities in the research and development budget which requires detailed justification and review, expenditures for R. & D. effort in this area are controlled on the basis of level of effort. With the increased utility of computers, the committee was of the opinion that closer scrutiny, on an individual project basis, could be accomplished with substantial savings effected through the elimination of unnecessary overlap and duplication. For this area of research, the Department of Defense requested an increase of approximately $40 million over last year. The committee recommends a reduction of about $76 million.

Our review of the major hardware or weapons systems oriented programs failed to reveal any glaring excesses requested for the coming fiscal year. However, in an effort to encourage greater efficiency and economy in the conduct of research, development, test, and evaluation, the committee recommended an overall reduction of 5 percent to the amount requested. In the committee report we have stated that this reduction should be allocated on the basis of military priorities. The rationale of the committee on this action is that the military services and defense agencies need to make even greater efforts toward achieving better managed programs in all areas of research and development.

Mr. Chairman, over the years that I have been involved in reviewing the research and development budget requests of the Department of Defense, I have—from time to time—been asked by my colleagues——

What can we show for expenditures in this area? or——

What new systems have we placed in the hands of our forces?

In response to that question, let me list just a few of the weapons systems that have been placed in the hands of our military forces over the past 6 years.

In the strategic systems, we have Poseidon, Minuteman II and III missiles, the FB–111 aircraft, the over-the-horizon radar, communications satellites, navigation and weather satellites, surveillance and early warning satellites—to name a few.

In the tactical aircraft systems, the following have been introduced: The Cobra attack helicopter, the F–111, the A–7, and the A–37 attack aircraft, the OV–10 attack observation aircraft, the C–2 carrier logistic aircraft, the C–141 and C–5A transports, the CH–53 helicopter, the E–2 early warning aircraft, and the P–3C patrol aircraft.

In the ordnance and tactical missile area, we have added the M–16 rifle, the M–60 machine gun, the M–72 light assault weapon, the M–79 grenade launcher, 7.62mm miniguns, the TOW and Shillelagh antitank missiles, the Chaparral, Redeye, Sea-Sparrow and Vulcan antiaircraft weapons, the Standard ARM and Talos ARM missiles, the Mark–46 torpedoes, the laser guided weapons, and the Walleye/Hobo guided weapons about which much has been written during the past several weeks. The effectiveness of these laser and Walleye/Hobo type weapons has been dramatically demonstrated since the Air Force and the Navy resumed/bombing of military targets in North Vietnam some 10 weeks ago. These weapons are R. & D. blue chips that are currently paying tremendous dividends. A wise and prudent investment.

I could list many more examples of weapons systems or hardware that have been developed, produced and placed in the hands of our troops during the past several years; however, I think the list I have given is illustrative of the results of our R. & D. efforts over these past several years.

In the nonhardware area, the military services have developed such items as the vaccine used against Venezuelan equine encephalitis which helped in controlling recent epidemics in Mexico and the Southern United States. Significant progress has been made in the area of serum hepatitis research bringing the Army closer to the preparation of a suitable vaccine to control a disease second only to battle injuries as a major cause of troop ineffectiveness. Through the use of adenosine and inosine additives, the storage life of whole blood has been extend from 21 to 43 days. These are but a few of the many examples of accomplishments in the nonhardware or weapons systems area that could be cited.

Mr. Chairman, the Department of Defense is, I believe, aware of the challenging problems involved in management of our R. & D. programs produced by the conflicting pressures between desires to keep the expenditures down and the need to increase the rate of improvement of our overall defense potential in a fashion commensurate with rapid Soviet progress. This situation requires that the Defense Establishment exert every possible effort to increase the overall productivity of our research and development efforts as a means of minimizing growth in the R. & D. budget.

Among the accomplishments of the Department of Defense over the past year are the following: decentralization and strengthening of the authority and motivation of the military services in managing their own programs while the Office of the Secretary of Defense has redirected its efforts to the problems of general planning, review, and guidance of the overall effort through the use of various coordinating and development concept papers. The basic acquisition process has been simplified by the elimination of half of the 125 directives and instructions governing weapons systems acquisition; major ongoing systems developments are being shifted to a fly-before-buy basis to the maximum practical extent; contracting procedures have been shifted away from total package procurement toward individual types that better reflect the risk involved; and independent parametric cost analysis is now required on each major defense system at the key program decision point.

These steps are in the right direction and should eliminate some of the deficiencies brought to light over the recent past by the various congressional committees and the Comptroller General.

Mr. Chairman, in summary, the amounts recommended by the Committee on Armed Services for defense research, development, test, and evaluation for the coming fiscal year are really austere and do not reflect any substantial increases over last year. In fact, it merely allows us to maintain approximately the same level of effort as that supported in the fiscal year 1972 budget.

In view of the increased effort on the part of our potential adversary, the Soviet Union, there is, in my opinion, a slight risk accompanying this modest level of effort. Witnesses before the committee over the past several years have emphasized the increased level of effort on the part of the Soviets in the research and development area. The latest estimate received by the committee was that the United Statese presently enjoys a 2-year advantage in technology over the Soviets. If this advantage is to be maintained, the amounts recommended by the committee are the minimum needed for the coming fiscal year.

I urge the Members of the House to support the authorization recommended by the Committee on Armed Services in the bill H.R. 15495.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, in the 1950's this Nation was secure under the policy of massive nuclear retaliation. It was a credible and realistic strategy for that decade because of our overwhelming strategic nuclear superiority.

In the 1960's massive retaliation gave way to the strategy of assured destruction and flexibile response. Our 4- or 5-to-1 nuclear superiority enabled President Kennedy to take positive action during the Cuban missile crisis.

By the end of the 1960's the Soviets were clearly embarked on a program to obtain superiority in the area of strategic nuclear capability. They deployed the huge SS–9 which threatened the survival of our Minuteman force.

There was no indication that the Soviets planned to be content with nuclear parity. They continued to gain momentum in the production of ICBM's and SLBM's and in the technological race.

We chose to counter the growing threat posed by the Soviets with qualitative improvements in our existing strategic forces and a deliberate, phased deployment of our ABM system—Safeguard.

Now, phase I of the strategic arms limitation negotiations has resulted in an ABM treaty and an interim offensive agreement with the Soviet Union. The interim agreement limits the Soviet numerical lead and limits the building of the large Soviet SS–9 missiles which posed the greatest threat to our land-based deterrent forces.

Soviet qualitative improvements, permitted under terms of the agreement, will provide a serious challenge to the credibility of our deterrent in the years ahead—if we don't keep our forces modernized.

There are those who continue to oppose deployment of Safeguard, using SALT to season their arguments.

Under the terms of the ABM Treaty, we are allowed two ABM sites—one to defend our ICBM's—one to defend our National Command Authority. Some contend that the limitation on interceptors makes it impossible to justify deployment at the Washington, D.C., site.

But the continued deployment of the Safeguard system and qualitative improvements in our ABM technology are essential to support the position of the United States in future SALT negotiations. And the Washington site provides valuable additional time to the National Command Authority in time of emergency. Keep in mind this extra protection might aid the President in keeping an accidental launch of one missile from starting World War III.

In the interest of our future security, I urge favorable consideration of this bill by all House Members.

Mr. Chairman, I should like to make this personal observation. Having had the privilege over these past 12 years of serving on the Committee on Armed Services during times of varying appraisal of our defense and weapons systems, with many hearings on bills such as this, I do not recall any time when we have proceeded with more deliberation and objectivity than has occurred this year. This is due to the leadership of our chairman, who has been eminently fair and who has endeavored to enlist the interests and talents of every single member of the committee, to acquaint all with the developments, and to insure the support of all for the programs with which we are charged. In a major way we have achieved a unity of purpose in the committee which has enabled us to bring to the House this very important measure in a form to command acceptance by this body.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think the gentleman from New York is making a very fine statement, and I want to commend the gentleman for making it, and I also want to take this opportunity to direct the attention of the committee to the fact that the distinguished gentleman from New York (Mr. PIRNIE), who represents the district adjacent to mine, and who came to the House back in 1959, at the same time I did, is retiring from the Congress and from the committee. Although we are on opposite sides of the political aisle, I want to say that the gentleman has been one of the most valuable members of the committee, and we are going to miss his guidance, his counsel, and his help in the years ahead—assuming that some of us will ourselves be back again in the next Congress. But certainly the gentleman has done a magnificent job, and has been a very valuable member of the Committee on the NATO Commitment which is still working in a very important area.

So, Mr. Chairman, I just wanted to take this opportunity to pay tribute to the gentleman and to say that the country will be the poorer for his retiring from the committee, from the Congress, and from the wonderful work that the gentleman has been doing.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would say that the continuation of such representatives on the committee as my colleague, the gentleman from New York (Mr. STRATTON) will enable me to enjoy my retirement because I know that the spirit of bipartisan dedication to the security of this Nation will continue, and that we will have this careful scrutiny that enables us to recognize our national priorities in a very real sense, indicating that we are aware that unless we are able to survive we cannot do anything for anybody, but as long as we work together in a sound, logical, and analytical study of the needs of our country, we will provide in a timely fashion this strong position so necessary to preserve this country and the peace of the world.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, I want to join my colleague, the gentleman from New York (Mr. STRATTON) in commending the gentleman from New York (Mr. PIRNIE) for the great job he has done in the Committee on Armed Services. I was in the committee when the gentleman from New York (Mr. PIRNIE) came there, and I know of no person who has been more of a tower of strength and a harder worker, and a cooperative and capable worker on that committee through the years than has the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would like to reciprocate by saying that it has been a great committee upon which to serve, and that I am very appreciative of the cooperation and friendship which has been so generously extended to me.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have taken this 1 minute so that I, too, might join in the accolades which have been directed to the gentleman from New York (Mr. PIRNIE). I have served with the gentleman, and I have chaired committees on which he has served also for so many years that it just seems that he is part of any committee that I happen to chair. He has given unstintingly of his time, and there was never a more dedicated and harder worker than he, but I would be gilding the lily to add any more than has been already said about the dedication of the gentleman and the other tributes that have been paid to him today.

Now, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I want to join the rest of the committee on both sides of the aisle in their statements, and to also add my commendations to the gentleman from New York (Mr. PIRNIE) for his very distinguished service to our committee.

I want to commend the chairman on the bill, and I support the bill.

I would like to include at this point in the RECORD a copy of my additional views, which are included at page 95 of the report, and I would include the remarks as modified without the chart.

The material referred to follows:

ADDITIONAL VIEWS OF HON. ROBERT L. LEGGETT, DEMOCRAT OF CALIFORNIA

I support the bill H.R. 12604, the Armed Services Procurement Authorization for fiscal 1973 in the amount of $21.3 billion, which bill contains reductions of $1.56 billion, for which reductions the Committee and Chairman are to be commended.

In addition to the Committee reductions, I offered amendments in Committee for further reductions totaling $1.489 billion. In addition, I offered a Vietnam alternative, which when added to the reductions, certainly constitutes a *choice not an echo.*

A. WHY DO WE NEED TO REDUCE DEFENSE SPENDING?

The answer is simple. It does not make good sense to spend $762 billion out of $772 billion collected from the total *Federal Individual Income Tax* over the past 10 years exclusively for National Defense.

These figures are in the President's Budget and are undisputed. They demand a reallocation of priorities.

In addition, all of the $34 billion in Corporate Income Taxes collected this year will be required to pay the costs of past wars, including $12 billion plus for *Veterans' Bene-*

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fits and $22 billion for *Interest* on the $450 billion *National Debt of past wars.*

The Office of Management and Budget filed their report on June 5 and indicates that due to accelerated withholding of taxes and abatement of Revenue Sharing and Welfare Reform, the deficit for fiscal '72 will now be reduced from $45.8 billion to $33 billion but that next year's deficit fiscal '73 will be $38 billion. (These figures include *Trust Fund* borrowing).

The country, therefore, must get fiscally back into balance and Defense is a place to start.

B. HOW THEN DO WE RESPONSIBLY CUT $1,489 BILLION ADDITIONALLY FROM THE CURRENT AUTHORIZATION BILL?

The answer is simple and takes four steps. The President is to be congratulated on negotiation of the Strategic Arms Limitation Agreement and Treaty. The Congress now must determine future policy.

Do we build up to the limit of the Agreements and restimulate an endless limited-arms but unlimited-expense quality race, or do we take the President and Brezhnev at their word that they agree the arms race should stop?

I personally do not think it is in our national interest to accelerate construction and deployment under a S.A.L.T. umbrella.

I would cut, therefore:

(1) all funds for the new $25 billion (est. cost) *Hard Site ABM System ($140 million).*

(2) *$700 million* out of $977 million programmed (including $926 million subject to authorization in this bill) for the new ULMS, or *Trident* System.

(3) *$350 million* out of $486.2 million in the *Safeguard* procure account leaving R.D.T. & E. alone.

(4) *$299 million* for the *CVAN 70 Nuclear Carrier* that many Naval strategists agree is now obsolete.

= total savings of $1.489 billion, which funds would reduce our National Deficit and National Debt.

The arguments on these items can be briefly stated, as follows:

1. In the President's Budget there is included $80 million for R. & D. for the *Sprint* Hard Site Defense System. There is an additional $20 million in the Military Construction Bill. In spite of the S.A.L.T. agreement, at the request of the Pentagon, the Committee had added another $60 million for the program, totaling $140 million in this bill. Since S.A.L.T. limits the United States to a two-site, 200 missile ABM Program, at Grand Forks and Washington, it makes little sense to accelerate the development on a new 1,000 nuclear missile ABM system called Hard Site. The action has no rationale in spite of the explanations of Pentagon personnel. The Hard Site Defense System originally conceived by the *Air Force* at an estimated cost of $1 to $3 billion, has now grown to a projected $25 billion *Army* monster and envisions nuclear *Sprint* weapons, as opposed to the earlier non-nuclear *Air Force System.* In view of S.A.L.T., this research program should be terminated.

2. The second savings should occur in the *U.L.M.S. Trident System.* In the budget last year the research level on this program was slightly more than $100 million and envisioned the construction of 10-plus 24-tube long-range Poseidon type submarines at one Eastern private shipyard. Many in Washington were amazed this year to see this program accelerate to $977 million mostly for R. & D. In view of the S.A.L.T. limitation agreed to, of 710 sea-based missile tubes and considering that we now have deployed 656 tubes in 41 Polaris-Poseidon boats, it doesn't seem to me to make good sense to spend $977 million to construct 54 additional missile tubes at sea. The argument is made, I think almost facetiously, that the *Trident* is intended to replace the 10 A-3 Polaris that will not be *Poseidon* retrofitted. This suggestion seems needlessly expensive since an outfitted A-3 Polaris is now worth about *¼ billion dollars,* all have been operational less than 10 years, all have *zero defects* as specified by Admiral Hyman Rickover, all have a range in excess of *2,500 miles* and *very high accuracy.*

The argument is made that we need *Trident* to *bargain* with the Soviets in 5 years. It seems that if we need to expand our sea based tubes in 5 years, the Poseidon program already developed would be adequate to provide the balance and incentive to bargain.

So I say, cut the program by $700 million—increase the *current* program over 100% and continue research at the $277 million level.

3. *Safeguard*—Savings *$350 million*: The S.A.L.T agreement has limited the hard-point function of *Safeguard* to a mixmum of 100 interceptors, which will attempt to defend approximately 60 Minuteman ICBMs.

It is difficult to justify an ABM system protecting only 6% of the Minuteman force.

It is *impossible* to justify a hard-point ABM system employing only 100 interceptors.

Protection of 60 Minutemen at an ABM system cost of $8.5 billion equals $140 million per Minuteman: more than 23 times the cost of the ICBMs themselves. For less than one twenty-third the cost of *Safeguard,* we could have deployed 60 additional Minuteman III ICBMs complete with hard silos.

As we have discussed in debates on previous military procurement bills, it is highly unlikely that the *Safeguard* ABM system will function effectively under *combat conditions* the first time it is called upon. However, even if the system were 100% effective, this super-expensive protection for 6% of our Minuteman force cannot be justified.

Hard-point protection is obviously not needed against third-country or accidental attack. It can be rationalized only as an attempt to preserve our nuclear deterrent against a heavy sophisticated Soviet first strike.

If such a first strike becomes possible (at this time it is technologically inconceivable) its anti-Minuteman component presumably will consist of about 200 SS-9s bearing six warheads each, augmented by approximately 1,000 smaller ICBMs with single warheads.

Such a force could easily spare 100 of its 2,800 warheads to exhaust the 100 American ABM interceptors, even if we generously assume these interceptors to be 100% effective.

Similarly, a defense of the *national capital* makes no sense if the defense can be exhausted by *101 warheads.*

Presumably the Soviets recognized this when they slowed deployment on their Moscow ABM system. But even if they are foolish enough to waste their money on completing the system, there is no reason why we should follow their example.

Expenditure of public funds for further ABM procurement or construction cannot be justified but at best should proceed at a very decelerated rate.

In time, the Soviets may develop a MIRV, and they may improve their accuracy to the point where they become a threat to Minuteman. But this will take many years, and we will be able to follow their progress. There is no need to rush.

A cut of $350 million would leave a balance of $136.2 million for further completion of construction at Grand Forks in 1973.

4. *CVAN-70—Nuclear Carrier—Delete $299 million* and do not make advance procurement.

Advent of the ICBM and SLBM, combined with the development of highly effective nuclear-powered attack submarines and the new generation of Soviet cruise missiles, have reduced the effectiveness of the aircraft carrier as a strategic nuclear weapon to the point where it is *not cost effective,* and possibly not effective at all. The Defense Department implicitly acknowledges this, when it invariably fails to include its carriers in its lists of *strategic weapons.*

Aircraft carriers continue to have a certain degree of effectiveness for non-nuclear warfare, and they continue to serve as a deterrent to direct Soviet combat intrusion into the Arab-Israeli conflict. However, it is apparent that:

1. The present force of 15 attack carriers is more than sufficient to meet any need that can be reasonably projected. The Navy implicitly acknowledges this, by its practice of keeping only one out of three carriers in operation at any given time, as opposed to the two-crew system employed to keep the more vital missile submarines in operation as much as is mechanically possible.

2. Nuclear propulsion is marginally needed and its cost is not justified. In operations against a minor power, the safety of a large carrier is unlikely to be threatened. In operations against the Soviet Union, with the latter using its best attack submarines and cruise and ballistic missiles, the lifetime of a carrier is measured in minutes, or in hours at the most. Under these conditions, the ability of a nuclear-powered ship to operate for weeks at full speed without refueling is not a significant advantage.

Therefore, the national interest would be served by cancellation of the CVAN-70 procurement program.

Last year the Navy said that if the CVAN-70 was not authorized that costs would escalate from $750 million to $980 million for the ship. This has happened. The Congress decided last year not to build this ship and it makes little sense to proceed this year at a ¼ billion cost escalation.

Many bright professional Naval strategists have written over the past several years that it is cost ineffective to spend $1 billion for a nuclear carrier, $1 billion for airplanes, and $1 billion for a support fleet, when the whole fleet is dependent on the carrier and the carrier is physically vulnerable to a dozen missiles and other lesser weapons in the U.S. and foreign arsenals, many of which have been deployed for over 10 years.

The real question that we must decide is: *"Is this CVAN-70 the last billion dollar carrier that the U.S. will construct, or was the last one the last?*

I am one who supports a big Navy, but not a big *obsolete* Navy—nuclear powered or otherwise.

VIETNAM

In a final area of the Vietnam War, I have offered another solution for this country's desecrating confoundment, short of surrender, but also short of total victory. It has always seemed to me that the American myopic obsession with the war was wrong, not that we were backing the wrong side, but that we were spending ourselves into oblivion Americanizing a conflagration between underdeveloped people. We have clearly spent many hundred times the amounts spent by the Soviets to support their Communist counterparts as the chart from Secretary Laird's unclassified posture statement illustrates:

The U.S. has expended in 7 years annually to support South Vietnam from $5 billion to $25 billion, while the Soviets never expended more than one-half billion in any single year.

The Soviets have provided *two-thirds* of all the North Vietnamese support per Laird. The U.S. has spent over $150 billion, obligated itself for hundreds of billions of Veterans benefits in addition—the Soviets have spent at most $10 billion dollars.

While I have criticized the Thieu Government as being *undemocratic* on the one hand, the facts are self-evident over the past few months particularly that the North Vietnamese are the real heartless aggressors in Southeast Asia who are prepared to annihilate hundreds of thousands of North or South Vietnamese soldiers or civilians in their efforts to communize the area.

The United States must avoid being *paranoid* in resisting this effort and likewise we must totally *sell the war back to the Vietnamese.*

I believe that there are many people in South Vietnam who want an *independent* South. *They want an end to the killing and they are prepared to die to avoid Northern domination.*

I personally went to Paris and talked at length to the enemy spokesmen informally and they appear *intransigent* with respect to a negotiated peace without *total surrender* of South Vietnam.

On this state of the record I offered the following amendment which would provide the United States with a *unilateral* firm course of action, not forsaking our *POWs and missing,* neither *escalating* or further *bankrupting* our country as has been our past course.

3. *Sense of Congress amendment. New Section No. 503.* It is the sense of Congress that the President negotiate a reasonable termination of US involvement in the undeclared war in South Viet Nam and a return of American Prisoners of War and accounting for those American defense personnel missing in action. It is the further sense of Congress that if possible the President first negotiate for a total cessation of hostilities in this war theater by all parties including return of all Prisoners of War; second, that the President negotiate for a total termination of US involvement including a return of American Prisoners of War without passively or actively undermining the South Vietnamese Government looking toward a complete Vietnamization at the earliest possible date of the land, sea and air forces; third, *that should the President be unable to successfully negotiate either of the foregoing options that it is therefore the sense of Congress that the US having a continued interest in the return of American Prisoners of War and accounting for those missing in action and an interest in a stable balance of power in Southeast Asia, that the United States unilaterally and preferably over a six month period of time reduce its military active and support role in relation to the government of South Viet Nam, Cambodia, Laos and Thailand only sufficient to provide an equal and reciprocal counterpart to roles of support, including logistics and advisory, played by China and the Soviet Union in relation to the Communist movements in North and South Viet Nam, Cambodia, Laos and Thailand.*

In addition, Mr. Chairman, I would include a question and answer which appears in the committee record at page 12098.84, and 12098.85, which also contains the answer of Dr. Foster.

The material referred to follows:

Mr. LEGGETT I would say this about the Trident system, that it appears we have spent on the order of a quarter of a billion dollars for each of the 41 Polaris/Poseidon that we have. We have developed a system that either from 1,500 or 2,500 miles, depending on how they are loaded down, you get [deleted] percent of accuracy within a [deleted].

From my observation, the way we have been recoring these and rebuilding them when they come in for overhaul, they are good for a long, long time, because of Admiral Rickover's zero defect system.

Then I wonder why we are accelerating the $977 million into the Trident system when obviously all we have is the 54 missile Titan surplus differential capability to build into, which would approximate 2.1 Tridents or ULMS.

I think that to obsolete these quarter of a billion dollar A-3, non-Poseidon/Polaris in favor of Trident, even in the 1977 time frame, is wasteful. I would say as far as the cruise missile is concerned, as I recall we abandoned the Mace missile which was a subsonic employed system in Europe, primarily because it was vulnerable. I was briefed the other day on the Phalanx system, which the Navy is developing, which appears to be an excellent, cheap method of defense against a cruise missile. I am wondering why perhaps we couldn't use this as a coastal type defense rather than getting involved with potential charades where we use Sprints, Spartans, and nuclear weapons to defend against this very primitive-typo system.

I would say as far as resiting our bombers, as I understand the idea behind that was because of the low trajectory submarine-launched vehicles, which don't really appear to be materializing as early as we had anticipated, and I would add in the same question that Ed Hood published in the Shipbuilders' Council of America the statement the other day in his weekly report indicating where we would be with and without the SALT agreement, and he had there 11,000 strategic nuclear warheads. I am sure he is including tactical in that number—versus 2,700 for the Soviet Union—but he also had us ahead of the Soviets in megatonnage under the SALT agreement, as well as numbers of targetable warheads.

The CHAIRMAN. Mr. Secretary, do you understand the question, or do you want Mr. Leggett to repeat it?

Dr. FOSTER. I certainly understand the question, Mr. Chairman. I would be delighted to have an opportunity to provide the answers.

If I may, I would like to provide the answers after each question so as to provide more clarity.

The CHAIRMAN. In other words, you want to reread the question before you can answer?

Dr. FOSTER. I certainly would like the opportunity to do that very carefully.

(The following information was received for the record:)

Regarding Trident, our need for this system, and its acceleration, was not based on an immediate need for a replacement for the current SSBN's, but was driven by two factors:

1. A need for the option to place additional launchers at sea, which is still valid under the current SALT negotiating environment; and

2. A need for a sea-based deterrent in the late 1970's which is less likely to be affected by improving Soviet ASW capabilities than the current FMB submarines. Trident, with its long-range missiles and advanced submarines, will provide increased operating area and quieting to maintain survivability of the SLBM force against potential Soviet ASW developments.

Several other points are also pertinent. It may be true that some of the items in Admiral Rickover's system could last beyond 20 years, but when dealing with radioactive materials in a nuclear propulsion plant, there is no margin for error; material integrity is paramount. For this reason, and also because of the Navy's previous experience with overall submarine life expectancy, we are apprehensive about maintaining nuclear submarines in service beyond about 20 years. If we are assure that we maintain a first-rate deterrent force, we should be willing to recognize the value of the Navy's experience in estimating the time at which it is prudent to plan for replacement to be available.

Regarding the submarine-launched cruise missile, it will fly at very low altitudes. It will thus be an entirely different defense problem, and will add another factor for Soviet defense planners. An SLCM threat would stress Soviet air defense capabilities and restrain their commitment to an ABM role because the SLCM's could arrive at the targets during the ballistic missile attack period.

I believe it is essential that the United States initiate the development of the submarine-launched cruise missile, both to preserve our position of sufficiency, and to insure that we are in a position of strength to negotiate on this class of strategic weapons during the next round of SALT.

With reference to your question concerning the need for relocation of our alert bomber force, I don't believe we can say that the threat may not be materializing as early as we had anticipated. The Soviets are now testing a new missile for their SLBM force, the SSNX-8. They are also continuing, and permitted under the SALT agreement, to expand their SLBM force. We have very little information concerning this missile; and unless the Soviets choose to demonstrate a capability to fly a highly depressed trajectory, we have no way of knowing whether it can or cannot do this. If this missile possesses such a capability, thereby minimizing the warning time, then our bomber force could be seriously threatened. We believe it prudent to hedge against this possibility and take those steps now which serve to keep our force secure. The bomber relocation program does this.

Mr. Chairman, I would compare that answer with the statement by the columnist, Art Hoppe, speaking over the weekend, appearing in a California newspaper, and I will obtain the proper authorization to put this in the RECORD at the proper time.

The material referred to follows:

THE GREAT ROCK RACE

(By Art Hoppe)

June 25, 1984—As church bells chimed and people throughout the world danced in the streets, the United Nations today realized an age-old dream of mankind by ratifying a Universal Disarmament Pact.

Under terms of the widely hailed treaty, all Nations agreed to destroy immediately every single weapon in their arsenals—from missiles to billy clubs, from jet bombers to bows and arrows.

"At last man now enters a golden age of permanent peace," a jubilant President told the U.S. people in a nationwide telecast. "At last we can divert our $200 billion defense budget to better the lot of every American. For man will war no more. "After all," he said with a smile, "The only thing man can now hurl at his brother is a handy rock."

June 26, 1984—Defense Secretary Melvin Ludd appeared before a joint Congressional committee today to ask for $1.5 billion research funds to develop a "prototype rock."

Ludd pointed out that rocks, being indigenous to every nation's environment, were not banned by the treaty. "We can be sure," he warned ominously, "that the Russians and the Chinese are secretly at work on an advanced rock that could make America a second-rate power."

April 8, 1985—The Army today unveiled its new M-16 anti-personnel rock designed to fragment on impact.

Developed at a cost of $43.6 billion, it will replace the now-obsolete 125-pound M-15 rock, which failed in extensive tests to get off the ground. Some of the obsolete M-15s will be mothballed for emergencies, the Army said, while the remainder will be sold to "our friendly neighbors in Latin America" for 3 cents on the dollar.

The Army purchased one million of the new H-16 rocks for $1.39 each. The rest of the $43.6 billion went for new M-16 mobile rock haulers with white sidewall tires, new individual M-16 rock carriers with chromium handles.

November 3, 1985—Secretary Ludd asked Congress today for $64.5 million to develop an Anti-Rock Rock, (ARR) plus another $82.7 billion to construct an Anti-Rock Early Defense Line (ARED).

He cited CIA reports that the Chinese were working on an Inter-Continental Bal-

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listic Rock launched by a giant Chinese firecracker.

He said the proposed ARED, a mile-high net along the Canadian border, would intercept most Chinese ICBRs, while the new ARRs, sent aloft by mile-long rubber bands, would shoot down the rest.

November 7, 1985—A worried President today signed the Universal Draft Law requiring all Americans over age five to work on the Nation's rockpiles.

"Our freedom will never be secure," he said, "until we have the world's largest rockpile stockpile."

July 4, 1986—The people of the world, fed up with working day and night on their national rockpile stockpiles, revolted today.

Chanting the stirring slogan, "We need rocks like holes in our heads," they marched on the U.N. and demanded an entirely new treaty. This one banned not weapons, but all Generals in general and all Defense Secretaries in particular.

And so church bells are chiming and people throughout the world are dancing in the streets tonight—confident that they have at last found the key to a golden age of permanent peace.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ARENDS), the ranking minority member of the committee.

Mr. ARENDS. Mr. Chairman, I, too, wish to join with those who have paid their tribute to the gentleman from New York (Mr. PIRNIE) who after this session of the Congress will be leaving us.

He has been, I think, one of the most outstanding and valued members of our committee, a steady, constant worker on the jobs that have been assigned to him on that committee, both in the full committee and in the subcommittee.

The gentleman from New York (Mr. PIRNIE) is one of those rare individuals who accepts responsibility, and when he takes on a responsibility he gets the job done.

Not only have I enjoyed serving with him on this committee for many, many years, but likewise I have deeply appreciated his friendship and the close cooperation that I have had with him in the work here on the floor of the House.

All of us will miss him as he leaves us at the end of the year, voluntarily. I only wish that he might have decided rather to stay here where he has been of such invaluable service.

I want to say as you leave, Mr. PIRNIE, as you go away from here, I am proud when you leave that I can say—"There goes a friend."

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. I thank the chairman for his usual courtesy in giving me this much time. Sometimes I wonder whether any of it is worth it. The bill involves twenty-one billion and some three hundred million dollars and, yet, you look around the room and essentially we are talking to ourselves. The room is about empty other than the members of the committee, all of whom have heard it before and said it before and know how they stand. There are a hardy few, I will say, a dozen perhaps—but here we are and—oh, maybe I was even tempted to have a quorum call in the hope that somebody would come and listen, but I do not think it matters particularly.

For example, one of the things we are doing in this bill in section 601 is increasing retroactively the amount that we can give to Vietnam to fight the war over there. Why are we doing it retroactively? We have to do it retroactively because it is being done illegally right now.

What difference does it make what limitations we put on how much they can spend over there? Last year it was $2½ billion and they have used up the $2½ billion and the Secretary of Defense came before the committee a few weeks ago and he said—Well, we are right up against the limit right now so we have to increase it.

Well, he was right up against the limit a few weeks ago when he was there so, obviously, they are over the limit today.

So what difference does it make whether we establish any limits at all—because the money is going to be spent.

This really is not the worst bill that I have seen come out of the Committee on Armed Services by a long shot. We did make some real cuts in research and development. It is kind of fun sometimes to look back over the committee reports of prior years and to see what we said about some of these wonderful weapons systems which are with us year after year, back again like bad pennies—or perhaps bad billions.

You look back over the years—2 years ago, for example, there was the Cheyenne helicopter. Two years ago the committee report said—Well, the Army had found the company in default on procurement of the Cheyenne.

So last year what did we say about the Cheyenne helicopter? We said that they were not entitled to $13 million on the Cheyenne. So what are we giving them this year? We are giving them $53 million for the Cheyenne. It just will not ever go away. We have built 12 of the darn things already.

So what have we got in there—money for three preproduction prototypes.

Then back over the years there was the C–5A. Two years ago the committee report said there was $544 million in it for the C–5A, of which the Air Force said we owed Lockheed $344 million. But there was $200 million in there which we might have to use just to keep the line going.

Well, that was 2 years ago, and last year there was another $200 million and some for the C–5A, and this year there is another $200 million and some for the C–5A, and every dime of this, after that $344 million 2 years ago, is a cost overrun.

We have had the ABM just about as long as I have been in Congress. We called it other things in other times, but it was always there, and if we spend the money which is authorized in this bill this year, we will now have spent over $10 billion for the ABM. That is the total that we will have spent for the ABM and its predecessors, the Nike Zeus, the Nike Ajax, and the many different other names that we call the thing—$10 billion. Last year Congress prohibited the only ABM new site that we are talking about building now. That is the site to defend Washington. Congress passed a law saying, "No, you can't build that." Why are we going to build a new site to defend Washington? The Russians chose that site. We did not choose it. It is the only site we can build under the ABM Treaty, under the SALT compact. So we are going to build on a site which the Russians chose for us. It was not our choice.

We had four sites that we wanted to build on before this Washington thing. We cannot build three of them, so we will build the only one we really did not want to build.

I will offer a motion to strike from the bill the language which pertains to the ABM site. All the language does is to repeal the law Congress passed last year saying we could not build a Washington ABM site. At the appropriate time I will offer a motion to strike that.

We are just beginning to get cranked up on the B–1. We have had it for a long time. We used to call it the B–70. You may remember that we spent $1.5 billion to build 2½ B–70's. Then we canceled that program. I do not know what is going to happen with the B–1, but it is just beginning to get cranked up. Two years ago there was $100 million for it. Last year there was $370 million for it. This year there is $445 million for it and we are only warming up. Two years ago in the minority views on the B–1 I lamented the fact that they were going to cost almost half a billion dollars apiece for the R. & D. prototypes. Today I lament the fact that they are now going to cost over $800 million apiece for the R. & D. prototypes. It probably does not matter, but I will move to strike that one, too.

The DD–963 is a fascinating subject matter and it generated a great deal of debate in the committee. When we moved to put $247 million into the bill for advanced procurement for more DD–963's, I do not think the committee really knew whether they had authorized seven more DD–963's or not. Now we say we are not. But here is the situation. We have already authorized 16 of them. The keel has not yet been laid on No. 1. We are putting $247 million of advanced procurement for ships 17 through 23 in here, and I really do not think that there is anyone on the committee who believes that those ships are going to be built anywhere near the cost or anywhere near on time, if we can judge by what has gone before in that particular yard.

Do not judge it by time alone. Take fundamentals like the man-hours needed to build the LHA, which has increased by almost 300 percent, and the wages paid to production workers, which have in the last year increased by one-third. When we get a 300-percent increase in man-hours and a one-third increase in wages, we know we are going to go way over the cost on these things. Essentially there is only one way to limit what we spend on arms. That is just to plain limit what we spend on arms.

What we have here today is a great triumph about the SALT talk and the wonderful things which were accomplished by the SALT talk.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. I hope the gentleman is not going to overlook that great flying Edsel known as the F–111, which was grounded for the seventh or eighth time last week.

Mr. PIKE. I would simply say to the gentleman from Iowa that there are so many things in here that I could devote my time to, but I am running out of time, and I want to just kind of generalize rather than be specific at the end.

I think after the SALT talk agreement, when we wind up with a bill which authorizes more money than we authorized last year, which authorizes $800 million more than we appropriated last year, there is not any great victory in the SALT agreement.

I think if we are going to use every agreement only as an excuse to got out and build something else that is not covered by the agreement, we underestimate the ingenuity of our scientists and theirs. If we can agree only on specifics, then our scientists will still be finding ways of making their vodka bottles explode and their scientists will be finding ways to make our beer cans turn into land mines along the highways.

The only way we will ever be able to do anything about cutting military expenditures so we can do something else in this Nation is just plain to cut them, and I hope a few people vote against this bill.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. CLANCY) such time as he may consume.

Mr. CLANCY. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I rise in support of this legislation and I would like to discuss with you a most important feature of this bill—the Trident program.

The Trident program is not a crash program. It is an urgent, but orderly, program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear-attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter-range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new *Yankee* class which can fire a 1,300-mile-range missile. In the past year they started work on their 42d *Yankee* submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear-submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic-missile submarines up to a total of 950 ballistic-missile launchers on submarines and up to 62 modern ballistic-missile submarines. This will allow the Soviets to continue building ballistic-missile submarines at a rate of about 7 per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there are $361 million of shipbuilding and conversion, Navy—SCN—funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed, the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the upmost importance that we continue to improve the quality of our submarines. In agreeing to let the Soviets have 62 nuclear-powered ballistic-missile submarines to our

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44, it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

If and when additional negotiations occur, and we hope they do, we must negotiate from a position of strength.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I would like to add my voice to the complimentary things which have been said about the gentleman from New York, our colleague who is retiring at the end of this session (Mr. PIRNIE). It has been my great honor and my privilege to sit next to the gentleman on the Armed Services Committee and to serve with him on several subcommittees, to observe at firsthand the very wonderful things he has done for this country, and to admire the tireless and energetic manner in which he has gone about performing his duties.

It is not easy in this modern day and age, considering the emotional trend of our times, to serve on the Armed Services Committee. In fact, I would go so far as to say it is almost a political liability today. We all recognize the fact that people are frustrated and sick and tired of the war in Vietnam, and it is only natural that their emotions escape due bounds and they make a blanket condemnation of everything military.

Members of the type who stand up and assert their feeling that this country does need to be strong and that this is still a dangerous world are categorized as bloodthirsty hawks and as tools of the so-called military-industrial complex.

The gentleman from New York has stood up to the challenge of today. I think all members of the House Committee on Armed Services have done likewise.

If we look at this bill today—yes, it is a larger authorization than last year's appropriation; yes, it is larger than one would expect if they adopted Neville Chamberlain's belief that suddenly peace in our time was upon us. However, if you are going to be responsible, it is up to each of us to resist this mistaken emotional tide that the country is being swept along with and insist that this country be kept strong.

If I were able to have that mythical magic lamp and to have one wish granted, here is what I would wish for. I would wish for the day to come when this arms race would stop and we could cut back on our military spending and use the money for other things of a higher priority insofar as human needs are concerned. That is what I would wish for—real cutbacks in defense spending.

However, I am not going to be fooled into thinking that because we have made one tiny step with the SALT talks that everything in defense spending can come to an end. I am simply not going to be fooled that way.

In fact, if we want to cut back our spending, we have to have phase II of the SALT talks. This is what I pray for when I pray for seeing a real end to this arms race. I am praying for phase II.

This bill is what will give you phase II. If you cut it, if you knock out some of the items which will really provide the incentive for Russia to negotiate phase II, then you will be sacrificing the follow-on SALT agreement and you will be sacrificing the fondest hope and greatest dream mankind could ever have.

If we had succumbed to the pressures to knock out the ABM in past years, you would not have phase I of SALT today. I say this with every confidence. We had the courage to withstand the emotional tides of the moment and vote for the ABM that gave us the first SALT agreement. I say the time has come then when even though it may be unpopular we must stand up and vote for Trident and the B–1. Then we will get phase II and realize our national dream.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the chairman for giving me this time to commend him and the other members of the committee on which I serve for doing a good job. We did work hard on the bill. There might be some things a few people do not like, but I believe we have a good bill which will work. I hope the committee will support the bill.

Also, Mr. Chairman, I would like to rise to join my colleagues and say that we are certainly going to miss the gentleman from New York (Mr. PIRNIE). I have served on subcommittee No. 2 with him, and I know he is one of the most dedicated members of the subcommittee. It will be a great loss to the committee.

I take this opportunity to join my colleague in saying how much we are going to miss Mr. PIRNIE who is retiring after this session of Congress.

The gentleman from New York has been of so much help to me personally. I have asked his advice on many legislative issues and his advice has always been sound and logical.

I have served on the subcommittee No. 2 with Mr. PIRNIE. He is always at the committee meetings and always adding something to the meetings. His questioning of witnesses before our subcommittee is outstanding.

We are going to miss this man in Congress. I know the people of his district in New York State are certainly going to miss this great Congressman.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I want to rise along with our colleagues in paying tribute to the gentleman from New York (Mr. PIRNIE), and also to the gentleman from Missouri (Dr. HALL) who will be retiring at the end of this term, for the fine work he has done as a member of the Committee on Armed Services.

Mr. Chairman, the Armed Services Committee has recommended for fiscal year 1973 for the Coast Guard Reserve a manpower strength of 11,800.

However, Mr. Chairman, I wish to re-emphasize its position in this regard which is strongly pronounced in the committee report. The committee report reads as follows:

> We want to make clear, however, that we do not share the belief expressed by Coast Guard officers that they could rely on the Ready Reserve to supply the difference between the strength authorized this year and the 22,000 needed within 30 days after mobilization. We are firmly convinced that ultimately the strength of the Selected Reserve of the Coast Guard must be raised to at least 15,000.

Mr. Chairman, along with my colleagues on the House Armed Services Committee I shall be anticipating the Coast Guard returning before our committee next year with a request in support of an increase in the authorized strength of the Coast Guard Reserve. The very important mission in the time of emergency delegated to the Coast Guard certainly warrants a full-strength organized Reserve and I for one will support such an increase.

Furthermore, Mr. Chairman, I am most hopeful the conferees of the other body on the Department of Transportation appropriation bill, will agree to accept the amendment unanimously adopted by this House when it approved the full funding for the Coast Guard Reserve providing for this year's strength of 11,800 men. Should this authorization not be enacted into law before the new fiscal year begins this Saturday, I trust the House will not recess until some legislative language is adopted providing for a continuing authorization; for if this is not done, all activities of the Coast Guard Reserve will cease until legislation is enacted. We cannot allow nor can we afford to permit any of our Reserve components to become inoperative for even 1 hour.

Mr. BRAY. Mr. Chairman, we have no further requests for time.

Mr. HÉBERT. Mr. Chairman, since the gentleman from Massachusetts (Mr. HARRINGTON) is now on the floor and is present, I yield him 10 minutes.

Mr. HARRINGTON. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the chance to speak, perhaps giving the minority point of view. I cannot help but feel that the observation made by my very able colleague from New York (Mr. PIKE) about the illusion rather than the reality of this performance is something that I should comment on. I think if we were to clear the galleries and to ask the press to leave, we would almost have an exact replica of what the situation goes on, on a day-to-day basis, in the Armed Services Committee.

We probably have a bill here next to the military appropriation bill, that is the single largest item moneywise that the Congress will be asked to deal with.

Mr. HÉBERT. Will the gentleman yield?

Mr. HARRINGTON. I yield.

Mr. HÉBERT. I cannot let that statement go unchallenged. The records of the Armed Services Committee show a 90-percent attendance.

Mr. HARRINGTON. My point, Mr. Chairman, was not to question the attendance, which I would never quarrel with, since the name of the business is not sometimes how well but how often one does things in Congress. Basically my point is that we only operate in a rather closed and classified circuit, and my point was not to be any more irreverent than my dissenting remarks, but I would point out I think it is unfortunate that in dealing with a $21.5-billion bill that we should find so few of our colleagues present, and so few of the public interested.

Let me, if I can, spend a little bit of time generalizing. Let me make a couple of apologies with reference to my relatively brief tenure on the committee, which is often referred to as perhaps the reason for my inability to understand the logic of what is done. I find it very difficult because I, like the gentleman from California and others, would like very much to see the end of the arms race. I would like very much to see a limitation of what we spend for weapons and more spent in other areas; and I, like those gentlemen before me in general, would like, I think, to find a way, if it is at all possible, to convince more people of the need to have an adequate—not an excessive—defense. But I said this a year ago, and I say it again now, that I find that the method of approach to accomplish this, the way we choose to go about convincing both the Congress and the public, is to me self-detrimental when it comes to accomplishing the desired goal.

If most of our sessions are going to be in secret, if most of our sessions are going to have testimony only from the executive branch, if most of the people who come before us already have a predetermined point of view which coincides with the committee, it seems to me that we do not perform the function which all of us would like to see—a broad national consensus about the need for defense, and a broad national consensus about what those needs should be and how they should be met. What I would like to see, and perhaps it is born of my impatience and by my expectations, is an effort made to be educated in a broader way; an effort made to use the time in compiling the 3,000 pages referred to as a demonstration of interest and skill and capacity, not only to convince the members of the committee—who one might again irreverently suggest were convinced before they started—but to convince the rest of Congress and to convince the rest of the country of the need to spend this kind of money. I think instead what we have had—and I find myself most troubled by this—is an effort to deal more with the form of things than with the substance of things, and I think that this bill once again, despite the well-claimed efforts at cutting $1.5 billion from it, is a fitting justification for that.

There are a number of areas that I would like, if I could, to address myself to, and I would be prepared, as I have indicated in letters sent to all House Members today, to ask amendments to this bill tomorrow in a specific sense.

The first is the one that has already been dealt with dealing with so-called SALT incremental moneys—moneys that were not part of the original bill—moneys that were not given anything more than cursory treatment by this committee in one morning session shortly after the appearance of the Secretary of Defense. The cursory treatment of these additional moneys I think goes to the very heart of the credibility of the performance that we as a committee have and the expectation and the obligation to perform.

I do not see how we can convince the American public that an arms limitation agreement means anything at all if in the next breath we find ourselves asking for increments in a budget, before we have an opportunity to determine whether or not the faith on which these agreements are made can be used as an assumption for the Congress to go forward by limiting amounts of money, rather than increasing them.

The second area, and one in which I have found myself disturbed, is the question of keeping from members of the committee, and I would say from most members of the committee, information about parts of the budget. There is somewhat under a billion dollars which most of the committee knows nothing about, and which we were asked, at least until recently, to take on faith that the ranking majority and minority members have enough information about to guarantee that we should accept it and should vote for these moneys in the course of a $21 billion bill.

I might only point to the history alluded to by the gentleman from California, of our experiences in the late 1930's and in the late 1940's, and perhaps later than that, with certain of the CIA activities in the 1950's and the 1960's, to wonder what kind of mischief might be unloosed by an uninformed American Congress and by an uninformed American public.

I believe it is unfortunate in the midst of classified hearings conducted in secret that the members of the committee were not apprised of money which is substantially a part of this budget, and were thus unable to make a determination as to whether its use is wisely put.

The third item, which has already been alluded to, and one I find myself disturbed by on a regular basis, is one which puzzles me as to why it stays in our budget. I am referring to the $2.7 billion in military assistance service funding which logically belongs under the jurisdiction of the Foreign Affairs Committee. We have been told, as long ago as 1968, that there was going to be a plan to end our involvement in Southeast Asia. We were told as recently as 2 weeks ago that in addition to the moneys already available for that purpose we would perhaps spend $5 billion more in Southeast Asia before the end of the year because of the attacks which have occurred since April 1.

Our slight contribution to that is the sum of $200 million over and above the $2.5 billion which we were asked to authorize to give aid to our allies in all of Southeast Asia for the continuation of the struggle for which we have spent $150 billion in the last 10 years, at a cost of 50,000 lives and 300,000 wounded.

Again, I believe that the matter should have been dealt with in a fashion which gave more of an opportunity for those who oppose the general direction we have taken in Southeast Asia to be heard and, more importantly, I believe it should be heard before the Foreign Affairs Committee, where most of the other matters of this kind are properly matters of consideration, and where, before 1967, this particular area of the world found itself funded.

I would ask that there be one other consideration given, and I do not have any particular special expertise in the area. This is to the question raised by the gentleman from Mississippi, the chairman of the Senate Committee on Armed Services, (Mr. STENNIS), in the course of two very interesting speeches during the course of last year and the first part of this year.

Basically, the question is whether or not we are not pricing ourselves out of being able to raise and equip an army, and whether, in view of the fact that the total cost of personnel now is approaching 60 percent of the total annual budget, we ought not to reflect on whether or not our force levels and the need for men, which is almost a mania, is such that it is now self-defeating as to providing for an adequate defense.

I hope we will give serious consideration, since it is a part of the bill, as to whether or not we need a standing army of 2.4 million men, with 3,000 separate locations in which they find themselves around the world, with a substantial number of them in Western Europe 27 years after the end of World War II, with an increasing number in Thailand and in ships off the coast of Vietnam some 3½ years after the plan is proposed to end our involvement in that area. Can we find any justification in the Congress today, when it comes to appropriating funds in the manner we have chosen to appropriate them?

Finally, Mr. Chairman, I am appalled by the section of the bill which prohibits universities refusing ROTC on campus from receiving Defense Department research and development funds and which prohibits the Defense Department from sending students to those universities. The Department of Defense opposes this provision; the universities oppose this provision; civil libertarians oppose this provision. It is illogical, shortsighted, denies academic freedom, and ignores the fact that many of the universities involved met for over a year with the Department of Defense and came to an amicable agreement about needed changes in the ROTC program which would in many cases allow ROTC back on campus with all parties pleased. Why it is necessary to include this punitive section in the legislation is beyond me and it is a disgrace to the House that we are asked to vote on it.

These are some of the questions I have on the question of dealing with the bill. I cannot help but feel that, though the philosophic bias with which I approach the bill is well known to the members of the committee, and the philosophic bias which most members of the committee have is well known to the Congress, that there is a question in this procedure as a whole whether we really do accomplish anything useful by performing the kind of function we have gone through.

Yes, we had 4 months of hearings.

Yes, we had 3,000 pages of testimony.

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Yes, we cut $1.5 billion from the bill. I do not think a single mind in the Congress was changed by what we did. I do not think the divisions in the country that exist about priorities have been healed. And I hate to see the Congress, again in particular the committee that I have enjoyed the experience of serving on, finding itself useless, apparently, in attempting to solve these very simple questions.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I am pleased to rise in support of the bill, H.R. 15495. Before proceeding, however, I desire to join with my colleagues who have paid accolades to our distinguished friend and colleague, the gentleman from New York (Mr. PIRNIE), who, by his own volition, has chosen to leave the Congress at the end of this year.

It happens that the gentleman from New York (Mr. PIRNIE) is a member of a subcommittee of which I am the chairman, which deals with manpower, personnel, Reserves, ROTC, Coast Guard, and related topics, and I can tell you, those of you who may not already know, that Mr. PIRNIE is recognized as one of the most knowledgeable, and probably the most knowledgeable, man in this Congress regarding the Coast Guard, and he has been literally worth his weight in gold in fighting the battles that have occurred on occasion in preserving that very useful and very vital but relatively small portion of our defense structure. He has demonstrated time after time to be one of the most knowledgeable and one of the most able and dedicated Members of this Congress. Believe me, it is really a misfortune for the country, and a great loss, that AL PIRNIE will not be with us next year.

Mr. Chairman, as I said before, I am pleased to rise in support of H.R. 15495. This afternoon, I would particularly like to direct my remarks to titles 3 and 4 of the bill. These are the sections which establish the strengths of our military forces, both Active and Reserve. Before going to the strengths themselves, I would like to call your attention to this general observation. The almost 2.4 million man-years recommended represent:

Over 1 million less than in 1969 at the peak of the Vietnamese buildup;

Almost 300,000 less than in 1964 before the Vietnamese buildup; and

Over 1 million less than in 1954 after the Korean war.

The last time there was an active duty strength lower than the one before you today was before the Korean war, some 22 years ago.

The strengths of the Reserve and Active Forces take into account the relative contributions, actual and potential, of the Active Forces and the Reserve Forces, as well as those of our allies.

The manpower levels requested by the Department of Defense are based upon mission forces which the Department plans to operate and the support necessary to sustain these forces. These force levels are, in turn, based upon foreign policy objectives established by the President on the basis of our treaty commitments and other matters vital to the security of the United States. The forces are built to satisfy specific strategy directives which are issued by the President after consultation with his primary foreign policy, and defense and military advisers. These military requirements, in turn, dictate the force structure and the manpower levels of our defense establishment.

In extremely comprehensive hearings, we examined into the questions regarding our basic policy underlying our national security strategy, our U.S. nuclear strategy, our theater nuclear forces, our general purpose forces, including those forces committed to NATO. We examined into the structure of each of the services, including the factors used to determine the composition of the forces and, in general, we satisfied ourselves that the programs which were designed are correct and that the planning and creating of force structure to respond to the threat is a logical one, bearing in mind that there are political, fiscal, strategic, and manpower restraints which cannot be ignored.

Obviously, manpower requirements cannot be considered in isolation. They can only become meaningful when such requirements are related to mission-trained manpower and equipment. First, the determination must be made of how many aircraft, missiles, combat division equivalents and ships are needed to meet our national security objectives. Once this is established, such questions must be answered as to how many crews are needed, how many persons are required to keep a plane serviced and flying, how much support it takes to keep a division in the field, what sort of headquarters it requires to direct combat elements, what training bases must be maintained, and where troops should be deployed in order to best preserve the capability to deter or to respond to an attack in a way where timeliness is adequate to the threat.

The active duty manpower request is adequate to provide for 13 active divisions, three marine divisions, 594 ships, 463 strategic bombers, 117 strategic missile squadrons, 21¾ tactical wings, plus 110 tactical squadrons. When we consider this force in addition to our Reserve structure of nearly 1 million personnel in the Selected Reserve, we believe there is an adequate manpower base to meet the military goals as part of our national security objectives.

But in speaking of the Reserves, we are extremely concerned that at the time of the hearings, there was a shortage of approximately 55,000 below the minimum average strength authorized by the Congress, and the waiting line for entry into the Reserve program has disappeared. If we are to depend on reservists as a primary augmentation force for the Active Forces, we must find ways to keep this strength at least to the minimum level. The only alternative would be to increase the size of the Active Forces.

But certainly the Reserve picture is not all black. Significant improvement in overall capability has resulted from the influx of equipment. Issues of modern equipment have continued at a high level totaling $727 million in 1971. Forecast for fiscal year 1972 indicate issues will exceed $900 million. Significant in this equipment issue has been the increased inventory of Army Guard and Reserve aircraft now envisioned to reach 99 percent of requirements shown by the end of fiscal year 1973.

Inherent in the receipt of modern equipment permitting more realistic and appropriate training is a resultant increase in readiness.

On the average, Reserve combat divisions and brigades have improved deployment capability by 2 weeks during this past year.

You will note that for the Active Forces the figures are not the ones submitted by the Department of Defense, for we in the Congress had imposed upon the Department an "average year strength." This year, the committee decided to change that requirement to a maximum end strength. The figures that you have before you represent that committee decision but reflect the end strength requested by the services in their budget submissions. We did this because in recent years Congress has not completed its work on the authorization bill until after the beginning of the new fiscal year, and if Congress reduces the average strength, the time the law becomes effective determines in a large measure the number affected by the reduction. For example, if it is known that the average strength of a service is to be reduced by 1,000 man-years, there could be a cut of 1,000 men at the beginning of a fiscal year, but if that reduction begins in the middle of the fiscal year, the reduction is increased to 2,000 personnel, and if it begins in the last month of a fiscal year, there would have to be a personnel cut of 12,000 persons to affect that 1,000-average man-year reduction.

The results impact not only on personnel planning but also on readiness. Thus, in our bill this year, we authorized a maximum end strength for active duty personnel as follows:

The Army, 841,190; the Navy, 601,672; the Marine Corps, 197,965; the Air Force, 717,210.

For the Reserves:

The Army National Guard of the United States, 402,333; the Army Reserve, 261,300; the Navy Reserve, 129,000; the Marine Corps Reserve, 45,016; the Air National Guard of the United States, 87,614; the Air Force Reserve, 51,296; the Coast Guard Reserve, 11,800.

The Reserve strengths represent a slight variance from that provided last year. These variances primarily relate to minor reorganizations and changes in structure based on new equipment.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, an exception to this, however, is the Coast Guard Reserve. While we have an authorized strength in the Coast Guard Reserve last year of 15,000, we recommended only 11,800 this year, even though a recent study confirmed that

wartime requirements provide a mission for the Coast Guard Reserve requiring in excess of 22,000 persons within 30 days of mobilization. However, because of the lateness in starting the recruiting program last year, the Coast Guard now has only approximately 11,000 members of the Selected Reserve. They cannot get above 11,800 during fiscal year 1973 even if we authorized the 11,800 figure because they just do not have a training base large enough to accommodate more. We are firmly convinced, however, that they cannot rely on ready reservists for nearly half of their strength in the event of wartime mobilization, and that we must in the future build back to a strength of at least 15,000.

I strongly urge your support of the entire bill as I believe it represents the minimum required to preserve our national security.

Mr. Chairman, included in this bill is authorization of $299 million, the amount requested, for long-leadtime items for a new nuclear-powered aircraft carrier. These funds are essentially for the nuclear-propulsion plant of the new carrier.

Authorization of these items will provide the start for the fourth nuclear-powered aircraft carrier. The *Enterprise*, which was funded in fiscal year 1957, was commissioned in 1961 and is now 11 years old. The second nuclear carrier, the *Nimitz*, was funded in fiscal year 1969 and will be delivered in 1973. The third, the *Eisenhower*, was funded in fiscal year 1970 and will be delivered in 1975. When the long-leadtime items for the fourth carrier *CVN–70*, are funded this year, the carrier cannot be available for fleet use until 1980. Only when the *CVN–70* is operating will the Navy have two nuclear carriers in the Atlantic and two nuclear carriers in the Pacific. The carriers in the other oceans cannot be quickly brought to an area of emergency since they are too large to go through the Panama Canal.

The source of the energy is the paramount factor in the unquestioned superiority of the nuclear-powered carriers over conventional carriers. Because she does not have to carry large volumes of fuel oil for her own propulsion, the nuclear carrier has much greater room for aircraft fuel and ordnance. The greater staying power in combat consumables, coupled with virtually unlimited steaming endurance and freedom from oilers, makes the modern *Nimitz*-class carriers much more combat effective than any other ship afloat.

The advantages of nuclear propulsion in a modern aircraft carrier, such as *CVN–70* and the other *Nimitz* carriers, are shown on the table on page 19 of the report. The table reveals that a modern nuclear carrier has twice the strike capability, four times the ordnance capability, five times the jet fuel capability, and virtually infinite times steam endurance.

No weapon system, no land or sea base, no unit is invulnerable. A direct atomic blast can wipe out even the strongest position, even on land and sea. But the carrier has been constructed with all possible defenses and strengths to carry out its position against intense opposition.

The committee received considerable testimony on the amount of damage that the United States and British carriers actually absorbed in World War II. The American experience showed that no carrier, *Nimitz* or later, was ever sunk. The British experience with armored flight decks—our flight decks were made of wood—showed that that kind of protection significantly minimized damages. Since World War II there have been several accidents on board carriers, the most serious being the detonation of nine major-caliber bombs on the flight deck of the *Enterprise*. Yet, it could have been back in action flying and landing planes within hours if that had been necessary.

The amount of planning that has gone into making the carrier survivable has been extraordinary. Both the carrier and its equipment has been designed to withstand shock from nearby atomic blasts. The ship is divided into 2,000 separate watertight compartments which have no lateral openings from one to another. *Nimitz*-class carriers incorporate the latest design and engineering and are far superior to those of our older ships.

A more complete listing of its protections is given on page 20 of the report.

In addition, the carrier together with weaponry, planes and escorts has been designed so that an enemy attack has to pass through several layers of protection before reaching the ship. As a last-stand protection, the carrier will be provided with Phalanx/Vulcan guns which are designed to knock down missiles before they can reach the ship.

To sum it up Mr. Chairman, the carrier is needed. It will really be needed by 1980 when it can first become operational. It has been designed with the utmost care. I hope that the committee will retain the moneys for *CVN–70*.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the Chairman for yielding me this time, and I rise in support of the bill pending before us.

Mr. Chairman, included in the bill now before us is a total of $444.5 million to continue engineering development of the B–1 strategic bomber. The B–1—formerly known as the AMSA—is a long-range intercontinental jet bomber intended as the eventual replacement for the aging B–52 heavy bombers now in the force. The earliest B–52's have already been phased out except for those models being used in support of allied forces in Southeast Asia. The latest built B–52H will be 10 years old in several months.

The B–1, being developed to counter the expected threat in the 1980's and beyond, is on schedule and within cost estimates. The development program includes the design of the aircraft as well as the fabrication and test of three flight vehicles and one fatigue airframe. The first flight of the B–1 is planned for April 1974. This will be followed by a full year of testing before a production decision is made. The initial operational capability—IOC—is planned for November 1979, based on receipt of production approval in April 1975.

Since our appearance before the House last year on the fiscal year 1972 authorization bill, the Air Force has completed the preliminary design review and the mockup review, which were the first two milestones. Full-scale component testing of the F–101 engine is complete. Current effort indicates that tests of the full-scale engine will be initiated on or ahead of schedule.

In fiscal year 1973, effort will be concentrated on the next two major milestones: design validation and critical design review. Aircraft No. 1 will be in final assembly and should be 75-percent complete by the end of the fiscal year. Aircraft No. 2 will be 33 percent complete and the first four of the XF–101 engines will be delivered.

Mr. Chairman, in the Armed Services Committee markup this year, as well as last year, an amendment was offered to delete all of the funds requested for the B–1 development. The amendment was overwhelmingly defeated; however, it is my understanding that the same amendment will be offered here in the House when the bill is read for amendments.

Arguments used against the B–1 include cost, initial survivability, penetration capability, and the lack of a similar system being developed by the Soviets.

COST

During our hearings this year, Counsel Slatinshek questioned Air Force witnesses on a study made comparing the cost of the later model B–52G/H with that of the B–1. The answer, found on page 9887 of our hearing record, was very illuminating. In terms of 1970 "constant" dollars and equating costs for the B–52G/H on the basis of being among the first 241 B–52's produced, the 1970 unit production cost of the B–52G/H would be $25.5 million compared to the estimated unit production cost of the B–1 of $30 million.

Not an unreasonable difference when one compares the capabilities of the two aircraft.

INITIAL SURVIVAL

The problem of initial survival for the bomber fleet has become more critical with the advent of potential missile attacks—particularly if the attack is by submarine launched ballistic missiles that use depressed trajectories from close-in offshore locations to minimize warning time.

The Strategic Air Command has done many things to improve the initial survival of the B–52 force. The B–1 overcomes some of the remaining inherent deficiencies to assure initial survivability well beyond that of the B–52's.

The solution to bomber survival, as with missile survival, can be approached in several basic ways: hiding from the enemy, hardening to withstand weapon effects, and reacting to the enemy's attack. United States sea-based missiles are hidden in the oceans, our land-based missile silos are hardened against nuclear effects, and both types of missiles can be

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launched on warning of attack by Presidential order to avoid any enemy strike. The B–1 bomber may use all three means of improving initial survival. It hides by dispersal to any of many bases or by going on airborne alert during times of intense international stress; it is hardened to effects of nearby bursts of nuclear weapons—unlike the B–52; and it can be launched on warning by the commander in chief of the Strategic Air Command—commitment to a mission can only be made by the President. The combinations of effects of such capabilities result in a cumulative probability of initial survival for the B–1 that is greater than the mere sum of the individual components affecting such survivability.

Because the B–1 is designed with a much higher degree of self-sufficiency and requires a relatively shorter runway than the B–52, many more air bases are available than are required. This means that the B–1 can shift from base to base on a random schedule to keep its location ever changing, thus complicating enemy attack plans.

The B–1 is the first bomber to be designed to withstand nuclear effects of blast, radiation, and electromagnetic pulse. Such designed-in hardening, plus higher climbout and cruise speeds, means that the B–1 reaches a safe distance from an air base under attack much faster than the slower, more vulnerable B–52.

In all, the B–1's inherent design improvements over the B–52 permit it to utilize all three means of surviving an initial attack—hiding, hardening, and reacting. The combined effects of these three methods assure a much higher degree of survival for the B–1 than for the existing B–52 fleet.

PENETRATION CAPABILITY

The B–1 is designed to penetrate under the radar coverage of missile and interceptor defenses. In addition, the B–1 will have the option, unlike the B–52, of supersonic high altitude flight that may be used for penetration around the defenses. The low altitude flight mode of the B–1 is effective against surface-to-air missiles—SAM's—regardless of their speed and altitude capabilities; terrain-following flight negates even high performance ICBM defenses. The B–1's greater speed, lower altitude, reduced detectability, greater payload, and larger load of countermeasures assure its penetration through SAM and interceptor defenses to a much higher degree than that of the B–52.

STRATEGIC BOMBER DEVELOPMENT BY SOVIETS

The development of a new long range sweptwing bomber by the Soviets was first called to the attention of the House several years ago by the late L. Mendel Rivers, our beloved former chairman of the Armed Services Committee. This new bomber, now designated the Backfire, is a large aircraft, almost 2½ times the gross take-off weight of the FB–111 and approximately two-thirds the size of the B–1. It is a supersonic bomber, and it probably can be refueled in flight, according to testimony from Admiral Moorer, the chairman of the Joint Chiefs of Staff. With refueling it could reach virtually all targets in the United States.

Testimony was received by our committee that the Backfire could become operational in the next few years. Thus, it is clear that the Soviets are not standing pat in this area of strategic forces.

Mr. Chairman, any attempt to delete or reduce the funds authorized in this bill for the B–1 bomber should be rejected. Manned bombers, such as the B–1, will continue to be an indispensible element of our strategic deterrent for as far ahead as we can see for the following reasons:

First, bombers, in combination with land- and sea-based missiles, provide a hedge against future technological development which might severely degrade the capabilities of any one of the three major elements of our strategic offensive forces. The maintenance of this so-called Triad force has been a fundamental principle of U.S. strategic force planning for more than a decade, and its wisdom has been well demonstrated over the years.

Second, bombers provide insurance against an unlikely, but possible gross failure in our strategic missile systems. We have never fought a war with missiles, but we have with bombers. We know exactly what bombers can do, and cannot do, under wartime conditions. Missiles have yet to be tested in combat.

Third, bombers, together with strategic missiles, compound and frustrate Soviet "first strike" attack planning. If the Soviets launch their SLBM's first in an attempt to catch our bombers by surprise, they would give us time and cause to launch our land-based missiles before their ICBM warheads arrive. If the Soviets launch their ICBM's first and then their SLBM's, so that both arrive at the same time, our alert bombers would have ample time to take off and escape.

Fourth, bombers, together with strategic missiles, make the Soviet defensive task much more difficult and costly. They must have two different types of systems to defend against both.

Fifth, bombers are not limited under the terms of the proposed SALT agreement.

Sixth, bombers are more appropriate than strategic missiles for less than all-out nuclear war. Bombers, in contrast to missiles, can be used with greater precision since they are much less likely to go far astray from their intended targets, and they can be launched and recalled thus providing the opponent much more time to consider his response.

Seventh, bombers comprise the only major element of our strategic forces which can be used in conventional wars, large or small. Their value has been convincingly demonstrated in Southeast Asia.

For the above stated reasons, I urge you to support the continued development of the B–1 and reject amendments to delete it or delay it.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation, and also to say a few words about one of the programs in it that I think is vital to our country, and that is the Trident submarine, or what was previously known as the Underwater Launched Missile System, or the ULMS.

As a member of the committee, I cannot take the well here without saying at least a word responsive to the comments by our colleague, the gentleman from Massachusetts, who I suppose in a sense represents a kind of a generation gap between some members of the committee.

The impression that the gentleman from Massachusetts has given is one that somehow any appropriation for military spending is bad; that somehow if the committee spends money on weapons that we are contributing to a dark age, to something that is antithetical to human development, and that somehow we are holding back the forces of progress.

I know the gentleman is not as old as I am, but I think the gentleman ought to realize as a Member of this House that there are those of us who have served in World War II. That is regarded as ancient history in these days.

I know my children mention that when I tell them. They say, "Daddy, don't go back to those ancient days."

But I think that one cannot understand what this committee is doing, and one cannot understand why we do not have a philosophical debate on whether arms are or are not good every time a question comes up because most of the members of the committee have lived through days when the future of this world depended on whether certain countries and certain individuals had control of effective armaments.

I have had the privilege of reading through the current best seller, and I am only about halfway through it, and the Library of Congress is bugging me on it to get it back, Herman Wouk's very impressive "Winds of War." Anybody who lived through that period, I think, would understand the touch and go situation that faced the world when Hitler launched his legions and when it was a question as to whether the British had enough research and development in the field of radar to be able to defend themselves against the attack that Goering and his inadequately prepared Luftwaffe was launching against them.

It is possible to spend too much money on weapons. But to suggest that somehow these weapons are undermining our country instead of protecting it is, I think, to ignore the lessons of history.

The gentlemen is entitled to his opinion, but I think we ought to state the other side of the case. The thing that disturbs me the most is to suggest that simply because we do not argue this question in committee every day that we do not have just as deep and just as strong and just as moral a conviction that what we are doing is designed to save this country and to prevent war.

That I think is misleading and I cannot allow, even at this late hour, those remarks to stand in the House record without some challenge from this committee.

One of the items in this legislation is an increase for a particular area of activity. It was requested in a sense as a follow-on to the SALT agreements. It has

to do with the Trident nuclear submarine.

I will not take the time of the Committee at this late hour to present all of the arguments, since I will extend my remarks, but I think we ought to remember that the most important key is our deterrent force, which has prevented a nuclear war, which the experts were telling us back in 1946 and 1947 was just around the corner, and that has still not occurred. We have deterred it. The key to that has been our underwater nuclear submarine Polaris fleet.

Some people, in fact, have argued that is all we need and that if we had Polaris we would not need anything else. Well, I do not entirely think that is true because there are other people who tell us, like Jack Anderson, I think, and some of these other experts, that the Soviets are already discovering a way to destroy our Polaris deterrent forces.

If that happens and if we have all of our eggs in that one basket, we will be in trouble. So I think it makes sense for us to try to improve the Polaris force, and that is what the ULMS does. That is all it does. It is a submarine that incorporates modern developments. It is quieter, so it is harder for the enemy to detect. It will have a longer range of missile. So instead of going within a few hundred miles of the Soviet coast, we can base our submarines at home, out of Charleston, if you will, or even Portsmouth, or maybe even out of Philadelphia, and still have them protecting us the way they are protecting us today.

This is an advance that we ought to work to achieve. This is what this bill today would do.

Mr. Chairman, I think if we really believe in maintaining peace, we ought to get going today and improve our Polaris forces in line with the recommendations of this committee.

TRIDENT

The Trident program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system, presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new Yankee class which can fire a 1,300-mile range missile. In the past year they started work on their 42d Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The interim agreement on strategic offensive arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about seven per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of "Shipbuilding and conversion, Navy (SCN)" funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the utmost importance that we continue to improve the quality of our submarines. In agreeing to

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let the Soviets have 62 nuclear-powered ballistic missile submarines to our 44 it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time in order to direct the attention of Members of the House to the fact that during the justified accolades paid to the gentleman from New York (Mr. PIRNIE), we did not mention that we are going to lose several other members of the committee. On the Republican side of the committee we will lose the gentleman from Missouri (Mr. HALL), who has rendered such great service to the committee. On the Democratic side we shall lose the gentleman from North Carolina (Mr. LENNON), and the gentleman from Pennsylvania (Mr. BYRNE), and the gentleman from Louisiana (Mr. SPEEDY LONG). All these individuals were chairmen. I want to pay them equal tribute with that paid to AL PIRNIE. We could not function without the overwhelming unanimity of the majority and the dedication that has been reflected in repeated votes on the committee and an understanding on the part of all its members.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $134,500,000; for the Navy and the Marine Corps, $3,101,600,000; for the Air Force, $2,508,600,000.

MISSILES

For missiles: for the Army, $888,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,772,300,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,201,300,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $189,100,000; for the Marine Corps, $62,200,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $194,200,000.

OTHER WEAPONS

For other weapons: for the Army, $70,400,000; for the Navy, $25,700,000; for the Marine Corps, $900,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight that it adjourn to meet at 11 o'clock tomorrow morning.

Mr. ANNUNZIO. Mr. Speaker, reserving the right to object, I should like to ask the distinguished majority whip if he intends to make a similar request for Wednesday also.

The SPEAKER. The Chair will answer that question. The Chair will not entertain a unanimous-consent request to come in early on Wednesday.

Mr. ANNUNZIO. Then I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 13188, COAST GUARD AUTHORIZATION, 1973

(Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 13188), to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard:

CONFERENCE REPORT (H. REPT. No. 92–1177)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And the Senate agree to the same.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30, 1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

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RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8140, PORT AND WATERWAYS SAFETY ACT OF 1972

Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States:

CONFERENCE REPORT (H. REPT. No. 92–1178)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment';

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: Provided, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: And provided further, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90–397 with respect to certain vessels of not more than five hundred gross tons: And provided further, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

"(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with

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regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States; *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION; CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment, have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEEDINGS.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "Title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title", and the Senate agree to the same

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000".

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000".

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas and the navigable waters of the United States, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The following Senate amendments made technical, clarifying or conforming changes: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28. With respect to these amendments (1) the House

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either recedes or recedes with amendments which are technical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

CITATION OF THE ACT

Amendment No. 1. Section 1 of the House bill provided that the Act may be cited as the "Ports and Waterways Safety Act of 1971". The Senate amended the bill to provide that the Act may be cited as the "Navigable Waters Safety and Environmental Quality Act of 1972". The Committee of conference agreed that the Act may be cited as the "Ports and Waterways Safety Act of 1972".

VESSELS CARRYING CERTAIN CARGOES IN BULK

Amendment No. 2. As passed by the House, the bill was intended to promote safety and protect the navigable waters from environmental harm primarily by authorizing the Secretary of the Department in which the Coast Guard is operating (the "Secretary") to establish vessel traffic services, systems and controls and minimum safety standards for structures. The Senate amendment inserted new material, designated as Title I, amending the Tank Vessel Act (46 U.S.C. 391a) to authorize the Secretary, in consultation with other agencies and departments, to establish standards for the design, construction, maintenance, repair, and operation of vessels carrying certain cargoes in bulk in order to protect the marine environment.

The purpose of the Senate amendment is to provide a systems approach to protection of the marine environment: improved traffic controls and improved vessel design, construction and operation. The amendment sets forth congressional findings to the effect that carriage by vessels of certain cargoes in bulk creates substantial hazards to the marine environment, that existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved, and that it is necessary that there be comprehensive standards established for all such vessels documented under our laws or entering our navigable waters. The Secretary, in coordination with other departments and agencies, is given broad authority to promulgate regulations with respect to these vessels, including their design, construction, propulsion machinery, equipment, manning and operation. He is directed to begin publication of proposed rules relating to certain topical areas as soon as practicable. Specific topical areas for Secretarial action are outlined by way of inclusion and not by way of limitation. With respect to vessels engaged in foreign trade, the effective date of standards is deferred in order to provide a reasonable period of time for the development of standards by international agreement. Finally, the Secretary is required to report annually to the Congress regarding his activities under the legislation.

The Committee of Conference carefully reviewed the Senate hearings relating to the Senate amendment. In addition, the House Merchant Marine and Fisheries Committee held hearings on the amendment on June 19 and 20, 1972 at which all interested persons were permitted to testify.

The Committee of Conference agreed to the substance of the Senate amendment with certain revisions, most of which were technical, clarifying or conforming in nature. The material inserted by the Senate was redesignated as "Title II" which the substance of the bill that passed the House was designated as "Title I". The more significant revisions to the Senate amendment include:

(1) exclusion from the title of vessels carrying dry cargoes in bulk which will be designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162). This revision was made at the urging of the Coast Guard which noted that such substances have not yet been designated and expressed concern that their inclusion might unduly strain Coast Guard resources. As revised, the bill would apply to vessels engaged in the bulk carriage of liquid cargoes which are inflammable or combustible, oil in any form, or hazardous polluting liquids. Gases carried in liquid form are also subject cargoes. The Committee of Conference also noted that dry cargoes would continue to be subject to the other title of the bill and, specifically, that the reference to "other hazardous circumstances" in section 101(3) includes the carriage of hazardous cargoes, including but not limited to those designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act.

(2) deferral for an additional year to January 1, 1976 of the latest date by which initial standards for the design and construction of vessels will be applied to vessels in foreign trade, including vessels of foreign registry, in the absence of internationally adopted standards. This amendment was also urged by the Coast Guard which noted that an international conference on the subject of preventing pollution from vessels is scheduled for late 1973 and which believed that an additional maximum delay of two years to allow development of international standards before unilateral imposition of standards might not be unreasonable. The earliest date on which standards may be unilaterally imposed on vessels in foreign trade in the absence of international standards remains January 1, 1974.

(3) providing the Secretary more flexibility with respect to the unilateral imposition of standards on foreign vessels. The Senate amendment provides that the Secretary shall begin publication as soon as practicable of proposed regulations setting forth minimum standards for vessels design and construction and was subject to the interpretation that the Secretary was required to unilaterally impose on foreign vessels all previously published proposed standards unless nearly identical standards were adopted internationally in each and every topic area. The language adopted by the Committee of Conference clarifies that the Secretary has flexibility not to impose a particular standard if he deems it inappropriate, for example, because other standards adopted internationally obviate the need for the earlier proposed standard published by the Secretary.

(4) revision of criminal and civil penalties in conformity with the conference action taken with respect to Senate amendments 25, 29, and 30.

SAINT LAWRENCE SEAWAY

Amendment No. 13. The Senate amendment provides that authority under the title with respect to the Saint Lawrence Seaway shall not be delegated by the Secretary to any agency other than the Saint Lawrence Seaway Development Corporation. The provision adopted by the Committee of Conference clarifies that the authority referred to is that set forth in section 101 (section 2 of the bill as passed by the House, section 201 of the bill as amended by the Senate). Other authority will be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent necessary for the proper operation of the Seaway.

CRIMINAL AND CIVIL PENALTIES

Amendment Nos. 25, 29 and 30. As passed by the House the bill provides for a civil penalty for violations of not more than $1,000 and for criminal penalties of not less than $1,000 nor more than $10,000 or ten years imprisonment, or both. The Senate amendment provides maximum civil penalties of $20,000 and maximum criminal penalties of $100,000 or one year imprisonment, or both. The Committee of Conference agreed on a maximum civil penalty of $10,000 and criminal penalties of not less than $5,000 nor more than $50,000 or five years imprisonment, or both.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.
WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

CABELL HAS A POINT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, in recent weeks, both the Dallas Morning News and the Dallas Times Herald printed lead editorials concerning my good friend and colleague, EARLE CABELL, and his views on revenue sharing. I thought that these statements of editorial opinion by two outstanding papers in my part of Texas would bear notice:

[From the Dallas Morning News, June 14, 1972]

CABELL HAS A POINT

The City Council and Rep. Earle Cabell are now involved in a disagreement that concerns us all, because it concerns our tax money. Specifically, the disagreement is over which level of government should collect the money from us.

On Monday the council voted to put more pressure on Dallas congressmen to get them to support legislation for federal revenue sharing with the cities. Dallas, of course, is one of the cities that could expect to get its share.

The idea of receiving a "free" share of the federal government's tax revenues has several things to recommend it to the council and, in fact, to all local and state officials.

First, there's the attractive feature that the local officials get the money without having to vote to raise it themselves. It has no doubt occurred to the councilmen—certainly it has occurred to most public officials—that the taxpayers are in no mood to have their taxes raised at the moment.

Taxpayers, in fact, are apt to react ferociously against those who move to add to their tax burdens. And city officials, being much closer to the taxpayers, are therefore more exposed to the heat of their anger.

Letting the Congress do the dirty work of voting the tax increases while the local governments do the more pleasant work of spending the money is understandably a popular plan at the local level.

Second, there is the undeniable fact that the federal government has, in the Internal Revenue Service, a remarkably effective and efficient instrument for the collection of our money. To put it mildly.

Third, there is the old, familiar and unfortunately all too accurate argument, that "if we don't take it, somebody else will." If Dallas makes a stand on its conservative principles and righteously turns away the handouts, this will not stop the handout process—it will merely mean that those other state and local entities who are eager to cash in on it will do so with less competition from us.

But Rep. Cabell, who was mayor before he was elected to Congress, has seen this process from both levels. And he said Monday that the council and other local and state governments are living in a "pipedream" if they think that they are going to go on getting federal money for long without strings being attached.

Fact is, he said, the officials on the receiving end "will be . . . doing the bidding of the federal government like a bunch of monkeys on a string."

Unfortunately, recent history bears out that argument, too. Remember when federal aid to education was being pressed on local officials? We were promised, then as now, that there'd be no strings.

As for the No. 1 argument for the council's position, Cabell said.

"This may look like a bird's nest on the ground. It looks like they are lowering local taxes, but they forget they're raising national taxes."

And that is the most significant point. We should never forget that as citizens and taxpayers we are involved in both sides of this process. The extra money we may receive as local recipients will be the same money we have just paid out as payers of those "national taxes"—less the bureaucracy's handling charges for taking the money to Washington, dividing it and sending it back.

Thus each dollar that we get via Washington costs us more than if we had raised the same dollar by local taxes—currently a federal dollar of aid costs Texans about $1.02 in federal taxes.

It would be far better to work out a plan whereby the federal government would share its sources of collection, letting the local and state governments collect part of the money formerly collected by the feds. This wouldn't ease the local officials' problem with political heat, but it would allow the raising of money to be done in the area where it is to be spent—and without adding to the taxpayer's total tax burden by disguising local spending as federal taxes.

Working out such an alternative plan requires a national approach, of course, and a considerable amount of initiative from Rep. Cabell and his colleagues in Washington. Your move, congressmen.

[From the Dallas Times Herald, June 14, 1972]

RISKS IN REVENUE SHARING

The prospect of easy money from federal revenue sharing has prompted the Dallas City Council to urge Dallas area congressmen to support a measure now under study in Washington. The city's need for additional revenue makes the plea understandable but we believe revenue sharing would be more of a liability than an asset.

In the first place, there are no excess federal funds to share. Annual deficits are running about $40 billion a year and the proposed $5 billion annually in revenue sharing would simply add to the deficits. And where does that money come from, except from the pockets of individual citizens and companies, Dallasites included.

A second objection, which we have stated frequently, is a philosophical one. He who spends tax money should have the responsibility of levying the taxes. Having the Congress earmark billions for various governmental subdivisions, billions gained through the federal income tax office, makes it easier for local or state officials to spend money without worrying about the taxpayer. In addition, we share Rep. Earle Cabell's concern that revenue sharing would tend to centralize, rather than decentralize, federal authority because it places more taxation power in the Congress. There has been much loose talk about unrestricted grants but the Congress isn't likely to hand cities, counties and states a bundle of cash without strict guidelines.

And lastly, nearly all the revenue sharing proposals are weighted in favor of states with corporate or personal income taxes. Approval of a sharing plan would put pressure on the Texas legislature to adopt some kind of income tax in order to get Texas' fair share of the gravy.

We recognize the fiscal problems of Dallas and other cities, but we believe that Dallas citizens would rather have control of their own tax affairs. The city sales tax, the new garbage fee and other service charges have relieved somewhat the pressure on the property tax.

Federal programs providing specific grants in aid for cities should be continued but we believe that all-out revenue sharing should be defeated in the Congress.

CONTENT OF FINANCIAL STATEMENTS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, on April 3, 1972, I was advised by the Chairman of the Securities Exchange Commission, William J. Casey, that his office is engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. Securities and Exchange Commission Chairman William J. Casey also advised me that their present rules require separate disclosures of provisions for: First, Federal normal income and surtax; second, Federal excess profit tax; and third, other income taxes.

In reviewing the annual reports filed with the SEC, last year United States Steel Corp., Standard Oil of New Jersey, IBM, and other American corporations, I find that these corporations have combined their Federal and foreign taxes—so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC Rule 5–14, 15, commercial and industrial companies are required to state separately: first, Federal income taxes; second, Federal excess profits taxes; and third, other income taxes—State, local, and foreign.

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal Government.

I have asked Chairman Casey whether the Securities and Exchange Commission considers this type of consolidated reporting to be a violation of the aforementioned rule. If this is, in fact, a violation of the rule, I have requested Chairman Casey to provide me with a determination as to the type of action the SEC plans to take with respect to the enforcement of its regulations on this subject.

Following is a copy of a letter I received from Chairman William J. Casey on—and a copy of a letter which I have forwarded to him on apparent transgression of SEC rules:

APRIL 3, 1972.

Hon. CHARLES A. VANIK,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: Thank you for your letter of March 23, 1972. At this time we are engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. The Commission's proposal for revisions of existing rules was published August 20, 1971. A copy is enclosed. You may be interested in "Item 15, Income Tax Expense" at page 26. Our present rules require separate disclosures of provisions for (1) Federal normal income and surtax, (2) Federal excess profit tax and (3) other income taxes.

I wish to assure you that the views expressed in your letter will be thoroughly considered.

Sincerely,

WILLIAM J. CASEY,
Chairman.

JUNE 22, 1972.

Hon. WILLIAM J. CASEY,
Chairman, the Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: On April 3, 1972, you advised me that your office was engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. You also advised me that your present rules require separate disclosures of provisions for: (1) Federal normal income and surtax; (2) Federal excess profit tax; and (3) other income taxes.

In reviewing the annual reports filed with the SEC in 1971 for the United States Steel Corporation, Standard Oil of New Jersey, I.B.M., and other American corporations, I find that these corporations have combined their Federal and foreign taxes, so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC–5–14, 15, commercial and industrial companies are required to state separately: (1) Federal income taxes; (2) Federal excess profits taxes; and (3) other income taxes (state, local, and foreign.)

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal government.

Do you consider this type of consolidated reporting a violation of the aforementioned rule? If so, what action does the SEC plan to take with respect to the enforcement of its regulations on this subject.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress

ONLY ONE EARTH—THE U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MCCLORY) is recognized for 60 minutes.

Mr. MCCLORY. Mr. Speaker, the United Nations Conference on the Human Environment held in Stockholm, Sweden, between June 5 and 16, 1972, has been described appropriately as a turning point in human history.

This highly acclaimed meeting attracted representatives from 114 nations totaling an estimated 1,500 official governmental delegates. Our U.S. delegation, headed by Russell E. Train, Chairman of the Council on Environmental Quality, included distinguished environmentalists and public and governmental representatives, from a broad cross section of American society. Our colleagues, Congressmen JOHN DINGELL of Michigan, SEYMOUR HALPERN of New York, FRANK CLARK of Pennsylvania, and I were privileged to serve as part of our U.S. delegation. We were joined also by our colleague

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Congressman GILBERT GUDE of Maryland, who attended the conference as a congressional observer in behalf of the House Government Operations Subcommittee on Conservation and Natural Resources. I should add that it was with extreme regret that our colleague, JOHN BLATNIK of Minnesota, chairman of the House Public Works Committee, was unable, at the last minute, to participate. I want to commend highly the important contributions made by all of our colleagues who attended the Stockholm Conference.

Mr. Speaker, in addressing this report to the House of Representatives today, it is not my intention to detail the history and the background of this landmark meeting in behalf of protecting the planet earth from deterioration. However, I would like to state at the outset that my colleagues and I are convinced that unless prompt and comprehensive steps are taken on a global scale the human environment could soon deteriorate to the point where it would no longer sustain human life.

Mr. Speaker, I would like to say in my own behalf that, in my opinion, no international conference has been more carefully or thoughtfully organized or prepared. Following the original proposal by Sweden, made in the spring of 1968 at a session of the U.N. Economic and Social Council, this 1972 Conference was officially approved by the U.N. General Assembly in December 1968. The United States was one of 55 nations endorsing this Conference and, thereafter, became a member of the key 27 nation Preparatory Committee. This Preparatory Committee worked during the intervening 4 years in developing the agenda, and in preparing detailed documentation and recommendations for consideration at the Stockholm meeting.

Mr. Speaker, in connection with this preparatory work, the leadership of Maurice Strong of Canada, who served as Secretary-General of the Conference, deserves special commendation. He was a dynamic and capable leader who guided the affairs of the U.N. Conference from the time he assumed his office in 1969 until the final adjournment of the Conference on June 16, 1972.

The night preceding the opening of the Conference, an ecumenical service was held in the Stockholm Cathedral. In addition to the participation of several clerics, the Conference Secretary-General, Maurice Strong was scheduled to deliver an address at this service. As a result of his unavoidable absence, his formal statement was read with dramatic presence and effect by Mrs. Strong. She spoke from the cathedral pulpit to an assemblage representing every part of the globe. This emphasis on spiritual power gave inspiration and hope at the very outset of this historic Conference.

The objectives of the Stockholm Conference should be kept well in mind. These were stated by our U.S. group as follows:

The overall U.S. objective for the Conference is to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment.

While slated as an "action" Conference proposing urgent steps essential to the protection of various aspects of the human environment, there was no suggestion that economic or social developments must be reversed. On the contrary, at the very outset of the meeting, the Secretary General of the United Nations, Kurt Waldheim, had high praise for the social, economic and cultural advances that have occurred in the developed world. He emphasized that these benefits must be shared with the people of the less developed countries—at the same time as the programs for environmental protection and improvement go forward.

Mr. Speaker, our congressional delegates took an active part in the discussions on all of the six subject areas considered by the three Committees established for the Conference. In addition to our individual preparatory work, we had the advantage of a full-day briefing at the State Department about 10 days before our departure for Stockholm, as well as a followup session at the U.S. Embassy the day before the Conference opened officially. Also, our delegation held a group meeting each morning at 8:30 a.m. before proceeding to the Plenary and Committee sessions. Aided by capable technical staffs, including some of the best scientific minds in the world on the subject under discussion, our U.S. delegation performed consistently as a team determined to make the Conference a successful "first step" in the solution of global environmental problems.

Mr. Speaker, a great many publications were developed in preparation for the Stockholm Conference, but none was more succinct or more helpful than that prepared by the Secretary of State's Advisory Committee, headed by our colleague in the other body, HOWARD H. BAKER, Jr., U.S. Senator from Tennessee. In addition to the volume which his committee produced, Senator BAKER was in attendance throughout the Stockholm Conference providing the benefit of his intensive study of and concern with all of the subjects on the Stockholm agenda.

Now, Mr. Speaker, relating to my individual experiences, I wish to point out that I was assigned as a member of Committee I to deal with Subject Area I: "Planning and Management of Human Settlements for Environmental Quality." In our committee work on the subject of "Human Settlements," I had the privilege of serving with Mr. Laurence S. Rockefeller, Chairman of the Citizens Advisory Committee on Environmental Quality, and Samuel C. Jackson, General Assistant Secretary, Department of Housing and Urban Development; as well as Charles J. Orlebeke, Deputy Under Secretary, Department of Housing and Urban Development, who was also Technical Advisor to our Committee members. The critical aspects of this subject involved the frightening growth of population in most areas of the world, the general impact of urbanization in both the developing and developed nations, and all of the related subjects of housing, transportation, sewer and water services and other subjects affecting human settlements. These made the work of our committee extremely interesting and rewarding.

Mr. Speaker, I would like to recall at this point that in all of my discussions with delegates from the more than 100 other nations, there were no expressions of hostility or unfriendliness toward either our nation or the American people. Instead, all of the delegates appeared to devote themselves to the subject assigned to us for discussion and to direct the debates toward the 24 recommendations upon which our committee acted.

Mr. Speaker, this is not to say that there was complete agreement at all times and on all issues. In the contrary, the debates were quite spirited and differences of opinion were sometimes quite marked. At a later time I shall give an account of the recommendations of our committee, which will indicate the broad scope of our deliberations and recommendations.

Other committees made similarly meaningful recommendations, most of which, in turn, were favorably acted upon at the plenary session of the Conference during the final days in Stockholm.

Mr. Speaker, a number of accounts have come out of Stockholm reporting on events there. For the most part, I feel that the public has misunderstood the depth and seriousness of the discussions and actions which occurred at this Environmental Conference. The few attacks which appeared to be directed at our Nation were publicized way out of proportion to their significance. In the speech of the Prime Minister of Sweden, the United States was not mentioned directly; and, in any event, only a very few words of his entire address were of a character to cause us to take offense.

It should be noted that this is one of the first international meetings at which representatives of the People's Republic of China—Communist China—appeared, and it was my first individual experience in meeting with representatives from the Chinese Mainland. Insofar as their conduct in committee I was concerned with, I should report that they were completely inactive. They declined to vote on a single issue and refused to participate in any way in the committee discussions.

While the Soviet Union, together with several of their satellite governments boycotted the Conference—because East Germany which is not a U.N. member was not invited—it is noteworthy that delegates from Romania and Yugoslavia participated actively in all aspects of the Stockholm meeting.

Mr. Speaker, I am certain that several of my colleagues will want to comment on their individual activities and also to discuss the unofficial and extraneous events which attracted some newspaper, TV, and radio coverage, but which provided nothing constructive to the U.N. Conference activities. Many of those who came to Stockholm were there to attend the so-called environmental forum and other less official gatherings. Unfortunately, the other gatherings served primarily to divert attention from the genuine environmental issues and impinged upon the limited time of some of the delegates. In their efforts to attract attention to themselves, some of these self-ordained missionaries employed emotional and inflammatory tactics.

Mr. Speaker, I should add that most of the non-Governmental Organizations—NGO's—present in Stockholm represented outstanding environmental and conservation groups. They contributed substantially to the knowledge and prestige of the U.N. Conference. An exceptionally fine series of lectures were sponsored by the International Institute for Environmental Affairs in cooperation with the Population Institute. This series included a presentation by the noted Norwegian author, anthropologist, and explorer, Thor Heyerdahl; and, by the noted Swedish economist, Gunnar Myrdal.

Mr. Speaker, my experiences with environmental subjects have been many and varied during my years here as a Member of this body—and elsewhere. However, I attended the Stockholm Conference not as an environmental expert, but as a lawmaker—because, as lawmakers, you and I and every Member of this body must assume responsibility for translating public hopes and aspirations into laws and appropriations upon which effective action affecting the environment can be taken.

At one stage of the U.N. Conference, I addressed myself along this line substantially as follows and I ask leave to insert here my own remarks as delivered at Stockholm.

REMARKS OF CONGRESSMAN ROBERT MCCLORY, MEMBER OF THE U.S. DELEGATION AT THE UNITED NATIONS WORLD CONFERENCE ON THE HUMAN ENVIRONMENT

As a representative in the United States Congress and member of the United States Delegation to this Conference, I am pleased to be assigned particularly to the Committee dealing with the planning and management of human settlements for environmental quality (subject area No. 1).

I am impressed by the critical nature of this problem in almost every country, the extent to which the subject impinges upon virtually every aspect of the human environment, and by the fact that the theme of this conference—only one earth—must likewise be the limit within which the problems of human settlements may be solved—since there is "only one earth" upon which the human species may be sustained.

The scientific information, and the reports of experts covering every conceivable discipline with which this conference is concerned—have produced—and will continue to produce benefits to mankind which can be measured according to a variety of parameters. However, ultimately, as the preparatory committee has prescribed—and as this conference will certainly conclude—action programs at international, national, and local levels will be required.

The basis for all national action rests with the national parliaments or law-making bodies of our respective governments. Indeed, even national policies, whether enunciated by a government's chief executive or administrative heads, must be authorized or confirmed by appropriate legislative action. In addition, the funds which are essential to the implementation of national policies and programs must be appropriated by the parliamentary branch of our respective governments. Of course, the source of funds, i.e. The revenues with which to defray such appropriations must be based upon enabling legislation.

The expression that dominates many current environmental fears and solutions is that they are "so much rhetoric". Indeed, when talk—(even at the level of an International Conference)—replaces action, such references are well grounded. In sum, the ultimate ideas and steps for effecting improvements in the human environment require the utmost in national and international cooperation and coordination—including the education and training of personnel charged with the responsibilities inherent in any environmental control programs.

But, bear in mind, that all of the educational and training programs, as well as authority for the research and development of plans and techniques, require legislative support. Even the movement of population and the control of population growth may be influenced by legislative action. Furthermore, the agencies and administrative bodies which governments authorize for carrying out the planning of human settlements, the location of industrial developments, the establishment of power sources and transportation facilities can only be realized after the national parliaments or legislatures have passed laws which authorize such action.

Finally, all international arrangements and institutions require legislative authorization or approval. In the case of the United States, international cooperation in the form of treaties requires approval by the U.S. Senate. Other international action, in which the expenditure of funds of the United States may be involved, would require implementation through legislative action by both the House and the Senate.

I am not certain that either this conference or all of the other meetings and conferences which are being held will render our lawmakers experts on the subject of the environment. It is fundamental that a great deal of expert counselling and advice should be made available to our national lawmakers and to the committees or commissions upon which they are represented . However, it is important that it be said here—and vital to the success of any action which is undertaken as a part of this conference—or hereafter—that the critical need is for effective, comprehensive and long range legislative action and goals. This should be clearly understood—and we should go forth from these sessions determined to implement our decisions with action—legislative action, that is, new laws—wherever required.

In my own case, the Congress of the United States represents the key to the solution to our national environmental problems. It is likewise an essential part of all international programs which may be developed to help protect and preserve the land and the sea and the air for this and future generations of mankind.

Mr. Speaker, finally the Conference adopted a declaration which has been heralded by many as the most significant accomplishment of this great international meeting. There was substantial conflict as to the international principles which should guide all nations on the basis of uniform standards of conduct. It seems, indeed, that a turning point in human history was experienced when the vast majority of the representatives from 114 nations from every section of the globe, both developed and underdeveloped, small and large, were able to agree in principle on the broad guidelines which can protect the earth's natural resources and improve the quality of the environment upon which the survival of mankind depends. In brief summary, the declaration provides, as follows:

Man has a fundamental right to freedom, equality, and adequate living conditions in an environment which permits a life of dignity and well-being. Policies of apartheid, racial segregation, discrimination, colonialism, and other forms of oppression must stop.

The natural resources of the earth must be safeguarded for present and future generations.

Man has a special responsibility to safeguard the heritage of wildlife.

Nonrenewable resources of the earth must be used in a way to guard against exhaustion.

The discharge of toxic substances must be halted.

Nations shall take steps to prevent sea pollution.

Nations have the sovereign right to exploit their own resources according to their own environment policies and the responsibility to ensure their activities will not harm the environment.

International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries.

Mr. Speaker, the principal objectives sought by our U.S. delegation, and outlined earlier by President Nixon, were substantially achieved. These consist of the following: first, establishment of a viable agency within the United Nations to coordinate United Nations environmental activities; second, establishment of an environmental fund totaling $100 million over the first 5 years, of which the United States has pledged up to $40 million on a matching basis subject to congressional approval; and third, establishment of a global earth watch program to coordinate a monitoring of environmental conditions and trends in the atmosphere, oceans and soil. In addition, the U.N. Conference approved such significant U.S. recommendations, as—

First. The early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species.

Second. The strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling, and

Third. A Declaration on the Human Environment containing important new principles to guide international environmental action.

At a later time, I will ask leave to insert several significant and informative newspaper articles regarding the Stockholm Conference which supplement the remarks made here today—and to help place in perspective the significant Stockholm Conference on the Human Environment.

Mr. MCCLORY. Mr. Speaker, I now yield to the gentleman from New York (Mr. HALPERN) who served so ably as one of the delegates.

Mr. HALPERN. I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I wish to compliment the enormously capable gentleman from Il-

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linois (Mr. McCLORY) for taking this time today briefly to discuss the United Nations Conference on the Human Environment which was held in Stockholm, Sweden, from June 5 through June 16.

I was privileged to have served as a member of the distinguished United States Delegation along with the gentleman from Illinois, who performed so creditably in Stockholm. Likewise, this House can well be proud of our other colleagues who participated at this historic conclave which brought 114 nations together to agree on mutual cooperation for environmental protection. I refer to the able gentleman from Michigan (Mr. DINGELL), the distinguished gentleman from Pennsylvania (Mr. CLARK), and the esteemed gentleman from Maryland (Mr. GUDE), each of whom contributed invaluably in his respective role on the delegation.

The representatives of the other body on the delegation similarly performed with great skill and achievement. The outstanding Senator from Tennessee (HOWARD H. BAKER), chairman of the Secretary of State's Advisory Committee to the U.N. Conference on the Human Environment, provided tremendous expertise, as did his colleagues from the other body: HARRISON A. WILLIAMS of New Jersey, CLIFFORD P. CASE of New Jersey, WARREN G. MAGNUSON of Washington, CLAIBORNE PELL of Rhode Island, JAMES L. BUCKLEY of New York and FRANK E. Moss of Utah.

It has been one of the most rewarding experiences of my 14-year tenure in the House of Representatives to have served with these most able legislators and with the highly skilled representatives of the administration and private sector who comprised the U.S. delegation to the Stockholm Conference.

All of us, I am sure, left Stockholm with the conviction that the 2-week conclave had accomplished virtually everything it had intended to do. The official representation in Stockholm reflected the diversified opinions and attitudes of the world's 3½ billion people by reconciling, to a remarkable extent, the contrasting philosophical, ethnic, social, and economic backgrounds.

One highlight of the Conference was the unanimous agreement on the existence of a worldwide environmental crisis applying to every aspect of the earth—oceans, atmosphere, and land. Of course there was bickering, political haranguing, regional disputes, and the open expression of philosophical differences. But all this is to be expected when the family of nations gathers together in quest of consensus on a critical issue. The important thing to point out is the miraculous success of the Conference. It produced an agreement that all the nations of the world have the grave responsibility of working together for global environmental protection.

The Conference approved a 200-point program of international action. It established a permanent organization within the United Nations to coordinate these actions. It adopted a Declaration of Principles to serve as guidelines and standards for future national and international performance.

I should also like to point out, Mr. Speaker, that the U.S. delegation went to this Conference with a most detailed understanding of the hundreds of items that were covered both in the committee and plenary sessions. It was the most remarkable job of preparation that I have ever observed and I wish especially to compliment Russell E. Train, Chairman of the Council on Environmental Quality, and Christian A. Herter, Jr., the State Department's environmental specialist, for the exceptional leadership they provided our delegation.

It is significant to point out that in virtually each instance the U.S. position on the Conference recommendations were sustained. In particular, there were 40 Conference recommendations ranging from wildlife protection to trade policy that the United States had especially favored. Foremost among these was the approval of the permanent environmental coordinating unit in the United Nations and the $100 million special environmental fund which were strongly urged by President Nixon as early as last February.

Although the Declaration of Principles turned out to be a matter of some controversy due to the Chinese delegation's move to alter the original version, the principles expressed in the final document actually concur fully with U.S. policy. I would like to quote the official U.S. assessment of the declaration:

> Although the resulting text is uneven in quality it contains important principles which may serve as a foundation for future international law, and its preamble contains concepts which may serve a wide educational value.

The Conference recommendations are, to a large degree, self-implementing. Many of them were addressed to the Secretary General of the United Nations and to the specialized agencies such as the World Health Organization and the Food and Agricultural Organization, both of which are called on to initiate, expand, and intensify environmental activities. An example of one of the significant innovations resulting from the Stockholm Conference is the earthwatch network of monitoring stations which will assess conditions of atmospheric and oceanic pollution.

As expected, many developing nations accused the technologically advanced countries of having precipitated the present crisis of global environmental deterioration and demanded that the industrialized nations make reparations in various forms. These attitudes did not, however, prohibit virtual unanimity on the bulk of Conference recommendations.

In summary, I would say that the Stockholm Conference has truly set the stage for an all-out effort in the area of worldwide environmental protection and the entire world community must cooperate in this timely effort for the survival of mankind.

I should point out, Mr. Speaker, that hundreds of nongovernmental organizations and individuals from scores of countries converged upon Stockholm at the time of the Conference in order to express their own point of view on the crucial issues at hand. Counterconferences were being held throughout the city. Participating in these conferences, forums and workshops were a mixture of individuals ranging from prominent scientists, ecologists, conservationists, and some concerned youth teams to so called ecofreaks.

Among the thousands of visitors to Stockholm in connection with the Conference were hundreds of Americans. Many were accredited through the U.N. Secretariat as representing nongovernment organizations, while a good many others, deeply concerned with environmental issues, had not been officially accredited, due to the fact that their organizations were not international in scope. Many of these enthusiasts felt left out of the proceedings. Some felt that they were not relating to the official conferees and were, in some instances, kept somewhat uninformed of the Conference's proceedings.

Our delegation felt that these people had every right to be heard, and we arranged means of communication with them and established an on-going dialog during the course of the Conference. In my own participation in this endeavor, I was impressed by the exceptional concern and complete dedication on the part of many of our youth who were there. The great majority had an exceptional knowledge of the subject at hand, a well-balanced sense of perspective on the problem and a genuine commitment to a healthier world. This attitude was indeed inspiring and the very presence of those groups and individuals contributed greatly to the overall impact of the Stockholm Conference.

Allow me to relate at this time, Mr. Speaker, some of the proceedings of the working committee of which I was a member covering the educational, informational, social, and cultural aspects of environmental issues. One of the subject areas of this committee on which I had the opportunity to focus particular effort was the recommendation calling for the establishment of an International Referral Service which won both committee and Conference approval.

This instrument should be considered as a necessary basic step toward resolving questions of information exchange which underlie all areas of Conference consideration. The referral service would make full use of the extensive services in existence and would operate in conjunction with them. When established, it will ascertain what information services exist, where they are, and how to gain access to them.

The successful recommendation resulted from a study conducted by the Conference Secretariat on behalf of the Preparatory Committee. It focused upon means of improved access to existing and continuing national and international information resources as representing the most important initial problem to be faced. The Referral Service represents a modest and feasible mechanism for improving such access and for determining both information needs and resources pertinent to environmental assessment and management.

A detailed action plan for establishment of the International Referral Services should be prepared for review by governments prior to implementation. It is significant to note that even the modest costs of the proposed International Referral Service can be minimized—and the effectiveness of the Service significantly enchanced—by the initial efforts and contributions of the governments and the bodies of the United Nations in first, surveying and assessing their own national and U.N.-related needs incident to environmental questions; second, identifying known information resources that can help meet these needs; third, voluntarily reporting such resources to the Referral Service; and fourth, promoting the use, evaluation, and continuing enhancement of the Referral Service, both as an information-exchange mechanism and as a means for progressively determining where additional attention to specialized information needs may required.

If we are to succeed in achieving meaningful environmental protection, there must be a change in present attitudes and methods. Change means knowledge. This means better and broader education on every level and more effective means of gathering, disseminating, and applying experience and environmental information.

I like to think of the proposed information referral service as a "knowledge fund."

We should view it in that sense, for the contributions from this service to each member of the world community will be invaluable. It would be impossible to evaluate the benefits of these contributions in economic terms.

All aspects of environmental problems are of concern to everybody in our deeply interdependent world today. These problems are such that no nation, no continent, no system can succeed in resolving them alone, or even attempt to resolve them without relating to the knowledge, expertise, and experience of others without drawing on the services envisaged in recommendation 137 as adopted at the Stockholm Conference.

Governments, consumers, business, labor, all people rich and poor alike, suddenly realize they are all in the same situation and that something must be done. In other words, no one of us can escape the responsibility of improving the state of our environment. All nations have a stake and concern. No political system or level of economic development is immune, for the environmental crisis is a global one. We must therefore encourage global cooperation in the exchange of knowledge and the application of that shared information.

The United Nations can bring governments together, as so clearly demonstrated by this Conference and its preparatory meetings. It has the machinery to create and expedite the necessary institutional arrangements to collect worldwide data, to evaluate, to exchange experience, and review appropriate implementation. The International Referral Service will hopefully prove to be a great advancement along the path of multinational cooperation in environmental control.

In conclusion, Mr. Speaker, I can assure my colleagues that the U.N. Conference on the Human Environment provided a most interesting personal experience on the one hand, and, more importantly, a giant step toward multilateral control of our precious natural resources on the other. Let us hope that the first dramatic successes, attained this month at Stockholm, will be followed by a sustained worldwide effort to save our oceans, air, and land masses from the ravages of pollution.

Mr. McCLORY. I thank the gentleman for his contribution, as well as for the very able service that he rendered at the recent Conference in Stockholm.

I now yield to the distinguished gentleman from Maryland (Mr. GUDE.)

(Mr. GUDE asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I thank the gentleman from Illinois for yielding. It was my honor and pleasure to serve with the gentleman from Illinois (Mr. McCLORY) and the gentleman from New York (Mr. HALPERN) and observe the invaluable service they gave at the Stockholm Conference. I went to the United Nations Conference on the Human Environment as a representative of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations.

I thank the gentleman from Illinois for his patience and for his leadership at Stockholm.

Mr. McCLORY. I thank the gentleman from Maryland for his contribution and for the very thorough way in which he prepared for this Conference and the close attention he gave to it, as well as his eloquent report on his participation in the U.N. Conference.

Mr. FRASER. Mr. Speaker, when one considers the worldwide consequences of marine pollution, depletion of key natural resources, and air pollution, international boundaries almost lose their meaning and the motion of interdependence of nations takes on a new meaning which can be felt by every man, woman, and child. Taking note of this fact, former U.N. Secretary General U Thant said:

> Like it or not, we are all travelling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives.

Noting the environmental decay rampant all over the planet, he went on to say:

> If present trends are allowed to continue, the future of life on earth could be endangered.

It was with this common danger clearly in mind, and the realization that only a worldwide common effort can deal effectively with that danger, that the United Nations General Assembly decided to convene the first world Conference on the Human Environment in Stockholm this year. Now that the Stockholm Conference is over and we look at its record, we can be thankful that, at the very least, such a conference was in fact held and that 114 nations came together to seek effective solutions to environmental problems.

If nothing else had been accomplished, at least the Conference would have served to focus world attention on the environment. But I think all would agree that a great deal more than that was accomplished.

Agreement was reached through a number of recommendations to establish an international "Earthwatch," to monitor and assess pollution of the earth, air, and water.

An appeal was made to the International Whaling Commission for a 10-year moratorium on commercial killing of whales, similar to the resolutions passed last year by both the House and Senate. The House resolution was produced by the Subcommittee on International Organizations and Movements which I chair.

Agreement was reached to convene a special meeting in London to consider an ocean-dumping treaty this fall after the U.N. Seabeds Committee meeting in Geneva this summer. The treaty would be presented for final consideration at the U.N. Law of the Sea Conference next year. As a congressional adviser on the U.S. delegation to the Seabeds Committee this year, I intend to support effective antidumping measures.

Of great long-range significance is the organizational proposal to establish within the United Nations a major new agency responsible for international environmental cooperation. The head of this agency would be second only to the U.N. Secretary General in environmental affairs.

Obviously if a new U.N. Environment Agency is to be effective it will require adequate funding. The United States has a major responsibility for funding, as the richest member of the U.N. and at the same time the world's biggest pollutor—an unfortunate byproduct of our advanced state of industrialization. Agreement was reached in Stockholm on a voluntary fund of $100 million over the next 5 years, a rather small figure in view of the enormous scale of environmental problems, and the amount of money that will be needed to implement the numerous Stockholm recommendations.

However, it is a start, and I believe we must make it clear to the world that the United States will devote its fair share of money and effort to this undertaking. Accordingly, today I am introducing a resolution urging that at the U.N. General Assembly this fall, the United States strongly support a General Assembly resolution which would establish the U.N. Environment Agency and voluntary fund, and that Congress declare its willingness to authorize funds for 40 percent of the budget of the new agency. The resolution is similar to Senate Concurrent Resolution 82, passed while the Stockholm Conference was in session. President Nixon has already stated his support for the voluntary fund and a U.S. contribution of 40 percent.

There appears to be wide support in Congress for reducing the United States' legal assessment for U.N. dues from 31.5 percent to 25 percent of the total U.N. budget. Such a recommendation was made last year by the Lodge Commis-

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sion, the President's Commission on the Observance of the 25th Anniversary of the United Nations, with the stipulation that the reduction be done over a period of time in accordance with our treaty obligations as a U.N. member, and that the reduction in our assessed contribution be accompanied by an increase in our contributions to the various voluntary funds under U.N. auspices. I can think of no more appropriate and deserving voluntary fund than a U.N. fund for the environment. Effective U.N. action against environmental decay is in the interest of all Americans.

American support for a U.N. fund for the environment would be an important first step in the right direction, if we are ever to begin to direct our national priorities away from wasteful spending on excessive armaments and trips to the moon, and toward such humanity-serving tasks as protecting and improving our environment.

The Stockholm Environment Conference was one of the most significant conferences ever held under the auspices of the United Nations, and points out clearly to those who question the usefulness of the United Nations that on many of the most crucial international issues, the United Nations is not only a desirable forum to rely on, but the only one which holds any prospect for worldwide effective action.

I urge my colleagues in the House to join together in support of a United Nations voluntary fund for the environment.

GENERAL LEAVE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SHOUP AMENDMENT TO CORRECT INEQUITIES IN DIVISION OF TIMBER SALE REVENUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 10 minutes.

Mr. SHOUP. Mr. Speaker, chapter 2 of title 16 of the United States Code provides for a share of timber receipts from Federal lands for the counties in which the timber was cut. These moneys are earmarked for school and road purposes and are of course desperately needed by the local governments involved. A reasonable share would do much to alleviate the property tax burden. The burden is heavy in western Montana where half the land area is Federal land with a commensurate loss of tax base.

It is my firm conviction that the intent of the original act was to reimburse local government for loss of tax base by sharing with them 25 percent of the gross value of the timber harvested. However, over the years liberal and sometimes devious interpretation of the law has resulted in reducing the rightful share belonging to local government to a mere pittance.

The problem involved with these payments is that they are based on net receipts rather than gross value. The 25 percent of these net receipts from marginal timber sale becomes a paltry amount when the Forest Service bookkeeping has been completed.

All conceivable costs are subtracted from the established selling price before the local government gets its cut. These costs include logging costs; falling and bucking, skidding and loading—include cost of skid roads—hauling, transportation, road maintenance, logging overhead, depreciation of equipment, and administrative costs. The next cuts are for slash disposal, erosion control, snag disposal, limbing of debris, the construction of temporary roads, and other necessary developments. Another substantial sum is extracted for "sale area betterment." This fund, known as KV moneys, is used for site preparation and reforestation. The most costly of the items is listed as "specified roads," extensions of the Forest Service permanent multiple-use road system.

Here are four examples of recent timber sales in our part of the country. I list the board feet involved, the selling price per thousand, the value of the sale, the net receipts to the Treasury, the amount realized by the local government, the amount that would be realized under provisions of my bill, and finally the dollar loss to local government under the existing system:

Scribe Creek Sale—Coeur d'Alene National Forest

(Volume, 3,350 (MBF))

Selling price L.S	$145.24
Log scale value	486,554.00
Receipts to Treasury	60,765.50
Returned to local government	15,191.38
Proposed returns	121,638.50
Loss to local government under present system	106,447.12

Rausch Mountain Sale—Kootenai National Forest

(Volume, 5,510 (MBF))

Selling price L.S	$143.23
Log scale value	781,497.40
Receipts to Treasury	75,578.36
Returned to local government	18,894.59
Proposed returns	195,384.31
Loss to local government under present system	176,489.72

McGinnis Sale—Flathead National Forest

(Volume, 1,590 (MBF))

Selling price L.S	$136.81
Log scale value	217,617.90
Receipts to Treasury	31,005.00
Returned to local government	7,851.25
Proposed returns	54,404.48
Loss to local government under present system	46,553.23

Bill Cyclone Sale—Flathead National Forest

(Volume, 12,070 (MBF))

Selling price	$140.41
Log scale value	1,694,748.70
Receipts to Treasury	6,035.00
Returned to local government	1,508.75
Proposed returns	423,687.18
Loss to local government under present system	422,178.53

My bill makes provision for payment of 25 percent of the gross stumpage value, the established selling price of the timber. The local governments are in many ways custodians of these lands for the entire country and should be reimbursed for their services rather than being penalized for their efforts. The current practice is at best a devious method of financing land and resource management.

Mr. Speaker, I ask that my bill regarding distribution of timber sale revenues be printed in the RECORD at this time in its entirety.

The bill follows:

H.R. 15686

A bill to amend Chapter 2 of Title 16 of the United States Code (respecting national forests) to provide a share of timber receipts to States for schools and roads

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 500 of Title 16 of the United States Code is amended to read as follows:

SEC. 500. Payment and evaluation of receipts to State for schools and roads.

Twenty-five per centum of the gross value of timber harvested during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided,* That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for school and roads by this section shall be based upon the product of volume of sale times the selling price, L.S.

FOOD STAMPS FOR STRIKING WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ADERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, next week the House will consider the appropriations bill for the Department of Agriculture and related agencies. At that time my distinguished colleague and friend from Illinois (Mr. MICHEL) will once again offer an amendment to bar expenditure of funds appropriated for the food stamp program in behalf of those who qualify solely because they are on strike. I intend to strongly support this amendment and would urge my colleagues to do likewise. Because this issue has been so clouded in heated and emotional rhetoric, and because some important new information is now available concerning the extent and impact of food stamp use by striking workers, I would like to take a few minutes this afternoon to outline some of the reasons why I believe it is imperative that the House adopt the Michel amendment.

Mr. Speaker, last month a book entitled "Welfare and Strikes: The Use of Public Funds to Support Striking Workers" was published by two economists, Professors Armand Thiebolt and Ronald Cowin, associated with the Wharton School of Finance and Commerce. In my view this book is the most comprehensive and best documented study currently available of the food stamp for striking workers question, and provides some important evidence that I hope will not be overlooked during the debate next week. By way of introduction let me cite the following major findings that emerged from the authors' investigation of a large number of industrial disputes over the last 3 years, including the General Electric strike of 1969–70, the massive General Motors strike of September-November 1970, a lengthy strike at Westinghouse plants in Lester, Pa., and numerous others:

In a typical strike situation, at least 50 percent and in some instances up to 90 percent of strikers had applied and been certified for food stamp benefits by the end of the strike.

The average bonus value of the food stamp benefits was about $100 a month for a family of four, but in cases where the union paid no strike benefits the value was considerably greater.

On the basis of food stamp utilization patterns found in the case studies and the extent of annual strike activity, the authors estimate the national cost of food stamp subsidies for striking workers to be almost $240 million annually.

The authors found almost unanimous agreement on the part of management groups involved in these situations that heavy use of food stamps by strikers tended to prolong strikes and significantly strengthen the hands of union negotiators at the bargaining table; in addition, many union officials candidly admitted that the availability of food stamp and other welfare benefits played an important role in sustaining support among their members for prolonged strikes.

In most instances the unions had well developed organizational plans for assuring cooperation by local welfare officials and informing union members how and where to apply for public welfare benefits. Because of the huge backlog of applicants during strikes local welfare agencies often set up emergency processing offices in union headquarters; in Detroit during the GM strike, more than 100 additional employees had to be hired to cope with the surge of applicants, two emergency offices were established, and more than 5,000 hours of overtime were recorded by local welfare offices during the 2-month strike.

In many instances, striking workers made use of additional forms of public assistance including AFDC–U, medicaid, general assistance, and emergency relief that in combination brought in up to $350 per month in tax free income during the strike period.

THE COST OF PUBLIC AID TO STRIKING WORKERS

Mr. Speaker, the study to which I referred above provides some striking evidence as to the growing cost of public aid subsidies to strikers. While the food stamp program accounts for the bulk of expenditures, other public aid programs, most notably AFDC–U, contribute significantly to the total. According to projections developed by Thiebolt and Cowin, the national cost of these subsidies during a year with the average amount of strike activity would be more than $350 million. I find it somewhat ironic to note that figure is almost precisely equal to the amount of additional appropriations authorized for education last week by the Hathaway amendment that many of us felt constrained to oppose in budgetary grounds. In these times, when we hear so much talk about the need to reorder national priorities, I think we must ask ourselves whether or not that $350 million might better be spent on programs like education, health and the environment with broad public benefits rather than to subsidize a minority of the labor force during its efforts to obtain higher personal wages and benefits. The following table indicates the national cost of public aid subsidies for striking workers. It can be readily seen that the food stamp program is by far the most important source:

ANNUAL COST OF PUBLIC AID SUBSIDIES FOR STRIKERS

Program	Average monthly benefit	Annual cost
Food stamps	$98	$238,826,000
AFDC–U	240	62,640,000
General assistance	67	2,412,000
Medicaid and other supplementary benefits	83	24,650,000
Administrative costs		25,000,000
Annual total		353,428,000

Source: Armand J. Thiebolt and Ronald Cowin, "Welfare and Strikes: The Use of Public Funds to Support Strikers" (Wharton School of Finance and Commerce, 1972).

While these figures indicate that public aid to striking workers is now a substantial Federal expenditure, they do not tell the entire story in terms of the magnitude of this kind of assistance in individual strike situations. Using data obtained from the Department of Agriculture and State public aid departments, Thiebolt and Cowin have provided some pretty dramatic evidence of the impact of strikes on food stamp and other public assistance rolls. Let me here just briefly summarize the data for two of the most important strikes that they have investigated:

The General Motors Strike, September–October 1970.—The strike by the UAW against General Motors which began in mid-September of 1970 and lasted 71 days involved more than 329,000 workers nationally, and more than 170,000 in Michigan—almost 18 percent of that State's manufacturing work force.

In Michigan alone, more than $10.6 million in food stamps bonus value was made available to strikers during that 2-month period, as well as an additional $5 million in other forms of public aid. When a similar calculation is made for other States in which GM plants were located, the national total comes to more than $30 million or $3 million a week in total public aid to UAW strikers, about 66 percent of this in the form of food stamps. The authors make the following comments about the effect of this public assistance on the income of an individual striking employee:

> Coupled with union strike funds, public aid protected General Motors employees from any severe economic hardship. Although most strikers were not receiving as much money each week as they would have if working, a significant portion of the General Motors strike force was living on $300 to $350 per month.

Data taken from records of the Michigan Department of Public Aid indicates that in August of 1970—the month before the strike began—109,000 individuals were receiving food stamp benefits, but that by October the rolls swelled to more than 400,000, nearly a four-fold increase. In August about 4,000 Michigan families received AFDC–U benefits while in November—after the 1-month waiting period had elapsed—the number increased to more than 19,000. Some small part of this increase, of course, may be a reflection of the general upward climb in public assistance rolls that we have witnessed during the past 4 or 5 years; but the preponderant share must certainly be attributed to the temporary enrollment of large numbers of striking GM workers in these two programs. Perhaps the best confirmation of this is that fact that the number of food stamp recipients in Michigan declined from a peak of 431,000 during November—the last month of the strike—to 163,000 in January after the dispute had been settled; in the case of AFDC–U, the decline was equally dramatic from 19,138 families at the peak of the strike to 7,600 in January of 1971:

GM STRIKE, FODD STAMP, AND AFDC–U PARTICIPATION RATES AND COSTS (MICHIGAN ONLY)

Month	Food stamps		Number (families)	AFDC–U cost[1]
	Number	Cost		
July	107,209	$3,973,638	3,591	$965,506
August	108,774	3,970,598	3,902	1,073,822
Strike began:				
October	403,404	9,375,584	7,056	1,698,400
November	431,122	10,125,375	19,138	3,807,759
Strike ended:				
January	163,657	5,253,974	7,601	2,202,588

[1] The fact that both participation rates and costs did not go up dramatically until November—1 month after the big jump in the food stamp column—reflects the 1 month waiting period requirement for AFDC-U. In the case of food stamps, strikers are eligible immediately after the work stoppage begins.

Westinghouse strike, 1970–71: In late August of 1970, 5,132 workers at the Westinghouse Steam Division Plant in Lester, Pa., walked out in a strike that lasted 160 days. The union provided no strike benefits from its treasury, but did set up an extensive system to inform strikers of their eligibility for welfare benefits, including a recorded telephone message service giving workers exact instructions on where and how to apply for food stamps, and eventually an arrangement with the local welfare board to set up an emergency office at union headquarters in order to accommodate the backlog of applicants.

The following data taken from tables in the Thiebolt/Cowin book indicate the extent of food stamp and AFDC–U utilization by strikers. In the case of food stamps it is evident that the participation rate rose dramatically during the first month after the strike began, as applicants are eligible as soon as their incomes drop. In the case of AFDC–U there is a 1-month waiting period, and as might be expected it was not until the second and third month that participation rates began to climb substantially. By the fourth month of the strike, food stamp participation in Delaware County had increased by nearly 500 percent and AFDC–U participation by more than 140 percent.

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FOOD STAMP AND AFDC-U PARTICIPATION AND COSTS, DELAWARE CO.

Month	Food stamps		AFDC-U	
	Number	Cost	Number	Cost
3d month before	5,923	$55,364	460	$128,938
2d month before	6,473	64,763	446	117,410
1st month before	6,822	69,139	363	111,840
Strike date:				
1st month after	11,881	214,783	404	109,464
2d month after	15,132	234,652	492	134,587
3d month after	15,310	248,279	681	192,451
4th month after	17,361	261,658	807	229,349
5th month after[1]	18,024	250,967	893	249,281

[1] Last month of strike.

In total, the authors estimate that striking workers received more than $1.6 million in food stamp benefits during the work stoppage, more than $190,000 in general assistance aid, and almost $127,000 in AFDC–U benefits. In addition, the latter two figures represent the cost only for Delaware County although a substantial part of the striking work force resided in other counties. When these further costs are computed the total public aid cost of the strike comes to $2.6 million. When this figure is divided by total man-days lost in the strike, it comes out to $18 a day—certainly a sufficient income to maintain the resolve of most workers to hold out.

At the peak of the strike in January, the authors conclude that fully 98 percent of the striking work force was receiving food stamp benefits and that another 17 percent were receiving general assistance payments. In an interview, a local union leader admitted the following:

> This was the first time our members received welfare benefits while on strike. Our experience with them has been very favorable. Yes, I think our membership now relies on welfare . . . I like to think that we could have stayed out for twenty-two weeks without welfare, but it would have been rough.

THE ECONOMIC CONSEQUENCES OF PUBLIC AID FOR STRIKERS

Mr. Speaker, the foregoing information certainly makes it clear that the budgetary cost of subsidizing striking workers is a major problem, and probably for that reason alone it would be in order to reevaluate our current policy in this area. But in my view, there is an even more serious objection to these strike subsidies: namely, the distorting influence they have on the process of collective bargaining and the inevitable cost push inflationary pressures they help create in an economy that is already in a serious state of disrepair.

We are now well into the Nation's first experiment with peacetime wage and price controls. While I welcome the progress in reducing the rate of inflation that the President's economic stabilization program has achieved, it would be highly unrealistic indeed to assume that the controls will be effective indefinitely or that they will not cause serious distortions in the economy over the long run. We were forced to take the extreme step of imposing mandatory controls last August because the traditional medicine of monetary and fiscal restraint had failed to sufficiently slow down the rate of inflation; in the words of Federal Reserve Board Chairman, Arthur Burns, the old rules no longer seemed to be working. Yet unless we can restore the old rules, unless we can succeed in reinvigorating the processes of the private market mechanism, I am afraid that we are in store for merely chronic prolongation of the kind of economic difficulties that have plagued us for the past 5 years. And in my view, termination of the practice of providing public subsidies for striking workers with its distorting influence on collective bargaining is one of the major items on this agenda of economic reform.

FAILURE OF DEMAND MANAGEMENT POLICY, 1968–70

Mr. Speaker, it is agreed by most fairminded observers that our current economic woes originated in the excessive full employment deficits of the Johnson administration during calendar years 1967 and 1968. In 1967, actual GNP outstripped potential GNP by more than $2.5 billion and during 1968 by more than $7.0 billion. The clear implication of these figures is that the economy was severely overheated and that output was outpacing actual economic capacity with consequent upward pressure on the price level. The obvious imperative for demand management policy was a slowdown in the growth of money supply and substantial Federal budget surpluses. In fact, though, the Johnson administration's policies moved in just the opposite direction. During 1967 the money supply—M_1—increased by 6.5 percent and in 1968 by 7.6 percent; similarly, the Federal budget registered a full-employment deficit of $12.4 billion during calendar year 1967 and $6.5 billion during calendar year 1968. That the rate of inflation hovered at about 6 percent when President Nixon took office in January of 1969, then, is really not very surprising.

Upon taking office the Nixon administration pledged to place the highest priority on reducing this galloping inflation by means of a gradual reduction of the excess demand in the economy. Pursuant to this objective, the Federal budget was brought into a surplus of $7.3 billion in calendar year 1969, and, with the cooperation of the Federal Reserve Board, the rate of money supply growth was reduced to about 3 percent during the same year.

This turn toward restrictive fiscal and monetary policy soon began to have the desired effect of slowing down the rate of economic expansion and reducing the inflation producing excess demand in the economy. Where real GNP had increased 4.5 percent during the peak of the expansion in the 18 months from January 1968 to mid-1969, it actually decreased by 1.6 percent during the next 18 months through the end of 1970. Similarly, plant capacity utilization, which had been at a rate of about 85 percent during most of 1968, dropped to less than 73 percent by the end of 1970; furthermore, the unemployment rate rose from 3.5 percent to almost 6.2 percent during the same period; and GNP, which had been running ahead of potential during 1968, dropped to almost $50 billion below its potential by December of 1970. Finally, the index of industrial production which had increased by 7.5 percent during the 18 months in 1968–1969 when the economy was overheated, declining by an equal percentage during the next 18 months in response to the deflationary fiscal and monetary policies.

These indicators suggest quite clearly that the conventional anti-inflation policy pursued by the Nixon administration substantially slowed down the rate of economic activity during the 18 months after mid-1969. Unfortunately, the expectation that this growing slack in the economy would slow-down the rising price level, as past experience and conventional economic theory would predict, was not vindicated. In fact, the GNP price deflator, which had risen by 5.7 percent during the period of excess demand, rose at an even faster rate—6.8 percent—during the next 18 months of economic slow-down. The consumer price index showed the same pattern; after rising 7.5 percent during the first period. The rate of increase escalated still further to 8 percent during the second 18-month period. The following table indicates this paradoxical phenomena of declining demand and economic activity and simultaneously rising price levels:

[In percent]

Indicator	Excess demand period (January 1968–June 1969)	Recession (July 1969–December 1970)
Demand indicators:		
Real GNP change	+4.5	−1.6
Index of Industrial production change	+7.5	−7.1
Corporate profits change	+7.5	−15.5
Unemployment rate [1]	3.7	6.2
Plant utilization rate [1]	85.0	72.4
GNP gap (billions) [2]	−$9.3	+$50.1
Price indicators:		
GNP deflator change	5.7	6.8
CPI change	7.5	8.0

[1] Figure in 1st column is monthly rate for January 1968, and 2d figure for December 1970.
[2] Figure in 1st column is for 3d quarter of 1968 and figure in 2d column for 4th quarter of 1970.

Source: Business Conditions Digest.

THE ROLE OF RISING WAGES AND UNIT LABOR COSTS

Mr. Speaker, I think the second column in the table I have just referred to makes it clear the persisting high levels of inflation that we experienced during late in 1969 through 1971 were not of the demand-pull variety. Fiscal and monetary policy clearly did succeed in its assigned task of cooling off the level of economic activity and in reducing demand pressures on the price level. That prices nevertheless continued to rise must be explained by other factors.

One of these additional factors, of course, was undoubtedly the inflationary psychology that gripped the country until the President's dramatic announcement of August 15, 1971. Where possible, bankers hedged on interest rates, businessmen on prices, and unions on wage rates in the common expectation that the price level would continue to rise and that larger than normal increases where

therefore necessary in order to maintain real purchasing power.

However, we would be ill advised, I think, to attribute this stubborn persistence of inflationary pressure to some great national psychological aberration entirely. For in the final analysis, the source of rising price levels in the face of a slack economy is more deeply rooted. In an effectively operating competitive economy, it would simply be impossible to translate inflationary expectations into inflationary wage and price behavoir for any sustained period of time unless someone succeeded in repealing the law of supply and demand. It is only in those situations in which economic entities—whether they be corporations or labor unions—have sufficient market power to at least partially exempt themselves from supply and demand pressures and constraints that inflationary expectations can be readily translated into actual inflationary behavior. This, I believe, is the real source of the strong cost-push inflationary pressures that persisted during 1970 and 1971.

In the name of fairness and sound policy I would be the first to admit that these market imperfections or excessive concentrations of economic power which fuel cost-push inflationary pressures exist on both the business and labor side of the economic equation. But I also think that the latter is the more serious problem and obviously the one most pertinent to our consideration of the amendment to be offered by Mr. MICHEL.

In order to get a fuller appreciation of the role that these wage-push pressures played in frustrating the antiinflation efforts of the original Nixon economic game plan, it is useful to compare wage and unit labor cost patterns during the most recent business cycle and recession with those for previous downturns during the postwar period. In examining this data one striking trend is apparent which makes the 1969–70 cycle unique: in each of the earlier four recessions or downturns, wages and unit labor costs were actually declining as the economy hit the bottom or trough of the recession. During the 1969–70 recession, however, this pattern did not occur: wages and unit labor cost increases did not slow down in response to growing slack in the economy, but, on the contrary, continued to rise unabated right through the low point of the business cycle in the fourth quarter of 1970. This, in my view, was one of the major contributors to the frustration of the Nixon administration's carefully designed demand-management policies.

The table below indicates quarter-to-quarter changes in unemployment, used here as a measure of the overall level of economic activity, and in manufacturing hourly wage and unit labor costs. In the 1948–50 cycle, for instance, wage rates were rising at a rate of 6 percent to 12 percent on an annualized basis during the quarters right before and after the peak of the economic expansion, or put another way, during the period of strongest demand pressures. However, during the four quarters or so prior to the bottom of the recession, as the unemployment rate crept steadily upward, the rate of wage increase slowed down to nearly zero and unit labor costs actually declined quite substantially. This same pattern is generally apparent during each of the other cyclical swings, though the timing varies from cycle to cycle, depending on its steepness. But in every case, except for 1969–70, wage rate increases during the quarters previous to the bottom of the recession are substantially below that rate of increase during the peak period—in most instances nearly zero—and unit labor costs actually tend to decline quite substantially:

[In percent]

Business cycle	Peak demand quarters		Recession quarters (peak to trough)						
	2 quarters before peak	Peak quarter	1st	2d	3d	4th	5th	6th	7th
1948–50:									
Unemployment rate	NA	3.7	3.8	3.8	4.7	5.9	6.7	7.0	
Manufacturing wage change	6.4	9.2	12.0	6.0	0	.4	.4	.4	
Unit labor cost change	9.6	0	9.6	5.2	0	−1.6	−6.4	−4.4 (trough)	
1953–55:									
Unemployment rate	2.7	2.6	2.7	3.7	5.3	5.8	6.0		
Manufacturing wage change	7.2	2.4	4.4	2.4	0	2.0	0		
Unit labor cost change	4.8	1.2	−1.2	13.8	4.8	−4.0	−4.8 (trough)	−8.4	
1957–58:									
Unemployment rate	4.1	3.9	4.1	4.2	4.9	6.3	7.4		
Manufacturing wage change	7.0	2.0	2.0	3.6	3.6	0	3.6		
Unit labor cost change	5.6	3.2	1.2	.4	13.2	14.0	−5.6 (trough)	−10.8	−2.0
1960–62:									
Unemployment rate	5.6	5.1	5.2	5.5	6.3	6.8	7.0		
Manufacturing wage change	9.2	3.6	0	1.6	3.2	0	0		
Unit labor cost change	6.0	−4.8	−.4	2.8	4.8	−9.2	−6.4 (trough)		
1969–70:									
Unemployment rate	3.4	3.4	3.6	3.6	4.2	4.8	5.2	5.8	
Manufacturing wage change	5.2	6.4	7.6	6.0	2.4	6.0	7.2	6.0	
Unit labor cost change	2.4	3.2	4.4	10.4	4.4	2.0	4.8	4.8 (trough)	

Note: The bulge in unit labor costs for the 2d and 3d quarter after the peak during most cycles reflects the fact that production tends to decline more rapidly than payrolls during the early part of the recession. By the 2 or 3 quarters prior to the trough, though, payrolls have been reduced, wage rates have leveled off, and consequently unit labor costs decline sharply. In the 1969–70 period, however, wage rates did not level off and as a consequence unit labor costs continued to rise unabated through the entire recession.

Source: Business Conditions Digest.

THE WORSENING BALANCE OF BARGAINING POWER

Mr. Speaker, in my view, the above data certainly helps to explain the paradox of rising prices in the midst of recession and substantial economic slack; it suggests that a strong and historically unique wage-push inflation may have played an important role in dooming the original Nixon administration policy of demand restraint to failure, and in forcing upon the Nation our current unprecedented experiment in peacetime wage and price control. However, in answering one question, it raises another: namely, what prompted this unique pattern of wage and unit labor cost increases during late 1969–70 recession. Can it really be said that union bargaining power has increased that much relative to management during the past decade?

On the surface this would appear to be a rather dubious proposition. Certainly the unionized sector of the labor force grew only imperceptibly, if at all, during the last decade. Moreover, there have been few developments that I am aware of, such as the emergence of stronger union leadership, or more cohesive and active membership that could somehow be said to account for greater union muscle at the bargaining table.

Nevertheless, a comparison of union and economywide wage increase patterns during this period clearly indicates that it was the union sector that was least responsive to changing demand conditions.

The index of private economy manhour compensation shows at least marginal responsiveness to the decline in demand that occurred during 1969 and 1970; during 1968, the peak year of the expansion, this index increased by 7.6 percent; in 1969, as slack began to set in, the rate of increase was 7.3 percent; and in 1970, when the economy hit bottom, the rate of increase was again slightly lower at 7.3 percent. Obviously one would expect a considerably slower rate of increase in the later years if the economy was truly operating in the classic com-

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petitive fashion. However, it should be noted that this index is biased upward by both the spillover effects of union negotiated increase on other rates, and by the fact that the index reflects a combination of both union and nonunion wage patterns. Ideally, one should compare an index for nonunion wage rates with the index for union wage rates rather than the one employed here, but unfortunately this data is not available.

By contrast, the index for first-year union negotiated wage rates moved in just the opposite direction; that is, counter to the expected pattern of lower rates of increase in response to growing slack in the economy. During 1968, the union wage index increased by 7.2 percent; during 1969 by 8.0 percent; and during 1970 when the unemployment rate had reached nearly 6 percent, by 10.0 percent. In the case of the building trades, the trend was even more pronounced: Negotiated rates increased by 6.7 percent in 1967–68, 8.2 percent in 1968–69, and nearly 12 percent in 1969–70. An almost identical pattern prevailed in the case of unionized local transit workers, with the rate of increase similarly rising to nearly 12 percent during the bottom period of the recession. Though wages as a whole were sticky and did not make the relative downward adjustment to a cooling off of demand pressures as should be expected, it is clear from the data presented above that union negotiated rates were the major contributing force to this pattern, and for that reason a strong source of the cost-push inflation that led some to describe the economy as being in a state of "stagflation" during 1970 and early 1971.

While it is impossible to provide any simple, neat explanation for these union wage patterns that run counter to basic laws of a competitive economy, the dramatic growth of union strike activity over the past decade, especially strikes of long duration, is surely one indicator of more aggressive union wage demands and the ability to actually obtain them. The table below indicates the sharp upward trend in man-days lost due to strikes for both all strikes and strikes of 60 days or longer. Since total employment increased by only 18 percent during the decade and union membership by only 12 percent, the 400-percent increase in man-days lost for all strikes and the nearly 500-percent increase for extended strikes must be attributed primarily to more aggressive wage demands and, in my view, an improved position at the bargaining table:

[In thousands]

	Man-days lost due to strikes	
	All strikes	Strikes of 60 days or more
Period:		
1961–63	17,000	6,576
1964–66	23,900	8,500
1967–69	44,662	21,643
1970	66,414	30,921

Source: "Handbook of Labor Statistics" (U.S. Department of Labor).

FOOD STAMPS, UNION WAGE DEMANDS AND ECONOMIC POLICY

Mr. Speaker, if we pull the three trends together that I have discussed thus far—the dramatic increase in food stamp usage by striking workers, the fivefold increase in strikes of long duration, and the cost-push pattern of union wage rates—I think the connection is pretty apparent, although obviously still no simple matter of direct cause and effect. Yet, in my view, these trends indicate that our collective bargaining process has gotten progressively out of balance and as a result we find ourselves in one of the most critical economic crises since the Great Depression.

It is clear from our experience over the last 3 or 4 years that traditional fiscal and monetary policy instruments simply cannot do an effective job of combating inflation in an economy that has accumulated as many structural imperfections, rigidities and concentrations of excessive market power as has ours, and that is consequently plagued by persistent cost-push pressures. Yet I think that anyone who reflects critically on our experience with Government-fostered wage and price controls over the past year would have to admit that this solution is no more promising in the long run. For once you politicize the economic decision-making process, and that is what has occurred, you might as well throw in the towel, jettison the whole delicate process of wage and price adjustment and resource allocation performed by the competitive market, and move toward a permanent system of Government control. In the short run and in emergency situations there is obviously a place for the kind of control program that the President inaugurated last August; but in the long run an economy half-controlled and half-free will yield the worst of both worlds. Since I certainly do not want to see us move in the direction of permanent controls and I am sure this sentiment is shared by the vast majority of my colleagues and the American public, we have no other choice but to get about the work of restoring the competitive dynamics of a market economy that has served this Nation so well in the past. This week we can take an important step in that direction by ending the economically unsound and debilitating practice of providing striking workers with Government subsidies.

To be sure, food stamp and other public welfare subsidies are only one part of the problem of an imbalanced collective bargaining system. On the union side, the fact that members have obtained substantially higher standards of living and the savings and assets that go with it over the past decade has undoubtedly increased their ability to employ the strike weapon to their own advantage, public welfare benefits aside. And on the management side, there have been equally important developments in the opposite direction which have undermined its ability to withstand the natural and necessary contest of economic muscle that occurs over the negotiation of a new contract.

For one thing, the continuing shift in business cost structures away from variable costs toward a higher proportion of fixed costs has reduced management ability to resist excessive wage demands. For example, the ratio of white collar workers who cannot be readily laid off during a strike, to production workers has increased substantially for most of our basic industries. To take one example, production workers accounted for slightly over 82 percent of the labor force in the food processing industry in 1945, but this ratio had declined to 62 percent by 1970. This same pattern is present in many other industries and it means that businesses have considerably larger fixed manpower costs to carry during a strike than previously. As a result, the point at which it is better to accept an inflationary settlement than continue to absorb the strike comes only that much sooner

If you look at corporate financial structures this problem of rising fixed costs in relationship to variable costs is similarly present. In the steel industry, for instance, long-term debt was equal to about 23 percent of net worth in 1960, but had risen to more than 40 percent by 1970. As a consequence, interest charges on long-term debt rose from 12 percent of net income in 1960 to 56 percent in 1970. Yet debt service charges are a cost that must be met even if production, sales, and income have been brought to a halt by a strike. Much the same point is equally valid concerning the long-term shift from labor to capital inputs that has occurred in most industries: plant and equipment must be maintained and depreciation charges continue despite stoppages in productive activity and income flow. Finally, the new international competitive climate of the 1970's means that in a growing number of industries, markets or orders lost during an extended strike may never be regained thereafter.

Thus, while public welfare benefits and rising affluence as well as a host of other factors have strengthened the position of union bargainers on one side of the table, the factors enumerated above had tended to weaken the management position. The result, then, is in some very real sense an increase in union "market power" and with it the cost-push pressure that wreaked so much havoc with our efforts to control inflation by traditional means during the last years of the 1960's.

THE TENUOUS CASE FOR PUBLIC SUBSIDIES FOR STRIKERS

Mr. Speaker, while the evidence presented thus far, both in terms of budgetary impact and consequences for the proper functioning of our economic system, suggests that this question is one of more serious moment than is often supposed, there still remains the familiar litany of justifications for these subsidies that union apologists never tire of repeating. Mr. Leo Perlis, who has been the motor force and chief strategist in the union drive to exploit the public welfare system, recently outlined several reasons why this practice should continue. Frankly, I find his arguments not very convincing at all, but since they will undoubtedly be used during the debate on the Michel amendment again this year, I want to conclude with a brief consideration of each of the points that he raises:

First, strikers are taxpayers. The argument here is that because strikers contribute to the funding of public welfare programs, including the food stamp program, while they are working, they are entitled to benefits when they are on strike. Yet, if you think about that assertion for just a while it is apparent that a pretty novel concept of government finance is involved; what, for the lack of a better term, might be termed the "cookie jar" theory of public finance; if you contribute from time to time, you have a presumptive right to dig into the jar when the appetite prompts you. Well, that may work well enough in the kitchen but it certainly could not work long when you are dealing with a nation of 100 million taxpayers and a budget of almost $250 billion. The whole point of the process of legislative authorizations and appropriations is to decide how public benefits are to be distributed, who shall be eligible, and under what conditions. In the final analysis, the mere fact of paying taxes into the general fund entitles no one to anything. If it did, the red budget ink we now see would in short notice be turned into a veritable torrent. If unionists believe that a case can be made for providing these subsidies for strikers, let them make the case. But to insist that they are taxpayers does not further the case one iota; it is a non sequitur of the first order.

Second, we feed criminals, and prisoners of war. Mr. Perlis' followup to that indisputable point of fact is, "Are fellow Americans engaged in industrial warfare entitled to less?" That analogy does not go very far, though, when you remember that we also keep criminals and prisoners of war incarcerated against their will. This is hardly the case during a strike, and though he is pleased to use the term "industrial warfare," that cannot disguise the fact that he is comparing apples and oranges.

Third, the starvation of children. If this is indeed the result of strikes, in the absence of public welfare benefits, then we might better reevaluate our whole industrial relations system. Yet Mr. Perlis and those who bandy this argument about know full well that the food stamp and AFDC–U programs, the major source of public welfare benefits for strikers, were only inaugurated in 1962, and that literally billions of man-days in strikes had occurred just in the 30 years between that date and the enactment of the National Labor Relations Act in 1935. Somehow children did not starve during strikes in those days, and there is even less reason to believe that this would occur now.

The basic point, though, is that in enacting the NLRA we adopted a basic policy legalizing the strike and lockout weapon as one instrument to be employed in the collective bargaining process. When employing these instruments, each side takes short-term risks and must bear immediate costs in the pursuit of a more overriding objective. If we remove these factors, then the system simply cannot work and we will be forced to adopt an entirely different arrangement. Of course, both sides are free to take precautionary measures to bolster their own position during the stoppage: businessmen run up inventories prior to the strike or lockout date, and unions build up strike funds and individuals savings. But this is the prerogative and responsibility of the parties involved, not the obligation of the Government.

Fourth, the minority striker. I never cease to be amazed at the torrent of crocodile tears shed by labor apologists on this argument. If the worker who wants to go back to work but is kept from doing so by a majority of his fellows would be treated as "unfairly" by termination of public welfare benefits to strikers as Mr. Perlis insists, why not get to the bottom of the problem and give him the right to decide whether or not he will join the union in the first place? It is often said that politics makes strange bedfellows, but to find union leaders arguing for the principle of a right-to-work law is a little disconcerting indeed.

Fifth, Government contracts. During the debate last year the point was made a number of times that if workers should not be eligible for public welfare benefits during a strike, then companies should not be allowed to receive Government contract payments either. Though that analogy is for the most part another case of apples and oranges, the fact is, in 99 percent of cases, a company may not receive payments unless the goods or services it contracted for are delivered. If sufficient inventories are not available and delivery cannot be made, then either the contract is terminated or fines are assessed for late delivery, or both. In either case, the company cannot be said to be receiving a public subsidy.

There is only one partial exception to this general rule. In a case where a contractor can establish that his failure to deliver during a strike was due to no fault of his own, then the contract may be terminated by "convenience" rather than by "default." In both cases he loses the contract, though in terminations by "convenience" fines are not levied.

SELF-INSURANCE COULD SAVE THE GOVERNMENT MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the General Accounting Office issued on June 14 a report to the Congress entitled "Survey of the Application of the Government's Policy on Self-Insurance"—B–168106. This is a very interesting and important report which many of my colleagues might want to look at.

According to the GAO, the Federal Government is literally giving away millions of dollars each year to private insurance companies which often assume no risk and provide few services. Huge amounts of money are being thrown down the drain for private insurance plans when the Government could do the job itself without having to pay expensive administrative costs and profits of insurance companies.

Among the programs GAO recommended the Federal Government become a self-insurer for, were the Federal Employees Health Benefit program and the Federal Employees Group Life Insurance program. The GAO report noted that in some cases involving these two insurance areas the Government was actually paying insurance companies for phantom expenses and nonexistent services. Government employees presently pay close to $1 billion per year in premiums for these two insurance programs. I believe it makes no sense at all for a government with a $220 billion annual budget to turn to a private insurance company for a $10,000 life insurance policy for a Government employee. By becoming a self-insurer in these areas, and others, the Federal Government could save tens of millions of dollars each year and Federal employees would pay less for their health and life insurance policies.

While the GAO report does not make a specific estimate of the savings that could be realized if the Federal Government became a self-insurer in certain areas in which it now contracts with insurance companies, I believe the savings could amount to more than $100 million per year. I strongly urge the appropriate Federal agencies to seriously consider the GAO's recommendations.

PROPOSED AMENDMENTS TO DEBT CEILING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the House is scheduled to begin consideration of H.R. 15390 on Tuesday, June 27, under the closed rule designated by House Resolution 1021. I will seek to modify the rule to permit tax reform amendments to the debt ceiling bill.

The text of the amendment to House Resolution 1021 follows:

Page 2, line 5, change the period to a semicolon and insert: "except amendments consisting of Sections 2 and 3 of H.R. 14830 offered either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding."

The text of the two tax reform amendments to H.R. 15390 which I will offer if the rule permits follows:

AMENDMENT 1

Page 1, after line 5, insert the following additional section:

REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) REPEAL OF ASSET DEPRECIATION RANGE.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: "The allowance so pre-

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scribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

AMENDMENT 2

Page 1, after line 5 and after any amendment heretofore adopted, insert the following additional section:

AMENDMENTS TO MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferencea) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $12,000."

(b) Section 56 (b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$12,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preference in case of returns for less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

A YEAR-ROUND BASIS FOR DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I have introduced a bill today which would provide that daylight saving time be observed on a year-round basis. It is my hope that the enactment of this legislation would serve as a deterrent to such crimes as aggravated assault, robbery, and murder, which occur most frequently around 6 p.m. and 7 p.m.

While it is obvious that this legislation would not completely eliminate crime on the streets, it would be a major step toward accomplishing this end. Statistics provided by Superintendent James Conlisk of the Chicago Police Department indicate that in the early evening, the number of police emergency calls is highest. For example, at 6 p.m. the number of emergency calls in Chicago is 21 percent higher in December than in July. At 7 p.m., the difference is 23 percent. Proportionately, the number of police calls is greatest during this period of the day. Therefore, the additional hour of daylight provided by this bill should insure greater safety for commuters.

This legislation would also facilitate the movement of evening rush hour traffic. In Chicago, this would be particularly beneficial for drivers who must contend with often-hazardous driving conditions: icy streets, drifting snow and slippery intersections.

A reevaluation of the time question would admittedly effect some initial inconvenience to time-scheduled industries. Broadcasting, interstate trucking and other common carriers would ultimately benefit from a standardized program of operation. I believe that the expenditures necessary for schedule alteration will be more than justified by greater efficiency of service.

The present system, instituted as part of the Uniform Time Act of 1966, provides for a 6-month period of daylight savings time. This is confusing to a great many persons who must change their clocks in April and again in October. As Superintendent Conlisk's statistics have indicated, an additional hour of daylight is more important in the evening than in the morning.

The spiraling crime rate in our urban areas demands that every possible step be taken to insure the safety of our citizens. This must be our highest priority. This legislation, which was first introduced by my distinguished colleague from California (Mr. HOSMER) and which I reintroduced today, is not a matter of convenience, but one of urgent necessity.

CAPTURED U.S. ARMY MEN WRITE TO U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, recently a number of American servicemen captured in South Vietnam sent a letter to the Congress of the United States urging it to take action to end the U.S. war of aggression in Vietnam and negotiate the total withdrawal of American troops and the return of the American POW's. Following is the full text of the letter:

To: The Congress of the United States

From: American servicemen captured in S.V.N.

We represent decades of captivity. When President Nixon assumed his office, we nurtured great hopes that he would honor his campaign pledge and his commitment to the American people and terminate this tragic war. It is essential to realize that our statement stems from a profound love of our country and from the interest in its future, it is our contention that the Viet Nam war is a mistake, that national beings rectify mistakes when recognized. This is our fundamental motivation.

For almost four years, we have listened to the political jargon of the age Vietnamization, winding down, withdrawal. Our hopes have been vanquished by disappointment, then dismay, and now alarm.

We have watched with great concern while the heavy costs of the war continue to rise, while the majority of our people consistently oppose it, while the American image continues to be sullied. We have watched with sadness and trepidation while the spiritual and moral fiber of our society degenerates.

Finally, for four years we have looked askance at our captors when they told us that Vietnamization was a failure and that President Nixon has no intention of ever withdrawing from Viet Nam. Now, as the war is being re-escalated in the North and American troops remain in the South, we are impressed with their veracity and their understanding of the character of this war.

Now it is clear that Mr. Nixon, without the sanction of his electorate, is willing to take the most provocative steps to salvage the Vietnamization program. Is he willing to destroy the American P.O.W.'s detained in both North and South Viet Nam? Is he willing to directly challenge public opinion? Is he willing to go to the brink of a larger war and perhaps beyond for an issue that is not vital to the interests of the United States, and which has been resoundingly repudiated by the majority of our people? We are convinced that there is nothing at stake in Viet Nam which could possibly justify the recent irresponsible and provocative measures taken by Mr. Nixon.

We know the Vietnamese people. They are stoic and resolute. They say that they would rather sacrifice all than give up their struggle and they meant it. The last twenty-five years provide eloquent testimony for this proposition. The intense bombings, mining of ports, and blockade will certainly increase their death and suffering—but equally important, it will harden their resolve. They will never give up their cause.

They want the right to decide their own destiny without outside interference. The destruction of Hanoi and Haiphong was predicted years ago by their President Ho Chi Minh in words which now serve as a rallying cry for their whole nation. It will certainly not influence the course of the war, but on the contrary, prolong it and perpetuate the presence of American troops and P.O.W.'s in this land.

As American servicemen, we are ready to die to safeguard our country and our families. But we are not ready to die in order to safeguard an illusion. We are not ready to die for Vietnamization or Nguyen Van Thieu or any other objective that is not supported by our people. We agree with several senators and congressmen when they say that the only practical solution to the Viet Nam problem lies in the Paris negotiations.

We appeal to you, the Congress of the United States, to obey the dictates of conscience and reason and to discharge your political and historical responsibility. Remove this millstone from our country's neck. Dispel this senseless threat which hangs over us and our children. We urge you, in all good faith, to exercise your constitutional power to force the administration to return to Paris to negotiate the complete withdrawal of American troops and the return of the American P.O.W.'s and leave Viet Nam to the Vietnamese.

The time is critical. Please! take effective legislative action. We must choose between an immoral tragic war with catastrophic consequences, and the honorable future of the U.S. The wisdom derived from our history and experience leaves little doubt as to the proper choice.

With great respect and urgency.

LIST OF SIGNATURES

Harold F. Kuhsner, M.D., Captain, O2320775, M.C., U.S. Army. Captured 2 Dec. 1967.

Frank G. Anton, WO-1, 3155469, U.S. Army, Captured 6 Jan. 1968.

Jon Robert Cavaiani, Sgt., 557-66-1197, U.S. Army, Captured 4 June 1971.

John A. Young, Sp/4, RA 16-789-512, U.S. Amy (S.F.), Captured 30 Jan. 1968.

King D. Rayford, Pfc, RA 54593659, U.S. Army, Captured 1 July 1967.

Frederick L. Elbert, Jr., L/Cpl, 2283473, U.S. M.C., Captured 16 Aug. 1968.

John G. Sparks, Pfc, 53755822, U.S. Army, Captured 25 Apr. 1968.

Jose Jesus Anzaldua, Jr., Sgt., 2468970, U.S. M.C., Captured 17 Jan. 1970.

Richard C. Anshus, 1st Lt., O118121, R.A., Inf., Captured 8 Mar. 1971.

David W. Sooter, WO-1, 3153961, U.S. Army, Captured 17 Feb. 1967.

Alfonso Ray Riate, Cpl., 2135759, U.S. M.C., Captured 25 Apr. 1967.

Robert P. Chenoweth, Sp/4, RA 18956756, Captured 8 Feb. 1968.

James A. Daly, Pfc, RA 11815566, U.S. Army, Captured 9 Jan. 1968.

Don A. MacPhail, Pfc, RA 11625921, U.S. Army, Captured 4 Feb. 1969.

Abel L. Kavanaugh, PFC, 2374098 U.S. M.C., Captured 25 Apr. 1968.

SOCIAL SECURITY COVERAGE FOR "SECOND SPOUSES"

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, it has come to my attention that in certain cases a widow could be denied a claim to retirement income under social security because of legal complications, regarding the validity of her marriage; for instance, if it is discovered that her late husband had failed to obtain a legal divorce before remarrying.

Our social security law attempts to overcome inequities which might arise from this by providing that the second spouse can receive benefit payments if the marriage was entered into in good faith without knowledge of the previous marriage. But the law also specifies that the second spouse cannot receive benefits if the first spouse is or has been entitled to a benefit. The effect of this is to deprive some deserving spouses, most of whom are women, of social security benefits to which they thought they were entitled.

Especially those women who marry and do not obtain employment must rely on their husband's earnings to provide both current income and future security. They are thus in an untenable position if this security they had counted on is suddenly withdrawn.

When this happens, she may also find herself responsible for several dependents. I believe that society should provide protection for such a person, who through no fault of her own finds herself cut off from family security she had relied upon and which would have been hers except for an unexpected legal impediment.

I have introduced legislation to correct this inequity. My bill provides that in cases where there is a second spouse, the second spouse is eligible for social security benefits regardless of whether the first spouse receives them also.

Under my proposal, wife's, husband's, widow's, and widower's benefits will be available to spouses or surviving spouses where a marriage was entered into in good faith but in fact, was not legal for some reason. I have provided that the second spouse will not receive more benefits than the first spouse and that no other beneficiaries of the worker's earnings will suffer as a result of this bill.

The latter provision is important because of the family maximum limitation in the social security program. This places an absolute limit on the amount that can be paid on the basis of one worker's earnings regardless of how many beneficiaries there may be. Under my legislation, the benefit of the second spouse would be considered outside of the family maximum. It provides, however, that if the benefits of others are already reduced because of the family maximum limitation, the benefit of the second spouse will be reduced correspondingly.

Mr. Speaker, there are some widows suffering needlessly because our social security system fails to recognize the injustice of withholding benefits from a surviving spouse who thought she was legally married but was not. In such instances, the second widow may have lived with her late husband for years, have children, and assume all the obligations and responsibilities of a mother, only to find that she has been left out in the cold by the social security law.

Our laws should recognize the human need of such spouses by affording them at least the income security they would have had by a legal marriage. That is the purpose of my bill, and I hope it will have the full attention and consideration of my colleagues.

FRENCH NUCLEAR TESTS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, at the United Nations Human Environmental Conference in Stockholm protests against the French atmospheric nuclear tests at Mururoa Atoll in the Pacific are being made by many governments, including New Zealand, Australia, Yugoslavia, and Peru. Other governments like Japan have filed direct protests to the French and demanded the right to compensation for all damage incurred thereby.

The New Zealand Federation of Labor has refused to service all French ships and aircraft coming in or going out of New Zealand as part of a monthlong protest. The Australian Council of Trade Unions has also called for a similar ban.

The Australian Prime Minister, Mr. William McMahon, has protested to French President Mr. Georges Pompidou. In a statement the Prime Minister said, "We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

A call from my office to the French Embassy here in Washington indicates no specific date has yet been set for the test.

In view of the fact that the United States has signed the Test Ban Treaty, I believe it is absolutely essential for the President to join with these concerned citizens and governments of the Pacific to protest this test and to urge that it be canceled.

The dangers from atmospheric testing are well documented. Furthermore, it is not only confined to the immediate locale, but the entire world will be affected.

I hope that my colleagues of the House similarly concerned will join me in seeking the intervention by our Government in this most crucial matter.

The following are news articles which I believe will be of interest to the House:

[From the Fiji Times, June 2, 1972]

JAPAN PROTESTS AT N-TESTS

TOKYO.—The Japanese Foreign Ministry has lodged a protest with France over the planned nuclear tests in the South Pacific.

A Foreign Ministry spokesman issued a statement deploring the tests also.

"At a time in particular when a United Nations human environmental conference is to be held at Stockholm shortly to discuss ways to prevent environmental pollution, the nuclear tests will greatly limit the results that are likely to be obtained from the conference," the statement said. "We, therefore, reserve the right to ask for compensation for any damage or losses incurred as a result of the tests."

[From the Fiji Times, June 6, 1972]

STRONG N-TEST ACTION URGED

CHRISTCHURCH.—New Zealand's Labour Opposition leader, Mr. Norman Kirk, called on the Government yesterday to take "strong and credible steps" to stop France's nuclear tests at Mururoa Atoll in the Pacific. The Opposition leader renewed his request to the Government that it call a conference of foreign ministers from Australia, Japan, Peru, the Philippines, Ecuador, Chile, Western Samoa, Nauru, Tonga, Fiji, the Cook Islands and New Zealand.

Mr. Kirk proposed that a task force of

XUM

Government ministers should go to Paris, Washington and Moscow in a bid to stop the tests.

APPEAL

New Zealand's Minister for the Environment, Mr. Duncan MacIntyre, will appeal at the United Nations Conference on the Human Environment in Stockholm for a resolution opposing all nuclear testing.

The New Zealand Government announced on Friday that it would ask France to stop its present test programme until the human environment conference ends.

In Melbourne, the secretary of the Melbourne branch of the Waterside Workers' Federation, Mr. A. E. Bull, said work on French ships would be banned in Melbourne this month.

[From the Fiji Times, June 1, 1972]

N-TEST PROTEST LEADER KICKED OUT OF FRANCE

PARIS.—France has expelled the leader of a Canadian peace group for taking part in an international campaign against French nuclear tests in the Pacific. An Interior Ministry official said Mr. Ben Metcalfe was arrested at Orly Airport on Saturday and escorted on Sunday with his wife to the Franco-Italian border.

The expulsion order was "dated some time back," he said.

Mr. Metcalfe is the chairman of Canada's Greenpeace Foundation.

The ketch Greenpeace III is sailing into the French nuclear test zone as part of an international protest joined by organisations in Fiji, Australia, New Zealand, Peru, Japan and Ecuador.

The foundation is organising an anti-nuclear campaign in France involving protest demonstration and letters to President Georges Pompidou and the French Government.

The tests are expected to comprise two to three blasts, starting later this month.

REFUSED

Meanwhile, the New Zealand Federation of Labour has refused to call off its threatened month-long ban on services to French ships and aircraft in New Zealand.

The ban is due to take effect today.

The Australian Council of Trade Unions also has called for a ban on all French air and sea transport in Australia during June as a protest against the nuclear tests.

The ban could stop all UTA flights into and out of Australia during June. The French airline runs four direct flights a week from Sydney through the Pacific and across the United States to Paris.

REMARKS

A French Government spokesman said in Paris yesterday that no "political blackmail" was intended in remarks by the French Minister of Overseas Territories, Mr. Pierre Messmer, about New Zealand protests.

Mr. Messmer was quoted as saying: "We must not forget that New Zealand is on the asking side. At the time of Britain's entry to the Common Market she came on her knees to beseech us to allow her to go on exporting to Britain."

The spokesman said he felt Mr. Messmer's remarks had been "misinterpreted" and "not well understood."

[From the Fiji Times, June 8, 1972]

FIJI GROUP WELCOMES NZ ATOM TEST MOVE

A proposal that New Zealand could call a conference of Pacific countries to explore ways of acting against French nuclear tests has been welcomed by Fiji's anti-bomb test committee, Atom.

The New Zealand Prime Minister, Mr. John Marshall, said he would consider the proposal, which was made in a petition presented to the New Zealand Government.

An Atom spokesman, Dr. Graham Baines, said the committee hoped the Fiji Prime Minister, Ratu Sir Kamisese Mara, would support the proposal and urge the Australian Government to follow up its earlier statement about the matter.

Australia's Minister for Foreign Affairs, Mr. Nigel Bowen, said in Canberra that his Government was sounding out the possibility of concerted action by South Pacific countries.

The International Union of Food and Allied Workers' Associations has made a protest about nuclear tests in the South Pacific.

UNION LETTER

A statement from the union headquarters in Geneva said a letter had been sent to President Pompidou of France.

It said the tests would seriously affect the environment of the population of the South Pacific.

They would create health risks for the consumers and workers handling fish, meat and dairy products exported to Asia, North America and Europe by countries in the South Pacific region.

The letter said the tests increased political tensions and the possibility of nuclear war, and diverted resources needed for socially useful projects.

The union, which represents 119 organisations in 56 countries, asked the French Government to cancel the series of tests scheduled for this year and to give up any further testing it planned.

JOURNALISTS

A group of Fiji journalists has protested about the tests and sent a letter to the French President requesting cancellation of the present series.

[From the Fiji Times, June 8, 1972]

NG LEADER ADDS TO ANTITEST PROTESTS

Papua-New Guinea's first Chief Minister, Mr. Michael Somare, has joined in the chorus of Pacific protest about French nuclear tests near Tahiti.

Mr Somare said at Nausori that the territory's coaltion Government had not yet discussed the tests, but he personally could understand why Pacific countries were objecting to them.

Fiji is one of the South Pacific countries which have protested to France.

"I would be upset if the tests were conducted near Papua-New Guinea," Mr Somare said. "The people of Papua-New Guinea would be very upset if this happened in our area."

Mr Somare stopped briefly in Fiji on his way home after attending state functions in Western Samoa.

He supported a call for his country to be permitted to join the South Pacific Forum regional reorganisation before it becomes independent.

Fiji's Prime Minister, Ratu Sir Kamisiese Mara, is opposed to Papua-New Guinea becoming a member until it is independent.

Mr Somare said one of his Government's first tasks would be to educate the people politcally so they were aware of what it was trying to do.

A political education division of the Government would be under his own office, he said.

Mr Somare said some members of his Government had received death threats.

Different tribes and groups existed in Papua-New Guinea and not everyone understood the concept of government.

Younger, better-educated people who felt it was all one country had come together to form a coalition.

Threats came because some people did not like the idea of early self-government for the territory.

But now the people concerned were starting to realise this country's own people were running it, Mr. Somare said.

[From the Fiji Times, June 19, 1972]

AUSTRALIAN PROTESTS OVER TESTS GROW

SYDNEY.—A wave of protests against scheduled French nuclear tests continued to swell yesterday with the Australian Writers' Guild accusing France of "arrogant inhumanity."

The chairman of the Victorian branch of the guild, Mr. Monte Miller, said the guild would cable its French counterpart and ask French writers to protest to their Government about the tests.

He said the guild condemned France's "arrogant inhumanity" and added that if the tests went ahead, it would be like "declaring war on the peoples and ecology of the Pacific."

Other groups to protest against the proposed tests this weekend included the Australian Legion of Ex-Servicemen with more than 100,000 members.

ALARMED

The legion said it was alarmed at the tests and rejected assurances they did not constitute a health hazard.

The Union of Australian Women challenged the Australian Prime Minister, Mr William McMahon, his ministers and Opposition members to sail into the testing area.

TOO SOFT

In another move, the French Consul in South Australia announced his resignation after 10 years as French representative in Adelaide.

The consul, Mr Frank Butterfield, said: "I am opposed to nuclear testing."

The Australian Young Liberal Movement attacked the Australian Government for being too soft in its attitude to the blasts.

The British Leader of the Opposition in the House of Lords, Lord Shackleton, told newsmen at Sydney Airport that he thought the tests should be criticised because they would increase radioactivity in the atmosphere.

Lord Shackleton, who was arriving at the start of a week-long visit to Australia, added: "I suppose they picked the least-inhabited part of the world for it.

BALANCE

"I don't know whether they would do it nearer home."

Lord Shackleton said he thought France had decided to join the thermonuclear (hydrogen bomb) league, but added that it was arguable whether the French could affect the balance of nuclear power.

During his visit, Lord Shackleton will meet Australian business and political leaders.

[From the Fiji Times, June 20, 1972]

AUSTRALIAN PM PROTESTS TO FRANCE ON NUCLEAR TESTS

SYDNEY.—The Australian Prime Minister, Mr. William McMahon, said yesterday that he had protested to the French President, Mr Georges Pompidou, about the coming French nuclear bomb tests in the South Pacific.

In Auckland, radio operators said that a French naval vessel was yesterday preparing to tow the protest yacht Greenpeace III out of the nuclear testing zone near Mururoa Atoll, with the series of tests due to start today.

Mr. McMahon said: "Let there be no misunderstanding. I and my Government would like to see the tests abandoned.

"We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

Mr McMahon was speaking at the opening at the Lucas Heights Research Station, near Sydney, of a new critical facility built with the aid of French nuclear engineers.

LETTER

Addressing himself to the French Ambassador, Mr Gabriel Van Laethem, Mr McMahon said: "I have already conveyed personally to the President of France the views that I have now expressed."

Mr McMahon wrote to President Pompidou soon after his return from a 10-day Asian tour last Thursday.

Australia had already supported a motion opposing the tests at the environment conferences in Stockholm.

But Mr McMahon decided on the direct protest to President Pompidou when he returned home.

STAND

Mr McMahon said Australia had taken a stand against nuclear testing in the atmosphere, outer space and under water when it ratified the 1963 partial nuclear test ban treaty.

Earlier Mr Van Laethem said France's existence might depend on its access to nuclear deterrents.

He said the French Government had spared no effort or expense to reduce hazards to their environment.

About 50 demonstrators protesting against the French tests stood outside the plant during the opening ceremony.

The Auckland reports, from Radio Rarotonga, said that the French authorities had been observing Greenpeace III.

The radio reports said a faint radio message from the yacht early yesterday said that all was well aboard the vessel, which left Auckland last month for the testing area, about 600 miles north of the Cook Islands.

TELEGRAM

The president of the Auckland branch of the Campaign for Nuclear Disarmament, Mr. Richard Northey, said that he had sent a telegram to New Zealand's acting Prime Minister, Mr. Robert Muldoon, asking that New Zealand seek assurances from the French authorities about the safety of Greenpeace III.

[From the Dominion, New Zealand, June 8, 1972]

PACIFIC OPPOSITION TO TESTS TOTAL

A New Zealander telephoned three Pacific countries and telexed a fourth yesterday, and said he found total opposition to the French nuclear tests.

The chairman of the Peace Research Media Project, Mr. Barry Mitcalfe, said only Australia and New Zealand now appeared to be withholding effective protest.

A conference, hosted by the Cook Islands, will be held among Pacific leaders next week at which the nuclear tests will be a main subject.

However, it appeared New Zealand did not know of the conference.

"We could at least send an observer or a Government delegate with power to speak and act on this issue," Mr. Mitcalfe said.

He had telephoned the Premier of the Cook Islands, Mr. Albert Henry; President Allende of Chile, and the Samoan Minister of Works, Mr. Tupoala Efi, and telexed Senator Sanford of Tahiti.

Mr. Henry told him his assembly was meeting at present and in addition to its protest already made through New Zealand, the assembly would make direct representation to the French Government.

President Allende's assistant, Mr. Palma, said Chile had already made strong representations to France, and any official approach to Chile through its ambassador in Canberra would be most sympathetically received.

However, it appeared New Zealand had as yet not taken advantage of this offer, Mr. Mitcalfe said.

Mr. Palma also said Peru had broken off diplomatic relations with France over the tests and was very strongly in opposition.

Mr. Efi told him the Fiji Prime Minister, Ratu Sir Kamasese Mara, had promised his country would take a leading role in any combined protests against the tests, Mr. Mitcalfe said.

Senator Sanford, one of two Tahitians representing the island in France, was "bitterly opposed" to the tests and would welcome New Zealand intervention.

OUTLAWED

Senator Sanford's Reassemblement Democratique Party, was the majority party in Tahiti at the time of the last Pacific tests by France, but it was outlawed after taking a leading part in anti-nuclear demonstrations.

Mr. Mitcalfe urged New Zealand to make an "effective" protest.

This would comprise informing the United Nations the South Pacific region was taking direct action against France, possibly by sending a combined fleet into the test area; and, asking for U.N. support in the same way as it intervened in Korea at the United States' request.

[From the Washington Post, June 25, 1972]

FRENCH DEPUTY PROTESTS TESTS

PAPEETE, TAHITI, June 25.—A member of the French Parliament said today he will fly to New York July 5 to denounce his country's government in the United Nations for holding nuclear tests in the Pacific.

Francis Sanford, who represents the Tahiti Overseas Territories in the National Assembly, announced his plans while French authorities at the Mururoa testing grounds awaited a green light from Paris to launch the new series of nuclear explosions.

Sanford, a Polynesian, recently quit the majority coalition in the French lower house because of his opposition to the imminent resumption of atomic tests at Mururoa and Fantataufa atolls.

[From the New York Times, June 3, 1972]

ATOMIC TESTING BY FRANCE

TO THE EDITOR:

Over the joint protest of the governments of Fiji, Tonga, Western Samoa, the Cook Islands, Nauru, New Zealand and Australia, the French will resume their nuclear testing in the atmosphere at Mururoa in French Polynesia in June.

Just as Americans have shown contempt for the lives and well-being of Micronesians during their own testing of atomic weapons and of Asians in their war against Vietnam, the French plan to expose the peoples of the South Pacific to risks which they dare not impose on their own population.

Some of us must recognize that the traditional Western disregard for the lives of people in Asia and Africa as well as Oceania is destroying us as well as them, and that the only hope is to work against such expressions of racism anywhere in the world.

The "Greenpeace" is now sailing into the testing zone; the chairman of that organization, Ben Metcalfe from British Columbia, is in Rome to seek the blessing of the Pope for efforts to stop the testing. There will be demonstrations at Notre Dame Cathedral in Paris beginning June 1 and at the U.N. conference on the environment beginning June 6 in Stockholm.

We urge people of good will to join them, and to express their objections to President Pompidou.

WALTER and BETTE JOHNSON,
Suva, Fiji, May 25, 1972.

(NOTE.—This letter was also signed by twelve others at the University of the South Pacific.)

NATIONALIZED MEDICINE: "A FASHIONABLE FOLLY"

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, during the extensive public hearings before the Ways and Means Committee last year, many comments were made relative to Great Britain's National Health Service. I believe that my colleagues would be interested in the article by the Honorable J. Enoch Powell, a Member of the British Parliament and former Minister of Health in Great Britain, concerning his experience with medical care which appeared in the April issue of Nation's Business. I include his article in the RECORD:

NATIONALIZED MEDICINE: "A FASHIONABLE FOLLY"

LONDON.—At a time when Congress is considering vast national health plans, the views of a man who has directed a government medical system are significant for their insight.

The Right Hon. J. Enoch Powell, a member of the British Parliament and former Minister of Health, is such a man. Though he warns that the United States and Great Britain are too different for exact comparisons, he offers from his own experience some decided opinions about nationalized health plans.

For one, he says that a quarter century of socialized medicine has not given the British people more health services, more hospitals, or faster or necessarily better medical attention, and that no one should be looking for panaceas in nationalization.

"I happen to believe that the total resources devoted to medical care in Britain would be larger but for the National Health Service," he says. "I believe people would opt for more medical care than the state decides to allocate."

Mr. Powell, a linguist and author, a former university professor, and an outspoken member of his country's Conservative Party, is controversial. He is anathema to liberals and socialists, both in his own country and here. Indeed, he is not universally loved in his own party, least of all by Prime Minister Edward Heath, with whom he has often disagreed.

In part, this is because he opposes many of his party's policies and because he enjoys talking about controversial problems.

In conversations with Nation's Business, Mr. Powell talked about his experiences as Minister of Health, and his views on medical care and other subjects.

FREEZE ON HOSPITALS

He believes strongly that for the first 15 years of socialized medicine in Britain—between 1946 and 1961—nationalization prevented any hospitals from being constructed.

"If there had been no National Health Service," he says, "many hospitals would have been built. Huge sums were in the possession of big charitable trusts after the war ready to be used to build modern hospitals. And the hospitals which were taken over [in the national health scheme] had large reserves and resources. Large reservoirs of charitable intent were ready to be taped. Municipalities which had taken pride in erecting their own hospitals would still have taken pride in erecting them in the 1940s and 1950s.

"But since there was nationalization it was left to the state, and the state said, 'No. No. No. No capital for that.'"

To this day Britain has not caught up with the rate of hospital building of the 1930s.

Furthermore, Mr. Powell declares, "It is certain that British hospitals today are far more obsolete than they would have been but for the National Health Service."

Also, Mr. Powell says, there has been change—for the worse—in doctor-patient relationships. "The British general practitioner always readily gave his care and attention

to the poor patient," he explains. "This is probably less readily given, now.

"If you nationalize medical care, you eliminate the commercial nexus, and therefore also the charitable nexus, and therefore the *noblesse oblige* between doctor and public. The doctor has—not quite—become a salaried servant."

In Britain, the term "English pay" means remuneration in terms of respect. Mr. Powell believes there is less of this for physicians now than there was prior to nationalized medicine.

THE DEMAND IS INDEFINITE

Waiting lists of patients for many types of medical attention have not been shortened because of free medical care, he notes, thus refuting claims by advocates of further nationalization of American medicine.

"You can't take care of everyone. The demand for medical care is infinite," Mr. Powell explains.

Recalling the three-year stint he put in as Minister of Health in the government of Prime Minister Harold Macmillan during the early '60s, he says:

"When I came into office I saw a long waiting list for what we call cold surgery—nonurgent surgery. The list was not growing, so I said the waiting can't be due to a deficiency of resources. It must be a backlog. If it had been due to a deficiency of resources the backlog would be growing.

"So, if you get rid of the backlog, I thought, services would be up-to-date. I said, 'All right, we will clear the backlog up.' Well, we couldn't do that. When I ceased to be Minister of Health the waiting lists were almost to within the same digits, certainly within thousandths, that they were in the first year of the National Health Service."

Mr. Powell learned then, he says, that "there is no way of adjusting infinite demand to limited supply."

He learned, too, that when services are provided "free" by government, discontent is often a side effect. In the case of health service, the people of one area will complain when they hear that the people of another area have a newer government-provided hospital, or a newer treatment, than they do.

One fact that gets slight attention from boosters of nationalized medicine in the United States is that the sale of insurance covering doctors' and hospital services in Britain is increasing. With money collected from insurance companies, an increasing number of Britons are therefore able to pay directly for health services rather than get them "free."

Obviously, they feel they get better attention—and probably quicker service—by paying as private patients.

The British plan includes arrangements whereby a person can "go private" and pay for medical attention, or go "under the scheme," and have the government pay.

However, little private hospital care is available, Mr. Powell says. When he is asked: "Do you yourself use the national health scheme?" he quickly answers: "If I had an illness requiring serious hospital treatment I would insist upon having it 'on' the National Health Service."

Despite its drawbacks, Mr. Powell says there "is not the slightest possibility in the foreseeable future" that the national health plan in England will be abolished.

At the same time, he thinks that, although most doctors now have grown up under the national health scheme, many "would wish for there to be more independent sources of demand for their services."

What about the United States? Would a national health scheme be acceptable here? "Most nations will commit the same follies," Mr. Powell says, "and it looks to me from a distance that any fashionable folly is at least as attractive to Americans as it is to Englishmen."

It is pointed out that several national medical care measures have been before Congress, including an Administration bill and one introduced by Sen. Edward M. Kennedy (D.-Mass.) that calls for what amounts to socialized medicine.

Mr. Powell's comment is that usually "the bad drives out the good." He adds: "I guess you will go to complete socialism—you will go the whole way." In his opinion, there is no happy medium between private and socialized medicine.

His views on a variety of other subjects are forthright:

Inflation. "If you really want to attack it—which I doubt—then you tell the government to stop it. Until I came to the United States for the first time, I thought the phrase, 'Government of the people, by the people, etc.,' was all flummery. I thought that was a load of flannel. But when I got here, I found it was a true description. You all bloody well are 'government' and nobody knows where government starts or stops in the U.S.A. Which makes the question, 'How to stop inflation,' more difficult.

"It would be easy for us in England. We just say to the government, 'Stop doing it.'

"Remember, nobody but government causes inflation because nobody but government maufactures or destroys money—apart from forgers.

"Inflation is caused by government because it is growth of money in a certain relationship to the growth of goods and services offered. The government controls money. Indeed, government is the creator of money. Government says to the people, 'Look, see this, this is money.'

"It's true that you can have inflation which isn't caused by government, but we don't in modern times. So this is rather by way of a footnote."

Economic terms. Such terms as "cost-push" and "demand-pull" irritate Mr. Powell, who has studied, written about and taught economics. He calls them "nonsense."

"There is always an immense quantity of nonsense going about," he says, "and the biggest quantity goes about in my part of the world—in politics—because we in politics are brought to the test of reality with much more delay than those who practice in other fields.

"For example, you would be surprised at the efficiency in a military headquarters as it gets nearer to the enemy. Similarly, I am sure that in a business there is a lot of nonsense. But it gets sorted out. Not so in politics.

"Cost-push and demand-pull—a lot of nonsense. It seems nonsense to say this itself when you think of the oceans of ink that have been expended in writing about them—but the fact that a thing is written about doesn't prove it is sense. On the contrary the more nonsensical it is, the more you can write about it."

Mr. Powell calls the term GNP (gross national product) nonsense as well. "The whole economic theory is not nonsense," he says, "but the GNP, if you treat it as other than an amusing compilation of disparate figures—like adding together cows and horses and teapots and pounds of coffee beans—if you treat it as anything other than that kind of statistical amusement, then it is nonsense."

WORLD MONETARY AND TRADE MATTERS

Declines or increases in shares of world trade do not mean what we think they do, Mr. Powell argues.

"Decline is a statistical trick," he explains. "The consequence of the growth of total world trade is that the share of it which any country has must fall. It happened to Britain, France and Germany, and it is bound to happen to the United States.

"So the first prescription I have to offer is not to worry and don't bother with statistics."

The benefit of all trade, he continues, "is equal and opposite. It is precisely mutual. Therefore, there is an inherent contradiction in the notion of dominance in trade. The more nations there are, and the more international trade there is, the less the proportion carried out by any one nation. This is bound to happen."

Mr. Powell has a deep dislike for pegged currencies. He wants them to float and he deplores recent moves to re-peg currencies. The Western world, he feels, had a great chance to improve the global monetary situation last autumn when President Nixon unpegged the dollar. And he says he would like very much to write the obituary for the International Monetary Fund, which helps control currencies.

He has equally strong feelings against SDR's, the Special Drawing Rights created by nations and the IMF four years ago as an aid to international bookkeeping and debts payment. The drawing rights are commonly called "paper gold."

"SDR's," Mr. Powell says, "are fool's gold. They are a substance which can be lent without being borrowed and invested without being saved."

Labor unions. Mr. Powell declares flatly that "the net effect of labor unions has been to make workers slightly worse off than they otherwise would have been."

Unions, he says, slow the transfer of effort from less to more valuable applications.

"The more this is held up, the worse off we are, compared with what we could be," he adds. "And to the extent that labor unions, by a legalized duress, are able to prevent people from freely seeking their own advantage, they make themselves—as well as nearly everybody else—worse off. They probably don't make the leaders worse off."

Denationalization. Can a country far down the path of socialism change course and pull back to a freer enterprise arrangement without a violent overthrow of government?

Mr. Powell believes it is possible. "It is a thing which can be done gradually," he muses. "You don't have to denationalize all nationalized industries at once. You can take it bit by bit."

But he adds: "You have to say all at once that nationalization is a bad thing. You have to take that step."

Denationalization has come along far enough in Britain under the Conservatives that it is no longer a case of "piercing of an ideological barrier," he says. "Not with the nationalized industries. But with the National Health Service, it might be."

APPROPRIATIONS FOR THE POSTAL SERVICE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, when the House considered H.R. 15585, being the appropriation bill for the Treasury, the U.S. Postal Service, and the executive offices of the President on Thursday last, I was on the floor when the gentleman from Kansas (Mr. SEBELIUS) indicated that he would oppose the bill because of the $1.4 billion appropriated for the Postal Service. I listened attentively to his remarks, at that time I felt I was in substantial agreement with what he said and because I agreed with his remarks, I joined with him as one of the Members who voted "No" on that appropriation bill.

Mr. Speaker, I have no serious objection to the appropriations contained in that bill for the Treasury, or for the executive offices of the President.

Rather, my vote against this appropriation bill was a protest against the present operating procedures of the Postal Service.

Like the gentleman from Kansas, I was mindful that a point of order would be raised if we were to try to legislate in an appropriation bill. About all that was left for any of us to do was to vote against this appropriation bill and to state our reasons why. We will all have to wait until such time as we can legislate about some of the things that are not right with the Postal Service.

I followed carefully the comments of the gentleman from Kansas when he said that it is almost unbelievable that instead of delivering mail directly from one small town to another, the mail is moved a long distance away to a so-called distribution center, which may be as much as 100 miles away, and then brought back to a neighboring town not over 10 or 15 miles from the point of origin. I do not know how the illustration could be made much better than to say that mail moving from point A goes to point C and then back through point A in order to get to point B. It would be comparable to the manager of a baseball team ordering his shortstop to throw the ball to center field and then for it to be thrown back to the shortstop in order for the shortstop to throw the ball to to first base.

Just about equally as confusing, if we turn to the world of football, would be for the quarterback to turn his back to the line of scrimmage and pass toward the goal that is being defended, in the hopes that the ball would not be intercepted and somewhere back there would be a receiver who would somehow, someway, run to a point where he could lateral to the quarterback who would then finally throw a forward pass downfield to the intended receiver.

Of course, all this would be very confusing to the referee, and if he did not penalize the offensive team for illegal procedure, he would undoubtedly spend the rest of the afternoon shaking his head in bewilderment, just why a quarterback would go through such a confusing procedure on a football field.

Well, that is about the way it is today with a lot of our postal patrons as they look at what is happening to the Postal Service. Like the referee, they go around shaking their heads wondering how confused can things become. I refer, of course, to the cutbacks in rural service, the consolidation of rural routes, and most difficult of all to understand, is the elimination of postmarks from small towns. As it stands now, there is no way that the recipient of a letter knows the point of origin of that letter or very much about it except that it was deposited somewhere in the U.S. Postal Service.

I would hope that many Members of Congress either are or become concerned over the deterioration of the Postal Service in our rural areas. It is not alone a matter of cutbacks, elimination of routes, slower delivery, and departure from the long-established policy of local postmarks but with it all there has been a rate increase raising magazine and newspaper rates nearly 150 percent over the next 5 years. This kind of thing will put out of existence many of our weekly and daily rural newspapers.

At the present time I have no knowledge of what amount the Service intends to save from cutbacks of service in the rural areas in Missouri. I do not know whether it is $150,000 or $200,000.

Notwithstanding if we can rely on the information of the gentleman from Kansas the Postal Service is planning to spend $17.5 million with two advertising agencies to improve the image of the Postal Service. My reaction to this information is that if procedures that are now being followed in the Postal Service are not changed, no amount of money spent for public relations will do very much to improve the image.

No, Mr. Speaker, at all times from the days of Benjamin Franklin, to the present, we have known that the only way rural America can be served is by spending money to give it good mail service. Long, long ago we learned there is no way to deliver the mail on a daily break-even basis. But I had hoped that we had settled long ago on the merit of the proposition that good mail service is the right of every citizen even if it takes a subsidy from taxes imposed on everyone by the Federal Government.

We should all be indebted to our colleagues who have conducted the oversight hearings on postal operations. I do hope they make such recommendations as will insure good postal service in our rural and smalltown areas.

There is no way to amend an appropriation bill that would circumvent the present proposals of the Postal Service that have or will downgrade service in rural and smalltown America. That will have to be done in other legislation.

I am not sure whether $1.4 billion is enough to run the Postal Service for the next fiscal year. Perhaps it is not. But I do know that it may very well be too much until it is fully justified not simply before an Appropriations Committee but also before the House Post Office and Civil Service Committee as to why the quality of service continues to decline. I voted in opposition to H.R. 15585 as a protest of the deterioration of our Postal Services in our rural areas and our small towns.

CONGRESS IS ENTITLED TO A CHANCE AT A FORMAL VOTE ON WHETHER THE COSTLY WEST FRONT EXTENSION PROJECT SHOULD BE CARRIED OUT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, Members of this House are well aware of the fact that I have long opposed the costly, destructive, and unnecessary project to extend the west front of the Capitol. The last time the House debated and voted on this project was in 1969.

We shall have another chance this week to consider and vote on this project when the conference report on the legislative appropriations bill is before the House, probably early on Wednesday or perhaps Thursday.

In order to acquaint my colleagues in the House with the issues involved in this west front matter and to enlist their support for my long efforts to kill the west front proposal, I recently sent a lengthy "Dear Colleague" to Members of the House.

Under leave to extend my remarks I include this letter for the information of those, both inside and outside the House, who may be interested in this matter and who may not have seen my letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 23, 1972.

DEAR COLLEAGUE: Some time next Wednesday, June 28, or shortly thereafter, the conference report on the Legislative Appropriation Bill will come up for consideration. The major item in disagreement has to do with *the controversial extension of the West Front of the Capitol.*

Since this is a matter on which I have been actively concerned since June 1966, I wanted to alert you to the upcoming vote and enlist your support for what I believe to be the most sensible position for a Member of the House to take on this question.

Basically, the issue revolves around Senate Amendment No. 36, on which *the House managers will ask the House to insist on its opposition to this amendment. My position is that the House should recede and concur in the Senate amendment.*

Actually this bill contains no funds for the West Front, because $2 million is still left over from the 1970 Bill for this extension project, which the elite Commission on the Extension of the Capitol ordered last March should be constructed. Strictly speaking this $2 million is *only for "plans" for the West Front extension, but plans for this project have long since been completed.*

What is likely to happen then *if the Senate amendment is not approved* is that this $2 million will be used for preliminary digging, demolition, etc., so that by the time the House is finally presented with an actual construction appropriation request *the work would have gone so far there would be no possible alternative to extension.*

The Senate amendment simply provides that "no funds may be used for the preparation of the final plans or initiation of construction of said [West Front extension] project until specifically approved and appropriated therefor by the Congress."

In other words, the *extension work* ordered in March by the handful of Commission members *could not proceed until Congress itself had voted to approve it.* What could be more reasonable?

Since this whole extension matter has been *under vigorous debate for the past 6 years; since the arguments offered in its behalf in 1969 have now been proven completely false; since the project involves the expenditure of $60 to $70 million of the taxpayers' money,* primarily for the convenience of some Members of Congress; and since the extension *will cover up the last remaining visible portion of the original historic 1800 Capitol building;* it does seem that this is an important enough matter to deserve to be settled *by a specific vote of both Houses of Congress* and not just by the wishes of a handful of Members, however senior they may be.

In 1969 we were told the reason for extension was that the Capitol was *in imminent danger of collapse.* Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space! We were told it was engineeringly *impossible to repair the Capitol* or prevent its collapse in any other way, and that any attempt to do so *would be far more costly than the extension itself,* then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping

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claims $200,000 was appropriated to hire the nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. *It completely demolished all three arguments:* the Capitol was *not* in danger of collapse (as a subsequent bombing attempt dramatically reaffirmed); it could be restored much more simply than by extension; and restoration *would cost less than $15 million.*

Oddly enough, this report *was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed.* Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—*without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.*

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the nation, then we ought not to discard their recommendation lightly *on nothing more substantial than the views of one architect (who opposed the extension before he went on the Capitol payroll) and a handful of non-technical Congressmen and Senators.*

Incidentally, the West Front extension will not be like the East Front extension. It will completely destroy the present unique West Front architecture, completely destroy the lovely Olmstead terraces, and replace them both with a cheap imitation of the East Front crammed with all kinds of restaurants and hideaway offices.

By allowing extension to be started without debate or vote we are in fact approving a project that will cost somewhere between $60 and $70 million, in preference to one the Praeger report says would cost only $15 million. Even if we concede that costs have gone up since December 1970, perhaps by $5 or $6 million, *a vote in favor of extension would still mean spending $40 or $50 million more than we need, largely for our own personal convenience.*

But this is not all. *The Senate discussions have disclosed an even more appalling picture.* Holiday Inn motels, for example, cost about $15 a square foot to build. A palatial private residence can be built for $30 a square foot. The Rayburn Building, until now the most expensive structure in existence, cost $50 a square foot. The new FBI building is reported to cost $68 a square foot, a new record high. *But the extension of the West Front will exceed this figure by 5½ times—$368 per square foot!* Is this really the sort of thing we want to do in an election year?

Finally, the argument has been made that extension is essential because Congress needs more space—more committee rooms, more private "hideaway" offices, more restaurant space. *But why do these have to be built in the Capitol when they can be built far more cheaply in some other location, the new Visitors' Center at Union Station, for example?*

You may perhaps not agree with me that approving the extension project is unwise. But I do *hope you will agree with me that a project of this magnitude ought not to be started without at least a specific authorizing vote by Congress as a whole,* taken after full debate and in the light of all the latest available evidence.

I earnestly solicit your support therefore in my effort on Wednesday to defeat the motion to insist on opposing Senate Amendment No. 36, and instead to recede and concur in their very reasonable, moderate, and democratic proposal, which the House Managers, who should be interested in economy, ought to have accepted long ago.

Sincerely yours,

SAMUEL S. STRATTON.

THE QUARTER OF A MILLION DOLLAR STRUCTURAL ENGINEERING REPORT ON THE CONDITION OF THE U.S. CAPITOL—THE PRAEGER REPORT—WHICH SAYS RESTORATION IS FEASIBLE AND IS ALSO CHEAPER THAN EXTENSION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the last time that Congress debated the controversial project to extend the west front of the Capitol was in 1969. At that time we were told the reason for extension was that the Capitol was in imminent danger of collapse. Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space. We were told it was engineeringly impossible to repair the Capitol or prevent its collapse in any other way, and that any attempt to do so would be far more costly than the extension itself, then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping claims $200,000 was appropriated to hire the Nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. It completely demolished all three arguments: the Capitol was not in danger of collapse—as a subsequent bombing attempt dramatically reaffirmed; it could be restored much more simply than by extension; restoration would cost less than $15 million.

Oddly enough, this report was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed. Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the Nation, then we ought not to discard their recommendation lightly on nothing more substantial than the views of one architect—who opposed the extension before he went on the Capitol payroll—and a handful of nontechnical Congressmen and Senators.

Mr. Speaker, with another vote on this controversial issue now likely to come up on Wednesday or Thursday, it is essential that Members have before them the frank, forthright, professional, and revealing conclusions of this Praeger report.

Under leave to extend my remarks, I include here the full text of that report as it was submitted to Congress in December 1970:

INTRODUCTION

A. BACKGROUND OF REPORT

The United States Capitol (Frontispiece and Figure 1) is a unique structure with strong and direct ties to the foundation of our Republic. Throughout its long history it has been the subject of continued interest and concern. It has been changed extensively and enlarged as new conditions and usages required. It has been the subject of numerous inspections, reports and discussions. Most recent of the reports are those of Moran, Proctor, Mueser & Rutledge published in 1957, made in anticipation of "extention, reconstruction, and replacement of the central portion of the United States Capitol", and the Thompson & Lichtner report of 1964 with a critique by Locraft in 1966.

The Moran, Proctor, Mueser & Rutledge report was primarily a soils investigation, but it included a survey of the physical construction of the walls and an opinion on the lack of evidence of settlement. The Thompson & Lichtner report was a detailed examination of the West Central Front, including test cores of the walls, test pits and soil borings, as well as laboratory tests of materials. The Thompson & Lichtner study resulted in the general conclusion that the "exterior walls of the west central portion of the Capitol are distorted and cracked, and require corrective action for safety and durability." The report recommended that the west central exterior wall be retained "as an interior wall of an extended building" which would provide it with lateral support. Shoring of the west portico and the old terrace screen walls followed publication of that report.

As a result of the deliberations of the Congress concerning the extension of the west central portion of the Capitol, an additional study and report was authorized under Public Law 91–145.

B. OBJECTIVES OF REPORT

Praeger Kavanagh Waterbury was retained to provide data, estimates, schedules, findings, and evaluations as necessary to enable the Commission for Extension of the Capitol to make a special determination with respect to its directive under Public Law 91–145:

"• • • That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of reatoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

In order to develop the information necessary to evaluate the feasibility of meeting these conditions a detailed study was made of the recorded history of the construction of the Capitol, structural analyses were prepared and site inspections and tests were made.

THE REPOAT

A. Description of Structure

1. Structural System

The Capitol is a vaulted masonry structure with each of the three sections forming the west central front having a different structural arrangement, as indicated in Figures 2 through 6. The North Wing (Senate Side) consists of barrel and groined brick vaults supported on brick and sandstone walls (Figure 7). The Central Wing consists almost entirely of groined vaults supported on brick pilasters, which are presumed to be bonded into rubble-and-sandstone walls (Figure 8). The second and third floors of this wing, which are of brick groined vaulting, were not constructed until 1902 when the Library of Congress moved into its own building. The South Wing (House Side) consists of vaulted construction only at the basement and first floor levels (Figure 9). The upper stories, contiguous to Statuary Hall, are supported on steel beams, except at the corners where there is brick vaulting. A steel trussed arch spans over the "Liberty" statue in Statuary Hall supporting the dome above, and springs from a location about 25 ft. inside the face of the west wall.

A fundamental characteristic of an arch or vault is that it imposes a lateral thrust on the supporting structure. A groined vault is an intersection of barrel thrust at its four corners (Figure 10). Most of the floor construction along the west front wall involves vaulting, but since the thrust from a barrel vault acts away from the curve of the vault, not all adjacent walls are subjected to a lateral force. Along Wall 6[1] there is no lateral thrust applied to the wall because of the orientation and width of the barrel vault thrusts from reaching it. This is also true of the two floors below the Portico on Wall 4. Wall 2 has no thrust applied to it at the upper stories where floors are supported by steel beams or at the basement and attic where barrel vaults are oriented normal to the wall. The pattern is not the same at each floor level, as can be seen by comparing the plans in Figures 2 to 6, where the directions and relative magnitudes of the maximum horizontal thrust forces are indicated. The critical points occur at the corners.

The foundations are rubble masonry walls with rubble infilling. In some cases they have been given a degree of continuity through the use of inverted arches. To a significant degree, the interior foundation walls adjoining and normal to the exterior walls, participate with the exterior walls in carrying load to the soil below. Walls 1, 2, 6 and 7, and sections of the Walls 3 and 5, have been underpinned in the past.

2. Physical condition

A survey record of the major cracks and deterioration in the West Central Front is presented in Figures 12 through 17. Similar surveys by others, made in 1957 and 1960, and on a regular basis since then, are generally confirmed. All indicate the same cracking pattern with minor changes since 1957.

A review of reports published over the years indicates that evidence of deterioration was observed early in the life of the structure. The walls were painted in 1817 to arrest weathering. A report of dropped keystones was made in 1826, and reference to settlement, fractures and displacements was made in both the Mudd Report (1849) and Meig's Report (1856).

Exterior wall cracks occur typically within a vertical swath roughly located between the window jambs, in every bay. The preponderance of the open cracks is vertical, most of the horizontal cracks being hairline fractures connecting vertical ones. Substantial portions of the entablature, balustrade and second floor band course are spalled or eroded.

The areas most severely flawed are the presently shored screen wall sections at the two old terraces. These walls are a nonstructural veneer over the rubble foundation wall that would otherwise be exposed.

Elements of the portico entablature have failed structurally and are presently shored.

Many of the keystones over first floor windows have dropped, a condition which tends to grow over the years because of thermal expansion combined with wedging action.

B. Investigation

To analyze the structural problems an investigation has been made of the loads imposed on the structure by use and construction as well as the many environmental phenomena to which it is exposed.

1. Loads

Under the terms "loads" all external forces and environmental influences of the behavior and safety of the structure are considered. These include static loads, such as the dead load of the structure itself and the relatively stationary applied load, as well as dynamic loads such as wind, moving occupancy, earthquake and sonic boom. Environmental loads include temperature effects that cause relative movements of structural elements which, if restrained, produce stresses. Environmental loads also include the effects of volume changes due to moisture absorption as well as the consequences of foundation settlements.

(a) Static (Live plus Dead)—Critical bays have been analyzed for dead and live loading through the full height of the building. The results indicate that the walls, as originally built, are stable and the masonry is subjected to compressive stresses of the order of 100 pounds per square inch with a maximum of 236 pounds per square inch. These stresses are relatively low for the materials involved. Horizonal and vertical shear stresses are in the 10 pounds per square inch range. Since the strength of the sandstone averages about 6,000 pounds per square inch and the fieldstone about 14,000 pounds per square inch, compression failure of the stone should not occur. The lime mortar has a compressive strength varying from 100 pounds per square inch to 2000 pounds per square inch and is therefore the critical material. Under the maximum stress indicated it is possible that there has been local failure of the mortar with subsequent redistribution of stress to the stronger materials.

A reasonable criterion for the design of masonry construction is that the section be proportioned so the resultant of the loads remains within the kern of the section so that tensile stresses do not occur. As can be seen in Figure 11, analysis indicates that the resultant is within the kern, but in some cases is close to the boundary.

(b) Wind—The Uniform Building Code[3] prescribes a design wind pressure of 15 pounds per square foot for the height zone from 0 to 30 feet above ground, 20 pounds per square foot for 30 to 49 feet, and 25 pounds per square foot above 50 feet. The Building Officials Conference of America Basic Building Code[3] prescribes 15 pounds per square foot for the height zone from 0 to 50 feet above ground and 20 pounds per square foot above 50 feet. These are generally accepted building codes, and the Uniform Building Code criterion, which is slightly more severe, was adopted as the basis for analysis.

The wind analysis indicates that stresses in the walls are negligible, generally less than 1 pound per square inch.

(c) Earthquake—Earthquakes produce impulse loads which can cause structural damage. Buildings, whose dynamic characteristics produce resonant response to the disturbance are particularly vulnerable.

Washington is in a geographic area which experiencea infrequent seismic events of low intensity. The U.S. Coast and Geodetic Survey Seismic Probability Map of the United States places Washington in Zone 1, which is associated with minor damage.

The Earthquake History of the United States, Part I, prepared by the U.S. Coast and Geodetic Survey (1958), shows no major earthquakes in the Washington area, but records minor shocks on: February 4, 1828, March 9, 1828, April 29, 1852, August 31, 1861, January 2, 1885, and April 9, 1918. The only record of shock intensity observed in Washington was measured as 5M.M.[2] in 1918. The Earthquake History summarizes the seismic record as follows: "Although no earthquakes are listed as definitely occurring within the District of Columbia, several shocks of uncertain origin have been felt there."

For the analysis of earthquake effects on buildings in areas where seismographic records are not complete, the lateral force provisions of the Uniform Building Code,[4] which are based on the recommendations of the Structural Engineers Association of California, are widely accepted. These determine separate values of the lateral force for the building itself, and for elements of the building, such as an exterior wall. As applied to the Capitol these values are computed as follows:

(a) For the building:

Total lateral force at the base is 1.25% W, where W is the total dead load.

(b) For the west front bearing wall the lateral force is 5.0% Wp, where Wp is the weight of the wall element.

Criterion (b) controls the magnitude of force to be used on the walls, and an analysis was made of the stresses induced by this lateral force at the exterior and interior faces of a typical bay or of the west wall. Earthquake forces are reversible and therefore additive, acting to augment lateral thrusts from the vaults.

The analysis demonstrates that earthquake stresses are relatively small as compared to dead and live load stresses to the structural integrity of the west wall.

(d) Sonic Boom—Sonic booms is a pressure differential resulting from a shock wave induced, among other things, by aircraft flying at supersonic speeds. It is affected by controllable factors, such as speed, altitude and maneuvers of the aircraft, as well as by non-controllable factors, such as meteorological conditions, topography and ground level air turbulence.

The sonic boom curve is often called an N-wave and its peak pressure intensity, or "overpressure," is the pressure above normal ambient atmospheric pressure. The push-pull characteristics of the N-wave have been related to secondary structural damage to buildings on the flight path, and regulation of flight operations is necessary to limit overpressure from aircraft operating too close to the ground. The intensity of sonic booms at ground level resulting from aircraft at normal operating altitudes is seldom above 1 millibar (2.0 pounds per square foot), and rarely as high as 2.5 millibars (5.0 pounds per square foot). Structural damage caused by sonic booms of these intensities is usually limited to non-structural elements of buildings, and results from the interaction of the

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impulse-type loading and the resonant frequencies of the affected element. When the duration of loading exceeds the natural period of the structural element, amplification of the static effect of the overpressure result. When the duration time is less than the natural period, smaller amplification may occur.

A simplified approach to the analysis of a structure under dynamic loading utilizes the concept of an equivalent static load which produces the same stresses and strains as would be caused by the dynamic loads. The ratio of the equivalent static load to the dynamic load is called the dynamic amplification factor and depends on the element's stiffness, natural frequency and damping, as well as the type and duration of applied loading. The dynamic amplification factor can be measured by experimental tests, such as those which are part of the National Sonic Boom Evaluation Project undertaken at Edwards Air Force Base. These tests furnish plots of amplification factor versus natural frequency, for each type of loading as related to types of planes at various Mach numbers and altitudes. Characteristic values lie between 2.0 and 3.0.

The fundamental natural frequency of the Capitol is in the order of 1 to 2 cycles per second, while that of the individual wall elements considered as plates is about 48 cycles per second. Though the building as a whole is little affected by dynamic amplification, an amplification factor of 2.0 is assumed. Wall elements are assumed to have a factor of 3.0. Even with these conservative values, and the rare occurrence of a free-field sonic boom intensity of 2.5 millibars (5.0 pounds per square foot), the corresponding lateral pressures of 10 or 15 pounds per square foot are lower than those associated with wind.

The effects of sonic boom associated with planes flying at supersonic speeds and present altitude restrictions will not adversely affect the west central front walls.

2. Foundations analysis

Consideration has been given to the possibility that the observed cracking and displacements of the walls constituting the west front of the Capitol might be due to some foundation inadequacy.

For this purpose borings were made to confirm soils information previously obtained along the west front and to recover soil samples for laboratory test. The soil profile, inferred from the new borings and from those made in 1957, and the laboratory test data, are presented in Appendix A, Section 3.

Failure of a foundation generally may occur in two ways. One is a shear failure of the supporting soil, in which the soil under and around the foundation is ruptured and a relatively sudden collapse ensues.

The second mode of foundation failure is by excessive settlement as the soil supporting the foundation is deformed by the imposed loads. As long as deformations are not excessive, the building accommodates itself to the deformation without serious damage, though some cracking may occur. If the deformations are excessive, wide and long cracks result and the building tends to separate into pieces. The definition of "excessive" settlement is a function of the type of building, the rate of deformation, the degree of uniformity of settlement and other factors.

Fixed numeric values are not applicable. For example, there are buildings in Mexico City which have settled upwards of five feet and remain in sound condition and continue in use. As a rule, designers endeavor to proportion foundations for a building of heavy masonry construction, not occupied by sensitive equipment, so as to limit the settlement to about 2 to 4 inches.[5]

(a) Shear Failure of Soil—The ultimate bearing capacity of the several soil strata supporting the foundations for the west front have been calculated. The principal soil strata are:

(1) A layer of sand and gravel directly underlying the footings, expending about 20 ft. below the lowest footing level and underlain by

(2) a layer of stiff to very stiff red-brown clay, averaging about 40 feet in depth and, in turn, underlain by

(3) a layer of compact sand, approximately 25 feet thick which is underlain by

(4) a hard gray clay, averaging about 30 feet in depth. This stratum is underlain by

(5) a compact sand and silty clay of undetermined depth.

The calculated ultimate bearing capacities of these strata are indicated in the following table, together with the calculated pressures imposed by the foundations. The ratio of the two is the safety factor.

Designers normally proportion a foundation to achieve a factor of safety of from 1.5 to 3 against a bearing capacity failure. Table 1 indicates that a minimum factor of safety of about 2 exists under the present circumstances. The corresponding soil pressure is relatively high, but far less than that required to produce a bearing failure. Further, the computed pressure is conservative since the calculated value represents a maximum condition, occurs only locally and is based on the assumption that there is no contributing support from adjacent interior foundation walls.

TABLE I.—BEARING CAPACITY VERSUS IMPOSED PRESSURES

Soil stratum	Ultimate bearing capacity (tons per square foot)	Imposed pressure (tons per square foot)	Factor of safety
Sand and gravel	9.7	4.8	2.04
Red-brown clay	17.2	2.5	7
Sand	>10.0	.3	>10
Gray clay	>10.0	.2	>10
Sand	>10.0	.1	>10

Loss of strength of the clay soil due to long term strains is a secondary phenomenon occasionally encountered. However, calculations indicate that the shear stress intensity in the clay soil is too low to produce this effect.

Clearly, the wall has stood for the past 150 years. The computed factors of safety indicate that, barring some grossly changed condition, there is no danger of a bearing failure.

(b) Settlement Failure of Soil—For the soil profile which occurs beneath the foundations of the walls of the west front, settlement would occur in three stages. The first would consist of an almost immediate compression of the sand and gravel strata, followed by a somewhat longer-term (about 20 years), slow, progressive consolidation of the clay strata, conventionally known as primary consolidation. This would be followed by a longer term consolidation of the clay strata, known as secondary consolidation.

An empirical estimate of the compression of the sand and gravel, based upon the resistance to penetration of the sampling device, is in the order of one to two inches. Except for minor additional displacements due to alterations in the building which may have added more load, this displacement took place over one hundred fifty years ago.

The primary consolidation of the clay strata has been calculated from the data provided by laboratory tests. These computations indicate a total settlement of about one and one-half inches and this, too, occurred over one hundred years ago.

Secondary consolidation continues today at a very slow rate and is of limited magnitude: Calculations indicate that a total of about one-half inch has occurred in the past, and that a somewhat smaller amount will occur over the next one hundred fifty years.

It is estimated that the total settlement of the walls of the west front, to date has been about 3 to 4 inches. These settlements are on the high side of normal but they are not unreasonable or alarming. Future movements due to settlement will be very minor.

(c) Field Observations—Because of the complexities of the construction of the Capitol's foundations and the heterogeneity of the soil profile, the application of the theoretical analysis described above has been checked against field conditions, with the following results:

(1) There is no indication that a bearing capacity failure has occurred. This is in consonance with the computations which indicate that there is a substantial margin of safety against such a failure.

(2) It appears that the observed cracks in the walls of the West front are not due to excessive settlement. Evaluation confirms the report by Moran, Proctor, Mueser & Rutledge, dated May 1957, Volume 1, page 81, which indicates that a thorough inspection of the walls of the west front led to the conclusion that cracking did not relate to foundation settlement. The pattern of cracking and the general conditions and deformations are not indicative of a foundation problem. This confirms the computations, which indicate that the existing walls should not have suffered seriously from settlement of the foundation.

(3) Prior to this study a level survey was made which indicated that about ¼-inch of settlement occurred over a period of about 2½ years. This is inconsistent with the calculations, which indicate that whatever settlement of the foundation continues to occur is inconsequentially small. Accordingly, an independent check of the level points utilized by the previous survey was made. This most recent survey indicates that there has been no detectable settlement over the past two years.

3. Causes of damage

(a) Environmental Changes—The structural integrity of a building may be affected each time there is a change in the original structural arrangement or an environmental condition change. The extent to which past changes have caused a present threat to the safety of the structure must be evaluated. Table 4 is a list of such events which deserve special consideration.

The history of the Capitol is one of continuous change. Before it was occupied, faulty construction in the North Wing foundations had to be repaired by Dr. William Thorton, the designer of the Capitol. Parts of the South Wing foundations were torn down and rebuilt under Latrobe's direction. As soon as the South Wing was completed, the North Wing was practically dismantled and reconstructed to accommodate the Supreme Court and Library of Congress, in addition to the Senate. Roof leaks were reported in the North Wing before it was ten years old. A number of arch failures occurred, with subsequent reconstruction.

The British burned the Capitol in 1814, subjecting its materials to severe extremes of temperature. The construction which followed involved a complete structural change from timber to masonry vaulting for all floors, except the roof.

Around 1830, the Bullfinch Terraces were built and the North and South Wings were underpinned. More underpinning was done when the "new" Senate and House Extensions were built in the 1850's. Parts of the Central Wing walls were underpinned to make room for construction of heating furnaces. Underpinning may have resulted in some loss of vertical support with accompanying strain in materials which produces cracks.

The floor of Statuary Hall was once used as a mixing chamber for a hot air heating system, which caused volumetric expansion and contracting of an unusual nature. Hot

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air heating was replaced by steam, gas was installed, followed by electricity and, finally, the building was air-conditioned. In 1874 the first elevator was installed. Each change required new cuts into the structure and consequent readjustment of structural elements; see Plate 3.

In 1851 there was a fire in the Library of Congress, which had been moved from the North Wing to the Central Wing, and in 1898 another fire occurred, following a gas explosion in the North Wing.

When the Library of Congress moved into its own building, two new floors were installed in that Central Wing. About the same time, the timber Lantern Domes over both wings were removed and replaced by steel construction.

The sequence of construction is a significant determinant of differential settlement. The North and South Wings were built about 30 years before the Central Section was completed and the present cast iron dome replaced a wooden dome in 1863, thirty-three years later. As a result, the supporting soil strata under the three parts of the building were subjected to different loading intensities, hence different soil consolidation and settlement patterns. Evidence of articulation at the intersections of the three wings is probably in part due to differential settlement.

The building has adjusted itself to these changes or has been repaired to accommodate them as they occurred. This study indicates there is no observable threat to the structure due to past changes.

(b) Quality of Construction and Materials—In 1795, Dr. Thornton reported poor masonry work on the North Wing. A remedy was applied, but the suspicion has persisted that the Capitol foundations are of inferior quality. The notion was reinforced in 1804 when work on the South Wing had to be reconstructed. Assertions that these walls are merely two minor walls with the area between filled with loose rubble and mortar were contradicted by Dr. Thornton who referred to good bond stones intermingled throughout.[6]

Arch failures during construction were fairly common in those days and Thornton took occasion to remark on Latrobe's poor luck in this field.[7] Several failures were reported in the history of the Capitol's construction, and in each case repairs were made. One may wonder if, based on this history, other arches might be on the verge of failure. This study indicates that such fears are unfounded.

The Capitol in its present form is over 100 years old and most of the vaulting is over 150 years old. During that period the building has been subjected to high winds, shocks of seismic origin, and explosion, and numerous structural incursions to accommodate new facilities.

Wherever it can be seen, the brick vaulting is solid and firm with good mortar bond. There are many examples where vaulting has been cut and remains firm. Bricks exposed at the edge of openings in vaulting made for air-conditioning ducts, are supported solely by mortar bond and are not easily removed (Plate 3). Observed arches and vaulting have adjusted to change or were properly repaired to form a safe and strong structural element.

Interior damage to exterior walls is shown on Figures 16–17 but the evidence of damage is inconclusive because of the high standard of maintenance. Nevertheless, there are signs of water intrusion. Except for rooms H227 and S231, all interior wall cracks are minor, probably limited to the plaster.

In Room H227 a series of vertical cracks appear at a point corresponding to the junction between the South Wing and the Central Wing. Since the Central Wing was abutted to the South Wing, some 20 years after the latter was built, these cracks may be the result of an imperfectly bonded joint.

Some plans of the building in this area suggest that there are flues in the walls and these could be responsible for the damage.

In Room S231 the concentration of expansion and contraction activity which is typical at the corners of a building is evidenced by vertical cracks on the interior surface.

Cores of the upper walls show voided areas which may have resulted from the reported construction technique of infilling the walls with loose batches of stone and mortar. Condensation may keep lime mortar soft and some may leach out, causing voids or enlarging existing ones (see Figure 22). Grouting done under the Exploratory Work conducted as part of this report indicates that the foundation wall cores have an overall void ratio of about 5% and as high as 20% locally.

The void ratio of the upper wall varies from 5% to 10%.

It is suspected that a serious error in construction occurred because masons at the time did not cut and lay exterior sandstone with careful observance to the orientation of the bedding plans of the stone. Sandstone, though porous, will weather well if permitted to drain properly. If the stone is laid without regard to grain, there will be stones in which water will be trapped long enough to freeze and cause surface deterioration. The pattern of deterioration observed is consistent with this possibility since many stones are in good condition. Full confirmation of this theory cannot be obtained unless the entire surfaces of the walls are cleaned of paint and the sandstone is examined.

Painting the surface of stone is a reasonable method of preventing the intrusion of water, but there is a danger that it can become a cause of deterioration by permitting intrusion of water at some points and causing entrapment at others. Painting records are not available, but this aspect of building maintenance apparently was neglected between the years 1830 and 1850, according to 'Mudd,'[8] who states his understanding that the Capitol had not been painted for 17 years.

Painting can have other deleterious effects. Components of the paint may penetrate the pores of the stone and react chemically with it. It will generally stain the stone, and attempts to remove the paint can cause further unsightliness as well as inadvertent removal of stone particles.

While painting has discolored the stone it appears to have provided protection more often than it has caused damage. Sandstone which has been painted has weathered better than much of the nearby marble which is not as old.

(c) Temperature—Most of the cracking and deterioration of the west wall can be explained by the effects of weathering and temperature. Structures adjust to temperature change through volumetric expansion and contraction. This process can be complex, taking account of building configurations, inside-outside temperature differential, the ability of the materials to transmit the imposed forces and the effects of water intrusion followed by expansion when it freezes.

The ways in which a masonry wall can be cracked by temperature changes are depicted in Figure 18, which demonstrates the fundamental action of expansion and contraction. With a rise in temperature, the wall lengthens. When the temperature drops, it tends to shorten. Because masonry is weak in tension it does not recover its original length if there is any restraint to this shortening. Instead, it fails at the section where the least amount of material is available—at door and window openings.

The manner in which this is compounded by structural configuration is demonstrated by Figure 18(b). When two parallel walls are linked by a third wall, the movements just described tend to distort the linking wall and cracks form at the locations shown.

These effects are compounded because of the restraint provided by floors and walls, shown in Figures 18(c) and (d). If the inside temperature is different from the outside, a warping effect results and the structure assumes the shapes indicated in the sketch. Since expansion and contraction occur vertically, as well as horizontally, the actual pattern is complex, but cracks tend to form as shown.

Generally, this effect would not be large enough to cause cracks, but it is continually reversible and becomes a determining factor when additive to one or more of the previously described forces. Once the stone has cracked, the wall does not return to its original position and a natural process of growth sets in. If the crack is filled with dirt, or patching mortar, or if a dropped keystone closes the gap, the wall becomes still longer upon expansion and the crack opens again when contraction occurs.

In the case of the Capitol walls, the described action is compounded by the great thickness of the wall and its 3-layer construction. The inner part of the wall is thermally stable while the exterior is exposed to the temperature extremes. The existence of a void behind the sandstone suggests that the sandstone may have some behavior independent of its backup wall. To the degree, that its internal geometry will permit, the exterior wall responds to temperature, and forms its own expansion joints by cracking in the manner shown in Figures 12–15.

(d) Settlement—Differential settlement of the foundations of a structure produces a characteristic cracking pattern in the supported masonry walls. These usually take one of the forms illustrated in Figure 19:

(1) If settlement acts to tilt or rotate one portion of the wall with respect to another, cracks will develop, as indicated in Figure 19(a), and the size of opening increases as it travels up the wall in vertical cracks or joints.

(2) More commonly, one portion of the wall drops with respect to an adjacent part and the openings occur in horizontal joints (Figure 19(b)).

Close inspection discloses relatively few crack patterns that could be related to foundation behavior. By themselves cracks are not evidence of settlement, and in the case at hand are explainable by weathering and temperature phenomena.

4. Exploratory Program[9]

As part of this study, plans and specifications were prepared for "Exploratory Work In and Adjacent to the West Central Portion of the United States Capitol", and a contract to carry out the work was awarded to Layne-New York Co., Inc. The purpose of the work was to determine the practicality and limitations of some of the restoration methods under consideration and their costs, as well as confirmation of data developed in earlier studies and reports. Determinations were sought for the following specific items:

(a) Drilling and Grouting—The primary purpose of the exploratory program was to determine the practicality and effectiveness of grouting the walls, using different techniques and materials. Underlying this work was the unknown degree to which the walls actually are voided, so an effort was made to determine the void ratio as well as the degree to which voids can be filled.

In 1964 some 63 cores were drilled in the west front wall. These were well distributed, were described and photographed in the Thompson & Lichtner report, and the cores are presently stored in the basement of the Rayburn Building. For the exploratory program. Layne-New York Co., Inc. drilled an additional 45 cores in much greater concen-

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tration in two test areas of wall. Because dry drilling tends to pulverize the core and wet drilling tends to wash out lime mortar and sand, good clean cores are seldom obtained and judgment is required to establish a void ratio. Additional information provided by the drilling process is obtained when there is a sudden change in the drilling pressure or the drill "falls through" a void.

When the wall was grouted, a careful record of the volume injected was kept as another indication of the existence and extent of voids. This record does not detect voids that are not filled, nor is there any way to determine exactly how far the grout traveled in the channels it found. Therefore, the indication is limited. It proves that voids exist, but it cannot prove that they do not exist or the degree to which they are filled.

At Wall A [10] there were 4 inclined grout holes and 14 test holes which were drilled after the grout was injected. In the test holes, a determination of the extent of voids, as compared to the extent of grout in the cores, was made to evaluate both the void ratio and the effectiveness of grouting. Logs of all drilling and grouting were kept, and a profile was recorded for the test cores.[11]

Of the 14 test cores taken in Wall A, 12 contained evidence of grout filled voids. The other 2 contained none, but also showed few voids. If a core contains a void not filled by grout, some conclusion can be drawn about the effectiveness of grouting. However, if there are no voids which might have been filled, no conclusion can be drawn except as to the degree to which it tends to indicate a solid wall.

In Wall B, one vertical grout hole and 8 horizontal grout holes were drilled. The holes were grouted and 18 test cores were taken.

Wall B turned out to be not typical [12] of the rest of the west wall since it did not have the extent of loose rubble in filling discovered in other areas in the 1964 investigation. The masonry units were large and the proportion of joints was, therefore, small. Out of the 18 test cores, 9 contained evidence of grout.

Wall A was grouted with Monomer, Epoxy, Neat Cement and Sand Cement in four different grout holes spaced about 7 feet apart. Altogether over 420 gallons, or 56 cubic feet of material was placed in the wall. This indicated that a considerable volume of voids existed and was filled; and it implied a void ratio of about 10%, if a normal distribution of voids existed around the grout holes. A normal distribution apparently does not exist, however, since over 50% of the total grout was placed in one of 4 holes and it traveled as far as 6 ft. in one direction and 12 ft. in another. Test holes also pierced many areas in which no grout was found and few voids were observed. The inference is that there are large voids, several inches in diameter, located in clusters, rather than a general distribution of fine voids. There are channels or seams through which grout can travel a great distance but these do not necessarily interconnect the larger voids.

The void ratio in the foundation wall, based on examination of the cores, is estimated to be 5% generally and 20% locally.

In Wall B, only cement grouts were used, and about 315 gallons of grout material were placed in the pier. Apparently, the only void in this wall was detected by the driller when the drill "fell through" consistently at about a depth of 2 to 3 feet from the face of the wall. The indicated volume would be equivalent to about a 5% void ratio. A 2½ inch continuous seam would also produce a 5% void ratio. What appeared to be this seam was observed as a ¼ inch crack when the wood paneling was removed to expose the wall near the window jambs.

In Wall B, 1 inch diameter horizontal grout holes, using about 20 pounds per square inch pressure, were as effective as was the larger vertical hole. With both grouting procedures, the conclusion was reached that the wall at this location is very solid. From examination of the 1964 cores, it is estimated that the void ratio for the upper walls is generally less than 10% and most of it is in the vertical plane, immediately behind the sandstone face. These can be best filled by grouting through horizontal or slightly tilted grout holes drilled through the face.

Of the four grouts tested, three proved superior: neat cement, sand cement and epoxy.

Monomer, an acrylic plastic, is a promising material with good laboratory test results, but the test program indicated a lack of field experience with the material, which restricts its applicability in a major structure. While the material soaks into the grouted wall quite effectively, its rate of cure was indeterminate. It also gave off an objectionable penetrating odor that cannot be tolerated in a building which is to be occupied during construction. It also is flammable and has a low flash point in the liquid state.

Sand cement grout was used with two different gradations of sand, was pumped both with and without pressure through 1 inch diameter holes and 3 inch diameter holes. With 3 inch diameter holes and well graded sand, it proved adequate. Since its prime virtue over neat cement grout is economy, it is not suggested for use in the foundation walls, where it would be less likely to seek out and flow through small channels which interconnect the voids. In the upper walls, it is recommended for use in conjunction with epoxy. To avoid damage to pumps and obtain good flow characteristics, the sand gradation must be rigidly adhered to.[13] The best mix for neat cement grout was 1.5:1 [14] and for sand cement grout 1.5:1:2.[15]

Grouts of the suggested mix ratios did not generally bleed through the wall joints. When they did, a self-sealing characteristic was evident. Bleeding quickly stopped and is easily retained by slight obstructions to flow.

Epoxy is very strong in extension, compression and bond. It is also effective in permeating a finely voided material, but relatively expensive. It should be used as an adjunct to sand cement for grouting the upper walls, where good bond is a desirable characteristic. After the wall has been grouted with sand cement, to fill the large void behind the sandstone, a second stage grouting of the same areas with epoxy would result in a strong wall.

Solidification of the wall will affect the thermal properties. Air spaces at voids in the rubble core offer practically no resistance to the transmission of water vapor but are effective insulation against transmission of heat. When the voids are filled with grout the transmission rate of water vapor is decreased and that of heat is increased. The result is a 10% net increase in heat loss or gain for a solidified wall.

Condensation in the wall will not occur during the summer. During the winter there are conditions under which condensation occurs for both the existing wall and a solidified wall. Grouting will not produce much change in this effect (see Figure 22).

(b) Soils and Settlement—Three soil borings were made and one-dimensional consolidation tests were performed on three undisturbed samples. In addition, three unconfined compression tests, and three sets of liquid and plastic limit determinations were made by Woodward-Moorhouse & Associates, Inc. Laboratory results are given in Appendix A, Section 2, and a general discussion is included in Part B2 of this report.

(c) Paint and Paint Removal—Efforts to remove old paint, which has a thickness of 90 to 115 mils, from the surface of the west central front wall were not encouraging. The methylene chloride base remover specified, was at least as effective as other removers which were tried, but none succeeded in producing a completely clean stone surface. Application of a hydro-silica jet, using 600 to 700 pounds per square inch pressure, did remove the remaining paint but it also removed a portion of the stone surface. The jet treatment was too harsh for use on carved stone. On flat areas, it would be effective but would require a follow-up rubbing and sanding to restore the surface to a reasonable plane. The removal of soft decomposed stone forms a sound base for bonding of applied protective coats, so plain water jetting should not be rejected as a removal technique unless extreme erosion occurs.

Several manufacturers and paint consultants were contacted and the consulting service of Mr. Arnold J. Eickhoff was retained. There was general agreement that chemical removal would have limited success. Other techniques suggested include flame, hydro-silica jet followed by sand blast using walnut shells, and mechanical removal using pneumatic tools.

Paint removal resulting in a perfectly clean exposed sandstone does not appear to be practical. Removal to permit inspection of sandstone and effective use of stone preservative can be obtained using conventional hand labor and chemical remover.

Present painting practice requires the use of paint meeting Federal Specification TT–P–102a. This is a paint particularly adapted to exterior use on wood. Use of a stone preservative or conditioner as a base coat for a latex binder paint should be considered. Laboratory tests of paint samples indicate that latex binder paints were used in recent paint applications on the west front wall (see Appendix A, Section 5).

(d) Stone Preservative. — The existing stone is soft and porous. Its life could be effectively extended if it could be hardened and/or waterproofed. Two commercially available products were applied to test portions of the wall and smaller specimens which were sent to the National Bureau of Standards for testing. Their report is included as Section 3 of Appendix A. Complete protection of the stone surfaces should combine caulking of cracks and joints with the plastic material, followed by application of stone preservative and two coats of paint.

(e) Source of Sandstone—As an adjunct to the exploratory work, two field trips were made to the Aquia Creek area in Stafford County, Virginia, from which the original sandstone reportedly had been obtained. One of these trips is documented by Mr. Thomas W. Fluhr, Engineering Geologist, in Appendix B. Old quarries were discovered, but the findings were no more successful than similar efforts undertaken by Latrobe between 1805 and 1819. If good stone is there, it is well beneath the surface and expensive exploratory work would be required to discover it, with no guarantee of results. An even more expensive quarrying operation would then be required to uncover it. That would also be a gamble because it has been stated that blasting has been used in the area for the extraction of gravel. Such blasting may have shattered what otherwise might be acceptable sandstone.

What stone was visible on the surface during these inspections at the quarries had considerable quartz pebbles or was badly decomposed. An area visited on the second trip to the Aquia Creek area was possibly quarried in the 1930's, judging by the vegetation over the cut; see Plate 4. Here the volume cut was relatively small and the quality apparently ran out.

C. Conclusions

The many cracks and surface flaws do not significantly impair the ability of the west central front wall to continue to support the loads imposed on it. There are voids in the walls which do affect its strength.

Materials are of a quality and strength in excess of that required for safety, with the exception of the lime mortar cementing agent which ranges from fair to poor. The poor material is generally in the central core of the wall, which can be assumed 50% efficient without causing overstress in the remaining portions of the wall.

Because there have been so many environmental changes during the course of the Capitol's history, there is no way of being certain that the building has all the characteristics of the original structure or those assumed in the computed structural analysis. Therefore a structural restoration program is required. Also, maintenance policy should require that all future installations of mechanical equipment, devices, chases, etc., be preceded by a structural analysis of affected elements.

If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, cracking will continue to occur as the wall adjusts to temperature change. A series of control joints must be provided to insure that these cracks occur at preselected points. Control joints must be caulked with plastic materials, which will stop the intrusion of water. With these measures future cracking should occur at a much reduced rate.

The following are specific conclusions and restoration procedures which apply to the different parts of the building, considered from the standpoints first of structural restoration and preservation.

1. Structural

(a) Soils [16]—Laboratory tests of soils beneath the Capitol indicate that the imposed loads are carried safely with a very small amount of anticipated future settlement.

In the past, settlement has occurred and since the three wings of the Old Capitol were built at different periods of time, there undoubtedly was differential settlement. The cracked vertical joints at the intersections of the three wings may be the results of this effect. Present settlement is negligible.

Neither underpinning of foundation walls nor chemical injection of soils is necessary.

(b) Foundation Walls—Foundation wall masonry is laid in lime mortar bedding of varying strength in a low range. The interiors of the walls were reportedly not laid in regular courses but filled with mortar dropped on the stones. Drilling conducted in the field test program indicates that this condition might exist locally rather than generally.

It is desirable to solidify the interior of the foundation walls to remove discontinuities and provide a relatively monolithic condition. The walls should be pointed. Then grouting can be accomplished with cement grout followed by epoxy. Use of epoxy grout would provide cohesive strength to existing mortar.

Experience in the exploratory program indicates that for foundation walls a first stage cement grout should be injected under pressure. Holes should be 2 to 3 inches in diameter, slightly off vertical, and spaced at about 3 feet on centers. Second stage grouting with epoxy should be in 2 to 3 inch round holes located between the first stage holes. To obtain a positive tie, steel rods would be inserted in the holes immediately upon completion of each grouting operation.

(c) Screen Walls—The screen walls at the lower old terraces are out of line and at some points could buckle despite present shoring. Although this veneer is non-structural it does provide protection against the weather for the rubble foundation wall behind it. Because the protection is important, and because the wall is unsightly, the screen wall should be rebuilt.

Earlier investigations showed that the veneer is generally six inches thick, with a three to four inch air space behind it. Rusted remains of ties were found, indicating that some attempt to bond the veneer to the wall behind it had been made.

To restore the screen wall it should be removed and the stones cleaned and trimmed. Broken stones should be repaired or replaced. Before replacing the screen wall, the rubble wall should be grouted (see Figure 20). Using the original stones, the wall should then be replaced plumb and true with bonding ties located at each course and doweled into the rubble wall and the space between veneer and rubble wall should be filled with cement mortar as each course is laid. The wall should be treated with preservative and painted, in consonance with the main walls.

(d) Terrace Walls—The old terrace walls, located about 20 feet forward of the screen walls, are gravity retained walls founded on stone bases about two feet below the adjacent ground. Cracks in the terrace floor slab indicate that these walls have moved an inch or two forward of their original position.

To restore the walls, they should be dismantled and rebuilt on a concrete footing founded below the frost line. The stones should be repaired, cleaned and treated with preservative.

(e) Upper Wall Repairs [17]—Cracks in the walls are generally due to thermal effects. This has been aggravated by the freezing of intruded water and other environmental effects.

Unless expansion joints are provided, cracking will continue. Studies made to develop an expansion point detail did not succeed in eliminating the possibility that difficulties would be increased rather than relieved. However, cracks can be minimized and progressive growth can be inhibited by solidifying the walls with grout and providing caulked control joints between window heads and sills as indicated on Figure 21, at the locations shown on Figure 3.

To strengthen the wall it should be grouted. This should be done in two stages; an injection of sand cement grout under pressure through 2 inch diameter horizontal holes to fill the largest voids, followed by an injection of sand cement grout under diameter inclined holes. Holes would be spaced at about 3 feet, on a grid, but would be located after paint removal to arrange, to the extent possible, that they occur in stones scheduled for repair.

To tie the wall together and to add strength, ½-inch diameter steel reinforcing rods should be inserted in grout holes immediately upon completion of the grouting operation in each hole. When interior walls about the west wall at pilaster lines, ties should be extended into them (Figure 20).

The building corners are the location of the most severe stone damage. Corners can be stabilized by cross ties, as shown on Figure 20. An alternate method for accomplishing this would require the vacation of corner office space during construction. Under this alternate, existing flooring and sand fill would be removed and a structural slab, tied into the walls, would be poured. This would stiffen the corners and make them strong buttressing elements.

Surface deterioration is due to weathering and freeze-thaw of entrapped moisture. Though unsightly it is of minor structural importance. Some stones are so far eroded that they should be replaced but others, less seriously deteroriated, may be tolerated as an expected sign of age. Future damage by intrusion of moisture or paint can be controlled by the application of a stone preservative and joint sealant, a procedure which should be applied at regular intervals.

Faulty face stone can be removed by saw cutting, line drilling and chipping, then replaced with new stone. Carved stone, unless basically faulty, can be repaired in place. Entablature elements can be removed by cutting and chipping, as shown on Figure 20. To avoid removal of elements above it, and subsequent danger to vaulting below, entablature pieces should only be removed back to the approximate facestone line and replacement pieces installed using reinforcing anchors with epoxy cement.

(f) Portico Repairs—Spanning members in the Portico have failed and must be repaired. The entire balustrade and entablature over the Portico should be removed down to the column capitals.[18] Broken lintels may be pieced together and made strong by using post-tensioning techniques. All members should be cleaned, treated with preservative and replaced with a new reinforced concrete backup well (Figure 21).

Columns and their bases can be replaced by sister elements from the East Face stored stone. East Face members are monolithic and are in better condition than the West Portico columns which are made up of varying length drums. East Face column bases are also in better condition and should replace those in the West Portico.

(g) Window Lintel Repairs—Broken lintels should be removed, repaired using post-tensioning methods, cleaned, treated with preservative and replaced (see Figure 21). Where eroded edges make this impractical, new stone must be used.

(h) Window Keystone Repairs.—Many window keystones have dropped. Old mortar repair material at the top of the stone should be removed by saw cutting and chipping. Adjacent stones should be removed to the extent necessary to gain access to the sides of the keystone (Figure 21). Then the keystone should be jacked into its original position and supported there on steel stubs inserted in the sides. Access holes would then be closed with new stones.

2. Architectural

"Restoration, used architecturally, means putting back as nearly as possible into the form it (a building) held at a particular date or period in time." [19]

The initial construction of the North Wing was completed in 1800, the South Wing in 1808 and both had an exposed sandstone finish until the structure was damaged by fire in 1814. During repairs subsequent to the fire all exposed stonework was painted. The Central (Portico) Wing was not completed until 1829 and it is assumed that the stonework was painted as part of the construction process to match the adjacent wings. The entire west central front has remained painted ever since and has been repainted many times. There may be some question whether true restoration in this case should result in an exposed sandstone surface or a painted surface. Both approaches are treated in the following discussion and are included in the cost estimate as Schemes 1 and 2, for painted sandstone, and exposed sandstone, respectively.

As a practical matter, Scheme 1 seems most attractive. Those portions of stone which were uncovered during the exploratory work proved to be badly stained and a good portion of it was of relatively poor quality. There is the possibility that a greater portion of stone will need replacement than survey of the painted surfaces would indicate, in which case the supply of East Face stone could be insufficient. Scheme 1 is preferable for these reasons and because, in this case, a painted finish seems to most faithfully fulfill accepted standards for restoration.

(a) Scheme 1—Painted Sandstone—If a painted stone surface finish were elected, the color quality of stone used for repairs would not be important. Repair methods would follow procedures outlined below for exposed stone finish, but replacement stone would not have to be Aquia Creek sandstone.[20] Equivalent surface texture could be achieved by prefabricating stones to the required dimensions. Carved stonework elements could be replaced in part by doweling in new parts when deterioration was limited, or a whole block would be used in more severe cases. Details of Figure 20 would apply.

Upon completion of repairs the joints

Footnotes at end of article.

Footnotes at end of article.

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would be sealed and the whole wall surface would be treated with preservative and painted.[21]

(b) Scheme 2—Exposed Sandstone—Paint would be removed from the existing surfaces by chemical and/or mechanical means.

A detailed inspection would then determine what stones are visually and structurally unacceptable. These would be removed by sawing, line drilling, and chipping to a depth of about 6 inches. A "new" stone[22] would then be cut to precise dimensions and inserted in the space on an epoxy mortar base and anchored with ties into the backup wall against epoxy mortar backing. The process would be repeated stone by stone, avoiding the removal of adjacent stones at the same time, or a quantity that would imperil the structural integrity of the wall.

When all faulty stone was replaced, joints would be struck flush and treated with plastics sealant. The entire surface would then be treated with preservative, a treatment which would have to be repeated at about ten-year intervals as standard maintenance.

The stored stone from the East Face (Plate 2) is generally 12" to 24" in depth. Its back portions could, therefore, be cut for face stone inserts, leaving the carved forward portion with ample depth to be used as replacement for deteriorated West Face carved work. That supply would, therefore, provide 3 to 4 times the square footage of wall that its cubage would imply.

Deteriorated balusters would be replaced in whole. Broken cornice elements would be replaced as shown in Figure 20, and the entire top surface of the entablature would be capped with flashing in fashion similar to that used on the Senate and House Buildings.

It is not suggested that stone elements, such as cornice members or column caps, should be replaced simply because a leading edge or some of the decorative carving has eroded. The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background.

Effective grouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls. This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Face storage piles. For Scheme 2 this would mean either some proportion of artificial replacement stone, or toleration of a pock-marked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over.

3. Other restoration methods

Other approaches to restoring the West Wall were considered and abandoned upon evaluation. In particular, the following deserve mention:

(a) Marble Facestones—Thomas U. Walter, Architect of the United States Capitol Extension and designer of the Capitol Dome, described this proposal in 1850: "I may venture further to suggest that it would by no means be impracticable to remove all the facing of the present building and substitute marble, without interfering at all with the stability of the structure. If, therefore, the work is commenced by facing the new part with marble, the day will no doubt come when we shall have a marble Capitol upon which time can work but little change."[23] Procedures would follow a pattern similar to that for Scheme 2, except that replacement would be marble and replacement would be entire. This would be accomplished by using a checkerboard pattern of removal and replacement stone by stone. Upon completion, the building would look exactly like the existing building, except that it would have a marble surface and would look new. Details would be similar to those in Figure 20.

The concept is considered to be reconstruction rather than restoration and, it is estimated that it would cost $31,053,000.

(b) Marble Veneer—To reduce the cost of the preceding scheme an extremely placed marble veneer was evaluated. This concept would involve application directly to the existing surface of the wall following removal of projecting elements. Dimensional problems are produced which violate the principles of restoration, and the additional weight of 5,000 lbs. per foot of wall creates foundation problems. This procedure is judged a poor bargain at a high cost.

(c) Buttress Wall—In this concept a new wall would be constructed in front of and bonded to the existing wall to reinforce it. It would rest on its own foundation and be constructed of reinforced concrete faced with sandstone or marble to replicate the wall behind it.

The technique was set aside because it imposes dimensional changes to the architectural elevations which would not be simple to conceal, because it is neither "restoration" of the structure nor preservation of an historical monument, and because, structurally, an adequate, less expensive solution is available.

(d) Replacement Wall—The existing wall could be dismantled and replaced by a new wall incorporating reinforced concrete construction faced with sandstone or marble to the exact dimensions of the existing building. Again, this would mean the obliteration of the historical monument and replacement by a replica. It would also necessitate abandonment of offices along the wall for an extended period of time.

The most telling objection to this concept, however, is the complicated construction methods and tight control that would be necessary to accomplish the actual construction. A complex shoring system put in place as dismantling proceeded would require an intricate sequence of operations to prevent collapse of the work immediately involved and damage to interior spaces. Complicated construction means expensive construction. This and the hazard justify setting aside the technique.

D. Implementation

1. Structural repairs

If structural repairs are made, they should be carried out as a continuous operation proceeding from Wall 1 to Wall 7,[24] as indicated on the Projected Progress Schedule, Table 2. Walls 1 and 2 would be completed before proceeding to Wall 3, etc., so that the architectural restoration work could follow as soon as structural repair was accomplished, and a regular sequence of progress maintained. Walls 1 and 2 are chosen for initial work because fewer offices are in the South Wing adjacent to the west front wall. This would permit practical methods and procedures to be developed by the contractors and would achieve a smooth running operation before the work proceeded to the busy areas.

It is not anticipated that any rooms would have to be vacated, unless it was decided to adopt the poured slab technique for corner offices as previously described. This technique is unacceptable because its use disqualifies restoration.[25] Economy and certain structurally desirable characteristics accrue to the poured slab method of tying in the corners, but a structurally adequate alternative is available.

Working access to the walls would be via temporary ramps and bridges from a work and storage area in the southwest Capitol lawn (see Figure 1). The public would thus have unobstructed access to the Capitol and its terraces at all times.

2. Architectural restoration

Concurrent with structural repair operations a careful inspection must be conducted to establish the extent of necessary restoration and the proper sequence of operations. All dimensions necessary for shop drawings and models would be made and when structural repairs were finished the stonework operation would begin.

The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone. If, however, a degree of removal which results in an acceptable surface can be accomplished, restoration Scheme 2 could be adopted. Contractual agreements for the work could be written to permit a change to Scheme 2 if in the judgment of the responsible authorities the results of cleaning provide an acceptable finish.

3. Work scheduling

It is estimated that, with proper timing and phasing, the work can be accomplished in about three years with no single wall section being scaffolded for more than one year. The Projected Work Schedule, Table 2 indicates the general sequence and timing for the various operations.

The schedule shown is only one of many possible variations. Separate work operations can proceed concurrently and more than one wall can be operated upon at one time. This would be a matter of manpower and coordination; the final contract should include a network schedule. The schedule shown is presented as a reasonable approach.

A lead time of at least 6 months would be required for the preparation of plans and specifications, advertisements, and awarding of contract.

E. COST ESTIMATE

Table 3 is a tabulation of estimated quantities and costs for Schemes 1 and 2, summarized as follows:

Scheme 1—Painted Sandstone $13,700,000.
Scheme 2—Exposed Sandstone $14,500,000.

Included are amounts for replacement of all windows, repair of existing roof slabs and old terrace walls, bird proofing, delays, funds for emergency repairs, and a contingency of 15%. Unit costs include an escalation factor. A liberal amount is included to cover full-sized trial method experiments which will be necessary to establish the best procedures during the early stages of the work, as well as retention of stone artists and experts to measure and make models for special carving and repair work.

The third Commission condition stipulates that "restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids". A cost plus contract with an "upset price" seems more realistic and could be obtained on a competitive basis.

FOOTNOTES

[1] Figures are not reproduced in RECORD.
[2] 1967 Ed., Sec. 7140.
[3] The M.M.= Modified Mercali Scale, is a measure of ground shaking, a value of 5 representing a shock felt by most people, with breakage of dishes, windows and plaster.
[4] Ibid., Sec. 2314.
[5] See *"Design of Foundations for Buildings"*, by S. M. Johnson and T. C. Kavanagh, pages 135 and 136.
[6] Glenn Brown, *"History of the Capitol,"* page 37.
[7] Ibid., pages 42–43.
[8] Mudd Report, (1649), *"Documentary History of the Capitol."*
[9] See Appendix A for field reports, and data developed from this work.
[10] A rubble foundation wall. See Appendix A, Section 6 for contract plans which show exact locations of grout holes and test cores.
[11] Ibid., Section 1.
[12] Including the fact that one of the face stones was granite rather than sandstone.
[13] See Specification, Appendix A, Section 6.
[14] Water: Cement, by volume.
[15] Water: Cement: Sand, by volume.
[16] See Appendix A for computations and soils data.
[17] Damaged areas are shown on Figs. 12–15, and repair details are shown on Figs. 20–21.
[18] In this case, removal of upper elements will not endanger vaulting below.
[19] Orin M. Bullock, Jr., A.I.A., *"The Restoration Manual"*, (1966)
[20] The use of East Face stone is not prevented by the fact that a painted finish is used. Its limited supply is simply removed as a factor.
[21] Painting restores the surface to a condition it enjoyed for 150 years as did the White House, recently restored in similar fashion.
[22] This material can be cut from East Front stone presently stored at two sites: The Capitol Power Plant Yard and Rock Creek Park.
[23] *Documentary History of the Capitol.*
[24] For wall designatons see Fgures 2 to 6.
[25] See page 1 of this report-Commission condition No. 2.

THE POSITION OF THE AMERICAN INSTITUTE OF ARCHITECTS ON THE PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, when this House begins to debate the question of extending the west front of the Capitol we are in the area of architecture. Indeed the architect of the Capitol himself has urged this extension action.

So it is essential that when we debate this issue we have clearly before us the position of the foremost professional association of the architectural profession, the American Institute of Architects, the AIA.

They are against the extension and they have some solid reasons for their position which we would do well to consider when we debate this issue on Wednesday or Thursday.

Incidentally, the new Capitol architect, Mr. George White, is a member of this organization and shared its views prior to the time he went on the congressional payroll. After he was on the payroll, of course, he changed his mind, as the public record will show.

But, Mr. Speaker, here is the report of the AIA as well as an up-to-date statement of their views, which are in clear contrast to the newly-formed point of view of the new architect of the Capitol.

Under leave to extend my remarks, I insert the report of the AIA Task Force on the West Front issue, dated September 1, 1971.

I also include a copy of a published release by the AIA dated June 22, 1972, reaffirming their opposition to the proposed extension project:

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D. Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 and 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

TASK FORCE REPORT: RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971", the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shubbery.

PREPARE A COMPREHENSIVE PLAN FOR LONG RANGE DEVELOPMENT OF THE PROPERTIES UNDER THE JURISDICTION OF THE ARCHITECT OF THE CAPITOL AND THE SURROUNDING AREAS

The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include 1) an inventory space utilization of present buildings; 2) an analysis of floor area ration within the confines of the present Capitol area; 3) a study of possible new land acquisition; 4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding groups cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

TASK FORCE OBSERVATIONS ON THE PRAEGER REPORT

Settlement

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

Cracking

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure to cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart.

This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

Erosion and spalling

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a

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condition that would "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

Loose or cracked stones

(1) Certain stones, voussoirs, flat arches, quoins, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

Wall strength

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgment of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatible and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

Moisture

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries*, Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing".

In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation). The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

Performance design

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

Painting

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish standstone (original wings), Walter's marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

RELEASE FROM AMERICAN INSTITUTE OF ARCHITECTS

The American Institute of Architects supports the provision in the Senate version of the 1973 Legislative Appropriations Act, H.R. 13955, which prohibits the use of funds for the preparation of final plans or for any construction on the West Front of the United States Capitol Building because Congress must first carefully weigh and vote on the issue of preservation. The restoration study of the West Front, as authorized by Public Law 91-145, states conclusively that restoration of the West Front is practical, economical, and desirable.

To proceed with extension of the West Front would be in complete disregard for the heritage of our country and of our national government. Only if this last remaining original facade of the West Front is restored and left visible will the continuum of the history of the United States be evident in our Capitol.

Furthermore, extension would be in expensive disregard of commonsense, long range planning for the future needs of Congress. A halt to piecemeal new construction of this nature must be called, and called now, until such time as comprehensive, long range plan is made to accommodate all the functions and facilities of Congress in the most efficient and effective locations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SCHNEEBELI (at the request of Mr. ANDERSON of Illinois), for June 27, 28, 1972, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ANDERSON of Illinois), for today and the balance of the week, on account of illness.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MOSS (at the request of Mr. O'NEILL), for Tuesday, June 27, through Friday, June 30, on account of hospitalization for surgery.

Mr. DENT (at the request of Mr. O'NEILL), for the week of June 26, on account of personal loss due to flood damage.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for Monday, June 26, and Tuesday, June 27, on account of official business.

Mr. FREY (at the request of Mr. ANDERSON of Illinois), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ASPINALL and to revise and extend his remarks and include extraneous matter, for 15 minutes, on June 28, 1972.

Mr. STRATTON, for 60 minutes, on June 27; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. CONOVER) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 30 minutes, today.

Mr. SHOUP, for 10 minutes, today.

Mr. ANDERSON, of Illinois, for 30 minutes, today.

Mr. CHAMBERLAIN, for 30 minutes, Thursday.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. ASPIN) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. ABZUG, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. JACOBS, for 60 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DINGELL and to include extraneous matter, notwithstanding an estimate of 13½ pages and a cost of $1,890.

Mr. EVINS of Tennessee in two instances.

Mr. EVINS of Tennessee to revise and extend his remarks during general debate on H.R. 15586 and include extraneous matter.

Mr. STRATTON notwithstanding the fact that it exceeds two pages of the RECORD and the cost thereof is estimated by the Public Printer to be $945.

Mr. HÉBERT, for all Members to include extraneous material with their remarks today during general debate.

Mr. LEGGETT (at the request of Mr. ASPIN) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

Mr. ANDERSON of Tennessee (at the request of Mr. ASPIN) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

(The following Members (at the request of Mr. CONOVER) and to include extraneous matter:)

Mr. KEATING in two instances.
Mr. DERWINSKI in two instances.
Mr. ESCH.
Mr. WYATT.
Mr. SPRINGER in three instances.
Mr. SCHERLE in 10 instances.
Mr. GROSS.
Mr. WIDNALL in two instances.
Mr. BROYHILL of Virginia in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. SMITH of New York.
Mr. VANDER JAGT.
Mr. HUTCHINSON.
Mr. HOSMER in two instances.
Mr. SCHWENGEL.
Mr. KEMP in two instances.
Mr. WYMAN in two instances.
Mr. CONTE.
Mr. HORTON.
Mr. FINDLEY.
Mr. GOLDWATER.
Mr. QUIE.
Mr. KEITH.
Mr. SCHMITZ in five instances.

(The following Members (at the request of Mr. ASPIN) and to include extraneous matter:)

Mrs. HICKS of Massachusetts.
Mr. GRIFFIN.
Mr. REUSS in seven instances.
Mrs. HANSEN of Washington.
Mr. EVINS of Tennessee in two instances.
Mr. HUNGATE.
Mr. CHAPPELL.
Mr. RODINO.
Mr. BRINKLEY.
Mr. VAN DEERLIN.
Mr. SYMINGTON in two instances.
Mr. ANDERSON of Tennessee in five instances.
Mr. TAYLOR.
Mr. BADILLO.
Mr. BINGHAM in three instances.
Mr. WOLFF in two instances.
Mr. WALDIE in two instances.
Mr. DRINAN.
Mr. GETTYS.
Mr. ZABLOCKI in two instances.
Mr. ABOUREZK in five instances.
Mr. CAREY of New York.
Mr. GONZALEZ.
Mr. RARICK in three instances.
Mr. MOORHEAD in five instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

S. 2147. An act for the relief of Marie M. Ridgely; to the Committee on the Judiciary.

S. 2753. An act for the relief of John C. Mayoros; to the Committee on the Judiciary.

S. 2822. An act for the relief of Alberto Rodriguez; to the Committee on the Judiciary.

S. 3419. An act to protect consumers against unreasonable risk of injury from haazrdous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure; to the Committee on Foreign Affairs.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; to the Committee on House Administration.

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell. Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On June 22, 1972:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz, Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuala Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 7641 An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

On June 26, 1972:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetry, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

ADJOURNMENT

Mr. ASPIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.) under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

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2103. A letter from the Acting Assistant Secretary of Agriculture, transmitting the annual report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to section 201(b) of Public Law 84–540; to the Committee on Agriculture.

2104. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the third quarter of fiscal year 1972 on receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to section 712 of Public Law 92–204; to the Committee on Appropriations.

2105. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below-zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

2106. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233 (a)(1); to the Committee on Armed Services.

2107. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on the administration of the black lung benefits program by the Social Security Administration, pursuant to section 426(b) Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

2108. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on that segment of a UH–1H helicopter and engine assembly program with the Republic of China for which the United States proposes in fiscal year 1972 to guarantee $10 million in credit to be obtained from private lending institutions, pursuant to section 42(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2109. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a Presidential determination indicating his intention, subject to the provisions of section 652 of the Foreign Assistance Act of 1961, as amended, to authorize the continuation of military assistance to a recipient country without regard to the provisions of section 505(d) of the act, pursuant to section 614(a) of the act; to the Committee on Foreign Affairs.

2110. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination 72–16, authorizing the grant of military assistance to a country in Asia; to the Committee on Foreign Affairs.

2111. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2112. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "World Power Data, 1969"; to the Committee on Interstate and Foreign Commerce.

2113. A letter from the General Counsel for the National Council on Radiation Protection and Measurements, transmitting the audit report for the Council for 1971, pursuant to section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

2114. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on planned adjustments in the NASA space flight operations program as authorized by the NASA Authorization Act, 1972 and 1973; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 14896. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs with an amendment (Rept. No. 92–1170). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1139. An act to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act (Rept. No. 92–1171). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92–1172). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92–1173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of Conference. Conference report on H.R. 15585 (Rept. No. 92–1174). Ordered to be printed.

Mr. WHITTEN: Committee on Appropriations. H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1175). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 3715. An act to amend and extend the Defense Production Act of 1950 (Rept. No. 92–1176). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 13188 (Rept. No. 92–1177). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report in H.R. 8140 (Rept. No. 92–1178). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mrs. ABZUG:

H.R. 15674. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women, and for other related educational purposes; to the Committee on Education and Labor.

H.R. 15675. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 15676. A bill to provide for a comprehensive program designed to strengthen the criminal justice system in the United States, to attack urban street crime, to undertake new training programs for law enforcement personnel, to improve the training, care, and rehabilitation of criminal offenders, and for other purposes; to the Committee on Ways and Means.

H.R. 15677. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 15678. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. BOB WILSON, Mr. STRATTON, Mr. KING, Mr. RANDALL, Mr. WHITE, Mr. MOLLOHAN, Mr. SPENCE, Mr. HARRINGTON, and Mr. CONOVER):

H.R. 15679. A bill to amend section 203 of title 37, United States Code to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy; to the Committee on Armed Services.

By Mr. CAMP (for himself, Mr. EDMONDSON, and Mr. STEED):

H.R. 15680. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Ponca Indians of Oklahoma and Nebraska in Indian Claims Commission dockets Nos. 322 and 324, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 15681. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 15682. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. PRICE of Illinois (for himself and Mr. ANDERSON of Illinois):

H.R. 15683. A bill granting the consent of Congress to the Midwest interstate nuclear compact, and for related purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 15684. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 15685. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP (for himself, Mr. MCCLURE, and Mr. HANSEN of Idaho):

H.R. 15686. A bill to amend chapter 2 of title 16 of the United States Code (respecting national forest) to provide a share of timber receipts to States for schools and roads; to the Committee on Agriculture.

By Mr. STEIGER of Arizona (for himself, Mr. GROSS, Mr. FISHER, Mr. CRANE, and Mr. QUILLEN):

H.R. 15687. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. VEYSEY (for himself and Mr. KEATING):

H.R. 15688. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN:

H.R. 15689. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. MORGAN:

H.R. 15691. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself, Mr. BARRETT, Mr. GETTYS, Mr. CURLIN, Mr. WILLIAMS, Mrs. HECKLER of Massachusetts, Mr. REES, and Mr. ABOUREZK):

H.R. 15692. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 15693. A bill; non-point-source pollution from agricultural, rural, and developing areas; to the Committee on Public Works.

By Mr. MAHON:

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. GONZALEZ:

H.J. Res 1235. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

401. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a veterans' hospital for northern California, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON presented a bill (H.R. 15694) for the relief of Rene P. Regalot, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOVIET OFFICIALS VISIT MASSACHUSETTS EXHIBIT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, we live in a time when the headlines regularly tell us about high-level international meetings and summit conferences. These are important and deserve our support.

But it is equally important that we not overlook the many other contacts that are developing between the major powers, particularly the many efforts by private firms and individuals that help to encourage trade and communications. These, too, are a path to peace and understanding.

I am proud that one of the leading firms in the Ninth Congressional District of Massachusetts, which I have the honor to represent, recently participated in such an exchange. The Computer Identics Corp. of Westwood is a leader in control systems for transportation, manufacturing, and distribution management and provided one of the most exciting exhibits at the recent Transpo 1972. That exhibit attracted the special attention of a visiting Soviet delegation, and I am proud to insert into the RECORD the following press release prepared by the Computer Identics Corp. The release follows:

TOP RUSSIAN TRANSPORTATION OFFICIALS MEET WITH MASSACHUSETTS FIRM

AUTOMATIC CAR IDENTIFICATION (ACI) TECHNOLOGY FOR RAILCAR, PIGGYBACK, AND MARINE CONTAINER CONTROL DRAWS KEEN SOVIET UNION INTEREST

WESTWOOD, MASS.—The Soviet Minister of Railroads, Boris Pavlovich Beschev, and seven of his ranking deputies visited Computer Identics Corporation's exhibit at Transpo '72 to discuss the firm's transportation and distribution control systems.

The distinguished Russian visitors were accompanied by U.S. officials C. Carroll Carter, Department of Transportation, and Alexis Tatistcheff, Department of State. Computer Identics executive John M. Hill, Jr., a veteran in Eastern European marketing, described the firm's technology to the group.

The Minister's delegation is concluding a 12-day tour of the U.S. that began in Washington at Transpo '72 with private meetings with Secretary of Transportation John A. Volpe. A highlight of the Russian's busy tour was a scheduled visit to the Illinois Central Railroad's Intermodal Exchange Facility in Chicago. The facility features the World's first fully instrumented terminal management system, designed and produced by Computer Identics Corp., and contemporary rail/piggyback techniques.

Computer Identics Corporation, Westwood, Mass., is the leading producer of Automatic Car Identification (ACI) systems and advanced optical scanning and control systems for rail, piggyback, marine, manufacturing and distribution application. ACI is the standard Association of American Railroads system used to identify, monitor and control the movement of all railcars in North America. Nearly 2 million vehicles in North America are under ACI control.

PEACEMAKERS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. HUMPHREY. Mr. President, American involvement in the Vietnam war has been criticized from just about every side of the prism, seemingly with negligible effect on the Nixon administration. All the arguments have been made, but the most telling of all are those which discuss the dynamics of peace in international and human relations.

I have attempted to place the Vietnam discussion in this context. Dr. William E. Smith, minister of the North Broadway United Methodist Church in Columbus, Ohio, delivered a sermon on "How peace can be won; how we can become peacemakers." It is a very eloquent expression of what this country's assignment is now and for the future. Mr. President, for this reason, I commend the May 28 sermon of Dr. Smith to the attention of this body and insert it at this point in the Extension of Remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

PEACEMAKER

(By Dr. William E. Smith)

I want to speak today on an urgent subject of deep concern to us all: the quest for peace. Our Lord said, "Blessed are the peacemakers, for they shall be called the children of God." Love is the essential ingredient in building human relationships. "Love even your enemies," he said; "pray for those who persecute you." The style of life he advocated is the very antithesis of violence.

Yet we find ourselves involved in a long and tragic war that has recently been escalated with the mining of the harbors in North Vietnam and the bombing of its cities, a war in which over 55,000 Americans and countless Vietnamese have lost their lives, and the end is not in sight. How can peace be won; how can we *become* peacemakers?

This is a painful as well as controversial issue. We have sons who have fought and died in this war. At least one family in our parish has a son, hopefully alive, in a prison camp in North Vietnam. I have only the highest respect for those who out of a keen sense of responsibility to their nation served it with courage and bravery. My heart goes out to those who have lost loved ones in the struggle. Whatever criticism we may make of our involvement in this war in no way detracts from their bravery and personal sacrifice.

Let us also acknowledge at the outset honest differences in point of view. Several years ago a young man, newly commissioned in the

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Army ROTC, shared with me his conflicts of conscience. "Not only do I have serious reservations about going to Vietnam because I disapprove of our involvement there," he said, "b t what I dread most is that I may have to give orders that will send men to their death." For the record let it be said that he did eventually serve in Vietnam, that he continues to have grave reservations about our involvement there, but because of his very sensitive responsibilities in intelligence, he was not involved in combat. Another young man, also a United Methodist, and West Point graduate after what he called agonizing study and meditation, refused to go to Vietnam. "The war in Vietnam is immoral and unjust," he wrote. "The My Lai incident strongly crystallized my belief. I love my God and my country," he added, "but I love my God first." The conflicts of conscience in these young men are but a mirror of our own. Let us hope that the church, as the community of the reconciled, can provide the context in which these differences can be openly expressed; where honest dissent is not only tolerated but encouraged. Nothing you say can prevent me from loving you, and Thank God, nothing we do can prevent God from loving each of us.

(Christ Jesus) is himself our peace . . . In his own body, flesh and blood has broken down the enmity which stood like a dividing wall . . . For he (came) to create . . . a single new humanity in himself, thereby making peace. Ephesians 2:13–16 (NEB).

We rejoice in the agreements reached in Moscow this week between the United States and the Soviet Union. These are straws in the wind, perhaps, but nevertheless hopeful signs that the two super-powers do, indeed, want peace. Meanwhile the war in Vietnam continues unabated. The level of suffering has intensified. Until the carnage there is ended, the world will not be greatly impressed by paper diplomacy.

If we are to become peacemakers we must ask some very penetrating questions. The first is: What are the ethical guideline, the moral imperatives that make for peace? The church has spoken very clearly on this subject. The recent General Conference of the United Methodist Church approved a statement of social principles which states:

"We believe war is incompatible with the teachings and example of Christ. We therefore reject war as an instrument of national policy and insist that the first moral duty of all nations is to resolve by peaceful means every dispute that arises between or among them; that human values must outweigh military claims as governments determine their priorities; that the militarization of society must be challenged and stopped; and that the manufacture, sale, and deployment of armaments must be reduced and controlled."

In the same Conference, the Bishops' Call to Peace and the Self-Development of Peoples was overwhelmingly approved as a major thrust in which every local United Methodist congregation is urged to participate. Here is a challenge to make peace a matter of high priority.

The statement on the war in Vietnam was understandably more controversial. Broad principles are easily adopted. Agreement on specifics is harder to come by. Nevertheless, the Conference approved this statement which reads in part:

"In spite of the claims that the war is "winding down" it is not. The deadly conflict continues unabated. Sole blame cannot be fixed. Many nations continue to supply Hanoi and the Provisional Revolutionary Government with the materials of war. The United States continues to underwrite the Saigon government and the Army of the Republic of Viet Nam, providing highly technical antipersonnel weaponry, massive air cover and military counsel at virtually every level of command. Very few Americans are dying in Southeast Asia today, but Asian people, our brothers and sisters in God's love, continue to die as before. Once again villages on both sides are being levelled, civilians are being slaughtered and the war is being escalated. This we deplore; our hearts go out to the innocent victims of what seems to be endless, senseless carnage.

"We call upon the United Methodist Church and its members to acknowledge our complicity in the Indochinese War, to repent and seek God's forgiveness.

"We call upon the United Methodist Church and its members to pray and work for peace and the self-development of peoples around the world.

"We call upon the United Methodist Church and its members to exercise our rights and responsibilities as Christian citizens by seeking to influence and change those public policies that, for more than twenty years, have made possible and compounded military and political wrongs in distant lands." [1]

If that statement offends or upsets you, perhaps it should. The fact is, we are involved in this war. It's easy to blame President Johnson or President Nixon in an attempt to get off the hook. But the answer is not that simple. You support the war, whether you believe in it or not, since more than half of the taxes you pay to the United States government is to pay for past, present and future wars.

Here, then, is the position of the church: it is against war in general as a means of resolving conflict, and the Viet Nam War in particular.

Suppose we adopt the "just war" theory to defend our presence in Indo-China. For some will surely say that however tragic the war may be, we entered for honorable reasons. The question which then must be faced is, do those reasons still hold? Has the purpose which we set out to achieve been accomplished? This is our second question.

Presumably we entered Vietnam to save a weak, struggling democracy in the South. Has the war, in fact, liberated the people there? I would submit that the Thieu government is anything but democratic and that the devastation we have wreaked is anything but helpful. Indeed, it may be counterproductive. A veteran of My Lai who refused to take his rifle from his shoulder when unarmed women and children were being slaughtered, has said:

"It seemed everywhere we left, if the enemy wasn't there when we got there, he was there when we left. We seemed to be sort of growing them, planting them like seeds. Wherever we went we sort of bred the enemy. He just came out of nowhere, and it was almost as if we weren't there, there would be none." [2]

In Vietnam, American chemical attacks have ruined more than four million acres of arable land. Mangrove forests and vital croplands have been destroyed. Millions of peasants have been driven from their ancestral homes and graveyards and forcibly resettled in "refugee camps" and "new life hamlets." The peasants, of course, haven't the slightest idea what this war is all about. They do not know the difference between communism and capitalism. Do not talk to them about the sacred value of his property. They have been driven from it. Do not talk to them about Western-style democracy. They have never known it and do not want it. With growing fear and bitterness, they are only trying to stay alive.

The delicate fabric of traditional Vietnamese family relationships, village life, and Buddhist-Confucian values has been ripped to shreds. Cities are gutted with millions of anonymous refugees. Over the last decade Saigon has increased in size more than 500 percent and now has a population density of nearly 13,000 people per square mile. Shoeshine boys, pickpockets, barmaids, pimps, and prostitutes are among the highest paid workers in the land.[3]

We are concerned, and rightly so, about the burdens this war has imposed on Americans. But think of the Indo-Chinese! For twenty-five years they have been engaged in civil wars and have been fighting foreigners. According to some accounts more than a million people have been killed, 90 percent of them civilians. (240,000 civilian casualties in South Vietnam in 1968 alone.) Defenders of our policies talk about the violent inhumanity of communism. They point to instances of Vietcong terrorism. Crude bombs have been thrown into public parks and village leaders have been murdered. There was the Hue massacre during the Tet offensive. But the B–52's and fleets of helicopters are *ours*. The napalm and CS gas are *ours*. The flamethrowers are *ours*. The folding-fin rockets and cluster bombs are *ours*. We have dropped twice the bomb tonnage on Vietnam than all the Allies dropped on all enemy targets during World War II. A specialist, describing the effects of our new and highly technical weaponry, writes: "(these new weapons) are primarily effective against decentralized agricultural populations; they devastate broad areas . . . they are designed to be used against defenseless people; and they demand undisputed air superiority to be effective. Use of the weapons results in the indiscriminate slaughter of civilians and soldiers alike.[4]

I ask you, is this any way to preserve and strengthen democracy—by destroying it?

What is war doing to the United States? For one thing, it has divided us, polarized and created tensions among otherwise peace-loving and patriotic citizens. This has been severely damaging to our spiritual health. The war has also forced us to re-arrange our priorities. Hunger and poverty, the decay of our inner cities, the control of violence, unemployment—these and other urgent problems worsen by the day because so much energy and such a large outpouring of our resources have been channeled into the war. Worst of all we have become a war-oriented society. The book, *American Militarism: 1970* an ougrowth of the Congressional Conference on Military Budget and National Priorities, opens with the words:

"Our country is in danger of becoming a national security state. Since the end of World War II we have spent more than one trillion dollars, or two-thirds of the total expenditure of our federal government, on armaments and armed forces. Today, almost eighty percent of our federal appropriations are allocated to defense and defense-related costs." [5]

Richard Barnet, a former State Department official, is far more pointed when he bluntly insists that "the central activity" of our government is "planning and carrying out wars." [6]

The final question is the most important one. How do we become peacemakers? What can you and I do to change the bloody course on which our nation and the world seems bent on following?

At the turn of the century William James wrote in his classic *Verities of Religious Experience:*

"What we need now to discover in the social realm is the moral equivalent of war: something heroic that will speak to man universally as war does, and yet will be as compatible with their spiritual selves as war has proved to be incompatible."

How can we find a "moral equivalent of war"?

(1) For one thing, we can respond to the "Bishops' Call for Peace and the Self-Development of Peoples". Our Commission on Christian Social Concerns suggests very specific ways:

(a) Use copies of this sermon, the May 26 issue of *Tower Talk*, which contains "The Bishops' Call for Peace . . .", and supplementary materials provided for group discussion.

(b) Attend the slide presentation of the air war in Indo-China next Sunday, June 4, at 4 o'clock. These slides will make the violence of the war painfully real, and will be followed by discussion. (The meeting will be held in Fellowship Hall).

Vietnam is symptomatic of much larger and complex problems which need to be thought out in global terms. How do racism, economic exploitation, population explosion, the arms race (peace by "balance of terror") affect the prospects for peace I know of no more higher priority than facing these crucial issues head-on. It has been said that if mankind does not end the war, war may end mankind.

(2) We can register our opinion. Politicians, especially in an election year, are very sensitive to what voters think. Last week a private citizen of Weston, Massachusetts paid for a full-page advertisement in the Columbus *Citizen-Journal*. "Our President Needs Your Help," her message began. This at once raised patriotic feelings in the readers' minds. She continued by saying that we must let our president know how we feel.

"Tell him . . . that you think our honor depends on being true to the principles that our founding fathers laid down when they created this great country. And that means we must stop our daily bombing and all other attempts at forcing our will on this devastated country." [7]

You may disagree with Mrs. Worden. If so, then let your challenge be known. The hottest places in hell, we are told, are reserved for those who in the midst of a moral crisis refuse to take a position. The future of our nation and of the world are at stake. You can help shape that future by asserting your beliefs to those who make decisions. If democracy is to live, we must exercise this freedom of expression.

(3) And we can act. On Wednesday of this week astronaut Col. Donn F. Eisele, a native of Columbus, was sworn in as a member of the Peace Corps. What prompted him to leave a very secure post in the space program? He said that as he orbited the earth in Apollo 7 four years ago, he was impressed by "the wholeness and uniqueness of the earth." He added, "It's all we've got. If we don't watch out, we'll end up destroying it." On July 1 he will begin work in Bangkok, Thailand, hoping to reduce the mistrust, fear and frustrations felt by millions of people who are "denied the basics of a decent life." [8]

That's what it means to be a peacemaker—not simply to call for a cease-fire, or even a pull out of Vietnam—but to give ourselves and our resources to the building of a just and humane society throughout the world. "Blessed are the peacemakers." God grant that this may increasingly be our role, and the role of our nation, in this strife-torn world. Amen.

FOOTNOTES

[1] Daily Christian Advocate, Proceedings of the General Conference of the United Methodist Church, Atlanta, Georgia, April 16–28, 1972, p. 241.

[2] *Evergreen*, April, 1971, p. 57.

[3] James Armstrong, *Mission: Middle America*, New York, Abingdon Press, 1971, pp. 102–103.

[4] Quotation by Bishop Armstrong, *Ibid.*, p. 106.

[5] Knoll and McFadden, *American Militarism: 1970*, p. 11.

[6] Richard J. Barnet, *The Economy of Death*, New York, Atheneum, 1969, p. 62.

[7] *The Citizen-Journal*, Columbus, Ohio, May 23, 1972, p. 9.

[8] *Ibid.*, p. C–5.

THE WATERGATE CAPER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist Mr. Joseph Kraft had a most interesting column in the Sunday edition of the Washington Post concerning the recent effort to place electronic surveillance on the operations of the Democratic National Committee.

Because of the interest of my colleagues and the American people in this most important subject, I place the column in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

THE WATERGATE CAPER

(By Joseph Kraft)

Solid, practical reasons argue that Republican leaders were not directly connected with anything as inept as the recent attempt to enter Democratic headquarters at the Watergate complex. But you don't hear anybody saying that President Nixon and John Mitchell couldn't have been involved because they are too honorable and high-minded, too sensitive to the requirements of decency, fair play and law.

You don't hear that anymore than you hear that Falstaff was thin, and the absence of even an attempt to make the moral case points up the true connection between the Republican chiefs and the Watergate affair. The central fact is that the President and his campaign manager have set a tone that positively encourages dirty work by low-level operators.

The President's record goes back a long way. Every election he has fought since 1946 has featured smear charges, knees in the groin and thumbs in the eye. That includes the 1970 election when he campaigned as President.

Preparations for the 1972 election indicate some change in the old pattern. Mr. Nixon seems to be trying to stand above the battle. Hence the rarity of press conferences and other personal appearances.

But there are still signs of the Old Adam. On Vietnam the White House often implies—and occasionally says flatly—that those who disagree with the President are helping the enemy. So it is a question whether Mr. Nixon can stick to the aloof stance. The more so since he has Mr. Mitchell as campaign manager.

The remarkable thing about Mr. Mitchell is how so intelligent a man could have compiled, in such a brief career as a public figure, so many deep associations in matters involving chicanery and the cutting of corners. The most delicate cases he brought as Attorney General—the charges against Angela Davis, the Berrigan Brothers, the Chicago 7 for conspiracy, and Mayor Joseph Alioto of San Francisco—turn out to have had an astonishing insufficiency of evidence.

His claim of authority to bug domestic subversives without advance judicial approval was unanimously rejected by a Supreme Court dominated by Nixon appointees. The man he chose to head the sensitive criminal division at the Justice Department had to retire after figuring in a gamy Texas scandal involving fraud and bribery.

Even as Mr. Mitchell became campaign manager for 1972, the Republicans refused, in plain contradiction with the spirit of the new law on campaign spending, to divulge the names of big contributors who gave before the statute became applicable. The very name of Mr. Mitchell's outfit—the Committee for Reelection of the President—smacks of deception. It implies that the candidate is not familiar shopworn you-know-who from Whittier, Calif., but some noble, heroic spirit with a permanent claim on the White House.

Inevitably such deeds and misdeeds generate a climate, an atmosphere. The atmosphere in Washington these days is as unmistakable as it was during the last days of Harry Truman.

Then a blind eye was turned to taking gifts and doing favors. Now the special tolerance is of using unethical means for partisan purposes. Bending the law for political advantage is involved.

Probably the gang that tried to break into Democratic headquarters had reasons of its own. The attempts to link them with Mr. Nixon through Charles Colson of the White House staff show association but not guilt. It is hard to believe that there was anything at Democratic National Committee headquarters the Republican wanted badly enough to run the risk of being caught in the act of breaking and entering.

But members of the gang have important Republicans as clients. At some point in arranging the Watergate affair they had to stop and ask themselves what these patrons would think of the caper. Given the climate generated by the President and Mr. Mitchell, they could come to only one conclusion. Namely, that doing the dirty on the Democrats would earn them good marks and high favor.

So there is a connection, albeit indirect, and also a lesson. Unless the President and Mr. Mitchell clean up their own operations, they are going to be made to pay a price. They will find that they cannot get away with keeping the President above the battle. They will see themselves trapped in the miasma of disbelief and suspicion which, after almost four years of the Nixon administration, is thicker than ever.

PEARL S. BUCK, RENOWNED DAUGHTER OF WEST VIRGINIA, REACHES HER 80TH BIRTHDAY—HER LIFE IS AN INSPIRATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. RANDOLPH. Mr. President, today we honor a great American, Pearl S. Buck, on her 80th birthday. Last week I called attention to this coming occasion and the accomplishments of Miss Buck. Her achievements have had an impact throughout the world. As a writer of renown, as the only American woman to win the Nobel Prize for literature, as a devoted humanitarian, she has truly left her mark on our civilization.

I supplement my earlier remarks by reemphasizing Miss Buck's association with our State of West Virginia of which she is a native. In 1966, the West Virginia Society of the District of Columbia honored her as its distinguished Daughter of the Year. To demonstrate further the esteem in which we hold her, efforts have been underway for the past 7 years to restore her birthplace, a farm home in the lovely countryside of Pocahontas County.

The Pearl S. Buck Birthplace Foundation formed through the sponsorship of

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the West Virginia Federation of Women's Clubs, has purchased the home site and is now actively working on its restoration as a living memorial to this fine lady. This will be a living institution, contributing to the fuller understanding of mankind just as Miss Buck herself has done so much to ennoble the human spirit.

MISSISSIPPI EXPORTS BOOMING

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. Speaker, the demand for Mississippi products in the world marketplace has increased substantially in the past few years. The goods and produce of Mississippi has long been attractive to world traders. With the development of an outstanding State port on the gulf and expanding ports open to international trade on the Mississippi River, trade with the State's producers directly is possible and increasing. This has meant a great deal to the State and has made an important contribution to our overall economy.

I am proud of the success that has been made, and I include in my remarks here a copy of an article from the Natchez Democrat, entitled "Mississippi Exports Booming":

MISSISSIPPI EXPORTS BOOMING

JACKSON.—World trade is making an increasingly important contribution to Mississippi's economy. It has become a vital part of the economic activity generated by manufacturing, farming, mining, fishing, banking and forestry.

The Mississippi Agricultural and Industrial Board reports that according to a survey of exports by states, prepared in 1969 by the U.S. Department of Commerce, the growth rate of Mississippi export trade in manufactures was close to the national average during the sixties. The state's foreign sales of manufactured products rose by one-third between 1966 and 1969 and more than doubled over the decade to reach an estimated value of $181 million in 1969.

Mississippi's principal export was paper and allied products, ranking among the top six in the country. Overseas sales advanced to between $43 and $50 million in 1969, a high for the decade. Recent shipments from the Port of Gulfport, amounting to some $32 million in lumber products, will greatly enhance the already impressive figures in the next USDC study.

Agricultural commodities shipped from the state to foreign destinations were estimated at $158 million in fiscal year 1969–70. On a per-capita basis, Mississippi ranked 11th nationally.

Mississippi farmers have a growing stake in exports of agricultural commodities. In fiscal year 1969–70, 19½ cents of every dollar received in the state from farm marketings came from foreign sales.

Soybeans accounted for the bulk of the states' overall gain. At a value of $48.2 million in 1969–70, these sales abroad had advanced by more than two-thirds in a four year period. Mississippi's staple cotton market accounted for some $46.3 million, placing the state second in the nation as an exporter of this commodity. Cottonseed oil sales accounted for some $7.1 million.

The state's lucrative fishing industry recorded exports valued at $2.5 million in 1969. After a drop brought about by the effect of Hurricane Camille in August of 1969, Mississippi is again a real contender for the foreign seafood market.

Among the variety of products being shipped to all points on the globe are: Bentonite; protein meal; rice; non-electrical machinery; transport equipment; farm machinery and fabricated metal products; livestock, particularly breeding cattle; observatory planetariums and bus bodies.

Mrs. Dorothy Y. Ferguson, manager of marketing for the Mississippi Marketing Council, estimates that 1972 will be a banner year for Mississippi exports, both in manufactured items and agricultural products.

The continuing growth of ports, especially river ports, plays an important part in Mississippi's international trade picture. The state now has four Ports of Entry, with Vicksburg being added to the list of Pascagoula, Gulfport and Greenville.

Exports are a sizable contribution to Mississippi's economy which assumes even greater importance when we consider that exports generate work for at least 12 out of every 100 employees in Mississippi.

THE DISCOVERY HOUSE PROGRAM FOR DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WALDIE. Mr. Speaker, the drug abuse epidemic which has ravished our country is one of our most serious problems affecting all of us in one way or another. Most of our present rehabilitation programs have failed to put the drug abuser into a profitable and usable citizen. In other words, our rehabilitation programs are not working.

The Discovery program of the Contra Costa County Medical Services of Martinez, Calif., has been in existence for only a short time. However, its main goal is the rehabilitation of drug abusers through residential treatment. Employed in the county-wide drug abuse program are: detoxification, pre-therapy, games, encounters, rap sessions, and seminars. There are three cardinal rules in the discovery program. They are:

First. No drugs or alcohol;

Second. No violence or threats of violence, and

Third. Active participation.

There are rap centers in the county which have been very profitable in terms of getting together with the patients and discussing their personal problems or whatever problems they might have. There is a program called ROSA—Relatives of Substance Abusers—which was started with the goal to equip relatives of abusers who have sought or are seeking help with psychological and social tools that will enable them to reach out to other families with the same problem.

At the rap centers, techniques employed which have been very successful are rap sessions, seminar concepts, encounter groups, and sensitivity awareness. The encounter group experience is based on the synanon game—a form of attack therapy.

The type of drug abuse program which is incorporated in the Discovery House program here in Contra Costa County as part of the Contra Costa County Medical Services is the residential drug treatment, incorporated along with the techniques I have previously mentioned. The residential treatment at the Discovery House is the closest one can come to grips with drug abuse and substantly rehabilitate the drug abuser in a positive environment with trained professional people who are genuinely concerned about the drug abuser and his problem.

I feel the Discovery House program for drug abuse should be supported fully by the county, State, and Federal medical services. I congratulate them for their humanitarian work which has brought meaningful change in the lives of many now responsible citizens.

REMARKS OF COL. OLIVER M. HUSSMANN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues, the patriotic remarks of Col. Oliver M. Hussmann, recently delivered before the Missouri National Guard Association on the commemoration of their silver anniversary conference in St. Louis, Mo.

The remarks follow:

REMARKS BY COL. OLIVER M. HUSSMANN, PRESIDENT, MONGA

Webster defines a Patriot as "one who loves his country and zealously guards its welfare; especially a defender of popular liberty." This is the kind of patriot I was taught to admire and emulate. The kind who has fought for his country throughout its history. The kind who admits the imperfections of government, but loves his country even more in spite of them.

Today we have a new kind of patriot. The draft dodger who skulks into Canada, Sweden, or any other country that will grant them asylum. Those who trample and spit upon the Flag. Those who bomb and burn our public buildings and academic institutions. Those who condemn our involvement in Viet Nam and publicly esteem our enemies. Those who question every word uttered by our leaders, but willingly accept as the whole truth any and all charges levied against us by our enemies.

There are many in this country who find favor with this new type of patriot. We find these "sob sisters" amongst our clergy, amongst our so-called intellectuals and even amongst our leaders in the Congress and the Senate. They say we should not have become involved in Viet Nam and now because we are so involved, the new type of patriot must be permitted to vent his frustrations as he desires.

The National Guard is made up of men. Men from many walks of life. Men in different stages of maturity. Men of different social antecedents. Men of various religious beliefs. Men with different political convictions. These qualities and characteristics which each individual possesses, must be nurtured, moulded and fused with those of the next man until, as an entity, we can move forward in a concentrated effort toward a common goal. We must resolve to do everything in our power to again convince the people of our country that Webster's definition of a patriot is and always will be correct.

There are too many in this country who have forgotten that the two ideologies—Democracy and Communism—cannot live side by side except by artful truces and so-called cold wars, neither of which can nurture a real lasting peace. The tentacles of Communism creep insiduously wherever they gain a foothold. Our land, our way of life, our freedom and our liberty, as we know them, are the prizes Communism strives to take from us. Guardsmen must be constantly prepared to fight this threat. We must not permit ourselves to become the weak link in the defense of this great nation.

There is a greater need for the existence of the Guard today than ever before. We must let our fellow citizens know that the enemy wants us to be careless, lazy and uninspired in the desire to defend our country. That he looks upon us with utter contempt when we say we are tired of war. We must make the public realize that America needs its men—soldiers and citizens alike—to work continuously to improve our defensive posture while there is still time. If we wish to maintain for our children the liberty, freedom and safety which we enjoy, we must be prepared to defend these truths to the death. Consider for a moment what life would be like without these privileges we accept so matter-of-factly.

One thing is certain; we have the organization to build such a defense. We have the know-how and the money in this country to develop such a defense. Most important of all, we have US, the National Guard. We can discourage aggression now. All we have to do is feel the urgency, to realize the practicability of being prepared, and to work—work as men dedicated to the principle that the freedom we enjoy shall not perish.

Our silver anniversary is an opportune time to rededicate ourselves to the task at hand, to filling our ranks with true patriots, to teaching, to absorbing lessons learned, to building a defense capable of filling the needs of our people, our community and our country.

Guardsmen have taken such dedicated stands many times in history; always in the cause of freedom and liberty. Our citizen-soldiers, our National Guard, is older than the Nation itself. Dedicated men of the early colonies organized units and trained to defend their settlements long before the Declaration of Independence. Many of our present-day Guard units trace their history directly to these early groups of citizen-soldiers.

We need to review the heritage willed us by those who early stood in the defense of our country. We need to relive the struggles of the past, to see in our minds eye and feel in our hearts the valiant stand they took so this nation might be free. We need to think of those who stood with Washington at Brandywine and Germantown. We need to be reminded of the Guardsmen, militiamen, minutemen, call them what you will, who bled at Bunker Hill. We need to trace their footprints that marked with blood the snows of Valley Forge. We must bend our backs and grasp with freezing fingers the frosted oars with Washington as he crosses the icy Delaware. We must lay seige with him to the heights of Yorktown. We must strive with those who followed Lee, Sherman and Grant. We must feel the fury of the charge at San Juan. We must share with them the blood and sweat of the Philippines and the Mexican Border. Let us follow "Black-Jack" Pershing through the holocaust of WWI. Eisenhower, MacArthur and Patton through the war to end all wars. Let us relive with them Argonne, Chateau Thierry, Corregidor, Normandy and MIG Alley. Finally Korea and Viet Nam. For the first time in history American fighting men find themselves in the unusual position of fighting a battle they cannot win, a war they are not supposed to win. A classic study in frustration.

Is Freedom, Democracy and the American way of life, which was bought at such a tremendous price to be lost to the most deadly enemy that has ever threatened free men? Has the sacrifice they made, been made in vain? Can we not continue the fight, can we not as citizen-soldiers bolster the defenses, man them effectively and surely, against any and all attacks of an enemy? Can we not show a love for our country? A love that surmounts all fears, all weaknesses and dedicates men to preserve with their lives the land they love?

I am not asking that we dedicate ourselves to becoming a nation of warmongers. No, I ask that we dedicate ourselves to work for peace. I firmly believe a strong aggressive, defensive posture is the best offense available to a country whose democratic ideals prevents it from initiating an attack against any enemy unless provoked beyond endurance.

Until we have made our country so impregnable, so invulnerable that an attack would be suicidal, will our enemies keep their distance. Until we have done this, the possibility of America becoming a major battlefield in a new world conflict becomes more apparent with each passing day.

Gentlemen. Now is the time for us to look to our defenses, time to follow the heritage which is ours. The time to demonstrate, once again, to all the world, that democracy is a living thing, transcending all other ways of life, and worth protecting at any cost.

VA DIRECTOR JOE ANDERSON HONORED FOR SERVICE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EDMONDSON. Mr. Speaker, probably no other Member of this body is more aware than yourself of the many outstanding abilities of the man who served as your administrative assistant for nearly 3 years, Mr. Joe Anderson.

Since leaving your staff and becoming Muskogee Regional Director of the Veterans' Administration, Joe Anderson has unselfishly dedicated his time and efforts in behalf of the veterans of Oklahoma and our Nation.

I was recently provided with a resolution adopted by the Disabled American Veterans of Oklahoma which indicates the very high regard and appreciation felt for Joe by all veterans in Oklahoma. This recognition of Joe's consistent and tireless efforts, above and beyond the call of duty, demonstrates the outstanding record he has achieved as our Regional Director for the Veterans' Administration, and I include the text of the DAV resolution at this point in the RECORD:

RESOLUTION

Whereas, the Disabled American Veterans of Oklahoma hold many meetings each year at the state, district, and chapter level to inform veterans and their beneficiaries of changes in laws and regulations affecting veterans' programs; and

Whereas, Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma, has contributed significantly to the success of these meetings by having himself and/or other members of his staff present to discuss various phases of veterans' programs. Many of the meetings convened on weekends, but participation of the Director and his staff was not reduced on this account, and, now, therefore, be it

Resolved, that the Department Convention, Department of Oklahoma, Disabled American Veterans, held in Lawton, Oklahoma, June 9, 10, and 11, 1972, does hereby express and record its appreciation to Joe W. Anderson and his staff for outstanding service far beyond normal duty requirements to the exservicemen of Oklahoma; and, be it further

Resolved, that copies of this resolution be sent to Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma; to Donald E. Johnson, Administrator, Veterans Affairs, Veterans Administration Central Office, Washington, D.C., and to the members of the Oklahoma Congressional Delegation.

THE SALT AGREEMENTS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last Saturday the Washington Post carried an excellent background article by Chalmers Roberts on the strategic arms limitation agreement reached in Moscow. Mr. Roberts notes that the concessions made by both sides involved a mixed nuclear basket of apples and oranges, and the ability to reconcile this mix has produced an agreement which is a sensible and stabilizing step in the direction of curbing the arms race.

In discussing the prospects for SALT II and the use of the proposed Trident submarine and B–1 bomber as bargaining chips, Mr. Roberts says:

. . . od many in and out of Congress deride the bargaining chip argument. I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargaining chip; I think it proved so. The same argument now has validity.

Mr. Roberts concludes that the SALT agreements are very important in themselves, but that they are far more important in terms of a continuing process of attempting to achieve "a more stable and rational relationship." Mr. Speaker, at this point in the RECORD I include the Roberts article and commend it to the reading of my colleagues. The article follows:

JUDGING THE MERITS OF THE SALT AGREEMENT

(By Chalmers M. Roberts)

In judging the merits of the strategic arms limitation (SALT) agreement between the United States and the Soviet Union it is necessary to do two things: first, to appraise the meaning of the anti-ballistic missile (ABM) treaty and the details, including the numbers, of the interim agreement on offensive weapons; second, to judge the twin pacts in the larger context of the changing Washington-Moscow relationship. The two seem to me to be inseparable.

The ABM treaty has the great virtue of so limiting such defensive measures as to remove fears on either side that the other could indulge in a first strike attack. If such an attack could ever be conceivable to any rational leader, it would become so only when he felt that his own weapons and the bulk of his population would be so protected by an elaborate nation-wide ABM system as to make a second or retaliatory strike by the other nation a risk worth taking.

Given the undoubted ability of the offensive to overwhelm the defensive and given

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the grave doubts by many experts as to the efficacy of any ABM system, such fears doubtless have been gravely exaggerated in both Washington and Moscow. But that does not detract from the fact that such fears have existed, that they impelled vast expenditures regardless of their validity and that under terms of the SALT treaty on ABMs this should come to a halt if not an end. "Zero ABMs," which means a complete abolition by both sides of any ABMs, would have been better than the two site option agreed upon. But two, at least, is far, far better than unlimited ABMs.

So at least one factor that threatend to destabilize the balance of terror has been cut back to manageable proportions. It seems to me it would make sense for Congress to refuse funds for the building of an ABM around Washington despite the asymmetry that would involve, given the existence of a site now in existence around Moscow. Likewise it would make sense for the Soviets not to build their second site around an offensive missile field. Should Congress so decide, the Moscow decision is most likely to be affected by the Soviet perception of a changing Moscow-Washington relationship.

Now turn to the offensive weapons agreement. It is evident enough that the Nixon Administration paid a stiff price, negotiated at the finale in Moscow, to win Soviet assent to inclusion of a limitation on submarine launched missiles (SLBMs). I think, however, it was a price worth paying.

The United States long has had a triad of strategic weapons systems: ICBMs, SLBMs and long-range bombers. According to the figures presented to the Senate Armed Services Committee by Adm. Thomas H. Moorer, the sum total of the rival triads (one bomber being equated with one missile) will be 2,499 for the Soviets to 2,167 for the United States. Even these figures are not the whole story, however. The total megatonnage in the Soviet arsenal under the agreements is much the larger but the total number of American warheads, due to the American multiples (MIRVs), is far larger than that of the Russians.

In sum, the apples and oranges of nuclear weaponry have been added up to what can fairly be termed rough parity for weapons of one nation that can reach the soil of the other. Even here, it should be noted, some of the American apples have been excluded from the basket: the fighter-bombers based in Western Europe and on carriers, known as forward based systems (FBS). It seems to me the net of all these figures and factors is that the offensive agreement is a good deal for both superpowers.

In reading over all the official American explanations, by the President, Secretaries Laird and Rogers, Adm. Moorer and above all by Henry Kissinger, one is struck by a single theme: it would have been much worse if there had been no agreements reached. It is an uncontroverted fact that, as Sec. Laird kept saying so loudly and so long, the Soviets did have a great momentum going on offensive arms, from the giant SS–9 missiles to submarines. So, as the admiral put it, "we have forestalled a 1977 ratio of about three to two in their favor." I have no doubt he is right because I have no doubt that Moscow would have gone on building, lacking an agreement, to something like that amount of superiority. At some point the United States would have responded with a new program of its own.

The action-reaction phenomenon in strategic arms has been evident for years, for decades in fact. The current Soviet momentum clearly dates from the humilitation Moscow suffered in the 1963 Cuban missile crisis. The American preponderance at that time, in turn, was the result of early Kennedy Administration decisions to build a vastly superior force, rather than to accept some form of parity.

President Nixon was the first chief executive to accept parity as a principle though he sought to soften the blow to American pride by using instead the word "sufficiency." Whether he did so as an intellectual exercise, or whether he did so because he knew the Congress and the country simply would not put up the money for superiority in such costly weapons, is not material. That can be left to the historians. The fact is he did so. And only because he did so is there the agreement now before Congress for approval. Perhaps the best clue to Mr. Nixon's submarine decision was Dr. Kissinger's remark at a Moscow press briefing. Discussing the high price paid for the submarine section of the agreements, Dr. Kissinger remarked that "the United States was in a rather complex position to recommend a submarine deal since we were not building any and the Soviets are building eight or nine a year, which isn't the most brilliant bargaining position I would recommend people find themselves in.."

In discussing the agreements, Secretary Laird has said he accepted them only on the premise that the United States will go forward with the multi-billion dollar Trident submarine and the equally costly B–1 bomber and some other programs as well. In essence, this is the old bargaining chip idea now being applied to the SALT II round due to begin this fall. The hope is to reach a permanent treaty covering offensive weapons systems to replace the five-year interim agreement now before Congress.

A good many in and out of Congress deride the bargaining chip argument, I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargining chip; I think it proved so. The same argument now has validity. But that is not to say that everything that Sec. Laird and the Joint Chiefs would like is necessary, or even desirable at the speed they request. It seems to me further funding of the Trident project makes sense, in part because it will tend to move the core of the strategic power more to sea where it is least vulnerable. The B–1 is of lesser value, in my view, and should receive only limited funding at this point.

In his remarks at a Moscow dinner for Mr. Nixon, Soviet President Nikolai Podgorny remarked that despite "differences of social systems," there are "objective factors that determine similarity of interests" that influence Soviet-American relations. It was of course such a Kremlin view that permitted the Soviet leaders to let the President come to Moscow at a time he had challenged Soviet interests by mining the harbors of North Vietnam. It was simply one more demonstration of practicality over principle. One could say the same thing about Mr. Nixon's climb down from "superiority" to "sufficiency."

This sort of thing was codified in the declaration of basic principles signed in Moscow by President Nixon and Soviet Communist Party chief Leonid Brezhnev. They said, among other things, that the two nations "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence." Or as Dr. Kissinger put it to members of Congress at the White House: "We are compelled to coexist."

This theme, of course, is not new. Back in 1954 President Eisenhower declared that "since the advent of nuclear weapons, it seems clear that there is no longer any alternative to peace, if there is to be a happy and well world."

Just as many Americans have difficulty accepting parity instead of superiority, so the Russians have difficulty abandoning the secrecy on which they have so long counted, from Stalin through Khrushchev. This is evident in their refusal to give the numbers of their own ICBMs or to agree to a definition of "heavy" missiles and other pertinent terms. In short, the old suspicions of the Cold War are far from gone. It took a long time, on our side, for officials to abandon such terms as "International Communism." It would be useful for Secretaries Rogers and Laird to abandon the phrase "negotiating from a position of strength," which they both used in their testimony to Congress. And it would be useful for the Soviets to abandon some of the jargon of their own ideology such as "the imperialists."

The SALT agreements seem to me to be very important in themselves. But they are far more important if they form part of what Dr. Kissinger has called "vested interests in a continuation of a more formal relationship" between the two nations. We should, as Dr. Kissinger went on to say, "have no illusion" that such will occur or that, if it does, it will be quick and simple. The ideological differences, and the national rivalries too, remain. But there are, as Podgorny said, "objective factors" as well which tend to force each nation to move in the direction of a more stable and rational relationship.

Each side interacts on the other. In the past when the Soviets were weak the Americans sought to exploit that weakness. If America becomes weak, I have no doubt the Soviets will exploit that weakness. The changes therefore must be gradual, not precipitate. To me, the Nixon demand—as specified by Sec. Laird—for massive new arms goes too far. But so, in the other direction, does the budget cutting program of Sen. George McGovern. It is up to Congress, as it approves the SALT agreements, to find the mean between the extremes. If it does, then 1972 could well become a date to remember when hope superceded fear without allowing illusion to supplant rationality.

MONEY FOR EDUCATION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ABOUREZK. Mr. Speaker, when talking about educational problems, the word "crisis" automatically springs to mind. One year there is a crisis in science education and we are not keeping ahead of the Russians. The next year we discover a reading crisis and that Johnny cannot read. The year after that it is something else. The fact of the matter is, there are crises. But they are symptoms of a much bigger, more pervasive, and continual crisis that has been present in education for some time and has been growing worse and worse. That is the financial crisis.

The real irony of this situation is that in terms of supply and demand, there are almost enough qualified teachers to provide the needed educational services of our society for the first time since World War II. Yet we find that because of cost factors and inflation, school district after school district cannot take advantage of the supply and instead find themselves cutting back in terms of educational services. This means that instead of smaller classes, there are larger ones. Instead of more individualized instruction, there is less. Instead of more time to meet the pupils' needs, the teacher has less.

Then comes the demand to cut back on the frills. I do not believe that special teachers for art, music, drama, industrial arts, and physical education are frills. Yet these are the first to go.

I want to make it clear that I do not believe that the culprit in the increasing cost of education and the cutbacks is teachers' salaries. It is true that teachers' salaries have gone up—but at a pace that is behind and not ahead of other professional workers. This despite the fact that teacher salaries have long been considered notoriously and even scandalously low in our society.

For the most part, one cannot fault the efforts that have been made at the local level to provide adequate funding to meet the educational needs of the community. Since 1966 when the Elementary and Secondary Act went into effect, State and local taxes have supplied an additional $15.7 billion for schools raising the total revenue collected from their own tax sources to $39 billion. Over the same time, funds from the Federal Government have increased from $900 million to $2.9 billion.

It is clear that States and localities cannot continue their massive efforts without help. I recognize that there are many problems with Federal aid to education that must still be worked out. For all of that, the Federal Government remains that last major untapped source of adequate funding to meet the financial crisis about which I have been talking. I was pleased to have been a supporter of the Quality Education Appropriations Amendment to the Office of Education Appropriations bill. This successful amendment added nearly $354 million to key education programs. This is an encouraging step for those of us who believe in a reordering of our national priorities. Education must come higher on our list of national concerns.

IN MEMORIAM—MARTHA TURNER LONG

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CHAPPELL. Mr. Speaker, I want to join the people of Marion County, Fla., in acknowledging their deep sense of loss at the untimely passing of Martha Turner Long at the young age of 35. Mrs. Long gave 7 years of loyal, efficient, and devoted service as secretary to the Marion County Planning and Zoning Board and its director. By her courteous and polite manner, she brought great credit and recognition to herself, her office, and to Marion County. She was a dedicated wife and mother, held in high esteem by all whose lives she touched. Her exemplary life has contributed to our heritage and traditions and will serve as a goal that we and future generations should strive to attain. I wish to express my sympathy to the family of Martha Turner Long, an ever-faithful servant of the public and a contributor to good government.

A MAN NOBODY KNOWS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. President, Mr. Stephen T. Spilos, one of Michigan's best known authors and historians, has been writing a series of articles on Detroit people and places.

One of his recent articles concerns Col. Philetus W. Norris, a native of Michigan who served as superintendent of Yellowstone National Park at its inception.

It is particularly appropriate that the article should appear during this National Parks Centennial Year. I ask unanimous consent that the text of the article, published in the Detroit, Mich., Legal Advertiser of Thursday, June 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"A MAN NOBODY KNOWS" WAS ONE OF MICHIGAN'S GREATEST

(By Steve Spilos)

(NOTE.—This is another in a series about Detroit people and places by Steve Spilos, noted historian and award winning author.)

One of the most legendary figures to come out of the west—or the east—is Colonel Philetus W. Norris, Wyoming's "Man from Michigan."

Col. Norris served as superintendent of Yellowstone National Park from 1877 to 1882. He was among the first to induce Congress to provide funds for Yellowstone.

The unusual thing is that he did it with poetry, penned with a stubby pencil by the light of his campfire.

One of his poems, "The Wonder-Land," a name cherished by all Michiganians, carried this appeal to Congress:

"Oh, for wisdom in the councils
Of our nation's great,
To protect these matchless wonders
From a ruthless fate."

Written in 1878, the year Congress made the first appropriation of its kind "to preserve, protect and improve the people's heritage," the poem was printed in P. W. Norris' book, "The Calumet and the Coteau," which he dedicated to his friend and mentor, Morrison R. Waite, Chief Justice of the United States.

This year, in observance of Yellowstone's 100th birthday, President Nixon's National Parks Centennial Commission has planned an outstanding series of commemorative programs.

They would have had a stirring effect on Col. Norris, who is buried in Detroit's Woodmere Cemetery overlooking the Rouge River.

As a result of Yellowstone becoming the first national park in 1872, the national parks system has grown to include more than 280 areas in the nation, including Michigan's Isle Royale, Pictured Rocks and Sleeping Bear Dunes.

Worldwide the Yellowstone idea found ready acceptance and now more than 100 nations have national parks.

H. M. Chittendon, historian of Yellowstone Park, refers to Col. Norris as "one of the unique and picturesque characters in the history of the Park . . . Endowed with extraordinary energy, he entered his new charge with genuine enthusiasm and unbounded faith in its future value to the people."

Col. Norris upheld America's most valued traditions. He explored the west, uncovered a new trail into Yellowstone, cutting off at least 100 miles from the old trek, and excavated Indian burial mounds for the Smithsonion Institution.

He was a practical man, capable of surviving in the wilderness, but cognizant that words and knowledge were the instruments of a cultivated society. His classroom was the wide open spaces—God's imprints upon the ledger of time.

An explorer, scout, cavalry man, land developer, realtor, sanitation expert, subdivider, politician, poet and lover of freedom, he educated himself under the stars from the Montezuma charcoal swamps of New York to the Continental Divide.

He carried books in his knapsack and pocket of his hunting shirt to read by the campfire.

Col. Norris was born in Palmyra, New York, on Aug. 17, 1821, six years prior to the discovery of the entablatures there by Joseph Smith, founder of the Church of Jesus Christ of the Latter-Day Saints.

When he was only eight years old, Norris earned his first dime guiding hunters through the dense moss-draped pine and hemlock forests around the great falls of the Genesee River near Portage, New York.

His grandfather, Deacon John Norris, fought at Bunker Hill. His father, John Norris, Jr., was a pioneer mill-builder and soldier in the War of 1812. From his mother, Azubah Phelps, who was of pure Welsh ancestry, he inherited his love of mountains and of song.

The Norris family arrived in Michigan in time for the Black Hawk War and the first of several severe cholera plagues. The elder Norris became ill, and young Norris helped his mother support a large family of sisters, including twins.

While herding wild ponies on the "blue joint meadows" of Conner Creek, he liked what he saw, and after the Civil War he built the village of Norris on a thirty foot high plateau between the forks of the creek.

His vast drainage project was considered the most advanced in Michigan at the time.

The Wayne County Atlas of 1876 contains a map of Norris, which is now a part of Detroit. One of the buildings was a Deaf and Dumb Asylum, now the Lutheran Institute of the Deaf.

The asylum stood on Railroad Avenue, now Nevada, near Mt. Elliott, the heart of Norris. At the intersection of Mound and Seven Mile Road stood an Indian Mound, and he built a log cabin on it.

P. W. Norris married Jane K. Cottrell of Fayette, Ohio, in 1845, and on their wedding trip, he cleared a road through the woods to Pioneer, Ohio, which was originally settled by Norris.

Philetus and Jane had four children, Edward, Aurelia, Ida and Arthur. Ida is buried in Woodmere next to her father. Arthur, a veterinarian, married Ida Tewksbury of Romeo, Mich. She was a school teacher in Norris where she met Arthur.

Arthur and Ida had seven children, the second, named Ralph Arthur Norris, was a doctor. He in turn married Elizabeth Estelle Gardner, and they had two children, Aurelia Betty Gavin, of Birmingham, and Ida Louise Garn, of Troy, Mich.

Col. P. W. Norris had an outstanding Civil War record. He served as a Union spy and captain of the West Virginia Mountain Scouts. Disguised as an Indian he penetrated Confederate lines, and there was a $5,000 reward on his head.

He was disabled by a severe shoulder and spinal injury caused by the fall of his horse when it was shot under him in a guerrilla fight near Laurel Mountain.

Norris returned to Pioneer and was elected to the Ohio legislature; then assisted in the re-election of B. F. Wade to the U.S. Senate in 1863.

He then became a member of the Sanitary Commission, and was at the front caring for

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the wounded in the bloody Spottsylvania campaign, and also served at Kelley's Island, the confederate prison on Lake Erie.

The most unusual chapter of his brilliant career took place when he returned to the Custer battlefield—the year after the news of Custer's defeat at Little Bighorn rocked the nation.

Col. Norris retrieved the bones to his frontier friend Lonesome Charley Reynolds, Custer's chief scout, and brought them back to Michigan wrapped in a handkerchief. For many years this was a deep mystery until someone read about it in an old issue of Norris' publication, the Norris Suburban.

While engaged in ethnological research for the Smithsonian Institution, Col. Norris died at Rocky Hill, Ky., after a brief illness. He was buried at Elmwood Cemetery in Detroit on Jan. 17, 1885, and a short time later was removed to Woodmere.

In memory of his long life in the wilderness, and his great love of America's most treasured gifts, his grave was covered with a bower of pine needles.

His services to Yellowstone National Park, as well as to the nation, have too long gone unrecognized. It has taken a hundred years for this man who nobody seems to know to gain his rightful place in history.

One of the features of the centennial observances will bring officials from all over the world to Yellowstone this September in attendance at the Second World Conference of National Parks. Their main concern is the challenge facing the national parks in the next 100 years.

With man's spirit prevailing—as it does—Col. P. W. Norris, the "Man from Michigan," will be there.

CHARITABLE OVERKILL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. VAN DEERLIN. Mr. Speaker, in my office reposes a rather bulky package from my home State. It contains some 9 pounds of charitable solicitations mailed over a 10-month period to a single individual, John F. Ruedi, the widely known golf professional at the Coronado Country Club.

Mr. Ruedi religiously saved each solicitation sent to him from January through October 1971. He explained the net weight would have been substantially higher had he not discarded many of the cover envelopes.

In itemizing the contents I counted 140 individual requests for money from 86 different organizations. One soliciting group, apparently through the indiscriminate use of multiple mailing lists, sent five identical letters.

Included among the solicitations were 17 sets of assorted greeting cards—averaging six cards per set—three key chains, two ball point pens, eight combs, a plastic napkin holder, and numerous decorative stamps and gummed address labels. All of these were unordered.

Unfortunately, this is by no means an isolated example. Millions of Americans are being deluged with similar requests for donations. It is virtually impossible to judge the worth of these causes since information concerning the identity of the solicitor and the percentage of the contribution which will actually benefit the purported cause is hardly ever provided.

In many instances 85 to 90 percent of the donation winds up in the pockets of promoters and advertising agencies. This overhead takes the form of consultant fees, retainers, staff salaries, commissions, mailing expenses, printing costs, and the purchase or rental of mailing lists.

In this period of increased consumer protection; with the advent of truth in lending and regulations concerning packaging and advertising—it only seems fair that the contributor be afforded some degree of protection from unscrupulous solicitors.

I am committed to offering, at the appropriate time, legislation that would provide this protection. Unfortunately, Mr. Ruedi's case, which at first hearing sounds quite extreme, is actually fairly typical, I would imagine. Most of us get this kind of mail, in this kind of quantity, but few of us would take the trouble to catalog it as Mr. Ruedi has done. On sheer volume alone the need for reform seems self-evident.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McKAY. Mr. Speaker, I share the concern voiced by Appropriations Committee Chairman GEORGE MAHON, who said:

> The revenue sharing bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

I feel that the revenue-sharing bill as passed is a bad bill. The formula used for allocating funds is wasteful in that it sends much of the money where it is not needed. The bill is bad in that it places control of public money outside of the control of officials elected by the people. And, the bill is bad because it spends billions of dollars we do not have.

I felt that bringing the bill before Congress under a closed rule was also an error and was, in fact, in direct violation of the standing rules and traditions of the House of Representatives.

I had hoped for an open rule under which the bill might have been amended to arrive at a more equitable formula for helping those States and cities that have very real needs. As it stands, we have turned loose a river of money running, as Mr. MAHON noted, "a mile wide and an inch deep."

I do think it would be possible to draft revenue-sharing legislation that would meet the needs of our Nation. But, with a deficit of over $30 billion in the present Federal budget, I did not feel the bill the House has passed was sound fiscally or otherwise and I had no alternative but to vote against it.

In light of Congress action, I will not be surprised to see the administration and congressional leaders ask for a tax raise.

THE HIGHER EDUCATION ACT OF 1972

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHMITZ. Mr. Speaker, Robert Clark, former president of San Jose State College, now president of the University of Oregon, said:

> To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has oversold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

On June 8 the House of Representatives, disregarding strong, bipartisan opposition, including the Republican leadership and—perhaps surprisingly—hundreds of college and university presidents such as Robert Clark, quoted above, approved an $18.5 billion higher education aid bill (S. 659) which was also supposed to help stop busing. The vote was 218 to 180 in favor of the bill.

The inability of this bill to do anything significant to restrict busing was fully explained in my newsletter 2 weeks ago. But its provisions specifically dealing with higher education are just as bad in their own way. It establishes a guaranteed annual income for college students, regardless of their ability or willingness to study, in the form of a "Basic Opportunity Grant" for each student of $1,400 per year from Federal tax funds, minus whatever his family contributes to his education. This is in addition to the enormous subsidy which taxpayers are already giving students by holding down tuition fees at State colleges and universities through the tens and hundreds of millions of dollars of State tax money handed to these institutions each year.

As Democratic Congresswoman EDITH GREEN said during the House Floor debate:

> I do not happen to believe that every student attending an institution of higher education is "entitled" as a matter of right to $1,400 of other taxpayers' money. I think any student financial aid supplied by the Federal Government should depend on the academic achievement and the motivation of the student. There are many, many Members in this Chamber who worked their entire way through college and did not have a dime of Federal financial assistance. Those of you who watched the CBS documentary two or three weeks ago, "Higher Education—Who Needs it?", know that we have a surplus of Ph.D.'s and many thousands of college graduates who cannot find a job. To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.

Furthermore, as Congressman EARL RUTH pointed out in the debate, when the money available to students from existing Federal aid programs is added to the $1,400 guaranteed annual student income provided by this bill, a student could get as much as $7,900 per year from the taxpayers just for enrolling in a college and living away from home. Congressman RUTH asked:

> Are we going to start a new practice—college students leaving home to become eligible for Basic Opportunity Grants? This will be happening even in wealthy families.

The bill also provides $685 million more for "educational research, reform, innovation" although the Office of Education already has 50,000 tax-financed contracts for this purpose whose administration and supervision has been described by the General Accounting Office, according to Mrs. GREEN, as "absolute chaos and confusion." And, adding insult to the injury of the betrayal on busing, the bill provides $100 million for planning metropolitan school districts and educational park—massive school consolidations in urban areas which would necessarily involve large-scale busing.

House passage of this bill marks something very close to a final surrender of whatever remained of the independence of our colleges and universities. President Nixon should be urged to veto it.

INSULATING LABELS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the frustration which citizens properly express at the complications which beset them as a result of legislative acts or bureaucratic determination is especially well expressed in an editorial written on June 22 in the Desplaines Valley, Ill., News.

The publication's editor, Harry Sklenar, knows his community well. The points made in the editorial, I believe, are of special significance:

INSULATING LABELS

Poverty is now being segregated by State Governmental officials.

According to the federal government definition of "poverty," the term means that you have an income of $3,500 or less annually and one child. The "poverty" income figure then ranges upward, depending up the additional number of children in the family. Under this classification, your child is entitled to certain things, such as free textbooks, free school supplies, and free summer schooling and bus trips designed to upgrade the cultural level.

However, according to the terms of the $33,865 state grant to Argo-Summit schools, that "poverty" family must live in a "target area," defined as one with a large number of families on ADC and welfare rolls.

Under this further definition of "poverty," a family in this category whose children attend Walsh, Walter, or St. Joseph school cannot register their children in the summer school program simply because they are not living within a "target area."

Thus, in a sense, this segregates and labels the "poverty" child as much as any racial slur. Incidentally, 169 children were found qualified under these guidelines.

This government labeling not only slurs and segregates the child, but labels the neighborhood area, as such labeling really means that the area is comparable to a "slum" or "ghetto."

Such labeling has a relation to property values of the area, for few new residents care to move into a section designated as a "target area," meaning large numbers of low income persons.

The slur also casts a reflection on the majority of persons who have upgraded their property or possess an income level sufficient to raise the median wage level.

Thus, what the slur really says is that if you live on one side of a line, your child is eligible to attend the summer school to improve his reading, and if you live on the opposite side of the line, your child cannot, regardless of what your income level is.

And, in the opinion of this writer, that is as much discrimination as any racial label.

LITHUANIAN RESISTANCE TO FOREIGN DOMINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. RODINO. Mr. Speaker, the tiny Baltic State of Lithuania has been subjected to foreign invasion and domination for centuries. In 1253, Mindaugas was crowned by Pope Innocent III as king of a united Lithuania. This unification laid the groundwork for an eventual political union with Poland and the general political and cultural extension of the Lithuanian State. This union lasted until 1795, then Lithuania was annexed by imperial Russia. The courageous Lithuanians continually revolted against repressive czarist rule and finally forced the Russians to abandon their policy of assimilation and acculturation of the Lithuanian people in 1905.

Lithuania has had little freedom in the 20th century. After Russian colonization, the German aggrandizement during the First World War sought to eliminate the sovereignty and identity of this determined Baltic State. During World War II, Lithuania was one of the few countries to experience the brutality of both Hitler and the Soviet Union.

On June 22, 1941, Nazi forces overran Lithuania. The peoples of this nation have never seen real freedom and tranquillity since that day. A victory by the Allies during the war wrested control from the Germans, but ultimate authority went to the Soviets. Rule by the Communists for a quarter of a century has stifled this once vigorous, proud nation, into part of the Soviet orbit in Eastern Europe. Moreover, Soviet-sponsored dictatorship has vitiated all forms of political expression and liberty. But, the Lithuanian people have steadfastly refused to submit to alien rule. They have steered an independent course of action, wherever their energies could be exerted. For example, thousands of Catholic Lithuanians have consciously and vociferously kept their faith, despite the unremitting hostility and disbelief of the Communists.

Many in the West do not realize the magnitude of the struggle waged by the Lithuanian loyalists for 8 years—1944–1952—against the Soviets. The losses incurred by the Lithuanian guerrillas reached 40,000 dead in military actions alone during this period.

On this day more than 30 years ago, the most dehumanizing and persistent oppression began by the Nazis, and more recently by the Soviets. The proud heritage of the Lithuanian people is filled with examples of resistance and determination, regardless of the odds or obstacles in their path. It is because of this courage of conviction and resistance to alien rule, that I wish to commemorate this day and ask all peoples to pause and take account of the great achievements of the Lithuanian people as symbols of independence and freedom throughout the world.

JOB OPPORTUNITIES IN THE FUTURE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. QUIE. Mr. Speaker, last month I noticed an excellent series in the Evening Star by Sylvia Porter on the prospective job market facing our young people in the decade ahead. These were so interesting, and the facts she developed so important to our understanding of job opportunities ahead, that I am asking unanimous consent to have these articles reprinted. I commend them to you for your interest in apprising your constituents of the facts concerning the need for revamping our educational system to provide career training for the eight out of 10 jobs in the 1980's which will not require a college degree.

Some of the facts Mrs. Porter developed are interesting: For instance, by 1980, two-thirds of our work force will be producing services, not goods; before this decade ends, she says, the glut for teachers will be so big that there may be nearly two applicants for every job in the public school system; there will be, however, bright job opportunities in 2-year colleges, vocational, and technical schools.

The articles follow:

DWINDLING JOBS—1

(By Sylvia Porter)

True or false? . . .

The fastest growth in government jobs in the years ahead will be jobs in federal agencies.

Most workers in the United States are employed by companies producing goods.

In view of the population explosion, the biggest expansion in jobs for teachers will be in elementary and secondary schools.

Increasing automation in the office will reduce the number of jobs for office workers.

Good jobs for high school graduates will shrink dramatically as more employers demand that workers have college degrees.

Jobs in agriculture also will dwindle near to zero because of the mechanization of farm work along with the virtual disappearance of the small farm.

The work force is growing older as the population generally lives longer, and thus more and more key positions are being filled by middle-age and older employes.

If you answered "true" to any of these questions, you were wrong. If you answered "true" to most, you flunked.

Taking the questions one by one:

There will be considerable growth in the numbers of government jobs at all levels—an estimated 33 percent increase during the 1970s. But the growth will be much greater at the state and local levels than at the Federal levels.

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More than half of the U.S. work force today is producing services, and goods—services covering the range of medical, teaching, banking, insurance, painting, writing, advising, planning—making us the first service-dominated economy in world history. And by 1980 the overall proportion of our work force in services is expected to expand to two-thirds. More than 85 percent of the new jobs now opening up are in the services. By contrast, manufacturing jobs will increase an average of only 1.3 percent a year during the 1970s.

The fastest expansion in teaching jobs will be at the college (two-year and four-year) level. During this decade the increase in the number of elementary teachers in slated to be a mere 3.3 percent and many would be elementary and secondary school teachers will be forced to find new types of jobs.

Automation in the office has reduced opportunities for certain types of workers—but sharply increased demand for other important categories ranging from business machine operators and copying machine repair people to computer programmers, tape librarians and tape perforator typists. If you are interested in a clerical career, you will find the prospects are brightest for work with office computers or in the operation of office machines.

Sure, there's a great push toward college education, but the biggest numbers of jobs in this country still are going to non-college graduates, including high school drop-outs. There will be tremendous opportunities for mechanics and repairmen, particularly for automobile and airplane mechanics, for business machine and appliance servicemen.

The decline of the small farm has been going on for more than a century, and by 1980 the entire food supply probably will be grown by 3 percent of the labor force. However, many new agricultural occupations are opening up in big "agribusiness" and in the technical-scientific aspects of modern farming.

Finally, instead of growing older, the work force actually is growing steadily younger, with about two of the three new jobs being filled during this decade by Americans aged 24 to 25. A key force behind this trend is today's scarcity of workers in the age range of 30 to 45 (not many babies were being born in the depression 1930s). As a result, corporations and other employers are being compelled to reach into the younger age brackets to find executive and other talent—and this is creating an extraordinary opportunity for many American men and women now in their late 20s.

WHERE ARE THE JOBS?—II

(By Sylvia Porter)

Before this decade ends, the glut for teachers will be so big that there may be nearly two applications for every job in the public school system. Between now and 1980, we may train as many as 4,200,000 new elementary and high school teachers, says the Labor Department, but there will be only 2,300,000 jobs waiting for them.

Even at this early point, large numbers of graduating teachers are being compelled to abandon the field for which they trained so enthusiastically. Even now, the immediate future is clearly glum for the record numbers of college students majoring in education.

Moreover, the trends for elementary and high school teachers will remain grim for a period.

Declining birthrates have been shrinking enrollments, and elementary school enrollments as distant as 1980 are expected to be still below 1968 levels. Also reducing the overall numbers of teachers needed is the growing use, especially in high schools, of a new array of educational hardware—such as instructional television and language laboratories. Another strong trend with important implications for teachers is toward non-resident, non-degree courses—adult education, home-study programs, TV teaching.

OPPORTUNITIES LISTED

But despite this over-all picture, there are bright job opportunities in the teaching fields if you are alert to the chances, willing and able to grab them. For instance:

In two-year colleges—including junior and community colleges, vocational and technical schools: The expected growth in the numbers of openings for teachers in this type of school is more than double the expected growth in four-year colleges. The greatest number of new opportunities will be in public institutions.

In ghettos and poor rural districts: As one illustration of the teacher-training programs, Fordham University has set up a work-study scheme for "teacher advocates" specializing in teaching and helping youngsters in trouble with the law. The teachers, age 21–35, are living in the neighborhoods in which they're teaching, working toward masters' degrees, receiving stipends of $90 a week while they work-study.

In adult education-training-retraining: So impressive is the surge in this field that "andragogy" — the science of teaching adults—is rapidly becoming a new teaching specialty and is being pushed hard by the U.S. Office of Education. About 69 million Americans age 16 and over have less than a 12th-grade education.

In school administration: From preschool through college.

In subjects where teachers remain scarce: Math, for instance, the physical sciences, consumer education. The U.S. Office of Education is funding projects to develop innovative environmental education programs across the country—including new techniques for teacher training in this field.

In teaching the handicapped: The mentally retarded, physically handicapped, socially maladjusted, the delinquent child. Today, fewer than half of the nation's handicapped school-age children get the special educational services they need so desperately.

In early childhood education—including day care centers and kindergartens: Pre-primary school education is one of the biggest of growth industries in this era—and all the sex barriers are down, so opportunities for men and women are equally bright.

In educational research and development: A vitally important new field in which there will be fascinating opportunities as public and private funds pour in to spur research into many fundamental questions. For instance, why can't Johnny read? Why do drop-outs drop out? How can we best prepare the retarded child to lead an independent life? How does poor nutrition affect learning?

A nationwide network of educational research labs is now being built to further this effort—most of the labs in connection with major universities. Demand for well-trained, well-qualified educational research and development specialists must expand.

In the federal teacher corps: If you are a qualified applicant interested in working with children from poor families and in training others to work with such children. You'll get a fairly arduous two-year college internship program with "long hours, low pay and as much frustration as anyone should take."

You can obtain vital guidance on careers in teaching from these key sources: National Center for Information on Careers in Education, 1607 New Hampshire Ave., N.W., Washington, D.C. 20009; National Education Association, 1201 16th St., N.W., Washington, D.C. 20036; U.S. Office of Education, Washington, D.C.

WHERE ARE JOBS?—III

(By Sylvia Porter)

You've surely heard about the layoffs of technicians from coast to coast—particularly in the aerospace industry.

If you've been interested in going into a technical career, you're probably also aware that the federal government has been stepping up efforts to retrain and reroute unemployed engineers, scientists and technicians. And perhaps you know, too, that the National Society of Professional Engineers, along with other engineering societies, has been conducting a market survey to find out how the unemployed can be retrained for jobs in other fields ranging from food processing to finance. The long-range prospects for technicians are favorable. By 1975, more than one million new interesting technical jobs promising good salaries will open in this country, predicts the U.S. Office of Education.

The well-known jobs are for computer and other electronic technicians, electrical, mechanical technicians, draftsmen. Here are other fields, most of which you can learn in two post-high school years or less:

Appliance Service Technicians: Install, maintain and repair appliances.

Architectural and Construction Technicians: Help develop new building techniques and new building materials; design future structures such as astrodomes, spaceships, sea laboratories.

Automotive Technicians: Help design new traffic control systems, smog control devices, automatic automobile guidance systems and new auto safety features.

Chemical Technicians: Work in new fields of chemistry, especially biochemistry; help develop new materials from chemicals, such as new plastics, new foods, new fertilizers.

Electromechanical Technicians: Help design products ranging from new computers to artificial hearts and other artificial organs for humans.

Fire Protection Technicians: Help develop new types of fire-control systems, including systems for supersonic transports, sea labs and other artificial environments.

Health Service Technicians: Assist medical teams on the new frontiers of medicine such as bioengineering techniques to save and prolong life.

Instrumentation Technicians: Help develop new families of instruments to facilitate space exploration; work on pollution control and automated medical devices.

Library Technicians: Work primarily in public school libraries but also in colleges and universities and in business, medical and other specialized libraries to help people with materials; write book descriptions for card catalogues; order books from publishers; operate and maintain audiovisual equipment such as slide projectors and tape recorders.

Metallurgical Technicians: Help develop new miracle metals and alloys for use in construction, machinery, medicine.

Radiologic Technicians and Technologists: Backstop highly trained radiation specialists, especially those working on health and safety aspects of atomic energy plants; monitor and analyze the air, food and water we consume; do research on effects of radiation on plants, animals and people; use X-ray techniques for the detection and treatment of disease.

Sanitation and Environmental Technicians: Help prevent and control air and water pollution; inspect and prevent contamination of food; improve methods for waste disposal.

WHERE WILL THE JOBS BE?—IV: CITY HALL

(By Sylvia Porter)

An astounding 10 million Americans work for state and local governments, while another 2.8 million work for the federal government. "The government"—federal, state and local—has become the nation's biggest single employer in virtually all fields.

About one in four new jobs for men and women opening up in the United States is a government job. In some areas (Wyoming, West Virginia, Washington, D.C.), the ratio is one new government job for one new private sector job.

And although cutbacks in city employment are making headlines the nation over—in New York City alone, payrolls have been cut by 10,000 jobs during the last year—the most dramatic growth by far is taking place in jobs at state and local levels.

More specifically, job opportunities in state and city governments will soar by 40 percent in the 1970–80 period, the Labor Department predicts—double the growth rate for the labor force as a whole. At this moment, estimates the National Civil Service League in Washington, more than 750,000 state-local jobs are opening up annually for people at all levels of educational achievement and across the occupational board.

About a quarter-million of these are openings for professional, administrative and technical (white collar) workers. Hundreds of thousands work in "financial control activities" (taxes) and in protective services (police work and firemen).

"Working for city hall," in short, will be among the biggest categories of increasing job opportunities in the 1970s.

The forces behind the upsurge in state-local government employment are fundamental: the relentless population migrations from rural to suburban and urban areas; the exploding demand for essential public services this trend brings; the ever-greater call for more and better education, housing, health services by all age groups.

With the single exception of jobs for elementary and high school teachers, employment in city and state agencies will climb steadily and sharply.

As for pay scales, they have been spiraling upward—reflecting the movement throughout the country to make pay scales for government workers comparable with those of workers in private enterprise and also the efforts of the American Federation of State, County and Municipal Employes and similar unions to which more than one in three state and local government workers now belong.

In most U.S. cities now, clerical workers earn more than they would at comparable private jobs; so do those in many data-processing jobs. In New York City, an experienced computer operator earns 11 percent more working for the government than he would in private industry; a carpenter or electrician earns 62 percent more working for the city than he would in private industry.

In Boston, an experienced computer systems analyst working for the city earns $1,125 a month; in Chicago, he earns $949. In Boston, a carpenter working for the city earns $666 a month; in Chicago, he earns $1,051. In Boston, the plumber earns $648 a month; in Chicago, $1,077. These are averages for a standard work week, which is only 35 hours in most work categories.

If you are interested in working for your city, call, write or visit the city hall's personnel or civil service office—or call or write the particular agency for which you'd like to work.

Other excellent sources of information include the local school board; city clerks; school or college counselors or placement offices; the state employment service office.

Or inquire through one of the following organizations:

American Institute of Planners, 917 15th St. NW, Washington, D.C. 20005; Federal Environmental Protection Agency, 401 M St. NW, Washington, D.C. 20460, National League of Cities, 1612 K St. NW, Washington, D.C. 20006; National Civil Service League, 1825 K St. NW, Washington, D.C. 20006; International Association of Chiefs of Police, Inc., 11 Firstfield Road, Gaithersburg, Md. 20760; American Public Welfare Association, 1313 E. 60th St., Chicago, Ill., 60637; National Association for Community Development, 1424 16th St., NW, Washington, D.C. 20036.

DOOR-TO-DOOR SALESMANSHIP

(By Sylvia Porter)

How would you like to:

Go into business for yourself;

Earn $15,000 to $40,000 a year;

Set your own time schedules, deadlines, work pace;

And all this "without any experience necessary"?

Door-to-door sales—the "world's smallest independent business"—might answer all these dreams if you like this type of work and if you have what it takes to make a go of it.

Door-to-door selling is this country's oldest method of merchandising. Among familiar products initially introduced to the American public by door-to-door salesmen are the washing machine, silk and nylon stockings, the vacuum cleaner, sewing machine, radio.

Today, 1,500,000 to 2,000,000 are in door-to-door selling—about half of them women. And the numbers continue to grow. Students turn to it to finance tuition costs, teachers and others lean on it to increase their incomes, women move in to supplement the family's income and fill up idle hours.

The whole field of direct selling is expanding, spurred particularly by increasing willingness to pay a premium for the luxury of "shopping at home." The field is also diversifying to a wide range of goods and services. There are now an estimated 2,500 to 3,000 direct selling companies—many of them glamor stocks in recent years—grossing about $4 billion annually, double the volume of only a decade ago.

Should you attempt to go into the direct selling field? Here are some guidelines from the Direct Selling Association, the trade association which recently put together a code of ethics for its members:

Earnings: If you are selling part-time, your earnings in commissions will be about $30 to $50 a week. If you work full time and are lucky, you'll probably average $10,000 to $15,000 a year. If you're in the minority of "born" sales people (or their field supervisors), you may manage $40,000 or more annually.

Women earn at least as much as men do.

Advantages: You're on your own and can set your own work load, time schedules, financial goals. You can get started with virtually no experience, can get in or out of direct sales at any time, normally need no capital to begin with.

Warning: steer clear of any direct sales company that requires you to make a big investment in sales gear before you even hit the road.

Disadvantages: You may not be able to achieve the income you seek unless you are willing and able to spend a considerable amount of time away from home. You may have to carry heavy sample cases on your route. The field has more than its share of hard sellers and unscrupulous dealers of one type or another—some of them illegally representing their wares and others regularly violating the federal truth in lending law.

And always lurking in the background is the prospect of stricter federal laws and regulations to set standards for direct selling and crack down on the abuses which have resisted all the industry's efforts at self-policing.

THE HUMAN COST OF COMMUNISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CRANE. Mr. Speaker, those who urge an immediate American withdrawal from Vietnam regardless of the consequences appear not to have given serious consideration to exactly what those consequences would be. If they had it is unlikely that they would advance such a proposition as a serious policy alternative.

There has been a great deal of discussion in this country of indiscretions committed by our own soldiers. In instances where Americans have acted in an inhumane manner, when they have been callous in their treatment of civilians, it is just and proper that we should be critical. Such indiscretions have, however, been the actions of individuals. They have never been the policy of our Government.

Exactly the opposite is true with regard to the campaign of terror practiced by the Vietcong. Sir Robert Thompson recently noted that—

Everyone has heard of Mylai, but who has heard of Caibe, where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flame-throwers incinerating more than 250 villagers, two-thirds of them women and children.

These acts of barbarity, the murder of thousands in Hue, were not accidental. Robert Thompson, the British expert on guerrilla warfare, states that—

These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

How many would be murdered if the Vietcong were to come to power in South Vietnam today. Robert Thompson writes that—

Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

This must not be permitted to happen. Those who would turn their backs upon these brave people who have depended upon the good word of the United States should consider the consequences, not only for the South Vietnamese, but for American honor as well.

I wish to share with my colleagues Sir Robert Thompson's article concerning "The Human Cost of Communism" as it appeared in the New York Times of June 15, 1972:

THE HUMAN COST OF COMMUNISM: "IF THE NORTH TAKES OVER THE SOUTH, WHAT WILL THE BLOODBATH BE?"

(By Robert Thompson)

LONDON.—The present invasion of South Vietnam and the intense fighting of the last few weeks draw attention once again to the human suffering caused, on an almost unprecedented scale, to the Vietnamese people by the continuing war. I am not here considering the battle casualties which, although on each side they have probably reached 500,000, can at least be regarded as "legitimate" in war.

Nor am I considering the refugees who, although their plight may be tragic, are at least still alive.

What should most concern us is the number of civilians who have been killed in both halves of Vietnam, and those who may yet die in the future, as part of the human cost of Communism.

The Western conscience is immediately pricked by an American-committed atrocity, such as Mylai, and by the civilian casualties caused by the bombing of the North (although such casualties are now likely to be far less than during 1965–68 because of the development of the extremely accurate "smart" bomb).

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Little or no attention, however, and certainly no equivalent reporting, has been given to similar Vietcong or North Vietnamese atrocities which have occurred on a scale that makes Mylai almost insignificant. These have not occurred because of some aberration, accident or inaccuracy of bombing. They have occurred, both selectively and indiscriminately, as a matter of deliberate policy.

At the time Hanoi complained of six civilian casualties, as a result of the first American raid on the North after the invasion began, she was firing 122-mm. rockets indiscriminately into Saigon and Pnompenh, killing more than ten times that number.

Her Russian 130-mm. guns have pounded Anloc and Quangtri to rubble. They will do the same to Kontum and Hue if they get within range without any consideration whatsoever for the civilian population.

Everyone has heard of Mylai, but who has heard of Caibe where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flamethrowers incinerating more than 250 villagers, two-thirds of them women and children?

Most people have heard of the massacres at Hue in 1968 where the Vietcong and North Vietnamese, after its capture, executed 5,700 people (as assessed from the mass graves found afterwards) but who knows that in captured documents they gloated over these figures and only complained that they had not killed enough? These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

The world cannot plead ignorance because it has all been well documented. The evidence has been authoritatively put together in a compendium prepared, surprisingly, for the United States Senate Committee on the Judiciary (the meat was obviously too red for Senator Fulbright and the Foreign Affairs Committee).

There are distressing implications for the future. If the invasion succeeds and the North takes over the South, what will the bloodbath be? Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

The critics of the war may claim that the forecasts are exaggerated. But Colonel Tran Van Dac, a North Vietnamese officer who defected after twenty-four years in the Communist party, stated that the Communists, if they win would slaughter up to three million South Vietnamese, and another colonel, Le Xuan Chuyen, who defected after twenty-one years, stated that five million people in South Vietnam were on the Communist "blood debt" list and that 10–15 per cent of these would pay with their lives. When asked in an interview if the possibility of a bloodbath had been exaggerated he replied: "It could not be exaggerated. It will happen."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ACCURACY IN MEDIA AND PUBLIC BROADCASTING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, when our committee had hearings on appropriations for public broadcasting, I raised the serious question with reference to Sander Vanocur.

I place here in the RECORD a complaint by Accuracy in Media, Inc. to William B. Ray, Complaints and Compliance Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. The letter explains itself. I trust Mr. Vanocur realizes that he has not violated just the regulation of the FCC with reference to fairness, he has violated the law. In the Public Broadcasting Act of 1967, there appear these words:

All matters of controversy must be presented in balance and perspective.

I am sending a copy of what is contained in this RECORD to the Federal Communications Commission for action as a violation of the law. I am also sending a copy of this to Mr. Frank Pace, the chairman of the board of directors of the Corporation for Public Broadcasting as well as to John Macy, president of CPB, and asking what action they intend to take in this matter.

I think everyone in the Congress realizes the wording I quoted above from the law was put in with a very definite purpose, to to be sure that all matters of controversy were presented in balance and perspective. I intend to see that this is enforced, as I happen to be one of the authors of the act. At the time the act was written, those who were here in Washington seeking such legislation, came into my office and requested that language to be in the act and and supported my amendment in the committee to place those words in the act.

Accuracy in Media is a nonprofit organization here in Washington which had or has had on its national advisory board Dean Acheson, Murray Baron, Ambassador Elbridge Durbow, Dr. William Yandell Elliott, Eugene Lyons, Morris L. Ernst, Dr. Charles Burton Marshall, Rear Adm. William C. Mott, USN, retired, and Edgar Ansel Mowrer. This gives you some idea of the impartiality of Accuracy in Media. I have watched it and it has done a pretty fair job of trying to bring some balance to the media and is to be commended for those efforts.

The letter follows:

ACCURACY IN MEDIA INC.,
Washington, D.C., June 19, 1972.

Mr. WILLIAM B. RAY,
Complaints and Compliance Div., Broadcast Bureau, FCC, Washington, D.C.

DEAR MR. RAY: On April 26, 1972, WETA and other stations throughout the country broadcast a program produced by NPACT and distributed by the Public Broadcasting Service entitled "Special Report: The President on Vietnam."

This program consisted of a statement by President Nixon taking about 16 minutes and a commentary by four individuals, including the moderator, Mr. Sander Vanocur, who were generally critical of the President. The commentary took the balance of the hour.

In introducing the commentators, Mr. Vanocur said:

Since the White House announcement of the President's address, we of NPACT went to work trying to arrange a politically balanced panel of individuals to discuss the issues raised by the President. Well, our panel tonight is not balanced. There's no spokesman for the administration. And this is not our doing.

Mr. Vanocur went on to explain that they had tried to get someone from Congress or the White House to speak for the administration, but they had not been successful. He had succeeded in lining up two journalists and Mr. Richard Barnet of the Institute for Policy Studies, all of whom were known to be critics of the President.

Accuracy in Media, Inc. wishes to file a complaint against NPACT and PBS for violation of Section 396 (g) (1) (a) of the Public Broadcasting Act with respect to this program. This act requires that all programs and series of programs be produced with strict adherence to objectivity and balance. Mr. Vanocur told his audience that NPACT had not obtained a balanced panel to discuss the President's address, and this was demonstrated to be true by the discussion that ensued.

We have pointed this out to NPACT, stating our belief that the program violated both the Public Broadcasting Act and the Fairness Doctrine. Counsel for NPACT replied that the program was balanced since it included a 16 minute talk by the President, and this was supposed to balance the 44 minutes given to his critics. Also, NPACT argued that the Fairness Doctrine did not require balance for this particular program, and counsel cited a number of other programs produced by NPACT that had been better balanced on the subject of Vietnam.

Finally, NPACT tells us that the panelists were selected not for their political viewpoints, but for their knowledge and expertise. He said that the statement by Mr. Vanocur was not meant to imply that the panelists held views necessarily opposed to the Administration.

We find NPACT's response unsatisfactory. It fails to deal at all with our complaint of violation of Section 396, and we wish to make this the main basis of our complaint to the Commission.

It seems clear to us that Mr. Vanocur knew full well that his panelists represented views that were critical of the Administration and that this was why he made his introductory remark of explanation. We reject the idea that the program was balanced because it included the full statement by the President.

We said this in our reply to NPACT:

"You suggest that giving the President 16 minutes of air time in an hour segment met the requirements of balance. We disagree. If a newspaper such as The New York Times were to publish the President's talk and then quote only unfavorable reactions to it, it would be condemned by all for blatant one-sided and biased reporting. You contend that this is precisely the way in which a broadcaster can achieve balance. It is exceedingly strange that what would be regarded as extreme one-sidedness in a newspaper should be regarded as the epitome of balance in a television broadcast.

"The simple fact is that the President of the United States was not a mere participant in your program. He delivered an important newsworthy address. Had he denied you the right to televise it (possibly on the ground that he knew you would use his 16 minute talk to justify a 44 minute attack on his policies), you would have been indignant. You decided to put on a commentary, presumably to "discuss the issues raised by the President," as Mr. Vanocur said. We may assume that you regarded these as controversial issues of public importance. Mr. Vanocur knew that under the Fairness Doctrine and under Section 396(g)(1)(a) of the Public Broadcasting Act a licensee is obliged to present all sides when he airs discussions of controversial issues of public importance. Certainly the views of those citizens who support the President of the United States have as much right to be heard as those who oppose him. Licensees are obliged to air the significant views of those in the community they serve. If a large part of the community wishes to express or hear expressed views that support the President of the United States, the licensee has a positive obligation to seek out persons capable of articulating those views and putting them on the air. One of the objects of this exercise is to gauge the reaction of the public to what the President has said. If a licensee is so selective that he airs only the views of the President's critics then he really misinforms his audience, creating the impression that no support for the Administration exists."

We do not believe that the excuse that a member of Congress or an official of the Administration was not available excuses NPACT from its obligation to provide a balanced panel. No member of the panel was from Congress and there was no official representative of the opposition party. NPACT found two journalists and a scholar. Surely it would have been possible to find a journalist or a scholar who would have taken a view more sympathetic to that of the President. There is no evidence that NPACT made any effort to find such a person.

We note that this is not the first time that NPACT has produced a panel comprised wholly or predominantly of Administration critics to discuss a presidential address.

We ask that you find NPACT and PBS in violation of Section 396(g)(1)(a) of the Public Broadcasting Act. We ask that they be instructed to produce a program on the subject of Administration policy in Vietnam that will rectify the lack of balance in the April 26, 1972 program and that they be advised to avoid production of similarly unbalanced programs in the future.

Sincerely yours,

ABRAHAM H. KALISH,
Executive Secretary.

DOROTHY ROACH OF AUSTIN, TEX.

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. PICKLE. Mr. Speaker, every office on this Hill knows the value of that employee who "knows the ropes"—and the same holds true for offices at every level of government.

In Austin, Tex., Dorothy Roach was that employee since 1968. With experience in many fields of government, Miss Roach has been called the "real" mayor of Austin on more than one occasion. Serving as Administrative Secretary for the Austin City Council, Miss Roach repeatedly was called upon by city officials to lend her expertise to the benefit of the city.

A few days ago, however, Miss Roach passed away at the early age of 54, and she left a gap which will not be easy to fill. I join with the city of Austin in mourning her passing and in praising her good wishes.

Mr. Speaker, I insert in the RECORD an article from the Austin Statesman about Miss Roach.

The article follows:

MUNICIPAL SECRETARY DIES AT 54

Dorothy Roach, administrative secretary for the Austin City Council, was found dead at her home Monday morning.

Administrative aide Chuck Space found Miss Roach when he went to her home after she did not report to work. Time or cause of death had not been determined Monday morning.

Miss Roach, 54, had been with the city since March 1968.

Mayor Roy Butler said she "was a loyal and devoted municipal employe and of immeasurable assistance to the entire city council.

"Since this council took office more than a year ago, she has spent long hours attending to council affairs as an administrative secretary," said Butler. "On many occasions, we would have been lost without her expert and dedicated help."

Before joining the city staff, Miss Roach worked for the U.S. Department of State in Washington, D.C.; had been a legal secretary for former Sen. Ralph Yarborough, and had been employed by a construction company.

She was a native of Lipan and attended public schools in Mineral Wells, Adams Business College in Mineral Wells and Texas Wesleyan College in Fort Worth.

Funeral will be at 4 p.m. Wednesday in the Weed-Corley Funeral Home.

She is survived by a brother, George M. Roach of Austin.

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GAYDOS. Mr. Speaker, in the course of a lifetime you meet many people and, if you are fortunate, you may meet a few who, regardless of position or wealth, stand head and shoulders above the crowd. You find your life has been enriched merely by knowing them. I have been so fortunate. I have met such people and one of them is a warm, gracious lady who has touched the lives and won the hearts of untold thousands in my 20th Congressional District of Pennsylvania.

She is Miss Thelma Smith, a schoolteacher who is retiring after devoting 45 years of her life to teaching children, molding their future and, thereby, molding the future of their community. Recently Miss Smith was honored at a testimonial dinner and I was privileged to join with more than 200 of her friends, associates, and former students in paying tribute to this wonderful woman. As one of them observed that night: "Miss Smith is not a name to us, she is legend."

Indeed she is. The years she spent working with students went far beyond the confines of the classroom. She did more than just drum the "three R's" of education into the minds of young children. Her interest in students and their activities knew no bounds. In fact, during World War II, she assumed the duties of a head football coach and not only turned out winning teams but also developed two All-Americans.

This remarkable lady lived by a simple motto which won for her the love, respect, and admiration of all who came in contact with her. "What you are is God's gift to you," she would say. "What you become is your gift to God."

Mr. Speaker, I would like to insert into the RECORD a newspaper account of the testimonial dinner, written by Eleanor Kratzer of the Daily News. It will acquaint my colleagues with a unique individual, one who practiced what she preached—Miss Thelma Smith, of Port Vue, Pa.

The article follows:

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

"What you are is God's gift to you. What you become is your gift to God."

That was the message inscribed on a small piece of paper which Miss Thelma Smith placed on the desk of one of her pupils, James Trovato, when he was a student in her class in the Romine Ave. school in Port Vue, now the Port Vue Elementary School.

Last night, Mr. Trovato served as the toastmaster at a testimonial banquet honoring Miss Smith in the ballroom of the Youghiogheny Country Club.

More than 200 residents of Port Vue and friends from other neighboring areas were there to pay tribute to the teacher who is retiring after 45 years of service in the Borough School. Their presence was evidence of their belief that Miss Smith had lived by those few words and has produced a handsome gift to God that is reflected in the love of her hundreds of pupils and associates through the years.

Opening the program, Mr. Trovato said, "We are honoring one of the finest people I know in the field of education. She was always ready to lend a helping hand and has reached out and touched everyone here in some way."

As the tributes were presented by associates, former students and community leaders, there was a warmth and sincerity in their words that could have stemmed only from a deep love and respect for the honoree.

Peter Gallo, the South Allegheny School Board president, described Miss Smith as a dedicated leader and added, "Miss Smith is not a name to us, she is a legend."

Vincent McKeeta, superintendent of the school district, explained his common bond with Miss Smith—"We are both ex-coaches. She gave the school in which she was head teacher a home environment and having her there made administrative tasks easier."

As president, Robert Erkel said that "the Borough Council wondered at first what the cold arm of Government could do to recognize and honor such a warm person." The answer was a resolution which he read, commending Miss Smith for her self-sacrifice, loyalty and devotion during 45 years of teaching the borough's children and for her successful efforts to mold future citizens of the community.

Congressman Joseph Gaydos extended greetings from Washington, D.C., noting that "she has earned the undying gratitude of the community and its leaders through her faithful service. She is an example of what a school teacher should be at a time when children spend more time with their teachers than with their parents. She is a quality teacher whom those just entering the profession might well emulate." He added that the event will have a place in the Congressional Record.

A friend of her high school days, Stella Keenan, recalled early experiences with Miss Smith.

Former Port Vue Mayor A. Jacobyansky recalled two all-American football players who were on teams Miss Smith coached. He reiterated figures cited by Mr. Erkel indicating that the Port Vue-Liberty rate is the

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lowest in the County, stating "You don't prevent crime by arresting people but by training children. The record demonstrates that South Allegheny has done a better job of training than most school districts, largely through the services of fine dedicated teachers like Miss Smith."

Dannie Giger, Junior High School principal, recalled associations with Miss Smith and added "your retirement will be a great loss to the school district and an even greater loss to Port Vue for you have been outstanding in the classroom, in recreation and in the PSEA."

Two players on Miss Smith's teams, John Waskowich and George Bubanic remembered incidents during their experiences with the coach. A retired teacher, Mrs. Bess Van Fosson, spoke as a friend and for PSEA, suggesting that Miss Smith look upon retirement as graduation to another way of life.

James Blaha, vice president of South Allegheny School Board commented "I pass this way but once and I was fortunate enough to become acquainted with Miss Smith and privileged to have her as a teacher. In a class of 30, it was as though she had only one student when help was needed. She may retire from the classroom but she will never retire from the hearts of her students and the families in the community.

Mrs. Lois Alworth remembered the Meladeers, a group of junior high girls who asked Miss Smith to be their leader and advisor as they sponsored socials and other activities and went on trips to a cottage at Maple Grove.

Mrs. Charles Gibson, chairman of the planning committee, extended the welcome and introduced Mr. Trovato, noting that he has been an educator and is now director of a federally-funded agency in Allegheny County, PEP. The invocation was offered by the school nurse, Mrs. Carl J. Fritz.

Introduced as other committee members were Mrs. LeRoy Sutton who presented the gift to Miss Smith; Mrs. Lester Schneider and Mrs. Jacobyansky. All are members of the Port Vue Women's Club which took the initiative in planning the event, assisted by other groups in the community.

Borough and school personnel were introduced, along with Miss Smith's family and some of her athletes. Paula Mihalko and Bonnie Campbell presented the honoree with a book containing pictures of her students, today and yesteryear.

In her response, Miss Smith commended the teachers and personnel serving in her building and she accorded special recognition to Ethel Hoak Stanley who, she said, was most helpful as she embarked on her career as a teacher in Port Vue 45 years ago. She also expressed gratitude to those responsible for the banquet and to those who attended.

IMPORTS UNDERMINE AMERICAN INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, we have heard many reports and complaints recently concerning foreign imports and their impact on the economy of the United States.

In this connection Mr. Nat Goldfinger, research director of the AFL–CIO, provides an interesting insight into the impact of these imports on employment. In an article in the Washington Post Sunday, Mr. Goldfinger reports that:

The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971.

Because of the interest of my colleagues and the American people in this most important matter, I place the article in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

IMPORTS UNDERMINE AMERICAN INDUSTRY

(By Nat Goldfinger)

(NOTE.—Hobart Rowen, assistant managing editor for business and finance, is on vacation. The following article by Nat Goldfinger, research director of the AFL–CIO, is the last in a series of guest columns. Rowen will resume "Economic Impact" next Sunday.)

The American economy is in trouble at home and abroad. The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971. The situation is worsening at present. The industrial base of the American economy is being undermined and narrowed.

Merchandise imports were $2.9 billion greater than exports in 1971, according to the Commerce Departments official accounting—the first reported trade deficit since 1893. This deficit jumped to a yearly rate of $6.5 billion in the January-March quarter of 1972. Many more jobs are being wiped out by the rising tide of imports than are involved in exports.

Between 1965 and 1970, there was a loss of 122,500 jobs in radio, TV and electronic component production, according to the industry association. Scores of thousands of additional jobs have been wiped out in a rapidly spreading number of industries. Communities throughout the country are adversely affected.

Estimates indicate that, last year, imports of autos were about 20 per cent of the U.S. market, TV receivers more than 30 per cent, radios and tape recorders more than 90 per cent, sewing machines and calculating machines nearly 60 per cent, cassettees 100 per cent and baseball mitts about 90 per cent. Similarly, large proportions of U.S. production of other industries are being displaced—typewriters and shirts, industrial equipment and knit goods, pianos and steel, tires and work clothes, shoes, textiles and glassware.

This process, which displaces U.S. production and employment, often results in very little, if any, price benefit to the consumer, who is also a wage or salary earner. Imports are sold at the American price or close to it. So the economy loses a growing part of its productive base, workers lose their jobs, while the benefits go to profits. Moreover, the recent devaluation of the American dollar—which was loudly advertised as the solution to these problems—has actually contributed to the continuing inflation that plagues the American people. And the U.S. position in the world economy continues to get worse.

This deterioration has been accelerating in the past decade. Imports of manufactured products more than quadrupled between 1960 and 1971—from $6.9 billion to $30.4 billion. In the January-March quarter of 1972, manufactured imports were up to a yearly rate of $35.9 billion. Moreover, in 1960, such imports were only about half the level of manufactured exports; by the first quarter of this year, the United States imported a greater volume of manufactured goods than it exported. The major causes of this deterioration are the following:

In the world of the 1970s, nations manage their economies. Other countries have direct and indirect subsidies for their exports plus direct and indirect barriers to imports. The result is that foreign products surge into the huge American market, while U.S. exports are often blocked or their expansion is retarded.

The export of American technology has been reducing or eliminating America's technology and productivity leadership in many industries and product lines. U.S. firms have transferred American technology and know-how to their foreign subsidiary plants. And there have been additional technology transfers through patent agreements and licensing arrangements of U.S. firms with foreign companies.

As a result, foreign plants, operating with American technology, probably are nearly as efficient as similar factories in the U.S. But employment costs frequently are 50 to 90 per cent lower, and there may be the additional advantages of lower taxes and operating in markets protected by foreign governments.

Sharply rising investments of U.S. companies in foreign subsidiaries have been key factors in the export of American technology and the loss of American jobs. Direct investments of U.S. firms in foreign facilities shot up from $3.8 billion in 1960 to about $16 billion in 1971. The book value of such investments in foreign facilities rose from almost $32 billion in 1960 to more than $76 billion in 1971.

Although an estimated 25,000 foreign affiliates are controlled by about 3,500 U.S. corporations, the bulk of these foreign operations is highly concentrated among the corporate giants. Prof. Peggy Musgrave of Northeastern University reports that in 1966, "Over 80 per cent of taxable income which U.S. corporations received from foreign sources . . . went to 430 corporations with assets size in excess of $250 million."

The Chase Manhattan Bank's newsletter reported last year that "foreign sales of U.S. affiliates in manufacturing alone totalled almost $60 billion in 1968 and are estimated at between $70 and $75 billion in 1970." That is more than twice the volume of exports of manufactured goods from the U.S.

The mushrooming growth of multinational corporations, most of them U.S.-based, is a new factor in the accelerating deterioration of the American position in the world economy.

A U.S.-based multinational corporation can produce components in widely separated plants in Korea, Taiwan and the U.S., assemble the product in Mexico and sell the item in the U.S. at American prices, possibly with an American-brand name. Or the item is produced and sold in foreign markets, in competition with U.S.-made products.

U.S. Rep. James Burke and Sen. Vance Hartke have introduced the Foreign Trade and Investment Act of 1972, which is aimed specifically at dealing with these basic causes of America's deteriorating position in the world economy.

The bill, for example, would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations. It would provide government regulation of the export of American technology and capital. It would also set up a "sliding door" limitation on most imports, related to the level of American production—annual import quotas, based on the number of items imported into the U.S. in 1965–1969, as a percentage of U.S. output. In that way, imports would be permitted to increase as U.S. production rises.

The Burke-Hartke bill's restraints on imports and on the outflows of technology and capital are tailored to meet America's needs in a world of managed national economies and multinational corporations. The bill represents a practical way of dealing with a serious economic and social problem.

WHAT THE FLAG MEANS TO ME

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Arlington-Fairfax Lodge No. 2188 of the Benevolent and Protective Order of Elks, of which I am a member, recently conducted an essay contest on the subject "What the Flag Means to Me." The contest was under the direction of Donald G. Kennedy, esteemed leading knight, and over 500 seventh and eighth grade pupils in the two counties participated.

The judges were Herman C. Anderson, past president of the Virginia State Elks Association and two of our past exalted rulers, Lester S. Blaylock and Kenneth M. Webber. They were greatly impressed by the high quality of the essays submitted and found that the task of choosing the winners was both time consuming and highly rewarding.

U.S. savings bonds were presented by Douglas Hedrick, exalted ruler, to the two winning contestants, Guy Ferguson, of Annandale, and Traci L. Kuntzelman, of Arlington. Honorable mention awards were made to David Alexander, of Springfield, and Susan Weinburg, of Arlington.

I feel that the Members will be interested in reading the essays of the two winners. The sentiments expressed reflect credit on them as well as on their parents and teachers:

WHAT THE AMERICAN FLAG MEANS TO ME

(By Guy Ferguson)

The American Flag means to me the symbol of a proud people and its Nation. It stands for freedom, truth, honor and prestige; but most of all it symbolizes faith for the faithful, hope for the hopeful and truth for the truthful. Americans should stand up for their flag and what it stands for, because if Americans did not stand up for their flag, then there would be no America.

WHAT THE AMERICAN FLAG MEANS TO ME

(By Traci Lee Kuntzelman)

"Liberty and justice for all."

These words, very familiar to all Americans are in a sense exactly what "Old Glory" stands for. Along with these words, others should be added. Words, like freedom, power, peace, glory, honesty, integrity, help, compassion and most of all hope. Hope not only for American citizens, but hope for all mankind. The hope that peace, love and freedom will reign over the world.

ATLANTIC UNION ENDORSED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. FINDLEY. Mr. Speaker, I commend to the attention of my colleagues in the House an excellent editorial in the Cincinnati Enquirer endorsing the Atlantic Union resolution, House Joint Resolution 900. The Enquirer wisely points out that the resolution deserves the consideration of the Congress before adjournment. The editorial stresses the fact that this resolution, when introduced in the Senate on March 17, 1972, was sponsored by nine of the 16 members of the Senate Foreign Relations Committee, including Senate Majority Leader MIKE MANSFIELD, as well as HUGH SCOTT.

Sponsorship of the resolution has grown every year and the Enquirer concludes that this year "the resolution may well get the active floor consideration it deserves." I certainly hope that will be the case. In this body it has been approved by the Committee on Foreign Affairs and will seen be before the Rules Committee.

Text of editorial follows:

TOWARD ATLANTIC UNITY

From the time Congress began considering the Atlantic Union resolution in 1949 (when its prime sponsor was Tennessee's Sen. Estes Kefauver), its sponsorship has grown year by year both in size and influence. Hence, when it was presented to the Senate for consideration March 17, its sponsors included not only the Senate's two party leaders, Hugh Scott (R-Pa.) and Mike Mansfield (D-Mont.), but also nine of the 16 members of the Senate Foreign Relations Committee. That circumstance, combined with the fact that the resolution was approved, 22–9, by the House Foreign Affairs Committee, suggests that the resolution may well get the active floor consideration it deserves.

The resolution's goal is to create a delegation of 18 eminent Americans to organize and participate in a convention of the North Atlantic Treaty Organization's (NATO) members to "explore the possibility" of agreement on:

A declaration that their common goal is the transformation of the NATO alliance into a more effective unity based on federal principles.

A timetable for the transition by stages to this goal.

A commission to facilitate advancement toward such stages.

Any plan upon which such a NATO conference would agree would, of course, be subject to the approval in accordance with the constitutionally prescribed procedures in each of the signatory nations.

The Atlantic Union resolution had its origins several years before the beginning of World War II. Clarence K. Streit, a League of Nations correspondent for the New York Times, was gravely disturbed by the manner in which the Western allies were dissipating their vastly superior military and economic power in the face of the Axis threat. He proposed, as a remedy, the application of the same principles that underlay the establishment of the United States as a federal union in 1789.

The threats that beset the free world have changed considerably since Mr. Streit's book "Union Now" appeared. Yet the considerations it enunciated are as compelling today as they were in the 1930s.

The Atlantic Union resolution deserves the thorough-going debate its sponsors seek.

NATURE AS A POLLUTER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHWENGEL. Mr. Speaker, the current public concern over pollution is encouraging. What a pity it is that it had to come this late, when the problems have become almost overwhelming. We all owe a debt of gratitude to the concerned individuals who were farsighted and concerned enough to alert us to the spoiling of our environment while there was still a chance to save it.

The public's awareness and knowledge of pollution problems is still pitifully inadequate. Many groups are calling for the enactment and enforcement of laws to curb pollution, but they are aware of only the most obvious sources of pollution. Sewers and industries discharge their wastes into our air and water, causing what is called point-source pollution. Point-source pollution is easily recognizable, and we are taking steps to clean up this problem.

Few people realize, however, how little good these steps will really do. Legislation aimed at point-source pollution is capable of handling only 7 percent of the total problem. Nonpoint source pollution causes an estimated 700 times as much sheer pollution as all the sewers in our country. Erosion is at the root of the total problem. This is the means by which our streams are being clogged with chemicals, wastes, and the silt which was once valuable topsoil.

Erosion is a natural process. Nature herself, by sending spring floods, wind, and summer rains, is slowly eating away our valuable, fertile farmland and depositing it where it is at best worthless and at worst a lamentable pollutant of our once sparkling lakes and streams.

Many people in the legislature today are anxious to solve the problem of erosion, and are eager to point fingers, looking for someone to blame. The easy thing to do is to blame the farmer. However, as with so many quick and easy answers, blaming the farmer is not only wrong, but is blinding us to the real nature of the problem.

These disturbing problems behoove us to take a positive approach—one that may not be easy, but that is thoughtful and which comes from understanding rather than belligerence.

Streams that drain our lands have always carried sizable quantities of sediment. These sediments are derived from erosion in upland areas, and from cyclic erosion in gullies and drainageway channels. Special erosion problems flare up, especially in the spring, when heavy rains cause landslides, flood scour, and sheet erosion. These types of erosion can cause catastrophic damage and are nearly impossible for local landowners to prevent. These erosion problems, while occurring at irregular intervals, can cause lasting damage and deterioration of the environment. Sediment released can cause permanent damage to the shape of stream channels, and organic sediment—not necessarily soil derived—often does more harm to aquatic environments than inorganic sediment.

The bill I have introduced, H.R. 15596, will clear up the administrative logjams that in past years have stymied local landowners and Department of Agriculture officials in their efforts to build sound watershed programs. Lack of coordination has resulted in wasted funds and the abandonment of many well-planned programs. My bill authorizes the Secretary of Agriculture to make binding agreements for up to 10 years with people in all levels of the program, from local landowners to Federal officials. These agreements will include specific requirements to insure that needed steps are taken to make the programs work, from beginning to end. I sincerely hope that this bill will receive immediate and serious consideration by everyone who is anxious to save our imperiled environment.

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GORDON CANFIELD

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WIDNALL. Mr. Speaker, last Friday, in Paterson, N.J., it would seem that the heavens had opened as a tropical storm swept across that area. However, when it would seem no person would or could be out under such conditions, Mrs. Widnall and I joined a large number of the citizenry of that area as they paid their last respects to one loved and respected by all. Highly elected officials and citizens who had been served by Gordon Canfield were present to say a final thanks for the many, many things he did for one and all.

The Paterson News editorial of June 21 so eloquently expresses the deep feelings of all toward our former colleague and why so many were in attendance at his final rites.

The editorial follows:

[From the Paterson (N.J.) News, June 21, 1972]

GORDON CANFIELD

Inherently warm and friendly, Gordon Canfield did not by accident set a record for years of service in his congressional district. Even his loyalty and steadfastness as a Republican could not wean from him an almost incredible devotion of thousands of Democrats who crossed party lines to support him and re-elect him term after term.

Gordon Canfield stood high in the councils of federal government. His work for the party could have won him the title Mr. Republican but as representative of the Eighth District in Congress, in his civic endeavors and his friendships he was oblivious to party lines.

He probably had performed personal services for more people in Passaic County than any other man before or since. Consequently he was supported by Democrats and Republicans alike to such an extent that he inevitably ran far ahead of his ticket. He got votes for his running mates, and one year he was the only Republican to survive a Democratic landslide.

Gordon Canfield loved his work, he was happiest moving among his constituents and even out of Congress. After 10 terms and 20 years as congressman and years before that as secretary to Rep. George N. Seger, he was in the forefront in civic endeavor despite failing health.

Over the years honors were heaped upon him at home and in Washington and he was "Gordon" to presidents, national leaders and hundreds of Representatives and Senators.

It was an experience to walk down a Paterson street with him because every step seemed to be marked with a Canfield wave and hello. All this may have taxed a person of less patience but to him it was love of his fellows.

His voice was heard and his influence felt in civil rights, national defense, the missile program, narcotic control, NATO, health and welfare and he had the honorary title of Father of the Coast Guard.

In one campaign he was called critically "the man who only did little things for little people." This boomeranged and won him added loyalty from the thousands for whom Canfield went to bat in Washington bureaucracy. He cut through miles of red tape for constituents with problems.

The News family and a wide multitude share the sorrow of his loyal wife and helpmate, Dorothy, his sons, Carl and Allan, and the rest of his devoted family.

His death Tuesday at his home in Hawthorne marks the end of a distinguished career but his memory will be fresh for many years.

GOP—THE REAL PARTY OF CHANGE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, Mr. David Broder, in the following article in the Washington Post of June 13, 1972, takes a look at the scorecard of major legislation passed by Congress this session and comes up with some embarrassing questions for the Congress. This analysis, by the national political reporter of the Post, a newspaper with few, if any, pro-administration leanings, underscores the problems facing Mr. Nixon's opponents in the coming election campaign.

The article follows:

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year, though not many votes will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent, national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these years, the Democrats will go into convention, less than a month from now, with a record of congressional inaction.

To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibility.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

STRICTER GUN CONTROL LAWS NEEDED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WOLFF. Mr. Speaker, as my colleagues in this body are aware, I have taken the floor on many occasions to urge the enactment of stricter gun control laws. It seems clear to me that we could significantly reduce violent crimes if we made it more difficult to obtain guns.

A recent editorial broadcast on radio station WOR in New York City expresses the need for stronger laws and I include it at this point in the RECORD so that my colleagues may be aware of this viewpoint.

The editorial follows:

EDITORIAL

Speaking for WOR AM, Station Vice President and General Manager, Robert S. Smith.

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of snub-nosed pistols; pistols like the one that seriously wounded Alabama Governor Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make homemade guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and the President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

FEDERAL STUDENT ASSISTANCE PROGRAMS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ESCH. Mr. Speaker, I would like to insert the following remarks for the benefit of the many high school seniors in my district who have recently graduated and are faced with a number of important decisions.

There are a number of Federal student assistance programs which will provide loans or grants for students to acquire a college education. These are administered through each individual school and interested students should contact the admissions director of the school which they plan to attend.

The Congress last week approved major legislation which would expand the financing available to every student to a maximum of $1,400. The goal of this legislation is to insure that no deserving student who is interested in furthering his education will be denied further schooling for lack of funds. The President has not yet signed this bill into law, but is expected to do so in the near future. While the funds will not be available during the fall semester, it seems likely that they will be available next spring. This program will also be administered through the individual school and one should consult the admission authorities.

Opportunities are not limited to those who want to complete 4 years of academic training. The scientific and technological revolution is creating career opportunities in hundreds of different fields. It is estimated that there will be more than 1 million new job opportunities in technical fields by 1975.

Training for these technical positions generally do not take a college education—and may be completed in 1 to 2 years. Three kinds of schools have programs for technicians.

HOW TO BECOME A TECHICIAN

You can qualify for some technical positions with just 1 year of study after high school. Most take 2 years. Some require a degree that is called an AAS—associate in applied science.

Three kinds of schools have programs for technicians.

First. Technical institutes. These give intensive courses concentrating almost entirely on what you will need to know in your career. Since technicians must understand why things work as well as how they work, technical institutes give some courses on scientific theory and mathematics. But these are held to a minimum.

Second. Junior and community colleges offer programs similar to a technical institute's, but with more emphasis on theory—and also some courses in liberal arts. If you decide to continue your education and get a 4-year degree, you can often transfer credits you earn to most 4-year colleges, but for technical institutes, as well.

Third. Area vocational — technical schools. The subjects they teach are geared to work available in the area where the school is located. Area school's have 1-year as well as 2-year programs. They also offer some courses on the high school level and some adult education courses. Admission requirements are liberal.

All three types of schools are primarily for high school graduates. If you are not a graduate, do not worry. Most of these schools can help you arrange to complete your high school education. Special work in high school science and mathematics also helps. If you are still in school, check with your counselor.

HOW TO FIND OUT ABOUT TECHNICAL SCHOOLS NEAR YOU

There are four places you can write for nationwide directories of accredited schools that offer technical education. These directories cover most or all of the fields described in this booklet:

Engineers' Council for Professional Development Guidance, 345 East 47th Street, New York, N.Y. 10017.

National Association of Trade and Technical Schools, 1601 18th Street, N.W., Washington, D.C. 20009.

Accrediting Commission for Business Schools, United Business Schools Association, 1730 M Street, N.W., Washington, D.C. 20036.

Occupational Education Project, American Association of Junior Colleges, One DuPont Circle, Washington, D.C. 20036.

You can also study to be a technician at home. For a list of accredited home-study schools, write:

National Home-Study Council, 1601 18th Street, N.W., Washington, D.C. 20009.

For information on State or community schools, and ratings of the schools in your area, see your high school counselor. Since he knows your abilities and interests, he can also help you pick the field to specialize in.

The local office of your State Employment Service keeps up on the technical schools near your home. They can help you pick your special field through vocational testing.

There may be community organizations with youth-counseling services, as well.

If you want more detailed information about any of the following areas of specialization, here is where to write:

Library and Information Science: Library Education Division, American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

Chemical: American Chemical Society, 1155 16th Street, N.W., Washington, D.C. 20036.

Health Service: National Health Council, Health Careers Program, 1740 Broadway, New York, N.Y. 10019.

Electronic Data Processing: American Federation of Information, Processing Societies, 201 Summit Avenue, Montvale, N.J. 07645.

LIGHT THE FIRST CANDLE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GROSS. Mr. Speaker, a Washington newsletter entitled "Post-Age," whose editor is Arthur M. Brandel, has written a brief review of the first year of operations of the U.S. Postal Service.

It is a succinct, well-written piece and I offer it for printing in the CONGRESSIONAL RECORD at this point:

LIGHT THE FIRST CANDLE

It hardly seems possible that it is only a year! July 1 is the official anniversary of the establishment of the United States Postal Service.

Despite the talk of continuity, the Service already is working on its second Postmaster General, E. T. (Ted) Klassen. He is under enormous pressure and it is hard to say how long he will be willing to continue. Now 63, he already had retired once from business when he left the presidency of American Can.

The first PMG, Winton M. "Red" Blount, who engineered the removal of the Postal Service from the wing of Congress, now is busily trying to get into Congress himself as the Republican candidate for the Senate from Alabama.

It is proper to take stock of that one year. Rates have risen. That was inevitable. It was a pretty good ride for many, many years. In some respects, USPS resembles many cities. The modern buildings emerge, giving a veneer to the appearance of improvement to the community. Yet as one moves about, one finds the slums remain, deteriorating further, the municipal services are no better, the apathy is just as obvious. One comes away with the realization: it really is a growing slum rather than a vital city.

While postal executives strive valiantly to turn things around, morale is low, improvements in working conditions are slow and the lack of esprit de corps is all too evident from the man who delivers your mail to the postmaster in charge of your local post office.

By Klassen's own testimony 80% to 85% of USPS costs are labor-related. The issue of employee relations is integral. Union recognition was one of the first actions undertaken by the new Service. However, union leadership really is untested. For years the leaders were lobbyists, not union leaders as in private enterprise.

Under the old system, pay boosts and working conditions were problems solved by Congress. Workers and their union leaders were beholden to Congress. They contributed to campaign funds. There was a political atmosphere that permeated the Post Office throughout the nation.

Then came postal reform. Labor officials had new responsibilities. They were put into the position of leading rather than lobbying. Limitations still remain, however. The right to strike is denied, but that may be changed in the next few years as the mounting demands reach Congress.

It is ironic that two years ago the publishing industry was gung ho for postal reform. The idea that a corporation would be created which would get the post office into a business-like atmosphere was exciting. They may

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have visualized the carpets and soft lighting of the executive suite. They did not foresee the problems of making ends meet. They are finding that the creature they helped create is too much.

It will be a test of the caliber of the organization and the men who are directing it, to determine if USPS can withstand the pressure.

Perhaps beyond all matters affecting mail users—the issue of rates, service, etc.—is the basic approach of postal executives to their responsibilities. To what extent it is true in other parts of the country, it is still too early to tell but it is true in Washington that the attitude of the new executives is virtually identical with that of all big business: We tell you what we think you should know.

To many in Washington, this is awkward. USPS is not a private corporation. One official described it as an independent executive agency.

Where are we after a year? Fact is, most of the new men with their business background have had little previous experience with the Washington syndrome. They may have broad experience in manufacturing, marketing, finance, labor relations, etc., but Washington is a different world.

It is quite difficult for sophisticated and accomplished businessmen to understand that members of Congress, for instance, are just as successful in their chosen careers, as the most successful head of a major conglomerate. The ability to be reelected for ten or twelve years is a tough way to make a living, but is spells success by any standards. It signifies power. That is something that newcomers must learn to respect.

It is a tough league these businessmen have entered. Indeed, they are no longer businessmen. They are public servants. They are creatures of a new bureaucracy permeated by an old.

The USPS has a long way to go—if indeed it can get there. While everyone is pulling for the success of this experiment in postal service, the question is: Will there be time?

SUMMARY OF NEED FOR TRIDENT (ULMS) SUBMARINES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, I am in total agreement with the Committee on Armed Services relative to an immediate substantial start on the Trident program. Because of my strong feelings in this matter, I believe it important to summarize in some specific detail the basis for my views:

SUMMARY

The Trident (formerly ULMS) program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20 year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2500 mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a several fold increase in ocean operating area available to our ballistic missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer range missiles. With this longer range missile, which will fit only in the Trident submarines, the ocean operating area available to our Trident submarines will again be increased several fold over the areas of the first generation Trident missile.

The Trident missiles will permit basing our ballistic missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic missile submarine program. They now have in operation about 30 nuclear and diesel ballistic missile submarines of older classes and 25 of the new Yankee Class which can fire a 1300 mile range missile. In the past year they started work on their 42nd Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1300 mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic missile fleet than we do. They are building more missile launching submarines today, whereas we funded our last Polaris construction in FY 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972 allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about 7 per year during the 5 year term of the interim agreement. Even under the President's recommended FY 1973 budget for the Trident program the first Trident submarine will not become operational during the 5 year term of the Interim Agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for three years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long lead time is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of Shipbuilding and Conversion, Navy (SCN) funds in the FY 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million is for long lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the Administration if the Navy does not get the long lead machinery on order. In other words, by ordering this long lead machinery in FY 1973 the option will be kept open to authorize the lead Trident submarine in FY 1974 and follow submarines in FY 1975. However, going ahead with the procurement of the long lead nuclear propulsion machinery for the ships in FY 1973 does not commit Congress to any specific submarine building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further it is important to have a sizeable buy of Trident nuclear propulsion plant components in FY 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizeable procurement.

The Navy estimates that if the long lead component funds of $167 million for the follow Trident submarines were deferred from FY 1973 to FY 1974 these submarines would be delayed a year. Their cost would also increase by $90 million, due mainly to inflation and to disruption of an orderly program resulting from the delay in ordering machinery. There would also be an increase of $10 million in the cost of the lead ship due to loss of the economies of the planned larger procurement. If the $194 million advance procurement funds for the lead ship were also deferred to FY 1974, the lead ship would be delayed a year and its cost would increase further.

Because of the importance of this submarine program, it's prudent to build a land prototype of the nuclear plant so that a facility will be available for demonstrating the reactor technology without involving an operational submarine. Admiral Rickover has used this approach successfully in the development of many nuclear propulsion plants over the past quarter century starting with the Nautilus. It is a main reason why the United States has not had major technical difficulties, the ships have operated safely, and the cost overruns have been minimal. $56 million is included in the FY 1973 Atomic Energy Commission budget to get started on the land prototype. The Other Procurement, Navy (OPN) budget request includes $23.5 million in FY 1973 for engine room equipment so this prototype can be used for Navy crew training.

COL. L. THAXTON HANSON HONORED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GOLDWATER. Mr. Speaker, recently, in Los Angeles, a group of people decided to honor a man who has shown, beyond the shadow of a doubt, that there is honor and fulfillment in serving our country.

Col. L. Thaxton Hanson, the man they honored, retired from the Army earlier this month. His career has proven what one man can do, if he has the incentive and foresight.

He was commissioned June 18, 1942, as a second lieutenant of cavalry. In July of the same year he joined the 6th Cavalry Group—mechanized—trained with that unit and when the 6th Cavalry was deployed later on to the European Theater of Operations, it became part of Gen. George S. Patton's glorious 3d Army. The unit participated in five different campaigns and was awarded the coveted Presidential Citation, with Captain Hanson in command of Troop C, 6th Cavalry Reconnaissance Squadron. After cessation of hostilities, in January 1946, he was assigned as Assistant Professor of Military Science and Tactics at the University of Illinois, ROTC, Urbana, Ill.

After release from active duty, Major Hanson continued to serve his country as a Reserve officer, joined the 21st Armored Division, USAR and subsequently accepted a mobilization designation assignment with the G3 Office, Chief of Army Field Forces, Fort Monroe, Va. In that capacity, he was recalled to active duty during the Korean conflict in May 1951. After his release from active duty, he moved to California in October 1952. He remained active in the Army Reserve and went on various short tours of duty at Headquarters, 6th U.S. Army, Presidio of San Francisco. From 1955 on he was associated with U.S. Army Reserve School, both, as a student and instructor, first in Santa Monica and later on at Fort MacArthur. During that time he was promoted to lieutenant colonel in 1960 and to colonel in June 1967. He was instrumental in planning for and putting into effect the National Security Management Course under the auspices of the Industrial College of the Armed Forces, Fort McNair, Washington, D.C. Since summer 1971, he was assigned as Director of Higher Education with the 6220th USAR School, Fort MacArthur, Calif.

His awards and decorations include the Bronze Star with Oakleaf Cluster, the Meritorious Service Medal, the Purple Heart, the American Theater Medal, the European Theater Medal, the World War II Victory Medal, the Army of Occupation Medal, the National Defense Medal and the Reserve Forces Medal.

He is a member of the Reserve Officers Association, the Association of the U.S. Army, where Colonel Hanson is presently serving as the first vice president of the Greater Los Angeles chapter after spearheading the annual Army ball as its general chairman during 2 consecutive years. He is also a member of the U.S. Armor Association, the American Legion and the Military Order of the World Wars. Colonel Hanson represents the very best of what is "American" and I salute him.

PRISON FARE—AN EVALUATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BADILLO. Mr. Speaker, while the whole Nation was shocked at the tragic loss of life at Attica last fall I, as a member of the observers' committee, found particularly disturbing the fact that the list of requests drawn up by the prisoners dealt with basic rights guaranteed by the constitution but unquestionably denied to inmates of our so-called correctional institutions.

High on most prisoners' grievance list is prison food. Inmates of our prisons are served meals that are all but inedible, and are served them under unsanitary and demeaning conditions. Many explanations are usually advanced for this state of affairs, including financial restrictions, the size of the population to be served, and so forth. None of these explanations, however, can really stand up. At the heart of the difficulty is, in my opinion, a reluctance of our society to respect the human rights of individuals whom it considers "criminals."

I would like to call the attention of my colleagues to a very perceptive article that appeared in the June 21 issue of the New York Times. The article examines the quality of meals served at three prisons, the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn.

Conditions at Danbury bear out the fact that our prisons do not have to remain the degrading and hopeless "storehouses" that they are now. For the benefit of my colleagues. I insert here the text of the Times article:

A FOOD CRITIC APPRAISES MEALS AT THREE PRISONS

Prison food has always had a bad name. Countless crime movies have shown stripe-clad inmates banging metal cups and refusing to eat the swill served up by hostile and incompetent kitchen staffs. But the bloody riot at Attica last fall focused public attention on real food in a real prison. Forty-three men died as a result of that insurrection—and food was a major inmate grievance.

To assess just how bad—or good—prison fare actually is, Raymond A. Sokolov, the food editor of The New York Times, ate the main meal of the day at three prisons: the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn. He also observed the prison kitchens at work, interviewed the chefs and wardens, and talked to inmates over lunch and dinner.

Despite the fact that all three prisons have the same effective food budgets of $1 a day a man, the results on an inmate's tray ranged from inedible to remarkably good. What follows is Mr. Sokolov's detailed report on these meals behind bars.

RECIPE FOR APATHY AT BROOKLYN'S JAIL

Touring the third floor cooking area at the Brooklyn House, as it is known, one is surrounded by broken and failing machinery. Ovens no longer produce even heat after almost two decades of constant use. The coffee urns have been out of commission for two years, so coffee is brewed in a steam kettle. Doors have fallen off nearly half the steam compartments.

"It would cost us $250,000 to refurbish this kitchen," said Gus W. Levy, director of food services for the city's Department of Correction. "Requests are submitted constantly."

Staffing the kitchen is also a problem. There is a high turnover of civilian chefs, most of whom have retired from cooking careers elsewhere. These men direct a crew of 40 sentenced inmates who are rarely available for more than a few months and seem to learn little about food preparation and to care less.

"I just cook to get through my time," one of them said during a cigarette break.

On the other hand, the lessons to be learned in the Brooklyn House's kitchen at a pay rate of 20 cents an hour probably have little application to cooking elsewhere. Methods are primitive, to say the least.

For a mutton stew with tomatoes, turnips, onions, carrots, dry peas, potatoes and seasoning, the inmate cooks learn how to pour six-pound nine-ounce cans of vegetables into steam kettles. Spilled vegetables on the floor showed that this technique had not been mastered by some of the men. Others strained a mixture of water and uncooked flour into the stew to thicken the sauce.

In another part of the kitchen, a sheet of corn bread came out of an oven scorched over most of its length. And then it was 4:30 P.M., time to load up the electrically heated rolling carts and send them up to the cellblocks.

The carts are new and were purchased in answer to criticism by inmates that food was cold by the time it got to them. In theory, the carts are plugged into a socket in the serving area on each floor after a brief elevator ride from the kitchen. This did not happen during the meal witnessed on the fourth floor of the Brookyln House earlier this month. The carts came to rest in a former dormitory area that still had a toilet in the corner. A tray covered the top of the toilet.

SPOONING A MEAL

Other trays were loaded by sentenced prisoners and carried to the detained prisoners (those awaiting trial) in their cells and dormitories. Each metal tray had several recessed compartments that were filled with four slices of floppy white bread from the Rikers Island bakery, an ample portion of mutton stew, one square of corn bread, beet and onion salad and metal mugs of cocoa.

In one eight-man dormitory that also had an open toilet in full view, food did arrive reasonably hot, but the inmates did little more than pick at their food with soup spoons sitting up on their cots.

The department does not permit knives and forks for security reasons. Everything has to be eaten with spoons, which are collected and counted after the meal.

Lack of cutlery, however, was not what made eating the mutton stew difficult for the men in the fourth-floor dormitory. The stew had very little meat in it, stringy gray meat at that, and the taste of glutinous, floury gravy and undercooked carrots predominated.

Since all the men in that room were enduring a seven-day methadone detoxification program, their appetites may have been

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adversely affected by drugs in their systems. The cocoa had been heavily sweetened to entice them, as addicts crave sugar. In any case, they were unanimous in objecting to the meal.

"I FORCE MYSELF"

"On the outside, I eat well," said William Treadwell, 23 years old, who complained that prison authorities were giving him drastically less methadone than he had been permitted in a street maintenance program. "My mother fixes me steak or chicken every day. Here I have to force myself to eat so I won't starve. This stuff doesn't suit my appetite."

Actually, the Department of Correction has moved more vigorously than either state or Federal agencies toward accommodating the menu preferences of black and other minority inmates. Because of pressure from Black Muslims, who cannot eat pork for religious reasons, only 10 out of 90 meals now include pork or pork products. A year ago almost half the meals in city prisons had some pork in them.

Several menus, moreover, offer dishes especially aimed at the black or Southern palate—collard greens, jam-balaya and tuna Creole. And last Yom Kippur Eve, the agency authorized a special meal for Jewish inmates that centered around chicken barley soup and roast chicken. The Board of Rabbis also provided bottled gefilte fish on that occasion.

These concessions do little, however, to upgrade the basic kitchen operation. That would take capital improvements and a more stable staff; in other words, an appropriation of public funds.

As Brooklyn's warden in command, James S. Monroe, put it: "If you have any criticisms, remember this is your prison."

AT ATTICA, THE BREAD IS A SAVING GRACE

"I don't expect these men to be happy," said William Dickinson, head of programing at the State Correctional Facility at Attica. "Even if you had gourmet meals in here, they wouldn't like them. Any time you curtail a man's freedom, it's that way."

Mr. Dickinson, natty in pink shirt with white collar, was eating his first meal in Attica's mess halls and may know a "gourmet" meal when he sees one. But prisoners on all sides of him went to the heart of the matter. The baked beans had not been cooked long enough. They were starchy and raw and tough.

Several of the convicts in that maximum security prison chorused their displeasure, in spite of the guards with clubs standing over them and the man in the sealed metal booth ready to blanket the vast, cloistered mess hall in tear gas at the first sign of a disturbance.

One of the major grievances in the Attica riot was the prevalence of pork in the prison diet. Pork is still the major grievance inside the stark gray walls of this community of felons east of Buffalo.

Although pork now appears on official menus only twice a month and the Attica swineherd is being phased out, Black Muslims in the North Mess Hall refused to eat the frankfurters and everything else except gingerbread served to them at a recent main meal. They insist that the prison is passing off ground meat and frankfurters with pork in them as all-beef products.

CHARGES DENIED

"The only way I'd eat food they'd mixed up is if a Muslin cooked it, and I knew he cooked it," said Sanford X, of Niagara Falls, who sat motionless throughout the noon meal. He is serving a sentence for grand larceny.

Back in the Attica kitchen, Angelo Cicotti, the food manager, denied the Muslims' charges, and had food order forms to prove it.

"I think it's taken something away from our cooking," Mr. Cicotti said, as guards' clubs rapped sharply on the tile walls of the kitchen announcing that cooking must stop for a head count. "Wouldn't you use ham in pea soup? We're doing this for a minority, not more than 125."

The pork ban, however, is the state's sole nod toward any special food preference among inmates. Though the prison population at Attica now numbers 576 blacks out of 1,210 inmates (the total is almost half what it was at the time of the riot), menus include no "soul food" entries, not even very simple substitutions such as collard greens instead of spinach.

Mr. Cicotti, who takes great pride in his recipe for spaghetti sauce, would not comment on this.

ONE HIGH SPOT

Mr. Cicotti presides over a kitchen staff of 35 inmates who are paid from 25 cents to $1 an hour. Most of them are white, and this racial imbalance was behind a criticism frequently heard in the mess hall.

"You got a few farmers out there," said Harry Vega, 28, who was convicted of first-degree manslaughter.

"Let the souls do the cooking," added another black inmate.

To an outside observer, the lunch at Attica, despite its underseasoned, hard baked beans and waterly mustard that resembled none available in civilian life, did have one high spot.

The Attica bakery produced a crusty white bread of taste and substance, a bread that was better than almost anything available in ordinary supermarkets. The gingerbread, too, was moist and full of flavor.

One sign of the bakery's excellence is that Attica's new superintendent, Ernest L. Montanye, who eats lunch at home, takes some prison bread along with him.

The rest of the kitchen at Attica was in better repair than the kitchen at the Brooklyn House of Detention. But Mr. Cicotti said his ovens didn't heat evenly either and that he needed new compartment steamers.

But none of this was sufficient to explain why the beans had not been cooked long enough. Or why the sauce of molasses and brown sugar that went with them was so attenuated and scant.

The cafeteria tables are not provided with salt and pepper. And, though the food manager asserted that inmates were permitted to use forks and knives, only spoons were available for the frankfurter lunch, one for each man. No prisoner could leave the locked mess hall without turning in his spoon to a guard at the door.

This routine is of a piece with other routines in food service at Attica that set it off from civilian life. The menus are another.

Breakfast invariably consists of cereal, milk, sugar, bread, coffee and, on some days, fresh fruit or a cinnamon bun. The main meal, at lunchtime, often has no dessert, and never has a first course. Evening meals are even simpler. During one week catchup and crackers appeared twice on supper menus as a side dish in addition to bread. On a third night, by way of variety, there was mustard and crackers.

"The monotony gets you after a few years," said Frank Bloeth, who has served time on a homicide charge in several prisons, works as a clerk in the Attica kitchen and is temporary chairman of the Inmate Liaison Committee, a newly formed group that represents the prison population. "The food is never bad here to begin with. It's 10 times better than any city jail."

FOOD NOT AN ISSUE AT DANBURY PRISON

"The popsicle prison" is what one inmate called the Federal Correctional Institution at Danbury. And compared to Attica or the Brooklyn House of Detention, it is a soft deal. Guards wear no uniforms and do not constantly intrude on life. In nice weather, the men can see visitors on a hill outside the prison. And the food strikes almost everyone as reasonably good.

"Food is not an issue here," said a silver-haired Catholic antiwar activist who was jailed for destroying draft board records. (The United States Bureau of Prisons would not allow any Danbury inmates to be quoted by name.)

By no means do all inmates agree with him. And during the work stoppage that disrupted Danbury's relaxed routine in early March, food was specifically an issue, on a sophisticated plane. Striking prisoners demanded better communication with the kitchen.

They seem to be getting it. Henry L. McKinnis, the food service administrator, arrived only a few days before the strike from another Federal prison, but he has already started grilling some kinds of meat right on the service line. And, in a small way, he has begun doing what other prison kitchens consider impossible—offering a choice of main dishes at one meal.

"Last Friday," said the small, enthusiastic 52-year-old administrator, "the Muslims didn't want fried eggs. Now I'm boiling eggs for them. The rules aren't so strict."

Mr. McKinnis was referring to regulations printed in the "Food Service Manual" of the Bureau of Prisons. The manual instructs all institutions in the Federal system to "maintain a Navy-Marine card recipe file" (an official collection of quantity recipes). Mr. McKinnis professed to use the Navy cards in all his cooking, but insisted that the hundreds of recipes available do not straitjacket an individual cook's special talents.

"Even with the cards," he said, "an Italian person can still fix Italian food."

Inmates who have worked in the Danbury kitchen dispute this and complain that there is no room there for a cook to express himself or feel pride of workmanship.

"I wanted to make veal parmigiana the right way," said one prisoner who had worked as a chef at a Howard Johnson's near the Justice Department in Washington, "but I had to do it their way. Now I work as an orderly in the education program. Morale in the kitchen would be better if the men weren't told so much what to do. A dude likes to say, 'Those are my potatoes.' "

KITCHEN HELP UNPAID

Another former cook, with 10 years' professional experience, now works in Danbury's cable factory, which produces cable for the Government for everything from telephones to missiles. Men who make cable (and those who work in the prison's glove industry are paid 21 cents to 51 cents an hour. Kitchen work is not salaried, and only half those on the permanent kitchen staff receive meritorious service awards of from $10 to $25 a month.

Even so, many of the inmates who do cook at Danbury, according to Mr. McKinnis, have worked as cooks on the outside. If their initiative is stifled by the Prison's Bureau's insistence on standardization, at least they have an impressive battery of institutional cooking equipment to work with.

The Danbury kitchen has a big new mixer, a new vegetable chopper, two fryolators, a new tilting fry kettle the size of a bridge table, two enormous ovens, steam tables, a doughnut machine, a bun divider and molder, and a dough sheeter for pie doughs. The equipment all works.

Security measures in the kitchen are minimal. Knives, however, are kept in a locked cabinet. Yeast is closely guarded in a padlocked metal box to prevent its use in the concoction of "prison jack," which is inmate's slang for moonshine. The bakery supervisor has the only key to the box. He personally incorporates yeast into dough and keeps a tally sheet of how much is used.

Security is also unobtrusive in the dining room. Tables seat four. Chairs are movable. Knives, forks and spoons are available and are not counted after the meal. There are china cups. A liberal quotation from Goethe covers one wall. And the room even has a certain intellectual hum to it.

A PALATABLE MEAL

In one corner, a group of young draft resisters, who demonstrated against the war inside the prison recently by climbing a water tower, were discussing the ideological ramifications of war-related work in the cable factory with the Rev. Philip Berrigan, 48, the Josephite priest convicted for antiwar civil disobedience.

The meal itself did not seem like a prison meal. The tomato rice soup was quite palatable. Grilled pork steaks came one to a customer; they were thin and on the dry side, but tasty. Vegetables came three ways: buttered green beans (canned), carrot and raisin salad, and a first-rate tossed salad with a nicely seasoned French (oil and vinegar) dressing. Long slices of "homestyle" bread were not up to the Attica standard but good enough—crusty, fresh and resilient—to be served in a restaurant. Dessert was fruit jello.

Danbury's food is, of course, open to criticism. The former sauce chef at Anthony's Pier 4 in Boston, now an inmate cook at Danbury, feels strongly that reheating meats dries them out. Mr. McKinnis said he would do better on a bigger budget. The fact that he has good equipment and the will to improve already puts him ahead of his counterparts at Brooklyn and Attica. He also seems anxious to please his clientele. And his cooks know their craft. For whole minutes at a time at Danbury you don't remember you're in jail.

LET US KEEP THE TAX REFORM DEBATE HONEST: FACT AND MYTH ABOUT OIL INDUSTRY TAXATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I have never been an apologist for the oil industry, nor do I intend to become one. However, I think that tax reform is extremely serious business and the least that we can do is present the facts as accurately as possible. One of the most amazing factual errors emerging from the general debate on tax reform concerns the amount of Federal income tax paid by the major oil companies, expressed as a percent of their total net income before taxes.

On October 27, 1971, Senator PROXMIRE entered into the RECORD data pertaining to the amount of taxes paid by the oil companies. His statement, which has been repeatedly quoted since, contains very misleading factual information. He states:

. . . The major oil companies paid a record high amount in Federal income taxes in 1970: 8.7 percent.

This statement is purposely misleading. The Federal income tax figure of 8.7 percent represents the proportion of Federal income taxes paid as a percentage of worldwide net income. If worldwide net income is used as a base figure, then it is only proper to include worldwide income taxes paid in computing the actual effective rate of taxation. This figure, is calculated by combining foreign and U.S. income taxes and expressing them as percentage of total worldwide net income. The resulting figure, 36.5 percent, is 4½ times larger than that cited by the Senator from Wisconsin.

To compute the petroleum industry's effective rate of U.S. income taxation, one would have to compare their U.S. income taxes to U.S. net income only—not worldwide net income. When this is computed, the resulting rate of U.S. income taxation for 1970 was 21.78 percent. While this is still lower than the average for all American corporations (36.7 percent), it is again two and one-half times larger than the figure which Senator PROXMIRE quoted in the RECORD.

A better test of tax burden upon corporations is to compute the total taxes paid as a percentage of gross revenues. The rationale for this procedure is that oil companies pay many special taxes, such as severance taxes, State production taxes, U.S. property taxes, and franchise taxes, that other types of more conventional businesses are not subject to. Computed on this basis, the domestic petroleum industry pays 6 percent of its gross revenue in taxes, as compared to 5.5 percent for mining and manufacturing industrial, and a 5-percent average for all business corporations in the United States. Another fair comparison of the oil industry to other manufacturing, in light of the many claims of windfall profits in the oil industry, is the aftertax rate of return on net assets. During the last 10 years, the petroleum industry's rate of return was less than the average for all manufacturing industries in 7 of those years.

While I certainly think the oil depletion allowance and the intangible drilling expenses writeoff should be thoroughly reviewed, I do think that we should look into these matters objectively and with an open mind. Purposeful misconstruction of the facts will not aid in our quest for sound public policies in this critical area.

SOUND OF SINGING YOUTH

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. TAYLOR. Mr. Speaker, first may I say on behalf of myself and my constituents that I appreciated your presence and timely remarks at the opening of the performance on the House steps today by the "Sound of Singing Youth."

I know that you and the others present will agree that this talented group of some 100 young people from the Hendersonville, N.C., area are rising Americans of whom we can be proud and in whom our faith will be justified.

Their love for God and country filled the air as they sang in the magnificent setting of the Capitol's gleaming marble with its American flag waving over them approvingly.

"This Is My Country," rang their voices and there was no doubt of it. These young North Carolinians were singing patriotic songs because they believe there is much good and right in America. They stood as living proof of it.

The group, supported by its own 12-piece rock band, was organized a year ago by the First Baptist Church of Hendersonville, although the members of the group represent many different churches and denominations in the area.

Their appearance in Washington marked the completion of a 2,000-mile bus tour as North Carolina Gov. Bob Scott's good will ambassadors.

Mr. Speaker, we are grateful to you and your efficient office staff for making it possible for this outstanding group to appear on the steps of their Nation's Capitol.

And to the "Sound of Singing Youth," we are grateful to you for reminding us that America is a great place to live.

GRADUATION WISDOM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BINGHAM. Mr. Speaker, I am happy to insert at this point in the RECORD the text of a most interesting and thoughtful commencement address delivered by the distinguished director of the Washington Workshops Foundation, Mr. Leo S. Tonkin.

The address was delivered at the annual exercises held at Aquinas High School in the Bronx, N.Y.

The following is the text of the address:

GRADUATION WISDOM

Your Excellency, Bishop Ahern, Reverend Clergy, Sisters, and Faculty, Parents, Friends, Graduates-to-Be.

This evening finds me occupying a position that I approach with some unease. The graduation speaker most regularly finds himself huffing and puffing about this and that, sending parents into watch-watching and students into a confirmed opinion that a generation gap exists afterall. Graduation speeches either bore you to death, or lull you to sleep with a stream of vocabulary that means very little other than to the stentorian charmer who's making the remarks.

I sympathize with all of you at this moment, but it's my fate as well as yours that this show must go on. If you can put aside visions of the parties later tonight just for a short while, I promise not to be very long.

Perhaps the irony and vacuity of many graduation speeches was really driven home to me a few weeks ago when I picked up a newspaper and read excerpts of two graduation talks in the same city, on the same day, at virtually the same time and, incidentally, here in New York. Both speeches were given by two of the most noted and gifted educators in the country today. As one gentleman remarked, the younger generation is far better qualified for the world of business and government than ever before. The other fine gentleman was heard to say that never before have Americans been as poorly educated as now.

Well, I can't very well improve upon this confusing contradiction—nor shall I try. For I have nothing very academic or cosmic or mind-bending to say to you this evening. All I have to share are some feelings and emotions of my own, and that seem to be shared by many hundreds of young people that I have met in Washington or in my frequent travels to high school and college campuses across the country.

At first instance, whenever I stand before a graduating class such as this evening, I think back to those historic and splendid words that appear emblazoned upon the archives of

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the United States. There, the words simply and nobly proclaim, "what is past is prologue." In contemporary language, the carpenters singing group beautifully summarize this sentiment in their hit song We've Only Just Begun. And that indeed might be the spirit of this evening.

You have a life ahead of you, a life with new challenges along the way, new travails and new failures, but also with new accomplishments and rewards, and new friends to be gained and older affections sustained. Throughout this journey, *change* will be your constant companion. As the world experiences flux and more change than ever before—so too will each of your lives be buffeted and fashioned by the winds of change.

Young Americans, perhaps more than the rest of our society, seem to welcome this process of change and they embrace the concept that holds no brief for the status quo. I for one applaud your efforts and idealism, that mandates a society enflamed by a new humanism responsive to the needs of our contemporary world.

All too often I am in contact with many who feel that youthful dynamism is of passing and amorphous quality, or is fraught with a negative activism that suggests little else but a tearing apart and a ripping away of the fabric of society. But this is not the case at all. Your involvement *is* real, and *does* contain within it the seeds for a vastly better tomorrow.

It rejects the negative activism of the 60's and in its place inserts a pragmatic understanding of how and why effective efforts within the system can effectuate many of the goals and objectives sought by every American.

The searchings of youth are in all of us, but it is the young, as yet unencumbered by many of the commitments of older years, and unfettered by the conventions of yesterday, who seek new answers and new compassions from each other and the world beyond. In spite of the ever-present sour voices and those who seek to sear and rupture, young people are aware that new imperatives must fill the legislative halls of the Nation, and the reasoning of yesterday must no longer be applied to the problems of today.

In a sense, young and old alike are at last seeking new answers and new trust from a political system that has often protected the demagogue or the purveyor of half truths and empty rhetoric. In every sense, a political rennaissance confronts the Nation, one that seeks out truth and honest opinion, and that rests upon compassion and understanding for the needs and the personal dignity and aspirations of each American.

Now granted it's no easy task to live a vibrant life, day by day, in today's America, filled with the passions and turmoils of our time. But let me suggest a few attitudes that might help to put it together, while leavening your expectations, and softening your approach to the realities of this world.

First: Understand that progress is a reality, and that good people do exist. Seek out the things around you that are happening that are good, and acknowledge them to yourselves and to others. Then go on and discover where new progress is needed and new solutions are to be found. Make a sincere and conscious effort to look for things in people that are good, look at each friend and individual around you as you might hope that Christ would look at you—seeking not reasons to hate, but to love and to understand and to forgive.

You might remember as you set about the tasks of life, and enter a world with no small amount of despair and disappointment, that the traveler who enters the forest in order to reach the other side goes a long way when it continues to become darker and darker. And yet each step the traveler takes, if it is true and well intentioned, is a step closer to the goal and the brightness of the other side.

Secondly—as you live your lives and take positions on things and try to influence others around you, remember the words of the great German philosopher, Goethe, as he said a century and a half ago, "There is nothing more frightful than ignorance in action." This is the motto of our own student seminars in Washington, and suggests that each time you are confronted by a question or an issue—think it through as thoroughly as possible, seek out the facts and the reasoning of other people, juxtaposing this information in turn to your own judgment and common sense. Then my friends, you will be no one's pawns, but on the contrary your own formidable selves, as you act and move about the work of your lives.

Thirdly—learn to laugh at yourselves, and to understand the sagacity and beauty of a sense of humor. I don't mean to suggest that the problems you encounter are frivolous and specious, but, since all of us are only human, we are fallible and make mistakes and if we are going to avoid the lethal error of locking ourselves into those mistakes out of pride or ignorance, then we must be able to say time and again—how foolish of me, how ridiculous could I be. Laughter can heal; a smile can unite—and when turned inward it can help to nurture that beautiful and much needed quality of humility.

This brings me to the fourth and final observation I should like to share—one that concerns your interrelationships with people all about you. Indeed, the most simple and yet most profound quality that all of us have within yourselves is the gift of love: and I can only admonish you this evening to feel the vibrance and fire of love throughout your lives—and give of it unstintingly to others. For love is perhaps the only thing you will ever lose by not giving it away.

Love is one of those ethereal words that often defies explanation and even understanding; forever remaining an emotion or a feeling of the heart. But love has its roots and its causes, and all of us know the wondrous beauty that springs forth from a heart touched by love.

Our patron saint, Thomas Aquinas, puts the thought most succinctly when he says that "Goodness in the object, when perceived, is the fundamental cause of all love."

What a true and noble course this suggests for all our lives. For it leads onto the grandest road—a road in search of love, and in turn a life full of meaning and hope. It suggests that we might well be consumed by our search for goodness in others, as well as in ourselves. For all around us there is the capacity to love and the natural and wonderful desire to be loved. Within the very nature of this ethic of love lies the future hope of man and his destiny as he meets his God.

However short or long a life each of you will be granted, let it be filled with the vibrance and the energy of love. In a world filled with stress and toil—as well as the simple miracle of a bird's morning song—the essence of human affection and tenderness and love can change our lives and our world as no other force known to man.

And even aside from the world at large, in your own hearts, with love and friendship as your lifetime guides, you will experience a joy of spirit and a continuum of happiness in the simple but grandiloquent process of living—a joy and a happiness that will sustain you in the face of the inevitable loves that will be lost, and friendships that will recede into memory.

"When a man becomes dear to me," so said Emerson, "I have touched the goal of fortune," and the scriptures tell us that "He who hath found a faithful friend, hath found a treasure."

So let your lives be a search for such real treasure—sincere, honest, and ennobling friendship—and along your way, share the most meaningful thing you have to give—your love as a human being. From this very commingling of friendship, goodness, and love—your lives will touch the very reasons for your creation.

As you can see, I've shared with you this evening only a few simple thoughts that, along the way, might dispel a tear of loneliness, heal a broken heart, or enkindle a new conviction in the essential goodness of your world. Tonight is indeed a beginning—for you and in a broader sense for each of us who have gathered here to acknowledge this milestone in your lives. Ernest Hemingway perhaps summarized this spirit best of all when he said, "We are living in the morning of an epoch, and in the fog of the early dawn, men walk confused and see strange sights. But the fog will melt under the rays of the sun which has created it."

And the world of truth will be seen to be solid and lovely again.

All the glory of life,
All the romance of living,
All the deep and true joys of the world,
All the splendor and all the mystery
Are within our reach.

THE SUPREME COURT PICKS AND CHOOSES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the Calumet Index, a local community newspaper, has been serving the far southside of Chicago for over 78 years

This publication is known for its hard-hitting editorials. Typical of Index editorials is the very concise commentary of Wednesday, June 21, concerning some recent Supreme Court decisions:

THE SUPREME COURT PICKS AND CHOOSES

If the "fix" isn't in how else can you explain the United States Supreme Court's recent decision that baseball's "reserve clause" is constitutional because, "it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this Court."?

Two years ago the voters of Illinois overwhelmingly endorsed the retention of capital punishment. A year ago the electorate of California did the same. In the meantime, the voters in dozens of other states have voiced the same demand. Yet the Supreme Court has seen fit to overrule this vast majority on the grounds that capital punishment is "cruel and unusual". Of course it is cruel and unusual. That is what makes it effective. It is a fit and suitable punishment for those who commit a foul, cruel and unusual crime.

But these arguments mean nothing to the Supreme Court and so the likes of Sirhan Sirhan and Richard Speck live on while their victims and families endure this "cruel and unusual" punishment.

Despite the long history of capital punishment, the Court atopped it overnight. But the privilege of the baseball moguls, though much more recent in origin, is protected and allowed to continue until, in the words of the Court itself—"it is to be remedied by the Congress and not this Court."

If leaving this baseball decision to Congress is good enough for some 2 dozen well-heeled sports moguls, certainly it should be good enough for millions of citizens whose decision, duly noted at the polls, has been totally ignored by the United States Supreme Court.

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